

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

January 27, 2015
5:00 p.m.

Banning Civic Center
Council Chambers
99 E. Ramsey St.

Per City Council Resolution No. 2010-38 matters taken up by the Council before 9:00 p.m. may be concluded, but no new matters shall be taken up after 9:00 p.m. except upon a unanimous vote of the council members present and voting, but such extension shall only be valid for one hour and each hour thereafter shall require a renewed action for the meeting to continue.

I. CALL TO ORDER

- Invocation – Suffragan Bishop Preston Norman Jr., Praise Tabernacle Community Church
- Pledge of Allegiance
- Roll Call – Councilmembers Miller, Moyer, Peterson, Welch, Mayor Franklin

II. REPORT ON CLOSED SESSION

III. PUBLIC COMMENTS/CORRESPONDENCE

PUBLIC COMMENTS – *On Items Not on the Agenda*

A three-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. A thirty-minute time limit is placed on this section. No member of the public shall be permitted to "share" his/her three minutes with any other member of the public. (Usually, any items received under this heading are referred to staff or future study, research, completion and/or future Council Action.) (See last page. PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.

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

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.

IV. 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 4

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 – 01/13/15 *(Closed Session)* **1**
2. Approval of Minutes – Special Meeting – 01/13/15 *(Workshop)* **2**
3. Approval of Minutes – Regular Meeting – 01/13/15 **20**
4. Update on Mathewson Building Demolition – 260 W. Ramsey St **48**

- **Open for Public Comments**
- **Make Motion**

V. REPORTS OF OFFICERS

1. Resolution No. 2015-09, Awarding the Construction Contract for Project
Project No. 2014-04EL, Demolition of the Building Located at 215 E.
Barbour Street.
Staff Report. **49**
Recommendations: **That the City Council adopt Resolution No. 2015-09,
Awarding the Construction Contract for Project No. 2014-04EL,
Demolition of the Building Located at 215 E. Barbour Street to Wreck
Age Demolition, Inc. of Chino, CA for an amount not to exceed \$23,500.00,
Plus a 105 contingency for a total of \$25,850.00.**
2. Information Report on Public Works Analyst Job Duties
Staff Report. **54**
Recommendation: **That the WRCOG position be funded throughout the
remainder of the fiscal year 2014/2015. The Public Works Analyst position
is unable to fulfill the compliance under AB 341 and AB 939 at this time.**

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

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

VII. ITEMS FOR FUTURE AGENDAS

New Items – None

Pending Items – City Council

1. Discussion on how to handle loans or distributions to charities. *(Midyear budget)*
2. Discussion on how the City Council handles donations to the City. *(Feb. 2015)*
3. Grocery Cart Policy *(In planning process.)*
4. Discussion regarding City's ordinance dealing with sex offenders and child offenders. *(2/2015)*
5. Discussion to move "Announcements" (events) up on the agenda after Public Comments. *(1/15)*
6. Discussion regarding Animal Control Services *(Midyear Budget)*
7. Discussion regarding Police Staffing *(Midyear Budget)*
8. Golf Cart Lanes
9. Bond Workshop *(Midyear Budget)*
10. Report on 33-day Billing Cycle
11. Report on process used to collect unpaid utility bills.
12. Report on Electric Rates
13. Report on Code Enforcement and taking care of vacant properties.
14. Discussion of a change in the General Plan.

VIII. ADJOURNMENT

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

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

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

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

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

01/13/15
SPECIAL MEETING

A special meeting of the Banning City Council was called to order by Mayor Franklin on January 13, 2015 at 2:35 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

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

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: James E. Smith, Interim City Manager
David J. Aleshire, City Attorney
Melanie
Brian Guillot, Acting Community Development Dir.
Marie A. Calderon, City Clerk

CLOSED SESSION

City Attorney said the items on the closed session agenda are four cases of potential initiation of litigation pursuant to Government Code Section 54956.9 (d)(4); two existing litigation matters pursuant Government Code Section 54956.9 (d)(1) 1) : 1) Takata, Burk and Purvis v. City of Banning and 2) Robertson's Ready Mix, Lt., v. City of Banning and the Banning City Council; City of Banning Mayor Debbie Franklin, City of Banning Council Members Edward Miller, Art Welch, Don M. Peterson and Jerry Westholder – Case No. RIC 1409828. Real Property negotiations pursuant to Government Code Section 54956.8 regarding Fire Museum Lease – 5261 W. Wilson. Labor negotiations pursuant to the provisions of Government Code Section 54957.6 with International Brotherhood of Electrical Workers (IBEW) – Utility Unit and General Unit; Banning Police Officers Association (BPOA), and San Bernardino Public Employees Association (SBPEA).

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

Meeting went into closed session at 2:37 p.m. and reconvened at 4:03 p.m.

ADJOURNMENT

By common consent the meeting adjourned at 4:03 p.m.

Marie A. Calderon, City Clerk

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

01/13/15
SPECIAL MEETING

A special meeting workshop of the Banning City Council was called to order by Mayor Franklin on January 13, 2015 at 4:08 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

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

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: James E. Smith, Interim City Manager
David J. Aleshire, City Attorney
Dean Martin, Interim Administrative Services Dir.
Fred Mason, Electric Utility Director
Brian Guillot, Acting Community Development Dir.
Duane Burk, Public Works Director
Arturo Vela, Civil Engineer
Marie A. Calderon, City Clerk

WORKSHOP ITEM

1. Airport Capital Improvement Plan Plan

Director Burk said before the Council is an airport workshop and in attendance are Cory Hazelwood and Brian Saull from C&S Engineers which is our professional engineering firm that had laid out the Airport Layout Plan (ALP) that is part of our discussion this evening. He said that both he and Art Vela work with this firm in regards to the airport. At this time Director Burk started is power-point presentation (see Exhibit "A") giving some history of the airport, airport facilities, the role of the airport, airport expenditures and revenues, FAA grants, land release/sale, Airport Capital Improvement Plan (ACIP), and the Airport Layout Plan (ALP).

Director Burk said that in regards to the activity at the airport in year 2013 it doubled because of the fires and it was a great asset to the fire community. At one time we had Mercy Air Helicopter based out of the airport and they moved to Ryan Airport because the Fire Department out at Ryan had a building for them and that was an incentive to get them over there. He stated that the two main revenue sources for the airport are the hangar rents and fuel sales. We also receive from the Dept. of Transportation under the aeronautical side of DOT that gives us an annual \$10,000.00 dollar grant as long as we are in compliance with our permit with them and if we fall out of compliance they hold that back until we become compliant. The

Federal Aviation Administration (FAA) gives an annual \$150,000.00 a year for entitlement funds and discretionary funds which he will give more information on. He said that in regards to the land release/sale this is included in the presentation because the City purchased 20 acres of land just south of the airport but not actually on the airport. In 2006 we did a land release to sell that land which was approved by the FAA. The sale of that land would then go 100% back to the airport so if and when the City decides to sell that land to somebody the revenue of that would go back to the airport. He said that the land has been approved on the environmental side but it doesn't mean that when we sell it again that we wouldn't have to do some type of update to that.

Director Burk said in regards to the Airport Capital Improvement Plan (ACIP) which is in the Council's budget and it was before the Council before but staff never asked the Council to approve the ACIP. So you may ask why it wasn't approved in the past and it has always been kind of an administrative policy and it was brought forth and so staff is asking for Council approval because they want the Council to be aware of what is going on at the airport. The AIP (Airport Improvement Plan) funds (entitlement/discretionary) are programmed for those projects identified in an approved ACIP. The ACIP is a five-year document that serves as a primary planning tool for identifying and prioritizing critical airport development and associated capital needs. The Banning Municipal Airport's ACIP was developed on the airport's approved Airport Layout Plan (ALP) in the Airport's Master Plan. Before you can receive any of the grant funding whether it be discretionary or through a grant you have to have an approved master plan which C&S Engineers had done with us in 2005. An example of capital projects for the airport is the above-ground storage facility and the AWOS (Automated Weather Observing Systems) that he mentioned earlier. The projects identified in the ALP are prioritized and submitted to the FAA for review and approval. So annually staff goes out and meets with the FAA and talk about the projects and most of them are safety items and then they are approved and that is what creates the ACIP. He said so in our discussion as they do improvements to the project FAA wants to update what we call the Airport Layout Plan and later in tonight's Council Meeting he will be asking for an approval to upgrade an as-built document for the FAA. He said that Resolution No. 2015-03 is on the Council's agenda and staff is requesting approval of the resolution and he went over the items to be approved. He said the Airport Capital Improvement Plan has been developed from 2016 through 2020 and approved by the FAA and the items on the list are primarily all safety related items to the FAA. Staff has prepared and is ready to submit the 2015 AIP Grant Application and he went over the project for year 2015. He also said that the Master Agreement Contract Amendment will be presented to the City Council for review and approval for each Airport Capital Improvement project. This will be brought to the Council annually to let the Council know that this is the next project and the Council could then say yes or no so even though you are locked into a five year deal you have the discretion to change that later or move a project. He said that this agreement was approved by Assistant City Attorney, Lona Laymon.

Councilmember Welch said he thinks the question the Council has in relation to the airport was what is going to happen down the line; what is the best use in the future for that land mass on the south east corner of the city. Is there any interest in continuing to develop the airport, if so what do we need to really make that happen? He understands the on-going improvements that need to be made because if the FAA says there is an improvement that needs to be made, they offer up the funds to take care of it and if it is not made, then the City itself stands a chance of

being cited for a violation and that ends up costing us money. He said what he was more interested in here is not so much the on-going care and maintenance of our airport but more overall we were looking at is the airport the best use for that land mass long-term for the City.

Director Burk said at the last meeting we had he thinks that was a topic the Council wanted them to look into however, he believes that Bill Manis was working on that. He said he didn't include that into this presentation today because he didn't really get much information from Bill Manis. He could bring that back to the Council at a later date and bring that information as far as who he was contacting. He does know that there is a property owner to the north east of the airport (Messenger) that is inquiring about some property on the airport. In regards to the 20 acres that he mentioned at one time Bill Manis had an interested party to buy the 20 acres. We were in negotiations with a fixed-based operator last year that wanted to improve the current building we have there so he could do a flight school and we couldn't move forward with that because he wanted a 15-year lease and we didn't feel comfortable in giving him a 15-year lease not knowing all the answers of what it would take to do that and then we would have the City Attorney to do a 15-year lease and not the Public Works Director. He would need some time in getting back to the Council with an update on what Bill Manis was working on but at this time he does not have that as part of his presentation.

Councilmember Miller said that you mentioned the 20 acres that was purchased and if sold it goes back to the airport. Was the money that was used to purchase it from the Airport Fund or was that from the General Fund?

Director Burk the money used to purchase that 20 acres was from the FAA. At one time they said that there would be some hangers out there and identified as potential hangars.

Councilmember Miller said the airport now is certified and if we do not do anything else, if we don't proceed with the five-year plan what would happen. Would the airport not be certified, would we be fined or would we just have the airport as it is?

Director Burk said that he did bring this up when they met with the FAA in December. If the City elects not to do any improvements to the airport as it relates to the Airport Improvement Plan, then the liability of that falls directly on the City. For example, on the obstruction which he is asking for tonight to be improved and updated to the Airport Layout Plan, if somebody has an accident in those objections, the City owns that liability. That is the critical path for us that he wanted to bring to the Council's attention. Even though we may decommission the airport or maybe sell it you still during that process have the responsibilities to maintain that airport through an FAA/Department of Transportation regulation guidelines.

Councilmember Miller said if we do not approve the proposal for spending the \$150,000 this year, then the liability for accidents falls on the City. Director Burk said that was correct. Councilmember Miller said so right now if there is an accident on the airport, the City is not responsibly in any way.

Director Burk said he would imagine we are always responsible but he just doesn't know the extent of what that liability is. If we are following the Airport Layout Plan and the Master Plan, he doesn't know whether or not we would be liable and he would have to defer to the City

Attorney. He does know that if you follow the Master Plan and you are updating it, he thinks you probably have a stronger court case if you are following those guidelines.

City Attorney said he thinks the liability issue would be to the extent you don't put in any improvements that are in the plan and the accident is due to the non-provision of that improvement. Yes, to the extent you have a Master Plan and you don't implement parts of it obviously you don't necessarily have the grants in any one particular year but he thinks that if you are moving forward with upgrading your airport and getting the funding then if there was some sort of claim if you have done it in accordance with federal regulation you are able to turn around and say you were simply following their law; that is your defense. If you haven't made those improvements, then you don't have the shield of federal law.

Councilmember Miller said if there is an accident on the airport right now and we have followed all the rules up to now, is the City responsible or covered.

City Attorney said if it has something to do with the performance of our personnel, the federal government is not immunizing us from our actions. We are the owner of the facility and we have liability and the federal government does not assume all liability for everything that happens at airports but if we have some liability for something that the federal government has directed us do, that is part of our defense and that might not mean we don't have any liability but it might mean that the two parties are jointly liable for the problem.

Councilmember Miller said if in the future the airport is converted to some other use the money that the FAA gave us has to be returned to the FAA. Is the funds that you are requesting today in the open session part of the amount that would have to be returned to the FAA? Director Burk said yes it would be.

Councilmember Moyer said it is not going to be much of a workshop because we wanted to know what might be done with the property and obviously we don't have that information. He said it is his understanding that the Rialto airport was approved for decommissioning almost eight years ago and that airport is still not decommissioned.

Cory Hazelwood responded that they were not part of the decommissioning but Rialto just effective in November or December had their last flight out of there so the decommissioning has taken full effect and they are completely closed to public and private use at that facility.

Councilmember Moyer asked if he knew how much they had to pay to get decommission. Mr. Hazelwood said he didn't know how much was paid.

Director Burk said it was his understanding from talking to June Overholt that it was a \$4 million dollar buy, straight up, to the San Bernardino Municipal Airport to take their traffic as an impact to the airport there. So they had a developer that wanted the land and was kind of a sponsor to decommission so they absorbed the costs. Also he believes in that agreement the developer absorbed, if not all the costs, most of the costs.

Councilmember Moyer said did he just hear that you have to repay the FAA but there is also an impact fee you have to pay to have some airport take your traffic.

Director Burk said yes, to his understanding. The FAA recognizes this as a general aviation airport that can receive a general aviation impact. If you took that off of their network, they are going to ask you where is that traffic going to go and so we would have to do some type of study to say where that impact is going to go and that would be the same with the hangars and tenants.

Councilmember Moyer said let's say it ends up being Hemet-Ryan, any idea how much that would cost us in addition to repaying the FAA. Director Burk said he would just be guessing and he would prefer to come back at a later date to firm up those numbers.

Councilmember Peterson said when we had the ENA (Exclusive Negotiation Agreement) with Highland Fairview regarding the airport property and Ito was going to absorb the FAA costs, do you recall what that was.

Director Burk said he didn't know but one of the ideas for Ito was that there was rail access and they were in negotiations with Section 12 that belonged to the Morongo Band of Mission Indians and they were going to incorporate that design so he doesn't know what all the impacts were or the costs were or even if we did sign an ENA.

Councilmember Miller said as he remembers it was \$3 million. We had an FAA representative here that gave us that number.

Councilmember Peterson said is there anything going on at the airport right now that is critical and in need of repair that we have to take FAA funds.

Mr. Hazelwood said it is critical in terms that a year has passed with the FAA and it hasn't been addressed and in the FAA's perspective it doesn't meet standards and it shall meet standards. In addition to that what Duane said you also have an obligation under the California State Transportation Authority to meet their certification which is the permit that is held for the airport. They also come out and do routine safety inspections on your airport and they also give the City a safety grant each year to deal with those safety issues and there is a letter that has a couple of safety issues identified that would be addressed in that 2015 FAA funded project. Some of those would be the pavement markings (mainly markings on the ground), there is also the access road closure at the end of the runway. It is basically all on the ground type work and this is relatively a small project that is within your grant entitlements so the FAA figures this is an entitlement project and it is fairly simply so let's do it together as a design/construct and do the FAA items along with the Caltrans items. The Caltrans items are redundant of some of the FAA concerns though two of these bullets are very similar of what the FAA wrote up two years ago. He said also there are some light pole obstructions that are on the south side near the terminal that are in the transitional surface that were on the original Master Plan from 2007 that were also thrown into this particular project and asked when they would be addressed by the FAA. He said it is there job as they look at these to see what can they do all at once to lessen the cost impact of doing over several years and doing small jobs and going through the procurement and everything so they always recommend to the City that if you are going to address your safety issues whether it be ground markings, signage, some lighting and maybe some obstructions, do them all at once.

Councilmember Peterson said does this include landscaping as well. Mr. Hazelwood said no.

Councilmember Peterson asked where would the landscaping come in because of the number of tumbleweeds out there he would think that would be some type of a safety hazard.

Director Burk said there is a tumbleweed problem and they do try to address that but there is no landscaping as it relates to the safety side of it. They have talked about in the past of going in there and doing some type of improvements to those taxiway areas. It is 140 acres of raw land adjacent to 640 acres so tumbleweeds are a problem but they do try to address them.

Councilmember Peterson said his whole issue to this thing is that this is another \$150,000.00 that we are going to take. It could be \$150,000.00 that we have to pay back until we determine what it is we are going to do with the airport and that is why he is asking if it is critical or can it wait or do we have to take the money or can we postpone this until we get the workshop in regards to what it is we are going to do.

City Attorney added that the issue of trying to decide an alternate use on the 150 acres considering the different types of business entities do you want industrial, is there commercial. Because of this payback obligation and he has dealt with that with other airports you really only go down that road if you had a major developer who had enough profit in the project that they could pay all of those costs. To even get into a negotiation with a developer along those lines you really would need to have done some planning, you would have had to figure out the type of project and then you would have to go through some marketing process on the property. He thinks if you were really interested in that, it is a several year process. It is not like 90 days from now we might find somebody. So one of the things you would have to consider is you have a very long term investment in this property in its current configuration and it could be that there is something that would bring the City a better return but he thinks it is an extremely long, complex, expensive process and at the end, even if you had consultants in here that had an economic study that told you what you could do with it and until you could find a developer who would really be willing to fund the cost of closing down and giving back the airport, you need an extremely strong economic project to be able to do that. So for repairs needed for the on-going operation of the airport that are basically going to be funded by the federal government, true you would have to reimburse it but at the end of the day the reimbursement is going to come from the economic entity that develops the airport. He thinks the Council should consider all of that in terms of how long you would be putting off these improvements before this other use would be developed in a specific enough way that it could really go forward.

Mayor Franklin said it was mentioned that the land was donated and was it donated specifically for the airport and where there any restrictions on the use of that land. Director Burk said the land was donated to Banning for building an airport in April 1929 and the restriction would be strictly for the airport itself until you did a land release and decommissioning of the airport to his understanding. As far as he knows there is no deed restriction that it has to stay an airport.

Mayor Franklin said we have talked a lot about the monies for the maintenance of the airport and what we would have to pay back if we used it for another purpose. Because all of the

monies are being used for the maintenance and the safety of the airport would all that money still be required to be part of the payback when it is just be actually used to maintain it.

Director Burk said he doesn't know the answer to that question and thinks it is something we would have to discuss with the FAA if we did go to this kind of economic study.

Mayor Franklin said this is time sensitive not in just the terms of getting the grant applied for but because we have already received a letter from the FAA saying that we need to be in compliance and is her understanding correct.

Director Burk said that they have met with the FAA and they did not receive a letter from them but did receive a letter from the Department of Transportation and yes it is time sensitive to get these things done.

Mayor Franklin said that you mentioned there was interest in an FBO (Fixed Based Operator) so is there still interest in that if that was something we wanted to pursue? Director Burk said yes.

Mayor Franklin that we are just talking about the proposal and we would still put it out to bid for whoever would do the work and we have C&S to do the planning and everything but somebody else would actually be doing the work and that would go out to bid.

Director Burk said yes and the intent would be that C&S would finish the design, if approved and then it would be taken out to bid in April and then brought back to the Council in June possibly to obligate the money.

Mr. Hazelwood said that the FAA is programmed for entitlements currently with the authorization and monies will be available for airport sponsors sometime in April and May so targeting to have bids back around that timeframe. With that said the last few years DC has been a little slower to let that money so we have been seeing that more around August. So they will time that but right now the schedule shows May or June.

Mayor Franklin asked how long would it take for this scope of repairs to be completed. Mr. Hazelwood said that this is a simple project. The biggest time and cost will be the removal of the obstruction lights; the markings are very simple and straightforward so he would say this project shouldn't be more than 30 working days or maybe even less by the time the contractor moves forward on the project.

Mayor Franklin asked with removing those lights are we putting some more lights back in. Mr. Hazelwood said yes. They will keep the area lit and secured as it was it just wouldn't have those large obstructions that penetrate the transitional surface.

Councilmember Moyer said in his opinion if we recognize a safety hazard and chose not to do something about it and something happens are we not accepting liability. City Attorney said you are not accepting liability but you are exposing yourself. The issue always is when you become aware of a condition of property; that makes the property dangerous.

Councilmember Miller addressed Mr. Burk stating that from one of your earlier statements you said that there were roughly 1400 landings and 1400 takeoffs per year. Do you know if those are people who came into Banning or were those touch and go type of operations?

Director Burk said he didn't know the answer to that but he could get that information. He doesn't know how much we really analyze that but he could look into it.

Councilmember Miller said that would really be important because it is good to know whether or not people use the airport to come to our city to spend money here. Also the letter that you received was from the Department of Transportation he would like the Council to have a copy of that letter so that they can see exactly what they said. Director Burk said yes, absolutely.

Mayor Franklin opened the item for public comments.

Susan Savolainen, resident addressed the Council stating that she has spoken about the airport in passed meetings and she even provided a lengthy page of what we could do with the airport but since there seems to be some question among members of the Council about the benefits to the airport she would like to address that. First, to firefighting aircraft landing and fueling. As Mr. Burk pointed out in his presentation there was almost double the amount of landings in 2013 and that was associated with the airport being used as a platform for the CDF firefighting aircraft to fuel and be available to return to drop the retardant and water on the fires that were burning near Highway 243. Image if those aircraft had to come from someplace besides Banning to put the fire out. How many more acres and homes would have burned? Second, in a disaster if the I-10 Freeway were to be impacted by an earthquake and since we have an airport they can fly in emergency supplies. That won't happen if we get rid of airport. There is a great unrealized potential for the airport a flight school, a restaurant, aircraft repair related businesses in the area that would generate revenue and jobs; so think about those. Also, Banning's track record for development has not been spectacular. There is the Banning Business Center which still sits as a terrible eyesore. The Paseo San Gorgonio project is not what the community envisioned. How does the community feel about a logistic center? Let's look at what is happening to the Gateway Project that Mr. Shopoff wants to build in Cherry Valley. The public isn't really happy about that going in there; do you think the citizens of Banning are going to feel differently? \$150,000.00 that we would be getting from the FAA is nothing compared to the cost of the fire damage that would be avoided by keeping the airport and she doubts that \$150,000.00 is a whole lot for a developer like Ito if he wants to put in a logistics center.

Frank Burgess said he regards to the airport he was the liaison for the City Council many years ago and the City of Banning has done nothing to improve the airport to make it what it should be and the potential that is there and if you talk about getting rid of it, forget it because it is an asset and it just hasn't been used including the 12 years that he served on the City Council.

John Wilcox, tenant at the airport, addressed the Council stating that he would have to second the comments just made a moment ago that you folks have really neglected our airport. It is an important facility and it is an asset to the community and you are not exploiting the asset and he thinks this is something that you really should rethink where you are going with it. He has rented a hanger out there now for several years and his hanger doors are so stiff he can't get

them open so he is occupying an adjacent hanger to put the airplane in because he can't get the doors open on the hanger that he is renting and it is ridiculous and that should have been fixed a long time ago but this is only symptomatic of the problems. It is nice that you put in a new fueling facility but it very strange to him that it wasn't level because all aircraft require a level surface to properly fill their fuel tanks. He thinks that you need to spend more time trying to figure out how to make the airport work and less time trying to figure out how to get rid of it. One of the stipulations through the FAA is, as he understands it, if you accept funds from them, you are obligated to maintain the operations of the facility for 20 years from the time you received the funds. Maybe by paying back all of these funds you could avoid that 20 year stipulation but he personally doesn't know that. You have a really good facility here that could be outstanding, it could be a great reliever for Palm Springs and if you approach it in a businesslike way you will have a profit center instead of an expense.

ADJOURNMENT

By common consent the meeting adjourned at 4:58 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.

BANNING MUNICIPAL AIRPORT

CITY COUNCIL WORKSHOP
JANUARY 13, 2015
4:00 PM



Federal Aviation
Administration



Proud History
Prosperous Tomorrow



Banning Municipal Airport

- Consists of two parcels with a combined acreage of 146.47 acreage.
- The land was donated to Banning for building an Airport in April of 1929.
- Airport facilities include:
 - Terminal Building
 - Facility to house a Fixed Base Operator (FBO)
 - 6 – T Hangers
 - 3 – Conventional Hangers
 - New Fuel Facility
 - Navigational Assistance Equipment (AWOS, PAPI, etc.)

Banning Municipal Airport - Hangars

- There are total of 64 hangars.
 - 30 Hangars (Farell-Cooper Hangars) are not rented out due to their deteriorated condition.
 - 6 are currently rented, but will not be rented in the future once they are vacated.
 - 34 Hangars are available for rent, of which 32 are currently rented out.
- The South Coast Air Quality Management District (SCAQMD) also rents out an area on the airport for their air quality testing equipment.

Banning Municipal Airport - Roles

- Base for Pilots
 - A base for pilots. Currently, there are 36 aircrafts based at the airport.

- Recreational Flying

ACTIVITY	2012	2013	2014
LANDINGS	1,875	3,679	1,414
TAKEOFFS	1,871	3,669	1,396
TOUCH AND GO	531	476	472

- Flight Training

Banning Municipal Airport - Roles

- Facilities and Services
 - All Weather Monitoring System, Fuel Station, Terminal Building, etc.
- Staging for Emergency Services
- Emergency/Medical Transport
 - In the past, a Mercy Air Helicopter was based out of the airport.
 - The airport is used as a base during fire fighting operations.

Banning Municipal Airport - Expenditures

- Wages and Benefits
- Utilities
- Permits and Misc. Fees
- Misc. Repairs/Maintenance
- Aviation Fuel Purchase
- Grant Matches

Banning Municipal Airport - Revenues

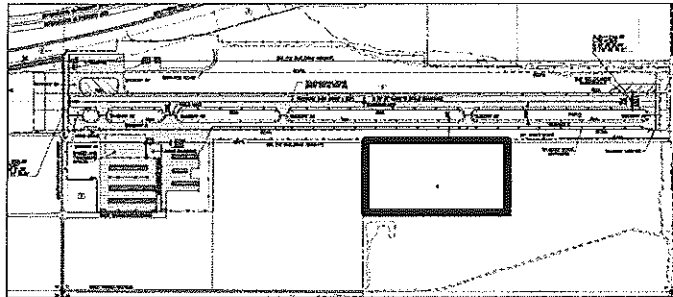
- Hangar Rents (\$94,712.75 in 2014)
- Fuel Sales (\$76,559.45 in 2014)
- Department of Transportation - California Aid to Airports Program – Annual Disbursement (\$10,000.00)
- Federal Aviation Administration (FAA) Annual Grants
 - \$150,000.00/year Entitlement Funds
 - Discretionary Funds
- Caltrans Grants
- Land Release/Sale

FAA Grants

- Entitlement/Discretionary Grant Funds only cover up to 90% of the project costs. The City is responsible for the 10% match.
- The City utilizes the Airport Fund for its grant match.
- Caltrans Grant Funds are used to assist the City in funding the City's 10% match. Caltrans grants will fund 5% of the Federal funded amount (i.e. 5% of the 90%).

Land Release/Sale

- On November, 2006 the FAA approved the Land Release and Sale of 20 acres of land south of the Airport.
- The revenue generated from the sale can only go back to the Airport Fund for use on the Airport.
- At this point the land has not been appraised.



FAA Grants

- Entitlement Grant Funds
 - \$150,000.00 per Federal Fiscal Year to be used on projects.
 - Balances of Entitlement funds are carried over for a maximum of 3 years.
 - Funds are acquired by the submittal of a grant application for a specific project.
- Discretionary Grant Funds
 - The disbursement of Discretionary funds are based on grant applications, Federal priorities and availability.
 - Discretionary funds are used when the Entitlement funds are not enough to cover the project costs.
- Entitlement/Discretionary Grant Funds only cover up to 90% of the project costs. The City is responsible for the 10% match.

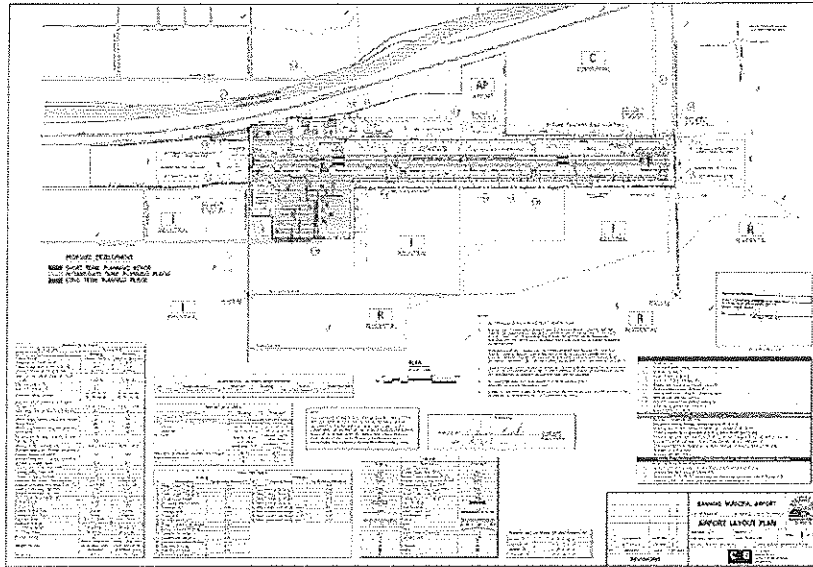
AIRPORT CAPITAL IMPROVEMENT PLAN (ACIP)

- The Airport Improvement Program (AIP) provides grants to public agencies for the planning and development of public-use airports.
- AIP funds (entitlements/discretionary) are programmed for those projects identified in an approved ACIP.
- The ACIP is a 5 year document that serves as the primary planning tool for identifying and prioritizing critical airport development and associated capital needs.

AIRPORT CAPITAL IMPROVEMENT PLAN (ACIP)

- The Banning Municipal Airport's ACIP was developed based on the airport's approved Airport Layout Plan (ALP) in the Airport's Master Plan.
- The ALP is a plan that identifies all of the capital projects for the airport.
- The projects identified in the ALP are then prioritized and included in the Airport's ACIP and submitted to the FAA for review and approval.
- Once FAA approves the ACIP staff can begin submitting grant applications for the identified projects.

AIRPORT LAYOUT PLAN (ALP)



RESOLUTION NO. 2015-03

- Staff is requesting the approval of Resolution No. 2015-03 which includes the following items:
 - 1. Approving the 5 Year ACIP and submittal to FAA.
 - 2. Authorization to submit the 2015 AIP Grant Application.
 - 3. Awarding a Master Agreement to C&S Engineers, Inc. and related Contract Amendment No. 1.

RESOLUTION NO. 2015-03

ACIP

- Staff has met with the FAA and developed the 2016-2020 ACIP:

Year	Project	Federal Grant	State-Eligible Grant	Local Match	TOTAL
2016	Acquire Land for Obstruction Removal/Relocate Tenants (Bldg #10)	\$189,000	\$9,450	\$11,550	\$210,000
2017	Removal of Obstruction (Bldg #10) (Design and Construction)	\$90,000	\$4,500	\$5,500	\$100,000
2017	Construct Electrical Vault and Runway 8 and 26 REILs (Design)	\$67,500	\$3,375	\$4,125	\$75,000
2018	Construct Electrical Vault and Runway 8 and 26 REILs (Construction)	\$630,000	\$31,500	\$38,500	\$700,000
2019	Rehabilitate Runway 8 and 26 (Design/Construction)	\$675,000	\$33,750	\$41,250	\$750,000
2020	Rehabilitate Airport Security Fence (Design)	\$90,000	\$4,500	\$5,500	\$100,000

- The ACIP is due to the FAA by January 31, 2015.

RESOLUTION NO. 2015-03

2015 AIP Grant

- Staff has prepared and is ready to submit the 2015 AIP Grant Application to FAA.
- The application submittal period began on December 31, 2014 and ends on May 1, 2015.

Year	Project	Federal Grant	State-Eligible Grant	Local Match	TOTAL
2015	Obstruction Removal, Signage & Marking Improvements and ALP Update (Design and Construction)	\$135,000	\$6,750	\$8,250	\$150,000

- Scope of Work includes the replacement of 4 light poles that penetrate into the runway transitional surface; marking and signage per FAA standards for taxiway and apron areas to improve traffic (aircraft and automobile) movements.
- Benefit: Increase flight safety, increase ground traffic movement safety and reduce the City's liability exposure.

RESOLUTION NO. 2015-03

Master Agreement

- Proposals were formally requested (RFP) for engineering design, environmental assessment and construction management services.
- An evaluation/selection committee recommends the award of a contract to C&S Engineers, Inc. of San Diego, California.
- The agreement will be in the form of Master Agreement, as allowed by the FAA.
- The Master Agreement will be used as a vehicle to execute projects/services for multiple years (5 years max.) without having to go through the selection process for each ACIP project.
- A Master Agreement benefits the City in that the City will use less resources and the project development process is expedited.
- A Master Agreement Contract Amendment will be presented to City Council for review and approval for each ACIP project.

RESOLUTION NO. 2015-03

Contract Amendment No. 1

- Staff is requesting approval of Master Agreement Contract Amendment No. 1 for engineering design and construction services for the 2015 AIP Project "Obstruction Removal, Signage and Marking Improvements and ALP Update".
- Contract Amendment Cost Breakdown:

Task	Cost
Project Management	\$3,942
Design	\$13,667
Bidding/Construction Services	\$11,386
ALP Update	\$27,105
Reimbursable	\$1,400
TOTAL	\$57,500

- The Cost is part of the 2015 AIP Grant Application.

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

01/13/15
REGULAR MEETING

A regular meeting of the Banning City Council and a Joint Meeting of the City Council and the Banning Utility Authority was called to order by Mayor Franklin on January 13, 2015, at 5:00 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

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

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: James E. Smith, Interim City Manager
David J. Aleshire, City Attorney
Dean Martin, Interim Administrative Services Director
Fred Mason, Electric Utility Dir.
Duane Burk, Public Works Director
Alex Diaz, Interim Chief of Police
Heidi Meraz, Community Services Director
Brian Guillot, Acting Community Development Director
Tim Chavez, Battalion Chief
Arturo Vela, Senior Civil Engineer
Michelle Green, Deputy Finance Director
Rita Chapparosa, Deputy Human Resources Director
Stacy Baval, Utility Financial Analyst
Marie A. Calderon, City Clerk

The invocation was given by Mayor Pro Tem Welch. Councilmember Miller led the audience in the Pledge of Allegiance to the Flag.

Mayor Franklin introduced new Interim City Manager James Smith. Interim City Manager Smith thanked the Council for having him and he appreciates the opportunity to work with the Council and staff and to help make their goals come true.

Mayor Franklin introduced new Interim Administrative Services Director Dean Martin.

Mayor Franklin stated that there has been request to move up on the agenda a presentation by our Date Festival Queen and her Court because they have a time constraint. **There was Council consensus to move up the presentation at this time.**

PRESENTATIONS:

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

Don Smith this Year's Date Festival Committee Chairman and Treasure of the Friends of the Date Festival addressed the Mayor and Council. He said the Friends of the Date Festival is a countywide scholarship program giving out \$3,000 dollar scholarships to the princesses and a \$3,500 dollar scholarship to the queen for representing the County of Riverside throughout the year and during the fair coming up in February. Last year a young lady from Banning made it to the finals and this year nobody from Banning applied so he is hoping next year once again they will get some scholarship applications for Banning for this great scholarship program. At this time he introduced this year's 2015 Riverside County Court. The Queen and Court introduced themselves at this time Queen Scheherazade-Carla Cabrera, Princess Dunyazade-Shannon Slankard, and Princess Jasmine-Moran Lawrence speaking about their education and future goals and that they were proud to represent Riverside County. They each gave information about the fair going over the many events, attractions, exhibits and performances that will be happening and invited everyone to attend the fair that will open on February 13th through the 22nd.

REPORT ON CLOSED SESSION

City Attorney said the four cases of potential initiation of litigation were not discussed. Under existing litigation they did discuss the status of the Takata, Burk and Purvis matter v. City of Banning and a status report was given and there was no reportable action taken. The existing litigation matter regarding Robertson's Ready Mix was not discussed. The real property negotiations concerning the Fire Museum – 5261 W. Wilson a status report was given and direction was given for further negotiations. Concerning labor negotiations with the City's bargaining units direction was given further negotiations with the units.

PUBLIC COMMENTS/CORRESPONDENCE/PRESENTATIONS

PUBLIC COMMENTS – *On Items Not on the Agenda*

Frank Burgess, 2021 W. Cottonwood stated that he read an article on December 9th about the Pardee Project and it said that the City was waiving development impact fees. He doesn't know what all those fees are but what he passed out to the Council was the total cost of permits if you were building a 1500 square foot home which he is sure none of those homes would be that small but he hasn't seen the project. He didn't know where to start looking because a 1500 square foot single family dwelling in the city of Banning for a contractor to pay for permit fees is a total of \$33,344.00. If you waived all of those fees to Pardee for the 500 homes, you are talking about \$11,266,500.00. When he thinks about our new police station which we are very proud of for \$15 million his lights went up, his water went up, his garbage went up, all these fees went up and he cannot understand why you are waiving fees when you say this is what you need. You say your mission as a City is to provide citizens a safe, pleasant and prosperous community in which to live, work and play and we will achieve this in a cost effective, citizen friendly and open manner. If Councilmember Peterson decided to build a house he is going to pay \$33,000.00 but if you are a developer you are going to waive the first 500 fees and this is based on a news article he read and what he picked up at city hall. It may not all be true but he would like to have an answer regarding this matter.

21

City Attorney responded that there is a development agreement and it has a term of 50 years which you are permitted to do with development agreements. There isn't an ability of changing the development agreement at this point in time. It was a contract entered into and approved at a public hearing. With regards to the permit waiver there was a provision and there is going to be like 5000 units built in the project and the City was trying to incentivize the developer to move quickly so if the developer, for units that he could develop within a very brief period of time, there was a fee waiver for up to 500 units if developed in that brief period of time. If he doesn't build the 500 units within that time period, he doesn't get any waiver. The goal was to try and quick-start the project so the developer would put some priority to developing in Banning and get his project started.

Mr. Burgess said that he would still like to know what fees are being waived and how much because \$12 million dollars is needed in this city. Welcome all developers but let's welcome on our conditions and not on their conditions.

Heather Rhoads with Inland Behavioral and Health Services (IBHS) said that the Banning site is now open and is called Banning Community Health Center and they are open Monday through Friday from 8 a.m. to 5 p.m. They have general doctors located there, family practice, pediatricians, and their dental office is also now open. They are slowly expanding and are excited about the growth they are having. They try to reach out to the community and help with the resources that are out there for the people such as medical, food stamps or unemployment.

Doug Hammer, Fire Memories Museum, 5261 W. Wilson addressed the Council. He said that things are good and they are very, very busy. They were going to close on Fridays after the Christmas holiday but didn't do that because they received so many phone calls that they ended up opening. They had about 25 to 50 people there on Fridays after the holidays. He thanked the Council and stated that they have been there a little over three years and have made some improvements. In the Inland Empire there were 13 museums talked about over the year and Fire Memories was No. 2 out of those 13 and March Air Force Base Museum was number one. Also Inland Explorer with Joel Green came out a couple of months ago and did a video at the museum and it aired on December 18th for the first time and it will be played again 3 or 4 times and that next weekend they had about 90 people at the museum. The City of Beaumont has chosen the Fire Memories Museum and Doug Hammer as Citizen of the Year this year and that is really a shot in the arm so things are really going good. Last year at the end of school year they went to ten elementary schools and participated in some activities that they do at the end of the year. They had ten elementary schools do field trips to the museum from Indio, Rancho Mirage, and Cathedral City and they brought out 60 students each time. They also have four groups of foreign exchange students that come in four times a year and there are 20 foreign exchange students from China that visit. They delivered some Christmas gifts this year for Mayor Franklin and really enjoyed it. It was a good year and they look forward to more good years and he left some year-end newsletters from Fire Memories Museum for the Council Members.

CORRESPONDENCE

City Clerk read a letter from John Melendrez, Commander, Chapter #2929, Military Order of the Purple Heart regarding Designation of Banning as a Purple Heart City (see Exhibit "A").

Councilmember Welch said that letter brings home a lot of thoughts. He doesn't know how many are aware but one of our Council Members is a Purple Heart Recipient and that is Mr. Don Peterson.

PRESENTATIONS:

2. Introduction of New Oak Glen Division Chief Steven Beach

Tim Chavez, Fire Battalion Chief introduced Steven Beach stating that he will be the Oak Glen Division Chief replacing the retired Kevin Gaines. Chief Beach was most recently the Elsinore Battalion Chief and he has a wide range of experience dealing with city fire departments. He looks forward to his advice and information and Chief Beach is also his Plans Chief on his Incident Management Team.

Chief Beach said it is his honor to take this promotion into the Banning Pass and he congratulated Jim Smith on his appointment and he looks forward working with him. He said that nothing will change and Tim will still be the Fire Chief. He said that he will be overseeing the entire Pass Area to include Oak Glen Conservation Camp and that he was just promoted into this position and for the last eight years he was the Battalion Chief in the Wildomar and Lake Elsinore Valley.

APPOINTMENTS

1. City Council Committee Assignments

Mayor Franklin said that in the past they have spoken about maintaining continuity for the different committee assignments so she will briefly go over the regional assignments for the different committees and in regards to the internal assignments they will not be changed other than adding Councilmember Moyer in place of Councilmember Westholder.

The appointments are as follows:

Western Riverside Council of Governments (WRCOG): Assignment – Franklin; Alt.-Moyer
Riverside Transit Agency (RTA): Assignment Welch; Alt.-Moyer
Riverside County Transportation Commission (RCTC): Assignment – Franklin; Alt.-Welch
Pass Area Transportation NOW Committee: Assignment – Welch; Alt.-Miller
Regional Conservation Authority: Assignment – Moyer; Alt.-Franklin
Government Access Channel Committee: Peterson and Welch
Public Utility Advisory Committee for City: Miller and Welch
Oversight Board to Successor Agency of Dissolved CRA: Welch, Franklin
TUMF Zone Committee: Assignment Franklin; Alt.-Peterson
League of California Cities Contact and Executive Board Representative: Mayor Franklin
League of California Cities (External Group): City Council
San Gorgonio Pass Water Agency (External Group): Assignment –Franklin; Alt.-Miller
Community Action Agency (External Group): Assignment – Miller; Alt.-Staff Person

2x2 Council Working Groups

Banning Unified School District: Miller and Moyer
Morongo Band of Mission Indians: Franklin and Welch
Mt. San Jacinto College: Peterson and Miller
Airport: Peterson and Moyer
Inter-Governmental Lobbying: Franklin and Welch
San Gorgonio Memorial Hospital: Franklin and Welch
Budget & Finance: Miller, Moyer, McQuown
Branding Committee: Franklin and Moyer

Motion Moyer/Peterson to approve the assignments. Mayor Franklin asked if there were any public comments on this item. There were none. **Motion carried, all in favor.**

Mayor Franklin added that we have some committees that have not met on a regular basis but we have talked in the past about possibly having some set meeting times for some of these committees with some of our external bodies such as the school board or the hospital so as part of our assignments we will be working to have standard meeting dates so that we know when we are meeting with our other elected bodies in the city on a regular basis.

CONSENT ITEMS

Mayor Franklin pulled consent Item No. 9 as requested by Councilmember Miller.

1. Approval of Minutes – Special Meeting – 12/09/14 *(Closed Session)*

Recommendation: That the minutes of the Special Meeting of December 9, 2014 be approved.

2. Approval of Minutes – Regular Meeting – 12/9/14

Recommendation: That the minutes of the Regular Meeting of December 9, 2014 be approved.

3. Approval of Minutes – Special Meeting – 12/16/14 *(Closed Session)*

Recommendation: That the minutes of the Special meeting of December 16, 2014 be approved.

4. Report of Investments for November 2014

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

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

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

6. Ordinance No. 1482 – Second Reading: An Ordinance of the City Council of the City of Banning, California, Adopting Zone Text Amendment No. 14-97501 and Zone Change No. 14-

3502 to Establish An Affordable Housing Opportunity (AHO) Overlay Zone in Conformance with the General Plan Housing Element.

Recommendation: That Ordinance No. 1482 pass its second reading and be adopted.

7. Resolution No. 2015-04, Approving the Purchase of PowerEdge VRTX Blade Servicer, Controllers and Necessary Hardware, Software, Licenses and Implementation Services for the City of Banning Computer Virtualization Project in the amount of \$44,030.00 from Logical Front and authorizes the Administrative.

Recommendation: That the City Council adopt Resolution No. 2015-04, Approving the Purchase of PowerEdge VRTX Blade Servicer, Controllers and Necessary Hardware, Software, Licenses and Implementation Services for the City of Banning Computer Virtualization Project in the amount of \$44,030.00 from Logical Front and authorizes the Administrative Services Director to make the necessary budget adjustments needed for the project.

8. Resolution No. 2015-05, Approval of City's Disadvantaged Business (DBE) Program Implementation Agreement with California Department of Transportation (Caltrans).

Recommendation: That the City Council adopt Resolution No. 2015-05.

10. Resolution No. 2015-07, Adopting a Statement of Investment Policy.

Recommendation: That the City Council adopt Resolution No. 2015-07.

Motion Peterson/Moyer to approve Consent Items 1 through 8 and 10. Mayor Franklin opened the item for public comment; there were none. **Motion carried, all in favor.**

9. Notice of Completion for Project No. 2013-03, Construction of Parking Lot Improvements at Repplier Park.

Councilmember Peterson said according to the staff report everything is done but the planters/islands that are in the parking lot is there plumbing for water yet. He was told there is no water. Has that been corrected or was that true or not true or do those planters actually have water to feed those plants.

Director Burk said those planters do not have water in the parking lot themselves; the planters surrounding them do. The intent was to come back to the Council with a plan of doing a xeriscape project with plants indigenous to the area that don't need a lot of water or even decomposed granite or maybe some type of landscaping that would be complimentary. Plumbing was done for electrical and future lights but not for water in the parking lot itself.

Motion Peterson/Moyer to approve Consent Item 9, to accept Project No. 2013-03, Construction of Parking Lot Improvements at Repplier Park as complete and direct the City Clerk to record the Notice of Completion and gives the Administrative Services Director the authorization to make all necessary budget adjustments and appropriations related to the project. Mayor Franklin opened the item for public comment; there were none. **Motion carried, all in favor.**

Joint Meeting

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

CONSENT ITEM

1. Resolution No. 2015-02 UA, Approval the Dynamic Survey of Well Nos. 25 and 26 to Address High Contaminate Levels.

Councilmember Miller said he would like to pull this simply because this is really he believes some interest to the public and he would like a brief descriptions so that everyone can know what is happening.

Director Burk gave the staff report as contained in the agenda packet in regards to the joint wells and the agreement that the City has with the Beaumont-Cherry Valley Water District and the chromium-6 monitoring that was conducted and the need to conduct a dynamic survey on these wells. He said at a later date they do want to have a workshop on chromium-6 and what the impacts may be to the city.

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

Motion Miller/Moyer to approve Consent Item 1, approving Resolution No. 2015-02 UA, approving the dynamic survey and associated costs in the amount of \$28,525.00 for maintenance of Well Nos. 25 and 26 per the joint agreement with the Beaumont-Cherry Valley Water District. Motion carried, all in favor.

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

REPORTS OF OFFICERS

1. Resolution No. 2015-06: (i) Approving the Subcommittee Report Regarding Commercial Infeasibility of a Hotel on the Hotel Parcel, (as defined in certain Purchase and Sale Agreement between the City of Banning and JMA Village, LLC dated June 10, 2012); (ii) Finding that JMA Village, LLC used diligent good faith efforts to find a hotel user for the Hotel Parcel but was unsuccessful; and (iii) Approving Developer's proposed alternate tenant for the Hotel Parcel being the Riverside County Probation Department.
(Staff Report – David J. Aleshire, City Attorney)

Mayor Franklin said that Councilmember Peterson has excused himself because he has been recused in prior discussions due to a conflict of interest.

Acting Director Guillot gave the staff report as contained in the agenda packet. He stated that the Council Subcommittee has concluded their consultation with the developer and accepted the marking report as in your agenda packet. Staff recommends adoption of Resolution No. 2015-06 approving the subcommittee report, making the findings and approving the alternate tenant.

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

Councilmember Miller said the project originally was supposed to have a hotel and when that project came forward the developer said a hotel would not be possible and there is no demand for a hotel and the location is not appropriate. Instead he proposed a building which would be occupied by the probation office and as a result there was significant objection to that and he objected to it and as a result of that objection the project was delayed but we certainly need development downtown. So as a compromise they had the developer look again to see whether a hotel would be possible. The developer, Mr. Pearlman, obtained the use of a broker and the broker diligently, as far as the Council Subcommittee of himself and Councilmember Welch were concerned, searched for any hotel of reasonable responsibility to occupy that site and the broker concluded after a very serious investigation and documentation that nothing could be built there that would be acceptable. So as a result, the Subcommittees concluded that Mr. Pearlman is correct and a hotel is not feasible and as a result we need a project down there and therefore this project was approved and should be approved as a result of his trying to get the hotel.

City Attorney added that the agreement amendment required specific findings concerning the hotel project. The basic findings that the Subcommittee approved are in the resolution. Basically the occupancy rates in the area are insufficient so there is a space on the part of the existing hotels so a new hotel is not warranted. The second finding is that the rates in the market area are low and are below the level that would justify building another hotel. Third, the site in particular, has more difficult freeway access than other sites which have been successful in this corridor. So basically the broker recognized those things in terms of their study, nevertheless they did contact numerous hotels and still came to that conclusion. He believes and the Subcommittee found that the findings you needed to make in order to waive the hotel requirement are there. Additionally, the resolution talks about the potential alternative use which is a probation department use which we believes the users of that site will in fact be able to create a business climate that will help other uses such as restaurants coming to the area.

Motion Moyer/Welch that the City Council: 1) adopt Resolution No. 2015-06: Approving the report by the City Council's Subcommittee ("Subcommittee") that a hotel on the Hotel Parcel (as defined in that certain Purchase and Sale Agreement ("Purchase Agreement") between the City of Banning and JMA Village, LLC ("Developer") which report determined that a hotel on the Hotel Parcel is not economically feasible based on the Marketing Report prepared by NAI Capital ("NAI Capital Report") and other information provided by Developer to the Subcommittee; 2) Finding that, based on the (NAI Capital Report, other information provided by the Developer to the Subcommittee and the investigation by the Subcommittee, Developer used diligent good faith efforts to find a hotel user but was unable to do so; and 3) Approving a proposed alternate tenant for the Hotel Parcel being the Riverside County Probation Department ("Department"). Passage of the Resolution is required in order to allow the Department's tenancy on the Hotel Parcel.

At this time Councilmember Peterson returned to the dais.

2. Resolution No. 2015-01, Authorizing the Lease of One (1) New Elgin CNG Crosswind J Sweeper with an Option to Purchase.

((Staff Report – Duane Burk, Public Works Director))

Director Burk gave the staff report on this item. He said that this is a Crosswind J Sweeper that they demoed and they actually had a demonstration of multiple different sweepers and their crews actually drove them to experience the type of equipment they were asking them to lease. He started his power-point presentation (see Exhibit “B”) at this time going over the crucial function of street sweeping, the street sweeper that is being used now, AQMD (Air Quality Management District) Rule 1186.1 to use of less polluting sweepers, purchase of new equipment can be funded by AQMD - AB 2766 Subvention funding, General Funds and the repair of existing equipment, cost of a new sweeper, the purchasing process, and award of purchase. Director Burk said that Matthew Woods of Haaker Equipment is present to answer any questions that the Council may have on the leasing options.

There were various questions from the Council and discussion between staff and the Council in regards to purchase of demoed equipment or purchase of a new one, what type of chassis will we get, AB 2766 funding, grant funding, lease option to buy, do we have an operator in the current budget, how long does it take to sweep the whole city, what happens to the old sweeper, and is there a warranty on the sweeper.

Matthew Woods from Haaker said in regards to the warranty even though it is a demo machine it is a standard new machine warranty which is 1 year on the chassis and one year on the sweeper and there are several other components that are on machine that have a longer extended warranty very similar to a vehicle and he can provide a detailed list.

There was Council dialogue with Matthew Woods in regards to the warranty, maker of the chassis, extended warranties and costs, other cities that have demoed the machine, and water system in the machine.

Councilmember Miller asked Director Burk if we were interested in an extended warranty, would the AQMD grant cover that. Director Burk said he believes it would and he would offer to the Council that we do the one year and come back with a report to the Council in regards to the extended warranty and what those costs would be and bring a budget forward to answer your question on the AB 2766.

There was some further dialogue between Mr. Woods and Councilmember Miller in regards to a time frame in which to purchase an extended warranty.

Director Burk said he kind of remembers reading information in regards to the extended warranty and he will come back with specific information if the Council is interested. Mayor Franklin said, yes come back with that information.

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

Motion Peterson/Welch that the City Council: 1) adopt Resolution No. 2015-01, Authorizing the lease, with an option to purchase, of one (1) 2014 New Elgin CNG Crosswind J Street Sweeper (Model No. J30243) from Haaker Equipment Company utilizing the National Joint Powers Alliance (NJPA) Cooperative Agreement for an amount

“Not to Exceed” \$325,000.00; and 2) Authorizing the Administrative Services Director to make necessary related budget adjustments and appropriations for the lease and purchase of one (1) 2014 New Elgin CNG Crosswind J Street Sweeper (Model No. J30243); and 3) Authorizing the City Manager to execute the Lease and Purchase Agreement with Haaker Equipment Company.

3. Resolution No. 2015-02, Approving a Professional Services Agreement with Western Riverside Council of Governments for Residential and Commercial Diversion Services. (Staff Report – Duane Burk, Public Works Director)

Director Burk said that this is kind of a continuation from a previous discussion as we move forward with a budgeted item in regards to the WRCOG (Western Riverside Council of Governments) contract and the Council requested to make sure there was not a duplication of efforts. He said in attendance is Barbara Spoonhour and Jennifer DiCiano from WRCOG and Mike Williams from Waste Management.

Jennifer DiCiano, WRCOG addressed the Council giving a very brief overview of their past agreement with the City. At this time she started her power-point presentation (see Exhibit “C”) covering five items: 1) City Council Actions; 2) AB 939 and AB 341 – What and why are they important?; 3) Agreement background and results; 4) What does WRCOG provide; and 5) What does Waste Management Provide.

There was Council questions and dialogue with Ms. DiCiano in regards to tonnage of trash taken from Banning annually, what landfills are used, and duplication of services on everything.

Mike Williams, Waste Management addressed the Council stating that they cooperate exclusively with WRCOG for this city. Many of their publication efforts and brochures and things are focused in other areas because of the involvement of WRCOG. In that realm they have been able to keep the rates here in Banning the lowest in the entire county. So the rates don’t reflect their commitment to more staff to cover public education; they rely on WRCOG to do that. Their primary purpose under the contact with the City is to collect the waste materials and recyclables and take them for disposal and recycling. The commitment that WRCOG provides for them and for the City has been good over the years to comply with the regulatory requirements and to comply with their needs to do the best job they can for the City at the lowest rate.

There was further dialogue between Councilmember Peterson and Mr. Williams in regards to being in compliance with AB 341 and AB 939.

Councilmember Peterson said we have a Public Works Analyst and when this job flyer went out for this job wasn’t compliance with AB 341 and AB 939 part of those duties and for that job description of that person. Director Burk said he didn’t know but would imagine it would.

Councilmember Peterson said so if we have an employee on staff whose duties were to ensure that the City was in compliance under AB 341 and AB 939 why would we need to spend \$100,000.00 and go outside to WRCOG.

Director Burk said there were a couple of reasons. One in particular, a full-burdened employee for the City would be \$128,282.00 a year if that analyst just did the compliance for what he needs and what they do for us. The analyst position will represent the City in what he currently does so in the case of the Public Works Analyst he currently attends the Solid Waste Technical Advisory Committee's bi-monthly meeting in Moreno Valley and he also represents the City under Clean Cities representatives through its annual meetings and/or its bi-annual meetings. So he really needs that analyst to represent the City at the table while at the same time he doesn't think, if we didn't have Waste Management, he doesn't know if we could fully have this current Public Works Analyst reach out to the multi-families and do all of that work to keep us in compliance.

There was further dialogue between Councilmember Peterson and Director Burk in regards to this position. Also, he cannot see \$50,000 a year justification when we have an employee whose job description was to do it and he sees this as a duplication of service. He doesn't see the purpose of this contract.

There were further questions in regards to this Public Works Analyst position and discussion with staff and the representatives present in regards to the rates for the City of Banning, what WRCOG provides and the different contracts with the other cities and what they pay, last time a request for proposals was prepared by the City of Banning for trash collection, and who determines compliance.

Councilmember Peterson addressed the City Manager and said if we have an employee that was within the job announcement and under the job title of Public Works Analyst and this was her duty and she is not performing that duty is there any reason why we should pay a \$50,000 a year contract to farm out these duties and not assign these back. This is not a full-time job that we have here.

Interim City Manager said that he would have to look at the position description as to what duties are specified and what percentage of time was allocated for that duty and look at how and why it was recruited and things like that.

Motion Peterson to bring this item back to another time after the City Manager has time to review the job description for the Public Works Analyst and see where we are with that. Motion seconded by Councilmember Miller.

Councilmember Miller commented on why he seconded the motion and why a little more discussion is worthwhile.

There were further Mayor and Council comments in regards to events where WRCOG was in attendance and what they provide to the public and also the importance of education and compliance and the how we get our population educated and not fall out of compliance.

City Attorney asked if the Council could set a date certain when this item would return because if you make a motion to table, then there needs a motion to take it off the table.

Councilmember Miller said he thinks the request was for the City Manager to determine whether or not Holly's job description would completely satisfy this so he thinks that can be done reasonably fast so he suggested that this be brought back to the next meeting if the City Manager thinks he can do it in time. Interim City Manager Smith said yes he could get that done.

Councilmember Welch said this matter has been discussed to almost no end with our City Council. Being very active in the city he must say that WRCOG has been present at almost all of our major events with the objective of being sure that the citizens of this town understand recycling. They join organizations in this town and they speak across this area. The price that we should be contracting with here is very, very reasonable and the results have been shown. There will always be duplication when people are advertising to the general public if they are doing a very good job and being consistent. The one thing that he feels very strongly about in approving this is that we are in compliance and we are in compliance really through the efforts of about four people with one representing WRCOG, one representing Waste Management and 1-1/2 representing the City. In all good conscience he cannot justify taking this job on in-house, full time with the cost that we are looking at here on an annual basis for an employee which in one year is the same price as a two-year contract with WRCOG that has already proved their effectiveness in relation to the city of Banning.

Councilmember Peterson said he thinks that Councilmember Welch has the wrong impression. This is not about Jennifer's performance with WRCOG. He applauds her for the things that she does in the city but it is not about her performance or WRCOG; what it is about is a \$50,000 dollar a year contract and a duplication of services with Waste Management. If the average person reads a WRCOG brochure regarding these two assembly bills and they pick up Waste Management's they are identical; there is no difference between the two. Furthermore, when we have an employee that was specifically hired and part of those duties were to make sure that we remain in compliance with these two bills and that was the job description and it started out that way because this used to be taken care of in-house. He knows that the City Engineer used to take care of this and it has been under Director Burk's supervision for a long time and for whatever reason it has since drifted out and all he is trying to do is to get people to understand that we have to reign in. He said \$100,000.00 is raises to the employees. That money can be used for something else and it is not what he sees to be given away and he wants to be frugal with the money that we have. Even if we hired a new employee to do nothing but work on this job and any other menial duties that would come that way it would certainly be less than \$50,000 a year. They are not going to make what Jennifer makes the \$37 or \$40 dollars an hour if you hired in another employee. An intern from Cal State University could take over and do this job as a project. There are a lot of things that can be done as an alternative that we don't have to spend \$50,000. The City Manager can check the job description of people that we already have on staff and if we can do it in-house, then we do it in-house. We have City ordinances that make sure that we stay in compliance with the two bills.

Councilmember Miller said he was really thinking about what Councilmember Welch said in that we have discussed this extensively. To him that doesn't matter. To him the thing that matters is to have the City run as efficiently and as cheaply as possible. Every single taxpayer of this city complains about the cost of everything and it is our job is to try to run this City as economically and as efficiently as possible and if we have to sit here all night to discuss \$50,000 or \$10 dollars, to him that is unimportant; that is the job of the Council. So to say we have

discussed this sufficiently may be true but he would just as soon say that we are proceeding that WRCOG is continuing to work until this decision has been made and there is no change. He would like the City in every single respect discuss everything as much as possible to try to reach a consensus. He thinks it is important that the Council reach a consensus on things instead of saying we should have saved some money and somebody saying we did the best we can. In his opinion if we have a Councilmember who thinks it is worth discussing more and to have the opinion of the City Manager as to whether or not our employees are capable of doing the job, he thinks it is worth it. He thinks it is worth it as a City Council to sit and take in all the information possible and make a decision based on all the information.

Mayor Franklin said that there is a motion on the table to continue this to our next meeting based on what the City Manager will bring back as to whether or not we can afford to do this in-house at the same price or not.

Motion carried, with Councilmember Welch voting no.

4. Resolution No. 2015-03, Approving the Banning Municipal Airport's ACIP, Authorizing the Submittal of a 2015 AIP Grant Application and Approving a Master Agreement for Professional Services and Contract Amendment No. 1 with C&S Engineers, Inc.
(Staff Report – Duane Burk, Public Works Director)

Director Burk said what is before the Council is a previous workshop discussion in regards to the airport and the airport improvement plan. He is asking the Council to adopt Resolution No. 2015-03 and gave more information per his staff report as contained in the agenda packet.

Councilmember Miller asked Director Burk to repeat the work that is being proposed. Director Burk said that would be the obstruction removal, signage and marking improvement for the Airport Layout Plan (ALP) update. The scope of the work includes the replacement of 4 light poles that penetrate into the runway transitional surface, increase light safety, increase ground traffic movement safety, and reduce City's liability exposure.

Councilmember Miller said in the letter that he handed out to the Council from the Department of Transportation they list the primary problem "runway and taxiway pavement is exhibiting longitudinal cracking" and actually show the problem with the lights as the last thing on their list. Why do you consider the lights more important than the tracks?

Director Burk said he is going on the engineer's recommendation and the FAA's recommendation. When they met with the FAA they felt that was a higher criteria because it is in the flight path. Obviously paving is the overall one mile runway and that would be something that would be brought back at a later date.

There was some further Council comments in regards safety issues at the airport and that this should be approved to avoid liability.

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

Motion Welch/Miller that the City Council: 1) adopt Resolution No. 2015-03, Approving the submittal of the 2016–2020 Airport Capital Improvement Plan (“ACIP”) to the Federal Aviation Administration (“FAA”); 2) Authorizing the Public Works Department staff to submit a grant application and related documentation to the FAA for 2015 Airport Improvement Program (“AIP”) grant funding; 3) Authorizing the Interim City Manager to execute documentation related to the 2015 AIP grant funding; and 4) Awarding a Master Agreement for Professional Services to C&S Engineers, Inc. of San Diego, California, authorizing the Interim City Manager to execute the Master Agreement and the related Contract Amendment #1. Motion carried, all in favor.

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

City Council

Councilmember Welch –

- On Saturday, January 31st at the Beaumont City Hall the Annual Veteran’s Expo will be held. He encouraged everyone that is a veteran, a family member, or spouse to attend this event. This is one of the times during the year where you can get information on the new benefits you are entitled to. This will start at 9 a.m.

Councilmember Miller –

- He stated that he is on the City’s Sign Subcommittee and that committee met for the last three months and the committee has finished its work. They had people from the industry give their opinion as to how the sign ordinance should be changed and Acting Director Guillot should be bringing the results back of that committee shortly.

Mayor Franklin –

- She said that she and Councilmember Welch attended the League of California Cities Division Meeting last night. The speaker was a gentleman who is the Director of Government Affairs for the South West Riverside County Association of Realtors. He gave a very long and very interesting presenting about home ownership in Riverside County. He said that home appreciation will be slow 4% to 5% this coming year, there will be no buying frenzy, mortgage rates may rise to about 5%, rents will outpace home value growth, builders are doing less expensive homes and making them smaller, foreclosures will fall to pre-recession amounts but they might have a spike, and the key driver is the millennials who drive our home household formations because so many of them are starting to buy houses later and they are buying smaller houses.
- She heard from a gentleman today who participated as one of the representatives for our homestead nursing services and he was a part of the job fair last September and he hired 55 people based on that job fair that was held here.
- This Saturday they will have a group of people throughout the community and everyone is invited to participate in packing food for third world countries. It will be held at the Community Center from 9 a.m. to 1 p.m.
- She is planning on attending the Mayors Conference for United States and said that this will not cost the City a dime.

City Committee Reports - None

Report by City Attorney – None

Report by City Manager – None

ITEMS FOR FUTURE AGENDAS

New Items –

Councilmember Miller said in previous discussions that they had he indicated and the Council agreed that we should have a workshop for the Council to discuss what the Council can do to improve all the aspects of Banning. We have a new City Manager that is anxious to have a program that he can work on and he believes that it is the Council's responsibility to give him one.

Mayor Franklin said to follow-up on that she spoke to the City Manager in regards to that when she met with him on his first day and he is planning on putting something together.

Pending Items – City Council

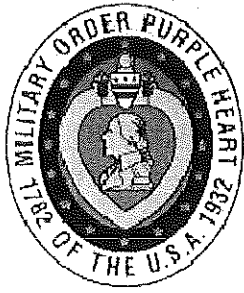
1. Discussion on how to handle loans or distributions to charities. *(Midyear budget)*
2. Discussion on how the City Council handles donations to the City. *(Feb. 2015)*
3. Grocery Cart Policy *(In planning process.)*
4. Discussion regarding City's ordinance dealing with sex offenders and child offenders. *(2/2015)*
5. Discussion to move "Announcements" (events) up on the agenda after Public Comments. *(1/15)*
6. Discussion regarding flex scheduling to keep city hall open five days a week.
7. Discussion regarding Animal Control Services *(Midyear Budget)*
8. Discussion regarding Police Staffing *(Midyear Budget)*
9. Golf Cart Lanes
10. Bond Workshop *(Midyear Budget)*
11. Report on 33-day Billing Cycle
12. Report on process used to collect unpaid utility bills.
13. Report on Electric Rates
14. Report on Code Enforcement and taking care of vacant properties.
15. Discussion of a change in the General Plan.

ADJOURNMENT

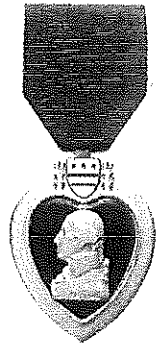
By common consent the meeting adjourned at 7:13 p.m.

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.



Robert E. Bush chapter #2929



DEC 15 2014

John Melendrez
Officer in Charge

Date: 12 December 2014

To: City Council, City of Banning

Subject: Designation of Banning as a Purple Heart City

From: John Melendrez, Commander, Chapter #2929, Military Order of the Purple Heart

Last year on 11 January the City Council of Banning approved and the Mayor signed a proclamation proclaiming Banning as a Purple Heart City. Banning thereby became one of the first communities in California with this designation. Since that day both counties and all fifty-one other incorporated communities of the Inland Empire have followed Banning's lead in honoring our wounded heroes in this manner.

Riverside National Cemetery is the final posting for many of our veterans. Each month a composite group of Inland Empire veterans salute their own with a ceremony for these heroes who enter this hallowed ground without family mourners in attendance. In 2014 over 200 "Unsung Heroes" have been saluted in this manner. They fought in WWII, Korea, the Cold War, Vietnam and the Iraqi-Afghanistan wars and are now at rest.

In June of this year our country remembered the heroic sacrifices of our World War II veterans who boarded ships and planes in England to cross the channel and bring freedom to the citizens of Europe by pushing Nazi forces off the shores of Normandy. Only a few of these Soldiers, Sailors, Marines, Airmen and Coast Guardsmen are still with us. Their personal stories and sacrifices are fading with time and in danger of being lost forever. As Banning commemorates their Purple Heart Day, please ask your citizens whose relatives and friends served in that campaign to share their memories that we may all be reminded of how great they were.

Thank you for honoring our wounded heroes.

Respectfully,

John Melendrez
for

John Melendrez



Public Works Department Street Division

January 13, 2015



Resolution No. 2015-01 "Authorizing the Lease of One (1) New Elgin CNG Crosswind J Sweeper with an Option to Purchase"



Crucial Function

- Street sweeping keeps City streets and community clean
- Street sweeping helps prevent debris/contaminants from entering the storm drains
- Street sweeping minimizes the amount of debris that enter our storm drain system which is a requirement of our MS4 (Municipal Separate Storm Sewer System) NPDES Permit issued by the State Water Resources Control Board (SWRCB)

3

Unit No. 600, Street Sweeper

- 2001 Tymco 600 motor sweeper
- Accumulated approximately 58,928 miles
- Accumulated approximately 12,242 engine hours
- The street sweeper runs on diesel fuel and is not California Air Resources Board (CARB) certified
- Weighs 31,000 pounds and is out of compliance with AQMD Rule 1186.1 since it has a gross weight of more than 14,000 pounds

4

AQMD Rule 1186.1 Less-Polluting Sweepers

■ **Purpose:**

- To reduce air toxic and criteria pollutant emissions
- Sweepers must be powered by alternative-fuels

5

AQMD Rule 1186.1 Less-Polluting Sweepers

■ **When: After July 1, 2002:**

- Any new sweeper purchase or lease by any federal, state, county, or city must be for an alternative-fueled sweeper
- Any public or private fleet operator who contracts to provide sweeping services for any of the above agencies must use alternative-fuel sweepers

6

AQMD Rule 1186.1 Less-Polluting Sweepers

■ **Who:**

- Any federal, state, county or city with 15 or more total vehicles
- Any public or private fleet operator who, under contract, provides sweeping services to the above public agencies
- Sweepers having a gross vehicle weight of 14,000 pounds or more are subject to this rule

7

AB 2766 Funds – New Purchase

■ **As a result of Rule 1186.1:**

- The purchase of the new equipment can be funded by AQMD, AB 2766 Subvention Funding since the purchase is for a Compressed Natural Gas (CNG) Street Sweeper
- To utilize AB 2766 Subvention Funding the street sweeper must be powered by alternative-fuels (e.g. CNG)

8

General Funds – Repair of Existing Equipment

- **As a result of Rule 1186.1:**
 - Sweeper repair is not recommended since Unit No. 600 weighs 31,000 pounds and is out of compliance with AQMD Rule 1186.1 since it has a gross weight of more than 14,000 pounds
 - The existing equipment does not qualify for AB 2766 Subvention Funding
 - CARB would have needed to certify the existing equipment and control devices at the time of vehicle purchase
 - Unit No. 600 exceeds the allowable weight

9

Continued General Funds – Repair of Existing Equipment

- **As a result of Rule 1186.1:**
 - If repair is desired, General Funds will be needed for the essential engine replacement which will cost approximately \$40,000.00 since the existing equipment does not qualify for AB 2766 Funding
 - General Funds would be needed to fund future replacement of worn parts and hardware since the existing equipment does not qualify for AB 2766 Funding

10

How much will a new sweeper cost?

DESCRIPTION	EXPENITURE
Street Sweeper	\$150,076.00
Chassis	\$127,640.00
Taxes	\$22,218.00
Finance Charge over 5 years	\$25,066.00
Total	\$325,000.00

The term of the lease with the option to purchase is for a **5 year period** with annual payments in the amount of **\$65,000.00**

THE PURCHASE WILL BE FUNDED BY AQMD
AB 2766 Subvention Funds will be utilized for the street sweeper purchase

11

What was the purchasing process?

- The Street Sweeper portion of the purchase will be obtained through the National Joint Powers Alliance (NJPA) in the amount of \$150,076.00
- NJPA creates national cooperative contract purchasing opportunities
- NJPA awarded Contract No. 022014-FSC to Elgin, a subsidiary of Federal Signal Corporation
- HAAKER Equipment Company is an Elgin authorized dealer/distributor

12

What was the purchasing process?

- The Chassis is not included in the NJPA award
- Staff solicited bids for the chassis portion of the purchase from vendors that provide street sweeper chassis
- Elgin / HAAKER was the lowest responsible bidder

Company	Total Bid for Chassis
Elgin / HAAKER	\$127,640.00
Los Angeles Freightliner	\$130,256.00
MAR-CO Equipment	\$149,750.00

13

Award of Purchase

- If approved, the purchase will be placed with HAAKER Equipment Company
- Jules and Associates, Inc. has partnered with HAAKER Equipment Company and will provide the financing to fund the 5 year lease

14



Western Riverside Council of
Governments
Contract Service Agreement Renewal
City of Banning

Outreaching to the community to increase recycling!



What are we going to cover?

1. City Council Actions
2. AB 939 and AB 341 – What and why are they important?
3. Agreement background and results
4. What does WRCOG provide?
5. What does Waste Management provide?

1. City Council Actions

- 2003: City entered into agreement for 2 years with WRCOG to provide outreach assistance for cost savings and reduction of duplication with waste hauler
- 2004-2013: City Council approved subsequent agreements
- September 23, 2014: City Council continued item, requesting additional information and a presentation from WRCOG and Waste Management Inc.

2. AB 939 and AB 341 – What and why are they important?

- AB 939 (1989)
 - Mandates that jurisdictions reduce waste by 25% by 1995 and 50% by 2000.
 - Set fines of \$10,000 per day for non-compliance
 - In 2000, the City was not in compliance and applied for a time extension
 - In 2008, the state changed its calculations from reduction to diversion
 - In 2008, the City was in compliance
- AB 341 (2012)
 - Mandates that businesses implement recycling programs
 - Sets a 75% recycling goal for the State by the year 2020

3. Agreement background and results

- Purpose: WRCOG to assist the City staff with implementing mandated recycling outreach and educational programs for residents and businesses in the City (AB 939 & AB 341)
- Goal: To provide continued education to residents and businesses

Has outreach worked?

- Residential Recycling: The City is currently in compliance with AB 939
- Commercial Recycling: The City has increased commercial recycling services by an additional 76 new customers signing up for recycling services since July 1, 2012

4. What does WRCOG provide?

Residential

- Coordination with other agencies and organizations to ensure no duplications of services occur
- Correspond and work with State regulatory agencies
- Create and update website on recycling and household hazardous waste
- Create, update, and distribute "The Complete Guide to Residential Recycling"
- Provide articles for the Chamber of Commerce monthly newsletter
- Create advertising media for the Bulky Goods Day events, 2 Household Hazardous Waste Collection events, and the Spring Festival
- Collect and coordinate proper recycling of household batteries from the Bulky Goods Day events
- Purchase and distribute materials to residents at community events/festivals
- Provide staff at 7 community events/festivals dispersing recycling information

5. What does Waste Management Inc., provide?

- Collection of residential and commercial trash, green waste, and recycling
- Limited community outreach
 - Coordinates with WRCOG to ensure no duplication of services for community outreach

LINE OF BUSINESS	COMMERCIAL	ROLL-OFF	RESIDENTIAL
Trash, Green Waste, Recyclables			WM provides service Monday - Friday
Commercial Service	WM provides service Monday - Saturday		
Roll-off Services		WM provides service Monday-Friday	
Bulky Pick-up (Including E-waste)			3 pick-ups per year up to 6 items
Bulky Drop-off Events			2 events per year

Questions?

Contact Information:

Jennifer DiCiano, Western Riverside Council of Governments
(951) 955-8587 or e-mail diciano@wrcog.cog.ca.us

4. What does WRCOG provide? (continued)

Commercial Sector

- Coordination with other agencies and organizations to ensure no duplications of services occur
- Correspond and work with State regulatory agencies
- Schedule on-site visits
- Provide businesses and multi-family dwellings with the best practices to starting a recycling service
- Coordinate and host a minimum of 2 business recycling workshops
- Create and distribute a business "Recycling Guide" and update as needed,
- Update Waste Management Inc. on which businesses and multi-family dwellings have been contacted

4. What does WRCOG provide? (continued)

Other

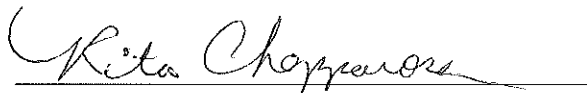
- Conduct monthly meetings with City staff and Waste Management Inc., to discuss program activities and future events
- Provide monthly and/or quarterly reports on activities performed, as directed by City staff

CITY COUNCIL AGENDA

Date: January 27, 2015
TO: Honorable Mayor and City Council
FROM: Rita Chapparosa, Deputy Human Resources Director
SUBJECT: Update of the Mathewson Building Demolition – 260 W. Ramsey Street

In accordance with the approved Resolution No. 2014-88 declaring the Mathewson building fire a local emergency requiring immediate fire remediation services and pursuant to the Public Contract Code §22050, that this item be reviewed by City Council until the demolition and fire remediation work on the building is complete to ensure that the need to continue the emergency action still exists.

Staff has prepared and signed the necessary contracts and documents with the contractor Belfor Construction. On January 22, 2015, the City's pre-construction/inspection committee met together with the contractor Belfor at the site located at 260 W. Ramsey Street to discuss the plans on the demolition of the City owned property referred to as the Mathewson Building. The final approval by the committee for Belfor to demolish the building was said to commence on January 23, 2015 and conclude removal of the debris by the first week of February.



Rita Chapparosa

Deputy Human Resources Director

CITY COUNCIL AGENDA

DATE: January 27, 2015

TO: Honorable Mayor and City Council

FROM: Fred Mason, Electric Utility Director

SUBJECT: Resolution 2015-09, "Awarding the Construction Contract for Project No. 2014-04EL, 'Demolition of the Building Located at 215 East Barbour Street'"

RECOMMENDATION: Adopt Resolution No. 2015-09, "Awarding the Construction Contract for Project No. 2014-04EL, 'Demolition of the Building Located at 215 East Barbour Street,'" to Wreck Age Demolition, Inc., of Chino Hills, California for an amount "not to exceed \$23,500.00, plus a 10 % contingency, for a total of \$25,850.00.

BACKGROUND: The demolition of the building located at 215 East Barbour Street would eradicate the unused, now City-owned building and complete a necessary step towards improving the "City Yard" located at 176 East Lincoln Street.

In May of 2014 the City Council approved Resolutions 2014-31 and 2014-38 for the purchase of property located at 215 East Barbour Street in Banning. Staff had previously been given direction to try and acquire these properties, when feasible, to plan for current and future needs at the City Yard. The demolition of the building located on the property will increase the usable space of the City Yard and improve the functionality of the existing space.

The scope of work for Project No. 2014-04EL, "Demolition of the Building Located at 215 East Barbour Street," includes demolition and disposal of a one-story, wood structure with a composite shingle roof, including concrete slabs on grade, garage and patio areas, and demolition, filling and leveling of concrete cellar as well as abandonment and sand fill of a 1200 gallon septic tank. Work shall include the capping of all connections to the public sewer system and removal of trees, landscaping and fencing, excluding perimeter fencing. Public utilities will be disconnected by City of Banning staff prior to demolition.

The demolition project was previously advertised for bids and received only one bidder. That bid was sent for Council approval on November 12, 2014 as Resolution 2014-77, where Council requested staff advertise in a wider area to try to solicit more bids to ensure the most competitive pricing. The project was again advertised for bids on December 5 and 12, 2014, in The Press Enterprise and The Desert Sun as well as ContractorsPlanRoom.com and ConstructionBidSource.com. Six contractors attended a mandatory pre-bid meeting/walkthrough held at the City Yard and at the site on December 17, 2014. Three contractors bid the project and Wreck Age Demolition Inc. of Chino Hills, California, was the lowest responsible bidder, with a

bid of \$23,500.00. This bid is \$4,822.76 lower than the bid of \$28,322.76 submitted on October 20, 2014. Bid sheet is attached as Exhibit "A".

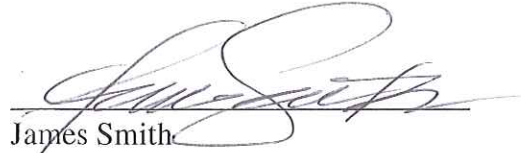
FISCAL DATA: Funds sufficient to cover the \$25,850.00., which includes a 10% contingency, are available in FY 2014-15 budget in Account No. 670-7000-473.90-15 (Building Improvements).

RECOMMENDED BY:



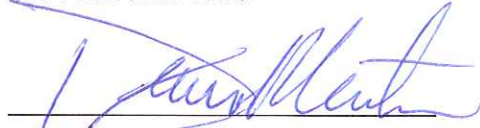
Fred Mason
Electric Utility Director

APPROVED BY:



James Smith
Interim City Manager

REVIEWED BY:

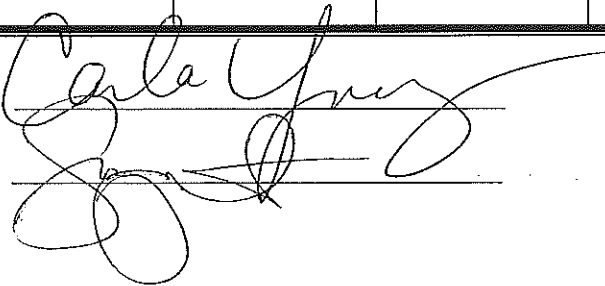


Dean Martin
Interim Administrative Services Director

SUMMARY OF BIDS RECEIVED
CITY OF BANNINGPROJECT NO.: PROJECT NO. 2014-04ELDESCRIPTION: DEMOLITION OF BUILDING LOCATED AT
215 E. BARBOUR STREETBID OPENING DATE: Jan. 6, 2015 TIME: 2:00 p.m.

NAME OF BIDDER:			BID BOND	TOTAL BID AMOUNT:
Wreck Age Demolition, Inc. Chino Hills, CA			yes	23,500. ⁰⁰
Cinbad Industry, Inc. Winnetka, CA			yes	50,000. ⁰⁰
St. George Construction Contracting Fontana, CA			yes	60,000. ⁰⁰

VERIFIED BY:



RESOLUTION NO 2015-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING AWARDING THE CONSTRUCTION CONTRACT FOR PROJECT NO. 2014-04EL, "DEMOLITION OF THE BUILDING LOCATED AT 215 EAST BARBOUR STREET"

WHEREAS, the demolition of the building located at 215 East Barbour Street would eradicate the unused City-owned building and complete a necessary step towards improving the City Yard area of the City of Banning; and

WHEREAS, the project's scope of work includes demolition and disposal of a one-story, wood structure with a composite shingle roof, including concrete slabs on grade, garage and patio areas, and demolition, filling and leveling of concrete cellar as well as abandonment and sand fill of a 1200 gallon septic tank. Work shall include the capping of all connections to the public sewer system and removal of trees, landscaping and fencing, excluding perimeter fencing; and

WHEREAS, the demolition project was advertised for bids on December 5 and 12, 2014 and bids were received and opened on January 6, 2015, with three contractors bidding the job; and

WHEREAS, Wreck Age Demolition Inc. of Chino Hills, California, is the lowest responsible bidder to perform the work listed in the specifications for Project No. 2014-04EL, "Demolition of the Building Located at 215 East Barbour Street"; and

WHEREAS, funds already exists in the FY 2014-15 budget in Account No. 670-7000-473.90-15, sufficient to cover the \$25,850.00 necessary to fund the costs of the structure's demolition.

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

SECTION 1. Adopt Resolution No. 2015-09, awarding the contract for Project No. 2014-04EL "Demolition of the Building Located at 215 East Barbour Street" to Wreck Age Demolition, Inc. of Chino Hills, California, and all other bids are hereby rejected.

SECTION 2. Authorize the City Manager to execute the contract agreement with Wreck Age Demolition Inc. of Chino Hills, California, for Project No. 2014-04EL, "Demolition of the Building Located at 215 East Barbour Street". This authorization will be rescinded if the contract agreement is not executed by both parties within forty-five (45) days of the date of this resolution.

PASSED, APPROVED AND ADOPTED this 27th day of January, 2015.

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. 2015-09 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 27th day of January, 2015 n, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

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

CITY COUNCIL AGENDA

Date: January 27, 2015
TO: Honorable Mayor and City Council
FROM: James Smith, Interim City Manager
SUBJECT: Information Report – Public Works Analyst Job Duties


At the last City Council meeting on January 13, 2015, you requested a report of the duties of the new position of Public Works Analyst as it relates to the compliance of AB 341 and AB 939.

After meeting with Human Resources and the Public Works Director the position has the following represented duties: *“Manages and administers departmental contract operations, including procurement, invoice processing, evaluation of proposals and negotiations. Works with the department’s engineers to prepare grant proposals and applications; monitors grant implementation for budgetary and operation compliance to grant stipulations. Ensures fiscal compliance of all contracts and grants; ensures compliance with appropriate Federal, State, County and Local regulations. Develops formal and informal bids, RFQs and RFPs, ensuring that all applicable legal and contractual provisions are included; directs and participates in the solicitation, evaluation and award of RFPs; participates in pre-bid briefings. Performs budget preparation, analysis and administration; analyze and report on the budget status for various activities related to assigned staff, programs and projects. Develops and reviews project/services scope of work with managers and engineers to ensure clarity of work and contracting requirements. Research and analyze information; prepare agenda reports and administrative documents for the department. Provides executive level administrative support to the Director of Public Works and department engineers as needed. Supervises and trains subordinates, as required”.*

It was determined that the majority of the Analyst’s time is spent on managing and administering departmental contract operations, including procurement, invoice processing, evaluation of proposals and negotiations. The original intent for establishing the position was to alleviate the administrative burden from the Engineers.

In order to perform the AB 341 and AB 939 compliance in-house, it would require an additional position, which would likely exceed the \$50,000 contract amount negotiated with Western Riverside Council of Governments (WRCOG).

It is recommended that the WRCOG contract be funded through the remainder of the fiscal year 2014/2015.


James Smith
Interim City Manager