

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

March 25, 2014
5:00 p.m.

Banning Civic Center
Council Chambers
99 E. Ramsey St.

The following information comprises the agenda for a regular meeting of the City Council and a joint meeting of the City Council and the Banning Utility Authority and the City Council Sitting in Its Capacity of a Successor Agency.

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 – Pastor Tate Crenshaw, LifePoint Church
- Pledge of Allegiance
- Roll Call – Councilmembers Miller, Peterson, Welch, Westholder, Mayor Franklin

II. REPORT ON CLOSED SESSION

III. PUBLIC COMMENTS/CORRESPONSENCE/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. Introduction of New Employee – Police Assistant II <i>(ORAL)</i>		
2. Proclamation – National Donate Life Month		1

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

APPOINTMENTS

1. City Council Committee Assignments (ORAL)

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 – 3/11/14 (Closed Session)	2
2.	Approval of Minutes – Regular Meeting – 3/11/14	12
3.	Ordinance No. 1478 – 2 nd Reading: An Ordinance of the City Council of the City of Banning, California, Amending Banning Municipal Code Section 2.08.080 (Relating to City Manager Powers and Section 2.08.100 (Relating to City Manager Removal)	35
4.	Report of Investments for February 2014.	39
5.	Memorandum of Understanding for 2013-14 for the Banning Police Officers Association and Side Letter Agreement.	46
	(A) – Resolution No. 2014-07, Approving a Successor Memorandum of Understanding between the Banning Police Officers Association (BPOA) and the City of Banning.	
	(B) – Resolution No. 2014-21, Approving Side Letter Agreements to the Memorandum of Understanding Between the City and the Banning Police Officers Association (BPOA) Representing the the Police Unit Employees and the City of Banning.	

- Open for Public Comments
- Make Motion

RECESS REGULAR CITY COUNCIL MEETING AND CALL TO ORDER A JOINT MEETING OF THE BANNING CITY COUNCIL, THE BANNING UTILITY AUTHORITY AND THECITY COUNCIL SITTING IN ITS CAPACITY OF A SUCCESSOR AGENCY.

V. CONSENT ITEMS

1.	Resolution No. 2014-03 UA, Approving the Contract Services Agreement with Merlin Johnson Construction Company of Mentone, CA, for the Repairs to the 15" Sewer Main on Hargrave Street in the amount not to exceed \$38,210.00 and allowing a 10% contingency of \$3,821.00	81
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- Open for Public Comments
- Make Motion

V.1 REPORTS OF OFFICERS

1. Resolution No. 2014-02 UA, Approving a Professional Services Agreement with Carollo Engineers, Inc.	
Staff Report	85
Recommendation: 1) That the Banning Utility Authority: I) adopt Resolution No. 2014-02UA, Approving a Professional Services Agreement with Carollo Engineers, Inc. of Pasadena, CA in an amount of \$50,000.00; II) Authorizing the Administrative Services Director to make an Appropriation to Account No. 001-3000-442.33-51 (Spl Processing Consultant in the amount of \$20,000.00; and III) Authorizing the City Manager to execute the Professional Services Agreement with Carollo Engineers, Inc.	
2. FY 2013/14 Mid-Year Budget Review	
Staff Report	90
Recommendation: 1) That the City Council approve Resolution No. 2014-04 UA; Resolution No. 2014-04 UA; and Resolution No. 2014-06 SA Authorizing the Administrative Services Director to make necessary Budget adjustments to implement the mid-year analysis.	

Recess joint meeting and reconvene the regular City Council Meeting.

VI. PUBLIC HEARINGS

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

1. Ordinance No. 1477 of the City Council of the City of Banning Repealing Ordinance No. 842 and Chapter 15.20 of the Municipal Code Regarding Designating Snow Load and Wind Load.	
Staff Report	119
Recommendations: That the City Council adopt Ordinance no. 1477.	

Mayor asks the City Clerk to read the title of Ordinance No. 1477:

“An Ordinance of the City Council of the City of Banning, California, Repealing Ordinance No. 842 and Chapters 15.20 of the Banning Municipal Code Regarding Snow Load and Wind Load Requirements.”

Motion: I move to waive further reading of Ordinance No. 1477.
(Requires a majority vote of Council)

Motion: I move that Ordinance No. 1477 pass its first reading.

VII. REPORTS OF OFFICERS

1. San Gorgonio Pass Water Agency Proposed Water Policies
Staff Report 126
Recommendation: That the City Council authorize the Public Works Director to sign and send the attached letter to Mr. John Jeter, President, San Gorgonio Pass Water Agency (“Pass Agency”) regarding the City’s concerns about the adoption by Pass Agency of three water policies. The water policies are: 1) Policy for Meeting Future Water Demands; 2) Policy Regarding Ordering Water; and 3) Policy Establishing a Water Shortage Plan.

2. Resolution No. 2014-16, Awarding a Professional Services Agreement to Land Engineering Consultants, Inc. of Calimesa, CA for Survey and Civil Engineering Services for Ramsey Street and Hargrave Street Improvements for an amount Not to Exceed \$53,783.00
Staff Report 131
Recommendation: That the City Council: I) adopt Resolution No. 2014-16, Awarding a Professional Services Agreement to Land Engineering Consultants, Inc. of Calimesa, CA for the Survey and Civil Engineering Services for Ramsey Street and Hargrave Street for an amount not to exceed \$53,783.00; II) Authorize the Administrative Services Director to make the necessary budget adjustments and appropriations, if necessary, to Account No. 855-9500-490.93-30; and III) Authorize the City Manager to execute the Professional Services Agreement with Land Engineering Consultants, Inc.

3. Chamber of Commerce Feedback on the City’s Sign Regulations
Staff Report 139
Recommendation: 1) That the City Council hear the presentation from two representatives of the Board of the Banning Chamber of Commerce; 2) That the City Council form a Sign Advisory Committee that consists of five (5) members to provide input into the reasonable commercial sign standards for the City; and 3) Direct staff to seek nominations for the Sign Advisory Committee consisting of two (2) business owners, and one (1) member of the community-at-large. This is in addition to the two (2) Board Members of the Chamber of Commerce that have been selected.

4. General Plan Annual Progress Report (Calendar Year 2013)
Staff Report 156
Recommendation: 1) That the City Council: 1) Discuss the policy issues raised in this report and provide direction to staff with regards to whether the Council desires to amend the General Plan elements and maps to address (a) airport land use compatibility; and (b) land use and zoning compatibility for an existing single-family residential neighborhood that is located in the area bounded by Hargrave, Barbour, Juarez, and Westward Avenue; and 2) Approve the General Plan Annual Progress Report and direct staff to file it with the State Office of Planning and Research and State Department of Housing and Community Development.

5. Continue the Decision Regarding Resolution No. 2014-10, Vacation of a Portion of Livingston Street, Alessandro Road and Adjacent Alleys until May 13, 2014.
 Staff Report. 258
 Recommendation: **Continue the Council discussion and decision of Resolution No. 2014-10, Vacation of a Portion of Livingston Street, Alessandro Road and Adjacent Alleys until May 13, 2014.**

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

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

IX. ITEMS FOR FUTURE AGENDAS

New Items – None

Pending Items

1. Schedule Meetings with Our State and County Elected Officials
2. 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.

X. ADJOURNMENT

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

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

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

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



PROCLAMATION

WHEREAS, organ, tissue, marrow and blood donation are life-giving acts recognized worldwide as expressions of compassion to those in need; and

WHEREAS, more than 121,000 individuals nationwide and almost 21,000 in California are currently on the national organ transplant waiting list, and every 90 minutes one person dies while waiting due to the shortage of donated organs; and

WHEREAS, the need for donated organs is especially urgent in Hispanic and African American communities; and

WHEREAS, more than 600,000 units of blood per year are needed to meet the need in California and at any given time, 6,000 patients are in need of volunteer marrow donors; and

WHEREAS, a single individual's donation of the heart, lungs, liver, kidneys, pancreas and small intestine can save up to eight lives; donation of tissue can save and heal the lives of up to 50 others; and a single blood donation can help three people in need; and

WHEREAS, millions of lives each year are saved and healed by donors of organs, tissues, marrow and blood and the spirit of giving and decision to donate are not restricted by age or medical condition; and

WHEREAS, nearly ten million Californians have signed up with the state-authorized Donate Life California Registry to ensure their wishes to be organ and tissue donors are honored; and

WHEREAS, California residents can sign up with the Donate Life California Registry when applying for or renewing their driver's licenses or ID cards at the California Department of Motor Vehicles.

NOW, THEREFORE, BE IT RESOLVED, that I, Deborah Franklin, Mayor of the City of Banning along with the City Council in recognition of National Donate Life Month, hereby proclaim the month of April 2014 as "**DMV/Donate Life California Month**" in the city of Banning, and in doing so we encourage all Californians to check "YES!" when applying for or renewing their driver's license or I.D. card, or by signing up at www.donateLIFEcalifornia.org or www.doneVIDAcalifornia.org

IN WITNESS WHEREOF, I have set my hand and caused the seal of the City of Banning, California to be affixed this 25th day of April, 2014.

ATTEST:

Marie A. Calderon, City Clerk

Deborah Franklin, Mayor

/

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

3/11/14
SPECIAL MEETING

A special meeting of the Banning City Council and the City Council Sitting in Its Capacity of a Successor Agency was called to order by Mayor Pro Tem Welch on March 11, 2014 at 3:01 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

COUNCIL MEMBERS ABSENT: Mayor Franklin

OTHERS PRESENT: June Overholt, Interim City Manager/Administrative Services Dir.
David J. Aleshire, City Attorney
June Ailin, Partner Aleshire & Wynder
Colin Tanner, Attorney – Aleshire & Wynder, LLC
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 cases of potential litigation pursuant to Government Code Section 54956.9 (d)(4); one case of ongoing litigation pursuant to Government Code Section 54956.9(a): Highland Springs Conference and Training Center, et al. (consolidates cases) v. City of Banning, et al., Riverside Superior Court, Case No. RIC 460950; existing litigation pursuant to Government Code Section 54956.9 (d)(d): Highland Springs v. City of Banning, Case No. ROC 1206246 (consolidated with Case No. RIC 1206271); personnel matters pursuant to Government Code Section 54957: Public Employee Discipline/Dismissal: Position of City Manager; property negotiations pursuant to Government Code Section 54956.8 to confer with its real property negotiator in regards to: (a) Dysart Park; and (b) 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; and existing litigation pursuant to the provisions of paragraph (d) (1) of Section 54956.9: Stephen J. Mascaro, et.al. v. Banning Heights Mutual Water Company, et al. (San Bernardino County Superior Court Case No. CIVDS 1104447.

Mayor Pro Tem Welch opened the closed session items for public comments.

Inge Schuler, resident of Banning addressed the Council regarding her major concerns with Item No. 5 on the agenda. (See attached Exhibit "A").

Amy Pippenger, Vice Chair of Stagecoach Days Association addressed the Council. She said that she got onboard with the Association about five months ago and they are working really

hard to bring back Stagecoach Days and one of the things they are working hard on is getting some of the grants that are available because A.C. Dysart Park is city-owned property. If you change that and turn it over to a developer, it then becomes private land and there is no way to get any of those grants. You might as well say Stagecoach Days is over unless we go to just having a carnival. She was told that this would be ten to twelve years down the road so she doesn't understand at this moment why you are discussing trading that property now. Why don't we do it when we get to that time and when it seems appropriate and when he has that other part developed and built, then trade the property.

Linda Pippenger, resident of Banning said in regards to Dysart Park she can only assume that this developer who is Diversified Pacific Development Group will do something similar to what the developer is doing now on the old San Gorgonio Inn site where they sign a contract saying they will do something and then when the time comes they don't do it and they disappear and they have sold off the site. Where if we agree to give them this 20 acres that Dysart Park is on she doesn't feel that we will ever have a guarantee that they will ever put in the equestrian center as agreed and in the meantime we have lost 20 acres which she doesn't thinks can be replaced. She is a real estate agent and they have a listing in that area that is 20 acres with two trailers on it listed for \$389,000. She knows that the property was deeded over by David Dysart and Jim Smith to the City and the City paid \$100,000 apparently to the Chamber and she doesn't know how it came back to the City because she lost the trail. Even if this group could raise \$100,000 dollars there wouldn't be any land available for them to put it on so in her opinion Stagecoach Days is gone and this is a worst case scenario but this is what she sees happening. There are people in the City that really want this not to end and are working hard trying to get it developed. She said that she had some papers on Diversified Pacific Development and they made the front page of The Press Enterprise on March 2, 2014 and she gave the information to the City Clerk (see Exhibit "B"). She said that this is about Jeff Burum and he is the founder and president of Diversified Pacific Development and the integrity of the organization is all that we can rely on and she hopes that the Council will think carefully before deeding it over to that group.

Councilmember Peterson asked Mrs. Pippenger about the trail of the deed and all of a sudden you lost the trail and can you explain.

Mrs. Pippenger said the A. C. Dysart Park Association deeded it to the City and then in 2002 Delton Dysart signed for the A. C. Dysart Park group deeding it to the City and then Jim Smith and David Dysart signed a deed to the City of Banning for \$101,000. She doesn't know why Jim Smith and David Dysart signed and she is sure they didn't represent the City.

Councilmember Peterson asked if there were any restrictions or covenants.

Mrs. Pippenger said she didn't see any restrictions and it is possible that there are more documents recorded somewhere but it is obvious that the City should own it because it was deeded to the City and \$101,000 went to the Chamber and she believes at that time Jim Smith and David Dysart were representing the Chamber of Commerce and that was very cheap for 20 acres. Mrs. Pippenger gave those documents to the City Clerk.

Mayor Pro Tem Welch asked if staff could follow-up on this information also so that we can get it clarified.

Councilmember Miller said that the Brown Act prevents us from saying anything when people talk but he thinks it is legal for him to say that even though we can't talk, we can listen. He asked if the City Attorney had anything to comment on before we go into closed session.

City Attorney said no because they have not given the Council briefing on this in a significant period of time. There have been discussions with the developer and staff wanted to communicate with the Council as to what has been going on and any ultimate agreement with the developer would have to be approved publically and publically discussed. There is no action that the Council would be taking in closed session. All that would be done is direction in terms of negotiations.

Meeting went into closed session at 3:14 p.m. and reconvened at 5:08 p.m.

ADJOURNMENT

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

Marie A. Calderon, City Clerk

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

Received
3-11-14 mae
City Council mtg.

March 11, 2014 City Council of Banning Special Meeting/Closed Session at 3 P.M.

Good afternoon, Mayor Franklin and Council Members:

I am here to address some major concerns I have about the items under # 5 on your agenda for this afternoon. Both list "Property Negotiations" as the purpose of these items, but without any additional information about the actual nature of these negotiations.

Regarding the Dysart Park item, I can only surmise that it involves the proposed development of Rancho San Gorgonio (RSG) and might negotiate a signing over of the 20 acre park as has been requested by the developer, represented by Pitassi Architects.

You, on the City Council, and Mr Pitassi are fully aware of how the community and residents of the area affected view this project. There is no support for the abandonment of the current equestrian facility. The plan proposed by RSG is totally inadequate as an equestrian facility.

Mr Pitassi and Ms Bakar have repeatedly committed to meeting formally with residents to discuss this acquisition of a city owned public park, but have been sorely negligent to meet with us. Procrastination and subterfuge are the words to describe this prevalent attitude. Mr Pitassi has met informally with Ms Amy Pippenger and Mr Carl Douglas, who are representing the Stagecoach Days Committee. On February 6, 2014, Mr Rick Pippenger, Mrs Linda Pippenger, Mr Don Smith, and I met with Mr Pitassi to discuss our concerns about the project in general and the Dysart Park issue in particular. On February 17th, 2014, Mr Pitassi followed up with an accurate e-mailed account of this discussion and a promise to follow through on the collection of the requested information. To date, there has been no communication from Mr Pitassi. The pertinent documents are attached to this letter.

It seems to me that you, as representatives of the community, should not even consider any type of agreement, provisional, tentative, noncommittal, or otherwise, regarding this premature disposition of the public equestrian facility that is a tremendous if underused asset of the community. It is deplorable and irresponsible to even consider this type of negotiation, throwing the residents under the bus by avoiding our input and legitimate objections to such a backhanded and unacceptable deal.

If any unpublicized promises have been previously made by staff without the council's knowledge, they need to be ignored as unauthorized. In light of these developments of the RSG project moving through its various stages and their secretive nature, it is a welcome plan to curtail the contractual dealings allowed to staff, a resolution scheduled for tonight's regular city council meeting. It is not a good idea to give unelected staff too much authority to dispense of the assets of the city without the approval of our elected government. I implore you to remove the Dysart park item from today's Closed Session agenda.

Attachment: Pitassi Architects correspondence

Inge Schuler, 1030 W Westward Avenue, Banning, CA 92220

Subject: Re: RSG Meeting
From: Don Smith (donsmith05@aol.com)
To: pjpaia@pitassiarchitects.com;
Cc: schuleri@yahoo.com; rickpippenger@yahoo.com;
Date: Tuesday, February 25, 2014 3:28 PM

Thank your for your letter

Please let us know when you have gathered the information requested so we can schedule the next meeting.

Don

-----Original Message-----

From: Pitassi <pjpaia@pitassiarchitects.com>
To: Don Smith <donsmith05@aol.com>
Cc: schuleri <schuleri@yahoo.com>; rickpippenger <rickpippenger@yahoo.com>
Sent: Mon, Feb 17, 2014 3:23 pm
Subject: RSG Meeting

Don;

Thanks again for arranging the meeting we had on the 6th. I have attached a letter summarizing the discussion and I am assembling information for Inge and Rick per their request.

I look forward to meeting again.

Thanks,
Pete

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PITASSI ARCHITECTS, INC

8439 White Oak Ave., Ste. 105
Rancho Cucamonga, Ca. 91730
Tel. (909) 980-1361
Fax. (909) 944-5814
e-mail: pjpaia@pitassiarchitects.com



February 17, 2014

Mr. Don Smith
Haskell Real Estate
55 North 8th Street
Banning, CA 92220

Subject: Summary of Meeting
Rancho San Gorgonio (RSG)
Banning, California

Dear Don,

I want to thank you again for taking the time to organize our meeting on February 6th. I enjoyed the time spent with you, Rick and Linda Pippenger, and Inge Schuler. I appreciated your comments and suggestions. We discussed having subsequent meetings and I believe they will be productive and beneficial to all.

Inge had requested that we assemble a list of planned communities, similar to RSG, that our design and development team has been involved in. In addition, she had asked us to assemble a list of equestrian type facilities that our team had experience with. Furthermore, Mr. Pippenger had requested some images of developments in the density range of 18 du/acre. He wanted to see examples since he was unfamiliar with what communities that met a density range such as this may appear like. I am in the process of assembling this information and will be forwarding it to both Inge and Mr. Pippenger in the very near future.

I asked all of you if there were equestrian facilities that you had found to be functional and well designed and you were kind enough to identify five or six. We will be researching all of them.

You summarized your concerns in the following manner:

- Don you stated that, when the City was revising their General Plan several years ago, there was extensive community discussion regarding the nature of "South Banning". You said there was a desire to maintain a rural and equestrian feel to the community and you stated that, in your opinion, our proposal is not consistent with that desire.

- Inge expressed concern that if new homeowners were to arrive adjacent to her and other properties that board horses, complaints about “smell and flies” could be generated which would be unfair to her and her neighbors considering the historical use of their property.
- The Pippenger’s expressed concern about commercial development at the southwest corner of Westward and 22nd as proposed in the RSG Specific Plan. Rick also expressed concern about the proposed land use of up to 18 du/acre adjacent to the community college.
- Concerns were raised regarding the proposed design of the equestrian facility in the RSG Community Park. It was stated that your group was not convinced that the Stagecoach event could be held within the RSG Community Park as currently designed. They were also concerned about the ability of trucks and horse trailers to access and maneuver in the parking area.

I indicated that I had met previously with Carl Douglas and Amy Pippenger to discuss the equestrian facilities and that we are very interested in listening to their concerns, suggestions, and observations. It is our intent to meet with the Stagecoach Board in a workshop environment and then to revise the equestrian facility design in order to address their concerns. I encouraged all of you to participate in the conversation. I indicated that it was our intent to listen to all constructive comments and, as designers, to be responsive to the needs of the user group.

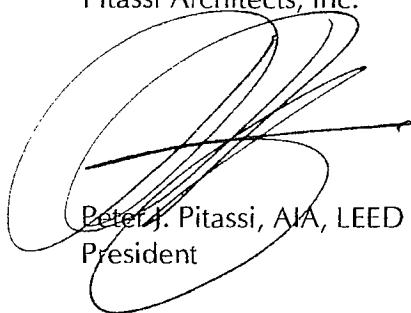
Regarding the comments on land use and density, it is our intent to address proper buffering and land use transition as we refine the Specific Plan.

I also stated that there are definite advantages in the development of a planned community which are not attainable in a traditional subdivision. A planned community addresses the community and the public’s recreational and open space needs by creating a comprehensive park and trail system. A Planned Community provides the economies of scale to allow the construction of publicly owned community facilities by the master developer and to dedicate those facilities to the city. Those improvements would not be available with the development of a conventional subdivision.

Mr. Don Smith
February 17, 2014
Page 3

In conclusion, I found the time spent with you and your neighbors very beneficial and I appreciated your courtesy and your constructive comments. I hope we can continue to have an open dialogue as we refine the Specific Plan. I look forward to future conversations.

Very truly yours,
Pitassi Architects, Inc.



Peter J. Pitassi, AIA, LEED AP
President

PJP/cas

c: Inge Schuler
Rick and Linda Pippinger



punk rocker-turned-rapper **T. Mills** is the hottest artist emerging from the Inland region.
LOCAL | B12



THE PRESS-ENTERPRISE

SUNDAY, MARCH 2, 2014 | \$2

INLAND SOUTHERN CALIFORNIA'S NEWSPAPER

AN EDITION OF THE REGISTER

Received
3-11-14
Special
Council mtg.
Closed Session

THE TWO-FISTED STORM SYSTEM: SATURDAY'S DEVELOPMENTS

The second wave of rain dropped as much as 2.45 more inches on the Inland area.

A lightning strike left 21,000 Riverside Public Utilities customers without electricity for several hours.

More crashes were reported on slick, icy roads, including two head-on collisions on Highway 18.



A wood carved bear seems to enjoy the snow that blankets his head on Saturday, March 1, in Running Springs.

STAN LIM/STAFF PHOTOGRAPHER

SNOW WONDER

San Bernardino Mountain ski resorts opened a long-delayed gift for their guests Saturday — the biggest, best snowfall of the season. The resorts have struggled through the drought-parched, snow-starved season. "It's really turning the season around. We had a great day today," said Chris Riddle, vice president of marketing for Big Bear Mountains Resorts.

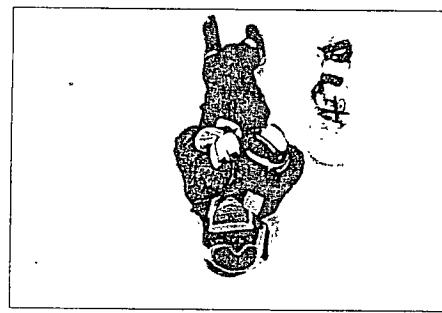
STORM COVERAGE | A7

61 | 47
RIVERSIDE



TEMECULA 59|45
DESERT 69|54
MOUNTAINS 45|34

TODAY: MORE RAIN, BUT SUN RETURNS LATE IN DAY
COMPLETE FORECAST LOCAL SECTION



STAN LIM/STAFF PHOTOGRAPHER
James Tyndall, 13, of Redlands, fixes his gloves, while snowboarding at Snow Valley

Exhibit "B"

9

spec mtg -03/11/14

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SEE HACKING A2

10

TEMECULA V
A TASTE OF



HACKING

CONTINUED FROM A2

owner of TD&A, to proceed with "surveillance and intensive investigation" of Postmus. The goal was to discover if Postmus was again using methamphetamine, Larson stated.

In his affidavit, Bremner said Postmus also reported in November 2011 seeing the same cars following him and parked outside his home. The vehicle license plates were later traced to private investigators working for TD&A.

Surveillance logs by the firm show that its detectives not only followed Postmus but also followed his sister and watched the homes of friends, such as Sharon Gilbert, a blogger close to Postmus.

Postmus declined to comment, but in text messages to Bremner that were released in the court records he compared it to the pressure he says he faced when the county was trying to reach the settlement.

"It's the same old tactics they used against me during the settlement," he said. "Bully, bully, intimidate, intimidate."

In court hearings and documents, Larson said it was known to prosecutors that the defense had hired detectives.

"There is absolutely nobody on this joint defense team that would ever have thought to ask anyone to do anything improper," he said in a Feb. 13, 2013 hearing, according to a court transcript.

Investigators were instructed "to use nothing but legal means and we have every confidence, quite frankly, (they) followed those instructions," Larson said.

He also criticized the handling of the investigation, noting that the same prosecution team assigned to the Colonies case was looking to the allegations even as prosecutors stated they did not know if the two cases were linked. He described Bremner, who maintains regular contact with Postmus, as his "handler."

Prosecutors stated in court documents that they recognized from the beginning that the investigation

should be handled with "an abundance of caution" due to the attorney-client privilege issue. For that reason an outside attorney, known in legal cases as a special master, was called in to determine what materials could be examined and which ones were unrelated to the phone hacking investigation.

In court documents and hearings, prosecutors said they did not know at that point what connection the phone hacking had to the Bremner case.

"This could be the work of a rogue investigator or it could be something beyond that," Deputy District Attorney Reza Sadeghi said in a Feb. 13, 2013 court hearing, according to a court transcript. "Most of the time, again, normally, the investigators do what they are told to do. They do what they are hired to do."

It's unclear how the investigation has proceeded following the search of the detective firm.

A judge limited how much access prosecutors could have to much of the seized materials, including computers being held at an FBI lab in Orange County. The district attorney's office appealed the ruling by Judge Rex Victor to a state appellate court, describing the restrictions as "absurd and illogical."

In his dismissal motion, Larson stated that the prosecution appeal was rejected by the appellate court.

For more than a year, all the proceedings have been closed to the public and documents remained under seal until recently.

Judge Glenn Yabuno, who took over the case from Victor, issued an order Feb. 26 to unseal documents in the case following a request filed by The Press-Enterprise.

In the motion, attorney Karen Henry of the Los Angeles firm Davis Wright Tremaine, argued that the courts have long held that judicial proceedings and records are presumed open and available to the public unless findings can be made that override the public's right to access. No such findings have been made public in this proceeding, she stated.

That request was opposed by Jones, Thomas Dale & As-

sociates' attorney, who stated in a Feb. 14 motion that the open court presumption doesn't apply and the proceeding "is in fact a 'secret' investigative proceeding, closely akin to a grand jury investigation, to which there is no historical right of public access."

He said disclosure could harm the company's reputation. "TDA believes — especially given that it hasn't been charged with any crime — that the risk of this damage outweighs any possible interest in public access."

Sadeghi stated that the district attorney's office had sought to unseal documents in May 2013 but was denied by the previous judge.

In one motion, Sadeghi said the prosecution took the step of advocating for opening the hearings because not only did the public not have any notice but even the existence of the hearings were not known until a few weeks ago.

"TDA wants the current jurisdictional black hole that has surrounded this case from its inception to continue," he stated. "It cannot."

SAN BERNARDINO
1 killed, 1 wounded in shooting

One man was killed and another wounded early Saturday morning, March 1, in a shooting on G Street in San Bernardino.

The two victims were believed to have been together outside in the 1100 block of North G when they were shot at 3:07 a.m., according to a San Bernardino Police Department news release.

The dead man was found along the curb line and the wounded man ran to the front yard of a home on F Street and collapsed.

Both men were shot in the upper body.

Derrick Terrell Moses, a 33-year-old transient, was killed, according to police Lt. Rich Lawhead.

Joseph Francisco Sigler, 27, of San Bernardino, was taken to a local hospital with a gunshot wound.

He was expected to survive his wound.

No motive for the shoot-

BRIEFLY

ings has been established, the release said.

— DARRELL R. SANTSCHI

dsantschi@pe.com

Teen boy killed in crash on Sierra Way

A teenage boy was killed Saturday, March 1, when a vehicle crashed off the road in the 2700 block of N. Sierra Way, the San Bernardino Police Department said.

The two victims were believed to have been together outside in the 1100 block of North G when they were shot at 3:07 a.m., according to a San Bernardino Police Department news release.

The dead man was found

along the curb line and the

wounded man ran to the

front yard of a home on F

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Rich Lawhead.

Joseph Francisco Sigler,

27, of San Bernardino, was

taken to a local hospital with

a gunshot wound.

He was expected to survive his wound.

No motive for the shoot-

"Speed appears to be a factor," Walker said, noting the witnesses' statements, "and we need people to slow down on the wet roadways."

— BRIAN ROKOS

brookos@pe.com

CHERRY VALLEY

Driver killed in crash identified

The driver of a sedan who was killed when he struck a pole in Cherry Valley Friday, Feb. 28, has been identified as a Banning man.

Matthew Wilken, 30, was pronounced dead at 2:28 p.m., a little more than an hour after the crash, according to the Riverside County coroner's office.

The crash occurred near Beaumont High School at the intersection of Brookside Avenue and Nancy Avenue, according to a Cal Fire/Riverside County Fire Department news release.

The driver apparently lost control on a wet roadway and struck the light pole, said

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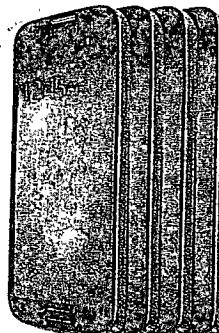
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Exhibit "B"

10

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11

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MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

3/11/2014
REGULAR MEETING

A regular meeting of the Banning City Council and a joint meeting of the City Council and the City Council and the City Council Sitting in Its Capacity of a Successor Agency was called to order by Mayor Pro Tem Welch on March 11, 2014 at 5:17 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

COUNCIL MEMBERS ABSENT: Mayor Franklin

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
Zai Abu Bakar, Community Development Director
Heidi Meraz, Community Services Director
Alex Diaz, Acting Chief of Police
Tim Chavez, Battalion Chief
Michelle Green, Deputy Finance Director
Marie A. Calderon, City Clerk

The invocation was given by Councilmember Jerry Westholder and Councilmember Peterson led the audience in the Pledge of Allegiance to the Flag.

REPORT ON CLOSED SESSION

City Attorney said that there was one matter of potential litigation which the Council did not cover and will go back into closed session to discuss. With regards to the Highland Springs and Conference Training Center and Highland Springs versus City of Banning a status report was given and there was no reportable action taken. With regards to the personnel matters involving the position of City Manager a status report was given and no reportable action was taken. With regards to the real estate matter regarding Dysart Park a status report was given and there was no reportable action. With regard to the Village at Paseo San Gorgonio that was not discussed and the Council will go back into closed session to discuss that matter. In regards to the Mascaro litigation matter that was not discussed and will be deferred to the next meeting.

PUBLIC COMMENTS/CORRESPONDENCE/PRESENTATIONS

PUBLIC COMMENTS – *On Items Not on the Agenda*

Dorothy Familetti-McLean addressed the Council regarding the Dysart Park item that was on the closed session agenda. She stated that she is a member of the Banning Stagecoach Committee and she is not representing them; she is speaking for herself. She said that she did have a meeting with the developer and he showed both her and Helen Barnes the plans and they talked about it and asked questions (see Exhibit "A").

Fred Sakurai addressed the Councils stating that he doesn't know if Mr. Aleshire is included in the Brown Act but at the last City Council Meeting he came out with a report after the closed/secret sessions with no reportable action yet, when the Record Gazette came out on Friday there were close to seven inches of reportable action. Again this evening we have another no reportable action. Do we have to wait until Friday to find out what actually went on? As far as these closed sessions on the City Council meeting again, it seems that anything of interest; interest to all the people that have come here to the City Council Chambers every two weeks to listen in to see what the City Council is doing, we are not permitted to listen in on any of the important things. We are here to just to listen to a couple of City Council Members nit-pick the city managers of the various departments of any actions that they do. Yet the important items are all done in secret session. He doesn't know what sort of parameters you have for what is in closed session but to discuss June Overholt's over-worked schedule and to have an interim city manager or to have an interim police chief doesn't seem like a super-critical topic to be discussed in secret session. He can't see why these items can't be discussed in open session so that if the citizens of Banning have anything to contribute to the discussion they should be permitted to do so and give their opinion on what is going on. It seems that with three City Council Members in tow Philip Goebels will have the city at his fingertips and he would guess soon he might be moving to the City of Banning and occupying the White House on the top of the hill.

Jerimiah Price addressed the Council stating that he has several things which trouble him and should trouble the Council and most of all it should trouble the residents as citizens of Banning as they are the affected ones. First, he has a letter from City staff praising themselves and announcing a completed deal with the developer of the El Paseo project to put the Riverside County parole/probation office on the top floor of the office/retail section of the project and this was sent to Council Members on January 27, 2014. This letter is apparently after the fact of negotiation and change in the use of the parcel under consideration and nowhere does it mention that it was brought before the public at a Council Meeting prior to its finalization. This letter also indicates on-going negotiations to place a Riverside County DA's satellite office in the downstairs retail portion of the building (he read the letter for the benefit of the audience.) He also has in his hands two contracts and one was approved by the City Council after public comment during the Council meeting on January 10, 2012 and the other is a contract with start dates changed by City staff without approval of the City Council and without being brought before the public for comment. The dates were changed between the Council session held on Jan. 10, 2012 and the signing of the document on January 26, 2012; the changes benefit the developer only. Several violations are evident here which should concern the public and the Council, being that they are elected representatives. The changes themselves extended the time for the developer to start the project without penalty from February 1, 2014 to December 1, 2014. They are a violation of law by City staff and that should concern all of us. Under both versions of the contract the lease to the Riverside County Agency violates the original agreement (he read the language for the benefit of the audience). The lease of the

whole upstairs so triumphantly reported by City staff to the Council after the fact violates the clause that specifies small offices and should be invalidated until the contract is revisited and changed by the legislative body making the agreement, in this case, the City Council. The proposed lease to the DA of bottom retail floor also violates the agreement as written. Both of these uses strip the planned income from business licenses and various retail taxes to the City and benefits only the developer themselves. These changes have been made by City staff working hand-in-hand with the developer without seeking public comment and agreement by the City Council prior to facilitating a use of a parcel of the project in way not authorized by the City Council. Another change is being done with a hotel parcel and he went over those specifications. He said that late this afternoon he came in possession of a couple of documents that trouble him very deeply; one is signed by the City Manager Andy Takata and one is signed by Zai Abu Bakar in regards to that hotel parcel (he read these for the benefit of the audience).

Diane Smith addressed the Council statin she was here to ask some tough questions besides the reason for non-compliance with Robertson's practices, as well as, the illegal half-way houses here in Banning. These tough questions focus on the track record and underlying motives and the integrity of Banning's Community Development Director Zai Abu Bakar. When one takes a closer look at her you may find that she appears to aid and abet shady developers every step of the way. Let's start with Diversified Pacific the company that controls the 800 acre Rancho San Gorgonio Project. Diversified Pacific is run by Jeffrey Burum who is currently free on bail after being indicted and charged with multiple counts of bribery in the largest corruption case on record in San Bernardino County. Zai Abu Bakar has freely admitted that she has expedited Mr. Burum's company application even though it was incomplete. Have you ever submitted a building application to the City and it moved forward despite being incomplete. It is also Burum's company that benefitted immensely when she rezoned their 60 acres to very high residential late last year when it should have only been 26 acres. When this was exposed by the Banning Informer she said she made an innocent mistake. According to a recent City press release Zai Abu Bakar also bent over backwards to help developer Arthur Pearlman and his partner Venir to get approval for an office building to be leased to the probation department. She did so knowing full well that Pearlman was under contract with the City to build a hotel on that same site and this contract could not have been changed without the approval of City Council which was never obtained. When this came to light recently it became obvious that the vast majority of the public, as well as, City Council majority opposed this project but apparently she could care less what the public or the Council wants. She decided on her own what is good for Banning and issued approvals as she pleases and her actions are extreme and they continue to torment the people of Banning. You are a friend of shady developers and with that you have shown that you are not in favor of the people of Banning. Ms. Smith asked that she resign as Community Development Director; you have done irreparable harm to the future of our city. As for the Mayor, don't let your ego not get in the way just because you started a project with an old Council doesn't mean it was a good project. We have new members that actually want to make money for Banning and get us out of the huge hole that the old Council put us in. As for the decision to lease the old court house, that they became aware of today, if it is not good enough for the probation department, why is it good enough for brand new tenants.

Charlene Fink, 5168 Rio Bravo, Banning addressed the Council regarding the Science Experience Museum. They were obtaining grants and people's donations to build this fabulous

museum that would benefit the students of the entire area and families and it was going to be built here in Banning and now the Beaumont Unified School District along with the Beaumont City has offered it and it will open this summer in Beaumont. She is a little disappointed that more action was not taken on it and for the last two years there has been no work done on it and now we have lost another benefit to the City which would have been part of the history and development of the city of Banning. She read the article in the February 8th newspaper and she called and asked someone that was involved in it what happened and they said Banning didn't want to help and didn't want to help put this museum together and Beaumont had a school already available for them so they went there. She was really disappointed when she read about that.

George Moyer, citizen of Banning addressed the Council commenting on a couple of things he heard tonight. He said he was here on February 11th and he heard the developer clearly say that one of the buildings that he was going to build was retail downstairs and small offices upstairs and tonight he heard that wasn't in the proposal anymore and that is not what he heard in the presentation of February 11th. Also, a person stood up here and said, the vast majority of the public opposed the Paseo San Gorgonio Project, and that can't be true and he doesn't believe that is true. He believes some people have spread enough half innuendo lies and misconceptions about it and so forth to convince a small, vocal, loud minority to speak up and come here and yell about it every night. He believes that most of the community understands that when you have a courthouse and a police station and you are building a building right across the street from it you are not going to get a Target; you are not going to get a Macy's. You are going to get court-related businesses whether those are probations offices, DA offices, attorneys, paralegals or whatever, that is what you are going to get and when you get those, he has also heard, that we are not going to get the sales tax that many of the Council people seem to talk about. In his opinion, if those people are here, the more people we have downtown making better wages than minimum wage will draw and fill up those ten vacancies that he counts on Ramsey Street every time he comes down.

Don Smith addressed the Council stating that he is on the Board of the Science Experience and they have had many discussions with the City of Banning regarding how they could build the project here. Those discussions did not lead to a solution but that didn't mean that those discussions didn't happen in good faith and with everybody trying to get a science center opened. This science center will actually be of benefit to the students of the entire Inland Empire and certainly the students of Banning and Beaumont. The difference why it looks like this summer we will be opening in Beaumont is that they actually have a building that they can use. Banning has wonderful dirt that they can use but thus far they haven't been able to generate the types of money that it would take to build the entire complex. They have actually raise enough money for some plans and some time he would like to show everyone the plans that they have developed and once they build the full facility this is going to be an amazing destination. Maybe that final place will still be in Banning but he doesn't know. He does know that temporarily they do need to open in order to start providing services and temporarily their best opportunity is in some vacant buildings that the City of Beaumont has in coordination with a school that closed that is not being used any more. He believes that even being open is going to be a benefit to the City of Banning and not as much as a full facility in Banning would be but he doesn't want to get into the Banning/Beaumont argument. We need to work cooperatively as a region and we also need to work cooperatively as a community. He has probably told

every staff person present in this room, and ones no longer here, when he thinks that they are wrong. But to go the next step with absolutely no proof to start making accusations as to their character; as a member of the public he won't stand for it unless there is proof. Apologies are due from people who spoke from this podium tonight. Staff is wrong; I don't agree with the Diversified Pacific plan as it currently sets. That doesn't mean that somebody is criminal, that doesn't mean there are bribes. We need to have a proud history and a prosperous tomorrow. We are only going to get there if we work together, if we work together cooperatively in a positive manner and he looks forward to the Council doing that.

CORRESPONDENCE – None at this time.

CONSENT ITEMS

1. Approval of Minutes – Special Meeting – 2/25/14 (*Closed Session*) (9 a.m. session)

Recommendation: That the minutes of the Special Meeting of February 25, 2014 be approved.

2. Approval of Minutes – Special Meeting – 2/25/14 (*Closed Session*) (3 p.m. session)

Recommendation: That the minutes of the Special Meeting of February 25, 2014 be approved.

3. Approval of Minutes – Regular Meeting – 2/25/14

Recommendation: That the minutes of the Regular Meeting of February 25, 2014 be approved.

4. Report of Investments for January 2014

Recommendation: That the Council receive and file the monthly Report of Investments.

5. Approval of Accounts Payable and Payroll Warrants for Month of January 2014

Recommendation: That the Council review and ratify the reports per the California Government Code.

Motion Peterson/Miller to approve Consent Items 1 through 5. Motion carried, all in favor.

Mayor Pro Tem Welch noted that he forgot to open the item for public comments and at this time he opened the item for public comments. There were none.

Joint Meeting

Mayor Pro Tem Welch 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.

REPORTS OF OFFICERS

1. File and Receive the Audit Reports for Fiscal Year 2012-2013

(Staff Report – June Overholt, Interim City Manager/Administrative Services Director)

Interim City Manager Overholt said that tonight we are presenting to the Council the audit report for the fiscal year ending June 30, 2013. She started her power-point presentation at this time (see Exhibit “B”) explaining the various slides contained in the presentation. She also explained where in our financial statements information can be found relating to payment of both principal and interest on all of our debt. She introduced, Deborah Harper, Partner with Lance, Soll & Lungard and said she is responsible for signing off on the integrity of this document that was presented and also, as an auditor she is responsible for reporting directly to Council in the Auditor Communication Letter, as well as, the Management Letter how things are going from the auditor’s perspective of the finance operations.

Deborah Harper addressed the Council stating that she is happy to deliver excellent news that the City did receive what is called “an Unmodified Opinion”. It is a clean opinion and you will see that actually in the Financial Statements. It will talk about the report on the financial statements which June Overholt explained as far as the governmental activities, the business type activities and with her explanation you know exactly what funds we are talking about that we stated our opinion on. Ms. Harper continued to explain what was in the Auditor Communication Letter and the Management Letter. She also pointed out the change in the accounting principles and said this is a new pronouncement that they issued and it is actually applicable next year but they early implemented it this year and it relates to how you disclose the debt and she explained that they did early implement that and you will see a restatement and it has nothing to do with error in way, shape or form; it is purely an accounting requirement. The last paragraph talks about a report on internal control and it is actually telling you that they did issue a report on internal control which everybody does and this letter will go over the different procedures that they looked at and it talks about the definition of internal control meaning that there are proper controls in place with the City to detect and prevent and verify that errors are going to be caught. We are human and there are errors that are going to happen but the main concern is that there are controls in place that are going to catch that in a timely manner. It also goes into definition which is good to review every year because you don’t always hear these terms and she explained some of the terms used in the report. The only item they have to address is that they did note that there were some reconciling items on the cash and cash is always significant and that is the reason why they are required to disclose it. It is an immaterial amount as you can see it is only \$6,587.00. She is happy to let the Council know that it has already been resolved. It was just a requirement on their side that they have to disclose these with all the high scrutiny as far as other cities. There are stronger requirements and it is important that we are transparent. It is nothing of concern and has already been corrected. As you can see, June Overholt actually put a response in the letter which they always encourage and everybody is aware of these transactions and it is already in place that a reconciling item has already been cleared and it was purely timing and there is no concern. The last letter is an Audit Communication Letter and that goes over general, non-specific financial statement requirements. There were no significant findings and no difficulties as far as the audit went, nor any misstatements to disclose that were corrected after the fact. The last item will talk about GASB pronouncements. All the GASB pronouncements that were applicable this year have been applied and they did talk about GASB 65 which they did an early implementation and that is very good to do an early implementation. There is one pronouncement that they always like to

just give you a heads up on future pronouncements of the next year and that will be GASB 70. She doesn't see this impacting the City in any way but they will assess that next year and let the Council know if anything changes.

Councilmember Peterson said in regards to the \$6,587 was this cash and where did this come from.

Ms. Harper said it was a reconciling item. She believes it was related to the utilities and the timing of the deposits and the cash. It was noted that there was a reconciling item but it needed to make a correct journal entry and that is what they were identifying and it has already been corrected and they actually changed their procedures to get the timing going a little faster so you won't have any more reconciling items.

Councilmember Miller said that there is a sub-committee that has looked at the report very carefully along with June Overholt and the City Treasurer and they have examined it carefully.

Mayor Pro Tem Welch opened the item for public comments. There were none.

Motion Westholder/Peterson that the City Council and Successor Agency accept and place on file the audit reports from Lance, Soll & Lunghard, LLP for the fiscal year ended June 30, 2013 (FY 13). Motion carried, all in favor.

The joint meeting was recessed and the regular City Council Meeting was reconvened.

REPORTS OF OFFICERS

1. Resolution No. 2014-15, Awarding the Construction Contract for Project No. 2014-01, Street Rehabilitation and Sidewalk Improvements at Various Locations and Rejecting all other Bids.
(Staff Report - Duane Burk, Public Works Director)

Director Burk gave the staff report as contained in the agenda packet. The project specifically is to repave streets that were approved by Riverside County Transportation Commission's (RCTC) Capital Improvement Project which was adopted by the Council and some sidewalk handicap ramps, improvements. He went over the projects as listed in the staff report and the funding sources. The lowest responsive bidder was All American Asphalt from Corona, California for a total cost of \$1,382,984 which includes a 10% contingency for the project and also includes a Professional Services Contract for Cozad and Fox, Inc. for staking and includes the match from SB 21 and authorize the Administrative Services Director to move the money appropriately.

Councilmember Peterson said that he had several concerns on the whole project and part of it goes back to the Council meeting held on January 14, 2014 regarding Resolution No. 2014-03 whereby you came to the Council looking for \$875,000, Prop 1B money that you wanted to either put in one of three places Hathaway Street, Westward or Ramsey. At that time he thinks the Council had suggested that they really didn't want to do it on those streets and would like to get the road going out from Westward to Sun Lakes Blvd. and you said that there was no way to do that on \$875,000. But now he sees the basic same resolution coming back before Council under Resolution No.

2014-15 again utilizing the Highway Safety Traffic Reduction Prop 1B funds but this time that \$875,000 is mixed in with this \$1,400,000. He is thinking if now all of a sudden \$875,000 has now increased to \$1.4 million would we have enough money now to branch out from Westward going towards Sun Lakes Blvd. He also has a concern with the handicap ramp on Roberge Avenue west side from Ramsey to Nicolet because those would be all handicap ramps that lead to nowhere and there are no sidewalks. He said the same thing occurs along Repllier where you have handicap ramps that cut and then you go three feet and there is a telephone pole in the center of the sidewalk. He doesn't really agree with No. 2 of the Sidewalks and Handicap Ramps for Roberge and perhaps you could find a better area to improve the corner cuts. More importantly than that is this \$1.4 million being used to go from Westward to Sun Lakes Blvd. now instead of \$875,000.

Director Burk explained in detail what the Council was presented with in Resolution No. 2014-03 adopted on January 14th for the use of 1B money. He said that TCIF1B is Traffic Corridor Infrastructure Fund Grant money available for traffic corridors. This is federal money that we applied for and received and we have to obligate and spend that money within a time line or we lose it.

There was much further Council and staff discussion in regards to this project, the timeline issue, paving of Westward, amount of grant money approved, and possible feasibility study of Lincoln Street.

Director Burk went over a chart showing the project broken down with the bid schedules and the identified grant money to be used.

Councilmember Miller said the question is whether or not this is the wisest use of the money and recognizes that they are going back to something they decided not to do. At the meeting of January 14th they discussed Westward and the conclusion was that Westward was really infeasible because of all the utility lines and it was never intended to be a major thoroughfare anyway and at that time we talked about Lincoln Ave. and that Lincoln Ave. is indeed going to be the main thoroughfare and we really want to connect the east side of Banning to the west side. He thinks at that time they said it wasn't feasible to do Lincoln because we didn't have enough money. Now we do seem to have additional money and it seems like a waste to take a big block of money which is so hard to get and scatter it throughout the City. We can always use small amounts of funds for different streets. If that money could be used to bring Lincoln at least most of the way to Sun Lakes and then very shortly after use it with some smaller amount of money, is it permissible to use this total amount of money for such a street.

Director Burk said you have to remember that Measure A money has been approved by the Council and gone on to RCTC for approval. Annually in April staff comes back to the Council and asks if you are good with moving forward with this project and then that resolution is sent back to RCTC. Similarly we do the same with TCIF1B money and we did move it under the Resolution of January 14th to Ramsey Street. As far just moving the money to Lincoln Street there is a huge amount of effort involved in trying to get the land and doing the environmental work and that is why he would respect that the Council let him do a feasibility study to give the two comparisons. He is not saying that you shouldn't build Lincoln Street but he certainly doesn't want to stand before the Council and say I want to spend \$4 million on raising these bridges and

relocating these utilities for a 35 mph road and then not give you a number as to what Lincoln would cost you.

Interim City Manager Overholt said she thinks the message from Council is very clear that we need to find a solution for Westward or Lincoln. And when she is looking at the budget there are several opportunities that the Council is going to have in the very near future to give some input into how the Measure A Funds are used in the future and those Measure A funds now can go to RCTC and say this is where our priority is. We may have had these priorities in the past and that is what was on our 5-Year Plan but now that we have had time to look at the facts before us we want to shift our priorities to whatever street. She thinks that there are still opportunities for the Council to get their goal but she doesn't know if they can successfully achieve it before June of 2014 and that is kind of the dilemma we are facing in trying to help the Council achieve the goal but faced with some dynamics. So with the direction that she is hearing Council would be open to the possibility of allowing the projects to go forward and give direction to staff that we need you to look for funding and we need you to put in place the tools that gives us the information to make the decision. Also Measure A when it comes before you in the next month it is going to have Westward or Lincoln as the project and that is an option that you can consider for tonight.

Councilmember Miller said to summarize what has been said it is really too late to do the feasible study for Lincoln and as he remembers the discussion Westward really was never intended to be the main thoroughfare and that Lincoln was really the main thoroughfare and we really should spend our time concentrating on receiving funds for Lincoln. So it is really too late to take this money and use it for Lincoln because you need the feasibility study and the environmental impact report on Lincoln if we were going to use this money for it.

Director Burk said that was correct.

There was some further Council and staff discussion in regards to this project in regards to the handicap ramps and the sidewalks on Roberge and Repplier.

Councilmember Peterson asked Director Burk in regards to the feasibility study could he give the Council a timeline when he will be reporting back.

Director Burk said he would do his best to get a report back to the Council in July, 2014.

Mayor Pro Tem Welch opened the item for public comments. There were none.

Councilmember Miller said that Lincoln is really the much more appropriate road rather than Westward since there were so many utilities located on that road and the last time this was discussed it was said that Westward really was going to be essentially a greenbelt and not a road. So if he remembers correctly that was really a secondary possibility and Lincoln is really the one we should be concentrating on and is that correct.

Director Burk said yes. And if he understood Councilmember Peterson that is what you want a feasibility study on Lincoln.

Councilmember Peterson said it could be on either. He is only looking for a road to Sun Lakes Blvd. and he doesn't matter where it goes as long as we get a road.

Motion Peterson/Miller that the City Council adopt Resolution No. 2014-15, Awarding the Construction Contract for Project No. 2014-01, Street Rehabilitation and Sidewalk Improvements at Various Locations to All American Asphalt of Corona, California for an amount of \$1,233,000.00 and allowing a 10% contingency of \$123,300.00 and Rejecting All Other Bids; 2) Approving the Professional Services Agreement for Surveying and Construction Staking Services with Cozad and Fox, Inc. of Hemet, California, for an amount not to exceed \$26,684.00; and 3) Accepting and Authorizing the Expenditures of SB-821 Bicycle and Pedestrian Facilities Grant Program Funds in the amount of \$180,000.00; and 4) Authorizing the Administrative Services Director to approve change orders within the 10% contingency of \$123,300.00. Motion carried, all in favor.

2. Ordinance No. 1478, Amending Banning Municipal Code Section 2.08.080 (Relating to City Manager Powers) and Repealing Section 2.08.100 (Relating to City Manager Removal).

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

City Attorney gave the staff report stating that the Council has brought up the issue of what the appointing power is of the City Manager and wanted to get this issue addressed before a new City Manager gets hired. We talked about a number of approaches as to whether the Council was concerned with all department heads or certain department heads, was the Council concerned with just the appointing process or the dismissal process as well. The direction that eventually developed was that it would just be the appointment process and wouldn't deal with that sort of authority thereafter and it does include all the department heads. Provided in the agenda packed is a red-lined ordinance showing the items that would be eliminated and the language that would be added. He went over the language concerning Government Code Section 3, the two lines that were deleted is a section in the government code that talks about hiring the Chief of Police. If there is a local ordinance that says it doesn't apply and instead of having a special provision concerning the Chief of Police the language is just uniform in terms of the appointing power. There is actually some language in the current code that says, "The City Manager has the power to consolidate or combine offices, positions, departments or units under his or her direction..." and to do other various things and the Council's intent was not to alter the general power of the City Manager to control the day to day operation. They did add some language that if any major administrative reorganization at the department head level occurred, any such major reorganization would require concurrence by the City Council. Normally if there was a major reorganization there would be some financial implications and the Council would be involved with that anyway but thought it should be clarified. With regards to the appointing of department heads Section C currently says that the City Manager has various powers including, "To appoint, promote, demote and remove any officers and employees of the city except the city clerk, city treasurer and city attorney," and what they have added which they think was the main intent of the Council was, "...provided, however, that any appointment of a department head, including chief of police or other public safety director, and any employment agreement with such department head shall be subject to concurrence by a formal vote of the City Council on a public agenda." When the Council talked about this one of the things that was discussed was that you wanted to be sure that any contract with a

department head did come back for actual approval by the Council. In Section H there is an item that talks about the budget expenditures are approved by the purchasing agent to procure items that are listed and it sort of basically refers back to the basic budget authority and given some of the discussion that occurred they added language that says, "All purchases shall be made in accordance with City Ordinances." One other thing that came up is that there is a section in the current code that deals with the termination/removal of the City Manager and that is Section 2.08.100. This section talks about the process to remove the City Manager and it includes that there would a written notice of intended removal. The possibility in terms of going through that process and giving a hearing and being a public hearing on the removal so there is a provision in your ordinance in prior City Manager agreements and have actually had the city manager waive those provisions but there is this notice hearing process that is in the code and it seemed like the Council's desire has generally been that the City Manager be an at-will employee where you wouldn't have to go through a hearing process in order to remove the City Manager. Given that intent it seemed like this section is not necessary and in a future hiring instead of waiving this provision it would be better if you didn't have it in the code. The language in this ordinance says that this whole section is deleted. Besides the hearing process there is probably two other aspects of this language that is currently in the City's code that you should be aware of and perhaps you don't want to delete that. One is that the City Manager can only be removed upon a majority vote of the whole City Council. Normally the rules are that unless there is something in an ordinance a majority of a quorum can take action on the part of the City Council. So if we had a meeting where there only three people present and two people were not present, a vote of 2/1 would be a majority of quorum so the difference between that and this language is that this language is saying to remove the City Manager you always need at least three votes. So perhaps that is something you want to keep in here to be sure that the City Manager doesn't get replaced when we don't have a full Council and that one phrase that is in here would mandate that it really takes 3 votes. Section E talks about within 90 days of an election and that is really a provision of State law that you can't remove the City Manager within 90 days of an election so in one sense it doesn't need to be in your code if it is already in State law but in another sense if you wanted to retain that provision, he doesn't think that you are kind of giving the City Manager unusual rights. The purpose of that is that if you have a new Council that is elected they can't just come in at their first meeting and fire the City Manager. There is a period of time where you work with the City Manager before you would come to that conclusion. He thinks that this removal section should generally be eliminated he believes but those two aspects it could be you would want to retain those for the reasons he indicted and wanted to explain why they had taken it out but on the other hand he wanted to be sure that the Council was aware of the implications pro and con or if the Council wanted to go with something different.

Councilmember Miller said he would certainly agree that you wouldn't want any manager removed by two people so how would we go about changing that.

City Attorney said in the ordinance instead of deleting all of that section we would basically change the title and he would reword "A" but he would leave in the fact that it takes a majority of the whole Council in order to remove the City Manager.

Councilmember Miller made a motion that Ordinance No. 1478 be approved with that change.

Mayor Pro Tem Welch said this involves our newest member of the City Council and it has involved other people over the years and the way this thing reads is that an elected Council person must have a certain amount of time before they can make this kind of a decision. He would think any Council person regardless of the method they because a Council Member should be included in this. It seems to him that Councilmember Westholder is in that position and was appointed. There is no time element for him to be active in this procedure and he thinks that should relate to anyone coming on the Council regardless of how they got there.

City Attorney said the Government Code Section talks about from an election and they were not able to find any cases that dealt with whether the 90 days is triggered by an appointment. He thinks to be on the safe side it would be wise to make sure that you ran it from both time periods. The current language you have in here just talks about election and if the Council in your ordinance wanted it to be triggered by either the election or appointment of a new Council Member he thinks that they can put that in the City's code.

Mayor Pro Tem Welch said the reason he is suggesting that is that if you are appointed or elected you get the same opportunity for that 90-day period to become advised and part of the workings otherwise we are making an exception for appointments and that was one of his concerns.

City Attorney said he would be happy to make that change but the motion at the moment is not including reinserting "E" as you have suggested where it was only taking about "A" but if the Council wished to make that change with "E" he would be happy to make that provision.

Councilmember Miller/Westholder modified the first motion to add "E" with the idea that it also applies to appointments along with the change he first mentioned on "A".

There was much more Council and staff discussion regarding the recruitment and hiring process and final approval of the contract by the Council on a public agenda.

City Attorney said the direction from the Council was that they were not going to be involved with the hiring process. This ordinance doesn't talk about the process of what the City Manager would go through to come up with a candidate. It doesn't talk about whether the City Manager has to run all the candidates by the City Council and what information you have to give the Council. He thinks that how this gets interpreted and applied is going to be subject to the City Manager and the City Council. The only thing this ordinance is saying is that the City Manager's decision to appoint somebody that appointment is not legal until the Council has given concurrence and that is what he understood the direction of the Council was and this is what this now says and if he misunderstood the direction of the Council, it can be corrected.

Mayor Pro Tem Welch said that with all his time involved with the City of Banning what we are doing is actually formalizing what we have been doing informally. But if we are going to formalize it and put it into an ordinance then it needs to be complete because there is a difference between formalizing a written document and normally doing something and that is his concern. He has a real concern, not with this Council but with any Council, about putting a

band around people's ability to recruit and hire and this goes further than just financial. If it is a financial decision on a contract, he votes for it.

Councilmember Peterson said the way he understands it this is nothing more than a check and balance system to insure that the contract is approved by the City Council. The City Council is not involved in human resources, not involved in recruitment, not involved in interviewing, and not involved in selecting. All they are doing is a check and balance system to make sure that a contact is not coming through with a two-year severance agreement for 180% per month of their pay or some ungodly amount of insurances or whatever. All we are doing is approving the contract so we can see how the City is spending their money and who is getting what. Personally he doesn't want to see 12 or 14 month severances. The City can't afford it and he doesn't want to see it and he thinks those are the reasons why this ordinance is coming to pass.

City Attorney said it is not just approval of the contract. It is the approval of the appointment of the person as stated in Section 4, Item C. (agenda page 186).

Councilmember Miller said the whole reason this came up was the shock the Council and the whole city had in the fact there were these tremendous retirement or severance packages and that is the whole reason to have the contract available for review and observation by the Council and the community. That is the only purpose for everyone to look at the contact. Secondly, the objection is you are not only looking at the contract, you are looking at the person. He said in his mind you can't separate the two. If you have somebody, in the opinion of the Council is unqualified and has a tremendous salary, how can you just say is all you care about is the contract. You have to look at the contract and the person simultaneously.

Councilmember Westholder said he thinks that this is also a safeguard from the City Manager hiring the second cousin of his mother's best friend and bringing him in here just so he can get a decent salary. He thinks the whole idea that we are looking at the whole package here.

Mayor Pro Tem Welch 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*):

Fred Sakurai expressed his concerns and if all the Council is interested in is reviewing the contract, why don't you just say so. He had other concerns with persons serving out their contact and not receiving a severance package and also things should be done in public and not secret sessions.

Diego Rose expressed his concerns with severance and he understands the Council's desire to review the contracts and that it is done in a public manner.

George Moyer said he thinks that it is prudent that the Council review these contracts however, it is actually teetering on the hiring is what you are doing when you say you need final approval on the individual is wrong. He asked the City Attorney to explain the verbiage regarding major changes within a department.

City Attorney said right now the ordinance says the City Manager can basically restructure the organization, move positions around and resort the departments; he has broad authority to do that. They added some language that says anything involving significant financial implications the Council would need to approve that reorganization plan and he gave an example.

Mr. Moyer said that it takes it past a cursory acceptance of a department head as far as he is concerned and he would ask that part of it be eliminated.

Don Smith addressed the Council stating that he understands what each of you are saying and never thought about the nepotism argument and would like to believe the City Manager wouldn't hire his unqualified cousin to be the chief of police but would agree you shouldn't let him. He also expressed his opinion on the hiring process.

Mayor Pro Tem Welch closed the item for public comments.

Councilmember Peterson said he thinks the public has the wrong perception and he explained why he felt that way. He said the City Manager is going to bring the most qualified, most adaptable candidate, the one he feels will best get along with him and the Council and with the rest of staff and that is the one he is going to hire. That is not up to the Council. The only thing the Council is going to see is a contract and the contract that they are going to approve is going to protect you the people. The comments that he has heard is that the Council wants all this power to pick and choose and micromanage and it has nothing to do with that. Each and every one of you are demanding a public session, you want to know what the contact is, you want to know what the parts are and you want to see it posted in the agenda packet where you can read just like we do and you have expectations of the Council to make the right decision in that appointment. If you are going to hold us accountable, then let us be accountable for what it is we put our signature to. The public comments have really gone way beyond what the intent of this ordinance was ever on. There are advocates pro and con for whatever goes on but nobody is trying to micromanage the City staff and not from him anyway.

Councilmember Westholder said he thinks there is a misconception and he doesn't think that anybody on this Council wants to be involved in HR or hiring anybody or keep giving no votes until we get the person that we want on there; the whole idea is just some accountability. You want everything done in public and so do we. If you read the job description for your City Manager, he has incredible power and authority. All the Council is trying to do is put a little check and balance in it to protect the City. To protect us financially and to protect us from anything that would be negative. The wrong person being in the wrong place has nothing to do with micromanaging and if you notice, the ordinance has nothing to do with the oversight of the Council on jobs and has nothing to do with firing. All it is saying to the City Manager is that when you have the right candidate we want to look it over. We want to say okay and we are with you 100%. But at the same time, if he brings in the wrong candidate and a majority of the Council says they don't think this is a good idea, then maybe we need to look at it again.

Councilmember Miller said how many of you knew what the final amount of money that somebody who was going to leave our City got. He doesn't think anyone here knew what the contract was. He knows that he didn't know and he doesn't believe anyone on the Council

knew it. The whole point of this very simple ordinance is to bring to public information how much money people are going to get. Every contract deserves to be public and that is the primary purpose of this thing. The wording may be complicated because we have an attorney who has made sure that it is legal; anything legal is very, very complicated. The purpose of this is to bring the contracts before the Council so that we don't have outrageous contracts and that is the only purpose.

Councilmember Welch said he agrees with what the Council is saying however, his opinion the wording that has been presented really doesn't set forth in his mind what is being said up here tonight. All he is asking is to make sure the wording in the ordinance truly reflects what the Council has expressed what we want and it is primarily one thing and that is protection of your monies and accountability from the Council to you and staff to you on how we spend and use the money as wisely as we can to move our City forward. He thinks it is all well and good but the verbiage has to truly reflect what this Council is saying as its intention.

City Attorney said you can suggest changes and he thinks what Councilmember Welch is saying is that they should only approve the contract and shouldn't approve the person. What he hears other Council people saying is that those two things are the same thing. So he doesn't know how to word this differently with that dichotomy that has been created. You can look at this wording and if you want to suggest a change, then the other Council people can look at it and see whether they agree with that change and then we will find out if you are saying the same thing or something different.

Councilmember Westholder asked if there was any way it could be worded and more differently to get across the intent of this Council because he thinks that they are talking schematics here as well.

City Attorney said that he thinks the Council has a somewhat different intent. He thinks that Councilmember Welch is saying it is possible to approve the contract, the financial terms of the contract but not who the person is; he is making that distinction and you are basically arguing that if you have the right to approve the financial terms of the contract, if you turn it down, in effect there is no contact with that person so you are sort of saying the same thing. This started off with you wanting the right to disapprove the person being selected. Then a second issue came up that the contact itself should be on a public agenda. So now the language says you have the right to basically veto the person the manager selects and the contact has to be on a public agenda. He thinks that Councilmember Welch is saying he agrees with the approving the financial terms but he doesn't agree that there is a right to veto the candidate themselves and so it is not schematic. There is a difference between those two positions and what he understood was what he thought the majority was saying and that is why both things are there and absolutely it is your ordinance. If you just wanted to say the contract has to be on the agenda but you don't have concurrence power or veto over the candidate themselves, he could easily make that change.

Councilmember Westholder said having said that he understands where Councilmember Welch is coming from now and called for the question.

Mayor Pro Tem Welch asked if there were any changes made to the recommendations offered up to us tonight.

City Attorney said from the ordinance you received there were two changes and one was instead of entirely deleting the section on removal you want to retain that section with two parts of that section: 1) any termination has to be by the majority membership of the Council; and 2) that within 90 days of either an election or an appointment of a new council member the city manager cannot be replaced. So he would modify the ordinance that is in the agenda packet with those changes but those would be the only changes.

Recommendation: That the City Council adopt Ordinance No. 1478.

Mayor Pro Tem Welch asked the City Clerk to read the title of Ordinance No. 1478: An Ordinance of the City Council of the City of Banning, California, Amending Banning Municipal Code Section 2.08.080 (Relating to City Manager Powers) and Repealing Section 2.08.100. (Relating to City Manager Removal) with changes as stated by the City Attorney.

Motion Peterson/Westholder to waive further reading of Ordinance No. 1478. Motion carried, all in favor.

Motion Peterson/Westholder that Ordinance No. 1478 pass its first reading. Motion carried 3/1 with Mayor Pro Tem Welch voting no.

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

City Council

Councilmember Peterson –

- Remind staff that April 24th is coming very soon in regards to the TOT (Transient Occupancy Tax) tax and what are we doing about getting voters to support this and have we initiated anything out there to promote this TOT. Also would an RFP (request for proposals) go out for anybody that wants to bid on doing that?

Interim City Manager Overholt said that she will be meeting with the Finance and Budget subcommittee on Thursday and they will be going over some possibilities on how to do that and they have also been working with the City Clerk and the City Attorney's office to meet the deadlines with the County and in regards to the RFP she has asked for some informal proposals.

City Attorney said that the City cannot spend any money on campaigning but what the City can do is provide education materials and last time they had a public education campaign.

Councilmember Peterson said he had a member of the community bring up a nice idea that maybe the City would like to move forward on that out of the 12% of the TOT, they discussed taking 2% of the 12% and putting that back into advertising for hotels, etc. in trying to use some of that tax in bringing people here.

Interim City Manager Overholt said it is always good to have good ideas. She would suggest that one of the things that the Council might want to look at again, and it is on her list to bring forward, for review an ordinance that was passed and written by the City Attorney's office in 2011 as a result of the elimination of the redevelopment agencies and it talks about what kind of economic incentives can occur and rather than say let's remove General Fund monies that we currently depend on drastically that we look at it from the incentive perspective.

City Committee Reports – None

Report by City Attorney - He said that we do need to go back into closed into closed session on two items.

Report by City Manager

- The City Clerk will be asking the Council to meet to do interviews of the applicants for the vacancy that is on the Planning Commission.
- She has received a flyer that talks about giving feedback on proposed route changes from the transit group and Heidi Meraz oversees that. You will recall that a few months ago we authorized a contract to do some analysis and now that contractor is doing an open house seeking feedback. The dates are Wednesday, March 26th at the Banning Community Center and Thursday, March 27th at the Beaumont Civic Center and you can stop by any time between 12 p.m. and 7 p.m. to view the maps and give feedback.

ITEMS FOR FUTURE AGENDAS

New Items

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.

Closed Session

City Attorney said the two closed session items are a potential litigation matter and real property negotiations for the property at Paseo San Gorgonio.

Fred Sakurai addressed the Council stating that Jerry Westholder's situation as a 90-day Council Member was in the ordinance and yet he voted on the ordinance and is that legal.

City Attorney said that he can vote on the ordinance, yes. He doesn't have a financial conflict of interest.

City Council recessed to closed session at 7:50 p.m. and reconvened at 8:34 p.m.

City Attorney reported that the City Council met in closed session and discussed a matter of potential litigation and a status report was given and there was no reportable action taken. The

second item involved real property negotiations at the Village at Paseo San Gorgonio and a status report was given and there was not reportable action taken.

ADJOURNMENT

By common consent the meeting adjourned at 8:35 p.m.

Marie A. Calderon, City Clerk

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

Received 3/11/14
Council mtg.
Public Comments *mac*

To: Banning City Council Members

From: Dorothy Familetti-McLean

3/11/14

Re: Dysart Park

While the plan for this project is an attractive one, it will not meet the needs of Banning Stagecoach Days events, the biggest thing that takes place and draws many to Banning each year.

The arena may be the same size as the old one, but the surrounding areas will not hold the 75-100 horse trailers and trucks that would come to event or the carnival excess. Plus, I doubt that the residents would appreciate those trailers and trucks going thru their streets.

In addition, the vendor area is about a third of what we had last year. We had about 55-60 vendors. My understanding is that the vendor site will be much smaller.

We are trying to make this event grow, and the developer appears to literally be taking away some of our ground to do so.

The Stagecoach Days Committee has numerous excited, young, interested people on it who would like to see this yearly event get bigger and better each year. I urge you to think carefully before you make a decision that may stop Stagecoach Days in its tracks and don't approve something that will negate our interest and enthusiasm for our town.

Thank you.

March 11, 2014

CITY OF BANNING JUNE 30, 2013 AUDIT

reg mng 03/11/14
Exhibit "B"
20

City Auditors – Lance, Soll & Lunghard, LLP

- ◎ LSL was established in 1929
- ◎ They are a full service CPA Firm specializing in the audits of governmental entities. (Cities, Agencies, Authorities, and Special Districts throughout California)
- ◎ They do over 100 of these audits.
- ◎ They have ^{four} three offices in the Southern California area

BS

Audit Responsibilities and Process

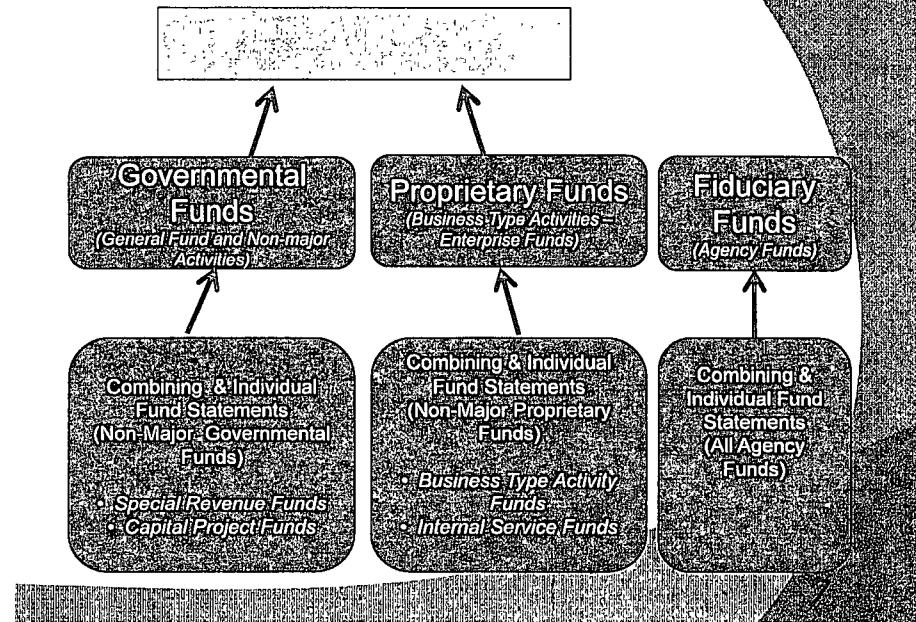
- ◎ LSL has been engaged by the City of Banning to perform a **financial audit** and to assist in preparing the annual Audited Financial Statements.
- ◎ Testing of account balances and also to assess the internal controls set in place at the City of Banning.
 - Internal controls are those policies and procedures set in place to safeguard the assets of the City.
 - And also to detect and correct any material errors arising in the accounting system of the City.

Audit Process and Report

- ◎ Interim Audit (one week - July)
 - Planning,
 - Inquiry and documentation,
 - Risk assessment,
 - Internal controls
- ◎ Year-End Audit (October through early December)
 - Account analysis
 - Confirmations
 - Cut-off procedures
- ◎ Annual Financial Report
- ◎ Budget & Finance Council Subcommittee – meeting with the Auditor

Audit Opinion

- ◎ This audit work was all performed in order to render an “opinion” on the financial statements.
- ◎ An “unqualified opinion” was given on the June 30 financial statements. This is the best opinion.



reg mng-03/11/14
21
Exhibit "B"

General Financial Statements

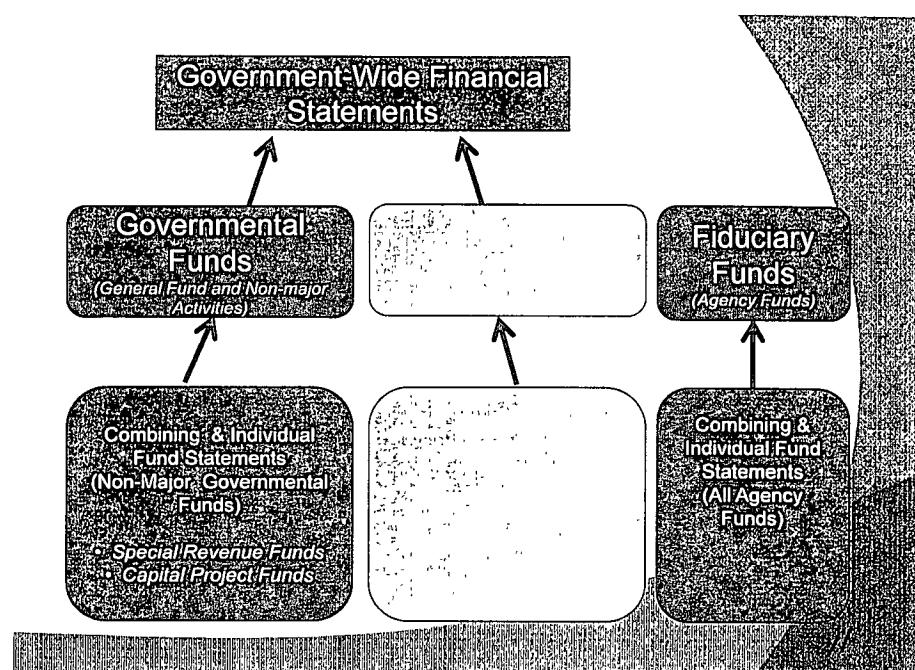
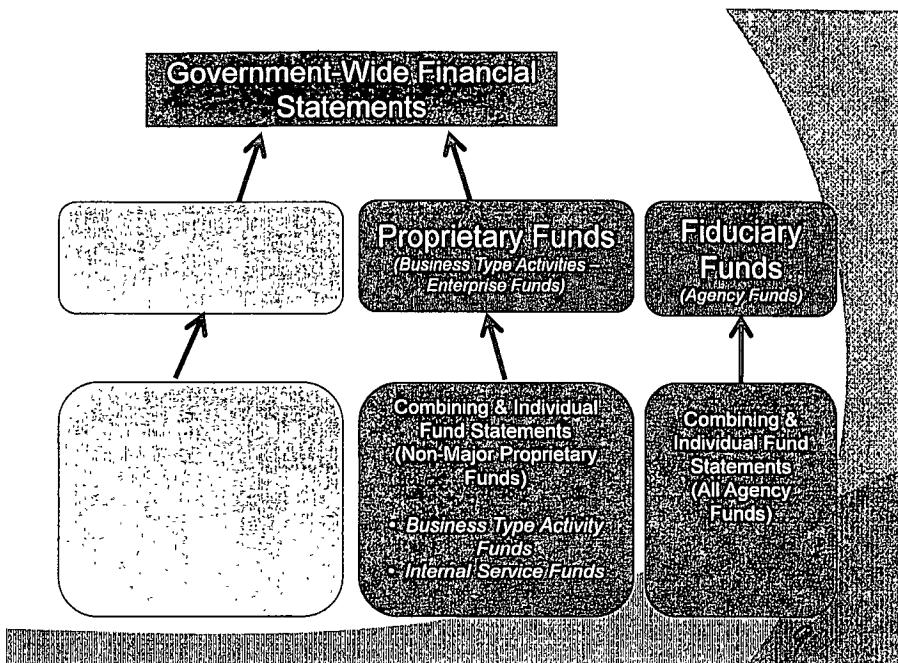
- ◎ Combines all entities governed by the City Council and its related boards
- ◎ Management Discussion & Analysis (MD&A) prepared by staff
- ◎ Footnotes cover accounting practices and provide supporting information focused on the Statement of Net Position

22

City Wide Statements

- ◎ Combine all funds into categories
 - Governmental Activities
 - Business-Type Activities
 - Fiduciary Funds
- ◎ Citywide net position decreased \$3.5M

23



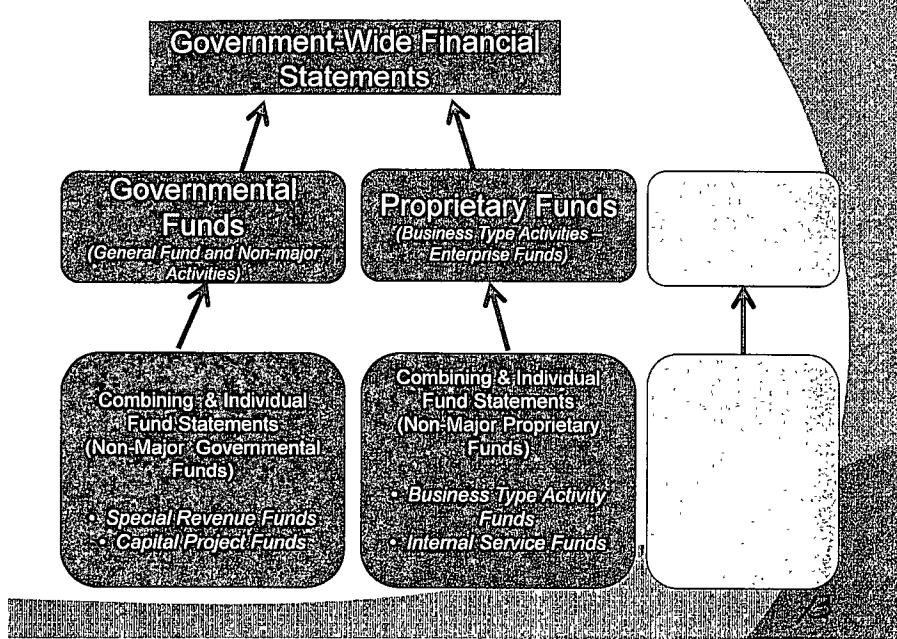
Governmental Funds

- ◎ General Fund
 - Fund Balance increased by \$1.9M
 - Reserves at 25%
 - FY 12 reserves = \$2.3M
 - FY 13 reserves = \$3.3M
- ◎ Other Governmental Funds
 - Special Revenue Funds
 - Capital Improvement Funds
 - Details in the Combining & Fund Statements

33

Proprietary Funds

- ◎ Water
- ◎ Electric
- ◎ Wastewater
- ◎ Other Enterprise Funds
 - Details in the Combining & Fund Statements



Auditor presentation

- ◎ Audit Communication Letter
- ◎ Management Letter
- ◎ Deborah Harper, Partner with LSL

Exhibit "B"
23
reg mtg -03/11/14

Fiduciary Funds

- ◎ Private-purpose Trust Fund
 - Successor Agency
- ◎ Agency Funds
 - Community Facility Districts
 - Landscape Districts

2nd Read.

ORDINANCE NO. 1478

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF BANNING, CALIFORNIA, AMENDING BANNING
MUNICIPAL SECTION 2.08.080 (RELATING TO CITY
MANAGER POWERS) AND SECTION 2.08.100
(RELATING TO CITY MANAGER REMOVAL)**

A. The Banning City Council has asked this office to revise those sections of the Banning Municipal Code defining the scope of City Manager Powers in order to require that the City Manager's appointment of City department heads will be ratified by a formal vote of the City Council.

B. Banning Municipal Code Section 2.08.100 provides a City Manager certain notice and hearing rights that reach beyond what is required by law. Further, these Code sections have historically been contractually waived in City Manager contracts and thus have been inapplicable in practice; and

C. The Brown Act already sets forth a fairly detailed notice/meeting protocol for City employee removal. Arguably, the Brown Act's meeting procedures for employee removal "pre-empt" the City's Code provisions on the same topic and thus void them entirely; and

D. While Banning Municipal Code Section 2.08.100 remains on the books, this Code provision is possibly legally void, and its effectiveness has been contractually waived in prior City Manager contracts. As such, retaining this provision in the Code serves no practical purpose and causes public confusion about the City Manager's rights under his/her contract.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
BANNING, CALIFORNIA:**

SECTION 1. That the findings and recitals contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. Banning Municipal Code Section 2.08.100 is hereby amended by repealing Subsections "B" through "D," inclusive, of Banning Municipal Code Section 2.08.100. Subsection "E" of Banning Municipal Code Section 2.08.100 is hereby re-numbered to be Subsection "B" and Subsections A & B are amended to read as follows:

"A. The removal of the city manager shall be only on a majority vote of the whole city council.

B. Notwithstanding the provisions of this section; the city manager shall not be removed from office during or within a period of ninety days next succeeding either: (i) any general municipal election held in the city at which election a member of the city council is elected, or (ii) the date of actual appointment of any a member of the city council where a vacancy has been filled by appointment. The purpose of this provision is to allow

for any newly-elected or newly-appointed member to the city council or a reorganized city council to observe the actions and ability of the city manager in the performance of the powers and duties of his office. After the expiration of the ninety day period aforementioned, the provisions of this section as to the removal of the manager shall apply and be effective.”

SECTION 3. Subsection “B” of Banning Municipal Code Section 2.08.080 is hereby amended to read as follows:

“B. The power to consolidate or combine offices, positions, departments or units under his or her direction; and to control, order, and give directions to all heads of departments, subordinate officers and employees of the city, except the city clerk, city treasurer and the city attorney; provided, however, that any major administrative reorganization affecting City finances shall be subject to concurrence by a formal vote of the city council.”

SECTION 4. Subsection “C” of Banning Municipal Code Section 2.08.080 is hereby amended to read as follows:

“C. To appoint, promote, demote and remove any officers and employees of the city except the city clerk, city treasurer and city attorney; provided, however, that any appointment of a department head, including chief of police or other public safety director, shall be subject to concurrence by a formal vote of the city council.”

SECTION 5. Subsection “H” of Banning Municipal Code Section 2.08.080 is hereby amended to read as follows:

“H. To prepare and submit to the city council the annual budget. City council approval of the annual budget or schedule of anticipated expenditures constitutes approval to the purchasing agent to procure any items therein listed. Any items not so listed shall first have approval from the city council before purchase can be authorized by the city manager. No expenditure shall be submitted or recommended to the city council, except on report or approval of the city manager. All purchases shall be made in accordance with City Ordinances.”

SECTION 6. Except as amended pursuant to the above Sections, all other provisions of Chapter 2.08 shall remain unchanged and in effect.

SECTION 7. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any

unconstitutionality, voidance or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

SECTION 8. The City Clerk is directed to cause this Ordinance to be published within 15 days of its passage in a newspaper of general circulation published and circulated within the City of Banning.

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

Deborah Franklin, Mayor

ATTEST:

Marie A. Calderon, City Clerk

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

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

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1478 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 11th day of March, 2014, and was duly adopted at a regular meeting of said City Council on the 25th day of March, 2014, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

CITY COUNCIL AGENDA

Date: **March 25, 2014**

TO: **City Council**

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

SUBJECT: **Report of Investments for February 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 February 2014. As of February 28, 2014, the City's operating funds totaled \$72,377,628. Included in Successor Agency operating funds is \$719,338 of restricted CRA bond proceeds that are on deposit with LAIF and reflected separately on the Summary Schedule.

As of February 28, 2014 approximately 39% of the City's unrestricted cash balances were invested in investments other than LAIF.

The February 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 0.236% in February. The average rate for all investments in February was 0.330%.

APPROVED BY:


June Overholt
Interim City Manager

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

	Amount
	<u>3,705</u>

Bank Accounts

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

Interest

Rate	Amount
0.000%	448,304
0.300%	3,345
0.300%	3,013
0.300%	<u>3,198</u>

Money Market and Bank Account Sub-Total

457,860

Government Pools

Account #1 Operating Amount	41,817,827
Account #1 CRA Bond Cash Bal	719,338
Local Agency Investment Fund: Account #1	0.236% 42,537,165
Account #2 Sucessor Agency Cash Bal	0
Local Agency Investment Fund: Account #2	0.236% <u>0</u>

*Government Pool Sub-Total*42,537,165**Operating Cash Balance**

42,998,730

Restricted Operating Funds

Riverside Public Utilities- Highmark U.S. Government Money Market Fund	0.010%	1,562,637
California ISO Corp- Union Bank		100,161
Worker's Compensation Program- (PERMA)		1,931,534

Other Investments

Investments-US Bank/Piper Jaffray - See Page 2	0.491%	25,784,566
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Operating Funds Total72,377,628**Fiscal Agent**

US Bank

	Amount
	<u>35,390,667</u>

Fiscal Agent Total35,390,667

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City of Banning Investment Report
Operational Portfolio Individual Investments

February 28, 2014

Par Value	Investment Description	Coupon Rate	Interest Rate	Maturity Date	Purchase Date	Date	Discount or (Premium) Amortization	Market Value
<u>Bank Accounts</u>								
448,304	Wells Fargo Bank-Operating	n/a	0.00%	daily	varies	448,304	n/a	448,304
-	Wells Fargo Bank-Investment Acct	n/a	0.10%	daily	varies	-	n/a	-
3,345	Bank of America-Airport	n/a	0.30%	daily	varies	3,345	n/a	3,345
3,013	Bank of America-Parking Citations	n/a	0.30%	daily	varies	3,013	n/a	3,013
3,198	Bank of America-Parking Citations	n/a	0.30%	daily	varies	3,198	n/a	3,198
Sub-total								457,860
<u>Government Pools</u>								
42,537,165	L.A.I.F. account #1	n/a	0.236%	daily	varies	42,537,165	n/a	42,537,165
0	L.A.I.F. account #2	n/a	0.236%	daily	varies	0	n/a	0
								42,537,165
<u>Investments-US Bank/Piper Jaffray</u>								
3,000,000	Federal Home Loan Bks	n/a	0.500%	4/11/2016	4/11/2013	3,000,000		3,001,200
1,000,000	FHLMC Mtn	n/a	0.570%	6/20/2016	6/6/2013	1,000,000		1,000,230
1,000,000	FNMA	n/a	0.750%	12/19/2016	6/19/2013	1,000,000		999,870
1,000,000	FNMA Deb	n/a	0.550%	6/6/2016	6/20/2013	1,000,000		999,800
3,000,000	FNMA	n/a	1.125%	1/30/2017	7/30/2013	3,000,000		3,009,960
3,000,000	Federal Farm Credits Bks	n/a	0.940%	7/15/2016	7/15/2013	3,000,000		3,005,580
2,000,000	FHLMC Mtn	n/a	0.250%	6/24/2016	12/24/2013	2,000,000		2,000,200
2,000,000	FHLMC Mtn	n/a	0.500%	6/27/2016	12/27/2013	2,000,000		2,000,140
2,000,000	FHLMC Mtn	n/a	0.750%	12/27/2016	12/27/2013	2,000,000		2,000,320
7,767,266	Money Market	n/a	0.010%	daily	varies	7,767,266	0	7,767,266
US Bank/Piper Jaffray Average Rate=				0.491%				25,784,566

Average Rate All= 0.330%

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 237 days and does not include Bond Reserve Fund Investments.

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City of Banning Investment Report
Individual Investments with Fiscal Agent

February 28, 2014

Bond Issue Description	Bond Maturity Date	Investment Description	Current Yield	Bond Reserve Bond Maturity Date	Minimum Reserve Requirement	Feb-14	2/28/2014 Market Value
COB IMPROVEMENT DISTRICT LIMITED OBLIGATION BONDS SERIES 2005A							
2005 Fair Oaks Ranch Estates	2035	US Bank Mmkt 5-Ct	0.030%	daily	188,943	4.79	281,185
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION, SERIES 2003							
2003 CRA Tax Allocation Bonds	2028	US Treasury Bill	4.61%	7/28/2011	971,763	1.37	1,001,353
		US Bank Mmkt 5-Ct	0.030%	daily		0.55	
		US Bank Mmkt 5-Ct	0.000%	daily		4.35	
Surplus Fund		US Bank Mmkt 5-Ct	0.000%	daily			12
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION PARITY BONDS, SERIES 2007							
Redevelop Fund	2037	US Bank Mmkt 5-Ct	0.030%	daily		212.26	8,331,005
		US Bank Mmkt 5-Ct	0.000%	daily		9.92	10
Reserve Fund		US Bank Mmkt 5-Ct	0.030%	daily	1,880,751	47.79	1,875,290
Special Fund		US Bank Mmkt 5-Ct	0.030%	daily		1.42	0
Surplus Fund		US Bank Mmkt 5-Ct	0.000%	daily			11
BUA - WASTEWATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES							
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	3,295,189
BUA - WATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES							
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	2,311,029
Project Fund		US Bank Mmkt 5-Ct	0.030%	daily		40.81	1,601,884
BFA - ELECTRIC SYSTEM REVENUE BONDS 2007 SERIES							
		US Bank Mmkt 5-Ct	0.000%	daily			13
		US Bank Mmkt 5-Ct	0.030%	daily	2,672,050	68.09	2,672,320
Acquisition & Construction		US Bank Mmkt 5-Ct	0.030%	daily		357.25	14,021,329
*Paid Semi-Annually-Deposited into Money Mkt Account						Total	891.44
						35,390,667	

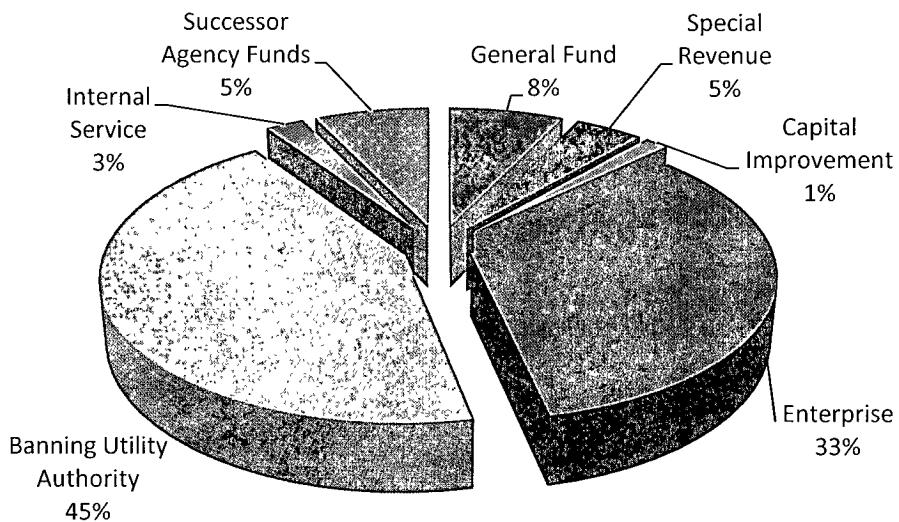
C/H

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 January 2013 to December 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
CONSENT CALENDAR**

DATE: **March 25, 2014**

TO: **City Council**

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

SUBJECT: Memorandum of Understanding for 2013-14 for the Banning Police Officers Association and Side Letter of Agreement

RECOMMENDATION: Adopt Resolution No. 2014-07 and 2014-21 approving the successor Memorandum of Understanding Between the City of Banning and the Banning Police Officers Association for the period July 1 2013 through June 30, 2014 ("BPOA MOU 2013-2014") and the Side Letter of Agreement.

JUSTIFICATION: Section 3505.1 of the Meyers-Milias-Brown Act ("MMBA") (Gov't Code Sections 3500-3511) provides that: "If agreement is reached by the representatives of the public agency and a recognized employee organization or recognized employee organizations, they shall jointly prepare a written memorandum of such understanding, which shall not be binding, and present it to the governing body or its statutory representative for determination." Once approved by the governing body of the local agency, a memorandum of understanding becomes a binding agreement between the employee organization and the local government. *Therefore, City Council approval of the proposed BPOA MOU 2013-2014 is required by the MMBA in order to be binding on the parties.*

BACKGROUND: The previous Memorandum of Understanding between the City and the Banning Police Officers Association ("BPOA") expired by its own terms on June 30, 2013 ("BPOA MOU 2013"). The City negotiation team had a series of communication exchanges and meetings with the BPOA representatives beginning April 29, 2013 through the present. Accordingly, the City has tentatively negotiated and all parties have executed a tentative memorandum of understanding based upon the prior BPOA MOU 2013 with the following changes: a 1 year term from July 1, 2013 through June 30, 2014, a payment of 1% lump sum one-time payment the next pay period after Council's approval, an increase of the City Contribution to the Cafeteria Plan from \$11,000 to \$13,000 per year per employee prospectively, and edits to include an Associate of Arts/Sciences degree coursework and community colleges as a qualified program in the tuition and book reimbursement program.

The City negotiated a Side Letter of Agreement to the Memorandum of Understanding for employees temporarily assigned by management to work in the higher classifications of Police Lieutenant or Chief, which are exempt status classifications, shall be compensated for working in the acting assignment at a rate that is the lowest step of the higher classification that pays more than the employee currently receives in the lower classification. During the time the employee works in an acting assignment, the employee shall be treated as an exempt employee and shall not be subject to overtime provisions of the Fair Labor Standards Act.

The BPOA MOU 2013-2014 represents the full and complete ratified and executed MOU. Given its expiration date of June 30, 2014, the parties will shortly be negotiating for a successor MOU.

FISCAL DATA The City Council provided direction to its negotiation team in accordance with the terms that were eventually negotiated. The negotiated changes result in a fiscal impact to the General Fund of costs and \$35,000 in ongoing costs.

APPROVED BY:



June Overholt
Interim City Manager

Attachments: Resolution No. 2014-07
Resolution No. 2014-21

RESOLUTION NO. 2014-07

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING
APPROVING A SUCCESSOR MEMORANDUM OF UNDERSTANDING BETWEEN
THE BANNING POLICE OFFICERS ASSOCIATION AND THE CITY OF BANNING**

WHEREAS, the City of Banning ("City") has formally recognized the Banning Police Officers Association ("BPOA") as the exclusive employee organization for the police bargaining unit; and

WHEREAS, the prior Memorandum of Understanding between the City and the BPOA expired on June 30, 2013; and

WHEREAS, the City and BPOA have successfully met and conferred to negotiate a successor BPOA Memorandum of Understanding for the period July 1, 2013 through June 30, 2014 pursuant to the Meyers-Milias-Brown Act ("MMBA") (Gov't Code Sections 3500-3511) and the City's Employer-Employee Relations Resolution No. 2010-45; and

WHEREAS, MMBA Section 3505.1 provides that: "If agreement is reached by the representatives of the public agency and a recognized employee organization or recognized employee organizations, they shall jointly prepare a written memorandum of such understanding, which shall not be binding, and present it to the governing body or its statutory representative for determination"; and

WHEREAS, once approved by the governing body of a local agency, a memorandum of understanding becomes a binding agreement between the employee organization and the local agency.

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

SECTION 1: That the City Council approves the Memorandum of Understanding Between the City and the Banning Police Officers Association for the period July 1, 2013 through June 30, 2014, a fully executed copy of which is attached hereto and by this reference made a part hereof.

PASSED, APPROVED AND ADOPTED this 25th day of March, 2014 at Banning, California.

Deborah Franklin, Mayor
City of Banning, California

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. 2014-07 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 25th day of March, 2014, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF BANNING,
AND
THE CITY OF BANNING POLICE OFFICERS' ASSOCIATION
JULY 1 , 2013 – JUNE 30, 2014

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ARTICLE 1 - PREAMBLE

1.1 - Agreement - This Memorandum of Understanding ("MOU" or "Agreement") is entered into between The City of Banning, a Municipal Corporation, hereinafter known as "the City" or "City" and the authorized representatives of the Banning Police Officers' Association, the recognized employee organization of the Police Unit, hereinafter known as "BPOA" or "Unit", relative to wages, hours, and other terms and conditions of employment as provided by Sections 3500 - 3511 of the California Government Code, otherwise known as the Meyers-Milias-Brown Act.

1.2 - Recognition - The City continues to formally recognize the Banning Police Officers' Association as the only Recognized Employee Organization representing employees in the unit of representation presently or hereafter employed by the City and eligible for inclusion in the Police Unit. It is understood that this Agreement shall constitute a bar to any petition or request for recognition of any unit which includes classifications of employees covered by this Agreement or such petitions to represent such employees at any time during the term hereof. This provision shall not preclude employees from otherwise exercising their rights as may be provided by the Meyers-Milias-Brown Act or the Employer-Employee Relations Resolution of the City.

1.3 - Term - Except as otherwise provided herein, this MOU between the City and the Union relative to wages, hours, and other terms and conditions of employment shall be for the period July 1, 2013 through June 30, 2014.

1.4 - Represented Classifications - This Agreement covers employees in the following classifications: Police Sergeant, Police Staff Sergeant, Police Master Sergeant, Police Officer, Community Service Officer and Evidence Technician.

ARTICLE 2 - CONTINUATION OF RULES & POLICIES

2.1 - Other Written Policies - Subject to the terms of this Agreement, all City ordinances, resolutions, rules and regulations, including the City's Personnel Rules and Regulations, the Employer-Employee Relations Resolution (Resolution No. 2010-45) and the Administrative Policies of the City of Banning and the Banning Police Department shall apply during the term of this Agreement.

2.2 - Meet and Confer - The Union and the City agree to meet and confer during the term of this MOU over the adoption, amendment or revision, including repeal, of City ordinances, resolutions, rules and regulations, including the City's Personnel Rules and Regulations, the Employer-Employee Relations Resolution (Resolution No. 2010-45) and the Administrative Policies of the City of Banning and the Banning Police Department, to the extent that such documents contain mandatory subjects of bargaining pursuant to the Meyers-Milias-Brown Act. Should an impasse be reached following such meet and confer sessions, the provisions of the Employer- Employee Relations Resolution (Resolution No. 2010-45) or any amendment thereto or successor Employer- Employee Relations Resolution will apply.

2.3 - Past Practice - For purposes of this Agreement, a "past practice" shall be defined as an unwritten policy, procedure or work rule, whether or not it affects a mandatory subject of bargaining, and upon which the City, the Union and the bargaining unit employees may have relied through a course of conduct. As of the effective date of this Agreement, all past practices are void, and of no further force or effect.

ARTICLE 3 - EMPLOYEE RIGHTS

3.1 - Non-Discrimination - The provisions of this Agreement shall apply to bargaining unit employees without illegal discrimination based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex (including pregnancy, childbirth and related medical condition), sexual orientation, age, citizenship status, or any other basis protected by applicable law, nor will there be any discrimination with respect to hiring, retention or any condition of employment because of membership or non-membership in the Union, or because of any activities or refraining from activities on behalf of the Union.

3.2 - Union Membership - The Union will accept into membership all eligible persons of the bargaining unit without regard to, race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex (including pregnancy, childbirth and related medical condition), sexual orientation, age, or any other basis protected by applicable law.

3.3 - Rights Granted by State and Federal Law - Except as otherwise provided in this Agreement, the employees covered by this Agreement shall have all rights which may be exercised in accordance with State and Federal Law, and applicable ordinances, resolutions, rules and regulations. However, employees covered by this Agreement shall not have the right to a grievance for violation of any such law, ordinance, resolution or rule, except as specifically set forth herein.

3.4 Gov't Code Section 3502 - Employees shall have the rights provided to them under Government Code section 3502 of the Meyers-Milias-Brown Act.

ARTICLE 4 - MANAGEMENT RIGHTS

4.1 - The Union recognizes and agrees that the City and its representatives have the responsibility and the authority to manage and direct all operations and activities of the City including, but not limited to, the exclusive right to determine the mission of its constituent departments, commissions and boards and the processes and the materials to be employed; the right to subcontract any work or operation; to expand or diminish services; to determine the procedures and standards of selection for employment and promotion; determine classifications; direct its employees; take disciplinary action; relieve its employees of duty because of lack of work or for other legitimate reasons; maintain the efficiency of governmental operations; determine the methods, means and personnel by which government operations are to be conducted and to assign work to employees and to establish and change work schedules and assignments and to determine the days and hours when the employees shall work; take all necessary actions to carry out its mission in

emergencies; and, exercise complete control and discretion over its organization and work performance technology.

ARTICLE 5 - DUES DEDUCTION

5.1 - Dues Deduction - The City shall deduct one (1) month's current and periodic Union dues from the wages and/or Leave benefits of each employee who voluntarily executes and delivers to the City a payroll deduction authorization form.

5.2 - Sufficient Earnings - The employee's earnings must be regularly sufficient after other legal and required deductions are made to cover the amount of the dues deduction authorized. When an employee is in a non-pay status for an entire pay period, no withholding will be made to cover that pay period from future earnings.

5.3 - Non-Pay Status - In the case of an employee who is in a non-pay status during only part of the pay period, and the salary is not sufficient to cover the full withholding, no deduction shall be made. In this connection, all other legal and required deductions have priority over Union dues.

5.4 - Cancellation - An employee's authorization for deduction of dues may be canceled at any time by written notice from the employee to the City with a copy to the Union. An Employee's deduction authorization shall automatically be canceled if the employee leaves the employ of the City or is transferred out of the representation unit.

5.5 - Funds Transmission - The aggregate amount of such deductions by the City shall be transmitted monthly to the President of the Union or his or her designee. The City shall provide the President of the Union or his or her designee with a list each month indicating the dues deducted from the pay of any represented unit employee and those employees for whom no deduction was made pursuant to the provisions of Sections 5.2 and 5.3. The Union shall notify the City of the names of its President and other officers and designees each year following election of the board and appointment of members to committees to which the Union is entitled to appoint members under this Agreement.

5.6 - Indemnification - The Union shall indemnify, defend, and hold the City harmless against any claims made, and against any suit instituted against the City on account of deduction of employee organization dues. In addition, the Union shall refund to the City any amounts paid to it in error upon presentation of supporting evidence.

ARTICLE 6 - UNION REPRESENTATIVES

6.1 - Two (2) employees selected by the Union may attend scheduled meetings with City management during regular hours without loss of pay, provided that such employees shall not leave their work station or assignment without first providing twenty-four (24) hour notice to the Department Head. Additional employees who are not on duty may participate at no additional cost to the City. Such meetings shall be scheduled in a manner consistent with the City's operating requirements and work schedules. Nothing herein shall be deemed to preclude the scheduling of such meetings at hours other than such employee's regular working hours, in which event attendance shall be without pay.

ARTICLE 7 - BULLETIN BOARDS

7.1 - Authorized Postings - The City will furnish adequate bulletin board space where currently available. The Department Head shall designate the bulletin boards to be used for posting notices. Bulletin boards may be used for the following notices:

- (a) Scheduled Union Meetings, Agenda and Minutes.
- (b) Information on Union Elections and the Results.
- (c) Posting of Union special, recreational, and related bulletins.
- (d) Reports of Official Business of Union Including Reports of Committees or the Board of Directors
- (e) MOU, Pay Scales, Job Announcements, Promotion Lists, Etc.
- (f) Such other items as may be approved by the Department Head upon request of the Union.

7.2 - Posted Notices - Posted notices shall not be defamatory or violate any of the City's policies, nor shall they advocate election or defeat of candidates for public office. All notices to be posted may be dated and signed by an authorized representative of the Union. The Union may give notices to the represented employees through the use of the City mail system and/or the City computer e-mail system.

ARTICLE 8 - MEMORANDUM OF UNDERSTANDING COPIES

The City shall provide the Union with one (1) original and one (1) electronic (PDF) copy of this Memorandum after it has been fully executed by the parties. The City shall also provide a copy of the executed MOU to any represented employee hired or promoted into the representation unit after the effective date of the Agreement. The City may charge for any additional hard copies. The Union shall be responsible for providing hard copies of this MOU to represented employees at Union expense. Electronic copies shall be no charge.

ARTICLE 9 - MEETINGS

9.1 - Items of Mutual Concern - Upon mutual agreement of both the City and the Union, the parties may meet to discuss items of mutual concern. A meeting conducted under this section shall not constitute a meet and confer or hearing under any grievance procedure.

9.2 - Use of City Facilities - The Union may be granted permission to use City facilities for the purpose of meeting with employees to conduct Union business provided space for such meetings can be made available without interfering with City needs. The Union shall be held fully responsible for any damages to and security of any facility that is used by the Union.

9.3 - Budget Oversight Committee - The City agrees to the creation of a Budget Oversight Committee, with the Union entitled to appoint one (1) member. Said Committee shall have an equal number of members appointed by the City's recognized Employee Associations and the City. Said Committee shall be advisory only to the City Manager.

ARTICLE 10 - HOURS OF WORK

10.1 - Schedules - Unless modified by the Department Head as set forth in section 10.2 and 10.4 below, the Police Unit employees described below shall work the following work periods:

- (a) Employees assigned to uniformed patrol shall have a work schedule of seven (7) twelve (12) hour shifts each fourteen (14)-day work period.
- (b) Employees assigned to the detective bureau shall have a work schedule as assigned by the Department Head.

10.2 - Department Head Discretion - Employees may be assigned to a work schedule consisting of the days and hours as determined by the Department Head.

10.3 - Briefing - Pre-shift briefing shall be at the discretion of the Department Head and if required, shall count as hours worked.

10.4 - Schedule Changes - The Department Head in the exercise of his or her discretion may change the work schedule and/or work period of Police Unit employees. Accordingly, work schedule and work period changes are not subject to meet and confer requirements. The Department Head shall notify the Union regarding any change in work schedule and/or work period no later than thirty (30) days before the date the change is implemented.

10.5 - Shift Assignments - Each year, the Department Head shall post a shift assignment notice on which officers shall indicate their shift assignment preference. The Notice will solicit three shift preferences and any additional information regarding their reasons for requesting a particular shift. The Department Head shall consider each request, giving those with seniority a higher priority, and make an effort to accommodate individual preferences. However, it is recognized that the Department Head shall have the ultimate authority to make shift assignments based on the needs of the Department. These shift assignments shall be for the full year except for individual changes as determined by the Department Head.

10.6 - Outside Employment - Prior to any bargaining unit employee accepting outside employment, he or she shall request and receive authorization from the Department Head. Authorization for outside employment shall be made according to the policies and procedures in place at the time of request.

ARTICLE 11 - SHIFT EXCHANGE

Employees may be permitted to trade shifts provided that:

- (a) No additional compensation or other cost to the City results from such assignment;
- (b) Exchanging employees are fully qualified to perform the required tasks of both assignments; and
- (c) Written requests for shift representation must be submitted on the prescribed Department form and approved by the Department Head or his or her designee prior to the start of the requested shift.

ARTICLE 12 - SALARIES, PERFORMANCE EVALUATIONS, INCENTIVE PAY

12.1 - Salary Adjustment — All represented Unit members shall receive a one percent (1%) lump sum one time, non-recurring payment of the annual base pay rate on the next full pay period following adoption of the ratified and fully executed MOU by the Banning City Council.

12.2 - Assignment to Ranges — All employees have been placed on ranges with defined steps as shown on the attached salary schedule. The salary table is calibrated in approximate 2.5% increments. Subsequent annual increase for satisfactory performance will be two (2) steps or approximately 5%.

- (a) No employee shall be granted a step increase unless and until such employee has obtained an acceptable evaluation consistent with the applicable administrative policies of City.
- (b) A first denial of a step increase shall not be an allowable subject of the exercise of employee rights under any grievance procedure afforded by the City or collective bargaining agreement.
- (c) An employee denied a step increase for unacceptable performance shall be entitled to be re-evaluated in six (6) months from the date of the performance evaluation which led to the denial of the step increase. If the employee's overall performance is rated acceptable, the employee shall be granted the appropriate step increase effective the first pay period following the six month re-evaluation period. Such step increase shall not be retroactive.
- (d) If the employee's performance continues to be unacceptable after the six (6) month re-evaluation period, the employee shall be given a final denial of a step increase for the remainder of the regular evaluation period. Denial of a step increase under this subsection may, at the employee's option, be subject to the collectively bargained grievance procedure for unit members.
- (e) An employee at the top of his or her range shall have his or her performance evaluated at least annually within thirty (30) days of his or her anniversary date.

12.3 - – Premium Pay - City shall additionally pay a five percent (5%) premium for the following special assignments, provided that no such premium shall attach when the officer is otherwise working an eighty-four (84) hour shift:

- Professional Standards Supervisor (Sgt. rank only)
- Detective Sergeant
- Detective (ARCNET)
- K-9 Officer
- Motor Officer
- School Resource Officer
- Youth Resource Officer
- CET
- Any other assignment determined to be appropriate and approved by the Chief of Police in consultation with the Human Resources Department.

12.3 – Field Training Officer (FTO) - Any Police Unit member who serves as an FTO shall receive additional pay of five percent (5%) during actual training. Any Police Unit member who has been assigned as a FTO and serves in any other special assignment is entitled to additional premium pay to a maximum of ten percent (10%) of their salary during such assignment. The amounts in this article shall not be pyramided except as set forth above.

12.4 – Bilingual Pay - Employees certified to use sign language or to speak Spanish, or any of the Hmong languages (Chinese, White Lao, Blue Lao), or any other foreign language designated for Bilingual Pay by the City Manager, shall be paid a bonus equivalent to five percent (5%) of their base salary for such use on the job. Initial certification and any requirement with respect to demonstration of the continuing ability to use sign language or to speak the foreign language shall be determined by the City using methods selected by the Human Resource Department.

ARTICLE 13 - OVERTIME

13.1 - 7(k) Exemption -The City has adopted a fourteen (14) day work period pursuant to the "7k exemption" of 29 U.S.C. section 207(k) under the Fair Labor Standards Act (FLSA). Except as provided below in connection with uniformed patrol officers, an employee shall be paid at the rate of one and one-half (1-1/2) times the employee's regular hourly base rate of pay for all hours worked in excess of eighty (80) hours in the fourteen (14) day work period. Uniformed patrol officers assigned to work twelve (12) hour shifts as outlined in Article 10.1 above, shall be paid at the rate of one and one-half (1-1/2) times the employee's regular hourly base rate of pay for all hours worked in excess of eighty-four (84) hours in the fourteen (14) day work period. This section 13.1 does not preclude the Chief of Police from establishing the practice of scheduling an employee to work a pay period of any duration which is not less than eighty (80) hours and not more than eighty-four (84) hours, subject to the shift change provisions of the MOU. At all times, the full eighty-four (84) hours shall be accounted for on the time card. Unassigned hours of the eighty-four (84) shall be so indicated.

(a) The City shall pay the CalPERS contribution, as required by the MOU, for the first eighty-four (84) hours of CalPERS eligible time worked during a pay period. Hours earned as overtime and paid at time and one-half (1/2) shall not be counted as CalPERS eligible hours. All overtime worked shall be authorized by a supervisor in advance, if possible. Otherwise, the claim for overtime shall be subject to review by the Department Head. Overtime may be paid as accrued compensatory time subject to the following: Compensatory time may not be accumulated in excess of two hundred forty (240) hours. Employees may cash out accumulated comp time twice per year (July and December) up to a maximum of eighty (80) hours per year unless otherwise restricted herein. Any cash out will be at the employee's current rate of pay inclusive of all premium pay.

(i) The "regular hourly base rate of pay" includes only salary as described in Article 13.1. Acting pay as set forth in Section 14.1 and educational incentive pay as provided in Article 18.4.

(b) In calculating overtime, the practice of the Finance Department shall be as follows:

(i) All hours appearing on the time card as "Reg Hours" shall first be totaled.

(ii) All hours otherwise defined as "hours worked" under the MOU shall then be totaled.

(iii) Finally, all hours recorded as overtime on the time card shall be totaled.

(iv) All hours totaled above, which are in excess of eighty-four (84) hours for patrol personnel and eighty (80) hours for special assignments during the pay period, shall be treated as overtime.

(v) In the case of correction of the time card by the Finance Department, the affected employee shall be given timely notice of such correction prior to the preparation of the pay check.

(c) Any assigned hours which are not worked, and are not otherwise accounted for through a reduction in accrued leave, shall be treated as Leave-Without-Pay ("LWOP") and the employee may be subject to a personnel action as prescribed in the personnel policies of the City.

(d) Accruals, and reductions in accruals, are based on an eighty (80) hour pay period.

13.2 - Hours Worked. - "Hours worked" means time spent in required court appearances as set forth in Article 15, and time paid for vacation, holidays, sick leave, CTO and administrative leave for officer involved shooting or other non-disciplinary leave.

13.3 - Call Out Minimum. - Bargaining Unit employees shall be paid a minimum of two (2) hours' pay for any time worked during the first hour when called-out for emergencies, and time and one-half (1/2) for each hour worked there-after. For example, should an employee be called-out to work two (2) hours of emergency duty he or she would be compensated with three and one-half (3 ½) hours' pay at the regular hourly base rate of pay; two (2) hours' pay for the first hour worked and one and one-half (1 ½) hours pay for the second hour worked.

13.4 - Pyramiding of Overtime. - There shall be no pyramiding or duplication of overtime payments and other premiums for the same hour worked.

13.5 - Compensatory Time. - Accrued compensatory time may be taken by the employee on an "hour accrued/hour off" basis. However, in the event an employee terminates his employment and/or the City is otherwise obligated or desires to "cash out" accrued compensatory time, the employee shall be paid for any accrued time at his or her then regular hourly base rate of pay.

13.6 - Maximum Comp Time Accrual . – Comp time may be accrued to a maximum of two hundred forty (240) hours.

ARTICLE 14 - ACTING PAY AND PROMOTION PAY

14.1 - Represented employees temporarily assigned to work in a higher classification by management shall be compensated for working their thirty-first (31st) consecutive day worked of such assignment within the fiscal year, and consecutive days worked thereafter, at a rate five percent (5%) above their normal rate of compensation while working in the higher classification. The conditions of this subsection are prerequisites to the receipt of any higher acting pay. At such time as an employee is no longer performing work out of his or her pertinent classification, he or she shall be compensated at his or her regular rate of pay for his or her pertinent classification.

14.2 - Represented employees promoted to work in a higher classification shall be placed in the lowest step of the higher classification that pays more than the employee received in the lower classification.

ARTICLE 15 - PAY FOR JURY DUTY: COURT APPEARANCES, "ON CALL" DUTY

15.1 - Any employee who shall be summoned for attendance to any court for jury duty during his or her normal working hours shall be deemed to be on duty and there shall be no loss of salary, but any jury fees received by him or her shall be paid into the City treasury. Any employee who shall be called as a witness arising out of and in the course of his or her City employment shall be deemed to be on duty and there shall be no loss of salary, but any witness fees received by him or her shall be paid into the City treasury. An employee absent as a witness in a private matter shall not be entitled to be paid during such absence, except that he or she may, however, use Vacation Leave, Holiday Leave and Compensatory Leave for such absence.

15.2 - Represented employees shall be compensated for off-duty court appearances. The City will pay a minimum of three (3) hours for travel to and appearances in court at a rate of one and one-half (1 ½) times the base rate of pay. All travel shall be calculated based on the time required to travel from any Banning Police Station to the destination. All hours required in excess of three (3) hours shall be compensated at one and one-half (1 ½) times the base rate of pay.

15.3 - Employees required to be on call for court appearances before noon shall be compensated for one (1) hour. Those required to be on call for court purposes after noon shall be compensated for one (1) hour. Requirement for multiple court appearances in the same time frame shall constitute one (1) period of on call. For purposes of this section, an employee shall not be deemed to be on call while appearing in court. Employee shall not be paid for being on call under this Section for a day on which the employee is compensated for being in court under Section 15.2.

15.4 - Any detective scheduled for "on call" duty shall receive four (4) hours of either compensatory time off or pay for each scheduled day off on which the detective is assigned to "on call" duty, other than for court appearances as outlined above.

15.5 - An employee shall be on call for purposes of the receipt of the four (4) hours where:

- (a) the employee is scheduled to provide a mandatory response; and
- (b) that response is to be to the station, or other designated location within two (2) hours; and
- (c) the employee is required to provide the Department with sufficient information to obtain immediate contact with the employee.

15.6 - All Police Unit members who are required to respond to a traffic accident call out would receive a minimum of two (2) hours double time pay commencing thirty (30) minutes before their arrival time. The Evidence Technician will be entitled to receive a minimum of two (2) hours double time pay commencing thirty (30) minutes before his/her arrival for any call outs.

15.7 - Scheduled Training. Any employee who is scheduled by the Department to attend day long training during his or her normal shift or working hours shall be deemed to be on duty and there shall be no loss of salary. The Department will abide by the "day for a day" theory for any day long training not lasting more than four (4) days. This policy provides that the employee will not owe the Department time should the day long training course be shorter than the officer's regularly scheduled work day. This theory applies only to scheduled full-day training courses. For overtime calculation purposes, only actual hours in training will count as actual hours worked.

ARTICLE 16 - EQUIPMENT, UNIFORM ALLOWANCE, SAFETY AND TRAINING

16.1 - The City will provide covered employees safety equipment in accordance with California State Law. Said safety devices and safeguards shall remain the property of the

City of Banning and their use may be required and regulated by the Department Head or his or her designee.

16.2 - The Department Head or his or her designee shall have sole authority to assign the use of or regulate the use of City property by represented employees including but not limited to City vehicles.

16.3 - The City agrees to pay a uniform allowance of \$110 per month to Police Unit members. Payment of the uniform allowance will be paid equally between the first two pay periods each month. Such money shall be used for the purpose of purchasing and maintaining uniforms in order that individual officers and civilian employees who wear regulation uniforms may maintain a professional appearance.

16.4 - The City shall reimburse Police Unit employees the reasonable replacement value of personal property, not including uniforms for which the above uniform allowance is paid, which is destroyed in the course and scope of their employment. The employee shall make application for reimbursement by presenting to the Department Head the damaged or destroyed article. Personal property subject to this provision consists of personal property necessary to fulfill the employee's job duties and that is approved in advance for use on the job. Replacement for prescription eyewear is limited to \$200 per pair. Replacement for watches is limited to \$50. Sums paid hereunder shall be secondary to any applicable insurance. If an individual pays a sum of money to the City pursuant to a court order as restitution for damaging the uniform of a bargaining unit employee, then the City will reimburse that amount to the Police Unit employee.

16.5 - The Department Head or his designee may at his or her discretion authorize an employee to carry optional weapons. Nothing in this Agreement shall require the Chief of Police to approve the use of any specific weapon or ammunition.

ARTICLE 17 - MILEAGE, MEALS AND OTHER TRAVEL REIMBURSEMENT

17.1 - The City will reimburse expenses for meals, lodging and tuition when a Police Unit employee attends a City directed educational program. Reimbursement shall be equal to but not exceed the amount permitted under applicable P.O.S.T. standards. If the employee's meals and lodging expenses exceed reimbursement provided by P.O.S.T., then the employee may be required to demonstrate that such expenses are reasonable by providing receipts for all expenses and written justification. Only reasonable expenses will be reimbursed.

17.2 - Accommodation arrangements for attendance at a City directed educational program shall be made by the Police Unit employee. The City agrees to provide any accompanying information concerning available lodging arrangements for the program to the employee as soon as it becomes available to the City.

17.3 - Upon request, an employee attending a City directed educational program shall receive an advance up to the P.O.S.T. established limits established for the particular educational program.

17.4 - At the conclusion of the educational program, the employee shall show by certificate awarded or some other manner that the program was attended and completed.

17.5 - Except as otherwise set forth in this MOU, the scheduling of training/educational programs shall be done in accordance with Departmental procedures.

ARTICLE 18 - TUITION AND BOOKS REIMBURSEMENT; EDUCATION INCENTIVE

18.1 - Qualifications - All Police Unit employees enrolled in an approved Associate of Arts/Sciences degree coursework and community colleges or Bachelor of Arts/Science Degree or Master of Arts/Science Degree programs shall be eligible to receive reimbursement for tuition and cost of books actually paid for their approved professional and technical courses subject to the provisions below.

- (a) The employee has furnished evidence that the course has been completed with at least a "C" grade or "pass."
- (b) Police Unit employees will receive a maximum of \$3,000 for tuition and actual expenses paid for books for expenses incurred per fiscal year for any academic training in a university or college recognized by an accrediting institution as determined by the Human Resources Director.

18.2 - Reimbursement Requirements

- (a) Requests for reimbursement must be completed and returned to the Human Resources Department within three (3) weeks after receipt of course completion documentation. (No reimbursement will be made without bona fide receipts or documentation).
- (b) Reimbursements will be made only after proof of completion of course with a minimum of "C" average or "pass" and satisfactory receipts of payment for books and tuition are approved by the Human Resources Department.

18.3 - Attendance - Employees may utilize shift changes and one (1) hour or more increments of Vacation or Holiday Leave to attend courses that have been approved under this Article. Employees may also convert Sick Leave to Vacation Leave for this purpose.

18.4 - Education Incentive Pay - Educational incentive pay shall be earned as follows:

- (a) Possession of an Intermediate POST Certificate entitles the unit member to \$200 a month; and possession of a Regular or Specialized Advanced Certificate, Regular or Specialized Supervisory Certificate, Regular or Specialized Management Certificate, Regular or Specialized Executive Certificate, entitles the employee to \$300 a month.
- (b) Possession of an Associate of Arts/Science Degree in any academic field entitles the employee to \$75 per month.
- (c) Possession of a Bachelors of Arts/Science Degree in any academic field entitles the employee to \$150 per month.
- (d) Possession of a Masters of Arts/Science Degree in any academic field entitles the employee to \$225 per month.
- (e) Possession of a Ph.D. in any academic field entitles the employee to \$300 per month.
- (f) Possession of an Intermediate POST Certificate and an Associate of Arts/Science Degree in any academic field entitles the employee to \$275 per month; Possession of an Intermediate POST Certificate and a Bachelors of Arts/Science Degree in any academic field entitles the employee to \$350 per month; Possession of an Intermediate POST Certificate and a Masters of Arts/Science Degree in any academic field entitles the employee to \$425 per month; Possession of an Intermediate POST Certificate, and a Ph.D. in any academic field entitles the employee to \$500 per month.
- (g) Possession of the Regular or Specialized Advanced Certificate, Regular or Specialized Supervisory Certificate, Regular or Specialized Management Certificate, Regular or Specialized Executive Certificate and an Associate of Arts/Science Degree in any academic field entitles the employee to \$375 per month; Possession of the Regular or Specialized Advanced Certificate, Regular or Specialized Supervisory Certificate, Regular or Specialized Management Certificate, Regular or Specialized Executive Certificate, and a Bachelors of Arts/Science Degree in any academic field entitles the employee to \$450 per month; Possession of the Regular or Specialized Advanced Certificate, Regular or Specialized Supervisory Certificate, Regular or Specialized Management Certificate, Regular or Specialized Executive Certificate, and a Masters of Arts/Science Degree in any academic field entitles the employee to \$525 per month; Possession of the Regular or Specialized Advanced Certificate, Regular or Specialized Supervisory Certificate, Regular or Specialized Management Certificate, Regular or Specialized Executive Certificate, and a Ph.D. in any academic field entitles the employee to \$600 per month.

(h) For all Police Unit members who are employed with the City at the time of the execution of this MOU, **possession** of 60 semester units from an accredited college with a minimum of 39 units being in an occupationally related field (i.e. Police Science, Social Science, Political Science, Public Administration, etc.) shall entitle the employee to receive pay of \$100 per month. Determination as to whether courses are occupationally related will be made by the Department Head with right of appeal to the City Manager.

(i) The amounts in this article shall not be pyramided except as set forth above.

ARTICLE 19 - SICK AND BEREAVEMENT LEAVE

19.1 - Sick Leave Accrual - Represented employees shall accrue three and sixty-nine hundredth (3.69) hours of Sick Leave per pay period. Sick Leave shall accrue without limit.

19.2 - Use of Sick Leave - Sick Leave, shall be granted only where consistent with the City's sick leave and Pregnancy Leave policy (currently AP-1 and AP-02).

19.3 - [Intentionally left blank]

19.4 - Conversion to Vacation - Any employee who has taken forty (40) hours of Sick Leave or less during the fiscal year ending June 30 of each year shall be entitled to convert up to forty (40) hours of unused sick leave to vacation. The month of August will be the month for annual conversion. Only those employees who have completed twelve (12) months of service with the City as of June 30th of any year will be eligible for such annual conversion and there shall be no interim pro-rata conversion.

19.5 - Cash Out Upon Separation - After ten (10) years continuous City service, and upon voluntary separation under satisfactory conditions or involuntary disability retirement, sworn personnel shall be eligible to receive a cash payment equivalent to forty percent (40%) of all unused sick leave less the total number of hours converted to vacation, as set forth above. Civilian personnel shall be eligible to receive a cash payment equivalent to thirty percent (30%) of all unused sick leave less the total number of hours converted to vacation, as set forth above. Such reimbursement will be computed based upon the employee's final compensation rate.

19.6 - Conversion to Deferred Compensation - Beginning with the 11th year of City service, unit members may convert the value of the total amount of their sick leave bank, minus forty (40) hours, to either Deferred Compensation, or the Retiree Health Savings. Thereafter, the employee may contribute one hundred percent (100%) of the value of unused sick leave, minus forty (40) hours for such purposes.

19.7 - Use of Other Leave - An employee who has exhausted all accumulated Sick Leave while on Sick Leave may utilize accrued Vacation or Holiday Leave or accrued compensated time off for the purposes described in 19.2 above or 19.8 below.

19.8 - Bereavement Leave - Employees covered by this Agreement will be allowed three (3) shifts off duty with pay for Bereavement Leave upon the death of a member of their family. For the purpose of this subsection, "family" includes the following persons: spouse, domestic partner, mother, father, brother, sister, child, stepchild, grandchild, or grandparent of the employee or any one of the same relatives of the employee's spouse or domestic partner.

ARTICLE 20 - VACATION AND HOLIDAY LEAVE

20.1 - Vacation Leave Accrual - For employees of the City as of date of this Agreement, Vacation Leave shall accrue in accordance with the following schedules:

- (a) one (1) through four (4) years service: ten (10) days per year = three and eight-hundredth (3.08) hours per pay period
- (b) Beginning the fifth (5th) year through the ninth (9th) year: fifteen (15) days per year = four and sixty-two hundredth (4.62) hours per pay period
- (c) Beginning the tenth (10th) year & thereafter: twenty (20) days per year = six and fifteen hundredth (6.15) hours per pay period

20.2 - Maximum Accrual - Vacation Leave may be accrued to a maximum of three-hundred twenty (320) hours for non-supervisory personnel and three-hundred thirty-six (336) hours for supervisory personnel. Holiday leave may be accrued to a maximum of one-hundred sixty (160) hours per employee.

20.3 - Approval Required - Vacation Leave shall be taken with approval of the Department Head at any time following the completion of the one (1) year probationary period, but the Vacation Leave taken shall not be in excess of that actually accrued at the time such Vacation Leave is taken. Vacation Leave must be approved a minimum of fourteen (14) days in advance of the first day of such Vacation by the Department Head or his or her designee. Exceptions may be made to the fourteen (14)-day notice requirement for emergencies or at the discretion of the City by the Department Head or Division Supervisor.

20.4 - Payment Upon Termination - Any employee, who has been in continuous full-time service of the City for a period of 1 year or more, who is about to terminate his or her employment and has earned Vacation Leave to his or her credit, shall be paid for such Vacation Leave on the effective date of such termination. It shall not be necessary to carry such employee on the payroll for the Vacation Leave period, and the vacancy created may be filled at any time after the employee ceases to perform the duties of his or her office or employment. When separation is caused by death, payment of all outstanding compensation, including Salary and all remaining Sick Leave, Vacation, Comp Time or Holiday Time accruals shall be paid into the employee's direct deposit account the same as regular payroll.

20.5 - Payment of Excess Hours - Unused vacation accrual in excess of the employee's annual entitlement, if any, may be paid off at the option of the employee up to a maximum

of forty (40) hours every twelve (12) months. The employee may otherwise be scheduled for mandatory vacation time off by the Department Head for a period of time equal to the excess accrual.

20.6 - Holidays - City Holidays are as follows:

New Year's Day
Martin Luther King Day
President's Day
Memorial Day
Fourth of July
Labor Day
Veteran's Day
Thanksgiving
Day after Thanksgiving
Christmas
one (1) floating holiday

20.7 - Holiday Accrual - Employees shall accrue Holiday leave at the rate of three and thirty-eight hundredths (3.38) hours per pay period.

20.8 - Approval Required - Holiday Leave must be approved a minimum of fourteen (14) days in advance by the Department Head or his or her designee of the first day of such Holiday leave. Exceptions may be made to the fourteen (14) day notice requirement for emergencies or at the discretion of the City by the Department Head or immediate supervisor.

20.9 - Cash Out – Employees may cash out accrued holiday leave twice per year (July and December) up to a maximum of 88 hours per calendar year.

20.10 Payment Upon Termination - Any employee who is about to terminate his or her employment, and has earned Holiday Leave to his or her credit, shall be paid for such Holiday Leave on the effective date of such termination.

ARTICLE 21 - MEDICAL AND DENTAL INSURANCE

21.1 City Contributions to Cafeteria Plan - The City agrees to the following contribution to each employee's cafeteria account: The City will contribute to each employee's cafeteria account an amount equal to the payment of that employee's medical insurance premium related to a City sponsored medical plan (excludes dental) up to a maximum of \$13,000 annually effective in the next pay period after City Council approval of this MOU. The \$2,000 increase in this benefit from the previous \$11,000 cap will be implemented prospectively only due to tax reporting requirements.. Eligible employees, however, will receive reimbursement through payroll for the increased benefit they would have been eligible to receive from July 2013 through implementation of the contract. .. In addition, the City will contribute \$50 per month into each employee's cafeteria account. An employee opting out of a City sponsored medical plan, i.e. demonstrating proof of medical coverage from another plan, will receive a cafeteria contribution equal to \$5,725 plus an

additional \$50 per month. These dollars may be used toward any City benefit offered under the cafeteria plan. All dollars will be allocated equally on a month. Employees will be responsible for all taxes associated with this payment.

(a) The contribution shall first be used to provide for health insurance for the employee. The employee shall be covered by health insurance with a City approved health insurance plan unless the employee provides proof to the City that the employee is covered by another acceptable health plan as determined by the City's Human Resource Department. Additionally, all members of the Police Unit shall participate in a long-term disability plan approved for participation by the members of the Police Unit, provided that such plan does not require the City to incur costs for its administration.

(b) The balance may be used for any of the following or any combination thereof:

- (i) Health insurance for the employee's spouse and/or dependents.
- (ii) Dental Plan for the employee, and the employee's spouse and/or dependents.
- (iii) Eye care plan for the employee, and the employee's spouse and/or dependents.
- (iv) Deferred compensation program.

21.2 IRS 125 Plan – Police Unit employees may participate in the City's Internal Revenue Section 125 program which will allow employees to allocate specified amounts of monthly pretax salary or wages for the reimbursement of medical care expenses, dependent care expenses, or both. Premiums for LTD are excluded from the pretax provisions of the Section 125 program.

21.3 Insurance Advisory Committee - The City shall maintain the Insurance Advisory Committee to which the Association may appoint two (2) representatives.

21.3.1 Purpose. The purpose of the Advisory Insurance Committee shall be to advise the City relative to health, life, and related insurance plans which may be provided to employees of the City of Banning including the type of plans, scope of coverage, and the selection of insurance carriers.

21.3.2 Voting. The Insurance Committee shall determine issues by a majority vote of the members, each member having one (1) vote, except that any such determination shall constitute an advisory recommendation only to the City Manager.

21.3.3 Selection of Members. Insurance Committee Members shall be selected as follows:

(a) Representatives of bargaining units shall be selected in a manner to be determined by each respective unit.

(b) The City's Representative shall be the City Manager or his designated representative.

21.3.4 Meetings. The Insurance Advisory Committee shall meet as may be necessary to conduct the business of the committee.

21.3.5 Status. The Insurance Advisory Committee will be advisory only, with no power or prerogative to decide on behalf of the City on issues pertaining to employee insurance coverage.

ARTICLE 22 - RETIREMENT AND MEDICARE.

22.1 Contributions to CalPERS –

- a) All CalPERS Classic employees are responsible for paying their contributions for their respective retirement plans to CalPERS at 9% for safety members and 8% for non-sworn miscellaneous members. The City does not provide any Employer Paid Member Contributions on behalf of employees.
- b) Per the Public Employees' Pension Reform Act of 2013 and related laws and regulations, new employees hired after January 1, 2013 are subject to paying at least 50% of the normal costs or as otherwise determined by CalPERS.

22.2 CalPERS Formulas –

- (a) The City agrees to continue to pay the employer's portion of the CalPERS "Three Percent at Fifty" (3% @ 50) public safety retirement formula and the "Two Point Five Percent at Fifty-Five" (2.5% @ 55) public miscellaneous retirement formula for employees hired on or before December 20, 2012. All employees shall pay their full member contributions under their respective retirement plans.
- (b) The City previously adopted Resolution 2012-99 approving the Side Letter Agreement between the City and the BPOA which authorized implementation of a two tiered retirement plan providing the CalPERS "Two Percent at Fifty" (2% @ 50) retirement formula for public safety employees and the "Two Percent at Sixty" (2% @ 60) retirement formula for public miscellaneous employees. The new two tiered retirement plans applied to all new employees hired after December 20, 2012. All Unit employees hired on or before December 20, 2012 remained at the previously existing "Three Percent at Fifty" (3% @ 50) retirement formula for public safety employees

and the "Two Point Five Percent at Fifty-Five" (2.5% @ 55) formula for public miscellaneous employees.

- (c) Unit employees hired on or after January 1, 2013 shall be enrolled in either the "Two Percent at Fifty" (2% @ 50) formula for public safety employees and the "Two Percent at Sixty" (2% @ 60) formula for public miscellaneous employees or the "Two Point Seven Percent at Fifty-Seven" (2.7% @ 57) formula for public safety employees and the "Two Percent at Sixty-Two" (2% @ 62) formula for public miscellaneous employees depending upon eligibility rules as established by CalPERS under the Public Employees' Pension Reform Act of 2013 and related laws and regulations.
- (d) Per the Public Employees' Pension Reform Act of 2013 and related laws and regulations, all Unit employees hired on or after January 1, 2013 shall also be required to have their final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period, subject to the cap. Unit employees hired before January 1, 2013 will maintain the "single highest year" benefit.

22.3 F.I.C.A. – Police Unit employees will pay employee portion of FICA and the City shall be responsible for payment of the employer's portion.

ARTICLE 23 – MISCELLANEOUS BENEFITS

23.1 Life Insurance - The City shall provide a life insurance policy to each employee in the Police Unit in the amount of \$50,000.00.

23.2 Direct Deposit - All Police Unit employees shall be paid by direct deposit of their payroll check into an account of their choice, except those employees who either do not hold an account with a financial institution that offers direct deposit or who do not hold an account of any type and such employees will be required to pay a \$10 administration fee per payroll. It shall be the responsibility of the employee to establish and maintain such account.

23.3 Computer Loan - Every Police Unit employee shall be entitled to participate in an interest free loan program for the purchase of a computer. The maximum amount of any individual loan shall be equal to one (1) month of an employee's salary. The cumulative amount of loans outstanding hereunder shall not exceed \$20,000. The loan shall be upon the terms and conditions established by the City. These conditions shall include the prohibition against developing, maintaining or storing any department files or department related files or information or any criminal justice files, including but not limited to Megan's Law files and information, on such equipment. Wrongful possession of such information on the equipment shall constitute grounds for discipline up to and including dismissal. For purposes of this section "department files or department related files" are information concerning any individual or group of individuals, developed or obtained in the course and scope of the duties of the owner of the equipment purchased hereunder, or the course and scope of the duties of the provider of the information to such owner, as a law

enforcement officer or employee of a law enforcement agency. The definition includes, but is not limited to, information regarding an individual or group of individuals which is not available to the general public and which is available to the owner of the equipment because, and not necessarily solely because, of their status as a public safety officer.

23.4 - Utility Allowance - Any Police Unit employee who resides within the City shall receive \$150 per month as a discount against the cost of electric and water service during the period of such residency.

23.5 - Deferred Compensation Plan – The City has established a deferred compensation plan under Section 457 of the IRS code. Police Unit employees may participate in this plan at their own expense and at their option. Employees may opt to deposit into their established deferred compensation account, any funds paid to them under any leave pay out provisions in this MOU. Deposits into deferred compensation accounts shall be subject to IRS rules and regulations.

23.6 – Gun Loan – The City has established a loan program for those police officers approved by the Chief of Police who wish to purchase a weapon. Repayment of the loan shall be through payroll deduction. The complete policy is established in Resolution 2005-66.

ARTICLE 24- LAYOFFS AND RE-EMPLOYMENT

24.1 - Purpose. The purpose of this Article is to provide a fair and equitable basis for the reduction in force of full-time classified personnel due to insufficient work or lack of funds.

24.2 - Reasons for Lay Off. The City of Banning retains the right to determine when a lack of work or lack of funds condition exists. Lack of work means that a category of work effort within the City can be fulfilled with fewer employees at a level of service acceptable to the City. Lack of funds means that the City in its sole discretion has determined that it cannot sustain operations at the current level of employment within the funding available. For the purpose of this subsection, the determination of the City shall be binding.

24.3 Notice of Lay Off. Any lay off initiated under the provisions of this Agreement can take place at any time during the year. The City shall notify the affected employees in writing at least ten (10) working days prior to the employee's last day of work. The City reserves the right to pay the employee for such ten (10) day period or any remaining portion thereof, and to require the employee to immediately vacate City property. A copy of any notice will be forwarded to the appropriate Police Unit representative. Any notice of lay off shall specify the reason for the lay off and the effective date. The form and timing of any such notice shall be subject to the established grievance procedure, provided however, the City's decision to lay off is not subject to the grievance procedure. The date of the layoff shall not be delayed by the pendency of a grievance.

24.4 Order of Lay Off. Any lay off shall be effective within the job classification or job classifications selected by the City. Once the City has determined which classification or classifications will be affected by the layoff, the order of lay off shall be based on seniority among employees in the classification with "satisfactory job performance." "Satisfactory

job performance" as used in this section shall be established when an employee has not more than two (2) overall less than satisfactory evaluations within the past five (5) years. For purposes of this Article, seniority is defined as the length of uninterrupted service within the classification of employees to be laid off as measured from the date of the layoff notice.

24.5 Reduction of Class. Any employee who has been designated to be laid off may choose to be reduced in class and compensation if the employee has greater seniority in a class than those employees in a lower class or position.

24.6 Equal Seniority. If two (2) or more employees subject to lay off have equal class seniority, then the determination as to who has greater seniority shall be based upon total length of uninterrupted service with the City.

24.7 Reemployment Rights. Laid off employees will be eligible for reemployment under the provisions of the Personnel Rules.

24.8 Reduction in Workweek. The Personnel Rules authorize the City Council to change or alter the work week by resolution.

ARTICLE 25- GRIEVANCE AND DISCIPLINE APPEALS PROCEDURE

25.1 - Procedure - Subject to the provisions of this MOU, any permanent Police Unit employee who has a grievance, as defined below, or has been disciplined, as defined below, shall be entitled to have the matter reviewed through the procedures outlined in this Article. This Article shall also include and satisfy all rights which a permanent bargaining unit employee may have under California Government Code Section 3304(b).

25.2 - Definitions:

(a) For the purposes of, and subject to the terms, provisions and conditions of, this MOU, "grievance" is defined as a dispute between the employee and the City, or the Union and the City, over the interpretation or application of this MOU, or the second denial of a step increase to an employee. The term "grievance" does not include "discipline" as defined herein.

(b) For the purposes of, and subject to the terms, provisions and conditions of, this MOU, "discipline" is limited to any action taken by the City against a permanent Police Unit employee which (1) is punishment or discipline of the employee, (2) will result in a reduction or loss in the employee's salary, (3) is either (i) an involuntary termination from City employment (ii) involuntary suspension from employment without pay, (iii) involuntary move from one (1) job classification to another job classification where the second job classification has a lower rate of pay at the top step than the top step of the job classification from which the employee was moved, or (iv) involuntary reduction in step within a job classification, and (4) is not the result of a lay off or (v) a written reprimand.

25.3 - Informal Step. An attempt shall be made to ascertain all facts and adjust such grievance or discipline on an informal basis between the employee and, if he or she desires, the employee's representative, on the one hand, and the immediate supervisor, on the other hand. Presentation of such grievance or discipline shall be made within fourteen (14) calendar days of the incident causing the grievance or discipline, or the date on which the employee first became aware of it.

25.4 - Step One. If the grievance or discipline is not adjusted to the satisfaction of the employee within seven (7) calendar days after presentation to the grievance or discipline to the immediate supervisor, and if the employee or the Union wishes to resolve the matter, the grievance or discipline shall be submitted in writing by the employee or his or her representative to the Police Chief in consultation with the Human Resources Director within the next fourteen (14) calendar days. The Police Chief shall meet with the employee, his or her representative or both within seven (7) calendar days of receipt of such written grievance; and deliver his or her decision in writing to the employee, along with reasons for such decision, within seven (7) calendar days after meeting.

25.5 Step Two. If the grievance or discipline dispute is not adjusted to the satisfaction of the employee and the union under the procedures set forth immediately above, the employee or his/her representative may submit written notice to the City Manager of his/her intent to submit the matter to mediation. Such written notice must be delivered to the City Manager within fourteen (14) calendar days after the date of the Chief of Police's written decision. The Union agrees that submission of any matter to mediation must be by mutual agreement of the Union and the City, with each party to bear their own costs. If the parties mutually agree to mediation, the following procedures apply:

- (a) Within seven (7) calendar days of receipt of the written notice, the Union and the City shall request a list of seven (7) arbitrators from the Federal Mediation and Conciliation Service.
- (b) Within fourteen (14) calendar days of receipt of the list of arbitrators the City and the Union shall attempt to agree on an arbitrator to preside at the advisory arbitration hearing. If the parties do not agree on an arbitrator, the Union and the City shall take turns striking the names of arbitrators from the FMCS list until one (1) name remains. The Union shall strike the first name.
- (c) The parties shall contact the arbitrator to arrange for a mutually convenient time and date for the advisory arbitration hearing.
- (d) The City shall pay for the costs of the advisory arbitrator.

25.6 Grievances Related to MOU Interpretation - On grievances pertaining to the interpretation or administration of this MOU, the Union agrees that the decision of the arbitrator's decision shall be final and binding upon the City. On disputes related to discipline, the decision of the arbitrator shall be advisory to the City Manager, whose decision shall be the final decision of the City.

25.7 Grievances Related to Discipline - On grievances related to discipline, the written notice in Step Three below shall set forth in detail the employee's and/or Union's view of the basis for the disciplinary dispute and shall separately set forth the issue or issues to be submitted to the advisory arbitrator. The procedures set forth below shall be followed thereafter.

- (a) Within seven (7) calendar days of receipt of the written notice, the Union and the City shall request a list of seven (7) arbitrators from the Federal Mediation and Conciliation Service.
- (b) Within fourteen (14) calendar days of receipt of the list of arbitrators the City and the Union shall attempt to agree on an arbitrator to preside at the advisory arbitration hearing. If the parties do not agree on an arbitrator, the Union and the City shall take turns striking the names of arbitrators from the FMCS list until one (1) name remains. The Union shall strike the first name.
- (c) The parties shall contact the arbitrator to arrange for a mutually convenient time and date for the advisory arbitration hearing.
- (d) The City shall pay for the costs of the advisory arbitrator.

25.8 Step 3 - Within seven (7) calendar days after the Union and City receive the advisory arbitrator's recommendation on the dispute related to discipline, either the Union or the Department Head may submit written argument to the City Manager as to whether the arbitrator's opinion should be accepted, rejected or modified. Within fourteen (14) calendar days after the seven (7) day-period above has expired, the City Manager shall advise the Union and the Department Head whether the City Manager is accepting, rejecting, or modifying the advisory arbitrator's recommended decision. The decision of the City Manager shall be final and binding.

25.9 - Modification of Time Limits - The above time limits may be modified by mutual agreement.

ARTICLE 26- SEVERABILITY CLAUSE

26.1 - Severability - If any of the provisions contained in this Memorandum of Understanding are determined to be unlawful, then only such provision(s) shall be deleted from this Memorandum of Understanding with the remainder of this Memorandum of Understanding remaining in force and effect. Upon the issuance of a decision by a Court of Competent Jurisdiction declaring any section of this Memorandum to be unlawful, unenforceable, unconstitutional, or not applicable, the parties agree to meet and confer as soon as possible concerning only those sections.

ARTICLE 27- COMPLETE AGREEMENT

27.1 Entire Agreement - This Agreement is the entire Agreement between the parties, terminating all prior agreements, whether written or oral, arrangements and practices, and, except as otherwise provided herein, shall conclude all meetings and conferences during the term of this Agreement.

27.2 Items Not Covered - All terms and conditions of employment not covered by this Agreement shall continue to be subject to the City's direction and control.

27.3 Vacant Positions – The level of service and number of employees remain a management prerogative and the parties agree that the City may elect not to fill four (4) current or soon to be vacant police officer positions as a cost saving mechanism.

ARTICLE 28- INVESTIGATION DOCUMENTS AND MATERIALS

The City shall continue to maintain investigation documents and material in accordance with its Records Management Program. No. A-28 in the Administrative Policy which was adopted by Resolution No. 2003-26.

ARTICLE 29 - RE-OPENERS

29.1 - During the term of this MOU, unless otherwise provided, the parties shall not meet and confer with respect to any subject or matter whether or not referred to in this MOU, unless mutually agreed to otherwise.

29.2 The parties agree, however, to the following re-openers:

- a) In the event that the City General Fund reserves are reduced to less than \$1 million, the parties agree to re-open their contract to negotiate additional cost saving measures.
- b) The parties have agreed that in the event that Unit overtime exceeds by more than five percent (5%) in a month in the regular overtime account, the baseline experience defined as the average of the last four months of 2012, then the parties will reopen the contract to meet and confer regarding a means and method to address this increase in expense.

ARTICLE 30 - RATIFICATION AND EXECUTION

This MOU has been developed as a result of meet and confer sessions between representatives of the City and the Union regarding issues related to wages, hours and other terms and conditions of employment. The City's representatives and the Union have reached an understanding as to certain recommendations to be made to the City Council for the City of Banning and have agreed that the parties hereto will jointly urge said Council to adopt a new wage and benefit resolution which will provide for the changes contained in said joint recommendation. The parties hereto acknowledge that this MOU shall not be in full force and effect until adoption by the Banning City Council.

In witness whereof, the parties have caused their signatures to be affixed this 6th day of January, 2014.

March 6, 2014

For the City of Banning

J. A. Overholt

June Overholt
Interim City Manager

Colin Tanner

Colin Tanner,
Lead Negotiator

Rita Chapparosa

Rita Chapparosa
Deputy Human Resources Director

For the BPOA

Michael McGill, Esq.

Michael McGill, Esq.
Lead Negotiator

Joe Fecola

Joe Fecola
BPOA Representative

Brandon Smith

Brandon Smith
BPOA Representative

Steve Hobbs

Steve Hobbs
BPOA Representative

RESOLUTION NO. 2014-21

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING
APPROVING SIDE LETTER AGREEMENTS TO THE MEMORANDUM OF
UNDERSTANDING BETWEEN THE CITY AND THE BANNING POLICE OFFICERS
ASSOCIATION (BPOA) REPRESENTING THE POLICE UNIT EMPLOYEES AND
THE CITY OF BANNING**

WHEREAS, the City of Banning has recognized the Banning Police Officers Association (BPOA) as the bargaining unit representing a group of its employees; and

WHEREAS, the City and BPOA have successfully met and conferred to negotiate a side letter of agreement pursuant to the Meyers-Milias-Brown Act ("MMBA") (Gov't Code Sections 3500-3511) and the City's Employer-Employee Relations Resolution No. 2010-45; and

WHEREAS, the City and the Associations have met in good faith to approve the acting pay for exempt status of the classifications of Police Lieutenant or Chief.

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

SECTION 1:

1. That the City Council approves the Side Letter Agreement between the City and BPOA the acting pay for exempt status of the classifications of Lieutenant or Chief.
2. The Administrative Services Director/Deputy City Manager is authorized to make the necessary budget adjustments as applicable.

PASSED, APPROVED AND ADOPTED this 25th day of March, 2014 at Banning, California.

Debbie Franklin, Mayor
City of Banning, California

ATTEST:

Marie A. Calderon
City Clerk of the City of Banning

APPROVED AS TO FORM AND
LEGAL CONTENT

David Aleshire, 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. 2014-21 was duly adopted by the City Council of the City of Banning, California, at a special meeting thereof held on the 25th day of March, 2014, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

**SIDE LETTER OF AGREEMENT TO THE MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF BANNING AND
THE CITY OF BANNING POLICE OFFICERS' ASSOCIATION**

ACTING PAY FOR EXEMPT STATUS CLASSIFICATIONS OF LIEUTENANT OR CHIEF

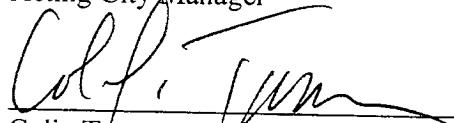
An employee temporarily assigned to work in the higher classifications of lieutenant or chief, which are exempt status classifications, by management shall be compensated for working in the acting assignment at a rate that is the lowest step of the higher classification that pays more than the employee currently receives in the lower classification. Said compensation shall commence upon the thirty-first (31st) consecutive day worked of the acting assignment within the fiscal year and continue thereafter while the employee works in such assignment. At such time an employee no longer works in the acting assignment, he or she shall be compensated at his or her regular rate of pay for his or her pertinent classification.

During the time the employee works in an acting assignment, the employee shall be treated as an exempt employee and shall not be subject to overtime provisions of the Fair Labor Standards Act; however, the employee shall remain part of the Police Unit and shall receive all benefits as proscribed in the Memorandum of Understanding between the City of Banning and the City of Banning Police Officers' Association January 8, 2013 – June 30, 2013 ("BPOA MOU") and any immediate successor memorandum of understanding to be adopted for July 1, 2013 - June 30, 2014. This side letter is applicable to acting pay for exempt status classifications of lieutenant or chief only. All other acting pay for non-exempt status classifications are subject to Article 14 of the BPOA MOU.

City of Banning



June Overholt
Acting City Manager

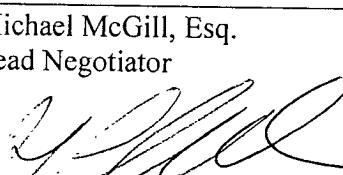


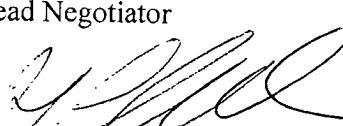
Colin Tanner
Lead Negotiator



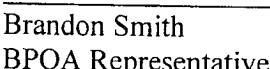
Rita Chapparosa
Deputy HR Director/Employee
Relations Officer

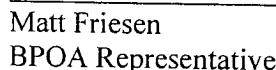
Banning Police Officers' Association


Michael McGill, Esq.
Lead Negotiator



Brian Callahan
BPOA Representative


Brandon Smith
BPOA Representative


Matt Friesen
BPOA Representative

CITY COUNCIL/BANNING UTILITY AUTHORITY AGENDA

Date: **March 25, 2014**

TO: **Banning Utility Authority**

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

SUBJECT: **Resolution No. 2014-03UA, “Approving the Contract Services Agreement with Merlin Johnson Construction Company of Mentone, California for the Repairs to the 15 inch Sewer Main on Hargrave Street”**

RECOMMENDATION: Adopt Resolution No. 2014-03UA:

- I. Approving the Contract Services Agreement with Merlin Johnson Construction Company of Mentone California for the repairs to a 15 inch Sewer Main on Hargrave Street in the amount of “Not to Exceed” \$38,210.00 and allowing a 10% contingency of \$3,821.00.
- II. Authorizing the Administrative Services Director to make necessary adjustments and appropriations related to Account No. 680-8000-454.45-09 (Sewer Collection System Expense) and approval of change orders within the 10% contingency.

JUSTIFICATION: During a recent routine video inspection staff identified a large sidewall failure in the 15 inch vitrified clay pipe (“VCP”) sewer main along Hargrave Street. It is imperative that the main is repaired in order to avoid a sewer system overflow, damage to the overlying street and disruption in customer service.

BACKGROUND: There is a 15 inch VCP sewer main, installed in 1951, that lies under Hargrave Street which collects flows from a large portion of the city east of San Gorgonio Avenue. A peak flow at the intersection of Hargrave Street and John Street was recently recorded at 600 gallon per minute (“gpm”).

During the video inspection of the 15 inch VCP sewer main along Hargrave Street, staff identified major sidewall failure in the sewer main at the intersection of Hargrave Street and John Street. The failure must be repaired in order to avoid sewer system overflows into the street, damage to the overlying street and to the downstream wastewater treatment plant equipment and disruption to customer service.

Staff solicited bids for the repairs from four reputable contractors. Of the four only two submitted bids; the other siting work load and scheduling conflicts. Merlin Johnson Construction Company of Mentone, California was the lowest, responsive bid at \$38,210.00.

Staff recommends the award of a contract services agreement to Merlin Johnson Construction Company, see proposal attached as Exhibit “A”. The scope of work will include saw cutting and

excavation to expose existing 15 inch sewer main; removal and replacement of approximately 15 feet of damaged pipe; backfill under, around and over the VCP main; and placement of 2 sack sand slurry from top of pipe zone to spring line of storm drain. All work shall conform to the City of Banning Standard Specifications.

FISCAL DATA: The cost of the Contract Services Agreement is equal to \$42,031.00, which includes a 10% contingency. Account No. 680-8000-454.45-09 (Sewer Collection System Expense) will be utilized to fund the agreement.

REVIEWED BY:



Duane Burk
Director of Public Works

REVIEWED/APPROVED BY:



June Overholt
Administrative Services Director/
Interim City Manager

RESOLUTION NO. 2014-03UA

A RESOLUTION OF THE BANNING UTILITY AUTHORITY OF THE CITY OF BANNING, CALIFORNIA APPROVING THE CONTRACT SERVICES AGREEMENT WITH MERLIN JOHNSON CONSTRUCTION COMPANY OF MENTONE, CALIFORNIA FOR THE REPAIRS TO THE 15 INCH SEWER MAIN ON HARGRAVE STREET

WHEREAS, the City of Banning owns and operates its own sewer collection system throughout the City; and

WHEREAS, there is an existing 15 inch vitrified clay pipe (“VCP”) sewer main, installed in 1951, that lies under Hargrave Street which collects flows from a large portion of the city east of San Gorgonio Avenue with a recently recorded peak flow at the intersection of Hargrave Street and John Street of 600 gallon per minute; and

WHEREAS, during a recent video inspection of the 15 inch VCP sewer main along Hargrave Street, staff identified major sidewall failure in the sewer main at the intersection of Hargrave Street and John Street; and

WHEREAS, the failure must be repaired in order to avoid sewer system overflows into the street, damage to the overlying street and to the downstream wastewater treatment plant equipment and disruption to customer service; and

WHEREAS, staff solicited bids for the repairs from four reputable contractors resulting in Merlin Johnson Construction Company of Mentone, California being the lowest, responsive bidder.

NOW, THEREFORE, BE IT RESOLVED by the Banning Utility Authority of the City of Banning as follows:

SECTION 1. The Banning Utility Authority of the City of Banning Adopts Resolution No. 2014-03UA, authorizing the contract services agreement with Merlin Johnson Construction Company of Mentone, California in the amount of \$38,210.00 and allowing a 10% contingency in the amount of \$3,821.00.

SECTION 2. Authorizing the Administrative Services Director to make necessary adjustments and appropriations related to Account No. 680-8000-454.45-09 (Sewer Collection System Expense) and approval of change orders within the 10% contingency.

SECTION 3. Authorizing the City Manager to execute the contract service agreement with Merlin Johnson Construction. This authorization will be rescinded if the contract agreements are not executed within forty-five (45) days of the date of this resolution.

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

Deborah Franklin, Chairman
Banning Utility Authority

ATTEST:

Marie A. Calderon, Secretary

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

David J. Aleshire, Authority Counsel
Aleshire & Wynder, LLP

CERTIFICATION:

I, Marie A. Calderon, Secretary to the Banning Utility Authority of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2014-03UA, was duly adopted by the Banning Utility Authority of the City of Banning, California, at its joint meeting thereof held on the 25th day of March, 2014, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Marie A. Calderon, Secretary
Banning Utility Authority
City of Banning, California

**CITY COUNCIL / BANNING UTILITY AUTHORITY
AGENDA**

DATE: **March 25, 2014**

TO: **Banning Utility Authority**

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

SUBJECT: **Banning Utility Authority Resolution No. 2014-02UA, “Approving a Professional Services Agreement with Carollo Engineers, Inc.”**

RECOMMENDATION: The Banning Utility Authority adopt Resolution 2014-02UA:

- I. Approving a Professional Services Agreement with Carollo Engineers, Inc. of Pasadena, California in an amount of \$50,000.00.
- II. Authorizing the Administrative Services Director to make an appropriation to Account No. 001-3000-442.33-51 (Spl Processing Consultant) in the amount of \$20,000.00.
- III. Authorizing the City Manager to execute the Professional Services Agreement with Carollo Engineers, Inc..

JUSTIFICATION: The professional services agreement is necessary in order review the Sewer and Water Master Plans related to the Rancho San Gorgonio and to conduct a Hydraulic Modeling Update and Analysis.

BACKGROUND: The City of Banning received an application from Rancho San Gorgonio, LLC. to develop a master plan community called Rancho San Gorgonio (“RSG”). The property is approximately 849 acres and is located on the south side of Westward Avenue between Sunset Avenue and San Gorgonio Avenue/Highway 243. The original draft proposal submitted in May 2013 included a development of 3,573 dwelling units, 188.5 acres of parks and trails and a 10-acre neighborhood commercial center. In October 2013 a revised proposal was submitted which included a development of 3,412 dwelling units, 214 acres of parks, trails, and open space, and a 9.3-acre commercial.

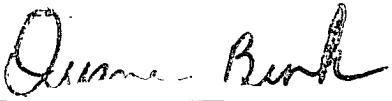
As part of the entitlement process for a project of this magnitude, it is required that the applicant submit for review and approval Water and Sewer Master Plans. The purpose of the Water Master Plan is to determine the proposed community’s water system needs such as: distribution pipe size and configuration; storage capacity; peak demand; and the potential recycled water demand for irrigating common area landscaping. Similarly, the purpose of the Sewer Master Plan is to: calculate the peak discharge rates; impacts to the wastewater treatment plant; and determine the sewer system pipe sizes and configuration. Included in the scope of work for the Professional Services Agreement, Carollo Engineers, Inc. (“Carollo”) will be responsible for reviewing the master plan studies for conformance with the City of Banning Standard Specifications.

Additionally, as part of the Professional Services Agreement, Carollo will perform hydraulic modeling analysis for the integration of the Rancho San Gorgonio development. This includes an update of the City's hydraulic model which was last updated in 2002. The update includes the importing of approximately five miles of new pipelines to ensure that the model distribution system reflects the conveyance capacity of the existing system. The scope of services will also include a City wide storage analysis to determine storage deficiencies with and without the Rancho San Gorgonio Project and identify potential reservoir sites and sizing of required transmission mains. Finally, Carollo will perform a hydraulic analysis of the City's entire pipeline network to evaluate pressure deficiencies under existing and future scenarios. The scope of work will be completed while closely working with the City's engineering staff.

City staff solicited proposals from multiple engineering firms and recommends an award in the amount of \$50,000.00 to Carollo for the abovementioned services. The cost for the professional services is equal to \$38,580.00. Since a majority of these services are directly related to the Rancho San Gorgonio development, it is estimated that \$20,000.00 of the \$50,000.00 will be reimbursed by deposits provided by the Rancho San Gorgonio applicant. The balance between the cost of the services and the \$50,000.00 will be utilized for as-needed services.

FISCAL DATA: The total cost of the professional services agreement is \$50,000.00. An appropriation is required in the amount of \$20,000.00 to Account No. 001-3000-442.33-51 (Spl Processing Consultant). The agreement balance of \$30,000.00 will be funded by Account No. 660-6300-471.33-53 (Engineering Services), which currently has a balance of \$63,250.00.

RECOMMENDED BY:



Duane Burk
Director of Public Works

REVIEWED/APPROVED BY:



June Overholt
Administrative Services Director/
Interim City Manager

BANNING UTILITY AUTHORITY RESOLUTION NO. 2014-02UA

A RESOLUTION OF THE BANNING UTILITY AUTHORITY OF THE CITY OF BANNING, CALIFORNIA, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH CAROLLO ENGINEERS, INC.

WHEREAS, the City of Banning received an application from Rancho San Gorgonio, LLC. to develop a master plan community called Rancho San Gorgonio (“RSG”) which is made up of approximately 849 acres and is located on the south side of Westward Avenue between Sunset Avenue and San Gorgonio Avenue/Highway 243 and includes 3,412 dwelling units, 214 acres of parks, trails, and open space, and a 9.3-acre commercial; and

WHEREAS, in order to determine the water and sewer system needs for the development the applicant is required to prepare and submit for review and approval Water and Sewer Master Plans; and

WHEREAS, the City’s hydraulic model was last updated in 2002 and it is essential to update the model in order to perform a hydraulic model analysis to identify deficiencies in the City’s storage and pipeline network under existing and future demands including the integration of RSG development; and

WHEREAS, staff recommends the approval of a professional services agreement with Carollo Engineers, Inc. of Pasadena, California, a reputable firm specializing in the planning, design, and construction management of water and wastewater facilities for the municipal and public sector; and

WHEREAS, the scope of services of the agreement will include a review of the water and sewer master plans of the RSG development, an update of the City’s hydraulic model and a detailed hydraulic model analysis of the City’s entire water network under existing and future scenarios; and

WHEREAS, the proposed professional services agreement with Carollo Engineer’s, Inc. is for an amount “not to exceed” \$50,000.00 of which it is estimated that \$20,000.00 will be reimbursed by the RSG applicant.

NOW, THEREFORE, BE IT RESOLVED by the Banning Utility Authority of the City of Banning as follows:

SECTION 1. Banning Utility Authority adopts Resolution No. 2014-02UA approving a Professional Services Agreement with Carollo Engineers, Inc. of Pasadena, California in an amount “not to exceed” \$50,000.00.

SECTION 2. The Administrative Services Director is hereby authorized to make an appropriation to Account No. 001-3000-442.33-51 (Spl Processing Consultant) in the amount of \$20,000.00 and to make necessary budget adjustments related to the appropriate funds. An

amount equal to \$30,000.00 will be funded by Account No. 660-6300-471.33-53 (Engineering Services).

SECTION 3. The City Manager is authorized to execute the Professional Services Agreement with Carollo Engineers, Inc. of Pasadena, California. This authorization will be rescinded if the contract agreement is not executed by the parties within sixty (60) days of the date of this resolution.

PASSED, ADOPTED AND APPROVED this 25th day March, 2014.

Deborah Franklin, Chairman
Banning Utility Authority

ATTEST:

Marie A. Calderon, Secretary

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

David J. Aleshire, Authority Counsel
Aleshire & Wynder, LLP

CERTIFICATION:

I, Marie A. Calderon, Secretary of the Banning Utility Authority of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2014-02UA was adopted by the Banning Utility Authority of the City of Banning at a Regular Meeting thereof held on the 25th day of March, 2014.

AYES:

NOES:

ABSENT:

ABSTAIN:

Marie A. Calderon, Secretary
Banning Utility Authority
City of Banning, California

**JOINT MEETING
REPORT OF OFFICERS**

DATE: **March 25, 2014**

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

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

SUBJECT: **FY 2013/14 Mid-Year Budget Review**

RECOMMENDATION: That the City Council approve City Resolution No. 2014-20, the Banning Utility Authority Resolution No. 2014-04 UA and the Successor Agency Resolution No. 2014-06 SA authorizing the Administrative Services Director to make necessary budget adjustments to implement the mid-year analysis.

BACKGROUND: The budgets for the City, Banning Utility Authority and Successor Agency for FY 2013/14 were adopted on June 25th, 2013. The budget is a dynamic document that may be amended throughout the year as a result of unforeseen changes in revenue or expenditure requirements. These adjustments often relate to an award of a grant. These changes require City Council or Agency Board action for approval. The purpose for the mid-year review is to determine if any budget adjustments are necessary to the budget.

The Fund Summary Status is the primary budget document that is adopted, managed and evaluated throughout the year. Below are some observations about the report:

- The “Available Balance @ July 1, 2013” is updated during midyear to reflect the actual available balances from June 30, 2013.
- The Adjusted Revenue and Adjusted Expenditures include all authorized appropriations approved by Council from July 1, 2013 through December 31, 2013, plus any continuing appropriations/encumbrances that were carried forward. Finally, it includes the midyear budget adjustments.
- The “Projected (Proj) Balance @ June 30, 2014” shows the projected, estimated ending balances (reserves/fund balance). These will also be used as the starting point for the next budget cycle. The Projected Balance assumes that all revenues and all expenditures will occur as budgeted.

A complete list showing the adjustment requested for each affected account is contained in the detailed attachments for each resolution. Adjustments to the salary accounts have been summarized on one line for each affected fund. The remainder of this report will highlight changes to the budget of the major funds.

General Fund

The original General Fund budget was adopted as balanced. The following table provides a summary of the net changes to the estimated General Fund budget. Adjustments made during the first six months of the year include continuing appropriations (police grants awarded in prior years where the reimbursement revenue had not been received or fully spent) and encumbrances (open purchase orders at year end where the work was still in progress at year end and any new appropriations approved by Council).

General Fund	
Beginning budget net gain (loss) to reserves	0
<u>Adjustments during first 6 months:</u>	
Encumbrances	(196,888)
Net new appropriations	(8,746)
Net continuing appropriations - grants	157,565
Net continuing appropriations - other	(173,989)
<u>Budget adjustments (before midyear)</u>	<u>(222,058)</u>
<u>Midyear adjustments</u>	
ADD - net increases in revenue	245,356
SUBTRACT - net increases in expenditures	(521,769)
<u>Midyear adjustments</u>	<u>(276,413)</u>
Revised net gain (loss) to General Fund	(498,471)

REVENUES: Regarding the midyear revenue review, the net impact is an increase in estimates by \$245,356. The primary areas of improvement are:

Midyear Adjustments to Revenues

Property Taxes	89,296
Sales Tax	17,222
Pass Thru – CRA	64,650
Permits & Plan Checks	50,406
Miscellaneous - net	<u>23,782</u> <i>(Interest, Reimbursements, Other Taxes and Fees)</i>
	<u>\$245,356</u>

An improvement in property tax and sales tax is a good indication that the economy is showing signs of turning around. – The Pass Thru – CRA reflects the increased property tax the General Fund receives as a result of the dissolution of the Redevelopment Agency (RDA). Each time there is RDA increment available, the County distributes the funds to the affected taxing entities, which includes the General Fund. – The increase in Permits and Plan Checks is another indication that the economy may be improving. This source of revenue is unpredictable as it depends solely on whether developers and property owners are willing to invest in construction projects. Part of the permit revenues are offset by an increase in professional services as it relates

to paying for professional services with Willdan. – Net miscellaneous adjustments include several increases and decreases in estimated revenues. The major changes were reductions in estimated interest income and a reimbursement to the General Fund for prior year expenditures.

EXPENDITURES: The expenditure budget has been increased by \$521,769. The adjustments to expenditures include net payroll increase of \$80,749, an increase for contract services for an interim city manager contract of \$50,000, an increase in city attorney costs of \$264,897 related to increased labor attorney services and litigation, and increased Police overtime budget of \$100,125 to cover service demands due to vacancies or absences of injured officers.

ENDING BALANCE/ "RESERVES": The Balance @ July 1, 2013 is \$3,357,176. This includes the emergency contingency, the litigation contingency, encumbrances and continuing appropriations reported in the June 30, 2013 audit report. The General Fund balance reserves of \$546,342 that were assigned to the litigation contingency, encumbrances and continuing appropriations are sufficient to cover the budget deficit. It is also possible that budget savings or an unexpected improvement in revenues would be sufficient to cover the budget deficit.

The Emergency Contingency Commitment is currently at 25% of the operating budget. Each year the Council adopts the Budget and Fiscal Policies as part of the Budget document. The policy established a Contingency Commitment of a minimum of \$1.5M or up to 25% if funds are available. Any increase in Reserves provides critical resources to the City for unexpected emergencies and cash flow needed, due to the irregularity of the receipt of certain revenues.

Banning Utility Authority

The Utility Authority includes the Water, Wastewater, and Reclaimed Water funds. The Water Operations Fund has an improved financial outlook. However, the Wastewater Operations Fund has a projected deficit of \$204,944 due to continuing appropriations and encumbrances, new appropriations approved by Council, and adjustments recommended at mid-year. Overall, the projected year-end balance for June 30, 2014 shows an improvement from what was originally approved by \$23,000. Reserve balances for both utilities are still within the 10% reserve policy requirement. Both utilities still have a lean budget with limited operational capital projects.

The operational funds for the utilities should be structurally balanced. Costs and operations should be funded through rates and fees collected from customers. The other utility related funds may function with a deficit since these are funded through revenue sources collected in prior years (i.e. development fees, bond funds) and are intended for major projects.

Staff is in the process of a new rate study that will provide tools to staff and council on how to address when a rate increase might be needed to address existing operational needs, infrastructure improvements and/or regulatory demands. Regulatory demands are creating a burden for new infrastructure improvements.

Electric

Electric Operations expenditures were lower than projected primarily due to reduced prices for Cap & Trade allowances and lower generation output from our Ormat geothermal facility. The projected ending fund balance meets the City reserve goal of 10% of operating expenditures.

Other Funds

The other funds have been reviewed and adjusted as needed to reflect actual trends or to resolve deficit fund balances. The Fund Summary Schedule has been updated to reflect the midyear recommendations. Column 4 of the Fund Summary Schedule (Attachment A) indicates the expected annual effect of FY 2013/2014 activity. Most of the deficits (losses) are in capital funds that utilize existing fund balance to complete budgeted projects.

The Airport Fund has an operating deficit. This includes a contingency grant match for a capital project that is in progress. The automated fueling station project is near completion. This project should generate additional fuel sales.

Successor Agency (previously the CRA)

The midyear review for the Successor Agency includes minor adjustments to align the budget with the items approved on the ROPS that cover this budget year.

December Interim Financial Report

The December report provides a snapshot status of the budget and actual activity for the first six months of the fiscal year. The report focuses on the General Fund and provides information to assist readers in understanding the General Fund revenues and expenditures.

FISCAL DATA: The proposed resolutions will enable the Administrative Services Director to post budget adjustments to the accounts for the City of Banning, Banning Utility Authority and the Banning Successor Agency. The effects of these adjustments will be to change estimated revenues, expenditures and ending fund balances as shown on the Fund Summary Schedule (Attachment A).

RECOMMENDED BY:



June Overholt
Interim City Manager

CITY OF BANNING
Fund Summary Status
MidYear FY14 Projections
FY 2013-14

#	FUND NAME	(1) Available Resources @ July 1, 2013	(2) FY 2013-14 Adjusted Revenue	(3) FY 2013-14 Adjusted Expenditures	(4) Proj. YTD Gain/(Loss) (Col. 2-3)	(5) Proj. Balance @ June 30, 2014 (Col. 1+4)
<i>Governmental Funds</i>						
001	General	3,357,176	13,856,021	14,354,492	(498,471)	2,858,705
	Sub-Total	3,357,176	13,856,021	14,354,492	(498,471)	2,858,705
<i>Special Revenue Funds</i>						
002	Developer Deposit Fund	2,964	449,309	449,309	-	2,964
003	Riverside County MOU	234,369	450,150	569,439	(119,289)	115,080
100	Gas Tax Street	532,078	1,392,828	1,875,844	(483,016)	49,062
101	Measure A Street	1,327,109	914,847	1,507,226	(592,379)	734,730
103	SB300 Street Improvement	93,159	425	22,346	(21,921)	71,238
104	Article 3 - Sidewalk Construction	13,259	-	-	-	13,259
110	C.D.B.G.	-	508,975	508,975	-	-
111	Landscape Maintenance Assmt. Dist.#1	215,361	138,139	128,994	9,145	224,506
132	Air Quality Improvement	206,098	30,250	43,000	(12,750)	193,348
140	Asset Forfeiture	2,498	-	-	-	2,498
148	Supplemental Law Enforcement	86,191	125,100	211,191	(86,091)	100
149	Public Safety - Sales Tax	-	-	-	-	-
150	State Park Bond Act	933	-	-	-	933
190	Housing Authority Fund	12	-	-	-	12
200	Special Donations	18,413	9,025	6,500	2,525	20,938
201	Senior Center Activities	59,225	6,650	13,000	(6,350)	52,875
202	Animal Control Reserve	4,896	-	-	-	4,896
203	Police Volunteer	2,833	-	2,613	(2,613)	220
300	City Hall COP Debt Service*	2,563	437,001	437,001	-	2,563
360	Sun Lakes CFD #86-1	34,958	-	-	-	34,958
365	Wilson Street #91-1 Assessment Debt	45,421	-	-	-	45,421
370	Area Police Computer	17,293	46,669	46,699	(30)	17,263
375	Fair Oaks #2004-1 Debt Service	188,242	202,429	199,943	2,486	190,728
376	Cameo Homes	45,700	100	-	100	45,800
	Sub-Total	3,133,575	4,711,897	6,022,080	(1,310,183)	1,823,392

CITY OF BANNING
Fund Summary Status
MidYear FY14 Projections
FY 2013-14

#	FUND NAME	(1) Available Resources @ July 1, 2013	(2) FY 2013-14 Adjusted Revenue	(3) FY 2013-14 Adjusted Expenditures	(4) Proj. YTD Gain/(Loss) (Col. 2-3)	(5) Proj. Balance @ June 30, 2014 (Col. 1+4)
<i>Capital Improvement Funds</i>						
400	Police Facilities Development	33,922	823	-	823	34,745
410	Fire Facility Development	932,015	2,535	-	2,535	934,550
420	Traffic Control Facility	423,751	850	45,000	(44,150)	379,601
421	Ramsey/Highland Home Traffic Signal	80,548	150	-	150	80,698
430	General Facilities	476,679	1,678	45,000	(43,322)	433,357
441	Sunset Grade Separation Fund	(2,286,484)	2,631,606	304,186	2,327,420	40,936
444	Wilson Median	376,909	500	-	500	377,409
451	Park Development	155,750	2,205	132,046	(129,841)	25,909
470	Capital Improvement Fund	638,193	400	-	400	638,593
Sub-Total		831,283	2,640,747	526,232	2,114,515	2,945,798
<i>Banning Utility Authority</i>						
660	Water Operations	6,343,195	10,667,217	9,076,140	1,591,077	7,934,272
661	Water Capital Facility Fee	4,872,620	23,500	3,274,486	(3,250,986)	1,621,634
663	BUA Water Capital Project Fund	2,341,891	3,200	500,000	(496,800)	1,845,091
669	BUA Water Debt Service Fund	85,003	2,289,205	2,289,855	(650)	84,353
Water Subtotal		13,642,709	12,983,122	15,140,481	(2,157,359)	11,485,350
680	Wastewater Operations	1,204,273	3,113,854	3,318,798	(204,944)	999,329
681	Wastewater Capital Facility Fees	10,657,246	30,000	770,000	(740,000)	9,917,246
683	BUA WWtr Capital Project Fund	3,270,590	1,200	543,061	(541,861)	2,728,729
685	State Revolving Loan	769,208	301,500	299,995	1,505	770,713
689	BUA Wastewater Debt Service Fund	89,226	393,618	393,193	425	89,651
Wastewater Subtotal		15,990,543	3,840,172	5,325,047	(1,484,875)	14,505,668
662	Irrigation Water	1,320,648	1,888,459	3,209,107	(1,320,648)	-
682	Wastewater Tertiary	3,743,649	336,000	1,885,459	(1,549,459)	2,194,190
Reclaimed Water Subtotal		5,064,297	2,224,459	5,094,566	(2,870,107)	2,194,190
Sub-Total		34,697,549	19,047,753	25,560,094	(6,512,341)	28,185,208

CITY OF BANNING
Fund Summary Status
MidYear FY14 Projections
FY 2013-14

#	FUND NAME	(1) Available Resources @ July 1, 2013	(2) FY 2013-14 Adjusted Revenue	(3) FY 2013-14 Adjusted Expenditures	(4) Proj. YTD Gain/(Loss) (Col. 2-3)	(5) Proj. Balance @ June 30, 2014 (Col. 1+4)
<i>Enterprise Funds</i>						
600	Airport	167,841	809,992	948,380	(138,388)	29,453
610	Transit Operations	-	2,652,277	2,652,277	-	-
690	Refuse	617,444	3,251,500	3,107,857	143,643	761,087
	Subtotal	785,285	6,713,769	6,708,514	5,255	790,540
670	Electric Operations	7,820,296	30,005,100	28,202,269	1,802,831	9,623,127
672	Rate Stability	6,002,169	10,000	-	10,000	6,012,169
673	Electric Improvement	8,743,799	33,614	1,853,104	(1,819,490)	6,924,309
674	2007 Elec Rev Bond Project Fund	14,136,102	3,050	7,705,547	(7,702,497)	6,433,605
675	Public Benefit Fund	289,390	792,700	777,356	15,344	304,734
678	2007 Elec Rev Bond Debt Service	296,670	2,667,946	2,667,546	400	297,070
	Electric Subtotal	37,288,426	33,512,410	41,205,822	(7,693,412)	29,595,014
	Sub-Total	38,073,711	40,226,179	47,914,336	(7,688,157)	30,385,554
<i>Internal Service Funds</i>						
700	Risk Management Fund	951,476	2,759,729	2,674,585	85,144	1,036,620
702	Fleet Maintenance	625,289	1,106,859	1,111,131	(4,272)	621,017
703	Information Systems Services	117,430	406,282	462,904	(56,622)	60,808
761	Utility Billing Administration	171,231	1,634,150	1,707,652	(73,502)	97,729
	Sub-Total	1,865,426	5,907,020	5,956,272	(49,252)	1,816,174
<i>Successor Agency Funds</i>						
805	Redevelopment Obligation Retirement Fund	1,707,877	3,236,766	3,308,336	(71,570)	1,636,307
810	Successor Housing Agency	37,539	100	-	100	37,639
830	Debt Service Fund	(15,944)	4,058,779	3,992,969	65,810	49,866
850	Successor Agency	1,544,261	252,000	294,925	(42,925)	1,501,336
855	2007 TABS Bond Proceeds	8,547,159	3,000	1,297,711	(1,294,711)	7,252,448
856	2003 TABS Bond Proceeds	163,294	76,292	-	76,292	239,586
857	2003 TABS Bond Proceeds Low/Mod	449,692	1,000	-	1,000	450,692
	Sub-Total	12,433,878	7,627,937	8,893,941	(1,266,004)	11,167,874
	GRAND TOTAL ALL FUNDS	94,392,598	94,017,554	109,227,447	(15,209,893)	79,182,705

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RESOLUTION NO 2014-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING AMENDING ITS 2013-14 FISCAL BUDGET PER THE MID-YEAR REVIEW RECOMMENDATIONS

WHEREAS, the budget for fiscal year 2013-14 of the City of Banning has been adopted by this Council in its original form, and said budget will need to be amended at times to fulfill the goals of the City; and

WHEREAS, the City departments may not exceed their appropriations by character of expense, with character of expense being defined as personnel services, services and supplies, capital outlay, debt service and inter-fund transfers, without the consent of the City Manager; and

WHEREAS, the City may transfer appropriations, between departments and within their respective funds, as long as those appropriations do not exceed their fund total unless approved by Council; and

WHEREAS, the City Departments may not hire in excess of the approved number of positions in job classification as indicated by the budget detail without the consent of the City Council; and

WHEREAS, the budget is reviewed during a Mid-Year Review process that results in recommended budget adjustments to reflect unforeseen changes in revenue or expenditure requirements that require City Council approval;

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

Section 1: City Council approves the Mid-Year Budget Adjustments for the City funds detailed by account number in Exhibit "A".

PASSED, APPROVED AND ADOPTED this 25th day of March, 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 & Wynder, LLP

CERTIFICATION

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2014-20 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 25th day of March, 2014, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

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

FY 2013-14 MIDYEAR ADJUSTMENTS

Account Number	Account Description	Revenue Adjustment	Allocation Adjustment
001-0001-301.10-07	PROPERTY TAX ADMIN CHARGE	4,395	-
001-0001-301.10-10	PROPERTY TAX BACKFILL	84,901	-
001-0001-302.11-08	SALES TAX BACKFILL	17,222	-
001-0001-306.12-07	BUSINESS LICENSE TAX	5,000	-
001-0001-331.20-01	INVESTMENT INTEREST	(30,000)	-
001-0001-349.34-50	PASS THRU - CRA	64,650	-
001-1900-347.34-16	FED AID-EMERG MGMT SVC	1,263	-
001-2200-347.34-16	FED AID-EMERG MGMT SVC	4,642	-
001-2279-331.20-01	INVESTMENT INTEREST	52	-
001-2700-311.16-03	BUILDING PERMITS	30,192	-
001-2700-311.16-04	PLUMBING PERMITS	1,220	-
001-2700-311.16-05	ELECTRICAL PERMITS	7,392	-
001-2700-311.16-06	MECHANICAL PERMITS	1,512	-
001-2700-351.35-16	CONSTRUCTION PLAN CK FEE	18,040	-
001-2800-311.16-11	CONDITIONAL USE PERMIT	20,000	-
001-2800-311.16-14	HOME OCCUPATION PERMIT	3,250	-
001-2800-311.16-21	SIGN PERMITS	4,500	-
001-2800-351.35-26	SITE PLAN REVIEW	1,000	-
001-2800-351.35-28	VARIANCE FEES	2,800	-
001-2800-351.35-33	DESIGN REVIEW FEE	10,000	-
001-2800-351.35-40	ENVIRONMENTAL ASST REVIEW	6,500	-
001-2800-351.35-45	MISC PLANNING DPT FEES	1,700	-
001-3000-311.16-15	ENCROACHMENT PERMIT	10,000	-
001-3000-311.16-17	DEVELOPMENT PERMIT	1,000	-
001-3000-351.35-48	SERVICE LETTER	100	-
001-3000-351.35-53	DEED PREPARATION	1,400	-
001-3000-351.35-54	IMPROVEMENT PLAN CHECK	(42,500)	-
001-3000-351.35-55	SUBDIV'N PLAN CHECK/INSPT	(20,000)	-
001-3000-351.35-57	PARCEL MAP REVIEW	(3,000)	-
001-3000-351.35-59	MISC ENGINEERING FEES	4,800	-
001-3000-351.35-60	MAP/XEROX/PUBLICATION	500	-
001-3000-351.35-61	CONSULTANT PLAN CK REV	(10,000)	-
001-3000-361.41-02	MISC REIMBURSEMENTS	41,000	-
001-4000-347.34-16	FED AID-EMERG MGMT SVC	425	-
001-4000-351.35-95	RECREATION CLASS FEES	1,400	-
001-0001-XXX.XX-XX	PAYROLL	-	80,749
001-1000-411.23-03	DUES/SUBSCRIPTIONS	-	1,250
001-1200-412.23-27	CONTRACT EMPLOYMENT SVCS	-	50,000
001-1800-412.50-18	INTERFUND SVC-C/ATTORNEY	-	264,897
001-2200-421.10-30	OVERTIME	-	100,125
001-2200-421.56-02	TRANSFER-COUNTY MOU FUND	-	(7,003)
001-2400-422.33-93	FIRE SUPPRESSION SERVICE	-	(30,000)
001-2400-422.33-95	DIRECT BILL EXP-CNTY CON	-	20,000
001-2700-442.33-11	PROFESSIONAL SERVICES	-	41,751
FUND 001 TOTALS		245,356	521,769
002-2800-351.35-29	SPECIFIC PLAN FEES	60,480	-
002-2800-351.36-01	ENVIRONMENTAL REVIEW	236,013	-
002-2800-361.41-02	MISC REIMBURSEMENTS	35,743	-
002-2800-441.33-04	LEGAL SERVICES	-	35,743
002-2800-441.33-05	ENVIRONMENTAL REVIEW	-	236,013
002-2800-441.33-11	PROFESSIONAL SERVICES	-	60,480
FUND 002 TOTALS		332,236	332,236

FY 2013-14 MIDYEAR ADJUSTMENTS

Account Number	Account Description	Revenue Adjustment	Allocation Adjustment
003-2289-331.20-01	INVESTMENT INTEREST	150	
003-2289-381.55-01	TRANSFER-GENERAL FUND	(7,003)	
003-2289-421.XX-XX	PAYROLL		(21,898)
	FUND 003 TOTALS	(6,853)	(21,898)
100-4900-331.20-01	INVESTMENT INTEREST	(1,600)	
100-4900-341.31-05	GAS TAX-SEC 2106	19,650	
100-4900-341.31-06	GAS TAX-SEC 2107	(30,861)	
100-4900-341.31-09	ST. GASOLINE TAX-2105	4,499	
100-4900-341.31-16	STATE HIGHWAY GRANTS	375,700	
100-4900-341.31-62	GAS TAX-SEC 2103	(20,298)	
100-4902-331.20-01	INVESTMENT INTEREST	1,322	
100-4900-431.XX-XX	PAYROLL		(4,456)
100-4900-431.50-18	INTERFUND SVC-C/ATTORNEY		1,036
100-4900-431.90-10	PLANNING/ENGINEERING SVC		58,000
100-4900-431.93-27	TRAFFIC SIGNALS/SYNCHRON		359,500
100-4902-431.56-06	TRANSFER - MEASURE A FUN		6,656
	FUND 100 TOTALS	348,412	420,736
101-4900-331.20-01	INVESTMENT INTEREST	(5,800)	
	FUND 101 TOTALS	(5,800)	
111-4900-361.41-02	MISC REIMBURSEMENTS	121	
	FUND 111 TOTALS	121	
148-2213-331.20-01	INVESTMENT INTEREST	100	
	FUND 148 TOTALS	100	
200-9100-361.41-73	DONATIONS-SENIOR CENTER	225	
200-9100-361.42-17	DONATION-HOLIDAY LUNCHEON	550	
	FUND 200 TOTALS	775	
370-2200-361.41-71	COST-SHARING REIMB-CITIES	441	
370-2200-381.55-01	TRANSFER-GENERAL FUND	(441)	
	FUND 370 TOTALS	-	
400-2200-361.41-33	POLICE FACIL DVLP FEE	823	
	FUND 400 TOTALS	823	
410-2400-331.20-01	INVESTMENT INTEREST	1,200	
410-2400-361.41-34	F/FACIL DVLP FEE	1,335	
	FUND 410 TOTALS	2,535	
420-4900-361.41-42	TRAFFIC CONTROL FACIL FEE	250	
	FUND 420 TOTALS	250	
430-2900-361.41-43	GENERAL FACILITIES FEES	478	
	FUND 430 TOTALS	478	
451-3600-361.41-32	PARKLAND DEDICATION FEE	1,955	
	FUND 451 TOTALS	1,955	

FY 2013-14 MIDYEAR ADJUSTMENTS

Account Number	Account Description	Revenue Adjustment	Allocation Adjustment
600-5100-341.31-21	FED/STATE AIRPORT GRANTS	10,000	-
600-5100-435.23-27	CONTRACT EMPLOYMENT SVCS	-	775
600-5100-435.30-06	REPAIR/MAINT-EQUIPMENT	-	6,600
600-5100-435.50-18	INTERFUND SVC-C/ATTORNEY	-	265
	FUND 600 TOTALS	10,000	7,640
610-5800-306.12-01	TRANSIT-SB325 ART 4	(159,754)	-
610-5800-331.20-01	INVESTMENT INTEREST	(800)	-
610-5800-341.31-61	CA EMER MGMT SYSTEM	527,640	-
610-5800-351.35-80	TRANSIT FARES	8,770	-
610-5800-351.35-81	BUS PASSES	2,716	-
610-5800-361.41-01	CASH OVER/SHORT	32	-
610-5800-361.41-27	GAIN ON SALE OF ASSET	250	-
610-5800-361.41-61	MISC. RECEIPTS/REVENUE	230	-
610-5850-306.12-01	TRANSIT-SB325 ART 4	(13,219)	-
610-5850-351.35-79	DIAL-A-RIDE RECEIPTS	9,092	-
610-5800-434.XX-XX	PAYROLL	-	(33,551)
610-5800-434.23-01	ADVERTISING/PUBLISHING	-	(1,500)
610-5800-434.23-02	PRINTING/BINDING	-	(4,000)
610-5800-434.23-03	DUES/SUBSCRIPTIONS	-	(300)
610-5800-434.23-05	TRAVEL/CONFERENCES	-	(1,300)
610-5800-434.23-06	STAFF TRAINING	-	(3,000)
610-5800-434.23-16	LAUNDRY/CLEANING	-	600
610-5800-434.25-02	UNIFORM PURCHASE/MAINT	-	(500)
610-5800-434.25-05	MILEAGE REIMBURSEMENT	-	(100)
610-5800-434.26-05	TELEPHONE SVC	-	1,400
610-5800-434.30-08	REPAIR/MAINT-RADOS	-	(1,000)
610-5800-434.32-06	LEASE/PURCHASE PAYMENTS	-	(500)
610-5800-434.33-11	PROFESSIONAL SERVICES	-	(107,930)
610-5800-434.33-18	CUSTODIAN EXPENSES	-	163
610-5800-434.33-32	MEDICAL/PHYSICAL EXAMS	-	(400)
610-5800-434.36-00	DEPARTMENTAL SUPPLIES	-	(2,000)
610-5800-434.50-18	INTERFUND SVC-C/ATTORNEY	-	1,955
610-5800-434.89-48	COMPUTER HARDWARE	-	(1,000)
610-5800-434.89-56	MACHINERY/EQUIPMENT	-	121
610-5800-434.90-51	AUTOMOTIVE EQUIPMENT	-	470,774
610-5800-434.90-56	MACHINERY/EQUIPMENT	-	56,866
610-5850-434.23-06	STAFF TRAINING	-	(500)
610-5850-434.25-02	UNIFORM PURCHASE/MAINT	-	(200)
610-5850-434.25-05	MILEAGE REIMBURSEMENT	-	(100)
610-5850-434.26-05	TELEPHONE SVC	-	(200)
610-5850-434.30-06	REPAIR/MAINT-EQUIPMENT	-	177
610-5850-434.30-08	REPAIR/MAINT-RADOS	-	(500)
610-5850-434.32-06	LEASE/PURCHASE PAYMENTS	-	2,075
610-5850-434.33-32	MEDICAL/PHYSICAL EXAMS	-	(50)
610-5850-434.36-00	DEPARTMENTAL SUPPLIES	-	(650)
610-5850-434.50-18	INTERFUND SVC-C/ATTORNEY	-	107
	FUND 610 TOTALS	374,957	374,957

FY 2013-14 MIDYEAR ADJUSTMENTS

Account Number	Account Description	Revenue Adjustment	Allocation Adjustment
670-7000-331.20-01	INVESTMENT INTEREST	(6,000)	-
670-7000-356.38-01	METERED SALES	500,000	-
670-7000-356.38-10	BULK ENERGY SALES	(700,000)	-
670-7000-356.38-17	CRR REVENUE - CAISO	50,000	-
670-7000-356.38-20	TRANSMISSION SALES-CAISO	150,000	-
670-7000-361.41-24	SALE OF SURPLUS PROPERTY	6,100	-
670-7000-473.XX-XX	PAYROLL	-	(56,996)
670-7000-473.50-18	INTERFUND SVC-C/ATTORNEY	-	4,444
670-7010-473.27-50	CAPACITY	-	(700,000)
670-7010-473.27-55	CAP & TRADE	-	(113,440)
670-7010-473.27-70	TRANSMISSION	-	(600,000)
670-7010-473.50-18	INTERFUND SVC-C/ATTORNEY	-	181
FUND 670 TOTALS		100	(1,465,811)
672-7000-331.20-01	INVESTMENT INTEREST	10,000	-
FUND 672 TOTALS		10,000	-
673-7000-331.20-01	INVESTMENT INTEREST	14,000	-
673-7000-331.21-87	INTEREST ON CRA LOAN	141	-
673-7000-391.82-92	LOAN REPAYM-CRA PROJ FD	19,473	-
FUND 673 TOTALS		33,614	-
674-7000-331.20-01	INVESTMENT INTEREST	50	-
674-7000-331.20-03	INT. EARNED-FISCAL AGENT	3,000	-
FUND 674 TOTALS		3,050	-
675-7020-331.20-01	INVESTMENT INTEREST	400	-
675-7020-473.XX-XX	PAYROLL	-	(10,715)
675-7020-473.50-18	INTERFUND SVC-C/ATTORNEY	-	1,228
FUND 675 TOTALS		400	(9,487)
678-7000-331.20-01	INVESTMENT INTEREST	500	-
678-7000-331.20-03	INT. EARNED-FISCAL AGENT	(100)	-
FUND 678 TOTALS		400	-
690-9600-331.20-01	INVESTMENT INTEREST	650	-
690-9600-356.38-03	REFUSE MONTHLY BILLING	95,000	-
690-9600-453.XX-XX	PAYROLL	-	(5,446)
690-9600-453.50-18	INTERFUND SVC-CITY ATTOR	-	165
FUND 690 TOTALS		95,650	(5,281)

FY 2013-14 MIDYEAR ADJUSTMENTS

Account Number	Account Description	Revenue Adjustment	Allocation Adjustment
700-5020-374.51-01	WORKERS COMP-GENERAL FUND	(10,581)	-
700-5020-374.51-02	WORKERS COMP-OTHER FUNDS	(7,494)	-
700-5030-374.51-21	UNEMPLOYMENT-GENERAL FUND	(1,737)	-
700-5030-374.51-22	UNEMPLOYMENT-OTHER FUNDS	(2,063)	-
700-5040-331.20-01	INVESTMENT INTEREST	200	-
700-5040-361.42-01	INSURANCE DIVIDEND	19,213	-
700-5300-361.41-02	MISC REIMBURSEMENTS	29,000	-
700-5300-374.51-91	LEGAL SERVICES - GEN'L FD	264,897	-
700-5300-374.51-92	LEGAL SERVICES - OTHER FD	19,428	-
700-5000-480.XX-XX	PAYROLL	-	(2,168)
700-5020-480.50-18	INTERFUND SVC-C/ATTORNEY	-	140
700-5030-480.50-18	INTERFUND SVC-C/ATTORNEY	-	15
700-5040-480.50-18	INTERFUND SVC-C/ATTORNEY	-	177
700-5300-480.33-04	LEGAL SERVICES	-	284,325
FUND 700 TOTALS		310,863	282,489
702-3800-331.20-01	INVESTMENT INTEREST	(1,200)	-
702-3800-351.36-07	EXCISE TAX ON FUEL	(1,500)	-
702-3800-361.41-24	SALE OF SURPLUS PROPERTY	1,100	-
702-3800-361.41-53	RESTITUTION/SUBROGATION	4,100	-
702-3800-361.41-61	MISC. RECEIPTS/REVENUE	150	-
702-3800-480.XX-XX	PAYROLL	-	(752)
702-3800-480.41-07	CREDIT CARD FEES	-	3,500
702-3800-480.50-18	INTERFUND SVC-C/ATTORNEY	-	747
FUND 702 TOTALS		2,650	3,495
703-3700-480.XX-XX	PAYROLL	-	(500)
703-3700-480.50-18	INTERFUND SVC-C/ATTORNEY	-	513
FUND 703 TOTALS		-	13
761-3100-480.23-06	STAFF TRAINING	-	15,000
761-3100-480.23-46	RETURNED CHECK/BANK FEES	-	30,000
761-3100-480.50-18	INTERFUND SVC-C/ATTORNEY	-	2,062
761-3110-480.XX-XX	PAYROLL	-	2,599
761-3110-480.50-18	INTERFUND SVC-C/ATTORNEY	-	898
FUND 761 TOTALS		-	50,559
		1,762,072	491,417

RESOLUTION NO 2014-06 SA

A RESOLUTION OF THE SUCCESSOR AGENCY OF THE CITY OF BANNING AMENDING ITS 2013-14 FISCAL BUDGET PER THE MID-YEAR REVIEW RECOMMENDATIONS

WHEREAS, the Successor Agency (Agency) budget for fiscal year 2013-14 has been adopted by this Agency in its original form, and said budget will need to be amended at times to fulfill the goals of the Agency; and

WHEREAS, the Agency departments may not exceed appropriations by character of expense, with character of expense being defined as personnel services, services and supplies, capital outlay, debt service and inter-fund transfers, without the consent of the City Manager; and

WHEREAS, the Agency may transfer appropriations, between departments and within their respective funds, as long as those appropriations do not exceed their fund total unless approved by Agency Board; and

WHEREAS, the Agency departments may not hire in excess of the approved number of positions in job classification as indicated by the budget detail without the consent of the Agency Board; and

WHEREAS, the budget is reviewed during a Mid-Year Review process that results in recommended budget adjustments to reflect unforeseen changes in revenue or expenditure requirements that require Agency Board approval;

NOW, THEREFORE, BE IT RESOLVED by the Agency Board of the City of Banning as follows:

Section 1: Agency Board approves the Mid-Year Budget Adjustments for the Agency funds detailed by account number in Exhibit "A".

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

Deborah Franklin, Chairman
Successor Agency

ATTEST:

Marie A. Calderon, Secretary
Successor Agency

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

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

CERTIFICATION

I, Marie A. Calderon, Secretary of the Successor Agency do hereby certify that the foregoing Resolution No. 2014-06 SA was duly adopted by the Agency Board at a regular meeting thereof held on the 25th day of March, 2014, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Marie A. Calderon, Secretary
Successor Agency
City of Banning, California

FY 2013-14 SA MIDYEAR ADJUSTMENTS

Account Number	Account Description	Revenue Adjustment	Allocation Adjustment
805-9200-301.10-01	PROPERTY TAXES-CURRENT	(178,474)	-
805-9200-490.56-86	TRSFR MRGD AREA DEBT SER	-	(23,619)
805-9200-490.56-87	TRNSFR-CRA ADMIN FUND	-	(17,500)
805-9300-490.56-83	TRNSFR-CRA-DWNTWN DEBT S	-	(33,027)
805-9400-490.56-84	TRNFR-CRA-MDWY DEBT SVC	-	(32,758)
	FUND 805 TOTALS	(178,474)	(106,904)
830-9200-331.20-01	INVESTMENT INTEREST	150	-
830-9200-381.56-88	TRANS-RDV OBLIG RETIRE FD	(23,619)	-
830-9300-331.20-01	INVESTMENT INTEREST	75	-
830-9300-381.56-88	TRANS-RDV OBLIG RETIRE FD	(33,027)	-
830-9400-331.20-01	INVESTMENT INTEREST	25	-
830-9400-381.56-88	TRANS-RDV OBLIG RETIRE FD	(32,758)	-
830-9200-490.33-15	ARB REBATE CALCS	-	2,000
	FUND 830 TOTALS	(89,154)	2,000
850-9200-381.56-88	TRANS-RDV OBLIG RETIRE FD	(17,500)	-
850-9200-490.XX-XX	PAYROLL	-	(20,766)
850-9200-490.36-00	DEPARTMENTAL SUPPLIES	-	(862)
	FUND 850 TOTALS	(17,500)	(21,628)
855-9500-490.90-54	DWNTWN ECON DEV PGM	-	50,000
855-9500-490.98-20	FORGIVEN LOAN EXPENSE	-	14,000
	FUND 855 TOTALS	-	64,000
856-9500-331.20-09	LOAN INTEREST	33,171	-
856-9500-361.41-61	MISC. RECEIPTS/REVENUE	6,019	-
856-9500-395.89-03	LOAN PRINCIPAL - FREEMAN	4,228	-
	FUND 856 TOTALS	43,418	-
		(241,710)	(62,532)

RESOLUTION NO 2014-04 UA

A RESOLUTION OF THE BANNING UTILITY AUTHORITY OF THE CITY OF BANNING AMENDING ITS 2013-14 FISCAL BUDGET PER THE MID-YEAR REVIEW RECOMMENDATIONS

WHEREAS, the Banning Utility Authority (Authority) budget for fiscal year 2013-14 has been adopted by this Authority in its original form, and said budget will need to be amended at times to fulfill the goals of the Authority; and

WHEREAS, the Authority departments may not exceed appropriations by character of expense, with character of expense being defined as personnel services, services and supplies, capital outlay, debt service and inter-fund transfers, without the consent of the City Manager; and

WHEREAS, the Authority may transfer appropriations, between departments and within their respective funds, as long as those appropriations do not exceed their fund total unless approved by Authority; and

WHEREAS, the Authority departments may not hire in excess of the approved number of positions in job classification as indicated by the budget detail without the consent of the Authority Board; and

WHEREAS, the budget is reviewed during a Mid-Year Review process that results in recommended budget adjustments to reflect unforeseen changes in revenue or expenditure requirements that require Authority Board approval;

NOW, THEREFORE, BE IT RESOLVED by the Authority Board of the City of Banning as follows:

Section 1: Authority Board approves the Mid-Year Budget Adjustments for the Authority funds detailed by account number in Exhibit "A".

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

Deborah Franklin, Chairman
Banning Utility Authority

ATTEST:

Marie A. Calderon, Secretary
Banning Utility Authority

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

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

CERTIFICATION

I, Marie A. Calderon, Secretary of the Banning Utility Authority do hereby certify that the foregoing Resolution No. 2014-04 UA was duly adopted by the Authority Board at a regular meeting thereof held on the 25th day of March, 2014, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

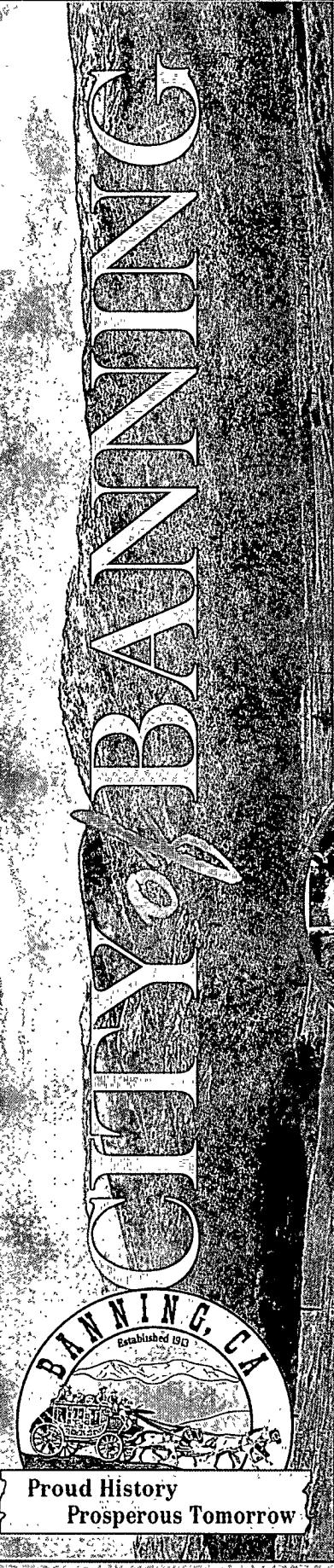
Marie A. Calderon, Secretary
Banning Utility Authority
City of Banning, California

FY 2013-14 BUA MIDYEAR ADJUSTMENTS

Account Number	Account Description	Revenue Adjustment	Allocation Adjustment
660-6300-331.20-01	INVESTMENT INTEREST	7,000	-
660-6300-347.34-16	FED AID-EMERG MGMT SVC	878	-
660-6300-356.38-01	METERED SALES	1,000,000	-
660-6300-361.41-24	SALE OF SURPLUS PROPERTY	4,339	-
660-6300-361.41-61	MISC. RECEIPTS/REVENUE	(18,000)	-
660-6300-471.XX-XX	PAYROLL	-	(138,274)
660-6300-471.26-01	UTILITIES - BANNING	-	(300,000)
660-6300-471.33-12	AUDIT SERVICES	-	3,000
660-6300-471.50-18	INTERFUND SVC-C/ATTORNEY	-	4,975
FUND 660 TOTALS		994,217	(430,299)
661-6300-331.20-01	INVESTMENT INTEREST	(6,500)	-
661-6300-366.44-04	CAPITAL FACILITIES FEE	(30,000)	-
661-6300-381.56-50	TRANS-BUA WTR CAP PROJ FD	(135,000)	-
FUND 661 TOTALS		(171,500)	-
662-6300-331.20-01	INVESTMENT INTEREST	(3,000)	-
662-6300-381.56-66	TRNFR-WSTWTR TERTIARY FD	3,000	-
FUND 662 TOTALS		-	-
663-6300-331.20-01	INVESTMENT INTEREST	1,050	-
663-6300-471.56-54	TRNSFR-WATER CAP FAC FUN	-	(135,000)
FUND 663 TOTALS		1,050	(135,000)
669-6300-471.65-08	BOND PAYING AGENT FEES	-	50
FUND 669 TOTALS		-	50
680-8000-331.20-01	INVESTMENT INTEREST	800	-
680-8000-361.41-61	MISC. RECEIPTS/REVENUE	104	-
680-8000-454.XX-XX	PAYROLL	-	15,334
680-8000-454.33-12	AUDIT SERVICES	-	3,000
680-8000-454.50-18	INTERFUND SVC-C/ATTORNEY	-	1,320
FUND 680 TOTALS		904	19,654
681-8000-366.44-04	CAPITAL FACILITIES FEE	(30,000)	-
FUND 681 TOTALS		(30,000)	-
682-8050-331.20-01	INVESTMENT INTEREST	2,000	-
682-8050-454.56-55	TRNSFR-IRRIGATION WTR FD	-	3,000
FUND 682 TOTALS		2,000	3,000
683-8000-331.20-03	INT. EARNED-FISCAL AGENT	(800)	-
FUND 683 TOTALS		(800)	-
685-8000-331.20-01	INVESTMENT INTEREST	(1,500)	-
FUND 685 TOTALS		(1,500)	-
689-8000-454.65-08	BOND PAYING AGENT FEES	-	75
FUND 689 TOTALS		-	75
		794,371	(542,520)

Fiscal Year 2013-14
Interim
Financial Report

6 months ended, December 2013
(50% of the year complete)



Proud History
Prosperous Tomorrow

Interim Financial Report

6 Months Ended December 31, 2013

General Fund Overview

General Fund – The General Fund Overview table provides a snapshot of budgeted revenues compared to the budgeted expenditures. The General Fund budget was adopted with a balanced budget. The Adjusted Budget includes continuing appropriations for grants, capital projects, revenue carryovers, as well as encumbrances carried forward from June 30, 2013. The Actual Activity covers the 6 month activity through the end of December, 2013 and reports revenues and expenditures that are approximately at 34% and 48% respectively. This report, however, does not reflect any mid-year budget adjustments.

General Fund Overview

General Fund Categories	Adjusted Budget	Actual Activity	%
Revenues	13,610,665	4,580,417	33.7%
Expenditures	13,832,723	6,646,334	48.0%
Excess Revenues (Expenditures)	(222,058)	(2,065,917)	930.4%

General Fund Revenue Details

Monthly Variance Table: General Fund Top 6 Revenues

Top Revenue Sources	Fiscal Year 2013-14			Fiscal Year 2012-13					
	Annual Budget Adopted	Annual Budget Adjusted	YTD Budget Dec 2013	YTD Actual Dec 2013	Difference	% Realized	YTD Actual Dec 2012	Change from Prior YR	% Change
Property Taxes	3,873,499	3,926,118	1,963,059	705,939	(1,257,120)	36.0%	690,239	15,700	2.3%
Electric - Admin	3,000,500	3,000,500	1,500,250	1,500,252	2	100.0%	1,376,550	123,702	9.0%
Sales & Use Taxes	2,510,915	2,510,915	1,255,458	662,862	(592,596)	52.8%	590,409	72,453	12.3%
Franchise Taxes	826,000	826,000	413,000	282,038	(130,962)	68.3%	266,011	16,027	6.0%
BUA Lease Payments	651,000	651,000	325,500	325,500	-	100.0%	325,500	-	0.0%
TOT Tax	590,000	590,000	295,000	157,193	(137,807)	53.3%	137,309	19,884	14.5%
Total	11,451,914	11,504,533	5,752,267	3,633,783	(2,118,483)	63.2%	3,386,018	247,765	7.3%

The six revenues identified in the table above account for approximately 84% of the Adjusted Budget and 79% of the actual revenues in the General Fund. These revenues are a good indication of the status of the General Fund.

- A comparison of the adopted vs. adjusted budget for these six (6) revenues shows a net increase of \$52,619 due to the carryover portion of the 2013 projected revenue for Property Taxes (Teeter Apportionment).
- A comparison of YTD Budget vs. YTD Actual shows that 4 of these 6 revenues fell short of budget by approximately \$2.1M mainly due to the timing of receipts, particularly for Property Taxes and Sales & Use Tax backfill.
- Comparing the YTD Actual December 2013 revenues versus the YTD Actual December 2012 revenues provides a better indication of whether or not City revenues are improving. Revenues show an increase of 7.3% compared to the same period in the prior fiscal year.

Interim Financial Report

6 Months Ended December 31, 2013

Property Taxes – The City receives approximately 17 cents on the dollar through property taxes. Typically, the major receipts of property taxes are in January, April and May. In addition, due to various State actions (i.e. VLF Swap), the City receives the “in Lieu” property taxes twice a year (January and June). Compared to 2013, property tax revenues increased by approximately 2%.

Electric Admin – The General Fund charges the Electric utility a 10% administrative charge on Electric Utility operating revenues. Throughout the year the amount transferred to the General Fund is based on the budget estimate. At year end, a calculation is done to adjust the charge based on actual Electric Utility operating revenues.

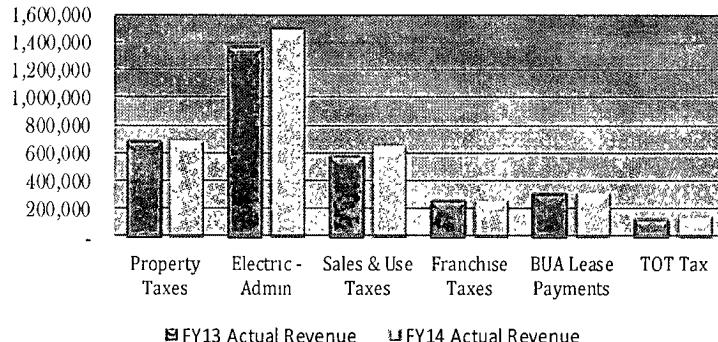
Sales & Use Taxes – This source of revenue is typically responsive to economic circumstances. Compared to the prior year, overall sales tax revenue has increased by approximately 12% for this period. Sales Tax revenues from the Cabazon Outlets, per the City agreement with the County of Riverside, exceeded year to date actual revenues last year by 6%. In the City of Banning the current sales tax rate is 8%. The City receives 1% out of the 8% collected. The State of California processes the sales tax and submits it to the City through normal monthly allocations and the Triple Flip.

Franchise Taxes – The City receives franchise payments from sources like Verizon, Time Warner, the Gas Company, and Waste Management. The refuse payments are received monthly, others are received quarterly and some just once a year. Overall, franchise revenues increased by 6% increase compared to 2013, in part due to the Waste Management yearly increase in trash pick-up rates by approximately 2%, based on the CPI index for FY13-14.

BUA lease payments – The General Fund receives monthly lease payments from the Banning Utility Authority (BUA) which is comprised of the Water (\$39,167/Month) and Wastewater (\$15,083/Month) utilities.

Transient Occupancy Tax (TOT) – This revenue source has almost tripled since fiscal year 2008-09 after a voter approval, increasing the bed tax up to 12%. Effective September 1, 2010 the rate was increased to the maximum of 12% per Ordinance 1425. The TOT rate cap increase of 12% has a sunset of November 3, 2014. As recently approved by the City Council, The TOT tax will be placed on a ballot measure on June 3, 2014 to remove the sunset and maintain the cap at 12%.

Top 6 Revenues (6 Month Comparison)



General Fund Expenditures

At 50% of the year, actual expenditures are at approximately 48%. The General Fund Expenditures table provides a snap-shot of the expenditures by category.

Employee Services account for salaries and benefits of the employees funded through the General Fund. The employees provide service throughout the City which includes: general government (i.e. city manager's office, city council, city clerk, city attorney, and personnel/human resources), financial services, public safety, planning and building, public works, and recreation. Approximately 51% of the budget has been expended in this category.

Approximately 42% of the Services and Supplies category has been expended. Within this category are city contracts for several major services such as Fire and animal control.

The majority of the Capital budget results from grants received by the Police Department. Grants are restricted in how the funds can be used (i.e. grant funds will be used for vehicles, computers, and communication equipment). Majority of the Capital expenditures are for the purchase of three Police vehicles, including installation of appurtenances. These were approved in 2012 using TASIN funds.

The City Hall Lease payments are for the refinanced debt of 2011. Payments are made twice a year.

The Interfund Support category accounts for compliance with the Maintenance of Effort (MOE) for streets projects, and the General Fund allocation of general liability/worker's compensation costs and information technology services.

The Following table 'General Fund Program Expenditure Summary' provides another perspective of the General Fund expenditures.

General Fund Expenditures

Category	Adjusted Budget	Actual YTD	Encum.	% Spent
Employee Services	8,073,287	4,089,819	-	50.7%
Services and Supplies	4,107,673	1,731,003	237,049	42.1%
Capital	282,901	145,497	52,051	51.4%
City Hall Lease	269,951	134,849	-	50.0%
Interfund Support	1,098,911	545,166	-	49.6%
Total	13,832,723	6,646,334	289,100	48.0%

Interim Financial Report

6 Months Ended December 31, 2013

General Fund Program Expenditure Summary

PROGRAM/TITLE	(1) Adopted Budget	(2) Adjusted Budget	(3) Current Month Expenditures	(4) Y.T.D. Expenditures	Remaining Budget (Col. 2-4)	% Expended (Col. 4/2)
<u>GENERAL GOVERNMENT:</u>						
City Council	146,936	147,736	18,429	66,905	80,831	45%
City Manager	363,378	363,378	27,112	171,625	191,753	47%
Economic Development	-	2,962	33	387	2,575	13%
Personnel	148,683	212,748	9,852	103,909	108,839	49%
City Clerk	93,623	93,623	6,400	41,341	52,282	44%
Elections	-	-	-	-	-	-
City Attorney	161,000	161,000	13,417	80,502	80,498	50%
TV Government Access	56,800	56,800	545	20,448	36,352	36%
Community Enhancement	-	7,491	-	2,695	4,796	36%
Subtotal	970,420	1,045,738	75,788	487,812	557,926	47%
<u>FINANCIAL SERVICES:</u>						
Fiscal Services	228,251	253,675	16,706	111,818	141,857	44%
Purchasing and A/P	34,800	34,800	2,253	23,372	11,428	67%
Subtotal	263,051	288,475	18,959	135,190	153,285	47%
<u>CENTRAL SERVICES:</u>						
Central Services	1,331,781	1,317,198	61,724	512,752	804,446	39%
Subtotal	1,331,781	1,317,198	61,724	512,752	804,446	39%
<u>PUBLIC SAFETY:</u>						
Police	5,447,247	5,475,479	380,383	2,863,339	2,612,140	52%
Dispatch	825,296	825,296	59,574	370,947	454,349	45%
Tasin (Police)	-	117,230	-	107,173	10,057	91%
Animal Control	142,450	155,450	232	34,334	121,116	22%
Fire	2,543,188	2,627,823	207,989	1,222,370	1,405,453	47%
Tasin (Fire)	-	-	-	-	-	-
Subtotal	8,958,181	9,201,278	648,178	4,598,164	4,603,114	50%
<u>PLANNING:</u>						
Building Safety	243,302	251,216	24,728	158,794	92,422	63%
Code Enforcement	189,271	189,271	13,811	96,086	93,185	51%
Planning	364,571	392,976	23,156	180,560	212,416	46%
Subtotal	797,144	833,463	61,695	435,439	398,024	52%
<u>COMMUNITY SERVICES:</u>						
Recreation	215,210	215,210	16,708	108,815	106,395	51%
Aquatics	102,982	102,982	2,330	62,756	40,226	61%
Senior Center	51,198	51,198	3,911	20,966	30,232	41%
Subtotal	369,390	369,390	22,950	192,537	176,853	52%
<u>PUBLIC WORKS:</u>						
Building Maintenance	107,621	174,761	843	56,107	118,654	32%
Parks	334,141	334,141	18,235	98,618	235,523	30%
Engineering	220,239	268,279	11,142	129,715	138,564	48%
Subtotal	662,001	777,181	30,219	284,440	492,741	37%
GENERAL FUND TOTAL	13,351,968	13,832,723	919,511	6,646,334	7,186,389	48%

Citywide Comments And Notes

The Activity Report provides the bottom line status of each fund in the City.

Special Revenue Funds are restricted in nature. This means the funds are restricted by legislation or other external sources. Any deficit variance in the budget typically indicates that there are available resources in the fund balance for projects. The revenues were received in prior years but the expenditures are budgeted in the current year.

Banning Utility Authority Funds – These funds operate similar to Enterprise funds in that the operations are funded through fees. The accrual method of accounting is applied throughout the year rather than using the modified accrual accounting method. The Utility includes Water, Wastewater and Reclaimed Water operations.

Enterprise Funds This category typically includes funds that are funded through fees. The included funds cover Airport, Transit Operations, Refuse, and Electric.

Internal Service Funds These funds provide services to other City funds. Revenues come from charging all of the other funds through an allocation process.

Successor Agency Funds (SA) – In January 2011, the Governor and legislature passed ABx1 26 that eliminated the CRA. Effective January 31st, the CRA ceased to exist. Effective February 1st, the Successor Agency was established to carry on the CRA functions. The budget and expenditures are established through the annual Successor Agency budget process and the Recognized Obligation Payment Schedule (ROPs). The ROPs cover a six month period and are approved by the Successor Agency and Oversight Board.

Good to know: Government Accounting and Budgeting

Most government funds and budgets are managed using a method called "modified accrual" accounting. This method basically means that the governmental funds are managed on a cash basis throughout the year. At year end, accruals are made to ensure that revenues and expenditures are recorded in the applicable fiscal year in which the transactions occurred. This method applies to the General Fund, Special Revenue funds, Capital funds, Internal Service funds and Redevelopment funds/Successor Agency funds.

To illustrate, revenue is recorded as it is received throughout the year (cash basis). The majority of General Fund revenues come in sporadically throughout the year and most of it is received or accrued in the last 6 months of the fiscal year. Meanwhile, the expenditures are continuing each month regardless of when the revenues are received. This circumstance highlights the importance of maintaining a reserve that allows for cash flow needs during the lean months when there are no revenues.

There are funds that are considered like a business. These are called "Enterprise Funds". The "accrual" method of accounting is used. These business type funds charge customers a fee to cover all or most of the cost of certain services that are provided. Consistent with accrual accounting, the revenues reported on the interim report reflect revenues based on what was billed the customer rather than the cash payments collected. This method applies to the Airport, Transit, Refuse, Electric, Water and Wastewater funds.

CITY OF BANNING
Activity Report
6 Months Ending December 31, 2013
FY 2013-14 50% Complete

Fund #	FUND NAME	Revenues				Expenditures					
		Adopted Budget	Budget Adjustments	Adjusted Budget	Actual YTD	%	Adopted Budget	Budget Adjustments	Adjusted Budget	Actual YTD	%
<i>Governmental Funds</i>											
001	General	13,354,930	255,735	13,610,665	4,580,417	33.7%	13,354,930	477,793	13,832,723	6,646,334	48.0%
	Sub-Total	13,354,930	255,735	13,610,665	4,580,417	33.7%	13,354,930	477,793	13,832,723	6,646,334	48.0%
<i>Special Revenue Funds</i>											
002	Developer Deposit Fund	-	117,073	117,073	72,058	61.5%	-	117,073	117,073	70,261	60.0%
003	Riverside County MOU	457,003	-	457,003	63	0.0%	591,337	-	591,337	269,967	45.7%
100	Gas Tax Street	1,044,416	-	1,044,416	466,027	44.6%	1,027,655	427,453	1,455,108	463,886	31.9%
101	Measure A Street	478,000	442,647	920,647	158,202	17.2%	470,000	1,037,226	1,507,226	22,685	1.5%
103	SB300 Street Improvement	425	-	425	36	8.4%	-	22,346	22,346	7,578	33.9%
104	Article 3 - Sidewalk Construction	-	-	-	5	-	-	-	-	-	-
110	C.D.B.G	119,000	389,975	508,975	-	-	119,000	389,975	508,975	1,681	0.3%
111	Landscape Maintenance Assmt. Dist.#1	136,312	1,706	138,018	1,789	1.3%	128,994	-	128,994	59,460	46.1%
132	Air Quality Improvement	30,250	-	30,250	9,598	31.7%	3,000	40,000	43,000	3,000	7.0%
140	Asset Forfeiture	-	-	-	1	-	-	-	-	-	-
148	Supplemental Law Enforcement	-	25,000	25,000	50,037	200.1%	-	111,191	111,191	9,103	8.2%
149	Public Safety - Sales Tax	-	-	-	-	-	-	-	-	-	-
150	State Park Bond Act	-	-	-	0	-	-	-	-	-	-
190	Housing Authority Fund	-	-	-	2	-	-	-	-	-	-
200	Special Donations	8,250	-	8,250	8,575	103.9%	6,500	-	6,500	3,219	49.5%
201	Senior Center Activities	6,650	-	6,650	3,065	46.1%	13,000	-	13,000	6,446	49.6%
202	Animal Control Reserve	-	-	-	2	-	-	-	-	-	-
203	Police Volunteer	-	-	-	1	-	2,613	-	2,613	1,105	42.3%
300	City Hall COP Debt Service*	437,001	-	437,001	218,271	49.9%	437,001	-	437,001	218,270	49.9%
360	Sun Lakes CFD #86-1	-	-	-	14	-	-	-	-	-	-
365	Wilson Street #91-1 Assessment Debt	-	-	-	20	-	-	-	-	-	-
370	Area Police Computer	50,669	(4,000)	46,669	34,543	74.0%	50,699	(4,000)	46,699	10,191	21.8%
375	Fair Oaks #2004-1 Debt Service	199,493	2,936	202,429	3,022	1.5%	199,943	-	199,943	130,315	65.2%
376	Cameo Homes	100	-	100	19	18.7%	-	-	-	-	-
	Sub-Total	2,967,569	975,337	3,942,906	1,025,352	26.0%	3,049,742	2,141,264	5,191,006	1,277,168	24.6%

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CITY OF BANNING

Activity Report

6 Months Ending December 31, 2013

FY 2013-14 50% Complete

Fund #	FUND NAME	Adopted Budget	Budget Adjustments	Adjusted Budget	Actual YTD	%	Adopted Budget	Budget Adjustments	Adjusted Budget	Actual YTD	%
		Revenues				Expenditures					
<i>Capital Improvement Funds</i>											
400	Police Facilities Development	-	-	-	837		-	-	-	-	
410	Fire Facility Development	-	-	-	1,717		-	-	-	-	
420	Traffic Control Facility	600	-	600	424	70.6%	35,000	10,000	45,000	-	
421	Ramsey/HIGHLAND Home Traffic Signal	150	-	150	33	22.0%	-	-	-	-	
430	General Facilities	1,200	-	1,200	672	56.0%	45,000	-	45,000	44,781	99.5%
441	Sunset Grade Separation Fund	-	2,631,606	2,631,606	119,370	4.5%	-	304,186	304,186	129,710	42.6%
444	Wilson Median	500	-	500	155	30.9%	-	-	-	-	
451	Park Development	250	-	250	2,019	807.5%	-	132,046	132,046	-	
470	Capital Improvement Fund	400	-	400	116	29.0%	-	-	-	-	
Sub-Total		3,100	2,631,606	2,634,706	125,342	4.8%	80,000	446,232	526,232	174,491	33.2%
<i>Banning Utility Authority</i>											
660	Water Operations	9,673,000	-	9,673,000	5,917,740	61.2%	9,013,200	493,239	9,506,439	4,010,431	42.2%
661	Water Capital Facility Fee	195,000	-	195,000	11,403	5.8%	2,300,000	974,486	3,274,486	176,350	5.4%
663	BUA Water Capital Project Fund	2,150	-	2,150	740	34.4%	135,000	500,000	635,000	-	
669	BUA Water Debt Service Fund	2,289,205	-	2,289,205	1,282,655	56.0%	2,289,805	-	2,289,805	1,282,179	56.0%
Water Subtotal		12,159,355	-	12,159,355	7,212,537	59.3%	13,738,005	1,967,725	15,705,730	5,468,961	34.8%
680	Wastewater Operations	3,112,950	-	3,112,950	1,504,187	48.3%	3,139,673	159,471	3,299,144	1,499,958	45.5%
681	Wastewater Capital Facility Fees	60,000	-	60,000	11,360	18.9%	760,000	10,000	770,000	83,441	10.8%
683	BUA WWtr Capital Project Fund	2,000	-	2,000	580	29.0%	-	543,061	543,061	2,627	0.5%
685	State Revolving Loan	303,000	-	303,000	150,346	49.6%	299,995	-	299,995	266,632	88.9%
689	BUA Wastewater Debt Service Fund	393,618	-	393,618	227,717	57.9%	393,118	-	393,118	227,680	57.9%
Wastewater Subtotal		3,871,568	-	3,871,568	1,894,190	48.9%	4,592,786	712,532	5,305,318	2,080,336	39.2%
662	Irrigation Water	1,888,459	-	1,888,459	590	0.0%	3,055,000	154,107	3,209,107	17,261	0.5%
682	Wastewater Tertiary	334,000	-	334,000	177,323	53.1%	1,882,459	-	1,882,459	-	
Reclaimed Water Subtotal		2,222,459	-	2,222,459	177,913	8.0%	4,937,459	154,107	5,091,566	17,261	0.3%
Sub-Total		18,253,382	-	18,253,382	9,284,640	50.9%	23,268,250	2,834,364	26,102,614	7,566,558	29.0%

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CITY OF BANNING
Activity Report
6 Months Ending December 31, 2013
FY 2013-14 50% Complete

Fund #	FUND NAME	Adopted Budget	Budget Adjustments	Adjusted Budget	Actual YTD	%	Adopted Budget	Budget Adjustments	Adjusted Budget	Actual YTD	%
		Revenues				Expenditures					
<i>Enterprise Funds</i>											
600	Airport	181,700	618,292	799,992	102,587	12.8%	269,173	671,567	940,740	172,598	18.3%
610	Transit Operations	1,490,520	786,800	2,277,320	80,113	3.5%	1,490,520	786,800	2,277,320	682,854	30.0%
690	Refuse	3,155,850	-	3,155,850	1,622,580	51.4%	3,113,138	-	3,113,138	1,519,251	48.8%
Enterprise Subtotal		4,828,070	1,405,092	6,233,162	1,805,280	29.0%	4,872,831	1,458,367	6,331,198	2,374,703	37.5%
670	Electric Operations	30,005,000	-	30,005,000	16,401,658	54.7%	29,601,756	66,324	29,668,080	12,889,868	43.4%
672	Rate Stability	-	-	-	2,461		-	-	-	-	
673	Electric Improvement	-	-	-	23,171		682,000	1,171,104	1,853,104	837,023	45.2%
674	2007 Elec Rev Bond Project Fund	-	-	-	2,506		1,430,000	6,275,547	7,705,547	433,943	5.6%
675	Public Benefit Fund	792,300	-	792,300	415,092	52.4%	786,843	-	786,843	277,541	35.3%
678	2007 Elec Rev Bond Debt Service	2,667,546	-	2,667,546	745,518	27.9%	2,667,546	-	2,667,546	747,874	28.0%
Electric Subtotal		33,464,846	-	33,464,846	17,590,406	52.6%	35,168,145	7,512,975	42,681,120	15,186,249	35.6%
Sub-Total		38,292,916	1,405,092	39,698,008	19,395,686	48.9%	40,040,976	8,971,342	49,012,318	17,560,952	35.8%
<i>Internal Service Funds</i>											
700	Risk Management Fund	2,448,866	-	2,448,866	1,290,713	52.7%	2,392,096	-	2,392,096	1,553,383	64.9%
702	Fleet Maintenance	1,104,209	-	1,104,209	579,825	52.5%	1,107,636	-	1,107,636	583,887	52.7%
703	Information Systems Services	406,282	-	406,282	203,032	50.0%	447,185	15,706	462,891	237,904	51.4%
761	Utility Billing Administration	1,634,150	-	1,634,150	806,778	49.4%	1,643,515	13,578	1,657,093	797,613	48.1%
Sub-Total		5,593,507	-	5,593,507	2,880,349	51.5%	5,590,432	29,284	5,619,716	3,172,787	56.5%
<i>Community Redevelopment Agency Funds</i>											
805	Redevelopment Obligation Retirement Fund	3,415,240	-	3,415,240	-		3,415,240	-	3,415,240	1,707,620	50.0%
810	Successor Housing Agency	100	-	100	15	15.4%	-	-	-	-	
830	Debt Service Fund	3,296,464	-	3,296,464	1,648,638	50.0%	3,121,938	-	3,121,938	1,517,656	48.6%
850	Successor Agency	269,500	-	269,500	125,677	46.6%	271,627	44,926	316,553	122,838	38.8%
855	2007 TABS Bond Proceeds	3,000	-	3,000	1,580	52.7%	358,224	24,018	382,242	148,513	38.9%
856	2003 TABS Bond Proceeds	32,874	-	32,874	62,459	190.0%	-	-	-	-	
857	2003 TABS Bond Proceeds Low/Mod	1,000	-	1,000	184	18.4%	-	-	-	-	
Sub-Total		7,018,178	-	7,018,178	1,838,553	26.2%	7,167,029	68,944	7,235,973	3,496,627	48.3%
GRAND TOTAL ALL FUNDS		85,483,582	5,267,770	90,751,352	39,130,338	43.1%	92,551,359	14,969,223	107,520,582	39,894,917	37.1%

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**CITY OF BANNING
PUBLIC HEARING**

DATE: **March 25, 2014**

TO: **City Council**

FROM: **Ron Espalin, Building Official**

SUBJECT: **Ordinance No. 1477 of the City Council of the City of Banning
Repealing Ordinance No. 842 and Chapter 15.20 of the Municipal
Code Regarding Designated Snow Load and Wind Load**

RECOMMENDATION: That the City Council:

- (1) Adopt Ordinance No. 1477 of the City Council of the City of Banning repealing Ordinance No. 842 and Chapter 15.20 of the Banning Municipal Code, regarding designated snow load and wind load.

BACKGROUND/ANALYSIS: The 2013 Edition of the California Building Code, Volume II, Chapter 16, has minimum design provisions for snow loads, live loads and wind loads. The Banning City Council has adopted the 2013 Editions of the California Codes which became effective on January 1, 2014.

The Banning Municipal Code Section 15.20 increases the design snow and wind loads over and above the adopted California Building Code Standards. The Municipal Code Chapter 15.20 was introduced into the Banning Municipal Code in 1965.

California Health and Safety Code Section 17958.7 permits local modifications to the California Building Standards by making express findings that such changes or modifications are reasonably necessary because of local climatic, geographic or topographic conditions. We searched for available and reliable meteorological data through the National Climatic Data Center, reviewed a study report by the Structural Engineers Association of Southern California, and checked for available data from the Banning Municipal Airport.

Currently, the California Building Code requires design for wind based on an 85 mph (ASD) basic wind speed that is measured as a nominal design 3-second gust wind speed. Ultimate design wind speeds can be converted from the 85 mph (ASD) wind speed per CBC Equation 16-33. A minimum roof live load of 20 pounds per square foot accounts for potential snow loading. One foot of snow weighs approximately ten pounds per square foot. There is no historical data that indicates more than four to six inches of snow.

Consequently, there does not exist significant or sufficient data to support increasing the design snow load or wind speed above the published standards at this time. Further study would be required to justify an increase.

FISCAL DATA:

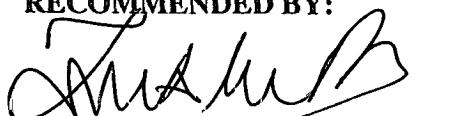
There is no added fiscal impact associated with this request.

PREPARED BY:



Ron L. Espalin, P.E.
Building Official, Willdan

RECOMMENDED BY:



Zai Abu Bakar
Community Development Director

APPROVED BY:



June Overholt
Interim City Manager/Administrative Services Director

Attachments:

1. Ordinance No. 1477
2. Existing Chapter 15.20 of the Banning Municipal Code

ATTACHMENT 1.

Ordinance No. 1477

**CITY OF BANNING
ORDINANCE NO. 1477**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA,
REPEALING ORDINANCE NO. 842 AND CHAPTERS 15.20 OF THE BANNING
MUNICIPAL CODE REGARDING SNOW LOAD AND WIND LOAD
REQUIREMENTS.**

**THE CITY COUNCIL OF THE CITY OF BANNING DOES HEREBY ORDAIN
AS FOLLOWS:**

Section 1.

That Ordinance No. 842 and Chapter 15.20 of the Banning Municipal Code is hereby repealed in its entirety.

Section 2.

The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall within fifteen (15) days cause it or summary of it to be published in a newspaper of general circulation in the City of Banning and thereupon and thereafter this Ordinance shall become effective on the thirtieth (30th) day after the date of its adoption.

PASSED, APPROVED, AND ADOPTED on this _____ day of _____, 2014.

Deborah Franklin, Mayor
City of Banning

ATTEST:

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

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

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

CERTIFICATION

I, Marie A. Calderon, City Clerk of the City of Banning, do hereby certify that the foregoing Ordinance No. 1477 was duly introduced at a regular meeting of the City Council of the City of Banning, California, held on the _____ day of _____, 2014, and was duly adopted at a regular meeting of said City Council held on the _____ day of _____, 2014 by the following vote, to wit:

AYES: Councilmembers Botts, Miller, Peterson, Welch, Mayor Franklin

NOES: None

ABSTAIN: None

ABSENT: None

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

ATTACHMENT 2.

Existing Chapter 15.20 of the Banning Municipal Code

Chapter 15.20**WIND AND SNOW LOAD REQUIREMENTS****Sections:**

- 15.20.010 Designated snow load.**
- 15.20.020 Designated wind pressure.**
- 15.20.030 Roof drainage system.**

15.20.010 Designated snow load.

In compliance with Chapter 23 of the Uniform Building Code and additional climate data the minimum snow load shall be designated as thirty pounds per square feet (PSF), for roof systems. (Code 1965, § 6-11.01.)

15.20.020 Designated wind pressure.

In compliance with Chapter 23 of the Uniform Building Code Tab 23(f) Figure One and additional supporting data, the minimum wind pressure is thirty-five pounds per square foot (PSF), for structural wall systems. (Code 1965, § 6-11.02.)

15.20.030 Roof drainage system.

Upon submittal of a commercial/industrial building plan, the department of building and safety may exceed the normal requirements of the Uniform Building Code for requirement roof drainage and may at its discretion require additional overflow and water buildup blockage drain systems. (Code 1965, § 6-11.03.)

CITY COUNCIL AGENDA REPORT OF OFFICERS

DATE: March 25, 2014

TO: City Council

FROM: Duane Burk, Director of Public Works

SUBJECT: San Gorgonio Pass Water Agency Proposed Water Policies

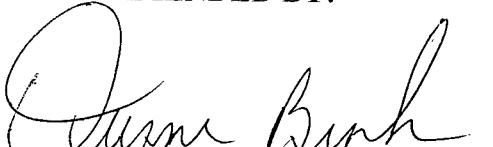
RECOMMENDATION: That the City Council authorize the Public Works Director to sign and send the attached letter to Mr. John Jeter, Board President, San Gorgonio Pass Water Agency ("Pass Agency") regarding the City's concerns about the adoption by Pass Agency of three water policies. The water policies are: 1) Policy for Meeting Future Water Demands; 2) Policy Regarding Ordering Water; and 3) Policy Establishing a Water Shortage Plan.

JUSTIFICATION: The Pass Agency policies alter how the Pass Agency delivers water to retailers like the City, which in turn may alter how much water or how often the City will receive water deliveries from the Pass Agency under certain conditions such as "water shortages" as stated by the Pass Agency.

BACKGROUND: The Pass Agency adopted Resolution 2014-02, The Policy for Meeting Future Water Demands at its Board Meeting of February 18, 2014. The other two policies are expected to be considered by the Pass Agency Board in upcoming Board Meetings, with each of these policies causing concern as to future water deliveries. The Ordering of Water Policy grant's broad authority to the Pass Agency's General Manager to determine water allocations for the City and other retailers. The other proposed policy (Policy Establishing a Water Shortage Plan) is concerning for several reasons, including: 1) that allocation of available State Water Project water to the Pass Agency in a Water Shortage Year to itself may be to the potential detriment of the City and other Retailers; 2) the possibility that the Pass Agency might infringe on the City's storage rights in the Beaumont Basin; and 3) that the proposed policy establishes priorities, and places water for the Pass Agency as the highest priority.

FISCAL DATA: No fiscal impact for recommended action.

RECOMMENDED BY:



Duane Burk
Director of Public Works

APPROVED BY:



June Overholt
Interim City Manager

[City of Banning Letterhead]

March 8, 2014

John Jeter
Board President
San Gorgonio Pass Water Agency
1210 Beaumont Avenue
Beaumont, CA 92223

Re: San Gorgonio Pass Water Agency Proposed Water Policies

Dear Mr. Jeter:

On behalf of the City of Banning (“City”), this letter serves to express the City’s concerns regarding recent steps by the San Gorgonio Pass Water Agency (“Agency”) to adopt three water policies that would greatly affect the City and its residents, as well as others within the Agency’s boundaries.

The three policies of concern are as follows: 1) Policy for Meeting Future Water Demands; 2) Policy Regarding Ordering of Water; and, 3) Policy Establishing a Water Shortage Plan. (See Attachment 1, Agenda for February 10, 2014 SGPWA Board Engineering Workshop; Attachment 2, Minutes from same.) It is our understanding that the Policy for Meeting Future Water Demands was adopted by Resolution No. 2014-02 at the SGPWA Board Meeting on February 18, 2014, (see Attachment 3, Minutes for February 18, 2014 SGPWA Board Meeting), and that the Board expects to consider the other two policies in upcoming Board meetings.

Fundamentally, the City is committed to the ideals of water conservation and sustainability, and to ensuring adequate water supplies for all San Gorgonio Pass communities. In working together to achieve these goals, the City has come to value its historical relationship and partnerships with the Agency, and we hope to continue with those efforts in the years to come.

While the City generally supports the spirit and ideals of undertaking steps to meeting future water demands, the City has strong reservations regarding the Agency’s second proposed policy, and is directly opposed to the third contemplated policy.

Specifically, the City has strong reservations regarding the Policy Regarding Ordering of Water because of its broad grant of authority to the Agency’s General Manager, and to the Board itself, to determine water allocations for retailers. While the City may be willing to submit a yearly State Water Project (“SWP”) Order to the Agency so it can compile estimates of the amount of water needed by each Retail Agency, or to substantiate its yearly water request to the Agency, the City has concerns about the process that follows submittal of the Water Order Form. Specifically, the City is wary of the fact that the policy gives significant power and discretion to both the General Manager and the Board over yearly water allocations.

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According to the draft policy, the General Manager will review and either approve the SWP Order as submitted, or revise it based on best available information, as determined in his/her discretion. Based on this proposed system, a retailer could be deprived from receiving its requested allocation from the SWP. This unilateral decision making causes great concern.

For the Policy Establishing a Water Shortage Plan, the City is directly opposed for several reasons. The stated aim for this policy is to address how the Agency will allocate deliveries of water to Retail Agencies during single and multiple dry years where the total amount of annual orders from Retail Agencies exceeds the amount of SWP water available in that calendar year or years. (Attachment 1, page 7/9.) The proposed Plan sets up the following allocation order of Priorities of Water Deliveries of SWP Water during a Water Shortage Year (brief description of each category):

- First Priority: Five percent (5%) of the total amount of SWP Orders from retail water agencies shall be allocated to the Agency to use in its discretion for groundwater overdraft elimination in a given calendar year.
- Second Priority: SWP Orders from retailers for direct deliveries for actual demand.
- Third Priority: SWP water to be purchased by Agency to be used in the Agency's discretion; this amount is not to exceed ten percent (10%) of the total amount of SWP Orders from retail water agencies in a given calendar year.
- Fourth Priority: SWP Orders from retailers for groundwater replenishment for actual demand.
- Fifth Priority: SWP Orders from retailers for additional water for groundwater replenishment in excess of actual demand.

This Water Shortage Plan would be triggered whenever there is a Water Shortage Year, which is any year in which SWP Orders from retail water agencies for actual demand, plus water required by the Agency, exceeds available SWP water. It is foreseeable that this Plan would be triggered with relative frequency given recent trends in limited SWP supplies.

This proposed policy presents the following major concerns for the City:

First, the Agency allocates at least 5%, and possibly up to 15%, of available SWP water to itself in a Water Shortage Year, to the potential detriment of the City and other retailers. The proposed policy states that the Board shall have discretion to determine how the Agency Purchased water will be utilized, with several options listed. While several of the options relate to the Agency's goal of eliminating groundwater overdraft, it again leaves too much discretion to the Agency's General Manager and to the Board for how to use that water. Generally, it is

concerning that a large portion of limited SWP water in times of drought would go to the Agency rather than to retailers.

Second, the City is concerned that this policy would result in the Agency infringing upon the City's storage rights in the Beaumont Basin. The proposed policy states that Agency purchased water could be used for overdraft mitigation, but it does not explain how this would generally affect storage in the Basin and the rights of other pumpers in the area. The City seeks further explanation from the Agency on this issue.

Third, this proposed policy establishes priorities, and places water for the Agency as the highest priority. This second issue raises similar concerns discussed above, that this policy directly benefits the Agency, to the potential detriment of the City and other retailers. In addition, it is unclear in the proposed policy how priority would be allocated between all the retailers that seek direct deliveries — i.e., within the same category of priority. This could lead to confusion when this policy is triggered, and spur potential litigation over interpreting its terms. It is also generally unclear why direct connections receive a higher priority than water for groundwater replenishment, even if both are for water that will be used for "actual demand" by the retailer in a given year.

For these reasons, the City is opposed to the Agency's proposed policies. In turn, the City requests that any proposed policy or ordinance not move forward until these stated concerns are addressed and resolved. The City is available to work with the Agency to find solutions; please contact me at your earliest convenience so that we can begin working toward a workable solution.

Sincerely,

Duane Burk
Director of Public Works
City of Banning

CC: Debbie Franklin, Mayor, City of Banning
Art Welch, Mayor Pro Tem, City of Banning
Edward Miller, Councilmember, City of Banning
Don M. Peterson, Councilmember, City of Banning
Jerry Westholder, Councilmember, City of Banning
Bill Dickson, Board Vice President, San Gorgonio Pass Water Agency
Mary Ann Melleby, Board Treasurer, San Gorgonio Pass Water Agency
Ron Duncan, Boardmember, San Gorgonio Pass Water Agency
Ted Haring, Boardmember, San Gorgonio Pass Water Agency
W. Ray Morris, Boardmember, San Gorgonio Pass Water Agency

John Jeter, Board President

March 8, 2014

Page 4

Barbara Voigt, Boardmember, San Gorgonio Pass Water Agency

Jeff Davis, General Manager, San Gorgonio Pass Water Agency

CITY COUNCIL AGENDA

DATE: **March 25, 2014**

TO: **City Council**

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

SUBJECT: **Resolution No. 2014-16, “Awarding a Professional Services Agreement to Land Engineering Consultants, Inc. for Survey and Civil Engineering Services for Ramsey Street and Hargrave Street Improvements.”**

RECOMMENDATION: Adopt Resolution No. 2014-16:

- I. Awarding a Professional Services Agreement to Land Engineering Consultants, Inc. for the Survey and Civil Engineering Services for Ramsey Street and Hargrave Street for an amount not to exceed \$53,783.00.
- II. Authorize the Administrative Services Director to make the necessary budget adjustments and appropriations, if necessary, to Account No. 855-9500-490.93-30.
- III. Authorize the City Manager to execute the Professional Services Agreement with Land Engineering Consultants, Inc. of Calimesa, California.

JUSTIFICATION: The award of this agreement is necessary for the proposed street, storm drain, and water infrastructure improvements at Ramsey and Hargrave Streets.

BACKGROUND: Request for Proposals (RFP's) were solicited from several engineering consulting firms and three proposals were received by the Public Works Department. The proposals were evaluated for completeness, the proposed project team, project management, understanding, project approach, responsiveness, experience with the scope of work and proposed cost, by the guidelines set forth in the City's municipal code 3.24-090. Proposals received for the project were ranked as follows:

Rank **Name of Consultant**

1. Land Engineering Consultants, Inc., Calimesa, CA
2. Cozad & Fox Inc., Hemet, CA
3. Albert A. Webb Associates, Riverside, CA

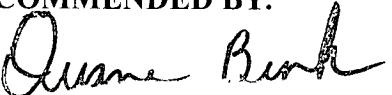
Upon review of the proposals, it was determined that Land Engineering Consultants, Inc. is the most qualified firm for the project, as per the guidelines set forth in the RFP's. Rate sheets for each consultant are attached hereto as Exhibit "A."

The services to be provided by the consultant include pothole survey for the water and storm drain design, drainage improvement plans, signing and striping, traffic signal relocation/upgrade plans, water distribution improvement plans, hydrology and hydraulics analysis, storm water pollution prevention plan, meetings and coordination.

STRATEGIC PLAN: Goal 5: Quality of Life Strategic Priority Action Step A-5 Priority 1 – Continue to build attractive and walkable Downtown. Recognized Obligation Payment Schedule (ROPS).

FISCAL DATA: The proposed Professional Services Agreement for Survey and Civil Engineering Services is for an amount “Not to Exceed” \$53,783.00. The Ramsey Street Improvements Account No. 855-9500-490.93-30 has a current balance of \$225,000.00, therefore, an appropriation is not needed.

RECOMMENDED BY:


Duane Burk
Director of Public Works

APPROVED BY:

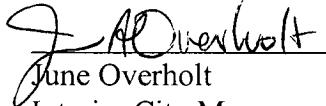

June Overholt
Interim City Manager

Exhibit “A”
Consultant Rate Sheets

LAND ENGINEERING CONSULTANTS

SCHEDULE OF HOURLY RATE

	RATE
A. Professional Engineer	\$138.00 hr.
B. Senior Project Manager	\$128.00 hr.
C. Professional Surveyor	\$18.00 hr.
D. Project Engineer	\$108.00 hr.
E. Senior Cadd Designer	\$ 94.00 hr.
F. Project Coordinator	\$58.00 hr.
G. Clerical Assistant	\$42.00 hr.
H. 2 – Man Survey Crew	\$165.00 hr.
I. 3 – Man Survey Crew	\$195.00 hr.
J. Sub-Consultants	Actual Cost
K. Reimbursable Expenses	Actual Cost

COZAD & FOX, INC.

SCHEDULE OF HOURLY RATE

	RATE
A. Principal Civil Engineer	\$175.00/hour
B. Principal Land Surveyor	\$175.00/hour
C. Structural Engineer	\$175.00/hour
D. Senior Project Engineer	\$145.00/hour
E. Project Engineer	\$125.00/hour
F. Assistant Project Engineer	\$115.00/hour
G. Administrative/Project Coordination	\$ 80.00/hour
H. Typing, printing	\$ 40.00/hour
I. Survey – Office Analysis	\$145.00/hour
J. One – Man Survey Crew	\$190.00/hour
K. Two – Man Survey Crew	\$250.00/hour
L. Extra Survey Crew Support (traffic Control, etc.)	Est. by Project

ALBERT A. WEBB ASSOCIATES

SCHEDULE OF HOURLY RATE

<u>CLASSIFICATION</u>	<u>HOURLY RATE</u>
Principal Engineer	\$198/hr.
Project Manager	\$190/hr.
Project Engineer	\$173/hr.
Senior Designer	\$149/hr.
2-Person Survey Crew	\$212/hr.
Administrative Assistant	\$ 72/hr.
Mileage	\$0.77/ mile

Reproduction and Printing = Actual cost plus 10%

RESOLUTION NO. 2014-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, AWARDING A PROFESSIONAL SERVICES AGREEMENT TO LAND ENGINEERING CONSULTANTS, INC. FOR SURVEY AND CIVIL ENGINEERING SERVICES FOR RAMSEY STREET AND HARGRAVE STREET IMPROVEMENTS

WHEREAS, Request for Proposals (RFPs) were solicited from several engineering consulting firms, three proposals were received by the Public Works Department; and

WHEREAS, the proposals were evaluated by an Evaluation/Selection Committee for completeness, the proposed project team, project management, understanding, project approach, responsiveness to the RFPs, experience with the scope of work and proposed cost; and

WHEREAS, upon review of the proposals, it was determined that Land Engineering Consultants, Inc. of Calimesa, California is the most qualified firm for the project, as per the guidelines set forth in the Request for Proposals; and

WHEREAS, the services to be provided by the consultant include pothole survey for the water and storm drain design, drainage improvement plans, signing and striping, traffic signal relocation/upgrade plans, water distribution improvement plans, hydrology and hydraulics analysis, storm water pollution prevention plan, meetings and coordination.

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

SECTION 1. City Council adopts Resolution No. 2014-16 awarding a Professional Services Agreement to Land Engineering Consultants, Inc. for the Survey and Civil Engineering Services for Ramsey Street and Hargrave Street for an amount not to exceed \$53,783.00.

SECTION 2. Authorize the Administrative Services Director to make the necessary budget adjustments and appropriations, if necessary, to Account No. 855-9500-490.93-30.

SECTION 3. The City Manager is authorized to execute the Professional Services Agreement with Land Engineering Consultants, Inc. of Calimesa, California. This authorization will be rescinded if the contract agreement is not executed by both parties within sixty (60) days of the date of this resolution.

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

Deborah Franklin,
Mayor

ATTEST:

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

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

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

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2014-16 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 25th day of March, 2014 by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

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

CITY COUNCIL

DATE: **March 25, 2014**

TO: **City Council**

FROM: **Zai Abu Bakar, Community Development Director**

SUBJECT: **CHAMBER OF COMMERCE FEEDBACK ON THE CITY'S SIGN REGULATIONS**

RECOMMENDATIONS:

- (1) That the City Council hear the presentation from two representatives of the Board of the Banning Chamber of Commerce; and
- (2) That the City Council form a Sign Advisory Committee that consists of five (5) members to provide input into the reasonable commercial sign standards for the City; and
- (3) Direct staff to seek nominations for the Sign Advisory Committee consisting of two (2) business owners and one (1) member of the community at large. This is in addition to the two (2) Board members of the Chamber of Commerce that have been selected.

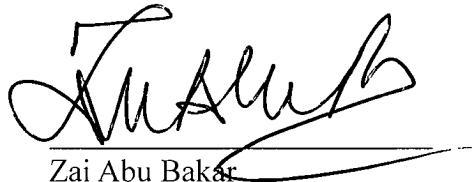
BACKGROUND:

During the public comment section of the City Council meeting agenda on January 28, 2014, one of the business owners in the Downtown area, Mr. Michael DiVita spoke about the City's sign regulations. Mr. DiVita requested that the City's sign regulations be amended to allow for more reasonable sign standards and fees for the sign permit. The City Council directed staff to contact the Chamber of Commerce and request that the Chamber provide feedback on the City's sign regulations. The representatives of the Chamber Board will provide their presentation at the meeting.

Attached for your information is a copy of the City's Sign Regulations (Chapter 17.36 of the Banning Sign Code). The current sign permit fee for review by the Planning Division is \$537.00 for a permanent sign (e.g. wall sign(s) on building) and \$235.00 for a temporary sign (e.g. banner).

Detailed analysis and recommendations on the proposed change to the sign regulations and standards will be discussed and reviewed through the Sign Advisory Committee. Once this process is completed, the City Attorney's office will need to complete a legal review of the draft amendments to ensure compliance with the various laws and court cases. Once legal review is completed, the sign regulations will be presented to the Planning Commission and City Council for review and approval.

PREPARED BY:


Zai Abu Bakar
Community Development Director

REVIEWED AND APPROVED BY:


June Overholt,
Interim City Manager /
Administrative Services Director

Attachment:

1. Chapter 17.36 Sign Regulations

ATTACHMENT 1

CHAPTER 17.36 SIGN REGULATIONS

Chapter 17.36

SIGN REGULATIONS

Sections:

17.36.010 Purpose.

17.36.020 Applicability.

17.36.030 Definitions.

17.36.040 Sign permit required.

17.36.050 Exempt signs.

17.36.060 Prohibited signs.

17.36.070 Temporary signs.

17.36.080 Off-site residential subdivision directional signs.

17.36.090 Abatement of abandoned or illegal temporary signs.

17.36.100 Sign construction and maintenance.

17.36.110 Sign regulations.

17.36.120 Sign design guidelines.

17.36.130 Nonconforming signs.

17.36.140 Removal of illegal and nonconforming signs.

17.36.150 Reserved.

17.36.160 Inventory and abatement—Variances—Penalties.

17.36.170 Murals.

17.36.010 Purpose.

The purpose of this chapter is to establish sign regulations that are intended to:

A. Limit and control the location, size, type and number of signs allowed in the City of Banning.

B. To provide for a more orderly display of advertising devices, while implementing community design standards with respect to character, quality of materials, color, illumination and maintenance, which are consistent with the City's General Plan.

C. To bring these advertising devices into harmony with the buildings, with the neighborhood, with the natural environment, and with other signs in the area.

D. To preserve and improve the appearance of the City as a place in which to live and work, and as an attraction to nonresidents who come to visit or trade.

E. To encourage sound signage practices as an aid to business and for the information of the public, while preventing excessive and confusing sign displays.

F. To reduce hazards to motorists, bicyclists and pedestrians.

G. And to promote the public health, safety, viewsheds, aesthetic values, and general welfare of the community by regulating and controlling all matters relating to signs. (Zoning Ord. dated 1/31/06, § 9109.01.)

17.36.020 Applicability.

A. This chapter shall apply to all signage proposed within the community. No signs shall be erected or maintained in any land use district established by this Zoning Ordinance, except those signs specifically enumerated in this chapter. The number and area of signs as outlined in this chapter are intended to be maximum standards.

B. In addition to the standards set forth herein, consideration shall be given to a sign's relationship to the need that it serves, and the overall appearance of the subject property as well as the surrounding community. Compatible design, simplicity, and sign effectiveness are to be used in establishing guidelines for sign approval. (Zoning Ord. dated 1/31/06, § 9109.02.)

17.36.030 Definitions.

Abandoned Sign. Any display remaining in place or not maintained for a period of 120 days or more which no longer advertises or identifies an on-going business, product, or service available on the business premises where the display is located.

Address Sign. The numeric reference of a structure or use to a street, included as part of a wall or monument sign.

A-Frame Sign. A free standing sign usually hinged at the top, or attached in a simi-

lar to the letter "A". Such signs are usually designed to be auxiliary portable commercial signage, hence they are not considered permanent signs.

Anchor Tenant. A shopping center key tenant, usually the largest or one of the largest tenants located within the shopping center, which serves to attract customers to the center through its size, product line, name, and reputation.

Animated Sign. A sign with action or motion, flashing or color changes, requiring electrical energy, electronic or manufactured sources of supply, but not including wind actuated elements such as flags or banners. Said definition shall not include displays such as time and temperature, revolving, changeable copy or public information centers.

Announcement or Bulletin Board Signs. Signs permanent in character designed to accept changeable copy, handbills, posters and matters of a similar nature.

Area of sign. The area of a sign shall be the entire area including any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure or character excluding architectural features or design. The area of the sign having no such perimeter or border shall be computed by enclosing the entire area within parallelograms, triangles or circles of the smallest size sufficient to cover the entire area of the sign and computing the area of these parallelograms, triangles or circles. The area computed shall be the maximum portion or portions which may be viewed from any one direction.

Awning, Canopy, or Marquee Sign. A nonelectric sign that is printed on, painted on, or attached to an awning, canopy, or marquee and is only permitted on the vertical surface or flap.

Banner. A temporary display such as used to announce open houses, grand openings or special announcements. Often made of cloth, bunting, plastic, paper, or similar material.

Bench Sign. Copy painted on any portion of a bus stop or other bench.

Billboard or Off-Site Sign. A sign structure advertising an establishment, merchandise, ser-

vice, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which the sign is located.

Building Face and/or Frontage. The length of the single front building elevation in which the primary entrance to the business is located. If more than one business is located in a single building, then such length shall be limited to that portion which is occupied by each individual business.

Canopy Sign. Shall mean a sign attached to either the underside of the canopy, or marquee, or directly to the canopy itself.

Changeable Copy Sign. A sign designed to allow the changing of copy through manual, mechanical, or electrical means.

Civic Event Sign. A temporary sign, other than a commercial sign, posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization.

Commercial Seasonal Sign. An "open" or "closed" window sign, posted on a seasonal basis.

Contractor's Sign/Construction Sign. A temporary sign erected on the parcel on which construction is taking place, limited to the duration of the construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owner, financial supporters, sponsors, and similar individuals or firms having a major role or interest with respect to the structure or project.

Directional Sign. Signs limited to on-premises directional messages, principally for pedestrian or vehicular traffic, such as "one way", "entrance", or "exit".

Directory Sign. A sign for listing the tenants or occupants and their suite numbers of a building or center.

Double-faced Sign. A single structure designed with the intent of providing copy on both sides.

Eaveline. The bottom of the roof eave or parapet.

Election Sign. A temporary sign related to or directly associated with a national, state, county or local election or referendum.

Flags and pennants. Shall mean devices generally made of flexible materials, usually cloth, paper or plastic, and displayed on strings. They may or may not contain copy. This definition shall not include the flag of the United States or of any state.

Flags of the State and Nation. A flag of the United States or the State of California.

Flashing Sign. A sign that contains an intermittent or sequential flashing light source.

Freestanding Sign. A sign which is supported by one or more uprights, braces, poles, or other similar structural components that is not attached to a building or buildings. Flagpoles are not included in this definition.

Freeway. A highway in respect to which the owners of abutting land have no right or easement of access or in respect to which such owners have only limited or restricted right or easement of access, and which is declared to be such in compliance with the Streets and Highways Code of the State of California.

Future Tenant Identification Sign. A temporary sign which identifies a future use of a site or building.

Grand Opening. A promotional activity not exceeding 30 calendar days used by newly established businesses, within 2 months after occupancy, to inform the public of their location and service available to the community. Grand Opening does not mean an annual or occasional promotion of retail sales or activity by a business.

Ground Sign. A display attached to the ground, within an architecturally planned wall or structure, and not over eight (8) feet in height.

Height of Sign. The greatest vertical distance measured from the existing grade at the mid-point of the sign support(s) that intersect the ground to the highest element of the sign.

Holiday Decoration Sign. Temporary signs, in the nature of decorations, clearly incidental to and customarily associated with holidays.

Identification Sign. A sign attached to the building and displaying only the name, type of business, and/or logo in combination, identifying a particular business establishment.

Illegal Sign. Any of the following: a sign erected without first complying with all ordinances and regulations in effect at the time of its construction and erection or use; a sign that was legally erected, but whose use has ceased, or the structure upon which the display is placed has been abandoned by its owner, not maintained, or not used to identify or advertise an ongoing business for a period of not less than 120 days; a sign that was legally erected which later became nonconforming as a result of the adoption of an ordinance, the amortization period for the display provided by the ordinance rendering the display nonconforming has expired, and conformance has not been accomplished; a sign which is a danger to the public or is unsafe; a sign which is a traffic hazard not created by relocation of streets or highways or by acts of the City or County. Abandoned signs and prohibited signs are also illegal.

Illuminated Sign. A sign with an artificial light source, either internal or external, for the purpose of lighting the sign.

Institutional Sign. A sign identifying the premises of a church, school, hospital, rest home, or similar institutional facility.

Kiosk. An off-premise sign of no more than four square feet in size, used for directing people to the sales office or models of a residential subdivision project.

Logo. An established identifying symbol or mark associated with a business or business entity.

Lot or Street frontage. The linear front footage of a parcel of property abutting a dedicated public street.

Logo Sign. An established trademark or symbol identifying the use of a building.

Monument Sign. An independent structure supported from grade to the bottom of the sign with the appearance of having a solid base.

Murals. Painted wall signs which have a majority of the sign area comprised of noncommercial content, which generally have artistic, historic or cultural themes, and which are designed and painted (or supervised) by an artist who possesses demonstrated knowledge and expertise in the de-

sign, materials, and execution of murals or other art. Commercial content of murals shall be subject to all applicable sign limitations of the underlying zone district.

Non-Commercial Sign. A sign which does not promote, identify or sell a business or product.

Nonconforming Sign. A legally established sign which fails to conform to the regulations of this chapter. Otherwise conforming signs whose height exceeds the provisions of this chapter only because a special topographical circumstance results in a material impairment of the visibility of the display or the owner's ability to adequately and effectively continue to communicate with the public through the use of the display if the sign were limited to the height allowed in this chapter shall not be considered nonconforming.

Occupancy Frontage. Each individual tenant space within a building or group of buildings which faces upon a dedicated street or public parking area between such space and street.

Off-Site Sign. Any sign which advertises or informs in any manner businesses, services, goods, persons, or events at some location other than that upon which the sign is located. Off-premise sign, billboard, and outdoor advertising structure are equivalent terms.

Open House Sign. A temporary on-site sign posted to indicate a salesperson is available to represent the property subject to sale, lease, or rent.

Painted Sign. Signs painted on the exterior surface of a building or structure; however, if such signs have raised borders, letters, characters, decorations or lighting appliances, they shall be considered wall signs.

Parcel or lot of real property. A parcel or lot of real property under separate ownership from any other parcel or lot and having street or highway frontage.

Political Sign. A sign other than an election sign directly associated with an ideological, political or similar noncommercial message on a sign.

Portable Sign. A sign that is not permanently attached to the ground or a building.

Projecting Sign. Any sign which is suspended from or supported by a building or wall, and which projects eighteen (18) inches or more outward therefrom.

Promotional Sign. A sign erected on a temporary basis to promote the sale of new products, new management, new hours of operation, a new service, or to promote a special sale.

Public Information Center. Any display which is characterized by changeable copy, letters or symbols.

Real Estate Sign. An on-site sign pertaining to the sale or lease of the premises.

Revolving Sign. Any sign that revolves, either by wind actuation or by electrical means.

Roof Sign. A sign erected, constructed, or placed upon or over a roof of a building, including a mansard roof and which is wholly or partly supported by such buildings.

Shopping Center. A group of four (4) or more businesses which function as an integral unit on a single parcel or group of parcels and utilize common off-street parking and access and is identified as a shopping center.

Sign. Any structure, housing, device, figure, statuary, painting, display, message placard, or other contrivance, or any part thereof, which is designed, constructed, created, engineered, intended, or used to advertise, or to provide data or information in the nature of advertising, for any of the following purpose: to designate, identify, or indicate the name of the business of the owner or occupant of the premises upon which the advertising display is located; or, to advertise the business conducted, services available or rendered, or the goods produced, sold, or available for sale, upon the property where the advertising display is erected. This definition shall include all parts, portions, units and materials composing same, together with illumination, frame, background, structure, support and anchorage therefor.

Sign Area. The entire face of a sign, including the surface and any framing, projections, or molding, but not including the support structure. Individual channel-type letters mounted on a building

shall be measured by the area enclosed by four straight lines outlining each word or grouping of words.

Sign Program. A coordinated program of one or more signs for an individual building or building complexes with multiple tenants.

Temporary Sign. A sign intended to be displayed for a limited period of time.

Time and temperature sign. A sign giving the time and or temperature.

Trademark. A word or name which, with a distinctive type or letter style, is associated with a business or business entity in the conduct of business.

Tract development sign. A sign indicating the location of a housing tract.

Tract directional sign. An off-premises sign indicating direction to a tract development.

Vehicle Sign. A sign which is attached to or painted on a vehicle which is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or an activity or business located on such property.

Wall Sign. A sign painted on or fastened to a wall and which does not project more than 12 inches from the building or structure.

Window Sign. Any sign that is applied or attached to a window or located in such a manner that it can be seen from the exterior of the structure, on a permanent or temporary basis. (Zoning Ord. dated 1/31/06, § 9109.03; Ord. No. 1382, § 3 (part).)

(Ord. No. 1424, § 3.1, 7-13-10)

17.36.040 Sign permit required.

A. General.

1. No sign, or temporary sign, unless exempted by this chapter, shall be constructed, displayed or altered without a sign permit or sign program approved by the City. The Community Development Department shall review all signs unless otherwise stated.

2. Sign permits shall be reviewed and either approved or denied by the Director within 30 days of submittal of a complete application. The deter-

mination of a complete application shall be in conformance with the California Permit Streamlining Act.

3. Determination on sign permit applications are to be guided by the standards and criteria set forth in this article. An application will be approved whenever the proposed sign conforms to all design, size, height and other standards for signs subject to a permit requirement, as such requirements are set forth in this chapter.

4. The Director's determination shall be provided in writing, and shall include an explanation of the reasons for approval or denial. Appeal of the Director's decision shall be in conformance with Chapter 17.68, Hearings and Appeals.

B. Sign Program. A permit for a sign program shall be required for all new commercial, office, and industrial centers consisting of three or more tenant spaces. The program shall be filed with the project application to construct the center, and shall be processed concurrently with the project application. The purpose of the program shall be to integrate signs with building and landscaping design to form a unified architectural statement. This may be achieved by:

1. The use of the same background color, and allowing signs to be of up to 3 different colors per multi-tenant center.

2. The use of the same type of cabinet supports, or method of mounting for signs, and the same type of construction material for components, such as sign copy, cabinets, returns, and supports.

3. The use of the same form of illumination of the signs, with internally lit signs generally being preferred by the City due to the lack of overspill from such lighting.

4. Uniform sign placement specifications, letter height, and logo height for both anchor tenants and minor tenants.

5. Logos may be permitted and are not subject to the color restrictions specified in the program. However, no logo should exceed 25% of the allowable sign area. (Zoning Ord. dated 1/31/06, § 9109.04.)

17.36.050 Exempt signs.

The following signs shall be exempt from the provisions of this chapter:

A. Window signs not exceeding one square foot and limited to business identification, hours of operation, address, and/or emergency information. (Neon signs of any size require a permit, if allowed.)

B. Signs within a structure and not visible from the outside.

C. Memorial signs and plaques installed by a civic organization recognized by the Council, when cut in masonry or bronze tablets.

D. Official and legal notices issued by a court or governmental agency.

E. Official flags of the United States, the State of California, County of Riverside, or the City of Banning.

F. Identification signs on construction sites. Such signs shall be limited to one directory or pictorial display sign identifying all contractors and other parties (including lender, realtor, sub-contractors, etc.). Each sign shall not exceed 20 square feet in area and 6 feet in height. Each sign shall be removed prior to issuance of a Certificate of Occupancy.

G. Election Signs. Election signs must comply with the following requirements:

1. Election signs shall be limited in size to the maximum allowed in the zones where located. Any freeway oriented freestanding sign shall be required to secure all applicable permits and comply with these sign regulations including section 17.36.110.

2. No election signs shall be permitted on public property or in the public right-of-way.

3. There are no pre-election restrictions limiting when election signs may be erected, but the owner of the sign must remove the sign within seven days after the applicable election has ended.

4. For all election signs, the campaign shall be deemed the owner of the sign unless it can establish that it is not the owner of the sign. In the event the campaign establishes it is not the owner

of the sign, the owner of the property on which the sign is placed, shall be deemed the owner of the sign.

5. In the event that any such sign violates the provisions of this chapter, or if it is not removed within the period provided hereunder, it shall be subject to abatement pursuant to the procedures prescribed in section 17.36.090.

6. Except as provided in this subsection, no permit shall be required for election signs.

H. Real estate signs for residential sales shall be one sign not exceeding four square feet in area and five feet in height, provided it is unlit and is removed within 7 days after the close of escrow or the rental or lease has been accomplished. Open House signs, for the purpose of selling a single house or condominium and not exceeding four square feet in area and five feet in height, are permitted for directing prospective buyers to property offered for sale.

I. Real estate signs for the initial sale, rental, or lease of commercial and industrial premises: One sign not to exceed 20 square feet in area to advertise the sale, lease, or rent of the premises. No such sign shall exceed eight feet in overall height and shall be removed upon sale, lease or rental of the premises or 12 months, whichever comes first. Thereafter, one sign per premise not to exceed 12 square feet in size and five feet in height is permitted for the sale, lease or rent of the premise.

J. Future tenant identification signs: One wall or freestanding sign may be placed on vacant or developing property to advertise the future use of an approved project on the property and where information may be obtained. Such sign shall be limited to one sign, a maximum of 20 square feet in area and eight feet in overall height. Any such signs shall be single faced and shall be removed prior to the granting of occupancy permit by the City.

K. Incidental signs for automobile repair stores, gasoline service stations, automobile dealers with service repairs, motels and hotels, showing notices of services provided or required by law,

trade affiliations, credit cards accepted, and the like, attached to the structure or building; provided that all of the following conditions exist:

1. The signs number no more than three.
2. No such sign projects beyond any property line.
3. No such sign shall exceed an area per face of three square feet.
4. Signs may be double-faced.

L. Copy applied to fuel pumps or dispensers such as fuel identification, station logo, and other signs required by law.

M. Agricultural signs, either wall or freestanding types, non-illuminated, and not exceeding four square feet for lots two acres or less and 10 square feet for lots greater than two acres, identifying only the agricultural products grown on the premises. The number of such signs shall be one per street frontage or a maximum of two, with wall signs to be located below the roofline and freestanding signs to be no higher than six feet.

N. Sign programs which have been approved prior to the adoption of this Zoning Ordinance.

O. Municipal and traffic control signs: Directional signs to aid vehicle or pedestrian traffic provided that such signs are located on-site, have a maximum area which does not exceed three square feet, have a maximum overall height of four feet above grade, and are mounted on a monument or decorative pole. Such signs may be located in a required setback provided that a minimum distance of five feet from any property line is maintained. Directional signs to the railway, the airport or the highway are among the types of signs which fall in this category.

P. Temporary window signs may be permitted on the inside of windows facing out which do not cover more than 25% of the individual window surface for a period not to exceed 30 days use during any 60 day period. Temporary painted signs may be on the outside of the window.

Q. Historic site and historic landmark, and neighborhood signs, when designed in conformance with standards of the California Historic Commission or a similar entity.

R. Professionally made restroom, telephone and walkway signs of under one square foot.

S. Emblems or signs of a political, civic, philanthropic, educational or religious organizations, if those signs are on the premises occupied by such organizations, and do not exceed 24 square feet in area, or number more than one emblem or sign in total.

T. Political Signs. Political signs must comply with the following requirements:

1. Political signs shall be limited in size to the maximum allowed in the zones where located. Any freeway oriented freestanding sign shall be required to secure all applicable permits and comply with these sign regulations including section 17.36.110.
2. No political signs shall be permitted on public property or in the public right-of-way.
3. In the event that any such sign violates the provisions of this chapter, it shall be subject to abatement pursuant to the procedures prescribed in section 17.36.090.
4. Except as provided in this subsection, no permit shall be required for political signs. (Zoning Ord. dated 1/31/06, § 9109.05.)
(Ord. No. 1424, § 3.2, 3.3, 7-13-10)

17.36.060 Prohibited signs.

The following signs are inconsistent with the sign standards set forth in this chapter, and are therefore prohibited:

- A. Abandoned signs.
- B. Animated, moving, flashing, blinking, reflecting, revolving, or any other similar sign, except electronic message boards.
- C. Banners, flags, and pennants, except with Temporary Use Permit.
- D. Billboards.
- E. Chalkboards or blackboards.
- F. Changeable copy signs and electronic message boards, except as allowed by a Conditional Use Permit for movie theaters, arenas, stadiums, or auto malls in the commercial land use districts.

G. Reserved.

H. Off site signs, except as permitted elsewhere in this ordinance.

I. Permanent sale signs.

J. Portable signs or A-frame signs.

K. Roof signs.

L. Signs on public property or the public rights-of-way, except for traffic regulation and signs permitted by a governmental agency.

M. Signs painted on fences or roofs.

N. Balloons and other inflated devices or signs designed to attract attention, except with Temporary Use Permit.

O. Signs that are affixed to vehicles, excluding permanent signs on commercial vehicles which are driven on a daily or weekly basis.

P. Signs which simulate in color or design a traffic sign or signal, or which make use of words, symbols or characters in such a manner to interfere with, mislead, or confuse pedestrian or vehicular traffic.

Q. Signs which singly or in combination with other signs block more than 5% of the view from any window or door of any structure or dwelling used primarily as a residence.

R. Signs which singly or in combination with other signs, for any portion of the day, block natural sunlight from falling upon any window or door of any structure or dwelling used primarily as a residence.

S. Signs which singly or in combination with other signs block more than 10% of the view from any window or door of any structure used or occupied by people for more than an hour of a typical day, in all zoning districts of the City. (Zoning Ord. dated 1/31/06, § 9109.06; Ord. No. 1377, § 1.)

(Ord. No. 1424, § 3.4, 7-13-10; Ord. No. 1447, § 3, 2-14-12)

17.36.070 Temporary signs.

Special event signs and civic event signs may be approved by the Director for a limited period of time as a means of publicizing special events such

as grand openings, carnivals, parades, charitable events and holiday sales. Such special event signs shall be limited to the following provisions:

A. No special event sign shall be erected without a temporary use permit.

B. Special event signs shall be limited to 90 days per event from the date of erection or date of permit, whichever occurs first.

C. Special event signs shall not include promotional sales signs, and they must be taken down within a week after the conclusion of the special event.

D. Special event signs may include balloons, inflated devices, search lights, beacons, pennants, and streamers.

E. Such temporary signs may not be granted to the same business or location more than twice during any one year.
(Zoning Ord. dated 1/31/06, § 9109.07; Ord. No. 1448, § 9, 5-8-12)

17.36.080 Off-site residential subdivision directional signs.

The following shall regulate and establish a standardized program of off-site residential subdivision directional kiosk signs for the City. For the purposes of this subsection, a residential subdivision is defined as a housing project within a recorded tract where five or more structures or dwelling units are concurrently undergoing construction.

A. No kiosk sign structure shall be located less than 300 feet from an existing or previously approved kiosk site, except in the case of signs on different corners of an intersection.

B. The placement of each kiosk sign structure shall be reviewed and approved by the Director.

C. All kiosk signs shall be placed on private property with written consent of the property owner.

D. A kiosk sign location plan shall be prepared, showing the site of each kiosk directional sign, and shall be approved by the Director prior to the issuance of a sign permit.

E. There shall be no additions, tag signs, streamers, devices, display boards, or appurte- nances, added to the kiosk signs as originally ap- proved, no other non-permitted directional signs, such as posters or trailer signs, may be used.

F. All non-conforming subdivision kiosk di- rectional signs associated with the subdivision in question must be removed prior to the placement of directional kiosk sign(s).

G. Kiosk signs, or attached project direc- tional signage, shall be removed when the subdivi- sion is sold out. The applicant (or his/her legal successors) will be responsible for removal of panels and structures no longer needed. (Zoning Ord. dated 1/31/06, § 9109.08.)

(Ord. No. 1424, § 3.5, 7-13-10)

17.36.090 Abatement of abandoned or illegal temporary signs.

A. Every temporary sign not owned by the property owner of the property on which it is erected shall be marked to indicate on the sign the identity of the sign owner, provided that for any commercial sign where not otherwise indicated it shall be presumed that the business being adver- tised is the owner.

B. Any abandoned or illegal temporary sign is hereby declared to be a danger to the health, safety, and welfare of the citizens of Banning. Any sign which is (i) in deteriorating condition and not maintained in the condition in which it was origi- nally installed, (ii) violates conditions of the sign permit, or (iii) is partially or wholly obscured by the growth of dry vegetation or weeds or by the presence of debris or litter also presents a danger to the health, safety, and welfare of the Banning community. Such signs may be abated as provided in this chapter.

C. Any such signs as set forth above are hereby deemed to be a public nuisance. Any such sign, including any and all structural supports, shall be removed by the property owner within ten days after notice from the director, which notice shall provide an opportunity to be heard before the director on the abandonment and nuisance deci-

sion and an appeal may be taken pursuant to chapter 17.68. Any sign not removed within ten days after such notice, may be abated by the direc- tor if no appeal has been taken from the director's decision, or, if the appeal has been denied or modified. If after a reasonable effort to determine the owner of the sign, the owner cannot be found, then the city may summarily remove the sign and the same shall be stored for a period of thirty days, during which time they may be recovered by the owner.

D. Costs of an abatement conducted pursu- ant to this chapter shall be assessed against the owner of the sign, and to the extent permissible under law, against the owner of the property, using the procedures established in the Banning Municipal Code. (Zoning Ord. dated 1/31/06, § 9109.09.)

(Ord. No. 1424, § 3.6, 7-13-10)

17.36.100 Sign construction and maintenance.

A. Every sign, and all parts, portions, and materials shall be manufactured, assembled, and erected in compliance with all applicable State, Federal, and City regulations and the Uniform Building Code.

B. Every sign, including those specifically ex- empt from this Zoning Ordinance, in respect to permits and permit fees, and all parts, portions, and materials shall be maintained and kept in good repair. The display surface of all signs shall be kept clean, neatly painted, and free from rust and corrosion. Any cracked, broken surfaces, mal- functioning lights, missing sign copy or other unmaintained or damaged portion of a sign shall be repaired or replaced within 30 calendar days following notification by the City. Noncompli- ance with such a request shall constitute a nuisance and penalties may be assessed in accordance with the provisions of these zoning ordinances. (Zoning Ord. dated 1/31/06, § 9109.10.)

17.36.110 Sign regulations.

Signs permitted in each of the City's land use districts are identified below. In addition to the

following regulations, all signs must be in compliance with all other provisions of this chapter pertaining to signs.

Signs may have commercial or non-commercial messages. A non-commercial message may be substituted for the copy of any commercial sign allowed by this chapter.

A. Signs in Residential Zones.

1. Up to one flagpole, displaying the flag of the US or the State of California, up to 35 feet in height, unless a permit is obtained from the City to have a flagpole in a private park or public park for up to 65 feet in height.

2. For single family homes, the following are allowed:

a. Up to one sign not to exceed one square foot in area, identifying the address;

b. Up to one unlit sign not to exceed four square feet in area, pertaining to the rental, sale or lease of the property on which the sign is located. Such signs must be temporary, and may contain no flashing, blinking or reflective objects.

3. For apartment complexes and multifamily developments, the following are allowed:

a. Sign(s) containing the name and/or address of the development, providing that the combined area of such signs is not exceeded as established below:

i. Up to one wall sign

ii. Up to one freestanding sign per street frontage (which shall be in a landscaped area at least 15 feet from the curb face, and not closer than five feet to the property line. Freestanding signs shall have a maximum height of eight feet inclusive of supporting structures.

iii. The maximum combined area of the signs set forth above shall not exceed 20 square feet, for complexes with 125 feet of frontage or less, and shall not exceed 30 square feet for complexes with over 125 square feet of frontage.

4. For properties in the residential zones where farming takes place, lots may have one sign per street frontage (up to a maximum of two signs) advertising only the agricultural products grown on the premises. These signs may not be illumi-

nated, and may be either free standing or wall signs. For lots of two acres or less, each sign may be a maximum of four square feet. For lots over two acres, each sign may be a maximum of ten square feet.

5. No neon signs are permitted in residential areas.

B. Signs in Commercial and Industrial Zones.

1. No sign attached to a structure shall be placed above the roof line.

2. Wall signs. Each business shall be permitted wall signs per occupancy footage. The area devoted to such signs shall not exceed one square foot of sign area per one foot of building frontage, and shall not exceed 50 square feet of sign area. The 50 square feet of sign area maximum for wall signs shall not apply to a freeway-oriented wall sign proposed to be located and designed in such a manner as to be viewed primarily in a direct line of sight from a main traveled roadway of a freeway or a freeway on-ramp/off-ramp and advertising onsite retail or service-oriented businesses. Freeway-oriented wall signs shall be subject to all requirements of section 17.36.110(B)(6), including requiring the approval of a conditional use permit.

3. Monument signs. Each parcel or property shall be permitted one monument sign subject to all of the following conditions being met:

a. One square foot of sign area for one foot of building frontage is permitted. Such sign shall not exceed 50 square feet.

b. The buildings must be set back at least 25 feet from the property line.

c. The monument sign shall be located in a landscaped planter area not less than 50 square feet, with one dimension being at least four feet.

d. The monument sign may be no more than 8 feet high.

e. Shopping centers may have one monument sign not to exceed one square foot of display face per one foot of building frontage, not to exceed 100 square feet, for center identification. Said sign may include reader panels, and or a bulletin or a changeable copy pane.

4. Painted signs. Each business shall be permitted painted signs subject to the following conditions:

a. Said signs shall be in combination with or in lieu of wall signs.

b. The area of said painted sign shall be deducted from the total allowable wall sign.

5. Accessory signs. Signs denoting credit cards, hours of operation, etc, shall be allowed but shall not exceed three square feet in total area.

6. Freeway-Oriented Freestanding Sign. Freeway-oriented freestanding signs shall be allowed subject to the following requirements:

a. Said sign shall be located and designed in such a manner as to be viewed primarily in a direct line of sight from a main traveled roadway of a freeway or a freeway on-ramp/off-ramp. The phrase "viewed primarily in direct line of sight from" shall mean that the message may be seen with reasonable clarity for a greater distance by a person traveling on the main traveled roadway of a freeway or on-ramp/off-ramp than by a person traveling on the street adjacent to the sign.

b. Said signs shall be limited to on-site retail or services businesses. Shopping centers may have one freeway-oriented sign and shall include city identification or city logo as approved by planning commission. Said city identification or logo shall be excluded from the display face area calculation. When the display area of the sign is used for commercial speech, the copy must qualify as onsite to the business or shopping center.

c. Said sign shall not block another freeway-oriented freestanding sign. The applicant shall be responsible for providing the planning commission with evidence to assure satisfactory compliance with this requirement.

d. Said sign shall be located in a planter area not less than fifty square feet with one dimension being at least six feet, unless from the evidence presented to the planning commission it can be determined that the area is not visible from public street or right-of-way, or the absence of the planter shall not be detrimental to the appearance of the area.

e. Said sign shall not exceed an overall height of fifty-five feet.

f. Said sign shall not exceed one hundred seventy-five square feet per display face.

g. Said sign shall require approval of a conditional use permit. In addition to satisfying requirements set forth above in this section 17.36.110(B)(6) of the Banning Municipal Code, the following findings must be made prior to approval of a conditional use permit for a freeway-oriented freestanding sign, without consideration of message content of the proposed signs:

i. The elevation of the freeway in relation to the elevation of the abutting properties justifies the height requested, and is the minimum necessary.

ii. The number and spacing of freeway signs will not cause unnecessary confusion, clutter or other unsightliness in the general location.

iii. The use identified, as well as its type, size and intensity, justifies the size, design and location of the sign requested.

iv. The needs of the traveling public for identification and directional information justifies the sign requested.

7. One flag pole, displaying one or more flags of the state and nation, not to exceed 35 feet in height.

8. Any existing freestanding sign shall be considered legal and conforming, but shall not be altered or replaced except by approval of a conditional use permit.

(Zoning Ord. dated 1/31/06, § 9109.11; Ord. No. 1377, § 2)

(Ord. No. 1419, § 5, 1-26-10; Ord. No. 1424, § 3.7, 7-13-10; Ord. No. 1447, §§ 3—6, 2-14-12)

17.36.120 Sign design guidelines.

A. General. The following design guidelines shall be consulted prior to developing signs for any project. Unless there is a compelling reason, these design guidelines shall be followed. If a guideline is waived, the Mayor and City Council shall be

notified. An appeal, which does not require a fee, may be filed by the Mayor or any Council person within 15 days of the waiver approval.

1. Use a brief message: The fewer the words, the more effective the sign. A sign with a brief, succinct message is simpler and faster to read, looks cleaner and is more attractive.

2. Avoid hard-to-read, overly intricate typefaces: These typefaces are difficult to read and reduce the sign's ability to communicate.

3. Avoid faddish and bizarre typefaces: Such typefaces may look good today, but soon go out of style. The image conveyed may quickly become that of a dated and unfashionable business.

4. Sign colors and materials: should be selected to contribute to legibility and design integrity. Even the most carefully thought out sign may be unattractive and a poor communicator because of poor color selection. Day-glo colors must be avoided.

5. Use significant contrast between the background and letter or symbol colors: If there is little contrast between the brightness or hue of the message of a sign and its background, it will be difficult to read.

6. Avoid too many different colors on a sign: Too many colors overwhelm the basic function of communication. The colors compete with content for the viewer's attention. Limited use of the accent colors can increase legibility, while large areas of competing colors tend to confuse and disturb.

7. Place signs to indicate the location of access to a business: Signs should be placed at or near the entrance to a building or site to indicate the most direct access to the business.

8. Place signs consistent with the proportions of scale of building elements within the facade: Within a building facade, the sign may be placed in different areas. A particular sign may fit well on a plain wall area, but would overpower the finer scale and proportion of the lower storefront. A sign which is appropriate near the building entry may look tiny and out of place above the ground level.

9. Place wall signs to establish rhythm across the facade, scale and proportion where such elements are weak. In many buildings that have a monolithic or plain facade, signs can establish or continue appropriate design rhythm, scale, and proportion.

10. Avoid signs with strange shapes: Signs that are unnecessarily narrow or oddly shaped can restrict the legibility of the message. If an unusual shape is not symbolic, it is probably confusing.

11. Carefully consider the proportion of letter area to overall sign background area: If letters take up too much sign, they may be harder to read. Large letters are not necessarily more legible than smaller ones. A general rule is that letters should not appear to occupy more than 75% of the sign panel area.

12. Make signs smaller if they are oriented to pedestrians: The pedestrian-oriented sign is usually read from a distance of 15 to 20 feet; the vehicle-oriented sign is viewed from a much greater distance. The closer a sign's viewing distance, the smaller that sign need be.

B. Wall or Fascia Signs.

1. Building wall and fascia signs should be compatible with the predominant visual elements of the building. Commercial centers, offices, and other similar facilities are required to be part of a sign program in accordance with the provisions of this chapter.

2. Where there is more than one sign, all signs should be complementary to each other in the following ways:

a. Type of construction materials (cabinet, sign copy, supports, etc.)

b. Letter size and style of copy

c. Method used for supporting sign (wall or ground base)

d. Configuration of sign area

e. Shape to total sign and related components

3. The use of graphics consistent with the nature of the product to be advertised is encouraged, i.e., hammer or saw symbol for a hardware store, mortar and pestle for a drug store.

4. Direct and indirect lighting methods are allowed provided that they are not harsh or unnecessarily bright. The use of can-type box signs with translucent backlit panels are less desirable. Panels should be opaque if a can-type sign is used and only the lettering should appear to be lighted. The overspill of light should be negligible.

5. The use of backlit individually cut letter signs is strongly encouraged.

6. The use of permanent sale or come-on signs is prohibited.

7. The identification of each building or store's address in 6 inch high numbers over the main entry doorway or within 10 feet of the main entry is encouraged.

C. Monument Signs.

1. Monument signs are intended to provide street addresses, and identification for the commercial center development as a whole and for up to three major tenants.

2. All tenant signs should be limited in size to the width of the architectural features of the sign and shall be uniform in size and color.

3. A minimum of 10% of the sign area of monument signs for center developments should be devoted to identification of the center or building by address or name.

4. Monument signs should be placed perpendicular to approaching vehicular traffic.

5. Each monument sign should be located within a planted landscaped area which is of a shape and design that will provide a compatible setting and ground definition to the sign, incorporating the following ratio of landscape area to total sign area:

a. Monument: 4 square feet of landscaped area for each square foot of sign area (1 side only).

b. Directory: 2 square feet of landscaped area for each square foot of sign area. (Zoning Ord. dated 1/31/06, § 9109.12.)

17.36.130 Nonconforming signs.

A. A legally established sign which fails to conform to this chapter shall be allowed continued use, except that the sign shall not be:

1. Structurally altered so as to extend its useful life.

2. Expanded, moved, or relocated.
3. Re-established after a change in use.
4. Re-established after a business has been abandoned for 120 days or more.
5. Re-established after damage or destruction of more than 50%.

B. Sign copy and sign faces may be changed on nonconforming signs when there is no change in use of the site or when only a portion of a multiple tenant sign is being changed.

C. Any non-conforming sign shall be required to be brought into conformance or abated. (Zoning Ord. dated 1/31/06, § 9109.13.)

17.36.140 Removal of illegal and nonconforming signs.

A. The Director shall remove or cause the removal of any fixed, permanent sign constructed, placed or maintained in violation of this chapter, after 30 days following the date of mailing of registered or certified written notice to the owner of the sign, if known, at the last known address or to the owner of the property as shown on the latest assessment roll, or to the occupant of the property at the property address.

B. The notice shall describe the sign and specify the violation involved, and indicate that the sign will be removed if the violation is not corrected within 30 days. If the owner disagrees with the opinion of the Director, the owner may, within the said 30 day period request a hearing before the Planning Commission to determine the existence of a violation.

C. If salvageable in the opinion of the Director, signs removed by the Director pursuant to this chapter shall be stored for a period of 60 days, during which time they may be recovered by the owner upon payment to the City for costs of removal and storage. If not recovered prior to expiration of the 60 day period, the sign and supporting structures shall be declared abandoned and title thereto shall vest to the City, and the cost of removal shall be billed to the owner or lien placed on the property upon which said sign was erected. (Zoning Ord. dated 1/31/06, § 9109.14.)

17.36.150 Reserved.

Editor's note—Sec. 3 of Ord. No. 1447, adopted Feb. 14, 2012, repealed zoning section 9109.15 from which this section 17.36.150 derived. Former § 17.36.150 pertained to establishing compliance and was amended by Ord. 1377.

17.36.160 Inventory and abatement—Variances—Penalties.

A. Inventory And Abatement. Within 6 months from the date of adoption of this Zoning Ordinance, the City shall commence a program to inventory and identify illegal or abandoned signs within its jurisdiction. Within 60 days after this 6 month period, the City may commence abatement of identified illegal or abandoned signs. If a previously legal sign is merely nonconforming, however, the terms of Section 17.36.150 of this Zoning Ordinance titled "Establishing Compliance," shall apply.

B. Variances. Variances from these sign ordinances are strongly discouraged. However, where results inconsistent with the general purposes of this ordinance would occur from its strict literal interpretation and enforcement, the Planning Commission may grant a variance therefrom upon such terms and conditions as it deems necessary.

C. Penalties. Each violation of this ordinance or any regulation, order or ruling promulgated or made hereunder, shall be punishable by a fine of not more than \$200 per day, with each calendar day in violation, constituting a separate offense. (Zoning Ord. dated 1/31/06, § 9109.16.)

17.36.170 Murals.

Murals shall be allowed by permit reviewed by the beautification and mural council of the Banning Chamber of Commerce and permitted by the city's community development department. Applications shall be on a form devised by the community development department. A permit for a mural will be granted when the following conditions have been satisfied:

- A. Completed application;
- B. Sign permit fee paid;
- C. Approved by the beautification and mural council of the Banning Chamber of Commerce;

D. The mural shall not cause a pedestrian or vehicular safety hazard;

E. The mural shall be applied to the wall of a building; and

F. The mural shall be maintained. (Ord. No. 1382, § 3 (part).)

CITY COUNCIL

DATE: **March 25, 2014**

TO: **City Council**

FROM: **Zai Abu Bakar, Community Development Director**

SUBJECT: **GENERAL PLAN ANNUAL PROGRESS REPORT (CALENDAR YEAR 2013)**

RECOMMENDATION:

That the City Council:

1. Discuss the policy issues raised in this report and provide direction to staff with regard to whether the Council desires to amend the General Plan elements and maps to address (1) airport land use compatibility; and, (2) land use and zoning compatibility for an existing single-family residential neighborhood that is located in the area bounded by Hargrave, Barbour, Juarez, and Westward avenues; and
2. Approve the General Plan Annual Progress Report and direct staff to file it with the State Office of Planning and Research and State Department of Housing and Community Development.

PLANNING COMMISSION REVIEW AND RECOMMENDATION:

The Planning Commission reviewed the General Plan Annual Progress Report at its meeting on March 5, 2014. Ms. Heidi Meraz, a resident who lives in the neighborhood that is located in the area bounded by Hargrave, Barbour, Juarez, and Westward Avenues spoke before the Planning Commission. Ms. Meraz indicated that homes in her neighborhood were established prior to the re-zoning in 2006 (from Residential to Industrial zone). She and her neighbors are concerned that, based on Industrial zoning, the existing neighborhood will not be compatible with any industrial uses. After hearing the testimony, the Planning Commission recommended that the City Council consider fast-tracking the processing of the General Plan Amendment and re-zoning for the neighborhood that is located in the area bounded by Hargrave, Barbour, Juarez, and Westward avenues.

REQUIREMENT FOR ANNUAL PROGRESS REPORT:

Government Code §65400 mandates that cities and counties in California submit an annual progress report on the status of the General Plan and progress in its implementation, including the progress in implementing the Housing Element (Exhibit "A"), to their decision makers (city council or board of supervisors), the Governor's Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD). The report must be filed with OPR and HCD by April 1st of each year. There is a 60-day grace period provided to cities and counties from April 1st, should there be a delay in the submittal of the report.

The purpose of the General Plan annual progress report is to provide information to identify the necessary “course adjustments” or modifications to the General Plan and means to improve local implementation. This progress report will be sent to the State as soon as it is reviewed and approved by the City Council.

The State uses the information submitted by the City to identify statewide trends in the land use decision making process and how local planning and development activities relate to statewide planning goals and policies.

There is no specific format that is required for the progress report. The State Housing and Community Development (HCD), however, require that cities use the standard form that they provide to report progress on implementing the Regional Housing Needs Assessment (RHNA).

BACKGROUND:

Overview

California State law requires that each city and county adopt a comprehensive, long-term general plan to guide development in their city and land outside its boundaries that has relation to its city planning (Govt. Code §65300). The California Supreme Court has called the general plan the “constitution for future development”. The general plan expresses the community’s development goals and embodies public policy relative to the distribution of future land uses, both public and private. The purpose of the General Plan is to guide development and to improve the quality of life of the City’s residents as land development continues to occur.

Required Elements in the General Plan

State law requires that the General Plan include seven (7) mandated elements: land use, housing, traffic circulation, safety, parks and recreation, conservation, and noise. Each of these elements must have goals, policies, and objectives that would contribute to the overall quality of life for Banning residents. Non-mandated elements can be included in the General Plan. However, once the element is adopted, the goals, policies, and objectives in the non-mandated elements have equal status. For example, the land use policies are not any superior to the Open Space Element or Economic Development Element. Each of the element goals, policies, and objectives shall be internally consistent in text, maps, and diagrams in that they cannot conflict with each other.

ANALYSIS:

The City Council adopted the current General Plan on January 31, 2006. The General Plan has 21 elements. Only seven (7) elements are required by the State. It contains 254 implementation action programs.

Progress

It has been eight (8) years since the adoption of the General Plan in 2006. The City continues to take proactive steps in implementing the goals, policies and action programs of the General Plan. The City has implemented, completed and/or has an active/ongoing status of 264 action programs (88%) out of 299 action programs. Only 35 action programs (12%) have not been completed and/or initiated. In summary, the City has done a good job of implementing the General Plan. The primary reasons some of the action programs have not been completed/initiated relate to budget deficits, reduction in staff, and work program priority for each of the City departments.

The General Plan Progress Report is organized alphabetically by element (Exhibit "B"). Each section contains the adopted goals and policies including a summary table that reflects the action program, responsible agency, adopted schedule and implementation status. For easy reference, the action programs that have been completed and/or are active and ongoing are **highlighted in bold type**, while the programs that have not been completed/initiated are **highlighted in Italics**.

Amendment to the General Plan

The State law allows cities to update or amend their General Plan as needed. A comprehensive update to the General Plan usually occurs within a 10-15 year timeframe. An amendment can occur at any time; however, the number of amendments is limited to four (4) per calendar year. If two or more elements are approved at one meeting, they are considered one General Plan amendment. Because of the limited number of amendments per year, the City should be strategic in processing the amendments to ensure that it has not exhausted all of the four amendments in case some important/unique policy issues arises which requires a General Plan amendment. Once the City does four general plan amendments, the City will have to wait until the following calendar year to approve a General Plan amendment.

General Plan Amendments Processed in Calendar Year 2013

During the calendar year 2013, three (3) General Plan Amendments were processed and adopted by the City Council. The following are the elements that were amended and their brief summary.

- Land Use, Economic Development, and Circulation Elements were adopted by the City Council on March 26, 2013 under Resolution No. 2013-33 (Land Use and Economic Development Element) and Resolution No. 2013-34 (Circulation Element).

The purpose of the amendment to Land Use and Economic Development Elements was to update relevant information in order to attract and retain commercial and industrial development that would provide jobs and generate and increase sales and property taxes. The purpose of the amendment to the Circulation Element was to change the Level of Service (LOS C to D) for roadway operations to be consistent with the County of Riverside and the City of Beaumont. The purpose of the amendment to the Circulation Element was also to attract businesses by requiring consistency in infrastructure and roadway operations among the cities of Banning and Beaumont and the County of Riverside. In addition, the amendment removed the Highland Home Road interchange from the Circulation Element

due to lack of funding, as well as, physical and environmental constraints in the area where the interchange was proposed.

- Housing Element for 2008-2014 was adopted by the City Council on July 23, 2013 under Resolution No. 2013-75.

The purpose of the Housing Element amendment was to comply with the State mandate for Regional Housing Needs Assessment for the Housing Element for period of 2008-2014.

- Land Use Amendment for the 9.28 acre properties located at the northeast corner of Charles Street and Hargrave Street was adopted by the City Council on December 10, 2013 under Resolution No. 2013-107.

The purpose of the amendment was to change the land use for the 9.28 acre properties that were zoned as Industrial back to residential which was the zoning designation prior to the adoption of the 2006 General Plan. The rezoning from Industrial to Very Low Density Residential provides consistency in land uses and zoning in the area to the easterly and southerly properties which are also zoned Very Low Density Residential.

These amendments addressed the policy issues that were raised in the 2011 and 2012 General Plan Annual Progress Reports.

POLICY ISSUES:

There were three (3) policy issues raised by the community as part of the General Plan implementation in Calendar Year 2013. The following provides a brief summary of the issues raised and staff's recommendations.

1. Site selection for compliance with Regional Housing Needs Assessments for any future adoption of the Housing Element.

During the community meetings and public hearing process for the adoption of the 2008-2014 Housing Element (and also for the current Housing Element for 20013-2021), the community indicated that site selections should be carefully considered and located close to transit, services, and amenities. Two areas that were suggested that could be potentially suitable for high density/affordable housing development are the Downtown area and area along Ramsey Street. In addition, vacant lands that are located in the northwest and northeast corner of the City should also be considered for the high density/affordable housing as opposed to the area on the south side of the I-10 freeway.

Staff's Recommendations:

1. Monitor the Southern California Association of Governments (SCAG) Regional Housing Needs Assessment (RHNA) Reform Sub-Committee and State legislation related to RHNA reform.

2. Set aside a budget for the preparation of the Housing Element three (3) years in advance of the next Housing Element cycle. The due date of the next cycle is anticipated to be the first of the year in 2021. The budget is subject to approval by the City Council for the Fiscal Year in which the Housing Element process starts.
3. The City's General Plan is approximately eight (8) years old. In 2021, or 7 years from now when the Housing Element is due, the City's current General Plan will be approximately 15 years old. As indicated earlier in this report, a comprehensive amendment to the General Plan usually occurs within a 10-15 year timeframe. The City should consider budgeting in advance of the amendment. Cities that are currently undertaking their general plan amendments have budgets ranging from \$500,000.00 to over \$1 million. A portion of the cost is for the preparation of the Environmental Impact Report for compliance with the California Environmental Quality Act (CEQA).

2. Land Use Compatibility Surrounding the Airport.

The current General Plan was adopted in January 2006. The Banning Airport Land Use Master Plan was adopted on April 8, 2008 under Resolution No. 2008-08. Public Utilities Code Section 21675 requires that the general plans of cities be consistent with airport land use plans unless the cities overrule the Airport Land Use Commission and make certain findings related to the purpose of protecting public health, safety, and welfare; minimizing the public's exposure to excessive noise; and minimizing safety hazards within areas around the public airport.

At the time that the Banning Airport Land Use Plan was adopted, the City had no budget to revise the General Plan to be consistent with the Airport Land Use Plan.

There are five zones within the Banning Airport Land Use Plan (Zones A through D). Each zone has limitations in terms of occupancy, building height and general standards. In some cases the Banning Airport Land Use Plan is more restrictive than the City's General Plan. A copy of the Airport Zones and their descriptions are attached in Exhibit "C" of this report.

Property owners/developers who want to develop their land are required to have their land development plans reviewed and approved by the Riverside County Airport Land Use Commission. The review and approval process will take at a minimum two (2) months or longer depending on the complexity of the project.

Staff's Recommendation:

1. That the City Council consider amending the Banning Airport Land Use Plan to be compatible with the General Plan and direct staff to work with the Riverside County Airport Land Use Commission to revise the Banning Airport Land Use Compatibility Plan. Funding is available for this work effort.

3. Land Use and Zoning for the neighborhood that is bounded by Hargrave, Westward, Juarez, and Barbour from Industrial to Single-Family Residential.

During the public hearing process for the re-zoning of the 9.28 acre properties from Charles and Hargrave, residents who live in the neighborhood bounded by Hargrave, Westward, Juarez, and Barbour Streets (see Exhibit "D") requested re-zoning from Industrial to Residential since there are single-family homes located in the area in addition to vacant land. The purpose of the re-zone is to protect existing residential neighborhood from incompatible industrial uses. The land area in the neighborhood bounded by Hargrave, Westward, Juarez, and Barbour is approximately 20 acres.

Staff's Recommendation:

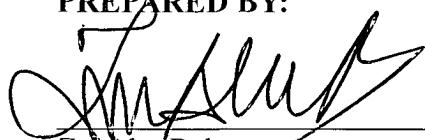
1. That the City Council provides direction to staff regarding the land use/zoning change for the neighborhood bounded by Hargrave, Westward, Juarez, and Barbour.

This project requires preparation of an environmental assessment and filing of environmental determination with the County; public hearing notices for Planning Commission and City Council; and review by the Airport Land Use Commission (ALUC) since the neighborhood is located within Zone D of the Banning Airport Land Use Compatibility Plan.

RECOMMENDED BY:


June Overholt
Interim City Manager/
Administrative Services Director

PREPARED BY:


Zak Abu Bakar
Community Development Director

Attachments:

1. City Council Resolution No. 2014-17
2. Exhibit "A" – Reporting Forms on Progress for implementing the Housing Element
3. Exhibit "B" – General Plan Annual Progress Report for Year 2013
4. Exhibit "C" – Airport Land Use Zones
5. Exhibit "D" – Neighborhood Bounded by Hargrave, Barbour, Juarez, and Westward

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Attachment 1
City Council Resolution No. 2014-17

RESOLUTION NO. 2014-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA APPROVING THE GENERAL PLAN ANNUAL REPORT FOR YEAR 2013 AND FILING WITH THE GOVERNOR'S OFFICE OF PLANNING AND RESEARCH AND STATE HOUSING AND COMMUNITY DEVELOPMENT

WHEREAS, California state law requires that each city and county adopt a general plan to guide development in their city and land outside its boundaries that has relation to its city planning (Govt. Code §65300); and

WHEREAS, the City undertook a comprehensive update to the General Plan and Zoning Ordinance which were adopted by the City Council on January 31, 2006; and

WHEREAS, California State law requires that the General Plan include seven (7) mandated elements which include land use, housing, traffic circulation, safety, parks and recreation, conservation, and noise; and

WHEREAS, the City of Banning General Plan has 21 elements (seven [7] of which are mandated by the State) and contains 299 implementation action programs; and

WHEREAS, Government Code §65400 mandates that cities and counties in California submit an annual report on the status of the General Plan and progress in its implementation to their decision makers (city council or board of supervisors), the Governor's Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD) by April 1st of each year; and

WHEREAS, the purpose of the General Plan annual report is to provide information to identify the necessary "course adjustments" or modifications to the General Plan and means to improve local implementation; and

WHEREAS, the City is also required to report progress in implementing its Housing Element and the Regional Housing Needs Assessment as part of the annual report; and

WHEREAS, the City continues to take proactive steps in implementing the goals, policies and action programs of the General Plan; and

WHEREAS, the City has implemented, completed and/or has an active/ongoing status of 264 action programs (88%) out of 299 action programs. Only 35 action programs (12%) have not been completed and/or initiated. In summary, the City has done a good job of implementing the General Plan. The primary reasons some of the action programs have not been completed/initiated relates to budget deficits, reduction in staff, and work program priority for each of the City departments; and

WHEREAS, Exhibit "A" to this report contains the reporting forms on progress for implementing the Housing Element; and

WHEREAS, Exhibit "B" to this report details the implementation action programs and status; and

WHEREAS, on March 5, 2014 the Planning Commission considered the staff report, reviewed the General Plan Annual Progress Report for Year 2013, received public testimony, and recommended approval of the report to the City Council; and

WHEREAS, the City Council has reviewed the General Plan Annual Progress Report for Year 2013 at its meeting on March 25, 2014; and

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

SECTION 1: Compliance with Government Code Section 65400.

The City Council determined that this General Plan Annual Report was prepared for compliance with Government Code Section 65400.

SECTION 2: City Council Action.

The City Council approved the General Plan Annual Progress Report for 2013 and direct staff to file the report with the State Office of Planning and Research and the State Department of Housing and Community Development.

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

Deborah Franklin, Mayor

ATTEST:

Marie Calderon, City Clerk
City of Banning, California

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

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

CERTIFICATION:

I, Marie Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2014-17 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 25th day of March 2014, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Marie Calderon, City Clerk
City of Banning, California

Attachment 2
Exhibit “A” – Reporting Forms on Progress for
implementing the Housing Element

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction	City of Banning	
Reporting Period	1/1/2011	- 12/31/2011

Table A

Annual Building Activity Report Summary - New Construction Very Low-, Low-, and Mixed-Income Multifamily Projects

* Note: These fields are voluntary

Table A2
Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant
to GC Section 65583.1(c)(1)

Please note Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583 1(c)(1)

Activity Type	Affordability by Household Incomes				(4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1
	Extremely Low-Income	Very Low-Income	Low-Income	TOTAL UNITS	
(1) Rehabilitation Activity	0	4	2	6	The City of Banning Housing Authority and Successor Agency assisted 9 residents to rehabilitate their homes and property using Agency and Authority's Exterior Rehabilitation Grant Program from the 2007 Bond Proceeds. Six of the 9 residents assisted falls into the very low and low income category and three (3) are in the medium income category. The medium income category is not requested to be reported on this form
(2) Preservation of Units At-Risk	0	0	0	0	
(3) Acquisition of Units	0	0	0	0	
(5) Total Units by Income	0	4	2	6	

* Note This field is voluntary

Table A3
Annual building Activity Report Summary for Above Moderate-Income Units
(not including those units reported on Table A)

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes		6. Total	7. Number of infill units*
No of Units Permitted for Moderate	0						0	
No. of Units Permitted for Above Moderate	0	0					0	

* Note This field is voluntary

Table B
Regional Housing Needs Allocation Progress
Permitted Units Issued by Affordability

Enter Calendar Year starting with the first year of the RHNAs allocation period See Example		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year* 7	Year 8	Year 9	Year 10	Year 11	Year 12	Total Units to Date (all years)	Total Remaining RHNAs by Income Level
Income Level		RHNAs Allocation by Income Level													
Very Low	Deed Restricted	437												0	382
	Non-deed restricted							10			45	0	0	55	
Low	Deed Restricted	618												0	557
	Non-deed restricted							29			31	0	1	61	
Moderate	Deed Restricted	705												0	661
	Non-deed restricted							40	2	1	1	0	0	44	
Above Moderate		1,645								22				22	1,623
Total RHNAs by COG Enter allocation number		3,405						79	2	23	77	0	1	182	3,223
Total Units ► ► ►															
Remaining Need for RHNAs Period ► ► ► ► ► ►															

Note units serving extremely low-income households are included in the very low-income permitted units totals

* The units reported are from 2006-2008

al/1

Table C
Program Implementation

<p>Program Description (By Housing Element Program Name)</p> <p>Housing Programs Progress Report - Government Code Section 65583. Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the Housing Element.</p>			
Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
Transitional and Supportive Housing	Zoning Ordinance amendment to allow the use	Aug 2010	The Banning City Council adopted Ordinance No. 1467 on August 13, 2013 to allow transitional and supportive housing
Housing for all income groups	Rezone sites to provide adequate capacity	June 2008-June 2014	The City Council adopted Ordinance No. 1466 on August 13, 2013 and re-zone sites to meet the City's RHNA requirements
Continue to Update General Plan as needed	Update as required to comply with State law	As required by state law	The City amended the Land Use, Circulation, Economic Development and Housing Elements during the Calendar Year of 2013.
Riverside County Housing Assistance	City publicizes programs on website and flyer	Through 2014	The City published the information on the City's website and have the flier available at the front counter
Homeless Assistance and Monitoring Program	Fund active public relations program	Through 2014	In 2013, the City of Banning participated with the County of Riverside in the Homeless count survey
Single-Room Occupancy	Encourage and facilitate development	Through 2014	On-going.
Homeownership Education Program	Provide training for future homeowners	Ongoing	Program provided in conjunction with Fair Housing Council of Riverside County.
Special Needs Housing	Create incentives and procedures	Ongoing	The City Council adopted Ordinance No. 1462 on March 12, 2013 providing reasonable accommodations for special needs housing.
Identify Funding Availability and Sources	Create a list of funding sources	Ongoing	The City actively reach out and work with developers to identify projects and funding sources for development of housing.
Assist the County in Marketing their Home Purchasing Program	Refer Potential Homeowners to the County	Ongoing	Ongoing The City publishes information on the County and State program on the City's website
Participate in the County Mortgage Credit Certificate Programs	City promote the County Program	Ongoing	Ongoing
Zoning for licensed group homes, foster homes residential care facilities, and similar state-licensed facilities	Revise the Zoning Ordinance	Through 2014	Not Implemented due to budget and staffing cuts
Farm Worker Housing	Identify number of workers and suitable sites	Through 2014	The City Council adopted Ordinance No. 1467 clarifying the definitions of farmworker housing
Employee Housing	Revise the Zoning Ordinance to allow this use	Dec 2010	The Zoning Ordinance currently permits employee housing which allows six or fewer persons.

Table C
Program Implementation

Program Description (By Housing Element Program Name)	Housing Programs Progress Report - Government Code Section 65583. Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the Housing Element.		
Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
Zoning to ensure compatibility between residential and non-residential uses	Revise the Zoning Ordinance to allow this use	Dec 2010	The Banning Zoning Ordinance currently addresses this item and is implemented an on-going basis during development review.
Riverside County Housing Authority Vouchers	Monitor vouchers availability and waiting list and promote the County program	Through 2014	Not implemented due to budget and staffing cuts. However, the City provides fliers and information about the county program on the City's website.
Reasonable Accomodations	Update Zoning Ordinance and Adopt Procedures	Ongoing and through 2014	The City Council adopted Ordinance No. 1462 on March 12, 2013 providing reasonable accommodations for people with special needs.
Rezoning to Accommodate High Density Residential	Update Zoning Ordinance and Adopt Procedures	Ongoing and through 2014	The City Council adopted Ordinance No. 1466 on August 13, 2013 and re-zone various sites to meet the City's RHNA requirements including accomodating high density residential.
HOME and CDBG programs for rehabilitation program	Pursue grants programs to rehabilitate extremely low owner/renter occupied units	Ongoing and through 2014	This program is offered by the County of Riverside and the City provides information on the City's website and at the public counter and refer residents to the County.
Riverside County Home Improvement Program	Publicize County's prgram at the counter, newsletter, and city's website	Ongoing and through 2014	On-going. The information is provided on the city's website
Community Redevelopment Agency Housing Rehabilitation Program	Expand the current program to include energy efficiency program	Ongoing and through 2014	This program ended in June 2013. The Successor Agency assisted 9 residents through a \$10,000 oo grant per homes.
Cross training of code enforcement, building inspection, and redevelopment	Training to improve communication and information flow	Ongoing and through 2014	On-going
Neighborhood Stabilization Plan	Pursue Participation in the Program	Ongoing and through 2014	This program ended.
Funding for At-Risk Units	Pursue funding through HOME and MHP program	Ongoing and through 2014	Not implemented due to budget and staffing cuts
Home Mortgage Disclosure Act and Community Reinvestment Act	Actively participate in the program	Ongoing and through 2014	Not implemented due to budget and staffing cuts.
Zoning Ordinance Update	Review and update the Ordinance to reduce housing construction costs	Every two years	On-going.

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Table C
Program Implementation

Program Description (By Housing Element Program Name) <p>Housing Programs Progress Report - Government Code Section 65583. Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the Housing Element.</p>			
Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
Development Fees	Survey surrounding cities to ensure rates are reasonable and competitive	Ongoing and through 2014	On-going.
Concurrent entitlement processing	Encourage developers to take advantage of concurrent entitlement processing and participate in the pre-application meeting	Ongoing and through 2014	This policy is adopted into the Zoning Code and is being implemented
Permit Streamlining and one-stop-shop	Adopt procedures	Ongoing	Procedures adopted in the Zoning Code and is being implemented. One-stop shop is not implemented, however, there is a development review team that serves as a one-stop-shop.
Reduce parking standards for low income housing	Prepare the zoning code amendment	December 2009	The City council adopted Ordinance No. 1467 to provide reduced parking for affordable housing consistent with State law
Design Review Process	Ensure that the Design Review Process does not constraint multi-family residential development of 5 or more units and develop alternative procedures if it does	Through 2014 and beyond	On-going. However, there was no application for multi-family housing development in 2013.
Energy Conservation	Augment the current design guidelines to encourage energy conservation	December 2010	Addressed through landscape design guidelines, building code, mechanical and plumbing codes.
Residential building standards	Examine the residential building standards and update as appropriate	Annually through 2014	This is done through the State Building code standards which was adopted by the City
Expanded Energy Conservation Through the Housing Rehabilitation Program	Expand the current program to include energy efficiency program	Draft to be completed in Dec 2009 and continuous through 2014	This City partners with Western Riverside Council of Governments (WRCOG) on their HERO program regarding the conservation programs

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Table C
Program Implementation

Program Description (By Housing Element Program Name)	Housing Programs Progress Report - Government Code Section 65583. Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the Housing Element.		
Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
Title 24 Compliance	Residential development must comply with Title 24	Ongoing and through 2014	On-going implementation
Sustainable Development Standard	Established Ordinance to create standards for sustainable development	Ongoing and through 2014	Implemented through the California Green Building Code
Inventory of Vacant Land	Create an inventory and update it annually Post approved project information on the website	Ongoing and through 2014	Completed The annual update is a challenge due to staffing and budget cuts
CalFHA Housing Program	The CRA to provide direct mailing to all residents advertising CalFHA Progra,	Ongoing and through 2014	Not implemented due to lack of staffing and budget cuts However informaiton on CalFHA funding is published on the City's website
Partner with non-profit and for-profit housing developers and pursue available funding	Pursue other funding sources for affordable housing and provide incentive	Ongoing and through 2014	The Citycurrently partnered with Habitat for Humanity to renovate foreclosed homes for very low income residents for a portion of the calendar year; however due to the elimination of the CRA, funding is no longer available to continue the program
Rezoning of the Downtown Commercial District	Rezone to allow development of higher density between 16-30 units per acre and allow mixed-use development	July 2010	The City Council adopted Ordinance No. 1466 increasing residential density from 18 to 20 on three parcels.
Provide incentives for development in the newly rezoned Downtown Commercial District	The City and CRA to offer incentives	Ongoing and through 2014 and thereafter	CRA is dissolved and there is currently no funds available for the programs.
City and CRA Funding for multi-family projects	Established partnerships with developers of multi-family housing projects who have proven track record and City and Agency to consider funding.	By December 2010	The CRA has been eliminated by the State This implementation action is not feasible. Staff continues to explore opportunities with the affordable housing builders
State and Federal Funding	Pursue various state and federal funding	Ongoing and through 2014	Ongoing.

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Table C
Program Implementation

Program Description (By Housing Element Program Name)	Housing Programs Progress Report - Government Code Section 65583. Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the Housing Element.		
Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
Density Bonus	Revise Zoning Ordinance to incorporate density bonus	FY 2009-10	The City Council adopted Ordinance No. 1461 establishing density bonus consistent with State law for affordable residential units.
Annual review of Housing Element	Review element annually and report to the State HCS	by April 1st each year	On-going as part of the annual report on progress of implementing the General Plan
Eliminate Encroachment and Incompatible Use	Use the General Plan and Zoning to eliminate incompatible uses	Ongoing and through 2014	Ongoing.
Land inventory for single-family and multiple-family development and zone change	Monitor and initiate zone change to accommodate affordable housing	Quarterly basis	The City Council adopted Ordinance No. 1466 to provide adequate sites consistent with RHNA allocation.
Second Unit	Adopt a second unit ordinance to comply with Government Code 65852.2	by July 2010	The City Council adopted Ordinance No. 1414 to permit second unit in compliance with State law.
Second Unit Building Plan Standards	Adopt standard plan for second unit to reduce costs or no costs	Ongoing and through 2014 and thereafter	Not implemented due to budget and staffing cuts.
AB 2292 - Cannot Lower Density Unless Trade-off	Implement the law	July 2009	On-going
Homeless Shelter	Zoning Code amendment to permit homeless shelter by right	July 2010	The City Council adopted Ordinance No. 1467 allowing homeless shelter in the Airport Industrial zone
Fair Housing Laws	Conduct annual meetings with residents who receive housing assistance to ensure their understanding of the law and reaffirm their commitment	Ongoing and through 2014	Implemented through the Fair Housing Council of Riverside County.
Fair Housing Information	Develop fliers and distribute the information through various means including outreach events, school fairs, health fairs, and City-sponsored events	Ongoing and through 2014 and annually thereafter	On-going and is provided at the Community Development Counter and the website.

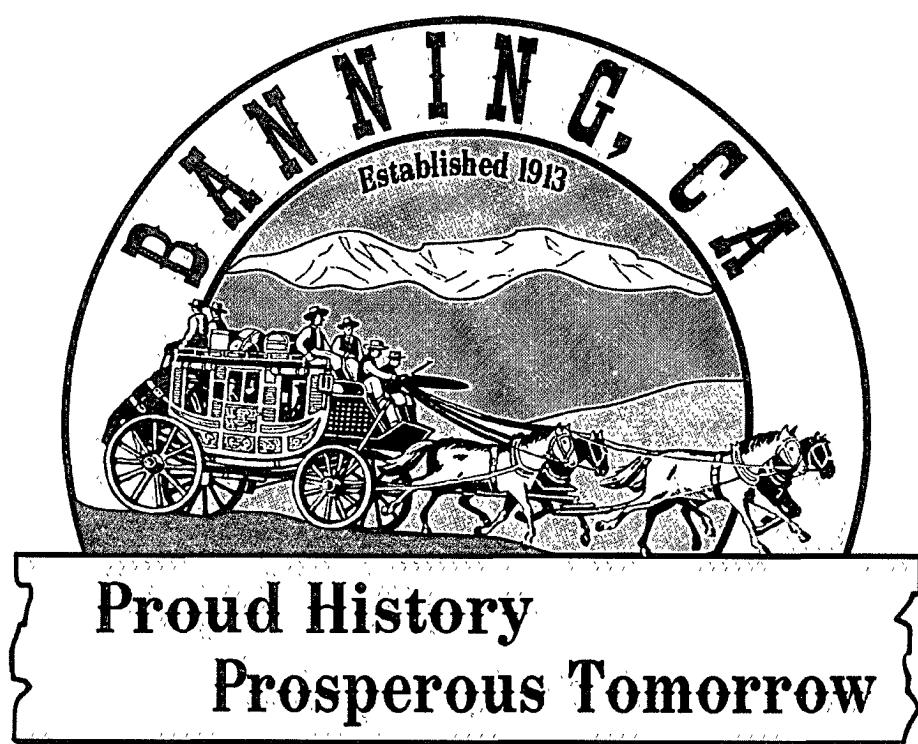
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Table C
Program Implementation

Program Description (By Housing Element Program Name)	Housing Programs Progress Report - Government Code Section 65583. Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the Housing Element.		
Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
Housing Complaints Resolution	Work with State Fair Employment & Housing Commission to resolve complaints on housing discrimination	Ongoing and through 2014	Ongoing and provide referral to Fair Housing Council of Riverside County, Inc. As the Fair Housing Council provides dispute resolution for housing complaints

Attachment 3
Exhibit “B” – General Plan Annual Progress Report
for Year 2013

General Plan
Annual Progress Report
For Year 2013



City of Banning
99 E. Ramsey Street
Banning, CA 92220
(951) 922-3100

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Introduction

The following discussion will provide a summary of the progress in achieving the Goals, Policies and Implementation Programs for each of the 21 General Plan elements. Each General Plan Element contains implementation programs that identify each department(s) responsible for implementation of the programs and outlines the timing/schedule to complete the programs. The elements have been alphabetized for easier reference. The programs that have been completed and/or active and ongoing are **highlighted in bold** and the programs that have not been completed are *highlighted in italics*.

Air Quality Element (11 programs)

GOAL 1

To preserve and enhance local and regional air quality for the protection of the health and welfare of the community.

Policy 1

The City shall be proactive in regulating local pollutant emitters and shall cooperate with the Southern California Association of Governments and the South Coast Air Quality Management District to assure compliance with air quality standards.

Policy 2

The City shall continue to coordinate and cooperate with local, regional and federal efforts to monitor, manage and reduce the levels of major pollutants affecting the City and region, with particular emphasis on PM₁₀ and ozone emissions, as well as other emissions associated with diesel-fueled equipment and motor vehicles.

Program 2.A

On an ongoing basis, the City shall continue to participate in efforts to monitor and control PM₁₀ emissions from construction and other sources, and all other air pollutants of regional concern. The City shall coordinate with SCAQMD to provide all reporting data for the SCAQMD annual report.

Responsible Agency: Building and Public Works Departments, Planning Department, SCAQMD

Schedule: Continuous; Ongoing

Implementation Status – Ongoing through land development review process and environmental documentation that is required and standard conditions for Public Works. The City consulted with the SCAQMD with regard to air quality impacts from land development projects. The City Public Works inspector also monitors grading activities and enforces dust control.

Policy 3

City land use planning efforts shall assure that sensitive receptors are separated from polluting point sources.

Program 3.A

The General Plan Land Use Map and Element shall be developed and maintained to locate air pollution point sources, such as manufacturing operations and highways, at an appropriate distance from sensitive receptors, including hospitals, schools, hotels/motels and residential neighborhoods.

Responsible Agency: Planning Department, SCAQMD

Schedule: 2005-2006

Implementation Status – This is implemented through the Zoning Ordinance where zoning districts are established to ensure that conflict between land uses - residential, commercial, industrial, and public facilities are minimized. As part of land development review process, City staff consults with the SCAQMD through the environmental review process as required by the California Environmental Quality Act (CEQA) to ensure that land development projects do not have the potential to impact sensitive receptors.

Policy 4

Development proposals brought before the City shall be reviewed for their potential to adversely impact local and regional air quality and shall be required to mitigate any significant impacts.

Program 4.A

Projects that may generate significant levels of air pollution shall be required to conduct detailed impact analyses and incorporate mitigation measures into their designs using the most advanced technological methods feasible. All proposed mitigation measures shall be reviewed and approved by the City prior to the issuance of grading or demolition permits.
Responsible Agency: Planning Department
Schedule: Ongoing
Implementation Status - Implemented through the California Environmental Quality Act (CEQA) and land development review process. Environmental documents are prepared for each of the land development projects that are not exempt under CEQA and mitigation measures are made apart of the Conditions of Approval. Additionally, mitigation measures are implemented and monitored during construction of the project.
Program 4.B
Provide consistent and effective code enforcement of construction and grading activities and off-road vehicle use to assure that the impacts of blowing sand and fugitive dust emissions are minimized.
Responsible Agency: Building Department, Code Compliance, SCAQMD
Schedule: Ongoing
Implementation Status – Ongoing through standard approval process and also monitoring during construction.
Program 4.C
The City shall encourage immediately, and investigate legislating the reduction of TDM requirements to a level of 50 employees or more.
Responsible Agency: Public Works Department/Planning Dept
Schedule: 2005-2006 Pending
Implementation Status - Not Implemented due to budget cuts and staff reduction.

Policy 5

The City shall promote the use of clean and/or renewable alternative energy sources for transportation, heating and cooling.

Program 5.A
Vehicles that use alternative fuel sources, such as compressed natural gas and electricity, shall be purchased and maintained for use in the City's vehicle fleet when new vehicles are purchased.
Responsible Agency: City Manager's Office
Schedule: 2005-2006
Implementation Status – New city vehicles that are purchased use compressed natural gas and the implementation is ongoing.
Program 5.B
The City's Compressed Natural Gas fueling station shall continue to be open to public use.
Responsible Agency: Public Works Department
Schedule: Ongoing
Implementation Status - Active and Ongoing. The CNG Fuel Station is currently open to the public 24 hours a day.

Policy 6

The City shall support the development of facilities and projects that facilitate and enhance the use of alternative modes of transportation, including pedestrian-oriented retail and activity centers, dedicated bicycle paths and lanes, and community-wide multi-use trails.

Program 6.A
The City shall pursue a balance of employment and housing opportunities that encourage pedestrian and other non-motorized transportation and minimize vehicle miles traveled.
Responsible Agency: Economic Development Department, Redevelopment Agency, Planning Department
Schedule: Ongoing
Implementation Status – Ongoing as new development is proposed. The Butterfield Specific Plan (Pardee) will incorporate commercial development with active walking/jogging trails, bike paths, and neighborhood electric vehicles. The Village at Paseo San Gorgonio is a Downtown redevelopment project that encourages people to walk and enjoy the outdoor environment.
Program 6.B
The City shall promote the expanded availability of mass transit services, coordinating with all agencies to link residential and commercial business and employment centers with the City's residential neighborhoods and nearby communities.
Responsible Agency: Community Services Department, Economic Development Department, Redevelopment Agency, Planning Department
Schedule: Ongoing
Implementation Status – The City coordinates with other regional transit agencies such as the Riverside Transit Agency and attends regional transit meetings. Expansion will occur when population increases demand for expanded service. The City Manager is pursuing opportunities for a regional rail/transit station.
Program 6.C
The City shall promote and support the development of ridesharing, carpooling, flexible work scheduling, telecommuting and Park and Ride programs among public and private employers.
Responsible Agency: Planning Department, Public Works Department, Community Services Department, Transit Agencies, Major Employers
Schedule: Ongoing
Implementation Status - Ongoing as the City currently has a four day work week (4/10 work schedule). This program is codified in Chapter 8.60 of the Municipal Code.
Program 6.D
The City shall require shade trees with non-damaging root systems to be planted in all medians on all streets, to cool the asphalt and reduce the Reactive Organic Compounds (ROC) and Volatile Organic Compounds (VOC) generated by asphalt streets and parking lots. A list of permitted trees with non-damaging root systems shall be developed.
Responsible Agency: Planning Department, Public Works Department
Schedule: Ongoing
Implementation Status - Ordinance in place, active and ongoing. Public Works reviews street tree plans for acceptable species; Planning requires one tree for every seven (7) parking spaces in the parking lot.

Archaeological and Cultural Resources Element (12 programs)

GOAL 1

Documentation, maintenance, preservation, conservation and enhancement of archaeological and historic sites, artifacts, traditions and other elements of the City's cultural heritage.

Policy 1

The City shall exercise its responsibility to identify, document and evaluate archaeological, historical and cultural resources that may be affected by proposed development projects and other activities.

Program 1.A

All new development proposals, except single family dwelling on existing lots of record, shall submit a records search for historic and cultural resources as part of the planning process.

Responsible Agency: Planning Department

Schedule: 2005-2006, Ongoing

Implementation Status – Ongoing and is implemented through the California Environmental Quality Act (CEQA) process during land development review.

Program 1.B

Development or land use proposals which have the potential to disturb or destroy sensitive cultural resources shall be evaluated by a qualified professional and, if necessary, comprehensive Phase I studies and appropriate mitigation measures shall be incorporated into project approvals.

Responsible Agency: Planning Department

Schedule: Ongoing

Implementation Status – Standard conditions for grading.

Program 1.C

The City shall implement the requirements of state law relating to cultural resources, including Government Code 65352.3, and any subsequent amendments or additions.

Responsible Agency: Planning Department

Schedule: Ongoing

Implementation Status –City consults with tribal representatives on all land development projects.

Policy 2

The City shall expand and enhance its historic preservation efforts.

Program 2.A

Prepare a historic preservation plan, which outlines the goals and objectives of the City's preservation programs and serves as an official historic context statement for the evaluation of cultural resources within the City boundaries.

Responsible Agency: Planning Department

Schedule: 2006-2007

Implementation Status – Not implemented due to lack of funding and staffing.

Program 2.B

The City shall consider participating in the Certified Local Government program so that it may benefit from historic preservation expertise, technical assistance, special grants, information exchange, and statewide

<p>preservation programs coordinated by the State Office of Historic Preservation. The evaluation of participation in the program shall be part of the historic preservation plan.</p> <p>Responsible Agency: Planning Department, Historical Society, City Council</p> <p>Schedule: 2006-2007</p> <p>Implementation Status – <i>Not implemented due to lack of funding and staffing.</i></p>
Program 2.C
Encourage property owners and residents to nominate qualified properties to the City's inventory system and/or any federal and state registers.
Responsible Agency: Planning Department, Morongo Band of Cahuilla Indians
Schedule: Ongoing
Implementation Status – <i>Not implemented due to lack of funding and staffing.</i>
Program 2.D
Should the Saint Boniface School site be proposed for development, extensive analysis of the site shall be conducted, and mitigation proposed, to document its historic significance.
Responsible Agency: Planning Department
Schedule: 2005-2006, Ongoing
Implementation Status – <i>Tract map approved but a project is not yet developed.</i>

Policy 3

Establish and maintain a confidential inventory of archaeological and historical resources within the City, including those identified by the Eastern Information Center (EIC) at the University of California, Riverside and in focused cultural resources studies.

Policy 4

Sensitive archaeological and historic resources shall be protected from vandalism and illegal collection, to the greatest extent possible.

Program 4.A
Mapping and similar information, which identifies specific locations of sensitive cultural resources, shall be maintained in a confidential manner, and access to such information shall be provided only to those with appropriate professional or organizational ties.
Responsible Agency: Planning Department
Schedule: Immediate; continuous
Implementation Status – Records of sensitive Cultural Resources are maintained by curator at the University of California Riverside.

Policy 5

Encourage public participation in and appreciation of the City's cultural heritage.

Program 5.A
Implement a systematic program to enhance public awareness of the City's heritage, generate broad support for its preservation, and enhance community pride.
Responsible Agency: Planning Department, Historical Society, City Council, Morongo Band of Mission Indians
Schedule: 2005-2006, Ongoing
Implementation Status – The Centennial Celebration Committee held various guest speakers on the history of Banning throughout 2013 which enhance public awareness of the city's heritage.

Program 5.B
Support the efforts of local cultural associations to acquire historical materials and artifacts, and to educate the public about the City's and region's cultural heritage.
Responsible Agency: Planning Department, Historical Society, Morongo Band of Mission Indians
Schedule: 2005-2006, Ongoing
Implementation Status – <i>Not implemented due to lack of funding and staffing.</i>

Policy 6

Support the listing of eligible structures or sites as potential historic landmarks and their inclusion in the National Register of Historic Places.

Program 6.A
Develop procedures for the designation of local landmarks and historic districts.
Responsible Agency: Planning Department, Historical Society, Morongo Band of Mission Indians
Schedule: 2005-2006
Implementation Status – <i>Not implemented due to lack of funding and staffing.</i>

Policy 7

The City shall consider offering economic or other incentives, such as direct subsidies or application/permitting fee reductions or waivers, to property owners to encourage the maintenance and enhancement of significant cultural buildings and sites.

Program 7.A
Develop an application process for City-sponsored incentives to maintain and enhance significant buildings and sites, and provide property owners with information and guidance on eligibility requirements.
Responsible Agency: Planning Department
Schedule: 2006-2007
Implementation Status – <i>Not implemented due to lack of funding and staffing.</i>

Biological Resources Element (7 programs)

GOAL 1

A pattern of community development that supports a functional, productive, harmonious and balanced relationship between the built and natural environment.

Policy 1

The City shall continue to participate in the preservation of habitat for endangered, threatened and sensitive species.

Program 1.A

Through the Western Riverside MSHCP, maintain an accurate and regularly updated map of sensitive plant and animal species and habitat in Banning and its planning area.

Responsible Agency: Planning Department

Schedule: 2005-2006, Ongoing

Implementation Status – Implemented as required by the Multi-Species Habitat Conservation Plan (MHSCP).

Program 1.B

The City shall participate in the Western Riverside County Multiple Species Habitat Conservation Plan.

Responsible Agency: Planning Department, Riverside County

Schedule: Ongoing

Implementation Status – Implemented as required by the MSHCP.

Program 1.C

City staff shall continue to request biological resource surveys for new development.

Responsible Agency: Planning Department, Riverside County

Schedule: Continuous

Implementation Status – Implemented as required by the MHSCP and through the CEQA review process.

Policy 2

As part of the development review process, the City shall evaluate projects based on their impact on existing habitat and wildlife, and for the land's value as viable open space.

Program 2.A

The City shall encourage developers to recover native and drought tolerant plant materials, and incorporate them into project landscaping, to provide or enhance habitat for local species.

Responsible Agency: Planning Department

Schedule: Ongoing

Implementation Status – Ongoing part of land development review process.

Program 2.B

The City shall make available at City Hall a listing of planting materials that emphasizes native vegetation, but may also include non-native, plants that are compatible with the local environment.

Responsible Agency: Planning Department

Schedule: 2005-2006, Ongoing

Implementation Status – The City's Landscape Guidelines contain the list and are available to the public.

Policy 3

The City shall encourage and cooperate with other agencies in establishing multiple use corridors that take advantage of drainage channels and utility easements as wildlife corridors, public access and links between open space areas and the built environment.

Program 3.A

The City shall consult and coordinate with the Riverside County Flood Control District to encourage the establishment of a system of multiple use corridors for movement of people and wildlife between open space areas.

Responsible Agency: Planning Department, Riverside County Flood Control District

Schedule: 2005-2006, Ongoing

Implementation Status – Future trail plans that are proposed to be constructed adjacent to flood control facilities will be coordinated with the Riverside County Flood Control District.

Policy 4

Drainage channels, utility corridors and pipeline easements shall be preserved in natural open space to the greatest extent possible.

Policy 5

The City shall promote the protection of biodiversity and encourage an appreciation of the natural environment and biological resources.

Program 5.A

The City shall coordinate with the Banning and Beaumont Unified School Districts, the County and other agencies as identified, to provide educational programs that offer an understanding of the region's natural environment and make the public aware of biological resource issues.

Responsible Agency: Planning Department, Banning and Beaumont Unified School Districts, Riverside County, and others as identified

Schedule: 2005-2006, Ongoing

Implementation Status – Not implemented due to lack of funding and staffing.

Circulation Element (38 programs)

GOAL 1

A safe and efficient transportation system.

Policy 1

The City's Recommended General Plan Street System shall be strictly implemented.

Program 1.A

Street rights of way shall be 134 feet for Urban Arterial Highways, 110 feet for Arterial Highways, 100 feet for Major Highways, 88 feet for Secondary Highways, 78 feet for Divided Collectors, 66 feet for Collectors, and 60 feet for Local Streets. Local street standards can be amended as described in Policy 2.

Responsible Agency: Community Development Department, Public Works Department, Planning Commission, City Council

Schedule: Ongoing

Implementation Status – Implemented through development process.

Program 1.B

The City's Public Works roadway standards shall be amended to match the standards contained in this General Plan.

Responsible Agency: Public Works Department

Schedule: Ongoing

Implementation Status – The roadway standard plans were completed and approved by City Council on December 11, 2012.

Program 1.C

Minimum lane width for all City streets shall be designed at 12 feet.

Responsible Agency: Planning Department, Public Works Department, Planning Commission, City Council

Schedule: Ongoing

Implementation Status – Ongoing standard requirement for all development projects.

Policy 2

Local streets shall be scaled to encourage neighborhood interaction, pedestrian safety and reduced speeds.

Program 2.A

The design of new local streets can vary from the City's standard of 60 foot right-of-way, 40 foot paved width, under the following conditions:

1. The minimum travel lane width shall be 12 feet.
2. Parking shall be provided on at least one side of any public street. Parking lanes shall be a minimum of 8 feet in width.
3. Parking may be eliminated on private streets, if provisions are made in Conditions, Covenants and Restrictions (CC&R's) for enforcement by the Homeowners' Association.
4. Landscaped traffic circles, chokers, and center islands are encouraged, but must meet the requirements of the Fire Department.
5. The minimum parkway width shall be 10 feet.
6. Linear sidewalks are discouraged. Meandering sidewalks, which provide landscaping and street trees adjacent to the curb, shall be included in local street design.

The design of local streets varying from the City's standard, shall be included in the Tentative Tract Map application, and shall be reviewed by the Planning Commission and approved by the City Council.

Responsible Agency: Community Development Department, Public Works Department, Planning Commission, City Council

Schedule: Ongoing

Implementation Status – Ongoing review as part of development process.

Program 2.B

Existing local streets will be inventoried, and a master plan of potential improvements designed to improve their aesthetic and safety, including landscaped medians, sidewalks and traffic calming devices, shall be developed, cost engineered, and implemented.

Responsible Agencies: Public Works Department, Planning Commission, City Council

Schedule: Ongoing

Implementation Status – Ongoing, Capital Improvement Program (CIP) adopted and being implemented as funding is available. In 2013 the City had all the City street inventoried and inspected for specific conditions which resulted in a condition rating for each street which will be utilized to efficiently maintain the City's street network.

Policy 3

The City shall establish and maintain a 5-Year Capital Improvement Program for streets.

Program 3.A

The Public Works Department shall establish a Capital Improvement Program for 5 years, and update it annually.

Responsible Agency: Public Works Department

Schedule: Ongoing

Implementation Status – The 5 Year Capital Improvement Program is updated and approved annually.

Policy 4

Proactively participate in regional transportation planning.

Program 4.A

Maintain active relationships with the City of Beaumont, the County of Riverside, the Western Riverside County Council of Governments, the California Department of Transportation and the Morongo Band of Mission Indians to share information and promote comprehensive transportation planning in the region.

Responsible Agency: Public Works Department, City Manager's Office, City Council, City of Beaumont, County of Riverside, WRCOG, CalTrans, Tribe

Schedule: Ongoing
Implementation Status – Ongoing.
Program 4.B
Aggressively pursue Banning projects in the Transportation Uniform Mitigation Fee (TUMF) program, particularly the addition of projects to the TUMF project list, including grade separated road crossings.
Responsible Agency: Public Works Department
Schedule: Ongoing
Implementation Status – Ongoing, Funds secured for Sunset Grade Separation Project. Construction to commence in 2013.
Program 4.C
Aggressively pursue the design and development of interchanges at Cottonwood Road (North - South), including all sources of funding, and the coordination of I-10 widening with their installation.
Responsible Agency: Public Works Department, City Manager's Office, City Council, CalTrans, Railroad
Schedule: Ongoing
Implementation Status – Discussions have commenced in regards to Cottonwood; however not much progress has occurred.

Policy 5

Consider amendments to the Highland Home/Highland Springs/18th Street/Brookside street configurations based on public safety, design feasibility and area needs.

Policy 6

The City shall maintain peak hour Level of Service C or better on all local intersections, except those on Ramsey Street and at I-10 interchanges, where Level of Service D or better shall be maintained.

Program 6.A
Periodically review current traffic volumes and the actual pattern of development to coordinate, program and, as necessary, revise road improvements.
Responsible Agency: Public Works Department
Schedule: Ongoing
Implementation Status - Ongoing & Active. In 2013 a General Plan Amendment was approved by City Council which changed the citywide policy for Level of Service (LOS) from C to D.

Policy 7

New development proposals shall pay their fair share for the improvement of streets within and surrounding their projects on which they have an impact, including roadways, bridges, grade separations and traffic signals.

Policy 8

Traffic calming devices shall be integrated into all City streets to the greatest extent possible and all new streets shall be designed to achieve desired speeds.

Policy 9

Street trees within the City right of way shall be preserved, unless a danger to the public health and safety or if the tree is diseased.

Program 9.A
Sidewalks in areas with street trees shall be designed to "wrap around" the tree if they are added to an

existing neighborhood.

Responsible Agency: Public Works Department

Schedule: Ongoing

Implementation Status – Ongoing.

Policy 10

Sidewalks shall be provided on all roadways 66 feet wide or wider. In Rural Residential land use designation pathways shall be provided.

Program 10.A

The Public Works Department shall prepare an inventory of discontinuous sidewalks on all qualifying roadways, and fund individual projects through the Capital Improvement Program annually.

Responsible Agency: Public Works Department, City Council

Schedule: Ongoing

Implementation Status – In progress and is implemented annually through CIP. New inventory of sidewalks and curb and gutters were made a part of the project mentioned in section 2.B.

Program 10.B

All new development proposals located adjacent to qualifying roadways shall be required to install curb, gutter and sidewalk concurrent with construction.

Responsible Agency: Public Works Department, Planning Department

Schedule: Ongoing

Implementation Status – Ongoing through land development review.

Program 10.C

The City shall develop procedures to address neighborhood sidewalk needs as they are requested by that neighborhood.

Responsible Agency: Public Works Department

Schedule: Ongoing

Implementation Status – Ongoing as needed.

Program 10.D

Work with the School District to develop safe routes to school.

Responsible Agency: Public Works Department

Schedule: Ongoing

Implementation Status - Ongoing.

Policy 11

Sidewalks or other pedestrian walkways shall be required on all streets within all new subdivisions.

Policy 12

In the absence of a vehicular grade separation, the City shall aggressively pursue a grade separated pedestrian access across San Gorgonio, to assure that high school students do not have to cross the railroad tracks on their way to and from school.

Policy 13

Pedestrian access in the Downtown Commercial designation shall be preserved and enhanced.

Program 13.A

All development and redevelopment proposals for the Downtown area shall include enhanced sidewalk, pedestrian walkway, lighting and landscaping designs and assure connections to existing and planned sidewalks.

Responsible Agency: Public Works Department, Planning Department

Schedule: As development proposals are presented

Implementation Status – New development is being reviewed on a case-by-case basis to include enhanced sidewalks, walkways, lighting, and landscaping designs and to ensure that there are connections between existing and new development.

Policy 14

The City shall aggressively pursue the construction of all weather crossings over General Plan roadways.

Program 14.A

The Public Works Department shall prioritize the need for bridges listed in this Element, develop preliminary cost estimates, identify and pursue sources of funding, including developer funding, for each facility.

Responsible Agency: Public Works Department, City Council

Schedule: Ongoing

Implementation Status – Ongoing Capital Improvement Project (CIP) and through private development funding. Sunset Avenue grade separation is currently a priority project.

Program 14.B

All new development proposals shall pay their fair share of bridge construction needed to serve their project.

Responsible Agency: Public Works Department, Planning Department

Schedule: Ongoing

Implementation Status - Implemented through the land development review process.

Policy 15

The City shall develop a Golf Cart Plan compliant with state requirements.

Program 15.A

The City shall develop a golf cart plan and associated ordinances and other required implementation programs.

Responsible Agency: Public Works Department, City Council

Schedule: As budget allows

Implementation Status – A citywide golf cart plan is not implemented due to lack of funding. However, future golf courses that are to be developed as part of development will require a golf cart plan that connects homes to commercial development within the project or beyond based on future opportunities.

Policy 16

Golf cart paths and facilities shall be funded, to the greatest extent possible, by new development.

Program 16.A

The routing and facilities required in the Golf Cart Plan shall be incorporated into the Development Impact Fee when the Plan is adopted.

Responsible Agency: Public Works Department

Schedule: As opportunity arises

Implementation Status – Not implemented since there is no Citywide golf cart plan.

Program 16.B
Golf cart facilities shall be incorporated into new project plans located on golf cart routes.
Responsible Agency: Planning Department, Public Works Department, Planning Commission, City Council
Schedule: Ongoing

Implementation Status - Implemented case-by-case based on future development. The proposed Butterfield Specific Plan (Pardee Homes) includes golf cart routes connecting homes to the commercial area in the development.

Policy 17

Encourage the expansion of an integrated Pass transit system.

Program 17.A
The City will explore the potential for either bus or rail connection to the Metrolink transit system.
Responsible Agency: City Manager's Office, Community Services Department
Schedule: Ongoing

Implementation Status - Ongoing and is actively pursued at the Riverside County Transportation Commission level.

Policy 18

The City shall review its transit service to major regional attractions, and intra-City recreational locations in future planning efforts, based on need.

Policy 19

Bus pullouts shall be designed into all new projects on arterial roadways, to allow buses to leave the flow of traffic and reduce congestion.

Program 19.A
Bus pullouts will be retrofitted on built-out streets, wherever possible.
Responsible Agency: Public Works Department, City Council
Schedule: Ongoing

Implementation Status - Ongoing.

Policy 20

Promote the location of a passenger rail station for long distance and commuter rail service.

Policy 21

Update the Airport Master Plan every five years to meet the needs of the general aviation, business and tourism segments of the community.

Program 21.A
Land use designation decisions within the area of influence of the airport shall be specifically reviewed to assure compatibility.
Responsible Agency: Planning Commission, City Council
Schedule: Ongoing

Implementation Status – Ongoing through land development review process.

Program 21.B
Work with the Chamber of Commerce, the Morongo Band of Mission Indians, and other interested parties

to provide services which meet the needs of passenger and freight transport.
Responsible Agency: Airport Management, Economic Development staff, Chamber of Commerce, Morongo Band of Mission Indians, City Council
Schedule: Ongoing
Implementation Status – Ongoing, implemented through the Airport Committee.

Policy 22

Maintain an accurate mapping of all utility corridors.

Program 22.A
The Building Department shall inventory and map transmission utility easements on the Land Use Map (including electric, fiber optics, natural gas and petroleum).
Responsible Agency: Building Department, Planning Department
Schedule: As budget allows
Implementation Status – The State of California requires these maps to be maintained through the Service Alert System. There has been no comprehensive inventory conducted by the City. The Electric Utility Department maintains its own inventory of electric utility lines.

Policy 23

The City shall purchase and/or replace its fleet of vehicles with alternate fuel vehicles when available to the greatest extent possible, and shall encourage other agencies to do the same.

Policy 24

Public alleys throughout the City shall be maintained to be useful and safe at all times.

Program 24.A
The City shall create a downtown alley master plan and where appropriate pave, light and otherwise improve alleys.
Responsible Agency: Public Works Department
Schedule: Ongoing
Implementation Status – Ongoing
Program 24.B
The Public Works Department shall inventory all public alleys, determine which are necessary, and vacate those that are not.
Responsible Agency: Public Works Department, City Council
Schedule: As budget allows
Implementation Status – Ongoing and active

Policy 25

The City shall develop and implement plans for a coordinated and connected bicycle lane network in the community that allows for safe use of bicycles on City streets.

Program 25.A
The City shall inventory all streets for potential Class I, Class II and Class III bikeways, and shall program their installation in its Capital Improvement Program.
Responsible Agency: Planning Department; Engineering Division; Public Works Department; Planning Commission; City Council
Schedule: As budget allows

Implementation Status – Not yet completed.
Program 25.B
Class I bikeways and sidewalks should be installed on both sides of Wilson Street, Ramsey Street, and Lincoln Street, and other major streets where sufficient right-of-way is available.
Responsible Agency: Engineering Division; Public Works Department
Schedule: Ongoing
Implementation Status – Not yet completed.
Program 25.C
Class II bikeways and sidewalks should be designated on all existing arterial streets that have sufficient width to safely accommodate bicycle travel lanes.
Responsible Agency: Planning Department; Engineering Division; Public Works Department
Schedule: As budget allows
Implementation Status – Not yet completed.
Program 25.D
The City should designate Class III bikeways only where Class I and Class II facilities are not feasible.
Responsible Agency: Planning Department; Public Works Department
Schedule: As budget allows
Implementation Status – Not yet completed.

Policy 26

The City should continue to work with the Morongo Band of Mission Indians and neighboring cities and communities to create a regional bicycle and trail network.

Policy 27

The City shall provide for a comprehensive, interconnected recreational trails system suitable for bicycles, equestrians and/or pedestrians.

Program 27.A
Evaluate the practicality of utilizing flood control channels for multi-use trails, where flooding and safety issues can be accommodated, and negotiate inter-agency agreements for this purpose.
Responsible Agency: Planning Department
Schedule: As opportunity arise
Implementation Status – Ongoing through land development review process.
Program 27.B
Evaluate the practicality of developing a multi-use trails system along the Banning Bench adjacent to and extending into San Bernardino National Forest lands, where environmental and safety issues can be accommodated, and negotiate inter-agency agreements with the U.S. Forest Service for this purpose.
Responsible Agency: Planning Department, U.S. Forest Service/San Bernardino National Forest
Schedule: As opportunity arise
Implementation Status – Not yet completed.
Program 27.C
Establish a multi-purpose trail between Dysart Park and Smith Creek Park, suitable for equestrian, bicycle and pedestrian use.
Responsible Agency: Community Services Department; Public Works Department; Parks and Recreation

Advisory Committee
Schedule: Ongoing as development occurs
Implementation Status – <i>Not yet completed.</i>

Policy 28

Motorized vehicles shall be prohibited on City trails.

Program 28.A
The City shall develop a non-motorized trail system and associated ordinances and other required implementation programs.
Responsible Agency: Public Works Department, Planning Commission, City Council
Schedule: As budget allows

Implementation Status – *Not completed.*

Program 28.B
The non-motorized trail system shall be funded, to the greatest extent possible, by new development.
Responsible Agency: Public Works Department
Schedule: As budget allows

Implementation Status – Ongoing through land development review process. Butterfield Specific Plan (Pardee Homes) will include non-motorized trail system within the community and for future connection to its surrounding areas.

Program 28.C
The routing and facilities required in the non-motorized trail system Plan shall be incorporated into the Development Impact Fee when the Plan is adopted.
Responsible Agency: Public Works Department
Schedule: As development opportunity arises

Implementation Status – *Not yet completed.*

Economic Development Element (20 programs)

GOAL 1

A balanced, broadly-based economy that provides a full range of economic and employment opportunities, including sales tax and property tax generation while maintaining high standards of development and environmental protection.

Policy 1

General Plan land use designations and allocations will facilitate a broad range of residential, commercial, industrial and institutional development opportunities.

Program 1.A

The city shall annually monitor the remaining capacity of all General Plan land use categories to assure that a variety of economic development opportunities are available.

Responsible Agency: Economic Development Department and Community Development Department

Schedule: 2005-2006, Annually thereafter

Implementation Status - Ongoing.

Program 1.B

All proposals for new development or redevelopment shall be evaluated to assure that these uses complement, support and are compatible with the City's core economic assets.

Responsible Agency: Economic Development Department, Community Development Department, Finance Department, Public Works, City Council

Schedule: Ongoing

Implementation Status – Ongoing.

Policy 2

The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, generate sales tax and property tax, increase discretionary incomes, and contribute to City General Fund revenues.

Program 2.A

Work closely with Mount San Jacinto College throughout their planning process to assist in its efficient and timely development, implement educational programs geared to job creation and retention, and to coordinate synergistic development opportunities.

Responsible Agency: Economic Development Department, Mount San Jacinto College

Schedule: 2005-2006, Ongoing

Implementation Status – Phase I of the Mt. San Jacinto Community College development was completed in December 2010. Additional phases are being discussed by the College.

Program 2.B

Aggressively pursue retail commercial developments which reduce the current retail sales leakage.

Responsible Agency: Economic Development Department, Community Development Department

Schedule: Ongoing

Implementation Status – Active and ongoing contacts with national and non-national retailers, developers, private investors, and potential tenants through social media marketing, press release, target marketing, letters, e-mails, phone calls, and meetings. Attend ICSC national and regional tradeshows to market and brand the City.

Program 2.C
Continue to maximize the role of the Chamber of Commerce, City web site and other mechanisms that promote and enhance the City's business climate.
Responsible Agency: Economic Development Department, Chamber of Commerce
Schedule: Ongoing
Implementation Status - Active and ongoing.

Policy 3

Encourage and promote infill development in orderly and logical development patterns that decrease the costs, and increase the efficiency of new utilities, infrastructure, and public services.

Program 3.A
The City shall maintain a package of economic incentive programs that benefit developers of infill projects.
Responsible Agency: Economic Development Department, Electric Utility Department, Finance Department
Implementation Status – The City Council adopted the Electric Utility Incentive Program for existing business expansion and business attraction. The Electric Utility Incentive Program was enhanced in 2012 to lower the minimum requirement threshold in an effort to reach a broader business base. The City provides a one-stop shop program where developers can meet with City staff at no cost in advance of their formal application to the City. The City also provides a single point of contact from start to the completion of a construction project.

Program 3.B

The City shall contribute to the financing of tertiary treatment facilities as an economic development tool.

Responsible Agency: Economic Development Department, Public Works Department

Schedule: As needed and as budget allows.

Implementation Status - Not yet completed.

Program 3.C

Use the Downtown Charette as a guideline for the Downtown Commercial area, for the development of high quality, pedestrian oriented retail locations.

Responsible Agency: Economic Development Department, Community Development Department, Planning Commission, City Council

Schedule: 2005-2007, Ongoing

Implementation Status - Ongoing.

Policy 4

Attract a greater number of commercial retail businesses to the Downtown Core area to develop a safe, vital and consumer-friendly downtown shopping area.

Program 4.A
Provisions for the Downtown Commercial Zoning District shall encourage specialty retail uses, live-work uses, and other uses which support and expand the pedestrian and tourist-related shopping experience.
Responsible Agency: Planning Department, Planning Commission, City Council
Schedule: Ongoing
Implementation Status - Ongoing.
Program 4.B

<p>The City shall coordinate with public, private and business organizations to explore grant funding to provide funds for rehabilitation and increased code enforcement in the Downtown Core area.</p>
<p>Responsible Agency: Community Development Department, Economic Development Department, Chamber of Commerce, City Council</p>
<p>Schedule: Ongoing</p>
<p>Implementation Status – The Community Redevelopment Agency enters into a number of Owner Participation Agreements with members of the business community who desire to upgrade the façade of their buildings. Redevelopment funds for this program were eliminated by the State in 2012. Code Enforcement efforts are ongoing in the Downtown and throughout the City.</p>

<p>Program 4.C</p>
<p>The City shall work with local non-profits, downtown property owners, and other citizen groups with an interest in development of the Downtown core area, to identify grant monies, private development interests and business synergies to build on existing revitalization activities in this area.</p>
<p>Responsible Agency: City and development community</p>
<p>Schedule: Ongoing</p>
<p>Implementation Status – The City Economic Development Department actively meets with potential developers, investors, and community stakeholders to promote development and investment opportunities throughout the entire City.</p>

Policy 5

Explore opportunities with private entities to fund Smith Creek Park as a viable recreation area.

<p>Program 5.A</p>
<p>Update the Smith Creek Park master plan and actively market this development opportunity among private entities that could fund development and provide for future maintenance of the park and improvements.</p>
<p>Responsible Agency: Community Services Department, Community Development Department, City Council, development community</p>
<p>Schedule: As future funds become available</p>
<p>Implementation Status – <i>Not implemented.</i></p>

Policy 6

Encourage and facilitate highway-serving commercial development at appropriate Interstate-10 interchanges within the City limits.

<p>Program 6.A</p>
<p>Proactively work with CalTrans to improve on- and off-ramp landscaping and improvements to provide more attractive gateways to the City.</p>
<p>Responsible Agency: Community Development Department, Economic Development Department, Public Works Department, CalTrans</p>
<p>Schedule: Ongoing</p>
<p>Implementation Status - Ongoing</p>
<p>Program 6.B</p>
<p>Preserve highway commercial land use designations at interchange locations, and encourage the location of high quality freeway-serving businesses.</p>
<p>Responsible Agency: Community Development Department, Economic Development Department, Public Works Department</p>

Schedule: Ongoing
Implementation Status – Ongoing.
Implementation Status - Implemented through Zoning and land development review process.
Program 6.C
Code compliance on gateway streets and properties adjacent to Interstate 10 shall be strictly enforced.
Responsible Agency: Code Enforcement
Schedule: Ongoing
Implementation Status - Ongoing.

Policy 7

Explore joint funding opportunities for the improvement of existing at-grade rail crossings, and investigate necessary infrastructure and funding to extend rail access to lands designated for industrial development.

Program 7.A
Consult with representatives of the Railroad, state and federal legislators, and appropriate state agencies to apply for available funding for these improvements.
Responsible Agency: Public Works Department, Railroad, City Council
Schedule: Ongoing
Implementation Status – Ongoing

Policy 8

In order to maintain existing economic activities and attract new commercial and industrial development, the City shall assure the provision of adequate utilities, infrastructure, and other capital facilities.

Policy 9

All development interests, including residential, commercial and industrial project proponents, shall be responsible for their fair share of on-site and off-site improvements required to support their development proposals. Such improvements may include, but are not limited to, street construction and signalization, grade separation, utility extension, drainage facilities, and parks.

Program 9.A
The City shall consider requests for assistance from project developers for the development of infrastructure and compare them to the economic benefit of the proposed project.
Responsible Agency: Public Works Department, Community Development Department, and Economic Development Department
Schedule: 2005-2006; Ongoing
Implementation Status - As part of land development, the projects are required to provide infrastructure to serve the development.
Program 9.B
Proactively work with the Riverside County Transportation Commission in putting Banning projects on the highest priority within the Transportation Uniform Mitigation Fee (TUMF) program.
Responsible Agency: City Manager's Office, City Engineer, City Council
Schedule: Ongoing
Implementation Status - Ongoing. Attend and participate at monthly meetings with Riverside County Transportation Commission.

Policy 10

Continue to encourage and cultivate cooperative relationships with the Morongo Band of Mission Indians and Bureau of Indian Affairs, particularly regarding development opportunities, joint venture or otherwise, of Indian lands within and adjacent to the planning and development and enhancement of community facilities that provide joint benefit, and development projects that produce sales tax/property tax/job generation, to the Tribe and the City.

Program 10.A

Continue to pursue development opportunities that benefit the long-term financial sustainability of the City. Pursue larger facilities to attract national tenants that will enhance the City's financial position via sales tax generation, property tax generation, and who offer employment opportunities. Consult with representative of the Railroad, state and federal legislators, and appropriate state agencies to apply for available funding for these improvements.

Responsible Agency: Economic Development Department, Community Development Department, Public Works Department, Railroad, City Council, City Administrative Office.

Schedule: Ongoing

Implementation Status: Active and On-going

Policy 11

Promote development activities and programs that establish the City as a destination venue and encourages tourism.

Program 11.A

Encourage and promote development activities, special events and activities which strengthen the City's image and attractiveness to residents, visitors, and businesses. Create development and program opportunities that promote educational potential for youth, highlight the history and culture of the City/region, and that offers visitors a unique experience.

Responsible Agency: City Council, Chamber of Commerce, Morongo Band of Mission Indians, Inland Empire Tourism Council, Banning and Beaumont Unified School Districts.

Schedule: Ongoing

Implementation Status – Ongoing. Special Events are conducted by the Banning Cultural Alliance such as Phineas Festival, Art Hop, and Play House Bowl and many other downtown activities. The Banning Centennial Committee also has a variety of programs and events scheduled for 2013.

Program 11.B

The City shall conduct market research on tourism approaches, target the tourism markets of interest, and create tourism plan goals and an implementation strategy.

Responsible Agency: Economic Development Department, Chamber of Commerce, Local Non-Profits

Schedule: Ongoing

Implementation Status - Ongoing efforts to accomplish tourism plan.

Emergency Preparedness Element (8 programs)

GOAL 1

A detailed, integrated and comprehensive emergency preparedness plan for the City, ensuring a high level of readiness and responsiveness to man-made and natural disasters of any scope, and which maximizes response capabilities of the City, County, State and Federal governments.

Policy 1

The City shall maintain and update its Multi-Hazard Functional Planning Guidance document to ensure maximum operational functionality and to incorporate federal mandates by required deadlines.

Program 1A

The City shall maintain close communication and coordination with Riverside County to expedite adaptation of and compliance with the federal NIMS program.

Responsible Agency: City Manager, Disaster Preparedness Coordinator, Riverside County Emergency Services Department

Schedule: 2005

Implementation Status - The Emergency Services Coordinator/Fire Marshal has completed "NIMSCAST," the national online National Incident Management System (NIMS) compliance evaluation program developed by Federal Emergency Management Agency (FEMA). Continual updates will be done on "NIMSCAST" to ensure current information about the City's compliance is recorded. The latest update was in November 2011. The Emergency Services Coordinator/Fire Marshal monitors the City's Compliance with State Emergency Management System (SEMS) and NIMS and provides training or training opportunities to ensure SEMS and NIMS compliance. The organizational chart was updated in November/December 2012.

Policy 2

The City shall maintain and update the Banning Emergency Plan to keep it updated with staffing and technical capabilities of the City and cooperating agencies.

Program 2.A

Periodically schedule and direct the review and revision of the Banning Emergency Plan.

Responsible Agency: City Manager, Disaster Preparedness Coordinator, Riverside County Emergency Services, Other City Departments, Sun Lakes EPAP

Schedule: Every two years.

Implementation Status - The City's Emergency Operations Plan was updated and approved by the City Council in August 2007. The plan requires review and updates, as needed, every two years. The latest update was in November 2011.

Policy 3

The City shall identify and establish emergency evacuation and supply routes and plans to preserve or reestablish the use of Highland Springs Avenue, San Gorgonio Avenue, Wilson Street, Ramsey Street, Interstate-10 and other essential transportation routes.

Program 3.A

Through PASSCOM or other appropriate regional organization, the City shall coordinate with adjoining cities, Riverside County, the Morongo Band of Mission Indians and CalTrans to facilitate the designation of emergency evacuation and supply routes, and for the development of a multi-agency emergency response

plan that provides expeditious and timely repair to major streets and highways damaged by earthquakes, flooding or other disasters.

Responsible Agency: City Manager, Disaster Preparedness Coordinator, Public Works Department, Cities of Beaumont and Calimesa, Riverside County Emergency Services, CalTrans, Morongo Band of Mission Indians

Schedule: Continuous

Implementation Status - The Emergency Services Coordinator/Fire Marshal is working with the Emergency Services Coordinator of the Morongo Band of Mission Indians to establish a Mutual Aid Agreement between the Tribe and the City for mutual assistance during disasters. Work continues to designate and develop an alternate east/west route through the Pass Area should I-10 become impassible. Agreement in principle between County of Riverside, Banning City, and Morongo Band of Mission Indians for a route south of I-10. Currently no funds available to proceed.

Policy 4

The City shall identify and establish emergency appropriate locations for emergency supply stockpiles.

Program 4.A

Through County-provided CERT training or other appropriate community venues, the City shall recruit decentralized locations where stockpiles of food, water and emergency medical supplies may be stored and maintained.

Responsible Agency: City Manager, Disaster Preparedness Coordinator, Public Works Department, Riverside County Emergency Services

Schedule: Continuous

Implementation Status - Nothing accomplished as of December 20, 2007 regarding stockpiling food and water except for supplies for use by Emergency Operations Center (EOC) personnel during a disaster. For medical emergencies the Fire Department has purchased a trailer and equipped it to handle "Mass Casualty" incidents. The trailer is stocked with medical and rescue supplies. The County of Riverside provided money for a conex with food and water to be placed on the Banning bench, but the City has not had the funds to provide that within the City. Work continues with local communities to stockpile as a community and also be personally prepared. The City accepted an Emergency Preparedness trailer with 100 cots from the county Office of Emergency Services (OES).

Policy 5

The City shall cooperate and coordinate with Riverside County Emergency Services, local utility purveyors and other agencies and utilities in the preparation of public information materials to assist residents, visitors and business owners in responding to local disasters and emergencies.

Program 5.A

The City shall coordinate and cooperate with County Emergency Services, Banning Water District, Eastern Municipal Water District, Beaumont/Cherry Valley Water District, Southern California Edison, the Gas Company, and other agencies and utilities in the development and dissemination of information and instructions on appropriate actions in the event of a local disaster or emergency.

Responsible Agency: City Council, City Manager, Disaster Preparedness Coordinator, Riverside County Emergency Services, SCE, the Gas Company, Banning Water District , EMWD, and Beaumont/Cherry Valley Water District.

Schedule: Continuous

Implementation Status - The Fire Department Emergency Services Bureau continually communicates with County OES and local agencies to dispense pertinent disaster preparedness Information through public events and organization meetings.

Program 5.B
Coordinate with the County to facilitate with appropriate public and quasi-public agencies and private organizations to assure that CERT training incorporates a public information program to advise the community on how to prepare for and cope in a local disaster or emergency.
Responsible Agency: City Council, City Manager, Disaster Preparedness Coordinator, Riverside County Emergency Services, Banning Unified School District, Sun Lakes EPAP, private schools, nursing homes, and various local business organizations
Schedule: Continuous
Implementation Status - Ongoing Implementation.
Program 5.C
Encourage and train community volunteers to assist police and fire personnel during and after a major emergency.
Responsible Agency: City Manager, Disaster Preparedness Coordinator, Riverside County Emergency Services, Sun Lakes EPAP
Schedule: Continuous
Implementation Status - The Fire Department has an active volunteer program. Emergency Services Coordinator/Fire Marshal, along with one Council member and a citizen volunteer, have provided numerous training programs related to neighborhoods preparing for disasters. PASSCOMM (Pass Communities), County OES, and local groups have provided local training and preparedness.

Policy 6

The City shall thoroughly consider and assess vulnerability to natural and manmade disasters or emergencies when reviewing proposals for the siting and development of critical and essential public/quasi-public facilities.

Program 6.A
In order to assure the maximum possible protection from environmental and manmade hazards, including earthquakes and flooding, the City shall consider their vulnerability to natural and manmade disasters and emergencies when reviewing proposals for critical and essential facilities, as well as sensitive land uses.
Responsible Agency: Planning Department, Public Works Department, Fire Department
Schedule: Continuous
Implementation Status - This is being accomplished by the cooperative efforts between Fire and Public Works to mitigate flooding and mudslides after fires. The City's Grading Standards and Storm Water Code assist in deterring increases in flood levels by new development.

Energy and Mineral Resources Element (9 programs)

GOAL 1

Efficient, sustainable and environmentally appropriate use and management of energy and mineral resources, assuring their long-term availability and affordability.

Policy 1

Promote energy conservation throughout all areas of the community and sectors of the local economy, including the planning and construction of urban uses and in City and regional transportation systems.

Program 1.A

The City shall strictly and consistently enforce all state mandated energy-conserving development and building codes/regulations, and shall investigate and report on the appropriateness of developing more stringent local energy performance standards.

Responsible Agencies: Building Department, Planning Department, Public Utilities

Schedule: Ongoing

Implementation Status –Active and ongoing part of development process.

Program 1.B

The City shall continue to participate in transportation planning efforts and shall encourage the expanded use of public transit, vehicles fueled by compressed natural gas and hydrogen, buses with bike racks and other improvements that enhance overall operations and energy conservation.

Responsible Agency: City Manager's Office, Community Services Department, Public Utilities Department

Schedule: Ongoing

Implementation Status – Ongoing and Active.

Program 1.C

The City shall strive for efficient community land use and transportation planning and design, and shall assure the provision of convenient neighborhood shopping, medical and other services located to minimize travel and facilitate the use of alternative means of transportation.

Responsible Agency: Public Works Department, Planning Department, Community Services Department

Schedule: Ongoing

Implementation Status - Through Development Review Process; bikeways, golf cart paths & pedestrian trails have been planned for new projects.

Program 1.D

The City shall encourage the use of, and programs for, electric vehicles, hybrids, bicycles and pedestrian facilities.

Responsible Agency: Public Utilities, Department, City Council

Schedule: Ongoing

Implementation Status - Active and ongoing.

Policy 2

Promote the integration of alternative energy systems, including but not limited to solar thermal, photovoltaic's and other clean energy systems, directly into building design and construction.

Program 2.A

The City shall make available to residents, businesses, and the building industry information on commercially available conservation technologies, solar thermal and photovoltaic energy systems, fuel cell and other alternative energy technology. Building regulations and guidelines that provide for the safe and efficient installation of these systems shall also be provided.

Responsible Agency: Building Department, Community Development Department, Public Works Department

Schedule: 2006-2007, Ongoing

Implementation Status - Active and ongoing. Interconnection programs are still available for customers wishing to install "behind the meter" generation. However rebate funds have been exhausted.

Policy 3

Proactively support long-term strategies, as well as state and federal legislation and regulations that assure affordable and reliable production and delivery of electrical power to the community.

Policy 4

Support public and private efforts to develop and operate alternative systems of wind, solar and other electrical production, which take advantage of local renewable resources.

Program 4.A

Support and facilitate the integration of co-generation and other on-site energy production and management systems into larger industrial, commercial and institutional operations in the City to enhance operational efficiencies, reliability, and to provide additional opportunities for local power production.

Responsible Agency: Public Works Department; Planning Department; Building Department

Schedule: Ongoing

Implementation Status - Active and Ongoing.

Policy 5

Assure a balance between the availability of mineral resources and the compatibility of land uses in areas where mineral resources are mined.

Program 5.A

The City shall monitor and regulate the safe and environmentally responsible extraction and recycling of significant mineral resources located within the planning area.

Responsible Agency: Community Development Department, Public Utilities Department

Schedule: Ongoing.

Implementation Status – This is done through the annual inspection report since the City has no funding to hire a geologist who is solely responsible for the daily/weekly monitoring of the mines activities.

Program 5.B

The City shall establish a formal relationship with the County Geologist or other qualified agency to monitor mineral resource operations under SMARA.

Responsible Agency: Planning Department, Riverside County Geologist.

Schedule: 2005-2006

Implementation Status – This is done through a contract with Aragon Geotechnical, Inc. who performs annual inspection for compliance with the State Mining and Reclamation Act (SMARA).

Program 5.C

The City shall strictly enforce the provisions of the existing mining permit within City limits.

Responsible Agency: Code Compliance, Planning Department

Schedule: Ongoing

Implementation Status – The monitoring is being done based on complaints from residents and through the Annual Inspection.

Flooding and Hydrology Element (12 programs)

GOAL 1

A comprehensive system of flood control facilities and services effectively protecting lives and property.

Policy 1

Proactively plan and coordinate with other responsible agencies to upgrade the City's local and regional drainage system.

Program 1.A
Continued implementation of the recommendations of the 1994 RCFC Master Drainage Plan study.
Responsible Agency: Public Works Department, Planning Department
Schedule: Ongoing
Implementation Status – Ongoing.
Program 1.B
Capital Improvement Plans for drainage management and control shall be developed, updated and maintained and shall be based upon the Master Drainage Plan project descriptions.
Responsible Agencies: Public Works Department, Planning Department
Schedule: Ongoing
Implementation Status – Ongoing.
Program 1.C
Monitor and update the Master Plan of Drainage every five years to reflect changes in local and regional drainage and flood conditions.
Responsible Agencies: Public Works Department, Planning Department, Riverside County Flood Control District
Schedule: Ongoing
Implementation Status – Ongoing. The County Flood District has prepared a master plan and is responsible for updates.
Program 1.D
Require all new development to complete on site drainage analysis and improvements, at their expense, as part of project development.
Responsible Agencies: Public Works Department, Planning Department
Schedule: Ongoing
Implementation Status – Ongoing, part of development process.

Policy 2

Major drainage facilities, including debris basins and flood control channels, shall be designed to maximize their use as multi-purpose recreational or open space sites, consistent with the functional requirements of these facilities.

Program 2.A
Coordinate and cooperate with RCFC in achieving multi-use agreements within flood control channels and designing safe, attractive recreational facilities that maintain the functional requirements of the drainage facilities.
Responsible Agencies: Public Works Department, Planning Department, RCFC
Schedule: Ongoing
Implementation Status – Ongoing; through SP's and other projects adjacent to Flood Control.
Program 2.B
Work with RCFC to design drainage and flood control facilities that minimize negative aesthetic impacts and retain natural groundcover and vegetation to the greatest extent possible.
Responsible Agencies: Public Works Department, Planning Department, RCFC, US Army Corps of Engineers
Schedule: Ongoing
Implementation Status – Ongoing; through entitlement process when designs are submitted for approval.

Policy 3

The City Engineer shall continue to actively participate in regional flood control and drainage improvement efforts and to develop and implement mutually beneficial drainage plans.

Policy 4

The City shall cooperate in securing FEMA map amendments, recognizing the importance of redesignation of the 100-year flood plains within the City boundaries and sphere-of-influence as improvements are completed.

Program 4.A
In conjunction with the RCFC, the City shall coordinate and cooperate in the filing of appropriate FEMA application materials to incrementally secure amendments to the Flood Insurance Rate Maps for the City, consistent with existing and proposed improvements.
Responsible Agencies: Public Works Department, Planning Department, RCFC
Schedule: Ongoing
Implementation Status - Ongoing.

Policy 5

Pursue all credible sources of funding for local and regional drainage improvements needed for adequate flood control protection.

Program 5.A
Consider the establishment of Area Drainage Plans or Assessment Districts for purposes of funding necessary drainage improvements in particular geographic areas of the City.
Responsible Agencies: Public Works Department, Planning Department, Economic Development Agency, Developers
Schedule: Ongoing
Implementation Status –Not yet completed.

Program 5.B

Explore County funding, state funding under the Cobey-Alquist Flood Plain Management Act, other State programs, and federal funding options for local and area-wide flood control projects.

Responsible Agencies: Public Works Department, Planning Department, Economic Development, State;

County
Schedule: Ongoing
Implementation Status – Ongoing.

Policy 6

All new development shall be required to incorporate adequate flood mitigation measures, such as grading that prevents adverse drainage impacts to adjacent properties, on-site retention of runoff, and the adequate siting of structures located within flood plains.

Program 6.A
Stormwater retention shall be enforced through the development review process and routine site inspection.
Responsible Agencies: Public Works Department, Planning Department
Schedule: Ongoing
Implementation Status – Ongoing; through grading approval process.

Policy 7

Assure that adequate, safe, all-weather crossing over drainage facilities and flood control channels are provided where necessary, and are maintained for passage during major storm events.

Program 7.A
Bridging of roadways within new development projects shall be the responsibility of the developer on whose project the bridge occurs, and shall be included as a condition of approval.
Responsible Agency: Planning Department, Public Works Department, Planning Commission, City Council
Schedule: Ongoing
Implementation Status – Ongoing; through land development approval process.
Program 7.B
All new development proposals shall pay their fair share of bridge construction needed to serve their project.
Responsible Agency: Public Works Department, Planning Department
Schedule: Ongoing
Implementation Status - Ongoing; through land development approval process

Geotechnical Element (7 programs)

GOAL 1

Increased protection and safety of human life, land, and property from the effects of seismic and geotechnical hazards.

Policy 1

The City shall establish and maintain an information database containing maps and other information which describe seismic and other geotechnical hazards occurring within the City boundaries, sphere-of-influence and planning area.

Program 1.A

Consult and coordinate with surrounding communities, the California Division of Mines and Geology, Riverside County, other applicable state and federal agencies, and professional engineering geologists to establish, improve and routinely update the database.

Responsible Agency: Planning Department, California Division of Mines and Geology, Riverside County, Consulting Geologists

Schedule: 2005-2006; Continuous

Implementation Status – Continuous.

Policy 2

In accordance with state law, all development proposals within designated Alquist-Priolo Earthquake Fault Zones shall be accompanied by appropriate geotechnical analysis.

Program 2.A

Establish a cooperative agreement with the County Geologist, State Geologist, contract state-certified geologist, or contract geological engineer to review and determine the adequacy of geotechnical and fault hazard studies prepared within the City.

Responsible Agency: City Engineer/Consulting Engineering Geologist

Schedule: 2005-2006, Ongoing

Implementation Status – Completed. In addition, each land development project is required to provide soils and geotechnical report as part of the project.

Policy 3

Development in areas identified as being susceptible to slope instability shall be avoided unless adequately engineered to eliminate geotechnical hazards.

Program 3.A

The City shall make available copies of the General Plan Slope Instability Susceptibility Map and discourage development within areas so designated, or require detailed geotechnical analysis and mitigation measures that reduce potential hazards to insignificant levels.

Responsible Agency: Planning Department, City Engineer/Consulting Engineering Geologist

Schedule: 2005-2006, Ongoing

Implementation Status – Ongoing, implemented through new grading ordinance.

Policy 4

To minimize the potential impacts of subsidence due to extraction of groundwater, the City shall actively support and participate in local and regional efforts at groundwater conservation and recharge.

Program 4.A
Consult and coordinate with the City of Banning Public Utilities – Water Department, U.S. Geological Survey, and other appropriate agencies to routinely monitor groundwater levels and surface elevations in the City.
Responsible Agency: City of Banning Public Utilities – Water Department, U.S. Geological Survey
Schedule: Continuous
Implementation Status – Continuous.
Program 4.B
The City shall encourage the preparation of, support and participate in, the study of the temporary surplus of the Beaumont Water Basin and its impact on subsidence.
Responsible Agency: Water Department, Beaumont/Cherry Valley Water District, San Gorgonio Pass Water Agency
Schedule: Ongoing
Implementation Status – On going.

Policy 5

The City shall coordinate and cooperate with public and quasi-public agencies to assure the continued functionality of major utility systems in the event of a major earthquake.

Program 5.A
Maintain working relationships and strategies between the Public Works Department (wastewater and electric), utilities, and other appropriate agencies to strengthen or relocate utility facilities, and take other appropriate measures to safeguard major utility distribution systems.
Responsible Agency: Planning Department, Public Works Department, City Engineer, Public and Quasi-Public Utilities
Schedule: 2004-05; Ongoing
Implementation Status –Ongoing, through pre applications and development meetings.

Policy 6

New septic tank leach fields, seepage pits, drainage facilities, and heavily irrigated areas shall be located away from structural foundations and supports to minimize the potential for localized collapse of soils.

Program 6.A
The City shall require that development applications include plans indicating the location of leach fields, seepage pits, drainage facilities, and water-dependent landscaping so that City staff may evaluate the potential for ground saturation.
Responsible Agency: Planning Department, Building Department, City Engineer
Schedule: 2005-2006, Ongoing
Implementation Status – Through grading review, part of development review process.

Hazardous and Toxic Materials Element (10 programs)

GOAL 1

Maintain and promote measures to protect life and property from hazards resulting from human activities and development.

Policy 1

The City shall continue to encourage research on potential and known hazards to public health and safety and make this information available to the general public, commercial interests, and governmental organizations.

Policy 2

The City shall continue to conduct and participate in studies with other agencies to identify existing and potential hazards to public health and safety.

Program 2.A

Maintain, coordinate, and update the location of hazardous spills as a result of accident or intentional action, and community evacuation plans.

Responsible Agencies: Fire Department, Planning Department, County Health Department

Schedule: Ongoing

Implementation Status Ongoing.

Program 2.B

The Fire Department shall maintain a citywide Emergency Response Program, which provides for emergency services in the event of a hazardous spill or airborne release.

Responsible Agencies: Fire Department, City Manager's Office, County Health Department

Schedule: Ongoing

Implementation Status – SIMS & NEMS ongoing training.

Program 2.C

Coordinate with responsible agencies to assure enforcement of state and federal regulations for the testing and monitoring of underground fuel storage tanks for leakage.

Responsible Agencies: Fire Department, state and federal EPA, County Health Department

Schedule: Ongoing

Implementation Status – City is no longer a Certified Unified Program Agency (CUPA) and County inspects all hazardous businesses within the City for compliance.

Policy 3

The City shall thoroughly evaluate development proposals for lands directly adjacent to sites known to be contaminated with hazardous or toxic materials, traversed by natural gas transmission lines or fuel lines, or sites that use potentially hazardous or toxic materials.

Program 3.A

Consult with the County of Riverside Department of Health on a quarterly basis to identify existing and new hazardous waste sites within the General Plan study area.

Responsible Agencies: Planning Department, Fire Department, County Health Department

Schedule: Ongoing

Implementation Status Ongoing.

Program 3.B

A Conditional Use Permit shall be required for all new development that generates, transports, uses or stores significant amounts of hazardous materials.

Responsible Agencies: Planning Department

Schedule: Ongoing

Implementation Status – Ongoing.

Policy 4

Require and facilitate the adequate and timely cleanup of contaminated sites identified within the City of Banning and its sphere-of-influence.

Program 4.A

Coordinate with responsible county, state and federal agencies to activate cleanup procedures, and monitor the status of cleanup efforts on an ongoing basis.

Responsible Agencies: Planning Department, Fire Department, State and federal EPA, County Health Department, California Regional Water Quality Control Board

Schedule: Ongoing

Implementation Status – Ongoing

Policy 5

The City shall designate appropriate access routes to facilitate the transport of hazardous and toxic materials.

Program 5.A

Coordinate with the Fire Department, Police Department, neighboring jurisdictions, and other appropriate agencies to identify segments of highway or local roads that shall be restricted from transporting hazardous and toxic materials in order to preserve public safety.

Responsible Agencies: Planning Department, Fire Department, Police Department

Schedule: 2005-2006

Implementation - Not yet completed.

Program 5.B

Enforce roadway access restrictions and consider the implementation of fines or penalties for violations.

Responsible Agencies: Fire Department, Police Department

Schedule: 2005-2006

Implementation Status - Not yet completed

Policy 6

Continue to promote programs that encourage or educate the public in the proper handling and disposal of household hazardous waste or dangerous materials.

Program 6.A

Establish a Household Hazardous Waste program through the City's solid waste contractor.

Responsible Agencies: City Manager's office, solid waste contractor

Schedule: Ongoing

Implementation Status - Ongoing.

Policy 7

The City shall actively oppose plans to establish hazardous or toxic waste dumps, landfills, or industrial processes that may potentially adversely affect the City and its Sphere-of-Influence.

Policy 8

Maintain an inventory and information database, including mapping, of all major natural gas transmission lines and liquid fuel lines within the City limits and Sphere of Influence.

Program 8.A

The City shall insure that location of all major natural gas transmission lines and liquid fuel lines that run through the City are clearly identified, that right-of-way and maintenance easements are maintained, and that all existing and proposed development are located a safe distance from these lines.

Responsible Agencies: Building and Safety, Planning Department, Fire Department

Schedule: Ongoing

Implementation Status – Ongoing.

Housing Element (54 Programs)

Housing Element Report is provided under Exhibit “A” - Annual Element Progress Report Housing Element Implementation as required by the State Housing and Community Development Department (HCD).

Land Use Element (17 programs)

GOAL 1

A balanced, well planned community including businesses which provides a functional pattern of land uses and enhances the quality of life for all Banning residents.

Policy 1

The City maintain a land use map which assures a balance of residential, commercial, industrial open space and public lands.

Program 1.A
The city shall annually monitor the remaining capacity of all General Plan land use categories and recommend changes to the City Council as needed.
Responsible Agency: Planning Department, Planning Commission
Schedule: 2005-2006, Annually thereafter
Implementation Status – Ongoing.
Program 1.B
The City's Zoning Ordinance shall directly correspond to General Plan land use designations, and shall be kept consistent with the General Plan.
Responsible Agency: Planning Department, Planning Commission, City Council
Schedule: 2005-2006, Annually thereafter
Implementation Status – Ongoing.

Policy 2

The Planning, Public Works and Economic Development staffs shall be closely coordinated, to assure efficient and cost effective processing of applications.

Program 2.A
The City shall develop a Fast Track application process for projects which enhance the City's economic development. Procedures and timelines shall be provided to qualifying project applicants in writing.
Responsible Agency: Planning Department, Public Works, Economic Development staff, Redevelopment Agency, City Manager's Office
Schedule: 2005-2006
Implementation Status – Ongoing and complies with Permit Streamlining Act.

Policy 3

Development in all land use categories shall be of the highest quality.

Program 3.A
The Zoning Ordinance shall include design standards and guidelines which assist the development community in developing high quality projects.
Responsible Agency: Planning Department, Planning Commission, City Council
Schedule: 2005-2006
Implementation Status – Completed. The current Zoning Ordinance provides design standards and guidelines for residential and commercial development.

Policy 4

Specific Plans shall be required for projects proposing one or more of the following:

- a. More than one residential land use designation;
- b. A combination of residential, recreational, commercial and/or industrial land use designation; or
- c. Extension of infrastructure (water, sewer and roadways) into an area where these do not exist.

Policy 5

All land use proposals shall be consistent with the goals, policies and programs of this General Plan, and with the Zoning Ordinance.

Policy 6

The City shall implement a program for Art in Public Places.

Program 6.A
An Art in Public Places Ordinance shall be prepared and incorporated into the Municipal Code.
Responsible Agency: Community Services Department, Planning Department, Planning Commission, City Council.
Schedule: 2005-2006
Implementation Status – Art in Public Places is currently required as part of new development in Downtown Commercial zoning district. Due to lack of funding and staffing the detail of what the Art in Public Places entails is still to be developed.

Residential Goals, Policies and Programs:

GOAL 1

Preserve and enhance the City's neighborhoods.

GOAL 2

A broad range of housing types to fill the needs of the City's current and future residents.

Policy 1

The land use map shall provide a range of housing densities while considering land use compatibility with non-residential land uses.

Policy 2

Projects adjacent to existing neighborhoods shall be carefully reviewed to assure that neighborhood character is protected.

Policy 3

Density transfers resulting in a 50% increase in density shall be permitted in the Residential/Agriculture-Hillside and Rural Residential-Hillside land use designations.

Policy 4

The City's Zoning Ordinance shall include design standards and guidelines which encourage high quality residential development.

Program 4.A

Design standards and guidelines shall be included in all residential zoning categories.

Responsible Agency: Planning Department, Planning Commission, City Council

Schedule: 2005-2006

Implementation Status – Design standards and guidelines are contained in current zoning ordinance.

Policy 5

The City shall complete Specific Neighborhood Plans when requested by the neighborhood.

Program 5.A

Develop and implement an outreach program and outline of parameters for Neighborhood Plans.

Responsible Agency: Planning Department, Planning Commission, City Council

Schedule: 2006-2007; As requested by neighborhoods

Implementation Status – Not implemented due to lack of funding and funding.

Policy 6

The Zoning Ordinance shall include principles, standards and guidelines which allow for creative and flexible design of residential projects, including clustered housing, narrowed local streets, trails, parks and plazas.

Policy 7

The Zoning Ordinance shall include principles, standards and guidelines which provide for high quality, high density mixed use residential development, in the Downtown Commercial zoning designation.

Policy 8

The City will participate in a Community Plan for the Banning Bench with Riverside County and the Banning Bench Community of Interest. Specific development proposals will continue to be processed during its preparation.

Program 8.A

Negotiate with the Banning Bench Community of Interest as part of the Master Plan for either inclusion in the City's Sphere of Influence or annexation.

Responsible Agency: City Council, Community of Interest

Schedule: 2005-2006

Implementation Status – Not implemented.

Commercial Goals, Policies and Programs:**GOAL 1 - Commercial**

Complementary commercial uses which meet the needs of the City's residents, increase the City's revenues, and provide a range of employment opportunities.

GOAL 2 - Industrial

A balanced mix of non-polluting industrial land uses which provide local jobs for the City's residents.

Policy 1

The land use map shall include sufficient commercial lands to provide a broad range of products and services to the City and region, while carefully considering compatibility with adjacent residential lands.

Policy 2

In coordination with the Economic Development Element, the City shall maintain market information, including information on the City's identified service needs, potential sites, Fast Track System and provide information on those sites to the development community.

Program 2.A
Develop and maintain an inventory of potential commercial sites, including lands which may require consolidation, and demographic information for use by the Economic Development staff in attracting new businesses to the City.
Responsible Agency: Economic Development staff, Planning Department, City Manager's Office
Schedule: 2005-2006
Implementation Status – Ongoing.

Policy 3

The Zoning Ordinance shall include principles, design standards and guidelines which encourage the development of high quality commercial projects.

Policy 4

The Zoning Ordinance shall include principles, design standards and guidelines, based on the Downtown Design Charette, which provide for high quality, pedestrian oriented retail development in the Downtown Commercial zoning designation.

Policy 5

The City shall coordinate with the Banning Unified, the Beaumont Unified School Districts and the Mount San Jacinto Community College to provide vocational education to support commercial and industrial businesses in the City and surrounding areas.

Policy 6

The City shall develop and implement a community identification program, including monument signage, directional signs, etc. which provide attractive entry statements for the City, and which direct visitors to local points of interest.

Policy 7

The land use map shall include sufficient industrial lands for manufacturing, warehousing and distribution, while carefully considering compatibility with adjacent lands.

Policy 8

Industrial lands shall be located on major roadways with good access to Interstate 10, to assure that potential traffic impacts associated with tractor-trailers are minimized.

Policy 9

The Zoning Ordinance shall include principles, design standards and guidelines which encourage the development of high quality industrial projects.

Policy 10

Industrial campuses and master planned projects are encouraged.

Policy 11

The City shall coordinate with developers and the Railroad to secure railroad spurs.

Policy 12

The City shall adequately regulate sand and gravel operations to assure that their impacts to surrounding development is minimized.

Program 13.A

The City shall establish a formal relationship with the County Geologist or other qualified agency to monitor mineral resource operations under the State Mining and Reclamation Act (SMARA).

Responsible Agency: Planning Department, Riverside County Geologist

Schedule: 2005-2006

Implementation Status – The County no longer monitor or perform annual inspections for the mines in Banning for compliance with SMARA. The City contracted with Aragon Geotechnical, Inc. to perform annual inspection.

Public Facilities Goals, Policies and Programs:

GOAL 1

Sufficient and appropriately located public facilities to serve the needs of the City's residents, businesses and visitors.

Policy 1

The City shall take a leadership role with all providers of public services in the community to assure they provide adequate and quality levels of service based on future demands.

Program 1.A

The City shall take a leadership role with the various public and private providers responsible for schools, fire, health and other providers.

Responsible Agency: Planning Department, City Manager's Office, City Council, Fire Department, Banning and Beaumont Unified School Districts, County of Riverside, San Gorgonio Memorial Hospital

Schedule: Quarterly

Implementation Status - The Fire Department master plan for expansion based on community growth was approved by the City Council and is continually re-evaluated. The Fire Department has been working with the Finance Department to develop a plan for Fire and Police Community Funding districts in new developments.

Policy 2

The City shall review projects, particularly those which propose master planned communities, to assure that public facilities are provided to meet the needs of the project and the surrounding area.

Program 2.A

The City shall, where appropriate, regulate the location of public facilities through conditions of approval.

Responsible Agency: Planning Department, Public Works Department, Planning Commission, City Council

Schedule: Ongoing

Implementation Status – Ongoing through development review and conditions of approval.

Open Space Goals, policies and Programs:

GOAL 1

The conservation and management of open space areas to provide recreational opportunities and protect important resources in perpetuity.

Policy 1

Lands preserved through conservation easements, acquired by private or public agencies, or dedicated for open space shall be designated for the appropriate Open Space land use category on the land use map as they are preserved.

Program 1 A

Review development proposals adjacent to designated open space lands and assure that land uses are compatible, and buffers provided when necessary.

Responsible Agency: Planning Department, Public Works Department

Schedule: Ongoing

Implementation Status – Ongoing as part of land development review process.

Policy 2

The City shall proactively coordinate with private and public agencies so that lands available for conservation are dedicated appropriately to assure their management in perpetuity.

Program 2.A

The City shall coordinate with land owners and private and public agencies to the greatest extent possible to assure that lands proposed for open space either through donation or purchase are conveyed to the appropriate management agency.

Responsible Agency: Planning Department, City Manager's Office, County of Riverside, State and Federal Agencies, Land Conservation Agencies

Schedule: Ongoing

Implementation Status – Ongoing as part of development review process.

Policy 3

The City of Banning shall protect the peaks and ridgelines within the City, and encourage coordination with adjacent jurisdictions to protect the peaks and ridgelines within the City's area of influence, to protect the historic visual quality of the hillside areas and natural features of the Pass area.

Program 3.A

The City shall investigate and implement actions and regulations that facilitate hillside development that is compatible with the natural characteristics of the terrain while protecting the significant view sheds, and natural hillside features such as topography, natural drainage, vegetation, wildlife habitats, movement corridors etc.

Responsible Agency: City Council, City Manager's Office, Planning Department, Public Works Department, City of Beaumont, County of Riverside, Morongo Band of Mission Indians

Schedule: 2005-2006, Ongoing

Implementation Status – Grading ordinance adopted. Implementation is ongoing.

Noise Element (10 programs)

GOAL 1

A noise environment that complements the community's residential character and its land uses.

Policy 1

The City shall protect noise sensitive land uses, including residential neighborhoods, schools, hospitals, libraries, churches, resorts and community open space, from potentially significant sources of community noise.

Program 1.A

The City shall require building setbacks, the installation of wall and window insulation, soundwalls, earthen berms, and/or other mitigation measures in areas exceeding the City's noise limit standards for private development projects as they occur.

Responsible Agency: Planning Department

Schedule: Ongoing

Implementation Status – Ongoing through land development review process.

Program 1.B

The City shall maintain and enforce its Noise Control Ordinances that establish community-wide noise standards and identify measures designed to resolve noise complaints.

Responsible Agency: Planning Department, Code Enforcement, Police Department

Schedule: Ongoing

Implementation Status - Ongoing through land development review process.

Program 1.C

The City shall use the development review process to assure the use of buffers between sensitive receptors and incompatible land uses.

Responsible Agency: Planning Department, Planning Commission, City Council

Schedule: Ongoing

Implementation Status - Ongoing through land development review process.

Program 1.D

The City shall require that commercial compactors, loading zones, and large trash bins be located at a sufficient distance from residential properties to reduce noise impacts to its acceptable standard.

Responsible Agency: Planning Department

Schedule: Continuous

Implementation Status - Ongoing through land development review process.

Program 1.E

The City shall purchase, maintain and operate its own noise monitoring equipment.

Responsible Agency: Code Enforcement

Schedule: 2006-2007, Ongoing

Implementation Status – Equipment is older prior to 2006 and needs to be updated. There is no funding for this item.

Policy 2

The relationship between land use designations in the Land Use Element and changes in the circulation pattern of the City, as well as individual developments, shall be monitored and mitigated.

Program 2.A

The City shall develop guidelines and minimal criteria requirements for noise analyses for proposed development projects. Studies shall evaluate project impacts and the effectiveness of proposed mitigation measures.

Responsible Agency: Planning Department, Public Works Department

Schedule: July 1, 2005; every five years.

Implementation Status – Ongoing through land development review process and through the building code standards.

Program 2.B

The City shall periodically review and amend the Land Use Map to assure reasonable land use/noise level compatibility.

Responsible Agency: Planning Department

Schedule: Annually

Implementation Status – Ongoing and is implemented as part of land development review process.

Policy 3

Private sector project proposals shall include measures that assure that noise exposures levels comply with State of California noise insulation standards as defined in Title 25 (California Noise Insulation Standards) and/or Banning Ordinances 1138 and 1234, whichever is more restrictive.

Policy 4

The City shall maintain a General Plan Circulation Map and assure low levels of traffic within neighborhoods by assigning truck routes to major roadways only.

Program 4.A

The City shall review designated primary truck routes and ensure they are clearly marked throughout the community. Except for traffic providing location-specific services and deliveries, construction trucks and delivery trucks shall be limited to designate truck routes, including: Ramsey Street, and those portions of Lincoln Street, Highland Springs Avenue, Hathaway Street, Sunset Avenue, Eighth Street, San Gorgonio Avenue and Hargrave Street so designated.

Responsible Agency: Public Works Department, City Engineer

Schedule: Annually

Implementation Status – Ongoing

Program 4.B

The City shall discourage development projects that result in through-traffic in residential neighborhoods.

Responsible Agency: Planning Department, Planning Commission, City Council

Schedule: Ongoing

Implementation Status - Ongoing through land development review process.

Policy 5

The City shall ensure that flight paths and airport improvements adhere to all local, state and federal noise regulations.

Policy 6

All development proposals within the noise impact area of the Interstate and the railroad shall mitigate both noise levels and vibration to acceptable levels through the preparation of focused studies and analysis in the development review and environmental review process.

Policy 7

The City shall coordinate with adjoining jurisdictions to assure noise-compatible land uses across jurisdictional boundaries.

Policy 8

The City shall impose and integrate special design features into proposed development that minimize impacts associated with the operation of air conditioning and heating equipment, on-site traffic, and use of parking, loading and trash storage facilities.

Policy 9

The City shall support development that results in grade separated railroad tracks.

Program 9.A

The City shall assure that new development and project expansions pay their fair share toward grade separations based on their impacts.

Responsible Agency: Planning Department, City Engineer

Schedule: Ongoing

Implementation Status - Ongoing through land development review process.

Open Space and Conservation Element (7 programs)

GOAL 1

Open space and conservation lands that are preserved and managed in perpetuity for the protection of environmental resources or hazards, and the provision of enhanced recreational opportunities and scenic qualities in the City.

GOAL 2

A balance between the City's built and open space environment and local and regional protection and preservation of its unique environment.

Policy 1

Identify and assess lands in the City, its sphere-of-influence and planning area, that are suitable for preservation as public or private, passive or active open space.

Program 1.A
The City shall maintain and use Open Space land use designations on the General Plan Land Use Map.
Responsible Agency: Planning Department, Community Services Department.
Schedule: 2005-2006
Implementation Status –Ongoing, private open space & public parks have been set aside through the Specific Plan process that requires minimum public land set aside.
Program 1.B
Environmental hazard zones, including earthquake fault lines, floodways and floodplains, steep or unstable slopes, shall be designated as open space on the land use map.
Responsible Agency: Planning Department
Schedule: 2005-2006
Implementation Status –These have been identified in the General Plan and no development is permitted in these areas of concern.
Program 1.C
Lands on which cultural resources are identified may be preserved as Open Space
Responsible Agency: Planning Department
Schedule: Ongoing
Implementation Status – Ongoing as part of land development review and Specific Plan process.
Program 1.D
Inventory the costs of land acquisition, maintenance and other administrative functions, and encourage the transfer of public open space and conservation properties to existing land trusts for local property management.
Responsible Agency: Planning Department, City Council.
Schedule: 2005-2006, Update every two years.
Implementation Status – <i>Not implemented due to lack of funding and staffing.</i>

Policy 2

The City shall protect natural hillsides above the toe of slope in perpetuity as undeveloped open space, and shall provide specific parameters under which development can occur within the Rural Residential – Hillside and Ranch/Agriculture Residential – Hillside land use designations. For purposes of this General Plan, the toe of slope is defined as the dividing line between rock formations where there is a noticeable break in the angle of slope from steep to shallow.

Program 2.A

The Zoning Ordinance shall be amended to include detailed provisions for the preservation of natural hillsides above the toe of slope. These provisions shall include, but not be limited to, density transfers from hillside areas to developable areas within the same parcel, building prohibitions for lands with grades exceeding 25%, permitted uses and building standards for developable areas in these hillsides, and grading parameters in these hillsides.

Responsible Agency: Planning Department, City Engineer, Planning Commission, City Council.

Schedule: 2005-2006

Implementation Status – Active and ongoing to comply with the Grading Ordinance that was adopted by the City Council on July 14, 2009.

Program 2.B

The City shall seek recreational usage of desirable hillside lands currently owned by public agencies, such as the Bureau of Land Management, the United States Forest Service or the County of Riverside; and shall secure open space lands from private entities by negotiating public access provisions and/or establishing a density transfer program.

Responsible Agency: City Manager's Office, Planning Department, City Council

Schedule: 2006-2007; Ongoing

Implementation Status – Open Space lands from private entities are secured through a Specific Plan process and development Agreement from private entities.

Policy 3

Ridgelines shall be preserved as permanent open space.

Policy 4

The City shall preserve all watercourses and washes necessary for regional flood control, ground water recharge areas and drainage for open space and recreational purposes.

Policy 5

The City shall preserve permanent open space edges or greenbelts that define the physical limits of the City and provide physical separation between adjoining neighborhoods.

Program 5.A

The Land Use Map and Zoning Ordinance shall regulate development at the boundaries of the planning area to assure the preservation of a well-defined, functional or visual edge.

Responsible Agency: Planning Department.

Schedule: 2005-2006

Implementation Status – Ongoing as part of land development review process.

Policy 6

Where practical, new development shall integrate pipeline, above- and under-ground utility corridors and other easements (including electric, cable and telephone distribution lines) into a functional open space network.

Policy 7

Drought tolerant landscaping materials and design features shall be incorporated into parks, roadway medians, common area landscaping, public facilities and other appropriate open space lands to retain and preserve the natural environment.

Parks and Recreation Element (26 programs)

GOAL 1

A high quality public park system with adequate land and facilities to provide recreational facilities and activities for the City's residents.

GOAL 2

A comprehensive bikeway, trail and walking path system that connects homes to work places, commercial venues and recreational facilities, and which enhances the safety and enjoyment of cyclists, equestrians and pedestrians.

Policy 1

Update the Master Parks and Recreation Plan so as to assure adequate parklands and facilities that meet the immediate and future needs of the community, and is complementary to the natural environment.

Program 1.A

Update the City's parks master plan to address the proposed and anticipated parks and recreational facilities to be developed within the City.

Responsible Agency: Community Services Department, Public Works Department, Parks and Recreation Advisory Committee, Planning Commission

Schedule: 2005-2006, then every five years

Implementation Status – Park Master Plan to be adopted by the City Council on February 22, 2011.

Program 1.B

The parks master plan shall maintain a standard of 5 acres of parkland per 1,000 residents.

Responsible Agency: Community Services Department, Parks and Recreation Advisory Committee

Schedule: Ongoing

Implementation Status – Standard established in the General Plan and the Parks Master Plan and is implemented as part of land development review process.

Program 1.C

Include dog parks, tennis courts and golf facilities in Parks Master Planning updates.

Responsible Agency: Community Services Department, Parks and Recreation Advisory Committee

Schedule: Ongoing

Implementation Status – Addressed in the Parks Master Plan.

Policy 2

The City will distribute parks and recreation facilities in a manner that is convenient to City neighborhoods and balanced within population concentrations.

Program 2.A

The location and design of neighborhood parks shall consider neighborhood suggestions and input regarding facility needs, vehicular and pedestrian access, noise and lighting impacts, and public safety.

Responsible Agency: Community Services Department; Public Works Department; Parks and Recreation Advisory Committee.

Schedule: Ongoing.

Implementation Status – Active policy, ongoing as developments occur.

Program 2.B
City staff shall identify and prioritize park development projects based upon need, land availability, neighborhood suggestions and funding, and shall encourage the planting of trees as in parks and open spaces.
Responsible Agency: Community Services Department; Public Works Department; Parks and Recreation Advisory Committee
Schedule: Ongoing.
Implementation Status- Ongoing. Park projects are reviewed as part of land development review process.
Program 2.C
Investigate and identify the broad range of sources of financing and operating revenue, including Development Impact Fees, Mello Roos special districts, public/private ventures, state and federal grant opportunities, developer fees and inter-agency joint use agreements to supplement revenues collected for parks and recreation purposes.
Responsible Agency: City Manager's Office; Parks and Recreation Division; Community Services Department; Banning and Beaumont Unified School Districts
Schedule: Ongoing
Implementation Status – Under discussion internally.
Program 2.D
Investigate and identify sources of development financing and revenue, including charitable organizations, state and federal grant opportunities to supplement revenues collected for development of parks and recreation facilities and programs.
Responsible Agency: City Manager's Office; Parks and Recreation Division; Community Services Department
Schedule: Ongoing
Implementation Status – Ongoing.
Program 2.E
The City will consider the implementation of a Quimby Ordinance for the purchase of park lands for new developments as they occur.
Responsible Agency: Parks and Recreation Division; Community Services Department, City Council
Schedule: 2005-2006
Implementation Status – Park land dedication is implemented as part of new development through Specific Plan and Development Agreement.

Policy 3

Require developers of new residential projects to provide on-site recreational and/or open space facilities in addition to City-wide park requirements.

Program 3.A
Encourage the planting of trees in parks and open spaces.
Responsible Agency: Community Services Department
Schedule: Ongoing
Implementation Status – Ongoing.
Program 3.B
Recreation facilities within projects will be maintained by the residents within the project either through a

homeowners' association, assessment district or community facilities district.

Responsible Agency: Community Services Department

Schedule: Ongoing

Implementation Status – Ongoing.

Policy 4

Encourage the development of recreational programs and activities that serve all population segments, including children, the elderly and the disabled.

Program 4.A

Develop a community education program for the City's parks and recreation facilities which focuses on the sense of community which parks and recreation facilities can foster.

Responsible Agency: Parks and Recreation Division; Community Services Department

Schedule: 2005-2006, Annually

Implementation Status – Ongoing.

Program 4.B

Develop advertising and publicity programs for recreational programs and events to encourage participation.

Responsible Agency: Community Services Department; Public Works Department; Parks and Recreation Advisory Committee

Schedule: Annually

Implementation Status – Ongoing.

Program 4.C

Develop and distribute educational materials relating to the planting and maintenance of drought tolerant landscaping on private property.

Responsible Agency: Community Services Department; Public Works Department; Parks and Recreation Advisory Committee

Schedule: 2006-2007

Implementation Status – Ongoing and active and is part of the City's Landscape Design Guidelines.

Policy 5

The City shall consider alternative methods of providing park and recreational amenities to meet future population demands.

Program 5.A

Support the development of private recreational ventures that will serve the general population.

Responsible Agency: Planning Department; Community Services Department; Economic Development Department

Schedule: Ongoing

Implementation Status – Addressed in the Parks Master Plan.

Program 5.B

Develop a program by which the City can accept parkland gifts and dedications that would be beneficial to the community.

Responsible Agency: City Attorney; Planning Department; City Council

Schedule: 2005-2006

Implementation Status – Addressed in the Parks Master Plan.

Program 5.C
Develop a program that establishes public participation in tree or landscaping planting efforts to commemorate special civic occasions.
Responsible Agency: Community Services Department; Public Works Department; Parks and Recreation Advisory Committee
Schedule: 2006-2007
Implementation Status –Ongoing; Sun Lakes public tree planting.

Policy 6

The City shall develop and implement plans for a coordinated and connected bicycle lane network in the community that allows for safe use of bicycles on City streets.

Program 6.A
The City shall inventory all streets for potential Class I, Class II and Class III bikeways, and shall program their installation in its Capital Improvement Program.
Responsible Agency: Planning Department; Engineering Division; Public Works Department; Planning Commission; City Council
Schedule: 2005-2006.
Implementation Status – <i>Not completed and addressed in the Parks Master Plan.</i>

Program 6.B

Class I bikeways and sidewalks should be installed on both sides of Wilson Street, Ramsey Street, and Lincoln Street, and other major streets where sufficient right-of-way is available.

Responsible Agency: Engineering Division; Public Works Department
Schedule: 2005-2006, Ongoing
Implementation Status – <i>Not completed and addressed in the Parks Master Plan.</i>

Program 6.C

Class II bikeways and sidewalks should be designated on all existing arterial streets that have sufficient width to safely accommodate bicycle travel lanes.

Responsible Agency: Planning Department; Engineering Division; Public Works Department
Schedule: 2005-2006.
Implementation Status – <i>Not completed and addressed in the Parks Master Plan.</i>

Program 6.D

The City should designate Class III bikeways only where Class I and Class II facilities are not feasible.

Responsible Agency: Planning Department; Public Works Department
Schedule: Continuous.
Implementation Status – <i>Not completed and addressed in the Parks Master Plan.</i>

Policy 7

The City should continue to work with the Morongo Band of Mission Indians and neighboring cities and communities to create a regional bicycle and trail network.

Policy 8

The City shall provide for a comprehensive, interconnected recreational trails system suitable for bicycles, equestrians and/or pedestrians.

Program 8.A
Evaluate the practicality of utilizing flood control channels for multi-use trails, where flooding and safety issues can be accommodated, and negotiate inter-agency agreements for this purpose.
Responsible Agency: Planning Department
Schedule: 2005-2006.
Implementation Status – Ongoing, requirement.
Program 8.B
Evaluate the practicality of developing a multi-use trails system along the Banning Bench adjacent to and extending into San Bernardino National Forest lands, where environmental and safety issues can be accommodated, and negotiate inter-agency agreements with the U.S. Forest Service for this purpose.
Responsible Agency: Planning Department, U.S. Forest Service/San Bernardino National Forest
Schedule: 2005-2006.
Implementation Status - Included in the adopted Parks Master Plan.
Program 8.C
Establish a multi-purpose trail between Dysart Park and Smith Creek Park, suitable for equestrian, bicycle and pedestrian use.
Responsible Agency: Community Services Department; Public Works Department; Parks and Recreation Advisory Committee
Schedule: 2005-2006, ongoing as development occurs
Implementation Status – Ongoing.

Policy 9

Motorized vehicles shall be prohibited on City trails.

Program 9.A
The City shall develop a non-motorized trail system and associated ordinances and other required implementation programs.
Responsible Agency: Public Works Department, Planning Commission, City Council
Schedule: 2006-2007
Implementation Status – Included in the adopted Parks Master Plan.
Program 9.B
The non-motorized trail system shall be funded, to the greatest extent possible, by new development.
Responsible Agency: Public Works Department
Schedule: 2006-2007
Implementation Status – Ongoing as part of land development review process.
Program 9.C
The routing and facilities required in the non-motorized trail system Plan shall be incorporated into the Development Impact Fee when the Plan is adopted.
Responsible Agency: Public Works Department
Schedule: 2006-2007
Implementation Status – Not yet completed.

Police and Fire Protection Element (5 programs)

GOAL 1

The highest possible quality and level of service for fire and police protection to preserve and protect the health, welfare and property of residents, business owners, visitors and property owners.

Policy 1

The City shall work closely with the Fire and Police departments to assure that adequate facilities are constructed and service is provided as development and growth occur to maintain and enhance levels of service and insurance ratings.

Program 1.A

On an annual basis, consult and coordinate long-term planning with the Police and Fire departments regarding the optimal location of future police and fire stations, equipment, paramedic/ambulance service, and to ensure that levels of staffing are adequate.

Responsible Agency: City Manager, Police Department, Fire Department

Schedule: Ongoing

Implementation Status - Ongoing. The new police station has been built and occupied. The Fire Department has developed a long-range master plan that outlines the number and placement of fire stations. The master plan was approved by the City Council. The Fire Department uses the master plan to identify fire station requirements when proposed developments are presented. Recent City budgetary concerns have required that the Fire Department consider lowering the number of stations originally approved in the master plan thereby lowering what it feels is the appropriate level of service for Banning residents and explore regional coordination efforts with other cities and the county. Working with Pardee on fire station location within their project to make it more regionalized with Beaumont, Banning and the County for location and cost controls. The best fiscal option for this project is to re-occupy the existing fire station on Wilson Street so personnel and equipment can be added without building a new fire station for this project.

Policy 2

The City shall review all proposals for new or significant remodeling projects for potential impacts concerning public safety.

Program 2.A

The City shall continue to monitor levels of development in the planning area to assess the need for new fire stations.

Responsible Agency: Planning Department, Fire Department

Schedule: Ongoing

Implementation Status - The Fire Department has developed a long-range master plan that outlines the number and placement of fire stations. The master plan was approved by the City Council. The Fire Department uses the master plan to identify fire station requirements when proposed developments are presented. Recent City budgetary concerns have required that the Fire Department consider lowering the number of stations originally approved in the master plan thereby lowering what it feels is the appropriate level of service for Banning residents or explore regional coordination efforts with other cities and the county.

Program 2.B

All development applications shall be routed to the Police and Fire Departments for comment as part of the

application review process.

Responsible Agency: Planning Department, Fire Department, Police Department

Schedule: Ongoing

Implementation Status - All development proposals are routed to the Police Department for comment

All development proposals are routed to the Fire Department for comments.

Policy 3

The City shall strictly enforce fire standards and regulations in the course of reviewing development and building plans and conducting building inspections of large multiple family projects, community buildings, commercial structures and motel structures.

Policy 4

All proposed development projects shall demonstrate the availability of adequate fire flows prior to approval.

Program 4.A

Coordinate with the City of Banning Utility Department – Water Division and the Banning Heights Mutual Water Company to ensure availability of adequate water supplies and pressures for fire flows for all existing and proposed development.

Responsible Agency: Planning Department, Fire Department, City of Banning Utility Department – Water Division, Banning Heights Mutual Water Company, Building Department.

Schedule: Ongoing

Implementation Status - All projects are conditioned to meet appropriate fire flow requirements. The Water Department must verify that the required flow can be met.

Program 4.B

Proposed projects in hilly areas with potential access problems, and/or lack of sufficient water and/or water pressure, may require special on-site fire protection measures. Such measures shall be specified during project review.

Responsible Agency: Planning Department, Fire Department

Schedule: Ongoing

Implementation Status – The fire department will require that developers have in place adequate water systems to support fire protection needs. Effective January 1, 2011, an automatic residential fire sprinkler system shall be installed in all new one-and-two family dwellings in accordance with the 2010 California Residential Code (Title 25, Part 2.5)

Policy 5

Crime prevention design techniques, including the use of “defensible space,” high security hardware, optimal site planning and building orientation, and other design approaches to enhance security shall be incorporated in new and substantially remodeled development. (All development proposals routed to Police Department for comment.)

Policy 6

The City shall continue to support and promote community-based crime prevention programs as an important augmentation to the provision of professional police protection services. (Ongoing through 100 Neighborhoods, KO. Gangs in Neighborhoods, GRATE, BPAL)

Policy 7

The City shall periodically review the level, quality, innovation and cost-effectiveness of police and fire protection services, including contract services. (Five-Year Strategic Plan 2006-2011 has been completed.)

Policy 8

The Police and the Fire Departments shall closely coordinate and cooperate with the City and County emergency preparedness teams and shall assure the most effective emergency response practical. (Ongoing training and coordination with all parties involved.)

Policy 9

The Fire Department shall maintain a 5-minute response time.

Policy 10

The Police Department shall maintain a level of service (LOS) goal of 2.0 sworn officers per 1000 residents. (It is recommended that LOS goal be changed to 1.5.)

Policy 11

The Fire Department Ambulance Services shall maintain a 5-minute response time.

Policy 12

The City shall investigate the requirements for an International Organization for Standardization (ISO) rating specifically for the City. (Commission on Accreditation for Law Enforcement Agencies (CALEA).)

Policy 13

The City shall continue to pursue grant positions for the Police Department. (KO Gangs and GRATE have three positions funded by grant.)

Policy 14

The City shall pursue all funding mechanisms to fund the need for police and fire services generated by new development. (Working to establish CFD's & Development Impact Fees.)

Public Buildings and Facilities Element (5 programs)

GOAL 1

The provision of a full range of dependable, cost-effective, and conveniently located public buildings, services and facilities that meet the functional, social and economic needs of the entire community.

Policy 1

The Land Use Element shall consider the long-term availability of sites for future public and quasi-public buildings, infrastructure, and other facilities.

Program 1.A

The City shall review its official Land Use Map and development patterns every five years to assure the availability of adequate sites for future public and quasi-public buildings, infrastructure, and other facilities. The City shall confer and coordinate with utilities and other public and quasi-public agencies regarding their long-term needs.

Responsible Agency: Community Development Department, Public Works Department, Banning Heights Mutual Water Company, SCE, SCG, Verizon, Time Warner

Schedule: 2005; every five years

Implementation Status – Ongoing. Recommendations of city-approved master plans of facilities such as parks, recreation, sewer, and water will be incorporated into future development as part of land development review process.

Policy 2

Continue to identify and evaluate viable, long-term funding mechanisms that provide for the construction, maintenance and operation of existing and future public buildings and facilities, including assuring that new development funds its fair share of these facilities.

Program 2.A

The City shall explore the possibility of establishing a New Construction tax for the purpose of establishing an ongoing funding source for adequate provision of public buildings and utilities associated with new development.

Responsible Agency: City Council, Finance Department, Public Works Department, Building Department.

Schedule: 2005

Implementation Status – Not yet completed.

Program 2.B

The City shall pursue and encourage joint-use facilities with other local agencies.

Responsible Agency: Community Services Department, Banning and Beaumont Unified School Districts

Schedule: 2005-2006, Ongoing

Implementation Status – Joint use with Banning Unified School District.

Policy 3

Coordinate with public utility providers and other public/quasi-public agencies to assure that utility buildings and facilities are compatible with the surrounding landscape.

Program 3.A

The City shall establish and maintain close working relationships with utility purveyors and other public

and quasi-public agencies serving the City to assure the least intrusive integration of related buildings and facilities into the community.
Responsible Agency: Community Development Department, Public Works Department, Banning Heights Mutual Water Company, SCE, SCG, Verizon, Time Warner
Schedule: Immediate; Continuous
Implementation Status - Ongoing.
Program 3.B
All new maintenance and utility facilities (and their signage) shall be integrated into the surrounding environment using landscape treatments, architectural elements, and/or other appropriate design mechanisms. Whether as a regulatory or advisory function, design plans shall be reviewed by the Community Development Department.
Responsible Agency: Community Development Department, Public Works Department, Banning Heights Mutual Water Company, SCE, SCG, Verizon, Time Warner
Schedule: Immediate; Continuous
Implementation Status – Active as it is implemented.

Policy 4

All public buildings and facilities shall comply with the same development standards as private development.

Policy 5

Encourage the undergrounding of all utility lines and the undergrounding or screening of transformers/facilities.

Policy 6

Critical structures and facilities (including the civic center, hospitals, fire stations, police stations, schools and major communications facilities) shall be restricted from geologically and hydrologically hazardous areas.

Policy 7

The Zoning Ordinance shall be reviewed to facilitate the location of public buildings and offices in a centralized location near the Civic Center.

Schools and Libraries Element (7 programs)

GOAL 1

The provision of quality school and library facilities in the City that is accessible, safe and conveniently located within the community.

Policy 1

Assist, cooperate and coordinate with the Banning and Beaumont Unified School Districts and state agencies in identifying, acquiring and developing school sites needed to meet future growth demands. Encourage the selection of potential school sites that are centrally located in areas of existing or future residential development.

Program 1.A

The City shall review and advise the Banning and Beaumont Unified School Districts on their master plans, development proposals and environmental documentation, and shall otherwise coordinate and cooperate with the Districts to assure the provision of safe, conveniently located and effective educational facilities.

Responsible Agency: Banning and Beaumont Unified School Districts, Planning Department, City Council

Schedule: Ongoing

Implementation Status –Working with Banning Unified School District for coordination & MSJC.

Policy 2

Continue to work with the Banning Unified School District to amend the District's boundary to encompass all lands within its corporate limits and sphere of influence.

Program 2.A

Maintain effective communication with Banning Unified School District staff and board members to lobby for amendment of the District's boundary.

Responsible Agency: Banning Unified School District, Planning Department, City Council, Beaumont Unified School District

Schedule: Ongoing

Implementation Status –The amendment to the School District's boundary was pursued but not successful.

Program 2.B

Establish an organized committee comprised of City officials, interested community members and leaders and Banning Unified School District staff and board members to lobby for amendment of the District's boundary.

Responsible Agency: City Council, City Manager's Office, Banning Unified School District

Schedule: 2005-2006

Implementation Status –The amendment to the School District's boundary was pursued but not successful.

Policy 3

Schools and libraries shall be protected from excessive noise and traffic conditions, incompatible land uses, and the threat of on-site disturbance to the greatest extent practicable.

Program 3.A
The City shall routinely evaluate and update the Land Use Element to assure that school and library sites are compatible with surrounding land uses, arterial roadways and other significant noise generators.
Responsible Agency: Planning Department
Schedule: Ongoing
Implementation Status – Ongoing.
Program 3.B
The City shall work closely with the District to improve the safety of students traveling to and from school over the railroad tracks, and shall strive to provide separate, safe pedestrian and bicycle access, particularly in the vicinity of the high school.
Responsible Agency: Planning Department, Public Works Department, City Council
Schedule: Ongoing
Implementation Status – Ongoing.
Program 3.C
To maximize the safety of students, parents, school staff and the general public, the City shall coordinate with the Banning Unified School District to maintain an adequate staff of school resource officers responsible for monitoring and patrolling school campuses during appropriate school hours.
Responsible Agency: Banning Unified School District, Police Department, Beaumont Unified School District
Schedule: Ongoing
Implementation Status - Active and ongoing.

Policy 4

The City shall cooperate in securing school impact fees from developers, in accordance with state law.

Policy 5

The City shall pro-actively work with the Banning Unified School District to improve the level and quality of education wherever possible.

Policy 6

The City shall encourage and support local higher education institutions that enhance general, career and vocational skills, employment opportunities and personal growth.

Policy 7

The City shall cooperate with Banning Unified School District, the Riverside Office of Education, and Mt. San Jacinto College to facilitate the establishment of a community education committee, which will develop a mission statement and process of committee activities. The committee's essential goal shall be to enhance the provision of quality education to all students in the City.

Policy 8

As appropriate, the City shall pursue agreements with the school districts to assist in the purchase, lease or joint use of land and facilities for school and recreational purposes, and to provide the neighboring community with access to recreational facilities and open space during non-school hours.

Policy 9

The City shall support and facilitate the development of youth programs to provide quality after-school programs and facilities.

Program 9.A
The City shall establish a committee comprised of education professionals, elected and appointed officials, and County and City staff, and shall explore the possibility of establishing after-school programs targeted towards providing educational, recreational and personal development programs for school-aged children.
Responsible Agency: Banning Unified School District, City Council, Riverside County Office of Education, Community Services Department, Beaumont Unified School District
Schedule: Ongoing
Implementation Status – Active and ongoing coordination.

Policy 10

The City will encourage the Library Board to confer and coordinate with Mt. San Jacinto College to explore the provision of library services, and cooperative efforts with the Banning Public Library, in conjunction with the proposed MSJC Education Center.

Policy 11

The City shall coordinate with the Banning Public Library to assure that adequate library space, services and resources are provided to meet the educational and literary needs of the community.

Policy 12

Recognizing the importance of the library system for educational and cultural development within the community, the City shall explore the need for and feasibility of expanded library facilities and resources, including the potential for and appropriateness of accessing on-line resources associated with the Riverside County library system.

Water Resources Element (11 programs)

GOAL 1

A balance of development which assures the maintenance of the water supply and its continued high quality.

Policy 1

New development projects proposing 50 units on property whose General Plan Land Use designation would allow 50 units, and/or 10 acres of commercial/industrial/other development, or more, whether through a tract map, Specific Plan or other planning application, shall be required to fund the provision of its entire water supply, either through SWP, recycled water or other means, as a condition of approval.

Program 1.A

In accordance with the 2003 Determination of Maximum Perennial Yield for the City of Banning, the City shall implement an annual ground water audit. This process involves evaluating groundwater level trends, production rates, ground water quality or other aquifer/well/pump considerations from the previous year (the water audit should be performed six months prior to the start of the water accounting year) and using this information to make recommendations for pumping in the following year.

Responsible Agency: Public Utilities Department

Schedule: 2005-2006, Continuous

Implementation Status – The Maximum Perennial Yield was updated on March 29, 2011 as part of the Urban Water Management Plan that was adopted by the City Council on June 28, 2011.

Program 1.B

The City shall develop construction plans and cost estimates for the construction of recycled water facilities for both Phase I and II, and make them available to the development community.

Responsible Agency: Public Utilities Department

Schedule: 2005-2006

Implementation Status – Plans are complete and are awaiting funding.

Program 1.C

The City shall coordinate with the San Gorgonio Pass Water Agency and other appropriate agencies to assure that the City's SWP water can be delivered.

Responsible Agency: Planning Department, Public Utilities Department

Schedule: 2005-2006, Ongoing

Implementation Status – Active and ongoing and the City is receiving 1200 acre feet per year.

Policy 2

The City shall require the use of drought-tolerant, low water consuming landscaping as a means of reducing water demand for new development.

Program 2.A

Continue to implement the City's Water Efficient Landscape Ordinance by requiring the use of native and drought-tolerant planting materials and efficient irrigation systems.

Responsible Agency: Public Utilities Department, Planning Department

Schedule: Continuous

Implementation Status – Ordinance adopted and being implemented.

Program 2.B

The City shall coordinate and cooperate with the San Gorgonio Pass Water Agency, Banning Heights Mutual Water Company and the Beaumont-Cherry Valley Water District to expand and strengthen educational/public relations programs regarding the importance of water conservation and water-efficient landscaping.

Responsible Agency: Public Works Department, Planning Department, Banning Heights Mutual Water Company, Beaumont-Cherry Valley Water District

Schedule: Continuous

Implementation Status – Ongoing.

Policy 3

The City shall require the use of recycled wastewater for new development, or where it is unavailable, the infrastructure for recycled water when it becomes available, as a means of reducing demand for groundwater resources.

Program 3.A

Coordinate with the Banning Heights Mutual Water Company regarding the future expansion of recycled wastewater treatment facilities to serve existing and new development projects in the City.

Responsible Agency: Planning Department, Public Works Department, Banning Heights Mutual Water Company

Schedule: Continuous

Implementation Status – No projects identified – will be available for future coordination; expansion is coordinated and conditioned for appropriate projects.

Program 3.B

Aggressively pursue all sources of funding to allow for the installation of a comprehensive recycled water distribution system throughout the City.

Responsible Agency: Public Works Department, City Manager's Office

Schedule: Immediate, Continuous

Implementation Status – Ongoing.

Program 3.C

The City shall study the potential of providing incentives to developers and property owners for the installation of on-site recycled water reclamation systems. Recycled water systems include the reuse of water from sources such as sink drains, dishwashers and washing machines for irrigation purposes.

Responsible Agency: Public Utilities Department, City Manager's Office

Schedule: 2005-2006

Implementation Status – Ongoing.

Policy 4

Require that all new development be connected to the sewage treatment system, or install dry sewers until such time as that connection is possible.

Policy 5

The City shall provide guidelines for the development of on-site storm water retention facilities consistent with local and regional drainage plans and community design standards.

Program 5.A
Enforce regulations and guidelines for the development and maintenance of project-specific on-site retention/detention basins which implement the NPDES program, enhance groundwater recharge, complement regional flood control facilities, and address applicable community design policies.
Responsible Agency: Public Utilities Department, Planning Department
Schedule: Continuous
Implementation Status – Ongoing and required as conditions for all projects.

Policy 6

Coordinate with the San Gorgonio Pass Water Agency, Banning Heights Mutual Water Company and the Beaumont-Cherry Valley Water District, the California Regional Water Quality Control Board and other appropriate agencies to share information on potential groundwater contaminating sources.

Program 6.A
Develop and maintain a system to share records and technical information with the San Gorgonio Pass Water Agency, Banning Heights Mutual Water Company and the Beaumont-Cherry Valley Water District, CRWQCB and other appropriate agencies regarding all sites that have the potential to contaminate groundwater resources serving the City.
Responsible Agency: Public Works Department, the San Gorgonio Pass Water Agency, Banning Heights Mutual Water Company and the Beaumont-Cherry Valley Water District, California Regional Water Quality Control Board
Schedule: Continuous
Implementation Status – Ongoing and active.

Policy 7

The City shall ensure that no development proceeds that has potential to create groundwater hazards from point and non-point sources, and shall confer with other appropriate agencies, as necessary, to assure adequate review and mitigation.

Policy 8

Encourage water conservation in existing development.

Program 8.A
Establish incentive programs for conversion of existing buildings to water conserving fixtures and landscaping.
Responsible Agency: Public Utilities – Water Department
Schedule: 2005-2006
Implementation Status – Ongoing.

Water and Waste Water and Utilities Element (10 programs)

GOAL 1

A comprehensive range of water, Wastewater and utility services and facilities that adequately, cost-effectively and safely meet the immediate and long-term needs of the City.

Policy 1

The City shall coordinate between the City Utility Department-Water Division, Banning Heights Mutual Water Company, Beaumont/Cherry Valley Water Agency, San Gorgonio Pass Water Agency, California Regional Water Quality Control Board and Riverside County Environmental Health to protect and preserve local and regional water resources against overexploitation and contamination.

Program 1.A
Support the efforts of the City Utility Department-Water Division, San Gorgonio Pass Water Agency, Banning Heights Mutual Water Company and Beaumont/Cherry Valley Water Agency to develop alternative resources for groundwater recharge, and to expand and construct facilities for the treatment and distribution of reclaimed and/or recycled water.
Responsible Agency: Utility Department-Water Division, Banning Heights Mutual Water Company, Public Works Department, San Gorgonio Pass Water Agency
Schedule: Ongoing
Implementation Status – Ongoing and active. The Public Works Department recently completed the construction of Segment A of the Irrigation Water Line (approx. 2 miles) and is scheduling to construct the last 4 miles in 2014.
Program 1.B
The City, it's Utility Department-Water Division, San Gorgonio Pass Water Agency, and Banning Heights Mutual Water Company shall continue and extend their efforts to increase domestic water conservation by expanding efforts to promote the use of water efficient landscaping in all development, and the installation of efficient water-using technologies in new and substantially remodeled structures.
Responsible Agency: Utility Department-Water Division, San Gorgonio Pass Water Agency, Banning Heights Mutual Water Company, Public Works Department
Schedule: Ongoing
Implementation Status - Ongoing and active.
Program 1.C
The City, it's Utility Department-Water Division and Banning Heights Mutual Water Company shall evaluate and, as appropriate, implement actions and regulations that facilitate residential and business retrofits of landscaping/irrigation and water-using appliances/processes that significantly increase water use efficiencies.
Responsible Agencies: Utility Department-Water Division, Banning Heights Mutual Water Company, Public Works Department
Schedule: 2005-2006, Ongoing
Implementation Status - Ongoing and active.
Program 1.D
The City shall provide water customers with incentives for the conservation of water.
Responsible Agency: Utility Department-Water Division

Schedule: 2005-2006, Ongoing

Implementation Status - Ongoing and active.

Policy 2

Sewer connection shall be required at the time a lot is developed when service is available.

Program 2.A

To the greatest extent practical, the City and its Utility Department-Sewer Division shall require new development to extend and connect to sewer lines rather than permitting the installation of on-lot septic tanks. In the event on-lot septic systems are required, development shall be required to install "dry sewers" and pay connection fee in anticipation of future sewer main extensions.

Responsible Agencies: Utility Department-Sewer Division, Public Works Department, Riverside County Environmental Health Department

Schedule: Ongoing

Implementation Status - Ongoing and active.

Policy 3

In the event a sewer line exists in the right-of-way where a for-sale residential unit is served by a septic system, the septic system shall be properly abandoned prior to a sale and/or close of escrow, and the unit shall be connected to the sewer system.

Program 3.A

The Building and Public Works Departments shall establish procedures for identifying home sales, and shall publicize the requirement for connection of sewers with the mortgage companies and escrow companies of the area.

Responsible Agency: Building Department, Public Works Department

Schedule: 2005-2006, Ongoing

Implementation Status - Ongoing and active.

Policy 4

The City shall make every effort to assure and assist in facilitating the timely and cost-effective extension and expansion of services that support community development and improved quality of life.

Program 4.A

The City shall coordinate its Capital Improvement Program with those of local utility and service providers to assure cost-effective and adequate capacity of services and facilities for future growth and development.

Responsible Agencies: Public Works Department, Utility Department, Banning Heights Mutual Water Company, other utilities and service providers

Schedule: 2005-2006

Implementation Status - Ongoing and active.

Program 4.B

The City shall coordinate with appropriate public and quasi-public agencies and utilities in conducting ongoing assessments of infrastructure capacity and evaluating expansion and improvements needed to carry out responsible growth management.

Responsible Agencies: Public Works Department, Utility Department, Banning Heights Mutual Water Company, other utilities and service providers

Schedule: 2005-2006

Implementation Status - Ongoing and active.

Policy 5

To ensure the timely expansion of facilities in a manner that minimizes environmental impacts and disturbance of existing improvements, the City shall confer and coordinate with service and utility providers in planning, designing and siting of supporting and distribution facilities.

Program 5.A

The City shall encourage the consolidation of underground utility lines and other subsurface transmission facilities to limit the impacts of these facilities on the disruption of traffic and roadways.

Responsible Agencies: Public Works Department, Utility Department, Banning Heights Mutual Water Company, SCE, SCG, other utilities and service providers

Schedule: Ongoing

Implementation Status - Ongoing and active.

Policy 6

The City shall proactively support the widespread integration of energy resource conserving technologies throughout the community.

Program 6.A

The City shall investigate and, as appropriate, implement actions and regulations that facilitate residential and business conservation strategies and the implementation of technology retrofits that significantly increase efficiencies in energy use.

Responsible Agencies: Planning and Public Works Departments, Utility Department, Banning Heights Mutual Water Company, SCE, SCG, other utilities and service providers

Schedule: 2005, Ongoing

Implementation Status - Ongoing and active.

Policy 7

The City shall continue to confer and coordinate with its solid waste service franchisee to maintain and, if possible, exceed the provision of AB 939 by expanding recycling programs that divert valuable resources from the waste stream and returning these materials to productive use.

Policy 8

The City shall support, and to the greatest extent practical, shall encourage commercial and industrial businesses to reduce and limit the amount of packaging and potential waste associated with product sale and production.

Policy 9

Utility lines on scenic roadways, major streets and in the downtown shall have primary consideration for undergrounding.

Policy 10

Major utility facilities, including power and other transmission towers, cellular communication towers and other viewshed intrusions shall be designed and sited to ensure minimal environmental and viewsheds impacts and environmental hazards.

Policy 11

The City shall encourage the planning, development and installation of state-of-the art telecommunications and other broadband communications systems as essential infrastructure.

Policy 12

The City shall encourage in others and itself the use of alternative fuel vehicles.

Policy 13

The City shall investigate lower cable rates for ungated neighborhoods.

Policy 14

The City shall encourage alternative energy use for individual property owners and consider developing an incentive program.

Wildland Fire Hazard Element (15 programs)

GOAL 1

Protect human life, land, and property from the effects of wildland fire hazards.

Policy 1

The City shall establish and maintain an information database containing maps and other information which describe fire hazard severity zones, fire threat zone, and other wildfire hazards occurring within the City boundaries, sphere-of-influence and planning area.

Program 1.A

Consult and coordinate with surrounding communities, the State Board of Forestry and Fire Protection, California Department of Forestry and Fire Protection, Riverside County Fire Department, other applicable state and federal agencies to establish, improve and routinely update the database

Responsible Agency: Planning Department, Banning Fire Department, Beaumont Fire Department, State Board of Forestry and Fire Protection, California Department of Forestry and Fire Protection, Riverside County Fire Department, Morongo Band of Mission Indians.

Schedule: 2005-2006; Ongoing

Implementation Status - A new severity zone map has been developed by the California Department of Forestry and Fire Protection (CalFire) and was adopted by the City Council on 10/28/08. The revised map went into effect July 1, 2008. Revisions to the Map will be ongoing as development occurs but at a minimum of every 5 years.

Program 1.B

The City shall make available copies of the Fire Severity Map and discourage development within areas so designated, or require detailed mitigation measures that reduce potential hazards to insignificant levels.

Schedule: Immediately; Ongoing

Implementation Status - The current map, produced by the State, is currently available to view at the fire department at City Hall. The City Council approved fire severity map will also be a public document. The City adopted the State Code in early 2011 for building standards within the fire hazard areas. The current handout will be revised to reflect the new code. With the new CFC and residential sprinkler codes this issue has been updated in 2011 along with the Fire Hazard Severity map being available on line at <ftp://frap.cdf.ca.gov/fhszlocalmaps/riverside>

Program 1.C

Prepare an informational handout to be distributed to developers, property owners, and other Appropriate parties, which describes the need for and design of fire safe developments.

Responsible Agency: Planning, City Engineer, Fire Department

Schedule: 2005-2006 Ongoing

Implementation Status - The Fire Department has developed a one-page handout briefly describing the requirements. The handout will be revised to match the new building code requirements.

Program 1.D

Establish and maintain a program by which all potentially hazardous structures, which pose a threat due to

inadequate fire hazard construction are identified, inventoried, and retrofitted with fire retardant materials. Program shall include informational handouts describing appropriate methods of retrofitting and possible sources of funding to facilitate the rehabilitation of such structures.

Responsible Agency: Building and Safety Department, City Engineer, Fire Department

Schedule: 2005-2006

Implementation Status – *Nothing done at this time.*

Policy 2

On going coordination between the Banning Fire Department, Beaumont Fire Department, the Riverside County Fire Department, the California Department of Forestry, the Morongo Band of Mission Indians and the US Forest Service in fire prevention programs.

Program 2.A

Cooperate with all neighboring agencies in order to identify opportunities for fuel breaks in very high hazard severity zones and to ensure that fire breaks are provided where necessary and appropriate.

Responsible Agency: Fire Marshall, City of Beaumont, County of Riverside, Morongo Band

Schedule: 2005-2006, Ongoing

Implementation Status – Approximately 2½ years ago, the Fire Marshal met with representatives from CalFire/Riverside County Fire and San Bernardino County Fire, and the U.S. Forest Service Service to discuss fuel modification projects in the wildland areas north of Banning from Yucaipa to the Morongo Reservation. For budget cycle 2004-2006 the City Fire Marshal proposed a 4 year fuel break construction project in Banning Canyon. The Council approved financing for the project. When funding was requested to continue for the final 2 years of the project, it was denied. Fuel break Projects to the northwest of Banning are being done by CalFire but have little effect toward the protection of the watershed in Banning Canyon. The Fire Department is working with the county fire hazard reduction coordinator for projects within the pass area. The current truck trail system is being improved to maintain access and provide a break in the fuel.

Program 2.B

Development proposals shall be transmitted to the Police Department and the City Fire Marshal, and input shall be incorporated into project design or conditions of approval, as appropriate.

Responsible Agency: Building and Safety Department, Planning Department, Police Department, Fire Department

Schedule: Ongoing

Implementation Status – All development proposals are routed to the Fire Department for comments.

Program 2.C

The Police and Fire Departments shall closely coordinate and cooperate with the City and County emergency preparedness teams and shall assure the most effective disaster response practical.

Responsible Agency: City Manager's office, Fire Department, Police Department, County of Riverside, PASSCOM

Schedule: Immediately; Ongoing

Implementation Status – The Fire Department's Disaster Preparedness Bureau has completed the City's Emergency Operations Plan. The Department has an ongoing training program for City Employees and City residents. Coordination with local disaster preparedness organizations and County OES is ongoing. The Fire Department evaluates all projects to ensure adequate egress in emergency situations. The City's Emergency Operations Plan (EOP) was updated November 2011.

Program 2.D

Contact and establish working relationships and strategies with Banning Heights Mutual Water Company, High Valley Water District, public utilities, and other appropriate agencies to strengthen or relocate utility facilities, and take other appropriate measures to safeguard major utility distribution systems to the greatest extent practical.

Responsible Agency: Planning Department, Public Works Department, City Engineer, Public and Quasi-Public Utilities

Schedule: 2005-2006; Continuous

Implementation Status – Active and ongoing.

Program 2.E

Encourage and cooperate with CalTrans and the railroad to reduce hazardous fuel loads (vegetation) near bridges, roadways, rail lines and state highways, which may be subject to closure during major wildland fire events.

Responsible Agency: Public Works Department, City Engineer, CalTrans, railroad

Schedule: Continuous

Implementation Status – Active and ongoing.

Program 2.F

The public will be educated regarding disaster prevention and emergency responses including evacuation procedures.

Responsible Agency: Police and Fire Departments, School Districts, PassCom

Schedule: Immediately; Ongoing

Implementation Status – Active and ongoing.

Policy 3

Continue to identify wildfire hazard areas, and to enforce special standards for construction in wildland fire hazard areas.

Program 3.A

New and substantially remodeled structures or developments shall incorporate wildfire prevention design techniques, such as the use of “defensible space,” fire retardant sidings, optimal site planning and building orientation, landscaping orientation, and other design approaches to reduce wildfire hazards.

Responsible Agency: Building and Safety Department, Planning Department, Police Department, Fire Department

Schedule: Ongoing

Implementation Status – Active and ongoing with land development review.

Program 3.B

Require that adequate emergency vehicle access and evacuation routes be available with approval of any new development.

Responsible Agency: Building and Safety Department, Planning Department, Police Department, Fire Department

Schedule: Ongoing

Implementation Status – Active and ongoing.

Program 3.C

The City shall adopt standard requirements for all development proposals in High Fire Hazard Areas, including requirements for the preparation of Fire Protection Plans prior to the approval of Tentative Tract Maps, Tentative Parcel Maps, or other land use permits.

Responsible Agency: Fire Marshal

Schedule: 2005-2006

Implementation Status – Active and ongoing.

Policy 4

The City shall make every attempt to assure that adequate water supplies and pressures are available during a fire, earthquake or both.

Program 4.A

Coordinate with Banning Heights Mutual Water Company, High Valley Water District and other agencies responsible for supplying water to the region to assure sufficient water supplies and pressures are available to provide adequate fire flows for all existing and proposed development.

Responsible Agency: Public Works Department, Building and Safety Department, Planning Department, Fire Department, Banning Heights Mutual Water Company, High Valley Water District

Schedule: Ongoing

Implementation Status – Active and ongoing.

Program 4.B

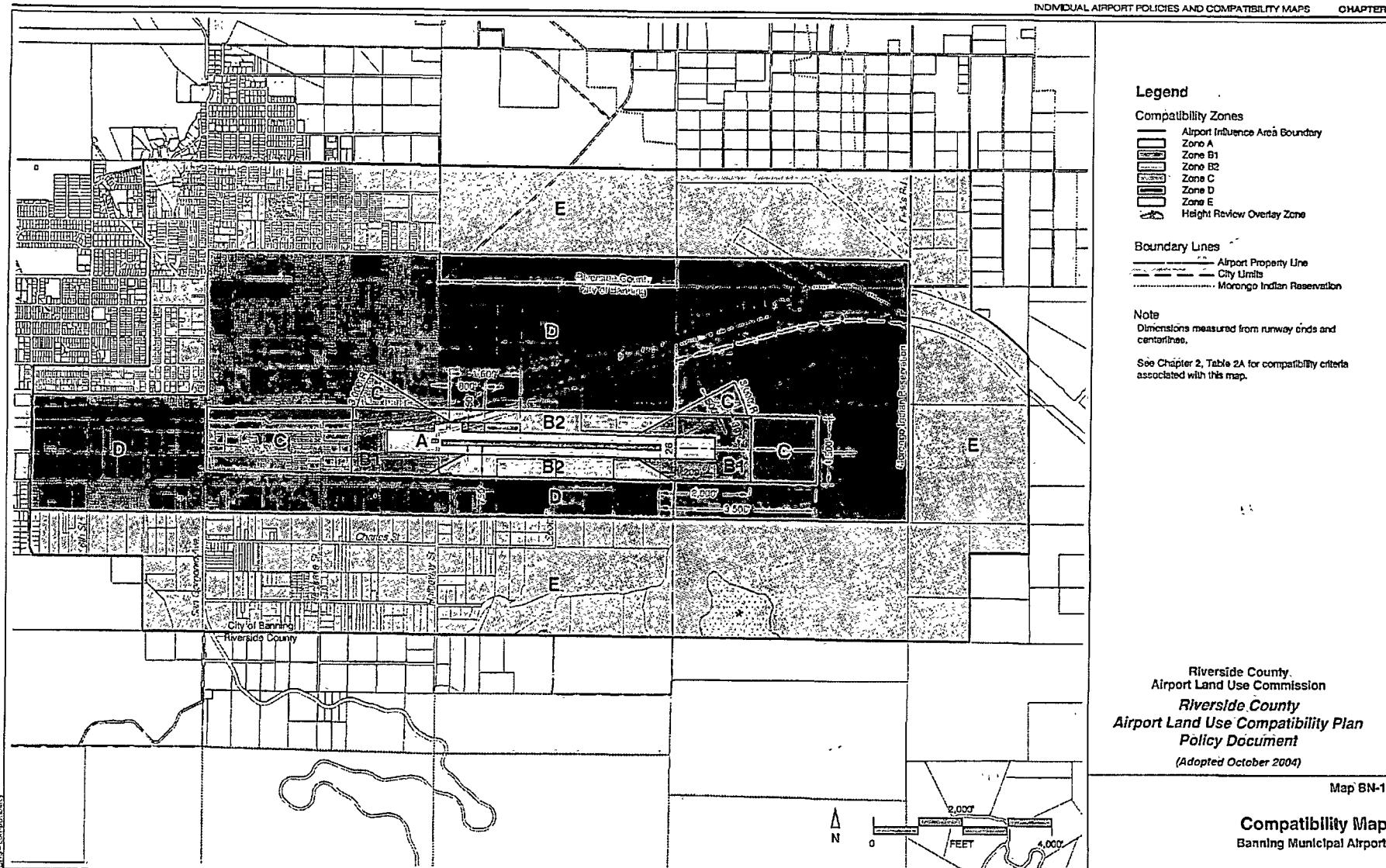
Special on-site fire protection measures may be required on well vegetated, hilly areas with slopes of 10 percent or greater, with possible access problems, and/or a lack of sufficient water and/or water pressure. Such measures shall be specified during project review.

Responsible Agency: Building and Safety Department, Planning Department, Fire Department, Banning Heights Mutual Water Company, High Valley Water District

Schedule: Ongoing

Implementation Status – Active and ongoing with development project.

Attachment 4
Exhibit “C” – Airport Land Use Zones



**Riverside County
Airport Land Use Commission**

***Riverside County
Airport Land Use Compatibility Plan
Policy Document***

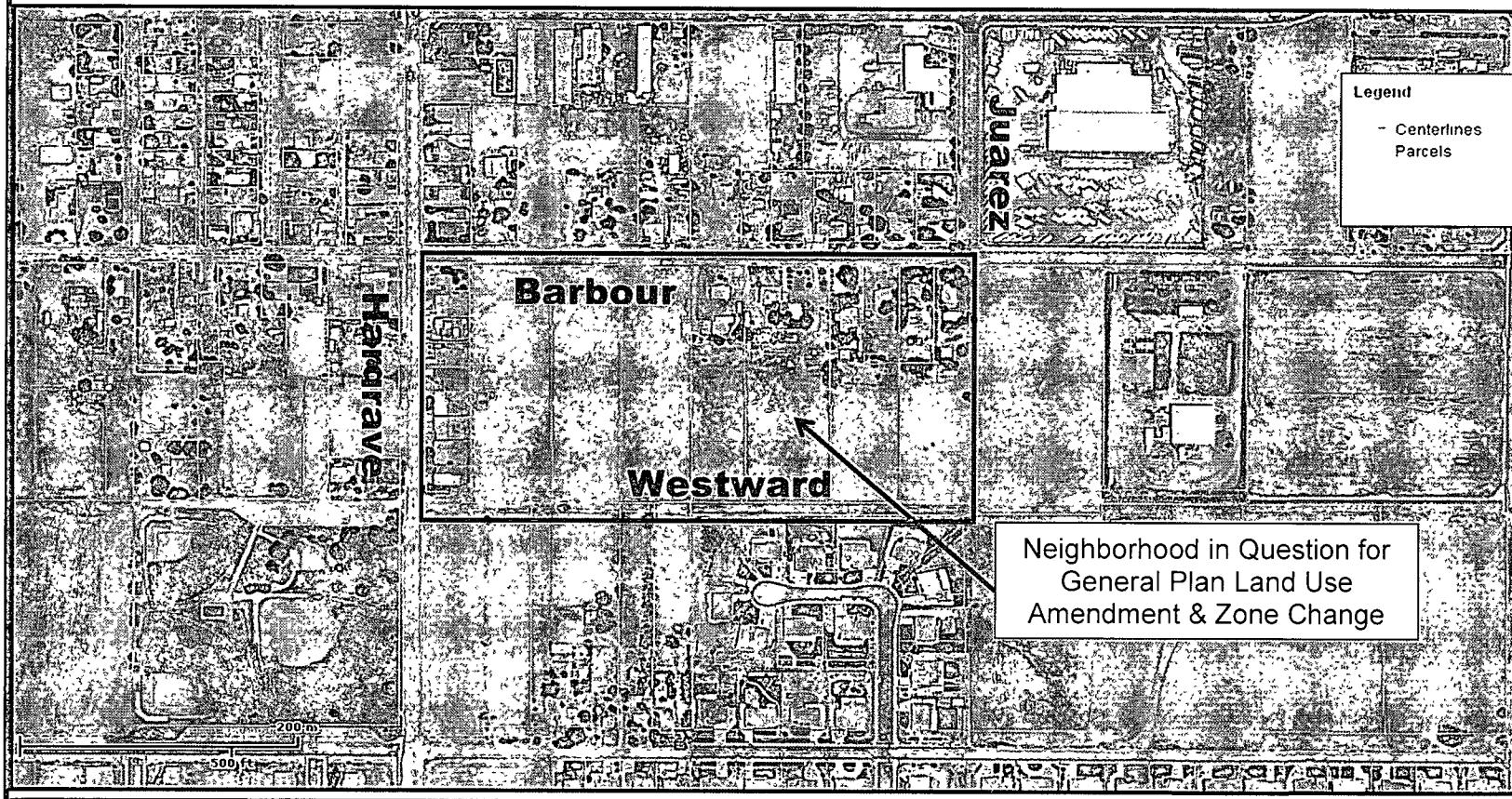
Map BN-1

Compatibility Map

Attachment 5
**Exhibit “D” – Neighborhood Bounded by Hargrave,
Barbour, Juarez, and Westward**

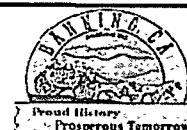
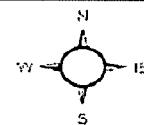
257

Neighborhood Bounded By Hargrave, Westward, Juarez, and Barbour Streets



1" = 376 ft

02/20/2014



This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Banning staff for the most up-to-date information.

**CITY COUNCIL
REPORT OF OFFICERS**

DATE: **March 25, 2014**

TO: **City Council**

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

SUBJECT: **Continue the Decision Regarding Resolution No. 2014-10, "Vacation of a Portion of Livingston Street, Alessandro Road and Adjacent Alleys" until May 13, 2014.**

RECOMMENDATION: Continue the Council discussion and decision of Resolution No. 2014-10, "Vacation of a Portion of Livingston Street, Alessandro Road and Adjacent Alleys" until May 13, 2014.

BACKGROUND: On January 2, 2014, the Planning Commission, by adoption of Resolution No. 2014-01, considered the 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.

On February 25, 2014, City Council held the public hearing and closed the public hearing. Council directed staff to continue the hearing on March 25, 2014, and establish an Ad Hoc Committee to meet with city staff and representatives from the developer to further discuss the VPSG project. Since the February 25, 2014 meeting, the Ad Hoc Committee has met and is in the process of scheduling a meeting with Riverside County officials to discuss the VPSG project.

Staff is requesting that Council continue the decision regarding Resolution No. 2014-10, "Vacation of a Portion of Livingston Street, Alessandro Road and Adjacent Alleys" until the May 13, 2014 Council Meeting.

RECOMMENDED BY:



Duane Burk
Director of Public Works

APPROVED BY:



June Overholt
Administrative Services Director/
Interim City Manager

Attachments:

Attachment 1: February 25, 2014 Staff Report and Resolution No. 2014-10

ATTACHMENT 1
February 25, 2014 Staff Report and Resolution 2014-10

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**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 25th 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 25th 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.

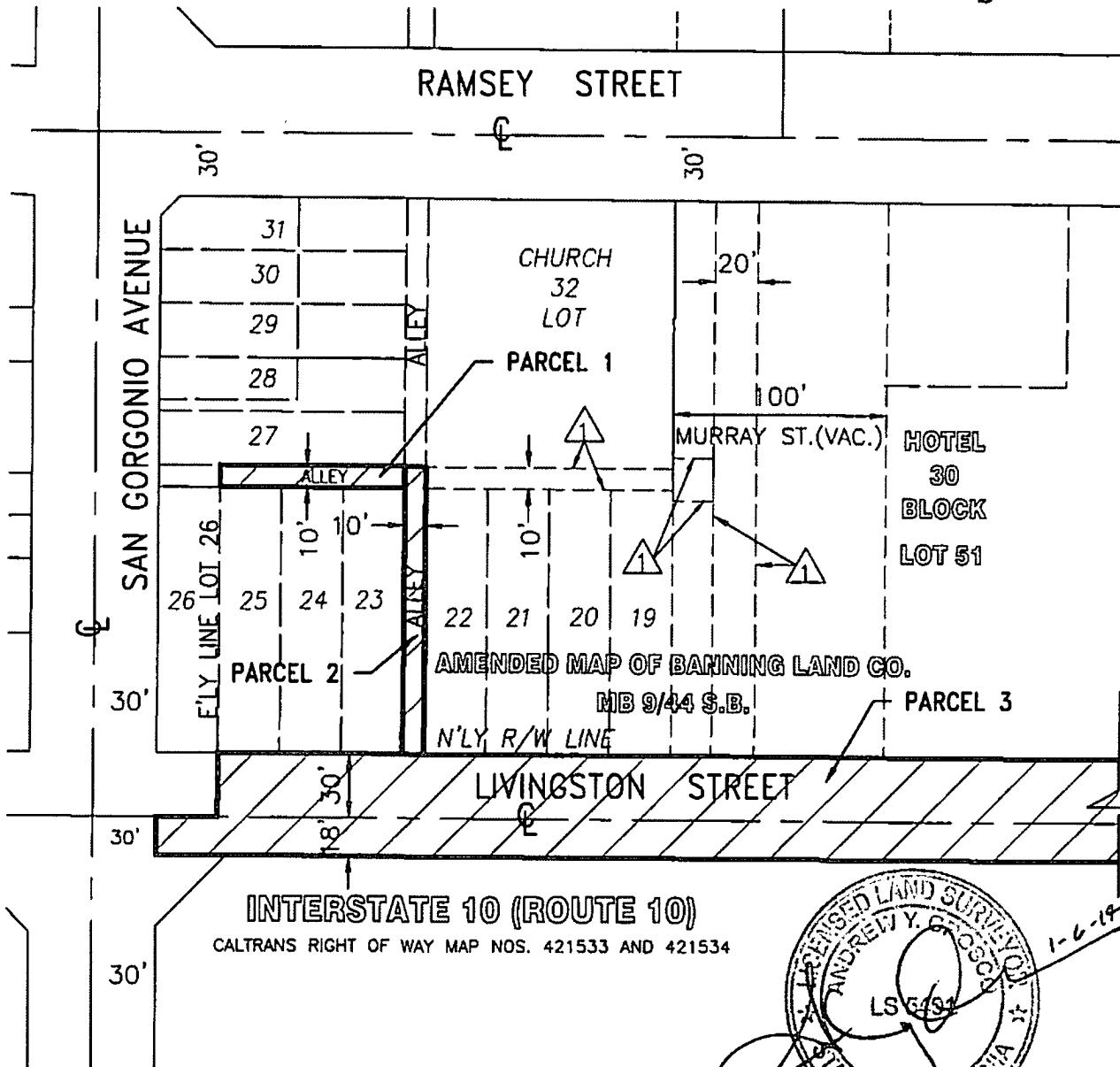
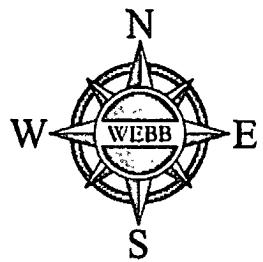
Checked by: A.Y.O.



EXHIBIT "B"
ROAD VACATION



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'

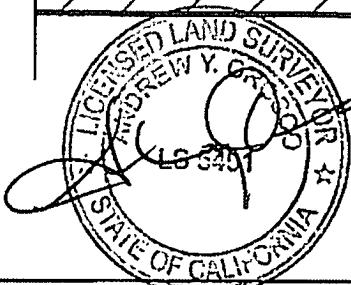
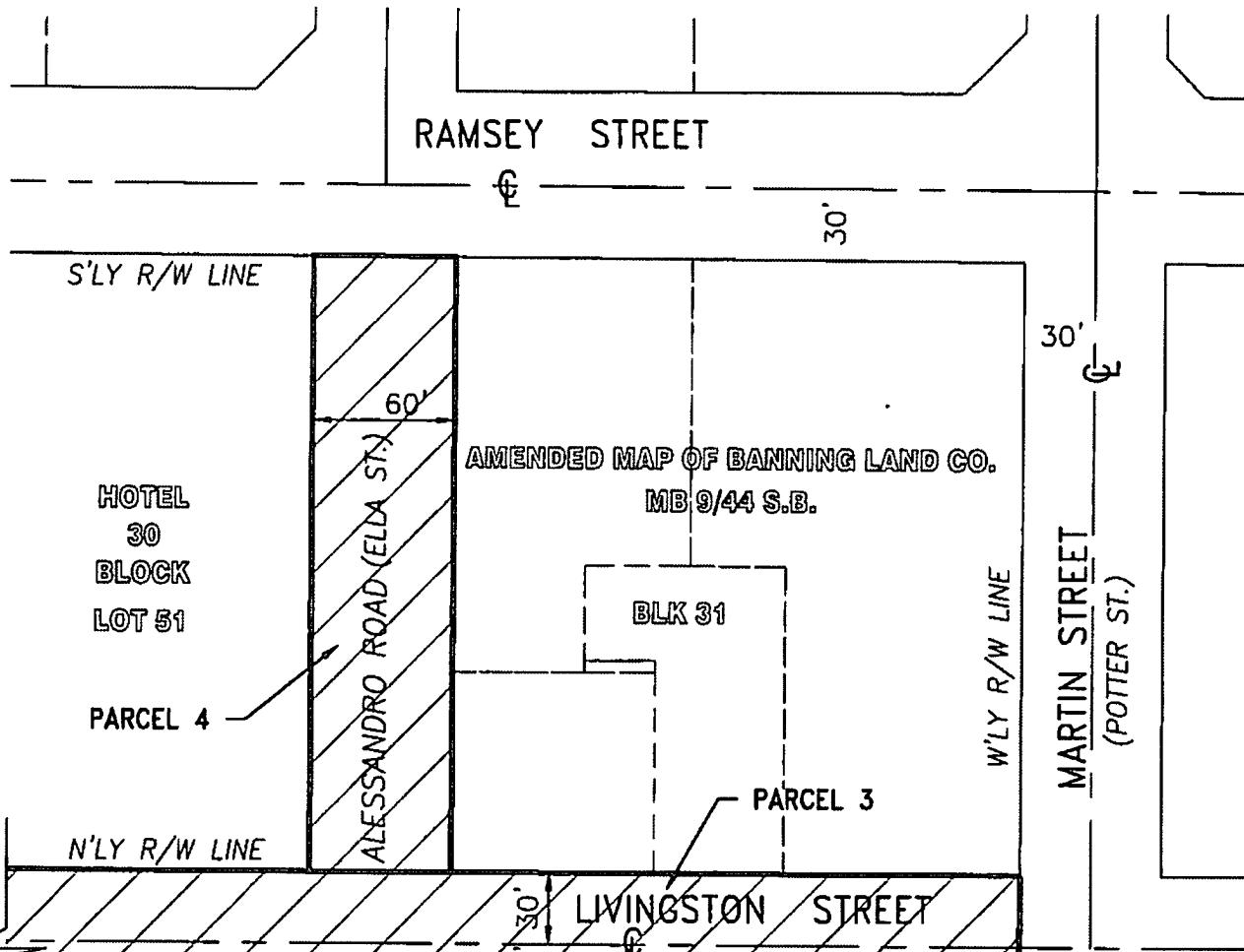
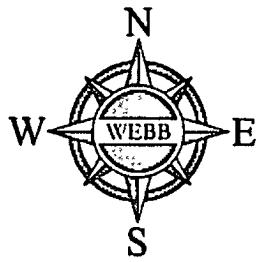
DRWN BY *AV*
CHKD BY *AV*

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

SUBJECT: ROAD VACATION

270

EXHIBIT "B"
ROAD VACATION



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'

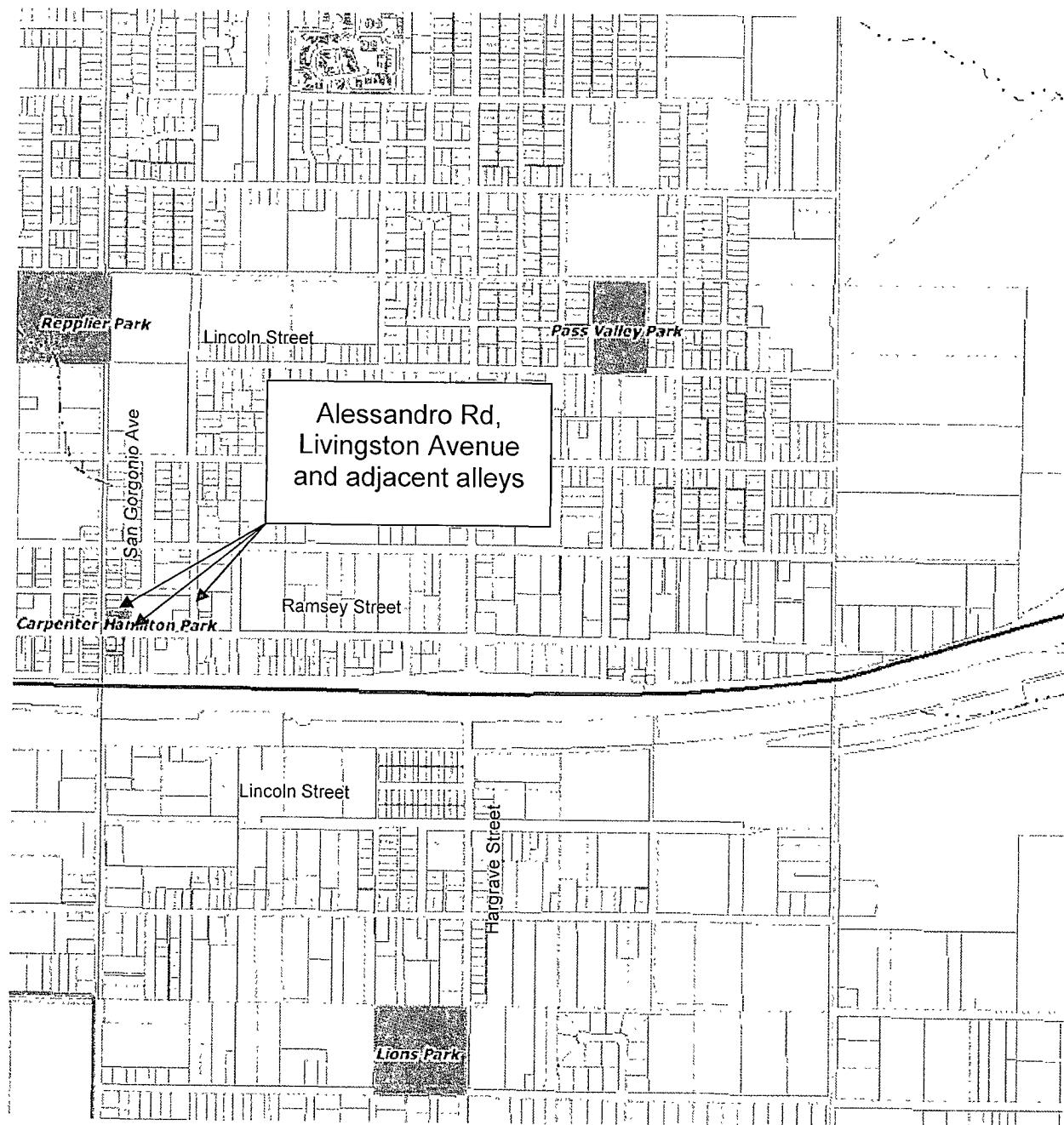
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CHKD BY *AG*

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

SUBJECT: ROAD VACATION

271

ATTACHMENT 2
Location/Vicinity Map



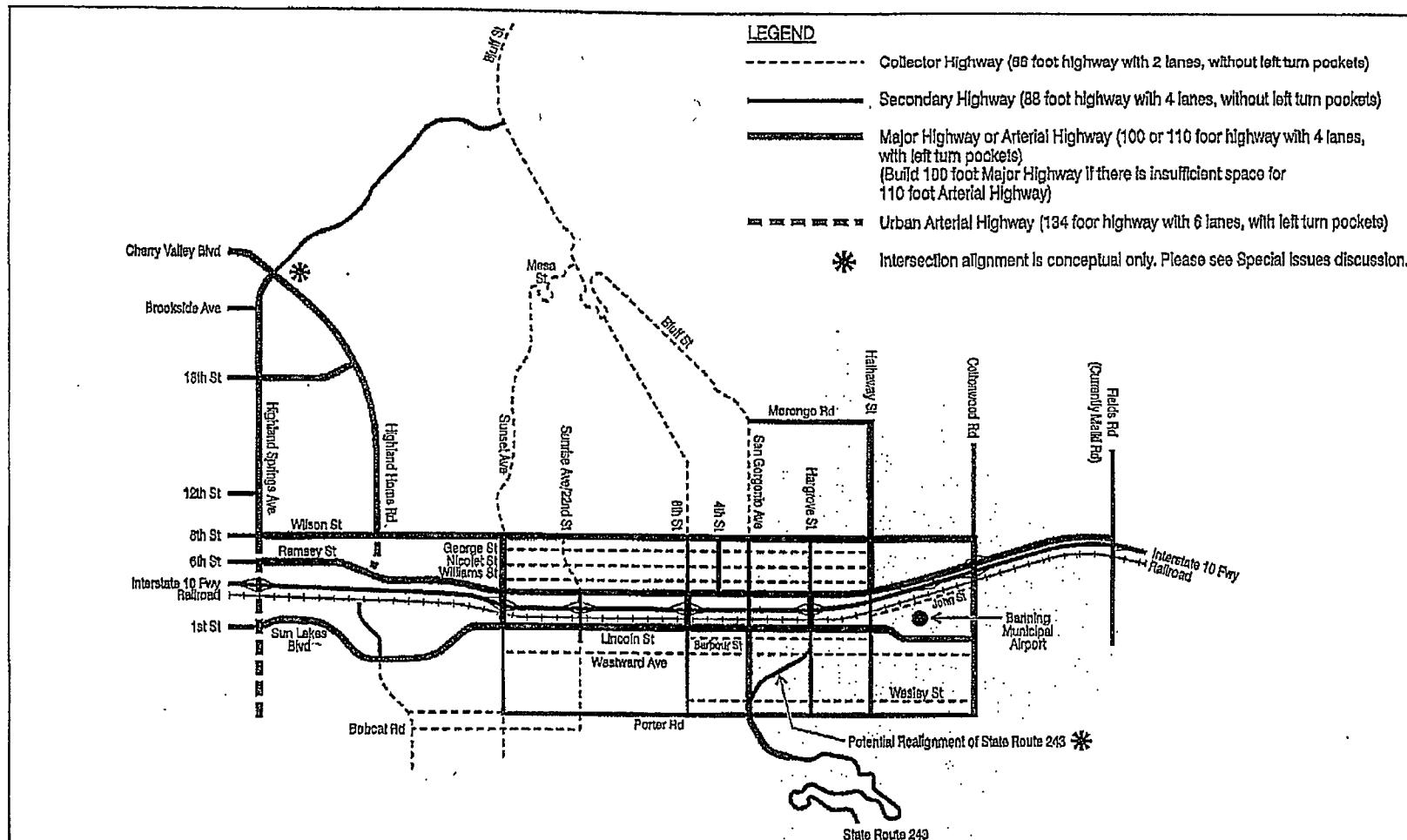
Location Map

PH #13-12504

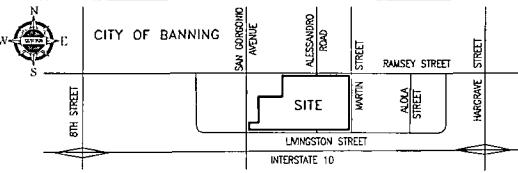


Not to Scale

ATTACHMENT 3
Circulation Element



ATTACHMENT 4
Parcel Map No. 36285



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

EASEMENT NOTES

1) DEDICATED 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
179884, O.R.

2) TO THE CITY OF BANNING AN EASEMENT FOR LANDSCAPING, RECORDED
APRIL 5, 1993, INSTRUMENT NO 125492, O.R.

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 179854,
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

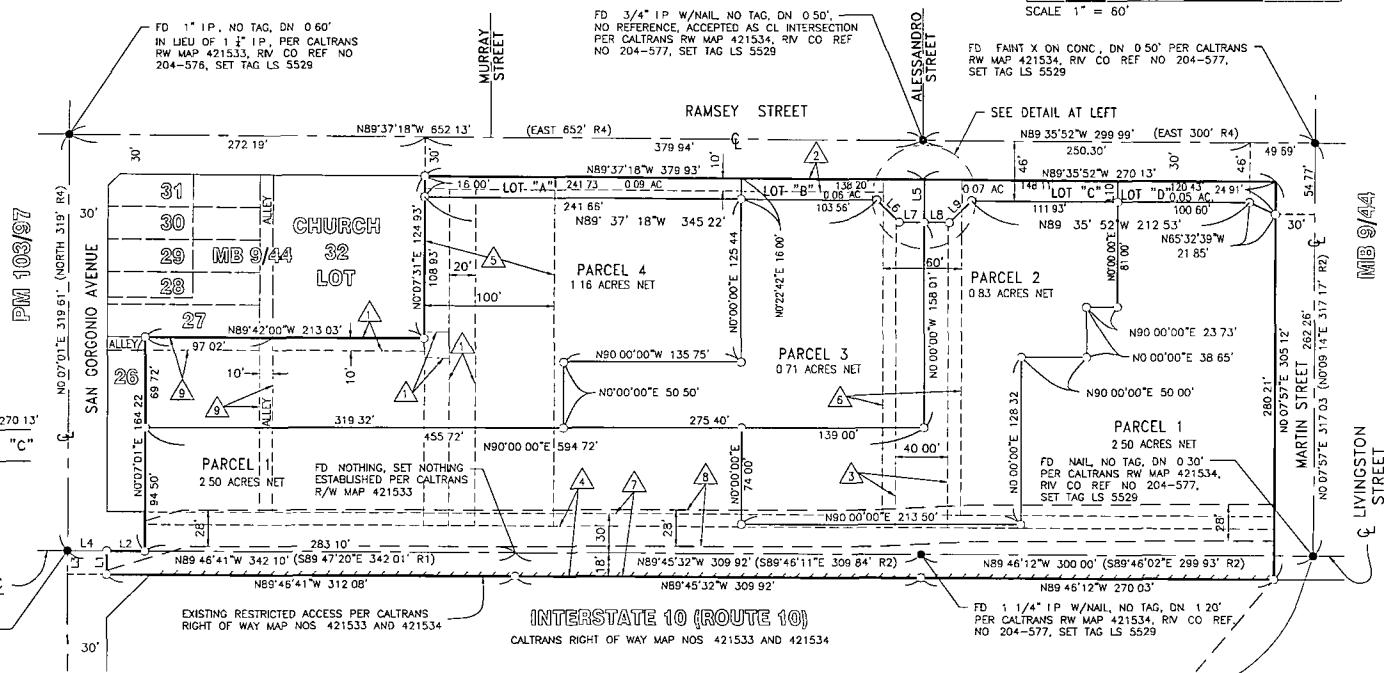
8) TO THE CITY OF BANNING, 28'00" WIDE EASEMENT FOR PUBLIC INGRESS,
EGRESS AND UTILITIES

9) PORTION OF ALLEY VACATED (UTILITIES RESERVED) BY CITY OF BANNING
RESOLUTION NO _____, RECORDED _____, AS DOCUMENT
NO _____, OFFICIAL RECORDS

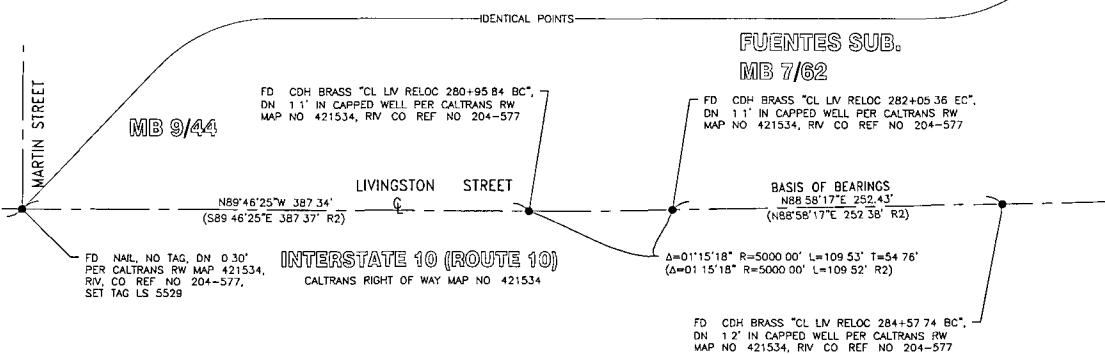
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L2	29 00'	N89°46'41"W
L3	18 00'	N0°08'42"E
L4	30 00'	N89 46'41"W
L5	33 00'	NO 24'08"E
L6	24 09'	N44°43'57"W
L7	17 58'	N89°37'18"W
L8	19 27'	N89°35'52"W
L9	23 98'	N45°15'40"E
L10	16 00'	NO 24'08"E

SURVEYOR'S NOTES

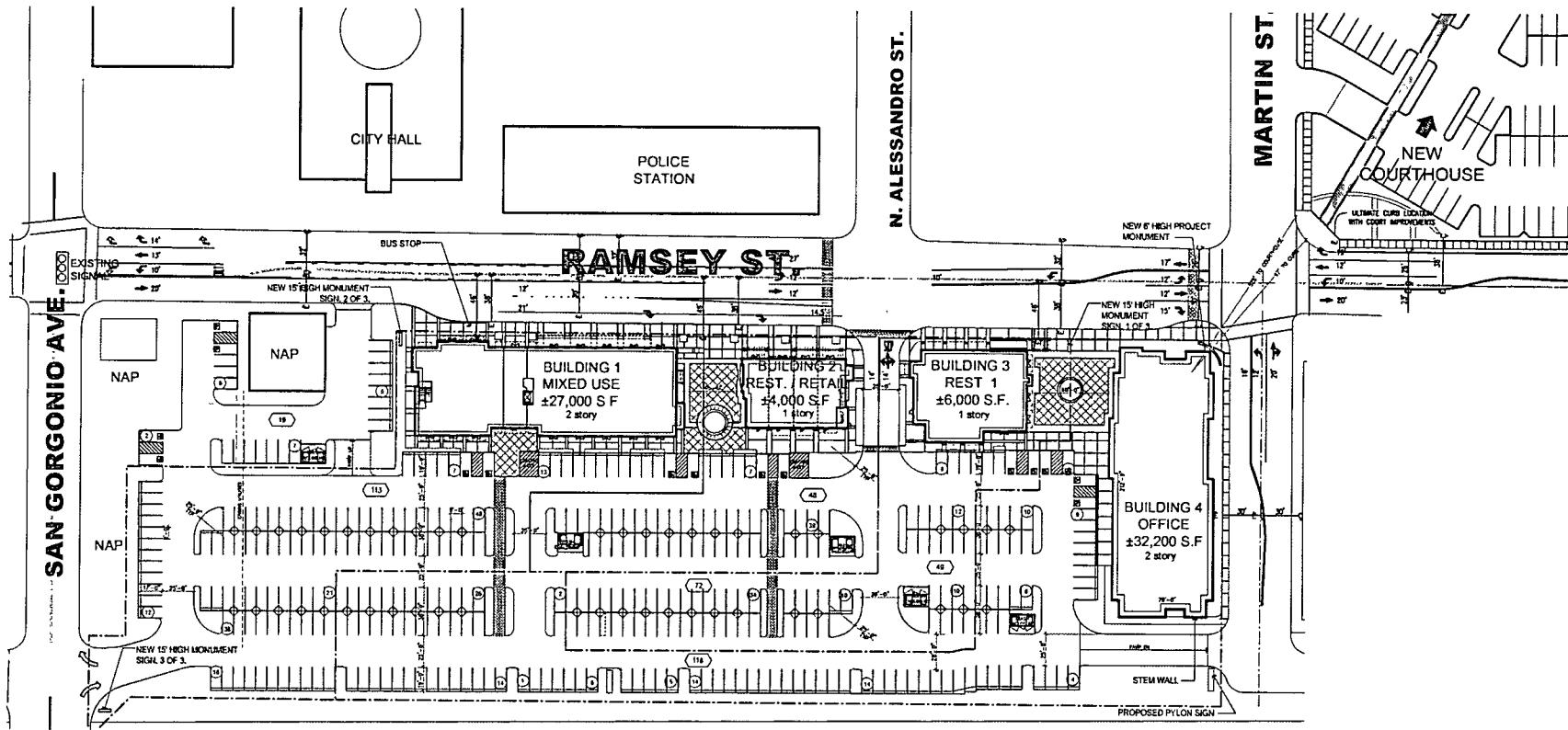
- 1 BASIS OF BEARINGS IS THE CENTERLINE OF LIVINGSTON STREET TAKEN AS NORTH 88°58'17" EAST PER CALTRANS RW MAP NO 421534, RV CO REF NO 204-577
- 2  INDICATES FOUND MONUMENTS AS NOTED
- 3  INDICATES SET 1" IRON PIPE WITH TAG STAMPED L.S. 5529, FLUSH, OR NAIL AND TAG IN LEAD STAMPED L.S. 5529 SET IN CONCRETE 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 204-576, UNLESS OTHERWISE NOTED
- 6 (R2) INDICATES RECORD PER CALTRANS RW MAP NO 421534, RV CO REF NO 204-577
- 7 (R3) INDICATES RECORD PER R.S. 4/57
- 8 (R4) INDICATES RECORD PER M.B. 9/44 S.B. 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



FUENTES SUB MB 7/62



ATTACHMENT 5
Site Plan

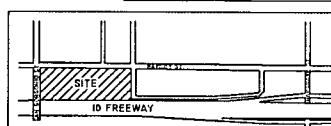


Project Summary

Site Area	±5.25 AC	(±228,090 sf)
Building Area		
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



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COMMENT # 229
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DLR Group

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