

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

February 25, 2014  
**5:00 p.m.**

Banning Civic Center  
Council Chambers  
99 E. Ramsey St.

*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 – Rev. Daniel Pedraza, First Hispanic Church
- Pledge of Allegiance
- Roll Call – Councilmembers Miller, Peterson, Welch, Westholder, 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.

**PRESENTATIONS**

1. Banning Chamber of Commerce and The Gas Company -  
regarding Advanced Meter Project *(ORAL)*

*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*

## 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 5**

**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 – 2/11/14 (Closed Session) . . . . .	1
3.	Approval of Minutes – Regular Meeting – 2/11/14 . . . . .	20
3.	Report of Investments for December 2013. . . . .	21
4.	Report of Investment for January 2014 . . . . .	28
5.	Resolution No. 2014-08, Initiating Proceedings to Update Landscape Maintenance District (LMD) No. 1 for Fiscal Year 2014/2015. . . . .	35

- Open for Public Comments
- Make Motion

## V. 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.	Resolution No. 2014-10, Vacation of a Portion of Livingston Street, Alessandro Road and Adjacent Alleys.	
	Staff Report . . . . .	41
	<b>Recommendations: That the City Council adopt Resolution No. 2014-10, Vacation of a Portion of Livingston Street, Alessandro Road and Adjacent Alleys.</b>	

## VI. REPORTS OF OFFICERS

1.	2014-2019 Five Year Consolidated Plan Needs Assessment Survey Staff Report . . . . .	61
	<b>Recommendation: Receive and file.</b> This is for informational purposes only and does not require action.	
2.	Resolution No. 2014-11, Approving the Purchase of a New ShoreTel Phone System from Business Telecommunications Systems, Inc.	
	Staff Report . . . . .	71
	<b>Recommendation: That the City Council adopt Resolution No. 2014-11, Approving the purchase of a new ShoreTel phone system, including the 5-year Gold Plus Extended Warranty, from Business Telecommunication Systems, Inc. (“BTS”) of Corona, California, in an amount not to exceed \$135,667.53.</b>	

3. Resolution No. 2014-14, Awarding the Bid for Project No. 2014-01 EL, Sunset Grade Separation Phase 2 – Underground Electrical Substructures.	
Staff Report .....	97
<b>Recommendation: That the City Council adopt Resolution No. 2014-14, adopting Resolution No. 2014-14, Awarding the bid for the Sunset Grade Separation Phase 2 - Underground Electrical Substructures contract to Perry C. Thomas Construction, Inc. of Monrovia, California, in the amount of \$181,641.00 including taxes. The Administrative Services Director is authorized to approve change orders within the 10% contingency of \$18,174.10.</b>	
4. Transient Occupancy Tax (TOT) Ballot Measure	
Staff Report .....	104
Recommendations:	
1) <b>That the City Council approve Resolution No. 2014-12, Calling and Giving Notice of a Special Municipal Election on Tuesday, June 3, 2014, for the submission to the voters of the city a proposed ordinance amending the City's transient occupancy tax; unanimously declaring a fiscal emergency under Proposition 218 and in accordance therewith requesting the County of Riverside to consolidate the City's Special Election with the special and general municipal elections held within Riverside County on that date.</b>	
2) <b>That the City Council approve Resolution No. 2014-13, Directing the City Attorney to prepare an impartial analysis, setting priorities for filing written arguments, and providing for rebuttal arguments regarding the Banning transient occupancy tax measure.</b>	

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

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

## **VIII. ITEMS FOR FUTURE AGENDAS**

New Items – None

Pending Items

1. Schedule Meetings with Our State and County Elected Officials
2. Discussion on how to handle loans or distributions to charities.
3. Discussion on how the City Council handles donations to the City.
4. Review of regular City Council meeting time.
5. Council review/discussion of the current sign ordinance.

## **IX. 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]

MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

2/11/2014  
REGULAR MEETING

A regular meeting of the Banning City Council and a Joint Meeting of the City Council and a joint meeting of the City Council and the City Council Sitting in Its Capacity of a Successor Agency was called to order by Mayor Franklin on February 11, 2014, at 5:12 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: June Overholt, Interim City Manager/Administrative Services Dir.  
David J. Aleshire, City Attorney  
Duane Burk, Public Works Director  
Bill Manis, Economic Development Director  
Fred Mason, Electric Utility Director  
Heidi Meraz, Community Services Director  
Alex Diaz, Acting Chief of Police  
Tim Chavez, Battalion Chief  
John McQuown, City Treasurer  
Marie A. Calderon, City Clerk

The invocation was given by Jason Hong, Grace Lutheran Church. Councilmember Miller led the audience in the Pledge of Allegiance to the Flag.

## REPORT ON CLOSED SESSION

City Attorney said the Council discussed personnel matters involving the position of Chief of Police and City Manager. A briefing was given concerning potential recruitment and no reportable action was taken. In regards to real property negotiations concerning the Village at Paseo San Gorgonio, a status report was given and no reportable action was taken.

## PUBLIC COMMENTS/CORRESPONDENCE/PRESENTATIONS

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

Bill Dickson, Coordinator for the Banning Volunteer Police stated that he was hoping to recruit some new volunteers to join them at the police department. Recently they just had a very positive change and will have the police department open Monday through Thursday from 8 a.m. to 5 p.m. and some of that responsibility will fall back on the volunteers helping to man

the window. If anyone is interested in being a volunteer, they have three areas: the window, patrol, and viewing the monitors throughout the city. If you are interested, you can call him at 951-282-1138. This is a good experience and a fantastic way to serve your city.

David Saine addressed the Council stating that he recently moved here to Banning but his family has owned the property at 501 N. Sunset, The Lamplighter Apartments, that has 48 units. He took over this property in March and since that time they have continuously been having vehicle break-ins and since January they have three felony break-ins. He has spoken to Alex Diaz and was told that the police department is understaffed and they need more people. Mr. Saine said he is begging for help and the Council is the ones that have the power to bring in more law enforcement and more patrol. He has tenants asking him if they are safe and they want to move and he has other tenants that are military and want to do something on their own. He doesn't want his tenants to confront criminals; it is not their job. This is the 21<sup>st</sup> century and we are supposed to be protected; we pay taxes and deserve this protection. They are going to work on neighborhood watch and bring in cameras but they need help.

Shawn Melvin, 220 Lombardy Lane addressed the Council stating that they should keep Chief Diaz around; why outsource something when we have something good here. Chief Diaz knows Banning and works closely with the children around here and is good for everybody. He has helped them start a Neighborhood Watch and has attended almost all of their meetings. In regards to 165 E. Repplier it got better for a little bit and now it has gotten worse. He counted ten people living there and they also have a handicapped male living there that is in a wheelchair that is not getting the proper care that is needed. Mr. Melvin talked to him and they are charging him \$1500 a month to live there and he has not bathed since he got there two weeks ago and all he is doing is roaming around because he can't stand the house. He was kind of pleading for help because as soon as he and his wife arrived there they asked for his debit card and their food stamps. Mr. Melvin said 49 W. Repplier is getting worse because they are still going back and forth to both houses and causing problems. The neighborhood is concerned about their safety. We have code enforcement but we would rather put in parking lots than put in another code enforcement person. He said this is not good for his kids, not good for everyone's kids and they need something done. Now he has heard they are putting a probation office in and what good is that. He wants to see Banning how it used to be. This is where he would like to retire with his family. The only thing that is good so far is having Diaz as Chief and he is at least taking steps in attending the Neighborhood Watch meetings and listening to them and answering their questions and concerns.

Diane Smith, resident of Lombardy Lane read a letter from Brad Hood who could not attend this evening. The letter said that they have been thinking that the new courthouse may be an exciting opportunity for downtown to revitalize. A daily flow of new people that will need to eat can become a cornerstone opportunity for businesses that can support that need. Other small businesses can add to the attractiveness of customers being around anchor tenants like P.F. Chang's, Macaroni Grills, and the Elephant Bars of the restaurant world would be great to see happen. The idea of this Village at Paseo San Gorgonio is exciting but he does have to share the concern that having the probation/parole center offices as part of the development will not encourage or attract these big names into the community. No more than what we currently have with the social security offices on Ramsey, all the State offices and that is why people flock to Banning that are homeless and out of work. The traffic they bring is not creating any

kind of business draw; in fact, it could become the opposite and push big names away from the location. Why would these businesses see opportunity with the flow of criminal minds and their keepers as an opportunity for their expansion? They more than likely would feel that they would be putting their employees in harm's way and not be plugging into profitable location. The real result of putting probation operations there would likely be a lot more empty commercial space that will need to price itself to be attractive to mom and pop shops that will shape businesses to service the floor workers and clients of the probation department. The likely result will be more lotto sales outlets if you can find any that are willing to pay the high rents of that new construction that new construction will demand not seeing many new businesses open up in the nice big empty buildings that are just up the street from there. The probation department seems to be a desperation move. If that is the anchor tenant for the Village, then not much chance of all the other empty commercial spaces through downtown getting filled up either. It is a poor foundation to build on in his opinion. He has a feeling that the skill sets and knowledge required to revitalize downtown Banning may be missing in the decision. It leaves me to wonder what else they are clueless about. In regards to Sgt. Diaz, we can keep him as Chief. He has been around for a long time, he is a pillar of our community, he is good with the kids, he starts programs, he is active, he really cares about Banning and you will not be able to find that in outsourcing that Chief position. In my opinion, he has already done something in the weeks that he has been Chief by actually opening up the police department to the community. More code enforcement officers are needed and halfway houses is a concern.

Brad Hood addressed the Council stating that Diane Smith read the letter he wrote and she didn't know he was here. In regards to the center you have a huge opportunity in the sense that there are outlets that are just down the street; this giant river of traffic that flows. He has met people in the some of the restaurants that come into town because they stop here after they go shopping. Having a center that had anchor tenants will create a draw for those people. There is no place to eat just down the road; you have the opportunity. To bring in the low lying fruit of something like a probation department or other things of that nature are not going to create the kind of draw that you really need for that kind of a property. He doesn't see how you are going to rehab the downtown. You have beautiful buildings. He has lived here for about a couple of years and has rehabbed a piece of property of his own and enjoys it and really likes the area. A lot of changes are happening and it seems to him that you have a lot of opportunities. He would love to see something happen here that would make the community stronger and provide more opportunity for people to enjoy their evenings and their days and things of that nature. He applauds everybody for putting in the effort and trying to put that together but don't lower the standards and turn it into something that really doesn't attract. He supports what Mr. Melvin said about Chief/Officer Diaz. He has met the man many multiple times and really likes what he has to say and he feels that he is connected to the community. The homes that Mr. Melvin talked about are right across the street from his home and he sees it every day and stands by what he said and it is not good.

Jerimiah Price addressed the Council stating that some people may know him from the Patch. He said that he has seen a change here in Banning in the past couple of months and he thinks a lot of that has to do with one Council Member that reached out to the public over an issue and we have a new Police Chief that has also reached out to the public asking for comments and suggestions and he is seeing that we are starting to work together here and this is a good thing.

He also wanted to commend the members of the public that took the time to come here and deal with this issue. A lot of them have responded on the Patch and he has a pretty good ear for what he hears. The response towards this probation/parole department office has been unanimously negative and he thinks that this is something the Council, the police department and we as citizens should take into account; that the citizens don't want this. You may be locked into something and he doesn't know how this came about but would highly encourage that the rest of the Council to take a look at this and understand that the people they represent really don't want this in their city and it really isn't good. If you look at San Bernardino where their probation department is located, this place went down and went down badly. You can look at our own town here where we have county offices and that area is never going to recover; it is stuck where it is at. That is what we are consigning ourselves to if we take this in. He doesn't know if they need to appeal to the developer to listen to the citizens of Banning but somewhere along the line the understanding has to be there that the Council represents us, the citizens and this is not a thing that the citizens want here.

Mayor Franklin reminded the public that there is going to be a presentation on the agenda regarding the location that some of the people have talked about and that would be the appropriate time for any comments about that item. This time right now is for items not on the agenda.

David Ellis said he is here tonight to discuss crime which is running rampant in our town. A few weeks ago he talked with a Council Member who was sitting in his office and witnessed a man jump a fence and then a few minutes later he jumped back over the fence with a bag full of goodies. Five days later he said he was sitting in his office in a very quiet neighborhood that never had any problems until the last two years. He looked at his monitor on his closed circuit TV and here is a man breaking a window and going into a home; how great this is. Here we sit turning this into a criminal haven. We have people that get on national TV and state that this is not a safe place to live. Let's send out invitations to invite more criminals to our town. But to touch on another subject past Council Members have spent millions and millions of dollars without ever thinking how are we going to repay these bond debts. We are going to raise utility rates and we are going to put money into the General Fund so that we can pay our bond obligations. We have had promises made that will bring hopefully income into our town through sales tax to help meet these bond obligations. We are not a party town for the proud that prospered. We are a hard working group of people that don't want to see all the dead lawns because we can't afford water anymore and the people who are moving out because they can't afford the utility rates all because we don't have the proper management of bond funds. Take a hard look folks and think about the day a mother comes up here crying because her six year old daughter was raped by somebody and left dead. How are you going to console her with her problems? Take a good hard look because this town is becoming a septic tank.

Councilmember Peterson said he was the Council Member that reported the crime and witnessed an individual going to his neighbor's backyard. He called the police department and probably within 60 seconds they responded. They stopped the individual a few blocks away and ended up arresting him on three felony accounts. When he went to arraignment and Office Avila reported to him that he pled guilty to 32 months in State prison so it was a good job for our police department.

Micale Cashe, 981 E. Charles addressed the Council stating that she has been a resident of Banning since 1997. Originally she moved out here to finish nursing school which she did because it was a quiet town and she figured she could study really well and commute to college. What also attracted her to this town besides the mountains and the air and the beauty of the land was the fact that we had our own utility and the utilities at that time were really inexpensive. Her average electric bill every month is almost \$600.00 and she does have a swimming pool and a Jacuzzi but that is just for a small house that was built in 1927. She said that she was in her 50's and she want wondering can I really retire in Banning because I will be on a limited income at that time and she doesn't think she could afford to pay for the utilities and her food and other expenses. She is asking that the City to look into getting another Code Enforcement Officer because on her property her finance had fallen into a sink hole and he is a retired Los Angeles Sheriff Deputy and he worked in Watts and Willowbrook in the jails off of Soto Street in downtown LA but that was one of the most scariest things that ever happened to him. He had to contact 911 and they had to come and get him out. The reason they got the sink hole was because their neighbors next door have illegally hooked up their sewer from a garage they illegally converted into an apartment that they are renting out and they had a sewer leakage. It went under the fence and apparently it had been leaking for some time and he fell into it and she explained his injuries. She feels for the Code Enforcement Officer because he just has too much on his belt to handle everything. It is not possible for one human being to really handle all of that. He did come out and do his job and did a fine job but the insurance company and code enforcement on both of their incident reports have written that this happened because of a violation of the negligence of the neighbors next door. Also she is happy with the new Chief of Police but also hopes the City gets another Code Enforcement Officer.

Susan Savolainen resident said she wanted to jump on Office Diaz's bandwagon. A couple of weeks ago she emailed the police department's website and stated that there are people traveling at excessive speeds on West Westward and West Lincoln. She got a reply the same day and the following day she saw the police unit cruising the neighborhood. You can't ask for any better community support than that so she is really behind him.

Jeff Ray, 981 E. Charles Street said he wanted to give thanks to the fire department and the police department because he was the guy who fell into the sink hole and couldn't get out and it was great to have them respond. Fortunately he had his cell phone with him but it was nice to see the guys. He said he is a retired law enforcement officer from LA County with three decades of service but wanted to say thank you so everyone else could hear it in the community for them responding quickly and assisting him in getting out of the sink hole.

CORRESPONDENCE: There was none.

PRESENTATIONS

1. Proclamation – Designating Banning as a “Purple Heart City”.

Mayor Franklin asked Leonard Tavernetti to speak on what the Purple Heart Program is and she also wanted to recognize that we do have on the Council someone with a Purple Heart, Councilman Don Peterson.

Mr. Tavernetti thanked the Mayor and Council and the citizens of Banning for the way you support our service members who have come back or have not come back from the places you have sent them to help protect our American values. He said 70 years ago at this time some of the 16 million American service members who participated in uniform in WWII were getting ready for the greatest invasion in history. They did that invasion in June when they crossed the English Channel in ships and planes and stormed the beaches of Normandy. They won the war in the Atlantic and the Pacific and they came home. Young men and women took off their uniforms and took whatever awards they had and put them in a cigar box or a shoe box and put them in the attic, the garage or a closet. Most of them never talked about it. They got jobs, bought a car, had a family and bought a house for \$4,000 dollars and thought they would never pay it off. Their children grew up and had children. Today of those 16 million ten percent are still alive. Their average age is 92. They are passing away at the rate of 600 a day. He hears family members say I didn't know so and so served in WWII until I cleaned up his closet where I found an old cigar box and there medals in there and he never talked about it. So his request is that if you know someone of that age, that generation, make it a special point to ask them what they did during WWII, you may be surprised. Many of you have heroes in your family and you don't want their service, their sacrifice to not be recognized and passed on to future generations of your family.

Mayor Franklin said on behalf of the City Council and the city of Banning we are declaring Banning a "Purple Heart City" and thank you for sharing your words and thank you to all of our veterans who have served so well for our country.

2. Introduction of New Employee – Interim City Manager *(ORAL)*

Interim City Manager introduced Rachelle Sparks and stated that she wrote the following: "I have lived all over the country and finally decided to settle down in Banning. I have been blessed with awesome and caring neighbors in a wonderful neighborhood. I worked at Riverside Sheriff in their Records and Warrants Dept. and as a law enforcement dispatcher for a little over 2 years. I transferred to State Parks and the Dept. of Fish and Wildlife where I worked for 7 years as a law enforcement dispatcher. I truly enjoyed those jobs as I patiently waited for Banning PD to fly a dispatcher position. I had heard through the grapevine that Banning PD was one of the best agencies in the area to work for. When I saw the job posting I couldn't get my application in fast enough! I have now been working here for 3 weeks and I absolutely love it! I'm so pleased to be here!!!"

CONSENT ITEMS

Mayor Franklin said that Consent Items 5 and 7 are being pulled and Consent Item No. 5 will come back at a later meeting.

1. Approval of Minutes – Special Meeting – 1/14/14 *(Workshop)*

Recommendation: That the minutes of the Special Meeting of January 14, 2014 be approved.

2. Approval of Minutes – Special Meeting – 1/28/14 *(Closed Session)*

Recommendation: That the minutes of the Special Meeting of January 14, 2014 be approved.

3. Approval of Minutes – Regular Meeting – 1/28/14

Recommendation: That the minutes of the Special Meeting of January 14, 2014 be approved.

4. Approval of Accounts Payable and Payroll Warrants for Month of December 2013

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

5. Report of Investments for December 2013.

*(This item is to come back at a later date.)*

6. Notice of Completion for Project 2013-02 EL Sunset Grade Separation Phase 1 – Pole Realignment.

Recommendation: The City Council accept the Project 2013-02 El, Sunset Grade Separation Phase 1 – Pole Realignment as complete and direct the City Clerk to record the Notice of Completion.

8. Morongo Casino Pass Transit Bus Stop – Approval of Bus Access Agreement.

Recommendation: That the City Council approve the agreement.

**Motion Peterson/Miller to approve Consent Items 1 through 4, 6, and 8.** Mayor Franklin opened the item for public comments; there were none. **Motion carried, all in favor.**

7. Resolution No. 2014-09, Authorizing Staff to Enter Into An Agreement With Riverside County Airport Land Use Commission to Provide the Required Services for the Amendment of the Banning Municipal Airport Lane Use Compatibility Plan.

Recommendation: That the City Council adopt Resolution No. 2014-09.

Director Burk gave the staff report as contained in the agenda packet. He stated that in 2006 the City adopted the General Plan and what they adopted at the same time was the Land Use Plan under Riverside County Airport Land Use Commission (ALUC). While at the time that might have had been a great idea the economy has turned and development has not really prospered in the airport land use area, specifically Zone D. So a new compatibility comes in and the zone restrictions for the compatibility is restricted too much where it doesn't meet our General Plan requirements and densities to ALUC's compatibility and he gave an example of that. He said that they would like to enter into an agreement with ALUC for them to study the Zone D area to make our General Plan compatible with their plan so that we are not always getting into these overriding considerations. At this time Director Burk displayed a map of the area and the zoning and gave some examples of what is happening there in regards to density requirements and said ALUC will look at the inconsistencies.

Councilmember Miller said his main concern is that so often either the County or the State mandate things that the City doesn't want or need. If we take a look at the zoning we have zoning based upon our General Plan and now apparently that is in conflict with the land use for the airport from the County and as a result we are supposed to pay \$35,000 for a commission to discuss this with them. The whole reason for this problem with zoning is the airport and the airport itself according to the FAA (Federal Airport Administration) cannot make any money whatsoever for this City. All the money that comes into an airport must be spent on the airport. So why should the City pay for this rezoning. This is really a result of having the airport and why not have some of the funds from the airport itself pay for this study.

Director Burk said you can leave the zoning the way it currently is and have zero impacts and zero study but every time you have a developer come in to develop existing properties in and around the area it has to go to the Airport Land Use Commission and those zoning requirements are more restrictive. As far as the airport paying for that zoning, the money stays on the airport. The money we receive on the airport is through its hangar rents and its fuel sales and that money has to stay consistent with the airport specifically. It is strictly at the Council discretion and if you would like to keep the zoning the way it is, he thinks the Council should understand that it does take a lot of staff's time for each individual development within these zones if they become more restrictive and he is just asking the Council to make them more compatible.

Councilmember Miller asked how many such developers are we talking about and how many per year. Director Burk said recently not too many.

Councilmember Miller asked why is it advantageous for us to spend this money now instead of waiting until a developer comes along and ask the developer to pay for that additional time of staff to have the zoning changed.

Director Burk said for one, you don't have the fee structure set up for that so you would have to identify a fee structure for staff's time to do that and maybe a developer would like to do that but it does make things a little bit smoother when things are compatible in our plans so there is some consistency in our design criteria for zoning.

Councilmember Miller said in his opinion we should not be spending money to satisfy the County when we have our own zoning.

Councilmember Peterson said in regards to the fiscal data the appropriation for the funds comes from the General Fund to the Airport Fund Professional Services Account. So is that a special fund for the airport, all the airport money goes in there and is this \$25,000 is going to come out of there?

Interim City Manager said what that authorizes is being able to move the funds from the General Fund to the Airport Fund to process the agreement through the Airport Fund.

Councilmember Peterson said then there is no way that the airport money can take care of airport problems. Director Burk said that was correct.

Councilmember Peterson said in regards to the density you said we are talking about Zone D and under our General Plan, for instance, we have Zoning 31 and ALUC can come in and say that is too much and we don't want that or is that the type of zoning we are talking about or are we talking about height, structures, etc.

Director Burk said all of the above.

There was further Council discussion regarding how many man hours are spent on projects and meetings with ALUC, making densities compatible, having this come back to the public before it is finalized, and the possibility of developing a fee to recoup monies as developers move forward.

Mayor Franklin asked the Council to continue this item so staff can get more information and come back.

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

**Motion Miller/Peterson to continue this item to a future discussion. 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 City Council Sitting in its Capacity of a Successor Agency.

#### CONSENT ITEMS

1. Resolution No. 2014-05 SA, Receiving and Adopting Its Recognized Obligation Payment

Schedule ("ROPS") for the Period of July through December 2014 and Approving Certain Related Actions.

Recommendation: That the City Council, acting in its capacity as the Successor Agency of the Dissolved Community Redevelopment Agency of the City of Banning adopt Resolution No. 2014-05 SA (Attachment A) approving the Recognized Obligation Payment Schedule (Attachment B) for the period of July through December 2014, and approved certain related actions.

Councilmember Miller said this is a lengthy item that has a lot of numbers in it and honestly the agenda came to him Thursday night just as everyone else received it and he has not had time to look at this with sufficient care and would like this delayed to the next meeting.

Interim City Manager said that this has time sensitivity with the State. The ROPS is something that is required by the State and something that we do every six months so we want to be sensitive to the Councilmember's request and but also want to be sensitive to what the State is requesting of us.

Mayor Franklin asked if anything has changed over the last six months since the last time this was done.

Interim City Manager said what is on there are the debt service payments and the routine administration that is related to the ROPS.

Councilmember Miller said so it is the same as the last one because he did look at the last one. Interim City Manager said it actually has less items than the last one.

Councilmember Westholder asked if there was going to be any more financial accountability to this in that we have to pay more money to anything over this.

Interim City Manager said as a recap the ROPS (Recognized Obligation Payment Schedule) is a requirement that the State is imposing on the cities when the dissolution of the redevelopment agencies occurred. So every six months we now prepare a spending plan for six months out and this time frame is for the period July through December 2014 so it includes the debt service payments that are due at that time and any payments that we anticipate are due at that time. The next step once it is approved tonight is that it goes to the Oversight Board and the Board is comprised of members of local agencies of which there are about 8 members and once the Board reviews and approves it then it goes to the Department of Finance. The Department of Finance has a deadline and they review it and then they give us an okay and then we are allowed to spend the money.

Mayor Franklin opened the item for public comments; there were none.

**Motion Peterson/Welch to approve Consent Item 1. 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.

*(Public Hearing continued from December 10, 2013)*

(Staff Report – Tim Chavez, Fire Battalion Chief)

Chief Chavez said that very municipality is recommended to adopt the standard code that all the other municipalities around us have adopted including the county.

Mayor Franklin asked if there was any jurisdiction that has not approved it.

James Frader, Riverside County Fire Department County Fire Marshal said that tomorrow night Wildomar has their second reading of the code which is a similar amendment package. Of all the other partner cities he believes that everybody else has adopted a similar amendment package except for Desert Hot Springs who chose to go with the State based code at their hearing.

Mayor Franklin opened the item for public comments. Seeing no one come forward she closed the public hearing on this item.

Mayor Franklin asked the City Clerk to read the title of Ordinance No. 1468. City Clerk read: Ordinance No. 1468, An Ordinance of the City Council of the City of Banning, California, Repealing Chapter 8.16 of the Banning Municipal Code and Adopting The 2013 California Fire Code as it is Amended in this Ordinance For: 1) Regulating and Governing the Safeguard of Life and Property From Fire and Explosion Hazards (Arising From the Storage, Handling and Use of Hazardous Substances, Materials and Devices) and From Conditions Hazardous to Life or Property in the Occupancy of Buildings and Premises in the City of Banning, and 2) Providing for the Issuance of Permits and the Collection of Fees Therefor.

**Motion Welch/Miller to waive further reading of Ordinance No. 1468. Motion carried, all in favor.**

**Motion Welch/Miller that Ordinance No. 1468 pass its second reading and be adopted. Motion carried, all in favor.**

#### REPORTS OF OFFICERS

1. Report of Project History and Information for the Village at Paseo San Gorgonio Project (VPSG).  
(Staff Report - Bill Manis, Economic Development Director)

City Attorney said that in regards to this project Councilmember Peterson has property that is 500 feet away from the project and because of that staff has advised that he should step aside as having a conflict of interest. Under the Fair Political Practices Commission the rules are that you actually have to leave the Council Chambers. He said that Councilmember Peterson does still have the right to speak as a citizen on this item when it comes to public comment.

Mayor Franklin shared with the audience that this is a report and no action will be taken by the Council. There will be questions by the Council and an opportunity for anyone in the public to ask questions or make comments.

Director Manis addressed this item and said this will be a three-part report essentially and he will be walking the Council through the history of the project since it came to the City about 65 months ago and up until last month and then he will have the first office tenant, Chief Hake, speak to the Council giving an update and answer questions and update the Council of where they currently have offices, and then in regards to the project he will have the project developer, Art Pearlman and his team, speak to the leasing efforts.

Director Manis at this time started his power-point presentation of the 65 month history since the project first started in 2008 to current which takes it to the lease that the County approved in January, 2014 for the second story component of this first office building. At this time he turned the presentation over to Chief Mark Hake who will be the lead person at this new office building.

Chief Mark Hake, Chief Probation Officer for the County of Riverside addressed the Council stating that he knows that there are concerns amongst the Council and the citizens of Banning regarding the office space his department will be occupying in the Village at Paseo San Gorgonio.

He also shared some information about their department and its operations. He also clarified the difference between parole and probation and the clients that his department serves. Chief Hake also went over the 12 locations that they operate, staffing, the services that they provide and the approximate amount of persons they see in their office. He said that part of their mission as a probation department is to protect the community and their desire is to partner with the City. He also went over the crime concerns of the citizens.

Director Manis introduced Art Pearlman who will address his leasing efforts for the project.

Art Pearlman, Developer addressed the Council stating that they started this project five and half years ago and some of his presentation may overlap with what Director Manis presented. He stated that he will be going over the history and the process that they go through to develop. He also introduced his partners: Vanir Development – Patricia Green, Frank Schnetz –Vice President of Development who will be the Construction Manager; The Frost Company – Mark Frost. His team brings a wealth of knowledge on the development process of retail, office, industrial and other related activities. He went over how they got started with the City, the team's primary focus, and the project definition. He also displayed some slides of the project showing views of the buildings, architecture and explained the site plan and parking. He said that step one is the office building and from there you will have a completed center. They will be developing the entire center at one time and the buildings will be developed in phases depending on their leasing. Mr. Pearlman said five and half years later and \$2 million dollars of their money spent they are fully entitled and they own the property. Where they are today they have a signed lease with the County of Riverside for Probation, they are in negotiations for the first floor of their building, they have sent out proposals to quick serve fast food restaurants and have three letters of intent today, sent out 100 proposals to the major restaurants in the Inland Empire, 25 proposals out to office retailers, sent out 500 proposals to 500 lawyers that live within the low Desert area and as of yesterday they sent out 500 more letters to the entire Inland Empire, and monthly email blasts sent to all brokers.

Mayor Franklin opened the item for Council questions with responses from staff and the project partners.

At this time there were many questions from the Council in regards to this project in regards to the type of retail tenants they are looking at, difference between quick serve and fast food restaurants if any, interest on promissory note – when is it paid to the City and who does it go to, penalties in the contract for not constructing on other parcels, what kind of training facility use by County Probation will be done, changes in site plan regarding hotel or office parcel component in contract, finished period of time of the project, safety issue and does this add criminal element to the city; mix of staff at Probation department, hours of operation for Probation department, security of building(s), and any fencing on the property, any possible plans to partner with City's police department and the Sheriff's department to increase safety in the downtown if there is a need.

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*). City staff and the project partners responded to the various questions that were asked by the public.

- Bill Dickson, resident asked about sufficient parking and direct jobs from the project.
- Diane Smith, resident stated her concerns and said the only positive thing coming out of this is a restaurant.
- Gary Hironimus addressed the Council with is concerns and commented that it could be very successful or it could be the final nail in any hopes we have of revitalizing the downtown.
- Mary Hamlin, resident is excited about the project and asked questions in regards to percentage of the property being pre-leased before construction begins and refusal of any business to lease because of probation occupying space.
- Dora Nordquist, resident stated that she was glad for the prospect of a shopping center at the Village but oppose turning it into another County facility and stated her concerns with County offices taking up space in the city.
- George Nordquist, resident expressed his concern about the excessive debt that the City of Banning has of \$115 million. He also expressed concern of the many County offices in the city. He also supports the Council being involved in the hiring of key positions.
- Don Sax, resident stated being around the development business for a few years he can understand and thinks they did a pretty good job but also understands that there has to be some changes in the Inland Empire economic situation before much of this is really going to come to pass. He thinks that probation is a side issue and there are more important issues to deal with.
- Shawn Melvin, resident said that none of the slides show a probation office in a shopping center. He expressed his concerns for his family and asked if this was a new concept for you guys to put restaurants and everything right next to a probation department.
- Jerimiah Price said this project is well designed for the developer and well designed for a court system. It does not add that much to the community and does not add sales tax. In speaking with people he has received 100% negative comments on this project. Need something that will benefit the citizens of Banning.
- Micale Cashe, 981 E. Charles stated that she was not in favor of the probation department coming in and it should stay where it is at. She no longer gets gas at the Hargrave station because she always gets hassled for money and we can say all these nice things but the fact is she gets hassled and that is the element you will bring into Banning.
- Don Robinson spoke in regards to the Chamber of Commerce promoting this project and the positive things happening in Banning and the businesses wanting to come into the city.
- Jeff Ray, resident asked about the passing of AB109 and what it might do our community and everyone's concern about safety now and in the future and people getting hassled at the gas station and other places throughout the community. Also will there be any funds that may come from this project for police and fire.
- George Moyer, citizen commented on the project and said as an 11-year resident of Banning he was not aware that we had a probation department here. He feels this project will not only help this end of town and keep it going east where we need to be. This project will help us revitalize downtown. Doesn't feel it is a bad deal.
- Marian Johnson, 50 year resident said she has seen many changes and really believes the courthouse will do something for Banning. People have to realize that we have to

work together and work to improve things. Also, probation has been here for years. We will be okay and will be able to take care of things.

- Don Smith, resident commented on the safety concerns of the people, the probation department being located here, and gave reasons why we need this project to go forward.
- Mitch Pollard, resident asked various questions about the project, tenants, and job generation. He asked how many applications for business licenses to put manufacturing of any kind in Banning did we have last year? He is glad the police department is now open and it is grand and has a lot of space but what for.
- Alex Cassadas, resident said there are some issues that need to be addressed and that the Council should do their due diligence in visiting the various probation department locations and see what is working and what is not. He also expressed his concern with government buildings and their facades.
- Don Peterson addressed the Council as a concerned citizen and said he feels this is a great project but has a problem with the tenant. He also has a concern with the many County offices being scattered all over the city. He said he contacted PRACT (Post Release Accountability Compliance Team) in regards to AB 109 and he didn't have any PRACT member tell him that it is a good thing and it all boils down that you don't want it in your downtown area and he explained why. He suggested other uses for the development.

Mayor Franklin closed the item for further public comment and asked City staff and the project partners to respond to the unanswered questions.

Mayor Franklin said that it is now 9:00 p.m. and asked if the Council wanted to wrap this item up as the last item for today and then continue everything else to the next meeting. **There was a consensus of the Council to continue with the meeting and finish everything up.**

There were further responses to the unanswered questions by the project team.

Mayor Franklin asked Acting Chief Diaz to make a closing comment in regards to the impact this has, in his opinion, for the police department.

Acting Chief Diaz said it is a very difficult question to answer because they really can't foretell what is going to happen in the future. He did run an inquiry and he believes last year they only had one call for service at the courthouse but we also have to remember that it is a whole different animal. You were looking at a courthouse and now you are moving a project to a different building. He thinks it would be prudent to look at what some of the numbers are at other cities such as Perris where it is a different makeup than what we have right now. Will there be any increase in crime? It is very difficult to say what is going to happen two to three years down the line.

Mayor Franklin said this was only a report tonight and she thanked everyone who came out from the community to speak and for all the developers and partners for sharing the information with them and being able to respond to the questions that were asked.

2. Proposal to Amend Municipal Code to Vest the Power of Appointment/Removal of City Personnel in the City Council.

(Staff Report – David J. Aleshire, City Attorney)

City Attorney stated at the previous Council meeting he gave a full report on this and this matter is basically dealing with whether to change the current system whereby the City Manager appoints departments and is also solely responsible for dismissal of department heads. He said the Council doesn't have any legal authority with respect to that and this is by way of an ordinance. If the Council wanted to change the system, it would require an amendment of the ordinance. In his staff report he gave examples of other cities and how they approach it.

Mayor Franklin said we are continuing many discussions regarding the position of the Interim City Manager and the fulltime Police Chief and City Manager so she would like to suggest that this item be continued to the next meeting unless the Council has specific questions or comments they would like to make.

Councilmember Welch said he has no problem in continuing this to the next meeting but if they do continue with the discussion he does have some questions and comments.

Councilmember Miller said thinks that they have discussed this extensively and he doesn't see any point in continuing it. The whole reason for this discussion is the fact that we have had such a large amount of expenditure on the pay the City Manager and other people received when they retire. The problem that they have discussed is the fact that the City Council does not really have control over those contracts and that is the only problem as far as he is concerned. The City Council should have control over all contracts as they do with everything else besides personnel. He said he has thought about this extensively and we have talked about it extensively and Councilmember Welch last time said really the only change we should make is that the City Council should have control over the contracts. If we look at the various different cities, the City of Duarte, he believes, has exactly what we need. He referred to page 258, Section C in regards to the powers of the City Manager as follows: "Power of Appointment and Removal. It shall be the duty of the city manager to, and he shall appoint, remove, promote and demote any and all officers and employees of the city, except the city attorney, the city clerk, and the city treasurer, and so on." So the City Manager has complete authority over everyone as he or she should. He further read, "however, that any appointment of a department head shall be subject to concurrence by a majority vote of the city council." He thinks that this solves all the problems if the City Council has the authority to approve any new appointment and not any person already on the staff. Then we have control over future contracts.

**Council Member said as far as he is concerned that is pretty straight forward if we just accept that as the change in the ordinance and he makes that motion. Motion seconded by Councilmember Westholder.**

Meeting recessed at 9:14 p.m. and reconvened at 9:21 p.m.

City Attorney asked if it was the intent of this motion that the City Manager hires and fires, the non-interference clause continues to apply, that the City Manager deals with the day to day

direction of the department heads. You are only asking that with respect to the hiring, that there needs to be a confirmation, ratification by the Council of the hiring decision. Is that the proposal?

Councilmember Miller said that was correct and the City Manager has complete control on promotions and firing.

Mayor Franklin said for clarification because you said it was item "c" on page 258. Is that the one you were referring to because that is not what it says?

Councilmember Miller said that section "c" says that the City Manager has all the authority. However, any appointment shall be subject to concurrence by a majority of the Council. So the only change is in regards to hiring and not in regards to anything else.

Councilmember Westholder said in regards to that, if he understands what Councilmember Miller is proposing he also mentioned something about contracts.

Councilmember Miller said yes and we can put that in to say "appointments and contract" but you can't have an appointment without a contract and he would assume that word covers both.

Councilmember Westholder agreed to what Councilmember Miller said.

Councilmember Welch said he doesn't really have any objection to the motion but he does have a question because the way this reads. We are assuming as a Council the primary responsibility of hiring the City Manager which we do now but we are adding to that list the hiring of department heads. Does that in any way transfer liability to this Council and also liability personally to Council Members?

City Attorney said generally Council Members are indemnified under State law as long as you are acting under the course and scope of your employment. You are entitled to defense on the part of the City and for the City to pay any judgments. This is one aspect of the thing that you do and that protection would still continue, part one. Part two, he does not read this as saying that you are responsible for the hiring decision. The way he reads this, the City Manager is responsible for that decision. You in essence have a veto. But you are not developing a candidate's list, and you are not going through the process of considering all the candidates. This is not the City Council is in charge of making that hiring decision as he understands it. The City Manager goes through whatever process he goes through and at the end of that he is telling you who he came up with and you have the ability of saying yes or no. That does not make you responsible for hiring decision the same way you are for example, with respect to the City Attorney.

Councilmember Welch said then he is misunderstanding something here. Because any time there is a majority vote taken of this Council, the majority rules and it is the decision majority. So we are in essence making the decision.

City Attorney said he is disagreeing with that because you only concurring or disagreeing with the decision. The process of selecting somebody involves a recruitment process which is

soliciting people, it is setting a process to interview and make a determination. The Council role under this section is at the very end of the process. It is not the role that the City Manager has of setting up the whole process and going through and deciding how to evaluate and ending up with somebody at the end. This is a more limited process than that. The critical thing in terms of managing an employee is not necessarily the hiring decision; it's the supervising and management of that person along the way. He is understanding of a non-interference clause and says that the Council is not to interfere with the day-to-day running, supervision, management of the employees. So that clause remains in place and the City Manager is responsible for all of that and at the end of the day the decision about whether to retain or not retain the department head the Council position is no different with respect to that. This is a significant change so he is not trying to argue that and is a policy discussion for the Council. He is trying to distinguish this because it is important that everybody understands this. The way this works the Council involvement in this hiring decision is at the very end and it is just a yes or no on the person that the City Manager is proposing.

**Councilmember Miller wanted to make sure that the word “appointment” also includes the contract.**

City Attorney said if what you are saying is you want any contract to end up in front of the Council he will make sure it says that.

There was some further Council and staff discussion in regards to this hiring process.

Mayor Franklin addressed Councilmember Miller and stated that she wanted to make sure that he is only looking at this in terms of hiring and it has nothing to do with the releasing of employees.

Councilmember Miller said absolutely. As he has said his concern is the contract of new hires and the promotion, retention, firing and all that remains exactly the manager's responsibility and therefore he should have complete control of all the personnel.

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*):

- George Moyer, resident said he understands what the Council is trying to do here but even the concurrence adds an aspect of political-ism to any of these appointments as per the example of the City Attorney. He also commented on the high severance packages and the contract process. He sees no reason to change a policy that has worked in this City for years and worked in most cities and the norm. The City Council should set policy and monitor that they are being carried out. He gave reasons why the Council should not become directly involved with the hiring and firing of employees.
- Don Smith said he believes a very important process for the council to be involved with is the monetary ones which will be laid out in the contract. It is important for the

Council to review and approve the contract. He would add provision that these contracts when approved by the Council should be done in the public where the public can see it.

- Alex Cassadas agreed with what Don Smith said about the contracts. He also agrees with the motion made by Councilmember Miller. He believes it is a unique change to the Banning infrastructure when it comes to hiring its professionals.

Mayor Franklin closed the item for further public comments.

Councilmember Miller said he thinks there was some confusion and the only thing that is on the motion is in regard to the appointment and nothing whatsoever has to do with promotions, firing or things like that. It was said that there was a comment that there is nothing wrong with the current system. It is obvious that there is something wrong with the current system when, as Don Smith said, we can give away half a million dollars when somebody retires.

Councilmember Westholder said he agrees with Councilmember Miller's comments 100% and he explained why.

Councilmember Welch said he still doesn't understand by reading what is proposed here and he is hearing one thing but reading something else. The one thing that Councilmember Miller has emphasized quite a bit here is for this Council to have input on the contract. That is still not the hiring of an individual; it is one aspect of the hiring process. The way this reads is that the appointment of a department head shall be subject (it doesn't say anything about a contract) to concurrence by a majority of the Council. That is a broader statement than saying the Council is going to have input to the contract because this is saying input to the individual.

Mayor Franklin said that Councilmember Miller added that as part of his motion that it would include the appointment and the contracts.

Councilmember Welch said he thinks that the Council should review contracts. He is just trying to get this clarified.

There was some further Council discussion in regards to the Council looking at contracts.

**Mayor Franklin said that there is a motion on the floor to have item "c", adding the line that says, "...any appointment and contracts of a department head should be subject to concurrence by a majority of the City Council." She called for the vote. Motion carried, 3/2 with Councilmember Welch and Mayor Franklin voting no.**

Mayor Franklin said that the City Attorney will come back with the actual wording for the official part.

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

City Council – There was none at this time.

City Committee Reports - None

Report by City Attorney – None at this time.

### Report by City Manager

- You heard tonight that the police department hours have been open and expanded from 8 a.m. to 5 p.m., Monday through Thursday.
- The Sunset Grade Project will have an open house at city hall on Thursday, February 20, 2014 from 5 to 7 p.m. This is an opportunity for the community to talk to the project coordinator and public relations person to get more information about the project.

### ITEMS FOR FUTURE AGENDAS

New Items – None

Pending Items

1. Schedule Meetings with Our State and County Elected Officials
2. Discussion on how to handle loans or distributions to charities.
3. Discussion on how the City Council handles donations to the City.
4. Review of regular City Council meeting time.
5. Council review/discussion of the current sign ordinance.

Mayor Franklin thanked the police department because she had a chance to sit with the dispatchers twice and went on a ride-along with one of the officers on Friday and she has to commend the professionalism of everybody that was involved and she is very proud of our Banning Police Department given what they have to work with.

### ADJOURNMENT

By common consent the meeting adjourned at 9:47 p.m.

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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.**

MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

2/11/14  
SPECIAL MEETING

A special meeting of the Banning City Council was called to order by Mayor Franklin on February 11, 2014 at 3:02 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: June Overholt, Interim City Manager/Administrative Services Dir.  
David J. Aleshire, City Attorney  
Duane Burk, Public Works Director  
Bill Manis, Economic Development Director  
Marie A. Calderon, City Clerk

**CLOSED SESSION**

City Attorney said the items on the closed session agenda are two personnel matters involving the recruitment of the Chief of Police and City Manager pursuant to Government Code Section 54957; and real property negotiations pursuant to the provisions of Government Code Section 54956.8 in regards to the Village at Paseo San Gorgonio (APN: 541-181-009 thru 012, 541-181-024 thru 028, 541-183-001 thru 004 and vacated rights-of-way as depicted on Tentative Parcel Map No. 36285.

Mayor Franklin opened the closed session items for public comments; there was no public in attendance.

Meeting went into closed session at 3:03 p.m. and reconvened at 5:03 p.m.

## ADJOURNMENT

By common consent the meeting adjourned at 5:03 p.m.

## Marie A. Calderon, City Clerk

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## CITY COUNCIL AGENDA

**Date:** February 25, 2014

**TO:** City Council

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

**SUBJECT:** Report of Investments for December 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 December 2013. As of December 31, 2013, the City's operating funds totaled \$66,170,708. Included in Successor Agency operating funds is \$716,192 of restricted CRA bond proceeds that are on deposit with LAIF and reflected separately on the Summary Schedule.

As of December 31, 2013 approximately 42% of the City's unrestricted cash balances were invested in investments other than LAIF.

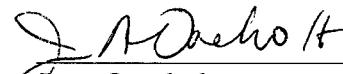
The December Investment Report includes the following documents:

- 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 0.264% in December. The average rate for all investments in December was 0.350%.

**APPROVED BY:**

  
\_\_\_\_\_  
June Overholt  
Interim City Manager



**Summary Schedule of Cash and Investments**

<b>Operating Funds</b>		<u>Amount</u>
<i>Petty Cash</i>		3,605

<i>Bank Accounts</i>		Interest	
		Rate	Amount
Wells Fargo Bank		0.000%	1,134,697
Bank of America-Airport		0.300%	3,005
Bank of America-Parking Citations		0.300%	3,080
Bank of America-CNG Station		0.300%	3,192

*Money Market and Bank Account Sub-Total* 1,143,974

<i>Government Pools</i>		Interest	
		Rate	Amount
Account #1 Operating Amount	37,296,484		
Account #1 CRA Bond Cash Bal	716,192		
Local Agency Investment Fund: Account #1		0.264%	38,012,676
Account #2 Successor Agency Cash Bal	0		
Local Agency Investment Fund: Account #2		0.264%	0

*Government Pool Sub-Total* 38,012,676

**Operating Cash Balance** **39,160,255**

<i>Restricted Operating Funds</i>		Interest	
		Rate	Amount
Riverside Public Utilities- Highmark U.S. Government Money Market Fund	0.010%		1,280,956
California ISO Corp- Union Bank			100,095
Worker's Compensation Program- (PERMA)			1,978,054

<i>Other Investments</i>		Interest	
		Rate	Amount
Investments-US Bank/Piper Jaffray - See Page 2		0.491%	25,729,497

*Operating Funds Total* 68,248,857

<b>Fiscal Agent</b>		<u>Amount</u>
US Bank		<u>35,306,631</u>

*Fiscal Agent Total* 35,306,631

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**City of Banning Investment Report**  
**Operational Portfolio Individual Investments**

December 31, 2013

Par Value	Investment Description	Coupon Rate	Interest Rate	Maturity Date	Purchase Date	Date	Discount or (Premium) Amortization	Market Value
<b><u>Bank Accounts</u></b>								
1,134,697	Wells Fargo Bank-Operating	n/a	0.00%	daily	varies	1,134,697	n/a	1,134,697
-	Wells Fargo Bank-Investment Acct	n/a	0.10%	daily	varies	-	n/a	-
3,005	Bank of America-Airport	n/a	0.30%	daily	varies	3,005	n/a	3,005
3,080	Bank of America-Parking Citations	n/a	0.30%	daily	varies	3,080	n/a	3,080
3,192	Bank of America-Parking Citations	n/a	0.30%	daily	varies	3,192	n/a	3,192
Sub-total								1,143,974
<b><u>Government Pools</u></b>								
38,012,676	L.A.I.F. account #1	n/a	0.264%	daily	varies	38,012,676	n/a	38,012,676
0	L.A.I.F. account #2	n/a	0.264%	daily	varies	0	n/a	0
								38,012,676
<b><u>Investments-US Bank/Piper Jaffray</u></b>								
3,000,000	Federal Home Loan Bks	n/a	0.500%	4/11/2016	4/11/2013	3,000,000		2,995,350
1,000,000	FHLMC Mtn	n/a	0.570%	6/20/2016	6/6/2013	1,000,000		998,260
1,000,000	FNMA	n/a	0.750%	12/19/2016	6/19/2013	1,000,000		997,370
1,000,000	FNMA Deb	n/a	0.550%	6/6/2016	6/20/2013	1,000,000		997,290
3,000,000	FNMA	n/a	1.125%	1/30/2017	7/30/2013	3,000,000		3,012,210
3,000,000	Federal Farm Credits Bks	n/a	0.940%	7/15/2016	7/15/2013	3,000,000		3,008,190
2,000,000	FHLMC Mtn	n/a	0.250%	6/24/2016	12/24/2013	2,000,000		1,996,540
2,000,000	FHLMC Mtn	n/a	0.500%	6/27/2016	12/27/2013	2,000,000		1,995,760
2,000,000	FHLMC Mtn	n/a	0.750%	12/27/2016	12/27/2013	2,000,000		1,992,340
7,736,187	Money Market	n/a	0.010%	daily	varies	7,736,187	0	7,736,187
US Bank/Piper Jaffray Average Rate=				0.491%				25,729,497
Average Rate All=				0.350%				

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 267 days and does not include Bond Reserve Fund Investments.



## City of Banning Investment Report

December 31, 2013

## Individual Investments with Fiscal Agent

TRUSTEE	Bond Maturity Date	Investment Description	Current Yield	Bond Maturity Date	Minimum Reserve Requirement	Dec-13	12/31/2013 Market Value
<b>COB IMPROVEMENT DISTRICT LIMITED OBLIGATION BONDS SERIES 2005A</b>							
2005 Fair Oaks Ranch Estates	2035	US Bank Mmkt 5-Ct	0.030%	daily	188,943	4.64	188,046
<b>COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION, SERIES 2003</b>							
2003 CRA Tax Allocation Bonds	2028	U S Treasury Bill	4.61%	7/28/2011	971,763		990,158
		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
<b>COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION PARITY BONDS, SERIES 2007</b>							
Redevelop Fund	2037	US Bank Mmkt 5-Ct	0.030%	daily		205.41	8,330,581
Reserve Fund		US Bank Mmkt 5-Ct	0.030%	daily	1,880,751	46.24	1,875,430
Special Fund		US Bank Mmkt 5-Ct	0.020%	daily			41
Surplus Fund		US Bank Mmkt 5-Ct	0.000%	daily			9
<b>BUA - WASTEWATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES</b>							
Interest Account		US Bank Mmkt 5-Ct	0.000%	daily			2
Principal Account		US Bank Mmkt 5-Ct	0.000%	daily			4
		US Bank Mmkt 5-Ct	0.030%	daily		81.24	3,295,021
<b>BUA - WATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES</b>							
Interest Account		US Bank Mmkt 5-Ct	0.000%	daily			10
Principal Account		US Bank Mmkt 5-Ct	0.050%	daily			20
Reserve Fund		US Bank Mmkt 5-Ct	0.030%	daily	2,310,710	56.98	2,310,912
Project Fund		US Bank Mmkt 5-Ct	0.030%	daily		39.50	1,601,803
<b>BFA - ELECTRIC SYSTEM REVENUE BONDS 2007 SERIES</b>							
		US Bank Mmkt 5-Ct	0.000%	daily		12.48	12
		US Bank Mmkt 5-Ct	0.030%	daily	2,672,050	65.90	2,672,184
Acquisition & Construction		US Bank Mmkt 5-Ct	0.030%	daily		345.70	14,020,614
*Paid Semi-Annually-Deposited into Money Mkt Account						<b>Total</b>	<b>858.62</b>
							<b>35,306,631</b>

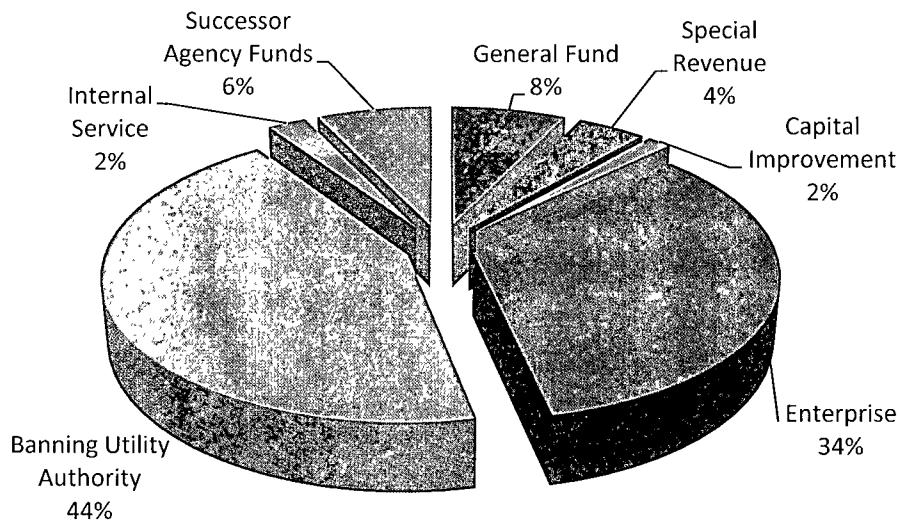
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# City of Banning

## 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 twelve 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.

### Restricted Operating Funds at California ISO-

The California ISO facilitates the purchase and sale of the City's electricity. The City participates in periodic Congestion Revenue Rights (CRR) auctions to acquire financial hedges for transmission congestion. In order to participate in the CRR auctions the City was required to have a secured form of financial security in the amount of \$100,000. A cash deposit was placed with Union Bank in March, 2012 to meet the requirements. The account is an interest bearing collateral account.

## Summary Schedule – Line item descriptions – Cont.

### Restricted Operating Funds at PERMA-

The City participates in a JPA with the Public Entity Risk Management Authority (PERMA), who provides administration for the City's worker's compensation insurance program. PERMA requires the City to deposit funds into an account used by PERMA for the payment of worker's compensation claims. The City does not control the investments or earnings of this 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.

## CITY COUNCIL AGENDA

**Date:** February 25, 2014

**TO:** City Council

**FROM:** June Overolt, Administrative Services Director/Deputy City Manager

**SUBJECT:** Report of Investments for January 2014

**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 January 2014. As of January 31, 2014, the City's operating funds totaled \$67,776,123. Included in Successor Agency operating funds is \$718,898 of restricted CRA bond proceeds that are on deposit with LAIF and reflected separately on the Summary Schedule.

As of January 31, 2014 approximately 41% of the City's unrestricted cash balances were invested in investments other than LAIF.

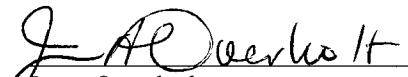
The January Investment Report includes the following documents:

- 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 0.244% in January. The average rate for all investments in January was 0.340%.

**APPROVED BY:**

  
June Overolt  
Interim City Manager



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

Wells Fargo Bank	
Bank of America-Airport	
Bank of America-Parking Citations	
Bank of America-CNG Station	

	<u>Amount</u>
	3,705
Interest	
Rate	Amount
0.000%	623,965
0.300%	8,566
0.300%	3,382
0.300%	6,125

<i>Money Market and Bank Account Sub-Total</i>	642,038
--	---------

Government Pools

Account #1 Operating Amount	37,293,777
Account #1 CRA Bond Cash Bal	718,898
Local Agency Investment Fund: Account #1	0.244% 38,012,676
Account #2 Successor Agency Cash Bal	0
Local Agency Investment Fund: Account #2	0.244% 0

<i>Government Pool Sub-Total</i>	<u>38,012,676</u>
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<b>Operating Cash Balance</b>	<b>38,658,419</b>
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Restricted Operating Funds

Riverside Public Utilities- Highmark U.S. Government Money Market Fund	0.010%	1,289,559
California ISO Corp- Union Bank		100,158
Worker's Compensation Program- (PERMA)		1,946,391

Other Investments

Investments-US Bank/Piper Jaffray - See Page 2	0.491%	25,781,596
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<i>Operating Funds Total</i>	<u>67,776,123</u>
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**Fiscal Agent**

US Bank

	<u>Amount</u>
	36,095,118

<i>Fiscal Agent Total</i>	<u>36,095,118</u>
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City of Banning Investment Report  
Operational Portfolio Individual Investments

January 31, 2014

Par Value	Investment Description	Coupon Rate	Interest Rate	Maturity Date	Purchase Date	Date	Discount or (Premium) Amortization	Market Value
<b><u>Bank Accounts</u></b>								
623,965	Wells Fargo Bank-Operating	n/a	0.00%	daily	varies	623,965	n/a	623,965
-	Wells Fargo Bank-Investment Acct	n/a	0.10%	daily	varies	-	n/a	-
8,566	Bank of America-Airport	n/a	0.30%	daily	varies	8,566	n/a	8,566
3,382	Bank of America-Parking Citations	n/a	0.30%	daily	varies	3,382	n/a	3,382
6,125	Bank of America-Parking Citations	n/a	0.30%	daily	varies	6,125	n/a	6,125
Sub-total								642,038
<b><u>Government Pools</u></b>								
38,012,676	L.A.I.F. account #1	n/a	0.244%	daily	varies	38,012,676	n/a	38,012,676
0	L.A.I.F. account #2	n/a	0.244%	daily	varies	0	n/a	0
								38,012,676
<b><u>Investments-US Bank/Piper Jaffray</u></b>								
3,000,000	Federal Home Loan Bks	n/a	0.500%	4/11/2016	4/11/2013	3,000,000		2,999,580
1,000,000	FHLMC Mtn	n/a	0.570%	6/20/2016	6/6/2013	1,000,000		1,000,220
1,000,000	FNMA	n/a	0.750%	12/19/2016	6/19/2013	1,000,000		999,560
1,000,000	FNMA Deb	n/a	0.550%	6/6/2016	6/20/2013	1,000,000		999,380
3,000,000	FNMA	n/a	1.125%	1/30/2017	7/30/2013	3,000,000		3,012,330
3,000,000	Federal Farm Credits Bks	n/a	0.940%	7/15/2016	7/15/2013	3,000,000		3,006,600
2,000,000	FHLMC Mtn	n/a	0.250%	6/24/2016	12/24/2013	2,000,000		2,000,280
2,000,000	FHLMC Mtn	n/a	0.500%	6/27/2016	12/27/2013	2,000,000		1,999,640
2,000,000	FHLMC Mtn	n/a	0.750%	12/27/2016	12/27/2013	2,000,000		1,996,780
7,767,226	Money Market	n/a	0.010%	daily	varies	7,767,226	0	7,767,226
US Bank/Piper Jaffray Average Rate=								25,781,596

Average Rate All= 0.340%

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 261 days and does not include Bond Reserve Fund Investments.

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City of Banning Investment Report  
Individual Investments with Fiscal Agent

January 31, 2014

Bond Issue Description	Bond Maturity Date	Investment Description	Current Yield	Bond Reserve Bond Maturity Date	Minimum Reserve Requirement	Jan-14	1/31/2014 Market Value
<b>COB IMPROVEMENT DISTRICT LIMITED OBLIGATION BONDS SERIES 2005A</b>							
2005 Fair Oaks Ranch Estates	2035	US Bank Mmkt 5-Ct	0.030%	daily	188,943	4.79	188,051
<b>COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION, SERIES 2003</b>							
2003 CRA Tax Allocation Bonds	2028	U S Treasury Bill	4.61%	7/28/2011	971,763	1,237.50	1,012,991
		US Bank Mmkt 5-Ct	0.030%	daily		0.55	
		US Bank Mmkt 5-Ct	0.030%	daily			211,925
Surplus Fund		US Bank Mmkt 5-Ct	0.000%	daily			8
<b>COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION PARITY BONDS, SERIES 2007</b>							
Redevelop Fund	2037	US Bank Mmkt 5-Ct	0.030%	daily		212.26	8,330,793
Reserve Fund		US Bank Mmkt 5-Ct	0.030%	daily	1,880,751	47.78	1,875,478
Special Fund		US Bank Mmkt 5-Ct	0.030%	daily			574,672
Surplus Fund		US Bank Mmkt 5-Ct	0.000%	daily			9
<b>BUA - WASTEWATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES</b>							
Interest Account		US Bank Mmkt 5-Ct	0.000%	daily			2
Principal Account		US Bank Mmkt 5-Ct	0.000%	daily			4
		US Bank Mmkt 5-Ct	0.030%	daily		83.96	3,295,105
<b>BUA - WATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES</b>							
Interest Account		US Bank Mmkt 5-Ct	0.000%	daily			10
Principal Account		US Bank Mmkt 5-Ct	0.050%	daily			20
Reserve Fund		US Bank Mmkt 5-Ct	0.030%	daily	2,310,710	58.88	2,310,971
Project Fund		US Bank Mmkt 5-Ct	0.030%	daily		40.81	1,601,843
<b>BFA - ELECTRIC SYSTEM REVENUE BONDS 2007 SERIES</b>							
		US Bank Mmkt 5-Ct	0.000%	daily		0.73	13
		US Bank Mmkt 5-Ct	0.030%	daily	2,672,050	68.09	2,672,252
Acquisition & Construction		US Bank Mmkt 5-Ct	0.030%	daily		357.24	14,020,972
*Paid Semi-Annually-Deposited into Money Mkt Account				<b>Total</b>		<b>2,112.59</b>	<b>36,095,118</b>

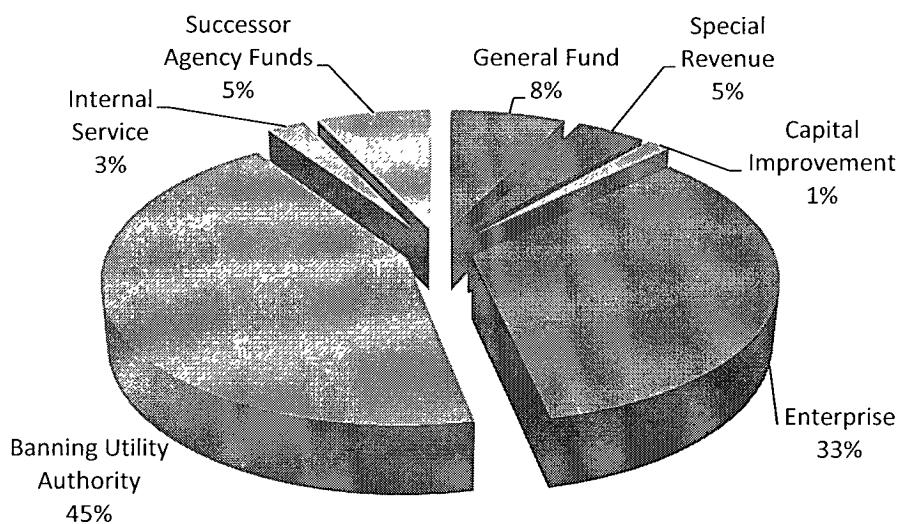
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# City of Banning

## Investment Report Supplemental Information

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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
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## Summary Schedule – Line item descriptions – Cont.

### Restricted Operating Funds at PERMA-

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### 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 AGENDA  
CONSENT ITEM**

**DATE:** **February 25, 2014**

**TO:** **City Council**

**FROM:** **Duane Burk, Director of Public Works**

**SUBJECT:** **Resolution No. 2014-08, "Initiating Proceedings to Update Landscape Maintenance District No. 1 for Fiscal Year 2014/2015"**

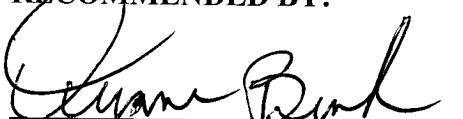
**RECOMMENDATION:** Adopt Resolution No. 2014-08, "Initiating Proceedings to Update Landscape Maintenance District No. 1 for Fiscal Year 2014/2015."

**JUSTIFICATION:** The City Council approved the formation of Landscape Maintenance District No. 1 ("the District") by adopting Resolution No. 1990-59 on August 14, 1990. The adoption of Resolution No. 2014-08 will enable the City Engineer to prepare for the assessment for Fiscal Year 2014/2015.

**BACKGROUND:** In accordance with the "Landscaping and Lighting Act of 1972" ("1972 Act") of the Streets and Highways Code, the City Council adopted a resolution on August 14, 1990 ordering the formation of Landscape Maintenance District No. 1, the boundaries of which are shown in Attachment "A". On May 10, 2005, the City Council approved Resolution No. 2005-36 ordering Annexation No. 1 (consisting of five tracts and three tentative tracts) to Landscape Maintenance District No. 1. The District, by special benefit assessments, provides funding for the servicing and maintenance of certain landscape areas within the City of Banning, all of which are located in the public right-of-way. The 1972 Act requires that assessments are to be levied according to benefit rather than according to assessed value. Resolution No. 2014-08 will initiate the proceedings to update the District for Fiscal Year 2014/2015. A tentative schedule for updating the District, as required by the "Landscaping and Lighting Act of 1972," is attached hereto as Attachment "B" for your information.

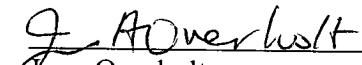
**FISCAL DATA:** Not applicable. A detailed estimate will be prepared and forwarded with the Engineer's Report.

**RECOMMENDED BY:**



Duane Burk,  
Director of Public Works

**APPROVED BY:**

  
June Overholt,  
Interim City Manager

**RESOLUTION NO. 2014-08**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING,  
CALIFORNIA, INITIATING PROCEEDINGS TO UPDATE LANDSCAPE  
MAINTENANCE DISTRICT NO. 1 FOR THE FISCAL YEAR 2014/2015, PURSUANT TO  
THE LANDSCAPING AND LIGHTING ACT OF 1972**

**WHEREAS**, the City Council, pursuant to the provisions of the “Landscaping and Lighting Act of 1972,” Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500, desires to initiate proceedings to update the City of Banning’s Landscape Maintenance District No. 1, and to levy and collect annual assessments to pay for the operation, maintenance and servicing of landscaping and all appurtenant facilities related thereto.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Banning as follows:

**SECTION 1.** The City Council desires to update Landscape Maintenance District No. 1 for Fiscal Year 2014/2015, pursuant to the “Landscaping and Lighting Act of 1972” (Section 22500 and following, Streets and Highways Code) for the purpose of the following improvements:

Maintaining and servicing street trees, parkways, median islands, perimeter strips and backup walls, side slopes adjacent to sidewalks and storm drains, open space areas, flood detention or retention basins, and the irrigation of the above improvements.

**SECTION 2.** The City Council hereby directs the City Engineer to prepare and file with the City Clerk an Engineer’s Report in accordance with Article 4 of Chapter 1 of the “Landscaping and Lighting Act of 1972.”

**SECTION 3.** The fee to be assessed will not exceed the reasonable cost of providing the service. The fee charged shall be based on the rate and methodology set forth in Resolution Nos. 1990-59 and 2005-36.

**SECTION 4.** The Mayor shall sign this resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

**PASSED, APPROVED AND ADOPTED** this 25th day of February, 2014.

---

Debbie Franklin, Mayor

**ATTEST:**

---

Marie A. Calderon, City Clerk  
City of Banning

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

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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. 2014-08 was duly adopted by the City Council of the City of Banning at a regular meeting thereof held on the 25<sup>th</sup> day of February, 2014, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

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

**ATTACHMENT “A”**

**LANDSCAPE MAINTENANCE DISTRICT NO. 1  
FOR FISCAL YEAR 2014/2015**

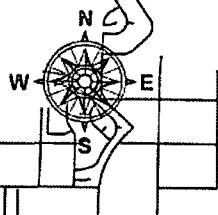
## **ATTACHMENT “B”**

### **TENTATIVE SCHEDULE UPDATING LANDSCAPE MAINTENANCE DISTRICT NO. 1**

Item	Council Meeting
Resolution Initiating Update	February 25, 2014
Resolution of Intention (Approving Engineer's Report)	May 13, 2014
Resolution Confirming Assessment (Public Hearing)	June 10, 2014

Map of Landscape Maintenance District No. 1

2014/2015



## Legend

### Existing Tracts

1. 21882	Snow Creek I
2. 22810	Dev. Corp
3. 22811	Dev. Corp
4. 22913	Arce Bros.
5. 23446	Highland Estates
6. 23598	Snow Creek II
7. 28252	Fair Oaks
8. 29721	The Pines
9. 30186	Wilson Homes
10. 30222	Wilson Homes
11. 30793	Fiesta Collection
12. 30906	Evergreen Estates
13. 31833	Fair Oaks
14. 31834	Fair Oaks
15. 31835	Fair Oaks
16. 32109	Sunset Ridge
17. 30642	Diversified Pacific Opportunity Fund

**CITY COUNCIL  
PUBLIC HEARING**

**DATE:** **February 25, 2014**

**TO:** **City Council**

**FROM:** **Duane Burk, Director of Public Works**

**SUBJECT:** **Resolution No. 2014-10, “Vacation of a Portion of Livingston Street, Alessandro Road and Adjacent Alleys”**

**RECOMMENDATION:** Adopt Resolution No. 2014-10, “Vacation of a Portion of Livingston Street, Alessandro Road and Adjacent Alleys.”

**BACKGROUND:** JMA Village, LLC of Laguna Niguel, California along with Vanir Development Company, Inc. of San Bernardino, California are proposing to construct an approximately 68,955 square foot mixed-use commercial project on the Site named “Village at Paseo San Gorgonio” (“VPSG”). The project is generally bounded by Ramsey Street to the north, Livingston Street to the south, San Gorgonio Avenue to the west and Martin Street to the east and consists of thirteen (13) parcels, Assessor’s Parcel Numbers 541-181-009, 541-181-010, 541-181-011, 541-181-012, 541-181-024, 541-181-025, 541-181-026, 541-181-027, 541-181-028, 541-183-001, 541-183-002, 541-183-003 and 541-183-004. The parcels make up Lots 19, 20, 21, 22, 23, 24 of Block 29, 30 and 31 of Amended Map of the Banning Land Company recorded on March 11, 1890 in what was San Bernardino County at the time of recordation.

The VPSG project site is located within the Downtown Redevelopment Project component area of the Merged Redevelopment Project Area. The Community Redevelopment Agency of the City of Banning began acquiring the parcels that make up the VPSG project. The structures located on the site were considered to be economically obsolete and exhibited severe conditions of physical degradation and dilapidation. In its present condition all structures have been demolished and the bare soil exposed by the demolition has either been paved over or stabilized.

On January 10, 2012, City Council adopted Resolution No. 2012-03 approving the Purchase and Sale Agreement (“PSA”) between the City of Banning and JMA Village, LLC. The PSA details the Terms and Conditions of the conveyance of certain parcels owned by the City to JMA Village, LLC for the development of the VPSG project which consist of the above mentioned parcels and areas within the streets and alleys to be vacated. If the vacation of the streets and alleys is approved the project site would consist of approximately 5.20 acres.

On September 11, 2013, staff received a written request from Vanir Development Company Inc., on behalf of JMA Village, LLC to vacate Livingston Street from San Gorgonio Avenue to Martin Street, Alessandro Road from Ramsey Street to Livingston Street and the alley (10 feet wide) along the north lot lines of Lots 23, 24 and 25 and along the east lot line of Lot 23. The

subject roads are currently accessible to vehicular traffic, whereas the alleys are no longer in use.

The portion of Livingston Street, Alessandro Road and alleys proposed for vacation is more particularly described in Attachment 1 (Exhibit A, legal description and Exhibit B, plat map). A location/vicinity map is included with the report for reference (see Attachment 2). If approved, the subject area will be available to use as part of the proposed development. This action would be consistent with Program 2 of the Land Use Element of the General Plan (GP p. III-19) which encourages consolidation of lands to encourage development. Additionally, the subject portions of Livingston Street and Alessandro Road are not planned as part of the City's Proposed General Plan Street System as shown on Exhibit III-6 of the Circulation Element (see Attachment 3).

The City will require the reservation of a public utility easement and public ingress/egress easement as part of the street vacation process in order to serve the existing utilities along Alessandro Road and Livingston Street and continue to provide public access across the project site along Livingston Street. The proposed street and alley vacations are subject to the approval of Parcel Map No. 36285 (see Attachment 4), the parcel map for VPSG, which will be the document reserving said easements. A site plan of the proposed VPSG project has been included for reference as Attachment 5.

Streets and Highways Code § 8300 et seq., the Public Streets, Highways, and Service Easements Vacation Law (the “Law”), requires that where a city's general plan covers the area in which the street to be vacated exists, then it cannot proceed to vacate the street until the location, purpose, and extent of the vacation has been submitted to the City's Planning Commission for consideration of consistency with the General Plan (Streets and Highways Code § 8313(b) & Government Code § 65402). On January 2, 2014, the Planning Commission, by adoption of Resolution No. 2014-01, considered this request and determined that the proposed street vacation is consistent with the General Plan.

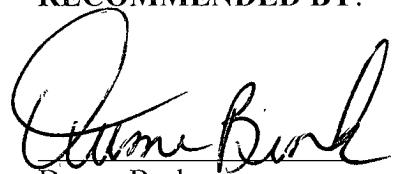
As part of the street vacation process on January 28, 2014 the City Council considered Resolution No. 2014-06 initiating the proceedings and setting the date, time and place for the public hearing (Streets and Highways Code § 8320). Resolution No. 2014-06 was approved by City Council and the date of the public hearing was set as February 25, 2014.

**STRATEGIC PLAN:** The vacation of the streets and the proposed project meet Strategic Plan item Goal No. 5 “Quality of Life”, Strategic Priority Action Step A-5 (Continue to build an attractive and walkable downtown).

**FISCAL DATA:** There is no fiscal impact associated with the adoption of this resolution. However, should the applicant complete the proposed project, in addition to creating jobs, the project will generate revenues to the city in the form of building permit fees, inspection fees, utility connection fees and annual property tax.

**SIGNATURES ON NEXT PAGE**

**RECOMMENDED BY:**



Duane Burk  
Director of Public Works

**APPROVED BY:**



June Overholt  
Administrative Services Director/  
Interim City Manager

**Attachments:**

- Attachment 1: Exhibit A, Legal Description  
Exhibit B, Plat
- Attachment 2: Location Vicinity Map
- Attachment 3: Circulation Element
- Attachment 4: Parcel Map No. 36285
- Attachment 5: Site Plan

**RESOLUTION NO. 2014-10**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING,  
CALIFORNIA VACATING PORTIONS OF THOSE STREETS COMMONLY  
KNOWN AS LIVINGSTON STREET, ALESSANDRO ROAD AND ADJACENT  
ALLEYS**

**WHEREAS**, the City of Banning desires to vacate portions of those roadways commonly known as Livingston Street, Alessandro Road and adjacent alleys located in the Amended Map of the Banning Land Company, per Map Book 9, Page 44 as originally recorded in the County of San Bernardino, 1890:

**Parcel 1**

A 10.00 wide Alley, lying southerly of Lot 27 of said Amended Map of the Banning Land Company, from the northerly prolongation of the easterly line of Lot 26 of said Amended Map of the Banning Land Company to the northerly prolongation of the easterly line of Lot 23 of said Amended Map of the Banning Land Company.

**Parcel 2**

A 10.00 wide Alley, lying between Lot 22 of said Amended Map of the Banning Land Company and said Lot 23, from the easterly prolongation of the southerly line of said Lot 27 and the northerly right of way line of Livingston Street (30.00 feet wide in the northerly half width) of said Amended Map of the Banning Land Company.

**Parcel 3**

Livingston Street (30.00 feet wide in northerly half width), from the southerly prolongation of the easterly line of said Lot 26 to the westerly right of way line of Martin Street (formally Potter Street) (60.00 feet in full width) of said Amended Map of the Banning Land Company and Livingston Street (30.00 feet wide in southerly half width), from the easterly right of way line of San Gorgonio Avenue (60.00 feet in full width) and said westerly right of way line of Martin Street.

Excepting therefrom that portion lying southerly of the northerly right of way line of Interstate Route 10 as shown on State of California of Transportation Right of Way Map Nos. 421533 and 421534.

**Parcel 4**

Alessandro Road (formally Ella Street) (60.00 feet in full width) of said Amended Map of the Banning Land Company, from the southerly right of way line of Ramsey Street (30.00 feet in southerly half width) and northerly right of way line of Livingston Street (30.00 feet in northerly half width) of said Amended Map of the Banning Land Company, and;

**WHEREAS**, pursuant to California Streets and Highways Code Sections 8300 et seq., the City Council has the authority and responsibility to resolve to vacate streets and highways within the City; and

**WHEREAS**, on January 2, 2014, the Planning Commission adopted Resolution No. 2014-01, finding that the vacation of the abovementioned portions of Livingston Street, Alessandro Road and adjacent alleys is consistent with the City of Banning's General Plan and recommending that the City Council vacate those portions of Livingston Street, Alessandro Road and adjacent alleys; and

**WHEREAS**, on January 28, 2014, the City Council set February 25, 2014 as the date on which it would hold a hearing for the purpose of considering the vacation of those portions of Livingston Street, Alessandro Road and adjacent alleys; and

**WHEREAS**, for two consecutive weeks on February 7, 2014 and February 14, 2014, the City gave public notice, by publishing in *Record Gazette* and by posting in prominent places on those portions of Livingston Street, Alessandro Road and adjacent alleys in compliance with Streets and Highways Code Section 8320, of the holding of the public hearing at which the City Council would consider the vacation of those portions of Livingston Street, Alessandro Road and adjacent alleys; and

**WHEREAS**, on February 25, 2014, the City Council held the noticed public hearing considering the vacation of those portions of Livingston Street, Alessandro Road and adjacent alleys, at which interested persons had an opportunity to testify in support of, or opposition to, the vacation of those portions of Livingston Street, Alessandro Road and adjacent alleys; and

**NOW, THEREFORE**, the City Council of the City of Banning does Resolve, Determine, Find and Order as follows:

**SECTION 1. FINDINGS.**

The City Council, in light of the whole record before it, including but not limited to, the City's General Plan, the recommendation of the Planning Commission as provided in the Staff Report dated January 2, 2014, and documents incorporated therein by reference and any other evidence within the record or provided at or prior to the public hearing of this matter, hereby finds and determines as follows:

1. Those portions of Livingston Street, Alessandro Road and adjacent alleys as described in this resolution are unnecessary for present or prospective public use.
2. The vacation of those portions of Livingston Street, Alessandro Road and adjacent alleys as described in this resolution is consistent with the City of Banning's General Plan.
3. No conditions precedent to the vacation of those portions of Livingston Street, Alessandro Road and adjacent alleys as described in this resolution exist or are necessary.

**SECTION 2. CITY COUNCIL ACTION**

The City Council hereby takes the following actions:

1. The City Council hereby recognizes that those portions of Livingston Street, Alessandro Road and adjacent alleys as described in this resolution are not necessary for present or prospective public use.

2. The City Council hereby orders vacated those portions of Livingston Street, Alessandro Road and adjacent alleys as described in this resolution.

3. The City Council hereby orders the City Clerk to record this Resolution with the County Recorder, which recording will make the vacation of those portions of Livingston Street, Alessandro Road and adjacent alleys as described in this resolution effective pursuant to Streets and Highways Code Section 8325.

**PASSED, APPROVED and ADOPTED** this 25<sup>th</sup> day of February, 2014.

---

Deborah Franklin, Mayor  
City of Banning

**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. 2014-10 was adopted by the City Council of the City of Banning at a regular meeting thereof held on the 25<sup>th</sup> day of February, 2014, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

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

ATTACHMENT 1  
Exhibit A: Legal Description  
Exhibit B: Plat

**EXHIBIT "A"**  
**ROAD VACATION**

Those portions of Section 10, Township 3 South, Range 1 East, in the City of Banning, County of Riverside, State of California, also shown on the Amended Map of the Banning Land Company as recorded in Map Book 9, Page 44, Records of San Bernardino County, California, described as follows:

**Parcel 1**

A 10.00 wide Alley, lying southerly of Lot 27 of said Amended Map of the Banning Land Company, from the northerly prolongation of the easterly line of Lot 26 of said Amended Map of the Banning Land Company to the northerly prolongation of the easterly line of Lot 23 of said Amended Map of the Banning Land Company.

**Parcel 2**

A 10.00 wide Alley, lying between Lot 22 of said Amended Map of the Banning Land Company and said Lot 23, from the easterly prolongation of the southerly line of said Lot 27 and the northerly right of way line of Livingston Street (30.00 feet wide in the northerly half width) of said Amended Map of the Banning Land Company.

**Parcel 3**

Livingston Street (30.00 feet wide in northerly half width), from the southerly prolongation of the easterly line of said Lot 26 to the westerly right of way line of Martin Street (formally Potter Street) (60.00 feet in full width) of said Amended Map of the Banning Land Company and Livingston Street (30.00 feet wide in southerly half width), from the easterly right of way line of San Gorgonio Avenue (60.00 feet in full width) and said westerly right of way line of Martin Street.

Excepting therefrom that portion lying southerly of the northerly right of way line of Interstate Route 10 as shown on State of California of Transportation Right of Way Map Nos. 421533 and 421534.

**Parcel 4**

Alessandro Road (formally Ella Street) (60.00 feet in full width) of said Amended Map of the Banning Land Company, from the southerly right of way line of Ramsey Street (30.00 feet in southerly half width) and northerly right of way line of Livingston Street (30.00 feet in northerly half width) of said Amended Map of the Banning Land Company.

SEE PLAT ATTACHED HERETO AS EXHIBIT "B" AND MADE A PART HEREOF.

PREPARED UNDER MY SUPERVISION



1-6-14

Date

Andrew Y. Orosco, L.S. 5491

Prepared by: A.Y.O.

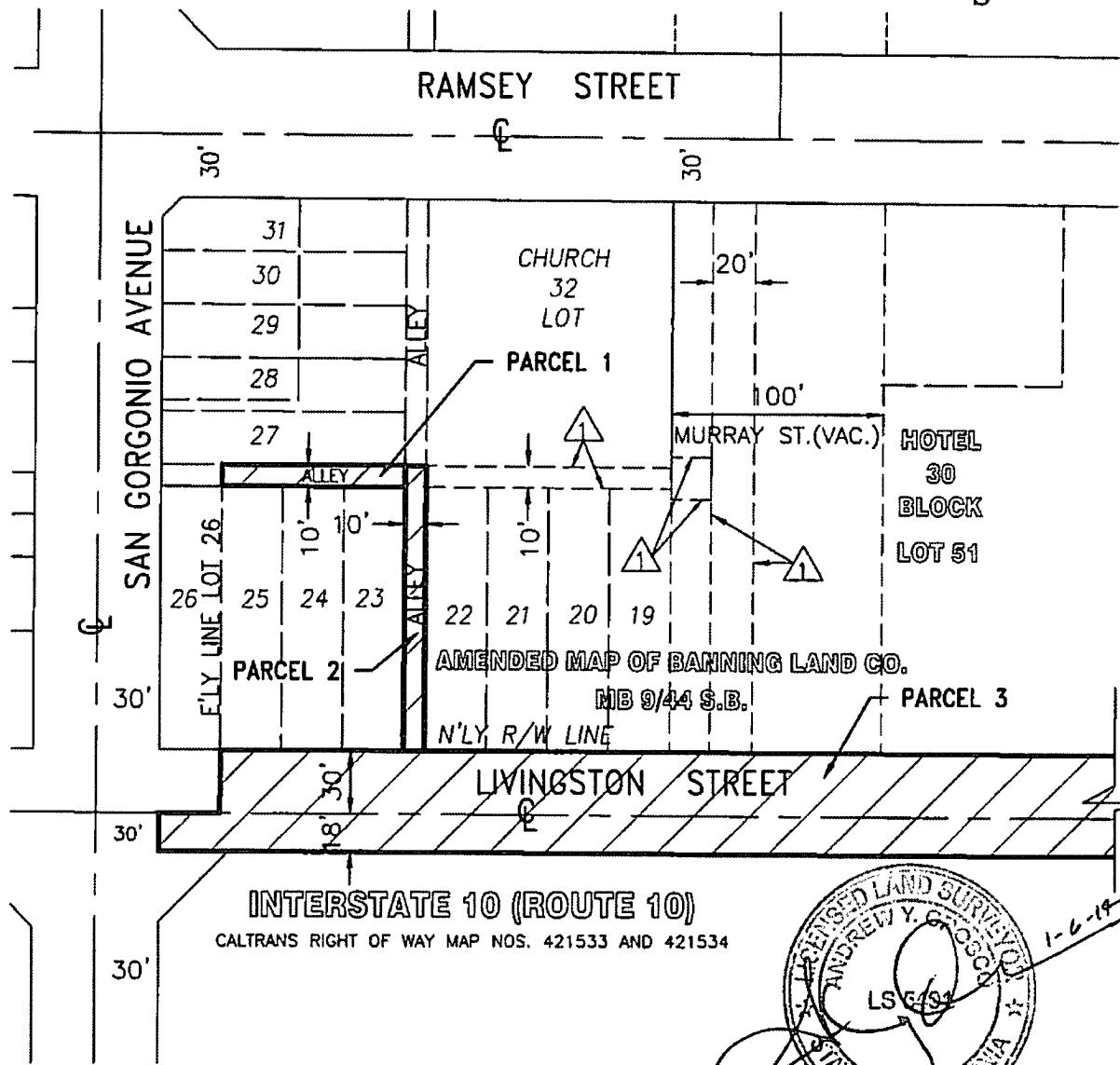
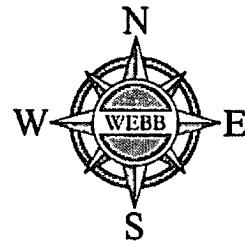
Checked by: A.Y.O.



EXHIBIT "B"  
ROAD VACATION

1

TO SOUTHERN CALIFORNIA GAS COMPANY, AN EASEMENT FOR RIGHT OF WAY, PIPELINES AND MAINTENANCE WITH THE RIGHT OF INGRESS AND EGRESS, RECORDED SEPTEMBER 14, 1977, AS INSTRUMENT NO. 179864, O.R.



ALBERT A.  
**WEBB**  
ASSOCIATES

CITY OF BANNING

G:\2009\09-0123\Parcel Map\09-123VAC.dwg 11/24/2013

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) IN THE ATTACHED DOCUMENT. ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DOCUMENT.

SHEET 1 OF 2

W.O.  
09-0123

SCALE: 1"=80'

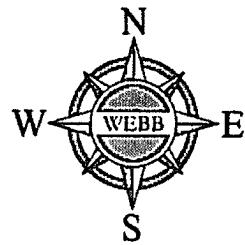
DRWN BY AJA  
CHKD BY LS-6492

DATE 1/6/14  
DATE 1/6/14

SUBJECT: ROAD VACATION

51

EXHIBIT "B"  
ROAD VACATION



RAMSEY STREET

€ 30'

S'LY R/W LINE

HOTEL  
30  
BLOCK  
LOT 51

PARCEL 4

N'LY R/W LINE

ALESSANDRO ROAD (ELDA ST.)

60'

AMENDED MAP OF BANNING LAND CO.  
MB 9/44 S.B.

BLK 31

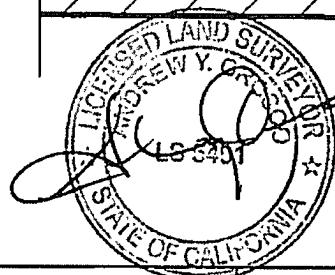
PARCEL 3

W'LY R/W LINE  
MARTIN STREET  
(POTTER ST.)

LIVINGSTON STREET

30'  
18'  
€

SEE SHEET 1



INTERSTATE 10 (ROUTE 10)

CALTRANS RIGHT OF WAY MAP NOS. 421533 AND 421534

ALBERT A.  
**WEBB**  
ASSOCIATES

CITY OF BANNING

G:\2009\09-0123\Parcel Map\09-123VAC.dwg 1/6/2014

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) IN THE ATTACHED DOCUMENT. ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DOCUMENT.

SHEET 2 OF 2

W.O.  
09-0123

SCALE: 1"=80'

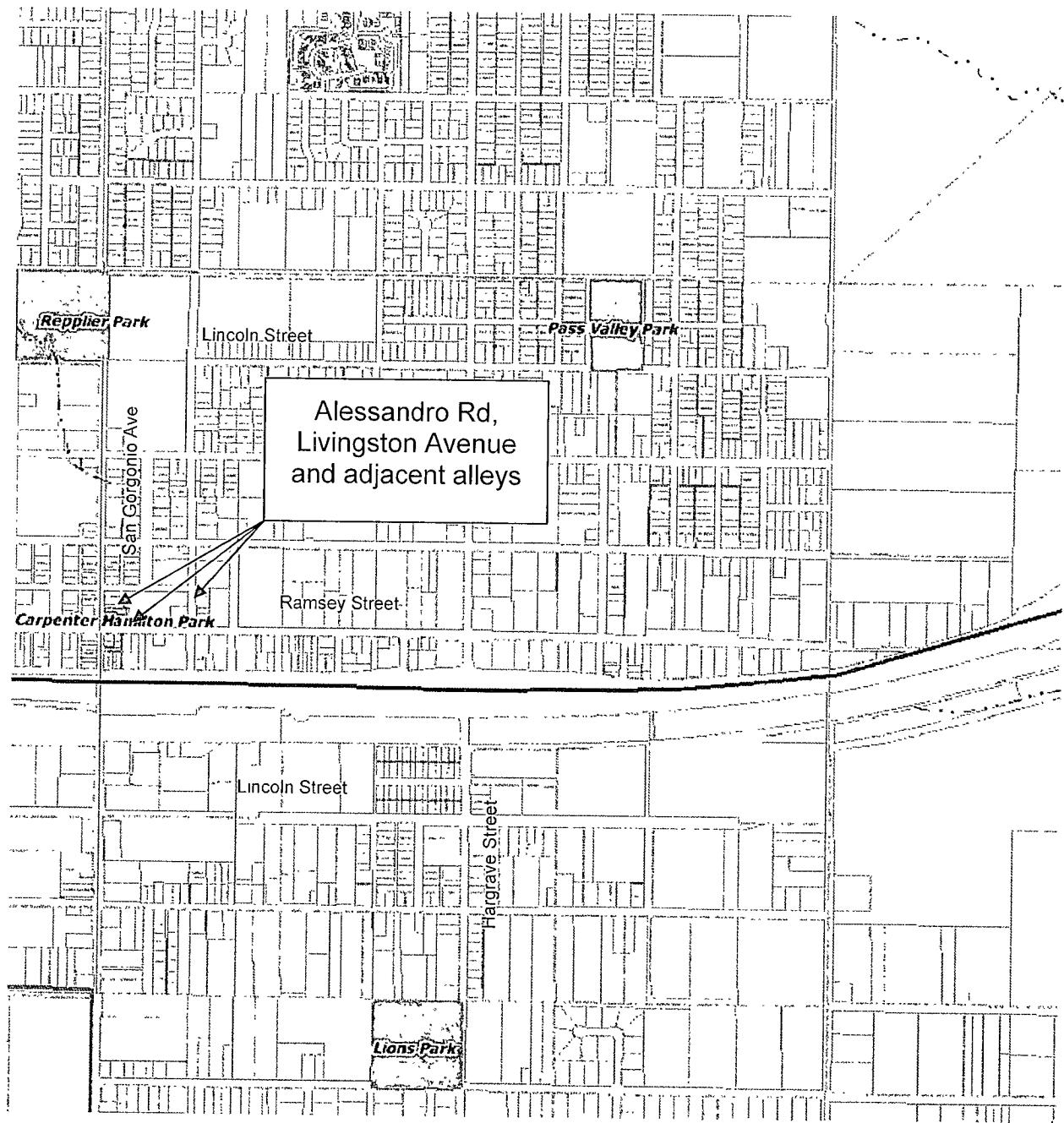
DRWN BY *AG*  
CHKD BY *AG*

DATE 1/6/14  
DATE 1.6.14

SUBJECT: ROAD VACATION

52

ATTACHMENT 2  
Location/Vicinity Map



### Location Map

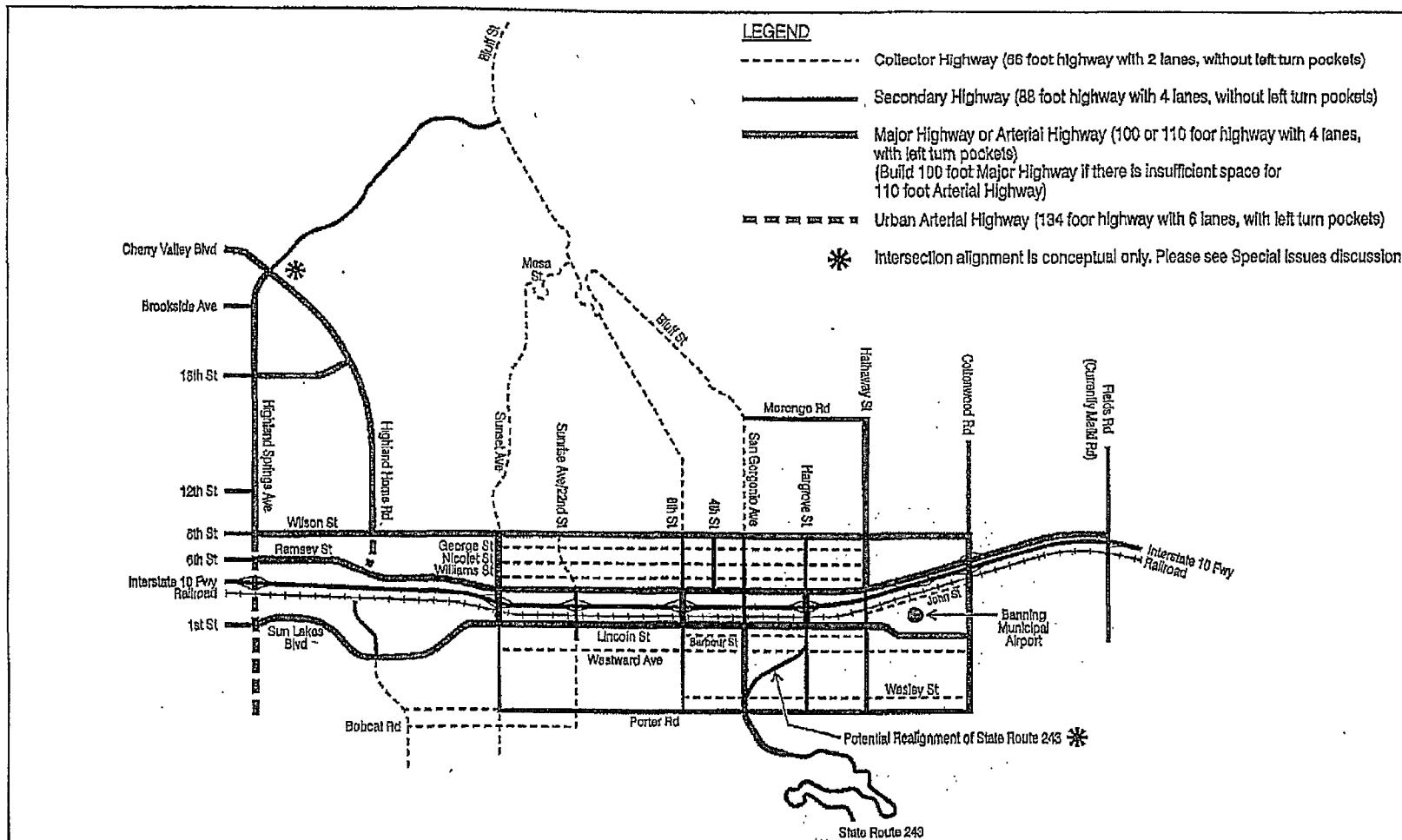
PH #13-12504



Not to Scale

54

ATTACHMENT 3  
Circulation Element



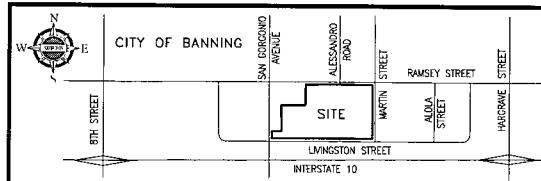
LSA



EXHIBIT III-5

56

ATTACHMENT 4  
Parcel Map No. 36285



EASEMENT NOTES  
VICINITY MAP  
NOT TO SCALE

- 1 RESERVED TO SOUTHERN CALIFORNIA GAS COMPANY, AN EASEMENT FOR RIGHT OF WAY, PIPELINES AND MAINTENANCE WITH THE RIGHT OF INGRESS AND EGRESS, RECORDED SEPTEMBER 14, 1977, AS INSTRUMENT NO 179864, OR
- 2 TO THE CITY OF BANNING AN EASEMENT FOR LANDSCAPING, RECORDED APRIL 5, 1993, INSTRUMENT NO 125492, OR
- 3 DEDICATED TO THE CITY OF BANNING, 40'00" WIDE EASEMENT FOR PUBLIC UTILITIES
- 4 DEDICATED TO THE CITY OF BANNING, 38'50" WIDE EASEMENT FOR PUBLIC UTILITIES
- 5 PORTION OF MURRAY STREET VACATED PER INSTRUMENT NO 179864, RECORDED 9/14/77, OFFICIAL RECORDS
- 6 PORTION OF ALESSANDRO STREET VACATED BY CITY OF BANNING RESOLUTION NO \_\_\_\_\_ RECORDED \_\_\_\_\_ AS DOCUMENT NO \_\_\_\_\_, OFFICIAL RECORDS
- 7 PORTION OF LIVINGSTON STREET VACATED BY CITY OF BANNING RESOLUTION NO \_\_\_\_\_, RECORDED \_\_\_\_\_, AS DOCUMENT NO \_\_\_\_\_, OFFICIAL RECORDS
- 8 TO THE CITY OF BANNING, 28'00" WIDE EASEMENT FOR PUBLIC INGRESS, EGRESS AND UTILITIES
- 9 PORTION OF ALLEY VACATED (UTILITIES RESERVED) BY CITY OF BANNING RESOLUTION NO \_\_\_\_\_ RECORDED \_\_\_\_\_, AS DOCUMENT NO \_\_\_\_\_, OFFICIAL RECORDS

DATA		
Line #	DISTANCE	BEARING
L1	18'00"	NO 08'56"E
L2	29'00"	NB9°46'41"W
L3	18'00"	NO 08'42"E
L4	30'00"	NB9°46'41"W
L5	33'00"	NO 24'08"E
L6	24'09"	N44°43'57"W
L7	17'58"	NB9°37'18"W
L8	19'27"	NB9°35'52"W
L9	23'99"	N45°15'40"E
L10	16'00"	NO 24'08"E

SURVEYOR'S NOTES

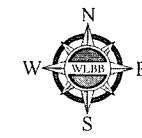
- 1 BASIS OF BEARINGS IS THE CENTERLINE OF LIVINGSTON STREET TAKEN AS NORTH 88°58'17" EAST PER CALTRANS RW MAP NO 421534, RV CO REF NO 204-577
- 2 -● INDICATES FOUND MONUMENTS AS NOTED
- 3 -○ INDICATES SET 1" IRON PIPE WITH TAG STAMPED LS 5529, FLUSH OR NAIL AND TAG IN LEAD STAMPED LS 5529 SET IN CONCRETE AREAS AND TOP OF WALLS
- 4 TOTAL AREA WITHIN THE DISTINCTIVE BORDER IS 5.47 ACRES GROSS
- 5 (R1) INDICATES RECORD PER CALTRANS RW MAP NO 421533, RV CO REF NO 204-577, UNLESS OTHERWISE NOTED
- 6 (R2) INDICATES RECORD PER CALTRANS RW MAP NO 421534, RV CO REF NO 204-577
- 7 (R3) INDICATES RECORD PER RS 4/57
- 8 (R4) INDICATES RECORD PER MB 9/44 SB CO REC
- 9 CDH INDICATES "CALIFORNIA DIVISION OF HIGHWAYS"
- 10 ALL MONUMENTS SHOWN AS "SET" SHALL BE SET IN ACCORDANCE WITH THE MONUMENTATION AGREEMENT FOR THIS MAP, UNLESS OTHERWISE NOTED
- 11 -// INDICATES RESTRICTED ACCESS

IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
**PARCEL MAP NO. 36285**

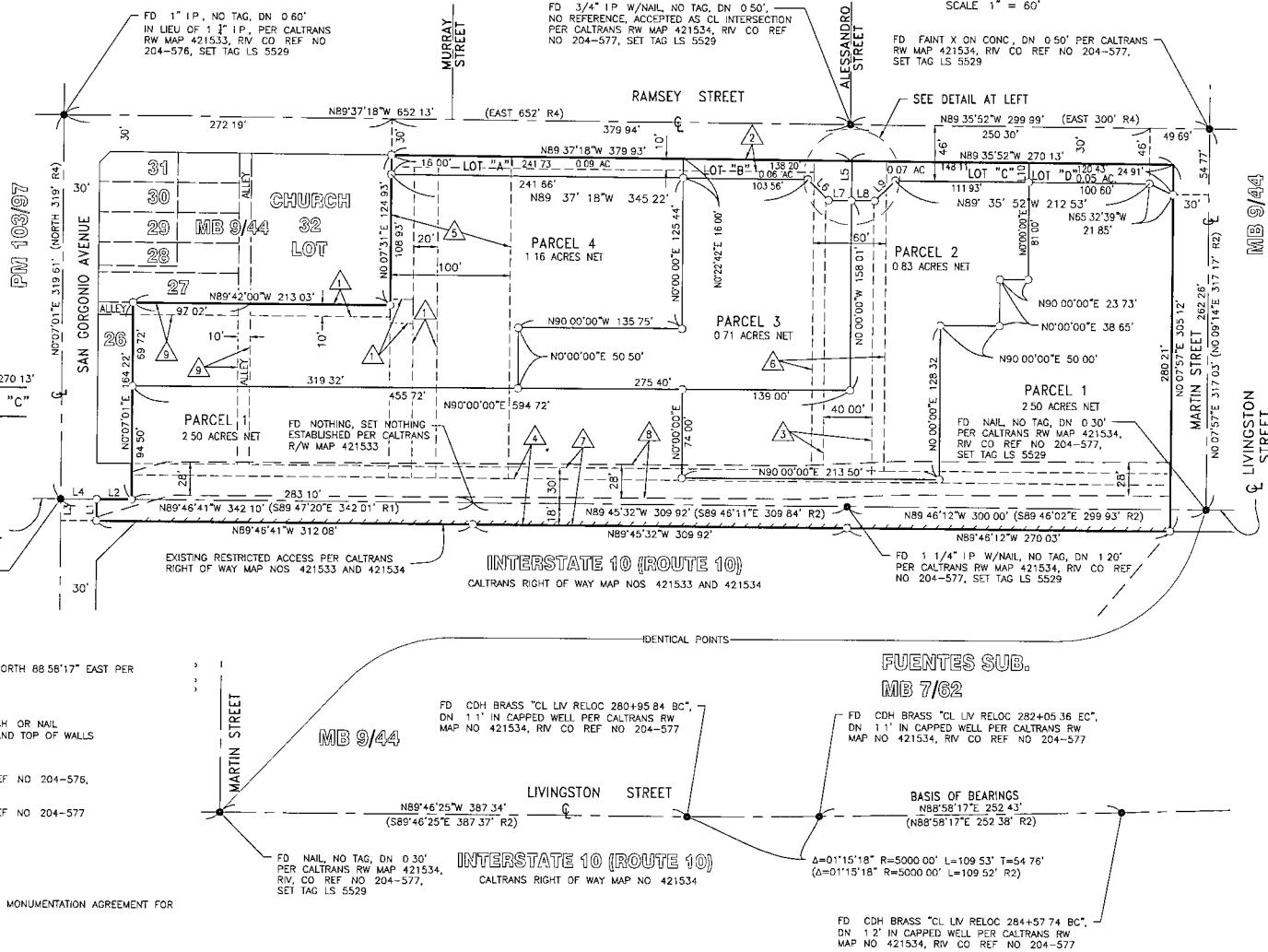
BEING A SUBDIVISION OF A PORTION OF LOTS 19 THROUGH 25, INCLUSIVE, IN BLOCK 29, LOT 51 IN BLOCK 30, BLOCK 31 AND LIVINGSTON STREET AS PER AMENDED MAP OF BANNING LAND COMPANY ON FILE IN BOOK 9 PAGE 44 OF MAPS, SAN BERNARDINO COUNTY RECORDS AND A PORTION OF MURRAY STREET AND AN UNNAMED ALLEY VACATED BY RESOLUTION RECORDED SEPTEMBER 14, 1977 AS INSTRUMENT NO 179864, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, LYING WITHIN SECTION 10, TOWNSHIP 3 SOUTH, RANGE 1 EAST, S B M

ALBERT A. WEBB ASSOCIATES - CIVIL ENGINEERS MAY 2013

SHEET 2 OF 2 SHEETS

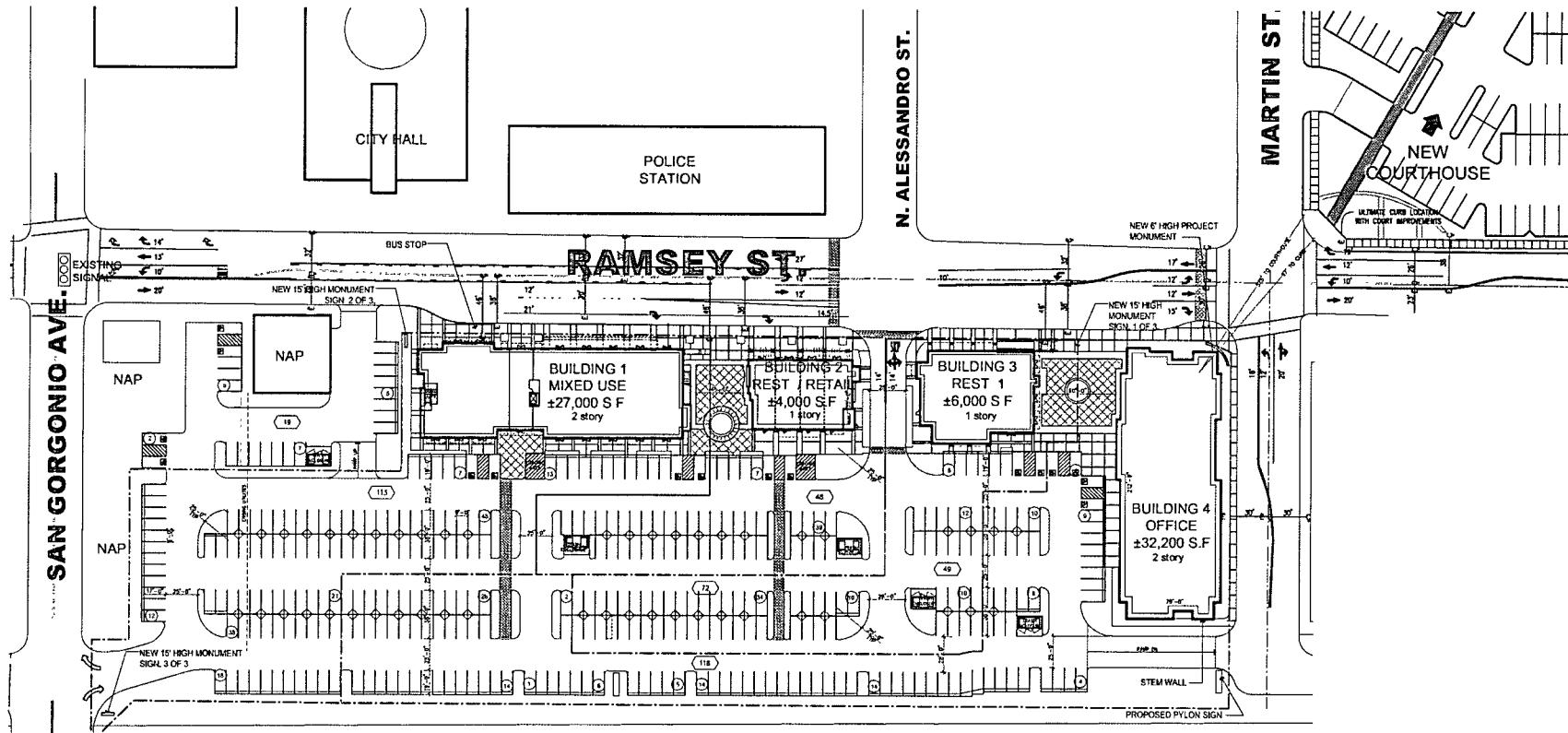


60 30 0 60 120 180  
SCALE 1" = 60'



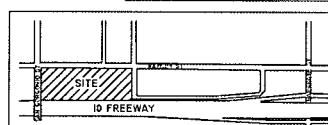
ATTACHMENT 5  
Site Plan

60



#### Project Summary

Site Area	±5.25 AC	(±228,690 sf)
<b>Building Area</b>		
Office	=32,200 sf	
Office above Retail	=13,500 sf	
Retail	=13,500 sf	
Retail/Restaurant	=6,000 sf	
Restaurant	=4,000 sf	
Total Building Area	=69,200 sf	



#### Parking Summary

Parking Required	
Building 1	
Retail - 13,500 sf	54 stalls
Office - 13,500 sf	54 stalls
Building 2	
Retail - 2,000 sf	8 stalls
Restaurant - 2,000 sf	30 stalls
Building 3	
Restaurant - 6,000 sf	90 stalls
Building 4	
Office - 32,200 sf	116 stalls
Total Parking Required	352 stalls
Parking Provided	
On Site	350 stalls
Off Site	18 stalls
Total Parking Provided	368 stalls
Overall Parking Ratio	5.39/1000

THE VILLAGE AT PASEO SAN GORGONIO  
Banning, CA

THE FROST  
COMPANY  
3001 Children's Lane  
Laguna Niguel, CA 92677  
(714) 653-9940

Arthur Pearlman  
PARKING CONSULTANT  
1137 Second Street  
Santa Monica, CA 90403  
(310) 230-3425  
(310) 230-0334

COMMENT # 610  
117 E. Colorado  
B-1 V-6  
R-1, V-1, S-0, G-1  
1,621 SF x 8'210  
1,621 SF x 8'210  
1,621 SF x 8'210

SEPTEMBER 13, 2013 75-00711-00



DLR Group

## CITY COUNCIL AGENDA DIRECTOR'S REPORT

**Date:** **February 25, 2014**

**TO:** **Honorable Mayor and City Council**

**FROM:** **Kahono Oei, City Engineer**

(O)

**SUBJECT:** **2014-2019 Five Year Consolidated Plan Needs Assessment Survey**

**RECOMMENDATION:** Receive and File. This is for informational purposes only and does not require action.

**BACKGROUND:** The County of Riverside is in the process of preparing their 2014-2019 Five Year Consolidated Plan. The Five Year Consolidated Plan is required by the U.S. Department of Housing and Urban Development (HUD) as a condition of receiving Federal funding under the Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), and Home Investment Partnership Act (Home) programs.

The Five Year Consolidated Plan is designed to be a collaborative process; therefore, the County sought the assistance of participating cities in the development of said plan. In response to the County's request, staff distributed surveys throughout the City via first class U. S. Mail on December 27, 2013. A sample survey is attached as Exhibit "A." A press release was published in the Press Enterprise on December 20, 2013 informing residents and stakeholders of the survey distribution. Additionally, surveys were made available to the public at the front desk, as well as, the Engineering counter at City Hall. The deadline to return the surveys to the City was January 15, 2014.

The Engineering Division received and tabulated 971 surveys, attached hereto as Exhibit "B." Based on survey results, the following percentages summarize the outcome of the High, Medium and Low Priority categories.

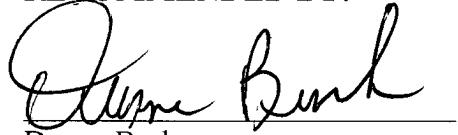
	<b>High</b>	<b>Medium</b>	<b>Low</b>	<b>No Need</b>
<b>Housing Needs</b>	25%	21%	14%	40%
<b>Infrastructure Improvements</b>	28%	28%	13%	31%
<b>Public Facilities Needs</b>	29%	30%	13%	28%
<b>Public Service Needs</b>	34%	28%	11%	27%
<b>Accessibility Needs</b>	27%	28%	16%	29%
<b>Economic Development Needs</b>	43%	24%	9%	24%

The survey results will be submitted to Riverside County Economic Development Agency by February 26, 2014.

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**FISCAL DATA:** There is no fiscal impact related to this survey and submittal to Riverside County Economic Development Agency.

**RECOMMENDED BY:**



Duane Burk,  
Director of Public Works

**APPROVED BY:**



June Overholt,  
Interim City Manager

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**EXHIBIT “A”**

**SURVEY DISTRIBUTED TO  
BANNING RESIDENTS AND STAKEHOLDERS**



Proud History  
Prosperous Tomorrow

RIVERSIDE COUNTY  
(2014-2019) CONSOLIDATED PLAN  
NEEDS ASSESSMENT SURVEY

Community Name:

City of Banning

The County of Riverside is in the process of preparing the 2014-2019 Consolidated Plan as required by the U.S. Department of Housing and Urban Development. This Needs Assessment Survey is used to obtain input from County residents and other interested persons regarding the housing, social, community, and economic development needs of County residents. The Consolidated Plan allows the County to utilize the Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), and HOME Investment Partnership Act (HOME) funds within the County.

\*Zip Code: \_\_\_\_\_ (\* Required Fields) \*Please choose one: Resident  Service Provider  Other Stakeholder

If you choose to, you may provide your name and contact information below. All responses will be kept confidential.

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Phone / E-mail: \_\_\_\_\_

Please answer the following questions if they apply to you:

**1. Housing Issues**

\*In which city or community do you live? \_\_\_\_\_

What is the size of your household (total number of persons living in your home)? \_\_\_\_\_

How many children (under 18 years of age) live in your household? \_\_\_\_\_

How many seniors (62 years of age or more) live in your household? \_\_\_\_\_

Are you a  renter or  homeowner?

If a renter, how much do you pay for rent? \$ \_\_\_\_\_

How many rooms do you have? \_\_\_\_\_ Bedrooms \_\_\_\_\_ Bathrooms

Would you be interested in an affordable home-ownership program?  Yes  No

If you are a homeowner, how long have you owned your home? \_\_\_\_\_ Yr \_\_\_\_\_ Mo

How much is your monthly mortgage payment? \$ \_\_\_\_\_

How much do you pay for insurance and taxes each year? \$ \_\_\_\_\_

Do you feel you are overpaying for your housing costs?  Yes  No

Are you concerned about foreclosure?  Yes  No

If you own your home, would you be interested in an affordable housing rehabilitation program?  Yes  No

**2. Employment and Commuting**

Are you employed?  Full-time  Part-time

How far do you commute or travel to work each day? \_\_\_\_\_

What form of transportation do you use?  Your vehicle  Car-Pool  Public transportation

**3. Childcare Issues:**

Do you or someone in your household pay for childcare?  Yes  No

If yes, how many children? \_\_\_\_\_ How old? \_\_\_\_\_

How much do you pay a month for childcare? \$ \_\_\_\_\_

What are the working hours of your childcare provider? \_\_\_\_\_

Do you consider the cost of childcare to be a financial burden on your family?  Yes  No

Does the lack of affordable childcare prevent adults in your household from seeking employment?  Yes  No

How far from your home or work do you travel for childcare? \_\_\_\_\_ approx. miles

**B. General Needs Assessment Survey**

Please check the most appropriate Need Level box for each Need Category listed below. The Need Category corresponds to activities and projects that can be funded with CDBG, HOME, or ESG funding.

NEEDS CATEGORY	PRIORITY NEED LEVEL			
	HIGH	MEDIUM	LOW	NO NEED
<b>1. Housing Needs</b>				
a. Repairs/Improvements to Housing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Apartments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Rental Homes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Owner Occupied homes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Improvements for Handicapped Accessibility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Exterior Property Maintenance/Code Enforcement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Help in Purchasing a Home	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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	HIGH	MEDIUM	LOW	NO NEED
e. Needs of Homeless People	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Emergency Shelters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Transitional Housing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Supportive Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Permanent Housing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Special Needs Housing Facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Mental Illness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Drug/Alcohol Abuse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Elderly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- HIV Needs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Veterans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Rental Assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Repairs to Owner Occupied Housing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Construction of New Housing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Rental	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- For Sale	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Lead Paint Testing & Abatement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Tenant/Landlord Counseling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l. Residential Historic Preservation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m. Other Housing Needs (please identify) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2. Infrastructure Improvements</b>	<b>HIGH</b>	<b>MEDIUM</b>	<b>LOW</b>	<b>NO NEED</b>
a. Flood/Drainage Improvements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Water System Improvements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Street Improvements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Sewer Improvements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Sidewalks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Other Infrastructure Needs (please identify) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3. Public Facilities Needs</b>	<b>HIGH</b>	<b>MEDIUM</b>	<b>LOW</b>	<b>NO NEED</b>
a. Senior Citizen Centers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Youth Centers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Centers for the Disabled	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Child Care Centers/Preschool Daycare	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Parks & Recreation Facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Parking Facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Community Centers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Fire Stations/Equipment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Other Neighborhood Facilities (please identify) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4. Public Service Needs</b>	<b>HIGH</b>	<b>MEDIUM</b>	<b>LOW</b>	<b>NO NEED</b>
a. Senior Citizen Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Handicapped Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Youth Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Transportation Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Services for Battered and Abused Spouses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Health Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Services for Abused and Neglected Children	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Substance Abuse Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Employment Training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Crime Awareness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Fair Housing Counseling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l. Other Public Service Needs (please identify) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5. Accessibility Needs</b>	<b>HIGH</b>	<b>MEDIUM</b>	<b>LOW</b>	<b>NO NEED</b>
<b>(Removal of Barriers to the Handicapped)</b>				
a. Public Buildings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Park & Recreation Facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Health Facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Other Neighborhood Facilities/ Community Centers (please identify) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>6. Economic Development Needs</b>	<b>HIGH</b>	<b>MEDIUM</b>	<b>LOW</b>	<b>NO NEED</b>
a. Neighborhood-Based Small Business uses (Laundromat, Grocery Market, etc )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Job Creation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Commercial Rehabilitation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Business Support Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Economic Development Needs (please identify) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you desire to share any other comments of concerns regarding your community's needs assessment, or specific projects or activities needed in your community, please indicate below.

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If you represent an organization providing services to County residents, please provide a brief description of your organization, the services you provide, and your target client group:

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RIVERSIDE COUNTY  
(2014-2019) CONSOLIDATED PLAN  
ESTUDIO DE EVALUACION DE NECESIDADES

Community Name:

City of Banning

El Condado de Riverside se esta preparando el proceso de 2014-2019 Plan de Consolidado como es requerido por el Departamento de Vivienda y Urbanizacion de los Estados Unidos. Este estudio de evaluacion de necesidades es usado para obtener informacion de los residentes del Condado y otras personal interesados en vivienda social, comunidad, y desarrollo economico necesidades de los residentes de el Condado

\*Codigo Postal: \_\_\_\_\_ (\* Campos Obligatorios)

\*Favor de Eliger Alguno:    Residentes  Proveedor de Servicios  Otras Partes Interesadas

Se desea, puede dejar su nombre y informacion de contacto abajo. Todas las respuestas seran confidenciales.

Nombre : \_\_\_\_\_ Direccion: \_\_\_\_\_

Numero Telefonico / Correo Electronico: \_\_\_\_\_

Favor de contestar las siguientes preguntas si le aplican a usted:

1. Cuestiones Relativas a la Vivienda

\*En que ciudad o comunidad vive usted? \_\_\_\_\_

Cuantas personas viven en su vivienda? \_\_\_\_\_

Cuantos ninos (menor de 18 anos) viven en su vivienda? \_\_\_\_\_

Cuantas personas de la tercera edad (62 anos or mas) viven en su vivienda? \_\_\_\_\_

Usted es  rentero or  dueño de casa?

Si es rentero, cuanto es su mensualidad? \$ \_\_\_\_\_

Cuantos cuartos y banos tiene? \_\_\_\_\_ Cuartos \_\_\_\_\_ Banos

Estaria interesado en programas de ser dueño de casa asequible?  Si  No

Si es dueño de casa, cuanto tiempo a sido dueño? \_\_\_\_\_ Anos (Yr) \_\_\_\_\_ Meses (Mo.)

Cuanto es su mensualida de hipoteca? \$ \_\_\_\_\_

Cuanto paga por aseguransa y taxes cada año? \$ \_\_\_\_\_

Piensa que esta pagando mas de lo normal por el costo de su casa?  Si  No

Esta preucupado/a de exclusion (foreclosure)?  Si  No

Si es dueño/a de casa, estaria interesado en el programa de vivienda asequible de rehabilitación?  Si  No

2. Empleo y Trafico

Esta empleado?  Tiempo Completo (Full-time)  Part-time

Que tan retirado maneja al trabajo cada dia? \_\_\_\_\_ millas

Que forma de tranportacion usted usa?  Su Coche  Car-Pool  Transportacion Publica

3. Cuestiones de el Cuidado de los Ninos:

Usted or alguien en su vivienda pagan para el cuidado de los ninos?  Si  No

Si la respuesta es Si, cuantos ninos? \_\_\_\_\_ Que edad tienen? \_\_\_\_\_

Cuanto pagan por el cuidado de ninos mensualmente? \$ \_\_\_\_\_

The que horas cuidan tus ninos? \_\_\_\_\_

Consideras el costo de el Cuidado de Ninos una carga financiera en tu familia?  Si  No

El costo de Cuidado de Ninos esquiables no dejan que adultos en su casa poder trabajar?  Si  No

Que tan lejos de la casa o el trabajo tienes que viajar para el cuidado de los ninos? \_\_\_\_\_ millas

B. Necesidades Generales de Evaluacion Encuesta

Favor de escoger la seleccion mas apropiad en la cajita para cada categoria abajo. La Categoria de Necesidades coresponde a las actividades y proyectos que son fondados con CDBG, HOME, or ESG fondos.

CATEGORIA DE NECESIDADES	Necesidad de Vivienda	ALTO	NECESIDAD PRIORITARIA A NIVEL		
			MEDIANO	BAJO	NO NECESIDAD
1.	a. Reparaciones/Mejoraciones de Casa:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	- Apartamentos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	- Casas de Renta	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	- Duenos de Casa	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Mejoraciones de Acessibilidad de Descapacitados	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Exterior Propieda Mantenimiento/ Ejecucion de Codigo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	d. Ayuda en Compra de Casa	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	e. Necesidades de Gente Sin Hogar:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	- Centros de Emergencia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	- Transicion de la Vivienda	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	- Servicios de Apoyo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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	ALTO	MEDIANO	BAJO	NO NECESIDAD
f. -- Casa Permanente Necesidades Especiales de Vivienda - Infermedad Mental - Abuso de Drogen/Alcol - Gente de Tercera Edad - Necesidades de HIV - Veteranos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Asistencia de Renteros	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Reparaciones a Casas de Duenos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Construccion de Nuevas Viviendas. - Rentar - En Venta	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Pintura con Plomo Y Reducción de los Ensayos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Consulto de Renteros/Duenos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l. Preservacion de Viviendas Historicas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m. Otra Necesidad de Vivienda (favor de indicar)				
<b>2. Mejoraciones de Infraestructura</b>	<b>ALTO</b>	<b>MEDIANO</b>	<b>BAJO</b>	<b>NO NECESIDAD</b>
a. Inundacion/Drenaje	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Sistema de el Agua	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Calle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Alcantilla	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Banquetas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Otras Mejoraciones Infraestructura (favor de indicar)				
<b>3. Necesidad de las Instalaciones Publicas</b>	<b>ALTO</b>	<b>MEDIANO</b>	<b>BAJO</b>	<b>NO NECESIDAD</b>
a. Centros de Gente Mayor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Centros para Jovenes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Centros para los Descapacitados	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Centros de Cuidado de Ninos/Preschool	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Parques y Centros de Recreacion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Centros de Parquaderos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Centros de Comunidad	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Centros de Bomberos/Equipo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Otros Necesidades de los Vecinos (favor de indicar)				
<b>4. Public Service Needs</b>	<b>ALTO</b>	<b>MEDIANO</b>	<b>BAJO</b>	<b>NO NECESIDAD</b>
a. Servicios de Gente Mayor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Servicios de los Descapacitados	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Servicios para Jovenes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Servicios de Transportacion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Servicios para Maltratadas y Abusadas Conyuges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Servicios de la Salud	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Servicios para Ninos Maltratados o no Queridos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Servicios de el abuso de substancia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Entrenamiento de Empleo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Al Tanto de el Crime	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Consejeria de Vivienda Justa	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l. Otros Services Necesitados (favor de indicar)				
<b>5. Necesidades en Materia Accesibilidad (Eliminacion de Barreras para los descapacitados)</b>	<b>ALTO</b>	<b>MEDIANO</b>	<b>BAJO</b>	<b>NO NECESIDAD</b>
a. Edificios Publicos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Facilidades de Recreacion Y Parques	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Facilidades de la Salud	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Otras Facilidades Comunitarias/ Centros de la Comunidad (favor de indicar)				
<b>6. Necesidades de Desarrollo Economico</b>	<b>ALTO</b>	<b>MEDIANO</b>	<b>BAJO</b>	<b>NO NECESIDAD</b>
a. Comunidad basado en la utilizacion de pequenas empresas (Lavanderia, Marquetas, etc )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Creacion de trabajos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Reabilitacion Commercial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Servicios de Apoyo Empresarial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Otras necesidades de desarrollo economico (favor de indicar)				

Si usted gustaria compartir otros comentarios o questiones referendio las necesidades de su comunidad o sierlos proyectos o actividades necesitadas en su comunidad, favor de indicarlos abajo:

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Si usted representa una organizacion que ofrece services a los residentes de el Condado, indique una descripcion de la organizacion, los servicios que ofrecen, y el grupo de clientes objetivo.

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**EXHIBIT “B”**

**SURVEY RESULTS**

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**City of Banning  
Public Works Department**

**Riverside County**

**(2014-2019) Consolidated Plan Needs Assessment Survey Results  
971 Survey Responses Collected**

<b>General Needs Assessment Survey</b>								
	<b>High</b>	<b>%</b>	<b>Medium</b>	<b>%</b>	<b>Low</b>	<b>%</b>	<b>No Need</b>	
<b>1. Housing Needs</b>								
a. Repairs/Improvements to housing:								
-Apartments	125	13%	160	16%	95	10%	301	31%
-Rental Homes	106	11%	116	12%	67	7%	280	29%
-Owner Occupied Homes	174	18%	171	18%	117	12%	296	30%
b. Improvements for Handicapped Accessibility	164	17%	156	16%	100	10%	379	39%
c. Exterior Property Maintenance/Code Enforcement	197	20%	158	16%	114	12%	327	34%
d. Help in Purchasing a Home	145	15%	96	10%	79	8%	471	49%
e. Needs of Homeless People:								
-Emergency Shelters	298	31%	144	15%	60	6%	258	27%
-Transitional Housing	213	22%	178	18%	87	9%	252	26%
-Supportive Services	255	26%	163	17%	68	7%	245	25%
-Permanent Housing	221	23%	132	14%	117	12%	262	27%
f. Special Needs Housing Facilities								
-Mental Illness	222	23%	161	17%	84	9%	283	29%
-Drug/Alcohol Abuse	197	20%	176	18%	84	9%	245	25%
-Elderly	266	27%	175	18%	58	6%	228	23%
-HIV Needs	155	16%	148	15%	106	11%	254	26%
-Veterans	303	31%	143	15%	55	6%	242	25%
g. Rental Assistance	191	20%	174	18%	90	9%	270	28%
h. Repairs to Owner Occupied Housing	188	19%	171	18%	99	10%	240	25%
i. Construction of New Housing:								
-Rental Homes	120	12%	132	14%	129	13%	288	30%
-For Sale	120	12%	139	14%	122	13%	290	30%
j. Lead Paint Testing & Abatement	120	12%	126	13%	149	15%	300	31%
k. Tenant/Landlord Counseling	83	9%	139	14%	141	15%	299	31%
l. Residential Historic Preservation	92	9%	126	13%	129	13%	292	30%
<b>Total % of column</b>	<b>25%</b>	<b>24%</b>	<b>21%</b>	<b>19%</b>	<b>14%</b>	<b>13%</b>	<b>40%</b>	
<b>2. Infrastructure Improvements</b>	<b>High</b>	<b>%</b>	<b>Medium</b>	<b>%</b>	<b>Low</b>	<b>%</b>	<b>No Need</b>	
a. Flood/Drainage Improvements	154	16%	208	21%	123	13%	250	26%
b. Water System Improvements	219	23%	211	22%	96	10%	231	24%
c. Street Improvements	263	27%	215	22%	79	8%	211	22%
d. Sewer Improvements	189	19%	211	22%	114	12%	232	24%
e. Sidewalks	250	26%	205	21%	85	9%	236	24%
<b>Total % of column</b>	<b>28%</b>	<b>28%</b>	<b>23%</b>	<b>13%</b>	<b>13%</b>	<b>13%</b>	<b>31%</b>	
<b>3. Public Facilities Needs</b>	<b>High</b>	<b>%</b>	<b>Medium</b>	<b>%</b>	<b>Low</b>	<b>%</b>	<b>No Need</b>	
a. Senior Citizen Centers	223	23%	229	24%	108	11%	210	22%
b. Youth Centers	252	26%	219	23%	65	7%	202	21%
c. Centers for the Disabled	220	23%	246	25%	85	9%	198	20%
d. Child Care Centers/Preschool Daycare	220	23%	203	21%	89	9%	216	22%
e. Parks & Recreation Facilities	212	22%	228	23%	95	10%	194	20%
f. Parking Facilities	133	14%	207	21%	134	14%	224	23%
g. Community Centers	188	19%	231	24%	103	11%	204	21%
h. Fire Stations/ Equipment	238	25%	187	19%	72	7%	205	21%
<b>Total % of column</b>	<b>29%</b>	<b>30%</b>	<b>13%</b>	<b>13%</b>	<b>13%</b>	<b>13%</b>	<b>28%</b>	
<b>4. Public Service Needs</b>	<b>High</b>	<b>%</b>	<b>Medium</b>	<b>%</b>	<b>Low</b>	<b>%</b>	<b>No Need</b>	
a. Senior Citizen Services	304	31%	223	23%	72	7%	182	19%
b. Handicapped Services	254	26%	221	23%	84	9%	189	19%
c. Youth Services	273	28%	202	21%	61	6%	198	20%
d. Transportation Services	241	25%	235	24%	81	8%	193	20%
e. Services for Battered and Abused Spouses	209	22%	224	23%	98	10%	203	21%
f. Health Services	274	28%	191	20%	78	8%	189	19%
g. Services for Abused and Neglected Children	285	29%	166	17%	70	7%	199	20%
h. Substance Abuse Services	199	20%	201	21%	96	10%	204	21%
i. Employment Training	305	31%	180	19%	60	6%	191	20%
j. Crime Awareness	258	27%	198	20%	89	9%	185	19%
k. Fair Housing Counseling	147	15%	181	19%	105	11%	217	22%
<b>Total % of column</b>	<b>34%</b>	<b>23%</b>	<b>11%</b>	<b>11%</b>	<b>11%</b>	<b>11%</b>	<b>24%</b>	

5. Accessibility Needs (Removal of Barriers to the Handicapped)	High	%	Medium	%	Low	%	No Need	%
a. Public Buildings	192	20%	190	20%	121	12%	210	22%
b. Park & Recreation Facilities	188	19%	205	21%	120	12%	204	21%
c. Health Facilities	202	21%	191	20%	107	11%	207	21%
<b>Total % of columns</b>	<b>27%</b>		<b>28%</b>		<b>16%</b>		<b>29%</b>	
6. Economic Development Needs	High	%	Medium	%	Low	%	No Need	%
a. Neighborhood-based Small Business Uses	312	32%	211	22%	75	8%	176	18%
b. Job Creation	441	45%	115	12%	38	4%	163	17%
c. Commercial Rehabilitation	264	27%	186	19%	80	8%	183	19%
d. Business Support Services	243	25%	179	18%	73	8%	169	17%
<b>Total % of columns</b>	<b>39%</b>		<b>37%</b>		<b>10%</b>		<b>24%</b>	

## CITY COUNCIL AGENDA

**DATE:** **February 25, 2014**

**TO:** **Honorable Mayor and City Council**

**FROM:** **Fred Mason, Electric Utility Director**

**SUBJECT:** **Resolution 2014-11 Approving the Purchase of a new ShoreTel Phone System from Business Telecommunication Systems, Inc.**

**RECOMMENDATION:** The City Council approve the purchase of a new ShoreTel phone system, including the 5-year Gold Plus Extended Warranty, from Business Telecommunication Systems, Inc. (“BTS”) in an amount not to exceed One hundred thirty-five thousand six hundred sixty-seven dollars and fifty-three cents (\$135,667.53). The purchase agreement and detailed proposal are attached herewith as Exhibit “A”.

**STRATEGIC PLAN:** Implementing a new phone system will improve Community Relations by improving the responsiveness of the City and communication between the City and its citizens, and enable the City to provide much higher levels of customer service.

**BACKGROUND:** The current phone system used throughout the City facilities was originally purchased in 1996 and is serviced through Verizon. Although certain features have been updated over the years, the system is based on twenty year old technology and does not have the functionality needed in a city of Banning’s size, which also has a Utility Customer Service Call Center.

Currently when a citizen/customer calls any of the City offices, the caller is put into voice mail if the phone is not answered by the fourth ring, or if the line is being used. Due to limited staffing, many calls end up going to voice mail. This can cause frustration to the caller, who obviously wants to talk to a live person.

This situation is compounded in the Utility Billing/Customer Service division where they receive several hundred calls each day. With limited staffing, they are required to provide service to the customers at the counter, process the 12,000 monthly Utility bills, as well as answer the phones. Due to staffing and the outdated phone system, the majority of Utility Billing phone calls go to voice mail, and it can take several days before the call is returned. This has created significant issues for customers trying to get Utility service or information on their Utility account. No call queuing capabilities exist.

Staff has looked at several options to improve the phone system and provide better customer service to Banning’s citizens. It was determined very early in the process that updating the current system, through Verizon, would cost as much as buying a brand new state-of-the-art

system, but would still leave the City with some deficiencies. Therefore, staff issued a Request for Proposal (RFP) for new a phone system to replace the current outdated system.

A total of six proposals were received with prices ranging from \$50,710 to \$135,910 (not including warranty), based on the original scope of services outlined in the RFP. Staff evaluated the proposals and asked the top four candidates to make presentations of their phone systems, and provide additional information as requested by the evaluation committee, which included a Communications consultant the City retained to provide additional expertise throughout the process. This was followed by a second round of interviews with the top two candidates, where the evaluation committee asked more detailed and specific questions regarding functionality and features. During the interviews staff determined that additional functionality was needed, and asked the two finalists to expand their proposals to include these features. At the conclusion of these interviews the evaluation committee determined that the ShoreTel phone system was the lowest cost and best system for Banning. The evaluation committee also conducted a site visit to a BTS's customer using the ShoreTel system to see it live and ask questions of the existing users. This site visit was extremely beneficial and solidified the committee's confidence in its decision.

The new phone system is truly state-of-the-art and, if approved, will provide City employees the ability to perform their work more effectively, and provide a much higher level of customer service and responsiveness to the citizens of Banning. The greatest improvement is expected in the Utility Billing/Customer Service division, where they will have "Call Center" capabilities. With the new system, customers calling the Utility will be put into a queue, and calls will be answered in the order received. Queue information will be displayed on each Utility Billing employees' computer monitor, and alarms will go off if a call has been waiting for longer than a set period of time. This will provide a system for customers to be in a queue to talk to a live person and have their issues addressed and questions answered.

Staff is recommending that the City Council approve the purchase of the new ShoreTel phone system, including the 5-year Gold Plus Extended Warranty.

**FISCAL DATA:** The total cost of the phone system hardware, software and installation is \$108,777.34 (this includes the first year's warranty). The cost to extend the warranty to a total of five years is \$26,890.19. This brings the total cost of the phone system and 5-year extended warranty to \$135,667.53. An appropriation from the Electric Fund is required to cover the full cost of \$135,667.53 for the phone system. The appropriation will come from the Electric Improvement Fund.

**RECOMMENDED BY:**

  
\_\_\_\_\_  
Fred Mason  
Electric Utility Director

**APPROVED BY:**

  
\_\_\_\_\_  
June Overholt  
Acting City Manager

## **RESOLUTION NO 2014-11**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING APPROVING THE PURCHASE OF A NEW SHORETEL PHONE SYSTEM FROM BUSINESS TELECOMMUNICATION SYSTEMS, INC.**

**WHEREAS**, the City of Banning requires a functional and effective phone system to perform its daily operations; and

**WHEREAS**, the City's current phone system was purchased in 1996 and does not have the functionality necessary to operate in an effective and customer responsive manner; and

**WHEREAS**, the City issued a Request for Proposal (RFP) for a new phone system and received six responses; and

**WHEREAS**, staff evaluated the proposals, interviewed the top four candidates, and conducted a site visit at a business using the top candidate's phone system; and

**WHEREAS**, staff determined that Business Telecommunication Systems, Inc.'s proposal was the most responsive in meeting the City's needs and requirements; and

**WHEREAS**, an appropriation in the amount of \$135,667.53 from the Electric Fund is necessary in order to cover the cost of the new phone system;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Banning as follows:

**SECTION 1.** Adopt Resolution No. 2014-11, approving the purchase agreement between Business Telecommunication Systems, Inc. and the City of Banning, in the amount of \$135,667.53, for the purchase of a new ShoreTel phone system, and authorize the Acting City Manager, or her designee, to execute the necessary documents to complete said agreement.

**SECTION 2.** Authorize the Administrative Services Director to complete the necessary account transfers as required for the completion of said purchase.

**PASSED, APPROVED AND ADOPTED** this 25<sup>th</sup> day of February, 2014.

---

Deborah Franklin, Mayor  
City of Banning

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

---

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

ATTEST:

---

Marie A. Calderon, City Clerk

**CERTIFICATION**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2014-11 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 25<sup>th</sup> day of February, 2014, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

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

## **Exhibit “A”**

TO: **City of Banning**  
99 East Ramsey Street  
Banning, CA 92220



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**SYSTEM SUMMARY**  
**Page 1**

Customer Contact: Patrick Stephens  
BTS Contact: Matt Peters

2/11/2014

<b>City Hall</b>	Hardware and Software \$ 28,849.44 Partner Support \$ 2,831.64 Professional Services \$ 5,200.00 Tax \$ 2,307.96	<hr/> <b>Total: \$ 39,189.04</b>
<b>City Yard</b>	Hardware and Software \$ 11,740.05 Partner Support \$ 1,007.59 Professional Services \$ 1,300.00 Tax \$ 939.20	<hr/> <b>Total: \$ 14,986.84</b>
<b>Community Center</b>	Hardware and Software \$ 7,194.94 Partner Support \$ 667.67 Professional Services \$ 1,300.00 Tax \$ 575.60	<hr/> <b>Total: \$ 9,738.21</b>
<b>Water Dept</b>	Hardware and Software \$ 1,562.44 Partner Support \$ 108.55 Professional Services \$ - Tax \$ 125.00	<hr/> <b>Total: \$ 1,795.99</b>
<b>Playhouse Bowl</b>	Hardware and Software \$ 390.61 Partner Support \$ 27.14 Professional Services \$ - Tax \$ 31.25	<hr/> <b>Total: \$ 449.00</b>
<b>Airport</b>	Hardware and Software \$ 390.61 Partner Support \$ 27.14 Professional Services \$ - Tax \$ 31.25	<hr/> <b>Total: \$ 449.00</b>
<b>ECC</b>	Hardware and Software \$ 6,300.05 Partner Support \$ 1,008.61 Professional Services \$ 2,600.00 Tax \$ 504.00	<hr/> <b>Total: \$ 10,412.66</b>

TO      **City of Banning**  
99 East Ramsey Street  
Banning, CA 92220



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**SYSTEM SUMMARY**

Page 2

Customer Contact Patrick Stephens  
BTS Contact: Matt Peters

2/11/2014

<b>Service Appliance</b>	Hardware and Software \$ 3,722.90 Partner Support \$ 620.48 Professional Services \$ 650.00 Tax \$ 297.83	<hr/> <b>Total: \$ 5,291.21</b>
<b>Disaster Recovery</b>	Hardware and Software \$ 8,223.40 Partner Support \$ 915.64 Professional Services \$ 1,300.00 Tax \$ 657.87	<hr/> <b>Total: \$ 11,096.91</b>
<b>Fax Server</b>	Hardware and Software \$ 5,549.40 Partner Support \$ 41.40 Professional Services \$ 650.00 Tax \$ 443.95	<hr/> <b>Total: \$ 6,684.75</b>
<b>Headset</b>	Hardware and Software \$ 3,913.35 Partner Support Professional Services \$ - Tax \$ 313.07	<hr/> <b>Total: \$ 4,226.42</b>
<b>ShoreTel Power Bricks</b>	Hardware and Software \$ 350.00 Partner Support Professional Services Tax \$ 28.00	<hr/> <b>Total: \$ 378.00</b>
<b>Mitel Integration / Discretionary Equipment</b>	Hardware and Software \$ 2,229.40 Partner Support \$ 371.57 Professional Services \$ 1,300.00 Tax \$ 178.35	<hr/> <b>Total: \$ 4,079.32</b>
	Hardware and Software \$ 80,416.59 Partner Support \$ 7,627.43 Professional Services \$ 14,300.00 Tax \$ 6,433.32	<hr/> <b>Total: \$ 108,777.34</b>

To City of Banning- City Hall  
99 East Ramsey Street  
Banning, CA 92220  
United States  
(951) 922-3100

**Business  
Telecommunication  
Systems, Inc.**

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549 Bateman Circle - Corona, CA 92880  
(951) 272-3100 - Fax (951) 493-3033 - [www.bts1981.com](http://www.bts1981.com)

BTS Contact Matt Peters

Customer Contact Patrick Stephens

ShoreTel  
**EQUIPMENT ITEMIZATION  
SCHEDULE 1A**

Quote # AAAQ7600

Prices good until 3/11/2014

2/11/2014

**Proposal to provide a ShoreTel Enterprise VOIP Phone System with the following ShoreTel Hardware and Software. Proposal to also include Professional Services as listed below for Project Coordination, Programming, Training and Deployment of ShoreTel System.**

QTY	PART NUMBER	DESCRIPTION	List Price Each	Your Price Each
<b>ShoreTel Hardware</b>				
1	A019.6823	SHORETEL SHOREGEAR 220A T1 AND VOICE SW	6,495.00	4,033.40
2	E019.6802	SHORETEL SHOREGEAR (k) T1/PRI 9.5 wide	3,495.00	2,170.40
2	W019.2001	SHORETEL RACK TRAY FOR 1/2 WITH SWITCHES	95.00	59.00
<b>ShoreTel Software</b>				
48	B019.6800	SHORETEL EXTENSION & MAILBOX LICENSE	200.00	124.20
1	B019.6806	SHORETEL OPERATOR CALL MANAGER SOFTWARE	595.00	369.50
48	B019.6805	SHORETEL PERSONAL CALL MANAGER SOFTWARE		
1	B810.1000	VONETCO REMOTE ADMINISTRATION SOFTWARE AND SERVER MONITORING	200.00	200.00
1	B810.1001	1 YEAR SUBSCRIPTION SERVER SECURITY	79.00	79.00
<b>ShoreTel IP Phones</b>				
45	G019.6725	SHORETEL SHOREPHONE IP EIGHT LINE COLOR 485G	429.00	266.41
3	G019.6730	SHORETEL SHOREPHONE IP 655 TOUCH SCREEN	749.00	465.13
3	Q019.6100	SATELLITE MICROPHONES for IP655 PHONE (set of 2)	195.00	121.10
<b>Professional Services</b>				
1		1 Year Gold+ Partner Support per Master Warranty and Support Agreement		
2		Days BTS Professional Services Onsite Programming and Installation		
1		Days BTS Professional Services Onsite End User Training		
1		Day Go Live		
				<b>TOTAL DISCOUNT \$ 17,436.56</b>
				<b>Tax \$ 2,307.96</b>
				<b>HARDWARE AND SOFTWARE \$ 28,849.44</b>
				<b>GOLD PLUS PARTNER SUPPORT \$ 2,831.64</b>
				<b>PROFESSIONAL SERVICES \$ 5,200.00</b>
				<b>39,189.04</b>

**Customer Responsibility to Include, but not limited to:**

- 1 ) Must meet Shoretel/BTS site requirements, including network, server, and desktop posted on [www.bts1981.com](http://www.bts1981.com)
- 2 ) Customer may elect to contract BTS on time material to assist with network, server, desktop and site requirements at an hourly rate of \$155.00 per hour.
- 3 ) Data cables need to be home ran from network switch to each desktop.
- 4.) If not purchased from BTS, customer to provide Server for Voice Mail as per BTS/ShoreTel requirements.
- 5.) BTS to load 1st desktop with Personal Call Manager Software and train customer on installation of remaining desktops.
- 6.) Troubleshooting of customers desktop on non ShoreTel related issues are billed at BTS standard labor rates.
- 7.) If not purchased from BTS, customer to provide POE switch to power ShoreTel IP phones

**Desktop/Personal & Operator Call Manager Software are Windows-based applications**

You have received special pricing on your initial system post install pricing will differ.

Approved and Accepted By:

Date

Printed Name

02/11/14 Printed By James

Page 1 Of 1

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To City of Banning- City Yard  
176 East Lincoln Street  
Banning, CA 92220  
United States  
(951) 922-3100

**Business  
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549 Bateman Circle - Corona, CA 92880  
(951) 272-3100 - Fax (951) 493-3033 - [www.bts1981.com](http://www.bts1981.com)

BTS Contact: Matt Peters

ShoreTel  
**EQUIPMENT ITEMIZATION  
SCHEDULE 1A**

Customer Contact Patrick Stephens

Quote # AAAAQ7603

Prices good until 3/11/2014

2/11/2014

*Proposal to provide a ShoreTel Enterprise VOIP Phone System with the following ShoreTel Hardware and Software. Proposal to also include Professional Services as listed below for Project Coordination, Programming, Training and Deployment of ShoreTel System.*

QTY	PART NUMBER	DESCRIPTION	List Price Each	Your Price Each
<b>ShoreTel Hardware</b>				
1	A019.6805	SHORETEL SHOREGEAR 50 VOICE SWITCH	1,995.00	1,238.90
1	W019.2001	SHORETEL RACK TRAY FOR 1/2 WITH SWITCHES	95.00	59.00
<b>ShoreTel Software</b>				
25	B019.6800	SHORETEL EXTENSION & MAILBOX LICENSE	200.00	124.20
1	B019.6806	SHORETEL OPERATOR CALL MANAGER SOFTWARE	595.00	369.50
25	B019.6805	SHORETEL PERSONAL CALL MANAGER SOFTWARE		
1	B019.9802	SHORETEL ADDITIONAL SITE LICENSE	495.00	307.40
<b>ShoreTel IP Phones</b>				
25	G019.6725	SHORETEL SHOREPHONE IP EIGHT LINE COLOR 485G	429.00	266.41
<b>Professional Services</b>				
1		1 Year Gold+ Partner Support per Master Warranty and Support Agreement		
1		Day BTS Professional Services Onsite Programming and Installation		
				<b>TOTAL DISCOUNT \$ 7,164.95</b>
				<b>Tax \$ 939.20</b>
				<b>HARDWARE AND SOFTWARE \$ 11,740.05</b>
				<b>GOLD PLUS PARTNER SUPPORT \$ 1,007.59</b>
				<b>PROFESSIONAL SERVICES \$ 1,300.00</b>
				<b>14,986.84</b>

**Customer Responsibility to Include, but not limited to:**

- 1.) Must meet Shoretel/BTS site requirements, including network, server, and desktop posted on [www.bts1981.com](http://www.bts1981.com)
- 2.) Customer may elect to contract BTS on time material to assist with network, server, desktop and site requirements at an hourly rate of \$155.00 per hour.
- 3.) Data cables need to be home ran from network switch to each desktop.
- 4.) If not purchased from BTS, customer to provide Server for Voice Mail as per BTS/ShoreTel requirements.
- 5.) BTS to load 1st desktop with Personal Call Manager Software and train customer on installation of remaining desktops.
- 6.) Troubleshooting of customers desktop on non ShoreTel related issues are billed at BTS standard labor rates
- 7.) If not purchased from BTS, customer to provide POE switch to power ShoreTel IP phones

***Desktop/Personal & Operator Call Manager Software are Windows-based applications***

You have received special pricing on your initial system post install pricing will differ.

Approved and Accepted By

Date:

Printed Name

02/11/14 Printed By James

Page 1 Of 1

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To City of Banning- Community Center  
5261 W. Wilson  
Banning, CA 92220  
United States  
(951) 922-3100

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549 Bateman Circle - Corona, CA 92880  
(951) 272-3100 - Fax (951) 493-3033 - www.bts1981.com

BTS Contact Matt Peters

Customer Contact Patrick Stephens

ShoreTel  
**EQUIPMENT ITEMIZATION  
SCHEDULE 1A**

Quote # AAAAQ7602

Prices good until 3/11/2014

2/11/2014

**Proposal to provide a ShoreTel Enterprise VOIP Phone System with the following ShoreTel Hardware and Software. Proposal to also include Professional Services as listed below for Project Coordination, Programming, Training and Deployment of ShoreTel System.**

QTY	PART NUMBER	DESCRIPTION	List Price Each	Your Price Each
<b>ShoreTel Hardware</b>				
1	A019.6803	SHORETEL SHOREGEAR 30 VOICE SWITCH	1,595.00	990.50
1	W019.2001	SHORETEL RACK TRAY FOR 1/2 WITH SWITCHES	95.00	59.00
<b>ShoreTel Software</b>				
14	B019.6800	SHORETEL EXTENSION & MAILBOX LICENSE	200.00	124.20
1	B019.6806	SHORETEL OPERATOR CALL MANAGER SOFTWARE	595.00	369.50
14	B019.6805	SHORETEL PERSONAL CALL MANAGER SOFTWARE		
1	B019.9802	SHORETEL ADDITIONAL SITE LICENSE	495.00	307.40
<b>ShoreTel IP Phones</b>				
14	G019.6725	SHORETEL SHOREPHONE IP EIGHT LINE COLOR 485G	429.00	266.41
<b>Professional Services</b>				
1		1 Year Gold+ Partner Support per Master Warranty and Support Agreement		
1		Day BTS Professional Services Onsite Programming and Installation		
				<b>TOTAL DISCOUNT \$ 4,391.06</b>
				<b>Tax \$ 575.60</b>
				<b>HARDWARE AND SOFTWARE \$ 7,194.94</b>
				<b>GOLD PLUS PARTNER SUPPORT \$ 667.67</b>
				<b>PROFESSIONAL SERVICES \$ 1,300.00</b>
				<b>9,738.21</b>

**Customer Responsibility to Include, but not limited to:**

- 1.) Must meet Shoretel/BTS site requirements, including network, server, and desktop posted on [www.bts1981.com](http://www.bts1981.com)
- 2.) Customer may elect to contract BTS on time material to assist with network, server, desktop and site requirements at an hourly rate of \$155.00 per hour.
- 3.) Data cables need to be home ran from network switch to each desktop.
- 4.) If not purchased from BTS, customer to provide Server for Voice Mail as per BTS/ShoreTel requirements.
- 5.) BTS to load 1st desktop with Personal Call Manager Software and train customer on installation of remaining desktops.
- 6.) Troubleshooting of customers desktop on non ShoreTel related issues are billed at BTS standard labor rates.
- 7.) If not purchased from BTS, customer to provide POE switch to power ShoreTel IP phones.

***Desktop/Personal & Operator Call Manager Software are Windows-based applications***

You have received special pricing on your initial system post install pricing will differ.

Approved and Accepted By

Date

Printed Name:

02/11/14 Printed By James

Page 1 Of 1

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To: City of Banning- Water Dept  
176 E Lincoln  
Banning, CA 92220  
United States  
(951) 922-3100

**Business  
Telecommunication  
Systems, Inc.**

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(951) 272-3100 - Fax (951) 493-3033 - [www.bts1981.com](http://www.bts1981.com)

BTS Contact: Matt Peters

ShoreTel

**EQUIPMENT ITEMIZATION  
SCHEDULE 1A**

Customer Contact: Patrick Stephens

Quote #: AAAQ7609

Prices good until: 3/11/2014

2/11/2014

*Proposal to provide a ShoreTel Enterprise VOIP Phone System with the following ShoreTel Hardware and Software. Proposal to also include Professional Services as listed below for Project Coordination, Programming, Training and Deployment of ShoreTel System.*

QTY	PART NUMBER	DESCRIPTION	List Price Each	Your Price Each
4	B019.6800	<b>ShoreTel Software</b> SHORETEL EXTENSION & MAILBOX LICENSE	200.00	124.20
4	B019.6805	SHORETEL PERSONAL CALL MANAGER SOFTWARE		
4	G019.6725	<b>ShoreTel IP Phones</b> SHORETEL SHOREPHONE IP EIGHT LINE COLOR 485G	429.00	266.41
1		<b>Professional Services</b> 1 Year Gold+ Partner Support per Master Warranty and Support Agreement		

\*City to Install Location.

\*Training to be done at City Hall.

**TOTAL DISCOUNT \$ 953.56**

**Tax \$ 125.00**

<b>HARDWARE AND SOFTWARE \$ 1,562.44</b>
<b>GOLD PLUS PARTNER SUPPORT \$ 108.55</b>
<b>PROFESSIONAL SERVICES \$ 0.00</b>
<b>1,795.99</b>

**Customer Responsibility to Include, but not limited to:**

- 1) Must meet Shoretel/BTS site requirements, including network, server, and desktop posted on [www.bts1981.com](http://www.bts1981.com)
- 2) Customer may elect to contract BTS on time material to assist with network, server, desktop and site requirements at an hourly rate of \$155.00 per hour.
- 3) Data cables need to be home ran from network switch to each desktop.
- 4.) If not purchased from BTS, customer to provide Server for Voice Mail as per BTS/ShoreTel requirements.
- 5.) BTS to load 1st desktop with Personal Call Manager Software and train customer on installation of remaining desktops.
- 6.) Troubleshooting of customers desktop on non ShoreTel related issues are billed at BTS standard labor rates.
- 7.) If not purchased from BTS, customer to provide POE switch to power ShoreTel IP phones.

***Desktop/Personal & Operator Call Manager Software are Windows-based applications***

You have received special pricing on your initial system post install pricing will differ.

Approved and Accepted By

Date

Printed Name:

02/11/14 Printed By James

Page 1 Of 1

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To: City of Banning- Playhouse Bowl  
Banning, CA 92220  
United States  
(951) 922-3100

**Business  
Telecommunication  
Systems, Inc.**

*Serving all your voice & data needs*

549 Bateman Circle - Corona, CA 92880  
(951) 272-3100 - Fax (951) 493-3033 - www.bts1981.com

BTS Contact Matt Peters

Customer Contact Patrick Stephens

ShoreTel  
**EQUIPMENT ITEMIZATION  
SCHEDULE 1A**

Quote #: AAAQ8100	Prices good until 3/11/2014	2/11/2014
<b>Proposal to provide a ShoreTel Enterprise VOIP Phone System with the following ShoreTel Hardware and Software. Proposal to also include Professional Services as listed below for Project Coordination, Programming, Training and Deployment of ShoreTel System.</b>		

QTY	PART NUMBER	DESCRIPTION	List Price Each	Your Price Each
<b>ShoreTel Software</b>				
1	B019.6800	SHORETEL EXTENSION & MAILBOX LICENSE	200.00	124.20
1	B019.6805	SHORETEL PERSONAL CALL MANAGER SOFTWARE		
<b>ShoreTel IP Phones</b>				
1	G019.6725	SHORETEL SHOREPHONE IP EIGHT LINE COLOR 485G	429.00	266.41
<b>Professional Services</b>				
1		1 Year Gold+ Partner Support per Master Warranty and Support Agreement		

\*City to Install Location.

\*Training to be done at City Hall.

<b>TOTAL DISCOUNT</b>	<b>\$</b>	<b>238.39</b>
<b>Tax</b>	<b>\$</b>	<b>31.25</b>
<b>HARDWARE AND SOFTWARE</b>	<b>\$</b>	<b>390.61</b>
<b>GOLD PLUS PARTNER SUPPORT</b>	<b>\$</b>	<b>27.14</b>
<b>PROFESSIONAL SERVICES</b>	<b>\$</b>	<b>0.00</b>
		<b>449.00</b>

**Customer Responsibility to Include, but not limited to:**

- 1.) Must meet Shoretel/BTS site requirements, including network, server, and desktop posted on www.bts1981.com
- 2.) Customer may elect to contract BTS on time material to assist with network, server, desktop and site requirements at an hourly rate of \$155.00 per hour.
- 3.) Data cables need to be home ran from network switch to each desktop
- 4.) If not purchased from BTS, customer to provide Server for Voice Mail as per BTS/ShoreTel requirements.
- 5.) BTS to load 1st desktop with Personal Call Manager Software and train customer on installation of remaining desktops.
- 6.) Troubleshooting of customers desktop on non ShoreTel related issues are billed at BTS standard labor rates.
- 7.) If not purchased from BTS, customer to provide POE switch to power ShoreTel IP phones

**Desktop/Personal & Operator Call Manager Software are Windows-based applications**

You have received special pricing on your initial system post install pricing will differ.

Approved and Accepted By

Date

Printed Name

02/11/14 Printed By James

Page 1 Of 1

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To City of Banning- Airport  
600 S. Hathaway Street  
Banning, CA 92220  
United States  
(951) 922-3100

**Business  
Telecommunication  
Systems, Inc.**

*Serving all your voice & data needs*

549 Bateman Circle - Corona, CA 92880  
(951) 272-3100 - Fax (951) 493-3033 - www.bts1981.com

BTS Contact: Matt Peters

Customer Contact: Patrick Stephens

ShoreTel  
**EQUIPMENT ITEMIZATION  
SCHEDULE 1A**

Quote # AAAQ7613

Prices good until 3/11/2014

2/11/2014

**Proposal to provide a ShoreTel Enterprise VOIP Phone System, with the following ShoreTel Hardware and Software. Proposal to also include Professional Services as listed below for Project Coordination, Programming, Training and Deployment of ShoreTel System.**

QTY	PART NUMBER	DESCRIPTION	List Price Each	Your Price Each
<b>ShoreTel Software</b>				
1	B019.6800	SHORETEL EXTENSION & MAILBOX LICENSE	200.00	124.20
1	B019.6805	SHORETEL PERSONAL CALL MANAGER SOFTWARE		
<b>ShoreTel IP Phones</b>				
1	G019.6725	SHORETEL SHOREPHONE IP EIGHT LINE COLOR 485G	429.00	266.41
<b>Professional Services</b>				
1		1 Year Gold+ Partner Support per Master Warranty and Support Agreement		

**TOTAL DISCOUNT \$ 238.39**

\*City to Install Location.  
\*Training to be done at City Hall.

**Tax \$ 31.25**

<b>HARDWARE AND SOFTWARE \$</b>	<b>390.61</b>
<b>GOLD PLUS PARTNER SUPPORT \$</b>	<b>27.14</b>
<b>PROFESSIONAL SERVICES \$</b>	<b>0.00</b>
<b>449.00</b>	

**Customer Responsibility to Include, but not limited to:**

- 1.) Must meet Shoretel/BTS site requirements, including network, server, and desktop posted on www.bts1981.com
- 2.) Customer may elect to contract BTS on time material to assist with network, server, desktop and site requirements at an hourly rate of \$155.00 per hour.
- 3.) Data cables need to be home ran from network switch to each desktop.
- 4.) If not purchased from BTS, customer to provide Server for Voice Mail as per BTS/ShoreTel requirements.
- 5.) BTS to load 1st desktop with Personal Call Manager Software and train customer on installation of remaining desktops.
- 6.) Troubleshooting of customers desktop on non ShoreTel related issues are billed at BTS standard labor rates.
- 7.) If not purchased from BTS, customer to provide POE switch to power ShoreTel IP phones.

**Desktop/Personal & Operator Call Manager Software are Windows-based applications**

You have received special pricing on your initial system post install pricing will differ.

Approved and Accepted By

Date:

Printed Name:

02/11/14 Printed By James

Page 1 Of 1

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To: City of Banning  
99 East Ramsey Street  
Banning, CA 92220  
United States  
(951) 922-3100

ShoreTel

**EQUIPMENT ITEMIZATION  
SCHEDULE 1A**

Customer Contact Patrick Stephens

**Business  
Telecommunication  
Systems, Inc.**

*Serving all your voice & data needs*

549 Bateman Circle - Corona, CA 92880  
(951) 272-3100 - Fax (951) 493-3033 - www.bts1981.com

BTS Contact Matt Peters

Quote #: AAAQ8042

Prices good until

2/1/2014

*Install and Program ShoreTel Enterprise Contact Center:*

QTY	PART NUMBER	DESCRIPTION	List Price Each	Your Price Each
		<b>ShoreTel Software</b>		
1	B019.7750	SHORETEL ECC BASE 10 PACKAGE	8,520.00	5,290.92
1	B019.7773	ECC 8 SUPERVISOR LICENSE	825.00	512.33
2	B019.7771	ECC 8 WEB LICENSE	400.00	248.40
		<b>Professional Services</b>		
1		1 Year Gold+ Partner Support per Master Warranty and Support Agreement		
1		Day BTS Professional Services Onsite Programming and Installation and Training		
1		Day Install Web Licenses		
			<b>TOTAL DISCOUNT \$</b>	<b>3,844.95</b>
			<b>Tax \$</b>	<b>504.00</b>
			<b>HARDWARE AND SOFTWARE \$</b>	<b>6,300.05</b>
			<b>BTS PARTNER SUPPORT \$</b>	<b>1,008.61</b>
			<b>PROFESSIONAL SERVICES \$</b>	<b>2,600.00</b>
				<b>10,412.66</b>

**Customer Responsibility to Include, but not limited to:**

- 1 ) Must meet Shoretel/BTS site requirements, including network, server, and desktop posted on www.bts1981.com
- 2 ) Customer may elect to contract BTS on time material to assist with network, server, desktop and site requirements at an hourly rate of \$155.00 per hour.
- 3 ) Data cables need to be home ran from network switch to each desktop
- 4 ) If not purchased from BTS, customer to provide Server for Voice Mail as per BTS/ShoreTel requirements.
- 5.) BTS to load 1st desktop with Personal Call Manager Software and train customer on installation of remaining desktops.
- 6.) Troubleshooting of customers desktop on non ShoreTel related issues are billed at BTS standard labor rates.
- 7.) If not purchased from BTS, customer to provide POE switch to power ShoreTel IP phones.

***Desktop/Personal & Operator Call Manager Software are Windows-based applications***

You have received special pricing on your initial system post install pricing will differ.

Approved and Accepted By:

Date:

Printed Name:

02/11/14 Printed By James

Page 1 Of 1  
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To: City of Banning  
99 East Ramsey Street  
Banning, CA 92220  
United States  
(951) 922-3100

**Proposal  
SCHEDULE**

**Business  
Telecommunication  
Systems, Inc.**  
Serving all your voice & data needs  
649 Bateman Circle - Corona, CA 92880  
(951) 272-3109 - Fax (951) 493-3033 - www.bts1981.com



Customer Contact Patrick Stephens

BTS Contact: Matt Peters

Quote # AAAQ8028

Prices good for 30 days

2/11/2014

Install and Program ShoreTel Service Appliance

QTY	Part Number	DESCRIPTION	List Price Each	Your Price Each
<b>ShoreTel Software</b>				
1	E019.6950	SA-100 APPLIANCE TO HOST CONFERENCING & MESSAGING: Provides Instant Messaging for all ShoreTel Communicator Licensing. Allows for up to 50 Ports of Audio and Web Conference Ports.	2,995.00	1,859.90
1	E019.6940	10 CONCURRENT AUDIO CONFERENCING PORTS: Provides 10 Audio Conference Ports	1,500.00	931.50
1	E019.6943	10 CONCURRENT WEB CONFERENCING PORTS: Provides 10 Web Sharing Ports	1,500.00	931.50
<b>Professional Services</b>				
1		1 Year Gold+ Partner Support per Master Warranty and Support Agreement		
1		Days BTS Professional Services Onsite Programming and Installation and Training		

TOTAL DISCOUNT \$ 2,272.10  
SHORETEL HARDWARE AND SOFTWARE \$ 3,722.90  
PARTNER SUPPORT \$ 620.48

PROFESSIONAL SERVICES \$ 650.00

Tax 297.83

TOTAL \$ 5,291.21

Terms: Per Contract

Approved and Accepted By:

Date:

Printed Name  
02/11/14 Printed By James

Purchase Order # If Required

Page 1 of 1

85

To City of Banning - Disaster Recovery  
 99 East Ramsey Street  
 Banning, CA 92220  
 United States  
 (951) 922-3100

ShoreTel

**EQUIPMENT ITEMIZATION  
 SCHEDULE 1A**

Customer Contact: Patrick Stephens

**Business  
 Telecommunication  
 Systems, Inc.**

*Serving all your voice & data needs*  
 549 Bateman Circle - Corona, CA 92880  
 (951) 272-3100 - Fax (951) 493-3033 - www.bts1981.com

BTS Contact: Matt Peters

Quote #: AAAQ7615		Prices good until 3/11/2014	2/11/2014	
<i>Proposal to Provide Optional Equipment for site Redundancy</i>				
QTY	PART NUMBER	DESCRIPTION	List Price Each	Your Price Each
		<b>ShoreTel Hardware</b>		
1	A019.6823	SHORETEL SHOREGEAR 220A T1 AND VOICE SW	6,495.00	4,033.40
1	W019.2001	SHORETEL RACK TRAY FOR 1/2 WITH SWITCHES	95.00	59.00
		<b>ShoreTel Software</b>		
2	B019.6801	SHORETEL EXTENSION ONLY LICENSE	140.00	86.94
2	B019.6805	SHORETEL PERSONAL CALL MANAGER SOFTWARE		
1	B019.9802	SHORETEL ADDITIONAL SITE LICENSE	495.00	307.40
1	B019.9812	SHORETEL DVM DISTRIBUTED VOICE MAIL LIC	995.00	617.90
		<b>ShoreTel IP Phones</b>		
2	G019.6725	SHORETEL SHOREPHONE IP EIGHT LINE COLOR 485G	429.00	266.41
		<b>Non ShoreTel Equipment</b>		
1	Server	Server	2,499.00	2,499.00
		<b>Professional Services</b>		
1		1 Year Gold+ Partner Support per Master Warranty and Support Agreement		
1		Days BTS Professional Services Onsite Programming and Installation		
				<b>TOTAL DISCOUNT \$ 3,493.60</b>
				<b>Tax \$ 657.87</b>
				<b>HARDWARE AND SOFTWARE \$ 8,223.40</b>
				<b>GOLD PLUS PARTNER SUPPORT \$ 915.64</b>
				<b>PROFESSIONAL SERVICES \$ 1,300.00</b>
				<b>11,096.91</b>

**Customer Responsibility to Include, but not limited to:**

- 1.) Must meet Shoretel/BTS site requirements, including network, server, and desktop posted on [www.bts1981.com](http://www.bts1981.com)
- 2.) Customer may elect to contract BTS on time material to assist with network, server, desktop and site requirements at an hourly rate of \$155.00 per hour.
- 3.) Data cables need to be home ran from network switch to each desktop
- 4.) If not purchased from BTS, customer to provide Server for Voice Mail as per BTS/ShoreTel requirements.
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- 6.) Troubleshooting of customers desktop on non ShoreTel related issues are billed at BTS standard labor rates.
- 7.) If not purchased from BTS, customer to provide POE switch to power ShoreTel IP phones.

***Desktop/Personal & Operator Call Manager Software are Windows-based applications***

You have received special pricing on your initial system post install pricing will differ

Approved and Accepted By:

Date:

Printed Name:

02/11/14 Printed By James

Page 1 Of 1  
 86

To      City of Banning  
99 East Ramsey Street  
Banning, CA 92220  
United States  
(951) 922-3133

# Proposal SCHEDULE

**Business  
Telecommunication  
Systems, Inc.**  
*Serving all your voice & data needs*  
649 Bateman Circle - Corona, CA 92880  
(951) 272-3100 - Fax (951) 493-3033 - [www.bts1981.com](http://www.bts1981.com)

Customer Contact: Patrick Stephens  
pstephens@ci.banning.ca.us

BTS Contact, Matt Peters



2/11/2014

Quote #: AAAQ8043

Prices good for 30 days

## **Proposal to install and configure 8 Port IP Fax Finder.**

BTS Contact, Matt Peters

QTY	Part Number	DESCRIPTION	Unit Your Price
8	B019.9821	SHORETEL SIP DEVICE LICENSE TRUNK  3rd Party Equipment	31.05
1	B061.0620	FAXFINDER 2 PORT IP FAX SERVER BASE T.38	2,199.00
3	B061.0630	FAXFINDER 2 PORT IP FAX SERVER EXPANSION	800.00
1	Misc	Fax FINDER 2 YEAR EXTENDED WARRANTY  Partner Support	702.00
1		1 Year Gold+ Partner Support per Master Warranty and Support Agreement	
1		Business Telecommunication Systems On-Site Professional Services	
		  TOTAL DISCOUNT \$	151.60
		SHORETEL HARDWARE AND SOFTWARE \$	248.40
		PARTNER SUPPORT \$	41.40
		PARTS AND EQUIPMENT \$	5,301.00
		PROFESSIONAL SERVICES \$	650.00
	Tax	443.95	
			<b>TOTAL \$</b>
			<b>6,684.75</b>

**Approved and Accepted By**

Date:

Printed Name: \_\_\_\_\_

Purchase Order # If Required

Page 1 Of 1

To: City of Banning  
99 East Ramsey Street  
Banning, CA 92220  
United States  
(951) 922-3133

**Proposal  
SCHEDULE**

**Business  
Telecommunication  
Systems, Inc.**  
Serving all your voice & data needs  
549 Bateman Circle - Corona, CA 92880  
(951) 272-3100 - Fax (951) 493-3033 - www.bts1981.com



Customer Contact Patrick Stephens  
pstephens@ci.banning.ca.us

BTS Contact: Matt Peters

Quote # AAAQ8036

Prices good for 30 days

2/11/2014

Provide the following Headsets:

QTY	Part Number	DESCRIPTION	Unit	Your Price
15	Q040 0202	HEADSET PLANTRONICS WIRELESS HEADSET CONVERTIBLE		235.90
15	Q040.0298	HEADSET PLANTRONICS HOOKSWITCH ADAPTER		24.99
				<b>TOTAL DISCOUNT \$ 131.10</b>

<b>PARTS AND EQUIPMENT \$ 3,913.35</b>
<b>PROFESSIONAL SERVICES NOT INCLUDED IN PROPOSAL \$ 0.00</b>

Tax 313.07

**TOTAL \$ 4,226.42**

Terms: Per Contract

Approved and Accepted By

Date:

Printed Name  
02/11/14 Printed By James

Purchase Order # If Required  
Page 1 Of 1

88

To City of Banning  
99 East Ramsey Street  
Banning, CA 92220  
United States  
(951) 922-3133

**Proposal  
SCHEDULE**

**Business  
Telecommunication  
Systems, Inc.**  
Serving all your voice & data needs  
849 Bateman Circle - Corona, CA 92880  
(951) 272-3100 - Fax (951) 493-3033 - www.bts1981.com



BTS Contact: Matt Peters

Customer Contact Patrick Stephens  
pstevens@ci.banning.ca.us

Quote # AAAQ8037 Prices good for 30 days 2/11/2014

Provide the following ShoreTel equipment:

QTY	Part Number	DESCRIPTION	Unit Your Price
10	P019 6800	SHORETEL IP POWER ADAPTOR	35.00

SHORETEL HARDWARE AND SOFTWARE \$ 350.00

PROFESSIONAL SERVICES NOT INCLUDED IN PROPOSAL \$ 0.00

Tax \$ 28.00 TOTAL \$ 378.00

Terms: Per Contract

Approved and Accepted By

Date:

Printed Name  
02/11/14 Printed By James

Purchase Order # If Required  
Page 1 Of 1

89

To City of Banning  
99 East Ramsey Street  
Banning, CA 92220  
United States  
(951) 922-3133

**Proposal  
SCHEDULE  
Optional Equipment**

**Business  
Telecommunication  
Systems, Inc.**

*Serving all your voice & data needs*  
549 Bateman Circle - Corona, CA 92880  
(951) 272-3100 - Fax (951) 493-3033 - [www.bts1981.com](http://www.bts1981.com)



Customer Contact Patrick Stephens  
[pstephens@ci.banning.ca.us](mailto:pstephens@ci.banning.ca.us)

BTS Contact: Matt Peters

Quote # AAAQ8041

Prices good for 30 days

2/11/2014

*Integrate ShoreTel to Mitel phone system using ShoreTel T1k at City of Banning Police Station:*

QTY	Part Number	DESCRIPTION	List Price Each	Your Price Each
1	E019 6802	SHORETEL SHOREGEAR (k) T1/PRI 9.5 wide	3,495.00	2,170.40
1	W019.2001	SHORETEL RACK TRAY FOR 1/2 WITH SWITCHES	95.00	59.00
		<b>Partner / Support Professional Services</b>		
1		1 Year Gold+ Partner Support per Master Warranty and Support Agreement		
1		Business Telecommunication Systems Professional Services		

\*Requires Mitel Technician to assist with Integration

<b>TOTAL DISCOUNT \$</b>	<b>1,360.60</b>
<b>SHORETEL HARDWARE AND SOFTWARE \$</b>	<b>2,229.40</b>
<b>PARTNER SUPPORT \$</b>	<b>371.57</b>

<b>PROFESSIONAL SERVICES \$</b>	<b>1,300.00</b>
---------------------------------	-----------------

Tax 178.35

**TOTAL \$ 4,079.32**

Terms: Per Contract

Approved and Accepted By

Date:

Printed Name  
02/11/14 Printed By James

Purchase Order # If Required  
Page 1 Of 1  
90

**Business  
Telecommunication  
Systems, Inc.**

*Serving all of your voice and data needs since 1981*

**TELECOMMUNICATION SYSTEM PURCHASE AGREEMENT**

The undersigned, whose address is set forth below (the "Customer"), and Business Telecommunication Systems Inc., of 549 West Bateman Circle, Corona, California 92880 (the "Seller"), in consideration of the promises made herein and intending to be legally bound, agree as follows:

Executed this day of  
Between Business Telecommunication Systems, Inc. and **City of Banning- City Hall**

System to be installed at: **99 East Ramsey Street,  
Banning, CA. 92220**

Estimated Cut Date

<b>Purchase Schedule:</b>	Installed Price	<b>\$102,344.02</b>
	Tax (Material Only)	<b>\$6433.32</b>
<b>Payment Type:</b>	Total Installed Price	<b>\$ 108,777.34</b>

**50% Deposit Upon Signin: \$54,388.68**

**40% Due Upon Delivery of Equipment: \$43,510.94**

**10% Due Net Ten Days after Delivery of Equipment: \$10,877.72**

Note: Should Purchaser prefer a lease transaction, Purchaser shall enter into a binding agreement with a leasing company or other financial institution satisfactory to "Seller" providing for a lease of the System by "Purchaser" from Lessor. Seller will assist and cooperate with Purchaser in arranging for such lease and Purchaser shall deposit with Seller at the time of this order an amount equal to 15% of the total installed price, and upon acceptance of the system, Seller will be paid the total installed price specified above, less all deposits paid under the terms of this agreement and amounts due Seller by Purchaser through charges in the sales not incorporated in the lease. Seller shall not be required to commence in the installation of the Equipment until it has received a fully executed copy of a satisfactory lease agreement, including all lease terms and conditions.

**1. PURCHASE OF TELECOMMUNICATION SYSTEM**

1.1 Agreement to Purchase. Customer agrees to purchase from Seller and Seller agrees to sell to Customer the telecommunications equipment listed on the purchase schedule attached hereto as attached Schedule(s) and incorporated herein by reference (the "Equipment" [the "Purchase Schedule"]).

1.2 Purchase Price. The purchase price for the Equipment shall be as set forth on the Purchase Schedule.

1.3 Site Preparation. Prior to the installation of the Equipment, Customer shall prepare the installation site in accordance with Seller's installation procedures as specified in Seller's Current Installation Manual. Such preparation shall include, but in no way be limited to, (i) providing suitable space for the equipment, backboard, A/C power and conduits, (ii) arranging for access to the site, (iii) providing necessary maintenance personnel as requested by Seller, and (iv) providing the consent of landlord.

1.4 Responsibility for Installation. Customer shall specify the location for the installation for the Equipment and Seller shall install the Equipment in accordance with manufacturer's instructions and perform inspection and diagnostic checks of the Equipment using the manufacturer's standard test procedure. It is the responsibility of the customer to provide parking access for service vehicles. Any parking fees are the responsibility of the customer. It is the responsibility of the customer to pay any and all installation charges to bring telephone lines to the backboard.

1.5 Warranty of Title. Seller warrants that it has good title to the Equipment and the right to sell it to Customer free of any proprietary rights of any other party or any other encumbrance whatsoever.

**THE "MASTER WARRANTY AND SUPPORT PLAN" ARE AN INTEGRAL PART OF THIS AGREEMENT**  
*The Master Warranty and Support documents have all information regarding Warranty and Support for equipment and services being purchased on this agreement*

Customer Signature \_\_\_\_\_ Date \_\_\_\_\_

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## **Master Warranty and Support Agreement**

### **2. LIMITED WARRANTY**

2.1 **Limited Warranty**. The Equipment furnished hereunder is warranted to be free from any defects in materials and workmanship for a period of 90 days from date of delivery by seller. Customer may purchase an extended Support Plan to cover equipment beyond the 90 day Warranty. Maintenance Support Plans will supersede Limited Warranty if coverage is greater.

2.2 **Warranty Service** Seller shall, at its own expense and option, either repair or replace the defective Equipment during the warranty period, provided that Customer has notified Seller and, upon inspection by Seller, Seller has found the Equipment to be defective. Customer's sole and exclusive remedy hereunder shall be limited to repair or replacement specified herein.

2.3 **Warranty Service Charges** Notwithstanding the provisions of Section 2.1, if Customer requires warranty services other than during Seller's normal business hours, on site service calls necessitated do to no remote access, or if customer has not purchased a Diamond Support Plan, that service will be provided on a best efforts basis at Seller's then-current hourly rate. Warranty service for Equipment located outside of Seller's standard service area shall be provided at Seller's then-current time and travel charges.

2.4 **Warranty Conditions** The foregoing warranties are contingent upon the proper use of the equipment in accordance with the instructions and specifications published by the manufacturer and or seller and may not apply to any equipment that has been repaired or modified by persons other than the seller.

2.5 **Warranty Disclaimer** The express warranties set forth in this agreement are in lieu of all other warranties, express or implied, including without limitation, any warranties of merchantability or fitness for a particular purpose. BTS does not warrant toll fraud and the cost incurred by toll fraud.

2.6 **Title** Title to the Equipment shall remain with the seller and not pass to Customer until the date on which final payment is made.

2.7 **Risk of Loss** Prior to the date of delivery, the risk of loss to the equipment shall be on the seller. The risk of loss shall pass to customer on the date of delivery or if common carrier is used at EXW.

2.8 **Service**. Service shall commence on the Date of Delivery or in the event Customer exercises its option to purchase an extended Support Plan, the date specified on the attached Support Plan purchase order and shall continue for an initial period shown on equipment schedule.

### **3. SUPPORT AGREEMENT PLANS**

3.1 **Agreement to Provide Maintenance Support Coverage**. Upon expiration of the Limited Warranty as herein provided, Seller agrees, at Customer's option, to provide the following Maintenance Support Coverage Plans.

(a) **Diamond+** Our Diamond+ Plan covers software up-dates and hardware listed on the schedule of equipment. Service will be provided 24/7 per section 4.1 of this contract. All technical support calls to our customer support center are included in the Diamond+ Plan. Site visits are covered for all major and minor system failures during normal business hours. Site visits are included 24/7 for all major system failures.

(b) **Diamond**: Our Diamond Plan covers software up-dates and hardware listed on the schedule of equipment. Service will be provided 8am to 5pm Monday through Friday per section 4.1 of this contract. Technical support calls to our customer support center are included in the Diamond Plan and are available during normal business hours. Emergency support calls are available 24/7. Site visits are covered for all major system failures and are available during normal business hours.

(c) **Platinum+**: Our Platinum+ plan covers software up-dates and hardware listed on the schedule of equipment. Service is available during our normal business hours Monday through Friday 8am to 5pm, except holidays per section 4.1 of this contract. All on-site calls will be charged at our normal service fees. Emergency Technical support calls are included and are available 24/7.

(d) **Platinum**: Our Platinum plan covers software up-dates and hardware listed on the schedule of equipment. Service is available during our normal business hours Monday through Friday 8am to 5pm, except holidays per section 4.1 of this contract. All on-site calls will be charged at our normal service fees. All technical support calls to our support center during normal business hours are included. All support after normal business hours will be charged at our overtime rate.

(e) **Gold+**: Our Gold+ plan covers software up-dates and ShoreTel listed Switches excludes all phones. All technical support calls to our support center are available during our normal business hours 8am to 5pm Monday through Friday, except holidays per section 4.1 of this contract. Emergency technical support calls are included and are available 24/7.

(f) **Gold**: Our Gold plan covers software up-dates and listed ShoreTel Switches excludes all phones. Technical support calls to our support center are included and are available during our normal business hours Monday through Friday 8am to 5pm, except holidays per section 4.1 of this contract. All support after normal business hours will be charged at our overtime rate.

(g) **Orange+**: Our Orange+ plan covers all technical support calls to our support center during our normal business hours 8am to 5pm Monday through Friday, except holidays per section 4.1 of this contract. Emergency technical support calls are included and are available 24/7. Orange+ plan excludes software up-dates ShoreTel phones and switches.

3.2 **Payment of Charges**. Customer agrees to pay all maintenance support charges billed by Seller. All charges for services, whether annually, quarterly or monthly will be invoiced in advance.

3.3 **Term of Agreement Plans** Support plans in section 3 of this agreement will be for a 1, 3 or 5 year term per per schedule 1A or extended support plan agreement unless otherwise specified. Support plans are non-refundable.

### **4. GENERAL TERMS AND CONDITIONS**

The general terms and conditions contained in this Section shall apply to any Equipment sold and Services furnished to Customer pursuant to this Agreement.

4.0 **Exclusions** Services do not include any of the following:

- (a) Electrical work external to the Equipment;
- (b) Unless specifically agreed to in writing, the maintenance of accessories, attachments or other devices;
- (c) Service as stated by supplying items not furnished by Seller;
- (d) Service connected with relocation of the Equipment;
- (e) Service that is unsafe or impractical for Seller to render because of alterations in the Equipment or their connection by mechanical or electrical means to machines or devices not furnished by Seller;
- (f) Service on Equipment that Seller determines has been located in an unsafe or hazardous environment;

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- (g) Service necessitated by elements external to the Equipment that are not within Seller's specifications including, but not limited to, lighting, humidity, temperature, power supply, or air conditioning;
- (h) Service necessitated by accident, neglect, alterations, or improper use or misuse of the Equipment, or
- (i) Service necessitated by repairs or service attempted by persons other than Seller's personnel
- (j) Replacement or repair of internal or external cabling.
- (k) Testing or trouble-shooting of customer's data network, local area network or wide area network

**4.1 Time Services are Available.**

Services will be available seven (7) days a week, twenty-four (24) hours a day. Response time is defined as within four (4) hours of major system failures and within twenty-four (24) hours for minor system failures. Major system failures are defined as the inability to make or receive in or outgoing calls (that being 50% or more of the system is unable to process calls). Minor system failures are defined as other than major system failures. Normal business hours are 8.00 a.m. to 5.00 p.m., Monday through Friday, excluding holidays. Minor system failures corrected at other than normal business hours or service not covered by warranty will be charged at time and material rates.

**4.2 Scope of Coverage.** Seller agrees to provide services based on the specific performance standard needs of individual Equipment items as determined by Seller. Services shall be both preventative and remedial and shall include hardware and software adjustments and replacement parts when deemed necessary by Seller. Replacement parts shall be furnished on an exchange basis if a Diamond or Platinum Support Plan is in force and when installed by Seller and shall be new or equivalent to new in performance. Replaced parts shall become the property of Seller.

**4.3 Acceptance.** Subject to the provisions of Section 1, satisfactory completion of Seller's standard test procedures on the Equipment installed by Seller and the execution of a report form verifying such test completion by representatives of Customer and Seller shall be sufficient to establish acceptance of the Equipment by Customer.

**4.4 Payment and Credit.**

**4.4.1** Unless otherwise agreed in writing, payment for Products or Services hereunder shall be made upon presentation of invoice. Payment for Products or Services for customers with pre-approved credit will be due within 10 days of invoice date.

**4.4.2** If in Seller's judgment the financial condition of Customer at any time does not justify the commencement or the continuation of Delivery on terms specified herein, Seller may, in addition to all the remedies it may have at law or in equity, make a written demand for full or partial payment in advance, suspend performance until the payment is made, or cancel Customer's order.

**4.4.3** If Customer fails to pay any charges when due and payable, Customer agrees that Seller shall have the right to invoice and Customer shall pay all costs, including reasonable attorney's fees expended in collecting overdue charges and a late payment charge of one and one-half percent (1-1/2%) per month, but not in excess of the lawful maximum on the unpaid balance.

**4.4.4 Service Charge Changes.** Seller may at any time change its charges for services.

**4.4.5 Taxes.** All of the prices provided for, by this Agreement, are exclusive of all federal, state, municipal, or other political subdivision excise, sales, use, property, occupational, or like taxes now in force or enacted in the future and are therefore subject to increase equal to any such taxes Seller may be required to collect or pay upon the sale or delivery of the Equipment or Services purchased hereunder, except taxes based on Seller's income.

**4.4.6 Security Interest.** Customer hereby grants Seller a security interest in the Equipment to secure full payment therefore. Customer agrees that upon Seller's request, it will execute and deliver to Seller a financing statement and other documents evidencing the security interest satisfactory for filing with the appropriate authorities.

**4.4.7 Failure to Pay.** Failure of Customer to pay any charges when due shall constitute cause for Seller to suspend or terminate Services under this Agreement.

**4.5 Customer Training.** Customer shall be entitled to training services for the Equipment provided pursuant to this Agreement. "Training Services" shall include, among other things, assistance in the training of Customer personnel.

**4.6 Termination.** Seller shall have the right to terminate this Agreement in the event the occurrence of any one of the following is not remedied within five (5) days following written receipt of notice thereof:

- (a) failure of Customer to make financial arrangements satisfactory to Seller for the purchase of the Equipment or Services;
- (b) Customer's failure or neglect to perform or observe any of its existing or future obligations under this Agreement, including, without limitation, (i) the timely payment of any sums due to Seller, or (ii) unauthorized personnel servicing or moving the Equipment,
- (c) Any assignment of Customer's business for the benefit of creditors;
- (d) The filing of a petition in bankruptcy by or against Customer;
- (e) The appointment of a receiver, trustee in bankruptcy, or similar officer to take charge of all or part of Customer's property, or
- (f) The adjudication of Customer as bankrupt.

**4.7 Limitation of Remedies.** Customer agrees that the sole remedies for the breach of any warranties contained in this Agreement and the sole remedies for Seller's liability of any kind with respect to the Equipment or Services provided pursuant to this Agreement shall be limited to the remedies provided in this Agreement. Customer further agrees that in no event shall Seller's liability to Customer for damages of any nature exceed the total charges paid or payable for either: (i) the total charges paid or payable for Services during one (1) year under this Agreement if the liability arises from Service, or (ii) the purchase price of the Equipment if the liability results therefrom.

**4.8 Consequential Damages.** **CUSTOMER AGREES THAT SELLER SHALL NOT BE LIABLE FOR ANY SPECIAL, INCIDENTAL, INDIRECT, OR CONSEQUENTIAL DAMAGES OR FOR THE LOSS OF PROFIT OR REVENUE ARISING OUT OF THE SUBJECT MATTER OF THIS AGREEMENT, EVEN IF SELLER SHALL HAVE BEEN ADVISED OF THE POSSIBILITY OF SUCH POTENTIAL LOSS OR DAMAGE.**

**4.9 Other Products.** Customer agrees that Seller shall have no responsibility for any equipment or other items or any services provided by any person other than Seller.

**4.10 Notices.** Unless otherwise provided in this Agreement, any notice required or committed by this Agreement to either party shall be deemed to be duly given if in writing or delivered personally or mailed by first-class, registered, or certified, postage pre-paid and addressed to the address of Customer or Seller as set forth below.

**4.11 Assignment of Contract.** Customer shall not assign this Agreement or its rights thereunder without the prior written consent of Seller. Any attempt to make such an assignment without Seller's consent shall be void.

**4.12 Non-Waiver.** Customer and Seller agree that no failure to exercise, and no delay in exercising any right, power or privilege under this Agreement on the part of either party shall operate as a waiver of any right, power, or privilege hereunder shall preclude further exercise thereof.

**4.13 Severability.** If any part of this Agreement shall be adjudged invalid by any court of competent jurisdiction, that judgment shall not affect or nullify the remainder of this Agreement and its effect shall be confined to the part immediately involved in the controversy adjudged.

**4.14 Governing Law.** The Agreement shall be deemed to have been made in, and shall be construed pursuant to, the laws of the State of California.

4.15 Entire Agreement Customer acknowledges and agrees that this Agreement is the complete and exclusive statement of the mutual understandings of the parties and that this Agreement supersedes and cancels all previous written and oral agreement and communications relating to the subject matter of this Agreement.

4.16 Attorneys' Fees If any legal action is necessary to enforce the terms of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees in addition to any other relief to which that party may be entitled. This provision shall be construed as applicable to the entire Agreement.

4.17 Effect of Purchase Order In the event of any conflict between this Agreement and the terms and conditions of any purchase order or similar document pursuant to which Customer entered into this Agreement, the terms and conditions of this Agreement shall control.

4.18 CANCELLATION IN THE EVENT CUSTOMER CANCELS ITS PURCHASE PRIOR TO SELLER COMMENCING THE PROCUREMENT OF EQUIPMENT LISTED ON SCHEDULE(S) OR DESIGN AND ENGINEERING OF EQUIPMENT LISTED ON SCHEDULE(S), CUSTOMER AND SELLER AGREE THAT BASED UPON THE CIRCUMSTANCES NOW EXISTING KNOWN AND UNKNOWN, IT WOULD BE IMPRACTICAL OR EXTREMELY DIFFICULT TO ESTABLISH SELLER'S DAMAGES BY REASON OF SUCH CANCELLATION ACCORDINGLY, CUSTOMER AND SELLER AGREE THAT IT WOULD BE REASONABLE AT SUCH TIME TO AWARD SELLER LIQUIDATED DAMAGES EQUAL TO 15% OF THE PURCHASE PRICE.

4.19 Local Telephone Company Charges Any and all charges billed to Customer by local and/or long distance telephone companies shall be the sole responsibility of Customer. Seller will not pay any charges billed to customer by local and/or long distance carrier without prior written consent.

4.20 Automatic Route Selection (ARS) – Seller will program Customer's ARS on the Telephone System only with authorized Routing Tables.

Customer must sign and authorize Routing Tables. Seller will be responsible for database programming of ARS only. Every reasonable effort will be made to ensure accurate database entry and operation of ARS. Customer will be responsible for checking their telephone company bills for any discrepancies. Customer must notify Seller of any discrepancies within 60 days. If Customer finds that the ARS is not routing per the approved routing tables, Seller will re-program the phone systems ARS database at no cost to the Customer. If routing tables are incorrect, BTS will require revised routing tables to be approved and signed by Customer and additional programming charges will apply.

4.21 Maintenance of Site Conditions. Throughout the term of this Agreement, Customer shall maintain site conditions in compliance with specifications provided by Seller prior to installation of the Equipment.

4.22 TOLL FRAUD. While this device is designed to be reasonably secured against intrusions from fraudulent callers, it is by no means invulnerable to fraud. Therefore no express or implied warranty is made against such fraud including interconnection to the long distance network.

4.23 Seller's Employees Client agrees that Client (and any of its affiliates or subsidiaries) shall not hire or attempt to hire as an employee, independent contractor, or otherwise either a current or terminated employee of Company during the term of this Agreement and for a period of one (1) year after termination of this Agreement without the prior written consent of an authorized representative of Company. Client and Company mutually acknowledge and agree that it would be impractical and extremely difficult to ascertain the amount of monetary damages that would be caused by a breach by Client of this provision. Therefore, Client and Company mutually agree that in the event of a breach by Client in any way of this Agreement, Client shall pay the Company as liquidated damages, an amount equal to One Hundred Fifty Thousand Dollars (150,000.00). This amount is an effort by both parties to properly and reasonably assess the damages that Company would suffer as a direct result of a breach by Client, taking into account the following facts and circumstances. (a) an average employee working for Company will generate significant net revenue for the Company and remain employed by the Company for an extended period of time often in excess of ten or more years; (b) the Company will lose significant revenue and incur significant costs in connection with attempting to replace such employee; (c) there is no guarantee that such employee will be replaced, and (d) accurately assessing the value of such employee to the Company upon such breach is virtually impossible. In light of these circumstances, Client and Company mutually agree that this liquidated damages provision represents reasonable compensation to Company for the losses that it would incur due to any such breach. Client and Company further acknowledge and agree that nothing in this paragraph shall limit Company's right to obtain injunctive relief or any other damages including, but not limited to, punitive, consequential, special, or any other damages, as may be appropriate.

4.24 Voice Over IP Customer agrees to meet all network requirements for Voice Over IP (VoIP) and Quality of Service (QOS). Customer agrees to pay all costs incurred by BTS for network analysis for VoIP. BTS does not guarantee QOS over any network that does not maintain and guarantee QOS and have a service level agreement with service provider. Packet loss less than 1%, latency and jitter less than 100ms, prioritization of voice packets over the network.

4.25 Remote Access Customer agrees to maintain Vonetco remote access to BTS personnel at all times for remote programming and administration of telecommunications equipment. Customer agrees to pay on-site service fee due to no remote access. Customer grants BTS authorization to view any data within the regular routine of the repair or system improvement. Customer also authorizes BTS to reasonably delete, change, and/or rewrite any necessary information to complete the system repair or improvement that is consistent with the standards and practices in the industry.

4.26 Customer database. In the event of loss of operating system software and/or customer database the following will apply: (a) On BTS supplied servers: BTS will restore operating system software. BTS will restore from customer backup, Customer database. In the event that there is not a working customer database backup, customer will be invoiced for all charges to rebuild customer's database. (b) On Customer supplied servers: BTS will provide support to customer to restore operating system software. BTS will provide support to restore from customer backup, Customer database. In the event that there is not a working customer database backup, customer will be invoiced for all charges to rebuild customer database. **Customer is responsible to maintain a current backup of customer database.**

CUSTOMER:  
BY:

---

SIGNATURE

---

PRINT NAME

---

DATE

---

TITLE

ACCEPTED: BUSINESS TELECOMMUNICATION SYSTEMS, INC.  
BY:

---

SIGNATURE

---

PRINT NAME

---

DATE

---

TITLE

To City of Banning  
99 East Ramsey Street  
Banning, CA 92220  
United States  
(951) 922-3133

Customer Contact: Patrick Stephens  
pstevens@ci.banning.ca.us

**VONETCO**  
**ShoreTel**  
**Support Agreement**  
**Equipment Schedule**

**Business**  
**Telecommunication**  
**Systems, Inc.**

*Serving all your voice & data needs*

549 Bateman Circle - Corona, CA 92880  
(951) 272-3100 - Fax (951) 493-3033 - [www.bts1981.com](http://www.bts1981.com)

BTS Contact: Kim Irey

Quote # AAAQ1560

2/11/2014

Per our Master Warranty and Support Agreement, we are pleased to provide the following support options. Orange Plus is for support calls only. Gold support is for software and hardware where as platinum and diamond also covers IP phones. We recommend Platinum Plus as our best value because it will cover all listed software, hardware and IP phones.

QTY	PART NUMBER	DESCRIPTION
<b>ShoreTel Hardware</b>		
2	A019.6823	SHORETEL SHOREGEAR 220A T1 AND VOICE SW
1	A019.6805	SHORETEL SHOREGEAR 50 VOICE SWITCH
1	A019.6803	SHORETEL SHOREGEAR 30 VOICE SWITCH
2	E019.6802	SHORETEL SHOREGEAR (K) T1/PRI 9 5 wide
1	E019.6950	SA-100 APPLIANCE TO HOST CONFERENCING & MESSAGING
<b>ShoreTel Software</b>		
93	B019.6800	SHORETEL EXTENSION & MAILBOX LICENSE
2	B019.6801	SHORETEL EXTENSION ONLY LICENSE
3	B019.6806	SHORETEL OPERATOR CALL MANAGER SOFTWARE
1	B019.6808	SHORETEL SUPERVISOR CALL MANAGER SOFTWARE
3	B019.9802	SHORETEL ADDITIONAL SITE LICENSE
1	B019.9812	SHORETEL DVM DISTRIBUTED VOICE MAIL LIC
8	B019.9821	SHORETEL SIP DEVICE LICENSE TRUNK
1	E019.6940	10 CONCURRENT AUDIO CONFERENCING PORTS
1	E019.6943	10 CONCURRENT WEB CONFERENCING PORTS
93	B019.6805	SHORETEL PERSONAL CALL MANAGER SOFTWARE
1	B810.1000	VONETCO REMOTE ADMINISTRATION SOFTWARE AND SERVER MONITORING
1	B810.1001	1 YEAR SUBSCRIPTION SERVER SECURITY
<b>ShoreTel ECC</b>		
1	B019.7750	SHORETEL ECC BASE 10 PACKAGE
1	B019.7773	ECC 8 SUPERVISOR LICENSE
2	B019.7771	ECC 8 WEB LICENSE
<b>ShoreTel IP Phones</b>		
92	G019.6725	SHORETEL SHOREPHONE IP EIGHT LINE COLOR 485G
3	Q019.6100	SATELLITE MICROPHONES for IP655 PHONE (set of 2)
3	G019.6730	SHORETEL SHOREPHONE IP 655 TOUCH SCREEN

For a description of plan coverage please see the attached documents. Support Plans are governed by Business Telecommunication Systems Master Warranty and Support Agreement and ShoreTel terms and conditions. Only above listed equipment is covered by this Support Agreement. Additional ShoreTel equipment added will be invoiced separately. Customers responsibility to backup ShoreTel database. Orange Plus is a BTS support plan customer calls to Manufacturer hardware and software up-grades not included.

Approved and Accepted By

Date

Printed Name:

Please Circle Desired Support Plan and sign below.

	Orange Plus	Gold	Gold Plus	Platinum	Platinum Plus
3 Year Total Plan	7,115.57	13,006.10	13,566.95	21,632.20	22,830.86
5 Year Total Plan	14,100.80	25,683.18	26,890.19	42,770.80	44,445.67

Above Support Plans must be purchased at time of original order. 1st year support is covered under schedule 1A additional years are covered under option circled. 3 and 5 year plans start from delivery date of the equipment.

For a description of plan coverage please see the attached documents. Support Plans are governed by Business Telecommunication Systems Master Warranty and Support Agreement and ShoreTel terms and conditions. Only above listed equipment is covered by this Support Agreement. Additional ShoreTel equipment added will be invoiced separately. Customers responsibility to backup ShoreTel database. Orange Plus is a BTS support plan customer calls to Manufacturer hardware and software up-grades not included.

Approved and Accepted By.

Date

Printed Name.

02/12/14 Printed By Kim

## CITY COUNCIL AGENDA

**Date:** February 25, 2014

**To:** Honorable Mayor and City Council

**From:** Fred Mason, Electric Utility Director

**Subject:** Resolution No. 2014-14, Awarding the Bid for Project No. 2014-01EL  
Sunset Grade Separation Phase 2 – Underground Electrical Substructures

**RECOMMENDATION:** Adopt Resolution No. 2014-14, awarding the bid for the Sunset Grade Separation Phase 2 – Underground Electrical Substructures contract to Perry C. Thomas Construction, Inc. of Monrovia, California, in the amount of \$181,641.00 (One Hundred Eight-One, Six Hundred Forty-One Dollars and No Cents) including taxes. The Administrative Services Director is authorized to approve change orders within the 10% contingency of \$18,164.10.

**JUSTIFICATION:** The conversion of electrical utilities from overhead to underground on Sunset Avenue between Lincoln Street and Ramsey Street is required to accommodate the grade separation to be performed at this location on Sunset Avenue over an 18-month period beginning in the 2013/2014 Fiscal Year.

**BACKGROUND:** The County of Riverside recognized a need to improve traffic circulation and emergency access north and south of the I-10 Freeway in relation to the existing UPRR railroad crossing. The proposed project will require that Sunset Avenue be lowered and UPRR be raised in order to obtain sufficient vertical clearance between the roadway and railroad tracks. A new railroad bridge structure will be constructed, and Sunset Avenue will be reconstructed to maintain two existing through lanes in each direction with added sidewalks for pedestrian circulation. The existing on/off ramps at the I-10/Sunset Avenue interchange will be reconstructed to accommodate the change in elevation.

The Sunset Grade Separation Phase 2 – Underground Electrical Substructures project is the second of a three phase project that is being completed by the City of Banning Electric Utility Department. The City's high voltage distribution overhead electric lines on Ramsey Street and Sunset Avenue will need to be installed underground to accommodate the beautification of the Sunset Avenue underpass. Phase 2 will consist of the installation of new conduit, electrical vaults, transformer pads, and relocation of existing underground electrical utilities to coincide with the vertical grade separation at Sunset Avenue. The third and final phase of the Electric Utility's Sunset Grade Separation project will add two (2) future base-plate poles to be installed within the overhead utility realignment that was completed as part of Phase 1. This will be coordinated in a separate contract.

Staff solicited bids for the Sunset Grade Separation Phase 2 – Underground Electrical Substructures and received five bid proposals. The five proposals were submitted by:

1. International Line Builders, Inc., Riverside, CA at \$218,657.00
2. Stronghold Engineering, Inc., Riverside, CA at \$443,139.00
3. Perry C. Thomas Construction, Inc., Monrovia, CA at \$181,641.00
4. Henkels & McCoy, Inc., Pomona, CA at \$249,106.00
5. Southern California West Coast Electric, Inc., Beaumont, CA at \$219,221.00.

The proposals were evaluated by staff as well as the Electric Department's design consultant, Mullen & Associates, Inc., and it was determined that Perry C. Thomas Construction's proposal best meets the requirements of the City and is also the lowest responsible bidder.

**FISCAL DATA:** The total project cost is equal to \$199,805.10, which includes the bid amount of \$181,641.00, and a 10% construction contingency in the amount of \$18,164.10. Account 673-7000-473.93-02 currently has a balance of \$102,234.98. An appropriation of funds in the amount of \$97,570.12 from the Electric Capital Improvement Fund to account 673-7000-473.93-02, Sunset Grade Separation is necessary to complete the Sunset Grade Separation Phase 2 – Underground Electrical Substructures project.

**RECOMMENDED BY:**

  
\_\_\_\_\_  
Fred Mason  
Electric Utility Director

**APPROVED BY:**

  
\_\_\_\_\_  
June Overholt  
Acting City Manager

Prepared by Brandon Robinson

**RESOLUTION NO. 2014-14**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING  
AWARDING THE BID FOR THE SUNSET GRADE SEPARATION PHASE 2 –  
UNDERGROUND ELECTRICAL SUBSTRUCTURES CONTRACT**

**WHEREAS**, the City of Banning owns and operates its Municipal Electric Utility; and

**WHEREAS**, it is essential that the City of Banning continues to maintain and upgrade electric utility systems to accommodate projects within the city limits; and

**WHEREAS**, the City of Banning adopted Resolution 2013-42 which approved the construction of the Sunset Grade Separation project; and

**WHEREAS**, Staff solicited bids and received five bid proposals for the Sunset Grade Separation Phase 2 – Underground Electrical Substructures; and

**WHEREAS**, Perry C. Thomas Construction, Inc. of Monrovia, CA is the lowest responsible bidder as shown on Exhibit “A”.

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Banning as follows:

**SECTION 1.** Adopt Resolution No. 2014-14, approving the bid award, in the amount of \$181,641.00, for the Sunset Grade Separation Phase 2 – Underground Electrical Substructures contract to Perry C. Thomas Construction, Inc. and allowing a 10% contingency of \$18,164.10 and rejecting all other bids.

**SECTION 2.** The City Manager is authorized to execute the contract agreements for Project No. 2014-01EL “Sunset Grade Separation Phase 2 – Underground Electrical Substructures.” This authorization will be rescinded if the contract agreements are not executed within sixty (60) days of the date of this resolution.

**SECTION 3.** Authorize the Administrative Services Director to complete the necessary account transfers as required for the completion of said project and to approve change orders within the 10% contingency of \$18,164.10.

**PASSED, APPROVED AND ADOPTED** this 25<sup>th</sup> day of February, 2014.

---

Deborah Franklin, Mayor  
City of Banning

ATTEST:

---

Marie A. Calderon, City Clerk

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

---

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

**CERTIFICATION**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2014-14 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 25<sup>th</sup> day of February 2014 by the following vote, to wit:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

---

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

**RESOLUTION NO. 2014-14**

**EXHIBIT "A"**

**SUMMARY OF BIDS RECEIVED FOR PROJECT 2014-01EL SUNSET GRADE  
SEPARATION PHASE 2 – UNDERGROUND ELECTRICAL SUBSTRUCTURES**

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SUMMARY OF BIDS RECEIVED

CITY OF BANNING

PROJECT NO.: 2014-01EL

DESCRIPTION: Sunset Grade Separation Phase 2 – Underground Electrical Substructures

BID OPENING DATE: February 13, 2014

TIME: 1:30 P.M.

NAME OF BIDDER:	Acid, 1	Acid, 2	BID BOND	TOTAL BID AMOUNT:
International Line Builders Inc. Riverside, CA	✓	✓	✓	218,657.00
Stronghold Engineering Inc. Riverside, CA	✓	✓	✓	443,139.00
Perry C. Thomas Const, Inc. Monrovia, CA	✓	✓	✓	181,641.00
Henkels & McCoy, Inc. Pomona, CA	✓	✓	✓	249,106.00
Southern California West Electric, Inc. Beaumont, CA	✓	✓	✓	219,221.00

VERIFIED BY:

Mike Robison  
Paul L. Califf, City Clerk

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## CITY COUNCIL AGENDA

**DATE:** **February 25, 2014**

**TO:** **Mayor and Members of the City Council**

**FROM:** **June Overholt, Interim City Manager**

**SUBJECT:** **Transient Occupancy Tax (TOT) Ballot Measure**

**RECOMMENDATION:**

1. That the City Council Approve Resolution No. 2104-12, a Resolution of the City Council of the City of Banning calling and giving notice of a special municipal election on Tuesday, June 3, 2014, for the submission to the voters of the City a proposed ordinance amending the City's transient occupancy tax; unanimously declaring a fiscal emergency under Proposition 218 and in accordance therewith requesting the County of Riverside to consolidate the City's Special Election with the special and general municipal elections held within Riverside County on that date.
2. That the City Council approve Resolution No. 2014-13, a Resolution of the City Council of the City of Banning directing the City Attorney to prepare an impartial analysis, setting priorities for filing written arguments, and providing for rebuttal arguments regarding the Banning transient occupancy tax measure.

**STRATEGIC PLAN:**

Maintaining the current Transient Occupancy Tax rate addresses the Strategic Plan goal of fiscal sustainability that allows that City to manage its finances and services.

**DISCUSSION:**

*Transient Occupancy Tax Background:*

The Transient Occupancy Tax has been in place since 1966. On July 28, 2009, the City Council declared a fiscal emergency and ordered a Special election for voters to consider whether the TOT should increase from six percent (6%) to twelve percent (12%). The City Council also directed that the revenues generated by the TOT be used to provide funding for essential city services, such as public safety, and maintenance of streets and public areas. On November 3, 2009, by a vote of 3,337 yes to 1,104 no, (75%) City voters approved Measure L, which authorized a TOT rate increase not to exceed twelve percent (12%)("Rate Cap"). Measure L was approved at a Special Election as a General Tax.

In December, 2009 the Council adopted Ordinance No. 1416 which increased the approved tax rate increase to ten percent (10%). On June 22, 2010, the Council adopted Ordinance No. 1425 implementing the rate increase to twelve percent (12%) effective September 1, 2010. The Measure has a sunset of November 3, 2014.

Adoption of Measure L has resulted in an estimated \$330,000 increase in General Fund dollars for the purposes set forth in the Measure. The total TOT revenue of approximately \$600,000 is among the top 6 General Fund revenues, and is approximately 5% of all revenues.

*Fiscal Emergency Background:*

Since the economic downturn (the “great recession”) began in 2008, the City has taken many actions to adjust to the fiscal challenges from the loss of revenues and increasing costs. At the time, the TOT ballot measure was considered and voted on in 2009, the City was working on cutting approximately \$5 million in recurring expenditures from the General Fund budget for fiscal year 2009-10. In June, 2010, when Council adopted Ordinance No 1425 increasing the TOT rate to 12%, the City was continuing efforts to reduce the budget deficit for fiscal year 2010-11 through additional reductions in staff and other expenditures, in an amount of approximately \$1.6 million.

In addition to the economic impacts of the recession, in January 2011, the Governor and the Legislators enacted AB X1 26, which dissolved the Redevelopment Agency. The City’s General Fund absorbed the costs of services that had been funded through the Agency. These included weed abatement, code enforcement, and at the time, the gang task force officer. The use of salary savings from vacant positions, one time revenue sources, and any improvements in revenues in recent years have helped mitigate the increases in costs for benefits, contracts for services (i.e. fire services), and costs like those mentioned above.

The fiscal year 2013-14 budget included actions to reduce the structural budget deficit by approximately \$630,000. This was achieved through additional reductions in compensation for employees, reductions in budgeted positions (4 sworn officers’ positions), and continued deferral of maintenance and equipment replacement.

*Next steps with the Ballot Measure:*

The two resolutions before the City Council for consideration will do the following: declare a fiscal emergency (unanimous vote needed), call a Special Municipal Election that will be consolidated with Riverside County Registrar of Voter’s June 3, 2014 Primary Election, direct the City Clerk to take a number of actions as required by law to facilitate the election, direct the City Attorney to prepare an impartial analysis of the proposed measure, authorize City Council individually and collectively to file written arguments in favor of the proposed measure and allow for a written rebuttal argument to be submitted.

Because of the integral part the TOT revenue has to the General Fund operations, staff is recommending that the ballot measure remove any sunset from the current rate cap of 12%. The recommendation for the ballot measure continues the existing TOT rate cap of 12%. It does not seek an increase in the rate. It does not seek to place any burden on Banning residents. It is

applied to those persons who seek the privilege of staying at a hotel, inn, motel, tourist home, or other lodging facility in the City.

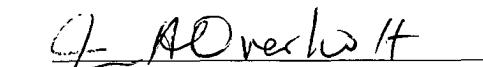
Previously, the City hired a consultant to conduct an educational campaign on behalf of the measure. This may be advisable in this instance and staff will evaluate whether such an educational program is warranted.

**FISCAL DATA:** Without the proposed ballot measure, the City will be required to cut service levels even further in order to present a structurally balanced budget to the Council. This creates a fiscal emergency, as the City has struggled for many years to manage its services and resources with reduced staffing and limited financial flexibility during the economic recession. The magnitude of the loss of \$300,000 in revenue is the equivalent of 2.5 entry level sworn officers or the entire Community Services Department.

Consolidation with Riverside County will result in a significant savings to the City, since the City will not have to operate its own election. Election costs include preparation and distribution of sample ballots, the rental and usage of election machines and the examination and verification of cast ballots. Consolidation allows the County to conduct the election and bill the City for costs. Costs related to consolidating the City's special election with the primary election of the County of Riverside are approximately \$7,000 to \$10,000. Funding is available in the budget for this cost.

There are consultants that could assist the City with public education efforts. Costs related to public education efforts have not been estimated.

**RECOMMENDED BY:**

  
June Overholt  
Interim City Manager

**REVIEWED BY:**

Aleshire & Wynder, LLP

Attachments:

- Resolution 2014-12 – Calling a Special Election, declaring a fiscal emergency, consolidating the City's special election with Riverside County
  - Exhibit "A" – Ordinance amending Section 3.16.030 of the Municipal Code
- Resolution 2014-13 – Directing the City Attorney to prepare an impartial analysis, setting priorities for filing written arguments, and providing for rebuttal arguments regarding the Banning transient occupancy tax measure
- Chapter 3.16 – Transient Occupancy Tax of the City of Banning Municipal Code

**RESOLUTION NO. 2014 – 12**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING CALLING AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION ON TUESDAY, JUNE 3, 2014, FOR THE SUBMISSION TO THE VOTERS OF THE CITY A PROPOSED ORDINANCE EXTENDING THE CITY'S TRANSIENT OCCUPANCY TAX; UNANIMOUSLY DECLARING A FISCAL EMERGENCY UNDER PROPOSITION 218 AND IN ACCORDANCE THEREWITH REQUESTING THE COUNTY OF RIVERSIDE TO CONSOLIDATE THE CITY'S SPECIAL ELECTION WITH THE SPECIAL AND GENERAL MUNICIPAL ELECTIONS HELD WITHIN RIVERSIDE COUNTY ON THAT DATE**

**WHEREAS**, the City Council of Banning determined at its regular meeting on February 25, 2014, that it should present to City voters the question of whether to permanently extend its current Transient Occupancy Tax for the purpose of raising general fund revenue to provide basic City services for residents, including but not limited to, law enforcement, fire protection, graffiti removal, sidewalk and street repair, and maintenance of public parks; and

**WHEREAS**, the voters of the State of California approved Proposition 218 (Article XIII C, section 2 of the California Constitution and Government Code section 53723), which authorizes the City to impose, extend or increase a general tax upon a majority vote of the population; and

**WHEREAS**, Revenue and Taxation Code section 7280 authorizes the City to levy a transient occupancy tax on hotels, inns, tourist homes, motels, or other lodging for the privilege of occupying a room or rooms (“TOT”); and

**WHEREAS**, in 1965, the City of Banning levied upon those occupying a room or rooms in the aforementioned hotels, inns, tourist homes, motels or other lodging, a six percent Transient Occupancy Tax, which remained at the same level until November 3, 2009, when the voters approved Measure L, authorizing a rate increase not to exceed twelve percent (12%); and

**WHEREAS**, Measure L and the current TOT has a sunset of November 3, 2014; and

**WHEREAS**, due to continued economic and financial challenges at both the Federal, State and local level, and the City of Banning having had to cut additional staffing (4 sworn officer positions) and reduce employee compensation in order to establish a structurally balanced budget for fiscal year 2013-2014 budget (over \$630,000 in cuts), a fiscal emergency exists within the City of Banning and by this Resolution the City Council is unanimously declaring a fiscal emergency, as described below; and

**WHEREAS**, under Proposition 218 (Article XIIIIC of the California Constitution) in light of such fiscal emergency, it is desirable that the Special Election be consolidated with the Special and General Elections to be held within Riverside County on the same date, that within the city the precincts, polling places, and election officers of the two elections be the same, that the Riverside County Election Department canvass the returns of the Special election, and that the election be held in all respects as if there were only one election.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BANNING DOES  
HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** Pursuant to the requirement of the laws of the State of California relating to general law cities, there is called and ordered to be held in the City of Banning, California on Tuesday, June 3, 2014, a Special Municipal Election for the purpose of submitting to the voters of the City of Banning, the measure specified in Sections 2 and 3, below. Pursuant to Government Code Section 53724(d) and Elections Code Section 9222, it is the intent of the City Council that the measure be submitted to the voters of Banning at the aforementioned Special Municipal Election.

**SECTION 2.** All recitals are deemed true and correct. The City Council hereby finds and declares by a unanimous vote that a fiscal emergency now exists in the City due to the lack of municipal revenue necessary to provide an acceptable level of municipal services that would ensue if collection of the tax does not continue. To offset the potential loss in revenue, the City of Banning would have to reduce service levels such as the number of sworn officers in the City from 27 to 24.5, thus reducing the officers per 1,000 citizens from .89 to .81. Alternatively, the City would have to eliminate the entire Community Services Division (recreation, aquatics and the senior center), or the entire Code Enforcement and Building and Safety Departments, or other significant reductions to offset the same loss in revenue. In addition, the City is already aware of future increased costs (i.e. PERS rate increases that will increase annually, up to \$275,000 in upcoming years) that will further affect its ability to minimize service level reductions without this revenue source. It is clear that a continuing level of local revenue is immediately needed to fund a level of municipal services required to properly protect the public health, safety, and welfare. There is no scheduled regular municipal election prior to June of 2014. Given the existence of such a fiscal emergency declared pursuant to Proposition 218, pursuant to Article XIIIIC Section 2(b) of the California Constitution, the City Council hereby orders that the following measure be submitted to the voters at a special election, rather than the next regular municipal election:

To minimize future cuts and provide funding for essential city services including police, fire, 9-1-1 emergency response, graffiti removal, and maintaining streets and public areas, shall the City of Banning adopt an ordinance continuing the existing Transient Occupancy Tax (which is a hotel bed tax paid when overnight visitors rent a room) at a continued cap rate of 12% with annual independent audits provided by code, and all funds used to maintain city services in Banning?	YES
	NO

**SECTION 3.** Upon approval of the voters of the City of Banning, the Banning Municipal Code, Chapter 3.16, Section 3.16.030, shall be amended to permanently extend the Transient Occupancy Tax with no sunset. The ordinance adopting this amendment is set forth in Exhibit "A" of this Resolution.

SECTION 4. The City Council of the City of Banning further does resolve, declare and order:

- (a) That notice of time and place of holding said election is hereby given and the City Clerk is hereby authorized, instructed and directed to give such further or additional notice of said election in the time, form and manner as required by California law.
- (b) That pursuant to Sections 10402 and 10403 of the Elections Code, the Riverside County Board of Supervisors is hereby requested to consent and agree to the consolidation of the Special Election with the election conducted by Riverside County to be held on Tuesday, June 3, 2014.
- (c) That the Riverside County Election Department is authorized to canvass the returns of the Special Election. The election shall be held in all respects as if there were only one election.
- (d) That the Riverside County Board of Supervisors is requested to issue instructions to the County Election Department to take any and all necessary steps for the holding of this consolidated election.
- (e) That the City of Banning recognizes that additional costs will be incurred by Riverside County by reason of this consolidation and agrees to reimburse Riverside County for those costs.
- (f) That the City Clerk is directed to file a certified copy of this resolution with the Riverside County Board of Supervisors and with the Riverside County Election Department.
- (g) That the City Council authorizes the City Clerk to administer said election, including but not limited to, contracting with the County of Riverside, and otherwise take all reasonably necessary steps to ensure the proper handling and conduct of the special election authorized by this resolution, and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.
- (h) That this resolution shall be effective immediately upon passage and adoption.

PASSED, APPROVED, AND ADOPTED this 25<sup>th</sup> day of February, 2014, at the City of Banning, County of Riverside.

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Deborah Franklin, Mayor  
City of Banning

ATTEST:

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Marie A. Calderon, City Clerk

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

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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. 2014-12, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 25<sup>th</sup> of February, 2014, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

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## EXHIBIT "A"

### **(Not effective unless approved by voters.)**

AN ORDINANCE OF THE VOTERS OF THE CITY OF BANNING, CALIFORNIA, AMENDING SECTION 3.16.030 OF CHAPTER 3.16 OF THE BANNING MUNICIPAL CODE PERMANENTLY EXTENDING THE TRANSIENT OCCUPANCY TAX

**SECTION 1. Tax Adopted.** The Banning Municipal Code, Section 3.16.030, Chapter 3.16, is hereby amended to read, in its entirety, as follows:

#### "CHAPTER 3.16: TRANSIENT OCCUPANCY TAX

Section 3.16.030. Imposed--Amount--When payable

A.

For the privilege of occupancy in any hotel or motel, each transient is subject to and shall pay a tax in the amount set forth in subsection (B) hereof, but such rate shall not exceed twelve percent of the rent charged by the operator, which shall be referred to herein as the "cap rate." Such tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator or to the city. The transient shall pay the tax to the operator of the hotel or motel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid in each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel or motel. If for any reason the tax due is not paid to the operator of the hotel or motel, the tax administrator may require that such tax shall be paid directly to the tax administrator.

B.

Notwithstanding the requirements of subsection (A) of this section, from October 1, 2010, until amended by ordinance of the city council, the transient occupancy tax ("TOT rate") rate shall be increased from ten percent to twelve percent, or the full amount of the cap rate set forth in subsection (A) above.

C.

The cap rate in subsection (A) may only be increased by a vote of the people pursuant to Proposition 218. The TOT rate in subsection (B) may be changed by ordinance of the council so long as it does not exceed the cap rate.

D.

The authority to alter the TOT rate, as long as it does not exceed the cap rate, as provided by Measure L, shall not expire, unless by a vote of the people of Banning.

E.

The city council retains full authority to modify or add to chapter 3.16 to change the manner, mode and method of collecting transient occupancy taxes as set forth in chapter 3.16, to the extent provided by state law.”

SECTION 2. Amendments to Rate. This ordinance may be amended by majority vote of the voters of the City of Banning at any time. The City Council may by ordinance establish the Transient Occupancy Tax rate at a lesser rate provided it does not exceed the maximum set herein by the voters.

SECTION 3. Amendments to Chapter 3.16. Notwithstanding the voters' amendment of Section 3.16.030 to set the rate of the Transient Occupancy Tax, the City Council retains full authority to modify or add to Chapter 3.16 to change the manner mode and method of collecting Transient Occupancy Taxes as set forth in Chapter 3.16.

SECTION 4. Severability. If any sections, subsections, sentences, phrases, or portions are for any reason, held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of their Ordinance. The City Council of the City of Banning hereby declares that it would have adopted this Ordinance and each 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 5. Effective Date. This ordinance shall be considered as adopted upon the date that the vote is declared by the City Council, and shall go into effect ten (10) days after that date, pursuant to Elections Code Section 9217.

PASSED AND ADOPTED by the people of the City of Banning, California, on June 3, 2014.

**RESOLUTION 2014 - 13**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING,  
CALIFORNIA, DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL  
ANALYSIS, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS, AND  
PROVIDING FOR REBUTTAL ARGUMENTS REGARDING THE BANNING  
TRANSIENT OCCUPANCY TAX MEASURE**

**WHEREAS**, an election shall be held in the City of Banning, California, on June 3, 2014, at which there will be submitted to the voters a ballot measure to consider extending the Transient Occupancy Tax for the purpose of raising general fund revenue to provide basic City services for residents, including but not limited to, law enforcement, fire protection, graffiti removal, sidewalk and street repair, and maintenance of public parks; and

**WHEREAS**, whenever a municipal ballot measure is authorized, State law provides that the City Council may direct the City Attorney to prepare an impartial analysis and provide for the filing of written arguments for and against a measure and for rebuttal arguments to be filed with the City elections official.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BANNING,  
CALIFORNIA, DOES RESOLVE, DECLARE, AND ORDER AS FOLLOWS:**

**SECTION 1.** The City Council directs the City Attorney to prepare an impartial analysis of the Measure which would amend the current Transient Occupancy Tax ordinance by extending the Transient Occupancy Tax for the aforementioned purposes. The impartial analysis shall be filed within fifteen (15) days of the adoption of this Resolution or by the date set by the City Clerk for the filing of primary arguments, whichever is later.

**SECTION 2.** The City Council authorizes members of that body, collectively or individually, to file written arguments in favor of the Transient Occupancy Tax measure specified above, accompanied by the printed name(s) and signature(s) of the author(s), and to change the argument until and including the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk. The City Clerk shall follow Elections Code sections 9281 through 9287 in determining the printing of all arguments in favor and against.

**SECTION 3.** If no member of the City Council files written arguments in favor of said Measure, then any voter of the City may submit an argument in favor to the City Clerk for consideration in accordance with State law.

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SECTION 4. That the Councilmember(s) authorized to file such arguments are:

Deborah Franklin, Mayor  
Art Welch, Mayor Pro Tem  
Edward Miller, Councilmember  
Don Peterson, Councilmember  
Jerry Westholder, Councilmember

SECTION 5. Any argument filed for or against said Measure shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.

SECTION 6. The City Clerk shall make the selection of arguments in accordance with the Elections code and local procedure. When the City Clerk has selected the arguments for and against the Measure which will be printed and distributed to the voters, the City Clerk shall send a copy of an argument in favor of the Measure to the authors of any argument against the measure and a copy an argument against the measure to the authors of any argument in favor of the measure.

SECTION 7. The author or a majority of the authors of an argument relating to the Measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument. A rebuttal argument may not be signed by more than five persons. The rebuttal arguments shall be filed with the city clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers. Any rebuttal argument must be filed within 10 days after the final date for filing direct arguments.

SECTION 8. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SECTION 9. The City Clerk shall cause the City Attorney's Impartial Analysis, and duly selected arguments and rebuttals, to be printed and distributed to voters in accordance with State law regarding same.

SECTION 10. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**PASSED, APPROVED, AND ADOPTED** this 25th day of February, 2014.

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Deborah Franklin, Mayor  
City of Banning

**ATTEST:**

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Marie A. Calderon, City Clerk

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

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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. 2014-13, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 25<sup>th</sup> of February, 2014, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

