

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

July 10, 2018
5:00 p.m.

Banning Civic Center
Council Chambers
99 E. Ramsey Street

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

Per City Council Resolution No. 2016-44 matters taken up by the Council before 10:00 p.m. may be concluded, but no new matters shall be taken up after 10:00 p.m. except upon a unanimous vote of the council members present and voting, but such extension shall only be valid for one hour and each hour thereafter shall require a renewed action for the meeting to continue.

I. CALL TO ORDER

- Invocation –
- Pledge of Allegiance
- Roll Call – Council Members Andrade, Franklin, Peterson, Welch, Mayor Moyer

II. REPORT ON CLOSED SESSION

III. PUBLIC COMMENTS, CORRESPONDENCE, PRESENTATIONS, AND APPOINTMENTS

PUBLIC COMMENTS – *On Items Not on the Agenda*

A five-minute limitation shall apply to each member of the public who wishes to address the Mayor and Council on a matter not on the agenda. No member of the public shall be permitted to “share” his/her five minutes with any other member of the public. (Usually, any items received under this heading are referred to staff for future study, research, 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.

PRESENTATIONS

1. Introduction of New Employees..... **1**

APPOINTMENTS

1. Designation of Voting Delegates and Alternates for the League of California Cities Annual Conference – September 12 – 14, 2018 3

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: Approve Consent items 1 through 14: Items __, __, __, to be pulled for discussion. *(Resolutions require a recorded majority vote of the total membership of the City Council)*

1. Minutes – Special Meeting – 6/26/2018 7
2. Minutes – Special Meeting – 6/26/2018 (Closed Session)19
3. Minutes – Regular Meeting – 6/26/2018.....21
4. Minutes – Special Meeting – 6/27/2018 (Closed Session)83
5. Cash, Investments, and Reserve Report for the Month of March 201885
6. Cash, Investments, and Reserve Report for the Month of April 201891
7. Cash, Investments, and Reserve Report for the Month of May 2018.....97
8. Receive and File List of Contracts Approved Under the City Manager's Signature Authority of \$25,000 or Less103
9. 2nd Reading of Ordinance 1523, Approving a Categorical Exemption and Approving Zoning Ordinance Amendment 18-97501 Amending Title 17 "Zoning" of the Banning Municipal Code to Add Chapter 17.53, "Cannabis Cultivation, Manufacturing Level 1, and Testing Laboratory Facilities in Certain Industrial Zones with Approval of a Cannabis Conditional Use Permit and Making Other Amendments Related to Cannabis Businesses, and Making the Allowance for, and Regulation of, These Businesses Contingent Upon the Voter's Approval of a Tax Measure on the November 6, 2018 General Municipal Election Ballot107
10. 2nd Reading of Ordinance 1524, of the Banning Municipal Code, to Establish Procedures for the Issuance of Cannabis Regulatory Permits, Making Required Findings Under CEQA, and Making the Allowance for, and Regulation of, These Businesses Contingent Upon the Voter's Approval of a Tax Measure on the November 6, 2018 General Municipal Election Ballot.....137
11. 2nd Reading of Ordinance 1526, Approving Zone Change No. 17-3503 to Amend the Zoning Map from High Density Residential-20/Affordable Housing Opportunity to Professional Office (PO) in Conformance with General Plan Amendment 17-2503, for Property Located South of Interstate 10, East of Highland Springs Avenue, North of Sun Lakes Boulevard Between Sun Lakes Village Drive and Silver Springs Avenue; APN 419- 140-059159
12. Resolution 2018-94 Approving a Temporary Right of Entry Agreement with Southern California Edison.....165

13.	Resolution 2018-90, Approving Nuisance Abatement Charges be Added to the Tax Rolls of Riverside County, California.....	213
14.	Resolution 2018-99, Approving the Memorandum of Understanding (MOU) between the City of Banning and The Stagecoach Days Association.....	231

- Open Consent Items for Public Comments
- Make Motion

V. PUBLIC HEARING

1.	Resolution 2018-95, Tentative Tract Map No. 37298 (Atwell Development) Proposal to Subdivide Approximately 199 Gross Acres of Vacant Land for Purposes of Creating 264 Single Family Lots, One Lot for Future Medium Density Residential Development, One Lot for Future Medium Density Residential Development and a Future Park, Two Commercial Lots, One Lot for a Park, 15 Open Space Lots, One School Lot, and Public Streets, All Within the Butterfield Specific Plan Area	243
	<i>(Staff Report – Patty Nevins, Community Development Director)</i>	
	Recommendation: Adopt Resolution 2018-95, approving Tentative Tract Map No. 37298, subject to the Conditions of Approval.	

VI. ANNOUNCEMENTS AND REPORTS

CITY COUNCIL COMMITTEE REPORTS

REPORT BY CITY ATTORNEY

REPORT BY CITY MANAGER

REPORTS OF OFFICERS

1.	Resolution 2018-101, Confirming the Appointment of and Approving the Agreement with Robert Ratcliffe for Interim Police Chief Services During the Recruitment of a Permanent Police Chief	381
	<i>(Staff Report – Rochelle Clayton, Interim City Manager)</i>	
	Recommendation: Adopt Resolution 2018-101, confirming the appointment of Robert Ratcliffe to the position of Interim Police Chief, effective July 11, 2018, and approving an Interim Police Chief Agreement in connection therewith.	

2. Resolution 2018-96, Approving Additional Funding in an Amount Not to Exceed \$40,000 for Building Safety Services for Fiscal Year 2018395
(Staff Report – Patty Nevins, Community Development Director)

Recommendation: **Adopt Resolution 2018-96, approving additional funds for Building Safety Services performed during fiscal year 2018 in an amount not to exceed \$40,000 and authorizing the Interim Administrative Services Director to make the necessary budget adjustments.**

- 7
3. Resolution 2018-98, Authorizing the San Gorgonio Pass Water Agency, on behalf of the San Gorgonio Pass Groundwater Sustainability Agency, to file the Initial Notification of Intent to produce a single Groundwater Sustainability Plan for the San Gorgonio Pass Sub-Basin.....401
(Staff Report – Art Vela, Public Works Director/City Engineer)

Recommendation: **Adopt Resolution 2018-98: 1) authorizing the San Gorgonio Pass Water Agency (SGPWA), on behalf of the San Gorgonio Pass Groundwater Sustainability Agency (SGP-GSA), to file the initial notification of intent to produce a Groundwater Sustainability Plan (GSP) with the Department of Water Resources (DWR). The entity who files this notification will be considered by the DWR to be the sole point of contact for the San Gorgonio Pass sub-basin (“Basin”) for the duration of the GSP process; and 2) direct staff to work with other GSA’s in the Basin to work as a group to produce a single GSP, as opposed to multiple GSP’s for the Basin.**

4. Resolution 2018-84 or 2018-100, Calling for the Placement of a General Fund Transfer from Electric on the November 6, 2018 Ballot by the City Council for a Proposed Ordinance Authorizing a Transfer from the City’s Electric Fund to the General Fund in an Amount not to Exceed 7.5% of Gross Revenues for Three Years and 5.5% of Gross Revenues Thereafter, and Establish an Electric Utility Rate Freeze or a Rebate Program for a Period of Three Years.....409
(Staff Report – Rochelle Clayton, Interim City Manager)

Recommendation - Option 1: **Adopt Resolution 2018-84 calling for the proposed Measure placed on the November 2018 ballot and submitted to the voters of the City at the general municipal election to be held on Tuesday, November 6, 2018 to authorize a transfer from the City’s electric fund to the general fund in an approximate amount of 7.5% of gross revenues for three years and 5.5% of gross revenues thereafter, and establish an Electric Utility Rate Freeze for a period of three (3) years.**

Recommendation – Option 2: Adopt Resolution 2018-100 calling for the proposed Measure placed on the November 2018 ballot and submitted to the voters of the City at the general municipal election to be held on Tuesday, November 6, 2018 to authorize a transfer from the City's electric fund to the general fund in an approximate amount of 7.5% of gross revenues for three years and 5.5% of gross revenues thereafter, and requiring the distribution of Cap and Trade auction proceeds to the City of Banning ratepayers over a period of three (3) years.

VII. DISCUSSION ITEMS

1. Options for Drafting Arguments in Support of Ballot Measures that Were Placed on the November 6, 2018 Ballot By the City Council, and Drafting Possible Rebuttals to Any Opposition Arguments to the Ballot Measures437

(Staff Report – Rochelle Clayton, Interim City Manager)

Recommendation: 1) Provide direction on whether the City Council would like to designate Council Members Peterson and Welch, members of the Cannabis Ad Hoc Committee, to draft the arguments in favor of the cannabis tax measures and/or any rebuttal arguments, or whether the City Council would prefer to have the full City Council draft the arguments and/or any rebuttal. 2) If the City Council places the electric utility transfer measure on the November 6, 2018 ballot, provide direction on whether the City Council would like to designate two City Council Members to draft the argument in favor of this measure, and if so designate the two City Councilmembers, or if the City Council would prefer to have the full City Council draft the argument and any rebuttal. 3) Provide direction on whether the City Council would like to consider the adoption of resolutions in support of each of the separate ballot measures.

2. Police Department Recruitment and Retention Program.....441
(Staff Report – Rochelle Clayton, Interim City Manager)

Recommendation: Review the Police Department Recruitment and Retention Program and provide input so that staff can return to Council on July 24, 2018 with the appropriate budget adjustment requests to implement a program.

RECESS REGULAR MEETING AND CALL TO ORDER A SCHEDULED MEETING OF THE BANNING UTILITY AUTHORITY

Roll Call: Board Members Andrade, Franklin, Peterson, Welch, Chairman Moyer

I. **REPORTS**

REPORTS OF OFFICERS

1. Resolutions 2018-10 UA, Adopting the 2018 Integrated Master Plan**453**
(*Staff Report – Art Vela, Public Works Director*)

Recommendation: Adopt Resolution 2018-10 UA, adopting the 2018 Integrated Master Plan.

2. Resolutions 2018-14 UA, Approving a Renewal of the Professional Services Agreement (PSA) with Babcock Laboratories, Inc. for Laboratory Analytical Testing Services**515**
(*Staff Report – Art Vela, Public Works Director*)

Recommendation: Adopt Resolution 2018-14 UA: 1) approving a renewal of the PSA with Babcock Laboratories, Inc. of Riverside, California, in the amount of \$60,000 for laboratory analytical testing services for Fiscal Year 2018/2019; 2) authorizing the City Manager or her designee to make necessary budget adjustments, appropriations and transfers related to the Professional Services Agreement for laboratory analytical testing services; and 3) Authorizing the City Manager to execute the Professional Services Agreement with Babcock Laboratories, Inc. of Riverside, CA for laboratory analytical testing services.

ADJOURN JOINT MEETING AND RECONVENE THE REGULAR MEETING

BANNING UTILITY AUTHORITY (BUA) – Next Meeting, July 24, 2018, 5:00 p.m.

BANNING FINANCING AUTHORITY (BFA) – no meeting.

VIII. **ITEMS FOR FUTURE AGENDAS**

New items –

Pending Items – City Council

1. Mills Act – Additional Information
2. Highland Home Road Interchange
3. Fee Waiver Update (November)
4. Assembly Bills – Staff Analysis
5. Council Refresher on Directing Staff
6. Introduction of New Employees
7. Website Redesign
8. Classify Internet/Wi-Fi as Infrastructure
9. Street Naming after Land Owners
10. Appoint Commissioners by Council Districts
11. Refuse Theft Ordinance

IX. ADJOURNMENT

NOTICE: Any member of the public may address this meeting of the Mayor and City 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]

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 Friday, 8 a.m. to 5 p.m.

***THIS PAGE
INTENTIONALLY LEFT
BLANK***

City of Banning

New Employees/Promotions

Administrative Services	
Lisa Denson	Accounting Specialist
Public Works/Engineering	
Edith Garcia	Office Specialist
Water/Wastewater	
Tammi Phillips	Management Analyst (promoted from PT)
Christopher Trembly	Water Services Worker
Austin King	Water Services Worker
Travis Gates	Water Services Worker
Fleet	
Frank Chesonis	Fleet Manager
Electric Utility	
Tom Miller	Electric Utility Director
Cathy Pardus	Office Specialist
Police	
Rene Munoz	Police Officer
Miguel Macias-Loera	Police Officer
Francisco Nieto	Police Officer
Gabriela Sanchez	Public Safety Dispatcher
Transit	
Juan Barcelo	Part Time Bus Driver
Mildred Wilson	Part Time Bus Driver

***THIS PAGE
INTENTIONALLY LEFT
BLANK***



1400 K Street, Suite 400 • Sacramento,
California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

Council Action Advised by July 31, 2018
--

May 17, 2018

TO: Mayors, City Managers and City Clerks

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference – September 12 - 14, Long Beach**

The League's 2018 Annual Conference is scheduled for September 12 – 14 in Long Beach. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly), scheduled for 12:30 p.m. on Friday, September 14, at the Long Beach Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, August 31, 2018. This will allow us time to establish voting delegate/alternate records prior to the conference.

Please note the following procedures are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: www.cacities.org. In order to cast a vote, at least one voter must be present at the

Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Sacramento Convention Center, will be open at the following times: Wednesday, September 12, 8:00 a.m. – 6:00 p.m.; Thursday, September 13, 7:00 a.m. – 4:00 p.m.; and Friday, September 14, 7:30 a.m.– 11:30 a.m.. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League's office by Friday, August 31. If you have questions, please call Kayla Curry at (916) 658-8254.

Attachments:

- Annual Conference Voting Procedures
- Voting Delegate/Alternate Form

Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CITY: _____

**2018 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM**

Please complete this form and return it to the League office by Friday, August 31, 2018. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____ E-mail: _____

Mayor or City Clerk _____ Phone: _____
(circle one) (signature)

Date: _____

Please complete and return by Friday, August 31, 2018

League of California Cities
ATTN: Kayla Curry
1400 K Street, 4th Floor
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: kcurry@cacities.org
(916) 658-8254

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

06/26/18
SPECIAL MEETING

A meeting of the Banning City Council was called to order by Mayor Moyer on June 26, 2018 at 2:03 p.m. at the Banning Civic Large Conference Room, 99 E. Ramsey Street, Banning, California.

COUNCIL/BOARD MEMBERS PRESENT: Council Member Andrade
Council Member Franklin
Council Member Peterson
Council Member Welch
Mayor Moyer

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Rochelle Clayton, Interim City Manager
Patty Nevins, Community Development Director
Sonja De La Fuente, Deputy City Clerk

INTERVIEWS

1. Planning Commissioner Interviews

There were four applications received (see Exhibit "A"). Due to scheduling conflicts, Mr. Diaz was not able to attend the interviews. The Council interviewed David Happe, Colleen Wallace, and Henry Aldredge. They asked them a series of questions (see Exhibit "B") and each candidate provided their answers.

The Mayor opened Public Comment. Seeing none, closed Public Comment.

There was a consensus of the Council to appoint a Planning Commissioner to fill the vacated position until the term ends February 2019.

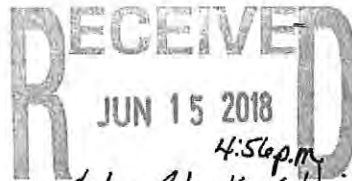
ADJOURNMENT

By common consent the meeting adjourned at 3:18 p.m.

Minutes Prepared by:

Sonja De La Fuente, Deputy City Clerk

Exhibit “A”
to the June 26, 2018
Planning Commission Applications



COMMITTEE/BOARD APPLICATION FORM

Name of Committee or Board you are applying for:

PLANNING COMMISSION

Name: David Happe

Email Address: dhappephp@gmail.com

Address: 4256 Hillside Dr.

Telephone Numbers: Home 619-919-6828

Cell 916-6828 619-919-6828

If employed, where do you work and what is your position?

I am a local business owner in Banning. I have operated The Station Taphouse for the last 2 years.

Length of residence in Banning 10 months

Are you a registered voter in Banning? Yes yes No _____

Requested below is information that will be used by the City Council as a screen process to determine which applicants will be interviewed for membership on City committees and boards. Ample space is provided; please do not submit supplemental materials.

Provide a Biographical sketch, including education, work experience, civic involvement and other background relevant to duties of the position you seek:

Fire Science Studies Miramar College San Diego CA

General Ed Studies Mesa College San Diego CA

25 years service San Diego Fire-Rescue Department

18 mths Fire Code, Building Code enforcement Deputy Fire Marshal SDFD CA

Licensed California Insurance Agent 2014

Owner-Builder Project Manager for residence Spring Valley CA 2005

San Diego YMCA Board of Directors Member 2010-2014

Owner-Builder Project Manager for Business TI's Banning CA 2016

Owner-Operator of restaurant business Banning CA 2016-Present

What types of major issues should this committee or board deal with?

Implementation and adherence of the Banning Housing Element with due regard to state law. Planning and recommending projects that enhance quality of life for all current and future residents of Banning. Considerations include livability, employment, transportation, conservation of resources, recreation, tourism, infrastructure, business opportunity, public and private investment.

Please identify specific problems facing the committee or board on which you would like to serve and explain how you feel they might be resolved:

Study and learn from other municipalities' successes and mistakes. We don't have to reinvent the wheel. Many communities have successfully created solutions for the same problems facing Banning. I am a strong believer in incentive. Creating a strong partnership between residents, business and g'vmnt is essential. It is then that we can implement solution for the issues of affordable housing, homelessness, business development, efficient city services.

Your name will be considered by the City Council upon receipt of your application.

This is a volunteer position. You must be a registered voter and reside in the City of Banning. You will also need to be fingerprinted, pass a background investigation and attend a brief orientation session at City Hall to explain the role of commissioners on Monday, June 18, 2018 from 2:00 p.m. to 2:30 p.m.

Please return to: City Clerk's Office
City of Banning
99 E. Ramsey Street
P. O. Box 998
Banning, CA 92220

**RETURN BY: June 15, 2018
5:00 p.m.**

Thank you for your willingness to serve your local government.

Date: 6.15.18

Signed: _____





COMMITTEE/BOARD APPLICATION FORM

Name of Committee or Board you are applying for:

PLANNING COMMISSION

Name: Colleen Gail Wallace

Email Address: CWallace957@gmail.com

Address: 1337 Vista Serena

Please Call Cell → Cell (909) 890-8474 Message - (Home) Cell (951) 922-8292

If employed, where do you work and what is your position?

Retired

Length of residence in Banning 55 yrs.

Are you a registered voter in Banning? Yes ☒ No ☐

Requested below is information that will be used by the City Council as a screen process to determine which applicants will be interviewed for membership on City committees and boards. Ample space is provided; please do not submit supplemental materials.

Provide a Biographical sketch, including education, work experience, civic involvement and other background relevant to duties of the position you seek:

I graduated at 16 yrs old from Banning High in Banning Ca. went away to college to study Political Science. Worked for Banning Police Dept, Ferees Group Homes, Advocate Schools for Emotionally Disturbed Children (counselor), H+W concrete (my Dad's Construction Business, member of Banning Women's Club, Anthropos Women's Club + Pass Democratic Party.

What types of major issues should this committee or board deal with?

Bringing new businesses to the City of Banning. Jobs for our community. Build more grocery stores on the East Side of Banning, and have something for family entertainment.

Please identify specific problems facing the committee or board on which you would like to serve and explain how you feel they might be resolved:

For everyone to work together, and be humble towards one another, so that we can be proud of our city. And to let Banning expand so it will not become a ghost town.

Your name will be considered by the City Council upon receipt of your application.

This is a volunteer position. You must be a registered voter and reside in the City of Banning. You will also need to be fingerprinted, pass a background investigation and attend a brief orientation session at City Hall to explain the role of commissioners on Monday, June 18, 2018 from 2:00 p.m. to 2:30 p.m.

Please return to: City Clerk's Office
City of Banning
99 E. Ramsey Street
P. O. Box 998
Banning, CA 92220

RETURN BY:

**June 15, 2018
5:00 p.m.**

Thank you for your willingness to serve your local government.

Date: 6/12/18

Signed: Colleen G. Walker



COMMITTEE/BOARD APPLICATION FORM

Name of Committee or Board you are applying for:

PLANNING COMMISSION

Name: Henry Aldredge

Address: 880 Foothill Drive, Banning

Telephone Numbers: Home none Cell 951-520-6734

If employed, where do you work and what is your position?

Length of residence in Banning 6 years

Are you a registered voter in Banning? Yes X No

Requested below is information that will be used by the City Council as a screen process to determine which applicants will be interviewed for membership on City committees and boards. Ample space is provided; please do not submit supplemental materials.

Provide a Biographical sketch, including education, work experience, civic involvement and other background relevant to duties of the position you seek:

I am a licensed California Civil Engineer and Real Estate Broker, however, I consider myself a Civil Engineer. I began my career for the County of Orange in 1964, and continued as a Civil Engineer for the cities of Corona and Anaheim. I have worked for various Civil Engineering firms, such as, Poornas and Associates, Tait and Associates, and Webb and Associates. I am currently working as an independent Engineering Consultant on various Projects in Los Angeles County. Although I have not participated in civic involvement, I consider myself an asset to the City if chosen as a Planning Commission Board member where I reside.

What types of major issues should this committee or board deal with?

Traffic issues acquired by continued new developments in Banning and Beaumont.

Upgrading existing areas in Banning that now are an eyesore to residing residences and passers-by.

Please identify specific problems facing the committee or board on which you would like to serve and explain how you feel they might be resolved:

Create a development fund contributed to by new developments in Banning that would be applied as follows:

- (1) Homeless and/or Senior Citizen Housing
- (2) Existing and proposed traffic and pedestrian control improvements.
- (3) Research the availability of State and Federal government grants that could be applied to these efforts.

Your name will be considered by the City Council upon receipt of your application.

This is a volunteer position. You must be a registered voter and reside in the City of Banning. You will also need to be fingerprinted and pass a background investigation.

Please return to: City Clerk's Office
City of Banning
99 E. Ramsey Street
P. O. Box 998
Banning, CA 92220

RETURN BY:

**June 15, 2018
5:00 p.m.**

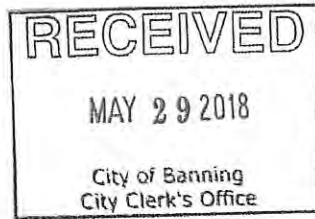
Thank you for your willingness to serve your local government.

Date:

June 15, 2018

Signed:

Henry Aldridge



COMMITTEE/BOARD APPLICATION FORM

Name of Committee or Board you are applying for:

PLANNING COMMISSION

Name: Frank Diaz Jr.

Address: 81 W. Repplier Rd. Banning, Ca 92220

Telephone Numbers: Home (626) 399-3788 Cell (626) 676-2197

If employed, where do you work and what is your position?

* Fountain Valley Elementary School District - Operations Supervisor

Length of residence in Banning 1yr 7months

Are you a registered voter in Banning? Yes X No

Requested below is information that will be used by the City Council as a screen process to determine which applicants will be interviewed for membership on City committees and boards. Ample space is provided; please do not submit supplemental materials.

Provide a Biographical sketch, including education, work experience, civic involvement and other background relevant to duties of the position you seek:

* I have been employed in the educational sector of "Facilities, Operations, Planning & Construction" for 23yrs. I have experience reviewing, submitting and approving financial documents and facilities plans for modernization, improvements and construction.

I have taken classes in HVAC Repair, Herbicide Spraying, Pesticide Applications, Basic Maintenance of Building, Locksmith.

I am also the Banning School District "DPAC" Secretary.

I also participated and attended School District "Board Oversight" meeting and Union negotiations with Twin Rivers S.D.

What types of major issues should this committee or board deal with?

* The issues the committee should deal with are as followed:

- City infrastructure upgrades.

- City zoning issues.

Please identify specific problems facing the committee or board on which you would like to serve and explain how you feel they might be resolved:

* The specific problems facing the committee are how does the city welcome growth (both economic & population) while at the same time maintain its rich history.

I believe my experience and community involvement will be able to allow me to make key decisions on topics.

Your name will be considered by the City Council upon receipt of your application.

This is a volunteer position. You must be a registered voter and reside in the City of Banning. You will also need to be fingerprinted and pass a background investigation.

Please return to: City Clerk's Office
City of Banning
99 E. Ramsey Street
P. O. Box 998
Banning, CA 92220

RETURN BY:

**June 15, 2018
5:00 p.m.**

Thank you for your willingness to serve your local government.

Date: 5/29/18

Signed: 70 D

Exhibit “B”
to the June 26, 2018
Planning Commission Questions

Planning Commission Interview Questions

1. Tell us briefly about yourself and why you are interested on being on the City's Planning Commission.
2. Tell us what you know about the Planning Commission's roles and responsibilities to City development and how they contribute to creating a quality of life for the residents, businesses and people who visit our community.
3. Based on your experience and your interest(s), where do you feel you can make a contribution to the Planning Commission.
4. Do you know the purpose of a General Plan?
5. Tell us about the Zoning Code and what it is used for.
6. What do you know about the California Environmental Quality Act.
7. A staff report is provided to the Planning Commission in advance of the Planning Commission meeting. If you have major concerns about the staff report, what would you do?
8. If you are on the Planning Commission and a developer approaches you to lobby in favor of his/her project, how would you respond to this issue.
9. How important is the Planning Commission in regards to city development.
10. What is the relationship of the Planning Commission to the staff and City Council.
11. We have concluded the interview and do you have any questions for us.

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

06/26/18
SPECIAL MEETING

A special meeting of the Banning City Council was called to order by Mayor Moyer on June 26, 2018, at 3:30 p.m. at the Banning Civic Center Council Chamber, 99 E. Ramsey Street, Banning, California.

COUNCIL MEMBERS PRESENT: Council Member Andrade
Council Member Franklin
Council Member Peterson
Council Member Welch
Mayor Moyer

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Rochelle Clayton, Interim City Manager
Kevin Ennis, City Attorney
Robert Meteau, Deputy Human Resources Director
Ted Shove, Economic Development Manager
Jason Smith, Electric Operations Manager
Sonja De La Fuente, Deputy City Clerk

CLOSED SESSION

Mayor Moyer opened the closed session items for public comments.

Inge Schuler referenced items 5, 6, and 7 and asked the City to list the address when possible, not just the general vicinity and APN. In regard to Item 6 she reminded the Council all voted to return Livingston to the City and neglected to record. She requested a decision regarding the property until that is done.

Seeing no further comments, the Mayor closed public comment.

City Attorney Kevin Ennis listed the items on the closed session agenda, which included:

1. PUBLIC EMPLOYEE APPOINTMENT: City Manager – Pursuant to Government Code Section 54957.
2. PUBLIC EMPLOYEE APPOINTMENT: Police Chief – Pursuant to Government Code Section 54957.

3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9 (one case)
4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Paragraph (1) of Subdivision (d) of Section 54956.9) Name of Case: City of Banning v. Go Green Calming Solutions, et al., Case No. RIC 1806731
5. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8: Property description: APN: 537-100-030 & 031, located in the general vicinity of Ramsey Street and Highland Home Road. City Negotiator: Rochelle Clayton, Interim City Manager and Ted Shove, Economic Development Manager- Negotiating Parties: Jim Stuart [Group One Realty]; Under Negotiation: Price and Terms.
6. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8: Property description: APN 541-181-032, 541-181-033, 541-181-034, and 541-181-035, located in the general vicinity of Ramsey Street between San Geronio Avenue and Martin Street. City Negotiators: Rochelle Clayton, Interim City Manager and Ted Shove, Economic Development Manager – Two Negotiating Parties: Mark Sandoval [Mark Development] and Chris Leggio [Mark Christopher Properties]; Under Negotiation: Price and Terms.
7. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8: Property description: APN: 419-120-021, 023, 024, & 025, located in the general vicinity of the northeast corner of Highland Springs Avenue and Joshua Palmer Way. City Negotiator: Rochelle Clayton, Interim City Manager and Ted Shove, Economic Development Manager – Negotiating Parties: Corners, Inc., Carlos Trejo, and BMW Management; Under Negotiation: Price and Terms.

The Meeting convened to closed session at 3:36 p.m. and reconvened to open session at 5:15 p.m.

ADJOURNMENT

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

Minutes Prepared by:

Sonja De La Fuente, Deputy City Clerk

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

06/26/18
REGULAR MEETING

A regular meeting of the Banning City Council was called to order by Mayor Moyer on June 26, 2018, at 5:22 p.m. at the Banning Civic Center Council Chamber, 99 E. Ramsey Street, Banning, California.

COUNCIL MEMBERS PRESENT: Council Member Andrade
Council Member Franklin
Council Member Peterson
Council Member Welch
Mayor Moyer

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT Rochelle Clayton, Interim City Manager
Kevin Ennis, City Attorney
Tim Chavez, Fire Battalion Chief
Heidi Meraz, Community Services Director
Tom Miller, Electric Utility Director
Patty Nevins, Community Development Director
Art Vela, Public Works Director/City Engineer
Vincent Avila, Lieutenant
Suzanne Cook, Deputy Finance Director
Ted Shove, Economic Development Manager
Sonja De La Fuente, Deputy City Clerk
Laurie Sampson, Executive Assistant
Leila Lopez, Office Specialist

Mayor Moyer opened the meeting in remembrance of Steve Armitage, 14-year employee of the City of Banning.

The Invocation was given by Police Chaplain Merle Malland. Mayor Moyer led the audience in the Pledge of Allegiance to the Flag.

REPORT ON CLOSED SESSION

The City Attorney indicated four items were discussed in Closed Session. 1) PUBLIC EMPLOYEE APPOINTMENT: City Manager – Pursuant to Government Code Section 54957. Direction was given and future meetings scheduled. 2) PUBLIC EMPLOYEE APPOINTMENT: Police Chief – Pursuant to Government Code Section 54957. Direction was given and the item was continued to a future meeting. 3) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9 (one case). A status report was given with no final or reportable action. 4) CONFERENCE WITH LEGAL

COUNSEL – EXISTING LITIGATION (Paragraph (1) of Subdivision (d) of Section 54956.9) Name of Case: City of Banning v. Go Green Calming Solutions, et al., Case No. RIC 1806731. An update regarding the case was provided and direction was given to legal counsel. 5) CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8: Property description: APN: 537-100-030 & 031, located in the general vicinity of Ramsey Street and Highland Home Road. City Negotiator: Rochelle Clayton, Interim City Manager and Ted Shove, Economic Development Manager- Negotiating Parties: Jim Stuart [Group One Realty]; Under Negotiation: Price and Terms. Direction was given to the City's negotiators regarding acquisition. 6) CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8: Property description: APN 541-181-032, 541-181-033, 541-181-034, and 541-181-035, located in the general vicinity of Ramsey Street between San Gorgonio Avenue and Martin Street. City Negotiators: Rochelle Clayton, Interim City Manager and Ted Shove, Economic Development Manager – Two Negotiating Parties: Mark Sandoval [Mark Development] and Chris Leggio [Mark Christopher Properties]; Under Negotiation: Price and Terms. Direction was given to the City's negotiators regarding the potential sale of the property. Mayor Pro Tem Peterson abstained from this item. 7) CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8: Property description: APN: 419-120-021, 023, 024, & 025, located in the general vicinity of the northeast corner of Highland Springs Avenue and Joshua Palmer Way. City Negotiator: Rochelle Clayton, Interim City Manager and Ted Shove, Economic Development Manager – Negotiating Parties: Corners, Inc., Carlos Trejo, and BMW Management; Under Negotiation: Price and Terms. Direction was given to the City's negotiators.

PUBLIC COMMENTS / CORRESPONDENCE / PRESENTATIONS / APPOINTMENTS

PUBLIC COMMENTS

Inge Schuler referenced the Supreme decision last week regarding the rights of individuals who speak at public meetings. She expressed her hope that the City of Banning will prevent what has happened in other communities from happening here. She would also like information regarding the status of the City's agreement with Mr. Miliband and if it is up for renewal and would like to see the results of his efforts. She shared her concern with Mayor Moyer and Council Member Franklin speaking with each other off the record (i.e. during a presentation). Finally, she pointed out the City has had three Grand Jury reports and discussed the City's responses.

Ellen Carr with Tender Loving Critters announced that Animal Action League had technical difficulties and were unable to be here on Friday, June 22nd, but were here on Saturday, June 23rd to provide low cost spay/neuter surgeries and shot clinic. She announced that they would be here again on July 9th, 10th and 11th. The shot clinic is from 10:00 a.m. until 2:00 p.m. (760) 336-1100 to make an appointment for spay/neuter. Finally, she requested the City inform the public regarding the fact that Animal Control Services will now be provided by Riverside County Department of Animal Services and how they can contact them.

John Hagen expressed concerns regarding Cannabis ordinances.

Bill Hobbs was at the Farm's House restaurant on Saturday night and they were surrounded by police. Although he felt safe with the presence of law enforcement, he is concerned about the cannabis shop by Guy's restaurant.

Richard Rutherford explained he used to lease the land on Highland Springs for cattle grazing and expressed concern that the people who completed the EIR were not concerned with finding certain animals that could be impacted by their development.

Seeing no further comments, the Mayor closed Public Comment.

CORRESPONDENCE

The Deputy City Clerk read correspondence from Barbara DelGatto-Jesus (see Exhibit "A").

PRESENTATIONS

Mayor Moyer presented Council Member Andrade with a Certificate of Congratulations for attaining her Bachelor's Degree in Psychology from California State University San Bernardino.

APPOINTMENTS

1. Planning Commissioner Appointment

Community Development Director Patty Nevins, presented the Staff Report as contained in the Agenda packet.

Motion Peterson/Welch to appoint Henry Aldredge to the Planning Commission until February 2019. Motion carried 5-0.

CONSENT ITEMS

Council Member Peterson pulled Consent Item 13 for discussion.

1. Minutes – Special Meeting – 6/12/2018 (Workshop)

Recommendation: Approve the Minutes from June 12, 2018 Special Meeting of the Banning City Council (Workshop).

2. Minutes – Special Meeting – 6/12/2018 (Closed Session)

Recommendation: Approve the Minutes from the June 12, 2018 Special Meeting of the Banning City Council (Closed Session).

3. Minutes – Regular Meeting – 6/12/2018

Recommendation: Approve the Minutes from the June 12, 2018 Regular Meeting of the Banning City Council.

4. Accounts Payable and Payroll Warrants Issued in the Month of May 2018

Recommendation: Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of May 2018.

5. Capital Improvement Project Update

Recommendation: Receive and file Update on Capital Improvement Projects.

6. Information Regarding AB 341 (Mandatory Commercial Recycling) and AB 1826 (Mandatory Commercial Organics Recycling)

Recommendation: Receive and file information regarding AB 341 and AB 1826.

7. Resolution 2018-77, Calling for the Holding of a General Municipal Election to be Held on Tuesday, November 6, 2018 for the Election of Members of the City Council Districts 4 and 5

Recommendation: Adopt Resolution 2018-77.

8. Resolution 2018-78, Adopting Regulations for Candidates for Elective Office, Pertaining to the Electorate and the Costs Thereof for the General Municipal Election to be Held in the City on Tuesday, November 6, 2018

Recommendation: Adopt Resolution 2018-78.

9. Resolution 2018-68, Approving the 2018/2019 Short Range Transit Plan (SRTP) and Authorizing the Submittal of the Fiscal Year 2018/2019

Recommendation: Adopt Resolution 2018-68.

10. Resolution 2018-62, Approving the Renewal of the Landscape Maintenance Contract for City Parks with Z&T Ventures, Inc., DBA Service Scape for Fiscal Year 2018/2019 in the Amount of \$80,248

Recommendation: Adopt Resolution 2018-62.

11. Transparent California and the Local Government Compensation Report.

Recommendation: Receive and File information.

12. Resolution 2018-83, Approving a One Year Extension to the Existing Professional Services Agreement for Environmental Peer Review Services with Aspen Environmental Group

Recommendation: Adopt Resolution 2018-83.

14. Update Regarding the Armory Lease Documents Between the City of Banning and the California National Guard

Recommendation: Receive and File information.

15. Resolution 2018-79, Approving Payment in the Amount of \$31,068 to the Riverside County Sheriff's Department for Fiscal Year 2018/2019 Member Agency Assessment

Recommendation: Adopt Resolution 2018-79.

16. Resolution 2018-93, Authorizing a Letter Opposing AB 1912

Recommendation: Adopt Resolution 2018-93.

The Mayor opened Consent Items 1 through 12 and 14 through 16 for public comment. Seeing none, closed public comment.

Motion Franklin/Peterson to approve Consent Items 1 through 12 and 14 through 16. Motion carried, 5-0.

13. Resolution 2018-89, Approving a One Year Extension to the Existing Professional Services Agreement for Real Estate Appraisal Services with Capital Realty Analysts, Inc.

Recommendation: Adopt Resolution 2018-89.

Economic Development Manager Ted Shove presented the Staff Report as contained in the Agenda packet.

Council Member Peterson asked various questions related to the appraisals and the number of appraisals that have been completed and how many were outstanding. Manager Shove clarified which appraisals were completed and which appraisals still needed to be completed. He explained that no additional money was being requested, only an extension of time, as the existing contract term ends June 30th and in order to complete the outstanding appraisals an extension would be needed. Council Member Peterson expressed concern with how long the appraisals are taking.

Council Member Peterson requested Manager Shove forward the MAI certification of the appraiser to him. Manager Shove confirmed he would forward the information.

Council Member Franklin suggested providing a progress report on the appraisals every 30 days.

Council Member Peterson recommended the appraiser complete the work that has been requested, but that no new appraisals are assigned.

Motion Peterson/Andrade to approve Consent Item 13. Motion carried, 5-0.

PUBLIC HEARINGS

1. Resolution 2018-82, Placing Two Cannabis Tax Measures on the Ballot of the November 6, 2018 Municipal Election. One Related to Cannabis Cultivation/Manufacturing/Testing and One Related to Retail Cannabis, Ordinance 1523, Adopting Zoning Code Amendments to Allow, Regulate and Zone for Certain Commercial Cultivation, Manufacturing Level 1, and Testing Laboratories, Contingent Upon the Adoption of a Tax Measure on Such Uses, and Ordinance 1524, Municipal Code Amendments to Establish Procedures for the Issuance of Cannabis Regulatory Permits for Commercial Cannabis Uses

Community Development Director Patty Nevins presented the Staff Report as contained in the Agenda packet along with a PowerPoint Presentation (see Exhibit "B").

Mayor Moyer opened the Public Hearing.

David Ellis explained that if the voters don't endorse this it will die and the time spent will have been for nothing.

Don Smith reminded the Council that the State of California voted to legalize cannabis, but the City of Banning did not.

John Hagen questioned if the figures presented were correct in regard to the income to the City and whether the venture is worth it.

Mark Quental, the developer of the Banning Work Lofts, would like the Airport Industrial (AI) zone included. He provided a letter with signatures from property owners (see Exhibit "C"). Council Member Franklin asked if the property owners live in the area. Mr. Quental indicated he will provide that information.

Inge Schuler questioned whether the distance requirements from residents would apply to work lofts if they were included. Director Nevins clarified that the 600-foot distance requirement is from a residential zone.

Seeing no further comments, the Mayor closed the Public Hearing for this item.

Motion Peterson/Welch to adopt Resolution 2018-82, placing cannabis cultivation, manufacturing, and testing tax measure and the retail cannabis tax measure on the ballot. Motion carried 5-0.

The Mayor asked the Deputy City Clerk to read the title of Ordinance 1523.

The Deputy City Clerk read the title of Ordinance 1523: "Ordinance 1523, an Ordinance of the City of Banning, California, Approving a Categorical Exemption and Approving Zoning Ordinance Amendment 18-97501 Amending Title 17 "Zoning" of the Banning Municipal Code to Add Chapter 17.53, "Cannabis Cultivation, Manufacturing Level 1, and Testing Laboratory Facilities in Certain Industrial Zones with Approval of a Cannabis Conditional Use Permit and Making Other Amendments Related to Cannabis Businesses, and Making the Allowance for, and Regulation of, these Businesses Contingent Upon the Voter's Approval of a Tax Measure on the November 6, 2018, General Municipal Election Ballot."

Motion Peterson/Welch to waive further reading of Ordinance 1523. Motion carried 5-0.

Motion Peterson/Franklin that Ordinance 1523 pass its first reading. Motion carried 5-0.

The Mayor asked the Deputy City Clerk to read the title of Ordinance 1524.

The Deputy City Clerk read the title of Ordinance 1524: "Ordinance 1524, an Ordinance of the City of Banning, California, Adding Chapter 5.35 to Title 5 (Business Licenses and Regulations) of the Banning Municipal Code to Establish Procedures for the Issuance of Cannabis Regulatory Permits, Making Required Findings Under CEQA, and Making the Allowance for, and Regulation of, these Businesses Contingent Upon the Voter's Approval of a Tax Measure on the November 6, 2018, General Municipal Election Ballot."

Motion Peterson/Andrade to waive further reading of Ordinance 1524. Motion carried 5-0.

Motion Peterson/Andrade that Ordinance 1524 pass its first reading. Motion carried 5-0.

2. Resolution 2018-80, Approving General Plan Amendment 17-2503; Design Review 17-7004; and Initial Study/Mitigate Negative Declaration and Mitigated Monitoring and Reporting Program (Environmental Assessment 17-1504) for the Proposed Development of a 36,171 Square Foot Medical Support Office Building Within the Congregate Care District of the Sun Lakes Village North Specific Plan on Sun Lakes Boulevard and Ordinance 1526 amending the Zoning Map of Title 17 of the Banning Municipal Code from Residential High Density/Affordable

Housing Opportunity to Professional Office for an Approximately 3.31 Acre Lot on Sun Lakes Boulevard.

Community Development Director Patty Nevins presented the Staff Report as contained in the Agenda packet along with a PowerPoint Presentation (see Exhibit "D").

Council Member Franklin inquired about a pedestrian crossing from the south side of Sun Lakes Boulevard. Public Works Director Art Vela explained there is a crosswalk at Country Club Drive, however an uncontrolled crosswalk is not recommended for this area.

There was discussion among the Council and staff regarding the traffic in the area of the project and how/where it would flow in and out of the project.

Mayor Moyer opened the Public Hearing.

Millie Hunter explained that the project backs up to her property and expressed many concerns with traffic and the fact that an EIR had not been done. She doesn't feel the project should proceed until the concerns are addressed.

Bill Hawes does not feel the traffic on Sun Lakes Boulevard is a concern and supports a care facility at this location.

Gary Miller, the architect for the project, advised he is available to answer any questions and shared a visual presentation of how the project is planned to look.

Council Member Franklin asked what the hours of operation would be. Mr. Miller confirmed regular business hours. She asked about light spilling outside of the property. Mr. Miller confirmed there would be no light spill beyond the property line.

Steve Rutledge from the Four Seasons expressed his support of the project.

Dr. Khalil, Internist with Beaver Medical Group and Chief of Staff at San Geronio Memorial Hospital, shared his support for this project and explained some history of Beaver Medical Group and explained that he is pursuing opportunities for future needs in this area with this project.

Peter Bonilla, Executive Director of the Lakes assisted living facility expressed his strong support for this project.

Peg Monahan expressed her support for the project.

Seeing no further comments, the Mayor closed the Public Hearing for this item.

Community Development Director Nevins explained that an EIR would have been required if there were significant impacts from the project, but there were none.

Motion Peterson/Welch to adopt Resolution 2018-80, approving General Plan Amendment 17-2503, Design Review 17-7004; and an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Environmental Assessment 17-1504) for an approximately 36,171 square foot medical office building. Motion carried 5-0.

The Mayor asked the Deputy City Clerk to read the title of Ordinance 1526.

The Deputy City Clerk read the title of Ordinance 1526: "Ordinance 1526, an Ordinance of the City of Banning, California, approving Zone Change No. 17-3503 to Amend the Zoning Map from High Density Residential-20/Affordable Housing Opportunity to Professional Office (PO) in Conformance with General Plan Amendment 17-2503, for Property Located South of Interstate 10, East of Highland Springs Avenue, North of Sun Lakes Boulevard between Sun Lakes Village Drive and Silver Springs Avenue; APN 419-140-059."

Motion Franklin/Welch to waive further reading of Ordinance 1526. Motion carried 5-0.

Motion Franklin/Welch that Ordinance 1526 pass its first reading. Motion carried 5-0.

3. Resolution 2018-70, Amending the Net Metering Surplus Production Rate Schedule to Set the Net Metering Surplus Electrical Rate to be Equal to the Price of the Lowest-Cost WREGIS-Certified Renewable Energy Resource that is Produced or Procured by the Electric Utility

Electric Utility Director Tom Miller presented the Staff Report as contained in the Agenda packet along with a PowerPoint Presentation (see Exhibit "E").

Amending the Net Metering Surplus Production Rate Schedule to Set the Net Metering Surplus Electrical Rate to be Equal to the Price of the Lowest-Cost WREGIS-Certified Renewable Energy Resource that is Produced or Procured by the Electric Utility

Mayor Moyer opened the Public Hearing.

John Hagen requested clarification in regard to the solar credit amount. Director Miller provided clarification and explained.

Seeing no further comments, the Mayor closed the Public Hearing for this item.

Motion Andrade/Peterson to adopt Resolution 2018-70: 1) approving the updating of the Net Metering Surplus Production Rate Schedule to set the Net Metering Surplus Electrical Rate to be equal to the price of the lowest-cost WREGIS-certified renewable energy resource that is produced or procured by the City of Banning Electric Utility and 2) authorizing the Electric Utility Director or their designee to

implement said updated Net Metering Surplus Production Rate Schedule effective immediately. Motion carried 5-0.

4. Resolution 2018-69, Approving the Closure of the Net Energy Metering Program to New Applicants Due to the Program Being Fully Subscribed, Approving the "Distributed Energy Resources" Subsequent to the Net Energy Metering Program Being Closed, and Grandfathering Current Net Energy Metering Customers for 20 Years from the Date of Interconnection of their Renewable Systems or Until the Closing of their Account, Whichever Occurs First

Electric Utility Director Tom Miller presented the Staff Report as contained in the Agenda packet along with a PowerPoint Presentation (see Exhibit "E").

Mayor Moyer opened the Public Hearing. Seeing no comments, closed the Public Hearing for this item.

Motion Andrade/Franklin to adopt Resolution 2018-69: 1) approving the closure of the Net Energy Metering (NEM) program to new applicants because the program is fully subscribed, 2) approving the Distributed Self-Generation Schedule for customers installing distributed energy resources subsequent to the NEM program being closed, 3) grandfathering current NEM customers for 20 years from the date of interconnection of their renewable systems or until the closing of their account, whichever occurs first, and 4) authorizing the Electric Utility Director or his designee to administer the provisions approved in this resolution. Motion carried 5-0.

5. Resolution 2018-81, Confirming the Levy and Collection of Assessments Within the City of Banning's Landscape Maintenance District (LMD) No. 1 for Fiscal Year 2018/2019

Public Works Director Art Vela presented the Staff Report as contained in the Agenda packet.

Mayor Moyer opened the Public Hearing. Seeing no comments, closed the Public Hearing for this item.

Motion Andrade/Franklin to adopt Resolution 2018-81; confirming the Levy and Collection of Assessments within the City of Banning's LMD No. 1 for Fiscal Year 2018/2019 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code and authorizing the City Clerk to file the diagram and assessment with the Riverside Assessor-County Clerk-Recorder's Office. Motion carried 5-0.

6. Proposal by Mayor Pro Tem Peterson to Censure City Council Member Welch

Mayor Pro Tem Peterson shared his recommendation to censure Council Membership (see Exhibit "F") and presented his evidence.

Council Member Welch shared his response (see Exhibit "G").

Mayor Moyer opened the Public Hearing.

Bob Knight with Diamond Hills advised that he did not attempt to get anything done outside of what was the proper practice. He informed the Council that he nor anyone from the dealership was interviewed by the Grand Jury.

David Ellis expressed his disappointment in Mayor Moyer, Council Member Franklin, and Council Member Welch.

Linda Pippenger advised the Council to abide by the direction of the Grand Jury.

Don Smith explained what the Grand Jury does and that it is up to the Council to decide whether or not they agree with the recommendations.

Seeing no further comments, the Mayor closed the Public Hearing for this item.

Council Member Andrade expressed concern with the fact that not all parties involved in the situation were interviewed.

Motion Peterson to censure Council Member Welch. Motion died for a lack of a second.

ANNOUNCEMENTS & REPORTS

CITY COUNCIL COMMITTEE REPORTS

Council Member Andrade attended the Roosevelt Williams Park rededication on Saturday, June 23rd with her entire family. She commended the Public Works and Community Services departments on their work.

Council Member Franklin reported on the following:

- The rededication of Roosevelt Williams Park re-opened on Saturday, June 23rd. She commended the Public Works and Community Services Departments.
- The Downtown Ad Hoc Committee has received 130+ surveys and they will be reviewed and a report brought forward to Council.
- The 2x2 with the School District met. The School District will be doing their own CNG station.

Council Member Peterson had nothing to report

Council Member Welch had nothing to report.

Mayor Moyer reported on the following:

- Pass Area Clean Up at Bogart Park on Saturday, June 30th (see Exhibit "H")

The Mayor recessed the regular meeting at 8:16 p.m. and reconvened at 8:28 p.m.

REPORT BY CITY ATTORNEY

City Attorney Ennis did not have anything to report.

REPORT BY CITY MANAGER

Interim City Manager Clayton thanked the members of the Oversight Board of the Successor Agency and presented certificates of appreciation.

REPORTS OF OFFICERS

1. Resolution 2018-71, Pre-Approving a Vendor List for the Purchase of Information Technology Supplies and Commodities for the City

Interim City Manager Rochelle Clayton presented the Staff Report as contained in the Agenda packet.

Mayor Moyer opened the item for public comment. Seeing none, closed public comment.

Motion Peterson/Andrade to adopt Resolution 2018-71, establishing a pre-approved vendor list for citywide usage and authorizing the purchase of Information Technology supplies and commodities from competitively bid cooperative organizations and/or GSA Schedule 70 (GSA Advantage) or as a Sole Source for the Fiscal Year 2018-2019 and 2019-2020 concurrent approved budgets. Motion carried 5-0.

2. Resolution 2018-72, Approving the Rate Adjustment for the Collection, Transportation, and Disposal of Solid Waste Services and to Proceed with the Proposition 218 (Prop 218) Notifications, Setting a Prop 218 Public Hearing, and Directing Staff to Prepare the Fifth Amendment to the Franchise Agreement with Waste Management

Public Works Director Art Vela presented the Staff Report as contained in the Agenda packet. He advised that Lily Figueroa and Clara Vera with Waste Management are available to answer any questions.

Mayor Moyer asked for clarification in regard to the five years maximum.

Council Member Peterson asked if there would be a CPI increase every year. Director Vela confirmed there would.

Council Member Franklin asked what the CPI increase meant to the residents. Director Vela explained this year it is 3.43%, which means the monthly rate would increase from \$20.99 per month to \$21.75 per month. She asked if the recycling that is taken from residents factored into the increase. Director Vela indicated it did not.

There was some discussion held about the new contamination fee.

Clara Vera with Waste Management recommended residents limit their trash bin exposure by bringing their bins out right before the hauler picks up and putting them away as soon as possible following pick up. She indicated they would be reaching out to educate the community as much as possible.

Mayor Moyer opened the item for public comment.

Ellen Carr expressed her exacerbatation and frustration with another rate increase.

Don Smith reminded everyone that people do go through trash.

David Ellis advised it was on NextDoor about people going through trash cans. He believes education is important, especially with the new contamination charge.

Seeing no further comments, the Mayor closed public comment.

Clara Vera recommended citizens contact Waste Management at 1-800-423-9986 with any questions or to schedule a bulky item pick-up. Residents are entitled to three per year. She also advised they have a Spring and Fall clean-up event and the Fall clean-up event will be in October.

Motion Franklin/Andrade to adopt Resolution 2018-72: 1) approving a Prop 218 notice for annual CPI adjustment for five consecutive years beginning in 2018 and ending in 2022 and approving a method for establishing the annual CPI adjustment to the service rates for the collection, transportation and disposal of solid waste, 2) approving the Prop 218 Notice and authorizing staff to mail the notice to customers and property owners in compliance with all requirements of Prop 218, 3) scheduling a Public Hearing for August 28, 2018 at 5 p.m. to consider all public protests related to the proposed rate adjustment, and 4) authorizing the City Manager or her designee to make necessary budget adjustments, appropriations and transfers related to the Prop 218 notification and public hearing process. Motion carried 5-0.

3. Resolution 2018-91, Approving an Updated Method for Calculating the Annual Consumer Price Index (CPI) Adjustment to the Banning Municipal Airport Hangar Rates and Access Fees

Public Works Director Art Vela presented the Staff Report as contained in the Agenda packet.

Mayor Moyer opened the item for public comment. Seeing none, closed public comment.

Motion Welch/Franklin to adopt Resolution 2018-91, approving an updated method for calculating the annual CPI adjustment to the Banning Municipal Airport hangar rental rates and access fees for 2018 and 2019. Motion carried 5-0.

DISCUSSION ITEMS

1. Potential Ballot Measure to be Placed on the November 2018 Ballot by the City Council for a Proposed Ordinance Authorizing a Transfer from the City's Electric Fund to the General Fund in an Amount Not to Exceed 7.5% of Gross Revenues for Three Years and 5.5% of Gross Revenues Thereafter, and Establish an Electric Utility Rate Freeze for a Period of Three Years

Interim City Manager Clayton presented the Staff Report as contained in the Agenda packet.

Council Member Franklin clarified this would not be asking the rate payer for money, rather redirecting the money the City already has.

Mayor Moyer opened the item for public comment.

Ellen Carr shared her concern with the City robbing Peter to pay Paul.

Don Smith explained that Prop 13 is forcing the people to vote to do what has been done since 1976 or 1977. This would fund Police, Fire, and Parks with a guarantee that rates stay the same.

David Ellis reminded the Council the City is fighting to bring business into town, but the electric rates are high. He recommended cutting employees, salaries and benefits and raising the mining tax or figuring out a different way to generate revenue.

Seeing no further comments, the Mayor closed public comment.

There was discussion among the Council regarding whether there should be a rate freeze or a rebate, as one option may be easier to explain to the citizens than the other.

There was a consensus of the Council that Staff bring back wording for both options.

The Mayor recessed the Regular meeting and called to order a joint meeting of the Banning City Council, the Housing Authority, the Banning Utility Authority, and the City Council sitting in its capacity of a Successor Agency Board

CONSENT ITEMS

Council Member Peterson pulled Consent Item 1 for discussion.

2. Resolution 2018-66 and Resolution 2018-02 HA, Participation in Riverside County Mortgage Credit Certificate Program

The Mayor opened the item for public comment. Seeing none, closed public comment.

Motion Peterson/Andrade to approve Consent Item 2. Motion carried, 5-0.

1. 2nd Reading of Ordinance 1525, Amending Chapter 13.08 of the Banning Municipal Code Approving the Water and Wastewater Rate Schedule

The Mayor opened the item for public comment. Seeing none, closed public comment.

Motion Welch/Franklin to approve Consent Item 1. Motion carried, 4-1, with Council Member Peterson voting against.

REPORTS

REPORTS OF OFFICERS

1. Resolutions Approving the Two-Year Budget for Fiscal Years 2018-2019 and 2019-2020 for the City of Banning, Banning Utility Authority, and Successor Agency; the Five-Year Capital Improvement Program for Fiscal Years 2018-2019 through 2022-2023; the Gann Limit (Appropriation Limit); and Amending the Classification and Compensation Plan

Deputy Finance Director Suzanne Cook presented the Staff Report as contained in the Agenda packet.

Mayor Moyer asked if public safety is getting everything they had. Deputy Director Cook confirmed.

Council Member Franklin asked if the Reserve account is in good condition. Interim City Manager Clayton confirmed it is well above where it needs to be.

The Mayor opened the item for public comment. Seeing none, closed public comment.

The Mayor commended staff for a really good job and thanked all for their work.

Motion Franklin/Peterson to 1) adopt Resolution 2018-85 approving the Two-Year Budget for Fiscal Years 2018-2019 and 2019-2020 for the City of Banning, 2) adopt Resolution 2018-09 UA approving the Two-Year Budget for Fiscal Years 2018-2019 and 2019-2020 for the Banning Utility Authority, 3) adopt Resolution 2018-03 SA approving the Two-Year Budget for Fiscal Years 2018-2019 and 2019-2020 for the Successor Agency, 4) adopt Resolution 2018-86 approving the Gann Limit for Fiscal Year 2018-2019, and 5) adopt Resolution 2018-92 amending the Classification and Compensation Plan. Motion carried, 5-0.

ITEMS FOR FUTURE AGENDAS

Council Member Franklin suggested the City consider naming streets after local property owners, such as Lloyd Fields.

Council Member Franklin would like Planning Commissioners appointed by Council Districts.

Council Member Franklin would like the City to consider an ordinance declaring stealing trash trespassing.

ADJOURNMENT

By common consent the meeting was adjourned at 9:37 P.M.

Minutes Prepared by:

Sonja De La Fuente, Deputy City Clerk

These Minutes reflect actions taken by the City Council. The entire discussion of this meeting can be found by visiting the following website: <https://banninglive.viebit.com/player.php?hash=VQtIde2ZcbXh> or by requesting a CD or DVD at Banning City Hall located at 99 E. Ramsey Street.

Exhibit “A”
to the June 26, 2018, Regular Meeting Minutes



From: Barbara Jesus <reech.us@hotmail.com>
Sent: Tuesday, June 19, 2018 11:21 AM
To: Art Welch; George Moyer; debbie Franklin; Don Peterson
Subject: Highland Springs and Albertson's Center

We are hearing that Beaumont plans to keep the Albertson's entrance closed. We personally think the change has created even more hazards by the line up of cars, drivers trying to make the one entrance light into Banning enter, and illegal u turns. Here we go again with a few accidents over years of traffic and someone thinking a major change is needed. (Sun Lakes, as some of you know, has a similar over reaction going on to traffic.) **We do not agree that this change should take place.**

The merchants in Banning's center are trying to fight the closure, especially Mobile who is suffering, Hobby Lobby etc. I hope they are able to find a legal angle to keep it open. Can you imagine the traffic for the holidays? This change has not made one bit of difference in the traffic flow northbound to Ramsey either. Beaumont gets their way while interfering ☐☐ with Banning. **I certainly hope Banning City Council is NOT supporting this change. This move is only good for Beaumont, who wants to drive business to their area, and it only hurts Banning sales. We are disgusted with the situation.**

As our city council, we sincerely hope you are supporting the merchants in OUR CENTER and not letting Beaumont push us around as to this matter.

Please provide to the new council woman, and city clerk. I would like this read at the next meeting.

Thank you.
Barbara DelGatto-Jesus
909-915-4320

Exhibit “B”
to the June 26, 2018, Regular Meeting Minutes

Commercial Cannabis Ordinances and Proposed Ballot Measures

City Council Public Hearing and Meeting
City of Banning
99 E. Ramsey Street
Banning, CA 92220
June 26, 2018
5:00 P.M.



The logo for Stagecoach Town USA, featuring a circular emblem with a stagecoach and the text "STAGECOACH TOWN USA" and "Preserve History - Promote Economic Growth".

New Ordinances & Tax Measure

Municipal Code Amendments:

- Draft Cannabis Regulatory Permit Requirement – Add Chapter 5.35 to Business Licenses and Regulations
- Draft Cannabis Conditional Use Permit Requirement – Add Chapter 17.53 to Zoning

Draft Tax Measures (Ordinances will be dependent upon voter approval of tax measures)

Uses Conditionally Permitted via Cannabis Conditional Use Permit and Regulatory Permit

- Cultivation
- Manufacturing Level 1
- Testing

Industrial Zones Map



Resolution No. 2018-82

- Calls for the placement of two separate tax measures on the November 6, 2018 ballot
 - Tax on commercial cannabis cultivation, manufacturing, and testing laboratories
 - Tax on cannabis retailers
- Both measures impose a general tax so they must be approved by a majority of the Banning voters
- Resolution must be adopted by 4/5th vote of the City Council

Cannabis Retailers

- City Council provided staff direction to draft a tax measure taxing cannabis retailers.
- If the City Council moves forward with placing this tax measure on the ballot, staff will return at a later meeting to request direction regarding possible land use and regulatory restrictions for these uses.

First Tax Measure

- Cannabis cultivation tax - \$15 per square foot of canopy space (with ability to increase to \$25 per square feet of canopy space)
- Manufacturing and testing laboratory facilities tax – 10% of gross receipts
- Anticipated to generate approximately between \$644,800 to \$1,289,600 annually in taxes

Second Tax Measure

- Retailer cannabis tax – 10% of gross receipts (with ability to increase to 15% of gross receipts)
- Anticipated to generate approximately between \$1,168,800 and \$1,558,400 annually in taxes

Direction Requested

- Include both tax measures in Resolution No. 2018-82?
- If adopting Resolution No. 2018-82, the City Council may want to consider designating two City Councilmembers to draft an argument in favor of the tax measure(s) for consideration by the City Council at its July 10, 2018 meeting

Exhibit “C”
to the June 26, 2018, Regular Meeting Minutes

Watermark Development Inc.

1838 North Valencia Avenue, Placentia, CA 92870. Telephone 714-879-3569 Email: watermarkinc@earthlink.net
CA State License # 741507

June 25, 2018

City of Banning City Council

99 E Ramsey Street
Banning, CA 92220



Banning Work Lofts Project -

Project Address : 1450 E. Lincoln Street - Banning, CA 92220

Subject : Including the Airport Industrial Zone Into the Indoor Cultivation Zone Text
Amendment along with the Industrial Zone in the City of Banning, CA

Honorable City Council Members and City staff

We are attaching a letter we addressed to the 46 property owners in the Airport Industrial (AI) Zoning.

We prepared and distributed this letter in an effort to gain the support of other fellow owner neighbors' with respect to including the AI zoning along with the Industrial zoning for the indoor cannabis cultivation ordinance.

Contained and attached below are :

A copy of the circulated support request letter to the AI neighbors

A label list of the 46 owners' in the AI zone that we contacted. Mailings sent out on June 15th 2018.

Copies of the 8 signed support letters (signature page) we have received so far.

We have received no negative (against the inclusion in the cultivation zone) responses, emails or phone calls to our inquiries.

Please contact us if you have any questions or would like any additional information.

Thank you for the opportunity to present this request to your honorable panel for your continued support of our project.

Respectfully Submitted

Ed Quental (310) 261-1242 cell

Mark Quental (310) 261-1243 cell

Watermark Development Inc.

1838 North Valencia Avenue, Placentia, CA 92870. Email: watermarkinc@earthlink.net
CA State License # 741507

June 14, 2018

Dear fellow landowners of the Airport Industrial Zone.

There are many lots which comprise the Airport Industrial (AI) Zone. The lots within the AI zone are all contained by and within the following streets : Hargrave to the West, the 10 Freeway to the North, Hathaway to the East and Barbour to the South.

My wife Lisa, my brother Ed and I, Mark Quental own (purchased in 2003) the 3.62 acre lot located at 1450 E. Lincoln Street. Our Banning Work Lofts project for this parcel has been approved and permitted and we are shovel ready. However, low land values in this area have prompted the banks to charge high interest rates on the construction loan making it too risky for us to get started. Increased land value will solve this problem for all of us and will allow more favorable development opportunities into the future.

We are contacting you to help is get support by including your signature on this form to present it to the Banning City Council at the upcoming meeting on June 26, 2018.

We are requesting your signature to gain all the AI Zone landowners' support to request to the City Council to include the AI Zone in the proposed Indoor Cannabis Cultivation Zone in their upcoming vote. As of right now the map approved by the Planning Commission does not include the AI Zone. See the attached Map 2 showing the proposed new Indoor Cultivation Zone all around (but not including) our AI Zone. See the Map below.

We feel this would be a major detriment to us, and hurt our land values as owners in the AI Zone. The lots surrounding us, that are in the cultivation zone will appreciate in value. While our lots in the same area will not get the land appreciation factor.

For example, in other cities such as Desert Hot Springs, Coachella, Palm Springs lots within the Indoor Cultivation Zones have doubled and tripled in value.

We feel it would be very beneficial for all of us fellow landowners, in the AI Zone, to come together and benefit from this opportunity that will affect all of our parcels for many years to come. This will be voted on by the residents of Banning in November. It may not pass. But, if it does, we need to be included

Increased land value of this ordinance will help all of us in the AI Zone. Please sign and return to us as soon as possible.

Our email address and mailing address are above

If you would like to call us here are our cell numbers :

Mark Quental 310-261-1243

Ed Quental 310-261-1242

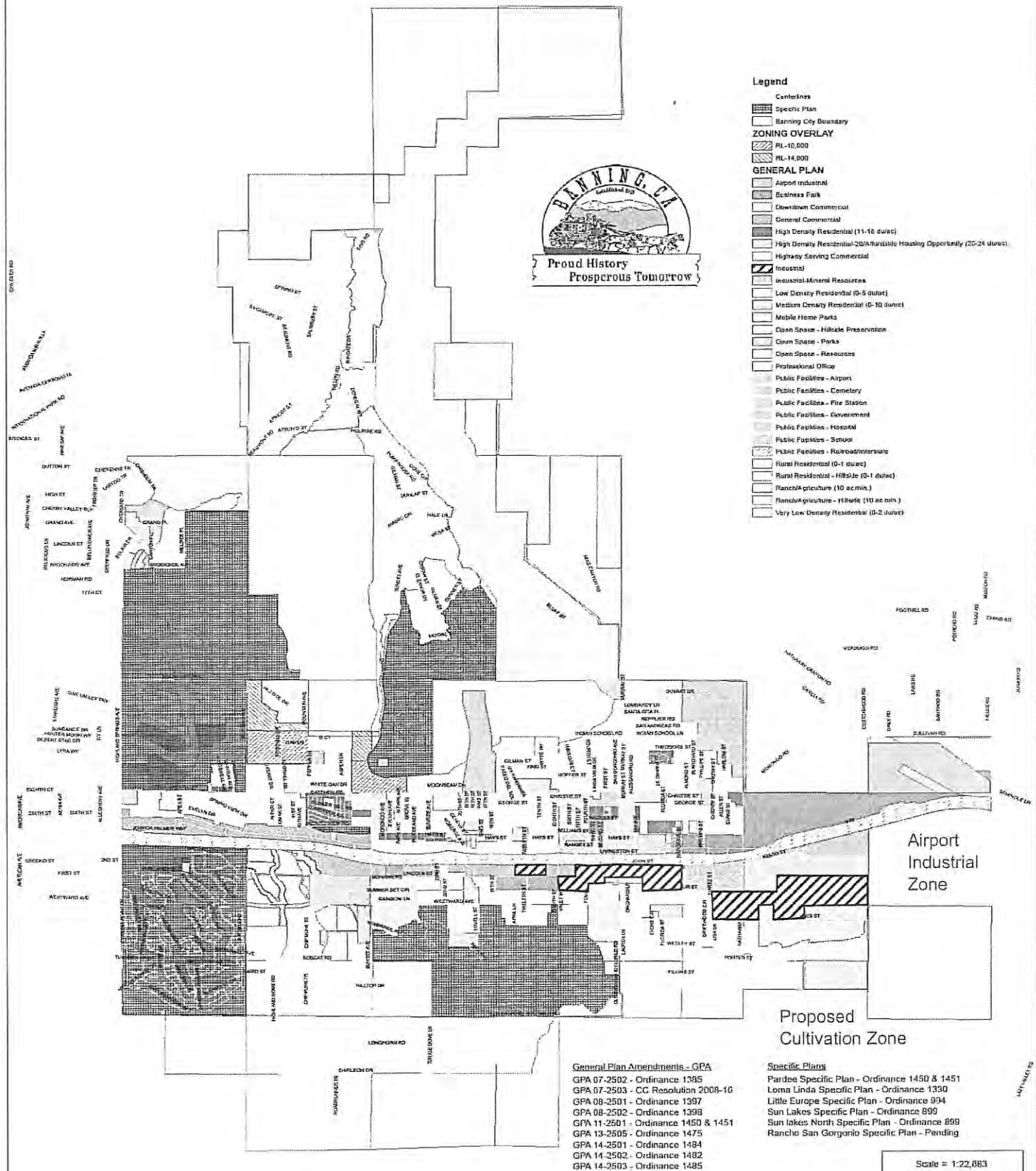
By my signature as a landowner within the Airport Industrial Zone I am requesting the Banning City Council include the Airport Industrial Zone into and be part of the proposed Indoor Cannabis Cultivation Zone

Name

Date

Address or Parcel Number

CITY OF BANNING GENERAL PLAN WITH ZONING OVERLAY



General Plan Amendments - GPA

GPA 07-2502 - Ordinance 1385
GPA 07-2503 - CC Resolution 2008-16
GPA 08-2501 - Ordinance 1387
GPA 08-2502 - Ordinance 1398
GPA 11-2501 - Ordinance 1450 & 1451
GPA 13-2505 - Ordinance 1475
GPA 14-2501 - Ordinance 1484
GPA 14-2502 - Ordinance 1482
GPA 14-2503 - Ordinance 1485

Specific Plans

Pardee Specific Plan - Ordinance 1450 & 1451
Loma Linda Specific Plan - Ordinance 1230
Little Europe Specific Plan - Ordinance 994
Sun Lakes Specific Plan - Ordinance 890
Sun Lakes North Specific Plan - Ordinance 899
Rancho San Geronimo Specific Plan - Pending

Scale = 1:22,863
0 0.25 0.5
Miles
Nobel Systems
City of Banning GIS Zoning Map
January 01, 2016 Update

Keith Turner
2247 El Capitan Dr
Riverside, CA 92506-4615

John C & Carol L Tamulonis
461 S Hathaway St
Banning, CA 92220

John C & Carol L Tamulonis
461 S Hathaway St
Banning, CA 92220-5914

Weeks Inv Group
700 S Hathaway St
Banning, CA 92220-5904

Keith W Volk
175 W Hermosa Pl
Palm Springs, CA 92262-4350

Leonard Harold & Alyce Frances Peterson
Po Box 1040
Lockeford, CA 95237-1040

Belete & Amsale Berhanu Demissie
467 N San Geronio Ave
Banning, CA 92220-5523

Spssm Inv Vili
4900 Santa Anita Ave 2C
El Monte, CA 91731-1490

Edward & Mark Quental
1838 Valencia Ave
Placentia, CA 92870-2732

Paul J Heilig
32017 Via Ararat Dr
Bonsall, CA 92003-4343

John J & Martha Rocha
1047 E Barbour St
Banning, CA 92220

Joseph E Olivera
1073 E Barbour St
Banning, CA 92220

Jamie Medvedeff
1103 E Barbour St
Banning, CA 92220

Mario F Ceja Mendoza & Elizabeth Manzo
Suarez
837 E Barbour St
Beaumont, CA 92223

Terry & Patricia Owsley
933 E Barbour St
Banning, CA 92220

Dennis C Pierce
48 N Doc Holiday Ln
Central, UT 84722-3016

Richard A & Alissa L Haderer
3449 Enterprise Ave
Hayward, CA 94545-3220

Gerardo & Almerida Rodriguez
520 S Hargrave St
Banning, CA 92220

Ramiro G Alvarez & Guadalupe N
Gonzalez
540 S Hargrave St
Banning, CA 92220

Tony H & Mary L Ortega
562 S Hargrave St
Banning, CA 92220

Angela Flores & Albert Alan Hughes
545 S Juarez St
Banning, CA 92220

Ignacio Alvarez
946 E Lincoln St
Banning, CA 92220

Pro Motor Collision Repair Inc
946 E Lincoln St
Banning, CA 92220-6245

Arthur D Medore
26100 Marlo Ct
Hemet, CA 92544-6701

Jim B & Carole J Macias
1984 E Park Dr
Palm Springs, CA 92262-6540

Amparo Elizondo & Flavia Bock
Po Box 106
Banning, CA 92220-0014

Edwin E & Janice Lee Manske
Po Box 1209
Wildomar, CA 92595-1209

Edwin E & Janice Lee Manske
Po Box 1209
Wildomar, CA 92595-1209

Jeffrey A & Nancy L Fisher
Po Box 141
Banning, CA 92220-0014

Wausau Tile Co
Po Box 1520
Wausau, WI 54402-1520

Robert A & Doreen J Reynolds
Po Box 326
Banning, CA 92220-0003

Pacific Latin Am Dist Council Assem Of
God
Po Box 566
Banning, CA 92220-0017

Andrew A Gillispie
10503 San Vincente Ave
South Gate, CA 90280-6653

Spssm Investments Vi
4900 Santa Anita Ave 2C
El Monte, CA 91731-1490

Pippenger Holdings Inc
2553 W Westward Ave
Banning, CA 92220-3761

Pippenger Holdings Inc
2553 W Westward Ave
Banning, CA 92220-3761

Todd Hilde
2530 Xenium Ln N
Minneapolis, MN 55441-3627

Thomas & Maria Belen Arreola
322 S Hargrave St
Banning, CA 92220

Jose A Silva Diaz
825 E Lincoln St
Banning, CA 92220

Enrique Parra Rodriguez
1068 Nighthawk Pl
Beaumont, CA 92223-2062

Enrique Parra Rodriguez
1068 Nighthawk Pl
Beaumont, CA 92223-2062

Enrique Parra Rodriguez
1068 Nighthawk Pl
Beaumont, CA 92223-2062

Strech Partners
22500 San Joaquin Dr W
Canyon Lake, CA 92587-7851

Strech Partners
22500 San Joaquin Dr W
Canyon Lake, CA 92587-7851

We feel it would be very beneficial for all of us fellow landowners, in the AI Zone, to come together and benefit from this opportunity that will affect all of our parcels for many years to come. This will be voted on by the residents of Banning in November. It may not pass. But, if it does, we need to be included

Increased land value of this ordinance will help all of us in the AI Zone. Please sign and return to us as soon as possible.

Our email address and mailing address are above

If you would like to call us here are our cell numbers :

Mark Quental 310-261-1243

Ed Quental 310-261-1242

By my signature as a landowner within the Airport Industrial Zone I am requesting the Banning City Council include the Airport Industrial Zone into and be part of the proposed Indoor Cannabis Cultivation Zone



Date: 6/15/18

Name/Property Owner: Alyce Peterson, trustee, Peterson Family Trust

481 S. Hathaway St, Banning, CA 92220

Address or Parcel Number

We feel it would be very beneficial for all of us fellow landowners, in the AI Zone, to come together and benefit from this opportunity that will affect all of our parcels for many years to come. This will be voted on by the residents of Banning in November. It may not pass. But, if it does, we need to be included

Increased land value of this ordinance will help all of us in the AI Zone. Please sign and return to us as soon as possible.

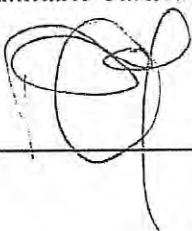
Our email address and mailing address are above

If you would like to call us here are our cell numbers :

Mark Quental 310-261-1243

Ed Quental 310-261-1242

By my signature as a landowner within the Airport Industrial Zone I am requesting the Banning City Council include the Airport Industrial Zone into and be part of the proposed Indoor Cannabis Cultivation Zone



Name

6-18-18

Date

~~32017 VIA ARARAT DR. BANSAL, CA 92003~~

Address or Parcel Number

1521 E. Barbours street, Units 1-4
Banning, CA 92220

We feel it would be very beneficial for all of us fellow landowners, in the AI Zone, to come together and benefit from this opportunity that will affect all of our parcels for many years to come. This will be voted on by the residents of Banning in November. It may not pass. But, if it does, we need to be included

Increased land value of this ordinance will help all of us in the AI Zone. Please sign and return to us as soon as possible.

Our email address and mailing address are above

If you would like to call us here are our cell numbers :

Mark Quental 310-261-1243

Ed Quental 310-261-1242

By my signature as a landowner within the Airport Industrial Zone I am requesting the Banning City Council include the Airport Industrial Zone into and be part of the proposed Indoor Cannabis Cultivation Zone

BELETE DEMISSIE 6-14-18

Name

Date

1522 and 1554 Lincoln St
Address or Parcel Number Banning, CA 92220

We feel it would be very beneficial for all of us fellow landowners, in the AI Zone, to come together and benefit from this opportunity that will affect all of our parcels for many years to come. This will be voted on by the residents of Banning in November. It may not pass. But, if it does, we need to be included

Increased land value of this ordinance will help all of us in the AI Zone. Please sign and return to us as soon as possible.

Our email address and mailing address are above

If you would like to call us here are our cell numbers :

Mark Quental 310-261-1243

Ed Quental 310-261-1242

By my signature as a landowner within the Airport Industrial Zone I am requesting the Banning City Council include the Airport Industrial Zone into and be part of the proposed Indoor Cannabis Cultivation Zone

John Tamulis - 6-18-18
Name Date

461/425 S. HATHAWAY ST.
Address or Parcel Number

We feel it would be very beneficial for all of us fellow landowners, in the AI Zone, to come together and benefit from this opportunity that will affect all of our parcels for many years to come. This will be voted on by the residents of Banning in November. It may not pass. But, if it does, we need to be included

Increased land value of this ordinance will help all of us in the AI Zone. Please sign and return to us as soon as possible.

Our email address and mailing address are above

If you would like to call us here are our cell numbers :

Mark Quental 310-261-1243

Ed Quental 310-261-1242

By my signature as a landowner within the Airport Industrial Zone I am requesting the Banning City Council include the Airport Industrial Zone into and be part of the proposed Indoor Cannabis Cultivation Zone

Keith Turner 6/20/18
Name Date

541290019-9
Address or Parcel Number

We feel it would be very beneficial for all of us fellow landowners, in the AI Zone, to come together and benefit from this opportunity that will affect all of our parcels for many years to come. This will be voted on by the residents of Banning in November. It may not pass. But, if it does, we need to be included

Increased land value of this ordinance will help all of us in the AI Zone. Please sign and return to us as soon as possible.

Our email address and mailing address are above

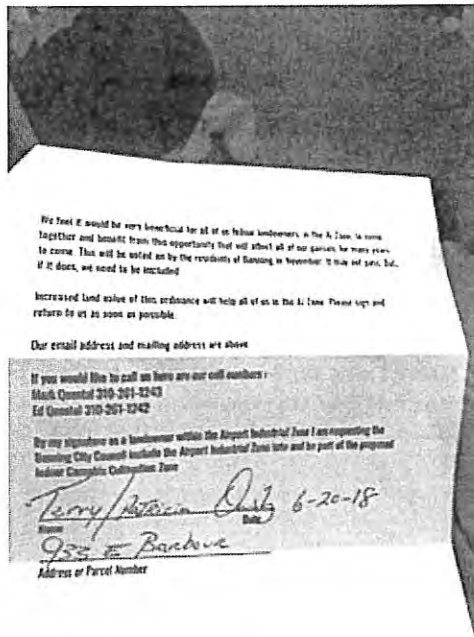
If you would like to call us here are our cell numbers :
Mark Quental 310-261-1243
Ed Quental 310-261-1242

By my signature as a landowner within the Airport Industrial Zone I am requesting the Banning City Council include the Airport Industrial Zone into and be part of the proposed Indoor Cannabis Cultivation Zone

Mark Quental 6/25/18
Name Date

541-290-009
Address or Parcel Number

From: Edward Quental watermarkinc1@icloud.com
Subject:
Date: June 25, 2018 at 3:41 PM
To:



We feel it would be very beneficial for all of us fellow homeowners in the AI Zone, to come together and benefit from this opportunity that will affect all of our parcels for many years to come. This will be voted on by the residents of Lansing in November. It may not pass. But, if it does, we need to be included.

Increased land value of this collection will help all of us in the AI Zone. Please sign and return to us as soon as possible.

Our email address and mailing address are shown

If you would like to call us here are our cell numbers:

Mark Quental 310-261-1342

Ed Quental 310-261-1342

By my signature as a homeowner within the Airport Industrial Zone I am requesting the Lansing City Council include the Airport Industrial Zone into and be part of the proposed Inland Commercial Collection Zone.

Name

Date

Address or Parcel Number

Exhibit “D”
to the June 26, 2018, Regular Meeting Minutes

Careage Medical Office Building

GPA 17-2503, ZC 17-3503, DR 17-7004 and EA 17-1504

Sun Lakes Village North Specific Plan

City Council Public Hearing and Meeting

City of Banning
99 E. Ramsey Street
Banning, CA 92220

June 26, 2018
5:00 P.M.



General Plan Amendment/ Zone Change

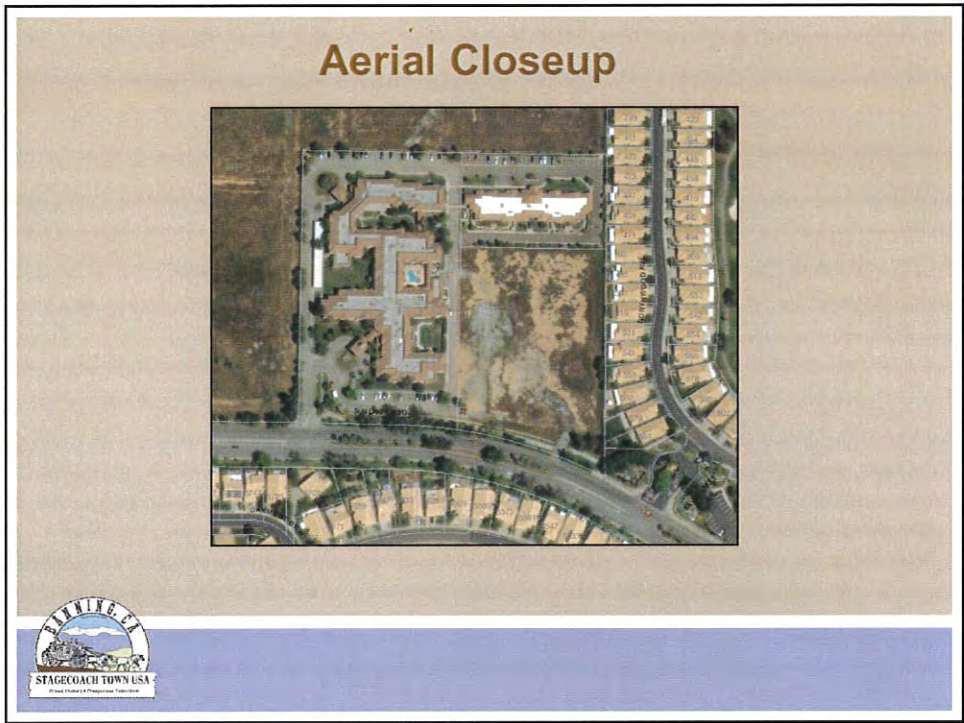
Professional Office /Specific Plan Overlay



1" = 752 ft 419-140-059 05/24/2018

This map represents a visual display of related geographic information. Data provided herein is not a guarantee of actual field conditions. To be sure of complete accuracy please contact Banning staff for the most up-to-date information.





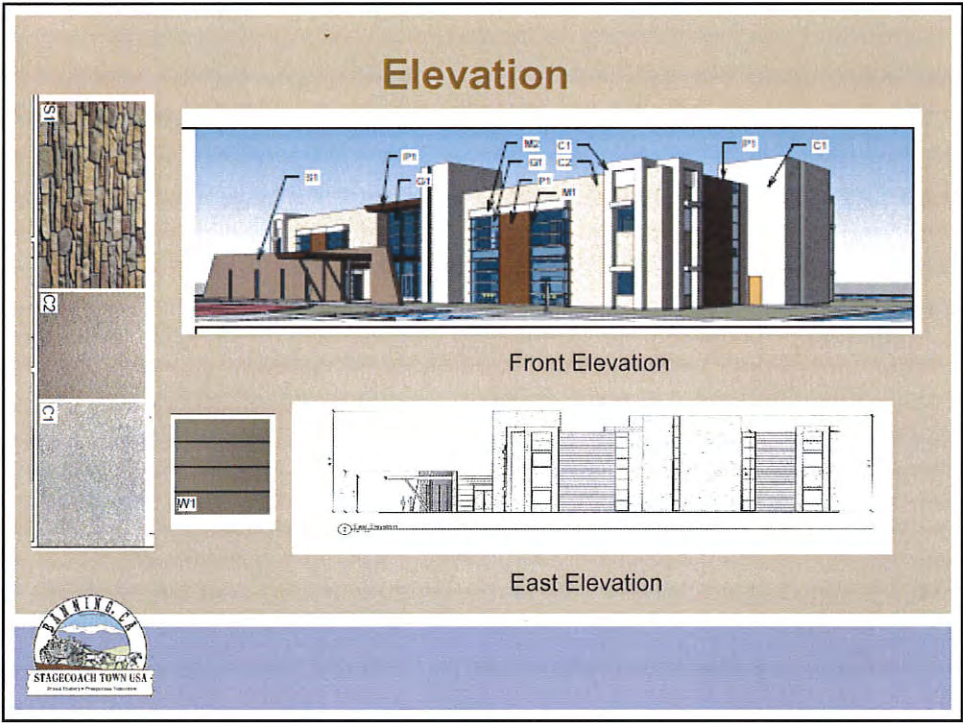
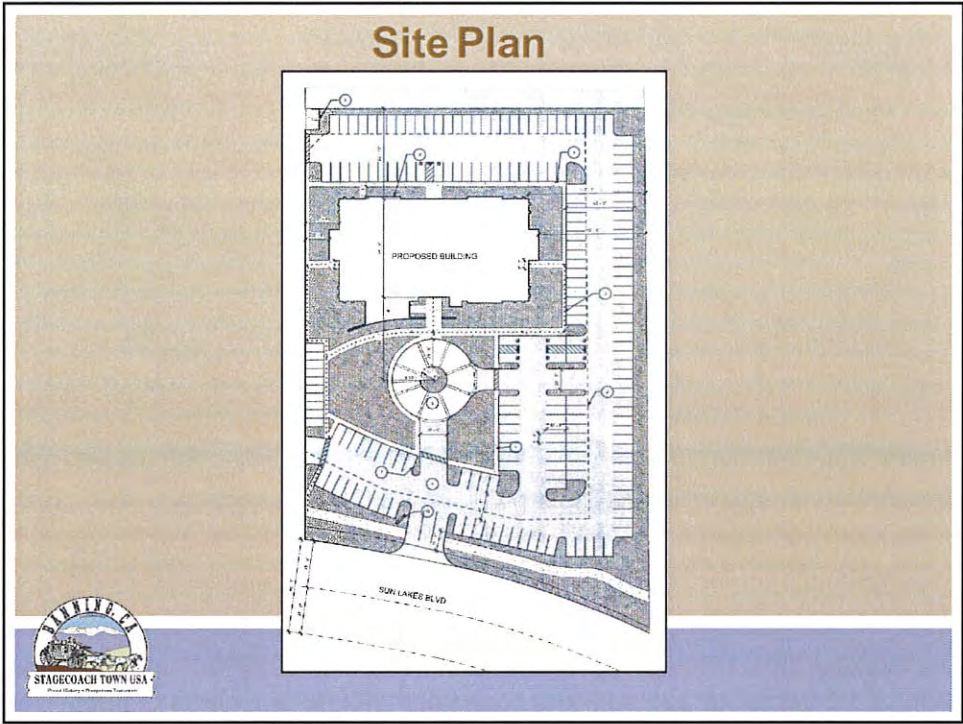


Exhibit “E”
to the June 26, 2018, Regular Meeting Minutes

BANNING ELECTRIC UTILITY

- **ONE PUBLIC HEARING TO DISCUSS TWO TOPICS**
 - **EXISTING NET METERING PROGRAM**
 - **IMPLEMENTING A SUCCESSOR PROGRAM KNOWN AS DISTRIBUTED ENERGY RESOURCES PROGRAM**
 - **DISTRIBUTED ENERGY SELF-GENERATION SCHEDULE**
- **TWO ACTION ITEMS FOR CONSIDERATION**
 - **RESOLUTION 2018-69 – (TRANSITION FROM NET METERING TO DISTRIBUTED ENERGY RESOURCES PROGRAM)**
 - **RESOLUTION 2018-70 – (SCHEDULE NMS – NET METERING SURPLUS PRODUCTION)**

BANNING ELECTRIC UTILITY

- **PROPRIETARY ENTERPRISE OF THE CITY OF BANNING**
- **PUBLICLY-OWNED UTILITY (POU)**
- **NOT-FOR-PROFIT (PRODUCE REVENUES IN EXCESS OF EXPENSES IN ORDER TO SERVICE DEBT AND MAINTAIN A REASONABLE RESERVE)**
- **TWO PRIMARY FUNCTIONS:**
 - **PROCURE AND DELIVER ELECTRICAL ENERGY TO THE "CITY GATE" (CURRENTLY AT SOUTHERN CALIFORNIA EDISON'S BANNING SUBSTATION)**
 - **TO PRODUCE AND SAFELY DISTRIBUTE RETAIL ELECTRICAL ENERGY TO CITIZEN PATRONS FOR END-USE CONSUMPTION**

NET METERING PROGRAM

CITY OF BANNING DBA BANNING ELECTRIC UTILITY

WHAT IS NET METERING?

- **NET METERING IS A MANDATED INITIATIVE IN SUPPORT OF RENEWABLE ENERGY PRODUCTION; IT'S A BUILT-IN CROSS SUBSIDY BETWEEN SOLAR AND NON-SOLAR CUSTOMERS (AB920)**
- **NET METERING IS AN INCENTIVE PROGRAM DESIGNED TO PROMOTE DISTRIBUTED ENERGY RESOURCES**
- **INCENTIVE TO PROMOTE THE INSTALLATION OF 1 MILLION ROOF TOP SOLAR ARRAYS ACROSS CALIFORNIA**
- **PRACTICALLY SPEAKING, THE UTILITY METER RECORDS ENERGY SUPPLIED BY THE UTILITY AND ENERGY PRODUCED BY THE SOLAR ARRAY AND THE "NET" DIFFERENCE IS THE MONTHLY BILLING DETERMINATE**
- **THE SOLAR PRODUCTION IS VALUED AT FULL RETAIL EMBEDDED COSTS; CURRENTLY \$0.1688, \$0.2190 OR \$0.2880**
- **AT THE END OF A 12-MONTH PERIOD, IF THE ANNUAL NET BILLING DETERMINATE IS IN FAVOR OF SOLAR PRODUCTION, THE CUSTOMER CAN BANK THE NET OR RECEIVE ADDITIONAL COMPENSATION CURRENTLY \$0.0883.**

WHAT IS THE CURRENT SCOPE OF THE NET METERING PROGRAM?

- **371 CUSTOMERS IN THE NET METERING PROGRAM (ALL SOLAR)**
- **53 APPLICATIONS PENDING**
- **TOTAL INSTALLED CAPACITY OF 2.6 MW (7 KW/CUSTOMER AVG)**
- **APPROXIMATELY 11,700,000 KWH GENERATED SINCE 2008 (31,537/SOLAR CUSTOMER AVG)**
- **APPROXIMATELY \$1.97 MILLION IN NET METERING RATE INCENTIVES (\$5,310/SOLAR CUSTOMER AVG)**
- **108 CUSTOMERS RECEIVED \$2,414,074 IN SOLAR REBATES (\$22,353/CUSTOMER AVG)**

CONSIDERATIONS FOR NET METERING PROGRAM

- **INACTIVATING THE CURRENT NET METERING PROGRAM AND CLOSE THE PROGRAM TO NEW APPLICANTS EFFECTIVE JULY 1, 2018 (RESOLUTION 2018-69)**
- **FOR EXISTING NET METERING CUSTOMERS (371), REDUCE THE NET METERING SURPLUS COMPENSATION (PRODUCTION) SCHEDULE TO \$0.063 EQUAL TO BANNING ELECTRIC'S LEAST COST RENEWABLE RESOURCE (ASTORIA 2) SOLAR CONTRACT (RESOLUTION 2018-70)**
- **FOR EXISTING NET METERING CUSTOMERS, SUNSET THE PROGRAM AT 20 YEARS FROM THE DATE OF INTERCONNECTION OF THE CUSTOMER-OWNED RENEWABLE GENERATION OR CHANGE IN PREMISE RESPONSIBILITY, WHICH EVER COMES FIRST (RESOLUTION 2018-69)**

DISTRIBUTED ENERGY RESOURCES PROGRAM

**TRANSITIONING FROM SOLAR TO ALL FORMS OF CUSTOMER-OWNED
PRODUCTION**

CONSIDERATIONS FOR DISTRIBUTED ENERGY RESOURCES PROGRAM

- **SUCCESSOR PROGRAM TO BE KNOWN AS DISTRIBUTED ENERGY RESOURCE PROGRAM (RESOLUTION 2018-69)**
- **PROMOTES CUSTOMER-OWNED DISTRIBUTED RENEWABLE ENERGY PRODUCTION (SOLAR, WIND, BATTERY STORAGE, FUEL CELL, OR COMBINATION) CO-METERING (1 METER RECORDING UTILITY SUPPLY AND 1 METER RECORDING RENEWABLE PRODUCTION)**
- **NET BILLING: BILL FOR UTILITY SUPPLY AND CREDIT FOR RENEWABLE PRODUCTION RESULTING IN A "NET" MONTHLY BILL (MONTHLY TRUE-UP)**
- **CREDIT FOR RENEWABLE PRODUCTION; SCHEDULE SET AT LOWEST COST WREGIS-CERTIFIED RENEWABLE ENERGY RESOURCE THAT IS PRODUCED OR PROCURED BY THE BANNING ELECTRIC UTILITY WHICH IS CURRENTLY \$0.063 (ASTORIA 2)**

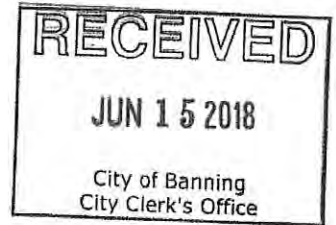
ALTERNATIVES

- **KEEP THE EXISTING NET METERING PROGRAM AS IS**
- **TERMINATE THE NET METERING PROGRAM ON A DATE CERTAIN**
- **IMPLEMENT THE STAFF RECOMMENDED DISTRIBUTED ENERGY RESOURCE PROGRAM**
- **IMPLEMENT THE STAFF RECOMMENDED DISTRIBUTED ENERGY RESOURCE PROGRAM WITH MODIFICATIONS**
- **OTHER**

RECOMMENDATION

- **APPROVE CITY COUNCIL RESOLUTIONS**
 - **2018-69 (DISTRIBUTED ENERGY RESOURCE PROGRAM)**
 - **2018-70 (AMENDING NET METERING SURPLUS PRODUCTION RATE)**

Exhibit “F”
to the June 26, 2018, Regular Meeting Minutes



TO: Mayor George Moyer, all City Council Members, City Manager, City Attorney

FROM: Council Member Art Welch

RE: Rebuttal to charges of ethics violations

Date: June 14 2018

Count 1: Violation of Ethics Deceptive Letter to Grand Jury

There is no deceptive letter to my knowledge:

In response to this charge:

On July 19 2016 the City Council sent a letter to the Riverside Grand Jury stating "handshake agreements will no longer be honored" The City Council was unanimous in their vote on the issue. As mayor at this time I signed the letter. The mayor is obligated to do so, even if there had been a simple majority vote.

My statement in the May 22 2018 meeting had nothing to do with the signed letter dated July 19 2016. My statement was in the context of stating that the Mayor (who signs all documents for the council) has an obligation to represent the majority vote of the council. The quote in the charge document " does not mean (he) agreed with it" is totally taken out of context involved of the decision of May 22 2018. I fully agree with the contents of the letter dated July 19 2016.

Count 2: Violation of Ethics: Giving Direction to the City Manager Without Knowledge or Consent of the City Council in response to this charge:

I have been accused of verbally directing the city manager to take an action. It's surprising that the findings of the Grand Jury do not name an individual. Relating to the charge that I engaged in a "handshake" agreement with a local business is NOT TRUE! Nor did I direct any staff member, including the City Manager, to do so.

Being approached by a local business asking for help to complete a project. I stated to them I was not familiar with the process to do the project. I stated I would ask the city manager to contact them. I did. All correspondence from this point was between the city manager and/or staff.

In relation to the statement in the Grand Jury report. I stated on May 22 2018 my objection to the term "directed" and hoped that would be noted in our response to the Grand Jury.

As a city council member I am obligated to work at the highest standard in representing the city and also obligated to present the comments, questions and concerns from our residents and business owners. At no time have I compromised the commitment and obligation.

I am saddened by these charges

Exhibit “G”

to the June 26, 2018, Regular Meeting Minutes

Rec'd 6/12/2018 *Clenk*
(SD)

STATEMENT OF CHARGES AGAINST COUNCIL MEMBER ART WELCH

COUNT 1: VIOLATION OF ETHICS – DECEPTIVE LETTER TO GRAND JURY

On July 19, 2016 Councilman Welch sent a letter to the Riverside County Grand Jury in response to their 2016 report. The letter was authorized by unanimous direction given by council, without there being any dissent on record by any council member.

In the letter Welch implied that the City of Banning will no longer conduct business via undocumented handshake agreements. However, only 9 months later, Welch engaged in yet another handshake agreement, this time for brush removal to the benefit of a private business, Diamond Hills Chevrolet.

In the council meeting of May 22, 2018, Welch is on video stating that just because he signed the letter, this *"does not mean (he) agreed with it"*. This means Welch intentionally mislead the Grand Jury into believing that he as Mayor – as well as the City – fully agree with the Grand Jury's recommendation that handshake agreements shall no longer be used in Banning, when in fact he had every intention to continue the practice.

At a very minimum, Welch had an ethical obligation to formally express his dissent with the response, not only to the Grand Jury, but also to the public. Welch failed to do so not only when the response was formulated, but also at the time he signed the letter. This violated the ethical standards set forth in Sec. 9.10 of the "Manual of Procedural Guidelines" of the City of Banning, which reads : "A member of a Legislative Body shall maintain the highest ethical standards and shall adhere to all laws and the ordinances and regulations of the City in carrying out their duties".

COUNT 2: VIOLATION OF ETHICS – GIVING DIRECTION TO CITY MANAGER WITHOUT KNOWLEDGE OR CONSENT OF THE CITY COUNCIL

In their 2018 report, the Grand Jury found that Councilman Welch “directed” the City manager (Michael Rock) to provide brush clearing services for Diamond Hills Chevrolet. This is believed to have occurred in March of 2017. Welch gave the direction as a single councilmember, without knowledge or consent of the rest of the council.

In the council meeting of May 22, 2018 Welch is on video stating that “he never gave direction, but merely made a suggestion”.

However, Welch's denial deserves no consideration as it is irrelevant under the law. The Grand Jury's investigation into the matter lasted for over 9 months, and included the testimony of nine witnesses, including Rock and Welch. With their report, the Grand Jury has acted as a “finder of fact”. The factual finding by the Grand Jury was that Welch indeed gave direction to the City manager.

Pursuant to Sec. 11.9 of the “Manual of Procedural Guidelines”, the Banning City council **must** (not “may” or “should”) consider “legally mandated findings applicable to a matter”. Such findings include those of a Grand Jury. Therefore, this section mandates that the council frame their decision solely based on the factual findings of the Grand Jury. They must not consider their denial by Welch.

It was unethical for Welch to use his position as Mayor and throw his weight around by directing a Staff member, in this case the City manager himself, without first consulting with the rest of the City council.

Welch violated the ethical standards as set forth in Sec. 9.10 of the “Manual of Procedural Guidelines” of the City of Banning. His actions also went against the spirit and intent of City Ordinance 2.08.110, which specifically prohibits council from micromanaging staff.

In a council session of April 11, 2017, Welch is on video admitting wrongdoing when he said: *“Did we go around the idea of bringing it to council, to get a project like that approved? - Probably”*.

n

Exhibit “H”
to the June 26, 2018, Regular Meeting Minutes

NEIGHBORHOOD Clean-up

SAN GORGONIO PASS AREA

Saturday, June 30, 2018

8:00 am to 12:00 pm

Roll off Bin Location will be at Bogart Park in Cherry Valley

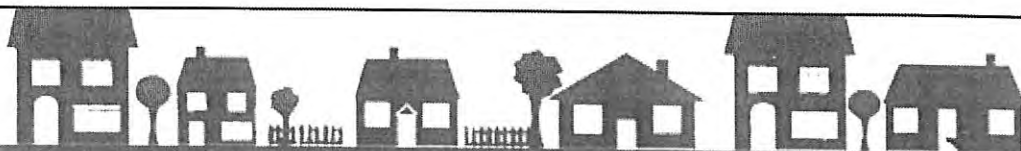


ACCEPTABLE ITEMS:

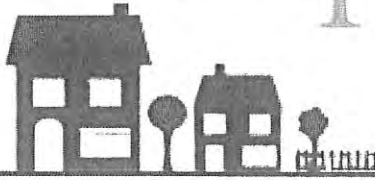
- Tree Limbs and Branches: Should not exceed 18 inches in diameter or 3 feet in length. Please make sure tree limbs are bundled and tied together.
- Bulky Items and Small Furniture: CR&R offers their residential customers free Bulk item pick-up twice per year, call (951) 943-1991 to schedule.
- Miscellaneous Rubbish

UNACCEPTABLE ITEMS:

Tires, E-Waste and Household Hazardous Waste items such as; cleaners, paint, batteries, pesticides, chemicals, anti-freeze or motor oil will not be accepted for disposal.



Limpieza de



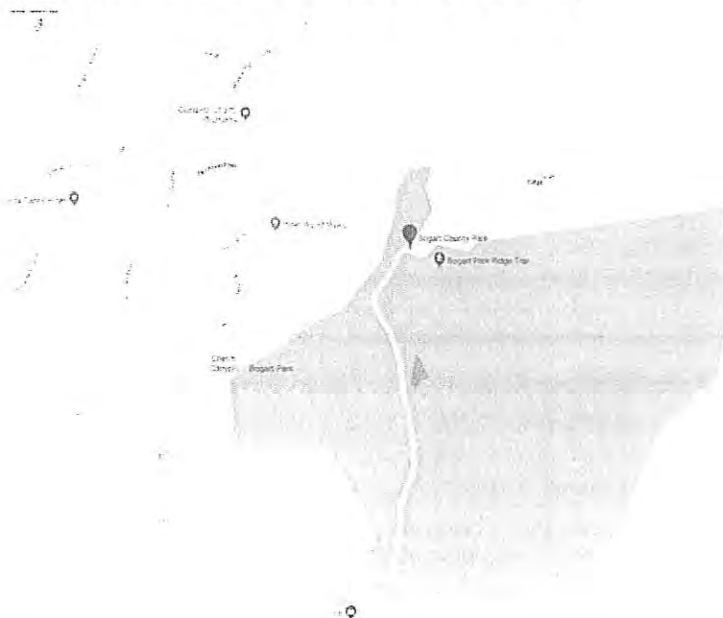
Comunidad

Área de SAN GORGONIO PASS

Sabádo, Junio 30, 2018

8:00 am a 12:00 pm

**Los contenedores seran ubicados en el
parque Bogart en Cherry Valley**



ARTÍCULOS ACEPTABLES:

- Ramas de árboles: no debe exceder 18 pulgadas de diámetro o 3 pies de largo. Por favor, asegúrese de que las ramas de los árboles estén agrupadas y atadas.
- Artículos grandes y muebles pequeños: CR & R ofrece a sus residentes colección gratuita de artículos dos veces al año, llame al (951) 943-1991 para programar.
- Basura diversa

ARTÍCULOS INACEPTABLES:

Llantas, basura electrónica y artículos domésticos de desecho peligroso como; limpiadores, pintura, baterías, pesticidas, químicos, anticongelante o aceite de motor no serán aceptados para eliminación.



***THIS PAGE
INTENTIONALLY LEFT
BLANK***

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

06/27/18
SPECIAL MEETING

A special meeting of the Banning City Council was called to order by Mayor Moyer on June 27, 2018, at 8:00 a.m. at the Banning Civic Center Large Conference Room, 99 E. Ramsey Street, Banning, California.

COUNCIL MEMBERS PRESENT: Council Member Andrade
Council Member Franklin
Council Member Peterson
Council Member Welch
Mayor Moyer

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Robert Meteau, Deputy Human Resources Director
Sonja De La Fuente, Deputy City Clerk

CLOSED SESSION

Mayor Moyer opened the closed session item for public comments. Seeing none, closed public comment.

Deputy City Clerk De La Fuente listed the items on the closed session agenda, which included:

1. PUBLIC EMPLOYEE APPOINTMENT: City Manager – Pursuant to Government Code Section 54957.

The Meeting convened to closed session at 8:01 a.m. and reconvened to open session at 4:10 p.m.

ADJOURNMENT

By common consent the meeting adjourned at 4:10 p.m.

Minutes Prepared by:

Sonja De La Fuente, Deputy City Clerk

***THIS PAGE
INTENTIONALLY LEFT
BLANK***



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Rochelle Clayton, Interim City Manager

PREPARED BY: Suzanne Cook, Deputy Finance Director/Interim ASD

MEETING DATE: July 10, 2018

SUBJECT: Receive and File Cash, Investments and Reserve Report for the Month of March 2018

RECOMMENDATION:

That City Council receive and file Cash, Investment and Reserve Report for **March 31, 2018** in accordance with California Government Code 53646.

CASH AND INVESTMENT SUMMARY:

Description		Prior Month	Current Month
Funds Under Control of the City			
Cash			
Cash on Hand	\$	4,155.00	\$ 4,155.00
Checking and Savings Accounts	\$	5,845,951.20	\$ 3,799,216.19
Investments			
LAIF	\$	44,300,196.91	\$ 44,300,196.91
Brokerage	\$	26,286,263.13	\$ 26,359,185.02
Total Funds Under Control of the City	\$	76,436,566.24	\$ 74,462,753.12
Funds Under Control of Fiscal Agents			
US Bank			
Restricted Bond Project Accounts	\$	25,145,294.97	\$ 25,155,807.78
Restricted Bond Accounts	\$	5,676,578.98	\$ 5,676,578.98
Union Bank			
Restricted Funds	\$	1,195,607.90	\$ 1,310,513.63
Total Funds Under Control of Fiscal Agents	\$	32,017,481.85	\$ 32,142,900.39
Total Funds	\$	108,454,048.09	\$ 106,605,653.51

RESTRICTED, ASSIGNED, COMMITTED AND RESERVED SUMMARY:

Description	Prior Month	Current Month
Total Funds	\$ 108,454,048.09	\$ 106,605,653.51
Restricted Funds	\$ 49,370,539.76	\$ 50,190,293.63
Assigned Funds - Specific Purpose	\$ 8,684,911.34	\$ 8,684,911.34
Committed Funds - Specific Purpose	\$ 4,096,473.25	\$ 4,096,473.25
Fund Balance Reserves	\$ 14,902,329.25	\$ 14,902,329.25
Total Restricted, Assigned, Committed and Reserved Funds	\$ 77,054,253.60	\$ 77,874,007.47
Operating Cash - Unrestricted Reserves	\$ 31,399,794.49	\$ 28,731,646.04
Less Accounts held in Investments	\$ 26,286,263.13	\$ 26,359,185.02
Liquid Cash	\$ 5,113,531.36	\$ 2,372,461.02

ATTACHMENTS:

- Cash, Investment and Reserve Report March 2018
- Investment Report March 2018
- LAIF / PMIA Performance Report

If you have any questions, please contact the Finance Department so that additional detailed information can be provided to you.

Approved by:



Rochelle Clayton
Interim City Manager

City of Banning
Cash, Investment & Reserve Balances - March 31, 2018

Cash & Investments	February 2018	March 2018	Reserve Balances	
Institution/Investment Type	Balance	Balance	Description	Balance
Funds Under Control of the City:			RESTRICTED FUNDS	
Petty Cash / Cash on Hand	\$ 4,155.00	\$ 4,155.00	Restricted Project Funds	\$ 25,155,807.78
	\$ 4,155.00	\$ 4,155.00	Bond Funds Held with Fiscal Agents	\$ 5,676,578.98
Checking and Savings:			CASIO - City of Banning 6731036994	\$ 110,961.33
Wells Fargo - General Account - XXXXX5798	\$ 5,578,559.13	\$ 3,523,122.43	City of Banning - 6736305920 - RPU	\$ 1,199,552.30
Bank of America - Parking Citations - XXXXXXXX 8776	\$ 42,136.38	\$ 45,179.94	Customer Deposit Accounts	\$ 1,431,857.97
Bank of America - Airport Visa - XXXXXXXX 7548	\$ 139,314.91	\$ 145,054.79	Capital Facility Fees (Funds 400, 410,420, 421,430, 661, & 681)	\$ 16,339,441.51
Bank of America - CNG Charge Acct XXXXXXXX 5594	\$ 85,940.78	\$ 85,859.03	Parking Citations	\$ 45,179.94
	\$ 5,845,951.20	\$ 3,799,216.19	Airport	\$ 145,054.79
			CNG	\$ 85,859.03
State of California, Local Agency Investment Fund				\$ 50,190,293.63
City of Banning XX-XX-050	\$ 44,300,196.68	\$ 44,300,196.68	ASSIGNED FUNDS - SPECIFIC PURPOSE	
Successor Agency XX-XX-001	\$ 0.23	\$ 0.23	Workers Compensation - PERMA	\$ 300,000.00
% of Investments in LAIF (Maximum 40% allowed per Investment Policy)	63%	63%	Capital Replacement	\$ 1,500,000.00
US Bank			Debt Service Payments	\$ 6,884,911.34
City of Banning Custody Account XXXXX6000				\$ 8,684,911.34
Government Agencies			COMMITTED FUNDS - SPECIFIC PURPOSE	
F H L M C 313397RK9 Disc Note Market Value \$11,975,760.00	\$ -	\$ -	General Fund - Emergency Contingency 25%	\$ 4,096,473.25
Maturity 1/5/2018 Rolled over into CI D 31846V401	\$ -	\$ -	(minimum req. \$1,500,000)	
Federal Home Loan Bks 313385LC8 Disc Note Market Value				\$ 4,096,473.25
\$11,965,080.00 Maturity 8/31/2017	\$ -	\$ -		
First American Government Oblig Fd CI D 31846V401 Market Value			AVAILABLE FUND BALANCE RESERVES	
#3802 \$12,359,185.02	\$ 12,286,263.13	\$ 12,359,185.02	Electric Rate Stabilization Fund	\$ 6,611,896.60
Federal Home Loan Bks 3130A6K89 Market Value \$1,990,440.00			Electric Operational Fund	\$ 3,305,948.30
Maturity 10/5/2018	\$ 2,000,000.00	\$ 2,000,000.00	BUA Water Fund	\$ 1,215,026.80
Federal Home Loan Bks 3130A7G25 Market Value \$2,974,260.00			BUA Wastewater Fund	\$ 353,757.20
Maturity 3/15/2019	\$ 3,000,000.00	\$ 3,000,000.00	Self Insurance Fund	\$ 500,000.00
F H L M C M T N 3134GBJ52 Market Value \$2,964,900.00 Maturity			Designated, Unreserved	
9/27/19	\$ 3,000,000.00	\$ 3,000,000.00	Mining Tax Collected	\$ 979,274.00
F H L M C M T N 3134GBJ83 Market Value \$2,957,580.00 Maturity			PEG Reserve	\$ 133,104.35
3/27/2020	\$ 3,000,000.00	\$ 3,000,000.00	Litigation Contingency	\$ 179,189.00
F N M A M T N 3136G4PP2 Market Value \$2,946,420.00 Maturity			Gas Tax & Police Reward	\$ 189,325.00
10/26/2020	\$ 3,000,000.00	\$ 3,000,000.00	CalPERS Liability	\$ 500,000.00
	\$ 26,286,263.13	\$ 26,359,185.02	Compensated Absences	\$ 934,808.00
				\$ 14,902,329.25
Total Funds Under Control of the City	\$ 76,436,566.24	\$ 74,462,753.12	Operating Cash	
Funds Under Control of Fiscal Agents:			Balance Available for Daily Operations	\$ 28,731,646.04
US Bank			Less Amount held in investments	\$ 26,359,185.02
2015 Water Revenue Bonds-BUA Water Projects - 258228005	\$ 3,019,462.31	\$ 3,021,338.46		\$ 2,372,461.02
2005 Wastewater Project Fund Bond - 792143006	\$ 3,276,730.76	\$ 3,277,233.49	Grand Total	
2015 Electric Revenue Bond-Acquisition & Construction Fund - 262685003	\$ 11,202,731.46	\$ 11,209,692.27		\$ 106,605,653.51
Successor Agency of the Dissolved Redevelopment Agency of the City of Banning Tax Allocation Bonds Series 2016 (Taxable) Unexpended Proceeds Fund - 277166005	\$ 7,646,370.44	\$ 7,647,543.57	UNRESTRICTED RESERVES	
Restricted Project Funds Available	\$ 25,145,294.97	\$ 25,155,807.78		\$ 28,731,646.04
2015 Electric Revenue Bond-Escrow Fund - 277248000/262685001				
Wastewater System Improvement Project Fund Bond 1989 Escrow Account for AC 94627350- 792145000	\$ 113,658.00	\$ 113,658.00		
Water System Improvement Project 1989 Escrow Acct AC 94627340 - 792146000	\$ 216,984.00	\$ 216,984.00		
2015 Electric Revenue Bond-Reserve Fund - 262685002 - Market Value	\$ 2,428,543.76	\$ 2,428,543.76		
Improvement Dist No 2004-1 (Fair Oaks Ranch Estates) Limited Obligation Improvement Bonds Series 2005A Principal Acct-78958201	\$ 7.19	\$ 7.19		
Improvement Dist No 2004-1 (Fair Oaks Ranch Estates) Limited Obligation Improvement Bonds Series 2005A Reserve Fund-78958203	\$ 188,245.53	\$ 188,245.53		
BUA Wastewater Enterprise Lease Revenue Bonds Series 2005 Reserve Fund - 792143004	\$ 523,623.18	\$ 523,623.18		
Successor Agency of the Dissolved Redevelopment Agency of the City of Banning Tax Allocation Bonds Series 2016 (Taxable) Reserve Fund- 277166004 Market Value	\$ 2,205,497.50	\$ 2,205,497.50		
Successor Agency of the Dissolved Redevelopment Agency of the City of Banning Tax Allocation Bonds Series 2016 (Taxable) Cost of Issuance - 277166006	\$ -	\$ -		
Successor Agency of the Dissolved Redevelopment Agency of the City of Banning Tax Allocation Bonds Series 2016 (Taxable) Revenue Fund - 277166000	\$ 19.82	\$ 19.82		
Bond Funds Held with Fiscal Agent - Restricted	\$ 5,676,578.98	\$ 5,676,578.98		
Union Bank of California:				
CASIO - City of Banning XXXXX6994	\$ 110,855.63	\$ 110,961.33		
City of Banning - XXXXX5920 - RPU	\$ 1,084,752.27	\$ 1,199,552.30		
Funds Held with Fiscal Agent - Restricted	\$ 1,195,607.90	\$ 1,310,513.63		
Total Funds Under Control of Fiscal Agents	\$ 32,017,481.85	\$ 32,142,900.39		
Grand Total	\$ 108,454,048.09	\$ 106,605,653.51		

I hereby certify that the investment activity for this reporting period conforms with the investment policy adopted by the City of Banning's City Council and the California Government Code Section 53601 (with the exception of funds held in LAIF)

I also certify that there are adequate funds available to meet the City's Budget.

Suzanne Cook

Suzanne Cook

Deputy Finance Director/Interim ASD

**City of Banning
Report of Investments
March 2018**

Investment Held by	Investment Name	Investment Type	CUSIP Number	Standard & Poors Rating	Moody's Rating	Maturity Date	Par	Market Yield	Market Price	Market Value	Percentage of Investments
State of California, Local Agency Investment Fund	City of Banning Successor Agency	Pooled Investment	N/A	N/A	N/A	N/A	\$ 44,300,196.68	1.430	99.753	\$ 44,191,129.64	62.7%
		Pooled Investment	N/A	N/A	N/A	N/A	\$ 44,300,196.91	0.000		\$ 44,191,129.87	62.7%
US Bank- Broker Piper Jaffray	Government Agencies	Cash Equivalent	31846V401	N/A	N/A	N/A	\$	-			17.5%
		US Government Issue	3130A6K89	AA+	Aaa	10/5/2018	\$ 2,000,000.00	1.050	99.522	\$ 1,990,440.00	2.8%
		Federal Home Loan Bks	3130A7G25	AA+	Aaa	3/15/2019	\$ 3,000,000.00	1.270	99.142	\$ 2,974,260.00	4.2%
		Federal Home Loan Bks	3134GBJ52	AA+	Aaa	9/27/2019	\$ 3,000,000.00	1.520	98.830	\$ 2,964,900.00	4.2%
		F H L M C M T N	3134GBJ83	AA+	Aaa	3/27/2020	\$ 3,000,000.00	1.620	98.586	\$ 2,957,580.00	4.2%
		F H L M C M T N	3136G4PP2	AA+	Aaa	10/26/2020	\$ 3,000,000.00	1.780	98.082	\$ 2,946,420.00	4.2%
		F N M A M T N					\$ 26,359,185.02		\$	\$ 26,192,785.02	37.3%
Total Investments							\$ 70,659,381.93		\$	\$ 70,383,914.89	100.0%



**JOHN CHIANG
TREASURER
STATE OF CALIFORNIA**



PMIA Performance Report

Date	Daily Yield*	Quarter to Date Yield	Average Maturity (in days)
05/28/18	1.79	1.71	190
05/29/18	1.79	1.71	190
05/30/18	1.80	1.71	191
05/31/18	1.80	1.71	190
06/01/18	1.81	1.71	196
06/02/18	1.81	1.71	196
06/03/18	1.81	1.71	196
06/04/18	1.81	1.72	193
06/05/18	1.81	1.72	193
06/06/18	1.81	1.72	192
06/07/18	1.82	1.72	190
06/08/18	1.82	1.72	190
06/09/18	1.82	1.72	190
06/10/18	1.82	1.72	190
06/11/18	1.83	1.73	188
06/12/18	1.82	1.73	187
06/13/18	1.83	1.73	184
06/14/18	1.85	1.73	184
06/15/18	1.86	1.73	184
06/16/18	1.86	1.73	184
06/17/18	1.86	1.74	184
06/18/18	1.86	1.74	181
06/19/18	1.87	1.74	179
06/20/18	1.87	1.74	178
06/21/18	1.89	1.74	183
06/22/18	1.89	1.75	186
06/23/18	1.89	1.75	186
06/24/18	1.89	1.75	186
06/25/18	1.89	1.75	184
06/26/18	1.89	1.75	183
06/27/18	1.90	1.75	181

*Daily yield does not reflect capital gains or losses

[View Prior Month Daily Rates](#)

LAIF Performance Report

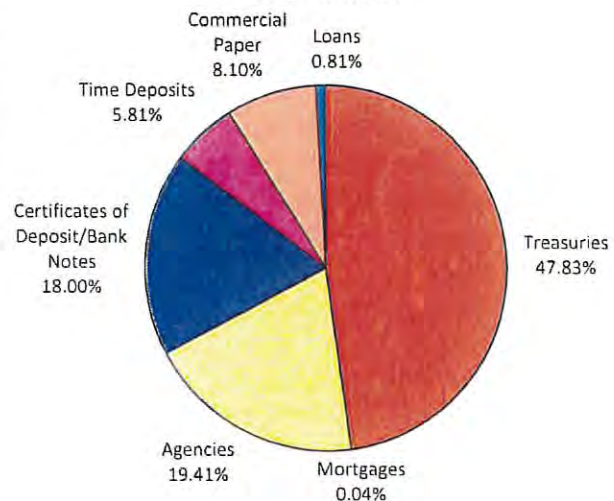
Quarter Ending 03/31/18

Apportionment Rate: 1.51%
 Earnings Ratio: 0.00004135534904993
 Fair Value Factor: 0.997538001
 Daily: 1.59%
 Quarter to Date: 1.43%
 Average Life: 183

**PMIA Average Monthly
Effective Yields**

May 2018 1.755
 Apr 2018 1.661
 Mar 2018 1.524

**Pooled Money Investment Account
Portfolio Composition
05/31/18
\$82.8 billion**



Based on data available as of 6/27/2018

***THIS PAGE
INTENTIONALLY LEFT
BLANK***



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Rochelle Clayton, Interim City Manager

PREPARED BY: Suzanne Cook, Deputy Finance Director/Interim ASD

MEETING DATE: July 10, 2018

SUBJECT: Receive and File Cash, Investments and Reserve Report for the Month of April 2018

RECOMMENDATION:

That City Council receive and file Cash, Investment and Reserve Report for **April 30, 2018** in accordance with California Government Code 53646.

CASH AND INVESTMENT SUMMARY:

Description		Prior Month	Current Month
Funds Under Control of the City			
Cash			
	Cash on Hand \$	4,155.00 \$	4,155.00
	Checking and Savings Accounts \$	3,799,216.19 \$	1,988,335.89
Investments			
	LAIF \$	44,300,196.91 \$	44,465,020.42
	Brokerage \$	26,359,185.02 \$	26,405,814.80
Total Funds Under Control of the City		\$ 74,462,753.12	\$ 72,863,326.11
Funds Under Control of Fiscal Agents			
US Bank			
	Restricted Bond Project Accounts \$	25,155,807.78 \$	25,169,479.46
	Restricted Bond Accounts \$	5,676,578.98 \$	5,676,578.98
Union Bank			
	Restricted Funds \$	1,310,513.63 \$	962,408.20
Total Funds Under Control of Fiscal Agents		\$ 32,142,900.39	\$ 31,808,466.64
Total Funds		\$ 106,605,653.51	\$ 104,671,792.75

RESTRICTED, ASSIGNED, COMMITTED AND RESERVED SUMMARY:

Description	Prior Month	Current Month
Total Funds	\$ 106,605,653.51	\$ 104,671,792.75
Restricted Funds	\$ 50,190,293.63	\$ 50,047,593.24
Assigned Funds - Specific Purpose	\$ 8,684,911.34	\$ 8,684,911.34
Committed Funds - Specific Purpose	\$ 4,096,473.25	\$ 4,096,473.25
Fund Balance Reserves	\$ 14,902,329.25	\$ 14,902,329.25
Total Restricted, Assigned, Committed and Reserved Funds	\$ 77,874,007.47	\$ 77,731,307.08
Operating Cash - Unrestricted Reserves	\$ 28,731,646.04	\$ 26,940,485.67
Less Accounts held in Investments	\$ 26,359,185.02	\$ 26,405,814.80
Liquid Cash	\$ 2,372,461.02	\$ 534,670.87

ATTACHMENTS:

- Cash, Investment and Reserve Report April 2018
- Investment Report April 2018
- LAIF / PMIA Performance Report

If you have any questions, please contact the Finance Department so that additional detailed information can be provided to you.

Approved by:



Rochelle Clayton
Interim City Manager

City of Banning
Cash, Investment & Reserve Balances - April 30, 2018

Cash & Investments		March 2018	April 2018
Institution/Investment Type	Balance	Balance	
Funds Under Control of the City:			
Petty Cash / Cash on Hand	\$ 4,155.00	\$ 4,155.00	
Checking and Savings:			
Wells Fargo - General Account - XXXXX5798	\$ 3,523,122.43	\$ 1,702,080.82	
Bank of America - Parking Citations - XXXXXXX 8776	\$ 45,179.94	\$ 47,378.51	
Bank of America - Airport Visa - XXXXXXX 7548	\$ 145,054.79	\$ 153,047.48	
Bank of America - CNG Charge Acct XXXXXXX 5594	\$ 85,859.03	\$ 85,829.08	
	\$ 3,799,216.19	\$ 1,988,335.89	
State of California, Local Agency Investment Fund			
City of Banning XX-XX-050	\$ 44,300,196.68	\$ 44,465,020.19	
Successor Agency XX-XX-001	\$ 0.23	\$ 0.23	
	\$ 44,300,196.91	\$ 44,465,020.42	
% of Investments in LAIF (Maximum 40% allowed per Investment Policy)	63%	63%	
US Bank			
City of Banning Custody Account XXXXX6000			
Government Agencies			
F H L M C 313397RK9 Disc Note Market Value \$11,975,760.00	\$ -	\$ -	
Maturity 1/5/2018 Rolled over into CI D 31846V401			
Federal Home Loan Bks 313385LC8 Disc Note Market Value			
\$11,965,080.00 Maturity 8/31/2017	\$ -	\$ -	
First American Government Oblig Pd CI D 31846V401 Market Value			
#3802 \$12,405,814.80	\$ 12,359,185.02	\$ 12,405,814.80	
Federal Home Loan Bks 3130A6K89 Market Value \$1,991,720 Maturity			
10/5/2018	\$ 2,000,000.00	\$ 2,000,000.00	
Federal Home Loan Bks 3130A7G25 Market Value \$2,974,590 Maturity			
3/15/2019	\$ 3,000,000.00	\$ 3,000,000.00	
F H L M C M T N 3134GBJ52 Market Value \$2,960,310 Maturity 9/27/19	\$ 3,000,000.00	\$ 3,000,000.00	
F H L M C M T N 3134GBJ83 Market Value \$2,948,790 Maturity			
3/27/2020	\$ 3,000,000.00	\$ 3,000,000.00	
F N M A M T N 3136G4PP2 Market Value \$2,935,920 Maturity			
10/26/2020	\$ 3,000,000.00	\$ 3,000,000.00	
	\$ 26,359,185.02	\$ 26,405,814.80	
Total Funds Under Control of the City	\$ 74,462,753.12	\$ 72,863,326.11	
Funds Under Control of Fiscal Agents:			
US Bank			
2015 Water Revenue Bonds-BUA Water Projects - 258228005	\$ 3,021,338.45	\$ 3,023,847.06	
2005 Wastewater Project Fund Bond - 792143006	\$ 3,277,233.49	\$ 3,277,790.17	
2015 Electric Revenue Bond-Acquisition & Construction Fund - 262685003	\$ 11,209,692.27	\$ 11,218,999.63	
Successor Agency of the Dissolved Redevelopment Agency of the City of Banning Tax Allocation Bonds Series 2016 (Taxable) Unexpended Proceeds			
Fund - 277166005	\$ 7,647,543.57	\$ 7,648,842.60	
Restricted Project Funds Available	\$ 25,155,807.78	\$ 25,169,479.46	
2015 Electric Revenue Bond-Escrow Fund - 277248000/262685001			
Wastewater System Improvement Project Fund Bond 1989 Escrow			
Account for AC 94627350- 792145009	\$ 113,658.00	\$ 113,658.00	
Water System Improvement Project 1989 Escrow Acct AC 94627340 -			
792146000	\$ 216,984.00	\$ 216,984.00	
2015 Electric Revenue Bond-Reserve Fund - 262685002 - Market Value	\$ 2,428,543.76	\$ 2,428,543.76	
Improvement Dist No 2004-1 (Fair Oaks Ranch Estates) Limited Obligation			
Improvement Bonds Series 2005A Principal Acct-78958201	\$ 7.19	\$ 7.19	
Improvement Dist No 2004-1 (Fair Oaks Ranch Estates) Limited Obligation			
Improvement Bonds Series 2005A Reserve Fund-78958203	\$ 188,245.53	\$ 188,245.53	
BUA Wastewater Enterprise Lease Revenue Bonds Series 2005 Reserve			
Fund - 7912143004	\$ 523,623.18	\$ 523,623.18	
Successor Agency of the Dissolved Redevelopment Agency of the City of Banning Tax Allocation Bonds Series 2016 (Taxable) Reserve Fund-			
277166004 Market Value	\$ 2,205,497.50	\$ 2,205,497.50	
Successor Agency of the Dissolved Redevelopment Agency of the City of Banning Tax Allocation Bonds Series 2016 (Taxable) Cost of Issuance -			
277166006	\$ -	\$ -	
Successor Agency of the Dissolved Redevelopment Agency of the City of Banning Tax Allocation Bonds Series 2016 (Taxable) Revenue Fund -			
277166009	\$ 19.82	\$ 19.82	
Bond Funds Held with Fiscal Agent - Restricted	\$ 5,676,578.98	\$ 5,676,578.98	
Union Bank of California:			
CASIO - City of Banning XXXXX6994	\$ 110,961.33	\$ 111,095.47	
City of Banning - XXXXX5920 - RPU	\$ 1,199,552.30	\$ 851,312.73	
Funds Held with Fiscal Agent - Restricted	\$ 1,310,513.63	\$ 962,408.20	
Total Funds Under Control of Fiscal Agents	\$ 32,142,900.39	\$ 31,808,466.64	
Grand Total	\$ 106,605,653.51	\$ 104,671,792.75	

Reserve Balances		Balance
RESTRICTED FUNDS		
Restricted Project Funds	\$	25,169,479.46
Bond Funds Held with Fiscal Agents	\$	5,676,578.98
CASIO - City of Banning 6731036994	\$	111,095.47
City of Banning - 6736305920 - RPU	\$	851,312.73
Customer Deposit Accounts	\$	1,438,923.63
Capital Facility Fees (Funds 400, 410, 420, 421, 430, 661, & 681)	\$	16,513,947.90
Parking Citations	\$	47,378.51
Airport	\$	153,047.48
CNG	\$	85,829.08
	\$	50,047,593.24
ASSIGNED FUNDS - SPECIFIC PURPOSE		
Workers Compensation - PERMA	\$	300,000.00
Capital Replacement	\$	1,500,000.00
Debt Service Payments	\$	6,884,911.34
	\$	8,684,911.34
COMMITTED FUNDS - SPECIFIC PURPOSE		
General Fund - Emergency Contingency 25% (minimum req. \$1,500,000)	\$	4,096,473.25
	\$	4,096,473.25
AVAILABLE FUND BALANCE RESERVES		
Electric Rate Stabilization Fund	\$	6,611,896.60
Electric Operational Fund	\$	3,305,948.30
BUA Water Fund	\$	1,215,026.80
BUA Wastewater Fund	\$	353,757.20
Self Insurance Fund	\$	500,000.00
Designated, Unreserved		
Mining Tax Collected	\$	979,274.00
PEG Reserve	\$	133,104.35
Litigation Contingency	\$	179,189.00
Gas Tax & Police Reward	\$	189,325.00
CalPERS Liability	\$	500,000.00
Compensated Absences	\$	934,808.00
	\$	14,902,329.25
Operating Cash		
Balance Available for Daily Operations	\$	26,940,485.67
Less Amount held in investments	\$	26,405,814.80
Liquid Cash	\$	534,670.87
Grand Total	\$	104,671,792.75
UNRESTRICTED RESERVES		\$ 26,940,485.67

I hereby certify that the investment activity for this reporting period conforms with the investment policy adopted by the City of Banning's City Council and the California Government Code Section 53601 (with the exception of funds held in LAIF)

I also certify that there are adequate funds available to meet the City's Budget.

Suzanne Cook

Suzanne Cook

Deputy Finance Director/Interim ASD

City of Banning
Report of Investments
April 2018

Investment Held by	Investment Name	Investment Type	CUSIP Number	Standard & Poors Rating	Moodys Rating	Maturity Date	Par	Market Yield	Market Price	Market Value	Percentage of Investments
<i>State of California, Local Agency Investment Fund</i>											
US Bank- Broker Piper Jaffray	City of Banning	Pooled Investment	N/A	N/A	N/A	N/A	\$ 44,465,020.19	1.430	99.753	\$ 44,355,547.35	62.7%
	Successor Agency	Pooled Investment	N/A	N/A	N/A	N/A	\$ 44,465,020.42	0.000		\$ 44,355,547.58	62.7%
<i>Government Agencies</i>											
US Bank- Broker Piper Jaffray	First American Government Oblig Fd CID	Cash Equivalent	31846V401	N/A	N/A	N/A	\$ -	0.930	100.000	\$ 12,405,814.80	17.5%
	Federal Home Loan Bks	US Government Issue	3130A6K89	AA+	Aaa	10/5/2018	\$ 2,000,000.00	1.050	99.586	\$ 1,991,720.00	2.8%
	Federal Home Loan Bks	US Government Issue	3130A7G25	AA+	Aaa	3/15/2019	\$ 3,000,000.00	1.270	99.153	\$ 2,974,590.00	4.2%
	F H L M C M T N	US Government Issue	3134GBJ52	AA+	Aaa	9/27/2019	\$ 3,000,000.00	1.520	98.677	\$ 2,960,310.00	4.2%
	F H L M C M T N	US Government Issue	3134GBJ83	AA+	Aaa	3/27/2020	\$ 3,000,000.00	1.630	98.293	\$ 2,948,790.00	4.2%
	F N M A M T N	US Government Issue	3136G4PP2	AA+	Aaa	10/26/2020	\$ 3,000,000.00	1.790	97.864	\$ 2,935,920.00	4.2%
Total Investments										\$ 70,870,835.22	100.0%



**JOHN CHIANG
TREASURER
STATE OF CALIFORNIA**



PMIA Performance Report

Date	Daily Yield*	Quarter to Date Yield	Average Maturity (in days)
05/28/18	1.79	1.71	190
05/29/18	1.79	1.71	190
05/30/18	1.80	1.71	191
05/31/18	1.80	1.71	190
06/01/18	1.81	1.71	196
06/02/18	1.81	1.71	196
06/03/18	1.81	1.71	196
06/04/18	1.81	1.72	193
06/05/18	1.81	1.72	193
06/06/18	1.81	1.72	192
06/07/18	1.82	1.72	190
06/08/18	1.82	1.72	190
06/09/18	1.82	1.72	190
06/10/18	1.82	1.72	190
06/11/18	1.83	1.73	188
06/12/18	1.82	1.73	187
06/13/18	1.83	1.73	184
06/14/18	1.85	1.73	184
06/15/18	1.86	1.73	184
06/16/18	1.86	1.73	184
06/17/18	1.86	1.74	184
06/18/18	1.86	1.74	181
06/19/18	1.87	1.74	179
06/20/18	1.87	1.74	178
06/21/18	1.89	1.74	183
06/22/18	1.89	1.75	186
06/23/18	1.89	1.75	186
06/24/18	1.89	1.75	186
06/25/18	1.89	1.75	184
06/26/18	1.89	1.75	183
06/27/18	1.90	1.75	181

*Daily yield does not reflect capital gains or losses

[View Prior Month Daily Rates](#)

LAIF Performance Report

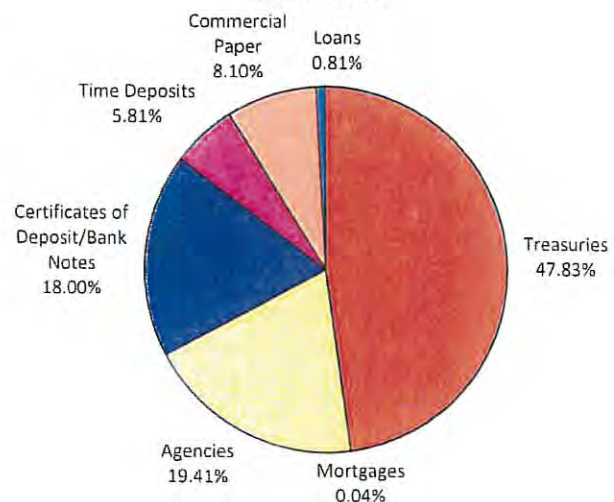
Quarter Ending 03/31/18

Apportionment Rate: 1.51%
 Earnings Ratio: 0.00004135534904993
 Fair Value Factor: 0.997538001
 Daily: 1.59%
 Quarter to Date: 1.43%
 Average Life: 183

**PMIA Average Monthly
Effective Yields**

May 2018 1.755
 Apr 2018 1.661
 Mar 2018 1.524

**Pooled Money Investment Account
Portfolio Composition
05/31/18
\$82.8 billion**



Based on data available as of 6/27/2018

***THIS PAGE
INTENTIONALLY LEFT
BLANK***



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Rochelle Clayton, Interim City Manager

PREPARED BY: Suzanne Cook, Deputy Finance Director/Interim ASD

MEETING DATE: July 10, 2018

SUBJECT: Receive and File Cash, Investments and Reserve Report for the Month of May 2018

RECOMMENDATION:

That City Council receive and file Cash, Investment and Reserve Report for **May 31, 2018** in accordance with California Government Code 53646.

CASH AND INVESTMENT SUMMARY:

Description		Prior Month	Current Month
Funds Under Control of the City			
Cash			
	Cash on Hand \$	4,155.00 \$	4,155.00
	Checking and Savings Accounts \$	1,988,335.89 \$	6,535,003.30
Investments			
	LAIF \$	44,465,020.42 \$	40,465,020.42
	Brokerage \$	26,405,814.80 \$	26,417,146.16
Total Funds Under Control of the City		\$ 72,863,326.11	\$ 73,421,324.88
Funds Under Control of Fiscal Agents			
US Bank			
	Restricted Bond Project Accounts \$	25,169,479.46 \$	25,184,627.45
	Restricted Bond Accounts \$	5,676,578.98 \$	5,676,578.98
Union Bank			
	Restricted Funds \$	962,408.20 \$	551,506.63
Total Funds Under Control of Fiscal Agents		\$ 31,808,466.64	\$ 31,412,713.06
Total Funds		\$ 104,671,792.75	\$ 104,834,037.94

RESTRICTED, ASSIGNED, COMMITTED AND RESERVED SUMMARY:

Description	Prior Month	Current Month
Total Funds	\$ 104,671,792.75	\$ 104,834,037.94
Restricted Funds	\$ 50,047,593.24	\$ 49,680,138.01
Assigned Funds - Specific Purpose	\$ 8,684,911.34	\$ 8,684,911.34
Committed Funds - Specific Purpose	\$ 4,096,473.25	\$ 4,096,473.25
Fund Balance Reserves	\$ 14,902,329.25	\$ 14,902,329.25
Total Restricted, Assigned, Committed and Reserved Funds	\$ 77,731,307.08	\$ 77,363,851.85
Operating Cash - Unrestricted Reserves	\$ 26,940,485.67	\$ 27,470,186.09
Less Accounts held in Investments	\$ 26,405,814.80	\$ 26,417,146.16
Liquid Cash	\$ 534,670.87	\$ 1,053,039.93

ATTACHMENTS:

- Cash, Investment and Reserve Report May 2018
- Investment Report May 2018
- LAIF / PMIA Performance Report

If you have any questions, please contact the Finance Department so that additional detailed information can be provided to you.

Approved by:



Rochelle Clayton
Interim City Manager

City of Banning
Cash, Investment & Reserve Balances - May 31, 2018

Cash & Investments		April 2018	May 2018	Reserve Balances	
Institution/Investment Type		Balance	Balance	Description	Balance
Funds Under Control of the City:					
Petty Cash / Cash on Hand		\$ 4,155.00	\$ 4,155.00	RESTRICTED FUNDS	
Checking and Savings:				Restricted Project Funds	\$ 25,184,627.45
Wells Fargo - General Account - XXXXX5798	\$	1,702,080.82	\$ 6,237,563.39	Bond Funds Held with Fiscal Agents	\$ 5,676,578.98
Bank of America - Parking Citations - XXXXXXX 8776	\$	47,378.51	\$ 48,081.13	CASIO - City of Banning 6731036994	\$ 111,239.41
Bank of America - Airport Visa - XXXXXXX 7548	\$	153,047.48	\$ 163,522.38	City of Banning - 6736305920 - RPU	\$ 440,267.22
Bank of America - CNG Charge Acct XXXXXXX 5594	\$	85,829.08	\$ 85,836.40	Customer Deposit Accounts	\$ 1,456,037.14
	\$	1,988,335.89	\$ 6,535,003.30	Capital Facility Fees (Funds 400, 410, 420, 421, 430, 661, & 681)	\$ 16,513,947.90
State of California, Local Agency Investment Fund				Parking Citations	\$ 48,081.13
City of Banning XX-XX-050	\$	44,465,020.19	\$ 40,465,020.19	Airport	\$ 163,522.38
Successor Agency XX-XX-001	\$	0.23	\$ 0.23	CNG	\$ 85,836.40
% of Investments in LAIF (Maximum 40% allowed per Investment Policy)		63%	61%		\$ 49,680,138.01
US Bank				ASSIGNED FUNDS - SPECIFIC PURPOSE	
City of Banning Custody Account XXXXX6000				Workers Compensation - PERMA	\$ 300,000.00
Government Agencies				Capital Replacement	\$ 1,500,000.00
F H L M C 313397RK9 Disc Note Market Value \$11,975,760.00	\$	-	\$ -	Debt Service Payments	\$ 6,884,911.34
Maturity 1/5/2018 Rolled over into CID 31846V401					\$ 8,684,911.34
Federal Home Loan Bks 313385LC8 Disc Note Market Value \$11,965,080.00 Maturity 8/31/2017	\$	-	\$ -	COMMITTED FUNDS - SPECIFIC PURPOSE	
First American Government Oblig Fd Cl D 31846V401 Market Value #3802 \$12,417,146.16	\$	12,405,814.80	\$ 12,417,146.16	General Fund - Emergency Contingency 25%	\$ 4,096,473.25
Federal Home Loan Bks 3130A6K89 Market Value \$1,993,080 Maturity 10/5/2018	\$	2,000,000.00	\$ 2,000,000.00	(minimum req. \$1,500,000)	
Federal Home Loan Bks 3130A7G25 Market Value \$2,977,020 Maturity 3/15/2019	\$	3,000,000.00	\$ 3,000,000.00		\$ 4,096,473.25
F H L M C M T N 3134GBJ52 Market Value \$2,965,710 Maturity 9/27/19	\$	3,000,000.00	\$ 3,000,000.00	AVAILABLE FUND BALANCE RESERVES	
F H L M C M T N 3134GBJ83 Market Value \$2,956,140 Maturity 3/27/2020	\$	3,000,000.00	\$ 3,000,000.00	Electric Rate Stabilization Fund	\$ 6,611,896.60
F N M A M T N 3136G4PP2 Market Value \$2,944,260 Maturity 10/26/2020	\$	3,000,000.00	\$ 3,000,000.00	Electric Operational Fund	\$ 3,305,943.30
	\$	26,405,814.80	\$ 26,417,146.16	BUA Water Fund	\$ 1,215,026.80
Total Funds Under Control of the City	\$	72,863,326.11	\$ 73,421,324.88	BUA Wastewater Fund	\$ 353,757.20
Funds Under Control of Fiscal Agents:				Self Insurance Fund	\$ 500,000.00
US Bank				Designated, Unreserved	
2015 Water Revenue Bonds-BUA Water Projects - 258228005	\$	3,023,847.06	\$ 3,026,589.59	Mining Tax Collected	\$ 979,274.00
2005 Wastewater Project Fund Bond - 792143006	\$	3,277,790.17	\$ 3,278,459.19	PEG Reserve	\$ 133,104.35
2015 Electric Revenue Bond-Acquisition & Construction Fund - 262685003	\$	11,218,999.63	\$ 11,229,174.88	Litigation Contingency	\$ 179,189.00
Successor Agency of the Dissolved Redevelopment Agency of the City of Banning Tax Allocation Bonds Series 2016 (Taxable) Unexpended Proceeds Fund - 277166005	\$	7,648,842.80	\$ 7,650,403.79	Gas Tax & Police Reward	\$ 189,325.00
Restricted Project Funds Available	\$	25,169,479.46	\$ 25,184,627.45	CalPERS Liability	\$ 500,000.00
2015 Electric Revenue Bond-Escrow Fund - 277248000/262685001				Compensated Absences	\$ 934,808.00
Wastewater System Improvement Project Fund Bond 1989 Escrow Account for AC 94627350- 792145000	\$	113,658.00	\$ 113,658.00		\$ 14,902,329.25
Water System Improvement Project 1989 Escrow Acct AC 94627340 - 792146000	\$	216,984.00	\$ 216,984.00	Operating Cash	
2015 Electric Revenue Bond-Reserve Fund - 262685002 - Market Value Improvement Dist No 2004-1 (Fair Oaks Ranch Estates) Limited Obligation Improvement Bonds Series 2005A Principal Acct-78958201	\$	2,428,543.76	\$ 2,428,543.76	Balance Available for Daily Operations	\$ 27,470,186.09
Improvement Dist No 2004-1 (Fair Oaks Ranch Estates) Limited Obligation Improvement Bonds Series 2005A Reserve Fund-78958203	\$	7.19	\$ 7.19	Less Amount held in investments	\$ 26,417,146.16
BUA Wastewater Enterprise Lease Revenue Bonds Series 2005 Reserve Fund - 7912143004	\$	183,245.53	\$ 188,245.53	Liquid Cash	\$ 1,053,039.93
Successor Agency of the Dissolved Redevelopment Agency of the City of Banning Tax Allocation Bonds Series 2016 (Taxable) Reserve Fund- 277166004 Market Value	\$	523,623.18	\$ 523,623.18		
Successor Agency of the Dissolved Redevelopment Agency of the City of Banning Tax Allocation Bonds Series 2016 (Taxable) Cost of Issuance - 277166006	\$	2,205,497.50	\$ 2,205,497.50		
Successor Agency of the Dissolved Redevelopment Agency of the City of Banning Tax Allocation Bonds Series 2016 (Taxable) Revenue Fund - 277166000	\$	19.82	\$ 19.82		
Bond Funds Held with Fiscal Agent - Restricted	\$	5,676,578.98	\$ 5,676,578.98		
Union Bank of California:					
CASIO - City of Banning XXXXX6994	\$	111,095.47	\$ 111,239.41		
City of Banning - XXXXX5920 - RPU	\$	851,312.73	\$ 440,267.22		
Funds Held with Fiscal Agent - Restricted	\$	962,408.20	\$ 551,506.63		
Total Funds Under Control of Fiscal Agents	\$	31,808,466.64	\$ 31,412,713.06		
Grand Total	\$	104,671,792.75	\$ 104,834,037.94	Grand Total	\$ 104,834,037.94
				UNRESTRICTED RESERVES	\$ 27,470,186.09

I hereby certify that the investment activity for this reporting period conforms with the investment policy adopted by the City of Banning's City Council and the California Government Code Section 53601 (with the exception of funds held in LAIF)

I also certify that there are adequate funds available to meet the City's Budget.

Suzanne Cook

Suzanne Cook

Deputy Finance Director/Interim ASD

City of Banning
Report of Investments
May 2018

Investment Held by	Investment Name	Investment Type	CUSIP Number	Standard & Poors Rating	Moodys Rating	Maturity Date	Par	Market Yield	Market Price	Market Value	Percentage of Investments
State of California, Local Agency Investment Fund	City of Banning Successor Agency	Pooled Investment	N/A	N/A	N/A	N/A	\$ 40,465,020.19	1.430	99.753	\$ 40,365,395.35	60.5%
		Pooled Investment	N/A	N/A	N/A	N/A	\$ 0.23	0.000		\$ 0.23	0.0%
							\$ 40,465,020.42			\$ 40,365,395.58	60.5%
US Bank- Broker Piper Jaffray	Government Agencies	Cash Equivalent	31846V401	N/A	N/A	N/A	\$ -		100.000	\$ 12,417,146.16	18.6%
		US Government Issue	3130A6K89	AA+	Aaa	10/5/2018	\$ 2,000,000.00	1.050	99.654	\$ 1,993,080.00	3.0%
		Federal Home Loan Bks	3130A7G25	AA+	Aaa	3/15/2019	\$ 3,000,000.00	1.270	99.234	\$ 2,977,020.00	4.5%
		US Government Issue	3134GBI52	AA+	Aaa	9/27/2019	\$ 3,000,000.00	1.520	98.857	\$ 2,965,710.00	4.5%
		F H L M C M T N	3134GBI83	AA+	Aaa	3/27/2020	\$ 3,000,000.00	1.620	98.538	\$ 2,956,140.00	4.5%
		F H L M C M T N	3136G4PP2	AA+	Aaa	10/26/2020	\$ 3,000,000.00	1.780	98.142	\$ 2,944,260.00	4.5%
		F N M A M T N					\$ 26,417,146.16			\$ 26,253,356.16	39.5%
							\$ 66,882,166.58			\$ 66,618,751.74	100.0%
Total Investments										100.0%	



**JOHN CHIANG
TREASURER
STATE OF CALIFORNIA**



PMIA Performance Report

Date	Daily Yield*	Quarter to Date Yield	Average Maturity (in days)
05/28/18	1.79	1.71	190
05/29/18	1.79	1.71	190
05/30/18	1.80	1.71	191
05/31/18	1.80	1.71	190
06/01/18	1.81	1.71	196
06/02/18	1.81	1.71	196
06/03/18	1.81	1.71	196
06/04/18	1.81	1.72	193
06/05/18	1.81	1.72	193
06/06/18	1.81	1.72	192
06/07/18	1.82	1.72	190
06/08/18	1.82	1.72	190
06/09/18	1.82	1.72	190
06/10/18	1.82	1.72	190
06/11/18	1.83	1.73	188
06/12/18	1.82	1.73	187
06/13/18	1.83	1.73	184
06/14/18	1.85	1.73	184
06/15/18	1.86	1.73	184
06/16/18	1.86	1.73	184
06/17/18	1.86	1.74	184
06/18/18	1.86	1.74	181
06/19/18	1.87	1.74	179
06/20/18	1.87	1.74	178
06/21/18	1.89	1.74	183
06/22/18	1.89	1.75	186
06/23/18	1.89	1.75	186
06/24/18	1.89	1.75	186
06/25/18	1.89	1.75	184
06/26/18	1.89	1.75	183
06/27/18	1.90	1.75	181

*Daily yield does not reflect capital gains or losses

[View Prior Month Daily Rates](#)

LAIF Performance Report

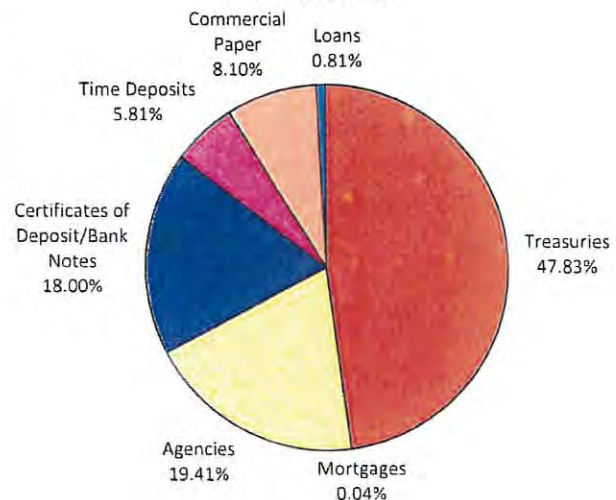
Quarter Ending 03/31/18

Apportionment Rate: 1.51%
 Earnings Ratio: 0.00004135534904993
 Fair Value Factor: 0.997538001
 Daily: 1.59%
 Quarter to Date: 1.43%
 Average Life: 183

**PMIA Average Monthly
Effective Yields**

May 2018 1.755
 Apr 2018 1.661
 Mar 2018 1.524

**Pooled Money Investment Account
Portfolio Composition
05/31/18
\$82.8 billion**



Based on data available as of 6/27/2018

***THIS PAGE
INTENTIONALLY LEFT
BLANK***



**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL

FROM: Rochelle Clayton, Interim City Manager

PREPARED BY: Laurie Sampson, Executive Assistant

MEETING DATE: July 10, 2018

SUBJECT: Receive and File Contracts Approved Under the City Manager's Signature Authority for the Month of June 2018.

RECOMMENDATION:

Receive and file Contracts approved under the City Manager's signature authority for the Month of June 2018.

BACKGROUND:

City Council requested regular reports of contracts signed under the City Manager's signature authority of \$25,000 or less.

ATTACHMENT:

- 1) List of Contracts approved by City Manager

Reviewed and Approved by:



Rochelle Clayton, Interim City Manager

ATTACHMENT 1

List of Contracts

CONTRACTS, CHANGE ORDERS AND SOLE SOURCES APPROVED WITHIN CITY MANAGER SIGNATURE AUTHORITY (JUNE 1, 2018 - JUNE 30, 2018)

City Manager Approval	Vendor Name	Description of Item/Service	Contact Award Total	Department/Division	Comments
13-Jun-2018	American Forensic Nurses	Blood Draw Services and Nurse Fees	\$ 21,000.00	Police Dept.	New Contract
14-Jun-2018	Sterling Talent Solutions	Background Screening	\$ 3,500.00	City Manager - HR	Exempt from procurement.
14-Jun-2018	Smart & Final	Misc. & Recreation Supplies	\$ 7,000.00	City Wide	New Price Agreement
20-Jun-2018	Atkinson, Andelson, Loy, Ruud & Romo	Legal Services "Flume Restoration Project" and SGMA	\$ 25,000.00	PW - Water	Exempt per CMI.
21-Jun-2018	M. Brey Electric, Inc.	Legal Services as Needed	\$ 5,285.37	PW - B/M	C/O to increase funds on PO.
21-Jun-2018	BT Supplies West	Electrical Services	\$ 15,000.00	PW - B/M	New Price Agreement
21-Jun-2018	Beaumont Do It Best	Janitorial Supplies	\$ 15,000.00	PW - B/M	New Price Agreement
		Misc. Hardware supplies and materials as needed			
		Postage Costs for Mailing Outsourced Utility Bills and			
21-Jun-2018	Infosend, Inc.	Utility Mailing Bills and Inserts	\$ 39,450.00	ASD - Utility Billing	Exempt from procurement.
22-Jun-2018	Herc Rentals Inc.	Equipment Rentals - Large - Renewal #1	\$ 17,398.92	PW - B/M, Water/Wastewater	New Price Agreement
26-Jun-2018	Pacific Alarm Service, Inc.	Alarm Monitoring & Misc. Additional Services	\$ 16,468.52	PW - B/M	Sole Source. Renewal Contract.
26-Jun-2018	Vision Security Systems	City Facility Keypad Parts and Repairs	\$ 15,000.00	City Manager - IT	New Price Agreement
26-Jun-2018	State of California (DOJ)	Live Scan	\$ 17,500.00	Police Dept.	Exempt from procurement.
26-Jun-2018	Staples Business Advantage	Office Supplies	\$ 6,500.00	City Wide	C/O to increase funds on PO.
26-Jun-2018	Altec Industries, Inc.	Parts & Repairs for Boom Trucks	\$ 25,000.00	PW - F/M	New Price Agreement
26-Jun-2018	Westrux International	Parts & Services for International Trucks	\$ 20,000.00	PW - F/M	Sole Source.
26-Jun-2018	Grainger	Tools and Supplies	\$ 11,000.00	PW - B/M	New Price Agreement

***THIS PAGE
INTENTIONALLY LEFT
BLANK***

ORDINANCE 1523

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING A CATEGORICAL EXEMPTION AND APPROVING ZONING ORDINANCE AMENDMENT 18-97501 AMENDING TITLE 17 “ZONING” OF THE BANNING MUNICIPAL CODE TO ADD CHAPTER 17.53, “CANNABIS CONDITIONAL USE PERMITS” TO ALLOW CANNABIS CULTIVATION, MANUFACTURING LEVEL 1, AND TESTING LABORATORY FACILITIES IN CERTAIN INDUSTRIAL ZONES WITH APPROVAL OF A CANNABIS CONDITIONAL USE PERMIT AND MAKING OTHER AMENDMENTS RELATED TO CANNABIS BUSINESSES, AND MAKING THE ALLOWANCE FOR, AND REGULATION OF, THESE BUSINESSES CONTINGENT UPON THE VOTER’S APPROVAL OF A TAX MEASURE ON THE NOVEMBER 6, 2018 GENERAL MUNICIPAL ELECTION BALLOT

WHEREAS, on October 9, 2015 Governor Brown signed Assembly Bill 243, Assembly Bill No. 266, and Senate Bill 643 into law, which collectively were known as the Medical Cannabis Regulation and Safety Act (hereinafter “MCRSA”). The MCRSA established a State regulatory and licensing scheme for commercial medical cannabis businesses.

WHEREAS, on November 8, 2016, California voters approved the Control, Regulate and Tax Adult Use of Marijuana Act (“AUMA”). The AUMA made it lawful under State and local law for persons 21 years of age or older to possess and cultivate limited quantities of cannabis for personal use. The AUMA also established a State regulatory and licensing scheme for commercial adult-use cannabis businesses.

WHEREAS, on June 27, 2017, the Governor signed into law Senate Bill 94 which repealed the MCRSA, included certain provisions of the MCRSA in the licensing provisions of the AUMA, and created a single regulatory scheme for both medicinal and adult-use cannabis known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”). The MAUCRSA retains the provisions in the MCRSA and the AUMA that granted local jurisdictions control over whether cannabis businesses could operate in a particular jurisdiction. Specifically, California Business and Professions Code section 26200 provides that the MAUCRSA shall not be interpreted to supersede or limit authority of a local jurisdiction to adopt and enforce local ordinances to regulate businesses licensed under the MAUCRSA including, but not limited to, local zoning and land use requirements, business license requirements, and requirements related to reducing exposure to secondhand smoke, or to completely prohibit the establishment or operation of one or more businesses licensed by the State, within that local jurisdiction.

WHEREAS, the City Council finds that unregulated commercial cannabis activity has the potential to adversely affect the public health and safety of Banning residents and those engaged in commercial cannabis activity. The City Council also finds that, if a commercial cannabis business tax is adopted by the voters, that commercial cannabis activity that is limited to certain types of indoor cannabis cultivation, manufacturing, and testing laboratory facilities may provide financial benefits to the City as long as they are sufficiently regulated by the City. The establishment of land use regulations for cannabis cultivation, manufacturing and testing laboratory facilities will substantially reduce this threat to the public health and safety.

WHEREAS, the City Council desires to establish reasonable zoning and land use regulations regarding the operation of cannabis businesses that are intended to address the potential negative impacts of unregulated cannabis businesses.

WHEREAS, the City Council desires to establish zoning and land use regulations through this Ordinance for commercial cannabis cultivation, manufacturing, and testing laboratory facilities that are companion elements to the City's adoption of cannabis business permit regulations and the voter's adoption of cannabis business taxes.

WHEREAS, on June 6, 2018, the Planning Commission of the City of Banning held a public hearing regarding this Ordinance, at which time all persons interested in the contents of this Ordinance had the opportunity and did address the Planning Commission on these matters. Following the receipt of public testimony the Planning Commission closed the public hearing. At the conclusion of the Planning Commission hearing, and after due consideration of the testimony, the Planning Commission adopted Resolution No. 2018-09 recommending that the City Council adopt this Ordinance to allow cannabis cultivation facilities, manufacturing facilities, and testing laboratory facilities as conditionally permitted uses in industrial zones.

WHEREAS, the City Council of the City of Banning held a public hearing on the proposed Ordinance, at which time all persons interested in this Ordinance had the opportunity and did address the City Council on these matters. Following the receipt of public testimony the City Council closed the public hearing.

WHEREAS, on June 26, 2018, the Banning City Council introduced Ordinance No. 1527 establishing a regulatory permitting process for commercial indoor cannabis cultivation, manufacturing, and testing laboratory facilities to operate in industrial zones.

WHEREAS, this Ordinance and Ordinance No. 1527 will only go into effect if the Banning voters approve a tax measure imposing taxes on these facilities at the November 6, 2018 municipal election.

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. ENVIRONMENTAL FINDINGS

A. California Environmental Quality Act (CEQA)

The City Council finds and determines that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to the State CEQA Guidelines Section 15060(c)(3), because it is not a project as defined by the CEQA Guidelines Section 15378. Adoption of the Ordinance does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Further projects subject to the Ordinance will require a discretionary permit and CEQA review, and will be analyzed at the appropriate time in accordance with CEQA.

The City Council further finds and determines that this Ordinance is exempt from review under the CEQA and the State CEQA Guidelines Section 15061(b)(1) which exempts a project from CEQA if the project is exempt by statute. Business and Professions Code section 26055(h) provides that Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity. Pursuant to that exemption, the City is providing that discretionary review for applications for cannabis conditional use permits will be required to include any applicable environmental review pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code.

The City Council hereby adopts a categorical exemption for this Ordinance and directs staff to file a Notice of Exemption.

B. Multiple Species Habitat Conservation Plan (MSHCP)

The amendments to the Zoning Ordinance do not relate to any one physical project and are not subject to the MSHCP. Further, projects that may be subject to this Ordinance will trigger individual project analysis and documentation related to the requirements of MSHCP including mitigation through payment of the MSHCP Mitigation Fee.

SECTION 2. ADDITIONAL REQUIRED FINDINGS

The California Government Code and Section 17.116.050 (Findings) of the City of Banning Municipal Code require that Zoning Text Amendments meet certain findings prior to the approval by the City Council. The following findings are provided in support of the approval of the Zoning Text Amendment No. 18-97501.

Finding No. 1: Proposed Zone Text Amendment No. 18-97501 is consistent with the goals and policies of the General Plan.

Findings of Fact: Proposed Zone Text Amendment No. 18-97501 is consistent with the goals and policies of the General Plan. Commercial cannabis activities can adversely affect the health, safety and well-being of City residents. The unregulated cultivation and processing of cannabis can damage buildings through improper and dangerous electrical alterations and use, and inadequate ventilation leading to mold and mildew. Additionally, unregulated cultivation and processing of cannabis can also lead to an increase in the frequency of robberies and similar crimes. Cannabis cultivation or other concentration of cannabis in any location or premises without adequate regulations increases the risk that surrounding homes or businesses may be negatively impacted. The Banning Municipal Code currently bans all commercial cannabis uses within the City. It is in the public interest to regulate cannabis, to allow for responsible and lawful commercial cannabis cultivation, manufacturing, and testing laboratories in the City. With adequate regulation and oversight, these limited categories of commercial cannabis activity are consistent with the following General Plan goals and policies:

Land Use Element:

Industrial Goal

A balanced mix of non-polluting industrial land uses which provide local jobs for the City's residents.

Economic Development Element:

Goal

A balanced, broadly-based economy that provides a full range of economic and employment opportunities, while maintaining high standards of development and environmental protection.

Policy 1

General Plan land use designations and allocations will facilitate a broad range of residential, commercial, industrial and institutional development opportunities.

Policy 2

The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues.

Finding No. 2: Proposed Zone Text Amendment No. 18-97501 is internally consistent with the Zoning Ordinance.

Findings of Fact: Proposed Zone Text Amendment No. 18-97501 is consistent with the purpose and objective of the Zoning Ordinance to ensure orderly development of uses and lands within the City to protect the public health, safety, and welfare. The proposed amendments will protect the public health, safety, and welfare of the residents of the City by reasonably regulating cannabis cultivation, manufacturing, and testing laboratory facilities so as to avoid the risks of criminal activity, malodorous smells, degradation of the natural environment, and indoor electrical fire hazards.

Finding No. 3: The City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

Findings of Fact: In accordance with the requirements of the California Environmental Quality Act ("CEQA"), the City Council finds and determines that this Ordinance is not subject to CEQA pursuant to the State CEQA Guidelines Section 15060(c)(3), because it is not a project as defined by the CEQA Guidelines Section 15378. Adoption of this Ordinance does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Further projects subject to this Ordinance will require a discretionary permit and CEQA review, and will be analyzed at the appropriate time in accordance with CEQA.

The City Council has analyzed proposed Zone Text Amendment No. 18-97501 and has determined that, pursuant to California Business and Professions Code Section 26055(h), CEQA "does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity", provided that said law, ordinance, rule, or regulations shall include any applicable environmental review pursuant to Division 13 of the Public Resources Code. As this Ordinance includes required CEQA compliance for individual conditional use permit applications for commercial cannabis businesses, the CEQA exemption applies to the adoption of this Ordinance.

SECTION 3. ZONE TEXT AMENDMENT NO. 18-97501

Title 17 (Zoning) of the Banning Municipal Code is amended as follows:

A. The alphabetized list of definitions provided for in Section 17.04.070 (Definitions) of Chapter 17.04 (Basic Provisions) of Title 17 (Zoning) of the Banning

Municipal Code is hereby amended to delete the definition of “Marijuana Dispensary” and to add and/or modify the following definitions:

Canopy space means a cultivation facility, manufacturing facility, or a testing laboratory facility.

Cannabis Commercial Indoor Cultivation means the indoor planting, growing, harvesting, drying, curing, grading, or trimming of one or more cannabis plants or any part thereof for commercial purposes. The canopy space within a Cannabis Commercial Indoor Cultivation facility shall not be less than 10,000 square feet nor exceed 22,000 square feet per Cannabis Conditional Use Permit holder, and shall be licensed by a state licensing authority.

Cannabis Manufacturing Level 1 means a commercial cannabis manufacturing facility where a State licensed cannabis manufacturer engages in the manufacture (compounding, blending, extracting, infusing, or otherwise making or preparing) of cannabis products using nonvolatile solvents, or no solvents.

Cannabis Testing Laboratory means a laboratory, facility, or entity that offers or performs tests of cannabis or cannabis products and is accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state and is licensed by the Bureau of Cannabis Control.

Commercial Cannabis Activity includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products, or engaging in any other cannabis activity that requires a State license issued by a licensing authority.

Nonvolatile Solvent means any solvent used in the extraction process that is not a volatile solvent. For purposes of this Chapter only, nonvolatile solvents include carbon dioxide and ethanol.

Other Cannabis Uses means any location where commercial cannabis activity occurs that does not fall under the definition of Cannabis Commercial Indoor Cultivation, Cannabis Manufacturing Level 1, Cannabis Testing Laboratory, or Cannabis Personal Cultivation.

Volatile Solvent means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Examples of volatile solvents include, but are not limited to, butane, hexane, and propane.

Marijuana Cannabis Personal Cultivation means the planting, growing, harvesting, drying, processing, or storage of one or more ~~marijuana~~ cannabis plants or any part thereof. Marijuana Cannabis Personal Cultivation shall not exceed six (6) cannabis plants per primary residence, and shall comply with the regulations set forth in Chapter 5.34.

B. Table 17.08.020 of Section 17.08.020 (Permitted, conditional and prohibited uses.) of Chapter 17.08 (Residential Districts) of Title 17 (Zoning) of the

Banning Municipal Code is hereby amended to delete “Marijuana Dispensary” and to add and/or amend the following uses, with all other provisions of Table 17.08.020 remaining unchanged:

Zone	R/A	R/A/H	RR	RR/H	VLDR	LDR	MDR	HDR	MHP
Residential Uses									
Cannabis Personal Marijuana Cultivation ⁶	P	P	P	P	P	P	P	P	P
Cannabis Commercial Indoor Cultivation	X	X	X	X	X	X	X	X	X
Cannabis Manufacturing Level 1	X	X	X	X	X	X	X	X	X
Cannabis Testing Laboratory	X	X	X	X	X	X	X	X	X
Other cannabis uses	X	X	X	X	X	X	X	X	X

⁶ ~~Marijuana Cultivation requires a Marijuana Cultivation License. See Chapter 5.34 for provisions.~~ Cannabis Personal Cultivation must comply with the provisions of Chapter 5.34.

C. Table 17.12.020 (Permitted, conditional, and prohibited commercial and industrial uses.) of Section 17.12.020 (Permitted, conditional and prohibited uses) of Chapter 17.12 (Commercial and Industrial Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to delete “Marijuana Cultivation” and “Marijuana Dispensary” from the table and to add or amend the following uses with all other provisions of Table 17.12.020 remaining unchanged:

Zone	DC	GC	HSC	PO	I	AI	BP	IMR
Resource and Open Space Uses								
Cannabis Personal Cultivation ⁸	X	X	X	X	X	X	X	X

Cannabis Commercial Indoor Cultivation	X	X	X	X	C	X	X	X
Cannabis Manufacturing Level 1	X	X	X	X	C	X	X	X
Cannabis Testing Laboratory	X	X	X	X	C	X	X	X
Other Cannabis Uses	X	X	X	X	X	X	X	X

8. Cannabis Personal Cultivation is prohibited except in a house, an apartment unit, a mobile home, or other similar dwelling that is a legal non-conforming use and that otherwise complies with Chapter 5.34 of this Code.

D. Table 17.12.050 (Use Specific Development Standards.) of Section 17.12.050 (Use specific standards) of Chapter 17.12 (Commercial and Industrial Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to add the following uses to the list of Use-Specific Development Standards:

Zone	DC	GC	HSC	PO	I	AI	BP	IMR
V. Cannabis Commercial Indoor Cultivation					* -			
W. Cannabis Manufacturing Level 1					* -			
X. Cannabis Testing Laboratory					* -			

V. Commercial Cannabis Indoor Cultivation uses shall require approval of a Cannabis Conditional Use Permit by the City Council, after recommendation by the Planning Commission, and shall be subject to the requirements of Chapter 17.53.

W. Commercial Cannabis Manufacturing Level 1 uses shall require approval of a Cannabis Conditional Use Permit by the City Council, after recommendation by the Planning Commission, and shall be subject to the requirements of Chapter 17.53.

X. Commercial Cannabis Testing Laboratory uses shall require approval of a Cannabis Conditional Use Permit by the City Council, after recommendation by the Planning Commission, and shall be subject to the requirements of Chapter 17.53

E. Table 17.16.020 (Permitted, conditional and prohibited public facilities uses.) of Section 17.16.020 (Permitted, conditional, and prohibited uses) of Chapter 17.16 (Public Facilities Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to delete "Marijuana Cultivation" and "Marijuana Dispensary" from the table, and to add or amend the following uses with all other provisions of Table 17.16.020 remaining unchanged:

Zone	PF-A	PF-G	PF-F	PF-S	PF-H
Cannabis Personal Cultivation	X	X	X	X	X
Cannabis Commercial Indoor Cultivation	X	X	X	X	X
Cannabis Manufacturing Level 1	X	X	X	X	X
Cannabis Testing Laboratory	X	X	X	X	X
Other Cannabis Uses	X	X	X	X	X

F. Table 17.20.020 (Permitted, conditional and prohibited open space uses.) of Section 17.20.020 (Permitted, conditional and prohibited uses) of Chapter 17.20 (Open Space Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to delete "Marijuana Cultivation" and "Marijuana Dispensary" from the table, and to add or amend the following uses with all other provisions of Table 17.20.020 remaining unchanged:

Zone	OS-R	OS-PA	OS-PU	OS-H
Cannabis Personal Cultivation	X	X	X	X
Cannabis Commercial Indoor Cultivation	X	X	X	X
Cannabis Manufacturing Level 1	X	X	X	X
Cannabis Testing Laboratory	X	X	X	X

Other Cannabis Uses	X	X	X	X
---------------------	---	---	---	---

G. Chapter 17.53 (Cannabis Conditional Use Permits) is hereby added to Title 17 (Zoning) of the Banning Municipal Code to read as follows:

“Chapter 17.53 Cannabis Conditional Use Permits

Sections

- 17.53.010 Definitions.
- 17.53.020 Commercial Cannabis Conditional Use Permit Required.
- 17.53.030 Commercial Cannabis Conditional Use Permit - Fees and Terms.
- 17.53.040 Cannabis Conditional Use Permit Application Requirements.
- 17.53.050 Additional Application Requirements.
- 17.53.060 Procedures and Findings for Approval of Cannabis Conditional Use Permit.
- 17.53.070 Approval of Cannabis Conditional Use Permit With Conditions.
- 17.53.080 Premises.
- 17.53.090 Personnel and Visitors.
- 17.53.100 Security.
- 17.53.110 Track and Trace.
- 17.53.120 Signage.
- 17.53.130 Cannabis Waste Management.
- 17.53.140 General Sanitary Requirements.
- 17.53.150 Odor Control.
- 17.53.160 Cannabis Indoor Cultivation.
- 17.53.170 Cannabis Manufacturing Level 1.
- 17.53.180 Cannabis Testing Laboratory.
- 17.53.190 Other Provisions.
- 17.53.200 Indemnification.

17.53.010 Definitions

For the purpose of this Chapter, the following words and phrases shall be defined as follows:

A. “Applicant” means an owner applying for a cannabis conditional use permit pursuant to this Chapter.

B. “Bureau” means the Bureau of Cannabis Control within the California Department of Consumer Affairs.

C. “Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds,

or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this Chapter, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.

D. "Cannabis business" means a cultivation facility, manufacturing facility, or a testing laboratory facility.

E. "Cannabis products" has the same meaning as in Section 11018.1 of the Health and Safety Code.

F. "Canopy space" means the designated areas at a cultivation facility that will contain mature plants at any point in time.

G. "City" means the City of Banning.

H. "City Manager" means the City Manager or his/her designee.

I. "Convicted" or "conviction" means a plea or verdict of guilty or a conviction following a plea of nolo contendere was entered, but does not include any plea, verdict, or conviction that is expunged pursuant to California law or a similar federal or state law where the expungement was granted.

J. "Commercial cannabis activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products, or engaging in any other cannabis activity that requires a State license issued by a licensing authority.

K. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

L. "Cultivation facility" means a location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.

M. "Extraction" means a process by which cannabinoids are separated from cannabis plant material through chemical or physical means.

N. "Financial interest" shall have the meaning set forth in Section 5004 of Title 16 of the California Code of Regulations, as the same may be amended from time to time.

O. "Indoors" means within a fully enclosed and secure structure.

P. "Infusion" means a process by which cannabis, cannabinoids, or cannabis concentrates, are directly incorporated into a product formulation to produce a cannabis product.

Q. "Licensing authority" means the Bureau of Cannabis Control; CalCannabis Cultivation Licensing, a division of the California Department of Food and Agriculture (CDFA); the California Department of Public Health's Manufactured Cannabis Safety Branch; or any other State cannabis licensing authority.

R. "Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

S. "Manufacturing facility" means a location that conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.

T. "MAUCRSA" means the Medicinal and Adult-Use Cannabis Regulation and Safety Act.

U. "Outdoors" means any area or location not specifically meeting the definition of indoors.

V. "Owner" means any of the following:

1. A person with an aggregate ownership interest of 20 percent or more in the person applying for a permit or a permittee, unless the interest is solely a security, lien, or encumbrance.

2. The chief executive officer of a nonprofit or other entity.

3. A member of the board of directors of a nonprofit.

4. An individual who will be participating in the direction, control, or management of the person applying for a permit. An owner who is an individual participating in the direction, control, or management of the commercial cannabis business includes any of the following:

- a) A partner of a cannabis business that is organized as a partnership.

- b) A member of a limited liability company of a cannabis business that is organized as a limited liability company.

- c) An officer or director of a cannabis business that is organized as a corporation.

W. "Nonvolatile solvent" means any solvent used in the extraction process that is not a volatile solvent. For purposes of this Chapter only, nonvolatile solvents include carbon dioxide and ethanol.

X. "Package" means any container or receptacle used for holding cannabis or cannabis products.

Y. "Permit" means a cannabis conditional use permit issued pursuant to this Chapter.

Z. "Permittee" means any person holding a cannabis conditional use permit under this Chapter.

AA. "Person" includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

BB. "Premises" means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant where the cannabis business will be conducted.

CC. "Significant discrepancy" means a difference in actual inventory compared to records pertaining to inventory of at least one thousand dollars (\$1,000). For purposes of determining a discrepancy, the acquisition price of the cannabis goods shall be used to determine the value of cannabis goods in a permittee's inventory.

DD. "Testing laboratory" means a laboratory, facility, or entity in the City that offers or performs tests of cannabis or cannabis products and that is both of the following:

1. Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the State.

2. Licensed by the Bureau.

EE. "Volatile solvent" means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Examples of volatile solvents include, but are not limited to, butane, hexane, and propane.

17.53.020 Commercial Cannabis Conditional Use Permit Required.

A. Except as expressly authorized pursuant to this Title (Title 17, Zoning), all commercial cannabis activity is prohibited in the City.

B. Prior to initiating operations and as a continuing requisite to operating a cannabis business, the person(s) wishing to operate a cannabis business shall:

1. Obtain and maintain a validly issued cannabis conditional use permit approved by the City Council after recommendation by the Planning Commission, and comply with all conditions of approval.

2. Obtain and maintain a State license to engage in the specific cannabis business being operated on the premises.

3. Obtain and maintain a cannabis regulatory permit as required by Chapter 5.35 of this Code.

4. Obtain and maintain a business license or any other license or permit required by this Code.

17.53.030 Commercial Cannabis Conditional Use Permit - Application Fees and Terms.

A. No cannabis conditional use permit application shall be processed unless the applicant pays the nonrefundable application fee in the amount to be established by resolution of the City Council. No cannabis conditional use permit shall be issued unless the applicant pays the nonrefundable permit fee in the amounts to be established by resolution of the City Council.

B. No cannabis conditional use permit shall be issued if the applicant has an ownership or other direct financial interest in any other commercial cannabis business operating in the City.

17.53.040 Cannabis Conditional Use Permit Application Requirements.

An applicant shall file the following information with the City at the time of application for a cannabis conditional use permit:

A. A completed cannabis conditional use permit application, together with the application fee in an amount to be established by resolution of the City Council.

B. Proof of a cannabis regulatory permit jointly approved by the City Manager and Chief of Police. The owner identified on the cannabis conditional use permit application shall be same owner as listed on the cannabis regulatory permit issued pursuant to Chapter 5.35.

C. An operating plan for the proposed cannabis business that includes:

1. A general description of the types of products and/or services to be provided by the cannabis business;

2. A site plan, drawn to scale and professionally prepared by a licensed civil engineer or architect, of the parcel of property on which the proposed cannabis business will be located. The site plan shall include the outline of all structures, driveways, parking and landscape areas, and boundaries of the parcel.

3. A floor plan, drawn to scale and professionally prepared by a licensed civil engineer or architect, designating all interior dimensions of the premises, the proposed use of all spaces, identification of limited access areas, areas of ingress and egress, and all security camera locations.

4. An evaluation of accessibility by the physically disabled to and within the building and identification of any planned accessibility improvements to comply with all state and federal disability access laws, including, but not limited to, Title 24 of the California Code of Regulations and the Americans with Disabilities Act. The evaluation must be professionally prepared by a licensed civil engineer or architect.

5. A business plan describing how the cannabis business will operate in accordance with the Banning Municipal Code, state law, and other applicable regulations. The business plan must include plans for cash handling and transportation of cannabis and cannabis products to and from the premises.

6. Water source information.

7. Projected energy demand and energy efficiency plan that addresses illumination, heating, cooling, and ventilation. The applicant shall also provide a letter from the Banning Municipal Electric Company stating that the Banning Municipal Electric Company can meet the cannabis business' energy demand.

8. A list of all owners, employees, independent contractors, and volunteers.

D. Neighborhood Context Map. An accurate straight-line drawing depicting the boundaries of the premises, the boundaries of all other properties within 600 feet of the premises, and the uses of those properties, specifically including, but not limited to, any use identified in Business and Professions Code section 26054(b), any park, and any residentially zoned parcel located within 600 feet of the premises. The map must be professionally prepared by a licensed civil engineer or architect.

E. Security plan. A detailed security plan outlining the measures that will be taken to ensure the safety of persons and property on the premises. The security plan must be prepared by a qualified professional.

F. Lighting Plan. A lighting plan showing existing and proposed exterior and interior lighting levels that would be the minimum necessary to provide adequate security lighting for the use.

G. The name, phone number, and email address of an on-site community relations representative or staff member or other representative to whom the City can provide notice if there are operating problems associated with the cannabis business or refer members of the public who may have complaints or concerns regarding the cannabis business. This information shall be available to neighboring businesses and residences located within one hundred feet of the cannabis business, as measured in a straight line without regard to intervening structures.

17.53.050 Additional Application Requirements.

A. Each cannabis business shall obtain a separate conditional use permit.

B. The applicant shall submit proof that the applicant is, or will be, entitled to possession of the premises for which application is made.

C. The applicant shall submit proof of the nature of the cannabis business's organizational status, such as articles of incorporation, by-laws, partnership agreements, and other documentation which may be required by the City.

17.53.060 Procedures and Findings for Approval of Cannabis Conditional Use Permit.

A. A cannabis conditional use permit shall be processed in accordance with the procedures set forth in Chapter 17.52, Conditional Use Permits, with the following exceptions:

1. Any provision that requires the approval by the Planning Commission with appeal to the City Council shall be replaced with the requirement that the Planning Commission make a recommendation on the cannabis conditional use permit and that the approval of such permit shall be made by the City Council.

2. Sections 17.52.020 (Application procedures) and 17.52.080 (Modifications) shall not apply.

3. Any procedures pertaining to noticing and the setting of a public hearing before the Planning Commission shall also apply to the City Council.

B. An applicant for a cannabis conditional use permit shall comply with the California Environmental Quality Act ("CEQA"). No cannabis conditional use permit shall be granted until the requisite CEQA review has been conducted.

17.53.070 Approval of Cannabis Conditional Use Permit with Conditions

A. Upon approval of a cannabis conditional use permit, the City Council may impose conditions in excess of the requirements set forth in this Chapter including, but not limited to, conditions relating to hours of operation, the operation of any cannabis business, restrictions relating to the deployment or use of the types of equipment used on the premises, and set back requirements.

B. The City may grant a cannabis conditional use permit prior to the applicant having obtained a state license from a licensing authority; however, no approved cannabis business may receive a certificate of occupancy nor operate in the City prior to possessing the requisite state and local licenses and permits.

C. All cannabis businesses must pay all applicable taxes pursuant to all federal, state, and local laws.

D. Cannabis businesses shall comply with all cannabis state laws and regulations.

17.53.080 Premises.

A. All cannabis businesses shall be conducted only in the interior of enclosed structures, facilities and buildings and all operations including the storage or cultivation of cannabis plants at any stage of growth shall not be visible from the exterior of any structure, facility, or building. There shall be no outdoor storage of any kind associated with the cannabis business.

B. No cannabis business shall be located within a 600 foot radius of any residential zoning district, park, day care center, or youth center, or public or private school providing instruction in kindergarten or any of grades 1-12, that is in existence at the time the cannabis conditional use permit is issued. The 600-foot distance requirement does not include any private school in which education is primarily conducted in a private home or a family day care home. The distance specified in this subsection shall be the horizontal distance measured in a straight line without regard to intervening structures, from the property line of the lot on which the cannabis business is located to the nearest property line of those uses described in this subsection. Outdoor storage on the premises shall be prohibited.

C. Loading areas and loading docks shall be located on the side or rear of the lot, and shall be screened by solid, decorative walls.

D. Hours of operation shall be as approved with the Conditional Use Permit.

E. Cannabis businesses shall only be conducted on properties that are fully compliant with all Banning Municipal Code requirements, including required development standards such as parking, landscaping, etc.

F. Cannabis businesses located within the same building or on the same property shall each have a validly issued cannabis conditional use permit from the City.

G. All entrances into the premises shall be locked at all times with entry controlled by the permittee's managers and staff.

H. The main entrance shall be maintained clear of barriers, landscaping, and other obstructions. Inside of the main entrance, there shall be a lobby to receive persons into the site and to verify whether they are allowed on the premises.

I. All commercial cannabis activity in any premises shall be separated from the main entrance and lobby, and cannabis and cannabis products shall be secured by a lock accessible only to managers and staff of the permittee.

J. A permittee shall not, without an approved amendment to the cannabis conditional use permit, make a physical change, alteration, or modification of the premises that alters the premises or the use of the premises from the premises diagram filed with the permit application. Material or substantial changes, alterations or modifications requiring approval include, but are not limited to, the removal, creation, or relocation of a common entryway, doorway, passage, or a means of public entry or exit, when such common entryway, doorway or passage alters or changes limited-access areas within the premises.

K. A permittee shall not sublet the premises.

L. Inspections. The City shall have the right to enter all cannabis businesses from time to time upon 24-hour's notice for the purpose of making reasonable inspections to observe and enforce compliance with this Chapter. Such inspections shall be limited to observing the licensed premises for purposes of determining whether the cannabis business is being operated or maintained in compliance with this Code, state law, and other applicable laws and regulations. Any cannabis business licensed pursuant to this Chapter may be required to demonstrate, upon demand by the City that the source and quantity of any cannabis or cannabis products found upon the licensed premises is in full compliance with any applicable local or state law or regulation.

17.53.090 Personnel and Visitors.

A. All agents, officers, or other persons acting for or employed by a cannabis business shall display a laminated or plastic-coated identification badge issued by the cannabis business at all times while engaging in commercial cannabis activity. The identification badge shall, at a minimum, include the cannabis business's "doing business as" name and city business license number, the employee's first name, an employee number exclusively assigned to that employee for identification purposes, and a color photograph of the employee that clearly shows the full front of the employee's face and that is at least 1 inch in width and 1.5 inches in height.

B. Employees and Volunteers Age Requirement. A cannabis business shall not employ an individual less than twenty-one (21) years of age, nor may a cannabis business permit an individual less than twenty-one (21) years of age to volunteer at or be within the cannabis business.

C. Visitors. Cannabis businesses shall not be open to the general public. Any individual permitted to enter a limited access area who is not a person that has undergone a background check in accordance with Chapter 5.35 of this Code and is not listed on the premises' worker list shall be considered a visitor. Notwithstanding the foregoing, state and local employees, or their official designees, shall not be considered

a visitor provided the individual is on the licensed premises for purposes of official government business.

1. Visitors Identification and Record Requirements. Prior to permitting a visitor into a limited access area, a cannabis business must check the individual's valid government issued identification. The visitor shall be required to sign the cannabis business's visitor log, which must include the individual's name, date of entry, and purpose for entry.

2. Visitors Must Be at Least Twenty-One (21) Years of Age. A cannabis business may not permit a visitor who is less than twenty-one (21) years of age to enter a limited access area.

3. Visitors Prohibited Conduct. A visitor shall not be permitted to engage in any commercial cannabis activity while on the premises.

4. A manager shall be on the site at all times that any other person, except a security guard, is on the site.

17.53.100 Security.

The premises of a cannabis business must comply with all of the following security requirements:

A. Main entrance and lobby. The premises shall have a building with a main entrance that is clearly visible from the public street or sidewalk. The main entrance shall be maintained clear of barriers, landscaping, and other obstructions. Inside of the main entrance, there shall be a lobby to receive persons into the site and to verify whether they are allowed in the cultivation areas.

B. Transport area. The premises shall have an area designed for the secure transfer of cannabis from the cultivation, manufacturing, or testing laboratory area to a vehicle for transportation.

C. Commercial-Grade Locks. All points of ingress and egress to a premises shall ensure the use of commercial-grade, nonresidential door locks or window locks.

D. A permittee that is engaged in cultivation or manufacture shall hire or contract for 24-hour security personnel to provide security services for the premises. All security personnel hired or contracted for by the cannabis business shall comply with Chapters 11.4 and 11.5 of Division 3 of the Business and Professions Code.

E. Video Surveillance. The premises must be equipped with a video surveillance system that meets all of the requirements set forth in this subsection.

1. Each premises shall have a digital audio/video surveillance system with a minimum camera resolution of 1280 x 720 pixels.

2. The surveillance-system storage device or the cameras shall be transmission control protocol (TCP) capable of being accessed through the internet.

3. The video surveillance system shall at all times be able to effectively and clearly record images of the area under surveillance and shall capture audio such that all sounds are intelligible.

4. Each camera shall be permanently mounted and in a fixed location. Each camera shall be placed in a location that allows the camera to clearly record activity occurring within 20 feet of all points of entry and exit on the premises, and allows for the clear and certain identification of any person and activities in all areas required to be filmed under subsection 5 below.

5. Areas that shall be recorded on the audio/video surveillance system include the following:

a) Areas where cannabis goods are weighed, packed, stored, loaded, and unloaded for transportation, prepared, or moved within the premises;

b) Limited-access areas;

c) Security rooms;

d) Areas storing a surveillance-system storage device with at least one camera recording the access points to the secured surveillance recording area.

e) Entrances and exits to the premises.

f) Waste containers.

6. Cameras shall record continuously 24 hours per day and at a minimum of 15 frames per second (FPS).

7. The physical media or storage device on which surveillance recordings are stored shall be secured in a manner to protect the recording from tampering, fire, or theft.

8. Surveillance recordings shall be kept for a minimum of 90 days.

9. Surveillance recordings shall be monitored by a third party surveillance company.

10. Surveillance recordings are subject to inspection by the City, and shall be kept in a manner that allows the City to view and obtain copies of the recordings at the licensed premises upon not less than 24 hours advance notice. The

permittee shall also send or otherwise provide copies of the recordings to the City upon reasonable notice by the City.

11. Recorded images shall clearly and accurately display the time and date. Time is to be measured in accordance with the United States National Institute Standards and Technology standards.

12. The video surveillance system shall be equipped with a failure notification system that provides notification to the permittee of any interruption or failure of the video surveillance system or video surveillance-system storage device.

13. The video surveillance system shall be equipped with a battery backup system capable of sustaining system operations in the case of an energy failure.

F. Alarm System. The premises shall have an audible interior and exterior security alarm system installed on all perimeter entry points and perimeter windows.

1. The alarm system shall be installed, maintained, monitored, and responded to by a security company licensed by the Department of Consumer Affairs, Bureau of Security and Investigative Services.

2. Upon request, a permittee shall make available to the City all information related to the alarm system

G. Secure Storage of Product. Cannabis and cannabis products possessed by a cannabis business shall be kept and stored in a secured manner at all times. All areas where cannabis and/or cannabis products are kept shall be separated from the main entrance and lobby and secured by a lock accessible only to managers and staff.

H. Lighting. The business entrance(s) and all window areas of any cannabis business shall be illuminated during evening hours. The cannabis business shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, and shielding.

17.53.110 Track and Trace.

All permittees shall comply with the track and trace system established by the State of California and as further described in Sections 5048 through 5052, inclusive, of Title 16 of the California Code of Regulations, as the same may be amended from time to time.

17.53.120 Signage.

The premises must comply with the following signage requirements.

A. A cannabis business shall conspicuously post signs a minimum of eight (8) inches wide by ten (10) inches high in size that can readily be seen by all persons at the entrance that state: "This site is not open to the public" and "Retail sales of any goods and services is prohibited".

B. Business signage shall be limited to the name of the cannabis business only, shall be in compliance with the City's sign code, and shall contain no advertising of any companies, brands, products, goods, or services.

C. A sign shall be posted in a conspicuous place near each point of public access which shall be not less than twelve (12) inches wide and twelve (12) inches long, composed of letters not less than one inch in height, stating "All Activities Monitored by Video Camera."

D. Limited access areas shall be clearly identified by the posting of a sign which shall be not less than twelve inches wide and twelve inches long, composed of letters not less than one-half inch in height, which shall state, "Limited Access Area—Authorized Personnel Only."

E. A sign shall be posted stating "Smoking, vaporizing, ingesting, or otherwise consuming cannabis or cannabis products on these premises or in their vicinity is prohibited and a violation of the Banning Municipal Code."

17.53.130 Cannabis Waste Management.

Cannabis waste disposal shall be conducted as follows:

A. Chemical, Dangerous and Hazardous Waste. Disposal of chemical, dangerous or hazardous waste must be conducted in a manner consistent with federal, state and local laws, regulations, rules or other requirements. This may include, but is not limited to, the disposal of all pesticide or other chemicals used in the cultivation process, certain solvents or other chemicals used in the production of cannabis concentrate.

B. Cannabis Waste. Cannabis waste must be made unusable and unrecognizable prior to leaving the licensed premises by grinding it and incorporating it with fifty percent non-medicinal cannabis waste. If necessary to protect the health and safety of individuals working on a licensed premises, a cannabis business may grind the stalk of a cannabis plant outside of its licensed premises provided all grinding activities occur within twenty feet of the licensed premises and cannot be seen from any public street.

C. Cannabis waste must be placed in either a trash enclosure or a trash receptacle for which either is locked with a commercial grade lock that is only accessible

by the owner, manager, or employee of the cannabis business and any waste disposal company that provide waste disposal services for the cannabis business.

17.53.140 General Sanitary Requirements.

A. A cannabis business must ensure that its premises is maintained in a sanitary manner and activities on its premises are conducted in a sanitary manner.

B. All facilities of a cannabis business must have adequate and sufficient access to bathrooms and hand-washing facilities with running water at a suitable temperature.

C. All workers that engage in the preparation of edible cannabis products must comply with the provisions of all relevant state and local laws regarding the preparation, distribution, and sale of food.

17.53.150 Odor Control.

A. A cannabis business must have a ventilation and filtration system installed that shall prevent cannabis plant odors from exiting the interior of the structure and shall comply with all related Building Code requirements.

B. The ventilation and filtration system must be approved by the Building Official and installed prior to the commencement of cannabis cultivation activities.

17.53.160 Cannabis Indoor Cultivation.

A. Cannabis Commercial Indoor Cultivation shall occur only indoors and shall contain not less than 10,000 square feet of canopy space nor exceed 22,000 square feet of canopy space per cannabis conditional use permit holder.

B. Seed to Sale Tracking Required. Until such a time that the state of California fully implements the California Cannabis Track and Trace System required by Section 26067 of the Business and Professions Code, a cannabis business must utilize seed to sale software, third-party software that tracks all sales, transfers, purchases, receipts, deliveries of cannabis and cannabis products. The software must be capable of producing electronic shipping manifests, tracking all cannabis inventory in possession of the cannabis business, promptly identifying a discrepancy in the stock, and tracking cannabis from the end purchaser back to its source in the event of a serious adverse event. Once implemented, all permittees shall comply with the California Cannabis Track and Trace System established by the State of California and as further described in Sections 5048 through 5052, inclusive, of Title 16 of the California Code of Regulations, as the same may be amended from time to time.

C. Cultivators must comply with the Federal Worker Protection Standard (40 CFR 170).

D. The cultivation of cannabis must be conducted in accordance with all applicable federal, state, and local laws and regulations governing the use of pesticides.

E. The cultivation of cannabis shall be conducted in a secure manner and shall not be visible from a public right of way. As used in this subsection, the term "visible" means capable of being seen without visual aid by an individual of normal acuity.

17.53.170 Cannabis Manufacturing Level 1.

A. Edible Cannabis Products. Edible cannabis products shall be manufactured, packaged and labeled in compliance with MAUCRSA and any implementing regulations adopted by the State.

B. Edible cannabis products must be individually packaged and ready for sale by the manufacturer prior to sale or transfer to another cannabis business.

C. Any person that is involved in the manufacture of edible cannabis products must be a state certified food handler. The valid certificate number of such person must be on record at the manufacturing facility where that individual produces edible cannabis products.

D. Any facility used by a cannabis business to manufacture edible cannabis products shall be constructed, operated and inspected in compliance with all applicable building code and food safety requirements.

E. A cannabis business that manufactures edible cannabis products must comply with the provisions of all relevant state and local laws regarding the preparation, distribution, and sale of food; which shall include, but not be limited to, hand-washing requirements, use of gloves for packaging, and policies prohibiting individuals suffering from symptoms associated with communicable diseases or infections from engaging the production of edible cannabis products.

F. Expiration Date. A cannabis business engaged in the manufacture of cannabis products, including an edible cannabis product, that is perishable shall assign an expiration date or use-by date, whichever is appropriate, to all perishable cannabis products. Once an expiration date or use-by date is assigned to cannabis products, it shall be unlawful for a person to alter that date or affix a new label with a later use-by or expiration date.

G. Extraction Requirements.

1. A manufacturer engaged in extraction may only engage in extraction using non-volatile solvents. The permittee shall not make any modifications to the method of extraction without first obtaining a modification of its permit.

2. Within the limitations set forth by state law, a cannabis business that extracts cannabis or produces cannabis concentrate using a solvent must use a professional grade, closed-loop extraction system capable of recovering the solvent

used and must only use a solvent that is permissible under the MAUCRSA and any implementing regulations, and the manufacturer's state license.

H. Compliance with State Law. All packaging and labeling of cannabis and cannabis products by a cannabis business must, at a minimum meet the requirements set forth in the MAUCRSA and any implementing regulations, as the same may be amended from time to time or superseded or replaced by subsequent state legislation or by any state department or division.

I. Tamper-Evident, Child-Resistant Packaging Required. Cannabis and cannabis products shall be labeled and placed in a resealable, tamper-evident, child-resistant package and shall include a unique identifier for the purposes of identifying and tracking cannabis and cannabis products.

J. Cannot Be Attractive to Children. Cannabis packaging and labeling shall not be designed to appeal to children, including, but not limited to, cartoon characters or similar images.

K. State-Mandated Warnings and Information. All cannabis and cannabis product labels and inserts shall include the state-mandated warnings and information contained in Business and Professions Code section 26120(c). Notwithstanding the foregoing, during the period of time that the state permits untested cannabis and cannabis products to be sold to purchasers, all cannabis and cannabis products must have a label affixed to each package that clearly states "This product has not been tested as required by the Medicinal and Adult Use Cannabis Regulation and Safety Act" and must comply with any other labeling requirements imposed by the state.

17.53.180 Cannabis Testing Laboratory.

A. Accreditation. A testing laboratory shall obtain and maintain ISO/ IEC 17025 accreditation.

B. Operating Procedures. A testing laboratory shall adopt and adhere to standard operating procedures to ensure the reporting of accurate test results, including but not limited to equipment, calibration, and methodology standards, that are consistent with its ISO/ IEC 17025 accreditation.

C. A testing laboratory shall obtain samples of cannabis and cannabis products for testing in accordance with a statistically valid method designed to ensure that a sample is representative of the whole. Sampling methods should have at least a 95% confidence rate.

D. A testing laboratory shall destroy and safely dispose of the remains of any samples of cannabis or cannabis products tested upon completion of the analysis and the expiration of any retention time pursuant its standard operating procedures.

E. A testing laboratory shall maintain all testing results as a part of their respective business records.

17.53.190 Other Provisions.

A. Cannabis Consumption on Premises. Smoking, vaporizing, ingesting, or otherwise consuming cannabis and cannabis products at a premises is prohibited. Premises as used in this subsection includes the actual building, as well as any accessory structures, common areas and parking areas.

B. No person shall give, sell, distribute, or otherwise transfer any cannabis product in any manner not consistent with the approved cannabis conditional use permit or that violates local or state law.

C. Permittees must cooperate with City staff and Police Department personnel who are conducting inspections or investigations relevant to the enforcement of laws and regulations related to this Chapter.

D. Permittees must comply with all state laws and regulations that pertain to cannabis businesses including, but not limited to, the MAUCRSA, and any regulations promulgated by a licensing authority.

17.53.200 Indemnification.

A. Indemnification. To the fullest extent permitted by law, the City shall not assume any liability whatsoever, with respect to approving any permit pursuant to this Chapter or the operation of any cannabis business approved by such permit pursuant to this Chapter. As a condition of approval of a permit granted under this Chapter, the applicant shall:

1. Indemnify and hold the City harmless from any and all claims, damages, legal or enforcement actions, including, but not limited to, any actions or claims associated with violation of federal law associated with the operation of the cannabis business as provided in this chapter.

2. Maintain insurance in the amounts and of the types that are acceptable to the City pursuant to guidelines and policies set forth by the City.

3. Name the City as an additionally insured on all City required insurance policies.

4. Defend, at its sole expense, any action against the City, its agents, officers, and employees related to the approval of a permit or the operation of the cannabis business.

5. Reimburse the City for any court costs and attorney fees that the City may be required to pay as a result of any legal challenge (or federal enforcement action) related to the City's approval of a permit. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder."

SECTION 4. SEVERABILITY

If any section, subsection, clause or phrase or portion of this code is for any reason to invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of all other provisions of this ordinance.

The Mayor and City Council hereby declare that it would have passed the ordinance codified in this chapter; and each section, subsection, sentence, clause and phrase or portion thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases or portions thereof be declared invalid or unconstitutional.

SECTION 5. PUBLICATION

The City Clerk shall certify to the passage and adoption of this Ordinance, and shall make a record of the passage and adoption thereof in the records of and the proceedings of the City Council at which time the same is passed and adopted. Within fifteen (15) calendar days after its final passage, the City Clerk shall cause a summary of this Ordinance to be published in a newspaper of general circulation and shall post the same at City Hall, 99 E. Ramsey Street, Banning, California. The City Clerk shall cause the Ordinance to be printed, published, and circulated. The Ordinance shall go into effect thirty (30) days after its adoption, except for Section 3 of this Ordinance which shall have an effective date provided in Section 6 below.

SECTION 6. EFFECTIVE DATE OF SECTION 3 OF THIS ORDINANCE AND CONTINGENCY ON TAX MEASURE APPROVAL BY THE VOTERS

Section 3 of this Ordinance shall not take effect until January 1, 2019, and shall only take effect if the ballot measure imposing a tax rate of \$15 per square foot of canopy space for a cultivation facility and a tax rate of ten percent (10%) of gross receipts of a manufacturing facility or testing laboratory facility placed on the ballot by the City Council pursuant to Resolution No. 2018-82, is adopted by the voters at the November 6, 2018 election, and such tax becomes operative.

PASSED, APPROVED AND ADOPTED this 10th day of July, 2018.

George Moyer, Mayor
City of Banning

ATTEST:

Sonja De La Fuente, Deputy City Clerk
City of Banning

APPROVED AS TO FORM:

Kevin G. Ennis, City Attorney
Richards, Watson & Gershon, APC

CERTIFICATION:

I, Sonia De La Fuente, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 26th day of June, 2018, and was duly adopted at a regular meeting of said City Council on the 10th day of July, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sonja De La Fuente, Deputy City Clerk
City of Banning

***THIS PAGE
INTENTIONALLY LEFT
BLANK***

ORDINANCE 1524

AN ORDINANCE OF THE CITY OF BANNING, CALIFORNIA, ADDING CHAPTER 5.35 TO TITLE 5 (BUSINESS LICENSES AND REGULATIONS) OF THE BANNING MUNICIPAL CODE, TO ESTABLISH PROCEDURES FOR THE ISSUANCE OF CANNABIS REGULATORY PERMITS, MAKING REQUIRED FINDINGS UNDER CEQA, AND MAKING THE ALLOWANCE FOR, AND REGULATION OF, THESE BUSINESSES CONTINGENT UPON THE VOTER'S APPROVAL OF A TAX MEASURE ON THE NOVEMBER 6, 2018 GENERAL MUNICIPAL ELECTION BALLOT

WHEREAS, on October 9, 2015 Governor Brown signed Assembly Bill 243, Assembly Bill No. 266, and Senate Bill 643 into law, which collectively were known as the Medical Cannabis Regulation and Safety Act (hereinafter "MCRSA"). The MCRSA established a State regulatory and licensing scheme for commercial medical cannabis businesses.

WHEREAS, on November 8, 2016, California voters approved the Control, Regulate and Tax Adult Use of Marijuana Act ("AUMA"). The AUMA made it lawful under State and local law for persons 21 years of age or older to possess and cultivate limited quantities of cannabis for personal use. The AUMA also established a State regulatory and licensing scheme for commercial adult-use cannabis businesses.

WHEREAS, on June 27, 2017, the Governor signed into law Senate Bill 94 which repealed the MCRSA, included certain provisions of the MCRSA in the licensing provisions of the AUMA, and created a single regulatory scheme for both medicinal and adult-use cannabis known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"). The MAUCRSA retains the provisions in the MCRSA and the AUMA that granted local jurisdictions control over whether cannabis businesses could operate in a particular jurisdiction. Specifically, California Business and Professions Code section 26200 provides that the MAUCRSA shall not be interpreted to supersede or limit authority of a local jurisdiction to adopt and enforce local ordinances to regulate businesses licensed under the MAUCRSA including, but not limited to, local zoning and land use requirements, business license requirements, and requirements related to reducing exposure to secondhand smoke, or to completely prohibit the establishment or operation of one or more businesses licensed by the State, within that local jurisdiction.

WHEREAS, the City Council finds that unregulated cannabis cultivation and manufacturing has the potential to adversely affect the public health and safety of Banning residents and those engaged in commercial cannabis activity. The establishment of a regulatory permitting process for cannabis cultivation, manufacturing and laboratory testing will substantially reduce this threat to the public health and safety.

WHEREAS, the City Council desires to establish reasonable regulations regarding the operation of cannabis businesses that are intended to address the potential negative impacts of unregulated cannabis businesses.

WHEREAS, the proposed Municipal Code amendments contained in this ordinance are consistent with the City's General Plan. Specifically, the proposed Municipal Code Amendments are consistent with the Industrial Goal to create a balanced mix of non-polluting industrial land uses which provide local jobs for the City's residents. Additionally, the proposed Municipal Code Amendments are consistent with the Economic Development Element goal of creating a balanced, broadly-based economy that provides a full range of economic and employment opportunities, while maintaining high standards of development and environmental protection. The Municipal Code Amendments are also consistent with the following General Plan Policies:

Policy 1 - General Plan land use designations and allocations will facilitate a broad range of residential, commercial, industrial and institutional development opportunities.

Policy 2 - The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues.

WHEREAS, on June 26, 2018 the City Council considered this Ordinance at a regular meeting of the City Council at which time all persons interested in the proposed Ordinance had the opportunity and did address the City Council on these matters.

WHEREAS, on June 26, 2018, the Banning City Council introduced Ordinance No. 1523 establishing zoning regulations and procedures for the issuance of cannabis conditional use permits in the City.

WHEREAS, this Ordinance and Ordinance No. 1523 will only go into effect if the Banning voters approve a tax measure on November 6, 2018 imposing taxes on these facilities.

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. CEQA

The City Council finds and determines that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to the State CEQA Guidelines Section 15060(c)(3), because it is not a project as defined by the CEQA Guidelines Section 15378. Adoption of the Ordinance does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Further projects subject to the Ordinance will require a discretionary permit and CEQA review, and will be analyzed at the appropriate time in accordance with CEQA.

The City Council further finds and determines that this Ordinance is exempt from review under the CEQA and the State CEQA Guidelines Section 15061(b)(1) which exempts a project from CEQA if the project is exempt by statute. Business and Professions Code section 26055(h) provides that Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity. Pursuant to that exemption, the City is providing that discretionary review for applications for cannabis conditional use permits will be required to include any applicable environmental review pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code.

SECTION 2. Chapter 5.35 (Cannabis Regulatory Permits) is hereby added to Title 5 (Business Licenses and Regulations) of the Banning Municipal Code to read as follows:

“Chapter 5.35 Cannabis Regulatory Permits

Sections

5.35.010	Definitions.
5.35.020	Cannabis Regulatory Permit Required.
5.35.030	Cannabis Regulatory Permit - Fees and Terms.
5.35.040	Cannabis Regulatory Permit Application Requirements.
5.35.050	Additional Application Requirements.
5.35.060	Decision on Cannabis Regulatory Permit.
5.35.070	Approval of Cannabis Regulatory Permit With Conditions.
5.35.080	Cannabis Regulatory Permit Renewal.
5.35.090	Premises.
5.35.100	Notification of Criminal, Civil or Administrative Action.
5.35.110	Notification of Theft, Loss, or Criminal Activity.
5.35.120	Suspending, Modifying, or Revoking Permits.
5.35.130	Initiation of Discipline and Appeals.
5.35.140	Non-Disciplinary Modification of Cannabis Business Permit.
5.35.150	Notification of Changes.
5.35.160	Remedies and Public Nuisance.
5.35.170	Joint and Several Liability.

5.35.010 Definitions

For the purpose of this Chapter, the following words and phrases shall be defined as follows:

A. “Applicant” means an owner applying for a cannabis regulatory permit pursuant to this Chapter.

B. “Bureau” means the Bureau of Cannabis Control within the California Department of Consumer Affairs.

C. "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this Chapter, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.

D. "Cannabis business" means a cultivation facility, a manufacturing facility or a testing laboratory facility.

E. "Cannabis products" has the same meaning as in Section 11018.1 of the Health and Safety Code.

F. "Canopy space" means the designated areas at a cultivation facility that will contain mature plants at any point in time.

G. "City" means the City of Banning.

H. "City Manager" means the City Manager or his/her designee.

I. "Convicted" or "conviction" means a plea or verdict of guilty or a conviction following a plea of nolo contendere was entered, but does not include any plea, verdict, or conviction that is expunged pursuant to California law or a similar federal or state law where the expungement was granted.

J. "Commercial cannabis activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products, or engaging in any other cannabis activity that requires a state license issued by a licensing authority.

K. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

L. "Cultivation facility" means a location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.

M. "Extraction" means a process by which cannabinoids are separated from cannabis plant material through chemical or physical means.

N. "Financial interest" shall have the meaning set forth in Section 5004 of Title 16 of the California Code of Regulations, as the same may be amended from time to time.

O. "Indoors" means within a fully enclosed and secure structure.

P. "Infusion" means a process by which cannabis, cannabinoids, or cannabis concentrates, are directly incorporated into a product formulation to produce a cannabis product.

Q. "Licensing authority" means the Bureau of Cannabis Control; CalCannabis Cultivation Licensing, a division of the California Department of Food and Agriculture (CDFA); the California Department of Public Health's Manufactured Cannabis Safety Branch; or any other state cannabis licensing authority.

R. "Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

S. "Manufacturing facility" means a location that conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.

T. "Outdoors" means any area or location not specifically meeting the definition of indoors.

U. "Owner" means any of the following:

1. A person with an aggregate ownership interest of 20 percent or more in the person applying for a permit or a permittee, unless the interest is solely a security, lien, or encumbrance.

2. The chief executive officer of a nonprofit or other entity.

3. A member of the board of directors of a nonprofit.

4. An individual who will be participating in the direction, control, or management of the person applying for a permit. An owner who is an individual participating in the direction, control, or management of the commercial cannabis business includes any of the following:

a) A partner of a cannabis business that is organized as a partnership.

b) A member of a limited liability company of a cannabis business that is organized as a limited liability company.

c) An officer or director of a cannabis business that is organized as a corporation.

V. "Nonvolatile solvent" means any solvent used in the extraction process that is not a volatile solvent. For purposes of this Chapter only, nonvolatile solvents include carbon dioxide and ethanol.

W. "Package" means any container or receptacle used for holding cannabis or cannabis products.

X. "Permit" means a Cannabis Regulatory Permit issued under this Chapter.

Y. "Permittee" means any person holding a Permit under this Chapter.

Z. "Person" includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, non-profit, or any other group or combination acting as a unit, and the plural as well as the singular.

AA. "Premises" means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or permittee where the commercial cannabis activity will be or is conducted.

BB. "Significant discrepancy" means a difference in actual inventory compared to records pertaining to inventory of at least one thousand dollars (\$1,000). For purposes of determining a discrepancy, the acquisition price of the cannabis goods shall be used to determine the value of cannabis goods in a permittee's inventory.

CC. "Testing laboratory" means a laboratory, facility, or entity in the city that offers or performs tests of cannabis or cannabis products and that is both of the following:

1. Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state.

2. Licensed by the Bureau.

DD. "Volatile solvent" means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Examples of volatile solvents include, but are not limited to, butane, hexane, and propane.

5.35.020 Cannabis Regulatory Permit Required.

A. No person shall establish, operate or engage in commercial cannabis activity within the City unless the person has:

1. A valid business license;
2. A valid permit issued by the City pursuant to this Chapter;
3. A valid conditional use permit issued pursuant to Chapter 17.52;

and

4. A valid license issued by a licensing authority to conduct the specific commercial cannabis activity that is being conducted on the premises.

B. The City Manager, in consultation with the Chief of Police, shall evaluate and issue or deny a permit within forty-five (45) days of receipt of a completed application.

C. Any permit that is issued shall not go into effect unless a conditional use permit is also issued by the City Council pursuant to Chapter 17.52 of the Banning Municipal Code.

5.35.030 Cannabis Regulatory Permit – Fees and Term.

A. No permit shall be issued unless the applicant pays the nonrefundable application fee and a nonrefundable permit fee in amounts to be established by resolution of the City Council.

B. A permit issued pursuant to this Chapter is valid for a term of one (1) year from the date of issuance. Renewal terms shall not exceed one (1) year.

5.35.040 Cannabis Regulatory Permit Application Requirements.

A. Each cannabis business shall obtain a separate permit. Permits are nontransferable.

B. An owner of a cannabis business may apply for a permit or permit renewal by filing an application with the City Manager. Only an owner of a cannabis business may submit an application for a permit or permit renewal.

C. No person shall knowingly make a false statement of fact or knowingly omit any information that is required in an application for a permit or permit renewal.

D. The application shall be on a form approved by the City Manager and shall include, but not be limited to, the following:

1. The type of cannabis business the applicant seeks to operate in the City, and a description of the commercial cannabis activity that will be conducted on the premises.

2. Payment of a nonrefundable application fee in an amount to be established by resolution of the City Council.

3. A description of the statutory entity or business form that will serve as the legal structure for the applicant; a copy of its formation and organizing documents, including, but not limited to, articles of incorporation, certificate of amendment, statement of information, articles of association, bylaws, partnership agreement, operating agreement, and fictitious business name statement; and the name and address of its agent for purposes of service of process.

4. A list of every fictitious business name the applicant is operating under.

5. The first and last name, primary phone number, date of birth, social security number, and mailing address of each owner. If the permit is to be held in the name of a business entity, the owner shall also provide the legal name of the business.

6. The current name and primary and secondary telephone numbers and email addresses of at least one twenty-four (24) hour on-call manager to address and resolve complaints and to respond to operating problems or concerns associated with the cannabis business.

7. If applicable, the business trade name ("DBA") of the applicant.

8. A list of the license types and the license numbers issued by any licensing authority that the applicant holds, including the date the license was issued, the date the license will terminate and the licensing authority that issued the license.

9. Whether the applicant, or any owners, has been denied a license or has had a license suspended or revoked by any licensing authority. The applicant shall identify the type of license applied for, the name of the licensing authority that denied the application, and the date of denial.

10. The assessor's parcel number and the physical address of the premises where business will be conducted, the telephone number for the premises, and the website address and email address of the applicant's business. If the business will be conducted on a lot that is vacant at the time that the application is submitted, then the applicant shall amend the application at such time that a physical address and telephone number is issued for the cannabis business.

11. The cannabis business' federal employer identification number.

12. The physical address of any other premises owned or operated by the applicant and a brief summary of the business operations at each premises.

13. A complete list of every individual, who is not an owner, that has a financial interest in the cannabis business.

14. A complete list of every owner of the cannabis business. Each individual named on this list shall submit the following information:

- a) The full name of the owner.
- b) The owner's title within the applicant entity.
- c) The owner's date of birth and place of birth.
- d) The owner's social security number or individual taxpayer identification number.
- e) The owner's mailing address.
- f) The owner's home, business, or mobile telephone number and email address.
- g) The owner's current employer.
- h) The owner's percentage of ownership interest held in the applicant entity.
- i) Whether the owner has an ownership or a financial interest in any other cannabis business licensed by a licensing authority.
- j) A copy of the owner's government-issued identification that includes the name, date of birth, physical description and picture of the owner.
- k) A copy of the DOJ and NCIC fingerprint background check for each owner procured through the Banning Police Department.
- l) If applicable, a copy of any certificate of rehabilitation issued under Penal Code section 4852.01 or dismissal issued pursuant to Penal Code section 1203.4 or 1203.41.
- m) If applicable, a detailed description of any suspension or revocation of a cannabis related license or sanctions for unlicensed or unlawful cannabis activity by a state or local governmental agency against the applicant or any of its owners or any business entity in which the applicant or any of its owners was an owner or officer within the five (5) years immediately preceding the date of the application.
- n) If applicable, a detailed description of any civil and/or criminal suit and/or judgment relating to unlawful cannabis activity against the applicant or any of its owners or a business entity in which the applicant or any of its owners was an owner or officer within the five (5) years immediately preceding the date of the application.

15. A list of all owners, managers, and employees that are authorized to carry concealed weapons.

16. A written, notarized statement from the owner of the property where the cannabis business will operate evidencing unqualified consent to the applicant operating a cannabis business on the property. The statement must specify the street

address (unless the property is a vacant lot) and assessor's parcel number for the premises. The statement shall also contain the name, business address, email address and telephone number of the property owner(s) (whether business entity or individual). If applicable, a copy of the rental agreement shall also be provided.

17. If the applicant is the landowner upon which the premises is located, a copy of the title or deed to the property.

18. Evidence that the cannabis business will be compliant with the location restrictions set forth in Business and Professions Code section 26054(b) and the zoning restrictions set forth in Title 17 of the Banning Municipal Code.

19. A premises diagram which meets the requirements set forth in Section 5006 of Title 16 of the California Code of Regulations, as the same may be amended from time to time.

20. A detailed security plan outlining the measures that will be taken to ensure the safety of persons and property on premises of the cannabis business. The security plan must be prepared by a licensed security company or individual licensed by the state. The license number shall be on the face of the security plan.

21. A detailed plan describing the air treatment system, or other methods which will be implemented to completely prevent odors generated from cannabis from being detected outside the buildings on the cannabis business site.

22. The proposed hours of operation.

23. Authorization and consent for City staff and the Police Department to seek verification of the information contained within the application.

24. An agreement whereby the applicant:

a) Releases the City of Banning, its agents, officers, elected officials, employees and attorneys, from any and all claims, injuries, damages or liabilities of any kind arising from any repeal or amendment of this Chapter or any other provision of the Banning Municipal Code, and any arrest or prosecution of the applicant or its managers, agents, employees, members or volunteers for violation of state or federal laws; and

b) Defends, indemnifies and holds harmless the City of Banning, and its agents, officers, elected officials, employees, and attorneys from and against any and all claims or actions brought by adjacent or nearby property owners or any other parties for any damages, injuries or other liability of any kind arising from operations at the cannabis business.

25. Attestation to the following statement: Under penalty of perjury, I hereby declare that the information contained within and submitted with the application is complete, true and accurate. I understand that a misrepresentation of fact, whether intentional or not, is cause for rejection of this application, denial of the permit, or revocation of a permit issued.

D. Nothing in this section is intended to limit the City Manager's ability to request additional information the City Manager deems necessary or relevant to determining an applicant's suitability for a permit or renewal of a permit. An applicant shall provide any additional information requested by the City Manager no later than seven days after the request, unless otherwise specified by the City Manager.

5.35.050 Additional Application Requirements

In addition to requirements set forth in Section 5.35.040 above, an application shall also include the following, as applicable:

A. Cannabis Cultivation Facilities. An application to operate a cannabis cultivation facility shall also contain the following information:

1. A site plan and floor plan prepared by a registered civil engineer clearly identifying that the proposed canopy space is a minimum of 10,000 square feet in size, and a maximum of 22,000 square feet in size, and that the cultivation activities will occur indoors only.

B. Cannabis Manufacturing Facilities. An application to operate a cannabis cultivation facility shall also contain the following information:

1. A detailed description of the manufacturing activity that will be conducted on the cannabis business including the type of activity that will be conducted (extraction, infusion, packaging, labeling), a description of the extraction and/or infusion methods, and the types of products that will be manufactured, packaged and labeled. The description must include a statement that volatile solvents will not be used by the manufacturing facility.

C. Cannabis Laboratory Testing Facilities. An application to operate a cannabis cultivation facility shall also contain the following information:

1. Proof of ISO/IEC 17025 accreditation by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state.

5.35.060 Decision on Cannabis Regulatory Permit.

A. The City Manager, in consultation with the Police Chief, shall evaluate the application and determine whether to approve or deny the permit or permit renewal application. The City Manager shall deny a permit application or the renewal of a permit application if he or she determines that one or more of the following conditions exist:

1. The applicant has not paid all fees required for consideration of the application.
2. The application is incomplete, filed late, or is otherwise not responsive to the requirements of this Chapter.
3. The application contains a false or misleading statement or omission of a material fact.
4. The applicant, or any owner or person with a financial interest in the cannabis business, is not at least twenty-one (21) years old.
5. The applicant, or any owner or person with a financial interest in the cannabis business, has unpaid and overdue administrative penalties imposed for violations of the Banning Municipal Code.
6. The applicant, or any owner or person with a financial interest in the cannabis business, has an unpaid civil judgment imposed for violation(s) of the Banning Municipal Code.
7. The applicant, or any owner or person with a financial interest in the cannabis business is delinquent on any fee, charge for service or tax levied by the State of California or the City.
8. The applicant, or any owner or person with a financial interest in the cannabis business, has, within the five (5) years preceding the date the application is filed with the City Manager, been (1) convicted of engaging in unlawful commercial cannabis activity, (2) issued an uncontested administrative citation by a city, county, or city and county for engaging in unlawful cannabis-related activity, or (3) been the subject of a lawsuit for engaging in unlawful cannabis-related activity in which the applicant or owner was not the prevailing party.
9. The applicant, or any owner or person with a financial interest in the cannabis business, has been denied a license or permit or other authorization to engage in commercial cannabis activity by a state or local licensing or permitting authority.
10. The applicant, or any owner or person with a financial interest in the cannabis business is employed by the City's police department or the City's Community Development Department.
11. The applicant, or any of owner or persons with a financial interest in the cannabis business, has been convicted of any crime set forth in Business and Professions Code section 26057(b)(4), Fish and Game Code sections 12025 or 12025.1, Penal Code section 186.22 or any other offense which is substantially related to the qualifications, functions, or duties of the cannabis business for which application is made. In determining whether such offense is "substantially related," the City Manager shall consult with the City Attorney and thereafter apply the analysis set forth

in section 5017 of Title 16 of the California Code of Regulations, as the same may be amended from time to time.

12. The premises or the operation of the applicant's cannabis business, as described in its application, would fail to comply with any provision of the Banning Municipal Code, or any state law or regulation.

13. For permit renewal applications, the premises is substantially different from the diagram submitted by the applicant, in that the size, layout, location of common entryways, doorways or passage ways, means of public entry or exit, or limited access areas within the premises is not the same.

14. Operation of the cannabis business in the manner proposed poses a threat to the public health, safety or welfare, or violates any provision of this Chapter.

B. If none of the above-referenced conditions exist, the City Manager shall approve the permit application.

C. Within sixty (60) days of receiving a completed application for a permit, the City Manager shall notify the applicant in writing whether the permit application is approved or denied. If the City Manager denies the permit, the notice of denial shall set forth the reasons for denial and advise the applicant of the right to contest the denial pursuant to the procedures set forth in Section 5.35.130. Any notice required pursuant to this subsection shall be sent by certified mail, return receipt requested.

5.35.070 Approval of Cannabis Regulatory Permit with Conditions.

A. Upon approval of a permit or renewal of a permit, the City Manager may impose conditions in excess of the requirements set forth in this Chapter including, but not limited to, conditions relating to the operation of any cannabis business and restrictions relating to the deployment or use of the types of equipment used on the premises.

B. During the term of any permit, the City Manager may impose additional conditions on a permit when reasonably necessary to abate a violation of the Banning Municipal Code or to protect the public health, safety or welfare.

C. Review of any decision by the City Manager to impose additional conditions on a permit pursuant to this section shall be pursuant to Section 5.35.130.

5.35.080 Cannabis Regulatory Permit Renewal.

A. To renew a permit, a completed permit renewal form, payment of the permit renewal application fee, payment of the permit fee, and, if applicable, the late fee required by subsection D of this section shall be received by the City no earlier than sixty (60) calendar days before the expiration of the permit and no later than 5:00 p.m. on the last business day before the expiration of the permit. Failure to receive a notice for

permit renewal does not relieve a permittee of the obligation to renew all permits as required.

B. An application for a permit renewal shall contain the following:

1. The name of the permittee. For a permittee who is a business entity, the permittee shall provide the legal business name of the applicant.
2. The permit number and expiration date.
3. The permittee's address of record and premises address.
4. An attestation that all information provided to the City in the original application for a permit is accurate and current.

C. In the event the permit is not renewed prior to the expiration date, the permittee shall not engage in commercial cannabis activity until the permit is renewed.

D. A permittee may submit a permit renewal application up to thirty (30) calendar days after the permit expires. In addition to the application fee for renewal of the permit, the permittee submitting a renewal application pursuant to this subsection shall pay a late fee in an amount established by resolution of the City Council. The payment of a late fee shall not be grounds for a defense against prosecution or enforcement of the Banning Municipal Code on the basis that the permittee operated a cannabis business without a valid or unexpired permit nor shall it be considered as a setoff to any assessment, fine, penalty or recoupment of costs of enforcement attributable to said violation.

E. A permit that has expired and has not been renewed within thirty (30) calendar days after expiration shall be deemed to have been forfeited.

F. Review of any decision by the City Manager to deny a request to renew a permit shall be pursuant to Section 5.35.130.

5.35.090 Premises.

A. A permittee shall not, without the prior written approval of the City Manager, make a physical change, alteration, or modification of the premises that alters the premises or the use of the premises from the premises diagram filed with the permit application. Material or substantial changes, alterations or modifications requiring approval include, but are not limited to, the removal, creation, or relocation of a common entryway, doorway, passage, or a means of public entry or exit, when such common entryway, doorway or passage alters or changes limited-access areas within the premises.

B. A permittee whose premises is to be materially or substantially changed, modified, or altered is responsible for filing a request for premises modification with the City Manager. The request shall be in writing and include:

1. A new premises diagram that conforms to the requirements set forth in Section 5006 of Title 16 of the California Code of Regulations.

2. A fee in an amount to be established by resolution of the City Council.

3. Any additional documentation or information that the City Manager deems necessary to consider the request.

C. A permittee shall not sublet the premises.

5.35.100 Notification of Criminal, Civil or Administrative Action.

A. A permittee shall ensure that the City Manager is notified in writing of the criminal conviction of a permittee, owner, or employee or when a permittee, owner, or employee has been charged with a criminal offense. Notice shall either be by mail or electronic mail and shall occur within forty-eight (48) hours of the conviction or charge. The written notification shall include the date of conviction or charge, the court docket number, the name of the court in which the permittee was convicted or charged, and the specific offense(s) for which the permittee was convicted or charged.

B. A permittee shall ensure that the City Manager is notified in writing of a civil penalty or judgment rendered against the permittee or any owner either by mail or electronic mail, within forty-eight (48) hours of delivery of the verdict or entry of judgment, whichever is earlier. The written notification shall include the date of verdict or entry of judgment, the court docket number, the name of the court in which the matter was adjudicated, and a description of the civil penalty or judgment rendered against the permittee.

C. A permittee shall ensure that the City Manager is notified in writing of the revocation or suspension of a license or other authorization for a cannabis business issued by a licensing authority within forty-eight (48) hours of receiving notice of the revocation. The written notification shall include the name of the licensing authority involved, a written explanation of the proceeding or enforcement action, and the specific violation(s) that led to revocation or suspension.

5.35.110 Notification of Theft, Loss, or Criminal Activity.

A. A permittee shall notify the City Manager and the Chief of Police within twenty-four (24) hours of discovery of any of the following situations:

1. The permittee discovers a significant discrepancy in its inventory.

2. The permittee becomes aware of, or has reason to suspect, diversion, theft, loss or any other criminal activity pertaining to the operations of the permittee by any owner, person with a financial interest in the cannabis business, employee, agent or volunteer of the cannabis business or by any third party.

3. The permittee becomes aware of, or has reason to suspect, any breach of security.

B. The notification required by this Section shall be in writing and include the date and time of discovery of the occurrence of the theft or loss, the date of the occurrence of the theft or loss and a description of the incident including, when applicable, the items that were taken or lost.

5.35.120 Suspending, Modifying, or Revoking Permits.

A. The City Manager may suspend, modify, further condition or revoke any permit pursuant to the provisions of this Chapter for any of the following reasons:

1. The permittee, or any of its owners, has violated a term or condition of its permit issued pursuant to this Chapter or a term or condition of a license issued by a licensing authority.

2. The permittee, or any of its owners, has violated the Banning Municipal Code or the laws or regulations of the state.

3. The permittee or any other person performed work as an employee or volunteer or acquired a financial interest in the applicant as an owner without first undergoing fingerprinting and a DOJ/NCIC background check.

4. The permittee failed to pay a fine or administrative penalty when due.

5. The permittee failed to take reasonable steps, as defined in Section 5808 of Title 16 of the California Code of Regulations, as the same may be amended from time to time, to correct nuisance conditions on the premises, including the immediately adjacent area that is owned, leased, or occupied by the permittee, within a reasonable time after receipt of notice to abate the condition.

6. The permittee knowingly engaged in the illegal sale, or negotiations for the sale, of controlled substances, as defined in Section 5805 of Title 16 of the California Code of Regulations, upon the premises. Successive sale, or negotiations for sale, over any continuous period of time shall be deemed evidence of permission.

B. A permittee whose permit has been suspended shall conspicuously display a notice on the exterior of the permittee's premises for the duration of the suspension, and ensure that the notice remains continuously in place for the time specified. The notice shall be in at least twenty-four (24) point type and provide as follows:

NOTICE OF SUSPENSION

THE CANNABIS REGULATORY PERMIT ISSUED FOR THIS PREMISES HAS BEEN SUSPENDED FOR VIOLATION OF THE BANNING MUNICIPAL CODE

C. A permittee whose permit has been revoked shall conspicuously display a notice on the exterior of the premises indicating that the permit has been revoked. The notice shall remain continuously on the premises for at least fifteen (15) calendar days. The notice shall be in at least twenty-four (24) point type and provide as follows:

NOTICE OF REVOCATION

THE CANNABIS REGULATORY PERMIT ISSUED FOR THIS PREMISES HAS BEEN REVOKED FOR VIOLATION OF THE BANNING MUNICIPAL CODE

D. Action taken by the City Manager with respect to the suspension, modification, or revocation of a cannabis regulatory permit shall be final and conclusive. Any permit aggrieved by the suspension, modification or revocation of a cannabis regulatory permit may obtain review of such decision by appeal to the City Council pursuant to Section 5.35.130.

5.35.130 Initiation of Discipline and Appeals.

A. The City Manager may initiate suspension or revocation proceedings or impose additional conditions on a permittee by sending written notice to the permittee of the disciplinary action and grounds for the action by certified mail return receipt requested, to the permittee's business address, as set forth in the permit. The notice shall inform the permittee of its right to appeal the determination of the City Manager by sending written notice of appeal and the grounds for such appeal to the City Manager no later than ten (10) calendar days after the date in which the notice of suspension, revocation or intention to impose additional conditions was mailed. Failure to timely appeal shall result in a forfeiture of the right of appeal, and the determination of the City Manager shall be final.

B. If an application for a permit was denied by the City Manager, the applicant shall have ten (10) calendar days from the date the notice of the disposition was deposited in the mail within which to appeal the denial of the application to the City Council. If the tenth calendar day falls on a day the City is closed, the time shall be extended to the next business day.

C. The appeal shall be submitted in writing to the City Clerk. Upon receipt of a timely notice of appeal, that is accompanied by the appropriate filing fee in an amount set by resolution of the City Council, the City Clerk shall set the matter for hearing. Unless continued for good cause demonstrated, appeals shall be heard by the City Council within sixty (60) calendar days of the date notice of appeal was received by the Clerk. If an appeal is timely and properly filed together with the filing fee, any suspension or revocation is stayed during the pendency of the appeal.

D. If the appeal is timely and properly filed together with the filing fee, the City Clerk shall mail notice of the date, time and place of a hearing before the City Council to the applicant at least ten (10) days prior to the hearing. The hearing shall be commenced at the earliest possible date authorized by law.

E. After considering all of the testimony and evidence submitted at said hearing, the City Council shall decide the appeal based upon a preponderance of the evidence and issue written findings of fact no later than ten (10) days after the hearing. Hearings before the City Council shall not be bound by formal rules of evidence. Hearsay evidence may be received; however, in no event shall a decision be based solely on hearsay evidence.

F. Within five (5) business days after the City Council acts on the appeal, the City Clerk shall send to the applicant, by certified mail, return receipt requested, written notice of the disposition of the appeal.

G. Any permittee aggrieved by the decision of the City Council may obtain review of the order within ninety (90) days of notice by filing with the Riverside County Superior Court a petition for review pursuant to California Code of Civil Procedure section 1094.5. For purposes of this subsection, notice shall be the date that the decision of the City Council is mailed by first-class mail, postage prepaid, with a certificate of mailing.

5.35.140 Non-Disciplinary Modification of Cannabis Regulatory Permit.

A. The City Manager may eliminate, modify or add to any condition imposed on a permittee when he or she deems such action reasonably necessary to protect the health, safety or welfare of the public or to otherwise secure compliance with the requirements set forth in the Banning Municipal Code. The action taken on the permit and the grounds for such action shall be made in writing and sent by certified mail return receipt requested to the permittee's business address, as set forth in the permit.

B. The action by the City Manager taken pursuant to this Section may be made in conjunction with disciplinary action, in lieu of disciplinary action, or independent of disciplinary action.

C. Any person aggrieved by the action of the City Manager may appeal the decision pursuant to the procedures set forth in Section 5.35.130.

5.35.150 Notification of Changes.

A. A permittee shall notify the City Manager in writing within ten (10) calendar days of any change to any item listed in the application. The notification shall be signed by an owner.

B. No person or entity may gain a financial interest in the permittee if said person or entity is determined by the City Manager to have a disqualifying conviction within the meaning of Business and Professions Code section 26057 or is otherwise barred by reason of this Chapter.

C. If one of more of the owners of a permittee change, a new permit application and fee shall be submitted to the City within ten (10) business days of the

effective date of the ownership change. A change in ownership occurs when the person receiving its interest in the cannabis business meets the definition of an owner. A change in ownership does not occur when one or more owners leave the business by transferring their ownership interest to the other existing owner(s).

5.35.160 Remedies and Public Nuisance.

A. The procedures set forth in this Chapter shall be cumulative and in addition to any other procedure or legal remedy provided for in the Banning Municipal Code or the laws of the state. Nothing in this Chapter shall be deemed to prevent the City from commencing alternative administrative, civil or criminal proceedings. Any violation of this Chapter may be subject to injunctive relief, revocation of any permit issued by the City, disgorgement and payment to the City of any and all money unlawfully obtained, costs of abatement, investigation and attorney fees or any other relief or remedy available at law or equity.

B. The City Attorney is authorized to institute administrative action pursuant to Chapters 1.20 through 1.28 of the Banning Municipal Code and to institute civil or criminal action in the Riverside County Superior Court in order to enforce the provisions of this Chapter and those provisions set forth in Title 17 of the Banning Municipal Code relating to land use for cannabis businesses.

C. A violation of any Section within this Chapter is a public nuisance.

5.35.170 Joint and Several Liability.

All permittees and owners shall be jointly and severally liable for violation of any provision set forth in this Chapter.”

SECTION 3. SEVERABILITY

If any section, subsection, clause or phrase or portion of this code is for any reason to invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of all other provisions of this ordinance.

The Mayor and City Council hereby declare that it would have passed the ordinance codified in this chapter; and each section, subsection, sentence, clause and phrase or portion thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases or portions thereof be declared invalid or unconstitutional.

SECTION 4. PUBLICATION, EFFECTIVE DATE OF ORDINANCE

The City Clerk shall certify to the passage and adoption of this Ordinance, and shall make a record of the passage and adoption thereof in the records of and the proceedings of the City Council at which time the same is passed and adopted. Within fifteen (15) calendar days after its final passage, the City Clerk shall cause a summary of this Ordinance to be published in a newspaper of general circulation and shall post

the same at City Hall, 99 E. Ramsey Street, Banning, California. The City Clerk shall cause the ordinance to be printed, published, and circulated. The Ordinance shall go into effect thirty (30) days after its adoption, except for Section 2 of this Ordinance which shall have an effective date provided in Section 5 below.

SECTION 5. EFFECTIVE DATE OF SECTION 2 OF THIS ORDINANCE AND CONTINGENCY ON VOTER APPROVAL OF TAX MEASURE.

Section 2 of this Ordinance shall not take effect until January 1, 2019, and shall only take effect if the ballot measure imposing a tax rate of ten percent (10%) of gross receipts of a cannabis retailer placed on the ballot by the City Council pursuant to Resolution No. 2018-82, is adopted by the voters at the November 6, 2018 election, and such tax becomes operative.

PASSED, APPROVED AND ADOPTED this 10th day of July, 2018.

George Moyer, Mayor
City of Banning

ATTEST:

Sonja De La Fuente, Deputy City Clerk
City of Banning

APPROVED AS TO FORM:

Kevin G. Ennis, City Attorney
Richards, Watson & Gershon, APC

CERTIFICATION:

I, Sonja De La Fuente, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 26th day of June, 2018, and was duly adopted at a regular meeting of said City Council on the 10th day of July, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sonja De La Fuente, Deputy City Clerk
City of Banning, California

***THIS PAGE
INTENTIONALLY LEFT
BLANK***

ORDINANCE NO. 1526

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING ZONE CHANGE NO. 17-3503 TO AMEND THE ZONING MAP FROM HIGH DENSITY RESIDENTIAL-20/AFFORDABLE HOUSING OPPORTUNITY TO PROFESSIONAL OFFICE (PO) IN CONFORMANCE WITH GENERAL PLAN AMENDMENT 17-2503, FOR PROPERTY LOCATED SOUTH OF INTERSTATE 10, EAST OF HIGHLAND SPRINGS AVENUE, NORTH OF SUN LAKES BOULEVARD BETWEEN SUN LAKES VILLAGE DRIVE AND SILVER SPRINGS AVENUE; APN 419- 140-059.

WHEREAS, an application for a Zone Change No. 17-3503 has been duly filed by:

Applicant:	Gary Miller Architects
Owner:	RCCI, LLC
Authorized Agent:	Gary Miller Architects
Project Sponsor:	Careage Healthcare, Inc.
Project Location:	Noted Above
APN Number:	Noted Above
Lot Area:	3.31 acres

WHEREAS, the Planning Commission in accordance with Government Code Section 65353 held a duly public noticed hearing on June 6, 2018 at which interested persons had an opportunity to testify in support of, or opposition to, the Zone Change No. 17-3503 to review and make recommendations to the City Council for a change in zoning from High Density Residential-20/Affordable Housing Opportunity (HDR-20/AHO) to Professional Office (PO) for property located south of Interstate 10, east of Highland Springs Avenue, north of Sun Lakes Boulevard between Sun Lakes Village Drive and Silver Springs Avenue; also known as Assessor's Parcel Number 419- 140-059.

WHEREAS, in accordance with Government Code § 65854, the City Council hearing was advertised in the Record Gazette Newspaper announcing the scheduled City Council public hearing for June 26, 2018, regarding the Zone Change and other entitlements for consideration pertaining to the Careage Medical Office project, including the acceptance of the Project's Final Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program.

WHEREAS, on June 6 ,2018, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Zone Change and at which the Planning Commission considered the Zone Change and recommended that the City Council approve Zone Change No. 17-3503; and

WHEREAS, at this public hearing on June 26, 2018 the City Council considered, and heard public comments on, and by City Council Resolution 2018-80 adopted the Mitigated Negative Declaration 17-1504 and the related Mitigation Monitoring and Reporting Program;

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

SECTION 1. ENVIRONMENTAL FINDINGS.

The City Council, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines and Thresholds of Significance, the recommendation of the Planning Director as provided in the Staff Report dated June 26, 2018 and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

A. CEQA:

The approval of this Zone Change is in compliance with requirements of the California Environmental Quality Act ("CEQA"), in that on June 26, 2018, at a duly noticed public hearing, the City Council considered the findings of the Final Mitigated Negative Declaration, including associated comments from persons and agencies received during the 20 day MND review and comment period, and adopted by City Council Resolution 2018-80 the Final Mitigated Negative Declaration and Mitigation Monitoring Reporting Program reflecting its independent judgment and analysis. The documents comprising the City's environmental review for the project are on file and available for public review at Banning City Hall, 99 East Ramsey Street, Banning, California 92220.

SECTION 2. REQUIRED ZONE CHANGE FINDINGS.

Pursuant to Banning Municipal Code Section 17.116, the City Council makes the following findings pertaining to Zone Change No. 17-3503:

- A. The proposed Amendment is consistent with the goals and policies of the General Plan.

Upon City Council approval of the requested Zone Change, the site's zoning designation will be changed to Professional Office (PO). The proposed development is consistent with uses permitted within the Professional Office

Land Use Designation in the General Plan Land Use Element. In addition, as the City identified excess land capacity to meet the most recent Regional Housing Needs Allocation (RHNA), the project is considered consistent with the Housing Element of the General Plan.

The proposed Professional Office Land Use District for the Careage Medical Office has been reviewed against the provisions and policies, goals and objectives of the City's General Plan, and development standards and requirements of the City's Zoning Code for internal consistency will all of the General Plan's element's text, diagrams. The Project's proposed zoning district in conjunction with the associated development standards will not create any conflicts among the various General Plan elements' goals policies and objectives, including the maps and diagrams of all the elements in the City's General Plan.

Pursuant to Government Code Section 65863(b)(2), the City Council finds that the site that is the subject of this amendment will accommodate fewer housing units than identified in the Housing Element; however, the remaining sites identified in the Housing Element are adequate to meet the requirements of Section 65583.2 and to accommodate the City's share of the regional housing need pursuant to Section 65584.

The Housing Element anticipated that this site (APN 419-140-059) would accommodate 66 lower-income units. The proposed General Plan and zoning amendments would change the land use designation, resulting in a net loss of 66 potential lower-income units in the Housing Element sites inventory. The remaining unmet need for housing during the 2014-2021 planning period and the remaining capacity of sites identified in the Housing Element are as follows:

	Very Low	Low
2014-2021 RHNA	872	593
Units permitted since 1/1/2014	0	0
Net Remaining Housing Need	872	593
Total	1465	
Housing Element sites capacity	2,553	
APN 537-190-018 (Prev Rezone)	(520)	
APN 419-140-059 (Project)	(66)	
Net Remaining Capacity	1967	

As 1,465 very low and low income units are required and capacity for 1,967 units remains, the City has more than adequate capacity remaining to accommodate the City's share of regional housing need, and there will be no net loss of Very Low or Low housing units.

Because the City identified excess land capacity to meet the most recent Regional Housing Needs Allocation (RHNA), the Project is considered consistent with the Housing Element of the General Plan.

B. The proposed Amendment is internally consistent with the Zoning Ordinance.

The project will be internally consistent with the General Plan and legally adequate in that the Careage Medical Office Zone Change, pursuant to Sections 65450 – 65457 of the California Government Code incorporates maps diagrams and descriptions to adequately describe project design features and infrastructure components needed to serve the project; including findings with regard to consistency with pertinent objectives of the General Plan.

C. The City Council has independently reviewed and considered the requirements of the California Environmental Quality Act concerning the preparation of the draft and final Mitigated Negative Declaration, comments on the draft Mitigated Negative Declaration and responses to those comments; the staff report for the public hearings before the Planning Commission, and the Mitigation Monitoring and Reporting Program. No impacts were identified that could not be mitigated to a less than significant level by Mitigation Measures contained in the MND.

1. Review Period: That the City has provided the public review period for the Draft Mitigated Negative Declaration for the 20 day duration required under CEQA Guidelines Sections 15087 and 15105.
2. Compliance with Law: That the draft Mitigated Negative Declaration, Final Mitigated Negative Declaration and the associated Mitigation Monitoring Reporting Program were prepared, processed, and noticed in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.) and the local CEQA Guidelines and Thresholds of Significance adopted by the City of Banning.
3. Independent Judgment: That the Final Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program reflect the independent judgment and analysis of the City.

SECTION 3: CITY COUNCIL ACTION

The City council hereby takes the following action:

Approve Zone Change No.17-3503 amending the Zoning Map from High Density Residential-20/Affordable Housing Opportunity (HDR-20/AHO) to Professional

Office (PO) for property located south of Interstate 10, east of Highland Springs Avenue, north of Sun Lakes Boulevard between Sun Lakes Village Drive and Silver Springs Avenue; also known as Assessor's Parcel Number 419-140-059.

PASSED, APPROVED AND ADOPTED this 10th day of July, 2018

George Moyer, Mayor
City of Banning

ATTEST:

Sonja De La Fuente, Deputy City Clerk
City of Banning

APPROVED AS TO FORM AND LEGAL CONTENT:

Kevin Ennis, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Sonja De La Fuente, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 26th day of June, 2018, and was duly adopted at a regular meeting of said City Council on the 10th day of July, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sonja De La Fuente, Deputy City Clerk
City of Banning, California



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Rochelle Clayton, Interim City Manager

PREPARED BY: Ted Shove, Economic Development Manager

MEETING DATE: July 10, 2018

SUBJECT: Resolution 2018-94, Approval of a Temporary Right of Entry Agreement with Southern California Edison

RECOMMENDED ACTION:

That the Council adopt Resolution 2018-94, approving a temporary right of entry to Southern California Edison on City-owned real property.

BACKGROUND:

Southern California Edison ("SCE") is nearing the construction phase of the West of Devers Upgrade Project (Segment 4). The project consists of removing approximately 48 corridor miles of existing 22 kV transmission lines and replacement with new double circuit 22 kV transmission lines. Additionally, various upgrades and slight relocations may be necessary for the transmission lines, towers, and poles. The construction period for Segment 4 is not expected to exceed five years for the entire 48 mile section.

SCE has requested a Temporary Right of Entry ("TRE") to access their transmission lines with construction vehicles and equipment. The City-owned parcel (Assessor's Parcel Number: 531-110-005) is approximately 62.75 acres, located within approximately Water Canyon. The Banning Sportsman's Club is located on the easterly side of the property. SCE's construction project is not expected to impact the Sportsman's Club, as the TRE runs along the westerly side of the property, opposite of the Club location. The total TRE square footage is approximately 21,470 sf or roughly 0.49 acres.

JUSTIFICATION:

SCE retained Bender Rosenthal, Inc. as right of way agent ("Agent"). The Agent commissioned an appraisal and determined that the value of the TRE for a sixty month period for the 21,470 sf had a value of approximately \$420.

Staff recommends approval of the TCE for the SCE West of Devers transmission line upgrade project.

FISCAL IMPACT:

Approval of the TRE would generate a one-time payment for the City in the amount of \$1,000.

OPTIONS:

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

ATTACHMENTS:

1. Resolution 2018-94
2. Offer Letter
3. Temporary Right of Entry Agreement

Approved by:



Rochelle Clayton
Interim City Manager

ATTACHMENT 1

Resolution 2018-94

RESOLUTION 2018-94

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING A TEMPORARY RIGHT OF ENTRY AGREEMENT WITH SOUTHERN CALIFORNIA EDISON ON ASSESSOR'S PARCEL NUMBER 531-110-005

WHEREAS, Southern California Edison is undergoing an electric transmission line replacement and upgrade project, with one of the project sections spanning through the City of Banning; and

WHEREAS, the project is broken into several sections, the one Segment spanning through the City of Banning is approximately 48 corridor miles with an anticipated construction period not to exceed 60 months; and

WHEREAS, Southern California Edison maintains electric transmission lines situated north of the intersection of Bluff Street and Mias Canyon Road that roughly parallels Interstate 10; and

WHEREAS, Southern California Edison has requested temporary right of entry and use of City-owned real property situated within Water Canyon located at Assessor's Parcel Number 531-110-005; and

WHEREAS, by granting temporary entry to the Southern California Edison, the electric transmission lines' safety and reliability may be upgraded.

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

1. Resolution No. 2018-94 is approved authorizing a Temporary Right of Entry with Southern California Edison.
2. If such agreement is not executed by all parties within 60 days from the effective date of this resolution, such authorization shall become void and no effect.
3. The City Council authorizes the Interim City Manager for the City of Banning to execute the Temporary Right of Entry Agreement on behalf of the City of Banning in the form that is approved by the City Attorney.

PASSED, APPROVED AND ADOPTED this 10th day of July, 2018.

George Moyer, Mayor
City of Banning

ATTEST:

Sonja De La Fuente, Deputy City Clerk
City of Banning

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

Kevin G. Ennis, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Sonja De La Fuente, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2018-94, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 10th day of July, 2018, by the following vote, to wit:

AYES: Council Members Andrade, Franklin, Peterson, Welch and Mayor Moyer

NOES: None

ABSTAIN: None

ABSENT: None

Sonja De La Fuente, Deputy City Clerk
City of Banning, California

ATTACHMENT 2

Offer Letter



**BENDER
ROSENTHAL, INC.**

COMMERCIAL VALUATION AND RIGHT OF WAY SERVICES

11801 Pierce Street, Suite 200
Riverside, CA 92502
Office: 951-710-3253
Main: 916-978-4900 Fax: 916-978-4904
www.benderrosenthal.com

December 7, 2017

City of Banning
PO Box 841
Banning, CA 92220

SUBJECT: Offer to Purchase a Temporary Construction Easement
APN: 531-110-005/ Serial 71453A / Segment 4

Dear Authorized Representative of Banning Sports Club & City of Banning,

Bender Rosenthal, Inc. ("BRI") has been retained by Southern California Edison Company ("Edison") for the purpose of acquiring property necessary for Edison to construct its West of Devers Upgrade Project ("West of Devers" or "the Project").

The Project will involve the construction of an electric transmission line over 48 corridor miles. The Project will also involve removing existing 66kV and 220kV electric transmission lines, and replacing them with new double-circuit transmission lines of the same voltages. The new electric lines will provide more capacity to transmit renewable energy, whose use is now mandated by the State, and will enable Edison to modernize and enhance the reliability of its electric circuits serving the public.

On August 18, 2016, the California Public Utilities Commission ("CPUC") approved Edison's construction of the Project by issuing a Certificate of Public Convenience and Necessity ("CPCN"). The CPCN granted by the CPUC includes the need for Edison to acquire the necessary property rights to implement the Project. As we have informed you with previous notices, the Project Right-of-Way will cross your property, in the manner depicted in the attached Exhibit Map.

Edison hereby makes an offer in the amount of \$1,000 to acquire 21,470± square foot 60-month Temporary Construction Easement, which is required for the Project. The draft easement documents, including plats and legal descriptions, are attached. The amount Edison has offered is the appraised fair market value of the property interests Edison will acquire, as determined by an independent appraiser in compliance with all State regulations. A copy of the appraisal summary statement, including information about principal transactions and other information upon which the appraisal is based, is enclosed. The value offered assumes that there exists no hazardous substance, product, waste, or other material of any nature whatsoever which is or becomes listed, regulated, or addressed pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 United States Code Section 9601 et seq., or California Health and Safety Code section 25260 on the subject property. Furthermore, the amount offered is subject to the cost to remediate any identified problems that may affect the valuation of the subject property as noted above.

Serial 71453A / Segment 4
West of Devers Upgrade Project

We have sent this letter to all names and addresses of any owners of the property which are known to us, including those listed on the last equalized assessment roll. Please advise if you are aware of any other person, relatives, companies or organizations which hold an ownership interest in the Property. It will be necessary for all owners to sign documents regarding the property. If there is a specific address or representative that you would like us to use as the principle contact to correspond with in the future, please so advise. In addition, please inform us if there are any persons or entities with a leasehold interest in the property.

Edison needs to begin construction of the Project as soon as possible. Therefore, your prompt attention to this matter is appreciated. If you accept this offer, please have each owner sign in the space below and return this letter to my attention in the enclosed return envelope. We will prepare and provide to you a finalized purchase and sale agreement. The completed easement document(s) will be prepared and sent to you for signature along with a W-9 form and a Certificate of Non-Foreign Status, which are required for recording. Any Subordination Agreements and/or Consent documents from mortgage holders or lienholders that will be required for this transaction will also be enclosed and listed in the title transmittal. Once all the completed original documents are received, a check or wire in the amount of the offer will be promptly forwarded to you.

If you ultimately elect to reject Edison's Offer, you will be entitled to have the market value of the property, which will be the amount of compensation due to you, determined by a court of law in accordance with the laws of the State of California in an eminent domain proceeding.

If you should have any questions or would like to discuss this offer, please feel free to contact Jeff Aldal at (916) 704-1790 or via e-mail at j.aldal@benderrosenthal.com.

Sincerely,



Jeff Aldal
Right of Way Agent

Serial 71453A / Segment 4
West of Devers Upgrade Project

AGREED & ACCEPTED:

By: _____ Date _____

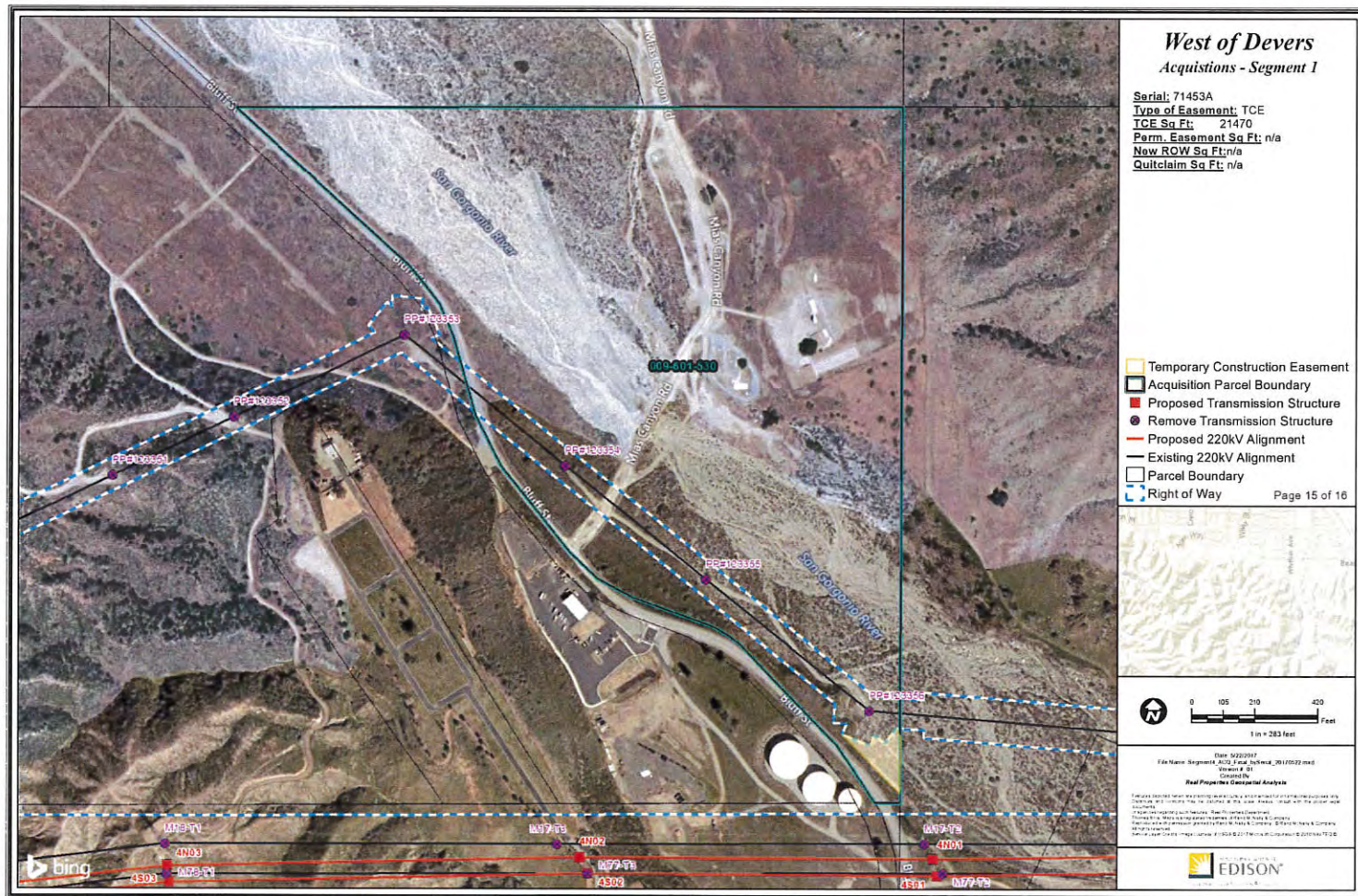
Name: _____ Date _____

Its: _____

By: _____ Date _____
Jeff Aldal– SCE Agent

ENCLOSURES:

Exhibit Map
Temporary Construction Easement (DRAFT)
Summary Appraisal
California Eminent Domain Law Pamphlet
Return Envelope



RECORDING REQUESTED BY
SOUTHERN CALIFORNIA EDISON COMPANY

WHEN RECORDED MAIL TO
SOUTHERN CALIFORNIA EDISON COMPANY
2 INNOVATION WAY, 2ND FLOOR
POMONA, CA 91768
ATTN: TITLE & VALUATION

DRAFT

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT OF TEMPORARY CONSTRUCTION EASEMENT

DOCUMENTARY TRANSFER TAX \$ _____ _____ COMPUTED ON FULL VALUE OF PROPERTY CONVEYED _____ OR COMPUTED ON FULL VALUE LESS LIENS AND _____ ENCUMBRANCES REMAINING AT TIME OF SALE	APPROVED REAL PROPERTIES DEPARTMENT BY YM DATE 12/7/17 PROJECT: WEST OF DEVERS FILE NUMBER: 202998209 ORDER NUMBER: 801275175 SCE DOCUMENT NUMBER: 514229
_____, SO. CAL. EDISON CO. SIGNATURE OF DECLARANT OR AGENT DETERMINING TAX, FIRM NAME	
SERIAL NUMBER: 71453A SEGMENT: 4 LOCATION: City of Banning APN: 531-110-005	

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **CITY OF BANNING**, hereinafter referred to as "**Grantor**", does hereby grant to **SOUTHERN CALIFORNIA EDISON COMPANY**, a California corporation, hereinafter referred to as "**Grantee**", a temporary, non-exclusive easement for construction-related purposes ("**Temporary Construction Easement**") in, over, under and across those portions of real property located in the County of Riverside, State of California, and more particularly identified as follows:

Those parcels legally described in the attached Exhibit "A" and depicted in the attached Exhibit "B", as said Exhibits are incorporated herein by this reference (collectively, the "**Easement Areas**").

1. Use of the Easement Areas. Use of the Easement Areas, and exercise of the easement rights granted herein, shall be limited solely to those activities which are related to and necessary for Grantee's development and installation of electrical generation, transmission and/or distribution facilities (and improvements related thereto collectively, the "**Utility Facilities**") on properties that are located adjacent and/or proximate to the Easement Areas. Specifically, during the Term of this Temporary Construction Easement (as defined below), Grantee shall have the following rights relative to the Easement Areas:
 - a. The right to enter upon and pass and repass over and along the Easement Areas for the construction, reconstruction, enlargement, repair and maintenance of such improvements as are required for, or otherwise necessitated by, Grantee's development and installation of the Utility Facilities.
 - b. The right to transport personnel, trucks, cars, equipment and materials over, through and across all portions of the Easement Areas for purposes of facilitating the development and installation of the Utility Facilities.
 - c. The right to store, maintain and operate on the Easement Areas such equipment, tools, machinery, inventory, implements and other materials as are necessary or convenient in connection with Grantee's development and installation of the Utility Facilities.
 - d. The right to install, operate, maintain and replace on, over, under and within the Easement Areas such temporary poles, footings, lines and other improvements as are necessary or convenient in connection with Grantee's development and installation of the Utility Facilities.

2. Term of Temporary Construction Easement. The Temporary Construction Easement shall continue for a period of five (5) years. Construction within the Temporary Construction Easement Area shall commence February 1, 2018, and shall terminate on the earliest of (a) the date upon which Grantee notifies Grantor that it no longer needs the Temporary Construction Easement, or (b) February 1, 2023 (5 years) ("Expiration Date").
3. Use of Gates; Removal of Materials Impeding the Easement. Grantee shall have the right to use gates in all of Grantor's fences which presently or hereafter cross the Easement Areas, and to remove, trim, cut and clear away any trees and brush within the Easement Areas (and relocate any other materials situated, placed or appearing within the Easement Areas) whenever in Grantee's reasonable judgment the same shall be necessary for the convenient and safe exercise of the rights granted hereby.
4. Obligation to Restore Easement Areas. After completion of any work performed by Grantee or its agents, contractors or employees which disturbs the surface of the Easement Areas, Grantee shall, at its sole cost and expense, restore the surface of such area as close as reasonably possible to its original character (as existing/measured at the time of the Effective Date of this Temporary Construction Easement, but specifically excluding the obligation to replace/replant any trees or shrubs trimmed, cut or cleared in connection with the provisions of Section 3, above).
5. Obligation to Obtain Necessary Approvals. Prior to engaging in any activity upon the Easement Areas, Grantee shall, at its sole cost and expense, apply for and obtain all necessary permits, authorizations, licenses and approvals (collectively, "**Approvals**") which are or may be required from anybody, agency, or department with jurisdiction over the Easement Areas.
6. Rights Retained by Grantor. The easement rights acquired by Grantee pursuant to this instrument are acquired subject to the right of Grantor, its successors and assigns to use the surface and subsurface of the land within the Easement Areas to the extent that such use is compatible with the full and free exercise of the Temporary Construction Easement by Grantee.
7. Indemnification.
 - a. *Grantee.* Grantee hereby agrees to indemnify, defend (with counsel acceptable to Grantor), release and hold harmless Grantor, its successors and assigns, including their respective affiliates, partners, directors, members, officers, shareholders, agents, representatives, contractors and employees (collectively, the "**Grantor Representatives**"), and each of them, and their property from all loss, liability, damages, claims, costs and expenses (including attorneys' fees and court costs) arising directly or indirectly out of the acts or omissions, intentional or otherwise, of Grantee, its employees, agents, contractors and representatives (collectively, the "**Grantee Representatives**") in connection with the use of the Easement Area by Grantee and/or the Grantee Representatives or any material breach of this Temporary Construction Easement by Grantee; provided, however, that nothing contained in this paragraph shall operate to relieve Grantor from any loss, liability, damages, claims, costs or expenses to the extent determined by a court of competent jurisdiction to have been proximately caused by the willful misconduct or negligent acts or omissions of Grantor, the Grantor Representatives, or any of them. Payment shall not be a condition precedent to recovery under the forgoing indemnity.
 - b. *Grantor.* Grantor hereby agrees to indemnify, defend (with counsel acceptable to Grantee), release and hold harmless Grantee and the Grantee Representatives, and each of them, and its and their property from all loss, liability, damages, claims, costs and expenses (including attorneys' fee and court costs) arising directly or indirectly out of the acts or omissions, intentional or otherwise, of Grantor or the Grantor Representatives in connection with the use of the Easement Areas by Grantor and/or the Grantor Representatives or any material breach of this Temporary Construction Easement by Grantor; provided, however that nothing contained in this paragraph shall operate to relieve Grantee from any loss, liability, damages, claims, costs or expenses to the

extent determined by a court of competent jurisdiction to have been proximately caused by the willful misconduct or negligent acts or omissions of Grantee, the Grantee Representatives, or any of them. Payment shall not be a condition precedent to recovery under the forgoing indemnity.

8. General Provisions.

- a. *Covenants Running with the Land.* Grantee and Grantor acknowledge and agree that the rights conferred by this Temporary Construction Easement are intended to, and do, constitute covenants that run with the land and shall inure to the benefit of and be binding upon the parties and their respective Grantees, heirs, successors and assigns.
- b. *Authorized Representative.* Each individual signing on behalf of a party to this Temporary Construction Easement states that he or she is the duly authorized representative of the signing party and that his or her signature on this Temporary Construction Easement has been duly authorized by, and creates the binding and enforceable obligation of, the party on whose behalf the representative is signing.
- c. *Attorney's Fees.* In the event of any dispute between the parties regarding the enforcement or effect of this Temporary Construction Easement, the non-prevailing party in any such dispute shall pay the prevailing party's reasonable attorney's fees and costs actually incurred. In the event that neither party wholly prevails, the court may apportion the costs or fees as the court deems appropriate.
- d. *Further Cooperation.* Each of the signatories to this Temporary Construction Easement agree to execute such other documents and to perform such other acts as may be reasonably necessary or desirable to further the expressed and intent purpose of this Temporary Construction Easement.

EXECUTED this _____ day of _____, 2017.

Grantor:

CITY OF BANNING

By: _____

Name: _____

Its: _____

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF _____

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

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

WITNESS my hand and official seal.

Signature _____

EXHIBIT "A"
LEGAL DESCRIPTION
SERIAL No.71453A

PARCEL No. 1 TEMPORARY CONSTRUCTION EASEMENT AREA TO SCE

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF, IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED ON THE EXHIBIT "C" ATTACHED HERETO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EASTERLY LINE OF SAID SECTION 33 WITH THE SOUTHERLY LINE OF THAT CERTAIN 100 FOOT WIDE TRANSMISSION EASEMENT TO CALIFORNIA ELECTRIC POWER COMPANY RECORDED JULY 29, 1960 IN BOOK 2740, PAGE 553 (SCE DOC 252061), OF OFFICIAL RECORDS;

THENCE ALONG SAID SOUTHERLY LINE NORTH 84°50'55" WEST 91.94 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE LEAVING SAID SOUTHERLY SOUTH 21°42'07" EAST 179.90 FEET;

THENCE LINE SOUTH 50°56'44" WEST 76.51 FEET;

THENCE NORTH 43°43'09" WEST 270.94 FEET TO SAID SOUTHERLY LINE;

THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING FOUR (4) COURSES:

1. SOUTH 67°43'54" EAST 100.00 FEET
2. NORTH 22°16'07" EAST 37.53 FEET
3. SOUTH 50°48'54" EAST 42.53 FEET
4. NORTH 39°11'06" EAST 63.95 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 21,470 SQUARE FEET OR 0.49 ACRES, MORE OR LESS.

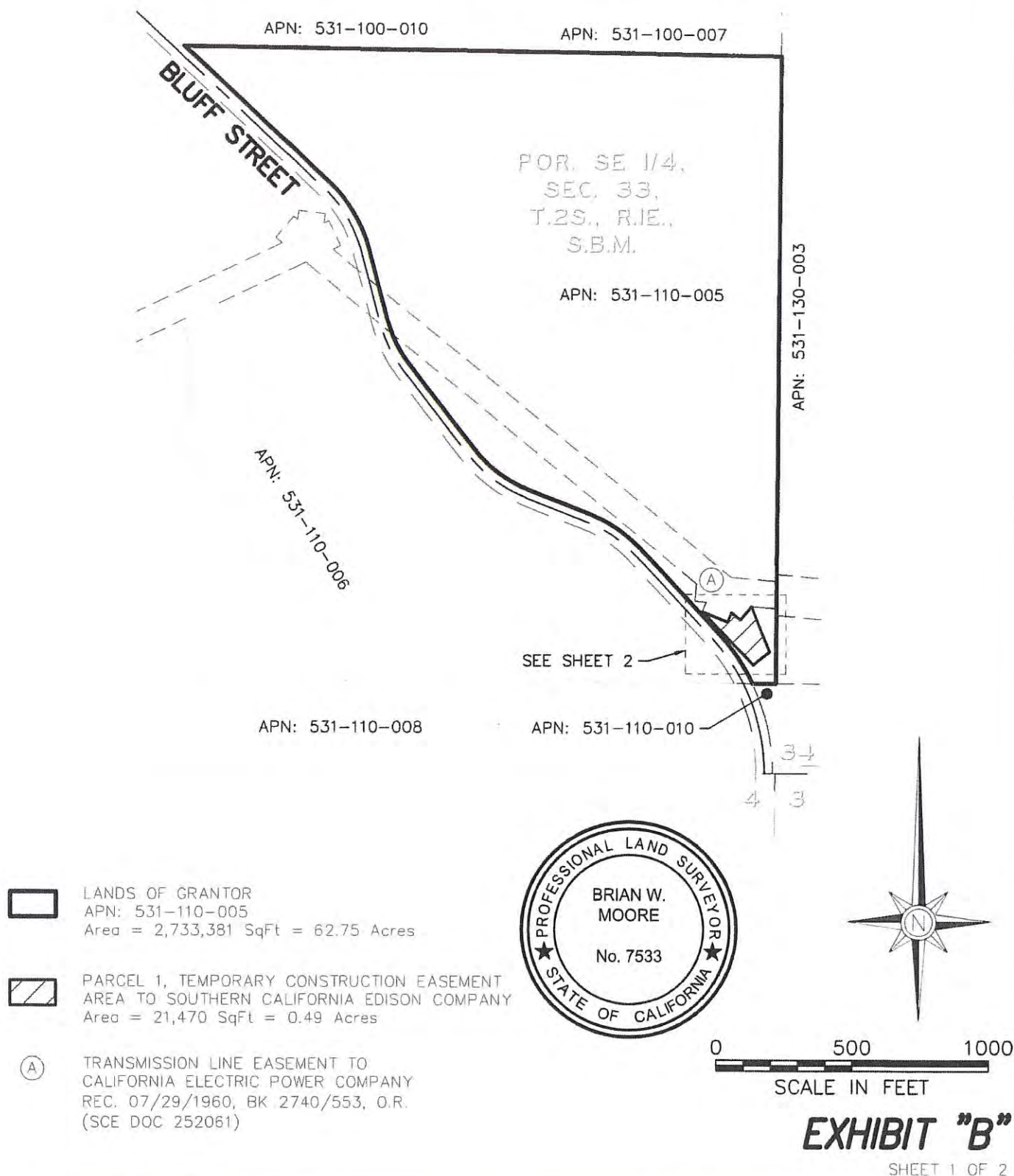
AS SHOWN ON EXHIBIT "B" ATTACHED HERewith AND MADE A PART HEREOF.

PREPARED BY ME OR UNDER MY DIRECTION

 DATE 8/3/17
BRIAN W. MOORE, P.L.S. No. 7533
SOUTHERN CALIFORNIA EDISON COMPANY

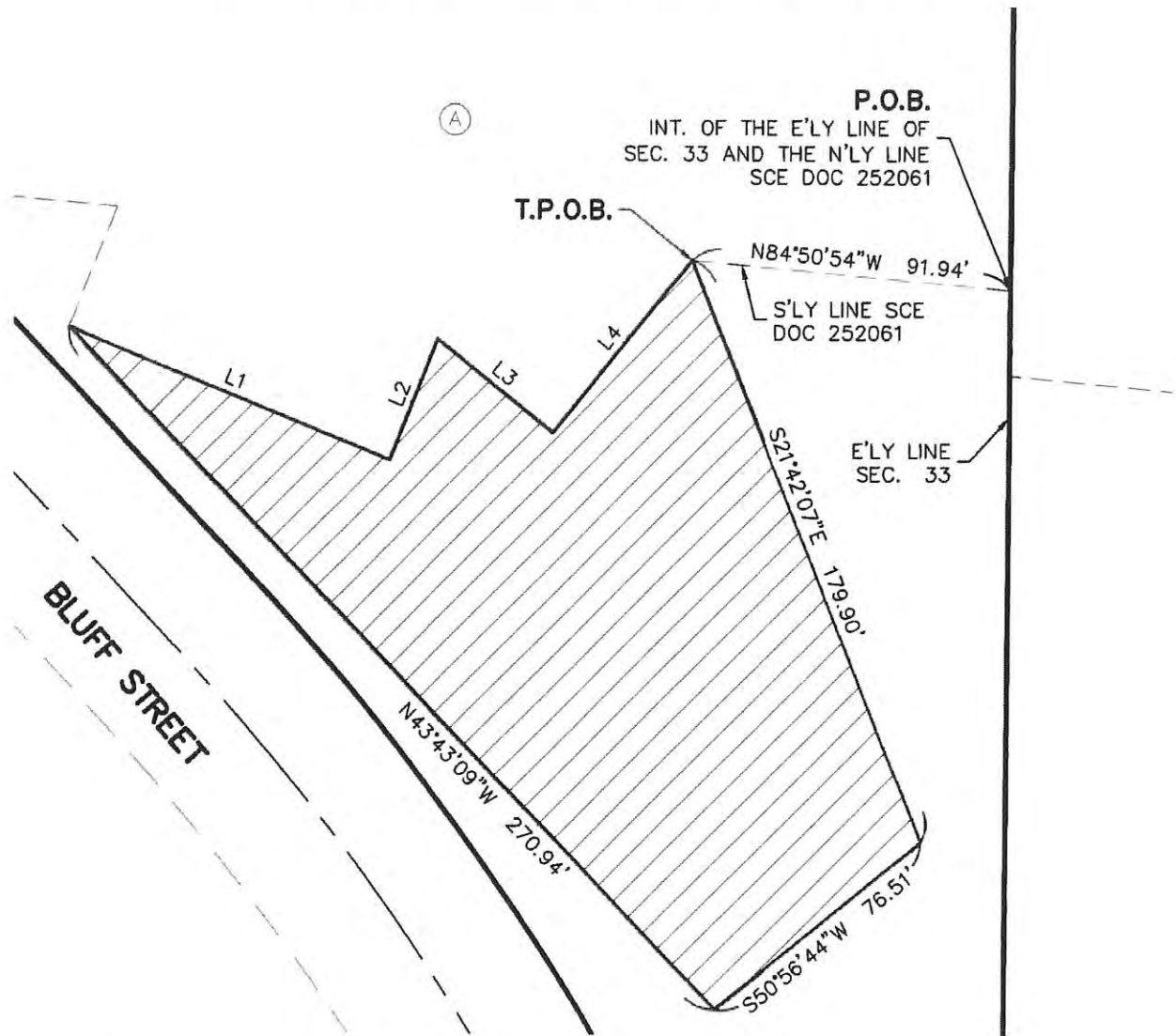


THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

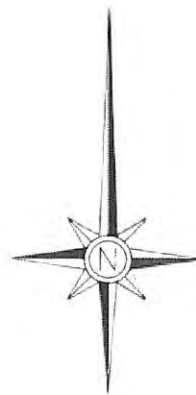


PROJECT NAME: WEST OF DEVERS				7/27/2017 11:36 AM		M.S. 50-110	
MAP & F.B. REF:				CITY: BANNING		COUNTY: RIVERSIDE	
DRAWN BY: TOWILL, INC.		SURVEYED BY: MULTIPLE CREWS				 SOUTHERN CALIFORNIA EDISON An EDISON INTERNATIONAL® Company	
DATE: 03/31/17	TRES: LINDA CHAVEZ	SERIAL NO.: 71453A	CHECKED BY: BRIAN MOORE				
WORK ORDER NO.: 801275175		NOTIFICATION NO.: 202998209		File Name: T:\ARCHIVE\DRAWING\ 71453A .DWG			

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.



Parcel Line Table		
Line #	Length	Direction
L1	100.00'	S67°43'54"E
L2	37.53'	N22°16'07"E
L3	42.53'	S50°48'54"E
L4	63.95'	N39°11'06"E



0 50 100
SCALE IN FEET

EXHIBIT "B"

SHEET 2 OF 2

SEE SHEET 1 FOR LEGEND

PROJECT NAME: WEST OF DEVERS				6/12/2017 12:42 PM		M.S. 50-110	
MAP & F.B. REF:				CITY: BANNING		COUNTY: RIVERSIDE	
DRAWN BY: TOWILL, INC.		SURVEYED BY: MULTIPLE CREWS					
DATE: 03/31/17	TRES: LINDA CHAVEZ		SERIAL NO.: 71453A		CHECKED BY: BRIAN MOORE		 SOUTHERN CALIFORNIA EDISON An EDISON INTERNATIONAL Company
WORK ORDER NO.: 801275175	NOTIFICATION NO.: 202998209		File Name: T:\ARCHIVE\DRAWING\ 71453A			.DWG	



Integra Realty Resources
Los Angeles

**Statement and Summary of Basis for Appraisal of the
Property Being Affected by the Southern California
Edison (SCE) West of Devers Upgrade Project (WOD)**

Serial Number(s): 71453A
Property Owner's Name: City of Banning
Property Address: 250 Mias Canyon Road
Banning, Riverside County, California 92220
APN(s): 531-110-005

Prepared For:
Anjeanette Barrett
Project Manager
Southern California Edison
2 Innovation Way, PIV2 3rd Floor
Pomona, CA 91768

IRR - Los Angeles
File Number: 121-2017-0034



SCE WOD
Serial Number(s): 71453A
Property Owner's Name: City of Banning
APN(s): 531-110-005

1

Statement and Summary of Basis for Appraisal

The following is a summary of the amount established as compensation by an appraisal prepared in compliance with section 1255.010 Code of Civil Procedures and section 7267.2 of the Government Code. The appraisal was made in accordance with accepted valuation principles, consistent with California valuation law. Every effort has been made to conform to the Standards of Professional Practice of Appraisal Institute, which fully incorporate the Uniform Standard of Professional Practice (USPAP) of the Appraisal Foundation. This summary statement is being provided at the request of the client; additional information has been retained in the appraiser's workfile.

General Information

Client & Intended User(s): Southern California Edison

Purpose / Use: The purpose of the appraisal is to develop an opinion of the fair market value of the proposed acquisition and the net damages, if any, which may accrue to the remainder by reason of the acquisition and construction of the project in the manner proposed. The appraisal will be used for acquisition purposes.

Scope of Work: The purpose of this appraisal is to conclude a value for the temporary construction easement (TCE) that is proposed for the subject property. The sales comparison approach is used in order to conclude an underlying land value as the basis of the TCE value. Once a land value is concluded, the value of the TCE is determined by applying a rate of return to the underlying land value. This results in an appropriate value for the TCE.

Date of Valuation: March 14, 2017

Date of Report: September 12, 2017

Date of Inspection: March 14, 2017 from the public right-of-way. The property owner did not respond to the Notice of Decision to Appraise letter that was sent, or to our voicemail message that was left on March 8, 2017. As a result, the property owner was not present at the property inspection.

Basic Property Data

Owner of Record: City of Banning

Serial Number(s): 71453A

APN(s): 531-110-005 - This property is owned by the City of Banning. The Banning Sportsmen's Club, Inc., is likely a tenant being assessed a possessory interest tax by the assessor and therefore assigned two APNs associated with this parcel. The correct APN is 531-110-005.

Property Address: 250 Mias Canyon Road
Banning, California 92220

IRR - Los Angeles
File Number: 121-2017-0034



SCE WOD
Serial Number(s): 71453A
Property Owner's Name: City of Banning
APN(s): 531-110-005

2

Project: West of Devers Project

Date Property Acquired by Owner: Over 5 years

Highest and Best Use:

As Vacant: Open space

As Improved: Continued use as a private hunting, shooting, fishing, and outdoors club

Larger Parcel Description: Based on an exterior inspection from the public right-of-way, the property is improved with a private hunting, shooting, fishing, and outdoors club. The larger parcel is owner occupied and is 62.75± acres (2,733,381± SF) in size.

Applicable Zoning: OS-R, Open Space - Resources; site is within 100-year flood zone, with a portion of the larger parcel being within a floodway area.

General Plan Designation: Open Space - Resources

Property Rights Proposed to be Acquired: TCE over a portion of the larger parcel.

Proposed Acquisition(s)

Item	Total
Larger Parcel APNs: 531-110-005	62.75± acres (2,733,381± SF)
Proposed Fee Acquisition	0.00± acres (0± SF)
Proposed Permanent Easement	0.00± acres (0± SF)
Proposed Temporary Construction Easement	0.49± acres (21,470± SF)
Remainder	62.75± acres (2,733,381± SF)

Source: Maps provided by Client and County Assessor's Records

The proposed acquisition at the subject is a TCE that covers a portion of the larger parcel. It will have a duration of 60 months.

Valuation Process Supporting Estimated Compensation

As part of the proposed project, a temporary construction easement (TCE) of a portion of the larger parcel is required. The purpose of this TCE is required for the West of Devers Project.

Given the limited impacts to the property, it has been determined that no adverse impacts occur to the structural improvements. Therefore, the structural improvements are not appraised and this

appraisal involves land only. The highest and best use as vacant has been determined to be for open space.

There are typically three approaches to value that may be used in the real property valuation process. They are the Sales Comparison Approach, Income Approach, and Cost Approach. Each approach provides an indicated value that is reconciled into a final opinion of value for the subject based on the interests appraised, the defined objective of the valuation, and the stated definition of value. An appraisal may include one, two, or all three approaches to value based on the data available, the type of property and appraisal valuation problem. These approaches are used to develop an opinion of value for the larger parcel.

In this analysis, we develop an opinion of fair market value for the fee simple interest in the larger parcel by using the sales comparison approach. This approach is applicable to this assignment as the proposed acquisition does not impact the structural improvements. There is also an active market for land sales, and sufficient data is available for analysis.

A land unit value was determined for the larger parcel, using comparable sales data that ranged from a per acre price of \$1,350 to \$9,301. Based on the comparable data presented and the characteristics of the larger parcel, a value of \$1,700 per acre is concluded for the subject.

Summary of Value Conclusions and Estimate of Compensation

Fair Market Value Estimate of the Larger Parcel

Larger Parcel - Land Value Conclusion (Land Only)

Indicated Value per Acre	\$1,700
Subject Acres	62.75
Indicated Value	\$106,675

Market Value of the Proposed Permanent Acquisitions

The project does not require any permanent acquisitions.

Total Market Value of the Proposed Permanent Acquisitions

Total Value of Proposed Acquisitions

Land in Fee Acquisition	\$0
Land in Permanent Easement	\$0
Site Improvements	\$0
Total	\$0

Value of the Remainder as Part of the Larger Parcel - Land Only

The value of the remainder as part of the larger parcel is its contributory value to the larger parcel.

Serial Number(s): 71453A

Property Owner's Name: City of Banning

APN(s): 531-110-005

Value of the Remainder as Part of the Larger Parcel - Land Only

Value of the Larger Parcel - Land Only	\$106,675
Less: Value of the Land Acquired	\$0
Total	\$106,675

Value of the Remainder After Acquisition, Before Benefits - Land Only

In the after condition, the remainder will be the same in size as in the before condition and no structural improvements are impacted. As a result of our analysis, we have concluded that the highest and best use of the property is the same in the after condition as it is in the before condition.

Value of the Remainder After Acquisition, Before Benefits - Land Only

Remainder Area (AC)	Land Value (\$/AC)	Indicated Value
62.75	\$1,700	\$106,675

Severance Damages**Loss in Market Value - Land Only**

Value of the Remainder as Part of the Larger Parcel - Land Only	\$106,675
Value of the Remainder After Acquisition, Before Benefits - Land Only	\$106,675
Loss in Market Value - Land Only	\$0

No severance damages are concluded, beyond the curative measures discussed next (if applicable).

Cost to Cure (If applicable)

There is no cost to cure. The total severance damages, which incorporates the loss in market value and the total cost to cure, is as follows:

Total Severance Damages

Loss in Market Value - Land Only	\$0
Cost to Cure - Site Improvements	\$0
Total Severance Damages	\$0

Value of Remainder After Acquisition, Considering Benefits

After construction of the project in the manner proposed, the remainder will not change in its highest and best use. We have relied on the same fee simple unit value of the larger parcel for the remainder in the after condition before and after considering benefits.

Serial Number(s): 71453A

Property Owner's Name: City of Banning

APN(s): 531-110-005

Value of the Remainder After Acquisition, Considering Benefits - Land Only

Remainder Area (AC)	Land Value (\$/AC)	Indicated Value
62.75	\$1,700	\$106,675

Benefits

The value of the remainder in the after condition after considering benefits is not changed from the value of the remainder in the after condition before considering benefits; thus no benefits are shown as follows:

Benefits

Remainder in the After Condition After Considering Benefits - Land Only	\$106,675
Remainder in the After Condition Before Considering Benefits - Land Only	\$106,675
Gain in Market Value	\$0

Value of the Proposed Temporary Construction Easement (TCE)

The proposed project also requires a temporary construction easement. Based on information provided by the client, the TCE is projected to have a duration of 60 months. The value of the TCE is calculated below.

Temporary Construction Easement

Serial Number	Land Area Affected (AC)	Land Value (\$/AC)	TCE Land Value	TCE		TCE Monthly Return	Months Required for TCE	TCE Indicated Value
				Annual Rate of Return	TCE Annual Return			
71453A	0.49	\$1,700	\$833	10%	\$83	\$7	60	\$420
Total	0.49		\$833		\$83	\$7		\$420

Site Improvements Within Temporary Construction Easement

There are no site improvements in the TCE area.

Fair Market Value Conclusion

Based on the preceding analysis, our value opinion follows:

Fair Market Value Conclusion

Date of Value: March 14, 2017

Acquisition Total:

Fee Acquisition	\$0
Easement Acquisition	\$0
Site Improvements	\$0
Cost to Cure	\$0
Temporary Construction Easement	\$420
Total	\$420
Nominal Value	\$1,000

Nominal Value Award for Costs

As can be seen from the analysis previously presented, the value in the property rights proposed to be acquired in the easement is relatively small. Nonetheless, the transfer of the property rights to be acquired does impose a requirement that the property owner review project information, and execute necessary documents to bring about the transfer of these specified property rights. These requirements necessitate the consideration of the concept of "nominal value" which is described as follows:

That amount of money necessary to effect a transfer of title to property where the property has no recognized independent use.¹

The monetary inducement to effect a transaction is, at least in part, driven by the anticipated costs associated with the transaction process, along with the time that must be devoted by the property owner to complete the process. We assume that the mapping, legal description, deed of easement, and all recording fees will be prepared and/or paid for by the public agency which is acquiring the specific property rights. Accordingly, there are no anticipated costs to the owner for these purposes. However, the owner may reasonably wish to retain legal counsel to review these documents, and to obtain the assurance that the property rights being transferred are as represented by the acquiring public agency. For the type of property under consideration, it is our opinion that the actual transaction costs would be on the order of magnitude of several hundred dollars. These costs are not directly compensable under California eminent domain law.

¹ Appraisal Institute, *The Dictionary of Real Estate Appraisal*, Sixth Edition, 2015.

Serial Number(s): 71453A

Property Owner's Name: City of Banning

APN(s): 531-110-005

Accordingly, it is our opinion that for the property rights proposed to be acquired, the indication of "nominal value" is in the total amount of:

ONE THOUSAND DOLLARS

(\$1,000)

Extraordinary Assumptions and Hypothetical Conditions

The value conclusions are subject to the following extraordinary assumptions that may affect the assignment results. An extraordinary assumption is uncertain information accepted as fact. If the assumption is found to be false as of the effective date of the appraisal, we reserve the right to modify our value conclusions.

1. Section 1263.330 of the California Code of Civil Procedure requires the appraiser to not consider any effect on the value of the property from the project, the eminent domain proceeding, or any preliminary actions of the acquiring agency. The appraisers investigated the real estate market for any influence these issues may have had in the market data selected and analyzed and could not find any. Therefore we have prepared the appraisal analysis of the subject property in the "before" condition under the extraordinary assumption that these activities have no effect on the value conclusions stated in this appraisal report. The use of this extraordinary assumption may have affected the assignment results.
2. We have been instructed that the Authority will protect in place or repair damages to the site improvements within the acquisition areas. The use of this extraordinary assumption may have affected the assignment results.

The value conclusions are based on the following hypothetical conditions that may affect the assignment results. A hypothetical condition is a condition contrary to known fact on the effective date of the appraisal but is supposed for the purpose of analysis.

1. The valuation of the "after" condition of the larger parcel requires the hypothetical condition that as of the date of value, the project has been completed as proposed. This may have affected the selection and analysis of comparable market data, the discussion of market trends and the description of the property. The use of this hypothetical condition may have affected the assignment results.
-

The above is a summary statement prepared to be used to comply with Code of Civil Procedures section 1255.010. The appraisal that is the basis for this summary was made in accordance with accepted appraisal principles, consistent with California Valuation Law.

Signature of Appraisers:

Beth B. Finestone, MAI, AI-GRS, FRICS, CRE
Certified General Real Estate Appraiser
California Certificate # AG004030

Aaron S. You
Certified General Real Estate Appraiser
California Certificate # 3003817

SCE WOD

8

Serial Number(s): 71453A

Property Owner's Name: City of Banning

APN(s): 531-110-005

Comparable Land Sales Table

Summary of Comparable Land Sales							
No.	Name/Address	Sale Date; Status	Document Number	Effective Sale Price	SF; Acres	Zoning	\$/Acre
1	44211 Bautista Canyon Road 44211 Bautista Canyon Road Hemet CA Tax ID: 555-220-001, -014; 555-210-001, -002; 555-290-004 through 006, 555-300-002; 569-020-006, -007, and -015 Grantor: Perseid Land Capital, LLC Grantee: Western Riverside County Regional Conservation	Feb-16 Closed	75415	\$3,832,000	123,631,556 2,838.19	Rural Residential	\$1,350
2	12997 Jack Rabbit Trail 12997 Jack Rabbit Trail Beaumont CA Tax ID: 422-060-002, 422-060-005, 422-060-009, 422-060-010, 422-060-016 through 422-060-018, 422-060-021, 422-060-022, 422-170-005, and 422-170-008 Grantor: GM Gabrych Family Limited Partnership Grantee: Wayne Lamb, Administrator and Wayne Lamb, Trustee	Sep-15 Closed	404200	\$3,500,000	27,094,320 622.00	Controlled Development Area	\$5,627
3	E/S Sierra Vista Drive; S/O Valley Vista Drive E/S Sierra Vista Drive; S/O Valley Vista Drive Loma Linda CA Tax ID: 0284-181-21 and 0284-181-22 Grantor: Zadeh, Ruth Trust, Schiffer, and Gebeau Grantee: SB Enterprises, LLC	May-15 Closed	205077	\$50,000	426,017 9.78	Single-Family Residential	\$5,112
4	8055 Mountain Springs Court 8055 Mountain Springs Court Colton CA Tax ID: 259-300-003 Grantor: Loeng Voong Grantee: Charles Kerr and Daniel Kerr	Feb-15 Closed	60825	\$185,000	866,408 19.89	Residential Agricultural	\$9,301
5	E/O Sun Summit Drive; S/O Indiana Avenue E/O Sun Summit Drive; S/O Indiana Avenue Riverside CA Tax ID: 140-020-011 Grantor: N/A Grantee: N/A	In-Escrow In-Escrow	N/A	\$195,000	4,351,644 99.90	Open Area Combining Zone - Residential Development	\$1,952
	Subject City of Banning Property Banning, CA				2,733,381 62.75	Open Space - Resources	

IRR - Los Angeles

File Number: 121-2017-0034



SCE WOD

9

Serial Number(s): 71453A

Property Owner's Name: City of Banning

APN(s): 531-110-005

Appraisal Mapping



Certification

We certify that, to the best of our knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are our personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. We have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
4. We have not performed any services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
5. We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
6. Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
7. Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
8. Our analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal practice as well as applicable state appraisal regulations.
9. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
10. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
11. Beth B. Finestone, MAI, AI-GRS, FRICS, CRE, and Aaron S. You made a personal inspection of the property from the public right-of-way that is the subject of this report.
12. No one provided significant real property appraisal assistance to the person(s) signing this certification.
13. We have experience in appraising properties similar to the subject and are in compliance with the Competency Rule of USPAP.
14. As of the date of this report, Beth B. Finestone, MAI, AI-GRS, FRICS, CRE, has completed the continuing education program for Designated Members of the Appraisal Institute.

15. As of the date of this report, Aaron S. You, has completed the Standards and Ethics Education Requirements for Candidates for Designation of the Appraisal Institute.



Beth B. Finestone, MAI, AI-GRS, FRICS, CRE
Certified General Real Estate Appraiser
California Certificate # AG004030



Aaron S. You
Certified General Real Estate Appraiser
California Certificate # 3003817

Assumptions and Limiting Conditions

This appraisal and any other work product related to this engagement are limited by the following standard assumptions, except as otherwise noted in the report:

1. The title is marketable and free and clear of all liens, encumbrances, encroachments, easements and restrictions. The property is under responsible ownership and competent management and is available for its highest and best use.
2. There are no existing judgments or pending or threatened litigation that could affect the value of the property.
3. There are no hidden or undisclosed conditions of the land or of the improvements that would render the property more or less valuable. Furthermore, there is no asbestos in the property.
4. The revenue stamps placed on any deed referenced herein to indicate the sale price are in correct relation to the actual dollar amount of the transaction.
5. The property is in compliance with all applicable building, environmental, zoning, and other federal, state and local laws, regulations and codes.
6. The information furnished by others is believed to be reliable, but no warranty is given for its accuracy.

This appraisal and any other work product related to this engagement are subject to the following limiting conditions, except as otherwise noted in the report:

1. An appraisal is inherently subjective and represents our opinion as to the value of the property appraised.
2. The conclusions stated in our appraisal apply only as of the effective date of the appraisal, and no representation is made as to the effect of subsequent events.
3. No changes in any federal, state or local laws, regulations or codes (including, without limitation, the Internal Revenue Code) are anticipated.
4. No environmental impact studies were either requested or made in conjunction with this appraisal, and we reserve the right to revise or rescind any of the value opinions based upon any subsequent environmental impact studies. If any environmental impact statement is required by law, the appraisal assumes that such statement will be favorable and will be approved by the appropriate regulatory bodies.
5. Unless otherwise agreed to in writing, we are not required to give testimony, respond to any subpoena or attend any court, governmental or other hearing with reference to the property without compensation relative to such additional employment.
6. We have made no survey of the property and assume no responsibility in connection with such matters. Any sketch or survey of the property included in this report is for illustrative purposes only and should not be considered to be scaled accurately for size. The appraisal

covers the property as described in this report, and the areas and dimensions set forth are assumed to be correct.

7. No opinion is expressed as to the value of subsurface oil, gas or mineral rights, if any, and we have assumed that the property is not subject to surface entry for the exploration or removal of such materials, unless otherwise noted in our appraisal.
8. We accept no responsibility for considerations requiring expertise in other fields. Such considerations include, but are not limited to, legal descriptions and other legal matters such as legal title, geologic considerations such as soils and seismic stability; and civil, mechanical, electrical, structural and other engineering and environmental matters. Such considerations may also include determinations of compliance with zoning and other federal, state, and local laws, regulations and codes.
9. The distribution of the total valuation in the report between land and improvements applies only under the reported highest and best use of the property. The allocations of value for land and improvements must not be used in conjunction with any other appraisal and are invalid if so used. The appraisal report shall be considered only in its entirety. No part of the appraisal report shall be utilized separately or out of context.
10. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraisers, or any reference to the Appraisal Institute) shall be disseminated through advertising media, public relations media, news media or any other means of communication (including without limitation prospectuses, private offering memoranda and other offering material provided to prospective investors) without the prior written consent of the persons signing the report.
11. Information, estimates and opinions contained in the report and obtained from third-party sources are assumed to be reliable and have not been independently verified.
12. Any income and expense estimates contained in the appraisal report are used only for the purpose of estimating value and do not constitute predictions of future operating results.
13. If the property is subject to one or more leases, any estimate of residual value contained in the appraisal may be particularly affected by significant changes in the condition of the economy, of the real estate industry, or of the appraised property at the time these leases expire or otherwise terminate.
14. Unless otherwise stated in the report, no consideration has been given to personal property located on the premises or to the cost of moving or relocating such personal property; only the real property has been considered.
15. The current purchasing power of the dollar is the basis for the values stated in the appraisal; we have assumed that no extreme fluctuations in economic cycles will occur.
16. The values found herein are subject to these and to any other assumptions or conditions set forth in the body of this report but which may have been omitted from this list of Assumptions and Limiting Conditions.

17. The analyses contained in the report necessarily incorporate numerous estimates and assumptions regarding property performance, general and local business and economic conditions, the absence of material changes in the competitive environment and other matters. Some estimates or assumptions, however, inevitably will not materialize, and unanticipated events and circumstances may occur; therefore, actual results achieved during the period covered by our analysis will vary from our estimates, and the variations may be material.
18. The appraisal report is prepared for the exclusive benefit of the Client, its subsidiaries and/or affiliates. It may not be used or relied upon by any other party. All parties who use or rely upon any information in the report without our written consent do so at their own risk.
19. No studies have been provided to us indicating the presence or absence of hazardous materials on the subject property or in the improvements, and our valuation is predicated upon the assumption that the subject property is free and clear of any environment hazards including, without limitation, hazardous wastes, toxic substances and mold. No representations or warranties are made regarding the environmental condition of the subject property. Integra Realty Resources – Los Angeles, Integra Realty Resources, Inc., Integra Strategic Ventures, Inc. and/or any of their respective officers, owners, managers, directors, agents, subcontractors or employees (the "Integra Parties"), shall not be responsible for any such environmental conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because we are not experts in the field of environmental conditions, the appraisal report cannot be considered as an environmental assessment of the subject property.
20. The persons signing the report may have reviewed available flood maps and may have noted in the appraisal report whether the subject property is located in an identified Special Flood Hazard Area. We are not qualified to detect such areas and therefore do not guarantee such determinations. The presence of flood plain areas and/or wetlands may affect the value of the property, and the value conclusion is predicated on the assumption that wetlands are non-existent or minimal.
21. It is expressly acknowledged that in any action which may be brought against any of the Integra Parties, arising out of, relating to, or in any way pertaining to this engagement, the appraisal reports, and/or any other related work product, the Integra Parties shall not be responsible or liable for any incidental or consequential damages or losses, unless the appraisal was fraudulent or prepared with intentional misconduct. It is further acknowledged that the collective liability of the Integra Parties in any such action shall not exceed the fees paid for the preparation of the appraisal report unless the appraisal was fraudulent or prepared with intentional misconduct. Finally, it is acknowledged that the fees charged herein are in reliance upon the foregoing limitations of liability.
22. Integra Realty Resources – Los Angeles, an independently owned and operated company, has prepared the appraisal for the specific intended use stated elsewhere in the report. The use of the appraisal report by anyone other than the Client is prohibited except as otherwise provided. Accordingly, the appraisal report is addressed to and shall be solely for the Client's use and benefit unless we provide our prior written consent. We expressly reserve the

unrestricted right to withhold our consent to your disclosure of the appraisal report or any other work product related to the engagement (or any part thereof including, without limitation, conclusions of value and our identity), to any third parties. Stated again for clarification, unless our prior written consent is obtained, no third party may rely on the appraisal report (even if their reliance was foreseeable).

23. The conclusions of this report are estimates based on known current trends and reasonably foreseeable future occurrences. These estimates are based partly on property information, data obtained in public records, interviews, existing trends, buyer-seller decision criteria in the current market, and research conducted by third parties, and such data are not always completely reliable. The Integra Parties are not responsible for these and other future occurrences that could not have reasonably been foreseen on the effective date of this assignment. Furthermore, it is inevitable that some assumptions will not materialize and that unanticipated events may occur that will likely affect actual performance. While we are of the opinion that our findings are reasonable based on current market conditions, we do not represent that these estimates will actually be achieved, as they are subject to considerable risk and uncertainty. Moreover, we assume competent and effective management and marketing for the duration of the projected holding period of this property.

SCE WOD

Addenda

Serial Number(s): 71453A

Property Owner's Name: City of Banning

APN(s): 531-110-005

Easement Deed Template

IRR - Los Angeles

File Number: 121-2017-0034



RECORDING REQUESTED BY
SOUTHERN CALIFORNIA EDISON COMPANY

WHEN RECORDED MAIL TO
SOUTHERN CALIFORNIA EDISON COMPANY
2 INNOVATION WAY, 2ND FLOOR
POMONA, CA 91768
ATTN: TITLE & VALUATION

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT OF TEMPORARY CONSTRUCTION EASEMENT

DOCUMENTARY TRANSFER TAX \$ _____ _____ COMPUTED ON FULL VALUE OF PROPERTY CONVEYED _____ OR COMPUTED ON FULL VALUE LESS LIENS AND ENCUMBERANCES REMAINING AT TIME OF SALE	APPROVED REAL PROPERTIES DEPARTMENT BY _____ DATE ____/____/____ PROJECT: WEST OF DEVERS SERVICE ORDER: 801275175 RP FILE NUMBER: ACQ202998209 SCE DOCUMENT NUMBER: _____
_____, SO. CAL. EDISON CO. SIGNATURE OF DECLARANT OR AGENT DETERMINING TAX, FIRM NAME	
SERIAL NUMBER: LOCATION: APN[S]:	

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **(Vested Name)**, hereinafter referred to as "**Grantor**", does hereby grant to **SOUTHERN CALIFORNIA EDISON COMPANY**, a California corporation, hereinafter referred to as "**Grantee**", a temporary, non-exclusive easement for construction-related purposes ("**Temporary Construction Easement**") in, over, under and across those portions of real property located in the County of { COUNTY }, State of California, and more particularly identified as follows:

Those parcels legally described in the attached Exhibit "A" and depicted in the attached Exhibit "B", as said Exhibits are incorporated herein by this reference (collectively, the "**Easement Areas**").

1. Use of the Easement Areas. Use of the Easement Areas, and exercise of the easement rights granted herein, shall be limited solely to those activities which are related to and necessary for Grantee's development and installation of electrical generation, transmission and/or distribution facilities (and improvements related thereto [collectively, the "**Utility Facilities**") on properties that are located adjacent and/or proximate to the Easement Areas. Specifically, during the Term of this Temporary Construction Easement (as defined below), Grantee shall have the following rights relative to the Easement Areas:
 - a. The right to enter upon and pass and repass over and along the Easement Areas for the construction, reconstruction, enlargement, repair and maintenance of such improvements as are required for, or otherwise necessitated by, Grantee's development and installation of the Utility Facilities.
 - b. The right to transport personnel, trucks, cars, equipment and materials over, through and across all portions of the Easement Areas for purposes of facilitating the development and installation of the Utility Facilities.
 - c. The right to store, maintain and operate on the Easement Areas such equipment, tools, machinery, inventory, implements and other materials as are necessary or convenient in connection with Grantee's development and installation of the Utility Facilities.
 - d. The right to install, operate, maintain and replace on, over, under and within the Easement Areas such temporary poles, footings, lines and other improvements as are necessary or convenient in connection with Grantee's development and installation of the Utility Facilities.

2. Term of Temporary Construction Easement. The Temporary Construction Easement shall commence on the Effective Date hereof (as defined below) and shall automatically terminate and expire upon (i) the date construction of the Utility Facilities is completed or (ii) the second (2nd) anniversary of the Effective Date, whichever date shall first occur (the “*Term*”). Upon the expiration of the Term, all of the rights and benefits of Grantee in, to and under the Temporary Construction Easement shall automatically terminate and be of no further force and effect.
3. Use of Gates; Removal of Materials Impeding the Easement. Grantee shall have the right to use gates in all of Grantor’s fences which presently or hereafter cross the Easement Areas, and to remove, trim, cut and clear away any trees and brush within the Easement Areas (and relocate any other materials situated, placed or appearing within the Easement Areas) whenever in Grantee’s reasonable judgment the same shall be necessary for the convenient and safe exercise of the rights granted hereby.
4. Obligation to Restore Easement Areas. After completion of any work performed by Grantee or its agents, contractors or employees which disturbs the surface of the Easement Areas, Grantee shall, at its sole cost and expense, restore the surface of such area as close as reasonably possible to its original character (as existing/measured at the time of the Effective Date of this Temporary Construction Easement, but specifically excluding the obligation to replace/replant any trees or shrubs trimmed, cut or cleared in connection with the provisions of Section 3, above).
5. Obligation to Obtain Necessary Approvals. Prior to engaging in any activity upon the Easement Areas, Grantee shall, at its sole cost and expense, apply for and obtain all necessary permits, authorizations, licenses and approvals (collectively, “*Approvals*”) which are or may be required from any body, agency, or department with jurisdiction over the Easement Areas.
6. Rights Retained by Grantor. The easement rights acquired by Grantee pursuant to this instrument are acquired subject to the right of Grantor, its successors and assigns to use the surface and subsurface of the land within the Easement Areas to the extent that such use is compatible with the full and free exercise of the Temporary Construction Easement by Grantee.
7. Indemnification.
 - a. *Grantee.* Grantee hereby agrees to indemnify, defend (with counsel acceptable to Grantor), release and hold harmless Grantor, its successors and assigns, including their respective affiliates, partners, directors, members, officers, shareholders, agents, representatives, contractors and employees (collectively, the “*Grantor Representatives*”), and each of them, and their property from all loss, liability, damages, claims, costs and expenses (including attorneys’ fees and court costs) arising directly or indirectly out of the acts or omissions, intentional or otherwise, of Grantee, its employees, agents, contractors and representatives (collectively, the “*Grantee Representatives*”) in connection with the use of the Easement Area by Grantee and/or the Grantee Representatives or any material breach of this Temporary Construction Easement by Grantee; provided, however, that nothing contained in this paragraph shall operate to relieve Grantor from any loss, liability, damages, claims, costs or expenses to the extent determined by a court of competent jurisdiction to have been proximately caused by the willful misconduct or negligent acts or omissions of Grantor, the Grantor Representatives, or any of them. Payment shall not be a condition precedent to recovery under the forgoing indemnity.
 - b. *Grantor.* Grantor hereby agrees to indemnify, defend (with counsel acceptable to Grantee), release and hold harmless Grantee and the Grantee Representatives, and each of them, and its and their property from all loss, liability, damages, claims, costs and expenses (including attorneys’ fee and court costs) arising directly or indirectly out of the acts or omissions, intentional or otherwise, of Grantor or the Grantor Representatives in connection with the use of the Easement Areas by Grantor and/or the Grantor Representatives or any material

breach of this Temporary Construction Easement by Grantor; provided, however that nothing contained in this paragraph shall operate to relieve Grantee from any loss, liability, damages, claims, costs or expenses to the extent determined by a court of competent jurisdiction to have been proximately caused by the willful misconduct or negligent acts or omissions of Grantee, the Grantee Representatives, or any of them. Payment shall not be a condition precedent to recovery under the forgoing indemnity.

8. General Provisions.

- a. *Covenants Running with the Land.* Grantee and Grantor acknowledge and agree that the rights conferred by this Temporary Construction Easement are intended to, and do, constitute covenants that run with the land and shall inure to the benefit of and be binding upon the parties and their respective Grantees, heirs, successors and assigns.
- b. *Effective Date.* This Temporary Construction Easement shall be effective upon the date that is set forth above the signature line(s) identified for Grantor on the final page of this instrument.
- c. *Authorized Representative.* Each individual signing on behalf of a party to this Temporary Construction Easement states that he or she is the duly authorized representative of the signing party and that his or her signature on this Temporary Construction Easement has been duly authorized by, and creates the binding and enforceable obligation of, the party on whose behalf the representative is signing.
- d. *Attorney's Fees.* In the event of any dispute between the parties regarding the enforcement or effect of this Temporary Construction Easement, the non-prevailing party in any such dispute shall pay the prevailing party's reasonable attorney's fees and costs actually incurred. In the event that neither party wholly prevails, the court may apportion the costs or fees as the court deems appropriate.
- e. *Further Cooperation.* Each of the signatories to this Temporary Construction Easement agree to execute such other documents and to perform such other acts as may be reasonably necessary or desirable to further the expressed and intent purpose of this Temporary Construction Easement.

EXECUTED this _____ day of _____, 2017.

Grantor:

{ VESTED NAME }

By: _____

Name: _____

Its: _____

SCE WOD

Addenda

Serial Number(s): 71453A

Property Owner's Name: City of Banning

APN(s): 531-110-005

Legal and Plat

IRR - Los Angeles

File Number: 121-2017-0034



EXHIBIT "A"
LEGAL DESCRIPTION
SERIAL No. 71453A

PARCEL No. 1 TEMPORARY CONSTRUCTION EASEMENT AREA TO SCE

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF, IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED ON THE EXHIBIT "C" ATTACHED HERETO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EASTERLY LINE OF SAID SECTION 33 WITH THE SOUTHERLY LINE OF THAT CERTAIN 100 FOOT WIDE TRANSMISSION EASEMENT TO CALIFORNIA ELECTRIC POWER COMPANY RECORDED JULY 29, 1960 IN BOOK 2740, PAGE 553 (SCE DOC 252061), OF OFFICIAL RECORDS;

THENCE ALONG SAID SOUTHERLY LINE NORTH 84°50'55" WEST 91.94 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE LEAVING SAID SOUTHERLY SOUTH 21°42'07" EAST 179.90 FEET;

THENCE LINE SOUTH 50°56'44" WEST 76.51 FEET;

THENCE NORTH 43°43'09" WEST 270.94 FEET TO SAID SOUTHERLY LINE;

THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING FOUR (4) COURSES:

1. SOUTH 67°43'54" EAST 100.00 FEET
2. NORTH 22°16'07" EAST 37.53 FEET
3. SOUTH 50°48'54" EAST 42.53 FEET
4. NORTH 39°11'06" EAST 63.95 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 21,470 SQUARE FEET OR 0.49 ACRES, MORE OR LESS.

AS SHOWN ON EXHIBIT "B" ATTACHED HERewith AND MADE A PART HEREOF:

PREPARED BY ME OR UNDER MY DIRECTION

 DATE 8/3/17
BRIAN W. MOORE, P.L.S. No. 7533
SOUTHERN CALIFORNIA EDISON COMPANY



THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

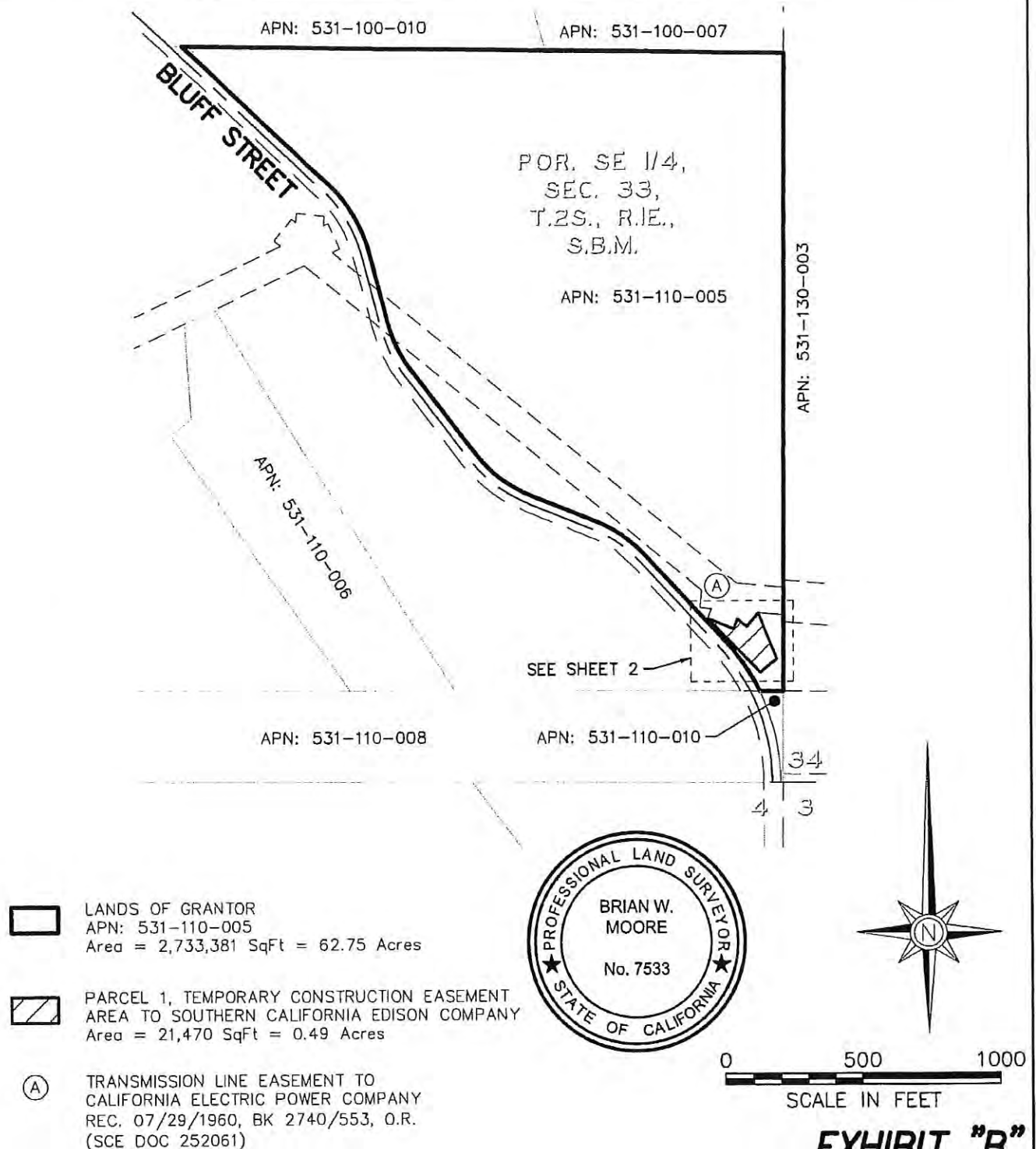


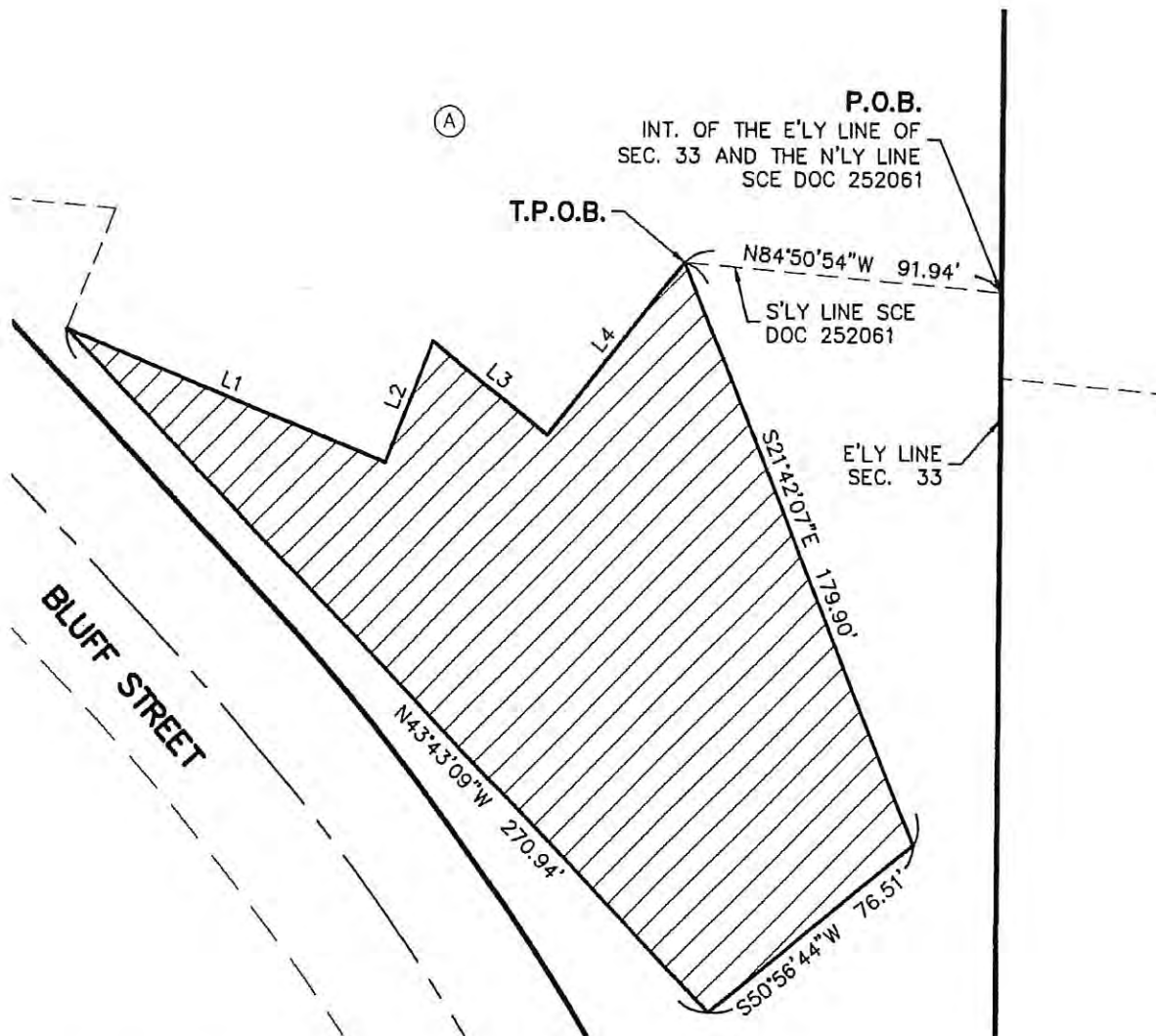
EXHIBIT "B"

SHEET 1 OF 2

PROJECT NAME: WEST OF DEVERS		7/27/2017 11:36 AM	M.S. 50-110
MAP & F.B. REF:		CITY: BANNING	COUNTY: RIVERSIDE
DRAWN BY: TOWILL, INC.	SURVEYED BY: MULTIPLE CREWS		
DATE: 03/31/17	TRES: LINDA CHAVEZ	SERIAL NO.: 71453A	CHECKED BY: BRIAN MOORE
WORK ORDER NO.: 801275175	NOTIFICATION NO.: 202998209	File Name: T:\ARCHIVE\DRAWING\ 71453A .DWG	



THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.



Parcel Line Table		
Line #	Length	Direction
L1	100.00'	S67°43'54"E
L2	37.53'	N22°16'07"E
L3	42.53'	S50°48'54"E
L4	63.95'	N39°11'06"E



0 50 100
SCALE IN FEET

EXHIBIT "B"

SHEET 2 OF 2

SEE SHEET 1 FOR LEGEND

PROJECT NAME: WEST OF DEVERS				6/12/2017 12:42 PM		M.S. 50-110	
MAP & F.B. REF:				CITY: BANNING		COUNTY: RIVERSIDE	
DRAWN BY: TOWILL, INC.		SURVEYED BY: MULTIPLE CREWS					
DATE: 03/31/17	TRES: LINDA CHAVEZ		SERIAL NO.: 71453A		CHECKED BY: BRIAN MOORE		
WORK ORDER NO.: 801275175	NOTIFICATION NO.: 202998209		File Name: T:\ARCHIVE\DRAWING\ 71453A				

ATTACHMENT 3

Temporary Right of Entry Agreement

TEMPORARY RIGHT OF ENTRY AGREEMENT

West of Devers Segment: 4

Serial(s): 71453A

APN(s): 531-110-005

CITY OF BANNING (collectively "**Grantor**"), is the owner of that certain real property located in Riverside County, California, and referenced as APN(s): 531-110-005. Southern California Edison Company, pursuant to order and directive of the California Public Utilities Commission, is implementing its West of Devers Upgrade Project (the "**Project**") through a portion of Grantor's property as set forth in the attached Exhibit "A" (the "**Property**"). Grantor hereby irrevocably grants permission to **SOUTHERN CALIFORNIA EDISON COMPANY**, a California company, its agents, employees, invitees, contractors, subcontractors, and any person or entity employed by or affiliated with Grantee (collectively, "**Grantee**"), as of _____, 2018 (the "**Effective Date**"), to enter upon the Property subject to the terms and conditions set forth in this Right to Enter and Construct Agreement (this "**Agreement**").

In consideration of the rights expressly granted herein, Grantee will pay the sum of \$1,000 to Grantor upon the signing of this Agreement, for the right to enter onto the Property to begin construction of the Project, subject to the terms and conditions of this Agreement.

PURPOSE AND USES

Grantee shall be permitted to enter onto the Property to perform any of the following activities, to which Grantor acknowledges notice: to enter upon and have ingress to and egress from the Property as set forth in Exhibit "A" which is attached hereto and incorporated by this reference, for the purpose of undertaking all activities associated with removing and replacing approximately 48 corridor miles of existing 220 kV transmission lines with new double-circuit 220 kV transmission lines, and in some instances altering, upgrading or moving existing 66 kV transmission lines, towers and poles. The Grantor understands that Grantee shall perform, at a minimum, the following scope of work on Grantor's Property: mobilization and staging of construction facilities, forces, and equipment required to remove, replace and/or construct overhead transmission lines, poles, towers and related appurtenances ("Scope of Work"). Following the completion of this Scope of Work, Grantee shall remove all construction-related equipment and materials; constructed elements of the Project will remain. Grantor understands that the Scope of Work process shall begin before Grantee records permanent property rights in, on and under the Property, and that Grantor will allow Grantee to perform the entirety of the Scope of Work to conclusion without any hindrance, interruption, or refusal.

Grantor acknowledges its understanding that its signature on this Agreement affords to Grantee the right to commence, and carry through to completion, Grantee's Scope of Work immediately. After completion of the work described above, Grantee shall continue to have the right to enter upon the Property for the purpose of inspecting, operating and maintaining the transmission lines, towers, poles, and any electrical vaults or appurtenances.

ADDITIONAL TERMS AND CONDITIONS

1. The "Term" of this Agreement shall begin as of the Effective Date stated above and continue uninterrupted for a period of five (5) years.
2. As consideration for this Agreement, Grantee shall make all reasonable efforts to minimize interference with the existing use of Grantor's other property not the subject of this Agreement. Grantee shall repair and completely restore any damage directly caused by Grantee to those portions of Grantor's property not being acquired by Grantee as part of the West of Devers Upgrade Project, and any appurtenances or improvements thereto.
3. Grantee understands that this Agreement must be disclosed to any prospective buyer or tenant of the Property and that this Agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties hereto
4. Each of the signatories hereto warrants and represents that he or she is competent and authorized to enter into this Agreement on behalf of the party for whom he or she purports to execute this Agreement, without the consent or approval of any other person or entity.
5. Grantee agrees to save harmless and indemnify Grantor, its successors, assigns and agents (collectively, "Grantor's Related Parties"), from and against all claims, demands, loss, damage, actions causes of action, expense and/or liability (collectively, "Claims"), actually incurred by Grantor and/or Grantor's Related Parties and which are directly caused by Grantee's exercise of the rights granted pursuant to this Agreement, except to the extent that such Claims (i) arise prior to the Effective Date of this Agreement, or following a termination of this Agreement, or (ii) are attributable to the negligence or willful misconduct of Grantor or Grantor's Related Parties.
 - a. If Grantee should contract or subcontract all or any portion of the work to be performed under this Agreement, Grantee shall require each contractor or subcontractor to indemnify, hold harmless and defend Grantor and each of its officers, officials, employees, agents and volunteers in accordance with the terms of the preceding paragraph.
 - b. It is understood and agreed that Grantee maintain insurances policies or self-insurance programs to fund their respective liabilities. Grantee agrees that such respective program or policy coverage for Workers' Compensation shall contain a waiver of subrogation as to Grantor and each of its officers, officials, employees, agents and volunteers. Evidence of Insurances, e.g. Certificates of Insurance or other similar documentation, shall not be required of Grantee under this agreement.
6. It is understood and agreed that this Agreement has been voluntarily entered into by the parties, and is the complete expression of the agreement of the parties, and no promise or representation of any kind has been expressed or implied except as set out herein. All prior and contemporaneous agreements and representations are superseded

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one and the same instrument.

TEMPORARY RIGHT OF ENTRY AGREEMENT
CITY OF BANNING, to
SOUTHERN CALIFORNIA EDISON COMPANY, a California Company
SERIAL NUMBER(s): 71453A
APN(s): 531-110-005
PROJECT: WEST OF DEVERS

Grantor:

CITY OF BANNING

By: _____

Name: _____

Its: _____

By: _____

Name: _____

Its: _____

Grantee:

SOUTHERN CALIFORNIA EDISON COMPANY

By: _____

Name: _____

Its: _____

EXHIBIT A



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Rochelle Clayton, Interim City Manager

PREPARED BY: Robert Fisher, Police Lieutenant
Debbie Shubin, Code Enforcement Officer

MEETING DATE: July 10, 2018

SUBJECT: Resolution 2018-90, Approving Nuisance Abatement Charges
be Added to the Tax Rolls of Riverside County, California

RECOMMENDED ACTION:

Consider adopting Resolution 2018-90, a resolution providing for certain nuisance charges to be added to the tax rolls of Riverside County, California.

JUSTIFICATION:

The City has incurred costs in the process of abating certain nuisances. Adoption of this Resolution provides for the collection of such costs. Presentation of such Resolution to the City Council is done on an annual basis and can be considered "standard operating procedure" for the purposes of cost recovery.

BACKGROUND:

The City Council adopted Ordinance 1326 (Exhibit "B"); the Ordinance establishes the procedures for creating assessment liens: authorizing the County Board of Supervisors to levy and collect such charges. According to the terms of the Ordinance, and the procedures required by the Riverside County Auditor's Office, it is necessary for the City Council to adopt a Resolution each year requesting the Board of Supervisors to place the liens on the tax rolls. Liens on all subject parcels have been previously recorded against the properties in the office of the County Recorder.

FISCAL IMPACT:

The estimated amount of the assessment to be placed on the tax roll is \$45876.81. The assessment will be placed on the Auditor-Controller's Tax Rolls in August of this year and collected with the ad valorem taxes and any other assessments against the properties. The City participates in the Teeter Plan, whereby the County will reimburse the City 100% of the amount placed on the tax rolls for the weed abatement.

ALTERNATIVE:

1. Reject Resolution 2018-90. If rejected, the City will not be able to file assessment liens with the Riverside County's Auditor Office to recover City expenses for weed abatement through the county tax roll system.

ATTACHMENTS:

1. Resolution 2018-90
2. Exhibit "A" is a list of properties, identified by APN, that will have liens placed on them for non-payment of weed abatement services.
3. Exhibit "B" is a copy of Ordinance No. 1326.

Approved by:



Rochelle Clayton
Interim City Manager

ATTACHMENT 1

Resolution 2018-90

RESOLUTION 2018-90

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, PROVIDING FOR CERTAIN NUISANCE ABATEMENT CHARGES TO BE ADDED TO THE TAX ROLLS OF RIVERSIDE COUNTY, CALIFORNIA.

WHEREAS, pursuant to the authority contained in Chapter 8.48 of the code of the City of Banning, California, and in California Government Code Section 38773 and 38773.1, the City of Banning did cause a nuisance to be abated on certain properties in the City of Banning, California, and have had liens levied against them for nuisance abatement charges; and

WHEREAS, all proceedings required by Ordinance No. 1326, of the City of Banning, have been duly compiled.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

SECTION 1: That the report of the Police Department, on file with each proceeding along with their report of the cost of abatement be, and the same is hereby approved. That a copy of said account containing a list of all properties by assessment number and the cost of abating the nuisance thereon, is marked "Exhibit A", attached hereto, and made part hereof by reference.

SECTION 2: That the parcel numbers shown on "Exhibit A", are hereby certified to be correct according to the latest records of the Riverside County Assessor.

SECTION 3: That the maintenance of the public nuisance on each of the properties shown by assessment number on "Exhibit A" attached hereto, did constitute a health and safety hazard.

SECTION 4: That the amount shown on said "Exhibit A" shall be a lien on the respective properties shown by assessment number, and said liens were levied without regard to property valuation.

SECTION 5: Request is hereby made of the Riverside County Board of Supervisors that the amount shown on said "Exhibit A" be added to the current tax rolls for the respective parcels indicated thereof, and collected along with other taxes assessed against said parcels.

PASSED, APPROVED, AND ADOPTED this 10th day of July 2018.

George Moyer, Mayor
City of Banning

ATTEST:

Sonja De La Fuente, Deputy City Clerk
City of Banning

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

Kevin G. Ennis, Esq., City Attorney
Richards, Watson & Gershon

CERTIFICATION

I, Sonja De La Fuente, Deputy City Clerk of the City of Banning, California, do hereby certify that the forgoing Resolution No. 2018-90 was duly adopted by the City Council of the City of Banning at the regular meeting thereof held on the 10th day of July, 2018, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sonja De La Fuente, Deputy City Clerk
City of Banning, California

ATTACHMENT 2

Exhibit “A”

"EXHIBIT A"

APN	FUND NO.	Assessment
419-090-003	68-2053	\$795.01
532-180-044	68-2053	\$894.56
534-092-015	68-2053	\$835.01
534-093-014	68-2053	\$3,188.72
534-121-002	68-2053	\$833.16
534-151-017	68-2053	\$1,696.94
534-151-019	68-2053	\$696.43
534-194.003	68-2053	\$626.16
534-221-012	68-2053	\$425.01
534-223-009	68-2053	\$704.86
534-251-019	68-2053	\$1,407.32
534-251-020	68-2053	\$606.16
534-283-011	68-2053	\$1,044.26
535-080-011	68-2053	\$3,379.21
535-262-003	68-2053	\$812.56
538-070-029	68-2053	\$794.41
538-081-012	68-2053	\$965.91
538-102-010	68-2053	\$1,719.07
538-190-016	68-2053	\$1,545.96
540-123-001	68-2053	\$606.16
540-124-002	68-2053	\$479.81
540-165-007	68-2053	\$673.86
540-201-002	68-2053	\$684.63
540-201-003	68-2053	\$514.38
541-051-012	68-2053	\$664.66
541-055-004	68-2053	\$606.91
541-055-017	68-2053	\$609.31
541-055-018	68-2053	\$552.31
541-081-010	68-2053	\$820.16
541-081-014	68-2053	\$733.16
541-091-010	68-2053	\$723.16
541-093-015	68-2053	\$626.16
541-110-011	68-2053	\$502.01
541-132-024	68-2053	\$664.66
541-133-016	68-2053	\$619.31
541-133-023	68-2053	\$723.16
541-141-006	68-2053	\$518.16
541-170-007	68-2053	\$4,165.37
541-191-016	68-2053	\$625.91
541-220-019	68-2053	\$988.66
541-232-011	68-2053	\$737.16
541-233-015	68-2053	\$664.66
541-233-016	68-2053	\$606.16

541-273-004	68-2053	\$706.31
541-33-014	68-2053	\$626.16
543-110-009	68-2053	\$1,259.17
543-133-013	68-2053	\$1,204.56
		\$45,876.81

Tax Roll 2017-2018
Resolution No. 2018-90
Exhibit A

ATTACHMENT 3

Exhibit “B”

ORDINANCE NO. 1326

**AN ORDINANCE OF THE CITY OF BANNING
PROVIDING FOR THE RECOVERY OF COSTS AND
ATTORNEYS' FEES FOR NUISANCE ABATEMENT AS
CONTAINED IN CHAPTER 11C OF THE BANNING CITY
CODE**

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

SECTION 1. Existing Article IV: Cost of Recovery is repealed in its entirety.

SECTION 2. New Article IV: Cost of Recovery is hereby added to Chapter 11C of the Banning City Code as follows:

Section 11C-47. Nuisances – General.

In addition to other penalties provided by law, any condition caused or permitted to exist in violation of any provision of this Code shall be deemed a public nuisance and may be summarily abated as such by the City, and each day such condition continues shall constitute a new and separate offense.

Section 11C-48. Nuisance Abatement.

(a) The abatement of any public nuisance by the City as prescribed in this Code shall be at the sole expense of the persons creating, causing, committing or maintaining such nuisance. The cost of abatement of any public nuisance and related administrative costs shall include, but not be limited to: inspection costs; investigation costs; attorneys' fees and costs; and costs to repair and eliminate all substandard conditions. All such fees and costs shall be a personal obligation against any person held responsible for creating, causing, committing or maintaining a public nuisance.

(b) The prevailing party in any action, administrative proceeding or special procedure to abate a public nuisance pursuant to this section may recover its reasonable attorneys' fees in those individual actions or proceedings wherein the City elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorneys' fees. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to any prevailing party exceed the amount of reasonable attorneys' fees incurred by the City in the action or proceeding.

(c) The City may collect the cost of abatement of any nuisance and related administrative costs, including but not limited to inspection costs, investigation costs, attorneys' fees and costs, and costs to repair and eliminate all substandard conditions by either: (i) obtaining a court order stating that this reimbursement requirement is a personal obligation of any person held responsible for creating, causing, committing or maintaining a public nuisance, recoverable by the City in the same manner as any civil judgment; (ii) recording a nuisance abatement lien pursuant to this Code against the parcel of land on which the nuisance is maintained, or (iii)

imposing a special assessment pursuant to this Code against the parcel of land on which the nuisance is maintained.

Section 11C-49. Nuisance Abatement Lien.

(a) Prior to the recordation of the lien against the parcel of land on which the nuisance is maintained, the owner of record of the parcel of land shall receive notice. The notice of the recordation of the lien against the parcel of land on which the nuisance is maintained shall be served on the owner of record of the parcel of land on which the nuisance is maintained, based on the last equalized assessment roll, or the supplemental roll, whichever is more current. Such notice shall be served in the same manner as a summons in a civil action in accordance with Sections 415.10 et seq. of the Code of Civil Procedure. The date upon which service is made shall be entered on or affixed to the face of the copy of the notice at the time of service. However, service of such notice without such date shall be valid and effective.

(b) A nuisance abatement lien shall be recorded in the Riverside County Recorder's office and from the date of recording shall have the force, effect, and priority of a judgment lien.

(c) A nuisance abatement lien authorized by this section shall specify the amount of the lien, the name of the agency on whose behalf the lien is imposed, the date of the abatement order, the street address, legal description and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the recorded owner of the parcel.

(d) In the event that the lien is discharged, released, or satisfied, either through payment or foreclosure, notice of the discharge containing the information specified in subsection (b) of this section of this Code shall be recorded by the City. A nuisance abatement lien and the release of the lien shall be indexed in the grantor-grantee index.

(e) A nuisance abatement lien may be foreclosed by the City as a money judgment. The City may recover from the property owner any costs incurred regarding the processing and recording of the lien and providing notice to the property owner as part of its foreclosure action to enforce the lien or as a condition of removing the lien upon payment.

Section 11C-49.1. Special Assessment.

(a) As an alternative to the recordation of a nuisance abatement lien, the City may make the cost of abatement a special assessment against the parcel of land on which the nuisance is maintained.

(b) Notice shall be given by certified mail, to the property owner, if the property owner's identity can be determined from the county assessor's or county recorder's records. Notice pursuant to this section of this Code shall be given at the time of imposing the assessment and shall specify that the property may be sold after three years by the tax collector for unpaid delinquent assessments. The tax collector's power of sale shall not be affected by the failure of the property owner to receive notice pursuant to this section of this Code.

(c) The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for with ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to the special assessment. However, if any real property to which the cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of the taxes would become delinquent, then the cost of abatement shall not result in a lien against the real property but instead shall be transferred to the unsecured roll for collection.

(d) The City shall duly execute a report detailing the amount of the special assessment and shall send same to the tax division of the County Auditor-Controller's office, whereupon it shall be the duty of the Auditor-Controller to add the amounts of the respective assessments to the next regular tax bills levied against the respective lots and parcels of land for municipal purposes; and, thereafter, the amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes.

(e) City may conduct a sale of vacant residential developed property for which the payment of that assessment is delinquent, subject to the requirements applicable to the sale of property pursuant to Section 3691 of the Revenue and Taxation Code.

(f) Notices or instruments relating to the abatement proceeding or special assessment shall be entitled to recordation.

Section 11C-49.2. Graffiti Abatement – General Provisions.

(a) The abatement of any nuisance resulting from the defacement of the property of another by graffiti or any other inscribed material as prescribed in this Code shall be at the sole expense of the person, minor or other person creating, causing or committing the nuisance.

(b) If the person creating, causing or committing the nuisance is a minor, the parent or guardian having custody and control of the minor shall be jointly and severally liable with the minor. The City shall make the expense of abatement of any nuisance, resulting from the defacement by a minor of the property of another by graffiti or any other inscribed material, a lien against the property of a parent or guardian having custody and control of the minor and/or a personal obligation against the parent or guardian having custody and control of the minor.

(c) The prevailing party in any action, administrative proceeding or special procedure to abate a nuisance pursuant to this section may recover its reasonable attorneys' fees in those individual actions or proceedings wherein the City elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorneys' fees. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to any prevailing party exceed the amount of reasonable attorneys' fees incurred by the City in the action or proceeding.

(d) The City may collect the cost of abatement of any nuisance, resulting from the defacement of the property of another by graffiti or any other inscribed material, and related administrative costs by either: (i) obtaining a court order stating that this reimbursement requirement is a personal obligation of the minor or other person or parent or guardian having custody and control over the minor who committed the defacement, recoverable by the City in the same manner as any civil judgment; (ii) recording a nuisance abatement lien against a parcel of land owned by the minor or other person or parent or guardian having custody and control over the minor who committed the defacement; or (iii) making the cost of abatement of a nuisance resulting from the defacement of the property of another, a special assessment against a parcel of land owned by the minor or other person or parent or guardian having custody and control over the minor who committed the defacement.

Section 11C-49.3. Graffiti – Nuisance Abatement Lien.

(a) Prior to the recordation of a graffiti nuisance abatement lien, notice shall be given to the person or parent or guardian having custody and control over the minor who committed the defacement by graffiti or any other inscribed material. Such notice shall be served in the same manner as a summons in a civil action in accordance with Sections 415.10 et seq. of the Code of Civil Procedure. The date upon which service is made shall be entered on or affixed to the face of the copy of the notice at the time of service. However, service of such notice without such date shall be valid and effective.

(b) A graffiti nuisance abatement lien shall be recorded in the Riverside County Recorder's office and from the date of recording shall have the force, effect, and priority of a judgment lien.

(c) A graffiti nuisance abatement lien authorized by this section shall specify the amount of the lien, the name of the agency on whose behalf the lien is imposed, the date of the abatement order, the street address, legal description and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the recorded owner of the parcel.

(d) If the lien is discharged, released, or satisfied, either through payment or foreclosure, notice of the discharge containing the information specified in subsection (b) of this section of this Code shall be recorded by the City. A graffiti nuisance abatement lien and the release of the lien shall be indexed in the grantor-grantee index.

(e) A graffiti nuisance abatement lien may be satisfied through foreclosure in an action brought by the City. The City may recover from the property owner any costs incurred regarding the processing and recording of the lien and providing notice to the property owner as part of its foreclosure action to enforce the lien or as a condition of releasing the lien upon payment.

Section 11C-49.4. Graffiti – Special Assessment.

(a) As an alternative to the recordation of a graffiti nuisance abatement lien, the City may make the cost of the abatement of any nuisance resulting from the defacement by a minor or other person of property of another by graffiti or other inscribed material, and related

administrative costs, a special assessment against a parcel of land owned by the minor or other person or by the parent or guardian having custody and control of the minor.

(b) The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to the special assessment. However, if any real property to which the cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of the taxes would become delinquent, then the cost of abatement shall not result in a lien against the real property but instead shall be transferred to the unsecured roll for collection.

(c) Notices or instruments relating to the abatement proceeding or special assessment may be recorded.

(d) Upon entry of a second or subsequent civil or criminal judgment within a two-year period finding a minor or other person or parent or guardian having custody and control of a minor responsible for a condition that may be abated as a nuisance pursuant to subsection (a) of this section of this Code, the court may order such minor or other person or parent or guardian having custody and control of such minor to pay treble the costs of the abatement."

Section 11C-49.5. General Penalty.

(a) In addition to any other remedy provided by law, the City may recover any fee, cost or charge, including any attorneys' fees incurred in the enforcement of any provision of the Zoning Code, the Housing Code, Building Code, Electrical Code, Plumbing Code, Mechanical Code or the Uniform Code for the Abatement of Dangerous Buildings as provided in this Code. The amount of any such fee, cost, or charge, including any attorneys' fees shall not exceed the actual cost incurred performing the inspections and enforcement activity, including but not limited to permit fees, fines, late charges and interest.

(b) Subsection (a) of this section of this Code, shall not apply to any enforcement, abatement, correction or inspection activity regarding a violation of any provision of sections of the Zoning Code, the Housing Code, Building Code, Electrical Code, Plumbing Code, Mechanical Code or the Uniform Code for the Abatement of Dangerous Buildings as provided in this Code in which the violation was evident on the plans that received the building permit.

(c) Subsection (a) of this section of this Code shall not apply to owneroccupied residential dwelling units.

SECTION 3. The City Clerk shall cause this Ordinance to be published in a newspaper of general circulation printed and published in the county and circulated in the City within fifteen (15) days after its passage, in accordance with Section 36933 of the Government Code, shall certify to the adoption and publication of this Ordinance, and shall cause this Ordinance and its certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

SECTION 4. Severability. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional, or otherwise invalid such decision shall not affect the validity of the remaining sections of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause and phrase thereof irrespective of the fact that any one or more other sections, subsections, clauses, or phrases be declared invalid.

INTRODUCED at the regular meeting of the 9th day of August, 2005.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Banning at a regular meeting held on this 13th day of September, 2005.


John Machisic, Mayor

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


Julie Hayward Biggs
City Attorney

ATTEST:


Marie A. Calderon
City Clerk

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1326 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 9th day of August, 2005, and was duly adopted at a regular meeting of said City Council on the 13th day of September, 2005, by the following vote, to wit:

AYES: Councilmembers Hanna, Palmer, Salas, Welch, Mayor Machisic

NOES: None

ABSENT: None

ABSTAIN: None


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

***THIS PAGE
INTENTIONALLY LEFT
BLANK***



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Rochelle Clayton, Interim City Manager

PREPARED BY: Heidi Meraz, Community Services Director

MEETING DATE: July 10, 2018

SUBJECT: Resolution 2018-99, Approving the Memorandum of Understanding" (MOU) between the City of Banning and the Stagecoach Days Association

RECOMMENDATION:

That City Council adopt Resolution 2018-99, approving a MOU between the City and the Stagecoach Days Association, defining the roles of both parties relative to the production the annual "Banning Stagecoach Days" event.

JUSTIFICATION:

Since 2010, the City of Banning and the Stagecoach Days Association have collaborated to produce the annual event known as Banning Stagecoach Days. A document outlining certain aspects of the arrangement is necessary to avoid confusion and set limits and boundaries on contributions and in-kind services. The proposed MOU will solidify the expectations of both parties and ensure the annual event will meet the expectations of the City and contributions of the City are acceptable to the Association.

BACKGROUND:

For over 60 years Stagecoach Days has been an annual citywide celebration of Banning's history as a stagecoach stop on the Colorado Stage and Express Line and has become a signature event for the city. The Stagecoach Days Celebration serves as a community building tool by hosting activities that bring citizens together. Additionally, the event is also an economic driver, bringing people into town to shop in our stores, dine in our restaurants, use our hotels for lodging, and get fuel at our gas stations.

Throughout the years the event has been produced by different groups, such as the Banning Chamber of Commerce, the A.C. Dysart Park Association, City staff, and since 2010 the Stagecoach Days Association. The previously mentioned groups were only able to put the event on with the help of committed volunteers, a substantial volunteer workforce, and financial and in-kind contributions. Through the ongoing efforts of the Stagecoach Days Association for the past eight years, our city's signature event continues to grow and attracts more visitors each year.

City staff has worked with the current Stagecoach Days Association to develop this MOU, which is acceptable to their organization and clearly defines the contributions and in-kind services that will be provided by the City to produce the annual Stagecoach Days event. The donations and services from the City that are specified in the proposed MOU are in the adopted 2018-19 and 2019-20 city budgets.

OPTIONS:

1. Adopt Resolution 2018-99, approving the Memorandum of Understanding between the City of Banning and the Stagecoach Days Association
2. Reject Resolution 2018-99, and provide further direction to staff on what the Council's desire is in regards to an agreement with the Stagecoach Days Association relative to the production of the annual Stagecoach Days event.

ATTACHMENTS:

1. Resolution 2018-99
2. MOU

Approved by:



Rochelle Clayton
Interim City Manager

ATTACHMENT 1

Resolution 2018-99

RESOLUTION 2018-99

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING THE MEMORANDUM OF UNDERSTANDING "MOU" BETWEEN THE STAGECOACH DAYS ASSOCIATION AND THE CITY OF BANNING

WHEREAS, since 2010 the Stagecoach Days Association has organized, promoted and conducted Banning Stagecoach Days as an annual event and community celebration; and

WHEREAS, the City of Banning and the Stagecoach Days Association desire to work in cooperation and partnership with each other to annually produce Banning Stagecoach Days; and

WHEREAS, City of Banning seeks to continue to support Banning Stagecoach Days at a level that is consistent with recent years; and

WHEREAS, an agreement is needed between Banning Stagecoach Days and the City of Banning that delineates the respective rights and obligations of the parties relative to the annual Banning Stagecoach Days Celebration; and

WHEREAS, the MOU presented clearly defines the expectations of the Stagecoach Days and the City of Banning for the production of the annual Stagecoach Days event,

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

1. The City Council of the City of Banning approves the MOU between the Stagecoach Days Association and the City of Banning

PASSED, APPROVED AND ADOPTED this 10th day of July, 2018.

George Moyer, Mayor
City of Banning, California

ATTEST:

Sonja De La Fuente, Deputy City Clerk
City of Banning, California

Reso. 2018-99

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

Kevin G. Ennis, Esq., City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Sonja De La Fuente, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2018-99 was duly adopted by the City Council of the City of Banning at a regular meeting thereof held on the 10th day of July 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTACHMENT 2

MOU

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (the "MOU") is entered into this ____ day of _____, 2018, between the Stagecoach Days Association, P.O. Box 604, Banning, CA a non-for-profit 501(c) (3) corporation existing under the laws of the State of California ("the ASSOCIATION") and the City of Banning, California (the "CITY") to memorialize the agreement of the parties concerning their ongoing relationship for the purpose of conducting the Banning Stagecoach Days Event, hereinafter known as "Stagecoach Days".

Recitals

WHEREAS, since 2010, the Stagecoach Days Association has organized, promoted and conducted Banning Stagecoach Days as an annual event and community celebration;

WHEREAS, the City of Banning and the Stagecoach Days Association desire to work in cooperation and partnership with each other to annually produce Banning Stagecoach Days; and

WHEREAS, the City of Banning seeks to continue support of Banning Stagecoach Days at a level that is consistent with recent years, the Stagecoach Days Association and the City of Banning enter into this MOU that delineates the respective rights and obligations of the parties and defines their relationship for Stagecoach Days.

Agreement

NOW THEREFORE, for these reasons, and in consideration of the conditions, covenants and agreements set forth below, the Association and the City agree as follows:

1. RELATIONSHIP BETWEEN THE PARTIES

The parties agree that the relationship of the parties is between two separate and independent entities. There is not a joint venture, partnership, employer-employee relationship or any principal-agent relationship.

2. EXCLUSIVITY

The ASSOCIATION shall have exclusive operational and vending control over and within the geographic area and locations at which Stagecoach Days events will be conducted, as such geographic area and locations are defined in the event application and permits relating thereto. The CITY shall not (a) authorize or permit any other person or entity to conduct any other community event, or (b) grant any other person or entity a transient merchant license to conduct any type of business, within Dysart Park during the time period of two weeks before, two weeks after, and during Stagecoach Days, which begins the Friday after Labor Day and ends two days later.

3. ELEMENTS OF ANNUAL EVENT

The ASSOCIATION will organize, promote, and conduct the annual, three-day Banning Stagecoach Days Event and the annual Stagecoach Days Parade. The three-day event will consist of a minimum of two (2) Professional Rodeo Cowboy Association (PRCA) Pro Rodeo events, (30)

vendors, three (3) live music performances, and either a carnival or a “Kid’s Zone” with activities and attractions that are geared towards family entertainment.

The parade will be held on Ramsey Street, between San Geronio Avenue and 12th Street the Saturday morning of the three-day event and will have a minimum of forty (40) entries to include at least two marching bands.

4. SECURITY FOR THE BANNING STAGECOACH DAYS EVENT

The Association shall be responsible for providing private security as may be required. Such security is to be provided by guards that are licensed by the Bureau of Security and Investigative Services

The City will provide officers at the three-day event and the parade as deemed appropriate by the Chief of Police or his/her designee. The Association will not be charged for officers, however the cost associated with police officers that are provided solely for Stagecoach Days and associated events will be charged against the total in-kind service donation of \$10,000.00.

5. IN- KIND SERVICES FOR BANNING STAGECOACH DAYS

Aside from the public-safety services outlined above, the CITY agrees to provide in-kind services to the Association commensurate with previous participation in Banning Stagecoach Days. The CITY’s in-kind contribution will be understood to include additional services and items required specifically for Banning Stagecoach Days which the CITY would not provide in the absence of said event. Such in-kind services may include, but are not limited to:

- Additional street sweeping,
- Additional trash removal,
- Placement and removal of barricades upon streets and public parking lots for various events, and posting of “No Parking” signs as needed,
- Recreation staff to assist with entry gates and ticket booths,
- Other similar services that the CITY has provided to the ASSOCIATION for the production of the annual event.

The CITY will also designate the Community Services Director or his/her designee to facilitate and coordinate Association requests for in-kind services and to manage the Banning Stagecoach Days community event application process to facilitate timely approval.

The CITY shall facilitate the necessary multi-departmental meetings with representatives of the ASSOCIATION, to outline the in-kind services requested by the ASSOCIATION and those deemed necessary by the CITY in preparation and execution of the annual event.

No later than sixty (60) days prior to the Stagecoach Days event, the ASSOCIATION will provide detailed plans and information outlining the need for in-kind services and equipment (except as

otherwise noted for specific items covered in this agreement). This information shall include any plans, information and applications for new associated events which may necessitate additional in-kind CITY services, equipment, staff or other in-kind contribution.

No later than forty-five (45) days prior to Stagecoach Days, the CITY will estimate the value of the CITY's in-kind contribution by utilizing the salary costs associated with CITY staff, equipment costs, the rental value of items and facilities that will be used and any additional actual costs incurred by the CITY. The CITY will ensure the requested in-kind services and equipment align with prior-years' in-kind contributions, which were capped at, and will remain capped at \$10,000.00 annually.

6. CITY SPONSORSHIP

In addition to the in-kind services outlined in section 4 above, the City of Banning will provide the Association with \$10,000.00 in cash sponsorship for Stagecoach Days, will rent bleachers for the event in an amount not to exceed \$17,000.00, and will provide necessary event insurance. In exchange, the ASSOCIATION shall include the City of Banning as a sponsor, providing the CITY with sponsor promotion, recognition and all other benefits commensurate with its level of support.

7. APPLICATION PROCESS

Annually the ASSOCIATION agrees to provide to the CITY a report which includes essential details of said event in a format approved by CITY Staff. Such a report will be deemed sufficient for properly processing a Special Event Application. All additional applicable licenses required by the CITY must be completed and submitted with the Special Event Application. All proposed activities must be submitted by the ASSOCIATION for approval by the CITY of Banning no later than forty-five (45) days prior to the event.

8. INDEMNIFICATION

The parties agree to indemnify and hold harmless the other party, its governing board, officers, agents, and employees against any and all claims, damage, liability, injury expense, demands, causes of actions, judgments including court costs and attorney's fees arising out of or resulting from the negligence or intentional acts of its officers, agents or employees.

The parties agree this provision shall survive the termination of this MOU.

9. COMPLETE AGREEMENT

The parties agree that this MOU constitutes the entire agreement of the parties and that no prior agreement or representation, written or oral, shall be binding or of any force or effect. Further, this MOU may not be amended, modified, altered or enlarged except in writing signed by the duly authorized representatives of the parties hereto.

10. AGREEMENT BINDING

The parties agree that this MOU shall be binding upon the successors and legal representatives of the parties hereto. Neither party shall assign this MOU or any of their respective rights, obligations or interest in it.

11. TERM

The term of this MOU will be for two (2) years from the date of the parties' execution, with a one-year automatic extension, unless a party gives written notice to the other party, not less than sixty (60) days prior to such anniversary date, that the term of the MOU shall not be extended. Such notice shall be given as provided for by Section 14 below. The City's obligations in the second and any subsequent year(s) shall be subject to the sufficiency of annual appropriations properly budgeted and available for such purposes.

12. NOTICES

All notices with respect to this MOU shall be given by first class mail or hand-delivery to the parties as follows:

CITY:

City Manager, City of Banning
P.O. Box 998
Banning, CA 92220

ASSOCIATION:

Amy Pippenger
P.O. Box 604
Banning, CA 92220

13. SEVERABILITY

If any term, provision, covenant or condition of this MOU is ruled invalid, void, or unenforceable by a court of competent jurisdiction, this MOU will nonetheless remain in full force and effect as to all remaining terms, provisions, covenants and conditions.

IN WITNESS HEREOF, the duly authorized representatives of the parties have hereunto set their hand on the date and year written.

City of Banning

Stagecoach Days Association

By: _____

By: _____

City Manager, City of Banning

Chairman, Stagecoach Days Association

Date: _____

Date: _____

***THIS PAGE
INTENTIONALLY LEFT
BLANK***



**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL

FROM: Rochelle Clayton, Interim City Manager

PREPARED BY: Patty Nevins, Community Development Director
Art Vela, Public Works Director

MEETING DATE: July 10, 2018

SUBJECT: Resolution 2018-95, Tentative Tract Map No. 37298 (Atwell Development) Proposal to Subdivide Approximately 199 Gross Acres of Vacant Land for Purposes of Creating 264 Single Family Lots, One Lot for Future Medium Density Residential Development, One Lot for Future Medium Density Residential Development and Future Park, Two Commercial Lots, a Lot for a Park, 15 Open Space Lots, One School Lot, and Public Streets, all within the Butterfield Specific Plan Area

RECOMMENDED ACTION:

Staff recommends that the City Council:

1. Adopt Resolution No. 2018-95 (Attachment 1), recommending that the City Council take the following actions:
 - I. Find that in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required.
 - II. Approve Tentative Tract Map No. 37298 to subdivide approximately 199 gross acres of land for single family, multi-family, commercial, school, parks, and open space uses along with public streets, subject to the conditions of approval.

PROJECT / APPLICANT INFORMATION:

Project Applicant: Pardee Homes
1250 Corona Pointe Court, #600
Corona, CA 92879

Property Owner: Pardee Homes
1250 Corona Pointe Court, #600
Corona, CA 92879

Project Location: North of Wilson Street, east of Highland Springs
Avenue, generally in the southwesterly portions of the
Butterfield Specific Plan.

APN Information: 408-120-001 through -005, 408-120-007 through -009;
portions of 408-120-006, 408-120-010, 408-120-012,
408-120-019, 408-120-020

BACKGROUND:

The Butterfield Specific Plan, General Plan and Zoning Map Amendments, Development Agreement, and accompanying Environmental Impact Report (EIR) were originally approved by the City Council in March of 2012. Subsequent litigation and a Settlement Agreement resulted in a request by the applicant for approval of a General Plan Amendment related to Highland Home Road as well as certain minor modifications to the Specific Plan. These applications were reviewed by the Planning Commission in January 2017 and were reviewed and approved by the City Council in February 2017. In June 2017, the City Council reviewed and approved Tentative Maps for the Butterfield project for financing and conveyance purposes.

COMMITTEE RECOMMENDATION:

On June 6, 2018, the City Planning Commission considered the project and held a public hearing. The Planning Commission voted 2-1 to recommend that the City Council approve Tentative Tract Map No. 37298.

JUSTIFICATION:

The proposed Tentative Tract Map No. 37298 implements the Butterfield Specific Plan originally approved by the City Council in March of 2012, with Minor Modifications approved in 2017 and provides for development as allowed by the Specific Plan.

REQUEST:

Tentative Tract Map No. 37298 would subdivide approximately 199 gross acres of vacant land into 264 single family lots, 2 lots for future medium density development, 2 commercial lots, 2 lots for parks, 15 open space lots, 1 lot for a school, and public streets. The Project site is located north of Wilson Street and east of Highland Springs Road within the Butterfield Specific Plan area; see Figures 1 and 2 for the overall Butterfield Specific Plan area, and a colored site plan of Tentative Tract Map No. 37298. The proposed Tentative Tract Map No. 37298 is also attached to this report.

Figure 1: Butterfield Specific Plan



Figure 2: TTM 37298 Exhibit



ANALYSIS:

The overall Butterfield Specific Plan project site is approximately 1,528 acres (see Figure 1) above and is located in the northwestern corner of the City of Banning. Proposed Tentative Tract Map No. 37298 is located generally within the southwesterly area of the Specific Plan.

The boundaries of the proposed Tentative Tract Map No.37298 include the following Planning Areas ("PA") within the Butterfield Specific Plan: Planning Areas 17 and 18 (Commercial); Planning Areas 2A, 3, 4, and 9B (Medium Density Residential); Planning Areas 1A and 1B (Low Density Residential); Planning Area 20 (School); Planning Areas 22 and 26 (Parks); and Planning Area 23 (Open Space). See Figure 2 above.

Additionally, the proposed Tentative Tract Map No. 37298 will create public streets. Backbone streets are identified as “A” Street (accessed from Highland Springs Avenue); “H” Street (accessed from Highland Springs Avenue); “C” Street (accessed from Wilson Street); “K” Street (accessed from Wilson Street); and “B” Street (an internal street connecting to both “H” Street and “C” Street). Additional neighborhood streets serve as entries and provide internal circulation for individual neighborhoods.

Residential Planning Areas

Low Density Residential: Planning Areas 1A and 1B

The proposed Tentative Tract Map encompasses two Planning Areas (PAs) – PA 1A and PA 1B – that are identified within the Butterfield Specific Plan as “Low Density Residential” (LDR) development planning areas.

LDR lots are intended as detached single-family homes with private yards. There are two categories of development standards within the Butterfield Specific Plan for LDR planning areas; the minimum LDR lot sizes and dimensions for PA 1A and PA 1B are as follows:

Minimum lot area:	5,000 square feet
Minimum lot width:	
Interior	46'
Corner	51'
Minimum lot frontage:	20'

Each of the LDR lots presented within the proposed Tentative Tract Map No. 37298 meets the lot area and dimensional requirements specified for PAs 1A and 1B. In PA 1A, the minimum lot size allowed is 5,000 square feet; the minimum lot size proposed is 5,829 square feet and the average lot size is 7,671 square feet. In PA 1B, the minimum lot size allowed is 5,000 square feet; the minimum lot size proposed is 6,180 square feet and the average lot size provided is 7,665 square feet.

	Approved SP	Proposed TTM	Difference
PA 1A # units	88	87	-1
PA 1A acreage	17	19.39	+15%
PA 1A density	0-5 du/ac	4.5 du/ac	within approved range
PA 1B # units	52	57	+5
PA 1B acreage	11.4	12.77	+12%
PA 1B density	0-10 du/ac	4.5 du/ac	within approved range

The Butterfield Specific Plan allows adjustment of residential planning boundaries of up to 20% to be approved by the Community Development Director as substantially conforming to the Specific Plan, and revisions to the number of dwelling units within a PA can be approved by the Community Development Director as substantially conforming to the Specific Plan as long as the total number of units for the Specific Plan area does not exceed the maximum number of approved Specific Plan units nor the maximum density allowed in a Planning Area. The number of dwelling units within PA 1A has decreased by one, and PA 1B has increased by five units; thus, the count is 4 units over. However, PA 2A, discussed below, is proposed at five units below the approved number. Thus, the overall unit count is within the number approved for the affected Planning Areas. Further, both PAs are within allowable density ranges.

Medium Density Residential: Planning Areas 2A, 3, 4, and 9B

Planning Area 2A:

The proposed Tentative Tract Map No. 37298 encompasses four Medium Density Residential Planning Areas (PAs) – PA 2A, 3, 4, and 9B. MDR lots are intended as either conventionally plotted detached single-family homes on individual lots with private yards, or as a cluster product (green court, motor court, or stub street court). The minimum lot sizes and dimensions for Conventional Medium Density Residential lots are as follows:

Minimum lot area:	3,400 square feet
Minimum lot width:	
Interior	46'
Corner	51'
Minimum lot frontage:	20'
Maximum density:	10 du/ac

Each of the MDR lots presented within the proposed Tentative Tract Map No. 37298 meet the lot area and dimensional requirements specified for PA 2A. The minimum lot size proposed is 4,500 square feet and the average lot size is 5,848 square feet. All lots meet the minimum required dimensions.

Below is a comparison of the proposed Tentative Tract Map No. 37298 dwelling unit numbers, acreages, and densities to the approved Specific Plan:

	Approved SP	Proposed TTM	Difference
PA 2A # units	125	120	-5
PA 2A acreage	20.40	20.38	less than 1%
PA 2A density	0-10 du/ac	5.9 du/ac	within approved range

Adjustment of residential planning boundaries of 20% or less can be approved by the Community Development Director as substantially conforming to the Specific Plan, and revisions to the number of dwelling units within a PA can be approved as substantially conforming to the Specific Plan as long as the total number of units for the Specific Plan area does not exceed the maximum number of approved Specific Plan units nor the maximum density allowed in a Planning Area.

Planning Areas 3, 4 and 9B:

The PA 3, 4 and 9B MDR lots encompass three lots for future Medium Density Residential development. PA 3 is 16.5 acres, PA 4 is 9.3 acres, and PA 9B is 3.92 acres. These residential lots will be subdivided and developed in the future.

	Approved SP	Proposed TTM	Difference
PA 3 acreage	19.3	16.5	-14.5%
PA 4 acreage	13.9	9.3	-33%
PA 9B acreage	5.0	3.92	-22%

Although the Planning Area acreages/boundaries for PAs 4 and 9B have changed more than 20%, the adjustments are due to the increase in acreage for the school site. School Planning Areas may be modified by more than 20% as provided for in the Specific Plan and necessarily modify acreage for adjoining planning areas. Based on this, staff find that the changes to substantially conform with the Specific Plan.

Residential Lot Grading:

Pad elevations provided for some residential lots indicate that there may be elevational differentials between residential lots of 8 feet or more. The applicant has noted that the lot lines will be at top of slope where this condition occurs, that the elevation difference will be addressed via a 2:1 slope bank in the rear yard of the lower lot, and that the slope bank will occur outside of required rear yard setbacks to ensure usable yard area for the residence.

Where MDR residential lots are adjacent to the commercial lots, grade differentials may exceed 10 feet. Lot lines will be at top of slope where this condition occurs, the elevation difference will be addressed via a 2:1 slope bank in the rear yard of the lower lot, and the slope bank will occur outside of any required setbacks.

Additional measures to protect the residential lots from commercial activities (e.g. setbacks, walls, landscaping) will be evaluated and further measures may be required during the Design Review process.

Commercial Planning Areas

The proposed Tentative Tract Map No. 37298 encompasses two commercial lots, one each within PAs 17 and 18. The proposed PA 18 commercial lot is 23 acres located at the northeast corner of Wilson Street and Highland Springs Avenue. The proposed PA 17 commercial lot is 12.89 acres and is located on the east side of Highland Springs Avenue, south of Oak Valley Parkway.

The Butterfield Specific Plan minimum lot area and dimensions for commercial lots are as follows:

Minimum lot area: 6,000 square feet
Minimum lot width: 60'

Each of the commercial lots meet the required development standards.

	Approved SP	Proposed TTM	Difference
PA 17 acreage	13.6	12.89	-5%
PA 18 acreage	23.1	23.00	- 1%

Adjustment to commercial planning boundaries of 20% or less can be approved by the Community Development Director as substantially conforming to the Butterfield Specific Plan

Grading:

Pad elevations provided for the commercial lots indicate that there may be elevational differentials between the commercial lots and adjacent residential lots of ten feet or more. As noted above, where residential lots are adjacent to the commercial lots, measures to protect the residential lots from commercial activities (e.g. setbacks, walls, landscaping) may be evaluated and imposed during the Design Review process.

Future Commercial Development

Section 6.2.4 of the project's Development Agreement indicates that the developer shall maintain the potential to expand the site to as much as 88 acres to permit a larger commercial development and shall advise the City within five years of the Development Agreement's Effective date as to what interest there might be in the expanded project at which time the parties would mutually agree as to the scope of the project. The developer has indicated that with the school district's preferred site, the expanded commercial option is no longer viable and that further, discussions with several big box retail representatives have not identified interest to construct at this location. With approval of the current configuration, the commercial sites would remain as one 23 acre site and one 12.89 acre site.

Parks

The Tentative Tract Map No. 37298 includes two parks; PA 22 is a 2.02-acre park lot located between the residential PA 1A and 1B lots, and PA 26 is a 1 acre future park lot located within the Medium Density Residential PA to be subdivided and developed in the future.

	Approved SP	Proposed TTM	Difference
PA 22 acreage	2.0	2.02	+ Less than 1%
PA 26 acreage	1.0	1.0	0

Open Space PA 23 and 35A and Lettered Lots

The proposed Tentative Tract Map No. 37298 includes 29 acres of open space identified as Lot "L" comprised of 12.57 acres within PA 23 and 5 acres within PA 35A, along with various other lettered open space lots identified as lots "A" through "O". PAs 23 and 35A Lot "L" will be part of the open space system that replaced the former golf course as included in the minor modifications that were approved in February 2017. The Lot "L" open space lot will provide for stormwater management and a channel/creek system and is also required to provide for active and/or passive recreational amenities (e.g. trails, seating areas, etc.).

Although described at one point as a "lake", the previous water area within Open Space Lot "L" is now planned as a continuation of the channel/creek system that will be integrated into the overall storm drain system to receive stormwater runoff from areas onsite, as well ultimately from other areas of Atwell. The stormwater design is proposed to provide water quality treatment for stormwater runoff and nuisance flows, as well as stormwater detention.

Open space lots "A" through "K, and "M" through "O" total 5.0 acres and will provide landscaped buffers and connectivity along and between streets and trails.

	Approved SP	Proposed TTM	Difference
PA 23 acreage	16.5	12.57	-24%*
PA 35A acreage	12.4	5.0	-60%*

- * Open Space Planning Areas 23 and 35A include area that will be contained within subsequent maps. The applicant has indicated that PA 23 will ultimately be 13.55 acres (an 18% decrease) and PA 35A will ultimately be 10.55 acres (a 15% decrease). Both of these are within allowable substantial conformance limits. Staff has included a condition of approval requiring that upon submittal of the tentative tract map that includes the remaining open space areas, the applicant shall provide an exhibit depicting the overall are within PA 23 and PA 35A confirming that the above acreages are being met

and that additional open space be provided in remaining open space Planning Areas to compensate.

Adjustment of open space planning boundaries of 20% or more can be approved by the Community Development Director as substantially conforming to the Butterfield Specific Plan.

PA 23 and PA 35A as depicted in the Specific Plan each overlap two phases. Within the proposed Tentative Tract Map No. 37298, the acreages of both PA 23 and PA 35A are less than required by the Specific Plan; however additional PA 23 and 35A areas will be mapped in future adjacent tract map, at which time their overall areas are expected to match the acreage of the approved SP. As such, staff finds the open space PAs consistent with the Specific Plan and a condition of approval has been included to ensure that the overall open space PA acreages are consistent with the Specific Plan is included.

Grading:

As noted previously, Lot "L" will be required to incorporate trails and other active or passive recreational amenities along both sides of the perimeter. Plans for this open space area will be reviewed by the Planning Commission for Design Review approval.

School Planning Area 20

The proposed Tentative Tract Map No. 37298 includes a 20-acre site for future school development. This site will be rough graded and deeded over for future school development.

	Approved SP	Proposed TTM	Difference
PA 20 acreage	14.0	20.0	+42.86

As provided for in Section 6.1.2 of the Specific Plan, school sites may be increased by more than 20%. As such, the above, along with corresponding decreases required for adjacent planning areas, would be considered consistent with the Specific Plan.

Streets/Circulation System

Proposed streets within the subdivision will be public streets and are consistent with sections provided in the Butterfield Specific Plan. Residential streets proposed will be 36' wide from curb to curb, consistent with the approved Specific Plan and allowing for on-street parking.

Backbone streets (i.e. "A" Street, "H" Street, "C" Street and "B" Street) will be 62' wide from curb to curb, consistent with the approved Specific Plan.

Proposed "A" Street, "C" Street, "H" Street and entry streets to residential neighborhoods will include medians.

As part of each final map approval, or appropriate group of maps, the Applicant shall have prepared a Traffic Impact Analysis Validation Report (TVR) as required by the conditions of approval. The TVR shall identify the street improvements required to be constructed in order to ensure adequate emergency access and satisfactory level of service.

Utilities

Electrical service will be provided by the City of Banning; the Electric Utility has provided conditions of approval that have been incorporated into the proposed Conditions of Approval. Permanent City of Banning electrical utilities will be undergrounded with the exception of temporary overhead electrical lines and pad-mount equipment such as transformers and switchgear.

Water and wastewater services will be provided by the City of Banning; the Public Works Department has provided conditions of approval, related to the water and wastewater utilities, which have been incorporated into the draft project conditions

A water and sewer system analysis shall be prepared and shall identify the water and sewer improvements that are required to serve the project.

Issuance of building permits for any portion of the project shall be contingent upon the availability of non-potable water supplies to serve any non-potable demands within the City in an amount greater than or equal to the non-potable demands of the portion of the project for which building permits are requested. This would include water for open spaces, parks, medians, and greenbelts.

Proof of the availability of sufficient water supply to serve the project shall be based on a written verification prepared by the City consistent with Government Code § 66473.7

Other Improvements

The proposed Tentative Tract Map No. 37298 depicts interim drainage improvements corresponding with future grading and located adjacent to the southeast corner of the mapped lots, east of proposed Lot "L"/PA 23, and north/northeast of the mapped lots.

North of the proposed Tentative Tract Map No. 37298, an earthen berm will be constructed along the north edge of Phase 1 of the Butterfield Specific Plan project. This berm is intended to provide temporary flood protection from existing overland drainage flows coming from the northerly adjacent ranchland uphill of Phase 1, which is tributary to Smith Creek. The berm will be located outside of the street corridor of "H" Street and will be hydroseeded to stabilize the soil. The

street corridor will include permanent landscaping which will be installed when the street is constructed.

Additionally, a stormwater management / flood control basin (Basin 3) will be constructed at the corner of Wilson and "C" Streets as part of Phase 1 of the Butterfield Specific Plan project. The project requires a larger drainage storage capacity in Basin 3 in Phases 1 and 2 than what will be required in later phases of the project, therefore Basin 3 will be constructed in a way that facilitates future alteration of the basin. In Phases 1 and 2 of the project, Basin 3 will serve as both a stormwater quality treatment/ infiltration basin and as a 100-year flood retention basin. After the construction of Phase 3 the basin will serve only as a water quality/infiltration basin. Therefore, the basin size will be reduced concurrently with the construction of Phase 3 of the Butterfield Specific Plan. Reducing the size of Basin 3 will allow the construction of the realigned Smith Creek channel. Basin 3 will include a low berm dividing the permanent portion of the basin on the western side, adjacent "C" Street from the temporary portion of the basin nearer to Smith Creek. Basin 3 will be hydroseeded in the interim condition and is ultimately expected to be landscaped with primarily riparian plantings.

Future City Approvals:

Grading permits may be issued by the City's Engineering Department after approval of the proposed Tentative Tract Map No. 37298.

A phasing plan indicating the timing of project development and public facilities installation is required to be approved by staff prior to commencement of development activities.

City Council approval of the final tract map shall also be required for Tentative Tract Map No. 37298. The approval of final tract maps shall be appropriate once all required improvements (i.e. street, water, wastewater, recycled water) have been identified; improvement plans have been prepared and submitted for City review and approval; and applicant has on file with the City Clerk an acceptable security for the construction of the identified public improvements.

Planning Commission approval of Design Review applications for residential, commercial, and open space building architecture and related site improvements will be required prior to construction of structures and/or other improvements. Parks will be reviewed and approved by the Community Services Director and the Community Development Director as required by the Specific Plan and Development Agreement.

ENVIRONMENTAL DETERMINATION:

1. California Environmental Quality Act (CEQA)

Potential environment issues associated with the proposed Tentative Tract Map were analyzed in the previously certified Environmental Impact Report for the Butterfield Specific Plan project (SCH No. 2007091149) as modified by the Addendum approved by the City Council on February 14, 2017, which documents are on file in the Community Development Department. There have been no substantial changes in the project nor in the circumstances under which the project is undertaken which will require major revisions of the previous environmental document; nor is there new information that shows that the project will have a significant environmental effect or an effect more severe than originally thought. Therefore, in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required.

The project will be conditioned to comply with the mitigation measures imposed under the approved Mitigation Monitoring and Reporting Program (MMRP).

- ### **2. Multiple Species Habitat Conservation Plan (MSHCP):** The Project EIR's mitigation measures, including submittal of a Determination of Biologically Equivalent of Superior Preservation (DBESP), ensure consistency with the Western Riverside County MSHCP. These mitigation measures will be incorporated into all development approvals as required by the Project MMRP to ensure consistency with the MSHCP.

SUBDIVISION MAP ACT FINDINGS

An application for a Tentative Tract Map requires that it meet specific findings in accordance with Title 16 (Subdivisions) of the Banning Municipal Code and Government Code Sections 66473.1, 66473.5 and 66474. A tentative map must adequately meet the provisions of Title 16 and the Subdivision Map Act based upon the following findings:

- ### **1. Finding:** Tentative Tact Map 37298 is consistent with the objectives, policies, general land uses, and programs specified in the City's General Plan and the Butterfield Specific Plan.

Findings of Fact: The General Plan land use designation for the site is classified as Specific Plan; the Butterfield Specific Plan includes land use designations of Very Low Density Residential, Medium Density Residential, Commercial, School, Open Space, and Parks uses within the proposed Project area. The proposed Tentative Tract Map No. 37298 is consistent with the City's General Plan in that as it will provide for a range of housing types and commercial uses as envisioned by the General Plan's Land Use element

and an efficient transportation system as envisioned by the General Plan's Circulation element. It is consistent with the Butterfield Specific Plan as it provides for land uses consistent with those designated for the Project area by the Specific Plan land use map. As such, the proposed Tentative Tract Map No. 37298 is consistent with the objectives, policies, general land uses, and programs specified in the City's General Plan and the Butterfield Specific Plan.

2. **Finding:** The design and improvement of the subdivision proposed under Tentative Tract Map No. 37298 is consistent with the City's General Plan and the Butterfield Specific Plan.

Findings of Fact: The design and improvement of the proposed subdivision is consistent with the City's General Plan and the Butterfield Specific Plan in that it will provide for a range of housing, commercial uses to meet the needs of the City's residents, and an efficient transportation system as envisioned by the General Plan, and is designed to meet City standards, including providing satisfactory pedestrian and vehicular circulation, emergency vehicle access and on site improvements, such as streets, utilities, and drainage facilities consistent with the Specific Plan.

3. **Finding:** The subject site is physically suitable for the type of development proposed under Tentative Tract Map No. 37298.

Findings of Fact: The Project site transitions from relatively flat land at the northeast corner of Highland Springs Avenue and Wilson Street to the foothills of the San Bernardino Mountains. Major access to the project site is provided by Highland Springs Avenue and Wilson Street. Analysis of the Project site relative to the physical suitability of the site for development was included in previous approvals for the Butterfield Specific Plan and the site is physically suitable for the proposed development as allowed under the Butterfield Specific Plan.

4. **Finding:** The site is physically suitable for the proposed density of development proposed under Tentative Tract Map No. 37298.

Findings of Fact: The Project site transitions from relatively flat land at the northeast corner of Highland Springs Avenue and Wilson Street to the foothills of the San Bernardino Mountains. Major access to the site is provided by Highland Springs Avenue and Wilson Street. Analysis of the Project site relative to the physical suitability for density of development was included in the approvals for the Butterfield Specific Plan, and the proposed number of dwelling units is slightly lower than that allowed under the Butterfield Specific Plan.

5. **Finding:** The design of the subdivision and improvements proposed under Tentative Tract Map No. 37298 is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Findings of Fact: Potential environmental issues associated with the proposed Tentative Tract Map No. 37298 were analyzed in the previously certified Environmental Impact Report for the Butterfield Specific Plan project (SCH No. 2007091149) as amended by an Addendum approved by the City Council in February 2017. With the imposition of mitigation measures, the Project will not have a significant effect on biological resources. There have been no substantial changes in the Project nor in the circumstances under which the Project is undertaken that will require major revisions of the prior certified EIR or Addendum; nor is there new information that shows that the Project will have a significant environmental effect or an effect more severe than originally thought. Therefore, the proposed Tentative Tract Map No. 37298 is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

6. **Finding:** The design of the subdivision and improvements proposed under Tentative Tract Map No. 37298 is not likely to cause serious public health problems.

Findings of Fact: Tentative Tract Map No. 37298 is in conformance with the City's General Plan, Zoning Ordinance, and Subdivision Ordinance and the Butterfield Specific Plan, and the Project has been conditioned to comply with all applicable Specific Plan requirements and applicable requirements of the City's ordinances, codes, and standards. In addition, the design and construction of improvements are conditioned to be in conformance with adopted City street and public works standards. The City's ordinances, codes, and standards have been created based on currently accepted standards and practices for the preservation of the public health, safety and welfare.

7. **Finding:** The design of the subdivision and improvements proposed under Tentative Tract Map No. 37298 will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Findings of Fact: Tentative Tract Map No. 37298 will not conflict with any easements for access through or use of property within the proposed subdivision.

FISCAL IMPACT:

The Butterfield Specific Plan project consists of both residential and commercial development and represents a long-term investment in the local community in both housing and public infrastructure (streets, fire station, parks and open space, utilities, drainage facilities, etc.). Issuance of grading, building, and other permits will result in additional revenues for the City, as will increased property tax revenues and future spending within the City by future residents.

OPTIONS:

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

ATTACHMENTS:

1. City Council Resolution 2018-95
2. Planning Commission Resolution 2018-08
3. Tentative Tract Map No. 37298
4. Butterfield Specific Plan, Land Use Plan (provided via CD and website link on attachment page)
5. Butterfield Specific Plan Excerpts, Development Regulations (provided via CD and website link on attachment page)
6. Ordinance 1450 (Approving the Butterfield Specific Plan) (provided via CD and website link on attachment page)
7. Butterfield Specific Plan Development Agreement (provided via CD and website link on attachment page)
8. Settlement Agreement (provided via CD and website link on attachment page)
9. CC Resolution 2017-07 Approving Minor Modifications and Attachment C, Conditions of Approval (provided via CD and website link on attachment page)
10. Mitigation Monitoring and Reporting Program and Addendum Modifications (provided via CD and website link on attachment page)
11. Correspondence
12. Public Hearing Notice

Approved By:



Rochelle Clayton
Interim City Manager

ATTACHMENT 1

Resolution 2018-95

RESOLUTION 2018-95

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, MAKING ENVIRONMENTAL DETERMINATIONS UNDER CEQA AND APPROVING TENTATIVE TRACT MAP NO. 37298, A SUBDIVISION OF APPROXIMATELY 199 GROSS ACRES INTO 264 SINGLE FAMILY LOTS, 1 LOT FOR FUTURE MEDIUM DENSITY RESIDENTIAL DEVELOPMENT, 1 LOT FOR FUTURE MEDIUM DENSITY RESIDENTIAL DEVELOPMENT AND A FUTURE PARK, 2 COMMERCIAL LOTS, 1 LOT FOR A PARK, 15 OPEN SPACE LOTS, 1 SCHOOL LOT, AND PUBLIC STREETS, ON REAL PROPERTY LOCATED NORTH OF WILSON STREET AND EAST OF HIGHLAND SPRINGS AVENUE WITHIN THE SOUTHWESTERLY PORTION OF THE BUTTERFIELD SPECIFIC PLAN (APNS: 408-120-001, -002, -003, -004, -005; 408-120-007, -008, -009; PORTIONS OF 408-120-006, 408-120-010, 408-120-012, 408-120-019, 408-120-020)

WHEREAS, an application for Tentative Tract Map No. 37298, attached hereto as Exhibit "A," to subdivide approximately 199 gross acres of vacant real property into residential, commercial, school, park, and open space lots, along with public streets (the "Project"), has been duly filed by:

Applicant/Owner :	Pardee Homes 1250 Corona Pointe Court, #600 Corona, CA 92879
Parcel Address: APN's:	North of Wilson Street, east of Highland Springs 408-120-001 through -005, 408-120-007 through -009; portions of 408-120-006, 408-120-010, 408-130-012, 408-120-019, 408-120-020
Lot Area:	Approximately 199 acres

WHEREAS, the Municipal Code allows the subdivision of approximately 199 acres subject to the approval of a Tentative Tract Map No. 37298 and the Butterfield Specific Plan Development Agreement specifically provides for Tentative Tract Maps for project development;

WHEREAS, on June 6, 2018 the Planning Commission held a duly noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Tentative Tract Map and at which the Planning Commission considered the Tentative Tract Map and recommended approval to the City Council;

WHEREAS, in accordance with Government Code § 66451.3, 65090, and 65091, on June 22, 2018, the City gave notice, by advertisement in the Record Gazette newspaper, and by mailing to the owner of the subject real property, the owner's duly authorized agent, the Project applicant, and property owners within 300 feet of the Project site, of a public hearing concerning the City Council's review of the Project; and

WHEREAS, in accordance with Banning Municipal Code Section 16.14.050, on July 10, 2018, the City Council held a noticed public hearing at which time interested persons had an opportunity to testify in support of, or opposition to, the Project and at which the City Council considered Tentative Tract Map No. 37298.

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

SECTION 1. ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

A. Pursuant to the California Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code § 21000 et seq.), the State Guidelines (14 Cal. Code Regs. § 15000 et seq.), and the City's Local Guidelines, City staff has considered the potential environmental impacts of Tentative Tract Map No. 37298. City staff has also reviewed the previously certified Environmental Impact Report (EIR) for the Butterfield Specific Plan project (SCH No. 2007091149), including the impacts and mitigation measures identified therein, and reviewed the EIR in accordance with CEQA for the Project. Based on that review, the City of Banning Planning Division has determined that the Project and the circumstances under which the Project is undertaken do not involve substantial changes which will result in new significant environmental effects, and that the Project does not involve new information of substantial importance which shows that the Project will have significant effects not discussed in the prior EIR. All potential environmental impacts associated with the Butterfield Specific Plan and Tentative Tract Map No. 37298 are adequately addressed by the prior EIR.

B. The City Council has independently reviewed the Planning Division's determination, and based upon the whole record before it, the Planning Division's determination, and its independent review and judgment, finds that that the Project is not subject to further environmental review pursuant to the Guidelines because: (1) the Project and the circumstances under which the Project is undertaken do not involve substantial changes which will result in new significant environmental effects, and that the Project does not involve new information of substantial importance which shows that the Project will have significant effects not discussed in the prior EIR; and (2) all potential environmental impacts associated with Butterfield Specific Plan and Tentative Tract Map No. 37298 are adequately addressed by the prior EIR.

C. The custodian of records for the prior EIR, and all other materials that constitute the record of proceedings upon which the City Council's recommendation is based, is the Planning Division of the City of Banning. Those documents are available for public review in the Planning Division located at 99 E. Ramsey Street, Banning, California 92220.

D. Multiple Species Habitat Conservation Plan (MSHCP). The Project EIR's mitigation measures, including submittal of a Determination of Biologically Equivalent of Superior Preservation (DBESP), ensure consistency with the Western Riverside County MSHCP. These mitigation measures will be incorporated into future development approvals as required by the Project Mitigation Monitoring and Reporting Program to ensure consistency with the MSHCP.

SECTION 2. TENTATIVE TRACT MAP FINDINGS

An application for a Tentative Tract Map requires that it meet specific findings in accordance with Title 16 of the Banning Subdivision Municipal Code and Government Code Section 66473.1, 66473.5 and Section 66474. A tentative map must adequately meet the adopted provisions of the Title 16 Subdivision chapter based upon the following findings:

A. Finding: Tentative Tact Map No. 37298 is consistent with the objectives, policies, general land uses, and programs specified in the City's General Plan and the Butterfield Specific Plan.

Findings of Fact:

The General Plan land use designation for the site is classified as Specific Plan; the Butterfield Specific Plan includes land use designations of Very Low Density Residential, Medium Density Residential, Commercial, School, Open Space, and Parks uses within the proposed Project area. The proposed Tentative Tract Map No. 37298 is consistent with the City's General Plan in that as it will provide for a range of housing types and commercial uses as envisioned by the General Plan's Land Use element and an efficient transportation system as envisioned by the General Plan's Circulation element. It is consistent with the Butterfield Specific Plan as it provides for land uses consistent with those designated for the Project area by the Specific Plan land use map. As such, the proposed Tentative Tract Map No. 37298 is consistent with the objectives, policies, general land uses, and programs specified in the City's General Plan and the Butterfield Specific Plan.

B. Finding: The design and improvement of the subdivision proposed under Tentative Tract Map 37298 is consistent with the City's General Plan and the Butterfield Specific Plan.

Findings of Fact:

The design and improvement of the proposed subdivision is consistent with the City's General Plan and the Butterfield Specific Plan in that it will provide for a range of housing, commercial uses to meet the needs of the City's residents, and an efficient transportation system as envisioned by the

General Plan, and is designed to meet City standards, including providing satisfactory pedestrian and vehicular circulation, emergency vehicle access and on site improvements, such as streets, utilities, and drainage facilities consistent with the Specific Plan.

C. Finding: The subject site is physically suitable for the type of development proposed under Tentative Tract Map No. 37298.

Findings of Fact:

The Project site transitions from relatively flat land at the northeast corner of Highland Springs Avenue and Wilson Street to the foothills of the San Bernardino Mountains. Major access to the site is provided by Highland Springs Avenue and Wilson Street. Analysis of the Project site relative to the physical suitability of the site for development was included in previous approvals for the Butterfield Specific Plan and the site is physically suitable for the proposed development as allowed under the Butterfield Specific Plan.

D. Finding: The site is physically suitable for the proposed density of development under Tentative Tract Map No. 37298.

Findings of Fact:

The Project site transitions from relatively flat land at the northeast corner of Highland Springs Avenue and Wilson Street to the foothills of the San Bernardino Mountains. Major access to the site is provided by Highland Springs Avenue and Wilson Street. Analysis of the Project site relative to the physical suitability for density of development was included in the approvals for the Butterfield Specific Plan, and the proposed number of dwelling units is slightly lower than that allowed under the Butterfield Specific Plan.

E. Finding: The design of the subdivision and improvements proposed under Tentative Tract Map No. 37298 is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Findings of Fact:

Potential environment issues associated with the proposed Tentative Tract Map No. 37298 were analyzed in the previously certified Environmental Impact Report for the Butterfield Specific Plan project (SCH No. 2007091149), as amended by the Addendum approved by the City Council in February 2017. With the imposition of mitigation measures, the Project will not have a significant effect on biological resources. There have been no substantial changes in the Project, nor in the circumstances under which the Project is undertaken, that will require major revisions of the prior certified EIR; nor is there new information that shows that the Project will have a significant environmental effect or an effect more severe than originally thought. Therefore, the proposed Tentative Tract Map No. 37298

is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

F. Finding: The design of the subdivision and improvements proposed under Tentative Tract Map No. 37298 is not likely to cause serious health problems.

Findings of Fact:

Tentative Tract Map No. 37298 is in conformance with the City's General Plan, Zoning Ordinance, and Subdivision Ordinance and the Butterfield Specific Plan, and the Project has been conditioned to comply with all applicable Specific Plan requirements and requirements of the City's ordinances, codes, and standards. In addition, the design and construction of improvements are conditioned to be in conformance with adopted City street and public works standards. The City's ordinances, codes, and standards have been created based on currently accepted standards and practices for the preservation of the public health, safety, and welfare.

G. Finding: The design of the subdivision and improvements proposed under Tentative Tract Map No. 37298 will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Findings of Fact:

Tentative Tract Map No. 37298 does not conflict with any easements for access through or use of property within the proposed subdivision.

SECTION 3. CITY COUNCIL ACTION:

The City Council hereby takes the following action:

1. The City Council determines that potential environment issues associated with the proposed tentative tract map were analyzed in the previously certified Environmental Impact Report for the Butterfield Specific Plan project (SCH No. 2007091149). There have been no substantial changes in the project nor in the circumstances under which the project is undertaken that will require major revisions of the previous environmental document; nor is there new information that shows the project will have a significant environmental effect or an effect more severe than originally thought. Therefore, in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required and a Notice of Exemption will be filed; and
2. Approve Tentative Tract Map 37298 attached hereto as Exhibit "A," a subdivision of approximately 199 gross acres into 360 single family lots, 1 lot for future medium density residential development, 1 lot for future medium density residential

development and a future park, 2 commercial lots, 1 lots for a park, 15 open space lots, 1 school lot, and public streets, on real property located north of Wilson Street and east of Highland Springs Avenue within the southwesterly portion of the Butterfield Specific Plan (APNs: 408-120-001, -002, -003, -004, -005; 408-120-007, -008, -009; portions of 408-120-006, 408-120-010, 408-120-012, 408-120-019, 408-120-020), subject to the recommended Conditions of Approval attached as Exhibit "B".

PASSED, APPROVED AND ADOPTED this 10th day of July, 2018.

George Moyer, Mayor
City of Banning

ATTEST:

Sonja De La Fuente, Deputy City Clerk
City of Banning

APPROVED AS TO FORM AND LEGAL CONTENT:

Kevin Ennis, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Sonia De La Fuente, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Ordinance No. 1526 was duly adopted at a regular meeting of the City Council of the City of Banning held on the 10th day of July, 2018 by the following vote, to wit:

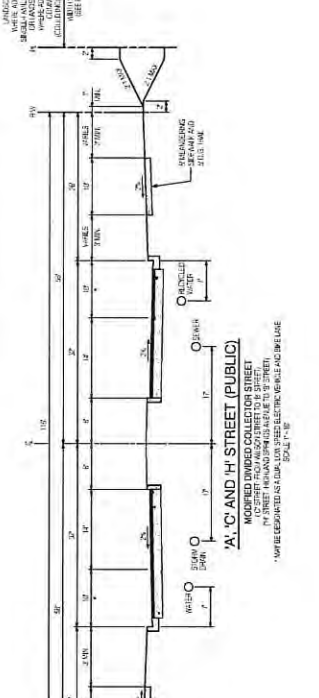
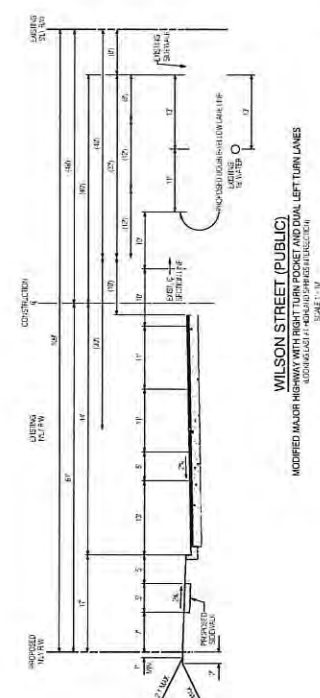
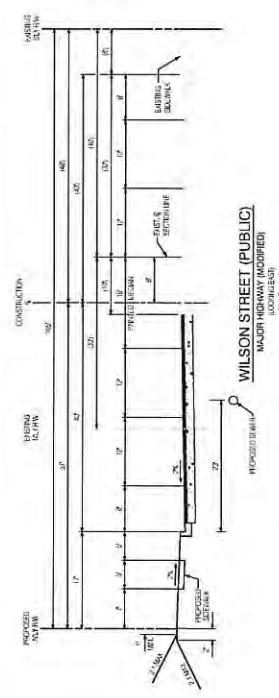
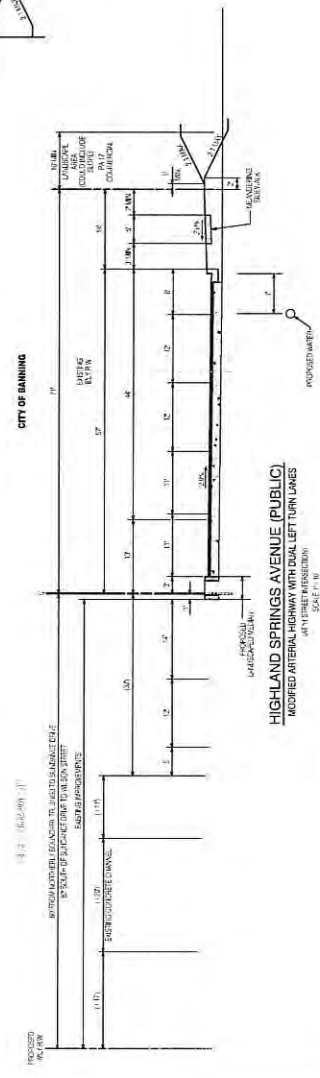
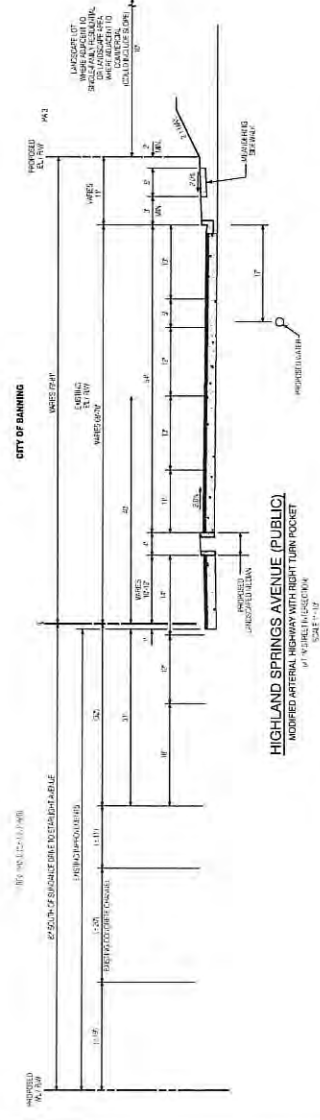
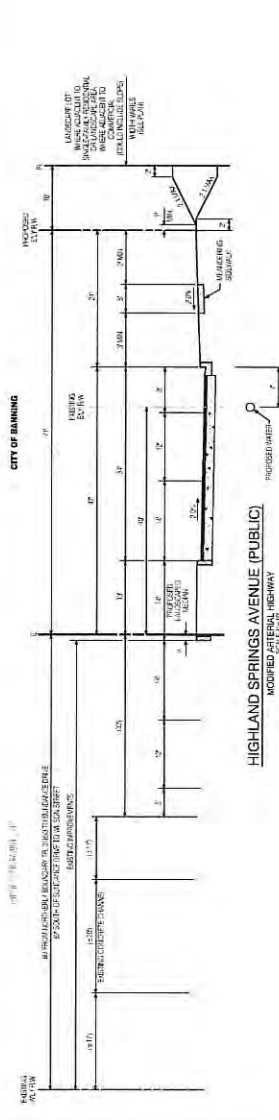
AYES:

NOES:

ABSENT:

ABSTAIN:

Sonja De La Fuente, Deputy City Clerk
City of Banning, California



DATE	NO.	REVISIONS

PREPARED FOR:

Pardee Homes

1550 Corona Pointe Court
Suite 800
Banning, CA 92406
(951) 864-4477

PREPARED BY:

MDS CONSULTING

1550 Corona Pointe Court
Suite 800
Banning, CA 92406
(951) 864-4477

ATWELL

TENTATIVE TRACT NO. 37298

P.A.'s 1A, 1B, 2A, 3, 4, 9B, 17, 18, 20, 22, 23, 26 & 35A

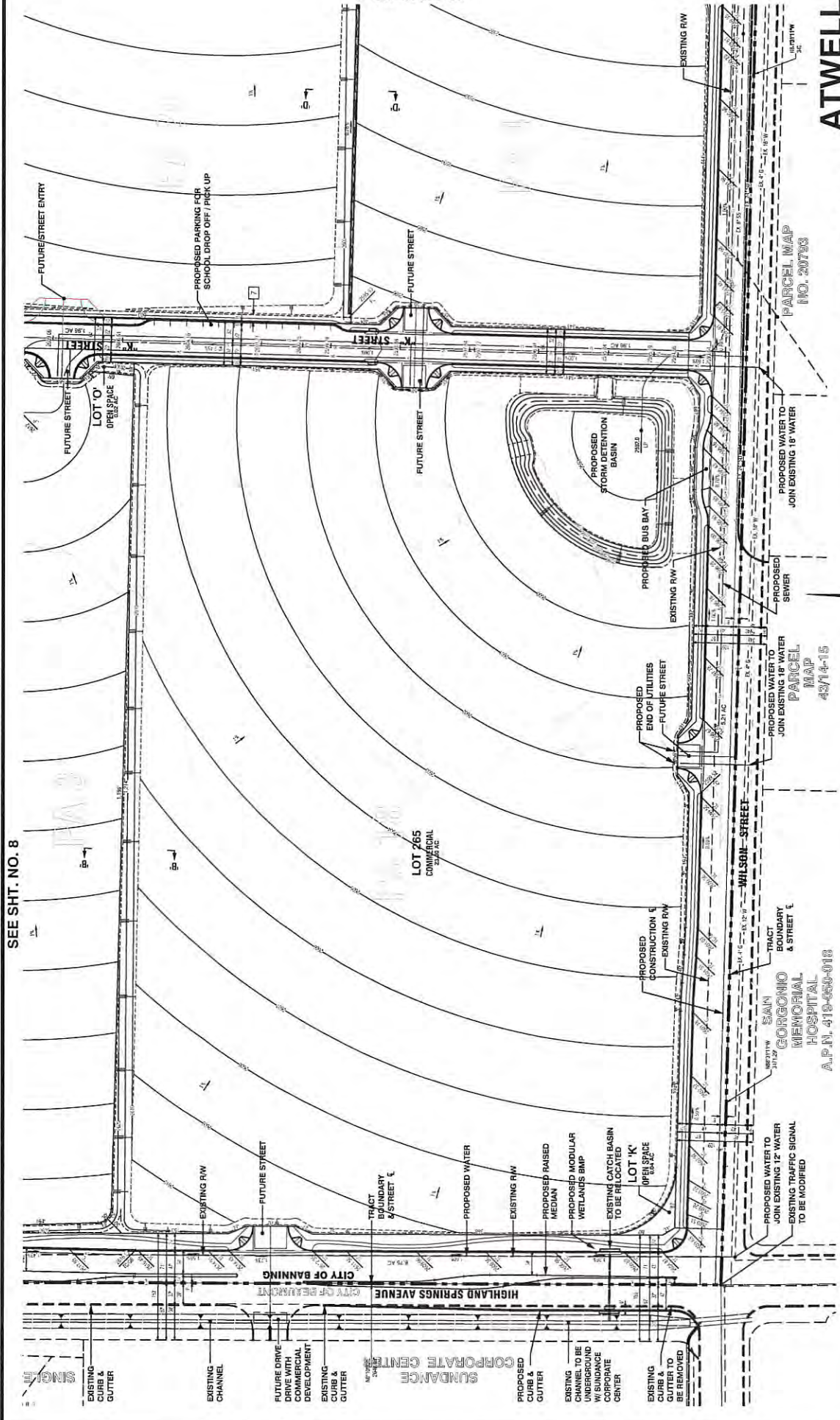
TENTATIVE TRACT MAP

CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

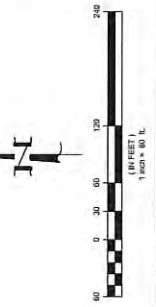
SHEET 2 OF 19

SEE SHT. NO. 8

SEE SHT. NO. 6



ATWELL
TENTATIVE TRACT NO. 37298
P.A.'s 1A, 1B, 2A, 3, 4, 9B, 17, 18, 20, 22, 23, 26 & 35A
TENTATIVE TRACT MAP
CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
SHEET 5 OF 19



PREPARED BY:

MDS
CONSULTING
PLANNERS

1230 Corona Pointe Court
Banning, CA 92403
Phone: (951) 428-4400
Fax: (951) 428-4401
Email: info@mdsconsulting.com

PREPARED FOR:

Pardee Homes
1230 Corona Pointe Court
Banning, CA 92403
Phone: (951) 428-4400
Fax: (951) 428-4401
Email: info@pardeehomes.com

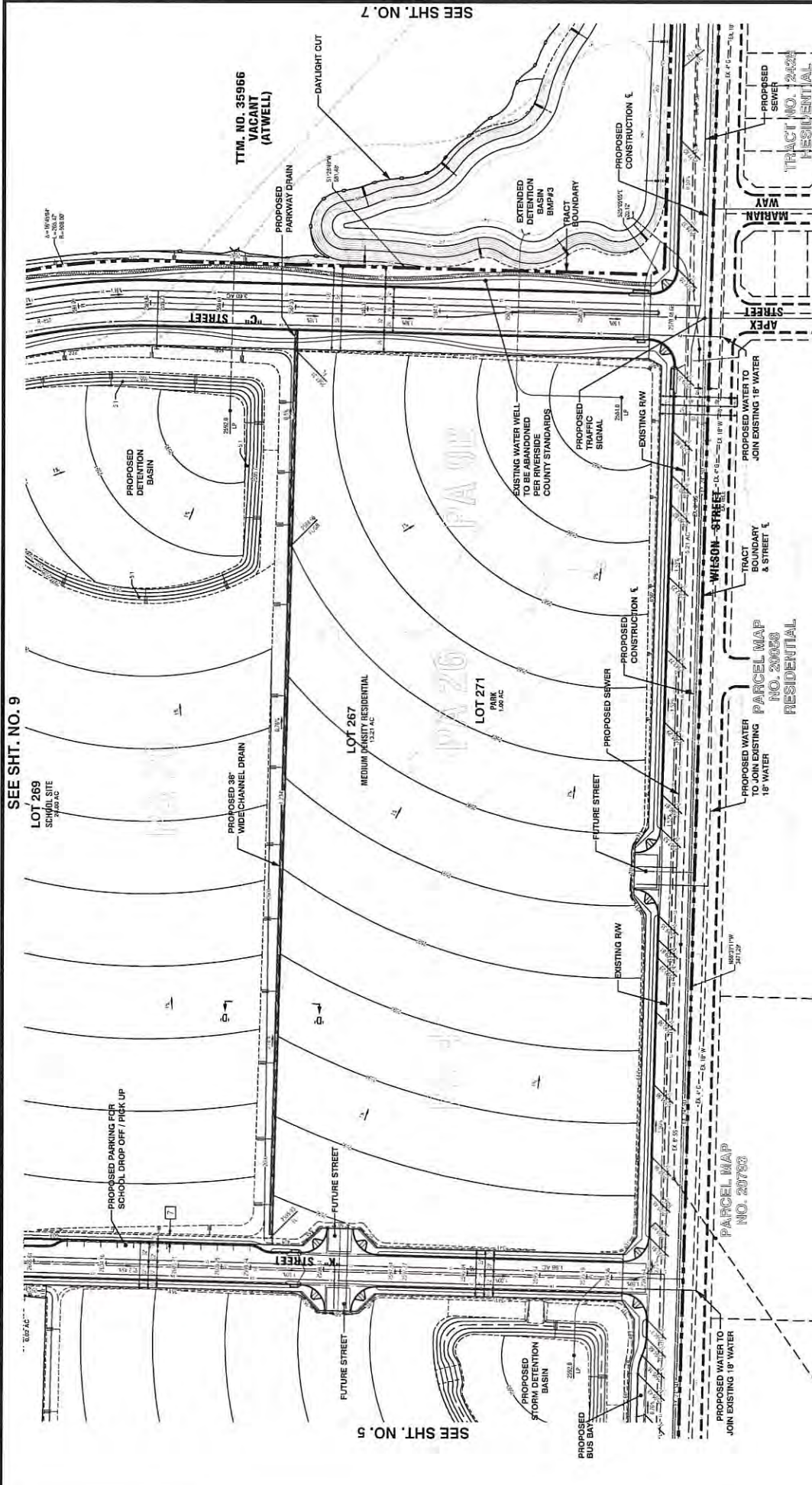
DATE	NO.	REVISIONS

OF CALIFORNIA
SHEET 6 OF 19

MDS CONSULTING
 17201 Harwin Avenue
 Suite 350
 Irvine, CA 92614
 Voice: 949/251-0021



Pardee Homes
1250 Corona Pointe Court
Corona, CA 92626

[illegible]

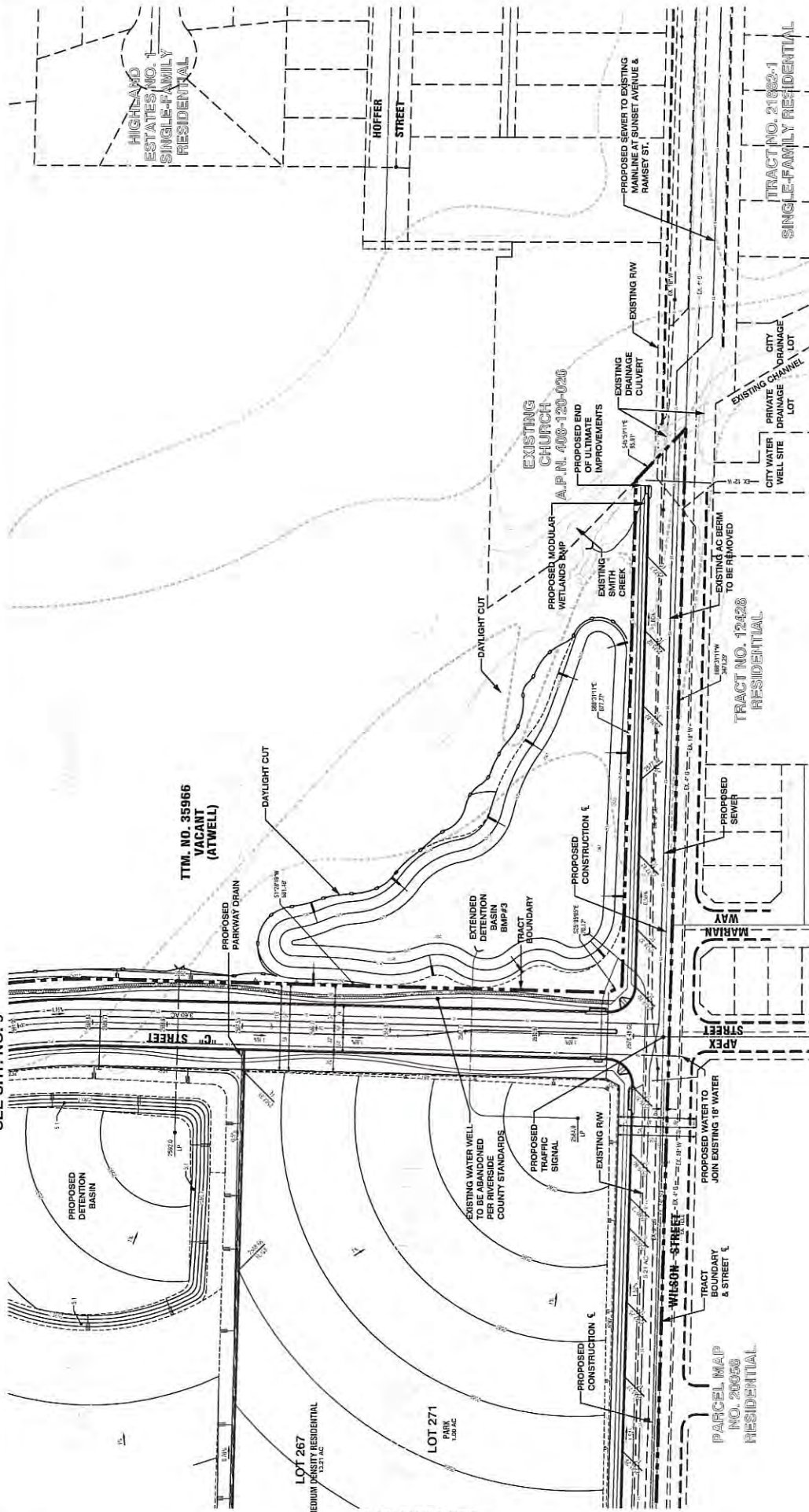
LOT 269
SCHOOL SITE
24.00 AC

SEE SHT. NO. 7

SEE SHT. NO. 5

SEE SHT. NO. 9

SEE SHT. NO. 6



ATWELL

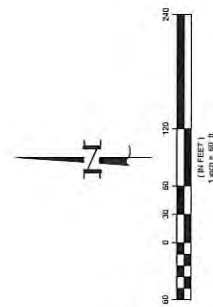
TENTATIVE TRACT NO. 37298

P.A.'s 1A, 1B, 2A, 3, 4, 9B, 17, 18, 20, 22, 23, 26 & 35A

TENTATIVE TRACT MAP

CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

SHEET 7 OF 19



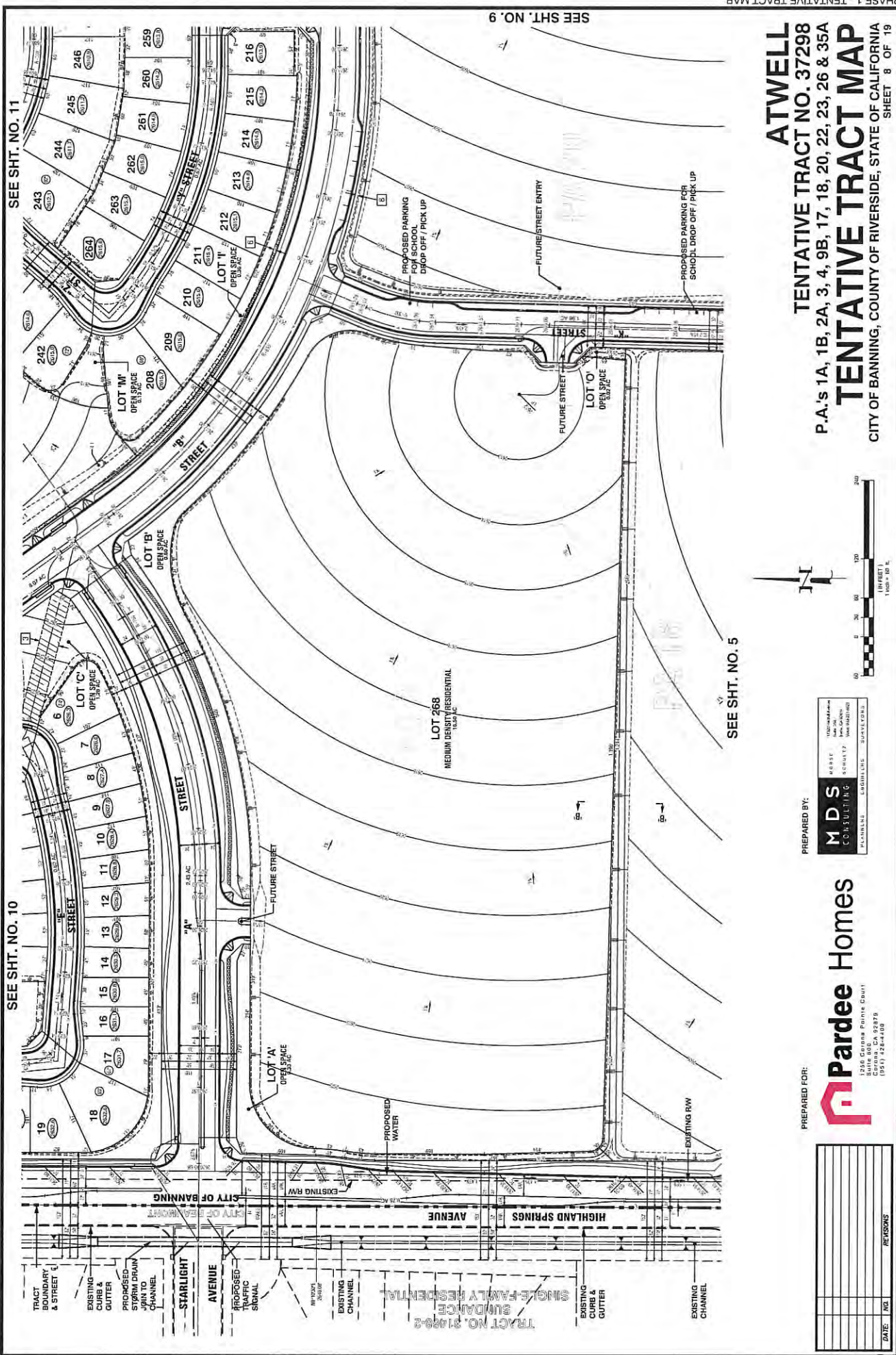
PREPARED BY:

MDS
CONSULTING
1700 N. Main St.
Banning, CA 92403
(951) 438-4388

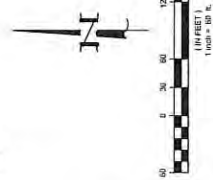
PREPARED FOR:

Pardee Homes
1355 Corona Pointe Court
Suite 600
Banning, CA 92403
(951) 438-4388

DATE	NO.	REVISIONS



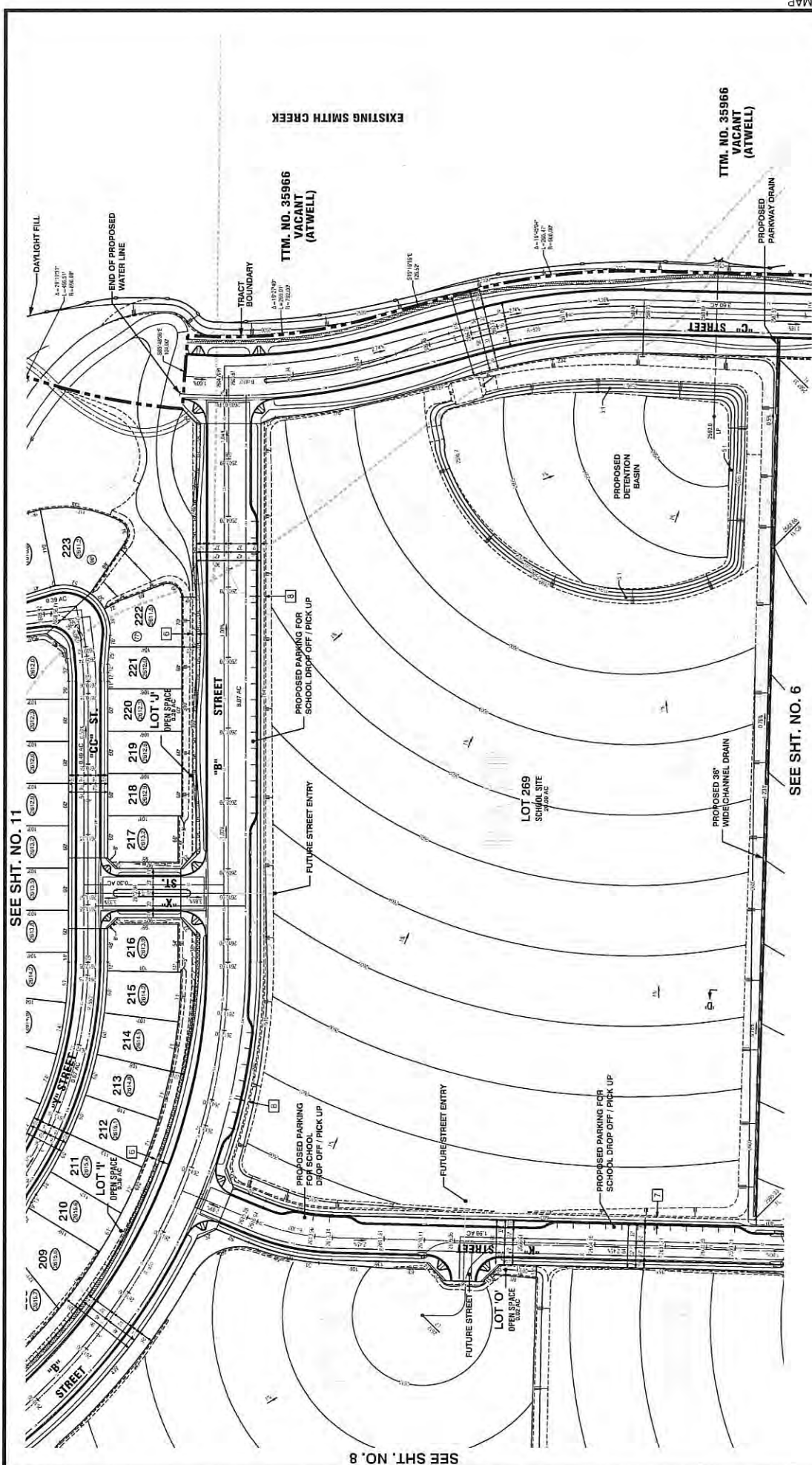
ATWELL
TENTATIVE TRACT NO. 37298
TENTATIVE TRACT MAP
 P.A.'s 1A, 1B, 2A, 3, 4, 9B, 17, 18, 20, 22, 23, 26 & 35A
 CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
 SHEET 8 OF 19



PREPARED BY:
MDS
 CONSULTING
 15001-10th Avenue
 Suite 100
 Banning, CA 92403
 (951) 428-4408

Pardee Homes
 1256 Corona Pointe Court
 Suite 800
 Banning, CA 92403
 (951) 428-4408

DATE	NO.	REVISIONS



ATWELL

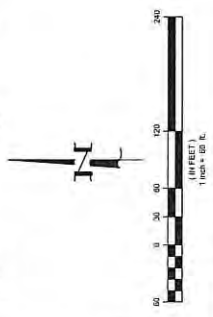
TENTATIVE TRACT NO. 37298

P.A.'s 1A, 1B, 2A, 3, 4, 9B, 17, 18, 20, 22, 23, 26 & 35A

TENTATIVE TRACT MAP

CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

SHEET 9 OF 19



PREPARED BY:

M.D.S.
CONSULTING
ENGINEERS

1200 West 1st Street
Banning, CA 92403
Phone: (951) 428-4400
Fax: (951) 428-4401
Email: info@mds-engineers.com
Website: www.mds-engineers.com

PREPARED FOR:

Pardee Homes

1256 Gagea Palms Court
Banning, CA 92403
Phone: (951) 428-4400
Fax: (951) 428-4401
Email: info@pardeehomes.com
Website: www.pardeehomes.com

DATE	NO.	REVISIONS

CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
SHEET 10 OF 19

SHEET 10 OF 19

SEE SHT. NO. 11

SEE SHT. NO. 8

MDS
CONSULTING

1100 E
Suite 100
Burlingame, CA 94010
Tel: 650/341-1000
Fax: 650/341-1001



Pardee Homes
1250 Corona Pointe Court
Suite 600

1250 Corona Pointe Court
Suite 600
Corona, CA 92879
(951) 420-4400

[illegible]

CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
SHEET 11 OF 19

MDS
CONSULTING

M O S E R
S E C O N D

1702 West 2nd Ave
Suite 204
Anne Arundel, MD 21011
Voice (410) 251-6621

PLANNING ENGINEERS SURVEYORS

Pardee Homes
1250 Gorena Pointe Court
Suite 400
Carmichael, CA 95628

[illegible]

SEE SHT. NO. 12

SEE SHT. NO. 10

TTM. NO. 35966
VACANT
(ATWELL)

CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
SHEET 12 OF 19

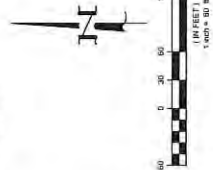
MDS
CONSULTING

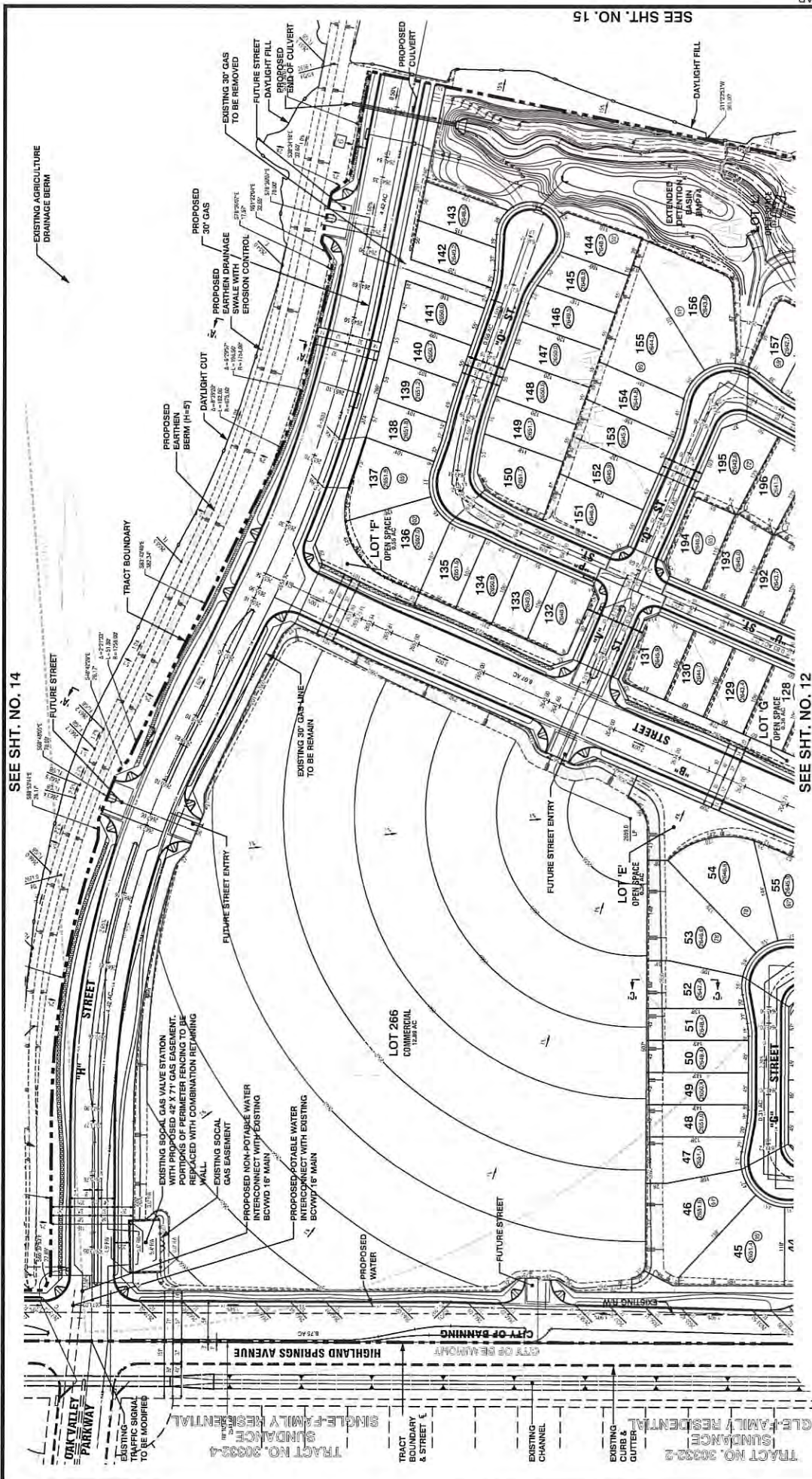
MOBILE
EXCELLENCE

17121 North Branch
Suite 201
Bowie, CA 92605
(949) 341-1421

PLANNERS ENGINEERS SURVEYORS

Pardee Homes
1250 Corona Pointe Court
Suite 600 • Corona, CA 92626

[illegible]



SEE SHT. NO. 14

SEE SHT. NO. 12



PREPARED BY:

MDS
CONSULTING
PLANNERS ENGINEERS SURVEYORS

PREPARED FOR:

Pardee Homes
1250 Corona Pointe Court
Suite 600 A 92879
(951) 428-4405

DATE	NO.	REVISIONS

ATWELL
TENTATIVE TRACT NO. 37298
P.A.'s 1A, 1B, 2A, 3, 4, 9B, 17, 18, 20, 22, 23, 26 & 35A
TENTATIVE TRACT MAP
CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
SHEET 13 OF 19

PHASE 1 - TENTATIVE TRACT MAP

SHEET 14 OF 19

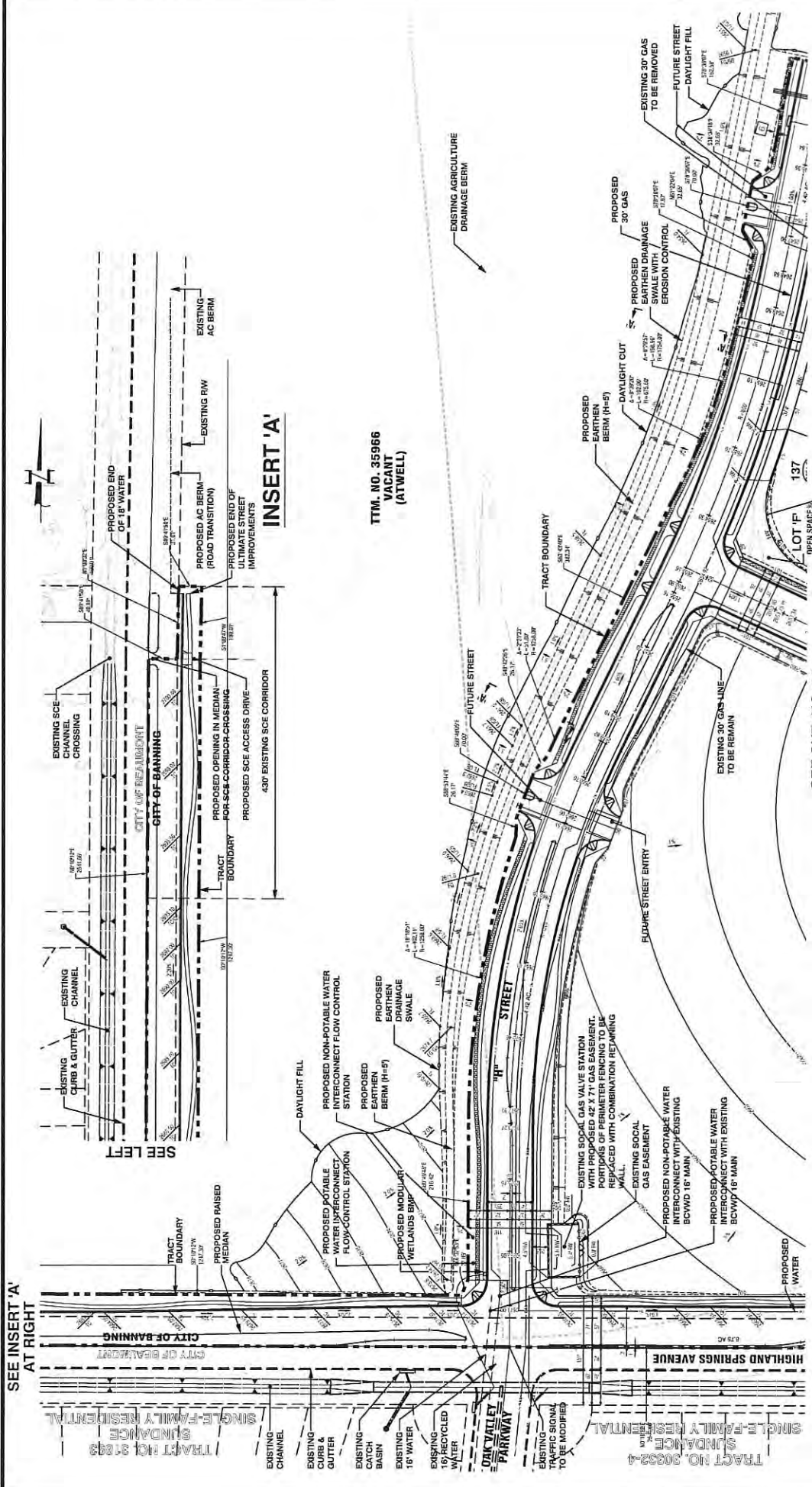
CITY OF BANNING. COUNTY OF RIVERSIDE. STATE OF CALIFORNIA.

MDS
CONSULTING

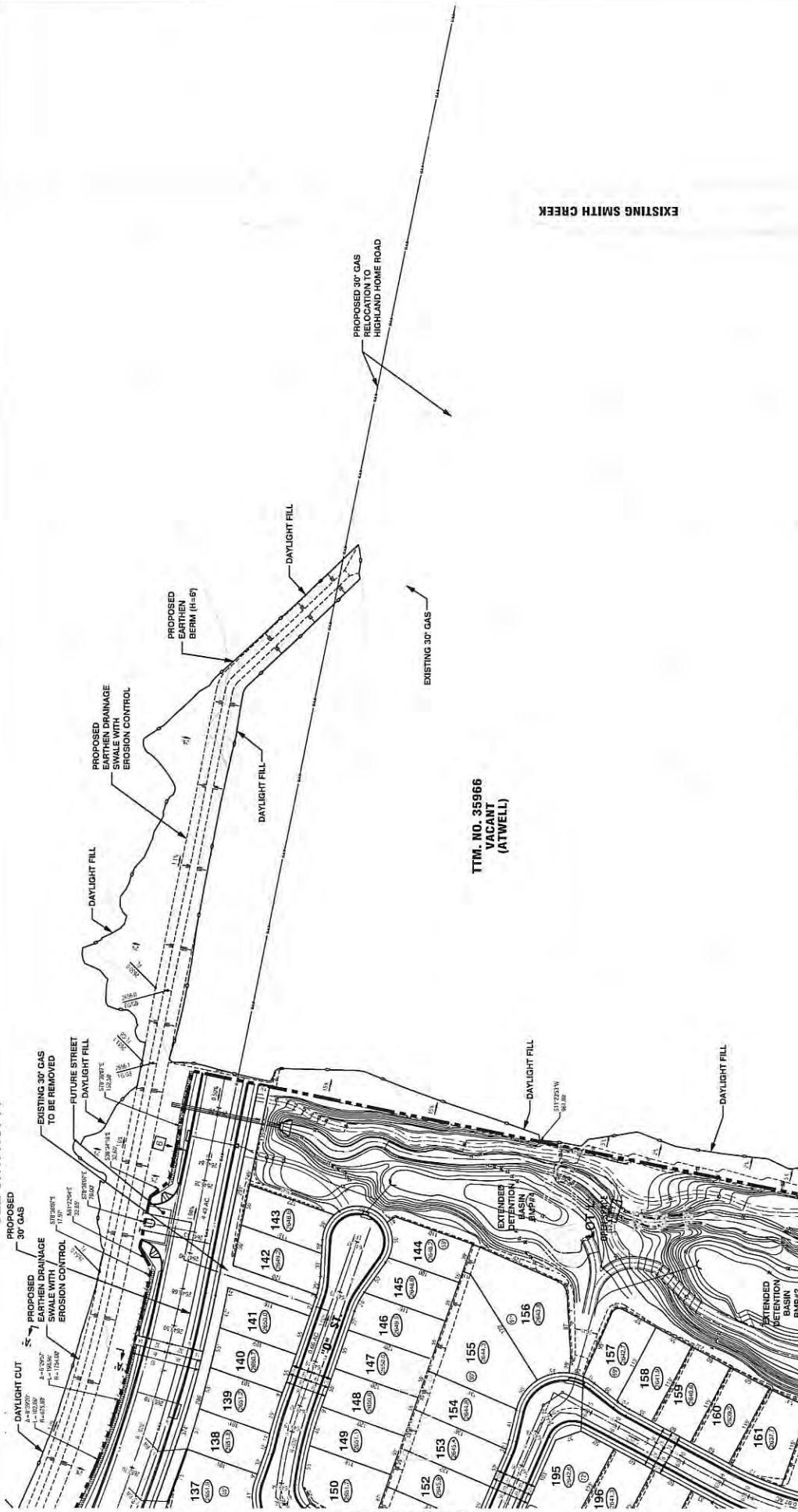
300 S.E. 8
Suite 200
Brea, CA 92614
Voice: 949-251-6628
FAX: 949-251-6614

[illegible]

280



SEE SHT. NO. 14



SEE SHT. NO. 13

TTM. NO. 35966
VACANT
(ATWELL)

SEE SHT. NO. 16

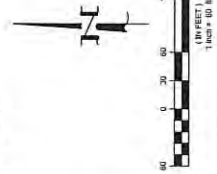
PREPARED FOR:

DATE	NO.	REVISIONS

Pardee Homes
1550 Corona Pointe Court
Costa Mesa, CA 92626
(951) 438-1400

PREPARED BY:

MDS
CONSULTING
ENGINEERS
1550 Corona Pointe Court
Costa Mesa, CA 92626
(951) 438-1400



ATWELL

TENTATIVE TRACT NO. 37298

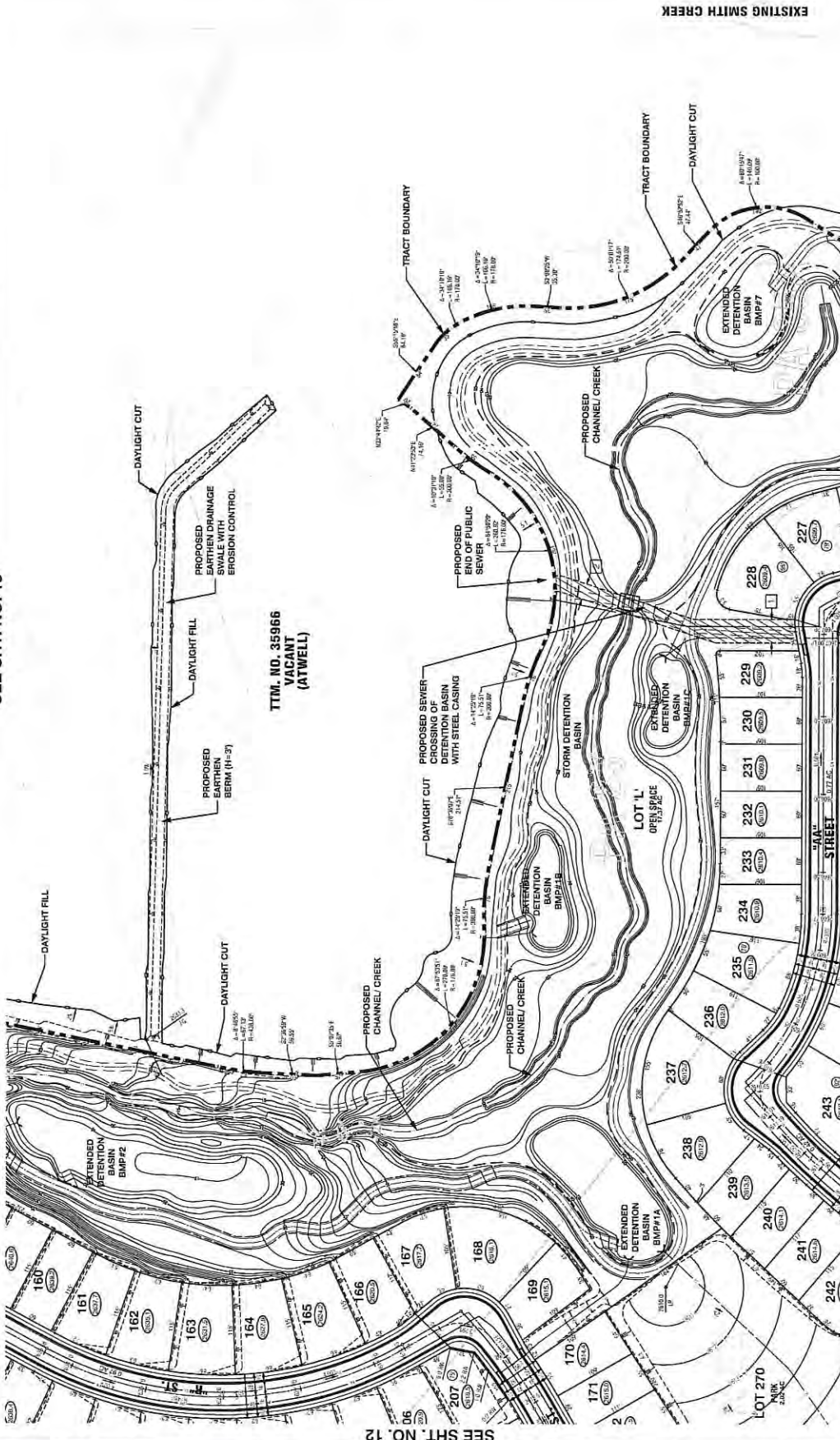
TENTATIVE TRACT MAP

P.A.'s 1A, 1B, 2A, 3, 4, 9B, 17, 18, 20, 22, 23, 26 & 35A
CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
SHEET 15 OF 19

CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
SHEET 16 OF 19

SHEET 16 OF 19

282



[illegible]

The map shows a section of Starlight Avenue, which is a curved road. To the right of Starlight Avenue, there is a straight road labeled WILSON STREET. At the bottom of the map, there are two horizontal roads labeled HIGHLAND SPRINGS AVENUE and HIGHLAND AVENUE. The map includes various symbols for streetlights and property boundaries. The text 'STARLIGHT AVENUE' is written vertically along the left side of the curved road. The text 'WILSON STREET' is written vertically along the right side of the straight road. The text 'HIGHLAND SPRINGS AVENUE' and 'HIGHLAND AVENUE' are written horizontally at the bottom of the map.

each = 120 fl.

[illegible]

Pardee Homes
1250 Corona Pointe Court
Suite 600

[illegible]

ATWELL
TENTATIVE TRACT NO. 37298
P.A.'s 1A, 1B, 2A, 3, 4, 9B, 17, 18, 20, 22, 23, 26 & 35A
EASEMENT DISPOSITION MAP
CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
SHEET 17 OF 19

[illegible]

SEE SHT. NO. 17

MDS CONSULTING	1700 North Avenue Suite 300 New Canaan, CT 06840 Phone 360/251-4621
PLANNING	SURVEYING

Pardee Homes
1250 Corona Pointe Court
Suite 800
Corona, CA 92626

1250 Corona Pointe Court
Suite 800
Corona, CA 92879
(951) 420-4400

[illegible]

284

[illegible][illegible]

MDS
CONSULTING

17221 Highland Avenue
Suite 200
Brea, CA 92614
S C H E I T Z
Voice 910-251-0521

PLANNING ENGINEERS SURVEYORS

1250 Corona Pointe Court
Suite 600
Corona, CA 92879
951/428-4400

ATWELL
TENTATIVE TRACT NO. 37298
P.A.'s 1A, 1B, 2A, 3, 4, 9B, 17, 18, 20, 22, 23, 26 & 35A
EASEMENT DISPOSITION MAP
CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
SHEET 19 OF 19

Exhibit "B"
Tentative Tract Map No. 37298 Conditions of Approval
(Phase 1A – Butterfield Specific Plan/Atwell Development)

Community Development

1. The City and applicant are parties to a Development Agreement, recorded on July 17, 2012, as document number 2012-0332888 ("DA"). In the event of any direct inconsistency or conflict between these Conditions of Approval and the DA, the DA shall control. The applicant shall indemnify the City as described in the DA.
2. Approval of this entitlement shall not waive compliance with any sections of the DA, Butterfield Specific Plan, or other applicable City ordinances in effect at the time of building permit issuance to the extent such City ordinances are applicable to the project and not vested under the DA.
3. Approval of Tentative Tract Map No. 37298 shall run with the term of the DA. All conditions of approval must be met on or before the expiration date or the applicant must request an extension of time at least thirty (30) days prior to the expiration date, and receive approval of said extension; otherwise, the approval shall expire and become null and void.
4. Unless approved otherwise by City, the applicant shall comply with all applicable conditions of City Council Ordinance No. 1450 approving the Butterfield Specific Plan and conditions of City Council Resolution No. 2017-07 approving Minor Modifications to the Butterfield Specific Plan.
5. All mitigation measures required by the Butterfield Specific Plan Environmental Impact Report (EIR) Mitigation Monitoring and Reporting Program (MMRP) (SCH No. 2007091149), as modified pursuant to the approved Addendum, and conditions of the project's Settlement Agreement shall be implemented if those measures/conditions relate to this phase or part of the development or are required to be satisfied in connection with this phase or part of the development.
6. A copy of the signed resolution of approval and all conditions of approval and any applicable mitigation measures shall be reproduced in legible form on the grading plans, building and construction plans, and landscape and irrigation plans submitted for review and approval as required by the reviewing department.
7. The applicant shall pay all development fees adopted by the City in effect at the time of issuance of any building permits, which shall include but not be limited to: TUMF, MSHCP, police and fire safety developer fees, water and sewer fees, park land dedication fees, electric meter installation fees, etc. Adjustments and/or fee credits to the applicable DIFs may be provided as defined in the DA. The applicant shall provide written evidence to the City that school mitigation fees have been paid or other arrangements acceptable to the applicable school district have been met.

8. The applicant shall provide an initial \$10,000.00 deposit to cover the City's work associated with the Tentative Tract Map No. 37298, including but not limited to the cost of condition tracking, review of required plans, and mitigation monitoring and shall replenish the deposit account, as needed, following the City's written notification that the account is at or below \$1,000. City shall provide a detailed accounting of deposit account upon request for additional deposit and the parties shall meet to discuss any disputed invoices, amounts or replenishment requests.

9. A copy of the final grading and erosion control plan, approved by Engineering, shall be submitted to the Planning Department for review and approval of the landscaping plans when graded cut slopes exceed 5 feet in height and fill slopes exceed 5 feet in height.

10. All slopes exceeding 5 feet in vertical height shall be planted as required by the approved erosion control plan. Prior to grading plan approval, the applicant shall submit five copies of a drought-tolerant slope planting and irrigation plan prepared by a licensed landscape architect to the Planning Division for review and approval. The approved slope planting plan shall be implemented/ installed on a phase by phase basis prior to issuance of a Certificate of Occupancy for each single-family residence constructed within Phase 1A.

11. Prior to commencement of development within the tract, the applicant shall provide a written Phasing Plan specifying when the lots within the subdivision will be developed and when all appropriate public infrastructure within the subdivision will be constructed. Prior to approval of the Final Map, all conditions requiring the provision or proposed project facilities and subdivision improvements for the area covered by the Tentative Tract Map No. 37298 must be satisfied either through performance or through the provision of suitable security prior to recordation of the final map.

12. Prior to precise grading plan approval, the applicant shall develop a conceptual project wall/fencing plan to include retaining walls, perimeter walls, and interior walls subject to design review approval by the Planning Commission.

13. Prior to precise grading plan approval for open space planning areas of the Butterfield Specific Plan, Design Review applications shall be reviewed and approved by the Planning Commission. The Design Review application shall include conceptual details on recreational uses to be provided within the planning areas, including how these facilities will be linkable to other tracts, parks and open space including public access.

14. Prior to construction of the two proposed parks, the applicant shall obtain approval of a detailed site plan demonstrating the facilities to be provided from the Director of Community Development.

15. All residential and commercial neighborhoods and public facility structures shall require design review approval by the Planning Commission.

16. The applicant shall install temporary construction fencing around portions of the tract under construction until replacement by permanent walls/fencing or completion of improvements.

17. The applicant shall meet all requirements of responsible agencies.

18. The proposed temporary detention basin adjacent to the southeast corner of Tentative Tract Map No. 37298 shall be screened from views by temporary fencing with screen material at Wilson Street to the satisfaction of the Community Development Director.

19. Upon submittal of the adjacent tentative tract map that includes the remaining open space for PA 23 and PA 35A, the applicant shall provide an exhibit depicting the overall area within PA 23 and PA 35A confirming PA 23 acreage of 13.55 acres and PA 35A acreage of 10.55 acres. Future open space planning areas shall be increased in size to ensure that the overall project open space complies with the acreages required by the specific plan.

Engineering/Public Works

A. General Requirements

20. A Public Works Permit shall be required prior to commencement of any work within the public right-of-way. Any contractor working within the public right-of-way shall submit proof of a Class "A" State Contractor's License, City of Banning Business License, and Liability Insurance. Any existing public improvements, or new public improvements accepted or not accepted by the City that are damaged during construction shall be removed and replaced as determined by the City Engineer or his/her representative.

21. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any applicable and legally required clearances and/or permits. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting improvement plans to the City:

- Fire Marshal (access)
- Public Works Department (grading permits, street improvement permits)
- Community Development Department
- Riverside County Flood Control & Water Conservation District (storm drain)
- California Regional Water Quality Control Board Colorado River Basin (RWQCB)
- South Coast Air Quality Management District (SCAQMD)

22. The following improvement plans shall be prepared by a Civil Engineer licensed by the State of California and submitted to the Engineering Division for review and approval. A separate set of plans shall be prepared for each line item listed below. Unless otherwise authorized in writing by the City Engineer, the plans shall utilize the minimum scale specified and shall be drawn on 24" x 36" Mylar film for final signatures. Plans may be prepared at a larger scale if additional detail or plan clarity is desired (Note: the applicant may be required to

prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors):

- | | | |
|----|--|---|
| a. | Rough Grading Plans | 1" = 40' Horizontal |
| b. | Haul Route Plans
(If soil is exported off site) | 1" = 40' Horizontal |
| c. | Clearing Plans
(Include fuel modifications zones)
(Include construction fencing plan) | 1" = 50' Horizontal |
| d. | Erosion Control & SWPPP, WQMP
(Note: a, b, c & d shall be reviewed and approved concurrently) | 1" = 40' Horizontal |
| e. | Storm Drain Plans | 1" = 40' Horizontal |
| f. | Street Improvement Plans | 1" = 40' Horizontal
1" = 4' Vertical |
| g. | Traffic Signal Plans
(Caltrans Standard) | 1" = 20' Horizontal |
| h. | Signing & Striping Plans | 1" = 40' Horizontal |
| i. | Construction Traffic Control Plan
(Major or Arterial Highways only) | 1" = 40' Horizontal |
| j. | Precise Grading Plans | 1" = 40' Horizontal |
| k. | Landscaping Plans | 1" = 20' Horizontal |
| l. | Water, Sewer, & Recycled Water Plans | 1" = 40' Horizontal |

Other engineered improvement plans prepared by the applicant for the City's approval that are not listed herein shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.

23. All off-site plan and profile street improvement plans and signing & striping plans shall show all existing improvements for a distance of at least 200-feet beyond the project limits, or at a distance sufficient to show any required design transitions.

24. All on-site signing and striping plans shall show the following at a minimum: stop signs, limit lines and legends, no parking signs, raised pavement markers (including blue raised

pavement markers at fire hydrants) and street name signs per Public Works standard plans and/or as approved by the City Engineer.

25. A small index map shall be included on the title sheet of each set of plans, showing the overall view of the entire work area.

26. Upon completion of construction, the applicant shall furnish the City with reproducible record drawings on Mylar film of all improvement plans that were approved by the City Engineer. Each sheet shall be clearly marked "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying the accuracy and completeness of the drawings. The applicant shall have all AutoCAD files submitted to the City, revised to reflect the "As-Built" conditions.

27. All future utility systems including gas, electric, telephone, water, sewer, and cable TV, except for temporary utility systems as defined under the DA, shall be provided for underground, with easements provided as required, and designed and constructed in accordance with City codes and the utility provider. Telephone, cable TV, and/or security systems shall be pre-wired.

B. Rights of Way/Public Improvements

28. Prior to issuance of any permit(s), the applicant shall acquire or confer property rights necessary for the construction or proper functioning of the proposed project/development. Conferred rights shall include right-of-way dedications, irrevocable offers to dedicate or grant of easements to the City for emergency services, maintenance, utilities, storm drain facilities, or temporary construction purposes including the reconstruction of essential improvements.

29. The applicant shall offer for dedication on the final map, within final map boundaries, all public street right-of-way in conformance with the DA and the Butterfield Specific Plan. The City may reject the dedications and leave them open for future acceptance until all public improvements are installed by the applicant in the rights of way.

30. Maintenance easements dedicated to the City shall extend at most 10-feet beyond the toe of slope, where sufficient space available or as approved by the City Engineer, for those slope areas where maintenance falls within the responsibility of the City.

31. Prior to the issuance of any Certificates of Occupancy, the applicant shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer of dedication to the City or the Riverside County Flood Control and Water Conservation District (RCFCD) unless such easements are expressly made subordinate to the easements to be offered for dedication to the City or RCFCD. Prior to granting any of said easements, the applicant shall furnish a copy of the proposed easement to the City Engineer for review and approval. Further, a copy of the approved easement shall be furnished to the City Engineer prior to the issuance of any Certificate of Use and/or Occupancy.

32. All street improvement designs shall provide pavement and lane transitions per City and Caltrans standards for transition to existing street sections.

33. Design and construct full street improvements in accordance with City standards for ALL streets as approved on the Final Tract Map including, but not limit to street lighting, curb and gutter, cross gutters and spandrels, access ramps, driveway approaches, sidewalk, asphalt concrete pavement, street name signs, traffic signs and striping, and any transitions. Applicant's geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method. STREET AND SIDEWALK WIDTHS AND CROSS SECTIONS SHALL COMPLY WITH THE APPROVED 2016 UPDATED BUTTERFIELD SPECIFIC PLAN.

34. The applicant shall plant and perpetually maintain trees, shrubs, and ground cover placed in the parkway, slopes adjacent to public right-of-ways, and median islands constructed in connection with the project until maintenance of such area is turned over to the HOA, a Landscaping Maintenance District (LMD) or other public financing district. This includes providing irrigation and the clearing of debris and weed removal.

35. All applicable public improvements shall be completed, tested, and approved by the Engineering Division prior to issuance of any Certificate of Occupancy. City to provide inspections in timely manner and any inspections exceeding 2 inspections to require meeting with City Engineer to address.

C. Grading and Drainage

36. The applicant shall submit an Updated Drainage Study with hydrologic and hydraulic analysis for developed and undeveloped (existing) conditions to the Engineering Division for review and approval. The study and analysis shall be prepared by a civil engineer licensed by the State of California. Drainage design shall be in accordance with Banning Master Drainage Plan adopted by RCFCD, RCFCD Hydrology Manual, and standard plans and specifications. The 10-year storm flow shall be contained within the street curbs, and the 100-year storm shall be contained within the street right-of-way. When this criteria is exceeded, additional drainage facilities shall be designed and constructed.

37. At a minimum, all development will make provisions to store runoff from rainfall events up to and including the 100-year 3-hour duration event. Post-development peak urban runoff discharge rates shall not exceed pre-development peak urban runoff discharge rates.

38. If the site is located in a Flood Area as identified in Flood Insurance Rate Map dated August 28, 2008 the applicant is responsible for providing a certification by a registered professional engineer or architect demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

39. The project grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions. Otherwise, a drainage easement shall be obtained for the release of concentrated or

diverted storm flows. The project shall accept and convey storm flows from the adjacent properties.

40. The applicant shall comply with Chapter 13.24 “Stormwater Management Systems” of the Banning Municipal Code (BMC) and Title 18 “Grading, Erosion and Sediment Control” of the California Building Code related to excavation and grading; and, the State Water Resources Control Board’s orders, rules and regulations.

41. For construction activities including clearing, grading or excavation of land that disturbs one (1) acre or more of land, or that disturbs less than one (1) acre of land, but which is a part of a construction project that encompasses more than one (1) acre of land, the applicant shall be required to submit a Storm Water Pollution Protection Plan (SWPPP) and file a Notice of Intent (NOI) with the Regional Water Quality Control Board.

42. The applicant shall ensure that the required SWPPP is available for inspection at the project site at all times through and including acceptance of all improvements by the City. The applicant’s SWPPP shall include provisions for all of the following Best Management Practices (“BMPs”):

- Temporary Soil Stabilization (erosion control).
- Temporary Sediment Control.
- Wind Erosion Control.
- Tracking Control.
- Non-Storm Water Management.
- Waste Management and Materials Pollution Control.

43. All erosion and sediment control BMPs proposed by the applicant shall be designed using the CASQA BMP handbook and approved by the City Engineer prior to any onsite or offsite grading, pursuant to this phase.

44. The approved SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City.

45. Grading and excavations in the public right-of-way shall be supplemented with a soils and geology report prepared by a professional engineer or geologist licensed by the State of California.

46. Prior to the issuance of any building permit(s), a precise grading plan shall be submitted to the City Engineer for review and approval. A grading permit shall be obtained prior to commencement of any grading activity.

47. Prior to issuance of any grading or building permit, a Project-Specific Water Quality Management Plan (WQMP) shall be reviewed and approved in accordance with California Regional Water Quality Control Board Colorado River Basin Region Order No. R7-2013-0011.

48. Prior to the issuance of a grading permit, the applicant shall execute a Stormwater Management Facilities Agreement on terms agreed to by the parties guaranteeing the maintenance of stormwater pollution controls. Said agreement shall be recorded with the Riverside County Recorder and run with the land.

49. Prior to issuance of any grading or building permit, the applicant shall install trash filters in all catch basins that will be constructed as part of the storm drain improvements for this development. The trash filters shall comply with the requirements of the Trash Amendment as amended and approved in accordance with California Regional Water Quality Control Board Colorado River Basin Region Order No. R7-2013-0011.

50. A notation shall be placed on the grading plan: "Compliance with Mitigation Measures BIO-1 and BIO-2 is required." Biologist to conduct site visit for to re-validate survey findings no more than fourteen (14) days prior to any construction activities and provide technical memo to the City upon completion of re-validation.

51. Prior to the issuance of a building permit for any building lot, the applicant shall provide a lot pad certification. The pad certification shall include an elevation and compaction certification. The elevation certification shall be stamped and signed by a licensed civil engineer or land surveyor and shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. The compaction certification shall list the relative compaction of the pad soil and shall be certified by a licensed geotechnical engineer.

52. This final map includes areas within a designated Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Special Flood Hazard Zone. A letter of map revision (LOMR) shall be processed through FEMA and provided to the City Engineer prior to occupancy of affected lots.

53. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development. Prior to issuance of any grading permits, FEMA requires a hydrologic and hydraulic analysis to be submitted and approved that demonstrates that the development will not cause any rise in base flood levels.

D. Landscaping Public Right of Way

54. The applicant shall prepare a water conservation using xeriscape principles. "Xeriscape" shall mean a combination of landscape features and techniques that in the aggregate reduce the demand for and consumption of water, including appropriate low water using plants, non-living ground-cover, a low percentage of turf coverage (limited to 25% of the planted area), and water conserving irrigation techniques and systems. A low water-using drought tolerant plant includes species suited to our climate, requiring less water in order to grow well.

55. An automatic sprinkler system and landscaping shall be installed, prior to certificate of occupancy for the portion of the project for which certificates of occupancy are

requested, within the common areas including perimeter slopes and the interior collector streets. Each system shall include a smart landscape irrigation controller (including remote communication), a separate water meter and electric meter, and plantings as approved by the Community Development Director. Landscaping plans and specifications shall be reviewed and approved by the City Engineer.

56. A Home Owners' Association (HOA) shall be established and the applicable Conditions, Covenants & Restrictions (CC & R's), shall be prepared for review and approval of the City Engineer providing for maintenance of the parkway on-site lighting and landscaping, slopes adjacent to public right-of-ways, onsite private parking/roadway, any debris basins, BMP's referenced in the approved WQMP, and median island landscaping. The applicant shall appoint the initial members of the Board of Directors of the home owners' association, or take such other steps as may be reasonably necessary to assure that members have been appointed or elected to such Board of Directors, until under the terms of the applicable CC & R's individual lot owners have the power to elect the members of the Board of Directors in accordance with the CC & R's.

57. The CC&R's shall contain provisions which prohibit dissolution of the home owners' association unless another entity has agreed to assume the operation and maintenance responsibilities of the HOA. The CC&R's shall contain provisions that prohibit the applicant and his/her successors-in-interest from amending said CC&R's to conflict with these Conditions of Approval.

58. Alternatively, to condition #55, a LMD, or other public financing mechanism, can be formed to provide for the maintenance of the parkway on-site lighting, and/or median island landscaping on Highland Springs Avenue, Wilson Street and Highland Home Road.

59. Landscape improvements shall be certified by a licensed landscape architect or licensed landscape contractor as having been installed in accordance with the approved detailed plans and specifications. The applicant shall furnish said certification, including an irrigation management report, for each landscape irrigation system and any other required implementation report determined applicable, to the City Engineer for review and approval.

E. Traffic

60. As part of the final tract map, a TIA validation report shall be prepared as required per Mitigation Measure TRF-2 for review and approval by the City Engineer.

61. Street name signs and traffic control devices including traffic legends and traffic striping shall be installed, or relocated in accordance with City Standards and as shown on the approved plans, and/or as directed by the City Engineer.

62. Prior to first building permit issuance of the phase, the applicant shall submit and obtain approval in writing from the Fire Marshall for the plans for all public or private access roads, drives, streets, and alleys. The plans shall include plan and sectional views and indicate

the grade and width of the access road measured flow-line to flow-line. When a dead-end access exceeds 150 feet or when otherwise required, a clearly marked fire apparatus access turnaround must be provided and approved by the Fire Marshall. Applicable CC&R's or other approved documents shall contain provisions which prohibit obstructions such as speed bumps/humps, control gates or other modifications within said easement or access road unless prior approval of the Fire Marshall is granted.

63. Driveway grades shall be designed in accordance with current City standards.

64. Parking areas shall be designed and improved with grades not to exceed five percent slope. All applicable ADA standards will be adhered to.

65. Access drives to the public right-of-way shall be restricted to those approved by the City Engineer as shown on the approved plans.

66. Prior to the issuance of any Certificate of Occupancy, all fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street as approved by the Fire Marshall, and must be maintained in good condition by the applicant until the street is accepted by the City for maintenance.

F. Final Map

67. Prior to approval of any final map, the applicant shall construct appropriate on-site and off-site improvements in accordance with the approved plans and satisfy its obligations for same, or shall furnish a fully secured and executed Agreement for Construction of Public Improvements on terms agreed to by the City and the applicant guaranteeing the construction of such improvements and the satisfaction of its obligations for same, or shall agree to any combination thereof, unless such improvements are deferred with City approval under the terms of the DA or as otherwise set forth under the terms of the DA.

68. The applicant shall file an Environmental Constraint Sheet. An Environmental Constraint Sheet means a duplicate of the final map on which are shown the Environmental Constraint Notes. This sheet shall be filed simultaneously with the final map, with the County Surveyor, and labeled ENVIRONMENTAL CONSTRAINT SHEET in the top margin. Applicable items will be shown under a heading labeled Environmental Constraints Notes. The Environmental Constraint Sheet shall contain the statement: THE ENVIRONMENTAL CONSTRAINT INFORMATION SHOWN ON THIS MAP SHEET IS FOR INFORMATIONAL PURPOSES DESCRIBING CONDITIONS AS OF THE DATE OF FILING, AND IS NOT INTENDED TO AFFECT RECORD TITLE INTEREST. THIS INFORMATION IS DERIVED FROM PUBLIC RECORDS OR REPORTS, AND DOES NOT IMPLY THE CORRECTNESS OR SUFFICIENCY OF THOSE RECORDS OR REPORTS BY THE PREPARER OF THIS MAP SHEET. The sheet shall delineate constraints involving, but not limited to, any of the following that are conditioned by the Advisory Agency: archaeological sites, geologic mapping, grading, building, building setback lines, flood hazard zones, seismic lines and setbacks, fire protection, water availability, and sewage disposal

69. Prior to the recordation of the final map or the issuance of a grading permit, the applicant shall obtain approval from the Fire Marshall in consultation with the City Engineer, for a conceptual fuel modification plan and program. Prior to the issuance of any certificate of occupancy, the fuel modification shall be installed and completed under the supervision of the Fire Marshall with an approved plant palette. The CC&Rs or other approved documents shall contain provisions for maintaining the fuel modification zones, including the removal of all dead and dying vegetation.

70. Security for the construction of public improvements in accordance with Government Code Section 66499 shall be as follows:

Faithful Performance Bond	100% of estimated cost
Labor and Material Bond	100% of estimated cost
Monumentation Bond	\$10,000.00

Securities for the public improvements shall be on file with the City Clerk prior to scheduling the final map for approval by City Council. Unit prices for bonding estimates shall be those specified or approved by the City Engineer.

71. Prior to approval of the final map, the applicant shall submit a list of street names and addresses in Microsoft Excel spread sheet format for review and approval. The house number system shall be in accordance with Section 12.32 of the Banning Municipal Code. A reduced copy of the subdivision map shall be included with the submittal.

72. Revisions to the Tentative Tract Map during plan check including, but not limited to, lot line alignments, easements, improvement plan revisions, and similar minor changes that are in substantial compliance with the Tentative Tract Map may be administratively approved through the plan check process with the mutual consent and approval of the Community Development Director and City Engineer. The final maps shall be amended in accordance with the Subdivision Map Act.

73. Prior to approval of the final map the applicant shall identify and include in its improvement plans those routine structural and non-structural Best Management Practices (BMP's) as outlined in Supplement A to the Riverside County Drainage Area Management Plans and any attachments or as approved by the City Engineer.

74. The applicant shall submit a copy of the title report, closure calculations, and any separate instruments or necessary right-of-way documents to the Engineering Division prior to final map approval.

75. The applicant shall submit a map of the proposed subdivision drawn at 1"=200' showing the outline of the streets including street names to the City to update the city atlas map.

76. An original Mylar of the final map (after recordation) shall be provided to the City for the record files.

77. All public improvements shall be completed and accepted by City prior to release of Faithful Performance Bond and Labor and Material Bond. Faithful Performance Bond for applicable public improvements shall be reduced to 10% once City accepts improvements into maintenance period. Final 10% to serve as the maintenance bond for the 1-year maintenance period.

78. A record of all street centerline monument ties shall be submitted to the Engineering Division upon completion of improvements or prior to release of Monumentation Bond.

G. Water

79. The applicant shall submit Water Improvement Plans along with the infrastructure phasing plan to the City Engineer for review and approval. The phasing plan, which shall be supported by a hydraulic analysis, shall identify all required water infrastructure (e.g. water mains, wells, booster stations, pressure reducing stations, reservoirs, etc.) required to meet the demands of the Tentative Tract Map. The Water Improvement Plans shall design and construct water lines throughout and to property boundaries to tract. The proposed new water lines shall connect to the City's water system and provide a connection to the Beaumont Cherry Valley Water District (BCVWD) system using existing stub-outs along Highland Springs Avenue.

80. The applicant shall submit a hydraulic analysis report demonstrating adequate pressures throughout the Phase 1A water system during max day demand (MDD) with fire flow conditions. The hydraulic analysis, based on the City's latest calibrated water model, shall identify when and if additional facilities would be required to meet Phase 1A water demands.

81. All water lines and fitting shall be a minimum of 8-inch in diameter and shall be DIP. Water line easements shall be a minimum width of 20 feet if installed outside of right-of-way or public utility easement.

82. Fire hydrants shall be installed within and on the tract boundaries as per approved plans, at a 300-foot maximum spacing.

83. A backflow device must be installed on all commercial buildings and at each irrigation water connection. The backflow device must be in compliance with City of Banning.

84. Fire Services will require a Double Detector Check or RPP Device.

85. Timing and sizing of the required construction of the storage tank shall be identified in the phasing plan as determined by the Water & Sewer system analysis

86. The applicant shall work with City on final location for BCVWD interconnects, sizing of facilities and required equipment (e.g. pressure reducing, metering, etc.). Ultimate facilities to be above ground, fully enclosed, and allow vehicle access.

H. Sewer

87. The applicant shall submit Sewer Improvement Plans along with the infrastructure phasing plan to the City Engineer for review and approval. The phasing plan shall identify all required sewer infrastructure (e.g. sewer mains, lift stations, treatment facilities, manholes, etc.) required to meet the demands of the Tentative Tract Map. A hydraulic analysis will need to be prepared and submitted that demonstrates the maximum discharge that can be accommodated by the existing collections system before a new trunk line is needed. The Sewer Improvement Plans shall design and construct sewer lines throughout and to property boundaries of tract. The proposed new sewer lines shall connect into the City's sewer system.

88. All sewer lines to be constructed within the public right-of-way and be extra strength Vitrified Clay Pipe (VCP) or Polyvinyl Chloride (PVC) Pipe. All sewer mains shall be a minimum of 8 inches in diameter. Final sizes shall be approved by the City Engineer based on calculations submitted by the design engineer accounting for ultimate discharge flows for Phase 1A and all upstream areas. Sewer line easements shall be a minimum of 20 feet wide if installed outside of right-of-way or public utility easement.

89. A sewer check valve shall be provided for each building with a finish pad elevation lower than the rim elevation of the immediate up-stream sewer manhole.

I. Recycled Water (Non-Potable)

90. Submit Recycled Water Improvement Plans along with a Recycled Water Master Plan that includes a written phasing plan to the City Engineer for review and approval. Design and construct recycled water lines throughout to parks, schools, and other large irrigation areas and to tie-in points at the tract boundary. The proposed new recycled water lines shall have an interconnection to the BCVWD's existing stub-outs located along Highland Springs Avenue.

91. All recycled water lines to be constructed within the Public right-of-way shall be a minimum of 8-inches in diameter DIP, encased in purple polyethylene wrap. Final sizes shall be approved by the City Engineer based on hydraulic calculations provided by the design engineer. Recycled waterline easements shall be a minimum of 20 feet wide if improvements are installed outside of right-of-way or public utility easements.

92. If the Phase 1A map does not have more than 500 units "Developer shall provide the Public Works Department with all recent data and calculations related to anticipated water demands and quantify any changes in assumptions made to the previously prepared Water Supply Assessment". If the Phase 1A map has more than 500 units "A sufficient water supply shall be available. In connection with the City's preparation of a Water Verification, which preparation has been requested by applicant and is underway by the City, applicant shall promptly provide the Public Works Department with all recent data and calculations related to

anticipated water demands and quantify any changes in assumptions made to the previously prepared Water Supply Assessment.”

Electric Utility

93. The City of Banning Electric Utility (“Utility”) will require adequate easements needed to service the project. An easement area behind sidewalk may be needed for Wilson Street and Highland Springs Avenue for vaults, conduits, street lights and pad mounted transformers and switches.

94. Easements will be required for Arterial Streets “A”, “B”, “C”, “H”, and “K” for vaults, conduits, meter pedestals, and pad mounted transformers and switches. Easements will also be required for Local Streets “D” – “HH” to serve residential lots. The applicant shall grant a non-exclusive easement to the City to include the installation of electric distribution facilities within all common areas.

95. All street lights to be installed on the major thoroughfares, arterial streets, and local streets will be assumed to be publicly owned and maintained by the Utility unless otherwise approved by the Electric Department for private maintenance.

96. Prior to constructing the Utility’s electric distribution system, the applicant shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the Utility.

97. The applicant shall execute any legally required agreement with the Utility on terms agreed to by the City and the applicant providing for the installation, construction, improvement and dedication of the utility system following recordation of final map.

Fire Department

98. For residential areas, approved standard fire hydrants, located at each intersection and spaced 300 feet apart with no portion of any lot frontage more than a maximum of 250 feet from a hydrant. Minimum fire flow for all residential structures shall be 1000 GPM for a 2 –hour duration at 20 psi residual operating pressure, which must be available in time permitted per the DA.

99. The required water system, including fire hydrants, shall be accepted by the City of Banning Public Works, Water Division in accordance with the timing per the DA. The

applicant shall submit two sets of water plans are to be submitted to the Fire department for approval.

100. The applicant shall mount blue dot retro-reflectors pavement markers on private/public streets and driveways to indicate locations of all fire hydrants. A marker shall be 8 inches from the centerline to the side that the fire hydrant is on, to identify the hydrant location.

101. Residential fire sprinklers are required in all dwellings per the California Residential Code.

102. Fire Apparatus access roads and driveways shall be in compliance with the Riverside County Fire Department Standard number 06-05 (located at www.rvcfire.org). Access lanes will not have an up or downgrade of more than 15%. Access roads shall have an unobstructed vertical clearance not less than 13 feet 6 inches. Access lanes will be designed to withstand the weight of 80 thousand pounds over 2 axles. Access will have a turning radius capable of accommodating fire apparatus. Access lane shall be constructed with a surface so as to provide all the weather driving capabilities.

103. Roadways may not exceed 1320 feet without secondary access. This access may be restricted to emergency vehicles only; however, public egress must be unrestricted.

104. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provision for the turn-around capabilities of the fire apparatus.

105. Any turn-around requires a minimum 38-foot turning radius or as approved by the Fire Marshall

106. The minimum dimensions for gates is 20 feet clear and unobstructed width and a minimum vertical clearance of 13 feet 6 inches in height. Any gate providing access from a road shall be located at least 35 feet setback from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Where a one-way road with a single traffic lane provides access to a gate entrance, a 38-foot foot turning radius shall be used.

107. Gates may be automatic or manual and shall be equipped with a rapid entry system (KNOX).

108. Plans shall be submitted to the Fire Department for approval prior to installation. Automatic gate pins shall be rated with a shear pin force, not to exceed 30 pounds. Gates activated by the rapid entry system shall remain open until closed by the rapid entry system. Automatic gates shall be provided with backup power.

-END-

ATTACHMENT 2

Planning Commission Resolution

RESOLUTION 2018-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF BANNING MAKE ENVIRONMENTAL DETERMINATIONS UNDER CEQA AND APPROVE TENTATIVE TRACT MAP NO. 37298, A SUBDIVISION OF APPROXIMATELY 199 GROSS ACRES INTO 264 SINGLE FAMILY LOTS, 1 LOT FOR FUTURE MEDIUM DENSITY RESIDENTIAL DEVELOPMENT, 1 LOT FOR FUTURE MEDIUM DENSITY RESIDENTIAL DEVELOPMENT AND A FUTURE PARK, 2 COMMERCIAL LOTS, 1 LOT FOR A PARKS, 15 OPEN SPACE LOTS, 1 SCHOOL LOT, AND PUBLIC STREETS, ON REAL PROPERTY LOCATED NORTH OF WILSON STREET AND EAST OF HIGHLAND SPRINGS AVENUE WITHIN THE SOUTHWESTERLY PORTION OF THE BUTTERFIELD SPECIFIC PLAN (APNS: 408-120-001, -002, -003, -004, -005; 408-120-007, -008, -009; PORTIONS OF 408-120-006, 408-120-010, 408-120-012, 408-120-019, 408-120-020)

WHEREAS, an application for Tentative Tract Map No. 37298, attached hereto as Exhibit "A," to subdivide approximately 199 gross acres of vacant real property into residential, commercial, school, park, and open space lots, along with public streets (the "Project"), has been duly filed by:

Project Applicant:	Pardee Homes 1250 Corona Pointe Court, #600 Corona, CA 92879
Property Owner:	Pardee Homes 1250 Corona Pointe Court, #600 Corona, CA 92879
Parcel Address: APN's:	North of Wilson Street, east of Highland Springs 408-120-001 through -005, 408-120-007 through -009; portions of 408-120-006, 408-120-010, 408-120-019, 408-120-020
Lot Area:	Approximately 199 gross acres;

WHEREAS, pursuant to Title 16 of the Banning Municipal Code, the Planning Commission has the authority to review and make recommendations to the City Council concerning Tentative Tract Map No. 37298;

WHEREAS, the Community Development Department has evaluated the Project's potential effects on the environment as required under the California

Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code § 21000 *et seq.*) and determined that potential impacts associated with Tentative Tract Map No. 37298 were adequately analyzed under the previously approved Final Environmental Impact Report for the Butterfield Specific Plan project and that pursuant to CEQA Guidelines Section 15162 no further environmental analysis is required;

WHEREAS, in accordance with Government Code Sections 66451.3, 65090 and 65091, on May 25, 2018, the City gave public notice, by advertisement in the Record Gazette Newspaper, and by mailing to the owner of the subject real property, the owner's duly authorized agent, the Project applicant, and property owners within 300 feet of the Project site, of a public hearing concerning the Project; and

WHEREAS, in accordance with Banning Municipal Code Section 16.12.080, on June 6, 2018, the Planning Commission held a public hearing at which time interested persons had an opportunity to testify in support of, or opposition to, the Project, and at which the Planning Commission considered Tentative Tract Map No. 37298.

WHEREAS, at this public hearing on June 6, 2018, the Planning Commission heard public comments on, and adopted this Resolution recommending that the City Council determine that no further CEQA review is required for the Project and approve Tentative Tract Map No. 37298.

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

SECTION 1: California Environmental Quality Act Findings. The Planning Commission of the City of Banning does hereby recommend that the City Council of the City of Banning make the following environmental findings and determinations in connection with the approval of the Project:

- A.** Pursuant to the California Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code § 21000 *et seq.*), the State Guidelines (14 Cal. Code Regs. § 15000 *et seq.*), and the City's Local Guidelines, City staff has considered the potential environmental impacts of Tentative Tract Map No. 37298. City staff has also reviewed the previously certified Environmental Impact Report (EIR) for the Butterfield Specific Plan project (SCH No. 2007091149), including the impacts and mitigation measures identified therein, and reviewed the EIR in accordance with CEQA for the Project. Based on that review, the City of Banning Planning Division has determined that the Project and the circumstances under which the Project is undertaken do not involve substantial changes which will result in new significant environmental effects, and that the Project does not involve new information of substantial importance which shows that the Project will have significant effects not discussed in the prior EIR. All potential environmental impacts associated with the Butterfield Specific Plan and Tentative Tract Map No. 37298 are adequately addressed by the prior EIR.

- B. The Planning Commission has independently reviewed the Planning Division's determination, and based upon the whole record before it, the the Planning Division's determination, and its independent review and judgment, finds that that the Project is not subject to further environmental review pursuant to the Guidelines because: (1) the Project and the circumstances under which the Project is undertaken do not involve substantial changes which will result in new significant environmental effects, and that the Project does not involve new information of substantial importance which shows that the Project will have significant effects not discussed in the prior EIR; and (2) all potential environmental impacts associated with Butterfield Specific Plan and Tentative Tract Map No. 37298 are adequately addressed by the prior EIR.
- C. The custodian of records for the prior EIR, and all other materials that constitute the record of proceedings upon which the City Council's recommendation is based, is the Planning Division of the City of Banning. Those documents are available for public review in the Planning Division located at 99 E. Ramsey Street, Banning, California 92220.
- D. Multiple Species Habitat Conservation Plan (MSHCP). The Project EIR's mitigation measures, including submittal of a Determination of Biologically Equivalent of Superior Preservation (DBESP), ensure consistency with the Western Riverside County MSHCP. These mitigation measures will be incorporated into future development approvals as required by the Project Mitigation Monitoring and Reporting Program to ensure consistency with the MSHCP.

SECTION 2: Findings for Recommendation of Approval of Tentative Tract Map No. 37298. The Planning Commission of the City of Banning does hereby recommend that the City Council of the City of Banning find and determine that Tentative Tract Map No. 37298 should be approved because:

- A. **Finding: Tentative Tact Map No. 37298 is consistent with the objectives, policies, general land uses, and programs specified in the City's General Plan and the Butterfield Specific Plan.**

Findings of Fact:

The General Plan land use designation for the site is classified as Specific Plan; the Butterfield Specific Plan includes land use designations of Very Low Density Residential, Medium Density Residential, Commercial, , School, Open Space, and –Parks uses within the proposed Project area. The proposed Tentative Tract Map No. 37298 is consistent with the City's General Plan in that as it will provide for a range of housing types and commercial uses as envisioned by the General Plan's Land Use element and an efficient transportation system as envisioned by the General Plan's Circulation element. It is consistent with the Butterfield Specific Plan as it provides for land uses consistent with those designated for the Project area by the Specific Plan land use map. As such, the proposed Tentative

Tract Map No. 37298 is consistent with the objectives, policies, general land uses, and programs specified in the City's General Plan and the Butterfield Specific Plan.

- B. Finding: The design and improvement of the subdivision proposed under Tentative Tract Map 37298 is consistent with the City's General Plan and the Butterfield Specific Plan.**

Findings of Fact:

The design and improvement of the proposed subdivision is consistent with the City's General Plan and the Butterfield Specific Plan in that it will provide for a range of housing, commercial uses to meet the needs of the City's residents, and an efficient transportation system as envisioned by the General Plan, and is designed to meet City standards, including providing satisfactory pedestrian and vehicular circulation, emergency vehicle access and on site improvements, such as streets, utilities, and drainage facilities consistent with the Specific Plan.

- C. Finding: The subject site is physically suitable for the type of development proposed under Tentative Tract Map No. 37298.**

Findings of Fact:

The Project site transitions from relatively flat land at the northeast corner of Highland Springs Avenue and Wilson Street to the foothills of the San Bernardino Mountains. Major access to the site is provided by Highland Springs Avenue and Wilson Street. Analysis of the Project site relative to the physical suitability of the site for development was included in previous approvals for the Butterfield Specific Plan and the site is physically suitable for the proposed development as allowed under the Butterfield Specific Plan.

- D. Finding: The site is physically suitable for the proposed density of development under Tentative Tract Map No. 37298.**

Findings of Fact:

The Project site transitions from relatively flat land at the northeast corner of Highland Springs Avenue and Wilson Street to the foothills of the San Bernardino Mountains. Major access to the site is provided by Highland Springs Avenue and Wilson Street. Analysis of the Project site relative to the physical suitability for density of development was included in the approvals for the Butterfield Specific Plan, and the proposed number of dwelling units is slightly lower than that allowed under the Butterfield Specific Plan.

- E. Finding: The design of the subdivision and improvements proposed under Tentative Tract Map No. 37298 is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

Findings of Fact:

Potential environment issues associated with the proposed Tentative Tract Map No. 37298 were analyzed in the previously certified Environmental Impact Report for the Butterfield Specific Plan project (SCH No. 2007091149), as amended by the Addendum approved by the City Council in February 2017. With the imposition of mitigation measures, the Project will not have a significant effect on biological resources. There have been no substantial changes in the Project, nor in the circumstances under which the Project is undertaken, that will require major revisions of the prior certified EIR; nor is there new information that shows that the Project will have a significant environmental effect or an effect more severe than originally thought. Therefore, the proposed Tentative Tract Map No. 37298 is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

- F. Finding: The design of the subdivision and improvements proposed under Tentative Tract Map No. 37298 is not likely to cause serious health problems.**

Findings of Fact:

Tentative Tract Map No. 37298 is in conformance with the City's General Plan, Zoning Ordinance, and Subdivision Ordinance and the Butterfield Specific Plan, and the Project has been conditioned to comply with all applicable Specific Plan requirements and requirements of the City's ordinances, codes, and standards. In addition, the design and construction of improvements are conditioned to be in conformance with adopted City street and public works standards. The City's ordinances, codes, and standards have been created based on currently accepted standards and practices for the preservation of the public health, safety, and welfare.

- G. Finding: The design of the subdivision and improvements proposed under Tentative Tract Map No. 37298 will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.**

Findings of Fact:

Tentative Tract Map No. 37298 does not conflict with any easements for access through or use of property within the proposed subdivision.

SECTION 3: PLANNING COMMISSION ACTION - Recommendation of Approval of Tentative Tract Map No. 37298 with Conditions. Based on the foregoing, the Planning Commission of the City of Banning hereby recommends that the City Council of the City of Banning approve Tentative Tract Map No. 37298, attached hereto as Exhibit "A," a subdivision of approximately 199 gross acres into 360 single family lots, 1 lot for future medium density residential development, 1 lot for future medium

density residential development and a future par, 2 commercial lots, 1 lots for parks, 15 open space lots, 1 school lot, and public streets, on real property located north of wilson street and east of highland springs avenue within the southwesterly portion of the Butterfield Specific Plan (APNs: 408-120-001, -002, -003, -004, -005; 408-120-007, -008, -009; portions of 408-120-006, 408-120-010, 408-120-012, 408-120-019, 408-120-020), subject to the recommended Conditions of Approval attached as Exhibit "B".

PASSED, APPROVED AND ADOPTED this 6th day of June, 2018.



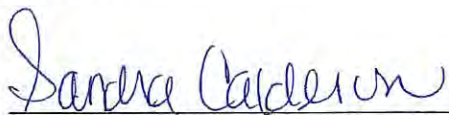
Eric Shaw, Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:



Serita Young, Assistant City Attorney
Richards Watson & Gershon

ATTEST:



Sandra Calderon, Recording Secretary
City of Banning, California

CERTIFICATION:

I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2018-08, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 6th day of June, 2018, by the following vote, to wit:

AYES: Price, Shaw

NOES: Schuler

ABSENT: None

ABSTAIN: None



Sandra Calderon, Recording Secretary
City of Banning, California

Exhibit “A”

Tentative Tract Map No. 37298

SHEET INDEX

SHEET 1A-19 P.A.'s 1A, 1B, 2A, 3, 4, 9B, 17, 18, 20, 22, 23, 26 & 35A
 SHEET 1-10 STREET MAP
 SHEET 1-11 LOT LAYOUT
 SHEET 1-12 MAP INDEX
 SHEET 1-13 LEGEND (OPTIONAL)

LOT INDEX

LOT 1-10 P.A. 1A 1-11 P.A. 1B
 LOT 1-11 P.A. 1B 1-12 P.A. 2A
 LOT 1-12 P.A. 2A 1-13 P.A. 3
 LOT 1-13 P.A. 3 1-14 P.A. 4
 LOT 1-14 P.A. 4 1-15 P.A. 9B
 LOT 1-15 P.A. 9B 1-16 P.A. 17
 LOT 1-16 P.A. 17 1-17 P.A. 18
 LOT 1-17 P.A. 18 1-18 P.A. 20
 LOT 1-18 P.A. 20 1-19 P.A. 22
 LOT 1-19 P.A. 22 1-20 P.A. 23
 LOT 1-20 P.A. 23 1-21 P.A. 26
 LOT 1-21 P.A. 26 1-22 P.A. 35A



REVISION 2: 12/15/2018
 DATE: 12/15/2018

DATE	NO.	REVISION

APPLICANT/DEVELOPER/OWNER



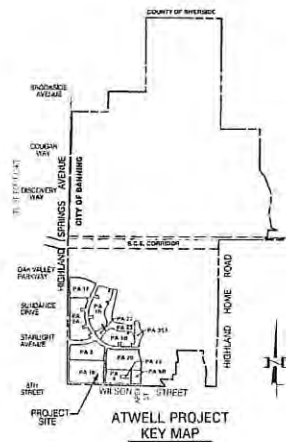
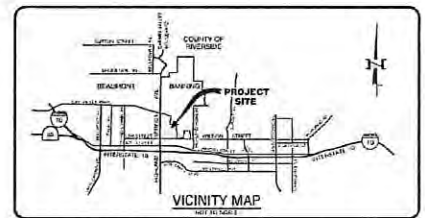
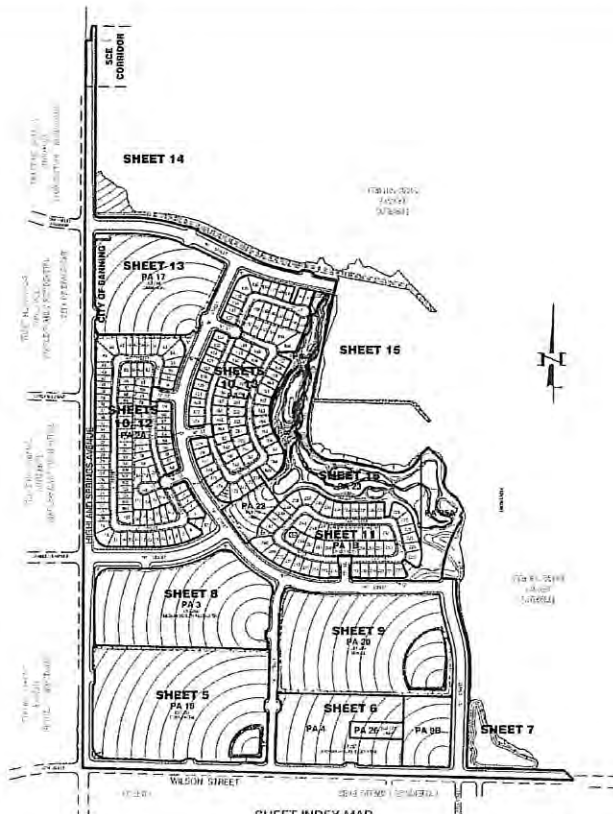
1255 CALIFORNIA POWER COURT
 SUITE 100
 GARDEN, CA 92545
 (951) 428-1400

ENGINEER



1255 CALIFORNIA POWER COURT
 SUITE 100
 GARDEN, CA 92545
 (951) 428-1400

SHEET INDEX MAP



ATWELL

TENTATIVE TRACT NO. 37298

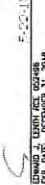
P.A.'s 1A, 1B, 2A, 3, 4, 9B, 17, 18, 20, 22, 23, 26 & 35A

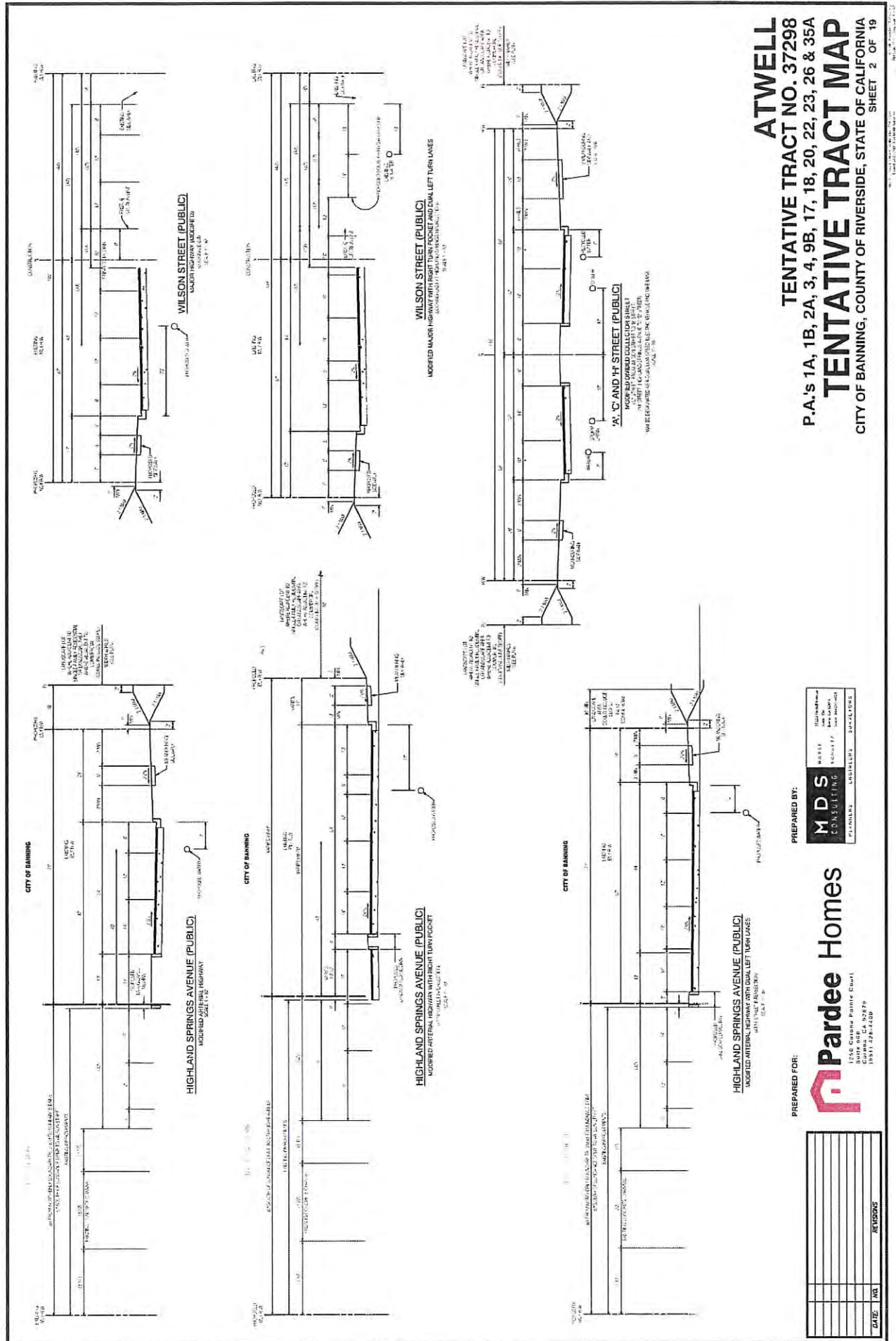
TENTATIVE TRACT MAP

CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

SHEET 1A OF 19

PHASE 1 - TENTATIVE TRACT MAP

[illegible][illegible]



Received 15 November 2005; accepted 15 November 2005
Published online 12 December 2005 in Wiley InterScience (www.interscience.wiley.com). DOI: 10.1002/anie.200525911

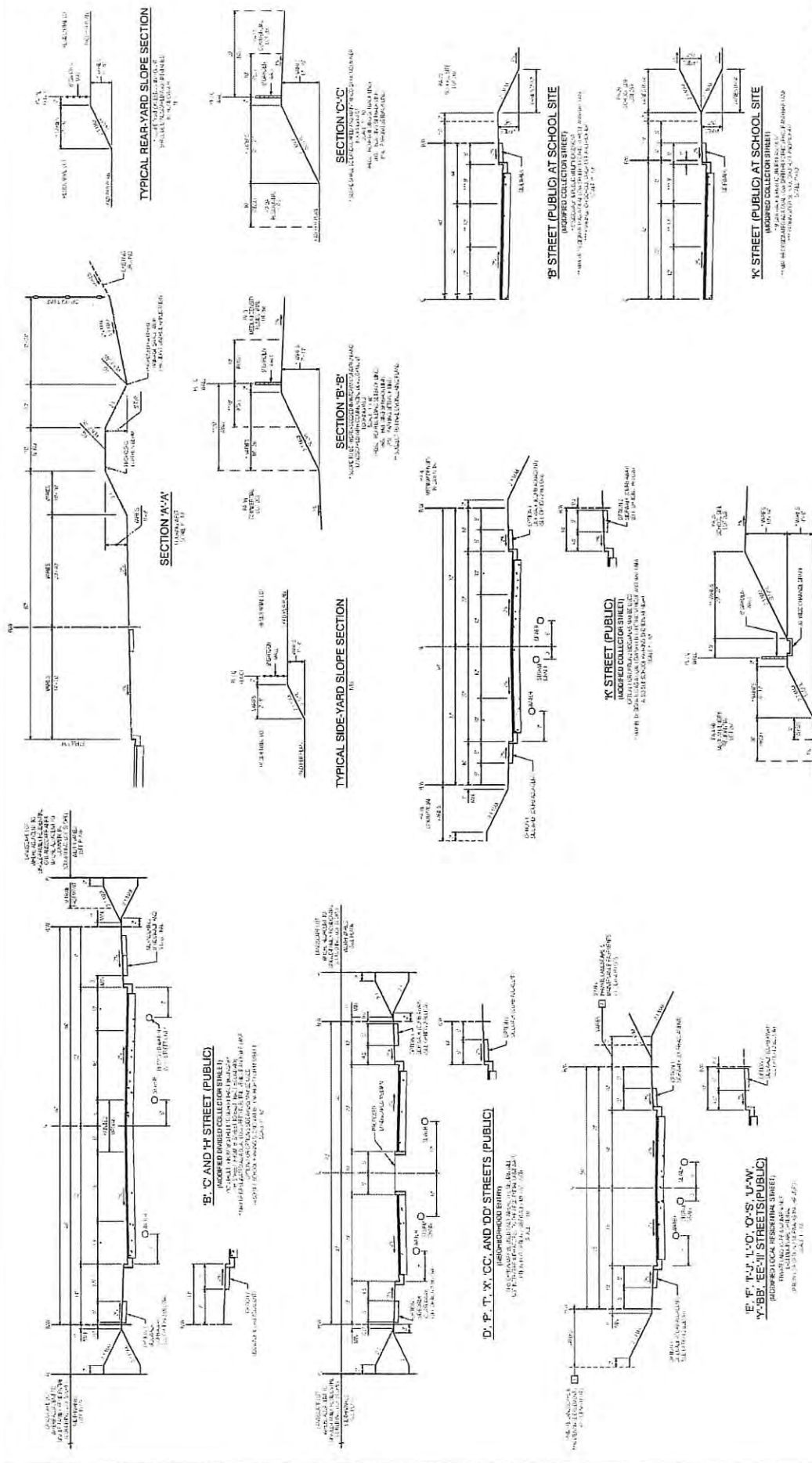
MDS
CONSULTING

1234567890
Name: []
Phone: []
Fax: []

Pardee Homes
1256 Citizens Pointe Court
Suite 600

[illegible]

313



RESIDENTIAL LOT SUMMARY

[illegible][illegible]

PLANNING AREA SUMMARY

PROPOSED TENTATIVE TRACT 37250										
PLANNED TRACT	LONG LOTS (sq ft)	SHORT LOTS (sq ft)	NUMBER OF LOTS	TOTAL AREA (sq ft)		TOTAL LOTS	TOTAL AREA (sq ft)		TOTAL LOTS	
				EXISTING (sq ft)	PROPOSED (sq ft)		EXISTING (sq ft)	PROPOSED (sq ft)		
1	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
2	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
3	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
4	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
5	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
6	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
7	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
8	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
9	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
10	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
11	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
12	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
13	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
14	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
15	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
16	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
17	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
18	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
19	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
20	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
21	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
22	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
23	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
24	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
25	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
26	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
27	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
28	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
29	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
30	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
31	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
32	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
33	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
34	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
35	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
36	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
37	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
38	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
39	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	
40	16	126	18	4.1	18.2	4.7	18.7	14.92	7.61	

NOTE:

BUTTERFIELD SPECIFIC PLAN, 2017				
PLANNED ADP 2017	UNCL-12 (TFL)	UNCL-18 (TFL)	UNCL-24 (TFL)	UNCL-30 (TFL)
14	148	172	38	38
15	18	114	114	114
24	348	284	172	111
3	408	132	172	172
16	448	93	38	38
17	1248	132	132	132
18	1248	124	124	124
20	1248	114	114	114
27	1248	248	248	248
28	124	124	124	124
29	1248	124	124	124
30	1248	124	124	124

LEGEND

D-9	LOW DENSITY RESIDENTIAL
ACHT	MED. DENSITY RESIDENTIAL
CLASR	COMMERCIAL
CHLSPC	INDUS. SPACE
FAIR	PAV. - RECREATION
SCHOL	SCHOOLS - PUBLIC

ATWELL
TENTATIVE TRACT NO. 37298
P.A.'s 1A, 1B, 2A, 3, 4, 9B, 17, 18, 20, 22, 23, 26 & 35A
TENTATIVE TRACT MAP
CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
SHEET 4 OF 19

PREPARED FOR:



1250 Corona Pointe Court
Suite 608
Corona, CA 92679
(951) 458-4400

PREPARED BY:

[illegible]

SEE SHT. NO. 6



PREPARED BY:

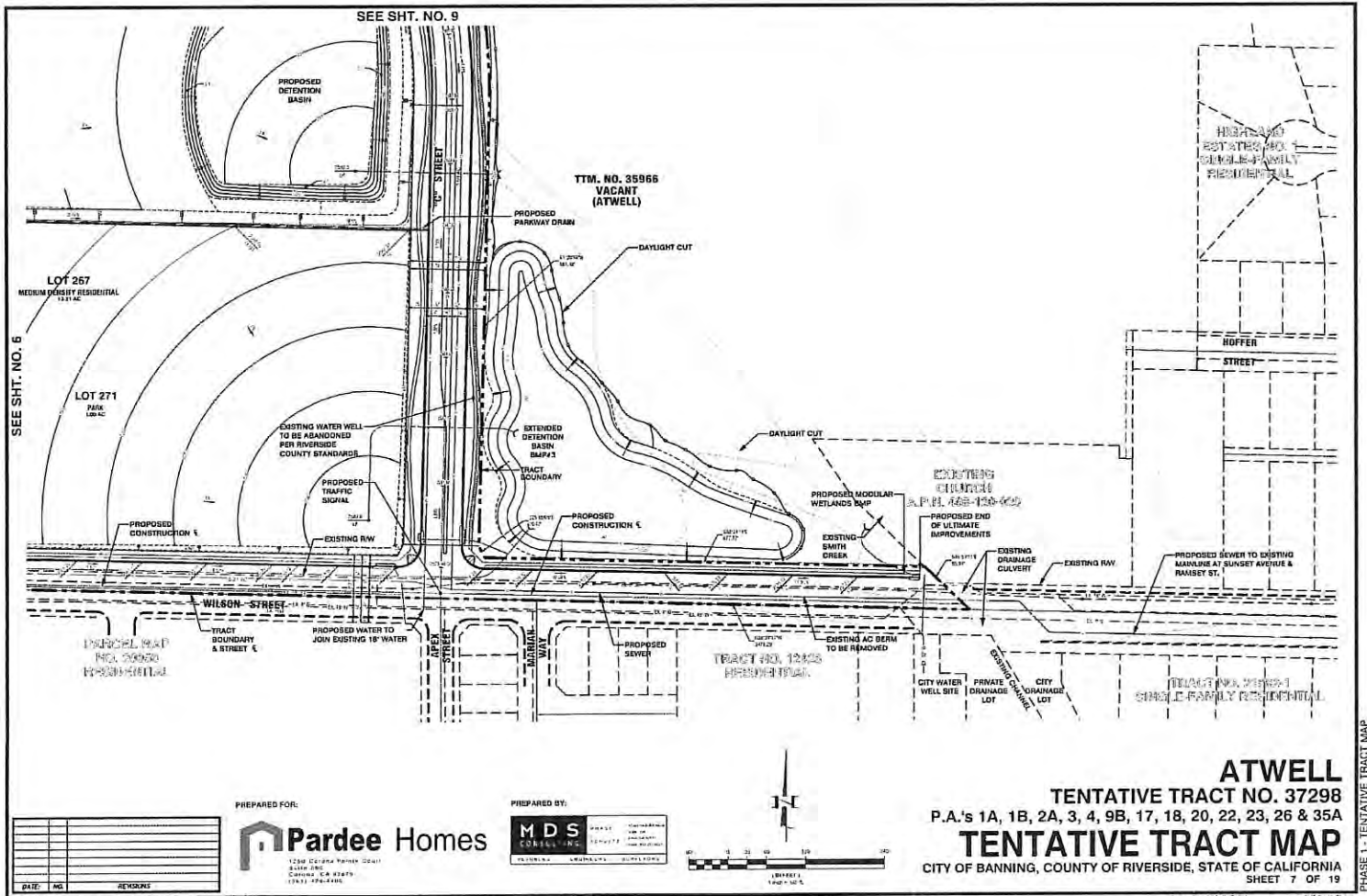
MDS
CONSULTING
P.O. BOX 1000
SANTA ANA, CA 92701
(714) 241-1111
FAX (714) 241-1112

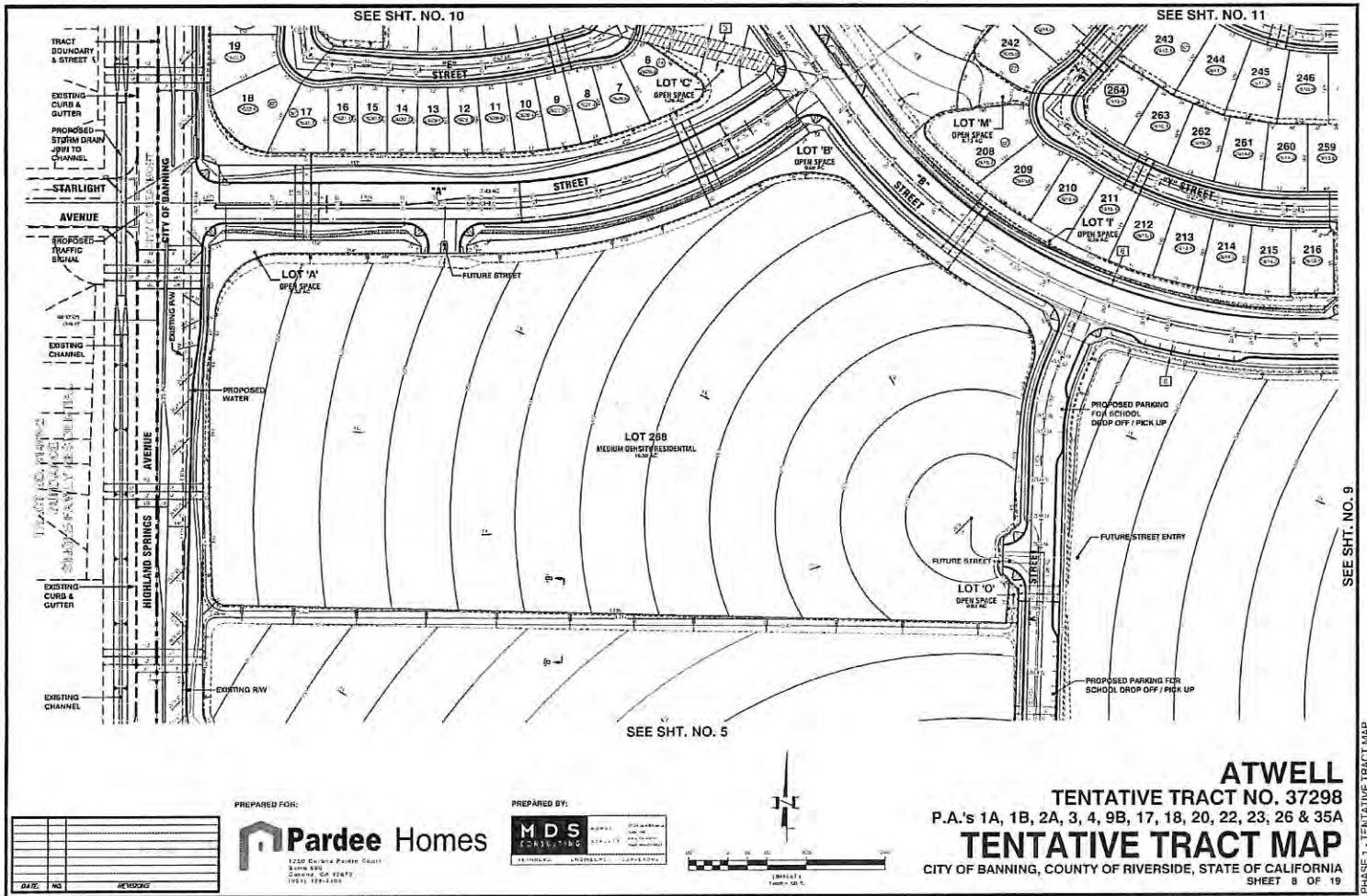
PREPARED FOR:

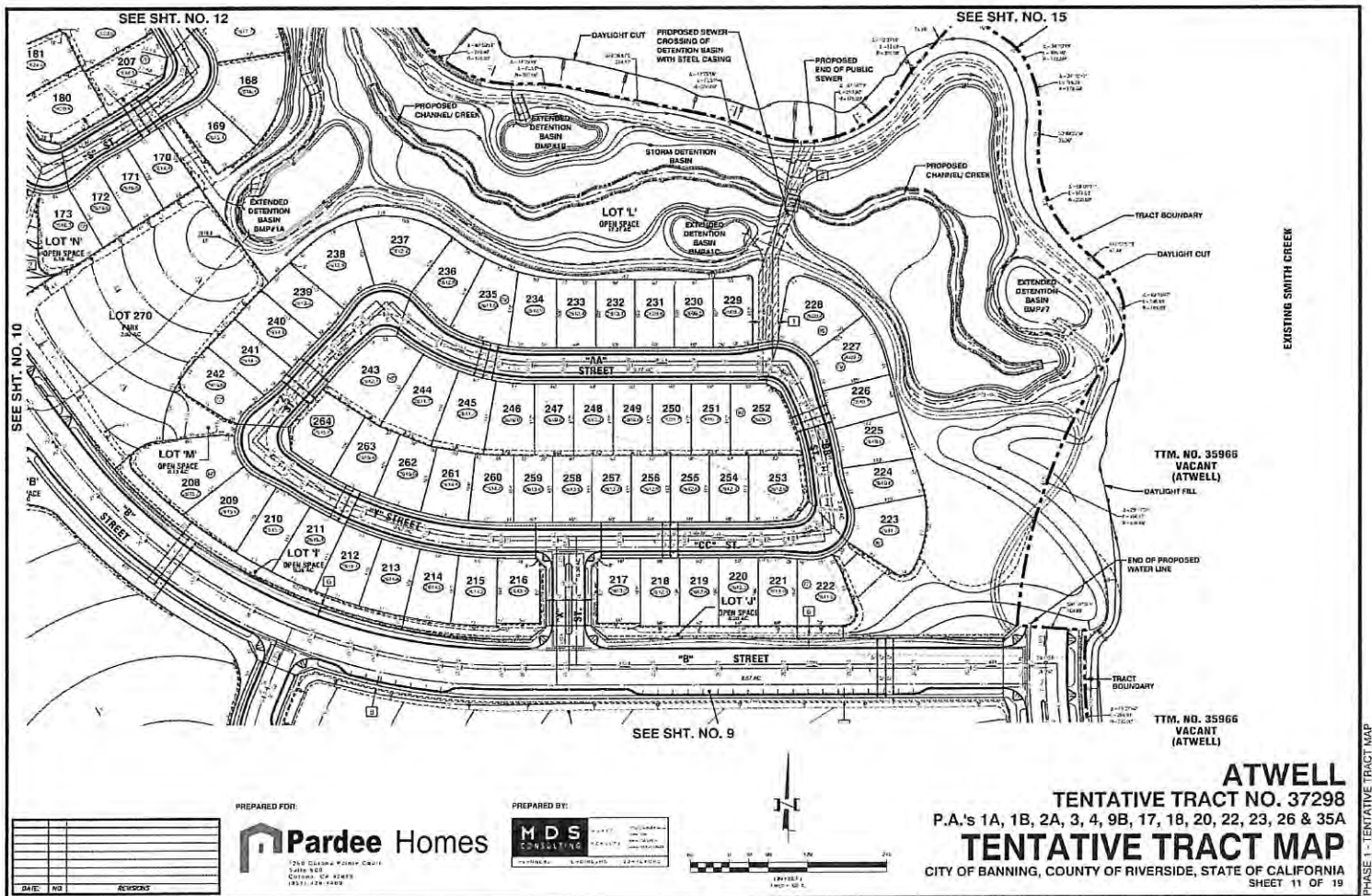


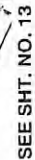
1250 Corona Pointe Court
Suite 200
Corona, CA 92639
951/20-2409

[illegible]









PREPARED BY:

MDS CONSULTING
 10000 E. 15th Ave., Suite 300
 Denver, CO 80231
 Tel: 303.751.1100
 Fax: 303.751.1101
 E-mail: info@mdsconsulting.com

PREPARED FOR:



Pardee Homes

1250 Europa Point Court
Suite 602
Corona, CA 92670
951 428-4400

[illegible]

 PREPARED BY THE PUBLIC WORKS AND PUBLIC UTILITIES DIVISION OF THE CITY ENGINEERING AND PUBLIC WORKS DEPARTMENT FOR THE EXCLUSIVE USE OF THE CITY ENGINEERS AND PUBLIC WORKS COMMISSIONERS. THE CITY ENGINEERS AND PUBLIC WORKS COMMISSIONERS SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE CITY ENGINEERS AND PUBLIC WORKS COMMISSIONERS SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE CITY ENGINEERS AND PUBLIC WORKS COMMISSIONERS SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

 THE CITY ENGINEERS AND PUBLIC WORKS COMMISSIONERS SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE CITY ENGINEERS AND PUBLIC WORKS COMMISSIONERS SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE CITY ENGINEERS AND PUBLIC WORKS COMMISSIONERS SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

 THE CITY ENGINEERS AND PUBLIC WORKS COMMISSIONERS SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE CITY ENGINEERS AND PUBLIC WORKS COMMISSIONERS SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE CITY ENGINEERS AND PUBLIC WORKS COMMISSIONERS SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

 THE CITY ENGINEERS AND PUBLIC WORKS COMMISSIONERS SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE CITY ENGINEERS AND PUBLIC WORKS COMMISSIONERS SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE CITY ENGINEERS AND PUBLIC WORKS COMMISSIONERS SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

 THE CITY ENGINEERS AND PUBLIC WORKS COMMISSIONERS SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE CITY ENGINEERS AND PUBLIC WORKS COMMISSIONERS SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE CITY ENGINEERS AND PUBLIC WORKS COMMISSIONERS SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

© 1994 by Taylor & Francis Ltd. 0014-0139/94 \$10.00

PREPARED BY:

MDS
CONSULTING

10000 E. 15th Ave., Suite 100
Denver, CO 80231
Tel: 303.751.1000
Fax: 303.751.1001
E-Mail: info@mdsconsulting.com

RECEIVED



Pardee Homes
1230 Coloma Pointe Court
Suite 500
Coloma, CA 92078

[illegible]

[illegible]

SEE SHT. NO. 17

[illegible]

MDS CONSULTING	PLANNING	DESIGNING	CONSTRUCTING	7001 TAYLOR
3000 N. 10TH ST. SUITE 200 DENVER, CO 80202 PHONE 866-21-1121				

ATWELL
TENTATIVE TRACT NO. 37298
P.A.'s 1A, 1B, 2A, 3, 4, 9B, 17, 18, 20, 22, 23, 26 & 35A
EASEMENT DISPOSITION MAP
CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
SHEET 18 OF 19

[illegible]

THE FOLLOWING MATTERS SHOWING ARE DISCLOSED BY THE FILED OR RECORDED MAPS PERTAINING TO THE LEGAL DESCRIPTION. WE HEREBY RESERVE THE RIGHT TO RECOVER FOR ALL ACCESS PURPOSES SUCH AN ON THIS TRACT MAP AND OURSELVES WITH SUCCESSORS, ASSIGNEES AND LOT OWNERS WITHIN THE MAP.

THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "COVENANT AGREEMENT CALCULATED AND BETWEEN THE CITY OF BALZANO AND PARCEL HOMES, A CALIFORNIA CORPORATION," RECORDED JULY 17, 2012 AS INSTRUMENT 110, 2012-033868 OF OFFICIAL RECORDS.

Number of Children	Percentage of Families (%)
0	~10%
1	~35%
2	~45%
3	~7%
4	~3%

[illegible]

MDS CONSULTING
 10000 E. 15th Ave., Suite 100
 Denver, CO 80231
 Tel: (303) 751-1000
 Fax: (303) 751-1001
 E-mail: mds@mdsconsulting.com
 Website: www.mdsconsulting.com



1250 Camino Padre Court
 Suite 600
 Corona, CA 92679
 (951) 420-4400

ATWELL
TENTATIVE TRACT NO. 37298
P.A.'s 1A, 1B, 2A, 3, 4, 9B, 17, 18, 20, 22, 23, 26 & 35A
EASEMENT DISPOSITION MAP
CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
SHEET 19 OF 19

Exhibit “B”

Tentative Tract Map No. 37298 Conditions of Approval

Exhibit "B"
Tentative Tract Map No. 37298 Conditions of Approval
(Phase 1A – Butterfield Specific Plan/Atwell Development)

Community Development

1. The City and applicant are parties to a Development Agreement, recorded on July 17, 2012, as document number 2012-0332888 ("DA"). In the event of any direct inconsistency or conflict between these Conditions of Approval and the DA, the DA shall control. The applicant shall indemnify the City as described in the DA.

2. Approval of this entitlement shall not waive compliance with any sections of the DA, Butterfield Specific Plan, or other applicable City ordinances in effect at the time of building permit issuance to the extent such City ordinances are applicable to the project and not vested under the DA.

3. Approval of Tentative Tract Map No. 37298 shall run with the term of the DA. All conditions of approval must be met on or before the expiration date or the applicant must request an extension of time at least thirty (30) days prior to the expiration date, and receive approval of said extension; otherwise, the approval shall expire and become null and void.

4. Unless approved otherwise by City, the applicant shall comply with all applicable conditions of City Council Ordinance No. 1450 approving the Butterfield Specific Plan and conditions of City Council Resolution No. 2017-07 approving Minor Modifications to the Butterfield Specific Plan.

5. All mitigation measures required by the Butterfield Specific Plan Environmental Impact Report (EIR) Mitigation Monitoring and Reporting Program (MMRP) (SCH No. 2007091149), as modified pursuant to the approved Addendum, and conditions of the project's Settlement Agreement shall be implemented if those measures/conditions relate to this phase or part of the development or are required to be satisfied in connection with this phase or part of the development.

6. A copy of the signed resolution of approval and all conditions of approval and any applicable mitigation measures shall be reproduced in legible form on the grading plans, building and construction plans, and landscape and irrigation plans submitted for review and approval as required by the reviewing department.

7. The applicant shall pay all development fees adopted by the City in effect at the time of issuance of any building permits, which shall include but not be limited to: TUMF, MSHCP, police and fire safety developer fees, water and sewer fees, park land dedication fees, electric meter installation fees, etc. Adjustments and/or fee credits to the applicable DIFs may be provided as defined in the DA. The applicant shall provide written evidence to the City that school mitigation fees have been paid or other arrangements acceptable to the applicable school district have been met

8. The applicant shall provide an initial \$10,000.00 deposit to cover the City's work associated with the Tentative Tract Map No. 37298, including but not limited to the cost of condition tracking, review of required plans, and mitigation monitoring and shall replenish the deposit account, as needed, following the City's written notification that the account is at or below \$1,000. City shall provide a detailed accounting of deposit account upon request for additional deposit and the parties shall meet to discuss any disputed invoices, amounts or replenishment requests.

9. A copy of the final grading and erosion control plan, approved by Engineering, shall be submitted to the Planning Department for review and approval of the landscaping plans when graded cut slopes exceed 5 feet in height and fill slopes exceed 5 feet in height.

10. All slopes exceeding 5 feet in vertical height shall be planted as required by the approved erosion control plan. Prior to grading plan approval, the applicant shall submit five copies of a drought-tolerant slope planting and irrigation plan prepared by a licensed landscape architect to the Planning Division for review and approval. The approved slope planting plan shall be implemented/ installed on a phase by phase basis prior to issuance of a Certificate of Occupancy for each single-family residence constructed within Phase 1A.

11. Prior to commencement of development within the tract, the applicant shall provide a written Phasing Plan specifying when the lots within the subdivision will be developed and when all appropriate public infrastructure within the subdivision will be constructed. Prior to approval of the Final Map, all conditions requiring the provision or proposed project facilities and subdivision improvements for the area covered by the Tentative Tract Map No. 37298 must be satisfied either through performance or through the provision of suitable security prior to recordation of the final map.

12. Prior to precise grading plan approval, the applicant shall develop a conceptual project wall/fencing plan to include retaining walls, perimeter walls, and interior walls subject to design review approval by the Planning Commission.

13. Prior to precise grading plan approval for open space planning areas of the Butterfield Specific Plan, Design Review applications shall be reviewed and approved by the Planning Commission. The Design Review application shall include conceptual details on recreational uses to be provided within the planning areas, including how these facilities will be linkable to other tracts, parks and open space including public access.

14. Prior to construction of the two proposed parks, the applicant shall obtain approval of a detailed site plan demonstrating the facilities to be provided from the Director of Community Development.

15. All residential and commercial neighborhoods and public facility structures shall require design review approval by the Planning Commission.

16. The applicant shall install temporary construction fencing around portions of the tract under construction until replacement by permanent walls/fencing or completion of improvements.

17. The applicant shall meet all requirements of responsible agencies.

18. The proposed temporary detention basin adjacent to the southeast corner of Tentative Tract Map No. 37298 shall be screened from views by temporary fencing with screen material at Wilson Street to the satisfaction of the Community Development Director.

19. Upon submittal of the adjacent tentative tract map that includes the remaining open space for PA 23 and PA 35A, the applicant shall provide an exhibit depicting the overall area within PA 23 and PA 35A confirming PA 23 acreage of 13.55 acres and PA 35A acreage of 10.55 acres. Future open space planning areas shall be increased in size to ensure that the overall project open space complies with the acreages required by the specific plan.

Engineering/Public Works

A. General Requirements

20. A Public Works Permit shall be required prior to commencement of any work within the public right-of-way. Any contractor working within the public right-of-way shall submit proof of a Class "A" State Contractor's License, City of Banning Business License, and Liability Insurance. Any existing public improvements, or new public improvements accepted or not accepted by the City that are damaged during construction shall be removed and replaced as determined by the City Engineer or his/her representative.

21. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any applicable and legally required clearances and/or permits. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting improvement plans to the City:

- Fire Marshal (access)
- Public Works Department (grading permits, street improvement permits)
- Community Development Department
- Riverside County Flood Control & Water Conservation District (storm drain)
- California Regional Water Quality Control Board Colorado River Basin (RWQCB)
- South Coast Air Quality Management District (SCAQMD)

22. The following improvement plans shall be prepared by a Civil Engineer licensed by the State of California and submitted to the Engineering Division for review and approval. A separate set of plans shall be prepared for each line item listed below. Unless otherwise authorized in writing by the City Engineer, the plans shall utilize the minimum scale specified and shall be drawn on 24" x 36" Mylar film for final signatures. Plans may be prepared at a larger scale if additional detail or plan clarity is desired (Note: the applicant may be required to

prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors):

a.	Rough Grading Plans	1" = 40' Horizontal
b.	Haul Route Plans (If soils is exported off site)	1" = 40' Horizontal
c.	Clearing Plans (Include fuel modifications zones) (Include construction fencing plan)	1" = 50' Horizontal
d.	Erosion Control & SWPPP, WQMP (Note: a, b, c & d shall be reviewed and approved concurrently)	1" = 40' Horizontal
e.	Storm Drain Plans	1" = 40' Horizontal
f.	Street Improvement Plans	1" = 40' Horizontal 1" = 4' Vertical
g.	Traffic Signal Plans (Caltrans Standard)	1" = 20' Horizontal
h.	Signing & Striping Plans	1" = 40' Horizontal
i.	Construction Traffic Control Plan (Major or Arterial Highways only)	1" = 40' Horizontal
j.	Precise Grading Plans	1" = 40' Horizontal
k.	Landscaping Plans	1" = 20' Horizontal
l.	Water, Sewer, & Recycled Water Plans	1" = 40' Horizontal

Other engineered improvement plans prepared by the applicant for the City's approval that are not listed herein shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.

23. All off-site plan and profile street improvement plans and signing & striping plans shall show all existing improvements for a distance of at least 200-feet beyond the project limits, or at a distance sufficient to show any required design transitions.

24. All on-site signing and striping plans shall show the following at a minimum: stop signs, limit lines and legends, no parking signs, raised pavement markers (including blue raised

pavement markers at fire hydrants) and street name signs per Public Works standard plans and/or as approved by the City Engineer.

25. A small index map shall be included on the title sheet of each set of plans, showing the overall view of the entire work area.

26. Upon completion of construction, the applicant shall furnish the City with reproducible record drawings on Mylar film of all improvement plans that were approved by the City Engineer. Each sheet shall be clearly marked "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying the accuracy and completeness of the drawings. The applicant shall have all AutoCAD files submitted to the City, revised to reflect the "As-Built" conditions.

27. All future utility systems including gas, electric, telephone, water, sewer, and cable TV, except for temporary utility systems as defined under the DA, shall be provided for underground, with easements provided as required, and designed and constructed in accordance with City codes and the utility provider. Telephone, cable TV, and/or security systems shall be pre-wired.

B. Rights of Way/Public Improvements

28. Prior to issuance of any permit(s), the applicant shall acquire or confer property rights necessary for the construction or proper functioning of the proposed project/development. Conferred rights shall include right-of-way dedications, irrevocable offers to dedicate or grant of easements to the City for emergency services, maintenance, utilities, storm drain facilities, or temporary construction purposes including the reconstruction of essential improvements.

29. The applicant shall offer for dedication on the final map, within final map boundaries, all public street right-of-way in conformance with the DA and the Butterfield Specific Plan. The City may reject the dedications and leave them open for future acceptance until all public improvements are installed by the applicant in the rights of way.

30. Maintenance easements dedicated to the City shall extend at most 10-feet beyond the toe of slope, where sufficient space available or as approved by the City Engineer, for those slope areas where maintenance falls within the responsibility of the City.

31. Prior to the issuance of any Certificates of Occupancy, the applicant shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer of dedication to the City or the Riverside County Flood Control and Water Conservation District (RCFCD) unless such easements are expressly made subordinate to the easements to be offered for dedication to the City or RCFCD. Prior to granting any of said easements, the applicant shall furnish a copy of the proposed easement to the City Engineer for review and approval. Further, a copy of the approved easement shall be furnished to the City Engineer prior to the issuance of any Certificate of Use and/or Occupancy.

32. All street improvement designs shall provide pavement and lane transitions per City and Caltrans standards for transition to existing street sections.

33. Design and construct full street improvements in accordance with City standards for ALL streets as approved on the Final Tract Map including, but not limit to street lighting, curb and gutter, cross gutters and spandrels, access ramps, driveway approaches, sidewalk, asphalt concrete pavement, street name signs, traffic signs and striping, and any transitions. Applicant's geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method. STREET AND SIDEWALK WIDTHS AND CROSS SECTIONS SHALL COMPLY WITH THE APPROVED 2016 UPDATED BUTTERFIELD SPECIFIC PLAN.

34. The applicant shall plant and perpetually maintain trees, shrubs, and ground cover placed in the parkway, slopes adjacent to public right-of-ways, and median islands constructed in connection with the project until maintenance of such area is turned over to the HOA, a Landscaping Maintenance District (LMD) or other public financing district. This includes providing irrigation and the clearing of debris and weed removal.

35. All applicable public improvements shall be completed, tested, and approved by the Engineering Division prior to issuance of any Certificate of Occupancy. City to provide inspections in timely manner and any inspections exceeding 2 inspections to require meeting with City Engineer to address.

C. Grading and Drainage

36. The applicant shall submit an Updated Drainage Study with hydrologic and hydraulic analysis for developed and undeveloped (existing) conditions to the Engineering Division for review and approval. The study and analysis shall be prepared by a civil engineer licensed by the State of California. Drainage design shall be in accordance with Banning Master Drainage Plan adopted by RCFCD, RCFCD Hydrology Manual, and standard plans and specifications. The 10-year storm flow shall be contained within the street curbs, and the 100-year storm shall be contained within the street right-of-way. When this criteria is exceeded, additional drainage facilities shall be designed and constructed.

37. At a minimum, all development will make provisions to store runoff from rainfall events up to and including the 100-year 3-hour duration event. Post-development peak urban runoff discharge rates shall not exceed pre-development peak urban runoff discharge rates.

38. If the site is located in a Flood Area as identified in Flood Insurance Rate Map dated August 28, 2008 the applicant is responsible for providing a certification by a registered professional engineer or architect demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

39. The project grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions. Otherwise, a drainage easement shall be obtained for the release of concentrated or

diverted storm flows. The project shall accept and convey storm flows from the adjacent properties.

40. The applicant shall comply with Chapter 13.24 "Stormwater Management Systems" of the Banning Municipal Code (BMC) and Title 18 "Grading, Erosion and Sediment Control" of the California Building Code related to excavation and grading; and, the State Water Resources Control Board's orders, rules and regulations.

41. For construction activities including clearing, grading or excavation of land that disturbs one (1) acre or more of land, or that disturbs less than one (1) acre of land, but which is a part of a construction project that encompasses more than one (1) acre of land, the applicant shall be required to submit a Storm Water Pollution Protection Plan (SWPPP) and file a Notice of Intent (NOI) with the Regional Water Quality Control Board.

42. The applicant shall ensure that the required SWPPP is available for inspection at the project site at all times through and including acceptance of all improvements by the City. The applicant's SWPPP shall include provisions for all of the following Best Management Practices ("BMPs"):

- Temporary Soil Stabilization (erosion control).
- Temporary Sediment Control.
- Wind Erosion Control.
- Tracking Control.
- Non-Storm Water Management.
- Waste Management and Materials Pollution Control.

43. All erosion and sediment control BMPs proposed by the applicant shall be designed using the CASQA BMP handbook and approved by the City Engineer prior to any onsite or offsite grading, pursuant to this phase.

44. The approved SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City.

45. Grading and excavations in the public right-of-way shall be supplemented with a soils and geology report prepared by a professional engineer or geologist licensed by the State of California.

46. Prior to the issuance of any building permit(s), a precise grading plan shall be submitted to the City Engineer for review and approval. A grading permit shall be obtained prior to commencement of any grading activity.

47. Prior to issuance of any grading or building permit, a Project-Specific Water Quality Management Plan (WQMP) shall be reviewed and approved in accordance with California Regional Water Quality Control Board Colorado River Basin Region Order No. R7-2013-0011.

48. Prior to the issuance of a grading permit, the applicant shall execute a Stormwater Management Facilities Agreement on terms agreed to by the parties guaranteeing the maintenance of stormwater pollution controls. Said agreement shall be recorded with the Riverside County Recorder and run with the land.

49. Prior to issuance of any grading or building permit, the applicant shall install trash filters in all catch basins that will be constructed as part of the storm drain improvements for this development. The trash filters shall comply with the requirements of the Trash Amendment as amended and approved in accordance with California Regional Water Quality Control Board Colorado River Basin Region Order No. R7-2013-0011.

50. A notation shall be placed on the grading plan: "Compliance with Mitigation Measures BIO-1 and BIO-2 is required." Biologist to conduct site visit for to re-validate survey findings no more than fourteen (14) days prior to any construction activities and provide technical memo to the City upon completion of re-validation.

51. Prior to the issuance of a building permit for any building lot, the applicant shall provide a lot pad certification. The pad certification shall include an elevation and compaction certification. The elevation certification shall be stamped and signed by a licensed civil engineer or land surveyor and shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. The compaction certification shall list the relative compaction of the pad soil and shall be certified by a licensed geotechnical engineer.

52. This final map includes areas within a designated Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Special Flood Hazard Zone. A letter of map revision (LOMR) shall be processed through FEMA and provided to the City Engineer prior to occupancy of affected lots.

53. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development. Prior to issuance of any grading permits, FEMA requires a hydrologic and hydraulic analysis to be submitted and approved that demonstrates that the development will not cause any rise in base flood levels.

D. Landscaping Public Right of Way

54. The applicant shall prepare a water conservation using xeriscape principles. "Xeriscape" shall mean a combination of landscape features and techniques that in the aggregate reduce the demand for and consumption of water, including appropriate low water using plants, non-living ground-cover, a low percentage of turf coverage (limited to 25% of the planted area), and water conserving irrigation techniques and systems. A low water-using drought tolerant plant includes species suited to our climate, requiring less water in order to grow well.

55. An automatic sprinkler system and landscaping shall be installed, prior to certificate of occupancy for the portion of the project for which certificates of occupancy are

requested, within the common areas including perimeter slopes and the interior collector streets. Each system shall include a smart landscape irrigation controller (including remote communication), a separate water meter and electric meter, and plantings as approved by the Community Development Director. Landscaping plans and specifications shall be reviewed and approved by the City Engineer.

56. A Home Owners' Association (HOA) shall be established and the applicable Conditions, Covenants & Restrictions (CC & R's), shall be prepared for review and approval of the City Engineer providing for maintenance of the parkway on-site lighting and landscaping, slopes adjacent to public right-of-ways, onsite private parking/roadway, any debris basins, BMP's referenced in the approved WQMP, and median island landscaping. The applicant shall appoint the initial members of the Board of Directors of the home owners' association, or take such other steps as may be reasonably necessary to assure that members have been appointed or elected to such Board of Directors, until under the terms of the applicable CC & R's individual lot owners have the power to elect the members of the Board of Directors in accordance with the CC & R's.

57. The CC&R's shall contain provisions which prohibit dissolution of the home owners' association unless another entity has agreed to assume the operation and maintenance responsibilities of the HOA. The CC&R's shall contain provisions that prohibit the applicant and his/her successors-in-interest from amending said CC&R's to conflict with these Conditions of Approval.

58. Alternatively to condition #55, a LMD, or other public financing mechanism, can be formed to provide for the maintenance of the parkway on-site lighting, , and/or median island landscaping on Highland Springs Avenue, Wilson Street and Highland Home Road. .

59. Landscape improvements shall be certified by a licensed landscape architect or licensed landscape contractor as having been installed in accordance with the approved detailed plans and specifications. The applicant shall furnish said certification, including an irrigation management report, for each landscape irrigation system and any other required implementation report determined applicable, to the City Engineer for review and approval.

E. Traffic

60. As part of the final tract map, a TIA validation report shall be prepared as required per Mitigation Measure TRF-2 for review and approval by the City Engineer.

61. Street name signs and traffic control devices including traffic legends and traffic striping shall be installed, or relocated in accordance with City Standards and as shown on the approved plans, and/or as directed by the City Engineer.

62. Prior to first building permit issuance of the phase, the applicant shall submit and obtain approval in writing from the Fire Marshall for the plans for all public or private access roads, drives, streets, and alleys. The plans shall include plan and sectional views and indicate

the grade and width of the access road measured flow-line to flow-line. When a dead-end access exceeds 150 feet or when otherwise required, a clearly marked fire apparatus access turnaround must be provided and approved by the Fire Marshall. Applicable CC&R's or other approved documents shall contain provisions which prohibit obstructions such as speed bumps/humps, control gates or other modifications within said easement or access road unless prior approval of the Fire Marshall is granted.

63. Driveway grades shall be designed in accordance with current City standards.

64. Parking areas shall be designed and improved with grades not to exceed five percent slope. All applicable ADA standards will be adhered to.

65. Access drives to the public right-of-way shall be restricted to those approved by the City Engineer as shown on the approved plans.

66. Prior to the issuance of any Certificate of Occupancy, all fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street as approved by the Fire Marshall, and must be maintained in good condition by the applicant until the street is accepted by the City for maintenance.

F. Final Map

67. Prior to approval of any final map, the applicant shall construct appropriate on-site and off-site improvements in accordance with the approved plans and satisfy its obligations for same, or shall furnish a fully secured and executed Agreement for Construction of Public Improvements on terms agreed to by the City and the applicant guaranteeing the construction of such improvements and the satisfaction of its obligations for same, or shall agree to any combination thereof, unless such improvements are deferred with City approval under the terms of the DA or as otherwise set forth under the terms of the DA.

68. The applicant shall file an Environmental Constraint Sheet. An Environmental Constraint Sheet means a duplicate of the final map on which are shown the Environmental Constraint Notes. This sheet shall be filed simultaneously with the final map, with the County Surveyor, and labeled ENVIRONMENTAL CONSTRAINT SHEET in the top margin. Applicable items will be shown under a heading labeled Environmental Constraints Notes. The Environmental Constraint Sheet shall contain the statement: THE ENVIRONMENTAL CONSTRAINT INFORMATION SHOWN ON THIS MAP SHEET IS FOR INFORMATIONAL PURPOSES DESCRIBING CONDITIONS AS OF THE DATE OF FILING, AND IS NOT INTENDED TO AFFECT RECORD TITLE INTEREST. THIS INFORMATION IS DERIVED FROM PUBLIC RECORDS OR REPORTS, AND DOES NOT IMPLY THE CORRECTNESS OR SUFFICIENCY OF THOSE RECORDS OR REPORTS BY THE PREPARER OF THIS MAP SHEET. The sheet shall delineate constraints involving, but not limited to, any of the following that are conditioned by the Advisory Agency: archaeological sites, geologic mapping, grading, building, building setback lines, flood hazard zones, seismic lines and setbacks, fire protection, water availability, and sewage disposal

69. Prior to the recordation of the final map or the issuance of a grading permit, the applicant shall obtain approval from the Fire Marshall in consultation with the City Engineer, for a conceptual fuel modification plan and program. Prior to the issuance of any certificate of occupancy, the fuel modification shall be installed and completed under the supervision of the Fire Marshall with an approved plant palette. The CC&Rs or other approved documents shall contain provisions for maintaining the fuel modification zones, including the removal of all dead and dying vegetation.

70. Security for the construction of public improvements in accordance with Government Code Section 66499 shall be as follows:

Faithful Performance Bond	100% of estimated cost
Labor and Material Bond	100% of estimated cost
Monumentation Bond	\$10,000.00

Securities for the public improvements shall be on file with the City Clerk prior to scheduling the final map for approval by City Council. Unit prices for bonding estimates shall be those specified or approved by the City Engineer.

71. Prior to approval of the final map, the applicant shall submit a list of street names and addresses in Microsoft Excel spread sheet format for review and approval. The house number system shall be in accordance with Section 12.32 of the Banning Municipal Code. A reduced copy of the subdivision map shall be included with the submittal.

72. Revisions to the Tentative Tract Map during plan check including, but not limited to, lot line alignments, easements, improvement plan revisions, and similar minor changes that are in substantial compliance with the Tentative Tract Map may be administratively approved through the plan check process with the mutual consent and approval of the Community Development Director and City Engineer. The final maps shall be amended in accordance with the Subdivision Map Act.

73. Prior to approval of the final map the applicant shall identify and include in its improvement plans those routine structural and non-structural Best Management Practices (BMP's) as outlined in Supplement A to the Riverside County Drainage Area Management Plans and any attachments or as approved by the City Engineer.

74. The applicant shall submit a copy of the title report, closure calculations, and any separate instruments or necessary right-of-way documents to the Engineering Division prior to final map approval.

75. The applicant shall submit a map of the proposed subdivision drawn at 1"=200' showing the outline of the streets including street names to the City to update the city atlas map.

76. An original Mylar of the final map (after recordation) shall be provided to the City for the record files.

77. All public improvements shall be completed and accepted by City prior to release of Faithful Performance Bond and Labor and Material Bond. Faithful Performance Bond for applicable public improvements shall be reduced to 10% once City accepts improvements into maintenance period. Final 10% to serve as the maintenance bond for the 1-year maintenance period.

78. A record of all street centerline monument ties shall be submitted to the Engineering Division upon completion of improvements or prior to release of Monumentation Bond.

G. Water

79. The applicant shall submit Water Improvement Plans along with the infrastructure phasing plan to the City Engineer for review and approval. The phasing plan, which shall be supported by a hydraulic analysis, shall identify all required water infrastructure (e.g. water mains, wells, booster stations, pressure reducing stations, reservoirs, etc.) required to meet the demands of the Tentative Tract Map. The Water Improvement Plans shall design and construct water lines throughout and to property boundaries to tract. The proposed new water lines shall connect to the City's water system and provide a connection to the Beaumont Cherry Valley Water District (BCVWD) system using existing stub-outs along Highland Springs Avenue.

80. The applicant shall submit a hydraulic analysis report demonstrating adequate pressures throughout the Phase 1A water system during max day demand (MDD) with fire flow conditions. The hydraulic analysis, based on the City's latest calibrated water model, shall identify when and if additional facilities would be required to meet Phase 1A water demands.

81. All water lines and fitting shall be a minimum of 8-inch in diameter and shall be DIP. Water line easements shall be a minimum width of 20 feet if installed outside of right-of-way or public utility easement.

82. Fire hydrants shall be installed within and on the tract boundaries as per approved plans, at a 300-foot maximum spacing.

83. A backflow device must be installed on all commercial buildings and at each irrigation water connection. The backflow device must be in compliance with City of Banning.

84. Fire Services will require a Double Detector Check or RPP Device.

85. Timing and sizing of the required construction of the storage tank shall be identified in the phasing plan as determined by the Water & Sewer system analysis

86. The applicant shall work with City on final location for BCVWD interconnects, sizing of facilities and required equipment (e.g. pressure reducing, metering, etc.). Ultimate facilities to be above ground, fully enclosed, and allow vehicle access.

H. Sewer

87. The applicant shall submit Sewer Improvement Plans along with the infrastructure phasing plan to the City Engineer for review and approval. The phasing plan shall identify all required sewer infrastructure (e.g. sewer mains, lift stations, treatment facilities, manholes, etc.) required to meet the demands of the Tentative Tract Map. A hydraulic analysis will need to be prepared and submitted that demonstrates the maximum discharge that can be accommodated by the existing collections system before a new trunk line is needed. The Sewer Improvement Plans shall design and construct sewer lines throughout and to property boundaries of tract. The proposed new sewer lines shall connect into the City's sewer system.

88. All sewer lines to be constructed within the public right-of-way and be extra strength Vitrified Clay Pipe (VCP) or Polyvinyl Chloride (PVC) Pipe. All sewer mains shall be a minimum of 8 inches in diameter. Final sizes shall be approved by the City Engineer based on calculations submitted by the design engineer accounting for ultimate discharge flows for Phase 1A and all upstream areas. Sewer line easements shall be a minimum of 20 feet wide if installed outside of right-of-way or public utility easement.

89. A sewer check valve shall be provided for each building with a finish pad elevation lower than the rim elevation of the immediate up-stream sewer manhole.

I. Recycled Water (Non-Potable)

90. Submit Recycled Water Improvement Plans along with a Recycled Water Master Plan that includes a written phasing plan to the City Engineer for review and approval. Design and construct recycled water lines throughout to parks, schools, and other large irrigation areas and to tie-in points at the tract boundary. The proposed new recycled water lines shall have an interconnection to the BCVWD's existing stub-outs located along Highland Springs Avenue.

91. All recycled water lines to be constructed within the Public right-of-way shall be a minimum of 8-inches in diameter DIP, encased in purple polyethylene wrap. Final sizes shall be approved by the City Engineer based on hydraulic calculations provided by the design engineer. Recycled waterline easements shall be a minimum of 20 feet wide if improvements are installed outside of right-of-way or public utility easements.

92. If the Phase 1A map does not have more than 500 units "Developer shall provide the Public Works Department with all recent data and calculations related to anticipated water demands and quantify any changes in assumptions made to the previously prepared Water Supply Assessment". If the Phase 1A map has more than 500 units "A sufficient water supply shall be available. In connection with the City's preparation of a Water Verification, which preparation has been requested by applicant and is underway by the City, applicant shall promptly provide the Public Works Department with all recent data and calculations related to anticipated water demands and quantify any changes in assumptions made to the previously prepared Water Supply Assessment."

Electric Utility

93. The City of Banning Electric Utility ("Utility") will require adequate easements needed to service the project. An easement area behind sidewalk may be needed for Wilson Street and Highland Springs Avenue for vaults, conduits, street lights and pad mounted transformers and switches.

94. Easements will be required for Arterial Streets "A", "B", "C", "H", and "K" for vaults, conduits, meter pedestals, and pad mounted transformers and switches. Easements will also be required for Local Streets "D" – "HH" to serve residential lots. The applicant shall grant a non-exclusive easement to the City to include the installation of electric distribution facilities within all common areas.

95. All street lights to be installed on the major thoroughfares, arterial streets, and local streets will be assumed to be publicly owned and maintained by the Utility unless otherwise approved by the Electric Department for private maintenance.

96. Prior to constructing the Utility's electric distribution system, the applicant shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the Utility.

97. The applicant shall execute any legally required agreement with the Utility on terms agreed to by the City and the applicant providing for the installation, construction, improvement and dedication of the utility system following recordation of final map.

Fire Department

98. For residential areas, approved standard fire hydrants, located at each intersection and spaced 300 feet apart with no portion of any lot frontage more than a maximum of 250 feet from a hydrant. Minimum fire flow for all residential structures shall be 1000 GPM for a 2 -hour duration at 20 psi residual operating pressure, which must be available in time permitted per the DA.

99. The required water system, including fire hydrants, shall be accepted by the City of Banning Public Works, Water Division in accordance with the timing per the DA. The applicant shall submit two sets of water plans are to be submitted to the Fire department for approval.

100. The applicant shall mount blue dot retro-reflectors pavement markers on private/public streets and driveways to indicate locations of all fire hydrants. A marker shall be 8 inches from the centerline to the side that the fire hydrant is on, to identify the hydrant location.

101. Residential fire sprinklers are required in all dwellings per the California Residential Code.

102. Fire Apparatus access roads and driveways shall be in compliance with the Riverside County Fire Department Standard number 06-05 (located at www.rvcfire.org). Access lanes will not have an up or downgrade of more than 15%. Access roads shall have an unobstructed vertical clearance not less than 13 feet 6 inches. Access lanes will be designed to withstand the weight of 80 thousand pounds over 2 axles. Access will have a turning radius capable of accommodating fire apparatus. Access lane shall be constructed with a surface so as to provide all the weather driving capabilities.

103. Roadways may not exceed 1320 feet without secondary access. This access may be restricted to emergency vehicles only; however, public egress must be unrestricted.

104. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provision for the turn-around capabilities of the fire apparatus.

105. Any turn-around requires a minimum 38-foot turning radius or as approved by the Fire Marshall

106. The minimum dimensions for gates is 20 feet clear and unobstructed width and a minimum vertical clearance of 13 feet 6 inches in height. Any gate providing access from a road shall be located at least 35 feet setback from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Where a one-way road with a single traffic lane provides access to a gate entrance, a 38-foot foot turning radius shall be used.

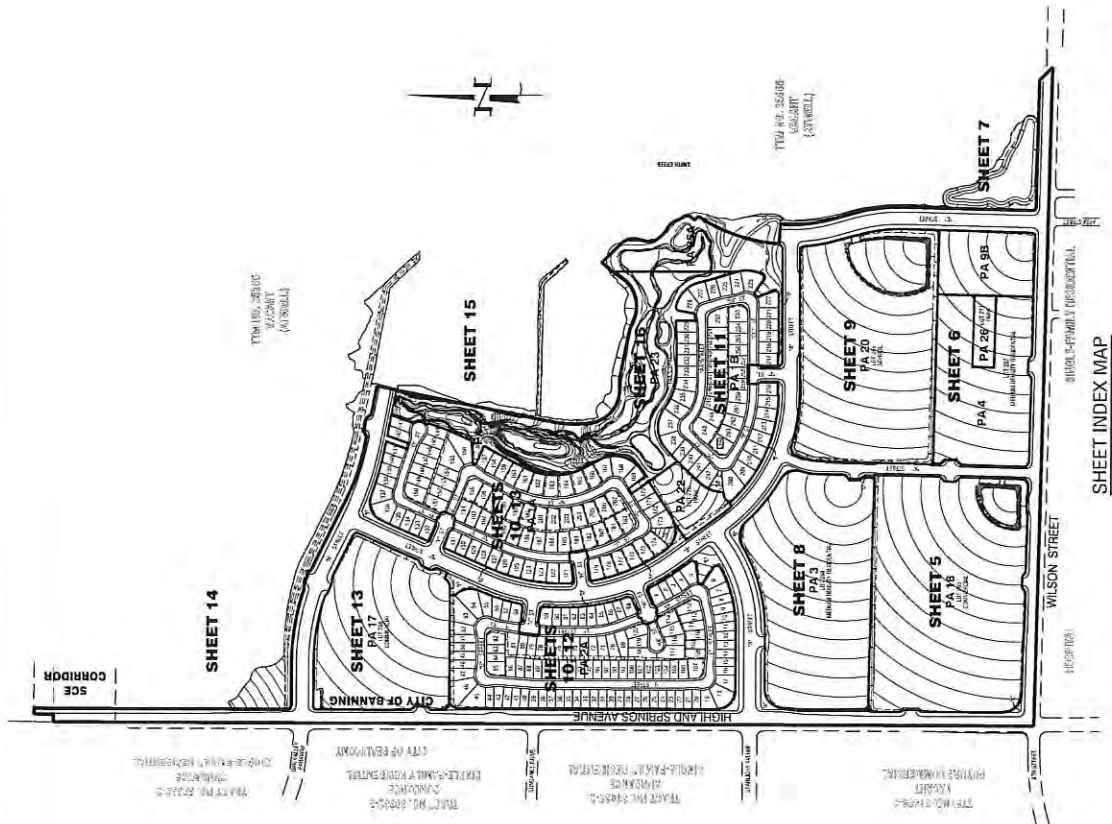
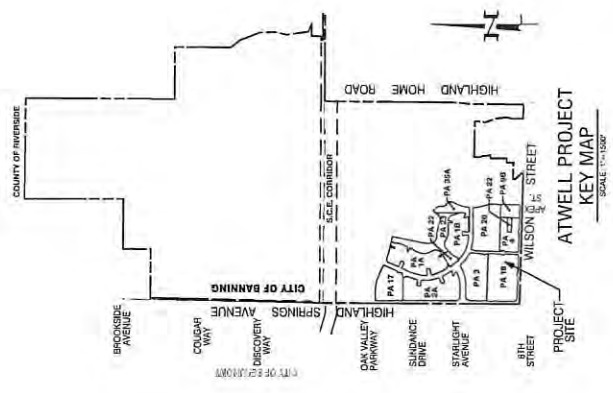
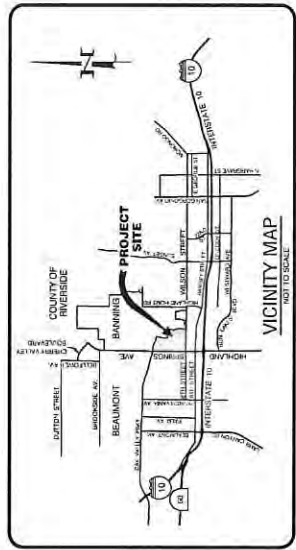
107. Gates may be automatic or manual and shall be equipped with a rapid entry system (KNOX).

108. Plans shall be submitted to the Fire Department for approval prior to installation. Automatic gate pins shall be rated with a shear pin force, not to exceed 30 pounds. Gates activated by the rapid entry system shall remain open until closed by the rapid entry system. Automatic gates shall be provided with backup power.

-END-

ATTACHMENT 3

**Tentative Tract Map 37298
(Full sized plans included
in Council packet)**



ATWELL

TENTATIVE TRACT NO. 37298

P.A.'s 1A, 1B, 2A, 3, 4, 9B, 17, 18, 20, 22, 23, 26 & 35A

TENTATIVE TRACT MAP

CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

SHEET 1A OF 19

SHEET INDEX

SHEET NO. 1A
SHEET NO. 1B
SHEET NO. 2A
SHEET NO. 3
SHEET NO. 4
SHEET NO. 9B
SHEET NO. 17
SHEET NO. 18
SHEET NO. 20
SHEET NO. 22
SHEET NO. 23
SHEET NO. 26
SHEET NO. 35A

LOT INDEX

LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
LOT 7
LOT 8
LOT 9
LOT 10
LOT 11
LOT 12
LOT 13
LOT 14
LOT 15
LOT 16
LOT 17
LOT 18
LOT 19
LOT 20
LOT 21
LOT 22
LOT 23
LOT 24
LOT 25
LOT 26
LOT 27
LOT 28
LOT 29
LOT 30
LOT 31
LOT 32
LOT 33
LOT 34
LOT 35
LOT 36
LOT 37
LOT 38
LOT 39
LOT 40
LOT 41
LOT 42
LOT 43
LOT 44
LOT 45
LOT 46
LOT 47
LOT 48
LOT 49
LOT 50
LOT 51
LOT 52
LOT 53
LOT 54
LOT 55
LOT 56
LOT 57
LOT 58
LOT 59
LOT 60
LOT 61
LOT 62
LOT 63
LOT 64
LOT 65
LOT 66
LOT 67
LOT 68
LOT 69
LOT 70
LOT 71
LOT 72
LOT 73
LOT 74
LOT 75
LOT 76
LOT 77
LOT 78
LOT 79
LOT 80
LOT 81
LOT 82
LOT 83
LOT 84
LOT 85
LOT 86
LOT 87
LOT 88
LOT 89
LOT 90
LOT 91
LOT 92
LOT 93
LOT 94
LOT 95
LOT 96
LOT 97
LOT 98
LOT 99
LOT 100

REVISIONS

NO.	DATE	DESCRIPTION
1	10/10/18	ISSUED FOR PERMIT
2	10/10/18	ISSUED FOR PERMIT
3	10/10/18	ISSUED FOR PERMIT
4	10/10/18	ISSUED FOR PERMIT
5	10/10/18	ISSUED FOR PERMIT
6	10/10/18	ISSUED FOR PERMIT
7	10/10/18	ISSUED FOR PERMIT
8	10/10/18	ISSUED FOR PERMIT
9	10/10/18	ISSUED FOR PERMIT
10	10/10/18	ISSUED FOR PERMIT
11	10/10/18	ISSUED FOR PERMIT
12	10/10/18	ISSUED FOR PERMIT
13	10/10/18	ISSUED FOR PERMIT
14	10/10/18	ISSUED FOR PERMIT
15	10/10/18	ISSUED FOR PERMIT
16	10/10/18	ISSUED FOR PERMIT
17	10/10/18	ISSUED FOR PERMIT
18	10/10/18	ISSUED FOR PERMIT
19	10/10/18	ISSUED FOR PERMIT
20	10/10/18	ISSUED FOR PERMIT
21	10/10/18	ISSUED FOR PERMIT
22	10/10/18	ISSUED FOR PERMIT
23	10/10/18	ISSUED FOR PERMIT
24	10/10/18	ISSUED FOR PERMIT
25	10/10/18	ISSUED FOR PERMIT
26	10/10/18	ISSUED FOR PERMIT
27	10/10/18	ISSUED FOR PERMIT
28	10/10/18	ISSUED FOR PERMIT
29	10/10/18	ISSUED FOR PERMIT
30	10/10/18	ISSUED FOR PERMIT
31	10/10/18	ISSUED FOR PERMIT
32	10/10/18	ISSUED FOR PERMIT
33	10/10/18	ISSUED FOR PERMIT
34	10/10/18	ISSUED FOR PERMIT
35	10/10/18	ISSUED FOR PERMIT
36	10/10/18	ISSUED FOR PERMIT
37	10/10/18	ISSUED FOR PERMIT
38	10/10/18	ISSUED FOR PERMIT
39	10/10/18	ISSUED FOR PERMIT
40	10/10/18	ISSUED FOR PERMIT
41	10/10/18	ISSUED FOR PERMIT
42	10/10/18	ISSUED FOR PERMIT
43	10/10/18	ISSUED FOR PERMIT
44	10/10/18	ISSUED FOR PERMIT
45	10/10/18	ISSUED FOR PERMIT
46	10/10/18	ISSUED FOR PERMIT
47	10/10/18	ISSUED FOR PERMIT
48	10/10/18	ISSUED FOR PERMIT
49	10/10/18	ISSUED FOR PERMIT
50	10/10/18	ISSUED FOR PERMIT
51	10/10/18	ISSUED FOR PERMIT
52	10/10/18	ISSUED FOR PERMIT
53	10/10/18	ISSUED FOR PERMIT
54	10/10/18	ISSUED FOR PERMIT
55	10/10/18	ISSUED FOR PERMIT
56	10/10/18	ISSUED FOR PERMIT
57	10/10/18	ISSUED FOR PERMIT
58	10/10/18	ISSUED FOR PERMIT
59	10/10/18	ISSUED FOR PERMIT
60	10/10/18	ISSUED FOR PERMIT
61	10/10/18	ISSUED FOR PERMIT
62	10/10/18	ISSUED FOR PERMIT
63	10/10/18	ISSUED FOR PERMIT
64	10/10/18	ISSUED FOR PERMIT
65	10/10/18	ISSUED FOR PERMIT
66	10/10/18	ISSUED FOR PERMIT
67	10/10/18	ISSUED FOR PERMIT
68	10/10/18	ISSUED FOR PERMIT
69	10/10/18	ISSUED FOR PERMIT
70	10/10/18	ISSUED FOR PERMIT
71	10/10/18	ISSUED FOR PERMIT
72	10/10/18	ISSUED FOR PERMIT
73	10/10/18	ISSUED FOR PERMIT
74	10/10/18	ISSUED FOR PERMIT
75	10/10/18	ISSUED FOR PERMIT
76	10/10/18	ISSUED FOR PERMIT
77	10/10/18	ISSUED FOR PERMIT
78	10/10/18	ISSUED FOR PERMIT
79	10/10/18	ISSUED FOR PERMIT
80	10/10/18	ISSUED FOR PERMIT
81	10/10/18	ISSUED FOR PERMIT
82	10/10/18	ISSUED FOR PERMIT
83	10/10/18	ISSUED FOR PERMIT
84	10/10/18	ISSUED FOR PERMIT
85	10/10/18	ISSUED FOR PERMIT
86	10/10/18	ISSUED FOR PERMIT
87	10/10/18	ISSUED FOR PERMIT
88	10/10/18	ISSUED FOR PERMIT
89	10/10/18	ISSUED FOR PERMIT
90	10/10/18	ISSUED FOR PERMIT
91	10/10/18	ISSUED FOR PERMIT
92	10/10/18	ISSUED FOR PERMIT
93	10/10/18	ISSUED FOR PERMIT
94	10/10/18	ISSUED FOR PERMIT
95	10/10/18	ISSUED FOR PERMIT
96	10/10/18	ISSUED FOR PERMIT
97	10/10/18	ISSUED FOR PERMIT
98	10/10/18	ISSUED FOR PERMIT
99	10/10/18	ISSUED FOR PERMIT
100	10/10/18	ISSUED FOR PERMIT

ENGINEER: MDS CONSULTING
DATE: 10/10/18

APPLICANT/DEVELOPER/OWNER

Pardee Homes
1250 Corona Pointe Court
Suite 800
Corona, CA 92709
(951) 426-4008

ENGINEER

MDS CONSULTING
10101 E. 15th Ave.
Suite 200
Denver, CO 80231
(303) 751-1000

SHEET INDEX MAP
SCALE 1"=100'

ABBREVIATIONS

BENCHMARK

ASSESSORS PARCEL NUMBERS

REPRESENTATIVE TRACT NO. 272998

[illegible][illegible][illegible]

ASSESSORS PARCEL NUMBERS

EASEMENT NOTES

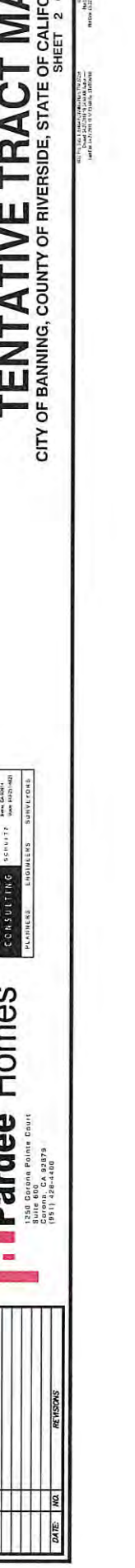
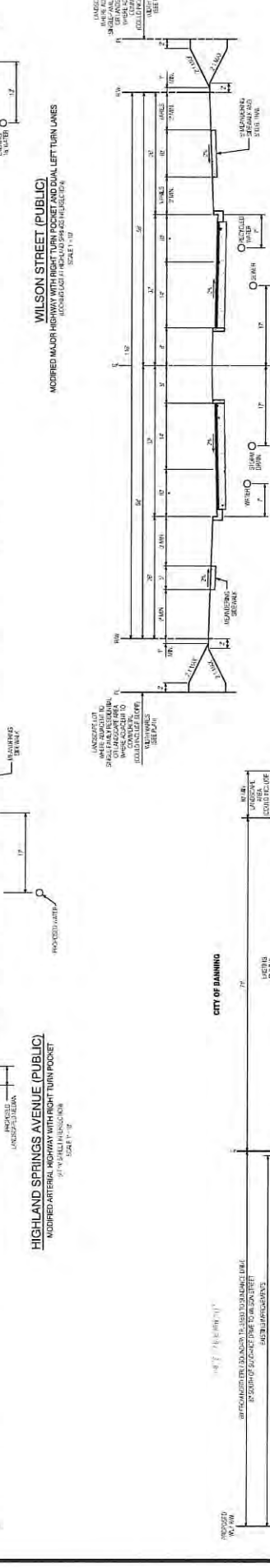
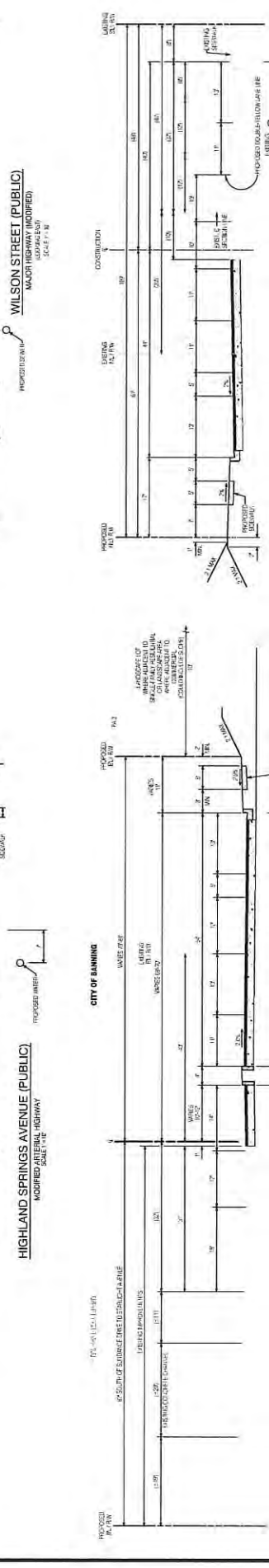
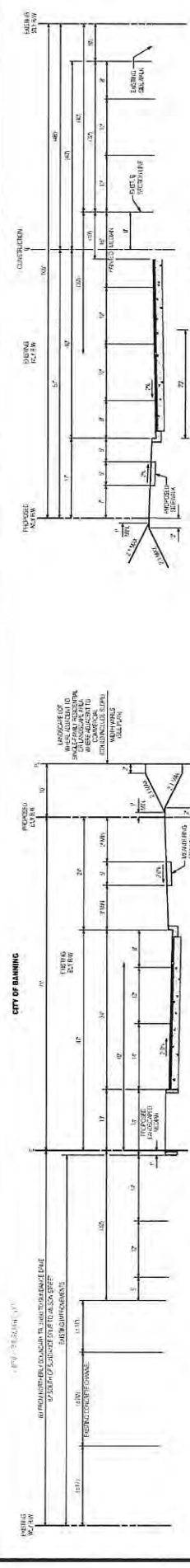
EXISTING STORM DRAIN	PROPOSED RETAINING WALL
EXISTING SANITARY SEWER	PROPOSED RETAINING
EXISTING POTABLE WATER	LOT HEIGHT
EXISTING STREET GRADE	LOT MIDPOINT DIMENSION
EXISTING GAS LINE	

[illegible]

APPLICANT/DEVELOPER/OWNER

MDS	PLANNERS	ENGINEERS	SURVEYORS
CONSULTING			
MURRAY			
SCOTT			
17322 Newell Avenue			
San Jose, CA 95131			
Phone: (415) 251-1403			

[illegible]



ATWELL
TENTATIVE TRACT NO. 37298
P.A.'s 1A, 1B, 2A, 3, 4, 9B, 17, 18, 20, 22, 23, 26 & 35A
TENTATIVE TRACT MAP
CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
SHEET 2 OF 19

PREPARED BY:
MDS
CONSULTING
ENGINEERS SURVEYORS

Pardee Homes
1256 Corona Pointe Court
Suite 600
Banning, CA 92408
(951) 428-4400

DATE	NO.	REVISIONS

OF CALIFORNIA
SHEET 5 OF 19

PERMANENT FURNITURE
CITY OF BANNING COUNTY OF RIVERSIDE STATE OF CALIFORNIA

MDS
CONSULTING

17220 Jackson Avenue
Suite 208
Brea, CA 92611
562-661-1722
Fax: 949-251-4022

PLANNERS ENGINEERS SURVEYORS



Pardee Homes
1250 Corona Pointe Court
Suite 600 • Corona, CA 92626
(949) 440-8888

[illegible]

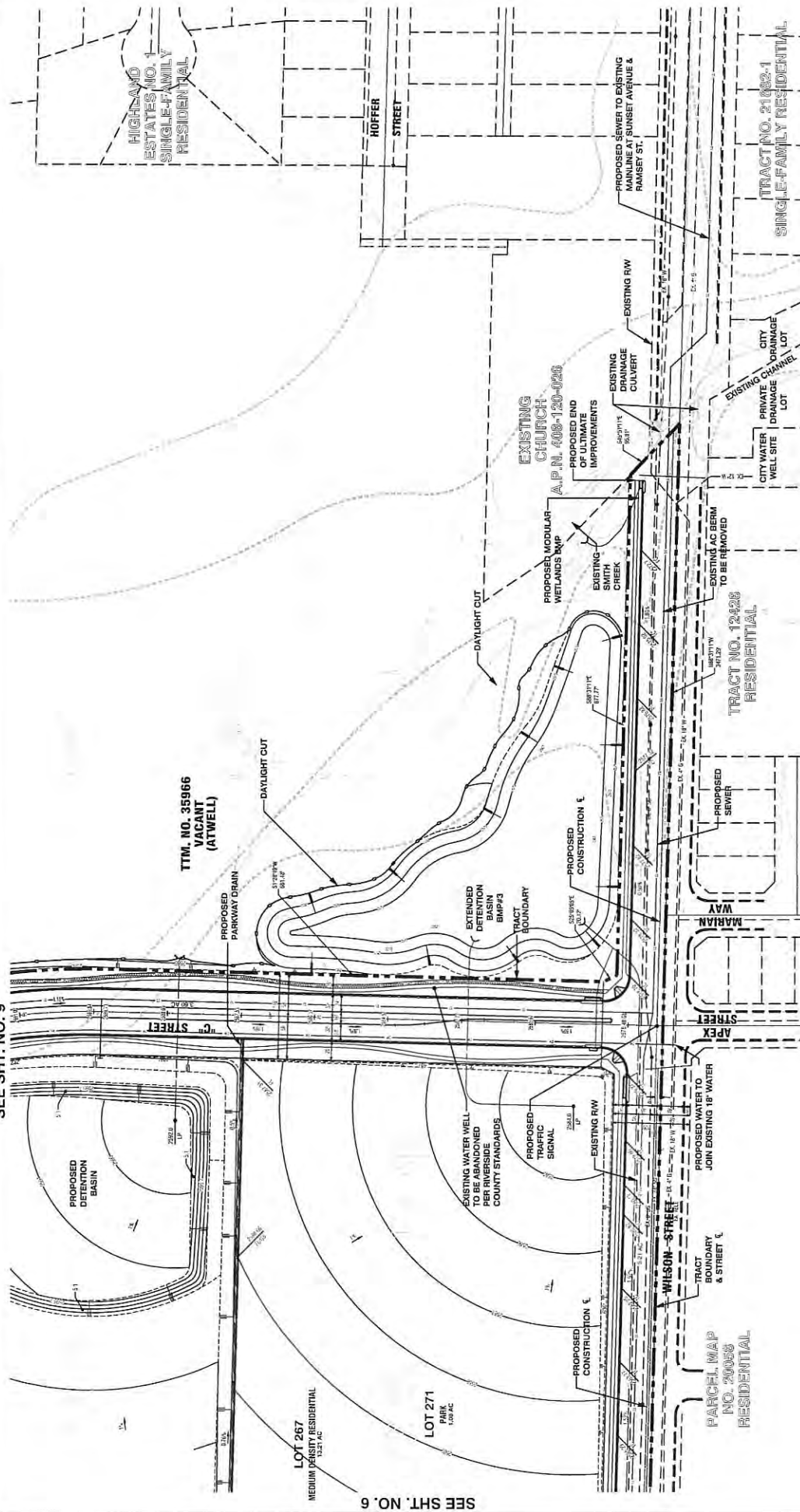
SEE SHT. NO. 6

ARCEL MAP
NO. 20793

PARCEL MAP

A.P.N. 419-050-018

SEE SHT. NO. 9



SEE SHT. NO. 6

ATWELL

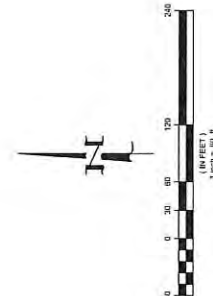
TENTATIVE TRACT NO. 37298

P.A.'s 1A, 1B, 2A, 3, 4, 9B, 17, 18, 20, 22, 23, 26 & 35A

TENTATIVE TRACT MAP

CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

SHEET 7 OF 19



PREPARED BY:

MDS
CONSULTING ENGINEERS
PLANNERS ENGINEERS SURVEYORS

PREPARED FOR:

Pardee Homes
1545 Corona Pointe Court
Suite 600
Corona, CA 92879
(951) 498-9400

DATE	NO.	REVISIONS

SEE SHT. NO. 11

SEE SHT. NO. 5

ATWELL
TENTATIVE TRACT NO. 37298
P.A.'S 1A, 1B, 2A, 3, 4, 9B, 17, 18, 20, 22, 23, 26 & 35A
TENTATIVE TRACT MAP
CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
SHEET 8 OF 19

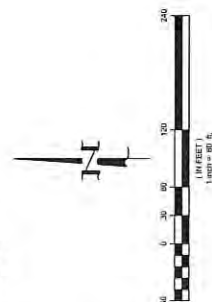
PREPARED BY:

MDS
CONSULTING

1000 S.W. 8th St.
Suite 300
Fort Lauderdale, FL 33304
Phone: 954-571-4021
Fax: 954-571-4022

PREPARED FOR:

Pardee Homes
1250 Corona Pointe Court
San Diego, CA 92108
Corona, CA 92679
(951) 428-1400

[illegible]

CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
SHEET 9 OF 19

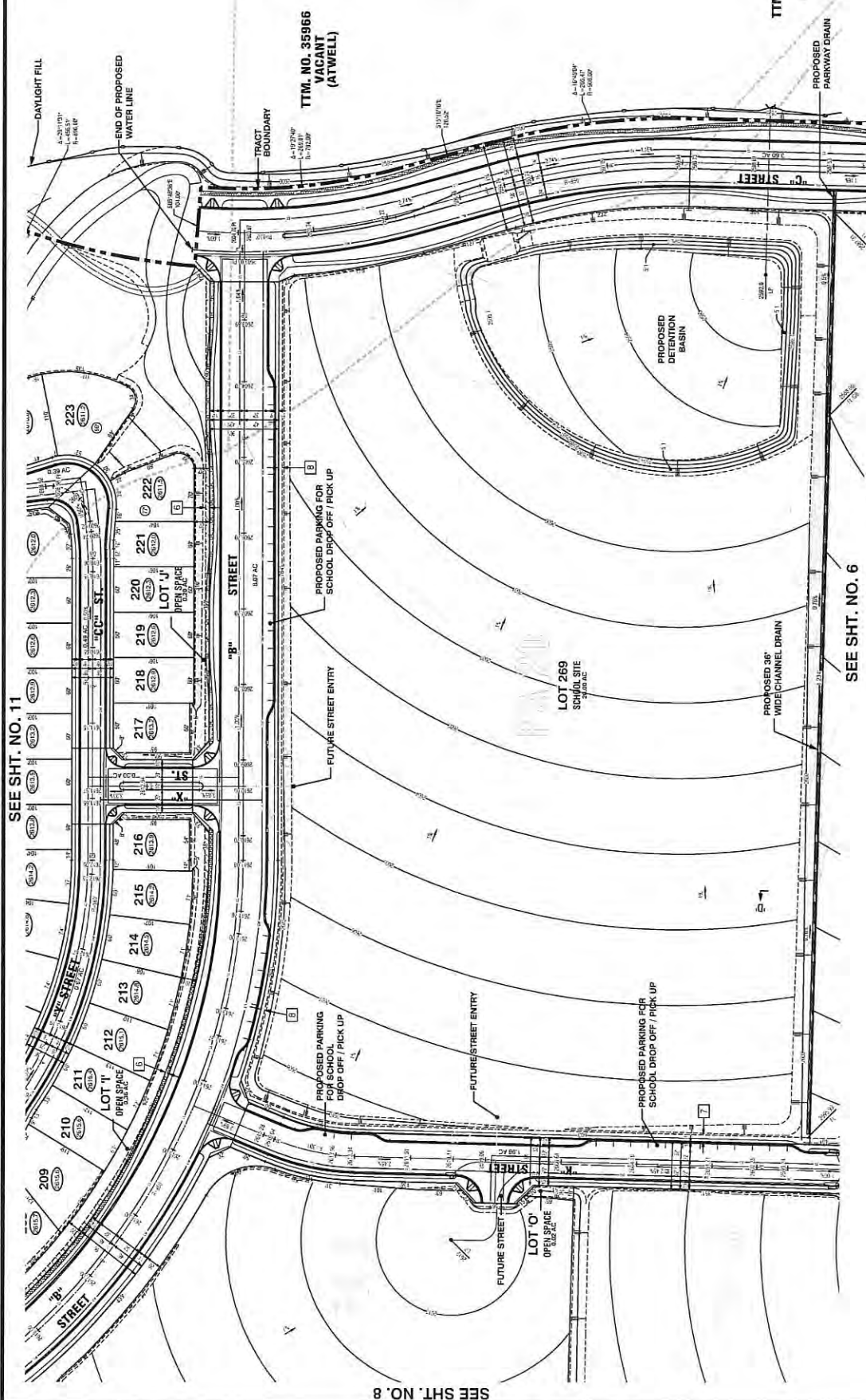
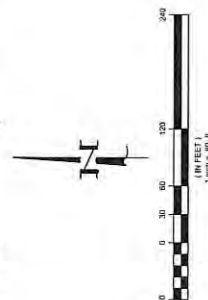
MDS
CONSULTING

19223 Highland Avenue
Suite 300
Irvine, CA 92614
Since 1982-1-8021



Pardee Homes
1350 Corona Pointe Court

250 Corona Pointe Court
Suite 600
Corona, CA 92879
951/428-4400

[illegible]



SEE SHT. NO. 12

SEE SHT. NO. 11

PREPARED BY:

MDS
CONSULTING

WIRTS
Suite 1304
Brentwood, CA 94011
(415) 351-2542

PLANNERS ENGINEERS SURVEYORS

PREPARED FOR:

Pardee Homes
1250 Corona Pointe Court
Suite 600

[illegible]

MDS
CONSULTING

17251 North 17th Ave
Suite 300
Broomfield, CO 80020
(303) 440-1177
www.mds-inc.net

PLANNERS ENGINEERS SURVEYORS



Pardee Homes
1250 Corona Pointe Court

[illegible]

SHEET 13 OF 19

MDS
CONSULTING

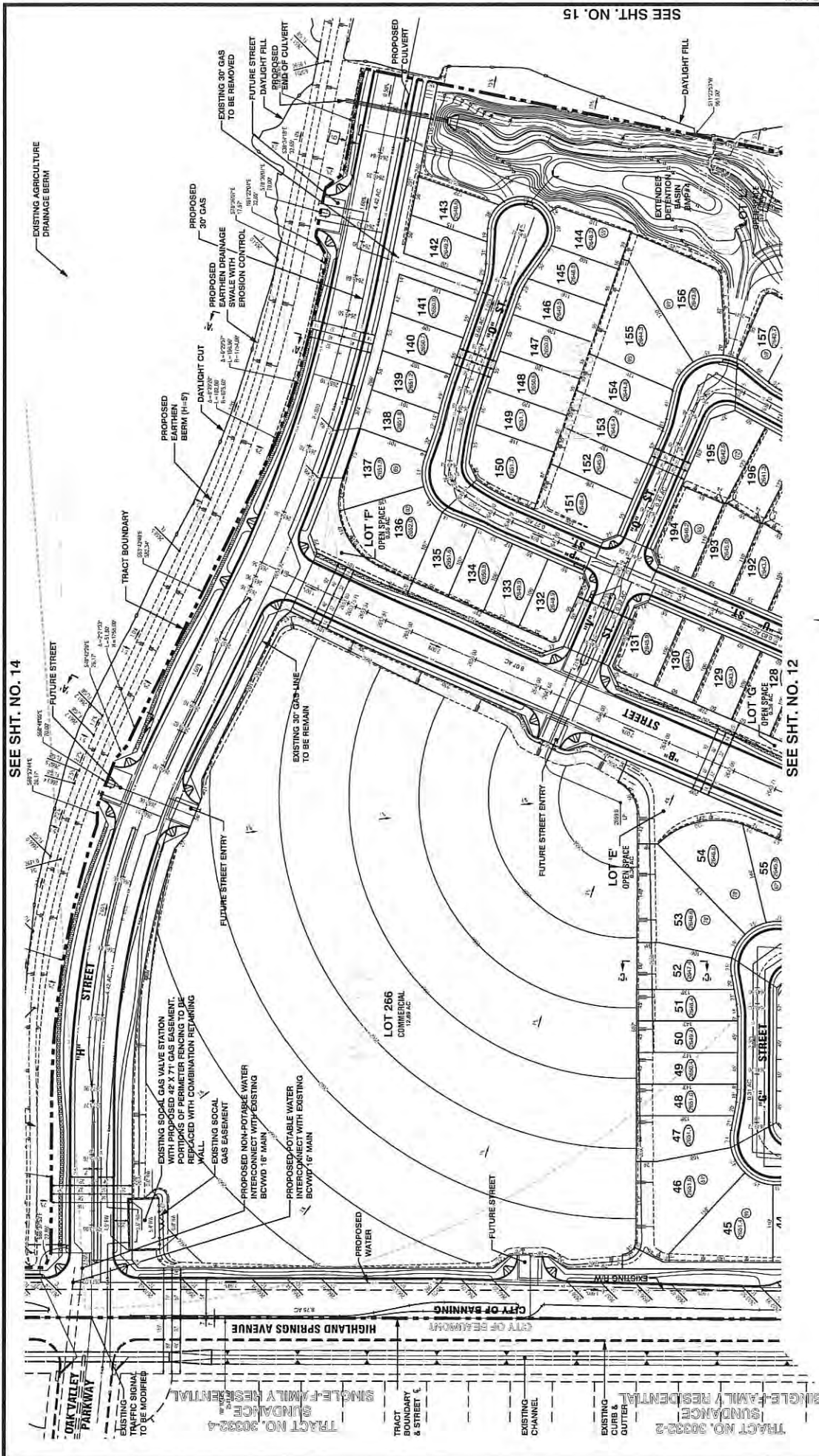
M O S E
S C O U L T
17425 Highland Avenue
Suite 150
Beverly Hills, CA 90214
Phone: 310-251-0021



1250 Corona Pointe
Suite 600
Corona, CA 92879
951 428-4400

REVISIONS

361



OF CALIFORNIA
SHEET 14 OF 19

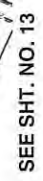
MDS
CONSULTING

WORLD
1720 North Avenue
Suite 301
Irvine, CA 92614
SCHEDULE
(949) 221-4421

PLANNING ENGINEERING SURVEYING

Pardee Homes
1350 Corona Pointe Court
Suite 100
Corona, CA 92679

DATE:	NO.	REVISIONS
-------	-----	-----------



362



PREPARED BY:



PREPARED FOR:



1250 Corona Pointe Court
Suite 600
Corona, CA 92879
(951) 428-4400

[illegible]

[illegible]

SEE SHT. NO. 11

MDS CONSULTING
 17201 Hillside Avenue
 Suite 150
 Irvine CA 92614
 Voice: 949/251-0421
 Fax: 949/251-0425

Pardee Homes
1250 Corona Pointe Court
Suite 800
Corona, CA 92879
(951) 264-488

[illegible]

364

[illegible][illegible]

MDS
CONSULTING

MOORE
SCHULTZ

17231 Sepulveda Ave
Suite 200
Beverly Hills, CA 90214
(310) 960-2142

Pardee Homes
1250 Corona Points Court
Suite 800
Corona, CA 92879
(951) 428-4400

ATWELL
TENTATIVE TRACT NO. 37298
P.A.'s 1A, 1B, 2A, 3, 4, 9B, 17, 18, 20, 22, 23, 26 & 35A
EASEMENT DISPOSITION MAP
CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
SHEET 17 OF 19

[illegible]

Pardee Homes
1250 Corona Pointe Court
Suite 600

MDS CONSULTING
 PLANNING ENGINEERING SURVEYING
 10254-1628-0000
 Suite 301
 Irvine, CA 92614
 (949) 211-1621

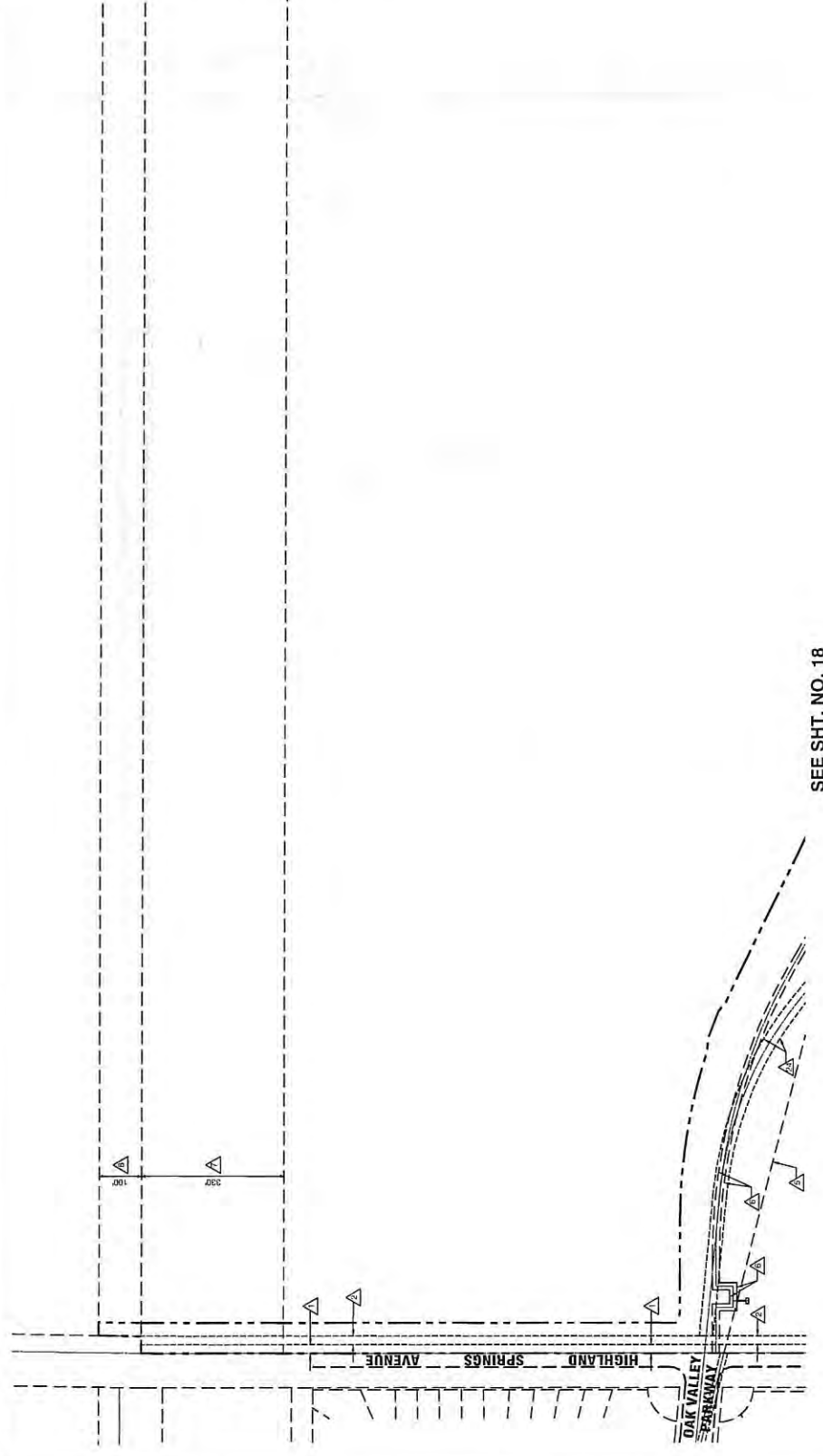
ATWELL
TENTATIVE TRACT NO. 37298
P.A.'s 1A, 1B, 2A, 3, 4, 9B, 17, 18, 20, 22, 23, 26 & 35A
EASEMENT DISPOSITION MAP
CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
SHEET 18 OF 19

EXISTING EASEMENTS

- △ EASEMENT FOR AIRPORT HIGHWAY AND PUBLIC UTILITIES TO THE COUNTY OF SAN JOSE, REC. 2000-008 BK 147, PG. 13 OF DEEDS AND EASEMENT FOR RIGHT OF WAY FOR ROAD PURPOSES TO SAN JOSE, REC. 2000-008 BK 147, PAGE 411, O.A. TO REMAIN.
- △ EASEMENT FOR PUBLIC HIGHWAY AND PUBLIC UTILITIES TO THE COUNTY OF SAN JOSE, REC. 2000-008 BK 147, PG. 13 OF DEEDS AND EASEMENT FOR RIGHT OF WAY FOR ROAD PURPOSES TO SAN JOSE, REC. 2000-008 BK 147, PAGE 411, O.A. TO REMAIN.
- △ EASEMENT FOR PUBLIC HIGHWAY AND PUBLIC UTILITIES TO THE COUNTY OF SAN JOSE, REC. 2000-008 BK 147, PG. 13 OF DEEDS AND EASEMENT FOR RIGHT OF WAY FOR ROAD PURPOSES TO SAN JOSE, REC. 2000-008 BK 147, PAGE 411, O.A. TO REMAIN.
- △ EASEMENT FOR PUBLIC HIGHWAY AND PUBLIC UTILITIES TO THE COUNTY OF SAN JOSE, REC. 2000-008 BK 147, PG. 13 OF DEEDS AND EASEMENT FOR RIGHT OF WAY FOR ROAD PURPOSES TO SAN JOSE, REC. 2000-008 BK 147, PAGE 411, O.A. TO REMAIN.
- △ EASEMENT FOR PUBLIC UTILITIES TO THE SOUTHERN CALIFORNIA GAS COMPANY RECORDED JUNE 26, 1991 IN BOOK 1184, PAGE 121 O.A. AND MODIFIED PER DOCUMENT RECORDED OCTOBER 22, 2003 AS INSTRUMENT NO. 0385589 O.A. TO BE SUTCLIFFE.
- △ EASEMENT FOR PUBLIC UTILITIES TO THE SOUTHERN CALIFORNIA GAS COMPANY RECORDED JANUARY 10, 1991 AS INSTRUMENT NO. 5403, O.A. TO REMAIN.
- △ EASEMENT FOR PUBLIC UTILITIES TO THE CALIFORNIA ELECTRIC POWER COMPANY RECORDED JANUARY 10, 1991 AS INSTRUMENT NO. 5403, O.A. TO REMAIN.

THE FOLLOWING MATTERS SHOWN OR DISCLOSED BY THE FIELD OR RECORDED MAP REFERRED TO IN THE LEGAL DESCRIPTION, THE INSTRUMENTS, RECORDS, AND RECORDS, ARE NOT TO BE SHOWN ON THIS TRACT MAP INTO OURSELVES, OUR SUCCESSORS, ASSIGNEES AND LOT OWNERS WITHIN THIS MAP.

THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "DEVELOPMENT AGREEMENT" EXECUTED BY AND BETWEEN THE CITY OF BANNING AND PARDEE HOMES A CALIFORNIA CORPORATION, RECORDED AS INSTRUMENT NO. 2014-0328889 OF OFFICIAL RECORDS.



SEE SHT. NO. 18



PREPARED FOR:

DATE	NO.	REVISIONS

Pardee Homes
12500 Canyon Pointe Court
Suite 800
Canyon Pointe, CA 92529
(951) 424-0000

PREPARED BY:

MDS
CONSULTING
SCHEATY
ENGINEERS SURVEYORS
10250 Rockwell Ave.
Suite 200
Newport, CA 92566
(951) 424-0000

ATWELL TENTATIVE TRACT NO. 37298 P.A.'s 1A, 1B, 2A, 3, 4, 9B, 17, 18, 20, 22, 23, 26 & 35A EASEMENT DISPOSITION MAP CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA SHEET 19 OF 19

ATTACHMENT 4

Butterfield Specific Plan Land Use Plan

<http://www.ci.banning.ca.us/Archive.aspx?ADID=1872>

ATTACHMENT 5

Butterfield Specific Plan Land Excerpts – Development Regulations

<http://www.ci.banning.ca.us/Archive.aspx?ADID=1873>

(Full Pardee Butterfield Specific Plan available on City
website at
under Butterfield Specific Plan)

<http://www.ci.banning.ca.us/Archive.aspx?ADID=1741>

ATTACHMENT 6

Ordinance 1450 Approving the Butterfield Specific Plan and associated conditions of approval

<http://www.ci.banning.ca.us/Archive.aspx?ADID=1874>

ATTACHMENT 7

Butterfield Specific Plan Development Agreement

<http://www.ci.banning.ca.us/Archive.aspx?ADID=1875>

ATTACHMENT 8

Butterfield Specific Plan Settlement Agreement

<http://www.ci.banning.ca.us/Archive.aspx?ADID=1876>

ATTACHMENT 9

CC Resolution 2017-07

Approving Minor Modifications and Attachment C, Conditions of Approval

<http://www.ci.banning.ca.us/Archive.aspx?ADID=1878>

ATTACHMENT 10

Mitigation Monitoring and Reporting Program and Addendum Modifications

<http://www.ci.banning.ca.us/Archive.aspx?ADID=1877>

(Butterfield Specific Plan Environmental Impact Report
available on City website at

<http://www.ci.banning.ca.us/Archive.aspx?AMID=56>

Minor Modification Addendum and appendices
available on City website at

<http://www.ci.banning.ca.us/Archive.aspx?ADID=1630>

ATTACHMENT 11

Correspondence

415.956.2828 (t)
415.956.6457 (f)

Robert Dollar Building
311 California Street, 10th Flr.
San Francisco CA 94104

202.777.8950 (t)
202.347.8429 (f)

The Bowen Building
875 15th Street NW, Suite 725
Washington DC 20005

www.rjo.com

ROGERS JOSEPH O'DONNELL

Robert C. Goodman
rgoodman@rjo.com

June 11, 2018

VIA E-MAIL AND U.S. MAIL

rce1025@aol.com

Mr. Joe Shaw
Chairman
Planning Commission
City of Banning
99 E. Ramsey Street
Banning, CA 92220-4837

Re: Highland Springs Resort v. City of Banning, et al.
Riverside Superior Court Case No. 1206246
(Consolidated with Cherry Valley Pass Acres and Neighbors v. City of
Banning, et al.; Riverside Superior Court Case No. 1206271)

Dear Mr. Chairman:

I represent Cherry Valley Pass Acres & Neighbors (CVAN). I understand from counsel for Pardee that it believes that the president of CVAN, Patsy Reeley, objected to a proposed Tentative Tract Map within the Butterfield Specific Plan Area ("Butterfield Project") at the Planning Commission's June 6, 2018 meeting. Ms. Reeley had no intention of objecting to the Butterfield Project and, to the extent that the Planning Commission took her comments as being an objection, CVAN and Ms. Reeley respectfully request that those comments be withdrawn, and that you share this letter with other members of the Planning Commission.

Thank you for your attention to this matter. Feel free to contact me if you have any questions.

Very truly yours,



ROBERT C. GOODMAN

RCG:eas

cc: Diane D. DeFelice, Counsel for Pardee (by email)
ddefelice@bhfs.com

ATTACHMENT 12

Public Hearing Notice



City of Banning

99 E. Ramsey Street • P.O. Box 998 • Banning, CA 92220-0998 • (951) 922-3125 • Fax (951) 922-3128

COMMUNITY DEVELOPMENT DEPARTMENT

CORRECTED NOTICE

CORRECTED NOTICE OF A PUBLIC HEARING FOR TENTATIVE TRACT MAP NO. 37298 TO SUBDIVIDE APPROXIMATELY 199 GROSS ACRES OF VACANT LAND FOR RESIDENTIAL, COMMERCIAL, SCHOOL, OPEN SPACE, AND PARKS USES ALONG WITH PUBLIC STREETS FOR PROPERTY LOCATED NORTH OF WILSON STREET AND EAST OF HIGHLAND SPRINGS AVENUE WITHIN THE BUTTERFIELD SPECIFIC PLAN AREA

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning City Council. This notice corrects the previously published date of Tuesday, June 26, 2018; the public hearing will instead be held on Tuesday, July 10, 2018, at 5:00 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider Tentative Tract Map No. 37298 to subdivide approximately 199 gross acres of vacant land property for the purpose of creating 264 single family residential lots, 1 lot for future medium density residential development, 1 lot for future medium density residential development and future park, 2 commercial lots, 1 school lot, 1 lots for a park, 15 lots for open space, and public streets, all within the Butterfield Specific Plan area. The property is located north of Wilson Street and east of Highland Springs Avenue, within the Butterfield Specific Plan area. Assessor's Parcel Numbers are identified as 408-120-001 through -05, 408-120-007 through -009, and portions of 408-120-006, -010, -012, 019, and -020, within the City of Banning.

Potential environment issues associated with the proposed Tentative Tract Map were analyzed in the previously certified Environmental Impact Report for the Butterfield Specific Plan project (SCH No. 2007091149) as modified by the Addendum approved by the City Council on February 14, 2017, which documents are on file in the Community Development Department. There have been no substantial changes in the project nor in the circumstances under which the project is undertaken which will require major revisions of the previous environmental document; nor is there new information that shows that the project will have a significant environmental effect or an effect more severe than originally thought. Therefore, in accordance with CEQA Guidelines Section 15162, a subsequent environmental document is not required.

Information regarding Tentative Tract Map No. 37298 can be obtained by contacting the City's Community Development Department at (951) 922-3125, or by visiting the City Hall located at 99 East Ramsey Street, Banning. You may also go to the City of Banning website at <http://www.ci.banning.ca.us/>.

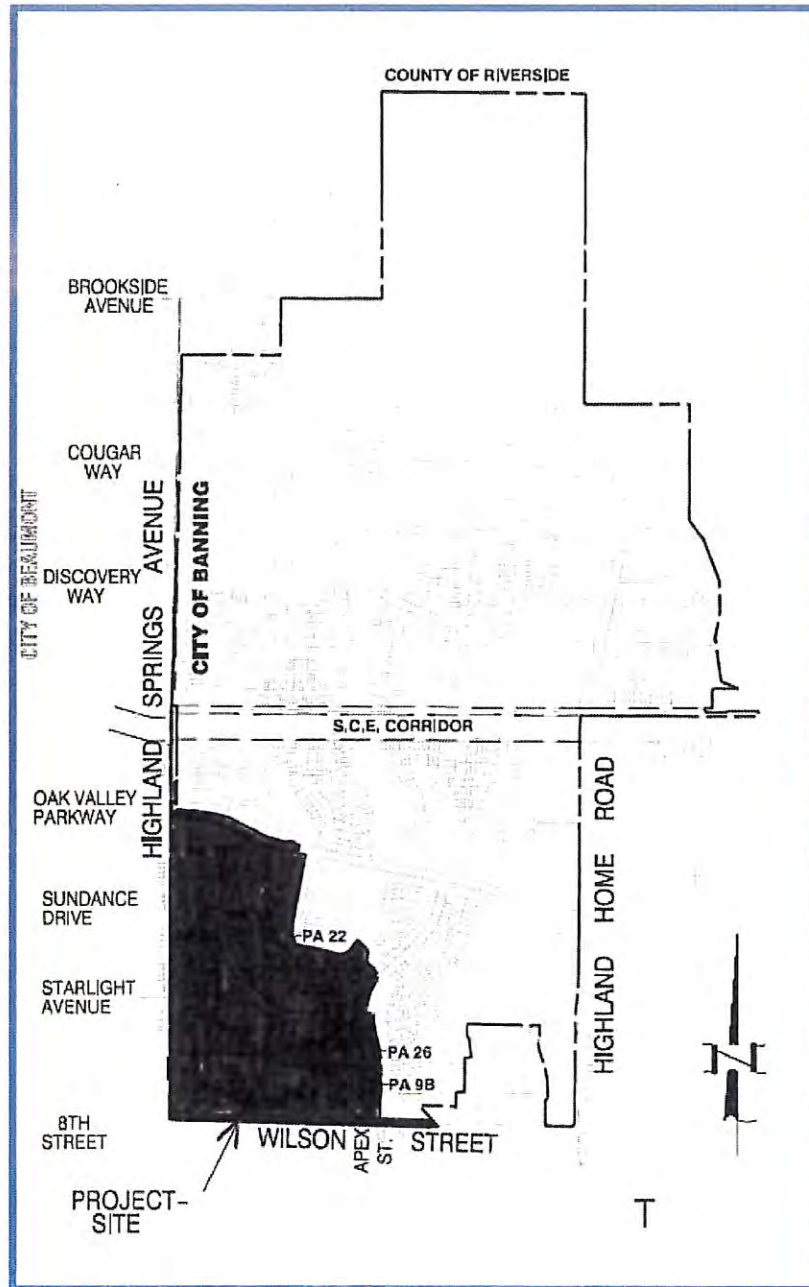
All parties interested in speaking either in support of or in opposition of this item are invited to attend said hearing, or to send their written comments to the Community Development Department, City of Banning at P.O. Box 998, Banning, California, 92220.

If you challenge any decision regarding the above proposal in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the City Clerk at, or prior to, the time the City Council makes its decision on the proposal; or, you or someone else raised at the public hearing or in written correspondence delivered to the hearing body at, or prior to, the hearing (California Government Code, Section 65009).

BY ORDER OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA

Patty Nevins
Community Development Director

Dated: June 19, 2018
Publish: June 22, 2018



Record Gazette
218 N. Murray St.
Proof of Publication
(2015.5 C.C.P.)

156157 CORR. NOTICE NO. 37298

State of California)
County of Riverside) ss.

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer and publisher of Record Gazette, a newspaper published in the English language in the City of Banning, County of Riverside, and adjudicated a newspaper of general circulation as defined by the laws of the state of California by the Superior Court of the County of Riverside, under the date October 14, 1966, Case No. 54737. That the notice, of which the annexed is a copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

June 22, 2018

Executed on: 06/22/2018

At Banning, CA

I certify (or declare) under penalty of perjury that the foregoing is true and correct.


Signature

CORRECTED NOTICE

CORRECTED NOTICE OF A PUBLIC HEARING FOR TENTATIVE TRACT MAP NO. 37298 TO SUBDIVIDE APPROXIMATELY 199 GROSS ACRES OF VACANT LAND FOR RESIDENTIAL, COMMERCIAL, SCHOOL, OPEN SPACE, AND PARKS USES ALONG WITH PUBLIC STREETS FOR PROPERTY LOCATED NORTH OF WILSON STREET AND EAST OF HIGHLAND SPRINGS AVENUE WITHIN THE BUTTERFIELD SPECIFIC PLAN AREA. NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning City Council. This notice corrects the previously published date of Tuesday, June 26, 2018; the public hearing will instead be held on Tuesday, July 10, 2018, at 5:00 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider Tentative Tract Map No. 37298 to subdivide approximately 199 gross acres of vacant land property for the purpose of creating 264 single family residential lots, 1 lot for future medium density residential development, 1 lot for future medium density residential development and future park, 2 commercial lots, 1 school lot, 1 lot for a park, 15 lots for open space, and public streets, all within the Butterfield Specific Plan area. The property is located north of Wilson Street and east of Highland Springs Avenue, within the Butterfield Specific Plan area. Assessors Parcel Numbers are identified as 408-120-001 through -05, 408-120-007 through -009, and portions of 408-120-006, -010, -012, 019, and -020, within the City of Banning.

Potential environment issues associated with the proposed Tentative Tract Map were analyzed in the previously certified Environmental Impact Report for the Butterfield Specific Plan project (SCH No. 2007091149) as modified by the Addendum approved by the City Council on February 14, 2017, which documents are on file in the Community Development Department. There have been no substantial changes in the project nor in the circumstances under which the project is undertaken which will require major revisions of the previous environmental document; nor is there new information that shows that the project will have a significant environmental effect or an effect more severe than originally thought. Therefore, in accordance with CEQA Guidelines Section 15162, a subsequent environmental document is not required. Information regarding Tentative Tract Map No. 37298 can be obtained by contacting the City's Community Development Department at (951) 922-3125, or by visiting the City Hall located at 99 East Ramsey Street, Banning. You may also go to the City of Banning website at <http://www.ci.banning.ca.us/>.

All parties interested in speaking either in support of or in opposition of this item are invited to attend said hearing, or to send their written comments to the Community Development Department, City of Banning at P.O. Box 998, Banning, California, 92220.

If you challenge any decision regarding the above proposal in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the City Clerk at, or prior to, the time the City Council makes its decision on the proposal; or, you or someone else raised at the public hearing or in written correspondence delivered to the hearing body at, or prior to, the hearing (California Government Code, Section 65008).

BY ORDER OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA

Patty Nevins Dated: June 19, 2018

Community Development Director Publish: June 22, 2018

Published in

The Record Gazette

No. 156157

6/22/2018



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Rochelle Clayton, Interim City Manager

PREPARED BY: Rochelle Clayton, Interim City Manager

MEETING DATE: July 10, 2018

SUBJECT: Resolution 2018-101 Confirming the Appointment of and Approving the Agreement with Robert Ratcliffe for Interim Police Chief Services during the Recruitment of a Permanent Police Chief and Making Findings Required by Government Code Section 21224 in Connection Therewith.

RECOMMENDED ACTION:

Adopt Resolution 2018-101 Confirming the Appointment of Robert Ratcliffe to the Position of Interim Police Chief Effective July 12, 2018, Approving an Interim Police Chief Agreement, and Making Findings Required by Government Code Section 21224 in Connection Therewith.

BACKGROUND:

On March 13, 2018, the City received a letter of resignation from Alejandro Diaz dated March 12, 2018 resigning his position as Interim City Manager and as Police Chief. Mr. Diaz stated that his last day of employment would be April 6, 2018.

On April 10, 2018, Acting Lieutenant Fisher was appointed as Interim Chief. Since then, Captain Holder went on leave, the Executive Assistant went on leave and subsequently terminated employment, and three (3) additional police officers, including one (1) staff sergeant, as well as one (1) safety dispatcher have resigned the police department., Lieutenant Avila is not only covering administrative duties, but is actively working in the field as a result of the police staffing shortage and recent activity in the City.

Based on the staffing deficiency coupled with his specialized skills and experience, Fontana Police Department retiree, Robert Ratcliffe, is recommended to serve as Interim Police Chief, so that he can work with Lieutenants Fisher and Avila (during this period of absence of a Captain) so the department has more administrative level staffing during recruitment of the Police Chief, Executive Assistant and multiple vacant Police Officer positions.

Because Robert Ratcliffe is a retired annuitant under PERS, the City is required to make certain findings under Government Code Section 21224 (a) in order to employ him on a temporary basis. For that purpose, City staff finds that Robert Ratcliffe has specialized skills needed in the performing work of limited duration because of his work in other City police departments and his experience from various positions with other police departments. The staffing shortage in the Police Department make Mr. Ratcliffe's specialized skills needed by the City for the limited duration until a permanent Police Chief is appointed. The City has also confirmed that he has not worked for another PERS employer within the 2018-2018 fiscal year or obtained unemployment compensation benefits during the 12-month period prior to his proposed appointment.

The material terms of the Interim Police Chief Agreement are as follows:

- Temporary Employee will receive an hourly salary of \$85.2068 and an approximate bi-weekly salary of \$6,816.54 during his term as Interim Police Chief, which shall not exceed 960 hours or approximately 24 weeks.
- Temporary Employee will receive no other benefits.
- The City may terminate Temporary Employee's Interim Police Chief Agreement immediately, and with one day's notice, with or without cause, and Temporary Employee will not be entitled to any severance benefit for that termination.
- At the end or termination of the Interim Police Chief appointment, Temporary Employee's assignment with the City of Banning shall be terminated.

Because Mr. Ratcliffe is a retiree of the CalPERS system, his service to the City and any other PERS employer may not exceed 960 hours of employment per fiscal year. Further, Mr. Ratcliffe has certified that he has not received any unemployment benefit within the last twelve (12) months.

GOVERNMENT CODE SECTION 54953(c)(3) ANNOUNCEMENT

Consistent with Section 54953(c)(3) of the Government Code and Section 2.5 of the City Council Rules of Procedure, the Mayor, Mayor Pro Tempore, or other presiding officer shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in Section 3511.1(d) of the Government Code, during the open regular meeting in which the final action is to be taken and prior to the motion to approve. The Interim Police Chief is a local agency executive as defined in Section 3511.1(d) of the Government Code, and the oral report is required prior to approval of the attached Agreement as addressed in the Staff Recommendation section of this report.

FISCAL IMPACT:

The City will incur a monthly salary expense of approximately \$13,633 during the temporary employment of Mr. Ratcliffe.

STAFF RECOMMENDATION

1. Prior to a motion to adopt the attached Resolution confirming the appointment of [1] the Interim Police Chief Agreement, the Mayor shall make an oral summary report for compliance with Section 54953(c)(3) of the Government Code as follows: "Staff is recommending the City Council approve an Interim Police Chief Employment Agreement between the City and Robert Ratcliffe for the position of Interim Police Chief. Following is a summary of the Salary, Benefits, and Severance provisions of the Interim Police Chief Agreement that are unique to this Agreement:
 - Temporary Employee will receive an hourly salary of \$85.2068 and an approximate bi-weekly salary of \$6,816.54 during his term as Interim Police Chief, which shall not exceed 960 hours or approximately 24 weeks.
 - Temporary Employee will receive no other benefits.
 - The City may terminate Temporary Employee's Interim Police Chief Agreement immediately, and with one day's notice, with or without cause, and Temporary Employee will not be entitled to any severance benefit for that termination.
 - At the end or termination of the Interim Police Chief appointment, Temporary Employee's assignment with the City of Banning shall be terminated.
2. Adopt Resolution 2018-101 confirming the appointment of Robert Ratcliffe to the position of Interim Police Chief Effective July 12, 2018 and approving an Interim Police Chief Agreement in connection therewith.

ATTACHMENTS:

1. Resolution 2018-101 - Confirming the Appointment of Robert Ratcliffe to the position of Interim Police Chief Effective July 12, 2018 and Approving an Interim Police Chief Agreement in Connection Therewith with the Interim Police Chief Agreement as Exhibit A

Approved by:



Rochelle Clayton, Interim City Manager

ATTACHMENT 1

Resolution 2018-101

A Resolution Confirming the Appointment of Robert Ratcliffe to the Position of Interim Police Chief Effective July 12, 2018 and Approving an Interim Police Chief Agreement in Connection Therewith

RESOLUTION 2018-101

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, CONFIRMING THE APPOINTMENT OF ROBERT RATCLIFFE TO THE POSITION OF INTERIM POLICE CHIEF EFFECTIVE JULY 12, 2018 AND APPROVING AN INTERIM POLICE CHIEF AGREEMENT IN CONNECTION THEREWITH AND MAKING FINDINGS REQUIRED BY GOVERNMENT CODE SECTION 21224 IN CONNECTION THEREWITH

WHEREAS, the City appointed Alejandro Diaz as Banning's Police Chief, effective September 29, 2014, and thereafter Mr. Diaz continued to serve as Police Chief; and

WHEREAS, on March 12, 2018, Alejandro Diaz submitted a letter of resignation to the City that was received on March 13, 2018; and

WHEREAS, on March 13, 2018, the City Council accepted Mr. Diaz's resignation; and

WHEREAS, on April 10, 2018, the City Council approved the Interim Police Chief contract for Robert Fisher; and

WHEREAS, the Banning Police Department is currently staffed with the Interim Police Chief and one Lieutenant while the Captain is on leave, Executive Assistant to the Chief is vacant, and the second Lieutenant position is under-filling the Chief; and

WHEREAS, Robert Ratcliffe has specialized skills needed by the City because of his experience in police department administration in other cities and entities, which skills are currently needed due to limited administrative staff in the City's Police Department so as to justify his interim appointment to the position in conformity with Government Code Section 21224 (a); and

WHEREAS, it is the City's desire to grant additional administrative staff in the Banning Police Department with the appointment of an interim assignment of the Police Chief of a Fontana Police Department retiree and the City Council has therefore considered an Interim Police Chief Agreement between the City of Banning and retiree Robert Ratcliffe.

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

SECTION 1. Based on the findings contained above and because Robert Ratcliffe has specialized skills needed in performing work for the City of a limited duration, the City Council hereby confirms its appointment of Robert Ratcliffe to the position of Interim Police Chief effective July 12, 2018.

SECTION 2. The City Council approves the Interim Police Chief Agreement between the City of Banning and Robert Ratcliffe, attached hereto as Exhibit A, effective July 12, 2018.

SECTION 3. The Deputy City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 10th day of July, 2018.

George Moyer, Mayor
City of Banning

ATTEST:

Sonja De La Fuente, Deputy City Clerk

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

Kevin G. Ennis, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Sonja De La Fuente, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2018-101, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 10th day of July, 2018, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sonja De La Fuente, Deputy City Clerk
City of Banning, California

EXHIBIT A

Interim Police Chief Agreement between the City of Banning
and Robert Ratcliffe

[Agreement is attached]

INTERIM POLICE CHIEF AGREEMENT**BETWEEN****CITY OF BANNING AND ROBERT RATCLIFFE**

This INTERIM POLICE CHIEF AGREEMENT (the "Agreement") is effective the ____ day of _____, 2018 by and between the CITY OF BANNING, a general law city and municipal corporation (hereinafter the "City") and ROBERT RATCLIFFE, Retired Annuitant (hereinafter the "Interim Police Chief" or "Temporary Employee") (collectively, the "Parties").

ARTICLE I APPOINTMENT OF INTERIM POLICE CHIEF. TEMPORARY EMPLOYEE is appointed as CITY's Interim Police Chief. TEMPORARY EMPLOYEE will serve at the pleasure of the Interim City Manager and may be replaced at any time, with or without cause, without amending this Agreement.

ARTICLE II SCOPE OF SERVICES. TEMPORARY EMPLOYEE will perform the services needed to serve CITY which will include, without limitation, the following:

- 2.0 TEMPORARY EMPLOYEE will work part-time, or approximately forty (40) hours per week, until the position has been filled or TEMPORARY EMPLOYEE reaches nine hundred sixty (960) work hours in this fiscal year;
- 2.1 Perform the functions and duties specified by statute and relevant CITY ordinances and resolutions for a Police Chief, and to perform such other legally permissible and proper duties and functions as CITY may from time to time assign; and
- 2.2 Additionally, TEMPORARY EMPLOYEE will coordinate with the Interim City Manager to implement an acceptable transition plan with regard to the anticipated filling of the Police Chief position.

ARTICLE III COMPENSATION. Acting pay compensation is to be the top step of base pay of the Police Chief salary range. CITY agrees to pay TEMPORARY EMPLOYEE an hourly wage of approximately eighty five dollars and twenty-one cents (\$85.2068), paid biweekly during the term of TEMPORARY EMPLOYEE's service as interim Police Chief.

ARTICLE IV TERM. The term of this Agreement will be until such time that one of the following has occurred: (a) a permanent Police Chief is appointed and assumes office; (b) TEMPORARY EMPLOYEE has worked 960 hours for City and all other employers in a fiscal year; or (c) this Agreement is terminated in accordance with the provisions of this Agreement.

ARTICLE V EXPENSE REIMBURSEMENT. During the term of this Agreement, City will reimburse TEMPORARY EMPLOYEE for reasonable business expenses, including travel, parking, business meetings and professional dues associated with maintaining membership in Police Chief related professional organizations pursuant to the applicable provisions of Banning Municipal Code and City administrative policies. Pursuant to Government code Section 21224(a), TEMPORARY EMPLOYEE will not receive any benefits, incentives, compensation in lieu of benefits, or other forms of compensation in addition to the hourly pay rate.

ARTICLE VI CONFLICTS OF INTEREST. TEMPORARY EMPLOYEE represents that neither TEMPORARY EMPLOYEE nor any of the attorneys or other persons employed by TEMPORARY EMPLOYEE have any material financial interest, direct or indirect, in any contract or decision made by or on behalf of CITY that may be affected by the services to be provided to CITY pursuant to this Agreement, other than a financial interest that is similar, in all material respects, to the interests of the general public. TEMPORARY EMPLOYEE agrees that he will comply with CITY's conflict of interest code as adopted by City Council resolution.

ARTICLE VII TERMINATION OF SERVICES.

- 7.0 CITY may terminate this Agreement with or without cause at any time and upon one (1) day notice, by serving TEMPORARY EMPLOYEE with notification of such termination by mail, by fax, or by CITY's Representative's oral notice of termination followed by written confirmation of same served on TEMPORARY EMPLOYEE by mail. Notices by mail shall be deemed given as of the date of deposit with the United States Postal Service and notices by fax shall be deemed given on the date of transmission of the fax.
- 7.1 TEMPORARY EMPLOYEE may terminate this Agreement with or without cause upon fifteen (15) days written notice to CITY.
- 7.2 CITY will compensate TEMPORARY EMPLOYEE for his services and reimburse him for costs rendered through and including the effective date of any termination. TEMPORARY EMPLOYEE expressly agrees that he shall not be entitled to any severance pay as the result of the termination of this Agreement for any reason whatsoever.

ARTICLE VIII NOTICES. Notices required under this Agreement must be given by personal service or by first class mail, postage prepaid, and addressed as follows:

To TEMPORARY EMPLOYEE:

Robert Ratcliffe

Yucaipa, CA 92399

To CITY:

City of Banning
99 E. Ramsey Street
Banning, CA 92220
Attn: Interim City Manager

ARTICLE IX INDEMNIFICATION:

- 9.0 CITY will indemnify and defend TEMPORARY EMPLOYEE from any and all claims, demands, actions, losses, or charges arising out of, related to, or as a consequence of TEMPORARY EMPLOYEE performing his duties as Interim Police Chief. Further, CITY will pay all expenses, costs and attorney's fees arising out of or related to the same. This section shall not apply to any intentional tort or crime committed by TEMPORARY EMPLOYEE, to any action outside the course and scope of the services provided by TEMPORARY EMPLOYEE under this Agreement, or any intentional or malicious conduct or gross negligence of TEMPORARY EMPLOYEE.
- 9.1 The Parties agree that this Section will survive the termination of this Agreement. CITY's obligations under this Section apply whether TEMPORARY EMPLOYEE is or is not retained by the CITY at the time any such claim, demand, action, loss or charge is made or occurs, as the case may be so long as the action giving rise to the claim occurred during the time TEMPORARY EMPLOYEE was retained by CITY.

ARTICLE X PERMITS AND LICENSES. TEMPORARY EMPLOYEE, at his sole expense, will obtain and maintain during the term of this Agreement, all permits, licenses, and certificates that may be required, as determined by TEMPORARY EMPLOYEE, in connection with the performance of services under this Agreement.

ARTICLE XI ASSIGNABILITY. This Agreement is for TEMPORARY EMPLOYEE's professional services. TEMPORARY EMPLOYEE's attempts to assign the benefits or burdens of this Agreement without CITY's written approval are prohibited and will be null and void.

ARTICLE XII INTERPRETATION. This Agreement was drafted in, and will be construed in accordance with the laws of the State of California, and exclusive venue for any action involving this agreement will be in Riverside County.

ARTICLE XIII ENTIRE AGREEMENT. This Agreement sets forth the entire understanding of the parties. There are no other understandings, terms or other agreements expressed or implied, oral or written. This Agreement will bind and inure to the benefit of the parties to this Agreement and any subsequent successors and assigns.

ARTICLE XIV RULES OF CONSTRUCTION. Each Party had the opportunity to independently review this Agreement with legal counsel. Accordingly, this Agreement will be construed simply, as a whole, and in accordance with its fair meaning; it will not be interpreted strictly for or against either Party.

ARTICLE XV SEVERABILITY. If any portion of this Agreement is declared by a court of competent jurisdiction to be invalid or unenforceable, then such portion will be deemed modified to the extent necessary in the opinion of the court to render such portion enforceable and, as so modified, such portion and the balance of this Agreement will continue in full force and effect.

ARTICLE XVI AUTHORITY/MODIFICATION. The Parties represent and warrant that all necessary action has been taken by the Parties to authorize the undersigned to execute this Agreement and to engage in the actions described herein. This Agreement may be modified by written amendment. CITY's Interim City Manager, or designee, may execute any such amendment on behalf of CITY.

ARTICLE XVII ACCEPTANCE OF FACSIMILE SIGNATURES. The Parties agree that this Agreement, agreements ancillary to this Agreement, and related documents to be entered into in connection with this Agreement will be considered signed when the signature of a party is delivered by facsimile transmission. Such facsimile signature will be treated in all respects as having the same effect as an original signature.

ARTICLE XVIII EFFECTIVE DATE. This Agreement is effective on _____ 2018.

IN WITNESS WHEREOF, the City of Banning has caused this Agreement to be signed and executed on its behalf by its City Manager, and duly attested by its officers thereunto duly authorized, and the Interim Police Chief has signed and executed this Agreement.

CITY OF BANNING

Rochelle Clayton, Interim City Manager

Dated: _____

ATTEST:

Sonja De La Fuente, Deputy City Clerk

APPROVED AS TO FORM

Kevin G. Ennis, City Attorney

INTERIM POLICE CHIEF

ROBERT RATCLIFFE

Dated: _____

***THIS PAGE
INTENTIONALLY LEFT
BLANK***



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Rochelle Clayton, Interim City Manager

PREPARED BY: Patty Nevins, Community Development Director
Sandra Calderon, Development Project Coordinator

MEETING DATE: July 10, 2018

SUBJECT: Resolution 2018-96, Approving Additional Funding in an Amount Not to Exceed \$40,000 for Building Safety Services for Fiscal Year 2018

RECOMMENDED ACTION:

That the City Council adopt Resolution 2018-96 approving additional funds for Building Safety Services performed during fiscal year 2018 in an amount not to exceed Forty Thousand Dollars (\$40,000) and authorizing the Interim Administrative Services Director to make the necessary budget adjustments.

BACKGROUND:

The City currently contracts with Charles Abbott Associates, Inc. ("CAA") to provide Building Safety services. The original Agreement between the City and CAA was approved in 2015, with charges based on a sliding percentage scale dependent upon building permit revenue. The Building Safety Division's budget is generally estimated based on the past year's actual revenues and expenditures.

ANALYSIS:

CAA provides Building Safety personnel and services, including a Building Official, Permit/Counter Technician, Building Inspector, and plan review services as part of their contract with the City.

For the 2017-2018 contract year, which is the year that is the subject of this request, CAA's compensation is to be based on certain percentages of building permit and plan check fees as follows: CAA fees are 65% of fees collected up to \$15,000; CAA fees are 55% of amounts over \$15,001 to \$30,000; and CAA fees

are 50% of additional amounts over \$30,001. As revenues increase, the percentage that CAA charges decreases.

The amount budgeted for Building Safety services for fiscal year 2017-2018 was exceeded by approximately Thirty-Five Thousand Dollars. This was due to the fact that the expenditures budget amount for fiscal year 2018 was based on approximately 50% of estimated revenues; however, due to the sliding scale set by the contract, charges (expenditures) were closer to 65% of the revenues received.

FISCAL IMPACT:

The additional funding for the Professional Services provided in fiscal year 2018 is based on a percentage of revenues collected. The total amount requested is not to exceed Forty Thousand Dollars.

ATTACHMENTS:

1. Resolution 2018-96

Approved by:



Rochelle Clayton, Interim City Manager

ATTACHMENT 1

Resolution 2018-96

RESOLUTION NO. 2018-96

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF BANNING, CALIFORNIA, APPROVING
ADDITIONAL FUNDING IN AN AMOUNT NOT TO
EXCEED \$40,000.00 FOR BUILDING SAFETY
SERVICES FOR FISCAL YEAR 2017/2018**

WHEREAS, on June 23, 2015, the City Council approved a Professional Services Agreement with Charles Abbott Associates to provide Building Safety Services for a three (3) year period with an option for two additional years. The contract was subsequently extended for an additional year, ending June 2019. As a result, Charles Abbot Associates has currently provided Building Safety Services for an approximately (3) three year period; and

WHEREAS, the Community Development Department budgeted \$135,000.00 in expenditures for Building Safety Professional Services for the 2017/2018 fiscal year; and

WHEREAS, the actual cost of the Building Safety services is approximately \$167,000.00 for the 2018 fiscal year; and

WHEREAS, the City desires to increase the funding for Building Safety services for the fiscal year 2017/2018 in an amount not to exceed \$40,000.00 to accommodate the additional expenditures.

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

Section I: Action. The City Council hereby approves additional funding in an amount not to exceed \$40,000.00 for Building Safety Services for the fiscal year 2017/2018.

Section II: Authorization. The City Council hereby authorizes the Interim Administrative Services Director to make the necessary budget adjustments related to this resolution in the form that is approved by the City Attorney.

PASSED, ADOPTED AND APPROVED this 10th day of July, 2018.

George Moyer, Mayor
City of Banning, California

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

Kevin Ennis, City Attorney
Richards Watson & Gershon

ATTEST:

Sonja De La Fuente, Deputy City Clerk
City of Banning, California

CERTIFICATION:

I, Sonja De La Fuente, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2018-96 was duly adopted by the City Council of the City of Banning at a regular meeting thereof held on the 10th day of July, 2018.

AYES:

NOES:

ABSENT:

ABSTAIN:

Sonja De La Fuente, Deputy City Clerk
City of Banning, California



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Rochelle Clayton, Interim City Manager

PREPARED BY: Art Vela, Public Works Director/City Engineer
Tammi Phillips, Management Analyst

MEETING DATE: July 10, 2018

SUBJECT: Resolution 2018-98, Authorizing the San Gorgonio Pass Water Agency, on behalf of the San Gorgonio Pass Groundwater Sustainability Agency, to file the Initial Notification of Intent to produce a single Groundwater Sustainability Plan for the San Gorgonio Pass Sub-Basin

RECOMMENDED ACTION:

That the City Council adopt Resolution 2018-98:

1. Authorizing the San Gorgonio Pass Water Agency (SGPWA), on behalf of the San Gorgonio Pass Groundwater Sustainability Agency (SGP-GSA), to file the initial notification of intent to produce a Groundwater Sustainability Plan (GSP) with the Department of Water Resources (DWR). The entity who files this notification will be considered by the DWR to be the sole point of contact for the San Gorgonio Pass sub-basin ("Basin") for the duration of the GSP process.
2. Direct staff to work with other GSA's in the Basin to work as a group to produce a single GSP, as opposed to multiple GSP's for the Basin.

BACKGROUND:

The City of Banning ("City") has been involved in the implementation of the Sustainable Groundwater Management Act (SGMA) since 2015 and is part of the SGP-GSA, which was formed through a Memorandum of Agreement (MOA). The SGP-GSA is made up of the City, SGPWA, Cabazon Water District and Banning Heights Mutual Water District. The Basin includes three GSAs, the SGP-GSA, the Desert Water Agency-GSA (DWA-GSA) wherein the DWA is the single member and the Verbenia-GSA established by SGPWA and Mission Springs Water District (MSWD).

Major decisions made by the GSA's must be approved by the elected bodies of each of the GSA members. As an alternative, elected bodies may choose to authorize their Directors/General Managers to make major decisions, thus reducing the number of action items that would come to these elected bodies.

For the Basin, two decisions must be made in the near future. The first is to designate the SGPWA as the entity who will file the initial notification of intent to produce a GSP with the DWR. At the staff level there is agreement on this point. All elected bodies must officially confirm this before these actions can be formally taken. Designating an agency to file the initial notification does not impact the governance structure of the GSA in any way. It is simply a requirement of DWR to have a single point of contact.

The second is to direct the three separate GSA's to develop a single GSP, working together as needed. Again, all parties have agreed to this at the staff level; confirmation by the elected bodies is required.

Since SGMA is new, it is unclear how many decisions will need to be brought to City Council in the future. Major decisions that will commit funds will obviously need to be approved by elected bodies. This could include hiring consultants to produce the GSP, along with any cost sharing agreements. The SGP-GSA members will have to decide as the SGMA process is implemented how they will deal with other decisions that may not be as critical.

JUSTIFICATION:

As the City and other local public agencies move forward on implementation of the SGMA, some decisions will have to be made by the elected bodies of the local GSA's. The purpose of this proposed City Council action is to get direction from the City Council on some issues relating to the Basin, most notably the SGPWA to file the initial notification with DWR of intent to begin the GSP, and the decision to have all three GSA's in the San Geronio Pass sub-basin work together to produce just one GSP.

FISCAL IMPACT:

There is no fiscal impact to the actions recommended in this staff report. It is anticipated that most, if not all, of the costs associated with the Basin GSP will be covered through the SGMA grant that the SGPWA has been awarded.

It is clear that staff resources will be utilized in the development of the Basin GSP, but at this time it is unclear how much staff time will be involved.

ALTERNATIVE:

City Council may elect to reject staff's recommendations.

ATTACHMENTS:

1. Resolution 2018-98

Approved by:

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

Rochelle Clayton
Interim City Manager

ATTACHMENT 1

Resolution 2018-98

RESOLUTION 2018-98

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, AUTHORIZING THE SAN GORGONIO PASS WATER AGENCY, ON BEHALF OF THE SAN GORGONIO PASS GROUNDWATER SUSTAINABILITY AGENCY, TO FILE THE INITIAL NOTIFICATION OF INTENT TO PRODUCE A SINGLE GROUNDWATER SUSTAINABILITY PLAN FOR THE SAN GORGONIO PASS SUB-BASIN

WHEREAS, the City of Banning ("City") has been involved in the implementation of the Sustainable Groundwater Management Act (SGMA) since 2015 and is part of the San Gorgonio Pass Groundwater Sustainability Agency (SGP-GSA), which was formed through a Memorandum of Agreement (MOA). The SGP-GSA is made up of the City, SGPWA, Cabazon Water District and Banning Heights Mutual Water District; and

WHEREAS, the San Gorgonio Pass Sub-basin ("Basin") includes three GSAs, the SGP-GSA, the Desert Water Agency-GSA (DWA-GSA) wherein the DWA is the single member and the Verbenia-GSA which includes the SGPWA and Mission Springs Water District; and

WHEREAS, there are decisions at hand that must be made in order to progress with SGMA compliance: (1) designate an agency to submit to the Department of Water Resources a Notification of Intent to develop a Groundwater Sustainability Plan (GSP) and (2) to develop a single or multiple plans to manage the Basin in compliance with SGMA; and

WHEREAS, the three GSA agencies have met and agree that SGPWA can submit the Notice of Intent and that one GSP should be developed to manage the Basin; and

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

SECTION 1. The City Council authorizes the San Gorgonio Pass Water Agency, on behalf of the San Gorgonio Pass Groundwater Sustainability Agency, to file the initial Notification of Intent to produce a Groundwater Sustainability Plan with the Department of Water Resource.

SECTION 2. The City Council directs staff to work with other Groundwater Sustainability Agencies in the Basin to work as a group to produce a single Groundwater Sustainability Plan.

PASSED, APPROVED AND ADOPTED this 10th day of July, 2018.

George Moyer, Mayor
City of Banning

ATTEST:

Sonja De La Fuente, Deputy City Clerk
City of Banning

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

Kevin G. Ennis, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Sonja De La Fuente, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2018-98, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 10th day of July, 2018, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sonja De La Fuente, Deputy City Clerk
City of Banning, California

***THIS PAGE
INTENTIONALLY LEFT
BLANK***



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Rochelle Clayton, Interim City Manager

PREPARED BY: Rochelle Clayton, Interim City Manager
Kevin Ennis, City Attorney

MEETING DATE: July 10, 2018

SUBJECT: Adopt Resolution 2018-84 or 2018-100, Calling for the Placement of a General Fund Transfer from Electric on the November 6, 2018 Ballot by the City Council for a Proposed Ordinance Authorizing a Transfer from the City's Electric Fund to the General Fund in an Amount not to Exceed 7.5% of Gross Revenues for Three Years and 5.5% of Gross Revenues Thereafter, and Establish an Electric Utility Rate Freeze or a Rebate program for a Period of Three Years.

RECOMMENDED ACTION:

Staff recommends that the City Council adopt Resolution 2018-84 or 2018-100 after discussing the following options and directing staff:

1. **OPTION 1** – Adopt Resolution 2018-84 calling for the proposed Measure placed on the November 2018 ballot and submitted to the voters of the City at the general municipal election to be held on Tuesday, November 6, 2018 to authorize a transfer from the City's electric fund to the general fund in an approximate amount of 7.5% of gross revenues for three years and 5.5% of gross revenues thereafter, and establish an Electric Utility Rate Freeze for a period of three (3) years.
2. **OPTION 2** – Adopt Resolution 2018-100 calling for the proposed Measure placed on the November 2018 ballot and submitted to the voters of the City at the general municipal election to be held on Tuesday, November 6, 2018 to authorize a transfer from the City's electric fund to the general fund in an approximate amount of 7.5% of gross revenues for three years and 5.5% of gross revenues thereafter, and requiring the distribution of Cap and Trade auction proceeds to the City of Banning ratepayers over a period of three (3) years.

BACKGROUND:

The Council reviewed this ballot measure information at its meeting on June 26, 2018 and directed staff to bring both alternatives back for discussion and approval.

The City's general fund budget has been significantly impacted from fiscal year 2017 to fiscal year 2018. Multiple factors contribute to the negative budget impacts, including, but not limited to:

1. The City's agreement with CAL Fire for fire protection services increased \$400k in 2018, with an additional \$200k in 2019, for a total increase of \$600k over two years.
2. The sunset of the approximate \$500k annual payments received from Riverside County to pay the salaries of four (4) Police Officers as indicated in the Memorandum of Understanding ("MOU") with respect to the expansion of the Smith Correctional Facility at 1627 S. Hargrave Avenue in Banning. To keep the same level of police services, this budget impact was absorbed by the general fund.
3. The City of Beaumont cancelled the agreement to provide animal control services to the City of Banning abruptly at fiscal year-end, leaving the City with only one viable option of contracting with Riverside County for an approximate annual increase of \$50k.
4. The increase from the California Public Employees' Retirement System ("CalPERS") of approximately \$500k each year prospectively to cover the unfunded liability of pensions.

The City does not have any foreseeable significant increase in projected general fund revenue to cover the projected spike in general fund expenses over the next three years.

The City does, however, have two major master-planned community developments as detailed in the development agreements between the City and Pardee Homes and Diversified Pacific. Pardee Homes is on track to break ground by the end of calendar year 2018, which means homes will be ready to market and sell by calendar year 2020, thereby creating a sustainable revenue source for the City by way of increased Property Tax and Sales Tax revenue in the upcoming three to four years.

JUSTIFICATION:

To keep the same level of budgeted Police and Fire services, as well as services to the community, including streets, parks, and community center services, an additional source of revenue is required. The proposed general fund transfer from the electric utility is expected to result in approximately \$2.325 million to the general fund in the first three years at a rate of 7.5% of gross revenues to the electric utility. Thereafter, the general fund transfer is expected to result in approximately \$1.7 million to the general fund at a rate of 5.5% of gross revenues to the electric utility. After the transfer, these funds would

be available for general municipal services in order to allow for the City to provide the community the same level of public safety service.

The largest cost to the City is the cost of salaries and benefits, and the largest impact to the City's general fund is Police services with the second largest impact being Fire services.

IMPACT TO THE ELECTRIC FUND & RATES:

OPTION 1 – Adopt Resolution 2018-84

The transfer from the electric fund to the general fund will not impact or increase rates and the City is able to institute a Freeze of Electric Rates over the next three years, during which the City Council would be prohibited from increasing electric rates, except: (i) in a case of fiscal emergency declared by two-thirds vote of the City Council, or (ii) to comply with a rate covenant in Electric Utility bond documents.

OPTION 2 – Adopt Resolution 2018-100

Alternative to Freezing Rates as part of Ballot Measure – Establish an Electric Utility CLEAN COMMUNITY CREDITS PROGRAM for a Period of Three Years. The City shall return to City of Banning ratepayers all auction proceeds received from the California Air Resources Board's cap-and-trade program, in a non-volumetric manner established by the City Council (the "Cap and Trade Rebate")

The Electric Enterprise is exceeding renewable portfolio requirements. The early renewable success enables the electric utility to sell excess carbon allowances (from Cap and Trade) and use the proceeds for clean community credits and mitigate the potential of rate increases over the next three years.

COMMITTEE RECOMMENDATION:

The Budget and Finance Committee reviewed this information and supports the potential Ballot Measure.

NEXT STEPS:

City Council direct staff which Resolution to proceed with to call for a the proposed Ballot Measure to be placed on the November 2018 ballot, staff shall take the necessary steps to place the Draft Ordinance on the November ballot.

ATTACHMENTS:

1. Resolution 2018-84
2. Ordinance – Option 1; GFT with Rate Freeze
3. Resolution 2018-100

4. Ordinance – Option 2; GFT with Cap and Trade Rebate

Approved by:



Rochelle Clayton
City Manager

ATTACHMENT 1

RESOLUTION 2018-84

RESOLUTION NO. 2018-84

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA CALLING FOR THE PLACEMENT OF A MEASURE ON THE BALLOT AT THE NOVEMBER 6, 2018 GENERAL MUNICIPAL ELECTION FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF A PROPOSED ORDINANCE AUTHORIZING A GENERAL TAX ON ELECTRIC UTILITY CUSTOMER CHARGES IN THE FORM OF A TRANSFER FROM THE CITY'S ELECTRIC UTILITY FUND TO THE CITY'S GENERAL FUND AND ESTABLISHING AN ELECTRIC UTILITY RATE FREEZE FOR A PERIOD OF THREE YEARS; APPROVING THE BALLOT LANGUAGE FOR THE MEASURE; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE; AND PROVIDING DIRECTION REGARDING THE SUBMISSION OF BALLOT ARGUMENTS FOR OR AGAINST THE MEASURE

WHEREAS, the City of Banning operates a public electric utility that provides electrical service to local residents and businesses; and

WHEREAS, the City Council set the current rates for customers of the Electric Utility on April 23, 2013 by adopting Resolution No. 2013-45.

WHEREAS, the electric utility rates established by the City Council were based on a rate study demonstrating that the amounts collected by the Electric Utility are necessary to cover the reasonable cost to operate the City's Electric Utility; and

WHEREAS, notwithstanding the objective of the rate study, in many years the City has collected more revenue than is necessary to cover the City's actual cost to operate the Electric Utility; and

WHEREAS, with that surplus revenue, the City Council authorizes the transfer up to 10% of the City's Electric Utility annual gross revenues from the City's Electric Utility Fund to the City's General Fund, of which approximately 4.5% is to reimburse the City for services and costs provided by the City to the Electric Utility with the remaining approximately 5.5% representing an additional transfer, which additional transfer is hereafter defined to be the "General Fund Transfer"; and

WHEREAS, funds placed in the General Fund via the General Fund Transfer pay for City services such as police protection, fire and paramedic services, street operations and maintenance, parks and recreation services and general municipal services to the public; and

WHEREAS, pursuant to California Elections Code Section 9222, the City Council desires that the voters consider authorizing the General Fund Transfer to a maximum of seven and one half percent (7.5%) of the Electric Utility's Gross Revenues until

December 1, 2021, and five and one half percent (5.5%) of the Electric Utility's Gross Revenues thereafter; and

WHEREAS, on November 6, 1996, the voters of the State of California approved Proposition 218 (California Constitution, Article XIII C, Section 2), an amendment to the State Constitution which requires that all general taxes which are imposed, extended or increased must be approved by a majority vote of the voters; and

WHEREAS, it is the intent of the City Council to submit to the voters a general tax measure in the form of the General Fund Transfer to authorize such funds to be spent for unrestricted general revenue purposes;

WHEREAS, Proposition 218 permits the City Council to call an election to impose, increase or extend a general tax, at a regularly scheduled general election at which city council members are to be elected; and

WHEREAS, the next regularly scheduled general election at which city council members are to be elected is November 6, 2018; and

WHEREAS, the General Fund of the City of Banning has sustained a revenue drop of \$500,000 and expenditure increase of \$1,000,000 from 2017 to 2018, due to the conclusion of payments by Riverside County to pay the salaries of four Police Officers coupled with the increase in expenditures for CAL Fire services, animal control services and Public Employees Retirement System ("PERS"); and

WHEREAS, the City Council has responded to increasing expenditures by deferring capital maintenance, replacement and improvements, and reducing budgets in all departments except Police and Fire; and

WHEREAS, anticipated revenue increases and cost savings will not be sufficient to avoid further reductions to City services, thus impacting Banning's quality of life and long-term economic viability; and

WHEREAS, the City Council finds that there is also a need to have the People of the City of Banning decide the General Fund Transfer so that the Council may prudently budget for the City's expenses; and

WHEREAS, in conjunction with the General Fund Transfer, the City Council also desires that the voters consider a ceiling (the "Rate Freeze") on further electric system rate increases for a period of three (3) years, during which the City Council would be prohibited from increasing electric rates, except: (i) in a case of fiscal emergency declared by two-thirds vote of the City Council, or (ii) to comply with a rate covenant in Electric Utility bond documents; and

WHEREAS, the Rate Ceiling portion of this Measure also requires majority voter approval and is hereby submitted to the City's electorate; and

WHEREAS, the City Council finds that the placement of the proposed ballot measure on the ballot is not subject to the California Environmental Quality Act ("CEQA") pursuant to the State CEQA Guidelines Section 15060(c)(3), because the actions are not a project as defined by the CEQA Guidelines Section 15378 (b)(4). Adoption of the ordinance proposed by the ballot measure relates to the transfer of funds received by the Banning Electric Utility to the City's General Fund and does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

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

SECTION 1. Findings. The City Council finds that all of the preceding recitals are true and correct, are incorporated herein by this reference, and made an operative part hereof.

SECTION 2. Submission of Measure to the Voters. Pursuant to California Constitution, Article XIII C, Section 2(b), California Government Code Section 53724 and any other applicable requirements of the laws of the State of California relating to general law cities, the City Council, hereby orders the following proposed Measure to be submitted to the voters of the City at the general municipal election to be held on Tuesday, November 6, 2018:

"To allow approximately \$2,325,000 annually for unrestricted general revenue purposes such as police, fire, paramedics, parks, and senior services while stabilizing electric utility rates, shall an ordinance be adopted authorizing a transfer not to exceed 7.5% of annual electric utility gross revenues to the City's General Fund until December 1, 2021 and 5.5% thereafter, for unlimited duration, and establishing a rate freeze for 3 years, except as needed for financial emergency or bond covenants?"	YES
	NO

SECTION 3. Text of Ordinance. The text of the ordinance to be submitted to the voters is attached as Exhibit A.

SECTION 4. Conduct of Election. The City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 5. Notice of Election. Notice of the time and place of holding the election is hereby given, and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 6. Impartial Analysis. Pursuant to California Elections Code Section 9280, the City Council hereby directs the City Clerk to transmit a copy of the Measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the Measure, not to exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the Measure, and transmit such impartial analysis to the City Clerk not later than the deadline for submittal of primary arguments for or against the measure, as set forth in City Resolution No. 2018-84. The impartial analysis shall include a statement indicating whether the Measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. In the event the entire text of the Measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: "The above statement is an impartial analysis of Ordinance or Measure. If you desire a copy of the ordinance or measure, please call the Office of the City Clerk at (951) 922-3102 and a copy will be mailed at no cost to you."

SECTION 7. The City Council authorizes any and all members of the City Council to file a written argument in favor or against each the above referenced measures in accordance with Article 4, Chapter 3, Division 9 of the Elections Code, including Elections Code Section 9282(b), and to change the arguments until and including the date fixed by the City Clerk after which no arguments for or against the measures may be submitted to the City Clerk. Any voter eligible to vote on the measure, bona fide association of citizens, or any combination of voters and associations may also file a written argument in favor or against each of the above referenced measures with the City Clerk in accordance with Article 4, Chapter 3, Division 9 of the Elections Code, including Elections Code Sections 9282 through 9287.

SECTION 8. Certification. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this 10th day of July, 2018.

George Moyer, Mayor
City of Banning

ATTEST:

Sonja De La Fuente, Deputy City Clerk
City of Banning

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

Kevin G. Ennis, Esq., City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Sonja De La Fuente, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2018-84, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 10th day of July, 2018, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sonja De La Fuente, Deputy City Clerk
City of Banning, California

ATTACHMENT "A"

**AN ORDINANCE OF THE PEOPLE OF THE CITY OF BANNING
AUTHORIZING A GENERAL TAX ON ELECTRIC UTILITY CUSTOMER
CHARGES IN THE FORM OF A TRANSFER FROM THE CITY'S
ELECTRIC UTILITY FUND TO THE CITY'S GENERAL FUND AND
ESTABLISHING AN ELECTRIC UTILITY RATE FREEZE FOR A PERIOD
OF THREE YEARS, EXCEPT IN CASES OF FISCAL EMERGENCY OR
AS NEEDED FOR DEBT COVENANTS**

ATTACHMENT 2

ORDINANCE Option 1
General Fund Transfer with Rate Freeze

Alternative 1 - GFT with Rate Freeze

ORDINANCE NO. _____

**AN ORDINANCE OF THE PEOPLE OF THE CITY OF BANNING
AUTHORIZING A GENERAL TAX ON ELECTRIC UTILITY
CUSTOMER CHARGES IN THE FORM OF A TRANSFER FROM THE
CITY'S ELECTRIC UTILITY FUND TO THE CITY'S GENERAL FUND
AND ESTABLISHING AN ELECTRIC UTILITY RATE FREEZE FOR A
PERIOD OF THREE YEARS, EXCEPT IN CASES OF FISCAL
EMERGENCY OR AS NEEDED FOR DEBT COVENANTS**

THE PEOPLE OF THE CITY OF BANNING, CALIFORNIA DO HEREBY ORDAIN
AS FOLLOWS:

SECTION 1. Article 1 (Electrical Rates) of Chapter 13.08 (Water, Sewer and Electricity Rates) of Title 13 (Public Services) of the Banning Municipal Code is hereby amended to read as follow:

"Article I. Electrical Rates, Rate Freeze and General Fund Transfer.

13.08.010. Electricity Rates - Customer Charges.

Except as provided in Section 13.08.011 below, the rates, charges and tariffs, including rate schedules, for the operation of the City of Banning Electrical Utility shall be established by resolution of the city council.

13.08.011. Electric Utility Service Rate Freeze, Exception.

A. Until December 1, 2021, the City Council may not set electric utility service rates for City of Banning customers in an amount that exceeds those rates set by City of Banning Resolution No. 2013-45 (adopted April 23, 2013) (the "Rate Freeze").

C. The City Council may increase electric utility service rates beyond the maximum amount set forth in subsection (a) only by satisfying one of the following conditions: (i) the City Council adopts a resolution by a two-thirds vote to approve the increase and to make findings that an emergency in the City's Electric Utility requires the increase in rates, or (ii) the City Council adopts a resolution by a majority vote to approve the increase and to make findings that the increase is necessary to meet the City's covenants under its outstanding debt obligations that are payable from the City's Electric Utility revenues.

D. Beginning December 1, 2021, the Rate Freeze shall have no further force or effect and the City Council may set increased electric utility service rates as otherwise permitted by law. However, it may not "back-bill" or apply rates retroactively to the Rate Freeze period.

E. As a voter-approved ordinance, pursuant to Elections Code Section 9217, this Section 13.08.011 shall apply notwithstanding any ordinance, resolution or other action of the City to the contrary.

13.08.012 General Fund Transfer; General Tax.

A. The City may authorize a General Fund Transfer in an amount determined by resolution of the City Council, but not greater than the following:

- (i) Until December 1, 2021, seven and one-half percent of Gross Revenues; and
- (ii) Beginning December 1, 2021, five and one-half percent of Gross Revenues.

B. The following terms are defined for the purposes of this Article:

(i) "Gross Revenues" shall mean all operating revenues of the City Electric Utility collected during the preceding month, or such other time period determined by resolution of the City Council.

(ii) "General Fund Transfer" shall mean a transfer of revenues from the City Electric Utility to the City general fund for general revenue purposes. The term "General Fund Transfer" does not include any revenues paid to the City general fund to offset Electric Utility expenses borne by the City general fund or any legally required pass through payments or obligations, including but not limited to the Public Benefits Charge or the California State energy surcharge tax.

C. The cost of the General Fund Transfer is passed through to the City's electric utility customers and recovered through a portion of the City's electric service rates and such portion represents a general tax on all electric utility customer charges."

SECTION 2. Limitations on Use of Revenue. The revenue from the General Fund Transfer can be spent for unrestricted general revenue purposes.

SECTION 3. Effective Date. This ordinance is subject to a vote of the citizens of Banning and shall take effect, if approved by a majority of the voters voting at such election, ten (10) days following certification of the election results.

SECTION 4. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The People of the City of Banning hereby declare that they would have adopted this ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 5. Certification/Summary. Following certification that the citizens of Banning have approved this Ordinance, the Mayor shall sign this Ordinance and the City Clerk shall cause the same to be entered in the book of original ordinances of said City.

I hereby certify that the forgoing ordinance was PASSED, APPROVED and ADOPTED by the People of the City of Banning on the _____ day of November, 2018.

Sonja De La Fuente, Deputy City Clerk
City of Banning, California

ATTACHMENT 3

RESOLUTION 2018-100

ALTERNATIVE 2 - GFT WITH CAP AND TRADE REBATE

RESOLUTION NO. 2018-100

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA CALLING FOR THE PLACEMENT OF A MEASURE ON THE BALLOT AT THE NOVEMBER 6, 2018 GENERAL MUNICIPAL ELECTION FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF A PROPOSED ORDINANCE AUTHORIZING A GENERAL TAX ON ELECTRIC UTILITY CUSTOMER CHARGES IN THE FORM OF A TRANSFER FROM THE CITY'S ELECTRIC UTILITY FUND TO THE CITY'S GENERAL FUND AND REQUIRING THE DISTRIBUTION OF CAP AND TRADE AUCTION PROCEEDS TO CITY OF BANNING RATEPAYERS; APPROVING THE BALLOT LANGUAGE FOR THE MEASURE; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE; AND PROVIDING DIRECTION REGARDING THE SUBMISSION OF BALLOT ARGUMENTS FOR OR AGAINST THE MEASURE

WHEREAS, the City of Banning operates a public electric utility that provides electrical service to local residents and businesses; and

WHEREAS, the City Council set the current rates for customers of the Electric Utility on April 23, 2013 by adopting Resolution No. 2013-45.

WHEREAS, the electric utility rates established by the City Council were based on a rate study demonstrating that the amounts collected by the Electric Utility are necessary to cover the reasonable cost to operate the City's Electric Utility; and

WHEREAS, notwithstanding the objective of the rate study, in many years the City has collected more revenue than is necessary to cover the City's actual cost to operate the Electric Utility; and

WHEREAS, with that surplus revenue, the City Council authorizes the transfer up to 10% of the City's Electric Utility annual gross revenues from the City's Electric Utility Fund to the City's General Fund, of which approximately 4.5% is to reimburse the City for services and costs provided by the City to the Electric Utility with the remaining approximately 5.5% representing an additional transfer, which additional transfer is hereafter defined to be the "General Fund Transfer"; and

WHEREAS, funds placed in the General Fund via the General Fund Transfer pay for City services such as police protection, fire and paramedic services, street operations and maintenance, parks and recreation services and general municipal services to the public; and

WHEREAS, pursuant to California Elections Code Section 9222, the City Council desires that the voters consider authorizing the General Fund Transfer to a maximum of seven and one half percent (7.5%) of the Electric Utility's Gross Revenues until December 1, 2021, and five and one half percent (5.5%) of the Electric Utility's Gross Revenues thereafter; and

WHEREAS, on November 6, 1996, the voters of the State of California approved Proposition 218 (California Constitution, Article XIII C, Section 2), an amendment to the State Constitution which requires that all general taxes which are imposed, extended or increased must be approved by a majority vote of the voters; and

WHEREAS, it is the intent of the City Council to submit to the voters a general tax measure in the form of the General Fund Transfer to authorize such funds to be spent for unrestricted general revenue purposes;

WHEREAS, Proposition 218 permits the City Council to call an election to impose, increase or extend a general tax, at a regularly scheduled general election at which city council members are to be elected; and

WHEREAS, the next regularly scheduled general election at which city council members are to be elected is November 6, 2018; and

WHEREAS, the General Fund of the City of Banning has sustained a revenue drop of \$500,000 and expenditure increase of \$1,000,000 from 2017 to 2018, due to the conclusion of payments by Riverside County to pay the salaries of four Police Officers coupled with the increase in expenditures for CAL Fire services, animal control services and Public Employees Retirement System ("PERS"); and

WHEREAS, the City Council has responded to increasing expenditures by deferring capital maintenance, replacement and improvements, and reducing budgets in all departments except Police and Fire; and

WHEREAS, anticipated revenue increases and cost savings will not be sufficient to avoid further reductions to City services, thus impacting Banning's quality of life and long-term economic viability; and

WHEREAS, the City Council finds that there is also a need to have the People of the City of Banning decide the General Fund Transfer so that the Council may prudently budget for the City's expenses; and

WHEREAS, in conjunction with the General Fund Transfer, the City Council also desires that the voters consider a requirement that to the greatest extent permitted by law, until December 1, 2021, the City shall return to City of Banning ratepayers all auction proceeds received from the California Air Resources Board's cap-and-trade program, in a non-volumetric manner established by the City Council (the "Cap and Trade Rebate"); and

WHEREAS, the Cap and Trade Rebate portion of this Measure also requires majority voter approval and is hereby submitted to the City's electorate; and

WHEREAS, the City Council finds that the placement of the proposed ballot measure on the ballot is not subject to the California Environmental Quality Act ("CEQA") pursuant to the State CEQA Guidelines Section 15060(c)(3), because the actions are not a project as defined by the CEQA Guidelines Section 15378 (b)(4). Adoption of the ordinance proposed by the ballot measure relates to the transfer of funds received by the Banning Electric Utility to the City's General Fund and does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

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

SECTION 1. Findings. The City Council finds that all of the preceding recitals are true and correct, are incorporated herein by this reference, and made an operative part hereof.

SECTION 2. Submission of Measure to the Voters. Pursuant to California Constitution, Article XIII C, Section 2(b), California Government Code Section 53724 and any other applicable requirements of the laws of the State of California relating to general law cities, the City Council, hereby orders the following proposed Measure to be submitted to the voters of the City at the general municipal election to be held on Tuesday, November 6, 2018:

"To allow approximately \$2,325,000 annually for unrestricted general revenue purposes such as police, fire, paramedics, parks, and senior services while stabilizing electric utility rates, shall an ordinance be adopted authorizing a transfer not to exceed 7.5% of annual electric utility gross revenues to the City's General Fund until December 1, 2021 and 5.5% thereafter, for unlimited duration, and establishing a rebate to ratepayers from the California cap and trade program proceeds?"	YES
	NO

SECTION 3. Text of Ordinance. The text of the ordinance to be submitted to the voters is attached as Exhibit A.

SECTION 4. Conduct of Election. The City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 5. Notice of Election. Notice of the time and place of holding the election is hereby given, and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 6. Impartial Analysis. Pursuant to California Elections Code Section 9280, the City Council hereby directs the City Clerk to transmit a copy of the Measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the Measure, not to exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the Measure, and transmit such impartial analysis to the City Clerk not later than the deadline for submittal of primary arguments for or against the measure, as set forth in City Resolution No. 2018-84. The impartial analysis shall include a statement indicating whether the Measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. In the event the entire text of the Measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: "The above statement is an impartial analysis of Ordinance or Measure. If you desire a copy of the ordinance or measure, please call the Office of the City Clerk at (951) 922-3102 and a copy will be mailed at no cost to you."

SECTION 7. The City Council authorizes any and all members of the City Council to file a written argument in favor or against each the above referenced measures in accordance with Article 4, Chapter 3, Division 9 of the Elections Code, including Elections Code Section 9282(b), and to change the arguments until and including the date fixed by the City Clerk after which no arguments for or against the measures may be submitted to the City Clerk. Any voter eligible to vote on the measure, bona fide association of citizens, or any combination of voters and associations may also file a written argument in favor or against each of the above referenced measures with the City Clerk in accordance with Article 4, Chapter 3, Division 9 of the Elections Code, including Elections Code Sections 9282 through 9287.

SECTION 8. Certification. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this 10th day of July, 2018.

George Moyer, Mayor
City of Banning

ATTEST:

Sonja De La Fuente, Deputy City Clerk
City of Banning

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

Kevin G. Ennis, Esq., City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Sonja De La Fuente, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2018-100, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 10th day of July, 2018, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sonja De La Fuente, Deputy City Clerk
City of Banning, California

ATTACHMENT "A"

**AN ORDINANCE OF THE PEOPLE OF THE CITY OF BANNING
AUTHORIZING A GENERAL TAX ON ELECTRIC UTILITY CUSTOMER
CHARGES IN THE FORM OF A TRANSFER FROM THE CITY'S
ELECTRIC UTILITY FUND TO THE CITY'S GENERAL FUND AND
REQUIRING THE DISTRIBUTION OF CAP AND TRADE AUCTION
PROCEEDS TO CITY OF BANNING RATEPAYERS**

ATTACHMENT 4

ORDINANCE Option 2

General Fund Transfer with Cap and Trade Rebate

Alternative 2 - GFT with Cap and Trade Rebate

ORDINANCE NO. _____

**AN ORDINANCE OF THE PEOPLE OF THE CITY OF BANNING
AUTHORIZING A GENERAL TAX ON ELECTRIC UTILITY
CUSTOMER CHARGES IN THE FORM OF A TRANSFER FROM THE
CITY'S ELECTRIC UTILITY FUND TO THE CITY'S GENERAL FUND
AND REQUIRING THE DISTRIBUTION OF CAP AND TRADE
AUCTION PROCEEDS TO CITY OF BANNING RATEPAYERS**

THE PEOPLE OF THE CITY OF BANNING, CALIFORNIA DO HEREBY ORDAIN
AS FOLLOWS:

SECTION 1. Article 1 (Electrical Rates) of Chapter 13.08 (Water, Sewer and Electricity Rates) of Title 13 (Public Services) of the Banning Municipal Code is hereby amended to read as follow:

"Article I. Electrical Rates, Rebate and General Fund Transfer.

13.08.010. Electricity Rates - Customer Charges.

Except as provided in Section 13.08.011 below, the rates, charges and tariffs, including rate schedules, for the operation of the City of Banning Electrical Utility shall be established by resolution of the city council.

13.08.011. Electric Utility Cap and Trade Auction Proceeds.

A. To the greatest extent permitted by law, until December 1, 2021, the City shall return to City of Banning ratepayers all auction proceeds received from the California Air Resources Board's cap-and-trade program, in a non-volumetric manner established by the City Council and in accordance with the following schedule:

- (i) Ninety percent (90%) of proceeds distributed to residential ratepayers;
- (ii) Nine percent (9%) of proceeds distributed to commercial ratepayers; and
- (iii) One percent (1%) of proceeds distributed to industrial ratepayers.

B. As a voter-approved ordinance, pursuant to Elections Code Section 9217, this Section 13.08.011 shall apply notwithstanding any ordinance, resolution or other action of the City to the contrary.

13.08.012 General Fund Transfer; General Tax.

A. The City may authorize a General Fund Transfer in an amount determined by resolution of the City Council, but not greater than the following:

- (i) Until December 1, 2021, seven and one-half percent of Gross Revenues; and
- (ii) Beginning December 1, 2021, five and one-half percent of Gross Revenues.

B. The following terms are defined for the purposes of this Article:

(i) "Gross Revenues" shall mean all operating revenues of the City Electric Utility collected during the preceding month, or such other time period determined by resolution of the City Council.

(ii) "General Fund Transfer" shall mean a transfer of revenues from the City Electric Utility to the City general fund for general revenue purposes. The term "General Fund Transfer" does not include any revenues paid to the City general fund to offset Electric Utility expenses borne by the City general fund or any legally required pass through payments or obligations, including but not limited to the Public Benefits Charge or the California State energy surcharge tax.

C. The cost of the General Fund Transfer is passed through to the City's electric utility customers and recovered through a portion of the City's electric service rates and such portion represents a general tax on all electric utility customer charges."

SECTION 2. Limitations on Use of Revenue. The revenue from the General Fund Transfer can be spent for unrestricted general revenue purposes.

SECTION 3. Effective Date. This ordinance is subject to a vote of the citizens of Banning and shall take effect, if approved by a majority of the voters voting at such election, ten (10) days following certification of the election results.

SECTION 4. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The People of the City of Banning hereby declare that they would have adopted this ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 5. Certification/Summary. Following certification that the citizens of Banning have approved this Ordinance, the Mayor shall sign this Ordinance and the City Clerk shall cause the same to be entered in the book of original ordinances of said City.

I hereby certify that the forgoing ordinance was PASSED, APPROVED and ADOPTED by the People of the City of Banning on the _____ day of November, 2018.

Sonja De La Fuente, Deputy City Clerk
City of Banning, California



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Rochelle Clayton, Interim City Manager

PREPARED BY: Kevin G. Ennis, City Attorney

MEETING DATE: July 10, 2018

SUBJECT: Options for Drafting Arguments in Support of Ballot Measures that Were Placed on the November 2018 Ballot by the City Council, and Drafting Possible Rebuttals to Any Opposition Arguments to the Ballot Measures

RECOMMENDED ACTION:

Staff recommends that the City Council:

1. Provide direction on whether the City Council would like to designate Council Members Peterson and Welch, members of the Cannabis Ad Hoc Committee, to draft the arguments in favor of the cannabis tax measures and/or any rebuttal arguments, or whether the City Council would prefer to have the full City Council draft the arguments and/or any rebuttal.
2. If the City Council places the electric utility transfer measure on the November 6, 2018 ballot, provide direction on whether the City Council would like to designate two City Council Members to draft the argument in favor of this measure, and if so designate the two City Councilmembers, or if the City Council would prefer to have the full City Council draft the argument and any rebuttal.
3. Provide direction on whether the City Council would like to consider the adoption of resolutions in support of each of the separate ballot measures.

BACKGROUND:

A. Ballot Measures

On June 26, 2018, the City Council unanimously voted to place two separate tax measures on the November 6, 2018 ballot. On July 10, 2018, the City Council will

consider placing a third measure on that same ballot. The three separate tax measures are as follows:

1. A measure imposing a commercial cannabis cultivation tax (set at \$15 per square foot of canopy space and potentially increasing to \$25 per square foot), and imposing up to 10% tax on gross receipts of cannabis manufacturing and testing laboratory facilities.
2. A measure imposing a 10% tax on the gross receipts of cannabis retail businesses (with the tax rate potentially increasing to 15%).
3. A measure authorizing a transfer not to exceed 7.5% of annual electric utility gross revenues to the City's General Fund until December 1, 2021 and 5.5% thereafter, for unlimited duration, and establishing either an electric utility rate freeze for 3 years, except in cases of financial emergency, or a rebate of cap and trade funds.

B. Arguments in Favor of Ballot Measures

State law authorizes any and all members of the City Council to file a written argument in favor or against any of the above referenced measures. An argument is limited to 300 words in length and no more than five signatures may appear with any argument. In case any argument is signed by more than five authors, only the signatures of the first five authors shall be printed in the ballot.

The Riverside County Registrar of Voters has not yet provided City staff with its deadlines related to the submission of local ballot measures at the consolidated statewide general election on November 6, 2018. However, based on the Registrar's deadlines for the statewide primary election conducted in June, City staff anticipates that the deadline for submission of the City Attorney's Impartial Analysis and any arguments for or against the ballot measures will likely be 78 days before the election, or August 20, 2018.

The City Council therefore has a short period of time to decide if it wants to draft the arguments in favor of the ballot measures. The City Council has two options. So as to comply with the Brown Act on these issues, option number one is to call a special meeting in August to have the full City Council draft the arguments in favor of the measures. Option number two is to designate two City Council Members to draft the arguments in favor of the ballot measures that would be considered by the full City Council in July. The schedule set forth below is based on the assumption that the City Council would like to finalize the arguments in favor of the ballot measures in July.

The Cannabis Ad Hoc Committee recommended that Councilmembers Peterson and Welch would draft the arguments in favor of the two cannabis tax ballot measures. The draft arguments would then be presented to the City Council at a July 24, 2018 workshop

to review and revise. The final ballot arguments would be presented to the City Council at a July 24, 2018 City Council meeting to review and considering signing.

If the City Council elects to place the electric utility tax measure on the ballot, the City Council could take a similar approach and designate two City Council members to draft the argument in support of this measure. This argument could be reviewed and revised by the City Council at a July 24, 2018 workshop, with the final argument being presented to the City Council at the July 24, 2018 City Council meeting to review and considering signing.

C. Rebuttal Arguments

In the event that an individual voter, or bona fide association of citizens submits an argument against any of the above referenced ballot measures, State law authorizes the author or a majority of the authors of an argument relating to a city measure to submit a rebuttal argument, or to authorize in writing another person or persons to prepare, submit, or sign a rebuttal argument. The rebuttal argument is limited to 250 words. The rebuttal argument must be filed with the Registrar of Voters no later than 10 days after the final filing date for primary arguments, or in this case, on or about August 30, 2018.

Since there are no City Council meetings scheduled for August, the City Council has the option of designating two City Councilmembers to draft any necessary rebuttal arguments, or calling a special meeting in August to draft and sign any rebuttal arguments. The Cannabis Ad Hoc Committee was not asked to provide a recommendation regarding who would be drafting any rebuttal arguments to the cannabis tax ballot measures.

D. Resolutions Supporting the Ballot Measures

The City Council also has the option of adopting resolutions informing the public that it supports the above-referenced ballot measures. The City Council resolutions would allow the City Council to inform the public of its opinion on the merits of ballot measures and/or of the impact on the City that passage or defeat of the measure is likely to have. If the City Council would like to consider adopting resolutions in favor of the ballot measures, the resolutions will be drafted for the City Council's consideration at its July 24, 2018 City Council meeting.

NEXT STEPS:

Should the City Council provide direction that it would like to designate the Cannabis Ad Hoc Committee to draft the arguments in favor of the two cannabis tax ballot measures, and would like to designate two City Councilmembers to draft the argument in favor of the electric utility tax measure (assuming the City Council places the measure on the November 2018 ballot), then those arguments will be drafted in advance of the July 24, 2018 City Council workshop to discuss the ballot arguments. The final arguments in favor of the three ballot measures will be considered by the City Council at its July 24,

2018 City Council meeting. The City Council should also provide direction as to which Council members will be tasked with drafting any rebuttal arguments to the ballot measures, and whether the City Council would like to consider adopting resolutions in support of the three ballot measures.

ATTACHMENTS:

None.

Approved by:



Rochelle Clayton
Interim City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Rochelle Clayton, Interim City Manager

PREPARED BY: Rochelle Clayton, Interim City Manager

MEETING DATE: July 10, 2018

SUBJECT: Police Department Recruitment and Retention Program

RECOMMENDED ACTION:

Review the Police Department Recruitment and Retention Program and provide input so that staff can return to Council on July 24, 2018 with the appropriate budget adjustment requests to implement a program.

COMMITTEE RECOMMENDATION:

The Budget and Finance Committee met on June 6, 2018 and June 18, 2018 to review the FY18-19 & 19-20 budgets. Staff presented the program concept to the Committee with a recommendation to reduce the over-time budget for police and institute a Recruitment and Retention Program to fully staff the Police Department thereby eliminating the need for a \$450,000 over-time budget.

The Committee recommended reducing the over-time budget by \$200,000, but to bring the program to Council as a stand-alone item.

BACKGROUND:

The police department has not been fully staffed in several years. With staff shortages, over-time is necessary to provide adequate coverage not only for community safety, but for the safety of the police officers in providing assistance and back-up. The cost to the City in fiscal years 2015 through 2018 in police over-time has been \$482,468, \$466,232, \$459,234, and \$458,714, respectively. In the mid-2000s, over-time was approximately \$200,000 to \$250,000.

JUSTIFICATION:

With a fully staffed Police Department, the need for over-time is minimized and therefore reducing the police budget by approximately \$200,000. The cost for a Recruitment and Retention Program, as recommended, would be less than \$100,000.

which can be absorbed by the reduction in over-time. More importantly, Banning's public safety will be more effective and not only re-active, but pro-active in community efforts, such as the addressing homeless issues and pro-active crime prevention.

RECRUITMENT and RETENTION PROGRAM:

Proposed Program:

- Offer Hiring/Recruitment Incentive of \$5,000 to \$10,000 & annual Retention Incentive of \$2,000
 - Pay \$5,000 at hire/signing of employment acceptance
 - Pay \$2,000 at successful completion of 1-year probation
 - Pay \$2,000 at each additional year of completion
 - Retention pay is applicable to all existing officers, commencing FY 18-19 and payable in July 2019 (and every July going forward for each full year of continuous service)
- Hiring/Recruitment Incentive is applicable to all sworn officers and management (including Police Chief)

There are currently 31 budgeted positions, including 1 Chief, 1 Captain, 2 Lieutenants, 5 Sergeants, 3 Corporals, and 19 Officers. The annual retention budget would be a maximum of \$62,000 if fully staffed and an estimated \$40,000 to \$80,000 hiring incentive budget for year one, depending on a \$5,000 or \$10,000 hire/signing bonus.

Other surrounding cities also have hiring bonuses, including:

- Hemet Police Department – \$15,000 hiring bonus
- Palm Springs Police Department – \$10,000 hiring bonus

OTHER CONSIDERATIONS:

Other factors impact the City's ability to hire and retain police officers. Banning is not competitive to surrounding cities in salary or benefits. Banning's largest competition is the Beaumont with their proximity, and another is Hemet. A comparison below demonstrates the salary and benefits of Banning and Beaumont:

<u>BENEFIT</u>	<u>Banning Police Officer</u>	<u>Beaumont Police Officer</u>
Salary Range:	\$28.99 - 39.22	\$30.62 - 39.20
Cal PERS Retirement Calculation:	Classic - 2% @ 50	Classic - 3% @ 50
Employer Paid Member Contribution (EPMC):	None	3% paid by Employer for Employee

Beaumont's base salary is nearly 5% above Banning's entry level base salary for Police Officer. More significantly, their retirement calculation is considerably higher and they pay 3% of the employee's required contribution, which is a way to increase the employee's take-home pay without increasing the City's PERS liability with increased salary, which also increases the City's employer tax expense.

FISCAL IMPACT:

Approximately \$100,000 to the general fund, while lowering the budget for over-time by approximately \$200,000 if the Police Department is fully staffed.

OPTIONS:

1. Support the option of a \$10,000 hiring bonus and \$2,000 annual retention incentive as part of a Recruitment and Retention Incentive Program.
2. Support the Recruitment and Retention Incentive Program and an additional benefit such as paying a portion of the EPMC.
3. Provide alternate direction to staff.

ATTACHMENTS:

1. Banning Police Job Description and Recruitment information
2. Beaumont Police Job Description
3. Beaumont Police Officers Association Memorandum of Understanding, pages 1 and 10

Approved by:



Rochelle Clayton, Interim City Manager

ATTACHMENT 1

Banning Police Job Description



Website:

www.ci.banning.ca.us/jobs.aspx

City of Banning

The City of Banning is a growing Southern California community. Incorporated in 1913, the City of Banning covers approximately 27 square miles and currently has a population of approximately 30,000 residents. The citizens enjoy their own public city services: electric, water, wastewater, and street departments. The City of Banning is located alongside Interstate 10 approximately 80 miles east of Los Angeles and 25 miles west of Palm Springs. Banning is well known for its picturesque qualities, nestled between the majestic San Geronio and San Jacinto mountains - the two tallest peaks in Southern California. The community enjoys a quiet rural lifestyle, nearby outdoor opportunities, invigorating and healthful clean air - the key ingredients that lure families to our City.

The Banning Police Department's first uniformed Police Department was established in 1913. The Banning Police Department consists of 33 sworn personnel and 12 classified personnel. The Police Department offers a variety of services and assignments, such as: Field Patrol, Detective Bureau, Emergency Tactical Unit, Gang Task Force, School Resource Officer, Field Training Officer, and Reserve Police Officer Program.

Recruitment Information

A completed City application is required and must be returned to the Human Resources Department. Apply electronically at www.ci.banning.ca.us/asp/jobs, or at 99 E. Ramsey St., P.O. Box 998, Banning, CA, 92220, (951) 922-3173. Applications are reviewed as the needs of the Department arise. Following review of all submitted applications, those candidates

POLICE OFFICER

Lateral/Academy Enrollee/Graduate

Applications Accepted on a Continuous Basis
Positions Currently Available

Full-Time Position/Benefits - Non-Exempt/Range 67
Salary Range: \$28.15 - \$38.08 per hour; \$58,546 - \$79,206 per year
Plus Education Incentive Pay up to \$600 per month for
advanced degrees and POST Certification
(Additional 3% salary increases are approved effective March 28, 2018)

Higher starting salary is only available upon difficult to recruit basis or exceptional qualifications at the discretion of the City.

JOB DEFINITION: Under general supervision from first line supervisors, incumbent performs law enforcement and crime prevention work; controls traffic flow and enforces State and local traffic regulations; performs investigative work and other special assignments; performs a variety of technical law enforcement tasks; answers calls for the protection of life and property; enforces State, local and Federal laws and ordinances; and conducts a variety of preliminary and follow-up investigations.

REPRESENTATIVE DUTIES: Patrols assigned areas to ensure the security of life and property, observe situations, and deters crime by providing high visibility; responds to suspicious activities and answers emergency calls for service; enforces State, local and Federal laws and ordinances; issues verbal warnings and citations; pursues and apprehends suspects and requests assistance as required; investigates juvenile and designated adult criminal activity and incidents as the responding officer; coordinates crime scene control and investigation, including interviews and interrogations, identification of witnesses; oversees collection and preservation of physical evidence; restores order, protects life and property, and maintains other logs and records; investigates traffic accidents and provides traffic and crowd control as necessary; participates in special details and assignments, including K-9, motorcycle traffic officer and related activities; retrieves, identifies and returns found property and/or evidence to owners; provides emergency aid and assistance to incapacitated persons and requests additional response; provides information, directions, and other services and assistance to the public; testifies in court, as subpoenaed.

KNOWLEDGE and SKILLS:

- Knowledge of basic law enforcement terminology and concepts
- Knowledge of the techniques for dealing with people of all socio-economic levels under hostile and emergency situations
- Knowledge of the safety practices and precautions pertaining to the work
- Skill in observing and accurately recalling places, names, descriptive characteristics and facts of incidents
- Skill in remaining calm and taking appropriate action in tense situations
- Skill in establishing and maintaining effective working relationships with those contacted in the course of work.
- Skill in reading, interpreting and applying complex laws, procedures and policies
- Skill in making rapid, sound independent judgments within legal and procedural guidelines
- Skill in preparing clear and concise reports, records and other written materials
- Skill in understanding and following oral and written directions
- Ability to learn the principles, practices, procedures, laws and ordinances, terminology and operation of equipment used in law enforcement and crime prevention and investigation

whose qualifications best meet the minimum qualifications will be invited to participate in the selection process. Meeting the minimum requirements does not guarantee an invitation to compete further in the process. The volume of applications received is considerable, therefore, we will not respond to telephone requests regarding application status. We will provide written notification to all applicants. **PLEASE NOTE THAT ONLY HUMAN RESOURCES IS AUTHORIZED TO MAKE JOB OFFERS.**

Testing Requirement

Applications will be reviewed and those who best meet the qualifications may be invited to participate in a written examination and oral board interview process. Successful top candidates will be invited to a final selection interview.

If you require reasonable accommodation during the testing process, contact the Human Resources Department.

The City of Banning is an equal opportunity employer and does not discriminate on the basis of race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sex, gender, sexual orientation, age, childbirth or related medical conditions or any other characteristic protected by Federal, State or local law in employment or the provision of services. The City of Banning complies with the requirements of the Americans with Disabilities Act with respect to hiring and any other term of employment. Prospective candidates for the position may be required to show how they perform the essential functions of the job in a safer manner. The provisions of this bulletin do not constitute an express or implied contract. Any provision contained in this bulletin may be modified or revoked without notice.

Vision Statement

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.

MINIMUM QUALIFICATIONS: Possession of a high school diploma or GED certificate; college level course work in criminology, law enforcement, social sciences, public administration or a related field is desirable. Must be 21 or older at time of application; be a U.S. citizen; possess and maintain a valid California Driver License; be willing to work evenings, nights, weekends and holidays and must not have any felony convictions.

Lateral applicants: Must be currently employed or employed within the past 12 months as a California Peace Officer with a minimum of one year of experience and possession of or eligible to possess a California POST Basic Certificate

Academy Graduates: Must be currently enrolled in or have successfully completed within the last three years, a California POST approved Basic Academy

Physical, Mental and Environmental Working Conditions: Requires prolonged sitting, standing, walking, running, jumping, reaching, twisting, turning, kneeling, bending, squatting and stooping, and the ability to lift up to 25 pounds or more in the performance of daily activities. Requires both near and far vision and the ability to distinguish colors and acute hearing. Incumbents may work outdoors in all weather conditions. Entails working in hazardous situations, which may involve abusive persons, potential physical violence and the potential of risk of exposure to chemical and biological hazards.

APPLICATION PROCESS AND BENEFITS

APPLICATIONS: Applications must be thoroughly completed. Resumes may be attached, but will not be accepted in lieu of a City application form. Applicants will be subject to a thorough background investigation, including fingerprinting and polygraph examination.

MEDICAL/PSYCHOLOGICAL REQUIREMENTS: Individuals selected for appointment will be required to undergo a psychological examination, medical examination and drug screening test. The examinations are at City expense and conducted by a physician designated by the City.

PROBATION PERIOD: Employees must serve a one year probationary period prior to obtaining regular status.

IMMIGRATION REFORM & CONTROL ACT OF 1986: All new employees must verify identity and entitlement to work in the United States by providing required documentation.

NEPOTISM POLICY: Recruitment shall be conducted consistent with the City's nepotism policy.

RETIREMENT: New employees with recent service with CalPERS pay up to 9% of the employee rate with the 2% @ 50 Plan and 3 Year Average formula. New hires with no CalPERS service as of January 1, 2013, will pay up to 12.25% of the employee rate and will be subject to the 2.7% @57 Plan, with 3 Year Average formula and a mandatory contribution of normal costs as established by the new Pension Reform Act Law. The City also participates in Social Security.

CAFETERIA PLAN: The City contributes up to a maximum of \$14,450 per fiscal year to each employee towards health insurance.

LIFE INSURANCE: The City provides a basic life insurance policy to each employee in the amount of \$50,000.

EDUCATION INCENTIVE PAY: The City pays up to an extra \$600 per month to officers who have completed various additional education levels and POST Certification.

BILINGUAL PAY: The City pays an additional 5% of the employee's salary for employees who are certified in certain languages.

UTILITY ALLOWANCE: \$150 per month towards the cost of water and electric service shall be provided to employees who reside within the City limits of the City of Banning.

UNIFORM ALLOWANCE: The City pays \$110.00 per month for uniform allowance.

HOLIDAYS/VACATION/SICK LEAVE: City employees receive ten (10) paid holidays per year. Ten (10) days annual vacation, additional vacation after five (5) years up to a maximum of twenty (20) days. Each full time employee is entitled to twelve (12) days of sick leave per year.

ATTACHMENT 2

Beaumont Police Job Description



EMPLOYMENT OPPORTUNITY

Police Officer—Academy Graduate or Lateral

Open Until Filled

City of Beaumont
550 E 6th Street
Beaumont, CA 92223

(951) 769-8520
www.ci.beaumont.ca.us

☒ Full Time ☐ Part Time ☐ Temporary ☐ FLSA Exempt ☒ Subject to MOU ☒ Benefits Available

SALARY RANGE: Step 53 (\$30.62/hour) - Step 63 (\$39.20/hour)

THE POSITION:

Under direct supervision of a Police Sergeant or designee, performs those tasks of a Police Officer within the Police Department. A Police Officer's primary responsibility is the protection of life and property through the enforcement of local, state and federal laws and ordinances. Duties include, but are not limited to, patrolling assigned areas, by vehicle or on foot, responding to service calls, making arrests, investigating traffic collisions and crimes, enforcing traffic laws, presenting evidence in court, and addressing citizen groups. Police Officers will be required to work various shifts, including weekends and holidays, and may be assigned overtime or placed on-call as required. Police Officers may direct the activities of subordinate employees as assigned by a police sergeant and do related work as required.

CORE (ESSENTIAL) DUTIES:

- Must be able to meet the physical, mental, and environmental requirements identified in this job description
- Operate a variety of communications equipment, including copy machines, telephones, fax, email, Internet and other various computer systems
- Prepare clear, concise, and comprehensive reports, forms, memorandums, correspondence, and records using correct sentence structure, grammar, and spelling
- Ensure adherence to department policies, procedures, rules and regulations
- Establish and maintain effective working relationships with city employees, the public and other city, county, state and federal agencies
- Take appropriate and immediate police action on criminal and/or personnel complaints
- Use sound professional judgment in the application of laws and ordinances to situations arising in the course and scope of employment
- Make arrests and enforce local ordinances, state and federal laws
- Review and evaluate department correspondence
- Gather and disseminate information necessary for the operation of the department
- Monitor and direct police response to situations requiring peace officer presence and personally lead the more critical situations or investigations
- Must be able to work and get along well with others

KNOWLEDGE, SKILLS, & ABILITIES:

- Current principles and practices of police training, including crime prevention, patrol, custody, criminal investigations, administrative investigations, crime analysis, media and community relations, traffic control, personnel supervision, laws, ordinances and regulations effecting law enforcement and the criminal justice system.
- Knowledge of principles and practices of employee relations including supervision, training, performance evaluation and discipline
- Knowledge of criminal and traffic laws, codes, ordinances and court decisions including rights of citizens, apprehension, arrest, search and seizure, use of force and the use and care of firearms
- Knowledge of courtroom presentation and testimony
- Deployment of field and investigative personnel

(Continued)

This recruitment is open to:

- ☒ Employees (Permanent)
- ☒ Employees (Temporary)
- ☒ Public

Selection procedures may include:

- Applicants will be screened for relevant education and experience
- Those applicants passing the initial screening process may be asked to participate in a written exam
- Those applicants passing the written exam may be required to complete a supplemental written assignment to assess the candidate's writing ability prior to participating in an oral interview
- Candidates who successfully complete the above mentioned requirements will be placed on an eligibility list. Prior to appointment, candidates will be required to pass a comprehensive background check which may include, fingerprinting through Department of Justice, a comprehensive medical examinations and pre-employment drug screening.

How to Apply:

Please submit City application along with resume and cover letter to:

City of Beaumont
Attn: Kari Mendoza
Human Resources Dept.
550 E. 6th Street,
Beaumont, CA 92223

Direct questions/inquiries to:
Kari Mendoza
951-572-3228
karim@beaumont-ca.gov

ALL POSITIONS ARE POSTED IN-HOUSE FOR THE FIRST 10 DAYS AFTER INITIAL POSTING. ONCE 10 DAYS HAS ELAPSED ALL POTENTIAL CANDIDATES ARE WELCOME TO APPLY

Police Officer *(continued)*



- Understand and demonstrate special event supervision, emergency planning, and implementation
- Analyze situations and apply departmental rules and regulations effectively, as well as common sense where no guidelines are readily available
- Communicate effectively, verbally and in writing
- Relate effectively to people of a variety of cultures, languages, disabling conditions and socioeconomic situations
- Understand and adhere to City policies, procedures, rules and regulations
- Possess effective interpersonal skills, using tact, patience and courtesy
- Perform routine multi-tasking functions
- Understand and work within the course and scope of duties, authority and responsibilities
- Ability to work with minimum supervision

EXPERIENCE, EDUCATION, AND LICENSES:

- Minimum twenty-one (21) years of age
- Must possess a high school diploma from an accredited high school or G.E.D. equivalent
- Associate of Arts degree preferred
- Must possess a Certificate of Completion from a California P.O.S.T. certified Basic Police Academy attained within the 3 years prior to submission of the application; or be enrolled in a California P.O.S.T. certified basic police academy; or be enrolled in, or have successfully completed a California P.O.S.T. certified re-certification program
- Must possess a valid California Class C Driver's License and maintain possession of such license during the course of employment
- Must have an acceptable driving record, be insurable at standard rates by City's insurance carrier, and maintain such insurability during the course of employment

ADDITIONAL REQUIREMENTS:

- Weight in proportion to height as determined by a qualified physician
- Vision 20/20 corrected and within P.O.S.T. color blindness standards
- Must maintain firearms proficiency in accordance with department standards

PHYSICAL, MENTAL, AND ENVIRONMENTAL REQUIREMENTS:

Must be found to be free from any physical, emotional or mental conditions, as determined by a qualified physician and/or psychologist, which with or without accommodation might affect the ability of the employee to perform essential job functions. A flexible work schedule may be required. The position may require prolonged sitting, standing, walking, reaching, twisting, turning, kneeling, bending, squatting, and stooping in the performance of daily office activities. Additionally, the position requires grasping, repetitive hand movement, and fine coordination in retrieving and entering data using a computer keyboard. Near and far vision is required in order to read work related documents and use the computer. Acute hearing is required when providing phone and personal service. The position requires lifting, carrying, pushing, and/or pulling objects weighing up to 100 pounds. **The position requires lifting, carrying, pushing, and/or pulling objects weighing up to 100 pounds. Incumbent must be willing to work shift work, including nights, weekends, and holidays. Must be able to work in adverse weather conditions, including extreme heat and cold. Must be able to wear the standard police uniform for prolonged periods, including a gun/utility belt and vest.**

This classification is not intended to be all-inclusive. An employee may be required to perform other reasonable duties as assigned by management. The city reserves the right, with the concurrence of the department head, to revise or change classification duties and responsibilities as the need arises and as consistent with the merit and confers process. Nothing herein is intended to constitute a written or implied contract of employment.

THE CITY OF BEAUMONT IS AN EQUAL OPPORTUNITY EMPLOYER.
WOMEN, MINORITIES, AND DISABLED INDIVIDUALS ARE ENCOURAGED TO APPLY.
THE CITY OF BEAUMONT IS A DRUG-FREE WORKPLACE.

ATTACHMENT 3

Beaumont Police Officers Association
Memorandum of Understanding, pages 1 & 10

MEMORANDUM OF UNDERSTANDING
BETWEEN
CITY OF BEAUMONT
AND
POLICE OFFICERS ASSOCIATION
(POA)

Effective January 1, 2016 thru December 31, 2017

- (a) "Classic" Member: Any employee - excluding transit employees* - hired by the City prior to January 1, 2013; or any employee previously employed by a CalPERS participating public agency, hired by that agency prior to January 1, 2013, and who becomes employed by the City with less than a six (6) month break in service; or any transit employee hired by the City prior to December 29, 2014; or any employee, regardless of hire date, who is eligible for reciprocity with another California public retirement system.
- (b) "New" Member: Any employee - excluding transit employees* - hired by the City or any other CalPERS participating public agency, on or after January 1, 2013; or any employee previously employed by a CalPERS participating public agency who becomes employed by the City after a break in service of greater than six (6) months; or any transit employee hired by the City on or after December 30, 2014; or any employee, regardless of hire date, who is ineligible for reciprocity with another California public retirement system.

* See CalPERS Circular Letter No: 200-006-15 issued on February 25, 2015 regarding PEPRA and transit employees.

1. RETIREMENT FORMULAS AND CALCULATIONS

Retirement formulas and calculations are based upon a combination of the employee's age, years of service, and annual pensionable compensation.

- (a) "Classic" Members: "3% at 50" and single highest year. No cap on annual salary that can be used to calculate final compensation.
- (b) "New" Members: "2.7% at 57" and three year average. Pensionable compensation cap on annual salary used to calculate final compensation.

2. RATES OF CONTRIBUTIONS

- (a) "Classic" Members: Effective February 1, 2016, the CITY shall pay one hundred percent (100%) of the employer's obligation and six percent (6%) of the employee's contribution, also known as Employer Paid Member Contributions (EPMC). The EPMC is currently nine percent (9%) for public safety employees. The employee shall pay the remaining three percent (3%) of the EPMC.
- (b) "Classic" Members: Effective January 1, 2017 the CITY shall pay one hundred percent (100%) of the employer's obligation and three percent (3%) of the employee's contribution, also known as Employer Paid Member Contributions (EPMC). The EPMC is currently nine percent (9%) for public safety employees. The employee shall pay the remaining three percent (6%) of the EPMC.



CITY OF BANNING CITY COUNCIL REPORT

TO: BANNING UTILITY AUTHORITY

FROM: Rochelle Clayton, Interim City Manager

PREPARED BY: Art Vela, Public Works Director/City Engineer

MEETING DATE: July 10, 2018

SUBJECT: Resolution 2018-10 UA, Adopting the 2018 Integrated Master Plan

RECOMMENDED ACTION:

That the Banning Utility Authority adopt Resolution 2018-10 UA, adopting the 2018 Integrated Master Plan.

BACKGROUND:

The City of Banning Water, Waste Water, and Recycled Water Master Plans were last updated in 2006 as separate documents. The water model was partially updated in 2015 by Carollo Engineers in a study titled Water System Storage Analysis, but this focused primarily on the anticipated demands for Rancho San Geronio and Butterfield (Atwell) specific plans and did not include the comprehensive studies and updates typical of a master plan update.

The Sewer Master Plan was prepared in 1994 by NBS Lowry and updated in 2006 by Carollo Engineers. No updates have been completed for the Sewer Master Plan since 2006.

The Recycled Water Master Plan was last updated in 2006 by Carollo Engineers and was based on the initial work by CM Engineering Associates who completed a report titled Irrigation Water Project Feasibility Study in 1991.

Because of the relationships between water demands and sewer flows; between sewer flows and the availability of recycled water; and between the use of recycled water and the corresponding decrease in potable water demand, the Public Works Department

realized the need for the development of an Integrated Master Plan (IMP) to provide a roadmap to meet existing, near term and long term demands.

In September of 2016 the Public Works Department issued a Request for Proposals (RFP) for the development of an IMP for the water, wastewater and recycled water systems. In December 2016, Carollo Engineers, Inc. was awarded the contract to prepare the City's IMP with the goal of having one plan that would coordinate the CIP for the three interrelated systems; water, wastewater and recycled water.

The primary goals of the IMP included:

- Update the hydraulic models for the three systems.
- Identify the existing, near-term (year 2025), long-term (year 2040), and build-out potable water demands, wastewater flows, and recycled water demands.
- Define planning and evaluation criteria for the City's potable water, wastewater, and recycled water systems.
- Determine where deficiencies exist in the City's potable water and wastewater systems under existing, long-term (year 2040), and build-out conditions.
- Identify necessary recycled water system facilities to serve the City's potential recycled water customers.
- Prepare an integrated CIP with phasing of recommended improvements and an integrated phasing plan.

The Final IMP can be downloaded from the City's website at: <http://ci.banning.ca.us/22/WaterWastewater>. A hardcopy of the Plan is also available for public review at the counter of the Department of Public Works.

JUSTIFICATION:

The City's water, wastewater and recycled water master plans are key planning tools that are relied on by the Public Works Department in order to program capital improvements to mitigate current deficiencies for existing customers and to identify improvements required to provide adequate service for future development. The City's existing water, wastewater and recycled water master plans are considered outdated due to changes in demands, conservation, regulations and land uses.

The IMP will allow the Public Works Department to identify what and when specific improvements are needed to meet the demands of future development. The IMP includes a CIP that will be utilized in the preparation of future water rate studies and development impact fee studies.

FISCAL IMPACT:

Not applicable.

ENVIRONMENTAL REVIEW:

In accordance with the Guidelines for California Environmental Quality Act (CEQA), Article 19, Section 15306, preparing the IMP is Categorically Exempt since it consists of basic data collection, research, and resource evaluation activities that do not result in a serious or major disturbance to an environmental resource.

Individual infrastructure projects will be required to independently comply with the requirements of CEQA.

ALTERNATIVE:

Reject Resolution 2018-10 UA and provide direction to staff.

ATTACHMENTS:

1. Resolution 2018-10 UA
2. Selected sections from IMP

Approved by:



Rochelle Clayton
Interim City Manager

ATTACHMENT 1

Resolution 2018-10UA

RESOLUTION NO. 2018-10 UA

A RESOLUTION OF THE BANNING UTILITY AUTHORITY OF THE CITY OF BANNING, CALIFORNIA, ADOPTING THE 2018 INTEGRATED MASTER PLAN

WHEREAS, the City of Banning's existing water, wastewater and recycled water master plans are considered outdated; and

WHEREAS, the City of Banning contracted with Carollo Engineers, Inc. to develop a comprehensive Integrated Master Plan (IMP) for the water, wastewater and recycled water systems; and

WHEREAS, adoption of the IMP will allow for the coordination of Capital Improvement Programs for the three interrelated systems; water, wastewater and recycled water; and

WHEREAS, the IMP identifies existing, near-term (year 2025), long-term (year 2040), and build-out water demands, wastewater flows and recycled water demands; and

WHEREAS, the IMP recommends a Capital Improvement Plan for the potable water, wastewater and recycled water systems; and

WHEREAS, the Capital Improvement Plan prioritizes infrastructure upgrades, expansions and construction for the three systems; and

WHEREAS, implementation of the IMP will allow for the City to provide the highest level of service to the community.

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

SECTION 1. The 2018 Integrated Management Plan is hereby adopted and ordered filed with the City Clerk.

PASSED, APPROVED AND ADOPTED this 10th day of July, 2018.

George Moyer, Mayor
City of Banning

ATTEST:

Sonja De La Fuente, Deputy City Clerk
City of Banning

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

Kevin G. Ennis, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Sonja De La Fuente, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2018-10 UA, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 10th day of July, 2018, by the following vote, to wit:

AYES: Council Members Andrade, Franklin, Peterson, Welch and Mayor Moyer

NOES: None

ABSTAIN: None

ABSENT: None

Sonja De La Fuente, Deputy City Clerk
City of Banning, California

ATTACHMENT 2

Selected Sections from IMP

The Final IMP can be downloaded from the City's website at:

<http://ci.banning.ca.us/22/WaterWastewater>.

A hardcopy of the Plan is also available for public review at the counter of the Department of Public Works.



2018

Integrated Master Plan

FINAL REPORT

March 2018

 **carollo**
Engineers...Working Wonders With Water™



City of Banning

INTEGRATED MASTER PLAN

FINAL | March 2018



Executive Summary

The City of Banning (City) has retained Carollo Engineers, Inc. (Carollo) to prepare this Integrated Master Plan (IMP). This IMP evaluates the performance and condition of the City's potable water, wastewater, and recycled water systems under existing and future conditions through year 2040. This chapter presents the purpose, objectives, and background of this IMP. A list of references used to prepare this IMP is provided in Appendix A.

Introduction

The objective of this Integrated Master Plan (IMP) is to develop a capital improvement plan (CIP) that guides the City of Banning (City) in the planning and development of water, wastewater, and recycled water system facilities required to meet system performance criteria for existing customers, as well as to support anticipated growth through the year 2040.

Some of the key goals of this IMP are:

- Identify the existing, near-term (year 2025), long-term (year 2040), and build-out potable water demands, wastewater flows, and recycled water demands.
- Define planning and evaluation criteria for the City's potable water, wastewater, and recycled water systems.
- Determine where deficiencies exist in the City's potable water and wastewater systems under existing, long-term (year 2040), and build-out conditions.
- Identify necessary recycled water system facilities to serve the City's potential recycled water customers.
- Prepare an integrated CIP with phasing of recommended improvements and an integrated phasing plan.

Study Area

The City is located in northern Riverside County in Southern California, approximately 25 miles east of downtown Riverside and 85 miles from downtown Los Angeles. The City encompasses 23.2 square miles astride Interstate 10 in the San Geronio Pass and is bounded by the City of Beaumont on the west, the Morongo Band of Mission Indians in the east, the San Bernardino Mountains to the north, and the San Jacinto Mountains to the south. The study areas of each system indicate the areas that are being served and differ for each system.

The total potable water study area includes the City boundary and approximately 2.4 square miles outside of the City boundary as shown on Figure ES.1.

The City's wastewater study area consists of three basic boundaries identified in the General Plan, which include the City limits, the Sphere of Influence (SOI), and Planning Area (PA) as shown on Figure ES.2. The total area of the wastewater study area is approximately 36.8 square miles.

The recycled water study area for this IMP coincides with the wastewater service area, which includes the City limits, SOI, and Planning Area shown on Figure ES.2. This study area may change as the system develops.

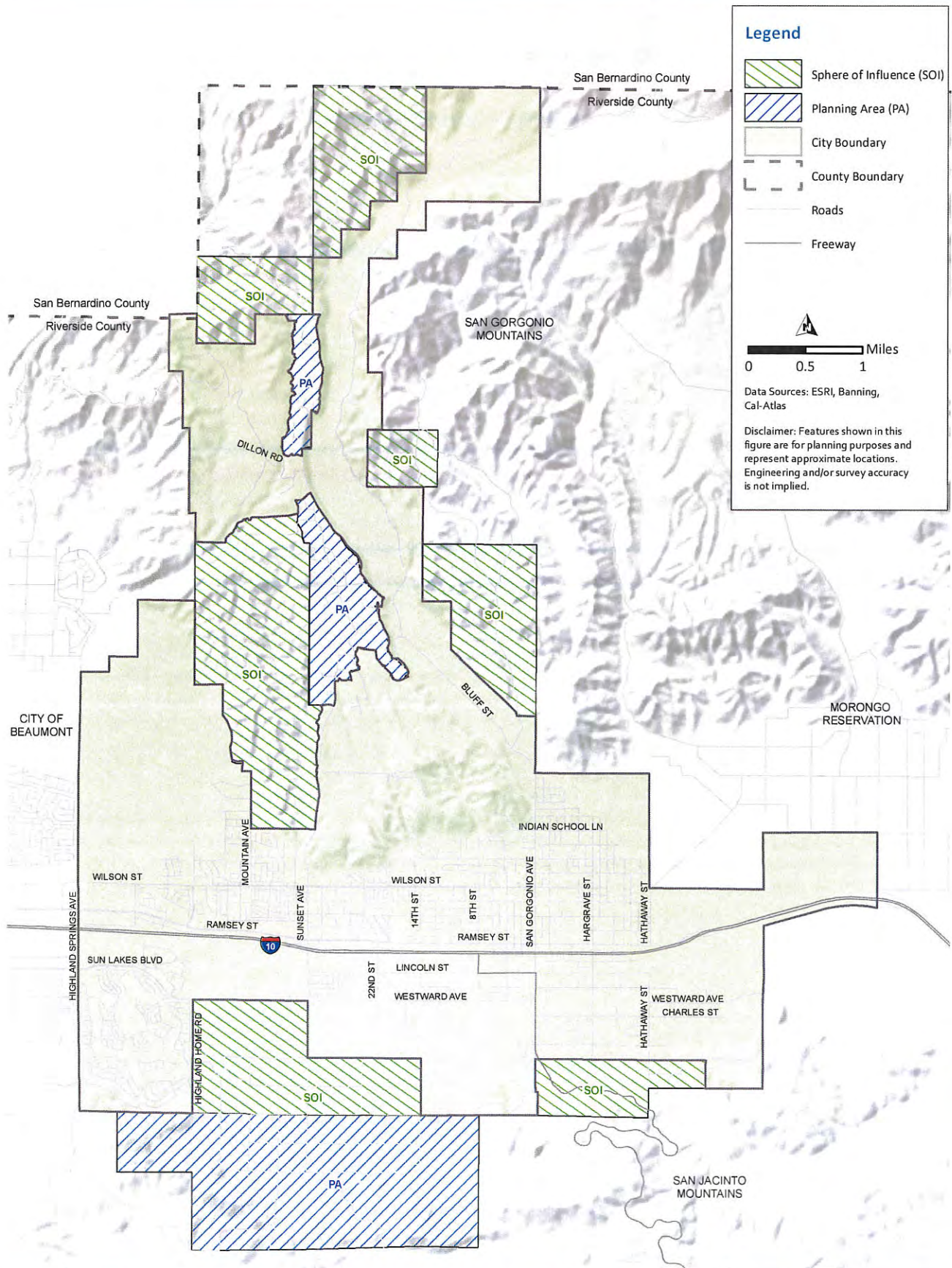


Figure ES.2 Wastewater and Recycled Water Study Area

Land Use

The City's existing land use is based on the City's General Plan, which was most recently updated in 2016. As part of this IMP, City staff provided a list of known future developments and identified each as near-term (likely to be constructed by 2025) and long-term (anticipated to be constructed between 2025 and 2040). Of the 15 known developments, 2 were identified as near-term and 7 were identified as long-term.

Population

As of 2016, the total existing population within the City's boundaries was estimated at 30,834 people. Since the water and wastewater service areas extend beyond the City boundaries, the estimated population in year 2016 was 30,834 for the water service area and 29,607 for the wastewater service area.

The City's 2015 Urban Water Management Plan (UWMP) summarizes the City's service area population projection with and without two master planned communities (Butterfield and Rancho San Gorgonio). The population projections for each service area are summarized in Table ES.1 and Table ES.2.

Table ES.1 Water Service Area Population Projections

Year	Population Without Master Planned Communities ¹	Master Planned Communities Estimated Population ²	Total Water Service Area Population
2020	31,913	3,042	34,955
2025	33,335	7,965	41,300
2030	34,757	16,177	50,934
2035	36,179	20,168	56,347
2040	37,700	23,288	60,988

Notes:

- (1) City's water service area population data without master planned communities retrieved from City's 2015 UWMP.
- (2) RSG population retrieved from Water Supply Assessment (WSA). Butterfield population calculated based on number of dwelling units and the 2015 UWMP assumption of 3.12 persons per connection.

Table ES.2 Wastewater Service Area Population Projections

Year	Population Without Master Planned Communities ¹	Master Planned Communities Estimated Population ²	Total Wastewater Service Area Population
2020	30,812	3,042	33,854
2025	32,185	7,965	40,150
2030	33,558	16,177	49,735
2035	34,931	20,168	55,099
2040	36,399	23,288	59,687

Notes:

- (1) Wastewater service area population calculated using Census Block data and removing parcels on septic systems.
- (2) RSG population retrieved from Water Supply Assessment (WSA). Butterfield population calculated based on number of dwelling units and the 2015 UWMP assumption of 3.12 persons per connection.

For the purpose of this IMP, the service area population is assumed to include the two master planned communities.

Water Demands and Flow Forecasts

Potable Water Demands

The City's potable water supply is primarily served by groundwater from five basins: Beaumont Basin, Banning Basin, Cabazon Storage Unit, Banning Bench Storage Unit, and Banning Water Canyon Basin. The average annual water supply between 2012 and 2014 was 8,595 afy, which equates to an average day demand (ADD) of 7.7 mgd. The average maximum month demand (MMD) for this same time period was 10.1 mgd, while the maximum day demand (MDD) was calculated to be approximately 13.3 mgd. An MDD peaking factor of 1.7 was used in this IMP.

Based on a review of the available data for the City, it was determined that the most accurate demand forecasting method is a combination of a population- and land-use-based demand forecasting method. Population-based demand forecasting utilized a calculated per-capita water use and was obtained from the City's 2015 UWMP (see Section 3.1.2.1). Land-use-based demand forecasting utilizes calculated water demand factors (see Section 3.1.2.2). The water demand factors estimate the amount of water usage per area for a certain land-use type and are typically expressed in gallons per day per acre (gpd/ac).

Future demands were estimated and grouped into three categories; 1) existing customers, 2) known developments, and 3) infill development. The forecasted water demands are summarized in Table ES.3.

Table ES.3 Water Demand Projections

Year	Existing Demand ⁽¹⁾ (afy)	Near-term (2025) Demand (afy)	Long-term (2040) Demand (afy)	Build-out Demand (afy)
Existing (including Potable Water Offset) ⁽¹⁾	5,302	5,262	5,262	5,262
Near-term Known Developments	0	784	784	784
Long-term Known Developments	0	0	1,581	1,581
Build-out Known Developments	0	0	0	1,409
Infill	0	972	823	3,303
Total⁽²⁾	5,302	7,018	8,450	12,339

Notes:

(1) Existing is represented as the average of years 2012 through 2014. Future demand decreases due to conversion of potable water customers to recycled water for irrigation.

(2) Retrieved from 2015 UWMP. Demand includes projected deliveries and losses.

As shown in Table ES.3, the City's future water demands are expected to increase from approximately 5,302 afy to 7,018 by the year 2025, and to 8,450 afy by the year 2040. The majority of this increase in water demands within the planning horizon is attributed to new planned developments.

Wastewater Flows

Based on historical records, the average annual flow at the City's wastewater treatment plant (WWTP) was estimated to be roughly 2.02 mgd for years 2011 through 2016. The existing average dry weather flow (ADWF) is approximately 2.08 mgd for years 2011 through 2016. The City's 5-year average per capita wastewater generation was estimated at 73 gallons per capita per day (gpcd).

Wastewater flow projections were developed using a land use based methodology. Wastewater flow factors (WWFF) were developed to correlate land use and sewer generation. Projected wastewater flows are presented by phase in Table ES.4

Table ES.4 Flow Projections

Flow Condition	ADWF (mgd)	PWWF (mgd)	PWWF Peaking Factor
Existing	2.01	13.8	6.87
Near Term (2025)	2.80	15.2	5.43
Long Term (2040)	4.29	17.5	4.08
Buildout	6.35	22.2	3.50

Notes:

(1) ADWF = Average Dry Weather Flow.

(2) PWWF = Peak Wet Weather Flow and is based on 1-hour interval.

As shown in Table ES.4, the City's ADWF is projected to increase to 2.8 mgd by year 2020 and to 4.29 mgd by year 2040.

In addition to the ADWF, a design storm was selected to predict peak wet-weather flow (PWWF) conditions. Peak wet-weather flow (PWWF) is the highest observed flow that occurs following a design storm event. Wet-weather I/I cause flows in the collection system to increase. PWWF is typically used for designing sewers and lift stations. Therefore, the PWWF and the "Design Flow" are synonymous and will be used interchangeably throughout this report.

This IMP utilizes the 10-year, 24-hour design storm rainfall pattern for generating the peak wet-weather flow. This design storm has a total rainfall of 4.46 inches in a 24-hour period with a peak intensity of 0.77 inches per hour and a total.

Recycled Water Demand

The City currently serves one customer (Sun Lakes Development Golf Course) with non-potable water from Well M7 and Well M12. Based on average production data for years 2012 through 2014, the average annual demand for Sun Lakes Development Golf Course is 850 afy (or 0.8 mgd). Aside from this customer, the City does not have any other recycled water or non-potable demands.

Future recycled water demand projections were retrieved from the 2006 Recycled Water Master Plan (RWMP). Based on an evaluation of the customer locations and estimated recycled water demand, City staff decided to keep the recycled water system south of the Interstate 10. A list of the potential recycled water customers and estimated demands are summarized in Table ES.5. As shown in Table ES.5, the total projected annual recycled water demand is approximately 2,530 afy.

Table ES.5 Potential Recycled Water Customers and Demands

Customer Name	Annual Demand (afy)	MDD (mgd)	PHD (mgd)
Existing City Customers			
Sun Lakes Development	850	2.1	2.1
Banning High School	175	1.3	1.3
Dysart Park	87	0.7	0.7
Lions Park	79	0.6	0.6
Future Customers/Developments			
Butterfield Development	864	2.2	6.5
Rancho San Gorgonio Development	217	0.5	1.6
Five Bridges Development	223	0.6	1.7
Neighborhood Park	35	0.1	0.3
Total	2,530	8.1	14.8

Notes:

- (1) Source: 2006 Recycled Water Master Plan (Carollo, 2006) unless noted otherwise.
- (2) Demands based on 2016 billing data.
- (3) Butterfield and Rancho San Gorgonio demands estimated by respective developers.

Hydraulic Modeling

Three separate hydraulic models were utilized for the analysis of the potable water, wastewater collection, and recycled water systems. A summary of the hydraulic models updates is provided below. Additional details regarding the water and recycled water model updates, as well as the wastewater collection model development and calibration, are provided in Chapter 4 of the IMP.

The City's potable water hydraulic model was developed in H₂OMap® Water in 2002 by MWH. Carollo Engineers, Inc. (Carollo) updated the H₂OMap® Water model for the 2015 Review of Ranch San Gorgonio Study, the 2015 Water System Storage Analysis, and the 2016 Chromium 6 Well Study. As part of the model update for this IMP, the potable water model was converted to the Infowater® Version 12.3 Update #6. The hydraulic model was rebuilt using the City's Geographic Information Systems (GIS) Data since the City's GIS data was digitized according to as-built documents and City staff input. City staff provided details on the operation set points of facilities. Demands were allocated based on geocoding parcel demand data. The model updates included the geospatial allocation of demands, creation of demand sets for existing, 2025, and 2040 demand conditions, inputting diurnal patterns, updating pipeline network. In addition facility input was added for pump stations, wells, and reservoirs. The updated model was then calibrated using pressure logger and fire flow testing data collected in the field as part of this IMP. The updated calibrated model was used for the potable water system analysis presented in this IMP.

The City's wastewater collection system hydraulic model was previously developed in H₂OMap® Sewer. The hydraulic model was converted to InfoSWMM®. Using the converted hydraulic model as a basis, the hydraulic model network was updated using the City's GIS. The model updates included the geospatial allocation of wastewater flows, creation of wastewater flow sets for existing, 2025, and 2040 demand conditions, inputting diurnal patterns; updating pipeline network. In addition, facility input was added for all lift stations and diversion structures. The

updated model was then calibrated for dry- and wet-weather conditions using flow-monitoring data collected as part of this IMP. The updated calibrated model was used for the wastewater collection system analysis presented in this IMP.

The City's recycled water hydraulic model was developed in H₂OMap® Water in 2006 by Carollo. Since the City did not have an existing system at the time, the model was developed based on the different scenarios and alternatives evaluated at that time. The model was converted to InfoWater® Version 12.3 Update #6. The model updates included an update of demands, creation of demand sets for existing, 2025, and 2040 demand conditions, inputting diurnal patterns, updating the pipeline network based on the decision to have the system south of the I-10, and adding new non-potable wells. In addition facility input was added for pump stations. Since the City does not have an existing system, the model was not calibrated as part of this IMP.

Potable Water System Evaluation

Existing Potable Water System

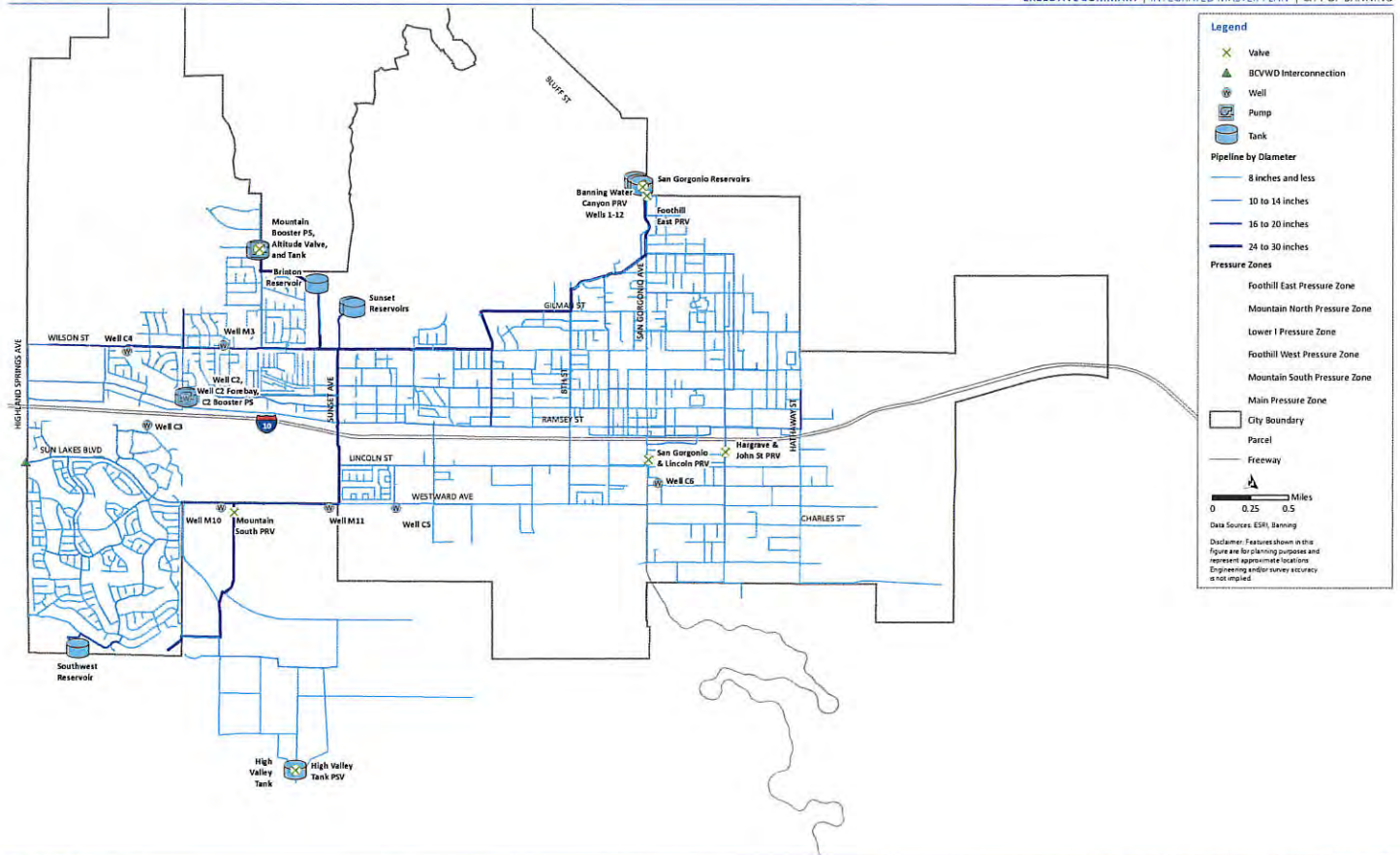
The City potable water is primarily supplied from groundwater wells with a total capacity of 14,950 gpm. However, three (3) of these wells (Well M7, M12, 24) are currently non-potable wells, resulting in a total potable water capacity of 11,500 gpm. In the future, these non-potable wells may be converted for potable use. In addition, the City purchases imported water from the San Geronio Pass Water Agency to recharge to the Beaumont Basin at Beaumont Cherry Valley Water District's (BCVWD) Noble Creek spreading facility. Based on the City's 2015 UWMP, the City recharged approximately 694 afy in year 2015. Although the City purchases imported water, the imported water supply connection is only used for recharge.

The potable water distribution system consists of 165 miles of pipeline and includes 19 groundwater wells, 8 storage reservoirs, 2 booster pumping stations, 5 pressure reducing valve stations, and 6 pressure zones. The City's existing water distribution system is depicted on Figure ES.3.

Supply Analysis

Currently, 100 percent of the City's potable water system is supplied by groundwater from the wells, which can supply up to 11,500 gpm. In addition, the City has an interconnection with BCVWD with an estimated supply of 1,000 gpm. As part of this IMP, a supply analysis was performed under two different scenarios: largest supply out of service and extreme drought conditions.

Foothill East and Foothill West are the only pressure zones with excess supply under both scenarios. While the other pressure zones are deficient, all of the deficiencies can be resolved from using existing PRVs to convey the excess water in Foothill East and Foothill West to the lower zones. No recommendations were made for existing conditions. New wells are recommended for future conditions. The findings and recommendations of the analyses is described in detail in Chapter 6.



Distribution System Evaluation

The water distribution system was evaluated using the hydraulic model based on the criteria described in Chapter 5 to determine system deficiencies and identify improvement projects to address these deficiencies. The distribution system evaluation included system pressures, pipeline velocity, fire flow, storage, and pump station capacity analyses under the existing, 2025, and 2040 demand conditions. The findings and recommendations of these analyses are described in detail in Chapter 6.

Water System Rehabilitation

A condition assessment was performed on June 7, 2017 by the Carollo assessment team for eight well sites, five reservoir sites, and two PRV stations that were identified by City staff as the most critical facilities of the potable water system. Projects were identified for the near-term (year 2025) and the long-term (year 2040). A summary of the recommended CIP projects listed in order of priority for the potable water facilities is provided in Chapter 6. In addition, the City's age-based pipeline replacement analysis was reviewed and included in Chapter 6.

Other Improvements

Other miscellaneous improvement projects have been recommended to optimize the operation of the City's potable water system or provide reliability.

Water System Recommendations

In summary, the following major water system improvement projects are recommended and included in the CIP for the planning horizon of this IMP:

- **Supply Improvements:**
 - New Well C8 and Well C9, which feed the Main Zone and the Proposed Upper Main Zone.
 - The conversion of Well M7 and Well M12 from non-potable to potable.
 - VFDs at Well C6 and existing Well C8.
 - Approximately 0.4 miles of 12-inch diameter transmission mains.
- **Capacity and Reliability Improvements:**
 - The replacement of seven (7) existing PRVs to rezone the Main Zone to the Upper and Lower Main Zones.
 - Twenty-three (23) fire flow projects ranging from 8- to 12-inches in diameter and a total length of 30,000 feet (5.7 miles). This includes a PRV and check valve.
 - Five (5) new reservoirs with a combined capacity of 11.5 MG, which include Main Reservoir 1, Foothill West Reservoir 1, Mountain North Reservoir 1, Upper Main Reservoir 2, and Zone 1A Reservoir (or Upper Butterfield Reservoir).
 - Four (4) pump station projects with a combined capacity of 460 hp, which includes the Mountain Booster PS Upgrade, Foothill West PS, Mountain 2PS, and Zone 1A PS (or Upper Butterfield PS).
 - Approximately 6.0 miles of transmission main ranging in diameter from 12- to 24-inches.
- **Repair and Rehabilitation Improvements:**
 - A total of 69.1 miles of pipeline replacement due to estimated useful life.

- Site Improvements at five (5) reservoir sites, two (2) PRV stations, and eight (8) well sites.
- Multi-Site Rehabilitation Projects.
- **Other Projects** (See Chapter 6).

The proposed potable water system improvement projects are depicted on Figure ES.4 and the capital costs are discussed in Section ES.13 .

Build-out Water System Recommendations

In addition to improvements within the planning horizon of this IMP, the following major water system improvement projects are recommended and included in the CIP based on preliminary analyses for build-out conditions:

- **Supply Improvements:**
 - Three (3) new wells, which include Well C10, Well C11, and Well C12.
 - Approximately 0.6 miles of 12-inch diameter transmission mains.
- **Capacity and Reliability Improvements:**
 - Four (4) new reservoirs with a combined capacity of 13.5 MG, which includes Foothill West Reservoir 2, Upper Main Reservoir 3, Black Bench Reservoir 1, and Loma Linda Reservoir 1.
 - Two (2) pump station projects with a combined capacity of 160 hp, which includes the Loma Linda PS and Black Bench PS.
 - Approximately 3.8 miles of 18-inch diameter transmission main.

Wastewater Collection System Evaluation

Existing Wastewater Collection System

The City's wastewater collection system consists of approximately 112 miles of gravity sewer mains, and four lift stations that collect and convey wastewater to the City's wastewater treatment plant (WWTP). Sewer pipelines range in diameter from 4-inches to 30-inches, with 8-inch diameter pipelines accounting for 78 percent of the city's gravity sewer. A vast majority of the pipelines are vitrified Clay pipe (74 percent). A majority of the collection system pipelines with age related information were installed between 1980 and 2000. The City's existing wastewater collection system is depicted on Figure ES.5.

The City's wastewater collection system drains primarily from west to east. The average annual flow of wastewater in the previous five years is approximately 2.02 mgd.

Existing Wastewater Treatment Facility

All wastewater flows collected within the City's service area are currently treated at one facility, the Banning WWTP. The WWTP is designed to treat wastewater to secondary standards and consists of the following processes: headworks, screening, grit removal, two primary clarifiers, two trickling filters, and two secondary clarifiers. The plant currently discharges the effluent to percolation ponds.

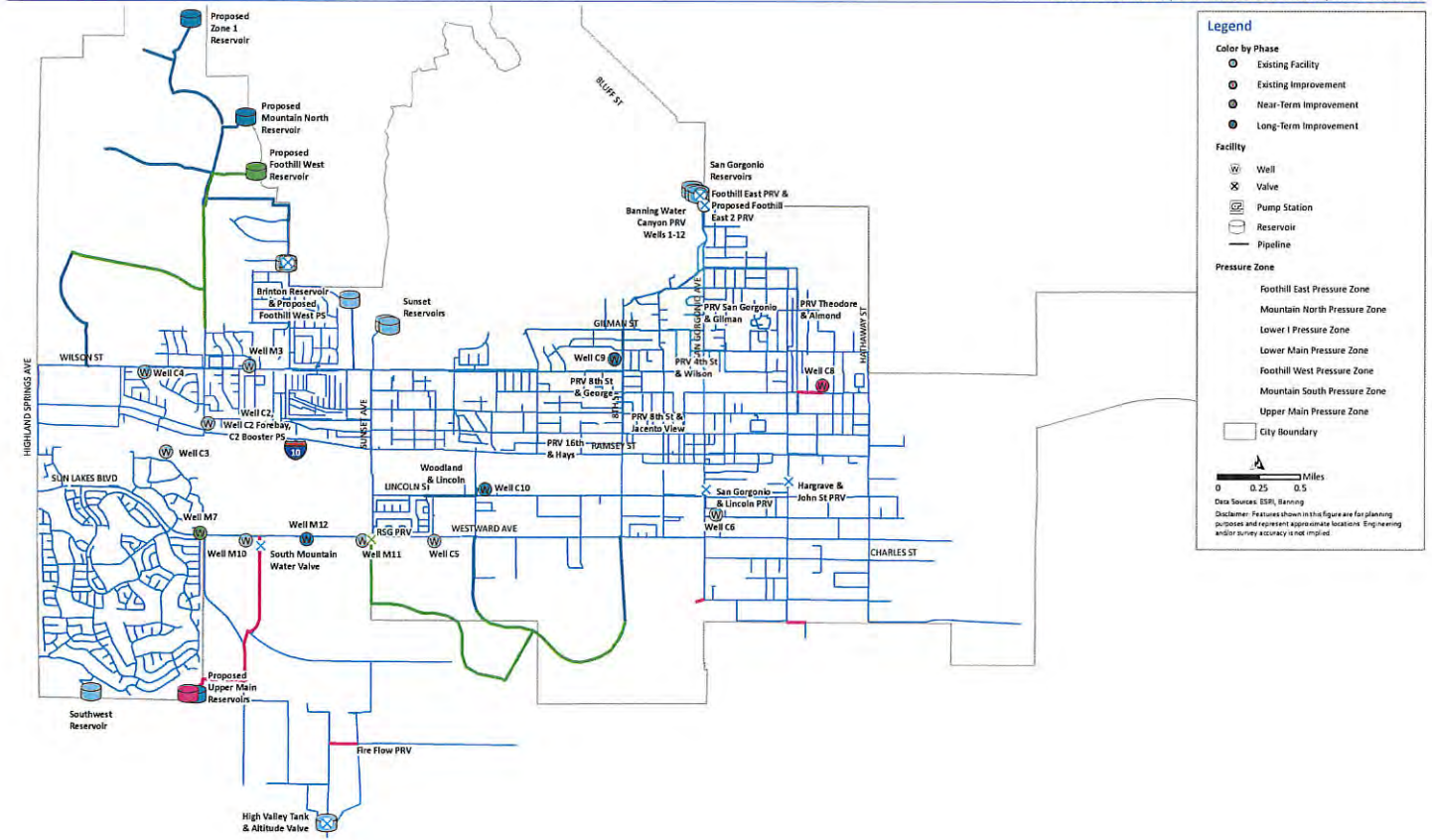
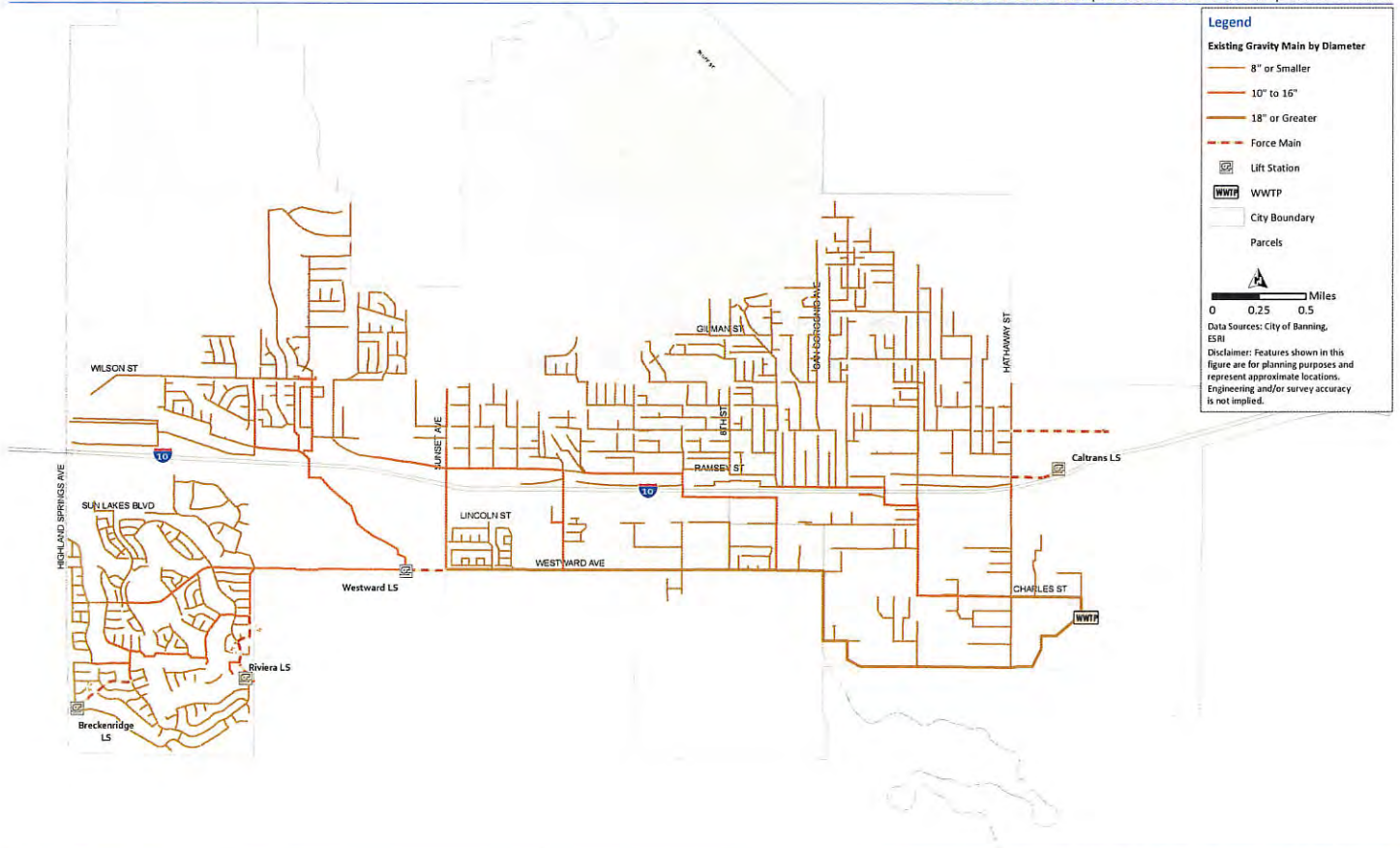


Figure ES.4 Proposed Water System Improvements



Wastewater Collection System Evaluation

For the existing sewer collection system, the peak wet weather flow (PWWF) was routed through the hydraulic model. In accordance with the established flow depth criteria for existing sewers, pipelines with a maximum flow depth to pipe diameter (d/D) ratio greater than 0.92 were identified as capacity deficient. Under existing conditions, the analysis showed that there are seven (7) gravity main alignments and one sewer lift station that require upsizing to address capacity deficiencies under PWWF conditions.

The analysis of the future system was performed in a manner similar to the existing system analysis. As part of the future system analysis, the planning years 2025 and 2040 were evaluated. In addition, a preliminary analysis was performed to identify improvements under Build-Out PWWF conditions. Therefore, the term future is a general reference to planning years 2025, 2040, and Build-Out. The future analysis identified two (2) capacity deficiencies under 2040 conditions and four (4) capacity deficiencies under Build-Out conditions. The future analysis also evaluated preliminary alignments for new development. A total of nine (9) growth related projects were identified under near term and long, while thirteen (13) growth related projects were identified under Build-Out.

Wastewater System Condition Assessment

A condition assessment was completed for two lift stations as part of the IMP. The condition assessment was conducted on June 7, 2017. The assessment consisted of visual inspection of mechanical, structural, and electrical equipment. The two lift stations evaluated in the condition assessment included the Caltrans Lift Station and the Westward Lift Station.

Satellite Treatment Plant for Pardee Development

As an alternative to the City's WWTP receiving all the wastewater within the projected service area, this IMP evaluated the potential use of a satellite facility to treat Butterfield's wastewater. The Butterfield Satellite Plant (Satellite Plant) would be located near the intersection of Highland Home Road and Wilson Street. The Satellite Plant was evaluated under future and Build-Out conditions.

Wastewater System Recommendations

In summary, the following major wastewater system improvement projects are recommended and included in the CIP:

- **Capacity Improvements:**
 - Sixteen (16) gravity main projects ranging in diameter from 8 to 30 inches with a total length of 40,500 feet (or 7.6 miles).
 - An interim upgrade to the Westward Lift Station, which includes an increase in capacity of 4.4 mgd and a force main upgrade with a pipeline diameter of 12-inches and length of 1,500 feet (or 0.28 miles).
 - Two (2) lift stations projects with a total capacity of 2.52 mgd, which include the Distribution Center Lift Station and the Business Park Lift Station. One (1) force main project with a pipeline diameter of 8-inches a total length of 4,000 feet (or 0.78 miles) as well as a bypass pipeline project is required for these new lift stations.

- **Repair and Rehabilitation Improvements:**
 - Annual sewer replacements.
 - Caltrans Lift Station and Westward Lift Station site improvements.
- **Treatment Plant Related Improvements:**
 - Five (5) treatment plant improvement projects, which include digester cleaning, heat exchanger repairs, boiler gas control valves, digester gas pipeline, and WWP upgrade to tertiary treatment.
- **Other Projects:**
 - Lift Station Telemetry
 - Septic Removal

The proposed sewer system improvement projects are depicted on Figure ES.6 and the capital costs are discussed in Section ES.13.

Build-out Wastewater Collection System Recommendations

In addition to improvements within the planning horizon of this IMP, the following major wastewater collection system improvement projects are recommended and included in the CIP based on preliminary analyses for build-out conditions:

- Thirteen (13) gravity main projects ranging in diameter from 8 to 24 inches with a total length of 89,500 feet (or 17.0 miles).
- Three (3) lift station projects with a total capacity of 0.90 mgd, which include Porter Street Lift Station, Roadrunner Trail Lift Station, and Bluff Street Lift Station. In addition, three (3) 6-inch diameter force main projects with a total length of 6,500 feet (or 1.2 miles).

Satellite Treatment Plant Alternative Recommendations

As part of this IMP, an alternative was evaluated with a satellite treatment plant at the Butterfield development to serve recycled water. With the addition of the Satellite Treatment Plant, the following recommendations will be required:

- Three (3) projects within the gravity system improvements may be altered in diameter and/or length, which includes the Butterfield Offsite Trunk, Porter Street Trunk, and South WWETP Trunk Parallel.

Recycled Water System Evaluation

Existing Recycled Water System

The City has constructed approximately 2.2 miles of 24-inch diameter pipeline and has begun constructing an additional 3.4 miles of pipeline to connect to the wastewater treatment plant (WWTP). The City's existing recycled water system and planned pipelines are shown on Figure ES.7.

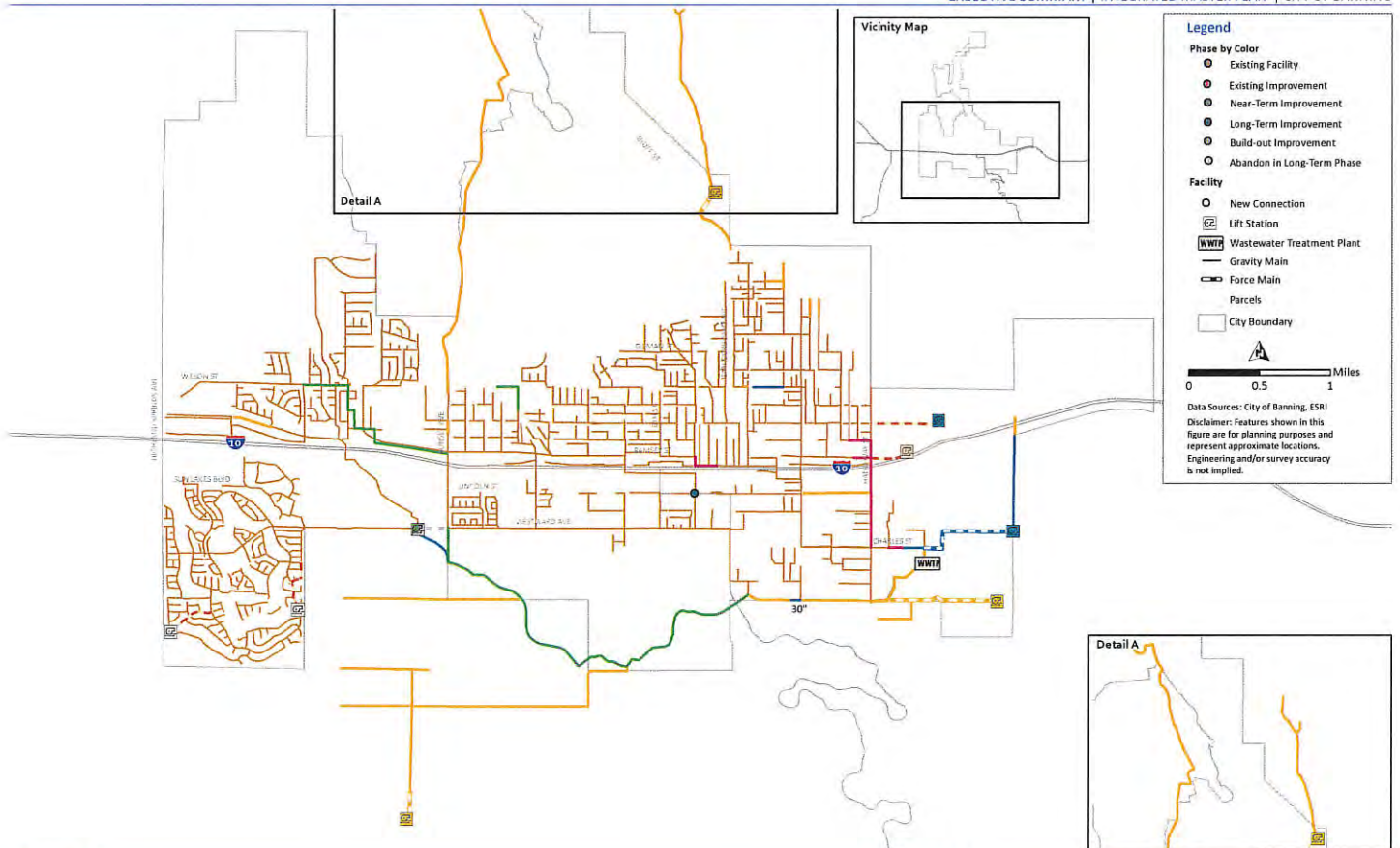


Figure ES.6 Proposed Wastewater System Improvements without Satellite Plant

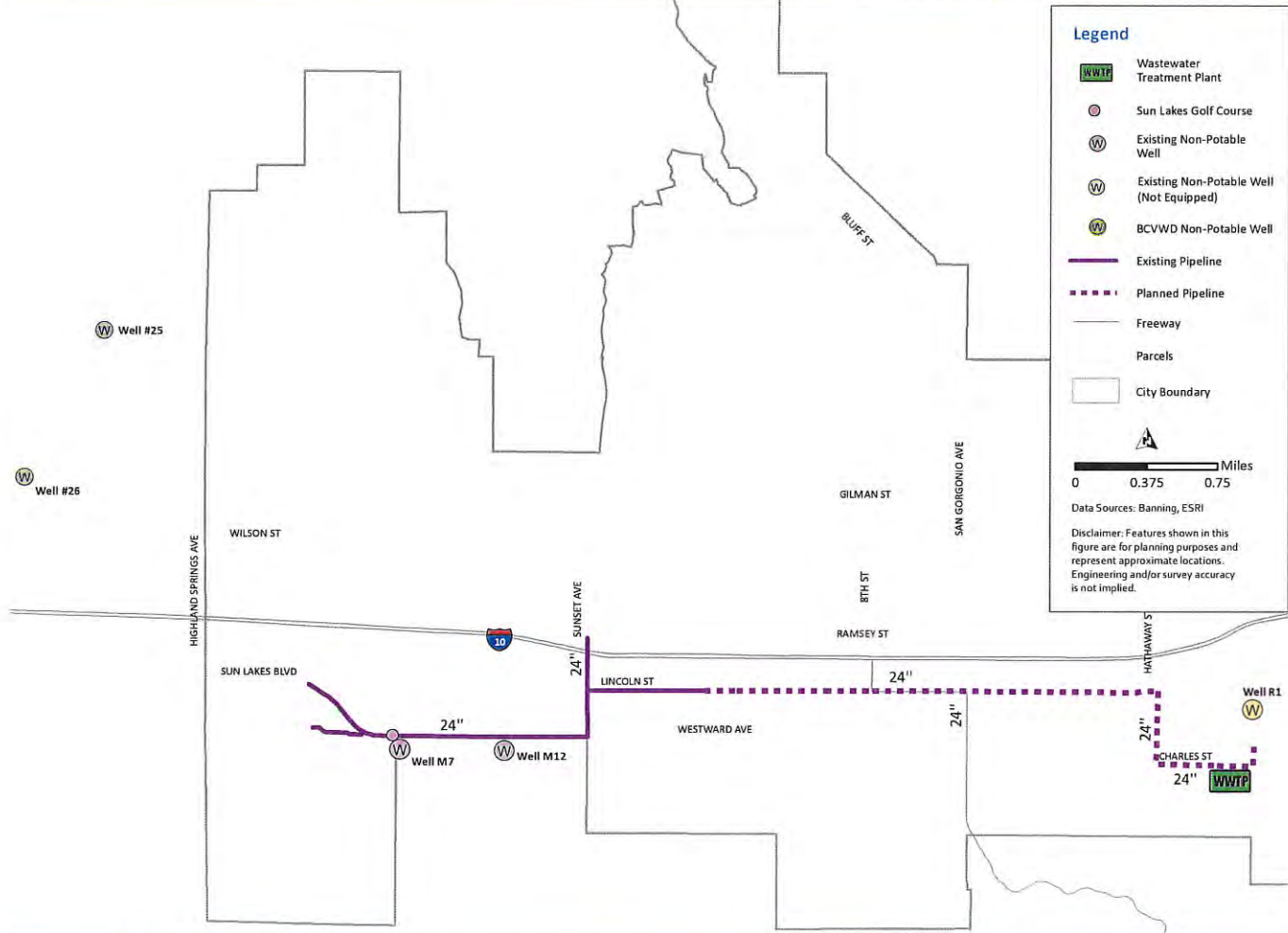


Figure ES.7 Existing Recycled Water System

Recycled Water System Evaluation

For the future system evaluation, the hydraulic model was used to develop potential system expansion alternatives that maximize the usage of recycled water within the City's service area, while meeting the evaluation criteria discussed in Chapter 5. A total of 6 alternatives were evaluated with a combination of non-potable reuse (NPR) and indirect potable reuse (IPR). The hydraulic model was used to size pipelines and cost estimates were developed for each segment. The analysis shows that the estimated cost for each alternative ranges from \$717 per acre-foot to \$1,300 per acre-foot. Based on the City's objective to maximize the use of recycled water and improve local supply reliability, a hybrid alternative with both NPR and IPR are recommended and included in the CIP. The recommended alternative (Alternative 5) includes NPR and recharge to two potential basins: WWTP and Five Bridges Basin. The implementation of this alternative is proposed in the following phases:

- Phase 1: The NPR system would be constructed, starting with equipping Well R-1 and connecting Well R-1 to Lions Park and Banning High School.
- Phase 2: The backbone pipeline can be extended to the RSG development. The WWTP expansion is to be completed and the WWTP recycled water pump is constructed.
- Phase 3: The backbone pipeline can be extended to connect to the existing pipelines in Lincoln Street and connect Dysart Park to the main recycled water system.
- Phase 4: The City can begin the construction of the pipelines to the recharge basins for IPR use.

The proposed recycled water system projects are depicted on Figure ES.8 and the capital costs are discussed in Section ES.13 .

Satellite Treatment Plan Recommendation

As part of this IMP, a potential satellite treatment plant at the Butterfield development was analyzed. The flows at the Butterfield Development are not sufficient to meet recycled water demands and will need to be supplemented with additional flows from nearby neighborhoods or potable water. A satellite plant would also add a second treatment plant for City staff to operate and maintain, which increases operational cost and requires additional staff. Thus, it is not recommended to build a satellite plant at the Butterfield Development. Alternative supply sources to serve Butterfield with non-potable water are discussed in Chapter 8.

Capital Improvement Plan

The Capital Improvement Plan (CIP) is the foundation of the City's long-range capital investment and financial planning. The CIP establishes a specific list of projects to be completed for capital replacements and improvements. Looking ahead through the CIP provides an opportunity to prioritize capital expenditures, manage cash flows, project reserve balances, and establish future revenue requirements that ultimately determine rates, fees, and charges necessary to maintain the facilities for potable water, wastewater, and recycled water systems.

It should be noted that the current water rates will make it difficult to fund the projects within the near-term planning period as discussed in Chapter 9. Therefore, the CIP will need to be revised periodically to push projects out to later years. Other select projects may also be moved at the discretion of City staff. Future rate increases to raise capital funds, additional contributions from developers, and grant funding can potentially accelerate projects to the near-term planning phase.

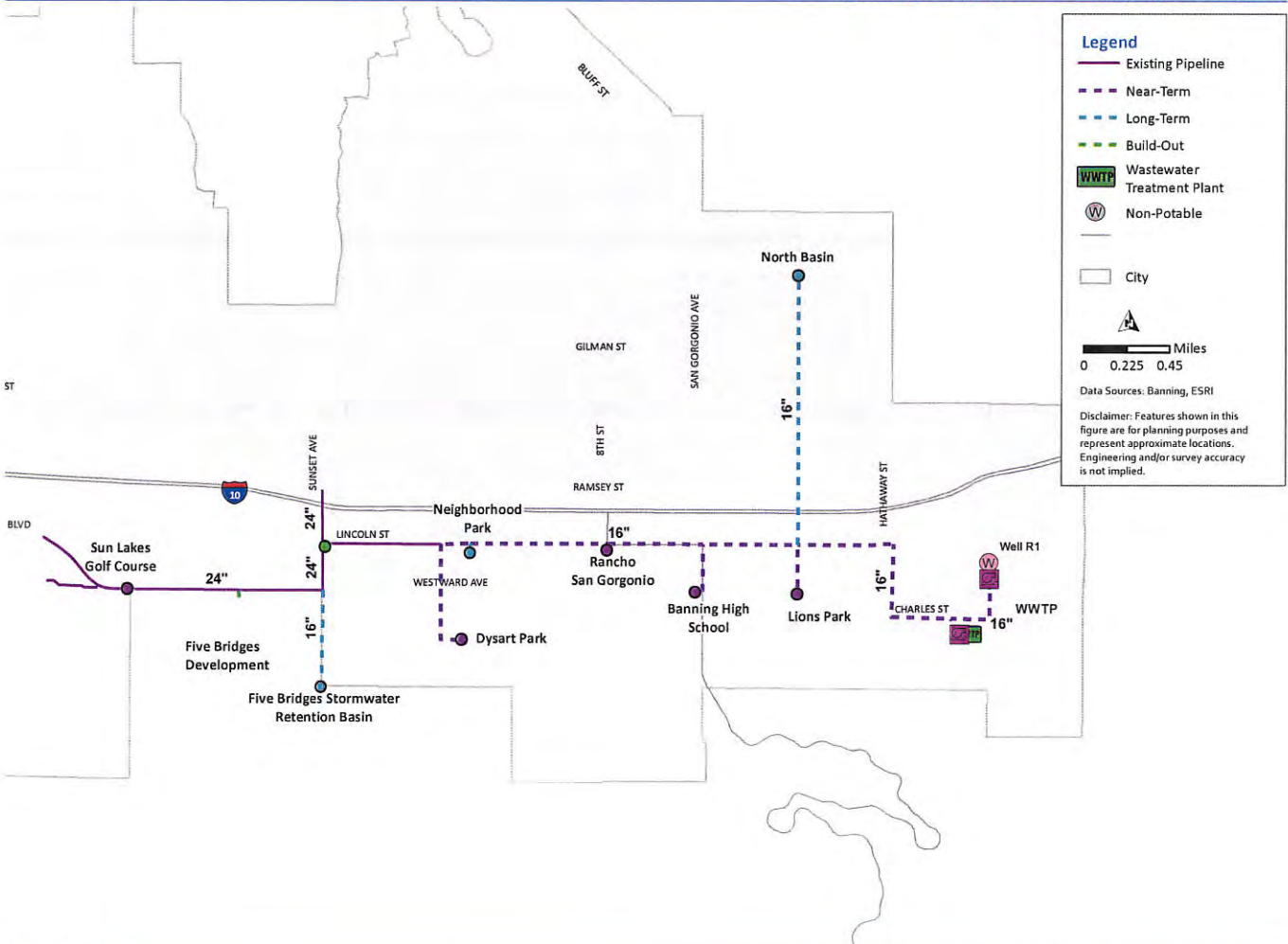


Figure ES.8 Proposed Recycled Water System Improvements

The integrated CIP for the City's potable water, wastewater, and recycled water systems is summarized in Table ES.6. The individual CIPs for the three systems are presented in Chapter 9 of this IMP, and a complete project list with associated cost estimates for the potable water, wastewater, and recycled water systems can be found at the end of Chapter 9 in Table 9.10, Table 9.11, and Table 9.12, respectively. In addition, Figure 9.9, Figure 9.10, and Figure 9.10 present the locations of the proposed CIP projects that correspond to Table 9.10, Table 9.11, and Table 9.12 in Chapter 9.

As shown in Table ES.6, the integrated CIP costs for all three systems through planning year 2040 is estimated to be about \$348.4 million, respectively. As shown on Figure ES.9, the potable water system CIP comprises the largest portion of cost with \$570.2 million (80 percent) of the total combined CIP, while the wastewater system CIP represents the second largest cost with \$99.2 million (14 percent). As described in Chapter 9, the vast majority of costs are related to capacity improvements, age-based replacements of pipelines that are projected to reach the end of their useful life, and treatment plant improvements.

The phasing of the integrated CIP by system is depicted on Figure ES.10. As shown on this figure, about \$193.2 million of project costs are included in the near-term phase and \$155.1 million are scheduled for the long-term phase. Nearly 51 percent (or \$362.9) of the improvement projects are anticipated to occur in the build-out phase, which is outside of the planning horizon of this IMP.

It is anticipated that a combined total of approximately \$88.5 million in developer funding will be provided within the near-term and \$41.1 million within the long-term planning phases. With developer funding, the City's anticipated average annual expenditures equate to \$13.1 million in the near-term phase and \$7.6 million in the long-term phase, or an overall average of \$9.5 million within the 23-year planning horizon of this IMP.

Table ES.6 Integrated CIP by System and Phase

Project Type	Near-Term 2018-2025 (\$ Million)	Long-Term 2026-2040 (\$ Million)	Build-Out 2041 & Beyond (\$ Million) ⁽²⁾	Total (\$ Million)
Potable Water System ⁽¹⁾	\$108.7	\$137.8	\$323.8	\$570.2
Wastewater System ⁽²⁾	\$48.3	\$12.0	\$38.9	\$99.2
Recycled Water System ⁽³⁾	\$36.3	\$5.3	\$0.2	\$41.8
Grand Total	\$193.2	\$155.1	\$362.9	\$711.2
Number of Years	8	15	N/A	N/A
Total Annual Cost (\$/year)	\$24.2	\$10.3	N/A	N/A
Anticipated Developer Funding	\$88.5	\$41.1	\$103.3	\$232.9
City Funded CIP	\$104.7	\$114.1	\$259.6	\$478.3
City Annual Cost (\$/year)	\$13.1	\$7.6	N/A	N/A

Notes:

(1) See Table 9.10.

(2) See Table 9.11.

(3) See Table 9.12.

(4) The costs per year do not include build-out since the implementation timeline is unknown and may be outside of the 2040 planning horizon.

(5) Numbers may vary slightly due to rounding.

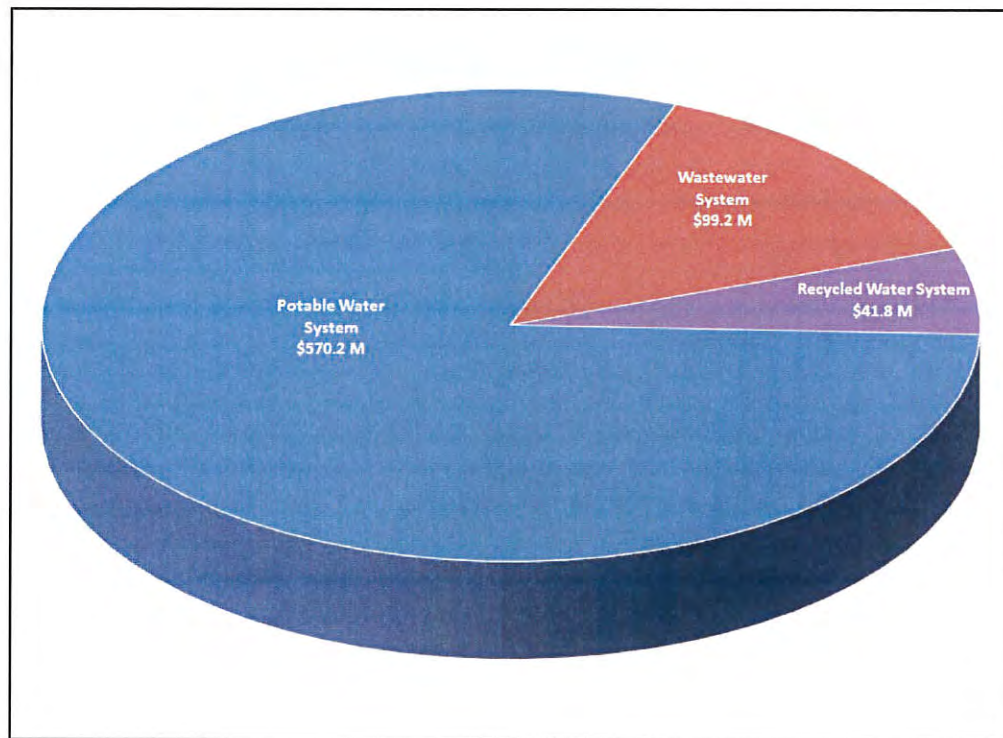


Figure ES.9 Integrated Systems CIP by Cost

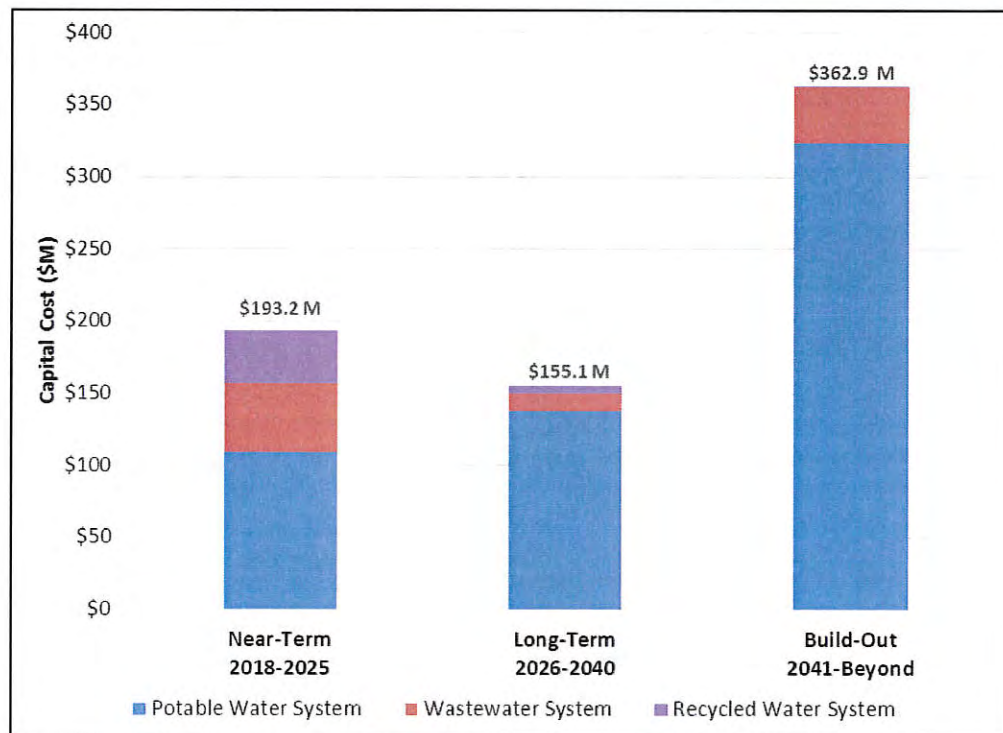
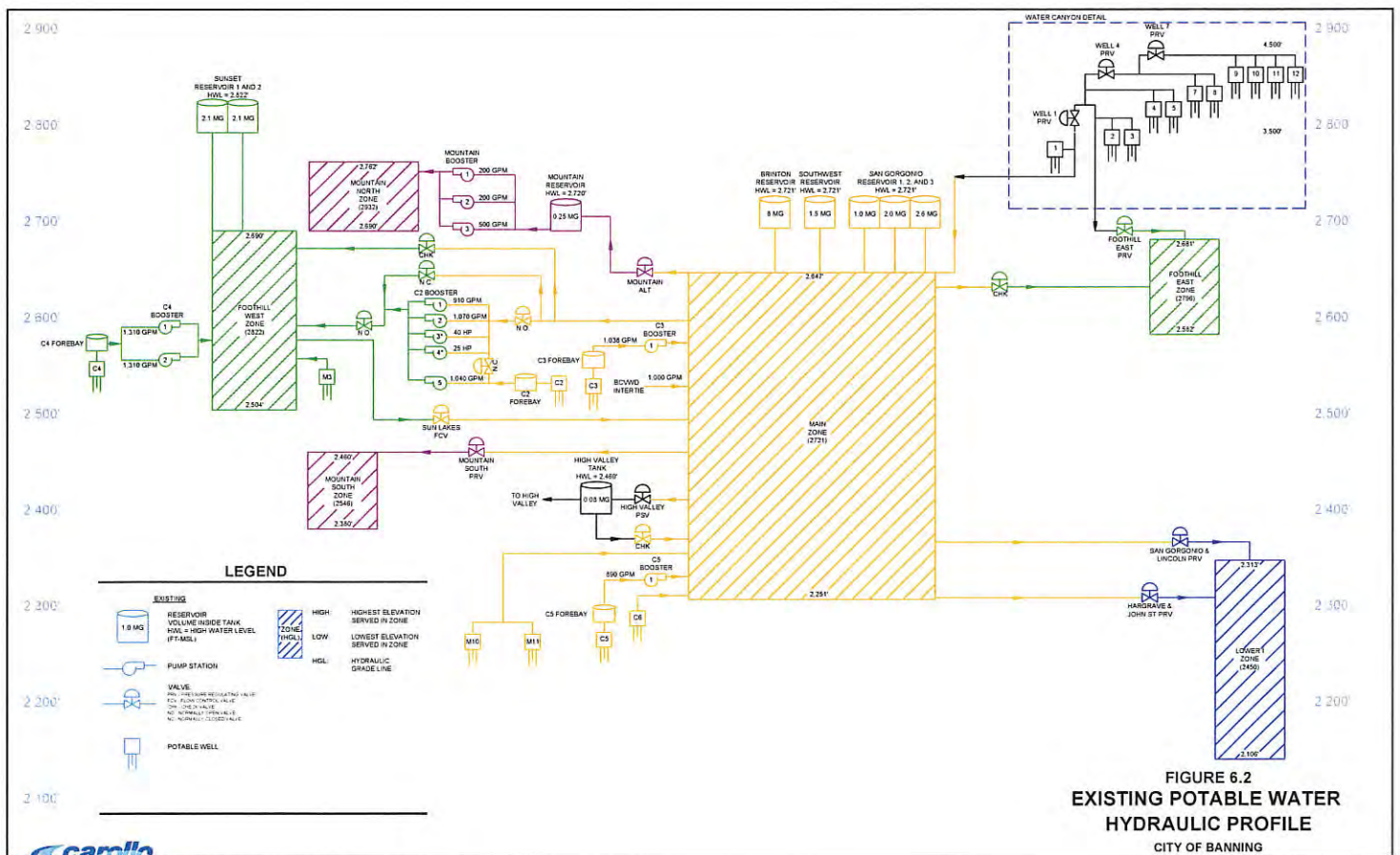
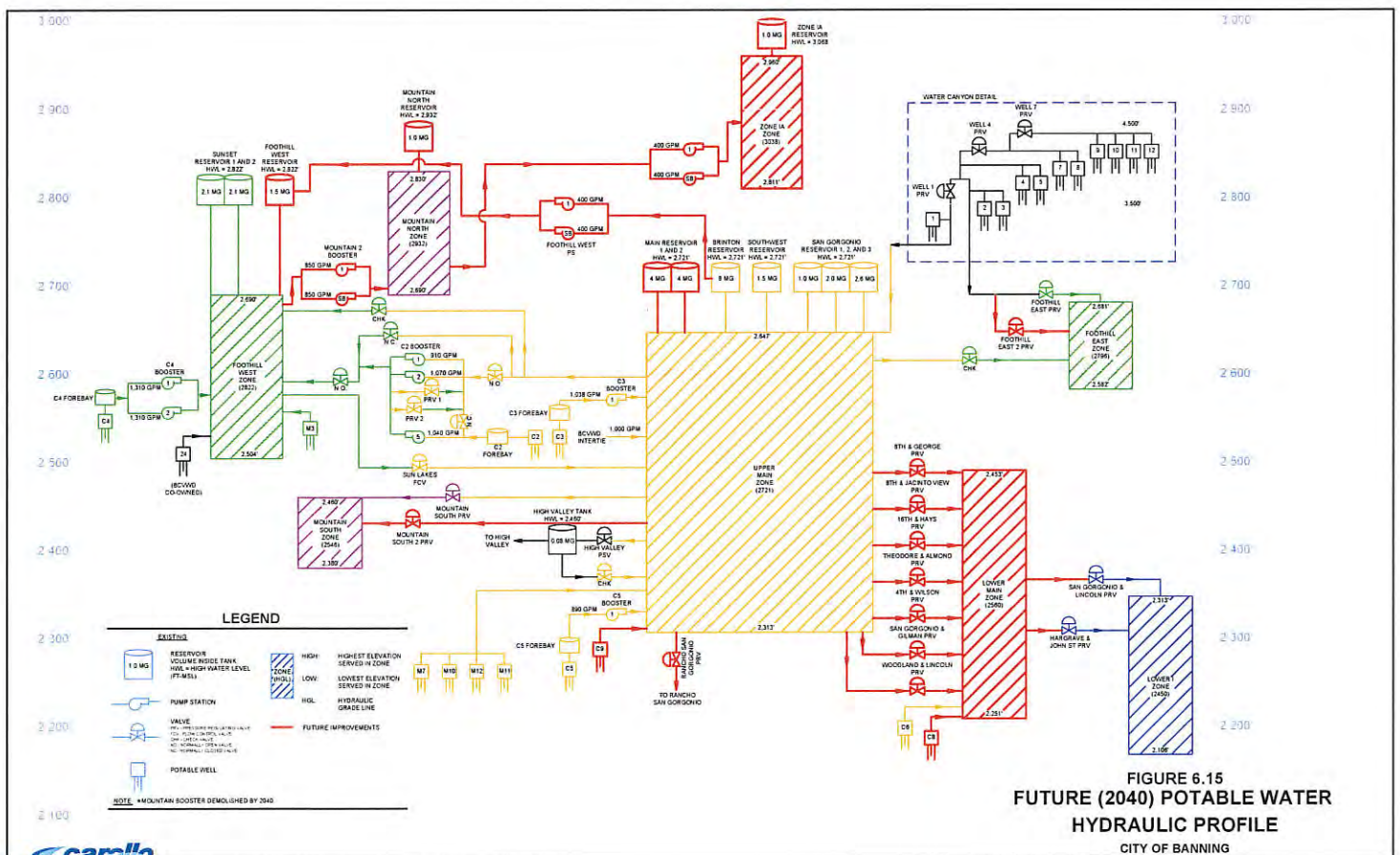


Figure ES.10 Integrated Systems CIP by Phase





Chapter 9

CAPITAL IMPROVEMENT PLAN

This chapter presents the recommended capital improvement plan (CIP) for the potable water, wastewater, and recycled water systems. The proposed CIP presents improvement projects based on the water, wastewater, and recycled water system evaluations described in Chapters 6, 7, and 8 of this Integrated Master Plan (IMP). The planning horizon of this master plan is year 2040. The CIP is divided into a near-term, long-term, and build-out phases. The near-term CIP includes the years 2018 through 2025, the long-term CIP includes the years 2026 through 2040, and build-out occurs outside of the planning horizon and includes years 2041 and beyond.

This chapter starts with a summary of the cost-estimating assumptions. Subsequently, the potable water, wastewater, and recycled water CIPs are presented with a summary of recommendations on project prioritization. This chapter is concluded with a combined CIP that presents the total estimated cost of all three systems.

9.1 Cost Estimating Assumptions

The cost estimates presented in this IMP are opinions developed from bid tabulations, cost curves, information obtained from previous studies, and Carollo's experience on other similar projects. The costs are based on an *Engineering News Record* Construction Cost Index (ENR CCI) 11936 (Greater LA Index, October 2017).

The construction costs are representative of system facilities under normal construction conditions and schedules. Costs have been estimated for public works construction.

9.1.1 Cost Estimating Accuracy

The cost estimates presented in the CIP have been prepared for general master-planning purposes and for guidance in project evaluation and implementation. Final costs of a project will depend on actual labor and material costs, competitive market conditions, final project scope, implementation schedule, and other variable factors such as preliminary alignment generation, investigation of alternative routings, and detailed utility and topography surveys.

The Association for the Advancement of Cost Engineering (AACE) defines an Order-of-Magnitude Estimate, deemed appropriate for master plan studies, as an approximate estimate made without detailed engineering data. It is normally expected that an estimate of this type would be accurate within plus 50 percent to minus 30 percent. This section presents the assumptions used in developing order-of-magnitude cost estimates for the recommended facilities. As projects proceed into the preliminary design and design stages, estimates are refined when conditions become known.

9.1.2 Capital Cost Development

Capital costs developed for this IMP are estimated by multiplying the estimated construction cost with various markups. The various cost components used in the development of capital cost estimates are described below.

The cost estimates presented in the CIP have been prepared for general master-planning purposes

9.1.2.1 Baseline Construction

This is the total estimated construction cost, in dollars, of the proposed improvement projects. Baseline construction costs were calculated by multiplying the estimated number of units by the unit cost, such as length of pipeline times the average cost per lineal foot of pipeline. The majority of unit construction costs used for this IMP are presented in Section 9.1.3.

9.1.2.2 Estimated Construction Cost

Contingency costs must be reviewed on a case-by-case basis because they will vary considerably with each project. Consequently, it is appropriate to allow for uncertainties associated with the preliminary layout of a project. Such factors as unexpected construction conditions, the need for unforeseen mechanical items, and variations in final quantities are a few of the items that can increase project costs for which it is wise to make allowances in preliminary estimates. To assist the City in making financial decisions for these future construction projects, contingency costs will be added to the planning budget as percentages of the total construction cost, divided into two categories: Estimated Construction Cost and Capital Improvement Cost.

Since knowledge about site-specific conditions of each proposed project is limited at the master-planning stage, a 30-percent contingency was applied to the Baseline Construction Cost to account for unforeseen events and unknown conditions. This contingency accounts for unknown site conditions such as poor soil, unforeseen conditions, environmental mitigations, and other unknowns and is typical for master planning projects. The Estimated Construction Cost for the proposed potable, wastewater, and recycled water system improvements consists of the Baseline Construction Cost plus the 30-percent construction contingency.

9.1.2.3 Capital Improvement Cost

Other project contingency costs include costs associated with engineering, construction-phase professional services, and project administration. Engineering services associated with new facilities include preliminary investigations and reports, right-of-way (ROW) acquisition, foundation explorations, preparation of drawings and specifications during construction, surveying and staking, sampling of testing material, and start-up services. Construction-phase professional services cover such items as construction management, engineering services, materials testing, and inspection during construction. Finally, there are project administration costs, which cover such items as legal fees, environmental/California Environmental Quality Act (CEQA) compliance requirements, financing expenses, administrative costs, and interest during construction.

The cost of these items can vary, but, for the purpose of this study, it is assumed that the other project contingency costs will equal approximately 27.5 percent of the Estimated Construction Cost.

As shown in the following sample calculation of the capital improvement cost, the total cost of all project construction contingencies (construction, engineering services, construction management, and project administration) is 65.8 percent of the baseline construction cost. Calculation of the 65.8 percent is the overall markup on the baseline construction cost to arrive at the capital improvement cost. It is not an additional contingency.

Example:

Baseline Construction Cost	\$1,000,000
<u>Construction Contingency (30%)</u>	<u>\$300,000</u>
Estimated Construction Cost	\$1,300,000
Engineering Cost (10%)	130,000
Construction Management (10%)	130,000
<u>Project Administration (7.5%)</u>	<u>\$97,500</u>
Capital Improvement Cost	\$1,657,500

9.1.3 Unit Construction Cost

Due to the large number of types of projects presented in this IMP, there are many unit construction costs utilized. The following unit construction costs are presented below:

- Pipeline Cost (see Table 9.1)
- Pump Station Cost (see Table 9.2)
- Pressure-Reducing Stations (see Table 9.3)
- Reservoir Cost (see Table 9.4)

It should be noted that these unit costs, along with some project-specific unit costs, are listed in the detailed summary CIP tables presented at the end of this chapter. A summary of miscellaneous unit cost assumptions is presented in Table 9.5. Consistent with typical master-planning cost estimating, pipeline materials are not specified at this time. Although pipeline materials are not specified in the IMP, the City currently utilizes ductile iron pipe (DIP) for the potable and recycled water systems and extra strength vitrified clay pipe (VCP) for the sewer system. Storage reservoirs are assumed to be steel cylindrical tanks, as concrete reservoirs are typically more costly. Pump stations costs are based on total horsepower. For conservative planning purposes, no differentiation is made between new pump stations or pump station upgrades, as the condition of existing pump stations that can require upgrades can vary greatly.

Table 9.1 Unit Construction Costs - Pipelines

Pipe Size (inches)	Unit Construction Cost ⁽¹⁾ (\$/LF)
Potable and Recycled Water Mains⁽²⁾	
6"	\$175
8"	\$190
10"	\$240
12"	\$250
14"	\$330
16"	\$330
18"	\$375
20"	\$420
24"	\$475
30"	\$500
36"	\$595
Sewer Gravity Main⁽³⁾	
8"	\$175
10"	\$180
12"	\$190
14"	\$205
15"	\$210
16"	\$210
18"	\$225
20"	\$275
21"	\$285
24"	\$310
27"	\$350
30"	\$385
33"	\$435
36"	\$485
Sewer Force Mains	
6"	\$175
8"	\$175
12"	\$195

Notes:

- (1) ENR CCI 11936 (Los Angeles, October 2017).
- (2) The unit costs may be reduced in locations with fewer utility conflicts and unpaved roads. This will be determined at the preliminary design level of the project.
- (3) The Sewer Gravity Mains at interstate crossings increases to the following unit costs: 12/24" is \$515/LF, 15/30" is \$550/LF, 18/30" is 595/LF, and 21/42" is \$765/LF.

Table 9.2 Unit Construction Costs - Pump Stations

Station Size (HP)	Unit Construction Cost ⁽¹⁾ (\$/HP)
100 hp and smaller	\$5,500
150 to 500 hp	\$3,500

Note:

(1) ENR CCI 11936 (Los Angeles, October 2017).

Table 9.3 Unit Construction Costs - Pressure Reducing Valves

Type	Unit Construction Cost ⁽¹⁾ (\$/PRV)
Small (1-2 valves <8")	\$103,000
Medium (2-3 valves 8" and up)	\$205,500
Large (3-4 valves 12" and up)	\$308,000

Note:

(1) ENR CCI 11936 (Los Angeles, October 2017).

Table 9.4 Unit Construction Costs - Reservoir Storage

Type (MG)	Unit Construction Cost ⁽¹⁾ (\$/gallon)
<1	\$2.75
1 to 3	\$2.25
3 to 5	\$2.00
5 to 10	\$1.75

Note:

(1) ENR CCI 11936 (Los Angeles, October 2017).

Table 9.5 Unit Construction Costs - Miscellaneous Items

Type	Unit Construction Cost ⁽¹⁾ (\$/each)
Well Rehabilitation (per Well)	\$260,000
Equipping Well	\$1,000,000
New Well ⁽²⁾	\$2,565,000
Monitoring Well & Lysimeter	\$310,000
Variable Frequency Drive (VFD)	\$100,000
Backup Power Generator (per PS)	\$260,000

Notes:

(1) Based on estimates from previous planning and construction projects.

(2) Does not include pipeline.

9.1.4 CIP Phasing

The proposed capital improvements are prioritized based on their urgency to mitigate existing deficiencies, condition issues, and providing service for future growth. As previously mentioned, there are two implementation phases within the planning horizon of the IMP. The near-term phase extends from the years 2018 through 2025 and the long-term phase extends from the years 2026 through 2040. Projects outside of the planning horizon were placed in the build-out phase, which occurs in 2041 and beyond.

It should be noted that several projects have been pushed into the long-term planning period (2026 to 2040) or build-out (2041 and beyond) due to funding constraints. It should be noted that the current water rates will make it difficult to fund the projects listed within the near-term planning period. Therefore, the CIP will need to be revised periodically to push projects out to later years. Other select projects may also be moved at the discretion of City staff. Future rate increases to raise capital funds, additional contributions from developers, and grant funding can potentially accelerate projects to the near-term planning phase.

9.2 Potable Water System CIP

The improvement projects included in the potable water CIP are a compilation of the recommendations made in Chapter 6 of this IMP. The water system CIP includes the following project categories:

- Capacity and Reliability Improvements
 - Pipelines
 - Fire Flow Improvements
 - Booster Pumping Stations
 - Storage Reservoirs
 - Wells
 - Valves
- Repair and Rehabilitation (R&R) Improvements
 - Pipelines
 - Storage Reservoirs
 - Wells
 - Valves
 - Multi-Site Projects
- Other Projects

A detailed list of potable water CIP projects with project descriptions, sizing, and cost estimating information is provided at the end of this chapter in Table 9.10 and project locations are shown on Figure 9.9 with the exception of build-out projects that were triggered outside of the planning horizon of this master plan. The key project phasing assumptions and cost summaries are presented below.

9.2.1 Potable Water CIP by Phase

The potable water system CIP is summarized by improvement category and phase in Table 9.6, while phasing is graphically shown on Figure 9.1.

Table 9.6 Summary of Potable Water Improvement Costs by Project Category

Project Category	Near-Term 2018-2025 (\$ Million)	Long-Term 2026-2040 (\$ Million)	Build-Out 2041 & Beyond (\$ Million) ⁽²⁾	Total (\$ Million)
Capacity & Reliability	\$59.6	\$44.8	\$69.5	\$173.8
R&R Improvements	\$10.4	\$93.0	\$254.3	\$357.7
Other	\$38.7	\$-	\$-	\$38.7
Grand Total	\$108.7	\$137.8	\$323.8	\$570.2
Number of Years	8	15	N/A	N/A
Total Annual Cost (\$/year)	\$13.6	\$9.2	N/A	N/A
Anticipated Developer Funding	\$33.6	\$32.6	\$69.5	\$135.7
City Funded CIP	\$75.0	\$105.2	\$254.3	\$434.5
City Annual Cost (\$/year)	\$9.4	\$7.0	N/A	N/A

(3) Notes:

(1) Numbers may vary slightly due to rounding.

(2) The costs per year do not include build-out since the implementation timeline is unknown and may be outside of the 2040 planning horizon.

As listed in Table 9.6 and on Figure 9.1, the potable water CIP through the year 2040 is \$246.5 million, which is approximately 43 percent of the total CIP (or \$570.2 million) through build-out. The near-term projects account for about \$108.7 million, which equates to roughly \$13.6 million per year through year 2025. The long-term projects account for about \$137.8 million, which equates to roughly \$9.2 million per year from 2026 through 2040. The average estimated capital cost for the 23-year planning horizon of this IMP is \$10.7 million per year, which excludes the build-out improvement projects that equate to approximately \$323.8 million (or 57 percent) of the total CIP. Since the timing of the build-out projects is unknown, the costs are not included in the average annual expenditures.

The vast majority of the improvement projects (\$434.5 million) are associated with City funded CIP projects that occur within the build-out phase, which is outside of the planning horizon of this IMP. It is anticipated that approximately \$135.7 million in developer funding will be provided for future growth within the City. The developer funding equates to approximately 26 percent (or \$66.2 million) of the CIP through the year 2040. With developer funding, the City's anticipated average annual expenditures equate to \$9.4 million in the near-term phase and \$7.0 million in the long-term phase, or an overall average of \$7.8 million within the 23-year planning horizon of this IMP.

In addition, as shown on Figure 9.2, the majority of the proposed improvements consist of R&R projects, which equate to approximately 62.7 percent of the total CIP cost. Capacity and reliability (C&R) improvements account for approximately 30.5 percent and other projects account for approximately 6.8 percent of the total CIP cost.

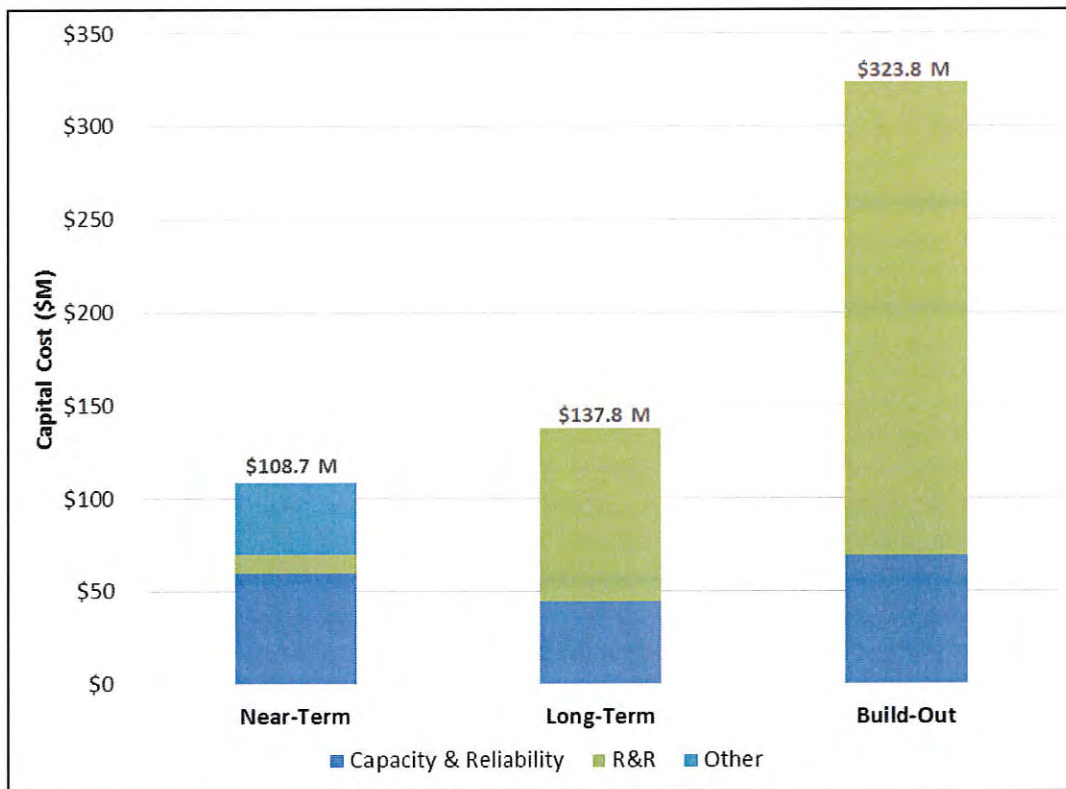


Figure 9.1 Potable Water CIP by Improvement Category and Phase

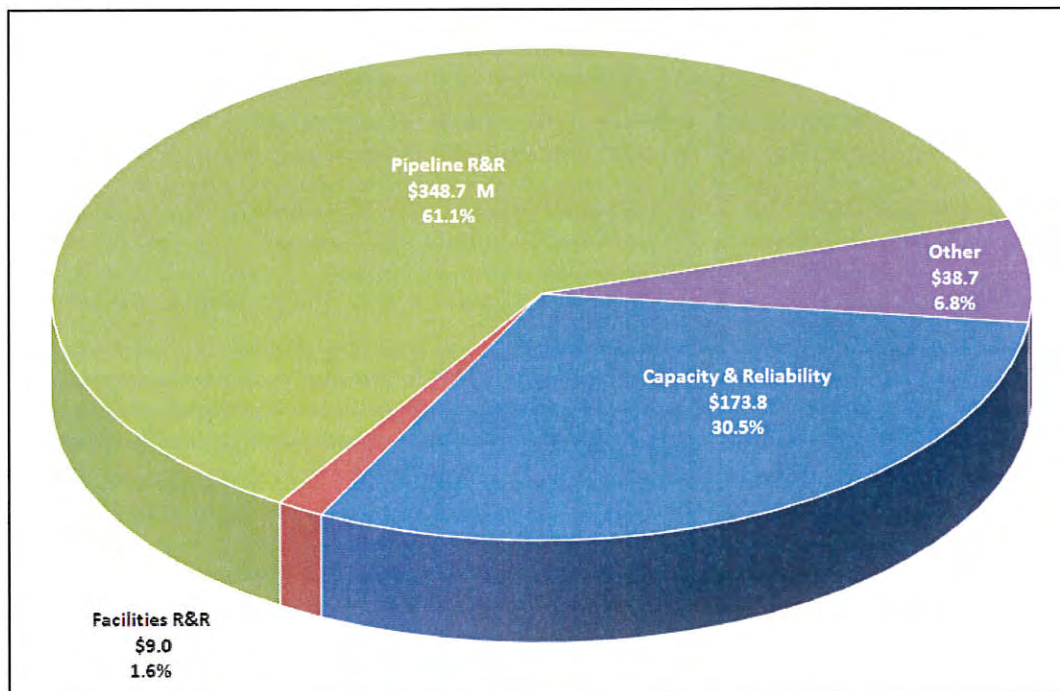


Figure 9.2 Potable Water CIP by Project Type

9.2.1.1 Near-Term Projects

As summarized in Table 9.6 and shown on Figure 9.1, the cost for the near-term projects is approximately \$108.7 million, which includes \$59.6 million for capacity and reliability improvements, \$10.4 million for R&R, and \$38.7 million for other CIP projects. The vast majority (or 69 percent) of the projects within the near-term mitigate existing capacity deficiencies and include site improvements throughout the City's potable water system. Some of existing system deficiencies were triggered due to changes in criteria and requirements that occurred after the projects were constructed. The remaining projects (or 31 percent) are affiliated to future growth within the City. Individual project details and the allocation of existing and future user benefits for each of these projects are listed in Table 9.10.

A majority of the recommended improvements within the near-term are capacity and reliability projects, which equate to nearly 55 percent of the near-term CIP. The projects include approximately 8.8 miles of new transmission mains, twenty-three (23) fire flow projects, two (2) pump station projects with a total horsepower of 260, two (2) storage reservoirs with a total capacity of 5.5 MG, one (1) new well with total capacity of 1,400 gpm, the conversion of well M-7 to potable water, and three (3) PRV projects. New altitude valves have also been included, which are in the City's existing CIP.

The R&R improvement projects equate to approximately 10 percent of the near-term CIP and include site improvements at various locations throughout the City's distribution system, which were identified as part of the Condition Assessment Technical Memorandum (TM) in Appendix D. The site improvements vary in complexity and include items such as seismic evaluations and upgrades, site security, emergency power, and safety improvements. In addition, the repair and replacement of pipelines throughout the City's distribution system have been included as part of the R&R projects. The City has already identified three (3) pipeline replacements, which are currently included in the City's existing CIP.

Other projects equate to approximately 36 percent of the near-term CIP and include a pipeline rehabilitation asset study and various projects that are currently included in the City's existing CIP. The purpose of the pipeline rehabilitation asset study is to prepare a pipeline replacement plan based on field testing and existing maintenance records, which would assist in refining the pipeline replacement R&R cost estimates. In addition, one of the City's existing key projects that may be implemented within the near-term phase is the Chromium 6 treatment pilot study, design, and construction. This project is pending based on potential changes to regulatory guidelines.

9.2.1.2 Long-Term Projects

As summarized in Table 9.6 and shown on Figure 9.1, the cost for the long-term projects is approximately \$137.4 million, which includes \$44.4 million for capacity and reliability improvements and \$93.0 million for R&R projects. The vast majority (or 68 percent) of the projects within the long-term include R&R improvements at various sites within the City's distribution system and pipeline replacements. The detail for each of these projects is listed in Table 9.10.

The capacity and reliability improvement projects equate to approximately 32 percent of the long-term CIP. The capacity and reliability improvements are attributed to future growth and supply reliability. Projects include approximately 3.6 miles of new transmission mains,

demolishing the existing Mountain pump station, the addition of VFDs to Wells C6 and C8, two (2) pump station projects with a total horsepower of 200, three (3) storage reservoirs with a total capacity of 6.5 MG, one (1) new well with total capacity of 1,800 gpm, the conversion of well M-12 to potable water, and new pressure reducing valves for re-zoning.

The R&R improvement projects equate to approximately 68 percent of the long-term CIP and include site improvements at various locations throughout the City's distribution system, which were identified as part of the Condition Assessment Technical Memorandum (TM) in Appendix D. The site improvements vary in complexity and include items such as seismic evaluations and upgrades, site security, emergency power, and safety improvements. In addition, the repair and replacement of pipelines throughout the City's distribution system have been included as part of the R&R projects. It should be noted that the timing of the pipeline replacements may change upon completion of the pipeline rehabilitation asset study, which is included as part of the near-term projects.

9.2.1.3 Build-Out Projects

As summarized in Table 9.6 and shown on Figure 9.1, the cost for build-out projects is approximately \$323.8 million, which includes \$69.5 million for capacity and reliability improvements and \$254.3 million for R&R projects. The vast majority (or 73 percent) of the projects within the build-out phase are pipeline replacements. The detail for each of these projects is listed in Table 9.10.

The capacity and reliability improvement projects equate to approximately 21 percent of the built-out phase of the CIP. The capacity and reliability improvements are attributed to future growth and supply reliability. Projects include approximately 4.2 miles of new transmission mains, two (2) new pump stations with a total horsepower of 160, four (4) storage reservoirs with a total capacity of 13.0 MG, and three (3) new wells with total capacity of 5,400 gpm.

The R&R improvement projects equate to approximately 79 percent of the build-out phase of the CIP and include pipeline replacements. It should be noted that the timing of the pipeline replacements may change upon completion of the pipeline rehabilitation asset study, which is included as part of the near-term projects.

9.3 Wastewater System CIP

The improvement projects included in the wastewater CIP are a compilation of the recommendations made in Chapter 7 of this IMP. The wastewater system CIP includes the following project categories:

- Capacity Improvements
 - Gravity Mains
 - Force Mains
 - Lift Stations
- R&R Improvements
 - Gravity Mains
 - Force Mains
- Treatment Plant Related Improvements
- Other Projects

A detailed list of wastewater CIP projects with project descriptions, sizing, and cost estimating information is provided at the end of this chapter in Table 9.11 and project locations are shown on Figure 9.10. The key project phasing assumptions and cost summaries are presented below.

9.3.1 Wastewater CIP by Phase

The wastewater system CIP is summarized by improvement category and phase in Table 9.7, while phasing is graphically shown on Figure 9.3.

Table 9.7 Summary of Wastewater Improvement Costs by Project Category

Project Category	Near-Term 2018-2025 (\$ Million)	Long-Term 2026-2040 (\$ Million)	Build-Out 2041 & Beyond (\$ Million) ⁽²⁾	Total (\$ Million)
Capacity	\$19.6	\$8.4	\$34.9	\$62.8
R&R Improvements	\$1.4	\$2.1	\$0.1	\$3.5
Treatment Plant	\$27.3	\$-	\$-	\$27.3
Other	\$0.1	\$1.6	\$3.9	\$5.6
Grand Total	\$48.3	\$12.0	\$38.9	\$99.2
Number of Years	8	15	N/A	N/A
Total Annual Cost (\$/year)	\$6.0	\$0.8	N/A	N/A
Anticipated Developer Funding	\$33.1	\$7.2	\$33.6	\$73.8
City Funded CIP	\$15.2	\$4.9	\$5.3	\$25.4
City Annual Cost (\$/year)	\$1.9	\$0.3	N/A	N/A

Notes:

(1) Numbers may vary slightly due to rounding.

(2) The costs per year do not include build-out since the implementation timeline is unknown and may be outside of the 2040 planning horizon.

As listed in Table 9.7 and on Figure 9.3, the wastewater CIP through the year 2040 is \$60.3 million, which is approximately 61 percent of the total CIP (or \$99.2 million) through build-out. The near-term projects account for about \$48.3 million, which equates to roughly \$6.0 million per year through year 2025. The long-term projects account for about \$12.0 million, which equates to roughly \$0.8 million per year from 2026 through 2040. The average estimated capital cost for the 23-year planning horizon of this IMP is \$2.6 million per year, which excludes the build-out improvement projects that equate to approximately 38.9 million (or 39 percent) of the total CIP. Since the timing of the build-out projects is unknown, the costs are not included in the average annual expenditures.

The vast majority of the improvement projects are associated with developer funded CIP projects that occur within the near-term and built-out phase. It is anticipated that approximately \$73.8 million in developer funding will be provided for future growth within the City, which includes the expansion of the existing treatment plant. The developer funding equates to approximately 67 percent (or \$40.2 million) of the CIP through the year 2040. With developer funding, the City's anticipated average annual expenditures equate to \$1.9 million in the near-term phase and \$0.3 million in the long-term phase, or an overall average of \$0.9 million within the 23-year planning horizon of this IMP.

In addition, as shown on Figure 9.4, the majority of the proposed improvements consist of capacity projects, which equate to approximately 63.3 percent of the total CIP cost. R&R improvements account for approximately 3.5 percent, treatment plant related improvements account for approximately 27.5 percent, and other projects account for approximately 5.6 percent of the total CIP. The treatment plant improvements were based on the City's CIP. Since a capacity analysis of the treatment plant was not included in this IMP, an additional analyses is recommended to further refine the cost estimates and phasing based on future flow projections. Therefore, the near-term costs may be reduced and included within the long-term and build-out phases.

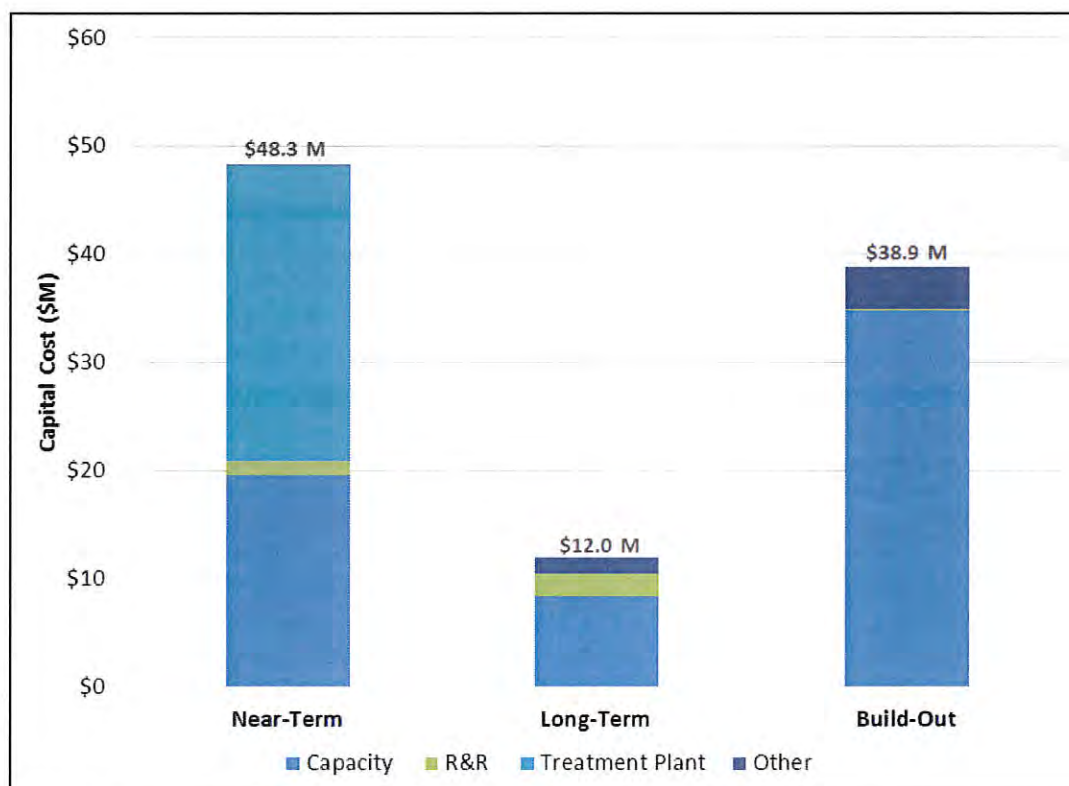


Figure 9.3 Wastewater CIP by Improvement Category and Phase

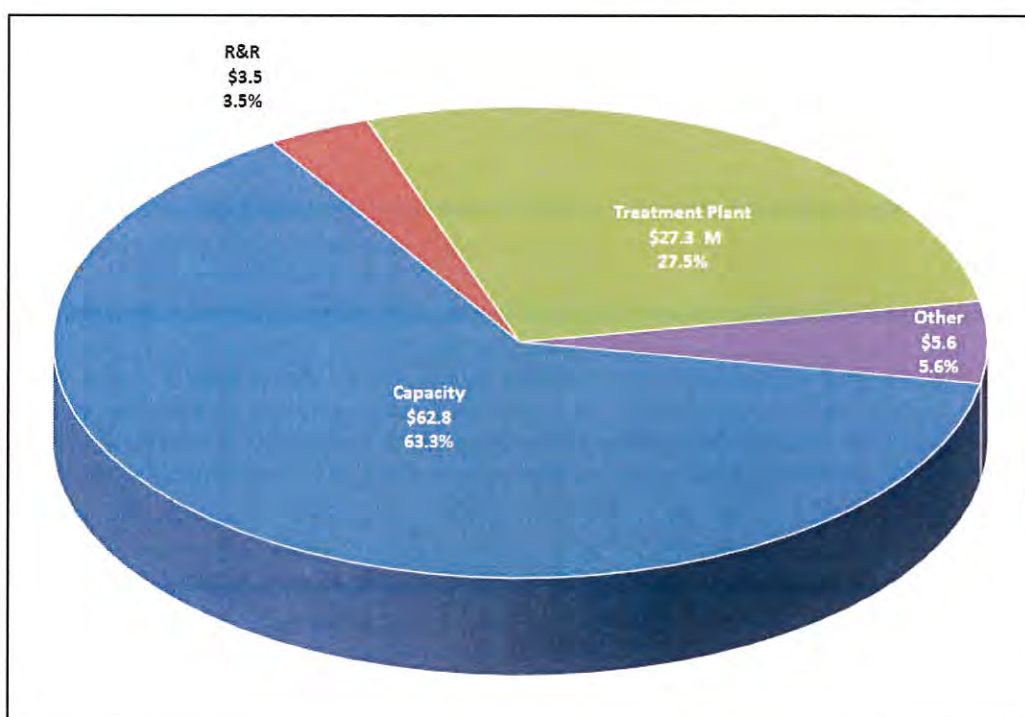


Figure 9.4 Wastewater CIP by Project Type

9.3.1.1 Near-Term Projects

As summarized in Table 9.7 and shown on Figure 9.3, the cost for the near-term projects is approximately \$48.3 million, which includes \$19.6 million for capacity improvements, \$1.4 million for R&R, \$27.3 million for treatment plant related projects, and \$0.1 million for other CIP projects. The vast majority (or 56 percent) of the projects within the near-term are related to treatment plant improvements. The detail for each of these projects is listed in Table 9.11.

The capacity improvements are attributed to both future growth and mitigating existing deficiencies throughout the City's sewer system. Some of existing system deficiencies were triggered due to changes in criteria and requirements that occurred after the projects were constructed. Projects include approximately 1.7 miles of gravity main replacements and 5.0 miles of new gravity mains to accommodate new growth within the City, mainly the Butterfield and RSG master planned communities.

The R&R improvement projects equate to approximately 3 percent of the near-term CIP and include annual sewer replacements and site improvements at one (1) lift station, which was identified as part of the Condition Assessment Technical Memorandum (TM) in Appendix D.

The majority of the recommended improvements within the near-term are treatment plant related projects, which equate to over 56 percent of the near-term CIP. The key treatment plant project is the expansion of the City's existing wastewater plant, which will accommodate additional sewer flows related to future growth within the City and produce Title 22 quality recycled water.

Other projects equate to less than one percent of the near-term CIP and include a lift station telemetry study to review the condition of existing lift stations.

9.3.1.2 Long-Term Projects

As summarized in Table 9.7 and shown on Figure 9.3, the cost for the long-term projects is approximately \$12.0 million, which includes \$8.4 million for capacity improvements, \$2.1 million for R&R, and \$1.6 million for other CIP projects. The vast majority (or 70 percent) of the projects within the long-term are capacity related improvements. The detail for each of these projects is listed in Table 9.11.

The capacity improvement projects equate to approximately 70 percent of the long-term. The capacity improvements are attributed to future growth and mitigating future deficiencies throughout the City's sewer system. Projects include approximately 0.3 miles of gravity main replacements and 1.4 miles of new gravity mains, 0.8 miles of new force mains, and two (2) new lift stations with a total capacity of 2.5 mgd to accommodate new growth within the City.

The R&R improvement projects equate to approximately 17 percent of the long-term CIP and include annual sewer replacements.

Other projects equate to approximately 13 percent of the long-term CIP and include septic removal for residential, commercial, and industrial users and the connection to the City's wastewater collection system.

9.3.1.3 Build-Out Projects

As summarized in Table 9.7 and shown on Figure 9.3, the cost for the built-out projects is approximately \$38.9 million, which includes \$34.9 million for capacity improvements, \$0.1 million for R&R, and \$4.9 million for other CIP projects. The vast majority (or 90 percent) of the projects within the build-out phase are capacity improvements. The detail for each of these projects is listed in Table 9.11.

The capacity improvement projects equate to approximately 90 percent of the build-out phase. The capacity improvements are attributed to future growth and mitigating future deficiencies throughout the City's sewer system. Projects include approximately 1.7 miles of gravity main replacements and 15.3 miles of new gravity mains, 1.2 miles of new force mains, and three (3) new lift stations with a total capacity of 0.9 mgd to accommodate new growth within the City.

The R&R improvement projects equate to less than one percent of the build-out phase and include site improvements at one (1) lift station, which was identified as part of the Condition Assessment Technical Memorandum (TM) in Appendix D.

Other projects equate to approximately 13 percent of the build-out phase and include septic removal for residential, commercial, and industrial users and the connection to the City's wastewater collection system.

9.4 Recycled Water CIP

The improvement projects included in the recycled water CIP are a compilation of the recommendations made in Chapter 8 of this IMP. The recycled water system CIP includes the following project categories:

- Capacity Improvements
 - Pipelines

- Booster Pump Stations
- Wells
- Other Projects

A detailed list of recycled water CIP projects with project descriptions, sizing, and cost estimating information is provided at the end of this chapter in Table 9.12 and project locations are shown on Figure 9.11. The key project phasing assumptions and cost summaries are presented below.

9.4.1 Recycled Water CIP by Phase

The recycled water system CIP is summarized by project type and phase in Table 9.8, while phasing is graphically shown on Figure 9.5.

Table 9.8 Summary of Recycled Water Improvement Costs by Project Type

Project Type	Near-Term 2018-2025 (\$ Million)	Long-Term 2026-2040 (\$ Million)	Build-Out 2041 & Beyond (\$ Million) ⁽²⁾	Total (\$ Million)
Pipelines	\$17.3	\$2.3	\$0.2	\$19.8
Pump Stations	\$4.0	\$-	\$-	\$4.0
Wells	\$1.7	\$-	\$-	\$1.7
Storage	\$3.7	\$-	\$-	\$3.7
Valves	\$5.5	\$-	\$-	\$5.5
Other	\$4.1	\$3.0	\$-	\$7.1
Grand Total	\$36.3	\$5.3	\$0.2	\$41.8
Number of Years	8	15	N/A	N/A
Total Annual Cost (\$/year)	\$4.5	\$0.4	N/A	N/A
Anticipated Developer Funding	\$21.9	\$1.3	\$0.2	\$23.4
City Funded CIP	\$14.4	\$4.0	\$-	\$18.4
City Annual Cost (\$/year)	\$1.8	\$0.3	N/A	N/A

Notes:

(1) Numbers may vary slightly due to rounding.

(2) The costs per year do not include build-out since the implementation timeline is unknown and may be outside of the 2040 planning horizon.

As listed in Table 9.8 and on Figure 9.5, the recycled water CIP through the year 2040 is \$41.6 million, which is approximately 99 percent of the total CIP (or \$41.8 million) through build-out. The near-term projects account for about \$36.3 million, which equates to roughly \$4.5 million per year through year 2025. The long-term projects account for about \$5.3 million, which equates to roughly \$0.4 million per year from 2026 through 2040. The average estimated capital cost for the 23-year planning horizon of this IMP is \$1.8 million per year, which excludes the build-out improvement projects that equate to approximately \$0.2 million (or less than one percent) of the total CIP. Since the timing of the build-out projects is unknown, the costs are not included in the average annual expenditures.

The City funded and developer funded improvement projects are nearly equivalent. It is anticipated that approximately \$23.4 million in developer funding will be provided for future growth within the City. The developer funding equates to approximately 56 percent (or \$23.2 million) of the CIP through the year 2040. With developer funding, the City's anticipated average annual expenditures equate to \$14.4 million in the near-term phase and \$4.0 million in the long-term phase, or an overall average of \$0.8 million within the 23-year planning horizon of this IMP.

In addition, as shown on Figure 9.6, the majority of the proposed improvements consist of pipeline projects, which equate to approximately 47.5 percent of the total CIP cost. Pump station improvements account for approximately 9.5 percent, storage improvements account for 8.9 percent, valves account for 5.5 percent, wells account for approximately 4.1 percent, and other projects account for approximately 6.1 percent of the total CIP cost.

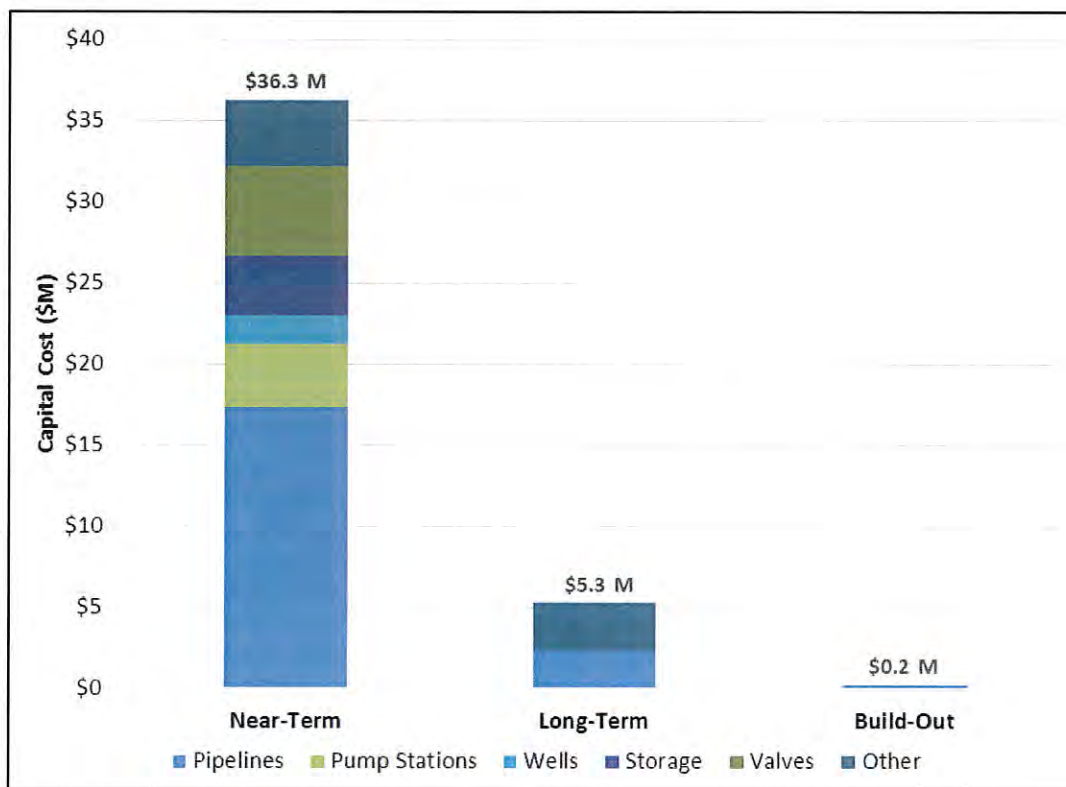


Figure 9.5 Recycled Water CIP by Project Type and Phase

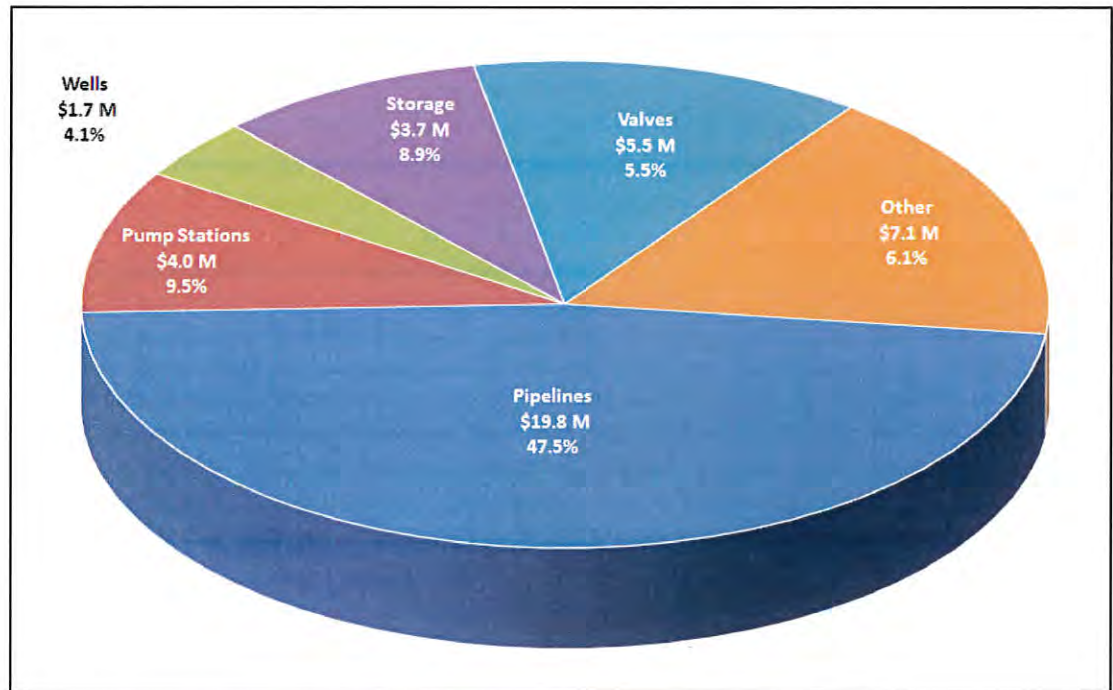


Figure 9.6 Recycled Water CIP by Project Type

9.4.1.1 Near-Term Projects

As summarized in Table 9.8 and shown on Figure 9.4, the cost for the near-term projects is approximately \$36.3 million, which includes \$32.2 million for capacity improvements and \$4.1 million for other CIP projects. The vast majority (or 89 percent) of the projects within the near-term are related to capacity improvements. The detail for each of these projects is listed in Table 9.12.

The vast majority of the improvements within the near-term are capacity related projects, which equate to nearly 89 percent of the near-term CIP. The capacity improvements include projects to develop the City's backbone recycled water system and connect irrigation customers to the system. Projects include approximately 5.2 miles of pipelines, one (1) new pump station with a total horsepower of 800, one (1) storage tank with a capacity of 1 MG, the equipping of Well R-1, and valves to connect the Beaumont Cherry Valley Water District (BCVWD) wells into the City's system.

Other projects equate to less than one percent of the near-term CIP and include a hydrogeological study to review the conditions of potential recharge sites. In addition, site improvements at the Five Bridges and the WWTP basin were included within this category as well as 404 permitting and an update to the Recycled Water Master Plan.

9.4.1.2 Long-Term Projects

As summarized in Table 9.8 and shown on Figure 9.4, the cost for the long-term projects is approximately \$5.3 million, which includes \$2.3 million for capacity improvements and \$3.0 million for other CIP projects. The detail for each of these projects is listed in Table 9.12.

The improvements within the long-term are nearly equally split between capacity related projects and other projects. The capacity improvements include projects to connect additional irrigation sites and extend pipelines to recharge basins. Projects include approximately 0.9 miles of pipelines. The other projects include monitoring wells and lysimeters, which is a requirement prior to initiating groundwater recharge with recycled water.

9.4.1.3 Build-Out Projects

As summarized in Table 9.8 and shown on Figure 9.4, the cost for the build-out phase is approximately \$0.2 million. The sole project within the build-out phase is related to capacity improvements for new growth within the City. The detail for each of this project is listed in Table 9.12.

9.5 Integrated Systems CIP

The integrated systems CIP for the City's water, wastewater, and recycled water systems is summarized in Table 9.9 and graphically depicted on Figure 9.7. As shown in Table 9.9, the combined CIP costs for all three systems through planning year 2040 is estimated to be about \$348.4 million, respectively.

Table 9.9 Integrated CIP by System and Phase

Project Type	Near-Term 2018-2025 (\$ Million)	Long-Term 2026-2040 (\$ Million)	Build-Out 2041 & Beyond (\$ Million) ⁽²⁾	Total (\$ Million)
Potable Water System ⁽¹⁾	\$108.7	\$137.8	\$323.8	\$570.2
Wastewater System ⁽²⁾	\$48.3	\$12.0	\$38.9	\$99.2
Recycled Water System ⁽³⁾	\$36.3	\$5.3	\$0.2	\$41.8
Grand Total	\$193.2	\$155.1	\$362.9	\$711.2
Number of Years	8	15	N/A	N/A
Total Annual Cost (\$/year)	\$24.2	\$10.3	N/A	N/A
Anticipated Developer Funding	\$88.5	\$41.1	\$103.3	\$232.9
City Funded CIP	\$104.7	\$114.1	\$259.6	\$478.3
City Annual Cost (\$/year)	\$13.1	\$7.6	N/A	N/A

Notes:

(1) See Table 9.10.

(2) See Table 9.11.

(3) See Table 9.12.

(4) The costs per year do not include build-out since the implementation timeline is unknown and may be outside of the 2040 planning horizon.

(5) Numbers may vary slightly due to rounding.

As shown on Figure 9.8, the potable water system CIP comprises the largest portion of cost with \$570.2 million (80 percent) of the total combined CIP, while the wastewater system CIP represents the second largest cost with \$99.2 million (14 percent).

The phasing of the integrated CIP by system is depicted on Figure 9.7. As shown on this figure, about \$193.2 million of project costs are included in the near-term phase and \$155.1 million are scheduled for the long-term phase. Nearly 51 percent (or \$362.9) of the improvement projects

are anticipated to occur in the build-out phase, which is outside of the planning horizon of this IMP.

It is anticipated that a combined total of approximately \$88.5 million in developer funding will be provided within the near-term and \$41.1 million within the long-term planning phases. With developer funding, the City's anticipated average annual expenditures equate to \$13.1 million in the near-term phase and \$7.6 million in the long-term phase, or an overall average of \$9.5 million within the 23-year planning horizon of this IMP.

As mentioned in Section 9.1.4, the current water rates will make it difficult to fund the projects listed within the near-term planning phase. Therefore, the CIP will need to be revised periodically to push projects out to later years. Other select projects may also be moved at the discretion of City staff. Future rate increases to raise capital funds, additional contributions from developers, and grant funding can potentially accelerate projects to the near-term planning phase. The dynamic CIP planning tool can be utilized by City staff to make adjustments to cost estimating assumption and phasing. The tool is designed so that changes on master sheets, such as the unit cost assumptions, will ripple throughout individual project sheets and the summary CIP table. This will allow City staff to efficiently make updates when needed.

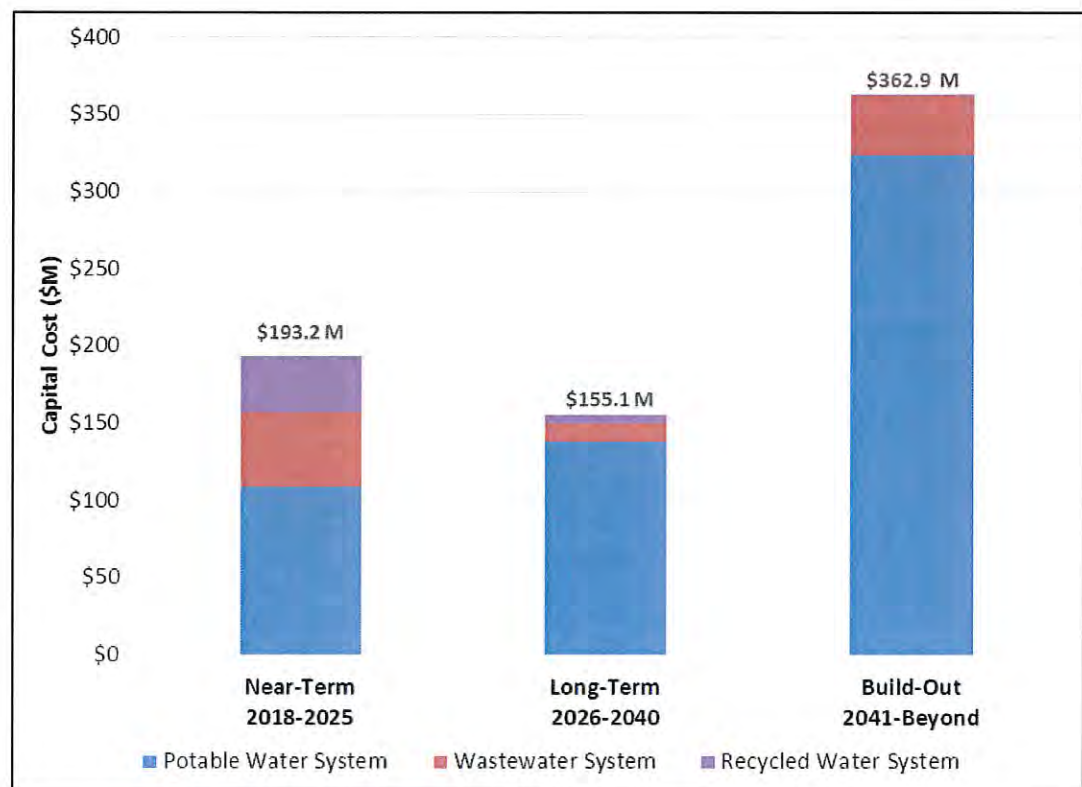


Figure 9.7 Integrated Systems CIP by Phase

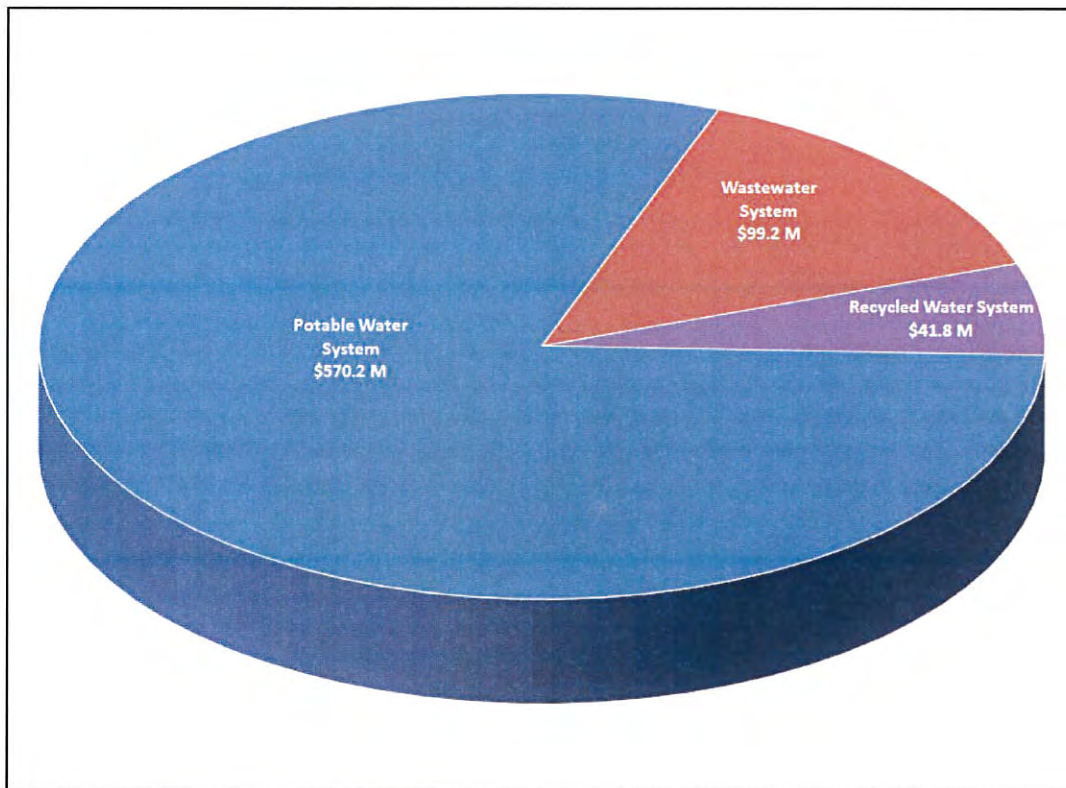


Figure 9.8 Integrated Systems CIP by Costs

Table 9.10 Potable Water Capital Improvement Plan Summary

Project	Proposed Size/Quantity	CIP Cost Estimate	City Cost	Developer Cost	CIP Funding										Long-Term	Build-out
					2018	2019	2020	2021	2022	2023	2024	2025	2026-2042	2043 & beyond		
Capacity and Reliability Improvements																
Pipelines																
PWP-1 New Transmission Main for Proposed Lower Main Well C-8	12	\$ 414,000	\$ -	\$ 414,000	\$ -	\$ -	\$ 414,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PWP-2 New Transmission Main for Upper Main Reservoir 1 (RSG)	24	\$ 5,118,000	\$ 4,043,000	\$ 1,075,000	\$ -	\$ -	\$ 114,000	\$ 2,553,000	\$ 2,043,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PWP-3 New Transmission Main for Proposed Development in Foothill West Zone (Butterfield)	18	\$ 3,851,000	\$ -	\$ 3,851,000	\$ -	\$ -	\$ 315,000	\$ 1,364,000	\$ 1,499,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PWP-4 New Transmission Main for Proposed Development in Main Zone (RSG)	12	\$ 8,188,000	\$ -	\$ 8,188,000	\$ -	\$ -	\$ 839,000	\$ 4,144,000	\$ 3,315,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PWP-5 New Transmission Main for Foothill West Reservoir 1 & PS (Butterfield)	18	\$ 3,772,000	\$ -	\$ 3,772,000	\$ -	\$ -	\$ 373,000	\$ 1,865,000	\$ 1,497,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PWP-6 New Transmission Main from Mountain Booster PS to Existing Mountain North (Butterfield)	12	\$ 1,439,000	\$ -	\$ 1,439,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,439,000	\$ -
PWP-7 New Transmission Main for Proposed Development in Mountain North Zone (Butterfield)	12	\$ 1,865,000	\$ -	\$ 1,865,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,865,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PWP-8 New Transmission Main for Proposed Upper Main Well C-9	12	\$ 414,000	\$ -	\$ 414,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 414,000	\$ -
PWP-9 New Transmission Main for Mountain North Reservoir 1 & PS (Butterfield)	18	\$ 4,016,000	\$ 5,939,000	\$ 1,923,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,016,000	\$ -
PWP-10 New Transmission Main for Upper Main Reservoir 2	24	\$ 394,000	\$ -	\$ 394,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 394,000	\$ -
PWP-11 New Transmission Main for Proposed Development in Upper Butterfield Zone (Butterfield)	12	\$ 414,000	\$ -	\$ 414,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 414,000	\$ -
PWP-12 New Transmission Main for Proposed Upper Butterfield Reservoir (Butterfield)	12	\$ 1,865,000	\$ -	\$ 1,865,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,865,000	\$ -
PWP-13 Water Canyon Phase 1 (City's Existing CIP)	n/a	\$ 3,359,000	\$ 3,359,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,359,000	\$ -
PWP-14 New Transmission Main for Proposed Upper Main Well C-10	12	\$ 819,000	\$ -	\$ 819,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 819,000	\$ -
PWP-15 New Transmission Main for Proposed Foothill West Well C-11	12	\$ 414,000	\$ -	\$ 414,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 414,000	\$ -
PWP-16 New Transmission Main for Proposed Upper Main Well C-11	12	\$ 414,000	\$ -	\$ 414,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 414,000	\$ -
PWP-17 New Transmission Main for Foothill West Reservoir 2	18	\$ 3,102,000	\$ -	\$ 3,102,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,102,000	\$ -
PWP-18 New Transmission Main for Upper Main Reservoir 3	12	\$ 414,000	\$ -	\$ 414,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 414,000	\$ -
PWP-19 New Transmission Main for Black Bench Reservoir 1 & PS	18	\$ 3,102,000	\$ -	\$ 3,102,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,102,000	\$ -
PWP-20 New Transmission Main for Loma Linda Reservoir 1 & PS	18	\$ 3,102,000	\$ -	\$ 3,102,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,102,000	\$ -
Fire Flow Improvements																
PFF-1 Fire Flow Improvement 1	8	\$ 126,000	\$ 126,000	\$ -	\$ 126,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-2 Fire Flow Improvement 2	8	\$ 31,000	\$ 31,000	\$ -	\$ 31,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-3 Fire Flow Improvement 3 (Includes PRV & Check Valves)	n/a	\$ 341,000	\$ 341,000	\$ -	\$ 341,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-4 Fire Flow Improvement 4 (Includes PRV & Check Valves)	n/a	\$ 310,000	\$ 310,000	\$ -	\$ 310,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-5 Fire Flow Improvement 5 (Includes PRV & Check Valves)	8	\$ 455,000	\$ 455,000	\$ -	\$ -	\$ 455,000	\$ 165,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-6 Fire Flow Improvement 6 (Includes PRV & Check Valves)	12	\$ 2,145,000	\$ 2,145,000	\$ -	\$ -	\$ 955,000	\$ 1,190,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-7 Fire Flow Improvement 7	8	\$ 31,000	\$ 31,000	\$ -	\$ -	\$ -	\$ 31,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-8 Fire Flow Improvement 8	8	\$ 310,000	\$ 310,000	\$ -	\$ -	\$ -	\$ 310,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-9 Fire Flow Improvement 9	8	\$ 157,000	\$ 157,000	\$ -	\$ -	\$ -	\$ 157,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-10 Fire Flow Improvement 10	8	\$ 31,000	\$ 31,000	\$ -	\$ -	\$ -	\$ 31,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-11 Fire Flow Improvement 11	8	\$ 310,000	\$ 310,000	\$ -	\$ -	\$ -	\$ 310,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-12 Fire Flow Improvement 12	8	\$ 159,000	\$ 159,000	\$ -	\$ -	\$ -	\$ 159,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-13 Fire Flow Improvement 13	8	\$ 157,000	\$ 157,000	\$ -	\$ -	\$ -	\$ 157,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-14 Fire Flow Improvement 14	8	\$ 59,000	\$ 59,000	\$ -	\$ -	\$ -	\$ 59,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-15 Fire Flow Improvement 15	12	\$ 819,000	\$ 819,000	\$ -	\$ -	\$ -	\$ 819,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-16 Fire Flow Improvement 16	8	\$ 459,000	\$ 459,000	\$ -	\$ -	\$ -	\$ 459,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-17 Fire Flow Improvement 17	12	\$ 619,000	\$ 619,000	\$ -	\$ -	\$ -	\$ 619,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-18 Fire Flow Improvement 18	8	\$ 315,000	\$ 315,000	\$ -	\$ -	\$ -	\$ 315,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-19 Fire Flow Improvement 19	8	\$ 441,000	\$ 441,000	\$ -	\$ -	\$ -	\$ 441,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-20 Fire Flow Improvement 20	8	\$ 441,000	\$ 441,000	\$ -	\$ -	\$ -	\$ 441,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-21 Fire Flow Improvement 21	8	\$ 511,000	\$ 511,000	\$ -	\$ -	\$ -	\$ 511,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-22 Fire Flow Improvement 22	8	\$ 63,000	\$ 63,000	\$ -	\$ -	\$ -	\$ 63,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-23 Fire Flow Improvement 23	8	\$ 157,000	\$ 157,000	\$ -	\$ -	\$ -	\$ 157,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-24 Fire Flow Improvement 24	8	\$ 471,000	\$ 471,000	\$ -	\$ -	\$ -	\$ 471,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-25 Fire Flow Improvement 25	8	\$ 31,000	\$ 31,000	\$ -	\$ -	\$ -	\$ 31,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-26 Fire Flow Improvement 26	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-27 Fire Flow Improvement 27	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-28 Fire Flow Improvement 28	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-29 Fire Flow Improvement 29	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-30 Fire Flow Improvement 30	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-31 Fire Flow Improvement 31	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-32 Fire Flow Improvement 32	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-33 Fire Flow Improvement 33	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-34 Fire Flow Improvement 34	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-35 Fire Flow Improvement 35	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-36 Fire Flow Improvement 36	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-37 Fire Flow Improvement 37	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-38 Fire Flow Improvement 38	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-39 Fire Flow Improvement 39	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-40 Fire Flow Improvement 40	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-41 Fire Flow Improvement 41	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-42 Fire Flow Improvement 42	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-43 Fire Flow Improvement 43	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-44 Fire Flow Improvement 44	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-45 Fire Flow Improvement 45	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-46 Fire Flow Improvement 46	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-47 Fire Flow Improvement 47	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-48 Fire Flow Improvement 48	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-49 Fire Flow Improvement 49	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-50 Fire Flow Improvement 50	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-51 Fire Flow Improvement 51	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-52 Fire Flow Improvement 52	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-53 Fire Flow Improvement 53	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-54 Fire Flow Improvement 54	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-55 Fire Flow Improvement 55	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-56 Fire Flow Improvement 56	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-57 Fire Flow Improvement 57	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-58 Fire Flow Improvement 58	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-59 Fire Flow Improvement 59	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-60 Fire Flow Improvement 60	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PFF-61 Fire Flow Improvement 61	8	\$ 94,000	\$ 94,000	\$ -	\$ -	\$ -	\$ 94,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Table 9.10 Potable Water Capital Improvement Plan Summary

Project	Proposed Size/Character	CIP Cost Estimate	City Cost	Developer Cost	CIP Phasing												Long-Term 2026-2040	Build-Out 2041 & beyond
					Near-Term													
					2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028			
Wells																		
Quantity (gpm)																		
PWW-1	Proposed Main Zone Well C-8	1,100	\$ 3,432,000	\$ -	\$ 3,432,000	\$ 3,432,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
PWW-2	Convert Well M-7 to Supply the Upper Main Pressure Zone	100	\$ 292,000	\$ -	\$ 292,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 292,000	\$ -	\$ -	
PWW-3	Convert Well M-12 to Supply the Upper Main Pressure Zone	1,100	\$ 338,000	\$ -	\$ 338,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 338,000	\$ -	
PWW-4	Proposed Upper Main Well C-9	1,800	\$ 4,252,000	\$ -	\$ 4,252,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,252,000	\$ -	
PWW-5	Proposed Upper Main Well C-10	1,800	\$ 4,252,000	\$ -	\$ 4,252,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,252,000	
PWW-6	Proposed Foothill West Well C-11	1,800	\$ 4,252,000	\$ -	\$ 4,252,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,252,000	
PWW-7	Proposed Upper Main Well C-12	1,800	\$ 4,252,000	\$ -	\$ 4,252,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,252,000	
Valves																		
PVV-1	Altitude Valves (City's Existing CIP)	n/a	\$ 292,000	\$ 292,000	\$ -	\$ 292,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
PVV-2	New Pressure Reducing Valve for Rancho San Geronimo	n/a	\$ 343,000	\$ -	\$ 343,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 343,000	\$ -	
PVV-3	Foothill West to Upper Main Zone Pressure Reducing Station	n/a	\$ 681,000	\$ -	\$ 681,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 681,000	\$ -	
PVV-4	C-1 PRV's & 2"	n/a	\$ 681,000	\$ -	\$ 681,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 681,000	\$ -	
PVV-5	New Pressure Reducing Valves for Re-Zoning	n/a	\$ 3,424,000	\$ 3,424,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,424,000	
Repair and Rehabilitation Projects			\$ 157,846,000	\$ 157,846,000	\$ -	\$ 1,482,000	\$ 1,390,000	\$ 1,142,000	\$ 1,231,000	\$ 1,305,000	\$ 1,151,000	\$ 1,201,000	\$ 1,201,000	\$ 748,000	\$ 9,091,000	\$ 154,161,000	\$ -	
Pipelines																		
Quantity (m)																		
PWR-1	Pipeline Age Replacement Program	133	\$ 346,826,000	\$ 346,826,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 100,000	\$ 800,000	\$ 100,000	\$ 800,000	\$ 100,000	\$ 100,000	\$ 30,666,000	\$ 316,160,000	
PWR-2	Water Line Replacement Locations #1 (City's Existing CIP)	n/a	\$ 650,000	\$ 650,000	\$ -	\$ 650,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
PWR-3	Water Line Replacement Locations #2 (City's Existing CIP)	n/a	\$ 650,000	\$ 650,000	\$ -	\$ -	\$ 650,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
PWR-4	Water Line Replacement: Jacobs View/Chico (City's Existing CIP)	n/a	\$ 650,000	\$ 650,000	\$ -	\$ -	\$ 650,000	\$ 550,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Storage																		
PWR-5	San Geronimo Reservoir Site R&R	n/a	\$ 757,000	\$ 757,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 375,000	\$ 375,000	\$ -	\$ 12,000	\$ -	
PWR-6	Southwest Reservoir Site R&R	n/a	\$ 11,000	\$ 11,000	\$ -	\$ -	\$ -	\$ 25,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 13,000	\$ -	
PWR-7	Mountain Reservoir Site R&R	n/a	\$ 788,000	\$ 788,000	\$ -	\$ -	\$ 161,000	\$ 161,000	\$ 214,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 262,000	\$ -	
PWR-8	High Valley Reservoir Site R&R	n/a	\$ 873,000	\$ 873,000	\$ -	\$ 181,000	\$ 181,000	\$ 181,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 477,000	\$ -	
PWR-9	Sunset Reservoir Site R&R	n/a	\$ 644,000	\$ 644,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 683,000	\$ -	\$ -	\$ -	\$ -	\$ 68,000	\$ -	
Valves																		
PWR-10	Foothill East PRV R&R	n/a	\$ 28,000	\$ 28,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 28,000	\$ -	
PWR-11	Hargrave & John PRV R&R	n/a	\$ 71,000	\$ 71,000	\$ -	\$ -	\$ 35,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 36,000	\$ -	
Wells																		
PWR-12	Well 1 Site R&R	n/a	\$ 879,000	\$ 879,000	\$ -	\$ 133,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 746,000	\$ -	
PWR-13	Well 3 Site R&R	n/a	\$ 10,000	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ 12,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,000	\$ -	
PWR-14	Well C-5 Site R&R	n/a	\$ 758,000	\$ 758,000	\$ -	\$ -	\$ -	\$ -	\$ 827,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 168,000	\$ -	
PWR-15	Well C-5 Site R&R	n/a	\$ 477,000	\$ 477,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 355,000	\$ -	\$ -	\$ -	\$ -	\$ 92,000	\$ -	
PWR-16	Well C-6 Site R&R	n/a	\$ 18,000	\$ 18,000	\$ -	\$ -	\$ -	\$ -	\$ 13,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 13,000	\$ -	
PWR-17	Well M-1 Site R&R	n/a	\$ 236,000	\$ 236,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 13,000	\$ -	\$ -	\$ -	\$ -	\$ 223,000	\$ -	
PWR-18	Well M-11 Site R&R	n/a	\$ 68,000	\$ 68,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 35,000	\$ -	\$ -	\$ -	\$ 33,000	\$ -	
PWR-19	Well M-11 Site R&R	n/a	\$ 11,000	\$ 11,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 14,000	\$ -	\$ -	\$ 14,000	\$ -	
PWR-20	Well Enclosures (City's Existing CIP)	n/a	\$ 80,000	\$ 80,000	\$ -	\$ 80,000	\$ -	\$ 80,000	\$ -	\$ 80,000	\$ -	\$ 80,000	\$ -	\$ 80,000	\$ -	\$ 80,000	\$ -	
PWR-21	Well Rehabilitation (City's Existing CIP)	n/a	\$ 293,000	\$ 293,000	\$ -	\$ 150,000	\$ -	\$ 150,000	\$ -	\$ 150,000	\$ -	\$ 150,000	\$ -	\$ 150,000	\$ -	\$ 150,000	\$ -	
Multi-Site Projects																		
PWR-22	Multi-Site Projects (Emergency Power & Safety Retrofits)	n/a	\$ 2,111,000	\$ 2,111,000	\$ -	\$ 271,000	\$ 271,000	\$ 271,000	\$ 271,000	\$ 271,000	\$ 271,000	\$ 271,000	\$ 271,000	\$ 271,000	\$ 271,000	\$ 271,000	\$ -	
SCADA Projects																		
PWO-1	Pipeline Rehabilitation Asset Study	n/a	\$ 215,000	\$ 215,000	\$ -	\$ 215,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
PWO-2	Security Cameras at Water Yard (City's Existing CIP)	n/a	\$ 33,000	\$ 33,000	\$ -	\$ 33,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
PWO-3	Replace SCADA Computer Hardware/Software (City's Existing CIP)	n/a	\$ 210,000	\$ 210,000	\$ -	\$ 210,000	\$ 210,000	\$ 210,000	\$ 210,000	\$ 210,000	\$ 210,000	\$ 210,000	\$ 210,000	\$ 210,000	\$ 210,000	\$ 210,000	\$ 210,000	
PWO-4	Work Truck (City's Existing CIP)	n/a	\$ 80,000	\$ 80,000	\$ -	\$ -	\$ -	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	
PWO-5	Automatic Meter Reading (AMR) (City's Existing CIP)	n/a	\$ 1,900,000	\$ 1,900,000	\$ -	\$ 1,900,000	\$ 1,900,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
PWO-6	Advanced Metering Infrastructure (AMI) (City's Existing CIP)	n/a	\$ 750,000	\$ 750,000	\$ -	\$ -	\$ 750,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
PWO-7	Computer Information System (ERP) (City's Existing CIP)	n/a	\$ 2,000,000	\$ 2,000,000	\$ -	\$ -	\$ 750,000	\$ 750,000	\$ 750,000	\$ 750,000	\$ 750,000	\$ 750,000	\$ 750,000	\$ 750,000	\$ 750,000	\$ 750,000	\$ 750,000	
PWO-8	Chromium 6 Treatment Pilot Study, Design, and Construction (City's Existing CIP)	n/a	\$ 314,320,000	\$ 314,320,000	\$ -	\$ -	\$ 180,000	\$ 1,100,000	\$ 5,000,000	\$ 35,000,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Other																		
CIP Total			\$ 579,311,400	\$ 434,372,000	\$ 135,789,000	\$ 5,167,000	\$ 8,347,000	\$ 19,685,000	\$ 28,115,000	\$ 43,431,000	\$ 5,447,000	\$ 3,215,000	\$ 4,063,000	\$ 137,819,000	\$ 137,791,000	\$ -	\$ -	
Annual Cost			N/A	N/A	N/A	\$ 5,167,000	\$ 8,347,000	\$ 19,685,000	\$ 28,115,000	\$ 43,431,000	\$ 5,447,000	\$ 3,215,000	\$ 4,063,000	\$ 9,190,000	N/A	\$ -	\$ -	

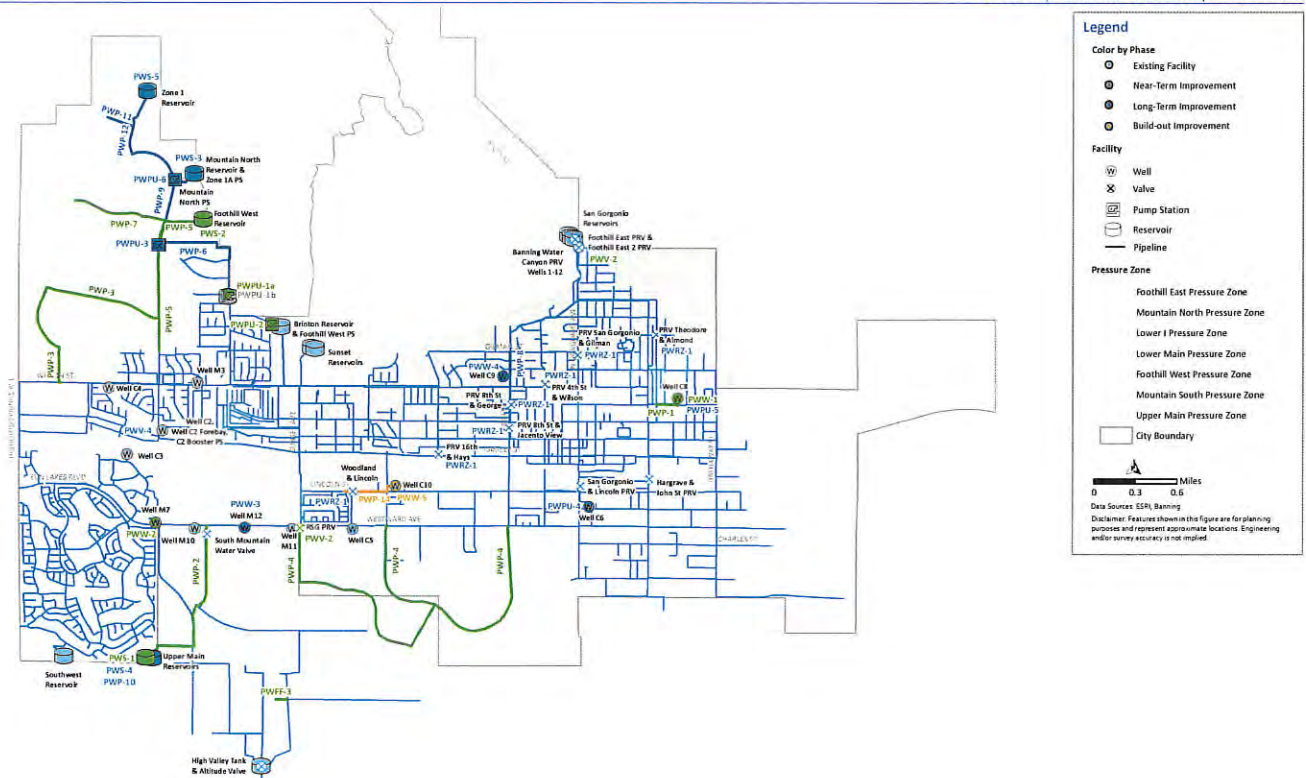


Table 9.11 Wastewater Capital Improvement Plan Summary

Project	Proposed Size/Diameter	CIP Cost Estimate	City Cost	Developer Cost	CIP Phasing												
					2018	2019	2020	Near-Term					2023	2024	2025	Long-Term	Build-Out
Capacity Related Improvements		\$ 14,389,000	\$ 14,894,000	\$ 3,299,000	\$ 473,000	\$ 1,044,000	\$ 456,000	\$ 315,000	\$ 298,000	\$ 315,000	\$ 315,000	\$ 315,000	\$ 315,000	\$ 315,000	\$ 315,000	\$ 793,000	\$ 4,553,000
Gravity Mains	Diameter (in)	\$ 8,726,000	\$ 5,317,000	\$ 3,299,000	\$ 473,000	\$ 1,044,000	\$ 456,000	\$ 315,000	\$ 298,000	\$ 315,000	\$ 315,000	\$ 315,000	\$ 315,000	\$ 315,000	\$ 315,000	\$ 793,000	\$ 4,553,000
WWGM-1 Gravity Main along Williams Street	10	\$ 298,000	\$ 298,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 298,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
WWGM-2 Northern Segment of Gravity Main along Hathaway Street	12	\$ 315,000	\$ 315,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 315,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
WWGM-3A Casing Under I-40	15/20	\$ 456,000	\$ 456,000	\$ -	\$ -	\$ -	\$ -	\$ 456,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
WWGM-3B Gravity Main along Hathaway Street	15	\$ 1,044,000	\$ 1,044,000	\$ -	\$ -	\$ 1,044,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
WWGM-4 Gravity Main along Ramsey Street	12	\$ 315,000	\$ 315,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 315,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
WWGM-5 Gravity Main along Charles Street	21	\$ 472,000	\$ 472,000	\$ -	\$ 472,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
WWGM-6 Gravity Main along Livingston Street	12	\$ 315,000	\$ 315,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 315,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
WWGM-7 Gravity Main along Fourth Street	12	\$ 157,000	\$ 157,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 157,000	\$ -	\$ -	\$ -	\$ -
WWGM-8 Gravity Main along Charles Street	21	\$ 472,000	\$ 360,000	\$ 132,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 472,000	\$ -
WWGM-9 Gravity Main along Porter Street	30	\$ 319,000	\$ 118,000	\$ 191,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 319,000	\$ -
WWGM-10 Gravity Main along Porter Street	24	\$ 2,631,000	\$ 789,000	\$ 1,842,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,631,000
WWGM-11 Gravity Main, Porter Street to WWTP	24	\$ 1,541,000	\$ 478,000	\$ 1,063,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,541,000
WWGM-12 Gravity Main south of Charles Street to WWTP	21	\$ 215,000	\$ 90,000	\$ 145,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 215,000
WWGM-13 Gravity Main along Wilson Street	8	\$ 145,000	\$ 120,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 145,000
Force Mains	Diameter (in)	\$ 485,000	\$ 485,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 485,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
WWFM-1 Interim Westward Lift Station Force Main Upgrade	12	\$ 485,000	\$ 485,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 485,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Lift Stations	Quantity (mgd)	\$ 5,088,000	\$ 5,088,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,088,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
WWLS-1 Interim Westward Lift Station Upgrade	4.40 mgd	\$ 5,088,000	\$ 5,088,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,088,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Non-Capacity Related Improvements	Diameter (in)	\$ 10,151,000	\$ 9,577,000	\$ 1,800,000	\$ -	\$ -	\$ -	\$ 2,611,000	\$ 2,411,000	\$ 2,541,000	\$ 1,492,000	\$ 580,000	\$ 7,547,000	\$ 36,340,000	\$ -	\$ -	\$ -
Gravity Mains	Diameter (in)	\$ 37,848,000	\$ 333,000	\$ 37,827,000	\$ -	\$ -	\$ -	\$ 2,611,000	\$ 2,411,000	\$ 3,543,000	\$ 1,492,000	\$ 580,000	\$ 2,379,000	\$ 34,845,000	\$ -	\$ -	\$ -
WWGM-14 Butterfield Offsite Trunk	15	\$ 2,611,000	\$ -	\$ 2,611,000	\$ -	\$ -	\$ -	\$ 2,611,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
WWGM-15 Butterfield-Loma Linda Offsite Trunk	15	\$ 870,000	\$ -	\$ 870,000	\$ -	\$ -	\$ -	\$ -	\$ 870,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
WWGM-16 Westward Lift Station Bypass	18	\$ 716,000	\$ 311,000	\$ 415,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 716,000	\$ -	\$ -	\$ -	\$ -
WWGM-17 RSG Main Trunk	18	\$ 6,375,000	\$ -	\$ 6,375,000	\$ -	\$ -	\$ -	\$ -	\$ 1,541,000	\$ 3,503,000	\$ 1,492,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
WWGM-18 Gravity Main along Wilson Street	8	\$ 380,000	\$ -	\$ 380,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 380,000	\$ -	\$ -	\$ -	\$ -	\$ -
WWGM-19 Gravity Main for BMG	8	\$ 435,000	\$ -	\$ 435,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 435,000	\$ -
WWGM-20 Gravity Main along Lincoln Street	8	\$ 29,000	\$ -	\$ 29,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 29,000	\$ -
WWGM-21 Gravity Main along Cottonwood Road	8	\$ 1,160,000	\$ -	\$ 1,160,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,160,000	\$ -
WWGM-22 Gravity Main along Fountain Street	8	\$ 1,595,000	\$ -	\$ 1,595,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,595,000
WWGM-23 Gravity Main along Longhorn Road	8	\$ 5,801,000	\$ -	\$ 5,801,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,801,000
WWGM-24 Gravity Main along Bobcat Road	12	\$ 2,204,000	\$ -	\$ 2,204,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,204,000
WWGM-25 Gravity Main along Sunset Avenue	12	\$ 7,715,000	\$ -	\$ 7,715,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,715,000
WWGM-26 Gravity Main along Westward Avenue	8	\$ 870,000	\$ -	\$ 870,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 870,000
WWGM-27 Gravity Main along Mias Canyon Road and Bluff Street	8	\$ 3,626,000	\$ -	\$ 3,626,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,626,000
WWGM-28 Gravity Main along Florida Street	8	\$ 435,000	\$ -	\$ 435,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 435,000
WWGM-29 Gravity Main along Almond and Blanchard Street	8	\$ 435,000	\$ -	\$ 435,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 435,000
WWGM-30 Casing for Gravity Main Crossing I-40	12/24	\$ 854,000	\$ -	\$ 854,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 854,000
WWGM-31 Gravity Main along Lincoln Street	8	\$ 870,000	\$ -	\$ 870,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 870,000
WWGM-32 Gravity Main along Ramsey Street	8	\$ 435,000	\$ -	\$ 435,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 435,000
Force Mains	Diameter (in)	\$ 3,045,000	\$ -	\$ 3,045,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,160,000	\$ 1,885,000
WWFM-2 Force Main along Westward Avenue	8	\$ 1,160,000	\$ -	\$ 1,160,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,160,000	\$ -
WWFM-3 Force Main along Porter Street	6	\$ 1,305,000	\$ -	\$ 1,305,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,305,000
WWFM-4 Force Main along Roadrunner Trail	6	\$ 290,000	\$ -	\$ 290,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 290,000
WWFM-5 Force Main Creek Crossing	6	\$ 290,000	\$ -	\$ 290,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 290,000
Lift Stations	Quantity (mgd)	\$ 7,633,000	\$ -	\$ 7,633,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,057,000	\$ 3,576,000
WWLS-2 Distribution Center Lift Station	1.90 mgd	\$ 2,596,000	\$ -	\$ 2,596,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,596,000	\$ -
WWLS-3 Business Park Lift Station	0.62 mgd	\$ 1,461,000	\$ -	\$ 1,461,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,461,000	\$ -
WWLS-4 Porter Street Lift Station	0.16 mgd	\$ 1,078,000	\$ -	\$ 1,078,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,078,000
WWLS-5 Roadrunner Trail Lift Station	0.34 mgd	\$ 1,235,000	\$ -	\$ 1,235,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,235,000
WWLS-6 Bluff Street Lift Station	0.40 mgd	\$ 1,275,000	\$ -	\$ 1,275,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,275,000
Rehabilitation and Replacement Projects		\$ 3,114,000	\$ 3,405,000	\$ 108,000	\$ 146,000	\$ 350,000	\$ -	\$ 100,000	\$ 350,000	\$ -	\$ 60,000	\$ 350,000	\$ 2,050,000	\$ 108,000	\$ -	\$ -	\$ -
Gravity Mains		\$ 3,280,000	\$ 3,280,000	\$ -	\$ 60,000	\$ 350,000	\$ -	\$ 60,000	\$ 350,000	\$ -	\$ 60,000	\$ 350,000	\$ 2,050,000	\$ 108,000	\$ -	\$ -	\$ -
WWRR-1 Annual Sewer Replacement	NA	\$ 3,280,000	\$ 3,280,000	\$ -	\$ 60,000	\$ 350,000	\$ -	\$ 60,000	\$ 350,000	\$ -	\$ 60,000	\$ 350,000	\$ 2,050,000	\$ 108,000	\$ -	\$ -	\$ -
Lift Stations		\$ 234,000	\$ 125,000	\$ 108,000	\$ 86,000	\$ -	\$ -	\$ 40,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 108,000
WWRR-2 Caltrans Lift Station Site Improvements	N/A	\$ 125,000	\$ 125,000	\$ 108,000	\$ 86,000	\$ -	\$ -	\$ 40,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 108,000
WWRR-3 Westward Lift Station Site Improvements	N/A	\$ 86,000	\$ 86,000	\$ -	\$ 86,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Treatment Plant Related Improvements		\$ 27,330,000	\$ 5,330,000	\$ 21,000,000	\$ 180,000	\$ 1,800,000	\$ 15,150,000	\$ 10,000,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
WWTP-1 Digester Cleaning	N/A	\$ 150,000	\$ 150,000	\$ -	\$ -	\$ -	\$ 150,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
WWTP-2 Heat Exchanger Repairs	N/A	\$ 60,000	\$ 60,000	\$ -	\$ 10,000	\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Wastewater FINAL CIP

Page 1 of 2

Table 9.11 Wastewater Capital Improvement Plan Summary

Project	Proposed Size/Diameter	CIP Cost Estimate	City Cost	Developer Cost	CIP Phasing											
					Near-Term										Long-Term	
					2018	2019	2020	2021	2022	2023	2024	2025	2026-2040	2041 & beyond		
WWTP-3 Boiler Gas Control Valves	N/A	\$ 80,000	\$ 80,000	\$ -	\$ 15,000	\$ 65,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
WWTP-4 Digester Gas Pipeline	N/A	\$ 30,000	\$ 30,000	\$ -	\$ 5,000	\$ 25,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
WWTP-5 WWTP Upgrade	N/A	\$ 27,000,000	\$ 5,000,000	\$ 22,000,000	\$ 250,000	\$ 1,750,000	\$ 15,000,000	\$ 10,000,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Clear 2045		\$ 2,524,000	\$ 2,524,000	\$ -	\$ -	\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,525,000	\$ 2,640,000	\$ -
WWO-1 Septic Removal	8	\$ 5,311,000	\$ 5,311,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,235,000	\$ 3,295,000	\$ -
WWO-2 Lift Station Telemetry	N/A	\$ 50,000	\$ 50,000	\$ -	\$ -	\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
CIP Total		\$ 99,210,000	\$ 15,498,000	\$ 73,712,000	\$ 898,000	\$ 3,334,000	\$ 15,606,000	\$ 13,026,000	\$ 8,633,000	\$ 3,858,000	\$ 3,867,000	\$ 1,087,000	\$ 12,023,000	\$ 38,879,000		
Annual Cost		N/A	N/A	N/A	\$ 898,000	\$ 3,334,000	\$ 15,606,000	\$ 13,026,000	\$ 8,633,000	\$ 3,858,000	\$ 3,867,000	\$ 1,087,000	\$ 802,000	N/A		

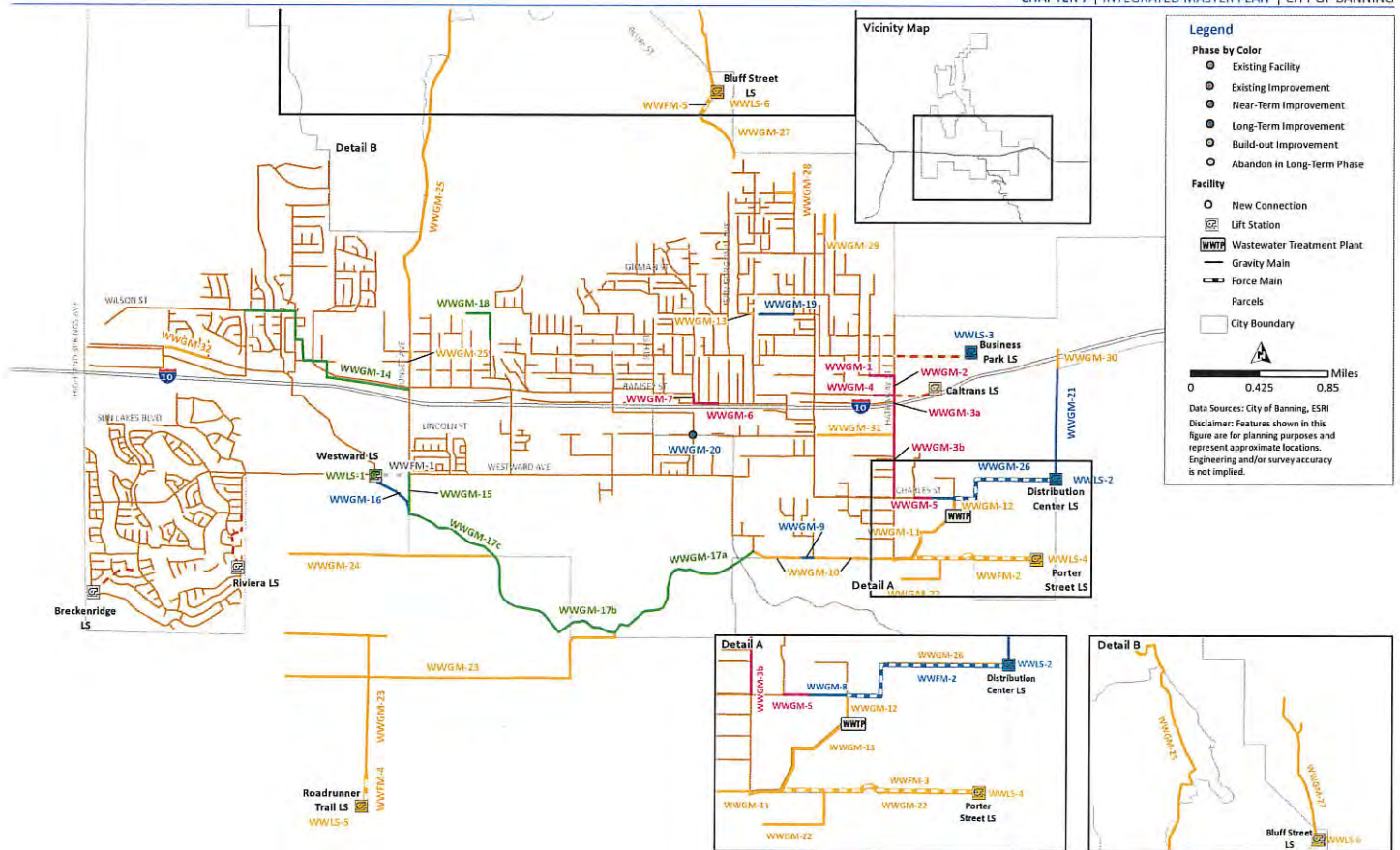


Figure 9.10 Wastewater CIP Map

Table 9.12 Recycled Water Capital Improvement Plan Summary

Project	Proposed Size/Diameter	CIP Cost Estimate	City Cost	Developer Cost	CIP Phasing										Long-Term 2026-2040	Build-out 2041 & beyond
					2018	2019	2020	2021	2022	2023	2024	2025				
Capacity and Reliability Improvements																
Pipelines		Diameter (in)	\$ 34,696,000	\$ 11,295,000	\$ 23,400,000	\$ 12,812,000	\$ 4,330,000	\$ 4,144,000	\$ 3,978,000	\$ 5,885,000	\$ 1,015,000	\$ 2024	\$ 2025	\$ 2026-2040	\$ 2041 & beyond	
RWP-1	Recycled Water Backbone System	24	\$ 14,172,000	\$ 6,378,000	\$ 7,794,000	\$ 5,905,000	\$ 4,330,000	\$ 3,937,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
RWP-2	Lion's Park Lateral	6	\$ 435,000	\$ -	\$ 435,000	\$ 435,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
RWP-3	Banning High School Lateral	6	\$ 435,000	\$ -	\$ 435,000	\$ -	\$ -	\$ -	\$ -	\$ 435,000	\$ -	\$ -	\$ -	\$ -	\$ -	
RWP-4	Rancho San Geronio Lateral	12	\$ 207,000	\$ -	\$ 207,000	\$ -	\$ -	\$ 207,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
RWP-5	Neighborhood Park Lateral	6	\$ 145,000	\$ -	\$ 145,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 145,000	\$ -	
RWP-6	Dysart Park Lateral	6	\$ 1,015,000	\$ -	\$ 1,015,000	\$ -	\$ -	\$ -	\$ -	\$ 1,015,000	\$ -	\$ -	\$ -	\$ -	\$ -	
RWP-7	Five Bridges Development Lateral	10	\$ 199,000	\$ -	\$ 199,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 199,000	
RWP-8	Well R-1 Pipeline	12	\$ 1,035,000	\$ 466,000	\$ 570,000	\$ 1,035,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
RWP-9	Five Bridges Basin Pipeline	16	\$ 1,641,000	\$ 738,000	\$ 903,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,641,000	\$ -	
RWP-10	WWTP Basin Pipeline	16	\$ 547,000	\$ 246,000	\$ 301,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 547,000	\$ -	
Booster Pump Stations		Quantity (hp)	\$ 3,978,000	\$ 1,790,000	\$ 2,188,000	\$ -	\$ -	\$ -	\$ 3,978,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Wells		Quantity (well)	\$ 1,707,000	\$ -	\$ 1,707,000	\$ 1,707,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Storage		Quantity (tank)	\$ 3,729,000	\$ 1,678,000	\$ 2,051,000	\$ 3,729,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Valves		Quantity (PRV)	\$ 5,450,000	\$ -	\$ 5,450,000	\$ -	\$ -	\$ -	\$ -	\$ 5,450,000	\$ -	\$ -	\$ -	\$ -	\$ -	
Other Projects			\$ 7,072,000	\$ 7,072,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 150,000	\$ 3,938,000	\$ 3,938,000	\$ -	
RWO-1	Five Bridges Site Improvements	n/a	\$ 3,194,000	\$ 3,194,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,194,000	\$ -	\$ -	
RWO-2	WWTP Basin Site Improvements	n/a	\$ 411,000	\$ 411,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 411,000	\$ -	\$ -	
RWO-3	Hydrogeological Study	n/a	\$ 150,000	\$ 150,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 150,000	\$ -	\$ -	\$ -	
RWO-4	Monitoring Wells and Lysimeters	n/a	\$ 3,984,000	\$ 3,984,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,984,000	\$ -	
RWO-5	60s Permitting	n/a	\$ 200,000	\$ 200,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 200,000	\$ -	\$ -	
RWO-6	Recycled Water Master Plan Update	n/a	\$ 133,000	\$ 133,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 133,000	\$ -	\$ -	
CIP Total			\$ 44,768,000	\$ 18,368,000	\$ 23,400,000	\$ 12,812,000	\$ 4,330,000	\$ 4,144,000	\$ 3,978,000	\$ 5,885,000	\$ 1,015,000	\$ 150,000	\$ 3,938,000	\$ 5,317,000	\$ 399,000	
Annual Cost			N/A	N/A	N/A	\$ 12,812,000	\$ 4,330,000	\$ 4,144,000	\$ 3,978,000	\$ 5,885,000	\$ 1,015,000	\$ 150,000	\$ 3,938,000	\$ 354,000	N/A	

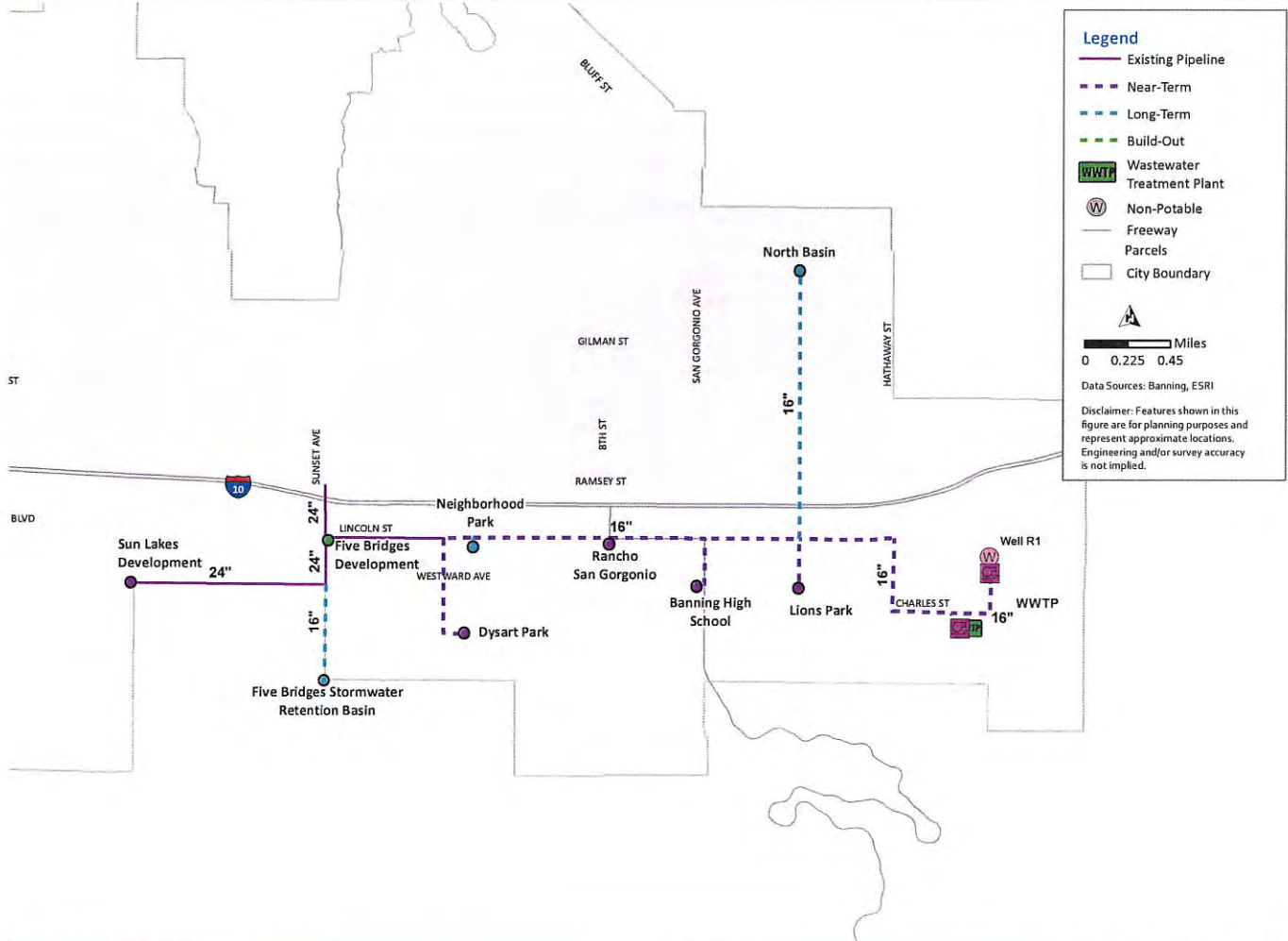


Figure 9.11 Recycled Water CIP Map

***THIS PAGE
INTENTIONALLY LEFT
BLANK***



**CITY OF BANNING
BANNING UTILITY AUTHORITY REPORT**

TO: BANNING UTILITY AUTHORITY

FROM: Rochelle Clayton, Interim City Manager

PREPARED BY: Art Vela, Public Works Director
Luis Cardenas, Senior Civil Engineer

MEETING DATE: July 10, 2018

SUBJECT: Adopt Resolution 2018-14 UA, Approving Amendment No. 2 to the Agreement for Water and Wastewater Laboratory Analytical Testing Services with Babcock Laboratories, Inc. to Provide Services for Fiscal Year 2018/2019

RECOMMENDED ACTION:

Adopt Resolution 2018-14 UA:

- 1) Approving Amendment No. 2 to the Agreement for Water and Wastewater Analytical Testing Services with Babcock Laboratories, Inc. of Riverside, CA in the amount of \$60,000 to provide services for Fiscal Year 2018/2019.
- 2) Authorizing the City Manager or her designee to make necessary budget adjustments, appropriations and transfers related to the Professional Services Agreement for laboratory analytical testing services.
- 3) Authorizing the City Manager to execute the Professional Services Agreement with Babcock Laboratories, Inc. of Riverside, CA for laboratory analytical testing services.

BACKGROUND:

The State Water Resources Control Board (SWRCB) is responsible for the enforcement of the Federal and California Safe Drinking Water Acts and the regulatory oversight of public water systems to assure the delivery of safe drinking water. The SWRCB prescribes regulations that limit the amount of certain contaminants in drinking water.

Furthermore, the California Regional Water Quality Control Board (CRWQCB) oversees the City of Banning Wastewater Treatment Plant (WWTP) Wastewater Discharge

Requirements (WDR). The WDR has set specific groundwater monitoring requirements near the WWTP percolation ponds.

Consequently, the City of Banning Water and Wastewater Divisions obtain over 1,500 water samples annually from more than 33 sample points throughout the City and submits them for laboratory testing in order to confirm that the divisions are operating within their respective permit requirements.

In order to obtain laboratory services, Public Works staff advertised a Request for Proposals (RFP) on May 6, 2016 in the Press Enterprise and on the City's website. In response to these efforts, the Public Works Department received two (2) proposals from the following companies:

<u>Companies</u>	<u>Ranking</u>
1) Babcock Laboratories, Inc.	885
2) BSK Associates	818

The proposals were evaluated based on specific criteria including how long the company has been in business, qualifications and experience in implementing an analytical testing program, costs for performing the required analytical testing, quality of services, references, proximity and overall responsiveness to the RFP.

Based on the evaluations and staff recommendation, the Banning Utility Authority approved at its June 28, 2016 meeting a contract award to Babcock Laboratories, Inc. in the amount of \$60,000 for a one (1) year period beginning July 1, 2016 and ending June 30, 2017. This agreement included an option to be renewed for an additional four (4) single years upon annual review and approval by Banning Utility Authority.

JUSTIFICATION:

Laboratory analytical testing services are necessary in order to meet permit requirements of the SWRCB and the CRWQCB related to the operations of the Water and Wastewater Divisions.

Babcock Laboratories, Inc. of Riverside, California has provided the required laboratory analytical services at a satisfactory level and therefore staff recommends the renewal of their contract for Fiscal Year 2017/2018.

The contract renewal is for a term of twelve (12) months for an amount of, not to exceed, \$60,000. If approved, the renewal will be the second for Babcock Laboratories, Inc.

FISCAL IMPACT:

The Professional Services Agreement for Laboratory Analytical Testing Services will be funded by the Water Fund Fiscal Year 2018/2019, Account No. 660-6300-471.23-32 (Contractual Services / Laboratory Services) in the amount of \$55,000 and by the Wastewater Fund Fiscal Year 2018/2019, Account No. 680-8000-454.23-32 in the amount of \$5,000 for a total amount of \$60,000.

ALTERNATIVE:

Reject the recommendation. If rejected, laboratory and analytical testing services will be discontinued and the City will not meet State mandated testing requirements. If requested, staff could proceed with a new RFP to obtain the required services, although this would take some time to process.

ATTACHMENTS:

1. Resolution 2018-14 UA
2. Amendment No. 2

Approved by:



Rochelle Clayton
Interim City Manager

ATTACHMENT 1

Resolution 2018-14UA

RESOLUTION 2018-14 UA

A RESOLUTION OF THE BANNING UTILITY AUTHORITY OF BANNING, CALIFORNIA, APPROVING AMENDMENT NO. 2 TO THE AGREEMENT FOR WATER AND WASTEWATER LABORATORY ANALYTICAL TESTING SERVICES WITH BABCOCK LABORATORIES, INC. OF RIVERSIDE, CALIFORNIA TO PROVIDE SERVICES FOR FISCAL YEAR 2018/2019 IN THE AMOUNT OF \$60,000

WHEREAS, the City of Banning owns and operates its own water wells, water distribution system throughout the City; and

WHEREAS, the State Water Resources Control Board (SWRCB) has mandated water sampling and laboratory testing of all public water systems in the State of California; and

WHEREAS, the California Regional Water Quality Control Board (CRWQCB) oversees the City of Banning Wastewater Discharge Requirements and requires groundwater monitoring; and

WHEREAS, Water and Wastewater Divisions obtain over 1,500 water samples annually from more than 33 sample points throughout the City and submits them for laboratory testing in order to confirm that the divisions are operating within their respective permit requirements; and

WHEREAS, on May 6, 2016 the Public Works Department advertised a Request for Proposals to obtain proposals from environmental testing laboratories to provide laboratory analytical testing services and received and evaluated two proposals; and

WHEREAS, Babcock Laboratories, Inc. of Riverside, California was ranked the highest by the evaluation committee; and

WHEREAS, the Banning Utility Authority approved a contract award to Babcock Laboratories, Inc. in the amount of \$60,000 for a one (1) year period beginning July 1, 2016 and ending June 30, 2017 with an option to be renewed for an additional four (4) single years upon annual review and approval by the Banning Utility; and

WHEREAS, Babcock Laboratories, Inc. has provided the required laboratory analytical services at a satisfactory level and therefore staff recommends the renewal of their contract for Fiscal Year 2018/2019; and

WHEREAS, the Professional Services Agreement renewal for Laboratory Analytical Testing Services will be funded by the Water Fund Fiscal Year 2018/2019, Account No. 660-6300-471.23-32 (Contractual Services / Laboratory Services) in the amount of \$55,000 and by the Wastewater Fund Fiscal Year 2018/2019, Account No. 680-8000-454.23-32 in the amount of \$5,000 for a total amount of \$60,000.

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

SECTION 1. The Banning Utility Authority adopts Resolution 2018-14 UA, approving Amendment No. 2 to the Agreement for Water and Wastewater Laboratory Analytical Testing Services with Babcock Laboratories, Inc. of Riverside, CA to provide services for Fiscal Year 2018/2019 in the amount of \$60,000.

SECTION 2. The City Manager or her designee is authorized to make necessary budget adjustments, appropriations and transfers related to the Professional Services Agreement for laboratory analytical testing services.

SECTION 3. The City Manager is authorized to execute the Professional Services Agreement with Babcock Laboratories, Inc. of Riverside, CA for laboratory analytical testing services.

PASSED, ADOPTED AND APPROVED this 10th day of July, 2018.

George Moyer, Chairman
Banning Utility Authority

ATTEST:

Sonja De La Fuente, Secretary

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

Kevin G. Ennis, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Sonja De La Fuente, Secretary of the Banning Utility Authority of Banning, California, do hereby certify that the foregoing Resolution 2018-14 UA was duly adopted by the Banning Utility Authority of the City of Banning, California, at a Regular Meeting thereof held on the 10th day of July, 2018, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sonja De La Fuente, Secretary
Banning Utility Authority

ATTACHMENT 2

Amendment No. 2

**AMENDMENT NO. 2 TO
AGREEMENT FOR WATER AND WASTEWATER LABORATORY ANALYTICAL
TESTING SERVICES**

**BETWEEN THE CITY OF BANNING, CALIFORNIA
AND
BABCOCK LABORATORIES, INC., a California corporation**

THIS AMENDMENT NO. 2 TO THE AGREEMENT FOR CONTRACT SERVICES ("AMENDMENT NO. 2") by and between the **CITY OF BANNING** ("CITY") and **BABCOCK LABORATORIES, INC., a California corporation**, ("Contractor") is effective as of the 1st day of July, 2018.

RECITALS

A. On June 28, 2016, CITY adopted City Council Resolution No. 2016-09UA, which authorized CITY and Contractor to enter into that certain Agreement for Contract Services dated July 1, 2016 ("Agreement"). The Agreement provided that Contractor would provide those services specified in the Scope of Services attached to the Agreement as Exhibit "A". Pursuant to Section 3.2 of the Agreement, CITY can extend the term of the Agreement and whereby CITY entered into a one-year agreement with the option to extend the initial Agreement for an additional four (4) single years per Exhibit "D".

B. On May 9, 2017, CITY adopted City Council Resolution No. 2017-05UA, which authorized the extension of the Agreement (Amendment No. 1) for an additional one-year term, ending on June 30, 2018, and the increase in compensation for services provided under the Agreement.

C. CITY and Contractor now desire to amend the Agreement (Amendment No. 2) in accordance with Resolution No. 2018-14UA to include additional compensation for the extended contract term in an annual amount of Sixty Thousand Dollars (\$60,000.00) and to extend the contract period to June 30, 2019.

TERMS

1. **Contract Changes.** The Agreement is amended as follows:

(a) Section 2.1 of the Agreement is amended to provide that Consultant's total compensation for the period from July 1, 2018 through June 30, 2019 shall not exceed Sixty Thousand Dollars (\$60,000).

(b) Compensation: Exhibit "C", Section I. to the Agreement is hereby amended to reflect the contract term of July 1, 2018 through June 30, 2019.

2. **Continuing Effect of Agreement.** Except as amended by this Amendment No. 2, all provisions of the Agreement shall remain unchanged and in full force and effect. From and after the date of this AMENDMENT NO. 2, whenever the term "Agreement" appears in the Agreement, it shall mean the Agreement and all amendments thereto.

3. **Affirmation of Agreement; Warranty Re Absence of Defaults.** CITY and Contractor each ratify and reaffirm each and every one of the respective rights and obligations arising under the Agreement. Each party represents and warrants to the other that there have been no written or oral modifications to the Agreement other than as provided herein. Each party represents and warrants to the other that the Agreement is currently an effective, valid, and binding obligation.

Contractor represents and warrants to CITY that, as of the date of this Amendment, CITY is not in default of any material term of the Agreement and that there have been no events that, with the passing of time or the giving of notice, or both, would constitute a material default under the Agreement.

CITY represents and warrants to Contractor that, as of the date of this Amendment, Contractor is not in default of any material term of the Agreement and that there have been no events that, with the passing of time or the giving of notice, or both, would constitute a material default under the Agreement.

4. **Adequate Consideration.** The parties hereto irrevocably stipulate and agree that they have each received adequate and independent consideration for the performance of the obligations they have undertaken pursuant to this Amendment.

5. **Authority.** The persons executing this Agreement on behalf of the parties hereto warrant that (i) such party is duly organized and existing, (ii) they are duly authorized to execute and deliver this Agreement on behalf of said party, (iii) by so executing this Agreement, such party is formally bound to the provisions of this Agreement, and (iv) the entering into this Agreement does not violate any provision of any other Agreement to which said party is bound.

[SIGNATURES ON FOLLOWING PAGE]

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

CITY:

CITY OF BANNING

Rochelle Clayton, Interim City Manager

ATTEST:

Sonja De La Fuente, Deputy City Clerk

APPROVED AS TO FORM:

Kevin G. Ennis, Esq., City Attorney

CONTRACTOR:

BABCOCK LABORATORIES, INC.

By: _____

Name:

Title:

By: _____

Name:

Title:

Address:

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

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

STATE OF CALIFORNIA

COUNTY OF RIVERSIDE

On _____, 2018 before me, _____, personally appeared _____, proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature: _____

OPTIONAL

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

CAPACITY CLAIMED BY SIGNER		DESCRIPTION OF ATTACHED DOCUMENT
☐	INDIVIDUAL	
☐	CORPORATE OFFICER	
	TITLE(S) _____	TITLE OR TYPE OF DOCUMENT _____
☐	PARTNER(S) ☐ LIMITED	
	☐ GENERAL	
☐	ATTORNEY-IN-FACT	
☐	TRUSTEE(S)	NUMBER OF PAGES _____
☐	GUARDIAN/CONSERVATOR	
☐	OTHER _____	
SIGNER IS REPRESENTING: (NAME OF PERSON(S) OR ENTITY(IES)) _____ _____		DATE OF DOCUMENT _____
		SIGNER(S) OTHER THAN NAMED ABOVE _____