

**AGENDA
REGULAR MEETING
CITY OF BANNING
BANNING, CALIFORNIA**

January 14, 2014
5:00 p.m.

Banning Civic Center
Council Chambers
99 E. Ramsey St.

The following information comprises the agenda for a regular meeting of the City Council and a Joint Meeting of the City Council and the Banning Utility Authority.

Per City Council Resolution No. 2010-38 matters taken up by the Council before 9:00 p.m. may be concluded, but no new matters shall be taken up after 9:00 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.

I. CALL TO ORDER

- Invocation –
- Pledge of Allegiance
- Roll Call – Councilmembers Miller, Peterson, Welch, Mayor Franklin

II. REPORT ON CLOSED SESSION

III. PUBLIC COMMENTS/CORRESPONDENCE/PRESENTATIONS

PUBLIC COMMENTS – *On Items Not on the Agenda*

A five-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 five minutes with any other member of the public. (Usually, any items received under this heading are referred to staff for future study, research, and appropriate Council Action.) See last page. PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.

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

The City of Banning promotes and supports a high quality of life that ensures a safe and friendly environment, fosters new opportunities and provides responsive, fair treatment to all and is the pride of its citizens

PRESENTATIONS:

1. Riverside County Fair & National Date Festival Queen & Court (ORAL)

APPOINTMENTS

1. City Council Committee Assignments 1

VI. CONSENT ITEMS

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

Motion: That the City Council approve Consent Item 1 through 14

Items to be pulled _____, _____, _____, _____ for discussion.

(Resolutions require a recorded majority vote of the total membership of the City Council)

1.	Approval of Minutes – Special Meeting – 12/10/13 (Closed Session)	3
2.	Approval of Minutes – Regular Meeting – 12/10/13	5
3.	Ordinance No. 1475 – 2 nd Reading: An Ordinance of the City Council of the City of Banning, California, Approving Negative Declaration and Zone Change No. ZC 13-3503 and Making Findings in Support Thereof. .	24
4.	Approval of Accounts Payable and Payroll Warrants for Month of October 2013	75
5.	Report of Investments for October 2013	78
6.	Report of Investments for November 2013	84
7.	Resolution No. 2013-88, Awarding a Professional Services Agreement to The Romo Planning Group, Inc. of Covina, California, in an amount “Not to Exceed” \$60,480.00 for Rancho San Gorgonio Project Manager Services.	90
8.	Resolution No. 2013-89, Awarding a Professional Services Agreement to the Planning Center DC & E of Santa Ana, California, in an amount “Not to Exceed” \$186,013.00 to prepare the Environmental Impact Report for the Rancho San Gorgonio Specific Plan.	129
9.	Six Month Report of Cottage Food Businesses	180
10.	Approve Amendment to Contract with Norman A. Traub Associates for Investigation Services for the City of Banning Police Department.	193
11.	Resolution No. 2014-01, Accepting the 2014 Supplemental Law Enforcement Services Fund Allocation and Authorizing the Banning Police Department to Use the Funds Towards the Purchase of Law Enforcement Related Equipment, Services, Supplies, and Training	194
12.	Resolution No. 2014-03, Approving a Plan for Use of Proposition 1B Local Streets and Roads Program Funds.	197
11.	Resolution No. 2014-04, Acceptance of a Highway Safety Improvement Program Cycle 6 Funding Grant and Approving a Professional Services Agreement with KOA Corporation	203

13. Acceptance of Notice of Completion for Project No. 2013-01WW,
Florida Street Sewer Main Replacement. 212

- Open for Public Comments
- Make Motion

**RECESS REGULAR CITY COUNCIL MEETING AND CALL TO ORDER A JOINT MEETING
OF THE BANNING CITY COUNCIL AND THE BANNING UTILITY AUTHORITY.**

V. CONSENT ITEM

1. Resolution No. 2014-01 UA, Approving a Memorandum of
Understanding to Participate in the San Geronio Pass Regional
Water Alliance. 216

Recess joint meeting and reconvene the regular City Council Meeting.

VI. PUBLIC HEARINGS

(The Mayor will ask for the staff report from the appropriate staff member. The City Council will comment, if necessary on the item. The Mayor will open the public hearing for comments from the public. The Mayor will close the public hearing. The matter will then be discussed by members of the City Council prior to taking action on the item.)

1. Ordinance No. 1476, Amending the Zoning Ordinance Pertaining to
Various land Uses Related to Their Permitting Process in the Commercial
and Industrial Zones, and Garages in the Residential Zones.
Staff Report 228
Recommendations: That the City Council adopt Ordinance No. 1476.

Mayor asks the City Clerk to read the title of Ordinance No. 1476:

*“An Ordinance of the City Council of the City of Banning, California,
Amending the Zoning Ordinance Pertaining to Various Land Uses
Related to Their Permitting Process in the Commercial and Industrial
Zones, and Garages in the Residential Zones.”*

Motion: I move to waive further reading of Ordinance No. 1476.
(Requires a majority vote of Council)

Motion: I move that Ordinance No. 1476 pass its first reading.

VII. REPORTS OF OFFICERS

1. Update on COP Logic & Parks Surveillance Cameras *(Oral Report)*

2. City Council Workshop – 2013-2021 General Plan Housing Element Update
Staff Report 246
Recommendation: **That the City Council conduct a workshop and receive public comments regarding the 2013-2021 Housing Element.**

VIII. ANNOUNCEMENTS/REPORTS *(Upcoming Events/Other Items if any)*

- City Council
- City Committee Reports
- Report by City Attorney
- Report by City Manager
-

IX. ITEMS FOR FUTURE AGENDAS

New Items – None

Pending Items

1. Schedule Meetings with Our State and County Elected Officials
2. Report on Moving Station 20 back to original firehouse. *(wait for new Battalion Chief)*
3. Discussion on how to handle loans or distributions to charities.
4. Discussion on how the City Council handles donations to the City.

X. ADJOURNMENT

Pursuant to amended Government Code Section 54957.5(b) staff reports and other public records related to open session agenda items are available at City Hall, 99 E. Ramsey St., at the office of the City Clerk during regular business hours, Monday through Thursday, 7 a.m. to 5 p.m.

NOTICE: Any member of the public may address this meeting of the Mayor and 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 agenda, but is of interest to the general public and is an item upon which the Mayor and Council may act. 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. 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]

COMMITTEE ASSIGNMENTS - 2013

CITY COUNCIL CITY OF BANNING

NAME OF COMMITTEE	DAY & TIME OF MEETING	ASSIGNMENT	ALTERNATE	STAFF MEMBER
Western Riverside Council of Governments (WRCOG) <i>(receive stipend)</i>	1 st Monday of each month.	Franklin	Peterson	City Manager
Riverside Transit Agency (RTA) <i>(receive stipend)</i>	4 th Thurs. of each month – 2:00 p.m. (Dark-August) (Nov. & Dec. 3 rd . Thursday)	Welch	Botts	Heidi Meraz, Community Services Dir.
Riverside County Transportation Commission (RCTC) <i>(receive stipend)</i>	2 nd Wednesday of each month - 10:00 a.m.	Botts	Franklin	Duane Burk, Public Works Director and Heidi Meraz, Community Services Dir.
Pass Area Transportation NOW Committee	1 st Friday of each month at Noon	Welch	Miller	Heidi Meraz, Community Services Dir.

Assignments - 2013 (Continued)

REGIONAL CONSERVATION AUTHORITY	ECONOMIC DEVELOPMENT COMMITTEE LIAISONS (as needed)	GOVERNMENT ACCESS CHANNEL COMMITTEE (as needed)	PUBLIC UTILITY ADVISORY COMMITTEE FOR CITY OF BANNING (as needed)	OVERSIGHT BOARD to Successor Agency of Dissolved CRA
Franklin Welch, Alt. (receive stipend)	(no appointment)	Peterson Welch	Miller Botts	Botts , Alt. Brian Guillot

TUMF ZONE COMMITTEE	LEAGUE OF CALIF. CITIES – Contact and Executive Board Representative	LEAGUE OF CALIFORNIA CITIES (External Group)	SAN GORGONIO PASS WATER AGENCY (External Group)	COMMUNITY ACTION AGENCY (External Group)
Franklin Peterson, Alt.	Franklin (Mayor)	City Council	Franklin Miller, Alt.	Miller Staff Person, Alt.

2 x 2 COUNCIL WORKING GROUPS

BANNING UNIFIED SCHOOL DIST.	MORONGO BAND OF MISSION INDIANS	MT. SAN JACINTO COLLEGE	AIRPORT	INTER- GOVERNMENTAL – LOBBYING (Reso. 2012-89)
Miller Welch	Franklin Welch	Peterson Miller	Botts Peterson	Franklin Botts

SAN GORGONIO MEMORIAL HOSPITAL				
Botts Welch				

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

12/10/13
SPECIAL MEETING

A special meeting of the Banning City Council was called to order by Mayor Franklin on November 12, 2013 at 4:00 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

COUNCIL MEMBERS PRESENT: Councilmember Miller
Councilmember Peterson
Councilmember Welch
Mayor Franklin

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Andrew J. Takata, City Manager
David J. Aleshire, City Attorney
June Overholt, Administrative Services Director
Bill Manis, Economic Development Dir.
Zai Abu Bakar, Community Development Director
Marie A. Calderon, City Clerk

CLOSED SESSION

City Attorney said the items on the closed session agenda are one case of potential litigation pursuant to the provisions of Government Code Section 54956.9; report on the litigation matter with regards to James C. Smith et al, v. Barbara Hanna pursuant to the provisions of Government Code Section 54956.9(a); two matters of real property negotiations pursuant to the provisions of Government Code Section 53956.8 regarding 2301 W. Ramsey Street and the Mathewson properties; and labor negotiations pursuant to Government Code Section 54957.6 with the International Brotherhood of Electrical Workers (IBEW) – Utility Unit, International Brotherhood of Electrical Works (IBEW) – General Unit, Banning Police Officers Association (BPOA), and San Bernardino Public Employees Association (SBPEA).

City Attorney said that the City Manager wanted to add an item to the closed session for discussion in regards to recruitment process for the Chief of Police and the need to take action arose subsequent to the posting of the agenda.

Motion Welch/Miller to add this item to the closed session agenda. Mayor Franklin asked if there were any public comments. There were none. Motion carried, all in favor.

City Attorney said that Councilmember-elect Westholder can participate in the closed session but he would not participate in the official meeting until he was sworn into office when the meeting actually starts.

Mayor Franklin opened the rest of the closed session items for public comments. There were none.

Meeting went into closed session at 4:02 p.m. and reconvened at 5:15 p.m.

ADJOURNMENT

By common consent the meeting adjourned at 5:15 p.m.

Marie A. Calderon, City Clerk

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

12/10/2013
REGULAR MEETING

A regular meeting of the Banning City Council and a Joint Meeting of the City Council and the Banning Housing Authority and a Joint Meeting of the City Council and the Banning Utility Authority was called to order by Mayor Franklin on December 10, 2013 at 5:22 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

COUNCIL MEMBERS PRESENT: Councilmember Miller
Councilmember Peterson
Councilmember Welch
Councilmember Westholder
Mayor Franklin

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Andrew J. Takata, City Manager
June Overholt, Administrative Services Dir./Deputy City Manager
David J. Aleshire, City Attorney
Duane Burk, Public Works Director
Bill Manis, Economic Development Director
Zai Abu Bakar, Community Development Director
Fred Mason, Electric Utility Director
Phil Holder, Police Lieutenant
Tim Chavez, Battalion Chief
Doug Clark, Assistant Fire Marshal
John McQuown, City Treasurer
Marie A. Calderon, City Clerk

The invocation was given by Pastor Todd Oldenburg, Legacy Christian Center. Councilmember Peterson led the audience in the Pledge of Allegiance to the Flag.

REPORT ON CLOSED SESSION

City Attorney reported that the Council met in closed session and the item regarding one case of potential litigation was not discussed. The closed session item regarding Smith v. Hanna matter a report was given and there was no reportable action taken. In regards to real property negotiations a status report was given regarding 2301 W. Ramsey Street and the Mathewson properties at Ramsey and San Gorgonio and no action was taken. In regards to labor negotiations a status report was given and no action was taken. He stated that the Council added an item to the agenda concerning the position of Chief of Police and a status report was given on the filling of that position and no action was taken.

Joint Meeting

Mayor Franklin recessed the regular City Council Meeting and called to order a Joint Meeting of the Banning City Council and the Banning Housing Authority.

SWEARING IN OF NEW COUNCIL MEMBER

City Clerk Calderon gave the Oath of Office to the newly appointed City Council Member Jerry Westholder and had him take a seat at the dais.

Councilmember Westholder thanked his family and friends for honoring him with their presence which he appreciated very much. By the grace of God he trusts that he will do an honorable job of serving this community and its best interests to the best of his ability and thanks you for the privilege of serving you.

REORGANIZATION OF CITY COUNCIL AND THE BANNING HOUSING AUTHORITY

City Clerk Calderon conducted the reorganization of the City Council and the Housing Authority. Deborah Franklin was elected as Mayor and Art Welch as Mayor Pro Tem. Don Peterson was elected as the Housing Authority Chairman and Ed Miller as the Vice Chairman.

Mayor Franklin adjourned the Joint Meeting of the Banning City Council, and the Banning Housing Authority and reconvened the regular City Council Meeting.

PUBLIC COMMENTS/CORRESPONDENCE

PUBLIC COMMENTS – On Items Not on the Agenda

Jennifer DiCiano, Western Riverside Council of Governments presented to Mayor Franklin and the City Council an appreciation and dedication token to the Council for participation in the Clean Cities Coalition Membership for the past 8 years. The inscription read, "Presented to City of Banning In Appreciation of Your Support and Dedication – 14th Annual WRCOG Clean Cities Coalition Advancing the Choice Expo – September 26, 2013." Ms. DiCiano said the goal for the Coalition is to reduce our dependency on petroleum and help all of their cities and sub-regions to incorporate alternative fuel vehicles, write grants and get funding to assist all of their cities to implement infrastructure for alternative fuel. They have about 13 cities on-board out of the 17 cities and the County that participate in the Coalition.

Coach Terrance representing the Little Bronco Junior All-American Football Team, Micro Division and some of the team members addressed the Council. They stated that they were the youngest of four divisions. They played 11 games this season and lost only 4 and made it to the second round of the playoffs. This league has taught them to work together as a team and they thanked their coaches and everyone who made this league possible. They thanked the City Council for inviting them here this evening and wished the Council a Merry Christmas and Happy New Year from the Little Broncos.

Doug Hammer of Fire Memories, Fire Museum in Banning thanked the Council stating that they had a good two years and this last year they have grown. They have been well received and have brought many people to the city of Banning and he would have to say that half of their attendance is from people that live outside the city. Last Saturday they had 25 people ride in on their Harley Davidson Motorcycles and then they ate lunch in the city. They are

doing really, really, well and appreciate what the City has done for them. At this time he left a copy of their year-end newsletter for each of the Council Members.

Lt. Phil Holder introduced new employee Mandy Stephens, Records Clerk and stated that the City Manager has more to say about her. City Manager said that she was born and raised in Birmingham, England and moved to California in 2003 and received her United States citizenship in 2012 and has been a resident of Beaumont for six years. She is married to Patrick Stephens who is our Information Technology person. He also went over her hobbies and interests.

Maria De Roule addressed the Council stating that she lives at the corner of West Nicolet and McGovern and her heart physician insists that she walk as much as possible. She that there are very poor conditions of where to walk, no sidewalks on a lot of the side streets, much debris on the streets and at the corner of Wilson and McGovern that is not in good shape. She is looking for beauty since she is from the San Francisco area. She wanted someone to be aware of the conditions in the area she described. She would appreciate any attention to these areas.

City Manager stated that in regards to Time Warner Channel 10 (Government Access Channel) that is now 26-103 in the digital channels. He said that notices were sent out to the customers by Time Warner and a converter box is available by request at Time Warner if the customers do not have digital TV and also Eaglelevision is now Chanel 26-105. The Verizon channels have not changed and that is Channel 29 for the Government Access Channel and Channel 45 for Eaglelevision.

CORRESPONDENCE: There was none.

CONSENT ITEMS:

Mayor Franklin said the Consent Items requested to be pulled for discussion are 6, 7, 8, 9 and 11. She asked for a motion on Items 1 through 5, 10, 12 and 13.

1. Approval of Minutes – Special Meeting – 11/12/13 (*Workshop*)

Recommendation: That the minutes of the special meeting of November 12, 2013 be approved.

2. Approval of Minutes – Special Meeting – 11/12/13 (*Closed Session*)

Recommendation: That the minutes of the special meeting of November 12, 2013 be approved.

3. Approval of Minutes – Regular Meeting – 11/12/13

Recommendation: That the minutes of the regular meeting of November 12, 2013 be approved.

4. Approval of Minutes – Special Meeting – 11/19/13

Recommendation: That the minutes of the special meeting of November 19, 2013 be approved.

5. Ordinance No. 1470 – 2nd Reading: An Ordinance of the City Council of the City of Banning, California, Approving Zoning Text Amendment No.13-97504 Amending a Section of the Zoning Ordinance Pertaining to Walls and Fences in the Business Park Zoning District.

Recommendation: That Ordinance No. 1470 pass its second reading and be adopted.

10. Resolution No. 2013-112, Approving the Agreement Between City of Banning Electric Utility and Verizon Communication Inc. for Verizon Communication Cable Pole Transfers in the amount not to exceed \$187,471.68.

Recommendation: That the City Council adopt Resolution No. 2013-112, Approving the Agreement Between the City of Banning Electric Utility and Verizon Communications, Inc. in the amount not to exceed \$187,471.68 including taxes to cover expenses related to the communication cable pole transfers along Lincoln Street from Sunset Avenue to Hargrave Street in Banning, California.

12. Ad Hoc Committee for Rate Study Review

Recommendation: That the City Council re-activate the Public Utility Advisory Committee to review the findings of the Rate Study and request applications for committee appointments.

13. Acceptance of Notice of Completion for Project No. 2013-05, Construction of New Bathroom, City Hall.

Recommendation: That the City Council accept Project No. 2013-05, Construction of a New Restroom at City Hall as complete and direct the City Clerk to record the Notice of Completion.

Motion Welch/Peterson to approve Consent Items 1 through 5, 10, 11 and 12. Mayor Franklin opened the item for public comments. There were none. **Motion carried, all in favor.**

6. Resolution No. 2013-106, Authorizing Expenditure of Funds Obtained from American Medical Response Fine Money Distribution (April 2012 – March 2013).

Recommendation: That the City Council adopt Resolution No. 2013-106 and authorizing the expenditure of \$13,030.64 received from American Medical Response (AMR.)

Councilmember Miller said that there is a fine associated with the fact that medical response did not get to the person in time and he was wondering what was the delay, how serious it was and how we compare to other cities in regard to the time for response.

Chief Chavez said the fee structure is that every call the AMR responds to they must arrive on scene according to the contract in 9 minutes and 59 seconds. Anytime they are over that threshold they pay a fee. He believes the fee starts off small at \$20 for the first minute and then it increases up to a couple of hundred dollars for being 60 minutes late which never happens. Their performance is fairly good but there are times when units are committed to other places and it takes their units longer than 9 minutes and 59 seconds to arrive on scene and all that adds

up and they pay the fee once a year. In regards to performance his experience has been actually having worked in the Hemet area for a long time the performance here is about the same.

Councilmember Miller said that it in regards to performance it would be worthwhile to get the exact details of how the city of Banning is being served. He said it would be nice to know per person how our city is doing compared to all the neighboring cities and to clarify that would be per call.

Mayor Franklin opened the item for public comment and there was none.

7. Resolution No. 2013-100, Approving the Projects for Fiscal Year 2014-2015
Community
Development Block Grant (CDBG) Program.

Recommendation: That the City Council adopt Resolution No. 2013-100, Approving for Fiscal Year 2014-2015 Community Development Block Grant (CDBG) Program, and authorize staff to submit said applications to the Riverside County Economic Development Department.

Councilmember Peterson asked in regards to this resolution is that going to be for approximately \$133,000.

Director Burk said this item is approving projects for Fiscal Year 2014/2015 and basically what is presented is the application to submit to the Economic Development Agency to the County of Riverside for urban housing funds and that is this years' application for the 2014/2015 grant. They are projecting the grant to be approximately \$133,000. He stated that there was an Ad Hoc Committee of Mayor Franklin and Councilmember Welch and also the item was taken to the Parks and Recreation Commission for their approval. He went over the requests located on pages 53 and 54 of the agenda packet and said the Ad Hoc recommendation is for the Boys and Girls Club to receive \$5,000 and Habitat for Humanity of the San Gorgonio Pass to receive \$10,000 from this grant. He went over their initial requests and he also explained how the program works and the criteria. He said that he would come back to the Council probably in March to let them know what the City received and then the obligation for the budget would be made in October and then the project money would go forward and that is why it is 2014/15. There was also some discussion regarding the type of equipment they be getting at the parks.

Mayor Franklin opened the item for public comments. There were none.

8. Resolution No. 2013-110, Accepting the Community Development Block Grant
Program
Funds for Fiscal Year 2013-2014.

Recommendation: That the City Council adopt Resolution No. 2013-110.

Councilmember Peterson said the dates on this item are confusing to him and if you look at the background information it says on November 21, 2013 the Parks and Recreation Commission desired to change the City's application submission from Repplier Park to Lions Park and said this change was approved by the City Council on January 8, 2013.

Director Burk said he stood before the Council a year ago and did the same thing in providing a grant application and staff subsequently went back and looked at the minutes for the Parks and Recreation Commission and after they received the funding for Repplier Park Bowl they were denied those grants from Prop 84 as he has explained before. What the Parks and Recreation Commission said in the minutes was that they would like to see soccer fields built at Lions Parks so staff changed that supplement application in January and that is what the Council has as part of the agenda packet on page 61. He said what was requested from the Parks and Recreation Commission was a soccer field at Lions Park and if you notice the application there was number 5.BN.28-13 Lions Park Improvement Project and that amount that you are receiving tonight is \$114,700 and that money can be spent at Lions Park for the soccer field and then Teen Town Program \$9,340 that was a grant that would have been \$10,000 but it was reduced to \$9,340. And the request for the San Geronio Child Care Program again was a \$10,000 recommendation and it was reduced to \$9,340. You will be receiving this grant tonight for these programs as it was in the application that was approved by this Council in January 2013.

Councilmember Peterson said in regards to the \$700,000 that we were going to do back in October and then that got changed at went down to \$400,000 or so, where is that money at now.

Director Burk said that was previous money and he explained how the Community Development Block Grant HUD money works and as an example tonight he stood here before the Council asking for a grant that will be approved a year from now and he explained further. He said under CDBG you can hold two years of the money and that is kind of what staff was doing; trying to build up enough money to do improvements at Repplier Park Bowl and the application was submitted under Repplier Park Bowl for removal and reconstruction of the Bowl itself. No additional grant money was received so there was an obligation of three years of money sitting there and what staff asked for as part of the Master Plan for the Repplier Park Bowl was for parking lots. So what the Council asked staff to do was to put the projects out to bid and staff was going to take the money that the Council just authorized him to move forward on, they were going to take that up-front money and do both parking lots with one at Repplier Park and one at Lions Park and then the message was go back to Parks and Recreation Commission and find out what they want and that is what they said in a previous application. You have the balance money left over and this is the money that is there for Lions Park and we can move that project forward now. He would put that project out to bid and then come back to the Council for award. Basically the Council would be receiving this money tonight on behalf of EDA.

Councilmember Peterson said that we \$9,340 going to the San Geronio Child Care Consortium and it is his understanding that they are no longer in business so what becomes of that money.

Director Burk said that technically that money belongs to the City Council under this program and once the child care program is dissolved then the EDA would tell staff and staff would go back to the Council and have it reprogrammed but he understands that there may be some movement for that program to come back but he doesn't know all the issues.

Councilmember Welch said if they were to come to a consensus tonight as to where that money would be going, would that kind of speed up the process of monies available instead of having to come back again.

Director Burk said if he understands the question correctly, if that money gets dissolved from EDA and it comes back to us, then as a consensus you would like to see it as one of these programs on this application. Councilmember Welch said that was correct. Director Burk said then yes, you would be able to do that.

Mayor Franklin shared that County Supervisor Ashley has a strong desire for us to continue to have a child care facility in our city and particularly at this location so he has been talking with First Five and is working on hopefully trying to get something worked out with Banning School District, as well as, our City and First Five to see if we can get another child care facility here. She said if the Council were to go ahead and approve it, that they would do it with the understanding that it would come back and if things are not progressing in a positive manner for reopening a child care center, that the Council have this back on the agenda to reallocate that money and can that be done.

Director Burk said yes.

Mayor Franklin opened the item for public comments.

The following people spoke in favor or against or had some questions or concerns or general comments in regards to this item *(any written comments handed to the City Clerk will be attached as an exhibit to the minutes)*:

Diego Rose said that he has been helping with some of the events for Stagecoach Days as much as he can and it is his personal opinion is that it is not government's job to provide child care and he suggested using the money to help Stagecoach Days which is an event for the whole city.

Director Burk said for clarification this money is under the strict guidelines of HUD and the application process. He explained the reprogramming guidelines and said if Stagecoach wanted to do something, they would have to submit their application and then the Ad Hoc Committee would look at it and make that recommendation a year earlier.

Susan Savolainen said she values the input that every public member has but she disagrees with Mr. Rose having been a working mother for many years and paying for child care. Even though she is not for big government her heart says let's get people out working and if the government has to help with the child care, it is better than having those people sitting at home collecting welfare.

9. Resolution No. 2013-111, Amending the Contract for Project No. 2013-04 EL, City of Banning Hydroelectric Facility Rehabilitation Contract Awarded to Charles King Company of Signal Hill, CA, to Appropriate Funds for the 10% Contingency in the amount of \$63,850.00.

Recommendation: That the City Council adopt Resolution No. 2013-111.

Councilmember Miller said that they have had discussion about this and written comments and his general concern about contingency funds is that, in his opinion, they underline and make problems with the bidding process. If a company bids on a particular contract, they are supposed to do that contract and if two companies are considering bidding and one says that he knows that he can really work with the City and he will get 10% additional at the end, he can underbid at the beginning. He is concerned about this general statement that every contract will have a 10% contingency fund and that is why he always asks the question about contingency funds. Staff has said that there are various things that happen in contracts that are unforeseen. In regards to a hydroelectric plant, what would be unforeseen that was not specified in the contract itself.

Director Mason said that hydro units are actually quite old so once you open those up there could be some damage inside that wasn't anticipated and the additional equipment that was not anticipated being replaced may need to be replaced and he explained further.

Councilmember Miller said in the contract itself does it say that this contract is simply for opening the various parts of the hydroelectric plant and then afterward there will be further discussion and re-negotiation of the contract or does the contract specify what the repairs shall be to the hydroelectric plant.

Director Mason said it specifies the specific parts that will be replaced.

Councilmember Miller said so there is nothing that specifically says in the contract if something is unusual we will renegotiate; that is not part of the contract.

Director Mason said that is inherent in any contract that if something falls outside that needs to be done in order to complete the job, that there will be a change order. He said that change orders are an inherent part of capital projects.

Councilmember Miller asked roughly what percentage of the contracts that you have given have had contingency additions to them.

Director Mason said it has just been in the last two years that they have starting doing capital projects because they have not done them for quite some time so Sunset Sub is basically the only previous one that they have actually done and yes it had a contingency.

Councilmember Miller said that companies assume that they are going to do the job so again; his feeling is that if there is something really unusual and really different, then the contract can be renegotiated and it should come back to the City Council for consideration. He asked the City Attorney in regards to this contract or contracts in general, is it assumed that they will be renegotiated and additional funds will be given afterward or are the contracts written so that it is expected that the contract agency will perform the duties specified in the contract.

City Attorney said there are many types of contracts and it is not unusual to have some contingency authority on the part of staff. Our boilerplate contract has a clause that says you can have a contingency of an amount or a percentage or whichever is less. It is giving some discretion to the staff, to the director and to the City Manager in terms of overages that might

occur on the contract. The idea is that if it is more than a certain amount then the contingency would come back to the Council. So in this case what Director Mason is suggesting is that the 10% is a reasonable allowance for that contract. You don't want contracts to run over budget so the idea is to keep them within budget but things happen and the question is how significant of a dollar item do you want it to come back and be an agenda item versus leaving staff the ability of approving the contract. So staff is recommending 10% and if the Council were not to approve it, if there was a \$250 dollar item that was over the budget, and there isn't some way of negotiating it out but at the end of the day there needs to be \$250 dollars more, then that item would come back to the Council for approval if you don't have a contingency.

City Manager asked the City Attorney to explain to the Council that there are certain times that the contractor has to be able to complete his job and if we delay it, how that might affect us legally, etc.

City Attorney said the contractor has a time period to complete the contract. Normally, if there was some cost overrun there might be a number of different issues for it. If in fact you come back and get it approved by the Council that obviously takes more time to get the item on an agenda and have action on it. Whether it has an effect on the schedule though kind of depends upon what the nature of the cause is. It could be something that you discover and what happens is the time period the contractor has agreed to complete it by he is given more time if it has to go through some additional process. It would have to depend upon the circumstances

Councilmember Miller said this contingency even though it is 10% is not a small amount, it is \$63,000.00 and he thinks that anything involving an amount like that certainly should come back to the Council. His strong feeling is that the fact that the contractors knows that they can come back and ask for more additional money so when it comes to contingency we are better off trying to save the money by telling the contractors this is not something that can be negotiated easily and we expect you to finish the contract. He is opposed to having this contingency automatically added.

City Manager said just let the Council know the contract and the purchase order that the contractor receives does not have the 10% in there at all. For instance if there is a pipe that shouldn't have been a pipe, then they have to negotiate with the City in order to alleviate that and what the price should be.

Councilmember Miller said that is correct and he feels the final decision as the initial decision with the contract should be with a staff recommendation to the Council and then the Council makes that final decision as it does on the original contract.

Councilmember Peterson said the only thing that concerns him and is similar to what Councilmember Mille said but we have \$63,000 with electric, \$37,000 with the downtown underground and another \$3,000 with the bathroom all of overruns which total \$103,000 dollars that we need to approve tonight on overruns not to include the last one.

Director Mason said this is not money that is being obligated or spent. This is money that is being set a side in case there are situations where there are unexpected occurrences, problems with the projects. With the original projects that the Council approved the language was in the resolution authorizing the Administrative Services Director to approve change order notices

that had been validated out of the contingency funds. Unfortunately the language specifically appropriating the funds was omitted from the resolution and was an oversight on his part but the intent all along was that the 10% contingency would be part of the projects. This is just basically correcting for an omission in language. Specific verbiage needs to be included due to the auditing process.

Mayor Franklin opened the item for public comments. There were none.

11. Resolution No. 2013-113, Amending the Contract for Project No. 2013-03 EL, Downtown Underground Project-Phase 2, Awarded to Southern California West Coast Electric Inc. of Beaumont, CA, to Appropriate Funds for the 10% Contingency in the amount of \$36,848.20.

Recommendation: That the City Council adopt Resolution No. 2013-113, Amending the Downtown Underground Project – Phase 2 contract awarded to Southern California West Coast Electric Inc. of Beaumont, California to appropriate funds for the 10% contingency in the amount of \$36,848.20.

Councilmember Miller said just to repeat what he said before the contract has been issued and the winning bidder has the contract and presumably will be able to do that on the amount the contract specifies and this contingency is just in case the contractor says something really bad has gone wrong and I need more money. Again, there is nothing wrong with you coming back to the Council and asking at that time for more additional funds.

Director Mason said there is nothing wrong with that other than it delays the project. One of the things that the City Manager was trying to point out was the liquidated damages that the City can get. If the project is supposed to be done in 80 days and the contractor takes 100 days, most contracts have liquidated damages where we get \$250 or \$500 a day for every day that they go over so it is a situation where there is a reverse. They have obligations to the City to reimburse us if they don't perform as well.

Mayor Franklin said it is her understanding that the contractor is not necessarily aware there is contingency and this just gives staff the authorization to negotiate if something overrides without having to wait for it to come back to Council which could be time consuming. But it is not something that contractors actually have in their wording anywhere in their contract that there is such a thing it is just something to allow staff to negotiate if it is a minor item. Director Mason said that was correct.

Councilmember Miller said in his opinion this invites all the contractors to say something has gone wrong; we want to renegotiate.

Mayor Franklin opened the item for public comments.

The following people spoke in favor or against or had some questions or concerns or general comments in regards to this item (*any written comments handed to the City Clerk will be attached as an exhibit to the minutes*):

Henry De Roule said he thinks it is both wise and prudent for the Council to include a certain percentage of contingency funds for items that might possibly happen in the performance of a contract. The contractor doesn't know about it. That is why you hired staff to make those decisions and you are giving them a leeway to make decisions so that there isn't a delay.

Don Smith said he thinks every contractor knows that the City staff has contingency authority when something that is not expected comes up and timing can be important. He said that delays are a bad thing if you are on the street where things are happening. The delay on San Gorgonio wasn't really good for some of the people doing business on San Gorgonio through no fault of the staff because the lights that were originally delivered were not any good. He thanked the previous Council and this Council, staff and the contractor for Phase I; the new lights look great and illuminate well and actually provide light. Keep going with the phasing of these lights because those lights make the city more attractive.

Mayor Franklin closed the item for public comments seeing no one else coming forward.

Councilmember Westholder asked when we have the contingency clauses and he understands the necessity for them but how often do we have to use the contingency money. It is 50% of the time, 70% or 80%?

Director Burk said during the last four years in Public Works they presented six projects out of thirty that needed to use the contingency. There are some things that are unexpected and he gave some examples.

Motion Peterson/Welch to approve Consent Items 6, 7, 8, 9, and 11. Motion carried, all in favor.

Joint Meeting

Mayor Franklin recessed the regular City Council meeting and called to order a joint meeting of the Banning City Council and the Banning Utility Authority.

CONSENT ITEM

1. Resolution No. 2013-20 UA, Approving a Contribution of \$1,500.00 to the San Gorgonio
Pass Regional Water Task Force.

Director Burk gave the staff report on this item as contained in the agenda packet. He said in regards to background the Task Force originally wanted to have some type of budgetary allocation from all the community members and the budget they originally submitted was for \$48,000 and they had multiple conversations and ultimately what the community members have come up with is a budget of \$24,560 and all 12 participating agencies would participate by in-kind services. What is before the Council this evening is the allocation of \$1,500 dollars but more importantly the intent behind this is that the Council adopt a resolution supporting the task force and its future endeavors as it relates to clean reliable water resources amongst the task force members and he gave more information about what they are trying to achieve.

Mayor Franklin said one way for people to show commitment is by putting their money where their mouth is basically. So there is no plan at this point to use the money as much as to make sure that everybody who says that they are going to participate actually do and when the time comes to actually use it that it will come back to each individual body for approval, as well as, to make sure we are working together for water in the area.

Mayor Franklin opened the item for public comment.

Diego Rose said his understanding is that all the agencies are for profit or are government agencies of some sort so they are still collecting fees already and generate fees for operations so it would be safe to say that the taxpayers of each of those districts are already paying for fees for services for whatever exercises that they are already being performed whether it be pipe infrastructure maintenance or for instance, for the Flume or the reservoir. All of these agencies have income already that is being paid for through the taxpayers and so he is confused by the city or taxpayers having to pay an additional amount on top of what they are already paying for to contribute to this group.

Mayor Franklin said that basically what they are trying to do is to form a partnership so that we are able to apply for grants, apply for federal funding, for projects that would be well-outside the realm of any individual agency to be able to do on their own.

Councilmember Peterson asked if any of this money would be used for wages, stipends or payment for services for grant writers or lobbyists.

Director Burk said no. The money that is identified here is kind of seed money to move forward with trying to develop an integrated plan amongst all the different agencies. In going back to the previous speaker all the agencies are paying a rate for their water. The idea behind the task force itself was to involve the elected officials so that it doesn't get too technical and housing an opportunity for elected officials to get together and try to understand the infrastructure needs and demands amongst the region.

Mayor Franklin closed the item for public comment seeing no one else coming forward.

Motion Peterson/Welch to approve Resolution No. 2013-20 UA. Motion carried, all in favor.

Mayor Franklin adjourned the joint meeting and reconvened the regular City Council Meeting.

PUBLIC HEARINGS

1. Ordinance No. 1468, Adoption of the Latest Edition of California Fire Code
(Staff Report)

Doug Clarke, Fire Marshall said that he spoke with the City Manager wanted to pull this item because they are waiting for the County to approve their ordinance so that they are all on the same page.

City Manager said the public hearing will still need to be opened because it was noticed but ask that it be continued to February 11, 2014.

Mayor Franklin opened the public hearing on this item. There were no comments at this time.

Motion Welch/Peterson to continue the public hearing to February 11, 2014. Motion carried, all in favor.

2. Resolution No. 2013-107, and Ordinance No. 1475: Negative Declaration, General Plan Amendment GPA No. 13-2505, and Zone Change ZC No. 13-3503 to Change the General Plan and Zoning Designations for Five (5) Properties Located at the Northeast Corner of Hargrave and Charles Streets from Industrial to Very Low Density Residential.
(Staff Report – Zai Abu Bakar, Community Development Director.

Director Abu Bakar gave the staff report on this item as contained in the agenda packet and walked the Council through a three-slide presentation showing where the project is located and what is being proposed. She stated that a question came up at the Planning Commission meeting regarding an opportunity for the residents to have animal keeping and in the staff report she did attached the animal keeping standards and regulations and that way the residents will have that information. There was also another issue that came up during this process regarding the approval by the Airport Land Use Commission (ALUC) and this property, the 9.28 acres, is within Zone E of the Airport Land Use Zone so basically it has to be approved by ALUC but the good thing is the density is being changed from very high which is industrial which is more intense to residential and typically ALUC won't frown about it and at this point there is no development proposed. She said that staff recommends Council's approval of the General Plan Amendment, the Negative Declaration and also adoption of the zone change. Director Abu Bakar also mentioned that during this process a similar issue along Barbour Street and staff is going to address it during the General Plan Annual Report that will be presented to the Council in February, 2014.

Mayor Franklin opened the item for questions from the Council.

Councilmember Peterson thanked staff on behalf of all the residents that live in that area that have been troubled with this zoning for the last eight years and he is sure they are very happy to see this finally happen.

Mayor Franklin opened the item the public hearing on this item and seeing no one coming forward she closed the public hearing.

Motion Welch/Westholder that the City Council and adopt Resolution No. 2013-107, Approving the Negative Declaration, General Plan Amendment No. 13-2503 and Zone Change No. 13-3503 to Change the General Plan and Zoning Designations from Industrial to Very Low Density Residential, Respectively for Five (5) Properties that are Located at the Northeast Corner of Charles and Hargrave Streets. Motion carried, all in favor. (Properties are: 963 Charles Street-APN: 543-090-003; 981 Charles Street-APN: 543-090-004; 941 Charles Street-APN: 543-090-014; 911 Charles Street-APN: 543-090-016; and Vacant Lot-APN: 543-090-017).

Mayor Franklin asked the City Clerk to read the title of Ordinance No. 1475. City Clerk read: An Ordinance of the City Council of the City of Banning, California, Approving Negative Declaration and Zoning Change No. 13-3503 and Making Findings In Support Thereof.

Motion Welch/Miller to waive further reading of Ordinance No. 1475. Motion carried, all in favor.

Motion Welch/Miller that Ordinance No. 1475 pass its first reading. Motion carried, all in favor.

REPORTS OF OFFICERS

1. Approval of a Professional Services Agreement with the Planning Center | DC & E of Santa Ana – Request to Take Off the Table.
(Staff Report – Zai Abu Bakar, Community Development Director)
2. Approval of a Professional Services Agreement with Romo Planning Group, Inc. for Rancho San Gorgonio Project Manager Services – Request to Take Off the Table.

Director Abu Bakar stated that staff is requesting that the Council take this item off the table and put it on an agenda for a future meeting.

City Manager asked the Council to disregard both the recommendations that are on the agenda; all staff is asking of the Council is to un-table items No. 1 and 2.

Councilmember Peterson asked if the developer's application is still incomplete and are they still submitting the requirements.

Director Abu Bakar said yes but even if the application is complete the Permit Streamlining Act still requires that the City completely review the application and provide a response to the developer in writing within 30 days. They are still working on the technical documents to be submitted.

Mayor Franklin opened the item for public comments. There were none.

Motion Welch/Miller to take off the table Item 1 regarding a Professional Services Agreement the Planning Center | DC & E of Santa Ana; and Item 2, a Professional Services Agreement with Romo Planning Group, Inc. of Covina. Motion carried, all in favor.

3. Discussion of Tagline "Proud History, Prosperous Tomorrow".
(Staff Report – Andy Takata, City Manager)

City Manager stated that at the Strategic Planning meeting the Council talked about bringing back "Stagecoach Town USA" into part of the tagline, if not the only tagline. He sent information to the Council and also had in his staff report how they came about getting "Proud History, Prosperous Tomorrow" and the recommendation says that you should just add "Stagecoach Town USA – Proud History, Prosperous Tomorrow." If the Council would like to do something

different, he would suggest going through the same process that the Council went through before to determine what that is.

Mayor Franklin opened the item for Council questions. There were none.

Mayor Franklin opened the item for public comments.

The following people spoke in favor or against or had some questions or concerns or general comments in regards to this item *(any written comments handed to the City Clerk will be attached as an exhibit to the minutes)*:

Susan Savolainen agreed with incorporating Stagecoach Town USA and also adding beneath that Proud History, Prosperous Tomorrow.

Don Smith had concerns with the costs of new stationary, pins, signs, etc. but sees no problem in adding Stagecoach Town USA.

Maria De Roule didn't understand the stagecoach bringing a prosperous tomorrow. This city needs more than that; it needs a science experience.

Fred Sakurai said Stagecoach Town USA is a great identity for the city. He feels it is not a good idea to advertise Paddy O'Reilly's as Stagecoach Town USA. We should allow some money to put the Stagecoach Town USA sign in a more appropriate location other than the corner of Paddy O'Reilly's.

Henri De Roule said the only problem he has with Stagecoach Town USA is when was the last time a stagecoach came through town and to him that says we are a stagecoach stop.

Mayor Franklin opened the item for Council comments. There was Council discussion regarding the use of Stagecoach Town USA pro and con.

Councilmember Miller said obviously the Council is in favor of the change and Stagecoach Town is a wonderful idea but we need more than just a statement. We need the Council to proceed and say this is what we are looking for and put money in those areas when we can afford it and it would further that idea.

Mayor Franklin said it would be part of our branding, part of our marketing of our city but it requires that we do more than just talk about it. It does require that we support Stagecoach Days, requires that we do more across this community more than just once a year.

Mayor Franklin opened the item for public comments per a request.

Henry De Roule said in regards to the comments about "Old Town Temecula" one of the things that they did was to preserve the "old town" and preserve the wooden sidewalks, the wooden storefronts and so on. There is no stagecoach here. If we are going to do this and make this "Stagecoach Town USA" let's have a stagecoach somewhere in town as a part of what we are proposing. You can't call it "Stagecoach Town USA" and have all the burger joints and gas stations down the line with no reference for people to say that they stopped in "Stagecoach

Town USA” but where is the stagecoach. If we are going to do that, he thinks that we either need to be either all in or all out.

Motion Peterson/Miller that the City Council approve adding “Stagecoach Town USA” back as a part of the City’s branding in addition to the use of “Proud History, Prosperous Tomorrow”. Motion carried, all in favor.

ANNOUNCEMENTS/REPORTS (Upcoming Events/Other Items if any)

City Council

Councilmember Welch –

- He stated that in regards to the commissions and committees that he is part of during the last three or four weeks they have moved meetings to either later this month or January. T-NOW did meet and it is very exciting and they will be coming back with reports on increased bus routes between here and shopping at the outlets and very exciting is Route #120 which now goes from the Walmart stop to the Veterans Hospital at Loma Linda and there are four trips a day. It is very accommodating for veterans and the price is very low. Walmart has given permission to park in their lot to use that bus service. They have averaged over the last month on each trip somewhere around 35 travelers both coming and going.

Councilmember Miller –

- Thanked everyone who has bothered to come down to this meeting and give their opinions. He has changed his opinion and voted as a result of some of the comments and he knows how hard it is to come down to the meetings and listen to all of this but wanted to let everyone knows that he along with the whole Council really appreciate the time you have taken to come here.

Mayor Franklin –

- She attended a conference last week in regards to Economic Development in conjunction with education for the Southern California Association of Governments. They talked about the level of poverty in California and in particular six counties of which we are a part of Riverside County and it included Los Angeles, Ventura, Imperial, San Bernardino, and Riverside. When you take the average for these six counties one in every four children lives in poverty. We are right in the middle with our city but the real emphasis was how important education is when we talk about improving our communities and how important it is for city government to be involved with education. Not that we are trying to tell the schools what to do but we need to partner with our schools to make sure we do a better job of connecting how important education is to improve the economy for our area.

City Committee Reports

1. Ratification of Community Advisory Committee
(Staff Report – Mayor Franklin)

Mayor Franklin said that they have formed an ad hoc committee a couple of months ago and she and Councilmember Welch worked on a Community Advisory Committee to see how they could

get more community involvement. They had both Charlie Varga and Susan Savolainen work as community representatives also and they put together a packet for a Community Advisory Committee. Tonight she wanted the Council to ratify this committee so that they could move forward. They have talked about two different pieces of it and one is education and the other piece is communication. They would like to have the Council's blessing that they move forward with this with the understanding that this is not part of the City Council or a part of city government but rather it would be facilitated by a community member who would be non-voting, that they would have representatives through 6 different neighborhoods throughout the city and the seventh one representing the business community. The first representatives from each of the 7 districts would be the ones that would select the other 2 representatives from each of their districts so we would have about 21 people and hope to have this as a body that is able to provide advisory information to the Council. It would not be one that they would actually have power other than voicing the concerns of the community.

Mayor Franklin asked if there were any Council questions; there were none.

Mayor Franklin opened the item for public comments.

Don Smith addressed the Council saying that you guys were forming a committee but it is not a part of government which is confusing him. Is this a Brown Act committee?

Mayor Franklin said this committee would be governed by Brown Act rules. All they did was to put together a structure for the committee to get started and once the committee starts they have the parameters to change some things but would be part of the Brown Act. As City government we are not trying to direct what happens in the committee.

Fred Sakurai said you are saying that this committee or whatever will take suggestions from or listen to comments from various districts and various organizations. Does this mean that a person can come to the committee and ask questions and finally get answers or is it going to be governed by the Brown Act and everyone is going to sit silently by and just ignore everything?

Mayor Franklin said for clarification this is a committee that would be made up of residents and the residents will be able to bring information forward and it is open for anybody in the public to be able to attend the meetings.

Motion Peterson/Welch to approve. Motion carried, all in favor.

Report by City Attorney – Nothing to report.

Report by City Manager

- The Sunset Grade Separation bid was approved by the County and on January 16, 2014 at 2:00 p.m. the groundbreaking for the Sunset Grade Separation will be held just east of the Rio Ranch Market.
- There will be no City Council meeting on December 24th.

ITEMS FOR FUTURE AGENDAS

New Items:

Councilmember Miller said our City Council repeatedly says that we are a policy-making body. We are not a policy-making body only. For example, today we approved various contacts, we approved changes in zoning, we approved the Taskforce for water examination, we approved the fire zone, and we approved the professional services agreement. What the City Council does basically is hopefully approve the running of the City. Of course, the work is done by the staff but the function of the Council is to oversee every aspect of this City. There is a very important aspect of this City that is coming up very shortly and we all know that the Chief of Police has resigned and a new Chief of Police must be chosen. The City procedures right now requires that the City Manager choose the new Chief of Police and our City Manager has stated clearly that he is not going to just choose it by himself. He is going to ask for opinions from the community people, by the City Council, interview various people and have a whole procedure for choosing that Chief. But at the end the City Manager is the one who is going to choose the Chief and that is what our City procedures specify. He does not believe that is correct. He believes that the City Council's job is to oversee the City and we have demonstrated that today and we demonstrate that each time. We look at every aspect at the running of this City and the City Council makes that decision and the staff proceeds and does the work necessary to make that happen. When we choose a Chief of Police we are choosing somebody extremely important to our City. When we talk about this being Stagecoach Town we all have in our mind what our town is. It is a nice peaceful safe town and why is it a safe town; obviously the police have everything to do with that. We sleep at night because we know the police are there, we walk down the streets during the day because we know the police are there. There is nothing that makes a town safe and secure and happy than a well-run police department. So the choice of the Police Chief is a vital importance to us all. He does not believe that the City Council is perfect; we may not have everything that we need to know to choose a Chief of Police but at least there are five of us and it is more likely that the City Council has the correct authority to choose the Chief of Police than merely one person; the City Manager. Our City Municipal Code Section 2.08.080 clearly specifies that the City Manager solely is the one who is going to choose the City Chief of Police and again he graciously says that he is going to have our input. He does not believe that is the correct procedure for our City; we need a Chief of Police who has a vast vote from the City Council. He would like to propose for the next agenda an agenda item where we change or add a section to Municipal Code Section 2.08.080 and the section he would like to add is as follows: "The City Manager will confer with the City Council in the appointment for promotion, demotion and removal of any Chief of Police and obtain the approval of any such action by a majority of the Council for the action to be effective." What that says is that the City Council makes the final decision in conference with the City Manager and of course, the community as a whole, in choosing the Chief of Police which is of vital importance to our city. That is his proposal that we have that on the agenda for our next meeting.

City Attorney said that there needs to be a consensus of the Council because there is some staff work that needs to be involved in preparing this and presumably this is a concept and staff would prepare a staff report that allows discussion of that issue.

There was a consensus of the Council to put this on the next agenda.

Pending Items

1. Schedule Meetings with Our State and County Elected Officials
2. Report on Moving Station 20 back to original firehouse. *(wait for new Battalion Chief)*
3. Discussion on how to handle loans or distributions to charities.
4. Discussion on how the City Council handles donations to the City.

ADJOURNMENT

Mayor Franklin suggested that the Council adjourn this meeting in memory of Brigitte Page who passed away last week. She is a former Mayor and City Council Member and was actually the first female Mayor of our city. She was appointed in 1975 to fill the unexpired term of Councilman William Anderson who resigned. In 1976 she won a four-year term and was elected by the Council as Mayor in March of 1976. In 1978 she was elected by the Council again as Mayor. In 1980 she won a four-year term and in 1982 she was elected by the Council as Mayor. Her term ended in November of 1984. **There was consensus of the Council to adjourn in memory of Brigitte Page.**

By common consent the meeting adjourned at 7:34 p.m.

Marie A. Calderon, City Clerk

THE ACTION MINUTES REFLECT ACTIONS TAKEN BY THE CITY COUNCIL. A COPY OF THE MEETING IS AVAILABLE IN DVD FORMAT AND CAN BE REQUESTED IN WRITING TO THE CITY CLERK'S OFFICE.

ORDINANCE NO. 1475**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA APPROVING NEGATIVE DECLARATION AND ZONE CHANGE NO. ZC 13-3503 AND MAKING FINDINGS IN SUPPORT THEREOF**

WHEREAS, five (5) properties that are designated by the Riverside County Tax Assessor as 543-090-003 (963 Charles Street); 543-090-004 (981 Charles Street); 543-090-014 (941 Charles Street); 543-090-016 (911 Charles Street); and 543-090-017 (No Street Address – Vacant Lot) and which are located at the northeast corner of Charles and Hargrave Streets were re-zoned from residential to Industrial when the current General Plan and Zoning Code were adopted on January 31, 2006; and

WHEREAS, four (4) of the five (5) property owners who own properties that are located at the northeast corner of Hargrave and Charles have verbally requested that the City change the current General Plan and Zoning designations of their properties from Industrial to Very Low Density Residential Zone; and

WHEREAS, the reasons for the requested change are because the subject properties are considered legal non-conforming which creates difficulties in qualifying for home improvement loans to make property improvements; purchasing homeowner's insurance; or selling homes under the current Zoning. There are restrictions and limitations with regard to expansion to existing properties such as size of the additions and the approval process for additions. Additions to the homes require approval of a conditional use permit from the Planning Commission. The size of the addition to the home is limited to a maximum of 50% of the size of their current home; and

WHEREAS, on September 24, 2013, the City Council adopted Resolution No. 2013-86 initiating a General Plan Amendment (GPA No. 13-2505) and a Zone Change (ZC No. 13-3503) for five (5) parcels that are located at the northeast corner of Hargrave and Charles; and

WHEREAS, the City has reviewed the proposed General Plan Amendment and Zone Change for compliance with the California Environmental Quality Act (CEQA) and it is determined that the General Plan Amendment and Zone Change are defined as "project" under CEQA Guidelines 15378 and has prepared and Initial Study; and

WHEREAS, the Initial Study recommended the preparation of a Negative Declaration (Exhibit "A") for compliance with CEQA; and

WHEREAS, the Negative Declaration was prepared and made available for a 20-day public review from October 11, 2013 to November 4, 2013; and

WHEREAS, on October 11, 2013, the City gave public notice by advertisement in the Record Gazette newspaper of a public hearing concerning the project, which included the Initial Study/Negative Declaration, General Plan Amendment (GPA No. 13-2505), and a Zone Change

(ZC #13-3503). In addition, the City mailed public hearing notices to the owners of properties that are directly affected by the General Plan Amendment and Zone Change; the property owners that are located within a 300' radius of the project boundaries and to interested persons who requested to be on the mailing lists for the project; and

WHEREAS, on November 6, 2013, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the project and at which the Planning Commission considered the General Plan Amendment (GPA No. 13-2505), and a Zone Change (ZC #13-3503); and

WHEREAS, on November 29, 2013, the City gave public notice by advertisement in the Record Gazette newspaper of a public hearing concerning the project, which included the Initial Study/Negative Declaration, General Plan Amendment (GPA No. 13-2505), and a Zone Change (ZC #13-3503). In addition, the City mailed public hearing notices to the owners of properties that are directly affected by the General Plan Amendment and Zone Change; the property owners that are located within a 300' radius of the project boundaries and to interested persons who requested to be on the mailing lists for the project; and

WHEREAS, on December 10, 2013, the City Council held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the project and at which the City Council considered the Initial Study/Negative Declaration, General Plan Amendment (GPA No. 13-2505), and a Zone Change (ZC #13-3503).

NOW THEREFORE, the City Council of the City of Banning does hereby resolve, determine, find, and order as follows:

SECTION 1. ENVIRONMENTAL FINDINGS.

Compliance with the California Environmental Quality Act (CEQA): The City Council has analyzed this proposed in accordance with the California Environmental Quality Act (CEQA). Based on the analysis, the proposed General Plan Amendment and Zone Change are considered a "Project". CEQA defines the project as an activity that has a potential for resulting in either a direct physical change in the environment. Examples of projects include an activity that is directly undertaken by any public agency including but not limited to an amendment to zoning ordinances and general plan elements.

In compliance with CEQA, an Initial Study/Negative Declaration was prepared and made available for a 20-day public review from October 11, 2013 through November 4, 2013. A Negative Declaration means that the project can be seen with certainty that it will not have any negative impacts to the physical environment.

Multiple Species Habitat Conservation Plan (MSHCP): The proposed General Plan Amendment and Zone Change do not relate to any one physical project and are not subject to the MSHCP. Further, projects subject to this resolution will trigger individual project analysis and documentation related to the requirements of MSHCP including mitigation through payment of the MSHCP Mitigation Fee.

SECTION 2. REQUIRED FINDINGS FOR ZONE CHANGE NO. 13-3503:

Finding No. 1: The proposed Amendment and Zone Change are internally consistent with the General Plan.

Findings of Fact: The current General Plan Land Use and Zoning Overlay Map show the five (5) properties are zoned Industrial. The proposed Zone Change along with the General Plan Amendment No. 13-2505 will amend the current Zoning for the five (5) parcels from Industrial to Very Low Density Residential. The Very Low Density Residential Zoning designation allows the properties to be developed with single-family homes. Four (4) of the five (5) parcels have been developed with single-family homes and accessory structures. Under the current Zoning, these homes are legal non-conforming. The Zone Change along with the General Plan Amendment No. 13-2505 will make the current Zoning on the property to be consistent with General Plan and Zoning.

The proposed Zone Change No. 13-3503, along with General Plan Amendment No. 13-2505 has been reviewed against the development standards for Very Low Density Residential within the Banning Zoning Code for internal consistency within all of the General Plan elements' text, diagrams, and maps and have concluded that the proposed Zone Change along with General Plan Amendment No. 13-2505 will not create any conflicts within the Zoning Code and among the various General Plan elements goals, policies, and objectives, including the maps and diagrams of all the elements in the General Plan. Therefore, the proposed Zone Change along with the General Plan Amendment No. 13-2505 will make the current use on the property to be consistent with Zoning and the General Plan land use.

Finding No. 2: The proposed Zone Change would not be detrimental to the public interest, health, safety, convenience, or welfare of the community.

Finding of Facts: The General Plan Goal 1 for Residential Land Uses states, "Preserve and enhance the City's neighborhoods.¹" The proposed Zone Change provides conformity between existing single-family homes that have been developed on the property and the current Zoning designation which is Very Low Density Residential. Furthermore, an Initial Study/Negative Declaration was prepared for compliance with the California Environmental Quality Act (CEQA). The Negative Declaration concluded that the proposed Zone Change and General Plan Amendment would not have any negative impacts on the environment. The Negative Declaration was made available for a 20-day public review from October 11, 2013 through November 4, 2013.

¹ City of Banning General Plan, page III-16

With regard to compatibility with existing neighborhoods, the proposed Zone Change along with the General Plan Amendment for the five (5) parcels will not create an island within an existing neighborhood. The Zone Change will make the existing development which is single-family home and future development of the five (5) parcels consistent and compatible with the existing neighborhoods to the easterly and southerly area of the parcels in that the Zoning and the General Plan for these adjacent areas are Very Low Density Residential. The existing uses on the four of the five parcels (one parcel is currently vacant) are single-family homes and accessory structures and are compatible with the existing development to the east and the south of subject properties.

Based on the above finding of facts provided in this subsection, the proposed Zone Change along with the General Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the community as the project has been reviewed for compliance with the City of Banning Zoning Code and the California Environmental Quality Act (Public Resources Code Section 21000 et seq.)

Finding No. 3: The proposed Zone Change would maintain the appropriate balance of land uses within the City.

Findings of Fact: The General Plan Build out Summary, Table III-1, on page III-10 shows that the City presently has 420.8 acres of land area that is zoned Industrial. The five (5) parcels that are proposed for the Zone Change along with General Plan Amendment from Industrial to Very Low Density Residential totaled 9.28 acres. The proposed Zone Change along with General Plan Amendment would reduce the amount of Industrial properties by 9.28 acres (or 2.2%) from 420.8 acres to 411.52 acres and increase the Very Low Density Residential zone by the same amount of acreage. The 2.2% reduction in land area designated for Industrial Zone is relatively a minor reduction when compared with the actual development that exists within the 9.28 acre land area zoned for Industrial. Sixty (60) percent (or 5.5 acres) of the 9.28 acre land zoned for Industrial is already developed with single-family. This means that potential Industrial development will occur on the 3.7 acres of land that is currently vacant. The lost of 3.7 acres of Industrial land is insignificant compared to the overall land that is available and the City is still maintaining an appropriate balance of land use in the City.

Finding No. 4: With regard to the Zone Change and its effect on the General Plan Land Use, the subject property is physically suitable for the requested land use designation(s) and the anticipated land use development(s).

Finding of Fact: Four of the five parcels are currently developed with single-family homes. The proposed Zone Change along with the General Plan Amendment will bring the existing development on the above referenced properties to be in conformance with the Zoning and General Plan. In addition, the proposed Zone Change along with the General Plan Amendment will bring the five (5) properties to be compatible and consistent with the Zoning and General Plan designations for existing residential neighborhoods to the east and south of the project site.

Based on the facts indicated in this subsection and subsections above, the project site is suitable for requested land use designation(s) and the anticipated land use development(s).

SECTION 3. CITY COUNCIL ACTIONS.

The City Council hereby takes the following action:

1. Adopt Negative Declaration as referenced herein for compliance with CEQA (Exhibit "A"); and
2. Adopt Zone Change No. 13-3503 to change the Zoning designations for five (5) parcels that are located at the northeast corner of Charles and Hargrave Streets from Industrial to Very Low Density Residential (Exhibits "B").

PASSED, APPROVED AND ADOPTED this 14th day of January, 2014.

Deborah Franklin, Mayor
City of Banning

ATTEST:

Marie Calderon, City Clerk
City of Banning

**APPROVED AS TO FORM
AND LEGAL CONTENT:**

David J. Aleshire, City Attorney
Aleshire & Wynder, LLP

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1475 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 10th day of December, 2013, and was duly adopted at a regular meeting of said City Council on the 14th day of January, 2014, by the following vote, to wit:

AYES:

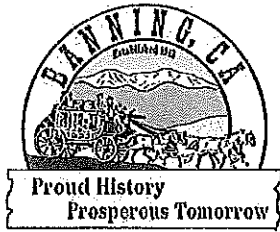
NOES:

ABSEN:

ABSTAIN:

Marie A. Calderon, City Clerk
City of Banning, California

Exhibit A
Ordinance No. 1475
Initial Studies/Negative Declaration



CITY OF BANNING
Initial Study/Negative Declaration

GENERAL PLAN AMENDMENT NO. 13-2505
AND ZONE CHANGE NO. 13-3503

City of Banning
Community Development Department
99 E. Ramsey Street
Banning, California 92220

October 8, 2013

City of Banning
Initial Study/Negative Declaration

Project Title:

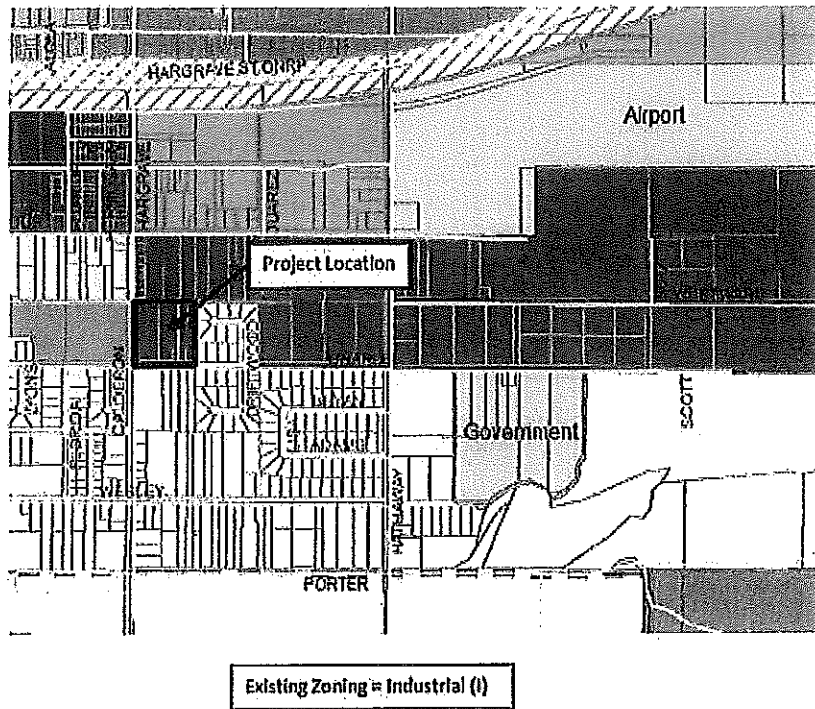
- 1. General Plan Amendment No. 13-2505 and Zone Change No. 13-3503**
- 2. Lead Agency Name and Address:** City of Banning, 99 E. Ramsey Street , Banning, CA 92220
- 3. Contact Person and Phone Number:** Zai Abu Bakar, Community Development Director, (951) 922-3131
- 4. Applicant Name and Address:** City of Banning, 99 E. Ramsey Street, Banning, CA 92220
- 5. Project Location:** Northeast corner of Hargrave and Charles Street (See Figure 1)
- 6. General Plan Designation:** Industrial
- 7. Project Description (describe the whole action involved, including, but not limited to, later phases of the project, and any secondary, support, or off-site features that are necessary for its implementation).**

The Project evaluated in this Initial Study is an amendment to the General Plan Land Use and Zoning maps to change the land use designations for five (5) properties from Industrial to Very Low Density Residential (See Figures 1 and 2). The total acreage for the five (5) properties is 9.28 acres. The size of each parcel is indicated in the Table on page 3 of this Initial Study.

The Assessors Parcel Numbers and addresses for the five (5) properties are: 543-090-003 (963 Charles Street); 543-090-004 (981 Charles Street); 543-090-014 (941 Charles Street); 543-090-016 (911 Charles Street); and 543-090-017 (No Street Address – Vacant Lot). No new home construction is currently proposed on any of the sites at this time. See Figures 3 and 4 for the location and aerial view of the properties.

This Initial Study/Mitigated Negative Declaration analyzes the potential environmental impacts that would be expected to result from the proposed changes to General Plan land use and zoning designations on the General Plan and Zoning maps from Industrial to Very Low Density Residential for the above-mentioned parcels. Since there is no new home development is proposed at this time, future home construction will be reviewed for compliance with all applicable City policies, standards, regulations and the California Environmental Quality Act (CEQA)..

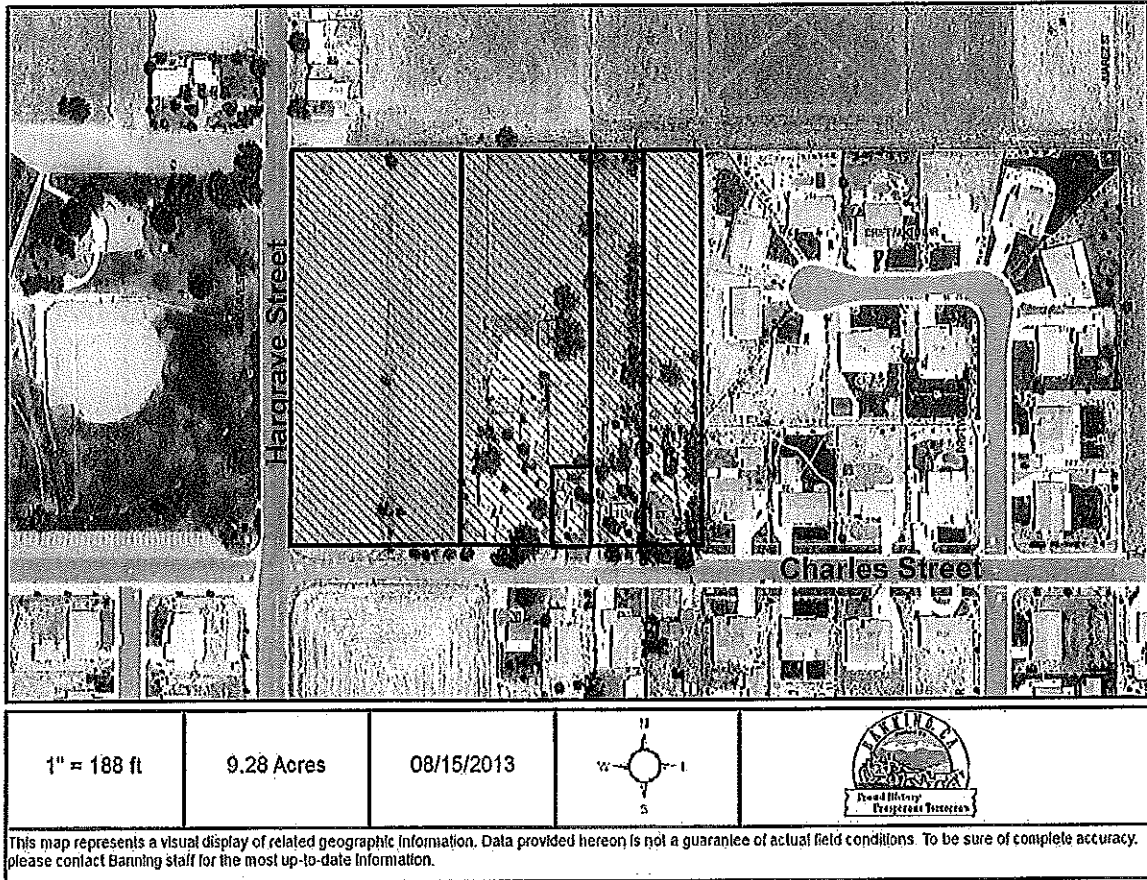
Figure 1
Existing Zoning



Proposed Zoning



Figure 3
Aerial View of the Five Parcels



Note: The (5) five parcels are delineated within the dark lines that are crosshatched.

8. Surrounding Land Uses and Environmental Setting (describe the project's surroundings):

The project site is located at the northeast corner of Hargrave and Charles Street. Four (5) of the five (5) parcels currently have existing homes and accessory structures and there is one vacant parcel. The table below provides information with regard to the existing use on uses surrounding each of the properties

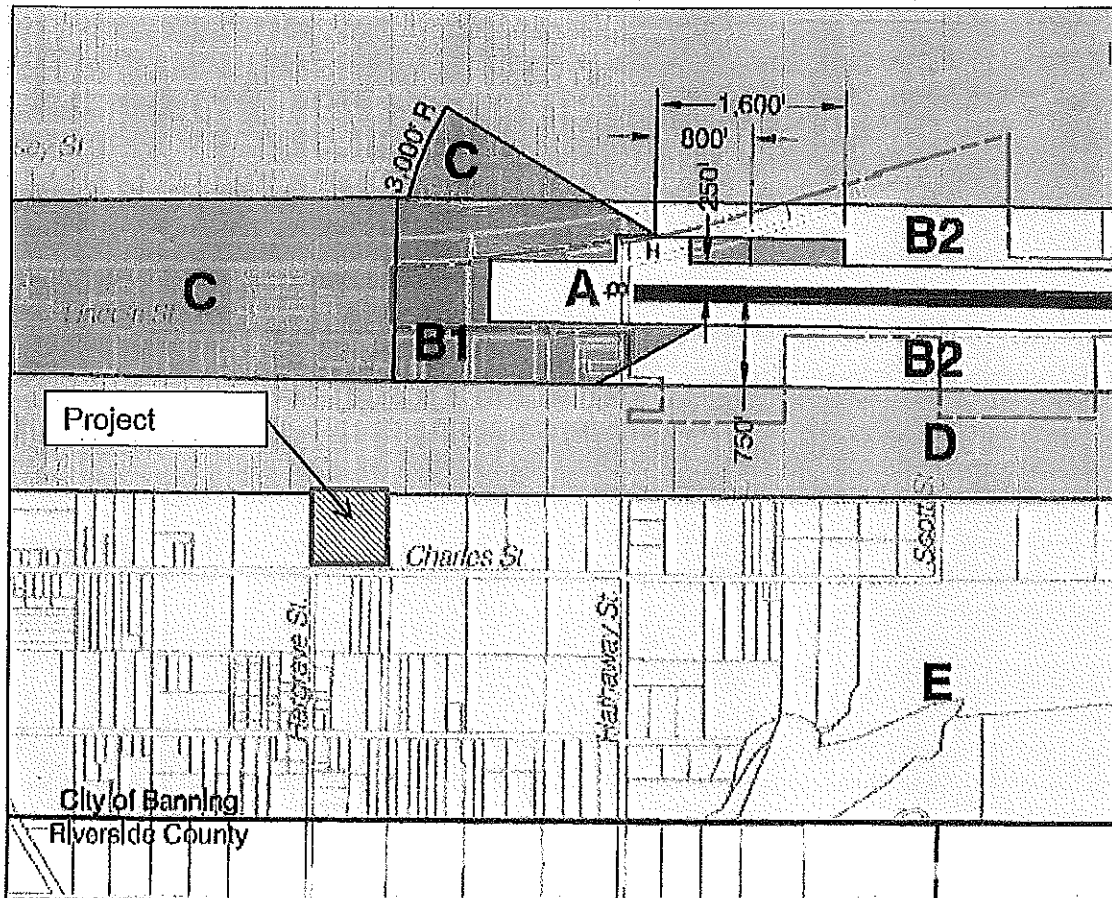
APN/ Address	ACR ES	EXISTING USE	NORTH	SOUTH	EAST	WEST
543-090-003 963 Charles Street	1.13	Single-family homes and accessory structures	Vacant Land	Charles Street/Very Low density Residential	Single-family Home	Single-Family Home
543-090-004 981 Charles Street	1.26	Single-family homes and accessory structures	Industrial	Charles Street/Very Low density Residential	Single-family Home	Single-Family Home
543-090-014 941 Charles Street	0.17	Single-family homes and accessory structures	Industrial	Charles Street/Very Low density Residential	Single-family Home	Single-Family Home
543-090-016 911 Charles Street	3.0	Single-family homes and accessory structures	Industrial	Charles Street/Very Low density Residential	Single-family Home	Single-Family Home
543-090-017 No Address	3.72	Vacant	Single-family Home/Vacant Land	Charles Street/Vacant Land	Single-family Home	Hargrave Street/Lions Park
Total	9.28 acres					

9. Public Agencies whose approval or Participation is Required (i.e., for permits, financing approval, or participation agreements):

The General Plan Amendment and Zone Change is required to be reviewed by the Airport Land Use Commission as the project site is located within Zone E of the Banning Airport Land Use Compatibility Zone. Figure 2 shows the five parcels in relation to the airport.

City review of specific development proposals by the property owners will be required prior to development of the properties in the future.

Figure 4
Parcels location in relation to the Banning Municipal Airport



ENVIRONMENTAL ANALYSIS

1. INTRODUCTION

Purpose and Scope

This Initial Study/Mitigated Negative Declaration serves as the environmental review of the proposed Project, as required by the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., the State CEQA Guidelines, and the City of Banning Local Guidelines for Implementing CEQA.

In accordance with Section 15063 of the State CEQA Guidelines, the City of Banning is the lead agency and is required to prepare an Initial Study to determine if the Project may have a significant effect on the environment. This Initial Study is intended to be an informational document providing the Planning Commission, City Council, other public agencies, and the general public with an objective assessment of the potential environmental impacts that could result from the adoption of the Housing Element and related implementation actions. Since there is no specific housing project proposed on any of the sites affected by the proposed General Plan and zoning amendments, the environmental analysis evaluates impacts that would be anticipated as a result of the implementation of the Housing Element to the extent they can be known at this time.

PREVIOUS ENVIRONMENTAL DOCUMENTATION

A Final Environmental Impact Report (FEIR) for the Banning General Plan was prepared by the City of Banning in accordance with the California Environmental Quality Act (CEQA). The FEIR analyzed the environmental consequences of the development of the city according to the General Plan. The General Plan and FEIR were adopted by the Banning City Council on January 31, 2006 (Resolution No. 2006-13).

Prior to approval of subsequent actions, the City is required to determine whether the environmental effects of such actions are within the scope of the project covered by the FEIR, and whether additional environmental analysis is required. If the agency finds that pursuant to Sections 15162, 15164, and 15183 of the CEQA Guidelines no new effects would occur, nor would a substantial increase in the severity of previously identified significant effects occur, then no supplemental or subsequent EIR is required.

PURPOSE OF THIS INITIAL STUDY

Pursuant to state law, the City is required to evaluate the consequences of an amendment to the General Plan Land Use and changes to the Zoning designations for properties. The adoption of amendments to the General Plan and Zone Change is a "project" under CEQA. This Initial Study provides an analysis of whether the proposed General Plan amendment and Zone Change would result in any new or more substantial adverse environmental effects than were previously analyzed in the General Plan FEIR pursuant to CEQA Guidelines Sections 15162. The City, as

Lead Agency, has the authority for project approval and certification of the accompanying environmental documentation.

BASIS FOR A SUBSEQUENT NEGATIVE DECLARATION

Section 15162 of the State CEQA Guidelines states:

(a) When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but project proponents decline to adopt the mitigation measure or alternative.

The Final EIR certified in 2006 for the Banning General Plan evaluated the potential impacts of development of the City according to the land use designations set forth in the Land Use Element of the General Plan. The General Plan EIR evaluated the impacts associated with development of 32,198 additional housing units during the time horizon of the General Plan within the 23,555-acre study area, of which 14,824± acres are within the City limits. The proposed amendments to the General Plan Land Use Element and Zoning Map would replace the current land use and Zoning designations of five (5) properties from Industrial to Very Low Density Residential (0-2 dwelling units per acre). Four of the properties are already developed with single-family homes. The existing vacant lot that is located at the northeast corner of Hargrave and Charles Streets could be developed with up to two (2) dwelling units per acre. This increase is a negligible increase in residential development under the 2006 General Plan and current zoning.

The level of development reflected in the proposed general plan amendment and zone change is consistent with the current regional growth forecast, the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), and the City is required by state law to adopt land use plans and zoning regulations consistent with these regional plans and growth forecast.

Through the analysis presented in this document, the City of Banning has determined that potential impacts associated with the proposed General Plan amendment and Zone Change are not substantial. There are no new significant impacts resulting from these changes; in fact the impacts will be significantly reduced since the land use intensity and density will change from commercial to residential. In addition, the changes with respect to the circumstances under which the project will be undertaken would not result in new or more severe significant environmental impacts than previously analyzed.

SUMMARY OF FINDINGS

Based on the Environmental Checklist prepared for the project and supporting environmental analysis and pursuant to Section 15162 of the CEQA Guidelines, the City of Banning has determined, on the basis of substantial evidence in the light of the whole record, that:

- (a) The proposed General Plan Amendment and the Zone Change do not propose substantial changes to the project which would require major revisions to the FEIR due to new or substantially more severe significant environmental effects than previously analyzed in the General Plan FEIR;
- (b) There have been no substantial changes in circumstances under which the project will be undertaken that will require major revisions to the FEIR due to new or substantially more severe significant environmental effects than previously analyzed in the FEIR; and
- (c) No new information of substantial importance as described in subsection (a)(3) of Section 15162 has been revealed that would require major revisions to the FEIR or its conclusions.

There is no negative impacts resulting from the adoption of the proposed General Plan Amendment and Zone Change since the intensity and density of the land use will be significantly reduce by having the properties rezoned from Industrial to Very Low Density Residential.

2. EVALUATION OF ENVIRONMENTAL IMPACTS

An Environmental Checklist Form has been used to evaluate the potential environmental impacts associated with the proposed Project. The Form has been prepared by the Resources Agency of California to assist local governmental agencies, such as the City of Banning, in complying with the requirements of the Statutes and Guidelines for implementing CEQA.

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is "Potentially Significant Impact". Based on the analysis contained in this Initial Study, the following environmental factors are affected by the proposed project.

- | | | |
|---|--|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utilities/Service Systems |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Mandatory Findings of |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Population/Housing | Significance |
| <input type="checkbox"/> Greenhouse Gas Emissions | | |

In the Form, a series of questions is asked about the Project for each of the above-listed environmental factors. A brief explanation is then provided for each question on the Form. There are four possible responses to each question:

A. Potentially Significant Impact.

This response is used when the Project has the potential to have an effect on the environment that is considered to be significant and adverse.

B. Potentially Significant Unless Mitigation Incorporated.

This response is used when the Project has the potential to have a significant impact, which is not expected to occur because:

- Mitigation measures have been incorporated into the Project design in order to reduce the impact to a less than significant level; or,
- Adherence to existing policies, regulations, and/or design standards would reduce the impact of the Project to a less than significant level.

C. Less Than Significant Impact.

This response is used when the potential environmental impact of the Project is determined to be below known or measurable thresholds of significance and thus would not require mitigation.

D. No Impact.

This response is used when the proposed Project does not have any measurable impact.

3. ENVIRONMENTAL DETERMINATION

On the basis of this initial evaluation, the City finds that:

- ☒ The proposed Project could not have a significant effect on the environment, and a Negative Declaration will be prepared.
- ☐ Although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures, described in Exhibit C (attached), have been added to the Project. A Mitigated Negative Declaration will be prepared.
- ☐ The proposed Project may have a significant effect on the environment, and an Environmental Impact Report is required.
- ☐ The proposed Project may have a potentially significant impact unless mitigation is incorporated, but at least one of the impacts has been: 1) adequately analyzed in an earlier document pursuant to applicable legal standards and 2) addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An Environmental Impact Report is required, but it is to analyze only those impacts that have not already been addressed.
- ☐ Although the proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier Environmental Impact Report (EIR) or in a Negative Declaration pursuant to applicable legal standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed Project, nothing further is required.

Approved for distribution by:

Signature:


Zai Abu Bakar, Community Development Director

Prepared by: Zai Abu Bakar, Community Development Director

Date: October 8, 2013

Public Review: October 11, 2013 through November 4, 2013

4. ENVIRONMENTAL ANALYSIS CHECKLIST

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the Project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation of Item I.c) thorough d) Scenic Vista, Scenic Resources, Visual Character, and Light and Glare. No Impact.

The proposed General Plan Land Use and Zone Change from Industrial to Residential will not negatively impact the environment because the land use intensity and density will be reduced significantly by changing the land use and zoning from Industrial to Very Low Density Residential. The overall building height for Industrial zone is 2 stories or 60' maximum. The overall building height for Very Low Density Residential Zones is two stories or 35' maximum. Maximum lot coverage by building for an Industrial Zone is 60% while maximum lot coverage for a home on a Very Low Density Residential Lot is 25%. The overall height and bulk impact is significantly reduced with Very Low Density Residential Land Use and Zoning and; therefore, it minimizes view and aesthetic impacts for the area. In addition, lighting for the buildings and parking lot will be significantly reduced with the change in land use and zoning designations from Industrial to Very Low Density Residential since single-family homes do not have commercial parking lots.

Explanation of Item I. a) and b). Scenic Vista and Scenic Resources. No Impact.

The California Department of Transportation regulates scenic resources within State highway. In 1963, the California State Scenic Highway Program was established by State legislation (SB 1467). The purpose of the program is to help communities protect and enhance their natural and cultural uniqueness and beauty. According to Caltrans, a highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the travelers' enjoyment of the view. Caltrans defines a State Scenic Highway as any freeway, highway, road, or other public

44

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>right-of-way that traverses an area of exceptional scenic quality, containing striking views, flora, geology, or other unique natural attributes.</p> <p>I-10 from SR-38 and SR 62 is an "eligible" State Scenic Highway. To be designated as "eligible" for State Scenic Highway status, this Section of I-10 must meet the following criteria:</p> <ul style="list-style-type: none"> a. Consist of scenic corridor that is comprised of a memorable landscape that showcases the natural scenic beauty or agriculture of California; b. Existing visual intrusions do not significantly impact the scenic corridor; c. Demonstration of strong local support for the proposed scenic highway designation; and d. The length of the proposed scenic highway is not less than a mile and is not segmented. <p>The City must apply to Caltrans for the official designation, adopt the Corridor Protection Program, and receive notification from Caltrans that the highway has been officially designated State Scenic Highway. To receive Scenic Highway official designation, the scenic corridor of the highway must be identified and defined. Scenic corridor consists of land that is visible from the highway right-of-way and is comprised primarily of scenic and natural features. Topography, vegetation, viewing distance, and/or jurisdictional lines determine the corridor boundaries. The City must adopt ordinances, zoning, and/or planning policies that are designed to protect the scenic quality of the corridor. These ordinances and/or policies make up the official "Corridor Protection Program."</p> <p>The City of Banning has not adopted a Corridor Protection Plan for the portion of the I-10 that traverses the City. Though eligible for designation, this section of the I-10 is not officially designated State scenic highway.</p> <p>State Route 243 starts at Lincoln Street in Banning and traverses through the San Jacinto Mountains is designated State Scenic Highway. This portion of the highway is mostly visible from properties that are located immediately adjacent to State Route 243. The closest project site at the corner of Hargrave and Charles streets are approximately one-half (1/2) mile away from State Route 243. Therefore, there is no negative impact on scenic highway.</p>				
II. AGRICULTURAL RESOURCES.				
Would the Project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
non-agricultural use?				
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for , or cause rezoning of, forestland (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forestland or conversion of forestland to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation for II. a) and e). Farmland and Conversion of Farmland. No Impact.

The California Department of Conservation maintains information related to mapping and monitoring of farmland and farmland subject to Williamson Act contract. Based on the California Department of Conservation website at www.consrv.ca.gov/dlrp/FMMP and Riverside County Land Management System, there is no farmland that are of Statewide and regional importance on any of the candidate project sites. Therefore, the Project has no impact on Williamson Act Contract/Agriculture Preserve and it will not convert farmland to non-agricultural use.

Explanation for II. b). Williamson Act Contract. No Impact.

With regard to Williamson Act/Agricultural Preserve contract's existence on the parcels, research was done on the Riverside County Transportation and Land Use Department's website at: <http://www3.tlma.co.riverside.ca.us/pa/rcdis/viewer>. The County's website reveals no Williamson Act/Agricultural Preservation contracts in the City of Banning. Therefore, the project has no conflict with zoning for agriculture use and it also has no impact on Williamson Act/Agriculture Preserves contract.

Explanation for II. c) and d) Forestland. No Impact.

As indicated in the Explanation for Item II. b) above, the parcels proposed for General Plan

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Amednment and Zone Change are currently designated as Industrial on the General Plan and Zoning maps and is not zoned for forestland (as defined in PRC section 12220(g), timberland (as defined by PRC section 4526, or timberland zoned for timberland production (as defined by Government Code Section 51104(g). Therefore, the Project has no impact on forestland, timberland, or timberland zoned for timberland production and it will not convert any forestland to non-forest use. No mitigation measure is required.				
III. AIR QUALITY. Would the Project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions with exceeded quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><u>Explanation for III. a) through e) Air Quality. No Impact.</u> The City of Banning is located within the South Coast Air Basin where air quality is regulated by the South Coast Air Basin. The South Coast Air Basin regulates short-term and long term air quality impact from stationary and non-stationary pollution sources. The South Coast Air Quality Management District (SCAQMD) adopted the latest Air Quality Management Plan (AQMP) in December 2012¹. The Air Quality Management Plan includes development information from the cities general plan within the South Coast air district boundaries including the City of Banning. The adopted AQMD included development industrial development at the time of adoption since the current General Plan and Zoning desigantions for the properties are Industrial. Industrial Zoning include assumptions that more emissions are to be generated because of the nature of land</p>				

¹ <http://www.aqmd.gov/aqmp/2012aqmp/index.htm>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
use. These are emissions from vehicles such as trucks, passenger vehicles, and air quality related to the use and operations of the buildings. With the change from Industrial to Very Low Density Residential, the land use activities for the site will be less intense. Therefore, the air quality impact will be significantly reduced.				
IV. BIOLOGICAL RESOURCES.				
Would the Project:				
a) Have a substantial adverse effect, either directly or through habitat modification, on any species identified as candidate, sensitive or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservancy Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation Item IV. a) through c) Habitat and Wildlife Resources. No Impact.

The City of Banning is a signatory to the Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP). Within the MSHCP, there are requirements for which the City must comply with if the biological resources are affected. There are three features that are present in the City of Banning General Plan Study area which include: criteria areas, special linkage areas, and special survey area. The General Plan EIR on pages III-126 and III-127 and General Plan on page IV-48 define these areas in detail. The sites for the Project are located on vacant land that are either surrounded by existing development or located adjacent to an existing development and are not located in the criteria cell, special linkage areas, and special survey area. Therefore, there is no impact to habitat and wildlife resources.

Explanation Item IV. d) through f) . Fish or Wildlife Species, Biological Resources, Trees, and Conservation Plan. No Impact

The project will not impact fish or wildlife species, habitat, corridors or wildlife nursery sites or conflict City policies or ordinances protecting biological resources including tree preservation or habitat conservation as the project area is not a pristine site. There is no development proposed with the General Plan amendment and Zone Change at this time; therefore, there is no impact to fish or wildlife species, biological resources, trees and conservation plan. Future development on the site will need to comply with the City's Municipal Code and environmental review at the time that the application is submitted for entitlement processing.

V. CULTURAL RESOURCES. Would the Project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Disturb any human remains including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Explanation of V. a). Historical Resources. No Impact.

The City's General Plan and General Plan EIR (pages IV-62 through IV-64) provides a listing of structures that are designated heritage properties and recorded historic era buildings. Review of the listing concluded that there is no listing of structures that are designated heritage properties and recorded historic era buildings on the project site. Therefore, there is no impact on historical resources.

Explanation of V. b) and c). Archeological and Paleontological Resources. Less Than Significant.

The General Plan indicated that less than one-third of the total acreage within the General Plan study area has been surveyed for archeological resources. The majority of the areas previously surveyed are located in the southern portion of the City on the Valley Floor, and these surveys encountered relatively few archeological sites or other cultural resources. The project site is located within an area that is low probability for archeological resources. The City's standard practice during development is that monitoring by a qualified archeologist shall be required during all earthmoving activities, grading, grubbing, trenching or other earth-moving activities on the project site. A City-approved project archeologist must create a mitigation-monitoring plan prior to earth-moving in the project area, a pre-grade meeting associated with the details of that plan must occur between the monitoring archeologist, the City representative, and the grading contractor before issuance of a grading permit. The Plan must discuss contingency plans associated with Native American tribal representation if any pre-historic artifacts are found during earth-moving. The mitigation-monitoring plan document must contain a description of how and where artifacts will be curated if found during monitoring. Because of the low probability of archeological and paleontological resources findings and with the City's standard operating procedure, there is no impact to archeological and paleontological resources. At this time, there is no development proposed with the General Plan Land Use amendment and Zone Change; therefore, there is no impact on the environment.

Explanation of V. d). Human Remains. Less Than Significant

There is no development proposed with the General Plan Land Use Amendment and the Zone Change. However, at the time of future development, the Health and Safety Code Section 7050.5 requires that the Project follow the proper protocol when human remains are found on a construction project site. The City's standard operating procedure is that if previously unknown cultural resources, including human remains, are identified during grading activities, a qualified archaeologist shall be retained to assess the nature and significance of the find. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
to Public Resources Code Section 5097.98. The County Coroner shall be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner shall notify the Native American Heritage Commission (NAHC), which shall determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the discovery site. The MLD shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. With the standard operating procedure, impact to human remains is less than significant. There is no proposal for development with the proposed General Plan Land Use amendment and the Zone Change; therefore, there				
VI. GEOLOGY AND SOILS. Would the Project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on-	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems if sewers are not available?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation of Item VI a) i) through iii) and c) Exposure to Risk to Earthquake. No Impact.

The City's General Plan Table V-1² shows the various faults names, proximity to Banning, and seismic intensities. Exhibit V-3³ shows approximate locations of these fault zones including San Andreas fault. The entire area of the City is therefore susceptible to seismically induced ground shaking. There is no development project proposed at this time with the General Plan Land Use Amendment and Zone Change from Industrial to Very Low Density Residential. Therefore, there is no exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury. In the future, should development takes place within the project site, all buildings and construction must comply with the California Building Code for occupancies.

Explanation on Item VI. a). iv) Landslides. No Impact.

The Project site is relatively flat and is not in the vicinity of slopes that are susceptible to landslide. Therefore, there is no landslide impact.

Explanation on Item VI. b) Soil Erosion. No Impact.

There is no development proposed with this General Plan Land Use Amendment and Zone Change from Industrial to Very Low Density Residential. Should there be any future development on the sites that would create the potential for soil erosion by removing existing vegetation or existing structures, the Project is required to adhere to conditions under the National Pollution Discharge Elimination System permit issued by the Regional Water Quality Control Board and prepare and submit a Storm Water Pollution Prevention Plan (SWPPP) to be administered through out project construction. The SWPPP will incorporate best management practices to ensure that the potential water quality impacts during construction from soil erosion would be reduced to less than significant levels. In the long-term, previously undisturbed soil will be replaced with structures, pavement, and new landscaping as part of the project. These improvements will not contribute to the conditions that result in on-site soil erosion or off-site.

² Page V-12 of the Banning General Plan, Environmental Hazards

³ Page V-13 of the Banning General Plan, Environmental Hazards

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Therefore, there is no impact on soil erosion.				
<p><u>Explanation on Item VI. d) Expansive Soil. Less Than Significant Impact</u></p> <p>The Project sites are located in low-lying areas of the City that are proposed for development. The General Plan indicates that low-lying areas of the City are underlain by alluvial fan sediments that are composed primarily from granular soils and thus the expansion potential for soils ranges from low to very low⁴. There is no development proposed at this time with this General Plan Amendment and Zone Change from Industrial to Very Low Density Residential. Should a development is proposed on the project site, the project is required to submit a soils and geotechnical report and recommendations in the soils report are to be incorporated into the project which reduced the project impact to less than significant. No mitigation measure is required.</p> <p><u>Explanation on Item VI. e) Septic Tank. No Impact</u></p> <p>The Project is required to use the City's sewer system and not use a septic system. No mitigation measure is required.</p>				
VII. GREENHOUSE GAS EMISSIONS.				
Would the Project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Explanation of Item VII. a) and b). Greenhouse Gas Emission. Less than Significant Impact.</u></p> <p>The proposed General Plan Amendment and Zone Change from Industrial to Very Low Density Residential designations would significantly reduce the generation of greenhouse gas emissions. This is due to the intensity of the land use has been reduced significantly because Very Low Density Residential development would generate significantly less traffic compared to Industrial Development. Low Density Residential Development at the most would generate approximately 20 homes on the gross land size of 9.28 acres compared to 242,542 square feet of industrial building.</p> <p>There is no development proposed with the General Plan Amendment and Zone Change therefore</p>				

⁴ Banning General Plan, Paragraph 1, page V-9, Environmental Hazards

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
there is no increase in the greenhouse gas. In fact, the greenhouse gas would be significantly reduced based on the residential land use.				
VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the Project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site included on the list of hazardous materials sites compiled per Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would it result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a Project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><u>Explanation of Item VIII. a), b), c), e), and f). Hazardous Materials. No Impact</u> There is no new development proposed with the General Plan Amendment and Zone Change. However, should there be additional and new residential construction on the project site in the future, the project is required to comply with the the South Coast Air Quality Management District regulations regarding pollution generated from construction equipment.</p> <p>Additionally in the future, construction water impact is regulated through the National Pollution Discharge Elimination System (NPDES) and State Water Pollution and Prevention Program as part of grading plan requirements. In the long-term, housing developments typically use cleaning and solvent products for household cleaners, swimming pool, landscape maintenance, and washing of automobiles. Use of these products are governed by the manufacturer's materials safety and data sheet which will not create hazards to people, environment, schools, and airport. No mitigation measure is required.</p> <p><u>Explanation of Item VIII. d) Hazardous Materials Site. No Impact</u> The project site is not located on list of hazardous materials sites compiled per Government Code Section 65962.5. No mitigation measure is required.</p> <p><u>Explanation of Item VIII. g) Emergency Response. No Impact</u> There is no development proposed with the General Plan Amendment and Zone Change. Should there be a development proposed on the project site in the future, the project is required to meet the fire department and emergency personnel access and route for emergency response and therefore will not interfere with the emergency response and evacuation plan. Additionally, the building Code currently requires that new homes provide fire sprinklers to mitigate fire impact. No mitigation measure is required beyond compliance with the building code.</p> <p><u>Explanation of Item VIII. h) Wildland Fire. No Impact</u> The Project sites are located in low-lying areas within and adjacent to other developments and not adjacent to wildlands. Furthermore, the homes are required to comply with the Fire Code for which a sprinkler system is required for fire protection. No mitigation measure is required.</p>				
IX. HYDROLOGY AND WATER QUALITY. Would the Project:				

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing or planned land uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in such a way as to result in flooding either on-site or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water exceeding the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place, within a 100-year flood	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
hazard area, structures that would impede or redirect flood flows?				
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation of Item IX. a) Water Quality & Waste Discharge. No Impact.

There is no new residential project proposed in conjunction with the General Plan Amendment and Zone Change. As there is no new construction, there is no new impact to water quality and waste discharge. In the future, construction activities associated with new housing development is subject to the National Pollutant Discharge Elimination System (NPDES) requirements. NPDES requires best management practices for site design, source control, and treatment of pollutants which include conservation of natural area, construct street, sidewalks, and parking lot aisles to the minimum width necessary, and minimize the use of impervious surfaces in landscape design. Source control best management practices include street sweeping, roof run-off controls, and water efficient irrigation systems for landscaping. Treatment control best management practices include biofilters for trash and debris, bacteria and viruses, and oils and grease.

The U.S. Environmental Protection Agency (EPA) regulates the Clean Water Act. Under Section 402 of the Clean Water Act, the EPA regulates and control storm water discharge into the waters of the U.S. through a program called National Pollution Discharge Elimination System (NPDES). In California, the State Water Resources Control Board (SWRCB) administers the NPDES permitting program. The SWRCB works in coordination with the local Water Quality control Board to preserve, protect, enhance, and restore water quality. The City of Banning is within the jurisdiction of the Colorado River Water Quality Control Board and is required to comply with the Clean Water Act.

Explanation of Item IX. b). Ground Water Supply and Ground Water Recharge. No Impact

There is no new housing construction proposed with the General Plan Amendment and the Zone Change. In the future, should there be new residential construction, the project will be required to connect to the City's water supply system for household use and irrigation. The City is a water purveyor and evaluates the water supply needs every five (5) years through its water master plan. The demand included in the water master plan is sufficient to accommodate the projected water demand for the proposed project as . The Banning Municipal Code requires that the project pay for its demand for water through water connection fees to reduce impact to water supply. Compliance with the Municipal Code ensures that the project impact is less than significant. The

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>project sites are located in areas proposed for development and are not being used as ground water recharge so it is not anticipated that the natural aquifer recharge process will be impacted. No mitigation measure is required.</p> <p><u>Explanation of Item IX. c), d), and e) Drainage Pattern and Water Run-Off. No Impact.</u> There is no new housing construction proposed with the General Plan Amendment and the Zone Change therefore the project will not alter the existing drainage pattern of the area. In addition, there is no stream or river on the project site and therefore, the project will not impact any streams or river.</p> <p>Any future housing development that are proposed on the project site require that it complies with the City of Banning Municipal Code to contain the storm water run-off on site so as not to exceed the pre-development condition so that the drainage pattern in the area is not altered. In addition, the City of Banning Municipal Code requires that the project submit a hydrology study that will determine pre- and post development flow of storm water. The recommendation of the hydrology study is required to be incorporated onto the grading plan to ensure that the project does not create flooding on- and off-site. No mitigation measure is required.</p> <p><u>Explanation of Item IX. f) Water Quality. No Impact.</u> There is no new housing construction proposed with the General Plan Amendment and the Zone Change; therefore, the project will not create new water pollutants that could be released from the project site. The project would not otherwise degrade water quality.</p> <p><u>Explanation of Item IX. g), h), i) and j) Flooding. Inundation. No Impact.</u> According to the National Flood Insurance Program, the Project sites are located on Map Index Community Panel No. 06065C, Map revised August 28, 2008. The site is within Zone X, which is outside of a 100-year flood hazard area, in and adjacent area to the levee or dam area. All structures must comply with the City's Grading Ordinance. Therefore, no structures will be placed within the flood hazard area. There is no water bodies in the area where in the event of an earthquake could create inundation by seiche, tsunami, or mudflow. No mitigation measure is required.</p>				
X. LAND USE AND PLANNING.				
Would the Project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
environmental effect?				
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation of Item X a) and c). Community and Habitat Conservation Plan. No Impact.

The proposed General Plan Amendment and Zone Change will change the land use designation and zoning from Industrial to Very Low Density Residential. Four (4) of the five parcels are currently developed mostly with single-family homes and associated accessory structures, the general plan land use and zone change will remove the land use and zoning non-conformity and would make the project site consistent with what was built and the general plan and zoning and also compatible with the land use and zoning for the neighborhood to the east of the project site and properties across the street.

The proposed General Plan Amendment and Zone Change will not conflict with any applicable habitat conservation plan or natural community conservation plan as there is no housing development that is proposed. Should there be any future housing construction, the developer of the housing development will be required to comply with the Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP). The City is a signatory to the MSHCP; therefore, any development project that is proposed within the City is required to pay in-lieu fees for development or provide mitigation consistent with the MSHCP.

Explanation of Item X b). No Impact.

The proposed General Plan Amendment and a Zone Change from Industrial to Very Low Density Residential would allow the existing structures/uses to conform to the land use and zoning. Therefore, there is no impact on the land use plan.

XI. MINERAL RESOURCES. Would the Project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation of Item XI. a) and b). Mineral Resources. No Impact

Based on the General Plan Map for Mineral Resources Zone, the Project sites are located outside

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
of the area zones for Mineral Resources Zone ⁵ . Therefore, the project will not result in loss of the availability of known mineral resources that are of value to the State, the Pass Area, and to the City. No mitigation measure is required.				
XII. NOISE. Would the Project:				
a) Expose persons to a generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Expose persons to a generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Create a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a Project within the vicinity of a private airstrip, would the Project expose people residing or working in the Project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><u>Explanation of Item XII. a), b), and d). Noise Exposure, Groundborne Vibration, Ambient Noise. No Impact.</u></p> <p>The proposed General Plan Amendment and Zone Change will change the land use designation and zoning from Industrial to Very Low Density Residential. There is no housing development</p>				

⁵ Exhibit IV-8 of the City of Banning General Plan, page IV-84.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
proposed with the General Plan Amendment and Zone Change; therefore, there is no new noise impacts resulted from the proposal.				
<u>Explanation of Item XII. c), and e). Permanent Increase in Noise and Exposure of People to Airport Noise. Less Than Significant Impact</u> The proposed General Plan Land Use Amendment and Zone Change will not create an increase in noise levels since there is no homes construction are proposed. Future home construction requires compliance with the Municipal Code regarding noise that would be generated by construction and noise after the project is occupied. The General Plan policy ⁶ and its EIR ⁷ require that interior noise levels for residential development shall not exceed 45 dBA in accordance with the California Noise Insulation standards. During plan check process, the building and safety division will ensure that the interior noise levels of the residence meet the standard.				
<u>Explanation of Item XII. f). Private Airstip. No Impact</u> The project will not impact a private air strip as there is no private airport within the City.				
XIII. POPULATION AND HOUSING.				
Would the Project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace a substantial number of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Explanation of Item XIII. a). Population Growth. Less Than Significant Impact.</u> The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. Should a housing development is proposed, the entire project site could accommodate up to 18 dwelling units. Based on the current persons per household of 2.7, the				

⁶ Paragraph 1, the Community Noise and Land Use Compatibility Model, page V-49 of the General Plan Noise Element

⁷ Pages III-186 through III-188 of the General Plan Noise Element.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
project site is expected to generate 49 residents which is less than significant impact.				
<p><u>Explanation of Item XIII. b) and c). Displacement of Housing and People. No Impact.</u> The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction; therefore, it would not displace existing housing and people.</p>				
XIV. PUBLIC FACILITIES. Would the Project:				
Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant Environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services.				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Explanation of Item XIV. a) through e). Public Facilities. Less Than Significant Impact.</u> The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. The entire project site is anticipated to generate 18 dwelling units on a 9.28-acre site). The cumulative net increase of 14 housing units as compared to existing regulations, which would generate approximately additional 38 residents based on an average of 2.7 persons per dwelling unit. The increase in population will generate demand for fire protection, police protection, schools, parks, and additional public facilities.</p> <p><u>Fire Protection</u> - The City's General Plan policy requires that the Fire Department maintain a 5-minute response time⁸. Currently, fire protection services are provided by the County through Cal-Fire. The City has a three-party agreement with the City of Beaumont and Cal-Fire with regard to providing fire protection services for the City using Station 20 that is located at 1550 E. 6th Street in Beaumont in addition to services provided by the current station at 170 N. Murray Street. The California Building Code currently requires that new homes provide fire sprinkler</p>				

⁸ Policy 9 page VI-38, Public Services and Facilities Element of the General Plan

62

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>system which would help reduce the impact to fire services. Additionally, new housing projects are required to pay fire impact fees which would provide for future facilities as the cities develop.</p> <p>Police Protection - The General Plan policy requires that the Police Department maintain a level of service goal of 2.0 sworn officers per 1000 residents. The Project is required to pay police impact fees to mitigate impacts to police services. Payment of the impact fees reduces the Project impact to less than significant. No mitigation measure is required.</p> <p>Schools - The Banning Unified School District provides educational facilities and services to students that would be generated by the Project. As the individual housing project site develop, the Project is required to pay school impact fees consistent with State law. Payment of school impact fees is deemed to have mitigated the impacts to schools which reduces the Project impact to less than significant. No mitigation measure is necessary.</p> <p>Parks - The City's General Plan requires that parks are maintained at a standard of 5 acres per 1,000 population.⁹ The proposed project is required to provide amenities for its population to enjoy in addition to payment of park impact fee for future development of park and facilities as the City grows. Payment of park impact fees mitigates the project impacts to less than significant. No mitigation measure is necessary.</p> <p>Other Public Facilities - The Banning Public Library provides library services to the residents of Banning. The Library is funded by a library taxing district. The Project is required to pay its fair share costs to the County library district which in turn pays for providing the library system, including staffing and equipment.</p>				
XV. RECREATION:				
a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

⁹ Program 1.B page III-98, Community Development Element of the General Plan

63

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Explanation of Item XV. a) and b) Recreation. Less Than Significant Impact.</u> The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. Future home construction will be required to pay parks impact fees. Payment of park impact fees will mitigation the project impacts to recreation to less than significant.</p>				
XVI. TRANSPORTATION/TRAFFIC.				
Would the Project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation of Item XVI. a). Circulation System Effectiveness. No Impact.

The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. Therefore, there is no impact to the existing circulation system effectiveness. Any future home construction be required to pay the adopted traffic impact and Traffic Uniform Mitigation Fees (TUMF) to minimize project impact on existing roadway network.

Explanation of Item XVI. b). Congestion Management Program. No Impact.

Riverside County Transportation Commission is the Congestion Management Agency for Riverside County. The project will not conflict with the Congestion Management program as the future home construction project will be required to pay the TUMF fee. The TUMF fee is used for improvements to freeway and major highways to minimize project traffic impacts.

Explanation of Item XVI. c). Change to Air Traffic. No Impact.

The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. Subsequent housing development will be required to comply with the Riverside County Airport Land Use Commission's regulations to ensure that the project will not impact the airport or area surrounding the airport.

Explanation of Item XVI. d). Road Design. No Impact.

The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. Subsequent housing development will be reviewed for compliance with the City standards as established in the City's Municipal Code and Zoning Code including road design.

Explanation of Item XVI. e). Emergency Access. No Impact.

The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. Subsequent housing development are required to provide adequate access to

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>and from the project site to public right-of-way including road and road grade, driveway and driveway grade, drive aisle. Two points of access into and out of the project are required to be in compliance with the City's Municipal Code and Zoning Code. Future housing construction would require compliance with the City Codes prior to issuance of grading and buildings permits. No mitigation is required.</p> <p><u>Explanation of Item XVI. f). Parking Capacity. No Impact.</u> The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. Subsequent housing development is required to provide adequate parking in compliance with the Zoning Code,</p> <p><u>Explanation of Item XVI. g). Transit, Non-motorized transportation. No Impact.</u> The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. The General Plan encourages people to rely on other modes of transportation including public transit, walking and bicycling. Subsequent housing projects will be reviewed to ensure that the project provides adequate pedestrian access to sidewalk and streets for people to walk and ride bicycles. No mitigation measure is required as the project will not impact transit, bicycling, and pedestrian facilities.</p>				
XVII. UTILITIES AND SERVICE SYSTEMS. Would the Project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the Project from existing entitlements and resources, or new or expanded entitlements	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
needed?				
e) Result in a determination by the wastewater treatment provider, which serves or may serve the Project, that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation of Item XVII. a) Waste Water Treatment. Less Than Significant Impact.

The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. Future waste water to be generated by the project is domestic sewage. Future housing developments will be required to connect to the City's sewer system and pay their sewer connection fees. Any surface run-off from the project is addressed in Responses to Questions IX a), c), e), and f) of this Initial Study. Therefore, the waste water treatment requirements of the Regional Water Quality Control Board are not expected to be exceeded. In addition, the payment of fees for sewer connection will reduce the project impact to less than significant. No mitigation measure is required.

Explanation of Item XVII. b) New Waste Water or Expansion of Facility. Less Than Significant Impact.

The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. Future home construction will be required to connect to the City's water and wastewater system. This includes on-site pipelines and unit connections to the City's existing water and wastewater system. The construction of the on-site water and wastewater have been addressed as part of the Initial Study and impacts were found to be less than significant. The project will not require or result in construction or expansion of new water or waste water treatment facilities off-site. Therefore, there is no significant environmental effects associated with respect to water and wastewater.

Explanation of Item XVII. c) New Storm Water or Expansion of Facility. Less Than Significant Impact.

The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. Subsequent housing projects are required to provide on-site storm water

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>systems to prevent on-site flooding and impact to the adjacent development. The project also will be required to tie into the City's storm drain system. The construction of the storm drain facilities has been considered in other parts of this Initial Study and is considered not to be significant. At the time of a specific project application, the City shall review the storm drain system plan in detail to ensure that it meets the requirement of the Municipal Code. Compliance with the Municipal Code will reduce the project impact to less than significant. No mitigation measure is required.</p> <p><u>Explanation of Item XVII. d) Water Supply. Less Than Significant Impact.</u> The City's 2010 Urban Water Management System which was adopted on June 28, 2011 anticipates that the City is capable of meeting the water demand of its customers in normal, single dry, and multiple dry years between 2015 and 2035. The City's water supply comes from ground water and imported State water project through San Geronio Pass Water Agency. Eighty Seven (87) percent of the water supply comes from ground water in the Banning, Banning Bench, Banning Canyon, Cabazon, and Beaumont basins and less reliance on State imported water. The 2010 Urban Water Management Plan also includes a variety of best management practices¹⁰ to comply with the State mandate for water availability and conservation. In addition, the City is currently installing recycled water infrastructure to help off-site the demand for ground water. Furthermore by 2015, the extension of pipelines for EBX1 (State Water Project) to bring water to the City of Banning. Collectively, these measures will help ensure that the City has adequate water to support the demand of its customers including the project. The project will be required to provide adequate infrastructure to serve any future development on the project site and pay the water connection fee which will reduce the project impact to less than significant.</p>				

¹⁰ Pages 98 through 114 of the adopted 2010 Urban Water Management Plan.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or an endangered threatened species, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the Project have impacts that are individually limited, but cumulatively considerable? (Are the incremental effects of the Project considerable when viewed in connection with those of past Projects, those of other current Projects, and those of probable future Projects?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the Project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Explanation of Item XVIII Mandatory Findings of Significance.

- a. Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or an endangered threatened species, or eliminate important examples of the major periods of California history or prehistory?

Based on the analysis contained in this Initial Study/Negative Declaration, the Project has no impact on Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water, Land Use and Planning, Mineral Resources, Noise, and Transportation/Traffic. No mitigation measure is required.

Impacts to Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Population and Housing, Public Facilities, Recreation, and Transportation/Traffic, Utilities and Service Systems are less than significant impact.

- b) Does the Project have impacts that are individually limited, but cumulatively considerable? (Are the incremental effects of the Project considerable when viewed in connection with those of past Projects, those of other current Projects, and those of probable future Projects?)**

The proposed General Plan Land Use amendment and Zone Change does not include a specific development proposal at this time, and future residential developments shall be required to comply with applicable policies, standards, regulations and mitigation measures identified herein, which would reduce potential impacts to a level that is less than significant..

- c) Does the Project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?**

As discussed in the above Sections, future residential developments shall be required to comply with applicable policies, standards, regulations and mitigation measures identified herein, which would reduce potential impacts, either directly or indirectly, on human beings to a level that is less than significant.

INCORPORATION BY REFERENCE

This Initial Study is based in part on the information and analysis contained in other environmental and planning documents as authorized by Section 15150 of the State CEQA Guidelines. The following references were utilized during preparation of this Initial Study. These documents are available for review at the City of Banning City Hall located at 99 E. Ramsey Street, Banning, CA 92220.

City of Banning General Plan. The City of Banning General Plan ("General Plan") was adopted on January 31, 2006. It is a statement of community values and priorities and contains the plan for the future development and operation of the City. The 2006 General Plan Update, which brought the General Plan into conformance with changes in State law and other legal requirements; reflects changes in local population and economy since 1986; incorporates recent projections and assumptions regarding future growth; and responds to the issues, challenges and opportunities created by recent trends and developments.

The City of Banning General Plan incorporates the State-mandated and Non-mandated elements. The seven (7) mandated elements are: land use, housing, traffic circulation, safety, parks and recreation, conservation, and noise. The rest of the elements are non-mandated elements. The General Plan is structured into five (5) major policy areas listed below:

1. **Community Development:** The Community Development Element includes five (5) elements: Land Use, Economic Development, Circulation, Parks and Recreation and Housing elements.
2. **Environmental Resources:** The Environmental Resources include six (6) elements: Water Resources, Open Space and Conservation, Biological Resources, Archeological and Historic Resources, Air Quality, and Energy and Mineral Resources elements.
3. **Environmental Hazards:** The Environmental Hazards include Geotechnical, Flooding and Hydrology, Noise, Wildland Fire, and Hazardous and Toxic Materials elements.
4. **Public Services and Facilities:** Public Services and Facilities include Water, Wastewater, and Utilities, Public Buildings and Facilities, School and Libraries, Police, and Fire Protection, and Emergency Preparedness elements.

Background and policy information from the General Plan is utilized in several sections of this Initial Study to provide setting and context and establish the regulatory framework, which governs development of the candidate sites.

City of Banning General Plan Final Environmental Impact Report (Certified January 31, 2006). This document, which was certified through City Council Resolution 2006-13, is comprised of the Draft and Final EIR. The analysis evaluated the impacts resulting from implementation of the City of Banning General Plan 2006. The General Plan EIR concluded that implementation of the General Plan would result in housing stock between 26,595 and 31,503 dwelling units at build-out in 2030. Additionally, the General Plan EIR concluded the build-out

population would be between 67,697 and 80,226 persons. The General Plan EIR was utilized throughout this Initial Study as a source of baseline and build-out conditions.

City of Banning General Plan Circulation Element Amendment Final Environmental Impact Report (Certified March 26, 2013). This document was certified through the City Council Resolution 2013-34, and comprised of the Draft and Final EIR. The analysis evaluated the impacts resulting from changing the citywide policy for roadway level of service (LOS) from LOS C to D and removing of Highland Home Road interchange from the City's General Plan Circulation Element. This Circulation Element Final EIR is utilized throughout this Initial Study as a source of baseline and build-out conditions.

Banning Municipal Code (BMC). The City's ordinances are codified in the "Banning Municipal Code" (BMC). The BMC consists of all of the City's regulatory and penal ordinances and some of its administrative ordinances, codified pursuant to the California Government Code. Information within the BMC was utilized in various sections of this Initial Study, in order to establish the existing regulatory framework.

Banning Zoning Ordinance (BZO). In contrast with the General Plan, which is comprehensive, long-range, general policy statement for the entire community, the Banning Zoning Ordinance (BZO) is a specific statement of permissible uses of land by zoning district designed to control the use, type, bulk, height, space, and location of buildings and land. The Zoning Ordinance is the primary tool by which the City implements the General Plan policies. The Zoning Ordinance is intended to be applied to the City based on land use designations established in the General Plan. Information within the BZO was utilized in various sections of this Initial Study, in order to establish the existing regulatory framework.

LIST OF PERSONS CONSULTED IN PREPARATION OF THIS INITIAL STUDY/NEGATIVE DECLARATION

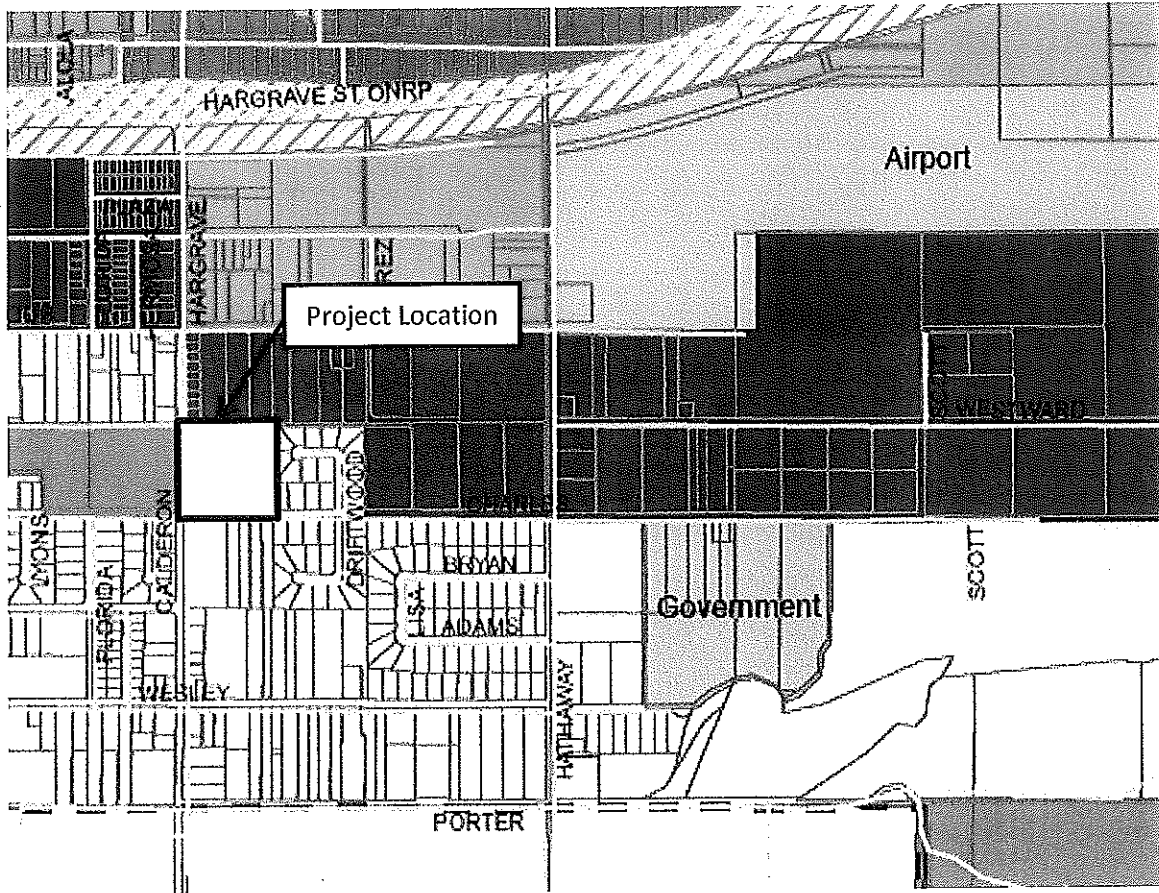
Duane Burk, Public Works Director

Exhibit B

Ordinance No. 1475

**Map Showing Location of Properties Proposed for
General Plan Amendment and Zone Change from
Industrial to Very Low Density Residential**

Proposed General Plan and Zoning



General Plan & Zoning = Very Low Density Residential (VLDR)

CITY COUNCIL AGENDA

Date: January 14, 2013
TO: City Council
FROM: June Overholt, Administrative Services Director
SUBJECT: Approval of Accounts Payable and Payroll Warrants for Month of October 2013

RECOMMENDATION: The City Council review and ratify the following reports per the California Government Code.

FISCAL DATA: The reports in your agenda packet cover "Expenditure Disbursements" and "Payroll Expenses" for the month of October 2013.

The reports are:

Expenditure approval lists

October 3, 2013	192,616.74
October 10, 2013	404,122.07
October 17, 2013	289,064.46
October 24, 2013	627,606.92
October 31, 2013	213,237.83
December 23, 2013	4,432,851.72 (October Month End)

Payroll check registers

October 4, 2013	2,930.23
October 18, 2013	3,228.72

Payroll direct deposits*

October 4, 2013	273,654.92
October 18, 2013	260,669.12

As you review the reports, if you have any questions please contact the Finance Department so that we can gather the information from the source documents and provide a response.

Report Prepared by: Jenna Harrell, Accounts Payable

RECOMMENDED BY:

_____

June Overholt

Administrative Services Director

APPROVED BY:

_____

Andy Takata

City Manager

CITY of BANNING

Fund/Department Legend

Fund/Department Legend

0001 General Fund Departments

0001 – General
1000 – City Council
1200 – City Manager
1300 – Human Resources
1400 – City Clerk
1500 – Elections
1800 – City Attorney
1900 – Fiscal Services
1910 – Purchasing & A/P
2060 – TV Government Access
2200 – Police
2210 – Dispatch
2279 – TASIN – SB621 (Police)
2300 – Animal Control
2400 – Fire
2479 – TASIN – SB621 (Fire)
2700 – Building Safety
2740 – Code Enforcement
2800 – Planning
3000 – Engineering
3200 – Building Maintenance
3600 – Parks
4000 – Recreation
4010 – Aquatics
4050 – Senior Center
4060 – Sr. Center Advisory Board
4500 – Central Services
4800 – Debt Service
5400 – Community Enhancement

All Other Funds

002 – Developer Deposit Fund
003 – Riverside County MOU
100 – Gas Tax Street Fund
101 – Measure A Street Fund
103 – SB 300 Street Fund
104 – Article 3 Sidewalk Fund
110 – CDBG Fund
111 – Landscape Maintenance
132 – Air Quality Improvement Fund
140 – Asset Forfeiture/Police Fund
148 – Supplemental Law Enforcement
149 – Public Safety Sales Tax Fund
150 – State Park Bond Fund
190 – Housing Authority Fund
200 – Special Donation Fund
201 – Sr. Center Activities Fund
202 – Animal Control Reserve Fund
203 – Police Volunteer Fund

204 – D.A.R.E. Donation Fund
300 – City Administration COP Debt Service
360 – Sun Lakes CFD #86-1
365 – Wilson Street #91-1 Assessment Debt
370 – Area Police Computer Fund
375 – Fair Oaks #2004-01 Assessment Debt
376 – Cameo Homes
400 – Police Facilities Development
410 – Fire Facilities Development
420 – Traffic Control Facility Fund
421 – Ramsey/Highland Home Road Signal
430 – General Facilities Fund
441 – Sunset Grade Separation Fund
444 – Wilson Median Fund
451 – Park Development Fund
470 – Capital Improvement Fund
475 – Fair Oaks #2004-01 Assessment District
600 – Airport Fund
610 – Transit Fund
660 – Water Fund
661 – Water Capital Facilities
662 – Irrigation Water Fund
663 – BUA Water Capital Project Fund
669 – BUA Water Debt Service Fund
670 – Electric Fund
672 – Rate Stability Fund
673 – Electric Improvement Fund
674 – '07 Electric Revenue Bond Project Fund
675 – Public Benefit Fund
678 – '07 Electric Revenue Bond Debt Service Fund
680 – Wastewater Fund
681 – Wastewater Capital Facility Fund
682 – Wastewater Tertiary
683 – BUA Wastewater Capital Project Fund
685 – State Revolving Loan Fund
689 – BUA Wastewater Debt Service Fund
690 – Refuse Fund
700 – Risk Management Fund
702 – Fleet Maintenance
703 – Information Systems Services
761 – Utility Billing Administration
805 – Redevelopment Obligation Retirement Fund
810 – Successor Housing Agency
830 – Debt Service Fund
850 – Successor Agency
855 – 2007 TABS Bond Proceeds
856 – 2003 TABS Bond Proceeds
857 – 2003 TABS Bond Proceeds Low/Mod
860 – Project Fund

CITY COUNCIL AGENDA

Date: January 14, 2014

TO: City Council

FROM: June Overholt, Administrative Services Director/Deputy City Manager

SUBJECT: Report of Investments for October 2013

RECOMMENDATION: The City Council receive and file the monthly *Report of Investments*.

JUSTIFICATION: State law requires that a monthly report of investments be submitted to the Governing Legislative Body.

BACKGROUND/ANALYSIS: This report includes investments on hand at the end of October 2013. As of October 31, 2013, the City's operating funds totaled \$65,602,238. Included in Successor Agency operating funds is \$710,581 of restricted CRA bond proceeds that are on deposit with LAIF and reflected separately on the Summary Schedule.

As of October 31, 2013 approximately 41% of the City's unrestricted cash balances were invested in investments other than LAIF.


The October Investment Report includes the following documents:

- Summary Schedule of Cash and Investments
- Operational Portfolio Individual Investments
- Individual Investments with Fiscal Agent
- Investment Report Supplemental Information


Responses to our request for proposal (RFP) have been received and are pending review to determine whether investment earnings could be improved enough to cover the administrative costs of an investment management firm. An investment management firm would provide input on updating the investment policy, provide quarterly reports to the city, and provide daily management of investments. Results of the RFP process will be presented to council as a separate matter.

FISCAL DATA: The latest reports from the State indicate that the average interest achieved by the Local Agency Investment Fund (LAIF) increased to 0.266% in October. The average rate for all investments in October was 0.308%.

RECOMMENDED BY:


June Overholt
Administrative Services Director/
Deputy City Manager

APPROVED BY:


Andy Takata
City Manager

Summary Schedule of Cash and Investments**Operating Funds****Petty Cash**Amount

2,805

Bank Accounts

Interest

Rate

Amount

Wells Fargo Bank

0.000% 667,933

Bank of America-Airport

0.300% 6,737

Bank of America-Parking Citations

0.300% 3,177

Bank of America-CNG Station

0.300% 3,760*Money Market and Bank Account Sub-Total*

681,608

Government Pools

Account #1 Operating Amount 37,402,094

Account #1 CRA Bond Cash Bal. 710,581

Local Agency Investment Fund: Account #1 0.266% 38,112,676

Account #2 Successor Agency Cash Bal 0

Local Agency Investment Fund: Account #2 0.266% 0*Government Pool Sub-Total*38,112,676**Operating Cash Balance****38,797,089****Restricted Operating Funds at Riverside Public Utilities**

Highmark U.S. Government Money Market Fund 0.010%

1,055,520

Other Investments

Investments-US Bank/Piper Jaffray - See Page 2 0.377%

25,749,629

*Operating Funds Total***65,602,238****Fiscal Agent**Amount

US Bank

37,104,742*Fiscal Agent Total***37,104,742**

City of Banning Investment Report

October 31, 2013

Operational Portfolio Individual Investments

Par Value	Investment Description	Coupon Rate	Interest Rate	Maturity Date	Purchase Date	Purchase Date	Discount or (Premium) Amortization	Market Value
<u>Bank Accounts</u>								
667,933	Wells Fargo Bank-Operating	n/a	0.00%	daily	varies	667,933	n/a	667,933
-	Wells Fargo Bank-Investment Acct	n/a	0.10%	daily	varies	-	n/a	-
6,737	Bank of America-Airport	n/a	0.30%	daily	varies	6,737	n/a	6,737
3,177	Bank of America-Parking Citations	n/a	0.30%	daily	varies	3,177	n/a	3,177
3,760	Bank of America-Parking Citations	n/a	0.30%	daily	varies	3,760	n/a	3,760
Sub-total								
								681,608
<u>Government Pools</u>								
38,112,676	L.A.I.F. account #1	n/a	0.266%	daily	varies	38,112,676	n/a	38,112,676
0	L.A.I.F. account #2	n/a	0.266%	daily	varies	0	n/a	0
Sub-total								
								38,112,676
<u>Investments-US Bank/Piper Jaffray</u>								
3,000,000	Federal Home Loan Bks	n/a	0.500%	4/11/2016	4/11/2013	3,000,000		2,999,190
1,000,000	FHLMC Mtn	n/a	0.570%	6/20/2016	6/6/2013	1,000,000		999,300
1,000,000	FNMA	n/a	0.750%	12/19/2016	6/19/2013	1,000,000		999,700
1,000,000	FNMA Deb	n/a	0.550%	6/6/2016	6/20/2013	1,000,000		998,690
3,000,000	FNMA	n/a	1.125%	1/30/2017	7/30/2013	3,000,000		3,016,500
3,000,000	Federal Farm Credits Bks	n/a	0.940%	7/15/2016	7/15/2013	3,000,000		3,009,540
13,726,709	Money Market	n/a	0.010%	daily	varies	13,726,709	0	13,726,709
Sub-total								
								25,749,629
<u>US Bank/Piper Jaffray Average Rate=</u>								
			0.377%					
Average Rate All= 0.308%								

It has been verified that this investment portfolio is in conformity with the City of Banning's investment policy which was approved by the City Council on September 24, 2013. The Treasurer's cash management program provides sufficient liquidity to meet estimated future expenditures for a period of six months. The weighted average maturity of the pooled investment portfolio is 191 days and does not include Bond Reserve Fund Investments.

80

City of Banning Investment Report

October 31, 2013

Individual Investments with Fiscal Agent

Bond Issue Description	Bond Maturity Date	Investment Description	Current Yield	Bond Reserve Bond Maturity Date	Minimum Reserve Requirement	Interest Oct-13	10/31/2013 Market Value
COB IMPROVEMENT DISTRICT LIMITED OBLIGATION BONDS SERIES 2005A							
2005 Fair Oaks Ranch Estates	2035	US Bank Mmkt 5-Ct	0.040%	daily	188,943	5.01	188,037
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION, SERIES 2003							
2003 CRA Tax Allocation Bonds	2028	U S Treasury Bill	4.61%	7/28/2011	971,763		982,990
		US Bank Mmkt 5-Ct	0.040%	daily		0.53	20,949
		US Bank Mmkt 5-Ct	0.040%	daily			23
		US Bank Mmkt 5-Ct	0.000%	daily			8
Surplus Fund							
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION PARITY BONDS, SERIES 2007							
Redevelop Fund	2037	US Bank Mmkt 5-Ct	0.040%	daily		209.96	8,330,163
Reserve Fund		US Bank Mmkt 5-Ct	0.040%	daily	1,880,751	47.27	1,875,336
Special Fund		US Bank Mmkt 5-Ct	0.050%	daily			41
Surplus Fund		US Bank Mmkt 5-Ct	0.000%	daily			9
BUA - WASTE WATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES							
Interest Account		US Bank Mmkt 5-Ct	0.040%	daily			196,505
Principal Account		US Bank Mmkt 5-Ct	0.040%	daily		1.83	72,516
		US Bank Mmkt 5-Ct	0.040%	daily		83.05	3,294,855
BUA - WATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES							
Interest Account		US Bank Mmkt 5-Ct	0.040%	daily			1,152,726
Principal Account		US Bank Mmkt 5-Ct	0.040%	daily		9.71	385,086
Reserve Fund		US Bank Mmkt 5-Ct	0.040%	daily	2,310,710	58.25	2,311,262
Project Fund		US Bank Mmkt 5-Ct	0.040%	daily		40.37	1,601,722
BFA - ELECTRIC SYSTEM REVENUE BONDS 2007 SERIES							
		US Bank Mmkt 5-Ct	0.030%	daily			37
		US Bank Mmkt 5-Ct	0.040%	daily	2,672,050	67.36	2,672,565
Acquisition & Construction		US Bank Mmkt 5-Ct	0.040%	daily		353.37	14,019,911
*Paid Semi-Annually-Deposited into Money Mkt Account						Total	37,104,742

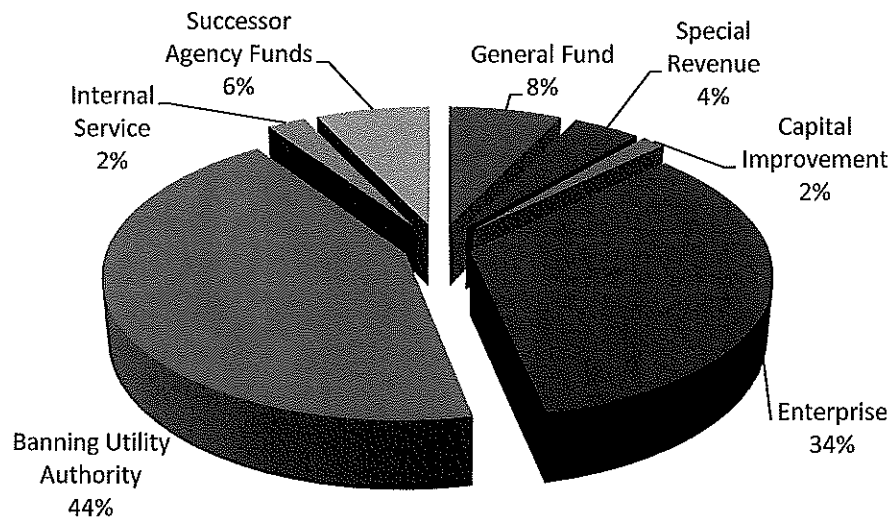
81

City of Banning

Investment Report Supplemental Information

Pooled Cash Distribution

Investment reports for cities typically do not include the cash balance of the individual funds that make up the total pooled cash. This is primarily due to timing differences between when investment reports are prepared and when month end accounting entries are posted. Investment reports are usually prepared first. However, the pie chart below provides an understanding of the percentage distribution of the investments by fund type. The percentages were calculated using the average cash balances from the nine month period of October 2012 to September 2013. *(The percentages will be updated quarterly.)*



The Table below describes the funds that are included within the Fund Types used for the pie chart.

Fund Type	Description of funds
Governmental	General Fund
Special Revenue	Restricted Funds (i.e. CFDs, grants)
Capital Improvement	Development Impact Fee funds
Enterprise	Airport, Transit, Refuse, Electric
Banning Utility Authority	Water, Wastewater, Reclaimed water
Internal Service	Risk Management, Fleet, IT, Utility Services
Successor Agency Funds	Previously called Redevelopment Agency

Summary Schedule – Line item descriptions

Petty Cash–

The City maintains petty cash in various departments for incidental purchases. This line item includes the cash drawers for cashiering in utility billing.

Bank Accounts –

- Wells Fargo Bank – This is the City checking account. All cash receipts, payroll and accounts payables checks are processed through this account. Balances fluctuate based on activity and cash flow needs. As excess funds accumulate, they are transferred to LAIF to increase earnings.
- Bank of America – Airport – The City maintains a Trust account for credit card purchases made at the airport. When the account balance exceeds \$3000, excess funds are transferred to the Wells Fargo Bank account.
- Bank of America – Parking Citations – The City maintains a Trust account for the processing of parking citations through Turbo Data. When the account balance exceeds \$3000, excess funds are transferred to the Wells Fargo Bank account.
- Bank of America – CNG – The City maintains a Trust account for credit card purchases of CNG fuel made at the City yards. When the account balance exceeds \$3000, excess funds are transferred to the Wells Fargo Bank account.

Government Pools –

- Local Agency investment Fund – Account #1
 - This account includes both City pooled funds and a restricted cash balance related to the CRA bonds. Investments in LAIF are limited to \$50M.
- Local Agency investment Fund – Account #2
 - There is currently no balance in this account.
 - Note: When the State established the cutoff date of January 31, 2012 for the elimination of the Redevelopment Agency, LAIF staff recommended a transfer of the available balance from the CRA account to the City account to protect the funds from a rumored State raid or freezing of the funds.

Restricted Operating Funds at Riverside Public Utilities –

The City Electric operation has an agreement with Riverside Public Utilities (RPU) to purchase power for the City. Part of the agreement requires that the City maintain a balance in the trust account used by RPU. The City does not control the investments or earnings of the trust account.

Other Investments –

Currently the City works with a Piper Jaffray broker to make various investments per the City policy and in accordance with State guidelines. The Broker is not on retainer, nor do they receive a City paid fee with each investment. Funds in the Money Market fluctuate as securities mature or get called. Staff is in the process of investing the Money Market funds over several months. We will be adding an additional broker to provide more investment options.

Fiscal Agent / US Bank –

Unspent bond proceeds and required bond reserves are invested by the Fiscal Agent in accordance with the bond documents.

83

CITY COUNCIL AGENDA

Date: January 14, 2014
TO: City Council
FROM: June Overholt, Administrative Services Director/Deputy City Manager
SUBJECT: Report of Investments for November 2013

RECOMMENDATION: The City Council receive and file the monthly *Report of Investments*.

JUSTIFICATION: State law requires that a monthly report of investments be submitted to the Governing Legislative Body.

BACKGROUND/ANALYSIS: This report includes investments on hand at the end of November 2013. As of November 30, 2013, the City's operating funds totaled \$65,354,431. Included in Successor Agency operating funds is \$710,497 of restricted CRA bond proceeds that are on deposit with LAIF and reflected separately on the Summary Schedule.

As of November 30, 2013 approximately 41% of the City's unrestricted cash balances were invested in investments other than LAIF.

The November Investment Report includes the following documents:


- Summary Schedule of Cash and Investments
- Operational Portfolio Individual Investments
- Individual Investments with Fiscal Agent
- Investment Report Supplemental Information

Responses to our request for proposal (RFP) have been received and are pending review to determine whether investment earnings could be improved enough to cover the administrative costs of an investment management firm. An investment management firm would provide input on updating the investment policy, provide quarterly reports to the city, and provide daily management of investments. Results of the RFP process will be presented to council as a separate matter.

FISCAL DATA: The latest reports from the State indicate that the average interest achieved by the Local Agency Investment Fund (LAIF) decreased to 0.263% in November. The average rate for all investments in November was 0.306%.

RECOMMENDED BY:

APPROVED BY:


June Overholt
Administrative Services Director/
Deputy City Manager


Andy Takata
City Manager

Summary Schedule of Cash and Investments**Operating Funds****Petty Cash**

Amount

2,805

Bank Accounts

Interest

Rate

Amount

Wells Fargo Bank

0.000% 592,969

Bank of America-Airport

0.300% 12,949

Bank of America-Parking Citations

0.300% 3,308

Bank of America-CNG Station

0.300% 5,970

Money Market and Bank Account Sub-Total

615,196

Government Pools

Account #1 Operating Amount 37,302,179

Account #1 CRA Bond Cash Bal. 710,497

Local Agency Investment Fund: Account #1 0.263% 38,012,676

Account #2 Successor Agency Cash Bal 0

Local Agency Investment Fund: Account #2 0.263% 0

Government Pool Sub-Total

38,012,676

Operating Cash Balance**38,630,677****Restricted Operating Funds at Riverside Public Utilities**

Highmark U.S. Government Money Market Fund 0.010% 970,695

Other Investments

Investments-US Bank/Piper Jaffray - See Page 2 0.377% 25,753,059

Operating Funds Total**65,354,431****Fiscal Agent**

Amount

US Bank

36,199,700

Fiscal Agent Total**36,199,700**

85

City of Banning Investment Report

November 30, 2013

Operational Portfolio Individual Investments

Par Value	Investment Description	Coupon Rate	Interest Rate	Maturity Date	Purchase Date	Purchase Date	Discount or (Premium) Amortization	Market Value
<u>Bank Accounts</u>								
592,969	Wells Fargo Bank-Operating	n/a	0.00%	daily	varies	592,969	n/a	592,969
-	Wells Fargo Bank-Investment Acct	n/a	0.10%	daily	varies	-	n/a	-
12,949	Bank of America-Airport	n/a	0.30%	daily	varies	12,949	n/a	12,949
3,308	Bank of America-Parking Citations	n/a	0.30%	daily	varies	3,308	n/a	3,308
5,970	Bank of America-Parking Citations	n/a	0.30%	daily	varies	5,970	n/a	5,970
Sub-total								
								615,196
<u>Government Pools</u>								
38,012,676	L.A.I.F. account #1	n/a	0.263%	daily	varies	38,012,676	n/a	38,012,676
0	L.A.I.F. account #2	n/a	0.263%	daily	varies	0	n/a	0
38,012,676								
<u>Investments-US Bank/Piper Jaffray</u>								
3,000,000	Federal Home Loan Bks	n/a	0.500%	4/11/2016	4/11/2013	3,000,000		3,000,870
1,000,000	FHLMC Mtn	n/a	0.570%	6/20/2016	6/6/2013	1,000,000		1,000,210
1,000,000	FNMA	n/a	0.750%	12/19/2016	6/19/2013	1,000,000		1,000,280
1,000,000	FNMA Deb	n/a	0.550%	6/6/2016	6/20/2013	1,000,000		999,700
3,000,000	FNMA	n/a	1.125%	1/30/2017	7/30/2013	3,000,000		3,015,270
3,000,000	Federal Farm Credits Bks	n/a	0.940%	7/15/2016	7/15/2013	3,000,000		3,009,960
13,726,769	Money Market	n/a	0.010%	daily	varies	13,726,769	0	13,726,769
US Bank/Piper Jaffray Average Rate=								
			0.377%					25,753,059

Average Rate All= 0.306%

It has been verified that this investment portfolio is in conformity with the City of Banning's investment policy which was approved by the City Council on September 24, 2013. The Treasurer's cash management program provides sufficient liquidity to meet estimated future expenditures for a period of six months. The weighted average maturity of the pooled investment portfolio is 186 days and does not include Bond Reserve Fund Investments.

City of Banning Investment Report

November 30, 2013

Individual Investments with Fiscal Agent

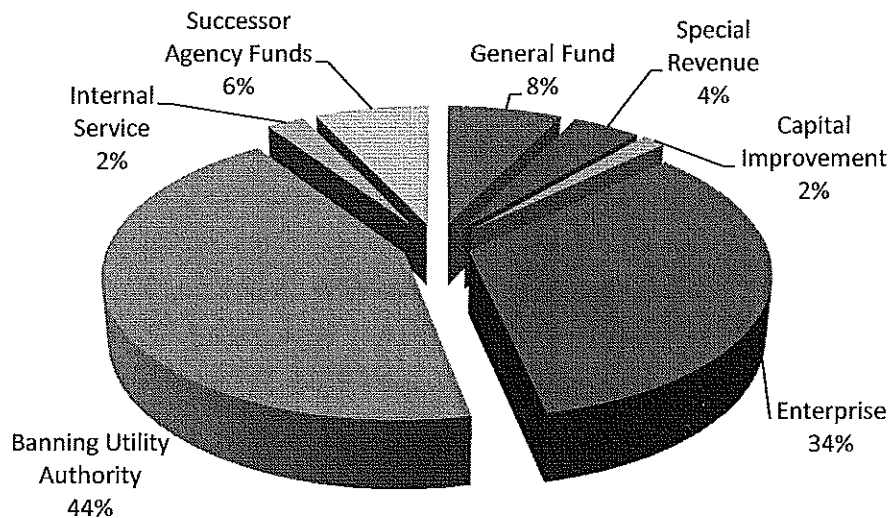
Bond Issue Description	Bond Maturity Date	Investment Description	Current Yield	Bond Reserve Bond Maturity Date	Minimum Reserve Requirement	Interest Nov-13	11/30/2013 Market Value
COB IMPROVEMENT DISTRICT LIMITED OBLIGATION BONDS SERIES 2005A							
2005 Fair Oaks Ranch Estates	2035	US Bank Mmkt 5-Ct	0.030%	daily	188,943	4.79	188,041
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION, SERIES 2003							
2003 CRA Tax Allocation Bonds	2028	U S Treasury Bill	4.61%	7/28/2011	971,763	12,090.06	990,267
		US Bank Mmkt 5-Ct	0.030%	daily		0.53	21,753
		US Bank Mmkt 5-Ct	0.040%	daily			23
Surplus Fund		US Bank Mmkt 5-Ct	0.000%	daily			8
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION PARITY BONDS, SERIES 2007							
Redevelop Fund	2037	US Bank Mmkt 5-Ct	0.030%	daily		212.25	8,330,375
Reserve Fund		US Bank Mmkt 5-Ct	0.030%	daily	1,880,751	47.78	1,875,384
Special Fund		US Bank Mmkt 5-Ct	0.020%	daily			41
Surplus Fund		US Bank Mmkt 5-Ct	0.000%	daily			9
BUA - WASTEWATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES							
Interest Account		US Bank Mmkt 5-Ct	0.000%	daily		2.26	2
Principal Account		US Bank Mmkt 5-Ct	0.000%	daily		1.85	4
		US Bank Mmkt 5-Ct	0.030%	daily		83.95	3,294,939
BUA - WATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES							
Interest Account		US Bank Mmkt 5-Ct	0.000%	daily		10.42	10
Principal Account		US Bank Mmkt 5-Ct	0.050%	daily		9.81	20
Reserve Fund		US Bank Mmkt 5-Ct	0.030%	daily	2,310,710	58.89	2,310,855
Project Fund		US Bank Mmkt 5-Ct	0.030%	daily		40.81	1,601,763
BFA - ELECTRIC SYSTEM REVENUE BONDS 2007 SERIES							
		US Bank Mmkt 5-Ct	0.030%	daily			893,303
		US Bank Mmkt 5-Ct	0.030%	daily	2,672,050	68.10	2,672,634
Acquisition & Construction		US Bank Mmkt 5-Ct	0.030%	daily		357.22	14,020,269
*Paid Semi-Annually-Deposited into Money Mkt Account						Total	36,199,700

City of Banning

Investment Report Supplemental Information

Pooled Cash Distribution

Investment reports for cities typically do not include the cash balance of the individual funds that make up the total pooled cash. This is primarily due to timing differences between when investment reports are prepared and when month end accounting entries are posted. Investment reports are usually prepared first. However, the pie chart below provides an understanding of the percentage distribution of the investments by fund type. The percentages were calculated using the average cash balances from the nine month period of October 2012 to September 2013. *(The percentages will be updated quarterly.)*



The Table below describes the funds that are included within the Fund Types used for the pie chart.

Fund Type	Description of funds
Governmental	General Fund
Special Revenue	Restricted Funds (i.e. CFDs, grants)
Capital Improvement	Development Impact Fee funds
Enterprise	Airport, Transit, Refuse, Electric
Banning Utility Authority	Water, Wastewater, Reclaimed water
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Successor Agency Funds	Previously called Redevelopment Agency

Summary Schedule – Line item descriptions

Petty Cash–

The City maintains petty cash in various departments for incidental purchases. This line item includes the cash drawers for cashiering in utility billing.

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- Wells Fargo Bank – This is the City checking account. All cash receipts, payroll and accounts payables checks are processed through this account. Balances fluctuate based on activity and cash flow needs. As excess funds accumulate, they are transferred to LAIF to increase earnings.
- Bank of America – Airport – The City maintains a Trust account for credit card purchases made at the airport. When the account balance exceeds \$3000, excess funds are transferred to the Wells Fargo Bank account.
- Bank of America – Parking Citations – The City maintains a Trust account for the processing of parking citations through Turbo Data. When the account balance exceeds \$3000, excess funds are transferred to the Wells Fargo Bank account.
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Government Pools –

- Local Agency investment Fund – Account #1
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The City Electric operation has an agreement with Riverside Public Utilities (RPU) to purchase power for the City. Part of the agreement requires that the City maintain a balance in the trust account used by RPU. The City does not control the investments or earnings of the trust account.

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Currently the City works with a Piper Jaffray broker to make various investments per the City policy and in accordance with State guidelines. The Broker is not on retainer, nor do they receive a City paid fee with each investment. Funds in the Money Market fluctuate as securities mature or get called. Staff is in the process of investing the Money Market funds over several months. We will be adding an additional broker to provide more investment options.

Fiscal Agent / US Bank –

Unspent bond proceeds and required bond reserves are invested by the Fiscal Agent in accordance with the bond documents.

CITY COUNCIL

DATE: January 14, 2014

TO: City Council

FROM: Zai Abu Bakar, Community Development Director

SUBJECT: Resolution No. 2013-88, "Approving the Award of a Professional Services Agreement to The Romo Planning Group, Inc. for Rancho San Gorgonio Project Manager Services"

RECOMMENDATION: Adopt Resolution No 2013-88 awarding a Professional Services Agreement to The Romo Planning Group, Inc. of Covina, California, in an amount "Not to Exceed" \$60,480.00 for Rancho San Gorgonio Project Manager Services.

BACKGROUND: The City of Banning received an application from Rancho San Gorgonio, LLC. to develop a master plan community called "Rancho San Gorgonio (RSG)". The property is approximately 849 acres and is located on the south side of Westward Avenue between Sunset Avenue and San Gorgonio Avenue/Highway 243. One hundred sixty one acres (161) are located within the City's Sphere of Influence area but are within the County of Riverside and will require annexation to the City of Banning's corporate boundaries.

The original draft proposal submitted in May 2013 included a development of 3,573 dwelling units, 188.5 acres of parks and trails and a 10-acre neighborhood commercial center. The 3,573 dwelling units are broken down into: 2,067 units for low density residential (1,264 units non-age restricted and 803 units for age restricted) and 1,506 units for high density. Subsequent to the City's comments to the draft proposal, the Specific Plan was revised and resubmitted in October 2013. The October 2013 proposal included a development of 3,412 dwelling units, 214 acres of parks, trails, and open space, and a 9.3-acre commercial.

The entitlement approval associated with the project includes the draft and final EIR, General Plan and Zone Ordinance amendments to change land use designations from the various zoning designations to Rancho San Gorgonio Specific Plan, land annexation from the County of Riverside, approval of Water Supply Assessment, Development Agreement, Design Review, and Tentative Tract Map No. 36586. Therefore, due to lack of staffing, the City management staff determined that it is best to retain a contract planner to manage the entitlement processing for Rancho San Gorgonio Specific Plan and the preparation of an environmental impact report for the project.

On June 6, 2013, staff released the Request for Proposal (RFP) for a Project Manager to manage this project with responses due on July 18, 2013. The City received four responses from the following consultants:

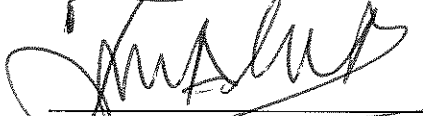
- Duane Morita Planning and Environmental;
- P3 Services;
- PZL, Inc.; and,
- The Romo Planning Group.

Interviews with the consultants were held on August 27, 2013. Based on selection criteria including experience, qualifications, references, approach and understanding, schedule and costs, The Romo Planning Group was determined to be the most qualified responsive proposer.

The scope of work in the attached Professional Services Agreement outlines the Project Manager's responsibility for overseeing the preparation of the Rancho San Gorgonio Specific Plan, as well as, the consultants who will prepare the environmental impact report for the project. The Project Manager is also responsible for making sure that the EIR complies with the various timelines and review process in accordance with CEQA Guidelines including the filing of the various notices with the State and the County. In addition, the Project Manager will process all of the project entitlement applications through the public review process including the public hearing before the Planning Commission and City Council.


FISCAL DATA: Professional services provided by The Romo Planning Group, Inc. in regard to the abovementioned services will be funded by Rancho San Gorgonio, LLC in the amount of \$60,480.00, Account No. 002-0000-222.30-35 (Rancho San Gorgonio – Planning).

PREPARED BY:



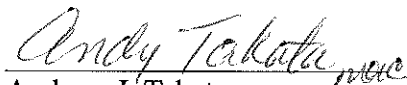
Zai Abu Bakar
Community Development Director

REVIEWED BY:



June Overholt,
Deputy City Manager /
Administrative Services Director

APPROVED BY:



Andrew J. Takata
City Manager

Attachments:

1. Draft Resolution No. 2013-88
2. Draft Professional Services Agreement dated October 9, 2013

ATTACHMENT 1

CITY COUNCIL RESOLUTION NO. 2013-88

RESOLUTION NO. 2013-88

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA APPROVING THE AWARD OF A PROFESSIONAL SERVICES AGREEMENT TO THE ROMO PLANNING GROUP, INC. FOR RANCHO SAN GORGONIO PROJECT MANAGER SERVICES

WHEREAS, the City of Banning received a development application from Rancho San Gorgonio, LLC. for the development of a master plan community called, "Rancho San Gorgonio (RSG)"; and

WHEREAS, the RSG development is proposed on an 849 acre property which is located on the south side of Westward Avenue between Sunset Avenue and San Gorgonio Avenue/Highway 243; and

WHEREAS, due to lack of staffing to manage and oversee a large development project including the preparation of the environmental impact report and to process the entitlement of the above-mentioned project, the City Management staff determined that it is best to hire a contract planner to be a Project Manager to manage the project; and

WHEREAS, on June 6, 2013, staff released the Request for Proposal (RFP) for a Project Manager with responses due on July 18, 2013; and

WHEREAS, the City received four responses from the following consultants: Duane Morita Planning and Environmental; P3 Services; PZL, Inc. and The Romo Planning Group, Inc.; and

WHEREAS, interviews with the consultants were held on August 27, 2013 and based on selection criteria including experience, qualifications, references, approach and understanding, schedule and costs, The Romo Planning Group, Inc. was determined to be the most qualified responsive proposer; and

WHEREAS, the scope of work outlines the Project Manager's responsibility for managing the entitlements of the project and carrying it through the public hearing process and overseeing the preparation of the Specific Plan and consultants who will prepare the environmental impact report (EIR) and making sure that the EIR complies with the various timelines and review process in accordance with CEQA Guidelines including filing of the various notices with the State and the County; and

WHEREAS, professional services provided by The Romo Planning Group, Inc. in regard to the abovementioned services will be funded by Rancho San Gorgonio, LLC in the amount of \$60,480.00.

NOW THEREFORE, the City Council of the City of Banning does hereby find, determine, and resolve as follows:

SECTION 1. The Council approves the award of the Professional Services Agreement to The Romo Planning Group, Inc. of Covina, California for Rancho San Gorgonio Project Manager Services.

SECTION 2. The Administrative Services Director is authorized to make necessary appropriations and account transfers to fund this agreement and appropriate funds deposited by Rancho San Gorgonio, LLC. for the purpose of funding the said Professional Services Agreement.

SECTION 3. The City Manager is authorized to execute the contract agreement with The Romo Planning Group, Inc. of Covina, California. This authorization will be rescinded if the contract agreement is not executed by the parties within ninety (90) days of the date of this resolution.

PASSED, APPROVED AND ADOPTED this 14th day of January, 2014.

Deborah Franklin, Mayor
City of Banning

ATTEST:

Marie Calderon, City Clerk
City of Banning, California

**APPROVED AS TO FORM
AND LEGAL CONTENT:**

David J. Aleshire, City Attorney
Aleshire & Wynder, LLP

CERTIFICATION:

I, Marie Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2013-88 was duly introduced and adopted at a regular meeting of the City Council of the City of Banning, held on the 14th day of January, 2014, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Marie Calderon, City Clerk
City of Banning, California

ATTACHMENT 2

PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BANNING AND THE ROMO PLANNING GROUP, INC.

**CONTRACT SERVICES AGREEMENT FOR RANCHO SAN
GORGONIO PROJECT MANAGER**

By and Between

**THE CITY OF BANNING,
A MUNICIPAL CORPORATION**

and

THE ROMO PLANNING GROUP, INC.

**AGREEMENT FOR CONTRACT SERVICES
BETWEEN
THE CITY OF BANNING, CALIFORNIA
AND
THE ROMO PLANNING GROUP, INC.
FOR RANCHO SAN GORGONIO PROJECT MANAGER**

THIS AGREEMENT FOR CONTRACT SERVICES (herein "Agreement") is made and entered into this 18th day of September, 2013 by and between the City of Banning, a municipal corporation ("City") and The Romo Planning Group, Inc., a California corporation ("Consultant" or "Contractor"). City and Consultant are sometimes hereinafter individually referred to as "Party" and hereinafter collectively referred to as the "Parties." (The term Consultant includes professionals performing in a consulting capacity.)

RECITALS

A. City has sought, by issuance of a Request for Proposals or Invitation for Bids, the performance of the services defined and described particularly in Article 1 of this Agreement.

B. Consultant, following submission of a proposal or bid for the performance of the services defined and described particularly in Article 1 of this Agreement, was selected by the City to perform those services.

C. Pursuant to the City of Banning's Municipal Code, City has authority to enter into this Agreement Services Agreement and the City Manager has authority to execute this Agreement.

D. The Parties desire to formalize the selection of Consultant for performance of those services defined and described particularly in Article 1 of this Agreement and desire that the terms of that performance be as particularly defined and described herein.

OPERATIVE PROVISIONS

NOW, THEREFORE, in consideration of the mutual promises and covenants made by the Parties and contained herein and other consideration, the value and adequacy of which are hereby acknowledged, the parties agree as follows:

ARTICLE 1. SERVICES OF CONSULTANT

1.1 Scope of Services.

In compliance with all terms and conditions of this Agreement, the Consultant shall provide those services specified in the "Scope of Services" attached hereto as Exhibit "A" and incorporated herein by this reference, which services may be referred to herein as the "services" or "work" hereunder. As a material inducement to the City entering into this Agreement, Consultant represents and warrants that it has the qualifications, experience, and facilities necessary to properly perform the services required under this Agreement in a thorough,

competent, and professional manner, and is experienced in performing the work and services contemplated herein. Consultant shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all services described herein. Consultant covenants that it shall follow the highest professional standards in performing the work and services required hereunder and that all materials will be of good quality, fit for the purpose intended. For purposes of this Agreement, the phrase "highest professional standards" shall mean those standards of practice recognized by one or more first-class firms performing similar work under similar circumstances.

1.2 Consultant's Proposal.

The Scope of Service shall include the Consultant's scope of work or bid which shall be incorporated herein by this reference as though fully set forth herein. In the event of any inconsistency between the terms of such proposal and this Agreement, the terms of this Agreement shall govern.

1.3 Compliance with Law.

Consultant shall keep itself informed concerning, and shall render all services hereunder in accordance with all ordinances, resolutions, statutes, rules, and regulations of the City and any Federal, State or local governmental entity having jurisdiction in effect at the time service is rendered.

1.4 Licenses, Permits, Fees and Assessments.

Consultant shall obtain at its sole cost and expense such licenses, permits and approvals as may be required by law for the performance of the services required by this Agreement. Consultant shall have the sole obligation to pay for any fees, assessments and taxes, plus applicable penalties and interest, which may be imposed by law and arise from or are necessary for the Consultant's performance of the services required by this Agreement, and shall indemnify, defend and hold harmless City, its officers, employees or agents of City, against any such fees, assessments, taxes penalties or interest levied, assessed or imposed against City hereunder.

1.5 Familiarity with Work.

By executing this Agreement, Consultant warrants that Consultant (i) has thoroughly investigated and considered the scope of services to be performed, (ii) has carefully considered how the services should be performed, and (iii) fully understands the facilities, difficulties and restrictions attending performance of the services under this Agreement. If the services involve work upon any site, Consultant warrants that Consultant has or will investigate the site and is or will be fully acquainted with the conditions there existing, prior to commencement of services hereunder. Should the Consultant discover any latent or unknown conditions, which will materially affect the performance of the services hereunder, Consultant shall immediately inform the City of such fact and shall not proceed except at City's risk until written instructions are received from the Contract Officer.

1.6 Care of Work.

The Consultant shall adopt reasonable methods during the life of the Agreement to furnish continuous protection to the work, and the equipment, materials, papers, documents, plans, studies and/or other components thereof to prevent losses or damages, and shall be responsible for all such damages, to persons or property, until acceptance of the work by City, except such losses or damages as may be caused by City's own negligence.

1.7 Warranty.

Consultant warrants all Work under the Agreement (which for purposes of this Section shall be deemed to include unauthorized work which has not been removed and any non-conforming materials incorporated into the Work) to be of good quality and free from any defective or faulty material and workmanship. Consultant agrees that for a period of one year (or the period of time specified elsewhere in the Agreement or in any guarantee or warranty provided by any manufacturer or supplier of equipment or materials incorporated into the Work, whichever is later) after the date of final acceptance, Consultant shall within ten (10) days after being notified in writing by the City of any defect in the Work or non-conformance of the Work to the Agreement, commence and prosecute with due diligence all Work necessary to fulfill the terms of the warranty at his sole cost and expense. Consultant shall act sooner as requested by the City in response to an emergency. In addition, Consultant shall, at its sole cost and expense, repair and replace any portions of the Work (or work of other Consultants) damaged by its defective Work or which becomes damaged in the course of repairing or replacing defective Work. For any Work so corrected, Consultant's obligation hereunder to correct defective Work shall be reinstated for an additional one year period, commencing with the date of acceptance of such corrected Work. Consultant shall perform such tests as the City may require to verify that any corrective actions, including, without limitation, redesign, repairs, and replacements comply with the requirements of the Agreement. All costs associated with such corrective actions and testing, including the removal, replacement, and reinstitution of equipment and materials necessary to gain access, shall be the sole responsibility of the Consultant. All warranties and guarantees of subcontractors, suppliers and manufacturers with respect to any portion of the Work, whether express or implied, are deemed to be obtained by Consultant for the benefit of the City, regardless of whether or not such warranties and guarantees have been transferred or assigned to the City by separate agreement and Consultant agrees to enforce such warranties and guarantees, if necessary, on behalf of the City. In the event that Consultant fails to perform its obligations under this Section, or under any other warranty or guaranty under this Agreement, to the reasonable satisfaction of the City, the City shall have the right to correct and replace any defective or non-conforming Work and any work damaged by such work or the replacement or correction thereof at Consultant's sole expense. Consultant shall be obligated to fully reimburse the City for any expenses incurred hereunder upon demand. This provision may be waived in Exhibit "B" if the services hereunder do not include construction of any improvements or the supplying of equipment or materials.

1.8 Prevailing Wages.

Consultant is aware of the requirements of California Labor Code Section 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, Section 1600, et seq., ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the

performance of other requirements on "Public Works" and "Maintenance" projects. If the Services are being performed as part of an applicable "Public Works" or "Maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is \$1,000 or more, Consultant agrees to fully comply with such Prevailing Wage Laws. City shall provide Consultant with a copy of the prevailing rates of per diem wages in effect at the commencement of this Agreement. Consultant shall make copies of the prevailing rates of per diem wages for each craft, classification or type of worker needed to execute the Services available to interested parties upon request, and shall post copies at the Consultant's principal place of business and at the project site. Consultant shall defend, indemnify and hold the City, its elected officials, officers, employees and agents free and harmless from any claim or liability arising out of any failure or alleged failure to comply with the Prevailing Wage Laws.

1.9 Further Responsibilities of Parties.

Both parties agree to use reasonable care and diligence to perform their respective obligations under this Agreement. Both parties agree to act in good faith to execute all instruments, prepare all documents and take all actions as may be reasonably necessary to carry out the purposes of this Agreement. Unless hereafter specified, neither party shall be responsible for the service of the other.

1.10 Additional Services.

City shall have the right at any time during the performance of the services, without invalidating this Agreement, to order extra work beyond that specified in the Scope of Services or make changes by altering, adding to or deducting from said work. No such extra work may be undertaken unless a written order is first given by the Contract Officer to the Consultant, incorporating therein any adjustment in (i) the Agreement Sum, and/or (ii) the time to perform this Agreement, which said adjustments are subject to the written approval of the Consultant. Any increase in compensation of up to five percent (5%) of the Agreement Sum or \$25,000, whichever is less; or in the time to perform of up to one hundred eighty (180) days may be approved by the Contract Officer. Any greater increases, taken either separately or cumulatively must be approved by the City. It is expressly understood by Consultant that the provisions of this Section shall not apply to services specifically set forth in the Scope of Services or reasonably contemplated therein. Consultant hereby acknowledges that it accepts the risk that the services to be provided pursuant to the Scope of Services may be more costly or time consuming than Consultant anticipates and that Consultant shall not be entitled to additional compensation therefor.

1.11 Special Requirements.

Additional terms and conditions of this Agreement, if any, which are made a part hereof are set forth in the "Special Requirements" attached hereto as Exhibit "B" and incorporated herein by this reference. In the event of a conflict between the provisions of Exhibit "B" and any other provisions of this Agreement, the provisions of Exhibit "B" shall govern.

ARTICLE 2. COMPENSATION AND METHOD OF PAYMENT.

2.1 Contract Sum.

Subject to any limitations set forth in this Agreement, City agrees to pay Consultant the amounts specified in the "Schedule of Compensation" attached hereto as Exhibit "C" and incorporated herein by this reference. The total compensation, including reimbursement for actual expenses, shall not exceed Sixty Thousand Four Hundred Eighty Dollars (\$60,480.00) (the "Contract Sum"), unless additional compensation is approved pursuant to Section 1.10.

2.2 Method of Compensation.

The method of compensation may include: (i) a lump sum payment upon completion, (ii) payment in accordance with specified tasks or the percentage of completion of the services, (iii) payment for time and materials based upon the Consultant's rates as specified in the Schedule of Compensation, provided that time estimates are provided for the performance of sub tasks, but not exceeding the Contract Sum or (iv) such other methods as may be specified in the Schedule of Compensation.

2.3 Reimbursable Expenses.

Compensation may include reimbursement for actual and necessary expenditures for reproduction costs, telephone expenses, and travel expenses approved by the Contract Officer in advance, or actual subcontractor expenses if an approved subcontractor pursuant to Section 4.5, and only if specified in the Schedule of Compensation. The Contract Sum shall include the attendance of Consultant at all project meetings reasonably deemed necessary by the City. Coordination of the performance of the work with City is a critical component of the services. If Consultant is required to attend additional meetings to facilitate such coordination, Consultant shall not be entitled to any additional compensation for attending said meetings.

2.4 Invoices.

Each month Consultant shall furnish to City an original invoice for all work performed and expenses incurred during the preceding month in a form approved by City's Director of Finance. The invoice shall detail charges for all necessary and actual expenses by the following categories: labor (by sub-category), travel, materials, equipment, supplies, and sub-contractor contracts. Sub-contractor charges shall also be detailed by such categories.

City shall independently review each invoice submitted by the Consultant to determine whether the work performed and expenses incurred are in compliance with the provisions of this Agreement. Except as to any charges for work performed or expenses incurred by Consultant which are disputed by City, or as provided in Section 7.3. City will use its best efforts to cause Consultant to be paid within forty-five (45) days of receipt of Consultant's correct and undisputed invoice. In the event any charges or expenses are disputed by City, the original invoice shall be returned by City to Consultant for correction and resubmission.

102

2.5 Waiver.

Payment to Consultant for work performed pursuant to this Agreement shall not be deemed to waive any defects in work performed by Consultant.

ARTICLE 3. PERFORMANCE SCHEDULE

3.1 Time of Essence.

Time is of the essence in the performance of this Agreement.

3.2 Schedule of Performance.

Consultant shall commence the services pursuant to this Agreement upon receipt of a written notice to proceed and shall perform all services within the time period(s) established in the "Schedule of Performance" attached hereto as Exhibit "D" and incorporated herein by this reference. When requested by the Consultant, extensions to the time period(s) specified in the Schedule of Performance may be approved in writing by the Contract Officer but not exceeding one hundred eighty (180) days cumulatively.

3.3 Force Majeure.

The time period(s) specified in the Schedule of Performance for performance of the services rendered pursuant to this Agreement shall be extended because of any delays due to unforeseeable causes beyond the control and without the fault or negligence of the Consultant, including, but not restricted to, acts of God or of the public enemy, unusually severe weather, fires, earthquakes, floods, epidemics, quarantine restrictions, riots, strikes, freight embargoes, wars, litigation, and/or acts of any governmental agency, including the City, if the Consultant shall within ten (10) days of the commencement of such delay notify the Contract Officer in writing of the causes of the delay. The Contract Officer shall ascertain the facts and the extent of delay, and extend the time for performing the services for the period of the enforced delay when and if in the judgment of the Contract Officer such delay is justified. The Contract Officer's determination shall be final and conclusive upon the parties to this Agreement. In no event shall Consultant be entitled to recover damages against the City for any delay in the performance of this Agreement, however caused, Consultant's sole remedy being extension of the Agreement pursuant to this Section.

3.4 Inspection and Final Acceptance.

City may inspect and accept or reject any of Consultant's work under this Agreement, either during performance or when completed. City shall reject or finally accept Consultant's work within forth five (45) days after submitted to City. City shall accept work by a timely written acceptance, otherwise work shall be deemed to have been rejected. City's acceptance shall be conclusive as to such work except with respect to latent defects, fraud and such gross mistakes as amount to fraud. Acceptance of any work by City shall not constitute a waiver of any of the provisions of this Agreement including, but not limited to, Articles 1 and 5, pertaining to indemnification and insurance, respectively.

3.5 Term.

Unless earlier terminated in accordance with Article 7 of this Agreement, this Agreement shall continue in full force and effect until completion of the services but not exceeding one (1) years from the date hereof, except as otherwise provided in the Schedule of Performance (Exhibit "D").

ARTICLE 4. COORDINATION OF WORK

4.1 Representatives and Personnel of Consultant.

The following principals of Consultant (Principals) are hereby designated as being the principals and representatives of Consultant authorized to act in its behalf with respect to the work specified herein and make all decisions in connection therewith:

Ernest Perca
(Name)

Project Manager
(Title)

Tracyi Nelson
(Name)

Principal Planner
(Title)

It is expressly understood that the experience, knowledge, capability and reputation of the foregoing principals were a substantial inducement for City to enter into this Agreement. Therefore, the foregoing principals shall be responsible during the term of this Agreement for directing all activities of Consultant and devoting sufficient time to personally supervise the services hereunder. All personnel of Consultant, and any authorized agents, shall at all times be under the exclusive direction and control of the Principals. For purposes of this Agreement, the foregoing Principals may not be replaced nor may their responsibilities be substantially reduced by Consultant without the express written approval of City. Additionally, Consultant shall make every reasonable effort to maintain the stability and continuity of Consultant's staff and subcontractors, if any, assigned to perform the services required under this Agreement. Consultant shall notify City of any changes in Consultant's staff and subcontractors, if any, assigned to perform the services required under this Agreement, prior to and during any such performance.

4.2 Status of Consultant.

Consultant shall have no authority to bind City in any manner, or to incur any obligation, debt or liability of any kind on behalf of or against City, whether by contract or otherwise, unless such authority is expressly conferred under this Agreement or is otherwise expressly conferred in writing by City. Consultant shall not at any time or in any manner represent that Consultant or any of Consultant's officers, employees, or agents are in any manner officials, officers, employees or agents of City. Neither Consultant, nor any of Consultant's officers, employees or agents, shall obtain any rights to retirement, health care or any other benefits which may otherwise accrue to City's employees. Consultant expressly waives any claim Consultant may have to any such rights.

4.3 Contract Officer.

The Contract Officer shall be such person as may be designated by the City Manager of City. It shall be the Consultant's responsibility to assure that the Contract Officer is kept informed of the progress of the performance of the services and the Consultant shall refer any decisions which must be made by City to the Contract Officer. Unless otherwise specified herein, any approval of City required hereunder shall mean the approval of the Contract Officer. The Contract Officer shall have authority, if specified in writing by the City Manager, to sign all documents on behalf of the City required hereunder to carry out the terms of this Agreement.

4.4 Independent Consultant.

Neither the City nor any of its employees shall have any control over the manner, mode or means by which Consultant, its agents or employees, perform the services required herein, except as otherwise set forth herein. City shall have no voice in the selection, discharge, supervision or control of Consultant's employees, servants, representatives or agents, or in fixing their number, compensation or hours of service. Consultant shall perform all services required herein as an independent Consultant of City and shall remain at all times as to City a wholly independent Consultant with only such obligations as are consistent with that role. Consultant shall not at any time or in any manner represent that it or any of its agents or employees are agents or employees of City. City shall not in any way or for any purpose become or be deemed to be a partner of Consultant in its business or otherwise or a joint venturer or a member of any joint enterprise with Consultant.

4.5 Prohibition Against Subcontracting or Assignment.

The experience, knowledge, capability and reputation of Consultant, its principals and employees were a substantial inducement for the City to enter into this Agreement. Therefore, Consultant shall not contract with any other entity to perform in whole or in part the services required hereunder without the express written approval of the City. In addition, neither this Agreement nor any interest herein may be transferred, assigned, conveyed, hypothecated or encumbered voluntarily or by operation of law, whether for the benefit of creditors or otherwise, without the prior written approval of City. Transfers restricted hereunder shall include the transfer to any person or group of persons acting in concert of more than twenty five percent (25%) of the present ownership and/or control of Consultant, taking all transfers into account on a cumulative basis. In the event of any such unapproved transfer, including any bankruptcy proceeding, this Agreement shall be void. No approved transfer shall release the Consultant or any surety of Consultant of any liability hereunder without the express consent of City.

ARTICLE 5. INSURANCE, INDEMNIFICATION AND BONDS

5.1 Insurance Coverages.

The Consultant shall procure and maintain, at its sole cost and expense, in a form and content satisfactory to City, during the entire term of this Agreement including any extension thereof, the following policies of insurance which shall cover all elected and appointed officers, employees and agents of City:

(a) Comprehensive General Liability Insurance (Occurrence Form CG0001 or equivalent). A policy of comprehensive general liability insurance written on a per occurrence basis for bodily injury, personal injury and property damage. The policy of insurance shall be in an amount not less than \$1,000,000.00 per occurrence or if a general aggregate limit is used, either the general aggregate limit shall apply separately to this contract/location, or the general aggregate limit shall be twice the occurrence limit.

(b) Worker's Compensation Insurance. A policy of worker's compensation insurance in such amount as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Consultant and the City against any loss, claim or damage arising from any injuries or occupational diseases occurring to any worker employed by or any persons retained by the Consultant in the course of carrying out the work or services contemplated in this Agreement.

(c) Automotive Insurance (Form CA 0001 (Ed 1/87) including "any auto" and endorsement CA 0025 or equivalent). A policy of comprehensive automobile liability insurance written on a per occurrence for bodily injury and property damage in an amount not less than \$1,000,000. Said policy shall include coverage for owned, non-owned, leased and hired cars.

(d) Professional Liability. Professional liability insurance appropriate to the Consultant's profession. This coverage may be written on a "claims made" basis, and must include coverage for contractual liability. The professional liability insurance required by this Agreement must be endorsed to be applicable to claims based upon, arising out of or related to services performed under this Agreement. The insurance must be maintained for at least 5 consecutive years following the completion of Consultant's services or the termination of this Agreement. During this additional 5-year period, Consultant shall annually and upon request of the City submit written evidence of this continuous coverage.

(e) Additional Insurance. Policies of such other insurance, as may be required in the Special Requirements.

5.2 General Insurance Requirements.

All of the above policies of insurance shall be primary insurance and shall name the City, its elected and appointed officers, employees and agents as additional insureds and any insurance maintained by City or its officers, employees or agents shall apply in excess of, and not contribute with Consultant's insurance. The insurer is deemed hereof to waive all rights of subrogation and contribution it may have against the City, its officers, employees and agents and their respective insurers. All of said policies of insurance shall provide that said insurance may

not be amended or cancelled by the insurer or any party hereto without providing thirty (30) days prior written notice by certified mail return receipt requested to the City. In the event any of said policies of insurance are cancelled, the Consultant shall, prior to the cancellation date, submit new evidence of insurance in conformance with Section 5.1 to the Contract Officer. No work or services under this Agreement shall commence until the Consultant has provided the City with Certificates of Insurance or appropriate insurance binders evidencing the above insurance coverages and said Certificates of Insurance or binders are approved by the City. City reserves the right to inspect complete, certified copies of all required insurance policies at any time. Any failure to comply with the reporting or other provisions of the policies including breaches or warranties shall not affect coverage provided to City.

All certificates shall name the City as additional insured (providing the appropriate endorsement) and shall conform to the following "cancellation" notice:

CANCELLATION:

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATED THEREOF, THE ISSUING COMPANY SHALL MAIL THIRTY (30)-DAY ADVANCE WRITTEN NOTICE TO CERTIFICATE HOLDER NAMED HEREIN.

[to be initialed]

Agent Initials

City, its respective elected and appointed officers, directors, officials, employees, agents and volunteers are to be covered as additional insureds as respects: liability arising out of activities Consultant performs; products and completed operations of Consultant; premises owned, occupied or used by Consultant; or automobiles owned, leased, hired or borrowed by Consultant. The coverage shall contain no special limitations on the scope of protection afforded to City, and their respective elected and appointed officers, officials, employees or volunteers. Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

Any deductibles or self-insured retentions must be declared to and approved by City. At the option of City, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects City or its respective elected or appointed officers, officials, employees and volunteers or the Consultant shall procure a bond guaranteeing payment of losses and related investigations, claim administration, defense expenses and claims. The Consultant agrees that the requirement to provide insurance shall not be construed as limiting in any way the extent to which the Consultant may be held responsible for the payment of damages to any persons or property resulting from the Consultant's activities or the activities of any person or persons for which the Consultant is otherwise responsible nor shall it limit the Consultant's indemnification liabilities as provided in Section 5.3.

In the event the Consultant subcontracts any portion of the work in compliance with Section 4.5 of this Agreement, the contract between the Consultant and such subcontractor shall require the subcontractor to maintain the same policies of insurance that the Consultant is

required to maintain pursuant to Section 5.1, and such certificates and endorsements shall be provided to City.

5.3 Indemnification.

To the full extent permitted by law, Consultant agrees to indemnify, defend and hold harmless the City, its officers, employees and agents ("Indemnified Parties") against, and will hold and save them and each of them harmless from, any and all actions, either judicial, administrative, arbitration or regulatory claims, damages to persons or property, losses, costs, penalties, obligations, errors, omissions or liabilities whether actual or threatened (herein "claims or liabilities") that may be asserted or claimed by any person, firm or entity arising out of or in connection with the negligent performance of the work, operations or activities provided herein of Consultant, its officers, employees, agents, subcontractors, or invitees, or any individual or entity for which Consultant is legally liable ("indemnors"), or arising from Consultant's reckless or willful misconduct, or arising from Consultant's indemnors' negligent performance of or failure to perform any term, provision, covenant or condition of this Agreement, and in connection therewith:

(a) Consultant will defend any action or actions filed in connection with any of said claims or liabilities and will pay all costs and expenses, including legal costs and attorneys' fees incurred in connection therewith;

(b) Consultant will promptly pay any judgment rendered against the City, its officers, agents or employees for any such claims or liabilities arising out of or in connection with the negligent performance of or failure to perform such work, operations or activities of Consultant hereunder; and Consultant agrees to save and hold the City, its officers, agents, and employees harmless therefrom;

(c) In the event the City, its officers, agents or employees is made a party to any action or proceeding filed or prosecuted against Consultant for such damages or other claims arising out of or in connection with the negligent performance of or failure to perform the work, operation or activities of Consultant hereunder, Consultant agrees to pay to the City, its officers, agents or employees, any and all costs and expenses incurred by the City, its officers, agents or employees in such action or proceeding, including but not limited to, legal costs and attorneys' fees.

Consultant shall incorporate similar, indemnity agreements with its subcontractors and if it fails to do so Consultant shall be fully responsible to indemnify City hereunder therefore, and failure of City to monitor compliance with these provisions shall not be a waiver hereof. This indemnification includes claims or liabilities arising from any negligent or wrongful act, error or omission, or reckless or willful misconduct of Consultant in the performance of professional services hereunder. The provisions of this Section do not apply to claims or liabilities occurring as a result of City's sole negligence or willful acts or omissions, but, to the fullest extent permitted by law, shall apply to claims and liabilities resulting in part from City's negligence, except that design professionals' indemnity hereunder shall be limited to claims and liabilities arising out of the negligence, recklessness or willful misconduct of the design professional. The indemnity obligation shall be binding on successors and assigns of Consultant and shall survive termination of this Agreement.

5.4 Performance Bond.

Concurrently with execution of this Agreement, and if required in Exhibit "B", Consultant shall deliver to City performance bond in the sum of the amount of this Agreement, in the form provided by the City Clerk, which secures the faithful performance of this Agreement. The bond shall contain the original notarized signature of an authorized officer of the surety and affixed thereto shall be a certified and current copy of his power of attorney. The bond shall be unconditional and remain in force during the entire term of the Agreement and shall be null and void only if the Consultant promptly and faithfully performs all terms and conditions of this Agreement.

5.5 Sufficiency of Insurer or Surety.

Insurance or bonds required by this Agreement shall be satisfactory only if issued by companies qualified to do business in California, rated "A" or better in the most recent edition of Best Rating Guide, The Key Rating Guide or in the Federal Register, and only if they are of a financial category Class VII or better, unless such requirements are waived by the Risk Manager of the City due to unique circumstances. If this Agreement continues for more than 3 years duration, or in the event the Risk Manager of City ("Risk Manager") determines that the work or services to be performed under this Agreement creates an increased or decreased risk of loss to the City, the Consultant agrees that the minimum limits of the insurance policies and the performance bond required by Section 5.4 may be changed accordingly upon receipt of written notice from the Risk Manager; provided that the Consultant shall have the right to appeal a determination of increased coverage by the Risk Manager to the City Council of City within 10 days of receipt of notice from the Risk Manager.

ARTICLE 6. RECORDS, REPORTS, AND RELEASE OF INFORMATION

6.1 Records.

Consultant shall keep, and require subcontractors to keep, such ledgers books of accounts, invoices, vouchers, canceled checks, reports, studies or other documents relating to the disbursements charged to City and services performed hereunder (the "books and records"), as shall be necessary to perform the services required by this Agreement and enable the Contract Officer to evaluate the performance of such services. Any and all such documents shall be maintained in accordance with generally accepted accounting principles and shall be complete and detailed. The Contract Officer shall have full and free access to such books and records at all times during normal business hours of City, including the right to inspect, copy, audit and make records and transcripts from such records. Such records shall be maintained for a period of 3 years following completion of the services hereunder, and the City shall have access to such records in the event any audit is required. In the event of dissolution of Consultant's business, custody of the books and records may be given to City, and access shall be provided by Consultant's successor in interest.

6.2 Reports.

Consultant shall periodically prepare and submit to the Contract Officer such reports concerning the performance of the services required by this Agreement as the Contract Officer

shall require. Consultant hereby acknowledges that the City is greatly concerned about the cost of work and services to be performed pursuant to this Agreement. For this reason, Consultant agrees that if Consultant becomes aware of any facts, circumstances, techniques, or events that may or will materially increase or decrease the cost of the work or services contemplated herein or, if Consultant is providing design services, the cost of the project being designed, Consultant shall promptly notify the Contract Officer of said fact, circumstance, technique or event and the estimated increased or decreased cost related thereto and, if Consultant is providing design services, the estimated increased or decreased cost estimate for the project being designed.

6.3 Ownership of Documents.

All drawings, specifications, maps, designs, photographs, studies, surveys, data, notes, computer files, reports, records, documents and other materials (the "documents and materials") prepared by Consultant, its employees, subcontractor and agents in the performance of this Agreement shall be the property of City and shall be delivered to City upon request of the Contract Officer or upon the termination of this Agreement, and Consultant shall have no claim for further employment or additional compensation as a result of the exercise by City of its full rights of ownership use, reuse, or assignment of the documents and materials hereunder. Any use, reuse or assignment of such completed documents for other projects and/or use of uncompleted documents without specific written authorization by the Consultant will be at the City's sole risk and without liability to Consultant, and Consultant's guarantee and warranties shall not extend to such use, revise or assignment. Consultant may retain copies of such documents for its own use. Consultant shall have an unrestricted right to use the concepts embodied therein. All subcontractors shall provide for assignment to City of any documents or materials prepared by them, and in the event Consultant fails to secure such assignment, Consultant shall indemnify City for all damages resulting therefrom.

6.4 Confidentiality and Release of Information.

(a) All information gained or work product produced by Consultant in performance of this Agreement shall be considered confidential, unless such information is in the public domain or already known to Consultant. Consultant shall not release or disclose any such information or work product to persons or entities other than City without prior written authorization from the Contract Officer.

(b) Consultant, its officers, employees, agents or subcontractors, shall not, without prior written authorization from the Contract Officer or unless requested by the City Attorney, voluntarily provide documents, declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the work performed under this Agreement. Response to a subpoena or court order shall not be considered "voluntary" provided Consultant gives City notice of such court order or subpoena.

(c) If Consultant, or any officer, employee, agent or subcontractor of Consultant, provides any information or work product in violation of this Agreement, then City shall have the right to reimbursement and indemnity from Consultant for any damages, costs and fees, including attorneys fees, caused by or incurred as a result of Consultant's conduct.

(d) Consultant shall promptly notify City should Consultant, its officers, employees, agents or subcontractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any party regarding this Agreement and the work performed there under. City retains the right, but has no obligation, to represent Consultant or be present at any deposition, hearing or similar proceeding. Consultant agrees to cooperate fully with City and to provide City with the opportunity to review any response to discovery requests provided by Consultant. However, this right to review any such response does not imply or mean the right by City to control, direct, or rewrite said response.

ARTICLE 7. ENFORCEMENT OF AGREEMENT AND TERMINATION

7.1 California Law.

This Agreement shall be interpreted, construed and governed both as to validity and to performance of the parties in accordance with the laws of the State of California. Legal actions concerning any dispute, claim or matter arising out of or in relation to this Agreement shall be instituted in the Superior Court of the County of Riverside, State of California, or any other appropriate court in such county, and Consultant covenants and agrees to submit to the personal jurisdiction of such court in the event of such action. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Central District of California, in Riverside.

7.2 Disputes; Default.

In the event that Consultant is in default under the terms of this Agreement, the City shall not have any obligation or duty to continue compensating Consultant for any work performed after the date of default. Instead, the City may give notice to Consultant of the default and the reasons for the default. The notice shall include the timeframe in which Consultant may cure the

default. This timeframe is presumptively thirty (30) days, but may be extended, though not reduced, if circumstances warrant. During the period of time that Consultant is in default, the City shall hold all invoices and shall, when the default is cured, proceed with payment on the invoices. In the alternative, the City may, in its sole discretion, elect to pay some or all of the outstanding invoices during the period of default. If Consultant does not cure the default, the City may take necessary steps to terminate this Agreement under this Article. Any failure on the part of the City to give notice of the Consultant's default shall not be deemed to result in a waiver of the City's legal rights or any rights arising out of any provision of this Agreement.

7.3 Retention of Funds.

Consultant hereby authorizes City to deduct from any amount payable to Consultant (whether or not arising out of this Agreement) (i) any amounts the payment of which may be in dispute hereunder or which are necessary to compensate City for any losses, costs, liabilities, or damages suffered by City, and (ii) all amounts for which City may be liable to third parties, by reason of Consultant's acts or omissions in performing or failing to perform Consultant's obligation under this Agreement. In the event that any claim is made by a third party, the amount or validity of which is disputed by Consultant, or any indebtedness shall exist which shall appear to be the basis for a claim of lien, City may withhold from any payment due, without liability for interest because of such withholding, an amount sufficient to cover such claim. The failure of City to exercise such right to deduct or to withhold shall not, however, affect the obligations of the Consultant to insure, indemnify, and protect City as elsewhere provided herein.

7.4 Waiver.

Waiver by any party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any party of any breach of the provisions of this Agreement shall not constitute a waiver of any other provision or a waiver of any subsequent breach or violation of any provision of this Agreement. Acceptance by City of any work or services by Consultant shall not constitute a waiver of any of the provisions of this Agreement. No delay or omission in the exercise of any right or remedy by a non-defaulting party on any default shall impair such right or remedy or be construed as a waiver. Any waiver by either party of any default must be in writing and shall not be a waiver of any other default concerning the same or any other provision of this Agreement.

7.5 Rights and Remedies are Cumulative.

Except with respect to rights and remedies expressly declared to be exclusive in this Agreement, the rights and remedies of the parties are cumulative and the exercise by either party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other party.

7.6 Legal Action.

In addition to any other rights or remedies, either party may take legal action, in law or in equity, to cure, correct or remedy any default, to recover damages for any default, to compel

specific performance of this Agreement, to obtain declaratory or injunctive relief, or to obtain any other remedy consistent with the purposes of this Agreement.

7.7 Liquidated Damages.

Since the determination of actual damages for any delay in performance of this Agreement would be extremely difficult or impractical to determine in the event of a breach of this Agreement, the Consultant and its sureties shall be liable for and shall pay to the City the sum of _____ (\$ _____) as liquidated damages for each working day of delay in the performance of any service required hereunder, as specified in the Schedule of Performance (Exhibit "D"). The City may withhold from any monies payable on account of services performed by the Consultant any accrued liquidated damages.

7.8 Termination Prior to Expiration of Term.

This Section shall govern any termination of this Contract except as specifically provided in the following Section for termination for cause. The City reserves the right to terminate this Contract at any time, with or without cause, upon thirty (30) days' written notice to Consultant, except that where termination is due to the fault of the Consultant, the period of notice may be such shorter time as may be determined by the Contract Officer. In addition, the Consultant reserves the right to terminate this Contract at any time, with or without cause, upon sixty (60) days' written notice to City, except that where termination is due to the fault of the City, the period of notice may be such shorter time as the Consultant may determine. Upon receipt of any notice of termination, Consultant shall immediately cease all services hereunder except such as may be specifically approved by the Contract Officer. Except where the Consultant has initiated termination, the Consultant shall be entitled to compensation for all services rendered prior to the effective date of the notice of termination and for any services authorized by the Contract Officer thereafter in accordance with the Schedule of Compensation or such as may be approved by the Contract Officer, except as provided in Section 7.3. In the event the Consultant has initiated termination, the Consultant shall be entitled to compensation only for the reasonable value of the work product actually produced hereunder. In the event of termination without cause pursuant to this Section, the terminating party need not provide the non-terminating party with the opportunity to cure pursuant to Section 7.2.

7.9 Termination for Default of Consultant.

If termination is due to the failure of the Consultant to fulfill its obligations under this Agreement, City may, after compliance with the provisions of Section 7.2, take over the work and prosecute the same to completion by contract or otherwise, and the Consultant shall be liable to the extent that the total cost for completion of the services required hereunder exceeds the compensation herein stipulated (provided that the City shall use reasonable efforts to mitigate such damages), and City may withhold any payments to the Consultant for the purpose of set-off or partial payment of the amounts owed the City as previously stated.

7.10 Attorneys' Fees.

If either party to this Agreement is required to initiate or defend or made a party to any action or proceeding in any way connected with this Agreement, the prevailing party in such

action or proceeding, in addition to any other relief which may be granted, whether legal or equitable, shall be entitled to reasonable attorney's fees. Attorney's fees shall include attorney's fees on any appeal, and in addition a party entitled to attorney's fees shall be entitled to all other reasonable costs for investigating such action, taking depositions and discovery and all other necessary costs the court allows which are incurred in such litigation. All such fees shall be deemed to have accrued on commencement of such action and shall be enforceable whether or not such action is prosecuted to judgment.

ARTICLE 8. CITY OFFICERS AND EMPLOYEES: NON-DISCRIMINATION

8.1 Non-liability of City Officers and Employees.

No officer or employee of the City shall be personally liable to the Consultant, or any successor in interest, in the event of any default or breach by the City or for any amount which may become due to the Consultant or to its successor, or for breach of any obligation of the terms of this Agreement.

8.2 Conflict of Interest.

Consultant covenants that neither it, nor any officer or principal of its firm, has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of City or which would in any way hinder Consultant's performance of services under this Agreement. Consultant further covenants that in the performance of this Agreement, no person having any such interest shall be employed by it as an officer, employee, agent or subcontractor without the express written consent of the Contract Officer. Consultant agrees to at all times avoid conflicts of interest or the appearance of any conflicts of interest with the interests of City in the performance of this Agreement.

No officer or employee of the City shall have any financial interest, direct or indirect, in this Agreement nor shall any such officer or employee participate in any decision relating to the Agreement which effects his financial interest or the financial interest of any corporation, partnership or association in which he is, directly or indirectly, interested, in violation of any State statute or regulation. The Consultant warrants that it has not paid or given and will not pay or give any third party any money or other consideration for obtaining this Agreement.

8.3 Covenant Against Discrimination.

Consultant covenants that, by and for itself, its heirs, executors, assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, religion, sex, marital status, national origin, or ancestry in the performance of this Agreement. Consultant shall take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to their race, color, creed, religion, sex, marital status, national origin, or ancestry.

8.4 Unauthorized Aliens.

Consultant hereby promises and agrees to comply with all of the provisions of the Federal Immigration and Nationality Act, 8 U.S.C.A. §§ 1101, et seq., as amended, and in connection therewith, shall not employ unauthorized aliens as defined therein. Should Consultant so employ such unauthorized aliens for the performance of work and/or services covered by this Agreement, and should the any liability or sanctions be imposed against City for such use of unauthorized aliens, Consultant hereby agrees to and shall reimburse City for the cost of all such liabilities or sanctions imposed, together with any and all costs, including attorneys' fees, incurred by City.

ARTICLE 9. MISCELLANEOUS PROVISIONS

9.1 Notices.

Any notice, demand, request, document, consent, approval, or communication either party desires or is required to give to the other party or any other person shall be in writing and either served personally or sent by prepaid, first-class mail, in the case of the City, to the City Manager and to the attention of the Contract Officer, CITY OF BANNING, 99 East Ramsey Street, Banning, CA 92220 and in the case of the Consultant, to the person at the address designated on the execution page of this Agreement. Either party may change its address by notifying the other party of the change of address in writing. Notice shall be deemed communicated at the time personally delivered or in seventy-two (72) hours from the time of mailing if mailed as provided in this Section.

9.2 Interpretation.

The terms of this Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against either party by reason of the authorship of this Agreement or any other rule of construction which might otherwise apply.

9.3 Counterparts.

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

9.4 Integration; Amendment.

This Agreement including the attachments hereto is the entire, complete and exclusive expression of the understanding of the parties. It is understood that there are no oral agreements between the parties hereto affecting this Agreement and this Agreement supersedes and cancels any and all previous negotiations, arrangements, agreements and understandings, if any, between the parties, and none shall be used to interpret this Agreement. No amendment to or modification of this Agreement shall be valid unless made in writing and approved by the Consultant and by the City Council. The parties agree that this requirement for written modifications cannot be waived and that any attempted waiver shall be void.

9.5 Severability.

In the event that any one or more of the phrases, sentences, clauses, paragraphs, or sections contained in this Agreement shall be declared invalid or unenforceable by a valid judgment or decree of a court of competent jurisdiction, such invalidity or unenforceability shall not affect any of the remaining phrases, sentences, clauses, paragraphs, or sections of this Agreement which are hereby declared as severable and shall be interpreted to carry out the intent of the parties hereunder unless the invalid provision is so material that its invalidity deprives either party of the basic benefit of their bargain or renders this Agreement meaningless.

9.6 Corporate Authority.

The persons executing this Agreement on behalf of the parties hereto warrant that (i) such party is duly organized and existing, (ii) they are duly authorized to execute and deliver this Agreement on behalf of said party, (iii) by so executing this Agreement, such party is formally bound to the provisions of this Agreement, and (iv) the entering into this Agreement does not violate any provision of any other Agreement to which said party is bound. This Agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the parties.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date and year first-above written.

CITY:

CITY OF BANNING, a municipal corporation

Andrew J. Takata, City Manager

ATTEST:

Marie A. Calderon, City Clerk

APPROVED AS TO FORM:

ALESHIRE & WYNDER, LLP

David Aleshire, City Attorney

CONSULTANT:

THE ROMO PLANNING GROUP, INC.

By: _____
Name: GUSTAVO J. Romo
Title: Principal / CEO

By: _____
Name: _____
Title: _____

Address: 2560 N. Las Lomas Way
Covina, CA 91724

Two signatures are required if a corporation.

NOTE: CONSULTANT'S SIGNATURES SHALL BE DULY NOTARIZED, AND APPROPRIATE ATTESTATIONS SHALL BE INCLUDED AS MAY BE REQUIRED BY THE BYLAWS, ARTICLES OF INCORPORATION, OR OTHER RULES OR REGULATIONS APPLICABLE TO CONTRACTOR'S BUSINESS ENTITY.

ACKNOWLEDGMENT

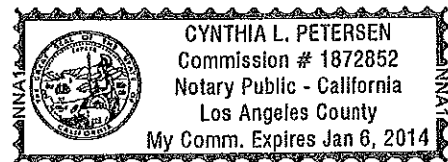
State of California

County of Los Angeles

On September 26, 2013 before me, Cynthia L. Petersen, Notary Public, personally appeared Gustavo J. Romo, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Cynthia L. Petersen (Seal)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

COUNTY OF RIVERSIDE

On _____, _____ before me, _____, personally appeared _____, proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form

CAPACITY CLAIMED BY SIGNER

☐ INDIVIDUAL
☐ CORPORATE OFFICER

TITLE(S)

☐ PARTNER(S) ☐ LIMITED
☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER _____

DESCRIPTION OF ATTACHED DOCUMENT

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

SIGNER IS REPRESENTING:

(NAME OF PERSON(S) OR ENTITY(IES))

SIGNER(S) OTHER THAN NAMED ABOVE

EXHIBIT "A"
SCOPE OF SERVICES

I. Consultant will perform the following Services:

- A. **Overall Planning Project Management:** provide planning project management for the Rancho San Gorgonio Project which proposes the development of a master planned community providing a mix of residential, commercial, open space and recreational areas (the "Project"). The Project Manager, listed below in Section V., will be the primary contact for the City and an extension of City staff and will report to the City of Banning Community Development Director.
- B. **Project Initiation / Background Research:**
1. Project Kick-Off Meeting (1 meeting)
 2. Background Research
 3. Issue Identification
- C. **Specific Plan:**
1. Review Draft Specific Plan
 2. Provide Specific Plan comments to applicant
 3. Review Final Specific Plan
- D. **Environmental Impact Report:**
1. Review and comment on technical studies prepared by applicant and/or EIR Consultant.
 2. Oversee and manage the consultants who will prepare the Draft and Final Environmental Impact Report for the project and making sure that the EIR complies with the various timelines and review process in accordance with CEQA Guidelines including filing of the various notices with the State and County.
- E. **General Plan Amendment / Zone Change / Tentative Tract Map:** Process and report preparation of any general plan amendment or zone change. Review and process subdivision maps.
- F. **Design Review/ Site Plan/ Conditional Use Permit Review:** design plan, site plan, and conditional use permit review.
- G. **Development Agreement:** Coordinate the preparation of the Development Agreement with City Attorney's Office.

H. **Water Supply Assessment:** water supply assessment pursuant to SB 610 and an SB 221 verification of sufficient water supply will be prepared. The EIR will include the assessment and any additional supply information in determining the adequacy of the water supply to support the Project.

I. **Meetings:**

1. One (1) meeting with Riverside County Airport Land Use Commission (ALUC).
2. Two (2) Planning Commission meetings.
3. Two (2) City Council meetings.
4. The Contractor will provide information and/or attend meetings(s) requested by the Community Development Director as the process moves forward. The Contractor is also responsible for answering questions from the public with regard to the project.

J. **Annexation:** Coordinate application for annexation with Riverside County Local Agency Formation Commission (LAFCO) on behalf of the City.

K. **Regulatory Approvals:** coordinate regulatory approval from US Army Corps of Engineers (404 Permit), California Department of Fish and Wildlife (1602 Permit), Regional Water Quality Control Board (401 Certification).

II. **As part of the Services, Consultant will prepare and deliver the following tangible work products to the City:**

As part of the entitlement approval process described above, the Contractor is responsible for preparing staff reports and all attachments to the staff report, comments, memos, letters, and public hearing notices. The Project Manager is also responsible for filing of the Notice of Determination with the State and County Clerk.

III. **In addition to the requirements of Section 6.2, during performance of the Services, Consultant will keep the City apprised of the status of performance by delivering the following status reports:**

Bi-weekly status reports.

IV. **All work product is subject to review and acceptance by the City, and must be revised by the Consultant without additional charge to the City until found satisfactory and accepted by City.**

V. **Consultant will utilize the following personnel to accomplish the Services:**

A. Earnest Perea, Project Manager

B. Trayci Nelson, Principal Planner

EXHIBIT "B"

**SPECIAL REQUIREMENTS
(Superseding Contract Boilerplate)**

- Section 1.7 entitled "Warranty" is hereby deleted in its entirety.
- Section 5.4 entitled "Performance Bond" is hereby deleted in its entirety.
- Section 7.7 entitled "Liquidated Damages" is hereby deleted in its entirety.

EXHIBIT "C"

SCHEDULE OF COMPENSATION

I. Consultant shall perform the following tasks and the following rates:

TASK DESCRIPTION	PROJECT MANAGER ERNEST PEREA	PRINCIPAL PLANNER TRAYCI NELSON	SUB- CONSULTANTS	TOTAL
	\$140/HOUR	\$110/HOUR	FLAT RATE	
Overall Project Management	\$8,400.00	\$3,520.00	N/A	\$11,920.00
Project Initiation	\$2,800.00	\$1,760.00	N/A	\$4,560.00
Specific Plan Processing	\$2,240.00	\$660.00	N/A	\$2,900.00
Environmental Impact Report Processing	\$16,800.00	\$2,200.00	**\$3,000.00	\$22,000.00
GPA / ZC / TTM / DA Processing	\$5,600.00	\$6,600.00	N/A	\$12,200.00
Public Hearings	\$1,680.00	\$1,320.00	N/A	\$3,000.00
Annexation Processing	\$2,800.00	\$1,100.00	N/A	\$3,900.00
Total Cost (Not To Exceed)	\$40,880.00	\$18,700.00	\$3,000.00	\$60,480.00

**If necessary

- II. Payments will be made based upon the satisfactory completion of the task.**
- III. Within the budgeted amounts for each Task, and with the approval of the Contract Officer, funds may be shifted from one Task subbudget to another so long as the Contract Sum is not exceeded per Section 2.1, unless Additional Services are approved per Section 1.10.**
- VI. The City will compensate Consultant for the Services performed upon submission of a valid invoice. Each invoice is to include:**
- A. Line items for all personnel describing the work performed, the number of hours worked, and the hourly rate.
 - B. Line items for all materials and equipment properly charged to the Services.

- C. Line items for all other approved reimbursable expenses claimed, with supporting documentation.
- D. Line items for all approved subcontractor labor, supplies, equipment, materials, and travel properly charged to the Services.
- V. **The total compensation for the Services shall not exceed \$60,480.00, as provided in Section 2.1 of this Agreement.**
- VI. **The Consultant's billing rates for all personnel are attached as Exhibit C-1.**

EXHIBIT "C-1"

CONTRACTOR BILLING RATES

Classification / Personnel	Hourly Rate
Project Manager – Ernest Perea	\$140.00
Principal Planner – Trayci Nelson	\$110.00
Sub-Consultants	
Kevin Carr, KPC Environmental	\$100.00
George Writes, Biologist	\$100.00
Jean A. Keller, Ph.D., Archaeologist	\$125.00

Notes:

- 1.) Reimbursable direct costs, such as reproduction, supplies, messenger service, long-distance telephone calls, travel, and traffic counts will be billed at cost plus ten percent (10%).
- 2.) Hourly rates apply to work time, travel time, and time spent at public hearings and meetings. For overtime work, the above rates may be increased 50 percent.

EXHIBIT "D"

SCHEDULE OF PERFORMANCE

I. Consultant shall perform all services timely in accordance with the following schedule:

TASK DESCRIPTION	PERFORMANCE SCHEDULE
A. Planning Project Manager: The Project Manager will be an extension of City staff and will report to the City of Banning Community Development Director. The Project Manager will be an extension of City staff and will report to the City of Banning Community Development Director.	On-going
B. Project Initiation / Background Research: 1.) Project Kick-Off Meeting (1 meeting) 2.) Background research 3.) Issue identification	B.1) To be determined by City. B.2 and B.3) Within 2 weeks after authorization to start work by City.
C. Specific Plan: 1.) Review Draft Specific Plan 2.) Provide Specific Plan comments to applicant 3.) Review Final Specific Plan	C.1 and C.2) Within 2 weeks after submittal of Specific Plan. C.3) Within 2 weeks after re-submittal of Specific Plan by applicant.
D. Environmental Impact Report: 1.) Review & comment on technical studies prepared by applicant and/or EIR Consultant. 2.) Oversee and manage the consultants who will prepare the Draft and Final Environmental Impact Report for the project and making sure that the EIR complies with the various timelines and review process in accordance with CEQA Guidelines including filing of the various notices with the State and the County.	D.1) Within 2 weeks after submittal of technical reports. D.2). On-going per agreement between City and EIR Consultant.

E. General Plan Amendment / Zone Change / Tentative Tract Map: Process & report preparation.	Per City directed timelines to be determined.
F. Development Agreement: Coordinate the preparation of the Development Agreement with the City Attorney's Office.	Per City directed timelines to be determined.
G. Meetings: 1.) Riverside County ALUC (one meeting). 2.) Planning Commission (2 meetings). 3.) City Council (2 meetings). 4.) The Contractor will provide information and/or attend meeting(s) requested by the Community Development Director as the process moves forward. The Contractor is also responsible for answering questions from the public with regard to the project.	G.1) Prior to completion of Draft EIR. G.2) Per City directed timelines. G.3.) Per City directed timelines. G.4) On-going.
H. Annexation: Coordinate application with Riverside County LAFCO on behalf of the City.	H.1) 4 to 6 months after a complete set of application materials have been submitted to the LAFCO office.

II. Consultant shall deliver the following tangible work products to the City by the following dates.

- A.** Staff reports and all attachments, delivery date to be determined.
- B.** Written comments, memos and letters, delivery date to be determined.
- C.** Public hearing notices, delivery date to be determined.
- D.** Notice of Determination including filing with the State and County Clerk, delivery date to be determined based on the City's direction and California Environmental Quality Act (CEQA) requirements.

III. The Contract Officer may approve extensions for performance of the services in accordance with Section 3.2.

CITY COUNCIL

DATE: January 14, 2014

TO: City Council

FROM: Zai Abu Bakar, Community Development Director

SUBJECT: Resolution No. 2013-89, "Approving the Award of a Professional Services Agreement to The Planning Center | DC & E to prepare the Environmental Impact Report for the Rancho San Gorgonio Specific Plan"

RECOMMENDATION: Adopt Resolution No. 2013-89 awarding a Professional Services Agreement to The Planning Center | DC & E of Santa Ana, California, in an amount "Not to Exceed" \$186,013.00 to prepare the Environmental Impact Report for the Rancho San Gorgonio Specific Plan.

JUSTIFICATION: Per the California Environmental Quality Act (CEQA), the City is required to prepare an environmental impact report (EIR) for the Rancho San Gorgonio Specific Plan. City staff does not have the specialized CEQA skills that are necessary to prepare the EIR; therefore, it is necessary to hire a consultant. The consultant will work for the City and will receive direction from the City. The cost for the EIR consultant services will be paid by the developer.

BACKGROUND: The City of Banning received an application from Rancho San Gorgonio, LLC. to develop a master planned community called "Rancho San Gorgonio." The property is approximately 849 acres and is located on the south side of Westward Avenue between Sunset Avenue and San Gorgonio Avenue/Highway 243. One hundred sixty one acres (161) are located within the City's Sphere of Influence area in the County of Riverside and it will be required to annex to the City of Banning's corporate boundaries.

The original draft proposal submitted in May 2013 included a development of 3,573 dwelling units, 188.5 acres of parks and trails and a 10-acre neighborhood commercial center. The 3,573 dwelling units are broken down into: 2,067 units for low density residential (1,264 units non-age restricted and 803 units for age restricted) and 1,506 units for high density. Subsequent to the City's comments to the draft proposal, the Specific Plan was revised and resubmitted in October 2013. The October 2013 proposal included a development of 3,412 dwelling units, 214 acres of parks, trails, and open space, and a 9.3-acre commercial.

The entitlement approval associated with the project includes the draft and final EIR, General Plan and Zone Ordinance amendments to change land use designations from the various zoning designations to Rancho San Gorgonio Specific Plan, land annexation from the County of Riverside, approval of Water Supply Assessment, Development Agreement, Design Review, and Tentative Tract Map No. 36586.

An EIR is required by CEQA. The EIR will assess the possible impacts that the project may have on the environment and ensure all environmental aspects are considered for full disclosure to the public and decision makers. To obtain an independent professional examination of the Rancho San Gorgonio project impacts on the environment for compliance with CEQA, the procurement of a consulting firm separate from the developer and the City is necessary.

On June 13, 2013, staff released the Request for Proposal (RFP) for a consulting firm to prepare an environmental impact report for the Rancho San Gorgonio Specific Plan with responses due on July 18, 2013. The City received five proposals from the following consultants:

- Environmental Science Associates (ESA);
- First Carbon Solutions;
- LSA Associates, Inc.;
- The Planning Center | DC & E; and
- Terra Nova Planning and Research, Inc.

Interviews with the consultants were held on August 28, 2013. Based on selection criteria including experience, qualifications, references, approach and understanding, schedule and costs, The Planning Center | DC & E was determined to be the most qualified responsive proposer.


The scope of work in the attached Professional Services Agreement outlines the consulting firm's responsibility to prepare an environmental impact report for the Rancho San Gorgonio Specific Plan in compliance with CEQA. The Consultant will be responsible for literature review of the City's General Plan and Zoning Ordinance, General Plan Land Use and Zoning Map and other relevant documents and studies, as well as, the scoping meeting(s). The Consultant will complete an Initial Study, Notice of Preparation and Availability of the Draft and Final EIR and incorporate public comments regarding the potential impacts, as required by the CEQA, and ensure that all technical studies provided by the project developer are accurate, reflecting independent judgment. The scope of work is further described in the Professional Services Agreement (Exhibit "A") attached hereto.

FISCAL DATA: The professional services provided by The Planning Center | DC & E Inc. will be funded by Rancho San Gorgonio, LLC in the amount of \$186,013.00, Account No. 002-0000-222.30-35 (Rancho San Gorgonio – Planning). The City has an agreement with the developer to keep on deposit a sum to pay costs over a 90-day period, and to supplement the deposit as funds are drawn down. Although the developer funds the costs, the consultant contract with the City and are required to perform independent studies at the direction of the City.

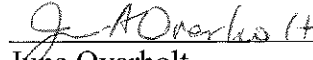
January 14, 2013

Page 3

PREPARED BY:


Zai Abu Bakar
Community Development Director

REVIEWED BY:


June Overholt,
Deputy City Manager /
Administrative Services Director

APPROVED BY:


Andrew J. Takata
City Manager

Attachments:

1. Draft Resolution No. 2013-89
2. Exhibit "A" Draft Professional Services Agreement dated October 9, 2013

ATTACHMENT 1

CITY COUNCIL RESOLUTION NO. 2013-89

RESOLUTION NO. 2013-89

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA APPROVING THE AWARD OF A PROFESSIONAL SERVICES AGREEMENT TO THE PLANNING CENTER | DC & E TO PREPARE THE ENVIRONMENTAL IMPACT REPORT FOR THE RANCHO SAN GORGONIO SPECIFIC PLAN

WHEREAS, the City of Banning received a land development application from Rancho San Gorgonio, LLC. for the development of a master planned community called "Rancho San Gorgonio (RSG)"; and

WHEREAS, the RSG development is proposed on an 849-acre property which is located on the south side of Westward Avenue between Sunset Avenue and San Gorgonio Avenue/Highway 243; and

WHEREAS, as part of this project an environmental impact report (EIR) is required to be prepared in conjunction with the Specific Plan pursuant to the California Environmental Quality Act (CEQA) in order to assess the possible impacts that the project may have on the environment and ensure all environmental aspects are considered and disclose to the public and the decision makers; and

WHEREAS, in order to obtain an independent professional examination that is highly specialized and skilled in the preparation of an EIR, the City management staff determined that the procurement of a consulting firm separate from the developer and the City is necessary in order to comply with CEQA ; and

WHEREAS, on June 13, 2013, staff released the Request for Proposal (RFP) for a consulting firm to prepare an environmental impact report for the Rancho San Gorgonio Specific Plan with responses due on July 18, 2013; and

WHEREAS, the City received five (5) proposals from the following consultants: Environmental Science Associates (ESA), First Carbon Solutions, LSA Associates, Inc., The Planning Center | DC & E; and Terra Nova Planning and Research, Inc.; and

WHEREAS, interviews with the consultants were held on August 28, 2013, and based on selection criteria including experience, qualifications, references, approach and understanding, schedule and costs, The Planning Center | DC & E was determined to be the most qualified responsive proposer; and

WHEREAS, the scope of work outlines the consulting firm's responsibility to prepare an environmental impact report for the Rancho San Gorgonio Specific Plan in compliance with CEQA and is further described in the Professional Services Agreement (Exhibit "A"); and

WHEREAS, the professional services provided by The Planning Center | DC & E Inc. will be funded by Rancho San Gorgonio, LLC in the amount of \$186,013.00.

NOW THEREFORE, the City Council of the City of Banning does hereby find, determine, and resolve as follows:

SECTION 1. The Council approves the award of the Professional Services Agreement to The Planning Center | DC & E of Santa Ana, California to prepare the environmental impact report for the Rancho San Gorgonio Specific Plan.

SECTION 2. The Administrative Services Director is authorized to make necessary appropriations and account transfers to fund this agreement and appropriate funds deposited by Rancho San Gorgonio, LLC. for the purpose of funding the said Professional Services Agreement.

SECTION 3. The City Manager is authorized to execute the contract agreement with The Planning Center | DC & E of Santa Ana, California. This authorization will be rescinded if the contract agreement is not executed by the parties within ninety (90) days of the date of this resolution.

PASSED, APPROVED AND ADOPTED this 14th day of January, 2014.

Deborah Franklin, Mayor
City of Banning

ATTEST:

Marie Calderon, City Clerk
City of Banning, California

**APPROVED AS TO FORM
AND LEGAL CONTENT:**

David J. Aleshire, City Attorney
Aleshire & Wynder, LLP

CERTIFICATION:

I, Marie Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2013-89 was duly introduced and adopted at a regular meeting of the City Council of the City of Banning, held on the 14th day of January, 2014, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Marie Calderon, City Clerk
City of Banning, California

ATTACHMENT 2

EXHIBIT “A”

PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BANNING AND THE PLANNING CENTER| DC & E

**CONTRACT SERVICES AGREEMENT FOR CALIFORNIA
ENVIRONMENTAL QUALITY ACT CONSULTING SERVICES
TO PREPARE AN ENVIRONMENTAL IMPACT REPORT FOR
THE SAN GORGONIO SPECIFIC PLAN**

By and Between

**THE CITY OF BANNING,
A MUNICIPAL CORPORATION**

and

THE PLANNING CENTER | DC & E

**AGREEMENT FOR CONTRACT SERVICES FOR CALIFORNIA CONSULTING
SERVICES TO PREPARE AN ENVIRONMENTAL IMPACT REPORT FOR THE SAN
GORGONIO SPECIFIC PLAN
BETWEEN
THE CITY OF BANNING, CALIFORNIA
AND
THE PLANNING CENTER | DC & E**

THIS AGREEMENT FOR CONTRACT SERVICES (herein "Agreement") is made and entered into this 9th day of October, 2013 by and between the City of Banning, a municipal corporation ("City") and The Planning Center | DC & E, ("Consultant" or "Contractor"). City and Consultant are sometimes hereinafter individually referred to as "Party" and hereinafter collectively referred to as the "Parties." (The term Consultant includes professionals performing in a consulting capacity.)

RECITALS

A. City has sought, by issuance of a Request for Proposals or Invitation for Bids, the performance of the services defined and described particularly in Section 1 of this Agreement.

B. Consultant, following submission of a proposal or bid for the performance of the services defined and described particularly in Section 1 of this Agreement, was selected by the City to perform those services.

C. Pursuant to the City of Banning's Municipal Code, City has authority to enter into this Agreement Services Agreement and the City Manager has authority to execute this Agreement.

D. The Parties desire to formalize the selection of Consultant for performance of those services defined and described particularly in Section 1 of this Agreement and desire that the terms of that performance be as particularly defined and described herein.

OPERATIVE PROVISIONS

NOW, THEREFORE, in consideration of the mutual promises and covenants made by the Parties and contained herein and other consideration, the value and adequacy of which are hereby acknowledged, the parties agree as follows:

ARTICLE 1. SERVICES OF CONSULTANT

1.1 Scope of Services.

In compliance with all terms and conditions of this Agreement, the Consultant shall provide those services specified in the "Scope of Services" attached hereto as Exhibit "A" and incorporated herein by this reference, which services may be referred to herein as the "services" or "work" hereunder. As a material inducement to the City entering into this Agreement, Consultant represents and warrants that it has the qualifications, experience, and facilities necessary to properly perform the services required under this Agreement in a thorough,

competent, and professional manner, and is experienced in performing the work and services contemplated herein. Consultant shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all services described herein. Consultant covenants that it shall follow the highest professional standards in performing the work and services required hereunder and that all materials will be of good quality, fit for the purpose intended. For purposes of this Agreement, the phrase "highest professional standards" shall mean those standards of practice recognized by one or more first-class firms performing similar work under similar circumstances.

1.2 Consultant's Proposal.

The Scope of Service shall include the Consultant's scope of work or bid which shall be incorporated herein by this reference as though fully set forth herein. In the event of any inconsistency between the terms of such proposal and this Agreement, the terms of this Agreement shall govern.

1.3 Compliance with Law.

Consultant shall keep itself informed concerning, and shall render all services hereunder in accordance with all ordinances, resolutions, statutes, rules, and regulations of the City and any Federal, State or local governmental entity having jurisdiction in effect at the time service is rendered.

1.4 Licenses, Permits, Fees and Assessments.

Consultant shall obtain at its sole cost and expense such licenses, permits and approvals as may be required by law for the performance of the services required by this Agreement. Consultant shall have the sole obligation to pay for any fees, assessments and taxes, plus applicable penalties and interest, which may be imposed by law and arise from or are necessary for the Consultant's performance of the services required by this Agreement, and shall indemnify, defend and hold harmless City, its officers, employees or agents of City, against any such fees, assessments, taxes penalties or interest levied, assessed or imposed against City hereunder.

1.5 Familiarity with Work.

By executing this Agreement, Consultant warrants that Consultant (i) has thoroughly investigated and considered the scope of services to be performed, (ii) has carefully considered how the services should be performed, and (iii) fully understands the facilities, difficulties and restrictions attending performance of the services under this Agreement. If the services involve work upon any site, Consultant warrants that Consultant has or will investigate the site and is or will be fully acquainted with the conditions there existing, prior to commencement of services hereunder. Should the Consultant discover any latent or unknown conditions, which will materially affect the performance of the services hereunder, Consultant shall immediately inform the City of such fact and shall not proceed except at City's risk until written instructions are received from the Contract Officer.

1.6 Care of Work.

The Consultant shall adopt reasonable methods during the life of the Agreement to furnish continuous protection to the work, and the equipment, materials, papers, documents, plans, studies and/or other components thereof to prevent losses or damages, and shall be responsible for all such damages, to persons or property, until acceptance of the work by City, except such losses or damages as may be caused by City's own negligence.

1.7 Warranty.

Consultant warrants all Work under the Agreement (which for purposes of this Section shall be deemed to include unauthorized work which has not been removed and any non-conforming materials incorporated into the Work) to be of good quality and free from any defective or faulty material and workmanship. Consultant agrees that for a period of one year (or the period of time specified elsewhere in the Agreement or in any guarantee or warranty provided by any manufacturer or supplier of equipment or materials incorporated into the Work, whichever is later) after the date of final acceptance, Consultant shall within ten (10) days after being notified in writing by the City of any defect in the Work or non-conformance of the Work to the Agreement, commence and prosecute with due diligence all Work necessary to fulfill the terms of the warranty at his sole cost and expense. Consultant shall act sooner as requested by the City in response to an emergency. In addition, Consultant shall, at its sole cost and expense, repair and replace any portions of the Work (or work of other Consultants) damaged by its defective Work or which becomes damaged in the course of repairing or replacing defective Work. For any Work so corrected, Consultant's obligation hereunder to correct defective Work shall be reinstated for an additional one year period, commencing with the date of acceptance of such corrected Work. Consultant shall perform such tests as the City may require to verify that any corrective actions, including, without limitation, redesign, repairs, and replacements comply with the requirements of the Agreement. All costs associated with such corrective actions and testing, including the removal, replacement, and reinstitution of equipment and materials necessary to gain access, shall be the sole responsibility of the Consultant. All warranties and guarantees of subcontractors, suppliers and manufacturers with respect to any portion of the Work, whether express or implied, are deemed to be obtained by Consultant for the benefit of the City, regardless of whether or not such warranties and guarantees have been transferred or assigned to the City by separate agreement and Consultant agrees to enforce such warranties and guarantees, if necessary, on behalf of the City. In the event that Consultant fails to perform its obligations under this Section, or under any other warranty or guaranty under this Agreement, to the reasonable satisfaction of the City, the City shall have the right to correct and replace any defective or non-conforming Work and any work damaged by such work or the replacement or correction thereof at Consultant's sole expense. Consultant shall be obligated to fully reimburse the City for any expenses incurred hereunder upon demand. This provision may be waived in Exhibit "B" if the services hereunder do not include construction of any improvements or the supplying of equipment or materials.

1.8 Prevailing Wages.

Consultant is aware of the requirements of California Labor Code Section 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, Section 1600, et seq., ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on "Public Works" and "Maintenance" projects. If the

Services are being performed as part of an applicable "Public Works" or "Maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is \$1,000 or more, Consultant agrees to fully comply with such Prevailing Wage Laws. City shall provide Consultant with a copy of the prevailing rates of per diem wages in effect at the commencement of this Agreement. Consultant shall make copies of the prevailing rates of per diem wages for each craft, classification or type of worker needed to execute the Services available to interested parties upon request, and shall post copies at the Consultant's principal place of business and at the project site. Consultant shall defend, indemnify and hold the City, its elected officials, officers, employees and agents free and harmless from any claim or liability arising out of any failure or alleged failure to comply with the Prevailing Wage Laws.

1.9 Further Responsibilities of Parties.

Both parties agree to use reasonable care and diligence to perform their respective obligations under this Agreement. Both parties agree to act in good faith to execute all instruments, prepare all documents and take all actions as may be reasonably necessary to carry out the purposes of this Agreement. Unless hereafter specified, neither party shall be responsible for the service of the other.

1.10 Additional Services.

City shall have the right at any time during the performance of the services, without invalidating this Agreement, to order extra work beyond that specified in the Scope of Services or make changes by altering, adding to or deducting from said work. No such extra work may be undertaken unless a written order is first given by the Contract Officer to the Consultant, incorporating therein any adjustment in (i) the Agreement Sum, and/or (ii) the time to perform this Agreement, which said adjustments are subject to the written approval of the Consultant. Any increase in compensation of up to five percent (5%) of the Agreement Sum or \$25,000, whichever is less; or in the time to perform of up to one hundred eighty (180) days may be approved by the Contract Officer. Any greater increases, taken either separately or cumulatively must be approved by the City. It is expressly understood by Consultant that the provisions of this Section shall not apply to services specifically set forth in the Scope of Services or reasonably contemplated therein. Consultant hereby acknowledges that it accepts the risk that the services to be provided pursuant to the Scope of Services may be more costly or time consuming than Consultant anticipates and that Consultant shall not be entitled to additional compensation therefor.

1.11 Special Requirements.

Additional terms and conditions of this Agreement, if any, which are made a part hereof are set forth in the "Special Requirements" attached hereto as Exhibit "B" and incorporated herein by this reference. In the event of a conflict between the provisions of Exhibit "B" and any other provisions of this Agreement, the provisions of Exhibit "B" shall govern.

ARTICLE 2. COMPENSATION AND METHOD OF PAYMENT.

2.1 Contract Sum.

Subject to any limitations set forth in this Agreement, City agrees to pay Consultant the amounts specified in the "Schedule of Compensation" attached hereto as Exhibit "C" and incorporated herein by this reference. The total compensation, including reimbursement for actual expenses, shall not exceed One Hundred Eighty Six Thousand and Thirteen Dollars (\$186,013.00) (the "Contract Sum"), unless additional compensation is approved pursuant to Section 1.10.

2.2 Method of Compensation.

The method of compensation may include: (i) a lump sum payment upon completion, (ii) payment in accordance with specified tasks or the percentage of completion of the services, (iii) payment for time and materials based upon the Consultant's rates as specified in the Schedule of Compensation, provided that time estimates are provided for the performance of sub tasks, but not exceeding the Contract Sum or (iv) such other methods as may be specified in the Schedule of Compensation.

2.3 Reimbursable Expenses.

Compensation may include reimbursement for actual and necessary expenditures for reproduction costs, telephone expenses, and travel expenses approved by the Contract Officer in advance, or actual subcontractor expenses if an approved subcontractor pursuant to Section 4.5, and only if specified in the Schedule of Compensation. The Contract Sum shall include the attendance of Consultant at all project meetings reasonably deemed necessary by the City. Coordination of the performance of the work with City is a critical component of the services. If Consultant is required to attend additional meetings to facilitate such coordination, Consultant shall not be entitled to any additional compensation for attending said meetings.

2.4 Invoices.

Each month Consultant shall furnish to City an original invoice for all work performed and expenses incurred during the preceding month in a form approved by City's Director of Finance. The invoice shall detail charges for all necessary and actual expenses by the following categories: labor (by sub-category), travel, materials, equipment, supplies, and sub-contractor contracts. Sub-contractor charges shall also be detailed by such categories.

City shall independently review each invoice submitted by the Consultant to determine whether the work performed and expenses incurred are in compliance with the provisions of this Agreement. Except as to any charges for work performed or expenses incurred by Consultant which are disputed by City, or as provided in Section 7.3. City will use its best efforts to cause Consultant to be paid within forty-five (45) days of receipt of Consultant's correct and undisputed invoice. In the event any charges or expenses are disputed by City, the original invoice shall be returned by City to Consultant for correction and resubmission.

2.5 Waiver.

Payment to Consultant for work performed pursuant to this Agreement shall not be deemed to waive any defects in work performed by Consultant.

ARTICLE 3. PERFORMANCE SCHEDULE

3.1 Time of Essence.

Time is of the essence in the performance of this Agreement.

3.2 Schedule of Performance.

Consultant shall commence the services pursuant to this Agreement upon receipt of a written notice to proceed and shall perform all services within the time period(s) established in the "Schedule of Performance" attached hereto as Exhibit "D" and incorporated herein by this reference. When requested by the Consultant, extensions to the time period(s) specified in the Schedule of Performance may be approved in writing by the Contract Officer but not exceeding one hundred eighty (180) days cumulatively.

3.3 Force Majeure.

The time period(s) specified in the Schedule of Performance for performance of the services rendered pursuant to this Agreement shall be extended because of any delays due to unforeseeable causes beyond the control and without the fault or negligence of the Consultant, including, but not restricted to, acts of God or of the public enemy, unusually severe weather, fires, earthquakes, floods, epidemics, quarantine restrictions, riots, strikes, freight embargoes, wars, litigation, and/or acts of any governmental agency, including the City, if the Consultant shall within ten (10) days of the commencement of such delay notify the Contract Officer in writing of the causes of the delay. The Contract Officer shall ascertain the facts and the extent of delay, and extend the time for performing the services for the period of the enforced delay when and if in the judgment of the Contract Officer such delay is justified. The Contract Officer's determination shall be final and conclusive upon the parties to this Agreement. In no event shall Consultant be entitled to recover damages against the City for any delay in the performance of this Agreement, however caused, Consultant's sole remedy being extension of the Agreement pursuant to this Section.

3.4 Inspection and Final Acceptance.

City may inspect and accept or reject any of Consultant's work under this Agreement, either during performance or when completed. City shall reject or finally accept Consultant's work within forth five (45) days after submitted to City. City shall accept work by a timely written acceptance, otherwise work shall be deemed to have been rejected. City's acceptance shall be conclusive as to such work except with respect to latent defects, fraud and such gross mistakes as amount to fraud. Acceptance of any work by City shall not constitute a waiver of any of the provisions of this Agreement including, but not limited to, Article 5, pertaining to indemnification and insurance, respectively.

3.5 Term.

Unless earlier terminated in accordance with Article 7 of this Agreement, this Agreement shall continue in full force and effect until completion of the services but not exceeding one (1) years from the date hereof, except as otherwise provided in the Schedule of Performance (Exhibit "D").

ARTICLE 4. COORDINATION OF WORK

4.1 Representatives and Personnel of Consultant.

The following principals of Consultant (Principals) are hereby designated as being the principals and representatives of Consultant authorized to act in its behalf with respect to the work specified herein and make all decisions in connection therewith:

JoAnn Hadfield
(Name)

Project Manager
(Title)

It is expressly understood that the experience, knowledge, capability and reputation of the foregoing principals were a substantial inducement for City to enter into this Agreement. Therefore, the foregoing principals shall be responsible during the term of this Agreement for directing all activities of Consultant and devoting sufficient time to personally supervise the services hereunder. All personnel of Consultant, and any authorized agents, shall at all times be under the exclusive direction and control of the Principals. For purposes of this Agreement, the foregoing Principals may not be replaced nor may their responsibilities be substantially reduced by Consultant without the express written approval of City. Additionally, Consultant shall make every reasonable effort to maintain the stability and continuity of Consultant's staff and subcontractors, if any, assigned to perform the services required under this Agreement. Consultant shall notify City of any changes in Consultant's staff and subcontractors, if any, assigned to perform the services required under this Agreement, prior to and during any such performance.

4.2 Status of Consultant.

Consultant shall have no authority to bind City in any manner, or to incur any obligation, debt or liability of any kind on behalf of or against City, whether by contract or otherwise, unless such authority is expressly conferred under this Agreement or is otherwise expressly conferred in writing by City. Consultant shall not at any time or in any manner represent that Consultant or any of Consultant's officers, employees, or agents are in any manner officials, officers, employees or agents of City. Neither Consultant, nor any of Consultant's officers, employees or agents, shall obtain any rights to retirement, health care or any other benefits which may otherwise accrue to City's employees. Consultant expressly waives any claim Consultant may have to any such rights.

4.3 Contract Officer.

The Contract Officer shall be such person as may be designated by the City Manager of City. It shall be the Consultant's responsibility to assure that the Contract Officer is kept informed of the progress of the performance of the services and the Consultant shall refer any decisions which must be made by City to the Contract Officer. Unless otherwise specified

herein, any approval of City required hereunder shall mean the approval of the Contract Officer. The Contract Officer shall have authority, if specified in writing by the City Manager, to sign all documents on behalf of the City required hereunder to carry out the terms of this Agreement.

4.4 Independent Consultant.

Neither the City nor any of its employees shall have any control over the manner, mode or means by which Consultant, its agents or employees, perform the services required herein, except as otherwise set forth herein. City shall have no voice in the selection, discharge, supervision or control of Consultant's employees, servants, representatives or agents, or in fixing their number, compensation or hours of service. Consultant shall perform all services required herein as an independent Consultant of City and shall remain at all times as to City a wholly independent Consultant with only such obligations as are consistent with that role. Consultant shall not at any time or in any manner represent that it or any of its agents or employees are agents or employees of City. City shall not in any way or for any purpose become or be deemed to be a partner of Consultant in its business or otherwise or a joint venturer or a member of any joint enterprise with Consultant.

4.5 Prohibition Against Subcontracting or Assignment.

The experience, knowledge, capability and reputation of Consultant, its principals and employees were a substantial inducement for the City to enter into this Agreement. Therefore, Consultant shall not contract with any other entity to perform in whole or in part the services required hereunder without the express written approval of the City. In addition, neither this Agreement nor any interest herein may be transferred, assigned, conveyed, hypothecated or encumbered voluntarily or by operation of law, whether for the benefit of creditors or otherwise, without the prior written approval of City. Transfers restricted hereunder shall include the transfer to any person or group of persons acting in concert of more than twenty five percent (25%) of the present ownership and/or control of Consultant, taking all transfers into account on a cumulative basis. In the event of any such unapproved transfer, including any bankruptcy proceeding, this Agreement shall be void. No approved transfer shall release the Consultant or any surety of Consultant of any liability hereunder without the express consent of City.

ARTICLE 5. INSURANCE, INDEMNIFICATION AND BONDS

5.1 Insurance Coverages.

The Consultant shall procure and maintain, at its sole cost and expense, in a form and content satisfactory to City, during the entire term of this Agreement including any extension thereof, the following policies of insurance which shall cover all elected and appointed officers, employees and agents of City:

(a) Comprehensive General Liability Insurance (Occurrence Form CG0001 or equivalent). A policy of comprehensive general liability insurance written on a per occurrence basis for bodily injury, personal injury and property damage. The policy of insurance shall be in an amount not less than \$1,000,000.00 per occurrence or if a general aggregate limit is used, either the general aggregate limit shall apply separately to this contract/location, or the general aggregate limit shall be twice the occurrence limit.

(b) Worker's Compensation Insurance. A policy of worker's compensation insurance in such amount as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Consultant and the City against any loss, claim or damage arising from any injuries or occupational diseases occurring to any worker employed by or any persons retained by the Consultant in the course of carrying out the work or services contemplated in this Agreement.

(c) Automotive Insurance (Form CA 0001 (Ed 1/87) including "any auto" and endorsement CA 0025 or equivalent). A policy of comprehensive automobile liability insurance written on a per occurrence for bodily injury and property damage in an amount not less than \$1,000,000. Said policy shall include coverage for owned, non-owned, leased and hired cars.

(d) Professional Liability. Professional liability insurance appropriate to the Consultant's profession. This coverage may be written on a "claims made" basis, and must include coverage for contractual liability. The professional liability insurance required by this Agreement must be endorsed to be applicable to claims based upon, arising out of or related to services performed under this Agreement. The insurance must be maintained for at least 5 consecutive years following the completion of Consultant's services or the termination of this Agreement. During this additional 5-year period, Consultant shall annually and upon request of the City submit written evidence of this continuous coverage.

(e) Additional Insurance. Policies of such other insurance, as may be required in the Special Requirements.

5.2 General Insurance Requirements.

All of the above policies of insurance shall be primary insurance and shall name the City, its elected and appointed officers, employees and agents as additional insureds and any insurance maintained by City or its officers, employees or agents shall apply in excess of, and not contribute with Consultant's insurance. The insurer is deemed hereof to waive all rights of subrogation and contribution it may have against the City, its officers, employees and agents and their respective insurers. All of said policies of insurance shall provide that said insurance may not be amended or cancelled by the insurer or any party hereto without providing thirty (30) days prior written notice by certified mail return receipt requested to the City. In the event any of said policies of insurance are cancelled, the Consultant shall, prior to the cancellation date, submit new evidence of insurance in conformance with Section 5.1 to the Contract Officer. No work or services under this Agreement shall commence until the Consultant has provided the City with Certificates of Insurance or appropriate insurance binders evidencing the above insurance coverages and said Certificates of Insurance or binders are approved by the City. City reserves the right to inspect complete, certified copies of all required insurance policies at any time. Any failure to comply with the reporting or other provisions of the policies including breaches or warranties shall not affect coverage provided to City.

All certificates shall name the City as additional insured (providing the appropriate endorsement) and shall conform to the following "cancellation" notice:

CANCELLATION:

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATED THEREOF, THE ISSUING COMPANY SHALL MAIL THIRTY (30)-DAY ADVANCE WRITTEN NOTICE TO CERTIFICATE HOLDER NAMED HEREIN.

[to be initialed]

Agent Initials

City, its respective elected and appointed officers, directors, officials, employees, agents and volunteers are to be covered as additional insureds as respects: liability arising out of activities Consultant performs; products and completed operations of Consultant; premises owned, occupied or used by Consultant; or automobiles owned, leased, hired or borrowed by Consultant. The coverage shall contain no special limitations on the scope of protection afforded to City, and their respective elected and appointed officers, officials, employees or volunteers. Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

Any deductibles or self-insured retentions must be declared to and approved by City. At the option of City, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects City or its respective elected or appointed officers, officials, employees and volunteers or the Consultant shall procure a bond guaranteeing payment of losses and related investigations, claim administration, defense expenses and claims. The Consultant agrees that the requirement to provide insurance shall not be construed as limiting in any way the extent to which the Consultant may be held responsible for the payment of damages to any persons or property resulting from the Consultant's activities or the activities of any person or persons for which the Consultant is otherwise responsible nor shall it limit the Consultant's indemnification liabilities as provided in Section 5.3. .

In the event the Consultant subcontracts any portion of the work in compliance with Section 4.5 of this Agreement, the contract between the Consultant and such subcontractor shall require the subcontractor to maintain the same policies of insurance that the Consultant is required to maintain pursuant to Section 5.1, and such certificates and endorsements shall be provided to City.

5.3 Indemnification.

To the full extent permitted by law, Consultant agrees to indemnify, defend and hold harmless the City, its officers, employees and agents ("Indemnified Parties") against, and will hold and save them and each of them harmless from, any and all actions, either judicial, administrative, arbitration or regulatory claims, damages to persons or property, losses, costs, penalties, obligations, errors, omissions or liabilities whether actual or threatened (herein "claims or liabilities") that may be asserted or claimed by any person, firm or entity arising out of or in connection with the negligent performance of the work, operations or activities provided herein of Consultant, its officers, employees, agents, subcontractors, or invitees, or any individual or entity for which Consultant is legally liable ("indemnors"), or arising from Consultant's reckless or willful misconduct, or arising from Consultant's indemnors' negligent performance of or failure to perform any term, provision, covenant or condition of this Agreement, and in connection therewith:

(a) Consultant will defend any action or actions filed in connection with any of said claims or liabilities and will pay all costs and expenses, including legal costs and attorneys' fees incurred in connection therewith;

(b) Consultant will promptly pay any judgment rendered against the City, its officers, agents or employees for any such claims or liabilities arising out of or in connection with the negligent performance of or failure to perform such work, operations or activities of Consultant hereunder; and Consultant agrees to save and hold the City, its officers, agents, and employees harmless therefrom;

(c) In the event the City, its officers, agents or employees is made a party to any action or proceeding filed or prosecuted against Consultant for such damages or other claims arising out of or in connection with the negligent performance of or failure to perform the work, operation or activities of Consultant hereunder, Consultant agrees to pay to the City, its officers, agents or employees, any and all costs and expenses incurred by the City, its officers, agents or employees in such action or proceeding, including but not limited to, legal costs and attorneys' fees.

Consultant shall incorporate similar, indemnity agreements with its subcontractors and if it fails to do so Consultant shall be fully responsible to indemnify City hereunder therefore, and failure of City to monitor compliance with these provisions shall not be a waiver hereof. This indemnification includes claims or liabilities arising from any negligent or wrongful act, error or omission, or reckless or willful misconduct of Consultant in the performance of professional services hereunder. The provisions of this Section do not apply to claims or liabilities occurring as a result of City's sole negligence or willful acts or omissions, but, to the fullest extent permitted by law, shall apply to claims and liabilities resulting in part from City's negligence, except that design professionals' indemnity hereunder shall be limited to claims and liabilities arising out of the negligence, recklessness or willful misconduct of the design professional. The indemnity obligation shall be binding on successors and assigns of Consultant and shall survive termination of this Agreement.

5.4 Performance Bond.

Concurrently with execution of this Agreement, and if required in Exhibit "B", Consultant shall deliver to City performance bond in the sum of the amount of this Agreement, in the form provided by the City Clerk, which secures the faithful performance of this Agreement. The bond shall contain the original notarized signature of an authorized officer of the surety and affixed thereto shall be a certified and current copy of his power of attorney. The bond shall be unconditional and remain in force during the entire term of the Agreement and shall be null and void only if the Consultant promptly and faithfully performs all terms and conditions of this Agreement.

5.5 Sufficiency of Insurer or Surety.

Insurance or bonds required by this Agreement shall be satisfactory only if issued by companies qualified to do business in California, rated "A" or better in the most recent edition of Best Rating Guide, The Key Rating Guide or in the Federal Register, and only if they are of a financial category Class VII or better, unless such requirements are waived by the Risk Manager of the City due to unique circumstances. If this Agreement continues for more than 3 years

duration, or in the event the Risk Manager of City ("Risk Manager") determines that the work or services to be performed under this Agreement creates an increased or decreased risk of loss to the City, the Consultant agrees that the minimum limits of the insurance policies and the performance bond required by Section 5.4 may be changed accordingly upon receipt of written notice from the Risk Manager; provided that the Consultant shall have the right to appeal a determination of increased coverage by the Risk Manager to the City Council of City within 10 days of receipt of notice from the Risk Manager.

ARTICLE 6. RECORDS, REPORTS, AND RELEASE OF INFORMATION

6.1 Records.

Consultant shall keep, and require subcontractors to keep, such ledgers books of accounts, invoices, vouchers, canceled checks, reports, studies or other documents relating to the disbursements charged to City and services performed hereunder (the "books and records"), as shall be necessary to perform the services required by this Agreement and enable the Contract Officer to evaluate the performance of such services. Any and all such documents shall be maintained in accordance with generally accepted accounting principles and shall be complete and detailed. The Contract Officer shall have full and free access to such books and records at all times during normal business hours of City, including the right to inspect, copy, audit and make records and transcripts from such records. Such records shall be maintained for a period of 3 years following completion of the services hereunder, and the City shall have access to such records in the event any audit is required. In the event of dissolution of Consultant's business, custody of the books and records may be given to City, and access shall be provided by Consultant's successor in interest.

6.2 Reports.

Consultant shall periodically prepare and submit to the Contract Officer such reports concerning the performance of the services required by this Agreement as the Contract Officer shall require. Consultant hereby acknowledges that the City is greatly concerned about the cost of work and services to be performed pursuant to this Agreement. For this reason, Consultant agrees that if Consultant becomes aware of any facts, circumstances, techniques, or events that may or will materially increase or decrease the cost of the work or services contemplated herein or, if Consultant is providing design services, the cost of the project being designed, Consultant shall promptly notify the Contract Officer of said fact, circumstance, technique or event and the estimated increased or decreased cost related thereto and, if Consultant is providing design services, the estimated increased or decreased cost estimate for the project being designed.

6.3 Ownership of Documents.

All drawings, specifications, maps, designs, photographs, studies, surveys, data, notes, computer files, reports, records, documents and other materials (the "documents and materials") prepared by Consultant, its employees, subcontractor and agents in the performance of this Agreement shall be the property of City and shall be delivered to City upon request of the Contract Officer or upon the termination of this Agreement, and Consultant shall have no claim for further employment or additional compensation as a result of the exercise by City of its full rights of ownership use, reuse, or assignment of the documents and materials hereunder. Any use, reuse or assignment of such completed documents for other projects and/or use of

uncompleted documents without specific written authorization by the Consultant will be at the City's sole risk and without liability to Consultant, and Consultant's guarantee and warranties shall not extend to such use, revise or assignment. Consultant may retain copies of such documents for its own use. Consultant shall have an unrestricted right to use the concepts embodied therein. All subcontractors shall provide for assignment to City of any documents or materials prepared by them, and in the event Consultant fails to secure such assignment, Consultant shall indemnify City for all damages resulting therefrom.

6.4 Confidentiality and Release of Information.

(a) All information gained or work product produced by Consultant in performance of this Agreement shall be considered confidential, unless such information is in the public domain or already known to Consultant. Consultant shall not release or disclose any such information or work product to persons or entities other than City without prior written authorization from the Contract Officer.

(b) Consultant, its officers, employees, agents or subcontractors, shall not, without prior written authorization from the Contract Officer or unless requested by the City Attorney, voluntarily provide documents, declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the work performed under this Agreement. Response to a subpoena or court order shall not be considered "voluntary" provided Consultant gives City notice of such court order or subpoena.

(c) If Consultant, or any officer, employee, agent or subcontractor of Consultant, provides any information or work product in violation of this Agreement, then City shall have the right to reimbursement and indemnity from Consultant for any damages, costs and fees, including attorneys fees, caused by or incurred as a result of Consultant's conduct.

(d) Consultant shall promptly notify City should Consultant, its officers, employees, agents or subcontractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any party regarding this Agreement and the work performed there under. City retains the right, but has no obligation, to represent Consultant or be present at any deposition, hearing or similar proceeding. Consultant agrees to cooperate fully with City and to provide City with the opportunity to review any response to discovery requests provided by Consultant. However, this right to review any such response does not imply or mean the right by City to control, direct, or rewrite said response.

ARTICLE 7. ENFORCEMENT OF AGREEMENT AND TERMINATION

7.1 California Law.

This Agreement shall be interpreted, construed and governed both as to validity and to performance of the parties in accordance with the laws of the State of California. Legal actions concerning any dispute, claim or matter arising out of or in relation to this Agreement shall be instituted in the Superior Court of the County of Riverside, State of California, or any other appropriate court in such county, and Consultant covenants and agrees to submit to the personal jurisdiction of such court in the event of such action. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Central District of California, in Riverside.

7.2 Disputes; Default.

In the event that Consultant is in default under the terms of this Agreement, the City shall not have any obligation or duty to continue compensating Consultant for any work performed after the date of default. Instead, the City may give notice to Consultant of the default and the reasons for the default. The notice shall include the timeframe in which Consultant may cure the default. This timeframe is presumptively thirty (30) days, but may be extended, though not reduced, if circumstances warrant. During the period of time that Consultant is in default, the City shall hold all invoices and shall, when the default is cured, proceed with payment on the invoices. In the alternative, the City may, in its sole discretion, elect to pay some or all of the outstanding invoices during the period of default. If Consultant does not cure the default, the City may take necessary steps to terminate this Agreement under this Article. Any failure on the part of the City to give notice of the Consultant's default shall not be deemed to result in a waiver of the City's legal rights or any rights arising out of any provision of this Agreement.

7.3 Retention of Funds.

Consultant hereby authorizes City to deduct from any amount payable to Consultant (whether or not arising out of this Agreement) (i) any amounts the payment of which may be in dispute hereunder or which are necessary to compensate City for any losses, costs, liabilities, or damages suffered by City, and (ii) all amounts for which City may be liable to third parties, by reason of Consultant's acts or omissions in performing or failing to perform Consultant's obligation under this Agreement. In the event that any claim is made by a third party, the amount or validity of which is disputed by Consultant, or any indebtedness shall exist which shall appear to be the basis for a claim of lien, City may withhold from any payment due, without liability for interest because of such withholding, an amount sufficient to cover such claim. The failure of City to exercise such right to deduct or to withhold shall not, however, affect the obligations of the Consultant to insure, indemnify, and protect City as elsewhere provided herein.

7.4 Waiver.

Waiver by any party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any party of any breach of the provisions of this Agreement shall not constitute a waiver of any other provision or a waiver of any subsequent breach or violation of any provision of this Agreement. Acceptance by City of any work or services by Consultant shall not constitute a waiver of any of the provisions of this Agreement. No delay or omission in the exercise of any right or remedy by a non-defaulting party on any default shall impair such right or remedy or be construed as a waiver. Any waiver by either party of any default must be in writing and shall not be a waiver of any other default concerning the same or any other provision of this Agreement.

7.5 Rights and Remedies are Cumulative.

Except with respect to rights and remedies expressly declared to be exclusive in this Agreement, the rights and remedies of the parties are cumulative and the exercise by either party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other party.

7.6 Legal Action.

In addition to any other rights or remedies, either party may take legal action, in law or in equity, to cure, correct or remedy any default, to recover damages for any default, to compel specific performance of this Agreement, to obtain declaratory or injunctive relief, or to obtain any other remedy consistent with the purposes of this Agreement.

7.7 Liquidated Damages.

Since the determination of actual damages for any delay in performance of this Agreement would be extremely difficult or impractical to determine in the event of a breach of this Agreement, the Consultant and its sureties shall be liable for and shall pay to the City the sum of _____ (\$ _____) as liquidated damages for each working day of delay in the performance of any service required hereunder, as specified in the Schedule of Performance (Exhibit "D"). The City may withhold from any monies payable on account of services performed by the Consultant any accrued liquidated damages.

7.8 Termination Prior to Expiration of Term.

This Section shall govern any termination of this Contract except as specifically provided in the following Section for termination for cause. The City reserves the right to terminate this Contract at any time, with or without cause, upon thirty (30) days' written notice to Consultant, except that where termination is due to the fault of the Consultant, the period of notice may be such shorter time as may be determined by the Contract Officer. In addition, the Consultant reserves the right to terminate this Contract at any time, with or without cause, upon sixty (60) days' written notice to City, except that where termination is due to the fault of the City, the period of notice may be such shorter time as the Consultant may determine. Upon receipt of any notice of termination, Consultant shall immediately cease all services hereunder except such as may be specifically approved by the Contract Officer. Except where the Consultant has initiated termination, the Consultant shall be entitled to compensation for all services rendered prior to the effective date of the notice of termination and for any services authorized by the Contract Officer thereafter in accordance with the Schedule of Compensation or such as may be approved by the Contract Officer, except as provided in Section 7.3. In the event the Consultant has initiated termination, the Consultant shall be entitled to compensation only for the reasonable value of the work product actually produced hereunder. In the event of termination without cause pursuant to this Section, the terminating party need not provide the non-terminating party with the opportunity to cure pursuant to Section 7.2.

7.9 Termination for Default of Consultant.

If termination is due to the failure of the Consultant to fulfill its obligations under this Agreement, City may, after compliance with the provisions of Section 7.2, take over the work and prosecute the same to completion by contract or otherwise, and the Consultant shall be liable to the extent that the total cost for completion of the services required hereunder exceeds the compensation herein stipulated (provided that the City shall use reasonable efforts to mitigate such damages), and City may withhold any payments to the Consultant for the purpose of set-off or partial payment of the amounts owed the City as previously stated.

7.10 Attorneys' Fees.

If either party to this Agreement is required to initiate or defend or made a party to any action or proceeding in any way connected with this Agreement, the prevailing party in such action or proceeding, in addition to any other relief which may be granted, whether legal or equitable, shall be entitled to reasonable attorney's fees. Attorney's fees shall include attorney's fees on any appeal, and in addition a party entitled to attorney's fees shall be entitled to all other reasonable costs for investigating such action, taking depositions and discovery and all other necessary costs the court allows which are incurred in such litigation. All such fees shall be deemed to have accrued on commencement of such action and shall be enforceable whether or not such action is prosecuted to judgment.

ARTICLE 8. CITY OFFICERS AND EMPLOYEES: NON-DISCRIMINATION

8.1 Non-liability of City Officers and Employees.

No officer or employee of the Agency shall be personally liable to the Consultant, or any successor in interest, in the event of any default or breach by the City or for any amount which may become due to the Consultant or to its successor, or for breach of any obligation of the terms of this Agreement.

8.2 Conflict of Interest.

Consultant covenants that neither it, nor any officer or principal of its firm, has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of City or which would in any way hinder Consultant's performance of services under this Agreement. Consultant further covenants that in the performance of this Agreement, no person having any such interest shall be employed by it as an officer, employee, agent or subcontractor without the express written consent of the Contract Officer. Consultant agrees to at all times avoid conflicts of interest or the appearance of any conflicts of interest with the interests of City in the performance of this Agreement.

No officer or employee of the City shall have any financial interest, direct or indirect, in this Agreement nor shall any such officer or employee participate in any decision relating to the Agreement which effects his financial interest or the financial interest of any corporation, partnership or association in which he is, directly or indirectly, interested, in violation of any State statute or regulation. The Consultant warrants that it has not paid or given and will not pay or give any third party any money or other consideration for obtaining this Agreement.

8.3 Covenant Against Discrimination.

Consultant covenants that, by and for itself, its heirs, executors, assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, religion, sex, marital status, national origin, or ancestry in the performance of this Agreement. Consultant shall take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to their race, color, creed, religion, sex, marital status, national origin, or ancestry.

8.4 Unauthorized Aliens.

Consultant hereby promises and agrees to comply with all of the provisions of the Federal Immigration and Nationality Act, 8 U.S.C.A. §§ 1101, et seq., as amended, and in connection therewith, shall not employ unauthorized aliens as defined therein. Should Consultant so employ such unauthorized aliens for the performance of work and/or services covered by this Agreement, and should the any liability or sanctions be imposed against City for such use of unauthorized aliens, Consultant hereby agrees to and shall reimburse City for the cost of all such liabilities or sanctions imposed, together with any and all costs, including attorneys' fees, incurred by City.

ARTICLE 9. MISCELLANEOUS PROVISIONS

9.1 Notices.

Any notice, demand, request, document, consent, approval, or communication either party desires or is required to give to the other party or any other person shall be in writing and either served personally or sent by prepaid, first-class mail, in the case of the City, to the City Manager and to the attention of the Contract Officer, CITY OF BANNING, 99 East Ramsey Street, Banning, CA 92220 and in the case of the Consultant, to the person at the address designated on the execution page of this Agreement. Either party may change its address by notifying the other party of the change of address in writing. Notice shall be deemed communicated at the time personally delivered or in seventy-two (72) hours from the time of mailing if mailed as provided in this Section.

9.2 Interpretation.

The terms of this Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against either party by reason of the authorship of this Agreement or any other rule of construction which might otherwise apply.

9.3 Counterparts.

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

9.4 Integration; Amendment.

This Agreement including the attachments hereto is the entire, complete and exclusive expression of the understanding of the parties. It is understood that there are no oral agreements between the parties hereto affecting this Agreement and this Agreement supersedes and cancels any and all previous negotiations, arrangements, agreements and understandings, if any, between the parties, and none shall be used to interpret this Agreement. No amendment to or modification of this Agreement shall be valid unless made in writing and approved by the Consultant and by the City Council. The parties agree that this requirement for written modifications cannot be waived and that any attempted waiver shall be void.

9.5 Severability.

In the event that any one or more of the phrases, sentences, clauses, paragraphs, or sections contained in this Agreement shall be declared invalid or unenforceable by a valid judgment or decree of a court of competent jurisdiction, such invalidity or unenforceability shall not affect any of the remaining phrases, sentences, clauses, paragraphs, or sections of this

Agreement which are hereby declared as severable and shall be interpreted to carry out the intent of the parties hereunder unless the invalid provision is so material that its invalidity deprives either party of the basic benefit of their bargain or renders this Agreement meaningless.

9.6 Corporate Authority.

The persons executing this Agreement on behalf of the parties hereto warrant that (i) such party is duly organized and existing, (ii) they are duly authorized to execute and deliver this Agreement on behalf of said party, (iii) by so executing this Agreement, such party is formally bound to the provisions of this Agreement, and (iv) the entering into this Agreement does not violate any provision of any other Agreement to which said party is bound. This Agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the parties.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date and year first-above written.

CITY:

CITY OF BANNING, a municipal corporation

Andrew J. Takata, City Manager

ATTEST:

Marie A. Calderon, City Clerk

APPROVED AS TO FORM:

ALESHIRE & WYNDER, LLP

David Aleshire, City Attorney

CONSULTANT:

THE PLANNING CENTER | DC & E

By: _____

Name: Dwayne Mears
Title: Principal

By: _____

Name: JoAnn Hadfield
Title: Principal

Address: 3 MacArthur Pl.

Suite 1100

Santa Ana, Ca 92707

Two signatures are required if a corporation.

NOTE: CONSULTANT'S SIGNATURES SHALL BE DULY NOTARIZED, AND APPROPRIATE ATTESTATIONS SHALL BE INCLUDED AS MAY BE REQUIRED BY THE BYLAWS, ARTICLES OF INCORPORATION, OR OTHER RULES OR REGULATIONS APPLICABLE TO DEVELOPER'S BUSINESS ENTITY.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

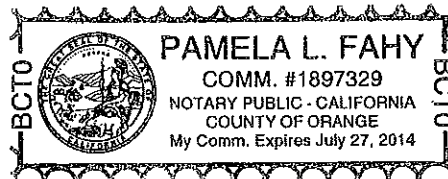
COUNTY OF RIVERSIDE

On 10/1 2013 before me, Pamela Fahy, personally appeared Dwayne Mears, proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Pamela L Fahy



OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form

CAPACITY CLAIMED BY SIGNER

- ☐ INDIVIDUAL
- ☒ CORPORATE OFFICER
Chairman of the Board
TITLE(S)
- ☐ PARTNER(S) ☐ LIMITED
☐ GENERAL
- ☐ ATTORNEY-IN-FACT
- ☐ TRUSTEE(S)
- ☐ GUARDIAN/CONSERVATOR
- ☐ OTHER _____

DESCRIPTION OF ATTACHED DOCUMENT
Contract Services Agreement for
CEQA Services for San
Geronimo Specific Plan
TITLE OR TYPE OF DOCUMENT

19
NUMBER OF PAGES

10/1/2013
DATE OF DOCUMENT

SIGNER IS REPRESENTING:

(NAME OF PERSON(S) OR ENTITY(IES))

SIGNER(S) OTHER THAN NAMED ABOVE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

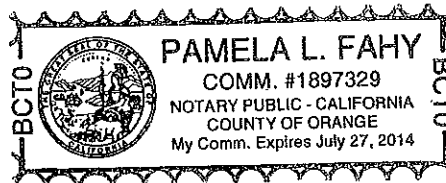
COUNTY OF RIVERSIDE

On 10/1/2013 before me, Pamela L. Fahy, personally appeared JoAnn Hatfield, proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Pamela L. Fahy



OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form

CAPACITY CLAIMED BY SIGNER

☒
☐

INDIVIDUAL
CORPORATE OFFICER

TITLE(S)

☒

PARTNER(S) ☐ LIMITED
☒ GENERAL

☐
☐
☐
☐

ATTORNEY-IN-FACT
TRUSTEE(S)
GUARDIAN/CONSERVATOR
OTHER

DESCRIPTION OF ATTACHED DOCUMENT

Contract Services Agreement
for CEQA Services for San
Geronimo Specific Plan

TITLE OR TYPE OF DOCUMENT

19

NUMBER OF PAGES

10/1/2013

DATE OF DOCUMENT

SIGNER IS REPRESENTING:

(NAME OF PERSON(S) OR ENTITY(IES))

SIGNER(S) OTHER THAN NAMED ABOVE

EXHIBIT "A"
SCOPE OF SERVICES

I. Consultant will perform the following Services:

Task 1. Project Initiation and Kick-off Meeting

To begin the environmental review process, the Preliminary Environmental Impact Report (PEIR) project team will first review available materials provided by the City, such as the City's General Plan and Zoning Ordinance, General Plan Land Use and Zoning maps, the draft Specific Plan, and any other relevant documents and studies. The consultant will coordinate with the City to arrange a visit to the project site and a kick-off meeting with City staff.

During the site visit, the Consultant will take photos of the site and surrounding areas and familiarize their firm with the site terrain, accessibility, and natural setting characteristics.

At the kick-off meeting the Consultant will discuss and agree upon the project goals and approaches with City staff. This discussion will include sharing known constraints and opportunities of the project and the project history to ensure both the Consultant and City staff members understand the project completely. The Consultant will solicit direction from City staff regarding protocol for communication with the applicant and the applicant's consultant team, schedule objectives, and provisions to provide updated status reports. The Consultant will obtain the input necessary to update the tentative schedule with additional detail for provision of information from the City and applicant team, tentative scoping meeting and hearing dates, and estimated document review schedules for staff.

Task 2. Initial Study Review and Notice of Preparation

Initial Study

The initial study review will include a comprehensive project description and analyze each topical area of the California Environmental Quality Act (CEQA) Appendix G checklist as follows:

- + Aesthetics
- + Agriculture/Forestry Resources
- + Air Quality
- + Biological Resources

- + Cultural Resources
- + Geology/Soils
- + Greenhouse Gases
- + Hazards/Hazardous Materials
- + Hydrology/Water Quality
- + Land Use & Planning
- + Mineral Resources
- + Noise
- + Population & Housing
- + Public Services
- + Recreation
- + Transportation/Traffic
- + Utilities and Service Systems

Findings for each area will be clearly substantiated to conclude that impacts are less than significant or further analyzed in the PEIR. The Consultant will revise the Initial Study per City staff review comments.

Notice of Preparation

The Consultant will prepare the draft Notice of Preparation (NOP) and submit it to the City for review and approval. After approval, the Consultant will copy and distribute the NOP and Initial Study to state and local agencies, surrounding property owners, and other special interest groups or individuals identified by the City. The NOP will clearly identify the time period, contact person, and address established for submitting responses.

Deliverable(s):

- Screencheck Initial Study/NOP (10 review copies and 1 digital CD copy)
- Final Initial Study/NOP (5 hardcopies, 25 digital CD copies)

Task 3. Public Scoping Meeting

The Consultant will assist the City in organizing and conducting one public scoping meeting to present the preliminary environmental impacts of the proposed project and to solicit comments regarding the scope and content of the environmental issues to be addressed in the Environmental Impact Report (EIR). At the meeting, the Consultant will be prepared to discuss the environmental review process and to answer specific questions, as desired by the City. The scoping meeting is to be held as soon as possible after the release of the NOP, so public concerns about environmental issues can be identified.

Deliverable(s):

- Mailing of a maximum of 250 Public Scoping Meeting notices to public agencies, interested parties, and surrounding residents
- Draft and Final Public Notice of Scoping Meeting
- Draft newspaper notice (if desired, to be published by the City)
- Attendance and participation in one Public Scoping Meeting
- Scoping meeting materials, including agenda

Task 4. Screencheck Draft PEIR

The Consultant will prepare a Screencheck Draft PEIR to include the following sections in accordance with the CEQA Guidelines:

- + Executive Summary
- + Introduction
- + Project Description
- + Environmental Setting
- + Discussion of Existing Conditions, Environmental Impacts, and Mitigation Measures
- + Cumulative Impacts
- + Effects Not Found to Be Significant
- + Organizations and Persons Consulted

+ Other CEQA-Mandated Sections

Each topical section of the document will:

(a) describe existing environmental conditions and pertinent regulatory policies and programs that apply to this project,

(b) define the criteria by which impacts will be determined to be significant,

(c) determine the environmental changes that would result from the project,

(d) evaluate the significance of those changes with respect to the impact significance criteria (thresholds),

(e) define mitigation measures to reduce or avoid all potentially significant adverse impacts, and

(f) provide a conclusion as to whether significant impacts would remain, even after successful implementation of recommended mitigation measures.

At this time all CEQA topical sections will be included in the PEIR with the exception of Mineral Resources. This topic will be closed out in the Initial Study. Analysis on the rest of the environmental topics will be included in the Screencheck Draft PEIR:

Analysis and findings of technical studies prepared by both the Consultant and the applicant's consultants will be incorporated into the Draft PEIR. Technical studies prepared by the applicant and supplemental modeling information for the Consultant studies will be included in the EIR appendices.

Consideration of Significant Effects

As required by CEQA, the EIR will identify and focus on the significant effects of the project, and include the following discussions as required by CEQA Guidelines Section 15126.2:

- + Effects Not Found to be Significant
- + Significant Unavoidable Impacts
- + Significant Irreversible Changes
- + Growth-Inducing Impacts

Alternatives to the Proposed Project

Alternatives to the proposed project will be defined and analyzed by the Consultant in compliance with Section 15126(d) of the CEQA Guidelines and with consultation with City staff. Alternatives will be selected on the basis of the ability to: (1) avoid or reduce one or more of the project's significant impacts; and (2) feasibly attain most of the basic objectives of the project.

Analyses of a reasonable number of feasible alternatives, including the "No Project," will be conducted. Impacts associated with each alternative will be compared to the impacts of the proposed project for each of the environmental impact categories described in the preceding sections of the EIR. The environmentally superior alternative will be identified; if it is either No-Project Alternative, then one of the development alternatives will be identified as environmentally superior to the others. The Consultant will evaluate up to five project alternatives, which may include alternative land uses, densities, and phasing scenarios, and potentially, previous land plans prepared by the applicant and/or others. The alternatives section will also include a subsection summarizing alternatives considered but rejected from further analysis.

Deliverable(s):

- 1st Screencheck Draft EIR (10 review copies, 2 digital CD copies)
- 2nd Screencheck Draft EIR (10 review copies, 1 digital CD copy)

Task 5. Draft Program Environmental Impact Report

The Consultant will incorporate City comments on the two rounds of review of the Screencheck Draft PEIR. The Consultant will coordinate with City staff to discuss and resolve any major areas of concern or to clarify areas of misunderstanding. Upon approval of the second set of revisions, the Consultant will forward the preprint Draft PEIR for final review before publication. After City approval, the Consultant will prepare the Notice of Completion (NOC) for City approval and signature. The Consultant will prepare the Notice of Availability (NOA) for City approval for distribution by the City and publish and distribute the PEIR per the mailing list to be developed in consultation with the City. The Consultant will prepare a draft NOA for newspaper publication. The City would publish this notice.

Deliverable(s):

- Draft PEIR

- 30 hard copies of the Draft PEIR
- 15 copies of the Executive Summary and digital CD copies to the State Clearinghouse
- 100 digital CD copies
- Preparation of Notice of Availability

Task 6. Final PEIR – Response to Comments / Errata

The Final PEIR will be prepared in accordance with CEQA Guidelines Section 15089 and will contain the response to comments received on the Draft PEIR. Following receipt of all comments on the Draft PEIR, written responses will be prepared by the Consultant for each comment. A Response to Comments section will be created by the Consultant for the Final PEIR and will contain an introduction describing the public review process for the Draft PEIR, copies of all comment letters and minutes from public meetings where oral comments were taken, and written responses to all comments. The Consultant's responses will focus on comments that address the adequacy of the Draft PEIR. Comments that do not address PEIR adequacy will be noted as such, and no further response will be provided unless deemed necessary by the City. Our scope of work and cost estimate assumes that the applicant's technical consultants will be available to assist to address comments on their respective studies.

The estimated budget assumes that no additional research will be required to respond to comments, that the comments will be directed at the substance and technical adequacy of the PEIR, and that the comments will be compiled by the City and transmitted in writing to the consultant. Modification to the scope of work, budget, and time frame may be necessary if comments received from agencies or the general public require substantially increasing the scope of impacts and issues addressed in the PEIR.

The Final PEIR will also include any revisions and updates needed to respond to comments or address minor errors in the Draft PEIR.

The Consultant will revise the Responses to Comments based on revisions provided by the City. Responses to Comments from responsible agencies will be distributed a minimum of 10 days prior to consideration of the Final PEIR by the City Council.

Deliverable(s):

- Final PEIR (30 hardcopies)

Task 7. Mitigation Monitoring and Reporting Program (MMRP)

An MMRP will be prepared by the Consultant pursuant to Section 21081.6 of the Public Resources Code. It will be presented in standard City format and will identify the significant impacts that would result from the project, proposed mitigation measures for each impact, the times at which the measures will need to be conducted, the entity responsible for implementing the mitigation measure, and the City department or other agency responsible for monitoring the mitigation effort and ensuring its success.

Deliverable(s):

- Mitigation Monitoring Program (10 hardcopies and 1 digital CD copy)

Task 8. Findings of Fact and Statement of Overriding Considerations and NOD

Findings of Fact and Statement of Overriding Considerations

The Consultant will prepare the Findings of Fact consistent with the requirements of CEQA. The draft Findings of Fact will be distributed to the City for review and comment. If required, The Consultant will prepare a Statement of Overriding Considerations for the project, consistent with the requirements of CEQA.

Notice of Determination

A draft NOD will be prepared by the Consultant for review by the City. After the City takes action certifying the Final PEIR and approving the project, the NOD will be filed with the Office of Planning and Research (OPR) and the Riverside County Clerk. This filing will include the CDFW filing fee.

Deliverable(s):

- Findings of Fact (2 digital CD copies)
- Preparation of Notice of Determination

Task 9. Meetings and Public Hearings

The scope of work assumes attendance by the Consultant's project manager and another team member (assistant project manager or technical expert) at the meetings and public hearings listed below. Additional meeting attendance by the Consultant or attendance by other members of the consultant team will be billed on a time-and-materials basis in accordance with the hourly rates for the personnel involved.

Deliverable(s):

- Kick-off Meeting (included in Task 1 above)
- Public Scoping Meeting (budget included in Task 3)
- Up to 3 City Staff Coordination Meetings
- Up to 5 Conference Calls
- Up to 4 Public Hearings (interchangeable Planning Commission, City Council)

Task 10. Project Management

The Consultant will coordinate closely with the City to ensure that the EIR and associated documents are legally defensible, accurate, and useful to decision makers when considering the approval of the project. Project management responsibilities include: task scheduling and assignment; management of resources; monitoring of costs and schedule adherence; management and coordination of the subconsultant, including contract administration and accounting; consultation and coordination with local and state entities relative to the environmental review process; and coordination and communications with the City's project team to ensure compliance with policies, procedures, and any applicable codes.

II. As part of the Services, Consultant will prepare and deliver the following tangible work products to the City:

- A. Screencheck Initial Study/NOP (Ten (10) review copies and one (1) digital CD copy).
- B. Final Initial Study/NOP (Five (5) hardcopies, twenty-five (25) digital CD copies)
- C. Mailing of a maximum of Two Hundred Fifty (250) Public Scoping meeting notices to public agencies, interested parties, and surrounding residents.
- D. Draft and Final Public Notice of Scoping meeting.
- E. Draft newspaper notice regarding the Scoping meeting.
- F. Attendance and participation in one (1) Public Scoping meeting.
- G. Scoping meeting materials including agenda.

- H. First Screencheck Draft EIR (Ten (10) review copies, two (2) digital copies.
- I. Second Screencheck Draft EIR (Ten (10) review copies, 1 digital CD copy).
- J. Thirty (30) hard copies of the Draft PEIR.
- K. Fifteen (15) copies of the Executive Summary and digital CD copies to the State Clearinghouse.
- L. One Hundred (100) digital CD copies of the Draft PEIR.
- M. Draft PEIR preparation and Notice of Availability.
- N. Final PEIR (Thirty (30) hardcopies).
- O. Mitigation Monitoring Program (Ten (10) hardcopies and one (1) digital CD copy).
- P. Findings of Fact (Two (2) digital CD copies).
- Q. Preparation of Notice of Determination.
- R. Three (3) City staff coordinated meetings.
- S. Five (5) conference calls.
- T. Four (4) public hearings (interchangeable Planning Commission, City Council)

III. In addition to the requirements of Section 6.2, during performance of the Services, Consultant will keep the City apprised of the status of performance by delivering the following status reports:

Bi-weekly updates will be provided by the Consultant.

IV. All work product is subject to review and acceptance by the City, and must be revised by the Consultant without additional charge to the City until found satisfactory and accepted by City.

V. Consultant will utilize the following personnel to accomplish the Services:

- A. JoAnn C. Hadfeild- Principal, Environmental Services

- B. Cathleen Fitzgerald-Senior Engineer or comparable designee approved by the City.
- C. Nicole Vermilion-Associate Principal or comparable designee approved by the City.
- D. Fernando Sotelo- Senior Associate, Noise & Air Quality or comparable designee approved by the City.
- F. Michael Milroy – Associate Planner or comparable designee approved by the City.
- G. George Estrada – Associate Planner or comparable designee approved by the City.
- H. Frances Ho – Planner or comparable designee approved by the City.

EXHIBIT "B"
SPECIAL REQUIREMENTS
(Superseding Contract Boilerplate)

- Section 2.4 is hereby amended to read as follows:

2.4 Invoices.

Each month Consultant shall furnish to City an original invoice for all work performed and expenses incurred during the preceding month in a form approved by City's Director of Finance. The invoice shall detail charges for all necessary and actual expenses by the following categories: labor (by sub-category), travel, materials, equipment, supplies, and sub-contractor contracts. Sub-contractor charges shall also be detailed by such categories.

City shall independently review each invoice submitted by the Consultant to determine whether the work performed and expenses incurred are in compliance with the provisions of this Agreement. Except as to any charges for work performed or expenses incurred by Consultant which are disputed by City, or as provided in Section 7.3., City will use its best efforts to cause Consultant to be paid within forty-five (45) days of satisfactory completion of each task and receipt of Consultant's correct and undisputed invoice. In the event any charges or expenses are disputed by City, the original invoice shall be returned by City to Consultant for correction and resubmission.

- Section 5.4 entitled "Performance Bond" is hereby deleted in its entirety.
- Section 7.7 entitled "Liquidated Damages" is hereby deleted in its entirety.

EXHIBIT "C"
COMPENSATION

I. Consultant shall perform the following tasks:

Services and compensation detailed in following pages.

171

DATE:	\$200	\$155	\$135	\$125	\$130	\$110	\$90	\$70	\$105	\$80	\$75	TOTAL	Subcon- stant 10.0%	TOTAL BUDGET
PRJ TASKS	PRINCIPAL	ASSISTANT	AD/GIG	NOTE	ESTIMADA Project	PLANNER	PLANNER	PLANNER	PLANNER	HO	Technical	Graphics	WP	HOURS
PROJECT (Others: (Literature/Plan/Review))	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 1 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
SCENARIOS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 2 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 3 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 4 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 5 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 6 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 7 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 8 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 9 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 10 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 11 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 12 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 13 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 14 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 15 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 16 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 17 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 18 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 19 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 20 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 21 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 22 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 23 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 24 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 25 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 26 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 27 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 28 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 29 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 30 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 31 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 32 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 33 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 34 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 35 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 36 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 37 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 38 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 39 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 40 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 41 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 42 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 43 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 44 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 45 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 46 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 47 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 48 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 49 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 50 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 51 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 52 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 53 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 54 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 55 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 56 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 57 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0	0	0	0	0	0	0	0	0	0	0	0	12
Task 58 - Subtotal	4	0	0	0	0	0	0	0	0	0	0	0	0	12
PREPARE DRAFT REPORTS (Literature/Plan/Review)	4	0												

Proposal for Rancho San Geronio Specific Plan EIR

RATES

[illegible]

TOTAL LABOR W/OUT OPTIONAL TASKS

\$162,589

TOTAL LABOR WITH OPTIONAL TASKS

\$169,929

REIMBURSABLE ESTIMATE

\$16,084

Notes: 1) The budget for the final effort is an estimate only, based on approximately 50 hours of preparation in response to comments. The estimated budget assumes that no additional basic research will be required to respond to comments, that the comments will be directed at the substance and technical content of the proposal, and that the comments will be addressed in a timely manner. 2) The budget for the final effort is an estimate only, based on approximately 50 hours of preparation in response to comments. The estimated budget assumes that no additional basic research will be required to respond to comments, that the comments will be directed at the substance and technical content of the proposal, and that the comments will be addressed in a timely manner.

2) The reimbursables budget is an estimate only and will be billed at cost plus 100%. If additional copies are requested by the City, they will be billed at cost plus 10% and are extra to contract.

REPRODUCIBLES AVAILABLE

[illegible]

172

- II. Payments will be made based upon the satisfactory completion of each task.**
- III. Within the budgeted amounts for each Task, and with the approval of the Contract Officer, funds may be shifted from one Task subbudget to another so long as the Contract Sum is not exceeded per Section 2.1, unless Additional Services are approved per Section 1.10.**
- VI. The City will compensate Consultant for the Services performed upon satisfactory completion of each task set forth in Exhibit A and Section I of this Exhibit C, and submissions of valid invoices of each task. Each invoice is to include:**
 - A. Line items for all personnel describing the work performed, the number of hours worked, and the hourly rate.**
 - B. Line items for all materials and equipment properly charged to the Services.**
 - C. Line items for all other approved reimbursable expenses claimed, with supporting documentation.**
 - D. Line items for all approved subcontractor labor, supplies, equipment, materials, and travel properly charged to the Services.**
- V. The total compensation for the Services shall not exceed \$186,013.00, as provided in Section 2.1 of this Agreement.**
- VI. The Consultant's billing rates for all personnel are attached as Exhibit C-1.**

EXHIBIT "C-1"
CONTRACTOR BILLING RATES

The Planning Center|DC&E
2013 Standard Fee Schedule

STAFF LEVEL	HOURLY BILL RATE
Principal	\$180-\$250
Associate Principal	\$155-\$190
Senior Associate/Senior Scientist	\$130-\$185
Associate/Scientist	\$90-\$150
Project Planner/Project Scientist	\$80-\$120
Planner/Assistant Scientist	\$60-\$100
Graphics Specialist	\$65-\$90
Clerical/Word Processing	\$40-\$90
Intern	\$60-\$85

Other direct costs and subconsultants are billed at cost plus 10%.
Mileage reimbursement rate is the standard IRS-approved rate.

VCS Environmental
2013 Standard Fee Schedule

STAFF LEVEL	HOURLY BILL RATE
President	\$200
Vice President	\$195
Senior Biologist	\$185
Biologist	\$175
Field Biologist	\$145
Senior Project Manager	\$185
Project Manager	\$175
Assistant Project Manager	\$165
Project Manager	\$145
Field Assistant	\$75
Office Assistant/Word Processing	\$65

REIMBURSABLE EXPENSES. Expenses incurred directly for the Client's project will be billed at the actual cost and are not included in the original contract amount. Expenses include, but are not limited to, reprographics, Federal Express, necessary transportation costs including mileage by automobile at the IRS reimbursement rate, toll road fees, meals and lodging, computer services and photocopying.

PAYMENT DUE. Invoices are due upon presentation and shall be considered past due if not paid within 15 (fifteen) calendar days of the due date. Finance charges, computed by a "Periodic Rate" of 1-1/2% per month, will be charged on all past due amounts.

CHANGE ORDERS. Change Orders may be subject to future fee schedule increases.

EXHIBIT "D"
SCHEDULE OF PERFORMANCE

- I. Consultant shall perform all services timely in accordance with the following schedule:**



Schedule of performance detailed in the following pages.

Task as of Mon 12/9/13
RanchoSanGorgonio_Schedule Update12_9_13(NTP1_20_14)2pgs

ID	Indicators	Task Name	Duration	Start	Finish	Predecessors
1		Notice to Proceed	0 days	Mon 1/20/14	Mon 1/20/14	
2		Project Initiation	1 wk	Mon 1/20/14	Fri 1/24/14	1
3		Kick off Meeting	0 days	Fri 1/24/14	Fri 1/24/14	2
5		Project Description	2 wks	Mon 1/27/14	Fri 2/7/14	3
6		Initial Study	3 wks	Mon 1/20/14	Fri 2/7/14	1,5FF
7		City Review/Revisions	2 wks	Mon 2/10/14	Fri 2/21/14	6
8		Prepare NOP/Repro/Mailing List	1 wk	Mon 2/24/14	Fri 2/28/14	7
9		30 Day Public Review	30 edays	Fri 2/28/14	Sun 3/30/14	8
13		Public Scoping Meeting	0 days	Fri 3/14/14	Fri 3/14/14	9SS+2 wks
15		Phase 0 Site Assessment	4 wks	Mon 1/20/14	Fri 2/14/14	1
16		SB 18 Tribal Consultation (w/required noticing periods)	16 wks	Mon 2/10/14	Fri 5/30/14	5
18		Complete 1st Screencheck PDEIR	16 wks	Mon 1/20/14	Fri 5/9/14	10FF+3 wks,1
19		City Review 1st Screencheck PDEIR	3 wks	Mon 5/12/14	Fri 5/30/14	18
20		Revise PDEIR (Project Team)	2 wks	Mon 6/2/14	Fri 6/13/14	19
21		City Review 2nd Screencheck PDEIR	2 wks	Mon 6/16/14	Fri 6/27/14	20
23		Prepare Pre-Print EIR/City Final Check	1 wk	Mon 6/30/14	Fri 7/4/14	21
24		Repro PDEIR & NOA/NOC & Mailing Labels	3 days	Mon 7/7/14	Wed 7/9/14	23
25		Public Review (45 days)	45 edays	Wed 7/9/14	Sat 8/23/14	24
27		Response to Comments/Errata	4 wks	Mon 8/18/14	Fri 9/12/14	25FS-1 wk
28		City Review	2 wks	Mon 9/15/14	Fri 9/26/14	27
29		TPC Team Revise/Resubmit	2 wks	Mon 9/29/14	Fri 10/10/14	28
30		City Approve	3 days	Mon 10/13/14	Wed 10/15/14	29
32		Prepare Screencheck FOF/Overrides/MMRP	1 wk	Mon 9/15/14	Fri 9/19/14	27
33		City Review/TPC Edit	2 wks	Thu 10/2/14	Wed 10/15/14	32,30FF

176

Task as of Mon 12/9/13
 RanchoSanGorgonio_Schedule Update12_9_13(NTP1_20_14)2pgs

ID	Indicators	Task Name	Duration	Start	Finish	Predecessors
35		Planning Commission (2 hearings)	6 wks	Thu 10/30/14	Wed 12/10/14	33FS+2 wks
36		City Council (2 hearings)	4 wks	Thu 12/25/14	Wed 1/21/15	35FS+2 wks
37		Notice of Determination	1 day	Fri 1/23/15	Fri 1/23/15	36FS+1 day

177

II. Consultant shall deliver the following tangible work products to the City by the following dates.

- A. Screencheck Initial Study/NOP (Ten (10) review copies and one (1) digital CD copy), December 2013.
- B. Final Initial Study/NOP (Five (5) hardcopies, twenty-five (25) digital CD copies), December 2013.
- C. Mailing of a maximum of Two Hundred Fifty (250) Public Scoping meeting notices to public agencies, interested parties, and surrounding residents, February 2014.
- D. Draft and Final Public Notice of Scoping meeting, February 2014.
- E. Draft newspaper notice regarding the Scoping meeting, February 2014.
- F. Attendance and participation in one (1) Public Scoping meeting, February 2014.
- G. Scoping meeting materials including agenda, February 2014.
- H. First Screencheck Draft EIR (Ten (10) review copies, two (2) digital copies, March 2014.
- I. Second Screencheck Draft EIR (Ten (10) review copies, 1 digital CD copy), March 2014.
- J. Thirty (30) hard copies of the Draft PEIR, May 2014.
- K. Fifteen (15) copies of the Executive Summary and digital CD copies to the State Clearinghouse, May 2014.
- L. One Hundred (100) digital CD copies of the Draft PEIR, May 2014.
- M. Draft PEIR preparation and Notice of Availability, May 2014.
- N. Final PEIR (Thirty (30) hardcopies), July 2014.
- O. Mitigation Monitoring Program (Ten (10) hardcopies and one (1) digital CD copy), July 2014.
- P. Findings of Fact (Two (2) digital CD copies), July 2014.
- Q. Preparation of Notice of Determination, July 2014.
- R. Three (3) City staff coordinated meetings, October 2014.

S. Five (5) conference calls, October 2014.

T. Four (4) public hearings (interchangeable Planning Commission, City Council),
October 2014.

**III. The Contract Officer may approve extensions for performance of the services in
accordance with Section 3.2.**

**CITY COUNCIL
CONSENT**

DATE: January 14, 2014

TO: City Council

FROM: Zai Abu Bakar, Community Development Director

SUBJECT: Six-Month Report of Cottage Food Businesses

RECOMMENDATION:

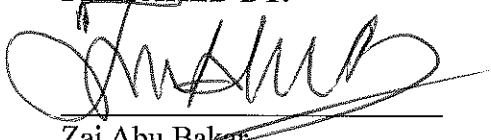
That the City Council receive and file the report.

BACKGROUND:

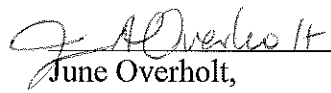
The City Council adopted Ordinance No. 1463 on July 9, 2013. Ordinance No. 1463 regulates cottage food businesses that are allowed under State law to be operated in private home kitchens. A copy of Ordinance No. 1463 is attached.

As part of the adoption of Ordinance No. 1463, the City Council directed staff to bring back a six-month report that indicates the number of business licenses issued and their locations. As of the writing of this staff report, the City has not received any applications; therefore, no business licenses were issued during the last six months.

PREPARED BY:


Zai Abu Bakar
Community Development Director

REVIEWED BY:


June Overholt,
Deputy City Manager /
Administrative Services Director

APPROVED BY:


Andrew J. Takata
City Manager

Attachments:

1. Ordinance No. 1463

Attachment 1
Ordinance No. 1463

ORDINANCE NO. 1463

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA REGULATING COTTAGE FOOD OPERATIONS/HOMEMADE FOOD OPERATIONS AND INCORPORATING BY REFERENCE PORTIONS OF THE GOVERNMENT CODE AND HEALTH AND SAFETY CODE

WHEREAS, the state of California has recognized a growing movement to support community-based food production and to connect safe food to local communities, and has also determined a need to regulate "cottage food operators", also known as "homemade food operators"; and

WHEREAS, the California legislature introduced Assembly Bill 1616 (AB 1616) on February 8, 2012 to facilitate small home-based food preparation businesses and specify criteria and other requirements for certifying such homemade food operators with local health departments; and

WHEREAS, Governor Brown signed AB 1616 into law on September 21, 2012, becoming the 33rd state in which to enact legislation to provide for cottage food operations; and

WHEREAS, AB 1616 became effective on January 1, 2013; and

WHEREAS, the provisions of AB 1616 expressly state that a cities and counties shall not prohibit cottage food operations in any residential dwelling; and

WHEREAS, AB 1616 allows local jurisdictions the ability to exercise local zoning controls and operational standards through the permit process; and

WHEREAS, the City of Banning desires to exercise local control over homemade food operators to the extent allowed under AB 1616; and

WHEREAS, the City Council has authority per Section 1.04.040 of the Municipal Code to approve, approve with modifications, or disapprove amendments to the code of the City of Banning; and

WHEREAS, on the 14th day of June , 2013, the City gave public notice by advertising in the Record Gazette newspaper of the holding of a public hearing at which the amendment to the code would be considered; and

WHEREAS, on the 25th day of June, 2013, the City Council held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to,

the proposed amendment, and at which time the City Council considered Ordinance No. 1463; and

WHEREAS, at this public hearing on the 25th day of June, 2013, the City Council considered and heard public comments on the proposed code amendment, and

WHEREAS, at this public hearing, the City Council has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) of the CEQA Guidelines;

WHEREAS, the City Council has carefully considered all pertinent documents and the staff report offered in this case as presented at the public hearing held on the 25th day of June, 2013;

NOW THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Banning as follows:

SECTION 1 Environmental

The City Council, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines, the recommendation of the Community Development Director as provided in the staff report dated June 25, 2013, and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. California Environmental Quality Act (CEQA):

CEQA: The City Council has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Furthermore, projects subject to this Ordinance will trigger individual analysis and documentation related to CEQA. Therefore, it can be seen with certainty that there is no possibility that this Ordinance may have a significant adverse effect on the environment, and therefore the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

2. Multiple Species Habitat Conservation Plan (MSHCP):

The amendments to the municipal code do not relate to any one physical project and are not subject to the MSHCP. Furthermore, projects subject to this Ordinance and/or the Zoning Ordinance will trigger individual project analysis and documentation related to the

requirements of MSHCP including mitigation through payment of the MSHCP Mitigation Fee

SECTION 2. Add Article V Cottage Food Operations to Title 8, Chapter 8 24 *Food Establishments and Facilities* of the Banning Municipal Code as follows:

**Article V
Cottage Food Operations**

8.24.340. – Cottage Food Operator Permit.

A. Authority

On September 21, 2012, AB 1616, the "California Homemade Food Act," was signed into law requiring cities and counties to allow homemade food operators by adding Chapter 6.1 (commencing with Section 51035) to Part 1 of Division 1 of Title 5 of the Government Code, and to amend Sections 109947, 110050, 110460, 111955, 113789, 115851, 114021, 114023, 114390, 114405, and 114409, to add Sections 113758 and 114088 to, and to add Chapter 11.5 (commencing with Section 114365) to Part 7 of Division 104 of the Health and Safety Code, relating to food safety. Such provisions, as amended by the State of California from time to time, are hereby incorporated by reference. Subject to the provisions under state law, and additional criteria established in this Section and Chapter 17.72 Home Occupation Permits, homemade food operators may apply for approval from the City of Banning Home Occupation Permit as provide for in Chapter 17.72 of the Zoning Ordinance.

B. Purpose

The purpose of this Section is to establish and regulate homemade food operators and to set local requirements in addition to those required under the California Homemade Food Act for businesses to be conducted in a home kitchen. Such homemade food operations shall be accessory to a residential land use where such a use will clearly not be disruptive or alter the character or the appearance of the neighborhood.

C. Definitions.

1. "Cottage Food Operation" and/or "Homemade Food Operation (HFO)" shall mean an enterprise with annual gross sales limits set forth under California Health and Safety Code Section 113758 (a), operated by a homemade food operator having no more than one full-time equivalent employee, conducted within a private home kitchen where the homemade food operator resides, and where homemade food products are prepared or packaged for direct, indirect, or direct and indirect sales pursuant to Section 113758 of the California Health and Safety Code. A homemade food operation may engage in the following sales activity subject to approval from the Health Department:

- a. Class A homemade food operations may engage only in direct sales of homemade food products from the homemade food operation or other direct sale venues such as temporary events. Door to door sales shall be prohibited.
 - b. Class B homemade food operators may engage in both direct and indirect sales of homemade food products such as a permitted third-party retail food facility.
2. "Cottage Food Operator" or "Homemade Food Operator" shall mean an individual who owns or operates a homemade food operation in his or her private home kitchen.
3. "Cottage Food Product" or "Homemade Food Product" shall mean non-potentially hazardous foods and food products that do not require refrigeration to prevent bacteria growth and as otherwise defined in Section 113871 of the California Health and Safety Code. Pursuant to Section 114365.5.(a) of the California Health and Safety Code, the Health Department shall adopt and post on its internet website a list of non-potentially hazardous foods that are approved for sale by a homemade food operation.
4. "Health Department" shall mean the Riverside County Department of Environmental Health.
5. "Private Home" shall mean any lawfully constructed single-family, multiple-family, factory built or manufactured dwelling units that are occupied and used by an individual(s) as a principal residence. Detached accessory buildings, including garages, carports, guest quarters, enclosed patios, second dwelling units, and storage sheds shall not be included as permitted areas for the purpose of this Chapter.
6. "Private Home Kitchen" shall mean the kitchen described and authorized in the permit or registration for the homemade food operation and will be used for the preparation, packaging, storing, or handling of homemade food products and related ingredients, equipment, and attached rooms within the house that are used exclusively for storage.

D. Permit and Business License required.

Dwelling units may be used for business purposes when a business license, in conformance with Chapter 17.72, and a home occupation permit have been issued. A home occupation permit shall be required for each business. If a business license for a homemade food operator is not renewed, the home occupation permit shall automatically expire with the business license. A fee for the processing of a home occupation permit may be established from time to time by resolution of the city council.

E. Issuance of Permit

The Community Development Director may, upon application, and payment of the required fee, issue a homemade food operator permit, with the conditions required in this Section and the Zoning Ordinance and any time limitations that are deemed necessary. The permit shall not be issued unless the Community Development Director is satisfied that the applicant will meet all the conditions listed in this Section and Chapter 17.72 of the Zoning Ordinance; and, the applicant has agreed in writing to comply with such conditions. The Community Development Director may require a hearing for homemade food operators which the director determines potentially may not meet the purposes of this Section. If a hearing is required it shall be in accordance with the requirements of Section 17.68 of the Zoning Ordinance.

F. Annual Renewal Fee Required

An annual fee for the renewal of a home occupation permit may be established by resolution of the city council. The purpose of the renewal fee is to recover the cost of staff time to notify the health department regarding the continued use of the homemade food operation, and to determine whether or not the operator remains in compliance with City regulations and standards.

G. Limitations on Homemade Food Operation Permit

A maximum of one homemade food operation permit shall be deemed active and approved at any time for each private home. If more than one permit has been issued for the same private home, only the most recently approved application shall be deemed to be active. All other prior applications shall be deemed void. Such limitation shall not preclude a resident from also obtaining a Home Occupation Permit pursuant to Chapter 17.72, for a non-food related home-based business.

H. Owner Authorization Required.

A non-owner occupant of a private home, e.g. tenant, shall provide an authorization statement from the owner of the property or the property management company indicating support for the proposed homemade food operation on their property. Such authorization shall include the name, address, telephone number, and other contact information of the owner or manager of the property. Failure to provide complete and accurate authorization information shall result in the denial or revocation of a home occupation permit.

I. Conflicting Provisions

In the event that the type of permit required for a proposed use under this Section differs from the permit authority allowed under California Assembly Bill 1616, the provisions of AB 1616 shall apply.

J. Exceptions

Homemade food operations shall not be permitted in any second unit, guest quarter or other accessory building in any zoning district.

K. Conditions

The Director shall review and decide upon all applications for cottage food operations, with the permit being granted if the cottage food operation complies with local ordinances prescribing reasonable standards, restrictions, and requirements concerning the following factors: spacing and concentration, traffic control, parking, and noise control relating to those homes. Any noise standards shall be consistent with local noise ordinances implementing the noise element of the general plan.

The following conditions shall be observed at all times by the holder of a home occupation permit for the purpose of homemade food operations. In order to meet the purposes of the zoning district, for public safety, and/or to meet the requirements of state and local laws, the director may require additional conditions.

1. A homemade food operation shall comply with all development standards for the zoning district in which the use is located, in addition to the requirements of this Section and Chapter 17.72 Home Occupation Permits.
2. A homemade food operation shall comply with all permitting and licensing requirements of the Riverside County Department of Environmental Health.
3. Signs or advertising shall not be displayed on the premises except for signing permitted under Chapter 17.36 Sign Regulations of the Zoning Ordinance.
4. No more than one (1) employee, assistant or volunteer other than the licensee shall participate in the HFO food preparation activities on the premises.
5. The homemade food operation, including inventory and supplies stored on the premises, shall be conducted wholly within the principal structure and shall not exceed 25 percent of the total floor area. The required garage space, or any other accessory structure shall not be utilized for homemade food operator purposes or storage. Required off street parking areas shall not be utilized for homemade food operators other than for parking, and shall not be considered as part of the total floor area.
6. Display(s) of any kind shall not be visible from the exterior of the premises. For the purposes of this condition, "displays" shall mean merchandise, food products, representations of merchandise and/or food products or other items related to homemade food operations, except to the extent a sign may be permitted in accordance with condition no. 3 above.
7. No mechanical or electrical apparatus, equipment or tools shall be permitted except those items which are commonly associated with residential use or are customary to

home kitchens. No motor other than electrically operated motors shall be used in connection therewith, and that the total horsepower of such motors shall not exceed one-half horsepower in all.

8. Pedestrian or vehicular traffic shall not be in excess of that customarily associated with the zoning district in which the use is located. Customer visits to a homemade food operator's home shall adhere to the following maximum standards:
 - a. Hours of operation are limited to between 8:00 a.m. and 5:00 p.m., Mondays through Fridays.
 - b. No more than two customers per visit
 - c. No more than four customer visits per hour
9. Except for homemade food products that have been prepared for sale in the private kitchen of a homemade food operator, no customer services or sales of goods, wares or merchandise shall be made on the premises.
10. There shall be conformity with fire, building, plumbing, electrical and health codes and with all state and local laws.
11. There shall be no demand for municipal or utility services or community facilities in excess of those usual and customary for residential use.
12. The residential character of the premises shall not be altered, nor shall the use unreasonably disturb the peace and quiet of the area, including alteration or disturbance relating to radio and television reception, color, design, materials, construction, lighting, sounds, noises, vibrations or vehicles.
13. The Community Development Director, in approving a homemade food operator permit, may impose any additional conditions as deemed necessary to carry out the intent of this Section.
14. If the municipal codes applicable to the premises are amended to prohibit such use, the homemade food operator permit shall be canceled within 90 days after notification.
15. No cottage food operation shall be approved if: (i) the property line of the site of the proposed use is located within 300 feet and on the same street or the corner of a cross-street of the property line of any single family home where another cottage food operation is located; or (ii) if the proposed use is located within the same building of an apartment complex or other multi-family housing (i.e. condominiums or townhomes) where another cottage food operation exists.
16. The use or storage of any flammable, combustible or toxic materials in conjunction with a homemade food operation shall be limited to materials and quantities allowed for a residential use pursuant to applicable law.

17. A homemade food operation shall comply with all health and safety standards as set forth in Health & Safety Code section 114365. No homemade food operations shall be permitted when the same is objectionable due to noise, dust, smoke, odor, poisons, toxic substances, flammability, or other causes detrimental to the general health, safety and welfare of the community.

L. Grounds for revocation of permit.

Any homemade food operator permit shall be revoked by the Community Development Director upon violation of any requirements of this Chapter, Chapter 17.72 Home Occupation Permits, upon notification by the Health Department that the Class A or the Class B permit has been revoked, or upon failure to comply with any of the conditions or limitations of the permit, unless such violation is corrected within three days of the giving of written notice thereof. A permit may be revoked for repeated violation of the requirements of this Chapter, notwithstanding further notice.

M. Appeal of denial or revocation of permit.

A decision of the Community Development Director may be appealed to the planning commission as prescribed in Chapter 17 68 Hearings and Appeals.

SECTION 3. Section 8.24 010 *Purpose and intent* of the Banning Municipal Code is amended to read as follows:

"8.24.010 - Purpose and intent.

The county of Riverside shall administer all County regulations and standards related to the health and safety and sanitation of food facilities within the jurisdiction of the City of Banning. The City shall administer the laws set forth in this Article V Cottage Food Operations of this Chapter. Nothing in this Chapter shall be construed as waiving or limiting the application of local and state regulatory standards for the health, safety and sanitation of food facilities within the jurisdiction of the City of Banning."

SECTION 4. Section 8.24.020 *Definitions* of the Banning Municipal Code is amended to read as follows:

"8.24.020 - Definitions.

As used in this Chapter

"Community Development Director" means the Community Development Director for the City of Banning or the individual so designated by the City Manager for the City of Banning.

"Food establishment" means a food establishment as defined in the California Uniform Retail Food Facilities Law, Section 27520 of the California Health and Safety Code.

These are commonly referred to as restaurants, markets, delis or similar operations except as provided for in Article V Cottage Food Operations of this Chapter.

"Food facilities" means a food facility as defined in Section 27521 of the California Health and Safety Code except as provided for in Article V Cottage Food Operations of this Chapter. These are commonly referred to as wholesale food facilities, vehicles, vending machines, satellite food distribution facilities, open-air barbecues, certified farmers markets, stationary food preparation units and mobile food preparation units. This definition also includes commercial food establishments.

"Enforcement officer" means the director of the Riverside County department of environmental health services and his or her duly authorized environmental health specialists.

"Food preparation" means food preparation as defined in Section 27522 of the California Health and Safety Code.

"Official inspection form" means the form provided by the Department of Environmental Health Services."

SECTION 5. Section 17.72.020 *Application procedures* of the Banning Municipal Code is amended to read as follows:

"Section 17.72.020 Application procedures.

- A. The conduct of a home occupation requires the approval of the Director who may establish conditions to further the intent of this Chapter. An application for a Home Occupation Permit shall be on a form prescribed by the Director and shall be filed with the Department pursuant to the Chapter 17.48 Applications and Fees of this Zoning Ordinance
- B. A home occupation permit shall not be required for an in-home education activity, including but not limited to music lessons, academic tutoring, or religious instruction, provided that no more than 5 students are present at any one time, and the use complies with all of the operating standards of the Zoning Ordinance."

SECTION 6. SEVERABILITY.

If any section, subsection, sentence, clause, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Banning hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.


SECTION 7. PUBLICATION; EFFECTIVE DATE.

The City Clerk shall certify to the passage and adoption of this Ordinance, and shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted. This Ordinance shall be in full force and effect thirty (30) days after its final passage and adoption, and within fifteen (15) days after its final passage, the City Clerk shall cause it to be published in a newspaper of general circulation and shall post the same at City Hall, 99 E. Ramsey Street, Banning, California.

SECTION 8. SIX-MONTH REPORT TO COUNCIL.

Within six (6) months of this Ordinance becoming effective, the Director of Community Development is hereby directed to provide a report to the Planning Commission and then the City Council detailing (i) the number of cottage food operations that have opened in the City to the City's knowledge, and (ii) whether cottage food operations have generated community complaints or problems and, if so, the status of such disputes, and (iii) the methods and status of any enforcement measure taken by the City, if any, in regard to cottage food operations, and (iv) any other material developments in the operation of this ordinance.


PASSED, APPROVED, AND ADOPTED this 9th day of July, 2013.


Deborah Franklin, Mayor
City of Banning

ATTEST:


Marie A. Calderon, City Clerk

**APPROVED AS TO FORM AND
LEGAL CONTENT:**


City Attorney
Aleshire & Wynder, LLP

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1463 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 25th day of June, 2013, and was duly adopted at a regular meeting of said City Council on the 9th day of July, 2013, by the following vote, to wit:

AYES: Councilmembers Botts, Peterson, Welch, Mayor Franklin

NOES Councilmember Miller

ABSENT: None

ABSTAIN: None



Marie A. Calderon, City Clerk
City of Banning, California

**CITY COUNCIL AGENDA
CONSENT ITEM**

Date: January 14, 2014

TO: City Council

FROM: Phil Holder, Lieutenant

SUBJECT: Approve Amendment to contract with Norman A. Traub Associates for Investigation Services for the City of Banning Police Department.

RECOMMENDATION: "The City Council amend the current limit on compensation for services (\$25,000) with Norman A. Traub Associates for Investigation Services for the City of Banning Police Department to \$40,000."

JUSTIFICATION: Amendment of this contract allows the Police Department to continue utilizing the investigative services of Norman A. Traub Associates who is in the process of completing several investigations assigned to them prior to October 2013.

BACKGROUND & ANALYSIS: During the course of the current fiscal year the Banning Police Department has required the professional and independent services of Norman A. Traub Associates for personnel investigations involving employees of the City of Banning. Because of the number of investigations required during the current fiscal year, the limit (\$25,000) on the compensation for services with Norman A. Traub Associates will be reached shortly.

The requested increase in the spending limit for services with Norman A. Traub Associates is necessary to complete several personnel investigations that require an independent and professional review for the protection of the City and the Banning Police Department.

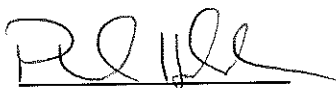
It should be noted that since the beginning of October 2013, no new investigations have been assigned to Norman A. Traub Associates to investigate and this request is to allow for payment of investigations that were already underway prior to October and are in the process of being completed.

FISCAL DATA: Sufficient funds are available to cover this request in the Police Department's Professional Services Account (001-2200-421-3311).

RECOMMENDED BY:

REVIEWED BY:

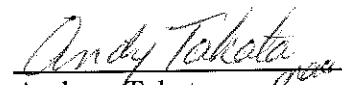
APPROVED BY:



Phil Holder
Lieutenant



June Overholt
Administrative Services Director



Andrew Takata
City Manager

**CITY COUNCIL AGENDA
CONSENT ITEM**

Date: January 14, 2014

TO: City Council

FROM: Phil Holder, Lieutenant

SUBJECT: Resolution No. 2014-01, accepting the 2014 Supplemental Law Enforcement Services Fund allocation and authorizing the Banning Police Department to use the funds towards the purchase of law enforcement related equipment services, supplies, and training.

RECOMMENDATION: "The City Council adopt Resolution No. 2014-01 accepting the 2014 Supplemental Law Enforcement Services Fund (SLESF) allocation and authorize the Banning Police Department to apply the funds towards the purchase of law enforcement related equipment, services, supplies and training."

JUSTIFICATION: Funds from the Supplemental Law Enforcement Services Fund must be used to supplement frontline municipal police services and can't be used to supplant already allocated expenditures in the police department's budget.

BACKGROUND: The Banning Police Department anticipates using funds from the SLESF to pay for equipment, services, supplies, and advanced officer training, which will enhance the department's ability to provide a high level of professional service to the citizens of Banning. Anticipated purchases may include but are not limited to vehicle related equipment, technology related equipment and software, evidence collection materials, camera surveillance systems, communication related parts, tactical and safety equipment, and advanced officer training.

Legislation requires the City Council to officially accept the Supplemental Law Enforcement Services Funds and approve the police department's anticipated use of the funds.

STRATEGIC PLAN INTEGRATION: Council approval of this resolution will meet the city's goal to protect the citizens of this community with updated technology, equipment, and well trained police officers.

FISCAL DATA: The Supplemental Law Enforcement Services Fund (SLESF) allocation for 2014 is \$100,000. There is no city match required for this grant. The appropriation is requested in the resolution.

RECOMMENDED BY:

REVIEWED BY:

APPROVED BY:



Phil Holder
Lieutenant



June Overholt
Administrative Services Director



Andrew Takata
City Manager

RESOLUTION NO. 2014-01

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BANNING ACCEPTING THE 2014 SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND ALLOCATION AND AUTHORIZING THE BANNING POLICE DEPARTMENT TO USE THE FUNDS TOWARDS THE PURCHASE OF LAW ENFORCEMENT RELATED EQUIPMENT, SERVICES, SUPPLIES, AND TRAINING.

WHEREAS, the City of Banning Police Department is responsible for the security and safety of the Citizens of the City; and

WHEREAS, grants provided by State and Federal monies assist in supplementing these services; and

WHEREAS, the City Council is required to accept and appropriate the allocation of anticipated funds from this grant; and

WHEREAS, the grant funds will provide the Banning Police Department with updated technology, equipment, services, and training;

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Banning hereby accepts the 2014 Supplemental Law Enforcement Services Fund (SLESF) allocation, appropriates funds in the amount of \$100,000, and authorizes the Finance Department to make necessary budget adjustments related to these funds.

PASSED, APPROVED, AND ADOPTED this 14th day of January 2014.

Deborah Franklin, Mayor
City of Banning

ATTEST

APPROVED AS TO FORM
AND LEGAL CONTENT

Aleshire & Wynder, LLP
City Attorney

Marie A. Calderon, City Clerk
City of Banning

CERTIFICATION:

I, Marie Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2014-01 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 14th day of January 2014, by the following to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Marie A. Calderon, City Clerk
City of Banning, California

**CITY COUNCIL MEETING
CONSENT ITEM**

DATE: January 14, 2014

TO: City Council

FROM: Duane Burk, Director of Public Works

SUBJECT: Resolution No. 2014-03, "Approving a Plan for Use of Proposition 1B Local Streets and Roads Program Funds"

RECOMMENDATION: Adopt Resolution No. 2014-03, "Approving a Plan for Use of Proposition 1B Local Streets and Roads Program Funds."

JUSTIFICATION: It is required that the City Council approve a plan for the use of Proposition 1B ("Prop 1B") funds prior to the use of the City of Banning's allocated amount from the State of California Department of Finance.

BACKGROUND: The Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006, approved by the California voters as Prop 1B in November of 2006, included \$2 billion for cities and counties for the purpose of funding improvements to transportation facilities that will assist in reducing local traffic congestion and further deterioration, improving traffic flows, or increasing traffic safety that may include, but not be limited to, street and highway pavement maintenance, rehabilitation, installation, construction and reconstruction of necessary associated facilities such as drainage and traffic control devices, or the maintenance, rehabilitation, installation, construction and reconstruction of facilities that expand rider ship on transit systems, safety projects to reduce fatalities, or as a local match to obtain state or federal transportation funds for similar purposes.

Prop 1B funds are allocated, upon appropriation by the Legislature, and apportionments to cities are based on total population of the city in relation to all cities in the State (minimum \$400,000 to each city). The 2007 Budget Act and Chapter 181, Statutes of 2007 (SB 88), appropriated a total of \$950 million of Prop 1B funds in 2007-08. The City of Banning received \$454,736.00 as part of the 2007-08 funds. The funding offset costs for Project No. 2007-07, "Rubberized Asphalt Concrete (RAC) Overlay and Street Improvements along Wilson Street, from 8th Street to 20th Street" approved by City Council on September 23, 2008. In FY 2008-09 there were no Prop 1B funds available to the City of Banning.

The 2009 Budget Act appropriated a total of \$700 million, including \$258,205,000.00 for cities and \$441,795,000.00 for counties, which represents the remaining balance of Prop 1B funding. The City of Banning's share of the available funding is \$420,300.00. On June 12, 2012, City Council adopted Resolution No. 2012-05, "Approving a Plan for the Use of Proposition 1B Local Streets and Roads Program Funds." The plan allocated the funding for the construction of improvements along Westward Avenue from Sunset Avenue to Highland Home Road. The scope of the project includes grading, construction of a new asphalt concrete street section,

signing and striping, raising manholes and water valves to grade, all in accordance with the City of Banning standards and specifications.

The City hired Webb and Associates to complete the design, who determined that two existing creek crossings would have to be raised in order to eliminate sight distance problems that would otherwise create safety issues. Additionally, through discussions with two pipeline companies that currently have infrastructure (20" petroleum transmission line and 12" gas transmission line) within the project limits, it was determined that it would be required of the City to relocate the pipeline infrastructure within the limits of the creek crossings. The elimination of the site distance issues and the relocation of the pipeline infrastructure would increase the project cost by an estimated \$2,000,000.00. These improvements were not a part of the original scope during the time that Council approved the use of the Prop 1B funding. The project budget which is made up of Measure "A" and Prop 1B funding is \$875,000.00, well below the amount needed to construct the project in light of the required scope.

Due to the obstacles along Westward Avenue, staff recommends selecting a new project. The following short list contains projects that are considered good candidates:

<u>PROJECT</u>	<u>ESTIMATED COSTS</u>
1. Hathaway Street: Ramsey Street to Hoffer Street (Reconstruct and Widen Shoulder)	\$875,000.00
2. Westward Avenue: 22 nd Street to Banning High School (Widen Shoulder and Overlay) and Lincoln Street: Sunset Avenue to 22 nd Street (Widen Shoulder and Overlay)	\$875,000.00
3. Ramsey Street: Highland Springs Avenue to Highland Home Road (Widen Shoulder and Overlay)	\$875,000.00

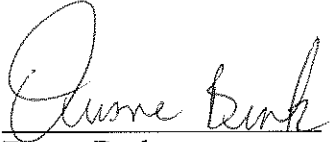
The following criteria were considered when selecting the above projects: street classification, pavement condition, safety issues and traffic quantities.

It is important to note that the Prop 1B program requires that the funding is used by June 30, 2014. It is recommended that a project is selected as soon as possible in order to allow staff enough time to notify the Department of Finance of the proposed reprogramming of Prop 1B funding, prepare the bid documents (plans and specs) and to advertise in early February, 2014, which would cause a project start date in early April, 2014. Part of the funding for the original project was identified in the 5 Year Measure "A" CIP funding for fiscal year 2012/2013, therefore once a project is selected, staff will submit a reprogramming request to the Riverside County Transportation Commission ("RCTC").

STRATEGIC PLAN: Prop 1B funds and the proposed improvements meet Strategic Plan item Goal No. 1 "Fiscal Stability", Strategic Priority Action Step N-1 (Submittal of Grant Applications) and Goal No. 3 "Infrastructure and City Facilities", Strategic Priority Action Step J-3 (Annual Street Overlay).

FISCAL DATA: Approximately \$875,000.00 is available for this project which includes the fiscal year 2012/2013 Measure "A" CIP funding and Prop 1B funding.

RECOMMENDED BY:



Duane Burk
Director of Public Works

REVIEWED BY:



June Overholt
Administrative Services Director/
Deputy City Manager

APPROVED BY:



Andrew J. Takata
City Manager

RESOLUTION NO. 2014-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, "APPROVING A PLAN FOR USE OF PROPOSITION 1B LOCAL STREETS AND ROADS PROGRAM FUNDS"

WHEREAS, the Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006, approved by the California voters as Proposition 1B ("Prop 1B") in November of 2006, included \$2 billion for cities and counties; and

WHEREAS, Prop 1B funding is for the purpose of funding improvements to transportation facilities that will assist in reducing local traffic congestion and further deterioration, improving traffic flows, or increasing traffic safety that may include, but not be limited to, street and highway pavement maintenance, rehabilitation, installation, construction and reconstruction of necessary associated facilities such as drainage and traffic control devices, or the maintenance, rehabilitation, installation, construction and reconstruction of facilities that expand rider ship on transit systems, safety projects to reduce fatalities, or as a local match to obtain state or federal transportation funds for similar purposes; and

WHEREAS, the 2009 Budget Act appropriated a total of \$700 million, including \$258,205,000.00 for cities and \$441,795,000.00 for counties, which represents the remaining balance of Prop 1B funding of which the City of Banning's share is \$420,300.00 and

WHEREAS, it is required that City Council approve a plan for the use of Prop 1B funds prior to the disbursement of the City of Banning's allocated amount from the State of California Department of Finance; and

WHEREAS, on June 12, 2012, City Council adopted Resolution No. 2012-05, "Approving a Plan for the Use of Proposition 1B Local Streets and Roads Program Funds" which allocated the funding for the construction of improvements along Westward Avenue from Sunset Avenue to Highland Home Road and due to new, unforeseen, construction constraints, staff recommends the selection of a new project for the use of Prop 1B funding; and

WHEREAS, once a project is selected staff will work with both the Department of Finance and Riverside County Transportation Commission to reprogram the Prop 1B and Measure "A" funding, respectively, to the new project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning as follows:

SECTION 1. City Council of the City of Banning, that Resolution No. 2014-03, "Approving a Plan for Use of Prop 1B Local Streets and Roads Program Funds," is hereby adopted and the City Manager is authorized to sign any and all required documentation required to accept these funds.

SECTION 2. The Administrative Services Director is authorized to make the necessary budget appropriations and adjustments related to these funds.

PASSED, APPROVED and ADOPTED this 14th day of January, 2014.

Deborah Franklin, Mayor

ATTEST:

Marie A. Calderon,
City Clerk of the City of Banning

**APPROVED AS TO FORM
AND LEGAL CONTENT:**

David J. Aleshire, City Attorney
Aleshire & Wynder, LLP

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2014-03 was adopted by the City Council of the City of Banning at a regular meeting thereof held on the 14th day of January, 2014, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Marie A. Calderon
City Clerk of the City of Banning
Banning, California

CITY COUNCIL AGENDA

Date: January 14, 2014

TO: City Council

FROM: Duane Burk, Director of Public Works

SUBJECT: Resolution No. 2014-04, "Acceptance of a Highway Safety Improvement Program Cycle 6 Funding Grant and Approving a Professional Services Agreement with KOA Corporation"

RECOMMENDATION: Adopt Resolution 2014-04:

- I. Accepting a Highway Safety Improvement Program Cycle 6 Funding Grant in the amount of \$375,700.00.
- II. Approving a Professional Services Agreement with KOA Corporation for Engineering and Design Services for the preparation of Plans and Specifications and Signal Optimization to Improve the Traffic Signal System for the City of Banning for an amount "Not to Exceed" \$58,000.00.
- III. Authorizing the City Manager to execute any documents required to accept the subject grant fund on behalf of the City of Banning and to execute the Professional Services Agreement with KOA Corporation of Orange, California.
- III. Authorizing the Administrative Services Director to make the necessary budget adjustments to record the grant revenue and to make the necessary budget adjustments, appropriations and transfers to fund the Professional Services Agreement.

JUSTIFICATION: City Council's authorization is essential in order to obtain and utilize Highway Safety Improvement Program ("HSIP") Cycle 6 grant fund for the upgrade of traffic signals and related infrastructure throughout the City.

BACKGROUND: The traffic signal system throughout the city along Ramsey Street has been in operation for many years without upgrading the equipment, which as a result, has made a majority of the equipment difficult to repair. The Public Works Department has taken in numerous calls for malfunctioning traffic signals and delays in traffic flows.

On April 5, 2013 KOA Corporation of Orange, California completed an extensive inventory of the city's traffic signal system and related infrastructure. The purpose of the report was to identify the deficiencies in the traffic signal system in order to assist the department in creating a replacement program. The report identified many items that were missing, in need of repair or replacement.

On Monday, April 29, 2013, Caltrans Division of Local Assistance announced Cycle 6 Call for Projects for the HSIP. The Call for Projects is targeted for approximately \$150 million of federal

HSIP funds based on the estimated programming capacity in the 2013 Federal Statewide Transportation Improvement Program ("FSTIP").

The HSIP remains as one of the core federal-aid programs in the new federal surface transportation act, "Moving Ahead for Progress in the 21st Century" ("MAP-21"), which was signed into law on July 6, 2012. The purpose of the HSIP program is to achieve a significant reduction in traffic fatalities and serious injuries on all public roads, including non-State-owned public roads and roads on tribal land.

On November 14, 2013, Caltrans approved the list of Cycle 6 projects to receive HSIP funding. A total of 389 applications were received from local agencies throughout the State. Of which, 231 projects have been funded, totaling approximately \$150 million in federal HSIP funds. City staff submitted a project application which was listed in the approved list of Cycle 6 projects to receive funding. The project includes replacing outdated traffic signal controllers, cabinets, detection loops, signal heads, pedestrian push buttons; installation of battery backup systems, emergency vehicle preemption devices ("EVP"), wireless interconnection systems, and illuminated street name signs. The estimated project cost is \$417,500.00, which includes design and construction. HSIP Cycle 6 funding approved for the City is \$375,700.00, approximately ninety percent (90%) of the project cost. The approval letter from the Caltrans District Local Assistance Engineer is attached as Exhibit "A".

In anticipation of the project, staff solicited proposals for the preparation of plans and specification and signal optimization and received two proposals:

<u>Consultant</u>	<u>Proposal Amount</u>
1. KOA Corporation	\$ 58,000.00
2. Peter Liu	\$ 75,000.00

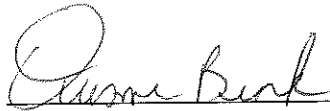
KOA Corporation is a reputable traffic systems planning and engineering firm, which provided the City with consultation during the preparation of the HSIP Cycle 6 project application and is well informed of the federal requirements for federal aid projects. If awarded, the preparation of plans and specifications is estimated to begin in February, 2014 and completed by June, 2014. Once completed the construction project will be formally advertised for bidding.

STRATEGIC PLAN: HSIP Cycle 6 grant funds and the proposed improvements meet Strategic Plan item Goal No. 1 "Fiscal Stability", Strategic Priority Action Step N-1 (Submittal of Grant Applications) and Goal No. 3 "Infrastructure and City Facilities", Strategic Priority Action Step S-3 (Installation of preemption devices at traffic signals).

FISCAL DATA: Approval of the City of Banning HSIP Cycle 6 project application will provide funding up to 90% of the project cost, not to exceed \$375,700.00. The project cost is estimated to be \$417,500.00, which includes the cost to prepare the plans and specifications and construction. During the design phase \$58,000.00 is required to fund the Professional Services Agreement with KOA Corporation, of which \$52,200.00 will be reimbursed by HSIP Cycle 6 funding and the remaining \$5,800.00 will be funded by Account No. 001-3000-442.33-53 (Engineering Services), which currently holds a balance of \$38,740.00, therefore an appropriation is not required.

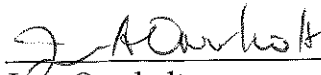
SIGNATURES ON NEXT PAGE

RECOMMENDED BY:

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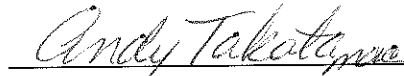
Duane Burk
Director of Public Works

REVIEWED BY:

A handwritten signature in cursive script, appearing to read "June Overholt", written over a horizontal line.

June Overholt
Administrative Services Director/
Deputy City Manager

APPROVED BY:

A handwritten signature in cursive script, appearing to read "Andy Takata", written over a horizontal line.

Andrew J. Takata
City Manager

RESOLUTION NO. 2014-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, ACCEPTANCE OF A HIGHWAY SAFETY IMPROVEMENT PROGRAM CYCLE 6 FUNDING GRANT AND APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH KOA CORPORATION

WHEREAS, the Highway Safety Improvement Program ("HSIP") is a federal-aid program in the new federal surface transportation act, "Moving Ahead for Progress in the 21st Century" ("MAP-21"), which was signed into law on July 6, 2012 and proposes to achieve a reduction in traffic fatalities and serious injuries on all public roads, including non-State-owned public roads and roads on tribal land; and

WHEREAS, on Monday, April 29, 2013, Caltrans Division of Local Assistance announced Cycle 6 Call for Projects for the HSIP which City staff responded by submitting a project application and on November 18, 2013 was notified in writing, attached as Exhibit "A", by the Caltrans District Local Assistance Engineer that the project was approved for funding; and

WHEREAS, the submitted project includes replacing outdated traffic signal controllers, cabinets, detection loops, signal heads, pedestrian push buttons; installation of battery backup systems, emergency vehicle preemption devices ("EVP"), wireless interconnection systems, and illuminated street name signs and has an estimated project cost of \$417,500.00, which includes design and construction; and

WHEREAS, the HSIP Cycle 6 grant will reimburse the City ninety percent (90%) up to \$375,700.00 of the project costs; and

WHEREAS, staff solicited proposals for the design and preparation of plans and specification and signal optimization and received two proposals, the most responsive of the two from KOA Corporation of Orange, California, a reputable traffic systems planning and engineering firm, in a "Not to Exceed" amount of \$58,000.00.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Banning as follows:

SECTION 1. City Council adopts Resolution No. 2014-04, accepting a Highway Safety Improvement Program Cycle 6 funding grant and approving a Professional Services Agreement with KOA Corporation.

SECTION 2. The City Manager is authorized to execute any documents required to apply for and accept the subject grant fund on behalf of the City of Banning.

SECTION 3. The City Manager is hereby authorized to execute the Agreement with KOA Corporation of Orange, California for engineering services for an amount "Not to Exceed" \$58,000.00. This authorization will be rescinded if the contract agreement is not executed by both parties within sixty (60) days of the date of this Resolution.

SECTION 4. The Administrative Services Director is authorized to make the necessary budget adjustments to record the grant revenue and to make the necessary budget adjustments, appropriations and transfers to fund the Professional Services Agreement.

PASSED, APPROVED, AND ADOPTED this 14th day of January, 2014.

Deborah Franklin, Mayor
City of Banning

ATTEST:

Marie A. Calderon, City Clerk
City of Banning

**APPROVED AS TO FORM AND
LEGAL CONTENT:**

David J. Aleshire, City Attorney
Aleshire & Wynder, LLP

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2014-04, was adopted by the City Council of the City of Banning at a Regular Meeting thereof held on the 14th day of January, 2014, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Marie A. Calderon, City Clerk
City of Banning, California

EXHIBIT “A”

November 18, 2013

CITY OF BANNING

NOV 21, 2013

Mr. Duane Burke
Director of Public Works
City of Banning
99 E. Ramsey Street
Banning, CA 92220

PUBLIC WORK DEPT.

Dear Mr. Burke:

Congratulations! The following project you submitted for Highway Safety Improvement Program (HSIP) Cycle 6 funding has been selected for implementation:

08-Banning-1			
Project Description	Project Location	Total Project Cost	Federal Funds
Upgrade traffic signals, including: controllers, pedestrian pushbuttons, signals hardware, new mast arms, detection, and install Emergency Vehicle Pre-Emption Devices.	On Ramsey St between Hargrave St and Sunset Ave.	\$417,500	\$375,700

To view the complete statewide project listing, visit the HSIP website at:
http://www.dot.ca.gov/hq/LocalPrograms/HSIP/prev_cycle_results.htm.

In Cycle 6, 231 projects were selected from a candidate pool of 389 applications. All projects competed on the basis of their Benefit Cost Ratio. The selected HSIP projects, totaling \$150.4 million, will utilize the available HSIP programming capacity in the 2013 Federal Statewide Transportation Improvement Plan (FSTIP).

While we congratulate you on competing successfully for HSIP funding, Caltrans now expects your agency to expedite the delivery of this safety project wherever practical!

For all HSIP projects, Caltrans now requires agencies to meet delivery deadlines for two key milestones:

1. Request Authorization to Proceed with Preliminary Engineering (PE) within 6 months after the project is amended into the FSTIP. *
 2. Request Authorization to Proceed with Construction (CON) within 30 months (2 ½ years) after the project is amended into the FSTIP.
- * Note: For agencies that do not need Authorization to Proceed with PE because they are not using federal funds for this phase, the agency will only be held to requesting Construction Authorization within 30 months after the project is amended into the FSTIP.

Caltrans will track the delivery of these selected HSIP projects and prepare a quarterly report showing the delivery performance of each project. The quarterly report link is:
http://www.dot.ca.gov/hq/LocalPrograms/HSIP/delivery_status.htm

Projects that miss milestones per the HSIP guidelines will be flagged in these reports. Caltrans will not accept HSIP applications from agencies with flagged projects during future open cycle 'call for projects'.

The Southern California Association of Governments (SCAG) will be informed of each project being approved for funding. Caltrans Headquarters staff will work with SCAG to include each project in their next FSTIP Amendment. It is your agency's responsibility to track your Metropolitan Planning Organizations (MPO's) FSTIP Amendments to confirm when the Federal Highway Administration (FHWA) approval has occurred for your project. At that time your agency may submit a request for authorization (RFA) to begin reimbursable work on the project in accordance with federal-aid project implementation procedures.

Your agency is encouraged to complete your non-reimbursable efforts of completing activities and preparing documents required for your first RFA to proceed with your first phase of work. These efforts can and should begin now in anticipation of your project(s) being included in approved FSTIP. Please contact Albert Vergel de Dios to arrange for an on-site field review to evaluate and assess the entire scope of the safety project. A field review form can be found in the Local Assistance Procedures Manual or at the Local Programs website:
<http://www.dot.ca.gov/hq/LocalPrograms/lam/lapm.htm>.

Given that HSIP safety projects are lump-sum programmed in the FSTIP, it can be expected that one or more phases of a project's delivery schedule will not match the FFY in the FSTIP. When this occurs, local agencies will use the Expedited Project Selection Procedure (EPSP) in conjunction with their RFA. More information on when local agencies are expected to use EPSP on HSIP projects and the procedures to follow can be found at the above referenced webpage for the HSIP delivery requirements.

If you have questions, please feel free to contact Albert Vergel de Dios at 909-383-6414, or at albert_vergel_de_dios@dot.ca.gov.

Sincerely,



Sean Yeung
District Local Assistance Engineer (Acting)

CITY COUNCIL/BANNING UTILITY AUTHORITY JOINT MEETING

DATE: January 14, 2014

TO: Banning Utility Authority

FROM: Duane Burk, Director of Public Works

SUBJECT: Notice of Completion for Project No. 2013-01WW, "Florida Street Sewer Main Replacement"

RECOMMENDATION: That the City Council accepts Project No. 2013-01WW, "Florida Street Sewer Main Replacement" as complete and direct the City Clerk to record the Notice of Completion.

JUSTIFICATION: Staff has determined that the project has been completed per the City of Banning Plans and Specifications.

BACKGROUND: On June 25, 2013, the City Council adopted Resolution No. 2013-12 UA, "Awarding the Construction Contract for Project No. 2013-01 WW, 'Florida Street Sewer Main Replacement' and Rejecting All Other Bids."

The scope of work under this project included the installation of an 8 inch PVC sewer main, removal and disposal of an existing 6 inch vitrified clay pipe sewer main, removal and replacement of sewer laterals, coring existing manholes to fit new main, and trench repair all per the City of Banning Standard Specifications. The limits of the project extended from Theodore Street to Indian School Lane.

FISCAL DATA: The original contract amount for this project was \$82,688.04. The final contract amount is equal to \$83,440.78, approximately 1% over the original contract amount and within the approved 10% contingency.

RECOMMENDED BY:



Duane Burk,
Director of Public Works

REVIEWED BY:



June Overholt,
Administrative Services Director
Deputy City Manager

APPROVED BY:



Andrew J. Takata
City Manager

1 WHEN RECORDED MAIL TO:

2
3 Office of the City Clerk
4 City of Banning
5 P.O. Box 998
6 Banning, California 92220
7

8 FREE RECORDING:
9 Exempt Pursuant to
10 Government Code §6103
11

12
13 NOTICE OF COMPLETION
14 PROJECT NO. 2013-01WW
15 FLORIDA STREET SEWER MAIN REPLACEMENT
16

17 THIS NOTICE OF COMPLETION IS HEREBY GIVEN by the OWNER, the
18 City of Banning, a municipal corporation, pursuant to the provisions of Section 3093 of
19 the Civil Code of the State of California, and is hereby accepted by the City of Banning,
20 pursuant to authority conferred by the City Council this January 14, 2014, and the
21 grantees consent to recordation thereof by its duly authorized agent.
22

23 That the OWNER, the City of Banning, and Tri-Star Contracting II, Inc. of Desert Hot
24 Springs, California, the vendee, entered into an agreement dated July 9, 2013, for
25 Construction of Project No. 2013-01WW, "Florida Street Sewer Main Replacement."
26

27 The scope of work under this project included the installation of an 8 inch PVC sewer
28 main, removal and disposal of an existing 6 inch vitrified clay pipe sewer main, removal
29 and replacement of sewer laterals, coring existing manholes to fit new main, and trench
30 repair all per the City of Banning Standard Specifications. The limits of the project
31 extended from Theodore Street to Indian School Lane.
32

33 That the work of improvement was completed on October 15, 2013, for Project No.
34 2013-01WW, Florida Street Sewer Main Replacement.

35 (1) The Nature of Interest was to provide sewer infrastructure improvements.

1 (2) That the City of Banning, a municipal corporation, whose address is
2 Banning City Hall, 99 E. Ramsey Street, Banning, California 92220, is completing work
3 of improvement.

4 (3) That said work of improvement was performed along Florida Street,
5 between Theodore Street and Indian School Lane in Banning, California 92220.

6 (4) That the original contractor for said improvement was Tri Star Contracting
7 II, Inc., State Contractor's License No. 909195.

8 (5) That Performance and Payment bonds were required for this project.

9 (6) The nature of interest is in fee.
10

11 Dated: January 14, 2014

12 CITY OF BANNING
13 A Municipal Corporation
14
15

16
17 By _____
18 Andrew J. Takata
19 City Manager
20

21 APPROVED AS TO FORM:
22
23
24

25 _____
26 David J. Aleshire, City Attorney
27 Aleshire & Wynder, LLP
28
29
30
31
32
33
34

JURAT

State of California
County of Riverside

Subscribed and sworn to (or affirmed) before me on this _____ day of _____, 2014 by _____ proved to me on this basis of satisfactory evidence to be the person(s) who appeared before me.

(S e a l)

Notary Public in and for said County
and State

STATE OF CALIFORNIA)

) ss

COUNTY OF RIVERSIDE)

MARIE A. CALDERON, being duly sworn, deposes and says:

That I am the City Clerk of the City of Banning, which City caused the work to be performed on the real property hereinabove described, and is authorized to execute this Notice of Completion on behalf of said City; that I have read the foregoing Notice and know the contents thereof, and that the facts stated therein are true based upon information available to the City of Banning, and that I make this verification on behalf of said City of Banning. I declare under perjury that the forgoing is true and correct.

Executed on _____, 2014 at Banning, California.

City Clerk of the City of Banning

CITY COUNCIL/BANNING UTILITY AUTHORITY AGENDA

Date: January 14, 2014

TO: Banning Utility Authority

FROM: Duane Burk, Director of Public Works

SUBJECT: Resolution No. 2014-01 UA, "Approving an "MOU" to Participate in the San Gorgonio Pass Regional Water Alliance"

RECOMMENDATION: The Banning Utility Authority adopts Resolution No. 2014-01 UA, "Approving an "MOU" to Participate in the San Gorgonio Pass Regional Water Alliance."

JUSTIFICATION: The Memorandum of Understanding ("MOU") will assist the City with participating collectively with the Multi-Jurisdictional Agencies with discussions on regional water issues within the county.

BACKGROUND: The Riverside County Board of Supervisors approved the appointment of a San Gorgonio Pass Regional Water Task Force on November 6, 2012, attached hereto as Attachment "A." The Task Force is comprised of representatives of local governments and water districts in the San Gorgonio Pass Area. The San Gorgonio Regional Water Task Force held its first meeting on May 20, 2013, since that time it has met monthly and has formed two subcommittees – one for technical issues and one for administrative issues.

The goal of the Task Force is to improve coordination, collaboration, and communication among local government water purveyors in the San Gorgonio regional area, to achieve greater efficiency and effectiveness in delivering water supplies, and to develop and promote common water strategies that will, when implemented, fulfill the water demands of the regional area for the foreseeable future.

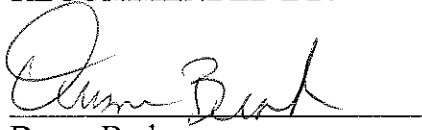
The Task Force has proposed that those agencies that subscribe to the precepts of the "MOU" shall be called the San Gorgonio Regional Water Alliance ("Alliance"). The City is required to execute the, voluntary and cooperative "MOU" in order to become a member of the Alliance.

STRATEGIC PLAN: Goal #7- Regional Cooperation and Partnerships, Strategic Priority Step J-7

FISCAL DATA: The Banning Utility Authority approved Resolution No. 2013-20 UA, "Approving a Contribution of \$1,500.00 to the San Gorgonio Pass Regional Water Task Force" on December 10, 2013, attached hereto as Exhibit "C."

[SIGNATURES ON NEXT PAGE]

RECOMMENDED BY:

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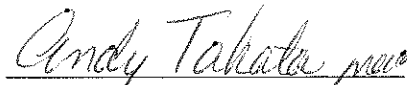
Duane Burk,
Director of Public Works

REVIEWED BY:

A handwritten signature in cursive script, appearing to read "June Overholt", written over a horizontal line.

June Overholt,
Administrative Services Director/
Deputy City Manager

APPROVED BY:

A handwritten signature in cursive script, appearing to read "Andy Takata", followed by a small mark, written over a horizontal line.

Andrew J. Takata,
City Manager

RESOLUTION NO. 2014-01 UA

A RESOLUTION OF THE BANNING UTILITY AUTHORITY OF THE CITY OF BANNING, CALIFORNIA, "APPROVING THE "MOU" TO PARTICIPATE IN THE SAN GORGONIO PASS REGIONAL WATER ALLIANCE "

WHEREAS, the Riverside County Board of Supervisors unanimously supported the creation of the San Gorgonio Pass Regional Water Task Force comprised of every agency in the region involved with water supply, in order to identify challenges in water supply and water quality for the region, to develop mutually beneficial solutions that include coordinating plans and infrastructure development that ultimately delivers clean, reliable and affordable water supplies for the citizens of the San Gorgonio Pass area for the foreseeable future; and

WHEREAS, members of these agencies have been meeting together since May 2013 as the San Gorgonio Regional Water Task Force for these purposes, and have agreed that a better understanding of the working relationships will be helpful to all involved; and

WHEREAS, the San Gorgonio Pass Area local governments and water districts understand that regular coordination, collaboration, and communication will result in improved managements of water resources at local and regional levels; and,

WHEREAS, the San Gorgonio Pass Regional Task Force (Task Force) members have developed a Memorandum of Understanding ("MOU"), attached hereto as Exhibit "B," to establish the mutual understandings of the members of this Task Force with respect to certain voluntary joint efforts toward regional coordination, collaboration, and communication of water resource projects and programs; and,

WHEREAS, the Task Force has proposed that those agencies that subscribe to the precepts of the "MOU" shall be called the San Gorgonio Regional Water Alliance (Alliance); and,

WHEREAS, the goals of the Alliance are to improve coordination, collaboration, and communication among local government water purveyors in the San Gorgonio regional area, to achieve greater efficiency and effectiveness in delivering water supplies. Services are local control; and to develop and promote common water strategies that will, when implemented, fulfill the water demands of the regional area for the foreseeable future.

NOW, THEREFORE, BE IT RESOLVED by the Banning Utility Authority of the City of Banning as follows:

SECTION 1. Adopt Resolution No. 2014-01 UA, "Approving an "MOU" to Participate in the San Gorgonio Pass Regional Water Task Force."

SECTION 2. Agree to participate in this voluntary cooperative "MOU" as a member of the Alliance and as a supporter of the "MOU" and its goals.

PASSED, APPROVED, AND ADOPTED this 14th day of January, 2014.

Deborah Franklin, Chairman
Banning Utility Authority

ATTEST:

Marie A. Calderon, Secretary

**APPROVED AS TO FORM
AND LEGAL CONTENT:**

David J. Aleshire, Authority Counsel
Aleshire & Wynder, LLP

CERTIFICATION:

I, Marie Calderon, Secretary to the Utility Authority of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2014-01 UA was duly adopted by the Banning Utility Authority of the City of Banning at its joint meeting thereof held on the 14th day of January, 2014, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Marie A. Calderon, Secretary
Banning Utility Authority

EXHIBIT "A"

**RIVERSIDE COUNTY BOARD OF SUPERVISORS APPROVAL
OF SAN GORGONIO PASS WATER TASK FORCE**

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Supervisor Ashley

SUBMITTAL DATE: October 30, 2012

SUBJECT: Water policy for the future - San Gorgonio Pass communities

RECOMMENDED MOTION: That the Board of Supervisors:

1. Support creation of a Pass Water Policy Panel of representatives in the San Gorgonio Pass area to identify challenges in water supply and water quality for the region, to develop mutually beneficial solutions that include coordinating plans and infrastructure development that ultimately delivers clean, reliable and affordable water supplies for the citizens of the San Gorgonio Pass area for the foreseeable future; and
2. Authorize the 5th District Supervisor to appoint members of the Pass Water Policy Panel and to convene discussion as necessary; and to report Panel findings in a public meeting to be held prior to the Autumn of 2013;

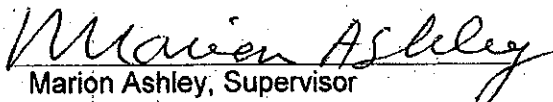
BACKGROUND: In an era of limited public funding for vital water infrastructure sustaining a strong economy and healthy environment, the citizens of Riverside County benefit when agencies cooperate with each other by integrating land use planning and water resource development in ways that deliver multiple benefits in addition to securing a safe, reliable water supply.

Responsible leaders in the San Gorgonio Pass Area recognize a growing need to address coming changes in local water supplies as well as changes in water quality regulations. These changes are expected to accelerate, and in the absence of cooperative action among water resource agencies and land use planning authorities, could negatively impact the quality of life for the residents and businesses of this vitally important region of Riverside County.

The quality of groundwater in some areas of the Pass is already the subject of scrutiny by the Regional Water Quality Control Board responsible for ensuring nitrate levels do not exceed standards of the Clean Water Act. Elsewhere, relative water supply abundance in the western area of the Pass cannot be shared efficiently with drier areas due to lack of regional facilities and institutional concerns. Similar issues between neighboring jurisdictions in the Pass Area impact the efficient use of recycled water supplies.

As a result, planning and investment that may otherwise deliver new supplies of secure, affordable water for the area is failing to move forward. This is not in the best interests of those who live, work and visit the Pass Area, particularly future generations who will benefit most from successful cooperation to achieve peace in water policy matters throughout the Pass Area.

In order to address these concerns and to accomplish the shared mission of all water agencies and land use authorities in the Pass Area, a Pass Water Policy Panel is recommended to open the dialogue and explore the best options available to efficiently deliver clean, reliable supplies of water throughout the Pass Area for the foreseeable future.


Marion Ashley, Supervisor
Fifth District

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Stone and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: November 6, 2012
xc: Supvr. Ashley

Kecia Harper-Ihem

Clerk of the Board

By: 
Deputy

AGENDA NO. 221

3.66

EXHIBIT “B”

**SAN GORGONIO PASS REGIONAL WATER ALLIANCE
MEMORANDUM OF UNDERSTANDING
 (“MOU”)**

Memorandum of Understanding

San Gorgonio Pass Regional Water Alliance

A Coordination of Regional Water Providers and Local Government

1. Background

The San Gorgonio Pass Area local governments and water districts understand that regular coordination, collaboration, and communication will result in improved management of water resources at local and regional levels. On May 2013, County Supervisor Marion Ashley appointed, with the approval of the entire County Board of Supervisors, a Pass Water Policy Panel. The Panel is comprised of representatives in the San Gorgonio Pass Area. The Panel, known as the San Gorgonio Pass Regional Water Alliance (SGPRWA) is to identify challenges in water supply and water quality for the region, to develop mutually beneficial solutions that include coordinating plans and infrastructure development that ultimately delivers clean, reliable, and affordable water supplies for the citizens of the San Gorgonio Pass area for the foreseeable future.

2. Purpose

The purpose of this Memorandum of Understanding (MOU) is to establish the mutual understandings of San Gorgonio Regional Water Alliance (SGRWA) with respect to certain voluntary joint efforts toward regional coordination, collaboration, and communication of water resource projects and programs.

3. Goals

The goals of the SGRWA are:

- 3.1 To improve coordination, collaboration, and communication among local government water purveyors in the San Gorgonio regional area, to achieve greater efficiency and effectiveness in delivering water supplies. Services are local control.
- 3.2 To develop and promote common water strategies that will, when implemented, fulfill the water demands of the regional area for the foreseeable future.

4. Definitions

- 4.1 San Gorgonio Regional Water Alliance. Participating county, local governments, and water purveyors in the San Gorgonio Regional area.
- 4.2 Signatories. The parties signing this MOU (Signatories) constitute the current participants.

5. Mutual Understandings

- 5.1 Participation. Participation is strictly voluntary and may be terminated at any time without recourse. San Gorgonio local governments and water purveyors will be invited to become Signatories.
- 5.2 Activities. Efforts pursued under this agreement will remain consistent with and will not exceed the current authority for any individual participating local government and

water purveyor. Efforts will include information dissemination and sharing between local governments, water purveyors, public outreach, and education and other activities as mutually agreed upon from time to time among the Signatories.

5.2.1 It is anticipated that the Signatories will meet at least monthly with subcommittee meeting happening in between full Alliance meetings.

5.3 Funding. Individual Signatories are not required to commit funding to any other Signatory of the Alliance. Recognizing this is a voluntary, non-binding agreement, Signatories agree to commit such resources as are required to implement actions agreed upon per Section 5.4 herein within their individual service areas, subject to approval and direction of the governing bodies of each Signatory.

5.4 Decision Making. Consensus will be sought when the need for decisions arises. Decisions lacking consensus may be implemented by such individual Signatories that choose to do so, but said decisions may not be considered activities of the Alliance.

5.5 Non-binding Nature. This document and participation under this MOU are non-binding, and in no way suggest that a local municipal government or water purveyor may not continue its own activities as each government and purveyor is expected to continue its own policies and procedures, and undertake efforts to secure project funding from any source. A local government or purveyor may withdraw from participation at any time.

5.6 Termination. Signatories may terminate their involvement at any time with no recourse.

6. Signatories to the Memorandum of Understanding

We, the undersigned representatives of our respective governing bodies, acknowledge the above as our understanding of how the San Geronio Regional Water Alliance Coordination, Collaboration, and Communication MOU will be implemented.

This MOU will be revisited annually.

EXHIBIT "C"

**RESOLUTION NO. 2013-20 UA
"APPROVING A CONTRIBUTION OF \$1,500.00 TO THE SAN
GORGONIO PASS REGIONAL WATER TASK FORCE"**

RESOLUTION NO. 2013-20 UA

A RESOLUTION OF THE BANNING UTILITY AUTHORITY OF THE CITY OF BANNING, CALIFORNIA, APPROVING A CONTRIBUTION OF \$1,500.00 TO THE SAN GORGONIO PASS REGIONAL WATER TASK FORCE

WHEREAS, the Riverside County Board of Supervisors approved the appointment of a San Gorgonio Pass Regional Water Task Force on November 6, 2012; and

WHEREAS, the San Gorgonio Regional Water Task Force has been meeting monthly since May 20, 2013 and has formed two subcommittees – one for technical issues and one for administrative issues; and

WHEREAS, the Task Force drafted a preliminary budget of \$48,000 at its meeting on June 17, 2013; and

WHEREAS, after further discussion during the October 14, 2013 meeting, the Task Force approved a revised, reduced [with in-kind services] budget of \$24,560.00, of this amount, \$5,000.00 is being contributed by the County; and

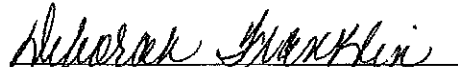
WHEREAS, the Task Force is requesting that all twelve members contribute \$1,500.00 initially to move forward.

NOW, THEREFORE, BE IT RESOLVED by the Banning Utility Authority of the City of Banning as follows:


SECTION 1. Adopt Resolution No. 2013-20 UA, Approving a Contribution of \$1,500.00 to the San Gorgonio Pass Regional Water Task Force.

SECTION 2. Authorize funds in the amount \$1,500.00 in FY 2013-14 from Watermaster Services budget line item 660-6300-471-42.43.

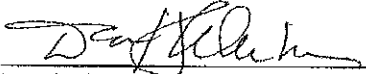
PASSED, APPROVED, AND ADOPTED this 10th day of December, 2013.


Deborah Franklin, Chairman
Banning Utility Authority

ATTEST:


Marie A. Calderon, Secretary
City of Banning

**APPROVED AS TO FORM
AND LEGAL CONTENT:**


David J. Aleshire, Authority Counsel
Aleshire & Wynder, LLP

CERTIFICATION:

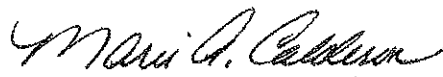
I, Marie A. Calderon, Secretary to the Banning Utility Authority of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2013-20 UA was duly adopted by the Banning Utility Authority of the City of Banning at its joint meeting thereof held on the 10th day of December, 2013, by the following vote, to wit:

AYES: Councilmembers Miller, Peterson, Welch, Westholder, Mayor Franklin

NOES: None

ABSENT: None

ABSTAIN: None


Marie A. Calderon, Secretary
Banning Utility Authority
Banning, California

**CITY COUNCIL
PUBLIC HEARING**

DATE: January 14, 2014

TO: Honorable Mayor and City Council Members

FROM: Zai Abu Bakar, Community Development Director

SUBJECT: ORDINANCE NO. 1476
AMENDING THE ZONING ORDINANCE PERTAINING TO
VARIOUS LAND USES RELATED TO THEIR PERMITTING
PROCESS IN THE COMMERCIAL AND INDUSTRIAL ZONES,
AND GARAGES IN THE RESIDENTIAL ZONES

RECOMMENDATION:

That the City Council takes the following actions:

1. Adopt Ordinance No. 1476 (Attachment 1) to City Council Amending a Section of the Zoning Ordinance Pertaining Various Land Uses Related to their Permitting Process in the Commercial and Industrial Zones, and Garages in the Residential Zones.

Planning Commission Recommendation

At their regularly scheduled meeting on November 4, 2013, the Planning Commission held a public hearing for proposed Ordinance No. 1476. The Planning Commission then considered the information provided in the staff report and public comment, and voted (5 yes-0 no) to approve Resolution No. 2013-15 recommending that City Council adopt Ordinance No. 1476 as revised per the comments from the City Attorney.

JUSTIFICATION:

The City Council adopted the present Zoning Ordinance in January 2006. The Zoning Ordinance ensures the orderly development of all lands within the City's corporate boundaries to protect the public health, safety, and welfare. The Zoning Ordinance is further intended to provide standards and guidelines for new and existing development consistent with the General Plan, which respect and enhance the character of existing neighborhoods, secure more open space, and encourage high quality development proposals. However, the Zoning Ordinance regulations may, from time to time, need minor revisions to encourage and facilitate development, to attract new businesses, and retain existing businesses.

BACKGROUND/ANALYSIS:

On November 12, 2013, the City Council adopted Interim Urgency Ordinance No. 1474 regarding the permitting process for certain business in the commercial and industrial zoning districts related to approval of a Conditional Use Permit. Proposed Ordinance No. 1476 addresses the items of concern identified in the Interim Urgency Ordinance as well as other items listed herein to provide needed clarification to streamline the development review permitting process.

Commercial and Industrial Land Use

The Zoning Ordinance provides regulations and permit processes for businesses to be established in the City. Some uses are permitted by right (P); by right means that the permit may be processed administratively at the staff level. Some uses are permitted with approval of a Conditional Use Permit (C); meaning Planning Commission review and approval is required; and, some are not permitted (X). Uses that are permitted by right are those that generally have no environmental impact on adjacent properties. Uses that are permitted by approval of a Conditional Use Permit are those that have unique environmental impacts on adjacent properties that cannot be determined in advance of the use proposed for a particular location. Uses that are not permitted are those that were determined to be inappropriate for a particular zone.

Staff received inquiries from applicants who desire to establish uses that otherwise do not have unique environmental impacts, and under the present Zoning Ordinance either require approval of a Conditional Use Permit or are prohibited. Therefore, the use table for commercial and industrial zones was reviewed by staff a recommendations for changing the approved uses was developed to more easily accommodate businesses.

Table 17.12.020 *Permitted, Conditional and Prohibited Commercial and Industrial Uses* of the Zoning Ordinance sets forth the uses allowed within the City and the various commercial and industrial zoning districts. It is recommended to amend the listed uses as follows (shaded areas represent proposed changes):



Zone	DC	GC	HSC	PO	I	AI	BP	IMR
Retail Uses								
Bakeries, retail	P	P	P	P	X	X	P	X
Gift shops	P	P	P	P	X	P	P	X
Hardware/lumber stores	C X	P	P	X	P X	X	P	X
Pawn shops	X	C P	C P	X	X	X	C	X
Pet stores and grooming	P	P	P	X	X	X	P	X
Restaurants, serving beer, wine or liquor	P	P	P	P	X	P	P	X
Warehouse or club stores (i.e., "Big box stores")	X	P	P	P X	X	X	P	X
Services								
Professional offices	P	P	P	P	X	P	P	X
Real estate offices	P	P	P	P	X	X	P	X
Storage, accessory, including self-storage	X	X	X	X	C	X	C	X
Vehicle fueling/service stations	X	P	P	P X	X	P	P X	X
Veterinary clinics, animal hospitals, grooming	C	P	P	P	X	X	P X	X
Manufacturing and Processing Uses								
Contractor's storage yards	X	X	X	X	P	C	C P	P
Laundries and dry cleaning plants	C X	C	C	C P	P	X	C X	X

Garages in Residential Zones

Since adoption of Ordinance No. 749 by the City Council on February 11, 1980, the City has required that single-family residential developments provide at least two enclosed parking spaces (garage) when constructed. Some housing developments constructed prior to that time provided just a single car garage or simply a carport.

Because the scale of these developments are different than present day developments, generally smaller homes built on smaller parcels of land, the area available to expand or improve is limited. The Zoning Ordinance requires that improvements in excess of 25% of the existing floor area meet the new development standards, which triggers a requirement to construct a two-car garage at the minimum interior clear of 20 feet wide by 20 feet in depth. Often there is not available area on these existing parcels, so the consequence is that expansion or improvements to these homes are constrained significantly. Therefore, staff is proposing to amend sub-paragraph 2 of paragraph B of Section 17.28.060 *Parking lot design standards* as follows (shaded areas represent proposed changes):



2. A minimum unobstructed inside dimension of 20 feet by 20 feet shall be maintained, for a private two car garage or carport. The minimum obstructed ceiling height shall be 7 feet, six inches. For single family residential units constructed prior to February 11,

1980, a minimum unobstructed inside dimension of 10 feet by 20 feet shall be maintained for a private one car garage or carport.

ENVIRONMENTAL DETERMINATION

The Planning Commission, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines, the recommendation of the Community Development Director as provided in the staff report dated December 4, 2013, and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. California Environmental Quality Act (CEQA):

CEQA: The City Council has analyzed this proposed project and finds that the land uses and the permitting process that are being recommended for amendment are within and an implementation of the existing programs and policies identified in the General Plan, including Policy 3, discussed above. The City has determined, after reviewing the project, that no subsequent or supplemental environmental analysis to the General Plan Final Environmental Impact Report (FEIR) is necessary pursuant to CEQA Guidelines, section 15162 and 15163. The proposed Zoning Ordinance amendments do not propose substantial changes to the project which would require major revisions to the General Plan FEIR due to new or substantially more severe significant environmental effects than previously identified in the FEIR or a substantial increase in the severity of previously identified significant environmental effects than previously analyzed in the FEIR; and, no new information of substantial importance as described in subsection (a)(3) of Section 15162 has been revealed that would require major revisions to the General Plan FEIR or its conclusions.

Alternatively, the finds that it can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment, and therefore the adoption of this ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

2. Multiple Species Habitat Conservation Plan (MSHCP).

The amendments to the Zoning Ordinance do not relate to any one physical project and are not subject to the MSHCP. Further, projects subject to this ordinance will trigger individual project analysis and documentation related to the requirements of MSHCP including mitigation through payment of the MSHCP Mitigation Fee.

REQUIRED FINDINGS FOR ORDINANCE NO. 1476:

The Zoning Ordinance requires that each Zone Text Amendment meet certain findings in Section 17.116.050 in order to be approved by the City Council. The following findings are provided for consideration:

1. The proposed Zone Text Amendment is consistent with the goals and policies of the General Plan.

Findings of Fact:

The proposed Zone Text Amendment is consistent with the goals and policies of the General Plan, insofar as the General Plan designations and Zoning designations will not change, and the text amendments will result in clarifying the goals, policies and programs of the General Plan. The primary General Plan Land Use element Goal is *"A balanced, well planned community including businesses which provides a functional pattern of land uses and enhances the quality of life for all Banning residents"*. By amending the Zoning Ordinance specifically pertaining to land uses in the Commercial and Industrial Zoning District, and garages in the residential zones it is anticipated that the proposed amendment will encourage development within the various land uses that will ultimately enhance the quality of life for Banning residents who may utilize the commercial services provided by these developments, or desire to improve existing residential properties.

Furthermore, it is a goal of the Land Use element of the City's General Plan to provide for complimentary commercial uses; specifically the Commercial Goal states that provision for *"Complementary commercial uses which meet the needs of the City's residents, increase the City's revenues, and provide a range of employment opportunities"* shall be provided; and, more specifically Policy 3 states that *"the Zoning Ordinance shall include principles, design standards and guidelines which encourage the development of high quality commercial projects"*. It is anticipated that allowing land uses permitted by right in the various zoning districts, it will encourage and facilitate small business development that increases tax revenue for the City through the sale of additional goods and services as well as employment opportunities. Additionally, by allowing single car garages in older existing homes, it will encourage and facilitate improvements to these residential properties that are often located on lots that are small in size.

2. The proposed Zone Text Amendment is internally consistent with the Zoning Ordinance.

Findings of Fact:

The Zone Text Amendment is consistent with the existing provisions of the Zoning Ordinance. The proposed amendments will amend the existing Zoning Ordinance pertaining to business development within the present limits and development standards established by the Zoning Ordinance. Staff has reviewed and compared the proposed changes and finds no conflicting statements or inconsistencies in the Zoning Ordinance.

3. That the City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

Findings of Fact:

The City Council has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Municipal Code do not relate to any one physical project and will not result in any physical change to the environment. Further, projects subject to this resolution will trigger individual analysis and documentation related to CEQA. Therefore, it can be seen with certainty that there is no possibility that this resolution may have a significant adverse effect on the environment, and therefore the adoption of this resolution is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

4. Other Findings-That the proposed Zoning Ordinance amendments and allowable uses are compatible with existing and planned uses in the area.

The proposed amendments are compatible as they consist of uses already permitted, or conditionally permitted, in the commercial and industrial zoning districts and are subject to the same development standards as any other project that is located, or will be located, within the commercial or industrial zoning districts; no new uses are proposed. The areas affected by the proposed amendments are already well established commercial and industrial corridors with existing arterial roadways and utilities.

PUBLIC COMMUNICATION

The proposed Zone Text Amendment was advertised in the Record Gazette newspaper on Friday, January 3, 2014. As of the date of this report, staff has not received any verbal or written comments for or against the proposal.

3. That the City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

Findings of Fact:

The City Council has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Municipal Code do not relate to any one physical project and will not result in any physical change to the environment. Further, projects subject to this resolution will trigger individual analysis and documentation related to CEQA. Therefore, it can be seen with certainty that there is no possibility that this resolution may have a significant adverse effect on the environment, and therefore the adoption of this resolution is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

4. Other Findings-That the proposed Zoning Ordinance amendments and allowable uses are compatible with existing and planned uses in the area.

The proposed amendments are compatible as they consist of uses already permitted, or conditionally permitted, in the commercial and industrial zoning districts and are subject to the same development standards as any other project that is located, or will be located, within the commercial or industrial zoning districts; no new uses are proposed. The areas affected by the proposed amendments are already well established commercial and industrial corridors with existing arterial roadways and utilities.

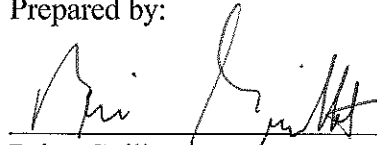
PUBLIC COMMUNICATION

The proposed Zone Text Amendment was advertised in the Record Gazette newspaper on Friday, January 3, 2014. As of the date of this report, staff has not received any verbal or written comments for or against the proposal.

STRATEGIC PLAN INTEGRATION: The City Council adopted the current strategic plan in September 2011. The 7 Goals of the plan were approved by City Council on March 22, 2011, and include: (1) Fiscal Stability, (2) Public Safety, (3) Infrastructure and City Facilities, (4) Economic Development, (5) Quality of Life, (6) Community Relations, and (7) Regional Cooperation and Partnerships. Listed under Goal #5, Action Step "A-5" *Continue to build and attractive and walkable downtown* for the Community Development Department, it is anticipated that the proposed changes to the Zoning Ordinance will encourage and facilitate commercial development in the Downtown Commercial zoning district, which will make the area more attractive to the community; and, also to encourage economic development throughout the City that generates additional sales tax revenue for the City.

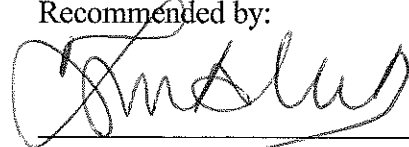
FISCAL DATA: No direct fiscal impacts are foreseen as a consequence of the adoption of Ordinance No. 1476. However, it is anticipated that the proposed changes to the Zoning Ordinance will encourage commercial and residential development that will result in increased economic activities.

Prepared by:



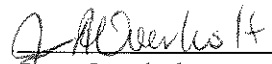
Brian Guillot
Associate Planner

Recommended by:




Zai Abu Bakar
Community Development Director

Reviewed by:



June Overholt
Administrative Services Director
Deputy City Manager

Approved by:



Andy Takata
City Manager

Attachments:

1. Ordinance No. 1476

Attachment 1

(Ordinance No. 1476)

ORDINANCE NO. 1476

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF BANNING, CALIFORNIA AMENDING THE
ZONING ORDINANCE PERTAINING TO VARIOUS
LAND USES RELATED TO THEIR PERMITTING
PROCESS IN THE COMMERCIAL AND
INDUSTRIAL ZONES, AND GARAGES IN THE
RESIDENTIAL ZONES**

WHEREAS, commercial and residential development is a critical component for growth in most communities, as the sale of goods and services can generate significant sales tax revenue and employment opportunities; and

WHEREAS, the City of Banning ("City") recognizes that zoning regulations may have an indirect effect on commercial, industrial, and residential development by adding additional regulations and time to review project applications; and

WHEREAS, the City Council finds and determines that the City's current process for permitting certain businesses that have no impact to surrounding businesses and properties through a Conditional Use Permit process has frustrated applicants and business owners with their ability to open and conduct their business as expeditiously as possible; and

WHEREAS, the City Council also finds that the current process for approving certain businesses that have no impact to surrounding businesses to operate through a conditional use permit process has also frustrated the residents and business community who want to see that the vacant buildings and tenant spaces in the City are occupied with businesses that provide jobs and sales tax to help jump start the economy in light of the current recession; and

WHEREAS, the City Council finds that the above-mentioned process is contrary to the Council policy of being business friendly as adopted in Resolution 2010-79 on November 9, 2010; and

WHEREAS, on November 12, 2013, the City Council in response to the concerns of business owners and residents adopted Interim Urgency Ordinance No. 1474; and

WHEREAS, it is a goal of the Land Use element of the City's General Plan to provide for complimentary commercial uses; specifically the Commercial Goal states that provision for "Complementary commercial uses which meet the needs of the City's residents, increase the City's revenues, and provide a range of employment opportunities" shall be provided; and, more specifically Policy 3 states that "*the Zoning*

Ordinance shall include principles, design standards and guidelines which encourage the development of high quality commercial projects”; and

WHEREAS, the City Council desires to respond to the concerns of its citizens regarding improving the development permitting process for the various land uses referenced in Section 3 of this Ordinance to encourage commercial, industrial, and residential development projects and believes that it is in the best interest of its citizens to amend the Zoning Ordinance to facilitate said development, and specifically to address those items covered by Interim Urgency Ordinance No. 1474; and

WHEREAS, the City Council has authority per Chapter 17.116 of the Municipal Code to approve, approve with modifications, or disapprove amendments to the Zoning Ordinance; and

WHEREAS, the Planning Commission at its regularly scheduled meeting held on _____, recommended adoption of Ordinance No. 1476 amending the Zoning Ordinance at various places by approving Planning Commission Resolution No. 2013-15 as stated in writing; and

WHEREAS, on the _____th day of _____, 2013, the City gave public notice as required under Chapter 17.68 of the Zoning Ordinance by advertising in the Record Gazette newspaper of the holding of a public hearing at which the amendment to the Zoning Ordinance would be considered; and

WHEREAS, on the _____th day of _____, 2014, the City Council held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to the proposed amendment, and at which time the City Council considered Zone Text Amendment No. 13-97505; and

WHEREAS, at this public hearing on the _____th day of _____, 2014, the City Council considered and heard public comments on the proposed Zone Text Amendment; and

WHEREAS, at this public hearing, the City Council has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act (“CEQA”) under Section 15061(b)(3) of the CEQA Guidelines; and

WHEREAS, the City Council has carefully considered all pertinent documents and the staff report offered in this case as presented at the public hearing held on the _____th day of _____, 2014;

NOW THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Banning as follows:

SECTION 1. ENVIRONMENTAL FINDINGS.

The City Council, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines, the recommendation of the Community Development Director as provided in the staff report dated _____, 2014, and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. California Environmental Quality Act (CEQA):

CEQA: The City Council has analyzed this proposed project and finds that the land uses and the permitting process that are being recommended for amendment are within and an implementation of the existing programs and policies identified in the General Plan, including Policy 3, discussed above. The City has determined, after reviewing the project, that no subsequent or supplemental environmental analysis to the General Plan Final Environmental Impact Report (FEIR) is necessary pursuant to CEQA Guidelines, section 15162 and 15163. The proposed Zoning Ordinance amendments do not propose substantial changes to the project which would require major revisions to the General Plan FEIR due to new or substantially more severe significant environmental effects than previously identified in the FEIR or a substantial increase in the severity of previously identified significant environmental effects than previously analyzed in the FEIR; and, no new information of substantial importance as described in subsection (a)(3) of Section 15162 has been revealed that would require major revisions to the General Plan FEIR or its conclusions.

Alternatively, the City Council finds that it can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment, and therefore the adoption of this ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

2. Multiple Species Habitat Conservation Plan (MSHCP).

The amendments to the Zoning Ordinance do not relate to any one physical project and are not subject to the MSHCP. Further, projects subject to this ordinance will trigger individual project analysis and documentation related to the requirements of MSHCP including mitigation through payment of the MSHCP Mitigation Fee.

SECTION 2. REQUIRED FINDINGS.

The Zoning Ordinance requires that each Zone Text Amendment meet certain findings in Section 17.116.050 in order to be approved by the City Council. The following findings are provided for consideration:

1. The proposed Zone Text Amendment is consistent with the goals and policies of the General Plan.

Findings of Fact:

The proposed Zone Text Amendment is consistent with the goals and policies of the General Plan, insofar as the General Plan designations and Zoning designations will not change, and the text amendments will result in clarifying the goals, policies and programs of the General Plan. The primary General Plan Land Use element Goal is *"A balanced, well planned community including businesses which provides a functional pattern of land uses and enhances the quality of life for all Banning residents"*. By amending the Zoning Ordinance specifically pertaining to land uses in the Commercial and Industrial Zoning District, and garages in the residential zones it is anticipated that the proposed amendment will encourage development within the various land uses that will ultimately enhance the quality of life for Banning residents who may utilize the commercial services provided by these developments, or desire to improve existing residential properties.

Furthermore, it is a goal of the Land Use element of the City's General Plan to provide for complimentary commercial uses; specifically the Commercial Goal states that provision for *"Complementary commercial uses which meet the needs of the City's residents, increase the City's revenues, and provide a range of employment opportunities"* shall be provided; and, more specifically Policy 3 states that *"the Zoning Ordinance shall include principles, design standards and guidelines which encourage the development of high quality commercial projects"*. It is anticipated that allowing land uses permitted by right in the various zoning districts, it will encourage and facilitate small business development that increases tax revenue for the City through the sale of additional goods and services as well as employment opportunities. Additionally, by allowing single car garages in older existing homes, it will encourage and facilitate improvements to these residential properties that are often located on lots that are small in size.

2. The proposed Zone Text Amendment is internally consistent with the Zoning Ordinance.

Findings of Fact:

The Zone Text Amendment is consistent with the existing provisions of the Zoning Ordinance. The proposed amendments will amend the existing Zoning Ordinance pertaining to business development within the present limits and development standards established by the Zoning Ordinance. Staff has reviewed and compared the proposed changes and finds no conflicting statements or inconsistencies in the Zoning Ordinance.

3. That the City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

Findings of Fact:

The City Council has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Municipal Code do not relate to any one physical project and will not result in any physical change to the environment. Further, projects subject to this resolution will trigger individual analysis and documentation related to CEQA. Therefore, it can be seen with certainty that there is no possibility that this resolution may have a significant adverse effect on the environment, and therefore the adoption of this resolution is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

4. Other Findings-That the proposed Zoning Ordinance amendments and allowable uses are compatible with existing and planned uses in the area.

The proposed amendments are compatible as they consist of uses already permitted, or conditionally permitted, in the commercial and industrial zoning districts and are subject to the same development standards as any other project that is located, or will be located, within the commercial or industrial zoning districts; no new uses are proposed. The areas affected by the proposed amendments are already well established commercial and industrial corridors with existing arterial roadways and utilities.

SECTION 3. Amend the listed uses in Table 17.12.020 *Permitted, Conditional and Prohibited Commercial and Industrial Uses* of Section 17.12.020 *Permitted, conditional, and prohibited uses* as follows:

Zone	DC	GC	HSC	PO	I	AI	BP	IMR
Retail Uses								
Bakeries, retail	P	P	P	P	X	X	P	X
Gift shops	P	P	P	P	X	P	P	X
Hardware/lumber stores	C	P	P	X	P	X	P	X
Pawn shops	X	C	C	X	X	X	C	X
Pet stores and grooming	P	P	P	X	X	X	P	X
Restaurants, serving beer, wine or liquor	P	P	P	P	X	P	P	X
Warehouse or club stores (i.e., "Big box stores")	X	P	P	P	X	X	P	X
Services								
Professional offices	P	P	P	P	X	P	P	X
Real estate offices	P	P	P	P	X	X	P	X
Storage, accessory, including self-storage	X	X	X	X	C	X	C	X
Vehicle fueling/service stations	X	P	P	P	X	P	P	X
Veterinary clinics, animal hospitals, grooming	C	P	P	P	X	X	P	X
Manufacturing and Processing Uses								
Contractor's storage yards	X	X	X	X	P	C	C	P
Laundries and dry cleaning plants	C	C	C	C	P	X	C	X

SECTION 4. Amend sub-paragraph 2 of paragraph B of Section 17.28.060 *Parking lot design standards* as follows:

2. A minimum unobstructed inside dimension of 20 feet by 20 feet shall be maintained, for a private two car garage or carport. The minimum obstructed ceiling height shall be 7 feet, six inches. For single family residential units constructed prior to February 11, 1980, a minimum unobstructed inside dimension of 10 feet by 20 feet shall be maintained for a private one car garage or carport.

SECTION 5. SEVERABILITY.

If any section, subsection, sentence, clause, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council of the City of Banning hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

243

SECTION 6. PUBLICATION; EFFECTIVE DATE.

The City Clerk shall certify to the passage and adoption of this ordinance, and shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted. This ordinance shall be in full force and effect thirty (30) days after its final passage and adoption, and within fifteen (15) days after its final passage, the City Clerk shall cause it to be published in a newspaper of general circulation and shall post the same at City Hall, 99 E. Ramsey Street, Banning, California.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2014.

Deborah Franklin, Mayor
City of Banning

ATTEST:

Marie A. Calderon, City Clerk
City of Banning, California

**APPROVED AS TO FORM
AND LEGAL CONTENT:**

David J. Aleshire, City Attorney
Aleshire & Wynder, LLP

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1476 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the _____th day of _____, 2014, and was duly adopted at a regular meeting of said City Council on the _____ day of _____, 2014, by the following vote, to wit:

AYES:

NOES:

ABSEN:

ABSTAIN:

Marie A. Calderon, City Clerk
City of Banning, California

245

CITY COUNCIL

DATE: January 14, 2014
TO: City Council
FROM: Zai Abu Bakar, Community Development Director
SUBJECT: City Council Workshop - 2013-2021 General Plan Housing Element Update

STAFF RECOMMENDATION:

Staff recommends that the City Council conduct a workshop and receive public comments regarding the 2013-2021 Housing Element.

BACKGROUND:

The Housing Element is one of the state-mandated elements of the General Plan. State law requires Housing Elements to be updated periodically to reflect changing housing needs and conditions. All cities and counties within the Southern California Association of Governments (SCAG) region are required to update their Housing Elements for the "5th cycle" which covers the 2013-2021 planning period. Recent amendments to state law require jurisdictions that do not adopt their 5th cycle Housing Element by February 12, 2014 to prepare future updates on a 4-year schedule rather than the standard 8 years.

The Housing Element is comprised of the following major components:

- A Housing Plan to address the City's housing needs, including housing goals, policies and programs (Attachment D - Housing Element policy document);
- Analysis of population, household and employment trends, the characteristics of the housing stock, and a summary of the present and projected housing needs (Attachment E - Technical Report, Chapter II);
- Review of potential constraints to meeting identified housing needs (Attachment E - Technical Report, Chapter III);
- Evaluation of resources and opportunities that will further the development and preservation of housing (Attachment E - Technical Report, Chapter IV);
- Evaluation of the jurisdiction's housing accomplishments during the previous planning period (Attachment E - Technical Report, Appendix A);
- Inventory of potential sites for residential development (Attachment E - Technical Report, Appendix B); and
- Description of the Public Participation Process during the review of the Housing Element (Attachment E - Technical Report, Appendix C); and

- Glossary (Attachment E – Technical Report, Appendix D).

PUBLIC REVIEW:

Public workshops were held by the Planning Commission on September 30, 2013 and by the City Council on October 22, 2013 to review the draft 2013-2021 Housing Element. State law requires that cities submit draft Housing Elements to the California Department of Housing and Community Development (HCD) for 60-day review, and consider the comments of HCD prior to adoption of the Housing Element. On October 25, 2013 the draft Housing Element was submitted to HCD for review, and HCD's review letter was issued on December 23, 2013 (Attachment B). On January 2, 2014 the Planning Commission conducted a public hearing and adopted a resolution (Attachment A) recommending City Council approval of the draft Housing Element. The Planning Commission resolution includes a summary of HCD's comments and the City's responses. Additional information regarding the discussion and recommendations of the Planning Commission is provided in the following sections of this report.

DISCUSSION:

The City's 2008-2014 Housing Element, which was adopted by the City Council in July 2013, included programs calling for revisions to land use and zoning regulations required by state law. These included the creation of a new Very High Density Residential (VHDR) General Plan and zoning designation, creation of a High Density Residential-20 (HDR-20) zoning designation, modification to development regulations in the Downtown Commercial (DC) zoning district, and changes to regulations related to housing for persons with special needs. No major changes to state housing law have occurred since the adoption of the 2008-2013 Housing Element, therefore the 2013-2021 Housing Element update represents a "fine tuning" process to reflect current demographics and the City's accomplishments in the previous cycle. The new Housing Element also reflects the state's elimination of redevelopment agencies and the resulting loss of set-aside funds for housing assistance. The key issue addressed in the new Housing Element continues to be the City's ability to accommodate the housing growth needs set forth in the Regional Housing Needs Assessment, as summarized below.

- **Regional Housing Needs Assessment (RHNA)**

The Regional Housing Needs Assessment (RHNA) is a key tool for local governments to plan for anticipated growth. The RHNA quantifies the anticipated need for new housing within each jurisdiction for the period January 2014 through October 2021. Communities then determine how they will address this need through the process of updating the Housing Elements of their General Plans. The new RHNA was adopted in October 2012 by the Southern California Association of Governments (SCAG) with the involvement of the Western Riverside Council of Governments (WRCOG) and other sub-regional councils of governments.

Due to the effects of the recession, the regional growth forecast and RHNA anticipate significantly lower population growth during the next 8 years compared to the prior forecast. The new RHNA identifies a total housing need of about 412,000 new units for the entire six-county

SCAG region compared to about 700,000 units in the previous RHNA. For Banning, the new RHNA was established as 3,792 units compared to 3,841 units in the prior period. The new RHNA, described in Chapter 2 of the Housing Element Technical Report, contains the following allocation by income category:

**2014-2021 Housing Growth Needs by Income Category
City of Banning**

Extremely Low	Very Low	Low	Moderate	Above Moderate	Total
436	436	593	685	1,642	3,792

Source: SCAG 2012

The income categories used in the Housing Element are linked to county (or “areawide”) median income (“AMI”) and are defined in state law as shown in the table below. Many state housing requirements and programs are based on “lower-income” guidelines, which consists of the extremely-low-, very-low- and low-income categories taken together. For example, in all jurisdictions within Riverside County “lower-income” means a household with a total income of no more than \$53,600 per year, adjusted for family size. It is important to recognize that “low-income housing” means a 2-bedroom apartment that rents for up to \$1,340 per month (including utilities), or a house with a sales price up to about \$250,000.

**2013 Income Categories and Affordable Housing Costs
Riverside County**

2013 Areawide Median Income = \$65,000	Income Limits	Affordable Rent	Affordable Price (est.)
Extremely Low (<30% AMI)	\$20,100	\$503	--
Very Low (31-50% AMI)	\$33,500	\$838	\$150,000
Low (51-80% AMI)	\$53,600	\$1,340	\$250,000
Moderate (81-120% AMI)	\$77,400	\$1,935	\$350,000
Above moderate (120%+ AMI)	\$78,000+	\$1,935+	\$350,000+

Assumptions: -Based on a family of 4
-30% of gross income for rent or PITI
-5% down payment, 4% interest, 1.25% taxes & insurance

Source: Cal. HCD; J.H. Douglas & Associates

Cities must demonstrate in their Housing Elements that their land use plans and regulations provide realistic opportunities for development commensurate with the type and amount of housing need identified in the RHNA for the new planning period. This is accomplished through a parcel-level analysis of vacant sites and “underutilized” sites with potential for additional residential development or redevelopment (see Technical Report Chapter IV and Appendix B). State law provides strict guidance regarding how jurisdictions estimate development potential, with the two most important factors being zoning (especially allowable density and development standards) and the affordability level of recent housing developments.

It is also important to note that the RHNA is a *planning target*, not a *development quota*. While state law requires cities to demonstrate that their land use plans and regulations could accommodate the type and amount of housing identified in the RHNA, the law does not require that sites identified in the Housing Element as suitable for affordable housing be developed with subsidized low-income housing. The law recognizes that cities do not build housing, and development of affordable housing depends on many factors including property owner desires, interested builders, available financing, and prevailing market forces.

The analysis of vacant parcels contained in the 2008-2013 Housing Element has been updated to reflect recently adopted changes in zoning regulations, and demonstrates that the City has adequate sites with appropriate zoning to accommodate the new RHNA in all income categories (see Technical Report, Appendix B).

In summary:

- The RHNA identifies each jurisdiction's assigned share of the region's housing needs.
- The RHNA is a planning target, not a development quota.
- Jurisdictions must demonstrate that there are adequate sites with appropriate zoning and development standards to accommodate the level of new housing development identified in the RHNA.
- Banning has sufficient land with appropriate zoning for new residential development in all income categories that could accommodate its RHNA allocation.

The following land inventory summary shows that there is adequate capacity to accommodate the City's RHNA allocation in all income categories, therefore no changes to land use or zoning regulations are required. However, Program 7 of the Housing Plan proposes that zoning regulations for the Downtown Commercial district be revised to provide a lot consolidation incentive when two or more parcels totaling at least one-half acre are combined as part of a development project, and also allow an increase in base density to 24 units/acre for any project that meets minimum affordability standards under state density bonus law. This program would help to stimulate revitalization and investment in the Downtown and would also ensure that the City's highest allowable densities are located in the Downtown district.

**Land Inventory Summary
City of Banning**

	Income Category			
	Lower	Mod	Above Mod	Total
Approved Projects (Table B-3)				
Approved projects – R-A			30	30
Approved projects – Very Low Density Residential			1,036	1,036
Approved projects – Low Density Residential			3,032	3,032
Approved projects – Medium Density Residential		2,607		2,607
Approved projects – High Density Residential		1,213		
Subtotal – Approved Projects	0	3,820	4,098	6,705
Vacant parcels (Table B-4)				
Vacant parcels – Low Density Residential			513	513
Vacant parcels – Medium Density Residential		1,088		1,088
Vacant parcels – High Density Residential		395		395
Vacant parcels – High Density Residential-20	1,942			
Vacant parcels – Very High Density Residential	520			
Subtotal – Vacant Parcels	2,462	1,483	513	1,996
Underutilized Parcels (Table B-5)				
Downtown Commercial	86			
Potential second units	5			5
Total land inventory	2,553	5,303	4,611	8,706
RHNA 2014 - 2021	1,465	685	1,642	3,792
Adequate Sites?	Yes	Yes	Yes	Yes

Source: City of Banning, 2013

HCD REVIEW:

The draft Housing Element was submitted to HCD for review in October, and during the 60-day review period staff responded to HCD's questions via telephone and email. Technical revisions to the draft Housing Element were also submitted in response to HCD's informal comments and questions; however, HCD's review letter (Attachment B) states that additional revisions are required in order for the Housing Element to comply with state law.

The Planning Commission resolution includes a summary of HCD's comments and the City's proposed responses, which include additional revisions to the Housing Element to address HCD's remaining concerns. It is staff's opinion that the proposed revisions recommended in the Planning Commission resolution would fully satisfy the requirements of state law.

Cities are required to submit Housing Elements to HCD for a second round of review following adoption. An HCD letter indicating substantial compliance with state law is referred to as "certification" of the Housing Element. Certification is desirable in order to enhance the City's

eligibility for grant funds and support the legal validity of the General Plan. At this time, there are no automatic sanctions or penalties on cities that do not obtain Housing Element certification.

PLANNING COMMISSION REVIEW AND RECOMMENDATIONS:

The Planning Commission conducted a public hearing on January 2, 2014. At the conclusion of the hearing the Commission adopted Resolution No. 2014-02 (Attachment A) recommending City Council approval of the Housing Element. Public comments at the hearing along with additional information are summarized as follows:

- The new draft Housing Element is basically the same plan as the Housing Element that was adopted last summer, and the high density parcels are not appropriate.

Data contained in the Housing Element has been extensively revised to reflect current information such as newer Census data. Some previous programs have been deleted or modified to reflect the City's accomplishments or current resources, such as the loss of redevelopment funds. No changes are proposed to the zoning of the parcels that were rezoned to HDR-20 and VHDR last summer because these parcels are required to demonstrate compliance with the RHNA.

- What is the "no net loss" requirement?

"No net loss" refers to the requirement of state law that prohibits the rezoning of property to a lower density if that rezoning would cause the City's inventory of sites for affordable housing to fall below the level required in the RHNA.

- Who is monitoring the City's actions?

Cities are required to submit annual reports to the state summarizing progress toward the objectives set forth in the Housing Element.

- Who pays the cost of complying with Housing Element law?

Cities bear the cost of preparing and implementing Housing Elements. As such, this represents an "unfunded mandate" from the state on local governments.

- Housing Element law is unfair and should be repealed.

Housing Element law was enacted by the state legislature in the 1970s and has been expanded and strengthened numerous times over the past 40 years. The fundamental intent of the state legislature is that all levels of governments should work toward addressing the housing needs of all economic segments of the community. The Southern California Association of Governments (SCAG) is currently examining Housing Element and RHNA issues through the RHNA subcommittee of the Community, Economic and Human Development (CEHD) Committee. The City of Banning is an active participant in SCAG and Mayor Franklin sits on the CEHD Committee representing the Western Riverside Council of Governments.

ENVIRONMENTAL ANALYSIS:

The 2013-2021 Housing Element contains no new or revised policies or programs that could lead to significant effects on the environment. Pursuant to CEQA Guidelines Section 15164, an Addendum to the 2008-2014 Housing Element Mitigated Negative Declaration has been prepared (Attachment F). Adoption of the Housing Element would not have a significant effect on the environment.

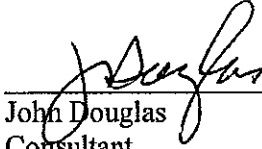
PUBLIC COMMUNICATION:

Information regarding the public workshop was advertised in Record Gazette on January 3, 2014 and also mailed to the residents and the public (Attachment G)

NEXT STEPS:

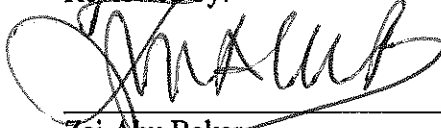
Staff suggests that the City Council conduct the workshop and receive public comments. The Housing Element will then be agendized for final action by the Council at a public hearing on January 28th. Following adoption, the Housing Element must be submitted to HCD for final review. HCD has 90 days to review adopted Housing Elements. Upon the completion of its review, HCD will issue its written findings as to whether the adopted element is in substantial compliance with state law.

Prepared by:



John Douglas
Consultant

Reviewed by:



Zai Abu Bakar
Community Development Director

Approved by:



Andrew J. Takata
City Manager

ATTACHMENTS:

Attachment A – Planning Commission Resolution No.2014-02
Attachment B – HCD review letter dated December 23, 2013
Attachment C – HCD Housing Element Comments and City's Responses
Attachment D – Housing Element Policy Document
Attachment E - Draft 2013-2021 Housing Element and Technical Report
Attachment F – Addendum to Mitigated Negative Declaration
Attachment G – Public Meeting Notice and mailing list

Attachment A
Planning Commission Resolution No.2014-02

RESOLUTION NO. 2014-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA RECOMMENDING CITY COUNCIL APPROVAL OF GENERAL PLAN AMENDMENT NO. 13-2506 FOR THE 2013-2021 BANNING HOUSING ELEMENT UPDATE

WHEREAS, California Government Code Section 65302(c) mandates that each city shall include a Housing Element in its General Plan. The Housing Element is required to identify and analyze existing and projected housing needs and include statements of the City's goals, policies, quantified objectives, and scheduled programs for the preservation, improvement, and development of housing. The City in adopting its Housing Element, must consider economic, environmental, and fiscal factors, as well as community goals as set forth in the General Plan; and

WHEREAS, many of the policies and programs contained in the Housing Element are intended to facilitate the preservation, maintenance and improvement of the City's existing housing stock. These programs would not change development patterns or result in any physical environmental impacts. Under state law each jurisdiction is also required to demonstrate that local land use plans and zoning regulations provide development opportunities to accommodate the jurisdiction's assigned fair share of the region's new housing needs. The process by which fair share housing needs are determined is called the "Regional Housing Needs Assessment" (RHNA). The RHNA is prepared by the Southern California Association of Governments (SCAG); and

WHEREAS, the RHNA identifies Banning's share of the regional housing need for the 2013-2021 period as 3,792 units. The 2013-2021 Housing Element demonstrates the availability of adequate sites with appropriate zoning to accommodate the need for various types of housing units commensurate with the RHNA; and

WHEREAS, on October 25, 2013, the City submitted the Draft 2013-2021 Housing Element for review to the California Department of Housing and Community Development ("HCD") pursuant to Section 65585(b) of the Government Code; and

WHEREAS, on December 17, 19 and 23, 2013, the City submitted revisions to the Draft 2013-2021 Housing Element to HCD in response to informal comments from HCD staff; and

WHEREAS, on December 23, 2013 HCD issued written findings regarding the Draft 2013-2021 Housing Element pursuant to Section 65585 of the Government Code; and

WHEREAS, the City has made additional revisions to the draft 2013-2021 Housing Element in response to the written findings of HCD. Those revisions are summarized in Exhibit A to this Resolution, which is attached hereto and incorporated by this reference as though set out in full; and

254

WHEREAS, in accordance with Section 65585 of the Government Code, the Planning Commission has reviewed the findings of HCD together with the revised Draft 2013-2021 Housing Element, and finds that the revised Draft Housing Element fully addresses each of the findings made by HCD in its letter of December 23, 2013. The revised Draft Housing Element is attached to this Resolution as Exhibit B; and

WHEREAS, in accordance with Government Code §65854, on the 20th day of December 2013, the City gave public notice as required under Chapter 17.68 of the Zoning Ordinance by advertising in the Record Gazette newspaper of the holding of a public hearing regarding General Plan Amendment No. 13-2506; and

WHEREAS, on the 2nd day of January 2014, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the proposed amendment, and at which time the Planning Commission considered General Plan Amendment No. 13-2506; and

WHEREAS, at this public hearing the Planning Commission analyzed the proposed project together with the Addendum to the previous Initial Study/Mitigated Negative Declaration adopted for the 2008-2013 Housing Element in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15164.

NOW THEREFORE, the Planning Commission of the City of Banning does hereby find, determine, and resolve as follows:

SECTION 1. ENVIRONMENTAL FINDINGS.

An Addendum to the Initial Study/Mitigated Negative Declaration ("MND") adopted for the 2008-2013 Housing Element was prepared in accordance with the California Environmental Quality Act and City of Banning Environmental Review Guidelines.

Based on Section 15164 of the CEQA Guidelines, the Planning Commission has determined, on the basis of substantial evidence in the light of the whole record, that:

(a) The proposed General Plan amendment does not propose substantial changes to the project which would require major revisions to the previous MND due to new or substantially more severe significant environmental effects than previously analyzed in the MND;

(b) There have been no substantial changes in circumstances under which the project will be undertaken that will require major revisions to the previous MND due to new or substantially more severe significant environmental effects than previously analyzed in the MND; and

(c) No new information of substantial importance as described in subsection (a)(3) of Section 15162 has been revealed that would require major revisions to the MND or its conclusions.

255

On the basis of all of the evidence in the record, the Planning Commission finds that the Addendum to the previous Initial Study/Mitigated Negative Declaration reflects the independent judgment of the Planning Agency and hereby recommends its approval by the City Council.

SECTION 2. REQUIRED FINDINGS FOR GENERAL PLAN AMENDMENT NO. 13-2506:

Finding No. 1: That the proposed amendment is internally consistent with the General Plan.

Facts in Support of Finding: The Housing Element demonstrates the availability of adequate sites for residential development commensurate with the Regional Housing Needs Assessment (RHNA) for the 2013-2021 planning period. No changes to land use designations are required or proposed.

Finding No. 2: That the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

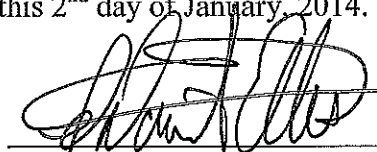
Facts in Support of Finding: The proposed amendment to the Housing Element of the General Plan would encourage and facilitate the maintenance, improvement and development of housing needed to serve the City's current and projected population during the 2013-2021 planning period, as required by state law. Further, the Addendum to the prior Initial Study/Mitigated Negative Declaration prepared for the proposed amendment concluded that the proposed amendment would not result in any new significant environmental impacts.

SECTION 3. PLANNING COMMISSION ACTIONS.

The Planning Commission recommends that City Council takes the following actions:

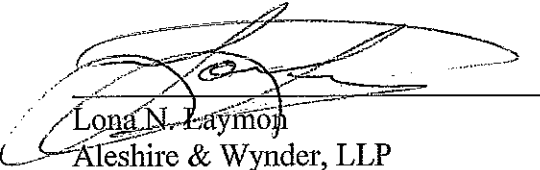
1. Approve General Plan Amendment No. 13-2506 adopting the 2013-2021 Housing Element update.

PASSED, APPROVED AND ADOPTED this 2nd day of January, 2014.

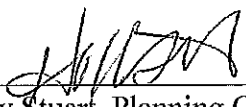


David Ellis, Vice Chairman
Banning Planning Commission

**APPROVED AS TO FORM AND
LEGAL CONTENT:**


Lona N. Laymon
Aleshire & Wynder, LLP
Assistant City Attorney
City of Banning, California

ATTEST:


Holly Stuart, Planning Commission Secretary
City of Banning, California

CERTIFICATION:


I, Holly Stuart, Recording Secretary to the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2014-02, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 2nd day of January 2014, by the following vote, to wit:

AYES: *Barsh, Hawkins, Shaw*

NOES: *Ellis*

ABSENT: *Siva*

ABSTAIN: *- 0 -*


Holly Stuart, Recording Secretary to the
Planning Commission
City of Banning, California

Attachment B
HCD review letter dated December 23, 2013

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 600
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



December 23, 2013

Ms. Zai Abu Bakar
Community Development Director
City of Banning
P.O. Box 998
Banning, CA 92220

Dear Ms. Bakar:

RE: Review of the City of Banning's 5th Cycle (2013-2021) Draft Housing Element

Thank you for submitting the City of Banning's draft housing element received for review on October 25, 2013, along with revisions received on December 17, 19, and 23, 2013. Pursuant to Government Code Section 65585(b), the Department is reporting review results.

The draft element addresses many statutory requirements but requires further revisions to comply with State housing element law (Article 10.6 of the Government Code).; The City has made much progress in revising its element. For example, actions were recently taken to implement zoning change revisions for second units, density bonus standards, reasonable accommodation, and special housing needs including emergency shelter, transitional and supportive housing, and lower income households. The enclosed Appendix describes revisions needed to comply with State housing element law.

To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) Banning must adopt its housing element within 120 calendar days from the statutory due date of October 15, 2013 for SCAG localities. If adopted after this date, the City will be required to revise the housing element every four years until adopting at least two consecutive revisions by the statutory deadline (Government Code Section 65588(e)(4)). More information on element adoption requirements is on our website at: http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf.

The Department recognizes Banning's challenges and appreciates the responsiveness of City staff and the City's consultant during the course of reviewing the element and its revisions. We are committed to assist the City to address all statutory requirements of housing element law. If you have any questions or need additional technical assistance, please contact Janet Myles, of our staff, at 916-263-7423.

Sincerely,

A handwritten signature in dark ink, appearing to read "Glen A. Campora".

Glen A. Campora
Assistant Deputy Director

Enclosure

APPENDIX CITY OF BANNING

The following changes would bring the Banning housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on the Department's website at www.hcd.ca.gov/hpd. Among other resources, the Housing Element section contains the Department's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at www.hcd.ca.gov/hpd/housing_element2/index.php and includes the Government Code addressing State housing element law and other resources.

A. Housing Needs, Resources and Constraints:

1. *Include an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3)). The inventory of land suitable for residential development shall be used to identify sites that can be developed for housing within the planning period. (Section 65583.2)*

Banning's regional housing need for the 5th 2013-2021 cycle comprises 3,792 housing units, of which 1,465 are for lower-income households. However, due to the Department finding the 4th cycle element, adopted on October 1, 2013, to be out of compliance with state housing element law, the City must revise its current element to include a complete AB 1233 sites and accommodated need analysis, to determine whether an adequate number of suitable sites were made available during the previous planning period. The following reflects the Department's finding on sites in the City's prior 4th cycle adopted element:

The element continues to require necessary revisions to comply with State housing element law (Article 10.6 of the Government Code). Specifically, the element must still be revised to adequately analyze suitability of sites (GC Section 65583(a)(3) and 66683.2) and governmental constraints (GC Section 65583(a)) as outlined in previous review letters and subsequent correspondence and discussions. For example, as the City is proposing to meet a significant portion of its regional need for lower-income households on sites greater than 20 acres in size, the element should analyze the suitability of large sites. In addition, the element must include an analysis of the suitability of non-vacant sites and appropriate densities to accommodate development of housing affordable to lower-income households. Therefore, the City's 4th cycle housing element remains out of compliance with State housing element law.

The prior 4th cycle element particularly needed to be revised to address large sites, considering the typical processing timeframe for review and approval of a development proposal on any site requiring a Specific Plan (as noted on page B-3). To determine whether there is a carryover of unaccommodated need from the 4th cycle, the current element must consider the following:

Large Sites: Program 1-2 was essential to demonstrate compliance with the adequate sites requirement in the previous planning period. City Council adopted an amendment to rezone approximately 104 acres for higher density development on parcels listed in Table H-6 of the 4th cycle element on August 13, 2013. Eight parcels were rezoned to HDR-20 to require minimum densities of 20 du/ac for any housing development proposal that includes affordable units. One Very High Density (VHDR) parcel (26 acres) was rezoned to also require a minimum density of 20 du/ac for any housing development proposal that includes affordable units.

Four of the nine parcels listed to accommodate the City's housing need for lower-income households (Table H-6) are very large (9.75, 21, 26 and 55.8 acres). However, the element does not describe how such large parcels can facilitate the development of housing affordable to lower-income households. For example, most development subsidized by State or federal financial resources include 50 to 150 units. Where the housing element relies upon specific plan areas to accommodate any portion of the City's regional housing need for lower income households, it must also provide an analysis demonstrating the suitability for development in the planning period by describing the status of these sites relative to the specific plan process. According to the City's Zoning Overlay Map, parcels 532-080-004 (55.8 acres) and 419-140-059 (3.31 acres) have been designated for specific plan development, however the element does not describe subdivision status or timing issues for these two HDR sites. Additionally, the 26 acre portion of VHDR parcel 537-190-018, recently part of a split-zoning under Ordinance 1466, appears to also be designated for specific plan development.

The element must document these sites were available to be developed *within the prior 4th cycle planning period*, again considering the timing of the rezone of sites and the processing requirements associated with the level of review for projects proposed within designated specific plan areas. For guidance, refer to the Department's June 30, 2010 AB 1233 memo: http://www.hcd.ca.gov/hpd/hrc/plan/he/ab_1233_final_dt.pdf

2. *Pursuant to Government Code Section 65583.2(c)(3)(A) and (B), the element must identify the zones and densities appropriate to encourage and facilitate the development of housing for lower income households based on factors such as market demand, financial feasibility, and development experience within zones.*

The element identifies and assumes the HDR-20 zone, one VHDR site, and three sites in the DC zone (with densities below the default density) are sufficient to accommodate housing for lower-income households, but does not include analysis to support the assumption. The element must demonstrate zoning or densities can accommodate housing for lower-income households by including either:

- An analysis, including, but not limited to, factors such as market demand, financial feasibility and development experience within identified zone(s) demonstrating how the adopted densities can accommodate the RHNA for lower-income households; or

261

- Verification Banning chose to adopt appropriate minimum default densities. For communities electing to adopt densities that meet specific standards (at least 30 units per acre for Banning), no analysis is required other than identifying sufficient sites to accommodate the RHNA for lower-income households (Section 65583.2(c)(3)).

The element indicates the current market supports densities of 16-18 du/ac for multifamily housing (pg B-1), and the recent rezone requiring minimum densities of 20 du/ac as suitable for lower income housing. While the element inventory includes market rate approvals to support an affordability analysis, only one development (50 du/ac) affordable for lower income households has occurred in Banning over the last decade. Further, the element relies on a listing of sites from neighboring San Jacinto (Table H-1), most of which are subsidized developments.

The Department recognizes housing affordable to lower income households requires significant subsidies and financial assistance, especially where the City is attempting to reach greater depths of affordability. Information gathered from local developers, and examples of recent residential projects that provide housing for lower-income households is helpful in establishing the appropriateness of the zone. However, for the purpose of the adequate sites analysis and the appropriateness of zoning, only identifying examples of lower density subsidized housing projects is not sufficient or appropriate to demonstrate that the adequacy of a zone and/or density can accommodate housing affordable to lower-income households.

In lieu of choosing to adopt "default" density standards deemed adequate to meet the "appropriate zoning" test, revisions are necessary to (1) describe market demands and trends; (2) include City and/or developer experience constructing multifamily housing for lower income households in Banning, or, where development has not occurred recently, within the region, and (3) determine an appropriate density range at which development of multifamily residential at rental rates affordable to lower income is financial feasible, considering the development costs and available financing.

In addition, Banning could obtain information from nearby jurisdictions regarding program actions to apply higher densities or overlays to identified residential zones, rather than limiting "by right" affordability provisions to specific parcels. An analysis of appropriate densities should give *recent*, detailed description of specific examples of housing in the region developed at proposed densities affordable to lower-income households and *describe* how existing and proposed policies and resources have and will be applied to facilitate development of affordable housing opportunities.

2. *Analyze potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality*

262

from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7) (Section 65583(a)(5)).

Land Use Controls: The element must identify and analyze all relevant land use controls and impacts as potential constraints, including the ability to achieve maximum densities and cost and supply of housing. The analysis should also describe past or current efforts to remove identified governmental constraints and the element should include programs to address or remove the identified constraints.

While the element indicates development for lower income households is approved in the HDR-20 at a minimum of 20 du/ac through the rezoning of the site to meet AB 2348 requirements, it also restricts development in all HDR zones to 20 du/ac. The element should analyze whether specifying development at 20 du/ac, prior to the application of a density bonus, poses a constraint to developers.

In addition, the element indicates development on HDR and VHDR sites requires at least two amenities, based upon density ranges. However, while the element briefly describes the types of design amenities applicable to multifamily housing development on the nine recently rezoned HDR-20 and VHDR sites, it should also consider any potential for constraint to development, particularly impacting housing affordable for lower income households, and add programs to mitigate any identified constraints.

Finally, while the element includes Downtown Commercial sites listed on Table H-6 as available for residential development for lower income households at minimum densities of 20 du/ac, the DC zone *requires* first floor commercial as a mixed use on the three recently rezoned sites. The element should analyze this, and any other development standards specific to the DC zone, to determine whether non-residential development standards could act as a constraint to achieving allowable densities for residential development on those sites.

If negative impacts are identified, the element must include programs to remove or mitigate any constraints.

3. *Analyze potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction (Section 65583(a)(7)).*

Non-governmental Constraints: While the element generally discusses land value fluctuation and financing impacted by the mortgage crisis around 2008, it should analyze the impacts of current land and construction costs and availability of financing, particularly for lower income housing development in Banning.

Policies and Programs:

1. *Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including rental housing, factory-built housing, mobilehomes, and emergency shelters and transitional housing. Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall provide for sufficient sites with zoning that permits owner-occupied and rental multifamily residential use by right, including density and development standards that could accommodate and facilitate the feasibility of housing for very low- and low-income households (Section 65583(c)(1)).*

Monitoring and No Net Loss: The element should include a program to annually update the sites inventory by amount, type, and size of vacant and underutilized parcels sufficient to accommodate the City's remaining need, by income, to assist developers in identifying land suitable for residential development, as part of the City's Annual Progress Report (APR), required pursuant to GC 64000.

The element should also include a program to develop and implement a formal ongoing monitoring procedure. The procedure should commit the City to take action where an approval of development (residential, non-residential or mixed use) on sites identified in Table H-6 result in a reduction of potential affordable units below the residential capacity assumed in Table H-6. Appropriate action the City could take would be to identify and designate additional sites to accommodate the shortfall of capacity; within the first year after adoption of the element.

The element could also include a program to review the newly adopted design standard amenities. This could include contacting non-profit affordable housing sponsors, to determine if the costs associated with providing the amenities pose a constraint to development, and include an action to revise the design review standards to mitigate any identified constraints, as necessary.

Attachment C
HCD Housing Element Comments and City's Responses

HCD Housing Element Comments and Responses City of Banning

HCD Comment*	Housing Element Page	Response/Revision
Large sites	HE-10 TR-34/35 TR-40 B-3	<p>Program 5 of the Housing Plan includes a description of actions the City will take to facilitate subdivision and development of larger sites. The Technical Report and Appendix B have also been expanded to provide additional analysis of the review process for subdivisions and specific plans. These procedures are typical of cities in California. With these revisions, the Housing Element demonstrates that large sites do not present a significant constraint to affordable housing development.</p> <p>The zone changes for the HDR-20, VHDR and DC sites were initiated in April 2013 and were adopted in July 2013. Discussions leading up to these zone changes began in 2012. Property owners and developers were notified of the pending zone changes and had the opportunity to submit development applications at any time during the zone change process, which could have been processed and approved concurrently with the zone changes in July 2013, several months prior to the end of the 4th cycle planning period. The fact that no development applications have yet been received is attributable to market conditions in the Banning market area.</p>
Appropriateness of permitted densities to facilitate lower-income housing	TR-28 B-1 to B-3	<p>The analysis of zoning standards has been expanded to include more information regarding the allowable density in the HDR-20 and VHDR zones, which require a minimum density of 20 units/acre and allow a density up to at least 27 to 32 units/acre (+35%) when affordable housing is provided. The sites inventory analysis in Appendix B has been expanded to include more information demonstrating that allowable densities are appropriate to facilitate affordable housing development in Banning. The analysis shows that all new lower-income housing built in the Banning market area within the last 10 years has been at densities between 8.5 and 17.6 units/acre even though higher densities were possible through state-mandated density bonus. This analysis, together with information provided by knowledgeable affordable housing developers, demonstrates that the allowable densities in the HDR-20, VHDR and DC zones are appropriate to facilitate lower-income housing development.</p> <p>The reference in HCD's letter to a development in Banning with a density of 50 units/acre is an adaptive reuse renovation of an older hotel into SRO-type apartments. According to affordable housing developers, new construction is not financially feasible at that density in the Banning market area. Therefore, while this project demonstrates the City's</p>

266

HCD Comment*	Housing Element Page	Response/Revision
		willingness to approve projects with very high densities in the DC zone, the density of this particular project is not an appropriate indicator of multi-family market conditions in Banning.
Land Use Controls	TR-23 to 35 HE-11-12	<p>The Technical Report provides an analysis of relevant land use controls as well as the City's efforts to remove potential constraints to housing (e.g., recent code amendments related to allowable densities, emergency shelters, transitional and supportive housing, required off-street parking, density bonus, reasonable accommodation, second units).</p> <p>Program 6 also includes a commitment to review the development standards in the VHDR zone and process a code amendment in 2014 to facilitate affordable housing development. Program 7 also includes a commitment to process a code amendment in 2014 to create incentives for affordable housing development in the DC zone, such as increasing the allowable density to 24 units/acre, and providing a bonus density incentive for lot consolidation.</p> <p>The Technical Report (p. TR-28) also includes analysis of the allowable density in the HDR-20 zone, which concludes that while the required minimum density of 20 units/acre could pose a constraint to housing development, this is a state mandate and the City has no authority to modify it.</p> <p>The Technical Report (p. TR-26) also includes analysis of required design amenities for multi-family housing. The analysis concludes that these requirements do not pose an unreasonable constraint to development. In addition, Program 6 in the Housing Plan includes a commitment to continue to monitor housing development to assess whether required design amenities are acting as an unreasonable constraint.</p> <p>The Technical Report (p. TR-28) also includes analysis of the ground floor commercial requirement for those properties fronting on Ramsey Street and San Geronio in the DC zone, and concludes that this requirement does not preclude achieving appropriate densities to facilitate affordable housing.</p>
Non-governmental constraints (land cost, construction cost and financing)	TR-36 to 37	The analysis of land cost, construction cost and availability of financing in the Technical Report has been expanded to include additional data for the Banning market area. The City has little or no control over these factors.

267

HCD Comment*	Housing Element Page	Response/Revision
Monitoring and no net loss	HE-10 to 12	<p>Program 5 in the Housing Plan includes commitments to monitor future developments and ensure compliance with the no net loss provisions of state law.</p> <p>Program 6 in the Housing Plan includes a commitment to continue monitoring residential development to evaluate whether required design amenities are acting as an unreasonable constraint on development.</p>

*Letter of December 23, 2013

Attachment D
Housing Element Policy Document

2013 - 2021 HOUSING ELEMENT

CITY OF BANNING

DRAFT

JANUARY 2, 2014~~OCTOBER 23, 2013~~

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A. Introduction

The Housing Element is the City's primary policy guide for the maintenance, improvement and development of housing within the City of Banning. The Element provides an indication of the need for housing in the community in terms of affordability, availability, adequacy, and accessibility. It provides a strategy to address housing needs and identifies a series of specific housing program actions to meet community needs. A detailed Housing Needs Assessment, Constraints Analysis, and Resources Summary was prepared as part of the Housing Element update and serves as the technical background document to the Housing Element. Together, the two documents comprise the complete Housing Element.

PURPOSE OF THE HOUSING ELEMENT

The Housing Element is the City's official response to the need to provide housing for all economic segments of the community, as well as a legal requirement that housing policy be included as a part of the planning process. The Housing Element provides City officials, residents and other stakeholders the opportunity to plan for the existing and future housing needs in the community. This Housing Element has been prepared in compliance with the 2013-2021 planning cycle for cities in the Southern California Association of Governments (SCAG) region, and identifies strategies and programs that focus on: 1) conserving and improving existing affordable housing; 2) providing adequate housing sites; 3) assisting in the development of affordable housing; 4) removing governmental and other constraints to housing development; 5) promoting equal housing opportunities; and promoting energy conservation.

SCOPE AND CONTENT OF THE HOUSING ELEMENT

The Housing Element consists of two documents: 1) the Housing Policy Plan, which contains goals, policies, programs and quantified objectives; and 2) the Housing Element Technical Report, which contains the Needs Assessment, Constraints, and Resources chapters. Appendix A of the Technical Report provides an Evaluation of the previous Housing Element and Appendix B includes the detailed Residential Land Inventory for evaluating the City's ability to accommodate its assigned share of regional growth needs for this planning period.

The State Legislature recognizes the role of local general plans, and particularly the Housing Element, in implementing statewide housing goals to provide decent housing and a suitable living environment for all persons. Furthermore, the Legislature stresses continuing efforts toward providing affordable housing for all income groups.

The major concerns of the Legislature with regards to the preparation of Housing Elements are:

- Recognition by local governments of their responsibility in contributing to the attainment of State housing goals;

- Preparation and implementation of City and County Housing Elements that are coordinated with State and federal efforts to achieve State housing goals;
- Participation by local jurisdictions in implementation efforts to attain State housing goals; and
- Cooperation between local, regional and state agencies to address housing needs.

The State Department of Housing and Community Development (HCD) sets forth specific guidelines regarding the scope and content of housing elements.

A number of local and regional plans and programs relate to the Housing Element. A brief description of these plans and programs follows.

RELATED PLANS AND PROGRAMS

REGIONAL HOUSING NEEDS ASSESSMENT (RHNA)

State Housing Element Law requires SCAG to prepare a Regional Housing Needs Assessment (RHNA) every eight years to identify existing and future housing needs. For the projection period of January 1, 2014 through October 31, 2021, the RHNA allocation for Banning is 3,792 units. The RHNA process and how the City intends to address this requirement is discussed further in the Resources section of the Technical Report.

RELATIONSHIP TO OTHER GENERAL PLAN ELEMENTS

The Banning General Plan was comprehensively updated in 2006 and is comprised of 21 elements grouped in four major components:

- *Community Development*
- *Environmental Resources*
- *Environmental Hazards*
- *Public Services and Facilities*

The Housing Element is part of the *Community Development* component of the General Plan, which also includes the Land Use, Economic Development, Circulation, and Parks and Recreation Elements.

As required by state law, internal consistency is maintained among the various elements of the General Plan. For example, the framework for residential development established in the Land Use Element is reflected in the land inventory analysis of the Housing Element. The Land Use Element identifies residential land use designations at various densities that will facilitate the provision of a wide range of housing types for all income groups. The Circulation Element supports the Land Use and Housing Elements by identifying roadways, transit, pedestrian, and bicycle facilities that are needed to provide access and mobility for residents. Other elements that address public safety or

infrastructure issues help to ensure that adequate public services and facilities will be available to support residential developments. Whenever one element of the General Plan is amended, the other elements are reviewed and modified, as necessary, to ensure consistency.

Government Code Sec. 65302 requires amendments to the Safety and Conservation elements to include analysis and policies regarding flood hazard and management information upon each revision of the Housing Element. If necessary, amendments to the Housing Element will be processed concurrently in order to maintain consistency between elements.

State law also requires that water and sewer providers grant service priority to new developments with units that are affordable to lower-income households. The Housing Element will be transmitted to these providers upon adoption of the element to ensure that they have up-to-date information regarding the housing needs and objectives in Banning.

Senate Bill 244 of 2011 amended the *Government Code* and *Water Code* to require cities and counties to analyze unincorporated island, fringe and legacy communities and amend the Land Use Element of the General Plan prior to or concurrent with the next update of the Housing Element. This bill also imposes requirements on Local Agency Formation Commissions (LAFCOs) regarding annexations and the analysis of municipal services in disadvantaged unincorporated communities (DUCs). According to Riverside County LAFCO, there are no DUCs within the Banning area.

COMMUNITY PARTICIPATION

Section 65583(c)(5) of the Government Code states that "the local government shall make diligent efforts to achieve public participation of all the economic segments of the community in the development of the Housing Element, and the program shall describe this effort."

The City's efforts to encourage public participation along with a summary of the comments received during the update process are presented in **Appendix C** of the Technical Report.

During the required HCD review period, copies of the Draft Housing Element were made available to interested parties on the City's website, at City Hall, the Banning Library and the Community Center. In addition, public meetings and hearings to review the draft Housing Element were held by the Planning Commission and City Council. Notification was published in the local newspaper in advance of each hearing, and direct notices were mailed to interested individuals.

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Housing Plan

The purpose of the Housing Plan is to formulate a set of Housing Element Action Programs that will guide the City of Banning and all of its housing stakeholders toward the preservation, improvement and development of housing. The City intends to create a municipal climate that encourages a variety of housing types and affordability levels to meet the needs of residents at all income levels.

The programs described below establish specific actions, time frames and objectives consistent with the City's housing goals. Department/agency responsibilities and funding sources are also indicated.

A. GOALS AND POLICIES

CONSERVE AND IMPROVE AFFORDABLE HOUSING

Substandard and deteriorating housing units, in addition to the obvious problems of blight and appearance, can expose occupants to a variety of hazards ranging from electrical fire to toxic substances and materials used in construction. A number of factors affect the life expectancy of a housing unit, such as quality of workmanship, age of structure, location, type of construction, and degree of maintenance. As a city with a large number of older housing units, it is important that on-going maintenance programs are implemented in Banning. In addition to rehabilitation efforts, conservation of the existing stock of affordable housing is also important, as the cost to preserve existing affordable housing is often lower than replacing the units.

Housing Goal 1: Conserve, improve, and rehabilitate existing housing.

- Policy 1.1:** Develop and foster activities to increase the health, safety, and property values of the City's existing housing stock.
- Policy 1.2:** Preserve existing single-family neighborhoods.
- Policy 1.3:** Encourage continued and new investments in established communities.
- Policy 1.4:** Monitor the status of at-risk multifamily rental housing units, work with potential nonprofit purchasers/managers as appropriate, and explore funding sources available to preserve the at-risk units.

ADEQUATE HOUSING SITES FOR NEW HOUSING DEVELOPMENT

Economic forces are driving jobs and housing development eastward in Riverside County, which will result in increased pressure in Banning for new housing opportunities. Although the recent housing market downturn has interrupted this pattern of rapid growth, history suggests that the pause will be temporary and the long-term prospect for the Inland Empire is continued economic expansion.

To keep pace with future growth, the Southern California Association of Governments (SCAG) has identified a need for 3,792 new housing units in Banning during the January 1, 2014 through October 31, 2021 planning period. New housing developments should provide a range of housing types and price levels to allow for the upward mobility of Banning residents, as well as affordable housing opportunities for households of modest means.

Housing Goal 2: *Provide adequate sites for new residential construction to meet the needs of all segments of the community without compromising the character of the City.*

Policy 2.1: Provide adequate sites for a range of new housing construction to meet the Regional Housing Need Assessment (RHNA) for Banning of 3,792 units during the 2014-2021 planning period.

FACILITATE DEVELOPMENT OF AFFORDABLE HOUSING AND HOUSING FOR PERSONS WITH SPECIAL NEEDS

New construction is a major source of housing for prospective homeowners and renters. However, the cost of new construction can be high in comparison to housing preservation programs. In addition, market-rate new construction may not provide housing that is affordable, or adequate, for special needs populations such as the elderly, persons with disabilities, and homeless. Incentive programs such as density bonuses offer a cost-effective means of promoting affordable housing development. Public sector assistance can also promote the construction of affordable housing that meets the needs of all segments of the community. Banning is fortunate in that the cost of land is relatively low in comparison to much of Southern California, which increases the feasibility of affordable housing development.

Housing Goal 3: *Assist in the development of housing that is affordable to all segments of the community.*

Policy 3.1: Support the development of housing affordable to all income groups by utilizing a variety of public and private efforts.

Policy 3.2: Assist the development of housing that targets the needs of special populations, including the elderly, persons with disabilities, and homeless.

277

Policy 3.3: Promote the development of attractive and safe housing to meet community needs.

REMOVE GOVERNMENTAL CONSTRAINTS TO HOUSING PRODUCTION AND AFFORDABILITY

Under current State law, the Housing Element must address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing.

Housing Goal 4: *Remove governmental constraints to the provision of housing to the greatest extent feasible and legally permissible.*

Policy 4.1: Promote efficient and creative alternatives to help reduce governmental constraints.

Policy 4.2: Provide incentives and regulatory concessions for affordable and senior housing.

Policy 4.3: Streamline the City's development review and approval process to facilitate housing construction while also ensuring that new development meets all applicable standards.

EQUAL HOUSING OPPORTUNITIES

Housing should be made available to all persons regardless of race, religion, sex, family size, marital status, national origin, color, age, disability, or income. To make adequate provisions for the housing needs of all segments of the community, the City should promote equal and fair housing opportunities for all residents.

Housing Goal 5: *Promote equal opportunity for housing throughout the City of Banning.*

Policy 5.1: Support efforts to eliminate discrimination in the sale or rental of housing with regard to race, religion, disability, gender, family size, marital status, national origin, or income.

Policy 5.2: Continue to further fair housing choices by actively expanding housing opportunities and removing impediments to fair housing.

Policy 5.3: Encourage the development or renovation of residential units that are accessible to disabled persons or are adaptable for conversion to residential use by disabled persons.

Policy 5.4: Accommodate housing for persons with special needs, including emergency shelters and transitional housing, in compliance with applicable State law.

ENERGY CONSERVATION AND SUSTAINABLE RESIDENTIAL DEVELOPMENT

Energy conservation can reduce development cost as well as ongoing utility bills for residents. City housing policies can also promote long-term sustainability through efficient land use and transportation planning to reduce fuel usage and travel cost.

Housing Goal 6: *Promote residential energy conservation and sustainable development.*

Policy 6.1 Support energy conservation and sustainable residential development through construction technology and land use planning.

B. HOUSING PROGRAMS

This section describes the programs that will implement Housing Element goals and policies. The housing programs define the specific actions the City will undertake in order to achieve the goals for the current planning period.

1. Code Enforcement

The City will identify potential code violations, utilize property maintenance inspections and work with property owners to resolve code and property maintenance issues to maintain the quality of housing units in the City. The City has brought Code Enforcement and Building Inspection staff under one department, and engaged in a cross-training effort to more actively and efficiently address code violations and improve communication with owners of properties in need of improvement.

Program Objectives: Decrease the number of unresolved code violations within the City and increase the number of improved properties.

Responsible Agency: Community Development Department

Funding Source: Community Development Department budget.

Schedule: Continuous throughout the planning period.

2. Housing Rehabilitation Program

The City will continue to pursue grant programs such as the Riverside County Home Improvement Program to provide loans to eligible lower-income families for necessary home repair and rehabilitation work, including room additions to alleviate overcrowding. The City will continue to publicize assistance offered by the County, including flyers available at the City Planning counter and information posted on the City's website. The City will prioritize funding as it becomes available to target projects

benefitting extremely-low-income households. To the extent feasible, projects may also be eligible for deferral or waiver of City application and processing fees.

Program Objectives: Reduced number of substandard properties.

Responsible Agency: Community Development Department.

Funding Source: Grant funds

Schedule: Continuous throughout the planning period.

3. Conservation of Existing and Future Affordable Units

Banning has several assisted affordable housing developments, although none is at risk of conversion to market rate during the current planning period. The City will monitor the status of these projects and take steps to preserve affordability should any become at-risk of conversion in the future.

Program Objectives: Monitor the status of assisted projects.

Responsible Agency: Community Development Department, U.S. Department of Housing and Urban Development (HUD), the California Department of Housing and Community Development (HCD), and the Housing Authority of Riverside County (HARIVCO)

Funding Source: HUD Section 8 vouchers, other funding sources as available.

Schedule: Throughout the planning period

4. Section 8 Rental Assistance

The Section 8 Rental Assistance Program provides rental subsidies to very-low-income (up to 50 percent of areawide median income – [AMI]) family and elderly households who spend more than 30 percent of their income on rent. The subsidy represents the difference between 30 percent of monthly income and the actual rent. Section 8 assistance is issued to the recipients as vouchers, which permit tenants to choose their own housing and rent units beyond the federally determined fair market rent in an area, provided the tenants pay the extra rent increment.

Program Objectives: Continue to support the HARIVCO's applications for additional Section 8 allocations and efforts to provide vouchers for lower-income residents.

Responsible Agency: Housing Authority of Riverside County

Funding Source: Federal HUD Section 8 program

Schedule: Throughout the planning period

5. Adequate Sites for Residential Development

The General Plan Land Use Element and the Zoning Code establish the regulatory framework for residential development. The Land Use Element provides for a variety of residential types, ranging from lower-density single-family houses to higher-density apartments and condominiums and mixed-use development.

A significant portion of the inventory of sites for higher-density housing is located in large parcels, planned developments, or areas where approval of a specific plan may be required. In some cases, large parcels must be subdivided to create suitable building sites prior to construction. When large sites must be divided into smaller parcels or a specific plan is required prior to development, the City facilitates this process through pre-application meetings to clarify procedures, concurrent priority processing of subdivision maps with specific plans or any other required approvals, and incentives such as density bonus and modified development standards when the project includes affordable housing. The City has a successful track record of facilitating development applications, and will continue to work cooperatively with developers to streamline the permit process for large parcels requiring subdivisions or approval of a specific plan.

The City will monitor future development approvals and continue to ensure that adequate sites are available throughout the planning period to accommodate the City's share of regional housing need identified in the Regional Housing Needs Assessment, as required by the no net loss provisions of Government Code Sec. 65863.

Program Objectives: ~~Maintain adequate residential sites with appropriate zoning to accommodate Banning's regional housing needs.~~

- ~~The City will continue to annually update an inventory that details the amount, type, and size of vacant and underutilized parcels sufficient to accommodate the City's remaining need, by income, to assist developers in identifying land suitable for residential development. As part of the City's Annual Progress Report (APR), required pursuant to GC 64000, the City must report on the number of extremely low-, very low-, low-, and moderate-income units constructed annually.~~
- ~~To ensure sufficient residential capacity for units affordable to lower-income households is maintained within the planning period to accommodate the identified regional need for lower-income households, the City will develop and implement a formal ongoing (project by project) monitoring procedure, pursuant to Government Code Section 65863.~~
- ~~Should an approval of development (residential, commercial or mixed-use) result in a reduction of capacity below the residential capacity assumed on sites needed to accommodate the remaining need for lower-income households, as assumed in Tables B-2, B-4 and B-5, the City will immediately identify and zone sufficient sites to accommodate the shortfall.~~
- ~~The City will offer the following incentives for the development of affordable housing including but not limited to priority processing of subdivision maps and~~

specific plans that include affordable housing units, expedited review for the subdivision of larger sites into buildable lots, financial assistance (based on availability of federal, state, local foundations, and private housing funds) and modification of development requirements, such as reduced parking standards for seniors, assisted care, and special needs housing on a case-by-case basis.

Responsible Agency: Community Development Department
Funding Source: Community Development Department budget
Schedule: Throughout the planning period

6. Facilitate Development of Affordable and Special Needs Housing

In order to facilitate the development of housing for low- and moderate-income households and persons with disabilities (including developmental disabilities), the City will implement the following actions:

- Provide administrative assistance to developers seeking available state and federal funding and/or tax credits for the construction of low- and moderate-income housing
- Facilitate projects that incorporate affordable units and accessible units by granting modifications to development standards, expedited processing, or financial incentives consistent with state law.
- Affordable housing developers will be contacted each year to solicit interest and apprise them of available assistance programs.
- Targeted assistance will be prioritized for special needs housing and extremely-low-income (ELI) units through density bonuses and/or regulatory incentives, modified development standards and fee deferrals, when feasible.
- Coordinate with the Inland Regional Center regarding the needs and assistance programs targeted for persons with developmental disabilities, and make information available on the City website.
- Clarify development standards in the VHDR zone as necessary to facilitate affordable housing development.
- Continue to monitor residential development to evaluate whether the required design amenities are acting as an unreasonable constraint on development. If the requirements are found to be an unreasonable constraint, a Code amendment will be initiated to modify the design requirements.

Program Objectives: Facilitate affordable housing development commensurate with the RHNA and the production of accessible and supportive housing for persons with disabilities.

Responsible Agency: Community Development Department

Funding Source:	Community Development Department budget
Schedule:	Contact affordable housing developers and the Inland Regional Center annually; assist developers with applications for funding assistance upon request; <u>initiate a Zoning Code amendment in 2014 to clarify development standards in the VHDR zone.</u>

7. Infill and Mixed-Use Housing Development

Infill housing and mixed-use development helps to promote investment in older neighborhoods while also contributing to meeting the community's housing needs. The City has targeted the Downtown Commercial (DC) area for special incentives for multi-family, SRO and mixed-use development to stimulate revitalization. The downtown area is particularly well-suited to affordable and special needs housing due to the availability of employment, services and transit.

Since many parcels in the downtown are relatively small, the City will encourage consolidation of adjacent parcels to enhance development feasibility by providing a lot consolidation density incentive of 5% when two or more parcels totaling at least 0.5 acre are consolidated, and 10% when two or more parcels totaling at least 1.0 acre are consolidated. This density incentive will be in addition to the density bonus currently allowed. City incentives will also include consolidated permit processing, reduced fees for parcel mergers or lot line adjustments, density bonus and modified development standards.

The DC district zoning regulations will also be amended to increase allowable base densities to 24 units/acre for any project that meets the minimum affordability standards under state Density Bonus law (e.g., 5% very-low- or 10% low-income units). The City will also provide administrative and technical assistance with grant applications for affordable or special needs housing developments in the downtown area.

In recent years the City has facilitated infrastructure upgrades such as water lines and electrical service in the downtown. In order to incentivize development in the downtown area, the City will prioritize future Capital Improvement Program funds for downtown infrastructure improvements, if feasible.

The City will also review development standards for the General Commercial (GC) zone and consider appropriate revisions to facilitate revitalization and mixed-use development in this area. The GC zone is located to the west of downtown along Ramsey Street in the area known as "The Midway" and also along the south side of the I-10 freeway.

Program Objectives: Facilitate development of multi-family and mixed-use development in the downtown and nearby areas, with special emphasis on housing affordable to low- and moderate-income households or persons with special needs.

Responsible Agency: Community Development Department
Funding Source: Grant funds; CIP Budget
Schedule: Zoning amendment by June 2014.
 Publicize development opportunities by contacting affordable housing developers annually.

10. Mortgage Credit Certificate Program

A Mortgage Credit Certificate (MCC) entitles qualified home buyers to reduce the amount of their federal income tax liability by an amount equal to a portion of the interest paid during the year on a home mortgage. This tax credit allows the buyer to qualify more easily for a loan by increasing the effective income of the buyer. The Riverside County MCC Program provides for a 15% rate which can be applied to the interest paid on the mortgage loan. The borrower can claim a tax credit equal to 15% of the interest paid during the year. Since the borrowers taxes are being reduced by the amount of the credit, this increases the take-home pay by the amount of the credit. The buyer takes the remaining 85% interest as a deduction. When underwriting the loan, a lender takes this into consideration and the borrower is able to qualify for a larger loan than would otherwise be possible. The City will provide referral information regarding the MCC program on the City website, at City Hall and other public locations.

Program Objectives: Provide information regarding the MCC Program to eligible home buyers.
Responsible Agency: Riverside County Economic Development Agency (EDA) and participating lenders
Funding Source: Federal tax credits and EDA
Schedule: Throughout the planning period

11. Fair Housing Services

Banning is not an "entitlement city" and works cooperatively with the County of Riverside, which provides fair housing services to all unincorporated areas of the county and non-entitlement cities. Fair housing services offered through the County include counseling and information on potential discrimination and landlord/tenant problems; special assistance for ethnic minorities and single-parent households; and bilingual housing literature. Information regarding available services from the County will be provided at City Hall, on the City website, and at other governmental offices within the city. In addition, the City will work cooperatively with the County of Riverside to distribute fair housing information annually.

Program Objectives: Continue to work with the County of Riverside to provide fair housing services to residents of Banning.
Responsible Agency: Riverside County

Funding Source: Riverside County; Community Development Department budget

Schedule: Throughout the planning period

12. Reasonable Accommodation in Housing for Persons with Disabilities

Both the Federal Fair Housing Act and the California Fair Employment and Housing Act require local governments to make reasonable accommodations (i.e. modifications or exceptions) in their zoning laws and other land use regulations to allow disabled persons an equal opportunity to use and enjoy a dwelling. The Zoning Code establishes administrative procedures for reviewing and approving such requests in conformance with state law. The City will continue to implement this ordinance.

Program Objectives: Continue to process requests for reasonable accommodation in conformance with state law and the Development Code.

Responsible Agency: Community Development Department

Funding Source: Community Development Department budget

Schedule: Throughout the planning period

13. Residential Energy Conservation

With the adoption of AB 32, California's greenhouse gas legislation, energy conservation is a growing concern. In addition to helping to mitigate greenhouse gas emissions, residential energy efficiency can reduce home heating and cooling costs.

- a. Support the use of innovative building techniques and construction materials for residential development, such as energy efficient buildings that utilize solar panels and sustainable building materials that are recyclable.
- b. Encourage maximum utilization of Federal, State, and local government programs, such as the County of Riverside Home Weatherization Program and the Western Riverside Council of Governments (WRCOG) HERO Program, that assist homeowners in providing energy conservation measures.
- c. Maintain and distribute literature on energy conservation, including solar power, additional insulation, and subsidies available from utility companies, and encourage homeowners and landlords to incorporate these features into construction and remodeling projects.
- d. Encourage energy conservation devices including but not limited to lighting, water heater treatments, solar energy systems for all residential projects.

Program Objectives: Work cooperatively with property owners, utility companies and other government agencies to reduce energy use in residential developments.

Responsible Agency: Community Development Department

Funding Source: Community Development Department budget; grant programs, as available

Timeline: Throughout the planning period

C. QUANTIFIED OBJECTIVES

The City's quantified objectives for the development, rehabilitation and conservation of housing during the 2013-2021 planning period are summarized in the following table. The accomplishment of these objectives will depend on general economic conditions and the availability of funding assistance.

Income Category	New Construction	Rehabilitation	Conservation/Preservation**
Extremely-Low	436	*	-
Very Low	436	*	-
Low	593	*	-
Moderate	685	*	-
Above Moderate	1,642	-	-
Totals	3,792	*	-

Notes:

*depending on available funding to replace lost redevelopment revenues

**No assisted units at risk (see Technical Report Table 18)

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Attachment E
Draft 2013-2021 Housing Element and Technical Report

2013-2021 HOUSING ELEMENT TECHNICAL REPORT

CITY OF BANNING

DRAFT

JANUARY 2, 2014~~OCTOBER 23, 2013~~

TABLE OF CONTENTS

I.	Introduction.....	1
II.	Housing Needs Assessment.....	3
	Community Profile.....	3
	Population Characteristics.....	3
	Employment Characteristics.....	6
	Household Characteristics.....	8
	Special Needs Populations.....	11
	Housing Stock Characteristics.....	16
	Assisted Housing At-Risk of Conversion.....	21
	Growth Needs 2014-2021.....	21
III.	Housing Constraints.....	23
	Governmental Constraints.....	23
	Infrastructure and Environmental Constraints.....	35
	Market Constraints.....	36
IV.	Housing Resources.....	39
	Land Resources.....	39
	Financial Resources.....	40
	Energy Conservation Opportunities.....	42

Appendix A: Evaluation of the 2008-2013 Housing Element

Appendix B: Residential Land Inventory

Appendix C: Public Participation Summary

Appendix D: Acronyms and Glossary

LIST OF TABLES

Table 1	Population Trends, 1990-2013 – Banning vs. Riverside County	4
Table 2	Age Distribution – Banning vs. Riverside County	5
Table 3	Race/Ethnicity – Banning vs. Riverside County	6
Table 4	Labor Force – Banning vs. Riverside County	6
Table 5	Employment by Occupation	7
Table 6	Job Location for Banning Residents.....	7
Table 7	Housing by Type – Banning vs. Riverside County	8
Table 8	Median Household Income – Banning vs. Riverside County	9
Table 9	Overpayment by Income and Tenure	10
Table 10	Overcrowding – Banning vs. Riverside County	11
Table 11	Elderly Households by Tenure	12
Table 12	Household Type by Tenure	13
Table 13	Household Size by Tenure.....	15
Table 14	Housing by Type – Banning vs. Riverside County	16
Table 16	Age of Housing Stock – Banning vs. Riverside County	18
Table 17	Income Categories and Affordable Housing Costs – Riverside County	19
Table 18	House and Condo Median Sales Prices, 2012	19
Table 19	Rental Market Data – Banning.....	20
Table 20	Inventory of Assisted Rental Housing.....	21
Table 21	Regional Housing Growth Needs 2014-2021.....	22
Table 22	Development Standards for RM, RMH, RH, and RVH Zones	25
Table 23	Off-Street Parking Requirements	27
Table 24	Permitted Residential Uses by Zoning District	27
Table 25	Development Fees	32
Table 26	Development Review Summary.....	35
Table 27	Residential Land Inventory Summary vs. RHNA.....	39

LIST OF FIGURES

Figure 1	Population Growth 1990-2013 – Banning vs. Riverside County	4
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I. Introduction

A successful strategy for improving housing conditions and expanding housing opportunities must be preceded by an assessment of the housing needs of the community and region. This Housing Element Technical Report for the City of Banning discusses the major components of assessing housing needs, including trends in population, households, and types of housing available in Banning.

The technical report examines the following topics:

- Population, employment, household, and housing characteristics;
- Constraints on housing production; and
- Available housing resources.

This Housing Element Technical Report serves as a foundation for the policies and programs presented in the Housing Plan for the 2013-2021 planning period.

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II. Housing Needs Assessment

This section of the Housing Element Technical Report examines general population and household characteristics and trends, such as age, race and ethnicity, employment, household composition and size, household income, and special needs. Characteristics of the existing housing stock (e.g., number of units and type, tenure, age and condition, costs) are also addressed. Finally, the City's projected housing growth needs based on the 2014-2021 Regional Housing Needs Assessment (RHNA) are examined. This analysis provides the basis for developing a successful housing strategy that meets the needs of the community.

The Housing Needs Assessment utilizes the most recent data from the U.S. Census, the California Department of Finance (DOF), the California Employment Development Department (EDD), the Southern California Association of Governments (SCAG) and other relevant sources. Supplemental data were obtained through field surveys and from private vendors.

Community Profile

The City of Banning is located in the San Geronio Pass area adjacent to US Interstate 10 in west-central Riverside County. The City was incorporated in 1913, and encompasses approximately 23.2 square miles. During the 2013-2021 planning period residential growth is expected to occur on land within the existing City limits as well as on adjacent areas within the Sphere of Influence as it is annexed.

Riverside County is part of the "Inland Empire," which provides less expensive housing options for many people who work in Los Angeles and Orange counties are unable to afford the higher housing costs in those coastal counties.

To avoid serving simply as "bedroom" communities for adjacent counties, Riverside County jurisdictions, including Banning, are working to attract new businesses to provide employment opportunities for local residents. This also helps promote a more balanced jobs/housing ratio, reduces the need for long commutes, and improves the local air quality and quality of life in general.

Population Characteristics

Population Growth Trends

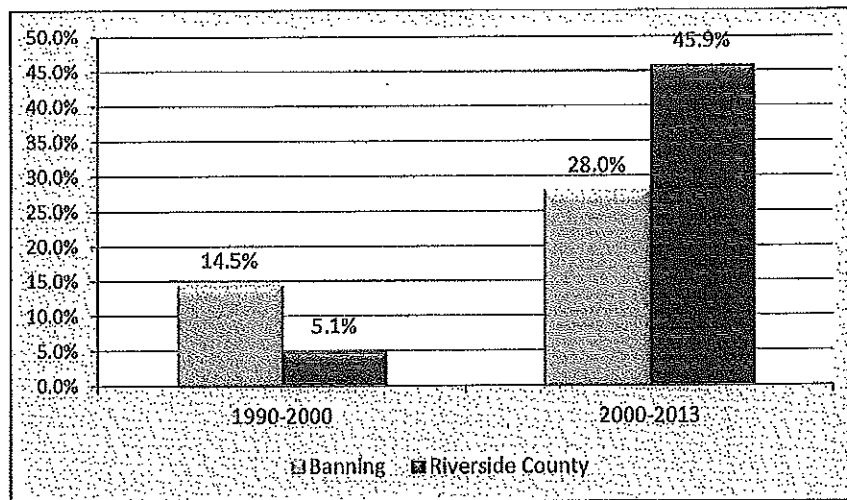
According to the Census Bureau, Banning's population increased from 20,572 in 1990 to over 30,000 in 2013 (see Table 1 and Figure 1). Although the City has continued to experience strong growth in the past decade, its rate of growth has been significantly lower than for Riverside County as a whole since 2000. The city's 2013 population of 30,170 represented only 1.3% of the county's total population of 2,255,059.

Table 1
Population Trends, 1990-2013 –
Banning vs. Riverside County

	1990	2000	2013	Growth 1990-2000	Growth 2000-2013
Banning	20,572	23,562	30,170	14.5%	28.0%
Riverside County	1,470,413	1,545,387	2,255,059	5.1%	45.9%

Source: U.S. Census, California Dept. of Finance Table E-5 (2012)

Figure 1
Population Growth 1990-2013 –
Banning vs. Riverside County



Age Characteristics

Housing needs are influenced by the age characteristics of the population. Different age groups require different accommodations based on lifestyle, family type, income level, and housing preference. Traditionally, both the young adult population (20-34) and the elderly population (65+) tend to require low to moderate cost, smaller units. Persons between 35 to 54 years old usually reside in more expensive, larger units because they typically have higher incomes and larger households.

Table 2 provides a comparison of the city's and county's population by age group in 2010. This table shows that Banning has a substantially larger proportion of senior citizens than Riverside County as a whole. Persons age 65 and older comprise about 26% of the city's population while these groups represent less than 12% countywide. The median age of the city's population is 42.3 years compared to 32.7 years for the county as a whole. This age profile is influenced by the

large senior communities of Sun Lakes (3,327 homes) and Serrano del Vista (246 homes), along with four senior mobile home parks with 648 homes. Together these developments represent 39% of all housing units in the city. However, nation-wide demographic trends suggest an increasing need for senior housing as the “Baby Boom” generation (persons born between 1946 and 1964) enter their retirement years. The oldest “Boomers” turned 65 in 2011, and the 65+ age group is expected to be the fastest growing segment of the population over the next 50 years¹.

Table 2
Age Distribution —
Banning vs. Riverside County

Age Group	Banning		Riverside County	
	Persons	%	Persons	%
Under 5 years	1,040	6.2%	162,438	7.4%
5 to 9 years	1,839	6.2%	167,065	7.6%
10 to 14 years	1,942	6.6%	177,644	8.1%
15 to 19 years	2,009	6.8%	187,125	8.5%
20 to 24 years	1,877	6.3%	154,572	7.1%
25 to 29 years	1,784	6.0%	143,992	6.6%
30 to 34 years	1,514	5.1%	138,437	6.3%
35 to 39 years	1,397	4.7%	143,926	6.6%
40 to 44 years	1,353	4.6%	149,379	6.8%
45 to 49 years	1,621	5.5%	152,722	7.0%
50 to 54 years	1,603	5.4%	140,016	6.4%
55 to 59 years	1,559	5.3%	114,765	5.2%
60 to 64 years	1,604	5.4%	98,974	4.5%
65 to 69 years	1,713	5.8%	78,495	3.6%
70 to 74 years	1,710	5.8%	62,103	2.8%
75 to 79 years	1,747	5.9%	49,003	2.2%
80 to 84 years	1,346	4.6%	36,793	1.7%
85 years and over	1,145	3.9%	32,192	1.5%
Total	29,603	100%	2,189,641	100%
Median age	42.3		32.7	

Source: 2010 Census, Table DP-1

Race/Ethnicity Characteristics

The racial and ethnic composition of the city differs from the county in that a slightly lower percentage of city residents are Hispanic/Latino, and a higher percentage of city residents are non-Hispanic white (Table 3). Approximately 41% of city residents are Hispanic/Latino contrasted with 46% for the county as a whole. Non-Hispanic white residents comprise 43% of the city's population compared with 40% of the county's residents.

¹ Source: California Department of Finance, Report P-1, January 2013

Table 3
Race/Ethnicity –
Banning vs. Riverside County

Race/Ethnic Group	Banning		Riverside County	
	Persons	%	Persons	%
Not Hispanic or Latino	17,422	58.9%	1,194,384	54.5%
-White	12,858	43.4%	869,068	39.7%
-Black or African American	2,023	6.8%	130,823	6.0%
-American Indian/Alaska Native	365	1.2%	10,931	0.5%
-Asian	1,510	5.1%	125,921	5.8%
-Native Hawaiian/Pacific Islander	34	0.1%	5,849	0.3%
-Other races or 2+ races	632	2.1%	51,792	2.4%
Hispanic or Latino (any race)	12,181	41.1%	995,257	45.5%
Total	29,603	100%	2,189,641	100%

Source: 2010 Census, Table DP-1

Employment Characteristics

Occupation and Labor Participation

According to recent Census estimates, approximately 44% of Banning residents were in the civilian labor force compared to 62% for the county as a whole (Table 4). (The labor force includes employed and unemployed persons aged 16 years and above.) This smaller labor force percentage reflects the larger proportion of retirement-age residents in Banning.

Table 4
Labor Force –
Banning vs. Riverside County

Labor Force Status	Banning		Riverside County	
	Persons	%	Persons	%
Population 16 years and over	23,289	100%	1,571,629	100%
In labor force	10,279	44%	978,372	62%
Civilian labor force	10,279	44%	974,178	62%
Employed	9,299	40%	865,088	55%
Unemployed	980	4%	109,090	7%
Armed Forces	0	0%	4,194	0%
Not in labor force	13,010	56%	593,257	38%

Source: Census 2008-2010 ACS, Table DP3

As shown in Table 5, occupations of Banning residents were fairly evenly distributed among occupation categories, with sales/office representing the largest group with 28% of residents and management/business with 25% of residents.

Table 5
Employment by Occupation

Occupation	Banning	
	Persons	%
Civilian employed population 16 years and over	9,299	100%
Management, business, science, and arts occupations	2,314	25%
Service occupations	1,845	20%
Sales and office occupations	2,559	28%
Natural resources, construction, and maintenance occupations	1,149	12%
Production, transportation, and material moving occupations	1,432	15%

Source: U.S. Census 2006-2010 ACS, Table DP3

Job Location

According to recent Census data, approximately 81 percent of employed Banning residents worked in Riverside County, and approximately 31 percent were employed within the city limits (Table 6).

Table 6
Job Location for Banning Residents

Workplace Location	%
Worked in state of residence	99.9%
Worked in county of residence	80.9%
Worked in place of residence	31.0%
Worked outside county of residence	19.0%
Worked outside state of residence	0.1%

Source: Census 2006-2010 ACS, Table S0801

Household Characteristics

Household Composition and Size

Household characteristics are important indicators of the type of housing needed in a community. The Census defines a household as all persons who occupy a housing unit, which may include families related through marriage or blood, unrelated individuals living together, or individuals living alone. People living in retirement or convalescent homes, dormitories, or other group living situations are not considered households.

According to the 2010 Census, husband/wife families represented 47% of Banning households compared to 55% for the County as a whole. About 29% of Banning households were persons living alone – a much larger proportion than the entire County with just 19%. Nearly half of all households in the city included someone 65 years of age and older, compared to just 27% for Riverside County. The average household size was 2.61 persons compared to 3.14 for the County as a whole.

Table 7
Housing by Type –
Banning vs. Riverside County

Household Type	Banning		Riverside County	
	Households	%	Households	%
Family households:	7,186	66.3%	510,241	74.4%
Husband-wife family	5,106	47.1%	376,381	54.8%
With own children under 18 years	1,517	14.0%	185,194	27.0%
Male householder, no wife present	592	5.5%	42,845	6.2%
With own children under 18 years	294	2.7%	22,059	3.2%
Female householder, no husband present	1,488	13.7%	91,015	13.3%
With own children under 18 years	737	6.8%	49,824	7.3%
Nonfamily households:	3,652	33.7%	176,019	25.6%
Householder living alone	3,092	28.5%	132,494	19.3%
Households with individuals under 18 years	3,083	28.4%	294,200	42.9%
Households with individuals 65 years and over	5,268	48.6%	187,484	27.3%
Total households	10,838	100%	686,260	100%
Average household size	2.61		3.14	

Source: 2010 Census, Table DP-1

Household Income and Overpayment

Household income is a primary factor affecting housing needs in a community – the ability of residents to afford housing is directly related to household income. According to recent Census data, the median household income in Banning was \$37,373, which was less than two-thirds the Riverside County median income of \$58,365 (Table 8). This large difference may be at least partly explained by the higher proportion of senior citizens in Banning.

Table 8
Median Household Income –
Banning vs. Riverside County

Jurisdiction	Median Income	% of County Median Income
Banning	\$37,373	64%
Riverside County	\$58,365	100%

Source: U.S. Census, 2007-2011 ACS

The income earned by a household is an important indicator of the household's ability to acquire adequate housing. While upper income households have more discretionary income to spend on housing, lower- and moderate-income households are more limited in the range of housing that they can afford. Typically, as household income decreases, the incidence of overpayment and overcrowding increases.

The following income categories are used in Housing Element analyses:

- **Extremely-low-income households** earn 30% or less of the Area (county) Median Income (AMI), adjusted for household size;
- **Very-low-income households** earn between 31% and 50% of the AMI, adjusted for household size;
- **Low-income households** earn between 51% and 80% of the AMI, adjusted for household size;
- **Moderate-income households** earn between 81% and 120% of the AMI, adjusted for household size; and,
- **Above-moderate-income households** earn over 120% of the AMI, adjusted for household size.

State and federal standards consider a household as overpaying for housing if it spends more than 30% of its gross income on housing. A household spending more than it can afford for housing has less money available for other necessities and emergency expenditures. Very-low-income households overpaying for housing are more likely to be at risk of becoming homeless than other households. Renter households overpay more often than owner households because of their typically lower incomes. Compared to renters, overpayment by owners is less of a concern because homeowners have the option to refinance the mortgage, or to sell the house and move into rentals or buy a less expensive home.

Recent Census data reported that about 52% of lower-income owners and 88% of lower-income renters in Banning overpaid for housing (Table 9). Overpayment was most prevalent among extremely-low-income households.

Table 9
Overpayment by Income and Tenure

Income Category	Owners		Renters	
	Households	Percent	Households	Percent
Extremely low households	370		405	
Households overpaying	350	94.6%	405	100.0%
Very low households	1,355		1,215	
Households overpaying	730	53.9%	1,055	86.8%
Low households	1,985		545	
Households overpaying	830	41.8%	445	81.7%
Subtotal: All lower-income households	3,710		2,165	
Subtotal: Households overpaying	1,910	51.5%	1,905	88.0%
Moderate households	1,900		265	
Households overpaying	450	23.7%	80	30.2%
Above moderate households	2,240		595	
Households overpaying	355	15.8%	0	0.0%

Source: U.S. Department of Housing and Urban Development, CHAS, based on the 2006-2008 ACS, Table 15.

Extremely Low Income Households

Following the passage of AB 2634 in 2006, state law requires quantification and analysis of existing and projected housing needs of extremely low-income (ELI) households. Extremely-low-income is defined as less than 30% of area median income, adjusted for household size. As of 2013 the area median income in Riverside County is \$65,000². For extremely-low-income households, this results in an income of \$19,500 or less. Households with extremely low-incomes have a variety of housing problems and needs.

Existing Needs

As noted in Table 9, recent Census data estimated that there are 370 ELI owner households and 405 ELI renter households in Banning. Of these, 95% of owners and 100% of renters were reported as overpaying for housing.

Projected Needs

The projected housing need for extremely-low-income households is assumed to be 50% of the very-low-income regional housing need of 872 units. As a result, the City has a projected need for 436 new extremely-low-income units during the 2014-2021 planning period. The resources and programs to address this need are the same as for other lower-income housing in general, and are discussed elsewhere in the Housing Element and Technical Report. Because the needs of extremely-low-income households overlap extensively with other special needs groups, further analysis and resources for these households can be found in the Housing Needs Assessment/

² California Department of Housing and Community Development, *State Income Limits for 2013*, 2/25/2013

Special Needs Populations and Housing Constraints/Provision for a Variety of Housing discussions in this Technical Report.

Overcrowding

An overcrowded household is defined by the Census Bureau as more than one person per room, excluding bathrooms, kitchens, hallways, and porches. A severely overcrowded household is defined as more than 1.5 persons per room. Overcrowding results from a lack of affordable housing and/or a lack of available housing units of adequate size. Table 10 summarizes overcrowding for the City of Banning and Riverside County.

Table 10
Overcrowding –
Banning vs. Riverside County

Occupants per Room	Banning		Riverside County	
	Units	%	Units	%
Owner occupied units	8,623	100%	467,086	100%
1.01 to 1.50	185	2%	15,586	3%
1.51 to 2.00	89	1%	3,952	1%
2.01 or more	21	0.2%	1,021	0.2%
Renter occupied units	3,248	100%	199,820	100%
1.01 to 1.50	220	7%	18,488	9%
1.51 to 2.00	85	3%	5,685	3%
2.01 or more	0	0%	1,852	1%

Source: Census 2006-2010 ACS, Table B25014

According to recent Census data, overcrowding was more prevalent among renters than owners. Approximately 10% of the City's renter-occupied households were overcrowded compared to 3% of owner-occupied households. Overcrowding is slightly less prevalent in Banning than the County as a whole.

Special Needs Populations

Certain segments of the population may have more difficulty in finding decent, affordable housing due to their special circumstances or needs. These "special needs" populations include elderly persons, agricultural workers, single-parent households, persons with disabilities, large households, and the homeless. Many of these households also fall under the category of extremely-low-income.

A variety of City policies and programs described in the Housing Element address the needs of extremely-low-income households, including those in need of residential care facilities and persons with disabilities. However, it must be recognized that the development of new housing for the lowest income groups typically requires large public subsidies, and the level of need is

greater than can be met due to funding limitations, especially during these times of declining public revenues.

Elderly

The special needs of the elderly are often a function of lower fixed incomes and/or disabilities. Housing for the elderly often requires special attention in design to allow greater access and mobility. Housing located within vicinity of community facilities and public transportation also facilitates mobility of the elderly in the community.

As seen previously in Table 2, Banning's population is older than Riverside County as a whole. According to recent Census estimates, well over half of owner households but only 12% of renter households in Banning were headed by someone age 65 or older (Table 11). Elderly residents are more likely to have a disability, which may require special housing design.

Table 11
Elderly Households by Tenure

Householder Age	Owner		Renter	
	Households	%	Households	%
Under 65 years	3,912	45%	2,866	88%
65 to 74 years	2,106	24%	206	6%
75 to 84 years	2,083	24%	117	4%
85 years and over	522	6%	59	2%
Total Households	8,623	100%	3,248	100%

Source: U.S. Census 2006-2010 ACS, Table B25007

Finally, many elderly live on fixed incomes and occupy older homes. These factors may make paying for needed home repairs and maintenance difficult. The City's programs to increase senior affordable housing opportunities help to address this issue.

Agricultural Workers

Agriculture is a major industry in Riverside County although large-scale farming is not prevalent in the Pass area. Recent Census estimates reported 48 Banning residents employed in farming, forestry, fishing and mining occupations³. Agricultural workers face various housing issues due to their typically lower incomes and the seasonal nature of their work.

The City's zoning regulations allow agricultural employee housing with up to 12 units or 36 beds as an agricultural use, consistent with state law.

³ 2006-2010 ACS, Table DP-3

Single-Parent Families

Single-parent families with children often require special attention due to their needs for affordable childcare, health care, and housing assistance. Female-headed families with children tend to have lower incomes, thus limiting housing availability for this group. According to recent Census data, about 9% of owner households and 28% of renter households in Banning were headed by single-parents (Table 12). Banning's housing programs aimed at increasing the supply of affordable housing help to assist single-parent families.

Table 12
Household Type by Tenure

Household Type	Owner		Renter	
	Households	%	Households	%
Married couple family	4,556	53%	1,143	35%
Male householder, no wife present	182	2%	227	7%
Female householder, no husband present	645	7%	671	21%
Non-family households	3,240	38%	1,207	37%
Total Households	8,623	100%	3,248	100%

Source: U.S. Census 2006-2010 ACS, Table B11012

Persons with Disabilities

According to recent Census estimates, approximately 18% of Banning residents reported having a disability. Among the elderly population (65+) 36% reported some type of disability.

Physical and mental disabilities can hinder a person's access to traditionally designed housing units (and other facilities) as well as potentially limit the ability to earn income. Housing that satisfies the design and locational requirements of disabled persons are limited in supply and often costly to provide.

Housing opportunities for disabled persons can be addressed through the provision of affordable, barrier-free housing. In addition to the development of new units, housing rehabilitation assistance programs can also be provided to disabled residents to make necessary improvements to remove architectural barriers of existing units. As noted in the Constraints section, the City has procedures in place for reviewing and approving requests for reasonable accommodation in housing for persons with disabilities in accordance with state law.

Developmentally Disabled

Section 4512 of the California Welfare and Institutions Code defines a "Developmental disability" as a disability that originates before an individual attains age 18 years, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual which includes mental retardation, cerebral palsy, epilepsy, and autism. This term also includes disabling conditions found to be closely related to mental retardation or to require

treatment similar to that required for individuals with mental retardation, but shall not include other handicapping conditions that are solely physical in nature.

Many developmentally disabled persons can live and work independently within a conventional housing environment. More severely disabled individuals require a group living environment where supervision is provided. The most severely affected individuals may require an institutional environment where medical attention and physical therapy are provided. Because developmental disabilities exist before adulthood, the first issue in supportive housing for the developmentally disabled is the transition from the person's living situation as a child to an appropriate level of independence as an adult. The State Department of Developmental Services (DDS) currently provides community based services to approximately 243,000 persons with developmental disabilities and their families through a statewide system of 21 regional centers, four developmental centers, and two community-based facilities. The Inland Regional Center is one of 21 regional centers in the State of California that provides point of entry to services for people with developmental disabilities. The center is a private, non-profit community agency that contracts with local businesses to offer a wide range of services to individuals with developmental disabilities and their families.

Currently, nearly 600 Inland Regional Center staff members provide services to more than 25,000 people with developmental disabilities and their families in San Bernardino and Riverside counties. Once a consumer is found eligible, he/she is paired with a Consumer Services Coordinator (CSC) who becomes their primary contact at the center. They will meet on an ongoing basis to develop an annual Individual Program Plan (IPP) that lists specific, agreed upon goals and objectives that will enhance opportunities to live more closely in line with the core values of the agency. To better meet the needs of consumers, Inland Regional Center designed programs according to age, specialization, and geographic location. Categories include Early Start/Prevention 0-3; School Age 3-15; Transition 16-22; Adult 23-59; and Senior 60+.

Large Households

Large households are defined as those with five or more persons. Recent Census data estimated that 7% of owner households and 10% of renter households in Banning had five or more members (Table 13). Typically, the availability of adequately-sized and affordable housing units is an obstacle facing large households. The issue for large households is often related to affordability, particularly among renters. However, since the vast majority of Banning households are comprised of three or fewer persons, the need for large units is less than in many communities.

Table 13
Household Size by Tenure

Householder Age	Owner		Renter	
	Households	%	Households	%
1 person	2,813	33%	911	28%
2 persons	3,802	44%	1,031	32%
3 persons	621	7%	624	19%
4 persons	685	8%	334	10%
5 persons	295	3%	240	7%
6 persons	212	2%	70	2%
7 persons or more	195	2%	38	1%
Total Households	8,623	100%	3,248	100%

Source: U.S. Census 2006-2010 ACS, Table B25009

Homeless

The homeless population refers to persons lacking consistent and adequate shelter. Homelessness is a continuing problem throughout California and urban areas nationwide. During the past two decades, an increasing number of single persons have remained homeless year after year and have become the most visible of all homeless persons. Other persons (particularly families) have experienced shorter periods of homelessness. However, they are often replaced by other families and individuals in a seemingly endless cycle of homelessness.

The 2013 Riverside County Point-in-Time Homeless Survey estimated that there were a total of 2,978 sheltered or unsheltered homeless persons countywide at the time of the survey. This represented a 31% decrease compared to the 2011 homeless count. The 2013 count identified 42 homeless persons in Banning, all of whom were unsheltered and 40% were considered chronically homeless.

Inventory of Homeless Facilities

In response to the growing needs of the homeless population in Riverside County, a Continuum of Care (COC) process began in 1994 in order to provide the delivery of facilities and services to the homeless population at each step of the transition from living on the street, to permanent and sustained, independent living. The COC consists of four components:

1. Outreach and Assessment;
2. Emergency Shelters with Supportive Services;
3. Transitional Housing with Supportive Services; and
4. Permanent and Affordable Housing.

There are 19 emergency shelters, 19 transitional housing facilities, and 11 permanent supportive housing facilities in Riverside County. There are currently no homeless shelters in Banning.

HELP Services, the primary homeless service provider in Banning, provides meals to homeless persons.

Senate Bill (SB) 2 of 2007 strengthened local planning requirements for emergency shelters and transitional housing. In compliance with SB 2, the City's zoning regulations allows emergency shelters by-right in the Airport Industrial zone.

Housing Stock Characteristics

Table 14 shows the change in Banning's housing stock from 2000 to 2013 compared to Riverside County. The City's housing stock increased by approximately 24% during this period compared to 39% for the County as a whole. The majority (80%) of the existing housing stock in Banning consisted of single-family detached and attached homes. The remaining 20% of units were almost equally divided between multi-family units and mobile homes.

Table 14
Housing by Type –
Banning vs. Riverside County

Structure Type	2000		2013		Growth	
	Units	%	Units	%	Units	%
Banning						
Single-family	7,575	77.6%	9,670	79.6%	2,095	87.7%
Multi-family	1,030	10.6%	1,336	11.0%	306	12.8%
Mobile homes	1,156	11.8%	1,143	9.4%	-13	-0.5%
Total units	9,761	100%	12,149	100%	2,388	100%
Riverside County						
Single-family	398,762	68.2%	602,898	74.2%	204,146	89.7%
Multi-family	103,034	17.6%	130,314	16.0%	27,280	12.0%
Mobile homes	82,888	14.2%	79,022	9.7%	-3,866	-1.7%
Total units	584,674	100%	812,234	100%	227,560	100%

Source: Cal. Dept. of Finance, Tables E-5 & E-8

Tenure and Vacancy Rates

Table 15 illustrates the tenure (owner vs. renter) of occupied housing in Banning and the County as a whole. The table shows that Banning has a homeownership rate of 61% compared to 58% for the County as a whole. It is noteworthy that 3% of units were vacant but not for sale, for rent or held for occasional use. It is assumed that many of those units were foreclosures held by lending institutions.

Table 15
Housing Tenure – Banning vs. Riverside County

Housing Type	Banning		Riverside County	
	Units	%	Units	%
Occupied housing units	10,838	89%	686,260	86%
Owner-occupied housing units	7,412	61%	462,212	58%
Average household size of owner-occupied units	2.37		3.10	
Renter-occupied housing units	3,426	28%	224,048	28%
Average household size of renter-occupied units	3.12		3.22	
Vacant housing units	1,306	11%	114,447	14%
For rent	424	3%	23,547	3%
Rented, not occupied	26	0.2%	1,107	0.1%
For sale only	320	3%	18,417	2%
Sold, not occupied	54	0.4%	3,255	0.4%
For seasonal, recreational, or occasional use	134	1%	50,538	6%
All other vacants	348	3%	17,583	2%
Homeowner vacancy rate (%)	4.1		3.8	
Rental vacancy rate (%)	10.9		9.5	
Total housing units	12,144	100%	800,707	100%

Source: 2010 Census, Table DP-1

Vacancy rate is a measure of housing availability in a community. A vacancy rate of 2% for ownership housing and 5% for rental housing generally indicates an adequate supply of vacant housing to allow mobility. According to recent Census data, both owner and renter vacancy rates were 3%, very similar to Riverside County as a whole.

Housing Stock Age and Condition

The age of housing is commonly used as an indicator of need for major repairs. In general, housing units over 30 years old are likely to exhibit signs of rehabilitation needs, such as new roofing, foundation work, or plumbing.

As depicted in Table 16, about 58% of the housing units in Banning were built after 1979 and most are likely to be in good condition. Approximately 42% of units are over 30 years of age and may be in need of major repairs or even replacement.

Table 16
Age of Housing Stock –
Banning vs. Riverside County

Year Built	Banning		Riverside County	
	Units	%	Units	%
Built 2005 or later	285	2%	69,098	9%
Built 2000 to 2004	1,848	14%	130,497	17%
Built 1990 to 1999	2,802	21%	131,438	17%
Built 1980 to 1989	2,761	21%	179,429	23%
Built 1970 to 1979	1,332	10%	123,182	16%
Built 1960 to 1969	1,112	9%	65,589	8%
Built 1950 to 1959	1,558	12%	51,864	7%
Built 1940 to 1949	863	7%	16,139	2%
Built 1939 or earlier	511	4%	15,880	2%
Total units	13,072	100%	783,116	100%

Source: Census 2006-2010 ACS, Table DP-4

Based on discussions with the City's code enforcement and Building Department staff, it is estimated that approximately 500 units may be in need of substantial repair or replacement. Other code enforcement issues in Banning include weed abatement, which is concentrated on rental properties with absentee landlords, as well as vehicle abandonment.

Housing Costs and Affordability

This section discusses current real estate market trends in Banning, both for-sale and rental. It must be emphasized that real estate markets are cyclical, and in recent years a sharp downturn in sales volumes and property values has occurred in the Inland Empire (Riverside and San Bernardino Counties), in large part due to the "sub-prime" mortgage crisis. While such downturns result in lower prices and more affordable housing opportunities, the corresponding increase in foreclosure rates and softening job market, combined with the rapid escalation in gasoline prices, has hit Banning and other Riverside County communities particularly hard. The following discussion should be viewed in recognition of recent events, and with the understanding that market conditions will change over time.

Housing Affordability

Housing affordability is determined by the ratio of income to housing costs. According to the HCD guidelines for 2013, the area median income (AMI) for a family of four in Riverside County is \$65,000. Based on state guidelines, income limits for a four-person family along with rents and estimated sales prices generally considered to be "affordable" are shown in Table 17.

An affordable housing payment is considered to be no more than 30% of a household's gross income. For rental units, this includes rent plus utilities. Assuming that a potential homebuyer

within each income group has acceptable credit, a typical down payment (5% to 10%), and other housing expenses (taxes and insurance), the maximum affordable home price can be estimated for each income group, as seen in Table 17. Based on the current home prices described below, both low- and moderate-income households would generally be able to purchase a home with a sufficient number of bedrooms to avoid overcrowding. Very-low-income households may be able to purchase a home, but it would most likely be a smaller, older unit or a condominium or mobile home.

Table 17
Income Categories and Affordable Housing Costs – Riverside County

2013 Area-wide Median Income – \$85,000	Income Limits	Affordable Rent	Affordable Price (est.)
Extremely Low (<30% AMI)	\$20,100	\$503	—
Very Low (31-50% AMI)	\$33,500	\$838	\$150,000
Low (51-80% AMI)	\$53,600	\$1,340	\$250,000
Moderate (81-120% AMI)	\$78,000	\$1,950	\$350,000
Above moderate (120%+ AMI)	\$78,000+	\$1,950+	\$350,000+

Assumptions: --Based on a family of 4
 --30% of gross income for rent or PITI
 --10% down payment, 4.5% interest, 1.25% taxes & insurance
 Source: Cal. HCD; J.H. Douglas & Associates

Ownership Housing

According to DataQuick Information Systems, the calendar year 2012 median resale single-family home price for Banning was \$129,000, which was significantly lower than the median price of \$205,000 for Riverside County as a whole (Table 18). The median resale price for condos in Banning was \$116,000, well below the county median of \$157,000.

Table 18
House and Condo Median Sales Prices, 2012

Zip Code	SFD	Condo
Banning	\$129,000	\$116,000
Riverside County	\$205,000	157,000

Source: DataQuick Information Systems, 2013

A 2013 market survey found no new home developments currently active in Banning. However, in the City of Beaumont, which is immediately adjacent to the west, one new development (K. Hovnanian's Four Seasons⁴) was selling single-family detached homes at prices ranging from \$220,159 to \$367,550.

⁴ <http://www.newhomesource.com/yahoorealestate/homedetail/specid-985337> (accessed 9/2/2013)

Based on the estimated affordable prices (Table 17) and home prices presented above, housing affordability is currently considered excellent in Banning. Sales prices for new single-family housing are within the affordability range for moderate-income households, and even some lower-income households. The current recession, while creating severe hardship for many, has resulted in much improved affordability in the housing market.

Rental Housing

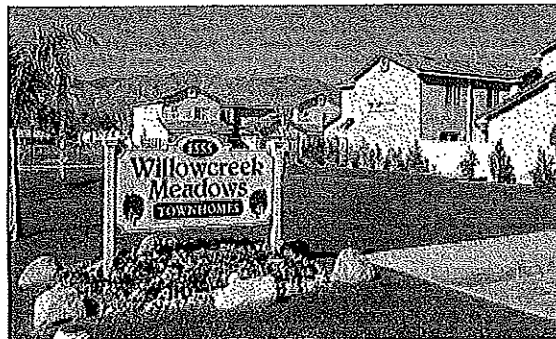
The rental housing market in Banning includes apartments, townhomes, and single-family homes. The results of a recent internet rental survey are shown in Table 19.

Table 19
Rental Market Data –
Banning

Unit Size	Rent
1-bedroom apartment	\$655
2-bedroom apartment	\$810
3-bedroom SF house	\$1,250

Source: Forrent.com⁵

Since no apartment complexes have been built in Banning in recent years, a review of newer apartments in the nearby city of San Jacinto was conducted. Willowcreek Meadows at 1555 S. Santa Fe Street, a gated 52-unit market-rate townhome apartment project with 2-car attached garages, is built at a density of 13.7 units/ acre and offers 2-bedroom units for \$1,050-1,150/month and 3-bedroom units for \$1,200-1,300/month⁶. Based on the affordability levels shown in Table 17 (page 19), all of these units are affordable to lower-income households. It should be noted that this project is less than 10 years old and represents the “high end” of the rental market in San Jacinto, and most (if not all) other apartment projects in the vicinity are expected to have lower rents.



Based on Riverside County income limits and current rental rates, most very-low-, low-, and moderate-income households can afford market rents in Banning. However, households with extremely-low incomes face an “affordability gap.” Programs to facilitate development of new assisted rental housing and Section 8 vouchers can help to address this gap, and are discussed in the Resources section and the Housing Plan.

⁵ www.forrent.com (accessed 9/1/2013)

⁶ <http://www.rent.com/california/san-jacinto-apartments/willowcreek-meadows-4-664903> (accessed 9/1/2013)

Assisted Housing At-Risk of Conversion

State Housing Element law requires cities to prepare an inventory of assisted multi-family rental units that are eligible to convert to market rate due to termination of subsidy contract, mortgage prepayment, or expiring use restrictions. Under Housing Element law, this inventory is required to cover the ten-year period from 2013 to 2023.

Table 20 summarizes the inventory of assisted rental housing projects in Banning. Three assisted developments are located in the City. None of these projects is at-risk of conversion during the current planning period.

Table 20
Inventory of Assisted Rental Housing

Development Name	Total Units	Funding Source	Expiration of Affordability Covenants
Cherry Valley Healthcare	132	223(a)(7)/223(f)	2039
Westview Terrace	75	HFDA/8 NC	2066
Windscape Village Apartments	128	207/223(f)	2040

Sources: SCAG, CHPC, City of Banning, 2013.

Growth Needs 2014-2021

Overview of the Regional Housing Needs Assessment

The Regional Housing Needs Assessment (RHNA) is a key tool for local governments to plan for anticipated growth. The RHNA quantifies anticipated need for housing within each jurisdiction for the period from January 2014 through October 2021. Communities then determine how they will address this need through the process of updating the Housing Elements of their General Plans.

The current RHNA was adopted by the Southern California Association of Governments (SCAG) in October 2012. The future need for housing is determined primarily by the forecasted growth in households in a community. Each new household, created by a child moving out of the parent's home, by a family moving to a community for employment, and so forth, creates the need for a housing unit. The housing need for new households is then adjusted to maintain a desirable level of vacancy to promote housing choice and mobility. An adjustment is also made to account for units expected to be lost due to demolition, natural disaster, or conversion to non-housing uses. The sum of these factors – household growth, vacancy need, and replacement need – determines the construction need for a community. Total housing need is then distributed among four income categories on the basis of the county's income distribution, with adjustments to avoid an over-concentration of lower-income households in any community.

2014-2021 Banning Growth Needs

The total housing growth need for the City of Banning during the 2014-2021 period is 3,792 units. This total is distributed by income category as shown in Table 21. While the RHNA did not address the needs of the extremely-low-income category, state law requires jurisdictions to analyze this segment. As allowed by state law, the extremely-low category is assumed to be one-half of the very-low-income need.

Table 21
Regional Housing Growth Needs 2014-2021

Very Low	Low	Moderate	Above Moderate	Total
872*	593	685	1,642	3,792
23.0%	15.6%	18.1%	43.3%	100%

*50% of the Very Low category is assumed to be in the Extremely Low Income category
Source: SCAG 2012

How the City's growth needs will be accommodated is discussed in Section 4 – Housing Resources.

III. Housing Constraints

Governmental, infrastructure, environmental and market factors can pose constraints to the provision of housing. These constraints may result in housing that is not affordable to low- and moderate-income households, persons with special needs, or may render residential construction economically infeasible for developers. This chapter analyzes these potential constraints and where necessary, identifies steps the City can take to alleviate them.

Governmental Constraints

Governmental regulations, while intentionally controlling the characteristics of development in the community can also have the unintended effect of increasing the cost of housing. Potential governmental constraints include land use plans and regulations, building codes and their enforcement, site improvement standards, fees and other exactions required of developers, and local development processing and permit procedures.

Land use regulations limit the amount or density of development, potentially increasing the cost per unit. On-site and off-site improvements such as roads, traffic signals, water or wastewater systems may increase an individual project's costs of development. Processing and permit requirements may delay construction, increasing financing and/or overhead costs of a development. The following describes potential governmental constraints and analyzes the extent to which they may affect the cost and supply of housing in Banning.

General Plan

The Banning General Plan was adopted in 2006. The state-mandated Land Use Element of the General Plan is contained in Chapter III - Community Development⁷. The General Plan describes a range of residential types dispersed throughout the City in the following land use categories and densities:

- Ranch/Agriculture Residential (RAR) – 1 unit/10 acres
- Ranch/Agriculture Residential - Hillside (RAR-H) – 1 unit/10 acres
- Rural Residential (RR) – Up to 1 unit/ acre
- Rural Residential - Hillside (RR-H) – Up to 1 unit/ acre
- Very Low Density Residential (VLDR) – Up to 2 units/acre
- Low Density Residential (LDR) – Up to 5 units/acre
- Medium Density Residential (MDR) – Up to 10 units/acre
- High Density Residential (HDR) – 11 to 18 units/acre
- Very High Density Residential (VHDR) – 19 to 24 units/acre
- Mobile Home Park (MHP)

In addition to these residential land use categories, mixed-use or exclusive residential development is allowed in the Downtown Commercial (DC) land use category at densities up to

⁷ <http://www.ci.banning.ca.us/DocumentCenter/Home/View/663>

18 units/acre. In the previous planning period, some of the larger sites in the Downtown Commercial area were designated affordable housing candidate sites with allowable densities of up to 20 units/acre.

Zoning Regulations and Residential Development Standards

The City of Banning regulates the type, location, density, and scale of residential development primarily through the Zoning Code. Development regulations are designed to protect and promote the health, safety, and general welfare of residents as well as implement the policies of the General Plan. The residential land use districts set forth in the Zoning Code are the same as those described in the General Plan Land Use Element. The City's residential development standards, which include density, lot area, coverage, height, and setbacks, are shown in Table 22. These development standards are similar to those of other jurisdictions in the same market area and do not create an unreasonable constraint to the cost and supply of housing.

In addition to "conventional" zoning designations, Specific Plan districts allow customized development standards and design criteria. Such techniques may include clustering of units, density transfer within the project, or variations in lot orientation, layouts, and development standards. Specific plans are normally used for large-scale master planned developments and involve a high level of public review.

Table 22
Development Standards for RM, RMH, RH, and RVH Zones

Zone/District	Maximum Building Height	Minimum Lot Width	Minimum Yard Setback			Minimum lot size (sq. ft.)	Allowable Density (units/acre)	Floor Area Ratio		Maximum Building Coverage (%)
			Front	Side	Rear			One Story	Multi Story	
RA	35' or 2-story	600	50	25	50	10 acres	1/10 acre	0.10	0.20	10
RAR-H	35' or 2-story	600	50	25	50	10 acres	1/10 acre	0.10	0.20	10
RR	35' or 2-story	150	50	25	35	40,000	0-1	0.15	0.30	15
RR-H	35' or 2-story	150	50	25	35	40,000	0-1	0.15	0.30	15
VLDR	35' or 2-story	100	35	15	35	20,000	0-2	0.15	0.30	15
LDR	35' or 2-story	70	20	10	15	7,000	0-5	0.35	0.60	40
MDR	45' or 3-story ¹	50	15	5	10	5,000	0-10	0.40	0.70	40
HDR/HDR-20	60' or 4-story	150	15	5	10	7,000	11-18 ²	0.40	0.70	40
VHDR	60' or 4-story	150	15	5	10	7,000	19-24 ³	0.40	0.70	40
MHP	25' or 1-story	150	10	5	10	N/A	9-18	0.50	N/A	50

Source: City of Banning Municipal Code, Chapter 17.08

1. Maximum height only permitted if Fire Department provides written verification that they can serve

2. Allowable density is 20 units/acre for HDR-20 sites

3. Allowable base density is 20 units/acre for qualifying affordable housing developments

Standards for Multi-Family Housing

Chapter 17.08 of the Zoning Code establishes standards for multi-family housing and PUD-type developments. All developments with more than ten units must provide 30% useable open space for active and passive recreational uses, excluding: rights of way; parking areas; areas adjacent to or between any structures less than 15 feet apart; setbacks; detention basins or any use whose primary purpose is not intended for recreation; patio or private yards; or areas with a slope greater than eight percent. Every dwelling unit must also have a patio or balcony not less than 300 square feet in area or 25% of the dwelling unit size, whichever is less. All multi-family developments must provide recreational amenities within the site, such as swimming pool, clubhouse, tot lot with play equipment, or day care facilities, according to the following schedule:

Number of Units	Number of Amenities
Up to 10	1
11 - 50	2
51 - 100	3
101 - 200	4
201 - 300	6
More than 300	One additional amenity for each additional 100 units

These standards are typical of most higher-density developments in Southern California, and do not pose an unreasonable constraint to housing supply or affordability.

Density Bonus

Under current law, applicants are eligible for a range of density bonuses up to 35 percent based on the percentage of affordable units in a development. Applicants are also eligible for a land donation density bonus. The City is required to offer one to three regulatory incentives based on the percentage of affordable units in a development. Reduced, waived, or partially paid fees are possible incentives associated with applications for density bonuses. The law also limits parking requirements that localities may impose. The City's density bonus regulations are in conformance with current state law.

Off-Street Parking Requirements

Table 23 depicts the off-street parking requirements for residential uses in Banning, as required by Chapter 17.28 of the Zoning Code. These requirements are typical for Southern California cities and are not considered an unreasonable constraint to the production of housing. The City offers reduced parking requirements as an incentive associated with applications for density bonuses in compliance with state law.

Table 23
Off-Street Parking Requirements

Residential Unit Type	Number of Required Parking Spaces
Single family dwellings	Two covered spaces within an enclosed garage.
Multi-family residential:	
Studio and one bedroom	One covered parking space per unit, plus one uncovered guest parking space for every 4 units.
Two bedrooms	Two covered parking spaces per unit, plus one uncovered guest parking space for every 4 units.
Three or more bedrooms	Three covered parking spaces per unit, plus one uncovered guest parking space for every 4 units.
Planned unit developments including single family dwellings and condominiums	Two covered spaces within an enclosed garage per unit, and one uncovered off street guest parking space for every five units.
Residential day care	Two spaces in addition to those required for the primary residence.
Senior citizen apartments	One covered space for each unit, plus one uncovered space, and one space for each three units for guest parking.
Senior congregate care	One covered space for each unit.
Mobile home parks	Two covered parking spaces within an enclosed Garage, which may be tandem, and one uncovered guest space for each unit.

Provisions for a Variety of Housing Types

Housing Element law specifies that jurisdictions must identify adequate sites to be made available through appropriate zoning and development standards to encourage the development of a variety of types of housing for all income levels and for persons with special needs, including mobile homes, congregate care facilities, senior housing, emergency shelters, and transitional housing. Table 24 summarizes the various housing types that are permitted within Banning's residential zone districts.

Table 24
Permitted Residential Uses by Zoning District

Housing Types Permitted	Zoning District							
	RA	RR	VEDR	EDR	MDR	HDR	VHDR	MHP
Single Family Dwelling	P	P	P	P	C	C	C	X
Condo/Townhouse	X	X	C	C	P	P	P	X
Multi-Family Dwellings	X	X	X	C	P	P	P	X
Mobilehome Park/Subdivision	X	X	X	X	C	C	C	P
Agricultural Employee Housing	P	X	X	X	X	X	X	X
Second Dwelling Unit	P	P	P	P	X	X	X	X
Single Room Occupancy facilities	X	X	X	X	X	C	C	X
Transitional & Supportive Housing	P	P	P	P	P	P	P	P
Congregate Care Facilities	X	X	X	P	P	P	P	X
Residential Care Facility (licensed/6 or less residents)	P	P	P	P	P	P	P	P
Residential Care Facility (unlicensed/6 or less residents)	X	X	X	X	C	C	C	X
Residential Care Facility (7 or more residents)	X	X	X	X	C	C	C	X

Source: City of Banning Zoning Code, 2013.
*Includes HDR-20

P= Permitted, C=Conditionally Permitted, X=Not Permitted

Housing Affordable to Lower-Income Persons: As noted previously in the Needs Assessment, housing in Banning is much more affordable than many metropolitan areas of Southern California. While the current recession has caused increased unemployment and financial strain for some families, it has also brought about a significant decline in home prices and rents. The City's General Plan and zoning regulations facilitate development of affordable housing by providing a balance of land use designations with densities up to 24 units/acre (excluding density bonus) in the Very High Density Residential district. Typical multi-family housing developments (both market-rate and affordable) in the Banning market area have been at densities in the range of 16-20 units/acre. This density can be accommodated in both the HDR and VHDR districts even without density bonus. When state-mandated density bonus incentives are included, allowable densities of 24 – ~~3230~~ units/acre may be achieved in the HDR and VHDR zones. Discussions with affordable housing developers have indicated that the densities and development standards currently allowed by the City's zoning regulations are appropriate for this market area and facilitate the construction of lower-income housing. In the previous planning period, several parcels were rezoned to a new HDR-20 district, with a minimum and maximum base density of 20 units/acre. The purpose of this zone is to facilitate development of affordable housing, and the minimum density of 20 units/acre is required by state law. With the state mandated density bonus of 35%, the allowable density range in the HDR-20 district is 20 – 27 units/acre. Since most affordable housing projects in the Banning market area have been built at densities less than 20 units/acre, the minimum required density of 20 units/acre could pose a constraint to development of affordable housing in this zone. However, this minimum density is required by state law and therefore the City has no ability to reduce it.

Mixed Use: Mixed-use development (residential and non-residential combined on the same parcel) is permitted in the Downtown Commercial (DC) and General Commercial (GC) zones, and is conditionally permitted in the Highway Serving Commercial (HSC), Professional Office (PO) and Business Park (BP) zones. A primary policy objective for the 2013-2021 planning period is to encourage higher-density affordable housing in the Downtown Commercial area as a means of stimulating economic investment in underutilized properties while also accommodating a substantial portion of the City's assigned share of lower-income regional housing need. Zoning regulations currently allow residential densities of up to 18 units/acre on smaller sites and 20 units/acre on larger sites of at least 0.8 acre. In order to provide an incentive for affordable multi-family and mixed-use development, Program 7 in the Housing Plan includes a proposal to amend the DC zoning regulations to increase the allowable base density to 24 units/acre for projects that meet the minimum affordability standards under state Density Bonus law (e.g., 5% very-low- or 10% low-income units). Development standards in the DC zone currently allow a height limit of 60 feet and 4 stories. The DC regulations currently allow properties fronting on Ramsey Street and San Geronio to have multi-family residential use only above the ground floor. Since a height limit of 60 feet and 4 stories is allowed, this does not preclude mixed-use projects achieving a density of more than 20 units/acre in 3- or 4-story buildings. However, all of the other parcels in the DC zone that are not fronting Ramsey Street and San Geronio Avenue allow exclusive residential use with no required commercial component.

Second Units: Second units can provide additional opportunities for affordable housing while also providing a source of income for homeowners. As shown in Table 24, second units are permitted uses in all single-family zones. Standards for second units are provided in Section

17.08.100 of the Zoning Code pursuant to California *Government Code* Section 65852.2 and include the following requirements:

- The minimum lot size on which an attached residential second unit may be located shall be 7,000 square feet. The minimum lot size on which a detached residential second unit may be located shall be 10,000 square feet.
- The floor area of attached second unit shall not exceed 30% of the existing living area.
- The total area for a detached second unit shall not exceed 1,200 square feet.
- A residential second unit shall comply with all development standards for the applicable zoning district, including, but not limited to, standards for front, rear and side yard setback requirements for a primary unit under the regulations of the applicable zoning district.
- The owner of the lot shall reside on the lot, either in the primary unit or in the residential second unit, and the residential second unit shall not be sold, or title thereto transferred separate from that of the property.
- A minimum of one off-street parking space shall be provided per bedroom of the residential second unit.
- The minimum gross floor area of an attached residential second unit shall be 400 square feet.
- An attached residential second unit may have a separate entrance; provided, however, in no event shall any external stairwell be placed within the side yard setback.
- A residential second unit shall contain separate kitchen and bathroom facilities, and shall be metered separately from the primary dwelling for gas, electricity, communications, water, and sewer services.
- A residential second unit shall have no more than two bedrooms.
- The design of second unit shall be architecturally compatible with the primary unit on the same parcel with the predominant architecture of the area.

These standards ensure that new second units will not adversely impact the surrounding community and do not unreasonably constrain the development of second units.

Mobilehomes and Manufactured Housing: Mobilehome subdivisions and parks provide an important affordable housing source for residents of Banning, with mobile homes comprising nearly 10% of the housing stock. The Zoning Code allows mobilehome parks and subdivisions as a permitted use in the MHP zones. Manufactured housing units on permanent foundations are permitted in the same manner as single-family homes consistent with building code requirements.

Housing for Persons with Disabilities: The Zoning Code allows licensed Residential Care Facilities for six persons or less in all residential zones by-right. Small unlicensed care facilities and large care facilities (7+ residents) are permitted subject to a conditional use permit in the MDR, HDR and VHDR residential zones, as well as the Highway Serving Commercial zone.

Definition of "Family"

Zoning Code §17.04.070 defines "family" as a "single housekeeping unit", as follows: "Single Housekeeping Unit is one or more individuals, whether related by blood, marriage, legal adoption or not, jointly occupying a dwelling unit, including the joint use of and responsibility for common areas, and sharing household activities and responsibilities such as meals, chores, household maintenance, and expenses, and where, if the unit is rented, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease with joint use and responsibility for the premises, and the makeup of the household occupying the unit is determined by the residents of the unit rather than the landlord or property manager." This definition is consistent with state law.

Separation Requirements

There is no City requirement for minimum separation distance between small licensed care facilities other than as may be provided in state law. Unlicensed care facilities must maintain a minimum separation of 1,000 feet from any other unlicensed care facility, boarding house, SRO, elementary or secondary school or day care center (Zoning Code §17.08.201).

Parking Standards

For boarding house type uses, one parking space is required for each room or two beds, whichever is greater. For senior congregate care facilities, two parking spaces per three units is required.

Supportive Services

There are no limitations on supportive services in group homes or care facilities.

Reasonable Accommodation for Persons with Disabilities

Reasonable accommodation refers to the City's procedures for reviewing and approving requests from disabled and special needs residents to alter their homes to allow for mobility and use. Chapter 17.42 describes City procedures for processing requests for reasonable accommodation for persons with disabilities and special housing needs in conformance with state law.

Emergency Shelters: State law (Senate Bill 2 of 2007) requires that emergency shelters be allowed by-right (i.e., without discretionary review such as a conditional use permit) in at least one zoning district. Emergency shelters are permitted by-right in the Airport Industrial (AI) zone.

Approximately 135.8 acres of land is within the AI zone, of which approximately 94 acres is vacant. This area has ample capacity to accommodate the development of at least one homeless shelter. Portions of the AI zone are within one-quarter mile from the downtown core and nearby central business district, within easy walking distance from services available in the downtown.

Transitional and Supportive Housing: "Transitional and supportive housing" means a residential facility that provides temporary accommodations, typically for six months to two years, to low- and moderate-income persons and families or persons with special needs, and which also may provide meals, counseling, and other services, as well as common areas for residents of the facility. SB 2 of 2007 requires that transitional and supportive housing be considered a residential use that is permitted under the same procedures and requirements as for other residential uses of the same type in the same zone. The Zoning Code allows transitional and supportive housing subject to the same standards and procedures as for other residential uses of the same type in the same zone in conformance with SB 2.

Farmworker Housing: State law⁸ provides that employee housing for six or fewer workers shall be considered a single-family use and no conditional use permit, zoning variance, or other zoning clearance shall be required of employee housing that serves six or fewer employees that is not required of a family dwelling of the same type in the same zone. State law further provides that any employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household shall be deemed an agricultural land use designation, and no conditional use permit, zoning variance, or other zoning clearance shall be required of this employee housing that is not required of any other agricultural activity in the same zone. The Zoning Code allows agricultural employee housing by-right in zones where agriculture is a permitted use consistent with state law.

Single Room Occupancy: Single room occupancy (SRO) facilities are small studio-type apartment units, typically intended for very-low- or extremely-low-income persons. SRO facilities are allowed with a Conditional Use Permit in the High Density Residential (HDR) and Very High Density Residential (VHDR) districts, as well as in the Downtown Commercial (DC) and Highway Serving Commercial (HSC) Districts.

Development and Planning Fees

After the passage of Proposition 13 and its limitation on local governments' property tax revenues, cities and counties have faced increasing difficulty in providing public services and facilities to serve their residents. One of the main consequences of Proposition 13 has been the shift in funding of new infrastructure from general tax revenues to development impact fees and improvement requirements on land developers. In order to ensure public health and safety, the City requires developers to provide on-site and off-site improvements necessary to serve their projects. Such improvements may include water, sewer and other utility extensions, street construction and traffic control device installation that are reasonably related to the project. Dedication of land or in-lieu fees may also be required of a project for rights-of-way, transit facilities, recreational facilities, and school sites, consistent with the Subdivision Map Act.

⁸ *Health and Safety Code §17021.5 and §17021.6.*

State law limits fees charged for development permit processing to the reasonable cost of providing the service for which the fee is charged. Various fees and assessments are charged by the City and other public agencies to cover the costs of processing permit applications and providing services and facilities such as schools, parks, and infrastructure. These fees are typically assessed through a pro rata share system, based on the magnitude of the project's impact or on the extent of the benefit that will be derived.

While the cost of planning and development impact fees may be viewed as a constraint to housing supply and affordability, local governments and service providers have little discretion in this matter due to the state's legal and budgetary framework established under Proposition 13 and other related laws.

Banning charges various fees and assessments to cover the cost of processing permits and providing certain services and utilities. Under state law, these fees are limited to the actual cost of providing these services. Table 25 depicts current development fees for residential development. The City derives its building permit fees based on building valuation and fee data established by International Congress of Building Officials (ICBO).

Table 25
Development Fees

Fee Type	Single-Family Unit	Multi-Family Unit
Permit processing	\$660* (1,500 sq ft unit)	\$316 (1 unit or 1,000 sq ft.)
Fire	\$1,335	\$1,335
Police	\$823	\$913
Traffic Control	\$250	\$172
General Plan	\$75	\$75
Parks	\$1,955	\$1,187
General City	\$478	\$530
Energy Conservation	\$45	\$45
New Electrical Service	\$1,400	\$1,400
Water Connection (per d.u.)	\$7,232	\$7,232
Sewer/Wastewater (per d.u.)	\$2,786	\$2,786
School Fees	\$2.97 or \$3.69** per sq ft.	\$2.97 or \$3.69** per sq ft.
T.U.M.F.	\$10,046	\$7,054
M.S.H.C.P.	\$1,008-\$1,936***	\$1,008-\$1,936***
Total (per unit)	\$34,558	\$28,673

Notes: T.U.M.F. refers to the Transportation Uniform Mitigation Fee

MSHCP refers to the Multi-Species Habitat Conservation Plan

* Permit cost for production phase 1,500 sq ft. dwelling unit as per City Fee table.

**Cost varies on school district jurisdiction, Banning District used to estimate total fees.

*** Cost varies based on dwelling units per acre.

Source: City of Banning, 2013

Building Codes and Enforcement

Banning has adopted the 2010 version of the California Building Codes. The California Building Code is considered to be the minimum necessary to protect the public health, safety, and welfare, and is used by most jurisdictions in the state. Code violations are investigated on both a

complaint basis and on a proactive basis as code enforcement officers patrol the city. Code enforcement officers work cooperatively with property owners to expedite remedial actions and advise them about any assistance programs that may be available to help bring properties into compliance. The City currently (2013) has one Code Enforcement staff. Prior to the recession that began in 2008, there were three Code Enforcement personnel.

Local Processing and Permitting

The City of Banning encourages the ongoing construction, maintenance, and improvement of housing by decreasing, to the extent possible, the time and uncertainty involved in gaining approvals for various development permits. This section outlines the City's development permit procedures. The Community Development Department currently (2013) has one staff planner assigned to processing planning applications.

Concurrent Processing

State law requires that all communities work toward improving the efficiency of their building permit and review processes by providing concurrent processing, thereby eliminating the unnecessary duplication of effort. Moreover, Assembly Bill 884 (passed in 1978) helped reduce governmental delays by 1) limiting processing time in most cases to one year, and 2) by requiring agencies to specify the information needed to complete an acceptable application. The following summarizes the existing approximate time frame and review procedures for single-family and multi-family projects.

Single-Family and Multi-Family Projects of Four Units or Less

Single-family or multi-family residential developments on legally established lots are permitted by-right and are approved by the Community Development Director. If a subdivision is proposed, review and approval by the Planning Commission and City Council is required pursuant to the state Subdivision Map Act.

Single-Family and Multi-Family Projects of Five or More Units

Developments with 5 or more units are subject to the Development Review process. Development review entails review by the Land Development Task Force (LDTF) that includes representatives from the Engineering, Community Services, Planning, Electric, Fire, and Police Departments. The purpose of the LDTF is to identify issues early in the planning process so that applicants can avoid costly revisions and project delays. At the conclusion of the LDTF meeting, the applicant is provided with preliminary conditions of approval, an estimate of processing costs associated with each development application/entitlement for each department, as well as an anticipated total development "package" cost. Applicants are also given an estimated processing time to a final decision, including Planning Commission and City Council hearings, if applicable. Every attempt is made on the part of the City to provide applicants with early feedback in order to minimize processing time and cost.

Design Review

Design review requirements are established in Chapter 17.56 of the Zoning Code. Prior to making a determination, the review authority shall determine that the project adequately meets adopted City performance standards and design guidelines, based upon the following findings:

- A. The proposed project is consistent with the General Plan.
- B. The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.
- C. The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development, and will not result in vehicular and/or pedestrian hazards.
- D. The design of the proposed project is compatible with the character of the surrounding neighborhood.

Design review for residential developments with four or fewer units is approved administratively by the Community Development Director. Projects with five or more units are approved by the Planning Commission or City Council, depending on whether other approvals are also required (e.g., specific plan).

Planned Unit Developments

Chapter 17.92 of the Zoning Code establishes procedures and criteria for Planned Unit Developments (PUD). PUDs provide flexibility in the application of the development standards for the underlying zoning district in order to encourage more efficient use of land. For example, a PUD can allow lot sizes that are smaller than the minimum for the zoning district in order to provide additional open space or preserve valuable environmental features of the site such as creeks, rock outcroppings, etc. PUDs may include exclusive residential or mixed uses. PUDs are approved by the Planning Commission unless it is part of an application package that requires City Council approval (e.g., zone change or development agreement).

Specific Plans

Government Code Sections 65451 and 65452 establish the legal framework for Specific Plans. Chapter 17.96 of the Zoning Code establishes the City's procedures for the adoption of Specific Plans. A Specific Plan application must include a text and a diagram(s) containing all of the required components outlined in state law. A Specific Plan is an alternative to conventional zoning regulations that establishes detailed standards and procedures governing development for a particular property. Like PUDs, Specific Plans may establish alternate development standards that are tailored to the characteristics of the property. Specific Plan districts allow for the use of special design criteria for maximum utility of the site and also allow for maximum design flexibility within density limitations. Techniques include clustering of units, or other unique lot orientation, layouts, and varying development standards. Specific Plans often include an infrastructure component that establishes a framework for the installation of utilities and other

improvements needed to serve the development. Adoption of a Specific Plan is a legislative act subject to approval by the City Council, and is typically processed concurrently with other approvals, such as subdivision maps, that may be required as part of the project.

Affordable Housing Projects in the HDR-20 and VHDR Zones

In the 4th planning cycle several properties were rezoned to HDR-20 and VHDR provide adequate sites for affordable housing pursuant to Government Code Sections 65583.2(h) and (i). Review of project applications on those sites is ministerial ("by-right"), which is a staff-level administrative review process that does not required a public hearing or constitute a "project" as defined by CEQA.

The following table summarizes the approval process for different types of residential developments.

Table 26
Development Review Summary

Development Type	Review and Approval Process		
	CD Director	Planning Commission	City Council
Single-family detached			
Individual house	D		
Subdivision (2 - 4 lots)	R	R	D
Subdivision (5 lots or more)	R	R	D
Multi-family apartments			
2 - 4 units	D		
5 or more	R	D	
Affordable housing in the HDR-20 and VHDR zones	D		
PUD or Specific Plan	R	R	D

R=recommendation D=decision

Environmental Protection

The California Environmental Quality Act requires environmental review of proposed discretionary projects (e.g., subdivision maps, use permits). Costs resulting from fees charged by local government and private consultants needed to complete the environmental analysis, and from delays caused by the mandated public review periods, are also added to the cost of housing and passed on to the consumer. However, environmental review is required by state (and in some cases federal) law and these regulations help to preserve the environment and ensure environmental safety for the City's residents.

Infrastructure and Environmental Constraints

Water Supply. The City of Banning provides water service to all residential areas within the City. In addition, the City owns and operates wells, reservoirs, and a distribution line system to

deliver domestic water. Projected capacity is sufficient to accommodate the level of growth anticipated in the General Plan.

Wastewater Treatment. The City provides sewage treatment at the Banning Water Reclamation Plant located at 2242 East Charles Street. The City sewer system contains 15-inch and 24-inch trunk lines, which are located within major City public right-of-ways. The present plant has a design flow capacity of 3.6 million gallons per day (MGD) and is currently (2013) operating at approximately 2.1 MGD.

Drainage and Flood Control Facilities. The Banning Canyon is located in several drainage basins and floodplains on the valley floor, subjecting the area to floods. The San Bernardino and San Jacinto Mountains within the Banning Canyon area are very steep and consists of rock that is fairly impermeable. Consequently, little infiltration of rainwater results in flows across the surface as runoffs and down the slopes as overland flows. These overland flows feed in fluvial streams in the drainage basins of the San Gorgonio Valley. Most of the 100-year flood plain is located in Banning Canyon area, which is not anticipated for residential development. This area has been designated as open space, due in part to its location in a flood plain, and in part to the natural habitat of the area. The potential sites for residential development shown in the land inventory (Appendix B) are not within this flood plain. All new developments are required to install drainage improvements to serve the property consistent with applicable engineering standards.

Street Improvements. The City requires a minimum public right-of-way width of 60 feet for residential streets and 66 feet for collector streets (including sidewalks and landscaped areas). The minimum curb-to-curb pavement width is 40 feet, with a 10-foot parkway on residential streets and a 13-foot parkway on collector streets. A 5-foot sidewalk is required. Lesser street widths could be approved through the City's planned unit development or specific plan processes.

Pedestrian ways or bridges are required if the City deems them necessary for access to schools, recreation areas, other public areas, or for the safety or convenience of pedestrians. The subdivider is required to install local streets or street segments serving the development, including curbs, gutters, sidewalks, pavement, traffic signs, street trees, mailbox inserts, and street lights.

The City's requirements for street improvements are consistent with most other suburban communities in the region and are not a significant constraint to the cost or availability of housing in Banning.

Market Constraints

Development and Financing Costs

Banning is fortunate in that the cost of vacant land for residential development is relatively affordable, especially when compared to the adjacent counties of Orange, Los Angeles, and San Diego. Land prices are highly variable and depend on the density of development allowed, whether the site has environmental constraints, and whether an existing use must be removed. Recent asking prices for vacant land range from approximately \$150,000 per acre for single-family land to \$300,000 per acre for multi-family land. Construction costs vary according to the

type of development, with multi-family housing generally less expensive to construct than single-family homes. However, there is wide variation within each construction type, depending on the size of unit and the number and quality of amenities provided, such as fireplaces, swimming pools, and interior fixtures among others. Recent building cost estimates published by the International Code Council range from approximately \$125/square foot for single-family to \$128/square foot for multi-family, although assisted affordable housing cost can be higher due to the prevailing wage requirements of state law. The City has no influence over materials and labor costs, and the building codes and development standards in Banning are not substantially different than most other cities in Riverside County.

A reduction in amenities and the quality of building materials (above a minimum acceptability for health, safety, and adequate performance) could result in lower sales prices. In addition, prefabricated factory-built housing may provide a lower-priced alternative by reducing construction and labor costs. Another factor related to construction costs is the number of units built at one time. As the number increases, overall costs generally decrease as builders can benefit from economies of scale.

Cost and Availability of Financing. Housing affordability is also largely determined by interest rates. First-time homebuyers are most impacted by financing requirements. Currently (2013) mortgage interest rates for new home purchases are at historically low levels of approximately 4-1/2% for a 30-year fixed-rate mortgage, which increases housing affordability. Although rates are currently low, they can change significantly and impact the affordability of the housing stock. The recent economic crisis has also resulted in a tightening of lending standards, as compared to the "easy credit" practices in recent years. Thus, a critical factor in homeownership involves credit worthiness. Lenders consider a person's debt-to-income ratio, cash available for down payment, and credit history when determining a loan amount. Many financial institutions are willing to significantly decrease down payment requirements and increase loan amounts to persons with good credit rating. Persons with poor credit ratings may be forced to accept a higher interest rate or a loan amount insufficient to purchase a house.

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IV. Housing Resources

Land Resources

In accordance with *Government Code* §65584, projected housing needs for each city and county in the Southern California region are prepared by the Southern California Association of Governments (SCAG) under a process known as the Regional Housing Needs Assessment (RHNA). SCAG's Regional Council adopted the final Regional Housing Need Allocation in 2012. The RHNA allocation for Banning was discussed previously in the Housing Needs Assessment section of this Technical Report.

An important component of the Housing Element is the identification of sites for future housing development, and evaluation of the adequacy of this site inventory in accommodating the City's share of regional housing growth need. A parcel-specific vacant residential site analysis has been completed (see Appendix B) and Table 27 summarizes potential housing development that could be accommodated on the City's vacant and underutilized land.

Table 27
Residential Land Inventory Summary vs. RHNA

	Income Category			
	Lower	Mod	Above Mod	Total
♦ Approved Projects (Table B-3)				
♦ Approved projects -- R-A			30	30
♦ Approved projects -- Very Low Density Residential			1,036	1,036
♦ Approved projects -- Low Density Residential			3,032	3,032
♦ Approved projects -- Medium Density Residential		2,607		2,607
♦ Approved projects -- High Density Residential		1,213		
♦ Subtotal -- Approved Projects	0	3,820	4,098	6,705
♦ Vacant parcels (Table B-4)				
♦ Vacant parcels -- Low Density Residential			513	513
♦ Vacant parcels -- Medium Density Residential		1,088		1,088
♦ Vacant parcels -- High Density Residential		395		395
♦ Vacant parcels -- High Density Residential-20	1,942			
♦ Vacant parcels -- Very High Density Residential	520			
♦ Subtotal -- Vacant Parcels	2,462	1,483	513	1,996
♦ Underutilized Parcels (Table B-5)				
♦ Downtown Commercial parcels	86			
♦ Potential second units	5			5
♦ Total land inventory	2,553	5,303	4,611	8,706
♦ RHNA 2014 - 2021	1,465	685	1,642	3,792
♦ Adequate Sites?	Yes	Yes	Yes	Yes

Source: City of Banning, 6/2013

As shown in Table 27 and Appendix B, there are adequate sites in all income categories to accommodate the City's share of regional housing need during this planning period. However, some parcels are large and require subdivision or approval of a specific plan prior to development. In order to facilitate development of large sites, Program 5 includes actions such as expedited processing and incentives for subdivisions and specific plans to create sites for affordable multi-family housing.

Financial Resources

State and Federal Resources

Section 8 - The Housing Choice (Section 8) voucher program is the federal government's major program for assisting very low-income families, the elderly, and the disabled to rent decent, safe, and sanitary housing in the private market. Since the rental assistance is provided on behalf of the family or individual, participants are able to find and lease privately owned housing, including single-family homes, townhouses and apartments from landlords who accept vouchers. Eligible households pay 30% of their income toward rent with the balance paid by HUD. The Housing Authority of Riverside County (HARIVCO) coordinates and administers Section 8 rental assistance on behalf of the City of Banning.

Community Development Block Grant (CDBG) Program - Federal funding for housing programs is available through the Department of Housing and Urban Development (HUD). The CDBG program is very flexible in that the funds can be used for a wide range of activities. The eligible activities include, but are not limited to, acquisition and/or disposition of real estate property, public facilities and improvements, relocation, rehabilitation, and construction (under certain limitations) of housing, homeownership assistance, and clearance activities. Banning receives its CDBG funding through the County of Riverside.

HOME Investment Partnership Program - The HOME Program is designed to improve and/or expand a jurisdiction's affordable housing stock. Unlike the CDBG program, HOME funds can only be used for affordable housing activities. Specifically, HOME funds can be used for the following activities which promote affordable rental housing and lower-income homeownership: building acquisition, new construction, reconstruction, moderate or substantial rehabilitation, homebuyer assistance, and tenant-based assistance.

There are fairly strict requirements governing the use of the funds. Two major requirements are that the HOME funds must be: 1) used for activities that target certain income groups (lower-income families in particular) and 2) matched 25% by non-federal sources.

The City of Banning is eligible to receive HOME funds as a participating city in the Riverside County program as applicants apply for HOME-qualified projects.

Low-Income Housing Tax Credit Program - The Low-Income Housing Tax Credit Program was created by the Tax Reform Act of 1986 to provide an alternate method of funding low-and moderate-income housing. Each state receives a tax credit, based upon population, toward

funding housing that meets program guidelines. The tax credits are then used to leverage private capital into new construction or acquisition and rehabilitation of affordable housing. Limitations on projects funded under the Tax Credit programs include minimum requirements that a certain percentage of units remain rent-restricted, based upon median income, for a term of 15 years.

Local Resources

Redevelopment Housing Set-Aside Fund – In 2012 the state abolished all redevelopment agencies in California, therefore this tool for community revitalization and affordable housing assistance is no longer available.

Non-Profit Housing Providers

The following are housing providers that have been involved with development of affordable housing in the Banning area and may be interested in developing and/or preserving additional affordable housing in the future.

- Coachella Valley Housing Coalition
45-701 Monroe Street, Suite G
Indio, CA 92201
(760) 347-3157
- Habitat for Humanity – San Geronio Pass Area
P.O. Box 269
Banning, CA 92220
951-769-7600
- Jamboree Housing Corporation
2081 Business Center Drive, Suite 216
Irvine, CA 92612
(949) 263-8676
- Affirmed Housing
200 East Washington Avenue, Suite 208
Escondido, CA 92025
(619) 738-8401
- The Olson Company
30200 Old Ranch Pkwy, #250
Seal Beach, CA 90740
(562) 596-4770
- Southern California Housing Development Corporation
8265 Aspen Street, Suite 100
Rancho Cucamonga, CA 91730
(909) 481-0172

- RC Hobbs Company
1110 E. Chapman Ave., Suite 206
Orange, CA 92866
(888) 633-4622
- LINC Housing Corporation
110 Pine Avenue, Suite 500
Long Beach, CA 90802
(562) 684-1100
- Palm Desert Development Company
P.O. Box 3958
Palm Desert, CA 92261
(760) 568-1048
- Riverside Housing Development Corporation
4250 Brockton Avenue
Riverside, CA 92501

Energy Conservation Opportunities

As residential energy costs rise, the subsequent increasing utility costs reduce the affordability of housing. As new development and infill development and rehabilitation activities occur, the City will have an opportunity to directly affect energy use within its jurisdiction.

State of California Energy Efficiency Standards for Residential and Nonresidential Buildings were established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are codified in Title 24 of the California Code of Regulations and are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. California's building efficiency standards (along with those for energy efficient appliances) have saved more than \$56 billion in electricity and natural gas costs since 1978. It is estimated the standards will save an additional \$23 billion by 2013⁹.

Title 24 sets forth mandatory energy standards and requires the adoption of an "energy budget" for all new residential buildings and additions to residential buildings. Separate requirements are adopted for "low-rise" residential construction (i.e., no more than 3 stories) and non-residential buildings, which includes hotels, motels, and multi-family residential buildings with four or more habitable stories. The standards specify energy saving design for lighting, walls, ceilings and floor installations, as well as heating and cooling equipment and systems, gas cooling devices, conservation standards and the use of nondepleting energy sources, such as solar energy or wind power. The home building industry must comply with these standards while localities are responsible for enforcing the energy conservation regulations through the plan check and building inspection processes.

⁹ California Energy Commission (<http://www.energy.ca.gov/title24>).

Examples of techniques for reducing residential energy use include the following:

- **Glazing** – Glazing on south facing exterior walls allows for winter sunrays to warm the structure. Reducing glazing and regulating sunlight penetration on the west side of the unit prevents afternoon sunrays from overheating the unit.
- **Landscaping** – Strategically placed vegetation reduces the amount of direct sunlight on the windows. The incorporation of deciduous trees in the landscaping plans along the southern exposure of units reduces summer sunrays, while allowing penetration of winter sunrays to warm the units.
- **Building Design** – The implementation of roof overhangs above southerly facing windows shield the structure from solar rays during the summer months.
- **Cooling/Heating Systems** – The use of attic ventilation systems reduces attic temperatures during the summer months. Solar heating systems for swimming pool facilities saves on energy costs. Natural gas is conserved with the use of flow restrictors on all hot water faucets and showerheads.
- **Weatherizing Techniques** – Weatherization techniques such as insulation, caulking, and weather stripping can reduce energy use for air-conditioning up to 55% and for heating as much as 40%. Weatherization measures seal a dwelling unit to guard against heat gain in the summer and prevent heat loss in the winter.
- **Efficient Use of Appliances** – Appliances can be used in ways that increase their energy efficiency. Unnecessary appliances can be eliminated. Proper maintenance and use of stove, oven, clothes dryer, washer, dishwasher, and refrigerator can also reduce energy consumption. New appliance purchases can be made on the basis of efficiency ratings.

The Western Riverside Council of Governments (WRCOG) also sponsors a program called “HERO” intended to help reduce residential energy consumption. The HERO Program is offered through a partnership between WRCOG and Renovate America, Inc. The Program’s purpose is to provide relatively low interest rate financing to spark the local economy by creating jobs and reducing utility costs, and to reduce greenhouse gas emissions. The Program provides HERO Financing for permanently affixed energy efficiency, water efficiency, and renewable energy products (Eligible Products). HERO Financing is repaid through an assessment on the owner’s property tax bill over 5 to 20 years, based on the useful life of the products, and upon sale of the property, the balance generally stays with the property.

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Appendix A – Evaluation of the 2008-2013 Housing Element

Section 65588(a) of the *Government Code* requires that jurisdictions evaluate the effectiveness of the prior Housing Element, the appropriateness of goals, objectives and policies, and the progress in implementing programs for the previous planning period. The previous Housing Element covered the 2008-2013 planning period.

Table A-1 summarizes the programs contained in the previous Housing Element along with the City's accomplishments and implications for future policies and actions.

Table A-2 summarizes the City's progress toward the quantified objectives for construction, rehabilitation and conservation in the prior period.

Table A-1
Housing Element Program Evaluation 2008-2013

Program	Program Objectives	Accomplishments and Future Actions
<i>Objective 1: Housing Opportunities and Accessibility</i>		
1-1. The City shall amend the Zoning Ordinance to define Transitional and Supportive Housing in accordance with the Health and Safety Code, Sections 50675.14 and 50675.2, and also specify that both types of housing shall be treated as residential uses of property, subject to the same restrictions/regulations as other types of housing in the same zoning district.	Increased opportunities to develop both types of housing, thereby increasing homeless services and supportive capabilities in the community for those transitioning from homelessness to self-sufficiency. Zoning Ordinance Amendment to be completed by August, 2013	Zoning amendments were adopted on August 13, 2013 (Ord No. 1467). This program is no longer necessary for the 5 th cycle.
1-2. In order to provide a wider variety of residential development opportunities in Banning for households of all income levels, in accordance with the Regional Housing Needs Assessment (including the unaccommodated need from the 3rd cycle), zoning amendments will be processed for parcels totaling at least 104 acres to allow multi-family rental or owner-occupied developments of at least 16 units by-right at a density of 20 units/acre. Parcels to be rezoned shall be selected from those listed in Appendix H, Table H-6 and shall have the realistic capacity to accommodate at least 2,079 units.	Rezoned sites will ensure that adequate capacity is available to accommodate the City's affordable housing needs, including lower-income (and extremely low-income) households as identified in the Regional Housing Needs Assessment.	Zoning amendments for all of the parcels listed in Table H-6 were approved by the City Council on August 13, 2013 (Ord No. 1466). This program is no longer necessary for the 5 th cycle.
1-3. Continue to update elements of the General Plan, as needed.	Assurance that land is designated for residential development needs through 2014.	This program is redundant and will not be carried forward in the 5 th cycle.
1-4. The Share Housing programs operated by Riverside County assist low-income individuals, including seniors and farmworkers, to locate roommates to share existing housing in the community; the majority of the program's applicants are senior citizens. Services offered include information and referral, outreach, client counseling, placement and follow-up. Shared housing provides an affordable housing alternative for many single-person households. The City will publicize the program on the City web site and also by producing a flyer to be placed at the front counter.	Affords additional options and availability of affordable housing to residents in the City that may otherwise be forced to overpay for housing.	This program has been discontinued and will not be carried forward in the 5 th cycle.
1-5. Coordinate with homeless service providers and law enforcement agencies in the City of Banning and Riverside County to monitor the number of homeless persons residing in Banning, and facilitate finding housing for those in need of shelter. The City will fund an active public relations campaign (community flyers and web site	Will promote the awareness and availability of services for homeless persons, therefore, decreasing the number of persons without shelter. First public notice and mailer due by July 2009, Annual campaign thereafter through	The City has no staff or funding for this program and it will not be carried forward in the 5 th cycle.

Program	Program Objectives	Accomplishments and Future Actions
postings) to actively market the City's programs.	2014	
1-6. The City Zoning Ordinance currently permits Single Room Occupancy hotels (SRO's) in the GC and IISC Commercial zoning designations. To further demonstrate the City's commitment to housing opportunities, particularly for those in the extremely low income (ELI) category, Single Room Occupancy (SRO's) developments shall be encouraged and facilitated through identification of potential locations and through city assistance with grant writing for the development of SRO projects. The City shall prepare and maintain a map of suitable sites to be kept on file in the Community Development Department to facilitate developers in finding suitable sites for such projects. In accordance with Program 5-4, projects, including SRO's targeted to extremely low income households, will be eligible for a reduction or waiver of City of Banning application and processing fees.	Increased affordable housing opportunities for extremely low income persons. Creation of map by December 2009, annual updates thereafter, through 2014	SROs are permitted with a CUP in the HDR zone. Banning Hotel SRO was approved in the prior planning period. The City will continue to implement SRO regulations and no changes are needed in the 5 th cycle.
1-7. Establish a Homeownership Education Program (HEP) for prospective homebuyers as well as for renters (potential future purchasers). This educational program will assist those considering purchasing a home in understanding the process and helping them decide if the timing is right to make a home purchase.	By offering education about the home buying process, eliminating myths, and providing clear, factual information, the City will help insulate itself and prospective home buyers, as well as renters, from default, or other financial difficulties in the long term. Program and procedures identified by July 2010, and On-going thereafter, 2008-2014.	The City has no staff or funding for this program and it will not be carried forward in the 5 th cycle.
1-8. Create incentives and reporting procedures that can be implemented to encourage and monitor the development of housing opportunities for special needs housing.	Will better streamline policies and procedures, thus making development of special needs housing more accessible. Procedures identified by July 2010, and On-going thereafter, 2008-2014.	The City will continue to provide incentives for special needs housing.
1-9. The City will actively work with interested developers to identify sources of funding for affordable multifamily housing, including: tax-exempt mortgage revenue bonds; HOME funds; HCD's Multifamily Housing Program; and tax credits. Affordable housing projects shall include projects to address the needs of large families in Banning. The City shall offer assistance such as priority processing to developers for projects that include units with 4 or more bedrooms for large families, including new construction and room additions. In addition, the City shall provide letters of support for funding applications to further increase the chances for funding awards.	Increased opportunity for the development of affordable multi-family projects in the City. A list of available funding sources shall be generated by the Planning Department and updated on an annual basis. The list shall be completed by July 2013 and be made available continuously on the City's web site.	The City will continue to work with developers to facilitate production of affordable housing.
1-10. Riverside County has two programs to assist qualified families to purchase a home: First-	Increased opportunity for the development of affordable rental and for-sale single	The City will continue to refer residents to these

Program	Program Objectives	Accomplishments and Future Actions
Time Home Buyer Program and the Mortgage Credit Certificate program. The City will assist potential homeowners identified under the HEP program, and provide them with the information to access the County's programs.	family housing. Continuous and On-going, 2008-2014	County programs through a link provided on the City website.
1-11. The County of Riverside has initiated a Mortgage Credit Certificate Program for first time homebuyers. The City will continue to promote potential first time homebuyers to the County for approval, with the goal of funding 10 First Time Homebuyer applications per year, for a total of 60 during the housing element period. Additionally, the City will assist applicants with filling out the applications or other technical assistance.	Facilitate mortgages for first-time homebuyers. Continuous and On-going	The City will continue to refer residents to this County program through a link provided on the City website.
1-12. To ensure that the City building codes, and development ordinances comply with the provisions of SB 520 (Chapter 671 of the Government Code), the City will revise the zoning ordinance to allow by right State licensed group homes, foster homes, residential care facilities, and similar state-licensed facilities in a residential zoning district, pursuant to state and federal law.	Provision of foster homes, residential care facilities, and similar facilities. Zoning Ordinance revision to occur by July 2009, annually thereafter through 2014.	Zoning Ordinance amendment adopted in 2013. The City will continue to implement these Code provisions.
1-13. To better assess the need for farm worker housing, the City will determine, in partnership with farm owners and labor providers, the number of farm workers who may be in need of housing in the area surrounding Banning. The City will identify sites suitable for farm worker housing.	The City, in conjunction with local developers will identify potential sites and/or provide or seek financial assistance to prospective developers of housing for farm labor through the Joe Serna Farm worker Grant Program and other state programs. Identify sites by December 2009; annual updates 2008-2014.	The City has no staff or funding for this program and it will not be carried forward in the 5 th cycle.
1-14. Revise the City's Zoning Ordinance to ensure compliance with Employee Labor Housing Act, specifically H & S 17021.5 and 17021.6. Employee housing for six or fewer persons shall be considered a residential use of property.	Zoning Ordinance amendment.	Zoning Ordinance amendment adopted in 2013 (Ordinance No. 1467). The City will continue to implement the provisions of the Code.
1-15. Continue to use zoning and other land use controls to ensure the compatibility of residential areas with surrounding commercial and other non-residential uses.	Creation and maintenance of desirable living areas for all. Current and ongoing through 2014	This program is standard procedure and will not be carried forward in the 5 th cycle.
1-16. Monitor the availability of vouchers and the waiting list for assistance under the Riverside County Housing Authority (RCHA) to meet the growing demand for public housing units and rental assistance. The City will continue to assist the authority by promoting the program with fliers and	Increased awareness of benefits to the program to increase opportunities for lower income housing, including extremely low-income. Continuous and On-going 2008-2014	The City will continue to refer residents to the County Housing Authority and provide a link to RCHA on the City website but has no staff

Program	Program Objectives	Accomplishments and Future Actions
applications at City Hall, along with program information on the City's website.		or funding to monitor vouchers.
1-17. Adopt procedures as part an update to the Zoning Ordinance to provide reasonable accommodation for persons with disabilities that allow for administrative approval of handicapped accessible features.	Specified procedure that clearly outlines the handling of requests for reasonable accommodation in housing for persons with disabilities.	A Reasonable Accommodation Ordinance (No. 1462) was adopted by the City Council on March 12, 2013. The City will continue to implement this ordinance.
1-19. The City will provide technical assistance to property owners and developers in support of lot consolidation including identifying opportunities for potential consolidation and providing available funding and incentives to encourage consolidation of parcels as appropriate. For example, the Planning Department will utilize design, development, impact fee, processing and streamlining incentives, such as reduction in setbacks, parking requirements, and other standards, deferral or lowering of development fees if feasible to encourage densities, residential uses and lot consolidation, and to promote more intense residential development in the Downtown Specific Plan area. Information on these financial and regulatory incentives will be made available at City Hall.	Promote development of one mixed use project for lower and moderate-income households. Ongoing 2008-2014; Sites will be made available during the 2008-2014 planning period.	The City will continue to assist developers with both lot consolidation and subdivision of large sites in order to facilitate the creation of suitable building sites for affordable housing.
Objective 2: Maintenance and Preservation		
2-1. The City will continue to pursue grant programs, such as HOME and CDBG for the rehabilitation of lower income, including extremely low income owner/renter occupied housing units in Banning. The City is committed to prioritizing funding as it becomes available to target projects benefitting extremely-low-income households. In accordance with the limitations outlined in Program 5-4, projects may be eligible for the deferral and/or waiver of Banning application and processing fees.	More efficient and productive use of land zoned for residential purposes. Continuous and ongoing, 2008-2014	This activity will be continued in the 5 th cycle.
2-2. The Riverside County Community Development Department administers a Home Improvement Program to provide loans to eligible lower income families for necessary home repair and rehabilitation work, including room additions to alleviate overcrowding. The City will continue utilizing a public notification program to publicize assistance offered by the County. The program consists of flyers available at the City Planning counter, a bi-annual mailer, and a notice on the City's web site	Improved awareness of and participation in the County program. Continuous and On-going, 2008-2014.	The City will continue to publicize this County program by providing a link on the City website.

Program	Program Objectives	Accomplishments and Future Actions
<p>2-3. The Banning Redevelopment Agency has established the Housing Exterior Rehabilitation Assistance Program (ERA), funded with Redevelopment Agency set-aside funds. The current program assists households with minor rehabilitation activities, mostly exterior improvements, paint, and windows. The City will expand the ERA program to include substantial rehabilitation work, including but not limited to, roof repair, foundation repair, electrical upgrades, and major appliances. The program will also be expanded to include energy efficiency improvements (see Program 4-3).</p>	<p>To increase the number of rehabilitated dwellings to maintain housing stock affordable to lower income families, including extremely low income, preventing the displacement of residents from their homes. The target is four (4) projects per year.</p> <p>Program guidelines to be established by July, 2009; continuous thereafter, throughout Housing Element period, 2008-2014</p>	<p>After the dissolution of the RDA, no funding is available for this program and it will not be continued.</p>
<p>2-4. The City will identify potential code violations on a proactive basis, utilize property maintenance inspections, and also work with property owners to resolve code and property maintenance issues to maintain the quality of housing units in the City. The City has brought Code Enforcement and Building Inspection staff under one department, and engaged in a cross-training effort to more actively and efficiently address code violations and also to improve communication, and facilitate the flow of funding to properties in need of improvement.</p>	<p>Decrease the number of unresolved code violations within the City and increase the number of improved properties.</p> <p>Cross training established by July, 2009; On-going thereafter through Housing Element period, 2008-2014</p>	<p>This activity will be continued to the extend funding is available.</p>
<p>2-5. The City shall pursue participation in the HUD sponsored Neighborhood Stabilization Plan Grant program to assist with the purchase of foreclosed homes at a discount.</p>	<p>Decrease the number of dilapidated housing units, increased supply of affordable housing, and improve neighborhood quality.</p> <p>On-going, 2008-2014, upon release of NOFA (typically twice per year).</p>	<p>NSP funding is no longer available, therefore this program will not be continued.</p>
<p>2-6. The City of Banning will continue to pursue State and Federal funding sources such as the HOME and MHP to assist at-risk units in the City. The City shall continue to be the source for information and technical assistance to potential purchasers and tenants of properties that could potentially convert to market rate. Within one year of the adoption of the Housing Element, the City will contact area non-profits to develop a preservation strategy so that both the City and developers are prepared to act quickly upon notice of units becoming at risk. The City will monitor the owners of at-risk projects on an ongoing basis, at least every three months, in coordination with other public and private entities to determine their interest in selling, preparing, terminating, or continuing participation in a subsidy program. The City will also actively engage property owners to take advantage of deferred loan programs for rehabilitation, mortgage refinancing, and acquisition to keep units affordable long term</p>	<p>Preservation of the identified 35 lower income rental units that are at risk of converting to market rate housing within the next 10 years; as other units are identified, the City will also actively engage property owners to take advantage of deferred loan programs for rehabilitation, mortgage refinancing, and acquisition to keep units affordable for a long term (typically 50 years).</p> <p>The City will develop a preservation strategy by July 2013; active coordination continuous and on-going thereafter through 2014.</p>	<p>The City will continue to work in partnership with other agencies to facilitate the preservation of at-risk properties.</p>

Program	Program Objectives	Accomplishments and Future Actions
(typically 55 years).		
Objective 3: Remove Constraints		
3-1. Require active participation in an annual meeting of local lending institutions to foster high performance with regard to the Home Mortgage Disclosure Act (HMDA) and the Community Reinvestment Act (CRA). A meeting shall be hosted annually by the City to encourage progress and participation, the first meeting to occur by July, 2009.	Assurance that conventional financing is available to all economic segments of the community. Biennial review of HMDA/CRA statements, annual meeting throughout Housing Element period, 2008-2014.	The City has no staff or funding to continue this activity.
3-2. Periodically reexamine the Zoning Ordinance (i.e. every 2 years) for possible amendments to reduce housing construction costs without sacrificing basic health and safety considerations.	Utilization of codes that do not unnecessarily add to the cost of housing, while reflecting technological advances and changing public attitudes. Every two (2) years.	This activity will be continued on an as-needed basis. The City does not have staff or funding to conduct a comprehensive evaluation of the Zoning Code every 2 years.
3-3. Periodically survey (i.e., every 2 years) development fees of other cities in the Riverside County area to ensure that the City's local development fees are reasonable in comparison.	Assurance that local development fees are reasonable and do not unnecessarily contribute to the cost of housing. First survey to be completed by July 2009, then every 2 years thereafter through 2014.	The City does not have staff or funding to conduct surveys of other jurisdictions every 2 years. This program will not be continued.
3-4. The City shall continue to encourage developers to take advantage of concurrent processing of entitlement projects offered by the City to reduce costs and processing times. Department staff will notify applicants upon project submittal of the City's LDTF policy and place public notice of the City's policies on the web site.	Reduction in overall development processing time, resulting in greater time and cost savings to applicants. Continuous and on-going through 2014	This is standard operating practice and therefore this program is no longer needed.
3-5. The City shall adopt streamlined permit processing procedures and a "one-stop shopping" counter to expedite the development of affordable housing projects, as such developments come under the consideration of the City.	The one stop shopping counter to be established by December 2009, continuous and ongoing thereafter through Housing Element Period, 2008-2014.	This is standard operating practice and therefore this program is no longer needed.
3-6. Prepare a Zoning Ordinance to implement a reduced parking requirement for residential projects serving lower income groups, including extremely low-income groups and special needs groups, and/or which is located close to public transportation or commercial services. On a case-by-case basis, projects targeting extremely low income (ELI) households may eliminate up to a maximum of 90% of the otherwise required off-street parking, excluding the need for employee and guest parking. The total amount of parking waived shall be determined by the number of units	Zoning Ordinance amendment.	The City Council adopted Ordinance 1467 to allow reduced parking standards for affordable housing on August 13, 2013. This program is no longer needed.

Program	Program Objectives	Accomplishments and Future Actions
affordable to extremely low income persons.		
<p>3-7. Monitor the Design Review process to ensure it does not constrain residential development, particularly for projects containing five (5) or more units, including multifamily housing affordable to low and moderate income households. The planning department will complete an annual review to evaluate application processing and analyze processing times and the impact of conditions of approval to determine whether the Design Review process acts as a significant constraint on residential development. The review will be presented in an annual staff report to the Planning Commission and made publicly available.</p> <p>If the Design Review process is found to adversely constrain large (5 or more units) residential projects, the City will take action to amend Design Review or establish guidelines and other mechanisms to reduce processing times to the extent feasible by State law, or to develop alternate procedures as may be necessary. The review will be conducted as part of the City's Housing Element Annual Report submitted to the state.</p>	Monitoring results to be prepared as part of the 2013 Housing Element implementation report and annually thereafter. Fast-track development review was implemented in July 2009 and is on-going. The fast-track development review allows builders to submit for design review and building plans at the same time to reduce overall processing time.	The Design Review process is not considered an unreasonable constraint to housing development; however this issue will be reviewed as part of the annual Housing Element implementation report.
Objective 4: Environment, Conservation and Community Sensitivity		
4-1. To encourage developers/property owners to incorporate energy conservation techniques into the siting and design of proposed residences, the City will augment the current design guidelines by either adopting a set of sustainable design guidelines, or incorporating guidelines into a City-wide design book. In order to encourage the use of the new guidelines, the City will provide user friendly access and links to information about energy friendly techniques.	Supplemental design guidelines to be adopted by December 2010.	
4-2. Regularly examine new residential construction methods and materials, and upgrade the City's residential building standards as appropriate.	Annually through 2014	This is a routine activity and the City adopts revised building codes when they are updated by the state. This program is not required.
4-3. Expand existing energy program guidelines to allow energy conservation measures as improvements eligible for assistance under the City's residential rehabilitation program. Additional measures could include, but would not be limited to, a minimum SEER 13 air conditioning efficiency in all retrofits, the use of R-10 insulation in exterior walls, incorporation of dual glazed windows, and the use of R-38 insulation for ceiling. Reduced costs available through the rehabilitation program, and lower long-term energy	Reduction in energy consumption in existing residences.	The guidelines were adopted in August 2009; then ongoing through 2014.

Program	Program Objectives	Accomplishments and Future Actions
costs, will encourage homeowners to install energy efficient measures.		
4-4. The City shall continue to require that, at a minimum, all new residential development comply with the energy conservation requirements of Title 24 of the California Administrative Code.	Compliance with State energy efficiency requirements.	This is a routine code requirement and will not be continued as a program.
4-5. To promote future in energy efficient priorities, the City shall prepare a sustainable PRD set of standards or an addition to the PRD Ordinance for sustainable projects early in the housing element period. The standards shall use the criteria established by LEED and/or recognized Green Building codes addressing the following conservation areas of focus.	<p>Long-term increases in energy efficient projects and reduced energy costs.</p> <ul style="list-style-type: none"> • Sustainable site development • Water savings; • Energy efficiency; • Material selection; and • Indoor environmental quality. 	The Green Building Code was adopted in January 2010, and future updates will be adopted by the City as they become available.
Objective 5: Housing Availability and Production		
5-1. The City will update the inventory of vacant land on an annual basis or as projects are constructed. In addition, as projects are approved the City will update the website to show current projects.	<p>Keep the residents and potential developers informed of projects currently being planned or proposed in the City.</p> <p>Continuous and On-going through 2014.</p>	This program is appropriate and will be continued.
5-2. Inform residents of the below market interest rate mortgage programs operated by the California Housing Finance Agency (CalHFA) and direct interested property owners to CalHFA, as a means to facilitate homeownership for low and moderate income households. The City's Redevelopment Agency will provide an annual direct mailing to all citizens through the utility billing notices, advertising the CalHFA program.	<p>Production of new, affordable housing for purchase by low and moderate income, first-time homebuyers.</p> <p>Annual mailing, current and on-going through 2014.</p>	After the state's elimination of redevelopment agencies there is no funding for this program and it will not be continued.
<p>5-3. The City will work with non-profit and for-profit developers of affordable housing to apply for available funding sources such as MHP, Joe Serna Farmworker Housing Grant Program, CalHome, Low Income Housing Tax Credits, tax-exempt bonds, and Proposition 1-C funds. The City will offer incentives to expedite processing and approvals for affordable housing projects, including offering the waiver of processing fees for projects that include 'affordable units. In instances where affordable projects include units targeted to extremely low income households, on a case-by-case basis, the City will waive the payment of processing fees, as an additional incentive.</p> <p>The City will also provide letters of support for funding applications during the application process to increase the chances of a project being awarded</p>	<p>Increase the supply of affordable housing for large families, for extremely low-income households, and for special needs households including seniors and farmworker households.</p> <p>Current and On-going through 2014.</p>	This program is appropriate and will be continued.

Program	Program Objectives	Accomplishments and Future Actions
funds.		
5-4. To increase opportunities for a wider range of housing production in the City of Banning, and to provide additional avenues for the production of housing affordable to lower income households in higher density areas, the City shall adopt, as an amendment to the existing Zoning Ordinance, a new overlay district to be used in conjunction with the Downtown Commercial designation. The new Mixed Use Downtown Commercial (MUDC) designation will apply within the existing defined area of the Downtown Commercial district, in conformance with the intent of the General Plan. The permitted density range in the MUDC overlay zone will be no less than 16 units per acre (UPA), up to a maximum of 30 UPA.	By establishing an opportunity for high quality mixed development projects, including high density residential, in conjunction with commercial uses, the City will create additional development opportunities and increase the production of housing across all income ranges.	On July 23, 2013 the City Council approved Ordinance 1466 allowing multi-family development at 20 units/acre by-right on three parcels in the DC district identified in Table H-6.
5-5. In order to encourage and facilitate development of mixed use residential, as well as other allowed uses in the Mixed Use Downtown Commercial (MUDC) district, the City shall install infrastructure upgrades and public facilities (street, curb, gutter, sidewalk, drainage facilities, and utilities) to stimulate private investment in the district.	The City hopes to establish a high quality base condition in the MUDC district that will lead to increased investment downtown and encourage the development of mixed use commercial and residential projects, including units affordable to lower income households.	This program is appropriate and will be continued, to the extent funding allows.
5-6. To further incentivize the development of affordable housing for low and moderate-income households, the City will offer financial incentives to properties located within the MUDC district that offer specified affordability levels in residential projects. Subject to funding availability, the City will offer below interest rate loans for construction financing and/or permanent financing. Funding participation levels will be evaluated on a project-by-project basis, and will be dependent on the level and extent of affordability offered.	Encourage the development of additional affordable housing units by offering financial incentives to developers utilizing higher affordability levels. The City will continue to research state and federal grant funding opportunities on a semi-annual basis.	This program will be continued to the extent funding is available.
5-7. The City shall work to establish partnerships with developers for the construction of affordable multi-family projects, including, but not limited to developers/builders with a proven track record of success in the Inland Empire. To the extent possible, City staff will assist developers in identifying and applying for regional, state or federal grants to support affordable housing and infrastructure improvements. In anticipation of funding participation, the City will ensure that funding mechanisms and policies are in place to facilitate City financial participation in future projects. The level of City funding participation will be evaluated on a project-by-project basis.	Increased City visibility and role in working to develop affordable housing projects in the City. Establish the groundwork enabling the City to act in a partnering role financially in the development of additional affordable housing projects in the City. While the City's ability to provide funding assistance is uncertain due to the dissolution of the Redevelopment Agency, staff will identify and solicit interest from developers active in the region by July 2013 to discuss bringing affordable housing to Banning.	This program will be continued, although after the dissolution of the redevelopment agency, funding is extremely limited.
5-8. The City shall annually apply for or support development and rehabilitation applications for	Securing of funding for expansion of affordable housing within the City of	The City will continue to work cooperatively with

Program	Program Objectives	Accomplishments and Future Actions
<p>State and Federal funding for affordable housing, including the following funding sources:</p> <p>Pursue Key Federal Affordable Housing Funding Sources: Successful implementation of housing programs to create affordable housing depends on a community's ability to pursue additional funding sources. This program focuses on the six funding sources that are most pertinent to Banning: CDBG and HOME, and Section 523.</p> <p>Community Development Block Grant (CDBG): The State Department of Housing and Community Development (HCD) administers the federal CDBG program for non-entitlement cities and counties. Banning is eligible to apply to HCD for CDBG funding.</p> <p>HOME: Under the HOME program, HUD will award funds to localities on the basis of a formula that takes into account the tightness of the local housing market, inadequate housing, poverty, and housing production costs. HOME funding is provided to jurisdictions to assist either rental housing or homeownership through acquisition, construction, reconstruction, and/or rehabilitation of affordable housing. Also possible is tenant-based rental assistance, property acquisition, site improvements, and other expenses related to the provision of affordable housing and for projects that serve a group identified as having special needs related to housing. The local jurisdiction must make matching contributions to affordable housing under HOME.</p> <p>USDA Section 523 Mutual Self-Help Housing Program: Technical assistance and site grants are provided to homeowners who complete at least 65 percent of the work to build his or her own home through "sweat equity". Once accepted into the Self Help program, each individual enrollee generally applies for a Single-Family Housing Direct Loan (Section 502).</p>	<p>Banning to the maximum extent feasible. In addition, the applications for additional/continual funding would serve to counterbalance issues within the City related to the overpayment of rent through the expansion of affordable housing and increase the availability of funding.</p> <p>Twice annually and on-going 2008-2014.</p>	<p>developers to support affordable housing funding applications.</p>
<p>5-9. The Zoning Ordinance shall be revised to incorporate updated Density Bonus provisions, with options, as per SB 1818.</p>	<p>Compliance with State density bonus law.</p>	<p>The ordinance was adopted by the City Council on March 12, 2013 (Ord. 1461).</p>
<p>5-10. Annually review the Housing Element for consistency with the General Plan as part of its General Plan progress Report.</p>	<p>Ensuring the most up-to-date information is available enabling the City to make better decisions.</p> <p>Annually (due to State of California by April 1st of each year).</p>	<p>This program is appropriate and will be continued.</p>
<p>5-11. Continue to utilize the City's General Plan and Zoning Ordinance to prevent the encroachment of incompatible uses into established</p>	<p>Protection of established residential neighborhoods from incompatible land</p>	<p>This is standard practice and a program is not needed in the Housing</p>

Program	Program Objectives	Accomplishments and Future Actions
residential areas.	uses. Current and On-going through 2014	Element.
<p>5-12. To ensure adequate sites are available throughout the planning period to meet the City's RHNA, the City will continue to annually update an inventory that details the amount, type, and size of vacant and underutilized parcels to assist developers in identifying land suitable for residential development and that also details the number of extremely low-, very low-, low-, and moderate-income units constructed annually. If the inventory indicates a shortage of available sites, the City shall rezone sufficient sites to accommodate the City's RHNA.</p> <p>To ensure sufficient residential capacity is maintained to accommodate the RHNA need, the City will develop and implement a formal ongoing (project-by-project) evaluation procedure pursuant to Government Code Section 65863. Should an approval of development result in a reduction of capacity below the residential capacity needed to accommodate the remaining need for lower-income households, the City will identify and zone sufficient sites to accommodate the shortfall pursuant to AB 2292.</p>	<p>Ensure availability of adequate sites for development commensurate with the RHNA throughout the planning period.</p> <p>The sites inventory will be updated annually and reviewed on a project-by-project basis to ensure compliance with Government Code Sec. 65863.</p>	This program is appropriate and will be continued.
<p>5-13. The City shall revise the Zoning Ordinance to adopt a new Second Unit Ordinance that satisfies the provisions found under the amended Gov't Code Section 65852.2 which requires that second units be ministerially reviewed and approved.</p>	Reduced constraints on the development of residential second as an additional source of affordable housing.	The Second Unit Ordinance was adopted on January 26, 2010 (Ord. 1414).
<p>5-14. In order to further encourage and facilitate the development of Second Units to increase affordable housing opportunities, the City shall prepare and adopt standard "second unit" building plans for use by applicants at a reduced cost or no cost.</p>	<p>Increases ease of use for applicants desiring to build second units and facilitates applicants/property owners getting through the process faster and at less cost.</p> <p>Standard second unit plans to be available before the end of Fiscal Year 2013-2014 if staffing is available, Continuous and Ongoing thereafter, throughout Housing Element Period, 2008-2014.</p>	The City does not have staffing or funding resources for this program and it will not be continued.
<p>5-16. The City shall amend the Zoning Ordinance to identify one zoning district that will allow the development of homeless shelters by-right, without the need for discretionary approvals. The City will designate the AI, Airport Industrial district as the appropriate zoning district to accommodate emergency shelters by right. The City shall also ensure that the capacity exists to develop one shelter within the next year.</p>	<p>Increased opportunity for the development of homeless shelters, addressing the needs of the homeless population.</p> <p>Zoning Ordinance amendment to be completed by July 2013.</p>	Ordinance No. 1467 was adopted by the City Council on August 13, 2013. This program is no longer needed.

Program	Program Objectives	Accomplishments and Future Actions
Objective 6: Provide Housing Free from Discrimination		
6-1. Conduct annual meetings with all recipients of locally administered housing assistance funds to assure their understanding of fair housing law and affirm their commitment to the law.	First meeting by July 2009, annually thereafter through 2014.	This program is implemented by the County on behalf of participating cities.
2. Provide fair housing materials to residents, including all pertinent resource, posters and information available through the Department of Fair Employment and Housing (DFEH) and Housing and Urban Development (HUD) to educate on a variety of fair housing issues. Develop information flyers and brochures that highlight (1) disability provisions of both federal and state fair housing laws and (2) familial status discrimination. Distribute fair housing materials, brochures and flyers at outreach events, including school fairs, health fairs, and City sponsored events. Collaborate with service agencies to distribute educational materials.	First fliers to be created by July 2009, then annually thereafter through 2014.	This program is implemented by the County on behalf of participating cities. The City will provide referral information to the County on its website and at City Hall.
3. Maintain active dialogue with the State Fair Employment and Housing Commission who will work with the Community Development Director to resolve complaints of housing discrimination.	Continuous and On-going through 2014.	This program is implemented by the County on behalf of participating cities.

Table A-2
Progress in Achieving Quantified Objectives

Program Category	Quantified Objective	Progress 2008-2013
New Construction*		
Extremely Low	436	
Very Low	437	55
Low	618	50
Moderate	705	44
Above Moderate	1,645	22
Total	3,841	181
Rehabilitation		
Extremely Low	2	6
Very Low	3	8
Low	4	14
Moderate	5	2
Above Moderate	10	
Total	24	30
Conservation**		
Extremely Low	26	
Very Low	9	43
Low	-	31
Moderate	-	
Above Moderate	-	
Total	35	74

*Quantified objective and progress for new construction reflect the 2006-2013 period, consistent with the previous RHNA cycle

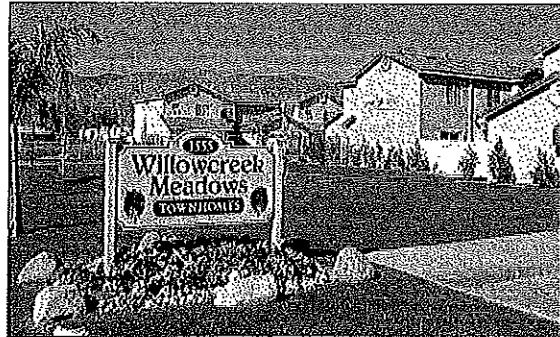
**Westview Terrace Apartments

Appendix B Residential Land Inventory

This Appendix summarizes the realistic potential development capacity of vacant and underutilized parcels that are suitable for residential development. The assumptions regarding affordability and realistic capacity of vacant sites are described below.

Affordability Assumptions for Vacant Sites

Housing Element law (AB 2348 of 2004) provides “default densities” that are assumed to be adequate to facilitate the production of lower-income housing. For most cities in metropolitan counties, including Banning, the default density is 30 units/acre. Banning is located in an area of Riverside County where prices and rents are typically lower than areas in the far western part of the county (e.g., Corona, Riverside) which are close to major job markets in Orange and Los Angeles counties, or the more expensive resort areas of the Coachella Valley (e.g., Palm Springs, Indian Wells). Unlike those areas, Banning has very low land cost that makes virtually all market-rate multi-family housing affordable to lower-income households. Due to the recession, no multi-family developments have been built in Banning in the past several years, therefore examples of development in other nearby cities were reviewed. For comparison, in the City of San Jacinto (which is immediately south of Banning) every new multi-family or condominium project built in recent years, regardless of density (including market-rate projects such as Willowcreek Meadows, with a density of 13.7 units/acre) has been affordable at low-income prices and rents. In fact, even new single-family detached homes are selling at prices affordable at low-income levels. Non-profit housing developers familiar with this market area indicate that densities of 16-18 units/acre are desirable for affordable multi-family projects (see Table B-1). It is noteworthy that none of the affordable projects built in the Banning market area in the past 10 years exceeded a density of 17.6 units/acre even though higher densities were possible through state-mandated density bonus.



Affordable Market-Rate Housing in San Jacinto

Affordable housing developers active in this market area indicate that while densities of 20-25 units/acre may be ideal from a purely financial perspective, community compatibility is also very important. Higher density projects requiring podium or subterranean parking are generally not feasible due to their high development cost, and lower project densities in the 16-18 units/acre range are feasible and often more appropriate in this market area. The base densities in the HDR-20 (20 units/acre) and VHDR (20-24 units/acre) districts allow market-rate project densities of 20-24 units/acre and up to 27 units/acre (HDR-20) or 32 units/acre (VHDR) with the state-mandated density bonus. These allowable density standards pose no constraint to housing development.

Based on these local conditions, potential new units in the land inventory are allocated to income categories as follows:

- **Lower income:** Based on market conditions described in Section II (Housing Needs Assessment), the land inventory analysis assumes that sites allowing a density of 20 units/acre are suitable for lower-income housing. This includes sites zoned High Density Residential-20, Very High Density

Residential, and Downtown Commercial. Potential second units are also included in the low-income category.

- **Moderate income:** High Density Residential (11-18 units/acre) and Medium Density Residential (up to 10 units/acre) are assigned to the moderate-income category.
- **Above-moderate income:** Rural and Low Density Residential single-family parcels are assigned to the above-moderate category.

Table B-1
Recent Affordable Housing Developments

Development Name (Year Built)	Total Units	Density (du/ac)	Household Type	Deed- Restricted?	Income Level	Funding Source
Willowcreek Meadows S. San Jacinto Ave, San Jacinto (2004)	52	13.7	Non- restricted	No \$999 (2-bd) \$1,300 (3-bd)	<u>Low</u>	Market-rate
Graciela Court (SFD) San Jacinto (2006)	9	8.5	Non- restricted	No \$1,200 (3-bd)	<u>Low</u>	Market-rate
Tract 32276 (Small lot SFD) San Jacinto (2006)	22	12.1	Non- restricted	No Sold for \$80-90k	<u>Very-low</u>	Market-rate
San Jacinto Garden Apartments 324 E. Shaver Street, San Jacinto	97	9.7	Family	Yes		USDA 515-RRH
San Jacinto Manor 1672 S. Santa Fe Street, San Jacinto	65	15.0	Seniors and Mobility Impaired	Yes		USDA 515-RRH
Manzanita Gardens 537 N. Ramona Blvd, San Jacinto	36	14.4	Family	Yes		USDA 515-RRH
San Jacinto Senior Apartments 633 E. Main Street, San Jacinto	45	17.4	Seniors	Yes		USDA 515-RRH
San Jacinto Village Apartments 700 Idyllwild Drive, San Jacinto	38	16.2	Family	Yes		USDA 515-RRH
San Jacinto Villas Apartments 1692 S. Santa Fe Ave., San Jacinto (2008)	80	17.6	Family	Yes	<u>Very low</u>	RDA, HOME, LIHTC, Tax- exempt bonds
Average Density		<u>13.0</u>				

Realistic Capacity

The following density assumptions were used to estimate the realistic capacity of potential development sites:

- Low-Density Residential – 3 units/acre
- Medium Density Residential – 6 units/acre
- High Density Residential – 11 units/acre
- High Density Residential-20 – 20 units/acre
- Very High Density Residential – 20 units/acre

- Downtown Commercial – 20 units/acre

These assumptions are based on recent projects approved in the city and the minimum density of 20 units/acre for HDR-20 and VHDR sites that were rezoned in the prior planning period. The most recent development in the DC zone is the renovation and conversion of the Banning Hotel property into a mixed-use project with restaurant and multi-family uses. The density of this project is over 50 units/acre.

Analysis of Unaccommodated Need

Government Code Section 65584.09 requires that any portion of the housing need that was not accommodated in the prior period must be carried over and added to the RHNA allocation in the next planning period. The prior (2008-2013) Housing Element included a rezoning program to create adequate sites to fully accommodate the City's assigned housing need. That program was completed in July 2013 when sufficient parcels were rezoned to HDR-20 and VHDR to accommodate more than 100% of the City's lower-income need and all of the rezoned sites are still available for development, therefore no unaccommodated need is carried over to the 2013-2021 cycle.

Land Inventory Summary

The following tables show the City's land inventory for the current planning period. Table B-2 summarizes the City's land inventory compared to the remaining City's assigned RHNA allocation need. Table B-3 shows approved projects while Table B-4 contains a parcel-specific inventory of vacant residential sites based on current zoning designations and the realistic capacity assumptions noted above. Figures B-1 through B-3 show the locations of vacant parcels in the HDR, HDR-20, VHDR and DC zones that are suitable for low- and moderate-income residential development. Figures B-4 through B-7 show the underutilized sites in the Downtown Commercial zone.

The RHNA allocation for lower-income housing is satisfied by HDR-20, VHDR and DC sites that were rezoned in the prior planning period. These sites allow minimum densities of 20 units/acre, which is suitable for lower-income housing in the Banning market area. Some of the sites for lower-income housing are large and will require subdivision prior to development. Program 5 in the Housing Plan describes actions the City will take to facilitate the subdivision and development process for the larger sites.

**Table B-2
Land Inventory vs. RHNA**

	Income Category			
	Lower	Mod	Above Mod	Total
Approved Projects (Table B-3)				
Approved projects – R-A			30	30
Approved projects – Very Low Density Residential			1,036	1,036
Approved projects – Low Density Residential			3,032	3,032
Approved projects – Medium Density Residential		2,607		2,607
Approved projects – High Density Residential		1,213		
Subtotal – Approved Projects	0	3,820	4,098	6,705
Vacant parcels (Table B-4)				
Vacant parcels – Low Density Residential			513	513
Vacant parcels – Medium Density Residential		1,088		1,088
Vacant parcels – High Density Residential		395		395
Vacant parcels – High Density Residential-20	1,942			
Vacant parcels – Very High Density Residential	520			
Subtotal – Vacant Parcels	2,462	1,483	513	1,996
Underutilized Parcels (Table B-5)				
Downtown Commercial parcels	86			
Potential second units	5			5
Total land inventory	2,553	5,303	4,611	8,706
RHNA 2014 - 2021	1,465	685	1,642	3,792
Adequate Sites?	Yes	Yes	Yes	Yes

Source: City of Banning, 6/2013

**Table B-3
Approved Residential Projects**

APN	Project	GP/Zone	Specific Plan	Acres	Approved Units	Constraints
531-240-008, 009, 010	Tahiti Group	R-A		32.62	30	None
Total R-A				32.62	30	
543-150-001 (need replaced parcel(s))	Carri Construction	VLDR		7.42	13	None
535-020-004, 016, 024, 535-030-039	Fiesta Dev.	VLDR		158.5	303	None
543-030-002-3	Halem	VLDR		10	17	None
538-272-001	Marlin	VLDR		4.08	6	None
537-150-005-7, 537-170-002-3, 537-190-001-5, 537-190-019-021	Rolling Hills Ranch	VLDR		145	213	None
543-020-021, 543-030-004, 543-040-001-2, 543-050-001-3	C. W. Teft	VLDR		452.51	484	None
Total VLDR				777.5	1,036	
531-080-010, 406-170-002, 406-200-004, 419-020-008-9, 006, 021,	Pardee-Deutsch	LDR	X	537.2	2,230	None
531-060-014-017, 032, 033-34, 531-070-002, 004, 006-9, 012-19, 535-060-002	Banning Bench/Loma Linda	LDR	X	13.1	53	None
531-060-014-017, 032, 033-34, 531-070-002, 004, 006-9, 012-19, 535-060-002	Banning Bench/Loma Linda	LDR	X	28.4	125	None
531-060-014-017, 032, 033-34, 531-070-002, 004, 006-9, 012-19, 535-060-002	Banning Bench/Loma Linda	LDR	X	11.3	48	None
531-060-014-017, 032, 033-34, 531-070-002, 004, 006-9, 012-19, 535-060-002	Banning Bench/Loma Linda	LDR	X	25.5	108	None
535-180-002-5	Charter Mgmt/Galleher	LDR		2.83	9	None
534-183-014, 534-200-004, 008, 047	CitiCom/William Fox Homes	LDR		40.5	41	None
541-122-010	CTK Inc.	LDR		2.37	7	None
534-253-006-7	HLCD	LDR		6.42	26	None
541-082-016-18	Labastida	LDR		3.31	10	None
535-070-008	Madrid	LDR		19	53	None
534-152-022-025	Rifal	LDR		4.87	19	None

APN	Project	GP/Zone	Specific Plan	Acres	Approved Units	Constraints
535-110-002, 006, 011, 012, 535-311-006-23, 535-312-001-24, 535-070-014	Gillman-St. Boniface	LDR		73	186	None
534-283-011, 014	TMS Homes, LLC.	LDR		7.083	23	None
535-070-004, 006	Madrid	LDR		16.48	44	None
535-030-038 (need replaced parcel(s))	Nordquist	LDR		6.3	19	None
534-171-008, 015, 534-172-002, 004	Vlc Seth Const.	LDR		7.98	31	None
Subtotal LDR				807.4	3,032	
531-080-010, 406-170-002, 406-200-004, 419-020-008-9, 006, 021,	Pardee-Deutsch	MDR	X	325.4	1,961	None
531-060-014-017, 032, 033-34, 531-070-002, 004, 006-9, 012-19, 535-060-002	Banning Bench/Loma Linda	MDR	X	24.2	127	None
531-060-014-017, 032, 033-34, 531-070-002, 004, 006-9, 012-19, 535-060-002	Banning Bench/Loma Linda	MDR	X	20.8	109	None
531-060-014-017, 032, 033-34, 531-070-002, 004, 006-9, 012-19, 535-060-002	Banning Bench/Loma Linda	MDR	X	25.9	136	None
531-060-014-017, 032, 033-34, 531-070-002, 004, 006-9, 012-19, 535-060-002	Banning Bench/Loma Linda	MDR	X	12.3	68	None
531-060-014-017, 032, 033-34, 531-070-002, 004, 006-9, 012-19, 535-060-002	Banning Bench/Loma Linda	MDR	X	23.5	170	None
540-250-006	Barbour Villas	MDR			36	None
Subtotal MDR				419.8	2,607	
531-080-010, 406-170-002, 406-200-004, 419-020-008-9, 006, 021,	Pardee-Deutsch	HDR	X	73.8	1,196	None
419-140-062	Careage Dev.	MDR (senior)		1.43	17 (32 beds)	None
Subtotal HDR				75.22	1,213	

*Note: W/WW infrastructure availability present for all approved project sites. Service subject to the payment of City hookup fees and installation/extension.

**Table B-4
Residential Vacant Land Inventory**

Zoning District / APN	Parcel Size (acres)	Permitted Density (units/ac)	Assumed Density (units/ac)	Units by Income Category		
				Lower	Moderate	Above Moderate
Low Density Residential						
532080001	29.63	0-5	3.75			111
532080004	40.91	0-5	3.75			153
532080008	41.96	0-5	3.75			157
537110007, 009	24.73	0-5	3.75			92
Total LDR						513
Medium Density Residential						
532080004	0.95	0-10	6		5	
532080004	19.28	0-10	6		115	
532080005	21.00	0-10	6		126	
537110003	24.83	0-10	6		148	
537110003, 007, 008	27.08	0-10	6		162	
537110007, 008	18.91	0-10	6		113	
537110007, 009, 011	39.63	0-10	6		237	
537110008	28.54	0-10	6		171	
538101027	0.24	0-10	6		1	
538150014	0.54	0-10	6		3	
538165005	0.23	0-10	6		1	
538173010	0.44	0-10	6		2	
540130025, 026	0.75	0-10	6		4	
Total MDR					1,088	
High Density Residential						
419034008	0.40	11-18	11		4	
534161008	0.42	11-18	11		4	
534161009	0.67	11-18	11		7	
537110003, 005, 006, 008	33.86	11-18	11		372	
540082006 thru 008	0.56	11-18	11		6	
540151021 - 022	0.27	11-18	11		2	
Total HDR					395	
High Density Residential-20						
537-120-034	21.12	20	20	422		
540-083-002	3.02	20	20	60		
541-110-013	1.73	20	20	34		
532-080-004	55.8	20	20	1,116		
419-140-059	3.31	20	20	66		
534-161-010	0.9	20	20	18		
537-110-008	9.75	20	20	195		
541-110-009	1.58	20	20	31		
Total HDR-20				1,942		
Very High Density Residential						
537-190-018	26	19-24	20	520		
Total VHDR				520		
TOTALS – RESIDENTIAL SITES				2,462	1,483	513

Table B-5
Underutilized Land Inventory

APN	Address	GP/ Zoning	Parcel size (acres)	Potential Units @ 20 du/ac	Existing Use
541-145-012	255 E Ramsey St	DC/DC	0.8	16	<u>Used car sales lot; very low improvement to land value</u>
541-150-004	447 E Ramsey St	DC/DC	1.3	26	<u>Vacant, severely deteriorated commercial building; very low improvement to land value</u>
541-150-010	553 E Ramsey St	DC/DC	2.2	44	<u>Vacant deteriorated commercial building; very low improvement to land value</u>
Totals			4.3	86	

Figure B-1
HDR-20 Parcels

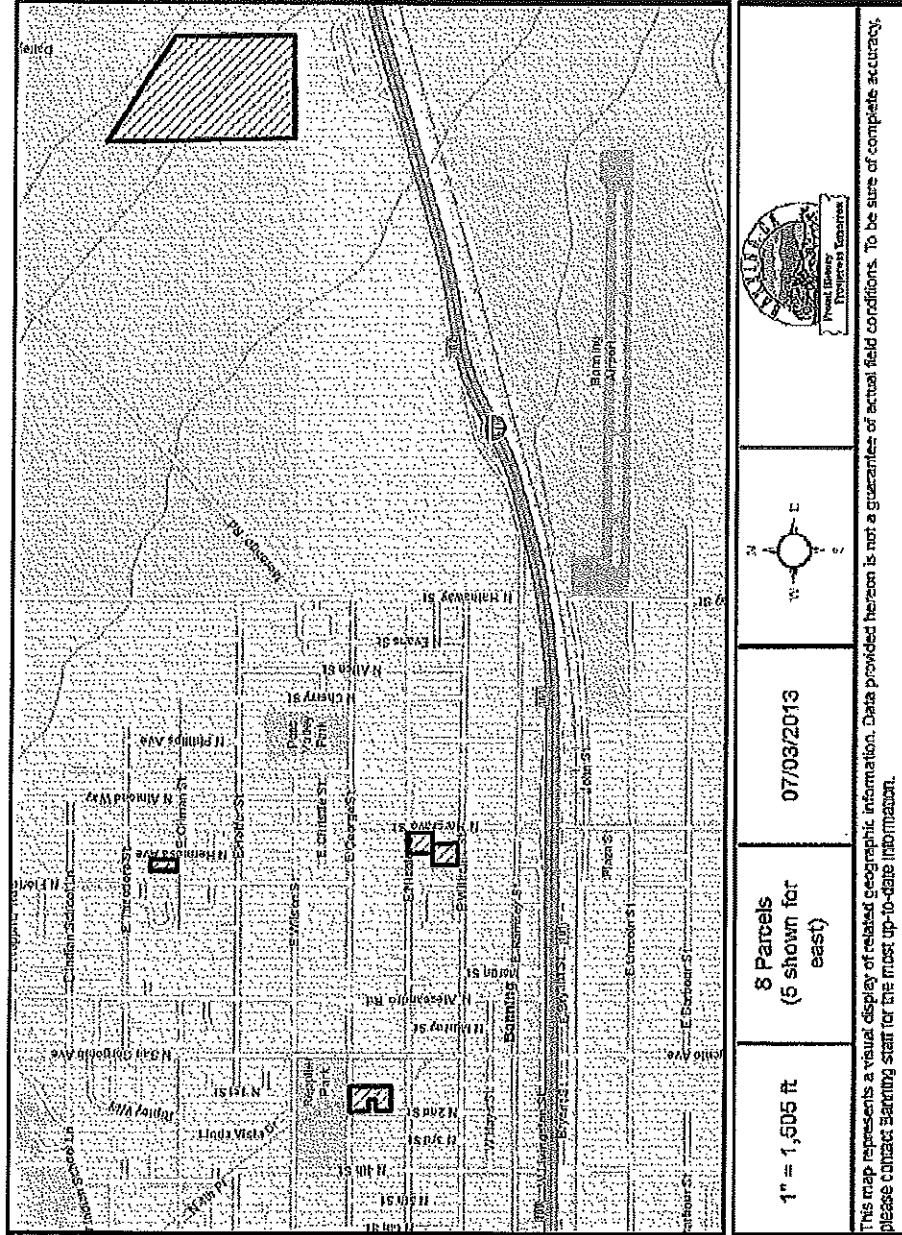
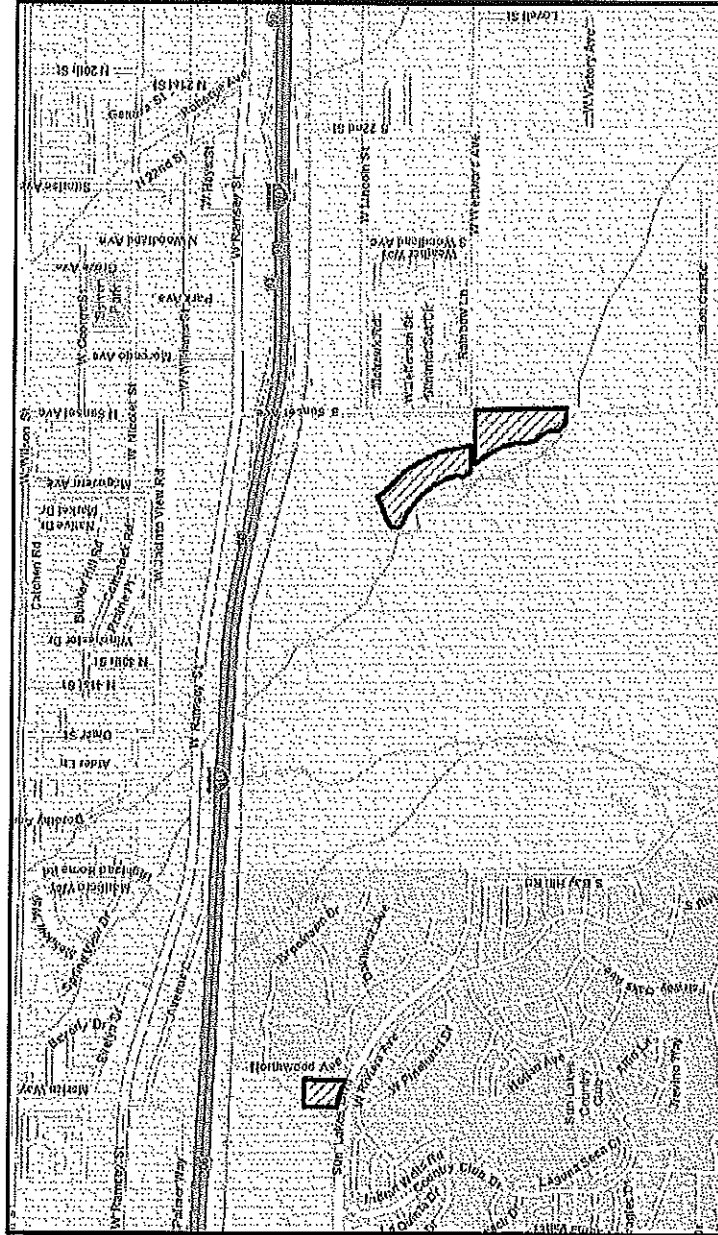


Figure B-2
HDR-20 Parcels




1" = 1,505 ft	8 Parcels (3 shown for west)	07/03/2013	
This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Banning staff for the most up-to-date information.			

Figure B-3
VHDR Parcel

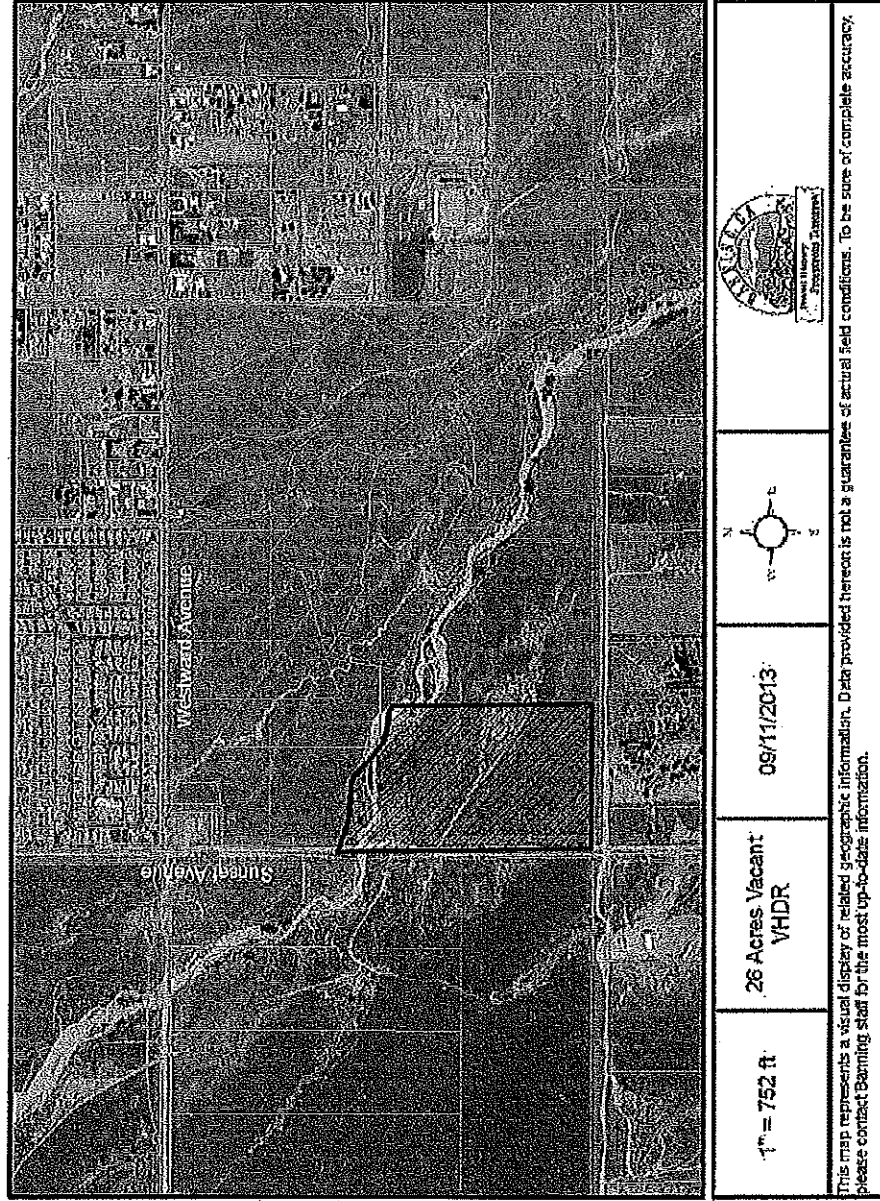


Figure B-4 DC Parcels

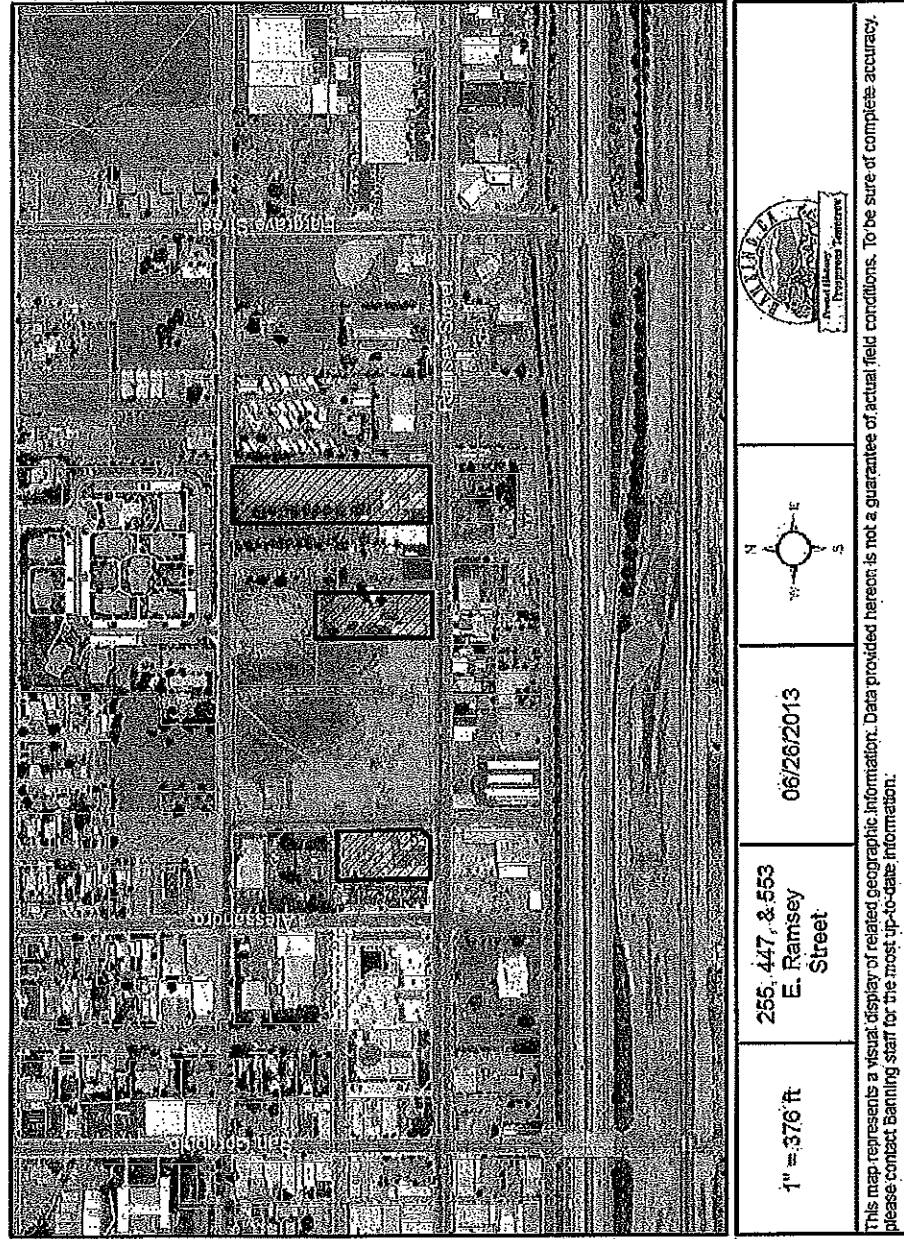


Figure B-5
255 E. Ramsey St.

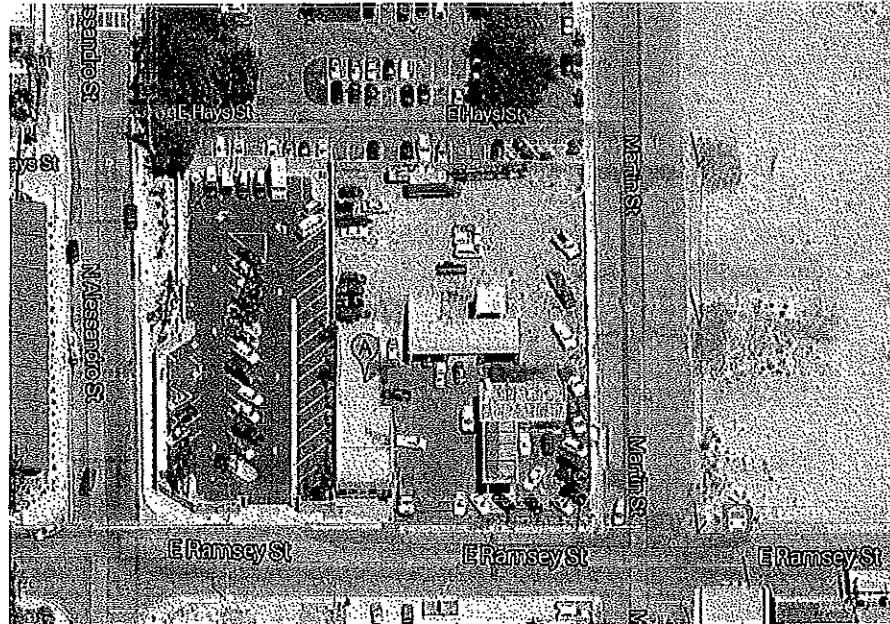


Figure B-6
447 E. Ramsey St.

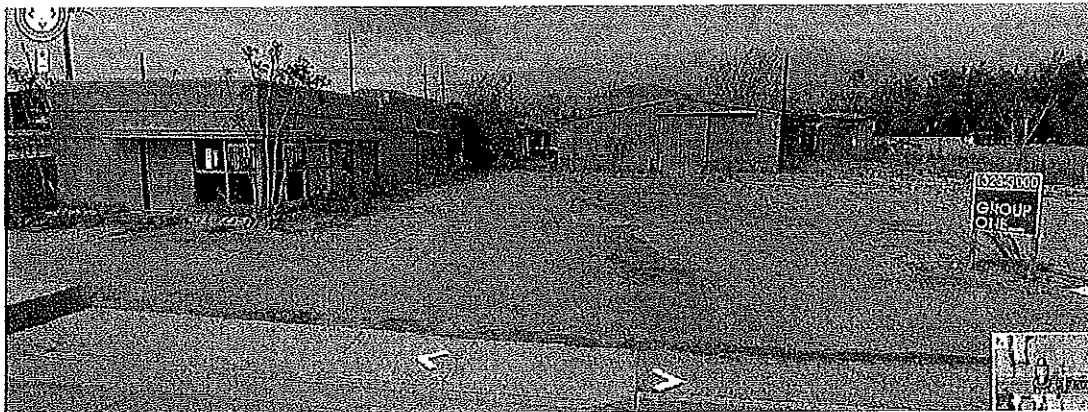
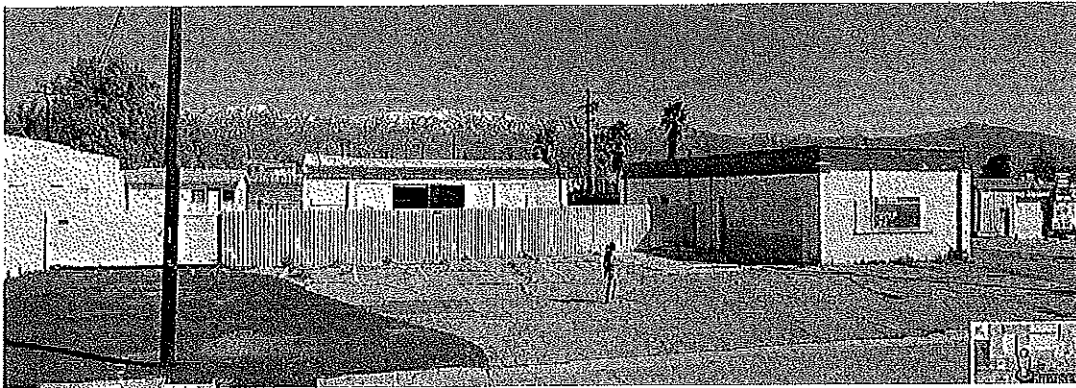


Figure B-7
553 E. Ramsey St.



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366

Appendix C

Public Participation Summary

This update to the Banning Housing Element has provided residents and other interested parties with opportunities to review draft documents and proposed policies, and to provide recommendations for consideration by decision-makers. Public notices of all Housing Element meetings and public hearings were published in the local newspaper in advance of each meeting, as well as by direct mail to interested parties and posting the notices on the City's website. The draft Housing Element was made available for review at City Hall and posted on the City's website.

As part of the public review process, the following public meetings were held to review the draft Housing Element.

September 30, 2013	Planning Commission Study Session
October 22, 2013	City Council Study Session
January 2, 2014	Planning Commission Hearing
_____	City Council Hearing

Table C-1 provides a list of persons and organizations that were sent direct mail notice of all public meetings on the Housing Element while Table C-2 summarizes comments received and how those comments were addressed.

**Table C-1
Public Notice List**

Coachella Valley Housing Coalition 45-701 Monroe Street, Suite G Indio, CA 92201	Habitat for Humanity-San Geronimo Pass Area PO Box 269 Banning, CA 92220	Jamboree Housing Corporation 17701 Cowan Ave. Suite 200 Irvine, CA 92614
Affirmed Housing Group 13520 Rvening Creek Dr. North, Ste. 160 San Diego, CA 92128	The Olson Company 30200 Old Ranch Pkwy, #250 Seal Beach, CA 90740	So. Calif. Housing Development Corp. 8265 Aspen Street, Suite 100 Rancho Cucamonga, CA 91730
RC Hobbs Company 1110 E. Chapman Ave., Suite 206 Orange, CA 92866	LINC Housing Corporation 110 Pine Avenue, Suite 500 Long Beach, CA 90802	Palm Desert Development Company Dan Horn P.O. Box 3958 Palm Desert, CA 92261
Riverside Housing Development Corp. Bruce Kulpa 4250 Brockton Ave. Riverside, CA 92501	Inland Fair Housing and Mediation Board 10681 Foothill Blvd, Suite 101, Rancho Cucamonga, CA 91730	HDSI Management Noel Sweitzer 3460 S. Broadway Los Angeles, CA 90007
City of Beaumont Planning Director 550 East 6th Street Beaumont, CA 92223	Riverside Co. Economic Develop. Agency 1325 Spruce Street, Suite 400 Riverside, CA 92507	Corporation for Better Housing 15303 Ventura Boulevard, Suite 1100 Sherman Oaks, CA 91403

**Table C-2
Summary of Public Comments**

Comment	Response
What density ranges are considered suitable for different affordability levels (extremely-low, very-low, etc.)	Under state law, all of the lower-income categories (extremely-low, very-low and low) are treated the same with respect to the density considered suitable to facilitate housing development.
It would be helpful if meetings could be scheduled in the evening so that working people can attend.	The first study session with the Planning Commission was scheduled for 6:30 p.m. Future meetings will also be scheduled to accommodate working people to the greatest extent possible.
We're a low-density community. We don't want to look like Moreno Valley.	All cities are required by state law to designate some areas for high-density housing in order to accommodate all economic segments of the population.
Senior citizen communities like Sun Lakes skew our age distribution compared to the county as a whole.	The Housing Element has been revised to make note of the city's age-restricted communities.
The City should pursue proactive code enforcement.	The City's budget constraints severely limit code enforcement efforts.
New development brings private investment to the community.	Housing Element policies are intended to stimulate housing and mixed-use development, bringing additional investment to Banning.
The city already has a lot of affordable housing – why do we need more?	Each city is allocated a share of the region's new housing need through the Regional Housing Needs Assessment (RHNA) process. State law requires cities to ensure that appropriate zoning regulations are in place to accommodate their assigned RHNA share.
Is the City required to amend the development standards for the downtown?	No, the City already has adequate capacity to accommodate its RHNA share.
Mixed use development could stimulate revitalization of the Midway area.	The Housing Plan includes a commitment to review zoning standards for the General Commercial district with the intent of identifying revisions that could stimulate revitalization and new mixed use development.

369

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Appendix D

Acronyms and Glossary

ACRONYMS

ACS	American Community Survey
BMPs:	Best Management Practices
CalHFA:	California Housing Finance Agency
CALTRANS:	California Department of Transportation
CCRC:	California Community Reinvestment Corporation
CDBG:	Community Development Block Grant
CEQA:	California Environmental Quality Act
CIP:	Capital Improvement Program
CMP:	Congestion Management Plan
DOF:	California Department of Finance
DU:	Dwelling unit
DU/ac:	Dwelling units per acre
EDA:	Riverside County Economic Development Agency
EDD:	California Employment Development Department
FAR:	Floor Area Ratio
FEMA:	Federal Emergency Management Agency
GDP:	General Development Plan
HCD:	California Department of Housing and Community Development
HCP:	Habitat Conservation Plan
HOA:	Homeowners Association
HUD:	U.S. Department of Housing and Urban Development
LAFCO:	Local Agency Formation Commission
LIHTC:	Low Income Housing Tax Credit
MFI:	Median Family Income
MSHCP:	Multi-Species Habitat Conservation Plan
NPDES:	National Pollutant Discharge Elimination System
PTI:	Principal, Interest, Taxes and Insurance
PRD:	Planned Residential Development
RHNA:	Regional Housing Needs Assessment
RTP:	Regional Transportation Plan
SCAG:	Southern California Association of Governments
SCS:	Sustainable Communities Strategy
SF:	Summary File (U.S. Census)
SOI:	Sphere of Influence
SPA:	Sectional Planning Area
SP:	Specific Plan
SRO:	Single Room Occupancy
TOD:	Transit-Oriented Development
TDM:	Transportation Demand Management
TSM:	Transportation Systems Management
WCP:	Water Conservation Plan
WRCOG:	Western Riverside Council of Governments

GLOSSARY

Above-moderate Income Household. A household with an annual income usually greater than 120 percent of the area Median Family Income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program.

Apartment. An apartment is one or more rooms in an apartment house or dwelling occupied or intended or designated for occupancy by one family for sleeping or living purposes and containing a kitchen.

Assisted Housing. Generally multi-family rental housing, but sometimes single-family ownership units, whose construction, financing, sales prices, or rents have been subsidized by federal, State, or local housing programs.

Below-market-rate (BMR). Any housing unit specifically priced to be sold or rented to low or moderate income households for an amount less than the fair market value of the unit.

Build-out. That level of urban development characterized by full occupancy of all developable sites in accordance with the General Plan; the maximum level of development envisioned by the General Plan. Build-out does not assume that each parcel is developed at the maximum density or intensity possible under zoning regulations.

Community Development Block Grant (CDBG). A grant program administered by the U.S. Department of Housing and Urban Development (HUD) on a formula basis for entitlement communities and by the State Department of Housing and Community Development (HCD) or Counties for non-entitled jurisdictions. This grant allots money to cities and counties for housing rehabilitation and community development, including public facilities and economic development.

Condominium. A structure of two or more units, the interior spaces of which are individually owned; the balance of the property (both land and building) is owned in common by the owners of the individual units. (See "Townhouse.")

Covenants, Conditions, and Restrictions (CC&Rs). A term used to describe restrictive limitations that may be placed on property and its use, and which usually are made a condition of holding title or lease.

Deed. A legal document that affects the transfer of ownership of real estate from the seller to the buyer.

Density Bonus. The allocation of development rights that allow a parcel to accommodate additional square footage or additional residential units beyond the maximum for which the parcel is zoned, usually in exchange for the provision of affordable housing.

Density, Residential. The number of residential dwelling units per acre of land. Densities specified in the General Plan may be expressed in units per gross acre or per net developable acre.

Developable Land. Land that is suitable as a location for structures and that can be developed free of hazards to, and without disruption of, or significant impact on natural resource areas.

Down Payment. Money paid by a buyer, as opposed to that portion of the purchase price that is financed.

Duplex. A detached building under single ownership that is designed for occupancy as the residence of two families living independently of each other.

Dwelling Unit (du). A building or portion of a building containing one or more rooms, designed for or used by one family for living or sleeping purposes, and having a separate bathroom and kitchen or kitchenette. See Housing Unit.

Emergency Shelter. A facility that provides short-term housing for homeless persons. Supplemental services may also be provided, such as food, counseling, and access to other social programs. (See “Transitional Housing.”)

Extremely-low Income Household. A household with an annual income less than 30 percent of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD).

Fair Market Rent. The rent, including utility allowances, determined by the United States Department of Housing and Urban Development for purposes of administering the Section 8 Housing Program.

Family. (1) Two or more persons related by birth, marriage, or adoption [U.S. Bureau of the Census]. (2) An individual or a group of persons living together who constitute a bona fide single-family housekeeping unit in a dwelling unit, not including a fraternity, sorority, club, or other group of persons occupying a hotel, lodging house or institution of any kind [California].

General Plan. A comprehensive, long-term plan mandated by State Planning Law for the physical development of a city or county and any land outside its boundaries which, in its judgment, bears relation to its planning. The plan shall consist of seven required elements: land use, circulation, open space, conservation, housing, safety, and noise. The plan must include a statement of development policies and a diagram or diagrams illustrating the policies.

Goal. A general, overall, and ultimate purpose, aim, or end toward which the City will direct effort.

Green Building. Green or sustainable building is the practice of creating healthier and more resource-efficient models of construction, renovation, operation, maintenance, and demolition. (US Environmental Protection Agency)

Group Quarters. Group quarters include nursing homes, orphanages, and prisons. Non-institutional group quarters include dormitories, shelters, and large boarding houses. Group quarters are not considered housing units.

Historic Preservation. The preservation of historically significant structures and neighborhoods until such time as, and in order to facilitate, restoration and rehabilitation of the building(s) to a former condition.

Historic Property. A historic property is a structure or site that has significant historic, architectural, or cultural value.

Household. All those persons—related or unrelated—who occupy a single housing unit.

Housing and Community Development Department (HCD). The State agency that has principal responsibility for assessing, planning for, and assisting communities to meet the needs of low- and moderate-income households.

Housing Element. One of the seven State-mandated elements of a local General Plan. It assesses the existing and projected housing needs of all economic segments of the community, identifies potential sites adequate to provide the amount and kind of housing needed, and contains adopted goals, policies, and implementation programs for the preservation, improvement, and development of housing. Under State law, Housing Elements must normally be updated every eight years.

Housing Payment. For ownership housing, this is defined as the mortgage payment, property taxes, insurance, and utilities. For rental housing this is defined as rent plus utilities.

Housing Ratio. The ratio of the monthly housing payment to total gross monthly income. Also called Payment-to-Income Ratio or Front-End Ratio.

Housing Unit. The place of permanent or customary abode of a person or family. A housing unit may be a single-family dwelling, a multi-family dwelling, a condominium, a modular home, a mobile home, a cooperative, or any other residential unit considered real property under State law.

Housing and Urban Development, U.S. Department of (HUD). A cabinet-level department of the federal government that administers housing and community development programs.

Implementing Policies. The City's statements of its commitments to consistent actions.

Implementation. Actions, procedures, programs, or techniques that carry out policies.

Infill Development. The development of new housing or other buildings on scattered vacant lots in a built-up area or on parcels created by lot splits.

Jobs-Housing Balance. A ratio used to describe the adequacy of the housing supply within a defined area to meet the needs of persons working within the same area.

Land Use Classification. A system for classifying and designating the appropriate use of properties.

Live-Work Units. Buildings or spaces within buildings that are used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

Low-Income Household. A household with an annual income between 51 and 80 percent of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD).

Low Income Housing Tax Credits. Tax reductions provided by the federal and State governments for investors in housing for low-income households.

Manufactured Housing. Residential structures that are constructed entirely in a factory, and which since June 15, 1976, have been regulated by the federal Manufactured Home Construction and Safety Standards Act of 1974 under the administration of the U. S. Department of Housing and Urban Development (HUD). (See "Mobile Home" and "Modular Unit.")

Mixed Use. Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A “single site” may include contiguous properties.

Moderate-Income Household. A household with an annual income between 81 and 120 percent of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD).

Modular Unit. A factory-fabricated, transportable building or major component designed for use by itself or for incorporation with similar units on-site into a structure for residential, commercial, education, or industrial use. Differs from mobile homes and manufactured housing by (in addition to lacking an integral chassis or permanent hitch to allow future movement) being subject to California housing law design standards. California standards are more restrictive than federal standards in some respects (e.g., plumbing and energy conservation). Also called Factory-built Housing and regulated by State law of the title.

Monthly Housing Expense. Total principal, interest, taxes, and insurance paid by the borrower on a monthly basis, or rent plus utilities for rental units. Used with gross income to determine affordability.

Multiple-Family Building. A building designed and used exclusively as a dwelling by three or more families occupying separate suites.

Ordinance. A law or regulation set forth and adopted by a governmental authority, usually a city or county.

Overcrowded Housing Unit. A housing unit occupied by more than one person per room.

Parcel. A lot or tract of land.

Persons with Disabilities. Persons determined to have a physical impairment or mental disorder expected to be of long or indefinite duration. Many such impairments or disorders are of such a nature that a person’s ability to live independently can be improved by appropriate housing conditions.

Policy. A specific statement of principle or of guiding actions that implies clear commitment, but is not mandatory. A general direction that a governmental agency sets to follow, in order to meet its objectives before undertaking an action program. (See “Program.”)

Poverty Level. As used by the U.S. Census, families and unrelated individuals are classified as being above or below the poverty level based on a Poverty Index that provides a range of income cutoffs or “poverty thresholds” varying by size of family, number of children, and age of householder. The income cutoffs are updated each year to reflect the change in the Consumer Price Index.

Program. An action, activity, or strategy carried out in response to adopted policy to achieve a specific goal or objective. Policies and programs establish the “who,” “how” and “when” for carrying out the “what” and “where” of goals and objectives.

Redevelop. To demolish existing buildings; or to increase the overall floor area existing on a property; or both; irrespective of whether a change occurs in land use.

Regional. Pertaining to activities or economies at a scale greater than that of a single jurisdiction, and affecting a broad geographic area.

Regional Housing Needs Assessment (RHNA). A quantification of projected housing need by household income category.

Rehabilitation. The repair, preservation, and/or improvement of substandard housing.

Residential. Land designated in the General Plan and Zoning Ordinance for building of dwelling units.

Residential Care Facility. A facility that provides 24-hour care and supervision to its residents.

Residential, Multiple-Family. Two or more dwelling units on a single site (except for permitted second residential units).

Residential, Single-Family. A single dwelling unit on a building site.

Retrofit. To add materials and/or devices to an existing building or system to improve its operation, safety, or efficiency. Buildings have been retrofitted to use solar energy and to strengthen their ability to withstand earthquakes, for example.

Rezoning. An amendment to the zoning map to change the allowed nature, density, or intensity of uses.

Second Unit. A self-contained living unit, either attached to or detached from, and in addition to, the primary residential unit on a single lot. (Also referred to as “Granny Flat”).

Section 8 Rental Assistance Program. A federal (HUD) rent subsidy program that is one of the main sources of federal housing assistance for low-income households. The program operates by providing “housing assistance payments” to owners, developers, or public housing agencies to make up the difference between the “Fair Market Rent” of a unit (set by HUD) and the household’s contribution toward the rent, which is calculated at 30 percent of the household’s adjusted gross monthly income.

Senior Citizen. A person 62 years of age or older, or 55 years of age or older in a senior citizen housing development. (California Civil Code Section 51.3.b.1)

Shared Living. The occupancy of a dwelling unit by persons of more than one family in order to reduce housing expenses and provide social contact, mutual support, and assistance. Shared living facilities serving six or fewer persons are permitted in all residential districts by §1566.3 of the California Health and Safety Code.

Single-family Dwelling, Attached. A dwelling unit occupied or intended for occupancy by only one household that is structurally connected with at least one other such dwelling unit. (See “Townhouse.”)

Single-family Dwelling, Detached. A dwelling unit occupied or intended for occupancy by only one household that is structurally independent from any other such dwelling unit or structure intended for residential or other use. (See “Family.”)

Single Room Occupancy (SRO). A single room, typically 80-250 square feet, with a sink and closet, but which may require the occupant to share a communal bathroom, shower, and kitchen.

Subsidize. To assist by payment of a sum of money or by the granting to terms or favors that reduces the need for monetary expenditures. Housing subsidies may take the forms of mortgage interest deductions or tax credits from federal and/or State income taxes, sale or lease at less than market value of land to be used for the construction of housing, payments to supplement a minimum affordable rent, and the like.

Substandard Housing. Residential dwellings that, because of their physical condition, do not provide safe and sanitary housing.

Supportive Housing. Long-term shelter intended for persons with disabilities, with no limit on length of stay, and integrated with social services and/or counseling programs to assist residents in their daily needs. (See also “Emergency Shelter” and “Transitional Housing”)

Tenure. A housing unit is “owned” if the owner or co-owner lives in the unit, even if it is mortgaged or not fully paid for. All other occupied units are classified as “rented,” including units rented for cash rent and those occupied without payment of cash rent.

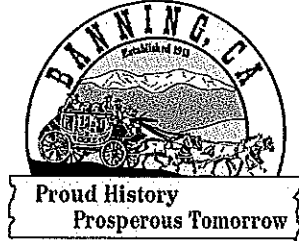
Townhouse. A townhouse is a dwelling unit located in a group of three (3) or more attached dwelling units with no dwelling unit located above or below another and with each dwelling unit having its own exterior entrance.

Transitional Housing. Shelter provide to the homeless for an extend period, often as long as two years, and generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency through the acquisition of a stable income and permanent housing. (See “Emergency Shelter” and “Supportive Housing”)

Very-low Income Household. A household with an annual income usually no greater than 50 percent of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD).

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Attachment F
Addendum to Mitigated Negative Declaration



CITY OF BANNING
Addendum to
Initial Study/Mitigated Negative Declaration

**General Plan Amendment Related to Adoption of the
2013-2021 Banning Housing Element
(General Plan Amendment No. 13-2506)**

**City of Banning
Community Development Department
99 E. Ramsey Street
Banning, California 92220**

December 18, 2013

**Addendum to Initial Study/Negative Declaration
for
General Plan Amendment No. 13-2506
2013-2021 Banning Housing Element**

1. **Project Title:** Banning 2013-2021 Housing Element (GPA No. 13-2506)
2. **Lead Agency Name and Address:** City of Banning, 99 E. Ramsey Street , Banning, CA 92220
3. **Contact Person and Phone Number:** Zai Abu Bakar, Community Development Director, (951) 922-3131
4. **Applicant Name and Address:** City of Banning, 99 E. Ramsey Street, Banning, CA 92220
5. **Project Location:** Citywide
6. **General Plan Designation:** Various (citywide)
7. **Project Description (describe the whole action involved, including, but not limited to, later phases of the project, and any secondary, support, or off-site features that are necessary for its implementation).**

The Project evaluated in this Addendum is the adoption of the 2013-2021 Housing Element. California Government Code Section 65302(c) mandates that each city shall include a Housing Element in its General Plan. The Housing Element is required to identify and analyze existing and projected housing needs and include statements of the City's goals, policies, quantified objectives, and scheduled programs for the preservation, improvement, and development of housing. The City in adopting its Housing Element, must consider economic, environmental, and fiscal factors, as well as community goals as set forth in the General Plan. However, while cities have considerable flexibility in drafting the other elements of the General Plan, the Housing Element must comply with the statutory provisions of the California Government Code, which are codified in Section 65580 et. seq.

Many of the policies and programs contained in the Housing Element are intended to facilitate the preservation, maintenance and improvement of the City's existing housing stock. These programs would not change development patterns or result in any physical environmental impacts.

Under state law each jurisdiction is also required to demonstrate that local land use plans and zoning regulations provide development opportunities to accommodate the jurisdiction's assigned share of the region's new housing needs. The process by which housing needs are

determined is called the “Regional Housing Needs Assessment” (RHNA). The RHNA is prepared by the Southern California Association of Governments (SCAG). Once the RHNA allocations are adopted by SCAG and accepted by HCD, they become final and no changes or judicial review are permitted under state law.

The RHNA for the prior Housing Element period (2006-2014) identified Banning’s share of the regional housing need as 3,841 units. This total included 873 very-low-income units, 618 low-income units, 705 moderate-income units, and 1,645 above-moderate-income units. In addition, the City was required to accommodate a RHNA carryover from the previous planning cycle of 598 lower-income units. State housing element law requires cities to demonstrate the availability of adequate sites with appropriate zoning to accommodate the need for various types of housing units commensurate with the RHNA.

Under state law, a density of 20-30 housing units per acre is considered necessary to facilitate the production of housing affordable to lower-income households in Banning. In order to accommodate the RHNA allocation for the prior planning period, the City amended the General Plan and Zoning Ordinance to designate additional sites for multi-family housing to accommodate the City’s assigned need for 2,089 additional lower-income units. An Initial Study/Mitigated Negative Declaration evaluating the potential environmental impacts of those amendments was adopted by the City Council on July 23, 2013.

Proposed 2013-2021 Housing Element

The City’s 2008-2014 Housing Element, which was adopted by the City Council in July 2013, included programs calling for revisions to land use and zoning regulations required by state law. These included the creation of a new Very High Density Residential (VHDR) General Plan and zoning designation, creation of a High Density Residential-20 (HDR-20) zoning designation, modification to development regulations in the Downtown Commercial (DC) zoning district, and changes to regulations related to housing for persons with special needs. No major changes to state housing law have occurred since the adoption of the current Housing Element, therefore the 2013 Housing Element update represents a “fine tuning” process to reflect current demographics and the City’s accomplishments in the previous cycle. The new Housing Element also reflects the state’s elimination of redevelopment agencies and the resulting loss of set-aside funds for housing assistance.

- **Regional Housing Needs Assessment (RHNA)**

The Regional Housing Needs Assessment (RHNA) is a key tool for local governments to plan for anticipated growth. The RHNA quantifies the anticipated need for new housing within each jurisdiction for the period January 2014 through October 2021. Communities then determine how they will address this need through the process of updating the Housing Elements of their General Plans. The new RHNA was adopted in October 2012 by the Southern California Association of Governments (SCAG) with the involvement of the Western Riverside Council of Governments (WRCOG) and other sub-regional councils.

Due to the effects of the recession, the regional growth forecast and RHNA anticipate significantly lower population growth during the next 8 years compared to the prior forecast. The new RHNA identifies a total housing need of about 412,000 new units for the entire six-county SCAG region compared to about 700,000 units in the previous RHNA. For Banning, the new RHNA was established as 3,792 units compared to 3,841 units in the prior period. The new RHNA, described in Chapter 2 of the Housing Element Technical Report, contains the following allocation by income category:

**2014-2021 Housing Growth Needs by Income Category
City of Banning**

Extremely Low	Very Low	Low	Moderate	Above Moderate	Total
436	436	593	685	1,642	3,792

Source: SCAG 2012

The income categories used in the Housing Element are linked to county (or “areawide”) median income (“AMI”) and are defined in state law as shown in the table below. Many state housing requirements and programs are based on “lower-income” guidelines, which consists of the extremely-low-, very-low- and low-income categories taken together. For example, in all jurisdictions within Riverside County “lower-income” means a household with a total income of no more than \$53,600 per year, adjusted for family size. It is important to recognize that “low-income housing” means an apartment that rents for up to \$1,340 per month (including utilities), or a house with a sales price up to about \$250,000.

**2013 Income Categories and Affordable Housing Costs
Riverside County**

2013 Areawide Median Income = \$65,000	Income Limits	Affordable Rent	Affordable Price (est.)
Extremely Low (<30% AMI)	\$20,100	\$503	--
Very Low (31-50% AMI)	\$33,500	\$838	\$150,000
Low (51-80% AMI)	\$53,600	\$1,340	\$250,000
Moderate (81-120% AMI)	\$77,400	\$1,935	\$350,000
Above moderate (120%+ AMI)	\$78,000+	\$1,935+	\$350,000+

Assumptions: -Based on a family of 4
-30% of gross income for rent or PITI
-5% down payment, 4% interest, 1.25% taxes & insurance

Source: Cal. HCD; J.H. Douglas & Associates

Cities must demonstrate in their Housing Elements that their land use plans and regulations provide realistic opportunities for development commensurate with the type and amount of housing need identified in the RHNA for the new planning period. This is accomplished through a parcel-level analysis of vacant sites and “underutilized” sites with potential for additional residential development or redevelopment (see Technical Report Chapter IV and

Appendix B). State law provides strict guidance regarding how jurisdictions estimate development potential, with the two most important factors being zoning (especially allowable density and development standards) and the affordability level of recent housing developments.

It is also important to note that the RHNA is a *planning target*, not a *development quota*. While state law requires cities to demonstrate that their land use plans and regulations could accommodate the type and amount of housing identified in the RHNA, the law does not require that sites identified in the Housing Element as suitable for affordable housing be developed with subsidized low-income housing. The law recognizes that cities do not build housing, and development of affordable housing depends on many factors including property owner desires, interested builders, available financing, and prevailing market forces.

The analysis of vacant parcels contained in the previous Housing Element has been updated to reflect recently adopted changes in zoning regulations, and demonstrates that the City has adequate sites with appropriate zoning to accommodate the new RHNA in all income categories (Technical Report, Appendix B).

In summary:

- The RHNA identifies each jurisdiction's assigned share of the region's housing needs.
- The RHNA is a planning target, not a development quota.
- Jurisdictions must demonstrate that there are adequate sites with appropriate zoning and development standards to accommodate the level of new housing development identified in the RHNA.
- Banning has sufficient vacant land with appropriate zoning for new residential development in all income categories to meet its RHNA obligation.

The following land inventory summary shows that there is adequate capacity to accommodate the City's RHNA allocation in all income categories, therefore no changes to land use or zoning regulations are required. However, Program 7 of the Housing Plan proposes that zoning regulations for the Downtown Commercial district be revised to provide a lot consolidation incentive when two or more parcels totaling at least one-half acre are combined as part of a development project, and also allow an increase in base density to 24 units/acre for any project that meets minimum affordability standards under state density bonus law. This program would help to stimulate revitalization and investment in the Downtown and would also ensure that the City's highest allowable densities are located in the Downtown district.

**Land Inventory Summary
City of Banning**

	Income Category			
	Lower	Mod	Above Mod	Total
Approved Projects (Table B-3)				
Approved projects – R-A			30	30
Approved projects – Very Low Density Residential			1,036	1,036
Approved projects – Low Density Residential			3,032	3,032
Approved projects – Medium Density Residential		2,607		2,607
Approved projects – High Density Residential		1,213		
Subtotal – Approved Projects	0	3,820	4,098	6,705
Vacant parcels (Table B-4)				
Vacant parcels – Low Density Residential			513	513
Vacant parcels – Medium Density Residential		1,088		1,088
Vacant parcels – High Density Residential		395		395
Vacant parcels – High Density Residential-20	1,942			
Vacant parcels – Very High Density Residential	520			
Subtotal – Vacant Parcels	2,462	1,483	513	1,996
Underutilized Parcels (Table B-5)				
Downtown Commercial parcels	86			
Potential second units	5			5
Total land inventory	2,553	5,303	4,611	8,706
RHNA 2014 - 2021	1,465	685	1,642	3,792
Adequate Sites?	Yes	Yes	Yes	Yes

Source: City of Banning, 2013

8. Surrounding Land Uses and Environmental Setting (describe the project's surroundings):

The Housing Element establishes citywide policies and programs. The City of Banning is located in the San Geronio Pass area and is well served by major transportation routes. The US Interstate-10 corridor includes a significant portion of the City's developed area with vacant lands and lower density development generally located towards the northern and southern portions of the City. The City of Banning corporate limits encompass about 23.2 square miles. The City is situated across a variety of geographic and geologic conditions, including the San Bernardino Mountains to the north and the San Jacinto Mountains to the south. The adjacent mountain canyons form the alluvial plains on which portions of the City have developed. The mountains provide dramatic and valuable viewsheds. The City is located in a transitional zone where coastal climates transition to desert, resulting in significantly differing landscape and geology.

9. Public Agencies whose approval or Participation is Required (i.e., for permits, financing approval, or participation agreements):

State law requires that the City submit the draft Housing Element to the California Department of Housing and Community Development (HCD) for review prior to adoption and that the City Council considered HCD's comments. The Draft Housing Element was submitted to HCD for review on October 24, 2013.

Review of specific development proposals by other governmental agencies may be required prior to development of new housing anticipated in the Housing Element. Appropriate public agency review will be determined at the time specific housing development applications are submitted to the City.

10. Previous Environmental Documentation

A Final Environmental Impact Report (FEIR) for the Banning General Plan was prepared by the City of Banning in accordance with the California Environmental Quality Act (CEQA). The FEIR analyzed the environmental consequences of the development of the city according to the General Plan. The General Plan and FEIR were adopted by the Banning City Council on January 31, 2006 (Resolution No. 2006-13).

On July 23, 2013 the City Council adopted the 2008-2013 Housing Element and related implementation actions, which included amendments to the Land Use Element and zoning regulations necessary to provide adequate sites to accommodate the City's RHNA allocation. A Mitigated Negative Declaration (MND) was adopted in compliance with CEQA for those actions.

PURPOSE OF THIS ADDENDUM

When an EIR or negative declaration has been prepared for a project and changes are subsequently proposed to that project, the City is required to determine whether the environmental effects of such actions are within the scope of previous environmental documentation, and whether additional environmental analysis is required. If the agency finds that pursuant to Sections 15162, 15164, and 15183 of the CEQA Guidelines no new effects would occur, nor would a substantial increase in the severity of previously identified significant effects occur, then no supplemental or subsequent EIR or MND is required.

The adoption of an amendment to the Housing Element constitutes a "project" under CEQA. This Addendum provides an analysis of whether the adoption of the 2013-2021 Housing Element amendment would result in any new or more substantial adverse environmental effects that were not previously analyzed in the Mitigated Negative Declaration for the 2008-2013 Housing Element pursuant to CEQA Guidelines Sections 15162, 15164 and 15183. No specific development projects are currently proposed in connection with the 2013-2021 Housing Element amendment; therefore, the analysis is based on the policies and programs contained in the Housing Element.

BASIS FOR AN ADDENDUM

CEQA Guidelines Section 15164 states that: *"An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred."* Section 15162 of the State CEQA Guidelines states:

(a) When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but project proponents decline to adopt the mitigation measure or alternative.

Through the analysis described in this Addendum, the City of Banning has determined that changes associated with the proposed 2013-2021 Housing Element amendment are not substantial. No new significant impacts would result from these changes, nor would there be a substantial increase in the severity of previously identified environmental impacts. In addition, the changes with respect to the circumstances under which the project will be undertaken would not result in new or more severe significant environmental impacts.

FINDINGS AND CONCLUSIONS

Pursuant to Sections 15162 and 15164 of the CEQA Guidelines, the City of Banning has determined, on the basis of substantial evidence in the light of the whole record, that:

(a) The 2013-2021 Housing Element amendment does not propose substantial changes to the project which would require major revisions to the previous MND prepared for the 2008-2013 Housing Element due to new or substantially more severe significant environmental effects than previously analyzed in the MND;

(b) There have been no substantial changes in circumstances under which the project will be undertaken that will require major revisions to the previous MND prepared for the 2008-2013 Housing Element due to new or substantially more severe significant environmental effects than previously analyzed in the MND; and

(c) No new information of substantial importance as described in subsection (a)(3) of Section 15164 has been revealed that would require major revisions to the previous MND prepared for the 2008-2013 Housing Element or its conclusions.

Facts in Support of Findings

1. The 2013-2021 Housing Element represents a continuation of existing City housing policy, and only minor changes to zoning regulations are proposed to create incentives for affordable housing development in the downtown commercial zone. Therefore the Housing Element would not substantially change the physical location or characteristics of future development, which were previously evaluated in the MND prepared for the 2008-2013 Housing Element and approved by the City Council on July 23, 2013. Most of the changes contained in the 2013-2021 Housing Element amendment consist of updated demographic information and revisions to reflect the City's previous accomplishments during the 4th Housing Element cycle. There have

been no new environmental effects or material passage of time since the adoption of the MND on July 23, 2013. Therefore, there are no substantial changes in circumstances that would require changes to the previously adopted MND.

2. In accordance with CEQA Guidelines Section 15164, this Addendum to the previously certified MND is the appropriate environmental documentation for the 2013-2021 Housing Element amendment. The potential environmental impacts that could result from the adoption of the 2013-2021 Housing Element amendment have been evaluated and there is no substantial evidence in the record that any new significant environmental impacts would occur that were not previously evaluated in the previous MND prepared for the 2008-2013 Housing Element.

REFERENCES

California Environmental Quality Act (Public Resources Code Sec. 21000 et seq.)

CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sec. 15000 et seq.)

City of Banning, Draft 2013-2021 Housing Element, December 2013

City of Banning, General Plan Final EIR, 2006

City of Banning, Mitigated Negative Declaration: 2008-2013 Housing Element, July 2013

Attachment G
Public Meeting Notice and mailing list



**PUBLIC MEETING NOTICE
CITY OF BANNING CITY COUNCIL
2013-2021 HOUSING ELEMENT WORKSHOP**

The City of Banning is preparing its General Plan Housing Element update for the 2013-2021 planning period. The Housing Element includes 1) Analysis of the community's demographic trends and housing needs; 2) Review of potential constraints on the maintenance, improvement and development of housing; 3) An inventory of resources for housing, including land suitable for residential development; 4) Evaluation of accomplishments toward meeting the goals and objectives of the prior Housing Element; and 5) A Housing Plan for addressing identified needs, including goals, policies, programs and quantified objectives.

The workshop will include review of appropriate sites to accommodate the City's assigned share of regional housing need for all economic segments of the community.

The Draft 2013-2021 Housing Element is available for review at the Community Development Department at 99 E. Ramsey St., Banning, CA 92220, and also may be viewed on the City website at:

<http://www.ci.banning.ca.us/index.aspx?nid=428>

The City Council will hold a study session to review the draft Housing Element, and provide opportunities for the public to participate in the Housing Element update process. All interested persons are encouraged to attend.

Date: Tuesday, January 14, 2014

Time: 5:00 p.m.

**Location: City Council Chambers
99 E. Ramsey Street
Banning, CA 92220**

For further information, please contact Zai Abu Bakar, Community Development Director at 951-922-3131.

**BY ORDER OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF
BANNING, CALIFORNIA**

Zai Abu Bakar
Community Development Director

Dated: December 30, 2013
Publish: January 3, 2014

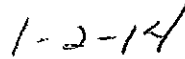
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Affidavit

I, Holly Stuart, certify that the Notice of a Public Meeting before the City of Banning City Council, to be held on Tuesday, January 14, 2014 at 5:00 p.m. regarding the 2013-2021 Housing Element was mailed United States Postal on Thursday, January 2, 2014 to those interested parties as shown in the attached.



Holly Stuart
Development Project Coordinator



Date

**Public Notice List
Draft 2013-2021 Housing Element**

Coachella Valley Housing Coalition
45-701 Monroe Street, Suite G
Indio, CA 92201

Habitat for Humanity of the San
Geronimo Pass Area
P.O. Box 269
Banning, CA 92220

Jamboree Housing Corporation
17701 Cowan Ave. Suite 200
Irvine, CA 92614

Affirmed Housing Group
13520 Evening Creek Dr. North, Ste. 160
San Diego, CA 92128

The Olson Company
30200 Old Ranch Pkwy, #250
Seal Beach, CA 90740

So. Calif. Housing Development Corp.
8265 Aspen Street, Suite 100
Rancho Cucamonga, CA 91730

RC Hobbs Company
1110 B. Chapman Ave., Suite 206
Orange, CA 92866

LINC Housing Corporation
110 Pine Avenue, Suite 500
Long Beach, CA 90802

Palm Desert Development Company
Dan Horn
P.O. Box 3958
Palm Desert, CA 92261

Riverside Housing Development Corp.
Bruce Kulpa
4250 Brockton Ave.
Riverside, CA 92501

Inland Fair Housing and Mediation Board
10681 Foothill Blvd, Suite 101
Rancho Cucamonga, CA 91730

HDSI Management
Noel Sweltzer
3460 S. Broadway
Los Angeles, CA 90007

City of Beaumont
Planning Director
550 East 6th Street
Beaumont, CA 92223

Riverside Co. Economic
Develop. Agency
1325 Spruce Street, Suite 400
Riverside, CA 92507

Corporation for Better Housing
15303 Ventura Boulevard, Suite 1100
Sherman Oaks, CA 91403

Jacquelyn Atwood
2384 N. Murray Street
Banning, CA 92220

William Fornataro
531 Northwood Ave
Banning, CA 92220

Mr. & Mrs. F.G. Chavez
476 Autumn Way
Banning, CA 92220

Shella Huerta
2880 Rainbow Lane
Banning CA 92220

Hanns Weugebauer
602 Northwood Ave
Banning CA 92220

Sal Carrizal
754 Amber Sky
Banning CA 92220

Gene Kadow
2857 Summer Set Circle
Banning, CA 92220

Kathy Faber
1366 Pine Valley Road
Banning, CA 92220

Susan Savolainen
1610 W. Barbour
Banning, CA 92220

Ray Streeter
485 S. 22nd Street
Banning, CA 92220

Ken Mullen
1908 W. Westward Circle
Banning, CA 92220

H & L Young
2902 Summer Set Circle
Banning, CA 92220

Heather Kinorich
461 S. Hathaway
Banning, CA 92220

Yoag Palwon
310 E. Ramsey Street
Banning, CA 92220

William Lamb
931 April Lane
Banning, CA 92220

Klaus
2112 We. Westward
Banning, CA 92220

Jeanette Marlar
515 South 16th Street
Banning, CA 92220

Sharon Letendre
2680 Winter Court
Banning, CA 92220

James Mildren
1811 N. San Gorgonio
Banning, CA 92220

Bob W. Goodman Sr.
649 S. 12th Street
Banning, CA 92220

Georgia Craig
300 Wesley Street
Banning, CA 92220

Benji Schicke
330 Wesly Street
Banning, CA 92220

Brian Morrissey
928 Bay Hill
Banning, CA 92220

Ralph Wright
P.O. Box 836
Banning, CA 92220

Betty McMillion
5549 W. Pinehurst Drive
Banning, CA 92220

Trudy G. Wilkerson
1446 W. Westward
Banning, CA 92220

Trudy G. Wilkerson
113 N. Roberge Avenue
Banning, CA 92220

Debbie Tilley
33551 Washington Drive
Yucaipa, CA 92399

Ellen Carr
471 W. George Street
Banning, CA 92220

Edward Espinosa
839 S. Orchard Lane
Banning, CA 92220

Susan McClellan Weff
1446 W. Westward Avenue
Banning, CA 92220

Janet Kinzie Hawver
992 Charles Street
Banning, CA 92220

Alejandro Geronimo
962 Charles Street
Banning, CA 92220

Soboba Band of Luiseno Indians
Attn: Joseph Ontiveros
P.O. Box 487
San Jacinto, CA 92581

Don Smith
55 N. 8th Street
Banning CA 92220

Inge Schuler
1030 W. Westward Ave.
Banning CA 92220

Ken Mullen
1908 W. Westward Ave.
Banning CA 92220

Bill Lamb
931 April Lane
Banning CA 92220

Gail Wesson
3400 Wentworth
Hemet, CA 92545

Micale K. Cashe
981 E. Charles St.
Banning CA 92220

Christy Burns
560 Alder Ct.
Banning CA 92220

Robert Weeks or Debra Garcia
582 Alder Court
Banning, CA 92220

Steven Reeves
1020 Dysart
Banning, CA 92220

Jack C. Pryor
19024 Ruppert Street
Palm Springs, CA 92262

Jeremy Wilson
Sun Lakes Country Club
850 Country Club Drive
Banning, CA 92220

Serrano Del Vista
Jim Price
770 South Sunset Ave
Banning, CA 92220

Rick Pippenger
2553 Westward Avenue
Banning, CA 92220

Charles Hough
2649 Winter Court
Banning, CA 92220

**ACCOUNTS PAYABLE AND
PAYROLL WARRANTS FOR THE
MONTH OF OCTOBER, 2013**

*City Council Agenda
1/14/14*

VEND NO	SEQ#	VENDOR NAME	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
INVOICE NO	NO	VOUCHER P.O. NO	NO	DATE	DATE	
0000889	00	ACE	702-3800-480.38-52	STARTER F.D. GENERATOR	124.15	
84267		PI1497 026094 00 09/12/2013				
0003065	00	ALBERT A. WEBB ASSOCIATES		VENDOR TOTAL *	124.15	
133313		PI1407 025838 00 09/18/2013	674-7000-473.90-11	CORP YARD BUILDING	6,856.44	
0004637	00	ALL IN ONE UPHOLSTERY		VENDOR TOTAL *	6,856.44	
281076		PI1500 026128 00 08/29/2013	702-3800-480.30-05	REBUILT BUCKET SEAT PD	65.00	
0002298	00	ALTURA CREDIT UNION		VENDOR TOTAL *	65.00	
20131004		PR1004 00 10/04/2013	001-0000-204.80-06	PAYROLL SUMMARY	1,260.00	
0004459	00	AMERICAN CAPITAL ENT, INC		VENDOR TOTAL *	1,260.00	
JUL 2013		000848 00 08/30/2013	761-3100-480.23-13	COLLECTION FEES	150.13	
AUG 2013		000848 00 08/30/2013	761-3100-480.23-13	COLLECTION FEES	66.71	
0003848	00	AMERICAN WATER WORKS ASSOC.		VENDOR TOTAL *	216.84	
CERT # 04886		000889 00 09/26/2013	660-6300-471.41-04	GRADE 3 RENEWAL - GERDES	55.00	
0006456	00	ARROW STAFFING SERVICE		VENDOR TOTAL *	55.00	
00073826-2		000777 00 09/23/2013	001-2200-421.23-27	ADAMSON, S (W/E 9/21/13)	453.60	
00073826-1		000781 00 09/23/2013	001-3000-442.23-27	WILLIAMS, L (W/E 9/21/13)	95.93	
00073826-1		000782 00 09/23/2013	001-3200-412.23-27	WILLIAMS, L (W/E 9/21/13)	154.81	
00073826-1		000783 00 09/23/2013	100-4900-431.23-27	WILLIAMS, L (W/E 9/21/13)	272.55	
00073826-1		000784 00 09/23/2013	600-5100-435.23-27	WILLIAMS, L (W/E 9/21/13)	109.02	
00073826-1		000785 00 09/23/2013	660-6300-471.23-27	WILLIAMS, L (W/E 9/21/13)	152.63	
00073826-1		000786 00 09/23/2013	680-8000-454.23-27	WILLIAMS, L (W/E 9/21/13)	152.63	
00073826-1		000787 00 09/23/2013	690-9600-453.23-27	WILLIAMS, L (W/E 9/21/13)	152.63	
0005941	00	AT&T		VENDOR TOTAL *	1,543.80	
849-1550 SEP13		000854 00 08/25/2013	001-4500-412.26-05	AUG 25 - SEP 24	121.96	
0004816	00	AT&T GLOBAL CUSTOMER CARE CENTER		VENDOR TOTAL *	121.96	
0601596508		PI1461 026136 00 09/19/2013	370-2200-421.26-05	JPA CIRCUIT CHARGES	360.45	
0006457	00	AUSTRUM, RICHARD & DIANA		VENDOR TOTAL *	360.45	
MAY - JUL 2013		000771 00 09/24/2013	670-7000-356.38-01	MEDICAL LIFELINE REBATE	102.97	
MAY - JUL 2013		000772 00 09/24/2013	675-7020-356.38-15	MEDICAL LIFELINE REBATE	2.91	
0000939	00	BANNING POLICE OFFICERS ASSOC		VENDOR TOTAL *	105.88	

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CITY OF BANNING

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0000939	00	BANNING POLICE OFFICERS ASSOC		00 09/30/2013	001-0000-204.50-00	PD ASSN OFFCR DUES	2,400.00	
0006091	00	BEAUMONT DO IT BEST HOME CENTER		00 09/30/2013		VENDOR TOTAL *	2,400.00	
378464		PI11440 026027 00 09/23/2013			001-3600-461.30-16	REPLIER PARK SUPPLIES	45.12	
378619		PI11476 026027 00 09/26/2013			201-4050-446.36-00	SR. CENTER SUPPLIES	80.73	
0000958	00	BEST, BEST & KRIEGER LLP		00 09/09/2013	700-5040-480.33-01	TORT CLAIM SVCS THRU 8/31	125.85	
709758		000761				VENDOR TOTAL *	768.50	
0099001	00	BIZEK, DENNIS L & BEVERLY A		00 09/29/2013	001-0000-218.22-22	UB CR REFUND-FINALS	768.50	
000082371		UT				VENDOR TOTAL *	104.50	
0006362	00	BOSTON, LINDA		00 09/23/2013	675-7020-473.42-36	ENERGY ASSUSTANCE REBATE	104.50	
FEB - JUL 2013		000774				VENDOR TOTAL *	143.07	
0001529	00	BURK, DUANE		00 09/20/2013	001-3000-442.23-05	PARKING FOR PARDEE CASE	143.07	
REIMBURSEMENT		000895				VENDOR TOTAL *	6.50	
0003780	00	CALIFORNIA LAW ENFORCE ASSN		00 10/01/2013	001-0000-204.80-13	POLICE LTD PREMIUMS	6.50	
OCT 2013		000813				VENDOR TOTAL *	661.50	
0004000	00	CALIFORNIA, STATE OF		00 09/10/2013	001-2200-421.33-31	BLOOD ALCOHOL ANALYSES	661.50	
993129		PI1465 026194 00 09/10/2013				VENDOR TOTAL *	245.00	
0005171	00	CALLAHAN, BRIAN		00 09/10/2013	203-2200-446.36-00	ICE CHEST/WTR FOR SGECOCH	245.00	
REIMBURSEMENT		000851				VENDOR TOTAL *	34.79	
0005546	00	CAYO, BENJAMIN		00 09/23/2013	675-7020-473.42-36	ENERGY ASSUSTANCE REBATE	34.79	
FEB - JUL 2013		000773				VENDOR TOTAL *	31.76	
0001010	00	CHEVRON AND TEXACO BUSINESS		00 09/22/2013	702-3800-480.36-11	MONTHLY CHARGES FLEET GAS	450.20	
39160725		PI1477 026098 00 09/22/2013				VENDOR TOTAL *	450.20	
0006082	00	CIGNA HEALTHCARE		00 10/01/2013	001-0000-204.31-00	HEALTH PREMIUMS	65,978.88	
OCT 2013		000905				VENDOR TOTAL *	65,978.88	
0006347	00	CLASEN, HOWARD J						

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0006347	00	CLASEN, HOWARD J						
BA333		PI1275 026190 00 09/13/2013			001-2400-422.23-39	WEED ABATEMENT-537100005	255.00	
BA335		PI1277 026190 00 09/13/2013			001-2400-422.23-39	WEED ABATEMENT-538031016	555.00	
BA336		PI1278 026190 00 09/13/2013			001-2400-422.23-39	WEED ABATEMENT-540130034	165.00	
BA349		PI1279 026190 00 09/13/2013			001-2400-422.23-39	WEED ABATEMENT-541132024	145.00	
						VENDOR TOTAL *	1,120.00	
0099001	00	CLEAR						
10/28-11/01/13	000811	00 10/01/2013			001-2200-421.23-06	CLEAR CONF REG - COLBERT	410.00	
0004157	00	COGBILL, IRENE JANE				VENDOR TOTAL *	410.00	
SEP 2013	000805	00 09/30/2013			001-4000-461.23-15	TOT TIME INSTRUCTOR	259.20	
0001022	00	COOPERATIVE PERSONNEL SVCS.				VENDOR TOTAL *	259.20	
SOP35508	000882	00 09/26/2013			001-1300-412.41-17	DISPATCHER EXAM	660.00	
0006673	00	COUNTY OF RIVERSIDE, AIRPORT LAND				VENDOR TOTAL *	660.00	
GPA 3-2505	000898	00 09/30/2013			001-2800-441.33-11	LAND USE ACTION REVIEW	1,188.00	
0001031	00	CUSTOM TROPHIES & U-NEEK AWARDS				VENDOR TOTAL *	1,188.00	
012029	000902	00 10/01/2013			001-1000-411.36-00	CNCL PSNTATION CERT CVRS	29.70	
0003752	00	DANCEL, JESSIE				VENDOR TOTAL *	29.70	
SEP 2013	000790	00 09/30/2013			001-4000-461.23-15	KARATE INSTRUCTOR	339.50	
0005766	00	DANGELO CO				VENDOR TOTAL *	339.50	
S1200066.001	PI1423	00 09/05/2013			660-0000-131.00-00	FLG 4" CL 150 S/O WELD	497.33	
0006109	00	DE ZORZI, PATRICK M. & SHIRLEY M.				VENDOR TOTAL *	497.33	
51ST PMT	000900	00 10/01/2013			830-9200-490.61-16	2301 W RAMSEY ST	2,745.99	
51ST PMT	000901	00 10/01/2013			830-9200-490.62-16	2301 W RAMSEY ST	4,561.61	
0006603	00	DIVISION OF THE STATE ARCHITECT				VENDOR TOTAL *	7,307.60	
2014 QTR 1	000850	00 09/30/2013			001-0000-223.26-00	DISAB ACCESS & EDU FEE	114.30	
0099001	00	ENRIQUEZ, HENRY E				VENDOR TOTAL *	114.30	
000080109	UT	00 09/29/2013			001-0000-218.22-22	UB CR REFUND-FINALS	19.06	
0005602	00	G & G ENVIRONMENTAL COMPLIANCE, INC				VENDOR TOTAL *	19.06	
BAN-0713	PI1453	00 08/02/2013			680-8000-454.33-11	PRETREATMENT SVCS INSPECT	1,788.62	

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 CITY OF BANNING

EXPENDITURE APPROVAL LIST
 AS OF: 11/30/2013 CHECK DATE: 10/03/2013

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INVOICE	NO	VOUCHER P.O.	NO	DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO								AMOUNT
0005602	00	G & G ENVIRONMENTAL COMPLIANCE, INC						
0001375	00	GAS COMPANY, THE				VENDOR TOTAL *	1,788.62	
1568481	5176SP13000860	00 09/19/2013			001-4500-412.26-01	AUG 16 - SEP 17	9.74	
0006423	00	GHG CLIMATE TEAM, LLC				VENDOR TOTAL *	9.74	
1093	000843	00 08/05/2013			670-7010-473.27-50	ARB GREENHOUSE GAS VERIF	6,750.00	
0099001	00	GREGORY, JAMES A				VENDOR TOTAL *	6,750.00	
000084007	UT	00 09/29/2013			001-0000-218.22-22	UB CR REFUND-FINALS	38.83	
0006669	00	HINKLE, BETTY				VENDOR TOTAL *	38.83	
MAY - JUL 2013	000891	00 09/24/2013			670-7000-356.38-01	MEDICAL LIFELINE REBATE	121.19	
MAY - JUL 2013	000892	00 09/24/2013			675-7020-356.38-15	MEDICAL LIFELINE REBATE	2.79	
0005365	00	HOME DEPOT #8987				VENDOR TOTAL *	123.98	
4012031	000762	00 08/08/2013			660-6300-471.45-16	MASONRY BLADES	18.26	
3014969	000764	00 08/08/2013			660-6300-471.45-08	LOCKNUTS, BUSHINGS	5.38	
2015146	000765	00 08/08/2013			660-6300-471.45-08	FITTINGS	3.54	
3014969	000763	00 08/08/2013			670-7000-473.45-16	TRASH CAN	16.17	
0099001	00	HYATT REGENCY MONTEREY				VENDOR TOTAL *	43.35	
26466199	000810	00 10/01/2013			001-2200-421.23-06	CLEAR CONF HOTEL - COLBE	771.76	
0001146	00	I.B.E.W. LOCAL 47				VENDOR TOTAL *	771.76	
SEP 2013	000896	00 09/30/2013			001-0000-204.53-00	UNION DUES	6,073.75	
0004086	00	I.B.E.W. LOCAL 47 (PAC)				VENDOR TOTAL *	6,073.75	
SEP 2013	000808	00 09/30/2013			001-0000-204.80-01	PAC DUES	86.00	
0005217	00	IBEW LOCAL 47 RETIREE MEDICAL TRUST				VENDOR TOTAL *	86.00	
20131004	PR1004	00 10/04/2013			001-0000-204.80-10	PAYROLL SUMMARY	1,797.41	
0002297	00	ICMA RETIREMENT TRUST 457				VENDOR TOTAL *	1,797.41	
20131004	PR1004	00 10/04/2013			001-0000-204.16-00	PAYROLL SUMMARY	2,026.32	
0099001	00	KOSEN, TIMOTHY J				VENDOR TOTAL *	2,026.32	
000082215	UT	00 09/29/2013			001-0000-218.22-22	UB CR REFUND-FINALS	113.59	
0099001	00	LAKE TAHOE RESORT HOTEL				VENDOR TOTAL *	113.59	

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE		VOUCHER P.O.	NO	DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO		NO						AMOUNT
0099001	00	LAKE TAHOE RESORT HOTEL		00 10/01/2013	001-2200-421.23-06	RIMS CONF HOTEL - SHUBIN	429.27	
33980		000812				VENDOR TOTAL *	429.27	
0099001	00	LAKE TAHOE RESORT HOTEL		00 10/01/2013	001-2200-421.23-06	RIMS CONF HOTEL - KESTER	429.27	
33983		000812				VENDOR TOTAL *	429.27	
0099001	00	LAKE TAHOE RESORT HOTEL		00 10/01/2013	001-2740-442.23-05	CACEO CONF - CALDERON	442.71	
41793		000903				VENDOR TOTAL *	442.71	
0005763	00	LOPEZ, CARMEN S		00 09/30/2013	001-4000-461.23-15	ZUMBA INSTRUCTOR	175.70	
SEP 2013		000789				VENDOR TOTAL *	175.70	
0099001	00	LUEVANOS, EVERITT		00 09/29/2013	001-0000-218.22-22	UB CR REFUND-FINALS	85.55	
000082261		UT				VENDOR TOTAL *	85.55	
0006294	00	MAGANA, ALEX / INGRID		00 09/16/2013	670-7000-356.38-01	MEDICAL LIFELINE REBATE	89.31	
JUL - SEP 2013		000769			675-7020-356.38-15	MEDICAL LIFELINE REBATE	2.51	
JUL - SEP 2013		000770				VENDOR TOTAL *	91.82	
0006488	00	MEZA, ROSALVA		00 09/23/2013	675-7020-473.42-36	ENERGY ASSUSTANCE REBATE	93.82	
MAR - AUG 2013		000775				VENDOR TOTAL *	93.82	
0000384	00	NAPA AUTO PARTS		00 09/13/2013	702-3800-480.38-52	SHOP PARTS	38.75	
828166		PI1441 026104			702-3800-480.38-52	LIFT SUPPORT #311	79.90	
829017		PI1442 026104			702-3800-480.38-52	POWER STEERING FLUID	19.97	
826924		PI1478 026104			702-3800-480.38-52	BATTERY	24.35	
827025		PI1479 026104			702-3800-480.38-52	UNIT #43 CAP	5.39	
827742		PI1480 026104			702-3800-480.38-52	VAC UNIT #231	11.22	
828129		PI1481 026104			702-3800-480.38-52	SPARK PLUG	4.95	
828754		PI1482 026104			702-3800-480.38-52	WIRE SET UNIT #504	24.29	
829082		PI1483 026104			702-3800-480.38-52	PARTS UNIT #504	26.43	
829131		PI1484 026104			702-3800-480.38-52	PARTS UNIT #504	91.80	
829184		PI1485 026104			702-3800-480.38-52	WIPER BLADE PD #15	16.18	
824764		PI1498 026104				VENDOR TOTAL *	343.23	
0002301	00	NATIONWIDE RETIREMENT SOLUTIONS		00 10/04/2013	001-0000-204.16-00	PAYROLL SUMMARY	1,484.51	
20131004		PR1004				VENDOR TOTAL *	1,484.51	
0006668	00	NET TRANSCRIPTS, INC		00 08/31/2013	001-2200-421.41-20	TRANSCRIBING SVCS	245.70	
083113-26		000766				VENDOR TOTAL *	245.70	
0006660	00	NORMAN A TRAUB ASSOCIATES, INC						

VEND NO SEQ# VENDOR NAME VOUCHER P.O. BNK CHECK/DUE ACCOUNT ITEM CHECK EFT, EPAY OR INVOICE NO NO DATE NO DESCRIPTION AMOUNT HAND-ISSUED NO									
0006660	00	NORMAN A TRAUB ASSOCIATES, INC	PI1464 026249	00	09/25/2013	001-2200-421.33-11	INVESTIGATION SERVICES	308.75	
13115			PI1509 026249	00	09/30/2013	001-2200-421.33-11	INVESTIGATION SERVICES	6,475.09	
13084.2									
0004076	00	O'REILLY AUTO PARTS	PI1486 026105	00	10/14/2013	702-3800-480.38-52	SPARK PLUG	32.34	
2678-252410			PI1487 026105	00	10/19/2013	702-3800-480.38-52	ACCESS RELAY	41.22	
2678-253052			PI1488 026105	00	10/19/2013	702-3800-480.38-52	RELAY	14.44	
2678-253085									
0002460	00	OFFICE DEPOT	PI1462 026214	00	10/07/2013	001-2200-421.36-00	HEADPHONES	88.00	
675488430001			PI1463 026214	00	10/11/2013	001-2200-421.36-00	PRINTER INK	53.42	
675802440001			PI1468 026050	00	10/07/2013	670-7000-473.36-00	FILE JACKETS	104.75	
675589732001			PI1469	00	09/17/2013	670-7000-473.89-48	DIGITAL CAMERA	25.39	
675588973001								280.78	
0000516	00	OFFICE MAX CONTRACT INC	PI1269 026051	00	09/24/2013	001-2400-422.36-00	OFFICE SUPPLIES-FD	454.34	
180596			PI1270 026051	00	09/24/2013	001-2400-422.36-00	OFFICE SUPPLIES-FD	448.58	
180596			PI1472 026051	00	09/17/2013	660-6300-471.36-00	COFFEE SUPPLIES, PAPER	223.84	
093907			PI1470 026051	00	10/07/2013	670-7000-473.36-00	TONER	285.50	
369648			PI1471 026051	00	10/07/2013	670-7000-473.36-00	TONER	263.49	
381071			PI1473 026051	00	09/17/2013	670-7000-473.36-00	COFFEE SUPPLIES, PAPER	56.33	
093907								285.50	
0006313	00	OVERHOLT, JUNE	000890	00	09/26/2013	001-1000-411.36-07	MYR/CTY MGR BRKFST MTG	1,563.24	
REIMBURSEMENT								95.82	
0099001	00	PALERMO PIZZA	UT	00	09/29/2013	001-0000-218.22-22	UB CR REFUND-FINALS	95.82	
000081141								69.46	
0002487	00	PARKHOUSE TIRE, INC.	PI1443 026106	00	10/10/2013	702-3800-480.23-49	POLICE DEPT TIRES	69.46	
2010356492			PI1444 026106	00	10/10/2013	702-3800-480.38-52	POLICE DEPT TIRES	17.50	
2010356492			PI1445 026106	00	10/10/2013	702-3800-480.38-52	VALVE STEMS	1,161.43	
2030114629			PI1446 026106	00	10/10/2013	702-3800-480.23-49	POLICE DEPT TIRES	64.80	
2010357326			PI1447 026106	00	10/10/2013	702-3800-480.38-52	POLICE DEPT TIRES	10.50	
2010357326								610.48	
0005191	00	PARS	PR1004	00	10/04/2013	001-0000-204.25-00	PAYROLL SUMMARY	1,864.71	
20131004								142.60	
0001623	00	PAT'S POTS	000768	00	09/03/2013	680-8000-454.30-04	TEMP TOILET RENTAL	142.60	
13556								370.00	
0002169	00	PETTY CASH CUSTODIAN - FIRE						370.00	

PREPARED 10/03/2013, 16:28:16 EXPENDITURE APPROVAL LIST
 PROGRAM: GM339L AS OF: 11/30/2013 CHECK DATE: 10/03/2013
 CITY OF BANNING

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE		VOUCHER P.O.	NO	DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO		NO						AMOUNT
0002169	00	PETTY CASH CUSTODIAN - FIRE			001-2400-422.36-00	SHELF SUPPORTS	4.04	
1147		000846	00	08/31/2013		VENDOR TOTAL *	4.04	
0006316	00	PINNACLE MEDICAL GROUP			001-1300-412.33-32	SUBST ABUSE PANEL	24.00	
182137107		004803	00	09/20/2013		VENDOR TOTAL *	24.00	
0099001	00	PLUNKETT, TIMOTHY			001-1300-412.41-16	NOTARY REIMBURSEMENT	20.00	
444227937885		000880	00	09/26/2013		VENDOR TOTAL *	20.00	
0004411	00	PRE-PAID LEGAL SERVICES, INC			001-0000-204.80-07	PRE PAID LEGAL PREMIUMS	481.30	
SEP 2013		000806	00	09/30/2013		VENDOR TOTAL *	481.30	
0004483	00	PRESS-ENTERPRISE, THE			670-7000-473.23-03	SUBSCRIPTION RENEWAL	208.00	
19622027		000888	00	09/19/2013		VENDOR TOTAL *	208.00	
0005489	00	PRIORITY MAILING SYSTEMS, INC			001-4500-412.36-00	POSTAGE TAPES	60.86	
INV309117		000878	00	09/26/2013		VENDOR TOTAL *	60.86	
0006607	00	PROSSER, SANDRA			670-7000-356.38-01	MEDICAL LIFELINE REBATE	61.94	
MAY - JUL 2013		000886	00	09/30/2013		MEDICAL LIFELINE REBATE	1.76	
MAY - JUL 2013		000887	00	09/30/2013		VENDOR TOTAL *	63.70	
0006366	00	RAMIREZ, JOSE			675-7020-473.42-36	ENERGY ASSISTANCE REBATE	68.45	
MAR - AUG 2013		000883	00	09/30/2013		VENDOR TOTAL *	68.45	
0002008	00	RASA			001-3000-442.33-51	REVIEW PARCEL MAP36285	389.00	
4614		PIL501 026283	00	07/22/2013		VENDOR TOTAL *	389.00	
0000465	00	RDO EQUIPMENT COMPANY			702-3800-480.38-52	MOWER BLADE	166.08	
P66727		PIL496 026124	00	10/12/2013		VENDOR TOTAL *	166.08	
0000237	00	REDLANDS FORD			702-3800-480.38-52	31 - OIL FLTR ADPTR, HOSE	370.72	
5076512		PIL448 026107	00	09/16/2013		SEAT BELT ASSEMBLY	118.26	
5076178		PIL489 026107	00	09/06/2013		VENDOR TOTAL *	488.98	
0004344	00	RELIABLE OFFICE SOLUTIONS			610-5800-434.30-06	MONO COPIES	2.78	
652197-0		004802	00	06/30/2013		VENDOR TOTAL *	2.78	
0001327	00	RIV. CO. CLERK RECORDER						

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0001327	00	RIV. CO. CLERK RECORDER	00	09/18/2013	001-2400-422.23-39	LEIN RELEASES	23.00	
0001327	00	RIV. CO. CLERK RECORDER,CK GRP-1	00	10/02/2013	001-2400-422.23-39	LEIN RELEASES	23.00	
0002938	00	RIV. CO. INFORMATION TECHNOLOGY	00	09/01/2013	001-2200-421.26-07	RADIO & TELECOMMUNICATION	46.00	
9990110000-1308	P11466	026215	00	09/01/2013	001-2200-421.26-07	RADIO & TELECOMMUNICATION	67.76	
0002478	00	RIV. CO. SHERIFF'S DEPT.	00	10/01/2013	001-2200-421.23-06	DISPATCH TRAINING - BENGE	67.76	
10/21-10-25/13	000812		00	10/01/2013	001-2200-421.23-06	DISPATCH TRAINING - BENGE	268.00	
0006247	00	RIVERSIDE WINNELSON	00	09/10/2013	660-0000-131.00-00	TUBING & CONNECTORS	268.00	
30409900	P11422		00	09/10/2013	660-0000-131.00-00	TUBING & CONNECTORS	1,614.60	
0005705	00	ROWELL, JOYCE	00	09/30/2013	675-7020-473.42-36	ENERGY ASSISTANCE REBATE	1,614.60	
JAN - JUN 2013	000885		00	09/30/2013	675-7020-473.42-36	ENERGY ASSISTANCE REBATE	169.26	
0005998	00	SAN BERNARDINO PUBLIC EMPLOYEES	00	09/30/2013	001-0000-204.51-00	CEAM DUES	169.26	
SEP 2013	000788		00	09/30/2013	001-0000-204.51-00	CEAM DUES	216.00	
0006670	00	SMITH, BARBARA	00	09/24/2013	670-7000-356.38-01	MEDICAL LIFELINE REBATE	216.00	
MAY - JUL 2013	000893		00	09/24/2013	670-7000-356.38-01	MEDICAL LIFELINE REBATE	71.71	
MAY - JUL 2013	000894		00	09/24/2013	675-7020-356.38-15	MEDICAL LIFELINE REBATE	2.03	
0006123	00	SMITH, LOIS E	00	09/30/2013	001-4000-461.23-15	GUITAR INSTRUCTOR	73.74	
SEP 2013	000804		00	09/30/2013	001-4000-461.23-15	GUITAR INSTRUCTOR	28.00	
0000396	00	STAR AUTO PARTS	00	09/10/2013	702-3800-480.38-52	503 - TRANS FIX	28.00	
1-887099	P11449	026109	00	09/10/2013	702-3800-480.38-52	BATTERY #831	22.23	
1-887171	P11450	026109	00	09/11/2013	702-3800-480.38-52	HEAVY DUTY SPECIALTY	59.40	
1-886025	P11490	026109	00	09/05/2013	702-3800-480.38-52	PARTS FIRE DEPT GENERATOR	33.80	
1-886031	P11491	026109	00	09/05/2013	702-3800-480.38-52	FIRE DEPT PART	14.18	
1-886032	P11492	026109	00	09/05/2013	702-3800-480.38-52	GLOSS BLACK PAINT	3.18	
1-888370	P11493	026109	00	09/17/2013	702-3800-480.38-52	BATTERY	12.34	
1-889610	P11494	026109	00	09/23/2013	702-3800-480.38-52	BOXED FUEL CAP	54.00	
1-889691	P11495	026109	00	09/23/2013	702-3800-480.38-52	TRACTOR BATTERY	10.93	
1-880035	P11499	026109	00	08/06/2013	702-3800-480.38-52	TRACTOR BATTERY	39.54	
0004772	00	SUN RIDGE SYSTEMS INC	00			VENDOR TOTAL *	249.60	

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0004772	00	SUN RIDGE SYSTEMS INC	00	10/01/2013	001-2200-421.23-06	RIMS CONF REG - SHUBIN	550.00	
10/16-10/18/13	000812					VENDOR TOTAL *	550.00	
0004772	00	SUN RIDGE SYSTEMS INC,CK GRP-1	00	10/01/2013	001-2200-421.23-06	RIMS CONF REG - KESTER	550.00	
10/16-10/18/13	000813					VENDOR TOTAL *	550.00	
0005005	00	TECHNOLOGY UNLIMITED INC	00	09/25/2013	761-3100-480.30-06	COIN SORTER MAINT RENEWAL	695.00	
277056	000906					VENDOR TOTAL *	695.00	
0006583	00	TELEPACIFIC COMMUNICATIONS	00	09/16/2013	001-2200-421.26-05	SEP 16 - OCT 15	619.42	
49767929-0	000877				001-4500-412.26-05	SEP 16 - OCT 15	1,644.64	
49767929-0	000876					VENDOR TOTAL *	2,264.06	
0004985	00	THESIER, DEREK	00	10/01/2013	001-2200-421.23-06	PSP TRAINING MEAL	12.00	
MEAL 10/8/13	000813					VENDOR TOTAL *	12.00	
0004412	00	TIME WARNER CABLE	00	09/30/2013	001-2400-422.33-95	OCTOBER CABLE-FS89	12.79	
CABLEOCT13	P11467	026084				VENDOR TOTAL *	12.79	
0006552	00	TRAWICK, JAMES	00	09/30/2013	001-1300-412.25-09	TUITION REIMBURSEMENT	2,446.00	
TUITION	000897					VENDOR TOTAL *	2,446.00	
0003658	00	UNION PACIFIC RAILROAD CO	00	09/18/2013	001-3000-442.33-53	PROGRESS PAYMENT	32,453.36	
90037966	P11474	019715				VENDOR TOTAL *	32,453.36	
0006227	00	UNITED ROTARY BRUSH CORPORATION	00	09/19/2013	100-4900-431.38-57	BRUSH KIT - RECONDITION	113.43	
277082	P11451	026253				VENDOR TOTAL *	113.43	
0002269	00	UNITED WAY OF THE INLAND VALLEY	00	10/04/2013	001-0000-204.60-00	PAYROLL SUMMARY	88.50	
20131004	PR1004					VENDOR TOTAL *	88.50	
0004206	00	VERIZON CALIFORNIA	00	09/04/2013	001-4500-412.26-05	SEP 4 - OCT 3	46.30	
769-5052	SEP13	000856			001-4500-412.26-05	SEP 4 - OCT 3	48.35	
922-0262	SEP13	000857			001-4500-412.26-05	SEP 10 - OCT 9	48.35	
849-7124	SEP13	000859			001-4500-412.26-05	SEP 16 - OCT 15	96.96	
849-7296	SEP13	000863			001-4500-412.26-05	SEP 13 - OCT 12	119.13	
849-9205	SEP13	000864			703-3700-480.26-05	SEP 7 - OCT 6	181.18	
199-9613	SEP13	000855				VENDOR TOTAL *	540.27	
0004206	00	VERIZON CALIFORNIA,CK GRP-2						

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE	NO	VOUCHER P.O.	NO	DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO								AMOUNT
0004206	00	VERIZON CALIFORNIA,CK GRP-2						
197-4926	SEP13	000861	00	09/16/2013	001-4500-412.26-05	SEP 16 - OCT 15	315.14	
197-4926	SEP13	000862	00	09/16/2013	660-6300-471.26-05	SEP 16 - OCT 15	41.58	
						VENDOR TOTAL *	356.72	
0006014	00	VERIZON COMMUNICATIONS						
11015621	189SEP13	000858	00	09/19/2013	703-3700-480.26-05	SEP 19 - OCT 18	294.50	
						VENDOR TOTAL *	294.50	
0005284	00	VERIZON SELECT SERVICES INC						
31444	SEP13	000852	00	09/01/2013	001-4500-412.26-05	SEP 1 - SEP 30	26.19	
31444	SEP13	000853	00	09/01/2013	670-7000-473.26-05	SEP 1 - SEP 30	.76	
						VENDOR TOTAL *	26.95	
0005369	00	VERIZON WIRELESS						
9710608408		000847	00	08/26/2013	670-7000-473.26-05	JUL 27 - AUG 26	9.91	
9710598639		000848	00	08/26/2013	670-7000-473.26-05	JUL 27 - AUG 26	9.01	
9710656898		000848	00	08/26/2013	670-7000-473.26-05	JUL 27 - AUG 26	9.01	
9710647219		000848	00	08/26/2013	670-7000-473.26-05	JUL 27 - AUG 26	90.26	
9710508714		000845	00	08/23/2013	703-3700-480.26-05	JUL 24 - AUG 23	14.06	
						VENDOR TOTAL *	132.25	
0004821	00	WELLS FARGO CARD SERVICES INC						
FM 2708	SEP13	000792	00	09/18/2013	670-7000-473.23-06	FE EXAM CRSE - ROBINSON	600.00	
FM 2708	SEP13	000793	00	09/18/2013	670-7000-473.23-05	OSHA COMP SEM - DIAZ SR	398.00	
FM 2708	SEP13	000793	00	09/18/2013	670-7000-473.23-06	FE EXAM CRSE BOOKS	112.86	
FM 2708	SEP13	000793	00	09/18/2013	670-7000-473.23-05	WUC CONF REG - DIAZ SR	364.10	
						VENDOR TOTAL *	1,474.96	
0004821	00	WELLS FARGO CARD SERVICES INC,CK GRP-1						
AT 9056	SEP13	000794	00	09/18/2013	001-1200-412.23-03	ONSTAR SUBSCRIPTION	18.95	
						VENDOR TOTAL *	18.95	
0004821	00	WELLS FARGO CARD SERVICES INC,CK GRP-2						
DS 2682	SEP13	000794	00	09/18/2013	001-1200-412.36-07	PASS EDA LUNCHEON	25.00	
DS 2682	SEP13	000795	00	09/18/2013	001-1200-412.23-06	WRK PJCT CRSE - SAVARD	625.00	
DS 2682	SEP13	000795	00	09/18/2013	001-1200-412.23-06	WRK PJCT CRSE HOTEL - SAV	322.35	
DS 2682	SEP13	000795	00	09/18/2013	001-1200-412.23-05	LEAGUE CONF FLIGHT - TAKA	35.00	
DS 2682	SEP13	000795	00	09/18/2013	850-9200-490.23-05	RECON REG - MANIS	530.00	
						VENDOR TOTAL *	1,537.35	
0004821	00	WELLS FARGO CARD SERVICES INC,CK GRP-4						
MG 1337	SEP13	000872	00	09/17/2013	001-0000-201.10-00	SALES AND USE TAX	3.06-	
MG 1337	OCT13	004806	00	09/17/2013	001-0000-201.10-00	SALES AND USE TAX	98.28-	
MG 1337	SEP13	000868	00	09/17/2013	001-1900-412.23-06	FSCL PLCY CESE - GREEN/DA	300.00	
MG 1337	SEP13	000870	00	09/17/2013	001-2200-421.36-00	PHONE CLIPS	12.03	
MG 1337	SEP13	000867	00	09/17/2013	001-4010-461.23-06	CERT POOL CRSE - FOSTER	355.00	
MG 1337	SEP13	000869	00	09/17/2013	001-4010-461.23-06	CERT POOL CRSE HOTEL	296.14	
MG 1337	OCT13	004805	00	09/17/2013	001-4010-461.23-06	FIRST AID MANKINS	1,449.78	
MG 1337	SEP13	000873	00	09/17/2013	660-6300-471.36-00	PHONE CASES	44.04	

PROGRAM: GM339L
CITY OF BANNING

INVOICE NO	SEQ#	VENDOR NAME	VOUCHER P.O. NO	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, PPAY OR HAND-ISSUED AMOUNT
0004821	00	WELLS FARGO	CARD SERVICES INC, CK GRP-4						
MG 1337	SEP13	000875	00 09/17/2013			660-6300-471.23-06	WA WELL REHAB MGMT CRSE	75.00	
MG 1337	SEP13	000871	00 09/17/2013			703-3700-480.36-00	PHONE CLIPS	29.28	
MG 1337	SEP13	000874	00 09/17/2013			703-3700-480.36-00	PHONE CASES	102.78	
MG 1337	SEP13	000866	00 09/17/2013			761-3100-480.89-56	DEPOSITORY SAFE	63.02	
0006674	00	WESTERN POWER PRODUCTS, INC					VENDOR TOTAL *	2,625.73	
109-17331		004807	00 09/12/2013			610-5800-434.23-03	JHN DEERE SVC ADV	180.00	
0006427	00	WOLFPOND, LAURI					VENDOR TOTAL *	180.00	
DEC - MAY 2013	000884	00 09/30/2013				675-7020-473.42-36	ENERGY ASSISTANCE REBATE	146.59	
0099001	00	WYNDHAM HOTEL - IRVINE					VENDOR TOTAL *	146.59	
81427032	000812	00 10/01/2013				001-2200-421.23-06	ICE CRSE CRSE HOT- ORETEL	942.39	
0099001	00	WYNDHAM HOTEL - IRVINE					VENDOR TOTAL *	942.39	
81423982	000812	00 10/01/2013				001-2200-421.23-06	ICE CRSE CRSE HOT- BENNET	942.39	
0006499	00	ZENNER PERFORMANCE METERS, INC					VENDOR TOTAL *	942.39	
0021965-IN	PI1424	026066 00 09/10/2013				560-6300-471.45-11	1" PERF. NITRO METER	50.00	
0006600	00	ZW3, INC					VENDOR TOTAL *	50.00	
01	PI1475	025979 00 09/08/2013				680-8000-454.33-11	WWTP STUDY	10,937.70	
							VENDOR TOTAL *	10,937.70	
							TOTAL EXPENDITURES ****	192,616.74	

							GRAND TOTAL		

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0002073	00	A-Z BUS SALES, INC. (COLTON)						
BI60832		PI1585 026093	00	09/18/2013	702-3800-480.38-52	UNIT 222 ROLLER SWITCH	83.83	
						VENDOR TOTAL *	83.83	
0004956	00	AIR & HOSE SOURCE INC						
02-23886		PI1514 026023	00	10/06/2013	702-3800-480.38-52	STREET SWEEPER PARTS	11.30	
02-23952		PI1515 026023	00	10/14/2013	702-3800-480.38-52	HYDRAULIC HOSE	87.20	
						VENDOR TOTAL *	98.50	
0004265	00	AMERICAN FORENSIC NURSES						
63564		PI1557 026295	00	09/26/2013	001-2200-421.33-31	MISCELLANEOUS SERVICES	800.00	
63495		PI1558 026295	00	08/26/2013	001-2200-421.33-31	MISCELLANEOUS SERVICES	800.00	
63354		PI1559 026295	00	07/26/2013	001-2200-421.33-31	MISCELLANEOUS SERVICES	800.00	
63631		PI1560 026295	00	09/09/2013	001-2200-421.33-31	MISCELLANEOUS SERVICES	300.00	
63632		PI1561 026295	00	09/09/2013	001-2200-421.33-31	MISCELLANEOUS SERVICES	50.00	
63203		PI1562 026295	00	06/26/2013	001-2200-421.33-31	MISCELLANEOUS SERVICES	800.00	
63503		PI1563 026295	00	08/09/2013	001-2200-421.33-31	MISCELLANEOUS SERVICES	476.00	
63504		PI1564 026295	00	08/09/2013	001-2200-421.33-31	MISCELLANEOUS SERVICES	200.00	
63570		PI1565 026295	00	08/25/2013	001-2200-421.33-31	MISCELLANEOUS SERVICES	355.00	
63572		PI1566 026295	00	08/25/2013	001-2200-421.33-31	MISCELLANEOUS SERVICES	100.00	
63571		PI1567 026295	00	08/25/2013	001-2200-421.33-31	MISCELLANEOUS SERVICES	50.00	
						VENDOR TOTAL *	4,731.00	
0006456	00	ARROW STAFFING SERVICE						
00073926		000953	00	10/01/2013	001-3000-442.23-27	WILLIAMS, L (W/E 9/28/13)	77.72	
00073926		000954	00	10/01/2013	001-3200-412.23-27	WILLIAMS, L (W/E 9/28/13)	125.41	
00073926		000955	00	10/01/2013	100-4900-431.23-27	WILLIAMS, L (W/E 9/28/13)	220.80	
00073926		000956	00	10/01/2013	600-5100-435.23-27	WILLIAMS, L (W/E 9/28/13)	88.32	
00073926		000957	00	10/01/2013	660-6300-471.23-27	WILLIAMS, L (W/E 9/28/13)	123.65	
00073926		000958	00	10/01/2013	680-8000-454.23-27	WILLIAMS, L (W/E 9/28/13)	123.65	
00073926		000959	00	10/01/2013	690-9600-453.23-27	WILLIAMS, L (W/E 9/28/13)	123.65	
						VENDOR TOTAL *	883.20	
0005192	00	BANNING CULTURAL ALLIANCE						
SPONSORSHIP		000967	00	10/10/2013	001-1000-411.41-86	CENTENNIAL GALA TABLE	800.00	
						VENDOR TOTAL *	800.00	
0005559	00	BARNES & THORNBURG AS ESCROW AGENTS						
MATTER 41140-1		000960	00	10/01/2013	600-5100-435.41-04	PROFESSIONAL SERVICES	4,625.00	
						VENDOR TOTAL *	4,625.00	
0006091	00	BEAUMONT DO IT BEST HOME CENTER						
379007		PI1569 026027	00	10/06/2013	001-2400-422.33-95	TRUCK SUPPLIES-FS89	16.29	
378728		PI1519 026027	00	09/30/2013	001-3600-461.36-00	JANITORIAL SUPPLIES	36.37	
378729		PI1520 026027	00	09/30/2013	001-3600-461.30-16	HAND PUMP	34.97	
379034		PI1576 026027	00	10/07/2013	001-3600-461.36-00	BLEACH	9.04	
378568		PI1518 026027	00	09/25/2013	702-3800-480.38-52	SLIP HOOK WITH LATCH	18.34	
						VENDOR TOTAL *	115.01	
0006384	00	BENDER, BEVERLY						

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0006347	00	CLASEN, HOWARD J		09/13/2013	001-2400-422.23-39	WEED ABATEMENT-541044007	310.00	
BA347		PI1552 026190	00			VENDOR TOTAL *	5,174.85	
0099001	00	CLEAR		10/03/2013	001-2200-421.23-06	CLEAR CONF REG - COLBERT	141962	410.00-
10/28-11/01/13	000811		00			VENDOR TOTAL *	.00	410.00-
0005468	00	COLLINS, ELIZABETH		10/07/2013	675-7020-473.42-36	ENERGY ASSISTANCE REBATE	84.61	
MAR - AUG 2013	000935		00			VENDOR TOTAL *	84.61	
0006584	00	COOK, SHARON		10/07/2013	675-7020-473.42-36	ENERGY ASSISTANCE REBATE	208.00	
MAR - AUG 2013	000934		00			VENDOR TOTAL *	208.00	
0006214	00	CORELOGIC INFORMATION SOLUTIONS INC					33.34	
80976856		PI1572 026241	00	09/30/2013	001-2400-422.30-17	METROSCAN SOFTWARE-FD	66.68	
80976618		PI1588 026240	00	09/30/2013	001-3000-442.30-17	MONTHLY SERVICE FEE	100.02	
0003412	00	CREATIVE BUS SALES INC		10/12/2013	702-3800-480.38-52	UNIT #213 LOCK UP KIT	42.70	
5043283		PI1582 026032	00			VENDOR TOTAL *	42.70	
0002723	00	DEPARTMENT OF HEALTH SERVICES		10/10/2013	660-6300-471.41-04	WA TRTMT CERT RENEWAL	105.00	
OP # 29440		000965	00			VENDOR TOTAL *	105.00	
0005155	00	DIAMOND HILLS AUTO GROUP INC					54.05	
482362CVW		PI1534 026244	00	10/05/2013	702-3800-480.38-52	SWITCH FOR UNIT 612	78.34	
481792CVW		PI1535 026244	00	09/23/2013	702-3800-480.38-52	UNIT 306 - AAA LINE POWER	132.39	
0000814	00	E.S. BABCOCK & SONS, INC.		10/10/2013	660-6300-471.41-04	LABS TEAMS REG - VELA	35.00	
10242013		000964	00			LABS TEAMS REG - GERDES	35.00	
10242013		000965	00			VENDOR TOTAL *	70.00	
0004993	00	ESCALANTE, TERRI					50.00	
2013-930		PI1538 026038	00	09/30/2013	001-2400-422.33-11	NOTARY SERVICES	50.00	
2013-930		PI1538 026038	00	09/30/2013	001-2400-422.33-11	NOTARY SERVICES	50.00-	
2013-930		PI1538	00	09/30/2013	001-2400-422.33-11	NOTARY SERVICES	50.00	
0006164	00	FLAMINGO'S EVENT PLANNER				VENDOR TOTAL *	50.00	
10152013		000928	00	10/02/2013	001-0000-223.12-00	STATE OF CTY RENTALS	1,285.00	
0005399	00	FOX OCCUPATIONAL MEDICAL CENTER				VENDOR TOTAL *	1,285.00	

PREPARED 10/10/2013, 16:38:18
 PROGRAM: GW339L
 CITY OF BANNING

EXPENDITURE APPROVAL LIST
 AS OF: 11/30/2013 CHECK DATE: 10/10/2013

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0005399	00	FOX OCCUPATIONAL MEDICAL CENTER						
22683-45755		PI1574 026041 00 10/02/2013			700-5020-480.41-14	HEP B SHOT	50.00	
						VENDOR TOTAL *	50.00	
0005602	00	G & G ENVIRONMENTAL COMPLIANCE, INC						
BAN-0813		PI1452 026276 00 09/03/2013			680-8000-454.33-11	PRETREATMENT SVCS INSPECT	3,035.48	
						VENDOR TOTAL *	3,035.48	
0004894	00	GALLS RETAIL CA						
BC0022688		PI1597 026207 00 09/13/2013			203-2200-446.36-04	CLOTHING & APPAREL	103.65	
BC0023277		PI1598 026207 00 09/16/2013			203-2200-446.36-04	CLOTHING & APPAREL	99.32	
BC0023278		PI1599 026207 00 09/16/2013			203-2200-446.36-04	CLOTHING & APPAREL	112.26	
						VENDOR TOTAL *	315.23	
0002589	00	GARDA CL WEST INC						
192-267313		PI1502 026089 00 09/01/2013			761-3100-480.23-43	ARMORED SVC - AUG	374.40	
						VENDOR TOTAL *	374.40	
0001375	00	GAS COMPANY, THE						
13392459007SP13		PI1521 026101 00 09/24/2013			600-5100-435.26-06	AIRPORT MONTHLY CHARGES	40.02	
						VENDOR TOTAL *	40.02	
0000448	00	GRAINGER						
9241379446		PI1631 026042 00 09/12/2013			660-6300-471.45-16	CARBON BRUSH ASSY	12.06	
9248122294		PI1632 026042 00 09/19/2013			660-6300-471.45-16	BRASS VACUUM BREAKER	171.18	
						VENDOR TOTAL *	183.24	
0006301	00	GROOMER, BARRY						
APR - SEP 2013		000944			675-7020-473.42-36	ENERGY ASSISTANCE REBATE	134.94	
						VENDOR TOTAL *	134.94	
0006609	00	HICKS, JESSICA						
EYEWEAR		000930			001-1300-412.25-10	VISION REIMBURSEMENT	121.00	
						VENDOR TOTAL *	121.00	
0099001	00	HYATT REGENCY MONTEREY						
26466199		000810			001-2200-421.23-06	CLEARNS CONF HOTEL - COLBE	141978	771.76-
						VENDOR TOTAL *	.00	771.76-
0002274	00	INLAND WATER WORKS SUPPLY CO.						
256349		PI1601			660-0000-131.00-00	AIR VAC SCREEN	699.84	
						VENDOR TOTAL *	699.84	
0005213	00	KESTER, ELIZABETH						
MEALS 10/16-18		000932			001-2200-421.23-06	RIMS CONF MEALS	124.00	
						VENDOR TOTAL *	124.00	
0006314	00	KNORR, KATHY						
MAR - AUG 2013		000938			675-7020-473.42-36	ENERGY ASSISTANCE REBATE	106.69	
						VENDOR TOTAL *	106.69	
0004968	00	LITHOPASS PRINTING, FORMS,						

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0004968	00	LITHOPASS PRINTING, FORMS,			761-3100-480.23-02	UTILITY DEPOSIT RCTS	1,198.80	
29873		PI1633 026046 00 10/18/2013				VENDOR TOTAL *	1,198.80	
0003132	00	LOADER, MICHAEL			001-0001-361.41-76	STALE DATED CHECK	12.00	
CK 137718	REISS000962	00 09/30/2013				VENDOR TOTAL *	12.00	
0005363	00	MIDWAY PLUMBING & IRRIGATION			111-4900-432.30-01	REPAIR PARTS	297.00	
1240	PI1583 026048 00 09/27/2013					VENDOR TOTAL *	297.00	
0006344	00	MILLER, NINA			675-7020-473.42-36	ENERGY ASSISTANCE REBATE	222.57	
APR - SEP 2013	000940	00 10/07/2013				VENDOR TOTAL *	222.57	
0006402	00	MITSUBISHI ELECTRIC & ELECTRONICS			001-3200-412.30-02	MONTHLY MAINTENANCE OCT	270.00	
242999	PI1513 026073 00 10/01/2013					VENDOR TOTAL *	270.00	
0000384	00	NAPA AUTO PARTS			702-3800-480.38-52	POWER STEERING	44.27	
826879	PI1522 026104 00 09/04/2013					FUEL CAP	12.41	
828986	PI1523 026104 00 09/19/2013					RELAY	15.00	
829671	PI1524 026104 00 09/24/2013					PART UNIT #32	7.69	
829767	PI1525 026104 00 09/25/2013					FUEL CAP	12.41	
830152	PI1526 026104 00 09/27/2013					VENDOR TOTAL *	91.78	
0006431	00	NI GOVERNMENT SERVICES, INC			001-2400-422.26-07	SAT RADIO-FD	38.89	
3090736161	PI1570 026200 00 10/01/2013					VENDOR TOTAL *	38.89	
0002460	00	OFFICE DEPOT			001-1900-412.36-00	TONER, BOXES	158.16	
675704428001	PI1634 026050 00 10/07/2013					TONER, BOXES	15.96	
675704428001	PI1635 026050 00 10/07/2013					VENDOR TOTAL *	174.12	
0000516	00	OFFICE MAX CONTRACT INC			201-4050-446.36-00	TOWEL DISP/ETC/SR. CTR	169.97	
403785	PI1584 026051 00 10/08/2013					VENDOR TOTAL *	169.97	
0002686	00	PACKHAM & TOOMEY, INC			600-5100-435.30-06	MONTHLY INSPECTION	750.00	
100713	PI1580 026211 00 10/07/2013					MONTHLY INSPECTION	125.00	
100713	PI1581 026211 00 10/07/2013					VENDOR TOTAL *	875.00	
0002487	00	PARKHOUSE TIRE, INC.			702-3800-480.23-49	TIRES	3.50	
2010356484	PI1527 026106 00 10/10/2013					TIRES	267.08	
2010356484	PI1528 026106 00 10/10/2013					TIRES	3.50	
2030114788	PI1529 026106 00 10/10/2013							

PREPARED 10/10/2013, 16:38:18
PROGRAM: GM339L
CITY OF BANNING
EXPENDITURE APPROVAL LIST
AS OF: 11/30/2013 CHECK DATE: 10/10/2013

VEND NO		SEQ#	VENDOR NAME		BNK CHECK/DUE		ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE	NO		VOUCHER	P.O.	NO	DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED

0002487	00		PARKHOUSE TIRE, INC.							
2030114788			PII530 026106	00	10/10/2013		702-3800-480.38-52	TIRES	272.70	
0006589	00		Perez, Mike							
APR - SEP 2013	000939		00	10/07/2013			675-7020-473.42-36	ENERGY ASSISTANCE REBATE	203.26	
0006316	00		Pinnacle Medical Group							
182137097			PII506 026054	00	09/20/2013		001-1300-412.33-32	RANDOM TESTING	24.00	
182137137			PII507 026054	00	09/20/2013		001-1300-412.33-32	RANDOM TESTING	24.00	
182137167			PII508 026054	00	09/20/2013		001-1300-412.33-32	RANDOM TESTING	24.00	
180962927			PII504 026054	00	08/23/2013		610-5800-434.33-32	OFFICE EXAM - SMIT	58.00	
0000237	00		Redlands Ford							
5077037			PII531 026107	00	09/30/2013		702-3800-480.38-52	SEAT BELT KIT	247.80	
0004344	00		Reliable Office Solutions							
658460-0			PII646 026161	00	09/01/2013		001-2400-422.32-06	SEP 11 - OCT 11	140.18	
658460-0			PII657 026161	00	08/30/2013		001-2400-422.30-06	MONO COPIES	4.64	
658465-0			PII638 026161	00	09/01/2013		001-4000-461.32-06	SEP 29 - OCT 29	92.46	
658465-0			PII638 026161	00	09/01/2013		001-4000-461.30-06	MONO COPIES	5.39	
658465-0			PII650 026161	00	08/30/2013		001-4050-461.32-06	SEP 29 - OCT 29	23.12	
658465-0			PII639 026161	00	09/01/2013		001-4050-461.32-06	MONO COPIES	1.35	
658465-0			PII651 026161	00	08/30/2013		001-4050-461.30-06	PAPER	758.70	
6584678-0			PII636 026059	00	09/24/2013		001-4500-412.36-00	SEP 29 - OCT 29	273.24	
658454-0			PII637 026161	00	09/01/2013		001-4500-412.32-06	SEP 29 - OCT 29	115.58	
658459-0			PII644 026161	00	09/01/2013		001-4500-412.32-06	SEP 27 - OCT 27	342.68	
658461-0			PII647 026161	00	09/01/2013		001-4500-412.30-06	MONO COPIES	66.28	
6586757-0			PII649 026161	00	08/30/2013		001-4500-412.30-06	MONO COPIES	34.16	
6586765-0			PII655 026161	00	08/30/2013		001-4500-412.30-06	MONO COPIES	95.87	
6586768-0			PII658 026161	00	08/30/2013		001-4500-412.30-06	MONO COPIES	115.58	
658455-0			PII640 026161	00	09/01/2013		610-5800-434.32-06	SEP 29 - OCT 29	6.74	
6586759-0			PII652 026161	00	08/30/2013		610-5800-434.30-06	MONO COPIES	6.83	
6586762-0			000923	00	08/30/2013		670-7000-473.30-06	ADDED TRAY	34.85	
658457-0			PII642 026161	00	09/01/2013		670-7000-473.32-06	SEP 29 - OCT 29	231.16	
658458-0			PII643 026161	00	09/01/2013		670-7000-473.32-06	SEP 29 - OCT 29	23.51	
6586763-0			PII654 026161	00	08/30/2013		670-7000-473.30-06	MONO COPIES	34.85	
658456-0			PII641 026161	00	09/01/2013		761-3100-480.32-06	SEP 29 - OCT 29	115.58	
658459-0			PII645 026161	00	09/01/2013		761-3100-480.32-06	SEP 29 - OCT 29	50.82	
6586761-0			PII653 026161	00	08/30/2013		761-3100-480.30-06	MONO COPIES	34.16	
6586765-0			PII656 026161	00	08/30/2013		761-3100-480.30-06	MONO COPIES	2,607.73	
0001641	00		RIV. CO. TREASURER							
540202002-3			000530	00	09/05/2013		001-1210-412.41-05	2011-12 & 2012-13 PROP TX	CHECK #:	141629
0001641	00		RIV. CO. TREASURER,CK GRP-1							

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0001641	00	RIV. CO. TREASURER, CK GRP-1	001-1210-412.41-05	2011-12 & 2012-13 PROP TX	141630		611.92-
540202003-4	000530	00 09/05/2013		VENDOR TOTAL *		.00	611.92-
0001641	00	RIV. CO. TREASURER, CK GRP-2	001-1210-412.41-05	2011-12 & 2012-13 PROP TX	141631		10,796.03-
540204009-6	000530	00 09/05/2013		VENDOR TOTAL *		.00	10,796.03-
0001317	00	RIVERSIDE, COUNTY OF	001-2200-321.18-06	PARKING CITATION ASSMNTS		294.70	
SEP 2013	000961	00 09/30/2013		VENDOR TOTAL *		294.70	
0006071	00	ROCKWELL, AMBER	761-3100-480.25-10	VISION REIMBURSEMENT		158.00	
EYEWEAR	000933	00 10/02/2013		VENDOR TOTAL *		158.00	
0005901	00	SAN GORGONIO PASS DESIGN AND PRINT	001-4000-461.23-02	40 POSTERS/HALLOWEEN		45.06	
6772	PI1577	00 10/01/2013		1,000 FLIERS/JULY EVENT		54.00	
6586	PI1589	00 07/01/2013		VENDOR TOTAL *		99.06	
0005336	00	SCCI, INC DBA	700-5020-480.41-14	SAFETY TRAINING		500.00	
106002	PI1568	00 09/30/2013		VENDOR TOTAL *		500.00	
0001363	00	SHUBIN, DEBORAH	001-2200-421.23-06	RIMS CONF MEALS		124.00	
MEALS 10/16-18	000931	00 10/02/2013		VENDOR TOTAL *		124.00	
0006647	00	STACY BAVOL - NOTARY	660-6300-471.33-11	NOTARY SERVICES		10.00	
106	PI1578	00 10/01/2013		NOTARY SERVICES		10.00	
106	PI1579	00 10/01/2013		VENDOR TOTAL *		20.00	
0000396	00	STAR AUTO PARTS	702-3800-480.38-52	BATTERY		258.94	
1-888941	PI1532	00 09/10/2013		BRAKE PAD SET		51.18	
1-888715	PI1533	00 09/18/2013		LUBE FILTER AND CARTRIDGE		77.78	
1-886013	PI1586	00 09/05/2013		PARTS UNIT #224		28.92	
1-890402	PI1587	00 09/26/2013		VENDOR TOTAL *		416.82	
0002452	00	STATE WATER RESOURCES CONTROL	685-8000-454.61-09	CLEAN WATER STATE FUND		247,803.23	
8830-13-13	000948	00 10/01/2013		CLEAN WATER STATE FUND		56,485.48	
8830-13-13	000949	00 10/01/2013		VENDOR TOTAL *		304,288.71	
0005995	00	STEPHENS, PATRICK	001-0000-223.12-00	ST OF CTY PROP RENTAL		275.00	
REIMBURSEMENT	000971	00 10/10/2013		VENDOR TOTAL *		275.00	
0006222	00	STOCKTON, STEVEN P					

VEND NO	SEQ#	VENDOR NAME	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0006222	00	STOCKTON, STEVEN P	661-6300-471.33-11	FLUME RESTORATION SVCS	1,520.50	
09302013		PI1517 024475 00 10/01/2013				
0001126	00	SUNGARD PUBLIC SECTOR INC	761-3100-480.23-46	VENDOR TOTAL *	1,520.50	
71100		PI1648 026235 00 10/08/2013		TRANS MGR - AUG	156.01	
0006634	00	TRANSPORTATION MGMT & DESIGN, INC	610-5800-434.33-11	VENDOR TOTAL *	156.01	
814-4		PI1573 026020 00 10/02/2013		PASS TRANSIT COA	1,158.04	
0006296	00	TRAPANI, SHARON	675-7020-473.42-36	VENDOR TOTAL *	1,158.04	
APR - SEP 2013		000936 00 10/07/2013		ENERGY ASSISTANCE REBATE	221.25	
0006533	00	TRI-STAR CONTRACTING II, INC	681-8000-454.95-14	VENDOR TOTAL *	221.25	
030613E1		PI1571 026191 00 09/30/2013		PROJECT 2013-011WW	75,096.70	
0006290	00	VELA, ALFREDO	675-7020-473.42-36	VENDOR TOTAL *	75,096.70	
APR - SEP 2013		000941 00 10/07/2013		ENERGY ASSISTANCE REBATE	200.91	
0000143	00	WESTRUX INTERNATIONAL INC	702-3800-480.30-05	VENDOR TOTAL *	200.91	
KW19099		PI1503 026285 00 09/17/2013		UNIT 430 T CASE REPAIR	181.50	
KW18933		PI1505 026285 00 08/29/2013		REPAIRS UNIT 809	534.47	
0001453	00	WHITMORE CONSTRUCTION, INC.	001-3200-412.30-02	VENDOR TOTAL *	715.97	
00002539		PI1536 026270 00 08/16/2013		CTY YRD - SOUTH DOOR RPR	985.00	
00002541		PI1537 026270 00 08/18/2013		CTY YRD - ELC RM DOOR RPR	990.00	
0005595	00	WIREMAN, EYVONNE	675-7020-473.42-36	VENDOR TOTAL *	1,975.00	
APR - SEP 2013		000942 00 10/07/2013		ENERGY ASSISTANCE REBATE	74.24	
0006499	00	ZENNER PERFORMANCE METERS, INC	660-6300-471.45-11	VENDOR TOTAL *	74.24	
0022072-IN		PI1619 026066 00 09/24/2013		CERTIFIED TEST & REPAIR	50.00	
				VENDOR TOTAL *	50.00	
				HAND ISSUED TOTAL ***		
				TOTAL EXPENDITURES ****	419,914.79	

				GRAND TOTAL		15,792.72-
						15,792.72-
						404,122.07

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0003708	00	A & A FENCE CO INC			600-5100-435.30-07	CHAIN LINK REPAIR	965.00	
16237		PI1704 026186 00 09/15/2013						
0004994	00	ALESHIRE & WYNDER, LLP				VENDOR TOTAL *	965.00	
25088		000981 00 08/26/2013			002-0000-222.35-00	PRDEE CEQA LGL SVCS - JUL	3,379.20	
25080		000983 00 08/26/2013			002-0000-222.36-00	HLND ENA LEGAL SVCS - JUL	1,175.00	
25091		000983 00 08/26/2013			002-0000-222.30-28	RNCHO SN G LGL SVCS - JUL	4,400.00	
25075		000984 00 08/26/2013			002-0000-222.30-28	RNCHO SN G LGL SVCS CRDT	196.00	
25088		000981 00 08/26/2013			002-2800-361.41-02	PRDEE CEQA LGL SVCS - JUL	3,379.20	
25088		000981 00 08/26/2013			002-2800-441.33-04	PRDEE CEQA LGL SVCS - JUL	3,379.20	
25080		000983 00 08/26/2013			002-2800-361.41-02	HLND ENA LEGAL SVCS - JUL	1,175.00	
25080		000983 00 08/26/2013			002-2800-441.33-04	HLND ENA LEGAL SVCS - JUL	1,175.00	
25091		000983 00 08/26/2013			002-2800-361.41-02	RNCHO SN G LGL SVCS - JUL	4,400.00	
25091		000983 00 08/26/2013			002-2800-441.33-04	RNCHO SN G LGL SVCS - JUL	4,400.00	
25073		000977 00 08/26/2013			700-5300-480.33-04	GENERAL LEGAL SVCS - JUL	8,661.76	
25074		000978 00 08/26/2013			700-5300-480.33-04	PERSONNE LEGAL SVCS - JUL	16,978.00	
25075		000979 00 08/26/2013			700-5300-480.33-04	PLANNING LEGAL SVCS - JUL	2,305.50	
25076		000979 00 08/26/2013			700-5300-480.33-04	FINANCE LEGAL SVCS - JUL	2,919.08	
25077		000979 00 08/26/2013			700-5300-480.33-04	CODE ENF LEGAL SVCS - JUL	2,899.11	
25078		000979 00 08/26/2013			700-5300-480.33-04	AGENCY LEGAL SVCS - JUL	1,017.94	
25079		000979 00 08/26/2013			700-5300-480.33-04	HOUSING LEGAL SVCS - JUL	354.00	
25081		000979 00 08/26/2013			700-5300-480.33-04	AGNCY RE LEGAL SVCS - JUL	400.40	
25082		000979 00 08/26/2013			700-5300-480.33-04	BNG BNCH LEGAL SVCS - JUL	190.00	
25083		000979 00 08/26/2013			700-5300-480.33-04	SMITH, J LEGAL SVCS - JUL	1,084.00	
25084		000979 00 08/26/2013			700-5300-480.33-04	MASCARO LEGAL SVCS - JUL	5,900.24	
25085		000979 00 08/26/2013			700-5300-480.33-04	PD PERSN LEGAL SVCS - JUL	9,689.56	
25086		000979 00 08/26/2013			700-5300-480.33-04	LABOR LEGAL SVCS - JUL	988.00	
25087		000980 00 08/26/2013			700-5300-480.33-04	DUREAU LEGAL SVCS - JUL	40,089.01	
25089		000982 00 08/26/2013			700-5300-480.33-04	ROBERTSONS LGL SVCS - JUL	209.00	
25090		000982 00 08/26/2013			700-5300-480.33-04	ODDFELLOWS LGL SVCS - JUL	988.00	
0002298	00	ALTURA CREDIT UNION				VENDOR TOTAL *	102,431.80	
20131018		PR1018 00 10/18/2013			001-0000-204.80-06	PAYROLL SUMMARY	1,260.00	
0004265	00	AMERICAN FORENSIC NURSES				VENDOR TOTAL *	1,260.00	
63698		PI1616 026295 00 09/25/2013			001-2200-421.33-31	BLOOD DRAWS	350.00	
63699		PI1617 026295 00 09/25/2013			001-2200-421.33-31	BLOOD DRAWS	100.00	
0005060	00	AMSOIL INC				VENDOR TOTAL *	450.00	
15076189RI		PI1714 026277 00 09/12/2013			702-3800-480.36-14	SYNTHETIC OIL	376.37	
0005215	00	ARIAS, JOE				VENDOR TOTAL *	376.37	
OT MEAL 10/7	00	001008 00 10/07/2013			670-7000-473.25-06	CALL OUT - WIND STORM	14.00	
0006456	00	ARROW STAFFING SERVICE				VENDOR TOTAL *	14.00	

VEND NO	SEQ#	VENDOR NAME	BANK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
INVOICE NO		VOUCHER P.O. NO						
0006456	00	ARROW STAFFING SERVICE						
00073998		001008	00	10/07/2013	001-3000-442.23-27	WILLIAMS, L (W/E 10/5/13)	95.21	
00073998		001008	00	10/07/2013	001-3200-412.23-27	WILLIAMS, L (W/E 10/5/13)	153.63	
00073998		001008	00	10/07/2013	100-4900-431.23-27	WILLIAMS, L (W/E 10/5/13)	270.48	
00073998		001008	00	10/07/2013	600-5100-435.23-27	WILLIAMS, L (W/E 10/5/13)	108.19	
00073998		001008	00	10/07/2013	660-6300-471.23-27	WILLIAMS, L (W/E 10/5/13)	151.47	
00073998		001008	00	10/07/2013	680-8000-454.23-27	WILLIAMS, L (W/E 10/5/13)	151.47	
00073998		001008	00	10/07/2013	690-9600-453.23-27	WILLIAMS, L (W/E 10/5/13)	151.47	
						VENDOR TOTAL *	1,081.92	
0006456	00	ARROW STAFFING SERVICE CK GRP-1						
00073925		000987	00	10/01/2013	001-2200-421.23-27	ADAMSON, S (W/E 9/28/13)	453.60	
00073997		001008	00	10/07/2013	001-2200-421.23-27	ADAMSON, S (W/E 10/5/13)	454.02	
						VENDOR TOTAL *	907.62	
0003008	00	ASPLUNDH TREE EXPERT CO.						
75V68313		PI1724 026265	00	09/20/2013	670-7000-473.23-17	ELECTRIC DEPT SERVICES	3,514.80	
76198313		PI1725 026265	00	09/21/2013	670-7000-473.23-17	ELECTRIC DEPT SERVICES	3,514.80	
						VENDOR TOTAL *	7,029.60	
0005941	00	AT&T						
849-1550 SEP13		000987	00	09/25/2013	001-4500-412.26-05	AUG 26 - SEP 25	52.57	
						VENDOR TOTAL *	52.57	
0006175	00	AT&T CALNET 2						
000004743410		PI1673 026173	00	10/01/2013	001-2200-421.26-05	DP PROCESSING & SOFTWARE	659.98	
						VENDOR TOTAL *	659.98	
0009001	00	BARBERA, JOSEPH UT						
000068133			00	10/13/2013	001-0000-218.22-22	UB CR REFUND-FINALS	43.84	
						VENDOR TOTAL *	43.84	
0006091	00	BEAUMONT DO IT BEST HOME CENTER						
379191		PI1705 026027	00	10/10/2013	001-3600-461.36-00	JANITORIAL SUPPLIES	24.92	
						VENDOR TOTAL *	24.92	
0006519	00	BENGE, LAURA						
MEALS 10/21-25		001007	00	10/21/2013	001-2200-421.23-06	COMM TRAINING OFCR CRSE	48.00	
						VENDOR TOTAL *	48.00	
0005736	00	CALIFORNIA DEPT. OF PUBLIC HEALTH						
1360375		001003	00	09/30/2013	660-6300-471.41-04	WA SYSTM FEE - THRU 6/30	6,475.27	
						VENDOR TOTAL *	6,475.27	
0004000	00	CALIFORNIA, STATE OF						
997222		001001	00	10/03/2013	001-1300-412.33-11	FINGERPRINTS - SEP	64.00	
995593		PI1596 026203	00	10/03/2013	001-2200-421.33-94	FINGERPRINTS - SEP	1,621.00	
998786		PI1674 026206	00	10/08/2013	370-2200-421.26-05	DIRECT CONNECT CHARGES	1,876.98	
						VENDOR TOTAL *	3,561.98	
0005171	00	CALLAHAN, BRIAN						

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0005171	00	CALLAHAN, BRIAN	00	10/21/2013	001-2200-421.23-06	FIREARMS INSTRUCTOR CRSE	60.00	
MEALS 10/21-25	001006							
0099001	00	CATO	00	10/16/2013	001-2200-421.23-06	CATO CONF REG - HOBBS	60.00	
11122013	001010						130.00	
0005307	00	CENTER ELECTRIC	00	09/12/2013	660-6300-471.45-06	WIRE CONDUITS & PUMP	130.00	
7041	PI1615	026256	00	09/09/2013	680-8000-454.30-04	WIRE CONDUITS & PUMP	921.04	
7035	PI1614	026256	00	09/09/2013	680-8000-454.30-04	WIRE CONDUITS & PUMP	475.60	
7034	000998	00	09/09/2013	680-8000-454.30-04	RMVE WIRES FRM SLUDGE PMP	1,750.40		
7033	000999	00	09/09/2013	680-8000-454.30-04	RMVE WIRES FRM SLUDGE PMP	931.48		
7039	001000	00	09/12/2013	680-8000-454.30-04	RMVE WIRES FRM SLUDGE PMP	951.20		
0004857	00	COLLINS, GOURLEY	00	10/04/2013	100-4900-431.25-10	VENDOR TOTAL *	5,029.72	
EYEWEAR	001008					VISION REIMBURSEMENT	138.20	
0001589	00	COMSERCO INC	00	08/31/2013	001-2200-421.30-08	EQUIPMENT MAINT & REPAIR	138.20	
66316	PI1676	026304	00	07/31/2013	001-2200-421.30-08	EQUIPMENT MAINT & REPAIR	1,963.00	
65860	PI1677	026304	00	06/30/2013	001-2200-421.30-08	EQUIPMENT MAINT & REPAIR	1,963.00	
65553	PI1678	026304	00	06/30/2013	001-2200-421.30-08	EQUIPMENT MAINT & REPAIR	5,889.00	
0099001	00	CORNEJO, EVELYN	00	10/13/2013	001-0000-218.22-22	VENDOR TOTAL *	58.41	
000084959	UT					UB CR REFUND-FINALS	58.41	
0004418	00	COSENTINO, MARTHA	00	10/17/2013	610-5800-434.25-10	VENDOR TOTAL *	250.00	
EYEWEAR	001015					VISION REIMBURSEMENT	250.00	
0004331	00	CULVER COMPANY	00	09/24/2013	660-6300-471.41-46	PROMOTIONAL ITEMS F/WTR	1,983.73	
48245	PI1726	026292	00	10/01/2013	001-2200-421.23-06	VENDOR TOTAL *	1,983.73	
0006525	00	CUNNING, ALISON	00	10/01/2013	001-2200-421.23-06	PRPRTY & EVIDENCE SEMINAR	56.05	
MILEAGE 9/18/13	0000987						56.05	
0004223	00	D'SPAIN, PAMELA	00	10/17/2013	001-1900-412.23-05	VENDOR TOTAL *	111.12	
10/9-10/11/2013	001016					CMRTA CONF MILEAGE	24.00	
10/9-10/11/2013	001017					CMRTA CONF MEALS	12.00	
10/9-10/11/2013	001018					CMRTA CONF PARKING	147.12	
0005302	00	DLT SOLUTIONS, INC	00	09/30/2013	670-7000-473.89-49	VENDOR TOTAL *	3,547.95	
SI231997	PI1732	026192	00			AUTOCAD LIC RENEWAL		

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
INVOICE NO		VOUCHER P.O. NO						
0005302	00	DLT SOLUTIONS, INC				VENDOR TOTAL *	3,547.95	
0000814	00	E.S. BABCOCK & SONS, INC.				ANALYTICAL SERVICES	165.00	
B130514-0030		PI1606 026234	00	09/25/2013	660-6300-471.23-32	ANALYTICAL SERVICES	90.00	
B130516-0030		PI1607 026234	00	09/25/2013	660-6300-471.23-32	ANALYTICAL SERVICES	90.00	
B130518-0030		PI1608 026234	00	09/25/2013	660-6300-471.23-32	ANALYTICAL SERVICES	60.00	
B130746-0030		PI1609 026234	00	09/27/2013	660-6300-471.23-32	ANALYTICAL SERVICES	165.00	
B130895-0030		PI1610 026234	00	09/28/2013	660-6300-471.23-32	ANALYTICAL SERVICES	120.00	
B131266-0030		PI1611 026234	00	10/01/2013	660-6300-471.23-32	ANALYTICAL SERVICES	165.00	
B131518-0030		PI1612 026234	00	10/04/2013	660-6300-471.23-32	ANALYTICAL SERVICES	90.00	
B131660-0030		PI1613 026234	00	10/05/2013	660-6300-471.23-32	ANALYTICAL SERVICES	165.00	
B132231-0030		PI1625 026234	00	10/11/2013	660-6300-471.23-32	ANALYTICAL SERVICES	90.00	
B132257-0030		PI1626 026234	00	10/11/2013	660-6300-471.23-32	ANALYTICAL SERVICES	105.00	
B132544-0030		PI1627 026234	00	10/15/2013	660-6300-471.23-32	ANALYTICAL SERVICES	105.00	
B132578-0030		PI1628 026234	00	10/15/2013	660-6300-471.23-32	ANALYTICAL SERVICES	5,100.00	
B1330613-0030		PI1665 026234	00	08/23/2013	660-6300-471.23-32	UCMR III ANALYTICAL SVCS	40.00	
140108		000984	00	05/29/2013	660-6300-471.23-32	DUPLICATE PMT CREDIT	40.00	
B130522-0030		PI1603 026210	00	09/25/2013	680-8000-454.23-32	ANALYTICAL SERVICES	40.00	
B131488-0030		PI1604 026210	00	10/04/2013	680-8000-454.23-32	ANALYTICAL SERVICES	40.00	
B132060-0030		PI1605 026210	00	10/09/2013	680-8000-454.23-32	ANALYTICAL SERVICES	1,125.00	
B131975-0030		PI1664 026210	00	10/09/2013	680-8000-454.23-32	ANALYTICAL SERVICES	7,650.00	
0099001	00	ELLIS, LAWRENCE E				VENDOR TOTAL *	102.94	
000026057		UT		00 10/13/2013	001-0000-218.22-22	UB CR REFUND-FINALS	102.94	
0004993	00	ESCALANTE, TERRI				VENDOR TOTAL *	80.00	
2013-924		PI1719 026038	00	10/10/2013	001-1300-412.41-16	NOTARY SERVICES	80.00	
0001081	00	FERRELLGAS				VENDOR TOTAL *	302.56	
1078113280		PI1622 025379	00	09/25/2013	660-6300-471.36-08	PROPANE FOR WATER SHOP	302.56	
0002225	00	FIELD, MATT				VENDOR TOTAL *	14.00	
OT MEAL 10/9/13001005		00 10/09/2013			670-7000-473.25-06	CALL OUT - SPARKING WIRES	14.00	
OT MEAL 10/7 001008		00 10/07/2013			670-7000-473.25-06	CALL OUT - WIND STORM	28.00	
0005602	00	G & G ENVIRONMENTAL COMPLIANCE, INC				VENDOR TOTAL *	2,448.88	
BAN-0913		PI1662 026276	00	10/01/2013	680-8000-454.33-11	PRETREATMENT SERVICES	2,448.88	
0001375	00	GAS COMPANY, THE				VENDOR TOTAL *	3.34	
08562460009SP13PI1695		026261 00		09/26/2013	001-3600-461.26-06	AUG 23 - SEP 24 YARDS GAS	3.35	
08562460009SP13PI1696		026261 00		09/26/2013	100-4900-431.26-06	AUG 23 - SEP 24 YARDS GAS	6.71	
08562460009SP13PI1697		026261 00		09/26/2013	660-6300-471.26-06	AUG 23 - SEP 24 YARDS GAS	6.71	
08562460009SP13PI1698		026261 00		09/26/2013	670-7000-473.26-06	AUG 23 - SEP 24 YARDS GAS		

VEND NO	SEQ#	VENDOR NAME	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
INVOICE NO	VOUCHER P.O.	BANK CHECK/DUE DATE				
0001375	00	GAS COMPANY, THE	702-3800-480.26-06	AUG 23 - SEP 24 YARDS GAS	6.71	
08562460009SP13PI1699	00	09/26/2013				
0099001	00	GO DIRECT REALTY, INC		VENDOR TOTAL *	26.82	
000078687	UT	00 05/23/2013	001-0000-218.22-22	UB CR REFUND-FINALS	CHECK #: 140116	71.24-
000078687	UT	00 10/17/2013	001-0000-218.22-22	UB CR REFUND-FINALS	CHECK #: 71.24	
000078687	UT	00 05/23/2013	001-0000-218.22-22	UB CR REFUND-FINALS	CHECK #: 140116	120.98-
000078687	UT	00 10/17/2013	001-0000-218.22-22	UB CR REFUND-FINALS	CHECK #: 120.98	
0000448	00	GRAINGER		VENDOR TOTAL *	192.22	192.22-
9260355459	PI1730	026042 00 10/03/2013	660-6300-471.45-16	MATERIAL HANDLING EQUIPMT	51.93	
9260355459	PI1731	026042 00 10/03/2013	670-7000-473.45-16	FIRST AID & SAFETY EQUIP.	51.94	
0005395	00	GRAVES & KING LLP		VENDOR TOTAL *	103.87	
1308-0009478	000995	00 08/31/2013	700-5040-480.33-01	DEFENSE COSTS	21,671.08	
0099001	00	HARRIS, DEJUAN D		VENDOR TOTAL *	21,671.08	
000084065	UT	00 10/13/2013	001-0000-218.22-22	UB CR REFUND-FINALS	37.03	
0000393	00	HD SUPPLY POWER SOLUTIONS LTD		VENDOR TOTAL *	37.03	
2364221-00	PI1718	00 09/20/2013	670-0000-131.00-00	ELECTRIC EQUIP. & HARDWARE	86.62	
0003874	00	HEMET OIL COMPANY		VENDOR TOTAL *	86.62	
114029	PI1516	026043 00 09/11/2013	702-3800-480.36-14	OIL	5,466.50	
10117002	PI1707	026102 00 10/02/2013	702-3800-480.36-11	DIESEL FUEL	2,872.36	
10117003	PI1708	026102 00 10/02/2013	702-3800-480.36-11	GASOLINE	24,834.68	
114029	PI1711	026043 00 09/11/2013	702-3800-480.36-14	OIL	.01	
0003697	00	HYDRO-SCAPE PRODUCTS, INC		VENDOR TOTAL *	33,173.55	
7685289-04	PI1712	026103 00 09/19/2013	111-4900-432.30-01	SPRINKLER REMOTE CONTROL	603.53	
0005217	00	IBEW LOCAL 47 RETIREE MEDICAL TRUST		VENDOR TOTAL *	603.53	
20131018	PR1018	00 10/18/2013	001-0000-204.80-10	PAYROLL SUMMARY	1,762.22	
0002297	00	ICWA RETIREMENT TRUST 457		VENDOR TOTAL *	1,762.22	
20131018	PR1018	00 10/18/2013	001-0000-204.16-00	PAYROLL SUMMARY	2,051.32	
0006490	00	INFOSEND, INC		VENDOR TOTAL *	2,051.32	
72088	PI1686	026134 00 09/09/2013	001-1200-412.23-02	SEP 6 BILLING SVCS	9.70	
72229	PI1689	026134 00 09/16/2013	001-1200-412.23-02	SEP 13 BILLING SVCS	36.08	

VEND NO	SEQ#	VENDOR NAME	BANK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
INVOICE NO		VOUCHER P.O. NO						
0006490	00	INFOSEND, INC						
72395		PI1692 026134	00	09/23/2013	001-1200-412.23-02	SEP 19 BILLING SVCS	46.50	
71653		PI1701 026134	00	08/30/2013	001-1200-412.23-02	AUG 13 BILLING SVCS	66.92	
72088		PI1687 026134	00	09/09/2013	761-3100-480.23-04	SEP 6 BILLING SVCS	201.38	
72088		PI1688 026134	00	09/09/2013	761-3100-480.23-11	SEP 6 BILLING SVCS	64.81	
72229		PI1690 026134	00	09/16/2013	761-3100-480.23-04	SEP 13 BILLING SVCS	688.24	
72229		PI1691 026134	00	09/16/2013	761-3100-480.23-11	SEP 13 BILLING SVCS	228.40	
72395		PI1693 026134	00	09/23/2013	761-3100-480.23-04	SEP 19 BILLING SVCS	892.72	
72395		PI1694 026134	00	09/23/2013	761-3100-480.23-11	SEP 19 BILLING SVCS	292.08	
71653		PI1702 026134	00	08/30/2013	761-3100-480.23-04	AUG 13 BILLING SVCS	1,233.68	
71653		PI1703 026134	00	08/30/2013	761-3100-480.23-11	AUG 13 BILLING SVCS	429.23	
0002274	00	INLAND WATER WORKS SUPPLY CO.				VENDOR TOTAL *	4,189.74	
256225		PI1620	00	09/19/2013	660-0000-131.00-00	BLUE GLUE, MIL TAPE	56.70	
256225		PI1621	00	09/19/2013	660-0000-131.00-00	BLUE GLUE, MIL TAPE	99.63	
0006612	00	MARINA LANDSCAPE, INC				VENDOR TOTAL *	156.33	
1830909300		PI1629 026278	00	09/30/2013	660-6300-471.45-07	MONTHLY MAINT SEPT 2013	1,000.00	
0006601	00	MULLEN & ASSOCIATES, INC				VENDOR TOTAL *	1,000.00	
13903		PI1721 025889	00	09/16/2013	673-7000-473.93-02	PUBLIC WORKS/RELATED SERV	6,220.00	
0002301	00	NATIONWIDE RETIREMENT SOLUTIONS				VENDOR TOTAL *	6,220.00	
20131018		PR1018	00	10/18/2013	001-0000-204.16-00	PAYROLL SUMMARY	1,484.51	
0099001	00	NOVAK, MARION				VENDOR TOTAL *	1,484.51	
000076889		UT	00	10/13/2013	001-0000-218.22-22	UB CR REFUND-FINALS	105.82	
0005621	00	OCEAN SPRINGS TECH, INC				VENDOR TOTAL *	105.82	
26035		PI1593 026296	00	10/01/2013	001-4010-461.30-12	OCT MONTHLY POOL SVC	875.00	
25849		PI1595 026296	00	09/01/2013	001-4010-461.30-12	SEPT/MONTHLY POOL SVC	875.00	
0002460	00	OFFICE DEPOT				VENDOR TOTAL *	1,750.00	
673153903001		PI1669 026214	00	09/30/2013	001-2200-421.36-62	INK CARTRIDGE FOR EVID	67.32	
678353271001		PI1670 026214	00	10/22/2013	001-2200-421.36-00	TONER FOR SGT PRINTER	146.12	
678354163001		PI1671 026214	00	10/22/2013	001-2200-421.36-00	BINDING MACH, CLASP ENV	465.46	
677247381001		PI1679 026050	00	10/14/2013	761-3100-480.36-00	MARKERS, CORR TAPE, CLIPS	67.69	
67724759001		PI1680 026050	00	10/18/2013	761-3100-480.36-00	DATE/INITIAL CUSTOM STAMP	74.42	
0000516	00	OFFICE MAX CONTRACT INC				VENDOR TOTAL *	821.01	
716192		PI1729 026051	00	08/21/2013	670-7000-473.36-00	TONER	349.12	
0006226	00	OLIN CORPORATION DBA				VENDOR TOTAL *	349.12	

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0006226	00	OLIN CORPORATION DBA			660-6300-471.36-08	SODIUM HYPOCHLORITE	2,588.68	
1727901		PI1663 026157 00 09/24/2013						
0005191	00	PARS			001-0000-204.25-00	PAYROLL SUMMARY	2,588.68	
20131018		PR1018 00 10/18/2013					164.94	
0002430	00	PETTY CASH CUSTODIAN - POLICE			001-2200-421.41-20	INFORMATION	164.94	
CASE 12-2618	000987	00 10/08/2013			001-2200-421.41-20	INFORMATION	60.00	
8/10/12 U/C WRK	000987	00 10/08/2013			001-2200-421.41-20	INFORMATION	60.00	
CASE 13-351	000987	00 10/08/2013			001-2200-421.41-20	INFORMATION	80.00	
CASE SG13-0048	000987	00 10/08/2013			001-2200-421.41-20	U/C WORK OM 2/28/13	40.00	
CASE SG13-0048	000987	00 10/08/2013			001-2200-421.41-20	PURCHASE ON 2/28/13	30.00	
13-2738/13-2830	000987	00 10/08/2013			001-2200-421.41-20	INFORMATION	80.00	
CASE 13-3409	001012	00 10/08/2013			001-2200-421.41-20	INFORMATION	20.00	
0006316	00	PINNACLE MEDICAL GROUP				VENDOR TOTAL *	370.00	
182137117		PI1660 026054 00 05/29/2013			610-5800-434.33-32	DOT PHYSICAL	58.00	
182137077		PI1722 026054 00 09/20/2013			670-7000-473.33-32	MISCELLANEOUS SERVICES	60.00	
0099001	00	PREMIER PAVING INC				VENDOR TOTAL *	118.00	
000073347		UT 00 10/13/2013			001-0000-218.22-22	UB CR REFUND-FINALS	240.23	
0001295	00	PRESS-ENTERPRISE, THE				VENDOR TOTAL *	240.23	
I01141230-10032	PI1630 025396 00 10/03/2013				001-1000-411.23-01	NOTICE RE ORD 1471	57.20	
I01099788	PI1700 026055 00 08/31/2013				600-5100-435.23-01	AIRPORT PUBLIC NOTICE	134.20	
I01123497	PI1681 026055 00 09/08/2013				660-6300-471.23-01	NOP ADVERTISEMENT	257.40	
0000858	00	PRUDENTIAL OVERALL SUPPLY				VENDOR TOTAL *	448.80	
20692709	000984	00 05/21/2013			660-6300-471.25-02	WATER UNIFORMS	52.00	
20689577	000984	00 05/14/2013			660-6300-471.25-02	WATER UNIFORMS	52.00	
20699821	000984	00 06/04/2013			660-6300-471.25-02	WATER UNIFORMS	52.00	
20696498	000984	00 05/28/2013			680-8000-454.25-02	WASTE WATER UNIFORMS	15.00	
20689579	000984	00 05/14/2013			680-8000-454.25-02	WASTE WATER UNIFORMS	15.00	
20692711	000984	00 05/21/2013			680-8000-454.25-02	WASTE WATER UNIFORMS	15.00	
20696499	000984	00 05/28/2013			680-8000-454.25-02	WASTE WATER UNIFORMS	15.00	
20699822	000984	00 06/04/2013			680-8000-454.25-02	WASTE WATER UNIFORMS	15.00	
0005242	00	PUBLIC AGENCY RETIREMENT SERVICES				VENDOR TOTAL *	268.00	
26987	000996	00 10/09/2013			001-1900-412.33-11	PARS ADMIN - AUG	300.00	
0004344	00	RELIABLE OFFICE SOLUTIONS				VENDOR TOTAL *	300.00	
656756-0		PI1600 026251 00 08/30/2013			001-2200-421.30-06	EQUIPMENT MAINT & REPAIR	1.40	

VEND NO	SEQ#	VENDOR NAME	NO	NO	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0004344	00	RELIABLE OFFICE SOLUTIONS					001-2200-421.30-06	EQUIPMENT MAINT & REPAIR	33.13	
656755-0		PI1618 026251 00 08/30/2012					001-3000-442.36-00	PRINTER CARTRIDGE	257.97	
660129-0		PI1706 026059 00 10/10/2013								
0001641	00	RIV. CO. TREASURER					660-6300-471.41-05	VENDOR TOTAL *	292.50	
544250004-2		001021 00 09/19/2013						2013 PROPERTY TAXES	211.24	
0001641	00	RIV. CO. TREASURER, CK GRP-1					660-6300-471.41-05	VENDOR TOTAL *	211.24	
544250006-4		001022 00 09/19/2013						2013 PROPERTY TAXES	211.24	
0003314	00	ROBERTSON'S					660-6300-471.45-17	VENDOR TOTAL *	211.24	
214548		PI1623 026060 00 09/16/2013						CONCRETE BASE	374.64	
222307		PI1624 026060 00 09/30/2013						CONCRETE BASE	372.82	
0003762	00	SAN BERNARDINO CO TREASURER					660-6300-471.41-05	VENDOR TOTAL *	747.46	
0324291010000		001024 00 09/19/2013						2013 PROPERTY TAXES	544.61	
0003762	00	SAN BERNARDINO CO TREASURER, CK GRP-1					660-6300-471.41-05	VENDOR TOTAL *	544.61	
0324301010000		001023 00 09/19/2013						2013 PROPERTY TAXES	544.61	
0003125	00	SAN GORGONIO PASS WATER AGENCY					660-6300-471.27-14	VENDOR TOTAL *	544.61	
13-00051		PI1661 026159 00 10/01/2013						SEPT 2013 WATER PURCHASE	31,700.00	
0099001	00	SCOTT, JAMES G					001-0000-218.22-22	VENDOR TOTAL *	31,700.00	
000084679		UT 00 10/13/2013						UB CR REFUND-FINALS	106.69	
0001561	00	SMART & FINAL					690-9600-453.36-07	VENDOR TOTAL *	106.69	
107700		PI1659 026063 00 10/02/2013						BULKY ITEM LUNCH	214.05	
0001377	00	SO CAL WEST COAST ELECTRIC, INC					001-4010-461.30-12	VENDOR TOTAL *	214.05	
14329		PI1575 026187 00 08/07/2013						AQUATIC/INSTALL GRD BOX	288.88	
0001370	00	SOUTH COAST AIR QUALITY					001-4000-461.41-04	VENDOR TOTAL *	288.88	
2641185		001019 00 09/03/2013						LST FY EMISSIONS FEE	117.87	
2640022		001020 00 09/03/2013						LST FY EMISSIONS FEE	317.07	
0001371	00	SOUTHERN CALIFORNIA EDISON					670-7000-473.26-04	VENDOR TOTAL *	434.94	
2011958816SP13		PI1720 026198 00 10/04/2013						SEP 1 - OCT 1	58.74	
0001376	00	SOUTHERN CALIFORNIA GAS CO						VENDOR TOTAL *	58.74	

VEND NO	SEQ#	VENDOR NAME	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0005369	00	VERIZON WIRELESS	001-2200-421.26-05	LAPTOP WIRELESS SVC	304.08	
9712304985		PI1672 026217 00 09/26/2013				
0006531	00	WESCO DIST, INC #6331		VENDOR TOTAL *	304.08	
777627		PI1716 00 09/24/2013	670-0000-131.00-00	ELECTRIC EQUIP.& HARDWARE	2,626.56	
777627		PI1717 00 09/24/2013	670-0000-131.00-00	ELEC UTIL OVERHEAD HDWARE	420.55	
0099001	00	WINTERS, ROBERT & YEU M		VENDOR TOTAL *	3,047.11	
000080307		UT 00 10/13/2013	001-0000-218.22-22	UB CR REFUND-FINALS	40.29	
0099001	00	WYNDHAM HOTEL - IRVINE		VENDOR TOTAL *	40.29	
81427032		000812 00 10/03/2013	001-2200-421.23-06	ICE CRSE CRSE HOT- ORETEL	CHECK #: 142046	942.39-
0099001	00	WYNDHAM HOTEL - IRVINE		VENDOR TOTAL *	.00	942.39-
81423982		000812 00 10/03/2013	001-2200-421.23-06	ICE CRSE CRSE HOT- BENNETT	CHECK #: 142047	942.39-
0000873	00	XEROX CORPORATION		VENDOR TOTAL *	.00	942.39-
070484823		PI1591 026221 00 10/02/2013	001-2200-421.30-06	EQUIPMENT MAINT & REPAIR	532.90	
070484823		PI1592 026221 00 10/02/2013	001-2200-421.32-06	EQUIPMENT MAINT & REPAIR	382.13	
0099001	00	2012-B PROPERTY HOLDINGS LLC		VENDOR TOTAL *	915.03	
000083689		UT 00 10/13/2013	001-0000-218.22-22	UB CR REFUND-FINALS	154.56	
				VENDOR TOTAL *	154.56	
				HAND ISSUED TOTAL ***		
				TOTAL EXPENDITURES ****	291,141.46	2,077.00-
				GRAND TOTAL *****		2,077.00- 289,064.46

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0004727	00	ACTION DOOR CONTROLS INC						
24978		001111	00	10/07/2013	001-3200-412.30-02	FRNT DOOR REPAIR	155.00	
						VENDOR TOTAL *	155.00	
0003065	00	ALBERT A. WEBB ASSOCIATES						
133469		PI1812 025845	00	10/23/2013	101-4900-431.93-04	WESTWARD AVE PROJECT	2,611.70	
134011		PI1811 025838	00	10/23/2013	674-7000-473.90-11	CORP YARD BUILDING	6,440.00	
						VENDOR TOTAL *	9,051.70	
0001616	00	ALTEC INDUSTRIES, INC						
5067820		PI1757 026026	00	09/25/2013	702-3800-480.30-05	#623 DIELECTRIC TEST	488.50	
5067821		PI1758 026026	00	09/25/2013	702-3800-480.30-05	UNIT #340 DIELECTRIC TEST	488.50	
5067822		PI1795 026026	00	09/25/2013	702-3800-480.30-05	UNIT #334 DIELECTRIC TEST	488.50	
5067823		PI1796 026026	00	09/25/2013	702-3800-480.30-05	UNIT #335 DIELECTRIC TEST	488.50	
5067824		PI1797 026026	00	09/25/2013	702-3800-480.30-05	UNIT #337 DIELECTRIC TEST	488.50	
5067825		PI1798 026026	00	09/25/2013	702-3800-480.30-05	UNIT #339 DIELECTRIC TEST	488.50	
5067826		PI1799 026026	00	09/25/2013	702-3800-480.30-05	UNIT #336 DIELECTRIC TEST	488.50	
						VENDOR TOTAL *	3,419.50	
0000903	00	AMERICAN AIR SERVICE						
32693		PI1806 025432	00	10/15/2013	001-3200-412.30-21	WATER DEPT REPAIR	1,230.00	
32693		PI1806 025432	00	10/15/2013	001-3200-412.30-21	WATER DEPT REPAIR	1,230.00	
32693		PI1806	00	10/15/2013	001-3200-412.30-21	WATER DEPT REPAIR	1,230.00	
						VENDOR TOTAL *	1,230.00	
0004265	00	AMERICAN FORENSIC NURSES						
63764		PI1737 026295	00	10/26/2013	001-2200-421.33-31	STAND BY FEE	800.00	
63770		PI1741 026295	00	10/10/2013	001-2200-421.33-31	BLOOD DRAWS	100.00	
63771		PI1742 026295	00	10/10/2013	001-2200-421.33-31	BLOOD DRAWS	100.00	
63772		PI1743 026295	00	10/10/2013	001-2200-421.33-31	BLOOD DRAWS	150.00	
						VENDOR TOTAL *	1,150.00	
0006456	00	ARROW STAFFING SERVICE						
00074064		001103	00	10/14/2013	001-2200-421.23-27	ADAMSON, S (W/E 10/12/13)	463.68	
						VENDOR TOTAL *	463.68	
0006456	00	ARROW STAFFING SERVICE, CK GRP-1						
00074065		001104	00	10/14/2013	001-3000-442.23-27	WILLIAMS, L W/E 10/12/13	70.43	
00074065		001105	00	10/14/2013	001-3200-412.23-27	WILLIAMS, L W/E 10/12/13	113.65	
00074065		001106	00	10/14/2013	100-4900-431.23-27	WILLIAMS, L W/E 10/12/13	200.10	
00074065		001107	00	10/14/2013	600-5100-435.23-27	WILLIAMS, L W/E 10/12/13	80.04	
00074065		001108	00	10/14/2013	660-6300-471.23-27	WILLIAMS, L W/E 10/12/13	112.06	
00074065		001109	00	10/14/2013	680-8000-454.23-27	WILLIAMS, L W/E 10/12/13	112.06	
00074065		001110	00	10/14/2013	690-9600-453.23-27	WILLIAMS, L W/E 10/12/13	112.06	
						VENDOR TOTAL *	800.40	
0003844	00	AT&T MOBILITY						
982351038X1013		PI1819 026174	00	10/19/2013	001-2200-421.26-05	SEP 12 - OCT 11	1,546.03	
999374722X1013		PI1820 026174	00	10/19/2013	001-2200-421.26-05	SEP 12 - OCT 11	181.80	
						VENDOR TOTAL *	1,727.83	
0000939	00	BANNING POLICE OFFICERS ASSOC						

PREPARED 10/24/2013, 16:53:19 EXPENDITURE APPROVAL LIST
 PROGRAM: GM339L AS OF: 11/30/2013 CHECK DATE: 10/24/2013
 CITY OF BANNING

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0000939	00	BANNING POLICE OFFICERS ASSOC		00 10/24/2013	001-0000-204.50-00	PD ASSN DUES	2,450.00	
OCT 2013		001128				VENDOR TOTAL *	2,450.00	
0006091	00	BEAUMONT DO IT BEST HOME CENTER						
379180		PI1749 026027	00	10/10/2013	001-2400-422.33-95	KEYS FOR FIRE ADMIN	3.43	
379219		PI1750 026027	00	10/10/2013	001-2400-422.33-95	SPRINKLER PARTS-FS20	29.62	
379091		PI1759 026027	00	10/08/2013	001-2400-422.33-95	LUMBER-FS89	45.75	
378404		PI1759 026027	00	09/21/2013	001-2400-422.33-95	LANDSCAPING PARTS-FS89	9.71	
378404		PI1760 026027	00	09/21/2013	001-2400-422.33-95	LANDSCAPING PARTS-FS89	34.28	
378474		PI1761 026027	00	09/23/2013	001-2400-422.33-95	SPRINKLER PARTS-FS89	22.80	
378699		PI1762 026027	00	09/29/2013	001-2400-422.33-95	PAINT AND STAIN-FS89	26.27	
378706		PI1763 026027	00	09/29/2013	001-2400-422.33-95	HARDWARE-FS89	7.01	
378706		PI1768 026027	00	09/29/2013	001-2400-422.33-95	HARDWARE-FS89	29.31	
379502		PI1768 026027	00	10/17/2013	001-3200-412.36-00	SEALER	36.46	
379385		PI1766 026027	00	10/15/2013	100-4900-431.36-00	PIPE, ELBOW, ETC	86.76	
379474		PI1767 026027	00	10/16/2013	100-4900-431.36-00	ANCOR BOLTS	17.19	
379508		PI1769 026027	00	10/17/2013	100-4900-431.36-00	GLOVES	49.98	
						VENDOR TOTAL *	398.57	
0004923	00	BEAUMONT LAWNMOWER						
1072		PI1770 026029	00	10/15/2013	111-4900-432.30-01	SHARPEN HEDGECLIPPERS	223.36	
1073		PI1834 026029	00	10/15/2013	111-4900-432.30-01	REPAIR EDGER	93.63	
						VENDOR TOTAL *	316.99	
0003471	00	BEAUMONT, CITY OF						
2013-115		001031	00	10/21/2013	001-2300-424.33-90	ANIMAL SVCS - MAY & JUN	27,815.80	
2013-115		001032	00	10/21/2013	001-2300-424.33-90	ANIMAL SVCS - JUL	12,401.35	
						VENDOR TOTAL *	40,217.15	
0005570	00	BEST EQUIPMENT SERVICE						
35449		001079	00	08/29/2013	702-3800-480.30-05	REPLACE BED CLAMP VALVE	353.61	
						VENDOR TOTAL *	353.61	
0002051	00	BIO-TOX LABORATORIES						
27632		PI1744 026178	00	10/07/2013	001-2200-421.33-31	SUBTNCE ABSE ANALYSES	985.00	
27631		PI1746 026209	00	10/07/2013	001-2200-421.33-31	SUBTNCE ABSE ANALYSES	1,471.00	
27633		PI1748 026209	00	10/07/2013	001-2200-421.33-31	MISCELLANEOUS SERVICES	258.00	
						VENDOR TOTAL *	2,714.00	
0006678	00	BROADCAST MUSIC, INC						
8093356		001119	00	07/01/2013	201-4060-446.36-66	BASE LICENSE FEE	327.00	
7547052		001120	00	07/01/2013	201-4060-446.36-66	BASE LICENSE FEE FY12	320.00	
						VENDOR TOTAL *	647.00	
0005201	00	C & S ENGINEERS, INC						
0142340		PI1808 025943	00	10/04/2013	600-5100-435.90-10	PHASE 1 - EDDA	7,564.70	
0141851		PI1813 025943	00	09/05/2013	600-5100-435.90-10	PHASE 1 - EDDA	4,533.52	
0142340		PI1808 025943	00	10/04/2013	600-5100-435.90-10	PHASE 1 - EDDA	7,564.70	
0142340		PI1808	00	10/04/2013	600-5100-435.90-10	PHASE 1 - EDDA	7,564.70	

EXPENDITURE APPROVAL LIST
AS OF: 11/30/2013 CHECK DATE: 10/24/2013

PREPARED 10/24/2013, 16:53:19
PROGRAM: GM339L
CITY OF BANNING

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
NO		VOUCHER P.O.	NO	DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
								AMOUNT
0005201	00	C & S ENGINEERS, INC				VENDOR TOTAL *	12,098.22	
0002257	00	CA. ST. BOARD OF EQUAL. - FUEL				UNDRGRND STRGE TINK FEE	637.52	
2013 QTR 3		001083		00 09/30/2013	702-3800-480.41-04			
						VENDOR TOTAL *	637.52	
0003780	00	CALIFORNIA LAW ENFORCE ASSN				POLICE LTD PREMIUMS	673.75	
NOV 2013		001132		00 11/01/2013	001-0000-204.80-13			
						VENDOR TOTAL *	673.75	
0004000	00	CALIFORNIA, STATE OF				BLOOD ALCOHOL ANALYSIS	140.00	
998948		PI1739 026194		00 10/10/2013	001-2200-421.33-31			
999001		PI1745 026195		00 10/11/2013	001-2200-421.33-31	H & S ANALYSES	17.00	
						VENDOR TOTAL *	157.00	
0005350	00	CAROLLO ENGINEERS				RANCHO SAN GORGONIO	3,880.93	
0131279		PI1810		00 10/17/2013	001-3000-442.33-11			
0131279		001075		00 10/17/2013	001-3000-351.35-61	RANCHO SAN GORGONIO	3,880.93	
0131279		001075		00 10/17/2013	002-0000-222.30-28	RANCHO SAN GORGONIO	3,880.93	
						VENDOR TOTAL *	3,880.93	
0099001	00	COLON. CECILIA				WINDOW REPLCMNT REBATE	341.00	
67399-7402		001058		00 10/15/2013	675-7020-473.42-66			
						VENDOR TOTAL *	341.00	
0006392	00	COMPASS				99 E RAMSEY ST	165,008.87	
000000018		001129		00 10/02/2013	300-6800-467.61-17			
000000018		001130		00 10/02/2013	300-6800-467.62-17	99 E RAMSEY ST	53,261.08	
						VENDOR TOTAL *	218,269.95	
0001589	00	COMSERCO INC				EQUIPMENT MAINT & REPAIR	1,963.00	
66710		PI1675 026304		00 09/30/2013	001-2200-421.30-08			
						VENDOR TOTAL *	1,963.00	
0006214	00	CORELOGIC INFORMATION SOLUTIONS INC				METRO SCAN SEP. 2013	150.00	
80976605		PI1733 026184		00 09/30/2013	001-2740-442.23-33			
						VENDOR TOTAL *	150.00	
0005552	00	DIRECTV				TV SVC FOR MOBILE CMD CTR	57.99	
21543085233		PI1738 026123		00 10/10/2013	001-2200-421.26-09			
						VENDOR TOTAL *	57.99	
0006676	00	FAMILY DOLLAR				APPLICATION WITHDRAWN	1,802.00	
PH 13-500001		001123		00 09/13/2013	001-2800-351.35-52			
						VENDOR TOTAL *	1,802.00	
0006164	00	FLAMINGO'S EVENT PLANNER				ST OF CTY RENTALS	210.00	
10152013		001051		00 10/15/2013	001-0000-223.12-00			
						VENDOR TOTAL *	210.00	
0002589	00	GARDA CL WEST INC						

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0002589	00	GARDA CL WEST INC		10/01/2013	761-3100-480.23-43	ARMORED SVC - OCT	374.40	
192-597413		PI1778 026089	00			VENDOR TOTAL *	374.40	
0001375	00	GAS COMPANY, THE		10/15/2013	001-2200-421.26-06	HEATER	59.31	
077026837510T13PI1753	026141	00		10/11/2013	001-2400-422.26-06	OCTOBER GAS-FD	17.61	
12662493001OC13PI1751	026111	00		10/17/2013	001-2400-422.26-06	OCTOBER GAS-FS89	45.10	
05602682006OC13PI1779	026111	00		10/17/2013		VENDOR TOTAL *	122.02	
0005395	00	GRAVES & KING LLP		08/31/2013	700-5040-480.33-11	DEFENSE COSTS	1,114.84	
1308-0009518		001034	00			VENDOR TOTAL *	1,114.84	
0006513	00	HIGGINSON CARTOZIAN ARCHITECTS, INC		10/17/2013	674-7000-473.90-11	CORP YARD PHASE 2	5,916.00	
209890		PI1807 025886	00	10/17/2013	674-7000-473.90-11	CORP YARD PHASE 2	5,916.00	
209890		PI1807 025886	00	10/17/2013	674-7000-473.90-11	CORP YARD PHASE 2	5,916.00	
209890		PI1807	00	10/17/2013		VENDOR TOTAL *	5,916.00	
0099001	00	HOTT, ERNIE		10/15/2013	675-7020-473.42-66	WINDOW REPLCMNT REBATE	490.00	
43185-18934		001059	00			VENDOR TOTAL *	490.00	
0000229	00	HYDRO TEK SYSTEMS, INC.		08/30/2013	702-3800-480.30-05	DIAGNOSTIC CHARGE	50.00	
0168597-IN		001077	00	08/30/2013	702-3800-480.30-05	REPAIR LOW PRESSURE	242.31	
0168596-IN		001078	00	08/30/2013		VENDOR TOTAL *	292.31	
0001146	00	I.B.E.W. LOCAL 47		10/24/2013	001-0000-204.53-00	UNION DUES	6,110.07	
OCT 2013		001127	00			VENDOR TOTAL *	6,110.07	
0004086	00	I.B.E.W. LOCAL 47 (PAC)		10/24/2013	001-0000-204.80-01	PAC DUES	86.00	
OCT 2013		001126	00			VENDOR TOTAL *	86.00	
0006490	00	INFOSEND, INC		10/07/2013	001-1200-412.23-02	SEP 30 BILLING SVCS	53.98	
72961		PI1844 026134	00	09/30/2013	001-1200-412.23-02	SEP 24 BILLING SVCS	21.76	
72509		PI1865 026134	00	10/14/2013	761-3100-480.23-04	OCT 8 BILLING SVCS	433.19	
73102		PI1787 026134	00	10/14/2013	761-3100-480.23-11	OCT 8 BILLING SVCS	144.38	
73102		PI1787 026134	00	10/14/2013	761-3100-480.23-04	SEP 30 BILLING SVCS	2,477.63	
72961		PI1845 026134	00	10/07/2013	761-3100-480.23-11	SEP 30 BILLING SVCS	884.92	
72961		PI1846 026134	00	10/07/2013	761-3100-480.23-04	SEP 24 BILLING SVCS	418.45	
72509		PI1866 026134	00	09/30/2013	761-3100-480.23-11	SEP 24 BILLING SVCS	147.14	
72509		PI1867 026134	00	09/30/2013		VENDOR TOTAL *	4,581.45	
0000842	00	KAISER FOUNDATION HEALTH		11/01/2013	001-0000-204.31-00	GRP 101565-002 PREMIUMS	22,953.78	
NOV 2013		001137	00					

EXPENDITURE APPROVAL LIST
AS OF: 11/30/2013 CHECK DATE: 10/24/2013

PREPARED 10/24/2013, 16:53:19
PROGRAM: GM339L
CITY OF BANNING

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0005813	00	NEES, WENDI	00	11/01/2013		001-2200-421.23-06	DSPTCH UPDTE TRAINING		36.00	
MEALS 11/5-11/7001114							VENDOR TOTAL *		36.00	
0002421	00	NEXTEL COMMUNICATIONS				001-2200-421.26-05	SEP 12 - OCT 11		31.86	
913468316-138	PI1755	026216	00	11/09/2013			VENDOR TOTAL *		31.86	
0005621	00	OCEAN SPRINGS TECH, INC				001-4010-461.30-12	AUGUST POOL SERVICE		437.50	
25900	PI1801	026296	00	08/22/2013			VENDOR TOTAL *		437.50	
0002460	00	OFFICE DEPOT				001-2800-441.36-00	ACC FILES, WIPES, ETC.		67.42	
666877387001	PI1835	026050	00	11/03/2013			VENDOR TOTAL *		67.42	
0006606	00	OLDENBERG, JAMES				675-7020-473.42-36	ENERGY ASSISTANCE REBATE		162.65	
MAR - AUG 2013	001056	00	10/15/2013				VENDOR TOTAL *		162.65	
0001277	00	PACIFIC ALARM SERVICE				001-2200-421.23-19	OCT 1 - OCT 31		215.00	
R 97326	PI1849	026177	00	10/01/2013		001-2200-421.23-19	SEP 1 - SEP 30		215.00	
R 96563	PI1879	026177	00	09/01/2013		001-2200-421.23-19	AUG 1 - AUG 31		215.00	
R 95987	PI1895	026177	00	08/01/2013		001-2200-421.23-19	JUL 1 - JUL 31		215.00	
R 95270	PI1911	026177	00	07/01/2013		001-2400-422.23-19	OCT 1 - OCT 31		42.50	
R 97326	PI1850	026177	00	10/01/2013		001-2400-422.23-19	SEP 1 - SEP 30		42.50	
R 96563	PI1880	026177	00	09/01/2013		001-2400-422.23-19	AUG 1 - AUG 31		42.50	
R 95987	PI1896	026177	00	08/01/2013		001-2400-422.23-19	JUL 1 - JUL 31		42.50	
R 95270	PI1912	026177	00	07/01/2013		001-3200-412.23-19	OCT 1 - OCT 31		174.50	
R 97326	PI1851	026177	00	10/01/2013		001-3200-412.23-19	SEP 1 - SEP 30		174.50	
R 96563	PI1881	026177	00	09/01/2013		001-3200-412.23-19	AUG 1 - AUG 31		174.50	
R 95987	PI1897	026177	00	08/01/2013		001-3200-412.23-19	JUL 1 - JUL 31		174.50	
R 95270	PI1913	026177	00	07/01/2013		001-3600-461.23-19	OCT 1 - OCT 31		101.00	
R 97326	PI1852	026177	00	10/01/2013		001-3600-461.23-19	SEP 1 - SEP 30		101.00	
R 96563	PI1882	026177	00	09/01/2013		001-3600-461.23-19	AUG 1 - AUG 31		101.00	
R 95987	PI1898	026177	00	08/01/2013		001-3600-461.23-19	JUL 1 - JUL 31		101.00	
R 95270	PI1914	026177	00	07/01/2013		001-4000-461.23-19	OCT 1 - OCT 31		153.50	
R 97326	PI1853	026177	00	10/01/2013		001-4000-461.23-19	SEP 1 - SEP 30		153.50	
R 96563	PI1883	026177	00	09/01/2013		001-4000-461.23-19	AUG 1 - AUG 31		153.50	
R 95987	PI1899	026177	00	08/01/2013		001-4000-461.23-19	JUL 1 - JUL 31		62.50	
R 95270	PI1915	026177	00	07/01/2013		001-4010-461.23-19	OCT 1 - OCT 31		62.50	
R 97326	PI1854	026177	00	10/01/2013		001-4010-461.23-19	SEP 1 - SEP 30		62.50	
R 96563	PI1884	026177	00	09/01/2013		001-4010-461.23-19	AUG 1 - AUG 31		18.54	
R 95987	PI1900	026177	00	08/01/2013		001-4010-461.23-19	JUL 1 - JUL 31		18.54	
R 95270	PI1916	026177	00	07/01/2013		100-4900-431.23-19	OCT 1 - OCT 31		18.54	
R 97326	PI1858	026177	00	10/01/2013		100-4900-431.23-19	SEP 1 - SEP 30		18.54	
R 96563	PI1888	026177	00	09/01/2013		100-4900-431.23-19	AUG 1 - AUG 31		18.54	
R 95987	PI1904	026177	00	08/01/2013		100-4900-431.23-19	JUL 1 - JUL 31		99.50	
R 95270	PI1920	026177	00	07/01/2013		201-4060-461.23-19	OCT 1 - OCT 31		99.50	
R 97326	PI1855	026177	00	10/01/2013						

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R 96563		PI1885 026177 00 09/01/2013			201-4060-461.23-19	SEP 1 - SEP 30	99.50	
R 95987		PI1901 026177 00 08/01/2013			201-4060-461.23-19	AUG 1 - AUG 31	99.50	
R 95270		PI1917 026177 00 07/01/2013			201-4060-461.23-19	JUL 1 - JUL 31	99.50	
R 97326		PI1856 026177 00 10/01/2013			600-5100-435.23-19	OCT 1 - OCT 31	49.50	
R 96563		PI1886 026177 00 09/01/2013			600-5100-435.23-19	SEP 1 - SEP 30	49.50	
R 95987		PI1902 026177 00 08/01/2013			600-5100-435.23-19	AUG 1 - AUG 31	49.50	
R 95270		PI1918 026177 00 07/01/2013			600-5100-435.23-19	JUL 1 - JUL 31	49.50	
R 97326		PI1857 026177 00 10/01/2013			660-6300-471.23-19	OCT 1 - OCT 31	57.50	
R 97326		PI1859 026177 00 10/01/2013			660-6300-471.23-19	OCT 1 - OCT 31	18.51	
R 96563		PI1887 026177 00 09/01/2013			660-6300-471.23-19	SEP 1 - SEP 30	57.50	
R 96563		PI1889 026177 00 09/01/2013			660-6300-471.23-19	SEP 1 - SEP 30	18.51	
R 95987		PI1903 026177 00 08/01/2013			660-6300-471.23-19	AUG 1 - AUG 31	57.50	
R 95987		PI1905 026177 00 08/01/2013			660-6300-471.23-19	AUG 1 - AUG 31	18.51	
R 95270		PI1919 026177 00 07/01/2013			660-6300-471.23-19	JUL 1 - JUL 31	57.50	
R 95270		PI1921 026177 00 07/01/2013			660-6300-471.23-19	JUL 1 - JUL 31	18.51	
R 97326		PI1860 026177 00 10/01/2013			670-7000-473.23-19	OCT 1 - OCT 31	33.43	
R 96563		PI1890 026177 00 09/01/2013			670-7000-473.23-19	SEP 1 - SEP 30	33.43	
R 95987		PI1906 026177 00 08/01/2013			670-7000-473.23-19	AUG 1 - AUG 31	33.43	
R 95270		PI1922 026177 00 07/01/2013			670-7000-473.23-19	JUL 1 - JUL 31	33.43	
R 97326		PI1861 026177 00 10/01/2013			702-3800-480.30-05	OCT 1 - OCT 31	18.51	
R 96563		PI1891 026177 00 09/01/2013			702-3800-480.30-05	SEP 1 - SEP 30	18.51	
R 95987		PI1907 026177 00 08/01/2013			702-3800-480.30-05	AUG 1 - AUG 31	18.51	
R 95270		PI1923 026177 00 07/01/2013			702-3800-480.30-05	JUL 1 - JUL 31	18.51	
R 97326		PI1862 026177 00 10/01/2013			761-3110-480.23-19	OCT 1 - OCT 31	18.51	
R 96563		PI1892 026177 00 09/01/2013			761-3110-480.23-19	SEP 1 - SEP 30	18.51	
R 95987		PI1908 026177 00 08/01/2013			761-3110-480.23-19	AUG 1 - AUG 31	18.51	
R 95270		PI1924 026177 00 07/01/2013			761-3110-480.23-19	JUL 1 - JUL 31	18.51	
0002686	00	PACKHAM & TOOMEY, INC				VENDOR TOTAL *	4,252.00	
101413		PI1790 026211 00 10/14/2013			702-3800-480.30-06	ANNUAL AQMD TESTING	650.00	
0004759	00	RACEWAY FORD INC				VENDOR TOTAL *	650.00	
666762		PI1780 026117 00 11/04/2013			702-3800-480.30-05	STEERING COLUMN SHAFT	604.17	
666764		PI1781 026117 00 11/04/2013			702-3800-480.30-05	ENGINE LIGHT ON - ADVISE	235.00	
667204		PI1782 026117 00 11/05/2013			702-3800-480.30-05	REAR LIGHTS INOP ADVISE	160.00	
0001555	00	RECORD GAZETTE, THE				VENDOR TOTAL *	999.17	
00095274		PI1774 026057 00 10/21/2013			001-2800-441.23-01	CHARLES GPA PC	264.25	
00095279		PI1775 026057 00 10/21/2013			001-2800-441.23-01	BUILDING CODE UPDATE CC	92.00	
00095283		PI1776 026057 00 10/21/2013			001-2800-441.23-01	HE CC WORKSHOP 11/22/2013	264.25	
0006610	00	REDLANDS BLUEPRINT & COMMERCIAL				VENDOR TOTAL *	620.50	
94111		PI1777 026058 00 10/14/2013			110-5514-461.90-67	PLANS AND SPECS	150.17	
0004344	00	RELIABLE OFFICE SOLUTIONS				VENDOR TOTAL *	150.17	

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0004344	00	RELIABLE OFFICE SOLUTIONS			001-2200-421.30-06	COLOR COPIES	17.53	
659147-0		PI1817 026251 00 09/30/2013			001-2200-421.30-06	COLOR COPIES	2.72	
659148-0		PI1818 026251 00 09/30/2013			001-4000-461.30-06	MONO COPIES	4.84	
659151-0		PI1869 026161 00 09/30/2013			001-4050-461.30-06	MONO COPIES	1.21	
659151-0		PI1870 026161 00 09/30/2013			001-4500-412.30-06	MONO COPIES	67.54	
659149-0		PI1868 026161 00 09/30/2013			001-4500-412.30-06	MONO COPIES	31.79	
659156-0		PI1874 026161 00 09/30/2013			001-4500-412.30-06	MONO COPIES	123.44	
659159-0		PI1876 026161 00 09/30/2013			001-4500-412.30-06	MONO COPIES	2.47	
654316-0		PI1804 026161 00 07/30/2013			610-5800-434.30-06	MONO COPIES	6.05	
659151-0		PI1871 026161 00 09/30/2013			610-5800-434.30-06	MONO COPIES	37.45	
659160-0		PI1877 026161 00 09/30/2013			610-5800-434.30-06	MONO COPIES	37.48	
654316-0		PI1805 026161 00 07/30/2013			610-5850-434.30-06	MONO COPIES	37.46	
659160-0		PI1878 026161 00 09/30/2013			610-5850-434.30-06	MONO COPIES	127.45	
659155-0		PI1873 026161 00 09/30/2013			670-7000-473.30-06	MONO COPIES	66.04	
659153-0		PI1872 026161 00 09/30/2013			761-3100-480.30-06	MONO COPIES	31.79	
659156-0		PI1875 026161 00 09/30/2013			761-3100-480.30-06	MONO COPIES	560.26	
0005926	00	REMOTE SATELLITE SYSTEMS INT. INC				VENDOR TOTAL *	48.95	
00060043		PI1736 026140 00 11/08/2013			001-2200-421.26-05	SATELLITE PHONE SVC/MCC	48.95	
0006677	00	REYNOLDS RESORTS-BANNING, LLC				VENDOR TOTAL *	1,802.00	
CUP 13-8003		001122 00 09/24/2013			001-2800-311.16-11	APPLICATION WITHDRAWN	1,802.00	
0002938	00	RIV. CO. INFORMATION TECHNOLOGY				VENDOR TOTAL *	67.76	
9990110000-1309		PI1747 026215 00 10/01/2013			001-2200-421.26-07	SEP 1 - SEP 30	67.76	
0006221	00	RIVERSIDE COUNTY SHERIFF'S DEPT				VENDOR TOTAL *	157.00	
REG 11/5-11/7		001115 00 11/01/2013			001-2200-421.23-06	DSPTCH UPDTE TRAINING	157.00	
0006221	00	RIVERSIDE COUNTY SHERIFF'S DEPT CK GRP-1				VENDOR TOTAL *	128.00	
REG 11/5-11/7		001116 00 11/01/2013			001-2200-421.23-06	FLD TRAINING OFCR CRSE	128.00	
0005998	00	SAN BERNARDINO PUBLIC EMPLOYEES				VENDOR TOTAL *	216.00	
OCT 2013		001125 00 10/24/2013			001-0000-204.51-00	CBAM DUES	216.00	
0005550	00	SENGER, JOHN				VENDOR TOTAL *	183.37	
MAR - AUG 2013		001053 00 10/15/2013			675-7020-473.42-36	ENERGY ASSISTANCE REBATE	183.37	
0099001	00	SERVINO, JERRY GLENN				VENDOR TOTAL *	500.00	
79079-2118		001060 00 10/15/2013			675-7020-473.42-35	AIR COND REPLCMNT REBATE	500.00	
0004327	00	SHRED-IT USA, INC				VENDOR TOTAL *	500.00	

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AS OF: 11/30/2013 CHECK DATE: 10/24/2013

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0004327	00	SHRED-IT USA, INC						
9402608478		PI1854 026318 00 10/01/2013			001-4500-412.33-11	OCT 1 SHREDDING SVCS	54.00	
9402464944		PI1893 026318 00 09/03/2013			001-4500-412.33-11	SEP 3 SHREDDING SVCS	54.00	
9402531845		PI1894 026318 00 09/17/2013			001-4500-412.33-11	SEP 17 SHREDDING SVCS	54.00	
9402342504		PI1909 026318 00 08/06/2013			001-4500-412.33-11	AUG 6 SHREDDING SVCS	54.00	
9402402735		PI1910 026318 00 08/20/2013			001-4500-412.33-11	AUG 20 SHREDDING SVCS	54.00	
9402211563		PI1925 026318 00 07/09/2013			001-4500-412.33-11	JUL 9 SHREDDING SVCS	54.00	
9402278312		PI1926 026318 00 07/23/2013			001-4500-412.33-11	JUL 23 SHREDDING SVCS	54.00	
						VENDOR TOTAL *	378.00	
0005596	00	SMITH, FRANCES						
MAR - AUG 2013	001054	00 10/15/2013			675-7020-473.42-36	ENERGY ASSISTANCE REBATE	96.58	
						VENDOR TOTAL *	96.58	
0001756	00	STATE BOARD OF EQUALIZATION						
2013 QTR 3	001087	00 09/30/2013			670-7010-473.27-08	ENERGY TAXES	12,407.94	
						VENDOR TOTAL *	12,407.94	
0003952	00	STATEWIDE TOWING & RECOVERY, INC						
73212	001081	00 09/10/2013			702-3800-480.30-05	UNIT 340 TOWING SVCS	375.00	
						VENDOR TOTAL *	375.00	
0006146	00	SUPERMEDIA INC						
667804	OCT13	PI1816 026155 00 10/14/2013			001-2200-421.23-01	MISCELLANEOUS SERVICES	34.95	
						VENDOR TOTAL *	34.95	
0004985	00	THESIER, DEREK						
MEALS 11/5-11/7001117	00 11/01/2013				001-2200-421.23-06	FLD TRAINING OFCR CRSE	36.00	
						VENDOR TOTAL *	36.00	
0002403	00	TURBO DATA SYSTEMS INC						
20665	PI1740	026218 00 10/07/2013			001-2200-421.23-45	CITATION PROCESSING	335.58	
						VENDOR TOTAL *	335.58	
0000871	00	UNDERGROUND SERVICE ALERT						
920130036		PI1783 026132 00 10/26/2013			100-4900-431.30-13	DIG ALERTS	27.50	
920130036		PI1784 026132 00 10/26/2013			660-6300-471.45-08	DIG ALERTS	27.50	
920130036		PI1785 026132 00 10/26/2013			670-7000-473.45-02	DIG ALERTS	27.50	
						VENDOR TOTAL *	82.50	
0005230	00	VALLEY POWER SYSTEMS, INC						
R42017	PI1794	026308 00 10/01/2013			702-3800-480.30-05	REPAIRS UNIT 902	672.50	
R41659	PI1802	026308 00 08/27/2013			702-3800-480.30-05	UNIT 902 - JUMP START	623.50	
						VENDOR TOTAL *	1,296.00	
0004206	00	VERIZON CALIFORNIA						
849-6777	OCT13	PI1667 026114 00 10/01/2013			001-2300-421.26-05	ELEVATOR PHONE	91.08	
PLN-5001	OCT13	PI1668 026121 00 10/01/2013			001-2300-421.26-05	RIV RADIO CIRCUIT	159.48	
PL2-9604	OCT13	PI1752 026115 00 10/10/2013			001-2300-421.26-05	RADIO CIRCUIT TO MT DAVID	159.48	
849-1575	OCT13	PI1814 026112 00 10/13/2013			001-2300-421.26-05	SUSPECT PHONE	39.55	

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0004206	00	VERIZON CALIFORNIA						
UHI-7723	OCT13	PI1815 026122	00	10/07/2013	001-2200-421.26-05	DSI CLEAR CHANNEL	314.62	
922-3301	OCT13	001100	00	10/01/2013	001-2300-424.26-05	OCT 1 - OCT 31	178.21	
849-3260	OCT13	001061	00	09/28/2013	001-4500-412.26-05	SEP 28 - OCT 27	146.39	
922-3201	OCT13	001101	00	10/01/2013	001-4500-412.26-05	OCT 1 - OCT 31	171.82	
199-9613	OCT13	001102	00	10/07/2013	703-3700-480.26-05	OCT 7 - NOV 6	180.79	
						VENDOR TOTAL *	1,441.42	
0004206	00	VERIZON CALIFORNIA, CK GRP-3						
197-6452	SEP13	001045	00	08/28/2013	001-2200-421.26-05	AUG 28 - SEP 27	44.00	
197-6452	OCT13	001064	00	09/28/2013	001-2200-421.26-05	SEP 28 - OCT 27	44.00	
197-6452	SEP13	001049	00	08/28/2013	001-3200-412.30-02	INST TEMP LINES @ COMM CTR	731.95	
197-6452	SEP13	001043	00	08/28/2013	001-4500-412.26-05	AUG 28 - SEP 27	1,042.82	
197-6452	OCT13	001062	00	09/28/2013	001-4500-412.26-05	SEP 28 - OCT 27	1,167.23	
197-6452	SEP13	001048	00	08/28/2013	600-5100-435.23-05	AUG 28 - SEP 27	1,135.00	
197-6452	OCT13	001067	00	09/28/2013	600-5100-435.26-05	SEP 28 - OCT 27	133.93	
197-6452	SEP13	001044	00	08/28/2013	660-6300-471.26-05	AUG 28 - SEP 27	805.19	
197-6452	OCT13	001063	00	09/28/2013	660-6300-471.26-05	SEP 28 - OCT 27	804.68	
197-6452	SEP13	001046	00	08/28/2013	670-7000-473.26-05	AUG 28 - SEP 27	933.10	
197-6452	SEP13	001065	00	08/28/2013	670-7000-473.26-05	SEP 28 - OCT 27	938.74	
197-6452	OCT13	001047	00	09/28/2013	702-3800-480.26-05	AUG 28 - SEP 27	42.89	
197-6452	OCT13	001066	00	09/28/2013	702-3800-480.26-05	SEP 28 - OCT 27	42.89	
						VENDOR TOTAL *	6,866.42	
0005284	00	VERIZON SELECT SERVICES INC						
31444	LATE FEE	001082	00	09/10/2013	001-4500-412.26-05	SEP LATE FEE	.40	
						VENDOR TOTAL *	.40	
0005369	00	VERIZON WIRELESS						
9712334522		001039	00	09/26/2013	670-7000-473.26-05	AUG 27 - SEP 26	9.03	
9712324806		001040	00	09/26/2013	670-7000-473.26-05	AUG 27 - SEP 26	90.18	
9712285998		001041	00	09/26/2013	670-7000-473.26-05	AUG 27 - SEP 26	9.01	
9712276220		001042	00	09/26/2013	670-7000-473.26-05	AUG 27 - SEP 26	9.03	
						VENDOR TOTAL *	117.25	
0005369	00	VERIZON WIRELESS, CK GRP-1						
9712535528		001094	00	10/01/2013	001-1200-412.26-05	SEP 2 - OCT 1	96.32	
9712535528		001095	00	10/01/2013	001-1210-412.26-05	SEP 2 - OCT 1	25.19	
9712535528		001098	00	10/01/2013	001-1300-412.26-05	SEP 2 - OCT 1	58.72	
9712535528		001091	00	10/01/2013	001-1900-412.26-05	SEP 2 - OCT 1	71.49	
9712535528		001098	00	10/01/2013	001-2200-421.26-05	SEP 2 - OCT 1	44.45	
9712535528		001097	00	10/01/2013	001-2210-421.26-05	SEP 2 - OCT 1	10.86	
9712535528		001098	00	10/01/2013	001-2400-422.26-05	SEP 2 - OCT 1	38.01	
9712535528		001092	00	10/01/2013	001-2700-442.26-05	SEP 2 - OCT 1	49.19	
9712535528		001098	00	10/01/2013	001-3000-442.26-05	SEP 2 - OCT 1	161.26	
9712535528		001093	00	10/01/2013	001-3200-412.26-05	SEP 2 - OCT 1	25.17	
9712535528		001098	00	10/01/2013	001-4000-461.26-05	SEP 2 - OCT 1	40.38	
9712535528		001098	00	10/01/2013	100-4900-431.26-05	SEP 2 - OCT 1	118.88	
9712535528		001098	00	10/01/2013	203-2200-446.36-05	SEP 2 - OCT 1	11.94	
9712535528		001098	00	10/01/2013	610-5800-434.26-05	SEP 2 - OCT 1	316.69	

PREPARED 10/31/2013, 15:11:55 EXPENDITURE APPROVAL LIST
 PROGRAM: GM339L AS OF: 12/31/2013 CHECK DATE: 10/31/2013
 CITY OF BANNING

INVOICE NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
16345	00	A & A FENCE CO INC		10/25/2013	660-6300-471.89-22	RPR 147' OF BARB WIRE	645.00	
16346	00	PI1952 026186 00		10/25/2013	660-6300-471.89-22	REPAIRED BARB WIRE 70'	500.00	
		PI1953 026186 00						
0004781	00	ADVANCE WORKPLACE STRATEGIES INC				VENDOR TOTAL *	1,145.00	
256356	00	PI1837 026076 00		11/11/2013	001-1300-412.33-32	DRUG TESTING	195.00	
						VENDOR TOTAL *	195.00	
0002454	00	AIRGAS WEST		10/25/2013	670-7000-473.45-05	CHEMICAL, COMMERCIAL, BULK	124.75	
9912958028	00	PI1966 026022 00				VENDOR TOTAL *	124.75	
0002298	00	ALTURA CREDIT UNION		11/01/2013	001-0000-204.80-06	PAYROLL SUMMARY	1,260.00	
20131101	00	PR1101				VENDOR TOTAL *	1,260.00	
0006573	00	AMEC ENVIRONMENT &		10/11/2013	680-8000-454.23-37	PROFESSIONAL SERVICES	303.75	
514641272	00	PI1841 025875 00				VENDOR TOTAL *	303.75	
0000903	00	AMERICAN AIR SERVICE		09/09/2013	670-7000-473.30-02	SERVICE AC UNIT	151.84	
31388	00	PI1967 026224 00				VENDOR TOTAL *	151.84	
0000910	00	AMERICAN WATER WORKS ASSN		07/25/2013	001-0000-201.10-00	SALES AND USE TAX	42.71	
776261	00	001189 00			660-6300-471.41-46	WTR CONSERVATION BOOKLTS	576.64	
776261	00	PI1955 026317 00				VENDOR TOTAL *	533.93	
0006456	00	ARROW STAFFING SERVICE		10/21/2013	001-2200-421.23-27	ADAMSON, S (W/E 10/19/13)	463.68	
00074107	00	001185				VENDOR TOTAL *	463.68	
0006456	00	ARROW STAFFING SERVICE CK GRP-1						
00074108	00	001207		10/21/2013	001-3000-442.23-27	WILLIAMS, L (W/E 10/19)	85.73	
00074108	00	001207		10/21/2013	001-3200-412.23-27	WILLIAMS, L (W/E 10/19)	138.35	
00074108	00	001207		10/21/2013	100-4900-431.23-27	WILLIAMS, L (W/E 10/19)	243.57	
00074108	00	001207		10/21/2013	600-5100-435.23-27	WILLIAMS, L (W/E 10/19)	97.43	
00074108	00	001207		10/21/2013	660-6300-471.23-27	WILLIAMS, L (W/E 10/19)	136.40	
00074108	00	001207		10/21/2013	680-8000-454.23-27	WILLIAMS, L (W/E 10/19)	136.40	
00074108	00	001207			690-9600-453.23-27	WILLIAMS, L (W/E 10/19)	136.40	
						VENDOR TOTAL *	974.28	
0003008	00	ASPLUNDH TREE EXPERT CO.						
77K55013	00	PI1962 026265 00		10/11/2013	670-7000-473.23-17	TREE TRIMMING SVCS	3,514.80	
78F54313	00	PI1963 026265 00		10/18/2013	670-7000-473.23-17	TREE TRIMMING SVCS	3,514.80	
76T01513	00	PI1968 026265 00		09/28/2013	670-7000-473.23-17	TREE TRIMMING SVCS	3,514.80	
0006190	00	ASSURANT EMPLOYEE BENEFITS				VENDOR TOTAL *	10,544.40	

PREPARED 10/31/2013, 15:11:55 EXPENDITURE APPROVAL LIST
 PROGRAM: GM339L AS OF: 12/31/2013 CHECK DATE: 10/31/2013
 CITY OF BANNING

VEND NO	SEQ#	VENDOR NAME	NO	NO	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, E2AY OR
INVOICE		VOUCHER P.O.				DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO										AMOUNT
0006190	00	ASSURANT EMPLOYEE BENEFITS								
NOV 2013		001209	00	10/18/2013			001-0000-204.32-00	DENTAL PREMIUMS	7,518.22	
NOV 2013		001210	00	10/18/2013			001-0000-204.30-00	LIFE PREMIUMS	5,688.50	
NOV 2013		001211	00	10/18/2013			001-0000-204.14-00	LTD-STD PREMIUMS	3,213.71	
								VENDOR TOTAL *	16,420.43	
0005786	00	BANNING SPORTSMANS CLUB								
BANNING-2013-1		001181	00	10/28/2013			700-5040-480.29-09	INSURANCE REFUND	2,500.00	
								VENDOR TOTAL *	2,500.00	
0003674	00	BEAUMONT CHERRY VALLEY WATER								
0000099		PI1939 026160	00	11/01/2013			660-6300-471.27-14	WATER RECHARGE FEE	6,114.00	
								VENDOR TOTAL *	6,114.00	
0000951	00	BEAUMONT SAFE & LOCK								
60565		PI1981 026325	00	10/27/2013			001-2200-421.36-00	HARDWARE, AND ALLIED ITEMS	2.92	
								VENDOR TOTAL *	2.92	
0003471	00	BEAUMONT, CITY OF								
2013-118		001193	00	10/22/2013			001-2300-424.33-90	MAR & APR ANIMAL SVCS	20,433.65	
								VENDOR TOTAL *	20,433.65	
0005577	00	BENNETT, MICHAEL								
11/4-11/5		001198	00	10/26/2013			001-2200-421.41-20	ARIZONA INTERVIEW MEAL	52.00	
								VENDOR TOTAL *	52.00	
0002896	00	BEST BUY CO., INC.								
COMP LOAN		001161	00	10/28/2013			670-0000-116.21-05	COMP LOAN - TRAWICK	1,814.36	
								VENDOR TOTAL *	1,814.36	
0005517	00	BOTTS, ROBERT								
09/18-09/20/13		001164	00	10/28/2013			001-1000-411.23-05	LEAGUE OF CA CITIES TRAVL	135.29	
								VENDOR TOTAL *	135.29	
0006185	00	BUSY BEES' LIVE BEE REMOVAL SERVICE								
570690		001148	00	07/03/2013			660-6300-471.23-24	BEE RMVL FROM WA MTR	240.00	
								VENDOR TOTAL *	240.00	
0000095	00	CALOLYMPIC GLOVE & SAFETY CO, INC								
321565		PI1964 026272	00	10/14/2013			673-7000-473.90-16	MARKERS, PLAQUES, SIGNS	202.91	
								VENDOR TOTAL *	202.91	
0004253	00	CDW GOVERNMENT, INC								
Q811218		PI1989 026323	00	10/13/2012			001-2200-421.36-00	DUAL VIEW KVM SWITCH	466.43	
								VENDOR TOTAL *	466.43	
0005307	00	CENTER ELECTRIC								
7071		PI1945 026256	00	10/01/2013			660-6300-471.45-06	INSTALL BRKER FOR WTR PUM	951.20	
7072		PI1946 026256	00	10/01/2013			660-6300-471.45-06	INSTALL CABINET RUN CONDU	713.40	
7075		PI1947 026256	00	10/01/2013			660-6300-471.45-06	INSTALL CLOSE BUTTON & TR	475.60	

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EYAY OR HAND-ISSUED AMOUNT
0005307	00	CENTER ELECTRIC				VENDOR TOTAL *	2,140.20	
0006082	00	CIGNA HEALTHCARE		10/20/2013	001-0000-204.31-00	HEALTH INSURANCE PREMIUMS	69,985.88	
NOV 2013		001212				VENDOR TOTAL *	69,985.88	
0006347	00	CLASEN, HOWARD J		10/12/2013	001-2400-422.23-39	WEED ABATEMENT-541101009	544.75	
BA352		PI1824 026190 00		10/12/2013	001-2400-422.23-39	WEED ABATEMENT-534200051	503.00	
BA353		PI1825 026190 00		10/12/2013	001-2400-422.23-39	WEED ABATEMENT-538313008	527.25	
BA354		PI1826 026190 00		10/12/2013	001-2400-422.23-39	WEED ABATEMENT-538313008		
						VENDOR TOTAL *	1,575.00	
0002232	00	COUNSELING TEAM INTERNATIONAL, THE		09/12/2013	001-1300-412.33-11	CONSULTING SERVICES	2,500.00	
21645		PI1831 026078 00		10/12/2013	700-5040-480.23-07	EMPLOYEE SUPPORT SVCS	700.00	
21768		PI1839 026078 00		10/12/2013		VENDOR TOTAL *	3,200.00	
0006673	00	COUNTY OF RIVERSIDE, AIRPORT LAND		09/25/2013	001-2800-441.33-11	LAND USE ACTION REVIEW	1,018.25	
GFA3-2505.2		001179				VENDOR TOTAL *	1,018.25	
0006517	00	DIAMOND ENVIRONMENTAL SERVICES		10/25/2013	001-4000-461.32-05	LOCKS	18.00	
0000101812		001186		10/25/2013	001-4000-461.32-05	RESTROOM RENTAL	409.60	
0000101810		001187		10/25/2013	001-4000-461.32-05			
						VENDOR TOTAL *	427.60	
0005155	00	DIAMOND HILLS AUTO GROUP INC, CK GRP-1		10/23/2013	001-0001-302.11-03	SALES TAX INCENTIVE	10,237.50	
JUL - SEP 2013		001206				VENDOR TOTAL *	10,237.50	
0006659	00	DISABILITY ACCESS CONSULTANTS		09/30/2013	700-5040-480.33-11	ADA ACCESSIBILITY SURVEY	800.00	
13-237		001158				VENDOR TOTAL *	800.00	
0006663	00	DJT CONSTRUCTION CORP		10/17/2013	001-2740-442.23-08	BOARD-UP, FENCE REPAIR	1,300.00	
1234		PI1974 026291 00		10/17/2013	001-2740-442.23-08	BOARD-UP, FENCE REPAIR	2,700.00	
1234		PI1975 026291 00		10/17/2013	001-2740-442.23-08	BOARD-UP, FENCE REPAIR	1,500.00	
1234		PI1976 026291 00		10/17/2013	001-2740-442.23-08			
						VENDOR TOTAL *	5,500.00	
0000814	00	E. S. BABCOCK & SONS, INC.		10/19/2013	660-6300-471.23-32	ANALYTICAL SERVICES	165.00	
BJ30255-0030		PI1942 026234 00		10/19/2013	660-6300-471.23-32	ANALYTICAL SERVICES	45.00	
BJ30257-0030		PI1943 026234 00		10/19/2013	660-6300-471.23-32	ANALYTICAL SERVICES	90.00	
BJ30280-0030		PI1944 026234 00		10/19/2013	660-6300-471.23-32	ANALYTICAL SERVICES	40.00	
BJ30046-0030		PI1940 026210 00		10/16/2013	680-8000-454.23-32	ANALYTICAL SERVICES		
						VENDOR TOTAL *	340.00	
0004993	00	ESCALANTE, TERRI		10/24/2013	001-1300-412.41-16	NOTARY SERVICES	10.00	
2013-1023		PI1929 026038 00						

PREPARED 10/31/2013, 15:11:55 EXPENDITURE APPROVAL LIST
 PROGRAM: GM339L AS OF: 12/31/2013 CHECK DATE: 10/31/2013
 CITY OF BANNING

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0004993	00	ESCALANTE, TERRI			001-1300-412.41-16	NOTARY SVCS	10.00	
2013-1024		PI1970 026038	00	10/24/2013		VENDOR TOTAL *	20.00	
0006111	00	EVIDENT, INC.			001-0000-201.10-00	SALES AND USE TAX	7.20	
80644A		001190	00	10/15/2013		SWAB KITS/FACE MASKS	97.20	
80644A		PI1960 026163	00	10/15/2013		VENDOR TOTAL *	90.00	
0006164	00	FLAMINGO'S EVENT PLANNER			001-4000-461.32-05	HALWEEN FST TENT RENTAL	140.00	
10262013		001197	00	10/26/2013		VENDOR TOTAL *	140.00	
0001096	00	FRANKLIN, DEBBIE			001-0000-223.12-00	ST OF CTY SUPPLIES	33.20	
REIMBURSEMENT		001164	00	10/28/2013		ST OF CTY UTENCILS	26.55	
REIMBURSEMENT		001164	00	10/28/2013		ST OF CTY APPLE PIES	119.88	
REIMBURSEMENT		001164	00	10/28/2013		MILEAGE REIMBURSEMENT	74.93	
9/25-30		001162	00	10/28/2013		SO CST REGNAL FORUM LUNCH	10.00	
09/202013		001163	00	10/28/2013		LEAGUE OF CA CITIES TRAVL	92.05	
09/18-09/20/13		001164	00	10/28/2013		VENDOR TOTAL *	356.61	
0001375	00	GAS COMPANY, THE			001-4000-461.26-06	COM CTR. GAS SEPT GAS BIL	96.30	
032926840020C13PI1977		026150	00	10/17/2013		PRK&REC OCT GAS BIL	16.65	
051927100010C13PI1978		026150	00	10/17/2013		AQUATICS	535.41	
161083444390C13PI1980		026150	00	10/17/2013		SR CTR OCT GAS BIL	134.22	
091424740070C13PI1979		026150	00	10/17/2013		VENDOR TOTAL *	782.58	
0006664	00	GIFFORD, AMBER			001-2210-421.25-10	VISION REIMBURSEMENT	250.00	
EYEWEAR		001203	00	10/09/2013		VENDOR TOTAL *	250.00	
0005395	00	GRAVES & KING LLP			700-5040-480.40-02	DEFENSE COSTS	4,784.44	
1309-0009518		001180	00	09/30/2013		DEFENSE COSTS	10,420.94	
1309-0009478		001207	00	09/30/2013		VENDOR TOTAL *	15,205.38	
0001550	00	HD SUPPLY WATERWORKS, LTD			660-0000-131.00-00	16" WELD FLANGE BID#120	1,068.17	
B451173		PI1927	00	11/08/2013		VENDOR TOTAL *	1,068.17	
0005196	00	HOBBS, STEVE			001-2200-421.23-06	CATO CONF MEALS	116.00	
MEALS 11/12-15		001188	00	10/25/2013		VENDOR TOTAL *	116.00	
0099001	00	HOLIDAY INN EXPRESS			001-2200-421.41-20	ARIZONA INTERVIEW HOTEL	60.00	
60061060		001199	00	10/26/2013		Interview hotel	7.02	
60061060		001231	00	10/31/2013		VENDOR TOTAL *	67.02	
0005217	00	IBEW LOCAL 47 RETIREE MEDICAL TRUST						

EXPENDITURE APPROVAL LIST
AS OF: 12/31/2013 CHECK DATE: 10/31/2013

PREPARED 10/31/2013, 15:11:55
PROGRAM: GM339L
CITY OF BANNING

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0005217	00	IBEW LOCAL 47 RETIREE MEDICAL TRUST						
20131101	PR1101	00 11/01/2013		001-0000-204.80-10	PAYROLL SUMMARY	1,786.60		
					VENDOR TOTAL *	1,786.60		
0002297	00	ICMA RETIREMENT TRUST 457						
20131101	PR1101	00 11/01/2013		001-0000-204.16-00	PAYROLL SUMMARY	1,788.36		
					VENDOR TOTAL *	1,788.36		
0002274	00	INLAND WATER WORKS SUPPLY CO.						
256816	PI1840	00 10/10/2013		660-0000-131.00-00	4" STEEL PIPE	539.99		
256644	PI1930	00 10/03/2013		660-0000-131.00-00	3/4" JJ NL FIP PARTS	299.70		
					VENDOR TOTAL *	839.69		
0006192	00	INTERNAL REVENUE SERVICE						
QTR 3	001152	00 09/30/2013		702-3800-351.36-07	FEDERAL EXCISE TAX	1,706.82		
					VENDOR TOTAL *	1,706.82		
0029001	00	JUHAS, ANDREW & MARIKA M						
000054735	UT	00 10/27/2013		001-0000-218.22-22	UB CR REFUND-FINALS	43.93		
					VENDOR TOTAL *	43.93		
0004968	00	LITHOPASS PRINTING, FORMS,						
30089	PI1958	026046 00 11/15/2013		001-2800-441.23-02	BUSINESS CARDS-ZAI	21.60		
30013	PI1956	026046 00 11/03/2013		670-7000-473.36-00	ENVELOPES, PLAIN, PRINTED	94.77		
30014	PI1957	026046 00 11/03/2013		670-7000-473.36-00	ENVELOPES, PLAIN, PRINTED	89.10		
					VENDOR TOTAL *	205.47		
0004803	00	LOGAN, KIERAN						
OT MEAL 10/14	001204	00 10/14/2013		660-6300-471.25-06	LEAK INVESTGATION CALL OUT	14.00		
					VENDOR TOTAL *	14.00		
0001721	00	MARTINEZ, DAVE						
OT MEAL 10/12	001201	00 10/22/2013		660-6300-471.25-06	MTR LEAK CALL OUT	14.00		
					VENDOR TOTAL *	14.00		
0004486	00	MASON, FRED						
10/242013	001202	00 10/22/2013		670-7000-473.23-05	CAISO SYMPOSIUM EXPENSES	120.00		
					VENDOR TOTAL *	120.00		
0001068	00	MATICH CORPORATION						
158475	PI1931	026047 00 10/01/2013		660-6300-471.45-17	COLD MIX FOR STR PATCHES	1,014.35		
					VENDOR TOTAL *	1,014.35		
0003673	00	MERAZ, HEIDI H.						
REIMBURSEMENT	001216	00 10/31/2013		001-4000-461.36-09	HALLOWEEN FST SUPPLIES	72.25		
					VENDOR TOTAL *	72.25		
0001545	00	MR. APPLIANCE						
30390	001183	00 10/18/2013		001-4000-461.30-06	ICE MACHINE MAINTENANCE	406.38		
					VENDOR TOTAL *	406.38		
0003506	00	MST BACKFLOW						

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0003506	00	MST BACKFLOW		11/07/2013	660-6300-471.45-08	WTR VALVE CHECKS VRX LOCA	584.98	
10132013		PI1950 026309	00			VENDOR TOTAL *	584.98	
0003909	00	MYERS & SONS HI-WAY SAFETY INC.		11/02/2013	673-7000-473.90-16	ROAD/HIGHWAY EQUIPMENT	467.60	
9623		PI1965 026273	00			VENDOR TOTAL *	467.60	
0002301	00	NATIONWIDE RETIREMENT SOLUTIONS		11/01/2013	001-0000-204.16-00	PAYROLL SUMMARY	1,484.51	
20131101		PR1101	00			VENDOR TOTAL *	1,484.51	
0000516	00	OFFICE MAX CONTRACT INC		10/20/2013	001-2400-422.36-00	CALENDAR	10.69	
191918		PI1828 026051	00			CALENDARS-BILL	14.20	
625287		PI1822 026051	00			CALENDAR	5.29	
625358		PI1823 026051	00			VENDOR TOTAL *	30.18	
0005191	00	PARS		11/01/2013	001-0000-204.25-00	PAYROLL SUMMARY	173.20	
20131101		PR1101	00			VENDOR TOTAL *	173.20	
0099001	00	PATEL, NAGINBHAI & PRAVINABEN		10/27/2013	001-0000-218.22-22	UB CR REFUND-FINALS	137.10	
000084101		UT	00			VENDOR TOTAL *	137.10	
0099001	00	PEPPERTREE APARTMENTS		10/27/2013	001-0000-218.22-22	UB CR REFUND-FINALS	140.70	
000064667		UT	00			VENDOR TOTAL *	140.70	
0006316	00	PINNACLE MEDICAL GROUP		05/29/2013	610-5800-434.33-32	DOT PHYSICAL	58.00	
183365107		PI1988 026054	00			VENDOR TOTAL *	58.00	
0004411	00	PRE-PAID LEGAL SERVICES, INC		10/24/2013	001-0000-204.80-07	PREPAID LEGAL PREMIUMS	455.40	
OCT 2013		001160	00			VENDOR TOTAL *	455.40	
0006193	00	PROFORMA EXPRESS GRAPHICS		09/19/2013	001-2200-421.23-02	PRINTING	53.82	
0156003989		PI1982 026321	00			PRINTING	53.82	
0156004013		PI1983 026321	00			VENDOR TOTAL *	107.64	
0039001	00	RAMIREZ, JOSE E.		10/28/2013	001-4000-351.35-95	HALLOWEEN FEST REFUND	50.00	
RCT # 279187		001182	00			VENDOR TOTAL *	50.00	
0001555	00	RECORD GAZETTE, THE		10/28/2013	001-2800-441.23-01	ORD 1469 CC 2ND READ	66.13	
00095484		PI1959 026057	00			VENDOR TOTAL *	66.13	
0000237	00	REDLANDS FORD						

EXPENDITURE APPROVAL LIST
AS OF: 12/31/2013 CHECK DATE: 10/31/2013

PREPARED 10/31/2013, 15:11:55
PROGRAM: GM339L
CITY OF BANNING

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0000237	00	REDLANDS FORD		09/24/2013	702-3800-480.38-52	HINGE ASSEMBLY	86.82	
5076820		PI1951 026107	00			VENDOR TOTAL *	86.82	
0004344	00	RELIABLE OFFICE SOLUTIONS		09/30/2013	670-7000-473.30-06	ADDED TRAY	2.51	
659154-0		001158	00			VENDOR TOTAL *	2.51	
0001327	00	RIV. CO. CLERK RECORDER, CK GRP-1		10/21/2013	001-2400-422.23-39	LEIN RELEASES	23.00	
RELEASES		001207	00			VENDOR TOTAL *	23.00	
0006071	00	ROCKWELL, AMBER		10/28/2013	001-1300-412.25-09	TUITION REIMBURSEMENT	271.00	
TUITION		001200	00			VENDOR TOTAL *	271.00	
0005901	00	SAN GORGONIO PASS DESIGN AND PRINT		10/17/2013	610-5800-434.23-02	TRANSIT PASS STICKERS	266.24	
6806		PI1735 026061	00			VENDOR TOTAL *	266.24	
0005336	00	SCCI, INC DBA		10/15/2013	660-6300-471.33-11	SAFETY MTG 10/10/13 DRVG	250.00	
106360		PI1941 026223	00			VENDOR TOTAL *	250.00	
0004327	00	SHRED-IT USA, INC		09/24/2013	001-2200-421.23-07	MISCELLANEOUS SERVICES	97.20	
9402567144		PI1984 026318	00			MISCELLANEOUS SERVICES	97.20	
9402437428		PI1985 026318	00			MISCELLANEOUS SERVICES	97.20	
9402185970		PI1986 026318	00			MISCELLANEOUS SERVICES	97.20	
9402310509		PI1987 026318	00			MISCELLANEOUS SERVICES	97.20	
0006611	00	SIEMENS INDUSTRY, INC		10/10/2013	100-4900-431.30-09	SEPTEMBER CALL OUTS	388.80	
400112031		PI1847 026176	00			SEPT SIGNAL MAINTENANCE	259.93	
400111860		PI1848 026176	00			VENDOR TOTAL *	569.28	
0001370	00	SOUTH COAST AIR QUALITY		09/03/2013	680-8000-454.41-04	EM ELEC GEN - DIESEL	829.21	
2640025		001153	00			LAST FY EMISSIONS	317.07	
2641188		001154	00			EM ELEC GEN - DIESEL	117.87	
2640024		001155	00			LAST FY EMISSIONS	317.07	
2641187		001156	00			VENDOR TOTAL *	117.87	
0001371	00	SOUTHERN CALIFORNIA EDISON		10/11/2013	660-6300-471.26-04	DEL RITA BOOSTER STATION	869.88	
2196273304		OCT13PI1934	00			WELL 11 ELECTRICITY COSTS	68.61	
2015215049		OCT13PI1935	00			WELL 9 ELECTRICITY COSTS	121.57	
2015215072		OCT13PI1936	00			WELL 10 ELECTRICITY CHRG	34.45	
2015215098		OCT13PI1937	00			WELL 12 ELECTRICITY COSTS	1,035.94	
2015215155		OCT13PI1938	00			VENDOR TOTAL *	233.50	
0004269	00	STEVEN ENTERPRISES INC		10/16/2013	660-6300-471.26-04	VENDOR TOTAL *	1,494.07	

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0004269	00	STEVEN ENTERPRISES INC		00 08/27/2013	001-3000-442.30-17	OCE 7050 SERVICE	235.00	
0306124-IN		001150				VENDOR TOTAL *	235.00	
0006138	00	TAKATA, ANDREW J		00 09/18/2013	001-1200-412.23-05	LEAGUE OF CA CITIES SHUTT	22.00	
09182013		001195				VENDOR TOTAL *	22.00	
0006138	00	TAKATA, ANDREW J, CK GRP-1		00 10/30/2013	001-0000-116.21-00	COMPUTER LOAN	2,454.60	
COMP LOAN		001205				VENDOR TOTAL *	2,454.60	
0004412	00	TIME WARNER CABLE		00 10/28/2013	001-2400-422.33-95	NOV CABLE-FS89	12.79	
CABLENOV13		PI1971 026084				VENDOR TOTAL *	12.79	
0002269	00	UNITED WAY OF THE INLAND VALLEY		00 11/01/2013	001-0000-204.60-00	PAYROLL SUMMARY	88.50	
20131101		PR1101				VENDOR TOTAL *	88.50	
0004124	00	URBAN FUTURES INCORPORATED		00 10/09/2013	855-9500-490.33-11	PROFESSIONAL SERVICES	2,047.50	
1013-011		PI1821 023791				PROFESSIONAL FEES	2,445.00	
0913-017		PI1827 023791				VENDOR TOTAL *	4,492.50	
0004206	00	VERIZON CALIFORNIA		00 10/16/2013	001-2200-421.26-05	FAX LINES/COOPER BACKUP	677.91	
849-8256 OCT13		PI1961 026250				VENDOR TOTAL *	677.91	
0004687	00	WELCH, ART		00 10/28/2013	001-1000-411.23-05	LEAGUE OF CA CITIES TRAVL	171.79	
09/18-09/20/13		001164				VENDOR TOTAL *	171.79	
0004821	00	WELLS FARGO CARD SERVICES INC		00 10/16/2013	001-0000-223.12-00	ST OF CTY UTENSILS/CUPS	38.04	
DS 2682 OCT13		001167				ST OF CTY NAME BADGES	42.92	
DS 2682 OCT13		001168				ST IF CTY ICE CREAM	29.95	
DS 2682 OCT13		001171				BOTTLED WATER	16.76	
DS 2682 OCT13		001166				STAPLER, LANYARDS, ETC	46.48	
DS 2682 OCT13		001169				CERTIFIED MAIL	6.11	
DS 2682 OCT13		001170				VENDOR TOTAL *	180.26	
0004821	00	WELLS FARGO CARD SERVICES INC, CK GRP-1		00 10/16/2013	001-1200-412.23-05	LEAGUE ARPT PARKING	9.00	
AT 9056 OCT13		001172				ANNUAL SUBSCRIPTION	199.00	
AT 9056 OCT13		001173				LEAGUE IF CA CITIES HOTEL	1,264.65	
AT 9056 OCT13		001174				PARKING - RIV LAWYER MTG	3.00	
AT 9056 OCT13		001175				PARKING - LA LAWYER MTG	16.00	
AT 9056 OCT13		001176				VENDOR TOTAL *	1,491.65	
0004821	00	WELLS FARGO CARD SERVICES INC, CK GRP-2		00 10/16/2013	001-1200-412.23-05			

EXPENDITURE APPROVAL LIST
AS OF: 12/31/2013 CHECK DATE: 10/31/2013

PREPARED 10/31/2013, 15:11:55
PROGRAM: GM339L
CITY OF BANNING

VEND NO	SEQ#	VENDOR NAME	BK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0004821	00	WELLS FARGO	CARD	SERVICES INC, CK GRP-2				
MG 1337	OCT13	001220	00	10/16/2013	001-0000-201.10-00	SALES AND USE TAX	16.00-	
MG 1337	OCT13	001222	00	10/16/2013	001-0000-201.10-00	SALES AND USE TAX	17.28-	
MG 1337	OCT13	001225	00	10/16/2013	001-1900-412.23-06	GVMT TAX SEMINAR HOTEL	125.95	
MG 1337	OCT13	001223	00	10/16/2013	001-2740-442.23-05	CACHEO SHUTTLE	53.00	
MG 1337	OCT13	001224	00	10/16/2013	001-2740-442.23-05	CACHEO FLIGHT - CHACON	238.10	
MG 1337	OCT13	001219	00	10/16/2013	001-4000-461.36-09	BINGO CAGE	270.99	
MG 1337	OCT13	001228	00	10/16/2013	001-4000-461.36-09	HALLOWEEN FEST SUPPLIES	325.79	
MG 1337	OCT13	001218	00	10/16/2013	001-4500-412.23-04	POSTAGE	1,030.00	
MG 1337	OCT13	001221	00	10/16/2013	001-4500-412.89-46	COFFEE MAKER	252.78	
MG 1337	OCT13	001232	00	10/16/2013	700-5040-480.29-03	HALLOWEEN FEST INSURANCE	187.00	
MG 1337	OCT13	001226	00	10/16/2013	703-3700-480.23-06	GVMT TAX SEMINAR HOTEL	62.98	
MG 1337	OCT13	001227	00	10/16/2013	761-3100-480.23-06	GVMT TAX SEMINAR HOTEL	62.97	
						VENDOR TOTAL *	2,576.28	
0001090	00	WENDT, CARL W.				RETIREMENT BENEFITS	473.38	
NOV 2013		PI2000	026133	00	10/15/2013			
						VENDOR TOTAL *	473.38	
0002690	00	WESTERN RIVERSIDE COUNCIL				MEMBERSHIP DUES	3,941.00	
6482		001178	00	09/25/2013	001-1000-411.23-03			
						VENDOR TOTAL *	3,941.00	
0099001	00	WHITE NELSON DIEHL EVANS LLP				GOVT TAX SEMINAR - MILLER	295.00	
12062013		001214	00	10/31/2013	001-1300-412.23-06			
						VENDOR TOTAL *	295.00	
0001453	00	WHITMORE CONSTRUCTION, INC.				BANNING PD REPAIRS	369.41	
00002573		PI1863	026270	00	10/24/2013	US COUNTER REPAIRS	159.00	
00002571		PI1928	026270	00	10/24/2013	BANNING PD REPAIRS	367.05	
00002574		PI1948	026270	00	10/24/2013	CITY HALL REPAIR	958.42	
00002575		PI1949	026270	00	10/24/2013			
						VENDOR TOTAL *	1,853.88	
0005135	00	YOUNGBLOOD & ASSOCIATES				POLYGRAPH EXAM	200.00	
1098A		PI1838	026165	00	10/14/2013	POLYGRAPHY SVCS	200.00	
1099A		PI1972	026165	00	10/22/2013			
						VENDOR TOTAL *	400.00	
0006499	00	ZENNER PERFORMANCE METERS, INC				CERTIFIED TEST & RPR METR	50.00	
0022170-IN		PI1932	026066	00	10/07/2013			
						VENDOR TOTAL *	50.00	
0005181	00	ZOLL MEDICAL CORPORATION				PARAMEDIC SUPPLIES	173.66	
2060410		PI1973	026248	00	10/17/2013			
						VENDOR TOTAL *	173.66	
						TOTAL EXPENDITURES ****	213,237.83	

						GRAND TOTAL	213,237.83	

VEND NO	SEQ#	VENDOR NAME	NO	CA. ST. BOARD OF EQUALIZATION	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
INVOICE NO		VOUCHER P.O.	NO	BNK CHECK/DUE DATE				
0003012	00	CA. ST. BOARD OF EQUALIZATION			001-0000-201.10-00	SALES AND USE TAX	CHECK #: 9005333	435.80
2013 QTR 3		001245	00	10/07/2013	600-5100-435.36-15	SALES AND USE TAX	CHECK #: 9005333	4.20
2013 QTR 3		001246	00	10/07/2013				
0000985	00	CA. ST. EMPLOYMENT DEV. DEPT.			001-0000-204.12-00	PAYROLL TAX DEPOSIT	CHECK #: 9005335	15,767.13
PPE 9/29/13		001249	00	10/07/2013	001-0000-204.12-00	PAYROLL TAX DEPOSIT	CHECK #: 9005341	15,050.66
PPE 10/13/2013		001259	00	10/21/2013				
0000997	00	CA. ST. PUBLIC EMPLOYEES			001-0000-204.20-00	RETIREMENT BENEFITS	CHECK #: 9005342	128,785.32
PPE 9/29/2013		001259	00	10/21/2013	001-0000-204.20-00	RETIREMENT BENEFITS	CHECK #: 9005344	126,900.80
PPE 10/13/2013		001259	00	10/21/2013				
0004051	00	CALPERS 457 PLAN - 450260			001-0000-204.16-00	CAL PERS 457 CONTRIBUTION	CHECK #: 9005337	255,686.12
PPE 9/29/13		001251	00	10/08/2013	001-0000-204.16-00	CAL PERS 457 CONTRIBUTION	CHECK #: 9005337	15,383.18
PPE 9/29/13		001252	00	10/08/2013	001-0000-204.16-00	CAL PERS 457 CONTRIBUTION	CHECK #: 9005337	4,549.43
PPE 10/13/2013		001259	00	10/23/2013	001-0000-204.16-00	CAL PERS 457 CONTRIBUTION	CHECK #: 9005343	35,337.13
PPE 10/13/2013		001259	00	10/23/2013	001-0000-204.16-00	CAL PERS 457 CONTRIBUTION	CHECK #: 9005343	5,157.82
0006652	00	DEUTSCHE BANK TRUST CO AMERICAS			670-0000-151.70-10	CAP & TRADE AUCTION BID	CHECK #: 842	60,427.56
CAP & TRADE		001239	00	10/24/2013				
0002484	00	INTERNAL REVENUE SERVICE			001-0000-204.11-00	PAYROLL TAX DEPOSIT	CHECK #: 9005334	500,000.00
PPE 9/29/13		001247	00	10/07/2013	001-0000-204.13-00	PAYROLL TAX DEPOSIT	CHECK #: 9005334	45,111.65
PPE 9/29/13		001248	00	10/07/2013	001-0000-204.11-00	PAYROLL TAX DEPOSIT	CHECK #: 9005340	59,929.10
PPE 10/13/2013		001257	00	10/21/2013	001-0000-204.13-00	PAYROLL TAX DEPOSIT	CHECK #: 9005340	43,776.85
PPE 10/13/2013		001258	00	10/21/2013				60,148.18
0004433	00	RIVERSIDE PUBLIC UTILITIES			670-7000-331.20-01	ELECTRIC REVENUE/EXPENSES	CHECK #: 839	208,965.78
148		001238	00	10/10/2013	670-7000-356.38-17	ELECTRIC REVENUE/EXPENSES	CHECK #: 839	9.57-
148		001238	00	10/10/2013	670-7000-356.38-20	ELECTRIC REVENUE/EXPENSES	CHECK #: 839	43,928.82-
148		001238	00	10/10/2013	670-7000-356.38-10	ELECTRIC REVENUE/EXPENSES	CHECK #: 839	138,840.21-
148		001237	00	10/10/2013	670-7010-473.27-09	ELECTRIC REVENUE/EXPENSES	CHECK #: 839	11,001.27-
148		001238	00	10/10/2013	670-7010-473.27-70	ELECTRIC REVENUE/EXPENSES	CHECK #: 839	49,543.00
148		001238	00	10/10/2013	670-7010-473.27-60	ELECTRIC REVENUE/EXPENSES	CHECK #: 839	231,290.80
148		001238	00	10/10/2013	670-7010-473.27-50	ELECTRIC REVENUE/EXPENSES	CHECK #: 839	382,848.34
148		001238	00	10/10/2013	670-7010-473.33-02	ELECTRIC REVENUE/EXPENSES	CHECK #: 839	1,002,023.32
148		001238	00	10/10/2013			CHECK #: 839	3,291.09
0005885	00	TASC			001-0000-204.80-04	MEDICAL CONTRIBUTIONS	CHECK #: 9005311	1,475,216.68
PPE 9/29/13		001241	00	10/03/2013	001-0000-204.80-05	DEP CARE CONTRIBUTIONS	CHECK #: 9005311	3,871.55
PPE 9/29/13		001242	00	10/03/2013	001-0000-204.80-15	INDIVIDUAL PREMIUMS	CHECK #: 9005311	1,352.12
PPE 9/29/13		001243	00	10/03/2013	001-0000-204.80-04	MEDICAL PREMIUMS	CHECK #: 9005338	4,013.22
PPE 10/13/2013		001253	00	10/17/2013				

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0005885	00	TASC	00	10/17/2013	001-0000-204.80-05	DEP CARE PREMIUMS	CHECK #: 9005338	1,164.62
PPE 10/13/2013	001254		00	10/17/2013	001-0000-204.80-15	DEP CARE PREMIUMS	CHECK #: 9005338	418.42
PPE 10/13/2013	001255		00	10/17/2013	001-0000-204.80-04	MEDICAL PREMIUMS	CHECK #: 9005345	4,004.89
PPE 10/27/2013	001858		00	10/31/2013	001-0000-204.80-05	DEP CARE PREMIUMS	CHECK #: 9005345	1,164.62
PPE 10/27/2013	001858		00	10/31/2013	001-0000-204.80-15	INDIVIDUAL PREMIUMS	CHECK #: 9005345	418.42
PPE 10/27/2013	001858		00	10/31/2013		VENDOR TOTAL *	.00	16,826.28
0003590	00	U.S. BANK	00	10/21/2013	669-0000-102.12-00	DEBT SERVICES	CHECK #: 841	385,000.00
NOV 2013	001239		00	10/21/2013	669-0000-102.12-00	DEBT SERVICES	CHECK #: 841	466.02
NOV 2013	001239		00	10/21/2013	669-0000-102.12-00	DEBT SERVICES	CHECK #: 841	96.78
NOV 2013	001239		00	10/21/2013	669-6300-471.61-02	DEBT SERVICES	CHECK #: 841	768,268.76
NOV 2013	001239		00	10/21/2013	669-6300-471.61-02	DEBT SERVICES	CHECK #: 841	770,000.00
NOV 2013	001239		00	10/18/2013	689-0000-102.12-00	DEBT SERVICES	CHECK #: 840	72,500.00
NOV 2013	001239		00	10/18/2013	689-0000-102.12-00	DEBT SERVICES	CHECK #: 840	17.88
NOV 2013	001239		00	10/18/2013	689-8000-454.61-02	DEBT SERVICES	CHECK #: 840	124,019.39
NOV 2013	001239		00	10/18/2013	689-8000-454.61-02	DEBT SERVICES	CHECK #: 840	145,000.00
NOV 2013	001239		00	10/18/2013		VENDOR TOTAL *	.00	1,349,207.47
0002256	00	WELLS FARGO BANK	00	10/04/2013	001-0000-204.10-00	PAYROLL	CHECK #: 9005332	273,654.92
PPE 9/29/13	001244		00	10/18/2013	001-0000-204.10-00	PAYROLL	CHECK #: 9005339	260,669.12
PPE 10/13/2013	001256		00	10/18/2013		VENDOR TOTAL *	.00	534,324.04
0004228	00	WELLS FARGO BANK	00	10/08/2013	001-0000-204.80-14	VEBA CONTRIBUTIONS	CHECK #: 9005336	940.00
PPE 9/29/13	001250		00	10/08/2013		VENDOR TOTAL *	.00	940.00
						HAND ISSUED TOTAL ***	.00	4,432,851.72
						TOTAL EXPENDITURES ****	.00	4,432,851.72
						*****		4,432,851.72

Prepared 10/31/13, 8:20:36
Program PR655L
CITY OF BANNING

Check Register
BIWEEKLY
Pay Date 11/01/13

Page 1
Pay Period 22
10/14/13 To 10/27/13

Dept/Div Activity	Check Payee	Social Security	Check Number	Amount
	FRANCHISE TAX BOARD		8775	100.00
	UNITED STATES TREASURY		8776	209.00
	US DEPT OF EDUCATION		8777	386.72
	CALIF. STATE DISBURSEMENT UNIT		8778	223.00
	CALIF. STATE DISBURSEMENT UNIT		8779	285.69
	CHAPPAROSA, ANGEL A		8780	392.60
4000-461	KUE, GER	1259	8781	410.44
4000-461	BAEZ, RAQUEL M	4220	8782	65.88
4010-461	OROZCO AQUINO, FRANCISCO J	571	8783	55.13
4010-461	RAMIREZ, CHRISTIAN	6246	8784	55.13
4010-461	INTERNAL REVENUE SERVICE	6753	8785	100.00
	UNITED STATES TREASURY		8786	150.00
	CALIF. STATE DISBURSEMENT UNIT		8787	163.38
	JAMI MC LAUGHLIN		8788	646.16
	CALIF. STATE DISBURSEMENT UNIT		8789	23.07
	CALIF. STATE DISBURSEMENT UNIT		8790	122.40
	FRANCHISE TAX BOARD		8791	25.00
	Total Checks -		17	3,413.60

Prepared 10/03/13, 15:38:42
Program PR655L
CITY OF BANNING

Check Register
BIWEEKLY
Pay Date 10/04/13

Page 1
Pay Period 20
9/16/13 to 09/29/13

Dept/Div Activity	Check Payee	Social Security	Check Number	Amount
	UNITED STATES TREASURY		8747	209.00
	US DEPT OF EDUCATION		8748	380.98
	CALIF. STATE DISBURSEMENT UNIT		8749	223.00
	CALIF. STATE DISBURSEMENT UNIT		8750	334.29
4000-461	CHAPPAROSA, ANGEL A	1259	8751	214.41
4000-461	KUE, GER	4220	8752	306.70
	INTERNAL REVENUE SERVICE		8753	100.00
	FRANCHISE TAX BOARD		8754	31.84
	UNITED STATES TREASURY		8755	150.00
	CALIF. STATE DISBURSEMENT UNIT		8756	163.38
	JAMI MC LAUGHLIN		8757	646.16
	CALIF. STATE DISBURSEMENT UNIT		8758	23.07
	CALIF. STATE DISBURSEMENT UNIT		8759	122.40
	FRANCHISE TAX BOARD		8760	25.00
	Total Checks -		14	2,930.23

Dept/Div Activity	Check Payee	Social Security	Check Number	Amount
	FRANCHISE TAX BOARD		8761	100.00
	UNITED STATES TREASURY		8762	209.00
	US DEPT OF EDUCATION		8763	329.84
	CALIF. STATE DISBURSEMENT UNIT		8764	223.00
	CALIF. STATE DISBURSEMENT UNIT		8765	405.89
	CHAPARROSA, ANGEL A	1259	8766	424.28
	KUE GER REVENUE SERVICE	4220	8767	306.70
	INTERNAL REVENUE SERVICE		8768	100.00
	UNITED STATES TREASURY		8769	150.00
	CALIF. STATE DISBURSEMENT UNIT		8770	163.38
	JAMI MC LAUGHLIN		8771	646.16
	CALIF. STATE DISBURSEMENT UNIT		8772	23.07
	CALIF. STATE DISBURSEMENT UNIT		8773	122.40
	FRANCHISE TAX BOARD		8774	25.00
4000-461				
4000-461				
Total Checks -			14	3,228.72

PAYROLL

DIRECT DEPOSIT TOTALS

PAY PERIOD ENDING	DIRECT DEPOSIT DATES	DIRECT DEPOSIT AMOUNTS
09/29/2013	10/04/2013	\$273,654.92
10/13/2013	10/18/2013	\$260,669.12

MANUAL CHECKS ISSUED

CHECK DATE	CHECK #	CHECK AMOUNT
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\$0.00

**AGENDA
REGULAR MEETING
CITY OF BANNING
BANNING, CALIFORNIA**

January 14, 2014
5:00 p.m.

Banning Civic Center
Council Chambers
99 E. Ramsey St.

ADDENDUM

A joint meeting of the City Council and the City Council Sitting in Its Capacity of a Successor Agency.

**RECESS REGULAR CITY COUNCIL MEETING AND CALL TO ORDER A JOINT MEETING
OF THE BANNING CITY COUNCIL AND THE BANNING CITY COUNCIL SITTING IN ITS
CAPACITY OF A SUCCESSOR AGENCY**

V. REPORTS OF OFFICERS

1. Coyne Powersports: Early Exercise of Option to Purchase Site
Staff Report 245a
Recommendations:
 - A) **Approve Resolution No. 2014-02 SA, Approving Early Repayment of Agency's Mortgage on Property located at 2301 W. Ramsey Street, Banning, California, in the amount of \$886,727.56; and**
 - B) **Approve Resolution No. 2014-03 SA, Approving the Sale of That Property Located at 2301 W. Ramsey Street, Banning, California, to Coyne Motorsports.** (Exercising an early sale of the site located at 2301 W. Ramsey Street, Banning, CA, which early sale is specifically Authorized by a May 2011 Disposition and Development Agreement (DDA) and qualifies as an Enforceable Obligation. The Board's approval of this item will be subject to Oversight Board and State Department of Finance approval.
 - C) **Approve Resolution No. 2014-04 SA, Amending the Budget Plan for Fiscal Year ending June 30, 2014**

Adjourn Joint Meeting and reconvene the regular City Council Meeting.

**SUCCESSOR AGENCY TO THE DISSOLVED
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING
REPORT OF OFFICERS**

Date: January 14, 2014

TO: Chair and Successor Agency Board Members

FROM: David J. Aleshire, Aleshire & Wynder, General Counsel of the Successor Agency

SUBJECT: Coyne Powersports: Early Exercise of Option to Purchase Site

RECOMMENDATION: Staff and the City Attorney's Office recommend to actions for Board approval:

1. Approve Resolution No. 2014-02 SA authorizing early repayment of a mortgage owed by the Successor Agency to Patrick DeZorzi in the amount of \$886,727.56. The repayment qualifies as an Enforceable Obligation that has already been approved by the State Department of Finance.
2. Approve Resolution No. 2014-03 SA exercising an early sale of the site located at 2301 West Ramsey Street, Banning, California, 92220, which early sale is specifically authorized by a May 2011 Disposition and Development Agreement ("DDA") and qualifies as an Enforceable Obligation. The Board's approval of this item will be subject to Oversight Board and State Department of Finance approval.
3. Approve Resolution No. 2014-04 SA amending the Budget Plan for Fiscal Year ending June 30, 2014.

JUSTIFICATION: In May of 2011, the Former Banning Community Redevelopment Agency ("RDA") entered into a Disposition and Development Agreement ("DDA") with Coyne Powersports ("Coyne"). The DDA granted Coyne a Lease with an Option to Purchase the RDA-owned dealership property located at 2301 W. Ramsey (the "Site"). Due to the terms of construction financing, the Coyne dealership cannot be completed until two conditions are met: (1) the Successor Agency repays the balance outstanding as of December 31, 2013 (\$886,727.56) to Patrick DeZorzi for the former RDA's purchase of the Site, and (2) the Agency grants fee title to Coyne, which sale of the Site was contemplated by, and specified in, the DDA.

The mortgage payments to DeZorzi are enforceable obligations. Payments to DeZorzi have been approved by the Oversight Board and State Department of Finance ("DOF") as an item on the Successor Agency's "Recognized Obligation Payment Schedule" ("ROPS"). Because the DeZorzi pay-off will be made from bond proceeds there will be no financial impact to other taxing entities. And, the Agency has received its "Finding of Completion" from DOF, which reinstated the Agency's ability to so use bond proceeds for items scheduled on the ROPS.

While sale of the Site qualifies as an enforceable obligation as a result of the May 2011 DDA, legal counsel recommends that this action be reviewed by the Oversight Board and State DOF in order to ensure clear title. The addition of Coyne Powersports to Banning promises to generate substantial sales tax revenue for the City, as well as building substantially upon the City's reputation and visibility in the business community. This will be facilitated by the addition of a new 10,000 square foot showroom, approximately tripling their retail footprint, on the subject property that will allow for the sale of new product and merchandise. Without the addition of the new showroom Coyne Powersports is limited to selling only used product and has limited space for their merchandise. Section 34181(e) of the Health and Safety Code specifically allows the Successor Agency to proceed with pre-existing agreements to "reduce liabilities and increase net revenues to the taxing entities." The resultant increase in tax revenues to be generated by the expanded dealership will increase net revenues to all taxing entities, hence making the transaction appropriate under the RDA Dissolution Laws.

BACKGROUND: In May of 2011, the former Banning RDA approved a DDA for the development of the Coyne Powersports Center at the Site. The DDA calls for Coyne to expand the Powersports Center and improve it in two phases: first remodeling the existing structures and second building a new showroom for additional inventory. Coyne has completed the first phase and is ready for the second. In order to do that, Coyne has indicated a need for construction financing.

To get construction financing, a construction lender will probably require a "first position" security/deed of trust in the Site. At this time, the Site does have one lien: a senior mortgage recorded as a result of the former RDA's purchase of the Site. This mortgage was made in favor of Patrick DeZorzi when the former RDA purchased the Site from him (the former Dodge dealer). The mortgage amount outstanding from the RDA (now Successor Agency) to DeZorzi is \$886,727.56 as of December 31, 2013. The final Loan Defeasance is subject to formal approval by the Successor Agency Board. If Successor Agency approval of the Loan Defeasance is delayed for any reason, the Agency will continue to make monthly payments to you consistent with current practice until Successor Agency Board approval can be secured. Any regular payments on the Note made during such period of delay shall be deducted from the amount of the final Loan Defeasance.

Even after the DeZorzi mortgage is relinquished, Coyne's current leasehold interest would not suffice to secure project financing. Based on conversations with potential construction lenders, Coyne confirmed that such lenders will only loan to a land owner, not a mere tenant. Therefore, Coyne must own the Site in fee to get the needed financing.

The Site was conveyed to Coyne in the form of a "lease with option to purchase". The DDA provides for specific circumstances allowing an "early exercise" of the purchase, which includes the construction financing circumstances outlined above. The City Attorney's office has prepared materials for Coyne's early purchase of the Site and received comments back from him. Coyne has returned the materials to the City Attorney's office signed and purportedly "ready to go".

In order to complete this transaction, three separate approvals are required by the Agency:

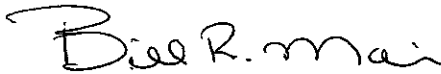
1. The Agency must approve the full repayment of the DeZorzi loan in order to clear title on the Site (*Attachment 1*). The loan repayment has already been approved by the Oversight Board and State DOF.
2. If Item No. 1 is approved, the Agency would next approval sale of the property to Coyne (*Attachment 2*). The DDA itself contemplates this sale of the Site to Coyne (making the sale an enforceable obligation as it was agreed-upon before the RDA dissolution law was enacted). Still, it is recommended that consummation of the sale be reviewed by the Oversight Board and DOF in order to ensure compliance with the RDA dissolution laws.
3. If Items No. 1 and 2 are approved, the Agency would next approve amending the budget plan for fiscal year ending June 30, 2014 (*Attachment 3*).

FISCAL DATA: The repayment of the DeZorzi loan needs to be appropriated for the payment of \$886,727.56 payable from the 2007 bond proceeds. Sale of the Site to Coyne is conditioned upon Coyne generating over \$600,000 in sales tax payable to the City in the next seven years; the City has reserved to itself a right of reverter to reclaim the Site if this condition is not met.

RECOMMENDED BY:

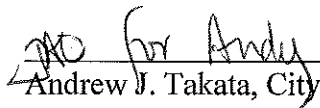
David J. Aleshire, City Attorney

REVIEWED BY:



Bill Manis, Director of Economic
Development/Public Information Officer

APPROVED BY:



Andrew J. Takata, City Manager

Attachments:

1. Resolution 2014-02 SA
2. Resolution 2014-03 SA with Attachments A (Grant Deed) & Attachment B (CC&R's)
3. Resolution 2014-04 SA

RESOLUTION NO. 2014-02 SA

A RESOLUTION OF THE CITY OF BANNING ACTING IN ITS CAPACITY AS SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING, CALIFORNIA APPROVING EARLY REPAYMENT OF THE AGENCY'S MORTGAGE ON THAT PROPERTY LOCATED AT 2301 WEST RAMSEY, BANNING, CALIFORNIA, IN THE AMOUNT OF \$886,727.56

The City of Banning Acting as Successor Agency to the Former Community Redevelopment Agency of the City of Banning DOES RESOLVE as follows:

WHEREAS, A Deed of Trust was executed by the former BANNING REDEVELOPMENT AGENCY ("Former RDA") and recorded on July 31, 2009, as Instrument No. 2009-0402482 in the Official Records of Riverside County, California ("Deed of Trust"). By such Deed of Trust, the Former RDA purchased that certain real property at Riverside County Assessor's Parcel Number 538-162-016, addressed as 2301 West Ramsey Street, Banning, California, 92220 (the "Site").

WHEREAS, The Deed of Trust allows for repayment of the full mortgage amount for the Former RDA's purchase of the Site at any time.

WHEREAS, In order to develop and rehabilitate the Site, the Agency must sell the Site with title clear of the Deed of Trust. Clearing the Deed of Trust from the Site's title is necessary for securing construction financing to improve the Site.

WHEREAS, the repayment of the Deed of Trust has been approved by the Banning Oversight Board and State Department of Finance ("DOF") as an "enforceable obligation" item on the Successor Agency's "Recognized Obligation Payment Schedule" ("ROPS"). Because the DeZorzi pay-off will be made from bond proceeds there will be no financial impact to other taxing entities. And, the Agency has received its "Finding of Completion" from DOF, which reinstated the Agency's ability to so use bond proceeds for items scheduled on the ROPS.

NOW THEREFORE, the Successor Agency resolves as follows:

SECTION 1. The Successor Agency Board hereby approves repayment of the Deed of Trust in full, which amount outstanding as of this January 14, 2014, is \$886,727.56. The repayment of the Deed of Trust has been approved by the Banning Oversight Board and DOF as an "enforceable obligation" item on the Successor Agency's ROPS. Because the payment will be made from bond proceeds there will be no financial impact to other taxing entities. Further, the Agency has received its "Finding of Completion" from DOF, which reinstated the Agency's ability to so use bond proceeds for items scheduled on the ROPS.

SECTION 2. The Successor Agency Board hereby authorizes Agency staff and the Agency Attorneys' Office to process and complete to execution and recordation all instruments and deeds of reconveyance needed to complete payment of all monies due on the Site pursuant to the Deed of Trust, and to release the Deed of Trust from the Site.

PASSED, APPROVED and ADOPTED this 14th day of January, 2014.

Deborah Franklin
Successor Agency Chairperson
City of Banning, California

**APPROVED AS TO FORM
AND LEGAL CONTENT:**

David J. Aleshire,
General Counsel of the Successor Agency
Aleshire & Wynder, LLP

ATTEST:

Marie A. Calderon,
Secretary of the Successor Agency

CERTIFICATION:

I, MARIE CALDERON, City Clerk of the City of Banning, seating as the Secretary of the Successor Agency, California, do hereby certify that Resolution No. 2014-02 SA was adopted by the City of Banning, seating as the Successor Agency to the dissolved Community Redevelopment Agency of the City of Banning at a regular meeting held on the 14th day of January, 2014, and that the same was adopted by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Marie Calderon,
Secretary of the Successor Agency

245E

RESOLUTION NO. 2014-03 SA

A RESOLUTION OF THE CITY OF BANNING ACTING IN ITS CAPACITY AS SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING, CALIFORNIA, APPROVING THE SALE OF THAT PROPERTY LOCATED AT 2301 WEST RAMSEY, BANNING, CALIFORNIA, TO COYNE MOTORSPORTS

The City of Banning Acting as Successor Agency to the Former Community Redevelopment Agency of the City of Banning DOES RESOLVE as follows:

WHEREAS, In May of 2011 the Former Banning Community Redevelopment Agency ("RDA") entered into a Disposition and Development Agreement ("DDA") with Coyne Powersports ("Coyne" or "Developer"). The DDA granted Coyne a Lease with an Option to Purchase the RDA-owned dealership property located at 2301 W. Ramsey (the "Site").

WHEREAS, The DDA has special provisions allowing for an "Early Exercise" of Coyne's Option to Purchase. Namely, DDA § 401(3) states in pertinent part:

Developer may exercise its Option to Purchase early if DeZorzi refuses to subordinate the DeZorzi Mortgage and prevents Developer from obtaining construction financing. Agency may require Developer to show that it has approached at least three suitable lenders who make such loans, and the terms and conditions on which the loans could otherwise have been made.

Notwithstanding DeZorzi's refusal, the Agency has the right to provide such construction financing on regular commercial terms and conditions similar to what Developer could have obtained from the private lenders, who required subordination of the DeZorzi Mortgage. . . If Agency declines to provide such financing and Developer is permitted to make an early exercise of the Option to Purchase, then the Lease will terminate but the Purchase and Grant Deed shall be subject to the CC&Rs . . .

Parallel provisions regarding the Early Option are contained in the Lease under which Coyne currently occupies the Site, at Lease § 903.

WHEREAS, the conditions precedent to the Early Option identified above have been satisfied. More specifically, on March 15, 2013, Coyne provided the City Attorney with multiple letters of intent ("LOIs") from over three financial institutions setting forth the proposed terms of financing for construction loans. The Agency notified Coyne that it deemed these LOIs as satisfying the requirement that Coyne demonstrate an approach to "at least three suitable lenders . . . and the terms and conditions on which the loans could otherwise have been made." The Agency also notified Coyne that it declines to provide construction financing itself. These elements satisfy the Early Option process, as set forth in the Lease and the DDA.

WHEREAS, Under the DDA the sale of the Site to Coyne is conditioned upon Coyne's operations generating at least \$600,000 in sales tax for the City of Banning through the year 2021, amongst other operational/use restrictions. These requirements are reflected in Covenants, Conditions and Restrictions (CC&Rs) that will be recorded upon the property and include a "right of reverter" in favor of the City should Coyne fail to satisfy the DDA's sales tax and operational requirements.

WHEREAS, This sale, including the CC&Rs, were specifically contemplated in the 2011 DDA and thus qualifies as an "enforceable obligation" under Health & Safety Code § 34171. Given the need for grant deed recordation and clear title, however, consummation of this sale will be subject to review/approval by the Banning Oversight Board and State Department of Finance ("DOF").

NOW THEREFORE, the Successor Agency resolves as follows:

SECTION 1. The Successor Agency Board hereby authorizes Agency staff and the Agency Attorneys' Office to process and complete to execution and recordation all instruments needed to transfer fee title of the Site to Coyne. Title shall be transferred pursuant to a "Grant Deed" in a form substantially similar to the one attached hereto as Attachment "A".

SECTION 2. The Successor Agency Board's authorization for sale of the Site is subject to the following conditions:

- a. Agency staff shall review such financial assurances (long form loan documents) from the specific construction lender Coyne plans to use for funding Site improvements. loan. Agency staff shall exercise reasonable discretion to review Coyne's proposed lender and loan terms. The Board authorizes the Agency to subordinate its Deed of Trust to an acceptable senior construction lender. Satisfaction of these requirements will be ministerial only—i.e., the Agency will not be reviewing, analyzing or approving/disapproving the finance terms of Coyne's final loan documents. Agency staff's review will be limited to ensuring that Coyne has a loan in place that is contingent only upon the conditions that (i) Coyne holds fee title to the Site, and (ii) the loan would be secured by a first deed of trust.
- b. Closing shall not occur until the Agency staff has reviewed and approved the construction contract for Site improvements. Agency Staff's approval of the construction contract will be reasonable and will not be unreasonably delayed or withheld.
- c. As a condition to closing transfer of title of the Site to Coyne, the parties shall execute and record upon the Site those CC&Rs attached hereto as Attachment "B".

SECTION 2. The DDA qualifies as an "enforceable obligation" pursuant to Health & Safety Code § 34171(d)(1)(E) and has been approved as an item on the Successor Agency's "Recognized Obligation Payment Schedule" or "ROPS". Moreover, the expansion of Coyne Powersports, which can only be achieved with a sale of the Site to Coyne, promises to generate substantial new sales tax revenues in the region. This will be facilitated by the addition of a new 10,000 square foot showroom, approximately tripling their retail footprint, on the subject property that will allow for the sale of new product and merchandise. Without the addition of the

new showroom Coyne Powersports is limited to selling only used product and has limited space for their merchandise. Health and Safety Code Section 34181(e) specifically allows the Successor Agency to terminate or renegotiate contracts in order to "reduce liabilities and increase net revenues to the taxing entities." As noted above, terminating the Coyne Lease and proceeding with the "Early Exercise" of Coyne's Option to Purchase will allow the expanded dealership to increase net revenues to all taxing entities, hence making the Early Exercise appropriate for approval by the Successor Agency, the Oversight Board and DOF.

PASSED, APPROVED and ADOPTED this 14th day of January, 2014.

Deborah Franklin
Successor Agency Chairperson
City of Banning, California

**APPROVED AS TO FORM
AND LEGAL CONTENT:**

David J. Aleshire,
General Counsel of the Successor Agency
Aleshire & Wynder, LLP

ATTEST:

Marie A. Calderon,
Secretary of the Successor Agency

CERTIFICATION:

I, MARIE CALDERON, City Clerk of the City of Banning, seating as the Secretary of the Successor Agency, California, do hereby certify that Resolution No. 2014-03 SA was adopted by the City of Banning, seating as the Successor Agency to the dissolved Community Redevelopment Agency of the City of Banning at a regular meeting held on the 14th day of January, 2014, and that the same was adopted by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Marie Calderon,
Secretary of the Successor Agency

245 H

ATTACHMENT A
GRANT DEED

2451

FREE RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City of Banning Successor Agency
99 Ramsey Street
Banning, CA 92220
Attn: Executive Director

(Space Above This Line for Recorder's Office Use Only)

GRANT DEED

FOR A VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING, a public entity organized and existing under California Health & Safety Code § 34173, and THE CITY OF BANNING, a municipal Corporation (collectively "Grantor"), hereby grants to BANNING VENTURES, LLC, a Delaware limited liability company ("Grantee"), the real property, hereinafter referred to as the "Premises" in the City of Banning, County of Riverside, State of California, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference.

As conditions of this conveyance, Grantee covenants by and for itself and any successors-in-interest for the benefit of Grantor and the City of Banning, a municipal corporation, as follows:

1. Governing Documents. The Premises are being conveyed: (i) pursuant to a Disposition and Development Agreement ("DDA") entered into by and between Grantor and Grantee dated May 24, 2011; and (ii) subject to the terms of the DDA, this Deed, and the CC&Rs. The DDA is a public record on file in the office of the City Clerk of the City of Banning, located at 99 Ramsey Street, Banning, California, 92220, and an incorporated term of the CC&Rs. Any capitalized terms not defined herein shall have the meanings ascribed to them in the DDA. Grantee covenants and agrees for itself and its successors and assigns to develop the Premises in accordance with the DDA and thereafter to use, operate and maintain the Premises in accordance with this Deed and the CC&Rs. The Premises are also conveyed subject to easements and rights-of-way of record and other matters of record. In the event of any conflict between this Deed and the DDA, the provisions of the DDA shall control.

2. Uses. Grantee shall only use, devote, and maintain the Premises and each part thereof only for retail sales of recreational outdoor goods, RV supplies and RV parts as well as the sale, repair and service of new and used recreational vehicles and trailers, including all terrain vehicles (ATVs), motorcycles and recreational watercraft (the "Business"). After the Business is established, substantially all of the Business' vehicular inventory shall consist of new recreational vehicles and trailers. Representative manufactures include Honda, Yamaha, Kawasaki, Suzuki, Polaris, BRP Products and similar manufactures. Agency declares, and Developer, for itself and its successors and assigns, hereby covenants and agrees that the Property shall not be occupied, purchased, conveyed or otherwise utilized for purposes of real

estate speculation. Grantee shall not expand the level of services or business uses of the Premises and shall not substantially alter the types of goods or services provided by the business beyond those levels or types contemplated in the DDA and/or Grantee's approved project plans without prior written consent of Grantor.

In general, Grantee shall operate the business conducted by it on the Premises in a prudent manner, exercising customary business practices and hours of operation, to maximize sales and enhance the reputation and attractiveness of the Premises. Therefore, as a condition to Grantee's purchase of the Premises, the parties intended that Developer's Business must generate at least \$600,000 in aggregate sales tax revenues payable to the City (referred to as the "Sales Tax Threshold"). Grantee shall satisfy the Sales Tax Threshold by or before the Sales Tax Deadline as stated in Section 1.4 of the CC&Rs.

3. Term of Restriction. Grantee hereby covenants and agrees for itself, its successors, its assigns, and every successor-in-interest to the Premises that Grantee, its successors and such assigns, shall not develop, operate, maintain or use the Premises in violation of the terms and conditions of the DDA, this Deed, the CC&Rs (if applicable), and the Redevelopment Plan (unless expressly waived in writing by Grantor) during the term of the CC&Rs; provided that, however, the covenants contained in Sections 4 through 8 hereof shall remain in effect in perpetuity.

4. No Speculation. The conveyance of title effected by this Deed shall be interpreted in light of the fact that Grantor will sell the Premises to Grantee solely for development and operation of the uses identified in Section 2 hereof, and not for speculation in undeveloped land.

5. Transfer Restrictions. Grantee shall not transfer the DDA, the Premises or any of its interests therein except as otherwise provided in Section 303 of the DDA and/or Article V of the CC&Rs.

6. Non-Discrimination. Grantee covenants by and for itself, its heirs, executors, administrators, and assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of any person or group of persons on account of race, color, creed, religion, sex, marital status, national origin, sexual orientation or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the land herein conveyed, nor shall the Grantee, or any persons claiming under or through it, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees or vendees in the land herein conveyed. The foregoing covenants shall run with the land and remain in effect in perpetuity.

7. Mortgage Protection. No violation or breach of the covenants, conditions, restrictions, provisions or limitations contained in this Deed shall defeat or render invalid or in any way impair the lien or charge of any mortgage, deed of trust or other financing or security instrument permitted by and approved by Grantor pursuant to the DDA; provided, however, that any successor of Grantee to the Premises shall be bound by such remaining covenants, conditions, restrictions, limitations and provisions, whether such successor's title was acquired

by foreclosure, deed in lieu of foreclosure, trustee's sale or otherwise. The foregoing shall limit any rights of holders of any mortgage, deed of trust, or other financing or security instrument set forth in the DDA.

8. Covenants Run With the Land. The covenants contained in this Deed shall be construed as covenants running with the land and not as conditions which might result in forfeiture of title, and shall be binding upon Grantee, its heirs, successors and assigns to the Premises, whether their interest shall be fee, easement, leasehold, beneficial or otherwise.

9. Conditions Precedent to Taking of Title. Grantee's taking of title to the Premises is conditional upon, and this Deed shall not be recorded until, the following conditions have been satisfied to the reasonable satisfaction of Grantor:

a. *Financial Assurances.* Grantee shall have executed and provided to Grantor, concurrently with or prior to recordation of this Deed, evidence reasonably satisfactory to the Grantor that Grantee has secured construction financing, as required by DDA § 602(3). At a minimum, Grantee shall provide a construction loan commitment to, or pre-approval of, a construction loan in the amount of the total, not-to-exceed costs required for Completion of the Project in accordance with the Scope of Development, which commitment or pre-approval shall not be contingent on any conditions other than Grantee's securing of fee title to the Premises. All of such financing (100%) shall be utilized towards Project construction in accordance with the DDA Scope of Work.

b. *Construction Contract & Construction Schedule.* Grantee shall have executed and provided to Grantor, concurrently with or prior to recordation of this Deed, a complete copy of the construction contract to secure all work needed to perform the Project as contemplated by the DDA's Scope of Work. Grantee shall immediately upon recordation of this Deed diligently proceed with Project construction in accordance with the DDA Attachment "C" Schedule of Performance and its provisions pertaining to "Project Construction". To this end, Grantee shall, prior to recordation of this Deed, have submitted to the Grantor preliminary drawings, specifications and plans for all Project improvements remaining to be constructed pursuant to the Scope of Work. Project approvals and construction shall thereafter diligently proceed in accordance with DDA Schedule of Performance, commencing with Item No. 16 forward.

IN WITNESS WHEREOF, Grantor and Grantee have caused this instrument to be executed on their behalf by their respective officers or agents hereunto as of the date first above written.

[SIGNATURES FOLLOW]

"GRANTOR":

THE COMMUNITY REDEVELOPMENT
AGENCY OF THE CITY OF BANNING

Date: _____

By: _____
Bob Botts, Agency Chair

CITY OF BANNING

By: _____
Debbie Franklin, Mayor

ATTEST:

By: _____
Marie Calderon, Agency Secretary

APPROVED AS TO FORM:
ALESHIRE & WYNDER, LLP

By: _____
David J. Aleshire, Agency Counsel

By its acceptance of this Deed, Grantee hereby agrees as follows:

1. Grantee expressly understands and agrees that the terms of this Deed shall be deemed to be covenants running with the land and shall apply to all of the Grantee's successors and assigns (except as specifically set forth in this Deed).
2. The provisions of this Deed are hereby approved and accepted.

"GRANTEE"

BANNING VENTURES, LLC, a Delaware
limited liability company

By: _____
Martin D. Coyne, President

By: _____
Title: _____

CERTIFICATE OF ACKNOWLEDGMENT

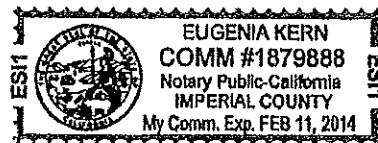
State of California)
County of Imperial)

On 11/22/13 before me, Eugene K. Nolasco Notary Public,
Date (here insert name and title of the officer)
personally appeared Martin D. Coyne
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person (s) whose name (s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature (s) on the instrument the person (s), or the entity upon behalf of which the person (s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Eugenia Keen
Signature of Notary Public

Place Notary Seal Above

245 N

Page

EXHIBIT "A"
LEGAL DESCRIPTION

EXHIBIT "B"
SCHEDULE OF PERFORMANCE

ATTACHMENT B

CC&R'S

FREE RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City of Banning Successor Agency
99 Ramsey Street
Banning, CA 92220
Attn: Executive Director

(Space Above This Line for Recorder's Office Use Only)

**DECLARATION OF COVENANTS, CONDITIONS,
AND RESTRICTIONS**

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("Declaration") is jointly and collectively made this ____ day of _____ 2013, by THE SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING, a public entity organized and existing under California Health & Safety Code § 34173, and the and CITY OF BANNING, a municipal Corporation (collectively hereinafter referenced as "Agency" or "Declarant"). The terms conditions and restrictions of this Declaration are hereby accepted and agreed to by BANNING VENTURES, LLC, a Delaware limited liability company ("Developer").

RECITALS:

A. Declarant Agency is the fee owner of that certain 1.45 acre real property consisting of Riverside County Assessor's Parcel Number 538-162-016, addressed as 2301 West Ramsey Street, Banning, California, 92220, and more particularly described on Exhibit "A" attached hereto and incorporated herein by reference (the "Property").

B. The original Redevelopment Project in the City of Banning was the Downtown Project Area, formed in 1978. The Midway Project Area was formed in 1986 and these two areas were merged and new territory added in February 2002 (the "Redevelopment Project Area"). The creation of the Redevelopment Project Area was undertaken pursuant to the Community Redevelopment Law ("CRL," Health & Safety Code §§ 33000 et seq.) to alleviate blight within the Project Area.

C. This Declaration is established by the Agency in its capacity as the legal successor to the former Banning Community Redevelopment Agency (the "Former RDA"), which Former RDA was dissolved by operation of law pursuant to the State's legislation AB 1x26 and AB 1484. The Agency operates as the legal successor for all purposes of enforcing and performing the enforceable and contractual obligations of the Former RDA pursuant to California Health & Safety Code § 34173.

D. On March 8, 2011, the Former RDA and City entered into a Property Transfer Agreement (the "Transfer Agreement") transferring certain properties to City and obligating City to undertake certain redevelopments activities in accordance with the CRL. Therefore, for purposes of this Declaration, the term "Agency" may include the City acting pursuant to the

Transfer Agreement, and the term "Declarant" is inclusive of (i) the City of Banning, (ii) the Former RDA, and (iii) the Agency.

E. On or about the 24th day of May, 2011, Declarant and Banning Ventures L.L.C., a Delaware limited liability company ("Developer") entered in that certain Disposition and Development Agreement (the "DDA") by which Developer agreed to construct new improvements on the Property and/or rehabilitate existing improvements located upon the Property (the "Project"), for the purpose of establishing and maintaining retail store for recreational outdoor goods, RV supplies and RV parts as well as the sale, repair and service of new and used recreational vehicles and trailers, including all terrain vehicles (ATVs), motorcycles and recreational watercraft (the "Business"). Such development of the Property pursuant to the DDA, and the fulfillment generally of the DDA, are in the vital and best interests of the City and the welfare of its residents, and in accordance with the public purposes and provisions of applicable federal, state and local laws and requirements. The redevelopment and restriction of the Property's use for Business-only purposes in accordance with the DDA will promote the utility and value of the Property and of the Redevelopment Project Area for the benefit of its future owners and the entire City.

F. Pursuant to the terms of the DDA, the Declarant has provided, or will provide, financial assistance to Developer in connection with Developer's acquisition of the Property for development of the Project thereon. Such financial assistance to Developer under the DDA was three-fold: (i) Agency provided a conditionally-forgivable Agency Loan in an amount not to exceed \$300,000 to be applied towards Project development, and (ii) Agency leased the Property to Developer "rent free" and therefore provided financial assistance in the form of a substantial rent write-down from the Property's fair market rental value, and (iii) Developer qualified, and chose, to exercise an option to purchase the Property, as described in the next Recital, which option allowed the Agency to convey fee title to the Property to Developer for a purchase price of zero dollars (collectively, the "Financial Assistance").

G. Conveyance of the Property to Developer was achieved under the DDA pursuant to a rent-free lease of the Property to the Developer (the "Lease", which was attached to the DDA as Attachment "E" thereto). The Lease provided Developer with an option to purchase the Property's fee title (the "Option to Purchase"). On or about _____ the Developer exercised its Option to Purchase the Property under the "Early Exercise of Option" provisions at Section 401(3) of the DDA. This means that Developer was allowed to exercise its Option to Purchase earlier than otherwise permitted by the DDA because (i) the Declarant was unable to secure the necessary subordination of certain mortgages as needed to permit Developer's Project financing, and (ii) the Declarant was unwilling to directly provide Project financing itself. (See, § 401(3) of DDA.) This Declaration is only applicable, and shall only be recorded, if Developer qualifies for, and has undertaken, the Early Exercise of Option.

H. The purpose of this Declaration is to (i) ensure that Developer will meet the "Sales Tax Threshold" conditions stated in Sections 401 and 502(d) of the DDA notwithstanding Developer's Early Exercise of Option, and (ii) secure reversion of the Property's fee title should the Sales Tax Threshold not be timely achieved or if the Project is not be timely completed. Moreover, Declarant desires to establish these covenants, conditions and restrictions upon the Property for the purpose of enhancing and protecting the value, desirability and attractiveness of

245s

the Property and effectuating the Agency's purposes of eliminating blight and facilitating economic development through the DDA. More specifically, business vacancies and vacant or underutilized land or buildings are conditions that fall within the ambit of adverse economic conditions associated with blight. Over a longer term, vacant buildings and closed businesses are subject to vandalism and illegal entry and are often subject to being boarded-up, fenced or tarped, or otherwise abandoned in a manner that poses significant risks of unsightly or dangerous conditions of dilapidation. Additionally, as unused buildings deteriorate they can adversely affect the visual and aesthetic characteristics of the surrounding area. The Property is currently unoccupied, having been previously occupied by a Dodge dealership, and thus the Property is vulnerable to become a target of trespassing, vandalism, and graffiti, and to become a public safety problem and a blighting influence on the surrounding area. By facilitating Developer's commercial use of the Property and rehabilitation of improvements thereon, this Declaration will alleviate the spread of blight via commercial vacancies in and around the Property. As such, the Agency assistance will act to stabilize the surrounding area's property values.

I. Developer and Declarant intend—in exchange for permitting Developer its Early Exercise of Option—that Developer, its successors and assigns hold, sell, and convey the Property subject to the covenants, conditions, restrictions, and reservations set forth in this Declaration and that the Declarant shall have the right and power to enforce the covenants, conditions, restrictions, and reservations as provided herein. The Declarant has fee or easement interests in various streets, sidewalks and other property within the City and is responsible for the planning and development of land within the City in such a manner so as to provide for the health, safety and welfare of the residents of the City. That portion of the Agency's and City's interests in real property most directly affected by this Declaration is depicted in Exhibit "B" attached hereto and incorporated herein by reference ("Public Parcels").

J. Capitalized terms and phrases used in this Declaration shall bear the same meaning and definition as applied in the DDA unless otherwise specified.

NOW, THEREFORE, the Declarant covenants and agrees, for itself, its heirs, executors and assigns, and all persons claiming under or through it, that the Property shall be held, transferred, encumbered, used, sold, conveyed, leased and occupied subject to the covenants and restrictions hereinafter set forth.

TERMS AND CONDITIONS

ARTICLE I

COVENANTS, CONDITIONS AND RESTRICTIONS

1.1 Conveyance of Property by DDA/Lease to Developer; Early Exercise of Option. Pursuant to the DDA, the Declarant agreed to convey possession of the Property to Developer via the Lease. The Lease generally (i) had a six to ten-year term, and (ii) granted Developer the Option to Purchase fee title to the Property upon satisfaction of several conditions precedent to the exercise of said option. Although the Lease generally contemplated that Developer would not be permitted to exercise its Option to Purchase before year six of the Lease, the Lease did allow Developer and Early Exercise of Option if (i) the Declarant was unable to secure the necessary subordination of certain mortgages as needed to permit Developer's Project

financing, and (ii) the Declarant was unwilling to directly provide Project financing itself. (See, § 401(3) of DDA.) The Developer has taken title to the Property pursuant to the DDA's provisions for Early Exercise of Option as follows:

(a) On or about _____, the Declarant informed Developer that Declarant was unable to obtain subordination of that certain loan encumbering the Property and identified as the DeZorzi Mortgage in the DDA. Such failure to obtain subordination of the DeZorzi Mortgage has prevented or substantially prevented Developer from being able to secure financing for the Project.

(b) On _____, Declarant notified Developer that Declarant would be unwilling or unable to provide Project financing itself.

(c) On _____, Developer provided Declarant its Notice of Exercise of Option as required by DDA Section 401(2).

(d) Therefore, on or about _____, Developer took fee title to the Property under the Early Exercise of Option pursuant to Section 401(3) of the DDA.

1.2 Other Agreements. The development of the Property shall be undertaken by Developer pursuant to the DDA and any other agreements pertaining to the Property entered into between Developer and Declarant for the development of the Project and operation of the Business, including but not limited to conducting environmental reviews under CEQA, processing and negotiating permits, entitlements and conditions, and legal costs. The foregoing agreements and instruments, together with all City ordinances approving the foregoing agreements and instruments, are collectively referred to as the "Agreements." Nothing in this Declaration or Developer's Early Exercise of Option shall be construed as waiving or forgiving any obligations of Developer under the DDA; all DDA obligations continue, including but not limited to Developer's obligation to complete the Project, meet the Sales Tax Threshold and operate the Business all as required by the DDA.

1.3 Use Restrictions. Agency declares, and Developer, for itself and its successors and assigns, hereby covenants and agrees that the Property may only be used for the Business of retail sales of recreational outdoor goods, RV supplies and RV parts as well as the sale, repair and service of new and used recreational vehicles and trailers, including all terrain vehicles (ATVs), motorcycles and recreational watercraft. After the Business is established, substantially all of the Business' vehicular inventory shall consist of new recreational vehicles and trailers. Representative manufactures include Honda, Yamaha, Kawasaki, Suzuki, Polaris, BRP Products and similar manufactures. Agency declares, and Developer, for itself and its successors and assigns, hereby covenants and agrees that the Property shall not be occupied, purchased, conveyed or otherwise utilized for purposes of real estate speculation.

(a) Developer has committed to commence construction of the Business' new showroom (as described in the DDA's Scope of Development) on the Property by no later than eight (8) months after Developer takes fee title to the Property under the Early Exercise of Option pursuant to Section 401(3) of the DDA. Construction will continue without interruption in conformance with the terms of the DDA.

(b) Developer's vehicle leases and sales shall be made from the Property to maximize sales tax returns to the City of Banning (but this shall not require payment of sales or use taxes on out-of-state business if not required by State law).

(c) In general, Developer and its heirs, successors, and assigns shall operate the Business conducted by it on the Property in a prudent manner, exercising customary business practices and hours of operation, to maximize sales and enhance the reputation and attractiveness of the Property.

(d) From the commencement of business and continuing thereafter, Developer shall exercise reasonable and prudent business judgment in the management and undertaking of Business operations. From the commencement of Business operations, Developer shall continue to carry-on the Business without material interruption or operational stoppages, subject only to temporary, short-term business closures for the purposes of holidays, vacations, business-related travel and Enforced Delays that are outside the control or fault of Developer; subject to enforced delays, the Business shall not be closed during regular business hours, six (6) days per week, except for holiday closures not exceeding fourteen (14) days per calendar year, absent prior written consent of Agency.

1.4 Sales Tax Threshold. As a condition to Developer's Early Exercise of Option, Business shall generate at least \$600,000 in aggregate sales tax revenues payable to the City of Banning (the "Sales Tax Threshold"), which Sales Tax Threshold shall be met on or before the date that would have marked the ten-year term of the Lease, or _____. The date of _____ is hereinafter referred to as the "Sales Tax Deadline".

(a) As of the date of recordation of this Declaration, Developer's Business has generated \$_____ in aggregate sales tax revenues payable to the City. This amount is credited towards the Sales Tax Threshold.

(b) Therefore, Developer's Business must generate an additional \$_____ by the Sales Tax Threshold Deadline in order to fully satisfy the Sales Tax Threshold.

(c) Until the date of the Sales Tax Deadline, Declarant shall annually give Developer a written report as to the aggregate in sales taxes collected from Business operations on the Property, and, within 90 days of Declarant's determination that the Sales Tax Threshold has been achieved, Declarant shall give Developer its Notice of Sales Tax Threshold Attainment.

(d) If, by the time which is 90 days prior to the Sales Tax Deadline (i.e., the date of _____), the Sales Tax Threshold has still not been achieved (including Agency's reasonable projection of sales taxes from the last report of State Franchise Tax Bureau), then the Agency shall reasonably determine the amount of the shortfall, such shortfall being the difference between the Sales Tax Threshold and the projected total aggregate sales taxes that will be generated by the Business as of the Sales Tax Deadline. In the instance of such a shortfall, Developer shall have the option of making an in lieu direct payment to Declarant in order to make-up the shortfall. For example, if the Business has only generated \$550,000 in City

sales tax, then Developer may directly pay the \$50,000 shortfall to City on or before the Sales Tax Deadline in order to satisfy the Sales Tax Threshold.

(e) If Developer is unable to generate at least \$600,000 (either through City sales tax or a cash payment in lieu thereof) accruing to Declarant before the Sales Tax Deadline then Developer shall be in default of this Declaration, which default may result in the Declarant invoking its right of reverter pursuant to Section 2.7 hereof.

1.5 Property Maintenance. Developer covenants and agrees for itself, its successors and assigns, and every successor in interest to the Property or any part thereof, that the Developer shall be responsible for maintenance of all improvements that may exist on the Property from time to time, including without limitation buildings, parking lots, lighting, signs, and walls, in first class condition and repair, and shall keep the Property free from any accumulation of debris or waste materials. The Developer shall also maintain all landscaping required pursuant to Developer's approved landscaping plan in a healthy condition, including replacement of any dead or diseased plants. The foregoing maintenance obligations shall run with the land and thereby become the obligations of any transferee of the Property or any portion thereof. Developer hereby waives any notice, public hearing, and other requirements of the public nuisance laws and ordinances of the City that would otherwise apply.

1.6 Compliance With Ordinances & Laws. Developer, for itself and its successors and assigns, shall comply with all ordinances, regulations and standards of the City and Agency applicable to the Property. Developer, its successors and assigns, shall further comply with all rules and regulations or laws of any Federal, State or local governmental agency or assessment district with jurisdiction over the Property.

1.7 Full Incorporation of DDA. Agency declares, and Developer, for itself and its successors and assigns, hereby covenants and agrees to hold, use and maintain the Property, and to operate the Business, subject to all rights and obligations established by the DDA. All terms and provisions of the DDA are incorporated herein by this reference, are hereby included into the terms of this Declaration and shall be binding upon the Property as a covenant, condition and restriction hereof. A true and correct copy of the DDA is attached hereto as Exhibit "C".

1.8 Public Agency Rights of Access. Declarant declares, and Developer, for itself and its successors and assigns, hereby covenants and agrees to grant to the Declarant and other public agencies the right, at their sole risk and expense, to enter the Property or any part thereof at all reasonable times with as little interference as possible for the purpose of construction, reconstruction, relocation, maintenance, repair or service of any public improvements or public facilities located on the Property. Any damage or injury to the Property or to the improvements constructed thereon resulting from such entry shall be promptly repaired at the sole expense of the public agency responsible for the entry.

1.9 Non-Discrimination. There shall be no discrimination against or segregation of any person or group of persons on account of race, color, creed, religion, sex, marital status, age, ancestry, sexual orientation, gender or national origin in the sale, lease, rental, sublease, transfer, use, occupancy, tenure, or enjoyment of the Property, nor shall the transferee itself, or any person claiming under or through it, establish or permit any such practice or practices of discrimination

or segregation with reference to the selection, location, number, use, or occupancy of tenants, lessees, subtenants, sublessees, or vendees of the Property.

ARTICLE II

ENFORCEMENT

2.1 Termination. No breach of this Declaration shall act as a waiver or entitle any party to cancel, rescind or otherwise terminate this Declaration, or excuse the performance of such obligations hereunder; provided that, however, this limitation shall not affect in any manner any other rights or remedies available by reason of such breach or by reason of the terms and provisions of the other Agreements.

2.2 Defaults; Remedies of Lease. A default of the DDA shall constitute a default of this Declaration. Declarant and Developer, for itself and its successors and assigns, and any and all successors in interest to the Property, hereby acknowledge that each shall have hereunder all legal and equitable remedies as provided by law following the occurrence of a default or to enforce any covenant herein.

2.3 Notice of Default; Opportunity to Cure. Before this Declaration may be terminated or action may be taken to obtain judicial relief for a breach of this Declaration, the party seeking relief for a default (the "Nondefaulting Party") shall provide notice and a period for cure in accordance with the procedures hereinafter set forth for any failure or breach of the other party ("Defaulting Party") to perform any material duty or obligation of said Defaulting Party under the terms of this Declaration:

(a) The Nondefaulting Party must provide written notice to the Defaulting Party setting forth the nature of the breach or failure and the actions, if any, required by Defaulting Party to cure such breach or failure ("Default Notice"). The Defaulting Party shall be deemed in "default" under this Declaration, where: (i) said breach or failure can be cured, but the Defaulting Party has failed to fully cure within sixty (60) days after the date of the Default Notice (subject to the provisions below), or (ii) a monetary default remains uncured for ten (10) days (or such lesser time as may be specifically provided in this Declaration).

(b) The Defaulting Party on a non-monetary default shall not be deemed in breach of this Lease, and such default shall be waived, if such non-monetary default cannot reasonably be cured within the above-prescribed sixty (60) day period, and as long as the Defaulting Party does each of the following: (i) notifies the Nondefaulting Party in writing with a reasonable explanation as to the reasons the asserted default is not curable within the sixty (60) day period; (ii) notifies the Nondefaulting Party of the Defaulting Party's proposed cause of action to cure the default; (iii) promptly commences to cure the default within the sixty (60) day period; (iv) makes periodic reports to the Nondefaulting Party as to the progress of the program of cure; and (v) diligently prosecutes such cure to completion.

2.4 Termination Notice; Hearing. Upon receiving a Default Notice, should the Defaulting Party fail to timely cure any default, or fail to diligently pursue such cure as prescribed above, the Nondefaulting Party may, in its discretion, provide the Defaulting Party with a written notice of intent to terminate this Declaration ("Termination Notice"). The

Termination Notice shall state that the Nondefaulting Party will elect to terminate this Declaration and such other Agreements as the Nondefaulting Party elects to terminate within thirty (30) days and state the reasons therefor (including a copy of any specific charges of default) and a description of the evidence upon which the decision to terminate is based. The Agreements to be terminated shall include the DDA. Once the Termination Notice has been issued, the Nondefaulting Party's election to terminate such Agreements will only be waived if (i) the Defaulting Party fully and completely cures all defaults prior to the date of termination, or (ii) pursuant to Section 2.5, below.

2.5 Developer Hearing Opportunity Prior to Termination. If Developer is the Defaulting Party pursuant to the above provisions, then the Declarant's Termination Notice to Developer shall additionally specify that Developer has the right to a hearing prior to the Declarant's termination of this Declaration or other Agreements ("Termination Hearing"). The Termination Hearing shall be scheduled as an open public hearing item before the next reasonably possible, regularly-scheduled meeting of Declarant's governing body, subject to any legal requirements including but not limited to the Ralph M. Brown Act, Government Code Sections 54950-54963. At said Termination Hearing, Developer shall have the right to present evidence to demonstrate that it is not in default and to rebut any evidence presented in favor of termination. Based upon substantial evidence presented at the Termination Hearing, the Declarant may, by adopted resolution, act as follows:

- (1) Decide to terminate this Declaration and/or the DDA by declaring a default thereof; or
- (2) Determine that Developer is innocent of a default and, accordingly, dismiss the Termination Notice and any charges of default; or
- (3) Impose conditions on a finding of default, such that Developer's fulfillment of said conditions will waive or cure any default.

Findings of a default or a conditional default must be based upon substantial evidence supporting the following two findings: (i) that a default in fact occurred and has continued to exist without timely cure, and (ii) that such default has, or will, cause a material breach of this Declaration and/or a substantial negative impact upon public health, safety and welfare, the environment, the City of Banning or the financial terms attendant to the DDA, or such other interests that the City, Agency and public may have in the Project.

2.6 No Waiver Of City's/Agency's Police Powers Or Legal Rights. Nothing in this Declaration is intended to limit the power and ability of the City, Agency or any local enforcement agency to initiate administrative and/or judicial proceedings for the abatement of nuisance conditions or violations of any applicable law. Nothing herein shall waive or limit any other legal rights or recourses the City or Agency may have in response to any repeated, material violations of the Agreements or failure to mitigate nuisance conditions on the Property.

2.7 Right of Reverter. In addition to any other remedies available to Declarant under the law, should a default of this Declaration be determined under this Article, the Declarant shall have the right, at its option, to reenter and take possession of the Property with all

improvements thereon and to terminate and revest in the Declarant the estate conveyed to the Developer if the Developer (or his successors in interest) shall:

1. Fail to commence construction of the Project as required by the DDA for a period of thirty (30) days after written notice to proceed from the Declarant, provided that the Developer shall not have obtained an extension or postponement to which the Developer may be entitled pursuant to the DDA; or

2. Abandon or substantially suspend construction of the Project for a period of thirty (30) days after written notice of such abandonment or suspension from the Declarant, provided that the Developer shall not have obtained an extension of time to which the Developer may be entitled pursuant to the DDA; or

3. Assign or attempt to assign the DDA, or any rights herein, or transfer, or suffer any involuntary transfer of, the Property, or any part thereof, in violation of the DDA and/or this Declaration, and such violation shall not be cured within thirty (30) days after the date of receipt of written notice thereof by the Declarant to the Developer.

The Declarant's right to re-enter, repossess, terminate, and revest shall be subject to and be limited by and shall not defeat, render invalid, or limit:

1. Any mortgage, deed of trust, or other security interests permitted by the DDA and/or this Declaration.

2. Any rights or interests provided in the DDA for the protection of the holders of such mortgages, deeds of trust, or other security interests.

Upon the revesting in the Declarant of possession to the Property, or any part thereof, as provided in this Section, the Declarant shall, pursuant to its responsibilities under state law, use its best efforts to reconvey the Property, or any part thereof, as soon and in such manner as the Declarant shall find feasible and consistent with the objectives of such law and of the Redevelopment Plan to a qualified and responsible party or parties (as determined by the Declarant), who will assume the obligation of making or completing the improvements, or such other improvements in their stead, as shall be satisfactory to the Declarant and in accordance with the uses specified for the Property, or any part thereof, in the Redevelopment Plan.

In the event of a resale or reconveyance, the proceeds thereof shall be applied as follows:

- (a) First, to reimburse the Declarant on its own behalf for all costs and expenses incurred by the Declarant, including but not limited to, salaries to personnel, legal costs and attorneys' fees, and all other contractual expenses in connection with the recapture, management, and resale of the Property (but less any income derived by Declarant from the Property or part thereof in connection with such management); all taxes, assessments and water and sewer charges with respect to the Property (or, in the event that Property is exempt from taxation or assessment or such charges during the period of ownership, then such taxes,

assessments, or charges, as determined by Declarant, as would have been payable if the Property were not so exempt); any payments made or necessary to be made to discharge or prevent from attaching or being made any subsequent encumbrances or liens due to obligations incurred with respect to the making or completion of the agreed improvements or any part thereof on the Property or part thereof; and amounts otherwise owing the Declarant by the Developer, its successors, or transferees; and

- (b) Second, to reimburse the Developer, its successor or transferee, up to the amount equal to (i) the costs incurred for the development of the Property, if any, and for the agreed improvements existing on the Property at the time of the re-entry and repossession, less (ii) any gains or income withdrawn or made by the Developer from the Property or the improvements thereon.
- (c) Any balance remaining after such reimbursements shall be retained by the Declarant as its property.

To the extent that the right established in this Section involves a forfeiture, it must be strictly interpreted against the Declarant, the party for whose benefit it is created. The rights established in this Section are to be interpreted in light of the fact that the Declarant will sell the Property to the Developer for development and not for speculation in undeveloped land.

ARTICLE III

ENCUMBRANCES & MORTGAGE PROTECTION

3.1 Developer's Breach Not to Default Mortgage Lien. Developer's breach of any of the covenants or restrictions contained in this Declaration shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value as to the Property or any part thereof or interest therein, whether or not said mortgage or deed of trust is subordinated to this Declaration; but, unless otherwise herein provided, the terms, conditions, covenants, restrictions and reservations of this Declaration shall be binding and effective against the holder of any such mortgage or deed of trust and any owner of any of the Property or any part thereof whose title thereto is acquired by foreclosure, trustee's sale, or otherwise.

3.2 Amendments or Modifications to Declaration. No purported rule, regulation, modification, amendment and/or termination of this Declaration shall be binding upon or affect the rights of any mortgagee holding a mortgage or deed of trust upon the Property that is recorded in the Office of the Riverside County Recorder prior to the date any such rule, regulation, modification, amendment or termination is recorded in such office, without the prior written consent of such mortgagee.

3.3 Liens Subordinate. Any monetary lien provided for herein shall be subordinate to any bona fide mortgage or deed of trust covering an ownership interest or leasehold or subleasehold estate in and to the Property and any purchaser at any foreclosure or trustee's sale (as well as any by deed or assignment in lieu of foreclosure or trustee's sale) under any such

mortgage or deed of trust shall take title free from any such monetary lien, but otherwise subject to the provisions hereof; provided that, after the foreclosure of any such mortgage and/or deed of trust, all other assessments provided for herein to the extent they relate to the expenses incurred subsequent to such foreclosure, assessed hereunder to the purchaser at the foreclosure sale, as owner of the Property after the date of such foreclosure sale, shall become a lien upon the Property and may be perfected and foreclosed.

ARTICLE IV **COVENANTS TO RUN WITH THE LAND**

Covenants Run with the Land. In exchange for the sale of the Property and for the granting of Declarant's approval of the Project, Declarant and Developer, for itself and its successors and assigns, and any and all successors in interest to the Property, hereby agree to hold, sell, and convey the Property subject to the covenants, conditions, restrictions and reservations of this Declaration. This Declaration is designed to create equitable servitudes and covenants running with the Property. Declarant hereby declares that all of the Property shall be held, sold, conveyed, encumbered, hypothecated, leased, used, occupied and improved subject to these covenants, conditions, restrictions and equitable servitudes, all of which are for the purposes of uniformly enhancing or protecting the value, attractiveness and desirability of the Property and effectuating the Redevelopment Plan. The covenants, conditions, restrictions, reservations, equitable servitudes, liens and charges set forth herein shall: (i) run with the Property, (ii) be binding upon all persons having any right, title or interest in the Property, or any part thereof, their heirs, successive owners and assigns, and (iii) shall be binding upon Developer, its successors and assigns and successors in interest, and (iv) if Developer does not become the successor to the Declarant's interests in the Property, then this Declaration shall be binding upon those persons or entities who are successors and assigns to the Declarant's interests in the Property or any portion thereof. This Declaration burdens the Property for the benefit of the Public Parcels.

4.1 Touch and Concern. Declarant and Developer, for itself and its successors and assigns, and any and all successors in interest to the Property, hereby declare and acknowledge their understanding and intent that the burden of the covenants set forth herein touch and concern the land in that Declarant's legal interest in the Property is rendered less valuable thereby. Declarant and Developer, for itself and its successors and assigns, and any and all successors in interest to the Property, hereby further declare their understanding and intent that the benefit of such covenants touch and concern the land by enhancing and increasing the enjoyment and use of the Property by the citizens of the City and by furthering the health, safety and welfare of the residents of the City.

ARTICLE V **RESTRICTIONS ON TRANSFER**

The Developer covenants that Developer shall not transfer the DDA, the Property or any of its interests therein except as provided in this Article.

5.1 Transfer Defined. As used in this section, the term "Transfer" shall include any assignment, hypothecation, mortgage, pledge, conveyance, or encumbrance of this Agreement,

the Site, or the improvements thereon. A Transfer shall also include the Transfer to any person or group of persons acting in concert of more than fifty percent (50%) of the present ownership and/or control of Developer in the aggregate taking all Transfers into account on a cumulative basis. In the event Developer or its successor is a corporation or trust, such Transfer shall refer to the Transfer of the issued and outstanding capital stock of Developer, or of beneficial interests of such trust; in the event that Developer is a limited or general partnership, such Transfer shall refer to the Transfer of more than fifty percent (50%) of the limited or general partnership interest; in the event that Developer is a joint venture, such Transfer shall refer to the Transfer of more than fifty percent (50%) of the ownership and/or control of any such joint venture partner, taking all Transfers into account on a cumulative basis.

5.2 Declarant Approval of Transfer Required. Developer shall not Transfer the Property or any of Developer's rights hereunder, or any interest in the Property or in the improvements thereon, directly or indirectly, voluntarily or by operation of law, except as provided below, without the prior written approval of Declarant (which approval shall not be unreasonably withheld or delayed), and if so purported to be Transferred, the same shall be null and void. In considering whether it will grant approval of any Transfer by Developer of its interest in the Property, Declarant shall consider factors such as (i) whether the completion of the Project is jeopardized; (ii) the financial credit, strength, and capability of the proposed transferee to perform Developer's obligations hereunder and under the DDA; and (iii) the proposed transferee's experience and expertise in the planning, financing, development, ownership, and operation of similar projects.

In the absence of specific written agreement by Declarant, no transfer by Developer of all or any portion of its interest in the Property (including without limitation a transfer not requiring Declarant approval hereunder) shall be deemed to relieve it or any successor party from the obligation to complete the Project or any other obligations under this Declaration. In addition, no attempted transfer of any of Developer's obligations hereunder shall be effective unless and until the successor party executes and delivers to Declarant an assumption agreement in a form approved by the Declarant assuming such obligations.

Exceptions. The foregoing prohibition shall not apply (i.e., no Declarant approval shall be required) as to any of the following:

- (a) Any mortgage, deed of trust, or other form of conveyance for financing, but Developer shall notify Declarant in advance of any such mortgage, deed of trust, or other form of conveyance (but only for purposes of financing the Project).
- (b) Any mortgage, deed of trust, or other form of conveyance for restructuring or refinancing of any amount of indebtedness described in item (i) above, provided that the amount of indebtedness incurred in the restructuring or refinancing does not exceed the outstanding balance on the debt incurred to finance the Project, including any additional costs of construction, whether direct or indirect.

- (c) The conveyance or dedication of any portion of the Property to the City, Agency or other appropriate governmental agency, or the granting of any easements or permits needed to facilitate the Property's development.
- (d) A sale or Transfer resulting from or in connection with a reorganization as contemplated by the provisions of the Internal Revenue Code of 1986, as amended or otherwise, in which the ownership interests of a corporation are assigned directly or by operation of law to a person or persons, firm or corporation which acquires the control of the voting capital stock of such corporation or all or substantially all of the assets of such corporation.
- (e) A conveyance of the Property to any entity Developer Affiliate. "Developer Affiliate" shall mean any entity which owns or controls Developer, to any entity owned or controlled by Developer, to any entity owned or controlled by or affiliated with any entity which owns or controls Developer, or to any entity resulting from a consolidation, or to the surviving entity in case of a merger, to which consolidation or merger Developer shall be a party, or to an entity to which all or substantially all of the assets of Developer have been sold.
- (f) Transfers of ownership or control interest between members of Developer's immediate family, or transfers to a trust, testamentary or otherwise, in which the beneficiaries are limited to members of the Developer's immediate family, or among the entities constituting Developer.

5.3 Costs of Transfers. Developer will pay Declarant its reasonable expenses for attorneys' fees and investigation costs necessary to investigate the suitability of any proposed assignee, and to review and finalize any documentation required as a condition for approving any Transfer.

5.4 Release of Owner. Declarant's consent to a Transfer shall not be deemed to release Developer of liability for performance under this Declaration unless such release is specific and in writing executed by Declarant. Such release shall not be unreasonably withheld. Upon the written consent of Declarant to the Transfer of this Declaration and the express written assumption of the assigned obligations of Developer under this Declaration by the assignee, Developer shall be relieved of its legal duty from the assigned obligations under this Declaration, except to the extent Developer is in default under the terms of this Declaration prior to said Transfer.

ARTICLE VI

TERM

The term of the covenants, conditions and restrictions contained in this Declaration shall commence on the date this Declaration is duly recorded in the Office of the Riverside County Recorder, and shall remain in effect until the Sales Tax Deadline of _____. Upon expiration of the Term of this Declaration, the covenants, conditions and restrictions described

herein shall cease to be of binding effect and the Declarant shall, after written request of Developer or its successor, execute and record such instruments as Developer reasonably requires to release and relinquish this Declaration. In addition, Developer shall have the right to execute and record such instruments as may be reasonably required to release and relinquish this Declaration and any amendment thereto (generally, a recordable "RELEASE OF DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS").

The Declarant's rights of enforcement and all provisions of indemnity shall survive the expiration of this Declaration's Term.

ARTICLE VII **MISCELLANEOUS**

7.1 Indemnity & Environmental Liability. Attention is particularly directed to Sections 403(4), 403(5), 605, and 808 of the DDA, which Article provides that Developer, its successors and assigns, will be required to protect, defend, indemnify and hold harmless City, Agency and their elected officials, officers, employees, volunteers and agents ("Indemnified Parties") from and against any and all Claims or Litigation. Such Sections are incorporated fully into, and enforceable through, this Declaration.

7.2 Modification. This Declaration may not be modified, terminated or rescinded, in whole or in part, except by a written instrument duly executed by the parties hereto, their successors or assigns, and duly recorded in the Riverside County Office of the County Recorder.

7.3 Amendments. The amendment of any provision of this Declaration enforceable by the Declarant shall require the prior written consent of the Declarant.

7.4 Governing Law. This Declaration shall be governed by and construed in accordance with the laws of the State of California.

7.5 Severability. The invalidity or unenforceability of any provision of this Declaration with respect to a particular party or set of circumstances shall not in any way affect the validity and enforceability of any other provision hereof, or the same provision when implied to another party or to a different set of circumstances.

7.6 Enforced Delay: Extension Of Times of Performance. Time is of the essence in the performance of this Declaration. Notwithstanding the foregoing, in addition to specific provisions of this Declaration, performance by either party hereunder shall not be deemed to be in default where delays or defaults are due to war; insurrection; strikes; lock-outs; riots; floods; earthquakes; fires; casualties; supernatural causes; acts of the "public enemy"; epidemics; quarantine restrictions; freight embargoes; lack of transportation; subsurface conditions on the Property and unknown soils conditions; governmental restrictions or priority litigation; unusually severe weather; inability to secure necessary labor, materials or tools; delays of any contractor, subcontractor or supplier; acts of the other party; acts or the failure to act of a public or governmental agency or entity (except that acts or the failure to act of Declarant shall not excuse performance by Declarant); or any other causes beyond the reasonable control or without the fault of the party claiming an extension of time to perform. In the event of such a delay (herein "Enforced Delay"), the party delayed shall continue to exercise reasonable diligence to minimize

the period of the delay. An extension of time for any such cause shall be limited to the period of the enforced delay, and shall commence to run from the time of the commencement of the cause, provided notice by the party claiming such extension is sent to the other party within ten (10) days of the commencement of the cause. Failure to provide such notice shall constitute a waiver of the claim. The following shall not be considered as events or causes beyond the control of Developer, and shall not entitle Developer to an extension of time to perform: (i) Developer's failure to obtain financing for the Project, and (ii) Developer's failure to negotiate agreements with prospective users for the Project or the alleged absence of favorable market conditions for such uses.

Times of performance may also be extended by mutual written agreement by Agency and Developer. The Executive Director of Agency or City Manager of City shall have the authority on behalf of Declarant to approve extensions of time not to exceed a cumulative total of one hundred eighty (180) days with respect to the development of the Property.

7.7 Notices. Any notice to be given under this Declaration shall be given by personal delivery or by depositing the same in the United States Mail, certified or registered, postage prepaid, at the following addresses:

If to Developer:	Banning Ventures, L.L.C. 1334 N Imperial Avenue El Centro, CA 92243 Attn: Martin D. Coyne
If to Declarant:	SUCCESSOR AGENCY OR CITY OF BANNING 99 Ramsey Street Banning, CA 92220 Attn: Executive Director or City Manager
A copy to:	ALESHIRE & WYNDER, LLP 18881 Von Karman Avenue, Suite 400 Irvine, CA 92612 Attention: David J. Aleshire, Agency Counsel

Any notice delivered personally shall be effective upon delivery. Any notice given by mail as above provided shall be effective forty-eight (48) hours after deposit in the mails. Any party may change address for notice by giving written notice of such change to the other party.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the undersigned has executed this Declaration as of the date first written above.

"DECLARANT"

THE SUCCESSOR AGENCY TO THE
COMMUNITY REDEVELOPMENT
AGENCY OF THE CITY OF BANNING, a
public body, corporate and politic

Date: _____

By: _____
Agency Chair

CITY OF BANNING, a California general law
city

Date: _____

By: _____
Mayor

ATTEST:

By: _____
Marie Calderon, City Clerk

APPROVED AS TO FORM:
ALESHIRE & WYNDER, LLP

By: _____
David J. Aleshire, City Attorney

Acknowledged and Accepted by:

"DEVELOPER"

BANNING VENTURES, LLC, a Delaware
limited liability company

By: _____
Martin D. Coyne, President

EXHIBIT "A"
LEGAL DESCRIPTION OF PROPERTY

EXHIBIT "B"
PUBLIC PARCELS

EXHIBIT "C"
COPY OF DDA

RESOLUTION NO. 2014-04 SA

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE FORMER BANNING COMMUNITY REDEVELOPMENT AGENCY AMENDING THE BUDGET PLAN FOR FISCAL YEAR ENDING JUNE 30, 2014

WHEREAS, the Community Redevelopment Agency of the City of Banning is a public body, corporate and politic, organized and existing under the California Community Redevelopment laws (Health & Safety Code § 33000, et seq.; hereinafter, the "CCRL"); and

WHEREAS, the City of Banning is a municipal corporation and a general law city organized and existing under the Constitution of the State of California ("City"); and

WHEREAS, as a result of Assembly Bill X1 26 (AB26), which was signed by the Governor on June 28, 2011 and confirmed by the Supreme Court (California Redevelopment Association, et al. v. Matosantos, et al. (Case No. S194861)) on December 29, 2011, all California redevelopment agencies were dissolved as of February 1, 2012 and successor entities became responsible for winding down the affairs of the former redevelopment agencies; and

WHEREAS, the City is, by operation of law, the Successor Agency to the Redevelopment Agency for purposes of winding-down the Redevelopment Agency under ABX126; and

WHEREAS, the Executive Director prepared the revised budget plan for the Fiscal Year 2013-14 which set forth all of the expected revenues of the City of Banning Successor Agency (Agency), and the recommended appropriations to meet the operating and capital expenses for all Agency funds; and

WHEREAS, the revised budget for fiscal year 2013-14 of the Successor Agency has been submitted to this Agency, and said budget has been considered and, is in form and substance satisfactory to the Agency Board; and

WHEREAS, the Agency departments may not exceed their appropriations by character of expense, with character of expense being defined as personnel services, services and supplies, capital outlay, debt service and interfund transfers, without the consent of the Executive Director; and

WHEREAS, the Banning Oversight Board and California Department of Finance have approved the Enforceable Obligation Payment Schedule (EOPS) which identifies repayment of the loan payable to Patrick and Shirley DeZorzi.

NOW, THEREFORE, the Successor Agency resolves as follows:

SECTION 1: Authorize the Administrative Services Director to amend the budget and make any necessary budget adjustments, and appropriations within the Successor Agency Funds in order to pay in full the remaining balance of the loan payable to DeZorzi.

PASSED, APPROVED AND ADOPTED this 14th day of January, 2014.

Deborah Franklin,
Successor Agency Chairperson
City of Banning, California

**APPROVED AS TO FORM AND
LEGAL CONTENT:**

David J. Aleshire,
General Counsel of the Successor Agency
Aleshire & Wynder, LLP

ATTEST:

Marie A. Calderon,
Secretary of the Successor Agency

CERTIFICATION

I, Marie A. Calderon, Secretary of the Successor Agency do hereby certify that the foregoing Resolution No. 2014-04 SA was duly adopted by the Successor Agency Board at a joint meeting thereof held on the 14th day of June, 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Marie A. Calderon,
Secretary to the Successor Agency

24524