

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

December 11, 2018
5:00 p.m.

Banning Civic Center
Council Chambers
99 E. Ramsey Street

The following information comprises the agenda for the regular meeting of the City Council; a joint meeting of the Banning City Council and the Banning City Council Sitting in Its Capacity of a Successor Agency and the Banning Housing Authority; and a scheduled 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 – Police Chaplain Merle Malland
- Pledge of Allegiance
- Roll Call – Council Members Andrade, Franklin, Peterson, Welch, Mayor Moyer

RECESS REGULAR CITY COUNCIL MEETING AND CALL TO ORDER A JOINT MEETING OF THE BANNING CITY COUNCIL, THE CITY COUNCIL SITTING IN ITS CAPACITY OF A SUCESSOR AGENCY, AND THE HOUSING AUTHORITY

II. CERTIFICATION OF ELECTION RESULTS

1. Resolution 2018-150, Reciting the Facts of the Consolidated General Election Held in Said City on November 6, 20181
Recommendation: **That the City Council adopt Resolution 2018-150, Reciting the Facts of the Consolidated General Election Held in Said City On November 6, 2018**

III. PRESENTATION TO OUTGOING CITY COUNCIL MEMBER

- By Mayor Moyer

IV. PRESENTATION TO OUTGOING MAYOR

- By City Manager Douglas Schulze

V. SWEARING IN OF COUNCIL MEMBERS

- By City Clerk Marie A. Calderon

VI. REORGANIZATION OF CITY COUNCIL

- 1. City Council Reorganization.....15
 Recommendation: **That the City Council choose one of its members as Mayor and another of its members as Mayor Pro Tem.**

RECONVENE THE REGULAR CITY COUNCIL MEETING

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.

VII. CLOSED SESSION

- 1. CONFERENCE WITH LABOR NEGOTIATIONS: Pursuant to Government Code Section 54957.6 Agency Designated Representative: Doug Schulze, City Manager. Unrepresented Employee: Police Chief Candidate
- 2. PUBLIC EMPLOYEE APPOINTMENT: Police Chief - Pursuant to Government Code Section 54957.

VIII. 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 10: Items ____, ____, ____, to be pulled for discussion. *(Resolutions require a recorded majority vote of the total membership of the City Council)*

- 1. Minutes – Special Meeting – 11/13/2018 (Closed Session)..... **23**
- 2. Minutes – Regular Meeting – 11/13/2018 **25**
- 3. List of Contracts Approved Under the City Manager’s Approval Authority Signed in the Month of November 2018 **65**

4.	Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of October 2018.....	69
5.	Receive and File Cash, Investments and Reserve Report for the Month of October 2018.....	101
6.	Resolution 2018-148 Amendment to Agreement with CV Strategies, LLC for Public Relations Outreach Services	107
7.	Resolution 2018-147, Approving the Banning Municipal Airport’s Airport Capital Improvement Plan for 2019-2023	149
8.	Notice of Completion for Project 2017-01, Community Center and Senior Center Improvements	161
9.	Receive and File Report for Downtown ad hoc Committee Recommendations Report	171
10.	Police Department Statistics for October 2018.....	179
	• Open Consent Items for Public Comments	
	• Make Motion	

IX. PUBLIC HEARING

1.	Ordinance 1539, Zoning Text Amendment 18-97505 to Amend Chapter 17.54 of the Zoning Ordinance (Title 17 of the Banning Municipal Code) to Eliminate the Separation Requirement between Cannabis Retailers, and Clarifying the Eligibility to Obtain a Cannabis Retailer Conditional Use Permit	183
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(Staff Report – Maryann Marks, Interim Community Development Director)

Recommendation: **Ordinance 1539 pass its first reading.**

Mayor asks the City Clerk to read the title of Ordinance 1539

“Ordinance 1539, Zoning Text Amendment 18-97505 to Amend Chapter 17.54 of the Zoning Ordinance (Title 17 of the Banning Municipal Code) to Eliminate the Separation Requirement between Cannabis Retailers, and Clarifying the Eligibility to Obtain a Cannabis Retailer Conditional Use Permit”

Motion: I move to waive further reading of Ordinance 1539
(Requires a majority vote of the Council)

Motion: I move that Ordinance No. 1539 pass its first reading.

2.	Ordinance 1538, Municipal Code Amendments to Amend Chapter 5.33 of the Municipal Code to Establish Procedures for the Issuance of Cannabis Retailer Regulatory Permits	203
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(Staff Report – Maryann Marks, Interim Community Development Director)

Recommendation: **Ordinance 1538 pass its first reading.**

Mayor asks the City Clerk to read the title of Ordinance 1538

“Ordinance 1538 Municipal Code Amendments to Amend Chapter 5.33 of the Municipal Code to Establish Procedures for the Issuance of Cannabis Retailer regulatory Permits”

Motion: I move to waive further reading of Ordinance 1538
(Requires a majority vote of the Council)

Motion: I move that Ordinance No. 1538 pass its first reading.

- 3. Resolution No. 2018-153, Adopting a Selection Process and Schedule for the Granting of Cannabis Retailer Regulatory Permits **217**
(Staff Report – Maryann Marks, Interim Community Development Director)

Recommendation: Adopt Resolution 2018-153, Adopting a Selection Process and Schedule for Granting of Cannabis Retailer Regulatory Permits.

- 4. Resolution No. 2018-144, Approving General Plan Amendment 17-2501, Design Review 16-7002; and Certify an Environmental Impact Report (State Clearinghouse #2018011032), and Adopt a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program (Environmental Assessment 17-1504) for the Banning Distribution Center **225**
(Staff Report – Maryann Marks, Interim Community Development Director)

Recommendation: Adopt Resolution 2018-144, Approve General Plan Amendment 17-2501, Design Review 16-7002, and Certifying Environmental Impact Report (State Clearinghouse #2018011032), Adopt Statement of Overriding Considerations and Mitigation Monitoring Report (Environmental Assessment 17-1504) for the Banning Distribution Center.

- 5. Ordinance 1537, Approving Zone Change 17-3501 to Amend the Zoning Classification for Real Property Located North of the Banning Municipal Airport and South of Interstate 10 and the Union Pacific Railroad Lines (APNS: 532-130-001 and 532-130-002) from Public Facilities- Airport(PF-A) to Airport Industrial (AI), and Making Finding Pursuant to CEQA **335**
(Staff Report – Maryann Marks, Interim Community Development Director)

Recommendation: Ordinance 1537 pass its first reading.

Mayor asks the City Clerk to read the title of Ordinance 1537

“Ordinance 1537, Approving Zone Change 17-3501 to Amend the Zoning Classification for Real Property Located North of the Banning Municipal Airport and South of Interstate 10 and the Union Pacific Railroad Lines

(APNS: 532-130-001 and 532-130-002) from Public Facilities- Airport (PF-A) to Airport Industrial (AI), and Making Finding Pursuant to CEQA”

Motion: I move to waive further reading of Ordinance 1537
(Requires a majority vote of the Council)

Motion: I move that Ordinance No. 1537 pass its first reading.

- 6. Resolution No. 2018-149, Finding that in Accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15162 a Subsequent Environmental Document is Not Required under CEQA; and Approving the Modifications and Phasing of Tentative Tract Map No. 33540 and Approve Design review 18-7003, Subject to the Conditions of Approval. **415**
(Staff Report – Maryann Marks, Interim Community Development Director)

Recommendation: **Adopt Resolution 2018-144, Finding a Subsequent Environmental Document is not Required under CEQA; and Approve the Modifications and Phasing of Tentative Tract Map No. 33540 and Approve Design Review 18-7003, Subject to Conditions of Approval.**

X. ANNOUNCEMENTS AND REPORTS

CITY COUNCIL COMMITTEE REPORTS

REPORT BY CITY ATTORNEY

REPORT BY CITY MANAGER

REPORTS OF OFFICERS

- 1. Ordinance 1540, Modifying the City Manager’s Powers and Duties with Respect to the Appointment, Promotion, Demotion, and Removal of Officers and Employees..... **525**
(Staff Report – Douglas Schulze, City Manager)

Recommendation: **Ordinance 1540 pass its first reading.**

Mayor asks the City Clerk to read the title of Ordinance 1540

“Ordinance 1540 Modifying the City Manager’s Powers and Duties in Respect to the Appointment, Promotion, Demotion, and Removal of Officers and Employees”

Motion: I move to waive further reading of Ordinance 1540
(Requires a majority vote of the Council)

Motion: I move that Ordinance No. 1540 pass its first reading.

2. Resolution 2018-156, Approving an Amendment to Purchasing Policy No. B-30 to add a Section for Insurance Requirements and Adjust the Authorization Limits to allow Department Head to Delegate Authority..... **531**
(Staff Report – Rochelle Clayton, Deputy City Manager)

Recommendation: **Adopt Resolution 2018-156, approving an amendment to Purchasing Policy No. B-30 to add a section for Insurance Requirements and adjust the Authorization Limits to allow Department Heads to delegate Authority.**

3. Resolution 2018-151, Approving Cancellation of the City’s Application for Lion’s Park Expansion Funding for Fiscal Year 2018-2019 under the Community Development Block Grant Program; and Resolution 2018-152 Approving the Submission of a City Application for the 2018-2019 Funding Cycle for Dysart Park Improvements under the Community Development Block Grant Program **635**
(Staff Report – Ted Shove, Economic Development Manager)

Recommendation: **Adopt Resolution 2018-151, approving the cancellation of the City’s application for Lion’s Park expansion funding for Fiscal Year 2018-2019 under the community Development Block Grant Programs ; and Adopt Resolution 2018-152, approving the submission of a City application for the 2018-2019 funding cycle for Dysart Park Improvements under the Community Development Block Grant Program .**

4. Resolution 2018-154, Awarding a Construction Agreement for Project 2017-16, “Citywide Various Street Improvements” to Onyx Paving Company, Inc. of Anaheim, CA in the amount of \$766,000 and Establishing a Total Project Budget of \$842,600 and Rejecting all Other Bids. **661**
(Staff Report – Art Vela, Public Works Director)

Recommendation: **1) Approving a Construction Agreement for Project 2017-16, ‘Citywide Various Street Improvements’ to Onyx Paving Company, Inc. of Anaheim, CA, in the amount of \$766,000 and a 10% contingency in the amount of \$76,600 for a total project budget of \$842,000 and rejecting all other bids; and 2) Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Construction Agreement for Project 2017-16 “Citywide Various Street Improvements” and to approve change orders within the 10% contingency; and 3) Authorize the city Manager to execute the Construction Agreement with Onyx Paving Company, Inc. for Project 2017-16, ‘Citywide Various Street Improvements’.**

XI. DISCUSSION ITEMS

- 1. Highway Advertising Sign 683
(Staff Report – Douglas Schulze, City Manager)

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

- Roll Call – Board Members Andrade, Happe, Peterson, Wallace, Mayor Welch

I. REPORTS OF OFFICERS

- 1. Resolution 2018-155 and 2018-23 UA, Approving an Amendment to the Fiscal Year 2018-19 Budget for Encumbrance Carryovers and Continuing Appropriations of Unexpended Fiscal Year 2017-18 Appropriations 689
(Staff Report – Suzanne Cook, Deputy Finance Director)

Recommendation: 1) That the City Council approve Resolution 2018-155 and the Banning Utility Authority approve Resolution 2018-23 UA, Authorizing an amendment to the Fiscal Year 2018-19 budget for encumbrance carryovers and continuing of unexpended Fiscal Year 2017-18 appropriations; and 2) Authorize the Administrative Director to make necessary budget adjustments, appropriations and transfers.

RECESS THE JOINT MEETING OF THE CITY COUNCIL AND THE BANNING UTILITY AUTHORITY AND CALL TO ORDER A SCHEDULED MEETING OF THE BANNING UTILITY AUTHORITY

Roll Call: Board Members Andrade, Happe, Peterson, Wallace and Welch

I. CONSENT

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

Motion: Approve Consent item 1. Item ____, to be pulled for discussion. *(Resolutions require a recorded majority vote of the total membership of the Banning Utility Authority)*

- 1. Resolution 2018-20 UA, Approving an Increase of \$9,500 to the Purchase Order with Haaker Equipment Company for Services and Repairs to the City’s Vacuum Trucks 713

- Open Consent Items for Public Comments
- Make Motion

II. REPORTS

REPORTS OF OFFICERS

1. Resolution 2018-21 UA, Approving an Agreement in the Amount of \$179,885 with Layne Christensen Company for Repairs to Well 3 Pelton Wheel, Wells 9, M-4, M-5, M-8 and MP-1; Establishing a Total Project Budget of \$197,874; and Rejecting all Other Bids. **719**
(Staff Report – Art Vela, Public Works Director)

Recommendation: **1) Approve an Agreement with Layne Christensen Company for Repairs to Well 3 Pelton Wheel, Wells 9, M-4, M-5, M-8 and MP-1 in the amount of \$179,885 and a 10% contingency in the amount of \$17,989 to cover unforeseen conditions and reject all other bids. 2) Authorize the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Agreement with Layne Christensen Company of Redlands, CA. 3) Authorize the City Manager or his designee to execute the Agreement with Layne Christensen Company, Redlands, CA for the repairs.**

2. Resolution 2018-22 UA, Rejecting Bid for the “Iron Sponge Media Replacement” **819**
(Staff Report – Art Vela, Public Works Director)

Recommendation: **Banning Utility Authority adopt Resolution 2018-22 UA rejecting the bid for the “Iron Sponge Media Replacement.**

ADJOURN BANNING UTILITY AUTHORITY MEETING AND RECONVENE THE REGULAR MEETING OF THE BANNING CITY COUNCIL

BANNING UTILITY AUTHORITY (BUA) – Next Meeting, January 8, 2019, 5:00 p.m.

BANNING FINANCING AUTHORITY (BFA) – no meeting.

XII. ITEMS FOR FUTURE AGENDAS

New items –

Pending Items – City Council

1. Mills Act – Additional Information
2. Fee Suspension Update

3. Website Redesign
4. Street Naming Policy to Honor Land Owners
5. Contingency Plan for Residents During Emergencies
6. Appraisals Update
7. Honor Banning High School Senior Aliyah Amis

XII. 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.

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**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Laurie Sampson, Acting Deputy City Clerk

MEETING DATE: December 11, 2018

SUBJECT: Resolution 2018-150, Reciting the Facts of the Consolidated General Election Held in Said City on November 6, 2018.

RECOMMENDED ACTION:

That the City Council adopt Resolution 2018-150, Reciting the Facts of the Consolidated General Election Held in Said City on November 6, 2018 and Declaring the Result Thereof and Such Other Matters as Provided by law.

JUSTIFICATION:

The Elections Code requires the City Council to adopt a resolution reciting the facts of the election and declare the results no later than the next regularly scheduled city council meeting following the presentation of the canvass of the returns. The County of Riverside Registrar of Voters conducted the election at the City's request and has completed a canvass of the votes and provided certification of those results which is included as Exhibit "A" to the resolution.

BACKGROUND:

At the June 26, 2018 Council meeting, the City Council adopted Resolution 2018-77 calling and giving notice of a General Municipal Election to be held Tuesday, November 6, 2018 for the election of Members of the City Council by District 4 and 5 for a full four (4) year term and for the passing of measures N, O and P.

OPTIONS:

This is a legal requirement, there are no options to the recommended action.

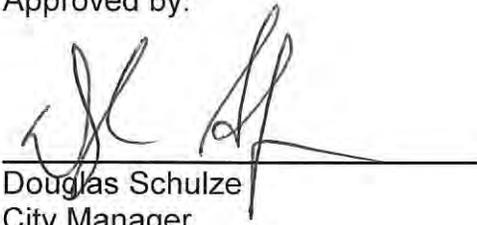
FISCAL IMPACT:

The estimated cost from the Registrar of Voters to conduct the election was no more than \$87,000. The County Election Services Account No. 001-1500-412.33-71 has \$88,732. The invoice is expected after the first of the year.

ATTACHMENTS:

1. Resolution 2018-150
2. Exhibit "A" – Certification of 2018 Election Results from the Registrar of Voters

Approved by:



Douglas Schulze
City Manager

ATTACHMENT 1

Resolution 2018-150

RESOLUTION 2018-150

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, RECITING THE FACTS OF THE CONSOLIDATED GENERAL ELECTION HELD IN SAID CITY ON NOVEMBER 6, 2018 DECLARING THE RESULT THEREOF AND SUCH OTHER AMTTERS AS PROVIDED BY LAW

WHEREAS, a Consolidated General Election was held and conducted in the City of Banning, California, on Tuesday, November 6, 2018, as required by law; and

WHEREAS, the City Clerk has been informed by the Registrar of Voters of the County of Riverside that notice of said election was duly and regularly given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects said election was held and conducted and the votes cast thereat, received and canvassed and the returns made and declared in time, form and manner as required by provisions of the Elections Code of the State of California for the holding of elections in cities; and

WHEREAS, pursuant to Resolution 2018-77 adopted June 26, 2018, the Registrar of Voters of the County of Riverside canvasses the returns of the said election and certified the results to this City Council; said results are received and attached and incorporated herein as "Exhibit A".

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

SECTION 1. That the whole number of votes cast in said City (except vote by mail ballots) was 2,266.
That the whole number of votes by mail ballots cast in said City was 6,777 making a total of 9,043 votes cast in said City.

SECTION 2. That the names of persons voted for the election Members of the City Council are as follows:

DISTRICT 4 Bill Franklin
 David Happe
 Jerry Westholder
 Adolfo Mediano, Jr.
 Timothy Smith

DISTRICT 5 Colleen Wallace
 David Ellis
 Patrick "Cork" Irwin

SECTION 3. That the number of votes given at each precinct and the number of votes given in the City to each of such persons above named for the respective offices for which said person were candidates were as listed in Exhibit "A" attached.

SECTION 4. The City Council does declare and determine that:

David Happe was elected as the District 4 Council Member for the City of Banning for the full term of four years;

Collen Wallace was elected as the District 5 Council; Member for the City of Banning for the full four years.

As a result of said election, a majority of the qualified voters voting on said Measure N- Establishing a Tax on Commercial Businesses that Cultivate, Manufacture and Test Cannabis, did vote in favor thereof, and said measure was carried, and shall be deemed adopted and ratified.

As a result of said election, a majority of the qualified voters voting on said Measure O- Establishing a Tax on Retail Cannabis Businesses, did vote in favor thereof, and said measure was carried, and shall be deemed adopted and ratified.

As a result of said election, a majority of the qualified voters voting on said Measure P- Allowing a Transfer of Funds from the Electric Utility to the General Fund and Freezing Utility Rates for Three Years, did not vote in favor thereof, and said measure was not carried, and shall not be deemed adopted and ratified.

SECTION 5. That the City Clerk shall enter on the records of the City Council of the City of Banning a statement of the result of said election, showing: (1) The whole number of votes cast in the City; (2) The names of the persons voted for; (3) For what office each person was voted for; (4) The number of votes given at each precinct to each person; (5) The number of votes given in the City to each person, and for and against the measures.

SECTION 6. That the City Clerk shall immediately sign and deliver to each of the persons elected a Certificate of Election signed by the City Clerk and authenticated; that the City Clerk shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it in the office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter in into the book of original resolutions

PASSED, APPROVED AND ADOPTED this 11th day of December, 2018.

City of Banning, Mayor

ATTEST:

Marie A. Calderon, City Clerk
City of Banning

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

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

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2018-150, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 11th day of December, 2018, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

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

ATTACHMENT 2

Exhibit “A”- Certification of 2018 Election Results from the Registrar of Voters



REBECCA SPENCER
Registrar of Voters

ART TINOCO
Assistant Registrar of Voters

REGISTRAR OF VOTERS
COUNTY OF RIVERSIDE

December 6, 2018

Laurie Sampson
City of Banning
P.O. Box 998
Banning, CA 92220

Dear Ms. Sampson:

Enclosed is our certificate to the results of the canvass of election returns for your Consolidated General Election held on November 6, 2018.

The Certificate of Election forms were given to you at the seminar in June. An invoice for services rendered will be mailed to you under a separate cover. Please let me know if I can be of any further assistance.

Sincerely,

REBECCA SPENCER
Registrar of Voters

Leticia Flores
Elections Coordinator

Enclosures



REBECCA SPENCER
Registrar of Voters

ART TINOCO
Assistant Registrar of Voters

**REGISTRAR OF VOTERS
COUNTY OF RIVERSIDE**

**CERTIFICATE OF REGISTRAR OF VOTERS
TO THE RESULTS OF THE CANVASS OF ELECTION RETURNS**

State of California)
) ss.
County of Riverside)

I, **REBECCA SPENCER**, Registrar of Voters of said County, do hereby certify that, in pursuance of the provisions of Sections 15301, 15372, and 15374 of the California Elections Code, and the resolution adopted by the City Council, I did canvass the returns of the votes cast on November 6, 2018, as part of the Consolidated General Election in the

CITY OF BANNING

and I further certify that the statement of votes cast, to which this certificate is attached, shows the whole number of votes for each candidate for elective office and for and against each measure at said election, in said City, and in each precinct therein, and that the totals as shown for said election are full, true, and correct.

Dated this 6th day of December 2018.



REBECCA SPENCER
Registrar of Voters

Leticia Flores

Leticia Flores
Elections Coordinator

RIVERSIDE COUNTY Statement of Vote
CONSOLIDATED GENERAL ELECTION

140169	CITY OF BANNING												
	Registration	Ballots Cast	Turnout (%)	MEASURE N - CITY OF BANNING YES	NO	MEASURE O - CITY OF BANNING YES	NO	MEASURE P - CITY OF BANNING YES	NO				
55100 BANNING/1	1948	361	18.53	198	124	204	113	166	153				
55100 - Vote by Mail Reporting	1948	641	32.91	377	219	393	198	290	300				
55200 BANNING/2	1373	249	18.14	121	102	122	99	102	119				
55200 - Vote by Mail Reporting	1373	586	42.68	335	218	336	217	230	321				
55201 BANNING/2	403	60	14.89	25	28	25	29	19	35				
55201 - Vote by Mail Reporting	403	140	34.74	73	62	81	54	53	81				
55300 BANNING/3	446	69	15.47	29	29	32	27	28	30				
55300 - Vote by Mail Reporting	446	236	52.91	107	112	116	104	98	120				
55301 BANNING/3	1892	270	14.27	137	91	139	89	116	111				
55301 - Vote by Mail Reporting	1892	1271	67.18	713	422	722	406	592	533				
55306 BANNING/3	2412	330	13.68	150	116	140	120	120	147				
55306 - Vote by Mail Reporting	2412	1786	74.05	1136	483	1124	491	880	728				
55401 BANNING/4	79	4	5.06										
55401 - Vote by Mail Reporting	79	50	63.29	23	24	22	24	13	34				
55407 BANNING/4	348	75	21.55	39	29	39	29	27	42				
55407 - Vote by Mail Reporting	348	126	36.21	70	42	67	44	51	58				
55410 BANNING/4	2403	481	20.02	230	217	235	209	194	247				
55410 - Vote by Mail Reporting	2403	1149	47.82	664	397	650	407	486	567				
55504 BANNING/5	2298	367	15.97	189	135	202	131	159	172				
55504 - Vote by Mail Reporting	2298	792	34.46	413	328	411	325	358	377				
Precinct Totals	13602	2266	16.66	1120	871	1140	846	932	1056				
Vote by Mail Reporting Totals	13602	6777	49.82	3911	2307	3922	2270	3051	3119				
Grand Totals	13602	9043	66.48	5031	3178	5062	3116	3983	4175				
Riverside County	13602	9043	66.48	5031	3178	5062	3116	3983	4175				
36th Congressional District	13602	9043	66.48	5031	3178	5062	3116	3983	4175				
23rd Senatorial District	13602	9043	66.48	5031	3178	5062	3116	3983	4175				
42nd Assembly District	13602	9043	66.48	5031	3178	5062	3116	3983	4175				
St Bd of Equalization 4th Dist	13602	9043	66.48	5031	3178	5062	3116	3983	4175				
5 Supervisorial District	13602	9043	66.48	5031	3178	5062	3116	3983	4175				
City of Banning	13602	9043	66.48	5031	3178	5062	3116	3983	4175				

RIVERSIDE COUNTY Statement of Vote
CONSOLIDATED GENERAL ELECTION

100079		NO PARTY PREFERENCE CITY OF BANNING, COUNCIL DISTRICT 4													
	Registration	Ballots Cast	Turnout (%)		BILL FRANKLIN	DAVID HAPPE	JERRY WESTHOLDER	ADOLFO MEDIANO, JR.	TIMOTHY SMITH						
55401 BANNING/4	79	4	5.06				*****	Insufficient Turnout to Protect Voter Privacy				*****			
55401 - Vote by Mail Reporting	79	50	63.29		7	18	17	3	0						
55407 BANNING/4	348	75	21.55		13	17	16	12	3						
55407 - Vote by Mail Reporting	348	126	36.21		19	31	16	29	16						
55410 BANNING/4	2403	481	20.02		72	150	79	75	24						
55410 - Vote by Mail Reporting	2403	1149	47.82		207	376	238	159	63						
Precinct Totals	2830	560	19.79		86	167	95	87	27						
Vote by Mail Reporting Totals	2830	1325	46.82		233	425	271	191	79						
Grand Totals	2830	1885	66.61		319	592	366	278	106						
Riverside County	2830	1885	66.61		319	592	366	278	106						
36th Congressional District	2830	1885	66.61		319	592	366	278	106						
23rd Senatorial District	2830	1885	66.61		319	592	366	278	106						
42nd Assembly District	2830	1885	66.61		319	592	366	278	106						
St Bd of Equalization 4th Dist	2830	1885	66.61		319	592	366	278	106						
5 Supervisorial District	2830	1885	66.61		319	592	366	278	106						
City of Banning	2830	1885	66.61		319	592	366	278	106						

RIVERSIDE COUNTY Statement of Vote
CONSOLIDATED GENERAL ELECTION

100080	NO PARTY PREFERENCE CITY OF BANNING, COUNCIL DISTRICT 5														
	Registration	Ballots Cast	Turnout (%)		COLLEEN WALLACE	DAVID ELLIS	PATRICK "CORK" IRWIN								
55504 BANNING/5	2298	367	15.97		124	85	84								
55504 - Vote by Mail Reporting	2298	792	34.46		285	222	226								
Precinct Totals	2298	367	15.97		124	85	84								
Vote by Mail Reporting Totals	2298	792	34.46		285	222	226								
Grand Totals	2298	1159	50.44		409	307	310								
Riverside County	2298	1159	50.44		409	307	310								
36th Congressional District	2298	1159	50.44		409	307	310								
23rd Senatorial District	2298	1159	50.44		409	307	310								
42nd Assembly District	2298	1159	50.44		409	307	310								
St Bd of Equalization 4th Dist	2298	1159	50.44		409	307	310								
5 Supervisorial District	2298	1159	50.44		409	307	310								
City of Banning	2298	1159	50.44		409	307	310								

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**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Laurie Sampson, Acting Deputy City Clerk

MEETING DATE: December 11, 2018

SUBJECT: Consider the City Council Reorganization

RECOMMENDED ACTION:

That the City Council choose one of its members as Mayor and another of its members as Mayor Pro Tem.

BACKGROUND:

According to Chapter 2.04, Section 2.04.070 (A.2.) of the Banning Municipal Code, the City Council shall choose one of its members as Mayor and one of its members as Mayor Pro Tem every year at the meeting which the declaration of the municipal election results and the installation of the newly elected officials is made pursuant to Sections 10262 and 10264 of the California Elections Code, following the declaration of the election results. Additionally, in the intervening years, the organizational meeting shall be held at the first meeting in December. The terms of service for both Mayor and Mayor Pro Tem shall be for a period of one year from the date of appointment or until their successor is appointed. No person may become Mayor or Mayor Pro Tem unless a majority of the Council votes to approve the action. Section 2.04.070 (A.3>) of the Banning Municipal Code states that the Mayor shall serve as the Chair of the Successor Agency to the Former Community Redevelopment Agency and as Chair to the Housing Authority. The Mayor Pro Tem shall serve as the Vice Chair of the Successor Agency to the former Community Redevelopment Agency and as Vice Chair to the Housing Authority.

FISCAL IMPACT:

None

ATTACHMENTS:

1. Banning Municipal Code 2.04.070
2. Format for Election of Mayor and Mayor Pro Tem

Approved by:



Douglas Schulze
City Manager

ATTACHMENT 1

Banning Municipal Code

2.04.070

2.04.070 - Appointment of mayor and mayor pro tem.

A. General/Annual Appointments.

1. The City of Banning has a council/manager form of municipal government. All five members of the city council are elected at large to four-year terms. The mayor serves as the nominal head of the council and the mayor pro tem serves as the locum tenens in the absence of the mayor. Additionally, the city has related agencies, including the successor agency to the former community redevelopment agency and the Banning housing authority. These related entities have various officers, including a chair person and vice chairperson.
2. The city council shall choose one of its members as mayor and one of its members as mayor pro tem every other year at the meeting at which the declaration of the municipal election results and the installation of the newly elected officers is made pursuant to sections 10262 and 10264 of the California Elections Code, following the declaration of the election results. Additionally, in the intervening years, the organizational meeting shall be held at the first meeting in December. The term of service for both mayor and mayor pro tem shall be for a period of one year from the date of appointment or until their successor is appointed. No person may become mayor or mayor pro tem unless a majority of the council votes to approve the action.
3. A councilmember may be elected to a maximum of two consecutive one-year terms in the same office.
4. The mayor shall serve as the chair of the successor agency to the former community redevelopment agency and as chair to the housing authority. The mayor pro tem shall serve as the vice chair of the successor agency to the former community redevelopment agency and as vice chair to the housing authority.

- B. Removal. With a majority vote of the body, any officer holding any office governed by this section may be replaced; but in general, such changes should not be made in midterm, and if made, a replacement officer shall be appointed as stated above in subsection 2.04.070(A).
- C. Office of the Mayor Pro Tem. The mayor pro tem will serve as mayor in the event of the absence of the mayor and will be appointed as the mayor when there is a vacancy in the office of mayor.
- D. Manual of Procedures to Govern. All other terms and procedures associated with the seats of mayor/chair, mayor pro tem/vice chair shall be governed by that "Manual of Procedural Guidelines for the Conduct of City Council and Constituent Body/Commission Meetings for the City of Banning" adopted on October 23, 2012 and as may be amended from time to time.

(Ord. No. 1442, § 2, 10-25-11; Ord. No. 1457, § 1, 11-13-12; Ord. No. 1458, § 1, 10-23-12; Ord. No. 1471, § 2, 10-8-13)

ATTACHMENT 2

**Format for the Election of the
Mayor and Mayor Pro Tem**

Format for Election of Mayor

CITY CLERK: **Nominations for the office of Mayor are now in order and a second to the nomination is not required.**

(At this time Councilmembers will nominate the person of their choice)

- 1) _____
- 2) _____
- 3) _____
- 4) _____

CITY CLERK: **Are there any further nominations? If not, I will entertain a motion that nominations be closed.**

(Motion _____ Is there a second? _____
All those in favor say Aye, Those opposed No.

CITY CLERK: **I will take a roll call vote and please signify your choice of Mayor when your name is called. The roll call will be in alphabetical order.**

ROLL CALL VOTE:	Councilmember Andrade	_____
	Councilmember Happe	_____
	Councilmember Peterson	_____
	Councilmember Wallace	_____
	Councilmember Welch	_____

CITY CLERK: **The vote is in favor of _____
for Mayor for a term of one year.**

Election of Mayor Pro Tem:

CITY CLERK: **Nominations for the office of Mayor Pro Tem are now in order and a second to the nomination is not required.**

(At this time Councilmembers will nominate the person of their choice)

- 1) _____
- 2) _____
- 3) _____
- 4) _____

CITY CLERK: **Are there any further nominations? If not, I will entertain a motion that nominations be closed.**

(Motion _____ Is there a second? _____
All those in favor say Aye, Those opposed No.

CITY CLERK: **I will take a roll call vote and please signify your choice of Mayor Pro Tem when your name is called. The roll call will be in alphabetical order.**

ROLL CALL VOTE:	Councilmember Andrade	_____
	Councilmember Happe	_____
	Councilmember Peterson	_____
	Councilmember Wallace	_____
	Councilmember Welch	_____

CITY CLERK: **The vote is in favor of _____
for Mayor Pro Tem for a term of one year.**

ROLL CALL VOTE: **Councilmember Andrade** _____
 Councilmember Happe _____
 Councilmember Peterson _____
 Councilmember Wallace _____
 Councilmember Welch _____

ROLL CALL VOTE: **Councilmember Andrade** _____
 Councilmember Happe _____
 Councilmember Peterson _____
 Councilmember Wallace _____
 Councilmember Welch _____

ROLL CALL VOTE: **Councilmember Andrade** _____
 Councilmember Happe _____
 Councilmember Peterson _____
 Councilmember Wallace _____
 Councilmember Welch _____

A special meeting of the Banning City Council was called to order by Mayor Moyer on November 13, 2018, at 4:01 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 Welch
Mayor Moyer

COUNCIL MEMBERS ABSENT: Council Member Peterson

OTHERS PRESENT: Douglas Schulze, City Manager
Rochelle Clayton, Deputy City Manager
Maricela Marroquin, City Attorney
Marie Calderon, City Clerk
Tom Miller, Electric Utility Director

CLOSED SESSION

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

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

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9) Name of Case: City of Banning v. Go Green Calming Solutions, et al., Case No. RIC 1806731.
2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9). Name of Case: City of Banning v. Supreme Cannabis Club, Tony Macias, and Maria Dolores Macias, Case No. RIC 1821127.
3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9). Name of Case: 420 Vibing Solutions, Inc. v. City of Banning, Case No. RIC 1822867.

4. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION (Potential initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 549546.9 (One Case)
5. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION (Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9. Name of Case: Cherry Valley Pass Acres and neighbors, et al. v. City of Banning, Case No. RIC 460950
6. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to Paragraph (2) of subdivision (d) of Government Code Section 54956.9). Number of Cases: One potential case.
7. CONFERENCE WITH LABOR NEGOTIATORS- (Pursuant to Government Code Section 54957.6) City Designated Representative: Rochelle Clayton, Deputy City Manager; Employee Organizations: International Brotherhood of Electric Workers- General.

The Meeting convened to closed session at 4:03 p.m. and reconvened to open session at 4:55 p.m.

ADJOURNMENT

By common consent the meeting adjourned at 4:55 p.m.

Minutes Prepared by:

Laurie Sampson, Acting Deputy City Clerk

A regular meeting of the Banning City Council was called to order by Mayor Moyer on November 13, 2018, at 5:01 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 Welch
Mayor Moyer

COUNCIL MEMBERS ABSENT: Council Member Peterson

OTHERS PRESENT Doug Schulze, City Manager
Maricela Marroquin, City Attorney
Rochelle Clayton, Deputy City Manager
Robert Fisher, Interim Police Chief
Heidi Meraz, Community Services Director
Tom Miller, Electric Utility Director
Maryann Marks, Interim Community Development Director
Art Vela, Public Works Director/City Engineer
Suzanne Cook, Deputy Finance Director
Robert Meteau, Deputy Human Resources Director
Ted Shove, Economic Development Manager
Marie Calderon, City Clerk
Laurie Sampson, Acting Deputy City Clerk
Leila Lopez, Office Specialist

The Invocation was given by Elder Ralph Bobik with the Church of Jesus Christ of Latter Day Saints and Mayor Moyer led the audience in the Pledge of Allegiance to the Flag.

REPORT ON CLOSED SESSION

1) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9) Name of Case: City of Banning v. Go Green Calming Solutions, et al., Case No. RIC 1806731. No reportable action was taken. 2) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9). Name of Case: City of Banning v. Supreme Cannabis Club, Tony Macias, and Maria Dolores Macias, Case No. RIC 1821127. No reportable action was taken. 3) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9). Name of Case: 420 Vibing Solutions, Inc. v. City of Banning, Case No. RIC 1822867. No reportable action was taken. 4) CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED

LITIGATION (Potential initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 549546.9 (One Case) No reportable action was taken. 5) CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION (Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9. Name of Case: Cherry Valley Pass Acres and neighbors, et al. v. City of Banning, Case No. RIC 460950. No reportable action was taken. 6) CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to Paragraph (2) of subdivision (d) of Government Code Section 54956.9). Number of Cases: One potential case. No reportable action was taken. 7) CONFERENCE WITH LABOR NEGOTIATORS- (Pursuant to Government Code Section 54957.6) City Designated Representative: Rochelle Clayton, Deputy City Manager; Employee Organizations: International Brotherhood of Electric Workers- General. Direction was given by Council to the City Negotiator.

PUBLIC COMMENTS / CORRESPONDENCE / PRESENTATIONS / APPOINTMENTS

PUBLIC COMMENTS

The Mayor opened Public Comment for items not on the Agenda.

Ellen Carr advised the Animal Action League (AAL) was here today (11/13) and will be here tomorrow (11/14). All the spots for spay and neuter are taken. There is a slight possibility standby appointments may be available. People should call now for appointments for next month. AAL has been coming to Banning for two years and in that time they have spayed and neutered over 1,500 cats and dogs. Tender Loving Critters is having a micro-chip initiative, the cost is \$8 instead of \$15. It is mandatory that animals that are licensed in Riverside County also be micro-chipped. For an appointment call 760-366-1100.

Anne Price wanted to remind everyone about the Fall Fun Day at Roosevelt Williams Park this weekend (11/17). It starts with Chalk Art in the Park. The first 65 students that register will receive a free box of chalk. Registration begins at 7:30 am. Soap Box Derby registration begins at 8:00 am at Hoffer Elementary directly north of the park. Pop Up at the Park hosted by the City of Banning Community Services will be held from 10:00 am to noon. Awards Presentation will be at 2:00 pm.

Don Smith would like to thank George Moyer and Debbie Franklin for their service, time, energy and knowledge.

John Baca, Assistant Business Manager for the IBEW Local 47. Here to speak about a certain section of our unit. Specifically the dispatchers. IBEW supports the pay increase and the adjustment to PERS for the officers. City Council should reconsider including the dispatchers in receiving pay increases and benefits. The dispatchers work 12 hour shifts, often alone. The staffing levels are dangerously low. They are a lifeline to connect residents to emergency services along with supporting the water and electric departments

after hours. He would suggest to council members they sit in on a high volume shift to see what it's like.

Seeing no further comments, the Mayor closed Public Comment.

CORRESPONDENCE

There was no correspondence.

PRESENTATIONS

1. Recycling All Stars, Clara Vera, Public Sector Solutions Manager of Waste Management presented the Annual Recycling All Stars Awards to KFC for Commercial and the Rinkes Family for residential.

APPOINTMENTS

None

CONSENT ITEMS

Item No. 12, 2nd Reading of Ordinance 1531 was pulled for discussion.

1. Minutes – Special Meeting – 10/23/18 (Planning Commission Interviews)

Recommendation: Approve the Minutes from October 23, 2018, Special Meeting of the Banning City Council.

2. Minutes – Special Meeting – 10/23/18 (Workshop)

Recommendation: Approve the Minutes from the October 23, 2018, Special Meeting of the Banning City Council.

3. Minutes – Special Meeting – 10/23/18 (Closed Session)

Recommendation: Approve the Minutes from the October 23, 2018, Special Meeting of the Banning City Council.

4. Minutes – Regular Meeting – 10/23/18 (Regular Meeting)

Recommendation: Approve the Minutes from the October 23, 2018, Regular Meeting of the Banning City Council.

5. Contracts Signed under City Manager Authority for October 2018

Recommendation: Approval of Contracts Signed under City Manager Authority.

6. California Highway Patrol's San Gorgonio Pass Regional Focused High-Collision Reduction Campaign

Recommendation: Authorize Mayor Moyer to send letter of support and assign Council Member Welch to serve as a City of Banning representative on the Task Force.

7. Notice of Completion-Project 2016-04, Roosevelt Williams Park Improvements

Recommendation: Approve the Notice of Completion.

8. Police Stats for September 2018

Recommendation: Approve Police Stats for September 2018.

9. Resolution 2018-142, Confirming Denial of Tentative Parcel Map Extension 30906

Recommendation: Approve Resolution 2018-142.

10. 2nd Reading of Ordinance 1535, an Ordinance of the City of Banning Amending Sections of the Zoning Ordinance (Title 17 of the Banning Municipal Code) Related to Tattoo and Body Piercing Establishments.

Recommendation: Approve 2nd Reading of Ordinance 1535

11. 2nd Reading of Ordinance 1527, an Ordinance of the City of Banning Adding Chapter 5.33 to the Banning Municipal Code Related to the Issuance of Cannabis Retailer Regulatory Permits, and making Findings under CEQA

Recommendation: Approve 2nd Reading of Ordinance 1527.

The Mayor opened Consent Items 1, through 11, for public comment. Seeing none, closed public comment.

Motion Welch/Franklin to approve Consent Items 1 through 11, Motion carried, 4-0, with Council Member Peterson Absent.

The Mayor opened Consent Item 12, for public comment. Seeing none, closed public comment.

Ms. Marroquin explained the Ordinance included in the agenda packet was incorrect and the revised version was provided for the Council and City Clerk (Exhibit A)

12. 2nd Reading of Ordinance 1531, an Ordinance of the City of Banning, Approving a Categorical Exemption from CEQA and Approving Zoning Ordinance Amendment 18-97503 to Amend Title 17 "Zoning" of the Banning Municipal Code to Add a New

Chapter 17.54 "Cannabis Retailer Conditional Use Permit, and Making the Allowance for and Regulation of, These Businesses Contingent Upon the Voter's Approval of a Tax Measure (Measure O) on the November 6, 2018 General Municipal Election Ballot.

Recommendation: Approve 2nd Reading of Ordinance 1531.

Motion Andrade/Welch to approve Consent Item 12, Motion carried, 4-0, with Council Member Peterson Absent.

PUBLIC HEARINGS

1. Public Hearing to Consider Approval of a Fee Waiver in Accordance with Section 15.72.050 of the Banning Municipal Code, submitted by Ronnell Gallon and John Weeks, for Properties Identified as Assessor's Parcel Numbers 532-160-007, 532-160-008 and 532-160-009.

Economic Development Manager Ted Shove presented the staff report as contained in the agenda packet.

Council Member Art Welch discussed this would not be a gift of public funds and would like a presentation from the property owners as to what their plans are for the property and why it would be beneficial.

Council Member Andrade is not in favor of any fee waivers. Is for rezoning but believes everyone should pay their fair share.

Council Member Franklin questioned Council Member Welch if he would like this item postponed.

Council Member Welch stated he would not like it postponed but would like to hear more about what they plan to do with the property.

The Mayor opened the Public Hearing to comments from the public.

John Hagen, is in favor of waiving the fee. The property owner should not have to pay to fix something that is obviously a zoning mistake.

Seeing no further public comment, Mayor Moyer brought the item back to the council for consideration.

Mayor Moyer brought up the \$6,000 fee for a general plan amendment. The City will be amending the General Plan over the next few years.

Mr. Shove mentioned the limit of general plan amendments is four times per year.

Council Member Franklin suggested it is not a gift of public funds to waive these fees as the City is correcting the zoning mistake. Zenner is growing and needs more room. The City benefits from increased sales tax and Zenner will be hiring more local employees.

Council Member Welch, pointed out Zenner makes a specialized product that is sold internationally.

Motion Franklin/Welch to approve Resolution 2018-140, Motion carried, 3-1, with Council Member Andrade voting no and Council Member Peterson absent.

2. Resolution 2018-143, Public Hearing and Consideration of Adopting Application and Processing Fees for Cannabis Regulatory Permits and Cannabis Conditional Use Permits.

City Attorney, Maricela Marroquin presented the staff report as contained in the Agenda with the Power Point presentation. Included as Exhibit B.

Council Member Franklin had a question about the building structure and how the business would keep the aromas from entering neighboring businesses.

Ms. Marroquin answered the odor issue is related mainly to cultivation and these businesses would be stand alone.

Council Member Franklin clarified that some of the retail businesses might create odor issues and would like to make sure there is a plan to keep the odors from encroaching on businesses near them.

Ms. Marroquin asked if Council Member Franklin would like this item to come back to address her concerns. Council Member Franklin declined postponing the item. She would like the inspectors to investigate the air filtration systems to ensure the odors are contained.

Council Member Franklin also requested a staff provide a step by step procedure for applying for the permit and outlining the fees.

Ms. Marroquin answered staff is already working on that and the plan is to bring it back to council at the December 11, 2018 meeting.

The Mayor opened the item for public comment.

Seeing no further public comments, the Mayor closed the public comments.

Motion Andrade/Welch to approve Resolution 2018-143. Motion carried, 4-0, with Council Member Peterson Absent.

ANNOUNCEMENTS & REPORTS

CITY COUNCIL COMMITTEE REPORTS

Council Member Franklin reported on the School 2x2 meeting where the Fall Fun Day was discussed along with the CNG Station. Western Riverside Council of Governments: Superintendent of Schools for Riverside County. Southern California Association of Governments: Regional Housing Needs Assessment. Kiwanis are having their annual pancake breakfast event at the Banning Community Center from 7:00 am to 11:00 am. Senior Center will be hosting the Santa Shoppe. Thanked everyone that took the time to vote. Thank you to our newly elected council members.

Council Member Andrade reported on the City of Beaumont Salute to Veterans. December 8, there will be a Healing Crusade at Repplier Park.

REPORT BY CITY ATTORNEY

City Attorney had nothing to report.

REPORT BY CITY MANAGER

City Manager Doug Schulze reminded council and staff we have the interviews for the vacant police chief position coming up November 16. Three finalists will be participating in a community meet and greet from 3:00 to 6:00 pm at the community center. Police officer vacancies, 21 applicants participated in oral board interviews. Those who are successful will advance to the background process. The candidates that pass the background process could be entering into the field the beginning of next year. Mr. Schulze reported on the suspended fees (Exhibit C). As of November 1, 2018 the City has issued 1 Conditional Use Permit, 4 Sign Permits, and 15 Home Occupation Permits for a total fee waiver of \$10,002. We currently have three dispatcher vacancies, five candidates have passed the written exam and are currently going through background checks. We hope to have those positions filled very soon.

REPORTS OF OFFICERS

1. Resolution 2018-146, Approving a Contract Services Agreement with Vision Security to Provide New Equipment, Installations, Repairs and Maintenance of existing Equipment.

Electric Utility Director, Tom Miller presented the Staff Report as contained in the Agenda packet.

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

Motion Franklin/Andrade to adopt Resolution 2018-146, Approving a Contract Services Agreement with Vision Security Systems to provide new equipment,

installations, repairs and maintenance of existing equipment. Motion passes 4-0 with Council Member Peterson Absent.

DISCUSSION ITEMS

None

ITEMS FOR FUTURE AGENDAS

1. Mills Act Update
2. Fee Suspension Update
3. Website Redesign
4. Street Naming Policy to Honor Land Owners
5. Contingency Plan for Residents During Emergencies
6. Appraisals Update
7. Senior at Banning High School was recently selected to be an Intern for Congressman; Aliyah Amis.

ADJOURNMENT

By common consent the meeting was adjourned at 5:58 P.M.

Minutes Prepared by:

Laurie Sampson, Acting 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=Pn1cHgYaZU9N> or by requesting a CD or DVD at Banning City Hall located at 99 E. Ramsey Street.

Exhibit “A”

to the November 13, 2018, Regular Meeting Minutes

ORDINANCE 1531

AN ORDINANCE OF THE CITY OF BANNING, CALIFORNIA, APPROVING A CATEGORICAL EXEMPTION FROM CEQA AND APPROVING ZONING ORDINANCE AMENDMENT 18-97503 TO AMEND TITLE 17 "ZONING" OF THE BANNING MUNICIPAL CODE TO ADD A NEW CHAPTER 17.54, "CANNABIS RETAILER CONDITIONAL USE PERMITS" TO ALLOW CANNABIS RETAILERS IN THE HIGHWAY SERVING COMMERCIAL ZONE WITH APPROVAL OF A CANNABIS CONDITIONAL USE PERMIT, AND MAKING THE ALLOWANCE FOR, AND REGULATION OF, THESE BUSINESSES CONTINGENT UPON THE VOTER'S APPROVAL OF A TAX MEASURE (MEASURE O) 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; and

WHEREAS, on November 8, 2016, California voters approved Proposition 64, 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; and

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; and

WHEREAS, the City Council finds that unregulated retail cannabis sales activity has the potential to adversely affect the public health and safety of Banning residents

and those engaged in retail cannabis activity. For example, on June 23, 2018, there was an armed robbery at an illegal cannabis dispensary in the City that resulted in the perpetrators shooting and stabbing five people who were at the dispensary. The City is aware that similar incidents have occurred at other cannabis dispensaries/retailers due primarily to the fact that these are often all-cash businesses, thus making them magnets for crime; and

WHEREAS, the City Council also finds that, if a retail cannabis business tax is adopted by the voters, that limited retail commercial cannabis sales activity 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 retailers will substantially reduce this threat to the public health and safety; and

WHEREAS, the City Council desires to establish reasonable zoning and land use regulations regarding the operation of cannabis retailers that are intended to address the potential negative impacts of unregulated cannabis businesses. These regulations include security measures to protect the employees and patrons of the cannabis retail business, as well as the public as a whole; and

WHEREAS, the regulations also include limiting the number of retailers to one for every 10,000 residents. This limitation will ensure that the City can closely monitor these businesses so that they do not create public health and safety risks to residents and visitors. Additionally, this limitation will ensure that an unnecessary strain is not placed on the City's already overtaxed law enforcement personnel. The limitation on the number of cannabis retailers is proportional to existing demand as evidenced by the number of illegal cannabis dispensaries that are currently operating in the City; and

WHEREAS, the City Council desires to establish zoning and land use regulations through this Ordinance for cannabis retailers that are companion elements to the City's adoption of cannabis business permit regulations and the voter's adoption of cannabis business taxes; and

WHEREAS, on October 3, 2018, the Planning Commission of the City of Banning held a public hearing regarding this Ordinance 1531, at which time all persons interested in the contents of this Ordinance had the opportunity and did address the Planning Commission on these matters specific to the establishment of zoning and land use regulations for retail cannabis sales facilities. 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. 2018-18 recommending that the City Council adopt this Ordinance to allow cannabis retailers as a conditionally permitted use in the Highway Serving Commercial zone; and

WHEREAS, the City Council of the City of Banning held a public hearing on the proposed Ordinance 1531, 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; and

WHEREAS, this Ordinance, Ordinance 1531, will only go into effect if the Banning voters approve a tax measure (Measure O) imposing taxes on these cannabis retailers at the November 6, 2018 municipal election; and

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. 18-97503.

Finding No. 1: Proposed Zone Text Amendment No. 18-97503 is consistent with the goals and policies of the General Plan.

Findings of Fact: Proposed Zone Text Amendment No. 18-97503 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 retail sales of cannabis can also lead to an increase in the frequency of robberies and similar crimes. The 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 retail cannabis uses within the City. It is in the public interest to regulate cannabis, to allow for responsible and lawful retail cannabis sales in the City. With adequate regulation and oversight limited commercial cannabis activity are consistent with the following General Plan goals and policies:

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. 18-97503 is internally consistent with the Zoning Ordinance.

Findings of Fact: Proposed Zone Text Amendment No. 18-97503 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 retail cannabis sales so as to avoid the risks of criminal activity, malodorous smells, and degradation of the natural environment.

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. 18-97503 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. 18-97503

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 add the definition of “Cannabis Retailer” as follows:

Cannabis Retailer means a cannabis business that engages in the retail sale and delivery of cannabis or cannabis products to customers.

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 add “Cannabis Retailer” to the table, 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									
<u>Cannabis Retailer</u>	<u>X</u>								

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 add “Cannabis Retailer” to the table 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								
<u>Cannabis Retailer</u>	<u>X</u>	<u>X</u>	<u>C⁸</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

8. Cannabis Retailers 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 17.54.

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 “Cannabis Retailer” to the list of Use-Specific Development Standards:

Zone	DC	GC	HSC	PO	I	AI	BP	IMR
<u>Y. Cannabis Retailer</u>			* -					

Y. Cannabis Retailers 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 17.54.

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 add “Cannabis Retailer” to the table, with all other provisions of Table 17.16.020 remaining unchanged:

Zone	PF-A	PF-G	PF-F	PF-S	PF-H
<u>Cannabis Retailer</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

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 add “Cannabis Retailer” to the table, with all other provisions of Table 17.20.020 remaining unchanged:

Zone	OS-R	OS-PA	OS-PU	OS-H
<u>Cannabis Retailer</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

G. Chapter 17.54 (Cannabis Conditional Use Permits) is hereby added to Title 17 (Zoning) of the Banning Municipal Code to read as follows:

“Chapter 17.54 Cannabis Retailer Conditional Use Permits”

Sections

- 17.54.010 Definitions.
- 17.54.020 Cannabis Retailer Conditional Use Permit Required.
- 17.54.030 Cannabis Retailer Conditional Use Permit - Fees and Terms.
- 17.54.040 Cannabis Retailer Conditional Use Permit Application Requirements.
- 17.54.050 Additional Application Requirements.
- 17.54.060 Procedures and Findings for Approval of Cannabis Retailer Conditional Use Permit.
- 17.54.070 Approval of Cannabis Retailer Conditional Use Permit With Conditions.
- 17.54.080 Separation Requirements and Other Limitations.
- 17.54.090 Premises.
- 17.54.100 Personnel and Visitors.
- 17.54.110 Security.
- 17.54.120 Track and Trace.

- 17.54.130 Signage.
- 17.54.140 Cannabis Waste Management.
- 17.54.150 General Sanitary Requirements.
- 17.54.160 Odor Control.
- 17.54.170 Operating Requirements.
- 17.54.180 Other Provisions.
- 17.54.190 Indemnification.

17.54.010 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 retailer 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 cannabis retailer.

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

F. "Cannabis retailer" means a cannabis business that engages in the retail sale and delivery of cannabis or cannabis products to customers.

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. "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.

L. "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.

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

N. "Owner" means any of the following:

1. A person with any ownership interest, 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.

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

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

Q. "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.

R. "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.

S. "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.

17.54.020 Cannabis Retailer 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 retailer regulatory permit as required by Chapter 5.33 of this Code.

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

17.54.030 Cannabis Retailer Conditional Use Permit - Application Fees and Terms.

A. No cannabis retailer 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 retailer 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 retailer 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.

17.54.040 Cannabis Retailer Conditional Use Permit Application Requirements.

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

A. A completed cannabis retailer 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(s) identified on the cannabis retailer conditional use permit application shall be same owner(s) as listed on the cannabis retailer regulatory permit issued pursuant to Chapter 5.33.

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 sold or 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. 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), and any park. The map must also identify any residentially zoned parcel that is located within 200 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.

17.54.050 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.

17.54.060 Procedures and Findings for Approval of Cannabis Retailer Conditional Use Permit.

A. A cannabis retailer 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 retailer 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 retailer conditional use permit shall comply with the California Environmental Quality Act ("CEQA"). No cannabis retailer conditional use permit shall be granted until the requisite CEQA review has been conducted.

17.54.070 Approval of Cannabis Retailer 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.

17.54.080 Separation Requirements and Other Limitations.

A. Only one cannabis retailer for every 10,000 residents may lawfully operate in the City, with any fraction of that ratio being rounded down to the nearest whole number.

B. No cannabis business shall be located within a 200 foot radius of any residential zoning district. No cannabis business shall be located within a 600 foot radius of any day care center, youth center, public or private school providing instruction in kindergarten or any of grades 1-12, park, or any other retail cannabis business that is lawfully operating in the City and 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 distances 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.

17.54.090 Premises.

A. The building where the commercial cannabis activity occurs must be a minimum of 800 square feet in size.

B. 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.

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

G. 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.

H. 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.

I. A permittee shall not, without an approved amendment to the cannabis retailer 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.

J. A permittee shall not sublet the premises.

K. 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.

17.54.100 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 the cannabis business.

C. Visitors. Limited access areas of a cannabis business 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 5.33 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.

17.54.110 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. The premises shall have an area designed for the secure receipt of cannabis and cannabis goods from a licensed distributor.

B. 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.

C. A permittee 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.

D. 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.

E. 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

F. 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.

G. 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.

17.54.120 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.

17.54.130 Signage.

The premises must comply with the following signage requirements.

A. 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.

B. 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."

C. 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."

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

17.54.140 Cannabis Waste Management.

Cannabis waste disposal shall be conducted as follows:

A. 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.

B. 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.

C. The permittee shall comply with Chapter 13.20, Industrial Wastewater Collection and Treatment of the Banning Municipal Code.

17.54.150 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.

17.54.160 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.

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

17.54.170 Operating Regulations.

A. Limited Hours of Operation. A cannabis retailer may only be open to the public and engage in sales between the hours of 8:00 (eight) a.m. and 10:00 (ten) p.m.

B. Product Not Visible To Public. The display of cannabis and cannabis products for sale shall not be visible from outside the licensed premises.

C. Age Restricted Entry. A cannabis retailer may not permit an individual less than twenty-one years of age into the licensed premises, except a cannabis retailer with an M-license (allowing for the sale of medicinal cannabis and cannabis products) from the state may permit an individual aged eighteen years or older into the licensed premises if the cannabis retailer verifies the individual is a qualified patient with a physician's recommendation or a primary caregiver, as those terms are defined under State law.

D. Cannabis Paraphernalia Sales. Cannabis retailers may sell or otherwise provide equipment, supplies, and paraphernalia used to consume cannabis and cannabis products.

E. Electronic Point-of-Sale System Required. Cannabis retailers must have an electronic point of sale system that is either part of their seed to sale software or integrates with their seed to sale software. The electronic point of sale system must

be capable of producing an electronic or automatic paper record for all transactions associated with any product sold, rented, or otherwise provided to the customer.

F. No Sales of Expired Product. Cannabis retailers may not sell any expired products, cannabis or cannabis products. Cannabis retailers shall not alter, edit, or adjust in any manner an expiration date on any item or product once affixed by its manufacturer.

G. Handling of Edible Cannabis Products. Cannabis retailers that possesses edible cannabis products shall comply with the provisions of all relevant state and local laws regarding the storage, handling, and sale of food.

H. Sale of Untested Products. Cannabis retailers may sell cannabis or cannabis products that have not been tested by a testing laboratory from January 1, 2018 until such time as determined by the state. Thereafter, all cannabis and cannabis products sold by a dispensary must be tested by a testing laboratory prior to sale to a purchaser in accordance with MAUCRSA.

I. Consumption of Cannabis and Cannabis Products on Premises. Cannabis and cannabis products shall not be smoked, vaporized, ingested or otherwise consumed on the licensed premises of a cannabis retailer. Premises as used in this subsection includes the actual building, as well as any accessory structures, common areas and parking areas.

J. Tamper-Evident, Child-Resistant Packaging Required. A cannabis retailer shall not deliver or sell cannabis products that are not packaged or labeled in a resealable, tamper-evident, child-resistant package. The cannabis and shall include a unique identifier for the purposes of identifying and tracking cannabis and cannabis products.

K. 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.

L. 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.

17.54.180 Other Provisions.

A. 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.

B. 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.

C. 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.

D. Minimum square footage of the building shall be 800 square feet unless otherwise provided by the State.

17.54.190 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 phase 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 City Council hereby declares 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 Measure O is approved by the voters at the November 6, 2018 election, and such tax becomes operative.

PASSED, APPROVED AND ADOPTED this 13 day of November, 2018.

George Moyer, Mayor
City of Banning

ATTEST:

Laurie Sampson, Acting Deputy City Clerk
City of Banning

APPROVED AS TO FORM:

Kevin G. Ennis, City Attorney

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 23rd day of October, 2018, and was duly adopted at a regular meeting of said City Council on the 13th day of November, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Laurie Sampson, Acting Deputy City Clerk
City of Banning

Exhibit “B”

to the November 13, 2018, Regular Meeting Minutes

Cannabis Fee Resolution

City Council Meeting

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

November 13, 2018
5:00 P.M.



Election Results

- Measure N – Approved by 61.39% of the vote (3,112 votes in favor, 1,957 votes against) imposed an annual business tax in an amount equal to \$15 per square foot of canopy space for a cultivation facility and 10% of gross receipts of a manufacturing facility or testing laboratory facility.
- Measure O – Approved by 61.72% of the vote (3,126 votes in favor, 1,939 votes against) imposed an annual business tax in an amount equal to 10% of gross receipts of a cannabis retailer.

City Council Ordinances

- Ordinances 1523 and 1524 provide that the City Council shall establish, by resolution, fees for processing regulatory and conditional use permits for cannabis cultivation, manufacturing and testing laboratory facilities.
- Ordinances 1527 and 1531 provide that the City Council shall establish, by resolution, fees for processing regulatory and conditional use permits for cannabis retailers.

Gov't Code § 66016 et seq.

- Gov't Code section 66016 authorizes cities to charge fees for processing regulatory permits and land use entitlements as long as those fees do not exceed the estimated reasonable costs of providing the service for which the fee is intended.
- Staff has calculated the reasonable costs of the permit fees based on fully burdened hourly rates of staff to perform the various tasks to process the permits.

Cannabis Regulatory Permit Fees

- Staff recommends establishing a cannabis retailer regulatory permit fee in the amount of \$5,000.
- Staff recommends establishing regulatory permit fees for cannabis cultivation, manufacturing, and testing laboratory facilities in the amount of \$4,700.

Cannabis Regulatory Permit Fees

- Fingerprint the business owner and conduct a background check;
- Verify distancing requirements from sensitive uses;
- Determine whether the applicant, owner or any person with a financial interest in the business has:
 - unpaid or overdue administrative penalties or judgments owed to the City;
 - within the last 5 years been convicted of engaging in unlawful commercial cannabis activity, been issued an uncontested administrative citation for engaging in unlawful commercial cannabis activity, or been the subject of a lawsuit for engaging in unlawful commercial cannabis activity where the person was not the prevailing party; or
 - been convicted of certain crimes.

Cannabis Regulatory Permit Fees

Staff must also review:

- The security plan
- The air treatment system plan to prevent odors from escaping the building
- The business' legal structure including any formation and organization documents
- Review the letter of consent to use the property or the deed of trust
- Application to ensure that the business will comply with all provisions of the Municipal Code

Cannabis Conditional Use Permit Fee

- Staff recommends establishing a cannabis conditional use permit fee deposit in the amount of \$10,000.
- Applicant will be responsible for the full costs of staff processing the conditional use permit application.

Recommendation

- That City Council open and conduct a public hearing regarding the proposed adoption of the cannabis regulatory permit fees and cannabis conditional use permit fees.
- That after the close of the public hearing, the City Council adopt Resolution No. 2018-143 establishing the fees.

Questions?

Exhibit “C”

to the November 13, 2018, Regular Meeting Minutes

Fee Suspension Impact and Previous Year

	2017/18		March 28th to November 1st	
	Permits	Revenue	Permits	Revenue
CUPs	3	\$ 14,337	1	\$ -
Sign Permits	14	\$ 7,518	4	\$ -
Home Occupation Permits	26	\$ 5,330	15	\$ -

CUPs: \$4,779

Sign Permits: \$537

Suspended Revenue

CUPs	1	4779 \$	4,779
Sign Permits	4	537 \$	2,148
Home Occupation Permits	15	205 \$	3,075
TOTAL		\$	<u>10,002</u>



**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Laurie Sampson, Acting Deputy City Clerk

MEETING DATE: December 11, 2018

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

RECOMMENDATION:

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

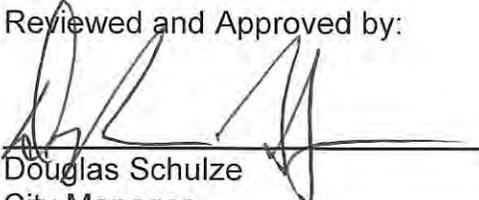
BACKGROUND:

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:


Douglas Schulze
City Manager

ATTACHMENT 1

List of Contracts

Contracts, Change Orders and Sole Sources Approved Within City Manager Signature Authority (May 1, 2018 - May 31, 2018)

City Manager Approval	Vendor Name	Description of Item/Service	Contact Award Total	Department/Division	Comments
19-Nov-2018	Everbridge	Software as a service for "Nixle 360 Services"	\$ 14,900.00	City Manager	Sole source



**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL

FROM: Doug Schulze, City Manager

PREPARED BY: Suzanne Cook, Deputy Finance Director

MEETING DATE: December 11, 2018

SUBJECT: Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of October 2018

RECOMMENDATION:

That City Council review and ratify the warrants for period ending **October 31, 2018**, per California Government Code Section 37208.

WARRANT SUMMARY:

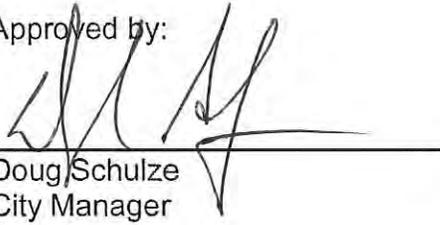
Description	Payment #	Amount	Total Amount
Checks:			
Checks Issued during Month	165996 - 166381	\$ 1,871,458.40	
Voided / Reissue Check		\$ 1,806.21	
Check Total			\$ 1,869,652.19
Wires Total	993 - 995		\$ 2,741,514.20
ACH payments:			
	9006320 - 9006339		
Payroll Direct Deposit 10/12/2018		\$ 330,459.27	
Payroll Direct Deposit 10/26/2018		\$ 358,606.80	
Other Payments		\$ 694,916.12	
ACH Total			\$ 1,383,982.19
Payroll Checks:			
	11611 - 11625		
Payroll - Regular 10/12/2018		\$ 5,330.48	
Payroll - Regular 10/26/2018		\$ 2,140.03	
Payroll Check Total			\$ 7,470.51
Total Warrants Issued for October 2018			\$ 6,002,619.09

ATTACHMENTS:

- Fund List
- Warrant List October 2018
- Warrant List Detail October 2018
- Voided Check Log – October 2018
- Payroll Log
- Payroll Registers

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

Approved by:



Doug Schulze
City Manager

CITY of BANNING

Fund/Department Legend

Fund/Department Legend

0001 General Fund Departments

0001 – General
 1000 – City Council
 1200 – City Manager
 1210 – Economic Development
 1300 – Human Resources
 1400 – City Clerk
 1500 – Elections
 1800 – City Attorney
 1900 – Fiscal Services
 1910 – Purchasing & A/P
 2060 – TV Government Access
 2200 – Police
 2210 – Dispatch
 2279 – TASIN – SB621 (Police)
 2300 – Animal Control
 2400 – Fire
 2479 – TASIN – SB621 (Fire)
 2700 – Building Safety
 2740 – Code Enforcement
 2800 – Planning
 3000 – Engineering
 3200 – Building Maintenance
 3600 – Parks
 4000 – Recreation
 4010 – Aquatics
 4050 – Senior Center
 4060 – Sr. Center Advisory Board
 4500 – Central Services
 4800 – Debt Service
 5400 – Community Enhancement

Special Revenue Funds

002 – Developer Deposit Fund
 003 – Riverside County MOU
 005 – Successor Agency Admin Fund
 100 – Gas Tax Street Fund
 101 – Measure A Street Fund
 102 – RMRA (SB1) Gas Tax Fund
 103 – SB 300 Street Fund
 104 – Article 3 Sidewalk Fund
 110 – CDBG Fund
 111 – Landscape Maintenance
 132 – Air Quality Improvement Fund
 140 – Asset Forfeiture/Police Fund
 148 – Supplemental Law Enforcement
 150 – State Park Bond Fund
 190 – Housing Authority Fund
 200 – Special Donation Fund
 201 – Sr. Center Activities Fund
 4050 - Senior Center
 4060 - Senior Center Advisory Board
 202 – Animal Control Reserve Fund
 203 – Police Volunteer Fund
 204 – D.A.R.E. Donation Fund
 300 – City Administration COP Debt Service
 360 – Sun Lakes CFD #86-1
 365 – Wilson Street #91-1 Assessment Debt
 370 – Area Police Computer Fund
 375 – Fair Oaks #2004-01 Assessment Debt
 376 – Cameo Homes

Capital Improvement Funds

400 – Police Facilities Development
 410 – Fire Facilities Development
 420 – Traffic Control Facility Fund
 421 – Ramsey/Highland Home Road Signal
 430 – General Facilities Fund
 441 – Sunset Grade Separation Fund
 444 – Wilson Median Fund
 451 – Park Development Fund
 470 – Capital Improvement Fund
 475 – Fair Oaks #2004-01 Assessment District

Banning Utility Authority Funds

660 – Water Fund
 661 – Water Capital Facilities
 663 – BUA Water Capital Project Fund
 669 – BUA Water Debt Service Fund
 680 – Wastewater Fund
 681 – Wastewater Capital Facility Fund
 683 – BUA Wastewater Capital Project Fund
 685 – State Revolving Loan Fund
 689 – BUA Wastewater Debt Service Fund
 662 – Irrigation Water Fund
 682 – Wastewater Tertiary

Enterprise Funds

600 – Airport Fund
 610 – Transit Fund
 5800 - Transit
 5850 - Dial-A-Ride
 690 – Refuse Fund
 670 – Electric Fund
 7000 - Electric
 7010 - Generation & Transmission
 672 – Rate Stability Fund
 673 – Electric Improvement Fund
 674 – '07 Electric Revenue Bond Project Fund
 675 – Public Benefit Fund
 678 – '07 Electric Revenue Bond Debt Service Fund

Internal Service Funds

700 – Risk Management Fund
 5020 - Workers Compensation
 5030 - Unemployment Insurance
 5040 - Liability Insurance
 5300 - City Attorney
 702 – Fleet Maintenance
 703 – Information Systems Services
 761 – Utility Billing Administration
 3100 - Account & Collection Service
 3110 - Meter Reading Service

Successor Agency Funds

805 – Redevelopment Obligation Retirement Fund
 810 – Successor Housing Agency
 830 – Debt Service Fund
 840 – Bond Expenditure Agreement (BEA) Project Fund
 841 – Bond Expenditure Agreement (BEA) Low/Mod Fund
 850 – Successor Agency
 855 – 2007 TABS Bond Proceeds - Replaced by Fund 840
 856 – 2003 TABS Bond Proceeds - Replaced by Fund 840
 857 – 2003 TABS Bond Proceeds Low/Mod - Replaced by Fund 841

**City of Banning
Warrant List October 2018**

Warrant Number	Vendor Name	Warrant Amount
993	U.S. BANK	288,103.14
994	U.S. BANK	1,265,808.44
995	RIVERSIDE PUBLIC UTILITIES	1,187,602.62
166382	ADVANCE WORKPLACE STRATEGIES INC	124.00
166383	AL'S KUBOTA TRACTOR	2,254.88
166384	ALLEN INDUSTRIAL & MACHINE	755.42
166385	ALLEN, MICHAEL	179.07
166386	AMAZON CAPITAL SERVICES	428.02
166387	AMERICAN PUBLIC POWER ASSN	307.00
166388	ANDERSON, ERIC T	105.83
166389	ANIXTER, INC	5,576.61
166390	BABCOCK LABORATORIES, INC	700.00
166391	BANNING POLICE OFFICERS ASSOC	2,200.00
166392	BANNING SAN GORGONIO PASS AREA	45.00
166393	BEAUMONT DO IT BEST HOME CENTER	886.51
166394	BEAUMONT SAFE & LOCK	6.20
166395	BERMUDEZ, RAUL	252.74
166396	BLUE SHIELD OF CALIFORNIA	66,138.51
166397	CALIFORNIA LAW ENFORCE ASSN	563.50
166398	CALIFORNIA WATER ENVIRONMENT	87.00
166399	CALIFORNIA WATER ENVIRONMENT	87.00
166400	CDW GOVERNMENT, INC	2,213.88
166401	CENTER ELECTRIC	2,026.20
166402	COLONIAL INSURANCE	19,923.11
166403	CONSOLIDATED ELECTRICAL	348.45
166404	CRYSTAL COX	80.00
166405	CUSTOM TROPHIES & U-NEEK AWARDS	28.55
166406	D'SILVA, OLIVER	120.00
166407	DIVISION OF THE STATE ARCHITECT	1.80
166408	DIVISION OF THE STATE ARCHITECT	184.40
166409	DUGGAN, LUELLE	155.63
166410	EGAN, JOETTA	137.29
166411	ELECTRIC POWER SYSTEMS INT, INC.	15,267.50
166412	EPSILON ENGINEERING	131,938.79
166413	EUPHORIA CAPITAL LLC	60.42
166414	FEDEX	51.98
166415	FELIX, ALBERTO	120.00
166416	FRONTIER COMMUNICATIONS	542.06
166417	GARDA CL WEST INC	570.00
166418	GONZALEZ FAMILY TRUST	63.53
166419	HARDY, JOHN	262.36
166420	HEADLEY, MARTIN	102.57
166421	HERNANDEZ, VICKIE MARIE	176.00
166422	HOLMAN, FRANCES	81.77
166423	HOME DEPOT #8987	129.11
166424	I.B.E.W. LOCAL 47	7,841.94
166425	I.B.E.W. LOCAL 47 (PAC)	52.00
166426	IMAI &, MARY K	29.22
166427	J.P. MORGAN CHASE	643.00
166428	JACKSON LEWIS PC	145.00
166429	KESTER, ELIZABETH	176.00
166430	KIEFER SWIM PRODUCTS	119.70
166431	KLAUSNER, EILEEN	50.00
166432	LEAF	333.69

**City of Banning
Warrant List October 2018**

Warrant Number	Vendor Name	Warrant Amount
166433	LITHOPASS PRINTING, FORMS,	8.62
166434	MADERA, ALFREDO & HORTENCIA	132.56
166435	MC AVOY & MARKHAM	40,475.21
166436	MENDOZA, TERESA	648.35
166437	MERAZ, HEIDI H.	199.08
166438	NAPA AUTO PARTS	177.22
166439	OFFERPAD LLC	40.91
166440	OFFICE DEPOT	258.51
166441	OLIN CORPORATION DBA	2,920.88
166442	ONE SOURCE DISTRIBUTORS	1,944.89
166443	ONLINE INFORMATION SERVICES	71.00
166444	PETERSON, DON	852.22
166445	PRE-PAID LEGAL SERVICES, INC	276.03
166446	PRESS-ENTERPRISE, THE	274.00
166447	PRUDENTIAL OVERALL SUPPLY	376.36
166448	REED, BARBARA	363.00
166449	RIV. CO. FLOOD CONTROL & WATER	35,592.00
166450	ROBLES, DIONA FLEMING	300.00
166451	ROCKWELL, AMBER	136.68
166452	SAN BERNARDINO COUNTY SHERIFF'S	421.00
166453	SAN BERNARDINO PUBLIC EMPLOYEES	992.42
166454	SERVICE SCAPE	5,854.00
166455	SHRED-IT USA, LLC	115.60
166456	SILVER & WRIGHT, LLP	1,296.92
166457	SITEONE LANDSCAPE SUPPLY	994.80
166458	SMART & FINAL	141.83
166459	SOUTHERN CALIFORNIA GAS CO	5,529.29
166460	STANTEC CONSULTING SERVICES, INC	5,215.00
166461	STAPLES BUSINESS ADVANTAGE	432.65
166462	STATE WATER RESOURCES CONTROL	70.00
166463	SUN LIFE FINANCIAL	19,406.91
166464	SWAROOP,SATINDER	1,283.38
166465	TELEPACIFIC COMMUNICATIONS	2,856.13
166466	THE SOCO GROUP, INC.	23,036.67
166467	TIME WARNER CABLE	853.30
166468	TRAPANI, SHARON	184.13
166469	UNITED ROTARY BRUSH CORPORATION	128.52
166470	UNITED STATES POSTAL SERVICE	225.00
166471	UNITED STATES POSTAL SERVICE	5,000.00
166472	UTILITY TREE SERVICE	4,400.00
166473	VISION SECURITY SYSTEMS	1,000.00
166474	VULCAN MATERIALS	2,128.01
166475	WELDOR'S SUPPLY AND STEEL	22.94
166476	WELLS FARGO CARD SERVICES INC	1,944.14
166477	WESCO DISTRIBUTION, INC	775.80
166478	WEST COAST SAND & GRAVEL, INC.	395.02
166479	WESTERN RIVERSIDE COUNCIL	3,941.09
166480	WILLDAN FINANCIAL SERVICES	773.99
166481	ALESHIRE & WYNDER, LLP	222.27
166482	ALLEN, MICHAEL	98.02
166483	AMAZON CAPITAL SERVICES	506.59
166484	AMERICAN FORENSIC NURSES	1,040.00
166485	ARB/PERP	570.00
166486	ARIAS, JOE	82.00

**City of Banning
Warrant List October 2018**

Warrant Number	Vendor Name	Warrant Amount
166487	ARROW STAFFING SERVICE	1,222.00
166488	ARTISTIC MAINTENANCE, INC.	8,898.75
166489	AT&T CALNET 2	1,254.07
166490	AT&T MOBILITY	1,224.52
166491	BABCOCK LABORATORIES, INC	515.00
166492	BEAUMONT DO IT BEST HOME CENTER	33.36
166493	BEAUMONT SAFE & LOCK	4.85
166494	BELL &, FRANK	203.82
166495	BENDER, BEVERLY	174.39
166496	BIO-TOX LABORATORIES	1,698.00
166497	BLACKWELL, CAROL	144.32
166498	CALDERON, SANDRA B	10.90
166499	CALIFORNIA PARK & REC SOCIETY	170.00
166500	CALIFORNIA, STATE OF	1,704.00
166501	CDW GOVERNMENT, INC	883.89
166502	CHARLES ABBOTT ASSOCIATES, INC	36,337.02
166503	COFFEY, BENJAMIN	164.00
166504	COOK, SHARON	198.02
166505	COSTAR REALTY INFORMATION, INC	175.90
166506	COUTS HEATING & COOLING, INC	3,717.12
166507	COZAD & FOX, INC	1,618.80
166508	DIRECTV	23.25
166509	DLT SOLUTIONS, LLC	286.65
166510	ELIZONDO, MARIO	82.00
166511	FAST LUBE & TUNE	1,184.64
166512	FEDEX	41.93
166513	FIELD, MATT	164.00
166514	FRONTIER COMMUNICATIONS	2,924.59
166515	GAS COMPANY, THE	105.18
166516	GOVERNMENT STAFFING SERVICES, INC	8,640.00
166517	GRAINGER	190.29
166518	HR GREEN PACIFIC, INC	11,048.53
166519	IBEW LOCAL 47 RETIREE MEDICAL TRUST	2,157.57
166520	ICMA RETIREMENT TRUST 457	995.69
166521	L.O.LYNCH QUALITY WELLS & PUMPS INC	6,000.00
166522	LITHOPASS PRINTING, FORMS,	43.10
166523	MASTEN, STAR	141.81
166524	MINITUBISHI ELECTRIC & ELECTRONICS	303.80
166525	NATIONWIDE RETIREMENT SOLUTIONS	7,219.91
166526	OFFICE DEPOT	136.73
166527	PARS	479.19
166528	PARTS AUTHORITY METRO, LLC	636.80
166529	PASS EDA	25.00
166530	PAYPRO ADMINISTRATORS	138.00
166531	PEREZ, MIKE	194.22
166532	PRESS-ENTERPRISE, THE	793.80
166533	PRO-CRAFT PLUMBING COMPANY, INC	1,320.00
166534	PROFORCE LAW ENFORCEMENT	1,605.42
166535	PRUDENTIAL OVERALL SUPPLY	236.28
166536	RACEWAY FORD INC	471.92
166537	RECORD GAZETTE, THE	1,018.35
166538	RICHARDS WATSON GERSHON	47,694.94
166539	RIV. CO. CLERK RECORDER	22.00
166540	RIV. CO. CLERK RECORDER	22.00

**City of Banning
Warrant List October 2018**

Warrant Number	Vendor Name	Warrant Amount
166541	SAN BERNARDINO CO SHERIFF'S DEPT	2,550.00
166542	SCHULZE, DOUG	3,545.63
166543	SITEONE LANDSCAPE SUPPLY	1,331.92
166544	SMITH, JASON	82.00
166545	SOUTH COAST AIR QUALITY	406.79
166546	SOUTH COAST AIR QUALITY	131.79
166547	SOUTH COAST AIR QUALITY	406.79
166548	SOUTH COAST AIR QUALITY	131.79
166549	SOUTHERN CALIFORNIA EDISON	951.90
166550	STAPLES BUSINESS ADVANTAGE	1,441.10
166551	STATEWIDE TOWING & RECOVERY, INC	310.00
166552	STEEN, MIKE	164.00
166553	TIME WARNER CABLE	89.57
166554	TITAN EMPIRE, INC	4,469.38
166555	TURBO DATA SYSTEMS INC	232.97
166556	UTILITY TREE SERVICE	4,400.00
166557	VERIZON WIRELESS	119.52
166558	VISION SECURITY SYSTEMS	567.91
166559	WELLS, KAREN	166.87
166560	WESCO DISTRIBUTION, INC	6,022.80
166561	WHENEVER COMMUNICATIONS, LLC	278.85
166562	YEDWALSKY, HARVEY	94.18
166563	ACE	582.79
166564	ALLEN REBUILT, INC	696.00
166565	AMAZON CAPITAL SERVICES	686.80
166566	ANDERSON, RICKY L	36.13
166567	ARAGON GEOTECHNICAL, INC	375.00
166568	ARROW STAFFING SERVICE	5,256.94
166569	AVILA, VINCENT	200.00
166570	BEAUMONT CHERRY VALLEY WATER	3,423.84
166571	BEAUMONT DO IT BEST HOME CENTER	26.69
166572	BEAUMONT SAFE & LOCK	184.54
166573	BENHAR, DIANA T	193.90
166574	CA. ST. DEPT. OF CONSERVATION	6.17
166575	CALACI, KELI JO	45.31
166576	CALIF BUILDING STANDARDS COMMISSION	226.98
166577	CALIFORNIA PEACE OFFICERS' ASSN	565.00
166578	CALIFORNIA-NEVADA J.A.T.C.	1,200.00
166579	CALOLYMPIC GLOVE & SAFETY CO, INC	1,107.30
166580	CARRERA PROPERTY MNGMT, LLC	75.66
166581	CDW GOVERNMENT, INC	1,167.54
166582	CHACON, ARTHUR	146.00
166583	COFFEY, BENJAMIN	234.70
166584	COLLINS, ELIZABETH	83.20
166585	CORE MICROSYSTEMS	2,388.00
166586	CORELOGIC INFORMATION SOLUTIONS INC	150.00
166587	COUNSELING TEAM INTERNATIONAL, THE	700.00
166588	CRAGHEAD, VERONICA	45.00
166589	CREATIVE BUS SALES INC	1,444.83
166590	CRESTWOOD ENTERPRISE	25.35
166591	CUMMINS CAL PACIFIC LLC	77.88
166592	DALLIN, LLC	166.34
166593	DANGELO CO	730.53
166594	DELES, DELILAH	146.60

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Warrant Number	Vendor Name	Warrant Amount
166595	DEPT. OF INDUSTRIAL RELATIONS	675.00
166596	DEX MEDIA	81.02
166597	DIAMOND HILLS CHEVROLET BUICK GMC	100.00
166598	DOTY, MARJORIE	164.22
166599	FACTORY MOTOR PARTS	258.44
166600	FALTO, CONSTANCE	146.61
166601	FLEET SERVICES INC	18.08
166602	FOX OCCUPATIONAL MEDICAL CENTER	65.00
166603	FRANKLIN, DEBBIE	144.62
166604	FRONTIER COMMUNICATIONS	167.08
166605	FUN EXPRESS	209.30
166606	G & G ENVIRONMENTAL COMPLIANCE, INC	1,083.68
166607	GOVERNMENT STAFFING SERVICES, INC	18,720.00
166608	GRAINGER	193.82
166609	HERNANDEZ, HENRY A	71.73
166610	HIGH SAND, INC. DBA SPLASH CAR SPA	900.00
166611	HOMAN, LOUIS	41.04
166612	HOO, JILL G	3.50
166613	ICMA	200.00
166614	INFOSEND, INC	6,146.33
166615	INNOVATIVE EMERGENCY EQUIPMENT	501.04
166616	IRON MOUNTAIN INFORMATION MGMT, LLC	756.78
166617	JAUREGUI, ROBERTO	36.00
166618	JOHNNY RUSSO'S ITALIAN KITCHEN	85.06
166619	KOLER, MARIE	132.00
166620	KOLLER, MARIE V.	12.60
166621	LANCE, SOLL & LUNGHARD, LLP	18,450.00
166622	LEAF	303.35
166623	LEE'S AUTO BODY	3,283.12
166624	LEIDOS ENGINEERING, LLC	512.47
166625	LESLIE'S POOL SUPPLIES INC.	307.20
166626	LITHOPASS PRINTING, FORMS,	1,010.98
166627	MERCHANTS BUILDING MAINTENANCE, LLC	5,561.08
166628	MICHAEL BAKER INTERNATIONAL, INC	1,630.00
166629	MILLER, JONI	62.89
166630	MILLER, NINA	215.92
166631	MORATZ, ANGELA M	76.20
166632	MORGAN, DEIDRA J	122.50
166633	MORONGO BAND OF MISSION INDIANS	2,940.00
166634	MOYER, GEORGE	72.61
166635	MST BACKFLOW	598.82
166636	NIXON-EGLI EQUIPMENT CO.	4,073.66
166637	O'REILLY AUTO PARTS	249.68
166638	OLIN CORPORATION DBA	6,100.89
166639	ON TRAC	114.47
166640	ONLINE CONSULTING INC.	2,895.00
166641	PARKHOUSE TIRE, INC.	2,948.49
166642	PETTY CASH CUSTODIAN - FINANCE	134.78
166643	PETTY CASH CUSTODIAN-COMM SVCS	73.90
166644	PETTY CASH CUSTODIAN-SR CENTER	54.66
166645	PRESS-ENTERPRISE, THE	1,415.40
166646	PRESS-ENTERPRISE, THE	455.00
166647	PRUDENTIAL OVERALL SUPPLY	396.35
166648	PUBLIC AGENCY RETIREMENT SERVICES	300.00

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Warrant Number	Vendor Name	Warrant Amount
166649	QUINN COMPANY	4,587.29
166650	RELIABLE WORKPLACE SOLUTIONS	99.95
166651	RIV. CO. CLERK RECORDER	22.00
166652	RIV. CO. CLERK RECORDER	22.00
166653	RIV. CO. HEALTH SVCS AGENCY	98.00
166654	RIV. CO. TREASURER	231.26
166655	RIV. CO. TREASURER	231.26
166656	RIVERA, KATHLEEN	77.76
166657	RIVERSIDE, COUNTY OF	532.60
166658	ROBERTSON, JAMES	273.67
166659	ROBINSON, BRANDON A	255.29
166660	ROCKWELL, AMBER	45.00
166661	RODRIGUEZ, MARTIN	13.07
166662	RUEHLE, TARA SHAWN M	94.50
166663	SHRED-IT USA, LLC	94.21
166664	SILVER & WRIGHT, LLP	2,624.79
166665	SMITH, JASON	411.02
166666	SOUTH COAST AIR QUALITY	406.79
166667	SOUTH COAST AIR QUALITY	131.79
166668	SOUTHERN CALIFORNIA EDISON	413.70
166669	STAPLES BUSINESS ADVANTAGE	337.08
166670	STAR ONE ENTERPRISES INC	144.68
166671	STATEWIDE TOWING & RECOVERY, INC	320.00
166672	STERLING TALENT SOLUTIONS	206.92
166673	STUART, HOLLY	281.93
166674	SUEZ BANNING	58,681.00
166675	TECHNOLOGY UNLIMITED INC	785.00
166676	THE SOCO GROUP, INC.	26,940.68
166677	TIME WARNER CABLE	148.93
166678	TRENCH SHORING COMPANY	108.75
166679	U.S. BANK	4,950.00
166680	URBAN HABITAT ENV. LANDSCAPES	4,913.40
166681	UTILITY TREE SERVICE	3,300.00
166682	VALENZUELA &, TANIA	1.84
166683	VERIZON WIRELESS	3,845.14
166684	WASTE MANAGEMENT OF THE	264,621.41
166685	WASTE MANAGEMENT OF THE	229,270.73
166686	WELLS FARGO CARD SERVICES INC	3,133.54
166687	WESCO DISTRIBUTION, INC	691.84
166688	WEST COAST SAND & GRAVEL, INC.	1,220.30
166689	WILLIAMS, VENKA	104.58
166690	YOUNG, CARLA	56.03
166691	ZENNER PERFORMANCE METERS, INC	2,118.91
166692	A-1 APPLIANCE CENTER	60.23
166693	ADRIAN, TERRY	600.00
166694	ALBERT A. WEBB ASSOCIATES	27,721.84
166695	AMAZON CAPITAL SERVICES	316.27
166696	ARROW STAFFING SERVICE	10,926.32
166697	ARTISTIC MAINTENANCE, INC.	4,800.00
166698	ATKINSON, ANDELSON, LOYA, RUDD & RO	17,040.00
166699	BBVA COMPASS	217,695.26
166700	BEAUMONT DO IT BEST HOME CENTER	1,816.07
166701	BEAUMONT SAFE & LOCK	147.38
166702	BT SUPPLIES WEST	1,264.11

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Warrant Number	Vendor Name	Warrant Amount
166703	CA. ST. BOARD OF EQUAL. - FUEL	485.78
166704	CALIFORNIA DEPT OF TAX AND FEE ADMN	14,122.45
166705	CANON FINANCIAL SERVICES, INC	1,184.35
166706	CDW GOVERNMENT, INC	1,654.20
166707	CELL BUSINESS EQUIPMENT (CBE)	7,334.12
166708	CHACON, ARTHUR	104.00
166709	CHARLES ABBOTT ASSOCIATES, INC	11,013.50
166710	CONSOLIDATED ELECTRICAL	193.18
166711	CORELOGIC INFORMATION SOLUTIONS INC	66.68
166712	CORTEZ, TRINIDAD	300.00
166713	COZAD & FOX, INC	6,519.00
166714	CUSTOM TROPHIES & U-NEEK AWARDS	315.17
166715	ELITE FIRE PROTECTION	320.55
166716	FERRELLGAS	243.54
166717	FUN EXPRESS	314.51
166718	GUERRERO, CRISTOVAL	299.00
166719	HAAKER EQUIPMENT COMPANY	265.96
166720	HERC RENTALS INC.	5,870.35
166721	HOME DEPOT #8987	393.38
166722	HR GREEN PACIFIC, INC	2,724.00
166723	IBEW LOCAL 47 RETIREE MEDICAL TRUST	2,160.50
166724	ICMA RETIREMENT TRUST 457	995.69
166725	KESTER, ELIZABETH	236.96
166726	KH METALS AND SUPPLY	424.13
166727	LITHOPASS PRINTING, FORMS,	43.10
166728	LSA ASSOCIATES, INC	302.50
166729	LUNA, EDWARD	900.00
166730	MICHAEL BAKER INTERNATIONAL, INC	1,540.00
166731	NAPA AUTO PARTS	49.00
166732	NATIONWIDE RETIREMENT SOLUTIONS	7,219.91
166733	OESTMAN, DEAN	300.00
166734	ONE SOURCE DISTRIBUTORS	711.15
166735	P&P UNIFORMS	3,372.57
166736	PARS	551.06
166737	PARTS AUTHORITY METRO, LLC	842.95
166738	PRESS-ENTERPRISE, THE	504.00
166739	PRIME SYSTEMS INDUSTRIAL	797.97
166740	PRUDENTIAL OVERALL SUPPLY	451.43
166741	REVIRON REALTY	175.00
166742	SAN GORGONIO PASS WATER AGENCY	17,752.00
166743	SHOVE, TED	168.00
166744	SIEMENS INDUSTRY, INC	4,526.89
166745	SITEONE LANDSCAPE SUPPLY	107.17
166746	STEVEN ENTERPRISES INC	369.00
166747	SUEZ BANNING	117,362.00
166748	TREMBLY, CHRIS	76.00
166749	UNITED ROTARY BRUSH CORPORATION	257.05
166750	UTILITY TREE SERVICE	4,400.00
166751	VISION SECURITY SYSTEMS	6,040.96
166752	WESCO DISTRIBUTION, INC	3,375.27
166753	WILLDAN FINANCIAL SERVICES	8,032.50
166754	YOUNGBLOOD & ASSOCIATES	225.00
166755	ZENNER PERFORMANCE METERS, INC	307.15
9006320	CA. ST. EMPLOYMENT DEV. DEPT.	18,702.83

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Warrant Number	Vendor Name	Warrant Amount
9006321	TASC	4,450.23
9006322	WELLS FARGO BANK	400.00
9006323	CA. ST. BOARD OF EQUALIZATION	176.00
9006324	CALPERS 457 PLAN - 450260	33,252.76
9006325	CA. ST. PUBLIC EMPLOYEES	83,945.12
9006326	WELLS FARGO BANK	330,459.27
9006327	CA. ST. EMPLOYMENT DEV. DEPT.	19,426.37
9006328	INTERNAL REVENUE SERVICE	126,004.18
9006329	TASC	4,450.23
9006330	CALPERS 457 PLAN - 450260	34,577.04
9006331	CA. ST. PUBLIC EMPLOYEES	85,852.09
9006332	WELLS FARGO BANK	400.00
9006333	WELLS FARGO BANK	358,606.80
9006334	CA. ST. EMPLOYMENT DEV. DEPT.	21,121.51
9006335	INTERNAL REVENUE SERVICE	132,807.71
9006336	TASC	4,450.23
9006337	WELLS FARGO BANK	4,371.85
9006338	CALPERS 457 PLAN - 450260	33,950.12
9006339	CA. ST. PUBLIC EMPLOYEES	86,577.85
Grand Total		5,996,954.79
	Less Voided / Reissued Checks from Prior Period	(300.00)
	Less Voided Checks Prior Period	(1,506.21)
	Add Payroll Checks	7,470.51
	Total Remittance for Month	<u>6,002,619.09</u>

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Warrant Number	Warrant Date	Vendor Name	Invoice Number	P.O. Number	Account Number	Payment Description	Warrant Amount
993	10/5/2018	U.S. BANK	1233411		689-8000-454.61-02	PRINCIPAL PAYMENT UA WW ACCT # 792143000	180,000.00
994	10/5/2018	U.S. BANK	1233012		689-8000-454.62-02	INTEREST DUE PAYMENT ACCT # 792143000	108,103.14
					669-0000-102.12-15	LESS CASH ON HAND ACCT # 258228001	(332.51)
						LESS CASH ON HAND ACCT # 258228002	(290.31)
995	10/9/2018	RIVERSIDE PUBLIC UTILITIES	209		669-6300-471.61-12	PRINCIPAL PAYMENT UA WA ACCT # 258228000	745,000.00
					669-6300-471.62-18	INTEREST DUE UA WATER REV ACCT # 258228000	521,431.26
					670-7000-331.20-01	INTEREST REVENUE RECEIVED - SEPTEMBER 2018	(1,735.77)
					670-7000-356.38-10	ENERGY REVENUE RECEIVED - SEPTEMBER 2018	(36,368.78)
					670-7000-356.38-17	CRR REVENUE RECEIVED - SEPTEMBER 2018	(36,160.16)
					670-7000-356.38-20	TRANS REVENUE RECEIVED - SEPTEMBER 2018	(115,151.39)
					670-7010-473.27-09	S & D EXPENSE PAID IN SEPTEMBER 2018	51,024.00
					670-7010-473.27-50	CAPACITY EXPENSE PAID IN SEPTEMBER 2018	454,105.35
					670-7010-473.27-60	ENERGY EXPENSE PAID IN SEPTEMBER 2018	468,153.83
					670-7010-473.27-70	TRANS EXPENSE PAID IN SEPTEMBER 2018	386,987.30
					670-7010-473.33-02	LEGAL EXPENSE PAID IN SEPTEMBER 2018	4,183.85
					675-7020-473.02-58	ENERGY EFFICIENCY PAID IN SEPTEMBER 2018	12,564.39
166382	10/4/2018	ADVANCE WORKPLACE STRATEGIES INC	587554	029108	001-1300-412.33-37	RANDOM TESTING CHARGES	124.00
166383	10/4/2018	AL'S KUBOTA TRACTOR	120384	029203	660-6300-471.45-16	GENERATOR, DIAMOND BLADE	2,254.88
166384	10/4/2018	ALLEN INDUSTRIAL & MACHINE	00004927		001-0000-218.22-22	UB CR REFUND-FINALS 000021706	755.42
166385	10/4/2018	ALLEN, MICHAEL	JUL 17 - DEC 17		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE JUL 2017 DEC 2017	179.07
166386	10/4/2018	AMAZON CAPITAL SERVICES	346-9-446V-T10W8		001-0000-201.10-00	ADMIN OFFICE SUPPLIES	(1.82)
					001-2200-421.36-00	ADMIN OFFICE SUPPLIES	36.07
					001-2200-421.36-00	RECORDS OFFICE SUPPLIES	31.76
					029100	RECORDS OFFICE SUPPLIES	380.78
					029100	RECORDS DEPT OFFICE SUPP	(18.77)
166387	10/4/2018	AMERICAN PUBLIC POWER ASSN	318947		670-7000-473.23-06	AMBER ROCKWELL-TRAINING	307.00
166388	10/4/2018	ANDERSON, ERIC T	000086541		001-0000-218.22-22	UB CR REFUND-FINALS 000020796	105.83
166389	10/11/2018	ANIXTER, INC	3320577.02		670-0000-131.00-00	BRK MNT WD POLE 8' GALV PO NUM 029177	905.32
			5487763-00		670-0000-131.00-00	CLAMP CABLE TYPE 4/0 AWG PO NUM 029177	565.69
			4012335-00		670-0000-131.00-00	T-BODY HOUSING/RED PAINT PO NUM 029177	4,105.60
166390	10/4/2018	BARCOCK LABORATORIES, INC	B181219-0030	028636	660-6200-471.23-32	1,2,3 TRICHLOROPROPANE	700.00
166391	10/4/2018	BANNING POLICE OFFICERS ASSOC	SEPTEMBER 2018		001-0000-204.50-00	POLICE OFFICER ASSOC DUES SEPT 2018	2,200.00
166392	10/4/2018	BANNING SAN GORGONIO PASS AREA	004		001-1000-411.23-05	ART WELCH SUNRISE BREAKFAST 9/18	15.00
						DANIELA ANDRADE SUNRISE BREAKFAST 9/18	15.00
						DEBBIE FRANKLIN SUNRISE BREAKFAST 9/18	15.00
166393	10/4/2018	BEAUMONT DO IT BEST HOME CENTER	461782	029051	001-3200-412.30-02	PD-METAL HALIDE BULB	74.32
			461803	029051	100-4900-431.36-00	SAFETY GLASSES	24.76
			461846	029051	001-3200-412.30-02	STATION 89 - LED BULBS	49.52
			461853	029051	001-3200-412.30-02	STATION 89 - FLUORESCENT	40.35
			461876	029051	001-3200-412.30-02	FLEET - PULLEY	13.24
			461892	029051	100-4900-431.36-00	KEYS & BOLT	24.66
			462172	029051	001-3200-412.30-02	WOOD, BULB & BLADE	207.33
			462290	029051	001-3200-412.30-02	BOLTS, DOOR LUBE & TOWELS	38.57
			462441	029051	001-3200-412.30-02	WATER TEST GAUGE	10.55
			462494	029051	001-3200-412.30-02	HALIDE BULB & CONTROL	155.11
			462608	029051	001-4000-461.36-03	TAPE, PAINT	74.89
			462657	029051	001-4000-461.36-00	JANITORIAL SUPPLIES	173.21
			70786	029066	001-4900-431.36-00	KEYS CCTR	1.62
			70809	029066	100-4900-431.36-00	1 DOUBLE SIDED KEY	2.96
			70821	029066	761-3110-480.36-00	KEYS FOR ROUTE LOCK	1.62
			000086741	029066	001-0000-218.22-22	UB CR REFUND-FINALS 000050458	252.74
166395	10/4/2018	BERMUDEZ, RAUL	OCTOBER 2018		001-0000-204.31-00	HEALTH INSURANCE PREMIUMS OCTOBER 2018	66,138.51
166396	10/4/2018	BLUE SHIELD OF CALIFORNIA	OCTOBER 2018		001-0000-204.80-13	POLICE LTD PREMIUMS OCTOBER 2018	563.50
166397	10/4/2018	CALIFORNIA LAW ENFORCE ASSN	OCTOBER 2018		660-6300-471.23-03	SERGIO MADRIGAL CHAVES CWEA COLL SYS MAINT GR 1	87.00
166398	10/4/2018	CALIFORNIA WATER ENVIRONMENT	ID-0003520371		660-6300-471.23-03	CALIB MAASZ CWEA COLL SYS MAINT GR 1	87.00
166399	10/4/2018	CALIFORNIA WATER ENVIRONMENT	ID-0003520231		670-7000-473.89-18	LAPTOP	2,213.88
166400	10/4/2018	CDW GOVERNMENT, INC	PFV0427	029175	660-6300-471.45-06	C5 TROUBLE SHOOT ALARM	333.00
166401	10/4/2018	CENTER ELECTRIC	8888	029181	660-6300-471.45-06	M7 CHECK WELL CONTROLS	333.00
			8889	029181			

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166401	10/17/2018	CENTER ELECTRIC	8890 8891 8892 3229514-1101267	029181 029181 029181	660-6300-471.45-06 600-6300-471.45-06 660-6300-471.45-06 001-0000-204.80-00 001-0000-204.80-02 001-0000-204.80-03 001-0000-204.80-09 001-0000-204.80-11 001-0000-204.80-12 001-0000-204.80-16 001-3200-412.30-02 001-3200-412.30-02 001-3200-412.30-02 001-4000-351.35-09	C4 CHECK WELL CONTROLS LED BULBS FOR WATER YARD BRINTON-CHK LEVEL CONTROL TERM LIFE SEPTEMBER 2018 CANCER PREMIUMS SEPTEMBER 2018 UNIVERSAL LIFE SEPTEMBER 2018 ACCIDENT PREMIUMS SEPTEMBER 2018 SUPPLEMENTAL DISABILITY SEPTEMBER 2018 CRITICAL ILLNESS SEPTEMBER 2018 HOSPITAL CONFINEMENT SEPTEMBER 2018 WATT PW200 WATT PW200 IG VERTICAL DIE CAST COVE QHE2X3278 REFUND CECIL ANDERSON FLAG FOOTBALL REFUND CHASE ANDERSON FLAG FOOTBALL REFUND CALI ANDERSON BALLEE NAME PLATE & HOLDER REBATE FOR WINDOW REPL ENERGY STAR WINDOWS/DOORS SB1186 FEES-3RD QTR JUL 1ST-SEPT 30TH AB 1379 FEES 3RD QTR JUL 1ST-SEPT 30TH ENERGY ASSISTANCE PROGRAM REBATE JAN 2018 - JUN 2018 UB CR REFUND-FINALS 000016906 SUBSTATION EQUIP MAINT PROJECT 2017-01 -Retainage PROJECT 2017-01 PROJECT 2017-01 -Retainage PROJECT 2017-01 PROJECT 2017-01 ITRON HANDHELD FOR RPR TRAFF COLLUS INV 10/15-26 SAN BERNARDINO 213-181-7186 SEP 19, 2018-OCT 18, 2018 951-849-7296 SEP 16, 2018-OCT 15, 2018 SEPTEMBER 2018 ARMORED SR UB CR REFUND-FINALS 00000622 ENERGY ASSISTANCE PROGRAM REBATE AUG 2017 - JAN 2018 ENERGY ASSISTANCE PROGRAM REBATE FEB 2018 - JUL 2018 ENERGY ASSISTANCE PROGRAM REBATE FEB 2018 - JUL 2018 ANNUAL RIMS USERS CONF OCT 15-19, 2018 BLINDS & SCREWS ROACH POWDER & DRAIN CLEA GEN/UTILITY UNION DUES SEPT 2018 PAC DUES SEPT 2018 UB CR REFUND-FINALS 000012742 REBATE ENERGY EFFICIENCY LIGHTING - COMMERCIAL PROF SVCS THROUGH 8/31/18 ERMA ANNUAL RIMS USERS CONF OCT 15-19, 2018 SALES TAX LIFE VEST REBATE FOR A/C TUNEUP COPER AT SENIOR CENTER PAPER UB CR REFUND-FINALS 000015892 ERMCO PADMOUNT PO NUM 028758 UB CR REFUND 000013120 REIMB-ITEMS FOR SR CTR #607 MINIFLIT	777.00 250.20 333.00 2,017.08 1,914.31 2,951.13 3,207.09 6,314.21 1,712.86 1,806.43 147.21 122.34 14.41 64.49 30.00 30.00 20.00 28.55 120.00 1.80 184.40 155.63 137.29 15,267.50 (5,339.75) 106,794.94 32,088.00 60.42 51.98 120.00 461.88 80.18 570.00 63.53 136.80 125.56 102.57 176.00 115.15 13.96 52.00 29.22 643.00 145.00 176.00 (9.28) 128.98 50.00 333.69 8.62 132.56 40,475.21 648.35 199.08 123.36
166402	10/17/2018	COLONIAL INSURANCE					
166403	10/17/2018	CONSOLIDATED ELECTRICAL	0954-465813 0954-465819 0954-405870 0954-465894 11165835	029085 029085 029085 029085			
166404	10/17/2018	CRYSTAL COX					
166405	10/17/2018	CUSTOM TROPHIES & U-NEEK AWARDS	0118007	029047	001-4000-351.35-71 670-7000-473.30-00 675-7020-473.30-66 001-0000-223.26-00 001-0000-223.26-00 675-7020-473.30-36 001-0000-218.22-22 670-7000-473.30-05 110-0000-232.00-00 110-5500-461.90-82 610-0000-332.00-00 610-5800-434.90-15 510-0000-218.22-22 001-0000-218.22-22 761-3110-480.24-04 001-2200-421.23-06 703-3700-480.30-17 001-4500-412.26-05 761-3100-480.23-43 001-0000-218.22-22 675-7020-473.30-36 675-7020-473.30-36 001-2200-421.23-06 001-0000-218.22-22 001-3200-412.30-02 001-3200-412.30-02 001-0000-204.80-01 001-0000-218.22-22 675-7020-473.30-36 700-5040-480.33-11 001-2200-421.23-06 001-0000-201.10-00 001-4010-461.36-09 675-7020-473.30-36 001-4050-461.36-00 001-4000-461.36-00 001-0000-218.22-22 670-0000-131.00-00 001-0000-218.22-22 001-4050-461.30-06 702-3800-480.38-52		
166406	10/17/2018	D SILVA, OLIVER	76707-2042-19				
166407	10/17/2018	DIVISION OF THE STATE ARCHITECT	2018 QTR 3				
166408	10/17/2018	DIVISION OF THE STATE ARCHITECT	2018 QTR 3				
166409	10/17/2018	DUGGAN, LUELLA	JAN 18 - JUN 18				
166410	10/17/2018	EGAN, JOETTA	000053955				
166411	10/17/2018	ELECTRIC POWER SYSTEMS INT, INC.	INV_00044243	028976			
166412	10/17/2018	EPSILON ENGINEERING	2017-01-02	029012			
166413	10/17/2018	EUPHORIA CAPITAL LLC	000091347				
166414	10/17/2018	FELIX	6-286-40294	029080			
166415	10/17/2018	FELIX, ALBERTO	MEALS 10/15-26				
166416	10/17/2018	FRONTIER COMMUNICATIONS	2131817186SEP18 9518497296SEP18				
166417	10/17/2018	GARDA CL WEST INC	10423182	028837			
166418	10/17/2018	GONZALEZ FAMILY TRUST	000097447				
166419	10/17/2018	HARDY, JOHN	AUG 17 - JAN 18 FEB 18 - JUL 18				
166420	10/17/2018	HEADLEY, MARTIN	FEB 18 - JUL 18				
166421	10/17/2018	HERNANDEZ, VICKIE MARIE	MEALS 10/14-19				
166422	10/17/2018	HOLMAN, FRANCES	000097431				
166423	10/17/2018	HOME DEPOT #8987	1011320 7022413	029093 029093			
166424	10/17/2018	I.B.E.W. LOCAL 47	SEPTEMBER 2018				
166425	10/17/2018	I.B.E.W. LOCAL 47 (PAC)	SEPTEMBER 2018				
166426	10/17/2018	IMAI & MARY K	000093193				
166427	10/17/2018	J.P. MORGAN CHASE	1943-1574-19				
166428	10/17/2018	JACKSON LEWIS PC	7191574				
166429	10/17/2018	KESTER, ELIZABETH	MEALS 10/14-19				
166430	10/17/2018	KIEFER SWIM PRODUCTS	758830				
166431	10/17/2018	KLAUSNER, EILEEN	A/C TUNE UP 19	029195			
166432	10/17/2018	LEAF	86229437				
166433	10/17/2018	LITHOPASS PRINTING, FORMS,	802	029196 029077			
166434	10/17/2018	MADERA, ALFREDO & HORTENCIA	000059577				
166435	10/17/2018	MC AVOY & MARKHAM	W-2235				
166436	10/17/2018	MENDOZA, TERESA	000017961				
166437	10/17/2018	MERAZ, HEIDI H.	PCIMB 9/2018				
166438	10/17/2018	NAPA AUTO PARTS	085299	029135			

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166438	10/4/2018	NAPA AUTO PARTS	065915	029135	702-4800-480.38-52	FILTER KIT	53.86
166439	10/4/2018	OFFERPAD LLC	000097439		001-0000-218.22-22	UB CR REFUND-FINALS 000023252	40.91
166440	10/4/2018	OFFICE DEPOT	206037233001	029065	670-7000-473.36-00	COPY PAPER	258.51
166441	10/4/2018	OLIN CORPORATION DBA	2531581		660-6300-471.36-08	SODIUM HYPOCHLORITE 12.5%	2,920.88
166442	10/4/2018	ONE SOURCE DISTRIBUTORS	55949365.001		670-0000-131.00-00	DEADBREAK INSUL.PLUG 600A PO NUM 029179	1,346.88
			55949365.002		670-0000-131.00-00	CABLE ADAPTER 600A PO NUM 029179	598.01
166443	10/4/2018	ONLINE INFORMATION SERVICES	875198	028974	761-3100-480.30-17	JULY 2018 ONLINE BILL SRV	37.40
			881020	028974	761-3100-480.30-17	AUG 2018 ONLINE BILL SRV	33.60
166444	10/4/2018	PETERSON, DON	TRAVEL 9/12-14		001-1000-411.23-05	2018 LOCC ANNUAL MTG LONG BEACH 9/12-9/14/18	852.22
166445	10/4/2018	PRE-PAID LEGAL SERVICES, INC	SEPTEMBER 2018	029046	001-0000-204.80-07	PREPAID LEGAL PREMIUMS SEPT 2018	276.03
166446	10/4/2018	PRESS-ENTERPRISE, THE	0011142944		001-1300-412.23-01	FIELD SVC REP JOB AD	274.00
166447	10/4/2018	PRUDENTIAL OVERALL SUPPLY	22631538	029184	761-3110-480.25-02	FIELD SERVICE UNIFORMS	33.63
			22604153	029184	761-3110-480.25-02	FSR UNIFORMS	26.23
			2267629	029184	761-3110-480.25-02	FSR UNIFORMS	26.23
			22671331	029184	660-6300-471.25-02	UNIFORMS-WATER	57.10
			22675179	029184	660-6300-471.25-02	UNIFORMS-WATER	15.00
			22675180	029184	660-6300-471.25-02	UNIFORMS-WATER	51.80
			22678677	029184	680-8000-454.25-02	UNIFORMS-WASTEWATER	34.75
			22678678	029184	680-8000-454.25-02	UNIFORMS-WASTEWATER	20.75
			22678679	029184	610-5800-434.23-16	UNIFORM SERVICE	48.52
					610-5800-434.25-02	UNIFORM SERVICE	3.89
					610-5850-434.25-02	UNIFORM SERVICE	14.25
					100-4900-431.25-02	STREET UNIFORMS	12.30
					001-3000-461.25-02	UNIFORM SERVICE	5.68
					001-3200-412.25-02	BUILDING MAIN. UNIFORMS	363.00
166448	10/4/2018	REED, BARBARA	22678698	029184	100-4900-431.25-02	ENERGY CONSERV REBATE ATTIC AND WALL INSULATION	35,592.00
166449	10/4/2018	RIV. CO. FLOOD CONTROL & WATER	22678699	029184	001-3000-461.25-02	BANNING MDR LINE D-2 STAGE 1&2	300.00
166450	10/4/2018	ROBLES, DIANA FLEMING	22678700	029184	001-3200-412.25-02	2018 VISION REIMBURSEMENT PER GENERAL UNIT MOU	136.68
166451	10/4/2018	ROCKWELL, AMBER	95153-1018-19		675-7020-473.42-60	MILEAGE 2 DAY CONFERENCE GLENDORA - 250.8 MILES	421.00
166452	10/4/2018	SAN BERNARDINO COUNTY SHERIFF'S	FC000016655		610-5800-434.25-10	ALBERTO FELIX - TUITION TRAFFIC COLLISION INVEST	992.42
166453	10/4/2018	SAN BERNARDINO PUBLIC EMPLOYEES	EYEWEAR 5/2018		670-7000-473.25-05	PARK MAINTENANCE	5,854.00
166454	10/4/2018	SAN BERNARDINO PUBLIC EMPLOYEES	MILEAGE 9/25-20		001-2200-421.23-06	CITY HALL SHREDDING	115.60
166455	10/4/2018	SAN BERNARDINO PUBLIC EMPLOYEES	TUITION10/15-26		001-0300-204.51-01	AUGUST 2018 LEGAL SERV	1,296.92
166456	10/4/2018	SAN BERNARDINO PUBLIC EMPLOYEES	SEPTEMBER 2018		001-3000-461.23-29	IRRIGATION SUPPLIES	823.40
166457	10/4/2018	SAN BERNARDINO PUBLIC EMPLOYEES	BANK 8/9-18		100-4900-431.36-00	RAIN BIRD & 18 GAGE	171.40
166458	10/4/2018	SAN BERNARDINO PUBLIC EMPLOYEES	SHRED-IT USA, LLC	029242	001-4900-412.33-11	JANITORIAL SUPPLIES	30.57
			812554517	029197	700-5300-480.33-04	SR CTR LUAU	79.07
			35070		001-2200-421.36-00	ARCOPS MEETING 5/24/2018 REFRESHMENTS	32.19
			86877345.001		702-3300-480.36-61	FLEET CNG FUEL 8/1/18-9/1/18	5,529.29
			86877919.001		001-4900-431.36-00	PROJECT 2016-11	5,215.00
			023147		001-4050-461.36-03	BREAKROOM SUPPLIES	11.98
			023116		201-1060-446.36-65	BREAKROOM SUPPLIES	323.28
			23345		001-1900-412.36-00	OFFICE SUPPLIES ASD	38.77
			0924710381AU18		001-1200-412.36-00	OFFICE SUPPLIES ASD	17.76
			1-407127		001-1900-412.36-00	OFFICE SUPPLIES ASD	40.86
			3390034347		001-1900-412.36-00	OFFICE SUPPLIES ASD	70.00
166459	10/4/2018	SOUTHERN CALIFORNIA GAS CO	3390588064	029099	001-1900-412.36-00	WARREN WOODSTOCK-GRADE D2 DRNKG WATER CERT RENEWAL	6,375.46
166460	10/4/2018	STANTEC CONSULTING SERVICES, INC	3390673498	029099	001-1900-412.36-00	LTD-STD PREM OCT 2018	4,211.27
166461	10/4/2018	STAPLES BUSINESS ADVANTAGE	3390673399	029099	001-1900-412.36-00	LIFE INS PREMIUM OCT 2018	8,820.18
			OPR32750-2018		680-8000-454.41-04	DENTAL PREMIUM OCT 2018	1,283.38
			OCTOBER 2018		001-0000-204.14-00	UB CR REFUND-FINALS 000007058	1,283.38
166462	10/4/2018	STATE WATER RESOURCES CONTROL	000097491	028270	001-0000-218.22-22	PD PHONE SERVICE SEP 16, 2018-OCT 15, 2018	648.52
166463	10/4/2018	SUN LIFE FINANCIAL	1079410197-0	029099	001-4500-412.26-05	CENT SRVCS PHONE SVC SEP 16, 2018-OCT 15, 2018	2,207.61
166464	10/4/2018	SWAROOP,SATINDER	0564371-IN		702-3300-480.36-11	REGULAR UNLEADED GAS	21,981.16
166465	10/4/2018	TELEPACIFIC COMMUNICATIONS	0576258-IN		789 N GORGONIO AVE 10/1/2018-10/31/2018	VAL MAXLIFE	1,055.51
166466	10/4/2018	THE SOCO GROUP, INC.	COMM CTR 10/18		176 E LINCOLN ST ETHERNET 9/25/18-10/24/18	789 N GORGONIO AVE 10/1/2018-10/31/2018	14.73
166467	10/4/2018	TIME WARNER CABLE	CORPYARD10/18		769 N SAN GORGONIO AVE 10/1/2018-10/31/2018	176 E LINCOLN ST ETHERNET 9/25/18-10/24/18	823.84
			SR CTR 10/18				14.73

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166468	10/4/2018	TRAPANI, SHARON	APR 18 - SEP 18	029198	675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE APR 2018 - SEP 2018	184.13
166469	10/4/2018	UNITED ROTARY BRUSH CORPORATION	305859		100-4900-431.38-57	STREET SWEEPER SUPPLIES	128.52
166470	10/4/2018	UNITED STATES POSTAL SERVICE	PERMIT#10-2019		001-4500-417.23-04	MARKETING PERMIT #10 RENEWAL	225.00
166471	10/4/2018	UNITED STATES POSTAL SERVICE	POSTAGE DUTY		001-4500-417.23-04	POSTAGE FOR METER	5,000.00
166472	10/4/2018	UTILITY TREE SERVICE	77X41248		670-7000-473.23-17	TREE TRIMMING W/E 9/21/18	4,400.00
166473	10/4/2018	VISION SECURITY SYSTEMS	15609		001-4050-461.30-06	CAMERA SR CTR	1,000.00
166474	10/4/2018	VULCAN MATERIALS	71951952		660-6300-471.45-17	COLD MIX ASPHALT	2,128.01
166475	10/4/2018	WELDKOR'S SUPPLY AND STEEL	8319		600-6300-471.36-08	UN 1066 GAS	22.94
166476	10/4/2018	WELLS FARGO CARD SERVICES INC	TRV 2948 SEP18		670-7000-473.23-05	HOTELS.COM - WUC CONF RMS SMITH, ARIAS, ELIZONDO	1,841.16
166477	10/4/2018	WESCO DISTRIBUTION, INC	842714		670-0000-131.00-00	SOUTHWEST - EARLY BIRD AMBER ROCKWELL	20.00
166478	10/4/2018	WEST COAST SAND & GRAVEL, INC.	58764		660-6300-471.45-17	SOUTHWEST - ITRON CONF AMBER ROCKWELL	82.98
166479	10/4/2018	WESTERN RIVERSIDE COUNCIL	236	028882	001-1000-411.23-03	SPADE CONNECTOR AL 380 PO NUM 029180	775.80
166480	10/4/2018	WILLDAN FINANCIAL SERVICES	010-39245		375-4900-431.33-19	RECYCLED CLASS 2 BASE	395.02
166481	10/11/2018	ALESHIRE & WYNDER, LLP	48211		700-5300-480.33-04	FY 2018/2019 WRCOG DUES	3,941.09
166482	10/11/2018	ALLEN, MICHAEL	JAN 18 - JUN 18		675-7020-473.42-36	FAIR OAKS ADMIN 2004-1 10/2018-12/2018	222.27
166483	10/11/2018	AMAZON CAPITAL SERVICES	1CWCA-N4WT-6GLIM	029100	091-2200-421.36-00	AUGUST 2018 LEGAL SVCS	98.02
			IFLD-RGYP-PJIT		001-0000-201.10-00	ENERGY ASSISTANCE PROGRAM REBATE JAN 2018 - JUN 2018	315.83
			1GMW-1GMW-WF3P	029100	200-9100-446.89-46	RECORDS OFFICE SUPPLIES	(5.84)
			1N14-MEHT-LYH9	029100	680-8000-454.36-00	SALES TAX	81.25
			1WJH-WDKY-FEIV	029100	670-7000-473.36-00	BLUE TOOTH SPEAKER	14.77
166484	10/11/2018	AMERICAN FORENSIC NURSES	71193		001-4000-461.36-09	LETTER TRAY/SCREEN WIPES	16.28
			71201	029036	001-2200-421.33-31	SALES TAX	16.31
			71245	029036	001-2200-421.33-31	OFFICE SUPPLIES	73.26
			71754	029036	001-2200-421.33-31	PD BLOOD DRAWS	60.00
			P-35373-121P		001-2200-421.33-31	STAND BY FEE OCT 2018	800.00
166485	10/11/2018	ARB/PERP	MIEALS 10/02-05		670-7000-473.23-05	CHP BLOOD DRAWS	60.00
166486	10/11/2018	ARIAS, JOE	105061		001-1900-412.23-27	PORTABLE EQUIP REGIST ENGINE W/NO INSP DISCOUNT	570.00
166487	10/11/2018	ARROW STAFFING SERVICE	UT641231N	029190	111-4900-432.23-29	WUC CONF 10/02-10/05 TUCSON, ARIZONA	82.00
166488	10/11/2018	ARTISTIC MAINTENANCE, INC.	01641231N	029118	001-2200-421.26-05	CARROLL G W/E 9/22/2018	1,222.00
					001-2200-421.26-05	LMD LANDSCAPE MAINTENANCE	5,258.75
					001-3200-412.23-29	CITY PROPERTY LANDSCAPE	590.00
					001-4000-461.23-29	CITY PROPERTY LANDSCAPE	700.00
					001-4000-461.23-29	CITY PROPERTY LANDSCAPE	213.90
					001-4000-461.23-29	CITY PROPERTY LANDSCAPE	208.32
					001-4050-461.23-29	CITY PROPERTY LANDSCAPE	213.94
					610-5800-434.23-29	CITY PROPERTY LANDSCAPE	1,500.00
166489	10/11/2018	AT&T CALNET 2	00001851655		001-2200-421.26-05	BAN #9391060200 AUG 1, 2018-AUG 31, 2018	392.73
			000011852503		001-2200-421.26-05	BAN #9391063769 AUG 1, 2018-AUG 31, 2018	654.90
			000011852760		370-2200-421.26-05	BAN #9391064350 AUG 1, 2018-AUG 31, 2018	206.44
			285287		001-2200-421.26-05	GPS LOCATE SGT BENNETT DB JUL 30,2018-JUL 31, 2018	125.00
166490	10/11/2018	AT&T MOBILITY	992351036XSEP18		001-2200-421.26-05	AH992351038-FAN#0391479 AUG 12, 2018-SEP 11, 2018	1,099.52
			B181149-0030	028636	660-6300-471.23-32	COULIFORMS P/A BY MMO/MUG	60.00
			B181154-0030	028636	660-6300-471.23-32	GENERAL PHYSICAL ANALYSIS	36.00
			B181157-0030	028636	660-6300-471.23-32	COULIFORMS P/A BY MMO/MUG	165.00
			B181163-0030	028636	660-8000-454.23-32	TOTAL DISSOLVED SOLIDS	20.00
			B181954-0030	028636	660-6300-471.23-32	COULIFORMS P/A BY MMO/MUG	165.00
			B181956-0030	028636	660-6300-471.23-32	COULIFORMS P/A BY MMO/MUG	15.00
			B181959-0030	028636	660-6300-471.23-32	GENERAL PHYSICAL ANALYSIS	54.00
			461595	029051	001-5400-446.41-36	CABLE TIES/HOLE PUNCH PROJECT M95C01	15.05
			461608	029051	001-5400-446.41-36	WOOD LATH	18.31
166492	10/11/2018	BEAUMONT DO IT BEST HOME CENTER	70801		001-4000-461.36-00	KEYS RWP	4.85
166493	10/11/2018	BEAUMONT SAFE & LOCK	JAN 18 - JUN 18	029066	675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE JAN 2018 - JUN 2018	148.28
166494	10/11/2018	BELL & FRANK	NOV 17 - APR 18		670-7000-356.38-45	MEDICAL LIFELINE REBATE NOV 2017 - APR 2018	54.01
					675-7020-356.38-45	PUBLIC BENEFIT CHARGE REBATE NOV 2017 - APR 2018	1.53

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166495	10/11/2018	BENDER, BEVERLY	APR 18 - SEP 18	029216	675-7020-473-42-36	ENERGY ASSISTANCE PROGRAM REBATE APR 2018 -SEP 2018	174.39
166496	10/11/2018	BIO-TOX LABORATORIES	30222 36318 36368 36367 36466	029216 029216 029216 029216 029216	001-2200-421.33-31 001-2200-421.33-31 001-2200-421.33-31 001-2200-421.33-31 001-2200-421.33-31	BLOOD ALCOHOL ANALYSIS BLOOD ALCOHOL ANALYSIS BLOOD ALCOHOL ANALYSIS BLOOD ALCOHOL ANALYSIS BLOOD ALCOHOL ANALYSIS	300.50 519.50 583.50 251.00 43.50
166497	10/11/2018	BLACKWELL, CAROL	OCT 17 - MAR 18		675-7020-473-42-36	ENERGY ASSISTANCE PROGRAM REBATE OCT 2018 -MAR 2018	144.32
166498	10/11/2018	CALDERON, SANDRA B	MIIEAGE 10/5/18	029112	001-4000-461.23-03	REGULAR PC MEETING 10/03 DELIVER AGENDA PACKETS	10.90
166499	10/11/2018	CALIFORNIA PARK & REC SOCIETY	135072		001-2200-421.33-04	SCOTT FOSTER RENEWAL THRU DEC 31, 2018	170.00
166500	10/11/2018	CALIFORNIA, STATE OF	424474	029175	670-7000-473-89-48	DELL MONITORS	568.14
166501	10/11/2018	CDW GOVERNMENT, INC	PFM9721	029175	670-7000-473-89-48	HP COLOR PRO PRINTER	315.75
166502	10/11/2018	CHARLES ABBOTT ASSOCIATES, INC	PHI03306	028718	001-2700-442.33-11	B&S SERVICES FOR 8/2018	24,477.02
166503	10/11/2018	COFFEY, BENJAMIN	56034	028250	001-3000-442.33-53	CONSULTING SERVICES	11,860.00
166504	10/11/2018	COOK, SHARON	59710		670-7000-473.23-05	MEALS - EC & M BONDING CO LOS ANGELES, CA 10/23-24	56.00
166505	10/11/2018	COSTAR REALTY INFORMATION, INC	TRAVEL 10/23-24		675-7020-473-42-36	MILEAGE - EC&M CONFERENCE LOS ANGELES, CA 10/23-24	108.00
166506	10/11/2018	COUTS HEATING & COOLING, INC	MAIL 18 - AUG 18	028730	001-1210-412.33-11	ENERGY ASSISTANCE PROGRAM REBATE MAR 2018 -AUG 2018	198.02
166507	10/11/2018	COZAD & FOX, INC	107355028-1	028730	001-1210-412.33-11	ENERGY ASSISTANCE PROGRAM REBATE MAR 2018 -AUG 2018	87.95
166508	10/11/2018	DIRECTV	107739300-1	029105	001-3200-412.30-21	10/1/18-10/31/18	87.95
166509	10/11/2018	DLT SOLUTIONS, LLC	SRVCE04129	029105	001-3200-412.30-21	A/C REPAIR AT PD	800.00
166510	10/11/2018	EUIZONDO, MARIO	SRVCE04130	029105	001-3200-412.30-21	A/C REPAIR AT PD	1,477.12
166511	10/11/2018	FAST LUBE & TUNE	SRVCE04131	029105	001-3200-412.30-21	A/C REPAIR AT PD	1,095.00
166512	10/11/2018	FEDEX	SRVCE09246	029024	001-3200-412.30-21	A/C REPAIR AT PD	345.00
166513	10/11/2018	FIELD, MATT	17009		001-3000-442.33-41	SIGNING & STRIPING	1,618.80
166514	10/11/2018	FRONTIER COMMUNICATIONS	350323125154	029251	001-2200-421.26-09	ACCT #038204005 SEP 9, 2018-OCT 8, 2018	23.25
166515	10/11/2018	GAS COMPANY, THE	5400755-4	029146	660-6300-471.89-49	AUTOCAD LT 2019	286.65
166516	10/11/2018	GRAINGER	5400755-4	029146	670-7000-473.23-05	WUC CONF 10/02-10/05 TUCSON, ARIZONA	82.00
166517	10/11/2018	GRAINGER	6-297-85388	029080	702-3800-480.30-05	#505 CYLINDER HEADS	1,147.56
166518	10/11/2018	HR GREEN PACIFIC, INC	88349		001-2200-421.26-05	#212 MOTOR OIL & FILTER	37.08
166519	10/11/2018	IBEW LOCAL 47 RETIRE MEDICAL TRUST	TRAVEL 10/23-24		001-4500-412.26-05	DELIVERY SERVICES	41.93
166520	10/11/2018	ICMA RETIREMENT TRUST 457	30905604950OCT18		001-4500-412.26-05	MEALS - EC & M CONFERENCE LOS ANGELES, CA 10/23-24	56.00
166521	10/11/2018	L.O.LYNCH QUALITY WELLS & PUMPS INC	20918840275EP18		001-4500-412.26-05	MILEAGE - EC & M CONFERENCE LOS ANGELES, CA 10/23-24	108.00
166522	10/11/2018	LITHOPASS PRINTING, FORMS, MASTEN, STAR	21301197968SEP18		001-2200-421.26-05	209-188-4027 SEP 16, 2018 - OCT 15, 2018	920.69
166523	10/11/2018	MITSUBISHI ELECTRIC & ELECTRONICS	4518491575SEP18		001-2200-421.26-05	209-188-4027 SEP 16, 2018 - OCT 15, 2018	75.50
166524	10/11/2018	MITSUBISHI ELECTRIC & ELECTRONICS	9518493260OCT18		001-2200-421.26-05	213-019-7968 SEP 9, 2018-OCT 6, 2018	317.75
			9518494533SEP18		001-2200-421.26-05	951-849-1575 SEP 13, 2018-OCT 12, 2018	127.23
			9518496777SEP18		001-2200-421.26-05	951-849-3260 SEP 28, 2018-OCT 27, 2018	246.69
			9518498256SEP18		001-2200-421.26-05	951-849-4533 SEP 4, 2018-OCT 3, 2018	56.37
			077026837515P18		001-2200-421.26-05	951-849-6777 SEP 1, 2018-SEP 30, 2018	103.24
			139524590075P18		001-2200-421.26-05	951-849-8256 SEP 16, 2018-OCT 15, 2018	1,077.12
			194993624085P18		001-2200-421.26-06	125 E RAMSEY ST AUG 14, 2018-SEP 13, 2018	65.12
166515	10/11/2018	GAS COMPANY, THE	139524590075P18		001-2200-421.26-06	AIRPORT NATURAL GAS AUG 21, 2018-SEP 19, 2018	14.30
166516	10/11/2018	GOVERNMENT STAFFING SERVICES, INC	128742	029057	001-3600-461.26-06	176 E LINCOLN ST AUG 22, 2018-SEP 20, 2018	3.22
166517	10/11/2018	GRAINGER	9915715493		100-4900-431.76-06	176 E LINCOLN ST AUG 22, 2018-SEP 20, 2018	3.22
166518	10/11/2018	HR GREEN PACIFIC, INC	9916561666		660-6300-471.26-06	176 E LINCOLN ST AUG 22, 2018-SEP 20, 2018	6.44
166519	10/11/2018	IBEW LOCAL 47 RETIRE MEDICAL TRUST	121059		670-7000-473.26-06	176 E LINCOLN ST AUG 22, 2018-SEP 20, 2018	6.44
166520	10/11/2018	ICMA RETIREMENT TRUST 457	20181012	028919	670-7000-473.26-06	176 E LINCOLN ST AUG 22, 2018-SEP 20, 2018	6.44
166521	10/11/2018	L.O.LYNCH QUALITY WELLS & PUMPS INC	30181012		001-3000-442.33-53	AXIAL FAN/BATTERIES	3.22
166522	10/11/2018	LITHOPASS PRINTING, FORMS, MASTEN, STAR	15447		001-3000-442.33-53	AXIAL FAN/BATTERIES	3.22
166523	10/11/2018	MITSUBISHI ELECTRIC & ELECTRONICS	849		001-3000-442.33-53	RUN CAPACITOR PO NUM 029057	48.23
166524	10/11/2018	MITSUBISHI ELECTRIC & ELECTRONICS	APR18 - SEP18	028909	001-3000-442.33-53	ENVIRONMENTAL ENGINEERING	11,048.53
			330586	029077	001-3000-442.33-53	PAYROLL SUMMARY	2,157.57
					001-4000-204.16-00	PAYROLL SUMMARY	995.69
					600-6300-471.95-08	PROJECT 2017-17W	6,000.00
					001-2060-446.36-00	GARSDIE BUSINESS CARDS	43.10
					675-7020-473-42-36	ENERGY ASSISTANCE PROGRAM REBATE APR 2018-SEP 2018	141.81
					001-3200-412.30-02	PD ELEVATOR MAINT.	303.80

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166525	10/11/2018	NATIONWIDE RETIREMENT SOLUTIONS	20181012	029065	001-0000-204.16-00	PAYROLL SUMMARY	7,219.91
166526	10/11/2018	OFFICE DEPOT	200734648001		001-4500-412.36-00	PAPER	136.73
166527	10/11/2018	PARS	20181013		001-0000-204.25-00	PAYROLL SUMMARY	479.19
166528	10/11/2018	PARTS AUTHORITY METRO, LLC	062-721264	029154	702-3800-480.38-52	#232 TRANS TEMP SENSOR	14.46
			062-736132	029154	702-3800-480.38-52	#839 RESISTOR BLOCK	14.60
			062-740726	029154	702-3800-480.38-52	STOCK- TRICO WIPER BLADE	33.08
			062-740732	029154	702-3800-480.38-52	#839 TAILGATE HANDLE	25.04
			065-282732	029154	702-3800-480.38-52	#839 TAILGATE HANDLE	29.97
			091-117858	029154	702-3800-480.38-52	#60 OIL & AIR FILTER	42.80
			091-118980	029154	702-3800-480.38-52	#227 4.0L SOHC	10.71
			091-119023	029154	702-3800-480.38-52	#349 OIL & AIR FILTER	7.19
			091-119136	029154	702-3800-480.38-52	#349 OIL & AIR FILTER	8.06
			091-119184	029154	702-3800-480.38-52	#349 SPARK PLUG	20.25
			091-119252	029154	702-3800-480.38-52	#349 XL V-BELTS	20.25
			091-119315	029154	702-3800-480.38-52	#16.12 VOLT BATTERY	120.70
			091-119347	029154	702-3800-480.38-52	#409 OIL FILTER	8.00
			091-119844	029154	702-3800-480.38-52	#009 AIR, OIL, & TRANS FI	24.03
			091-119942	029154	702-3800-480.38-52	#622 FUEL FILTER	8.64
			091-119962	029154	702-3800-480.38-52	#839 FUEL & AIR FILTER	24.47
			091-119973	029154	702-3800-480.38-52	SHOP- WD-40	14.87
			091-120124	029154	702-3800-480.38-52	#839 MOTOR RESISTOR	18.34
			091-120130	029154	702-3800-480.38-52	STOCK- TRICO WIPER BLADES	66.16
			091-120192	029154	702-3800-480.38-52	STOCK- TRICO WIPER BLADES	29.77
			091-120346	029154	702-3800-480.38-52	STOCK- TRICO WIPER BLADES	36.39
			091-120296	029154	702-3800-480.38-52	#839 & #622 BX-10	3.23
			PASS EDA 9/18	029154	702-3800-480.38-52	#51 OIL FILTER	7.12
166529	10/11/2018	PASS EDA	48313		702-3800-480.38-52	SHOP- GREEN CONC	68.92
166530	10/11/2018	PAYPRO ADMINISTRATORS	APR 18 - SEP 18		001-1210-412.23-05	PASS EDA BRKFAST T SHOVE	25.00
166531	10/11/2018	PEREZ, MIKE	0011155579	029046	001-1300-412.33-11	SEPT 2018 COBRA ADMIN	138.00
166532	10/11/2018	PRESS-ENTERPRISE, THE	0011156432	029046	001-3000-442.23-01	ENERGY ASSISTANCE PROGRAM REBATE APR 2018 -SEP 2018	194.22
166533	10/11/2018	PRO-CRAFT PLUMBING COMPANY, INC	18046.1	029134	660-6300-471.23-01	RFP #19-004 SURVEY & RIGH	390.60
166534	10/11/2018	PROFORCE LAW ENFORCEMENT	354345	029889	001-4200-412.30-02	UNIFORM SERVICE	1,320.00
166535	10/11/2018	PRUDENTIAL OVERALL SUPPLY	25078702	029184	610-5800-434.23-16		

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166538	10/11/2018	RICHARDS WATSON GERSHON	218713		700-5300-480.33-04	AUG 18 LEGAL SERVICES	467.50
			218714		700-5300-480.33-04	AUG 18 LEGAL SERVICES	7,950.00
			218715		002-0000-222.30-27	AUG 2018 LEGAL SERVICES	467.50
					002-2000-361.41-02	AUG 2018 LEGAL SERVICES	(467.50)
					002-2800-441.33-04	AUG 2018 LEGAL SERVICES	467.50
					700-5300-480.33-04	AUG 2018 LEGAL FEES	938.50
					700-5300-480.33-04	AUG 18 LEGAL SERVICES	165.00
					700-5300-480.33-04	AUG 18 LEGAL SERVICES	2,991.00
					700-5300-480.33-04	AUG 18 LEGAL SERVICES	1,296.00
166539	10/11/2018	RIV. CO. CLERK RECORDER	APW 537-083-011		001-2740-442.23-07	REAL ESTATE FRAUD TRUST 3423 W JACINTO VIEW RD	12.00
166540	10/11/2018	RIV. CO. CLERK RECORDER	APN 535-141-017		001-2740-442.23-07	REAL ESTATE FRAUD TRUST 1058 W KING ST	10.00
166541	10/11/2018	SAN BERNARDINO CO SHERIFFS DEPT	RIUG-18-007		001-2200-421.23-06	RELEASE PEND/LEIN BY GOV 3423 W JACINTO VIEW RD	12.00
166542	10/11/2018	SCHULZE, DOUG	HEINB 10/3/2018		003-1200-412.23-23	3RD TRIMESTR USE OF FORCE MAR 2018-JUN 2018	2,550.00
166543	10/11/2018	SITEONE LANDSCAPE SUPPLY	858457011-001	029049	001-3600-461.36-00	REIMB FOR MOVING EXP PER EMPLOY AGMT P 6.14	3,545.63
					001-3600-461.36-10	PARKS	114.03
					001-3600-461.36-10	PARKS	299.34
					001-3600-461.36-50	PARKS	666.97
166544	10/11/2018	SMITH, JASON	8702287-001	029049	001-3200-412.39-01	IRRIGATION SUPPLIES	251.58
166545	10/11/2018	SOUTH COAST AIR QUALITY	MEALS 10/02-05		070-7000-473.23-05	WUC CONF 10/02-10/05 TUCSON, ARIZONA	82.00
166546	10/11/2018	SOUTH COAST AIR QUALITY	3336793		630-8000-454.41-04	ICE EM ELEC GEN-DIESEL 5949 BRECKENRIDGE	406.79
166547	10/11/2018	SOUTH COAST AIR QUALITY	4440647		430-8000-454.41-04	FLAT FEE FOR LAST FY EM 1769 RIVIERA AVE	131.79
166548	10/11/2018	SOUTH COAST AIR QUALITY	3336794		630-8000-454.41-04	ICE EM ELEC GEN-DIESEL 1769 RIVIERA AVE	406.79
166549	10/11/2018	SOUTHERN CALIFORNIA EDISON	334064b		630-8000-454.41-04	FLAT FEE FOR LAST FY EM 5949 BRECKENRIDGE	131.79
			2015215075EP18		660-6300-471.26-04	WELL 9 7070 PLANT D-5 AUG 13, 2018-SEP 12, 2018	32.49
			20152150985EP18		660-6300-471.26-04	WELL 10 7071 PLANT E-5 AUG 13, 2018-SEP 12, 2018	761.03
			20152151555EP18		660-6300-471.26-04	WELL 12 7073 PLANT D-5 AUG 13, 2018-SEP 12, 2018	73.88
			21902733045EP18		660-6300-471.26-04	DEL RITA BOOSTER STATION AUG 13, 2018-SEP 12, 2018	84.50
166550	10/11/2018	STAPLES BUSINESS ADVANTAGE	3389776429	029099	670-7000-473.36-00	LAPTOP SHUTTLE	36.30
			3389946670	029099	001-2700-442.36-00	OFFICE SUPPLIES	208.68
			3390485937	029099	670-7000-473.36-00	STAPLER/BINDER CLIPS	500.15
			3390588061	029099	670-7000-473.36-00	PENS	11.84
			3390588062	029099	670-7000-473.36-00	WALL CLOCK	15.47
			3390588063	029099	670-7000-473.36-00	DRAWER ORGANIZER	6.72
			3390573397	029099	001-1900-412.36-00	OFFICE SUPPLIES/ASD/PURCH	42.72
					001-1910-412.36-00	OFFICE SUPPLIES/ASD/PURCH	7.62
					660-6300-471.36-00	OFFICE & COFFEE SUPPLIES	263.62
					670-7000-473.36-00	OFFICE & COFFEE SUPPLIES	324.83
					670-7000-473.36-00	MAGNET CIRCLES	5.92
					001-1900-412.36-00	OFFICE SUPPLIES	310.00
166551	10/11/2018	STATEWIDE TOWING & RECOVERY, INC	3390271404	029143	702-3800-480.30-05	#234 TOWING	56.00
166552	10/11/2018	STEEN, MIKE	3391203317		670-7000-473.23-05	MEALS - EC&M CONFERENCE LOS ANGELES, CA 10/23-24	108.00
			140738			MILEAGE - EC&M CONFERENCE LOS ANGELES, CA 10/23-24	29.46
			TRAVEL 10/23-24			AUG 24, 2018-SEP 23, 2018 ACCT # 972157141-00001	14.04
166553	10/11/2018	TIME WARNER CABLE	PD 10/2018		001-2200-421.26-09	125 E RAMSEY ST 10/01/18 - 10/31/18	89.57
166554	10/11/2018	TITAN EMPIRE, INC	18124		001-1300-412.33-11	POST BACKGROUND INVEST	4,469.38
166555	10/11/2018	TURBO DATA SYSTEMS INC	28710	028387	001-2200-421.23-45	CITATION PROCESSING AUG18	232.97
166556	10/11/2018	UTILITY TREE SERVICE	78528418		670-7000-473.23-17	TREE TRIM W/E 9/22/18	4,400.00
166557	10/11/2018	VERIZON WIRELESS	9514565604		001-2200-421.26-05	JUL 27, 2018-AUG 26, 2018 ACC#570653806-00001	29.46
			9813565605		001-2740-442.26-05	AUG 27, 2018-AUG 26, 2018 ACC#570653806-00002	76.02
			9815297944		670-7000-473.26-05	JUL 24, 2018-SEP 23, 2018 ACCT # 972157141-00001	14.04
166558	10/11/2018	VISION SECURITY SYSTEMS	15697	029245	670-7000-473.26-05	CAMERA FOR THE GYM	567.91
166559	10/11/2018	WELLS, KAREN	APR 18 - SEP 18		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE APR 2018-SEP 2018	166.87
166560	10/11/2018	WESCO DISTRIBUTION, INC	847718		670-0000-131.00-00	WIRE SVC DROP #2 XLP PO NUM 029180	4,361.94
			859890		670-0000-131.00-00	VICTOR 33R INSULATOR PO NUM 029180	1,660.86
166561	10/11/2018	WHENEVER COMMUNICATIONS, LLC	9408-135073	028831	703-3700-480.30-19	SATELLITE PHONE SERVICE	278.85
166562	10/11/2018	YEDWALSKY, HARVEY	FEB 18 - JUL 18		675-7020-356.38-01	MEDICAL LIFELINE REBATE FEB 2018 - JUL 2018	91.16
166563	10/11/2018	ACE	108041	029074	702-3800-480.30-05	PUBLIC CHARGE REBATE FEB 2018 - JUL 2018	3.02
						#221 THERMO KING ALTERNAT	424.07

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166563	10/18/2018	ACE	408158	029074	702-3800-480.30-05	#334 DELCO ALTERNATOR	158.72
166564	10/18/2018	ALLEN REBUILD, INC	4588	029162	702-3800-480.30-05	#824 BACKHOE CYLINDER	696.00
166565	10/18/2018	AMAZON CAPITAL SERVICES	JLK3-VK3X-WRFFUJ	029100	001-4000-461.36-09	CCTR BALL HOOPS	60.30
			1P1Q-DGHH-7HDG	029100	610-8800-434.33-18	RUBBERMAID CLEANING CART	53.85
			1WJK-WDRY-ATWW	029100	001-0000-201.10-00	SALES TAX	(0.93)
			1WJK-WDRY-ATWW	029100	580-8000-454.36-00	TIE ELASTICS & DOORBELL	37.43
			000067975	029100	700-9100-486.89-46	COFFEE BAR	536.14
166566	10/18/2018	ANDERSON, RICKY L	7070		001-0000-218.22-22	UB CR REFUND-FINALS 0000112422	375.00
166567	10/18/2018	ARAGON GEOTECHNICAL, INC	104981		100-4900-431.99-27	CONCRETE TESTING	1,222.00
166568	10/18/2018	ARROW STAFFING SERVICE			001-1900-412.23-27	CARROLL, G W/E 9/15/2018 ACCOUNT PAYABLE	110.60
					001-2200-421.23-27	TRIO, D W/E 9/15/2018 POLICE DEPT	379.36
					001-2800-441.23-27	RUIZ T W/E 9/15/2018 PLANNING	900.98
					001-1900-412.23-27	RUIZ T W/E 9/22/2018 PLANNING	1,222.00
					001-1900-412.23-27	CARROLL, GARY W/E 9/29 ACCOUNTS PAYABLE	1,222.00
166569	10/18/2018	AVILA, VINCENT	MEALS 10/21-25		660-6300-471.27-34	POLICE MANAGEMENT COURSE MEALS 10/21-10/26	200.00
166570	10/18/2018	BEAUMONT CHERRY VALLEY WATER	0002115	029051	001-3600-461.36-00	RECHARGE USE@NOBLE CREEK PHASE 1 SEPT 2018	3,423.84
166571	10/18/2018	BEAUMONT DO IT BEST HOME CENTER	462732	029051	001-3600-461.36-00	4 WAY KEY/SWEEPER NOZZLE	16.25
			462739	029051	001-3600-461.36-00	BULLSEYE NOZZLE RETURN CREDIT - SWEEPER	1.29
166572	10/18/2018	BEAUMONT SAFE & LOCK	69476	029066	001-4050-161.30-02	LONG NOSE PLIERS	9.15
			69604	029066	001-3200-413.30-02	LOCKS/SMITH	104.00
166573	10/18/2018	BENHAR, DIANA T	SEPTEMBER 2018		001-4050-161.30-02	RE-KEY FOR CITY MANAGER	80.54
166574	10/18/2018	CA. ST. DEPT. OF CONSERVATION	2018 QTR 3		001-3000-461.23-15	ZUMBA CLASS INSTRUCTOR SEPTEMBER 2018	193.90
166575	10/18/2018	CALACI, KELI JO	000083455		001-2700-442.41-28	WMP FEES / 3RD QTR 2018 JULY - SEPTEMBER 2018	6.17
166576	10/18/2018	CALIF BUILDING STANDARDS COMMISSION			001-0300-218.22-22	UB CR REFUND-FINALS 000009696	45.31
166577	10/18/2018	CALIFORNIA PEACE OFFICERS' ASSN	2018 QTR 3		001-0300-219.00-00	CA BUILDING STANDARDS 2018 2ND QTR UNDERPAYMENT	72.18
166578	10/18/2018	CALIFORNIA-NEVADA J.A.T.C.	120460		001-0300-223.25-00	CA BUILDING STANDARDS 2018 3RD QTR FEES	154.80
166579	10/18/2018	CALOLYMPIC GLOVE & SAFETY CO, INC	141710	029240	001-2200-421.23-06	REGISTRATION-R JAUREGUI PATROL OPS FIELD LEASHIP	315.00
			373175	029240	001-2200-421.23-06	PUBLIC RECORDS-AT COURSE MARIA VARGAS NOV 29-30	250.00
			373178	029240	670-7000-473.23-06	TUTION PICABEA - SORIANO	1,200.00
166580	10/18/2018	CARRERA PROPERTY MNGMT, LLC	000096307		660-6300-471.45-06	BLADDER DECK REPLACEMENT	664.85
166581	10/18/2018	CDW GOVERNMENT, INC	PF048832		670-7000-473.45-16	UTILITY GLOVES	442.45
166582	10/18/2018	CHACON, ARTHUR	PI09436	029175	001-0000-218.22-22	TABLET CASE,KEYBOARD	75.66
166583	10/18/2018	COFFEY, BENJAMIN	MEALS 10/9-12	029175	660-6300-471.89-48	SCANNER	745.60
			AUTOCAD 10/18	029175	670-7000-473.89-48	TABLET CASE,KEYBOARD	421.94
166584	10/18/2018	COLLINS, ELIZABETH	MEALS 10/9-12		001-2740-442.23-05	CAGED SEMINAR MEALS MONTERREY, CA 10/09-10/12	146.00
166585	10/18/2018	CORE MICROSYSTEMS	21772	029260	670-7000-473.23-06	AUTOCAD TRAINING MEALS 10/29/18 - 10/31/18 RIVER	99.00
			1048 18 AUG 18	029260	675-7020-473.42-36	AUTOCAD TRAINING MILEAGE 10/29/18 - 10/31/18 RIVER	135.70
				029260	001-3060-446.33-11	ENERGY ASSISTANCE PROGRAM REBATE MAR 2018 -AUG 2018	83.20
166586	10/18/2018	CORELOGIC INFORMATION SOLUTIONS			001-2700-442.23-34	ON DEMAND VIDEO SERVICES	2,388.00
166587	10/18/2018	COUNSELING TEAM INTERNATIONAL, THE	81910000	029225	001-2740-442.23-33	PLANNING/CODE ENF METROSC	100.00
166588	10/18/2018	CRAGHEAD, VERONICA	70574		001-2740-442.23-33	PLANNING/CODE ENF METROSC	50.00
166589	10/18/2018	CREATIVE BUS SALES INC	MEALS 10/23-25		700-5040-480.23-07	SEPT 18 EMPL SUPP SERVICE	700.00
			1331990	029264	670-7000-473.23-06	CMUA ANNUAL SUMMIT BURBANK 10/23-10/25	45.00
			5143643	029264	702-3800-480.38-52	#240 ENGINE LIGHT SENSOR	231.86
			5151799	029264	702-3800-480.38-52	#222 & 223 WINDSHIELD	1,088.26
			000096901	029264	702-3800-480.38-52	SWITCH SIGNAL BUZZER	124.71
			82,89800	029075	001-0000-218.22-22	UB CR REFUND-FINALS 000011804	25.35
			000081895	029075	702-3800-480.36-52	#243 THERMOSTAT	77.88
			51345969001	029075	001-0000-131.00-00	UB CR REFUND-FINALS 000018346	166.34
			000097277	029111	001-0000-218.22-22	SPOOL 6"X6FT FLGXP/ C/L PO NUM 029095	730.53
			5158949156	029071	001-0000-131.00-00	UB CR REFUND-FINALS 000002302	146.60
			61003871461	029071	001-0000-218.22-22	PD ELEVATOR INSPECTION	675.00
				029071	001-2200-421.23-01	PO WEB ADVERTISING INCLUDES INV 610038372357	81.02
				029071	702-3800-480.30-02	CHECK ENGINE LIGHT	100.00
				029071	675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE MAR 2018 -AUG 2018	164.22

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166599	10/18/2018	FACTORY MOTOR PARTS	17_2894498	029155	702-3800-480.38-52	#53 FRONT DISC BRAKE	258.44
166600	10/18/2018	FALTO, CONSTANCE	APR 18 - SEP 18		675-7020-473.42.36	ENERGY ASSISTANCE PROGRAM REBATE APR 2018 -SEP 2018	146.61
166601	10/18/2018	FLEET SERVICES INC	05P1C762	029053	702-3800-480.38-52	#820 AIR HOSE & FITTINGS	18.08
166602	10/18/2018	FOX OCCUPATIONAL MEDICAL CENTER	22683-98640		001-1300-412.23-32	SEPT 2018 PRE-EMPLOYMENT DRUG SCREENING & EXAMS	65.00
166603	10/18/2018	FRANKLIN, DEBBIE	MILEAGE 9/12-14		001-1000-411.23-05	LOCC ANNUAL CONFERENCE LB CONV CTR 9/12-9/14	110.28
166604	10/18/2018	FRONTIER COMMUNICATIONS	MILEAGE 9/21/18		001-1000-411.23-05	FLIP THE SWITCH 9/21/18	34.34
166605	10/18/2018	FUN EXPRESS	951849713100CT18		001-4500-412.26-05	951-849-7124 OCT 10,2018 - NOV 9, 2018	83.54
166606	10/18/2018	G & G ENVIRONMENTAL COMPLIANCE, INC	95182202020CT18	029187	001-6000-201.10-00	951-922-0262 OCT 4, 2018 - NOV 3, 2018	83.54
166607	10/19/2018	GOVERNMENT STAFFING SERVICES, INC	692411296-01		201-4000-446.42-07	SALE TAX	(16.22)
166608	10/19/2018	GRAINGER	BANNING-0918	029182	660-6300-471.23-37	SANTA'S SHOPPE	225.52
166609	10/19/2018	HERNANDEZ, HENRY A	128655		680-8000-454.23-37	PROGRAM MNGT & PTP TASKS	216.74
166610	10/19/2018	HIGH SAND, INC. DBA SPLASH CAR SPA	128791	029057	001-1910-412.23-27	PROGRAM MNGT & PTP TASKS	866.94
166611	10/19/2018	HOWAN, LOUIS	9857575741		001-1910-412.23-27	GALLEGOS, DAMIAN W/E 09/02/2018	9,600.00
166612	10/19/2018	HOJ, JILL G	9904373991	029057	660-6300-471.45-16	GALLEGOS, DAMIAN W/E 10/14 PURCHASING MANAGER	9,120.00
166613	10/19/2018	ICMA	9906155602	029057	702-3800-480.38-52	CHISEL 11 3/4" UNDER COLL	123.87
166614	10/19/2018	INFOSEND, INC	000090821	029106	001-0800-218.22-22	STRAP WITH HOOK	30.69
			365283		001-2200-421.33-11	STRAP WITH HOOK	71.73
			TRAVEL 10/2/18		670-7000-473.23-06	UB CR REFUND-FINALS 000018760	900.00
			SEPTEMBER 2018	029174	001-4000-461.23-15	CAR WASH TICKETS	41.04
			964483-2019		001-1300-412.23-03	FUEL REIMBURSEMENT	3.50
			142102	029174	761-3100-480.23-02	TAI CHI CLASS INSTRUCTOR SEPTEMBER 2018	200.00
			142306		761-3100-480.23-04	ANNUAL MEMBERSHIP DUES	82.96
			142433	029174	761-3100-480.23-02	UB BILL SRVC 9/10-14	752.03
					761-3100-480.23-04	UB BILL SRVC 9/10-14	210.06
					761-3100-480.23-02	UB BILL SRVC 9/15-21	138.30
					761-3100-480.23-04	UB BILL SRVC 9/15-21	294.49
					761-3100-480.23-02	UB BILL SRVC 9/22-28	302.00
					761-3100-480.23-04	UB BILL SRVC 9/22-28	2,551.62
					761-3100-480.23-11	UB BILL SRVC 9/22-28	640.58
					001-2200-421.36.62	UNIT 39 INSTALL TOP/HAT	349.58
					001-2200-421.36-62	UNIT 05 REPAIRS	151.46
166615	10/19/2018	INNOVATIVE EMERGENCY EQUIPMENT	252890	029246	703-3700-480.33-11	OFFSITE MEDIA STORAGE	407.78
166616	10/19/2018	IRON MOUNTAIN INFORMATION MGMT, LLC	26100	029246	001-4500-412.33-11	REG STORAGE OCT 2018	349.00
166617	10/19/2018	JAUREGUI, ROBERTO	201715187	029122	001-2200-421.23-06	PATROL OPS-FIELD LEADERS RANCHO CUCAMONGA	36.00
166618	10/19/2018	JOHNNY RUSSO'S ITALIAN KITCHEN	AFVY234	029123	630-5200-434.36-07	FOOD FOR TNOW MEETING 10/04/2018	85.06
166619	10/19/2018	KOLER, MARIE	MEALS 11/06-08		675-7020-473.42.36	ENERGY ASSISTANCE PROGRAM REBATE APR 2018 -SEP 2018	132.00
166620	10/19/2018	KOLLER, MARIE V.	67563		001-4000-461.23-15	DRAMA CLASS INSTRUCTOR SEPTEMBER 2018	12.60
166621	10/19/2018	LANCE, SOUL & LUNGHARD, LLP	APR 18 - SEP 18	029200	001-1900-412.33-12	2018 GOVERNMENT AUDIT INT	7,380.00
166622	10/19/2018	LEAF	SEPTEMBER 2018		761-3100-480.33-12	2018 GOVERNMENT AUDIT INT	11,070.00
166623	10/19/2018	LEE'S AUTO BODY	26983	029196	001-4050-461.32-06	COPIER AT SR CTR	303.35
166624	10/19/2018	LEIDOS ENGINEERING, LLC	8768352	029250	702-3800-480.30-05	PD UNIT REPAIRS	3,283.12
			3295	027350	674-7000-473.96-33	ENG SERVICES-AIRPORT	182.47
			INV-0004806318	027350	674-7000-473.96-32	ENG SERVICES SUBSTATIONS	42.00
			INV-0004807768		674-7000-473.96-33	ENG SERVICES SUBSTATIONS	288.00
166625	10/19/2018	LESLIE'S POOL SUPPLIES INC.	702-001-10593	029186	001-4010-461.36-08	POOL CHEMICALS	307.20
166626	10/19/2018	LITHOPASS PRINTING, FORMS,	1046	029077	001-1200-412.36-00	SCHULZE BUSINESS CARDS	43.10
			1146	029077	001-1900-412.23-02	#10 WINDOW ENVELOPES	164.40
			1148	029077	001-1900-412.23-02	#10 WINDOW ENVELOPES	367.43
			1245	029077	001-4000-461.23-02	CCTR PRINTING	349.85
			1268	029077	001-4000-461.23-02	BUSINESS CARDS S FOSTER	43.10
			984	029077	670-7000-473.23-02	BUSINESS CARDS-ROGER	43.10
166627	10/19/2018	MERCHANTS BUILDING MAINTENANCE, LLC	504551	029189	001-3200-412.33-18	CITY HALL CUSTODIAL	1,869.42
			504552	029189	001-2200-421.33-18	POLICE DEPARTMENT CUSTODI	2,438.61

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166627	10/18/2018	MERCHANTS BUILDING MAINTENANCE,	503553	029189	001-3200-412.33-18	CITY YARD CUSTODIAL	437.89
			503554	029189	001-3200-412.33-18	WATER SHOP CUSTODIAL	289.15
			503555	029189	001-3200-412.33-18	FLEET SHOP CUSTODIAL	139.92
			503556	029189	001-3200-412.33-18	CORPORATE WAREHOUSE CUSTO	386.09
166628	10/18/2018	MICHAEL BAKER INTERNATIONAL, INC	1027537	028880	663-6300-471.95-10	CONTRACT ADMINISTRATION	1,690.00
166629	10/18/2018	MILLER, JONI	MEAL 9/27/18		001-1300-412.23-05	LCW RELATIONS CONSORTIUM COACHELLA VALLEY 9/27/18	17.00
			MILEAGE 9/27/18		001-1300-412.25-05	LCW RELATIONS CONSORTIUM COACHELLA VALLEY 9/27/18	45.89
166630	10/18/2018	MILLER, NINA	APR 18 - SEP 18		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM COACHELLA VALLEY 9/27/18	215.97
166631	10/18/2018	MORATZ, ANGELA M	06/09/10/51		001-0000-218.22-22	UB CR REFUND-FINALS 000020074	76.20
166632	10/18/2018	MORGAN, DEIDRA J	SEPTEMBER 2018	028798	001-4000-461.23-15	TOT TIME INSTRUCTOR SEPTEMBER 2018	122.50
166633	10/18/2018	MORONGO BAND OF MISSION INDIANS	2018-004	028798	663-6300-471.95-10	4/3-5/4/2018 MONITORING	1,680.00
			2018-005	028798	001-1500-412.33-71	5/28-6/7/2018 MONITORING	1,260.00
166634	10/18/2018	MOYER, GEORGE	REIMB 9/27/18		660-6300-471.95-08	BALLOT MEAS TOWN HALL MTG MOYER, CLAYTON, SMITH, MILL	72.61
166635	10/18/2018	MST BACKFLOW	9-24-18	029215	702-3800-480.38-52	BACKFLOW REPAIR/TESTING	598.82
166636	10/18/2018	NIXON-EGLI EQUIPMENT CO.	W07005	029222	702-3800-480.38-52	EMULSION HARDENED IN SYST	4,073.66
166637	10/18/2018	O'REILLY AUTO PARTS	2678-145168	029153	702-3800-480.38-52	#505 MANIFOLD	49.38
			2678-145838	029153	702-3800-480.38-52	#622 FUEL CAP	13.46
			2678-145907	029153	702-3800-480.38-52	#201 TLGT HANDLE	6.16
			2678-145939	029153	702-3800-480.38-52	V-BELT	12.33
			2678-146022	029153	702-3800-480.38-52	#349 V-BELT	14.03
			2678-146254	029153	702-3800-480.38-52	#23 FUEL FILTER	2.36
			2678-146453	029153	702-3800-480.38-52	#316 OIL FILTER	5.84
			2678-147078	029153	702-3800-480.38-52	MINI BUIB	4.70
			2678-147186	029153	702-3800-480.38-52	SHOP-GORILLA GLUE	6.45
			2678-147143	029153	702-3800-480.38-52	BLUE DEF	16.15
			2678-148360	029153	702-3800-480.38-52	#608 CLEANER GASKET	3.08
			2678-148496	029153	702-3800-480.38-52	#315 AIR & CABIN FILTER	27.67
			2678-148516	029153	702-3800-480.38-52	#608 WIRE SET	44.24
			2678-148520	029153	702-3800-480.38-52	#12 PUSH BIN	8.85
166638	10/18/2018	OLIN CORPORATION DBA	2555328	028886	660-6300-471.36-08	SODIUM HYPOCHLORITE 12.5%	2,994.73
166639	10/18/2018	ON TRAC	2579156	028886	660-6300-471.36-08	SODIUM HYPOCHLORITE 12.5%	3,166.16
			8799841		001-1700-412.23-04	CITY MANAGER SHIPPING ORG INV DATE 6/30/2018	3.76
					001-1210-412.23-04	ECON DEVELOPMENT SHIPPING ORG INV DATE 6/30/2018	7.52
					001-2800-441.23-04	PLANNING SHIPPING ORG INV DATE 6/30/2018	43.92
					001-3000-442.23-04	ENGINEERING SHIPPING ORG INV DATE 6/30/2018	3.76
			6811718	029081	001-1210-412.23-04	CITY SHIPPING	7.52
					001-2800-441.23-04	CITY SHIPPING	7.52
					001-3000-442.23-04	CITY SHIPPING	36.71
166640	10/18/2018	ONLINE CONSULTING INC.	301439	029040	670-7000-473.23-06	COFFEY B AUTO CAD TRNG 10/29 10/31 12/6 12/7/18	2,895.00
166641	10/18/2018	PARKHOUSE TIRE, INC.	2010586575	029040	702-3800-480.23-49	TIRES & RECYCLING FEE	7.00
			2010587126	029040	702-3800-480.23-49	TIRES & RECYCLING FEE	481.43
			2010587598	029040	702-3800-480.23-49	TIRES & RECYCLING FEE	7.00
166642	10/18/2018	PETTY CASH CUSTODIAN - FINANCE	3214		001-1300-412.41-16	HR FUNCTIONS - 2/20/2018	518.80
			3215		761-3110-480.23-05	MAILBOX LOCK - 2/21/2018 METER READERS	24.50
			3216		001-1300-412.41-16	ORAL BOARD LUNCH - 2/21/18 POLICE SERGEANT	1,909.76
			3217		001-1300-412.41-16	ORAL BOARD LUNCH - 2/21/18 SYSTEM ANALYST	12.57
			3218		001-1300-412.41-16	DONUTS FOR PERMA - 2/21 CITY MEETING	6.76
			3219		001-1300-412.41-15	INTERVIEW PANEL - 3/22/18 SNACK FOR 3/06	7.56
			3220		703-3700-480.36-00	LOUIE HOMAN - CABLE TIES LOOP CABLE STRAPS	11.00
			3221		001-0000-204.10-00	457 LOAN REFUND K BRANDON	4.50
			3222		001-1300-412.41-16	ORAL BOARD - 04/11/2018 WATER SERVICES	9.67
			3223		001-3000-442.23-00	COFFEE FILTERS & CLEANERS PUBLIC WORKS	0.13
			3224		001-1300-412.41-16	ORAL BOARD - 7/03/2018 CITY MANAGER INTERVIEW	14.44
							8.90

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166642	4/3/18	PETTY CASH CUSTODIAN - FINANCE	3225		001-0000-204.16-00	457 LOAN REFUND--CALDERON BROWN, E & CABALLERO,D	0.70
			3226		001-1000-411.36-07	CITY COUNCIL SNACKS	24.05
			3227		001-1300-412.41-16	ORAL BOARD LUNCH - 10/03 POLICE OFFICER	20.44
166643	10/18/2018	PETTY CASH CUSTODIAN-COMM SVCS	3044		001-4000-461.36-09	FAMILY DOLLAR CAMP CRAFTS	4.99
			3045		001-4000-461.36-09	DOLLAR TREE - A SANDOVAL LUAU DECORATIONS	19.34
			3046		001-4000-461.36-00	LITHOPASS CARD STOCK	5.00
			3047		201-4060-446.36-65	DOLLAR TREE - A SANDOVAL BINGO PRIZES	20.44
			3048		201-4060-446.36-65	DOLLAR TREE - A SANDOVAL BINGO PRIZES	24.13
166644	10/18/2018	PETTY CASH CUSTODIAN-SR CENTER	3182		001-4000-461.36-09	DOLLAR TREE - A SANDOVAL DAY CAMP SNACKS	6.26
			3183		001-4000-461.36-00	BIG 5 SPORTS - G VALDIVIA BASKETBALL NET	19.36
			3184		610-5800-434.23-00	BEAUMONT DO IT BEST- WARE CLAMPS FOR BUS SIGNS	4.83
166645	10/18/2018	PRESS-ENTERPRISE, THE	0011156435	029046	201-4060-446.36-65	DOLLAR TREE - A SANDOVAL BINGO PRIZES	24.21
			0011176345	029046	001-3000-442.23-01	RFP #19-003	390.60
			0011170347	029046	001-3000-442.23-01	RFP #19-007	415.80
			0011181617	029046	660-6300-471.23-01	RFP #19-008	447.30
166646	10/18/2018	PRESS-ENTERPRISE, THE	0011171050	029046	670-7000-473.23-01	NOTICE OF PUBLIC HEARING ORDINANCE # 1534	161.70
166647	10/18/2018	PRUDENTIAL OVERALL SUPPLY	22678697	029184	001-4300-412.23-01	BUS DRIVER & REC AD	455.00
			22682491	029184	702-3800-480.25-02	FLEET UNIFORMS & TOWELS	10.36
			22682492	029184	702-3800-480.25-02	FLEET UNIFORMS & TOWELS	17.90
			22682511	029184	702-3800-480.25-02	FLEET UNIFORMS & TOWELS	57.10
			22686170	029184	660-6300-471.25-02	UNIFORMS - WATER	34.75
			22686189	029184	680-8000-454.25-02	UNIFORMS - WASTEWATER	10.36
			22686190	029184	702-3800-480.23-16	FLEET UNIFORMS & TOWELS	17.90
			22686191	029184	702-3800-480.25-02	FLEET UNIFORMS & TOWELS	20.75
			22686193	029184	610-5800-434.23-16	UNIFORM SERVICE	48.52
			41298	029184	610-5800-434.25-02	UNIFORM SERVICE	3.89
166648	10/18/2018	PUBLIC AGENCY RETIREMENT SERVICES	WOG00003113	029091	100-4900-431.25-02	STREET UNIFORMS	17.55
166649	10/18/2018	QUINN COMPANY	WOG00003117	029091	001-3600-461.25-02	UNIFORM SERVICE	12.30
			WOG00003179	029091	001-3200-412.25-02	BUILDING MAIN. UNIFORMS	5.68
			WOG00003180	029091	670-7000-473.25-02	ELECT UNIFORMS	139.29
166650	10/18/2018	RELIABLE WORKPLACE SOLUTIONS	AR72068	028519	001-1900-412.33-11	PARS PIN ID#PH-ARSO5A SVC PERIOD 20180831	300.00
166651	10/18/2018	RIV. CO. CLERK RECORDER	AR72069	028519	702-3800-480.30-06	NO START TROUBLESHOOT	930.00
166652	10/18/2018	RIV. CO. CLERK RECORDER	APN 528-020-16		702-3800-480.30-06	GENERATOR TROUBLESHOOT	1,190.00
166653	10/19/2018	RIV. CO. HEALTH SVCS AGENCY	HALLOWEEN2018		702-3800-480.30-06	PERFORM MAINTENANCE	1,220.92
166654	10/18/2018	RIV. CO. TREASURER	5+1250004-2-19		001-2200-421.30-06	PERFORM MAINTENANCE	1,246.37
166655	10/18/2018	RIV. CO. TREASURER	5+1250006-4-19		001-2200-421.30-06	B/W & COLOR COPIES @ PD	64.94
166656	10/18/2018	RIVERA, KATHLEEN	APR 18 - SEP 18		001-2200-421.30-06	B/W & COLOR COPIES @ PD	35.01
166657	10/18/2018	RIVERSIDE, COUNTY OF	SEP-TEMBER 2018		001-2740-442.23-07	REAL ESTATE FRAUD TRUST 721 N MORONGO	10.00
166658	10/18/2018	ROBERTSON, JAMES	HAWAII E3		001-2740-442.23-07	REAL ESTATE FRAUD TRUST 721 N MORONGO	12.00
166659	10/18/2018	ROBINSON, BRANDON A	TRAVEL 9/28-10/		001-4000-461.41-04	RELEASE PEND/LEIN BY GOV 870 N SAN GORGONIO	12.00
166660	10/18/2018	ROCKWELL, AMBER	MEAL 5/18/23 25		001-4000-461.41-04	RELEASE PEND/LEIN BY GOV 870 N SAN GORGONIO	98.00
166661	10/18/2018	RODRIGUEZ, MARTIN	000094151		600-6300-471.41-05	OCCASIONAL EVENT PERMIT HALLOWEEN 2018	231.26
166662	10/18/2018	RUEHLE, TARA SHAWN M	SEPTEMBER 2018		600-6300-471.41-05	2018 PROPERTY TAXES BILL # 000338310	231.26
166663	10/18/2018	SHRED-IT USA, LLC	8125573832		675-7020-473.42-36	2018 PROPERTY TAXES BILL # 000338311	77.76
166664	10/18/2018	SILVER & WRIGHT, LLP	25083		000-0000-223.10-00	ENERGY ASSISTANCE PROGRAM REBATE APR 2018 -SEP 2018	532.60
166665	10/18/2018	SMITH, JASON	TRAVEL 10/02-05	028681	670-7000-473.23-06	PARKING CITATION ASSESSMT SEPTEMBER 2018	273.67
166666	10/18/2018	SOUTH COAST AIR QUALITY	3336792		001-0000-218.22-22	HANGER E3 DEPOSIT REFUND	255.29
166667	10/18/2018	SOUTH COAST AIR QUALITY	3340645		670-7000-473.23-06	RENTAL CAR REIMBURSEMENT PARKING & FUEL	45.00
166668	10/18/2018	SOUTHERN CALIFORNIA EDISON	2011958816OCT18		001-0000-218.22-22	CMUA ANNUAL SUMMIT BURBANK 10/23-10/25	94.50
			201523504955FFLE		001-4000-461.23-15	UB CR REFUND-FINALS 000020686	2,624.79
					001-2200-421.23-07	BALLET/YOGA INSTRUCTOR SEPTEMBER 2018	94.21
					700-5300-480.33-04	PD SHRED	2,624.79
					670-7000-473.23-06	SEPT 2018 LEGAL SERVICES	411.02
					001-4200-412.41-04	MILEAGE & PARKING WUC CON	406.79
					001-3200-412.41-04	AQMD ELEC GEN-DIESEL 5261 W WILSON ST	131.79
					670-7000-473.23-06	AQMD FEE-5261 W WILSON ST FLAT FEE FY 18/19 AQMD	56.62
					660-6300-471.26-04	HIGHLAND HOME RD/S/O 9/1/18-10/1/18	357.08
						WELL 11 - 7072 PLANT E-5 AUG 13,2018 - SEP 12,2018	

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166669	10/18/2018	STAPLES BUSINESS ADVANTAGE	9389946671	029099	001-3000-442-30-00	HP 72 INK STAMP REFILL IN	236.27
166670	10/18/2018	STAR ONE ENTERPRISES INC	3391203316	029099	670-7000-473-36-00	DRY BOARD ERASERS/SWITCH	100.81
166671	10/18/2018	STATEWIDE TOWING & RECOVERY, INC.	0000914955	029143	001-0000-218-22-22	UB CR REFUND-FINALS 000023208	144.68
166672	10/18/2018	STERLING TALENT SOLUTIONS	141269	029143	702-3800-480-30-05	#505 TOW	85.00
166673	10/18/2018	STUART, HOLLY	756246A	029115	001-1300-412-33-11	BACKGROUND SCREENING SEP	235.00
			TRAVEL 10/2-3		001-3000-442-23-05	CA LTPA TRAINING - MEALS SAN DIEGO, CA 10/02-10/03	206.92
						CA LTPA TRAINING - MILEAGE SAN DIEGO, CA 10/02-10/03	44.05
						MONTHLY O&M FEE	177.38
166674	10/18/2018	SUEZ BANNING	201834340	029271	630-8000-454-23-38	CA LTPA TRAINING - MILEAGE SAN DIEGO, CA 10/02-10/03	60.50
166675	10/18/2018	TECHNOLOGY UNLIMITED INC	527422		610-5800-434-30-06	MONTHLY RENEWAL COIN SORTER 11/15/18-11/14/19	58,681.00
166676	10/18/2018	THE SOCO GROUP, INC.	058357248		702-3800-480-30-11	UNLEADED GAS & DIESEL	785.00
166677	10/18/2018	TIME WARNER CABLE	086811201090118		670-7000-474-26-09	BUSINESS TV - CITY YARD SEP 1, 2018 - SEP 30,2018	26,940.68
166678	10/18/2018	TRENCH SHORING COMPANY	08661201100118	028716	670-7000-473-26-09	BUSINESS TV - CITY YARD OCT 1, 2018 - OCT 31,2018	82.97
166679	10/18/2018	U.S. BANK	11549800001		660-6300-471-45-08	TRENCH TOP RENTAL	65.96
166680	10/18/2018	URBAN HABITAT ENV. LANDSCAPES	5129429	028953	609-6300-471-45-08	ADM FEES W ENTERP REV BND	108.75
			1784		001-0000-242 04-00	ADM FEES ELEC REF REV BDS	2,475.00
					001-3600-461-90-37	PROJECT 2017-10 - Retainage	2,475.00
					001-0000-232-00-00	PROJECT 2017-10	(240.33)
					001-3600-461-90-37	PROJECT 2017-10	4,806.67
					001-0000-232-00-00	PROJECT 2017-10	(18.27)
166681	10/18/2018	UTILITY TREE SERVICE	798001616	028953	001-3600-461-90-37	PROJECT 2017-10	365.33
166682	10/18/2018	VALENZUELA & TANIA	000091887	028387	670-7000-473-23-17	TREE TRIMMING W/E 9/29/18	3,300.00
166683	10/18/2018	VERIZON WIRELESS	9815403746		001-0000-218-22-22	UB CR REFUND-FINALS 00006936	1.84
			9815409998		670-7000-473-26-05	ACCT#271004536-00001 8/27/18-9/26/18	19.44
			9815443267		670-7000-473-26-05	ACCT#371004536-00001 8/27/18-9/26/18	19.35
			9815451504		670-7000-473-26-05	ACCT#771004535-00001 8/27/18-9/26/18	462.10
			9815718048		001-1200-412-26-05	ACCT#871004535-00001 8/27/18-9/26/18	18.85
					001-1300-412-26-05	CITY MANAGER CELL PHONES SEP 2, 2018 - OCT 1,2018	195.12
					001-1900-412-26-05	HR DEPT CELL PHONES SEP 2, 2018 - OCT 1,2018	25.44
					001-2200-421-26-05	FINANCE DEPT CELL PHONES SEP 2, 2018 - OCT 1,2018	31.27
					001-2210-421-26-05	POLICE DEPT CELL PHONES SEP 2, 2018 - OCT 1,2018	697.75
					001-2710-412-26-05	PD DISPATCH CELL PHONES SEP 2, 2018 - OCT 1,2018	11.27
					001-2800-441-26-05	CODE ENFORCEMENT CELLS SEP 2, 2018 - OCT 1,2018	45.18
					001-3000-442-26-05	PLANNING DEPT CELL PHONES SEP 2, 2018 - OCT 1,2018	45.42
					001-3200-412-26-05	ENGINEERING CELL PHONES SEP 2, 2018 - OCT 1,2018	72.15
					001-4000-461-26-05	BUILDING MAINTENANCE CELL SEP 2, 2018 - OCT 1,2018	31.25
					100-4900-431-26-05	COMMUNITY SERVICES CELL SEP 2, 2018 - OCT 1,2018	224.99
					610-5800-434-26-05	STREET DEPT CELL PHONES SEP 2, 2018 - OCT 1,2018	108.43
					670-7000-473-26-05	TRANSIT DEPT CELL PHONES SEP 2, 2018 - OCT 1,2018	182.76
					680-8000-454-26-05	DIAL A RIDE CELL PHONES SEP 2, 2018 - OCT 1,2018	56.41
					702-3800-480-26-05	WATER DEPT CELL PHONES SEP 2, 2018 - OCT 1,2018	294.43
					703 3700-480-26-05	ELECTRIC DEPT CELL PHNS SEP 2, 2018 - OCT 1,2018	914.77
						WASTEWATER DEPT CELL PHNS SEP 2, 2018 - OCT 1,2018	44.42
						FLEET DEPT CELL PHONES SEP 2, 2018 - OCT 1,2018	70.45
						INFORMATION SERVICES CELL SEP 2, 2018 - OCT 1,2018	131.00
						METER READERS CELL PHONES SEP 2, 2018 - OCT 1,2018	142.89
						REFUSE FOR AUGUST 2018	264,621.41
166684	10/18/2018	WASTE MANAGEMENT OF THE	AUGUST 2018		690-9600-453-23-10	REFUSE FOR SEPTEMBER 2018	229,270.73
166685	10/18/2018	WASTE MANAGEMENT OF THE	SEPTEMBER 2018		690-9600-453-23-10	REFUSE FOR SEPTEMBER 2018	711.92
166686	10/18/2018	WELLS FARGO CARD SERVICES INC	11-2018OCT18		001-2210-421-23-06	HARRAHS LAKE TAHOE LIZA KESTER HOTEL	132.35
						HARRAHS LAKE TAHOE V HERMANDEZ HOTEL	671.92
						HARRAHS LAKE TAHOE V HERMANDEZ HOTEL DEP	132.35
						HARVEYS CASINO - CANCEL HOTEL RESERVATION	(90.06)
						HARVEYS CASINO HOTEL RESERVATION	90.06
						EB ECAMPM BONDING AMP STEEN, COFFEY, FIELD	1,485.00
166687	10/18/2018	WESCO DISTRIBUTION, INC	553921		670-0000-131-00-00	WASHERS/BOLT EYELET PO NUM 029180	460.18
166688	10/18/2018	WEST COAST SAND & GRAVEL, INC.	869585	028882	670-0000-131-00-00	BOLTS PO NUM 029180	231.66
			61428		660-6300-471-45-17	RECYCLED CLASS 2 BASE	807.35

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166688	10/18/2018	WEST COAST SAND & GRAVEL, INC.	63465	028882	660-6300-471.45-17	RECYCLED CLASS 2 BASE	412.95
166689	10/18/2018	WILLIAMS, VENKA	10/18/2018		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE MAR 2018 -AUG 2018	104.58
166690	10/18/2018	YOUNG, CARLA	005-426-407-4		001-0000-204.16-00	PERS 457 REFUND	56.03
166691	10/25/2018	ZENNER PERFORMANCE METERS, INC	009-3070-00	029257	660-0000-131.00-00	3/4" ZENNER METERS - 50EA PO NUM 029098	2,118.91
166692	10/25/2018	A-1 APPLIANCE CENTER	372955		001-3200-412.30-00	FIRE STA. NOZZLE & GUIDE	60.23
166693	10/25/2018	ADRIAN, TERRY	24005-17868-19	029025	100-4900-431.93-21	RESIDENTIAL CENTRAL A/C PACKAGED UNIT - REBATE	600.00
166694	10/25/2018	ALBERT A. WEBB ASSOCIATES	184392	029204	761-3110-480.38-56	PROJECT# ST18G1	27,721.84
166695	10/25/2018	AMAZON CAPITAL SERVICES	11VC-433HW-1100		001-2200-421.23-27	SANDUSKY LEE CABINET	316.27
166696	10/25/2018	ARROW STAFFING SERVICE	164681		001-2200-421.23-27	S AVILA W/E 8/18/18	1,165.20
			164758		001-2200-421.23-27	S AVILA W/E 8/25/18	1,165.20
			164834		001-2200-421.23-27	S AVILA W/E 09/01/18	1,165.20
			164907		001-2200-421.23-27	S AVILA W/E 09/08/18	1,165.20
			164982		001-2200-421.23-27	S AVILA W/E 09/889/15/18	1,386.00
			165062		001-2200-421.23-27	S AVILA & DTREJO W/E 9/22	1,586.20
			165138		001-2200-421.23-27	S AVILA-D TREJO W/E 9/29	1,586.20
			165139		001-2700-442.23-27	RUIZ, TAMMIE W/E 9/29/18	758.72
			165213		001-2700-442.23-27	RUIZ, TAMMIE W/E 1/06/18	948.40
166697	10/25/2018	ARTISTIC MAINTENANCE, INC.	0162459-00	029014	100-4900-431.93-17	TREE REMOVAL	4,800.00
166698	10/25/2018	ATKINSON, ANDELSON, LOYA, RUDD & RO	554801	029033	663-6300-471.96-35	FLUME LEGAL COUNSEL	5,500.00
			554802	029033	663-6300-471.96-35	SGMA LEGAL COUNSEL	540.00
			554804	029033	663-6300-471.96-35	FLUME LEGAL COUNSEL	5,500.00
			554806	029033	663-6300-471.96-35	FLUME LEGAL COUNSEL	198,693.43
166699	10/25/2018	BBVA COMPASS	0000018-0CT13		300-6000-467.61-17	PRINCIPAL PAYMENT - 99 E RAMSEY ST, LOAN	19,001.83
			457940	029051	702-4900-480.36-00	50PK DUST MASK	12.16
166700	10/25/2018	BEAUMONT DO IT BEST HOME CENTER	462130	029051	702-3800-480.36-00	HAND SOAP	10.76
			462237	029051	001-3200-412.30-02	LED CORN BULB	274.73
			462461	029051	100-4900-431.96-00	90D ELBOW	5.46
			462582	029051	100-4900-431.96-00	SAWZALL BLADE SET	23.16
			462769	029051	100-4900-431.96-00	GALV PIPE, HOSE BIBB & EL	53.05
			462804	029051	100-4900-431.96-00	VALVE BOXES & EXTENSION	48.98
			462853	029051	001-3200-412.30-01	SEALANT	77.49
			462864	029051	001-3200-412.30-01	GARDEN VALVE	11.63
			462867	029051	001-3200-412.30-01	SEALANT	29.06
			462949	029051	001-3200-412.30-01	PIPE CUTTER & ADAPTER	16.41
			463066	029051	001-3200-412.30-01	CHAIN LINK	4.07
			463101	029051	100-4900-431.96-00	BITS & ANCHOR	58.34
			463124	029051	001-3200-412.30-01	AEROSOL SILICONE	18.94
			463198	029051	001-3200-412.30-01	PADLOCK & CHAIN	38.21
			463332	029051	001-3200-412.30-02	METAL HALIDE BULB	213.28
			463333	029051	001-3200-412.30-02	LED CORN BULB	457.88
			463344	029051	001-3200-412.30-01	LED CORN BULB	425.56
			463370	029051	001-3200-412.30-01	CREDIT RETRN 54W LED BULB	(457.88)
			463378	029051	001-3200-412.30-01	KICKDOWN STOP	13.55
			463412	029051	001-3200-412.30-01	SHRUB SPRINKLER	28.36
			463435	029051	001-4000-461.36-03	WHITE MARKING PAINT	34.96
			463441	029051	001-3200-412.30-01	ADAPTER	6.42
			463463	029051	001-3200-412.30-01	TIE DOWN & TARP	91.57
166701	10/25/2018	BEAUMONT SAFE & LOCK	69637	029051	100-4900-431.96-00	METAL HALIDE BULB	319.92
166702	10/25/2018	BT SUPPLIES WEST	69648	029066	001-3200-412.30-02	ORIGINAL & DUPLICATE COPI	12.85
			818150	029126	001-3200-412.30-02	DEADBOLTS & LATCH	134.53
			818157	029126	001-3200-412.36-03	JANITORIAL SUPPLIES	1,019.86
			818165	029126	001-3200-412.36-03	JANITORIAL SUPPLIES	141.26
166703	10/25/2018	CA. ST. BOARD OF EQUAL - FUEL	2018-0TH 3		702-3800-480.41-04	JANITORIAL SUPPLIES	102.99
166704	10/25/2018	CALIFORNIA DEPT OF TAX AND FEE ADMIN	2018-0TH 3		670-7010-473.27-08	UNDERGROUND TANK FEE Q3 JUL 2018 - SEP 2018	485.78
166705	10/25/2018	CANON FINANCIAL SERVICES, INC	19299474	028697	001-4000-461.32-06	QUARTERLY ENERGY TAXES JULY THROUGH SEPT 2018	83.60
					001-4500-412.32-06	COPIER LEASE	478.96

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166705	4/3/18	CANON FINANCIAL SERVICES, INC	19259474	028697	148-2215-421.32.06 610-6300-434.32-06 660-6300-471.32.06 670-7000-473.32.06 761-3100-480.32-06 001-1700-412.89-48 001-0000-218.22-21 001-2740-442.23-05 001-3000-442.33-53 001-3200-412.30-02 001-3200-412.30-02	COPIER LEASE COPIER LEASE COPIER LEASE COPIER LEASE COPIER LEASE CM SURFACE PRO REPLACE CHK # 166016 INV IN2044532 & IN2043115 SHUTTLE SAN JOSE AIRPORT CACEO SEMINAR 10/9-10/12 CONSULTING SERVICES 2-LAMP T8 BALLAST 4-LAMP T8 BALLAST	102.75 83.61 150.95 179.98 104.50 1,654.20 7,354.12 104.00 11,013.50 107.32 85.86
166706	10/25/2018	CDW GOVERNMENT, INC	PMG0989	029175	001-3000-442.20-17	ENGINEERING METROSCAN	66.68
166707	10/25/2018	CELL BUSINESS EQUIPMENT (CBE)	IN2044532-REPLC	029225	001-4000-461.33-11	DI SERVICES FOR H-OWEN FEST OCTOBER 27 2018	300.00
166708	10/25/2018	CHACON, ARTHUR	REIMB10/9-30/12	027392	855-9500-490.93-30	RAMSEY & HARGRAVE	6,519.00
166709	10/25/2018	CHARLES ABBOTT ASSOCIATES, INC	012883	029047	001-4000-461.36-09	FLAG FTBALL MEDALS	315.17
166710	10/25/2018	CONSOLIDATED ELECTRICAL	47613	029050	001-3200-412.30-06	SENIOR & COMMUNITY CENTER	320.55
			410295959	028717	560-6300-471.36-08	PROPANE	243.54
			691941702-01	029187	001-0200-201.10-00	SALES TAX	(24.37)
					001-3000-461.36-09	ACTIVITY SUPPLIES	243.59
					201-4000-446.36-65	ACTIVITY SUPPLIES	95.29
					702-3800-480.25-10	EYEWEAR REIMB 2018 PER GENERAL UNIT MOU	299.00
166718	10/25/2018	GUERRERO, CRISTOVAL	EYEWEAR 2018	029206	680-8000-454.30-06	BOOM CONTROL JOYSTICK	265.96
166719	10/25/2018	HAAKER EQUIPMENT COMPANY	C-1-404	029241	560-6300-471.32-05	DUMP TRUCK RENTAL	5,161.22
166720	10/25/2018	HERC RENTALS INC.	30250764-001	029061	001-3200-412.30-02	TRENCHER RENTAL	709.13
			4097541	029093	001-3200-412.30-02	TIE DOWN & PLYWOOD	255.58
			8016097	029093	001-3200-412.30-02	WRENCH SET, WASHER & DOOR	56.14
			9092574	029093	001-3200-412.30-02	SHOWER ARM & HANDHELD SHO	81.66
			12126	028919	001-0000-204.80-10	ENVIRONMENTAL ENGINEERING	2,724.00
			20181076		001-0000-204.16-00	PAYROLL SUMMARY	2,160.50
			20181076		001-2200-421.23-06	TRAVEL REIMBURSEMENT RIMS CONF LAKE TAHOE	236.96
			IRAVEL 10/2018	029090	100-4500-431.36-00	W6X20HR CARD-T	424.13
			0450956-INV		660-6300-471.23-02	BUSINESS CARDS-T PHILLIPS PO 29077	43.10
			1341		001-3000-442.33-11	PROJECT OCOB1701.0000	302.50
			162277	028750	675-7020-473.42-35	RESIDENTIAL CENTRAL A/C SPLIT SYSTEM - REBATE	900.00
			85-417-676-14		663-6300-471.95-10	CONTRACT ADMIN SERVICES	1,540.00
			1028911	028880	702-3000-480.38-52	#232 & #231 SENSOR & FILT	49.00
			065865	029135	001-0000-204.16-00	PAYROLL SUMMARY	7,219.91
			20181076		001-4000-331.25-02	REFUND FACILITY USE UNABLE TO ACQUIRE INSRNCE	300.00
			REFURD-11650433		670-0000-131.00-00	CLAMP HOT LINE PO NUM 029179	711.15
			55961686.001		001-2200-421.36-04	PD UNIFORM FOR CHELSE	398.36
			415195/A	028875	001-2740-442.36-04	3 PANTS FOR D. SHUBIN	242.41
			415233/A	028875	001-2210-421.36-04	(1) POLO & EMB SERRANO	54.94
			415283/A	028875	001-2210-421.36-04	(1)PANTS FOR C.SERRANO	53.86
			415284/A	028875	001-2200-421.36-04	(1) PANTS FOR M.VARGAS	110.97
			415303/A	028875	001-2200-421.36-04	(2)PANTS FOR CHELSE	90.49
			415338/A	028875	001-2200-421.36-04	(50) CADET PATCHES	161.09
			415350/A	028875	001-2210-421.36-04	(1) PANTS FOR SERRANO	53.86
			415513/A	028875	001-2200-421.36-04	DUTY BELT FOR CHELSE	53.86
			415533/A	028875	001-2210-421.36-04	(10) POLO & EMB FOR CINDY	54.94
			415767/A	028875	001-2200-421.36-04	(1) PANT & (2) POLOS/PENA	81.18
			415806/A	028875	001-2200-421.36-04	(100) BPD ARM PATCHES	269.38
			415809/A	028875	001-2210-421.36-04	(2) POLO & EMB FOR VICKIE	103.42
			415916/A	028875	203-2200-446.36-04	POLO FOR J.BURRIS	60.33
			415968/A	028875	203-2200-446.36-04	POLO FOR C. STRAUZER	57.10
			415969/A	028875	203-2200-446.36-04	PANTS FOR C. STRAUZER	53.86
			415986/A	028875	203-2200-446.36-04	(1)PANT FOR JEFF BURRIS	53.86

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166736	10/25/2018	PARS	20181036	028875	001-2200-421.36-04	(5) SAFETY VEST FOR OFFC	290.83
166737	10/25/2018	PARTS AUTHORITY METRO, LLC	062-736440	028875	702-3800-480.38-52	PANTS FOR E.CARR	53.86
			062-760733	028875	703-2200-446.36-04	PANTS FOR R.LASKO	53.86
			062-775195	028875	203-2200-446.36-04	POLO & EMB FOR KESTER	65.72
			062-777959	028875	001-2200-421.36-04	PANTS FOR R. LOPEZ	53.86
			062-781955	028875	001-2210-421.36-04	(2) PANTS FOR HERNANDEZ	161.60
			062-798668	028875	203-2200-446.36-04	POLO FOR R. LASKO	60.33
			062-803359	028875	001-2200-421.36-04	(21) SAFETY VEST FOR OFFC	678.60
			065-305848	028875	001-0600-204.25-00	PAYROLL SUMMARY	551.06
			091-119796	029154	702-3800-480.38-52	TRUFLEX BELTS	12.48
			091-119771	029154	702-3800-480.38-52	#23 POLICE DUTY	53.01
			091-120862	029154	702-3800-480.38-52	#10 LOCK ACTUATOR	47.72
			091-120701	029154	702-3800-480.38-52	STOCK-HI COUNT LED	40.45
			091-120848	029154	702-3800-480.38-52	#17 TRAILING ARM	88.79
			091-120701	029154	702-3800-480.38-52	#17 HOSE ASSEMBLY	63.97
			091-120862	029154	702-3800-480.38-52	#608 U-SERIES REFILZ	2.22
			091-121094	029154	702-3800-480.38-52	LIFT SUPPORT	79.74
			091-121110	029154	702-3800-480.38-52	SHOP LUBE	3.74
			091-121155	029154	702-3800-480.38-52	#349 TRUFLEX BELTS	13.03
			091-121752	029154	702-3800-480.38-52	#349 TRUFLEX BELT	6.03
			091-121801	029154	702-3800-480.38-52	#23 PR-EACH/BX 4	1.61
			091-121906	029154	702-3800-480.38-52	#622 FUEL LINE HOSE	12.87
			091-122275	029154	702-3800-480.38-52	#23 12V PASS BATTERY	118.54
			091-122298	029154	702-3800-480.38-52	#23 OIL FILTER	3.86
			091-122812	029154	702-3800-480.38-52	#23 BRAKE ROTOR	83.33
			091-123130	029154	702-3800-480.38-52	#10 AIR & OIL FILTER	7.15
			091-123278	029154	702-3800-480.38-52	#241 REPLACE CAPS	18.55
			0011180381	029046	660-6300-471.23-01	#9 PR-EACH/BX-10	1.12
166738	10/25/2018	PRESS-ENTERPRISE, THE	489A-14	029154	702-3800-480.38-52	#622 12 VOLT PASS BATTERY	0.43
166739	10/25/2018	PRIME SYSTEMS INDUSTRIAL	22675204	029154	702-3800-480.38-52	#17 BEARING	119.70
166740	10/25/2018	PRUDENTIAL OVERALL SUPPLY	22686168	029184	670-7000-473.25-02	#17 NEEDLE BEARING	11.08
			22686169	029184	660 6300-471.25-02	#608 PARK PLUG	16.33
			22689465	029184	702-3800-480.38-52	#53 OIL FILTER	14.65
			22689466	029184	702-3800-480.38-52	#234 REPLACE CAPS	4.00
			22689467	029184	660-6300-471.23-01	RFP#19-010	18.55
				029046	0011180381	SCADA PROGRAMMING, TESTING	504.00
				029184	660-6300-471.45-08	ELECTRIC UNIFORMS	797.97
				029184	670-7000-473.25-02	UNIFORMS-WATER	139.29
				029184	660 6300-471.25-02	UNIFORMS - WASTEWATER	96.60
				029184	650 8000-454.25-02	UNIFORMS - WATER	34.75
				029184	660 6300-471.25-02	UNIFORMS - WASTEWATER	57.10
				029184	680-8000-454.25-02	UNIFORM SERVICE	15.00
				029184	610-5800-434.23-16	UNIFORM SERVICE	20.75
				029184	610-5800-434.25-02	UNIFORM SERVICE	48.52
				029184	610-5850-434.25-02	UNIFORM SERVICE	3.89
				029184	100-4900-431.25-02	STREET UNIFORMS	17.55
				029184	001-3200-412.25-02	UNIFORM SERVICE	12.30
				029184	001-3200-412.25-02	BUILDING MAIN, UNIFORMS	5.68
				029184	001-0000-218.22-22	UB CB REFUND 00022446	175.00
166741	10/25/2018	REVIRON REALTY	000083115	029184	100-4900-431.25-02	PURCHASE STATE WATER PROJ SEPTEMBER 2018	17,752.00
166742	10/25/2018	SAN GORGONIO PASS WATER AGENCY	18-00181	029184	660-6300-471.27-14	MEALS ADV JEDC CONFERENCE NOV 1-2 2018	168.00
166743	10/25/2018	SHOVE, TED	MEAL310/31-11/3	028207	001-1210-412.23-05	SIGNAL MAINTENANCE- JUNE	630.00
166744	10/25/2018	SIEMENS INDUSTRY, INC	5610118252	028207	100-4900-431.30-09	SIGNAL MAINTENANCE- JULY	630.00
			5610129131	028207	100-4900-431.30-09	SIGNAL MAINTENANCE- AUGUST	630.00
			5610135185	028207	100-4900-431.30-09	SIGNAL REPAIRS- JUNE	76.08
			5620019242	028207	100-4900-431.30-09	SIGNAL REPAIRS- AUGUST	374.08
			5620020947	028207	100-4900-431.30-09	SIGNAL REPAIRS- JULY	2,186.73
			5620021615	029049	100-4900-431.30-09	IRRIGATION SUPPLIES	107.17
166745	10/25/2018	SITEONE LANDSCAPE SUPPLY	870#6208-001	029049	001-3200-412.30-01		

City of Banning

Warrant List Detail October 2018

Warrant Number	Warrant Date	Vendor Name	Invoice Number	P.O. Number	Account Number	Payment Description	Warrant Amount
166746	10/25/2018	STEVEN ENTERPRISES INC	0402464-1H	029152	001-3000-442-36-00	ENG. PLOTTER SERVICE	369.00
166747	10/25/2018	SUEZ BANNING	201831732	029271	680-8000-454-23-38	MONTHLY O&M FEE AUGUST 2018	58,681.00
			20183498A	029271	680-8000-454-23-38	MONTHLY O&M FEE	58,681.00
166748	10/25/2018	TREMBLY, CHRIS	D4565927		660-6300-471-41-04	REIMB CLASS A LICENSE D4565927 CLASS A & M1--N	76.00
166749	10/25/2018	UNITED ROTARY BRUSH CORPORATION	306356	029198	100-4900-431-38-57	STREET SWEEPER SUPPLIES	257.05
166750	10/25/2018	UTILITY TREE SERVICE	80869418	028387	670-7000-473-23-17	TREE TRIMMING W/E 10/6/18	4,400.00
166751	10/25/2018	VISION SECURITY SYSTEMS	15700		670-7000-473-30-02	ENTRY KEY PADS FOR 4 DOOR	6,040.96
166752	10/25/2018	WESCO DISTRIBUTION, INC	873773	029199	670-9000-131-00-00	HOT LINE CLAMP PO NUM 029180	474.10
			875930		670-9000-131-00-00	COLD SHRINK TERMINATION PO NUM 029180	1,311.86
			878161		670-9000-131-00-00	HOT LINE CLAMP PO NUM 029180	1,422.30
			878162		670-9000-131-00-00	DEADEND 1/4 IN GALVA PO NUM 029180	133.61
			878163		670-9000-131-00-00	DEADEND 1/4 IN GALVA PO NUM 029180	33.40
166753	10/25/2018	WILLDAN FINANCIAL SERVICES	010-39468	027623	001-1900-412-33-11	DEV IMP FEE STUDY	8,032.50
166754	10/25/2018	YOUNGBLOOD & ASSOCIATES	31344A	029107	001-1300-412-33-32	PO APP POLYGRAPH FEE	225.00
166755	10/25/2018	ZENNER PERFORMANCE METERS, INC	0043375-1H	029098	660-6340-471-45-11	FIRE HOSE SWIVEL	307.15
9006320	10/1/2018	CA. ST. EMPLOYMENT DEV. DEPT.	PPE 09/23/2018		001-0000-204-12-00	PAYROLL TAX DEPOSIT PPE 9/23/2018	18,702.83
9006321	10/1/2018	TASC	PPE 09/23/2018		001-0000-204-80-04	MEDICAL CONTRIBUTIONS PPE 9/23/2018	3,798.07
9006322	10/3/2018	WELLS FARGO BANK	PPE 09/23/2018		001-0000-204-80-05	DEPENDENT CARE CONTRBN PPE 9/23/2018	652.16
9006323	10/3/2018	CA. ST. BOARD OF EQUALIZATION	2018 - QTR 3		001-0000-204-80-14	VEBA CONTRIBUTIONS PPE 9/23/2018	400.00
9006324	10/4/2018	CALPERS 457 PLAN - 450260	PPE 9/23/2018		001-0000-201-10-00	SALES & USE TAX RETURN 2018 QUARTER 3	176.00
9006325	10/4/2018	CA. ST. PUBLIC EMPLOYEES	PPE 9/23/2018		001-0000-204-16-00	CAL PERS 457 CONTRIBUTION PPE 9/23/2018	33,252.76
9006326	10/12/2018	WELLS FARGO BANK	PPE 10/07/2018		001-0000-204-10-00	RETIREMENT BENEFITS FOR PPE 9/23/2018	83,945.12
9006327	10/15/2018	CA. ST. EMPLOYMENT DEV. DEPT.	PPE 10/07/2018		001-0000-204-12-00	PAYROLL TAX DEPOSIT PPE 10/07/2018	330,459.27
9006328	10/17/2018	INTERNAL REVENUE SERVICE	PPE 10/07/2018		001-0000-204-11-00	FEDERAL INCOME TAX PPE 10/07/2018	19,426.37
9006329	10/15/2018	TASC	PPE 10/07/2018		001-0000-204-13-00	FICA MEDICARE / FICA REG PPE 10/07/2018	50,484.92
9006330	10/22/2018	CALPERS 457 PLAN - 450260	PPE 10/07/2018		001-0000-204-80-05	MEDICAL CONTRIBUTIONS PPE 10/07/2018	75,519.26
9006331	10/23/2018	CA. ST. PUBLIC EMPLOYEES	PPE 10/07/2018		001-0000-204-16-00	DEPENDENT CARE CONTR PPE 10/07/2018	3,798.07
9006332	10/23/2018	WELLS FARGO BANK	PPE 10/07/2018		001-0000-204-10-00	CAL PERS 457 LOAN PMTS PPE 10/07/2018	652.16
9006333	10/26/2018	WELLS FARGO BANK	PPE 10/21/2018		001-0000-204-80-14	RETIREMENT BENEFITS FOR PPE 10/07/2018	28,414.80
9006334	10/29/2018	CA. ST. EMPLOYMENT DEV. DEPT.	PPE 10/21/2018		001-0000-204-12-00	VEBA CONTRIBUTIONS PPE 10/07/2018	6,162.24
9006335	10/29/2018	INTERNAL REVENUE SERVICE	PPE 10/21/2018		001-0000-204-11-00	CAL PERS 457 LOAN PMTS PPE 10/07/2018	85,852.09
9006336	10/29/2018	TASC	PPE 10/21/2018		001-0000-204-13-00	VEBA CONTRIBUTIONS PPE 10/07/2018	400.00
9006337	10/10/2018	WELLS FARGO BANK	PPE 10/21/2018		001-0000-204-80-04	PAYROLL PPE 10/21/2018	358,606.80
9006338	10/30/2018	CALPERS 457 PLAN - 450260	PPE 10/21/2018		001-0000-204-80-14	PAYROLL TAX DEPOSIT PPE 10/21/2018	21,121.51
9006339	10/10/2018	CA. ST. PUBLIC EMPLOYEES	PPE 10/21/2018		001-0000-204-12-00	FEDERAL INCOME TAX PPE 10/21/2018	55,159.87
Grand Total						RETIREMENT BENEFITS FOR PPE 10/21/2018	77,647.84
						MEDICAL CONTRIBUTIONS PPE 10/21/2018	3,798.07
						DEPENDENT CARE CONTR PPE 10/21/2018	652.16
						VEBA CONTRIBUTIONS PPE 10/21/2018	4,371.85
						CAL PERS 457 CONTRBTNS PPE 10/21/2018	27,788.13
						CAL PERS 457 LOAN PMTS PPE 10/21/2018	6,161.99
						RETIREMENT BENEFITS FOR PPE 10/21/2018	86,577.85
							5,996,954.79
							(300.00)
							(1,506.21)
							7,470.51
							6,002,619.09

Less Voided / Reissued Checks from Prior Period (300.00)
Less Voided Checks Prior Period (1,506.21)
Add Payroll Checks 7,470.51
Total Remittance for Month 6,002,619.09

Voided Checks

October 2018

Date	Check	Vendor #	Reason	Amount	Check	Vendor #	Amount
10/4/2018	166360	6416	Printer malfunction	\$ 300.00	166450	6416	\$ 300.00
10/4/2018	165585	135	Vendor billed twice	\$ 1,506.21			
TOTALS				\$ 1,806.21			\$ 300.00

Payroll
October 2018

Start	End	Date	Description	Check Total
11611	11624	10/12/2018	WARRANT REGISTER	\$ 5,330.48
11625	11635	10/19/2018	WARRANT REGISTER	\$ 2,140.03
TOTALS				\$ 7,470.51
25 CHECKS USED				

Dept/Div Activity	Check Payee	Social Security	Check Number	Amount
1000-411	PETERSON, DON M	6585	11611	.00
	CALIF. STATE DISBURSEMENT UNIT		11612	495.69
1910-412	URIBE, JORGE A	8588	11613	2,459.14
	UNITED STATES TREASURY		11614	125.50
	CALIF. STATE DISBURSEMENT UNIT		11615	180.46
	TRACY YOUNGBLOOD		11616	223.39
	FRANCHISE TAX BOARD		11617	96.93
4000-461	LAPHAM, SIERRA G	4397	11618	352.58
4010-461	ALDERMAN, LUKE D	220	11619	159.11
4010-461	QUINN, MELISSA S	6748	11620	408.84
	UNITED STATES TREASURY		11621	260.00
	MARY NELL WARE		11622	300.00
	FRANCHISE TAX BOARD		11623	75.00
	CALIF. STATE DISBURSEMENT UNIT		11624	193.84
Total Checks -			14	5,330.48

Dept/Div Activity	Check Payee	Social Security	Check Number	Amount
1000-411	PETERSON, DON M	6585	11625	.00
	CALIF. STATE DISBURSEMENT UNIT		11626	495.69
	UNITED STATES TREASURY		11627	125.50
	CALIF. STATE DISBURSEMENT UNIT		11628	180.46
	TRACY YOUNGBLOOD		11629	223.39
	FRANCHISE TAX BOARD		11630	115.71
4000-461	LAPHAM, SIERRA G	4397	11631	96.40
4010-461	QUINN, MELISSA S	6748	11632	374.04
	UNITED STATES TREASURY		11633	260.00
	FRANCHISE TAX BOARD		11634	75.00
	CALIF. STATE DISBURSEMENT UNIT		11635	193.84
Total Checks -			11	2,140.03



**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL

FROM: Doug Schulze, City Manager

PREPARED BY: Suzanne Cook, Deputy Finance Director

MEETING DATE: December 11, 2018

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

RECOMMENDATION:

That City Council receive and file Cash, Investment and Reserve Report for **October 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 \$	13,180,853.95	\$ 12,896,632.24
Investments			
	LAIF \$	40,664,741.77	\$ 40,885,682.30
	Brokerage \$	26,522,008.01	\$ 26,562,043.23
	Total Funds Under Control of the City	\$ 80,371,758.73	\$ 80,348,512.77
Funds Under Control of Fiscal Agents			
US Bank			
	Restricted Bond Project Accounts \$	15,169,830.94	\$ 15,174,422.03
	Restricted Bond Accounts \$	5,706,755.38	\$ 5,714,232.25
Union Bank			
	Restricted Funds \$	1,203,719.11	\$ 796,505.04
	Total Funds Under Control of Fiscal Agents	\$ 22,080,305.43	\$ 21,685,159.32
	Total Funds	\$ 102,452,064.16	\$ 102,033,672.09

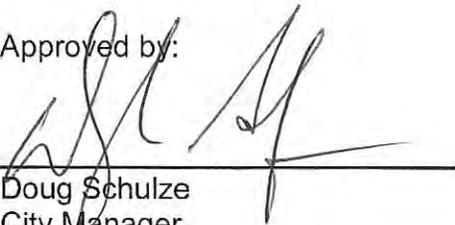
RESTRICTED, ASSIGNED, COMMITTED AND RESERVED SUMMARY:

Description	Prior Month	Current Month
Total Funds	\$ 102,452,064.16	\$ 102,033,672.09
Restricted Funds	40,458,049.21	\$ 40,010,014.26
Assigned Funds - Specific Purpose	8,684,911.34	\$ 8,684,911.34
Committed Funds - Specific Purpose	4,528,172.25	\$ 4,528,172.25
Fund Balance Reserves	15,077,173.95	\$ 15,077,173.95
Total Restricted, Assigned, Committed and Reserved	\$ 68,748,306.75	\$ 68,300,271.80
Operating Cash - Unrestricted Reserves	\$ 33,703,757.41	\$ 33,733,400.29
Less Accounts held in Investments	\$ 26,522,008.01	\$ 26,562,043.23
Liquid Cash	\$ 7,181,749.40	\$ 7,171,357.06

ATTACHMENTS:

- Cash, Investment and Reserve Report October 2018
- Investment Report October 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:

Doug Schulze
City Manager

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

Cash & Investments		September 2018	October 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	\$ 15,174,422.03
Wells Fargo - General Account - XXXXX5798		\$ 12,842,162.72	\$ 12,547,670.35	Bond Funds Held with Fiscal Agents	\$ 5,714,232.25
Bank of America - Parking Citations - XXXXXXXX 8776		\$ 58,544.85	\$ 60,448.63	CASIO - City of Banning 6731036994	\$ 112,067.31
Bank of America - Airport Visa - XXXXXXXX 7548		\$ 194,315.93	\$ 202,758.66	City of Banning - 6736305920 - RPU	\$ 684,437.73
Bank of America - CNG Charge Acct XXXXXXXX 5594		\$ 85,810.45	\$ 85,754.60	Customer Deposit Accounts	\$ 1,442,967.10
		\$ 13,180,853.95	\$ 12,896,632.24	Capital Facility Fees (Funds 400, 410, 420, 421, 430, 661, & 681)	\$ 16,532,925.95
State of California, Local Agency Investment Fund				Parking Citations	\$ 60,448.63
City of Banning XX-XX-050		\$ 40,664,741.54	\$ 40,885,682.07	Airport	\$ 202,758.66
Successor Agency XX-XX-001		\$ 0.23	\$ 0.23	CNG	\$ 85,754.60
% of Investments in LAIF (Maximum, 40% allowed per Investment Policy)		61%	61%		
US Bank					
City of Banning Custody Account XXXX6000					
Government Agencies					
First American Government Oblig Fd Cl D 31846V401 Market Value #3802 \$2,089,533.33		\$ 49,498.01	\$ 2,089,533.23		
Federal Home Loan Bks 3130A6KB9 Market Value \$1,998,060 Maturity 10/5/2018		\$ 2,000,000.00	\$ -		
Federal Home Loan Bks 3130A7G25 Market Value \$2,986,950 Maturity 3/15/2019		\$ 3,000,000.00	\$ 3,000,000.00		
F N M A 3135G0P49 Market Value \$2,959,230 Maturity 8/28/2019		\$ 2,955,090.00	\$ 2,955,090.00		
F H L M C M T N 3134GBJ52 Market Value \$2,965,800 Maturity 9/27/2019		\$ 3,000,000.00	\$ 3,000,000.00		
F H L M C M T N 3134GBL83 Market Value \$2,949,420 Maturity 3/27/2020		\$ 3,000,000.00	\$ 3,000,000.00		
F N M A M T N 3136G4PP2 Market Value \$2,932,290 Maturity 10/26/2020		\$ 3,000,000.00	\$ 3,000,000.00		
Federal Home Loan Bks 3130ADFV9 Market Value \$2,950,380 Maturity 1/29/2021		\$ 2,967,420.00	\$ 2,967,420.00		
F H L M C M T N 314GSSD8 Market Value \$1,987,640 Maturity 1/29/2021		\$ 2,000,000.00	\$ 2,000,000.00		
Federal Home Loan Bks 3130AETB6 Market Value \$4,524,520 Maturity 02/26/2021		\$ 4,550,000.00	\$ 4,550,000.00		
		\$ 26,522,008.01	\$ 26,562,043.23		
Total Funds Under Control of the City		\$ 80,371,758.73	\$ 80,348,512.77		
Funds Under Control of Fiscal Agents:					
US Bank					
2015 Water Revenue Bonds-BUA Water Projects - 258228005		\$ 1,499,068.07	\$ 1,500,845.27		
2005 Wastewater Project Fund Bond - 792143000		\$ 3,265,188.67	\$ 3,262,866.54		
2015 Electric Revenue Bond-Acquisition & Construction Fund - 262665003		\$ 2,748,073.56	\$ 2,751,331.50		
Successor Agency of the Dissolved Redevelopment Agency of the City of Banning Tax Allocation Bonds Series 2016 (Taxable) Unexpended Proceeds Fund - 277166005		\$ 7,657,490.64	\$ 7,859,378.72		
Restricted Project Funds Available		\$ 15,169,830.94	\$ 15,174,422.03		
2015 Electric Revenue Bond-Escrow Fund - 277248000/262665001					
Wastewater System Improvement Project Fund Bond 1989 Escrow Account for AC 94627350- 792145000		\$ 111,850.74	\$ 113,658.00		
Water System Improvement Project 1989 Escrow Acct AC 94627340 - 792146000		\$ 213,542.37	\$ 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-78058201		\$ 37,538.40	\$ 37,521.18		
Improvement Dist No 2004-1 (Fair Oaks Ranch Estates) Limited Obligation Improvement Bonds Series 2005A Reserve Fund-78058203		\$ 186,139.60	\$ 188,384.81		
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 - 277166008		\$ 19.83	\$ 19.82		
Bond Funds Held with Fiscal Agent - Restricted		\$ 5,706,755.38	\$ 5,714,232.25		
Union Bank of California:					
CAISO - City of Banning XXXX6994		\$ 111,893.11	\$ 112,067.31		
City of Banning - XXXX5920 - RPU		\$ 1,091,826.00	\$ 684,437.73		
Funds Held with Fiscal Agent - Restricted		\$ 1,203,719.11	\$ 796,505.04		
Total Funds Under Control of Fiscal Agents		\$ 22,080,305.43	\$ 21,685,159.32		
Grand Total		\$ 102,452,064.16	\$ 102,033,672.09		
				AVAILABLE FUND BALANCE RESERVES	
				Electric Rate Stabilization Fund	\$ 6,723,446.60
				Electric Operational Fund	\$ 3,361,723.30
				BUA Water Fund	\$ 1,197,964.30
				BUA Wastewater Fund	\$ 378,339.40
				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
					\$ 15,077,173.95
				Operating Cash	
				Balance Available for Daily Operations	\$ 33,733,400.29
				Less Amount held in investments	\$ 26,562,043.23
				Liquid Cash	\$ 7,171,357.06
				Grand Total	\$ 102,033,672.09
				UNRESTRICTED RESERVES	\$ 33,733,400.29

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
October 2018**

Investment Held by	Investment Name	Investment Type	CUSIP Number	Standard & Poors Rating	Moodys Rating	Settlement Date	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	N/A	\$ 40,885,682.07	2.160	99.78324	\$ 40,797,058.43	60.6%
		Pooled Investment	N/A	N/A	N/A	N/A	N/A	\$ 40,885,682.30	0.000		\$ 40,797,058.66	0.0%
US Bank- Broker Piper Jaffray	Government Agencies	Cash Equivalent	31846V401	N/A	N/A	N/A	N/A	\$	1.580	100.000	\$ 2,089,533.23	3.1%
		US Government Issue	3130A7G25	AA+	Aaa	7/26/2018	3/15/2019	\$ 3,000,000.00	1.270	99.565	\$ 2,986,950.00	4.4%
		US Government Issue	3135G0P49	AA+	Aaa		8/28/2019	\$ 2,955,090.00	1.010	98.641	\$ 2,999,230.00	4.4%
		US Government Issue	3134GBJ52	AA+	Aaa		9/27/2019	\$ 3,000,000.00	1.320	98.860	\$ 2,965,800.00	4.4%
		US Government Issue	3134GBJ83	AA+	Aaa		3/27/2020	\$ 3,000,000.00	1.630	98.314	\$ 2,949,420.00	4.4%
		US Government Issue	3136G6PP2	AA+	Aaa		10/26/2020	\$ 3,000,000.00	1.790	97.743	\$ 2,932,290.00	4.4%
		US Government Issue	3130ADPV9	AA+	Aaa		7/26/2018	\$ 2,967,420.00	2.290	98.346	\$ 2,950,380.00	4.4%
		US Government Issue	3134GSSD8	AA+	Aaa		7/30/2018	\$ 2,000,000.00	2.820	99.382	\$ 1,987,640.00	3.0%
		US Government Issue	3130AETB6	AA+	Aaa		9/20/2018	\$ 4,550,000.00	2.760	99.440	\$ 4,524,520.00	6.7%
								\$ 26,562,043.23			\$ 26,345,763.23	39.4%
								\$ 67,447,725.53			\$ 67,142,821.89	100.0%



**JOHN CHIANG
TREASURER
STATE OF CALIFORNIA**



PMIA Performance Report

Date	Daily Yield*	Quarter to Date Yield	Average Maturity (in days)
10/22/18	2.16	2.14	199
10/23/18	2.16	2.14	200
10/24/18	2.16	2.14	202
10/25/18	2.16	2.14	200
10/26/18	2.16	2.14	201
10/27/18	2.16	2.14	201
10/28/18	2.16	2.14	201
10/29/18	2.17	2.14	203
10/30/18	2.17	2.14	201
10/31/18	2.19	2.14	201
11/01/18	2.19	2.15	206
11/02/18	2.19	2.15	206
11/03/18	2.19	2.15	206
11/04/18	2.19	2.15	206
11/05/18	2.19	2.15	205
11/06/18	2.19	2.15	205
11/07/18	2.19	2.15	203
11/08/18	2.20	2.15	213
11/09/18	2.21	2.16	205
11/10/18	2.21	2.16	205
11/11/18	2.21	2.16	205
11/12/18	2.21	2.16	205
11/13/18	2.20	2.16	203
11/14/18	2.21	2.16	201
11/15/18	2.22	2.16	201
11/16/18	2.22	2.16	202
11/17/18	2.22	2.16	202
11/18/18	2.22	2.16	202
11/19/18	2.22	2.16	200
11/20/18	2.22	2.16	199
11/21/18	2.22	2.17	197

*Daily yield does not reflect capital gains or losses

[View Prior Month Daily Rates](#)

LAIF Performance Report

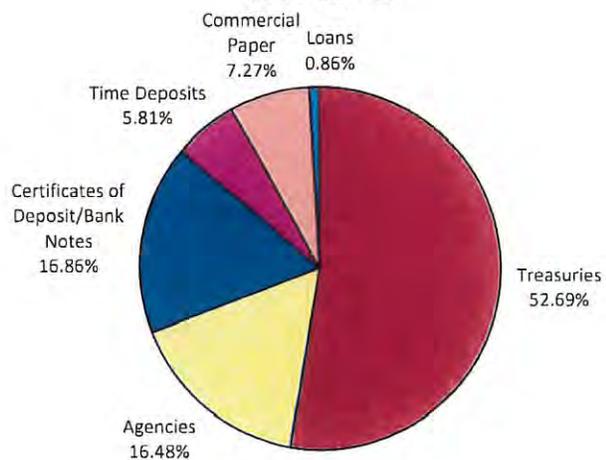
Quarter Ending 09/30/18

Apportionment Rate: 2.16%
 Earnings Ratio: 0.00005909460836489
 Fair Value Factor: 0.997832404
 Daily: 2.09%
 Quarter to Date: 2.00%
 Average Life: 193

PMIA Average Monthly Effective Yields

Oct 2018 2.144
 Sept 2018 2.063
 Aug 2018 1.998

**Pooled Money Investment Account
Portfolio Composition
10/31/18
\$84.7 billion**



Percentages may not total 100%, due to rounding.

Based on data available as of 11/21/2018

PUBLIC HEARING

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

1. Ordinance 1517, an Urgency Ordinance of the City of Banning Reauthorizing the City's Public, Educational, and Governmental Access Support Fee... 445
(Staff Report – Philip Southard, Public Information Officer)

Recommendation: **Ordinance 1517 be adopted.**

Mayor asks the City Clerk to read the title of Ordinance 1517

“An Urgency Ordinance of the City of Banning Reauthorizing the City's Public, Educational, and Governmental Access Support Fee”

Motion: I move to waive further reading of Ordinance 1517
(Requires a majority vote of the Council)

Motion: I move that Ordinance No. 1517 be adopted.

2. Ordinance 1519, an Ordinance of the City of Banning Reauthorizing the City's Public, Educational, and Governmental Access Support Fee..... 453
(Staff Report – Philip Southard, Public Information Officer)

Recommendation: **Ordinance 1519 pass its first reading.**

Mayor asks the City Clerk to read the title of Ordinance 1519

“An Ordinance of the City of Banning Reauthorizing the City's Public, Educational, and Governmental Access Support Fee”

Motion: I move to waive further reading of Ordinance 1519
(Requires a majority vote of the Council)

Motion: I move that Ordinance No. 1519 pass its first reading.



**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Rochelle Clayton, Deputy City Manager
Laurie Sampson, Acting Deputy City Clerk

MEETING DATE: December 11, 2018

SUBJECT: Resolution 2018-148, Approving an Amendment to the Professional Services Agreement with CV Strategies, LLC for Public Relations Outreach Services Related to Measures N, O and P in an Amount Not to Exceed \$7,314.85 for a Total Agreement amount of \$27,314.85.

RECOMMENDED ACTION:

Staff recommends the City Council adopt Resolution 2018-148, Approving an Amendment to the Professional Services Agreement with CV Strategies, LLC for Public Relations Outreach Services Related to Measures N, O and P in an Amount Not to Exceed \$7,314.85 for a Total Agreement Amount of \$27,314.85; Authorize the City Manager to Execute the Amendment; and Authorize the Administrative Services Director to make, if necessary, appropriations and budget adjustment for FY 2019.

BACKGROUND:

On June 26, 2018 City Council approved three measures to be placed on the November 6, 2018 General Election Ballot. The City's Public Information Officer resigned in 2017 and the position has remained unfunded, creating the necessity of recruiting an outside source for outreach services.

JUSTIFICATION:

An agreement was signed with CV Strategies, LLC on September 11, 2018 for \$20,000 to provide the outreach services required to include but not limited to: Town Hall Meeting preparations, Power Point presentations, posters, flyers and billing inserts. Due to the

time restrictions necessary to reach as many residents as possible prior to the election the cost of the printing was more than anticipated.

FISCAL IMPACT:

This agreement will be funded from the City Manager's Professional Services Fund 001-1200-412.33-11. There is a balance of \$30,000 in this account.

OPTIONS:

1. Approve as recommended
2. Do not approve and provide alternative direction

ATTACHMENTS:

1. Resolution 2018-148
2. CV Strategies, LLC Professional Services Agreement
3. CV Strategies, LLC Amendment #1

Approved by:



Douglas Schulze
City Manager

ATTACHMENT 1

Resolution 2018-148

RESOLUTION 2018-148

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING AMENDMENT #1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH CV STRATEGIES, LLC FOR PUBLIC OUTREACH SERVICES RELATED TO MEASURES N, O AND P.

WHEREAS, on June 26, 2018 the City Council approved three measures be placed on the November 6, 2018 General Election Ballot; and

WHEREAS, the City does not currently employ a Public Information Officer; and

WHEREAS, the City executed an agreement with CV Strategies, LLC to provide public relations outreach services related to Measures N, O and P on the November 6, 2018 ballot in the amount of \$20,000; and

WHEREAS, the cost of providing the printing services of the agreement were more than anticipated.

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

SECTION 1. The Banning City Council adopts Resolution 2018-148, Approving Amendment #1 to the Professional Services Agreement with CV Strategies, LLC in the amount of \$7,314.85 for a total agreement amount of \$27,314.85.

SECTION 2. The City Manager or his designee is authorized to execute the amendment to the Professional Services Agreement.

PASSED, APPROVED AND ADOPTED this 11th day of December, 2018.

City of Banning, Mayor

ATTEST:

Laurie Sampson, Acting Deputy City Clerk
City of Banning

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

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

CERTIFICATION:

I, Laurie Sampson, Acting Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2018-148, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 11th day of December, 2018, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Laurie Sampson, Acting Deputy City Clerk
City of Banning, California

ATTACHMENT 2

CV Strategies, LLC Professional Services Agreement

PROFESSIONAL SERVICES AGREEMENT

By and Between

THE CITY OF BANNING

and

CV STRATEGIES

**AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN
THE CITY OF BANNING, CALIFORNIA
AND
CV STRATEGIES**

THIS AGREEMENT FOR PROFESSIONAL SERVICES (herein "Agreement") is made and entered into this 11th day of September, 2018 by and between the **CITY OF BANNING, a municipal corporation** ("City") and **CV STRATEGIES, a California corporation** ("Consultant"). City and Consultant are sometimes hereinafter individually referred to as "Party" and hereinafter collectively referred to as the "Parties."

RECITALS

A. City has sought, by issuance of a Request for Proposals or Invitation for Bids, the performance of the services for the ballot measure outreach and public relations prepared in connection therewith, and as further defined and described particularly in Article 1 of this Agreement.

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

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

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

OPERATIVE PROVISIONS

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

ARTICLE 1. SERVICES OF CONSULTANT

1.1 Scope of Services.

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

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

1.2 Consultant's Proposal.

This Agreement shall include the Request for Proposal or Invitation for Bids ("Contract Documents") and the Scope of Service shall include the Consultant's scope of work or in Consultant's accepted bid proposal ("Accepted Bid") shall be incorporated herein by this reference as though fully set forth herein. In the event of any inconsistency between the Contract Documents, Accepted Bid, and/or Agreement, the terms of this Agreement shall govern.

1.3 Compliance with Law.

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

1.4 Licenses, Permits, Fees and Assessments.

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

1.5 Familiarity with Work.

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

1.6 Care of Work.

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

1.7 Further Responsibilities of Parties.

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

1.8 Additional Services.

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

1.9 Facilities and Equipment.

Except as otherwise provided, Consultant shall, at its own cost and expense, provide all facilities and equipment necessary to perform the services required by this Agreement. City shall make available to Consultant only physical facilities such as desk, filing cabinets, and conference space ("City Facilities"), as may be reasonably necessary for Consultant's use while consulting with City employees and reviewing records and the information in possession of City. The location, quality, and time of furnishing City Facilities shall be in the sole discretion of City. In no event shall City be required to furnish any facilities that may involve incurring any direct expense, including but not limited to computer, long distance telephone, network data, internet or other communication charges, vehicles and reproduction facilities.

1.10 Special Requirements.

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

ARTICLE 2. COMPENSATION AND METHOD OF PAYMENT.

2.1 Contract Sum.

Subject to any limitations set forth in this Agreement, City agrees to pay Consultant the amounts specified in the "Schedule of Compensation" attached hereto as Exhibit "C" and incorporated herein by this reference. The total compensation, including reimbursement for actual expenses, shall not exceed TWENTY THOUSAND DOLLARS (\$20,000) (the "Contract Sum"), unless additional compensation is approved pursuant to Section 1.8.

2.2 Method of Compensation.

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

2.3 Reimbursable Expenses.

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

2.4 Invoices.

Each month Consultant shall furnish to City an original invoice for all work performed and expenses incurred during the preceding month in a form approved by City's Director of Finance. By submitting an invoice for payment under this Agreement, Consultant is certifying compliance with all provisions of the Agreement. The invoice shall detail charges for all necessary and actual expenses by the following categories: labor (by sub-category), travel, materials, equipment, supplies, and sub-consultant contracts. Sub-consultant charges shall also be detailed by such categories. Consultant shall not invoice City for any duplicate services performed by more than one person.

City may independently review each invoice submitted by the Consultant to determine whether the work performed and expenses incurred are in compliance with the provisions of this Agreement. Except as to any charges for work performed or expenses incurred by Consultant which are disputed by City, or as provided in Section 7.3. City will use its best efforts to cause Consultant to be paid within thirty (30) days of receipt of Consultant's correct and undisputed invoice. In the event any charges or expenses are disputed by City, the original invoice shall be returned by City to Consultant for correction and resubmission. Review and payment by the City of any invoice provided by the Consultant shall not constitute waiver of any rights or remedies provided herein or any applicable law.

2.5 Waiver.

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

ARTICLE 3. PERFORMANCE SCHEDULE

3.1 Time of Essence.

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

3.2 Schedule of Performance.

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

3.3 Force Majeure.

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

3.4 Term.

Unless earlier terminated in accordance with Article 7 of this Agreement, the term of this Agreement shall continue in full force and effect until completion of the services but not exceeding one (1) year from the date hereof, except as otherwise provided in the Schedule of Performance (Exhibit "D"). Maximum term and any subsequent amendment or modification shall not exceed five (5) years.

ARTICLE 4. COORDINATION OF WORK

4.1 Representatives and Personnel of Consultant.

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

<u>Erin Gilhuly</u>	<u>President</u>
(Name)	(Title)

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

4.2 Status of Consultant.

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

4.3 Contract Officer.

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

4.4 Independent Consultant.

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

4.5 Prohibition Against Subcontracting or Assignment.

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

ARTICLE 5. INSURANCE, INDEMNIFICATION AND BONDS

5.1 Insurance Coverages.

Throughout the life of this Agreement, Consultant shall pay for and maintain in full force and effect all policies of insurance required hereunder with an insurance company(ies) either (i) admitted by the California Insurance Commissioner to do business in the State of California and rated not less than "A- VII" in Best's Insurance Rating Guide, or (ii) authorized by the City

Manager or his/her designee at any time and in his/her sole discretion. The following policies of insurance are required:

(i) COMMERCIAL GENERAL LIABILITY insurance which shall be at least as broad as the most current version of Insurance Services Office (ISO) Commercial General Liability Coverage Form CG 00 01 and include insurance for "bodily injury," "property damage" and "personal and advertising injury" with coverage for premises and operations (including the use of owned and non-owned equipment), products and completed operations, and contractual liability (including, without limitation, indemnity obligations under the Contract) with limits of liability of not less than the following:

\$2,000,000 per occurrence for bodily injury and property damage

\$1,000,000 per occurrence for personal and advertising injury

\$4,000,000 aggregate for products and completed operations

\$4,000,000 general aggregate

(ii) COMMERCIAL AUTOMOBILE LIABILITY insurance which shall be at least as broad as the most current version of Insurance Service Office (ISO) Business Auto Coverage Form CA 00 01, and include coverage for all owned, hired, and non-owned automobiles or other licensed vehicles (Code 1 Any Auto) with limits of liability of not less than \$1,000,000 per accident for bodily injury and property damage.

(iii) WORKERS' COMPENSATION insurance as required under the California Labor Code.

(iv) EMPLOYERS' LIABILITY insurance with limits of liability of not less than \$1,000,000 each accident, \$1,000,000 disease policy limit and \$1,000,000 disease each employee.

(v) PROFESSIONAL LIABILITY Professional Liability (Errors and Omissions) insurance appropriate to Consultant's profession, with limits of liability of \$2,000,000 per claim/occurrence and \$2,000,000 policy aggregate.

In the event Consultant purchases an Umbrella or Excess insurance policy(ies) to meet the minimum limits of insurance set forth above, this insurance policy(ies) shall "follow form" and afford no less coverage than the primary insurance policy(ies).

If this Agreement continues for more than three (3) years duration, or in the event the City Manager or his/her designee determines that the work or services to be performed under this Agreement creates an increased or decreased risk of loss to the City, the Consultant agrees that the minimum limits of the insurance policies may be changed accordingly upon receipt of written notice from the City Manager, or his/her designee.

Consultant shall be responsible for payment of any deductibles contained in any insurance policies required hereunder and Consultant shall also be responsible for payment of any self-insured retentions.

Any deductibles or self-insured retentions must be declared to, and approved by, the City Manager or his/her designee. At the option of the City Manager or his/her designee, either: (i) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects to City, its Council members, officers, officials, employees and agents; or (ii) Consultant shall provide a financial guarantee, satisfactory to the City Manager or his/her designee, guaranteeing payment of losses and related investigations, claim administration and defense expenses. At no time shall the City be responsible for the payment of any deductibles or self-insured retentions.

5.2 General Requirements.

All policies of insurance required hereunder shall be endorsed to provide that the coverage shall not be cancelled, non-renewed, reduced in coverage or in limits except after 30 calendar day written notice has been given to City. Upon issuance by the insurer, broker, or agent of a notice of cancellation, non-renewal, or reduction in coverage or in limits, Consultant shall furnish City with a new certificate and applicable endorsements for such policy(ies). In the event any policy is due to expire during the work to be performed for City, Consultant shall provide a new certificate, and applicable endorsements, evidencing renewal of such policy not less than 15 calendar days prior to the expiration date of the expiring policy.

The General Liability and Automobile Liability insurance policies shall be written on an occurrence form. The General Liability (including ongoing and completed operations) and Automobile Liability shall name City and its officers, officials, employees, agents and volunteers as an additional insured. Such policy(ies) of insurance shall be endorsed so Consultant's insurance shall be primary and no contribution shall be required of City. The coverage shall contain no special limitations on the scope of protection afforded to the City and its officers, officials, employees, agents and volunteers. The Workers' Compensation insurance policy shall contain a waiver of subrogation as to City and its officers, officials, employees, agents and volunteers. Should Consultant maintain insurance with broader coverage and/or limits of liability greater than those shown above, City requires and shall be entitled to the broader coverage and/or the higher limits of liability maintained by Consultant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to City.

If the Professional Liability (Errors and Omissions) insurance policy is written on a claims-made form:

1. The retroactive date must be shown, and must be before the effective date of the Agreement or the commencement of work by Consultant.
2. Insurance must be maintained and evidence of insurance must be provided for at least three years after any expiration or termination of the Agreement or, in the alternative, the policy shall be endorsed to provide not less than a three-year discovery period.
3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a retroactive date prior to the effective date of the Agreement or the

commencement of work by Consultant, Consultant must purchase extended reporting coverage for a minimum of three years following the expiration or termination of the Agreement.

4. A copy of the claims reporting requirements must be submitted to City for review.
5. These requirements shall survive expiration or termination of the Agreement.

Consultant shall furnish City with all certificate(s) and applicable endorsements effecting coverage required hereunder. All certificates and applicable endorsements are to be received and approved by the City Manager or his/her designee prior to City's execution of the Agreement and before work commences.

If at any time during the life of this Agreement or any extension, Consultant or any of its subcontractors fail to maintain any required insurance in full force and effect, all work under this Agreement shall be discontinued immediately, and all payments due or that become due to Consultant shall be withheld until notice is received by City that the required insurance has been restored to full force and effect and that the premiums therefore have been paid for a period satisfactory to City. Any failure to maintain the required insurance shall be sufficient cause for City to terminate this Agreement. No action taken by City hereunder shall in any way relieve Consultant of its responsibilities under this Agreement.

Upon request of City, Consultant shall immediately furnish City with a complete copy of any insurance policy required under this Agreement, including all endorsements, with said copy certified by the underwriter to be a true and correct copy of the original policy. This requirement shall survive expiration or termination of this Agreement.

The fact that insurance is obtained by Consultant shall not be deemed to release or diminish the liability of Consultant, including, without limitation, liability under the indemnity provisions of this Agreement. The duty to indemnify City and its officers, officials, employees, agents and volunteers shall apply to all claims and liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by Consultant. Approval or purchase of any insurance contracts or policies shall in no way relieve from liability nor limit the liability of Consultant, its principals, officers, employees, agents, persons under the supervision of Consultant, vendors, suppliers, invitees, subcontractors, or anyone employed directly or indirectly by any of them.

If Consultant should subcontract all or any portion of the services to be performed under this Agreement, Consultant shall require each subcontractor to provide insurance protection in favor of City and its officers, officials, employees, agents and volunteers in accordance with the terms of each of the preceding paragraphs, except that the subcontractors' certificates and endorsements shall be on file with Consultant and City prior to the commencement of any work by the subcontractor.

5.3 Indemnification, Hold Harmless, and Duty to Defend.

A. Indemnities.

1) To the fullest extent permitted by law, Consultant shall, at its sole cost and expense, defend, hold harmless and indemnify City and its elected officials, officers, attorneys, agents, employees, designated volunteers, successors, assigns and those City agents serving as independent contractors in the role of City officials (collectively "Indemnitees"), from and against any and all damages, costs, expenses, liabilities, claims, demands, causes of action, proceedings, expenses, judgments, penalties, liens, and losses of any nature whatsoever, including fees of accountants, attorneys, or other professionals and all costs associated therewith and the payment of all consequential damages (collectively "Liabilities"), in law or equity, whether actual, alleged or threatened, which arise out of, are claimed to arise out of, pertain to, or relate to the acts or omissions of Consultant, its officers, agents, servants, employees, subcontractors, materialmen, consultants or their officers, agents, servants or employees (or any entity or individual that Consultant shall bear the legal liability thereof) in the performance of this Agreement, including the Indemnitees' active or passive negligence, except for Liabilities arising from the sole negligence or willful misconduct of the Indemnitees as determined by court decision or by the agreement of the Parties. Consultant shall defend the Indemnitees in any action or actions filed in connection with any Liabilities with counsel of the Indemnitees' choice, and shall pay all costs and expenses, including all attorneys' fees and experts' costs actually incurred in connection with such defense. Consultant shall reimburse the Indemnitees for any and all legal expenses and costs incurred by Indemnitees in connection therewith.

2) Consultant shall pay all required taxes on amounts paid to Consultant under this Agreement, and indemnify and hold City harmless from any and all taxes, assessments, penalties, and interest asserted against City by reason of the independent contractor relationship created by this Agreement. Consultant shall fully comply with the workers' compensation law regarding Consultant and Consultant's employees. Consultant shall indemnify and hold City harmless from any failure of Consultant to comply with applicable workers' compensation laws. City may offset against the amount of any fees due to Consultant under this Agreement any amount due to City from Consultant as a result of Consultant's failure to promptly pay to City any reimbursement or indemnification arising under this subparagraph A.2).

3) Consultant shall obtain executed indemnity agreements with provisions identical to those in this Section from each and every subcontractor or any other person or entity involved by, for, with or on behalf of Consultant in the performance of this Agreement. If Consultant fails to obtain such indemnity obligations, Consultant shall be fully responsible and indemnify, hold harmless and defend the Indemnitees from and against any and all Liabilities at law or in equity, whether actual, alleged or threatened, which arise out of, are claimed to arise out of, pertain to, or relate to the acts or omissions of Consultant's subcontractor, its officers, agents, servants, employees, subcontractors, materialmen, consultants or their officers, agents, servants or employees (or any entity or individual that Consultant's subcontractor shall bear the legal liability thereof) in the performance of this Agreement, including the Indemnitees' active or passive negligence, except for Liabilities arising from the sole negligence or willful misconduct of the Indemnitees as determined by court decision or by the agreement of the Parties.

B. Workers' Compensation Acts not Limiting. Consultant's indemnifications and obligations under this Section, or any other provision of this Agreement, shall not be limited by the provisions of any workers' compensation act or similar act. Consultant expressly waives its statutory immunity under such statutes or laws as to City, its officers, agents, employees and volunteers.

C. Insurance Requirements not Limiting. City does not, and shall not, waive any rights that it may possess against Consultant because of the acceptance by City, or the deposit with City, of any insurance policy or certificate required pursuant to this Agreement. The indemnities in this Section shall apply regardless of whether or not any insurance policies are determined to be applicable to the Liabilities, tax, assessment, penalty or interest asserted against City.

D. Survival of Terms. Consultant's indemnifications and obligations under this Section shall survive the expiration or termination of this Agreement.

ARTICLE 6. RECORDS, REPORTS, AND RELEASE OF INFORMATION

6.1 Records.

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

6.2 Reports.

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

6.3 Ownership of Documents.

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

6.4 Confidentiality and Release of Information.

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

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

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

(d) Consultant shall promptly notify City should, Consultant, its officers, employees, agents or sub-consultants be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any party regarding this Agreement and the work performed there under. City retains the right, but has no obligation, to represent Consultant or be present at any deposition, hearing or similar proceeding. Consultant agrees to cooperate fully with City and to provide City with the opportunity to review any response to discovery requests

provided by Consultant. However, this right to review any such response does not imply or mean the right by City to control, direct, or rewrite said response.

ARTICLE 7. ENFORCEMENT OF AGREEMENT AND TERMINATION

7.1 California Law.

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

7.2 Disputes; Default.

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

7.3 Retention of Funds.

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

7.4 Waiver.

Waiver by any Party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any

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

7.5 Rights and Remedies are Cumulative.

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

7.6 Legal Action.

In addition to any other rights or remedies, either Party may take legal action, in law or in equity, to cure, correct or remedy any default, to recover damages for any default, to compel specific performance of this Agreement, to obtain declaratory or injunctive relief, or to obtain any other remedy consistent with the purposes of this Agreement. Notwithstanding any contrary provision herein, Consultant must file a statutory claim pursuant to Government Code Sections 905 et seq. and 910 et seq., in order to pursue a legal action against City under this Agreement.

7.7 Liquidated Damages.

Since the determination of actual damages for any delay in performance of this Agreement would be extremely difficult or impractical to determine in the event of a breach of this Agreement, the Consultant and its sureties shall be liable for and shall pay to the City the sum of Not Applicable (\$0.00) as liquidated damages for each working day of delay in the performance of any service required hereunder, as specified in the Schedule of Performance (Exhibit "D"). The City may withhold from any monies payable on account of services performed by the Consultant any accrued liquidated damages.

7.8 Termination Prior to Expiration of Term.

This Section shall govern any termination of this Agreement except as specifically provided in the following Section for termination for cause. The City reserves the right to terminate this Agreement at any time, with or without cause, upon thirty (30) days' written notice to Consultant, except that where termination is due to the fault of the Consultant, the period of notice may be such shorter time as may be determined by the Contract Officer. In addition, the Consultant reserves the right to terminate this Agreement at any time, with or without cause, upon sixty (60) days' written notice to City, except that where termination is due to the fault of the City, the period of notice may be such shorter time as the Consultant may determine. Upon receipt of any notice of termination, Consultant shall immediately cease all services hereunder except such as may be specifically approved by the Contract Officer. Except where the Consultant has initiated termination, the Consultant shall be entitled to compensation for all services rendered prior to the

effective date of the notice of termination and for any services authorized by the Contract Officer thereafter in accordance with the Schedule of Compensation or such as may be approved by the Contract Officer, except as provided in Section 7.3. In the event the Consultant has initiated termination, the Consultant shall be entitled to compensation only for the reasonable value of the work product actually produced hereunder. In the event of termination without cause pursuant to this Section, the terminating Party need not provide the non-terminating Party with the opportunity to cure pursuant to Section 7.2.

7.9 Termination for Default of Consultant.

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

7.10 Attorneys' Fees.

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

ARTICLE 8. CITY OFFICERS AND EMPLOYEES: NON-DISCRIMINATION

8.1 Non-liability of City Officers and Employees.

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

8.2 Conflict of Interest.

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

conflicts of interest or the appearance of any conflicts of interest with the interests of City in the performance of this Agreement.

No officer or employee of the City shall have any financial interest, direct or indirect, in this Agreement within the scope of Government Code section 1090, nor shall any such officer or employee make, participate in making, or use his or her official position to influence, any City decision relating to the Agreement which has a material financial effect on his or her financial interests or the financial interests of any corporation, partnership or association in which he or she is, directly or indirectly, interested, in violation of any State statute or regulation. The Consultant warrants that it has not paid or given and will not pay or give any third party any money or other consideration for obtaining this Agreement.

8.3 Covenant Against Discrimination.

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

8.4 Unauthorized Aliens.

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

ARTICLE 9. MISCELLANEOUS PROVISIONS

9.1 Notices.

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

9.2 Interpretation.

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

9.3 Counterparts.

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

9.4 Integration; Amendment.

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

9.5 Severability.

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

9.6 Corporate Authority.

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

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF the Parties hereto have executed this Agreement the day and year first hereinabove written.

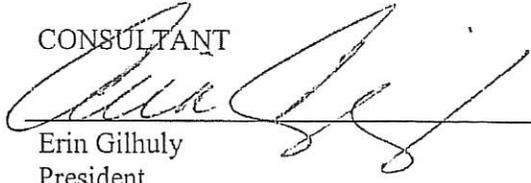
CITY OF BANNING



Rochelle Clayton, Interim City Manager

CONSULTANT

By:

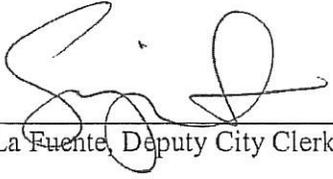


Erin Gilhuly
President

By:

ERIN GILHULY
NAME: President
TITLE:

ATTEST:



Sonja De La Fuente, Deputy City Clerk

26-1614625

Tax ID No.

Two signatures are required if a corporation

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

EXHIBIT "A"
SCOPE OF SERVICES

- I. **Consultant will perform the following services in connection with providing Ballot Measure Outreach and Public Relations Services:**
 - A. Outreach services related to three ballot measures
 - B. Produce educational materials
 - C. Develop and host public outreach meetings
- II. As part of the Services, Consultant will prepare and deliver the following tangible work products to the City:
 - A. Educational materials, including mailers, brochures, advertising, and FAQs.
 - B. Media outreach including press releases, Op-Eds, video clips and letters to the editor.
- III. In addition to the requirements of Parts I and II of this Scope of Services, during the performance of the services, Consultant will keep the City apprised through periodic status reports regarding the performance of the services under this Agreement by the following means:
 - A. In-person meetings.
 - B. Email updates/questions to applicant team and City while reviews are underway.
 - C. Conference calls.
- IV. All work product is subject to review and acceptance by the City, and must be revised by the Consultant without additional charge to the City until found satisfactory and accepted by City.
- V. Consultant will utilize the following personnel to accomplish the services:
 - A. Eric Gillhuly, President and Project Director
 - B. Tara Bravo, Vice President and Project Manager
 - C. Janet Zimmerman, Director of Client Services
 - D. Mike Hatton, Director of Multimedia
 - E. Shawn Harkness, Account Manager
 - F. Beatrice Eslamboly, Esq. Account Manager

Exhibit "A"-1

- G. Lynn Olivia, Senior Graphic Designer
- H. Marcos DeHaro, Chief Illustrator
- I. Greg Galindo, Web Specialist
- J. Sasha Fleischer, Public Affairs Intern

EXHIBIT "B"
SPECIAL REQUIREMENTS
(Superseding Contract Boilerplate)

None

EXHIBIT "C"
SCHEDULE OF COMPENSATION

Consultant shall provide staffing at the following rates:

Staff Classification	Hours	Standard Rates	Total
President, Project Director	8	\$225/hour	\$1,800.00
Vice President, Project Manager	8.5	\$185/hour	\$1,572.50
Account Manager	42	\$175/hour	\$7,350.00
Graphics/Design/Video	24.5	\$150/hour	\$3,675.00
Support Staff	10	\$100/hour	\$1,000.00
Subtotal			\$15,397.50
Out of Pocket Expenses			\$1,000.00
All-Inclusive Maximum Total Price		Not to Exceed	\$20,000.00

- I. Within the budgeted amounts for each Task, and with the approval of the Contract Officer, funds may be shifted from one Task sub-budget to another so long as the Contract Sum is not exceeded per Section 2.1, unless Additional Services are approved per Section 1.8.

- II. The City will compensate Consultant for the services performed upon submission of a valid invoice. Each invoice is to include:
 - A. Line items for all personnel describing the work performed, the number of hours worked, and the hourly rate.
 - B. Line items for all materials and equipment properly charged to the services.
 - C. Line items for all other approved reimbursable expenses claimed, with supporting documentation.
 - D. Line items for all approved sub-consultant labor, supplies, equipment, materials, and travel properly charged to the services.

- III. The total compensation for services shall not exceed \$20,000.00 as provided in Section 2.1 of this Agreement.

EXHIBIT "D"
SCHEDULE OF PERFORMANCE

- I. Consultant shall perform all services timely in accordance with the schedule to be developed by Consultant and subject to the written approval of the Contract Officer. Consultant will provide a written proposal within one week of the City's request for services, unless otherwise agreed to by the Contract Officer.
- II. Consultant shall deliver the following tangible work products to the City by the following dates.
 - A. Proposed Project Schedule – Attached as Exhibit D-1.
- III. The Contract Officer may approve extensions for performance of the services in accordance with Section 3.2.

EXHIBIT "D-1"
PROPOSED PROJECT SCHEDULE

Proposed Timeline //

SUBTASK	SEPTEMBER, 2018		OCTOBER, 2018		NOVEMBER, 2018		PROJECT TEAM
	Week 3	Week 4	Week 1	Week 2	Week 1	Week 2	

TASK 1 // OUTREACH SERVICES

Kickoff Meeting									Erin Gilhuly // Project Director, Tara Bravo // Project Manager, Janet Zimmerman // Client Services Director, Shawn Harkness // Account Manager
Outreach Plan									Tara Bravo // Project Manager, Janet Zimmerman // Client Services Director, Shawn Harkness // Account Manager

TASK 2 // PRODUCE EDUCATIONAL MATERIALS

Design Outreach Materials									Tara Bravo // Project Manager, Janet Zimmerman // Client Services Director, Shawn Harkness // Account Manager, Lynn Oliva // Senior Graphics Designer, Marcos DeHaro // Chief Illustrator
Media Outreach									Tara Bravo // Project Manager, Janet Zimmerman // Client Services Director, Shawn Harkness // Account Manager,
Social Media									Tara Bravo // Project Manager, Janet Zimmerman // Client Services Director, Shawn Harkness // Account Manager, Lynn Oliva // Senior Graphics Designer, Marcos DeHaro // Chief Illustrator, Greg Galindo // Website Specialist, Mike Hatton // Director of Multimedia

Proposed Timeline //

SUBTASK	SEPTEMBER, 2018		NOVEMBER, 2018		PROJECT TEAM
	Week 3	Week 4	Week 1	Week 2	

TASK 3 // PUBLIC OUTREACH MEETINGS

Develop outreach meeting program						Tara Bravo // Project Manager, Janet Zimmerman // Client Services Director, Shawn Harkness // Account Manager
Meeting preparation						Tara Bravo // Project Manager, Janet Zimmerman // Client Services Director, Shawn Harkness // Account Manager, Lynn Oliva // Senior Graphics Designer, Marcos DeHaro // Chief Illustrator,
Outreach meetings						Tara Bravo // Project Manager, Janet Zimmerman // Client Services Director, Shawn Harkness // Account Manager

ATTACHMENT 3

CV Strategies, LLC

Amendment #1

AMENDMENT NO. 1 TO AGREEMENT FOR PROFESSIONAL SERVICES

THIS AMENDMENT NO. 1 TO THE AGREEMENT FOR PROFESSIONAL SERVICES (“Amendment No. 1”) by and between the **CITY OF BANNING** (“City”) and **CV STRATEGIES, LLC**, a California limited liability partnership (“Consultant”) is effective as of the 12 day of December, 2018. City and Consultant are collectively referred to as the “Parties.”

RECITALS

A. City and Consultant entered into that certain Agreement for Public Relations Outreach Services dated September 11, 2018 (“Original Agreement”) whereby Consultant agreed to provide those services specified in the Scope of Services attached to the Original Agreement as Exhibit “A” which include public relations outreach services related to Measures N, O and P for a Contract Sum not to exceed \$20,000.

B. City and Consultant now desire to amend the Original Agreement in accordance with Resolution No. 2018-148 to include additional compensation for the contract term in an amount of Seven Thousand, Three Hundred, Fourteen Dollars and eight five cents. (\$7,314.85. The Original Agreement, as amended by Amendment No. 1, is referred to herein as the “Agreement.”

TERMS

1. **Contract Changes.** The Agreement is amended as provided herein.

(a) Section 2.1 of the Agreement is amended to read as follows:

Subject to any limitations set forth in this Agreement, City agrees to pay Consultant the amounts specified in the “Schedule of Compensation” attached hereto as Exhibit “C” and incorporated herein by reference. The total compensation, including reimbursement for actual expenses, shall not exceed Twenty Seven Thousand, Three Hundred Fourteen Dollars and Eighty-Five Cents, (\$27,314.85) (the “Contract Sum”), unless additional compensation is approved pursuant to Section 1.8.

(b) The rates chart and section III of Exhibit “C” to the Agreement are amended to read as follows:

III. The total compensation for services shall not exceed \$27,314.85 as provided in Section 2.1 of this Agreement.

2. **Continuing Effect of Agreement.** Except as amended by this Amendment No. 1, all provisions of the Agreement shall remain unchanged and in full force and effect. From and

after the date of this Amendment No. 1, whenever the term “Agreement” appears in the Agreement, it shall mean the Original Agreement, as amended by this Amendment No. 1.

3. **Affirmation of Agreement; Warranty Re Absence of Defaults.** City and Consultant 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.

Consultant represents and warrants to City that, as of the date of this Amendment No. 1, 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 Consultant that, as of the date of this Amendment No. 1, Consultant 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 No. 1.

5. **Authority.** The persons executing this Amendment No. 1 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 Amendment No. 1 on behalf of said party, (iii) by so executing this Amendment No. 1, such party is formally bound to the provisions of this Amendment No. 1, and (iv) the entering into this Amendment No. 1 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 Amendment No. 1 on the date and year first hereinabove written.

CITY:

CITY OF BANNING, a municipal corporation

Douglas Schulze, City Manager

ATTEST:

Laurie Sampson, Acting Deputy City Clerk

APPROVED AS TO FORM:
Richards, Watson & Gershon

Kevin G. Ennis, Esq., City Attorney

CONSULTANT:

By: _____
Name:
Title:

By: _____
Name:
Title:

Address:

Two signatures are required if a corporation

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

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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

EXHIBIT "C"
SCHEDULE OF COMPENSATION

I. Consultant shall perform the following tasks at the following rates

Staff Classification	Hours	Standard Rates	Total
President, Project Director	26	\$225/hour	\$5,850.00
Vice President, Project Manager	8.25	\$185/hour	\$1,526.25
Account Manager	41.75	\$175 hour	\$7,306.25
Graphics/Design/Video	33.5	\$150/hour	\$5,025.00
Support Staff		\$100/hour	
Subtotal			\$19,707.50
Out of Pocket Expenses			\$7,607.35
TOTAL			\$27,314.85

II. Within the budgeted amounts for each classification, and with the approval of the Contract Officer, funds may be shifted from one classification to another as long as the Contract Sum is not exceeded per Section 2.1, unless Additional Services are approved per Section 1.8.

III. The City will compensate Consultant for the services performed upon submission of a valid invoice. Each Invoice is to include:

- A. Line items for all personnel describing the work performed, the number of hours worked, and the hourly rate.
- B. Line items for all materials and equipment properly charged to the services.
- C. Line items for all other approved reimbursable expenses claimed, with supporting documentation.
- D. Line items for all approved sub-consultant labor, supplies, equipment, materials, and travel properly charged to the services.

IV. The total compensation for services shall not exceed \$27,314.85 as provided in Section 2.1 of this agreement.



**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works

MEETING DATE: November 13, 2018

SUBJECT: Resolution 2018-147, Approving the Banning Municipal Airport's Airport Capital Improvement Plan for 2019-2023

RECOMMENDATION:

Adopting Resolution 2018-147, approving the five year (2019-2023) Airport Capital Improvement Plan (ACIP) and direct staff to submit the ACIP to the Federal Aviation Administration (FAA).

BACKGROUND:

Through the Airport Improvement Plan, the FAA provides grants for the planning and development of airports important to the National Airspace System (NAS) in the National Plan of Integrated Airport Systems (NPIAS). Eligible projects for AIP funding include improvements related to airport safety, capacity, security and environmental concerns.

The FAA will issue AIP grants for only those developments and planning projects that are included in the FAA approved ACIP. Grants provided by the FAA come with several assurances and obligations that the City of Banning must abide by.

On April 25 2017, City Council adopted Resolution 2017-44, "Declaring that it shall be a goal of the City of Banning to close the Banning Municipal Airport, as soon as legally permitted." In order to avoid further obligations related to FAA grants which could make meeting the goal set in Resolution 2017-44 difficult, the Public Works Advisory Committee has recommended that five year ACIPs be submitted with no projects.

Staff recommends that the ACIP include a future runway rehabilitation project to be designed in 2020 and constructed in 2021 for the purpose of increasing operational

safety at the airport. Depreciation periods, which sets the basis for paying back grants if airports are closed, range from 3 years (e.g. slurry seal) to 10 years (e.g. overlays).

JUSTIFICATION:

The FAA requires sponsors, such as the City of Banning, to provide annual updates and submittals of their five year ACIP. The ACIP is used to identify and prioritize airport capital improvement needs and to plan for the distribution of Airport Improvement Program (AIP) funds.

FISCAL IMPACT:

The approval of Resolution 2018-147 would require a local match of \$2,475 in 2020 and a local match of \$33,000 in 2021:

Year	Project	Federal Funds	State Funds	City Funds	Total Project
2020	Rehabilitate Runway (Design)	\$40,500	\$2,025	\$2,475	\$45,000
2021	Rehabilitate Runway (Construction)	\$540,000	\$27,000	\$33,000	\$600,000

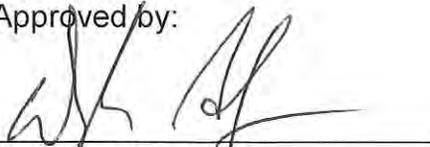
ALTERNATIVE:

Reject Resolution 2018-147 and provide direction to staff such as modifying the list of projects included in the ACIP.

ATTACHMENTS:

1. Resolution 2018-147
2. 2019-2023 Airport Capital Improvement Plan

Approved by:



Douglas Schulze,
City Manager

ATTACHMENT 1

Resolution 2018-147

RESOLUTION NO. 2018-147

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING THE BANNING MUNICIPAL AIRPORT'S AIRPORT CAPITAL IMPROVEMENT PLAN FOR 2019-2023

WHEREAS, the Federal Aviation Administration (FAA) will issue Airport Improvement Plan (AIP) grants for only those developments and planning projects that are included in the FAA approved Airport Capital Improvement Plan (ACIP). Grants provided by the FAA come with several assurances and obligations that the City of Banning must abide by; and

WHEREAS, on April 25 2017, City Council adopted Resolution 2017-44, "Declaring that it shall be a goal of the City of Banning to close the Banning Municipal Airport, as soon as legally permitted."; and

WHEREAS, the Public Works Advisory Committee had previously recommended that five year ACIPs be submitted with no projects in order to avoid ongoing grant assurances and obligations although staff is including a runway rehabilitation project to be designed in 2020 and constructed in 2021 to increase operation safety; and

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

City Council adopts Resolution No. 2018-147, approving the Banning Municipal Airport's ACIP for 2019-2023 and directs staff to submit the ACIP to the FAA.

PASSED, APPROVED AND ADOPTED this 11th day of December, 2018.

_____, Mayor
City of Banning

ATTEST:

Laurie Sampson, Acting Deputy City Clerk
City of Banning

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

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

CERTIFICATION:

I, Laurie Sampson, Acting Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2018-147, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 11th day of December, 2018, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Laurie Sampson, Acting Deputy City Clerk
City of Banning, California

ATTACHMENT 2

2019-2023

Airport Capital Improvement Plan

**BANNING MUNICIPAL AIRPORT
5 YR CAPITAL IMPROVEMENT PROGRAM (2019-2023)**



US Department of Transportation Federal Aviation Administration
 Airport: Banning Municipal Airport

DATE: 1/17/2018

Project Description & Year	Federal Eligible		State Eligible	Local	Total	Environmental	Start Date	Comp. Date	FUNDING SOURCE	NPIAS Priority	On ALP?	BNG
	Grant Amount											
2019 No Projects	\$ -	\$ -	\$ -	\$ -	\$ -							
2020 Rehabilitate Runway 8-26 (Design)	\$ 40,500	\$ 2,025	\$ 2,475	\$ 45,000	CATEX (10/2016)*	6/1/2020	12/1/2020	Entitlements	68	Y		
2021 Rehabilitate Runway 8-26 (Construct)	\$ 540,000	\$ 27,000	\$ 33,000	\$ 600,000	CATEX (10/2016)*	2/1/2021	9/1/2021	Entitlements	68	Y		
2022 No Projects	\$ -	\$ -	\$ -	\$ -								
2023 No Projects	\$ -	\$ -	\$ -	\$ -								
TOTALS:	\$ 580,500	\$ 29,025	\$ 35,475	\$ 645,000								

Airport Name		Project Description	Fiscal Year	2020	
Shown On ALP	Project Type*		Federal Share	Local Share	Total
Yes	D	Rehabilitate Runway 8-26 (Design)	\$40,500	\$4,500	\$45,000
* D - Development; P - Planning; E - Environmental					
PROVIDE THE FOLLOWING DETAILED INFORMATION FOR PROJECTS ANTICIPATED WITHIN 1-2 YEARS					
Detail Project Description (Square/Lineal Footage or Length/Width)					
Rehabilitate existing runway and adjacent taxiway pavements with crack repairs and surface treatment and/or overlay. Vegetative growth in cracks and other pavement failures are in need to prevent foreign object debris (FOD) and increase operational safety. The most recent Airport Pavement Management Systems (APMS; 2011) identified a Pavement Condition Index (PCI) of 81; an update to the APMS is currently underway.					
Project Schedule (<i>Anticipated date for bids or negotiated prices, consultant selection for planning or environmental projects, length of construction or design, planning or environmental process</i>)					
Consultant solicitation and selection will start in January 2020 Design will start in June, 2020 Design will be completed by December, 2020					
NEPA Environmental Status (With grant application include copy of ROD, FONSI or CATEX letter of approval)					
CATEX was submitted in 2016. The project may require the submittal of an updated CATEX					
Land Title Status & Date of Exhibit "A" Status			Date		
Exempted property, owned by the City of Banning			3/1/2007		
Open AIP Funded Projects (<i>include grant number and grant description</i>)				Expected Close-out Date	
Certification: To the best of my knowledge and belief, all information shown in the ACIP Data Sheet is true and correct and had been duly authorized by the Sponsor.					
Arturo Vela, Director of Public Works/City Engineer			Arturo Vela, Director of Public Works/City Engineer		
Name and Title of Authorized Representative (Print or Type)			Contact Name and Title (Print or Type)		
			951-922-3130		
Signature		Date	Contact Phone (Print or Type)		

BANNING MUNICIPAL AIRPORT

AIRPORT CAPITAL IMPROVEMENT PROGRAM

ACIP FY 2020



LEGEND

-  REHABILITATE RUNWAY 8-26 (DESIGN)
-  1

Airport Name				Fiscal Year	2021	
Shown On ALP	Project Type*	Project Description		Federal Share	Local Share	Total
Yes	D	Rehabilitate Runway 8-26 (Construction)		\$540,000	\$60,000	\$600,000
* D - Development; P - Planning; E - Environmental						
PROVIDE THE FOLLOWING DETAILED INFORMATION FOR PROJECTS ANTICIPATED WITHIN 1-2 YEARS						
Detail Project Description (Square/Lineal Footage or Length/Width)						
Rehabilitate existing runway and adjacent taxiway pavements with crack repairs and surface treatment and/or overlay. Vegetative growth in cracks and other pavement failures are in need to prevent foreign object debris (FOD) and increase operational safety. The most recent Airport Pavement Management Systems (APMS; 2011) identified a Pavement Condition Index (PCI) of 81; an update to the APMS is currently underway.						
Project Schedule (Anticipated date for bids or negotiated prices, consultant selection for planning or environmental projects, length of construction or design, planning or environmental process)						
Project bids open in May, 2021 Project awarded in July, 2021 Construction starts in September, 2021 Construction completed in October, 2021 Grant closeout in December 2021						
NEPA Environmental Status (With grant application include copy of ROD, FONSI or CATEX letter of approval)						
CATEX was submitted in 2016. The project may require the submittal of an updated CATEX						
Land Title Status & Date of Exhibit "A" Status				Date		
Exempted property, owned by the City of Banning				3/1/2007		
Open AIP Funded Projects (include grant number and grant description)				Expected Close-out Date		
Certification: To the best of my knowledge and belief, all information shown in the ACIP Data Sheet is true and correct and had been duly authorized by the Sponsor.						
Arturo Vela, Director of Public Works/City Engineer				Arturo Vela, Director of Public Works/City Engineer		
Name and Title of Authorized Representative (Print or Type)				Contact Name and Title (Print or Type)		
				951-922-3130		
Signature				Date		Contact Phone (Print or Type)

BANNING MUNICIPAL AIRPORT

AIRPORT CAPITAL IMPROVEMENT PROGRAM

ACIP FY 2021



LEGEND

-  REHABILITATE RUNWAY 8-26 (CONSTRUCTION)
-  1



**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works
Holly Stuart, Management Analyst

MEETING DATE: December 11, 2018

SUBJECT: Authorize the City Manager to sign the Notice of Completion for Project No. 2017-01, "Community Center and Senior Center Tenant Improvements" as complete and direct the City Clerk to record the Notice of Completion

RECOMMENDED ACTION:

That the City Council accept Project No. 2017-01, "Community Center and Senior Center Tenant Improvements" as complete, authorize the City Manager or her designee to sign the Notice of Completion and direct the City Clerk to record the Notice of Completion.

BACKGROUND:

On March 27, 2018, City Council adopted Resolution 2018-23 awarding a Construction Agreement to Epsilon Engineering for Project No. 2017-01, "Community Center and Senior Center Tenant Improvements". The project was approved in the amount of \$393,554 with a 10% contingency for a total project budget of \$432,910.

The scope of work for improvements to the Community Center included asbestos and mold abatement; roof replacement; security improvements; gym flooring and skylight tinting; restrooms improvements; paint throughout a portion of the facility; conference room counter, sink and cabinets. Improvements to the Senior Center consisted of new roofing including framing, insulation, downspouts, fascia trim; new lighting; new duct work and asbestos and mold abatement.

Project change orders were processed in the amount of \$11,673.07 increasing the contract amount by approximately 3% for a total contract amount of \$405,227.07. Change orders addressed items such as additional mold remediation; gym lighting; replacement of restroom partitions and water station in gym.

JUSTIFICATION:

The lowest qualified bidder, Epsilon Engineering, was awarded the contract and work was completed on August 28, 2018. Public Works staff verified through inspections that the workmanship, materials, and procedures were satisfactory and that the contractor had met the required contract obligations.

FISCAL IMPACT:

The original contract was awarded in the amount of \$393,554 and the final contract amount for this project is \$405,227.07, under the allocated project budget approved under Resolution 2018-23. The project was funded by Fiscal Years 2016, 2017 and 2018 Community Development Block Grant funding in the amount of \$351,992, as well as, a Transit Security Grant in the amount of \$32,088 and the Capital Replacement fund in the amount of \$21,147.07.

ALTERNATIVE:

City Council may elect to not accept the project as complete which would keep the project open and prevent the release of retention funds to the contractor.

ATTACHMENTS:

1. Notice of Completion
2. Project Pictures

Approved by:



Douglas Schulze
City Manager

ATTACHMENT 1

Notice of Completion

1 WHEN RECORDED MAIL TO:

2
3 Office of the City Clerk
4 City of Banning
5 P.O. Box 998
6 Banning, California 92220
7

8 FREE RECORDING:
9 Exempt Pursuant to
10 Government Code §6103
11

12
13 NOTICE OF COMPLETION

14 PROJECT NO. 2017-01,
15 "COMMUNITY CENTER AND SENIOR CENTER TENANT IMPROVEMENTS"

16
17 THIS NOTICE OF COMPLETION IS HEREBY GIVEN by the OWNER, the City
18 of Banning, a municipal corporation, pursuant to the provisions of Section 9204 of the Civil
19 Code of the State of California, that Project No. 2017-01 is hereby accepted by the City of
20 Banning, pursuant to authority conferred by the City Council this December 11, 2018, and
21 the grantees consent to recordation thereof by its duly authorized agent.
22

23 That the OWNER, the City of Banning, and Epsilon Engineering of Moreno Valley,
24 California, the vendee, entered into an agreement dated March 28, 2018, for Project No.
25 2017-01, "Community Center and Senior Center Tenant Improvements".
26

27 The principal items of work consisted of improvement to the Community Center including
28 asbestos and mold abatement; roof replacement; security improvements; gym flooring and
29 skylight tinting; restrooms; paint throughout a portion of the facility; conference room
30 counter, sink, cabinets, doors, lighting improvements; and kitchen flooring. Improvements
31 to the Senior Center consisted of new roofing including framing, insulation, downspouts,
32 fascia trim; new lighting; new duct work; asbestos and mold abatement; signage; paint
33 throughout a portion of the facility; new doors and hardware; handrails and ramps; and
34 mechanical systems. The work was performed at Replier Park, 789 North San Gorgonio
35 Avenue, Banning, CA 92220.
36

1 That the work was substantially completed on August 28, 2018, for Project No. 2017-01
2 “Community Center and Senior Center Tenant Improvements”:

3 (1) The Nature of Interest was Community Center and Senior Center tenant
4 improvements completed on August 28, 2018 for Project No. 2017-01.

5 (2) That the City of Banning, a municipal corporation, whose address is
6 Banning City Hall, 99 E. Ramsey Street, Banning, California 92220, is completing tenant
7 improvements.

8 (3) That said improvements were performed at 789 North San Geronio
9 Avenue, Banning, CA 92220.

10 (4) That the original contractor for said improvement was Epsilon Engineering,
11 State Contractor’s License No. 831536.

12 (5) That Performance and Payment bonds were required for this project.

13 (6) The nature of interest is in fee.

14
15 Dated: December 11, 2018

16 CITY OF BANNING
17 A Municipal Corporation
18
19
20

21 By _____
22 Douglas Schulze
23 City Manager
24
25

26 APPROVED AS TO FORM:
27
28
29

30 _____
31 Kevin G. Ennis, Esq., City Attorney
32 Richards, Watson & Gershon
33
34
35

ATTACHMENT 2

Project Pictures



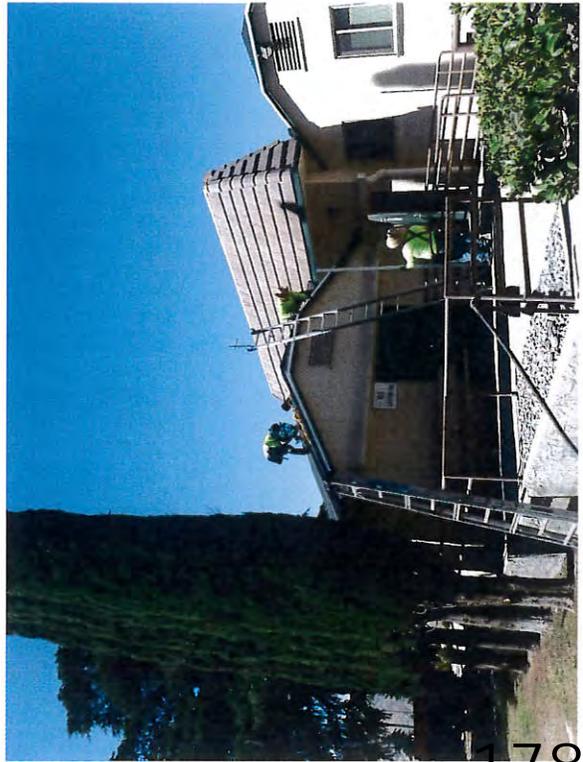
Water damage repair at the Community Center



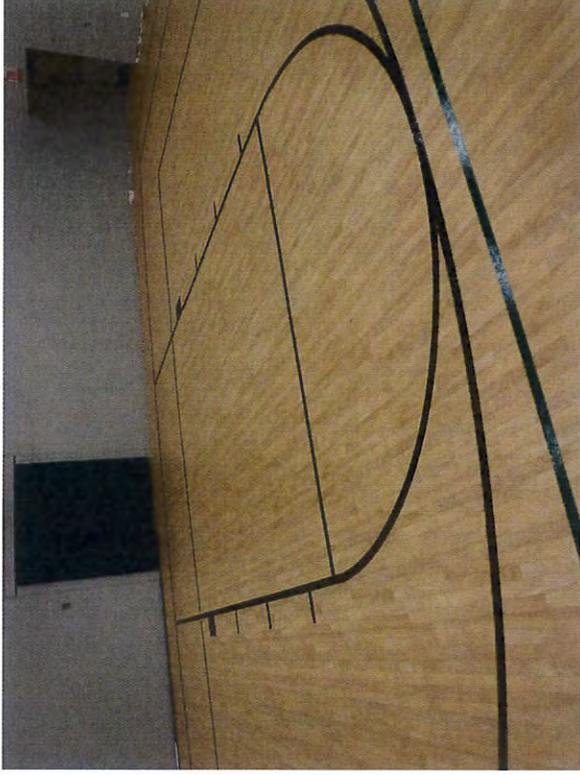
New downspouts at the Community Center



Installation of new roof at the Community Center



Roof improvements at the Senior Center



New gym flooring



Installation of sky light tinting



Preparing gym flooring



Preparing gym flooring

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CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Ted Shove, Economic Development Manager

MEETING DATE: December 11, 2018

SUBJECT: Progress Update: Downtown Ad Hoc Committee Recommendations

RECOMMENDED ACTION:

Receive and file.

BACKGROUND:

On September 10, 2018, after several months of engagement by the Downtown adhoc Committee, findings and recommendations were made to the City Council for consideration. In total, the report included four findings and a total of nine recommendations. During this meeting, direction was provided to staff to move forward with all recommendations outlined in the staff report (Attachment 1). A progress update is provided for each of the nine recommendations and includes:

1. *Website* – A new web page with access from the City's landing page is now available outlining historical aspects of the City, including the downtown district. In addition, several pages on the City's website have been updated or removed.
2. *City communication* – An uptick of social media has occurred and other electronic media, designed to expand the City's reach to residents and businesses on City-related matters. In addition, staff is actively working with the Chamber to identify a low cost, high impact solution for promoting community events.
3. *Banner program* – Staff researched feasibility of using light standards in the downtown core that may be outfitted for banners. Staff is working with developing an initial plan and guidelines.

- a. *Streetscaping* – Upon cursory investigation, installations of trees or other foliage along Ramsey is not currently feasible, as the irrigation system is no longer operational.
 - b. *Walkways* – Staff is actively pursuing grant and other funding opportunities that may supplement total project costs for walkway treatments that promote walkability, such as small visual aids (i.e. historic building site, mural description), wayfinding signage, and entrance/exit monument signage to define the area.
4. *Periodic downtown clean up events* – City facilitated events focused on community volunteers to clean up litter and debris in the downtown core. A CalRecycle grant has been identified and planning for clean-up events will begin in early 2019, with the first event anticipated in Q3 2019.
5. *Addressing vacant storefronts (aesthetics)* – survey Southern California communities for solutions to addressing vacant (blighted) store fronts, return potential programming. – not started
6. *Promotional campaign* – Staff has begun working with the Chamber of Commerce to develop a line of souvenirs and/or promotional products to be showcased at community events.
7. *City Seal* – Direct staff to identify City seal inconsistencies citywide, develop a plan to update all outdated instances to include cost and timing for Council consideration. – not started
8. Encourage downtown community events – Staff has ramped up discussions with the Chamber of Commerce to create, organize, and facilitate events. It is anticipated a formalized plan will be returned to the City Council at an upcoming meeting for consideration.

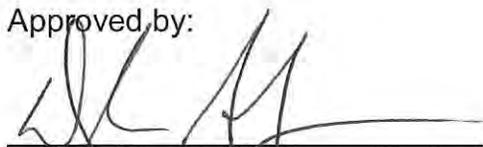
FISCAL IMPACT:

None.

ATTACHMENTS:

1. Staff Report – September 10, 2018

Approved by:



Douglas Schulze
City Manager

ATTACHMENT 1

Staff Report – 9/10/2018



**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL

FROM: Rochelle Clayton, Interim City Manager

PREPARED BY: Ted Shove, Economic Development Manager

MEETING DATE: September 10, 2018

SUBJECT: Discuss and Consider Downtown Ad Hoc Committee Recommendations

RECOMMENDED ACTION:

That Council consider Downtown Ad Hoc Committee recommendations and provide staff direction and prioritization for proposed action items.

GOAL STATEMENT:

Economic Development, Goal #3: Business attraction, retention, and job development. Recommendations outlined would promote economic activity within the downtown core through business attraction, job stimulation, and reduction of commercial vacancies within the downtown core area.

BACKGROUND:

In the summer of 2017, the City Council appointed Councilmembers Franklin and Andrade to a Downtown ad hoc Committee (“Committee”), to evaluate existing design criteria and aesthetic features and return to the City Council with recommendations for changes and updates. Since then, the Committee met with staff, residents, and downtown business owners and include:

- Approximately 8 meetings with downtown business owners;
- Two community meetings (March 7th, May 1st);

- Interfaced with at least 30 different business representatives within the Downtown Commercial zoning district; and
- Conducted an online survey (5/3-28) and received over 130 responses.

In addition to the above, on March 13, 2018, the Committee recommended to Council that staff investigate a micro-business incubator concept (receive and file report included on this agenda).

At the conclusion of the Committee's community engagement efforts, four primary findings were developed. Under the findings, specific recommendations were developed to address the findings, based upon the community input received and are being recommended to the Council for consideration.

Upon Council direction, for each identified recommendation, staff would formulate a plan addressing estimated cost (if any) and timing for completion.

JUSTIFICATION:

If the Council directs staff to proceed in researching the concepts outlined from the Committee's findings, it will require staffing resources and potential appropriation of resources. It is requested that the Council determine and prioritize which recommendations staff should research and return with proposed action plans.

COMMITTEE RECOMMENDATION:

The Committees Findings and *Recommendations* include:

1. Expand Citywide Communication
 - a. *Website* – Establish a presence for the downtown district on the City website. Include description, photos, stories, historical information, and information about local businesses.
 - b. *City communication* – Increase use of social media and event calendars for City (including enhancement of existing calendar) and other nonprofit organizations to promote community events in the downtown area.
 - c. *Banner program* – Determine feasibility and establish guidelines for banners installed on light standards and elevated banners across Ramsey Street.
2. Increase Downtown Visual Appeal

- a. *Streetscaping* – Improvements and treatments to existing downtown corridor to enhance walkability, welcoming and secure feeling, including:
 - i. *Trees* – Investigate new landscaping and enhancement efforts to existing trees and vegetation along Ramsey Street.
 - ii. *Walkways* – Defining walkability in the downtown core with small visual aids (i.e. historic building site, mural description), wayfinding signage, and entrance/exit monument signage to define the area.
- b. *Periodic downtown clean up events* – City facilitated events focused on community volunteers to clean up litter and debris in the downtown core.
- c. *Addressing vacant storefronts (aesthetics)* – survey Southern California communities for solutions to addressing vacant (blighted) store fronts, return potential programming.

3. Initiate and Support Downtown Promotion and Branding Activities

- a. *Promotional campaign* – Work with Chamber of Commerce and local businesses to develop a line of souvenirs and similar promotional products to be showcased at community events, appealing to attendees residing outside of the community.
- b. *City Seal* – Direct staff to identify City seal inconsistencies citywide, develop a plan to update all outdated instances to include cost and timing for Council consideration.

4. Encourage and Sponsor Downtown Community Activities and Events – Attachment 3 includes examples of community events in Riverside County. A recommendation would be to direct staff to devise a plan (including budget considerations) to create, organize, and facilitate events with the intent to encourage local nonprofit organizations to participate and support a series of events long term in the downtown core.

FISCAL IMPACT:

None.

OPTIONS:

- 1. Approve as recommended.

2. Do not approve and provide alternative direction.

ATTACHMENTS:

1. Online Survey
2. Results of Online Survey
3. Examples of Downtown City Events

Approved by:

Rochelle Clayton
Interim City Manager

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**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL
FROM: Douglas Schulze, City Manager
PREPARED BY: Interim Chief of Police Robert Fisher
MEETING DATE: December 11, 2018
SUBJECT: Police Department Statistics for October 2018

RECOMMENDED ACTION:

This is an informational item and no Council action is required.

BACKGROUND:

The Police Department provides statistics to the public and City Council upon request.

JUSTIFICATION:

N/A

FISCAL IMPACT:

None

OPTIONS:

1. Approve as recommended

ATTACHMENTS:

1. Stats for October 2018

Approved by:

Douglas Schulze
Interim City Manager

ATTACHMENT 1

Police Stats October 2018

**BANNING POLICE DEPARTMENT
OCTOBER, 2018**

CRIME	Oct-18	Oct-17	% CHGE	YTD-18	YTD-17	% CHGE
PART 1 CRIMES						
Homicide	0	0	0%	4	2	100%
Rape	2	0	200%	16	14	14%
Robbery	4	3	33%	24	16	50%
Assaults Agg/Simp	13	17	-24%	218	252	-13%
Burglary	10	23	-57%	166	210	-21%
Vehicle Theft	14	17	-18%	100	133	-25%
Larceny	18	16	13%	183	219	-16%
OTHER						
Narcotics	21	38	-45%	239	319	-25%
DUI	2	6	-67%	19	34	-44%
T/C Non-Injury	17	18	-6%	190	188	1%
T/C Injury	4	4	0%	48	48	0%
T/C Fatal	1	0	100%	4	2	100%
Citations	321	299	7%	2476	2318	7%
Total Incidents	3187	3326	-4%	30768	33814	-9%

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**CITY OF BANNING
PUBLIC HEARING**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Kevin Ennis, City Attorney
Maricela Marroquin, City Attorney's Office
Maryann Marks, Interim Community Development Director

MEETING DATE: December 11, 2018

SUBJECT: A. ORDINANCE NO. 1539 - ZONING TEXT AMENDMENT 18-97505 TO AMEND CHAPTER 17.54 OF THE ZONING ORDINANCE (TITLE 17 OF THE BANNING MUNICIPAL CODE) TO ELIMINATE THE SEPARATION REQUIREMENT BETWEEN CANNABIS RETAILERS, AND CLARIFYING THE ELIGIBILITY TO OBTAIN A CANNABIS RETAILER CONDITIONAL USE PERMIT;

B. ORDINANCE NO. 1538 - MUNICIPAL CODE AMENDMENTS TO AMEND CHAPTER 5.33 OF THE MUNICIPAL CODE TO ESTABLISH PROCEDURES FOR THE ISSUANCE OF CANNABIS RETAILER REGULATORY PERMITS; AND

C. RESOLUTION NO. 2018-153 - ADOPTING A SELECTION PROCESS AND SCHEDULE FOR THE GRANTING OF CANNABIS RETAILER REGULATORY PERMITS

RECOMMENDED ACTION:

Staff recommends that the City Council:

- I. Open and conduct a public hearing regarding the adoption of Ordinance 1539 approving Zone Text Amendment 18-97505 to amend Chapter 17.54 of the Zoning Code to eliminate the separation requirement between cannabis retailers, and clarifying the eligibility to obtain a cannabis retailer conditional use permit;

- II. Approve a Categorical Exemption for Ordinance No. 1539, waive full reading and introduce for first reading Ordinance No. 1539 as read by title;
- III. Approve a Categorical Exemption for Ordinance No. 1538, waive full reading and introduce for first reading Ordinance 1538 approving amendments to Chapter 5.33 of the Municipal Code to establish procedures for the issuance of cannabis retailer regulatory permits; and
- IV. Adopt Resolution No. 2018-153 Adopting a Selection Process and Schedule for the Granting of Cannabis Retailer Regulatory Permits

APPLICANT INFORMATION:

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

BACKGROUND:

In response to a citizen petition that was circulating for signature to qualify for the November 2018 ballot that would allow for the operation of retail cannabis stores in the City, at the June 12, 2018 City Council meeting, the City Council directed staff to research and prepare potential regulations for the operation of retail cannabis uses within the City and to place an associated tax measure on the November ballot for voter consideration (Measure O). In consultation with the Cannabis Ad Hoc Committee, staff drafted a cannabis retailer conditional use permit ordinance, and a cannabis retailer regulatory ordinance, both of which were presented to the City Council for feedback and direction at a workshop on September 10, 2018.

On October 3, 2018, the Planning Commission considered Ordinance 1531, the draft cannabis retailer conditional use permit ordinance and unanimously recommended that the City Council adopt the ordinance, but that it be revised to delete the 600-foot separation requirement between cannabis retailers. The discussion regarding the separation requirement between cannabis retailers focused on limiting the number of cannabis retailers through the separation distance and addressing the Ad Hoc Committee's concerns of possible loitering, crime, and public cannabis consumption. The Planning Commission was of the opinion that because the number of locations that retailers could operate in the Highway Serving Commercial zoning district of the City was already limited, there was little value in further separating the three conditionally permitted uses from each other.

At the October 23, 2018 City Council meeting, the City Council considered the draft Cannabis Retailer Conditional Use Permit ordinance with the Planning Commission's recommendation to delete the separation between cannabis businesses. The City Council discussed the separation between the cannabis

retailers and whether it would limit the number of retailers and if it would cause any future problems. After discussion, the City Council moved to conduct a first reading of Ordinance 1531 with the 600-foot separation between cannabis retailers left in.

The City Council also considered and adopted Ordinance 1527 adding Chapter 5.33 “Cannabis Retailer Regulatory Permit” to the Municipal Code to establish procedures for the issuance of a cannabis regulatory permit for cannabis retailers.

Both Ordinance 1527 and 1531 provide that they would go into effect on January 1, 2019 but only if the Banning voters approved Measure O establishing a tax on cannabis retailers.

At the November 6, 2018 municipal election, the Banning voters approved Measure O. The voters also approved a companion tax measure (Measure N) that allowed and taxed certain types of commercial cannabis cultivation, manufacturing and testing uses.

This report contains recommendations for amending Ordinance 1531 and Ordinance 1527 related only to retail cannabis uses.

PROPOSAL/ANALYSIS:

A. Ordinance 1539 amending Ordinance 1531

State law provides that cannabis businesses shall not be located within a 600-foot radius of a school providing instruction in kindergarten, or any grades 1 through 12, day care center, or youth center that is in existence at the time that the business is issued a license by the State, unless a local jurisdiction specifies a different radius. The City adopted Ordinance 1531 which included Section 17.54.080 which provides that cannabis retailers must also be located at least 600 feet from another cannabis retailer. This separation between cannabis retailers does not limit the number of cannabis retailers that can operate in the City. Instead, Ordinance 1531 limits the number of cannabis retailers that can lawfully operate in the City by providing that only one cannabis retailer for every 10,000 residents may operate in the City. Based on current population figures, there will only be three cannabis retailers permitted to obtain a cannabis retailer conditional use permit and operate in the Highway Serving Commercial zone.

The City anticipates that more than three cannabis retailers will apply for and be eligible to receive a cannabis regulatory permit. Staff was tasked with developing a process for selecting the applicants for the three available cannabis retailer conditional use permits. Staff determined that the fairest approach would be for the eligible applicants to be selected through a lottery process. Staff has now determined having a 600-foot separation requirement between cannabis retailers will unduly complicate the lottery process and will require additional staff time in determining who will be selected in the lottery process. If the second applicant drawn from the lottery submitted an application to operate a business within 600-

feet of the cannabis retailer that was selected first in the lottery, a method would need to be created to fairly move on to an applicant with a qualifying location. Staff determined it would be a cleaner and more efficient process if the 600-foot separation requirement between cannabis retailers was removed. The elimination of the separation requirement will not impact the number of businesses permitted to operate in the City. As such, Ordinance 1539 amends Section 17.54.080 to eliminate the 600-foot separation requirement between cannabis retailers.

As discussed in the background section, this 600-foot separation requirement was previously discussed and considered by the Planning Commission. Pursuant to Government Code section 65857, the City Council may modify an ordinance previously considered by the Planning Commission as long as the modification was previously heard by the Planning Commission. The recommended modification was discussed at the Planning Commission public hearing, and therefore the City Council can delete the 600-foot separation requirement between cannabis retailers without Ordinance 1539 going back to the Planning Commission for consideration.

Ordinance 1539 also amends Chapter 17.54 to clarify who is eligible to obtain a cannabis conditional use permit. Ordinance 1531 added Section 17.54.030 to the Zoning Code to provide that no cannabis retailer conditional use permit shall be issued if the applicant, owner or person with a direct financial interest in the cannabis business also has an ownership or other direct financial interest in any other commercial cannabis business that is operating in the City. Ordinance 1539 amends Section 17.54.030 to further clarify that two cannabis retailer premises may not operate under one cannabis retailer conditional use permit and that no holder of a cannabis retailer conditional use permit for one premises shall have an ownership interest in any other cannabis retailer (as opposed to cannabis business) that is lawfully or unlawfully operating in the City. Staff understands that it was the City Council's intent that because only three cannabis retailers can operate in the City, there should not be a monopoly on which businesses obtain those permits. The City Council intended that someone with an ownership or financial interest in a cannabis retailer could not have an ownership or financial interest in a second or third cannabis retailer in the City. However, under Section 17.54.030 as currently drafted, a cannabis retailer could not obtain a cannabis retailer conditional use permit if the owner, or someone with a financial interest in the cannabis retailer also is an owner or has a financial interest in another commercial cannabis business in the City (i.e. a cultivation, manufacturing or testing laboratory facility). Ordinance 1539 was revised to reflect the City Council's intent to not preclude a commercial cannabis cultivator lawfully operating in the City from obtaining a retail cannabis conditional use permit.

The amendments to Section 17.54.030 make some general revisions that clarify the eligibility to obtain a cannabis conditional use permits. These revisions do not change any property from one zone to another or impose any regulation listed in Government Code Section 65850 not theretofore imposed or remove or modify any such regulation theretofore imposed. As such, consistent with Government

Code Section 65853 these clarifying revisions do not need to be first considered by the Planning Commission for a recommendation to the City Council nor do these revisions need to be noticed to the public.

B. Ordinance 1538 amending Ordinance 1527

Ordinance 1527 amended Title 5 (Business Licenses and Regulation) of the Banning Municipal Code to add a new Chapter 5.33 to establish a process for issuing cannabis retailer regulatory permits. As noted above, only three cannabis retailer will be permitted to operate in the City, and staff was tasked with creating a fair process to select the three retailers that will be permitted to operate in the City. Staff has determined that the three retailers should be selected through a lottery. Chapter 5.33, however, does not include provisions allowing for the selection of the cannabis retailers through a lottery, nor appeal procedures for those applicants who are not eligible to participate in the lottery. Ordinance 1538 amends Chapter 5.33 to create procedures for a lottery as well as allowing applicants who are determined by the City Manager, in consultation with the Chief of Police, as being ineligible to participate in the lottery to appeal that decision before the lottery is conducted. Additionally, Ordinance 1538 makes other revisions to Chapter 5.33 to conform with the procedures that staff has drafted for processing the cannabis regulatory permit applications, including referencing the resolution that the City Council will consider for establishing the procedures staff will follow in processing the applications. Other revisions were made to Chapter 5.33 to request additional information in the application, and to make the provisions internally consistent with the procedures that were established to process the cannabis regulatory permits.

Adopting amendments to the City's Municipal Code to create a regulatory permit requirement for the purpose of investigating and regulating the operators of retail cannabis businesses would fall under Chapter 5 (Business Licenses and Regulations) of the Banning Municipal Code. This amendment is not subject to Planning Commission review and recommendation.

C. Resolution No. 2018-153 Adopting a Selection Process and Schedule for the Granting of Cannabis Retailer Regulatory Permits

By the adoption of Ordinances 1527 (to be amended by Ordinance No. 1538) and 1531 (to be amended by Ordinance 1539), as described above, the City Council has adopted a two-step process for cannabis retailers to lawfully operate in the City. A cannabis retailer must first apply for a cannabis regulatory permit in compliance with the provisions of Chapter 5.33 of the Banning Municipal Code. If the cannabis retailer secures a cannabis regulatory permit, then it must apply for and obtain a cannabis conditional use permit in compliance with Chapter 17.54 of the Banning Municipal Code. Only three retailers will be issued cannabis conditional use permits.

City staff anticipates that more than three qualified and approvable applications for cannabis retail operations may be submitted to the City once Ordinances 1527 and 1531 take effect on January 1, 2019. Accordingly, staff believes it important to establish a schedule and selection process for the initial granting of cannabis regulatory permits so that the granting of the first three cannabis regulatory permits are accomplished in an orderly and fair manner consistent with the requirements of Ordinances 1527 and 1531 as amended.

Resolution No. 2018-153 is prepared and presented to the City Council for this purpose. It authorizes and directs the City Manager to develop a schedule for processing of applications for cannabis regulatory permits that includes the following steps and actions:

- A. A public information workshop will be held.
- B. Cannabis regulatory permit applications will be made available on the City's website and at City Hall.
- C. Appointments can be made to meet with Community Development Department staff to answer questions the applicants may have about the application process.
- D. Applications will be accepted in the Community Development Department by appointment only.
- E. City Staff, and the City Manager, in consultation with the Police Chief, will process the applications.
- F. City staff will issue a notice to each applicant that submitted a complete application informing the applicant that the applicant is/is not eligible to participate in the lottery and of the applicant's right to appeal the decision.
- G. Any applicant who has been determined to be ineligible to participate in the lottery may file an appeal by submitting an appeal form with the Community Development Department.
- H. Any appeals will be heard following the close of the application submittal time, and prior to the lottery being held.
- I. If no appeals are submitted, the public lottery will be held within a reasonable time after the deadline for filing appeals.
- J. The public lottery will be held after all appeals have been heard and acted upon by the independent hearing officer.
- K. The City Manager is authorized to add additional steps to this process or to modify the order of the steps as is needed to facilitate the process of issuing cannabis regulatory permits.

The specific dates for each of those actions will be set by the City Manager and those dates will be made available to the public. It is anticipated that the schedule of steps will begin in early January and be completed in the first quarter of the calendar year.

The Resolution also sets other requirements such as how applications are to be submitted and processed by the City, and how an applicant may appeal a denial of the opportunity to participate in the lottery. An important aspect of the process is the conduct of a lottery system to allow for the initial issuance of only three (3) Retail Cannabis Regulatory Permits until the process for review and approval of conditional use permits for each of those first three is completed. The lottery process is summarized as follows:

1. A single lottery ball, with a unique number, shall be assigned to each application that has been determined by the City Manager, in consultation with the Chief of Police, to be eligible to participate in the lottery.

2. The lottery balls shall be placed into the lottery machine and shall be selected at random until all balls are pulled. The applicants with the corresponding first three balls that are pulled will be issued a cannabis regulatory permit pursuant to the procedures set forth in Chapter 5.33 of the Municipal Code and will be eligible to apply for a Cannabis Conditional Use Permit. The remaining applicants will be placed on a waiting list based on the order that their ball was pulled.

3. If any of the first three applicants does not apply for or obtain a Cannabis Conditional Use Permit, staff will contact the first applicant on the waiting list to determine whether any information in the application has changed since the application was first submitted. The City Manager, in consultation with the Police Chief, will re-evaluate the application and staff will notify the applicant whether he or she will be issued a Cannabis Regulatory Permit. If the applicant is issued a Cannabis Regulatory Permit, the applicant will also be informed that he or she is eligible to apply for a Cannabis Conditional Use Permit. Staff will follow this same process, contacting the applicants that are next in order, until three cannabis conditional use permit applications have been issued.

Staff will be working over the next several weeks to gear up for the anticipated submission of applications in early January, including the preparation of forms and other procedures to implement the approved process.

California Environmental Quality Act (CEQA)

A. Ordinance 1539

In accordance with the requirements of the California Environmental Quality Act (CEQA), staff has determined that Ordinance 1539 is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zone Text Amendment 18- 97505 may have a significant adverse effect on the environment, and thus the adoption of Ordinance 1539 is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

B. Ordinance 1538

In accordance with the requirements of CEQA, staff has determined that Ordinance 1538 is not a project as defined by the CEQA Guidelines Section 15378. Adoption of Ordinance 1538 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 Ordinance 1538 will require a discretionary permit and CEQA review, and will be analyzed at the appropriate time in accordance with CEQA. Ordinance 1538 is also 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.

C. Resolution No. 2018-153

In accordance with the requirements of CEQA, staff has determined that Resolution No. 2018-153 is not a project as defined by the CEQA Guidelines Section 15378. Adoption of Resolution No. 2018-153 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 Resolution No. 2018-153 will require a discretionary permit and CEQA review, and will be analyzed at the appropriate time in accordance with CEQA. Resolution

No. 2018-153 is also 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.

Public Notice

The proposed Categorical Exemption and Zone Text Amendment was advertised in the Record Gazette newspaper on November 27, 2018.

FISCAL IMPACT:

The City has incurred staff, attorney and consultant time in developing the regulatory documents and programs to tax, implement and regulate cannabis business activities in the City. A portion of this cost is anticipated to be recouped through Cannabis Regulatory Permit application fees and Conditional Use Permit fees. Once some cannabis businesses are approved and operating lawfully in the City, the City is anticipated to thereafter receive business license tax revenues, as approved in Measures N and O. The specific fiscal impact of the regulatory program and the tax revenues to be generated from cannabis businesses is not yet determined.

OPTIONS:

- I. Approve as recommended including the introduction of Ordinances 1539, 1538 and adoption of Resolution No. 2018-153.
- II. Approve with desired modifications.
- III. Do not approve and provide staff with alternative direction.

ATTACHMENTS:

1. Draft Ordinance 1539
2. Draft Ordinance 1538
3. Draft Resolution No. 2018-153
4. Public Hearing Notice

Approved by:

A handwritten signature in black ink, appearing to read 'D. Schulze', written over a horizontal line.

Douglas Schulze, City Manager

ATTACHMENT 1

Draft Ordinance No. 1539

ORDINANCE NO. 1539

AN ORDINANCE OF THE CITY OF BANNING APPROVING ZONE TEXT AMENDMENT NO. 18-97505, AMENDING CHAPTER 17.54 OF TITLE 17 OF THE BANNING MUNICIPAL CODE TO ELIMINATE THE SEPARATION REQUIREMENT BETWEEN CANNABIS RETAILERS, AND CLARIFYING THE ELIGIBILITY TO OBTAIN A CANNABIS RETAILER CONDITIONAL USE PERMIT, AND MAKING A DETERMINATION PURSUANT TO CEQA

WHEREAS, on October 3, 2018, the Planning Commission of the City of Banning held a duly noticed public hearing regarding Ordinance 1531 which would add Chapter 17.54 to the Zoning Code pertaining to cannabis retailer conditional use permits. At the conclusion of the Planning Commission hearing, and after due consideration of the testimony, the Planning Commission adopted Resolution No. 2018-18 recommending that the City Council adopt Ordinance 1531 to allow cannabis retailers as a conditionally permitted use in the Highway Serving Commercial zone. The Planning Commission further recommended that Ordinance 1531 be revised to delete the 600-foot separation requirement between cannabis retailers; and

WHEREAS, on October 23, 2018, the City Council of the City of Banning held a duly noticed public hearing on Ordinance 1531, 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 and conducted a first reading of Ordinance 1531. The City Council revised Ordinance 1531 to re-insert the 600-foot separation requirement between cannabis retailers that had been deleted by the Planning Commission; and

WHEREAS, on November 13, 2018, the City Council adopted Ordinance 1531; and

WHEREAS, staff has been drafting procedures to process cannabis retailer regulatory permits. Through this process, staff has determined that since cannabis retailers are only permitted to operate in a specific segment of the Highway Servicing Commercial zone, the 600-foot separation requirement between cannabis retailers will unduly restrict the properties on which these type of businesses are allowed to operate. Furthermore, staff has determined that conducting a lottery is the preferred method for selecting the cannabis retailers that will be eligible to obtain a cannabis conditional use permit, and having a 600-foot separation requirement between cannabis retailers will unduly complicate the lottery process; and

WHEREAS, the Community Development Director and City Manager are requesting that the City Council reconsider the 600-foot separation requirement between cannabis retailers and to now amend Chapter 17.54 to delete the 600-foot separation requirement between cannabis retailers; and

WHEREAS, the Planning Commission has already considered this issue and provided its recommendation on the subject of a 600-foot separation requirement between cannabis retailers in connection with its review of Ordinance 1531 such that the City is not required to resubmit the matter back to the Planning Commission prior to having the City Council consider this issue again; and

WHEREAS, the Ordinance also makes some general revisions that clarify the eligibility to obtain a cannabis conditional use permits. These revisions do not change any property from one zone to another or impose any regulation listed in Government Code Section 65850 not theretofore imposed or remove or modify any such regulation theretofore imposed. As such, consistent with Government Code Section 65853 these clarifying revisions do not to be first considered by the Planning Commission for a recommendation to the City Council nor do these revisions need to be noticed to the public.

WHEREAS, on December 11, 2018, the City Council held a duly noticed public hearing to consider Zone Text Amendment No. 18-97505, and following the receipt of all evidence, the City Council closed the public hearing; and

WHEREAS, Zoning Text Amendment No. 18-97505 is considered a “project” pursuant to the California Environmental Quality Act (CEQA). The project is considered exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed amendment may have a significant effect on the environment. Eliminating the separation requirement between cannabis retailers will not increase the number of cannabis retailers that will be permitted to operate in the City. Any future project will be required to undergo an environmental assessment for any potential impacts. Therefore, the project by itself does not result in any physical changes in the environment.

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.

The City Council finds and determines the Zoning Code Amendment is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed amendment may have a significant effect on the environment. Eliminating the separation requirement between cannabis retailers will not increase the number of cannabis retailers that will be permitted to operate in the City. Any future project will be required to undergo an environmental assessment for any potential impacts. Therefore, the project by itself does not result in any physical changes in the environment. 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. 18-97505.

Finding No. 1: Proposed Zone Text Amendment No. 18-97505 is consistent with the goals and policies of the General Plan.

Findings of Fact: Proposed Zone Text Amendment No. 18-97505 is consistent with the goals and policies of the General Plan. The Banning voters approved a tax measure on cannabis retailers. It is in the public interest to regulate cannabis, to allow for responsible and lawful retail cannabis sales in the City. With adequate regulation and oversight limited cannabis retail sales in the City are consistent with the following General Plan goals and policies:

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. 18-97505 is internally consistent with the Zoning Ordinance.

Findings of Fact: Proposed Zone Text Amendment No. 18-97505 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 retail cannabis sales so as to avoid the risks of criminal activity, malodorous smells, and degradation of the natural environment.

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 the Zoning Code Amendment is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed amendment may have a significant effect on the environment. Eliminating the separation requirement between cannabis retailers will not increase the number of cannabis retailers that will be permitted to operate in the City. Any future project will be required to undergo an environmental assessment for any potential impacts. Therefore, the project of and by itself does not result in any physical changes in the environment.

SECTION 3. The City Council hereby amends Subsection B of Section 17.54.030 (Cannabis Retailer Conditional Use Permit - Application Fees and Terms) of Chapter 17.54 (Cannabis Retailer Conditional Use Permits) of Title 17 (Zoning) as follows (with deletions appearing in strikethrough text and additions appearing in underlined text), with all other provisions of Section 17.54.030 remaining unchanged:

“B. Each cannabis retailer premises shall require a separate cannabis retailer conditional use permit. Two cannabis retailer premises in the City may not operate under one cannabis retailer conditional use permit. No holder of a cannabis retailer conditional use permit for one premises shall have an ownership interest in any other cannabis retailer lawfully or unlawfully operating in the City. Accordingly, no cannabis retailer conditional use permit shall be issued for an applicant, business entity, or person that has an ownership interest in any other cannabis retailer in the City and no cannabis retailer conditional use permit shall be issued if the applicant, owner or person with a direct financial interest in the cannabis business also has an ownership or other direct financial interest in any other commercial cannabis business retailer that is operating in the City or that has obtained a conditional use permit.”

SECTION 4. The City Council hereby amends Subsection B of Section 17.54.080 (Separation Requirements and Other Limitations.) of Chapter 17.54 (Cannabis Retailer Conditional Use Permits) of Title 17 (Zoning) as follows (with deletions appearing in strikethrough text and additions appearing in underlined text), with all other provisions of Section 17.54.080 remaining unchanged:

“B. No cannabis business shall be located within a 200-foot radius of any residential zoning district. No cannabis business shall be located within a 600-foot radius of any day care center, youth center, public or private school providing instruction in kindergarten or any of grades 1-12, or park, ~~or any other retail cannabis business that is lawfully operating in the City and 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 distances 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.”

SECTION 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 6. Savings Clause. Neither the adoption of this Ordinance nor the repeal of any other ordinance of this City shall in any manner affect the prosecution of any violation of any City ordinance or provision of the Banning Municipal Code, committed prior to the effective date hereto, nor be construed as a waiver of any license or penalty or the penal provision applicable to any violation thereof.

SECTION 7. Certification. The City Clerk shall certify to the adoption of this Ordinance and shall cause it to be published in the manner required by law.

PASSED, APPROVED and ADOPTED by the City Council of the City of Banning on this ____ day of January, 2018.

_____, Mayor
City of Banning

ATTEST:

Laurie Sampson, Acting Deputy City Clerk
City of Banning

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

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

CERTIFICATION:

I, Laurie Sampson, Acting Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Ordinance No. 1539 was duly introduced at a regular meeting of the City Council of the City of Banning held on the 11th day of December, 2018, and was duly adopted at a regular meeting of said City Council on the ____ day of _____, 2019 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Laurie Sampson, Acting Deputy City Clerk
City of Banning, California

ATTACHMENT 2

Draft Ordinance No. 1538

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ORDINANCE NO. 1538

AN ORDINANCE OF THE CITY OF BANNING AMENDING CHAPTER 5.33 OF TITLE 5 OF THE BANNING MUNICIPAL CODE RELATED TO THE PROCESS FOR ISSUING CANNABIS RETAILER REGULATORY PERMITS, AND RELATED APPEALS, AND MAKING A DETERMINATION PURSUANT TO CEQA

WHEREAS, on November 13, 2018, the City Council adopted Ordinance 1527, which added Chapter 5.33 to the Municipal Code to establish procedures for the issuance of regulatory permits to cannabis retailers. At the same meeting, the City Council also adopted Ordinance 1531 which added Chapter 17.54 to the Zoning Code to allow for the issuance of conditional use permits to cannabis retailers; and

WHEREAS, Ordinance 1531 provides that only one cannabis retailer for every 10,000 residents may lawfully operate in the City, with any fraction of that ratio being rounded down to the nearest whole number. Based on Banning's current population, three cannabis retailers will be permitted to operate in the City. Staff was therefore tasked with creating a fair process to select the three retailers that will be permitted to operate in the City; and

WHEREAS, staff has drafted procedures to process cannabis retailer regulatory permits and has determined that the fairest approach would be for the eligible applicants to be selected through a lottery process; and

WHEREAS, Chapter 5.33 does not include provisions allowing for the selection of the cannabis retailers through a lottery, nor appeal procedures for those applicants who are not eligible to participate in the lottery; and

WHEREAS, additional revisions are needed to Chapter 5.33 to conform with the procedures that staff has drafted for processing the cannabis regulatory permit applications; and

WHEREAS, 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. This Ordinance is also 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.

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

SECTION 1. Code Amendment. The City Council hereby amends Section 5.33.010 (Definitions.) of Chapter 5.33 (Cannabis Retailer Regulatory Permits) of Title 5 (Business Licenses and Regulations) to revise the definition of “Applicant” and add a new definition for “Eligible property”, in alphabetical order, to read as follows:

““Applicant” means the business entity that is the owner and operator of the cannabis business that is applying for a cannabis regulatory permit pursuant to this Chapter.”

““Eligible property” or “Eligible properties” means any property located within the Highway Serving Commercial zone that meets the location requirements set forth in Chapter 17.54.”

SECTION 2. Code Amendment. The City Council hereby amends Section 5.33.020 (Cannabis Regulatory Permit Required.) of Chapter 5.33 (Cannabis Retailer Regulatory Permits) of Title 5 (Business Licenses and Regulations) in its entirety to read as follows:

“A. No person shall establish, or operate a cannabis business 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 17.54;

and

4. A valid license issued by the Bureau to conduct the specific commercial cannabis activity that is being conducted on the premises.

B. Each cannabis business shall obtain a separate permit. Permits are nontransferable and will only be issued to the entity that will own and operate the cannabis business.

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 17.54 of the Banning Municipal Code.

D. 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.”

SECTION 3. Code Amendment. The City Council hereby renumbers Section 5.33.040 (Cannabis Regulatory Permit Application Requirements.) of Chapter 5.33 (Cannabis Retailer Regulatory Permits) of Title 5 (Business Licenses and Regulations) as Section 5.33.030, and amends the new Section 5.33.030 in its entirety to read as follows:

“A. An owner of a cannabis business may apply for a permit, on behalf of a cannabis business, by filing an application with the City Manager.

B. A cannabis business may submit one application for each eligible property in the City. A cannabis business may submit multiple applications provided that the applications are for separate properties in the City, and that separate fees are paid for each application. Multiple cannabis businesses may submit an application for each eligible property in the City. However, consistent with Section 17.54.030(B), a cannabis business shall not be permitted to operate at multiple locations in the City, nor shall a cannabis business be issued a permit if any owner or person with a financial interest in the cannabis business is also an owner or has a financial interest in any other cannabis business that is operating in the City or that has obtained a permit to operate in the City.

C. No person shall knowingly make a false statement of fact or knowingly omit any information that is required in the permit application.

D. Applications shall not be accepted or processed unless the applicant pays the nonrefundable application fee in the amount to be established by resolution of the City Council.

E. Applications will be accepted by appointment only and the applicant must adhere to the application procedures adopted by resolution of the City Council.

F. 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, a description of the commercial cannabis activity that will be conducted on the premises, and a general description of the products that will be sold on or from the premises.

2. A description of the statutory entity or business form that will serve as the legal structure for the cannabis business; 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.

3. A list of every fictitious business name the cannabis business is operating under.
4. The legal name of the applicant.
5. 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.
6. If applicable, the business trade name (“DBA”) of the cannabis business.
7. A list of the license types and the license numbers issued by any licensing authority to the applicant, or any other owner of the cannabis business, including the date the license was issued, the date the license will terminate and the licensing authority that issued the license.
8. Whether the applicant, or any owners of the cannabis business, have been denied a license or have 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.
9. The assessor’s parcel number and the physical address of the premises where the cannabis business will be conducted, the telephone number for the premises, and the website address and email address of the cannabis business. If the cannabis 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.
10. The cannabis business’ federal employer identification number.
11. The physical address of any other premises owned or operated by the applicant, or any other owner of the cannabis business, and a brief summary of the business operations at each premises.
12. A complete list of every owner of, or person with a financial interest in, the cannabis business. Each individual named on this list shall submit the following information:
 - a) Their full name.
 - b) Their title within the applicant entity, if applicable.
 - c) Their date of birth and place of birth.
 - d) Their social security number or individual taxpayer identification number.

- e) Their mailing address.
- f) Their home, business, or mobile telephone number and email address.
- g) Their current employer.
- h) Their percentage of ownership interest held in the applicant entity, or other financial interest held in the applicant entity.
- i) Whether the individual has an ownership or a financial interest in any other cannabis business licensed by a licensing authority.
- j) A copy of the individual's government-issued identification that includes the name, date of birth, physical description and picture of the owner or person with a financial interest in the cannabis business.
- k) A copy of the DOJ and NCIC fingerprint background check for each owner and person with a financial interest in the cannabis business 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 persons with a financial interest in the cannabis business, or any business entity in which the applicant or any of its owners or person with a financial interest in the cannabis business 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 person with a financial interest in the cannabis business, or a business entity in which the applicant or any of its owners or persons with a financial interest in the cannabis business was an owner or officer within the five (5) years immediately preceding the date of the application.

13. A copy of the applicant's application with the Bureau to operate a cannabis retailer in the City.

14. A list of all owners, managers, and employees that are authorized to carry concealed weapons.

15. 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.

16. If the applicant is the landowner upon which the premises is located, a copy of the title or deed to the property.

17. 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.

18. 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.

19. The proposed hours of operation.

20. Authorization and consent for City staff and the Police Department to seek verification of the information contained within the application.

21. An agreement whereby the applicant and the cannabis business:

a) Release 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 owners, managers, agents, employees, members or volunteers of the cannabis business for violation of state or federal laws; and

b) Defend, indemnify and hold 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 the operation of the cannabis business.

22. 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.

G. 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 a cannabis business' suitability for a permit. An applicant shall provide any additional information requested by the City Manager no later than seven (7) days after the request, unless otherwise specified by the City Manager."

SECTION 4. Code Amendment. The City Council hereby adds a new Section 5.33.040 (Lottery.) to Chapter 5.33 (Cannabis Retailer Regulatory Permits) of Title 5 (Business Licenses and Regulations) to read as follows:

“A. City staff shall establish and conduct a lottery for determining which cannabis businesses will (1) be issued a cannabis regulatory permit, and (2) be eligible to apply for a cannabis conditional use permit pursuant to the provisions of Chapter 17.54.

B. The City Council shall adopt a resolution setting forth the procedures that will be followed in conducting the lottery, and the steps to be included in a schedule that will be prepared for the receipt and review of applications for cannabis retail regulatory permits. The City Manager is hereby authorized to make any necessary changes to the lottery procedures and steps to be included in the schedule as he or she deems appropriate.”

SECTION 5. Code Amendment. The City Council hereby renumbers Section 5.33.060 (Decision on Cannabis Regulatory Permit.) of Chapter 5.33 (Cannabis Retailer Regulatory Permits) of Title 5 (Business Licenses and Regulations) as Section 5.33.050, and amends the new Section 5.33.050 in its entirety to read as follows:

A. The City Manager, in consultation with Chief of Police, shall evaluate all completed applications that are submitted by the application deadline and determine whether the applicant can participate in the lottery. The applicant shall be ineligible to participate in the lottery, if the City Manager 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 Community Development Director, 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, for any reason other than the fact that the applicant was not selected for a limited number of licenses or permits, but would have otherwise qualified to obtain the license or permit.

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 the 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. 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, or his or her designee, shall notify the applicant that the cannabis business is eligible to participate in the lottery. If any of the above-referenced conditions exist, the City Manager shall notify the applicant that the cannabis business has been denied the opportunity to participate in the lottery and has been denied a cannabis regulatory permit. Any notice of denial shall set forth the reasons of denial and advise the applicant of the right to contest the denial pursuant to the procedures set forth in

Section 5.33.060.

C. Within seven (7) business days of the lottery being conducted, the City Manager, or his or her designee, shall issue a cannabis regulatory permit to the first three (3) retailers that were selected in the lottery and shall notify the applicants that they are eligible to apply for a cannabis conditional use permit. The applicants that were not the first three (3) retailers selected in the lottery will be placed on a waiting list in the order that they were selected in the lottery. These applicants will not be issued or denied a permit, but rather will remain on the waiting list in the event that an additional spot opens up to obtain a cannabis regulatory permit.

D. If a cannabis regulatory permit is issued to an applicant, but a cannabis retailer conditional use permit pursuant to Chapter 17.54 is not approved within one year from the issuance of a permit under this chapter, the permit issued under this Chapter shall be void.”

SECTION 6. Code Amendment. The City Council hereby adds a new Section 5.33.060 (Lottery Appeals.) to Chapter 5.33 (Cannabis Retailer Regulatory Permits) of Title 5 (Business Licenses and Regulations) to read as follows:

A. If an applicant is denied the opportunity to participate in the lottery due to the applicant’s failure to submit a complete application by the required deadline, failure to satisfy the criteria for issuance of a permit, or for any other reason, the applicant may appeal this decision in writing. The written appeal shall be filed with the Community Development Department, by the deadline set forth in a resolution adopted by the City Council, and shall be accompanied by an appeal fee. After the deadline to appeal has passed, the decision to deny the cannabis regulatory permit shall be deemed final, and may no longer be appealed.

B. In the event an appeal is timely filed, the lottery shall not be conducted until the appeal is heard. Upon receipt of a timely appeal, the Community Development Director shall make arrangements for the selection of a hearing officer to conduct the appeal hearing. Not less than seven (7) days prior to the appeal hearing, the Community Development Director shall notify the City Manager, Chief of Police, and the appellant of either: (1) the name of the administrative law judgment who will serve as the hearing office, (2) the names of three qualified attorneys or retired Superior Court or Appellate Court judges submitted to the Community Development Department by a reputable firm providing mediators and arbitrators to serve as a panel from which the hearing officer will be selected, or (3) any other option determined by the City to serve as a fair and impartial process to hear the appeal. The City shall decide which of the three options specified above will be used for the appeal, and the Community Development Director shall notify the City Manager, Chief of Police, and appellant of the option that will be used. If the second option is selected by the City, then within three (3) days of the date of mailing the notice of the available panel, the City Manager, Chief of Police, or the appellant may notify the Community Development Director in writing that he or she elects to remove one of the three potential hearing officers. The Community Development Director shall then request the mediation and arbitration firm

to select one of the remaining names on the list as the designated hearing officer for the appeal hearing. The hearing officer shall be fair and impartial and shall have no bias for or against the City Manager, Chief of Police, or the appellant.

C. At the appeal hearing, the hearing officer shall receive oral and written evidence from the City Manager and the appellant. The hearing officer shall have authority to administer oaths to those persons who will provide oral testimony. The evidence presented need not comply with the strict rules of evidence set forth in the California Evidence Code but shall be the type of evidence upon which reasonable and prudent people rely upon in the conduct of serious affairs. The hearing officer shall have broad authority to control the proceedings and to provide for cross examination of witness in a fair and impartial manner. The City Manager shall have the burden of proof to establish by clear and convincing evidence the facts upon which his or her decision is based. The appeal hearing shall be recorded by audio recording. Any party may, at its sole cost and expense, utilize the services of a certified court reporter to prepare the verbatim record of the hearing. If a court reporter is used, the transcript prepared shall be made available for purchase to both parties. The hearing officer may continue the appeal hearing from time to time, but only upon written motion of a party showing good cause for the continuance.

D. The hearing officer may uphold or reverse the decision of the City Manager. Within seven (7) days of the conclusion of the appeal hearing, the hearing officer shall render his or her decision and make written findings supporting the decision. He or she shall send the decision to the Community Development Director. Upon receipt of the hearing officer's decision, the Community Development Director shall send a copy of it to the City Manager and the appellant, along with a proof of mailing. The hearing officer's decision shall be final."

SECTION 7. Code Amendment. The City Council hereby renames Section 5.33.070 (Approval of Cannabis Regulatory Permit with Conditions.) as "City Manager Authority." and amends Section 5.33.070 in its entirety to read as follows:

"A. The City Manager is authorized to adopt policies, rules, and procedures to implement and interpret this Chapter, and is further authorized to waive any requirements set forth in this Chapter so long as the requirement being waived is applied equally to all applicants.

B. 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.

C. 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.

D. Review of any decision by the City Manager to impose additional conditions on a permit pursuant to this section shall be pursuant to Section 5.33.130.”

SECTION 8. Code Amendment. The City Council hereby amends Subsection E of Section 5.33.080 (Cannabis Regulatory Permit Renewal.) of Chapter 5.33 (Cannabis Retailer Regulatory Permits) of Title 5 (Business Licenses and Regulations) to read as follows:

“E. The City Manager, in consultation with the Chief of Police, shall evaluate the renewal application and determine whether to renew the permit based on the criteria set forth in Section 5.33.050. In addition, the City Manager, in consultation with the Chief of Police, shall evaluate whether 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. If the premises is substantially different, the City Manager may deny the renewal application. Review of any decision by the City Manager to deny a request to renew a permit shall be pursuant to Section 5.33.130.”

SECTION 9. Code Amendment. The City Council hereby amends Subsection B of Section 5.33.130 (Initiation of Discipline and Appeals.) of Chapter 5.33 (Cannabis Retailer Regulatory Permits) of Title 5 (Business Licenses and Regulations) to read as follows:

“B. If an application for a permit renewal was denied by the City Manager, or the City Manager revokes or suspends a cannabis regulatory permit, 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 City Manager’s decision 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.”

SECTION 10. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 11. Savings Clause. Neither the adoption of this Ordinance nor the repeal of any other ordinance of this City shall in any manner affect the prosecution of any violation of any City ordinance or provision of the Banning Municipal Code, committed prior to the effective date hereto, nor be construed as a waiver of any license or penalty or the penal provision applicable to any violation thereof.

SECTION 12. Certification. The City Clerk shall certify to the adoption of this Ordinance and shall cause it to be published in the manner required by law.

PASSED, APPROVED and ADOPTED by the City Council of the City of Banning on this ____ day of January, 2019.

_____, Mayor
City of Banning

ATTEST:

Laurie Sampson, Acting Deputy City Clerk
City of Banning, California

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

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

CERTIFICATION:

I, Laurie Sampson, Acting Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Ordinance No. 1538 was duly introduced at a regular meeting of the City Council of the City of Banning held on the 11th day of December, 2018, and was duly adopted at a regular meeting of said City Council on the ____ day of _____, 2019 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Laurie Sampson, Acting Deputy City Clerk
City of Banning, California

ATTACHMENT 3

Resolution No. 2018-153

RESOLUTION NO. 2018-153

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING
ADOPTING A SELECTION PROCESS AND STEPS TO BE INCLUDED
IN A SCHEDULE FOR THE GRANTING OF CANNABIS RETAILER
REGULATORY PERMITS**

**THE CITY COUNCIL OF THE CITY OF BANNING DOES RESOLVE AS
FOLLOWS:**

Section 1. Findings: The City Council of the City of Banning hereby finds, determines and declares that:

(a) On June 26, 2018, the City Council adopted Resolution No. 2018-82 calling for the placement of a measure on the ballot of the November 6, 2018 municipal election to adopt an ordinance imposing a general tax on cannabis retail businesses (which later became Measure O); and

(b) On November 6, 2018, Banning voters approved Measure O; and

(c) On November 13, 2018, the City Council adopted Ordinance 1527, which added Chapter 5.33 to the Municipal Code to establish procedures for the issuance of regulatory permits to cannabis retailers. At the same meeting, the City Council also adopted Ordinance 1531 which added Chapter 17.54 to the Zoning Code to allow for the issuance of conditional use permits to cannabis retailers; and

(d) Ordinance 1531 provides that only one cannabis retailer for every 10,000 residents may lawfully operate in the City, with any fraction of that ratio being rounded down to the nearest whole number. Based on Banning's current population, three cannabis retailers will be permitted to operate in the City. Staff was therefore tasked with creating a fair process to select the three retailers that will be permitted to operate in the City; and

(e) By the adoption of Ordinances 1527 and 1531, as described above, the City Council has adopted a two-step process for cannabis retailers to lawfully operate in the City. A cannabis retailer must first apply for a cannabis regulatory permit in compliance with the provisions of Chapter 5.33 of the Banning Municipal Code. If the cannabis retailer secures a cannabis regulatory permit, then it must apply for and obtain a cannabis conditional use permit in compliance with Chapter 17.54 of the Banning Municipal Code. Only three retailers will be issued cannabis conditional use permits; and

(f) City staff and the City Council anticipate that more than three qualified and approvable applications for cannabis retail operations may be submitted to the City once Ordinances 1527 and 1531 take effect on January 1, 2019; and

(g) By this Resolution, the City Council intends to establish a schedule and selection process for the initial granting of cannabis regulatory permits so that the

granting of the first three cannabis regulatory permits are accomplished in an orderly and fair manner consistent with the requirements of Ordinances 1527 and 1531 as amended.

Section 2. Schedule. The City Council hereby authorizes and directs the City Manager to develop a schedule for processing of applications for cannabis regulatory permits that includes the following steps and actions:

- A. A public information workshop will be held.
- B. Cannabis regulatory permit applications will be made available on the City's website and at City Hall.
- C. Appointments can be made to meet with Community Development Department staff to answer questions the applicants may have about the application process.
- D. Applications will be accepted in the Community Development Department by appointment only.
- E. City Staff, and the City Manager, in consultation with the Police Chief, will process the applications.
- F. City staff will issue a notice to each applicant that submitted a complete application informing the applicant that the applicant is/is not eligible to participate in the lottery and of the applicant's right to appeal the decision.
- G. Any applicant who has been determined to be ineligible to participate in the lottery may file an appeal by submitting an appeal form with the Community Development Department.
- H. Any appeals will be heard following the close of the application submittal time, and prior to the lottery being held.
- I. If no appeals are submitted, the public lottery will be held within a reasonable time after the deadline for filing appeals.
- J. The public lottery will be held after all appeals have been heard and acted upon by the independent hearing officer.
- K. The City Manager is authorized to add additional steps to this process or to modify the order of the steps as is needed to facilitate the process of issuing cannabis regulatory permits.

Section 3. Policies and Procedures. The City Council hereby adopts the following procedures for selecting the eligible cannabis retailers that will be issued a cannabis regulatory permit and be permitted to apply for a cannabis conditional use permit.

A. Application process. Applicants must apply for a cannabis regulatory permit by the deadline set forth in Section 2 above, unless otherwise extended by the City Manager. Applicants must pay the \$5,000 non-refundable fee at the time that the application is submitted.

B. Application Submittal.

1) To submit an application, an applicant must make an appointment to meet with a Community Development Department staff member. Appointment times can be made by calling or e-mailing the Community Development Department at the designated phone number and e-mail address that will be released to the public in compliance with the schedule adopted pursuant to Section 2. Applications will be accepted by appointment only.

2) Staff will meet with the applicant during the specially designated appointment time to go over the application to ensure that the application contains all the required information and that the application is complete.

3) Beginning on the date set by the City Manager, or as soon thereafter as determined by the City Manager, if the application is deemed complete by the Community Development Department staff, the application will be date and time stamped and accepted. If the application is incomplete, the applicant will be informed in writing of the incompleteness and will have the opportunity to make an additional appointment with Community Development staff to submit a complete application so long as the application is not being submitted on the last day that applications are accepted.

C. Processing. Any application that is incomplete will not be accepted by staff. Staff will provide all applicants that attempt to submit an incomplete application a pre-printed form that identifies the sections of the application that are incomplete. Staff shall also retain a copy of this form in the City's files along with a copy of the application that will be marked "Incomplete" or "Not Accepted." If the applicant fails to submit a timely and complete application, the applicant will be denied a cannabis regulatory permit. All other applications will be processed by staff according to the criteria set forth in Chapter 5.33.

D. Eligibility to Participate in the Lottery. The City Manager in consultation with the Police Chief will review all completed applications that are submitted by the application deadline. If the application satisfies the criteria for approval in Chapter 5.33, then the City Manager and Police Chief shall determine the application eligible to participate in the lottery.

E. Notice. Staff will notify all applicants about whether they are eligible to participate in the lottery. The notification must be sent to the address listed on the application form for service, and must be sent by first class mail.

F. Appeals. If an applicant is denied the opportunity to participate in the lottery due to the applicant's failure to submit a complete application by the required

deadline, failure to satisfy the criteria for issuance of the permit, or for any other reason, the applicant may appeal this decision. The appeal must be in writing and must be filed with the Community Development Department office by the deadline set forth in Section 2 above, or as soon thereafter as determined by the City Manager. After the deadline to appeal has passed, the decision to deny the cannabis regulatory permit shall be deemed final, and may no longer be appealed. Appeals will be heard by an independent hearing officer. The decision of the hearing officer will be final. The lottery will not be held until all timely appeals have been heard by an independent hearing officer.

G. Lottery. The lottery will be conducted as follows:

1) A single lottery ball, with a unique number, shall be assigned to each application that has been determined by the City Manager, in consultation with the Chief of Police, to be eligible to participate in the lottery as specified in Subsection D of Section 2 above.

2) The lottery balls shall be placed into the lottery machine and shall be selected at random until all balls are pulled. The applicants with the corresponding first three balls that are pulled will be issued a cannabis regulatory permit pursuant to the procedures set forth in Chapter 5.33 of the Municipal Code and will be eligible to apply for a cannabis conditional use permit. The remaining applicants will be placed on a waiting list based on the order that their ball was pulled.

3) If any of the first three applicants does not apply for or obtain a cannabis conditional use permit, staff will contact the first applicant on the waiting list to determine whether any information in the application has changed since the application was first submitted. The City Manager, in consultation with the Police Chief, will re-evaluate the application and staff will notify the applicant whether he or she will be issued a cannabis regulatory permit. If the applicant is issued a cannabis regulatory permit, the applicant will also be informed that he or she is eligible to apply for a cannabis conditional use permit. Staff will follow this same process, contacting the applicants that are next in order, until three cannabis conditional use permit applications have been issued.

Section 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Resolution or any part hereof is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion of this Resolution or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared invalid or unconstitutional.

Section 5. Effective Date. The fees established by this Resolution shall become effective immediately.

PASSED, APPROVED and ADOPTED by the City Council of the City of Banning on this 11th day of December, 2018.

_____, Mayor
City of Banning

ATTEST:

Laurie Sampson, Acting Deputy City Clerk
City of Banning

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

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

CERTIFICATION:

I, Laurie Sampson, Acting Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2018-153, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 11th day of December, 2018, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Laurie Sampson, Acting Deputy City Clerk
City of Banning, California

ATTACHMENT 4

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

NOTICE OF A PUBLIC HEARING AND NOTICE OF INTENT TO ADOPT A CATEGORICAL EXEMPTION FOR ZONE TEXT AMENDMENT (ZTA) NO. 18-97505 AMENDING ZONING ORDINANCE 1531 (TITLE 17 OF THE BANNING MUNICIPAL CODE) TO DELETE THE 600-FOOT SEPARATION REQUIREMENT BETWEEN CANNABIS RETAILERS IN CONNECTION WITH THE ISSUANCE OF CANNABIS RETAIL CONDITIONAL USE PERMITS

NOTICE IS HEREBY GIVEN of a public hearing before the City Council of the City of Banning, to be held on Tuesday, December 11, 2018, at 5:00 p.m. in the Council Chambers, Banning City Hall, 99 East Ramsey Street, Banning, California, to consider Zone Text Amendment (ZTA) No. 18-97505 pursuant to Chapter 17.116 (Zoning Ordinance Amendments) of the City of Banning Municipal Code. The proposed amendment seeks to amend Chapter 17.54, added by Ordinance 1531 (effective January 1, 2019), to delete the 600-foot separation requirement between cannabis retailers. On October 3, 2018, the Planning Commission considered Ordinance 1531 and recommended eliminating the 600-foot separation requirement between cannabis retailers. At the October 23, 2018 City Council meeting, the City Council conducted first reading of Ordinance 1531, and added the 600 foot separation requirement between cannabis retailers, that had been removed by the Planning Commission. On November 13, 2018, the City Council adopted Ordinance 1531 with the 600 foot separation requirement between cannabis retailers. Staff is now recommending amending Chapter 17.54 to eliminate this separation requirement between cannabis retailers.

Staff has determined that the zoning text amendment is categorically exempt pursuant to California CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed amendment may have a significant effect on the environment. Eliminating the separation requirement between cannabis retailers will not increase the number of cannabis retailers that will be permitted to operate in the City. All cannabis retailers will be required to comply with CEQA before they are permitted to operate in the City. Information regarding the Categorical Exemption and Zone Text Amendment (ZTA) No. 18-97505 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 INTERM COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA

MARYANN MARKS
Interim Community Development Director

Dated: December 26, 2018
Publish: December 30, 2018



**CITY OF BANNING
PUBLIC HEARING**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Maryann Marks, Interim Community Development Director
Sonia Pierce, Senior Planner

MEETING DATE: December 11, 2018

SUBJECT: BANNING DISTRIBUTION CENTER –
GENERAL PLAN AMENDMENT 17-2501; ZONE CHANGE 17-3501; DESIGN REVIEW 16-7002; AND ENVIRONMENTAL ASSESSMENT 16-1503 FOR THE PROPOSED DEVELOPMENT OF 1,000,000-SQUARE FOOT DISTRIBUTION WAREHOUSE FACILITY CONSISTING OF 1,000,000 SQUARE FEET OF WAREHOUSE SPACE WITH 10,000 SQUARE FEET OF OFFICE SPACE, AUTO AND TRAILER PARKING, 2 DETENTION BASINS AND ASSOCIATED INFRASTRUCTURE WITHIN THE AIRPORT INDUSTRIAL (AI) AND PUBLIC FACILITIES AIRPORT (PF-A) LAND USE DISTRICTS (APN 532-110-006, 532-130-001 AND 532-130-002)

RECOMMENDED ACTION:

Staff recommends that the City Council:

1. Adopt Resolution 2018-144 to approve General Plan Amendment 17-2501, Design Review 16-7002; and certify an Environmental Impact Report (State Clearinghouse # 2018011032), and adopt a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program (Environmental Assessment 17-1504) for the Banning Distribution Center Project; and
2. Approve Ordinance 1537 to approve Zone Change 17-3501 to amend the Zoning Map, Title 17 of the Banning Municipal Code for two lots totaling 40.63 acres located north of Banning Municipal Airport, South of Interstate 10, East of Hathaway Street from Public Facilities – Airport to Airport Industrial.

PROJECT / APPLICANT INFORMATION:

Project Applicant: Banning Industrial, LP
17842 Mitchell North, Suite 200
Irvine, CA 92614

Property Owner: Banning Industrial, LP
17842 Mitchell North, Suite 200
Irvine, CA 92614

Project Location: The southeastern portion of the City on approximately 63.9 acres. The Project site is located north of the Banning Municipal Airport, and south of Interstate 10 (I-10) freeway and the Union Pacific Railroad line the City of Banning, California.

APN Information: Affected parcels include 532-110-006, 532-130-001 and 532-130-002.

BACKGROUND AND SETTING:

The Project site consists of three vacant, undeveloped parcels; 532-110-006, 532-130-001, and 532-130-002. These three parcels were originally part of Tentative Parcel Map 34335 (TPM 34335), which was approved by the City of Banning in 2007. The City of Banning prepared a Mitigated Negative Declaration for TPM 34335, which was approved by the City's Community Development Director in 2007. It should be noted that within the City of Banning, approval authority for Tentative Parcel Maps rested with the Community Development Director until April 12, 2010, at which time amendments to the Municipal Code placed approval authority with the City Council after recommendation by the Planning Commission.

This TPM was set to expire in 2017. At the November 14, 2017, City Council meeting, the TPM was extended until October 22, 2018. Most recently at the October 9, 2018 City Council meeting, the map received an additional extension which extends the map until October 22, 2019. The proposed 1,000,000 square foot building extends across parcel lines for three separate parcels. Should the applicant move forward with the development of the Banning Distribution Center, prior to the issuance of building permits the existing three parcels need to be merged into one single parcel for TPM 34335 to be recorded. If TPM 34335 has not expired, the map should be withdrawn to avoid constructing the Distribution Center over several parcel lines. Withdrawal of the parcel map will not affect the other entitlements upon the property.

Concurrent to the preparation of the EIR, a General Plan Amendment (GPA) and Zone Change (ZC) were submitted to the City of Banning on June 15, 2017. A GPA and ZC are needed for the parcel consolidation. Two of the parcel designations and zoning need to be changed to be consistent with the zoning of the rest of the project site. The ZC changing the land use and zoning of Public Facilities – Airport (PF-A) to Airport Industrial (AI) on the southern portion of the subject site (APN 532-130-001 and 532-130-002) is part of the project applications being considered. The November 17, 2017 proposed Project site plan submittal shows parking and a detention basin on the area presently designated as PF-A; the building proposed and the remainder of the site are located on parcels zoned and designated as Airport Industrial.

**Table 1
Land Use Summary**

	Existing Land Use	Zoning Designation	General Plan Designation
Subject Site	Vacant Land	Airport Industrial (AI) and Public Facilities – Airport (PF-A)	Airport Industrial (AI) and Public Facilities – Airport (PF-A)
North	Union Pacific Railroad (Railroad) and Interstate 10 (I-10)	Public Facilities – Railroad/Interstate/(PF-RI)	Public Facilities – Railroad/Interstate/(PF-RI)
South	Banning Municipal Airport facility	Public Facilities – Airport/(PF-A)	Public Facilities – Airport/(PF-A)
East	Vacant Land owned by the Morongo Band of Mission Indians	Not in City's Sphere of Influence.	Not in City's Sphere of Influence.
West	Banning Municipal Airport facility	Public Facilities – Airport/(PF-A) / Airport Industrial/(A-I)	Public Facilities – Airport/(PF-A) / Airport Industrial/(A-I)

COMMISSION RECOMMENDATION:

On November 7, 2018, the City of Banning Planning Commission adopted Resolution 2018-19 by a 5-0-0 vote, recommending that the City Council of the City of Banning certify an Environmental Impact Report and adopt a Statement of Overriding Considerations and approve General Plan Amendment No. 17-2501, Zone Change No. 17-3501 and Design Review No. 2016-7002 for the Banning Distribution Center Project.

JUSTIFICATION:

The current General Plan Land Use and Zoning Overlay Map depicts portions of the 63.9 - acre site is located in the City of Banning and zoned Public Facilities–Airport (PF-A) and a portion is zoned Airport Industrial (AI). The proposed General Plan Amendment the change the General Plan land use designation from Public Facilities–Airport (PF-A) to Airport Industrial (AI) for the southern portion of the Project site (APNs 532-130-001 and 530-130-002) is consistent with the Banning General Plan because the City's Industrial Goal is to provide a balanced mix of non-polluting industrial land uses which provide local jobs for the City's residents.

The proposed Project is consistent with the General Plan Land Use Element Policy 7 under Commercial and Industrial Goals, which states: "The land use map shall include sufficient industrial lands for manufacturing, warehousing and distribution, while carefully considering compatibility with adjacent residential lands."

The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located. The distribution warehouse project is currently located within the Airport Industrial (AI) land use designation and zoning which allows for this type of use. However, the southern portion of the Project site (APNs 532-130-001 and 530-130-002) is currently designated Public Facilities-Airport (PF-A), which only allows for uses specifically related to airport operations. As It is unlikely that the distribution warehouse will be part of the Banning Airport operations, a General Plan Amendment (GPA 17-2501) and Zone Change (ZC 17-3501) to change the land use designation and zoning for the southern portion of APNs 532-130-001 and 530-130-002 from Public Facilities-Airport (PF-A) to Airport Industrial (AI) is necessary.

The request for Design Review approval for the construction of a 1,000,000 square foot warehouse distribution center and related infrastructure improvements are a part of the project. The project design and landscape are consistent with the standards of the Banning Zoning Code. The design of the proposed project is compatible with the character of the surrounding neighborhood.

Additional details, including findings, are provided in the Planning Commission Resolution No 2018-19, which is attached as Attachment 3.

REQUEST:

The applicant proposes a General Plan Amendment (GPA 17-2501) to change the General Plan land use designation for the site from Public Facilities – Airport to Airport Industrial, Zone Change (ZC 17-3501) to change the Zoning designation of the site from Public Facilities – Airport to Airport Industrial, and Design Review (DR 16-7002) to allow construction of a single story, 1,000,000 square foot speculation distribution facility. The proposed building would include 10,000 square-feet of office space.

ANALYSIS:

The Project's proposed development of a 1,000,000 square feet speculative (i.e. the building's tenant has not been determined) building on approximately 63.9 acres. The building consists of 990,000 square-feet of high-cube (non-refrigerated) industrial/warehouse space and approximately 10,000 square feet of office space on the southwest and southeast corners of the proposed building for a total of 1 million square feet. The site plan is conceptual in nature and minor modifications may occur during detailed final project review. The warehouse building will feature 88 dock doors on the northern side of the building, 25 dock doors on the western side, and 96 dock doors on the southern side of the proposed building.

Off-site infrastructure improvements will also be required. These improvements include construction of John Street, construction of the off-site extensions of water lines, sewer lines, and a lift station as well as the emergency access road. This corresponds to approximately 9.11 acres of off-site paving, for John Street and portions of the off-site sewer line, as well as approximately 4.7 acres of unpaved off-site improvements for portions of the off-site sewer line and lifts station, water line, and gravel emergency access road. Approximately 1,500 cubic yards of gravel will be imported during construction of the off-site emergency access road, which will remain unpaved.

The Project will include construction of a gravel emergency access road, since the site will not be able to have access to the east (Tribal land located east of the site). An unpaved, gravel emergency access road begins north of the intersection of East Lincoln Street and South Juarez Street for approximately 422 feet then heads east for approximately 6,864 feet until connecting to the southwest portion of the Project site 3,871 linear feet. The emergency access road also includes an at-grade crossing of Ramsey Street Wash.

The Project site will need to be served by water and sewer, which are not currently available to the site. In order to serve the site, potable water and sewer lines, along with a sewer lift station, will be constructed as part of the project. The locations of these shared utility lines begin north of Charles Street and the City's Water Reclamation Facility until it connects to East Westward Avenue and then heads east and northeast. From there, the shared utility lines head north along the eastern edge of the Banning Municipal Airport runway, until reaching the Project site.

Area Calculations	Square footage	Area
Gross property area	2,783,415	63.90 Acres
Net Property Area	2,776,827	63.75 Acres

Building Area	1,000,000	36% of site area
Landscape Area	668,269	37% of site area

During Planning Commission consideration, a concern regarding on site security surveillance for the entire property was discussed. After requesting input from the applicant/property owner, the Planning Commission recommended that a condition of approval be added to the project to provide a 24-hour exterior security camera system for the entire property. As a result, staff has modified the conditions of approval to include the recommended condition; no. 92, a requirement for an exterior security camera system capable of 60 days' backup storage for the entire property.

General Plan Amendment and Zone Change

The proposed project includes a General Plan Amendment (GPA) Public Facilities – Airport (PF-A) to Airport Industrial (AI).

The proposed project land use and zoning designations are Airport Industrial (AI) and Public Facilities-Airport (PF-A) in the City's General Plan. The distribution warehouse is currently located within the Airport Industrial (AI) land use designation and zoning, which allows for this type of use. However, the southern portion of the Project site (APNs 532-130-001 and 530-130-002) are currently designated Public Facilities-Airport (PF-A), which allows for uses specifically related to airport operations. Since an end user is not known at this time and it is unlikely that the distribution warehouse will be part of the Banning Municipal Airport operations, a General Plan Amendment (GPA 17-2501) and Zone Change ZC 17-3501 to change the land use designation and zoning for APNs 532-130-001 and 530-130-002 from Public Facilities-Airport (PF-A) to Airport Industrial (AI) is included as part of the request. The area proposed for a GPA and ZC is proposed for surface parking and infiltration basins, which will retain run off from rain events up to and including the 3-hour storm event per the City of Banning's regulations.

Design Review

The design is modern industrial and includes concrete tilt-up wall construction with metal cap and window glazing and roof parapets. The applicant proposes to construct a white tilt-up building with gray, alternating cream and beige colored horizontal and vertical accent bands at selected intervals throughout the building elevations.

Multi striped shades of cream, gray and beige have been incorporated on the columns spaced at 45-foot intervals to break up the appearance of the linear walls. Additional painted arches have been evenly distributed throughout the elevations to serve as additional articulation for the building. The office areas serve as two

decorative focal points with accent metal canopies and accent colors, including blue reflective glazing and clear anodized mullions. The architectural forms, colors and materials are similar to and compatible with the newer industrial developments that have been seen along freeways throughout Southern California.

The building is situated approximately 200-feet from the main access street, John Street and over 90-feet from all other property lines, exceeding the minimum 10-foot street side and zero side yard setback requirement in the Airport Industrial (AI) Land Use District.

The project also includes the construction of the intersection of Lincoln Street and John Street. One driveway is proposed to access the project site at the end of John Street for vehicles and trucks. Access to the site is through a lot that is 3.306 gross acres, 322-feet in width and 500-feet deep.

Building Height

The building height ranges from forty-six to forty-eight feet in height. The majority of the building is forty-two to forty-four feet in height with 4-inch extended columns and parapet walls providing roof articulation. The maximum building height in the (AI) Land Use is 50-feet, however this property is located within the Banning Municipal Airport Land Use Compatibility Plan and has additional height restrictions based on the height of 2161 feet site elevation (SE), 47 feet above ground level (AGL) and 2208 feet above mean sea level (AMSL). The project has been conditioned to require building pad and building height elevation certifications to comply with the attached ALUC and Federal Aviation Administration (FAA) conditions.

Parking and Loading

John Street located at the northwest corner of the site and one proposed emergency access point located at the southwest sections of the property. All office and warehousing areas are speculative at this time. Parking is based on the use at the time of occupancy. Once a tenant has been selected and prior to the issuance of building permits a detailed parking analysis will be required to assure the use complies with Section 17.28 Parking and Loading Standards. The applicant has shown 495 parking spaces, this includes 174 standard spaces and 321 trailer parking spaces, which is adequate for a site of this size with minimal employees in the warehousing/distribution industry. Parking requirements may be adjusted dependent on the uses and requirements of the Zoning Code. The project has been conditioned to comply with Section 17.28 of the Code.

Landscaping

The conceptual landscape plan depicts focal trees distributed throughout the automobile parking areas of the site and trees are also depicted at the entrance to the site at John Street, the perimeter of the property as well as at building and parking lot entrances.

The landscape plan provides a variety of planting materials, for the proposed slopes, flat areas, and around detention basins. There are over a thousand trees of various sizes and species proposed as well as a variety of shrubs and groundcovers.

The project's landscape program must comply with standards set forth in Section 17.28.060 and Chapter 17.32 of the Municipal Code. Modifications to the proposed conceptual Planting Plan may be necessary as result of the identifying a tenant for this speculative building. The applicant will be required to coordinate the proposed conceptual Planting Plan with the proposed Lighting Plan. A Condition of Approval requires that the applicant address these items and provide a detailed landscape plan prior to the issuance of Building Permits.

Lighting

A photometric plan will be required per Section 17.12.170, in order to ensure that no adverse impacts from possible spillage of light and glare occur, and to verify compliance with ALUC lighting restrictions for developments that may impact the Banning Municipal Airport.

Refuse Storage

The building is for a speculative development and all details have not been provided at this time. Large facilities such as this, usually incorporates trash compactors and have recycling programs. Prior to issuance of building permits the development will be required to finalize trash pick-up and trash enclosure details. A condition of approval has been included to require that project meet the city requirements for trash enclosures including decorative walls and cover to complement the building. The project has a number of proposals that relate to sustainability and the California Green Building Code (CalGreen), including provisions to provide for interior and exterior areas for recyclables and green waste and adequate recycling containers located in public areas.

Utilities

The Project site will need to be served by water and sewer which are not currently available to the site. In order to serve the site, potable water and sewer lines, along with a sewer lift station, will be constructed as part of the project. 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

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.

Other Improvements

There is no existing paved access to the Project site. John Street will be the main access road to the site. Currently the paved portion of John Street ends at the west side of the Banning Municipal Airport. The site is just north of the Banning Municipal Airport facility, a city-owned facility. The proposed Project incorporates roadway improvements, including the full width improvements on John Street at its ultimate cross-section as a collector from Lincoln Street to the east end at Project boundary. As indicated on Figure 4.8-4, the Project will have access to Lincoln Street south of the Project via John Street.

No stormwater drainage systems are currently located on or immediately downstream of the Project site. The Project will include construction of an onsite stormwater drainage system to capture and convey runoff and incidental flows that are generated onsite into the proposed infiltration basins. There will be no comingling of flows coming from offsite onto the Project, or flows generated onsite with offsite downstream features. As required by the City, the onsite infiltration basins must be designed to infiltrate the volume equivalent to the 100-year, 3-hour event within 48-hours, which is approximately 389,971 cubic feet or 8.95 acre-feet. The proposed basins will provide a maximum storage volume of 12.52 acre-feet, which is 40% more than the required volume. Any flows greater than that, which would be a rare storm event, will overflow into Ramsey Street Wash.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

STATEMENT OF FACTS AND FINDINGS

The California Environmental Quality Act (CEQA) requires that a Lead Agency issue two sets of findings prior to approving a project that will generate a significant impact on the environment. The Statement of Facts and Findings is the first set of findings where the Lead Agency identifies the significant environmental impacts as identified in the Environmental Impact Report (EIR); presents facts supporting the conclusions reached in the analysis; makes one or more of three findings for each impact; and explains the reasoning behind the agency's findings. The EIR was prepared by the City acting as Lead Agency pursuant to CEQA. Hereafter, the Notice of Preparation, Notice of Availability, Draft EIR, Technical Studies, Final EIR containing Responses to Comments and textual revisions to the Draft EIR, and the Mitigation Monitoring and Report Program will be referred to collectively herein as the "EIR". The following Statement of Facts and Findings has been prepared in accordance with the State CEQA Guidelines (14 California Code of Regulations, Section 15091), and *California Public Resources Code*, Section 21081 (collectively, CEQA). Section 15091 of the State CEQA Guidelines provides that:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental

effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can or should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The public agency shall specify the location and custodian of the documents or other materials, which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

Section 15093 of the State CEQA Guidelines further provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when

determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

- (b) Where the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. This statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The Statement of Overriding Considerations is the second set of findings. Where a project will cause unavoidable significant environmental impacts, the Lead Agency may still approve a project where its benefits outweigh the adverse impacts. Further, as provided in the Statement of Overriding Considerations, the Lead Agency sets forth specific reasoning by which benefits are balanced against effects, and approves the project.

The City of Banning (City), serving as the CEQA Lead Agency, finds and declares that the proposed Banning Distribution Center EIR (State Clearinghouse No. 2018011032) has been completed in compliance with CEQA and the State CEQA Guidelines. The City finds and certifies that the EIR was reviewed and that information contained in the EIR was considered prior to approving the proposed Banning Distribution Center Project, herein referred to as the “Project”.

Having received, reviewed and considered the EIR for the Project, as well as all other information in the record of proceedings on this matter and the Facts, Findings and Statement of Overriding Considerations included in this document are hereby adopted by the City in its capacity as the CEQA Lead Agency.

Based upon its review of the EIR, the City finds that the EIR is an adequate assessment of the potentially significant environmental impacts of the proposed Project; represents the independent judgment of the City; and sets forth an adequate range of alternatives to this Project.

As further described in the Final EIR document, the Final EIR is composed of the following elements:

- Banning Distribution Center Draft EIR;

- Comment Letters Received and Responses to Comments;
- Corrections and Changes (Errata) from the Draft EIR to the Final EIR; and
- Mitigation Monitoring and Reporting Program.

FISCAL IMPACT:

The Banning Distribution Center project consists of a speculation industrial building with minimal office space and represents a long-term investment in the local community in both industrial and public infrastructure (streets, utilities, drainage facilities, etc.). Issuance of grading, building, and other permits will result in additional revenues for the City, as will increase property tax revenues and create future jobs within the City for future employees.

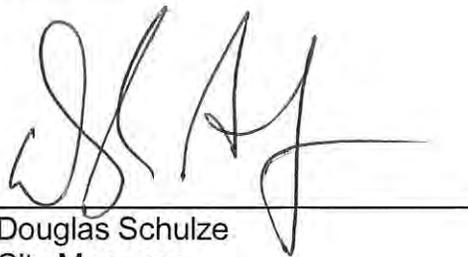
OPTIONS:

1. Approve as recommended
2. Do not approve and provide alternative direction.

ATTACHMENTS:

1. City Council Resolution No. 2018-144
Exhibit A – Facts Findings and Statement of Overriding Considerations
Exhibit B - Mitigation Monitoring and Report Program
Exhibit C – Conditions of Approval
2. City Council Ordinance No. 1537
3. Planning Commission Resolution No. 2018-19
4. Project Plans
5. Airport Land Use Commission Determination
6. DEIR/FEIR / (Links to Documents)
7. Public Hearing Notice

Approved By:



Douglas Schulze
City Manager

Attachment 1

City Council Resolution 2018-144

Exhibit A – Facts Findings & Statement of Overriding Considerations

Exhibit B – Mitigation Monitoring & Reporting Program

Exhibit C – Conditions of Approval

RESOLUTION NO. 2018-144

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING CERTIFYING AN ENVIRONMENTAL IMPACT REPORT AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS FOR A DISTRIBUTION CENTER PROJECT LOCATED NORTH OF THE BANNING MUNICIPAL AIRPORT AND SOUTH OF INTERSTATE 10 AND THE UNION PACIFIC RAILROAD LINE (APNS: 532-110-006, 532-130-001 AND 532-130-002), APPROVING GENERAL PLAN AMENDMENT NO. 17-2501 TO AMEND THE GENERAL PLAN LAND USE DESIGNATION OF REAL PROPERTY LOCATED NORTH OF THE BANNING MUNICIPAL AIRPORT AND SOUTH OF INTERSTATE 10 (APNS: 532-130-001 AND 532-130-002) FROM PUBLIC FACILITIES–AIRPORT (PF-A) TO AIRPORT INDUSTRIAL (AI), AND APPROVING DESIGN REVIEW 16-7002 FOR A PROPOSED DISTRIBUTION CENTER PROJECT ON REAL PROPERTY LOCATED NORTH OF THE BANNING MUNICIPAL AIRPORT AND SOUTH OF INTERSTATE 10 AND THE UNION PACIFIC RAILROAD LINE (APNS: 532-110-006, 532-130-001 AND 532-130-002)

WHEREAS, an application for General Plan Amendment 17-2501, Zone Change 17-3501, Design Review 16-7002, and Environmental Assessment 16-1503 to permit the development of a proposed 1 million square foot distribution center (collectively, the “Project”), has been duly filed by:

Project Applicant/Owner: Banning Industrial, LP

Authorized Agent: Albert A. Webb Associates

Project Location: In the southeastern portion of the City north of the Banning Municipal Airport, and south of Interstate 10 (I-10) freeway and the Union Pacific Railroad line the City of Banning, California

APNs: 532-110-006, 532-130-001, 532-130-002

Lot Area: 63.9 acres;

WHEREAS, General Plan Amendment 17-2501 and Design Review 16-7002 are the subject of this Resolution;

WHEREAS, the City Council of the City of Banning (“City”) adopted the current Banning General Plan on January 31, 2006;

WHEREAS, pursuant to Banning Municipal Code Section 17.64.060 and Government Code Sections 65356 and 65358(a), the City Council is authorized to review and adopt General Plan Amendment No. 17-2501 by an affirmative vote of not less than a majority of the total membership of the legislative body if the Council deems the proposed General Plan amendment to be in the public interest;

WHEREAS, pursuant to Banning Municipal Code Section 17.56.050, the City Council is authorized to review and either approve or deny Design Review No. 16-7002;

WHEREAS, in accordance with Government Code Sections 65355, 65856, and 65090 and Banning Municipal Code Section 17.68.020.B., on November 30, 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 Applicant, and the property owners within 300 feet of the Project site, of a public hearing concerning the Project;

WHEREAS, in accordance with Banning Municipal Code Sections 17.64.050, 17.116.030, and 17.56.040, on November 7, 2018, the Planning Commission held a public hearing at which interested parties had an opportunity to testify in support of, or opposition to, the Project, and at which the Planning Commission adopted Resolution No. 2018-19 by a 5-0-0 vote, recommending that the City Council approve General Plan Amendment No. 17-2501, Zone Change No. 17-3501, and Design Review No. 2016-7002; and

WHEREAS, in accordance with Banning Municipal Code Sections 17.64.040, 17.116.040, and 17.56.040, and Government Code Sections 65355 and 65856, on December 11, 2018, the City Council held a public hearing at which interested parties had an opportunity to testify in support of, or opposition to, the Project, and at which the City Council considered the Project.

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

SECTION 1. California Environmental Quality Act Findings. The City Council of the City of Banning does hereby 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.*) and the State Guidelines (the "Guidelines") (14 Cal. Code Regs. § 15000 *et seq.*) and City's local CEQA Guidelines (collectively, the "Guidelines"), City staff prepared an Initial Study of the potential environmental effects of the approval of the Project. Based upon the findings contained in that Study, a Notice of Preparation ("NOP") was distributed by the City of Banning to responsible, trustee and local agencies for review and comment on January 22, 2018. The NOP was issued to the Riverside County Clerk, the State Clearinghouse, the California Office of Planning and Research, and organizations and persons considered likely to be interested in the

Project and its potential impacts. The NOP public review period ran for 30 days; a total of eight comment letters were received.

B. On February 6, 2018, the City conducted a scoping meeting, pursuant to Guidelines Section 15082(c)(1). A Draft Environmental Impact Report (the "DEIR") was prepared for the Project between March 9, 2018, and June 25, 2018. In accordance with CEQA and the Guidelines promulgated with respect thereto, the City analyzed the Project's potential impacts on the environment.

C. On June 26, 2018, the City circulated a Notice of Availability ("NOA") and the DEIR for public review and filed a Notice of Completion ("NOC") with the State Clearinghouse (State Clearinghouse No. 2018011032) to start the 45-day review period. Consistent with Guidelines Section 15105, the City circulated the DEIR (including appendices) for the Project to the public and other interested parties for a 45-day comment period, from June 26, 2018, to August 9, 2018. Copies of the DEIR were also made available at Banning City Hall and Banning Public Library. The City received a total of 11 comment letters.

D. The City prepared written responses to all comments received on the DEIR during the comment period and those responses to comments are incorporated into the Final Environmental Impact Report ("Final EIR"), which Final EIR was prepared in accordance with CEQA, is on file with the City Planning Division, and is incorporated herein by this reference. The responses to public agency comments were delivered to each public agency commenter on or about November 27, 2018, which is at least ten (10) days prior to any certification of the Final EIR.

E. On December 11, 2018, the City Council conducted a duly noticed public hearing to consider the Project and the Final EIR, reviewed the staff report, accepted and considered public testimony. After due consideration, the City Council found that agencies and interested members of the public were afforded ample notice and opportunity to comment on the EIR and the Project.

F. The findings attached to this Resolution, as Exhibit "A", are based upon the information and evidence set forth in the Final EIR and upon other substantial evidence that has been presented at the hearing and in the record of the proceedings. The documents, staff reports, technical studies, appendices, plans, specifications, and other materials that constitute the record of proceedings on which this Resolution is based are on file for public examination during normal business hours at the Department of Community Development, City of Banning, 99 East Ramsey Street, Banning, California 92220. The custodian of records is the Banning Community Development Department. Each of those documents is incorporated herein by reference.

G. Section 15093 of the State CEQA Guidelines requires that if the Project will cause significant unavoidable adverse impacts, the City must adopt a Statement of Overriding Considerations prior to approving the Project. The Statement of Overriding Considerations states that any significant adverse Project effects are

acceptable if expected Project benefits outweigh unavoidable adverse environmental impacts.

H. A discussion of the Project benefits and a Statement of Overriding Considerations for the environmental impacts that cannot be fully mitigated to a less than significant level are set forth in Exhibit "A."

I. Section 15091 of the State CEQA Guidelines requires that the City, before approving the Project, make one or more of the following written finding(s) for each significant environmental effect identified in the Final EIR accompanied by a brief explanation of the rationale for each finding:

1. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; or,

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; or,

3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

J. Environmental impacts identified in the Initial Study and the Final EIR that are found to have no impact and be less than significant are described in Section 4.1.1 of the DEIR dated June 26, 2018, which is incorporated herein by reference.

K. Environmental impacts identified in the Final EIR as potentially significant, but that can be reduced to less than significant levels with mitigation, are described in Section 4.0 of the DEIR dated June 26, 2018, which is incorporated herein by reference.

L. Alternatives to the Project that might eliminate or reduce significant environmental impacts are discussed in Section 7.0 of the DEIR dated June 26, 2018, which is incorporated herein by reference.

M. California Public Resources Code Section 21081.6 requires the City to prepare and adopt a mitigation monitoring and reporting program for any project for which mitigation measures have been imposed to assure compliance with the adopted mitigation measures. The Mitigation Monitoring and Reporting Program for the Project is set forth in the attached Exhibit "B," which is incorporated herein by reference.

N. Prior to taking action, the City Council reviewed and considered, and has exercised its independent judgment and analysis in considering, the Final EIR and

all of the information and data in the administrative record, and all oral and written testimony presented to it during meetings and hearings and finds that the Final EIR:

1. Has been completed in compliance with CEQA;
2. Was presented to the City Council and the City Council reviewed and considered the information contained in the Final EIR prior to taking action regarding the Final EIR or the Project; and
3. Reflects the City's independent judgment and analysis.

No changes to the Project, changes to the environment, comments on the Project, or any additional information submitted to the City have produced any substantial new information requiring additional environmental review or documentation of the Project under CEQA.

O. Based upon the evidence presented at the hearing, including the staff report and oral testimony, the City Council hereby certifies the Final EIR, adopts findings and a Statement of Overriding Considerations pursuant to CEQA for the Project as set forth in Exhibit "A" and adopts a Mitigation Monitoring and Reporting Program for the Project as set forth in Exhibit "B."

P. The Interim Community Development Director is authorized and directed to file a Notice of Determination in accordance with CEQA.

SECTION 2. Findings for Approval of General Plan Amendment No. 17-2501. The City Council of the City of Banning does hereby find and determine that General Plan Amendment No. 17-2501 should be approved because:

Finding No. 1: That the proposed General Plan Amendment No. 17-2501 is internally consistent with the General Plan.

Findings of Fact: The current General Plan Land Use and Zoning Overlay Map depicts portions of the 63.9 - acre site is located in the City of Banning and zoned Public Facilities–Airport (PF-A) and a portion is zoned Airport Industrial (AI). The proposed General Plan Amendment the change the General Plan land use designation from Public Facilities–Airport (PF-A) to Airport Industrial (AI) for the southern portion of the Project site (APNs 532-130-001 and 530-130-002) is consistent with the Banning General Plan because the City's Industrial Goal is to provide a balanced mix of non-polluting industrial land uses which provide local jobs for the City's residents. For a warehouse this size based on industry research conducted by the National Association for Industrial and Office Parks (NAIOP), it is estimated that there would be approximately one worker employed for every 2,000 square feet of space. For this Project, that would be approximately 500 workers employed at the site, depending on the type of use the building will

ultimately operate. (Initial Study, January 15, 2018, Section XIII. Population and Housing)

Finding No. 2: The proposed General Plan Amendment No. 17-2501 would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Findings of Fact: The former land use of (PF-A) such as hangars, runways, and flight schools are allowed uses specifically related to the airport operations which are more intensive uses than allowed in the proposed (AI). Changing the General Plan Land Use Designation from (PF-A) to (AI) would not be detrimental to public interest, health safety, convenience, or welfare to the City due to the less intensive land uses are specifically related to transportation functions as identified in the General Plan. The less intensive functions include manufacturing, warehousing, restaurants and office uses.

Finding No. 3: The proposed General Plan Amendment No. 17-2501 would maintain the appropriate balance of land uses within the City.

Findings of Fact: The proposed General Plan Amendment No. 17-2501 and the Project are consistent with Policy 7 of the Banning General Plan by including sufficient industrial lands for manufacturing, warehousing, and distribution, while carefully considering compatibility with adjacent lands. The proposed Project responds to the economic needs of the area, incorporates existing natural features, and expands the City's infrastructure to provide development opportunities for other industrial properties around the Banning Municipal Airport, all of which is consistent with the goals, policies and objectives of the Banning General Plan.

Finding No. 4 That in the case of an amendment to the General Plan Land Use Map, the subject parcels are physically suitable and appropriately related to each other (including, but not limited to, access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints), for the requested land use designations and the anticipated land use developments.

Findings of Fact: The subject parcels are physically suitable for the requested AI General Plan land use designation and the proposed Project. General Plan Policy 8 provides that Industrial lands shall be located on major roadways and with good access to Interstate 10 to assure that potential traffic impacts associated with tractor-trailers are minimized. The subject parcels are located in the far southeast portion of the City's limits where there are no additional roads to cause conflict with traffic. No natural constraints exist to the impeded the development, and significant adverse environmental impacts are

anticipated with mitigation measures contained in the Final EIR for the Project (Environmental Assessment No. 16-1503).

The project includes suitable access and all necessary utilities are to be constructed within the adjacent public rights-of-way or within utility easements. The subject site is basically flat with and has been rough graded in the past, thus no unique physical features or vegetation will be affected by the proposed Project.

Based on these facts and findings of fact stated above, the subject parcels are physically suitable for the requested AI land use designation and the proposed Project.

SECTION 3. Findings for Approval of Design Review No. 16-7002. The City Council of the City of Banning does hereby find and determine that Design Review No. 16-7002 should be approved because:

Finding No. 1: The proposed project is consistent with the General Plan.

Finding of Fact: The proposed Project is consistent with the following General Plan Land Use Element Policy 7 under Commercial and Industrial Goals, which states: "The land use map shall include sufficient industrial lands for manufacturing, warehousing and distribution, while carefully considering compatibility with adjacent residential lands." The land use designation of Airport Industrial includes industrial parks and freestanding industrial users. Examples include light and medium intensity manufacturing operations, warehousing and distribution, mini-storage, and associated offices. Retail uses ancillary to the industrial use are also appropriate. The proposed Project is surrounded by, and consistent with, industrial uses, with the railroad to the north, the City limits to the east, and the Banning Municipal Airport to the south. Properties located adjacent to the subject site are mostly vacant and have been vacant for many years. Further, the proposed Project is consistent with General Plan Economic Development Policy 2, which states: "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." The proposed Project will assist in recruitment of new businesses and create employment opportunities for the City.

Finding No. 2: The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.

Finding of Fact: With the imposed conditions of approval, the proposed Project in the Airport Industrial (AI) zoning district will be consistent with the Zoning Ordinance and the applicable development standards set forth in Article II of Chapter 17.12 of the Banning Municipal Code, as the proposed Project meets or exceeds the Zoning Ordinance development standards. With the conditioned parcel merger, and/or withdrawal/expiration of Tentative Parcel Map No. 34335, the Project will be consistent with the maximum 75% lot coverage, and has been conditioned to meet the maximum height as conditioned by the Riverside County Airport Land Use Commission. The setbacks and building height, along with the public improvements, meets the City's development standards. Additionally, all other applicable design guidelines set forth in Article III of Chapter 17.12 of the Banning Municipal Code have been satisfied.

Finding No. 3: The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development, and will not result in vehicular and/or pedestrian hazards.

Finding of Fact: The proposed Project is located in an area that is undeveloped adjacent to the Banning Municipal Airport, the Union Pacific Railroad (UPRR), the Morongo Tribal property and located within Zones B1, B2 and D of the Banning Airport Land Use Compatibility Plan. The proposed Project design and layout is located at the terminus of a new cul-de-sac to be constructed. There will be minimal vehicular or pedestrian within the cul-de-sac area that is not related to the development. All Project activities will take place behind a security fence or block wall. The Riverside County Airport Land Use Commission has reviewed the proposed Project and has determined it is consistent with the airport land use compatibility plan. With the recommended conditions of approval, the proposed Project will not interfere with the use and enjoyment or future development of the neighborhood.

Finding No. 4: The design of the proposed project is compatible with the character of the surrounding neighborhood.

Finding of Fact: The Project is adjacent to the Banning Municipal Airport, the Morongo Tribal property, and railroad tracks to the north. The proposed site and circulation design is compatible with the existing vehicle circulation pattern in the surrounding neighborhood. The proposed tilt up concrete construction materials and building colors are of benefit to and will be compatible with the new architectural designs of industrial buildings that could be expected in surrounding neighborhood.

SECTION 4. CITY COUNCIL ACTION – Approval of General Plan Amendment No. 17-2501 and Design Review No. 16-7002 with Conditions. Based on the foregoing, the City Council of the City of Banning hereby approves General Plan Amendment No. 17-2501, amending the General Plan land use designation for real property located north of the Banning Municipal Airport and south of Interstate 10 (APNs: 532-130-001 and 532-130-002) from Public Facilities – Airport (PF-A) to Airport Industrial (AI), and Design Review No. 16-7002 for a proposed distribution center project on real property located north of the Banning Municipal Airport and south of Interstate 10 (APNs: 532-110-006, 532-130-001 and 532-130-002), subject to the Conditions of Approval attached as Exhibit “C.” This approval of General Plan Amendment No. 17-2501 and Design Review No. 16-7002 is conditioned upon the City Council’s adoption of an ordinance approving Zone Change No. 17-3501, and this approval shall not take effect until the effective date of the ordinance approving Zone Change No. 17-3501.

PASSED, APPROVED AND ADOPTED this 11th day of December, 2018.

City of Banning, Mayor

ATTEST:

Laurie Sampson, Acting Deputy City Clerk
City of Banning

APPROVED AS TO FORM AND LEGAL CONTENT:

Kevin Ennis, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Laurie Sampson, Acting Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2018-144 was duly adopted at a regular meeting of the City Council of the City of Banning held on the 11th day of December, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Laurie Sampson, Acting Deputy City Clerk
City of Banning, California

Facts, Findings and Statement of Overriding
Considerations Regarding the Environmental Effects
from the Environmental Impact Report for the

Banning Distribution Center Project

State Clearinghouse No. 2018011032

Facts, Findings and Statement of Overriding Considerations
Regarding the Environmental Effects from the Approval of the Banning
Distribution Center Project
State Clearinghouse No. 2018011032

1.0 STATEMENT OF FACTS AND FINDINGS

1.1 INTRODUCTION

The California Environmental Quality Act (CEQA) requires that a Lead Agency issue two sets of findings prior to approving a project that will generate a significant impact on the environment. The Statement of Facts and Findings is the first set of findings where the Lead Agency identifies the significant environmental impacts as identified in the Environmental Impact Report (EIR); presents facts supporting the conclusions reached in the analysis; makes one or more of three findings for each impact; and explains the reasoning behind the agency's findings. The EIR was prepared by the City acting as Lead Agency pursuant to CEQA. Hereafter, the Notice of Preparation, Notice of Availability, Draft EIR, Technical Studies, Final EIR containing Responses to Comments and textual revisions to the Draft EIR, and the Mitigation Monitoring and Report Program will be referred to collectively herein as the "EIR". The following Statement of Facts and Findings has been prepared in accordance with the State CEQA Guidelines (14 California Code of Regulations, Section 15091), and *California Public Resources Code*, Section 21081 (collectively, CEQA). Section 15091 of the State CEQA Guidelines provides that:

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can or should be adopted by such other agency.

- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

Section 15093 of the State CEQA Guidelines further provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (b) Where the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. This statement of overriding considerations shall be supported by substantial evidence in the record.

- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The Statement of Overriding Considerations is the second set of findings. Where a project will cause unavoidable significant environmental impacts, the Lead Agency may still approve a project where its benefits outweigh the adverse impacts. Further, as provided in the Statement of Overriding Considerations, the Lead Agency sets forth specific reasoning by which benefits are balanced against effects, and approves the project.

The City of Banning (City), serving as the CEQA Lead Agency, finds and declares that the proposed Banning Distribution Center EIR (State Clearinghouse No. 2018011032) has been completed in compliance with CEQA and the State CEQA Guidelines. The City finds and certifies that the EIR was reviewed and that information contained in the EIR was considered prior to approving the proposed Banning Distribution Center Project, herein referred to as the "Project".

Having received, reviewed and considered the EIR for the Project, as well as all other information in the record of proceedings on this matter and the Facts, Findings and Statement of Overriding Considerations included in this document are hereby adopted by the City in its capacity as the CEQA Lead Agency.

Based upon its review of the EIR, the City finds that the EIR is an adequate assessment of the potentially significant environmental impacts of the proposed Project; represents the independent judgment of the City; and sets forth an adequate range of alternatives to this Project.

As further described in the Final EIR document, the Final EIR is composed of the following elements:

- Banning Distribution Center Draft EIR;
- Comment Letters Received and Responses to Comments;
- Corrections and Changes (Errata) from the Draft EIR to the Final EIR; and
- Mitigation Monitoring and Reporting Program.

1.2 CUSTODIAN AND LOCATION OF RECORDS

The documents and other materials that constitute the administrative record for the City's approval of the EIR and actions related to the Project are located at the City of Banning, Department of Community Development, 99 E. Ramsey Street, Banning, California 92220. The City of Banning is the custodian of the Project's Administrative Record. Copies of the documents and other

materials that constitute the record of proceedings are, at all relevant times have been, and will be available upon request directed to the City's Community Development Department.

2.0 PROJECT SUMMARY

2.1 INTRODUCTION

The proposed Project is intended to implement the land use plans adopted by the City Council as part of its General Plan in January 2006. The General Plan (GP) identified areas in the City for light industrial development; the Project site is within this area in the south east portion of the City. Thus, one of the Project's primary purposes is to implement the previous policy decision made by the City. The proposed Project is consistent with the land use and growth assumptions anticipated in the GP for the Project site.

The environmental impacts resulting from implementation of allowed development under the GP, including the proposed Project, have been evaluated in the *Banning General Plan Final Environmental Impact Report* (GP EIR, SCH No. 2005011039), which was certified by the City of Banning in January 2006. The GP EIR is a program EIR and was prepared in accordance with the State CEQA Guidelines. Project-specific evaluation in a later-tier environmental document for individual development projects within the City's sphere of influence were anticipated. As stated in Section 15168(d)(3) of the State CEQA Guidelines, "The program EIR can focus an EIR on a subsequent project to permit discussion solely of new effects which had not been considered before." As such, the environmental analysis for the proposed project presented in the EIR is based on, or "tiered" from, the analysis presented in the GP EIR, when applicable, and the GP EIR is incorporated by reference.

An Initial Study was prepared for the proposed Project (1) to identify environmental issues/impacts that were adequately addressed by the GP EIR or would have no impact or a less than significant impact with implementation of GP EIR mitigation measures and, therefore, require no further evaluation in the Project-level EIR, and (2) to identify those issues requiring additional Project-level impact analysis. The Initial Study is included in Appendix A of the Draft EIR. The environmental analysis conclusions of the Initial Study and the Draft EIR for the proposed Project are addressed in these Findings.

2.2 PROJECT DESCRIPTION

The Project site is generally located in the southeast portion of the City of Banning, in northwestern Riverside County, California. The Project site is located north of the Banning Municipal Airport, and south of Interstate 10 (I-10) freeway and the Union Pacific Railroad line. Access to the site will be available from John Street which will be extended and improved as part of the Project. The Project site is located approximately one-mile east of Hargrave Street, and approximately 400 feet south of Interstate 10 (I-10). Primary access to the Project site from I-10

is taken from the Hargrave Street on- and off-ramps. Paved surface street access to the site begins north of East Lincoln Street, between South Hargrave Street and South Juarez Street, for approximately 679 feet until connecting to the existing John Street. From there, John Street will be extended northeast for approximately 5,009 feet until it connects to the Project site for a total of 5,688 linear feet.

The Project proposes development of a 1-million square feet speculative (i.e. the building's tenant has not been determined) building on approximately 63.9 acres. The building consists of 990,000 square-feet of high-cube (non-refrigerated) industrial/warehouse space and approximately 10,000 square feet of office space on the southwest and southeast corners of the proposed building for a total of 1 million square feet. The site plan is conceptual in nature and that minor modifications may occur during detailed final Project review. The warehouse building will feature 88 dock doors on the northern side of the building, 25 dock doors on the western side, and 96 dock doors on the southern side of the proposed building. The design is modern industrial and includes concrete tilt-up wall construction with metal cap and window glazing and roof parapets.

The Project will include construction of a gravel emergency access road, since the site will not be able to have access to the east (Tribal land located east of the site). An unpaved, gravel emergency access road begins north of the intersection of East Lincoln Street and South Juarez Street for approximately 422 feet then heads east for approximately 6,864 feet until connecting to the southwest portion of the Project site 3,871 linear feet. The emergency access road also includes an at-grade crossing of Ramsey Street Wash.

Extensions of water and sewer infrastructure are needed to serve the Project site. The locations of these shared utility lines begins north of Charles Street and the City's Water Reclamation Facility until it connects to East Westward Avenue and then heads east and northeast. From there, the shared utility lines head north along the eastern edge of the Banning Municipal Airport runway, until reaching the Project site.

The distribution warehouse is currently located within the Airport Industrial (AI) land use designation and zoning which allows for this type of use. However, the southern portion of the Project site (APNs 532-130-001 and 530-130-002) are currently designated Public Facilities-Airport (PF-A) which allows for uses specifically related to airport operations. Since an end user is not known at this time and it is unlikely that the distribution warehouse will be part of the Banning Airport operations, a General Plan Amendment (GPA; GPA 17-2501) and Zone Change (ZC; ZC 17-3501) to change the land use designation and zoning for APNs 532-130-001 and 530-130-002 from Public Facilities-Airport (PF-A) to Airport Industrial (AI) is included as part of the Project's entitlements.

2.3 PROJECT GOALS AND OBJECTIVES

Per Section 15124 (b) of the CEQA Guidelines, an EIR needs to include a statement of the objectives of a project which help the City develop a reasonable range of alternatives. The objectives need to outline the general purpose of the Project. The purpose of the proposed Project is to construct and operate a warehouse building. The Project Objectives are as follows:

- Develop an attractive warehouse spec building consistent with the Project site's Airport Industrial (AI) land use designation and zoning in the City of Banning's General Plan and taking advantage of the site's strategic location near Interstate 10 (I-10) freeway.
- Maximize efficient goods movement throughout the region by locating a warehouse in proximity to the Ports of Los Angeles and Long Beach, enabling trucks servicing the site to achieve a minimum of two roundtrips per day.
- Develop and operate a warehouse that meets industry standards for operational design criteria.
- Positively contribute to the economy of the City through new capital investment, creation of new employment opportunities and expansion of the tax base.
- Provide local employment for residents of the City to improve the jobs-housing balance within the City.

2.4 REQUIRED DISCRETIONARY ACTIONS AND PERMITS

The EIR serves as an informational document for use by public agencies, the general public, and decision makers. The EIR discusses the impacts of development pursuant to the proposed Project and related components and analyzes Project alternatives. The EIR will be used by the City of Banning and responsible agencies in assessing impacts of the proposed Project.

The following approvals and permits are required from the City to implement the proposed Project:

- Certification of the EIR with the determination that the EIR has been prepared in compliance with the requirements of CEQA;
- General Plan Amendment/Zone Change (GPA 17-2501; ZC 17-3501); and
- Plot Plan / Design Review (DR 16-7002).

Other non-discretionary actions anticipated to be taken by the City at the staff level as part of the proposed Project include, but are not limited to:

- Review and approval of all off-site infrastructure plans, including street and utility improvements pursuant to the conditions of approval;
- Approval of water and sewer improvement plans;
- Review all on-site engineering plans, including grading and on-site utilities; and
- Approval of a Preliminary Water Quality Management Plan (PWQMP) to mitigate post-construction runoff flows.

Approvals and permits that may be required by other agencies who will use this EIR include:

- South Coast Air Quality Management District – Fugitive dust control plan.
- A National Pollutant Discharge Elimination System (NPDES) permit from the Regional Water Quality Control Board (RWQCB) to ensure that construction site drainage velocities are equal to or less than the pre-construction conditions and downstream water quality is not worsened.
- Banning Municipal Airport for access easement(s).
- Review by Riverside County Airport Land Use Commission (ALUC).
- U.S. Army Corps of Engineers, Clean Water Act Section 404 Permit.
- Regional Water Quality Control Board, Colorado Region, Clean Water Act Section 401 Water Quality Certification.
- California Department of Fish and Wildlife, a Fish and Game Code Section 1602 Streambed Alteration Agreement.

2.5 OTHER CEQA DOCUMENTS REFERENCED

Under Section 15150 of the State CEQA Guidelines, an EIR may incorporate by reference all or portions of another document that are a matter of public record or are generally available to the public. The previously prepared EIRs and environmental analyses listed below were relied upon or consulted in the preparation of the Project’s EIR and were incorporated by reference:

- *Banning General Plan Draft Environmental Impact Report* (SCH No. 2005011039), adopted January 31, 2006.

3.0 ENVIRONMENTAL REVIEW/PUBLIC PARTICIPATION

The City conducted an extensive review of this Project which included a Draft EIR and a Final EIR, including related technical reports along with a public review and comment period. The following is a summary of the City’s environmental review of this Project:

- On January 22, 2018, the City circulated a Notice of Preparation (NOP) identifying the environmental issues to be analyzed in the Project’s EIR to the State Clearinghouse, responsible agencies, and other interested parties.

- The NOP public review period ran for 30 days; a total of eight comment letters were received. Written comments on the NOP were received from five public agencies, and three private entity/union. The scope of the issues identified in the comments expressing concern included potential impacts associated with: biological resources, cultural resources, air quality, hydrology (drainage) and water quality, noise, public services and utilities, and transportation and traffic.
- On February 6, 2018, the City conducted a scoping meeting, pursuant to CEQA Guidelines Section 15082(c)(1).
- The Notice of Availability (NOA) and Draft EIR were circulated for public review and a Notice of Completion (NOC) was filed with the State Clearinghouse on June 26, 2018 to start the 45-day review period.
- The City received a total of 11 comment letters, five from public agencies, and six comment letter from private groups. The City prepared specific responses to all comments. The responses to comments are in Section 3.0 of the Final EIR.
- On **November 27, 2018**, in accordance with Public Resources Code Section 21092.5, the City provided written proposed responses to public agencies that commented on the Draft EIR.
- On **November 30, 2018**, notice of the City Council hearing to consider the Project was provided in the **Record Gazette newspaper** of general and/or regional circulation.
- On **December 11, 2018**, the City Council conducted a public hearing to consider the Project. The City Council, after considering written comments and oral testimony on the EIR, determined that no new information was presented that would require recirculation of the EIR. Following public testimony, submission of additional written comments, and staff recommendations, the **City** Planning Commission recommended that the City Council certify the EIR, adopt these Findings and the Statement of Overriding Considerations, and to take action to approve the Project as recommended by the Staff Report.

4.0 INDEPENDENT JUDGMENT AND FINDING

Albert A. Webb Associates was retained by the applicant to prepare the EIR. Albert A. Webb Associates prepared the EIR under the supervision, direction and review of the City planning staff.

Finding: The EIR for the Project reflects the City’s independent judgment. The City has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c)(3) in directing the consultant in the preparation of the EIR, as well as reviewing, analyzing and revising material prepared by the consultant.

4.1 GENERAL FINDING ON MITIGATION MEASURES

In preparing the Approvals for this Project as defined in this document in Section 2.4 – Required Discretionary Actions and Permits, City staff incorporated the mitigation measures recommended in the EIR as applicable to the Project. In the event that the Approvals do not use the exact wording of the mitigation measures recommended in the EIR, in each such instance, the adopted Approvals are intended to be identical or substantially similar to the recommended mitigation measure. Any minor revisions were made for the purpose of improving clarity or to better define the intended purpose.

Finding: Unless specifically stated to the contrary in these findings, it is this City Council’s intent to adopt all mitigation measures recommended by the EIR which are applicable to the Project. If a measure has, through error, been omitted from the Approvals or from these Findings, and that measure is not specifically reflected in these Findings, that measure shall be deemed to be adopted pursuant to this paragraph. In addition, unless specifically stated to the contrary in these Findings, all Approvals repeating or rewording mitigation measures recommended in the EIR are intended to be substantially similar to the mitigation measures recommended in the EIR and are found to be equally effective in avoiding or lessening the identified environmental impact. In each instance, the Approvals contain the final wording for the mitigation measures.

5.0 ENVIRONMENTAL IMPACTS AND FINDINGS

As discussed in more detail below, these Facts, Findings and Statement of Overriding Considerations are intended to meet the requirements of CEQA Guidelines Sections 15091 and 15093. City staff reports, the EIR, written and oral testimony at public meetings or hearings, these Facts, Findings and Statement of Overriding Considerations, and other information in the administrative record, serve as the basis for the City’s environmental determination.

Detailed analysis of potentially significant environmental impacts and proposed mitigation measures for the Project is presented in Section 4.0 of the Draft EIR and Section 3.0 of the Final

EIR. Responses to comments from the public and from other government agencies on the EIR are provided in Section 2.0 of the Final EIR.

The EIR evaluated 10 major environmental categories for potential impacts including Air Quality, Biological Resources, Cultural Resources, Greenhouse Gas Emissions, Hydrology and Water Quality, Noise, Transportation and Traffic, Tribal/Cultural Resources, Utilities and Service Systems, and Energy Conservation. Both Project-specific and cumulative impacts were evaluated. After considering the 10 major environmental categories, this City Council concurs with the conclusions in the EIR that the issues and sub issues discussed in 5.1 below can be mitigated below a level of significance. For the remaining potential environmental impacts that cannot feasibly be mitigated below a level of significance discussed in Section 4.0, overriding considerations exist which make these potential impacts acceptable to this City Council.

5.1 POTENTIALLY SIGNIFICANT IMPACTS WHICH CAN BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE WITH MITIGATION MEASURES

Public Resources Code Section 21081 and CEQA Guidelines Section 15091(a)(1) states that no public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant effects unless the public agency makes the following finding:

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

This City Council hereby finds pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091(a)(1) that all potentially significant impacts listed below can and will be mitigated to below a level of significance by imposition of the mitigation measures in the EIR; and that these mitigation measures are included as Conditions of Approval and set forth in the Mitigation Monitoring and Reporting Program adopted by this City Council. Specific findings of this City Council for each category of such impacts are set forth in detail below. The following issues from the environmental categories analyzed in the EIR, including Air Quality, Biological Resources, Cultural Resources, Hydrology/Water Quality, Noise, Transportation and Traffic, Tribal/Cultural Resources, and Utilities/Service Systems were found to be potentially significant, but can be mitigated to a less than significant level by imposing mitigation measures.

Each mitigation measure discussed in this Section of the findings has a letter and number code correlating it with the environmental category used in the Mitigation Monitoring and Reporting Program Plan.

5.1.1 Air Quality

Potential Significant Impact (Threshold B): The EIR evaluated and concluded that the Project could violate air quality standards or contribute substantially to an existing or projected air quality violation. The analysis determined if the Project's actions would violate air quality standards for short and long term operational impacts. The analysis included running CalEEMod to predict the emissions from the Project's short and long term operations, and then comparing these results to the acceptable regional (RST) and local (LST) air quality standards. These air quality standards include significance thresholds for emissions including: VOC (regional only), NO_x, CO, SO₂ (regional only), PM-10 and PM-2.5. This analysis concluded that short term operations violate the VOC and NO_x standards; however, with implementation of two mitigation measures to reduce volatile organic compounds related to painting and reduce NO_x emissions from construction equipment, short term operations are less than significant under Threshold B. Long term operations under Threshold B are significant and unavoidable for NO_x. These impacts are discussed in Section 5.2.1.

Finding: This Threshold is for RST and LST air quality standards for both short and long term impacts, the latter of which are discussed in Section 5.2.1. Based on the entire record before us, this City Council finds that RST and LST short term impacts are potentially significant. Nevertheless, short term impacts can be mitigated to a less than significant level through implementation of Mitigation Measures MM AQ 1 and MM AQ2. The following Mitigation Measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project. They will be implemented as specified therein, thereby reducing the potentially significant impacts from VOC and NO_x on a regional level and for PM-10 on a local level to bring short-term operations to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.2 of the Draft EIR.

MM AQ 1 *To reduce VOC emissions associated with architectural coating, the project designer and contractor shall reduce the use of paints and solvents by utilizing pre-coated materials (e.g. bathroom stall dividers, metal awnings), materials that do not require painting, and require coatings and solvents with a VOC content lower than required under Rule 1113 to be utilized. The construction contractor shall be required to utilize "Super-Compliant" VOC paints, which are defined in SCAQMD's Rule 1113. Construction specifications shall be included in building specifications that assure these requirements are implemented. The specifications for each implementing development project shall be reviewed by the City of Banning's Building and Safety Division for compliance with this mitigation measure prior to issuance of a building permit.*

MM AQ 2 *To reduce NO_x emissions associated with off-road construction equipment, the construction schedule for Site Preparation (clear and grub) and Grading of the Project site shall*

not overlap. During on-site Site Preparation and Off-site Grading (John Street) activities, heavy-duty construction equipment greater than 75 horsepower shall be certified to meet or exceed United States Environmental Protection Agency (USEPA) Tier 3 standards. Proof of compliance shall be reviewed by the Public Works Department Engineering Division prior to issuance of a grading permit.

Facts in Support of the Finding: The EIR recommends Mitigation Measures MM AQ 1 and MM AQ 2 be implemented to reduce this potentially significant impact for RST and LST to a less than significant level for VOC, NO_x and PM-10.

During Project construction there will be emissions associated with architectural coatings when the building is being painted, which is the main contributor to VOC emissions. MM AQ 1 will ensure that VOC emissions related to architectural coatings are reduced to below the levels of significance. (Draft EIR, p. 4.2--47) Accordingly, implementation of MM AQ 1 would reduce the Project's VOC emissions from short term architectural coating activities to less than significant.

Also during Project construction, off-road construction vehicles will be on site and traveling to and from the site. Mitigation measure MM AQ 2 will ensure that PM-10 and NO_x emissions related to off-road construction vehicles are reduced by using Tier 3 equipment and not overlapping while clearing and grading the site. (Draft EIR, p. 4.2--48) Accordingly, implementation of MM AQ 2 would reduce the Project's PM-10 and NO_x emissions from short term construction activities to less than significant.

5.1.2 Biological Resources

Potential Significant Impact (Threshold A): The EIR evaluated and concluded that the Project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game (CDFW) or the U.S. Fish and Wildlife Service (USFW). This Threshold analyzed if the Project's actions would be in violation of the standards set forth in the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) as well as those administered by the CDFW or the USFW. The analysis included conducting field surveys and research to determine the existing site conditions, then comparing the proposed Project to biological standards of the MSHCP, CDFW and USFW to determine if the Project would violate those applicable standards. This analysis concluded that the Project could have significant impacts regarding the MSHCP standards for the burrowing owl and American badger. However, with implementation of Mitigation Measures MM BIO 1A, MM BIO 1B and MM BIO 2, which require 30-day preconstruction surveys for the burrowing owl and American Badger, these impacts are found to be less than significant under Threshold A . This finding is further supported by the implementation of MM BIO 2, which requires MSHCP compliance with nesting birds.

Finding: This Threshold is for biological standards contained in the MSHCP, CDFW and USFW regarding species that are identified as candidate, sensitive or that have a special status. No candidate, sensitive, or special status species were documented onsite during the site visit conducted by AMEC on May 9, 2017. The entire Project site exists within a MSHCP Survey Area for burrowing owl. During the May 2017 site visit, suitable Burrowing Owl habitat was not found; however, because marginal, low quality foraging habitat was found on site and adjacent to the Project site, focused surveys for this species were required (Draft EIR pg. 4.3-15).

Focused MSHCP burrowing owl surveys were conducted by AMEC on May 14th, May 16th, May 22nd, and May 24th of 2018 to determine the presence, absence, and status of the species within and adjacent to the Project site pursuant to MSHCP burrowing owl survey protocol. No burrowing owl or characteristic signs of the species were detected within or immediately adjacent to the Project site during the 2018 surveys. Nonetheless, pursuant to Mitigation Measure MM BIO 1A, a 30-day preconstruction survey will be conducted immediately prior to the initiation of construction to ensure protection for this species that could colonize the site in the future and achieve compliance with the conservation goals included in the MSHCP. If burrowing owls are detected onsite during the 30-day preconstruction survey, a burrowing owl mitigation plan will be developed for relocation.

The American badger is a California species of special concern that is not covered under the MSHCP. Since they are known to exist in large open spaces, MM BIO 1B will include surveys for active burrows, which will then be flagged if they are identified during a 30-day preconstruction survey.

Additionally, the trees at the Project site may support nests utilized by birds protected under the Migratory Bird Treaty Act (MBTA) or the California Fish and Game Code, as discussed under Section 4.3.3 –Regulatory Setting. Thus, because all migratory non-game native birds are protected from “take” under the MBTA, the potential exists for construction-related disturbance to nested birds covered under the MBTA. CDFW generally recommends avoidance buffers of approximately 500 feet for birds of prey, and 100 to 300 feet for songbirds. For added protection, Mitigation Measure MM BIO 2 will require construction activities to be scheduled outside of the breeding season of MBTA-covered bird species to the greatest extent feasible and for construction that is scheduled within the breeding season, MM BIO 2 will require monitoring prior to ground disturbance activities at the site by a qualified biologist. (Draft EIR, pp. 4.3-46-47)

Based on the entire record, this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measures MM BIO 1A, MM BIO 1B and MM BIO 2 in the Draft EIR. These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as

specified therein, thereby reducing this potentially significant impacts to the Burrowing Owl and American Badger to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.3 of the Draft EIR.

The following mitigation measures will mitigate impacts, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S Fish and Wildlife Service. The three Mitigation Measures contained herein have changed per response to comments from the California Department of Fish and Game and the U.S Fish and Wildlife Service during the 45-day public review of the Draft EIR. These three mitigation measures reflect the requested edits from the above-listed agencies.

MM BIO 1A *A 30-day burrowing owl preconstruction survey consistent with the MSHCP Guidelines (MSHCP 2006) shall be conducted prior to the initiation of ground-disturbing construction to ensure protection for this species and compliance with the conservation goals as outlined in the MSHCP. The 30-day Burrowing Owl preconstruction survey shall include identifying and flagging any active American badger burrows. A report that summarizes the results of the findings shall be prepared by the Project Biologist and submitted to the City of Banning (City) prior to any permit or approval for ground disturbing activities.*

If burrowing owls are detected on-site during the 30-day preconstruction survey, then construction activities shall be limited to no closer than 300 feet from the active burrows until the Project Biologist has confirmed that nesting efforts are completed or not initiated. In addition to monitoring breeding activity, if construction is proposed to be initiated during the breeding season (February 15 – August 31) and active relocation is proposed, a Burrowing Owl Mitigation Plan will be developed based on the County of Riverside Environmental Programs Division, CDFW, and U.S. Fish and Wildlife Service requirements for the relocation of individuals to the Lake Mathews Preserve. If any owls are detected a relocation plan shall be submitted to the City, the California Department of Fish and Wildlife (CDFW), the United States Fish and Wildlife Service (Service), the Western Riverside County Regional Conservation Authority (RCA) for review and approval. The relocation plan shall encompass both passive and active relocation activities and shall include the development of a conservation strategy prepared in consultation with the CDFW, the Service and the RCA. The Relocation plan must follow the most current CDFW-approved protocols/mitigation and must be in accordance with the “Burrowing Owl Species Objectives and Mitigation Measures” outlined in the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The City, CDFW, the Service, and the RCA shall be consulted to determine appropriate type of relocation (active or passive) and translocation sites. Occupation by this species on the project site may result in the need to revise grading plans so that take of “active” nests is avoided, or, alternately, a grading permit may be issued once the species has been relocated.

If active American badger burrows are detected and flagged onsite during the 30-day preconstruction survey, then construction activities will be limited within the vicinity of the burrows until the Project Biologist has confirmed the burrow is vacated.

MM BIO 1B The 30-day burrowing owl preconstruction survey shall include identifying and flagging any active American badger burrows. If active American badger burrows are detected and flagged on-site during the 30-day preconstruction survey, then construction activities will be limited within the vicinity of the burrows until the Project Biologist has confirmed the burrow is vacated.

MM BIO 2 The removal of trees and vegetation shall be prohibited during the migratory bird nesting season (February 15 through August 31), unless a migratory bird nesting survey is completed in accordance with the following requirements:

a) *A migratory bird nesting survey of the Project impact area and a 500-foot buffer shall be conducted by a qualified avian biologist approved by the City, to be retained by the Project applicant, within three days prior to initiating tree removal or vegetation clearing.*

b) *A copy of the migratory nesting bird survey results report shall be provided to the City of Banning Planning Division by the Project Biologist prior to vegetation clearing. If the survey identifies the presence of active nests, then the Project Biologist shall provide the City Planning Division with a copy of maps showing the location of all nests and an appropriate buffer zone around each nest sufficient to protect the nest from direct and indirect impact. The size and location of all buffer zones, if required, shall be subject to review and approval by the City Planning Division and shall be no less than a 300-foot radius around the nest for non-raptors and a 500-foot radius around the nest for raptors. The nests and buffer zones shall be field checked weekly by the Project Biologist. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the Project Biologist has provided the City Planning Division with verification that the nests are no longer occupied and the juvenile birds can survive independently from the nests.*

Facts in Support of the Finding: The EIR recommends Mitigation Measures MM BIO 1A, MM BIO 1B and MM BIO 2 to reduce the potentially significant impacts related to surveys for Burrowing Owl and the American badger, as well as nesting bird season tree removal to a less than significant level. MM BIO 1A and MM BIO 1B will ensure 30-day preconstruction surveys are conducted to comply with MSHCP requirements, and MM BIO 2 will ensure any nesting birds are protected during the nesting season, to comply with USFW requirements as defined in the Migratory Bird Treaty Act.

Accordingly, implementation of these mitigation measures would reduce the Project's impact

either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S Fish and Wildlife Service to less than significant.

Potential Significant Impact (Threshold B): The EIR evaluated and concluded that the Project could have a substantial adverse impact on riparian habitat or other sensitive natural communities identified in local plans or by the California Department of Fish and Game (CDFW), Regional Water Quality Control Board (RWQCB), and the U.S. Army Corps of Engineers (USACE). This Threshold was used to determine if the Project's actions would be in violation of the standards set forth for habitat and drainage features in the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) as well as those administered by the RWQCB, CDFW or the USACE. The analysis included conducting field surveys and research to determine the existing site conditions, then comparing the proposed Project to applicable riparian habitat and sensitive habitat standards of the MSHCP, CDFW and USACE. This analysis concluded that the Project could have significant impacts regarding the MSHCP, CDFW and USACE standards for drainage, jurisdictional waters, and permit authorization; however, with implementation of Mitigation Measures MM BIO 3, MM BIO 4 and MM BIO 5, the impacts under Threshold B are less than significant because MM BIO 3 requires permit authorizations from the CDFW, USACE, and Regional Water Quality Board in MM BIO 3; MM BIO 4 requires a Habitat Mitigation and Monitoring Plan, and MM BIO 5 requires evidence of a deed restriction for two onsite mitigation areas and avoidance of Ramsey Street Wash.

Finding: This Threshold was used to determine if the Project would adhere to the CDFW, RWQCB, USACE or MSHCP regulations for riparian habitat or other natural communities. The impact to riparian and sensitive habitats is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measures MM BIO 3, MM BIO 4, and MM BIO 5. These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing these potentially significant impacts to a less than significant level. The proposed Project contains six on- and offsite drainage features. As part of the Project Design Features, one of these drainages will be expanded to create onsite mitigation and another drainage will be created for onsite mitigation. Additionally, the Ramsey Street Wash will be avoided by the Project and placed in the same deed as the other two onsite mitigation features. As discussed in Section 4.3, the Wildlife Agencies reviewed the Project's Determination of Biologically Equivalent or Superior Preservation (DBESP) and concluded with its findings. The Mitigation Measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project., The impacts related to this issue area are discussed in detail in Section 4.3 of the Draft EIR.

The following Mitigation Measures will mitigate impacts that could conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other

approved local, regional, or state conservation plan. One Mitigation Measure, MM BIO 5, contained herein has changed per response to comments from the California Department of Fish and Game and the U.S Fish and Wildlife Service during the 45-day public review of the Draft EIR. This Mitigation Measure reflect the requested edits from the above-listed agencies.

MM BIO 3 *Prior to any ground disturbing activities within jurisdictional waters as well as MSHCP riverine areas identified in Figure 4.3-8, the Project proponent shall obtain the necessary authorization from the regulatory agencies for proposed impacts to jurisdictional waters. Impacts to jurisdictional waters shall require authorization by the corresponding regulatory agency. Authorization may include, but is not limited to, a Section 404 permit from the USACE, a Section 401 Water Quality Certification from the RWQCB, and a Section 1602 Streambed Alteration Agreement from CDFW. Permit authorizations would include best management practice measures such as implementing soil erosion and sediment controls, avoiding construction during or immediately following a rain event, returning temporary construction areas to pre-existing elevations and replanting with native seed mix followed by at least one year of exotic weed removal in the affected area. These measures would lessen impacts to the onsite drainages.*

MM BIO 4 *Prior to issuance of grading permits, and as required by the Project's DBESP, the Project proponent shall provide the City Planning Division a Habitat Mitigation and Monitoring Plan (HMMP) for Drainages 3 and 5 as depicted on Figure 4.3-6. Success criteria for the HMMP will include: 85 percent coverage of the existing native plant species, no more than 10 percent cover of non-native species, and reduction of supplemental watering during the last two years of monitoring. Propagules shall be collected from the Project site by the Project Biologist prior to vegetation clearance to use for revegetation in the two mitigation areas. This can be done during the preconstruction surveys described in MM BIO 1. The two onsite mitigation areas shall be monitored by a Project Biologist retained by the Project proponent for a minimum of five years and monitoring reports shall be provided to the City, RCA, USFWS, and CDFW. If it is determined after 5 years that on-site mitigation is not successful, the City will consult with the Regional Conservation Authority and California Department of Fish and Wildlife to determine how to proceed to ensure biological success for the mitigation areas. These measures could include replanting, irrigation or changing plant palettes however exact measures will be determined as needed.*

MM BIO 5 *Prior to the issuance of any occupancy permit, the Project proponent shall provide evidence to the City Planning Division that the two mitigation areas depicted on Figure 4.3-7 have been placed under a deed restriction. The deed restriction will also include avoidance of the onsite limits of Drainage 1/Ramsey Street Wash as depicted on Figure 4.3-7. The avoided areas of Drainage 1/Ramsey Street Wash on the Project site will also be included in the deed restriction*

Facts in Support of the Finding: The EIR recommends Mitigation Measures MM BIO 3, MM BIO 4, and MM BIO 5. MM BIO 3 requires permit authorizations from the CDFW, USACE, and Regional Water Quality Board; MM BIO 4 requires a Habitat Mitigation and Monitoring Plan, and MM BIO 5 requires evidence of a deed restriction for two onsite mitigation areas. These mitigation measures will be implemented as specified therein, thereby reducing these potentially significant impacts to riparian habitat and sensitive habitats to a less than significant level. (Draft EIR, pg. 4.3-14)

Potential Significant Impact (Threshold D): The EIR evaluated and concluded that the Project could have an effect on movement of native or migratory fish or wildlife or establish native or wildlife corridors. This Threshold analyzed if the Project's actions would be in violation of the standards set forth in the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP). The analysis included conducting research to determine the existing site conditions, then comparing the proposed Project to riverine standards of the MSHCP to determine if the Project would violate those applicable standards. This analysis concluded that the Project could have significant impacts regarding the MSHCP standards for the riverine resources. However, with implementation of Mitigation Measure MM BIO 2, the impacts are less than significant under Threshold D because the mitigation measures require conditions on the removal of trees during migratory bird nesting season.

Finding: This Threshold was used to analyze the movement of avian species and migratory fish within the Pass Plan Area Plan of the MSHCP. This impact is potentially significant to the migration of avian species but can be mitigated to a less than significant level through implementation of Mitigation Measures MM BIO 2. The Mitigation Measure is adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.3 of the Draft EIR. The proposed Project site is located within the geographic area covered by the Riverside County Multi Species Habitat Conservation Plan (MSHCP). The Project site is located within the Pass Area Plan of the MSHCP and within SLA 99, Special Linkage Area 99. In accordance with the MSHCP, the proposed Project was also reviewed for consistency with Section 6.1.4 (Guidelines Pertaining to the Urban/Wildlands Interface Guidelines). The proposed Project is consistent with MSHCP Section 6.1.4. The following Mitigation Measure will mitigate impacts that could conflict with migratory patterns of native or migratory fish or wildlife or the establishment of native or wildlife corridors or nursery sites.

See MM BIO 2 above.

Facts in Support of the Finding: The EIR recommends Mitigation Measure MM BIO 2 to reduce this potentially significant impact to migratory avian species that are nesting to a less than

significant level. With implementation of mitigation measure MM BIO 2 the proposed Project will be consistent with MSHCP Section 6.1.4. (Draft EIR, pg. 4.3-58)

Potential Significant Impact (Threshold F): The EIR evaluated and concluded that the Project could conflict with the provisions of an adopted habitat conservation plan. This Threshold was used to analyze if the Project's actions would be in violation of the standards set forth in the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP), specifically 6.1.2 (Protection of Species Associated with Riparian/Riverine Areas and Vernal Pool), Section 6.1.3 (Protection of Narrow Endemic Plant Species), Section 6.1.4 (Guidelines Pertaining to the Urban/Wildlands Interface), Section 6.3.2 (Additional Survey Needs and Procedures), and Section 6.4 (Fuels Management). The analysis included conducting field surveys and research to determine the existing site conditions, then comparing the proposed Project to the above-referenced sections of the MSHCP to determine if the Project would violate those applicable standards. This analysis concluded that the Project could have significant impacts regarding these MSHCP standards; however, with implementation of Mitigation Measure MM BIO 1A, Threshold F is less than significant by requiring 30-day preconstruction surveys for burrowing owl, which fulfills the requirements of Section 6.3.2. The remaining MSHCP section requirements are less than significant through implementation of the Project's Design Features.

Finding: This Threshold is for the sections of the MSHCP related to habitat conservation plans (HCP). The sections applicable to this Project are referenced above. The proposed Project site is located within the Pass Area Plan of the MSHCP; however, it is not located within an MSHCP Criteria Area. The conflict with an adopted HCP can be mitigated to a less than significant level through implementation of Mitigation Measure MM BIO 1A by requiring 30-day preconstruction surveys for the Burrowing Owl. The specific impacts related to this issue area are discussed in detail in Section 4.3 of the Draft EIR. Mitigation Measure MM BIO 1A is adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing these potentially significant impacts to a less than significant level.

See MM BIO 1A

Facts in Support of the Finding: The EIR recommends Mitigation Measure MM BIO 1A to reduce the potentially significant impact related to the biological surveys for the burrowing owl, Section 6.3.2. of the MSHCP, to a less than significant level. The proposed Project is consistent with MSHCP Section 6.1.2, Section 6.1.4, and Section 6.4 through its Project Design Features. With implementation of mitigation measure MM BIO 1 to reduce impacts to burrowing owls to less than significant, the proposed Project will be consistent with MSHCP Section 6.3.2. (Draft EIR, pg. 4.3-47)

5.1.3 Cultural Resources

Potential Significant Impact: The EIR evaluated and concluded that the Project could impact all issue areas involving Cultural Resources, including: historical (Threshold A), archaeological (Threshold B), paleontological (Threshold C) and human remains (Threshold D). These Thresholds were used to analyze if the Project's actions would cause a substantial or adverse change in historic, cultural, or destroy unique features that are geological or paleontological in nature or destroy human remains. This analysis involved conducting field surveys and research to determine the Project site conditions, identify any existing cultural resources within the Project's Area of Potential Effects (APE) and if there were any resources that should be preserved. This analysis concluded that the Project could have significant impacts regarding cultural resources. However, with implementation of Mitigation Measures MM CR 1, MM CR 2, MM CR 3 and MM CR 4, Thresholds A, B, C and D are less than significant by requiring Project site monitoring during excavation activities, an agreement with a Native American monitor, submittal of a Paleontological Resource Impact Mitigation Monitoring Program, and compliance with State health codes regarding human remains.

Findings: These Thresholds were used to analyze the impact of the Project to cultural resources that occur on site or are found on site during Project construction. Potential impacts of the Project on cultural resources are discussed in Section 4.4 of the Draft EIR. There is the potential for discovery of archeological resources, paleontological resources and human remains.

The proposed Project site has been heavily disturbed and no prehistoric resources were discovered during the site survey conducted by Applied Earthworks on May 24, 2016 and subsequently on May 9, May 24, and September 28, 2017. Even so, there is always a potential for discovering previously unidentified archeological resources. Should any cultural resources be found during the ground disturbing portion of construction, MM CR 1 ensures procedures are in place to protect the resource and rebury it on site or remove it for curation. In addition, MM CR 2 ensures a Native American tribal monitor will be onsite during ground disturbing activities, which will ensure impacts to archaeological resources are reduced to less than significant. (Draft EIR, pg.4.4-29)

The geology at the Project site consists of young or recent alluvium deposits which are not considered to have a high paleontological sensitivity. Nonetheless, construction-related activities could have the potential to unearth paleontological resources. Through compliance with Mitigation Measure MM CR 3, any newly discovered paleontological resources would be subject to scientific recovery and evaluation to ensure that important scientific information that could be provided by these resources would not be lost. (Draft EIR pg. 4.4-30)

Finally, in the unlikely event that suspected human remains are uncovered during construction, all activities in the vicinity of the remains shall cease and the contractor shall notify the County

Coroner immediately pursuant to California Health & Safety Code Section 7050.5(b), California Public Resources Code Section 5097.98, and mitigation measure MM CR 4. (Draft EIR, pg. 4.4-32)

Accordingly, implementation of these mitigation measures would reduce the Project's impact on cultural resources to less than significant.

The following mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant cultural impact to a less than significant level.

MM CR 1 *If cultural resources are found during project construction, all ground-disturbing activities within 100 feet of the find shall be halted. A Registered Professional Archaeologist shall prepare a Cultural Resources Management Plan in consultation with the consulting tribes and the City Planning Department to include relinquishment of all artifacts through one of the following methods:*

a) Reburial in consultation with the appropriate culturally affiliated Native American tribe or band. The reburial area shall be away from any future impacts. Reburial shall not occur until all cataloguing, analysis and any necessary special studies have been completed on the cultural resources. Details of contents and location of the reburial shall be documented in a Final Report, which shall be provided to the City Planning Department upon completion; or

b) Curation at a Riverside County Curation facility that meets federal standards per 36 CFR Part 79 and therefore will provide professional curation and ensure artifacts are made available to other archaeologists/researchers and tribal members for further study. The collection and associated records shall be transferred to the curation facility, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence of these actions shall be provided to the City Planning Department in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.

MM CR 2 *Prior to the issuance of grading permits, the developer shall enter into a Native American monitoring agreement with one of the consulting tribes for the project. The Native American Monitor shall be on-site during all initial ground disturbing activities including clearing, grubbing, vegetation removal, grading and trenching. The Native American Monitor shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources.*

MM CR 3 *Prior to the issuance of grading permits, the project applicant shall submit to and receive approval from the City, a Paleontological Resource Impact Mitigation Monitoring*

Program (PRIMMP). The PRIMMP shall include the provision of a qualified professional paleontologist (or his or her trained paleontological monitor representative) during on-site and off-site subsurface excavation that exceeds three (3) feet in depth. Selection of the paleontologist shall be subject to approval of the City of Banning Director of Community Development and no grading activities shall occur at the site until the paleontologist has been approved by the City.

Monitoring shall be restricted to undisturbed subsurface areas of older alluvium, which might be present below the surface. The paleontologist shall be prepared to quickly salvage fossils as they are unearthed to avoid construction delays. The approved paleontologist shall also remove samples of sediments which are likely to contain the remains of small fossil invertebrates and vertebrates. The paleontologist shall have the power to temporarily halt or divert grading equipment to allow for removal of abundant or large specimens.

Collected samples of sediments shall be washed to recover small invertebrate and vertebrate fossils. Recovered specimens shall be prepared so that they can be identified and permanently preserved. Specimens shall be identified and curated and placed into an accredited repository (such as the Western Science Center or the Riverside Metropolitan Museum) with permanent curation and retrievable storage.

A report of findings, including an itemized inventory of recovered specimens, shall be prepared upon completion of the steps outlined above. The report shall include a discussion of the significance of all recovered specimens. The report and inventory, when submitted to the City of Banning Planning Department, would signify completion of the program to mitigate impacts to paleontological resources.

MM CR 4 *In the event of discovery of human remains during grading or other ground disturbance, work in the immediate vicinity shall cease and the landowner shall comply with State Health and Safety Code §7050.5 and Public Resources Code §5097.98. In the event human remains are found and identified as Native American, the landowner shall also notify the City Planning Department so that the City can ensure PRC §5097.98 is followed.*

Facts in Support of the Finding: These Thresholds were used to analyze the impacts of cultural, geological, paleontological and human remains from implementation of the Project. The EIR recommends Mitigation Measures MM CR 1 to MM CR 4 to reduce these potentially significant impacts related to cultural resources and discovery of human remains to a less than significant level.

5.1.4 Noise

Potential Significant Impact (Threshold A): The EIR evaluated and concluded that the Project could have potential noise impacts result due to construction and operation. This Threshold

was used to analyze if the Project's actions would be in violation of the standards for interior noise levels at sensitive receptors per the City's Municipal Code 8.44.090. The analysis included conducting noise measurements near the sensitive receptors and research to determine the existing ambient noise levels, then comparing the proposed Project's projected construction and operational noise levels to the above-referenced sections of the municipal code to determine if the Project would violate it. This analysis concluded that noise impacts related to operation of the Project do not exceed the City's municipal code due to its location approximately 2,800 feet away from the closest receptor; at this distance noise dissipates to below the City's allowable interior noise levels. For construction noise, this analysis concluded that the Project could have significant impacts to sensitive receptors located near the Project's offsite improvements. However, with implementation of Mitigation Measures MM NOISE 1, MM NOISE 2, MM NOISE 3, MM NOISE 4 and MM NOISE 5, which require construction equipment to be operated with mufflers, emit noise away from sensitive receptors, shut off equipment when not in use, stage equipment away and shield pneumatic equipment from sensitive receptors, the impacts under Threshold A are less than significant.

Finding: This Threshold was used to analyze the impact of the Project to sensitive receptors from construction noise that will occur at the offsite improvements. Potential impacts of the Project's construction noise on John Street to sensitive receptors is discussed in Section 4.7 of the Draft EIR. Off-site construction noise was modeled using conservative estimates of multiple construction equipment machines operating at the same time. A likely worst case construction noise scenario during grading assumes the use of a dozer, tractor and backhoe operating between 25 and 50 feet from the Project right of way, generating noise levels of 86.7 dBA to 87.7 dBA. Construction noise is considered a short-term impact and would be considered significant if construction activities are undertaken outside the allowable times identified in the City's Municipal ordinances 8.44.090E(1) and exceed interior noise levels of 55 dBA for more than 15 minutes. (Draft EIR, pg. 4.7-33) These exceedances, however, are expected to last for no longer than a week at any particular sensitive receptor as construction moves to a location further along the off-site improvement alignment.

This impact for construction noise is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measures MM Noise 1 to MM Noise 5. Each of the mitigation measures are included to reduce the offsite temporary construction noise levels by requiring the equipment operate with properly fitted mufflers, emit noise away from sensitive receptors, turn off equipment when not in use, stage the equipment as far away from sensitive receptors as possible and shield pneumatic equipment. The following mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level.

MM NOISE 1 *In order to reduce noise levels during construction, the project proponent's construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer standards.*

MM NOISE 2 *During Project construction, the project proponent's contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest to the construction activities.*

MM NOISE 3 *During Project construction, equipment shall be shut off and not left to idle when not in use.*

MM NOISE 4 *During Project construction, the contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and sensitive receptors during all Project construction.*

MM NOISE 5 *During Project construction, jackhammers, pneumatic equipment and all other portable stationary noise sources shall be shielded and be directed away as far as possible from sensitive receptors.*

Facts in Support of the Finding: This Threshold analyzed the impact of construction activity on sensitive receptors near the offsite improvements. The EIR recommends Mitigation Measures MM Noise 1 to MM Noise 5 to reduce this potentially significant impact to a less than significant level related to the City's Municipal Code 8.44.090E(1) which allows construction during daytime hours and below an interior level of 55 dBA. These facts, along with the implementation of these mitigation measures would reduce the Project's noise impacts related to offsite construction to less than significant.

Potential Significant Impact (Threshold C): The EIR evaluated and concluded that the Project could have a potential impact on temporary or periodic increases in ambient noise levels due to construction activities at the Project site or the associated offsite improvements. This Threshold was used to analyze if the Project's actions would be in violation of the standards for interior noise levels at sensitive receptors per the City's Municipal Code 8.44.090. The analysis included conducting noise measurements at the sensitive receptors and research to determine the existing ambient noise levels, then comparing the proposed Project's projected construction noise levels to the above-referenced sections of the municipal code to determine if the Project would violate those applicable noise standards. This analysis concluded that the Project could have significant impacts regarding noise levels during construction to sensitive receptors located near the Project's offsite improvements. However, with implementation of Mitigation Measures MM NOISE 1, MM NOISE 2, MM NOISE 3, MM NOISE 4 and MM NOISE 5, the impacts under Threshold C are less than significant by requiring construction equipment to be operated with mufflers, emit noise away from sensitive receptors, shutting off equipment when not in use, staging equipment away and shielding pneumatic equipment from sensitive receptors.

Finding: This Threshold was used to analyze short term noise impacts related to construction activities. This impact is potentially significant for construction noise related to the City's Municipal Code 8.44.090E(1) but can be mitigated to a less than significant level through implementation of Mitigation Measures MM Noise 1 to MM Noise 5. For construction noise, the closest existing residential dwelling units to the Project site are located approximately 2,800 feet southeast of the Project site and may be affected by short-term noise impacts associated with the transport of workers, the movement of construction materials to and from the Project site, ground clearing, excavation, grading, and building activities. Construction noise is considered a short-term impact and would be considered significant if construction activities are undertaken outside the allowable times as described by the City's Municipal ordinances 8.44.090E(1) and exceed interior noise levels of 55 dBA for more than 15 minutes. (Draft EIR, pg. 4.7-33)

Unmitigated noise levels have the potential to reach 95.0 dBA L_{eq} and 99.0 dBA L_{max} at the property line during grading for onsite construction activity. Construction is anticipated to occur during the permissible hours according to the City's Municipal Code. Construction noise will have a temporary or periodic increase in the ambient noise levels above existing within the Project vicinity. The nearest sensitive receptors to the Project site are located over 2,800 feet south of the Project's property line. The onsite construction noise levels are anticipated to result in less than 55 dBA interior noise levels at the closest sensitive receptor. These facts, along with the implementation of these mitigation measures would reduce the Project's construction noise impacts to less than significant. It is not anticipated that the noise impacts would be significant as long as all construction activities occurring outside the allowable time or exceed interior noise levels of over 55 dBA for more than 15 minutes would be considered significant.

Offsite construction activities have the potential to generate noise levels of 86.7 dBA to 87.7 dBA at 25 to 50 feet from the Project's right of way. Construction activities associated with offsite improvements may result in interior noise levels of adjacent sensitive receptors that exceed the City's standard of 55 dBA for a period of 15 minutes or more. These exceedances, however, are expected to last for no longer than a week at any particular sensitive receptor as construction moves to a location further along the off-site improvement alignment. These facts, along with the implementation of these mitigation measures would reduce the Project's construction noise impacts to less than significant.

These following mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.7 of the Draft EIR.

See MM NOISE 1 – MM NOISE 5 above

Facts in Support of the Finding: The EIR recommends Mitigation Measures MM Noise 1 to MM Noise 5 to reduce this potentially significant impact related to construction activities to a less than significant level. The implementation of these mitigation measures would reduce the Project's noise from short term construction activities to below the City's Municipal Code thresholds for sensitive receptor interior noise levels.

5.1.5 Transportation and Traffic

Potential Significant Impact (Threshold A): The EIR evaluated and concluded that the Project could have a potential impact on plans or policies that measure the performance or effectiveness of a circulation plan. This Threshold was used to analyze if the Project's actions would violate the City's adopted standards for the performance of intersections as well as Caltrans's standards for on- and off-ramp intersections. The analysis included generating a Traffic Impact Analysis (TIA) that includes researching of the acceptable Level of Service (LOS) for each study area intersection, determine existing and future roadway conditions with and without the Project, and then comparing the anticipated vehicle and truck trips to the acceptable Level of Service for each of the study area intersections. The significance thresholds are LOS D for the City of Banning and Caltrans facilities. This analysis concluded that truck and vehicle trips were above allowable LOS D for one intersection in existing conditions, at two intersections at the Project's opening year, and at two intersections in future year 2040. However, with implementation of the four Mitigation Measures MM TRANS 1, MM TRANS 2, MM TRANS 3 and MM TRANS 4, which reduce impacts from vehicle and truck trips to acceptable levels of service, the impacts under Threshold A are less than significant.

Finding: This Threshold was used to analyze the Level of Service (LOS) standards for City and Caltrans intersections included in the traffic study area identified in the Traffic Impact Analysis. Implementation of the Project will introduce additional traffic to the study area. One intersection in existing conditions operates at a LOS below standards; two intersections operate below LOS standards in Existing and with Project conditions (E+P). MM TRANS 1 and MM TRANS 2 will bring these two intersections to acceptable LOS standards in all existing and future conditions. The new intersection at Lincoln and John Streets will also meet LOS criteria; MM TRANS 3 will ensure this intersection meets LOS criteria in all conditions by providing stop control measures. The Project traffic, ambient growth and cumulative impacts for future year 2040 requires signalization of offsite intersections which requires the proposed Project to pay its fair share of traffic signal mitigation fees and the cost of other off-site improvements through payment of fair share mitigation fees which include DIF fees as outlined in MM TRANS 4. The fees shall be collected and utilized as needed by the City of Banning to construct the improvements necessary to maintain the required Level of Service and build or improve roads to their build-out level.

The proposed Project would include roadway improvements, including improving John Street from Lincoln Street to the proposed Project entrance. The street improvements will comply with City standards; it will be an undivided two-lane, east-west road that is defined as a collector highway in the City's GP circulation element. MM Trans 3 will ensure the new intersection at Lincoln and John Streets will meet the City's acceptable LOS standards and will include a one-way stop control.

This impact is potentially significant for the LOS standards but can be mitigated to a less than significant level through implementation of Mitigation Measures MM TRANS 1 through MM TRANS 4. The following mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.8 of the Draft EIR.

MM TRANS 1 *The following intersection improvements are proposed to bring the LOS for the Hargrave Street/I-10 westbound ramps intersection to an acceptable level from Existing Conditions through Existing plus Ambient Growth plus Cumulative Conditions plus Project:*

Hargrave Street/I-10 westbound ramps intersection. Improve the intersection to install an all-way stop control at the intersection of Hargrave Street and I-10 westbound ramps with the following geometrics:

Northbound: One shared left-turn and through lane.

Southbound: One shared through and right-turn lane.

Eastbound: Not applicable.

Westbound: One shared left turn, through and right turn lane.

MM TRANS 2 *The following intersection improvements are proposed to bring the LOS for the Hargrave Street/I-10 eastbound ramps intersection to an acceptable level from Existing Conditions through Existing plus Ambient Growth plus Cumulative Conditions plus Project:*

Hargrave Street/I-10 eastbound ramps intersection. Improve the intersection to install an all-way stop control at the intersection of Hargrave Street and I-10 eastbound ramps with the following geometrics:

Northbound: One shared left-turn and through lane.

Southbound: One shared through and right-turn lane.

Eastbound: Not applicable.

Westbound: One shared left turn, through and right turn lane.

MM TRANS 3 *The proposed Project will also include intersection improvements on Lincoln Street and John Street, to insure that the new intersection operates at an acceptable level, as follows:*

John Street/Lincoln Street. Improve the intersection to install a one-way stop control at the intersection of John Street and Lincoln Street with the following geometrics:

Northbound: Not Applicable.

Southbound: One left turn lane. One right turn lane. Stop controlled.

Eastbound: One left turn lane. One through lane.

Westbound: One shared through and right turn lane.

MM TRANS 4 *The Project shall participate in the phased construction of off-site traffic signals through payment of that project's fair share of traffic signal mitigation fees and the cost of other off-site improvements through payment of fair share mitigation fees which include, DIF (Development Impact Fee). The fees shall be collected and utilized as needed by the City of Banning to construct the improvements necessary to maintain the required level of service and build or improve roads to their build-out level.*

Facts in Support of the Finding: The EIR recommends Mitigation Measures MM TRANS 1 to MM TRANS 4 to reduce this potentially significant impact using stop control measures, to a less than significant level from LOS E or F to LOS D in all instances.

These facts, along with the implementation of these mitigation measures would reduce the Project's traffic and transportation impacts to less than significant.

Potential Significant Impact (Threshold B): The EIR evaluated and concluded that the Project could have a potential impact on congestion management plans. This Threshold was used to analyze if the Project's actions would violate the County of Riverside Congestion Management Plan (CMP), which was prepared to meet the guidelines of the federal Congestion Management System. This analysis included the Traffic Impact Analysis (TIA) evaluating the two Hargrave Street/I-10 ramps that are part of the Project's study area; these two ramps were evaluated because the I-10 is the only road in the vicinity of the Project that is part of the County of Riverside's Congestion Management Plan. The CMP used Caltrans's Level of Service standards LOS D to determine if the ramps exceeded LOS D. The analysis concluded that the two ramps exceeded LOS D with Project, ambient, and cumulative growth factors. For opening year 2019, mitigation measures MM TRANS 1 and MM TRANS 2 will bring the LOS from F to D for each ramp. For future year 2040, MM TRANS 4 will bring the eastbound Hargrave/I-10 ramp to LOS D, and the westbound ramp to LOS C using stop control measures and development impact fees.

Finding: This Threshold was used to analyze Level of Service standards for the I-10 freeway ramps, as contained in the CMP, in the Project's study area. This impact is potentially significant for Level of Service, but can be mitigated to a less than significant level through implementation of Mitigation Measures MM TRANS 1, MM TRANS 2, and MM TRANS 4. The following mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting

Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impacts from vehicle and truck traffic at these specific intersections to a less than significant level using stop control measures and development fees. The impacts related to this issue area are discussed in detail in Section 4.8 of the Draft EIR.

See MM TRANS 1, MM TRANS 2, and MM TRANS 4, above

Facts in Support of the Finding: The EIR recommends Mitigation Measures MM TRANS 1, MM TRANS 2, and MM TRANS 4 to reduce this potentially significant impact to a less than significant level for applicable Level of Service standards through use of stop control measures and development impact fees.

Potential Significant Impact (Cumulative): The EIR evaluated and concluded that the Project could have a potential cumulative impact on plans or policies that measures Level of Service standards or other standards for roads or highways. This Threshold was used to analyze if the Project's actions, in combination with the cumulative projects listed in the Draft EIR, would violate the County of Riverside Congestion Management Plan (CMP), which was prepared to meet the guidelines of the federal Congestion Management System. This analysis included the Traffic Impact Analysis (TIA) evaluating the two Hargrave Street/I-10 ramps that are part of the Project's study area; these two ramps were evaluated because the I-10 is the only road in the vicinity of the Project that is part of the County of Riverside's Congestion Management Plan. The CMP used Caltrans's Level of Service standards LOS D to determine if the ramps exceeded LOS D. The analysis concluded that the two ramps exceeded LOS D with Project, ambient, and cumulative growth factors. For future year 2040, MM TRANS 4 will bring the eastbound Hargrave/I-10 ramp to LOS D, and the westbound ramp to LOS C.

Finding: This cumulative Threshold was used to analyze Level of Service standards for the I-10 freeway ramps, as contained in the CMP, in the Project's study area. This impact is cumulatively potentially significant for Level of Service, but can be mitigated to a less than significant level through implementation of Mitigation Measures MM TRANS 4. The Project traffic, ambient growth and cumulative impacts for future year 2040 requires signalization of offsite intersections which requires the proposed Project to pay its fair share of traffic signal mitigation fees and the cost of other off-site improvements through payment of fair share mitigation fees which include DIF fees as outlined in MM TRANS 4. The fees shall be collected and utilized as needed by the City of Banning to construct the improvements necessary to maintain the required Level of Service and build or improve roads to their build-out level.

The following mitigation measure is adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.8 of the Draft EIR.

See MM TRANS 4 above

Facts in Support of the Finding: The EIR recommends Mitigation Measure MM TRANS 4 to reduce this potentially significant impact related to cumulative impacts by signalization of an intersection to a less than significant level of LOS D. Accordingly, implementation of this mitigation measure would reduce the Project's cumulative traffic impacts to levels below the Caltrans thresholds of LOS D.

These facts, along with the implementation of these mitigation measures would reduce the Project's cumulative traffic and transportation impacts to less than significant.

5.1.6 Tribal Cultural Resources

Potential Significant Impact (Threshold A): The EIR evaluated and concluded that the Project could impact the issue area involving Tribal Cultural Resources, including causing a change that is substantial or adverse to a tribal cultural resources that is eligible for listing on the California Register of Historical Resources, a local register or a resource determined to be significant by the lead agency per Public Resources Code Section 5024.1. This Threshold was used to analyze if the Project's actions would cause a substantial or adverse change to a tribal cultural resource that could be a site, feature, sacred place or object. This analysis involved conducting field surveys, consultation with Native American tribes and research to determine the Project site conditions, identify any existing tribal cultural resources within the Project's Area of Potential Effects (APE) and if there were any resources that should be preserved. This analysis concluded that the Project could have significant impacts regarding tribal cultural resources. However, the impacts under Threshold A are less than significant with implementation of Mitigation Measures MM TCR 1, MM TCR 2 and MM TCR 3, which require Project site monitoring during clearing and excavation activities, an agreement with a Native American monitor, submittal of a Cultural Resources Management Plan should a tribal cultural resource be found, and compliance with State health codes regarding human remains.

Findings: This Threshold was used to analyze the impact of the Project to tribal cultural resources that occur on site or are found on site during Project construction, as well as the results of the tribal consultation conducted between the City of Banning and interested Native American tribes pursuant to Assembly Bill 52 (2014) (AB 52) and Senate Bill 18 (2004) (SB 18). Potential impacts of the Project on tribal cultural resources are discussed in Section 4.9 of the Draft EIR. In accordance with AB 52 requirements, the City of Banning sent letters to 23 tribes on June 14, 2017 indicating there was a development project within the City's Sphere of Influence and requested the tribes respond to the City to indicate their desire to consult with the City regarding the proposed Project. Of the 23 tribes sent letters, eight tribes responded and one requested

consultation – the Morongo Band of Mission Indians. A meeting between the City and Morongo Band of Mission Indians took place on September 29, 2017 and was followed up by additional communications via telephone and email. Pursuant to SB 18 consultation, which is triggered by the need for a General Plan Amendment to bring two parcels on the site into the AI zone/land use designation, the City of Banning sent letters in October 2017 to 23 tribes indicating there was a development project that requires a Zone Change and General Plan Amendment. Of the 23 tribes contacted, seven responded; no tribes requested consultation pursuant to SB 18. While none of the tribes contacted requested SB 18 consultation, one tribe encouraged the use of a Native American qualified monitor on-site during the pre-construction and construction phases of the Project, which is reflected in **MM TCR 2**.

Mitigation measures **MM TCR 1** through **MM TCR 3** will be included to protect any tribal cultural resources and human remains found within the Project APE; these measures are also in Section 4.4 Cultural Resources of this DEIR. As such, the Project will have a less than significant impact with mitigation incorporated.

The following mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant cultural impact to a less than significant level.

***MM TCR 1** If cultural resources are found during project construction, all ground-disturbing activities within 100 feet of the find shall be halted. A Registered Professional Archaeologist shall prepare a Cultural Resources Management Plan in consultation with the consulting tribes and the City Community Development Department, Planning Division, to include relinquishment of all artifacts through one of the following methods:*

- a) Reburial in consultation with the appropriate culturally affiliated Native American tribe or band. The reburial area shall be away from any future impacts. Reburial shall not occur until all cataloguing, analysis and any necessary special studies have been completed on the cultural resources. Details of contents and location of the reburial shall be documented in a Final Report, which shall be provided to the City Community Development Department, Planning Division upon completion; or*
- b) Curation at a Riverside County Curation facility that meets federal standards per 36 CFR Part 79 and therefore will provide professional curation and ensure artifacts are made available to other archaeologists/researchers and tribal members for further study. The collection and associated records shall be transferred to the curation facility, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence of these actions shall be provided to the City Community Development Department, Planning Division in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.*

***MM TCR 2** Prior to the issuance of grading permits, the developer shall enter into a Native American monitoring agreement with one of the consulting tribes for the project. The Native American Monitor shall be on-site during all initial ground disturbing activities including clearing, grubbing, vegetation removal, grading and trenching. The Native American Monitor shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources.*

***MM TCR 3** In the event of discovery of human remains during grading or other ground disturbance, work in the immediate vicinity shall cease and the landowner shall comply with State Health and Safety Code §7050.5 and Public Resources Code §5097.98. In the event human remains are found and identified as Native American, the landowner shall also notify the City Community Development Department, Planning Division so that the City can ensure PRC §5097.98 is followed.*

Facts in Support of the Finding: This Threshold was used to analyze the impacts of tribal cultural resources that are eligible to be listed on the California Register of Historic Resources or determined by the lead agency to be significant within the Project’s APE. The EIR recommends Mitigation Measures MM TCR 1 to MM TCR 3 to reduce these potentially significant impacts related to tribal cultural resources and discovery of human remains to a less than significant level by requiring a Native American monitor onsite during clearing and grading activities, a Cultural Resources Management Plan to be submitted should a significant resource be found, and follow state guidelines in the event of the discovery of human remains.

5.2 ENVIRONMENTAL IMPACTS WHICH REMAIN SIGNIFICANT AND UNAVOIDABLE AFTER MITIGATION AND FINDINGS

In accordance with CEQA Guidelines Section 15092(b)(2), this City Council cannot approve the Project unless it first finds (1) the Project as approved will not have a significant effect on the environment, *or* (2) the significant effects on the environment have been eliminated or substantially lessened where feasible and any remaining significant effects on the environment found to be unavoidable are acceptable due to overriding concerns described in Section 15903.

This City Council finds that the following environmental impacts identified in the EIR remain significant even after all feasible mitigation measures: Air Quality – Long Term Operation and Cumulative Impacts and Greenhouse Gas – Cumulative Impacts. A statement of overriding considerations is included herein.

5.2.1 Air Quality Operations (Project – Long Term & Cumulative)

Significant Unavoidable Impact (Threshold B): The EIR concluded that the Project could

result in significant air quality impacts from long-term operations both from the project and cumulatively related to NO_x emissions. This Threshold was used to analyze if the Project's actions would violate air quality standards for long term operational impacts. The analysis included running CalEEMod to predict the emissions from the Project's long term operations, and then comparing these results to the acceptable regional (RST) and local (LST) air quality standards. These air quality standards include significance thresholds for emissions including: VOC (regional only), NO_x, CO, SO₂ (regional only), PM-10 and PM-2.5. This analysis concluded that long term operations did violate the NO_x standards. Even with implementation of four Mitigation Measures, MM AQ 3, MM AQ 4, MM AQ5 and MM AQ6 to reduce NO_x emissions from Project operations, the impacts related to for long-term operations under Threshold B are significant and unavoidable.

Finding: The Project will result in significant impacts due to NO_x. Project Mitigation Measures MM AQ 3 through MM AQ 6 are incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing the significant impacts, but not below a level of less than significant. The net increase in emissions of NO_x would exceed the SCAQMD's recommended threshold for this pollutant. (Draft EIR, Tables 4.2-I and 4.2-J) Furthermore, the fact that the Project generates long-term emissions of the ozone precursors NO_x in excess of applicable SCAQMD thresholds indicates that the Project impact is significant on an individual basis and would therefore contribute to cumulatively significant air quality impacts within the SCAQMD ozone non-attainment area as well.

Accordingly, air quality impacts from long term operations (Project and Cumulative) will remain significant and unavoidable. The following Mitigation Measures will mitigate impacts to air quality emissions to the extent feasible, but the impacts will remain significant and unavoidable:

MM AQ 3 *Although the Project does not include refrigerated warehouse space, trucks accessing the Project site may have auxiliary power units (APU) and/or transport refrigeration units (TRUs). Therefore, electrical hookups shall be installed at all loading docks, and to reduce/replace APU use while trucks are parked along the docks, to allow trucks with APU and/or TRUs with electric standby capabilities to plug in when TRUs are in use to reduce diesel fuel consumption and resulting NO_x emissions. The City shall verify electrical hookups have been installed prior to occupancy.*

MM AQ 4: *All facilities shall post signs informing users of requirements limiting heavy-duty diesel truck idling to five minutes or less pursuant to Title 13 of the California Code of Regulations, Section 2485 in order to reduce diesel fuel consumption and resulting NO_x emissions. Trucks with transport refrigeration units and/or auxiliary power units (TRU/APU) shall plug in to on-site electrical hookups if TRU/APU use exceeds 5 minutes. No overnight/long-term parking will be allowed. The City shall verify signage has been installed prior to occupancy.*

MM AQ 5 Service equipment (i.e., yard hostlers and forklifts) used within the site shall be electric or compressed natural gas-powered in order to reduce diesel fuel consumption and resulting NO_x emissions.

MM AQ 6: In order to promote alternative fuels, and help support “clean” truck fleets, the developer/successor-in-interest shall provide building occupants and businesses with information related to SCAQMD’s Carl Moyer Program, or other state programs that restrict operations to “clean” trucks, such as 2007 or newer model year or 2010 compliant vehicles and information including, but not limited to, the health effect of diesel particulates, benefits of reduced idling time, CARB regulations, and importance of not parking in residential areas. If trucks older than 2007 model year will be used at the facility, the developer/successor-in-interest shall require, within one year of signing a lease, future tenants to apply in good-faith for funding for diesel truck replacement/retrofit through grant programs such as the Carl Moyer, Prop 1B, VIP, HVIP, and SOON funding programs, as identified on SCAQMD’s website (<http://www.aqmd.gov>). Tenants will be required to use those funds, if awarded.

Facts in Support of the Finding: The EIR recommends Mitigation Measures MM AQ 3 through MM AQ 6 be implemented to reduce NO_x impacts for long term operations primarily from mobile sources. However, the air quality impacts from operations (Project and Cumulative) will be significant and unavoidable.

5.2.1 Greenhouse Gases

Significant Unavoidable Impact: The EIR concluded that the Project could result in significant greenhouse gas emissions impacts from the Project. This Threshold was used to analyze if the Project’s actions would violate greenhouse gas standards in the Subregional Climate Action Plan (CAP) for long term operational impacts. The analysis included running CalEEMod to predict the emissions from the Project’s long term and cumulative operations, and then comparing these results to the goals of the CAP, which specifically includes a reduction of GHG emissions of 15 percent by the year 2020. This analysis concluded that long term and cumulative operations did violate the CAP standards; with implementation of Mitigation Measure GHG 1 to reduce GHG emissions from Project operations, the impacts under Threshold A for long-term operations are significant and unavoidable.

Finding: This Threshold was used to analyze GHG reduction levels for long term and cumulative operations. This impact to GHG emissions reduction levels is potentially significant and Mitigation Measure MM GHG 1 is incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing the potentially significant impacts, related to emissions, but not below a level of less than significant. Compliance with Project-specific design considerations not included in the emissions estimates, specifically

those aimed at reducing mobile source emissions, would aid in the reduction of GHG emissions beyond what is presented in this analysis. Although implementation of Mitigation Measure MM GHG 1 would reduce Project-related long-term GHG emissions to 22,744 MTCO₂E/yr resulting in a 13.2% reduction, this does not achieve the 15% reduction target required to meet the goal of the Subregional CAP. Accordingly, greenhouse gas emissions impacts will remain significant and unavoidable.

MM GHG 1: To reduce the Project's GHG emissions from energy consumption, high efficiency lighting shall be installed at the Project site. Prior to building permit issuance, the City shall verify building plans contain these features.

Facts in Support of the Finding: Using all the emissions quantified above, the total GHG emissions generated from the Project is approximately 26,201 MTCO₂E/yr which includes construction-related emissions amortized over a typical project life of 30 years of changes. Although implementation of Mitigation Measure MM GHG 1 would reduce Project-related long-term GHG emissions to 22,744 MTCO₂E/yr resulting in a 13.2% reduction, this does not achieve the 15% reduction target required to meet the goal of the Subregional CAP. Accordingly, even with implementation of the Project design considerations the greenhouse gas emissions impact will be significant and unavoidable.

5.3 ALTERNATIVES TO THE PROPOSED PROJECT

The EIR analyzed one Alternative (Alternative Location) which was rejected as the other location lacked the ability to meet the Project's objectives. CEQA requires the evaluation of a "No Project Alternative" to assess a maximum net change in the environment as a result of implementation of the Project. CEQA also requires evaluation of alternatives that can reduce the significance of identified impacts and "feasibly attain most of the basic objectives of the Project." Thus, in order to develop a range of reasonable alternatives, the Project objectives must be considered when this City Council is evaluating the alternatives.

5.3.1 Alternative Location

Using an Alternative Location, Project development would take place on a parcel zoned for Industrial use within the City's sphere of influence. An alternative site location that is zoned Industrial within the City's sphere of influence was considered, but then rejected after further consideration because the land does not include parcels that meet the objectives of the Project. The Industrial-zoned parcels are, at the largest, approximately 39 acres which is not large enough to meet the Project's objectives; the size of land would need to be large enough to accommodate a 1 million square foot warehouse with associated vehicle and trailer parking as well as vegetation. Consequently, the Alternative Location was rejected.

5.3.2 Alternative 1: No Project/ No Build Alternative

Under the No Project Alternative (Alternative 1), no development would take place within the Project site limits. No ground-disturbing activities would take place, nor would any structure be erected. Alternative 1 would not result in similar, or the same environmental impacts identified by the impact analyses included in this Draft EIR because it does not involve any development of the proposed Project site.

Alternative 1 would result in greater environmental impacts to Hydrology and Water Quality even though it does not involve development of the proposed Project site. Alternative 1 would retain the Project site's existing conditions and the existing storm drain facilities storm flow patterns and capacity would remain. However, due to the area's relatively flat terrain and the lack of regional drainage infrastructure, flooding occurs in both major and minor storm events. With no development at the Project site, the Project proponent would not contribute to construction of regional drainage infrastructure to alleviate flooding conditions in the Project vicinity. Therefore, impacts to hydrology and water quality associated with Alternative 1 would be worse than those of the proposed Project. (Draft EIR, pg. 7-6)

Alternative 1 would result in fewer impacts in eight of the nine environmental issue areas analyzed in the Draft EIR because it involves development of the proposed Project site. The level of environmental impact associated with these topics would be reduced if the Project site was left in its original condition, as proposed by Alternative 1, the no project alternative. A summary of these impacts is provided below.

Since no construction activity would occur, Alternative 1 would not generate any short-term construction emissions. Further, no new long-term emissions would result from increased traffic and increased use of energy resources. Due to the avoidance of short-term and long-term criteria pollutant emissions, the air quality impacts of Alternative 1 would be less than those of the proposed Project.

Since no site preparation or construction activity would occur, Alternative 1 would not result in a change to the existing biology of the Project site. Existing and potential biological species would be able to continue to use the vacant, undisturbed land on the Project site as habitat (including potential breeding and/or seasonal foraging habitat). Under Alternative 1, no changes would occur to any of the drainages on site, and no enhancement activities would be conducted. Thus, certain impacts would be avoided altogether compared to the proposed Project, and impacts to biological resources associated with Alternative 1 would be less than that of the proposed Project.

The impacts on cultural resources associated with would be less than those of the proposed Project. Because there would be no site preparation, grading, or construction, impacts to previously undiscovered cultural resources at the Project site would be avoided altogether.

Due to the avoidance of short-term and long-term greenhouse gas emissions, Alternative 1's impacts with regard to greenhouse gas emissions would be also less than those of the proposed Project.

Noise associated with Alternative 1 would be less than those of the proposed Project. Alternative 1 would retain the Project site's existing conditions; therefore, the proposed Project would result in changes to noise in relation to short-term construction activity. Additionally, Alternative 1 would avoid ambient noise increases created by Project-related operations and traffic. Therefore, under Alternative 1, impacts to noise would be avoided and less than that of the proposed Project.

Alternative 1 would retain the Project site's existing conditions and the existing circulation patterns in the Project site vicinity would remain. Under Alternative 1, the City would require any roadway improvements to any project, so even if the Project was not built (as contemplated by this Alternative), then another project would be conditioned to build the needed roadway improvements. If another project was to be proposed in the immediate vicinity of the Project site and this Project was not implemented, the City Engineer would require the other project to incorporate necessary roadway improvements. Therefore, impacts to transportation/traffic would be considered reduced for Alternative 1 compared to the proposed Project.

Alternative 1 would retain the Project site's existing conditions. Because there would be no site preparation, grading, or construction, impacts to previously undiscovered tribal/cultural resources at the Project site would be avoided and impacts associated with Alternative 1 would be less than those of the proposed Project.

Finally, Alternative 1 would retain the Project site's existing conditions. Because there would be no construction of water facilities including new wastewater, stormwater and potable water lines, impacts to wet and dry utilities would be avoided and impacts associated with Alternative 1 would be less than those of the proposed Project

Finding: Alternative 1 would not have any environmental impacts that are similar to the proposed Project, and it would have one greater impact, which is to Hydrology because the existing site experiences flooding and development of drainage infrastructure will alleviate flooding conditions. Alternative 1 results in reduced environmental results for the remainder of the impacts, including air quality, biological resources, cultural resources, greenhouse gas emissions, noise, transportation and traffic, tribal cultural resources and utilities/service systems. These reduced impacts are due to fact that the Project will not be constructed or operated, thus reducing emissions

related to the construction and operation of the site. The biological resources, cultural resources and tribal cultural resources would all remain the same as existing conditions, since the site would not be disturbed. The resources related to noise, transportation and traffic and utilities and service systems would be reduced because there would be no vehicles or trucks traveling to and from the site, thus roads and utilities would not need to be constructed, nor would noise emanate from the Project as there would be no construction or operations.

While environmental impacts would be reduced for all impacts except Hydrology, Alternative 1 also needs to meet the Project objectives. By not constructing a building, the Project objectives are not met, as shown in the following table:

Project Objective	Alternative Meets Objective?
Develop an attractive warehouse spec building consistent with the Project site's Airport Industrial (AI) land use designation and zoning in the City of Banning's General Plan and taking advantage of the site's strategic location near Interstate 10 (I-10) freeway.	No – Under Alternative 1, no buildings would be constructed and no industrial land uses would be developed consistent with the standards and guidelines relevant to the Project site and proposed uses.
Maximize efficient goods movement throughout the region by locating a distribution center in close proximity to the Ports of Los Angeles and Long Beach, enabling trucks servicing the site to achieve a minimum of two roundtrips per day.	No – Under Alternative 1, there would not be any additional development at the Project site and it would not contribute to maximizing the movement of goods in the region.
Develop and operate a logistics center that meets industry standards for operational design criteria.	No – Under Alternative 1, there would not be development of a building to support a distribution center.
Positively contribute to the economy of the City through new capital investment, creation of new employment opportunities, including opportunities for highly trained workers, and expansion of the tax base.	No – Under Alternative 1, there would be no opportunity to contribute to the economy since there would not be development of a distribution center on the Project site.
Provide local employment for residents of the City to improve jobs-housing balance within the City.	No – Under Alternative 1, there would be no opportunity for increased employment within the City of Banning for local residents.

As shown in the table above, Alternative 1 would not achieve any of the Project objectives because it merely maintains the site in the existing conditions. Without development the site cannot offer an attractive warehouse building consistent with the General Plan, and cannot provide any employment.

5.3.3 Alternative 2: Existing Land Use – Airport Facilities

Under the Existing Land Use – Airport Facilities, Alternative 2, no or limited warehouse development would take place; instead the development would be limited to the current Public Facilities-Airport (PF-A) land use designation that is on the southern portion of the Project site, encompassing approximately 20.2 acres. This land use allows less of the site to be developed with necessary structures. The proposed Project calls for a 1 million square foot building, Alternative 2 would only allow approximately 696,960 square feet of building(s) to be constructed and operated.

Alternative 2 would not result in greater environmental impacts to any of the resource categories. Alternative 2 would result in similar or fewer impacts in all of the environmental issue areas analyzed in the Draft EIR because it involves development of the proposed Project site. A summary of these impacts is provided below.

Under Alternative 2, Existing Land Use – Airport Facilities, development of the Project site would not include any industrial development on the portion of the site currently designated for Industrial. The Project site is currently zoned Airport Industrial (44 acres) and Public Facilities-Airport (20.2 acres). The 20.2 acres currently designated as PF-A would be developed to support the operation of the Banning Municipal Airport. The PF-A designation allows for up to 25% of the site to be developed; this is less than the Airport Industrial zoning, which allows up to 55% of the site to be developed. There would be a maximum total of 696,960 square feet of development at the Project site with the PF-A land use, consisting of various uses related to the operation of the airport. Alternative 2 would result in similar, or the same, environmental impacts in three of the nine environmental issue areas, including Biological Resources, Cultural/Tribal Cultural Resources, and Hydrology and Water Quality analyzed in this Draft EIR because it involves development of the proposed Project site.

Although Alternative 2 would have a smaller footprint with regard to building sizes and parking area, this alternative would permanently impact the potential nesting habitat for birds covered by the Migratory Bird Treaty Act or burrowing owls at the Project site. Because Alternative 2 would be required to comply with the provisions of the Multiple Species Habitat Conservation Plan (MSHCP) and incorporate the same mitigation measures as the proposed Project, impacts would be similar to the proposed Project. Although Alternative 2 would have a smaller footprint with regard to building sizes and parking area, this alternative would also have the potential to disrupt previously undiscovered cultural resources at the Project site. Thus, Alternative 2 would be required to implement similar mitigation measures related to cultural and tribal resources, and its impacts would be similar to the proposed Project.

Under Alternative 2, the same basic storm drain facilities would be constructed as those proposed for the Project. Drainage would be collected in same or similar drainage facilities as proposed by the Project which would be conveyed to the storm drains adjacent to the Project site.

Alternative 2 would result in fewer impacts in the five remaining impacts analyzed in the Draft EIR because it involves reduced development of the proposed Project site. By reducing the size of the buildings by approximately 31% compared to those proposed for the Project, Alternative 2 would also reduce truck traffic, which in turn reduces operational air quality emissions by a similar amount. The long-term air quality impacts resulting from mobile sources would be reduced due to the reduction of building size and localized emissions of criteria pollutants would decrease due to the decrease in total truck trips accessing the site. Additionally, health risks associated with diesel exhaust would be reduced compared to the proposed Project because daily truck trips will decrease as a result of building size and land use, thus decreasing impacts of toxic air contaminants. This impact would be less than that of the proposed Project, and would remain less than significant.

Air quality impacts related to construction would be similar to the proposed Project and will not exceed short-term South Coast Air Quality Management District (SCAQMD) thresholds because the daily construction activity would be similar and the same site acreage would be disturbed. Operational NO_x emissions would also be reduced under Alternative 2 due to a reduction in traffic, particularly truck traffic which means that operational NO_x emissions may be within the long-term regional significance threshold for NO_x. Therefore, impacts to air quality would be less than the proposed Project.

Development of Alternative 2 would result in a less disturbed area than the proposed Project, though the site will still be disturbed by construction activity. Thus, the one-time construction-related greenhouse gas (GHG) emissions from development of Alternative 2 would be similar to the proposed Project. However, total GHG emissions from Alternative 2 would be less than the proposed Project due to the decrease in total traffic trip generation and building size. Alternative 2 would also comply with all present and future regulatory measures developed in accordance with AB 32 and CARB's scoping plan, and would be required to incorporate a number of Project design features that would further minimize GHG emissions. Therefore, the GHG impacts associated with Alternative 2 are considered to be less to the proposed Project and are less than significant.

Development of Alternative 2 would result in reduced noise impacts. Similar types of construction equipment would still be expected in Alternative 2, but the amount of construction equipment would be less than the proposed Project since there would be less disturbed area, and therefore have less construction noise impacts. Alternative 2 would develop approximately 31% less building square footage and reduce trips. Furthermore, Alternative 2 would include uses that are associated with the airport, which would reduce the amount of vehicle traffic and the amount of heavy duty trucks. Consequently, impacts from noise would be less than the Project.

Demands for utilities would be slightly less under Alternative 2 than under the proposed Project because development would be reduced by approximately 31%. Because the Project site would be developed in a similar manner as to the proposed Project, similar infrastructure would be

constructed under this alternative. However, because the building footprint will be reduced, impacts would be slightly less than the proposed Project.

As with the proposed Project, development of Alternative 2 will increase truck and vehicle traffic in the Project vicinity. However, development of Alternative 2 would reduce overall traffic and truck trips because the building area would be reduced by 31% compared to the proposed Project. Alternative 2 would be airport-related, resulting in more vehicle than truck traffic. Impacts and the necessary improvements could be less than what the Project would generate. Therefore, traffic impacts associated with Alternative 2 will be less than the proposed Project.

Finding: Alternative 2 would have similar or lessened environmental impacts to the proposed Project, due to its reduced size and different use. Alternative 2 results in similar environmental results for biological resources, cultural/tribal cultural resources, and hydrology and water quality resources. These similar results are due to the fact that the site will still be disturbed for construction and operations. Alternative 2 results in reduced environmental results for the remainder of the impacts, including air quality, greenhouse gas emissions, noise, transportation and traffic and utilities/service systems. These reduced impacts are due to the Project still being constructed and operated, but on a smaller scale, thus reducing emissions related to the construction and operation of the site.

While environmental impacts would be similar or reduced for all impacts, Alternative 2 also needs to meet the Project objectives. By constructing a smaller building, the only three of the five Project objectives are met, as shown in the following table:

Project Objective	Alternative Meets Objective?
Develop an attractive warehouse spec building consistent with the Project site’s Airport Industrial (AI) land use designation and zoning in the City of Banning’s General Plan and taking advantage of the site’s strategic location near Interstate 10 (I-10) freeway.	No – Under Alternative 2, no warehouse buildings would be constructed and no industrial land uses would be developed consistent with the standards and guidelines relevant to the Project site and proposed uses.
Maximize efficient goods movement throughout the region by locating a logistics center in close proximity to the Ports of Los Angeles and Long Beach, enabling trucks servicing the site to achieve a minimum of two roundtrips per day.	No – Under Alternative 2, additional development at the Project site would not be related to constructing a distribution center.
Develop and operate a distribution center that meets industry standards for operational design criteria.	No – Under Alternative 2, there would not be development of a building to support a distribution center.

Positively contribute to the economy of the City through new capital investment, creation of new employment opportunities, including opportunities for highly trained workers, and expansion of the tax base.	Yes – Under Alternative 2, there would be opportunity to contribute to the economy with the building of airport-related buildings to support those tenants and uses.
Provide local employment for residents of the City to improve jobs-housing balance within the City.	Yes – Under Alternative 2, there would be opportunity for increased employment within the City of Banning for local residents.

Although Alternative 2 would result in fewer environmental impacts compared to the Project, the smaller project would result in the reduction of available industrial space and employment opportunities. Thus, the Project site would be underutilized and the related economic growth and additional employment opportunities would likewise be reduced. Accordingly, this City Council finds the Reduced Intensity Alternative less desirable than the Project and rejects this Alternative 2.

6.0 CERTIFICATION OF FINAL EIR

The City Council declares that no new significant information as defined by the CEQA Guidelines, Section 15088.5 has been received by the City Council after circulation of the EIR that would require recirculation. The City Council certifies the EIR based on the findings and conclusions discussed below.

6.1 FINDINGS

As required by CEQA Statutes, Section 21081 (a)(3) and (b), and CEQA Guidelines Section 15903, the City of Banning City Council makes the following findings:

- 1) The City of Banning City Council has considered the impacts of the proposed Banning Distribution Center Project as identified and analyzed in the Final EIR. Although there are mitigation measures, Conditions of Approval, and Project Design Features that assist in mitigation of the significant unavoidable adverse impacts, as discussed in the Findings, certain impacts cannot be avoided or reduced to below a level of significance. The City Council finds that all feasible changes and alterations, in the form of mitigation measures, Conditions of Approval and Project Design Features, have been incorporated into, or imposed upon, the proposed Banning Distribution Center Project.

- 2) The City of Banning City Council has considered the two (2) Project alternatives to the proposed Banning Distribution Center Project, and the additional one (1) Alternative Location which was rejected from further consideration, as described and analyzed in the Final EIR. Per the criteria under State CEQA Guidelines Section 15126.6, which provides

specific guidance with regard to the discussion of alternatives in an EIR, the City Council considers this a reasonable range of alternatives to the Project. Based upon this examination, the City of Banning City Council finds that while the alternatives have the potential to avoid some of the environmental impacts caused by the Project, none of the alternatives would achieve the City's goals and objectives to the same extent as the proposed Project; and

- 3) Based upon the foregoing, the City of Banning City Council finds that the eight (8) areas of Public Benefit related to the proposed Banning Distribution Center Project outweigh the two (2) areas of significant unavoidable adverse impacts. Therefore, the City of Banning City Council finds the significant unavoidable adverse impacts acceptable.

6.2 CONCLUSIONS

1. Except as to those impacts stated above relating to long term and cumulative air quality and greenhouse gas emissions, all other significant environmental impacts from the implementation of the proposed Project have been identified in the EIR and, with implementation of the mitigation measures identified, where necessary, are considered less than significant.
2. Alternatives to the proposed Project, including an Alternative Location, No Project and Existing Land Use/Public Facilities-Airport, have been considered and rejected in favor of the proposed Project. Only Alternative 2 meets two of the five Project objectives.
3. Environmental, economic, social, and other considerations and benefits derived from the development of the proposed Project override and make infeasible any alternatives to the proposed Project or further mitigation measures beyond those incorporated into the proposed Project.

7.0 STATEMENT OF OVERRIDING CONSIDERATIONS

7.1 INTRODUCTION

The California Environmental Quality Act (CEQA) requires a public agency to balance the benefits of a proposed project against its significant unavoidable adverse environmental impacts in determining whether to approve the project.

The Guidelines provide the following directives regarding Lead Agencies approving projects with significant unavoidable adverse impacts:

- a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

This City Council of the City of Banning adopts this Statement of Overriding Considerations with respect to the significant unavoidable impacts associated with adoption of the Project as addressed in the EIR, specifically: Air Quality (Operations and Cumulative) and Greenhouse Gas (Operations and Cumulative).

This Section of the findings specifically addresses the requirement of Section 15093 of the CEQA Guidelines, which requires the lead agency to balance the benefits of a project against its unavoidable significant impacts and to determine whether the impacts are acceptably overridden by the Project benefits. If the City Council finds that the previously stated major Project benefits outweigh the unavoidable significant adverse environment impacts noted above, then the City Council may, nonetheless, approve the Project. Each of the separate benefits are hereby determined to be, in itself, and independent of other Project benefits, a basis for overriding all unavoidable environmental impacts identified in the EIR and these findings.

7.2 SIGNIFICANT UNAVOIDABLE IMPACTS

The Banning Distribution Center Project would result in two (2) significant unavoidable adverse impacts, described in detail in Section 4.2 and Section 4.5 of the Draft EIR and Section 5.2 of the Finding of Fact. These significant unavoidable adverse impacts would remain even with the implementation of mitigation measures and the Project Design Features. The impacts to long-term NOx emissions and GHG emissions reductions and impacts are inherent with the development of

the Project and cannot be feasibly mitigated even with implementation of Mitigation Measures MM AQ 3, MM 4, MM AQ 5 and MM GHG 1. The City of Banning City Council has adopted all feasible mitigation measures with respect to these impacts. Although in some instances these mitigation measures may substantially lessen these significant impacts, adoption of the measures will not fully avoid the impacts.

While the proposed mitigation measures would reduce the level of many significant impacts to a less than significant level, the Draft EIR identified the following areas where, after the implementation of feasible mitigation measures, the Project may nonetheless result in impacts which cannot be fully mitigated.

Project Impacts

- 1) Impact 1 – Project impact due to Air Quality Management Plan (AQMP) inconsistency: As identified in Section 4.2 Threshold B, *Violate Any Air Quality Standard* of the Draft EIR, the proposed Project's operation would result in significant and unavoidable impacts with mitigation incorporated with respect to violating air quality standards for long term operations with regards to NOx. The proposed Project will result in an unavoidable significant adverse impact to regional air quality caused by operational NOx emissions in excess of the SCAQMD regional significance threshold for this pollutant. As the Project would exceed SCAQMD thresholds, the Project would potentially result in a long-term impact on the region's ability to meet State and Federal air quality standards.

- 2) Impact 2 – Project's impact due to generation of Greenhouse Gas Emissions: As identified in Section 4.5 Threshold A, *Generation of Greenhouse Gas Emissions* of the Draft EIR, the Project would result in potentially significant and unavoidable impacts with mitigation incorporated with regard to generating operational greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. The Project's emissions achieve a 13.2 percent reduction in the year 2020, however, this falls below the threshold of a 15 percent reduction required in the Subregional Climate Action Plan. Since GHG emission impacts are global and result from the buildup of GHG emissions over many years, the global cumulative effects could remain potentially significant and unavoidable irrespective of the Project's design features and mitigation measures.

In order to approve the Banning Distribution Center Project, the City of Banning City Council must adopt a Statement of Overriding Considerations pursuant to State CEQA Guidelines Section 15043 and 15093. The statement allows as lead agency to cite a project's general economic, legal, social, technological or other benefits as a justification for choosing to allow the occurrence of specified significant environmental effects that have not been avoided. The statement explains why, in the agency's judgment, the project's benefits outweigh the unavoidable significant effect.

7.3 STATEMENT OF OVERRIDING CONSIDERATIONS

This City Council identifies economic and social benefits and important policy objectives which result from implementing the Project. The City Council has balanced these substantial social and economic benefits against the unavoidable significant adverse effects of the Project. Given the substantial social and economic benefits that will accrue from the Project, this City Council finds that the benefits identified herein override the unavoidable environmental effects.

Public Resource Code Section 21002 provides: “In the event specific economic, social and other conditions make infeasible such Project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof.” Section 21002.1(c) provides: “In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, the project may nonetheless be approved or carried out at the discretion of a public agency...” CEQA Guidelines Section 15093 (a) states: “If the benefits of a Project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable.’”

To the extent that the significant effects of the Project are not avoided or substantially lessened to below a level of significance, the City of Banning City Council, having reviewed and considered the information contained in the EIR and the public record, and having balanced the benefits of the Project against the unavoidable effects which remain, finds that such unmitigated effects to be acceptable in view of the overriding considerations identified below. The City Council finds that any one of these Project benefits standing alone would be sufficient to sustain the Statement of Overriding Considerations.

CEQA does not require the lead agency to analyze “beneficial impacts” of a proposed Project in an EIR. Rather, EIRs are required to focus on potential significant effects on the environment, defined to be “adverse” impacts after the California Supreme Court held that beneficial impacts must also be addressed (See *Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 206). Nevertheless, decision-makers benefit from information about project benefits. These benefits can be cited, if necessary, in a Statement of Overriding Considerations.

The City of Banning City Council declares that, having reduced the adverse significant environmental effects of the Project to the extent feasible by adopting the proposed mitigation measures, having considered the entire administrative record on the Project and having weighed the benefits of the Project against its unavoidable significant impacts after mitigation, the City Council has determined that the social, economic and environmental benefits of the Project outweigh the potential unavoidable significant impacts and render those potential significant impacts acceptable based upon the following considerations:

- The Project will establish a carefully planned light industrial development within the City in an area designed for light industrial uses. Specifically, the development would include a 1 million square foot warehouse south of the I-10 freeway at Hargrave Street, north of the Banning Municipal Airport.

The speculative warehouse building would be constructed on a 63.9-acre site designated by the City's General Plan for this use.

The Banning Distribution Center provides infrastructure needed to support General Plan buildout by constructing key drainage, streets, and sewer and water infrastructure to serve the Project.

Based on the facts provided in this sub-section, including Section 7.0 of the Banning Distribution Center findings of consistency with the General Plan as referenced herein, the proposed General Plan Amendment and Zone Change would maintain the appropriate balance of land uses within the City. The General Plan Amendment and Zone Change are simply to ensure consistency between development and the General Plan. Specifically, it will implement the citywide goal of "a balanced well-planned community including business which provides a functional pattern of land uses and enhances the quality of life for all Banning residents."

- The Project will expand light industrial options within the City and provide needed infrastructure, services and jobs, which would strengthen the local economy. The Project will provide the needed infrastructure including street, water, sewer, storm drain, drainage, and detention basins to serve the development. Additionally, the Project will provide short-term construction jobs, including jobs in other professions such as architects, engineers, roofing, plumbing, and asphalt. The Project also will provide permanent jobs when the warehouse development is open for business which would strengthen the local economy. Approximately 500 permanent jobs are anticipated to be created at build out as a result of the proposed land use within the development. The Project will increase local job opportunities during the approximate 30-year build out through the construction and operations of the proposed land uses.
- The Project will provide the necessary circulation improvements in the Project area with the addition of a new street and signals to meet current and future transportation demands. The Project involves improving existing intersections at Hargrave Street at the I-10 eastbound and I-10 westbound onramps with striping and stop signs. Additionally, John Street from Lincoln Street to the Project entrance will be improved, including an intersection at John Street and Lincoln Street as well as signaling off site intersections through payment of development impact fees. All of the roadway improvements will

include curb and gutters, and striping and signing consistent with the requirements of the General Plan, and the Final Environmental Impact Report and its Mitigation Measures for traffic circulation.

- The Project will ensure adequate drainage and reduce the potential for flooding within the Project site and surrounding areas through the construction of on- and offsite storm drain facilities, avoidance of Ramsey Street Wash on the southern portion of the Project site as well as widen two existing drainages at the northeast corner and west side of the site to provide drainage and biological mitigation. The Project also includes onsite detention basins to provide detention of flood waters and to act as water quality basins.
- The Project will provide new water and sewer infrastructure, including an offsite lift station south of the Project to serve the proposed Project.
- The Project will be fiscally neutral, will result in a stronger tax base, and implement the City's economic development goals.
- The Project will generate development impact fees along with additional property and sales taxes, which will in combination be utilized to fund additional City services and capital improvements. As a condition of development, the developer is required to pay the development impact fees for general city facilities, police and fire facilities, and traffic control facilities. Property tax will also be generated from the industrial site once it is open for business.
- The Project will include green building practices that focus on water conservation, energy conservation, and recycling (energy and waste).

The City of Banning City Council hereby declares that the foregoing benefits provided to the public through approval and implementation of the Project outweighs the identified significant adverse environmental impacts of the Project that cannot be mitigated. The City of Banning City Council finds that each of the Project benefits outweighs the unavoidable adverse environmental impacts identified in the Final EIR and, therefore, finds those impacts to be acceptable.

Mitigation Monitoring and Reporting Program
for
Banning Distribution Center

Prepared for

City of Banning
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2018

4.0 Mitigation Monitoring and Reporting Program (MMRP)

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared for use in implementing the mitigation measures that are part of the EIR that will be certified by the City of Banning ("City") for the Banning Distribution Center ("Project").

The MMRP has been prepared in compliance with State law and the Banning Distribution Center Environmental Impact Report (EIR) (State Clearinghouse No. 2018011032 prepared for the Project by the City.

The California Environmental Quality Act (CEQA) requires adoption of a reporting or monitoring program for those measures placed on a project to mitigate or avoid adverse effects on the environment (California Public Resources Code § 21081.6). The law states that the reporting or monitoring program shall be designed to ensure compliance during project implementation.

The MMRP contains the following elements:

- 1) The mitigation measures are recorded with the action and procedure necessary to ensure compliance. In some instances, one action may be used to verify implementation of several mitigation measures.
- 2) A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when, and to whom compliance will be reported.
- 3) The MMRP has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the program. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the MMRP.

4.1 Mitigation Monitoring and Responsibilities

As the Lead Agency, the City is responsible for ensuring full compliance with the mitigation measures adopted for the proposed Project. The City will monitor and report on all mitigation activities. Mitigation measures will be implemented at different stages of development throughout the project area. In this regard, the responsibilities for implementation have been assigned to the Applicant, Contractor, or a combination thereof. If during the course of project implementation, any of the mitigation measures identified herein cannot be successfully implemented, the City shall be immediately informed, and the City will then inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, will then determine if modification to the project is required and/or whether alternative mitigation is appropriate.

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Impact Category	Mitigation Measure	Implementation Timing	Responsible Monitoring Party	Monitoring/Reporting Method	Compliance Verification
<p>Air Quality</p>	<p>MM AQ 1: To reduce VOC emissions associated with architectural coating, the project designer and contractor shall reduce the use of paints and solvents by utilizing pre-coated materials (e.g. bathroom stall dividers, metal awnings), materials that do not require painting, and require coatings and solvents with a VOC content lower than required under Rule 1113 to be utilized. The construction contractor shall be required to utilize "Super-Compliant" VOC paints, which are defined in SCAQMD's Rule 1113. Construction specifications shall be included in building specifications that assure these requirements are implemented. The specifications for each implementing development project shall be reviewed by the City of Banning's Building and Safety Division for compliance with this mitigation measure prior to issuance of a building permit.</p>	<p>Prior to issuance of building permits.</p>	<p>City of Banning, Community Development Department, Building and Safety Division.</p>	<p>Confirmation that this requirement is included in contractor specifications.</p>	
	<p>MM AQ 2: To reduce NOX emissions associated with off-road construction equipment, the construction schedule for Site Preparation (clear and grub) and Grading of the Project site shall not overlap. During on-site Site Preparation and Off-site Grading (John Street) activities, heavy-duty horsepower shall be certified to meet or exceed United States Environmental Protection Agency (USEPA) Tier 3 standards. Proof of compliance shall be reviewed by the Public Works Department Engineering Division prior to issuance of a grading permit.</p>	<p>Prior to issuance of a Grading Permit.</p>	<p>City of Banning Public Works Department, Engineering Division.</p>	<p>Confirmation that this requirement is included in contractor specifications.</p>	

Impact Category	Mitigation Measure	Implementation Timing	Responsible Monitoring Party	Monitoring/Reporting Method	Compliance Verification
	<p>MM AQ 3: Although the Project does not include refrigerated warehouse space, trucks accessing the Project site may have auxiliary power units (APU) and/or transport refrigeration units (TRUs). Therefore, electrical hookups shall be installed at all loading docks, and to reduce/replace APU use while trucks are parked along the docks, to allow trucks with APU and/or TRUs with electric standby capabilities to plug in when TRUs are in use to reduce diesel fuel consumption and resulting NO_x emissions. The City shall verify electrical hookups have been installed prior to occupancy.</p>	<p>Prior to issuance of certificate of occupancy and periodically after development.</p>	<p>City of Banning, Community Development Department, Building and Safety Division.</p>	<p>Confirmation that architectural plans include electrical hookups and/or auxiliary power units. Confirmation that tenants have been provided with required information.</p>	
	<p>MM AQ 4: All facilities shall post signs informing users of requirements limiting heavy-duty diesel truck idling to five minutes or less pursuant to Title 13 of the California Code of Regulations, Section 2485 in order to reduce diesel fuel consumption and resulting NO_x emissions. Trucks with transport refrigeration units and/or auxiliary power units (TRU/APU) shall plug in to on-site electrical hookups if TRU/APU use exceeds 5 minutes. No overnight/long-term parking will be allowed. The City shall verify signage has been installed prior to occupancy.</p>	<p>Prior to issuance of certificate of occupancy and periodically after development.</p>	<p>City of Banning, Community Development Department, Building and Safety Division.</p>	<p>Confirmation that this requirement is included in building specifications. Inspection to confirm signage posted.</p>	
	<p>MM AQ 5: Service equipment (i.e., yard hostlers and forklifts) used within the site shall be electric or compressed natural gas-powered in order to reduce diesel fuel consumption and resulting NO_x emissions.</p>	<p>Prior to issuance of certificate of occupancy and periodically after development.</p>	<p>City of Banning, Community Development Department, Building and Safety Division, with periodic monitoring by Code Enforcement.</p>	<p>Confirmation that this requirement is included in Service Contractor Specifications.</p>	

Impact Category	Mitigation Measure	Implementation Timing	Responsible Monitoring Party	Monitoring/Reporting Method	Compliance Verification
	<p>MM AQ 6: In order to promote alternative fuels, and help support "clean" truck fleets, the developer/successor-in-interest shall provide building occupants and businesses with information related to SCAQMD's Carl Moyer Program, or other state programs that restrict operations to "clean" trucks, such as 2007 or newer model year or 2010 compliant vehicles and information including, but not limited to, the health effect of diesel particulates, benefits of reduced idling time, CARB regulations, and importance of not parking in residential areas. If trucks older than 2007 model year will be used at the facility, the developer/successor-in-interest shall require, within one year of signing a lease, future tenants to apply in good-faith for funding for diesel truck replacement/retrofit through grant programs such as the Carl Moyer, Prop 1B, VIP, HVIP, and SOON funding programs, as identified on SCAQMD's website (http://www.aqmd.gov). Tenants will be required to use those funds, if awarded.</p>	<p>Prior to issuance of certificate of occupancy and periodically after development.</p>	<p>City of Banning, Community Development Department, Building and Safety Division.</p>	<p>Confirmation that tenants have been provided with required information.</p>	
<p>Biological Resources</p>	<p>MM BIO 1A A 30-day burrowing owl preconstruction survey consistent with the MSHCP Guidelines (MSHCP 2006) shall be conducted prior to the initiation of ground-disturbing construction to ensure protection for this species and compliance with the conservation goals as outlined in the MSHCP. A report that summarizes the results shall be prepared by the Project Biologist and submitted to the City of Banning (City) prior to</p>	<p>30-days prior to issuance of a Grading Permit or other construction-related vegetation removal, and ground disturbance.</p>	<p>City of Banning, Community Development, Planning Division in conjunction with contractor and qualified avian biologist approved by the City and retained</p>	<p>Project schedule and Pre-construction burrowing owl survey report submitted to the City Planning Division.</p>	

Impact Category	Mitigation Measure	Implementation Timing	Responsible Monitoring Party	Monitoring/Reporting Method	Compliance Verification
	<p>any permit or approval for ground disturbing activities.</p> <p>If burrowing owls are detected on-site during the 30-day preconstruction survey, then construction activities shall be limited to no closer than 300 feet from the active burrows until the Project Biologist has confirmed that nesting efforts are completed or not initiated. If any owls are detected a relocation plan shall be submitted to the City, the California Department of Fish and Wildlife (CDFW), the United States Fish and Wildlife Service (Service), the Western Riverside County Regional Conservation Authority (RCA) for review and approval. The relocation plan shall encompass both passive and active relocation activities and shall include the development of a conservation strategy prepared in consultation with the CDFW, the Service and the RCA. The Relocation plan must follow the most current CDFW-approved protocols/mitigation and must be in accordance with the "Burrowing Owl Species Objectives and Mitigation Measures" outlined in the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The City, CDFW, the Service, and the RCA shall be consulted to determine appropriate type of relocation (active or passive) and translocation sites. Occupation by this species on the project site may result in the need to revise grading plans so that take of "active" nests is avoided, or, alternately, a grading permit may be issued once the species has been relocated.</p>		<p>by the Project Applicant.</p>		

Impact Category	Mitigation Measure	Implementation Timing	Responsible Monitoring Party	Monitoring/Reporting Method	Compliance Verification
	<p>MM BIO 1B The 30-day burrowing owl preconstruction survey shall include identifying and flagging any active American badger burrows. If active American badger burrows are detected and flagged on-site during the 30-day preconstruction survey, then construction activities will be limited within the vicinity of the burrows until the Project Biologist has confirmed the burrow is vacated.</p>	<p>30-days prior to issuance of a Grading Permit or other construction-related vegetation removal, and ground disturbance.</p>	<p>City of Banning, Community Development Department, Planning Division in conjunction with construction contractor and qualified avian biologist approved by the City and retained by the Project Applicant.</p>	<p>Project schedule and Pre-construction American badger survey report submitted to the City Planning Division.</p>	
	<p>MM BIO 2: The removal of trees and vegetation shall be prohibited during the migratory bird nesting season (February 15 through August 31), unless a migratory bird nesting survey is completed in accordance with the following requirements: a) A migratory bird nesting survey of all trees to be removed shall be conducted by the a qualified avian biologist approved by the City, to be retained by the Project applicant, within three days prior to initiating tree removal or vegetation clearing within 500 feet of a mature tree. A copy of the migratory nesting bird survey results report shall be provided to the City of Banning Planning Division by the Project Biologist prior to vegetation clearing. If the survey identifies the presence of active nests, then the Project Biologist shall provide the City Planning Division with a copy of maps showing the location of all nests and an</p>	<p>Three days prior to vegetation removal, if removal of vegetation occurs between February 15 and August 31.</p>	<p>City of Banning, Community Development Department, Planning Division in conjunction with construction contractor and qualified avian biologist approved by the City and retained by the Project Applicant.</p>	<p>Project schedule to confirm avoidance of the nesting season or nesting bird survey report submitted to City Planning Division.</p>	

Impact Category	Mitigation Measure	Implementation Timing	Responsible Monitoring Party	Monitoring/Reporting Method	Compliance Verification
	<p>appropriate buffer zone around each nest sufficient to protect the nest from direct and indirect impact. The size and location of all buffer zones, if required, shall be subject to review and approval by the City Planning Division and shall be no less than a 300-foot radius around the nest for non-raptors and a 500-foot radius around the nest for raptors. The nests and buffer zones shall be field checked weekly by the Project Biologist. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the Project Biologist has provided the City Planning Division with verification that the nests are no longer occupied and the juvenile birds can survive independently from the nests.</p>				
	<p>MM BIO 3: Prior to any ground disturbing activities within jurisdictional waters as well as MSHCP riverine areas identified in Figure 4.3-8 of the Draft EIR, the Project proponent shall obtain the necessary authorization from the regulatory agencies for proposed impacts to jurisdictional waters. Impacts to jurisdictional waters shall require authorization by the corresponding regulatory agency. Authorization may include, but is not limited to, a Section 404 permit from the USACE, a Section 401 Water Quality Certification from the RWQCB, and a Section 1602 Streambed Alteration Agreement from CDFW. Permit authorizations would include best management practice measures such as implementing soil erosion and sediment controls, avoiding construction during or</p>	<p>Prior to issuance of Grading Permits.</p>	<p>City of Banning, Community Development, Planning Division, in coordination with the Public Works Department, Engineering Division.</p>	<p>Submittal of proof that permits have been obtained prior to issuance of Grading Permits.</p>	

Impact Category	Mitigation Measure	Implementation Timing	Responsible Monitoring Party	Monitoring/Reporting Method	Compliance Verification
	<p>Immediately following a rain event, returning temporary construction areas to pre-existing elevations and replanting with native seed mix followed by at least one year of exotic weed removal in the affected area. These measures would lessen impacts to the onsite drainages.</p> <p>MM BIO 4: Prior to issuance of grading permits, and as required by the Project's DBESP, the Project proponent shall provide the City Planning Division a Habitat Mitigation and Monitoring Plan (HMMP) for Drainages 3 and 5 as depicted on Figure 4.3-6. Success criteria for the HMMP will include: 85 percent coverage of the existing native plant species, no more than 10 percent cover of non-native species, and reduction of supplemental watering during the last two years of monitoring. Propagules shall be collected from the Project site by the Project Biologist prior to vegetation clearance to use for revegetation in the two mitigation areas. This can be done during the preconstruction surveys described in MM BIO 1. The two onsite mitigation areas shall be monitored by a Project Biologist retained by the Project proponent for a minimum of five years and monitoring reports shall be provided to the City, RCA, USFWS, and CDFW. If it is determined that on-site mitigation is not feasible, additional alternatives could include, but are not limited to off-site purchase of land or payment into an acceptable mitigation bank as determined by the Wildlife Agencies and Western Riverside County Regional Conservation Authority (RCA), in-lieu fee program, or RCA conservation area.</p>	<p>Prior to issuance of grading permits.</p>	<p>City of Banning, Community Development Department, Planning Division.</p>	<p>Habitat Mitigation and Monitoring Plan and mitigation monitoring reports from qualified biologist approved by the Planning Division.</p>	

Impact Category	Mitigation Measure	Implementation Timing	Responsible Monitoring Party	Monitoring/Reporting Method	Compliance Verification
	<p>MM BIO 5 Prior to the issuance of any occupancy permit, the Project proponent shall provide evidence to the City Planning Division that the two mitigation areas depicted on Figure 4.3-7 have been placed under a deed restriction. The deed restriction will also include avoidance of the onsite limits of Drainage 1/Ramsey Street Wash as depicted on Figure 4.3-7. The avoided areas of Drainage 1/Ramsey Street Wash on the Project site will also be included in the deed restriction.</p>	<p>Prior to issuance of occupancy permit.</p>	<p>City of Banning, Community Development Department, Planning Division.</p>	<p>Deed restriction.</p>	
<p>Cultural Resources</p>	<p>MM CR 1: If cultural resources are found during project construction, all ground-disturbing activities within 100 feet of the find shall be halted. A Registered Professional Archaeologist shall prepare a Cultural Resources Management Plan in consultation with the consulting tribes and the City Planning Division to include relinquishment of all artifacts through one of the following methods:</p> <ul style="list-style-type: none"> a) Reburial in consultation with the appropriate culturally affiliated Native American tribe or band. The reburial area shall be away from any future impacts. Reburial shall not occur until all cataloguing, analysis and any necessary special studies have been completed on the cultural resources. Details of contents and location of the reburial shall be documented in a Final Report, which shall be provided to the City Planning Department upon completion; or 	<p>During ground disturbing activities.</p>	<p>City of Banning, Community Development Department, Planning Division; and qualified archeologist, and tribal representative.</p>	<p>Cultural Resources Management Plan.</p>	

Impact Category	Mitigation Measure	Implementation Timing	Responsible Monitoring Party	Monitoring/Reporting Method	Compliance Verification
	<p>b) Curation at a Riverside County Curation facility that meets federal standards per 36 CFR Part 79 and therefore will provide professional curation and ensure artifacts are made available to other archaeologists/researchers and tribal members for further study. The collection and associated records shall be transferred to the curation facility, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence of these actions shall be provided to the City Planning Department in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.</p>				
	<p>MM CR 2: Prior to the issuance of grading permits, the developer shall enter into a Native American monitoring agreement with one of the consulting tribes for the project. The Native American Monitor shall be on-site during all initial ground disturbing activities including clearing, grubbing, vegetation removal, grading and trenching. The Native American Monitor shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources.</p>	<p>Prior to issuance of a grading permit.</p>	<p>City of Banning, Community Development Department, Planning Division.</p>	<p>Native American monitoring agreement Confirmation of professional archeologist retention/on-going monitoring/submital of Report of Findings and curate discovered resources, if applicable.</p>	
	<p>MM CR 3: Prior to the issuance of grading permits, the project applicant shall submit to and receive approval from the City, a Paleontological Resource Impact Mitigation Monitoring Program (PRIMMP). The PRIMMP shall include the provision of a qualified</p>	<p>Prior to issuance of a grading permit.</p>	<p>City of Banning, Community Development Department, Planning Division.</p>	<p>Paleontological Resource Impact Mitigation Monitoring Program.</p>	

Impact Category	Mitigation Measure	Implementation Timing	Responsible Monitoring Party	Monitoring/Reporting Method	Compliance Verification
	<p>professional paleontologist (or his or her trained paleontological monitor representative) during on-site and off-site subsurface excavation that exceeds three (3) feet in depth. Selection of the paleontologist shall be subject to approval of the City of Banning Director of Community Development and no grading activities shall occur at the site until the paleontologist has been approved by the City. Monitoring shall be restricted to undisturbed subsurface areas of older alluvium, which might be present below the surface. The paleontologist shall be prepared to quickly salvage fossils as they are unearthed to avoid construction delays. The approved paleontologist shall also remove samples of sediments which are likely to contain the remains of small fossil invertebrates and vertebrates. The paleontologist shall have the power to temporarily halt or divert grading equipment to allow for removal of abundant or large specimens.</p> <p>Collected samples of sediments shall be washed to recover small invertebrate and vertebrate fossils. Recovered specimens shall be prepared so that they can be identified and permanently preserved. Specimens shall be identified and curated and placed into an accredited repository (such as the Western Science Center or the Riverside Metropolitan Museum) with permanent curation and retrievable storage.</p> <p>A report of findings, including an itemized inventory of recovered specimens, shall be prepared upon completion of the steps outlined above. The report shall include a</p>				

Impact Category	Mitigation Measure	Implementation Timing	Responsible Monitoring Party	Monitoring/Reporting Method	Compliance Verification
	<p>discussion of the significance of all recovered specimens. The report and inventory, when submitted to the City of Banning Planning Division, would signify completion of the program to mitigate impacts to paleontological resources.</p>				
	<p>MM CR 4: In the event of discovery of human remains during grading or other ground disturbance, work in the immediate vicinity shall cease and the landowner shall comply with State Health and Safety Code §7050.5 and Public Resources Code §5097.98. In the event human remains are found and identified as Native American, the landowner shall also notify the City Planning Division so that the City can ensure PRC §5097.98 is followed.</p>	<p>During construction activities.</p>	<p>Project contractor, County Coroner, Native American Heritage Commission. City of Banning, Community Development Department, Planning Division.</p>	<p>Record of consultation, if necessary.</p>	
<p>Greenhouse Gas Emissions</p>	<p>MM GHG 1: To reduce the Project's GHG emissions from energy consumption, high efficiency lighting shall be installed at the Project site. Prior to building permit issuance, the City shall verify building plans contain these features.</p>	<p>Prior to issuance of a building permit.</p>	<p>City of Banning, Community Development Department, Building and Safety Division.</p>	<p>Submission of energy-efficient lighting plan on building plans.</p>	
<p>Noise</p>	<p>MM NOISE 1: In order to reduce noise levels during construction, the project proponent's construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer standards.</p>	<p>During construction.</p>	<p>Construction Contractor and City of Banning, Community Development Department, Building and Safety Division.</p>	<p>Verification by the City of incorporation of requirement in the Contractor Specifications, Periodic Monitoring Reports.</p>	
	<p>MM NOISE 2: During Project construction, the project proponent's contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest to the construction activities.</p>	<p>During construction.</p>	<p>Construction contractor and City of Banning, Community Development Department</p>	<p>Verification by the City of incorporation of requirement in the Contractor Specifications, Periodic Monitoring Reports.</p>	

Impact Category	Mitigation Measure	Implementation Timing	Responsible Monitoring Party	Monitoring/Reporting Method	Compliance Verification
	<p>MM NOISE 3: During Project construction, equipment shall be shut off and not left to idle when not in use.</p>	<p>During construction.</p>	<p>Construction contractor and City of Banning Community Development Department, Building and Safety Division.</p>	<p>Verification by the City of incorporation of requirement in the Contractor Specifications, Periodic Monitoring Reports.</p>	
	<p>MM NOISE 4: During Project construction, the contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and sensitive receptors during all Project construction.</p>	<p>During construction.</p>	<p>Construction contractor and City of Banning Community Development Department, Building and Safety Division.</p>	<p>Verification by the City of incorporation of requirement in the Contractor Specifications, Periodic Monitoring Reports.</p>	
	<p>MM NOISE 5: During Project construction, jackhammers, pneumatic equipment and all other portable stationary noise sources shall be shielded and be directed away as far as possible from sensitive receptors.</p>	<p>During Construction.</p>	<p>Construction contractor and City of Banning Community Development Department, Building and Safety Division.</p>	<p>Verification by the City of incorporation of requirement in the Contractor Specifications, Periodic Monitoring Reports.</p>	
<p>Traffic and Transportation</p>	<p>MM TRANS 1: The following intersection improvements are proposed to bring the LOS for the Hargrave Street/I-10 westbound ramps intersection to an acceptable level from Existing Conditions through Existing plus Ambient Growth plus Cumulative Conditions plus Project: <i>Hargrave Street/I-10 westbound ramps intersection.</i> Improve the intersection to install an all-way stop control at the intersection of Hargrave Street and I-10 westbound ramps with the following geometrics:</p>	<p>Prior to Issuance of Grading Permits and Occupancy Permits.</p>	<p>City of Banning, Public Works Department, Engineering Division.</p>	<p>Site Plans Review, and field inspections prior to Occupancy.</p>	

Impact Category	Mitigation Measure	Implementation Timing	Responsible Monitoring Party	Monitoring/Reporting Method	Compliance Verification
	<p>Northbound: One shared left-turn and through lane. Southbound: One shared through and right-turn lane. Eastbound: Not applicable. Westbound: One shared left turn, through and right turn lane.</p>				
	<p>MM TRANS 2: The following intersection improvements are proposed to bring the LOS for the Hargrave Street/I-10 eastbound ramps intersection to an acceptable level from Existing Conditions through Existing plus Ambient Growth plus Cumulative Conditions plus Project: Hargrave Street/I-10 eastbound ramps intersection. Improve the intersection to install an all-way stop control at the intersection of Hargrave Street and I-10 eastbound ramps with the following geometrics: Northbound: One shared left-turn and through lane. Southbound: One shared through and right-turn lane. Eastbound: Not applicable. Westbound: One shared left turn, through and right turn lane.</p>	<p>Prior to Issuance of Grading Permits, and Occupancy Permits.</p>	<p>City of Banning, Public Works Department, Engineering Division.</p>	<p>Site Plan Review and field inspection prior to Occupancy.</p>	
	<p>MM TRANS 3: The proposed Project will also include intersection improvements on Lincoln Street and John Street, to insure that the new</p>	<p>Prior to Issuance of Grading Permits, and</p>	<p>City of Banning, Public Works Department, Engineering Division.</p>	<p>Site Plans Review, and field inspection prior to Occupancy.</p>	

Impact Category	Mitigation Measure	Implementation Timing	Responsible Monitoring Party	Monitoring/Reporting Method	Compliance Verification
	<p>intersection operates at an acceptable level, as follows: John Street/Lincoln Street. Improve the intersection to install a one-way stop control at the intersection of John Street and Lincoln Street with the following geometrics: Northbound: Not Applicable. Southbound: One left turn lane. One right turn lane. Stop controlled. Eastbound: One left turn lane. One through lane. Westbound: One shared through and right turn lane.</p>	Occupancy Permits.			
	<p>MM TRANS 4: The Project shall participate in the phased construction of off-site traffic signals through payment of that project's fair share of traffic signal mitigation fees and the cost of other off-site improvements through payment of fair share mitigation fees which include, DIF (Development Impact Fee). The fees shall be collected and utilized as needed by the City of Banning to construct the improvements necessary to maintain the required level of service and build or improve roads to their build-out level.</p>	Prior to Issuance of Grading Permits.	City of Banning, Public Works Department, Engineering Division.	Payment of fees.	
Tribal Cultural Resources	<p>MM TCR 1: If cultural resources are found during project construction, all ground-disturbing activities within 100 feet of the find shall be halted. A Registered Professional Archaeologist shall prepare a Cultural Resources Management Plan in consultation with the consulting tribes and the City Planning Division to include relinquishment of</p>	During ground disturbance.	City of Banning, Community Development Department, Planning Division, qualified archeologist, and tribal representative.	Cultural Resources Management Plan.	

Impact Category	Mitigation Measure	Implementation Timing	Responsible Monitoring Party	Monitoring/Reporting Method	Compliance Verification
	<p>all artifacts through one of the following methods:</p> <p>a) Reburial in consultation with the appropriate culturally affiliated Native American tribe or band. The reburial area shall be away from any future impacts. Reburial shall not occur until all cataloguing, analysis and any necessary special studies have been completed on the cultural resources. Details of contents and location of the reburial shall be documented in a Final Report, which shall be provided to the City Planning Department upon completion; or</p> <p>b) Curation at a Riverside County Curation facility that meets federal standards per 36 CFR Part 79 and therefore will provide professional curation and ensure artifacts are made available to other archaeologists/researchers and tribal members for further study. The collection and associated records shall be transferred to the curation facility, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence of these actions shall be provided to the City Planning Department in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.</p> <p>MM TCR 2: Prior to the issuance of grading permits, the developer shall enter into a Native American monitoring agreement with one of the consulting tribes for the project. The Native</p>	<p>Prior to issuance of a grading permit.</p>	<p>City of Banning, Community Development</p>	<p>Native American Monitoring Agreement. Confirmation of professional</p>	

Impact Category	Mitigation Measure	Implementation Timing	Responsible Monitoring Party	Monitoring/Reporting Method	Compliance Verification
	<p>American Monitor shall be on-site during all initial ground disturbing activities including clearing, grubbing, vegetation removal, grading and trenching. The Native American Monitor shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources.</p>		<p>Department, Planning Division.</p>	<p>archeologist retention/on-going monitoring/submittal of Report of Findings and curate discovered resources, if applicable.</p>	
	<p>MM TCR 3: In the event of discovery of human remains during grading or other ground disturbance, work in the immediate vicinity shall cease and the landowner shall comply with State Health and Safety Code §7050.5 and Public Resources Code §5097.98. In the event human remains are found and identified as Native American, the landowner shall also notify the City Planning Department so that the City can ensure PRC §5097.98 is followed.</p>	<p>During construction activities.</p>	<p>Construction Contractor, City of Banning, Community Development Department, Planning Division; County Coroner; Native American Heritage Commission.</p>	<p>Record of consultation, if necessary.</p>	



City of Banning

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COMMUNITY DEVELOPMENT
DEPARTMENT

PROJECT #: General Plan Amendment 17-2501, Zone Change 17-3501,
Design Review 16-7002 and EA 16-1503

SUBJECT: Conditions of Approval (Planning Commission Resolution 2018-19)

APPLICANT: Banning Industrial, LP

LOCATION: APN: 532-110-006, 532-130-001, 532-130-002

EXHIBIT C

*** All fair share agreements, covenant agreements and agreements subject to recordation will be subject to review and approval by the City Attorney and will include appropriate enforcement provisions by the City and be properly securitized.**

Community Development Department

1. The project shall at all times comply with all Federal, State, County and City laws, codes, regulations and standards including those that relate to hazardous materials.
2. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to, arbitrations, mediations, and other such procedures) (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense,

and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

3. Approval of this entitlement shall not waive compliance with any sections of the Development Code, other applicable City Ordinances, in effect at the time of building permit issuance.
4. Construction shall commence within two (2) years from the date of project approval, or the Design Review approval shall become null and void. Additionally, if after commencement of construction work is discontinued for a period of one year the Design Review shall become null and void. Projects may be built in phases if pre-approved by the review authority. The Community Development Director may, upon a written application being filed 30 days prior to expiration and for good cause, grant a onetime extension not to exceed 12 months. Upon granting of an extension, the Community Development Director shall ensure that the Design Review comply with all current Ordinance provisions.
5. 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.
6. The applicant shall comply with all conditions of approval as stipulated by the Airport Land Use Commission (ALUC) Development Review Determination dated March 1, 2017, and any amendments; including any requirements stipulated by the Federal Aviation Administration (FAA) Aeronautical Study.
7. The site shall be developed and maintained in accordance with the plans stamped approved by the City, which include site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division; the conditions contained herein; and, municipal code regulations.
8. **PRIOR TO ISSUANCE OF BUILDING PERIMTS:** The developer shall complete and record a parcel merger for the three parcels identified as Assessor's Parcel Numbers 532-110-006, 532-130-001 and 532-130-002 and withdraw or confirm expiration of TPM 34335 for four parcels, prior to issuance of building permits.
9. The proposed project shall not exceed a height of 47 feet above ground level and a maximum elevation at the top point (including all roof mounted equipment, if any) of 2,208 feet above mean sea level.

10. Temporary construction equipment used during actual construction of the structure (s) shall not exceed 47 feet in height and maximum elevation of 2,208 feet above mean sea level, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.
11. All ground-mounted utility appurtenances such as transformers and AC condensers shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming, and/or landscaping to the satisfaction of the Community Development Director.
12. A detailed on-site lighting plan, including a photometric diagram, shall be reviewed and approved by the Community Development Director. Such plan shall indicate style, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties in accordance with the Zoning Code. Lighting fixtures shall be shielded or recessed to prevent spillage to the adjacent properties. Additionally, all lighting plans and installations shall conform to the requirements of the conditions stipulated by the Airport Land Use Commission (ALUC) and Federal Aviation Administration (FAA) review.
13. Submit detailed landscape plans, prepared by a licensed landscape architect for compliance with Chapter 17.32, Section 17.12.120, and 17.28.060 and all pertinent landscape requirements. The plans shall be submitted to the Planning Division for approval prior to the issuance of building permits.
14. 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: police and fire safety developer fees, water and sewer fees, park land dedication fees, impact fees, MSHCP fees, TUMF fees, and electric meter installation fees. Applicant shall provide written evidence to the City that school mitigation fees have been paid or other arrangements acceptable to the Banning Unified School District have been met.
15. A six- (6) foot chain link fence or wall must be maintained around the perimeter of the site during all phases of construction.
16. Prior to Issuance of Certificate of Occupancy, the applicant shall submit a detailed parking analysis to assure parking is in compliance with Section 17.28 Parking and Loading of the BMC.
17. Prior to Issuance of Certificate of Occupancy, the applicant shall coordinate trash enclosure locations with the Planning Divisions in coordination with the Public Works Department.

18. Separate submittals and permits are required for all accessory structures such as but not limited to, trash enclosures, patios, block walls and storage buildings.
19. All building address numbers shall be identified in a clear and concise manner, including proper illumination.
20. The developer shall submit a construction access plan and schedule for the development of the project for Community Development Director and City Engineer approval; including, but not limited to, public notice requirements, special street posting, phone listing for community concerns, hours of construction activity, dust control measures, and security fencing.
21. The applicant shall remove all graffiti immediately or within 24 hours of notice from the City
22. The proposed site, site plan and project design shall comply with all Mitigation Measures contained in EA No. 16-1503 and the Mitigation Monitoring and Reporting Program (MMRP).
23. Outdoor storage and screening shall comply with wall and fencing requirements of Section 17.12 of the BMC.
24. Prior to any use of the project site, all Conditions of Approval shall be completed, as required, to the satisfaction of the Community Development Director. Contact the Planning Department at (951) 922-3125 to request a FINAL INSPECTION prior to issuance of the Certificate of Occupancy a minimum of 48 hours in advance of requested inspection.
25. The applicant shall comply with all conditions of approval imposed on the Banning Distribution Center facility located at APN: 532-110-006, 532-130-001, 532-130-002 and the approval of GPA 17-2501, ZC 17-3501, ENV 16-1503 and DR 16-7002 prior to the issuance of a Certificate of Occupancy

Public Works Department

A. General Requirements

26. A Public Works Permit shall be required prior to commencement of any work within the public right-of-way. The 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 public improvements 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.

27. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies:

- Fire Marshal (access)
- Public Works Department (grading permits, street improvement permits)
- 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)

The applicant is responsible for meeting all requirements of permits and/or clearances from the above listed agencies. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting improvements plans to the City.

28. 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. 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
(All Conditions of Approval shall be reproduced on last sheet of set) | 1" = 40' horizontal |
| b. Haul Route Plans | 1" = 40' horizontal |
| c. Clearing Plans
(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. Signing & Striping Plans	1" = 40' Horizontal
h. Precise Grading Plans	1" = 40' Horizontal
i. Landscaping Plans	1" = 20 Horizontal
j. Water Improvement Plans	1" = 40' Horizontal
	1" = 4' Vertical
k. Sewer Improvement Plans	1" = 40' Horizontal
	1" = 4' Vertical

Other engineered improvement plans prepared for City approval that are not listed herein shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.

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.

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.

29. Upon completion of construction, the Developer 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.

B. Rights of Way/Street Improvements

30. Prior to issuance of any permit(s), the applicant shall offer to dedicate to the City of Banning for public purposes the right-of-way for John Street fronting as a local street; 60 feet in total width of street along the approved alignment. Also, prior to issuance of any permit(s), the applicant shall design and construct the connection of the new aligned John Street to the existing John Street to the west.
31. Submit a copy of the title report, closure calculations, and any separate instruments or necessary right-of-way documents to the Engineering Division for review and approval of the City Engineer prior to all improvement plans.
32. The City and Developer are to enter into a Development Agreement (DA) to guarantee the construction of the public improvements as listed in the Conditions of Approval and as shown on the approved plans. The applicant shall work with the City Attorney's Office to execute the DA and pay all related legal processing fees.
33. Applicant shall submit all access easements to the City for review and approval. All access easement shall be recorded by the County of Riverside Recorder's Office. All related processing fees shall be paid by the applicant at the time of submittal.

34. All street improvement designs shall provide pavement and lane transitions per City of Banning and Caltrans standards for transition to existing street sections.
35. Construct street improvements in accordance with City standards on John Street including street lighting, curb and gutter, commercial style drive approaches, sidewalk, parkway, asphalt concrete paving, traffic signs and striping, and any transitions. Street lights shall be installed offset of the existing street lights. Applicant's geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.
36. Any public improvements damaged during the course of construction shall be replaced to the satisfaction of the City Engineer, or his/her designee.
37. The applicant shall plant and perpetually maintain trees, shrubs, and ground cover placed in the parkway, slopes adjacent to public right-of-ways constructed in connection with the project. This includes providing irrigation and the clearing of debris and weed removal.
38. All required public improvements for the project shall be completed, tested, and approved by the Engineering Division prior to issuance of any Certificate of Occupancy.

C. Grading and Drainage

39. Submit a 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 Riverside County Flood Control and Water Conservation District (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.
40. At a minimum, all development will make provisions to store runoff from rainfall events up to and including the one-hundred three-hour during event. Post-development peak urban runoff discharge rates shall not exceed pre-development peak urban runoff discharge rates.
41. If the site is located in a Flood Area as identified in Flood Insurance Rate Map dated August 28, 2008 the developer 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.
42. 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 property to the north, east and west.

43. 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.

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.

The applicant's SWPPP shall be reviewed and approved by the City Engineer prior to any permit issuance.

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.

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 project.

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.

44. 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.
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. The following notation shall be placed on the grading plan: "No more than three days prior to removing trees, shrubs or tall herbaceous vegetation during the breeding season for migratory birds (February 15 to August 31) a qualified biologist shall conduct a nesting bird survey."
48. Prior to the issuance of a building permit, the applicant shall provide a lot pad certification stamped and signed by a qualified civil engineer or land surveyor. Pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil.

D. Traffic/Airport Safety Zone

49. Prior to the issuance of a grading permit or building permit, the applicant shall submit and obtain approval in writing from the Fire Marshall for the plans for all public or private access drives or streets. 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 covenant, conditions or restrictions 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.
50. Driveway grades shall not exceed eight percent unless approved by the City Engineer.
51. Access drives to the public right-of-way shall be restricted to those approved by the City Engineer as shown on the approved plans.
52. 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/access driveway as approved by the Fire Marshall, and must be maintained in good condition by the property owner until the street is accepted for maintenance.
53. Prior to the issuance of a grading permit or building permit, the applicant shall conduct a Traffic Impact Analysis at the intersection of Lincoln Street and Hathaway Street and submit to the Engineering Division for review and approval. All mitigation identified in the Traffic Impact Analysis shall be implemented by the applicant to the satisfaction of the City Engineer.
54. The site is located within an airport safety zone as designated in the Riverside County Airport Land Use Compatibility Plan. Prior to approval of any building permit, the project shall be submitted to the Riverside Airport Land Use Commission for a consistency

determination and the Applicant shall provide written evidence that the project meets all conditions set forth by said Commission.

E. Water

55. Design and construct an 8" D.I.P. water line on public/private street or common access driveway and connect to the existing water main at the intersection of Hathaway Street and Barbour Street. Submit Water Improvement Plans to Public Works Department, Engineering Division for review and approval. If the water line is not located on a public street, an easement over the water line, minimum 15 feet in width, shall be granted to the City of Banning for maintenance purposes.
56. A backflow device must be installed on all commercial buildings and at each irrigation water connection. The backflow device must be in compliance with the State Department of Health Regulations.
57. Fire Services will require a Double Detector Check or RPP Device.
58. Pay all applicable water connection and frontage fees per Chapter 13.08 "Water, Sewer and Electricity Rates" of the Banning Municipal Code prior to the issuance of a building permit.

F. Sewer

59. Design and construct sewer line on public street, private street or common driveway and connect to existing sewer main at the intersection of Hathaway Street and Barbour Street. Submit Sewer Improvement Plans to Public Works Department, Engineering Division for review and approval. If the sewer line is not located on a public street, an easement over the sewer line, minimum 15 feet in width, shall be granted to the City of Banning for maintenance purposes.
60. All sewer lines to be constructed within the Public right-of-way shall be extra strength Vitrified Clay Pipe. All sewer laterals shall be a minimum of 4" and all sewer mains shall be a minimum of 8". Final sizes shall be approved by the City Engineer.
61. 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.
62. Pay all applicable sewer connection and frontage fees per Chapter 13.08 "Water, Sewer and Electricity Rates" of the Banning Municipal Code prior to the issuance of a building permit.

G. Trash/Recycling

63. Construction debris shall be disposed of at a certified recycling site. It is recommended that the developer contact the City's franchised solid waste hauler, Waste Management of the Inland Valley at 1-800-423-9986, for disposal of construction debris.

64. The developer shall participate in the City's recycling program by providing two trash receptacles, one for regular trash and one for recycling, within the covered trash enclosure. The covered trash enclosure shall be designed and constructed in such a manner to accommodate a recycling bin as well as the necessary solid waste containers.

H. Final Map

65. 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 - \$7,500.00

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.

66. Submit a copy of the title report, closure calculations, and any separate instruments or necessary easement or right-of-way documents to the Engineering Division for review and approval of the City Engineer prior to final map approval.

67. A map of the proposed subdivision drawn at 1"=200' scale showing the outline of the streets including street names shall be submitted to the City to update the city atlas map.

68. An original Mylar of the final map (after recordation) shall be provided to the City for the record files.

69. 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.

I. Fees

70. Plan check fees for professional report review (geotechnical, drainage, etc.), and all improvement plans review, shall be paid at the time of submittal of said documents for review and approval in accordance with the fee schedule in effect at the time of submittal.

71. Public Works Inspection fees shall be paid prior to issuance of any permits in accordance with the fee schedule in effect at time of time of scheduling.

72. Water and sewer connection fees including frontage fees and water meter installation charges shall be paid at the time of building permit issuance in accordance with the fee schedule in effect at that time.

73. A plan storage fee shall be paid for any engineering plans that may be required prior to issuance of certificate of occupancy in accordance with the fee schedule in effect at the time the fee is paid.

Electric Utility Department

74. The following will need to be completed in order to receive electric service. As a reminder obtaining the described information outlined below in a timely matter is critical for design, planning, and ordering of materials for this project. The developer shall be responsible for the following:
 75. Submitting detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. These plans are required in electronic format. We currently use AutoCad2016. Plans should consist of a plot plan, site plan, one-line diagram of proposed electrical main service panel and a sheet showing load calculations by an electrical engineer. Additional sheets may be required upon request.
 76. Paying required fees - electrical permit, plan check fee, inspection fees, meter fee, and cost of electrical apparatus for completing service upgrade.
 77. Granting easement for electric facilities installation / maintenance, etc.

The C.O.B. Electric Utility shall be responsible for:

78. Reviewing plans submitted by customer.
79. Design an electrical utility plan for the installation of substructures and conduit by developer.
80. Providing a cost estimate for installing an underground electrical system for this project.
81. Inspecting all trenches prior to backfilling. 24-hour prior notice is required before inspection.
82. Install electrical apparatus including primary conductors, terminations, metering, and transformer to provide electrical service for this project.

Building Department

The following comments are required at time of plan check submittal

83. The Site shall be developed in compliance with all current model codes. All plans shall be designed in compliance with the latest editions of the California Building Codes as adopted by the City of Banning.

84. Site development and grading shall be designed to provide access to all entrances and exterior ground floor exits and access to normal paths of travel, and where necessary to provide access. Paths of travel shall incorporate (but not limited to) exterior stairs, landings, walks and sidewalks, pedestrian ramps, curb ramps, warning curbs, detectable warnings, signage, gates, lifts and walking surface material. The accessible route(s) of travel shall be the most practical direct route between accessible building entrances, site facilities, accessible parking, public sidewalks, and the accessible entrance(s) to the site. California Building Code (CBC) 11A and 11B.
 - A. City of Banning enforces the State of California provisions of the California Building Code disabled access requirements. The Federal ADA standards differ in some cases from the California State requirements. It is the building owner's responsibility to be aware of those differences and comply accordingly.
 - B. Disabled access parking shall be located on the shortest accessible route. Relocate parking spaces accordingly.

85. Separate submittals and permits are required for all accessory structures such as, but not limited to, trash enclosures, patios, block walls, and storage buildings.

86. Pursuant to California Business and Professions Code Section 6737, this project is required to be designed by a California licensed architect or engineer. Based on change of use and potential exiting and fire life safety improvements.

Fire Department

87. The Fire Department requires the listed fire protection measures be provided in accordance with the City of Banning Municipal Code and/or the Riverside County Fire Department Fire Protection Standards. Final conditions will be addressed when complete buildings plans are reviewed.

88. Prior to building plan approval and construction, applicant/developer shall furnish two copies of the water system fire hydrant plans to Fire Department for review and approval. Plans shall be signed by a registered civil engineer, and shall confirm hydrant type, location, spacing, and minimum fire flow. Once plans are signed and approved by the local water authority, the originals shall be presented to the Fire Department for review and approval.
89. Install an alarm monitoring system for fire sprinkler system(s) with 20 or more heads, along with current permit fees, to the Fire Department for review and approval prior to installation.
90. Commercial address must be a minimum 12" tall in contrasting color visible from the street address side of the building. Illuminated internally or externally.
91. An approved Fire Department access key lock box (Minimum Knox Box 3200 series model) shall be installed next to the approved Fire Department access door to the building. If the buildings are protected with an alarm system, the lock box shall be required to have tampered monitoring. Required order forms and installation standards may be obtained at the Fire Department

RECOMMENDED ADDITIONAL CONDITION FROM THE PLANNING COMMISSION

92. **The applicant shall provide an exterior security camera system capable of 60 days' backup storage for the entire property.**

****END****

MODIFIED CONDITION

Exhibit C2

53. ~~Prior to the issuance of a grading permit or building permit, the applicant shall conduct a Traffic Impact Analysis at the intersection of Lincoln Street and Hathaway Street and submit to the Engineering Division for review and approval. all mitigation identified in the Traffic Impact Analysis shall be implemented by the applicant to the satisfaction of the City Engineer.~~

Modified Condition

53. Prior to the issuance of a grading permit or building permit. All mitigation identified in the Traffic Impact Analysis shall be implemented by the applicant to the satisfaction of the City Engineer.

Existing Conditions

E. Water

55. ~~Design and construct an 8" D.I.P. water line on public/private street or common access driveway and connect to the existing water main at the intersection of Hathaway Street and Barbour Street. Submit Water Improvement Plans to Public Works Department, Engineering Division for review and approval. If the water line is not located on a public street, an easement over the water line, minimum 15 feet in width, shall be granted to the City of Banning for maintenance purposes.~~

56. ~~A backflow device must be installed on all commercial buildings and at each irrigation water connection. The backflow device must be in compliance with the State Department of Health Regulations.~~

57. ~~Fire Services will require a Double Detector Check or RPP Device.~~

58. Pay all applicable water connection and frontage fees per Chapter 13.08 "Water, Sewer and Electricity Rates" of the Banning Municipal Code prior to the issuance of a building permit.

F. Sewer

59. ~~Design and construct sewer line on public street, private street or common driveway and connect to existing sewer main at the intersection of Hathaway Street and Barbour Street. Submit Sewer Improvement Plans to Public Works Department, Engineering Division for review and approval. If the sewer line is not located on a public street, an easement over the sewer line, minimum 15 feet in width, shall be granted to the City of Banning for maintenance purposes.~~

60. ~~All sewer lines to be constructed within the Public right-of-way shall be extra strength Vitrified Clay Pipe. All sewer laterals shall be a minimum of 4" and all sewer mains shall be a minimum of 8". Final sizes shall be approved by the City Engineer.~~

61. ~~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.~~

62. Pay all applicable sewer connection and frontage fees per Chapter 13.08 "Water, Sewer and Electricity Rates" of the Banning Municipal Code prior to the issuance of a building permit.

Modified Conditions

Water

55. **Design and construct looped D.I.P. water lines of adequate size to serve domestic, irrigation, and fire protection demands on public/private streets or common access driveways or easements as needed and connect to the existing water mains at the intersection of Hathaway Street and Barbour Street, with a second connection at the intersection of Westward Avenue and Scott Street. Submit Water Improvement Plans to the Public Works Department, Water Division for review and approval. If the water line is not located on a public street, an easement over the water line, minimum 15 feet in width, shall be granted to the City of Banning for maintenance purposes.**
56. **An RPP backflow device must be installed on all domestic water service connection for commercial buildings and at each irrigation water connection. The backflow device must be tested at the time of installation and at least annually thereafter pursuant to the requirements outlined in the California Code of Regulations, Title 17 and the California Health & Safety Code.**
57. **Fire services will require an RPP Device. The backflow device must be tested at the time of installation and at least annually thereafter pursuant to the requirements outlined in the California Code of Regulations, Title 17 and the California Health & Safety Code. Fire hydrants will be required along public portions of new water mains at maximum 300' intervals, except along John Street where at least one fire hydrant shall located between each pair of isolation valves, adjacent to the lower-elevation valve. Spacing of fire hydrants along John Street may exceed the maximum 300' spacing required by Public Works, but shall also be reviewed and approved by the Fire Department.**
58. Pay all applicable water connection fees per Chapter 13.08 "Water, Sewer and Electricity Rates" of the Banning Municipal Code prior to the issuance of a building permit.

Sewer

59. **Design and construct sewer line on public street, private street or common driveway and connect to existing sewer main that crosses John Street in alignment with Hathaway Street. Submit Sewer Improvement Plans to Public Works Department, Sewer Division for review and approval. Private portions of the sewer main shall also be reviewed and approved by the Building Department. All sewer improvements upstream of the connection point at John**

Street, in alignment with Hathaway Street, shall be privately owned and maintained, including gravity mains, force mains, and lift stations.

- 60. All gravity sewer mains to be constructed within the Public right-of-way shall be PVC SDR 26 pipe. All sewer force mains shall be polyethylene-lined ductile iron pipe. Final pipe sizes shall be approved by the City Engineer.**
- 61. Any private lift station shall be sized to handle anticipated peak flows, with a safety factor acceptable to the Building Department. 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.**
- 62. Pay all applicable sewer connection and frontage fees per Chapter 13.08 "Water, Sewer and Electricity Rates" of the Banning Municipal Code prior to the issuance of a building permit.**

Attachment 2

City Council Ordinance 1537

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ORDINANCE NO. 1537

AN ORDINANCE OF THE CITY OF BANNING, CALIFORNIA, APPROVING ZONE CHANGE NO. 17-3501 TO AMEND THE ZONING CLASSIFICATION FOR REAL PROPERTY LOCATED NORTH OF THE BANNING MUNICIPAL AIRPORT AND SOUTH OF INTERSTATE 10 AND THE UNION PACIFIC RAILROAD LINES (APNS: 532-130-001 AND 532-130-002) FROM PUBLIC FACILITIES - AIRPORT (PF-A) TO AIRPORT INDUSTRIAL (AI), AND MAKING FINDING PURSUANT TO CEQA

WHEREAS, an application for General Plan Amendment 17-2501, Zone Change No. 17-3501, Design Review 16-7002, and Environmental Assessment 16-1503 to permit the development of a proposed 1 million square foot distribution center (collectively, the "Project"), has been duly filed by:

Project Applicant/Owner:	Banning Industrial, LP
Authorized Agent:	Albert A. Webb Associates
Project Location:	In the southeastern portion of the City north of the Banning Municipal Airport, and south of Interstate 10 (I-10) freeway and the Union Pacific Railroad line the City of Banning, California
APNs:	532-130-001, 532-130-002
Lot Area:	40.63 acres;

WHEREAS, Zone Change No. 17-3501 is the subject of this Ordinance;

WHEREAS, in accordance with Banning Municipal Code Sections 17.64.050, 17.116.030, and 17.56.040, on November 7, 2018, the Planning Commission held a public hearing at which interested parties had an opportunity to testify in support of, or opposition to, the Project, and at which the Planning Commission adopted Resolution No. 2018-19 by a 5-0-0 vote, recommending that the City Council approve General Plan Amendment No. 17-2501, Zone Change No. 17-3501, and Design Review No. 2016-7002;

WHEREAS, in accordance with Government Code Sections 65355, 65856, and 65090 and Banning Municipal Code Section 17.68.020.B., on November 30, 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 Applicant, and the property owners within 300 feet of the Project site, of a public hearing concerning the Project;

WHEREAS, pursuant to Banning Municipal Code Section 17.116.040 and Government Code Sections 65853 and 65857, the City Council is authorized to approve, modify, or disapprove the Planning Commission's recommendation on Zone Change No. 17-3501; and

WHEREAS, in accordance with Banning Municipal Code Sections 17.64.040, 17.116.040, and 17.56.040, and Government Code Sections 65355 and 65856, on December 11, 2018, the City Council held a public hearing at which interested parties had an opportunity to testify in support of, or opposition to, the Project, and at which the City Council considered the Project.

NOW THEREFORE, the City Council of the City of Banning does ordain as follows:

SECTION 1. California Environmental Quality Act Findings. The City Council of the City of Banning does hereby 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.*) and the State Guidelines (the "Guidelines") (14 Cal. Code Regs. § 15000 *et seq.*) and City's local CEQA Guidelines (collectively, the "Guidelines"), City staff prepared an Initial Study of the potential environmental effects of the approval of the Project. Based upon the findings contained in that Study, a Notice of Preparation ("NOP") was distributed by the City of Banning to responsible, trustee and local agencies for review and comment on January 22, 2018. The NOP was issued to the Riverside County Clerk, the State Clearinghouse, the California Office of Planning and Research, and organizations and persons considered likely to be interested in the Project and its potential impacts. The NOP public review period ran for 30 days; a total of eight comment letters were received.

B. On February 6, 2018, the City conducted a scoping meeting, pursuant to Guidelines Section 15082(c)(1). A Draft Environmental Impact Report (the "DEIR") was prepared for the Project between March 9, 2018, and June 25, 2018. In accordance with CEQA and the Guidelines promulgated with respect thereto, the City analyzed the Project's potential impacts on the environment.

C. On June 26, 2018, the City circulated a Notice of Availability ("NOA") and the DEIR for public review and filed a Notice of Completion ("NOC") with the State Clearinghouse (State Clearinghouse No. 2018011032) to start the 45-day review period. Consistent with Guidelines Section 15105, the City circulated the DEIR (including appendices) for the Project to the public and other interested parties for a 45-day comment period, from June 26, 2018, to August 9, 2018. Copies of the DEIR were also made available at Banning City Hall and Banning Public Library. The City received a total of 11 comment letters.

D. The City prepared written responses to all comments received on the DEIR during the comment period and those responses to comments are incorporated into the Final Environmental Impact Report ("Final EIR"), which Final EIR was prepared in

accordance with CEQA, is on file with the City Planning Division, and is incorporated herein by this reference. The responses to public agency comments were delivered to each public agency commenter on or about November 27, 2018, which is at least ten (10) days prior to any certification of the Final EIR.

E. On December 11, 2018, the City Council conducted a duly noticed public hearing to consider the Project and the Final EIR, reviewed the staff report, accepted and considered public testimony. Based upon the evidence presented at the hearing, including the staff report and oral testimony, the City Council, by separate City Council Resolution No. 2018-144, certified the Final EIR, adopted findings and a Statement of Overriding Considerations pursuant to CEQA for the Project as set forth in Exhibit “A” to City Council Resolution No. 2018-144, and adopted a Mitigation Monitoring and Reporting Program (“MMRP”) for the Project as set forth in Exhibit “B” City Council Resolution No. 2018-144.

F. All actions taken by City have been duly taken in accordance with all applicable legal requirements, including CEQA, and all other requirements for notice, public hearings, findings, votes and other procedural matters.

G. The custodian of records for the Final EIR, MMRP, and all other materials that constitute the record of proceedings upon which the City Council’s decision was based, including, without limitation, staff reports, all of the materials that comprise and support the Final EIR and the staff reports, is the Planning Division of the City of Banning. Those documents are available for public examination during normal business hours at the City of Banning, Community Development Department, Planning Division, 99 E. Ramsey Drive, Banning, California 92220.

SECTION 2. Findings for Approval of Zone Change No. 17-3501. The City Council of the City of Banning hereby finds and determines that Zone Change No. 17-3501 should be approved because:

Finding No. 1: The proposed Zone Change No. 17-3501 is consistent with the goals and policies of the General Plan.

Finding of Fact: The current General Plan Land Use and Zoning Overlay Map depicts portions of the 63.9 - acre site is located in the City of Banning and zoned Public Facilities–Airport (PF-A) and a portion is zoned Airport Industrial (AI). The proposed Zone Change land use designation from Public Facilities–Airport (PF-A) to Airport Industrial (AI) for the southern portion of the Project site (APNs 532-130-001 and 530-130-002) is consistent with the Banning General Plan because the City’s Industrial Goal is to provide a balanced mix of non-polluting industrial land uses which provide local jobs for the City’s residents. For a warehouse this size based on industry research conducted by the National Association for Industrial and Office Parks (NAIOP), it is estimated that there would be approximately one worker employed for every 2,000 square feet of space. For this Project, that would be

approximately 500 workers employed at the site, depending on the type of use the building will ultimately operate. (Initial Study, January 15, 2018, Section XIII. Population and Housing).

Finding No. 2: The proposed Zone Change No. 17-3501 is internally consistent with the Zoning Ordinance.

Finding of Fact: The proposed Zone Change of land use designation from Public Facilities–Airport (PF-A) to Airport Industrial (AI) for the southern portion of the Project site (APNs 532-130-001 and 530-130-002) is consistent with the Zoning Ordinance because the proposed use of a distribution center is a permitted use in the zone and it could be airport related if the end user also makes use of the airport delivery system. Similar airport related uses are allowed in both zones and the distribution center is consistent with Industrial development standards identified in Table 17.12.030 of the Banning Municipal Code.

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

Finding of Fact: See findings of fact in Section 1 of this Ordinance.

SECTION 3: CITY COUNCIL ACTION - Approval of Zone Change No. 17-3501. Based on the foregoing, the City Council of the City of Banning hereby approves Zone Change No. 17-3501, amending the Zoning Classification for real property located north of the Banning Municipal Airport and south of Interstate 10 and the Union Pacific Railroad Lines (APNs: 532-130-001 and 532-130-002) from Public Facilities – Airport (PF-A) to Airport Industrial (AI). This approval of Zone Change No. 17-3501 is conditioned upon the City Council’s adoption of a resolution approving General Plan Amendment No. 17-2501 and Design Review No. 16-7002.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Banning on this ____ day of January, 2019.

City of Banning, Mayor

ATTEST:

Laurie Sampson, Acting Deputy City Clerk
City of Banning

APPROVED AS TO FORM AND LEGAL CONTENT:

Kevin Ennis, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Laurie Sampson, Acting Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Ordinance No. 1537 was duly introduced at a regular meeting of the City Council of the City of Banning held on the 11th day of December, 2018, and was duly adopted at a regular meeting of said City Council on the ____ day of _____, 2019 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Laurie Sampson, Acting Deputy City Clerk
City of Banning, California

Attachment 3

Planning Commission Resolution No. 2018-19

RESOLUTION NO. 2018-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF BANNING CERTIFY AN ENVIRONMENTAL IMPACT REPORT AND ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS FOR A DISTRIBUTION CENTER PROJECT LOCATED NORTH OF THE BANNING MUNICIPAL AIRPORT AND SOUTH OF INTERSTATE 10 AND THE UNION PACIFIC RAILROAD LINE (APNS: 532-110-006, 532-130-001 AND 532-130-002), APPROVE GENERAL PLAN AMENDMENT NO. 17-2501 TO AMEND THE GENERAL PLAN LAND USE DESIGNATION OF REAL PROPERTY LOCATED NORTH OF THE BANNING MUNICIPAL AIRPORT AND SOUTH OF INTERSTATE 10 (APNS: 532-130-001 AND -002) FROM PUBLIC FACILITIES–AIRPORT (PF-A) TO AIRPORT INDUSTRIAL (AI), APPROVE ZONE CHANGE NO. 17-3501 TO AMEND THE ZONING CLASSIFICATION OF REAL PROPERTY LOCATED NORTH OF THE BANNING MUNICIPAL AIRPORT AND SOUTH OF INTERSTATE 10 AND THE UNION PACIFIC RAILROAD LINE (APNS: 532-130-001 AND -002) FROM PUBLIC FACILITIES–AIRPORT (PF-A) TO AIRPORT INDUSTRIAL (AI), AND APPROVE DESIGN REVIEW 16-7002 FOR A PROPOSED DISTRIBUTION CENTER PROJECT ON REAL PROPERTY LOCATED NORTH OF THE BANNING MUNICIPAL AIRPORT AND SOUTH OF INTERSTATE 10 AND THE UNION PACIFIC RAILROAD LINE (APNS: 532-110-006, 532-130-001 AND 532-130-002)

WHEREAS, an application for General Plan Amendment 17-2501, Zone Change 17-3501, and Design Review 16-7002 to permit the development of a proposed 1 million square foot distribution center (the "Project"), has been duly filed by:

Project Applicant/Owner: Banning Industrial, LP
Authorized Agent: Albert A. Webb Associates
Project Location: In the southeastern portion of the City north of the Banning Municipal Airport, and south of Interstate 10 (I-10) freeway and the Union Pacific Railroad line the City of Banning, California
APNs: 532-110-006, 532-130-001, 532-130-002

Lot Area: 63.9 acres;

WHEREAS, pursuant to Banning Municipal Code Sections 17.64.050, 17.116.030, and 17.56.040, the Planning Commission has the authority to review and make recommendations to the City Council concerning General Plan Amendment No. 17-2501, Zone Change No. 17-3501, and Design Review 16-7002;

WHEREAS, in accordance with Government Code Sections 65353, 65854, 65090, and 65091 and Banning Municipal Code Section 17.68.020.B., on October 26, 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 Applicant, and the property owners within 300 feet of the Project site, of a public hearing concerning the Project; and

WHEREAS, in accordance with Banning Municipal Code Sections 17.64.050, 17.116.030, and 17.56.040, on November 7, 2018, the Planning Commission held a public hearing at which interested parties had an opportunity to testify in support of, or opposition to, the Project, and at which the Planning Commission considered the Project.

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

SECTION 1. California Environmental Quality Act Findings. The Planning Commission of the City of Banning does hereby 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.*) and the State Guidelines (the "Guidelines") (14 Cal. Code Regs. §15000 *et seq.*) and City's local CEQA Guidelines (collectively, the "Guidelines"), City staff prepared an Initial Study of the potential environmental effects of the approval of the Project. Based upon the findings contained in that Study, a Notice of Preparation ("NOP") was distributed by the City of Banning to responsible, trustee and local agencies for review and comment on January 22, 2018. The NOP was issued to the Riverside County Clerk, the State Clearinghouse, the California Office of Planning and Research, and organizations and persons considered likely to be interested in the Project and its potential impacts. The NOP public review period ran for 30 days; a total of eight comment letters were received.

B. On February 6, 2018, the City conducted a scoping meeting, pursuant to Guidelines Section 15082(c)(1). A Draft Environmental Impact Report (the "DEIR") was prepared for the Project between March 9, 2018, and June 25, 2018. In accordance with the CEQA and the Guidelines promulgated with respect thereto, the City analyzed the Project's potential impacts on the environment.

C. On June 26, 2018, the City circulated a Notice of Availability ("NOA") and the DEIR for public review and filed a Notice of Completion ("NOC") with the State Clearinghouse (State Clearinghouse No. 2018011032) to start the 45-day review period. Consistent with Guidelines Section 15105, the City circulated the DEIR (including

appendices) for the Project to the public and other interested parties for a 45-day comment period, from June 26, 2018, to August 9, 2018. Copies of the DEIR were also made available at Banning City Hall and Banning Public Library. The City received a total of 11 comment letters.

D. The City prepared written responses to all comments received on the DEIR during the comment period and those responses to comments are incorporated into the Final Environmental Impact Report ("Final EIR"), which Final EIR was prepared in accordance with CEQA, is on file with the City Planning Division, and is incorporated herein by this reference. The responses to public agency comments were delivered to each public agency commenter on or about _____, 2018, which is at least ten (10) days prior to any certification of the Final EIR.

E. On _____, 2018, the City Council conducted a duly noticed public hearing to consider the Project and the Final EIR, reviewed the staff report, accepted and considered public testimony. After due consideration, the City Council found that agencies and interested members of the public were afforded ample notice and opportunity to comment on the EIR and the Project.

F. The findings attached to this Resolution, as Exhibit "_", are based upon the information and evidence set forth in the Final EIR and upon other substantial evidence that has been presented at the hearing and in the record of the proceedings. The documents, staff reports, technical studies, appendices, plans, specifications, and other materials that constitute the record of proceedings on which this Resolution is based are on file for public examination during normal business hours at the Department of Community Development, City of Banning, 99 East Ramsey Street, Banning, California 92220. The custodian of records is the Banning Community Development Department. Each of those documents is incorporated herein by reference.

G. Section 15093 of the State CEQA Guidelines requires that if the Project will cause significant unavoidable adverse impacts, the City must adopt a Statement of Overriding Considerations prior to approving the Project. The Statement of Overriding Considerations states that any significant adverse Project effects are acceptable if expected Project benefits outweigh unavoidable adverse environmental impacts.

H. A discussion of the Project benefits and a Statement of Overriding Considerations for the environmental impacts that cannot be fully mitigated to a less than significant level are set forth in Exhibit "_."

I. Section 15091 of the State CEQA Guidelines requires that the City, before approving the Project, make one or more of the following written finding(s) for each significant environmental effect identified in the Final EIR accompanied by a brief explanation of the rationale for each finding:

1. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; or,

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; or,

3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

J. Environmental impacts identified in the Initial Study and the Final EIR that are found to have no impact and be less than significant are described in Section 4.1.1 of the DEIR dated June 26, 2018, which is incorporated herein by reference.

K. Environmental impacts identified in the Final EIR as potentially significant, but that can be reduced to less than significant levels with mitigation, are described in Section 4.0 of the DEIR dated June 26, 2018, which is incorporated herein by reference.

L. Alternatives to the Project that might eliminate or reduce significant environmental impacts are discussed in Section 7.0 of the DEIR dated June 26, 2018, which is incorporated herein by reference.

M. California Public Resources Code Section 21081.6 requires the City to prepare and adopt a mitigation monitoring and reporting program for any project for which mitigation measures have been imposed to assure compliance with the adopted mitigation measures. The Mitigation Monitoring and Reporting Program for the Project is set forth in the attached Exhibit “_,” which is incorporated herein by reference.

N. Prior to taking action, the City Council reviewed and considered, and has exercised its independent judgment and analysis in considering, the Final EIR and all of the information and data in the administrative record, and all oral and written testimony presented to it during meetings and hearings and finds that the Final EIR:

1. Has been completed in compliance with CEQA;

2. Was presented to the City Council and the City Council reviewed and considered the information contained in the Final EIR prior to taking action regarding the Final EIR or the Project; and

3. Reflects the City's independent judgment and analysis.

No changes to the Project, changes to the environment, comments on the Project, or any additional information submitted to the City have produced any substantial new

information requiring additional environmental review or documentation of the Project under CEQA.

O. Based upon the evidence presented at the hearing, including the staff report and oral testimony, the City Council hereby certifies the Final EIR, adopts findings and a Statement of Overriding Considerations pursuant to CEQA for the Project as set forth in Exhibit “_,” and adopts a Mitigation Monitoring and Reporting Program for the Project as set forth in Exhibit “_.”

P. The Interim Community Development Director is authorized and directed to file a Notice of Determination in accordance with CEQA.

SECTION 2. Findings for Recommendation of Approval of General Plan Amendment No. 17-2501. The Planning Commission of the City of Banning does hereby recommend that the City Council of the City of Banning find and determine that General Plan Amendment No. 17-2501 should be approved because:

Finding No. 1: That the proposed General Plan Amendment No. 17-2501 is internally consistent with the General Plan.

Findings of Fact: The current General Plan Land Use and Zoning Overlay Map depicts portions of the 63.9 - acre site is located in the City of Banning and zoned Public Facilities–Airport (PF-A) and a portion is zoned Airport Industrial (AI). The proposed General Plan Amendment the change the General Plan land use designation from Public Facilities–Airport (PF-A) to Airport Industrial (AI) for the southern portion of the Project site (APNs 532-130-001 and 530-130-002) is consistent with the Banning General Plan because the City’s Industrial Goal is to provide a balanced mix of non-polluting industrial land uses which provide local jobs for the City’s residents. For a warehouse this size based on industry research conducted by the National Association for Industrial and Office Parks (NAIOP), it is estimated that there would be approximately one worker employed for every 2,000 square feet of space. For this Project, that would be approximately 500 workers employed at the site, depending on the type of use the building will ultimately operate. (Initial Study, January 15, 2018, Section XIII. Population and Housing)

Finding No. 2: The proposed General Plan Amendment No. 17-2501 would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Findings of Fact: The former land use of (PF-A) such as hangars, runways, and flight schools are allowed uses specifically related to the airport operations which are more intensive uses than allowed in the proposed (AI). Changing the General Plan Land Use Designation from (PF-A) to (AI) would not be detrimental to public interest, health safety,

convenience, or welfare to the City due to the less intensive land uses are specifically related to transportation functions as identified in the General Plan. The less intensive functions include manufacturing, warehousing, restaurants and office uses.

Finding No. 3: The proposed General Plan Amendment No. 17-2501 would maintain the appropriate balance of land uses within the City.

Findings of Fact: The proposed General Plan Amendment No. 17-2501 and the Project are consistent with Policy 7 of the Banning General Plan by including sufficient industrial lands for manufacturing, warehousing, and distribution, while carefully considering compatibility with adjacent lands. The proposed Project responds to the economic needs of the area, incorporates existing natural features, and expands the City's infrastructure to provide development opportunities for other industrial properties around the Banning Municipal Airport, all of which is consistent with the goals, policies and objectives of the Banning General Plan.

Finding No. 4 That in the case of an amendment to the General Plan Land Use Map, the subject parcels are physically suitable and appropriately related to each other (including, but not limited to, access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints), for the requested land use designations and the anticipated land use developments.

Findings of Fact: The subject parcels are physically suitable for the requested AI General Plan land use designation and the proposed Project. General Plan Policy 8 provides that Industrial lands shall be located on major roadways and with good access to Interstate 10 to assure that potential traffic impacts associated with tractor-trailers are minimized. The subject parcels are located in the far southeast portion of the City's limits where there are no additional roads to cause conflict with traffic. No natural constraints exist to the impeded the development, and significant adverse environmental impacts are anticipated with mitigation measures contained in the MND for the Project (Environmental Assessment 16-1503).

The project includes suitable access and all necessary utilities are to be constructed within the adjacent public rights-of-way or within utility easements. The subject site is basically flat with and has been rough graded in the past, thus no unique physical features or vegetation will be affected by the proposed Project.

Based on these facts and findings of fact stated above, the subject parcels are physically suitable for the requested AI land use designation and the proposed Project.

SECTION 3. Findings for Recommendation of Approval of Zone Change No. 17-3501. The Planning Commission of the City of Banning does hereby recommend that the City Council of the City of Banning find and determine that Zone Change No. 17-3501 should be approved because:

Finding A: The proposed Zone Change No. 17-3501 is consistent with the goals and policies of the General Plan.

Finding of Fact: The current General Plan Land Use and Zoning Overlay Map depicts portions of the 63.9 - acre site is located in the City of Banning and zoned Public Facilities–Airport (PF-A) and a portion is zoned Airport Industrial (AI). The proposed Zone Change land use designation from Public Facilities–Airport (PF-A) to Airport Industrial (AI) for the southern portion of the Project site (APNs 532-130-001 and 530-130-002) is consistent with the Banning General Plan because the City’s Industrial Goal is to provide a balanced mix of non-polluting industrial land uses which provide local jobs for the City’s residents. For a warehouse this size based on industry research conducted by the National Association for Industrial and Office Parks (NAIOP), it is estimated that there would be approximately one worker employed for every 2,000 square feet of space. For this Project, that would be approximately 500 workers employed at the site, depending on the type of use the building will ultimately operate. (Initial Study, January 15, 2018, Section XIII. Population and Housing).

Finding B: The proposed Zone Change No. 17-3501 is internally consistent with the Zoning Ordinance.

Finding of Fact: The proposed Zone Change of land use designation from Public Facilities–Airport (PF-A) to Airport Industrial (AI) for the southern portion of the Project site (APNs 532-130-001 and 530-130-002) is consistent with the Zoning Ordinance because the proposed use of a distribution center is a permitted use in the zone and it could be airport related if the end user also makes use of the airport delivery system. Similar airport related uses are allowed in both zones and the distribution center is consistent with Industrial development standards identified in Table 17.12.030 of the Banning Municipal Code

Finding C: That the City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

Finding of Fact: See findings of fact in Section 1 of this Resolution.

SECTION 4. Findings for Recommendation of Approval of Design Review No. 16-7002. The Planning Commission of the City of Banning does hereby recommend that the City Council of the City of Banning find and determine that Design Review No. 16-7002 should be approved because:

Finding A: The proposed project is consistent with the General Plan.

Finding of Fact: The proposed Project is consistent with the following General Plan Land Use Element Policy 7 under Commercial and Industrial Goals, which states: "The land use map shall include sufficient industrial lands for manufacturing, warehousing and distribution, while carefully considering compatibility with adjacent residential lands." The land use designation of Airport Industrial includes industrial parks and freestanding industrial users. Examples include light and medium intensity manufacturing operations, warehousing and distribution, mini-storage, and associated offices. Retail uses ancillary to the industrial use are also appropriate. The proposed Project is surrounded by, and consistent with, industrial uses, with the railroad to the north, the City limits to the east, and the Banning Municipal Airport to the south. Properties located adjacent to the subject site are mostly vacant and have been vacant for many years. Further, the proposed Project is consistent with General Plan Economic Development Policy 2, which states: "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." The proposed Project will assist in recruitment of new businesses and create employment opportunities for the City.

Finding B: The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.

Finding of Fact: With the imposed conditions of approval, the proposed Project in the Airport Industrial (AI) zoning district will be consistent with the Zoning Ordinance and the applicable development standards set forth in Article II of Chapter 17.12 of the Banning Municipal Code, as the proposed Project meets or exceeds the Zoning Ordinance development standards. With the conditioned parcel merger, and/or withdrawal/expiration of Tentative Parcel Map No. 34335, the Project will be consistent with the maximum 75% lot coverage, and has been conditioned to meet the maximum height as conditioned by the Riverside County Airport Land Use Commission. The setbacks and building height, along with the public improvements, meets the City's development standards. Additionally, all other applicable design

guidelines set forth in Article III of Chapter 17.12 of the Banning Municipal Code have been satisfied.

Finding C: The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development, and will not result in vehicular and/or pedestrian hazards.

Finding of Fact: The proposed Project is located in an area that is undeveloped adjacent to the Banning Municipal Airport, the Union Pacific Railroad (UPRR), the Morongo Tribal property and located within Zones B1, B2 and D of the Banning Airport Land Use Compatibility Plan. The proposed Project design and layout is located at the terminus of a new cul-de-sac to be constructed. There will be minimal vehicular or pedestrian within the cul-de-sac area that is not related to the development. All Project activities will take place behind a security fence or block wall. The Riverside County Airport Land Use Commission has reviewed the proposed Project and has determined it is consistent with the airport land use compatibility plan. With the recommended conditions of approval, the proposed Project will not interfere with the use and enjoyment or future development of the neighborhood.

Finding D: The design of the proposed project is compatible with the character of the surrounding neighborhood.

Finding of Fact: The Project is adjacent to the Banning Municipal Airport, the Morongo Tribal property, and railroad tracks to the north. The proposed site and circulation design is compatible with the existing vehicle circulation pattern in the surrounding neighborhood. The proposed tilt up concrete construction materials and building colors are of benefit to and will be compatible with the new architectural designs of industrial buildings that could be expected in surrounding neighborhood.

SECTION 5. PLANNING COMMISSION ACTION - Recommendation of Approval of General Plan Amendment No. 17-2501, Zone Change No. 17-3501, and Design Review No. 16-7002 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 General Plan Amendment No. 17-2501, approve Zone Change No. 17-3501, and approve Design Review No. 16-7002, subject to the recommended Conditions of Approval attached as Exhibit "A."

PASSED, APPROVED AND ADOPTED this 7th day of November, 2018.



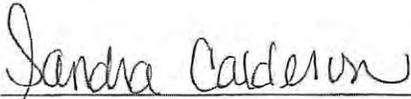
Eric Shaw, Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:



Serita R. 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. 2018-19, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 7th day of November, 2018, by the following vote, to wit:

AYES: Brosious, Krick, Price, Schuler, Shaw

NOES: None

ABSENT: None

ABSTAIN: None


Sandra Calderon
Sandra Calderon, Recording Secretary
City of Banning, California

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Fraze
001 White

Fraze
8791W Gray Penmant

Fraze
8793M Grey Cliff

Fraze
8794M Fired Steel

Clear-Anodized
MULLIONS

Blue Reflective
GLAZING

Sherwin-Williams Metallics
to match Fraze 001 White
(Clearcoat)
@ Metal CANOPY



South Elevation



East Elevation

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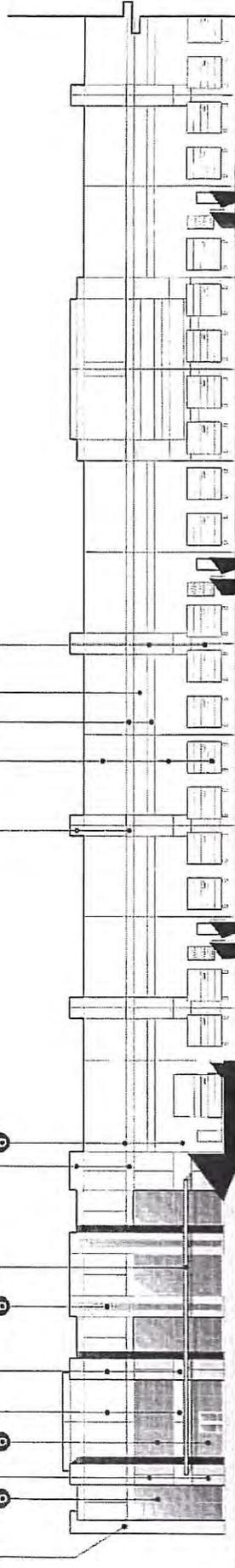
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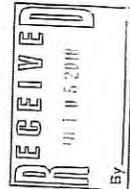
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Enlarged View of South Elevation



Banning Distribution Facility

BANNING, CA

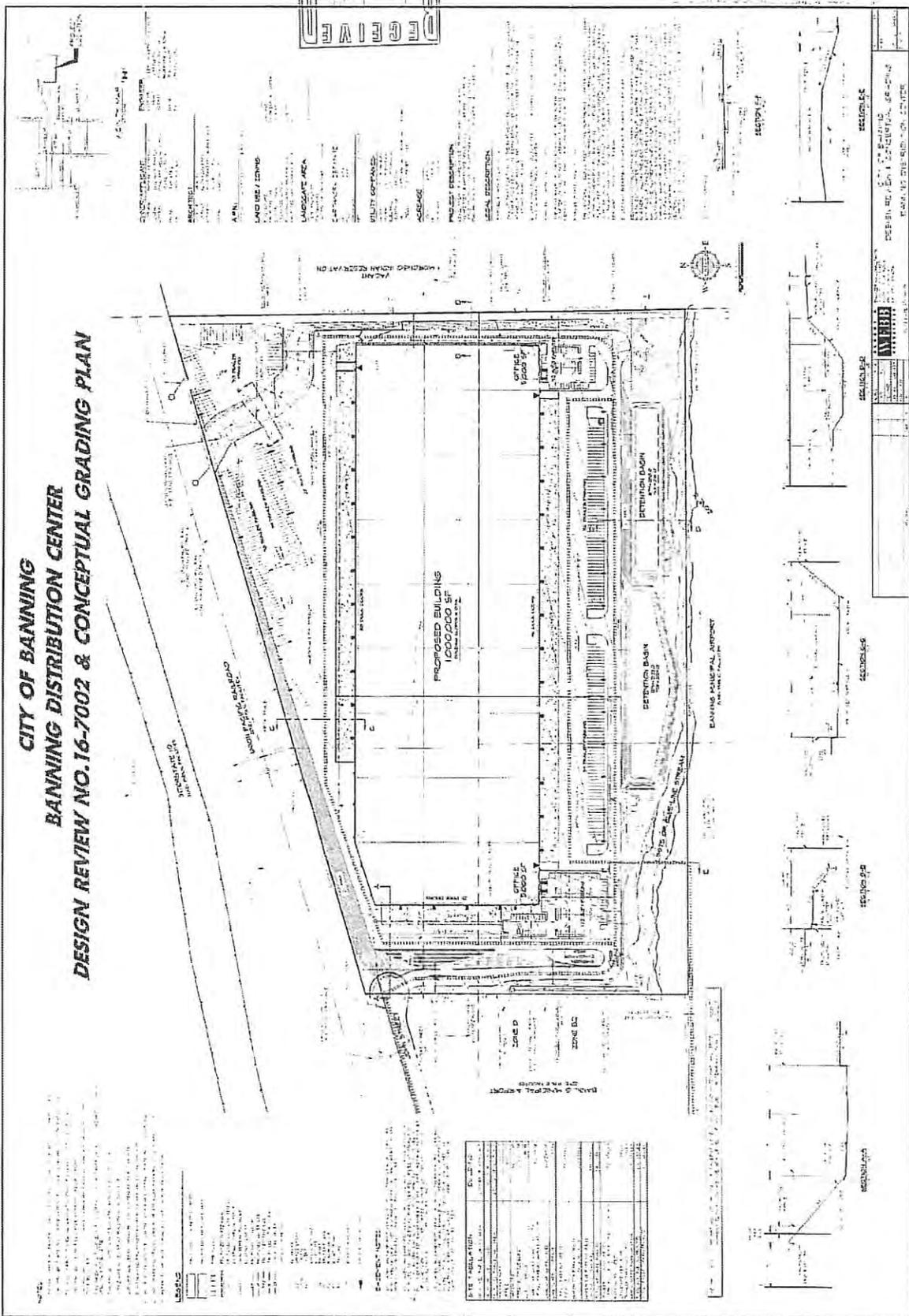
CONCEPTUAL COLORED ELEVATIONS & MATERIAL BOARD



09.15.2015

Job No. 15104.00

**CITY OF BANNING
BANNING DISTRIBUTION CENTER
DESIGN REVIEW NO. 16-7002 & CONCEPTUAL GRADING PLAN**



NOTES:
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF BANNING SPECIFICATIONS AND THE CALIFORNIA CIVIL ENGINEERING BOARD SPECIFICATIONS.
2. THE PROPOSED BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF BANNING SPECIFICATIONS AND THE CALIFORNIA CIVIL ENGINEERING BOARD SPECIFICATIONS.
3. THE PROPOSED SEWING BASIN SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF BANNING SPECIFICATIONS AND THE CALIFORNIA CIVIL ENGINEERING BOARD SPECIFICATIONS.
4. THE PROPOSED STATION BASIN SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF BANNING SPECIFICATIONS AND THE CALIFORNIA CIVIL ENGINEERING BOARD SPECIFICATIONS.
5. THE PROPOSED OFFICE BUILDINGS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF BANNING SPECIFICATIONS AND THE CALIFORNIA CIVIL ENGINEERING BOARD SPECIFICATIONS.
6. THE PROPOSED GRADING SHALL BE IN ACCORDANCE WITH THE CITY OF BANNING SPECIFICATIONS AND THE CALIFORNIA CIVIL ENGINEERING BOARD SPECIFICATIONS.
7. THE PROPOSED DRAINAGE SHALL BE IN ACCORDANCE WITH THE CITY OF BANNING SPECIFICATIONS AND THE CALIFORNIA CIVIL ENGINEERING BOARD SPECIFICATIONS.
8. THE PROPOSED SITE SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF BANNING SPECIFICATIONS AND THE CALIFORNIA CIVIL ENGINEERING BOARD SPECIFICATIONS.
9. THE PROPOSED SITE SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF BANNING SPECIFICATIONS AND THE CALIFORNIA CIVIL ENGINEERING BOARD SPECIFICATIONS.
10. THE PROPOSED SITE SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF BANNING SPECIFICATIONS AND THE CALIFORNIA CIVIL ENGINEERING BOARD SPECIFICATIONS.

LEGEND

---	PROPOSED GRADING
---	EXISTING GRADING
---	PROPOSED DRAINAGE
---	EXISTING DRAINAGE
---	PROPOSED CONSTRUCTION
---	EXISTING CONSTRUCTION
---	PROPOSED ROAD
---	EXISTING ROAD
---	PROPOSED FENCE
---	EXISTING FENCE
---	PROPOSED UTILITY
---	EXISTING UTILITY
---	PROPOSED EROSION CONTROL
---	EXISTING EROSION CONTROL

PROPOSED BUILDING

NO.	DESCRIPTION	AREA (SQ. FT.)
1	OFFICE 2000 SF	2000
2	OFFICE 1500 SF	1500
3	OFFICE 1000 SF	1000
4	PROPOSED BUILDING 1,000,000 SF	1,000,000
5	SEWING BASIN	10,000
6	STATION BASIN	10,000

PROPOSED GRADING

NO.	DESCRIPTION	AREA (SQ. FT.)
1	PROPOSED GRADING	1,000,000
2	EXISTING GRADING	1,000,000

PROPOSED DRAINAGE

NO.	DESCRIPTION	AREA (SQ. FT.)
1	PROPOSED DRAINAGE	1,000,000
2	EXISTING DRAINAGE	1,000,000

PROPOSED CONSTRUCTION

NO.	DESCRIPTION	AREA (SQ. FT.)
1	PROPOSED CONSTRUCTION	1,000,000
2	EXISTING CONSTRUCTION	1,000,000

PROPOSED ROAD

NO.	DESCRIPTION	AREA (SQ. FT.)
1	PROPOSED ROAD	1,000,000
2	EXISTING ROAD	1,000,000

PROPOSED FENCE

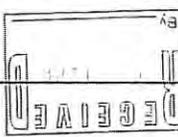
NO.	DESCRIPTION	AREA (SQ. FT.)
1	PROPOSED FENCE	1,000,000
2	EXISTING FENCE	1,000,000

PROPOSED UTILITY

NO.	DESCRIPTION	AREA (SQ. FT.)
1	PROPOSED UTILITY	1,000,000
2	EXISTING UTILITY	1,000,000

PROPOSED EROSION CONTROL

NO.	DESCRIPTION	AREA (SQ. FT.)
1	PROPOSED EROSION CONTROL	1,000,000
2	EXISTING EROSION CONTROL	1,000,000



PROPOSED GRADING
PROPOSED GRADING SHALL BE IN ACCORDANCE WITH THE CITY OF BANNING SPECIFICATIONS AND THE CALIFORNIA CIVIL ENGINEERING BOARD SPECIFICATIONS.

PROPOSED DRAINAGE
PROPOSED DRAINAGE SHALL BE IN ACCORDANCE WITH THE CITY OF BANNING SPECIFICATIONS AND THE CALIFORNIA CIVIL ENGINEERING BOARD SPECIFICATIONS.

PROPOSED CONSTRUCTION
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PROPOSED FENCE
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PROPOSED UTILITY
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PROPOSED EROSION CONTROL
PROPOSED EROSION CONTROL SHALL BE IN ACCORDANCE WITH THE CITY OF BANNING SPECIFICATIONS AND THE CALIFORNIA CIVIL ENGINEERING BOARD SPECIFICATIONS.

REVISIONS

NO.	DESCRIPTION
1	ISSUED FOR DESIGN REVIEW
2	ISSUED FOR DESIGN REVIEW
3	ISSUED FOR DESIGN REVIEW

DESIGNER

NAME	DATE
BY	DATE
CHECKED	DATE

REVISIONS

NO.	DESCRIPTION
1	ISSUED FOR DESIGN REVIEW
2	ISSUED FOR DESIGN REVIEW
3	ISSUED FOR DESIGN REVIEW

DESIGNER

NAME	DATE
BY	DATE
CHECKED	DATE

REVISIONS

NO.	DESCRIPTION
1	ISSUED FOR DESIGN REVIEW
2	ISSUED FOR DESIGN REVIEW
3	ISSUED FOR DESIGN REVIEW

DESIGNER

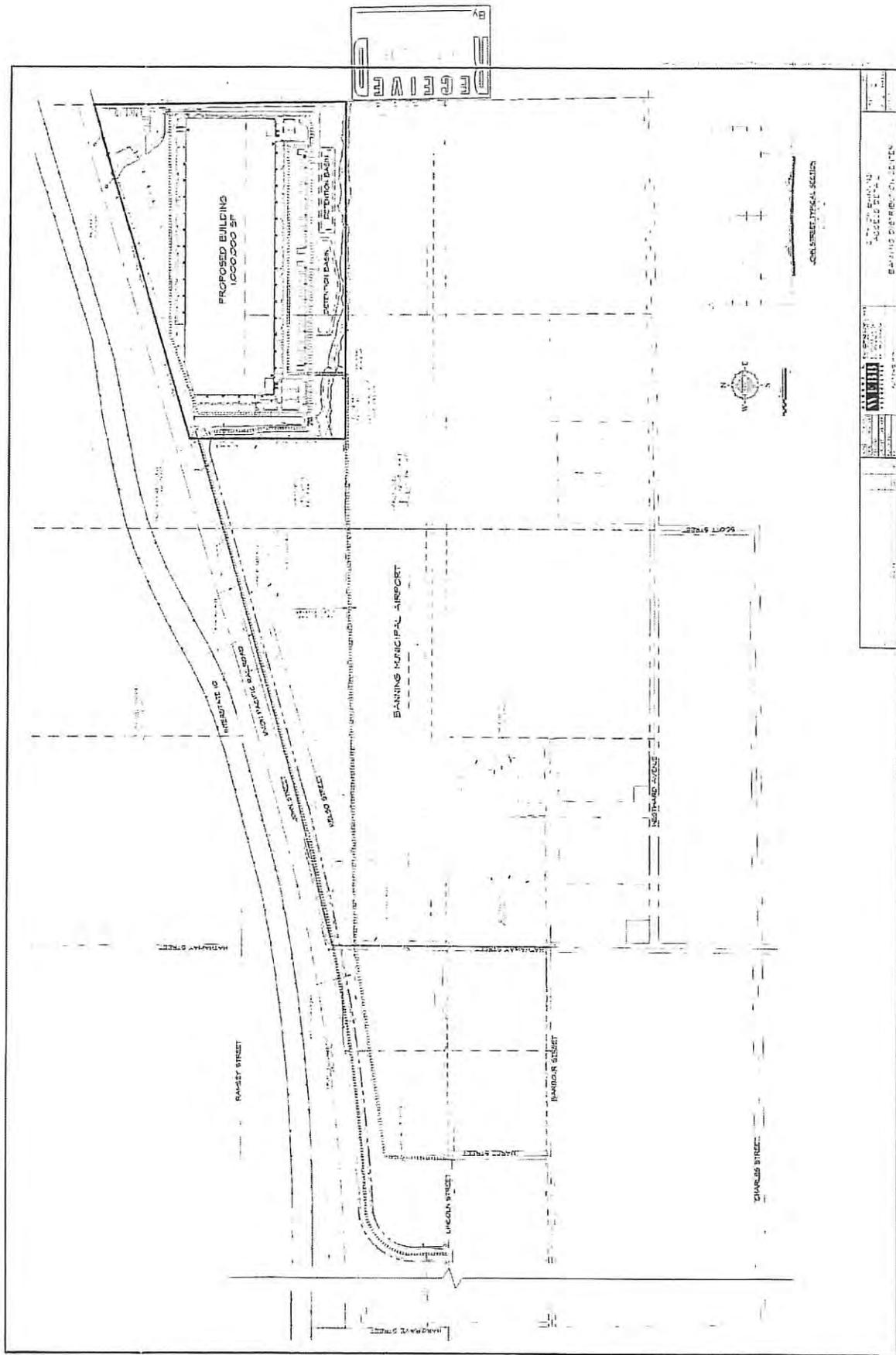
NAME	DATE
BY	DATE
CHECKED	DATE

REVISIONS

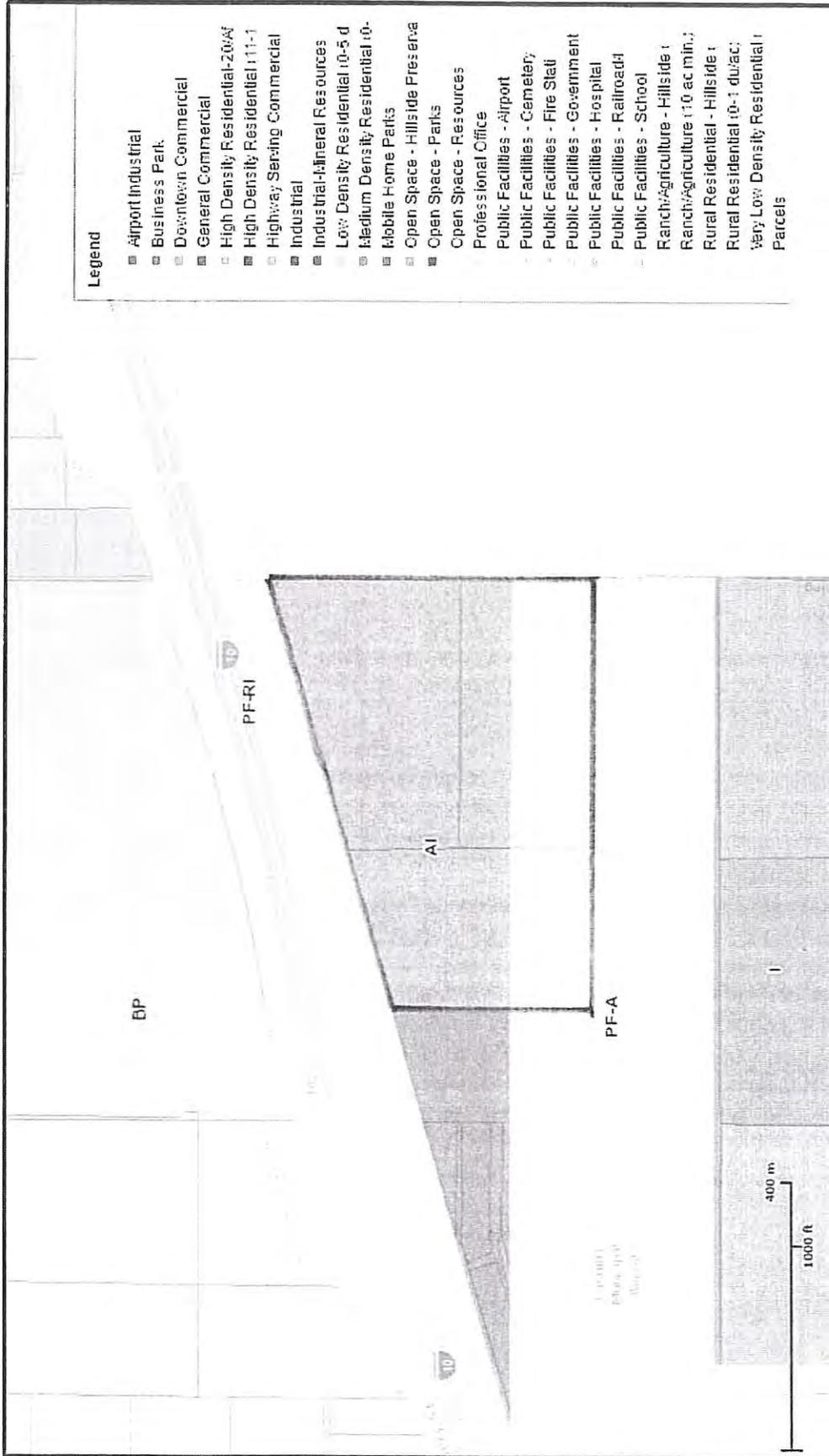
NO.	DESCRIPTION
1	ISSUED FOR DESIGN REVIEW
2	ISSUED FOR DESIGN REVIEW
3	ISSUED FOR DESIGN REVIEW

DESIGNER

NAME	DATE
BY	DATE
CHECKED	DATE



Banning Distribution Center



		<p>10/08/2018</p>	<p>From PF-A to AI</p>
<p>1" = 752 ft</p>			
<p>This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy please contact Banning staff for the most up-to-date information.</p>			



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

PROJECT #: General Plan Amendment 17-2501, Zone Change 17-3501,
Design Review 16-7002 and EA 16-1503

SUBJECT: Conditions of Approval (Planning Commission Resolution 2018-19)

APPLICANT: Banning Industrial, LP

LOCATION: APN: 532-110-006, 532-130-001, 532-130-002

EXHIBIT B

*** All fair share agreements, covenant agreements and agreements subject to recordation will be subject to review and approval by the City Attorney and will include appropriate enforcement provisions by the City and be properly securitized.**

Community Development Department

1. The project shall at all times comply with all Federal, State, County and City laws, codes, regulations and standards including those that relate to hazardous materials.
2. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to, arbitrations, mediations, and other such procedures) (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense,

and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

3. Approval of this entitlement shall not waive compliance with any sections of the Development Code, other applicable City Ordinances, in effect at the time of building permit issuance.
4. Construction shall commence within two (2) years from the date of project approval, or the Design Review approval shall become null and void. Additionally, if after commencement of construction work is discontinued for a period of one year the Design Review shall become null and void. Projects may be built in phases if pre-approved by the review authority. The Community Development Director may, upon a written application being filed 30 days prior to expiration and for good cause, grant a onetime extension not to exceed 12 months. Upon granting of an extension, the Community Development Director shall ensure that the Design Review comply with all current Ordinance provisions.
5. 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.
6. The applicant shall comply with all conditions of approval as stipulated by the Airport Land Use Commission (ALUC) Development Review Determination dated March 1, 2017, and any amendments; including any requirements stipulated by the Federal Aviation Administration (FAA) Aeronautical Study.
7. The site shall be developed and maintained in accordance with the plans stamped approved by the City, which include site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division; the conditions contained herein; and, municipal code regulations.
8. **PRIOR TO ISSUANCE OF BUILDING PERIMTS:** The developer shall complete and record a parcel merger for the three parcels identified as Assessor's Parcel Numbers 532-110-006, 532-130-001 and 532-130-002 and withdraw or confirm expiration of TPM 34335 for four parcels, prior to issuance of building permits.
9. The proposed project shall not exceed a height of 47 feet above ground level and a maximum elevation at the top point (including all roof mounted equipment, if any) of 2,208 feet above mean sea level.

10. Temporary construction equipment used during actual construction of the structure (s) shall not exceed 47 feet in height and maximum elevation of 2,208 feet above mean sea level, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.
11. All ground-mounted utility appurtenances such as transformers and AC condensers shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming, and/or landscaping to the satisfaction of the Community Development Director.
12. A detailed on-site lighting plan, including a photometric diagram, shall be reviewed and approved by the Community Development Director. Such plan shall indicate style, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties in accordance with the Zoning Code. Lighting fixtures shall be shielded or recessed to prevent spillage to the adjacent properties. Additionally, all lighting plans and installations shall conform to the requirements of the conditions stipulated by the Airport Land Use Commission (ALUC) and Federal Aviation Administration (FAA) review.
13. Submit detailed landscape plans, prepared by a licensed landscape architect for compliance with Chapter 17.32, Section 17.12.120, and 17.28.060 and all pertinent landscape requirements. The plans shall be submitted to the Planning Division for approval prior to the issuance of building permits.
14. 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: police and fire safety developer fees, water and sewer fees, park land dedication fees, impact fees, MSHCP fees, TUMF fees, and electric meter installation fees. Applicant shall provide written evidence to the City that school mitigation fees have been paid or other arrangements acceptable to the Banning Unified School District have been met.
15. A six- (6) foot chain link fence or wall must be maintained around the perimeter of the site during all phases of construction.
16. Prior to Issuance of Certificate of Occupancy, the applicant shall submit a detailed parking analysis to assure parking is in compliance with Section 17.28 Parking and Loading of the BMC.
17. Prior to Issuance of Certificate of Occupancy, the applicant shall coordinate trash enclosure locations with the Planning Divisions in coordination with the Public Works Department.

18. Separate submittals and permits are required for all accessory structures such as but not limited to, trash enclosures, patios, block walls and storage buildings.
19. All building address numbers shall be identified in a clear and concise manner, including proper illumination.
20. The developer shall submit a construction access plan and schedule for the development of the project for Community Development Director and City Engineer approval; including, but not limited to, public notice requirements, special street posting, phone listing for community concerns, hours of construction activity, dust control measures, and security fencing.
21. The applicant shall remove all graffiti immediately or within 24 hours of notice from the City
22. The proposed site, site plan and project design shall comply with all Mitigation Measures contained in EA No. 16-1503 and the Mitigation Monitoring and Reporting Program (MMRP).
23. Outdoor storage and screening shall comply with wall and fencing requirements of Section 17.12 of the BMC.
24. Prior to any use of the project site, all Conditions of Approval shall be completed, as required, to the satisfaction of the Community Development Director. Contact the Planning Department at (951) 922-3125 to request a FINAL INSPECTION prior to issuance of the Certificate of Occupancy a minimum of 48 hours in advance of requested inspection.
25. The applicant shall comply with all conditions of approval imposed on the Banning Distribution Center facility located at APN: 532-110-006, 532-130-001, 532-130-002 and the approval of GPA 17-2501, ZC 17-3501, ENV 16-1503 and DR 16-7002 prior to the issuance of a Certificate of Occupancy

Public Works Department

A. General Requirements

26. A Public Works Permit shall be required prior to commencement of any work within the public right-of-way. The 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 public improvements 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.

27. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies:

- Fire Marshal (access)
- Public Works Department (grading permits, street improvement permits)
- 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)

The applicant is responsible for meeting all requirements of permits and/or clearances from the above listed agencies. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting improvements plans to the City.

28. 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. 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
(All Conditions of Approval shall be reproduced
on last sheet of set) | 1" = 40' horizontal |
| b. Haul Route Plans | 1" = 40' horizontal |
| c. Clearing Plans
(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. Signing & Striping Plans | 1" = 40' Horizontal |
| h. Precise Grading Plans | 1" = 40' Horizontal |
| i. Landscaping Plans | 1" = 20 Horizontal |
| j. Water Improvement Plans | 1" = 40' Horizontal |
| | 1" = 4' Vertical |
| k. Sewer Improvement Plans | 1" = 40' Horizontal |
| | 1" = 4' Vertical |

Other engineered improvement plans prepared for City approval that are not listed herein shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.

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.

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.

29. Upon completion of construction, the Developer 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.

B. Rights of Way/Street Improvements

30. Prior to issuance of any permit(s), the applicant shall offer to dedicate to the City of Banning for public purposes the right-of-way for John Street fronting as a local street; 60 feet in total width of street along the approved alignment. Also, prior to issuance of any permit(s), the applicant shall design and construct the connection of the new aligned John Street to the existing John Street to the west.
31. Submit a copy of the title report, closure calculations, and any separate instruments or necessary right-of-way documents to the Engineering Division for review and approval of the City Engineer prior to all improvement plans.
32. The City and Developer are to enter into a Development Agreement (DA) to guarantee the construction of the public improvements as listed in the Conditions of Approval and as shown on the approved plans. The applicant shall work with the City Attorney's Office to execute the DA and pay all related legal processing fees.
33. Applicant shall submit all access easements to the City for review and approval. All access easement shall be recorded by the County of Riverside Recorder's Office. All related processing fees shall be paid by the applicant at the time of submittal.

34. All street improvement designs shall provide pavement and lane transitions per City of Banning and Caltrans standards for transition to existing street sections.
35. Construct street improvements in accordance with City standards on John Street including street lighting, curb and gutter, commercial style drive approaches, sidewalk, parkway, asphalt concrete paving, traffic signs and striping, and any transitions. Street lights shall be installed offset of the existing street lights. Applicant's geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.
36. Any public improvements damaged during the course of construction shall be replaced to the satisfaction of the City Engineer, or his/her designee.
37. The applicant shall plant and perpetually maintain trees, shrubs, and ground cover placed in the parkway, slopes adjacent to public right-of-ways constructed in connection with the project. This includes providing irrigation and the clearing of debris and weed removal.
38. All required public improvements for the project shall be completed, tested, and approved by the Engineering Division prior to issuance of any Certificate of Occupancy.

C. Grading and Drainage

39. Submit a 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 Riverside County Flood Control and Water Conservation District (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.
40. At a minimum, all development will make provisions to store runoff from rainfall events up to and including the one-hundred three-hour during event. Post-development peak urban runoff discharge rates shall not exceed pre-development peak urban runoff discharge rates.
41. If the site is located in a Flood Area as identified in Flood Insurance Rate Map dated August 28, 2008 the developer 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.
42. 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 property to the north, east and west.

43. 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.

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.

The applicant's SWPPP shall be reviewed and approved by the City Engineer prior to any permit issuance.

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.

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 project.

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.

44. 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.
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. The following notation shall be placed on the grading plan: "No more than three days prior to removing trees, shrubs or tall herbaceous vegetation during the breeding season for migratory birds (February 15 to August 31) a qualified biologist shall conduct a nesting bird survey."
48. Prior to the issuance of a building permit, the applicant shall provide a lot pad certification stamped and signed by a qualified civil engineer or land surveyor. Pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil.

D. Traffic/Airport Safety Zone

49. Prior to the issuance of a grading permit or building permit, the applicant shall submit and obtain approval in writing from the Fire Marshall for the plans for all public or private access drives or streets. 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 covenant, conditions or restrictions 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.
50. Driveway grades shall not exceed eight percent unless approved by the City Engineer.
51. Access drives to the public right-of-way shall be restricted to those approved by the City Engineer as shown on the approved plans.
52. 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/access driveway as approved by the Fire Marshall, and must be maintained in good condition by the property owner until the street is accepted for maintenance.
53. Prior to the issuance of a grading permit or building permit, the applicant shall conduct a Traffic Impact Analysis at the intersection of Lincoln Street and Hathaway Street and submit to the Engineering Division for review and approval. All mitigation identified in the Traffic Impact Analysis shall be implemented by the applicant to the satisfaction of the City Engineer.
54. The site is located within an airport safety zone as designated in the Riverside County Airport Land Use Compatibility Plan. Prior to approval of any building permit, the project shall be submitted to the Riverside Airport Land Use Commission for a consistency

determination and the Applicant shall provide written evidence that the project meets all conditions set forth by said Commission.

E. Water

55. Design and construct an 8" D.I.P. water line on public/private street or common access driveway and connect to the existing water main at the intersection of Hathaway Street and Barbour Street. Submit Water Improvement Plans to Public Works Department, Engineering Division for review and approval. If the water line is not located on a public street, an easement over the water line, minimum 15 feet in width, shall be granted to the City of Banning for maintenance purposes.
56. A backflow device must be installed on all commercial buildings and at each irrigation water connection. The backflow device must be in compliance with the State Department of Health Regulations.
57. Fire Services will require a Double Detector Check or RPP Device.
58. Pay all applicable water connection and frontage fees per Chapter 13.08 "Water, Sewer and Electricity Rates" of the Banning Municipal Code prior to the issuance of a building permit.

F. Sewer

59. Design and construct sewer line on public street, private street or common driveway and connect to existing sewer main at the intersection of Hathaway Street and Barbour Street. Submit Sewer Improvement Plans to Public Works Department, Engineering Division for review and approval. If the sewer line is not located on a public street, an easement over the sewer line, minimum 15 feet in width, shall be granted to the City of Banning for maintenance purposes.
60. All sewer lines to be constructed within the Public right-of-way shall be extra strength Vitrified Clay Pipe. All sewer laterals shall be a minimum of 4" and all sewer mains shall be a minimum of 8". Final sizes shall be approved by the City Engineer.
61. 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.
62. Pay all applicable sewer connection and frontage fees per Chapter 13.08 "Water, Sewer and Electricity Rates" of the Banning Municipal Code prior to the issuance of a building permit.

G. Trash/Recycling

63. Construction debris shall be disposed of at a certified recycling site. It is recommended that the developer contact the City's franchised solid waste hauler, Waste Management of the Inland Valley at 1-800-423-9986, for disposal of construction debris.

64. The developer shall participate in the City's recycling program by providing two trash receptacles, one for regular trash and one for recycling, within the covered trash enclosure. The covered trash enclosure shall be designed and constructed in such a manner to accommodate a recycling bin as well as the necessary solid waste containers.

H. Final Map

65. 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 - \$7,500.00

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.

66. Submit a copy of the title report, closure calculations, and any separate instruments or necessary easement or right-of-way documents to the Engineering Division for review and approval of the City Engineer prior to final map approval.

67. A map of the proposed subdivision drawn at 1"=200' scale showing the outline of the streets including street names shall be submitted to the City to update the city atlas map.

68. An original Mylar of the final map (after recordation) shall be provided to the City for the record files.

69. 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.

I. Fees

70. Plan check fees for professional report review (geotechnical, drainage, etc.), and all improvement plans review, shall be paid at the time of submittal of said documents for review and approval in accordance with the fee schedule in effect at the time of submittal.

71. Public Works Inspection fees shall be paid prior to issuance of any permits in accordance with the fee schedule in effect at time of time of scheduling.

72. Water and sewer connection fees including frontage fees and water meter installation charges shall be paid at the time of building permit issuance in accordance with the fee schedule in effect at that time.

73. A plan storage fee shall be paid for any engineering plans that may be required prior to issuance of certificate of occupancy in accordance with the fee schedule in effect at the time the fee is paid.

Electric Utility Department

74. The following will need to be completed in order to receive electric service. As a reminder obtaining the described information outlined below in a timely matter is critical for design, planning, and ordering of materials for this project. The developer shall be responsible for the following:
 75. Submitting detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. These plans are required in electronic format. We currently use AutoCad2016. Plans should consist of a plot plan, site plan, one-line diagram of proposed electrical main service panel and a sheet showing load calculations by an electrical engineer. Additional sheets may be required upon request.
 76. Paying required fees - electrical permit, plan check fee, inspection fees, meter fee, and cost of electrical apparatus for completing service upgrade.
 77. Granting easement for electric facilities installation / maintenance, etc.

The C.O.B. Electric Utility shall be responsible for:

78. Reviewing plans submitted by customer.
79. Design an electrical utility plan for the installation of substructures and conduit by developer.
80. Providing a cost estimate for installing an underground electrical system for this project.
81. Inspecting all trenches prior to backfilling. 24-hour prior notice is required before inspection.
82. Install electrical apparatus including primary conductors, terminations, metering, and transformer to provide electrical service for this project.

Building Department

The following comments are required at time of plan check submittal

83. The Site shall be developed in compliance with all current model codes. All plans shall be designed in compliance with the latest editions of the California Building Codes as adopted by the City of Banning.

84. Site development and grading shall be designed to provide access to all entrances and exterior ground floor exits and access to normal paths of travel, and where necessary to provide access. Paths of travel shall incorporate (but not limited to) exterior stairs, landings, walks and sidewalks, pedestrian ramps, curb ramps, warning curbs, detectable warnings, signage, gates, lifts and walking surface material. The accessible route(s) of travel shall be the most practical direct route between accessible building entrances, site facilities, accessible parking, public sidewalks, and the accessible entrance(s) to the site. California Building Code (CBC) 11A and 11B.
 - A. City of Banning enforces the State of California provisions of the California Building Code disabled access requirements. The Federal ADA standards differ in some cases from the California State requirements. It is the building owner's responsibility to be aware of those differences and comply accordingly.
 - B. Disabled access parking shall be located on the shortest accessible route. Relocate parking spaces accordingly.

85. Separate submittals and permits are required for all accessory structures such as, but not limited to, trash enclosures, patios, block walls, and storage buildings.

86. Pursuant to California Business and Professions Code Section 6737, this project is required to be designed by a California licensed architect or engineer. Based on change of use and potential exiting and fire life safety improvements.

Fire Department

87. The Fire Department requires the listed fire protection measures be provided in accordance with the City of Banning Municipal Code and/or the Riverside County Fire Department Fire Protection Standards. Final conditions will be addressed when complete buildings plans are reviewed.

88. Prior to building plan approval and construction, applicant/developer shall furnish two copies of the water system fire hydrant plans to Fire Department for review and approval. Plans shall be signed by a registered civil engineer, and shall confirm hydrant type, location, spacing, and minimum fire flow. Once plans are signed and approved by the local water authority, the originals shall be presented to the Fire Department for review and approval.
89. Install an alarm monitoring system for fire sprinkler system(s) with 20 or more heads, along with current permit fees, to the Fire Department for review and approval prior to installation.
90. Commercial address must be a minimum 12" tall in contrasting color visible from the street address side of the building. Illuminated internally or externally.
91. An approved Fire Department access key lock box (Minimum Knox Box 3200 series model) shall be installed next to the approved Fire Department access door to the building. If the buildings are protected with an alarm system, the lock box shall be required to have tampered monitoring. Required order forms and installation standards may be obtained at the Fire Department

RECOMMENDED ADDITIONAL CONDITION FROM THE PLANNING COMMISSION

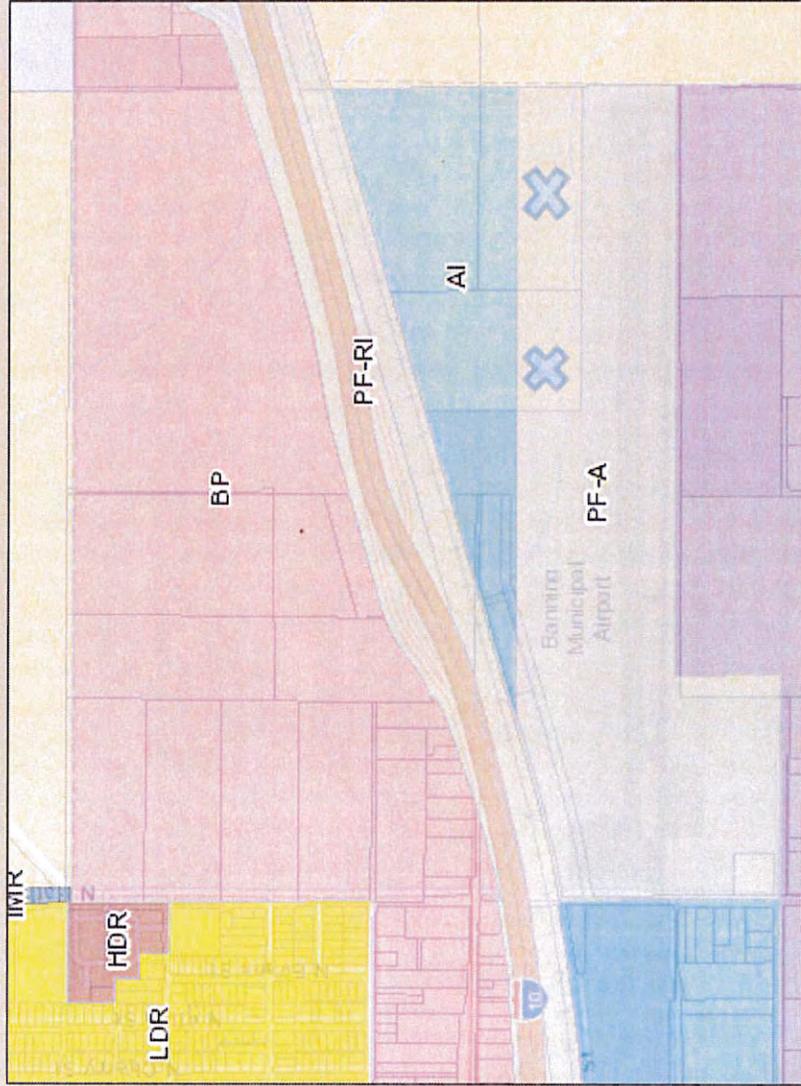
92. **The applicant shall provide an exterior security camera system capable of 60 days' backup storage for the entire property.**

****END*****

Attachment 4

Project-Plans
(11" x 17" provided)

General Plan Amendment 17-2501 Zone Change 17-3501



From Public Facilities – Airport (PF-A) to
Airport Industrial (AI)



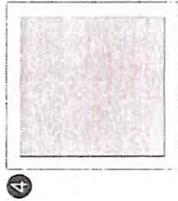
Frazee
001 White



Frazee
8791W Gray Pennant



Frazee
8793M Grey Cliff



Frazee
8794M Fired Steel



Clear Anodized
MULLIONS



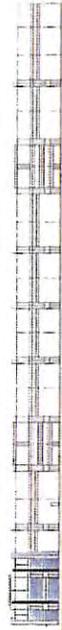
Blue Reflective
GLAZING



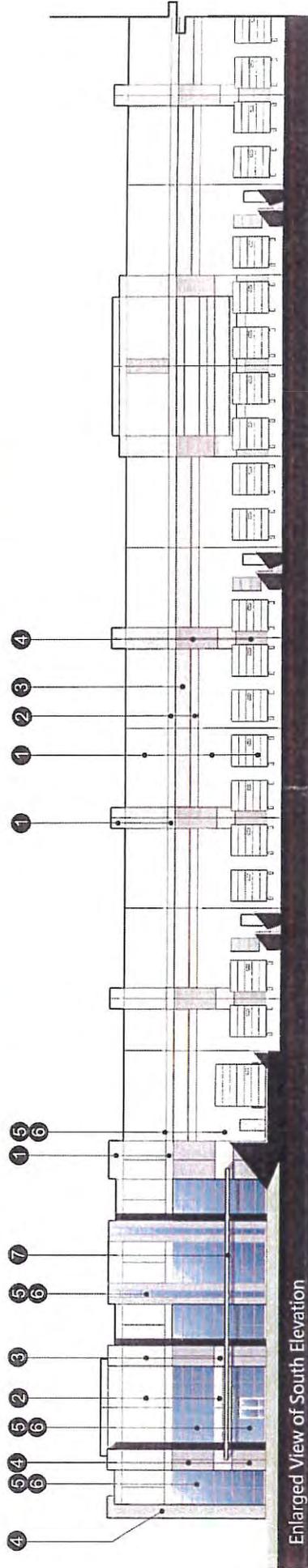
Sherwin-Williams Metallics
to match Frazee 001 White
(Clearcoat)
@ Metal CANOPY



South Elevation



East Elevation



Enlarged View of South Elevation



Banning Distribution Facility

BANNING, CA



Job No 15104.00

CONCEPTUAL COLORED ELEVATIONS & MATERIAL BOARD

09.15.2015



1801 West 10th Street
Portland, OR 97204
503.241.1100
www.hipaarchitecture.com

Object:

PROJECT REPORT PROFILES
TRIMMER & LAM
TRIMMER & LAM
TRIMMER & LAM

Project:

Barrington Distribution
Center

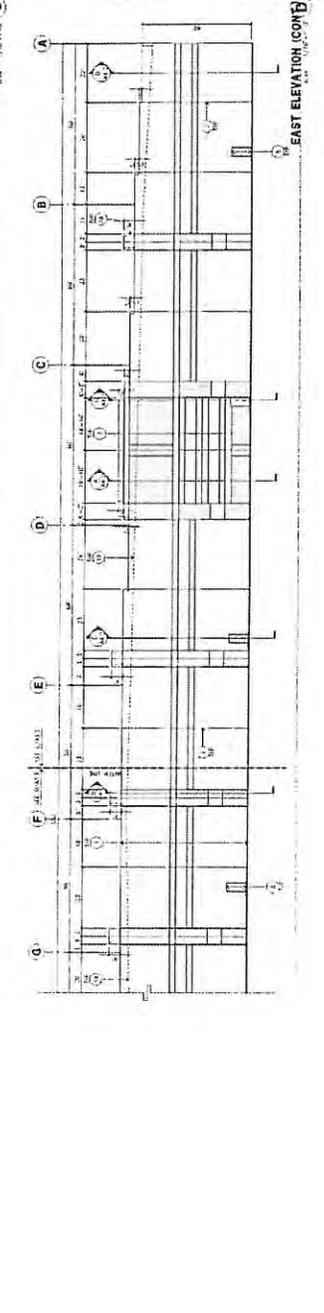
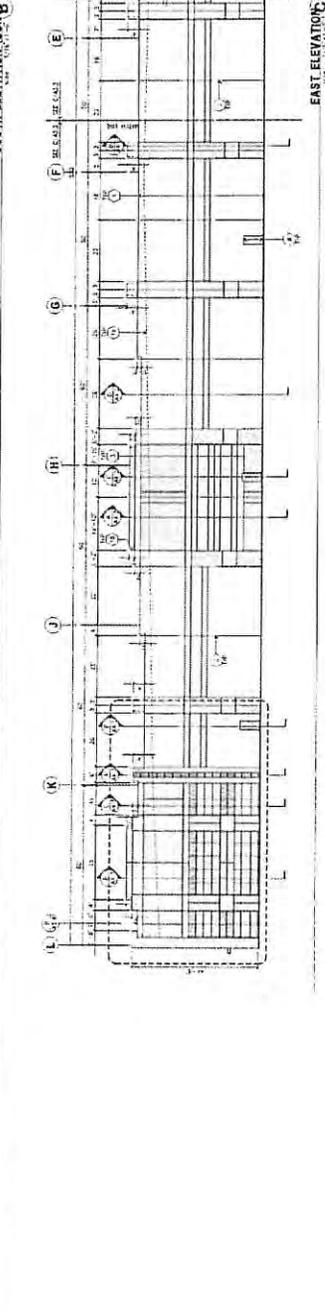
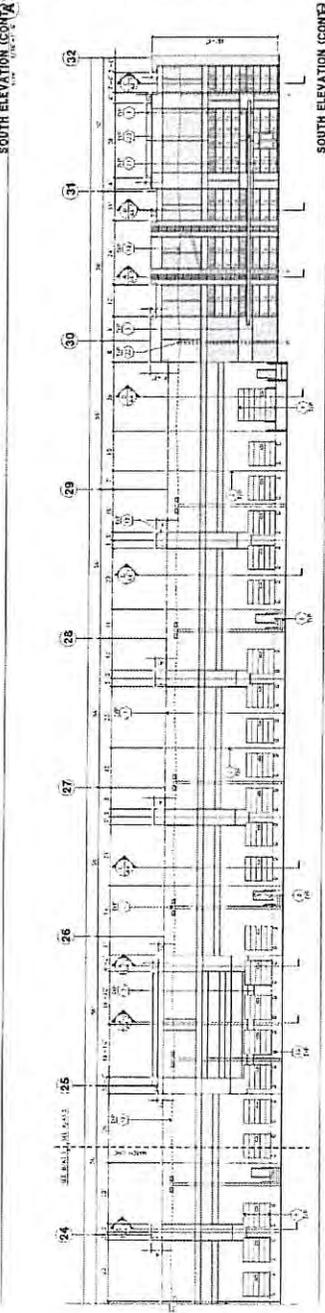
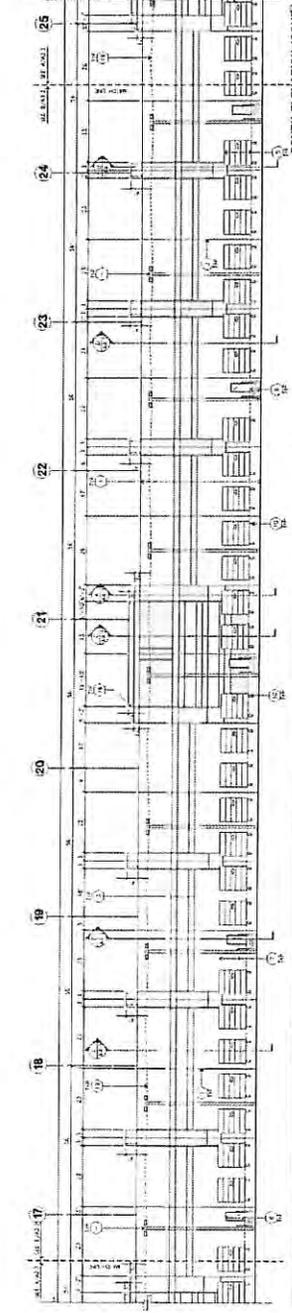
Consultants:

CEVA
BRIDGES
BARRINGTON
BARRINGTON
BARRINGTON
BARRINGTON
BARRINGTON

Sheet:

1377
AM
BARRINGTON

- REVISIONS - ELEVATIONS**
1. CORRECT L&P PROFILES
 2. CORRECT L&P PROFILES
 3. CORRECT L&P PROFILES
 4. CORRECT L&P PROFILES
 5. CORRECT L&P PROFILES
 6. CORRECT L&P PROFILES
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 29. CORRECT L&P PROFILES
 30. CORRECT L&P PROFILES
 31. CORRECT L&P PROFILES
 32. CORRECT L&P PROFILES
- SAFETY NOTES - GLAZING**
1. SAFETY GLAZING SHALL BE PROVIDED FOR ALL GLAZING AREAS.
 2. SAFETY GLAZING SHALL BE PROVIDED FOR ALL GLAZING AREAS.
 3. SAFETY GLAZING SHALL BE PROVIDED FOR ALL GLAZING AREAS.
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 26. SAFETY GLAZING SHALL BE PROVIDED FOR ALL GLAZING AREAS.
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 28. SAFETY GLAZING SHALL BE PROVIDED FOR ALL GLAZING AREAS.
 29. SAFETY GLAZING SHALL BE PROVIDED FOR ALL GLAZING AREAS.
 30. SAFETY GLAZING SHALL BE PROVIDED FOR ALL GLAZING AREAS.
 31. SAFETY GLAZING SHALL BE PROVIDED FOR ALL GLAZING AREAS.
 32. SAFETY GLAZING SHALL BE PROVIDED FOR ALL GLAZING AREAS.



A3.3

WATER QUALITY ESTIMATION - NON-RESIDENTIAL LANDSCAPES	LANDSCAPE	WATER QUALITY ESTIMATION - NON-RESIDENTIAL LANDSCAPES
1. Focal Tree	1. Focal Tree	1. Focal Tree
2. Slope Trees	2. Slope Trees	2. Slope Trees
3. Parking Lot Trees	3. Parking Lot Trees	3. Parking Lot Trees
4. Street Adjacent Trees	4. Street Adjacent Trees	4. Street Adjacent Trees
5. Main Entry	5. Main Entry	5. Main Entry
6. Sliding Metal Gate	6. Sliding Metal Gate	6. Sliding Metal Gate
7. Possible Future Guard House	7. Possible Future Guard House	7. Possible Future Guard House
8. Fire Department Emergency Staging Area	8. Fire Department Emergency Staging Area	8. Fire Department Emergency Staging Area
9. Blue Line Stream	9. Blue Line Stream	9. Blue Line Stream
10. Detention Basin	10. Detention Basin	10. Detention Basin
11. Detention Basin	11. Detention Basin	11. Detention Basin
12. Detention Basin	12. Detention Basin	12. Detention Basin
13. Detention Basin	13. Detention Basin	13. Detention Basin
14. Detention Basin	14. Detention Basin	14. Detention Basin
15. Detention Basin	15. Detention Basin	15. Detention Basin
16. Detention Basin	16. Detention Basin	16. Detention Basin

- 20' Wide Gravel Fire Access Across Dry Stream Bed**
- Loading Docks**
- Semi-Truck Parking Lot**
- Swinging Metal Gate**
- Detention Basin**
- Blue Line Stream**
- Parking Lot and Entry**
- Natural - Undisturbed Open Space**

Trees Refer to Sheet L-5 for plant pictures

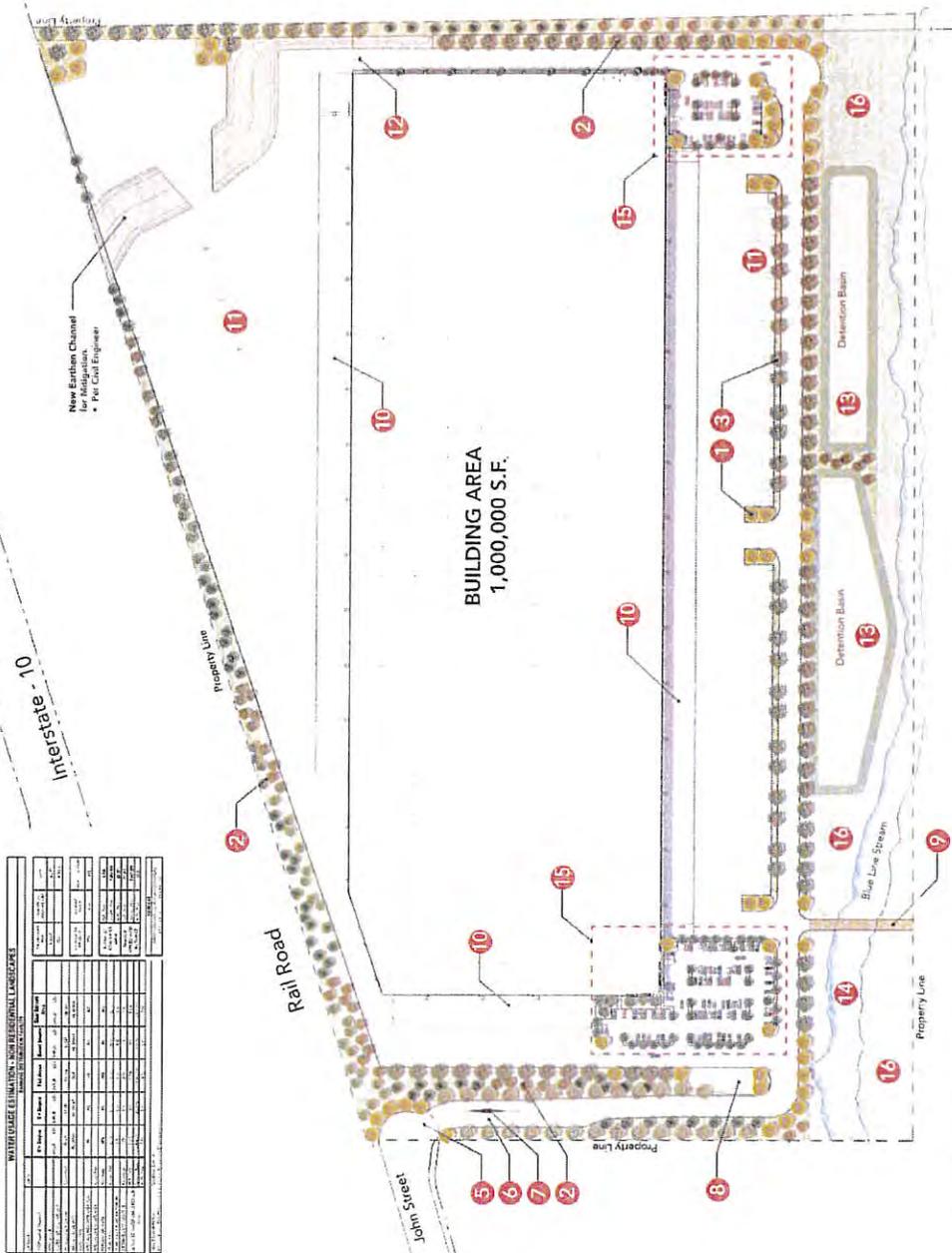
BOTANICAL NAME	COMMON NAME	SIZE	H2O USE
FOCAL TREES			
Acacia saligna	Carriacou Tree	24" Dia. M	M
Acacia saligna	Carriacou Tree	24" Dia. L	L
Acacia saligna	Carriacou Tree	24" Dia. XL	XL
SCOPE TREES			
Prosopis juliflora	Carriacou Tree	515 gal L	L
Prosopis juliflora	Carriacou Tree	515 gal M	M
Prosopis juliflora	Carriacou Tree	515 gal XL	XL
PARKING LOT TREES			
Prosopis juliflora	Carriacou Tree	24" Dia. M	M
Prosopis juliflora	Carriacou Tree	24" Dia. L	L
Prosopis juliflora	Carriacou Tree	24" Dia. XL	XL
STREET ADJACENT TREES			
Prosopis juliflora	Carriacou Tree	24" Dia. M	M
Prosopis juliflora	Carriacou Tree	24" Dia. L	L
Prosopis juliflora	Carriacou Tree	24" Dia. XL	XL

Shrubs Refer to Sheet L-5 for plant pictures

BOTANICAL NAME	COMMON NAME	SIZE	H2O USE
Shrubs			
Acacia saligna	Carriacou Tree	15 gal L	L
Acacia saligna	Carriacou Tree	15 gal M	M
Acacia saligna	Carriacou Tree	15 gal XL	XL
Groundcovers			
Prosopis juliflora	Carriacou Tree	15 gal L	L
Prosopis juliflora	Carriacou Tree	15 gal M	M
Prosopis juliflora	Carriacou Tree	15 gal XL	XL

Tree Tabulation Table (summary)

LANDSCAPE AREA	TREE PLANNING	LANDSCAPE	WATER QUALITY ESTIMATION
1. Focal Tree	1. Focal Tree	1. Focal Tree	1. Focal Tree
2. Slope Trees	2. Slope Trees	2. Slope Trees	2. Slope Trees
3. Parking Lot Trees			
4. Street Adjacent Trees			
5. Main Entry	5. Main Entry	5. Main Entry	5. Main Entry
6. Sliding Metal Gate			
7. Possible Future Guard House			
8. Fire Department Emergency Staging Area			
9. Blue Line Stream			
10. Detention Basin	10. Detention Basin	10. Detention Basin	10. Detention Basin
11. Detention Basin	11. Detention Basin	11. Detention Basin	11. Detention Basin
12. Detention Basin	12. Detention Basin	12. Detention Basin	12. Detention Basin
13. Detention Basin	13. Detention Basin	13. Detention Basin	13. Detention Basin
14. Detention Basin	14. Detention Basin	14. Detention Basin	14. Detention Basin
15. Detention Basin	15. Detention Basin	15. Detention Basin	15. Detention Basin
16. Detention Basin	16. Detention Basin	16. Detention Basin	16. Detention Basin



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DATE: 11/11/18

By: _____

SCHEME A

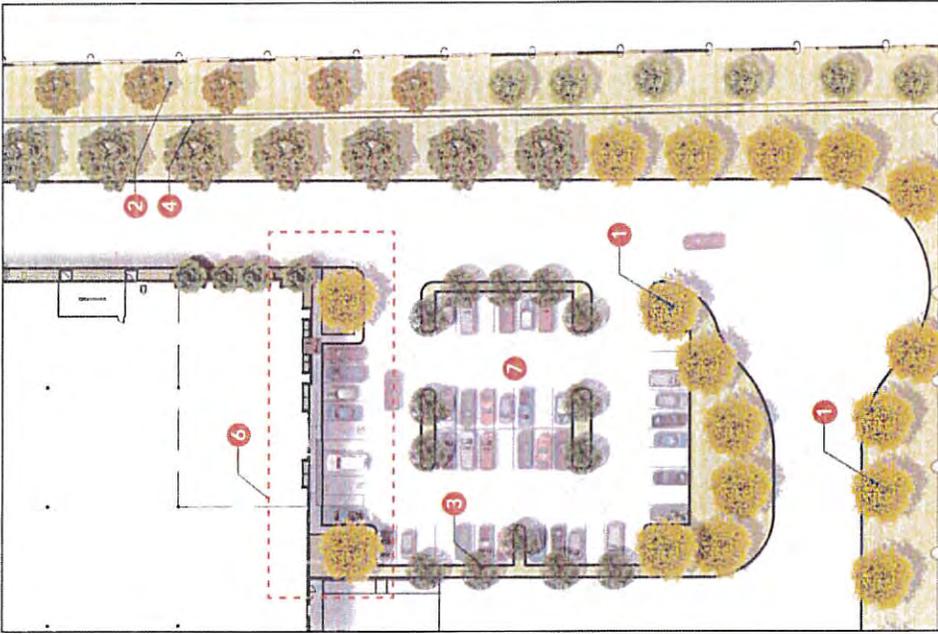
BANNING DISTRIBUTION FACILITY

BANNING, CA

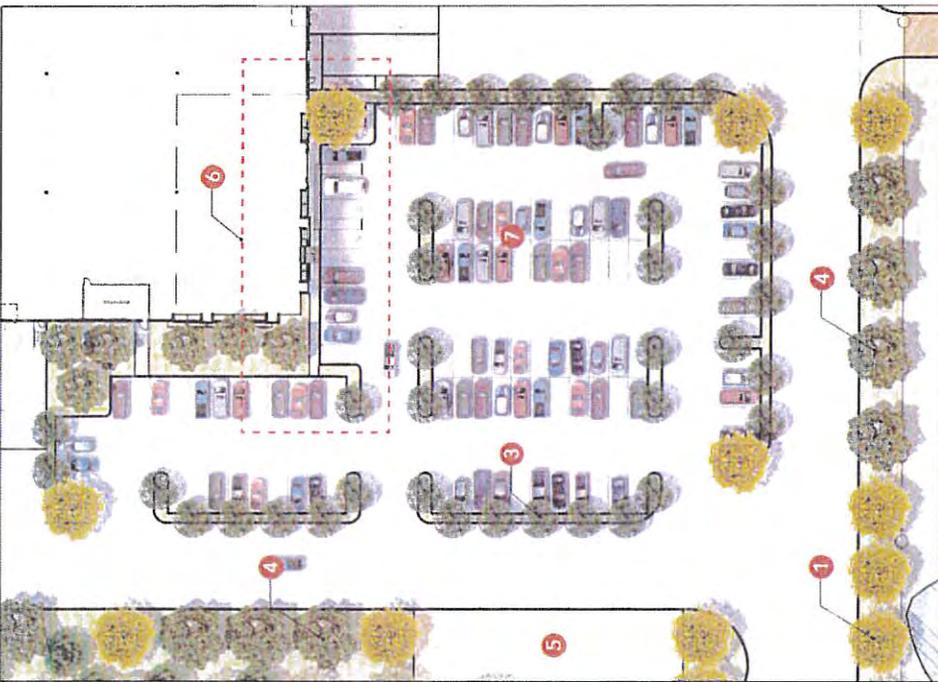
LAND CONCERN

11-1

- Landscape Key**
- 1 Focal Tree
 - See tree legend on Sheet L-1
 - 2 Slope Trees
 - See tree legend on Sheet L-1
 - 3 Parking Lot Trees
 - See tree legend on Sheet L-1
 - 4 Street Adjacent Trees
 - See tree legend on Sheet L-1
 - 5 Fire Department Emergency Staging Area
 - See tree legend on Sheet L-1
 - 6 Facility Entry
 - Refer to Enlargements on Sheet L-3
 - 7 Parking Lot



East Entry and Parking Lot



West Entry and Parking Lot

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OCT 1 2018

BY

Banning Industrial LP

LAND
CONCERN
LANDSCAPE ARCHITECTS

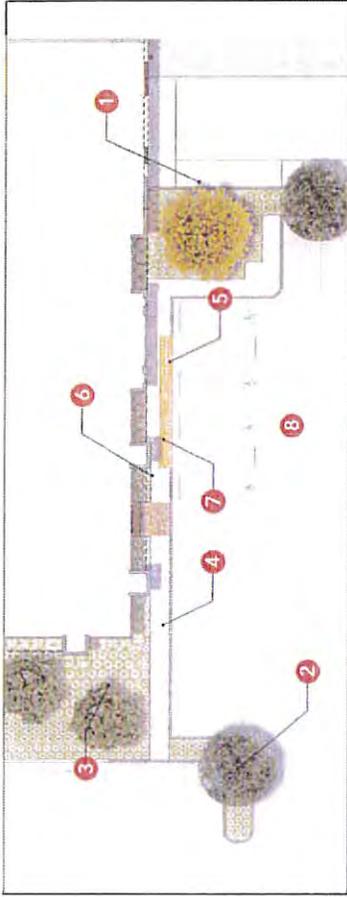
BANNING DISTRIBUTION FACILITY

BANNING, CA

Conceptual Landscape Plan - Enlargements

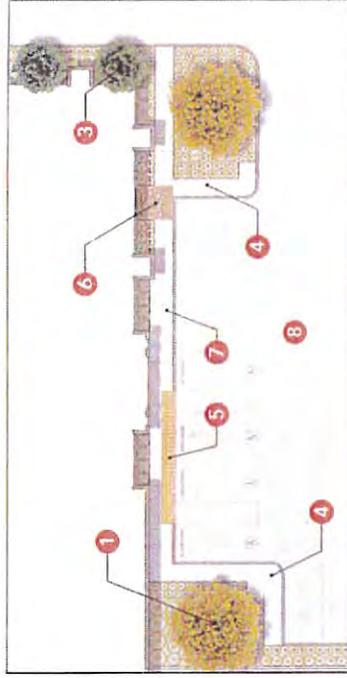


November 4, 2017 | 1-2



West Entry Enlargement

- Landscape Key**
- 1** Focal Tree
 - See tree legend on Sheet L-1
 - 2** Parking Lot Trees
 - See tree legend on Sheet L-1
 - 3** Planting Area
 - Shrub layering
 - 4** Concrete Walkway
 - Natural Gray with a Washed Finish
 - 5** Truncated Domes
 - Color per City Standards
 - 6** Accent Pavers
 - Concrete Pavers
 - Color to be Selected
 - 7** Ramp
 - 8** Parking Lot



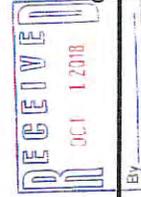
East Entry Enlargement

- Landscape Key**
- 1** Focal Tree
 - See tree legend on Sheet L-1
 - 2** Parking Lot Trees
 - See tree legend on Sheet L-1
 - 3** Planting Area
 - Shrub layering
 - 4** Concrete Walkway
 - Natural Gray with a Washed Finish
 - 5** Truncated Domes
 - Color per City Standards
 - 6** Accent Pavers
 - Concrete Pavers
 - Color to be Selected
 - 7** Ramp
 - 8** Parking Lot

Banning Industrial LP



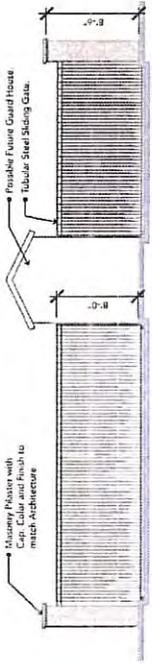
BANNING DISTRIBUTION FACILITY
BANNING, CA



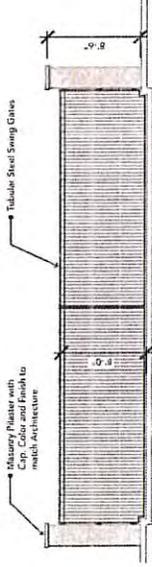
Conceptual Landscape Plan - Enlargements



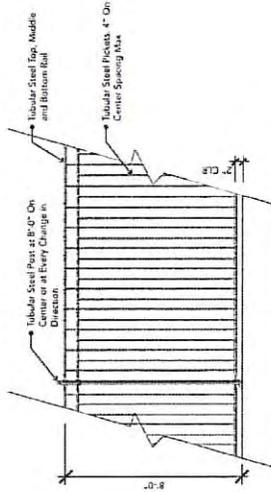
November 4, 2011 | 11-3



Tubular Steel Entry Gate Elevation A

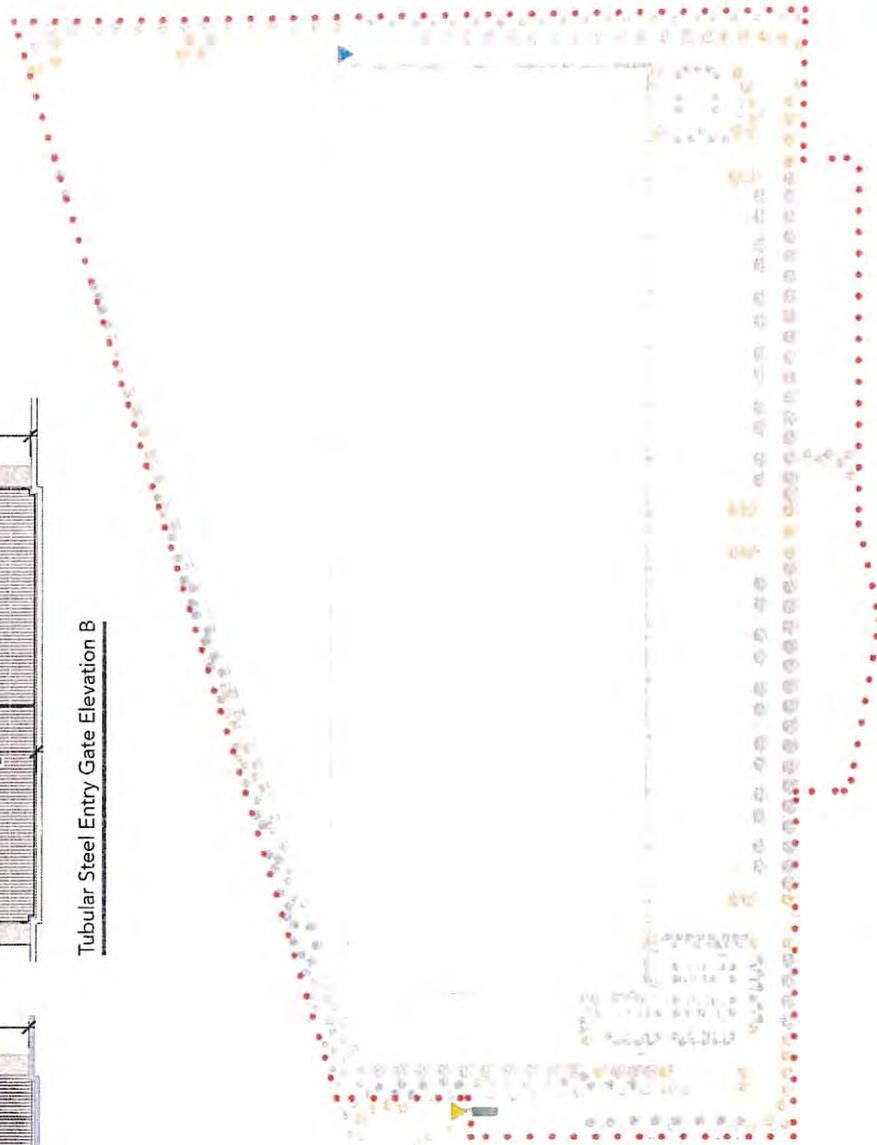


Tubular Steel Entry Gate Elevation B



Tubular Steel Perimeter Fence Elevation C

- Fence and Wall Key**
- • • Tubular Steel Perimeter Fencing
 - 8'-0" High Black
 - See fence elevation C above
 - ▽ Sliding Metal Gates
 - 8'-0" High
 - Electric operated with Knox Pad Lock per Fire Department standards
 - Color to be Black
 - See fence elevation A above
 - Manually Operated Metal Gates
 - 8'-0" High
 - Manually operated with Knox Box with pre-labeled metal panels
 - Contractor to design and detail gates
 - Color to be Black
 - See fence elevation B above
 - ▬ Possible Future Guard House



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OCT 1 2018

By _____

Banning Industrial LP

LAND CONCERN
CONSULTANTS

BANNING DISTRIBUTION FACILITY
BANNING, CA

Conceptual Fencing Plan



November 8, 2017 | 4

TREES



Acacia strongylocha
Shrubbing Acacia



Chilopsis linaris
Desert Willow



Parkinsonia x 'Desert Museum'
Palo Verde



Prosopis species and hybrids
Mesquite



Pinus torreyana
True Green Chinese Elm



Cinnamomum camphora
Camphor Tree



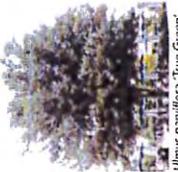
Ericabotrys deflexa
Bronze Locust



Parkinsonia x 'Desert Museum'
Palo Verde



Prosopis species and hybrids
Mesquite

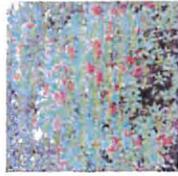


Pinus torreyana
True Green Chinese Elm

SHRUBS



Agave species
Agave



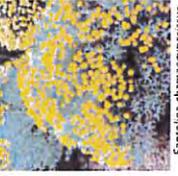
Heteromeles arbustifolia
Toyon



Leucophyllum fr. 'Compacta'
Compact Texas Ranger



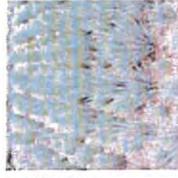
Rhus ovata
Sugar Bush



Santolina chamaecyparissus
Lavender Cotton



Aloe spicatus
Aloe



Junco panicum
California Gray Rush



Mimulus aurantiacus
Nonley Flower



Rosmarinus officinalis species
Rosemary



Westringia fruticosa
Coast Rosemary



Diets bicolor
Fortnight Lily



Knapfordia ovata
Red Hot Poker



Muhlenbergia capillaris
Pink Muhly Grass



Salvia
Sage



Grevillea 'Noelii'
Noel's Grevillea



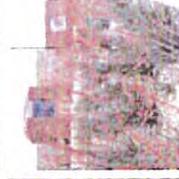
Leonotis leonurus
Lion's Tail



Rhamnus californica
Coffeeberry



Salvia greggii
Autumn Sage



Hesperaloe parviflora
Red Yucca



Leucocoryllum frutescens
Texas Ranger



Rhus integrifolia
Lemonade Berry



Silvia leucophylla
Purple Sage

GROUNDCOVERS



Acacia r. 'Desert Carpet'
Trailing Acacia



Baccharis pilularis 'Twin Peaks'
Dwarf Coyote Bush



Cotoneaster d. 'Lowlist'
Bearberry Cotoneaster



Myoporum parvifolium
No Common Name



Baccharis 'Centennial'
Coyote Bush



Cotoneaster d. 'Coral Beauty'
Coral Beauty Cotoneaster



Lantana species
Lantana



Resmerius o. 'Proserpinus'
Trailing Rosemary



Senecio mandraliscae
Blue Chalk Sticks

Banning Industrial LP



BANNING DISTRIBUTION FACILITY
BANNING, CA

Conceptual Landscape Plan



December 6, 2012 | 1-5



By _____

Attachment 5

Airport Land Use Commission Determination/ FAA Extension



AIRPORT LAND USE COMMISSION RIVERSIDE COUNTY

March 1, 2017



Mr. Brian Guillot, Community Development Director
City of Banning
99 E. Ramsey Street
Banning CA 92220

CHAIR
Simon Housman
Rancho Mirage

VICE CHAIRMAN
Rod Ballance
Riverside

COMMISSIONERS

Arthur Butler
Riverside

John Lyon
Riverside

Glen Holmes
Hemet

Steve Manos
Lake Elsinore

Russell Betts
Desert Hot Springs

STAFF

Director
Ed Cooper

John Guerin
Paul Rull
Barbara Santos

County Administrative Center
4080 Lemon St., 14th Floor
Riverside, CA 92501
(951) 955-5132

www.rcaluc.org

RE: AIRPORT LAND USE COMMISSION (ALUC) DEVELOPMENT REVIEW

File No.: ZAP1023BA16
Related File No.: DR16-7002 (Design Review)
APNs: 532-110-006, 532-130-001, 532-130-002

Dear Mr. Guillot:

On February 9, 2017, the Riverside County Airport Land Use Commission (ALUC) found City of Banning Case No. DR16-7002 (Design Review), a proposal to develop a 1,000,000 square foot industrial distribution warehouse building with 990,000 square feet of warehouse area and 10,000 square feet of office area and detention basins on 63.9 acres located southerly of Interstate 10, easterly of John Street, and northerly of Banning Municipal Airport, **CONDITIONALLY CONSISTENT** with the 2004 Banning Municipal Airport Land Use Compatibility Plan, as amended in 2016, pending Federal Aviation Administration (FAA) review, which has now been completed, subject to the following conditions, as amended to incorporate the provisions of the FAA's Determination of No Hazard to Air Navigation letter issued on February 27, 2017 (new conditions, as added pursuant to FAA letter subsequent to hearing, shown in **bold type**).

CONDITIONS:

1. Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
2. The following uses shall be prohibited:
 - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within

AIRPORT LAND USE COMMISSION

the area. (Such uses include landscaping utilizing water features, aquaculture, production of cereal grains, sunflower, and row crops, artificial marshes, wastewater management facilities, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, and incinerators.)

- (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
3. Prior to issuance of a building permit, the property owner shall convey an avigation easement to Banning Municipal Airport. Copies of the recorded avigation easement shall be forwarded to the Airport Land Use Commission and to the City of Banning.
4. The attached notice shall be provided to all potential purchasers and tenants of the property.
5. The proposed detention basins on the site (including water quality management basins) shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the detention basins that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature. Landscaping in and around the detention basin(s) shall not include trees that produce seeds, fruits, or berries.
6. The ALUC eligible open area shall be kept obstacle and obstruction free per ALUC open area definition.
7. This project has been evaluated as a proposal for 990,000 square feet of industrial distribution warehouse area and 10,000 square feet of office area. Any increase in total building area, increase in office area, or relocation of the building into either Zone B1, Zone B2, or both will require review by the Airport Land Use Commission. In addition, this project shall not store, process or manufacture hazardous materials in the Zone B1 and B2 areas of the project site without review and approval by the Airport Land Use Commission.

The following conditions have been added subsequent to the ALUC hearing pursuant to the terms of the FAA Obstruction Evaluation Service letter issued on February 27, 2017 for Aeronautical Study No. 2017-AWP-376-OE.

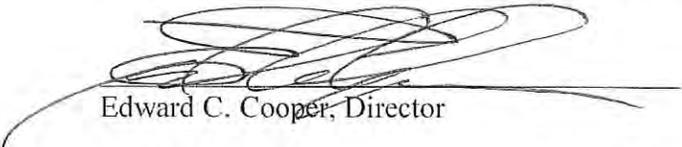
8. **The Federal Aviation Administration has conducted an aeronautical study of the proposed project (Aeronautical Study No. 2017-AWP-376-OE) and has determined that neither marking nor lighting of the structure(s) is necessary for aviation safety. However, if marking and/or lighting for aviation safety are accomplished on a voluntary basis, such marking and/or lighting (if any) shall be installed in accordance with FAA Advisory Circular 70/7460-1 L Change 1 and shall be maintained in accordance therewith for the life of the project.**

AIRPORT LAND USE COMMISSION

9. The proposed structure(s) shall not exceed a height of 47 feet above ground level and a maximum elevation at top point (including all roof-mounted equipment, if any) of 2,208 feet above mean sea level.
10. The maximum height and top point elevation specified above shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in structure height or elevation shall not require further review by the Airport Land Use Commission.
11. Temporary construction equipment used during actual construction of the structure(s) shall not exceed 47 feet in height and a maximum elevation of 2,208 feet above mean sea level, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.
12. Within five (5) days after construction reaches its greatest height, FAA Form 7460-2 (Part II), Notice of Actual Construction or Alteration, shall be completed by the project proponent or his/her designee and e-filed with the Federal Aviation Administration. (Go to <https://ocaaa.faa.gov> for instructions.) This requirement is also applicable in the event the project is abandoned or a decision is made not to construct the structure(s).

If you have any questions, please contact Paul Rull, ALUC Urban Regional Planner IV, at (951) 955-6893, or John Guerin, ALUC Principal Planner, at (951) 955-0982.

Sincerely,
RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION



Edward C. Cooper, Director

Attachment: Notice of Airport in Vicinity
Aeronautical Study No. 2017-AWP-376-OE

cc: William Patton, Banning Industrial, LP (applicant/property owner)
William Messenger Jr. (representative)
Nicole Torstvet, Albert Webb and Associates
Carl Szoyka, Airport Manager, City of Banning
ALUC Case File

Y:\AIRPORT CASE FILES\Banning\ZAP1023BA16\ZAP1023BA16LTR.doc

NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances [can vary from person to person. You may wish to consider what airport annoyances], if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you. Business & Professions Code Section 11010 (b)

(13)(A)



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2017-AWP-376-OE

Issued Date: 02/27/2017

William Patton
 Banning Industrial, LP
 17842 Mitchell N., Ste 100
 Irvine, CA 92614

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building Banning Industrial
 Location: Banning, CA
 Latitude: 33-55-29.05N NAD 83
 Longitude: 116-50-52.11W
 Heights: 2161 feet site elevation (SE)
 47 feet above ground level (AGL)
 2208 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 1.

This determination expires on 08/27/2018 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (310) 725-6558. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2017-AWP-376-OE.

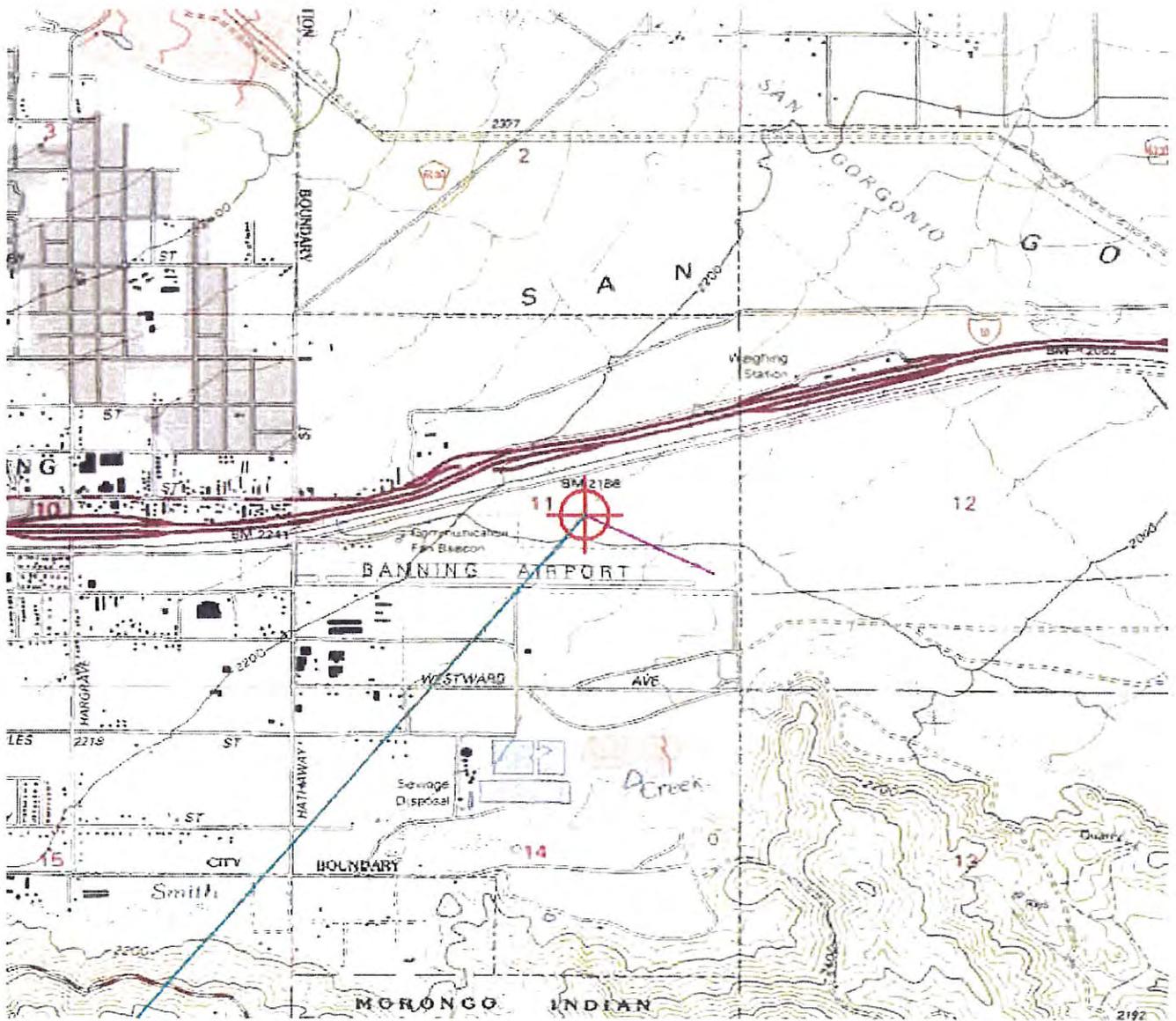
Signature Control No: 314952255-323264589

(DNE)

LaDonna James
Technician

Attachment(s)
Map(s)

Verified Map for ASN 2017-AWP-376-OE



Legend

Compatibility Zones

- Airport Influence Area Boundary
- Zone A
- Zone B1
- Zone B2
- Zone C
- Zone D
- Zone E
- Height Review Overlay Zone

Boundary Lines

- Airport Property Line
- City Limits
- Morongo Indian Reservation

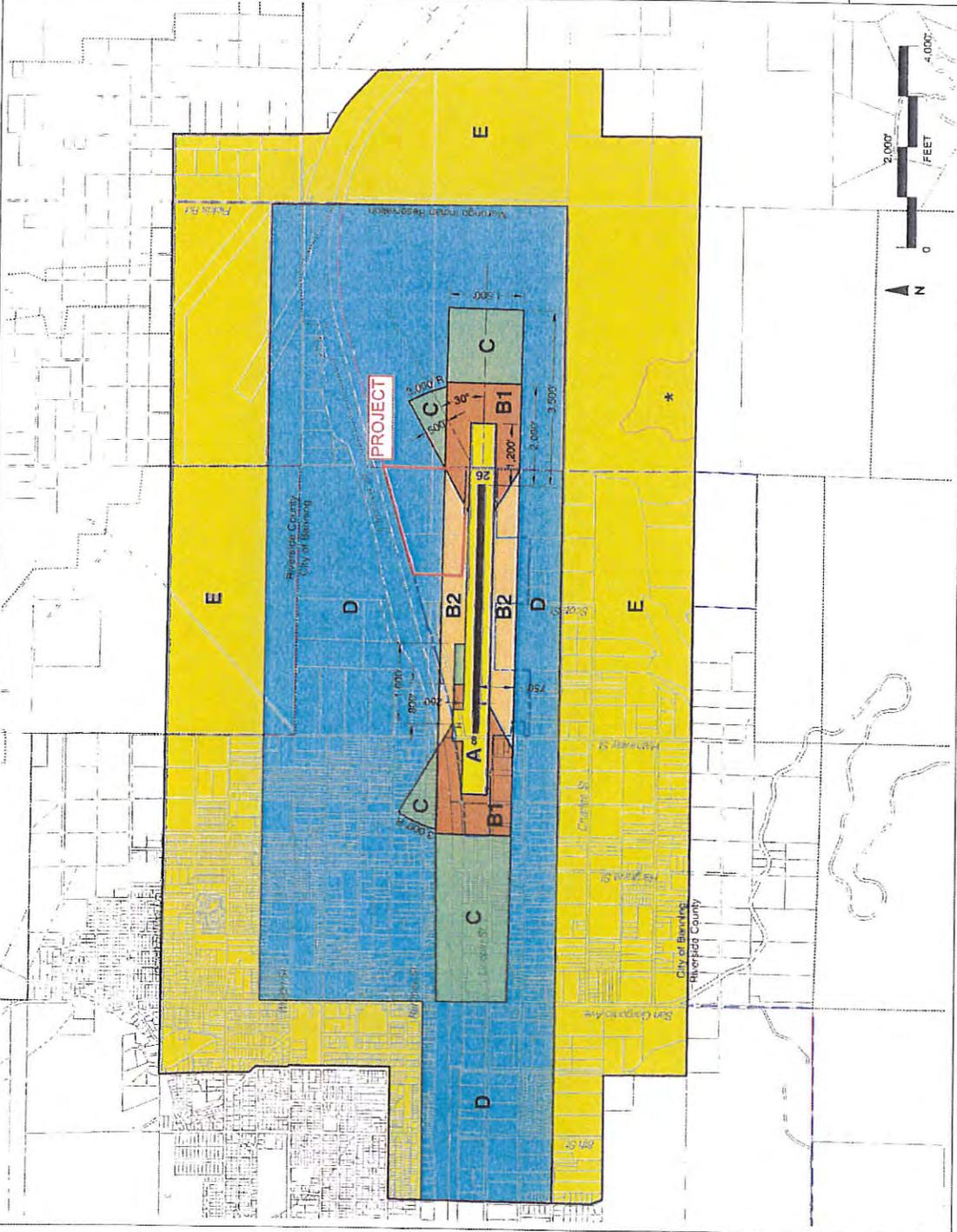
Note

Dimensions measured from runway ends and centerlines.

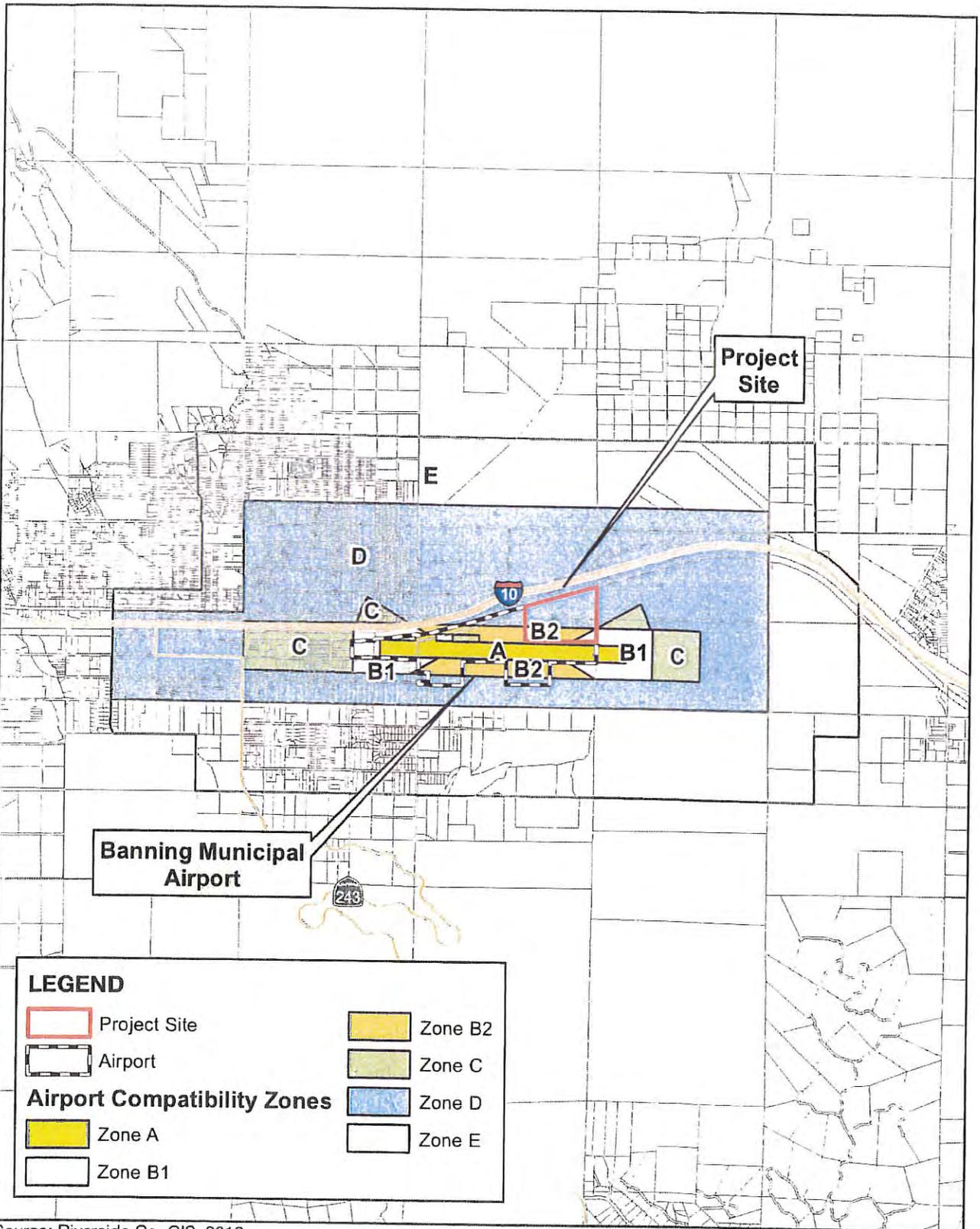
See Chapter 2, Table 24, for compatibility criteria associated with this map.

Riverside County
 Airport Land Use Commission
 Riverside County
 Airport Land Use Compatibility Plan
 Policy Document
 (Adopted October 2004)

Map BN-1
Compatibility Map
 Banning Municipal Airport



G:\2015\15-0233\GIS\ALUC.mxd



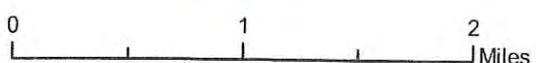
LEGEND

-  Project Site
-  Airport
- Airport Compatibility Zones**
-  Zone A
-  Zone B1
-  Zone B2
-  Zone C
-  Zone D
-  Zone E

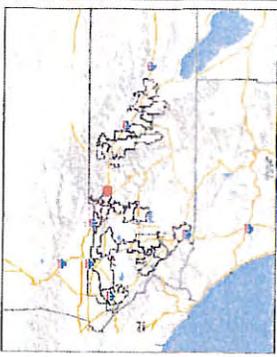
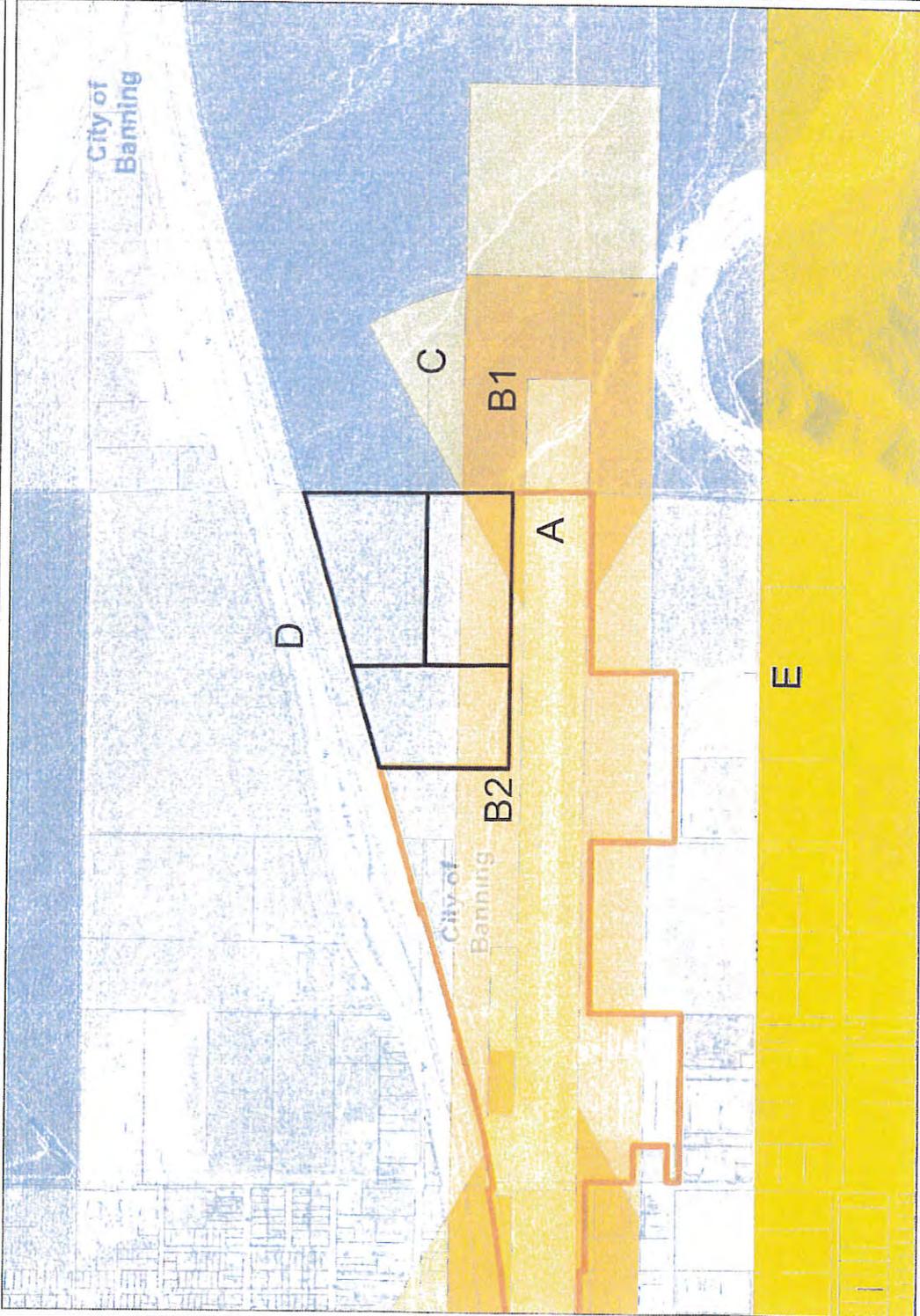
Source: Riverside Co. GIS, 2016.

Project Site Relationship to Airports and Land Use Compatibility Zones

Banning Distribution Center



My Map



Legend

- Display Parcels
- Airports
- AIA

Airport Compatibility

- OTHER ZONE
- A
- A-EXC1
- B1
- B1-APZ I
- B1-APZ I-EXC1
- B1-APZ II
- B1-APZ II-EXC1
- B1-EXC1
- B2
- B2-EXC1
- C
- C1
- C1-EXC1
- C1-EXC3
- C1-EXC4
- C1-HIGHT
- C2
- C2-EXC1
- C2-EXC2
- C2-EXC3
- C2-EXC5
- C2-EXC6

Notes

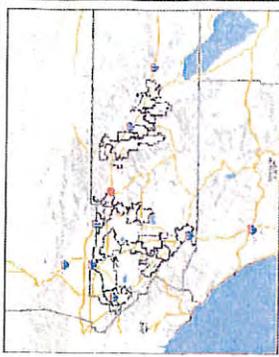
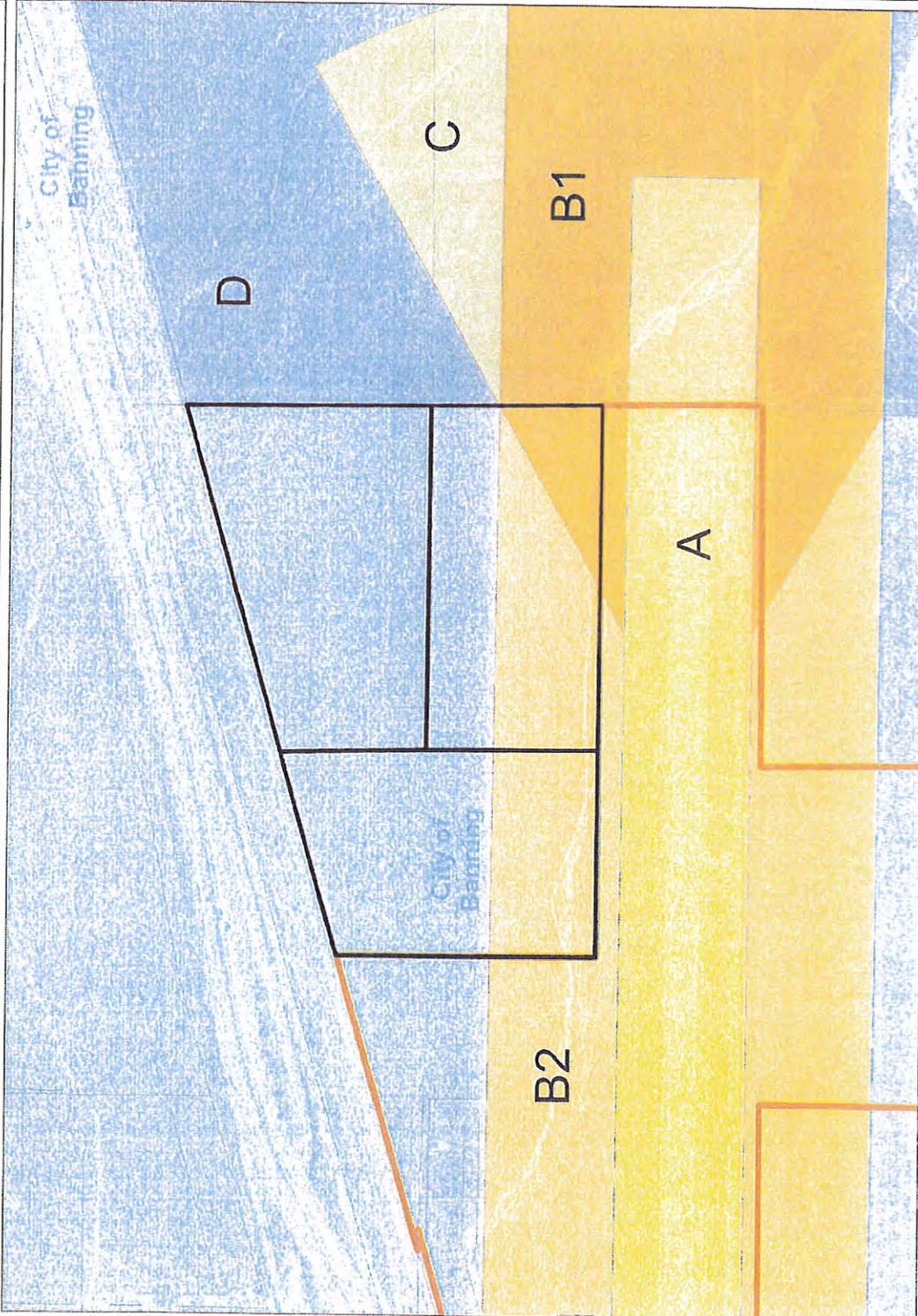
"IMPORTANT" Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.



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© Riverside County RCIT GIS

My Map



Legend

- Display Parcels
 - Airports
 - AIA
- Airport Compatibility**
- OTHER ZONE
 - A
 - A-EXC1
 - B1
 - B1-APZ I
 - B1-APZ I-EXC1
 - B1-APZ II
 - B1-APZ II-EXC1
 - B1-EXC1
 - B2
 - B2-EXC1
 - C
 - C1
 - C1-EXC1
 - C1-EXC3
 - C1-EXC4
 - C1-HIGHT
 - C2
 - C2-EXC1
 - C2-EXC2
 - C2-EXC3
 - C2-EXC5
 - C2-EXC6

Notes

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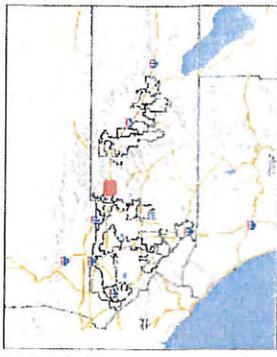
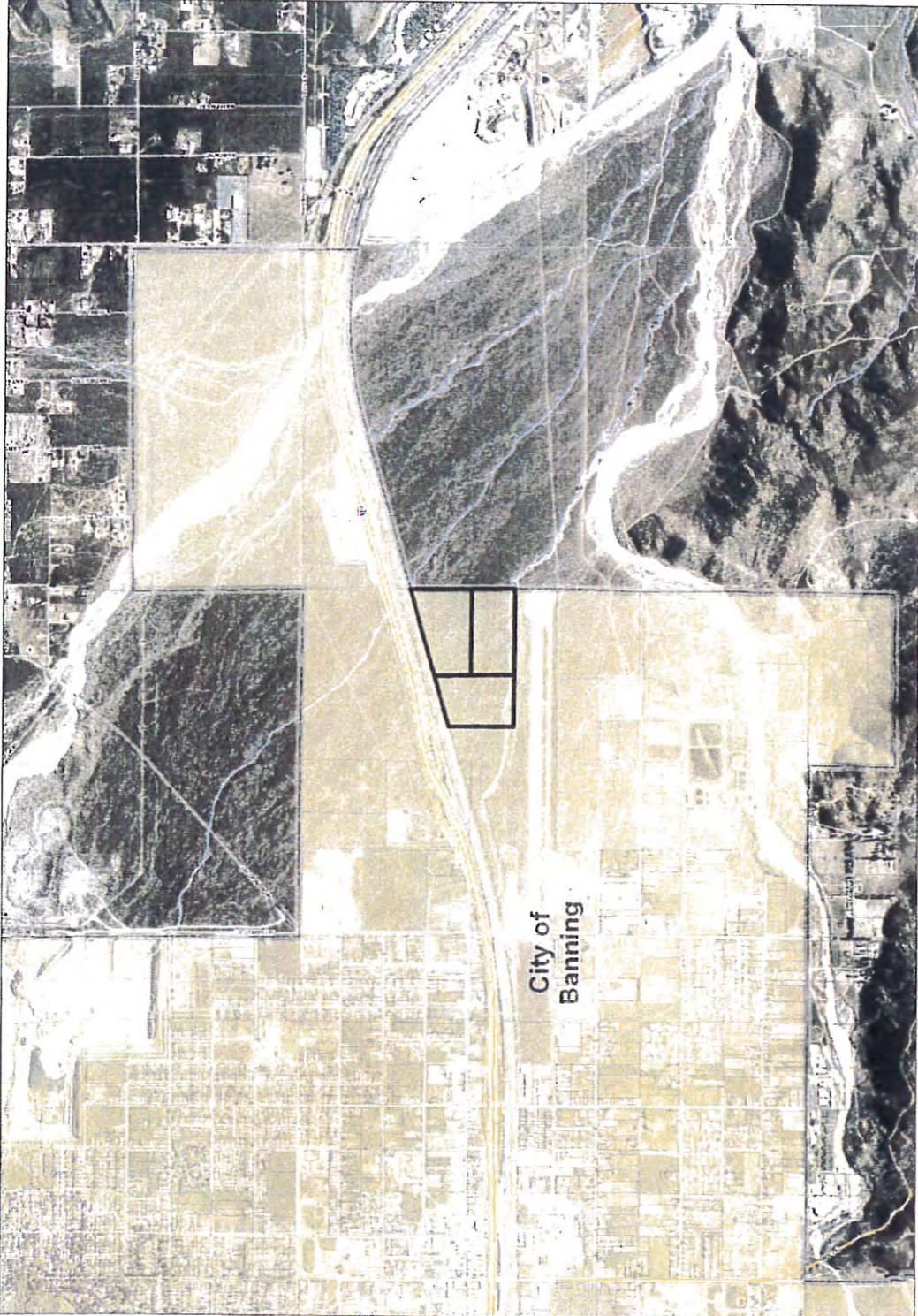
© Riverside County RCIT GIS



0 725 1,450 Feet



My Map



- Legend**
- City Boundaries
 - Cities
 - roads
 - highways
 - HWY
 - INTERCHANGE
 - INTERSTATE
 - OFFRAMP
 - ONRAMP
 - USHWY
 - roads
 - Major Roads
 - Arterial
 - Collector
 - Residential
 - counties
 - cities
 - hydrographylines
 - waterbodies
 - Lakes
 - Rivers

Notes

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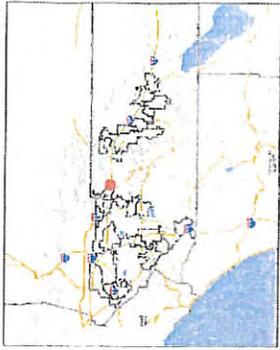
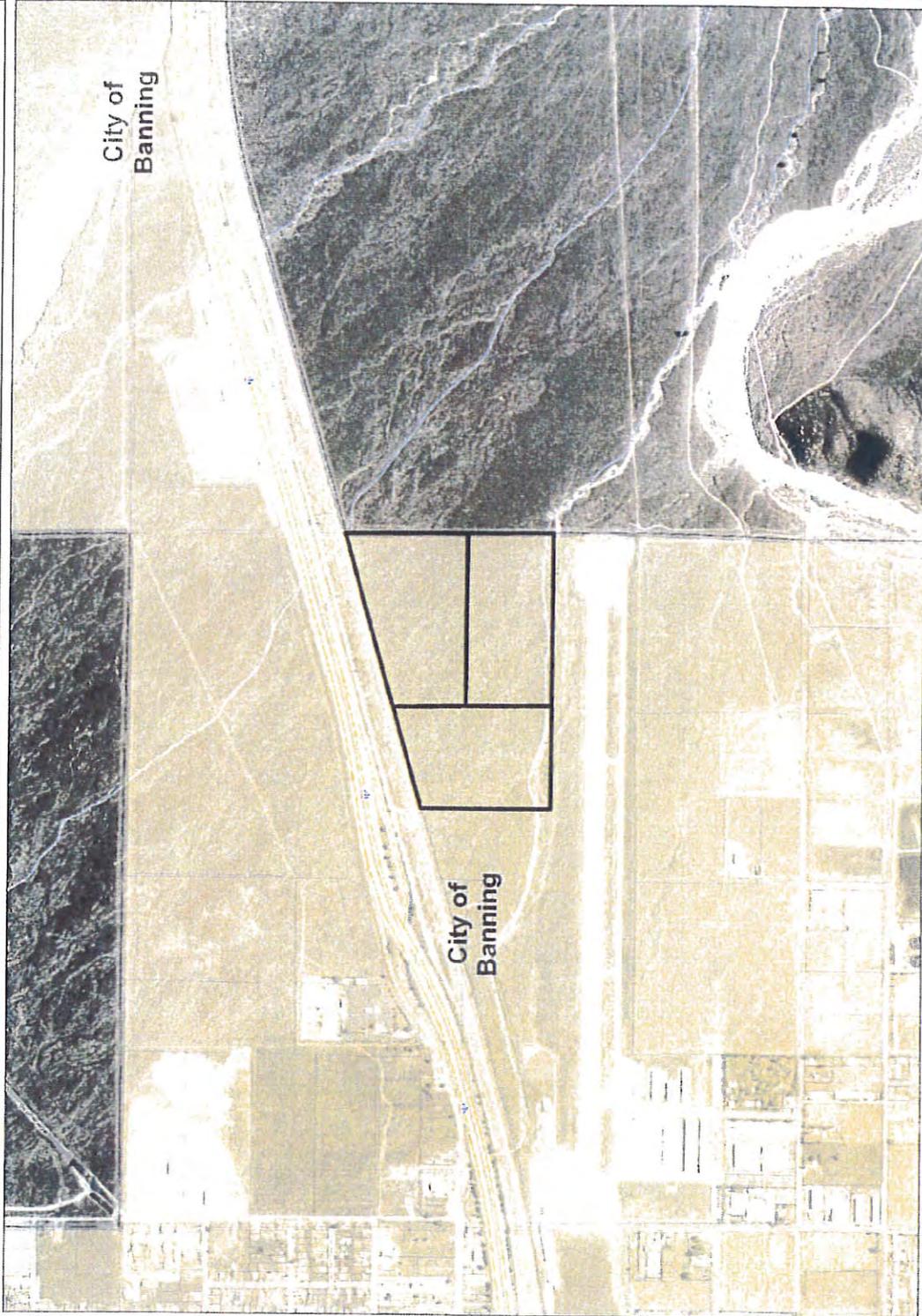


5,801 Feet

2,900

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My Map



Legend

- Display Parcels
- City Boundaries
- Cities
- roads
- highways
- HWY
- INTERCHANGE
- INTERSTATE
- OFFRAMP
- ONRAMP
- USHWY
- counties
- cities
- hydrographylines
- waterbodies
- Lakes
- Rivers

Notes

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© Riverside County RCIT GIS

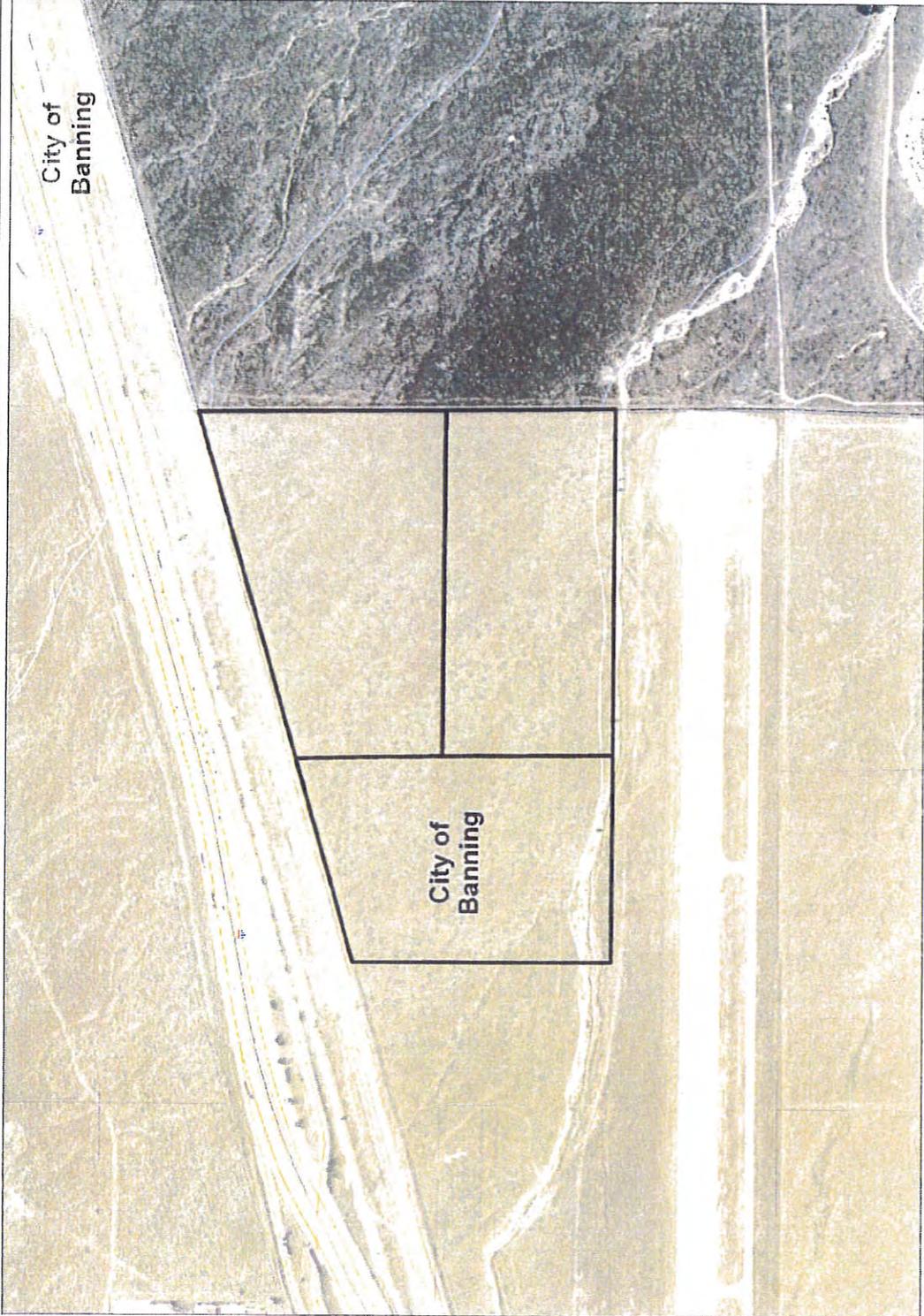


0 1,450 2,900 Feet



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My Map



City of Banning

City of Banning



- Legend**
- Display Parcels
 - City Boundaries
 - Cities**
 - roads
 - highways
 - HWY
 - INTERCHANGE
 - INTERSTATE
 - OFFRAMP
 - ONRAMP
 - USHWY
 - counties
 - cities
 - hydrographylines
 - waterbodies
 - Lakes
 - Rivers

Notes

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0 725 1,450 Feet



BPA ARCHITECTURE
 1801 BATTERY AVENUE, SUITE 400
 SAN FRANCISCO, CALIFORNIA 94102
 TEL: 415.774.1100
 FAX: 415.774.1101
 WWW: WWW.BPAARCHITECTURE.COM

OWNER

PACIFIC NEWPORT PROPERTIES
 1740 BROADWAY, SUITE 100
 SAN FRANCISCO, CALIFORNIA 94133

Project
Banning Distribution Center

SAN FRANCISCO, CA

Consultants:

CIVIL
 ELECTRICAL
 MECHANICAL
 PLUMBING
 ELECTRICAL
 MECHANICAL
 SANITARY
 STRUCTURAL
 ARCHITECT

1:16

Overall Site

Project Number: 1372
 Owner: AAK
 Date: 08/20/16
 Revision:

Sheet
A1.1

SITE PLAN KEYNOTES

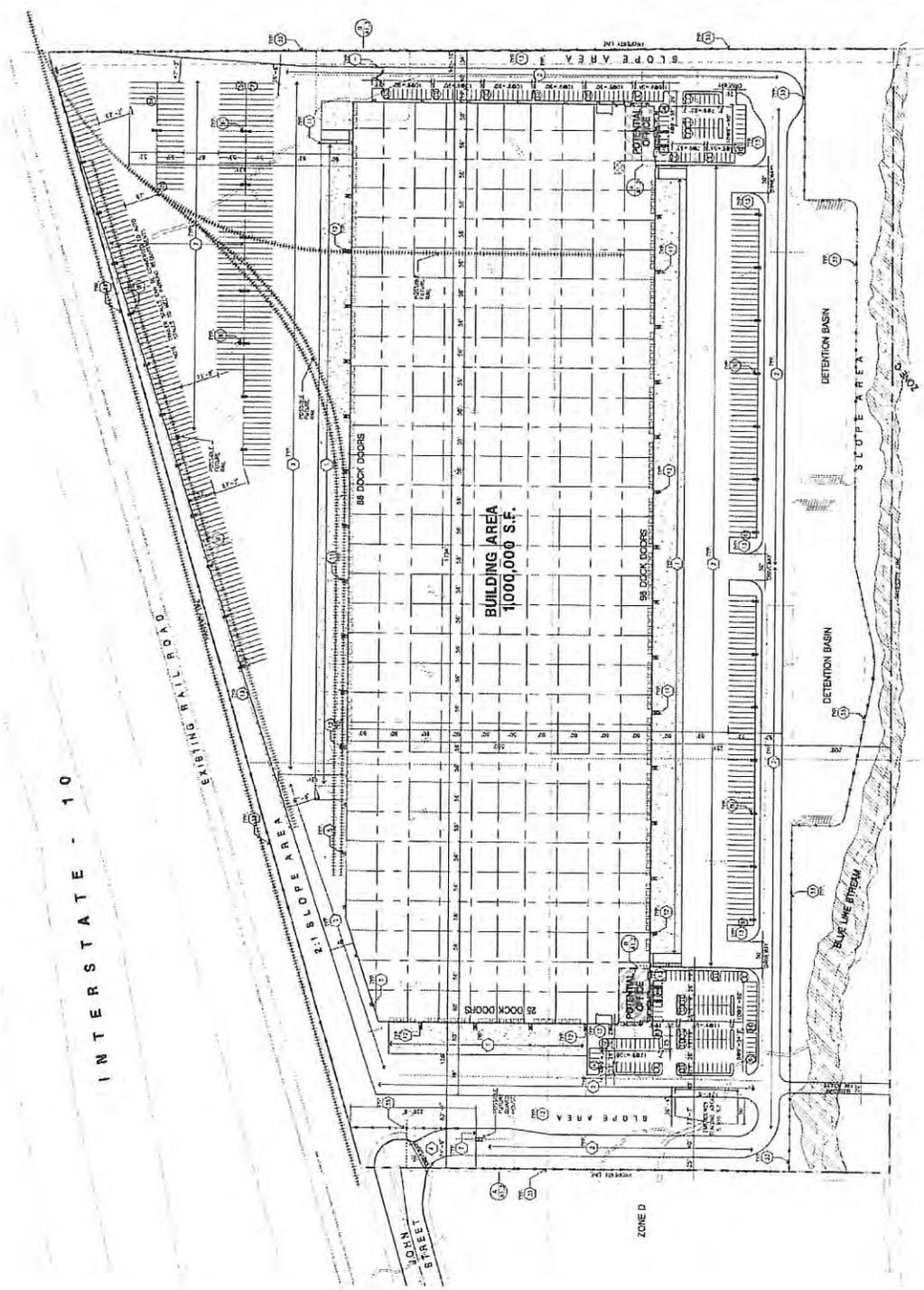
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SITE PLAN GENERAL NOTES

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SITE LEGEND

- 1. UNIMPAVED AREA
- 2. EXISTING PAVEMENT
- 3. EXISTING SIDEWALK
- 4. EXISTING DRIVE
- 5. EXISTING DRIVE
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OVERALL SITE PLAN - 10

Owner

PACIFICPORT PROPERTIES
1700 CALIFORNIA BLVD. W.
VAN CLUETT
VAN CLUETT

Project
Banning Distribution Center

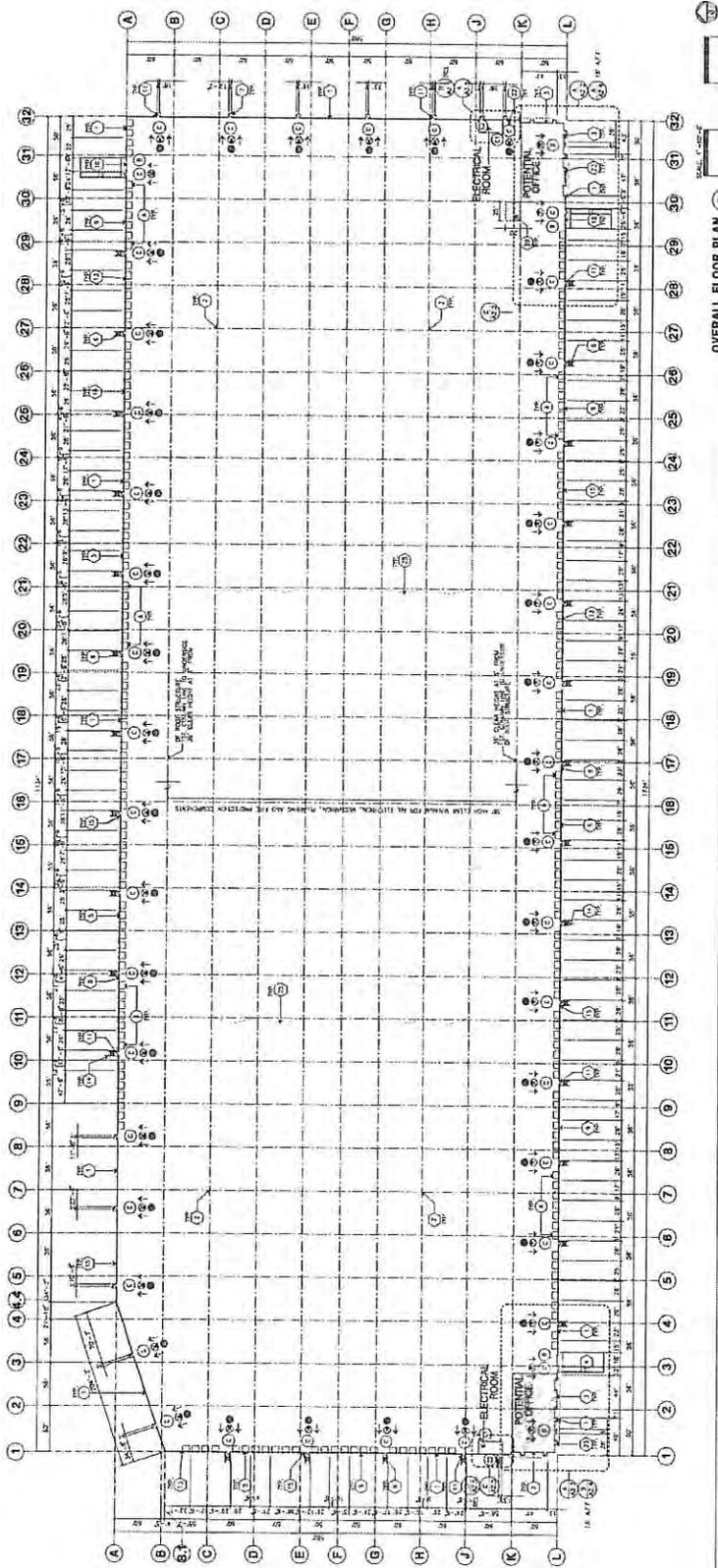
BAVINGA, CA

Consultants:

CIVIL
MECHANICAL
PLUMBING
ELECTRICAL
STRUCTURAL
FOUNDATION
MECHANICAL
ELECTRICAL
PLUMBING

Project Number: 1572
Drawn by: AA
Checked by: BMB/ST
Date: 11/11/11

Sheet
A2.1



OVERALL FLOOR PLAN (A)

WALL LEGEND - ALL FLOOR PLANS

1. CONCRETE TIE-UP WALL, SEE "T" DRAWING FOR WALL CONNECTIONS.
2. CONCRETE TIE-UP WALL, SEE "T" DRAWING FOR WALL CONNECTIONS.
3. CONCRETE TIE-UP WALL, SEE "T" DRAWING FOR WALL CONNECTIONS.
4. CONCRETE TIE-UP WALL, SEE "T" DRAWING FOR WALL CONNECTIONS.

FLOOR SLAB AND POUR STRIPS REQ.

1. FLOOR SLAB REQ. SEE "S" DRAWING FOR DETAIL CONNECTIONS.
2. FLOOR SLAB REQ. SEE "S" DRAWING FOR DETAIL CONNECTIONS.
3. FLOOR SLAB REQ. SEE "S" DRAWING FOR DETAIL CONNECTIONS.
4. FLOOR SLAB REQ. SEE "S" DRAWING FOR DETAIL CONNECTIONS.

GENERAL NOTES - FLOOR PLAN

1. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES.
2. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES.
3. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES.
4. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES.

KEYNOTES - FLOOR PLAN

1. CONCRETE TIE-UP WALL, SEE "T" DRAWING FOR WALL CONNECTIONS.
2. CONCRETE TIE-UP WALL, SEE "T" DRAWING FOR WALL CONNECTIONS.
3. CONCRETE TIE-UP WALL, SEE "T" DRAWING FOR WALL CONNECTIONS.
4. CONCRETE TIE-UP WALL, SEE "T" DRAWING FOR WALL CONNECTIONS.

DISABLED ACCESS NOTES

1. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES.
2. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES.
3. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES.
4. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES.

PAINT NOTES

1. INTERIOR CONCRETE WALLS SHALL BE PAINTED WITH INTERIOR CONCRETE PAINT.
2. INTERIOR CONCRETE WALLS SHALL BE PAINTED WITH INTERIOR CONCRETE PAINT.
3. INTERIOR CONCRETE WALLS SHALL BE PAINTED WITH INTERIOR CONCRETE PAINT.

NOTE: REQUIRED EXIT

NOTE: PROVIDE SIGNAGE NOT ACCESSIBLE



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2017-AWP-376-OE

Issued Date: 08/10/2018

William Patton
Banning Industrial, LP
17842 Mitchell N., Ste 100
Irvine, CA 92614

**** Extension ****

A Determination was issued by the Federal Aviation Administration (FAA) concerning:

Structure:	Building Banning Industrial
Location:	Banning, CA
Latitude:	33-55-29.05N NAD 83
Longitude:	116-50-52.11W
Heights:	2161 feet site elevation (SE) 47 feet above ground level (AGL) 2208 feet above mean sea level (AMSL)

In response to your request for an extension of the effective period of the determination, the FAA has reviewed the aeronautical study in light of current aeronautical operations in the area of the structure and finds that no significant aeronautical changes have occurred which would alter the determination issued for this structure.

Accordingly, pursuant to the authority delegated to me, the effective period of the determination issued under the above cited aeronautical study number is hereby extended and will expire on 02/10/2020 unless otherwise extended, revised, or terminated by this office. You must adhere to all conditions identified in the original determination.

This extension issued in accordance with 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerns the effect of the structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (310) 725-6557, or karen.mcdonald@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2017-AWP-376-OE.

Signature Control No: 314952255-372526105
Karen McDonald
Specialist

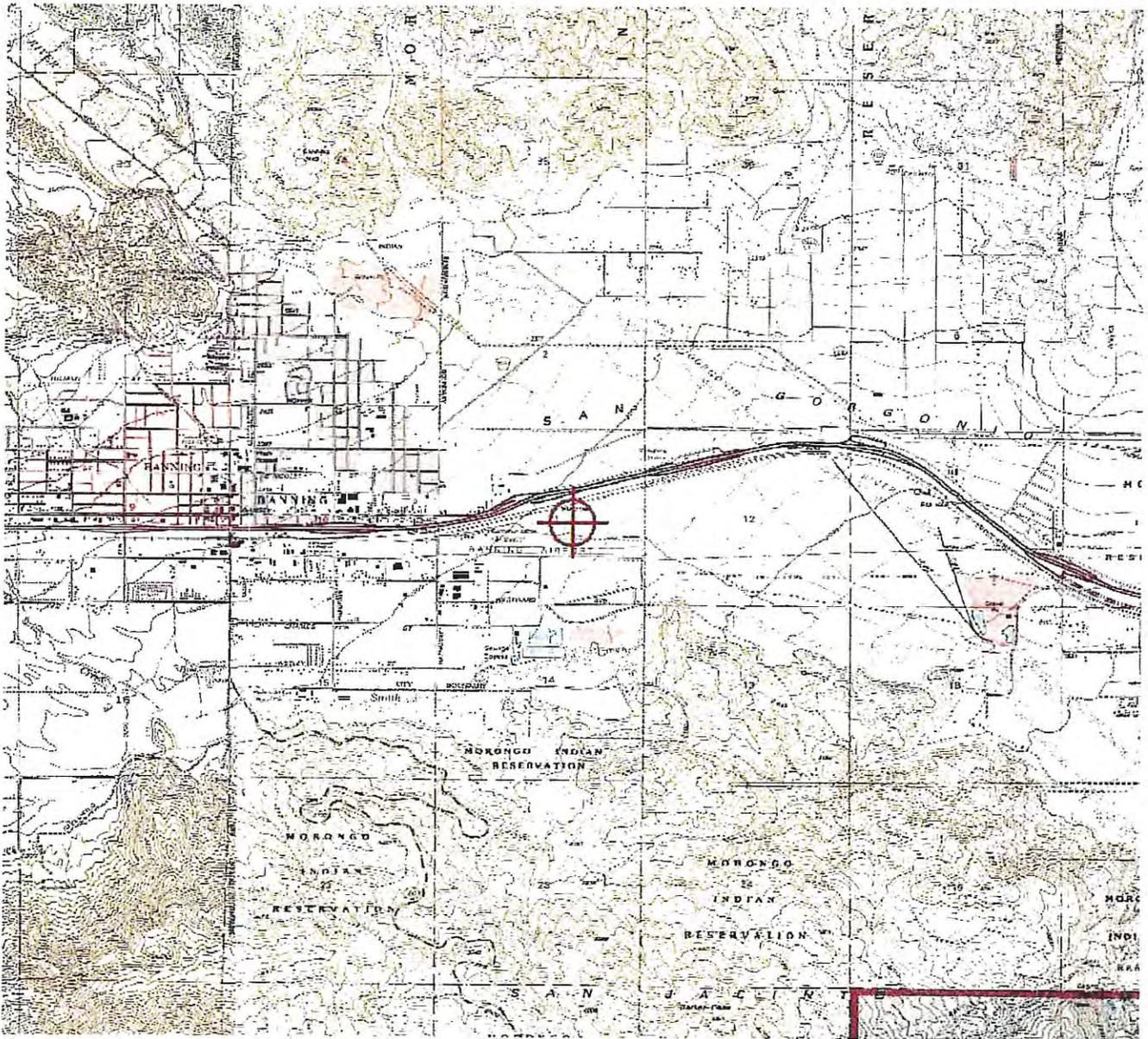
(EXT)

Attachment(s)
Additional Information
Map(s)

Additional information for ASN 2017-AWP-376-OE

ALL REQUIREMENTS AND CONDITIONS ON ORIGINAL AIRSPACE DETERMINATION REMAIN IN EFFECT.

TOPO Map for ASN 2017-AWP-376-OE



Attachment 6

Draft Environmental Impact Report

<https://ci.banning.ca.us/Archive.aspx?ADID=1867> – DEIR

<https://ci.banning.ca.us/Archive.aspx?ADID=1868> -

Appendices

Final Environment Impact Report / Mitigated Monitoring
Program

<https://ci.banning.ca.us/Archive.aspx?AMID=78>

Statement of Overriding Consideration

<https://ci.banning.ca.us/Archive.aspx?ADID=1963>

Attachment 7

Public Hearing Notice



City of Banning
P.O. Box 998
Banning, California 92220
Fax (951) 922-3128
Community Development Department:
(951) 922-3125

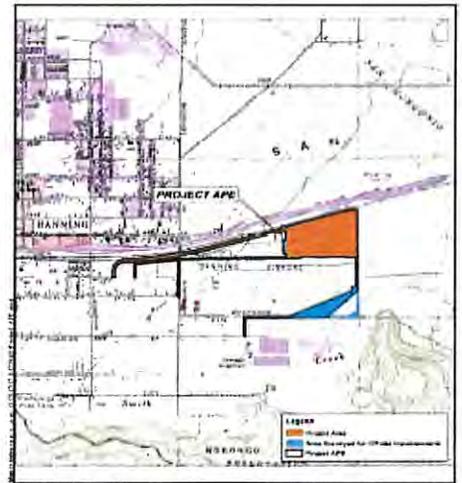
NOTICE OF PUBLIC HEARING

Environmental Impact Report (State Clearinghouse # 2018011032), General Plan Amendment No. 17-2501, Zone Change No. 17-3501, and Design Review No. 16-7002

NOTICE IS HEREBY GIVEN that the City of Banning (City), as a Lead Agency under the California Environmental Quality Act (CEQA), will hold a Public Hearing before the City Council at the date, time, and location listed below for consideration of the Project described below. The Environmental Impact Report (EIR) for the project has been prepared pursuant to CEQA and the CEQA Guidelines. Copies of available materials may be reviewed or obtained from the City's office at the address below. Any person may appear at the public hearing in person or by agent and be heard.

City Council Hearing Date - Tuesday, December 11, 2018
Hearing Time - 5:00 p.m. (or soon thereafter)
Hearing Location - City of Banning Council Chambers
99 E. Ramsey Street, Banning, CA 92220

Project Location: The Banning Distribution Center project is located in the southeastern portion of the City on approximately 63.9 acres. Affected parcels include Assessor Parcel Numbers (APNs) 532-110-006, 532-130-001 and 532-130-002. The Project site is located north of the Banning Municipal Airport, and south of Interstate 10 (I-10) freeway and the Union Pacific Railroad line the City of Banning, California.



Project Description: The Project proposes construction and operation of approximately 1 million square feet (SF) of high-cube, non-refrigerated, warehouse building, which includes approximately 10,000 SF of office space. The warehouse building will be constructed as a "spec" building with no specific tenant identified at this time. The building includes 88 dock doors on the northern side, 25 dock doors on the western side and 96 dock doors on the southern side. The proposed Project will also provide 174 automobile parking spaces, 8 American Disabilities Act-compliant (ADA) parking spaces, and 321 truck trailer parking spaces. Approximately 660,860 square feet of landscaping covering approximately 24 percent of the Project site is proposed. The proposed Project includes a paved 5,688 linear foot extension of John Street (60 ft. R/W; 44 ft. paved section) from the Project's west property line to Lincoln Street. The Project also includes a 3,871

linear foot gravel emergency access roadway, 30 feet in width, at the southwestern corner of the property which will incorporate a low-water crossing through the Ramsey Street Wash onto Banning Airport property. The Project also includes the construction of the intersection of Lincoln Street and John Street. Primary access for vehicles and trucks is proposed via a 50 ft. wide foot wide driveway to be located at the end of John Street, and an interior driveway (minimum 40 ft. in width) that encircles the proposed warehouse. The Project will connect to existing potable water and sewer infrastructure on East Westward Avenue.

The proposed Project requires the following discretionary actions by the City of Banning: (1) Certification of the FEIR with the determination that the FEIR has been prepared in compliance with the requirements of CEQA, including adoption of Findings of Fact and a Statement of Overriding Considerations; (2) approval of General Plan Amendment; (3) approval of Zone Change; and (4) Design Review Approval of the Project Site Plan. On November 7, 2018, the City Planning Commission adopted Resolution No. 2018-19 by a 5-0-0 vote, recommending that the City Council approve General Plan Amendment No. 17-2501, Zone Change No. 17-3501, and Design Review No. 2016-7002.

Environmental Impact Report (EIR) Certification: A Draft Environmental Impact Report (DEIR) was made available for public review and comment pursuant to the provisions of CEQA. The purpose of the DEIR was to identify and describe potential environmental impacts that could result from the Project. The 45-day public review period for the DEIR began on June 26, 2018, and ended on August 9, 2018. The City also held a public scoping meeting on February 6, 2018, to discuss the project, answer questions pertaining to the analyses presented in the DEIR, and receive public comments on the document. The Final Environmental Impact Report (FEIR) proposes text revisions to the DEIR and responses to comments submitted on the DEIR. On November 7, 2018, the City Planning Commission Resolution No. 2018-19 by a 5-0-0 vote, recommending that the City Council certify the FEIR, adopt of a Statement of Overriding Considerations and CEQA Findings of Fact, and adopt a Mitigation Monitoring and Reporting Program for the Banning Distribution Center project.

A copy of the Specific Plan proposal along with the Environmental Impact Report is available at the City of Banning City Clerk's office, 99 E. Ramsey Street, Banning, CA 92220, as well as at the City Community Development Department's 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 INTERIM COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA.

Maryann Marks
Interim Community Development Director

Dated: November 27, 2018
Date Published: November 30, 2018

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**CITY OF BANNING
PUBLIC HEARING**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Maryann Marks, Interim Community Development Director
Sonia Pierce, Senior Planner

MEETING DATE: December 11, 2018

SUBJECT: TENTATIVE TRACT MAP NO. 33540 (ARROWHEAD ESTATES) AND DESIGN REVIEW 18-7003, THE PROPOSED MODIFICATION AND PHASING OF PREVIOUSLY APPROVED TENTATIVE TRACT MAP NO. 33540 AND DESIGN REVIEW NO. 18-7003. THE CITY PREVIOUSLY APPROVED TENTATIVE TRACT MAP NO. 33540, SUBDIVISION OF 65 ACRES INTO 172 RESIDENTIAL LOTS, 3 OPEN SPACE LOTS, 1 FLOOD CONTROL BASIN AND 10 LETTERED LOTS FOR STREETS. THE PROPOSED MODIFICATION IS TO REDUCE THE LOTS TO 143 RESIDENTIAL LOTS, 3 OPEN SPACE LOTS, 3 PRIVATE PARK LOTS, 2 FLOOD CONTROL LOTS AND 9 LETTERED LOTS FOR STREETS IN THE LOW DENSITY RESIDENTIAL (LDR) DISTRICT. THE PROPERTY IS LOCATED NORTH OF GILMAN STREET AND WEST OF WYTE WAY WITHIN APNS 535-070-014, 535-110-002, -006, -011, -012; 535-311-006 THROUGH 023; AND 535-312-001 THROUGH 024.

RECOMMENDED ACTION:

Staff recommends that the City Council:

1. Adopt Resolution 2018-149, finding that in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15162, *Subsequent EIRs and Negative Declarations*, a subsequent environmental document is not required under CEQA; and

2. Approve the modifications and phasing of Tentative Tract Map No. 33540 and approve Design Review 18-7003, subject to the Conditions of Approval.

PROJECT / APPLICANT INFORMATION:

Project Applicant: Drew Wilson
Civil Design and Drafting, Inc
885 Patriot Dr. Unit C
Moorpark, CA 93021

Property Owner: Vintage Stone Eagle, LLC
7 Upper Newport Plaza, Suite 250.
Newport Beach, CA 92660

Project Location: North side of Gilman Street, west of 8th Street

APN Information: 535-070-014; 535-110-002, -006, -011, -012; 535-311-006 THROUGH -023, 029; 535-312-001 THROUGH -024; 543-150-007 THROUGH 019

BACKGROUND:

Tentative Tract Map 33450 was originally approved by the City Council on September 26, 2006, by Resolution No. 2006-58 (MND) and 2006-59 (Lot Split 05-4501) for the subdivision of 65 acres into 172 single family residential lots, 3 open space and 1 flood control basin and 10 lettered lots for streets in the Low Density Residential district. Over the years the applicant has been granted time extensions while in the process of working out solutions that would provide for larger open space areas for preservation of historic areas. The applicant has reached a compromise with the interested parties and is now ready to move forward with the development.

The original approval provided the applicant two (2) years in which to record the map (until September 26, 2008).

On June 10, 2008 a one-year discretionary extension of time was approved by City Council by adoption of Resolution No. 2008-59 extending the tentative map expiration date to September 26, 2009.

Actions by the State Legislature, specifically SB1185, AB333, AB208, and AB116, extended Tentative Tract Map 33540 to September 26, 2016. The State of California has not provided any additional automatic extensions at this time.

On June 28, 2016, a discretionary extension of time was approved by City Council by adoption of Resolution No. 2016-50 extending the tentative map expiration date to September 26, 2021.

COMMISSION RECOMMENDATION:

On November 7, 2018, the City Planning Commission adopted Resolution 2018-14 by a 4-0-1- vote, recommending that the City Council approve the modification and phasing of Tentative Tract Map 33540 and approve Design Review No. 2018-7003 for the Arrowhead Estates Project.

JUSTIFICATION:

The applicant is requesting approval of a proposed modification and phasing to the previously approved Tentative Tract Map 33540 and Design Review (DR 18-7003) for 143 single family residential homes in the Low Density Residential Land Use District. The applicant has been working with interested parties for several years to provide an acceptable resolution to issues that needed to be addressed on specific areas of the property. The proposed development included the potential to necessitate the preservation of historical lands. All parties concerned have come to an agreement resulting in the proposed modifications to the project.

During Planning Commission consideration, the Commission expressed approval of the project and the project's design including the landscaping and elevations presented. Planning Commission recommended the City Council approve the modifications to the Tentative Tract Map 33540 and the Design Review of the Arrowhead Estates Project.

REQUEST:

The applicant is requesting approval of modification and phasing (7 phases) of a previously approved Tentative Tract Map design and conditions of approval as outlined and project design review. The conditions of approval reflect changes stemming from the reduction of the previously approved number of residential lots from 172 single family lots, 3 open space lots, 1 flood control basin and 10 lettered lots for streets to 143 residential lots, 3 open space lots, 3 private park lots, 2 flood control lots and 9 lettered lots for streets in the Low Density Residential (LDR) District. The project is on approximately 65 acres located north of Gilman Street and west of Wyte. In addition, the request is to modify the Final Conditions of Approval for consistency with the proposed modifications and modified map reflecting the modifications. The previously approved map and modified map are included below. Project Plans are Attachment 3.

Section A.

Condition #4 – A parcel is to be dedicated to the Morongo Band.

Section C.

Condition #8 – The power transformers will be aboveground.

Section G.

Condition #18 – Revision of the lot number to match the new TTM lot numbering

Condition #19 – Revision of the lot number to match the new TTM lot numbering

Condition #22 – Revision of the lot number to match the new TTM lot numbering, acreage, and
Recordation date.

Condition #23 – No work to be done in the open space lot as agreed upon with the Morongo
Band.

Condition #25 – The access road has been removed as agreed upon with the City.

Condition #26 – The olive trees are now part of the open space lot.

Conditions #27 – The cemetery is now part of the open space lot to be maintained in its natural
condition.

Section I.

Condition #5 – Added the verbiage “Existing power lines on Gilman – Shall Remain”

Section K.

Condition #3 – Road requirement removed as agreed with the City. A new emergency road
added from the project to Wyte St.

Section L.

Condition #5 – Removed the required basin and line “A-4” since the entire impacted area has
been proposed as open space. All development has been removed from this
area. Area to remain natural.

Section M.

Condition #2 – Fixed lot numbers to match the new TTM lot numbering.

Section N.

Condition #2 – No TIA needed due to a reduction in lot numbers for this project.

The map continues to be consistent with the regulations and standards of the Low Density Residential zoning district as previously approved. The reduction of the number of residential lots, change to larger lots and the additional open space and parks are a benefit to the community.

Per Zoning Ordinance Section 17.08.250 (Single-family architecture), the design and architecture of new development in the Low Density Residential zoning district shall be consistent with the Single Family Guidelines of the Zoning Ordinance. New Developments should be compatible with the character of the surrounding neighborhoods by providing architectural styles that are similar or harmonious to those of the existing neighborhoods through the use of form, size, color, materials, orientation, and rooflines. While individual residences should be compatible with one another, each design should be unique in its own way. The proposed project is consistent with these standards.

Phasing

The applicant's application includes phasing for the development of 143 single family residential lots on 65 acres within the Low Density Residential Land Use District. The proposed 7 phases include 21 residential lots, 2 detention basins, 3 open space lots and 1 Home Owners Association lot within Phase 1; 9 residential lots in Phase 2; 5 residential lots in Phase 3; 9 residential lots in Phase 4; 38 residential lot in Phase 5; 37 residential lots in Phase 6; and 24 residential lots in Phase 7. This allows the applicant the flexibility to work within market constraints and considerations.

Modifications to Conditions of Approval

The proposed project includes a request to modify the approved conditions of approval as noted previously. Many of the requests are simply to update the conditions with the new parcel numbers since the parcels numbers have changed with the reduction of parcels from 172 residential lots to 143 residential lots. Within this request are conditions in Section G. These are a part of the Mitigation Monitoring Reporting Program (MMRP) and are not allowed to be modified. The Planning Commission did not include any conditions that were a part of the MMRP in their recommendations for approval. Clarification can be made during project review.

There are notes for modifications and modifications to the conditions of approval included from the Public Works Department. These are reflective of changes to the project design and are agreeable to the developer. New conditions of approval have been added to reflect the Design Review portion of the project.

Land Use Summary Table

	Existing Land Use	Zoning Designation	General Plan Designation
--	--------------------------	---------------------------	---------------------------------

Subject Site	Vacant / Former School Site	Low Density Residential (LDR)	Low Density Residential (LDR)
North	Vacant Hillside	Ranch Agricultural (RA)	Ranch Agricultural (RA)
South	Residential	Low Density Residential (LDR)	Low Density Residential (LDR)
East	Residential	Very Low Density Residential (VLDR)	Very Low Density Residential (VLDR)
West	Open Space/ Gilman Park	Open Space/ Park	Open Space/ Park

The project remains consistent with the General Plan and Zoning Map.

Low Density Residential Development Standards

Development Standards	Required	Provided
Minimum Lot Size	7,000 s.f.	7000-14,000 s.f.
Minimum Lot Width	70 feet	70-110 feet
Minimum Lot Depth	90 feet	90-130 feet
Minimum Front Setback	20 feet	Verified prior to permits
Minimum Rear Setback	15 feet	Verified prior to permits
Minimum Side Yard Setback	10 feet	Verified prior to permits
Minimum Street Side	15 feet	Verified prior to permits
Maximum Building Coverage	40%	Verified prior to permits
Maximum Building Height (stories/feet)	2 story/35 feet	2 story/28 feet & 6 inches
Maximum Fence/Wall Height	6 feet	Verified prior to permits

The project remains consistent with the Low Density Residential Development standards. The building setbacks will be verified as plans are submitted for building permits. Walls and fences fall under a separate permit. The plans will be verified

for compliance with the code and conditions of approval at the time of plan submittal and review.

Architectural Design

The design and architecture of the single-family residences are consistent with Article III. - Development Guidelines—Residential Design of the Zoning Ordinance. Desirable elements include three floor plans with three elevation designs and color schemes. The project design incorporates natural elements such as parks and trails into the fabric of the design while preserving natural habitat and open space areas. Three elevations are presented for variety in architectural design including;

- The Spanish Colonial - a Spanish design
- The Early California - a more contemporary design, and
- The Farmhouse - a rustic design.

The provision of three plans and three elevations creates a possibility of nine different elevation and multiple color schemes to provide a varied streetscape throughout the development. The designs also include various roof pitches, window awnings, arched windows, multi-paned windows, wall articulations, insets, covered porches, balconies, railings, and exposed brackets. This articulation will blend well with the existing neighborhood. The Plans presented are described below:

Plan 1 is a single story, 1,600 s.f. residence with 3-bedrooms, 2. bathrooms, and a 2-car garage.

Plan 2 is a single story, 1758 s.f. residence with 3-bedrooms, 2 bathrooms, and a 2-car garage.

Plan 3 is a two-story 2,408 s.f. residence with 3-bedrooms, 2 bathrooms and a 2-car garage.

The Spanish Colonial design materials include: concrete “s” tile roofs, stucco and tile accent tiles, wood trim, wood post and corbels with metal ties, wood railing, wood trim and shutters, multi-paned windows, Plant ledges, and arched doors and windows.

The Early California design materials include: concrete “s” tile roofs, smooth stucco and brick walls, exposed wood beams and corbels, decorative roll up garage doors, and wood shutters.

The Farmhouse design materials include: composite shingles for the roofs, and metal seam accent roofing and awnings, vertical and horizontal wood siding, stucco crib walls, wood window trim, wood posts and brackets, wood railings and wood shutters.

Landscaping and Lighting Design

A conceptual landscape plan is shown on the colored site map included with the Project Plans in Attachment 3. The project is required to submit a detailed landscape plans subject to Section 17.08 and 17.32 of the Banning Municipal Code, prior to issuance of building permits. A detailed landscape plan is required to be submitted prior to certificate of occupancy for any single family residence.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

On September 26, 2006, the City Council approved Lot Split #05 4501/Tentative Tract Map 33450 and adopted a Mitigated Negative Declaration for the project in accordance with Public Resources Code Section 21152(a) and CEQA Guidelines Section 15063(b)(2).

The California Environmental Quality Act (CEQA) Guidelines Section 15162 sets forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration for the project. Section 15162(a) states that when a Negative Declaration has been adopted for a project, no subsequent Negative Declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Negative Declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous Negative Declaration; or

- b. Significant effects previously examined will be substantially more severe than shown in the previously adopted Negative Declaration; or
- c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous Negative Declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Staff finds that none of these circumstances have occurred and as such, no additional environmental review is required.

Multiple Species Habitat Conservation Plan (MSHCP).

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

FISCAL IMPACT:

The Arrowhead Estates project consists of 142 new single family residences with related infrastructure and represents a long-term investment in the local community in terms of population growth and public infrastructure (streets, utilities, drainage facilities, etc.). The issuance of grading, building, and other permits will result in additional revenues for the City, as will increase property tax revenues and create construction jobs within the City. Population growth supports local retail and businesses.

OPTIONS:

- 1. Approve as recommended.
- 2. Approve with desired modifications.
- 3. Do not approve and provide alternative direction.

ATTACHMENTS:

- 1. City Council Resolution No. 2018-149
 - Exhibit A - Conditions of Approval
 - Exhibit B - Recommended Modified Conditions of Approval
 - Exhibit C – Additional Conditions of Approval for Design Review DR 18-7003
- 2. Planning Commission Resolution No. 2018-14
- 3. Project Plans

4. Prior Time Extension Resolution 2016-50
5. TM 33450 City Council Report, Conditions, Initial Study, Mitigation Monitoring Program (Links to Documents)
6. Public Hearing Notice

Approved By:



Douglas Schulze
City Manager

Attachment 1

City Council Resolution 2018-149

Exhibit A – Conditions of Approval

Exhibit B – Staff Recommended Modifications of Conditions

Exhibit C – Additional Conditions of Approval DR 18-7003

RESOLUTION 2018-149

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING THE MODIFICATION AND PHASING OF PREVIOUSLY APPROVED TENTATIVE TRACT MAP NO. 33540 AND DESIGN REVIEW NO. 18-7003. PREVIOUSLY APPROVED TO SUBDIVIDE 65 ACRES INTO 172 RESIDENTIAL LOTS, 3 OPEN SPACE LOTS, 1 FLOOD CONTROL BASIN AND 10 LETTERED LOTS FOR STREETS. THE PROPOSED MODIFICATION IS TO REDUCE THE LOTS TO 143 RESIDENTIAL LOTS, 3 OPEN SPACE LOTS, 3 PRIVATE PARK LOTS, 2 FLOOD CONTROL LOTS AND 9 LETTERED LOTS FOR STREETS IN THE LOW DENSITY RESIDENTIAL (LDR) DISTRICT. THE PROPERTY IS LOCATED NORTH OF GILMAN STREET AND WEST OF WYTE WAY WITHIN APNS 535-070-014, 535-110-002, 006, 011, 012; 535-311-006 THROUGH 023; AND 535-312-001 THROUGH 024.

WHEREAS, on September 26, 2006, the City Council of Banning adopted Resolution 2006-58 adopting a Mitigated Negative Declaration and Mitigation Monitoring Program for Tentative Tract Map 33540, to allow the subdivision of 65 acres into 172 single family residential lots and 3 open space lots within the Low Density Residential Land Use District generally located north of Gilman Street and west of Wyte Way; and

WHEREAS, the applicant has submitted an application for a modification of Tentative Tract Map 33540, a Design Review approval, including phasing for the development of 143 single family residential lots on 65 acres within the Low Density Residential Land Use District. The proposed 7 phases include 21 residential lots, 2 detention basins, 3 open space lots and 1 Home Owners Association lot within Phase 1, 9 residential lots in Phase 2, 5 residential lots in Phase 3, 9 residential lots in Phase 4, 38 residential lot in Phase 5, 37 residential lots in Phase 6 and 24 residential lots in Phase 7. The application has been duly filed by:

Project Owner: Vintage Stone Eagle, LLC

Project Applicant: Drew Wilson – Civil Design and Drafting, Inc.

Project Location: North side of Gilman Street, west of Wyte Way
APN: 535-070-014; 535-110-002, -006, -011, -012; 535-311-006 THROUGH -023, 029; 535-312-001 THROUGH -024; 543-150-007 THROUGH 019

Lot Area: 65 Acres

WHEREAS, the modification of Tentative Tract Map 33540 and Design Review 16-7003 are the subject of this Resolution;

WHEREAS, the Municipal Code allows for the subdivision of 65 acres into 143 single family residential lots ranging in size from 7,000 square feet to 14,000 square feet, subject to the approval of a Tentative Tract Map; and

WHEREAS, on November 30, 2018 the City gave public notice as required under Government Code Section 66451.3 by mailing notices to property owners and advertising in a newspaper of general circulation within the City of Banning of the holding of a public hearing at which the project would be considered; and

WHEREAS, on December 11, 2018 the City Council held the 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 City Council considered the Tentative Tract Map; and

WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed Modifications and Phasing to Tentative Tract Map 33540 and Design Review 18-7003 and determined that, pursuant to CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required.

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

SECTION 1. California Environmental Quality Act (CEQA)

The California Environmental Quality Act (CEQA) Guidelines Sections 15162(a) and 15164(b) set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration for the project. CEQA Guidelines, Section 15162(a) and 15164(b) state that when a Negative Declaration has been adopted for a project, no subsequent Negative Declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Negative Declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous Negative Declaration; or
 - b. Significant effects previously examined will be substantially more severe than shown in the previously adopted Negative Declaration; or
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous Negative Declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

On September 26, 2006, the City Council adopted Resolution 2006-58 adopted a Mitigated Negative Declaration and Mitigation Monitoring Program in accordance with Public Resources Code Section 21152(a) and CEQA Guidelines Section 15063(b)(2), for Tentative Tract Map 33540.

In accordance with the requirements of CEQA, the City Council considered the Modification and Phasing of Tentative Tract Map 33540 and Design Review 18-7003 and has determined that, on the basis of substantial evidence in light of the whole public record and the criteria pursuant to CEQA Section 15062(a) and 15164(b), no factors listed in CEQA Guidelines Sections 15162(a) or 15164(b) have occurred. The basis of this determination is based on the fact the modifications have reduced the number of residential lots and increased the open space preservation and Design Review 18-7003 had already been identified and addressed. The phasing of the proposed development does not result in any potential environmental impacts or substantial changes in the project. Therefore, no changes to the previously adopted Mitigated Negative Declaration and Mitigation Monitoring Program are necessary.

Pursuant to CEQA and the state CEQA Guidelines, City staff has considered the potential environmental impacts of the Modification and Phasing of Tentative Tract Map 33540 and Design Review 18-7003 (the "Project"). City staff has also reviewed the MND and MMRP prepared for Tentative Tract Map 33540 and adopted by the City Council on September 26, 2006, including the impacts and mitigation measures identified therein. 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 adopted MND. All potential environmental impacts associated with Tentative Tract Map 33540 and Design Review 18-7003 are adequately addressed by the prior MND, and the mitigation measures contained in the prior MND will reduce those impacts to a level that is less than significant. The City Council has independently reviewed City staff's determination, and based upon the whole record before it, City staff's determination, and its independent review and judgment, finds that that the Project, as designed, 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 MND; and (2) All potential environmental impacts associated with Tentative Tract Map 33540 and Design Review 18-7003 are adequately addressed by the prior MND, and the mitigation measures contained in the prior MND will reduce those impacts to a level that is less than significant. The custodian of records for the prior MND, and all other materials that constitute the record of proceedings upon which the Planning Commission's recommendation is based, is the Planning Division of the City Banning. Those documents are available for public review in the Planning Division located at 99 E. Ramsey Street, Banning, California 92220

Multiple Species Habitat Conservation Plan (MSHCP).

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 2. REQUIRED FINDINGS

MAP ACT FINDINGS.

In accordance with Banning Municipal Code and Government Code § 66473.1, § 66473.5 and § 66474, the City Council, in light of the whole record before it, including but not limited to the Planning Department's staff report and all documents incorporated by reference therein, the City's General Plan, Subdivision Ordinance, Zoning Ordinance, standards for public streets and facilities, and the City's Single Family Residential Design Guidelines and any other evidence within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. Tentative Tract Map 33540 is consistent and compatible with the objectives, policies, general land uses, and programs specified the City's General Plan in that:

The General Plan land use designation for the site is Low Density Residential "LDR" which allows project densities from 0 to 5 dwelling units per acre. The proposed Map will result in reduction from 173 single family residential dwelling

to the development of 143 single family residential dwelling units at a density of 2.2 units per acre. This density level within the range permitted under the General Plan land use designation for this site. One of the primary goals stated in the Land Use Element of the General Plan is that existing neighborhoods be preserved and enhanced (Goal 1). The proposed Map serves to achieve this objective through the development of single family residential lots and supporting infrastructure while maintaining the City's scenic and cultural resources for the enjoyment of existing and future residents. Specifically, the open space at the base of the slop/ridge has been preserved as open space. This area will be maintained in perpetuity by a Home Owners Association. The lots are expected to be used for detached single-family homes, a use allowed in the General Plan. Further the project serves to achieve Goal 1 of the General Plan Circulation Element, the development of a safe and efficient transportation system. Gilman Street, the primary access for the project, as well as all internal streets will meet the street designation depicted in the City's General Plan (local streets). Further all streets have been reviewed by the Engineering/Public Work's Department to ensure proper design standards. Considering all of these aspects, the proposed Map furthers the objectives and policies of the General Plan and is compatible with the general land uses specific in the General Plan.

2. The design and improvement of the subdivision proposed under Tentative Tract Map 33540 is consistent with the City's General Plan in that:

The proposed subdivision has been designed to meet City standards, which provide satisfactory pedestrian and vehicular circulation, including emergency vehicle access and on site improvements, such as streets, utilities, and drainage facilities have been designed and are conditioned to be constructed in conformance with City standards.

3. The site is physically suitable for the type of development proposed under Tentative Tract Map 33540, in that:

The site is generally rectangular in shape and slopes from the northwest to the south east, and consists of 65 acres. The site is not located within a flood plan. The project is located within an Alquist Priolo special studies zone, seismic and geologic reports have been generated and a "no build zone has been established. No structures or residential lots are proposed for this zone.

4. The site is physically suitable for the density of development proposed under Tentative Tract Map 33540, in that:

The site is generally rectangular in shape, relatively flat, and slopes from the northwest to the southeast and consists of 65 acres. The subdivision designed has been reduced to accommodate the development of 143 (e.g. single family residential dwelling) units considering the shape and topography of the site. The project as proposed has a density of 2.2 units per acre. According to the density

ranges provided in the Land Use Element of the City's General Plan for the Low Density Residential (LDR) land use designation and in the City's Zoning Ordinance for the LDR zone, a density of 0-5 units per acres is appropriate for a site of this size and configuration.

5. The design of the subdivision and improvements proposed under Tentative Tract Map 33540, is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat in that:

A portion of the site contains a cemetery; the balance of the site is vacant with the exception of some remnant foundations from the previously occurring Indian School on the property. A biological assessment was conducted on the proposed project site. The study included records searches as well as surveys. The general biological survey found that the majority of the habitat on the site consists of non-native grasslands. The on-site survey identified 49 common species on the site. The northern edge of the site is foraging habitat for avian species and provides a corridor for wildlife, and will be preserved as open space. A preliminary assessment for burrowing owl habitat was completed as required by the Riverside County Multi-Species Habitat Conservation Plan (MSHCP). The site was found to contain suitable habitat for the species, however, no birds were observed. A mitigation measure has been included which requires a protocol survey for burrowing owl to be completed 30-days prior to the issuance of grading permits. Should burrowing owls be located on site, a biologist shall submit recommendations for relocation of the animals to the Planning Department for review and approval. There is no evidence that vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. This determination is based on the Biological Assessment conducted by Pacific Southwest in November 2004 and the City's General Plan. In addition, this project has been conditioned to comply with the environmental policies and regulations of the City of Banning and those of all local and regional governmental agencies having jurisdiction over the site.

6. The design of the subdivision and improvements proposed under Tentative Tract Map 33540, is not likely to cause serious public health problems in that:

The design of the subdivision is in conformance with the City's General Plan, Zoning Ordinance, and Subdivision Ordinance, the construction of all units on the site has been conditioned to comply with all applicable City of Banning ordinances, codes, and standards including, but not limited to, the California Uniform Building Code, the City's Ordinances relating to Storm water runoff management and controls. In addition, the design and construction of all improvements for the subdivision has been 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. Finally, the proposed street system throughout the subdivision will improve emergency vehicular access and in the immediate neighborhood.

7. The design of the subdivision and improvements proposed under Tentative Tract Map 33540, will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision in that:

No easements of record or easements established by judgment of a court of competent jurisdiction for public access across the site have been disclosed in a search of the title records for the site and the City does not otherwise have any constructive or actual knowledge of any such easements.

8. The design of the subdivision proposed Tentative Tract Map 33540, adequately provides for future passive or natural heating and cooling opportunities in the subdivision in that:

Taking into consideration local climate and the existing contour and configuration of the site and its surroundings, the size and configuration of lots within the proposed subdivision have been arranged, to the greatest extent feasible, to permit orientation of structures in an east-west alignment for southern exposure, or to take advantage of natural shade, or to take advantage of prevailing breezes.

SECTION 3. REQUIRED FINDINGS:

REQUIRED FINDINGS FOR DESIGN REVIEW No.18-7003:

Section 17.56.050 of the City of Banning Zoning Ordinance requires that Design Review applications meet certain findings prior to the approval by the City Council. The following findings are provided in support of the approval of Design Review No.18-7003:

Finding No. 1: The proposed use is consistent with the General Plan;

Finding of Fact: Design Review No.18-7003 is consistent with the General Plan Land Use Element's Residential Goals, Policies and Programs which, Goal 1 states to "Preserve and enhance the City's neighborhoods" and Goal 2 states to have "*A broad range of housing types to fill the needs of the City's current and future residents.*" The proposed residential development is consistent with the City Council strategic plan relating to Economic Development Strategy I, in that development of the subdivision is expected to contribute to achieving a stable and diversified economy within the community. The construction of the proposed tract will generate property and sales tax revenues to the City which will help offset the provision of services to the project residents.

Finding No. 2: The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.

Finding of Fact: The proposed project, the construction of 143 single family residential units and associated improvements in the Low Density Residential Land Use District, is consistent with the Zoning Ordinance and development standards as the subdivision meets or exceeds the Zoning Ordinance development standards for the LDR Zone as to lot width, lot depth, setbacks and building height and provides public improvements that meet City standards. Additionally, all other standards and design guidelines have been considered.

Finding No. 3: The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development, and will not result in vehicular and/or pedestrian hazards. Public Roadway improvement dedications have already been taken.

Finding of Fact: The design of the subdivision is in conformance with the City's General Plan, Zoning Ordinance, and Subdivision Ordinance, the construction of all units on the site has been conditioned to comply with all applicable City of Banning ordinances, codes, and standards including, but not limited to, the California Uniform Building Code, the City's Ordinances relating to Storm water runoff management and controls. In addition, the design and construction of all improvements for the subdivision has been 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. Finally, the proposed street system throughout the subdivision will improve emergency vehicular access and in the immediate neighborhood

Finding No. 4: The design of the proposed project is compatible with the character of the surrounding neighborhood.

Finding of Fact: The proposed project is generally rectangular in shape, relatively flat, and slopes from the northwest to the southeast and consists of 65 acres. The subdivision designed has been reduced to provide more open space and accommodate the development of 143 (e.g. single family residential dwelling) units considering the shape and topography of the site. The project as proposed has a density of 2.2 units per acre. According to the density ranges provided in the

Land Use Element of the City's General Plan for the Low Density Residential (LDR) land use designation and in the City's Zoning Ordinance for the LDR zone, a density of 0-5 units per acres is appropriate for a site of this size and configuration in an area which is relatively quiet.

SECTION 4. CITY COUNCIL ACTION:

The City Council hereby takes the following action:

1. Adoption of Resolution 2018-149 to approve:
 - a. Findings, in accordance with Public Resources Code Section 21152(b) and CEQA Guidelines Section 15162(a), that the project, as designed, is not subject to further environmental review pursuant to CEQA Guidelines Section 15162(a) 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 MND adopted for Lot Split Tentative Tract Map 33540; and (2) All potential environmental impacts associated with Tentative Tract Map 33540 and Design Review 18-7003 are adequately addressed by the prior MND, and the mitigation measures contained in the prior MND will reduce those impacts to a level that is less than significant; and
 - b. Modifications and Phasing of Tentative Tract Map 33540 and Design Review No. 18-7003, in accordance with the plans attached and Conditions of approval attached as Exhibit B, Exhibit C. subject to the attached Conditions of Approval:

PASSED, APPROVED AND ADOPTED this 11th day of December, 2018.

City of Banning, Mayor

ATTEST:

Laurie Sampson, Acting Deputy City Clerk
City of Banning

APPROVED AS TO FORM AND LEGAL CONTENT:

Kevin Ennis, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Laurie Sampson, Acting Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2018-149 was duly adopted at a regular meeting of the City Council of the City of Banning held on the 11th day of December, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Laurie Sampson, Acting Deputy City Clerk
City of Banning, California

RESOLUTION 2018-149

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING THE MODIFICATION AND PHASING OF PREVIOUSLY APPROVED TENTATIVE TRACT MAP NO. 33540 AND DESIGN REVIEW NO. 18-7003. PREVIOUSLY APPROVED TO SUBDIVIDE 65 ACRES INTO 172 RESIDENTIAL LOTS, 3 OPEN SPACE LOTS, 1 FLOOD CONTROL BASIN AND 10 LETTERED LOTS FOR STREETS. THE PROPOSED MODIFICATION IS TO REDUCE THE LOTS TO 143 RESIDENTIAL LOTS, 3 OPEN SPACE LOTS, 3 PRIVATE PARK LOTS, 2 FLOOD CONTROL LOTS AND 9 LETTERED LOTS FOR STREETS IN THE LOW DENSITY RESIDENTIAL (LDR) DISTRICT. THE PROPERTY IS LOCATED NORTH OF GILMAN STREET AND WEST OF WYTE WAY WITHIN APNS 535-070-014, 535-110-002, 006, 011, 012; 535-311-006 THROUGH 023; AND 535-312-001 THROUGH 024.

WHEREAS, on September 26, 2006, the City Council of Banning adopted Resolution 2006-58 adopting a Mitigated Negative Declaration and Mitigation Monitoring Program for Tentative Tract Map 33540, to allow the subdivision of 65 acres into 172 single family residential lots and 3 open space lots within the Low Density Residential Land Use District generally located north of Gilman Street and west of Wyte Way; and

WHEREAS, the applicant has submitted an application for a modification of Tentative Tract Map 33540, a Design Review approval, including phasing for the development of 143 single family residential lots on 65 acres within the Low Density Residential Land Use District. The proposed 7 phases include 21 residential lots, 2 detention basins, 3 open space lots and 1 Home Owners Association lot within Phase 1, 9 residential lots in Phase 2, 5 residential lots in Phase 3, 9 residential lots in Phase 4, 38 residential lot in Phase 5, 37 residential lots in Phase 6 and 24 residential lots in Phase 7. The application has been duly filed by:

Project Owner: Vintage Stone Eagle, LLC

Project Applicant: Drew Wilson – Civil Design and Drafting, Inc.

Project Location: North side of Gilman Street, west of Wyte Way
APN: 535-070-014; 535-110-002, -006, -011, -012; 535-311-006 THROUGH -023, 029; 535-312-001 THROUGH -024; 543-150-007 THROUGH 019

Lot Area: 65 Acres

WHEREAS, the modification of Tentative Tract Map 33540 and Design Review 16-7003 are the subject of this Resolution;

WHEREAS, the Municipal Code allows for the subdivision of 65 acres into 143 single family residential lots ranging in size from 7,000 square feet to 14,000 square feet, subject to the approval of a Tentative Tract Map; and

WHEREAS, on November 30, 2018 the City gave public notice as required under Government Code Section 66451.3 by mailing notices to property owners and advertising in a newspaper of general circulation within the City of Banning of the holding of a public hearing at which the project would be considered; and

WHEREAS, on December 11, 2018 the City Council held the 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 City Council considered the Tentative Tract Map; and

WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed Modifications and Phasing to Tentative Tract Map 33540 and Design Review 18-7003 and determined that, pursuant to CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required.

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

SECTION 1. California Environmental Quality Act (CEQA)

The California Environmental Quality Act (CEQA) Guidelines Sections 15162(a) and 15164(b) set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration for the project. CEQA Guidelines, Section 15162(a) and 15164(b) state that when a Negative Declaration has been adopted for a project, no subsequent Negative Declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Negative Declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous Negative Declaration; or
 - b. Significant effects previously examined will be substantially more severe than shown in the previously adopted Negative Declaration; or
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous Negative Declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

On September 26, 2006, the City Council adopted Resolution 2006-58 adopted a Mitigated Negative Declaration and Mitigation Monitoring Program in accordance with Public Resources Code Section 21152(a) and CEQA Guidelines Section 15063(b)(2), for Tentative Tract Map 33540.

In accordance with the requirements of CEQA, the City Council considered the Modification and Phasing of Tentative Tract Map 33540 and Design Review 18-7003 and has determined that, on the basis of substantial evidence in light of the whole public record and the criteria pursuant to CEQA Section 15062(a) and 15164(b), no factors listed in CEQA Guidelines Sections 15162(a) or 15164(b) have occurred. The basis of this determination is based on the fact the modifications have reduced the number of residential lots and increased the open space preservation and Design Review 18-7003 had already been identified and addressed. The phasing of the proposed development does not result in any potential environmental impacts or substantial changes in the project. Therefore, no changes to the previously adopted Mitigated Negative Declaration and Mitigation Monitoring Program are necessary.

Pursuant to CEQA and the state CEQA Guidelines, City staff has considered the potential environmental impacts of the Modification and Phasing of Tentative Tract Map 33540 and Design Review 18-7003 (the "Project"). City staff has also reviewed the MND and MMRP prepared for Tentative Tract Map 33540 and adopted by the City Council on September 26, 2006, including the impacts and mitigation measures identified therein. 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 adopted MND. All potential environmental impacts associated with Tentative Tract Map 33540 and Design Review 18-7003 are adequately addressed by the prior MND, and the mitigation measures contained in the prior MND will reduce those impacts to a level that is less than significant. The City Council has independently reviewed City staff's determination, and based upon the whole record before it, City staff's determination, and its independent review and judgment, finds that that the Project, as designed, 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 MND; and (2) All potential environmental impacts associated with Tentative Tract Map 33540 and Design Review 18-7003 are adequately addressed by the prior MND, and the mitigation measures contained in the prior MND will reduce those impacts to a level that is less than significant. The custodian of records for the prior MND, and all other materials that constitute the record of proceedings upon which the Planning Commission's recommendation is based, is the Planning Division of the City Banning. Those documents are available for public review in the Planning Division located at 99 E. Ramsey Street, Banning, California 92220

Multiple Species Habitat Conservation Plan (MSHCP).

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 2. REQUIRED FINDINGS

MAP ACT FINDINGS.

In accordance with Banning Municipal Code and Government Code § 66473.1, § 66473.5 and § 66474, the City Council, in light of the whole record before it, including but not limited to the Planning Department's staff report and all documents incorporated by reference therein, the City's General Plan, Subdivision Ordinance, Zoning Ordinance, standards for public streets and facilities, and the City's Single Family Residential Design Guidelines and any other evidence within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. Tentative Tract Map 33540 is consistent and compatible with the objectives, policies, general land uses, and programs specified the City's General Plan in that:

The General Plan land use designation for the site is Low Density Residential "LDR" which allows project densities from 0 to 5 dwelling units per acre. The proposed Map will result in reduction from 173 single family residential dwelling

to the development of 143 single family residential dwelling units at a density of 2.2 units per acre. This density level within the range permitted under the General Plan land use designation for this site. One of the primary goals stated in the Land Use Element of the General Plan is that existing neighborhoods be preserved and enhanced (Goal 1). The proposed Map serves to achieve this objective through the development of single family residential lots and supporting infrastructure while maintaining the City's scenic and cultural resources for the enjoyment of existing and future residents. Specifically, the open space at the base of the slop/ridge has been preserved as open space. This area will be maintained in perpetuity by a Home Owners Association. The lots are expected to be used for detached single-family homes, a use allowed in the General Plan. Further the project serves to achieve Goal 1 of the General Plan Circulation Element, the development of a safe and efficient transportation system. Gilman Street, the primary access for the project, as well as all internal streets will meet the street designation depicted in the City's General Plan (local streets). Further all streets have been reviewed by the Engineering/Public Work's Department to ensure proper design standards. Considering all of these aspects, the proposed Map furthers the objectives and policies of the General Plan and is compatible with the general land uses specific in the General Plan.

2. The design and improvement of the subdivision proposed under Tentative Tract Map 33540 is consistent with the City's General Plan in that:

The proposed subdivision has been designed to meet City standards, which provide satisfactory pedestrian and vehicular circulation, including emergency vehicle access and on site improvements, such as streets, utilities, and drainage facilities have been designed and are conditioned to be constructed in conformance with City standards.

3. The site is physically suitable for the type of development proposed under Tentative Tract Map 33540, in that:

The site is generally rectangular in shape and slopes from the northwest to the south east, and consists of 65 acres. The site is not located within a flood plan. The project is located within an Alquist Priolo special studies zone, seismic and geologic reports have been generated and a "no build zone has been established. No structures or residential lots are proposed for this zone.

4. The site is physically suitable for the density of development proposed under Tentative Tract Map 33540, in that:

The site is generally rectangular in shape, relatively flat, and slopes from the northwest to the southeast and consists of 65 acres. The subdivision designed has been reduced to accommodate the development of 143 (e.g. single family residential dwelling) units considering the shape and topography of the site. The project as proposed has a density of 2.2 units per acre. According to the density

ranges provided in the Land Use Element of the City's General Plan for the Low Density Residential (LDR) land use designation and in the City's Zoning Ordinance for the LDR zone, a density of 0-5 units per acres is appropriate for a site of this size and configuration.

5. The design of the subdivision and improvements proposed under Tentative Tract Map 33540, is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat in that:

A portion of the site contains a cemetery; the balance of the site is vacant with the exception of some remnant foundations from the previously occurring Indian School on the property. A biological assessment was conducted on the proposed project site. The study included records searches as well as surveys. The general biological survey found that the majority of the habitat on the site consists of non-native grasslands. The on-site survey identified 49 common species on the site. The northern edge of the site is foraging habitat for avian species and provides a corridor for wildlife, and will be preserved as open space. A preliminary assessment for burrowing owl habitat was completed as required by the Riverside County Multi-Species Habitat Conservation Plan (MSHCP). The site was found to contain suitable habitat for the species, however, no birds were observed. A mitigation measure has been included which requires a protocol survey for burrowing owl to be completed 30-days prior to the issuance of grading permits. Should burrowing owls be located on site, a biologist shall submit recommendations for relocation of the animals to the Planning Department for review and approval. There is no evidence that vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. This determination is based on the Biological Assessment conducted by Pacific Southwest in November 2004 and the City's General Plan. In addition, this project has been conditioned to comply with the environmental policies and regulations of the City of Banning and those of all local and regional governmental agencies having jurisdiction over the site.

6. The design of the subdivision and improvements proposed under Tentative Tract Map 33540, is not likely to cause serious public health problems in that:

The design of the subdivision is in conformance with the City's General Plan, Zoning Ordinance, and Subdivision Ordinance, the construction of all units on the site has been conditioned to comply with all applicable City of Banning ordinances, codes, and standards including, but not limited to, the California Uniform Building Code, the City's Ordinances relating to Storm water runoff management and controls. In addition, the design and construction of all improvements for the subdivision has been 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. Finally, the proposed street system throughout the subdivision will improve emergency vehicular access and in the immediate neighborhood.

7. The design of the subdivision and improvements proposed under Tentative Tract Map 33540, will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision in that:

No easements of record or easements established by judgment of a court of competent jurisdiction for public access across the site have been disclosed in a search of the title records for the site and the City does not otherwise have any constructive or actual knowledge of any such easements.

8. The design of the subdivision proposed Tentative Tract Map 33540, adequately provides for future passive or natural heating and cooling opportunities in the subdivision in that:

Taking into consideration local climate and the existing contour and configuration of the site and its surroundings, the size and configuration of lots within the proposed subdivision have been arranged, to the greatest extent feasible, to permit orientation of structures in an east-west alignment for southern exposure, or to take advantage of natural shade, or to take advantage of prevailing breezes.

SECTION 3. REQUIRED FINDINGS:

REQUIRED FINDINGS FOR DESIGN REVIEW No.18-7003:

Section 17.56.050 of the City of Banning Zoning Ordinance requires that Design Review applications meet certain findings prior to the approval by the City Council. The following findings are provided in support of the approval of Design Review No.18-7003:

Finding No. 1: The proposed use is consistent with the General Plan;

Finding of Fact: Design Review No.18-7003 is consistent with the General Plan Land Use Element's Residential Goals, Policies and Programs which, Goal 1 states to "Preserve and enhance the City's neighborhoods" and Goal 2 states to have "A broad range of housing types to fill the needs of the City's current and future residents." The proposed residential development is consistent with the City Council strategic plan relating to Economic Development Strategy I, in that development of the subdivision is expected to contribute to achieving a stable and diversified economy within the community. The construction of the proposed tract will generate property and sales tax revenues to the City which will help offset the provision of services to the project residents.

Finding No. 2: The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.

Finding of Fact: The proposed project, the construction of 143 single family residential units and associated improvements in the Low Density Residential Land Use District, is consistent with the Zoning Ordinance and development standards as the subdivision meets or exceeds the Zoning Ordinance development standards for the LDR Zone as to lot width, lot depth, setbacks and building height and provides public improvements that meet City standards. Additionally, all other standards and design guidelines have been considered.

Finding No. 3: The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development, and will not result in vehicular and/or pedestrian hazards. Public Roadway improvement dedications have already been taken.

Finding of Fact: The design of the subdivision is in conformance with the City's General Plan, Zoning Ordinance, and Subdivision Ordinance, the construction of all units on the site has been conditioned to comply with all applicable City of Banning ordinances, codes, and standards including, but not limited to, the California Uniform Building Code, the City's Ordinances relating to Storm water runoff management and controls. In addition, the design and construction of all improvements for the subdivision has been 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. Finally, the proposed street system throughout the subdivision will improve emergency vehicular access and in the immediate neighborhood

Finding No. 4: The design of the proposed project is compatible with the character of the surrounding neighborhood.

Finding of Fact: The proposed project is generally rectangular in shape, relatively flat, and slopes from the northwest to the southeast and consists of 65 acres. The subdivision designed has been reduced to provide more open space and accommodate the development of 143 (e.g. single family residential dwelling) units considering the shape and topography of the site. The project as proposed has a density of 2.2 units per acre. According to the density ranges provided in the

Land Use Element of the City's General Plan for the Low Density Residential (LDR) land use designation and in the City's Zoning Ordinance for the LDR zone, a density of 0-5 units per acres is appropriate for a site of this size and configuration in an area which is relatively quiet.

SECTION 4. CITY COUNCIL ACTION:

The City Council hereby takes the following action:

1. Adoption of Resolution 2018-149 to approve:
 - a. Findings, in accordance with Public Resources Code Section 21152(b) and CEQA Guidelines Section 15162(a), that the project, as designed, is not subject to further environmental review pursuant to CEQA Guidelines Section 15162(a) 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 MND adopted for Lot Split Tentative Tract Map 33540; and (2) All potential environmental impacts associated with Tentative Tract Map 33540 and Design Review 18-7003 are adequately addressed by the prior MND, and the mitigation measures contained in the prior MND will reduce those impacts to a level that is less than significant; and
 - b. Modifications and Phasing of Tentative Tract Map 33540 and Design Review No. 18-7003, in accordance with the plans attached and Conditions of approval attached as Exhibit B, Exhibit C. subject to the attached Conditions of Approval:

PASSED, APPROVED AND ADOPTED this 11th day of December, 2018.

City of Banning, Mayor

ATTEST:

Laurie Sampson, Acting Deputy City Clerk
City of Banning

APPROVED AS TO FORM AND LEGAL CONTENT:

Kevin Ennis, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Laurie Sampson, Acting Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2018-149 was duly adopted at a regular meeting of the City Council of the City of Banning held on the 11th day of December, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Laurie Sampson, Acting Deputy City Clerk
City of Banning, California



DEPARTMENT OF
PLANNING

RECOMMENDED FINAL CONDITIONS OF APPROVAL

EXHIBIT A

PROJECT #: Tentative Tract Map 33540

SUBJECT: Subdivision of 65+ acres into 473 143 Single family residential lots

APPLICANT: Drew Wilson – Civil Design and Drafting

LOCATION: APN: 535-070-014;535-110-002,-006,-011,-012; 535-311-006 through -023,-029; 535-312-001 through -024

APPLICANT SHALL CONTACT THE PLANNING DIVISION, (951) 922-3125, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

A. General Requirements

Completion
Date

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. The applicant shall agree to defend at his sole expense any action brought against the City, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees, for any Court costs and attorney's fees which the City, its agents, officers, or employees may be required by a court to pay as a result of such action. 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 applicant of his obligations under this condition. 2. Tentative Tract No. 33540 is recommended for approval by the Planning Commission. Full approval is subject to City Council action. 3. A copy of the signed Resolution of Approval or Community Development Director's letter of approval, and all Standard Conditions, shall be included in legible form on the grading plans, building and construction plans, and landscape and irrigation plans submitted for plan check. 4. An easement shall be recorded against the subject property which provides legal and practical access from the project to the north via the extension of "F" Street (to be unimproved) for the purpose of maintenance of the existing antennae. If proof of alternative access to the antennae has been confirmed this condition may be removed. | <p>____/____/____</p> <p>____/____/____</p> <p>____/____/____</p> |
|--|---|

B. Time Limits

- | | |
|--|-----------------------|
| <ol style="list-style-type: none"> 1. This tentative tract map shall expire unless extended by the Planning Commission, unless a complete final map is filed with the City Engineer within 2 years from the date of the approval. | <p>____/____/____</p> |
|--|-----------------------|

C. Site Development

1. The site shall be developed and maintained in accordance with the approved plans which include site plans, architectural elevations, exterior materials and colors, landscaping, sign program, and grading on file in the Planning Division, the conditions contained herein, Development Code regulations.
2. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Community Development Director.
3. Occupancy of the facilities shall not commence until such time as all Uniform Building Code and State Fire Marshal regulations have been complied with. Prior to occupancy, plans shall be submitted to the City of Banning Fire Marshal and the Building and Safety Division to show compliance. The buildings shall be inspected for compliance prior to occupancy.
4. Revised site plans and building elevations incorporating all Conditions of Approval shall be submitted for Community Development Director review and approval prior to the issuance of building permits.
5. All site, grading, landscape, irrigation, and street improvement plans shall be coordinated for consistency prior to issuance of any permits (such as grading, tree removal, encroachment, building, etc.) or prior to final map approval in the case of a custom lot subdivision, or approved use has commenced, whichever comes first.
6. Approval of this request shall not waive compliance with all sections of the Development Code, all other applicable City Ordinances, and applicable Community or Specific Plans in effect at the time of building permit issuance.
7. All trash pick-up shall be for individual units with all receptacles shielded from public view.
8. All ground-mounted utility appurtenances such as transformers, AC condensers, etc., shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming, and/or landscaping to the satisfaction of the Community Development Director. For single family residential developments, transformers shall be placed in underground vaults. **To the satisfaction of Electric and the Public Works Director and New Condition 30.**
9. Street names shall be submitted for Community Development Director review and approval in accordance with the adopted Street Naming Policy prior to approval of the final map.
10. All building numbers and individual units shall be identified in a clear and concise manner, including proper illumination.
11. The Covenants, Conditions, and Restrictions (CC&Rs) and Articles of Incorporation of the Homeowners' Association are subject to the approval of the Planning and Engineering Divisions and the City Attorney. They shall be recorded concurrently with the Final Map or prior to the issuance of building permits, whichever occurs first. A recorded copy shall be provided to the City Engineer. The Homeowners' Association shall submit to the Planning Division a list of the name and address of their officers on or before January 1 of each and every year and whenever said information changes.
12. All parkways, open areas, and landscaping shall be permanently maintained by the property owner, homeowners' association, or other means acceptable to the City. Proof of this landscape maintenance shall be submitted for Community Development Director and City Engineer review and approved prior to the issuance of building permits.
13. The developer shall submit a construction access plan and schedule for the development of all lots for Community Development Director and City Engineer approval; including, but not limited to, public notice requirements, special street posting, phone listing for community concerns, hours of construction activity, dust control measures, and security fencing.

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14. Six-foot decorative block walls shall be constructed along the project perimeter. If a double wall condition would result, the developer shall make a good faith effort to work with the adjoining property owners to provide a single wall. Developer shall notify, by mail, all contiguous property owner at least 30 days prior to the removal of any existing walls/ fences along the project's perimeter.

- 15. On corner side yards, provide minimum 5-foot setback between walls/fences and sidewalk. _ / _ / _
- 16. For residential development, return walls and corner side walls shall be decorative masonry. _ / _ / _
- 17. Future development for (each building pad/parcel) shall be subject to separate Development/Design Review process for Planning Commission approval. _ / _ / _

D. Building Design

- 1. All dwellings shall have the front, side and rear elevations upgraded with architectural treatment, detailing and increased delineation of surface treatment subject to Community Development Director review and approval prior to issuance of building permits. _ / _ / _

E. Parking and Vehicular Access (indicate details on building plans)

- 1. All units shall be provided with garage door openers if driveways are less than 18 feet in depth from back of sidewalk. _ / _ / _
- 2. Multiple car garage driveways shall be tapered down to a standard two-car width at street. _ / _ / _
- 3. On flag lots, use a 12-foot driveway within flag to maximize landscape area. _ / _ / _

F. Landscaping

- 1. A detailed landscape and irrigation plan, including slope planting and model home landscaping in the case of residential development, shall be prepared by a licensed landscape architect and submitted for Community Development Director review and approval prior to the issuance of building permits or prior final map approval in the case of a custom lot subdivision. _ / _ / _
- 2. Existing trees required to be preserved in place shall be protected with a construction barrier, and so noted on the grading plans. The location of those trees to be preserved in place and new locations for transplanted trees shall be shown on the detailed landscape plans. The applicant shall follow all of the arborist's recommendations regarding preservation, transplanting, and trimming methods. _ / _ / _
- 3. For single family residential development, all slope planting and irrigation shall be continuously maintained in a healthy and thriving condition by the developer until each individual unit is sold and occupied by the buyer. Prior to releasing occupancy for those units, an inspection shall be conducted by the Planning Division to determine that they are in satisfactory condition. _ / _ / _
- 4. The final design of the perimeter parkways, walls, landscaping, and sidewalks shall be included in the required landscape plans and shall be subject to Community Development Director review and approval and coordinated for consistency with any parkway landscaping plan which may be required by the Engineering Division. _ / _ / _
- 5. Landscaping and irrigation systems required to be installed within the public right-of-way on the perimeter of this project area shall be continuously maintained by the developer or Home Owners Association. _ / _ / _
- 6. All walls shall be provided with decorative treatment. If located in public maintenance areas, the design shall be coordinated with the Engineering Division. _ / _ / _
- 7. Tree maintenance criteria shall be developed and submitted for Community Development Director review and approval prior to issuance of building permits. These criteria shall encourage the natural growth characteristics of the selected tree species. _ / _ / _

8. Landscaping and irrigation shall be designed to conserve water through the principles of Xeriscape.

__/__/__

G. Environmental – Mitigation Measures

__/__/__

1. In those instances requiring long term monitoring (i.e.) beyond final certificate of occupancy), the applicant shall provide a written monitoring and reporting program to the Community Development Director prior to issuance of building permits. Said program shall identify the reporter as an individual qualified to know whether the particular mitigation measure has been implemented.

__/__/__

2. Any lot with a rear yard slope of more than 10 feet will be designed to include terracing of that slope, and intermediate usable yard space within the slope area. This may include staggered retaining walls, stairs and patios, to the clarification of the Director of Community Development

__/__/__

3. Alternatively, the tract map can be redesigned to limit pad elevations between adjacent lots to 10 feet or less.

__/__/__

4. All manufactured slopes of 10 feet or more shall be landscaped and irrigated in such a manner as to assure 100% coverage within 12 months. Landscaping shall be native groundcover or similar. Irrigation systems shall be operated and maintained by a groundcover or similar. All irrigation systems shall be operated and maintained by a homeowners' association, in order to assure long term survival of the plantings. A maintenance easement shall be recorded on each lot on which such a slope occurs, in favor of the homeowners' association.

__/__/__

5. The applicant shall submit, for review and approval, a PM10 Management Plan for all grading and construction activities, for review and approval by the City Engineer prior to the issuance of grading permits.

__/__/__

6. SCAQMD Rule 403 shall be implemented.

__/__/__

7. No more than 5 acres shall be actively graded during any one day.

__/__/__

8. During all grading and construction activities, the site shall be watered at least twice daily.

__/__/__

9. All trucks hauling dirt, sand or soil shall be covered, or shall maintain two feet of freeboard.

__/__/__

10. Streets accessing the project site shall be swept at the end of each work day.

__/__/__

11. All grading activities shall be suspended during wind speeds of 25 mph or greater.

__/__/__

12. All diesel powered vehicles and equipment shall be properly maintained.

__/__/__

13. Electric or natural gas powered equipment shall be used to the greatest extent possible.

__/__/__

14. Ridesharing and transit incentives shall be provided to the construction crews.

__/__/__

15. Pre-coated or natural colored building materials shall be used to the greatest extent possible.

__/__/__

16. Within 30 days prior to the issuance of grading permits, a protocol survey for burrowing owls shall be conducted to determine if the species occurs on the site. Should the species be identified, the biologist shall provide the Planning Department with recommendations for relocation, further review and approval. No grading permit shall be issued until the relocation has been completed

__/__/__

- 17. Within 30 days prior to the issuance of grading permits, if the grading permit is sought between February 1 and August 31, a survey of nesting birds subject to the provisions of the Migratory Bird Treaty Act shall be conducted. Should nests be identified, the biologist shall provide the Planning Department with recommendations for buffer areas and construction restriction, for their review and approval. No grading permit shall be issued until the recommendations have been implemented. _ / _ / _

- 18. No staging, grading or other ground disturbance shall be permitted within the open space area (lot 176) _ / _ / _

- 19. The open space area (lot 176 shall be fenced to prevent encroachment. The Planning Department shall approve the fence. Signs shall be placed at each end of the fence, identifying the area as protected, and prohibiting encroachment by humans dogs or other domestic animals. _ / _ / _

- 20. Prior to any ground disturbing activity, the applicant shall secure, and shall provide written evidence of the same to the Planning Department, appropriate permits from the California Regional Water Quality Control Board, the US Army Corps of Engineers and the California Department of Fish and Game. The US Army Corps permit shall assure mitigation for the loss of 0.29 acres of federal jurisdictional areas; and the CDFG permit shall assure mitigation for the loss of 0.71 acres of state jurisdictional areas. _ / _ / _

- 21. A Phase III recovery consistent with the Plan submitted by L& L Environmental shall be completed on the project site prior to any ground disturbing activity on the project site. The final report shall be provided to the City Planning Department for review and approval. _ / _ / _

- 22. The project shall convey, with recordation of the final map, a 7± acre parcel (lot 175) to the Morongo Band of Mission Indians. _ / _ / _

- 23. The applicant shall, prior to the issuance of grading permits, construct a temporary chain link fence to separate the cemetery from the tract. The fence shall be reviewed and approved by Planning /department prior to the issuance of building permits. The fence shall be replaced by a permanent decorative block wall within 30 days of completions of grading activities". _ / _ / _

- 23b.The applicant shall, prior to the issuance of grading permits, complete the design of the burial grounds by a licensed landscape architect, including the relocation of cement slabs, the adobe wall, the grotto, selected stone works, planters and trees _ / _ / _

- 24. The applicant shall, prior to the issuance of grading permits, install wrought iron fencing to enclose the parcel to be conveyed to the Morongo Band, and extending to the entrance on 8th Street. _ / _ / _

- 25. The applicant shall pave and landscape the access road from the 7± acre parcel to 8th Street. _ / _ / _

- 26. The applicant shall, prior to the issuance of grading permits, have the site surveyed by a qualified arborist to determine whether the olive trees on the west end of the property can be transplanted to the boundary of the cemetery to act as a buffer. The transplantation shall be complete prior to the issuance of occupancy permits for any house on the property. _ / _ / _

- 27. The applicant and the Morongo Band shall develop a plan for the preservation of the cemetery and other items to be relocated within the 7± acre parcel. _ / _ / _

- 28. The applicant shall, at his expense, engage a qualified archaeologist to complete the cataloging of the artifacts collected in the 1990 survey, and shall cause these artifacts to be delivered to the Morongo Band upon completion of the cataloging effort. _ / _ / _

Completion Date

- 29. All ground disturbing activities on any portion of the site will be monitored by a qualified archaeologist and a representative of the Morongo Band. The archaeologist shall be empowered to stop or redirect activities should artifacts be uncovered. The archaeologist shall deliver a report documenting all monitoring activities to the Planning Department and the Morongo Band within 30 days of completion of grading activities. _ / _ / _
- 30. If human remains or potential human remains are identified during earth moving activities, all work shall stop in that area, and the Riverside County Coroner shall be contacted. No further activity shall occur in the area until the Coroner has completed his investigation, including Native American consultation. _ / _ / _
- 31. A permanent name marker and the existing bronze plaque (in possession of the Riverside County Parks and History Division) shall be placed in the cemetery. _ / _ / _
- 32. The applicant shall, in conjunction with City staff, prepare formal paperwork for nomination of the site to the National Register of Historic Places and the California Register of Historic Places, and assure the filing of the paperwork with the appropriate agencies. _ / _ / _
- 33. A Historic American Engineering Record level recordation of the Gilman Home Channel shall be completed prior to any ground disturbing activity the project site. _ / _ / _
- 34. Consistent with the recommendations of the L& L Environmental Survey, the channel shall be preserved in place, either in whole or in part, or relocated in part to the open space area north of the project site. If relocated, a memorial plaque explaining the significance of the structure shall be incorporated into the relocation. _ / _ / _
- 35. Construction activities shall be limited to those hours prescribed in the Municipal Code. _ / _ / _
- 36. All construction equipment, including heavy equipment, shall be muffled. _ / _ / _
- 37. Construction staging and storage areas shall be located along the northern portion of the site, south of the open space and cemetery lots. _ / _ / _
- 38. Continuous grading activities along the eastern boundary of the project site shall be limited to no more than 15 minutes within an hour. _ / _ / _

H. Other Agencies

- 1. The applicant shall contact the U.S. Postal Service to determine the appropriate type and location of mail boxes. Multi-family residential developments shall provide a solid overhead structure for mail boxes with adequate lighting. The final location of the mail boxes and the design of the overhead structure shall be subject to Community Development Director review and approval prior to the issuance of building permits. _ / _ / _

APPLICANT SHALL CONTACT THE ENGINEERING DIVISION, (951) 922-3130, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

I. General

- 1. The Department of Public Works recommends the following Conditions of Approval for Tentative Tract Map 33540. Unless stated otherwise, all conditions shall be completed by the Developer at no cost to any Government Agency. _ / _ / _

2. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies:

- Fire Marshal
- Public Works Department (Grading Permit, Improvement Permit)
- Community Development Department
- Riverside County Environmental Health Department
- Banning Unified School District
- California Regional Water Quality Control Board Colorado River Basin (RWQCB)
- South Coast Air Quality Management District (SCAQMD)
- United States Army Corps of Engineers (USACE)
- California Department of Fish and Game (DFG)

The applicant is responsible for meeting all requirements of permits and/or clearances from the above listed agencies. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting improvements plans to the City.

3. The following improvement plans shall be prepared by a civil engineer or architect licensed by the State of California as allowed 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 by the City Engineer in writing, the plans shall utilize the minimum scale specified and shall be drawn on 24" x 36" Mylar. 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. On-Site Rough Grading Plan 1" = 40' Horizontal

B. Clearing Plan 1" = 50' Horizontal

- Include fuel modifications zones
- Include construction fencing plan

C. SWPPP 1" = 40' Horizontal

Note: A, B & C shall be processed concurrently.

D. Storm Drain Plan 1" = 40' Horizontal

E. Off-Site Street Improvement Plans 1" = 40' Horizontal
1" = 4' Vertical

F. Off-Site Landscaping Plans 1"=20' Horizontal

G. Off-Site Signing & Striping Plans 1" = 40' Horizontal

H. On-Site Street Improvement/ Signing & Striping Plans 1" = 40' Horizontal
1"= 4' Vertical

I. On-Site Residential Precise Grading Plans 1" = 30' Horizontal

Other engineered improvement plans prepared for City approval that are not listed herein shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.

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.

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.

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.

4. Upon completion of construction, the applicant shall furnish the City with reproducible record drawings on Mylar 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 or raster-image files submitted to the City, revised to reflect the "As-Built" conditions.

___/___/___

5. All utility systems including gas, electric, telephone, water, sewer, and cable TV 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 in the residence. **To the satisfaction of Electric and the Public Works Director and New Condition 30.**

___/___/___

J. Rights of Way

___/___/___

1. 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 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.

___/___/___

2. The applicant shall offer for dedication on the Final Map all public street right-of-ways in conformance with the City's General Plan, Municipal Code, applicable precise plans, standard plans, and/or as required by the City Engineer.

___/___/___

3. Offer to dedicate for public purposes the right-of-way for "A" Street through "J" Street as a general local streets; 60 foot width. The geometrics for the knuckle shall be in accordance with the City of Banning Standard No. G-806. The geometrics for the cul-de-sac shall be in accordance with the City of Banning Standard No. G-800. Offers of dedication shall include corner cut-off at intersection.

___/___/___

4. Offer to dedicate for public purposes the 24 foot wide right-of-way for a secondary access way for Wyte Way.

___/___/___

5. Offer to dedicate for public purposes the necessary right-of-way in order to meet the City of Banning master planned half street width of 30 feet fronting Gilman Street.

___/___/___

6. Obtain right-of-way, or offer to dedicate for public purposes the necessary right-of-way to construct the knuckle at the westerly end of Gilman Street.

___/___/___

7. Grant slope easements to the City of Banning for road maintenance purposes for any slopes supporting street sections. The easements shall extend 5 feet from the toe of slope to provide adequate access

___/___/___

8. Grant a storm drain easement along master planned storm drain Line "A" for the benefit of Riverside County Flood Control and Water Conservation District in accordance with their standards.

___/___/___

9. 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 to the City of Banning or the Riverside County Flood Control and Water Conservation District unless such easements are expressly made subordinate to the easements to be offered for dedication to the City or RCFC. Prior to granting any of said easements, the sub divider 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.

___/___/___

K. Public Improvements:

___/___/___

1. Construct half street improvements in accordance with City standards fronting Gilman Street including street lighting, curb and gutter, access ramps, sidewalk, and asphalt concrete paving, street name signs, traffic signs and striping, and any transitions. Curb returns have a 35 foot radius along Gilman Street. Street lights on Gilman Street shall be installed offset of the existing street lights. Where the transverse slope of the existing pavement exceeds 3% the applicant shall remove pavement and join the existing pavement surface. Applicants' geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method

___/___/___

2. Construct full street improvements for "A" Street through "J" Street in accordance with City Standards including street lighting, curb and gutter, cross gutters and spandrels, access ramps, drive approaches, sidewalk, and asphalt concrete paving, street name signs, traffic signs and striping, and any transitions. Applicants' geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.

___/___/___

~~3. Construct 24 foot wide secondary access road connecting the cul-de-sac at Wyte Way to the cul-de-sac at 8th Street in accordance with City Standards including asphalt concrete paving, traffic signs and striping, and any transitions. Applicants' geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method. The road shall be accessed by drive approaches at the respective cul-de-sacs.~~

___/___/___

Construct 24-foot wide secondary access road connecting the development to the cul-de-sac at Wyte Way in accordance with City Standards including asphalt concrete paving, traffic signs and striping, and any transitions. Applicant's geotechnical engineer shall provide the design of the pavement section based upon the Caltans method. The road shall be accessed by drive approaches at respective cul-de-sacs.

4. Construct the missing portion of curb, gutter and sidewalk along Gilman Street at the south-westerly end that joins to the knuckle, approximately 150 feet more or less.

___/___/___

5. Construct drive approach(s) for the properties/utilities accessed from the knuckle at the westerly end of Gilman Street. The applicant shall be responsible for paving the drive ways located within the public right-of-way.

___/___/___

6. Construct drive approach(s) for the properties/utilities accessed from the knuckle at the northerly end of Gilman Street. The applicant shall be responsible for paving the drive ways located within the public right-of-way.

___/___/___

- 7. All street improvement design shall provide pavement transitions per Caltrans standards for transition to existing street sections.

___/___/___

L. Grading and Drainage:

___/___/___

- 1. Submit a 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 must 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 Riverside County Flood Control and Water Conservation District (RCFC), RCFC 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.

___/___/___

- 2. Prior to recordation of the final map or approval of the grading plan, the subdivider shall submit a geologic investigation/report for review and approval to demonstrate that the site is not threatened by surface displacement from future faulting in accordance with the Alquist-Priolo Earthquake Fault Zoning Act. Such a report may require building setbacks and/or engineering strengthening that could significantly alter the design of the proposed tentative tract map. The subdivider shall be responsible for the costs associated with the review and approval of geologic investigation/report.

___/___/___

- 3. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development. Note: Discharge to the rock and mortar channel (existing Line "A") downstream of project shall not be increased from existing discharge rate.

___/___/___

- 4. Design and Construct master planned storm drain system Line "A" within tract boundary in accordance with RCFC design and construction standards.

___/___/___

- 5. ~~Design and Construct missing portion of master planned storm drain system Line "A-4" and in accordance with RCFC design and construction standards.~~

___/___/___

At a minimum, the development will make provisions to store runoff from rainfall events up to and including the one-hundred three-hour during event. Post-development peak urban runoff discharge rates shall not exceed pre-development peak urban runoff discharge rates.

- 6. Design and Construct master planned East Gilman Home Debris Basin in accordance with RCFC design and construction standards.

___/___/___

- 7. 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 property westerly of the project. ___/___/___

- 8. The applicant shall comply with Chapter 34 *“Stormwater Management and Discharge Controls”* of the Banning Municipal Code (BMC); California Building Code Appendix Chapter 33 *“Excavation and Grading”*; and the State Water Resources Control Board’s Order No. 99-08-DWQ. ___/___/___
 - a) 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.
 - b) The applicant’s SWPPP shall be reviewed and approved by the City Engineer prior to any on-site or off-site grading being done in relation to this project.
 - c) 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.
 - d) The applicant’s SWPPP shall include provisions for all of the following Best Management Practices (“BMPs”):
 - i) Temporary Soil Stabilization (erosion control).
 - ii) Temporary Sediment Control.
 - iii) Wind Erosion Control.
 - iv) Tracking Control.
 - v) Non-Storm Water Management.
 - vi) Waste Management and Materials Pollution Control.
 - e) All erosion and sediment control BMPs proposed by the applicant shall be approved by the City Engineer prior to any onsite or offsite grading, pursuant to this project.
 - f) 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.

- 9. 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. ___/___/___

- 10. A rough grading plan and 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. Rough grading plans shall include perimeter walls with top of wall and top of footing elevations shown. All footings shall have a minimum of 1-foot of cover, and/or sufficient cover to clear any obstructions. ___/___/___

Completion Date

11. Prior to the issuance of a building permit for any building lot, the applicant shall provide a lot pad certification stamped and signed by a qualified civil engineer or land surveyor. Each pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil. The data shall be organized by lot number, and listed cumulatively if submitted at different times.

___/___/___

12. All lot drainage shall be directed to the driveway by side yard drainage swales independent of any other lot.

___/___/___

13. Obtain clearance or approval from the U.S. Army Corps of Engineers, California Department of Fish and Game, Regional Water Quality Control Board, and Riverside County Flood Control and Water Conservation District as required. Comply with all conditions and mitigation measures if so determined and submit copies of all correspondence with the agencies to the Community Development Director and City Engineer.

___/___/___

M. Landscaping:

___/___/___

1. Prior to occupancy of the first dwelling unit of the development, an automatic sprinkler system and landscaping shall be installed within the common areas including perimeter slopes. The system shall include a landscape controller, a separate water meter, a separate electric meter, and plantings as approved by the Community Development Director. A homeowner's association shall be responsible for the maintenance and upkeep of the common areas in a manner meeting the approval of the Community Development Director.

___/___/___

2. Prior to the recordation of the final map, the subdivider shall reserve open space Lots 174 to 178 **146 & 148** for granting in fee to a homeowner's association who shall be responsible for their maintenance and upkeep in a manner meeting the approval of the Fire Marshall and Community Development Director. If a particular lot may not be granted in fee, the subdivider shall reserve the necessary rights to maintain the lot(s) as described herein.

___/___/___

N. Traffic:

___/___/___

1. The sub divider shall be responsible for the preparation of a Traffic Impact Analysis (TIA) in order to identify the fair share part of any improvements that may be required. The TIA shall be prepared in accordance with County of Riverside guidelines.

___/___/___

2. The subdivider shall be responsible for the preparation of a Traffic Impact Analysis (TIA) in order to identify the fair share part of any improvements that may be required. The TIA shall be prepared in accordance with County of Riverside guidelines. **Subject to the most recent County of Riverside guidelines and the review and approval of the Public Works Director.**

___/___/___

3. 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 property owner until the street is accepted for maintenance.

___/___/___

4. Prior to the issuance of a precise grading permit or building permit, the applicant shall submit and obtain approval of the Fire Marshall for the plans for all public or private access roads, streets and courts. 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 street 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&Rs 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.

___/___/___

5. Place a two way stop with limit lines along Gilman Street at 8th Street.

___/___/___

6. Place centerline striping along Gilman Street.

___/___/___

7. Perform a traffic signal warrant study in accordance with Caltrans standards for the intersection of Wilson Street and 8th Street. If a traffic signal is warranted, the subdivider shall be responsible for constructing the traffic signal at this location prior to occupancy of the 85 single family dwelling.

___/___/___

O. Final Map:

___/___/___

1. Prior to approval of any Final Map, the applicant shall construct all 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 guaranteeing the construction of such improvements and the satisfaction of its obligations for same, or shall agree to any combination thereof, as may be required by the City

___/___/___

2. 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.

___/___/___

Completion Date

- 3. Prior to the recordation of 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 pallet. 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. ___/___/___

- 4. 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 \$5,000.00

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.

- 5. 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 21-17 & 21-18 of the Banning Municipal Code. A reduced copy of the subdivision map shall be included with the submittal. ___/___/___

- 6. Revisions to the tentative map during plan check including, but not limited to, lot line alignments, easements, improvement plan revisions, and similar minor changes which do not alter the design (property rights, number of lots, environmental impact, etc.) may be administratively approved through the plan check process with the mutual consent and approval of the Community Development Director and City Engineer. Final maps shall be amended in accordance with the Subdivision Map Act. ___/___/___

- 7. Prior to approval of any 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 ___/___/___

- 8. 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. ___/___/___

- 9. 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. ___/___/___

- 10. A map of the proposed subdivision drawn at 1"=200' showing the outline of the streets including street names shall be submitted to the City to update the city atlas map. ___/___/___

11. An original Mylar of the final map (after recordation) shall be provided to the City for the record files.

___/___/___

P. Fees:

___/___/___

1. Plan check fees for final map review, professional report review (geotechnical, drainage, etc.), and all improvement plans review, shall be paid prior to submittal of said documents for review and approval in accordance with the Fee Schedule in effect at the time of submittal

___/___/___

2. Public Works Inspection fees shall be paid prior to the scheduling the final map for approval by City Council in accordance with the Fee Schedule in effect at time of time of scheduling

___/___/___

3. Water and sewer connection fees including frontage fees and water meter installation charges shall be paid on a per lot basis at the time of building permit issuance in accordance with the Fee Schedule in effect at that time.

___/___/___

4. Water and sewer connection fees including frontage fees and water meter installation charges shall be paid on a per lot basis at the time of building permit issuance in accordance with the Fee Schedule in effect at that time.

___/___/___

5. A Traffic Signal Mitigation fee shall be paid on a per lot basis prior to issuance of building permits for each lot within the subdivision.

___/___/___

6. A fee shall be paid to Riverside County Flood Control and Water Conservation District in the amount specified by them to perform plan checking for drainage purposes for the proposed subdivision.

___/___/___

APPLICANT SHALL CONTACT THE FIRE MARSHAL AT, (951) 922-3210, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

___/___/___

Q. Fire Department Developer Fees:

___/___/___

1. Fees are increased annually and may be different at the time of construction. The fee schedule at the time of plan submittal shall apply.

___/___/___

Residential Dwelling Units - \$543.00 per unit +
\$ 5.00 per unit Disaster Planning

Plan Check & Inspection - \$ 84.00 per unit

R. Fire Hydrants:

___/___/___

1. Prior to construction or renovation, working fire hydrants shall be provided when any portion of any structure exceeds 150 feet from a water supply on a public street.

___/___/___

2. Spacing of fire hydrants shall comply with UFC Appendix III B and the City of Banning Public Works Standards. (maximum 300 feet)
a.

___/___/___

3. Minimum 6-inch riser, street valve, approved shear valve and blue dot identification marker shall be provided for each fire hydrant.

___/___/___

- 4. The City standard fire hydrant is the Residential, James Jones #J3700, or an equivalent approved by the Fire Marshal. _ / _ / _
- 5. Fire Hydrants are to be painted by the developer, contractor, etc., prior to the final inspection. (EOS Standard W714) Rustoleum Red, damp proof #769 and two (2) coats of Rustoleum semi-gloss yellow #659, or an approved equivalent. _ / _ / _

S. Water Supply:

- 1. Fire flow shall be established by the Fire Department using the information provided in the UFC Appendix III A. Fire Flow may be adjusted upward where conditions indicate an unusual susceptibility to fire. (minimum 1000gpm for 2 hours) _ / _ / _

T. Fire Department Access:

- 1. Shall be required when any portion of the first story of any structure is more than 150 feet from Fire Department apparatus access. _ / _ / _
- 2. Minimum clearances or widths may be increased when the minimum standards are not adequate for Fire Department access. _ / _ / _
- 3. Surfaces shall be designed and maintained to support the imposed loads of fire apparatus. Surfaces shall have all-weather driving capabilities, including bridges. _ / _ / _
- 4. Minimum quality road surfaces shall be in place prior to combustible materials being delivered to the site. _ / _ / _
- 5. Minimum unobstructed width shall be 20 feet. _ / _ / _
- 6. Minimum unobstructed vertical clearance shall not be less than 13 feet 6 inches. _ / _ / _
- 7. Minimum turning radius shall be 42 feet. _ / _ / _
- 8. All dead-end access roads in excess of 150 feet shall have approved provisions for turning around of fire apparatus. _ / _ / _
- 9. Maximum grade shall be established by the Fire Department _ / _ / _
- 10. Vehicles shall not be parked or otherwise obstruct the required width of any fire apparatus access. _ / _ / _
- 11. Two means of ingress/egress shall be provided for emergency vehicles and fire apparatus. _ / _ / _
- 12. The requirements for this segment are covered in UFC Article 9. _ / _ / _

U. Premises Identification.

- 1. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

Residential - 3-1/2" mm. Size

____/____/____
____/____/____

V. Spark Arrestors

- 1. Chimneys used in conjunction with fireplaces or heating appliances in which solid or liquid fuel is used shall be maintained with an approved spark arrestor.

____/____/____
____/____/____

W. Inspections

- 1. Inspections shall be requested a minimum of forty-eight (48) hours prior to the time the required inspection is needed.
- 2. Fee for each inspection is \$42.00 per hour per person. Exception, residential inspections are \$21.00 per unit per person.
- 3. Work begun without a permit or without an approved set of plans at the job site will result in a triple fee and/or the work stopped.

____/____/____
____/____/____
____/____/____
____/____/____

X. Hazardous Materials:

- 1 The storage, dispensing, use or handling of hazardous materials during construction shall be in accordance with the provisions of UFC Article 80 and UBC Section 307 in addition to all federal, state and local laws or ordinances.

____/____/____

Y. Fuel Modification/Hazard Reduction Plan (Req'd Note for all Maps and Plans)

- 1. A "greenbelt" or fuel modification zone will be required along the northern portion of the project.
The Greenbelt/Zone Plan and the provisions for maintenance shall meet the standard developed by the Fire Department. That standard is presented below.

____/____/____
____/____/____
____/____/____

Standard Banning Fire Services Requirements for
"Fuel Modification Zones"
Around Projects in **High Fire Hazard Areas**

Lots that are within planning areas adjacent to open space (Wildland/Urban Interface Areas) will be developed in accordance with a Fire Protection Plan that provides adequate buffering and fuel modification zones consistent with City Fire Department standards. Fuel management zones will be provided as outlined below.

Areas where slopes exceed 30% will undergo trimming and/or clearing of flammable native vegetation for a minimum distance of one-hundred (150) feet from any structure and a minimum distance of seventy-five (75) feet from any property line. No less than fifty (50) feet of these cleared areas will be planted with non-flammable ("wet-zone") vegetation with the remainder remaining clear of trees or large shrubs. The fuel management zones may be reduced through the use of concrete walls as a rear yard edge treatment or as otherwise approved by the City Fire Department. Where residential areas are adjacent to open space areas with slopes not exceeding 30%, a minimum of 100 feet from any structure and a minimum of 50 feet of non-flammable ("wet zone") vegetation must be provided outside of any property line.

The above listed fuel modification zone widths may be increased in areas of extremely steep slopes or where strong winds may influence fire behavior. Fuel modification areas can extend into private lots as long as a Homeowners Association establishes enforceable restrictions related to no additional structures (i.e. garages, barns, storage buildings, wooden decks, patio covers, etc.) within required setbacks. Maintenance of fuel management zones will be the responsibility of either a Homeowners Association, neighborhood association or other appropriate maintenance agency/entity approved by the City of Banning.

Prior to approval of any Tentative Tract Map or Land Use Permit for properties adjacent to wildland interface zones, the project proponent will prepare a Fire Protection Plan for approval by the City Fire Department. The Fire Protection Plan will provide definition of standards, locations, roadway widths, emergency access, design, maintenance, types of vegetation to be used in "wet zones", construction timing, financing and other applicable conditions related to fire protection.

Construction of the buildings that are directly adjacent to the wildland areas must meet the following minimum requirements in addition to other applicable codes:

1. All eaves must be fire protected (i.e. boxed and stuccoed)
2. All attic openings must be screened with a mesh no larger than 1/8 inch.
3. Windows must be dual-paned with aluminum frames.
4. Only non-combustible siding may be used.

APPLICANT SHALL CONTACT THE WATER DEPARTMENT AT, (951) 922-3282, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

Z. Water

1. Submit Water Improvement Plans to the Engineering Division for review and approval. Design water lines throughout and to property boundaries to tract. The proposed new water lines shall connect into the City's water system on Gilman Street. To receive water service without using a hydromatic station, the upper elevation of the highest house pad shall be placed below the 2610 elevation. Also, in some areas of the tract, special seismic design should be considered.
2. All water lines and fitting shall be a minimum of 8-inches in diameter and shall be DIP or 10- gage steel pipes, cement mortar lined & wrapped. Water line easements shall be a minimum width of 20 feet.
3. Fire hydrants shall be installed within and on the tract boundaries as per the approval plans, at a 300-foot maximum spacing.
4. A backflow device must be installed for each irrigation water connection and inc compliance with the State of California Department of Health Regulations. Contact the City of Banning, After Operations Division, prior to installation.
5. A Reimbursement Agreement may be entered into for the proposed constructed and extended water line on Gilman Street that others can use for their benefit.

AA. Sewer

1. Submit Sewer Improvement Plans to the City Engineer for review and approval. Design and construct sewer lines throughout the tract beginning in the vicinity just easterly of proposed Street "A" and Gilman Street and, also, westerly on Gilman Street to the end of the proposed cul-de-sac for Gilman Street.
2. All sewer lines shall be extra strength Vitrified Clay Pipe and the sewer mains shall be a minimum of 8-inches in diameter. Sewer line easements to be a minimum of 20-feet wide and shall have an all weather access cover.
3. A sewer check valve shall be provided for each lot with a finished pad elevation lower than the rim elevation of the immediate up-stream sewer manhole.
4. A Reimbursement Agreement may be entered into for the proposed constructed and extended sewer line on Gilman Street that others can use for their benefit.

BB. Sewer

1. Water and Sewer Connection Fees and Water Meter Installation charges shall be paid on a per lot basis and per EDU at the time of issuance of building permits, for each lot within this subdivision in accordance with the fee schedule in effect at the time the fees are paid. Also, pay all water and sewer frontage fees, if applicable, and in accordance with the fee schedule in effect at the time the fees are submitted, prior to plan checking proceeding.

Staff Recommendations of Modified Conditions
Tentative Track Map 33540

EXHIBIT B

Section A. - Condition #4

A parcel is to be dedicated to the Morongo Band.

An easement shall be recorded against the subject property which provides legal practical access from the project to the north via the extension of "F" Street (to be improved) for the purpose of maintenance of the existing antennae.

If proof of alternative access to the antennae has been confirmed this condition may be removed.

Section C. - Condition #8 –

The power transformers will be aboveground.

All ground-mounted utility appurtenances such as transformers, AC condensers, etc., shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming, and/or landscaping to the satisfaction of the Community Development Director. For single family residential developments, transformers shall be placed in underground vaults. **To the satisfaction of Electric and the Public Works Director and New Condition 30.**

Section I.- Condition #5

Added the verbiage "Existing power lines on Gilman - Shall Remain"

All utility systems including gas, electric, telephone, water, sewer, and cable TV 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 in the residence. **To the satisfaction of Electric and the Public Works Director and New Condition 30.**

Section K. - Condition #3 –

Road requirement removed as agreed with the City. A new emergency road added from the project to Wyte St.

~~Construct 24 foot wide secondary access road connecting the cul-de-sac at Wyte Way to the cul-de-sac at 8th Street in accordance with City Standards including asphalt concrete paving, traffic signs and striping, and any transitions. Applicants' geotechnical engineer~~

~~shall provide the design of the pavement section based upon the Caltrans method. The road shall be accessed by drive approaches at the respective cul-de-sacs.~~

Construct 24-foot wide secondary access road connecting the development to the cul-de-sac at Wyte Way in accordance with City Standards including asphalt concrete paving, traffic signs and striping, and any transitions. Applicant's geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method. The road shall be accessed by drive approaches at respective cul-de-sacs.

Section L.- Condition #5 –

Removed the required basin and line "A-4" since the entire impacted area has been proposed as open space. All development has been removed from this area. Area to remain natural.

At a minimum, the development will make provisions to store runoff from rainfall events up to and including the one-hundred three-hour during event. Post-development peak urban runoff discharge rates shall not exceed pre-development peak urban runoff discharge rates.

Section M. Condition #2

Fixed lot numbers to match the new TTM lot numbering.

Prior to the recordation of the final map, the subdivider shall reserve open space Lots 174 to 178 **146 & 148** for granting in fee to a homeowner's association who shall be responsible for their maintenance and upkeep in a manner meeting the approval of the Fire Marshall and Community Development Director. If a particular lot may not be granted in fee, the subdivider shall reserve the necessary rights to maintain the lot(s) as described herein.

Section N.- Condition #2 –

No TIA needed due to a reduction in lot numbers for this project.

The subdivider shall be responsible for the preparation of a Traffic Impact Analysis (TIA) in order to identify the fair share part of any improvements that may be required. The TIA shall be prepared in accordance with County of Riverside guidelines. **Subject to the most recent County of Riverside guidelines and the review and approval of the Public Works Director.**



City of Banning

99 E. Ramsey Street • P.O. Box 998 • Banning, CA 92220-0998 • (951) 922-3125 • Fax (951) 922-3128

Proud History
Prosperous Tomorrow

COMMUNITY DEVELOPMENT
DEPARTMENT

PROJECT #: Tentative Tract Map 33540 (Modified) /Design Review No. 18-7003
 Conditions of Approval (Planning Commission Resolution No.
 SUBJECT: 2018-14)

APPLICANT: Drew Wilson – Civil Design and Drafting

LOCATION: APN: 535-070-014, 535-110-002, 006, 011, 012; 535-311-006
THROUGH 023; AND 535-312-001 THROUGH 024

ADDITIONAL CONDITIONS

EXHIBIT C

*** All fair share agreements, covenant agreements and agreements subject to recordation will be subject to review and approval by the City Attorney and will include appropriate enforcement provisions by the City and be properly securitized.**

Community Development Department

1. The project shall at all times comply with all Federal, State, County and City laws, codes, regulations and standards including those that relate to hazardous materials.
2. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to, arbitrations, mediations, and other such procedures) (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map

Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

3. Approval of this entitlement shall not waive compliance with any sections of the Development Code, other applicable City Ordinances, in effect at the time of building permit issuance.
4. Construction shall commence within two (2) years from the date of project approval, or the Design Review approval shall become null and void. Additionally, if after commencement of construction work is discontinued for a period of one year the Design Review shall become null and void. Projects may be built in phases if pre-approved by the review authority. The Community Development Director may, upon a written application being filed 30 days prior to expiration and for good cause, grant a onetime extension not to exceed 12 months. Upon granting of an extension, the Community Development Director shall ensure that the Design Review comply with all current Ordinance provisions.
5. 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.
6. The applicant shall install slate, concrete, tile, clay tile, or equal roofing material as if pertains to fire safety as approved by the Planning and Fire Departments on all units within the subject property.
7. All ground-mounted utility appurtenances such as transformers and AC condensers shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming, and/or landscaping to the satisfaction of the Community Development Director. Any existing or proposed above ground utilities will be subject to the review and approval of the Public Works Department and Electric Department.
8. A detailed on-site lighting plan, including a photometric diagram, shall be reviewed and approved by the Community Development Director. Such plan shall indicate style, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties in accordance with the Zoning Code. Lighting fixtures shall be shielded or recessed to prevent spillage to the adjacent properties.

Additionally, all lighting plans and installations shall conform to the requirements of the conditions stipulated by the Airport Land Use Commission (ALUC) and Federal Aviation Administration (FAA) review.

9. 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: police and fire safety developer fees, water and sewer fees, park land dedication fees, impact fees, MSHCP fees, TUMF fees, and electric meter installation fees. Applicant shall provide written evidence to the City that school mitigation fees have been paid or other arrangements acceptable to the Banning Unified School District have been met.
10. A six- (6) foot chain link fence or wall must be maintained around the perimeter of the site during all phases of construction.
11. The developer shall submit a construction access plan and schedule for the development of the project for Community Development Director and City Engineer approval; including, but not limited to, public notice requirements, special street posting, phone listing for community concerns, hours of construction activity, dust control measures, and security fencing.
12. Prior to any use of the project site, all Conditions of Approval shall be completed, as required, to the satisfaction of the Community Development Director. Contact the Planning Department at (951) 922-3125 to request a FINAL INSPECTION prior to issuance of the Certificate of Occupancy a minimum of 48 hours in advance of requested inspection.

Public Works Department

General Requirements

13. A Public Works Permit shall be required prior to commencement of any work within the public right-of-way. The 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 public improvements 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.
14. The applicant shall comply with all Engineering Conditions as indicated in the attached FINAL CONDITIONS OF APPROVAL" for Tentative Tract Map 33540.

15. Condition #3 on page 10 under "K" shall be revised as follows:

Construct 24-foot wide secondary access road connecting the development to the cul-de-sac at Wyte Way in accordance with City Standards including asphalt concrete paving, traffic signs and striping, and any transitions. Applicant's geotechnical engineer shall provide the design of the pavement section based upon the Caltans method. The road shall be accessed by drive approaches at respective cul-de-sacs.

16. Condition #5 on Page 11 under "L Grading and Drainage" shall add the following paragraph:

At a minimum, the development will make provisions to store runoff from rainfall events up to and including the one-hundred three-hour during event. Post-development peak urban runoff discharge rates shall not exceed pre-development peak urban runoff discharge rates,

17. In addition to the above items, the applicant, prior to the issuance of any grading or building permit, shall provide a Project Specific Water Quality Management Plan (WQMP) to the City for review and approval in accordance with California Regional Water Quality Control Board Colorado River Basin Region Order No. R7-2013-0011.

Water

18. Submit Water Improvement Plans along with hydraulic analysis calculations demonstrating adequate fire protection to the Engineering Division for review and approval. Design waterlines throughout and to and across property boundaries of tract. The proposed new waterlines shall connect into the City's water system on Gilman Street. To receive water service without using a hydropneumatic booster station, the elevation of the highest house pad shall be placed below the 2610 elevation. In some areas of the tract, special seismic design should be considered.
19. All waterlines and fittings shall be a minimum of 8" diameter ductile iron pipe (DIP), class 350. Any waterline easements shall be a minimum width of 20 feet.
20. Fire hydrants shall be installed within and on the tract boundaries as per the approved plans, at a 300' maximum spacing. Fire hydrant model shall be James Jones J-4040 or approved equal.

21. An RP backflow prevention device must be installed for each irrigation water connection and in compliance with the State of California Department of Health Regulations. Contact the City of Banning Water Operations Division prior to installation of backflow prevention devices.

Sewer

22. Submit Sewer Improvement Plans to the Engineering Division for review and approval. Design and construct sewer lines throughout the tract and, also, westerly on Gilman Street from the existing cleanout approximately 950 feet west of Wyte Way to the end of the street.
23. All sewer lines shall be PVC SDR 26 and the sewer mains shall be a minimum of 8" diameter. Sewer line easements to be a minimum of 20' wide and shall have an all-weather access cover.
24. A sewer backwater check valve shall be provided for each lot with a finished pad elevation lower than the rim elevation of the immediate upstream sewer manhole.

Fees

25. Water and Sewer Connection Fees shall be paid per EDU (EDU is based upon meter size) on a per lot basis at the time of issuance of building permits, in accordance with the fee schedule in effect at the time the fees are paid.
26. Frontage Fees for water and sewer, if applicable, will be based on the rates outlined in Chapter 13 Section 8 of the municipal code.
27. Water Meter Installation charges shall all be paid at the time of issuance of building permits, within this project in accordance with the fee schedule in effect at the time the fees are paid.
28. Plan checking fees are to be paid with initial plan submittal.

Electric Utility Department

The following will need to be completed in order to receive electric service.

29. The developer will be required to submit an electrical utility design to service this project. The design must be approved by electric utility.
30. Place all utilities underground within the tract and along with the existing Banning overhead power lines in the area of the proposed street that will connect to Wye Way.
 - A. The existing power lines on Gilman shall remain provided that the power poles are behind side walk or within a parkway.
 - B. For confirmation of location of existing power poles, the developer shall identify the current location of each power pole relative to the proposed improvements.
 - C. All electric utilities within the tract will need to be underground and easements/right-of-way for pad-mounted electrical equipment will need to be provided by the developer.
31. The electric utility point of connection for this project will be from Gillman Street.
32. If any poles on Gilman Street need to be relocated due to this development, it will be at the expense of the developer.
33. Street lighting will be required to be placed along Gilman Street as well as within project.
34. The City of Banning Electric Utility shall be responsible for:
 - A. Reviewing electric plans submitted by customer.
 - B. Providing cost estimate for installing an underground electrical system for this project.
 - C. Inspecting all trenches prior to backfilling. 24-hour prior notice is required before inspection.
 - D. Install electrical apparatus including primary conductors, terminations, metering and transformer to provide electrical service for your project.

Building Department

The following comments are required at time of plan check submittal

35. The Site shall be developed in compliance with all current model codes. All plans shall be designed in compliance with the latest editions of the California Building Codes as adopted by the City of Banning.
36. Site development and grading shall be designed to provide access to all entrances and exterior ground floor exits and access to normal paths of travel, and where necessary to provide access. Paths of travel shall incorporate (but not limited to) exterior stairs, landings, walks and sidewalks, pedestrian ramps, curb ramps, warning curbs, detectable warnings, signage, gates, lifts and walking surface

material. The accessible route(s) of travel shall be the most practical direct route between accessible building entrances, site facilities, accessible parking, public sidewalks, and the accessible entrance(s) to the site. California Building Code (CBC) 11A and 11B.

- A. City of Banning enforces the State of California provisions of the California Building Code disabled access requirements. The Federal ADA standards differ in some cases from the California State requirements. It is the building owner's responsibility to be aware of those differences and comply accordingly.
- B. Disabled access parking shall be located on the shortest accessible route. Relocate parking spaces accordingly.

37. Separate submittals and permits are required for all accessory structures such as, but not limited to, trash enclosures, patios, block walls, and storage buildings.

38. Pursuant to California Business and Professions Code Section 6737, this project is required to be designed by a California licensed architect or engineer. Based on change of use and potential exiting and fire life safety improvements.

Fire Department

39. Effective January 1st 2011 all one/two family dwellings and townhouses require an automatic residential fire sprinkler system designed and installed in accordance with CRC section HCD R313.3 or NFPA 13D.

40. For residential areas, approved standard fire hydrants, located at each intersection and spaced 500 feet apart with no portion of any lot frontage more than 165 feet from a hydrant. Minimum fire flow shall be 500 GPM for 1-hour duration at 20 PSI.

41. Prior to building plan approval and construction, applicant/developer shall furnish two copies of the water system fire hydrant plans to Fire Department for review and approval. Plans shall be signed by a registered civil engineer, and shall confirm hydrant type, location, spacing, and minimum fire flow. Once plans are signed and approved by the local water authority, the originals shall be presented to the Fire Department for review and approval.

42. Prior to issuance of building permits, the water system for fire protection must be provided as approved by the Fire Department and the local water authority.

43. Blue dot retro-reflectors pavement markers on private streets, public streets and driveways to indicated location of the fire hydrant. 06-05 (located at www.rvcfire.org.)
44. •Fire Apparatus access road shall be in compliance with the Riverside County Fire Department Standards. Access lanes will not have an up, or downgrade of more than 15%. 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 weather driving capabilities.
45. Any turn-around requires a minimum 38-foot turning radius. All structures shall be accessible from an approved roadway to within 150 feet of all portions of the exterior of the first floor.
46. The minimum dimension for access roads and gates is 20 feet clear and unobstructed width and a minimum vertical clearance of 13 feet 6 inches in height.

MODIFIED CONDITIONS

Attached

END

Attachment 2

Planning Commission Resolution No. 2018-14

RESOLUTION 2018-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE THE MODIFICATION AND PHASING OF PREVIOUSLY APPROVED TENTATIVE TRACT MAP NO. 33540 AND DESIGN REVIEW NO. 18-7003. PREVIOUSLY APPROVED TO SUBDIVIDE 65 ACRES INTO 172 RESIDENTIAL LOTS, 3 OPEN SPACE LOTS, 1 FLOOD CONTROL BASIN AND 10 LETTERED LOTS FOR STREETS. THE PROPOSED MODIFICATION IS TO REDUCE THE LOTS TO 143 RESIDENTIAL LOTS, 3 OPEN SPACE LOTS, 3 PRIVATE PARK LOTS, 2 FLOOD CONTROL LOTS AND 9 LETTERED LOTS FOR STREETS IN THE LOW DENSITY RESIDENTIAL (LDR) DISTRICT. THE PROPERTY IS LOCATED NORTH OF GILMAN STREET AND WEST OF WYTE WAY WITHIN APNS 535-070-014, 535-110-002, 006, 011, 012; 535-311-006 THROUGH 023; AND 535-312-001 THROUGH 024.

WHEREAS, on September 26, 2006, the City Council of Banning adopted Resolution 2006-58 adopting a Mitigated Negative Declaration and Mitigation Monitoring Program for Tentative Tract Map 33540, to allow the subdivision of 65 acres into 172 single family residential lots and 3 open space lots within the Low Density Residential Land Use District generally located north of Gilman Street and west of Wyte Way; and

WHEREAS, the applicant has submitted an application for a modification of Tentative Tract Map 33540, a Design Review approval, including phasing for the development of 143 single family residential lots on 65 acres within the Low Density Residential Land Use District. The proposed 7 phases include 21 residential lots, 2 detention basins, 3 open space lots and 1 Home Owners Association lot within Phase 1, 9 residential lots in Phase 2, 5 residential lots in Phase 3, 9 residential lots in Phase 4, 38 residential lot in Phase 5, 37 residential lots in Phase 6 and 24 residential lots in Phase 7. The application has been duly filed by:

Project Applicant: Drew Wilson – Civil Design and Drafting, Inc.
885 Patriot Dr., Unit C
Moorpark, CA 93021

Project Location: North side of Gilman Street, west of Wyte Way
APN: 535-070-014; 535-110-002, -006, -011, -012; 535-311-006 THROUGH -023, 029; 535-312-001 THROUGH -024; 543-150-007 THROUGH 019

Lot Area: 65 Acres

WHEREAS, the Municipal Code allows for the subdivision of 65 acres into 143 single family residential lots ranging in size from 7,000 square feet to 14,000 square feet, subject to the approval of a Tentative Tract Map; and

WHEREAS, on October 26, 2018 the City gave public notice as required under Government Code Section 66451.3 by mailing notices to property owners and advertising in a newspaper of general circulation within the City of Banning of the holding of a public hearing at which the project would be considered; and

WHEREAS, on November 7, 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 Tentative Tract Map and at which the Planning Commission considered the Tentative Tract Map; and

WHEREAS, at this public hearing on November 7, 2018 the Planning Commission considered, heard public comments on and adopted a Mitigated Negative Declaration and Mitigation Monitoring Program for the project by Resolution 2006-12.

WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed Modifications and Phasing to Tentative Tract Map 33540 and Design Review 18-7003 and determined that, pursuant to CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required.

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

SECTION 1. ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

The California Environmental Quality Act (CEQA) Guidelines Sections 15162(a) and 15164(b) set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration for the project. CEQA Guidelines, Section 15162(a) and 15164(b) state that when a Negative Declaration has been adopted for a project, no subsequent Negative Declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Negative Declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous Negative Declaration; or
 - b. Significant effects previously examined will be substantially more severe than shown in the previously adopted Negative Declaration; or
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous Negative Declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

On September 26, 2006, the City Council adopted Resolution 2006-58 adopted a Mitigated Negative Declaration and Mitigation Monitoring Program in accordance with Public Resources Code Section 21152(a) and CEQA Guidelines Section 15063(b)(2), for Tentative Tract Map 33540.

In accordance with the requirements of CEQA, the Planning Commission considered the Modification and Phasing of Tentative Tract Map 33540 and Design Review 18-7003 and has determined that, on the basis of substantial evidence in light of the whole public record and the criteria pursuant to CEQA Section 15062(a) and 15164(b), no factors listed in CEQA Guidelines Sections 15162(a) or 15164(b) have occurred. The basis of this determination is based on the fact the modifications have reduced the number of residential lots and increased the open space preservation and Design Review 18-7003 had already been identified and addressed. The phasing of the proposed development does not result in any potential environmental impacts or substantial changes in the project. Therefore, no changes to the previously adopted Mitigated Negative Declaration and Mitigation Monitoring Program are necessary.

Pursuant to CEQA and the state CEQA Guidelines, City staff has considered the potential environmental impacts of the Modification and Phasing of Tentative Tract Map 33540 and Design Review 18-7003 (the "Project"). City staff has also reviewed the MND and MMRP prepared for Tentative Tract Map 33540 and adopted by the City

Council on September 26, 2006, including the impacts and mitigation measures identified therein. 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 adopted MND. All potential environmental impacts associated with Tentative Tract Map 33540 and Design Review 18-7003 are adequately addressed by the prior MND, and the mitigation measures contained in the prior MND will reduce those impacts to a level that is less than significant. The Planning Commission has independently reviewed City staff's determination, and based upon the whole record before it, City staff's determination, and its independent review and judgment, finds that that the Project, as designed, 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 MND; and (2) All potential environmental impacts associated with Tentative Tract Map 33540 and Design Review 18-7003 are adequately addressed by the prior MND, and the mitigation measures contained in the prior MND will reduce those impacts to a level that is less than significant. The custodian of records for the prior MND, and all other materials that constitute the record of proceedings upon which the Planning Commission's recommendation is based, is the Planning Division of the City Banning. Those documents are available for public review in the Planning Division located at 99 E. Ramsey Street, Banning, California 92220

Multiple Species Habitat Conservation Plan (MSHCP).

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 2. REQUIRED FINDINGS

MAP ACT FINDINGS.

In accordance with Banning Municipal Code and Government Code § 66473.1, § 66473.5 and § 66474, the Planning Commission, in light of the whole record before it, including but not limited to the Planning Department's staff report and all documents incorporated by reference therein, the City's General Plan, Subdivision Ordinance, Zoning Ordinance, standards for public streets and facilities, and the City's Single Family Residential Design Guidelines and any other evidence within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. Tentative Tract Map 33540 is consistent and compatible with the objectives, policies, general land uses, and programs specified the City's General Plan in that:

The General Plan land use designation for the site is Low Density Residential "LDR" which allows project densities from 0 to 5 dwelling units per acre. The proposed Map will result in reduction from 173 single family residential dwelling to the development of 143 single family residential dwelling units at a density of 2.2 units per acre. This density level within the range permitted under the General Plan land use designation for this site. One of the primary goals stated in the Land Use Element of the General Plan is that existing neighborhoods be preserved and enhanced (Goal 1). The proposed Map serves to achieve this objective through the development of single family residential lots and supporting infrastructure while maintaining the City's scenic and cultural resources for the enjoyment of existing and future residents. Specifically, the open space at the base of the slop/ridge has been preserved as open space. This area will be maintained in perpetuity by a Home Owners Association. The lots are expected to be used for detached single-family homes, a use allowed in the General Plan. Further the project serves to achieve Goal 1 of the General Plan Circulation Element, the development of a safe and efficient transportation system. Gilman Street, the primary access for the project, as well as all internal streets will meet the street designation depicted in the City's General Plan (local streets). Further all streets have been reviewed by the Engineering/Public Work's Department to ensure proper design standards. Considering all of these aspects, the proposed Map furthers the objectives and policies of the General Plan and is compatible with the general land uses specific in the General Plan.

2. The design and improvement of the subdivision proposed under Tentative Tract Map 33540 is consistent with the City's General Plan in that:

The proposed subdivision has been designed to meet City standards, which provide satisfactory pedestrian and vehicular circulation, including emergency vehicle access and on site improvements, such as streets, utilities, and drainage facilities have been designed and are conditioned to be constructed in conformance with City standards.

3. The site is physically suitable for the type of development proposed under Tentative Tract Map 33540, in that:

The site is generally rectangular in shape and slopes from the northwest to the south east, and consists of 65 acres. The site is not located within a flood plan. The project is located within an Alquist Priolo special studies zone, seismic and geologic reports have been generated and a "no build zone has been established. No structures or residential lots are proposed for this zone.

4. The site is physically suitable for the density of development proposed under Tentative Tract Map 33540, in that:

The site is generally rectangular in shape, relatively flat, and slopes from the northwest to the southeast and consists of 65 acres. The subdivision designed has been reduced to accommodate the development of 143 (e.g. single family residential dwelling) units considering the shape and topography of the site. The project as proposed has a density of 2.2 units per acre. According to the density ranges provided in the Land Use Element of the City's General Plan for the Low Density Residential (LDR) land use designation and in the City's Zoning Ordinance for the LDR zone, a density of 0-5 units per acres is appropriate for a site of this size and configuration.

5. The design of the subdivision and improvements proposed under Tentative Tract Map 33540, is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat in that:

A portion of the site contains a cemetery; the balance of the site is vacant with the exception of some remnant foundations from the previously occurring Indian School on the property. A biological assessment was conducted on the proposed project site. The study included records searches as well as surveys. The general biological survey found that the majority of the habitat on the site consists of non-native grasslands. The on-site survey identified 49 common species on the site. The northern edge of the site is foraging habitat for avian species and provides a corridor for wildlife, and will be preserved as open space. A preliminary assessment for burrowing owl habitat was completed as required by the Riverside County Multi-Species Habitat Conservation Plan (MSHCP). The site was found to contain suitable habitat for the species, however, no birds were observed. A mitigation measure has been included which requires a protocol survey for burrowing owl to be completed 30-days prior to the issuance of grading permits. Should burrowing owls be located on site, a biologist shall submit recommendations for relocation of the animals to the Planning Department for review and approval. There is no evidence that vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. This determination is based on the Biological Assessment conducted by Pacific Southwest in November 2004 and the City's General Plan. In addition, this project has been conditioned to comply with the environmental policies and regulations of the City of Banning and those of all local and regional governmental agencies having jurisdiction over the site.

6. The design of the subdivision and improvements proposed under Tentative Tract Map 33540, is not likely to cause serious public health problems in that:

The design of the subdivision is in conformance with the City's General Plan, Zoning Ordinance, and Subdivision Ordinance, the construction of all units on the site has been conditioned to comply with all applicable City of Banning ordinances, codes, and standards including, but not limited to, the California Uniform Building Code, the City's Ordinances relating to Storm water runoff management and controls. In addition, the design and construction of all improvements for the subdivision has been 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. Finally, the proposed street system throughout the subdivision will improve emergency vehicular access and in the immediate neighborhood.

7. The design of the subdivision and improvements proposed under Tentative Tract Map 33540, will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision in that:

No easements of record or easements established by judgment of a court of competent jurisdiction for public access across the site have been disclosed in a search of the title records for the site and the City does not otherwise have any constructive or actual knowledge of any such easements.

8. The design of the subdivision proposed Tentative Tract Map 33540, adequately provides for future passive or natural heating and cooling opportunities in the subdivision in that:

Taking into consideration local climate and the existing contour and configuration of the site and its surroundings, the size and configuration of lots within the proposed subdivision have been arranged, to the greatest extent feasible, to permit orientation of structures in an east-west alignment for southern exposure, or to take advantage of natural shade, or to take advantage of prevailing breezes.

SECTION 3. REQUIRED FINDINGS:

REQUIRED FINDINGS FOR DESIGN REVIEW No.18-7003:

Section 17.56.050 of the City of Banning Zoning Ordinance requires that Design Review applications meet certain findings prior to the approval by the Planning Commission. The following findings are provided in support of the approval of Design Review No.18-7003:

Finding A: The proposed use is consistent with the General Plan;

Finding of Fact: Design Review No.18-7003 is consistent with the General Plan Land Use Element's Residential Goals, Policies and Programs which, Goal 1 states to "Preserve and enhance the City's neighborhoods" and Goal 2 states to have "*A broad range of housing types to fill the needs of the City's current and future residents.*" The proposed residential development is consistent with the City Council strategic plan relating to Economic Development Strategy I, in that development of the subdivision is expected to

contribute to achieving a stable and diversified economy within the community. The construction of the proposed tract will generate property and sales tax revenues to the City which will help offset the provision of services to the project residents.

Finding B: The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.

Finding of Fact: The proposed project, the construction of 143 single family residential units and associated improvements in the Low Density Residential Land Use District, is consistent with the Zoning Ordinance and development standards as the subdivision meets or exceeds the Zoning Ordinance development standards for the LDR Zone as to lot width, lot depth, setbacks and building height and provides public improvements that meet City standards. Additionally, all other standards and design guidelines have been considered.

Finding C: The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development, and will not result in vehicular and/or pedestrian hazards. Public Roadway improvement dedications have already been taken.

Finding of Fact: The design of the subdivision is in conformance with the City's General Plan, Zoning Ordinance, and Subdivision Ordinance, the construction of all units on the site has been conditioned to comply with all applicable City of Banning ordinances, codes, and standards including, but not limited to, the California Uniform Building Code, the City's Ordinances relating to Storm water runoff management and controls. In addition, the design and construction of all improvements for the subdivision has been 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. Finally, the proposed street system throughout the subdivision will improve emergency vehicular access and in the immediate neighborhood

Finding D: The design of the proposed project is compatible with the character of the surrounding neighborhood.

Finding of Fact: The proposed project is generally rectangular in shape, relatively flat, and slopes from the northwest to the southeast and consists of

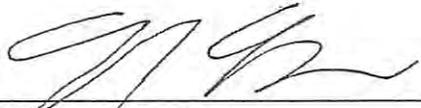
65 acres. The subdivision designed has been reduced to provide more open space and accommodate the development of 143 (e.g. single family residential dwelling) units considering the shape and topography of the site. The project as proposed has a density of 2.2 units per acre. According to the density ranges provided in the Land Use Element of the City's General Plan for the Low Density Residential (LDR) land use designation and in the City's Zoning Ordinance for the LDR zone, a density of 0-5 units per acres is appropriate for a site of this size and configuration in an area which is relatively quiet.

SECTION 4. PLANNING COMMISSION ACTION:

The Planning Commission hereby takes the following action:

1. Adoption of Planning Commission Resolution 2018-14 recommending that the City Council approve:
 - a. Findings, in accordance with Public Resources Code Section 21152(b) and CEQA Guidelines Section 15162(a), that the project, as designed, is not subject to further environmental review pursuant to CEQA Guidelines Section 15162(a) 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 MND adopted for Lot Split Tentative Tract Map 33540; and (2) All potential environmental impacts associated with Tentative Tract Map 33540 and Design Review 18-7003 are adequately addressed by the prior MND, and the mitigation measures contained in the prior MND will reduce those impacts to a level that is less than significant; and
 - b. Modifications and Phasing of Tentative Tract Map 33450 and Design Review No. 18-7003, in accordance with the plans attached as Exhibit A and Conditions of approval attached as Exhibit B. subject to the attached Conditions of Approval:

PASSED, APPROVED AND ADOPTED this 7th day of November 2018.



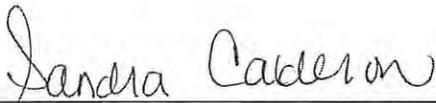
Eric Shaw, Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:



Serita R. Young, Assistant City Attorney
Richards, Watson & Gershon

CERTIFICATION:



Sandra Calderon, Recording Secretary
City of Banning, California

CERTIFICATION:

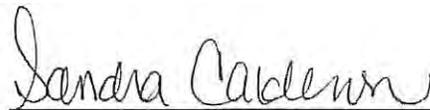
I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution 2018-14, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 7th day of November 2018, by the following vote, to wit:

AYES: Brosious, Price, Schuler, Shaw

NOES: None

ABSENT: None

ABSTAIN: Krick

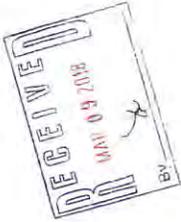
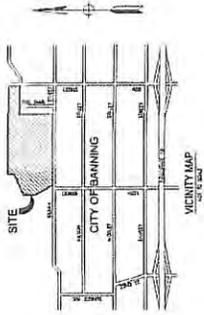


Sandra Calderon, Recording Secretary
City of Banning, California

Attachment 3

Project Plans
(11" x 17" provided)

**TRACT 33540
SITE PLAN EXHIBIT
CITY OF BANNING**



LOT SUMMARY:
 RESIDENTIAL LOTS = 143
 OPEN SPACE LOTS = 3
 PRIVATE PARK LOTS = 3

DESIGNATION: RESIDENTIAL
 PROJECT NO: 08-001
 DATE: 08-20-2007

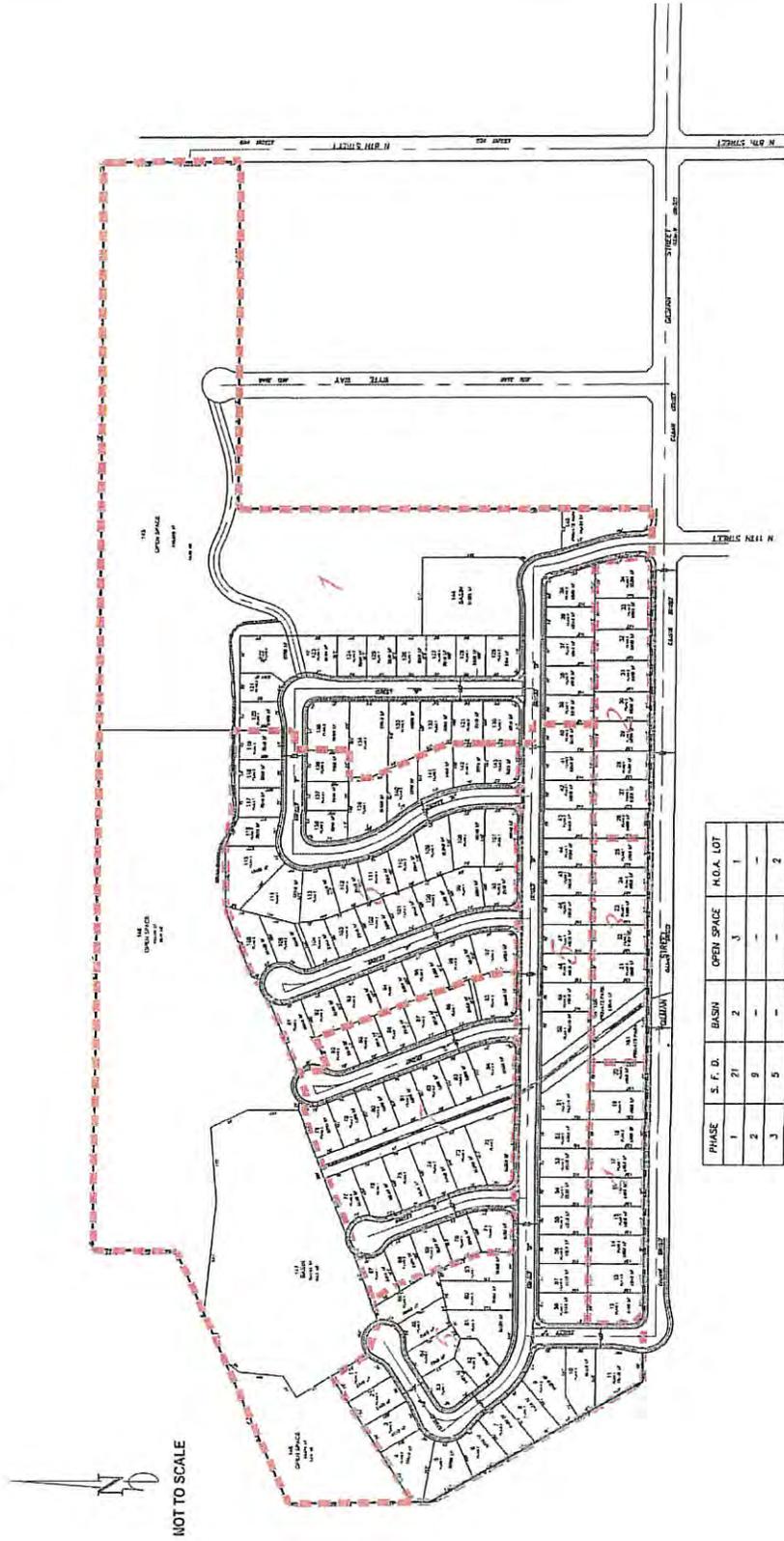
DESIGN: Design Drafting
 1000 E. 11th Street, Banning, CA 92410
 TEL: 951-863-1111
 FAX: 951-863-1112
 WWW.DDDDESIGN.COM

REVISIONS:
 NO. DATE BY
 1 08-20-07 [Signature]

PROJECT NO: 08-001
 SHEET NO: 1 OF 1
 TOTAL SHEETS: 1

CITY OF BANNING
 SITE PLAN EXHIBIT
 WITH
 OPEN SPACE LOTS

MINOR MODIFICATION TO APPROVED
TENTATIVE TRACT MAP NO. 33540
CITY OF BANNING, CALIFORNIA
PHASING MAP EXHIBIT



PHASE	S. F. D.	BASH	OPEN SPACE	H.O.A. LOT
1	21	2	3	1
2	9	-	-	-
3	5	-	-	2
4	9	-	-	-
5	38	-	-	-
6	37	-	-	-
7	24	-	-	-
TOTAL	143	2	3	3

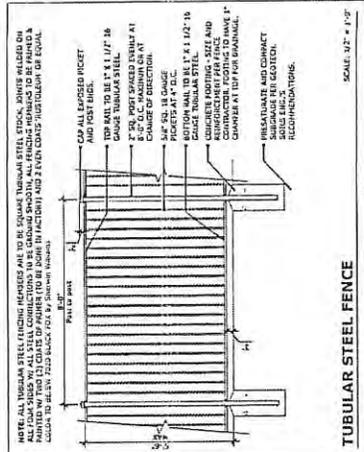
DESIGNED BY: **Design Drafting**
www.designdrafting.com

DATE: 10/15/2013

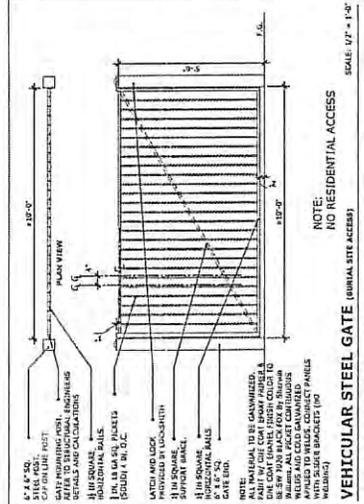
SCALE: AS SHOWN

CITY OF BANNING
APPROVED TO APPROVE
CITY OF BANNING, CALIFORNIA
PHASING MAP EXHIBIT

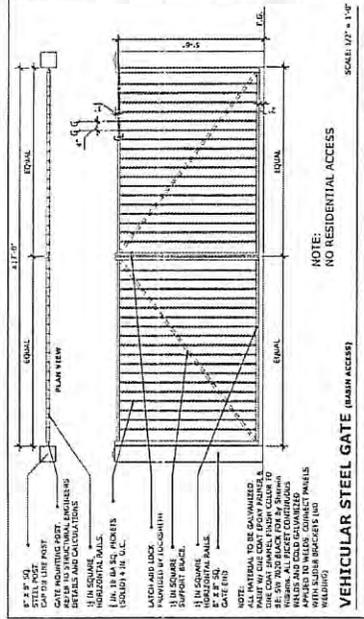
1 OF 1 SHEETS



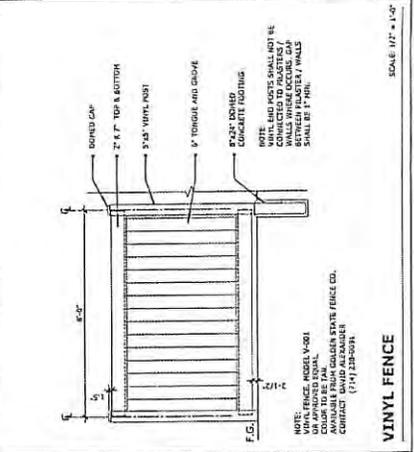
TUBULAR STEEL FENCE
SCALE: 1/2" = 1'-0"



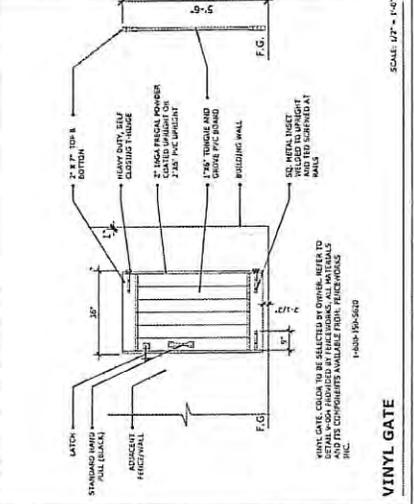
VEHICULAR STEEL GATE (RESIDENTIAL ACCESS)
SCALE: 1/2" = 1'-0"



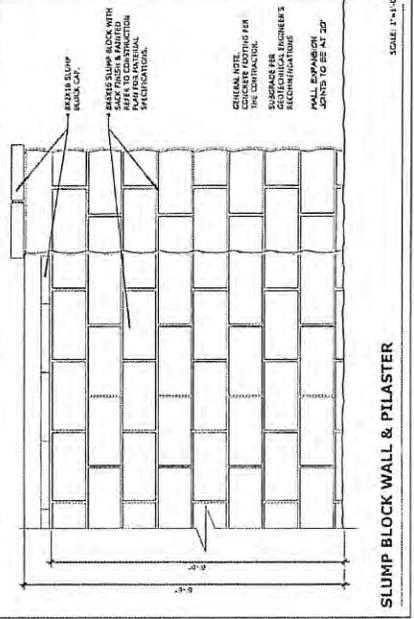
VEHICULAR STEEL GATE (ROUGH ACCESS)
SCALE: 1/2" = 1'-0"



VINYL FENCE
SCALE: 1/2" = 1'-0"



VINYL GATE
SCALE: 1/2" = 1'-0"



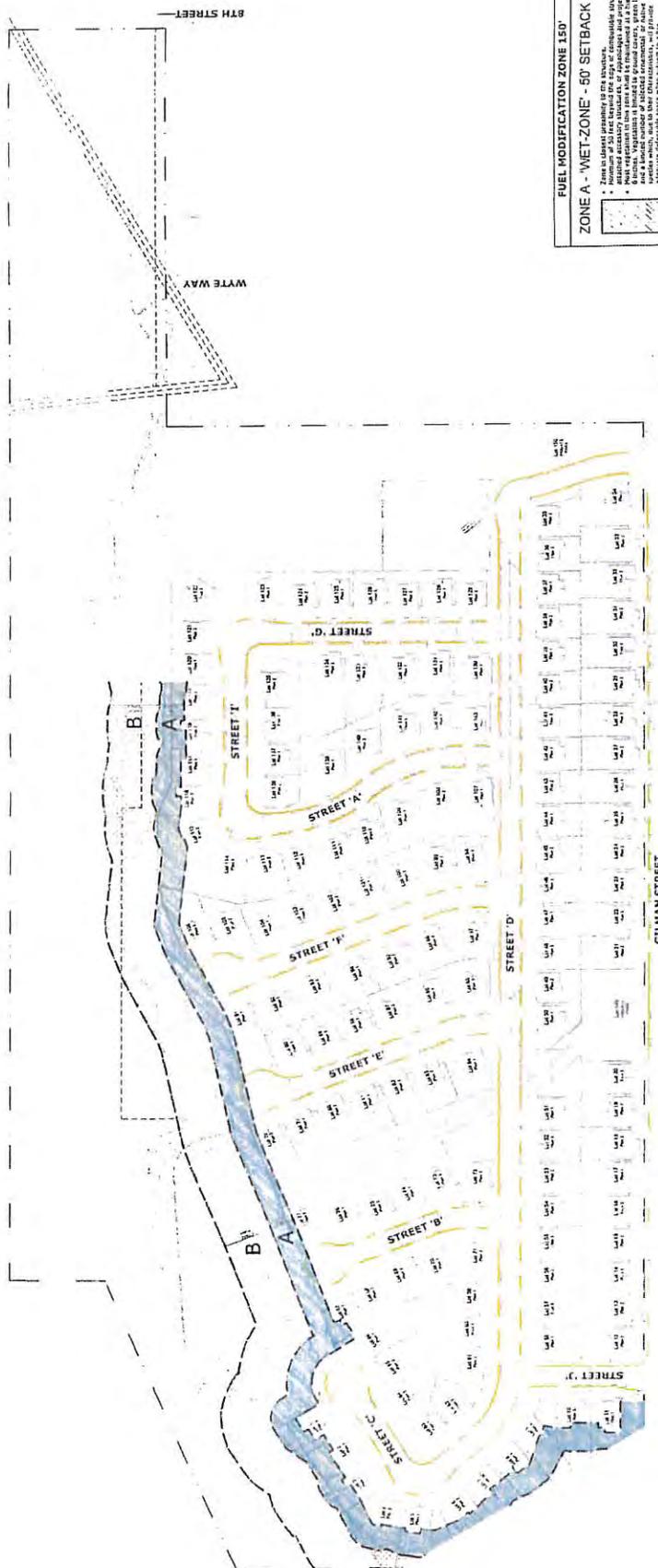
SLUMP BLOCK WALL & PLASTER
SCALE: 1/4" = 1'-0"

Preliminary Fence & Wall Details

ARROWHEAD ESTATES
BANNING, CA

Vintage Communities
LAND CONCERN
COMMUNITY DEVELOPMENT

January 17, 2017 | L-3



FUEL MODIFICATION ZONE 150'

ZONE A - 'WET-ZONE' - 50' SETBACK

- Zone A includes all portions of the structure, including any exterior walls, roof, and any other exterior surfaces, including any exterior walls, roof, and any other exterior surfaces, including any exterior walls, roof, and any other exterior surfaces.
- Vegetation is limited to ground covers, grass, lawn, and other low-growing plants.
- Trees and shrubs must be removed or pruned to a maximum height of 10 feet.
- Maximum height of trees and shrubs must be maintained at all times.
- Pruning must be completed by the end of the growing season.
- Pruning must be completed by the end of the growing season.

ZONE B - 'THINNED' - 100' SETBACK

- Located from the maximum edge of Zone A to 100 feet from the maximum edge of Zone A.
- Any plants selected for planting in this zone shall be selected for their ability to tolerate drought, fire, and other environmental conditions.
- Pruning must be completed by the end of the growing season.
- Pruning must be completed by the end of the growing season.

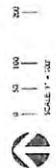
NOTE: HOW TO MAINTAIN ALL FUEL MODIFICATION ZONES OUTSIDE OF HOMEOWNERS PROPERTY LINE.

Vintage Communities

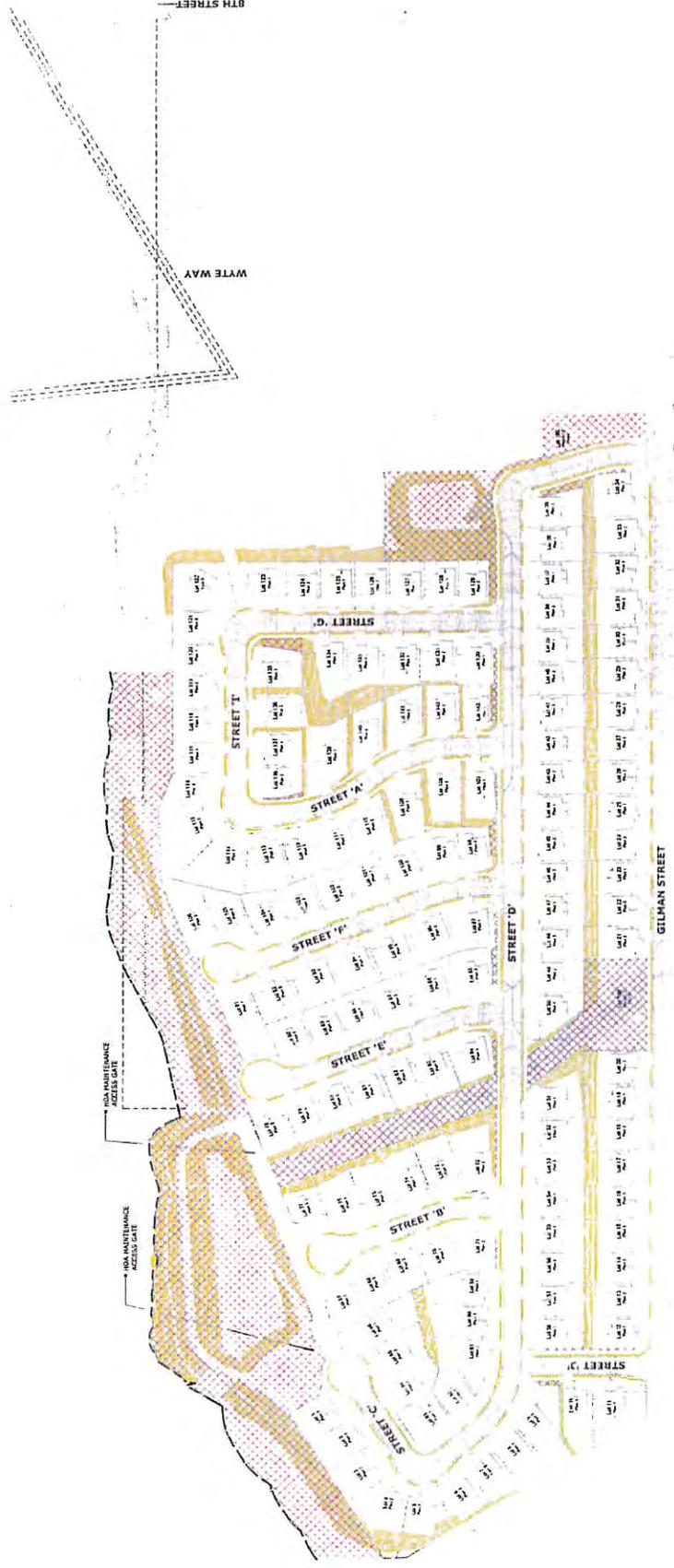
LAND CONCERN
LAND CONCERN, INC. 2017

ARROWHEAD ESTATES
 BANNING, CA

Preliminary Fuel Modification Plan

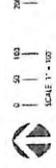


January 17, 2017 | L-4



MAINTENANCE LEGEND	
AREA	DESCRIPTION
[Yellow Shaded Area]	HOA MAINTAINED
[Cross-hatched Area]	INCLUDES ALL UNITS, PUEBLS, PORTFOLIOS, ZONES AND COMMON AREAS.

Preliminary HOA Maintenance Plan

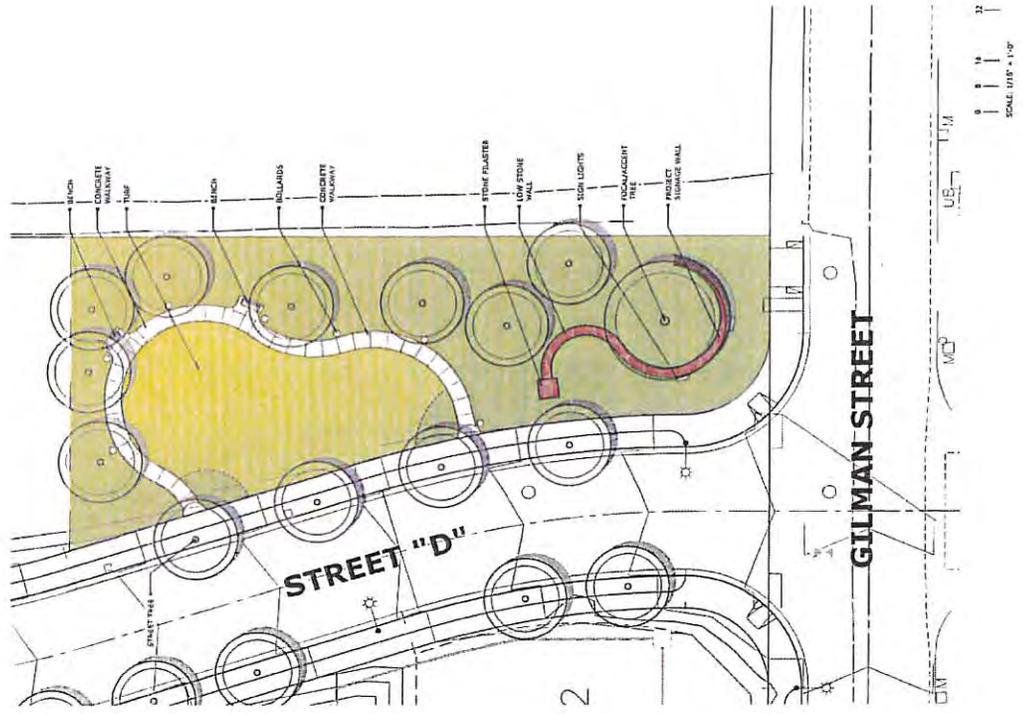
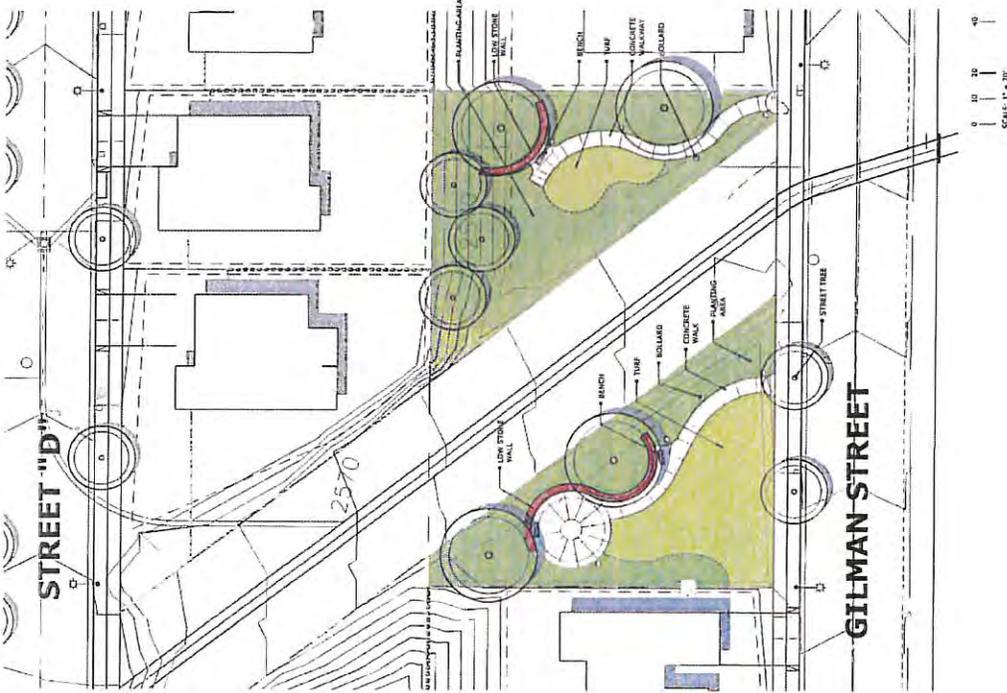


January 17, 2017 | L-5

Vintage Communities

LAND CONCERN
LAND CONCERN COMMUNITIES, INC.

ARROWHEAD ESTATES
 BANNING, CA



Vintage Communities

LAND CONCERN
LANDSCAPE ARCHITECTURE

Pocket Park Enlargements

ARROWHEAD ESTATES
BANNING, CA



January 17, 2017 | L-6

Conceptual Tree Plant Palette

Common Name | SIZE | WUCOLS

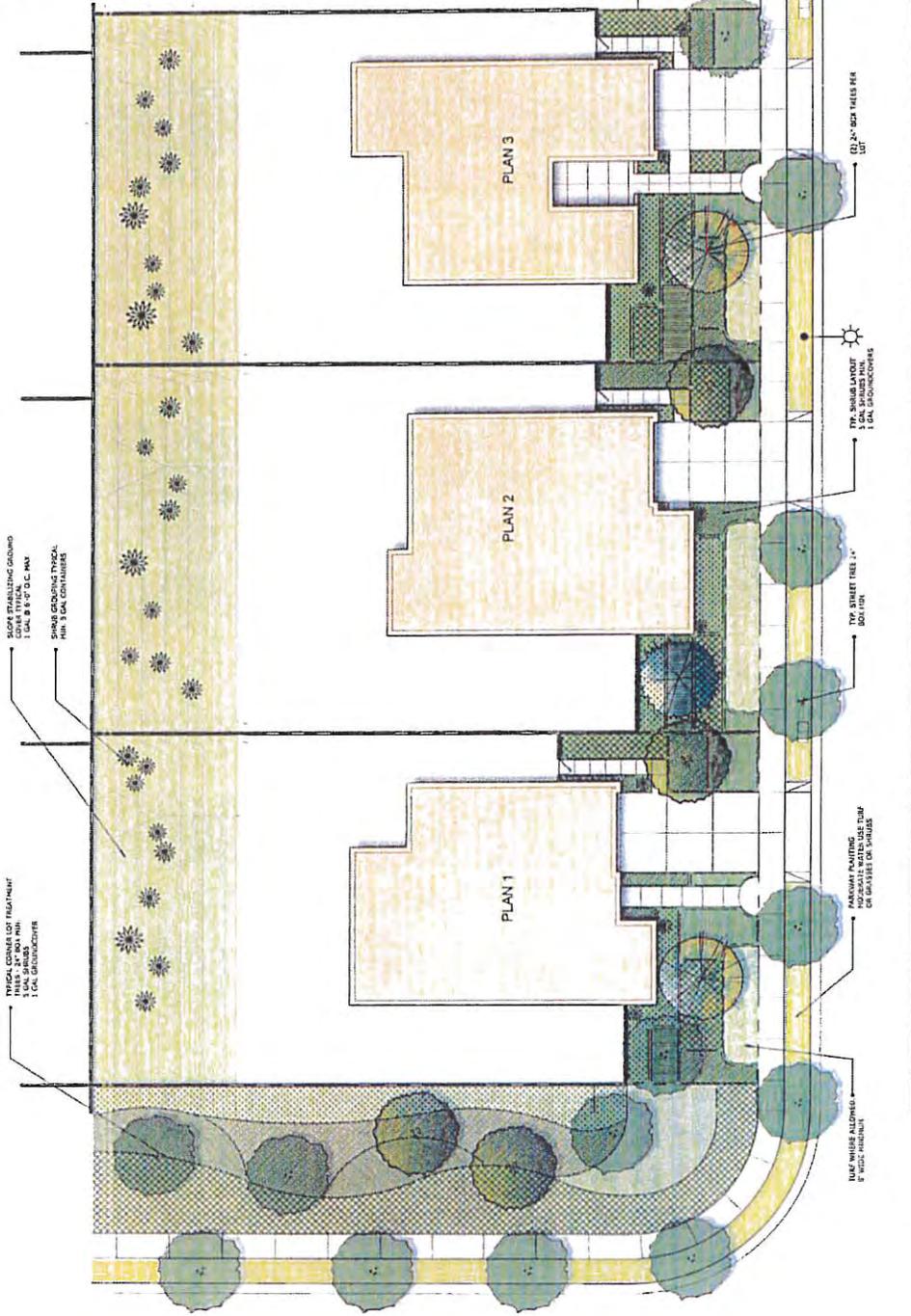
Common Name | SIZE | WUCOLS

Conceptual Shrub Plant Palette

Common Name | SIZE | WUCOLS

Common Name | SIZE | WUCOLS

ALL INDICATED AREAS WILL REMAIN UNFINISHED UNTIL THE FINAL DESIGN IS APPROVED BY THE CLIENT. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND UTILITIES. THE CLIENT SHALL ALSO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND UTILITIES. THE CLIENT SHALL ALSO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND UTILITIES.



Typical Front Yard Landscaping



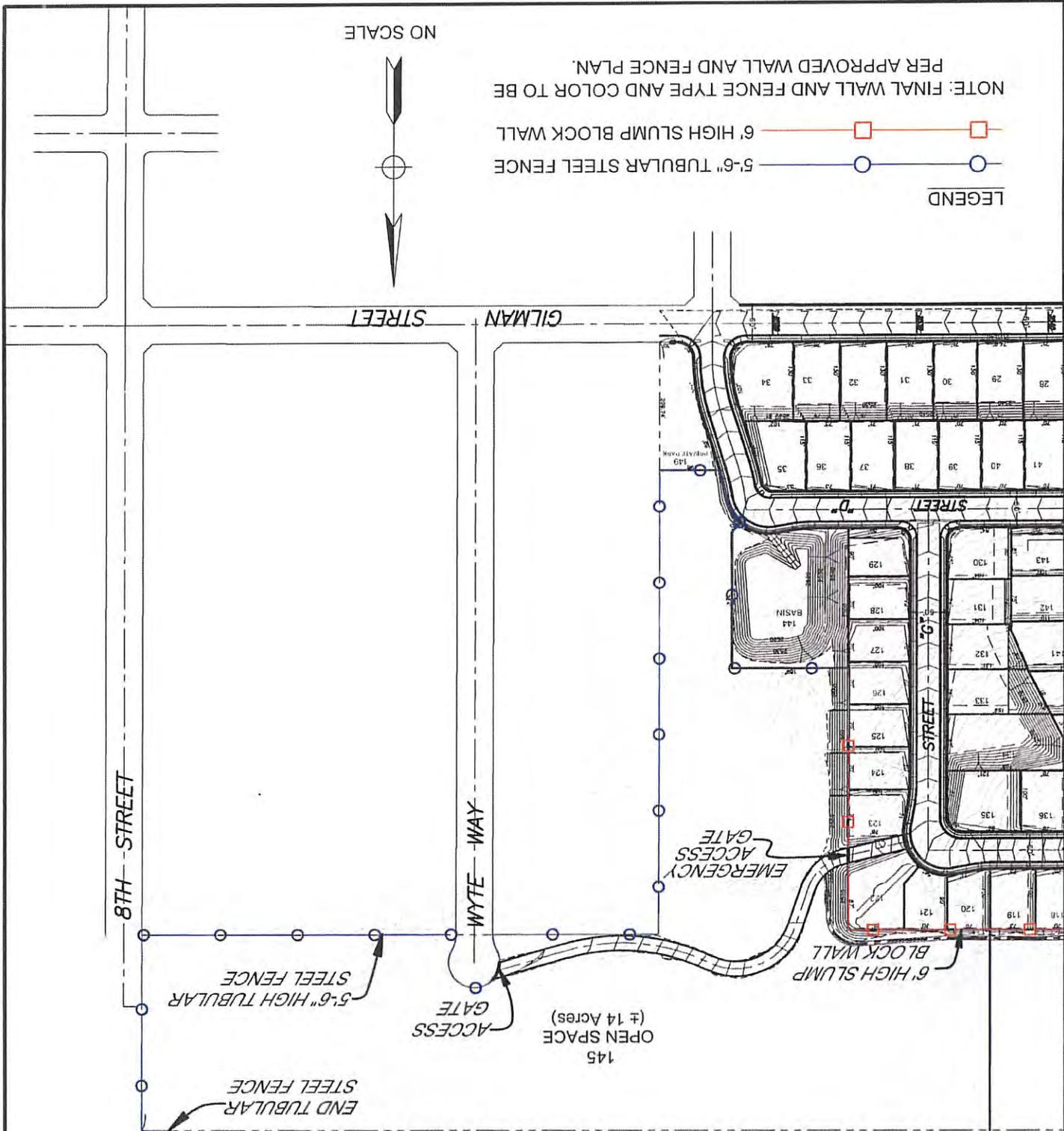
Vintage Communities

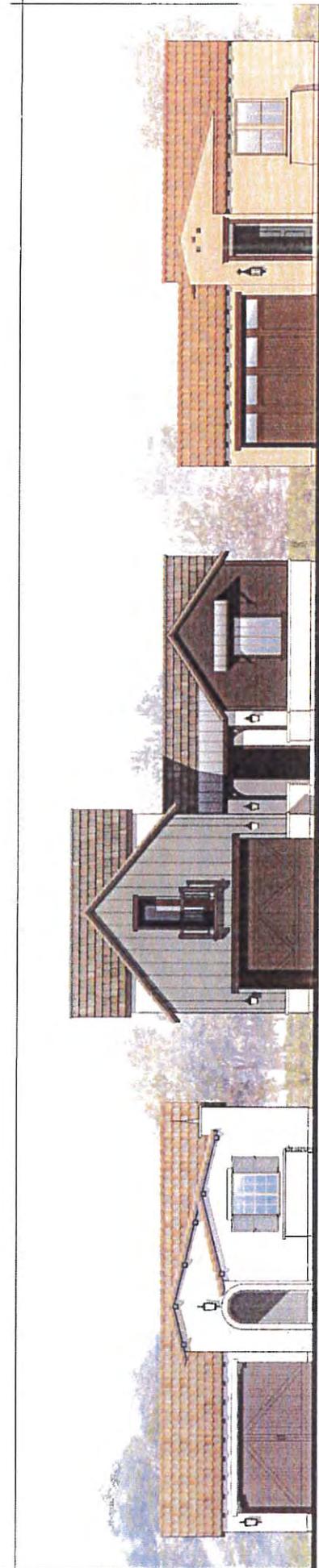
LAND CONCERN

ARROWHEAD ESTATES
BANNING, CA

January 16, 2017 | L-7

EXHIBIT C LOT 145 - WALL AND FENCE PLAN

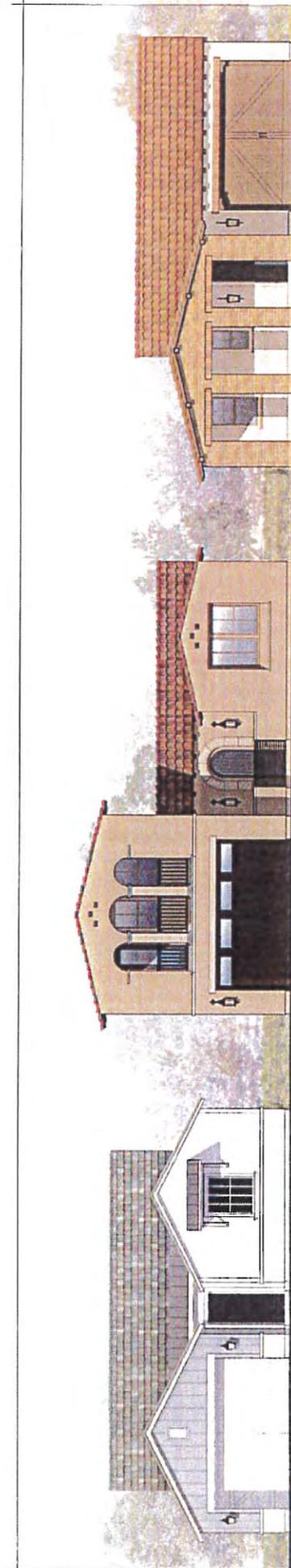




PLAN 1
EARLY CALIFORNIA

PLAN 3
FARMHOUSE

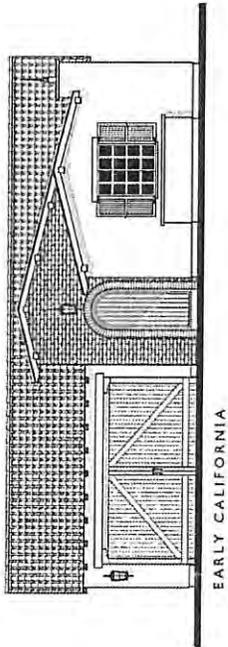
PLAN 1
SPANISH COLONIAL



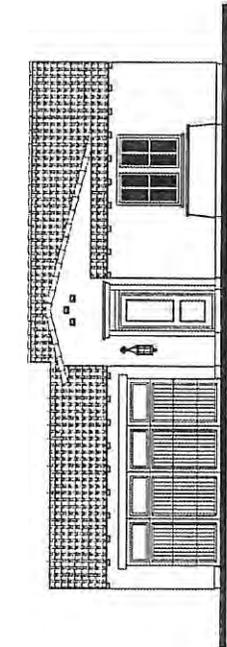
PLAN 1
FARMHOUSE

PLAN 3
SPANISH COLONIAL

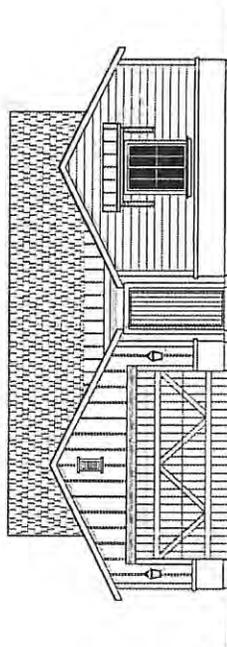
PLAN 2
EARLY CALIFORNIA



EARLY CALIFORNIA



SPANISH COLONIAL



FARMHOUSE

Bossonian | Lagoni
 ARCHITECTURE • PLANNING • INTERIORS
 10000 Bossonian Drive, Suite 100
 Irvine, CA 92618

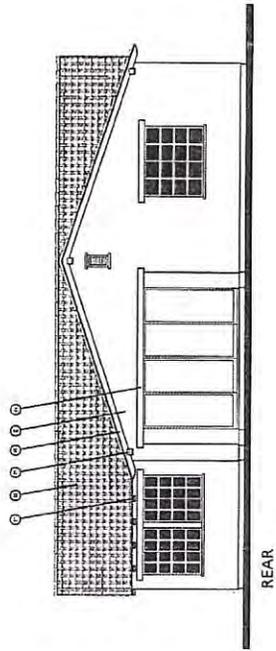
PLAN 1
 FRENCH ELEGANCE
 ARROWHEAD ESTATES
 BARRING, CA



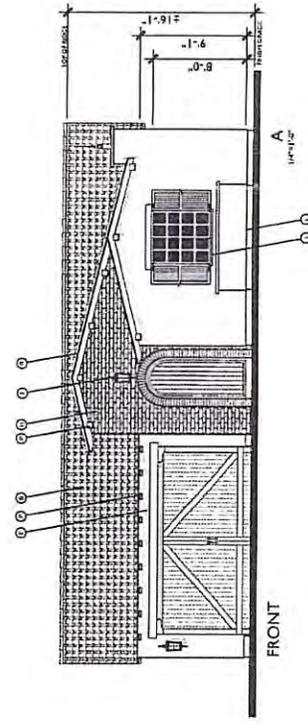
389.14228

01.05.17

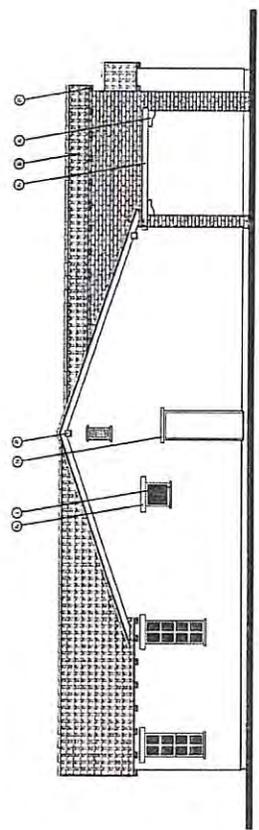
Vintage Communities, Inc.



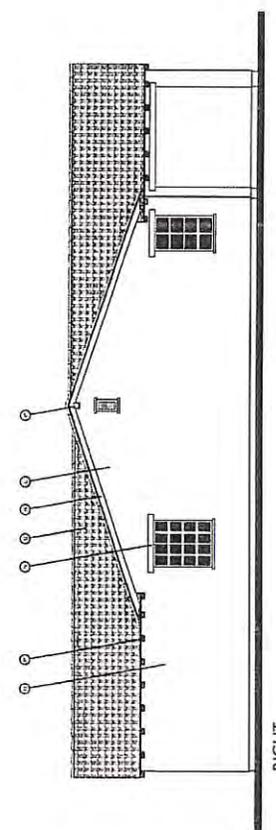
REAR



FRONT

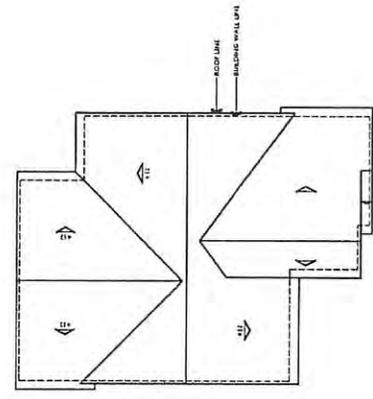


LEFT



RIGHT

- MATERIAL LEGEND:**
- A. CONCRETE TILE
 - B. CONCRETE 3" TILE
 - C. METAL ROOF
 - D. METAL GARAGE DOOR
 - E. STUCCO
 - F. STUCCO SIDING
 - G. BRICK
 - H. ADDRESS BRICK
 - I. STAINLESS STEEL
 - J. PRECAST
 - K. STAINLESS STEEL
 - L. STAINLESS STEEL
 - M. FOAM WOOD SHUTTER
 - N. STAINLESS STEEL
 - O. STAINLESS STEEL
 - P. SHAPED FOAM COREL
 - Q. STAINLESS STEEL
 - R. WOOD BRIDGE BOND
 - S. STAINLESS STEEL
 - T. LIGHT TANK DE TAIL
 - U. METAL AWNING
 - V. METAL FINISH



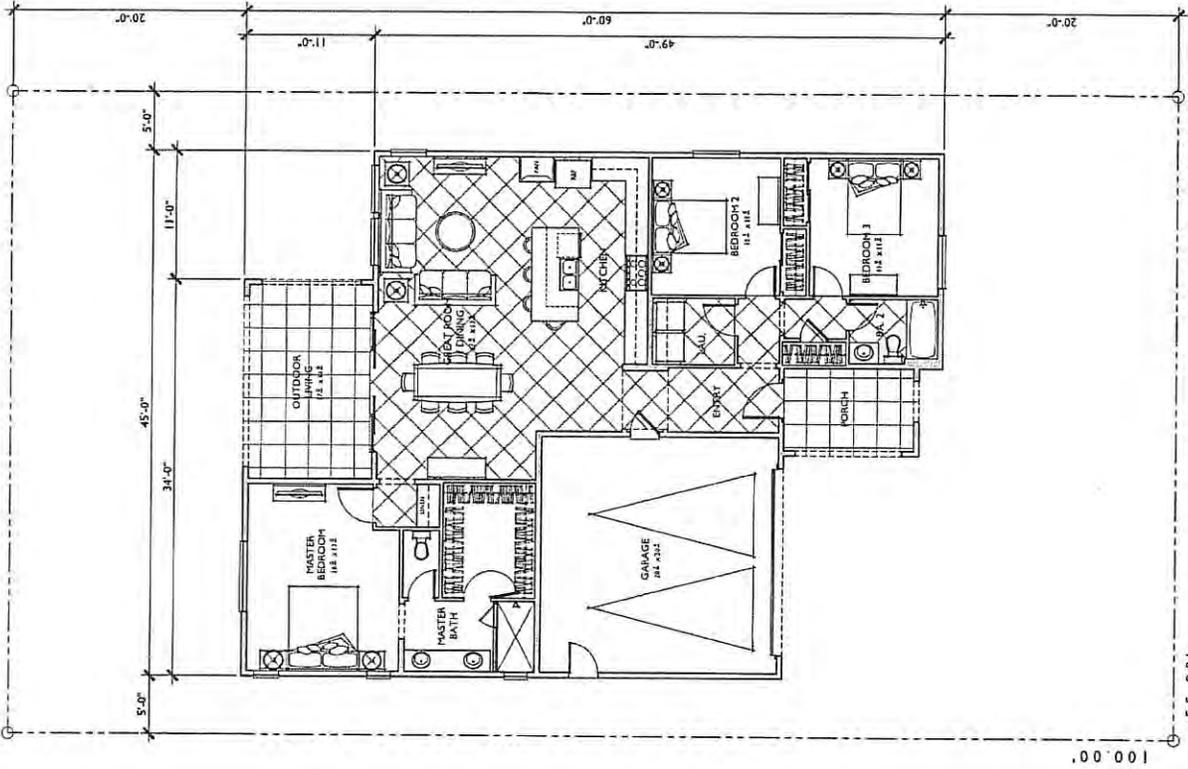
ROOF PLAN
 FEET 1/8" = 1'-0"
 SCALE 1/8" = 1'-0"
 ROOF MATERIAL: CONCRETE 3" TILE

Bassettian Lagoni
 ARCHITECTS • PASADENA • CALIFORNIA
 COMPLETE RESIDENTIAL ARCHITECTURE

PLAN J
 Reflects Early California Elevation
ARROWHEAD ESTATES
 BARRING, CA

389-14228

01.05.17
 Vintage Communities, Inc.



PLAN J
 1,600 SQ. FT.
 3 BEDROOMS / 2 BATHS
 2 - CAR GARAGE

FLOOR AREA TABLE	
1ST FLOOR	1,600 SQ. FT.
TOTAL	1,600 SQ. FT.
2 - CAR GARAGE	204 SQ. FT.
OUTDOOR ROOM	188 SQ. FT.
PORCH	87 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO MEASUREMENT CALCULATION

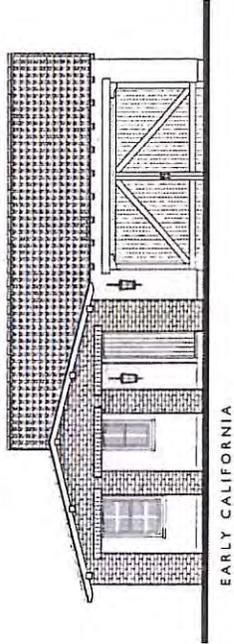
FIRST FLOOR

PLAN J
 Reflects Early California Elevation
ARROWHEAD ESTATES
 BARRING, CA

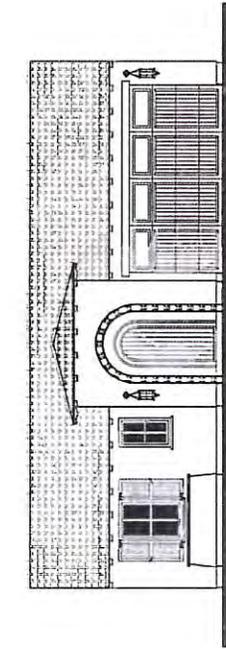
Bassemian | Lagoni
 ARCHITECTS + PLANNERS + DESIGNERS
 3000 Hill Street, Suite 100
 Bellingham, WA 98220
 360.733.1111

Vintage Communities, Inc. 01.05.17

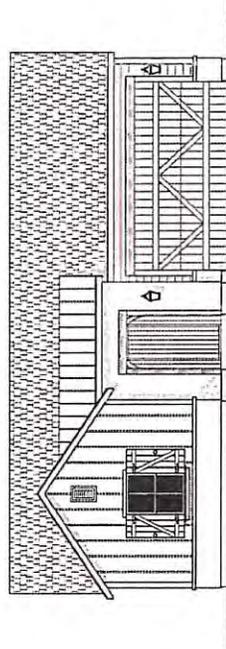
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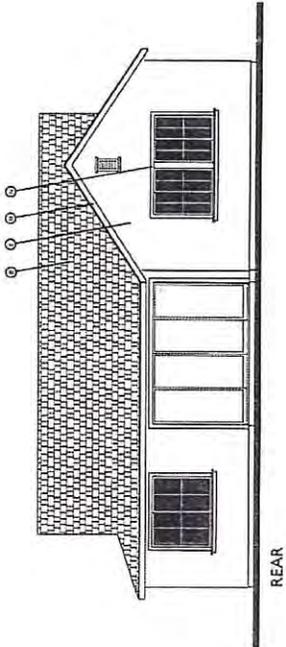
EARLY CALIFORNIA



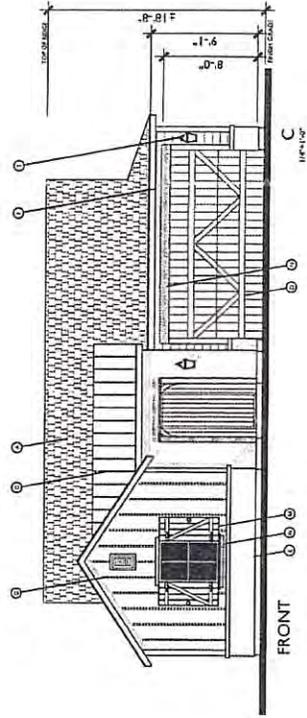
SPANISH COLONIAL



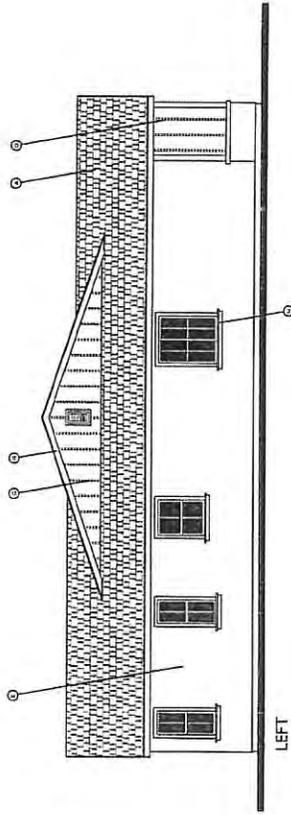
FARMHOUSE



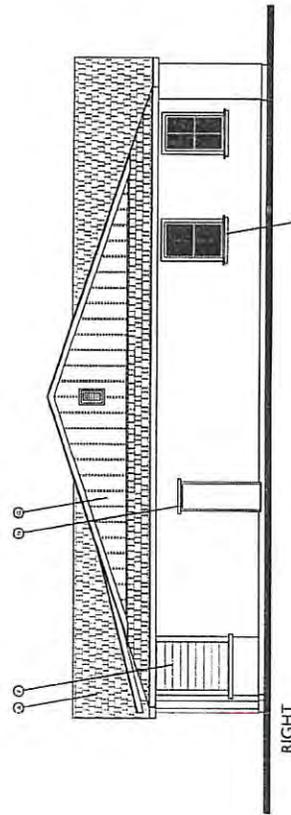
REAR



FRONT

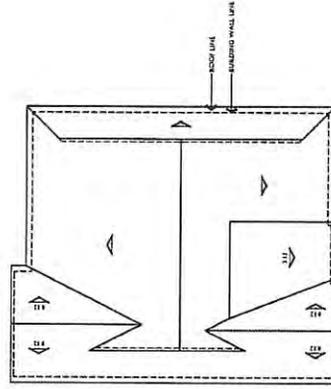


LEFT



RIGHT

- MATERIAL LEGEND**
- A COMPOSITE SHINGLE
 - B CONCRETE 3" X 6"
 - C METAL RAIN DRAINAGE GUTTER
 - D STUCCO
 - E VERTICAL SIDING
 - F HORIZONTAL SIDING
 - G ASPHE BRICK
 - H ASPHE BRICK
 - I STONE VENEER
 - J POT SINK
 - K POT SINK
 - L POT SINK
 - M FOAM WOOD SHIMMER
 - N WOOD SHIMMER
 - O RECESS AROUND WINDOW
 - P RECESS AROUND WINDOW
 - Q WOOD SHIMMER
 - R WOOD SHIMMER
 - S WOOD SHIMMER
 - T LIGHT TUBING
 - U METAL FINISH
 - V METAL FINISH



ROOF PLAN

WIDTH 41'-0" UNO
 GUTTER
 ROOF MATERIAL: COMPOSITE SHINGLE

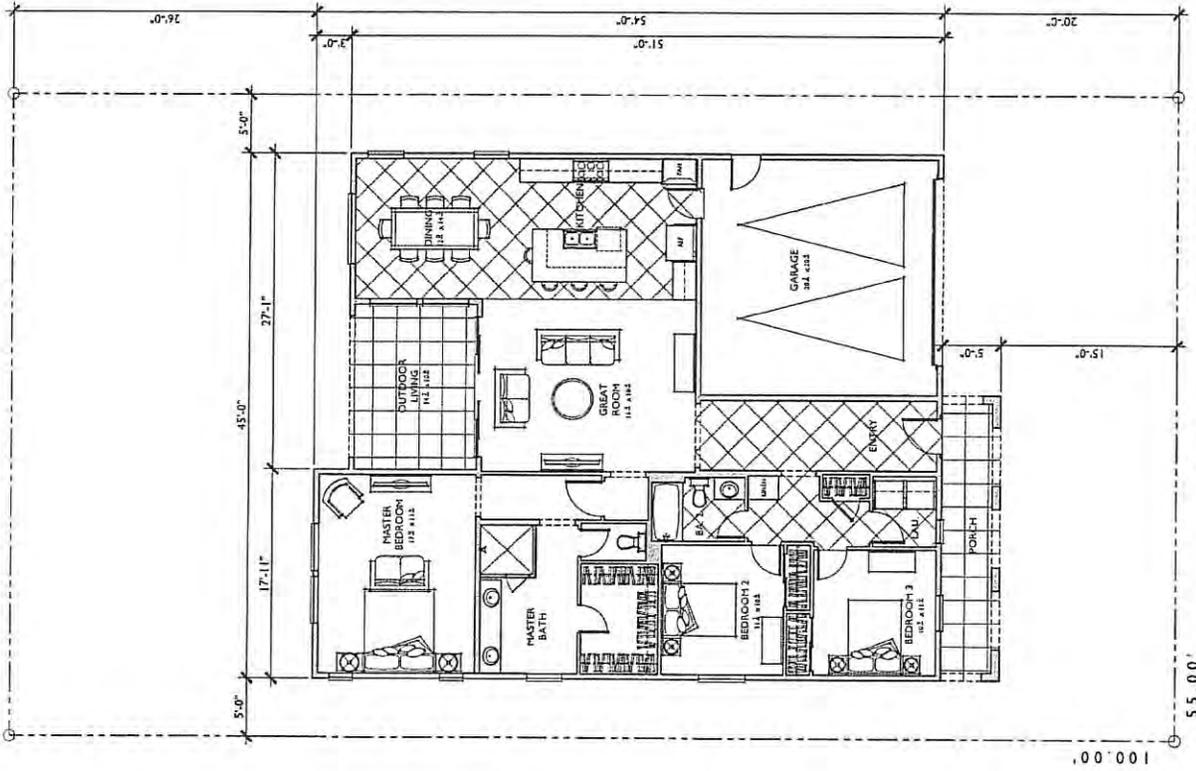
PLAN 2
 Reflects Farmhouse Elevation
ARROWHEAD ESTATES
 Banning, CA

Bassenman Lagoni
 ARCHITECTS • PLANNERS • INTERIORS
 Copyright © 2011 Bassenman Lagoni Architects, Inc.

389.14228

01.05.17

Vintage Communities, Inc.



FIRST FLOOR

PLAN 2
 1,758 SQ. FT.
 3 BEDROOMS / 2 BATHS
 2 - CAR GARAGE

FLOOR AREA TABLE	
1ST FLOOR	1,758 SQ. FT.
TOTAL	1,758 SQ. FT.
2 - CAR GARAGE	429 SQ. FT.
OUTDOOR ROOM	162 SQ. FT.
PORCH	122 SQ. FT.

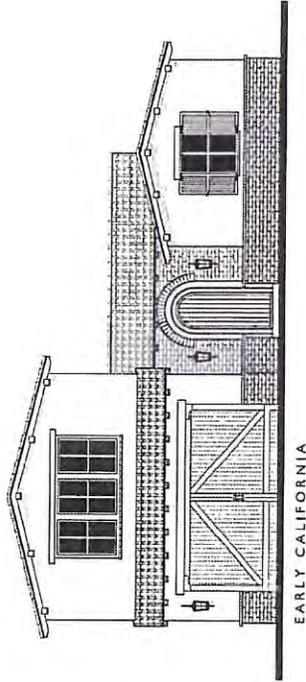
NOTE: SQUARE FOOTAGE MAY VARY FROM TOTAL SQ. FT. OF CALCULATION

PLAN 2
 Reflects Early California Elevation
ARROWHEAD ESTATES

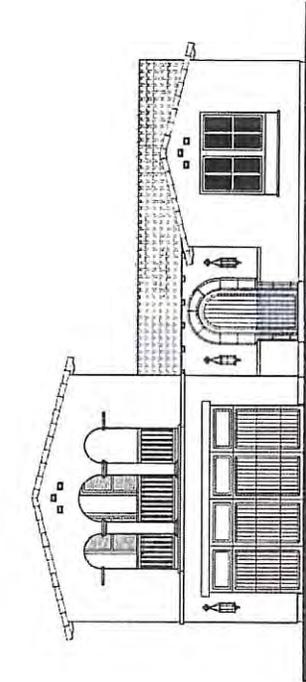
Banning, CA 389.14228

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 389.14228

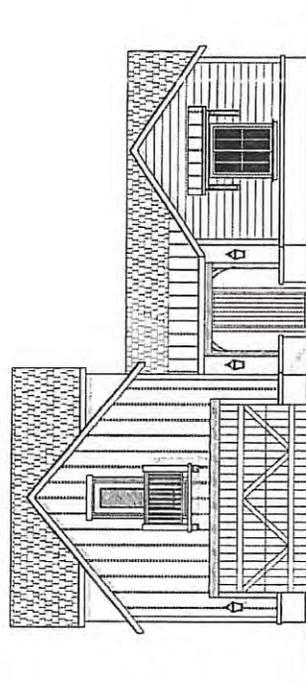
Vintage Communities, Inc.



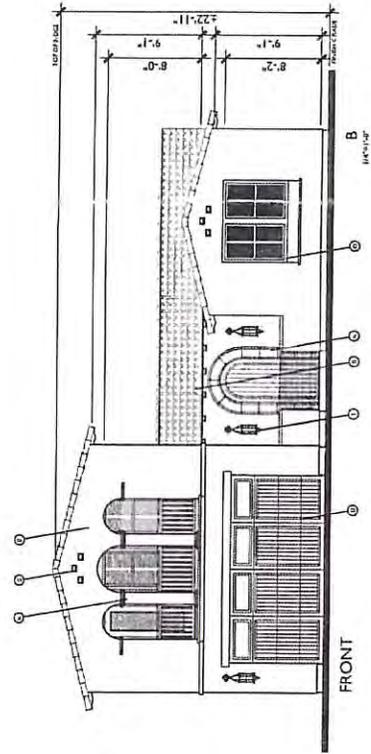
EARLY CALIFORNIA



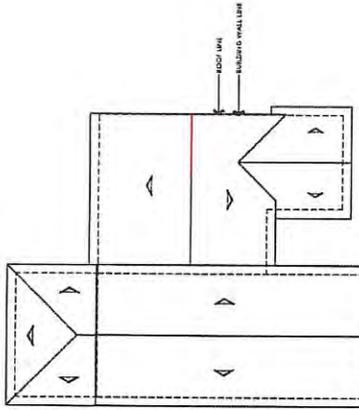
SPANISH COLONIAL



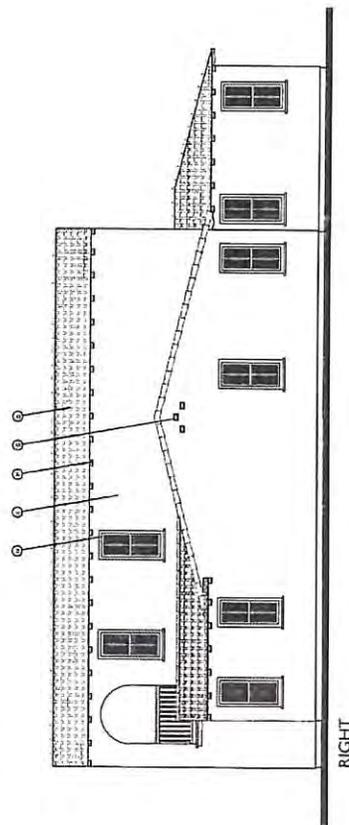
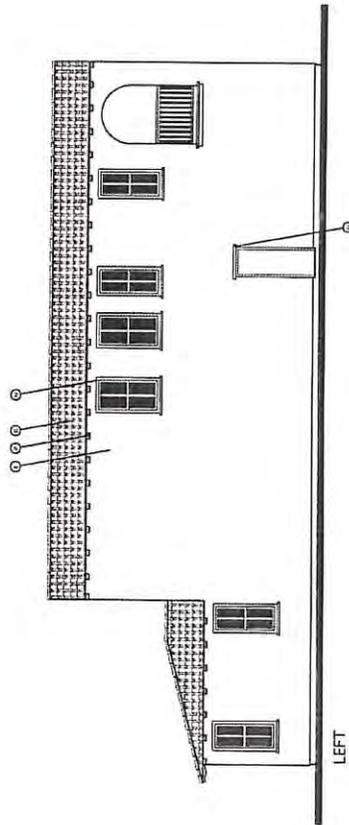
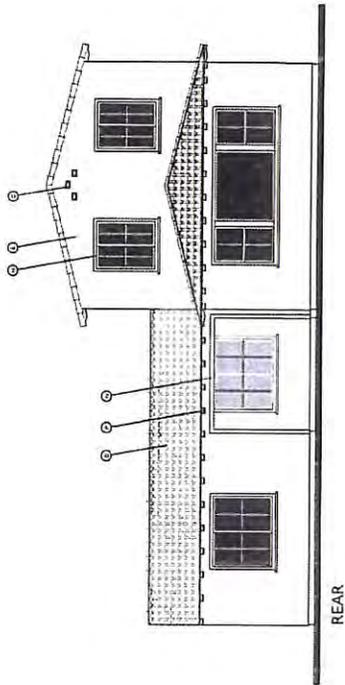
FARMHOUSE



- MATERIAL LEGEND:**
- A. COMPOSITE SHINGLE
 - B. METAL ROOF TILE
 - C. METAL ROOF
 - D. STUCCO
 - E. STUCCO GARAGE DOOR
 - F. HORIZONTAL SIDING
 - G. HORIZONTAL SIDING
 - H. ARCHITECTURAL
 - I. STUCCO
 - J. STUCCO
 - K. PRECAST
 - L. PLASTER
 - M. PLASTER
 - N. PLASTER
 - O. PLASTER
 - P. SHAZZU PC/MS CORREL
 - Q. WOOD SHAKE BOARD
 - R. CEMENT AND METAL
 - S. METAL FINISH
 - T. METAL FINISH
 - U. METAL FINISH
 - V. METAL FINISH
 - W. METAL FINISH
 - X. METAL FINISH
 - Y. METAL FINISH



ROOF PLAN
 AREA 213.11 SQ
 FINISH
 ROOF MATERIAL: CONCRETE 3" TILE

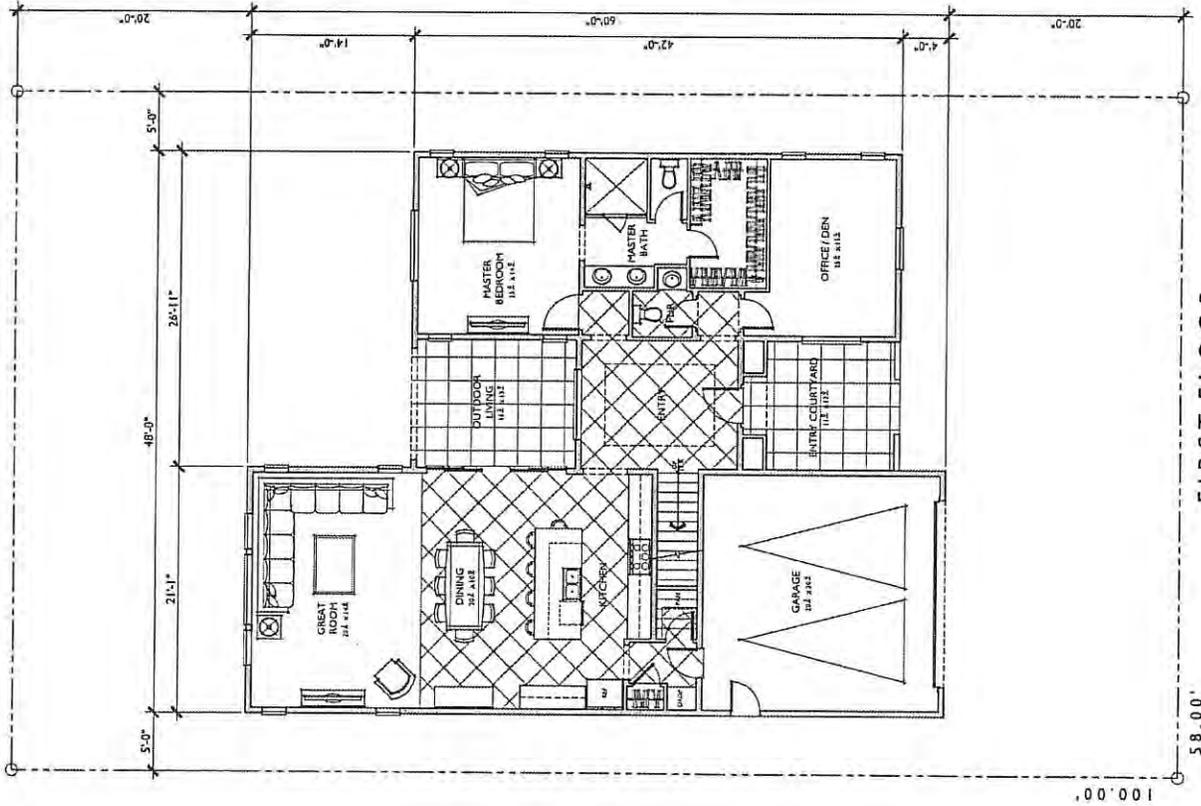


Bassettian Lagoni
 ARCHITECTURAL • DESIGN • INTERIORS
 389.14228

PLAN 3
 Reflects Spanish Colonial Elevation
 ARROWHEAD ESTATES
 Banning, CA

389.14228

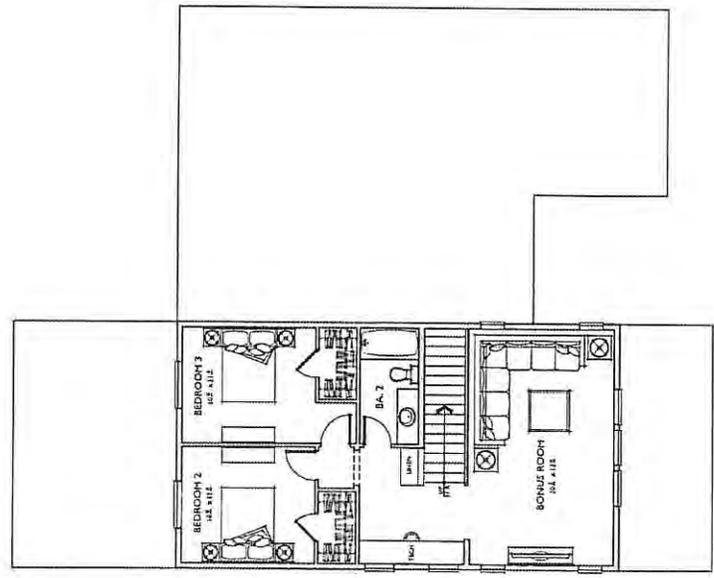
Vintage Communities, Inc.



PLAN 3
 2,493 SQ. FT.
 3 BEDROOMS / 2 BATHS
 2 - CAR GARAGE

FLOOR AREA TABLE	
1ST FLOOR	1,655 SQ. FT.
2ND FLOOR	753 SQ. FT.
TOTAL	2,408 SQ. FT.
2 - CAR GARAGE	437 SQ. FT.
OUTDOOR LIVING	156 SQ. FT.
ENTRY COURTYARD	148 SQ. FT.

FIRST FLOOR



SECOND FLOOR

PLAN 3
 Reflects Early California Elevation

Attachment 4

Prior Time Extension Resolution No. 2016-50

RESOLUTION NO. 2016-50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING A TWELVE (12) MONTH EXTENSION FOR TENTATIVE TRACT MAP NO. 33540 (TTM 33540)

WHEREAS, an application for time extension for Tentative Tract Map No. 33540 has been duly filed by:

- Project Applicant: Vintage Pacific, LLC
- Project Location: Located generally on the north side of Gilman Street, and one block west of Wyte Way (St. Boniface subdivision)
- APN's: 535-070-014, -025, 535-110-002, -006, -011, -012, 535-311-006 through -023, -029, 535-312-001 through -024.
- Project Area: 65 acres

WHEREAS, it has been determined that no additional environmental review is required pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162 in that a previous negative declaration was duly adopted and no substantial changes to the project that require major revisions are proposed by the extension of time for the tentative map; and

WHEREAS, on September 26, 2006, the Planning Division reviewed the proposed Mitigated Negative Declaration and Tentative Tract Map No. 33540; and, findings were made to approve the tentative map subject to the Conditions of Approval; and, the tentative map provides for the subdivision of a 65 acres into 172 single family residential lots and 3 open space lots within the low density residential land use district generally located on the north side of Gilman Street, one block west of Wyte Way; and

WHEREAS, on June 17, 2016, the City gave public notice as required under Government Code Section 66451.3 by mailing notices to property owners and advertising in a newspaper of general circulation within the City of Banning of the holding of a public hearing at which the project be considered; and

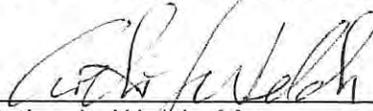
WHEREAS, Actions by the State Legislature specifically SB1185, AB333, AB 208, and AB116 extended Tentative Tract Map No. 34335 to September 16, 2016; and

WHEREAS, The State Legislature has not provided the automatic extensions of time as previously recited.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Banning hereby approves a five (5) year extension of time for Tentative Tract Map No. 33540 in accordance with Government Code Section 66452.6. Therefore, said tentative tract map shall expire September 26, 2021.

The above action is final unless an appeal is filed pursuant to Section 17.68.100 of the Banning Municipal Code within fifteen (15) calendar days following City Council action.

PASSED, APPROVED AND ADOPTED this 28th day of June, 2016.



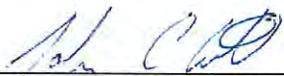
Arthur L. Welch, Mayor
City of Banning

ATTEST:



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

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



John C. Cotti, Interim City Attorney
Jenkins & Hogin, LLC

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2016-50 was duly adopted by the City Council of the City of Banning at a regular meeting thereof held on the 28th day of June, 2016.

AYES: Councilmembers Franklin, Moyer, Peterson, Mayor Welch

NOES: None

ABSENT: Councilmember Miller

ABSTAIN: None



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



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

NOTICE OF PUBLIC HEARING FOR THE MODIFICATION AND PHASING OF PREVIOUSLY APPROVED TENTATIVE TRACT MAP NO. 33540 AND DESIGN REVIEW NO. 18-7003.

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning City Council, to be held on Tuesday, December 11, 2018, at 5:00 p.m. (or soon thereafter) in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider the modification and phasing of previously approved Tentative Tract Map No. 33540 and Design Review No. 18-7003. Previously approved to subdivide 65 acres into 172 residential lots, 3 open space lots, 1 flood control basin and 10 lettered lots for streets. The proposed modification is to reduce the lots to 143 residential lots, 3 open space lots, 3 private park lots, 2 flood control lots, and 9 lettered lots for public streets in the within the Low Density Residential (LDR) District. The property is located north of Gilman Street and west of Wyte Way. Assessor's Parcel Numbers are identified as, 535-070-014, 535-110-002, 006, 011, 012; 535-311-006 through 023; and 535-312-001 through 024 within the City of Banning.

Potential environment issues associated with the Tentative Tract Map were analyzed in the previously adopted Mitigated Negative Declaration approved by the City Council on September 26, 2006, 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. Information regarding Tentative Tract Map No. 33540 can be obtained by contacting the Community Development Department at (951) 922-3125, visiting the City Hall located at 99 East Ramsey Street, Banning, or at <http://www.ci.banning.ca.us/>.

On November 7, 2018, the City Planning Commission adopted Resolution No. 2018-14 by a 4-0-1 vote, recommending that the City Council make findings under CEQA and approve the proposed modifications and phasing of Tentative Tract Map No. 33540 and Design Review No. 18-7003.

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 INTERIM COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA

Maryann Marks
Interim Community Development Director

Dated: November 27, 2018
Publish: November 30, 2018

Attachment 5

Previous Approved TM 33450, City Council Report,
Conditions, Initial Study, Mitigation Monitoring Program

[https://ci.banning.ca.us/DocumentCenter/View/5974/Staff-Report-dated-
20060926](https://ci.banning.ca.us/DocumentCenter/View/5974/Staff-Report-dated-20060926)

Attachment 6

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

NOTICE OF PUBLIC HEARING FOR THE MODIFICATION AND PHASING OF PREVIOUSLY APPROVED TENTATIVE TRACT MAP NO. 33540 AND DESIGN REVIEW NO. 18-7003.

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning City Council, to be held on Tuesday, December 11, 2018, at 5:00 p.m. (or soon thereafter) in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider the modification and phasing of previously approved Tentative Tract Map No. 33540 and Design Review No. 18-7003. Previously approved to subdivide 65 acres into 172 residential lots, 3 open space lots, 1 flood control basin and 10 lettered lots for streets. The proposed modification is to reduce the lots to 143 residential lots, 3 open space lots, 3 private park lots, 2 flood control lots, and 9 lettered lots for public streets in the within the Low Density Residential (LDR) District. The property is located north of Gilman Street and west of Wyte Way. Assessor's Parcel Numbers are identified as, 535-070-014, 535-110-002, 006, 011, 012; 535-311-006 through 023; and 535-312-001 through 024 within the City of Banning.

Potential environment issues associated with the Tentative Tract Map were analyzed in the previously adopted Mitigated Negative Declaration approved by the City Council on September 26, 2006, 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. Information regarding Tentative Tract Map No. 33540 can be obtained by contacting the Community Development Department at (951) 922-3125, visiting the City Hall located at 99 East Ramsey Street, Banning, or at <http://www.ci.banning.ca.us/>.

On November 7, 2018, the City Planning Commission adopted Resolution No. 2018-14 by a 4-0-1 vote, recommending that the City Council make findings under CEQA and approve the proposed modifications and phasing of Tentative Tract Map No. 33540 and Design Review No. 18-7003.

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 INTERIM COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA

Maryann Marks
Interim Community Development Director

Dated: November 27, 2018
Publish: November 30, 2018

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**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

MEETING DATE: December 11, 2018

SUBJECT: Ordinance 1540, Modifying the City Manager's Powers & Duties with Respect to the Appointment, Promotion, Demotion, and Removal of Officers and Employees

RECOMMENDED ACTION:

Ordinance 1540 pass its first reading and move forward to January 8, 2019 meeting for second reading.

GOAL STATEMENT:

Administrative Efficiency & Effectiveness

BACKGROUND:

A fundamental element of the Council/Manager form of government is the separation of legislative and administrative branches of government. Chapter 2.08.080 of the City of Banning Municipal Code establishes the powers and duties of the City Manager. Specifically, the City Manager shall be the administrative head of the city government and shall be responsible for the efficient administration of all the affairs of the city which are under his control. Furthermore, Chapter 2.08.080 (D) establishes the duties of the City Manager to include exercising control over all departments of the city government and over all appointive officers and employees thereof, except the City Clerk, City Treasurer and City Attorney.

If the City Council expects the City Manager to successfully carryout the duties described above, it is imperative that all department directors and employees understand they report to the City Manager. Chapter 2.08.080 (C) requires that all appointments of a department head receive confirmation from the City Council. While this might appear to be a check and balance, this section of the Municipal Code creates an opportunity for the hiring of department directors to become political decisions. This section of Municipal Code also

As a member of the International City Management Association, I am obligated to uphold the ICMA Code of Ethics. Tenant 11 of the ICMA Code of Ethics requires members of ICMA to:

“Handle all matters of personnel on the basis of merit so that Fairness and impartiality govern a member’s decisions, pertaining To appointments, pay adjustments, promotions, and discipline.”

The intent of Tenant 11 is to remove favoritism and political appointments from professional local government management. It is understood that the intent of the language in Chapter 2.08.080 (C) is to make sure City Council has “oversight” in the appointment of directors, it also establishes a potential unintended consequence. This unintended consequence is that the City Council has the opportunity to essentially veto the hiring decisions of the City Manager until a candidate of the Council’s choosing is brought forward. In those instances, the appointed director would certainly have inappropriate and undesirable standing with the City Council.

There are currently two important vacant department director positions. City Council action to adopt the attached draft ordinance, amending City of Banning Municipal Code Chapter 2.08.080 (C) is requested.

JUSTIFICATION:

BMC 2.08.080 (C) is inconsistent with the council/manager form of government.

OPTIONS:

1. Council direction to move to January 8, 2019 meeting for second reading.
2. Council direction to modify draft ordinance and move to January 8, 2019 meeting for second reading.
3. No action by Council.

ATTACHMENTS:

1. Draft Ordinance

Approved by:



Douglas Schulze
City Manager

ATTACHMENT 1

**Draft Ordinance 1540,
An Ordinance of the City of
Banning, California,
Modifying the City Manager's
Powers and Duties with
Respect to the Appointment,
Promotion, Demotion, and
Removal of Officers and
Employees**

ORDINANCE 1540

**AN ORDINANCE OF THE CITY OF BANNING,
CALIFORNIA, MODIFYING THE CITY MANAGER'S
POWERS AND DUTIES WITH RESPECT TO THE
APPOINTMENT, PROMOTION, DEMOTION, AND
REMOVAL OF OFFICERS AND EMPLOYEES**

WHEREAS, the City of Banning, California ("City") is a general law city and has a city manager form of government, by which all officers and employees, with the exception of the City Clerk, City Treasurer, and City Attorney, are to be appointed, promoted, demoted and removed by the authority of the City Manager; and

WHEREAS, by Ordinance 1478 (adopted March 25, 2014), the City Council modified the City Manager's appointment authority to require that any appointment of a department head be subject to concurrence by a formal vote of the City Council; and

WHEREAS, upon the assumption of duties of a new City Manager, the City Council finds it appropriate to return to the position of City Manager the full authority to appoint, promote, demote, and remove any officers and employees of the City except the City Clerk, City Treasurer, and City Attorney, without the concurrence of the City Council; and

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. CODE AMENDMENT

Paragraph C of Section 2.08.080 (Powers and Duties) of Chapter 2.08 (City Manager) of Title 2 (Administration and Personnel) of the Banning Municipal Code is hereby amended to read as follows (language to be omitted appears in strikethrough format):

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

SECTION 2. SEVERABILITY

If any section, subsection, clause or phrase or portion of this code is for any reason declared to be 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 City Council hereby declares 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 3. PUBLICATION, EFFECTIVE DATE

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 and proceedings of the City Council at which time the Ordinance 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.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2019.

, Mayor
City of Banning

ATTEST:

Laurie Sampson, Acting Deputy City Clerk
City of Banning

APPROVED AS TO FORM:

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

CERTIFICATION:

I, Laurie Sampson, Acting 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 11th day of December, 2018, and was duly adopted at a regular meeting of said City Council on the ____ day of _____, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Laurie Sampson, Acting Deputy City Clerk
City of Banning



**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Rochelle Clayton, Deputy City Manager
Shiloh Rogers, Purchasing Manager

MEETING DATE: December 11, 2018

SUBJECT: Resolution 2018-156, Approving an Amendment to Purchasing Policy No. B-30 to add a Section for Insurance Requirements and adjust the Authorization Limits to allow Department Heads to delegate Authority.

RECOMMENDATION:

Adopt Resolution 2018-156, approving an amendment to Purchasing Policy No. B-30 to add a section for Insurance Requirements and adjust the Authorization Limits to allow Department Heads to delegate Authority to management.

JUSTIFICATION:

Policies must be updated from time to time. The section on insurance requirements will provide guidance and enable staff to procure and process contracts and special event more efficiently and effectively.

The adjustment to Authorization Limits is not to increase the limit for the Directors or City Manager, but to allow delegation of authority to management positions, which will allow for procurement and purchasing to be more efficient and prevent the processes from being slowed by the need for a department head to approve every purchase.

Additionally, a form has been developed to waive certain insurance requirements based on meeting criteria and obtaining department head and City Manager approval.

BACKGROUND:

The City Council approved Purchasing Policy B-30 and amended Ordinance 1508 on June 27, 2017. The proposed amendment to the Purchasing Policy does not require an amendment to Ordinance 1508.

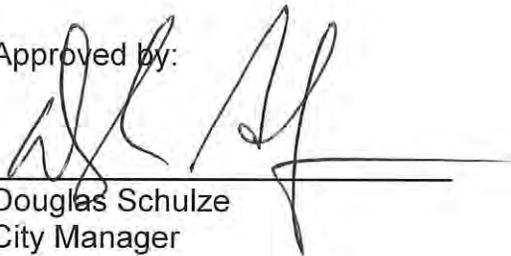
FISCAL IMPACT:

A salary savings is anticipated by reducing staff time to process purchases and contracts.

ATTACHMENTS:

1. Resolution 2018-156
2. Redlined Purchasing Policy B-30
3. Vendor Insurance Waiver Request Form
4. Sample Insurance Certificate with Endorsements

Approved by:



Douglas Schulze
City Manager

ATTACHMENT 1

Resolution 2018-156

RESOLUTION 2018-156

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, AMENDING PURCHASING POLICY B-30 TO ADD A SECTION FOR INSURANCE REQUIREMENTS AND TO ALLOW DEPARTMENT HEADS TO DELEGATE AUTHORITY TO MANAGEMENT

WHEREAS, City of Banning must update its policies from time to time; and

WHEREAS, City Council approved Purchasing Policy B-30 on June 27, 2018; and

WHEREAS, Purchasing Policy B-30 did not have a section specific to insurance requirements for vendors that do business with the City; and

WHEREAS, the City now desires to adopt a resolution approving the addition of a section for insurance requirements and allow department heads to delegate approval authority to specified management positions.

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

SECTION 1. The Banning City Council adopts Resolution 2018-156 approving an amendment to Purchasing Policy B-30 to add a section for insurance requirements and allow department heads to delegate their authority to specified management positions.

PASSED, APPROVED AND ADOPTED this 11th day of October, 2018.

City of Banning, Mayor

ATTEST:

Laurie Sampson, Acting Deputy City Clerk
City of Banning

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

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

CERTIFICATION:

I, Laurie Sampson, Acting Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2018-156, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 11th day of December, 2018, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Laurie Sampson, Acting Deputy, City Clerk
City of Banning, California

ATTACHMENT 2

Redlined Purchasing Policy B-30



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City of Banning

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ARTICLE 1 – PURCHASING POLICY INTRODUCTION

SECTION 1 – PROCUREMENT SUMMATION

1-100 Preface

- (1) Open and Transparent
 - a. The City of Banning is committed to transparency and accountability to strive to make businesses aware of all procurement opportunities available to them.
- (2) Core Philosophy and Values:
 - a. Conduct our business to the highest standards of ethics, integrity and compliance.
 - b. Provide outstanding customer service through proactive listening, planning and communication pertaining to the needs of our customers and vendors.
 - c. Provide expert knowledge and advice of procurement policies, and processes.

1-101 Purpose

- (1) The purpose of this policy is to provide the City of Banning a means of assuring continuity and uniformity in its purchasing operation, and to define the responsibilities for purchasing supplies, services, tools, equipment and installation for the City of Banning. These guidelines are not intended to address every issue, exception, or contingency that may arise in the course of purchasing activities. The basic standard that should always prevail is to exercise good judgement in the use and stewardship of City resources, including keeping within the budget authorized by the City Council, and to be certain of quantity, quality, cost, delivery date, warranty and applicable insurance coverage before accepting the purchase.
- (2) Support management in cooperatively developing and executing sourcing strategies with the City’s departments for products and services that meet or exceed the City’s requirements and to perform these services to the highest ethical and professional standards.
- (3) Provide leadership through contract negotiation, and vendor management.
- (4) Promote the use of small, disadvantaged and minority-owned businesses when possible.
- (5) Support the City’s commitment to environmental responsibility.
- (6) Support the City’s commitment to the local business community by supporting use of local businesses when possible.
- (7) Assist departments involved in Federal and State grant agreements in maintaining compliance to applicable regulations.



ADMINISTRATIVE PROCEDURES

City of Banning

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- (8) Assist departments in maintaining compliance to all City policies regarding contracting and purchasing.
- (9) Provide a proactive purchasing environment by studying the market trends, examining procurement laws and educating the City end users of such information through purchasing policy and procedure revisions and training every five (5) years.



ADMINISTRATIVE PROCEDURES

City of Banning

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ARTICLE 2 – PURCHASING POLICY

SECTION 2 – OBJECTIVE OF THE PURCHASING POLICY

2-100 Procurement Policy

- (1) In accordance with the policies adopted by the City Council of the City of Banning (“City”), all purchases, regardless of sources of funds will be governed by the California Government Code Section 54202 as referenced below:

"Every local agency shall adopt policies and procedures, including bidding regulations, governing purchases of supplies and equipment by the local agency. Purchases of supplies and equipment by the local agency shall be in accordance with said duly adopted policies and in accordance with all provisions of law governing same. No policy, procedure, or regulation shall be adopted which is inconsistent or in conflict with statute."

- (2) It shall be the procurement policy of the City to obtain all supplies, equipment and services at the lowest cost to the City that meet or exceed the City’s specifications for performance, quality and availability at the time of purchase. In conforming to this policy, the capability, capacity and historical performance of the supplier will be considered and weighed in the decision process. Sourcing decisions will also be tempered by supplier diversity and the environmental impact considerations. Competitive bids or pricing will be solicited, unless a sole source provider is specified, in compliance with all applicable Federal and State regulations, California Government Code and City policies.
- (3) In accordance with Chapter 3.24 of the Banning Code, City purchases and contracts will be made pursuant to these guidelines. Applicable competitive bidding categories, authorization limits, or contract award procedures will be based on unit cost, total purchase cost for consolidated bid items, or fiscal year aggregates in the case of blanket purchase orders or similar ongoing purchasing arrangements. Staging of purchases in order to avoid these competitive bidding procedures or authorization limits are prohibited.

SECTION 3 – ROLES, RESPONSIBILITIES AND SCOPES OF AUTHORITY

3-100 Responsibilities

- (1) The responsibility for the purchase of all products, materials, supplies, furniture, equipment, vehicles and services is divided between the Purchasing Officer and each department. Although assigned different responsibilities, all core systems, methods, policies and procedures remain common. Shared responsibilities include overseeing the professional relationships between City of Banning and its vendors and contractors and insuring the highest ethical and professional standards.



ADMINISTRATIVE PROCEDURES

City of Banning

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- (2) It is the obligation and the responsibility of every procurement decision-maker to represent the City in a professional and ethical manner. As a procurement decision maker, you must:
- a. Follow the lawful instructions, policies and procedures of the City, City Council, City Manager, director, manager, supervisor or any person in a higher-level position of authority within your organization.
 - b. Obtain the maximum benefit for funds spent as an agent for the City.
 - c. Refrain from engaging in any procurement activity in which you have a personal or indirect financial interest.
 - d. Avoid engaging in personal business with any company that is a supplier to the City.
 - e. Avoid lending money to or borrowing money from any supplier.

3-101 Delegation of Authority

- (1) The City Manager has been granted the authority and the responsibility of procurement of all materials, equipment, supplies, and services necessary for operations of the City. The City Manager has delegated specific authority and further delegate's authority to others prior to the execution of all contracts and agreements for procurement of all materials, equipment, supplies and services necessary for the day-to-day operations of the City. Therefore, a centralized purchasing system is adopted and the Purchasing Officer is vested with the authority for the purchase of all city supplies, services and equipment, (Banning Municipal Code 3.24.010).

3-102 Purchasing Officer

- (1) The Purchasing Officer reports directly to the Administrative Services Director of the City.
- (2) Except where statutes or ordinances dictate otherwise, the City Purchasing Officer is to carry out the specific duties listed in this Policy, plus any additional duties as provided by resolution of the City Council, Codified Municipal Ordinances of the City of Banning, or the laws of the State of California and the United States of America. Subject to the supervision of the city manager, the purchasing officer shall have the authority to:
- a. Negotiate contracts on behalf of the city for the purchase of supplies, equipment and services in accordance with this chapter, which contracts will be subject to award by the city council or city manager and execution by the mayor or city manager;
 - b. Negotiate and execute purchase orders on behalf of the city, for the purchase of supplies, equipment and services required by the city in accordance with this chapter;
 - c. Prepare, and implement city council approved policies and procedures governing the purchase, bidding, contracting, storing, distribution and disposal of supplies, services and equipment for the city;



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- d. Prescribe and maintain such forms as may be reasonably necessary to the implementation of this chapter and any other policies and procedures approved by the city manager consistent with this chapter;
- e. Review the working details, drawings, plans and specifications pertaining to procurement compliance and bidding processes for any projects or purchases requiring such review in this chapter;
- f. Inspect or supervise the inspection of purchased supplies, services and equipment to ensure conformity with any specifications established or required by the city;
- g. Transfer among departments any supplies, services and equipment not needed by one such department, but which are necessary for the operations of one or more other departments;
- h. Sell any supplies and equipment not needed for public use or that may become unsuitable for their intended use;
- i. Develop and maintain any bidder's list, contractor's list or vendor's catalog file necessary to the operation of this chapter and any other policies and procedures approved by the city manager consistent with this chapter;
- j. Approve and confirm emergency purchases;
- k. Identify and pursue cooperative agreement with the State of California, Counties, other Cities and other governmental agencies and organizations in order to obtain cost savings for the City;
- l. Be authorized in the absence of the Administrative Services Director to allow a budget over-ride for purposes of timely completion of a purchase transaction as long as such action would not put the fund over-budget when reasonably projected to the end of the fiscal year, and when the requesting department has submitted a Budget Transfer Form.
- m. Ensure full and open competition on all purchases as required by this policy;
- n. Review and process Purchase Requisitions;
- o. Prepare and issue informal and formal bid documents for all departments, (i.e., Requests for Quotations, Invitation for Bids, Requests for Proposals and Statements of Qualifications);
- p. Make purchase award recommendations to the appropriate authority;
- q. Notify vendors of purchase award;
- r. Assist in audits and reviews;



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- s. Encourage City involvement in public procurement organizations in an effort to promote the public procurement profession through education and peer networking.

3-103 Departments

- (1) Departments are charged with the following responsibilities in the purchasing process:
 - a. To provide the Administrative Services Director, at the beginning of each fiscal year, an updated authorized signature list designating those individuals who are delegated the authority to make purchases per the policies and procedures as described herein;
 - b. To anticipate requirements sufficiently in advance to allow adequate time to obtain goods in accordance with the best purchasing practices;
 - c. To prepare purchase requisitions in accordance with instructions so as to minimize the processing effort;
 - d. To provide detailed accurate specifications to ensure goods obtained are consistent with requirements and expectations;
 - e. To inform Purchasing of any vendor relations' problems, shipping problems, (i.e., damaged goods, delivery issues and/or order discrepancies, etc.) and any situations that could affect the purchasing function;
 - f. To assist Purchasing with the review of all bids received for compliance with specifications, and provide Purchasing with written documentation regarding their findings;
 - g. To not "split" orders for the purpose of avoiding procurement requirements;
 - h. To provide on all new vendors a completed vendor packet;
 - i. Purchasing Liaisons shall follow the Purchasing Policy set forth herein, as well as, those procedures established by the City Purchasing Officer to ensure a procurement system that is fair, transparent, effective, efficient, and compliant with legal requirements and City Policy.

3-104 Authority and Thresholds

- (1) All purchasing requests, regardless of dollar amount, must first be reviewed and approved by the respective Department Head or designee.
- (2) All items, regardless of amount - quantity or dollar - shall be provided to the City Purchasing Officer or designee to review, provide guidance, and for processing.



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- (3) The Authorization Table outlines who may approve contracts and legally binding agreements with external parties that obligate the City and shall apply to all purchases, including Capital Projects and Professional Services Contracts.

CITY OF BANNING PURCHASING AUTHORIZATION TABLE				
Purchase Type	Purchase Amount	Procurement	Contract Type	Approval Level
Goods, Equipment and Services	\$0 - \$5,000	1 Written/Printed Quote	Purchase Requisition & Short Form Purchase Order	Department Head/Manager or Above
	\$5,001 - \$10,000	Open market Informal Bid Process - To Obtain 3 Printed Quotes (RFQ)	Purchase Requisition, Purchase Order & (Contract Applicable for Services)	
	\$10,001 - \$25,000	Open market Informal Bid Process - To Obtain 3 Printed Quotes (RFQ)	Purchase Requisition, Purchase Order & (Contract Applicable for Services)	Department Head & City Manager
	Over \$25,000	Formal Bid Process (IFB, RFP)		City Council
Public Works Projects	\$0 - \$5,000	1 Written/Printed Quote	Purchase Requisition & Short Form Purchase Order	Department Head/Manager or Above
		Open market Informal Bid Process - To Obtain 3 Printed Quotes (RFQ)		
	\$5,001 - \$10,000	Formal Bid Process (IFB, RFP)	Purchase Requisition, Purchase Order & (Contract Applicable for Services) and 10% Security Bond	Department Head/Manager or Above
	\$10,001 - \$25,000			Department Head & City Manager
Over \$25,000	City Council			

3-105 Notes and Exceptions

- (1) In the absence of the approver for a given request, authorization will be obtained by his/her appointee or the next highest authority in accordance with the Authorization Table.
- (2) At no time can purchases be "split" or otherwise billed separately to circumvent the spending authority.
- (3) Purchase orders shall be issued prior to ordering supplies, tools and equipment, services and installations, and not "after the fact" for work already done or materials already ordered.



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- (4) With the exception of City Council authorized procurements, increases to previously authorized procurements are permitted if the increased procurements remain within the approver's limit. Freight and sales tax are a cost of doing business and shall be included in the total cost of the procurement.
- (5) Written notification by the Purchasing Officer of all City Manager approved contracts will be provided quarterly to the City Council for review by the Purchasing Officer.
- (6) Exceptions to standard purchasing methods and spending authorities are specifically limited to the following:

Advertisement and Notices (Per CA PCC 20169)	City Debt Service and Loans
Conference Registration	Educational seminars and training
Emergencies endangering the health and safety of City staff, customers and residents.	Gasoline credit card purchases (should be issued a blanket Purchase Order)
Insurance premiums (worker's compensation, general liability, etc.)	Payments to Department of Water Resources and related expenses (State Water Contractors, Inc., etc.)
Payments to Other Governmental Units	Payroll disbursements, payroll checks, deductions, deposits and tax payments that are supported by a payroll report
Permitting and other regulatory fees (construction permits, LAFCO payment, etc.)	Petty Cash Replenishment, refunds and travel expenses/advances
Postage/Delivery/Messenger Services	Professional Legal and Human Resources Confidential Consultant Services
Real Property/Easement Acquisition and Rental Property	Purchases that meet sole source procurement requirements.
Requisitions for products or services less than \$5,000.	Software license maintenance



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Subscriptions/Membership Dues	Trade Circulars, Books or CD's
Gasoline, diesel or aviation fuel.	Utility Bills (phone, gas, electric, etc.)
When no bids are received on formal or informal solicitations.	When the Purchasing Officer determines the commodity can be procured using a cooperative purchasing agreement.
When the purchasing officer identifies a Piggyback Agreement being prepared by and processed through another local, state, or federal governmental agency. Under such circumstances, the Purchasing Officer may join into an existing written purchase contract obtained within the last 24 months through a competitive bidding process prepared by and awarded by another local, state or federal governmental agency. City Council consent is required for such arrangements where the estimated value of the supplies is \$25,000 or more.	When the City Council determines, in accordance with applicable law that a competitive market does not exist, and no competitive advantage will be gained by the bidding process.

3-106 Violations of Purchasing Policy and Municipal Codes

- (1) Employees with purchasing authority will be held accountable for the actions they take while operating in their granted fiduciary purchasing authority, in accordance with, Government Code §36900, *et seq.*.
- (2) Any individual committing City funds without proper authorization does so at his or her own financial risk and consequence. City may consider the purchase void and decline to pay the invoice. In such a case, the individual has acted at his or her personal financial risk and the supplier may look for payment from the individual who placed the order. The individual may risk being suspended or immediately terminated.
- (3) Employees shall avoid the intent and appearance of unethical or compromising practice in purchasing relationships, actions, and communications; employees shall do what is in the best interest of the City.



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- (4) If a purchasing violation has occurred, employee will receive Notice of Investigation and will be required to cooperate.
- (5) Risk/Legal or independent consultant will conduct an investigation to determine cause(s), effect(s), act(s), occurrence(s), and to provide recommendations on remedies. Dependent upon the discovered violation(s), event(s) and occurrence(s), Risk/Legal will forward the report to the City Manager, City Purchasing Officer, City Attorney and the City Council with the investigation findings, suggestions, and recommendation pertaining to future prevention.
- (6) Dependent upon the investigative findings:
 - a. Employee's purchasing authority may be suspended or revoked;
 - b. Employee may be fined for violations and infractions;
 - c. Employee's employment with the City may be suspended and/or terminated; and
 - d. Employee may be fined, prosecuted, and found guilty before a criminal court.



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ARTICLE 3 – ETHICS AND PURCHASING

SECTION 4 – PURCHASING CODE OF ETHICS

4-100 Ethical Requirements of Department Heads and Purchasing Liaisons

- (1) Any person employed by the City of Banning who purchases goods and services, or is involved in the purchasing process for the City, shall be bound by this Purchasing Code of Ethics and shall:
 - a. Work closely with the Purchasing Officer on all purchases, regardless of amount – quantity or dollars;
 - b. Avoid the intent and appearance of unethical or compromising practice in relationships, actions, and communications;
 - c. Demonstrate loyalty to the City by diligently following all lawful instructions while using professional judgment, reasonable care, and exercising only the authority granted;
 - d. Conduct all purchasing activities in accordance with federal and state laws and the City’s Purchasing Policy;
 - e. Refrain from any private or professional activity that would create a conflict between personal interests and the interests of the City;
 - f. Identify and strive to eliminate participation of any individual in operational situations where a conflict of interest may be involved;
 - g. Never solicit or accept money, loans, credits, or prejudicial discounts, and avoid the acceptance of gifts (of any amount), entertainment, favors, gratuities or services from present or potential suppliers which might influence or appear to influence purchasing decisions;
 - h. Promote positive supplier relationships through impartiality in all phases of the purchasing process;
 - i. Display the highest ideals of honor and integrity in all public and personal relationships in order to merit the respect and inspire the confidence of the public being served;
 - j. Strive to obtain the maximum value and of best quality for each dollar of expenditure;
 - k. Provide an environment where all business concerns, large or small, disabled, majority- or minority-owned, are afforded an equal opportunity to compete for City business;
 - l. Enhance the proficiency and stature of the purchasing profession by adhering to the highest standards of ethical behavior; and
 - m. Consistently stay updated on the City’s Purchasing Policy.



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4-101 Policy

- (1) Public employment is a public trust. Public employees must discharge their duties impartially to assume fair, competitive access to government procurement by responsible contractors. Moreover, they shall conduct themselves in such a manner as to foster public confidence in the integrity of the City procurement process.
- (2) The Purchasing Code of Ethics is maintained and enforced by the City Purchasing Officer.

4-102 "Arm's Length" Principle

- (1) All procurements must be "Arm's Length" transactions; meaning that the City and vendor to the transaction have no conflict of interest in the transaction. Arm's length transactions are made by two parties freely and independently of each other, and without some special relationship, such as being a relative, having another deal on the side or one party having complete control of the other. An "Arm's Length" can create an equitable agreement that will stand up to legal and public scrutiny.

4-103 General Standards of Ethical Conduct

- (1) Any attempt at personal gain through public employment by conduct inconsistent with the proper discharge of the employee's duties is a breach of public trust.
- (2) Violation of the City's receipt of donation and gifts policy may constitute a misdemeanor, and any employee found in violation shall be subject to discipline, including, in appropriate cases, termination of employment and criminal prosecution.
- (3) To the extent that violations of the ethical standards of conduct constitute violations of the State of California Government Code, employees shall be punishable as provided therein and to the fullest extent by law. Such sanctions shall be in addition to any other remedies, which the City may pursue in its interest.

4-104 Conflicts of Interest

- (1) To avoid any real or perceived conflict of interest, all proposals or contracts for professional services should, to the extent possible, identify any relative of the contractor of his/her employees who are presently employed by the City.
 - a. In an effort to avoid any real or perceived conflict of interest, all proposal and contractual language for professional services shall include a clause requiring prospective and/or current vendors to notify the City of any such relationship between the vendor and the City.
 - b. Upon notification, the manager or responsible party of Purchasing shall notify the Administrative Services Director, Deputy City Manager, or City Manager of the City for further review and action, as deemed appropriate.



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- c. Notification of the relationship between the vendor and any City employee shall be placed in the Purchasing contract file for future reference, as deemed necessary.
- (2) The Political Reform Act, Government Code Section §87100-87105; addresses conflicts of interest as follows:
- a. “No public official at any level of state or local government shall make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he has a financial interest.”
 - b. Upon discovery of an actual or potential conflict of interest, a City employee shall promptly file a Written Statement of Disqualification with the City Purchasing Officer and shall withdraw from further participation in the transaction involved. The City employee may, at the same time, request through his or her Department Head an advisory opinion from the City Attorney and/or the delegated legal affairs officer, if applicable, as to what further participation, if any, the City employee may have in the transaction.
 - c. No agent or representative, serving as a purchasing evaluator or otherwise, shall make, participate in making, or in any way attempt to use his or her delegated volunteer position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest and/or will have a material financial effect on the delegated volunteer or a member of his or her immediate family, or on:
 - i. Any business entity in which the volunteer agent or representative has a direct or indirect investment worth two thousand dollars (\$2,000.00 USD) or greater.
 - ii. Any real property in which the volunteer agent or representative has a direct or indirect interest worth two thousand dollars (\$2,000.00 USD) or greater.
 - iii. Any source of income, gifts, gratuities, and loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500.00 USD) or more in the value provided to, received by or promised to the volunteer agent or representative within twelve months prior to or after the time when the decision is made.
 - iv. Any business entity in which the volunteer agent or representative is a director, officer, partner, trustee, employee, or holds any position in management.
 - v. Any donor of, or any intermediary or agent for a donor of, gift(s) or gratuities aggregating two hundred fifty dollars (\$250.00 USD) or greater in value provided



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to, received by, or promised to the volunteer agent or representative within twelve months prior to or after the time when the decision is made.

- vi. For the purposes of this sub-section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a public official, by an agent on behalf of a public official, or by a business entity or trust in which the official, the official's agents, spouse, and dependent children own directly, indirectly, or beneficially a ten percent interest or greater."
- d. Agents, representatives, and/or volunteers of the City of Banning shall not be financially interested in, and be purchasers at any sale of, any City of Banning contractual relationship.

4-105 Contracts with City Employees or Family of City Employees

- (1) No contracts shall be entered into between the City, including all departments thereof, and any employee or officer of the City who is paid for working for the City. No employee or officer shall directly or indirectly solicit any contract between him or herself and the City.
- (2) In the event that a City employee enters into a contractual agreement, in violation of this policy, the person or persons having obtained knowledge that a contractual relationship exists between the City and a City employee shall make immediate notification to the manager or responsible party of Purchasing.
- (3) The manager or responsible party of Purchasing shall make immediate notification to the Administrative Services Director, Deputy City Manager, or City Manager as well as the Director of Human Resources for action as deemed appropriate.
- (4) No contracts shall be entered into between the City, including all departments thereof, and any family member of an employee or officer of the City without disclosure of the relationship to the City Manager, Deputy City Manager, and Administrative Services Director AND written approval by the City Manager.

4-106 Professional Service Contracts with Former City Employees

- (1) To avoid the potential for conflict of interest, or any appearance thereof, the City requires that all requests for entering into professional service contracts with former employees separated for less than one year be approved by the City Council.
- (2) Under emergency circumstances, the Budget and Finance Committee is authorized to give preliminary approval to such contractual arrangements and report such preliminary approval to the City Council for final approval or denial at their next scheduled meeting.
- (3) All Purchasing Division policies and procedures, or portions thereof, related to the administration of professional services contracts, and not conflicting with this resolution, shall remain in effect.



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- (4) All contracts shall contain language that states that the contract is contingent upon final approval by the City Council.

4-107 Use of Confidential Information

- (1) Confidential Information is information which concerns or relates to the trade secrets, processes, operations, style of works, or apparatus, or to the production, sales, shipments, purchases, transfers, identification of patrons and residents, inventories, or amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or other organization, or other information of commercial value, the disclosure of which is likely to have the effect of either impairing the City's ability to obtain such information as is necessary to perform its functions, or causing substantial harm to a person, firm, partnership, corporation, or other organization from which the information was obtained, unless the City is required by law to disclose such information. Employees are prohibited from disclosing any confidential information.
- (2) Any and all information that is deemed "confidential" shall be provided to the City Purchasing Officer who shall then review, seek Legal guidance, and possibly disclose the information that may or may not be confidential.

4-108 Equal Opportunity

- (1) City employees shall ensure that all vendors receive an equal opportunity to do business with the City. This opportunity is to be provided without regard to race, religion, sex, age, national origin, or physical disability.
- (2) The City of Banning is committed to the principle of diversity and equal opportunity in all of its endeavors and applies this principle in its procurement activity with the objective of encouraging participation by qualified vendors categorized as small, disadvantaged, veteran, minority or women-owned enterprises. The City believes that strengthening and expanding its supplier base in these business classifications not only contributes to lowering our operational costs, but also improves the overall health of the business community within which we exist. It is a practice of the City to actively identify and solicit qualified small, disadvantaged, veteran, minority or women-owned businesses and to provide and promote equal opportunities for such vendors within the City in order to promote vendor diversity.

4-109 Conflicts of Interest – Contractors/Vendors

- (1) Purchasing liaisons shall complete the Conflicts Check of potential vendors.
- a. May be detrimental to the City's interest and, therefore, would cause the City not to enter into a contract; or



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- b. May arise during the performance of the required services and, therefore, would provide reason for termination with cause.
- (2) The City Purchasing Officer, and any legal guidance sought by the City Purchasing Officer, will be the decision maker in determining if such a conflict would preclude the City from entering into a contract or possibly be reason for termination with cause. Disputed Purchasing Officer decisions will be re-evaluated and resolved by the City Manager.



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ARTICLE 4 – PURCHASING METHODS AND PROCEDURES

SECTION 5 – COMPETITIVE BID PROCESS

5-100 Competitive Sourcing

- (1) It is the policy of City of Banning to obtain competitive pricing, proposals or quotations on all products and services over \$5,000 used by the City. All proposals and quotations received will be evaluated based on quality, service, compliance to specifications and price. All awards will be made in the best interest of the City. Any or all proposals may be rejected at the discretion of City of Banning’s City Council.
- (2) The competitive sourcing process is required where the product or service can be obtained from more than one source. Unless approved for sole source procurement or otherwise covered under existing contracts, all requisitioned products or services totaling \$5,000 or more individually, or as a system including multiple components, will be competitively sourced.
- (3) While participation in the competitive sourcing process by as many qualified vendors as possible, at least three proposals are required for purchases over \$5,000.

5-101 Types of Solicitations

- (1) When seeking information from vendors, it is important for Purchasing to realize the specific type of goods and/or services required and to use the appropriate type of solicitation document. There are important differences among various documents used to solicit responses from vendors:
 - a. Request for Information (RFI) – An RFI is used when you’re not certain what you want or you don’t know what is available in the marketplace. The information received as a result of the RFI may assist in determining whether a formal request for bid or proposal is necessary.
 - b. Invitation for Bid (IFB) - An IFB is used when you know precisely what you need and have precise requirements and specifications, (see 5-102 below). Formal bid process over \$25,000.
 - c. Request for Proposal (RFP) - An RFP is a hybrid of these documents. An RFP is used when you have a general idea with some specifications and/or it’s a large, complex project with potential for multiple solutions, (see 5-102 below). Formal bid process over \$25,000.
 - d. Request for Quotation (RFQ) – An RFQ is a standard business process used to invite suppliers into a bidding process to bid on specific products or services. Informal bid process, \$5,001 - \$25,000.



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- e. Request for Statement of Qualifications (SOQ) – An SOQ is often distributed before initiation of the RFP process. It is used to gather vendor information from multiple companies to generate a pool of prospects. This eases the RFP review process by preemptively short-listing candidates, which meet the desired qualifications.

5-102 Differences Between an IFB and an RFP

Invitation for Bid (IFB)	Request for Proposal (RFP)
Used to acquire goods or services that can be touched, counted or measured	Used to acquire services or goods where the expertise and knowledge from the vendor are more critical and not as simple to measure or quantify
Strong emphasis on specifications and requirements	Strong emphasis on qualifications, skills, expertise and experience
Very little subjectivity in evaluation	Greater subjectivity in evaluation
Designed to select the lowest priced bid that meets the minimum requirements and is both responsive and responsible	Designed to select the best value or approach for the agency as evaluated by the review committee
No negotiations are allowed	Negotiations are allowed
Evaluate against written specifications	Evaluated against criteria in the RFP and against other proposals

5-103 Overview of the Bid Process

- (1) A “kick-off meeting” should be held with the Purchasing Officer to establish a time line and approval process. It will be determined at that time what the process shall be, who will approve, and if Risk will need to determine if insurance requirements are applicable.
- (2) The purchasing process begins with the submission of the “Purchase Requisition,” and “Scope of Work,” (SOW), which is a description of services, specifications, description of goods, proposal evaluation criteria, and a recommended sources list.
- (3) The SOW is submitted to the Purchasing Officer, which is used in the development of a complete IFB or RFP including contract clauses, special clauses, instructions to prospective vendors, and any requisite technical exhibits or attachments.



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- (4) The bid document states a specific date and time deadline for proposal receipt and often has mandatory pre-proposal meetings for vendors to attend. This meeting offers the opportunity to ask questions and gives the City a chance to determine whether any changes need to be issued (addenda) to the request. This is also an excellent time to conduct any requisite site visits to familiarize vendors with the project site(s), if applicable.
- (5) Informal bids may be posted at City Hall, posted on the City's Web site, E-mailed, mailed or solicited over the phone to prospective bidders. Formal bids shall be posted at City Hall and shall be published at least once in a newspaper of general circulation as required by State law, and, if applicable, in appropriate trade publications and on the City's Web site. The date of publication shall be at least 10 days before the due date. All formal bids shall be sealed and shall be publicly opened and read at the date, time, and place indicated in the published notice. Alternatively, electronic transmissions including, but not limited to, the issuance of solicitation documents and the receipt of responses thereto are permitted as specified, PCC [1600 – 1601].
- (6) Prior to proposal deadlines, an evaluation team will be chosen.
- (7) After proposals are received, the committee will be provided the evaluation criteria, conflict of interest documents and tentative interview schedule. The proposals are then evaluated against evaluation criteria, which were stipulated in the bid documents.
- (8) Purchasing and the requesting Department then agree on the awarded vendor.
- (9) Once approved, a purchase order and/or contract are processed.
- (10) After award, the Department monitors the contractor's performance, approves invoices, and notifies Purchasing if any problems are encountered with vendor's performance.

5-104 Developing a Scope of Work

- (1) The SOW is the core of any request. A well-written SOW can do more for the success of a contract than any other part of the contracting process. A good SOW is clear, complete, and logical enough to be understood by the vendor and Department. Because it describes the details of performance, it is the yardstick against which the vendor's performance is measured. Enhancing a vendor's ability to read and understand the needs articulated in the IFB/RFP is critical to success. The request must be concise and clear. The structure of the document is used to keep your thoughts on track and to organize a vendor's response. Emphasize points that you feel are especially important. Organize the bid document in numbered sections, and require the vendors to use this same numbering/sectioning format in their responses. This ensures clarity and consistency in the request and in the vendors' responses, and will make the evaluation and selection process easier.
 - a. Suggested Content – Introduction, general information, length contractor is needed, task description, constraints on the contractor, contractor personnel requirements and



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responsibilities (performance), City responsibilities (payment(s)), special conditions, evaluation criteria, and material specifications.

5-105 Evaluation of Proposals

- (1) A prerequisite for award is that the vendor must be responsible and must submit a responsive offer.
- (2) To be “responsible” means the vendor has the requisite business integrity, as well as financial and organizational capacities, to ensure a good faith performance.
- (3) To be “responsive” is to make an offer must conform in all material respects to the RFP. Beyond these two basic criteria, the only method we have of selecting the offer most advantageous to the City is through the proposal evaluation criteria, which is published in the RFP.
- (4) Because of the nature of most goods and/or services purchased and the sealed competitive bid procedure, the City must make objective comparative analyses of different vendor's proposals in justifying our recommendation for award. The recommendation for award must be defensible. This makes the drafting of reasonable and definitive evaluation criteria very important to the IFB/RFP and source selection process.
- (5) Some evaluation criteria to consider for inclusion in the RFP are as follows:
 - a. Performance record of the contractor;
 - b. Safety record;
 - c. Relevant experience in providing comparable services on projects of similar size and scope;
 - d. Overall quality of proposal; and
 - e. Pricing.
- (6) The IFB/RFP must contain a cost proposal format that allows the vendors to explicitly identify their charges for the deliverables identified in the project. Deliverables must be well defined so that all vendors can respond to the same deliverables thus allowing the City to make comparative analyses of the vendors' costs.

5-106 Pre-Proposal Conference

- (1) While a pre-proposal conference is not always required, it is highly recommended. If one is conducted, vendors are required to attend, or attendance may be by "invitation and urge to attend", so that the City can be sure that all vendors receive the same information and we receive constructive feedback about the RFP.



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- a. Although a representative from the Purchasing Office leads the conference and answers any contractual questions, the department must be represented to answer any questions about the technical aspects and performance anticipated in the scope of work detailed in the RFP.
- b. During the conference, City employees must not discuss the merits of a vendor's question, and it must be clear that nothing discussed that materially affects the RFP can be relied upon unless it is documented in a written addendum to the RFP. The City will not be bound by oral discussion surrounding a bid document.
- c. If a site visit is needed to familiarize vendors with the project, it is typically conducted following the pre-proposal conference job walk.

5-107 Proposal Opening

- (1) Proposal openings are open to the public and are scheduled two to four weeks after the pre-proposal conference. This may vary depending on the complexity of project that is being bid.
- (2) Late proposals are marked with the time and date received; however, they are not opened or read and will not be considered.

5-108 Proposal Evaluations

- (1) After the Purchasing Officer has reviewed each vendor's proposal to determine that they are complete, the proposals are then forwarded to the Department and/or committee members for evaluation.
- (2) During the period of evaluation and prior to Award, possession of proposals and accompanying information is limited to personnel responsible for participating in the evaluation.
- (3) Any communications with vendors must be approved in advance through the Purchasing Officer handling the bid process.
- (4) Recommendation for Award must be in written form and must address how each vendor has met or failed to meet the evaluation criteria stated in the RFP. All areas of non-conformity with any terms, conditions, or listed specifications must be clearly stated in the evaluation.
- (5) The proposal evaluation scores shall be a part of the final record.

5-109 Negotiation

- (1) When all proposals are determined to be non-responsive, all must be rejected and a new RFP shall be issued.
- (2) Negotiation is permitted during an informal quote process and when only one bid resulting from an IFB is received during the competitive bid process. The negotiation process is also permitted during the RFP process. When written evaluations support it, the Purchasing Officer may



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authorize negotiation with each vendor whose proposal can reasonably be expected to be amended to meet the needs of the City.

5-110 Contract Coordination

- (1) Contracts will be received or created, reviewed, redlined and placed into a final draft for execution to ensure that the terms and conditions between the City and awarded vendor are accurately and lawfully set forth.

5-111 Monitoring Performance

- (1) After award, the project coordinator, who is usually named in the contract document, monitors the vendor's performance, approves invoices, and notifies the Purchasing Office if any problems are encountered.
- (2) Depending on the type of service, the manner in which performance is monitored may involve any number of procedures including regular and unscheduled inspections, complaints brought to management's attention, and reports or surveys of consumers of the services.

5-112 Dealing with Poor Performance of Vendor/Contractor

- (1) The key to rectifying poor performance is keeping good documentation. Each contract contains provisions for dealing with poor performance. While the project coordinator may initially deal with minor issues verbally, a written record is required when the contractor's performance deteriorates to the point where it becomes necessary to cancel the entire contract or parts of it.
- (2) Contact the Purchasing Office for guidance and solutions when you have repeated and uncured issues with the contractor, for whatever reasons.

5-113 Terminating Without Penalty

- (1) Under a standard termination clause in most contracts, the City has the option of terminating the contract without penalty for any reason with an advance written notice to the contractor.
- (2) Contact the Purchasing Office for guidance and solutions when you have repeated and uncured issues with the contractor, for whatever reasons.

SECTION 6 – PROTESTS AND APPEALS PROCESS

6-100 Policy

- (1) Any actual or prospective bidder, proposer or contractor who alleges an error or impropriety in the solicitation or award or a contract may submit a grievance to the appropriate departmental designee and the assigned Purchasing Officer.



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6-101 Procedures

- (1) All grievances shall be typed under the complainant’s letterhead and submitted in accordance with the provisions stated herein. All grievances shall include at a minimum the following information:
 - a. The name, address and telephone number of the complainant;
 - b. The signature of the complainant or the complainant’s representative;
 - c. The solicitation or contract number;
 - d. A detailed statement of the legal and/or factual grounds for the grievance;
 - e. The form of relief requested.

6-102 Protest of Bid/Proposal Specifications

- (1) All protests related to bid or proposal specifications must be submitted to the Purchasing Officer no later than five (5) business days prior to the close of the bid or proposal. Grievances received after five (5) business day deadline will not be considered by the City.
- (2) In the event the grievance of specifications is denied and the complainant wishes to continue in the solicitation process, the complainant must submit a bid prior to the close of the solicitation in accordance with the bid/proposal submittal procedures in the bid/proposal.

6-103 Protest and Appeal of Award of Contract – Invitation for Bid (IFB)

- (1) Protests related to the award of a contract based on the Invitation for Bid (IFB) or Statement of Qualification (SOQ) process must be submitted no later than five (5) business days after the notice of the proposed contract award is provided by the Purchasing Officer or the departmental Designee.
- (2) Protests relating to a proposed contract award which are received after five (5) business day deadline will not be considered by the City.

6-104 Protest and Appeal of Award of Contract – Request for Proposals (RFP)

- (1) Immediately upon completion of negotiations with the top-ranked vendor(s), but prior to the filing of a City Council Agenda Report for award of contract, the Purchasing Officer shall send a Notice of Intent to Award of Contract to all participating vendors.
- (2) Vendors will have five (5) business days from the date of the notice in which to file a protest or grievance concerning the award of the Contract.
- (3) Protests relating to a proposed contract award which are received after the five (5) business day deadline will not be considered by the City.
- (4) During the five (5) business day period or proper resolution of a protest or appeal, the department may move forward with the contract award or if necessary, filing the item for approval by the City Council.



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- (5) Upon expiration of the five (5) business day period or proper resolution of a protest and appeal, the department may move forward with the contract award or if necessary, filing the item for approval by the City Council.

6-105 Protest Process

- (1) In the event of a timely protest, the City shall not proceed with the solicitation of award of the contract until the assigned City Purchasing Officer, and in some instances, the City Manager renders a decision on the protest and appeal.
- (2) Upon receipt of a timely protest, the Purchasing Officer will within ten (10) business days of the receipt of the protest and appeal, issue a decision in writing which shall state the reasons for the actions taken.
- (3) The City may, after providing written justification to be included in the procurement file, make the determination that an immediate award of the contract is necessary to protect the substantial interests of the City. The award of a contract shall in no way compromise the complainant's right to the protest and appeals procedures outlined herein.
- (4) If the complainant disagrees with the decision of the City Purchasing Officer, the complainant may submit a written notice to Administrative Services Director requesting an appeal to the City Manager and City Council.

6-106 Appeal Process

- (1) If the complainant wishes to appeal the decision of the Purchasing Officer, the complainant must submit, within three (3) business days from receipt of the decision, a written appeal to the Finance Department, Office of the Deputy City Manager.
- (2) Within fifteen (15) business days, the Deputy City Manager will review all materials in connection with the grievance, assess the merits of the protest and provide a written determination that shall contain his or her decision on whether the protest shall be forwarded to the City Manager.
- (3) The decision of the Deputy City Manager on whether to allow the appeal to go forward will be final and there shall be no right to any administrative appeals of this decision.

SECTION 7 – HOW TO PURCHASE

7-100 Policy

- (1) In compliance with City of Banning Municipal Code and Administrative Regulations, each of the following provisions shall apply:
 - a. All purchases, rentals, and contracts shall be made only upon receipt of proper written/authorized requisitions, the required forms of which shall be supplied Citywide by the Purchasing Officer and placed on the Purchasing Portal on the City's Intranet.



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- b. No purchase order shall be issued unless approved budget appropriation is shown according to the budget procedure established by the Administrative Services Director/Purchasing Officer, City Manager, and City Council.
- c. All purchases must be accomplished through the Purchasing Department, regardless of amount – quantity or dollars.

7-101 Procedure

- (1) Purchase Requisitions - An approved and signed purchase requisition shall be forwarded to the Purchasing Officer for processing in accordance with this Purchasing Policy and its procedures.
 - a. Purchase Requisitions are required for all purchases and used by the departments to request services, order supplies and/or equipment. Vendor information, budget general ledger account number and approval are required to create and issue Purchase Requisitions to vendors/contractors.
 - b. Upon receipt of a properly prepared requisition by Purchasing Officer, a requisition will normally be processed and completed within 10 business days for routine and 15 business days for complex acquisitions, (excluding purchases requiring formal bid procedures). It is the responsibility of the requisitioning department to adequately plan in advance for their procurement needs and/or requirements.
- (2) The cancellation of a departmental requisition shall require department’s notification to Purchasing Officer.
 - a. Cancellation by the Department: Cancellation of a requisition by the department should be based on a written cancellation notice. Verbal cancellation may be accepted by Purchasing in order to suspend the purchasing process but should be followed up by written cancellation notice from the department.
 - b. Cancellation by Purchasing: Cancellation of a requisition initiated by Purchasing requires the written notification and concurrence of the department.
 - c. Cancellation by Purchasing as a “last resort”: A last resort example would be the failure of department to respond to an inquiry for additional information in a timely manner (failure to obtain a response after multiple attempts). Last resort cancellations do not require the department’s concurrence.

7-102 Process

- (1) Purchasing Officer/Project Manager are to discuss proposed purchase with Department Head.
- (2) Purchasing must receive requisitions that have sufficient funding in a referenced account.



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- (3) Finance will confirm funding and/or will work with the Department on budgetary transfers, if necessary.
- (4) Any delays in processing submitted purchase requisitions due to lack of funding are the Department's responsibility.

SECTION 8 - SOLICITATION PROCESS

8-100 Definitions

- (1) Invitations for Bids (IFB) are competitive bidding documents used for acquiring supplies, services, or equipment for which clear specifications can be written and contract award is made generally to the lowest responsive, responsible bidder.

8-101 Prequalification of Bidders

- (1) The City reserves the right to prequalify bidders when deemed to be in its best interest. Prequalification may be done as the first step in a two-step bidding process. Bidders will be prequalified by responding to a Request for Qualification (RFQ), which will include a request for information related to the bidder's ability to fulfill the contract conditions. Qualification criteria may include financial capacity and stability, company history, capacity to perform, relevant experience, and other criteria relevant to the acquisition being bid.
- (2) Prequalification requirements will be reasonable and will be the minimum requirements necessary to carry out the contract.

8-102 Requests for Information

- (1) When required by the City and determined to be in its best interest, a general request for information sent to vendors may precede the IFB process. The request for information will be a way of determining appropriate bidders.

8-103 Invitation for Bid (IFB) Document

- (1) The IFB shall include a purchase description and all contractual terms and conditions applicable to the procurement. All invitations for bid will include the following:
 - a. Adequate Public Notice – Adequate public notice will be given to provide potential bidders sufficient time to prepare and submit bids by the due date specified in the invitation for bid.
 - i. General Specifications – Clear, concise specifications must be included in all bid documents. The specification is a description of the physical or functional characteristics of the commodity, equipment, or services desired. Specifications shall be written to encourage maximum and fair competition. A Statement of Desired Purpose will be included in all specifications and only those



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characteristics essential to the final performance of the product or service will be included. Unless only one brand of commodity or equipment is acceptable due to compatibility or other restrictive requirements, any brand name used in the specifications will be used only for the purpose of establishing descriptive information and will not be used to restrict competitive bidding.

- ii. Proprietary Specification (no substitute) – Proprietary specifications shall be used only when the end user has presented justification that only the named product will function in the end use required. Proprietary items will be competitively bid whenever there is more than one supplier from whom the product is available.
- b. Terms and Conditions – All IFB’s will include terms and conditions, which will become part of the contract. The City Purchasing Officer shall maintain, by type of contract, applicable and appropriate terms and conditions to be included in contracts and shall make these departments for inclusion in the contracts they request.
- c. Bid and Performance Surety – When determined to be in the best interest of the City, the City Purchasing Officer may include in the terms and conditions a requirement for a bid and/or payment and performance surety. A bid surety of ten percent (10%) of the total bid will guarantee that a bidder enters into the contract per its bid. A payment and performance surety of a sum being not less than one-hundred percent (100%) of the total contracted amount will guarantee that the bidder will carry out the contract per the specifications and terms and conditions set out by the City. Bidders shall be permitted to provide such surety in the form of a bond, certified or cashier’s check, letter of credit, or certificate of deposit redeemable by the City. Upon award to the successful bidder, all such sureties will be returned to unsuccessful bidders.
- d. Indemnification – Where the City may experience financial or physical risk in the performance of a contract by a vendor, the contract terms and conditions will require that the vendor hold the City harmless from such risk.
- e. Insurance – The City may also require that the successful bidder submit an insurance certificate prior to contract award. Such certificate will be in an amount adequate to protect the City and will name the City as an additional insured.
- f. Criteria for Award – The IFB will include criteria for award. Award will be based on the lowest responsive and responsible bidder.
- g. Responsiveness – A bidder’s responsiveness will be judged according to requirement set forth in the invitation to bid. No criteria may be used in the determination of a bidder’s responsiveness that is not set forth in the IFB. In order to determine the lowest responsive bidder, criteria, which affect bid price and may be objectively measured,



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such as discounts, transportation costs, and life cycle cost, may be considered. Award may not be made to a bidder submitting a higher quality item than the minimum required unless the bidder’s price is also determined to be the lowest in accordance with the criteria established in the Invitation for Bid (IFB).

- h. Responsibility – A bidder’s responsibility will be judged according to the bidder’s ability to successfully carry out the proposed contract. Criteria to be used may include financial capacity, experience, facilities, equipment, and integrity. The City may also consider any of its own past dealings with bidder. The unreasonable failure of a bidder to promptly supply information or documents required for bid review may be grounds for “determination of non-responsibility” made by the City Purchasing Officer.

8-104 Vendor Advisory

- (1) All Invitations for Bid (IFB) will include as part of their language the following vendor advisory, “The City of Banning does not require and neither encourages nor discourages the use of lobbyists or other consultants for the purpose of securing business.”

8-105 Pre-Bid Conference

- (1) When it is in the City’s best interest, a pre-bid conference may be held. The purpose of the conference will be to further discuss or illustrate the City’s needs and/or to answer any questions which may exist on the part of the bidders. The conference shall be hosted by the City Purchasing Officer. Any changes, deletions, additions or clarification to the bid solicitation shall be issued as an addendum and sent to all prospective proposers. Pre-bid conferences shall not be mandatory for potential bidders unless it is clearly in the City’s best interest.

8-106 Acceptance of Bids

- (1) Except as noted below, bids must be received no later than the time specified in the IFB. Bids shall be unconditionally accepted without alteration or correction. Late bids shall not be considered and shall be returned to the bidder unopened unless authorized for acceptance and approval by the City Purchasing Officer with written justification. All bids must be received by someone other than the person who conducted the bid solicitation and must be time and date stamped upon receipt. All bids must be kept in a secure, locked location for access by personnel so authorized by the Department Head. Bids become public information immediately after the closing date and time.

8-107 Waivable Informalities

- (1) When considered in the best interest of the City, and when bidder is deemed responsible as defined in the Public Contract Code §1103, certain proposal requirements may be waived by the City Purchasing Officer. Such waivers will be only for minor requirements, which will not provide a material advance for one proposer over another. Examples of waivable informalities are:



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- a. Failure of a proposer to submit information due to oversight;
 - b. Failure of a proposer to sign or date a bid document; and
 - c. Failure of a proposer to submit the requested number of proposal copies; and
- (2) Waivable informalities will be considered on a case-by-case basis and will occur only when in the City's best interest.
- (3) [A] bid which substantially conforms to a call for bids may, though it is not strictly responsive, be accepted if the variance cannot have affected the amount of the bid or given a bidder an advantage or benefit not allowed other bidders or, in other words, if the variance is inconsequential.¹
- (4) The rule of strict compliance with bidding requirements does not preclude the contracting entity from waiving inconsequential deviations.² These kinds of errors can be ignored by a public agency, provided they give the bidder no advantage in price or otherwise over other bidders.

8-108 Correction, Clarification, or Withdrawal of Bids

- (1) Correction, clarification, or withdrawal of erroneous bids before or after awards shall be permitted by the City Purchasing Officer under the following circumstances:
- a. Where there is a mistake evident from examining the bid document, such as an extension of unit pricing or error in addition, the bidder should be permitted to correct the error and the bid remain valid.
 - b. Where a bidder alleges a material mistake of fact and there is reasonable proof a mistake was made and the intended bid cannot be ascertained with reasonable certainty, the bidder shall be permitted to withdraw the submitted bid without penalty.
 - c. Where a bidder fails to supply information requested in the IFB due to oversight, the bidder should be permitted the opportunity to furnish the information. This shall be permitted so long as the information does not affect the bidders' submitted price, specifications or substantive obligations and does not affect the position of his bid relative to other properly submitted.
- (2) Where a bidder committed errors in judgment, the City will not permit withdrawal of the submitted bid without penalty, unless it is determined to be in the best interest of the City.
- (3) Nothing in this section is intended to prohibit the City from accepting a voluntary reduction in price or more favorable terms from a successful bidder after award, provided that such is not

¹[Citations.] (47 Ops.Cal.Atty.Gen. 129, 130 (1966), italics added, quoted with approval in Ghilotti, supra, 45 Cal. App.4th at pp. 904-905, Valley Crest, supra, at pp.1440-144, Konica, supra, 206 Cal.App.3d 449, 454, and National Identification Systems, Inc. V. State Bd. of Control (1992) 11 Cal.App.4th 1446, 1453 [15 Cal.Rptr.2d 257].)

²(Ghilotti, supra, at p. 908, italics added.) MCM Const., Inc. v. City & County of San Francisco (1998) 66 Cal.App.4th 359, 373-374.



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conditioned on a modification or deletion of any conditions required in the IFB, which would result in a contract less favorable to the City.

8-109 Tied Bids and Local Preference

- (1) When all other factors are determined to be equal, preference shall be given to firms having a bona-fide place of business within the City of Banning. Local Vendor Purchasing Preference is the practice of procurement from certain suppliers/contractors because they are also local taxpayers. Local preference is desirable because it stimulates the local economy. All orders/contracts are awarded based on quality, previous performance, ability to meet the contract requirements, availability of service and parts, delivery schedule, and payment terms/discounts and all of the factors particular to the award. When all these factors are equal except price, a preference will be given to local vendors equal to 5% of the quoted price. The City Purchasing Officer has the right to award tie bids by performing a re-solicitation of the tied providers.

8-110 Cancellation of Invitations for Bid and Reservation to Reject All Bids

- (1) An IFB may be canceled and any or all bids may be rejected in whole or in part as specified in the solicitation if it is for good cause and in the best interest of the City. The reasons for such cancellation or rejection shall be made part of the contract file. Reasons for cancellation or rejection shall be provided upon request to bidders.

8-111 Public Bid Openings

- (1) A public bid opening will be held at a time and place announced in the bid solicitation for purchases exceeding \$25,000, subject to the guidelines for each contract type as detailed in this Policy.
 - a. The amount of each bid, together with the name of each bidder, shall be recorded and made available for public inspection.
 - b. In cases where bids are submitted and tabulated electronically, bid openings will be considered public as long as individual bids are electronically accessible after the bids close.

8-112 Protest, Grievances, Appeals – Invitation for Bid (IFB)

- (1) Protest of Bid/Proposal Specifications – All protests and grievances related to bid or proposal specifications must be submitted to the City Purchasing Officer no later than five (5) business days prior to the close of the bid or proposal. Protests received after the five (5) business day deadline will not be considered by the City.



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- (2) In the event the protest of specifications is denied and the protester wishes to continue in the solicitation process, they must still submit a bid prior to the close of the solicitation in accordance with the bid/proposal submittal procedures provided in the bid/proposal.
- (3) Protest of Award of Contract – Protests related to the award of a contract based on the Invitation for Bid (IFB), must be submitted no later than five (5) business days after the notice of the proposed contract award is provided by the City Purchasing Officer.
- (4) Protests relating to a proposed contract award which are received after the five (5) business day deadline will not be considered by the City.

SECTION 9 – REQUEST FOR PROPOSAL (RFP)

9-100 Definition

- (1) When it is not in the City’s best interest to acquire goods or services through normal competitive bidding, a contract may be solicited using the Request for Proposal (RFP) method. Such a situation may arise for any number of reasons, including, but not limited to:
 - a. The City’s requirements are not well defined.
 - b. The City is interested in evaluating a range of offers so that it may take advantage of technical innovation and developments in the market place.
 - c. Factors such as availability, expertise, and quality override price as criteria for award.

9-101 Requests for Information

- (1) When required by the City and determined to be in its best interest, a general Request for Information may be sent to vendors preceding the RFP process. The Request for Information will be a way of determining appropriate proposers.

9-102 Request for Proposal (RFP) Process

- (1) Requests for Proposals will be issued with the intent of providing a competitive process from which the City may select a vendor to satisfy its requirements. The RFP will consist of the following:
 - a. Adequate Public Notice – Adequate public notice shall be given to provide potential proposers sufficient time to prepare and submit proposals by the due date specified in the RFP.
 - b. Requirements Statement – This will be a statement of the City’s objectives in issuing the request. It shall explain the City’s need as clearly as possible. It shall include any special requirements which the City may have in regard to its overall objectives. Included may be requests for special reports, critical timelines, unique items or services to be provided, cost or pricing data required, duration of service, etc.



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- c. Qualification Statement – If necessary, the City may include minimum qualification criteria in the RFP. These criteria shall not be used to limit competition but may be used to assure a certain level of expertise and quality of service.
- d. Terms and Conditions – The terms and conditions that are intended to become part of the final contract shall be included in the RFP. Included in the terms and conditions are such items as indemnification, contract termination, payment terms, applicable laws, etc. The City Purchasing Officer shall maintain, by type of contract, applicable and appropriate terms and conditions to be included in contracts and shall make these available to departments for inclusion in the contracts they issue.
- e. Instructions – These are items, which related directly to the procedures on how the proposal must be submitted. Included in the instructions are items related to the number of submittals required, format, procedure for information clarification, etc.
- f. Bid and Performance Surety – When determined to be in the best interest of the City, the City Purchasing Officer may include in the terms and conditions a requirement for bid and/or performance surety. A bid surety will guarantee that proposers enter into the contract as agreed upon, and a performance surety will guarantee that the proposer will carry out the contract requirements according to specifications and terms and conditions set out by the City. Such surety, when required, will not be designed to be restrictive, but will only be in an amount necessary to protect the City’s interest. Proposers shall be permitted to provide such surety in the form of a bond, certified or cashier’s check, letter of credit, or certificate of deposit redeemable by the City. Upon execution of the contract with the successful proposer, all such sureties will be returned to the unsuccessful proposers.
- g. Indemnification – Where the City may experience financial or physical risk in the performance of a contract by a vendor, the contract terms and conditions will require that the vendor hold the City harmless from such risk.
- h. Insurance – The City may also require that the successful proposer submit an insurance certificate prior to contract award. Such certificate will be in an amount adequate to protect the City and will name the City as an additional insured.
- i. Liquidated Damages – When determined to be appropriate by the City Purchasing Officer, a provision for liquidated damages may be included in the contract terms and conditions. Liquidated damages may not be a penalty, but must be an approximation of the City’s actual damages.
- j. Evaluation Criteria – The RFP will list the criteria which will be used to evaluate submitted proposals. The factors shall relate to the proposer’s ability to satisfy the City’s requirements as specified in the proposal. Evaluation criteria may be weighted by having specific values assigned to each criterion. Evaluation criteria may also be listed in order of importance without including values. Only the factors listed as part of the



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evaluation criteria may be used to determine the successful proposer. Values/weights for evaluation criteria must be established and submitted to the City Purchasing Officer prior to distribution of the proposals to the evaluation committee. Where cost is a factor in the evaluation criteria, costs analysis must be conducted and recorded in the evaluation process.

9-103 Prequalification of Proposers

- (1) The City reserves the right to prequalify proposers when deemed to be in the best interest of the City. Prequalification may be done as the first step in a two-step bidding process. The process for selection shall be conducted in a competitive manner using the City's standard solicitation methods, to ensure participation by all interested vendors.
- (2) Proposers will be prequalified by responding to a Statement of Qualifications (SOQ) or equivalent solicitation, which will include a request for information related to the proposers' ability to fulfill the contract terms and conditions.
 - a. Qualification criteria may include:
 - i. Financial capacity and stability,
 - ii. Company history;
 - iii. Capacity to perform;
 - iv. Relevant experience; and
 - v. Any other criteria relevant to the goods and services being sought by the City.
- (3) Prequalification requirements will be reasonable and will constitute the minimum requirements to full the terms and conditions of the contract.

9-104 Vendor Advisory

- (1) All RFP's will include as part of their language the following vendor advisory – "The City of Banning does not require and neither encourages nor discourages the use of lobbyists or other consultants for the purpose of securing business."

9-105 Pre-Proposal Conference

- (1) When it is in the City's best interest, a pre-proposal conference may be held. The purpose of the conference will be to further define or illustrate the City's needs and/or to answer any questions which may exist on the part of the proposers. The conference shall be hosted by the City Purchasing Officer. Any changes, deletions, additions, or clarification to the RFP shall be issued as an addendum and sent to all prospective proposers. Pre-proposal conferences shall not be mandatory for potential proposers unless it is clearly in the City's best interest.



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9-106 Receipt and Acceptance of Proposals

- (1) Proposals are to be received by the date and time specified in the RFP's. Proposals shall be unconditionally accepted without alteration or correction. All proposals must be received by someone other than the person who conducted the solicitation and must be time and date stamped immediately upon receipt. All proposals must be kept in a secure, locked location for access by only those personnel involved in the proposal evaluation process.
- (2) Late proposals may be accepted or rejected depending on the best interest of the City. No proposal will be accepted which is received by the City Purchasing Officer after the due date and time specified in the solicitation.

9-107 Confidentiality

- (1) Proposals are not to be marked as confidential or proprietary. Proposals submitted in response to a RFP are subject to public disclosure as permitted by the California Public Records Act. Additionally, all proposals shall become the property of the City. The City reserves the right to make use of any information or ideas in the proposals submitted.
- (2) Regardless of any identification otherwise, including marking some or all pages as "confidential" or "proprietary", information in proposals shall become a part of the public record and subject to disclosure without further notice to the proposer.
- (3) The City shall not in any way be liable or responsible for the disclosure of any such records.

9-108 Proposer Interviews

- (1) After reviewing submitted proposals, the evaluation committee may conduct interviews with responsible proposers who have submitted proposals determined to be acceptable and within competitive range. The purpose of these interviews will be for clarification to assure full understanding of and responsiveness to the solicitation requirements.
 - a. Proposers shall be given fair and equal treatment with respect to any opportunity for discussion and revision to proposals.
 - b. Discussions with proposers will be recorded either in writing or on tape, and that record will become part of the contract file.
 - c. In conducting interviews, there shall be no disclosure of any information derived from proposals submitted by competing proposers.
 - d. All members of the evaluation committee must sit in on the interviews with all proposers. If in the best interest of the City, an exception may be made with the approval of the City Purchasing Officer.

9-109 Proposal Questions, Amendments, Extensions, Cancellation

- (1) When questions are received from potential offerors that involve clarification or interpretation of the RFP, the Purchasing Officer shall provide a written explanation of the RFP to all potential



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offerors. If questions are received over the telephone, keep a record of all questions asked and answers given. Advise all potential offerors to put their questions in writing and confirm telephone conversations in writing. Addendums may be requested after submissions and prior to award for the purpose of obtaining best and final offers. Late best and final offers will not be accepted.

9-110 Scope of Work Revisions

- (1) If discussions reveal the need to change the original scope of work prior to the bid/proposal due date, an addendum in which details the revised scope will be sent to all those submitting proposals. Upon issuance of an addendum, the vendor is required to acknowledge receipt and understanding by signing where designated and return the executed copy with submissions of the bid/proposal. If appropriate, the City will issue a revised RFP and begin the solicitation process again. The City Purchasing Officer will be the final authority as to which process will be used.

9-111 Evaluation Scores

- (1) Evaluators shall initially score proposals individually. Evaluators' individual scores will be discussed with the entire evaluation panel and combined and tallied. The final scores will be recorded on an individual finalized score sheet. To ensure the integrity of the procurement process and the protected privacy afforded by the Public Records Act, Section 6255, the initial score sheets containing the evaluators notes and comments shall remain in the possession of the individual evaluators, and at no time shall this information become part of the permanent purchasing file or retained as City record.

9-112 One Proposal Received

- (1) If only one (1) proposal is received in response to an RFP, the City Purchasing Officer may either recommend award, or, if time permits, re-solicit – whichever is in the City's best interest.

9-113 Errors in Proposal

- (1) Prior to the time and date set for the receipt of proposals, any proposer may withdraw the proposal or correct any errors in their previously submitted proposal.
 - a. After the time and date set for the receipt of proposals, proposers may not make any changes to their submitted proposals.
 - b. After the receipt of best and final offers, a proposer may be permitted to withdraw its proposal without penalty if evidence is provided of a material error and the fulfillment of the contract by the proposer would create unconscionable hardship or financial loss.



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9-114 Award

- (1) Award of contract will be made to the responsible proposer whose proposal best meets the City's requirements as determined by the evaluation committee using the evaluation criteria, which should include proposed cost.
- (2) Should the City Purchasing Officer fail to concur with the recommendation submitted by the evaluation committee, the City Purchasing Officer would meet with the evaluation committee members to discuss the reasons for the difference in opinion.
 - a. No recommendation shall go forward to the City Council from the City Purchasing Officer unless there is concurrence between the City Purchasing Officer and the evaluation committee.

9-115 Protests, Grievances, and Appeals – Request for Proposals

- (1) Any actual or prospective proposer or contractor who alleges a grievance by an error or impropriety in the solicitation or award of a contract may submit a grievance or protest to the appropriate department Purchasing Liaison and the City Purchasing Officer who is administering the RFP.
- (2) Release of Proposal Information – Immediately upon completion of negotiations with the top-ranked vendor(s), but prior to the filing of a City Council Agenda Report for award of contract, the City Purchasing Officer shall send a "Notice of Intent to Award" to all participating vendors and a copy to the City Clerk.
 - a. Vendors will then have five (5) business days from the date of the notice in which to obtain proposal documents that are available for disclosure, including final score sheets with the names and notes of individual evaluators redacted.
 - b. Upon expiration of the five (5) business day period, the City Purchasing Office shall inform the department that the contract may be awarded, or as necessary, submit the item for review and approval by City Council.

9-116 Evaluation Committee

- (1) All proposals shall be evaluated by an evaluation committee comprised of three (3) or more members, (preferably two (2) internal staff members and one (1) external professional). Evaluators must have no conflict of interest with the selection process, members of evaluation committees shall be selected based on their qualifications and expertise related to the subject matter.
 - a. It is City policy that when practical and appropriate, private citizens with appropriate expertise who are free of any potential conflict of interest will be included on the proposal evaluation committee.



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- b. The composition of the selection committee will be determined by the using department or by the City Purchasing Officer for those contracts issued by the Office of Finance, Purchasing Department.
- c. All members of the evaluation committee must sign a form certifying, under penalty of perjury, that they have no conflict of interest with the selection process.
- d. During the proposal evaluation process, evaluators shall not discuss any issues related to the evaluation or selection process with any proposed contractors or their advocates, except in scheduled proposer interviews as discussed below.

SECTION 10 – MULTI-STEP SEALED BIDDING

10-100 Definitions

- (1) Multi-step sealed bidding is a method of soliciting bids, which permits preliminary evaluation based on a proposal’s technical merit and the qualifications of the bidder/proposer and a final evaluation based on price.
- (2) Multi-step sealed bidding may be used when it is determined that:
 - a. Available specifications or purchase descriptions are not sufficiently complete to permit full competition without technical evaluations and discussions to ensure mutual understanding between each bidder and the City of Banning;
 - b. Definite criteria exist for evaluation of technical offers;
 - c. More than one technically qualified source is expected to be available; and
 - d. A fixed price contract will be used.

10-101 Multi-Step Bidding Process

- (1) Phase One:
 - a. Multi-step sealed bidding shall be initiated by the issuance of an invitation to submit technical offers. A technical offer is a document that lists and defines all of the technical requirements of the project and explains the approach and plan to address the City’s needs. The invitation to submit offers shall be issued in a manner which provides adequate public notice allowing bidders sufficient time to prepare and submit responses. The invitation to submit technical offers shall contain the following information:
 - i. Notice that the procurement shall be conducted in two phases;
 - ii. A description of the material or service desired using the best information available to the City;
 - iii. A statement that unpriced technical offers only shall be considered in Phase One;
 - iv. The requirements for the technical offers, such as drawings and descriptive literature;



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- v. The criteria for evaluating technical offers;
 - vi. The closing date and time for receipt of technical offers and the location where offers should be delivered or mailed;
 - vii. A statement that discussions may be held; and
 - viii. A statement that only bids based on technical offers determined to be acceptable in Phase One shall be considered for award.
- b. The City Purchasing Officer may hold a conference with the potential bidders before submission of the technical offers or at any time during the evaluation of unpriced technical offers.
 - c. The invitation to submit technical offers may be amended after the submission of the unpriced technical offers. The amendment shall be distributed only to bidders who submitted unpriced technical offers or to amend offers already submitted. If an amendment materially changes the intent of the procurement, the invitation to submit technical offers shall be canceled or reissued.
 - d. Unpriced technical offers shall be due at the time and date specified. The contents of unpriced technical offers shall be disclosed only to City personnel having a legitimate interest in them or persons assisting in their evaluation.
 - e. Late technical offers may be accepted or rejected depending upon the best interest of the City. No technical offer will be accepted which is received later than 24 hours from the original due date. The City Purchasing Officer will have sole discretion in deciding which late technical offers will be accepted or rejected.
 - f. Unpriced technical offers shall be evaluated solely in accordance with the criteria set forth in the invitation to submit technical offers. Offers shall be determined to be either acceptable for further consideration or unacceptable. A determination that an unpriced technical proposal is unacceptable shall be stated in writing explaining the basis for the determination. A record of the rejection will be retained in the procurement file. Unsuccessful bidders shall be notified in writing by the City Purchasing Officer, and the bidder shall not be afforded the opportunity to amend its technical offer.
 - g. Discussions may be held with any bidder who submits an acceptable or potentially acceptable technical offer. During discussions, there shall be no disclosure of any information derived from one unpriced technical offer to another bidder. After discussions, the City Purchasing Officer shall establish a closing date for receipt of final technical offers and shall notify, in writing, bidders submitting acceptable or potentially acceptable offers of the closing date. A record will be kept of discussions and made part of the contract file.
 - h. At any time during Phase One, offers may be withdrawn without penalty.



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(2) Phase Two:

- a. Upon completion of Phase One, the City Purchasing Officer shall issue an Invitation for Bid (IFB). The invitations for bid shall be issued only to bidders whose technical offers are determined to be acceptable in Phase One.
- b. Award will be made to the lowest responsive and responsible bidder.

10-102 Requests for Information

- (1) When required by the City and determined to be in its best interest, a general request for information sent to vendors may precede this process. The request for information will be a way of determining appropriate bidders and will be considered as part of the multi-step procurement process.

10-103 Vendor Advisory

- (1) All invitations for bid will include as part of their language the following vendor advisory – “The City of Banning does not require and neither encourages nor discourages the use of lobbyists or other consultants for the purpose of securing business.”

10-104 Protest, Grievances, and Appeals – Multi-Step Sealed Bidding

- (1) Refer to Section 6 – Protest, Grievances, and Appeals.

SECTION 11 – SOLE SOURCE; PROPRIETARY REQUESTS; INNOVATION

11-100 Policy

- (1) It is the policy of the City of Banning to solicit competitive bids and proposals for its procurement requirements. Sole Source procurement shall not be used unless there is clear and convincing evidence that only one source exists to fulfill the City’s requirements.

11-101 Sole Source Justification

- (1) Formal justification for Sole Source procurement is required when competitive bid guidelines require pricing from competing proposers. A Sole Source justification form will be prepared by the department and approved by Department Head or designee. The City Purchasing Officer shall retain a copy of this justification as part of the contract file. As part of the Sole Source justification, the requestor shall clearly provide:
 - a. A detailed description of the type of contract to be established;
 - b. A detailed description of services and/or commodities to be provided by the vendor;
 - c. An explanation of why the recommended vendor is the only one capable of providing the required services and/or commodities and include back-up information to support the justification;
 - d. The identity of other sources that have been contacted and explain in detail why they cannot fulfill the City’s requirements;



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- e. An explanation of how the recommended vendor's prices or fees compare to the general market and attach quotes for comparable services and supplies, if available (limited competition);
 - f. An explanation of how the City would accomplish this particular task if the recommended vendor could not provide the product or service.
- (2) Valid Sole Source justification requires strong technological or strong programmatic justifications. Sole Source justifications are not required for purchases where no competitive solicitation is required.
- (3) If a contractor develops a particular expertise through demonstrated past performance which has been investigated and determined to be satisfactory in this area of expertise, then such contractor may be awarded a subsequent contract for related work, provided that the Sole Source justification requirements outlined in this Section are satisfied. Such contractor may be designated as an exclusive contractor if the City would be adversely affected by bringing in another vendor who would be required to meet the expert contractor's level of expertise and existing knowledge and involvement in a specific project.
- (4) Instances when sole source purchasing may be applicable include the following:
- a. Property or services can be obtained only from a specific vendor (i.e., materials or equipment; one of a kind items, etc.).
 - b. Competitive sourcing is precluded because of the existence of patents, copyrights, and special processes, control of raw materials by vendors or similar circumstances.
 - c. Procurement of water, power or other utility services where it would not be practical or feasible to allow other vendors to provide such services.
 - d. Procurement of support services in connection with the assembly, installation or servicing of equipment or software of a highly technical or specialized nature.
 - e. Procurement of parts or components to be used as replacements in support of equipment manufactured by a particular supplier.
 - f. Procurement involving construction where a contractor is already at work on the site and it would not be practical to engage another contractor.
 - g. Procurement where only a single supplier in a market is licensed or authorized to service or sell a specific product line.
 - h. Procurement of compatible additions to existing equipment where a different manufacturer's equipment would be impractical for the specific need.
 - i. The supplier or products are specified and required by the funding agency of a grant or Federal/State contract.



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11-102 Proprietary Source Requests

- (1) Proprietary means confidentially owned and controlled. The term may be used to refer to such items as property, computer software, or intellectual property. The party owning items that are proprietary is known as a sole proprietor and there is no other source available from which to purchase the goods or services.
 - a. Determining if an item is proprietary rests with the City Purchasing Officer and shall be justified in accordance with the policies and procedures outlined in this Section. In the event an item is justified as proprietary, the City Purchasing Officer shall endeavor to negotiate a price that is most advantageous to the City.
 - b. Proprietary Specifications – A proprietary item or service is one that must meet particular restrictive specifications but may be available from a number of sources, e.g., “Brand X Computers – no substitutions”. A detailed description of the proprietary specification shall be attached to the requisition for approval. The requisition should contain a brief justification for requesting the proprietary specification.
- (2) City Manager – City Manager approval is required for all sole source and proprietary requests in accordance with applicable policy as provided in this Section.

11-103 Emergency Purchase Requests

- (1) Sole Source requests may be approved based upon emergency situations in which there is not adequate time for competitive bidding. For additional policies regarding Emergency Requests, refer to Section 13 of this Policy.

11-104 Commodities – Sole Source Requests

- (1) Approval by City Council is required prior to the execution of a Sole Source commodity contract costing more than \$25,000 annually.

11-105 Service Contracts (includes A&E) – Sole Source Requests

- (1) Approval by City Council is required for the following:
 - a. Sole Source service contracts that exceed the total annual amount of \$25,000,
 - b. Sole Source service contracts that exceed a two (2) year consecutive term, regardless of dollar amount. Contracts may not be intentionally split to avoid this Policy,
 - c. Renewal of Sole Source service contracts where the annual costs exceeds \$25,000.

11-106 City Council Agenda Report

- (1) Prior to the submittal of a City Council Agenda Report, all Sole Source justifications requiring City Council approval shall first be reviewed and approved by the Department Head, City Purchasing Officer and City Manager.
- (2) City Council Agenda Reports shall clearly state that the procurement is a Sole Source purchase; and



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- a. A signed copy of the Sole Source justification, as described above, shall also be attached to the City Council Agenda Report.

11-107 Negotiation

- (1) With approvals as required, a contract shall be negotiated with the designated sole source to achieve a contract that is advantageous to the City of Banning.

11-108 Innovative Procurements

- (1) Procurement of new or unique technologies, commodities, supplies and services can require an innovative process of procurement be utilized to competitively source for an award. When the City Purchasing Officer determines in writing that it is advantageous to the City to use an innovative competitive procurement process to achieve best value; the City Purchasing Officer shall provide such information in writing to the City Manager, Risk Manager and/or the City Attorney's Office for review and approval as to form before issuing a public notice and solicitation.

SECTION 12 – COOPERATIVE PURCHASING

12-100 Definitions

- (1) The Cooperative Purchasing Program authorizes departments to purchase products and services from contracts awarded by and through another City, County, State or Federal entity.

12-101 Policy

- (1) With the exception of Architectural-Engineering projects, goods and services may be acquired through cooperative contracts that can involve one or more public entities. Such cooperative purchasing may include public procurement contracts, which are made available to other local public entities.

12-102 Responsibility

- (1) The City Purchasing Officer is responsible for identifying and executing all cooperative contracts for use by City departments. The City Purchasing Officer may authorize and make use of cooperative agreements, including the pricing, and terms and conditions of the contract of another public entity provided that:
 - a. The initial procurement the City is relying upon is consistent with City purchasing rules and requirements.
 - b. The vendor holding the contract extends the same pricing, terms, and conditions to the City.
 - c. Before deciding whether or not to use the contract of another public entity, City Purchasing Officer will conduct an analysis of the contract to determine that the use of



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- the contract serves the best interest of the City of Banning and that minimum City procurement requirements have been followed with respect to competitive bidding.
- d. The City may also allow local schools and other public entities to take advantage of contracts the City has competitively bid, although the City shall not be a signor on these contracts and shall have no legal liability to either the contracting entities or to third parties as a result of the contracts, including but not limited to:
- i. Issuing their own contract purchase documents,
 - ii. Providing for its own acceptance of the terms and pricing of the contract,
 - iii. Obtaining required certificates of insurance and bonds, and
 - iv. Making any payments due to the vendor.
 - v. Limitation of Liability – The contracting entities shall hold the City of Banning harmless from all claims, demand actions, or causes of actions of every kind, known or unknown, resulting directly or indirectly, allegedly arising out of, or in any way connected with the use of City issued cooperative agreements.

12-103 City Requirements

- (1) The City Purchasing Officer is required to maintain a list of the cooperative agreements that the City has joined. The list shall report dollar volumes, contracts' terms, type of contract, expiration or renewal date, and all other pertinent information.

12-104 No Usage Guarantees

- (1) While cooperative entities may use these agreements, they City of Banning makes no guarantee of usage.

12-105 City Council Approval

- (1) Individual entities and departments utilizing cooperative agreements to purchase goods and services, by and through the City Purchasing Officer, are required to receive City Council approval on individual purchases that exceed the established dollar thresholds for the appropriate contract types as set forth in Section 3 of this Policy.

12-106 Term of Cooperative Contract

- (1) The duration of a City cooperative contract will depend upon the City's needs, prevailing market conditions, contract start-up costs, and the City's best economic interest.
- (2) In no case will a City cooperative contract exceed five (5) years in duration, unless specifically approved by City Council.
- (3) City cooperative contracts issued by the City Purchasing Officer that are subordinate to State and/or Federal government contracts and programs may be executed in accordance with the term of the overriding contract and where appropriate, may extend beyond five (5) years, without further approval by City Council.



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12-107 Collaborative Purchasing

- (1) The City Purchasing Officer has authority to identify and make use of governmental agency cooperative agreements that would be beneficial for City use.
 - a. The City Purchasing Officer may pursue both competitive and negotiated cooperative agreements executed by City, County, State and/or Federal governments.
 - b. May pursue contracts with other governmental entities in order to obtain cost savings for the City.
 - c. Shall make available City cooperative contracts to other governmental entities and pursue opportunities for collaboration in purchasing.
- (2) In the event a cooperative agreement identified for use by the City Purchasing was awarded by a method other than a competitive bid, the City Purchasing Officer is required to seek review from the Office of the City Attorney and City Risk Manager, where appropriate, prior to authorizing the use of the cooperative contract.

SECTION 13 – EMERGENCY PURCHASING

13-100 Emergencies

- (1) Emergencies are defined as those situations where the safety and/or welfare of City residents or employees is at stake and/or immediate purchasing action is required to prevent serious economic or other hardship to the City. When due to the nature of the emergency, it is not possible or it is impractical to follow competitive bidding requirements, these requirements may be waived, by the City Manager or his designee.
- (2) No later than two (2) business day from the emergency request date, a Notice of Emergency Purchase(s) Form by the Department Head should detail the emergency situation. This justification should become a permanent part of the purchasing file.
- (3) This Notice of Emergency Purchase(s) will be accompanied by all supporting documentation of the purchase(s) and a summary detailing the emergency situation, which caused the emergency purchase(s). All documents will become a permanent part of the purchasing file.
- (4) Emergency purchases shall be subject to the approval of the City Manager, or his designee. City Council approval and/or notification on the Agenda Consent Calendar will be within 30 days of an emergency expenditure that exceeds the City Manager’s approval limit of \$25,000.
- (5) In many cases, emergency orders may be made using either Online Purchasing or the Procurement Card methods.
- (6) For emergency purchases related to an emergency/disaster incident outside of normal business hours, a log of present employee(s), date(s) and hour(s) spent on such incident must accompany the Notice of Emergency Purchase Form.



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SECTION 14 – GRANTS AND AGREEMENTS

14-100 Grant and Agreement Regulations

- (1) When procuring property and services under a Federal award, a state must follow the same policies and procedures it uses for procurements from its non-Federal funds. The state will comply with §200.322 Procurement of recovered materials and ensure that every purchase order or other contract includes any clauses required by Section §200.326 Contract provisions. All other non-Federal entities, including sub recipients of a state, will follow the procurement provisions contained in the Code of Federal Regulations (2 CFR §200.318 through §200.326) Contract provisions.
- (2) See Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards Code of Federal Regulations, Title 2, Subtitle A, Chapter 2, Part 200, Subpart A-F for specified guidelines.
- (3) When procuring property and services under a state or other local award, see the granting agencies regulations and requirements for specified guidelines.

SECTION 15 – COMPLIANCE MONITORING

15-100 Scope

- (1) It shall be the duty of the City Purchasing Officer to review, on an annual basis, the purchasing records and processes of all the City departments. This monitoring will be done on a sample basis. The monitoring of the department purchasing records will be conducted to facilitate the purchasing process and will not be construed to place responsibility for department purchasing on the City Purchasing Officer.

15-101 Specific Duties

- (1) The City Purchasing Officer shall select purchasing records from each department on regularly scheduled basis for compliance monitoring. Selected records will span the range of the purchasing process. Records will be monitored using the following performance measures:
 - a. Compliance with legal and purchasing processes outlined in this Policy;
 - b. Compliance with Council policy set forth in this Policy;
 - c. Cost-effectiveness of goods and services acquired;
 - d. Timeliness of the purchasing process;
 - e. Operational efficiencies of processes used; and
 - f. Other measures as determined by the City Purchasing Officer



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ARTICLE 5 – PURCHASING CONTRACTS – GOODS AND/OR SERVICES

SECTION 16 – TYPES OF CONTRACTS

16-100 Definitions

- (1) Purchase Orders (PO) are formal contractual documents, and required for all purchases. Once sent to and accepted by a vendor bind the performance of both parties to the transaction. PO's created from requisitions are processed using the City's accounting software. Once a PO has been approved, it is transmitted either by secure electronic means or by email or fax to the vendor.
- (2) Blanket Purchase Orders (BPO) are contractual documents and should be issued for recurring purchases, such as office supplies, not valid for longer than one year, and shall always expire at the end of the fiscal year in which they were initiated.
 - a. Blanket purchase orders are used for the acquisition of assorted commodities or services from a known vendor for departments that have predictable but varied program needs. The range of commodities or services covered by the blanket purchase order should be defined as narrowly as possible. Blanket purchase orders may not be used for the acquisition of equipment or appliances.
 - b. Blanket purchase orders are established with a maximum commitment dollar value. Requests for modification of this amount must be made in writing using the "Request to Increase the Dollar Amount of a Standard or Blanket Purchase Order" Form. Note that requests for increases will be reviewed by Purchasing and by the Chief Finance Officer, Deputy City Manager, or City Manager, as appropriate to ensure that funds are available before approval for the increase will be given.
- (3) Commodities include all supplies and equipment, equipment rentals and leases, certain types of software and software licenses costing less than \$5,000 per unit, including tax and freight, and those costing \$5,000 or more with a useful life expectancy of less than one year. Included in the definition of commodity contracts covered in this Section are the following:
 - a. Equipment – Operating Rental/Lease – These contracts are in essence an extended rental agreement under which the owner of the equipment allows the City to operate or otherwise make use of the equipment in exchange for periodic lease payments. These types of contracts are “Operating Leases” and are characterized by short-term, cancelable terms. The lessor bears the risk of obsolescence and depreciation of the equipment. Operating Leases are generally preferable when the City benefits from such agreement financially or when consistent product changes occur, such as for minor



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office equipment, printers, copiers and technology related equipment. Not included in the definition are long-term, “capital,” and/or non-terminable leases.

- b. Publications/Newsprint – Contracts to receive periodicals, magazines, trade journals, etc., either in print or electronic/digital subscriptions.
 - c. Software/Licenses (Retail) – Contracts for proprietary software licenses where the software publisher grants the use of one or more copies of software under the end-user license agreement (EULA), but ownership of those copies remains with the software publisher. These types of purchases typically include terms and conditions, which define the uses of the software and number of users allowed.
 - d. Subscriptions/Databases – Contracts for access to online information or databases used to enhance or support a City program or project. Contracts of this type involve no onsite visits or work by a contractor and are limited to the digital exchange of information for a predetermined fee.
- (4) Professional Services are defined as a service that requires specialized knowledge and training (often through long and intensive academic preparation) or in-depth experience in a particular field or discipline. Professional services are professional, technical, or consultant services predominantly intellectual in character. They include analyzing, evaluating, predicting, planning, or recommending and usually result in the producing of a report or completing a task.
- (5) When a proposed procurement consists of both professional and goods and/or other services, determine if it is reasonable to separate the procurement, then decide if the procurement will be made as a professional service or not. A general rule of thumb that should be applied is:
- a. If seventy-five percent (75%) or more of the cost of procurement consists of professional services, then procure it as a professional service. If less is a professional service, the procurement should be made by competitive sealed bids. If competitive sealed bidding is impracticable under the circumstances, an exemption will be considered.

16-101 Solicitation Considerations

- (1) Solicitations of commodities shall be written so that critical factors associated with the acquisition shall be considered. These facts may include, but are not necessarily limited to the following:
- a. Item capabilities – Will it carry out the functions for which it is being acquired?
 - b. Size, dimensions – Will it fit within the space where it is to be used?
 - c. Power requirements – Does the City possess the necessary mechanisms for powering the item as it requires?
 - d. Safety – Does the item meet all local, state, and federal safety requirements?
 - e. Pollution – Can the item be used without unnecessarily harming the environment? Does it require special air quality management permits?



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- f. Maintenance – Is there a reasonable on-hand inventory of service or spare parts readily available for use? Are maintenance contracts available?
- g. Life Cycle Cost – What is the total cost of ownership including initial acquisition cost, cost of maintenance, cost of required space, residual value, etc.?
- h. Liability Insurance – If the item is being installed by a vendor, what is the cost of liability insurance if the vendor does not name the City as an additional insured?

16-102 Term of Contract

- (1) The length of all contracts for commodities shall be based upon the City’s best interest. Consideration will be given to product availability, price volatility, and expectation of need. In no case shall a commodity contract exceed five (5) years in duration, unless the contract is temporarily extended for the original contract term by six (6) months to allow time for re-bidding the project.
 - a. All contracts will include a provision for cancellation by the City due to lack of liquidity or funds, termination of requirement, or prices which no longer reflect reasonable market prices.
 - b. Once a contract has expired, it is no longer valid and cannot be used, extended, or renewed through a Change Order or an Amendment.

16-103 Contract Pricing

- (1) Contracts will be written so that pricing is controlled and monitored during the contract period. This may be done in several ways, including but not limited to:
 - a. A contract may show a firm price for the contract period.
 - b. A contract may show a percentage increase which will occur during the contract period.
 - c. A contract’s prices may be tied to an index, such as the Consumer Price Index, during the contract period.

16-104 Vendor Selection

- (1) General Information - The Purchasing Officer maintains a list of known prospective suppliers who are available to furnish materials, professional and consultant services, and supplies that can meet the City's needs. In the case of written formal bids and informal quotations and for most transactions, the list (or record) of those bidders solicited will be in the solicitation file. In most cases, lists are maintained on a computer that enables identification of those suppliers that provide the item or service in question.
- (2) New Suppliers - From time to time, purchases are made from suppliers whose names are not on existing bid lists and may never be on a list (because of infrequency of purchases, specialty items, etc.). As frequency increases or the demand requires, a new list may be established by the Purchasing Officer.



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- (3) Requests to be added to bid lists - Companies may be added to existing or new bid lists based on requests from departments or by the Purchasing Officer. All requests from suppliers may not necessarily result in being added to a bid listing.
- (4) Deletions from Bid Lists - Companies may be deleted from bid lists. Reasons for deletion are: out of business, continual poor service, poor quality of goods furnished; default on previous purchase; failure to respond to three consecutive bid or quote invitations, or a supplier's request to be removed for any reason.
- (5) Official Record of Bidders - The master supplier number list and bid list is the reference resource used to prepare each record of bidders.

16-105 City of Banning Business Preference

- (1) Banning businesses are given a five percent (5%) preference on their quoted price. A Banning business:
 - a. Holds a current City of Banning business license;
 - b. Submits a bid for goods, services, or construction under the name that appears on the entity's current City of Banning business license; and
 - c. Same business has maintained its place of business located within the Banning city limits for the six (6) month period immediately preceding the date of the bid.

16-106 Contract Increases

- (1) A contract's total expenditure may not increase by more than thirty percent (30%) of the original estimate upon which it was bid, unless it is demonstrated to be in the best interest of the City and reflective of good purchasing practices and is approved by City Council.

16-107 Change Orders, Modifications to Professional Services and Capital Projects

- (1) Definitions:
 - a. Extra Work: Additional work that is unrelated to or significantly adds to the design intent and/or functionality of the original plans and specifications. This work is not necessary to complete the project and is typically requested by staff.
 - b. Plan Changes: Work differing from the scope of work which is set forth in the plans and specifications which is necessary to complete the project. The intent of the additional work is to 1) facilitate ongoing work when differing site conditions occur; or 2) conformance with the original design intent; or 3) take advantage of construction cost efficiencies.
 - c. Emergency Work: Work that is determined to be beyond the scope of work set forth in the plans and specifications which is necessary and essential to proceed with to avoid project delays or potential additional costs if work is not commenced as soon as practical.



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Authorization must come from the owner's construction management representative and the respective Division Director or his/her designee. Authorization will be reported to the Council at their next regularly scheduled meeting.

- (2) All Change Orders for existing contracts for commodities, professional services and construction, entered into by the City, shall be subject to the modification procedures contained in this policy. All Change Order approvals shall be in writing.
- a. Department Head approval is authorized for any Change Order up to \$5,000, or 1% of the original contract amount, whichever is greater.
 - b. The City Manager may approve modifications to the plans and specifications and contract documents by means of a Change Order if the cost or estimated costs of such Change Order does not exceed \$25,000.00 or 10% of the original contract, whichever is less.
 - c. Any Change Order in excess of \$25,000.00 or 10%, whichever is less, shall require Council approval.
 - d. The cumulative dollar amount of all change orders for a particular public project may not exceed 25% of the original contract price. Should it become necessary to exceed this limitation, the change shall be by written supplement agreement between the contracting parties.
 - e. When the Notice of Completion is submitted to the City Council for approval, a summary of total project cost listing all change orders, their purpose and amount, shall be included.
 - f. The City Manager's authorized representative, (Resident Engineer or Engineering Manager) may approve plan changes (but not extra work items) up to \$10,000.00, within the limits of the City Council approved contingency amount. The representative would authorize work in writing to the contractor. All recommended plan changes must be reviewed and approved by the Deputy City Manager. Contractor would proceed with work and identify percent complete in the next partial payment. Payment would be identified as pending Council approval; however, the amount of work completed would be included in the partial payment total.
- (3) Report to the City Council:
- a. The City Manager, or his designated representative, shall make a monthly written report to the City Council as to all Change Orders approved by the City Manager during the month, and of all possible future Change Orders that may appear probable prior to the next monthly report. At a minimum, the City Manager shall provide the Council with the name and nature of the contract, all Change Orders approved during that month, the reason for the Change Orders, the cumulative amount of the Change Orders for that contract, and any additional information the Council requests.



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(4) Authorization:

- a. The authority contained in this policy binds the City Council, and it is recognized that subsequent Council refusal to ratify a change order would subject the City to damage claims.

16-108 Multiple Awards

- (1) Awards of commodity contracts may be on an individual basis, a group basis, or on a low total bid basis for the total contract amount, whichever is determined to be in the City's best interest.

16-109 Secondary Awards

- (1) Awards may be made to secondary, and, in some cases, tertiary vendors when there is a reasonable possibility of supply disruption and having an alternate source is clearly in the City's best interest.
 - a. Primary award will go to the lowest responsive and responsible bidder; secondary award will go to the second lowest responsive and responsible bidder, etc.
 - b. For any commodity requirement, the primary bidder will always be contacted first and, only if that bidder is unable to provide the required commodity within the time required, will the secondary bidder, etc., be contacted.

16-110 Multi-Department Contracts and Cooperative Contracts

- (1) Multi-Department Contracts are those which are issued for use by multiple City departments which use like commodities and would benefit from the contract pricing resulting from economies of scale. City departments listed on the contracts may order directly through multi-department contracts. This is accomplished through the City Purchasing Department.
 - a. Cooperative Contracts are used by various public agencies and entities to jointly exercise certain powers common to each, including among other things, the right to exercise their power to purchase. (Cal. Gov. Code §6500 through §6512)
 - b. Cooperative Contracts are executed by the Office of the City Purchasing Officer and are available for use by City departments. Terms and conditions are established under a cooperative contract and departments may issue individual purchase documents and orders through the cooperative contract, identifying the goods the department wishes to purchase.
 - c. The City Purchasing Officer and Department Head or delegated person(s) shall be responsible for the use of all cooperative contracts and all multi-departmental contracts with four (4) or more users for use by City departments. These contracts shall be available for use by all City departments at the discretion of the Department Head. Department Heads must work closely with the City Purchasing Officer.



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16-111 Approval of Non-Standard Contract Terms

- (1) If Risk Management, City Manager and City Attorney agree in writing that the risk to the City is minimal, approval by City Council is required prior to the execution of any commodity contract that includes non-standard terms in the following contract provisions:
 - a. Indemnification, and
 - b. Limitation of liability provisions.

16-112 Opportunity Buy

- (1) An "Opportunity Buy" is a situation where necessary goods are for sale at significantly reduced rates from what is normally offered in the general market or where an alternative product to the one being bid represents a minimum cost savings of 20% to the City. In the event this situation arises, the Department Head or authorized designee shall prepare a written justification in support of the prompt action taken that shall become part of the permanent purchasing file. The justification shall include:
 - a. A detailed description of the commodity to be provided by the vendor and an explanation of the cost savings achieved.
 - b. Why the recommended vendor is the only one capable of providing the required commodities with back-up information included to support the justification.
 - c. Comparison of the recommended vendor's prices or fees to the general market with price and attached quotes for comparable items provided, if available.
- (2) City Council Approval – Opportunity Buy
 - a. In the event that the "opportunity buy" exceeds \$25,000, approval by City Council is required prior to the purchase.

16-113 Service Contracts

- (1) Service contracts encompass all contracts for services either with or without materials. Included in the definition of service contracts covered in this Section are the following:
 - a. Professional Services – Services provided by licensed and/or technically trained professionals, including such services as, data processing, accounting, legal, medical, appraisal, consulting, adjusting, risk management, insurance, engineering, architectural, selling agents and brokerages, auditing, information technology related services that may or may not include software, and software license or other types of end-user agreements.
 - b. Facilities and Equipment Services – Services that provide maintenance to existing facilities or equipment, including such services as janitorial and grounds maintenance, equipment maintenance and repair, software maintenance, etc.
 - c. Personnel or Employee-related Services – Services that provide benefit or assistance directly to employees, including such services as vending machines, security, etc.



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- d. Consultant Service Contracts – Services that provide an advisory nature which include a recommended course of action or personal expertise, and have an end product which is basically a transmittal of information. Consultant service contracts are issued in order to obtain professional or technical advice or expertise that will supplement departmental expertise or advice or where an independent opinion or audit is required. All consultant service contracts shall contain a provision that prohibits “follow-on” projects that prevent the consultant from performing work related to any recommendations being formulated as a result of the consulting work.
- e. Revenue Generating Agreements (non-real estate) – An agreement for contractor-provided services on City premises in which the City does not pay a fee, but instead receives a portion of the revenues that are generated from the services.
- f. Capital Leases (non-real estate) – A long-term lease that transfers to the lessee most rights and obligations concerning the asset leased, and usually transfers ownership at the end of the lease.

(2) Not included in the definition of service contracts for City procurement purposes are contracts for public works, architects and engineers, real property contracts, and human services.

16-114 Architect-Engineering Service Contracts

- (1) Architect-Engineer (A&E) service contracts or agreements include, but are not limited to: architectural, engineering, environmental, and land surveying services, as well as incidental services that members of these professions may logically or justifiably perform. Environmental services are further defined to mean those services performed in connection with project development and permit processing that facilitates compliance with state and federal environmental laws.
- (2) Services which are considered A&E services may include but are not limited to: investigations, developing designs, plans and specifications, reports, cost estimates, show drawings, review, supervision of construction, land surveying, environmental documentation required by the California Environmental Quality Act,, Public Resources Code §21000, *et seq.* (CEQA), and other regulatory permits.
- (3) A&E services may also include other related services, where needed, in support of an A&E project, including but not limited to, archeology, geological and soils engineering, agronomy, limnology, biology, paleontology, construction claims consultants, material testing and inspection, real estate appraisal and other property acquisition services.
- (4) If the service provided is a specialized service and performed by private architectural, landscape, engineering, environmental, land surveying or construction project management, the contract or agreement shall meet the requirements set forth in this Section.
- (5) Limits On Architect-Engineer Contracts:
 - a. A&E contracts shall not be awarded to the same A&E (or affiliated firms) who provided design services in the situations listed below:



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- i. A&E who prepared plans and specifications may not bid on the project as a construction contractor except as otherwise provided by state law (Design and Build Exceptions);
- ii. Any A&E representing a private sector client with an interest in a City project may not also represent the City on the same project. Exceptions to this may be made if the Department Head discloses the relationship to the City Council with a determination that using that particular A&E will provide a substantial benefit to the City;
- iii. It is prohibited to use cooperative contracts, to procure A&E Services; and
- iv. The above list is not exclusive. Other situations where conflicts might exist should also be considered.

(6) Basis for Selection of Architects and Engineers:

- a. California Government Code §4526 reads in pertinent part, "Notwithstanding any other provision of law, selection by a state or local agency head for professional services of private architectural, landscape architectural, engineering, environmental, land surveying or construction project management firms shall be on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required."
- b. Selection of Architects and Engineers for On-Call A&E Services:
 - i. Definition – For purposes of this Section, "on-call" A&E Services are for projects that are routine in nature, and encompass a predefined category of work as defined by the executing department.
- c. Each department shall follow these procedures for selection of A&E firms to perform on-call A&E Services:
 - i. Architect-engineer firms shall file applications with individual departments delineating their qualifications, including experience, expertise for project magnitude in which they are capable of handling. A&E firms shall identify the on-call A&E services they are qualified to provide in accordance with departments' predefined categories;
 - ii. Departments shall maintain a list of qualified architects-engineers from the applications received, in accordance with this Section;
 - iii. Departments shall then turn over the list of qualified architects-engineers to the City Purchasing Officer.
- d. Statements of qualifications will be ranked by the City staff using the following criteria:
 - i. Technical experience; Key personnel; Availability of adequate staff; and; other criteria determined necessary for and appropriate to the project.
 - ii. After evaluating the qualifications using the established criteria, the department shall submit a ranked slate of the most qualified A&E firms to the City Council



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for selection and approval. City Council-approved slates for specific categories of services shall be valid for a period of no more than three (3) years, unless otherwise directed by City Council.

- e. Departments will then select from City Council-approved slates of A&E firms for on-call A&E services and negotiate contracts or agreements as needed for final approval by the City Manager, Risk Manager, and the City Purchasing Officer.
 - f. Once an A&E on-call contract or agreement has been approved and executed, the departments may utilize the on-call A&E without additional City Council approval for as needed tasks, which shall be identified in writing in a subordinate agreement (or "Task Order") with the A&E, with final approval by the City Purchasing Officer.
 - g. While remaining consistent with qualification-based selection, an effort shall be made to produce an equitable distribution of contracts among the best-qualified firms and to provide fair opportunities to small businesses.
- (7) Selection of Architects and Engineers for Project Specific A&E Services
- a. Each department must issue, to the City Purchasing Officer, a Request for Proposal for all architect-engineer projects valued annually at \$25,000 or more. The process shall consist of evaluation of written proposals and oral presentations. Evaluation criteria shall be as follows:

Written Proposals	Oral Presentations
Technical expertise	Presentation
Key personnel	Technical content
Approach/understanding of project	Project manager
Control of cost and schedules	Key team members
References (written and verbal)	Communication skills
Availability/staff devoted to project	Project understanding
Insurance and good standing entity	Project schedule
Other – reserved	Other – reserved



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- (8) Evaluation shall be based on a scoring system from 0-5, with 0 being unacceptable and 5 being excellent. Weighting of evaluation criteria shall jointly be determined by the Department and the City Purchasing Officer.
- (9) After evaluating the proposals using the above criteria, the City Purchasing Officer shall submit, or the City Purchasing Officer may delegate the Department to submit, a ranked slate of the most qualified A&E firms to City Council for selection and approval. Any member of City Council who recommends the selection of an A&E provider other than the top-ranked providers shall publicly disclose his or her reason for recommendation.

16-115 Public Works Contracts

- (1) Notwithstanding any provision of this chapter to the contrary, all public projects contracts for more than five thousand dollars (\$5,000), must be contracted for and let by the procedures set forth in Division 2, Part 3, Chapter 1, Article of the Public Contract Code (commencing at Sections 20160). This includes the purchase of supplies or materials for any such project, including maintenance or repair of streets or sewers.
- (2) As permissible by the Public Contract Code, the City will consider Design-Build as an alternate method of procurement for public projects.
- (3) The definition of a public project shall be the same definitions that are included in the Public Contract Code §20161, and for payment of prevailing wages, Labor Code §1720.
- (4) Bonds: A bid bond in a value not less than 10% of the total bid price shall be required on all projects of more than \$5,000.
- (5) Award of all public projects under \$25,000 may be approved by the City Manager.
- (6) Award of all public projects over \$25,000 must be approved by City Council.



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ARTICLE 6 – MISCELLANEOUS PROCUREMENT PROCEDURES; GUIDELINES AND REFERENCES

SECTION 17 - RECEIVING PROCESS

17-100 Product Delivery

- (1) Delivery of requested products or services marks a transition in the purchase-to-pay process from a purchasing activity to a payables activity. All purchases must be “received” to release payment to the vendor. The “receiving” staff must determine if the products or services received are acceptable and conform to the City’s requirements. The entire receiving process consists of the following:

17-101 Signing for Deliveries

- (1) Whenever possible, the person receiving the product should sign the receiving documents provided by the vendor or shipping company. The person receiving the delivery should preferably inspect the delivery before signing the delivery receipt and should also initial the packing list. Then, submit the packing list to the appropriate person for financial reconciliation.

17-102 Refusing Delivery

- (1) Whenever possible, departments should refuse to accept shipments if they are unable to confirm that the order was placed by their department, if the packaging appears sufficiently damaged to warrant concern or does not meet the required specification.

17-103 Record Retention

- (1) During the receiving process, the department takes physical possession and legal ownership of the shipment. Therefore, it is important for the vendor to provide the department with a packing list for all shipments delivered to the department. If the vendor fails to provide the packing list, the department should contact the vendor to request that copies be sent for its files. The need for saving receiving documents is particularly important when accepting any partial or staggered deliveries over a period of time.

17-104 Inspecting the Shipment

- (1) Persons receiving shipments should, upon acknowledging receipt of an order, conduct an inspection to verify the following minimum conditions:
 - a. The products conform to the PO/BPO requirements and other relevant documents (for example: correct model number, description, size, type, color, ratings, etc.)
 - b. The quantity ordered against the quantity shipped or delivered.



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- c. There is no damage or breakage
- d. The unit of measurement count is correct (e.g. if the unit of measurement on the purchase order is one dozen, there should be 12 in the package).
- e. Delivery documentation (packing list, certifications, etc.) is acceptable
- f. Products are operable or functional.

17-105 Matching the Packing List to Purchase Order

- (1) During the inspection process, the department should compare the vendor's packing list to the purchase order to determine if there are any discrepancies between the documents. At a minimum, the following information should be the same on both the packing list and purchase order:
 - a. PO number
 - b. Item or Manufacturer's part number
 - c. Quantity and unit of measure
 - d. Description of the products
- (2) Once the invoice has been entered by the department representative, the department should determine if the invoice charges are correct. In case of any invoice discrepancies, the Accounting department should be notified to place a "hold" on the invoice until further notified.

17-106 Product Substitutions and Over-Shipments

- (1) Vendors are not allowed to substitute products or deliver more than the amount ordered without prior approval from either the department representative or Purchasing Officer.

17-107 Failed Inspections

- (1) Departments are advised to notify in writing any failed inspection results discovered during inspection and provide the results to the vendor and the Accounting department for appropriate action. When receiving items from freight companies, the number of packages received should match exactly the number on the freight bill. If not, the department should require the driver to write the number of packages received on the bill before signing. Inspect all packages for damage to the outside container. Any visual damage should also be noted on the freight bill before signing.
- (2) In cases of concealed damage, a report should be made by the department immediately to the delivering carrier. The report should include the following information: Freight Bill Number, PO/BPO number, the date of delivery, supplier, and the extent of damage or shortage. In the



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event of damage, it is essential that the department retain all the original shipping cartons for inspection by a claims adjuster.

17-108 Testing

- (1) Testing may be performed by the department to ensure that the products substantially conform to the specifications documented in the PO/BPO, contract, or vendor's proposal. Acceptance testing is highly recommended for complex, expensive capital equipment prior to approving final payments to the vendor.
- (2) An acceptance testing period may occur as a single instance or over a period of time, but should be performed as quickly as possible following the receipt of the product.
- (3) For major capital equipment purchases, specific acceptance testing criteria should be developed and incorporated into the contract. Departments must perform the testing according to the criteria established in the agreement for the results to be considered valid and legally enforceable in the event the product is rejected and payments are to be refunded.

17-109 Acceptance Determining

- (1) Departments are required to contact the vendor in a timely manner when rejecting products that are over-shipments, defective or for any other non-conformance. Failure to notify the vendor in a timely manner will mean the shipment will be considered "accepted."

17-110 Product Returns for Credit/Refund

- (1) When a vendor has shipped items as specified on a purchase order, they have legally complied with their part of the contract and are under no obligation to accept returned items for credit or refund.
- (2) When a product is damaged, or is rejected for failing acceptance testing or is not as specified on the PO/BPO, the department should request a Return Authorization Number from the vendor. The shipping label on the returned package must be marked with the Return Authorization Number. Other identifying information should be placed on the outside of the returned package for easy identification.

17-111 Financial Information

- (1) The Finance department is responsible for establishing general ledger account numbers, which represent the source of funds (department or function). Account numbers represent the type of revenue or expense to be transacted to each department.
- (2) Each department is assigned a general ledger account number(s) in order to detail and control expenditure activity for their area(s) of responsibility. All Purchase Requisitions



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must carry the complete account number to be charged in order that required approvals may be obtained prior to its receipt and for proper encumbrance and payment once the process is complete.

17-112 Payment Terms

- (1) The City's standard payment terms for purchase orders and demand checks are Net 30 Days from the date of the invoice.
- (2) The City's payment terms are determined by the City Manager and Administrative Services Director. Departments do not have authority to change or otherwise accept different payment terms from vendors and contractors. Non-standard payment terms must be reviewed and approved by City Manager prior to entering into any contracts.

17-113 Invoice Approval

- (1) Invoices must be approved by the authorizing individual, or his/her designee, for the items invoiced. The authorization requires validation of the correct general ledger account charged for the payment.
- (2) Payments must be issues from original invoice, and not a copy or statement. If a copy is all that is provided to accounts payable, it must be stamped "ONLY COPY AVAILABLE" with a reason as to why it is the only copy.
- (3) The Accounting Department encumbers all proper purchase orders into the City's Accounts Payable System for matching and payment of invoices. Vendors and contractors are directed to send their invoices either specifically by email or mail to the City's mailing address.
- (4) Invoices are entered into the Accounts Payable system upon approval. If the purchase order and corresponding invoice systematically match within predefined tolerances, the invoice will be scheduled for payment in accordance with the payment terms.
- (5) Should there be a problem regarding the item or services received under the purchase order, the department is to be notified by the Accounting department to withhold payment until the problem is reconciled.
- (6) Since the credit standing of the City is dependent upon its ability to pay its obligations on time, communications between the department and the Accounting Department must be done in a timely manner.

17-114 Payment Methods

- (1) The purchase of products and services is accomplished through a variety of different procedures. These procedures are designed to address the great differences in complexity, value, risk and



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transaction volumes associated with City purchases. The list below describes the current payment methods:

- a. Petty Cash – a fund which supports petty cash disbursements for authorized cash advances and for limited cash reimbursement.
- b. City Check – a draft drawn on a City bank account for the procurement of goods and services.
- c. Electronic Funds Transfer (EFT) Payments – an electronic payment made directly to a designated vendor account.
- d. Procurement Cards (i.e.: Visa, Staples, Costco) - for single transactions in accordance with the individual procurement card for the purchase of discretionary transactions with local retailers, internet companies and travel related services.

SECTION 18 – SURPLUS CITY PROPERTY

18-100 Definition

- (1) Surplus City Property is defined as all tangible supplies, materials or equipment to which the City acquired title by means of purchase, donation, grant, or any other lawful means of acquisition that is determined to no longer be used or required by the department in possession.

18-101 Policy

- (1) City of Banning, Administrative Policy, requires that Surplus City Property to be reported to the Finance Department, Purchasing Officer, who may then transfer such an item to a surplus pool to be maintained under the supervision of the City Purchasing Officer for reassignment and reuse by City departments.

18-102 Disposal of Surplus City Property

- (1) The method used by departments to dispose of Surplus City Property must be approved and coordinated with the City Purchasing Officer. Internal reuse of Surplus City Property by City departments is the preferred method of disposal.
- (2) Disposition Methods – Surplus City Property shall be disposed of in one of the following preferred methods:
 - a. Internal transfer to a claiming department;
 - b. Sale by City Purchasing Officer;
 - c. Documented donation of technology and related equipment with a fair market value less than \$5,000 per lot to the Department of Education and non-profit organizations;
 - d. Auction (material value);
 - e. Recycling; and
 - f. Waste.



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18-103 Receipt for Fair Market Value

- (1) In the event that property is not transferred within the City and must be disposed of in another manner, every attempt will be made to receive fair market value for the property.

18-104 City Council Approval

- (1) Approval from City Council is required prior to the donation of any Surplus City Property with an estimated market value that exceeds Five Thousand Dollars (\$5,000 USD).

SECTION 19 – COMPUTER PURCHASES

19-100 Computer Purchases

- (1) For initial personal computer purchases, the following items will be considered as one unit: System unit including disk-drive(s), emulation board, internal/external modems, memory expansion board, co-processor, expansion chassis, cables, additional chips, keyboard monitor and operating system software.
- (2) If the following items are acquired at an individual cost of \$5,000 or more after the initial purchase of a computer, they will be considered ENHANCEMENTS and coded as equipment:
 - a. additional disk drives (including replacements if they provide enhancement)
 - b. emulation board
 - c. internal/external modems
 - d. memory expansion board
 - e. co-processor
 - f. expansion chassis
 - g. keyboard
 - h. monitor
- (3) Software will be considered Capital Equipment if it is customized for the City and acquired at a cost of \$5,000 or more per unit and has a useful life of more than 3 years.

SECTION 20 – LEASING

20-100 Lease / Lease Purchase / Rental Orders (Equipment)

- (1) A lease is an agreement conveying the right to use property for a specified time and for a specific amount of money. In a true lease, the property being used remains the sole property of the lessor (vendor), and the lessee (City) builds no equity in the leased property. A lease/purchase agreement allows the lessee to build equity and purchase the property from the lessor for a



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nominal amount at the completion of the lease. The term of a lease is fixed in duration and generally not cancelable. A rental agreement is similar to a lease in that the user does not build ownership in the asset. A rental agreement differs from a lease in the length of the agreement (usually less than one year) and the agreement can usually be cancelled by the renter prior to the end of the agreement without penalty.

SECTION 21 – PURCHASING CARDS

21-100 Definition

- (1) With the approval of the City Council and under the direction of the City Manager, the City Purchasing Officer shall oversee and administer the City’s Purchasing Card Program. Purchasing Cards are City credit cards issued to City of Banning employees authorized by Department Heads to make purchases on behalf of the department in accordance with Purchasing Card Program Policy and Procedures.

21-101 Authorized Use

- (1) The Purchasing Card may be used to purchase goods and services for City use only. Using the Card for personal purchases is strictly prohibited. Any employee who willingly uses the Card for personal purchases shall be subject to:
 - a. Reimbursing the City for all costs associated with personal purchases;
 - b. Having the card immediately revoked;
 - c. Possible referral to the City Attorney for collection and prosecution; and
 - d. Further disciplinary action and possible termination of employment.

21-102 Responsibilities

- (1) Program Administrator – Each department shall have a Purchasing Card Program Administrator. The Program Administrator is responsible for all aspects of their department’s participation in the Purchasing Card Program. The Program Administrator works closely with the City Purchasing Officer or designee to answer questions, perform contract administration, account application coordination, card issuance and cancellation, ensure timely monthly submission of receipts and purchase documentation, and administrative training.
- (2) Authorized Signer - Department employee authorized to request new cards, modifications to card limits, cancel cards, and assign Approving Officials.
- (3) Billing Officials – Department employees responsible for managing the billing, payment and approval processes for department purchases. Billing Officials cannot also be cardholders.
- (4) Approving Officials – Department employees authorized to approve payment for purchases made by department cardholders.
- (5) Cardholders – City of Banning employees authorized to make Purchasing Card purchases on behalf of their assigned department in accordance with established program policy and procedures and applicable procurement policies and procedures.



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21-103 Controls

- (1) In addition to the other internal controls and procedures as detailed in the Purchasing Card Program Policies and Procedures, use of City-issued Purchasing Cards are subject to the following controls:
 - a. 30-Day Purchase Limit per Card – Each card is established with a monthly, not-to-exceed amount predetermined by the Cardholder’s department and approved by the City Purchasing Officer and delegated Agents.
 - b. Single Purchase Limit per Card – Each card is established with a single transaction limit to ensure adherence to competitive billing requirements.
 - c. Merchant Code Blocking – Every City-issued Purchasing Card is blocked to prohibit the Cardholder from making purchases from certain types of vendors.
 - d. Department Heads may impose additional restrictions on goods or services that may not be purchased using the Purchasing Card.

21-104 Adherence to Purchasing Policy

- (1) City purchasing policies, as delineated in this Manual, may not be circumvented when using the Purchasing Card. In accordance with City policies and procedures outlined herein, where appropriate, Cardholders are required to obtain the appropriate number of price quotes before making purchases and must document the quotes received with the transaction information and invoice.

SECTION 22 – PETTY CASH DISBURSEMENTS & REPLENISHMENT

22-100 Petty Cash Fund

- (1) The petty cash fund in the amount not-to-exceed \$250; is established to make low value and urgent need purchases. A custodian of the fund, who is directly responsible for the safekeeping and disbursement of cash, must be appointed by the Administrative Services Director. The original check written to establish the fund, and checks written to replenish it, are made payable to the custodian of the fund. Written instructions detailing the procedures that must be followed in using petty cash funds should be provided to the custodian.
- (2) Petty Cash Disbursements – All disbursements must be authorized by the designated authority and indicated by approval signature. Expenses paid from a petty cash fund can only be made for the purpose(s) for which the fund was authorized and must be supported by receipts, which should contain the following information:
 - a. Date of purchase or payment;
 - b. Name of vendor or other payee;
 - c. Evidence that a payment was made, i.e., a cash register receipt or an invoice which the indicates that it was "Paid";
 - d. Amount paid;



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- e. Description of the goods purchased or of the services provided and
- f. Signature indicating receipt of purchases or services.

22-101 Reimbursement of Funds

- (1) Reimbursements made to a fund custodian for petty cash expenditures are based on a Check Request which must be supported by purchase receipts.
- (2) Such requests must be approved for payment by someone with signature authority who is neither the petty cash fund custodian nor an employee who reports to the fund custodian.
- (3) Reimbursement should be requested as needed, but the fund should always be reimbursed by the end of the fiscal year or when it falls below 60% of the total fund.

SECTION 23 – TRAVEL REIMBURSEMENT

23-100 Travel Reimbursement

- (1) Travel reimbursement shall only be paid to employees of the City and must be submitted in the fiscal year incurred or within 30 days following fiscal year end.
- (2) Travel authorization is required prior to business related event (Conference, training, meeting, etc.).
- (3) City funds shall be used only for conducting City business, or as may otherwise be permitted in this policy.
- (4) Spouses may accompany an employee on a City business trip, provided that all expenses are borne solely by the official or staff member.
- (5) Staff shall use the annual budget process to propose attendance at conferences/meetings during the fiscal year, whether in-state or out-of-state. Exceptions may be approved by the City Manager.
- (6) Mileage reimbursement – When a private automobile is used for travel, reimbursement for mileage shall be at the rate paid currently by the IRS per mile up to a maximum equal to the lowest reasonable round trip airfare to the conference/meeting location. Internal Revenue Service (IRS) Per Diem Rate is the rate of reimbursement and can be found at www.irs.gov. The IRS Per Diem Rate is updated and effective on January 1 of each calendar year.
- (7) For staff members receiving a monthly automobile allowance, mileage for trips exceeding sixty (60) miles one-way shall be reimbursable at the rate of current IRS rate.
- (8) If cost of standard airline ticket combined with airline parking is >\$200 less expensive than mileage, the lesser amount shall be reimbursed.

23-101 Meal Reimbursement

- (1) Itemized original receipts are required for reimbursement.



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- (2) Name of attendees are required (employees, consultants, vendor, etc.) when paying for others.
- (3) When out-of-town City business requires an employee to leave home an hour earlier than normal worktime, the breakfast meal is reimbursable. When an employee is required to work out-of-town, or is still in transit three hours past a normally scheduled workday, the evening meal is reimbursable. Additional expenses in excess of said approved events will be borne solely by the staff member.
- (4) The applicable employee unit's Memorandum of Understanding (MOU) Per Diem Rates shall be the maximum amount reimbursed when a receipt is not available. If there is no applicable MOU, the United States General Services Administration (GSA) Per Diem Rates may be used when a receipt is lost or not available. The GSA Per Diem Rate can be found at www.gsa.gov and is specific to location.
 - a. Example: 2016 Palm Springs Per Diem Rate (Riverside County) is \$64 per day or \$15 - breakfast, \$16 - lunch, \$28 - dinner, & \$5 - incidental expenses.
- (5) Other rates (POST) are subject to review and approval of the Administrative Services Director per occurrence.

23-102 Miscellaneous

- (1) Lodging
 - a. Itemized invoice that indicates "Paid" is required for reimbursement.
 - b. Reservations for hotel/motel rooms should be made in advance to ensure availability and lowest rates. In choosing lodging, both price, convenience and propriety should be considered. For example, the cost of lodging at the conference/meeting site may be less expensive when the cost of a necessary car rental, parking or other considerations are factored in. Employees shall always request the government rate. When a deposit is necessary to guarantee a room, an advance request should be processed through the Finance Department. The Finance Department will pay the hotel/motel directly.
- (2) Public Transportation
 - a. Airfare – original receipt must show name, date, destination, class and amount paid. Coach or economy rates only.
 - b. Taxi, Bart, etc. – original receipt and/or proof of payment (copy of credit card statement, etc.).



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(3) Rental Vehicle

- a. Original receipt must show location (city/state) of Rental Company, name of employee, dates, description of services and amount paid.

(4) Gasoline for rental vehicles

- a. Must provide original receipt, accompanied by a copy of rental vehicle receipt.

(5) Tips must not exceed 15% of authorized purchase.

(6) Miscellaneous

- a. Unauthorized Purchases:
 - i. Alcohol
 - ii. Laundry services
 - iii. Excess of three meals per day
 - iv. Expenses for non-employees
 - v. Gasoline for any vehicle, (except authorized rental vehicle with original receipt accompanied by a copy of rental vehicle receipt).

(7) Reimbursement/Cash Advance

- a. In order to receive reimbursement for expenses incurred while traveling on behalf of the City, a Travel Authority and Payment/Advance Request form (available from the Finance Department) must be completed and submitted to the Finance Department.
- b. The Travel Authority and Payment/Advance Request form shall be used for pre-authorization of staff travel and requests for cash advances. This form must be signed by the Department Head prior to being submitted to the Finance Department. Cash advances must be requested at least two weeks in advance of the day funds are required, or there shall be no obligation on the part of the City for an advance. These funds will be distributed to the requestor no more than seven (7) days prior to the travel date. Cash advances are limited to 100% of the reasonably expected cash expenses listed on the Travel Authority and Payment/Advance Request form.
- c. Individuals receiving an advance must submit a Claim for Reimbursement and Expense form to the Finance Department within 7 working days of returning from the travel event. No further advances will be given to individuals not adhering to this reporting guideline.
- d. The City Manager's travel advances and reimbursement request shall be reviewed and approved by the Administrative Services Director.



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SECTION 24 – STANDARD FORMS VENDOR COMMERCIAL LIABILITY INSURANCE

24-100 Definitions

- (1) Commercial General Liability - A broad form of liability insurance usually covering business organizations to protect them against liability claims arising out of their operations. This is a standard insurance requirement with fundamental coverage for bodily injury, property damage, products & completed operations, and personal injury arising from the contractor’s activities. CGL policies typically exclude liabilities arising out of professional services and some other risks such as the use of automobiles.
- (2) Commercial Automobile Liability - Important for any work or service involving the use of motor vehicles, and a legal requirement for all vehicle owners. If contractors use an automobile in any phase of the work performed for the City, evidence of automobile liability insurance is required. In some cases, consulting firms will not own automobiles and therefore may not purchase automobile liability coverage. However, the firm should obtain coverage for their non-owned and hired automobile exposure. This coverage protects them for claims arising from use of personal or rented vehicles by its principals or employees.
- (3) Workers Compensation Liability - All employers must provide this insurance or be registered as a Self-Insured entity with the State. This is not required for sole proprietors or companies that have no employees. Some contractors may be exempt from purchasing workers’ compensation insurance. If the City contracts with a sole proprietor of a business, the workers’ compensation insurance requirement may be waived by completing the appropriate waiver form.
- (4) Professional Liability or Errors and Omissions Liability - Professional liability insurance protects against losses that occur when a "professional" fails to practice his or her art to the usual and customary standards of that profession. There can be risks to the City associated with errors (or allegations of errors) in the professional’s work product or judgment. The types of losses that can occur under such circumstances are often excluded under general liability policies. As an example, if a contractor is merely following blueprints in constructing a building, it would involve only physical work and a general liability policy will suffice. However, if the contractor is a “design-build” firm, or decides that it knows of a better way to construct part of the building, and it alters the blueprints accordingly, then it has crossed the line over into providing “professional” service and would then need Professional Liability coverage to cover a subsequent loss.
- (5) Installation Floater Liability - In construction contracts, if the project scope includes construction work other than vertical construction or renovation/addition to a previously existing structure, evidence of Installation Floater Insurance is required. Installation Floaters are similar to Builder’s Risk Insurance policies in that they are designed to cover damage to material and equipment to be installed in an 'existing building'. Installation floaters are required from contractors performing a specialized job on an existing building or installing equipment or materials. An example would be a contract to replace the plumbing/fixtures in a bathroom of an existing building. The Installation Floater must provide coverage from the time the equipment/material becomes the responsibility of the Contractor and shall continue without interruption during the installation, including any time during which the equipment/material is being transported to the installation site, or awaiting installation, whether on or off site.



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- (6) Builder's Risk Liability - In construction or remodeling contracts, the contractor is responsible for direct physical damage to the construction project as well as to construction materials in transit, stored at off-site storage locations and stored at the project site. The contractor, at their own cost and expense, must provide and maintain the applicable property insurance until the work is accepted by the City of Riverside. This is done through a specialized property insurance form known as "Builders' Risk Insurance". The City requires evidence of Builder's Risk insurance anytime a contractor is doing vertical construction or renovation/addition to a previously existing structure. Said coverage of Builder's Risk Insurance must be written for 100% of the contract value. Builders' risk insurance is designed to cover buildings and construction materials while in the course of construction against loss or damage caused by a variety of perils, i.e. fire, wind, hail, etc.
- (7) Contractors' Pollution Legal Liability or Asbestos Legal Liability - Environmental remediation, asbestos abatement, and other hazardous material operations involve exposures that require pollution legal liability coverage. Some contracts have pollution exposures that are not in the primary scope of work. For example, materials recovery/recycling facilities are rife with hazardous materials exposures, as are landfill operations. Road construction can also include risks of contamination to waterways from runoff or accidents involving hazardous substances. The California Water Bill defines hazardous material as "any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant presence or potential hazard to human health and safety, or to the environment." Hazardous materials include, but are not limited to, hazardous substances and hazardous wastes.
- (8) Railroad Protective Liability - Required for construction or demolition operations within 50 feet of railroad property and affecting any railroad bridge or trestle, tracks, roadbeds, tunnel, underpass or crossings. Contractor's railroad protective liability insurance policy should cover both bodily injury and property damage.
- (9) Cyber Liability - Cyber and privacy policies cover a business's liability for a data breach in which the firm's customers' personal information, such as Social Security or credit card numbers, is exposed or stolen by a hacker or other criminal who has gained access to the firm's electronic network.
- (10) Additional Insured - (required for General Liability & Auto Liability policies): an endorsement to the Commercial General Liability (CGL) policy or Business Auto Liability policy will name the City as an additional insured under the contractor's policy for covered claims arising from their work or activities on our behalf. This status gives the City direct rights under the Contractor's insurance and greatly increases our chances of recovery, especially for our legal defense. This is not required under the WC policy and is not available under E&O policies.
- (11) Primary Coverage - for all the insurance policies, the City requires the Contractor's insurance to be the first to cover any claim, with the City's coverage applicable only if the Contractor's is exhausted. An endorsement is generally not required for the standard Business Auto policy as primary insurance language is written into the standard policy form but is recommended for the CGL policy, especially for high risk activities.
- (12) Waiver of Subrogation - if an insurer pays a claim, any rights their insured may have to recover all or part of the payment from someone else are transferred to the insurer. That process and the insurer's attempts at reimbursement are called subrogation. The City's insurance requirements should contain a waiver of



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the Contractor's rights to recover such payments and an endorsement to the WC policy is recommended in most cases.

24-102 Policy

- (1) Applicable vendor insurance requirements shall be provided to and approved by the City Manager or his/her designee Prior to the commencement of any services performed by a vendor contracted with the City. Vendors performing services for the City shall provide adequate insurance coverage meeting the minimum obligations required by written contract, or purchase order
- (2) Vendors not under contract with the City who are providing on-site services shall meet the City's standard minimum scope and limits of insurance requirements listed herein.
- (3) The City Manager or his/her designee reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

24-103 Minimum Scope and Limit of Insurance

- (1) Coverage shall be at least as broad as the following for all on-site services:
 - a. Commercial General Liability "CGL" (required):
Coverage must include products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than \$1,000,000 per occurrence and \$2,000,000 aggregate. The City must be listed as additional insured via endorsement.
 - b. Automobile Liability (required):
Limits no less than \$1,000,000 per accident for bodily injury and property damage. The City must be listed as additional insured via endorsement.
 - c. Workers' Compensation (required):
As required by the State of California, with Statutory Limits, and Employers' Liability insurance with a limit of no less than \$1,000,000 per accident for bodily injury or disease.
- (2) Coverage shall be at least as broad as the following for all on-site or off-site professional services:
 - a. Professional Liability / Errors & Omissions Insurance:
Required if contractor is expected to provide "professional" services. Limits no less than \$1,000,000 per occurrence.
 - b. Cyber Liability (applicable for certain technology and software services only)
Required if vendor, through its service has access to confidential and sensitive data. Limits no less than \$1,000,000 per occurrence.
- (3) Insurance requirements are subject to be added, or removed by the City Manager or his/her designee for contracted and non-contracted work performed by any vendor.

24-104 Waiver of City Insurance Requirements



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- (1) Insurance requirements for vendors providing goods and services may be waived by the City Manager or his/her designee on a case-by-case basis if the vendor establishes to the satisfaction of the City Manager or his/her designee that the cost of obtaining insurance is financially prohibitive, it is impossible to obtain insurance coverage or other justifiable circumstances.
- (2) Justification to waive any insurance policy shall be provided in the form of a written request by the requesting City department or vendor, and shall be subject to the review and approval of the City Manager or his/her designee.

24-105 Special Event Insurance Requirements

- (1) Applicable vendor insurance requirements shall be provided to and approved by the City Manager or his/her designee Prior to the commencement of any special event.
- (2) Low risk event vendors, coordinators, and exhibitors not under contract with the City who are commencing in event related activities on-site shall meet the City's standard minimum scope and limits of low risk event insurance requirements listed in each category herein. Vendors not listed in any of the following categories are still subject to special event insurance requirements at the discretion of the City Manager or his/her designee.
 - a. Standard minimum scope and limits of low risk vendor event insurance requirements:
 - i. Category 1 vendors - Coverage shall be at least as broad as the following:
 - Commercial General Liability "CGL" (required):
Coverage must include products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than \$1,000,000 per occurrence and \$2,000,000 aggregate. The City must be listed as additional insured via endorsement.
 - ii. Category 2 vendors - Coverage shall be at least as broad as the following:
 - Commercial General Liability "CGL" (required):
Coverage must include products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than \$1,000,000 per occurrence and \$1,000,000 aggregate. The City must be listed as additional insured via endorsement.
 - iii. Category 3 vendors - Coverage shall be at least as broad as the following:
 - No insurance required.



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<u>Category 1</u>	<u>Category 2</u>	<u>Category 3</u>
<ul style="list-style-type: none"> • <u>Alcohol providers</u> • <u>Bleachers</u> • <u>Emergency services</u> • <u>Event organizers</u> • <u>Fencing</u> • <u>Haunted houses</u> • <u>Ice skating rink</u> • <u>Inflatable structures</u> • <u>Mechanical rides</u> • <u>Petting zoo animals (pigs, goats, lambs, etc.)</u> • <u>Porta-potties</u> • <u>Rock walls</u> • <u>Security</u> • <u>Shuttle/bus services</u> • <u>Staging tents</u> • <u>Traffic control companies (barricades)</u> 	<ul style="list-style-type: none"> • <u>Commercial vendors</u> • <u>Food booths on-site food preparation</u> • <u>Food trailers on-site food preparation</u> • <u>Food trucks on-site food preparation</u> • <u>Retail vendors</u> • <u>Sponsors with retail products/services</u> • <u>Waste removal</u> - 	<ul style="list-style-type: none"> • <u>Arts & crafts vendors</u> • <u>Balloon artists</u> • <u>Bands</u> • <u>Disc jockeys</u> • <u>Entertainment</u> • <u>Individual artists</u> • <u>Informational (only booths)</u> • <u>Magicians</u> • <u>Marketing (only) booths</u> • <u>Mimes</u> • <u>Musicians</u> • <u>Performance artists (dance)</u> • <u>Photographers</u> • <u>Potluck items</u> • <u>Prepackaged food/beverage vendors</u> • <u>Produce vendors (farmers market)</u> • <u>Professional catering</u> • <u>Sponsors marketing purposes (only)</u> • <u>Visual artists (painting)</u> • <u>Other governmental agencies</u>

(3) High risk event vendors, coordinators, and exhibitors not under contract with the City who are commencing in event related activities on-site shall meet the City’s special high risk event insurance requirements.

a. Special high risk vendor event insurance requirements:

i. Pyrotechnics, explosive devises, fireworks

- Commercial General Liability “CGL” (required):

Coverage must include products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than \$5,000,000. The City must be listed as additional insured via endorsement.

ii. Carnivals and zoo animals (elephants, tigers, bears, etc.)

- Commercial General Liability “CGL” (required):

Coverage must include products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than \$5,000,000. The City must be listed as additional insured via endorsement.



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iii. If vehicles are needed/used as part of the event (shuttle/bus, car shows, etc.)

- Automobile Liability (required):

Limits no less than \$1,000,000 per accident for bodily injury and property damage.

The City must be listed as additional insured via endorsement.

24-100 Standard Forms

~~(1) Most recently updated standard purchasing forms can found on the City's intranet.~~

SECTION 25 – STANDARD FORMS

24-100 Standard Forms

(1) Most recently updated standard purchasing forms can found on the City's intranet.



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ARTICLE 7 – GLOSSARY

SECTION 265 – DEFINED TERMS

- **(Using) Department** – A City department that utilizes any supplies, services, or construction procured by City Purchasing Officer.
- **Agent** – An individual authorized by a superior, i.e., principal or officer, to act for him, her, or in his or her authority. In public purchasing, this designation is usually incorporated into policy, statute and ordinance law.
- **Agreement** – Synonymous with Contract. See Contract.
- **Alternative Bid** – A bid submitted in knowing variance from the specifications, terms, conditions or provisions of the solicitation.
- **Amendment** – Synonymous with Modification. See Modification.
- **Arbitration** – A process, non-binding or binding, by which a dispute between two or more contending parties is presented to one or more disinterested parties for a decision; a process whereby a disagreement may be resolved.
- **Architect or Engineer** – Persons or firms providing professional services of an architectural or engineering nature, as well as those providing incidental services that members of these professions and those in their employ may logically or justifiably perform. (Refer to California Government Code §4525).
- **Auto Liability Insurance** – All contractors engaged in services on City property are required to maintain minimum automobile liability insurance of \$1 million for each occurrence, naming the City of Banning as an additional insured. Certain high-risk activities require higher limits.
- **Award** – The presentation of a purchase agreement or contract to a bidder or proposer.
- **Best Interest** – The discretionary rationale used by purchasing officials in taking action most advantageous to the jurisdiction when it is impossible to adequately delineate a specific response by law or regulation.
- **Bid** – The offer submitted by a bidder in response to an Initiation for Bid (IFB), a request for quotation, or a multi-step bidding procedure. A bid includes a cost for goods and services to be provided per the specifications included in the bid solicitation issued by the City.
- **Bid Bond** – An insurance agreement in which a third party agrees to be liable to pay a certain amount of money in the event that a specific bidder, if its bid is accepted, fails to accept the contract as bid.
- **Bid Opening** – The formal process through which bids are opened and the contents revealed for the first time to the jurisdiction, other bidders, and usually, to the public.
- **Bid Surety** – A surety bond ensures contract completion in the event of contractor default. City hired contractor (principal) to fulfill a contract and if defaults, the surety company (insurer) is



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obligated to find another contractor to complete the contract or compensate the City for the financial loss incurred.

- **Bidders List** – Same as Vendor List; a list maintained by the City Purchasing Officer setting out the names and addresses of suppliers of various goods and services from whom bids, proposals, and quotations can be solicited.
- **Blanket Purchase Order** - A purchase order permitting the buyer to place individual orders or releases to a particular supplier for goods/services for a specified period of time using the same purchase order number.
- **Brand Name** – A name that serves to identify a product of a particular manufacturer; a trade name.
- **Change Order** – Synonymous with Modification.
- **City Council Agenda Report** – A document by which matters are submitted to City Council for consideration during its regular meetings.
- **City Purchasing Officer** – An employee of the City of Banning who is appointed by, trained, and certified under the direction of the Deputy City Manager to act in the capacity to procure goods and/or service Citywide.
- **Collusion** – A secret agreement or cooperation between two or more parties to accomplish a fraudulent, deceitful, or unlawful act.
- **Commercial General Liability (CGL)** – All contractors engaged in services on City property are required to maintain minimum liability insurance of \$1 million per occurrence naming the City of Banning as an additional insured. Certain high-risk activities require higher limits.
- **Commodities** – All supplies and all equipment.
- **Competitive Process** – The process by which two or more vendors vie to secure the business of a purchaser by offering the most favorable terms as to price, quality, delivery, and/or service.
- **Compliance Monitoring** – A process whereby the City Purchasing Officer selects and reviews procurement transactions conducted by departments for the purpose of ensuring that the City purchasing process is fair, equitable, effective, lawful, and efficient.
- **Confirming Order** – A purchase order written and sent to a vendor to verify that an order which was transmitted orally is authorized.
- **Conflict of Interest** – A situation where the personal interests of a contractor, public official and/or designated employee are/is, or appears to be, at odds with the interests of the jurisdiction.
- **Consent Agenda Items** – Those agenda items, as identified by the City Manager, which are placed in the Section of the City Council agenda for review and approval as a group. Items on the Consent Calendar may be pulled by City Council, City staff, or a member of the public for discussion and individual Council action.
- **Consultant** – A person or firm who provides professional or expert advice and/or recommendations.



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- **Contingency** – City Council authorized percentage or specific amount of money which can be added to the base contract amount to provide for small changes to the contract without returning to Council for approval. The percentage granted will not be based on the total amount of the contract, as it may accumulate in subsequent term years, etc., of the contract but will be based on the initial contract amount.
- **Contract** – A written agreement between two or more competent individuals and/or corporate entities to perform or not perform a specific act(s) for compensation. Contract includes all types of government agreements, regardless of what they may be titled for the procurement of supplies, services, or construction.
- **Contract Administration** – The management of various facets of contracts to assure that the contractor’s total performance is in accordance with the contractual terms and conditions for all parties thereto.
- **Contractor** – Any person or corporate entity having a contract with a governmental entity.
- **Cooperative Purchase Agreement** – the purchase of goods or services utilizing a form of intergovernmental cooperative purchasing in which one government agency or jurisdiction performs the solicitation and award process for several agencies or jurisdictions, but separate contracts or purchase orders are executed between each participating agency and the vendor.
- **Consulting Services** - Purchase of Service for the purpose of obtaining an intellectual product, e.g. asbestos survey, audit reports, investigative reports, plan reviews, photos, advice, training, parking ticket processing.
- **Debarment** – A shutting out or exclusion, through due process and for cause, e.g., a bidder from a list of qualified prospective bidders.
- **Designated Employees** – Those employees of the City of Banning who are required to file conflict of interest statements because those employees, in the course of their employment make, or participate in the making of decisions which may potentially have a material effect on the financial interest of the employees.
- **Discount** – An allowance or deduction from a normal or list price extended by a seller to a buyer to make the net price more competitive.
- **Discussion Agenda Items** – Those agenda items, as identified by the City Manager, which are placed in the section of the City Council agenda for discussion and individual Council action. All items requiring the Council to select from a slate or a list of recommendation options, among others, are placed on the Discussion Calendar.
- **Dispute** – A difference between a contractor and a jurisdiction over performance or other elements of a contract calling for appropriate administrative action with the intent of achieving a remedial result.
- **Electronic Waste (e-waste)** – An electronic device powered by electricity or a battery that has a printed circuit board or video display attached that has reached the end of its useful life and is being discarded by the user. Examples include: televisions, computers, computer peripherals



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and components, hard drives, CD-DVD drives, printers, facsimile machines, copiers, and wireless phones and devices.

- **Emergency** – Situations where the welfare of the City residents are at stake and/or immediate purchasing action is required to prevent serious economic or other hardship to the City; requires a timely decision that must be made to prevent loss of life, damage to property or facilities, or to mitigate an imminent threat to public health, welfare, or safety.
- **Equal or Equivalent** – A phrase used to indicate the acceptability of products of similar or superior function.
- **Equipment** – Property of a durable nature which retains its identity throughout its useful life.
- **Evaluation Committee** – A committee comprised of three or more individuals that advises and assists in proposal evaluation and award of contract.
- **Evaluation Criteria** – Criteria set forth in the Request for Proposal (RFP) and used by the evaluation committee to score and rank proposers who respond to the procurement solicitation.
- **Express Warranty** – Any affirmation of fact or promise made by a seller to a buyer which relates to the goods and becomes part of the basis of the bargain.
- **Firm Bid** – A bid that binds the bidder until a stipulated time of expiration of the bid.
- **Fixed Assets** – All tangible property costing \$5,000 or more per item, including tax, delivery and installation, with a useful life expectancy exceeding one (1) year.
- **Fixed Price Contract** – A contract which provides for a firm price under which the contractor bears the full responsibility for profit or loss.
- **Force Account** – Use of internal (City) labor.
- **Formal Advertising** – The placement of a notice in a newspaper or other publications according to legal requirements to inform the public that the government is requesting bids on a specific purchase it intends to make.
- **Formal Bid Process** – The competitive bid process requiring a public bid opening with the date, time, and location set forth in the bid solicitation.
- **Gratuity** – A payment, loan, subscription, advance deposit of monies, services or anything of more than nominal value presented or promised for consideration of a purchasing decision or recommendation.
- **Guarantee** – To warrant, stand behind, or ensure performance and quality.
- **Incremental Contracting** – Contracting in small segments to avoid competitive bid requirements or City Council approval.
- **Indemnification** – Other party waiver and party protection against incurred loss, damage, or hurt, usually by monetary compensation.
- **Informal Bid** – An unsealed competitive offer conveyed by letter, telephone, telegram, or other means and under conditions different from those required for formal bidding.



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- **Insurance** – A contract between a certified insurance firm and the City that provides for monetary payment(s) in the event of damage, loss, accident, or death; also, a contract between a contractor, naming the City as an Additional Insured (AI), for the purpose of reimbursing the City for any loss incurred due to the nature of the work being performed by the contractor.
- **Invitation for Bid (IFB)** – The solicitation document used for competitive sealed bidding for the purchase of equipment, materials, supplies, services, and construction, for which clear specifications can be written.
- **Lead Time** – The period of time from date of order to date of delivery during which the buyer must reasonably allow the vendor to prepare goods for shipment; the period of time needed to process purchase requisitions for bid/proposal solicitation and award of contract.
- **Liquidated Damages** – Parties designate the amount of damages during the formation of a contract for possible injury to collect as compensation upon a specific breach of contract (e.g., late or partially breached performance).
- **Modification** – A written document signed by the City Purchasing Officer that directs the contractor to make or that the City is making changes to the originally signed contract between the parties.
- **Multi-Departmental Contracts** – Contracts issued by the City Purchasing Officer for the purchase of goods and services, which may be used by more than one City department under the condition that the department is named on the contract as an authorized user.
- **Negotiation** – The discussion or correspondence between City and the preferred contractor in order to develop a contract with terms and conditions that serve the best interests of the City and is fair and equitable to the contractor.
- **One-Time Purchases** – Purchases for particular goods or services which cover a particular need. These types of purchases are distinguished from annual or blanket contracts which cover a continuing need of an item or service.
- **Performance Surety** – Synonymous with Bid Surety. See Bid Surety.
- **Petty Cash** – Funds set aside as a cash reserve in a revolving fund for single expenditures of limited nature.
- **Piggy-Back Agreement** - The form of intergovernmental cooperative purchasing in which a public agency requests competitive bids, enters into a contract and arranges, as part of the contract for other public agencies to purchase from the selected vendor under the same terms and conditions as itself. This process eliminates the need to competitively bid the particular item again. May only be used if the public agency received the competitive bids within two years prior to the award of contract under piggy-back.
- **Pre-Bid/Pre-Proposal Conference** – A meeting set up between the City parties issuing a bid/proposal solicitation and the potential bidders/proposers for the purpose of clarifying the bid/proposal solicitation and answering any questions the bidders/proposers may have.



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- **Prequalification** – A process used prior to solicitation of bids to determine if potential bidders have the ability to fulfill the contract requirements for which the solicitation will be issued and/or to determine if the potential bidders’ products will meet the cost and performance criteria required to meet the City’s needs.
- **Prevailing Wage** - Payment of prevailing wages, shall be required on all publicly funded public works contracts of \$1,000 or more. When a contract requires this, notification will be included in the call to bid.
- **Professional Services** - All services performed by persons in a professional occupation, including but not limited to, consulting and performance services for accounting, auditing, computer hardware and software support, engineering, architectural, planning, environmental, redevelopment, financial, economic, personnel, social services, legal, management, communication and other similar professional functions which may be necessary for the operation of the city.
- **Proposal** – The executed document submitted by a proposer in response to a Request for Proposal (RFP). A proposal includes a detailed description of the goods and/or services to be provided to the City per the scope of work included in the RFP, including but not limited to cost, time frame for completion of work or delivery of goods, and method of accomplishment of services.
- **Proprietary Product** – An item or service that must meet particular restrictive specifications, but may be available from multiple sources.
- **Public Works Contract** – An agreement for erection, construction, alteration, repair, or improvement of any public structure, building, road, or any other public improvement of any kind (see Public Contracts Code, §20161).
- **Purchase Order** - Formal, contractual documents requesting the delivery of specific goods, equipment, or services and promising payment therefor. They are issued by the purchasing officer and must be used in conjunction with formal contracts or else as provided in this chapter as stand-alone documents for all city purchases with the exception of purchases made pursuant to short form purchase orders or other methods consistent with the policies and procedures.
- **Rejection of Bid** – The non-acceptance of submitted bid(s).
- **Request for Proposal (RFP)** – The solicitation document which includes a scope of work and terms and conditions used to secure proposals for services or goods not clearly defined by the City in terms of exact specifications or manner of delivery of services or where price is not the sole selection criteria.
- **Request for Qualifications (RFQ)** – A document that describes the project or services required and solicits qualifications for potential vendors or contractors for purposes of evaluating those qualifications for screening purposes or for award of contract.



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- **Responsible Bidder** – A bidder who has the capability in all respects to perform in full the contract requirements and who has the integrity and reliability which will assure a good faith performance.
- **Responsive Bidder** – A bidder whose bid conforms in all material respects to the terms and conditions, the specifications and all other requirements of the respective solicitation.
- **Services** – The furnishing and delivery of labor, time, or effort by a contractor/consultant involving specific performance.
- **Short Form Purchase Orders** - Formal documents that provide a method whereby department directors, or designee may purchase non repetitive, low volume, low-cost goods or services valued at less than five thousand dollars.
- **Sole Source** – An award for a commodity or service to the only known capable supplier, occasioned by the unique nature of the requirement, the supplier, or market conditions.
- **Solicitation** – A good faith effort to obtain a bid or proposal for the provision of goods and/or services.
- **Specification** – A description of what the purchaser seeks to buy, and consequently, what a bidder/proposer must be responsive to in order to be considered for award to a contract.
- **Standard** – A characteristic or set of characteristics for an item that, for reasons of performance level, compatibility or interchangeability with other products, etc., is generally accepted by producers and by users of the items as a requested characteristic of all items for the designated purpose.
- **Subcontractor** – Any person undertaking part of the work under the terms of the contract, by virtue of the agreement with the contractor.
- **Supplier** – An actual or potential contractor; a vendor.
- **Terms and Conditions** – A general reference applied to the provisions under which bids/proposals must be submitted and which are applicable to most purchase contracts.
- **Terms of Payment** – Methods and timelines by which the City must render payment under a purchase agreement.
- **Waiver of Bid** – A process authorized by law or rule whereby the City Purchasing Officer may procure items without competitive bidding procedures because of unique circumstances related to a particular need or procurement.
- **Waiver of Mistake or Informality** – The act of disregarding errors or technical nonconformities in the bid/proposal which do not go to the substance of the bid/proposal and will not adversely affect the competition between bidders/proposers.
- **Warranty** – A representation of utility, condition, and durability made by a bidder or proposer for a product offered.
- **Worker's Compensation Insurance** - All contractors engaged in service on behalf of the City are required to maintain Worker's Compensation Insurance in accordance with the provisions of the State of California, including a waiver of subrogation rights against the City.

ATTACHMENT 3

Vendor Insurance Waiver Form

CITY OF BANNING



VENDOR INSURANCE WAIVER REQUEST FORM

DATE:

TO: PURCHASING OFFICER

FROM:

RE: REQUEST TO WAIVE INSURANCE REQUIREMENTS

Insurance requirements for vendors providing goods and services, instructors, contractors and consultants may be waived by the City Manager or his/her designee (Purchasing Officer) on a case-by-case basis if the vendor establishes to the satisfaction of the City Manager that the cost of obtaining insurance is financially prohibitive, it is impossible to obtain insurance coverage or other circumstances as described below. To make this process efficient and easy to use by the requesting departments, please completely fill out this form and send to the Purchasing at least five (5) business days before committing to the delivery of the goods or performance of the service.

Purchase Requisition, or Purchase Order Number:	
Vendor Name:	
Detailed Scope of work or Goods and Services Provided:	
Time Frame of Services to be Provided:	

Please consider waiving insurance as follows (check all that apply):

Commercial General Liability

- The work being performed is done solely on vendor's premises.
- The work being performed does not involve use of dangerous equipment, etc.
- Other:

Commercial Auto Liability

- Automobiles are not required for performance of the work in conjunction with the scope of services.
- Vendor will not be driving to multiple City facilities in conjunction with the scope of services.

Other:

Workers Compensation Liability

The State of California requires every business to provide workers compensation insurance coverage. However, if the vendor is a sole proprietor and does not have employees, the requirement can be waived by having the vendor submit a statement acknowledging that the vendor is aware of the workers compensation laws of the State of California and if at any time during the term of the agreement, any employees are hired, the vendor will comply with the requirements of the workers compensation laws and provide evidence of coverage to the City.

Vendor's Workers Compensation exception letter is attached.

Professional/Errors and Omissions Liability

A professional opinion is not being issued by the Consultant.

Consultant's professional work, product or design is reviewed, approved and finalized by City staff.

Other:

Builder's Risk Liability

The scope of work does not include building construction

Contractor agrees to pay the City's \$100,000 deductible in the event of a loss.

Other:

Instructions:

Attach any available insurance documents provided by the vendor and a copy of the contract/agreement (if applicable).

Conditions:

I certify that I understand the risks involved in obtaining a request for waiver of the insurance requirements pertaining to the vendor listed above. Should the City be responsible for any losses as a result of this waiver, I understand and agree that my departmental budget assumes financial responsibility in the event of a loss. I have reviewed the scope of work and approve this request to waive the insurance requirements pertaining to the work and/or product(s) provided by the vendor.

Requesting Department Head signature: _____

Purchasing Officer Signature: _____

Purchasing Notes:

ATTACHMENT 4

Sample Insurance Certificate with Endorsements

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED – DESIGNATED
PERSON OR ORGANIZATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)
<p>The City of Banning, its officers, employees and agents are added as additional insureds.</p>
<p>Information required to complete this Schedule, if not shown above, will be shown in the Declarations.</p>

Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

- A. In the performance of your ongoing operations; or
- B. In connection with your premises owned by or rented to you.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED ENDORSEMENT

This endorsement modifies insurance provided under the following.

BUSINESS AUTO COVERAGE FORM

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by the endorsement.

This endorsement is effective on the inception date of the policy unless another date is indicated below.

SECTION II – LIABILITY COVERAGE, 1. WHO IS AN INSURED is amended to include as an "insured" the person(s) or organization(s) named in the Schedule below, but only with respect to their legal liability for acts or omissions of a person for whom Liability Coverage is afforded under this policy. You are authorized to act for the additional insured named in the Schedule in all matters pertaining to this insurance.

SCHEDULE

Name and Address of Additional Insured:

ANY PERSON OR ORGANIZATION THAT YOU HAVE AGREED IN A WRITTEN CONTRACT, THAT SUCH PERSON OR ORGANIZATION IS AN ADDITIONAL INSURED ON THIS POLICY.

All other terms and conditions of this Policy remain unchanged.

Endorsement Number:

Policy Number:

Named Insured:

Endorsement Effective Date:
address.

local Standard Time at the First Named Insured's address.

WAIVER OF OUR RIGHT TO RECOVER FROM OTHERS ENDORSEMENT

We have the right to recover our payments from anyone liable for an injury covered by this policy. We will not enforce our right against the person or organization named in the Schedule. (This agreement applies only to the extent that you perform work under a written contract that requires you to obtain this agreement from us.)

This agreement shall not operate directly or indirectly to benefit anyone not named in the Schedule.

Schedule



This endorsement changes the policy to which it is attached and is effective on the date issued unless otherwise stated.

(The information below is required only when this endorsement is issued subsequent to preparation of the policy.)

Endorsement
Insured

Effective Policy No.

Endorsement No.
Premium

Insurance Company

Countersigned by _____

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(Ed. 4-84)

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**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Ted Shove, Economic development Manager

MEETING DATE: December 11, 2018

SUBJECT: Consideration and Adoption of Modification Fiscal Year 2018/19
Community Development Block Grant Funding

RECOMMENDED ACTION:

That the City Council Adopt:

1. Resolution 2018-151 approving cancellation of the City's application for Lion's Park Expansion funding for Fiscal Year 2018-2019 under the Community Development Block Grant Program; and
2. Resolution 2018-152 approving the submission of a City application for the 2018-2019 funding cycle for Dysart Park improvements under the Community Development Block Grant Program.

BACKGROUND:

On October 24, 2017, the City Council approved a City application for Community Development Block Grant ("CDBG") Program funding for Fiscal Year 2018-2019, to fund the Lion's Park Expansion Project. The funding from CDBG was a portion of the total project cost (approximately 20%). Since approval of the funding, the balance of the funding sources anticipated were not approved or available to fund the project. Therefore, staff evaluated projects of a similar nature that may benefit from this funding source within the authorized time period to use funds (July 1, 2018 – June 30, 2019).

Recently, the City Council approved CDBG funding for the Dysart Park improvements project (estimated at \$155,979), which consists of fencing and a bathroom and concessions building, with an estimated project cost of \$350,000. This funding will

become available to the City on or after July 1, 2019. Staff has recommended re-designating funding for the CDBG FY 2018/19 funding cycle with FY 2019/20 funding cycle to fund the Dysart Park project, with a minimal contribution of funding from the City to complete the project.

JUSTIFICATION:

Staff is recommending cancellation of CDBG FY 18/19 funding of \$155,979 and re-designating these funds to the Dysart Park project which will utilize CDBG funds from FY 19/20. Together, funding from both CDBG fiscal cycles would result in substantially funding the project, with minimal City contribution. By approving this approach, the City's CDBG grant funding for FY 18/19 would not be jeopardized, due to non-performance.

FISCAL IMPACT:

Funding under the CDBG Fiscal Year 2018-2019 program is \$155,979. Upon approval of the City Council, this funding would be re-designated to the Dysart Park. Denial of this item jeopardizes this funding, as it is to be expended on or before June 30, 2019.

OPTIONS:

1. Approve as recommended.
2. Do not approve and provide staff further direction.

ATTACHMENTS:

1. Resolution 2018-151
2. Resolution 2018-152
3. Draft CDBG Application from Community Services for FY 18/19

Approved by:



Douglas Schulze
City Manager

ATTACHMENT 1

Resolution 2018-151

RESOLUTION 2018-151

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING CANCELLATION OF CITY'S APPLICATION FOR FISCAL YEAR 2018-2019 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDING FOR LIONS PARK EXPANSION PROJECT

WHEREAS, the City of Banning has submitted applications for projects/activities under the Community Development Block Grant ("CDBG") program to the Riverside County Economic Development Agency ("EDA") annually; and

WHEREAS, since July 1, 2018, the City was notified that anticipated funding sources to complete the Lion's Park Expansion Project would not be available; and

WHEREAS, the funding shortfall would potentially jeopardize project completion and contractual financial obligations for the Community Development Block Grant Funding Cycle 2018-2019; and

WHEREAS, the City now desires to cancel the City's application for the Lion's Park Expansion Project and re-designate funding to another, similar project; and

WHEREAS, it is necessary that the project be cancelled and re-designated by the City Council through resolution in order for the City and its residents to obtain and utilize the federally funded CDBG grant funds.

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

SECTION 1. The Banning City Council adopts Resolution 2018-151, approving the cancellation of CDBG Funding designation for the Lion's Park Expansion Project for funding under the Community Development Block Grant programs for Fiscal Year 2018-2019.

SECTION 3. The City Manager is authorized to execute any further related documentation that the Riverside County Economic Development Agency may require for close out of the Lion's Park Expansion Project for FY 2018-2019 funding cycle.

PASSED, APPROVED AND ADOPTED this 11th day of December, 2018.

City of Banning, Mayor

ATTEST:

Laurie Sampson, Acting Deputy City Clerk
City of Banning

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

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

CERTIFICATION:

I, Laurie Sampson, Acting Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2018-151, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 11th day of December, 2018, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Laurie Sampson, Acting Deputy City Clerk
City of Banning, California

ATTACHMENT 2

Resolution 2018-152

RESOLUTION 2018-152

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING THE CITY'S APPLICATION FOR FISCAL YEAR 2018-2019 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDING FOR THE DYSART PARK IMPROVEMENT PROJECT

WHEREAS, the City of Banning has submitted applications for projects/activities under the Community Development Block Grant ("CDBG") program to the Riverside County Economic Development Agency ("EDA") annually; and

WHEREAS, the City desires to submit an alternate application for the Community Development Block Grant 2018-2019 Funding Cycle for the Dysart Park Improvement Project, in place of the recently cancelled Lion's Park Expansion Project; and

WHEREAS, the City's Dysart Park Improvement Project will encumber the full funding cycle's allocation of \$155,979; and

WHEREAS, it is necessary that the project be approved by the City Council through resolution in order for the City and its residents to obtain and utilize the federally funded CDBG grant funds.

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

SECTION 1. The Banning City Council adopts Resolution 2018-152, approving the City's application for the Dysart Park Improvement Project for Community Development Block Grant programs for Fiscal Year 2018-2019.

SECTION 3. The City Manager is authorized to submit the City's Dysart Park Improvement Project for Community Development Block Grant Funding Cycle 2018-2019 application and execute any amendments to the "Supplemental Agreement for the Use of 2018-2019 Community Development Block Grant Funds" that may be required by the Riverside County Economic Development Agency.

PASSED, APPROVED AND ADOPTED this 11th day of December, 2018.

City of Banning, Mayor

ATTEST:

Laurie Sampson, Acting Deputy City Clerk
City of Banning

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

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

CERTIFICATION:

I, Laurie Sampson, Acting Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2018-152, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 11th day of December, 2018, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Laurie Sampson, Acting Deputy City Clerk
City of Banning, California

ATTACHMENT 3

Draft CDBG Application from Community Services for FY 18/19

DUNS Number: 099169823

Organization Web Address: www.ci.banning.ca.us

Does your Organization expend \$750,000 or more a year in federal funds? Y or N

Number of paid staff: 195

Number of volunteers: 65

Members/Board of Directors (*Attach*):

III. PROJECT ACTIVITY

A. Name of Project: Dysart Park Fencing, Bathroom and concession Building.

B. Specific Location of Project

(Attach Project Map - include street address; if a street address has not been assigned provide APN)

Street or APN: 2107 W. Victory Avenue

City: Banning

Zip Code: 92220

C. CDBG Funds Requested: 325,000

(total amount for the project only)

D. Where will the proposed activity occur (be specific as to the geographic boundaries)? If the project involves a new or existing facility, what is the proposed service/benefit area for the facility?

Fencing will be installed along the frontage of the park on Victory Avenue from 22nd Street on the west to Lovell Street on the east. The bathroom and concession building will replace the existing modular structure that is to the west of the arena.

E. In which City (ies)/Communities does the activity occur?

City (ies): Banning

Community (ies): Riverside County

NOTE: EDA will make the final determination of the appropriate service area of all proposals.

F. If this project benefits residents of more than one community or jurisdiction, have requests been submitted to those other entitlement jurisdictions? (i.e., County district(s) 1st, 2nd, 3rd, 4th, and/or 5th, City of Palm Springs, City of Moreno Valley, City of Riverside, etc.) Not applicable

G. Check ONLY the applicable category your application represents.

- Public Service
- Homeless Activities
- Real Property Acquisition (Must consult with EDA prior to submitting application)
- Housing
- Rehabilitation/Preservation (please provide picture of structure)
- Public Facilities (construction)
- Infrastructure (i.e. Streets, Sewer, Sidewalk, etc.)
- Other: (provide description) Improvement ro the park facility through replacement of existing structure and fencing.

H. Respond to A & B only if this application is for a ***public service*** project.

(a) Is this a NEW service provided by your agency? Yes No

(b) If service is not new, will the existing public service activity level be substantially increased or improved?

IV. PROJECT NARRATIVE

A. Provide a detailed Project Description. The description should only address or discuss the specific activities, services, or project that is to be assisted with CDBG funds. If CDBG funds will assist the entire program or activity, then provide a description of the entire program or activity:

Dysart Park is a 20 acre special event/equestrian park located in the southwest quadrant of the city. The park is the home of the city's annual signature event, Banning Stagecoach Days, as well as equestrian events, soccer tournaments, and concerts throughout the year. This project will replace existing fencing and an aged modular building that is one site, creating a more secure environment while the park is not in use and providing

amenities that will benefit all who use the park. Current chained-link fencing will be replaced with wrought iron the new building will provide permanent bathrooms, a concession stand, and a much needed secured storage area.

- B. Provide a detailed description of the proposed use of the CDBG funds only (e.g. client scholarships, purchase of specific equipment, rent, supplies, utilities, salaries, etc.):

CDBG 2018-2019 funds will be reprogrammed and used for the construction of a new fence and a permanent bathroom, concession and storage building.

- C. What are the goals and objectives of the project, service, or activity? How will you measure and evaluate the success of the project to meet these goals and objectives (measures should be qualitative)?

The goal is to increase security and improve the existing facilities, making them more usable and providing additional opportunities for activities at the park. Currently, the lack of permanent restrooms renders the park unusable for most groups and activities as the cost of portable toilets is prohibitive.

The success of this project will be easily measured by the increased use of the park through additional recreational and community activities that will be available once the project is complete.

- D. Please identify the project milestones using an Estimated Timeline for Project Implementation:

Bidding Process: November 2019 - January 2020

V. **PROJECT BENEFIT**

- A. Indicate the number of people or households that will directly benefit from your proposal using CDBG funds: *Note: This is based on the expected number of clients to be served if the County funds your project for the requested amount.*

The Banning community as a whole, with a population of 32,352, will benefit from the improvement project at the park. Members from surrounding communities will also benefit from the improvements through programs that will occur at the facility.

- B. Indicate the number of unduplicated clients that will be served (*An unduplicated client is counted only once, no matter how many direct services the client receives during a funding year*):

The Banning community as a whole, with a population of 32,352, will benefit from the improvement project at the park. Members from surrounding communities will also benefit from the improvements through programs that will occur at the facility.

- C. Length of proposed CDBG-funded activities or service (weeks, months, year):

Indefinite

D. Service will be provided to (check one or more):

Men

Seniors

Women

Severely Disabled Adults

Children (Range of children's ages : _____)

Migrant Farm Workers

Homeless (Number of beds at facility : _____)

Families

E. What methods will be used for community involvement to assure that all who might benefit from the project are provided an opportunity to participate?

Social media outlets, print media, local community channel and the city website will all be used to provide information and promote sports activities and recreational activities that will be held at Dysart Park.

F. What evidence is there of a long-term commitment to the proposal? Describe how you plan to continue the work (project) after the CDBG funds are expended?

The city employs staff staff that administers maintenance needs for the facility as part of their regular duties.

VI. National Objective

All CDBG-funded activities must meet at least one of the following National Objectives of the CDBG program. Indicate the category of National Objective to be met by your activity.

CATEGORY A: Benefit to low-moderate income persons (must be documented). Please choose either subcategory 1 or 2:

1. Limited Clientele:

The project serves clientele that will provide documentation of their family size, income, and ethnicity. Identify the procedure you currently have in place to document that at least 51% of the clientele you serve are low-moderate income persons.

2. Clientele presumed to be principally low- and moderate-income persons:

The following groups are presumed by HUD to meet this criterion. You will be required to submit a certification from the client (s) that they fall into one of the following presumed categories.

The activity will benefit (check one or more)

- | | |
|---|---|
| <input type="checkbox"/> Abused children | <input type="checkbox"/> Homeless persons |
| <input type="checkbox"/> Battered spouses | <input type="checkbox"/> Illiterate adults |
| <input type="checkbox"/> Elderly persons | <input type="checkbox"/> Persons living with AIDS |
| <input type="checkbox"/> Severely disabled adults | <input type="checkbox"/> Migrant Farm workers |

a. Describe the clientele above to be served by this activity:

b. Discuss how this project directly benefits low- and moderate- income residents:

CATEGORY B: Area Benefit - The project or facility serves, or is available to, ALL persons located within an area where at least 51% of the residents are low/moderate-income. (Applicant is welcome to contact a County of Riverside, EDA CDBG Program Manager for Census Information)

2010 Census Tract and Block Group numbers:

Block Group 1

Census Tract 443

Riverside County

Total population in Census Tract(s) / block group(s): 32,352

Total percentage of low-moderate population in Census Tract(s) / block group(s): 62%

CATEGORY C: Activities undertaken to create or retain permanent jobs, at least 51% of which will be made available to or held by low/moderate-income persons.

Proposed Job Creation/Retention

Total Jobs Expected to Create:

Total Jobs Expected to Retain:

CATEGORY D: Activities that provide assistance to micro-enterprise owners/developers who are low/moderate-income.

Proposed Assistance to Businesses

New Businesses expected to assist:

Existing Businesses expected to assist:

Enter Total Businesses expected to assist:

VII. FINANCIAL INFORMATION

A. Proposed Project Budget

Complete the following annual program budget to begin July 1, 2017. If your proposed CDBG-funded activity will start on a date other than July 1, 2017, please indicate starting date. Provide total Budget information and distribution of CDBG funds in the proposed budget.

The budgeted items are for the specific activity for which you are requesting CDBG funding - NOT for the budget of the "entire" organization or agency. (Note: CDBG funds requested must match amount requested in Project Activity, C above.)

(EXAMPLE: The Valley Senior Center is requesting funding for a new Senior Nutritional Program. The total cost of the program is \$15,000 and \$10,000 in CDBG funds is being requested for operating expenses associated with the proposed activity. The total Activity/Project Budget will include \$5,000 of other non-CDBG funding and \$10,000 in CDBG funds for a Grand Total of \$15,000).

	TOTAL ACTIVITY/ PROJECT BUDGET <small>(Include non-CDBG Funds and CDBG Funds)</small>	CDBG FUNDS REQUESTED-Only
I. Personnel		
A. Salaries & Wages	\$	\$
B. Fringe Benefits	\$	\$
C. Consultants & Contract Services	\$	\$
PERSONNEL SUB-TOTAL	\$	\$
II. Non-Personnel		
A. Space Costs	\$	\$
B. Rental, Lease or Purchase of Equipment	\$	\$
C. Consumable Supplies	\$	\$
D. Travel	\$	\$
E. Telephone	\$	\$
F. Utilities	\$	\$
G. Other Costs	\$	\$
NON-PERSONNEL SUB-TOTAL:	\$	\$
III. Other		
A. Architectural/Engineering Design	\$	\$
B. Acquisition of Real Property	\$	\$
C. Construction/Rehabilitation	\$ 350,000	\$ 350,000
D. Indirect Costs	\$	\$
E. Other	\$	\$
OTHER SUB-TOTAL:	\$	\$
GRAND TOTAL:	\$ 350,000	\$ 350,000

B. Leveraging

List other funding sources and amounts (commitments or applications) which will assist in the implementation of this activity. Current and pending evidence of leveraging commitments/applications must be submitted with application. (Attach)

Federal:

State/Local:

Private:

Fees:

Donations:

Other:

C. What type of long-term financial commitment is there to the proposal? Describe how you plan to continue the work (project) after the CDBG funds are expended?

The improvements to the park will be maintained as a part of the City's Park Division normal operations.

D. Provide a summary by line item of your organization's previous year's income and expense statement. (Attach)

E. Does this project benefit residents of more than one community or jurisdiction, have requests been submitted to those other jurisdictions? Yes No

If yes, identify sources and indicate outcome.

If no, please explain.

F. Was this project or activity previously funded with CDBG? Yes No

If yes, when?

Is this activity a continuation of a previously funded (CDBG) project? Yes No

If yes, explain:

VIII. MANAGEMENT CAPACITY

A. Describe your organization's experience in managing and operating project or activities funded with CDBG or other Federal funds.

The City has completed several CDBG funded projects. Project examples include ADA Upgrades at Lions Park, Repplier Park Parking Lot Improvements, the construction of the Repplier Park Aquatics Center and the recently finished Banning Community and Senior Center Rehabilitation project.

B. Management Systems

Does your organization have written and adopted management systems (i.e., policies and procedures) including personnel, procurement, property management, record keeping, financial management, etc.?

The City has written and adopted management systems such as a purchasing policy, administrative policy, and policy on records retention.

C. Capacity

Please provide the names and qualifications of the person(s) that will be primarily responsible for the implementation and completion of the proposed project.

Heidi Meraz, Community Services Director has over two decades of experience in the field of Parks and Recreation and very aware of the needs and uses of facilities at each of the City parks will be responsible for the procurement process of the project and Arturo Vela, P.E., Director of Public Works/City Engineer with over 12 years experience in engineering and construction management will oversee the construction.

IX. APPLICATION CERTIFICATION

Undersigned hereby certifies that (check box after reading each statement and digitally sign the document):

1. The information contained in the project application is complete and accurate. _____
2. The applicant agrees to comply with all Federal and County policies and requirements imposed upon the project or activity funded by the CDBG program. _____

3. The applicant acknowledges that the Federal assistance made available through the CDBG program funding will not be used to substantially reduce prior levels of local, (NON-CDBG) financial support for community development activities. _____
4. The applicant fully understands that any facility built or equipment purchased with CDBG funds shall be maintained and/or operated for the approved use throughout its economic life, pursuant to CDBG regulation. _____
5. If CDBG funds are approved, the applicant acknowledges that sufficient non-CDBG funds are available or will be available to complete the project as described within a reasonable timeframe. _____
6. On behalf of the applying organization, I have obtained authorization to submit this application for CDBG funding. **(DOCUMENTATION ATTACHED Minute Action and/or written Board Approval signed by the Board President)** _____

DATE: _____

Signature: _____

Print Name/Title

Authorized Representative: _____

CHECK-LIST:

The following required documents listed below have been attached. Any missing documentation to the application will be cause for the application to be reviewed as INELIGIBLE.

Yes	No	ATTACHMENT
<input type="checkbox"/>	<input type="checkbox"/>	1. Members/Board of Directors
<input type="checkbox"/>	<input type="checkbox"/>	2. Articles of Incorporation and Bylaws
<input type="checkbox"/>	<input type="checkbox"/>	3. Project Activity Map
<input type="checkbox"/>	<input type="checkbox"/>	4. Project Benefit, Category B, Low Mod Area Maps (Attach if applicable)
<input type="checkbox"/>	<input type="checkbox"/>	5. Leveraging (Current evidence of commitment)
<input type="checkbox"/>	<input type="checkbox"/>	6. Income and Expense Statement
<input type="checkbox"/>	<input type="checkbox"/>	7. Management Capacity (Detailed organizational chart)
<input type="checkbox"/>	<input type="checkbox"/>	8. Board Written Authorization approving submission of application

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**CITY OF BANNING
CITY COUNCIL REPORT**

TO: City Council

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Public Works Director
Kevin Sin, Senior Civil Engineer

MEETING DATE: December 11, 2018

SUBJECT: Resolution 2018-154, Awarding a Construction Agreement for Project No 2017-16, “Citywide Various Street Improvements” to Onyx Paving Company Inc. of Anaheim, CA in the amount of \$766,000 and establishing a total project budget of \$842,600 and rejecting all other bids

RECOMMENDATION:

The City Council adopt Resolution 2018-154 approving the following actions:

1. Approving a Construction Agreement for Project No. 2017-16, “Citywide Various Street Improvements” to Onyx Paving Company Inc. of Anaheim, California in the amount of \$766,000 and a 10% contingency in the amount of \$76,600 for a total project budget of \$842,600 and rejecting all other bids.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Construction Agreement for Project No. 2017-16, “Citywide Various Street Improvements” and to approve change orders within the 10% contingency.
3. Authorize the City Manager to execute the Construction Agreement with Onyx Paving Company Inc. for Project No. 2017-16, “Citywide Various Street Improvements”.

JUSTIFICATION:

Onyx Paving Company Inc. is the lowest responsive and responsible bidder to construct Project No. 2017-16, “Citywide Various Street Improvements” (“Project”).

BACKGROUND:

Measure A

Voters in Riverside County approved Measure “A” in 1988, which authorized the Riverside County Transportation Commission to impose an additional one-half percent (0.5%) sales tax for the next 20 years to be used for improvements of state highways, public transit systems, and local streets. In 2002, voters in Riverside County approved a 30-year extension of the one-half percent sales tax for transportation improvements.

Annually, each City in Riverside County is required to submit a Five Year CIP, as approved by its governing board, to indicate how Measure “A” funding is to be utilized over the next five years. The list of streets to be improved as part of the Project are consistence with the approved Five Year CIP adopted by City Council.

Senate Bill 1

Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statues of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 in order to address the significant multi-modal transportation funding shortfalls statewide.

Each city must include a list of all projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA) created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project’s completion, and the estimated useful life of the improvement. A list of the proposed projects was approved by City Council on September 26, 2017. The approved list of projects are part of the Project.

Project

Public Works staff prepared plans and specifications for the Project which included the following items: grinding of existing asphalt concrete (AC) pavement; constructing new AC; crack sealing of existing AC pavement; remove and replace broken sidewalks, driveway approaches, curb and gutters; remove and replace access ramps to comply with ADA requirements; install new sidewalk and access ramps; repair potholes and trench repairs (related to water main repairs) on various streets; and remove and replace all affected pavement markings and striping. A list of locations of streets for the various improvements can be found attached hereto.

A Notice Inviting to Bid for the Project was posted on PlanetBids on September 28, 2018. Additionally, email notifications were sent to 72 vendors by PlanetBids. In response to these efforts, seven (7) bids were received on November 7, 2018 from the following contractors:

Companies

Bid Amount

1) EBS General Engineering, Inc. of Corona, CA	\$697,329.20
2) Onyx Paving Company Inc. of Anaheim, CA	\$766,000.00
3) Hary and Harper, Inc. of Santa Ana, CA	\$780,643.00
4) Matich Corporation of Highland, CA	\$843,000.00
5) All American Asphalt of Corona, CA	\$1,033,903.60
6) Vance Corporation of Bloomington, CA	\$1,106,279.20
7) LC Paving & Sealing, Inc. of San Marcos, CA	\$1,207,184.00

The apparent low bidder, EBS General Engineering, Inc. requested to withdraw their bid due to an estimating error in their bid. The apparent second low bidder, Onyx Paving Company Inc. is therefore evidently the lowest bidder.

Onyx Paving Company has successfully performed similar work with the City in the past as a subcontractor. Purchasing staff has conducted reference checks on Onyx Paving Company and found that the company is responsive and responsible on their contracts with other agencies.

As a result, staff recommends that the Construction Agreement be awarded to the lowest responsive and responsible bidder, Onyx Paving Company Inc. of Anaheim, California, in the amount of \$766,000. A copy of the bid schedule for the lowest bid can be found attached hereto.

If awarded, staff anticipates the work to commence early February, 2019 and to be completed within sixty (60) working days or approximately three (3) months from the issuance of a Notice to Proceed.

FISCAL IMPACT:

The Construction Agreement with Onyx Paving Company Inc. is for an amount of \$766,000 with a 10% contingency of \$76,600 for a total project budget amount of \$842,600.

The project shall be funded by the following sources:

<u>Account No.</u>	<u>Amount</u>
101-4900-431.93-16 (Street Improvements – Measure A)	\$668,967
102-4904-431.93-15 (Street Improvements – SB1)	\$ 79,157
660-6300-471.45-08 (Water Distribution Exp.)	\$ 94,476
	<hr/>
	\$842,600

ALTERNATIVE

Reject Resolution No. 2018-154 and provide direction to staff.

ATTACHMENTS:

1. Resolution No. 2018-154
2. Onyx Paving Company Inc. Bid Schedule
3. Project List of Various Street Improvements

Approved by:



Douglas Schulze
City Manager

ATTACHMENT 1

Resolution No. 2018-154

RESOLUTION NO. 2018-154

A RESOLUTION OF THE CITY COUNCIL OF BANNING, CA, AWARDING A CONSTRUCTION AGREEMENT FOR PROJECT NO. 2017-16, "CITYWIDE VARIOUS STREET IMPROVEMENTS" TO ONYX PAVING COMPANY INC. OF ANAHEIM, CA IN THE AMOUNT OF \$766,000 AND ESTABLISHING A TOTAL PROJECT BUDGET OF \$842,600.

WHEREAS, voters in Riverside County approved Measure "A" in 1988, which authorized the Riverside County Transportation Commission to impose an additional one-half percent (0.5%) sales tax for the next 20 years to be used for improvements of state highways, public transit systems, and local streets; and

WHEREAS, in 2002, voters in Riverside County approved a 30-year extension of the one-half percent sales tax for transportation improvements; and

WHEREAS, on April 11, 2017 City Council approved Resolution No. 2017-34 approving the Measure "A" Five Year Capital Improvement Plan; and

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 in order to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 requires Cities to include a list of projects proposed to be funded from the Road Maintenance and Rehabilitation Account (RMRA) created by SB 1, in the City budget. On September 26, 2017 City Council approved Resolution No. 2017-93, amending the 2017-18 Fiscal Year Budget to incorporate a list of projects to be funded by SB 1; and

WHEREAS, Public Works staff prepared plans and specifications for the Project 2017-16, "Citywide Various Street Improvements" which included the following items: grinding of existing asphalt concrete (AC) pavement; installing new asphalt concrete (AC); crack sealing of existing AC pavement; removing and replacing broken sidewalks, driveway approaches, curb and gutters; removing and replacing access ramps to comply with ADA requirements; repairing potholes and trench repairs (related to water main repairs) on various streets; and removing and replacing all affected pavement markings and striping; and

WHEREAS, bid documents for Project No. 2017-16, "Citywide Various Street Improvements" were posted on PlanetBids on September 28, 2018 and email notifications were sent to 72 vendors by PlanetBids and as a result seven (7) bids were received; and

WHEREAS, staff recommends that a Construction Agreement be awarded to Onyx Paving Company Inc., the apparent lowest bidder, in the amount of \$766,000

and requests that a 10% contingency of \$76,600 be added for a total project budget amount of \$842,600; and

WHEREAS, the project has been included in the fiscal year 2018/2019 budget and shall be funded by Account No. 101-4900-431.93-16 (Measure A) in the amount of \$668,967, Account No. 102-4904-431.93-15 (SB 1) in the amount \$79,157, and Account No. 660-6300-471.45-08 in the amount of \$94,476 (Water Distribution).

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

SECTION 1. The Banning City Councils adopts Resolution No 2018-XX approving the Construction Agreement for Project No. 2017-16, "Citywide Various Street Improvements" to Onyx Paving Company Inc. of Anaheim, CA in the amount of \$766,000 and a 10% contingency in the amount of \$76,600 for a total project budget of \$842,600 and rejecting all other bids.

SECTION 2. The City Manager or his designee is authorized to make necessary budget adjustments, appropriations and transfers related to the Construction Agreement for Project No. 2017-16, "Citywide Various Street Improvements" and to approve change orders within the 10% contingency.

SECTION 3. The City Manager is authorized to execute the Construction Agreement with Onyx Paving Company Inc. for Project No. 2017-16, "Citywide Various Street Improvements".

PASSED, ADOPTED AND APPROVED this 11th day of December, 2018.

City of Banning, Mayor

ATTEST:

Laurie Sampson, Acting Deputy City Clerk
City of Banning

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

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

CERTIFICATION:

I, Laurie Sampson, Acting Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2018-154 was duly adopted by the City Council of the City of Banning, California, at a Regular Meeting thereof held on the 11th day of December, 2018, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Laurie Sampson
Acting Deputy City Clerk
City of Banning

ATTACHMENT 2

Onyx Paving Company Inc.

Bid Schedule

Bid Results

Bidder Details

Vendor Name Onyx Paving Company Inc.
Address 2890 E. LA CRESTA AVE
 ANAHEIM, CA 92806
 United States
Respondee MARIE AYALA
Respondee Title BID COORDINATOR
Phone 714-632-6699 Ext.
Email ONYXPAVINGCOINC@SBCGLOBGLA.NET
Vendor Type

Bid Detail

Bid Format Electronic
Submitted November 7, 2018 1:26:44 PM (Pacific)
Delivery Method ELECTRONIC
Bid Responsive
Bid Status Submitted
Confirmation # 157132
Ranking 0

Respondee Comment

Buyer Comment

Attachments

File Title	File Name	File Type
PROPOSAL AND BID BOND	banning bid.pdf	Response File

Line Items

Discount Terms no discount

Type	Item Code	UOM	Qty	Unit Price	Line Total	Discount	Comment
Citywide Various Streets Improvements 1-26							
1	PERMITS AND LICENSES	Lump Sum	1	\$3,000.0000	\$3,000.0000	\$3,000.0000	
2	TRAFFIC CONTROL AND SURVEYING/STAKING	Lump Sum	1	\$76,000.0000	\$76,000.0000	\$76,000.0000	
3	NPDES COMPLIANCE	Lump Sum	1	\$3,000.0000	\$3,000.0000	\$3,000.0000	
4	CLEARING AND GRUBBING	Lump Sum	1	\$41,000.0000	\$41,000.0000	\$41,000.0000	
5	COLD PLANE/GRIND FULL WIDTH OF ASPHALT CONCRETE PAVEMENT (1 1/2" THICK)	Square Feet	278860	\$0.1800	\$50,194.8000	\$50,194.8000	

Bid Results

Type	Item Code	UOM	Qty	Unit Price	Line Total	Discount	Comment
6	REMOVAL OF ALL EXISTING TRAFFIC STRIPING AND PAVEMENT MARKINGS; INSTALLATION OF NEW TRAFFIC STRIPING (WITH CORRESPONDING RAISED PAVEMENT MARKER DETAIL WITH ALL NEW NON-REFLECTORIZED AND REFLECTORIZED RAISED PAVEMENT MARKERS) AND INSTALLATION OF THERMOPLASTIC PAVEMENT MARKINGS FOR AC OVERLAY STREETS.	Lump Sum	1	\$27,000.0000	\$27,000.0000	\$27,000.0000	
7	CONSTRUCT ASPHALT CONCRETE CAP (2")	Ton	3660	\$72.7200	\$266,155.2000	\$266,155.2000	
8	REMOVE AND REPLACE A.C. PAVEMENT (TO AG. BASE) FOR OVERLAY STREETS; EXACT LOCATIONS TO BE MARKED BY CITY INSPECTOR.	Ton	108	\$176.0000	\$19,008.0000	\$19,008.0000	
9	GRADE AND REMOVE EX. DIRT; COMPACT EX. SOIL TO 90% COMPACTION; CONSTRUCT 4" AC OVER 6" AB AT 95% COMPACTION. THIS LUMP SUM WORK IS ON 8TH STREET BETWEEN LINCOLN STREET AND BARBOUR STREET (5' WIDE TO JOIN WITH EXISTING AC ON THE EAST SIDE OF 8TH STREET). ALSO GRADE 1 TO 2 SLOPE FROM EDGE OF AC TO PROPERTY LINE.	Lump Sum	1	\$24,000.0000	\$24,000.0000	\$24,000.0000	
10	REMOVE AND REPLACE H.C. RAMP PER CITY OF BANNING STANDARD NO. C-214 OR C-215	Each	19	\$3,636.0000	\$69,084.0000	\$69,084.0000	
11	REMOVE AND REPLACE P.C.C. SIDEWALK	Square Feet	400	\$15.0000	\$6,000.0000	\$6,000.0000	
12	REMOVE AND REPLACE P.C.C. CURB & GUTTER	Linear Feet	80	\$76.0000	\$6,080.0000	\$6,080.0000	
13	CONSTRUCT NEW P.C.C. CURB AND GUTTER PER CITY OF BANNING STD. NO. C-200.	Linear Feet	273	\$76.0000	\$20,748.0000	\$20,748.0000	
14	ADJUST WATER VALVE TO GRADE	Each	18	\$100.0000	\$1,800.0000	\$1,800.0000	
15	ADJUST GAS CAN TO GRADE	Each	1	\$100.0000	\$100.0000	\$100.0000	
16	ADJUST CLEAN OUT TO GRADE	Each	1	\$1,000.0000	\$1,000.0000	\$1,000.0000	
17	ADJUST SEWER MANHOLE TO GRADE	Each	13	\$1,000.0000	\$13,000.0000	\$13,000.0000	
18	REMOVE AND REPLACE A.C. PAVEMENT TO EXISTING A.B. FOR THOSE LOCATIONS LISTED ON THE "STREET REPAIR LOCATIONS" LIST IN THE APPENDIX. ESTIMATED OF TONAGE IS FOR BIDDING PURPOSES. CONTRACTOR IS ONLY ALLOW TO COMPLETE THE LIST IF AND ONLY IF BUDGET ALLOWED. UNIT PRICE ADJUSTMENT FOR FINAL QUANTITY WILL BE ALLOWED PER THE "GREENBOOK".	Ton	506	\$176.0000	\$89,056.0000	\$89,056.0000	
19	REMOVE AND REPLACE COMMERCIAL DRIVEWAY APPROACH PER EXHIBIT A, "STAGECOACH PLAZA DRIVE APPROACH" IN THE APPENDIX.	Lump Sum	1	\$13,000.0000	\$13,000.0000	\$13,000.0000	

Bid Results

Type	Item Code	UOM	Qty	Unit Price	Line Total	Discount	Comment
20	RE-STRIPE HIGHLAND HOME ROAD FROM RAMSEY STREET TO WILSON STREET WITH TWO (2) COATED PAINT FOR ALL LANE LINES, STOP BARS, LEGENDS, EDGE LINES, ETC.	Lump Sum	1	\$4,764.0000	\$4,764.0000	\$4,764.0000	
21	REMOVE AND REPLACE STOP BAR (THERMOPLASTIC); (REFER TO "RAMSEY STREET RE-STRIPING LIST" IN APPENDIX FOR LOCATIONS)	Each	9	\$130.0000	\$1,170.0000	\$1,170.0000	
22	REMOVE AND REPLACE "STOP" LEGEND (THERMOPLASTIC); (REFER TO "RAMSEY STREET RE-STRIPING LIST" IN APPENDIX FOR LOCATIONS)	Each	19	\$210.0000	\$3,990.0000	\$3,990.0000	
23	REMOVE AND REPLACE X-WALK (THERMOPLASTIC); (REFER TO "RAMSEY STREET RE-STRIPING LIST" IN APPENDIX FOR LOCATIONS)	Each	28	\$525.0000	\$14,700.0000	\$14,700.0000	
24	REMOVE AND REPLACE ARROW (THERMOPLASTIC); (REFER TO "RAMSEY STREET RE-STRIPING LIST" IN APPENDIX FOR LOCATIONS)	Each	75	\$130.0000	\$9,750.0000	\$9,750.0000	
25	REMOVE AND REPLACE "ONLY" LEGEND (THERMOPLASTIC); (REFER TO "RAMSEY STREET RE-STRIPING LIST" IN APPENDIX FOR LOCATIONS)	Each	3	\$200.0000	\$600.0000	\$600.0000	
26	REMOVE AND REPLACE SPEED LIMIT LEGEND (THERMOPLASTIC); (REFER TO "RAMSEY STREET RE-STRIPING LIST" IN APPENDIX FOR LOCATIONS)	Each	9	\$200.0000	\$1,800.0000	\$1,800.0000	
				Subtotal	\$766,000.0000	\$766,000.0000	
				Total	\$766,000.0000	\$766,000.0000	

ATTACHMENT 3

Project List of Street Improvements

City of Banning

Public Works Department
Engineering Division

Project No. 2017-16 "Citywide Various Streets Improvements"

List of Streets Improvements

A.C. Overlay Streets

Street Name	Begin	End	CAP Area (S.F.)	R & R (Ton)	CAP (Ton)
Theodore Street (2" CAP)	Alessandro Road	Almond Way	84,010	25	1,103
8th Street (2" CAP)	Lincoln Street	Westward Ave	40,980	47	538
Charles Street (2" CAP)	Hargrave Ave	1037 E. Charles St	33,660	12	442
Wesley Street (2" CAP)	Hargrave Ave	1211 E. Wesley St	43,260	24	568
First Street (2" CAP)	Livington Street	Williams Street	66,780	0	876
Second Street (2" CAP)	Hays Street	Williams Street	10,170	0	133

Total: 278,860 108 3,660

City of Banning
Ramsey Street Re-striping List

Street Name	Intersect at	Stop Bar	Stop Legend	X-walk (W)	Arrow (L/R)	"ONLY" Legend	Speed Limit Legend	
Ramsey Street:	Hathaway	1	1					
	Phillips	1	1					
	Hargrave			4	9			
	Livington			1				
	Alola	1	1					
	Martin				2			
	First			1				
	Fourth					2		
	Sixth			1	2			
	e/o Eighth							1
	Eighth				4	10	2	
	947 W. Ramsey							1
	12th	1	1			1		
	1529 W. Ramsey							1
	16th			1	2	1		
	Roberge			2	1	3		
	22nd				4	9		
	2301 W. Ramsey					2	1	
	Sunrise			1	1	4		
	Mountain View			1	1			
	Woodland			1	1	4		
	Park			1	1	4		
	Morongo			1	1	4		
	3055 W. Ramsey					2		
	e/o Sunset							1
	Sunset	2	1		4	12		
	w/o Sunset							1
	3705 W. Ramsey							1
	Omar	1	1					
	w/o Omar							1
	Highland Home	1	1			4		
	4240 W. Ramsey							1
6350 W. Ramsey							1	
Lori	1	1			4			
TOTAL		9	19	28	75	3	9	

Street Repair List

Line No.	R & R AC Locations	Size Patch			Sq. Ft.	Approx. Depth (inches)	AC Tonnage
Sun Lakes							
1	5435 Moody Drive	7	X	5	35	4	0.88
2	5577 Moody Drive	7	X	6	42	4	1.05
3	1802 Masters Drive	5	X	7	35	4	0.88
4	1064 Southern Hills Dr	9	x	11	99	4	2.48
5	5295 Mission Hills	7	x	7	49	4	1.23
6	964 W. Olympic Ave	6	x	8	48	4	1.20
7	1702 S. Fairway Oaks	7	x	9	63	4	1.58
8	5009 Hilton Head Dr	7	x	7	49	4	1.23
9	1190 S. Fairway Oaks	6	x	7	42	4	1.05
10	965 Southern Hills	7	x	11	77	4	1.93
11	4833 Mehlhorn Cir	5	x	12	60	4	1.50
12	682 S. La Quinta	6	x	8	48	4	1.20
13	1630 Fairway Oaks	6	x	7	42	4	1.05
14	6151 Inverness	6	x	9	54	4	1.35
15	5206 E. Lake Ct	7	x	8	56	4	1.40
16	5212 E. Lake Ct	10	x	10	100	4	2.50
17	708 Big Springs	7	x	7	49	4	1.23
18	5050 Singing Hills	7	x	7	49	4	1.23
19	4993 W. Olympic Ave	6	x	6	36	4	0.90
20	1801 Master Dr	6	x	13	78	4	1.95
21	5275 bw pinehurst	9	x	7	63	4	1.58
22	1321 Cypress Point	6	x	8	48	4	1.20
23	5016 Oakhurst Ave	7	x	8	56	4	1.40
24	5239 Riviera	8	x	7	56	4	1.40
25	537 La Quinta	6	x	7	42	4	1.05
26	672 La Quinta	6	x	8	48	4	1.20
27	1216 Fairway Oaks	7	x	9	63	4	1.58
South of Freeway							
28	497 Cherokee Circle	5	X	6	30	4	0.75
29	497 Sioux Circle	5	X	7	35	4	0.88
30	130 E. Charles Street	4	X	9	36	6	1.35
31	1381 S. Hermosa Street	5	X	7	35	4	0.88
32	1358 South Hermosa Avenue	10	X	28	280	4	7.00
33	3062 Mohawk Road	7	X	9	63	4	1.58

Street Repair List

Line No.	R & R AC Locations	Size Patch			Sq. Ft.	Approx. Depth (inches)	AC Tonnage
34	1274 W. Barbour Street	6	X	6	36	4	0.90
35	Adams Avenue & Lincoln Street	3	X	8	24	6	0.90
36	1376 E. Lincoln Street	5	X	7	35	6	1.31
37	1722 W. Lincoln Street	4	X	6	24	6	0.90
38	1722 Lincoln Street	9	X	10	90	6	3.38
39	275 E. Lincoln Strret	4	X	8	32	4	0.80
40	City Corporate Yard (Fuel Island)	2	X	6	12	6	0.45
41	City Corporate Yard (Fuel Island)	5	X	16	80	6	3.00
42	1184 Lincoln St. (Water Service)	3	X	25	75	6	2.81
	North of Freeway						
43	1045 N. Elisa Dawn Drive	4	X	8	32	4	0.80
44	1050 N. Elisa Dawn Drive	6	X	8	48	4	1.20
45	4897 W. Meadow Way	6	X	6	36	4	0.90
46	425 San Andreas Road (hydrant valve)	2	X	3	6	4	0.15
47	Livingston Street Alley	12	X	9	108	4	2.70
48	3403 West Ramsey (Behind stores in alley - 10x10, in Ramsey - 5x5)	10	X	10	100	4	2.50
49	1484 W. Ramsey Street (Back - Sears)	7	X	5	35	4	0.88
50	1484 W. Ramsey Street (Back - Sears)	7	X	9	63	4	1.58
51	1510 W. Ramsey Street (Back - Massage)	18	X	40	720	4	18.00
52	1502 W. Ramsey Street (Cabinet Outlet)	8	X	40	320	4	8.00
53	1496 West Ramsey Street (Back - Little Caesars)	6	X	8	48	4	1.20
54	2907 George Street. just East of Sylvan Avenue (14x16 + 10x60)				824	6	30.90
55	Pizza Hut - Ramsey Street (12x140 + 10x60)				2280	6	85.50
56	Sizzler - Ramsey Street (12x85 + 5x9 + 6x60)				1425	6	53.44
	Others (W/WW)						
57	3485 W. Ramsey Street (N. side of Ramsey)	10	X	10	100	4	2.50
58	2822 W. Ramsey Street (at Morongo)	6	X	45	270	6	10.13
59	16th and Ramsey (E/B Lane)	35	X	12	420	6	15.75
60	Gilman and Fourth	12	x	14	168	4	4.20

Street Repair List

Line No.	R & R AC Locations	Size Patch			Sq. Ft.	Approx. Depth (inches)	AC Tonnage
61	1939 W. Ramsey	22	x	4	88	6	3.30
62	235 N. Marian Way	9	x	10	90	3	1.69
63	777 N. Hargrave	10	x	14	140	6	5.25
64	490 Roosevelt	5	x	8	40	3	0.75
65	847 W. Nicolet (7x15 + 7x9)				168	4	4.20
66	4905 Spring View Dr	9	x	12	108	3	2.03
67	1092 Dysart	7	x	7	49	3	0.92
68	4th and Theodore	6	x	11	66	4	1.65
69	4th and Theodore	6	x	8	48	4	1.20
70	1535 Williams	9	x	6	54	4	1.35
71	1535 Williams	9	x	10	90	4	2.25
72	535 N. Hargrave	6	x	9	54	6	2.03
73	498 S. Soboba Dr	6	x	8	48	4	1.20
74	423 Santa Rita Pl	6	x	8	48	3	0.90
75	423 Santa Rita Pl	6	x	12	72	3	1.35
76	876 N. Alesandro	7	x	10	70	4	1.75
77	4956 Corral Cir	6	x	7	42	3	0.79
78	945 Via Panorama	6	x	7	42	3	0.79
79	517 E. George	6	x	8	48	4	1.20
80	8th and Ramsey	6	x	4	24	5	0.75
81	3742 Cypress	7	x	8	56	4	1.40
82	380 W. Barbour St	8	x	6	48	4	1.20
83	Hargrave and George	10	x	20	200	6	7.50
84	East of 360 E. Nicolet (8x9 + 6x7 + 4x10 + 4x9 + 4x4)				266	4	6.65
85	2045 Murray	9	x	24	216	4	5.40
86	2045 Murray	7	x	8	56	4	1.40
87	Sun Lake Blvd & Highland Springs	4	x	5	20	6	0.75
88	1174 N. Florida	6	x	9	54	4	1.35
89	289 E. Meadow Lark Ln	5	x	8	40	4	1.00
90	289 E. Meadow Lark Ln	10	x	8	80	4	2.00
91	496 N. Florida	6	x	8	48	4	1.20
92	1512 E. Nicolet	6	x	5	30	4	0.75
93	384 N. 5th St	3	x	3	9	4	0.23
94	384 N. 5th St	6	x	7	42	4	1.05

Street Repair List

Line No.	R & R AC Locations	Size Patch			Sq. Ft.	Approx. Depth (inches)	AC Tonnage
95	176 Lincoln St (Employee parking lot)	15	x	10	150	4	3.75
96	2320 Hays	3	x	4	12	3	0.23
97	2320 Hays	3	x	8	24	3	0.45
98	2290 Hays	3	x	5	15	3	0.28
99	2275 Hays	3	x	3	9	3	0.17
100	2280 Hays	3	x	5	15	3	0.28
101	1150 Charles	6	x	8	48	4	1.20
102	565 N. Hargrave	20	x	6	120	6	4.50
103	1581 N. Blanchard	5	x	11	55	4	1.38
104	628 S. 8th St	4	x	10	40	5	1.25
105	Mountain & Cypress	11	x	15	165	4	4.13
106	Mountain & Cypress (x-gutter; pcc)	6	x	12	72	4	1.80
107	1711 Durward	5	x	8	40	4	1.00
108	Indian School Ln & Alessandro	6	x	7	42	4	1.05
109	885 W. Hoffer	8	x	9	72	4	1.80
110	Hargrave b/w Plaza & Lincoln	6	x	7	42	6	1.58
111	Florida & King	7	x	12	84	4	2.10
112	235 N. San Gorgonio	6	x	9	54	5	1.69
113	Wastewater Plant (inside)	8	x	8	64	4	1.60
114	525 S. Hermosa	6	x	8	48	4	1.20
115	680 W. Williams (on 7th St)	6	x	4	24	4	0.60
116	3407 W. Jacinto View	6	x	7	42	4	1.05
117	339 E. Meadowlark Ln	9	x	10	90	4	2.25
118	339 E. Meadowlark Ln	9	x	7	63	4	1.58
119	3333 W. Ramsey	3	x	5	15	6	0.56
120	3333 W. Ramsey	3	x	20	60	6	2.25
121	1069 W. Williams	6	x	7	42	4	1.05
122	1069 W. Williams	6	x	4	24	4	0.60
123	513 N. Evans St	8	x	10	80	4	2.00
124	1403 W. George	9	x	12	108	4	2.70
125	Williams and Alessandro	3	x	5	15	4	0.38
126	3221 W. Nicolet	7	x	9	63	4	1.58
127	1446 N. 8th St	7	x	7	49	5	1.53
128	327 N. 12th St	8	x	12	96	4	2.40
129	526 Indian School Ln	11	x	7	77	4	1.93

Street Repair List

Line No.	R & R AC Locations	Size Patch			Sq. Ft.	Approx. Depth (inches)	AC Tonnage
130	526 Indian School Ln	7	x	28	196	4	4.90
131	757 W. Indian School Ln	9	x	17	153	4	3.83
132	485-505 S 22nd St (2x7x8 + 2x5x6)				172	5	5.38
133	Gilman and Durward	9	x	11	99	4	2.48
134	5297 W. Wilson	6	x	11	66	4	1.65
	Others (SM)						
135	145 Sunrise	8	x	9	72	4	1.80
136	1692 W. Lincoln	6	x	9	54	4	1.35
137	Hargrave and Westward	7	x	8	56	6	2.10
138	1581 W. Nicolet	4	x	11	44	4	1.10
139	1578 W. Nicolet	6	x	7	42	4	1.05
140	1535 W. Nicolet	10	x	11	110	4	2.75
141	1532 W. Nicolet	7	x	10	70	4	1.75
142	1064 W. Nicolet	6	x	7	42	4	1.05
143	839 N. Allen	5	x	8	40	3	0.75
144	s/w corner of Gilman & Weaver	7	x	11	77	4	1.93
145	411 Marian Way	4	x	11	44	3	0.83
146	411 Marian Way	5	x	7	35	3	0.66
147	1326 W. Nicolet	7	x	5	35	4	0.88
148	1326 W. Nicolet	2	x	3	6	4	0.15
149	Nicolet and 14th St	4	x	6	24	4	0.60
150	Nicolet and 12th St	4	x	6	24	4	0.60
151	1578 W. Williams	6	x	7	42	4	1.05
152	1578 W. Williams	4	x	11	44	4	1.10
153	1578 W. Williams	5	x	6	30	4	0.75
154	1109 W. Nicolet	13	x	7	91	4	2.28
155	496 E. George	6	x	9	54	4	1.35
156	2356 W. Hays	9	x	10	90	3	1.69
157	164 22nd St	3	x	12	36	5	1.13
158	271 Meadowlark Ln	8	x	15	120	3	2.25
159	379 Santa Rita Pl	5	x	9	45	3	0.84
160	353 Lombardy	4	x	4	16	4	0.40
161	98 N. 21st St	10	x	8	80	4	2.00
162	98 N. 21st St	10	x	15	150	4	3.75

Street Repair List

Line No.	R & R AC Locations	Size Patch			Sq. Ft.	Approx. Depth (inches)	AC Tonage
	TOTAL + 5%						505.65



**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL
FROM: Douglas Schulze, City Manager
MEETING DATE: December 11, 2018
SUBJECT: Highway Advertising Sign

RECOMMENDED ACTION:

Provide direction to City staff.

GOAL STATEMENT:

Economic Development:

- Business attraction, retention, and job development

BACKGROUND:

AMG Outdoor Advertising, Inc. has approached the City to express interest in construction of a new two-sided sign structure in the City with at least one digital face and potentially one static face, each measuring up to 25 x 48 feet on leased property located at 583 W. Livingston St. This sign would be similar to the sign in Beaumont just west of Highland Springs Avenue.

The proposed location for the sign is within the Downtown Commercial Zone. Highway advertising signs are not currently permitted within this zone. Therefore, a Zoning Text Amendment would be required, if the City Council is interested in this type of signage within the Downtown Commercial Zone.

JUSTIFICATION:

Staff is not making a recommendation, at this time, but is seeking direction from the City Council.

FISCAL IMPACT:

Staff and consultant time will be required to prepare the appropriate Zoning Text Amendment and facilitate the public process.

OPTIONS:

1. Council direction to proceed with a Zoning Text Amendment.
2. Council direction to have applicant consider a different location.
3. Council direction express no support for new highway advertising signage.

ATTACHMENTS:

1. Draft Sign Development Agreement

Approved by:



Douglas Schulze
City Manager

ATTACHMENT 1

Draft Sign Development Agreement

SIGN DEVELOPMENT AGREEMENT

THIS SIGN DEVELOPMENT AGREEMENT (the "Agreement") is entered into this _____ day of _____, 2018 (the "Effective Date") by and between the City of Banning (the "City") and AMG Outdoor Advertising, Inc., a California Corporation ("AMG").

RECITALS

WHEREAS, AMG seeks to construct a new two-sided sign structure in the City with at least one digital face and potentially one static face, each measuring up to 25 x 48 feet (the "Sign") on leased property located at 583 W. Livingstone, Banning CA 92220 (the "Property").

WHEREAS, AMG is willing to make the digital panel or panels on the Sign available for public service announcement, amber alerts and the advertisement of local civic events.

WHEREAS, AMG is willing to place the City logo and identification on the Sign.

WHEREAS, AMG is willing to make the digital panel or panels on the Sign available to local businesses at a reduced rate to promote the City and increase sales tax revenue.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants set forth in this Agreement, and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, each of the City and AMG hereby agree as follows:

1. **Recitals.** The recitals set forth above are incorporated herein by this reference as though fully set forth herein.
2. **Lease of Freeway Adjacent Site.** AMG has leased a potential site for the construction of the Sign at 583 W. Livingstone, Banning CA 92220.
3. **Construction of Sign.** After entry into this Agreement, AMG shall thereafter initiate the application process for all necessary government approvals, zone changes, zone text amendments and building permits, including, without limitation, any and all necessary permits and approvals from Caltrans and the Building and Zoning Department of the City.
4. **Local Advertising.** Local businesses with an annual gross income not in excess of one million dollars (\$1,000,000) will be provided with a 50% discount off of the normal (full rack) Billboard display rate(s).
5. **Cooperation.** The City agrees and covenants to fully cooperate with AMG's efforts to permit and construct the Sign and to execute any other documents as may be reasonable required to accomplish that end, including, but not limited to, the submission of any documents that may be required by Caltrans consistent with this Agreement and the Proposed Lease.
6. **Authorization.** The parties warrant that this Agreement has been fully approved and authorized by the parties to this Agreement, and that the persons who execute and attest to this Agreement have been authorized by the parties to perform said acts.
7. **Successors and Assigns.** This Agreement is binding on and inures to the benefit of the heirs, successors, and assigns of the respective parties hereto.
8. **Entire Agreement.** This Agreement is freely and voluntarily entered into and contains the entire agreement between the parties hereto. The undersigned have fully reviewed the contents of and are aware of the effect of this Agreement, the terms of which are contractual and not a mere recital.

9. **Governing Law.** This Agreement shall be construed in accordance with the laws of the State of California.
10. **Parties Bound.** To the extent not otherwise prohibited by law, this Agreement shall be binding on and inure to the benefit of the parties and their respective heirs, executors, administrators, legal representatives, successors and assigns when permitted by this Agreement.
11. **Legal Construction.** In case any one or more of the provisions contained in this Agreement are held to be invalid, illegal, or unenforceable in any respect, the invalidity, illegality, or unenforceability shall not affect any other provision and this Agreement shall be construed as if the invalid, illegal, or unenforceable provision had never been contained in it.

IN WITNESS WHEREOF, the Parties executed this Lease as of the Effective Date.

CITY OF BANNING

AMG OUTDOOR ADVERTISING

George Moyer, Mayor

Alex Garcia, President

APPROVED AS TO FORM AND CONTENT:

City Attorney

ATTEST:

City Clerk

SEAL

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**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Rochelle Clayton, Deputy City Manager/ASD
Suzanne Cook, Deputy Finance Director

MEETING DATE: December 11, 2018

SUBJECT: Resolution 2018-155 and 2018-23 UA, Approving an Amendment to the Fiscal Year 2018-19 Budget for Encumbrance Carryovers and Continuing Appropriations of Unexpended Fiscal Year 2017-18 Appropriations

RECOMMENDED ACTION:

1. That the City Council approve Resolution 2018-155 and the Banning Utility Authority approve Resolution 2018-23 UA authorizing an amendment to the Fiscal Year 2018-19 budget for encumbrance carryovers and continuing appropriations of unexpended Fiscal Year 2017-18 appropriations.
2. Authorize the Administrative Director to make the necessary budget adjustments, appropriations and transfers.

BACKGROUND:

The two-year budget for fiscal years 2018-19 and 2019-20 was adopted on June 26, 2018.

JUSTIFICATION:

At the end of fiscal year 2017-18 several budgeted projects had not been fully completed for a variety of reasons. In addition, in many cases, funds had been encumbered (i.e. committed via purchase order toward a specific item or project) but not yet expended. In preparation of the Budget, departments were instructed not to include previously approved appropriations or encumbered items in their upcoming fiscal year requests in

to avoid the “double” budgeting of expenditures. However, these items (continuing appropriations and encumbrances) were accounted for in available fund projections and thus will not impact previously presented 2018-19 fund balances. Allowing for the carryover of unexpended funds that are earmarked for specific purposes facilitates meeting our budgetary goals.

FISCAL IMPACT:

Previously approved, unspent appropriations as well as known other budgetary adjustments were accounted for in the FY 2018-19 available fund balance projections that were approved during recent budget process. Therefore, funding for FY 2017-18 encumbrances and continuing appropriations will not impact previously presented projections.

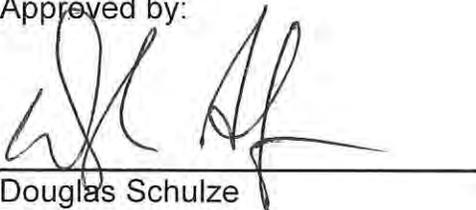
OPTIONS:

1. Approve as recommended
2. Do not approve and provide alternative direction

ATTACHMENTS:

1. Resolution 2018-155
2. Resolution 2018-23 UA
3. Combined City of Banning and Banning Utility Authority Detailed Listing of Continuing Appropriations and Encumbrances.

Approved by:



Douglas Schulze
City Manager

ATTACHMENT 1

Resolution No. 2018-155

RESOLUTION NO. 2018-155

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING AUTHORIZING THE AMENDMENT OF THE FISCAL YEAR 2018-19 BUDGET TO INCLUDE ENCUMBRANCE CARRYOVERS AND CONTINUING APPROPRIATIONS OF CERTAIN UNEXPENDED FISCAL YEAR 2017-18 APPROPRIATIONS AND ASSOCIATED REVENUES

WHEREAS, Council desires to ensure continuity in accomplishing multi-year objectives by continuing unspent approved Fiscal Year 2017-18 budgeted items and/or services into Fiscal Year 2018-19; and

WHEREAS, Departments requesting encumbrance carryovers and continuing appropriations are within their approved budget amounts and the items or services were previously approved in the Fiscal Year 2017-18 Budget; and

WHEREAS, adequate balances are available in all funds to support the recommended changes;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning, California that the budget for the fiscal year ended June 30, 2019 is amended to include Encumbrance Carryovers and Continuing Appropriations as reflected in Exhibit "A" and by this reference incorporated herein as though set forth in full.

PASSED, APPROVED AND ADOPTED this 11th day of December, 2018.

City of Banning Mayor

ATTEST:

Laurie Sampson, Acting Deputy City Clerk
City of Banning

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

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

CERTIFICATION:

I, Laurie Sampson, Acting Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2018-155, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 11th day of December, 2018, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Laurie Sampson, Acting Deputy City Clerk
City of Banning, California

ATTACHMENT 2

Resolution No. 2018-23 UA

RESOLUTION 2018-23 UA

A RESOLUTION OF THE BANNING UTILITY AUTHORITY OF THE CITY OF BANNING AUTHORIZING AMENDMENTS OF THE FISCAL YEAR 2018-19 WATER AND WASTEWATER BUDGETS TO INCLUDE ENCUMBRANCE CARRYOVERS AND CONTINUING APPROPRIATIONS OF CERTAIN UNEXPENDED FISCAL YEAR 2017-18 APPROPRIATIONS.

WHEREAS, the Authority desires to ensure continuity in accomplishing multi-year objectives by continuing unspent approved Fiscal Year 2017-18 budgeted items and/or services into Fiscal Year 2018-19; and

WHEREAS, after including the requested encumbrance carryovers and continuing appropriations, water and wastewater appropriations are within their approved budget amounts and the items or services were previously approved in the Fiscal Year 2017-18 Budget; and

WHEREAS, adequate balances are available in all funds to support the recommended changes;

NOW, THEREFORE, BE IT RESOLVED by the Banning Utility Authority that the water and wastewater budgets for the fiscal year ended June 30, 2019, are amended to include Encumbrance Carryovers and Continuing Appropriations as reflected in Exhibit "A", and by this reference incorporated herein as though set forth in full.

PASSED, APPROVED AND ADOPTED this 11th day of December, 2018.

Chairman
Banning Utility Authority

ATTEST:

Laurie Sampson, Secretary
Banning Utility Authority

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

Kevin G. Ennis, Authority Counsel
Richards, Watson & Gershon

CERTIFICATION:

I, Laurie Sampson, Secretary of the Banning Utility Authority of Banning, California, do hereby certify that the foregoing Resolution 2018-23 UA, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 11th day of December, 2018, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Laurie Sampson, Secretary
Banning Utility Authority
City of Banning, California

ATTACHMENT 3

Combined City of Banning and Banning Utility Authority Detailed Listing of Continuing Appropriations and Encumbrances

Account	Account Description	FY 2019 Adopted Budget 6-26-2018 Reso 2018-85	Continuing Appropriations and Encumbrances	FY2019 Amended Budget 11-13-18	Continuing Appropriation or Encumbrance Comment/Justification
City Funds - Resolution 2018-155					
Fund 001 - General Fund					
Expenditures - General Fund - Department - City Council					
001-1000-411.33-11	CONTRACT SVC-PROFESSIONAL / PROFESSIONAL SERVICES	20,000.00	4,416.00	24,416.00	PO 28729 Federal Lobbyists
	Total Expenditures Dept 1000	107,289.00	4,416.00	111,705.00	
Expenditures - General Fund - Department - City Manager					
001-1200-412.33-11	CONTRACT SVC-PROFESSIONAL / PROFESSIONAL SERVICES	50,000.00	5,044.00	55,044.00	PO 28330 & 28808 Professional Services - PR
	Total Expenditures Dept 1200	223,883.00	5,044.00	228,927.00	Communications & CIS/ERP
Expenditures - General Fund - Department - Economic Development					
001-1210-412.23-01	CONTRACTUAL SERVICES / ADVERTISING/PUBLISHING	350.00	13.00	363.00	PO 28873 Advertising
001-1210-412.33-11	CONTRACT SVC-PROFESSIONAL / PROFESSIONAL SERVICES	43,500.00	2,652.00	46,152.00	PO 28563 & 28730 R/E services
	Total Expenditures Dept 1210	233,308.00	2,665.00	235,973.00	
Expenditures - General Fund - Department - Human Resources					
001-1300-412.33-11	CONTRACT SVC-PROFESSIONAL / PROFESSIONAL SERVICES	35,000.00	3,920.00	38,920.00	PO 28559 Background Checks & Services
001-1300-412.33-32	CONTRACT SVC-PROFESSIONAL / MEDICAL/PHYSICAL EXAMS	11,000.00	2,023.00	13,023.00	PO 28620 & 28644 Medical/Physical Exams
001-1300-412.41-17	SUNDRY CHARGES/SPC PRGRMS / PERSONNEL TEST COSTS	4,000.00	109.00	4,109.00	PO 28621 Personnel testing
	Total Expenditures Dept 1300	147,684.00	6,052.00	153,736.00	
Expenditures - General Fund - Department - Fiscal Services					
001-1900-412.33-11	CONTRACT SVC-PROFESSIONAL / PROFESSIONAL SERVICES	50,000.00	74,541.00	124,541.00	PO 27623 & 28836 State Mandated Claims & DIF/Master Fee Study
	Total Expenditures Dept 1900	364,856.00	74,541.00	439,397.00	
Expenditures - General Fund - Department - Police					
001-2200-421.23-07	CONTRACTUAL SERVICES / MISC CONTRACT SVC	1,500.00	497.00	1,997.00	PO 28162 & 28681 Documentation Services
001-2200-421.30-06	CONTRACT SVC REPAIR/MAINT / REPAIR/MAINT-EQUIPMENT	10,000.00	8,228.00	18,228.00	PO 28519, 28696 & 28943 Repair of essential equipment
001-2200-421.30-08	CONTRACT SVC REPAIR/MAINT / REPAIR/MAINT-RADIOS	31,356.00	4,878.00	36,234.00	PO 28397 Radio Communications
001-2200-421.30-19	CONTRACT SVC REPAIR/MAINT / REPAIR/MAINT-HARDWARE	1,000.00	358.00	1,358.00	PO 29034 Communication equip
001-2200-421.30-21	CONTRACT SVC REPAIR/MAINT / REPAIR/MAINT AC/HEATING	20,000.00	2,106.00	22,106.00	PO 28388 AC Maintenance
001-2200-421.32-06	CONTRACTUAL SVCS-RENT/ISE / LEASE/PURCHASE PAYMENTS	92,516.00	32.00	92,548.00	PO 28663 Copier lease
001-2200-421.33-11	CONTRACT SVC-PROFESSIONAL / PROFESSIONAL SERVICES	30,000.00	9,700.00	39,700.00	PO 28565, 28573 Cleaning Services of Vehicles & 28979 Pitches Motion
001-2200-421.33-31	CONTRACT SVC-PROFESSIONAL / MEDICAL/HOSPITAL	35,000.00	13,114.00	48,114.00	PO 28937 & 29036 Blood Analysis Services
001-2200-421.36-01	DEPARTMENTAL SUPPLIES / ORDNANCE	15,000.00	2,739.00	17,739.00	PO 28989 Range supplies
001-2200-421.36-04	DEPARTMENTAL SUPPLIES / CLOTHING/ACCOUTERMENTS	15,000.00	628.00	15,628.00	PO 28861 & 28875 Uniforms & Safety Supplies
001-2200-421.36-62	DEPARTMENTAL SUPPLIES / SPECIAL DEPARTMENTAL SPLY	8,000.00	1,976.00	9,976.00	PO 28764, 28765 & 28766 Evidence Supply Items
001-2200-421.90-15	CAPITAL EXPENDITURES / BUILDING IMPROVEMENTS	-	10,962.00	10,962.00	PO 29032 Air Conditioning Control System
001-2200-421.90-52	CAPITAL EXPENDITURES / VEHICLES	-	80,102.00	80,102.00	PO 28904 Qty 3 - 2018 Ford Sedan Police in Terceptor AWD

Account	Account Description	FY 2019 Adopted Budget 6-26-2018 Reso 2018-85	Continuing Appropriations and Encumbrances	FY2019 Amended Budget 11-13-18	Continuing Appropriation or Encumbrance Comment/Justification
001-2200-421.90-53	CAPITAL EXPENDITURES / RADIO EQUIPMENT/RADIOS		12.00	12.00	PO 28579 Balance of PO for Two Way Radio Advanced System Key - Hardware Kit Project# E17GR2
	Total Expenditures Dept 2200	7,338,421.00	135,332.00	7,473,753.00	
	Expenditures - General Fund - Department - Police Dispatch				
001-2210-421.36-04	DEPARTMENTAL SUPPLIES / CLOTHING/ACCOUNTERMENTS	2,700.00	4.00	2,704.00	PO 28875 Uniforms - Balance remaining on line item for Dispatch
	Total Expenditures Dept 2210	1,029,931.00	4.00	1,029,935.00	
	Expenditures - General Fund - Department - Fire				
001-2400-422.42-67	SUNDRY CHARGES/SPC PRGRMS / DISASTER EXPO	5,000.00	410.00	5,410.00	PO 28961 Supplies for Disaster Expo - balance remaining on PO
	Total Expenditures Fund 001 - Department 2400	3,340,244.00	410.00	3,340,654.00	
	Expenditures - General Fund - Department - Building Safety				
001-2700-442.33-11	CONTRACT SVC-PROFESSIONAL / PROFESSIONAL SERVICES	289,570.00	2,922.00	292,492.00	PO 28718 Building & Safety services
	Total Expenditures Fund 001 - Department 2700	493,677.00	2,922.00	496,599.00	
	Expenditures - General Fund - Department - Code Enforcement				
001-2740-442.23-39	CONTRACTUAL SERVICES / WEED ABATEMENT SERVICES	40,000.00	401.00	40,401.00	PO 28599 Weed abatement services
001-2740-442.36-04	DEPARTMENTAL SUPPLIES / CLOTHING/ACCOUNTERMENTS	600.00	138.00	738.00	PO 28875 Uniforms - Balance remaining on line item for Code Enforcement
	Total Expenditures Fund 001 - Department 2740	336,038.00	539.00	336,577.00	
	Expenditures - General Fund - Department - Planning				
001-2800-441.33-11	CONTRACT SVC-PROFESSIONAL / PROFESSIONAL SERVICES	5,000.00	50,648.00	55,648.00	PO 28041 & 28133 Planning Services
	Total Expenditures Fund 001 - Department 2800	975,503.00	50,648.00	1,026,151.00	
	Expenditures - General Fund - Department - Engineering				
001-3000-442.33-11	CONTRACT SVC-PROFESSIONAL / PROFESSIONAL SERVICES	-	11,492.00	11,492.00	PO 28750 & 29024 On Call Consultation Services for Update of traffic fee component of the development fee program and Street/Hwy signing and stripping
001-3000-442.33-53	CONTRACT SVC-PROFESSIONAL / ENGINEERING SERVICES	100,000.00	64,058.00	164,058.00	PO 281686, 28250, 28390 & 28919 On-call Engineering services and Plan Check Services
	Total Expenditures Fund 001 - Department 3000	261,729.00	75,550.00	337,279.00	
	Expenditures - General Fund - Department - Building Maintenance				
001-3200-412.30-01	CONTRACT SVC REPAIR/MAINT / REPAIR/MAINT-GRNDS/FIEL	10,000.00	3.00	10,003.00	PO 28698 Fence & Gate Repair - balance of line item for Building Maintenance
001-3200-412.30-02	CONTRACT SVC REPAIR/MAINT / REPAIR/MAINT-BUILDINGS	30,000.00	5,683.00	35,683.00	PO 28200, 28560, 28838 & 28895 On-call Electrical, plumbing & GC services
001-3200-412.33-18	CONTRACT SVC-PROFESSIONAL / CUSTODIAN SERVICES	30,000.00	355.00	30,355.00	PO 28754 Custodial Services
001-3200-412.36-03	DEPARTMENTAL SUPPLIES / JANITORIAL SUPPLIES	16,000.00	7,397.00	23,397.00	PO 28800 Janitorial supplies for City Facilities
	Total Expenditures Fund 001 - Department 3200	154,569.00	13,438.00	168,187.00	
	Expenditures - General Fund - Department - Parks				

Account	Account Description	FY 2019 Adopted Budget 6-26-2018 Reso 2018-85	Continuing Appropriations and Encumbrances	FY2019 Amended Budget 11-13-18	Continuing Appropriation or Encumbrance Comment/Justification
001-3600-461.30-01	CONTRACT SVC REPAIR/MAINT / REPAIR/MAINT-GRNDS/FIEL	30,000.00	13,366.00	43,366.00	PO 28881& 28955 Landscape materials / park landscape maintenance
001-3600-461.30-07	CONTRACT SVC REPAIR/MAINT / REPAIR/MAINT-FENCING	5,000.00	8,565.00	13,565.00	PO 28698 Fence & Gate Repair - balance of line item for Parks
001-3600-461.90-37	CAPITAL EXPENDITURES / REPLIER PARK IMPROVEMENT		9,943.00	9,943.00	PO 28953 Replier Park Parking Lot Improvements
	Total Expenditures Fund 001 - Department 3600	424,907.00	31,874.00	456,781.00	
	Expenditures - General Fund - Department - Recreation				
001-4000-461.30-06	CONTRACT SVC REPAIR/MAINT / REPAIR/MAINT-EQUIPMENT	3,000.00	4,241.00	7,241.00	PO 28696 Copier maintenance
001-4000-461.32-05	CONTRACT SVC-RENTAL/LEASE / EQUIPMENT RENT	1,500.00	120.00	1,620.00	PO 28678 Easy up tents, delivery and set up
001-4000-461.32-06	CONTRACT SVC-RENTAL/LEASE / LEASE/PURCHASE PAYMENTS	2,500.00	1,003.00	3,503.00	PO 28697 Copier lease
001-4000-461.36-09	DEPARTMENTAL SUPPLIES / RECREATION SUPPLIES	13,500.00	187.00	13,687.00	PO 29021 & 29022 jumpers and first aid supplies
001-4000-461.89-49	NONCAPITALIZED ASSETS / COMPUTER SOFTWARE	2,000.00	5,900.00	7,900.00	PO 28731 CivicRec management software
001-4000-461.90-15	CAPITAL EXPENDITURES / BUILDING IMPROVEMENTS		48,830.00	48,830.00	PO 29012 Community Center / Senior Center
	Total Expenditures Fund 001 - Department 4000	377,769.00	60,281.00	438,050.00	
	Expenditures - General Fund - Department - Senior Center				
001-4050-461.30-06	CONTRACT SVC REPAIR/MAINT / REPAIR/MAINT-EQUIPMENT	2,000.00	352.00	2,352.00	PO 28519 Printer maintenance & supplies
001-4050-461.32-06	CONTRACT SVC-RENTAL/LEASE / LEASE/PURCHASE PAYMENTS	3,000.00	303.00	3,303.00	PO 28739 Copier rental
	Total Expenditures Fund 001 - Department 4050	118,208.00	655.00	118,863.00	
	Expenditures - General Fund - Department - Central Services				
001-4500-412.30-06	CONTRACT SVC REPAIR/MAINT / REPAIR/MAINT-EQUIPMENT	12,500.00	28,453.00	40,953.00	PO 28696 Copier maintenance
001-4500-412.32-06	CONTRACT SVC-RENTAL/LEASE / LEASE/PURCHASE PAYMENTS	12,060.00	6,273.00	18,333.00	PO 28697 & 28821 Copier lease
001-4500-412.33-11	CONTRACT SVC-PROFESSIONAL / PROFESSIONAL SERVICES	6,500.00	637.00	7,137.00	PO 28162 & 28681 Documentation Services
	Total Expenditures Fund 001 - Department 4800	983,911.00	35,363.00	1,019,274.00	
	Expenditures - General Fund - Department - Community Enhancement				
001-5400-446.41-86	SUNDRY CHARGES/SPC PRGRMS / COMMUNITY PROMOTION	5,000.00	4,098.00	9,098.00	PO 29016, 29023, 29027 - 4th of July PO s created in June 2018, needed to roll over to pay in July FY 2019
	Total Expenditures Fund 001 - Department 5400	76,500.00	4,098.00	80,598.00	
	Total Fund 001 - General Fund - Revenue				
	Total Fund 001 - General Fund - Expenditures	18,167,303.00	-	18,167,303.00	
	Net Fund 001 - General Fund Balance	18,112,689.00	504,012.00	18,616,701.00	
		54,614.00	(504,012.00)	(449,398.00)	
	Fund 002 - Developer Deposit Fund				
	Expenditures - Developer Deposit Fund - Department - Planning				
002-2800-441.33-05	CONTRACT SVC-PROFESSIONAL / ENVIRONMENTAL REVIEW	81,120.00	56,410.00	137,530.00	PO 25131, 26371, 27356 & 28839 Financial Analysis, inspection services, environmental documents and CEQA

Account	Account Description	FY 2019 Adopted Budget 6-26-2018 Reso 2018-85	Continuing Appropriations and Encumbrances	FY2019 Amended Budget 11-13-18	Continuing Appropriation or Encumbrance Comment/Justification
002-2800-441.33-11	CONTRACT SVC-PROFESSIONAL / PROFESSIONAL SERVICES		7,063.00	7,063.00	PO 26486 Rancho San Goronio project mgmt services
	Total Expenditures Fund 002 - Department 2800	81,120.00	63,473.00	144,593.00	
	Total Fund 002 - Developer Deposit Fund - Revenue	81,120.00	-	81,120.00	
	Total Fund 002 - Developer Deposit Fund - Expenditures	81,120.00	63,473.00	144,593.00	
	Net Fund 002 - Developer Deposit Fund Balance	-	(63,473.00)	(63,473.00)	
Fund 005 - SA Admin Fund					
Expenditures - SA Admin Fund - Department - City Manager - Economic Development					
005-1210-412.33-11	CONTRACT SVC-PROFESSIONAL / PROFESSIONAL SERVICES	10,000.00	583.00	10,583.00	PO 23791 Redevelopment plan
	Total Expenditures Fund 005 - Department 1210	16,010.00	583.00	16,593.00	
	Total Fund 005 - SA Admin Fund - Revenue	250,000.00	-	250,000.00	
	Total Fund 005 - SA Admin Fund - Expenditures	16,010.00	583.00	16,593.00	
	Net Fund 005 - SA Admin Fund Balance	233,990.00	(583.00)	233,407.00	
Fund 100 - Gas Tax Street Fund					
Expenditures - Gas Tax Street Fund - Department - Gas Tax - Street					
100-4900-431.23-17	CONTRACTUAL SERVICES / TREE TRIMMING SERVICE	12,500.00	4,800.00	17,300.00	PO 29014 Tree trimming services - remove and grind large dead pine tree PO created in FY2018 with FY18 budget and work completed in FY2019
100-4900-431.30-09	CONTRACT SVC REPAIR/MAINT / REPAIR/MAINT-TRFFC SIGN	25,000.00	9,194.00	34,194.00	PO 28207 Traffic signal maintenance as needed
100-4900-431.38-58	SUPPLIES-TECHNICAL SPLS / BITUMINOUS MATERIALS	1,500.00	1,500.00	3,000.00	PO 28997 Asphalt PO 29025 ATP Cycle 2 project no at PL-5214(012)
100-4900-431.93-21	CAP EXPEND-INFRASTRUCTURE / ATP CYCLE 2		137,525.00	137,525.00	ST18G1 Bicycle and safe routes to school improvements
100-4900-431.93-27	CAP EXPEND-INFRASTRUCTURE / TRAFFIC SIGNALS/SYNCHRO		36,748.00	36,748.00	PO 28665 Project HSIPL-5214 (010) Traffic Signal system improvements on Ramsey Street (Gas Tax & Measure A funding)
	Total Expenditures Fund 100 - Department 4900	1,256,888.00	189,767.00	1,446,655.00	
	Total Fund 100 - Gas Tax Street Fund - Revenue	3,061,933.00	-	3,061,933.00	
	Total Fund 100 - Gas Tax Street Fund - Expenditures	1,256,888.00	189,767.00	1,446,655.00	
	Net Fund 100 - Gas Tax Street Fund Balance	1,805,045.00	(189,767.00)	1,615,278.00	
Fund 101 - Measure A Street Fund					
Expenditures - Measure A Street Fund - Department - Gas Tax - Street					

Account	Account Description	FY 2019 Adopted Budget 6-26-2018 Reso 2018-85	Continuing Appropriations and Encumbrances	FY2019 Amended Budget 11-13-18	Continuing Appropriation or Encumbrance Comment/Justification
101-4900-431.93-16	CAP EXPEND-INFRASTRUCTURE / MEASURE A ST IMPROVEMEN Total Expenditures Fund 101 - Department 4901	-	78,919.00	78,919.00	PO 28264 Project 2016-03 Street Repairs at various locations & 28665 Project HSIPL-5214 (010) Traffic Signal system improvements on Ramsey Street (Gas Tax & Measure A funding)
	Total Fund 101 - Measure A Street Fund - Revenue	592,500.00	-	592,500.00	
	Total Fund 101 - Measure A Street Fund - Expenditures	-	78,919.00	78,919.00	
	Net Fund 101 - Measure A Street Fund Balance	592,500.00	(78,919.00)	513,581.00	
Fund 110 - CDBG Fund					
Expenditures - CDBG Fund - FY16 Grant					
110-5500-461.90-82	CAPITAL EXPENDITURES / COMM CENTER REHAB Total Expenditures Fund 110 - Department 5516	179,476.00	175,046.00	354,522.00	PO 29012Project #CD17GO \$2530 Project #CD18GO \$172516
	Total Fund 110 - CDBG Fund - Revenue	179,476.00	-	179,476.00	
	Total Fund 110 - CDBG Fund - Expenditures	179,476.00	175,046.00	354,522.00	
	Net Fund 110 - CDBG Fund Balance	-	(175,046.00)	(175,046.00)	
Fund 111 - Landscape Maintenance					
Expenditures - Landscape Maintenance - Department - Gas Tax - Street					
111-4900-432.23-29	CONTRACTUAL SERVICES / LANDSCAPE MAINTENANCE	65,000.00	1,200.00	66,200.00	PO 28881 Nursery greenhouse supply-Mulch, topsoil, decomposed granite, plants
111-4900-432.90-72	CAPITAL EXPENDITURES / LANDSCAPE MAINT. DESIGN Total Expenditures Fund 111 - Department 4900	129,650.00	14,153.00	143,803.00	PO 28493 LMD Redesign consultant services
	Total Fund 111 - Landscape Maintenance - Revenue	139,793.00	-	139,793.00	
	Total Fund 111 - Landscape Maintenance - Expenditures	129,650.00	15,353.00	145,003.00	
	Net Fund 111 - Landscape Maintenance Balance	10,143.00	(15,353.00)	(5,210.00)	
Fund 148 - Supplemental Law Enforcement					
Expenditure - Supplemental Law Enforcement - Department - Police					
148-2200-421.32-06	CONTRACTUAL SVCS-RENT/LSE / LEASE/PURCHASE PAYMENTS		1,233.00	1,233.00	PO 28697 Copier machine lease
148-2200-421.36-62	DEPARTMENTAL SUPPLIES / SPECIAL DEPARTMENTAL SPLY Total Expenditures Fund 148 - Department 2200	100,000.00	7,287.00	107,287.00	PO 28756 & 28829 Storage container & security system
	Total Fund 148 - Supplemental Law Enforcement - Revenue	100,000.00	-	100,000.00	
	Total Fund 148 - Supplemental Law Enforcement - Expenditures	100,000.00	8,520.00	108,520.00	

City of Banning Banning Utility Authority
 2018 12 11 Continuing Appropriations for Council Approval
 FY 2019 Resolutions 2018-155 and 2018-23 UA

Account	Account Description	FY 2019 Adopted Budget 6-26-2018 Reso 2018-85	Continuing Appropriations and Encumbrances	FY2019 Amended Budget 11-13-18	Continuing Appropriation or Encumbrance Comment/Justification
	Net Fund 148 - Supplemental Law Enforcement Balance	-	(8,520.00)	(8,520.00)	
Fund 203 - Police Volunteer Fund					
203-2200-446.36-04	Expenditures - Police Volunteer Fund - Department - Police DEPARTMENTAL SUPPLIES / CLOTHING/ACCOUNTERMENTS	750.00	642.00	1,392.00	PO 28875 uniforms for volunteers
	Total Expenditures Fund 203 - Department 2200	1,500.00	642.00	2,142.00	
	Total Fund 203 - Police Volunteer Fund - Revenue	1,500.00	-	1,500.00	
	Total Fund 203 - Police Volunteer Fund - Expenditures	1,500.00	642.00	2,142.00	
	Net Fund 203 - Police Volunteer Fund Balance	-	(642.00)	(642.00)	
Fund 430 - General Facilities Fund					
Expenditures - General Facilities Fund - Department - General Facilities					
430-2900-441.33-11	CONTRACT SVC-PROFESSIONAL / PROFESSIONAL SERVICES	200,000.00	1,183.00	201,183.00	PO 28292 Architectural planning and programming of City Facilities
430-2900-441.90-15	CAPITAL EXPENDITURES / BUILDING IMPROVEMENTS	200,000.00	2,845.00	2,845.00	PO 28388 HVAC assessment Services/Design services line item balance remaining on PO
	Total Expenditures Fund 430 - Department 2900	200,000.00	4,028.00	204,028.00	
	Total Fund 430 - General Facilities Fund - Revenue	1,400.00	-	1,400.00	
	Total Fund 430 - General Facilities Fund - Expenditures	200,000.00	4,028.00	204,028.00	
	Net Fund 430 - General Facilities Fund Balance	(198,600.00)	(4,028.00)	(202,628.00)	
Fund 451 - Park Development Fund					
Expenditures - Park Development Fund - Department - Parks					
451-3600-461.90-69	CAPITAL EXPENDITURES / LIONS PARK IMPROVEMENTS	-	44,540.00	44,540.00	PO 28227 & 28580 Lion's Park Expansion Design Services
	Total Expenditures Fund 451 - Department 3600	-	44,540.00	44,540.00	
	Total Fund 451 - Park Development Fund - Revenue	-	-	-	
	Total Fund 451 - Park Development Fund - Expenditures	-	44,540.00	44,540.00	
	Net Fund 451 - Park Development Fund Balance	-	(44,540.00)	(44,540.00)	
Fund 600 - Airport Fund					
Expenditures					
600-5100-435.30-06	CONTRACT SVC REPAIR/MAINT / REPAIR/MAINT-EQUIPMENT	10,000.00	435.00	10,435.00	PO 28915 Fuel tank inspections, annual AQMD Testing
	Total Expenditures Fund 600 - Department 5100	195,478.00	435.00	195,913.00	
	Total Fund 600 - Airport Fund - Revenue	177,650.00	-	177,650.00	

City of Banning Banning Utility Authority

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Exhibit "A"

Account	Account Description	FY 2019 Adopted Budget 6-26-2018 Reso 2018-85	Continuing Appropriations and Encumbrances	FY2019 Amended Budget 11-13-18	Continuing Appropriation or Encumbrance Comment/Justification
Total Fund 600 - Airport Fund - Expenditures					
	Net Fund 600 - Airport Fund Balance	195,478.00	435.00	195,913.00	
		(17,828.00)	(435.00)	(18,263.00)	
Fund 610 - Transit Fund					
Expenditures - Transit Fund					
610-5800-434.30-06	CONTRACT SVC REPAIR/MAINT / REPAIR/MAINT-EQUIPMENT	4,000.00	4,241.00	8,241.00	PO 28696 Copier/Printer Maintenance
610-5800-434.32-06	CONTRACT SVC-RENTAL/LEASE / LEASE/PURCHASE PAYMENTS	1,200.00	1,003.00	2,203.00	PO 28697 Copier Lease Payments
610-5800-434.90-15	CAPITAL EXPENDITURES / BUILDING IMPROVEMENTS		32,088.00	32,088.00	PO 29012 Community Center / Senior Center
	Total Expenditures Fund 610 - Department 5800	1,821,204.00	37,332.00	1,858,536.00	
Expenditures - Transit Fund - Department - Dial-A-Ride					
610-5850-434.90-56	CAPITAL EXPENDITURES / MACHINERY/EQUIPMENT		102,178.00	102,178.00	PO 28901 Project#TR1801 Mini bus replacement
	Total Expenditures Fund 610 - Department 5850	208,427.00	102,178.00	310,605.00	
	Total Fund 610 - Transit Fund - Revenue	2,178,246.00	-	2,178,246.00	
	Total Fund 610 - Transit Fund - Expenditures	2,029,631.00	139,510.00	2,169,141.00	
	Net Fund 610 - Transit Fund Balance	148,615.00	(139,510.00)	9,105.00	
Fund 670 - Electric Fund					
Expenditures - Electric Fund - Department - Electric					
670-7000-473.23-01	CONTRACTUAL SERVICES / ADVERTISING/PUBLISHING	2,000.00	32.00	2,032.00	PO 28873 Bill printing & mailing services /Newsletter
670-7000-473.23-17	CONTRACTUAL SERVICES / TREE TRIMMING SERVICE	150,000.00	114,800.00	264,800.00	PO 28387 Utility tree trimming services
670-7000-473.30-06	CONTRACT SVC REPAIR/MAINT / REPAIR/MAINT-EQUIPMENT	10,000.00	2,872.00	12,872.00	PO 28696 Copier Maintenance
670-7000-473.32-06	CONTRACT SVC-RENTAL/LEASE / LEASE/PURCHASE PAYMENTS	17,914.00	2,160.00	20,074.00	PO 28697 Copier Lease Payments
670-7000-473.33-11	CONTRACT SVC-PROFESSIONAL / PROFESSIONAL SERVICES	235,000.00	7,689.00	242,689.00	PO 27713 & 28808 Electric utility cost of service analysis and reimbursable travel exp, Feasibility study CIS/ERP Consulting Services
670-7000-473.36-00	ELECTRIC / DEPARTMENTAL SUPPLIES	8,500.00	144.00	8,644.00	PO 28285 Printer supplies
670-7000-473.45-05	SPECIAL UTILITY COSTS / SUBSTATION EXPENSE	75,000.00	19,040.00	94,040.00	PO 28868, 28976 & 29015 Oxygen, acetylene and nitrogen gases, Electric substation equipment maintenance, steel diamond plate
670-7000-473.89-48	NONCAPITALIZED ASSETS / COMPUTER HARDWARE	10,000.00	582.00	10,582.00	PO 28285 printers
670-7000-473.90-15	CAPITAL EXPENDITURES / BUILDING IMPROVEMENTS		1,968.00	1,968.00	PO 28264 street repairs
	Total Expenditures Fund 670 - Department 7000	13,104,660.00	149,287.00	13,253,947.00	
	Total Fund 670 - Electric Fund - Revenue	31,190,264.00	-	31,190,264.00	
	Total Fund 670 - Electric Fund - Expenditures	30,841,636.00	149,287.00	30,990,923.00	
	Net Fund 670 - Electric Fund Balance	348,628.00	(149,287.00)	199,341.00	

Account	Account Description	FY 2019 Adopted Budget 6-26-2018 Reso 2018-85	Continuing Appropriations and Encumbrances	FY2019 Amended Budget 11-13-18	Continuing Appropriation or Encumbrance Comment/Justification
Fund 673 - Electric Improvement Fund					
Expenditures - Electric Improvement Fund - Department - Electric					
673-7000-473.33-11	CONTRACT SVC-PROFESSIONAL / PROFESSIONAL SERVICES		2,366.00	2,366.00	PO 28292 Architectural and Programming of City Facilities
673-7000-473.93-02	CAP EXPEND-INFRASTRUCTURE / SUNSET GRADE SEPARATION		6,400.00	6,400.00	PO 27652 Sunset Grade separation project additional electrical engineering
673-7000-473.95-31	SPECIAL UTILITY CAP ITEMS / SMART METER PROJECT	3,045,058.00	98,330.00	3,143,388.00	PO 28230 & 28258 Development and project management, installation services AMR/AMI Project (Smart Meter)
	Total Expenditures Fund 673 - Department 7000	3,045,058.00	107,096.00	3,152,154.00	
	Total Fund 673 - Electric Improvement Fund - Revenue	21,000.00	-	21,000.00	
	Total Fund 673 - Electric Improvement Fund - Expenditures	3,045,058.00	107,096.00	3,152,154.00	
	Net Fund 673 - Electric Improvement Fund Balance	(3,024,058.00)	(107,096.00)	(3,131,154.00)	
Fund 674 - Electric Revenue Bond Project Fund					
Expenditures - Electric Revenue Bond Project Fund - Department - Electric					
674-7000-473.33-11	CONTRACT SVC-PROFESSIONAL / PROFESSIONAL SERVICES		6,290.00	6,290.00	PO 27350 Engineering & Design services for Substations
674-7000-473.90-11	CAPITAL EXPENDITURES / NEW BUILDING-CITY YARDS		440.00	440.00	PO 27899 Re-Key & master key building PO 26071 & 26634, Electrical easement preparation, project management service for the downtown underground conversion project
674-7000-473.96-29	SPL UTIL CAP-SPL PROJECTS / D.T. UG CONV/DEC LIGHTI	482,000.00	167,042.00	649,042.00	PO 27350, 28185 & 28592 Engineering & design services for substations, Aloha substation metal clad switchboard, multifunction relays, 333KVA and 550 KVA pole type transformer.
674-7000-473.96-32	SPL UTIL CAP-SPL PROJECTS / ALOLA SUBSTATION	1,150,000.00	522,338.00	1,672,338.00	PO 27350 & 28185 Engineering & Design services for Substations, Airport substation metal clad switchboard, multifunction relays,
674-7000-473.96-33	SPL UTIL CAP-SPL PROJECTS / AIRPORT SUBSTATION		72,193.00	72,193.00	
	Total Expenditures Fund 674 - Department 7000	1,632,000.00	768,303.00	2,400,303.00	
	Total Fund 674 - Electric Revenue Bond Project Fund - Revenue	5,000.00	-	5,000.00	
	Total Fund 674 - Electric Revenue Bond Project Fund - Expenditures	1,632,000.00	768,303.00	2,400,303.00	
	Net Fund 674 - Electric Revenue Bond Project Fund Balance	(1,627,000.00)	(768,303.00)	(2,395,303.00)	
Fund 690 - Refuse Fund					
Expenditures - Refuse Fund - Department - Refuse					

Account	Account Description	FY 2019 Adopted Budget 6-26-2018 Reso 2018-85	Continuing Appropriations and Encumbrances	FY2019 Amended Budget 11-13-18	Continuing Appropriation or Encumbrance Comment/Justification
690-9600-453.23-01	CONTRACTUAL SERVICES / ADVERTISING/PUBLISHING		153.00	153.00	PO 28650 & 28873 Bill printing, mailing services, newsletters
690-9600-453.33-11	CONTRACT SVC-PROFESSIONAL / PROFESSIONAL SERVICES		367.00	367.00	PO 28808 Feasibility study CIS/ERP consulting services
690-9600-453.45-15	SPECIAL UTILITY COSTS / RECYCLING EXPENSES	5,000.00	472.00	5,472.00	PO 29030 HCS/SC5 Double station with Footpetal customization, liners, lifecycle software license liners and accessories
	Total Expenditures Fund 690 - Department 9600	3,468,053.00	992.00	3,469,045.00	
	Total Fund 690 - Refuse Fund - Revenue	3,621,014.00	-	3,621,014.00	
	Total Fund 690 - Refuse Fund - Expenditures	3,468,053.00	992.00	3,469,045.00	
	Net Fund 690 - Refuse Fund Balance	152,961.00	(992.00)	151,969.00	
Fund 702 - Fleet Maintenance Fund					
Expenditures - Fleet Maintenance Fund - Department - Fleet Maintenance					
702-3800-480.30-05	CONTRACT SVC REPAIR/MAINT / REPAIR/MAINT-VEHICLES	100,000.00	8,368.00		PO 28654, 28782, 28783, 28794, 28795, 28926 & 29003 Repairs for diesel particulate filters, towing services, parts & services for John Deere equipment, vehicle smog inspections, hydraulic cylinder repair, auto parts, automotive air conditioning repairs
702-3800-480.30-06	CONTRACT SVC REPAIR/MAINT / REPAIR/MAINT-EQUIPMENT	30,000.00	7,875.00	37,875.00	PO 28915 & 28967 Fuel tank inspections & annual AQMD testing, parts & services and needed for CNG Repairs
702-3800-480.30-17	CONTRACT SVC REPAIR/MAINT / REPAIR/MAINT-SOFTWARE	6,000.00	1,005.00	7,005.00	PO 28600 & 28655 CNG pump credit card processing software, Cummins onsite pro dealer heavy duty truck diagnostic software
702-3800-480.38-52	SUPPLIES- TECHNICAL SPLS / AUTO PARTS	130,000.00	16,443.00		PO 28781, 28783, 28868, 28883, 28887, & 28896 Batteries, parts & services for John Deere equipment, Oxygen, acetylene and nitrogen gases, Auto parts as needed, vehicle equipmnet & parts
702-3800-480.90-77	CAPITAL EXPENDITURES / ALTERNATE FUELING SYSTEM	1,200,000.00	33,095.00	1,233,095.00	PO 28236 Design services and assessment of existing CNG Fueling Station
	Total Expenditures Fund 702 - Department 3800	2,524,058.00	66,786.00	2,590,844.00	
	Total Fund 702 - Fleet Maintenance Fund - Revenue	2,528,905.00	-	2,528,905.00	
	Total Fund 702 - Fleet Maintenance Fund - Expenditures	2,524,058.00	66,786.00	2,590,844.00	
	Net Fund 702 - Fleet Maintenance Fund Balance	4,847.00	(66,786.00)	(61,939.00)	

Account	Account Description	FY 2019 Adopted Budget 6-26-2018 Reso 2018-85	Continuing Appropriations and Encumbrances	FY2019 Amended Budget 11-13-18	Continuing Appropriation or Encumbrance Comment/Justification
Fund 703 - Information Systems Services Fund					
Expenditures - Information Systems Services Fund - Department - Information Systems Services					
703-3700-480.30-19	CONTRACT SVC REPAIR/MAINT / REPAIR/MAINT-HDWRE-CNTR	12,733.00	1,726.00	14,459.00	PO 28697 & 28831 Copier lease payments, satellite phones
703-3700-480.33-11	CONTRACT SVC-PROFESSIONAL / PROFESSIONAL SERVICES	12,480.00	1,883.00	14,363.00	PO 28162, 28681 & 28694 Documentation management services, & Storage
703-3700-480.36-56	DEPARTMENTAL SUPPLIES / COMPUTER SUPPLIES	1,000.00	386.00	1,386.00	PO 29175 Computer supplies
	Total Expenditures Fund 703 - Department 3700	441,301.00	3,995.00	445,296.00	
	Total Fund 703 - Information Systems Services Fund - Revenue	441,651.00	-	441,651.00	
	Total Fund 703 - Information Systems Services Fund - Expenditures	441,301.00	3,995.00	445,296.00	
	Net Fund 703 - Information Systems Services Fund Balance	350.00	(3,995.00)	(3,645.00)	
Fund 761 - Utility Billing Administration Fund					
Expenditures - Utility Billing Administration Fund - Department - Utility Billing, Account & Collection Service					
761-3100-480.23-04	CONTRACTUAL SERVICES / POSTAGE/MAILING COSTS	63,000.00	5,276.00	68,276.00	PO 28650 Printing, mailing bills, postage
761-3100-480.23-43	CONTRACTUAL SERVICES / COURIER SERVICES	7,700.00	2,443.00	10,143.00	PO 28837 Armored car services
761-3100-480.23-52	CONTRACTUAL SERVICES / CREDIT CARD FEES	146,000.00	205.00	146,205.00	PO 28652 Superior Transaction Manager
761-3100-480.30-06	CONTRACT SVC REPAIR/MAINT / REPAIR/MAINT-EQUIPMENT	2,400.00	3,495.00	5,895.00	PO 28696 Printer maintenance & use
761-3100-480.30-17	CONTRACT SVC REPAIR/MAINT / REPAIR/MAINT-SOFTWARE	36,000.00	314.00	36,314.00	PO 28974 Online utility exchange reports
761-3100-480.32-06	CONTRACT SVC-RENTAL/LEASE / LEASE/PURCHASE PAYMENTS	2,100.00	1,254.00	3,354.00	PO 28697 Copier lease payments
761-3100-480.33-11	CONTRACT SVC-PROFESSIONAL / PROFESSIONAL SERVICES	32,449.00	405.00	32,854.00	PO 28650 Data processing & mail prep
761-3100-480.90-56	CAPITAL EXPENDITURES / MACHINERY/EQUIPMENT		2,181.00	2,181.00	PO 28680 Mail folding machine
	Total Expenditures Fund 761 - Department 3100	1,584,312.00	15,573.00	1,599,885.00	
	Total Fund 761 - Utility Billing Administration Fund - Revenue	2,183,511.00	-	2,183,511.00	
	Total Fund 761 - Utility Billing Administration Fund - Expenditures	2,183,511.00	15,573.00	2,199,084.00	
	Net Fund 761 - Utility Billing Administration Fund Balance	-	(15,573.00)	(15,573.00)	
Fund 855 - 2007 TABS Bond Proceeds Fund					
Expenditures - 2007 TABS Bond Proceeds Fund - Department - Tax Allocation Bonds					
855-9500-490.90-30	CAPITAL EXPENDITURES / ROOSEVELT WMS PARK IMPROV		173,862.00	173,862.00	PO 28623 Roosevelt WMS Park Improvements
855-9500-490.93-30	CAP EXPEND-INFRASTRUCTURE / RAMSEY ST IMPROVEMENTS		32,136.00	32,136.00	PO 27392 Design of improvements at the intersection of Ramsey and Hargrave Streets
	Total Expenditures Fund 855 - Department 9500	-	205,998.00	205,998.00	
	Total Fund 855 - 2007 TABS Bond Proceeds Fund - Revenue	-	-	-	
	Total Fund 855 - 2007 TABS Bond Proceeds Fund - Expenditures	-	205,998.00	205,998.00	
	Net Fund 855 - 2007 TABS Bond Proceeds Fund Balance	-	(205,998.00)	(205,998.00)	

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Account	Account Description	FY 2019 Adopted Budget 6-26-2018 Reso 2018-85	Continuing Appropriations and Encumbrances	FY2019 Amended Budget 11-13-18	Continuing Appropriation or Encumbrance Comment/Justification
Fund 856 - 2003 TABS Bond Proceeds Fund					
Expenditures - 2003 TABS Bond Proceeds Fund - Department - Tax Allocation Bonds					
856-9500-490.93-15	CAP EXPEND-INFRASTRUCTURE / STREET IMPROVEMENTS	-	118,689.00	118,689.00	PO 28270 & 28563 Design of Ramsey and Hathaway St Roadway Improvements, Real estate appraisal services as needed, for ROW, for design of the reconstruction and widening of Ramsey Street and Hathaway
	Total Expenditures Fund 856 - Department 9500	-	118,689.00	118,689.00	
	Total Fund 856 - 2003 TABS Bond Proceeds Fund - Revenue	-	-	-	
	Total Fund 856 - 2003 TABS Bond Proceeds Fund - Expenditures	-	118,689.00	118,689.00	
	Net Fund 856 - 2003 TABS Bond Proceeds Fund Balance	-	(118,689.00)	(118,689.00)	

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Account	Account Description	FY 2019 Adopted Budget 6-26-2018 Reso 2018-85	Continuing Appropriations and Encumbrances	FY2019 Amended Budget 11-13-18	Continuing Appropriation or Encumbrance Comment/Justification
Banning Utility Authority (BUA) Funds - Resolution 2018-23 UA					
Fund 660 - Water Fund					
Expenditures - Water Fund - Department - Water					
660-6300-471.23-01	CONTRACTUAL SERVICES / ADVERTISING/PUBLISHING	2,500.00	239.00	2,739.00	PO 28873 & 28949 Bill printing & mailing services /Newsletter
660-6300-471.23-32	CONTRACTUAL SERVICES / LABORATORY SERVICES	65,000.00	18,915.00	83,915.00	PO 28636 Monitoring / Testing Wells and WWTP
660-6300-471.23-37	CONTRACTUAL SERVICES / NPDES STORM WATER EXPENSE	25,000.00	3,150.00	28,150.00	PO 28811 Trash amendment requirements: Mapping bus stops, storm drains and drainage areas
660-6300-471.30-06	CONTRACT SVC REPAIR/MAINT / REPAIR/MAINT-EQUIPMENT	9,500.00	1,422.00	10,922.00	PO 28696 & 28859 Copie Maintenance & misc truck bed parts and tools
660-6300-471.32-06	CONTRACT SVC-RENTAL/LEASE / LEASE/PURCHASE PAYMENTS	41,265.00	1,811.00	43,076.00	PO 28697 Copier Lease Payments
660-6300-471.33-11	CONTRACT SVC-PROFESSIONAL / PROFESSIONAL SERVICES	270,000.00	201,521.00	471,521.00	PO 26423, 28485, 28808, & 28840 Rate Study, IRWM program development and mgmt services, Feasibility study CIS/ERP, & GIS Mapping
660-6300-471.36-08	DEPARTMENTAL SUPPLIES / CHEMLS/GASES/POOL SUP/DRG	32,500.00	14,573.00	47,073.00	PO 28645, 28717, 28868 & 28886 No 68 Well lubrication Oil, propane gas, oxygen, acetylene, and nitrogen gas, 125% bleach sodium hypochlorite
660-6300-471.41-46	SUNDRY CHARGES/SPC PRGRMS / COMMUNITY PROMOTIONS	15,000.00	2,835.00	17,835.00	PO 28650 bill, printing flyers & mailing services PO 28651, 28737 & 28910 Electric services for water & wastewater pump motors & booster stations , groundwater audit services, welding services for water division.
660-6300-471.45-06	SPECIAL UTILITY COSTS / WELLS/PUMP EQUIP EXPENSE	75,000.00	9,708.00	84,708.00	PO 28264, 28626, 28716, 28903, 28950, & 29028 Asphalt services, testing and certification of backflow city wide, trench shoring equipment, SCADA maintenance, repair and calibration of meters, water pipe fittings, valves
660-6300-471.45-08	SPECIAL UTILITY COSTS / WTR DISTRIBUTION SYS EXP	255,000.00	63,265.00	318,265.00	PO 28999 water pipe fittings valves tools
660-6300-471.45-16	SPECIAL UTILITY COSTS / TOOLS/MISC SUPPLIES	12,500.00	696.00	13,196.00	PO 28869 & 28882 Cold mix temp asphalt & class II base and fill sand
660-6300-471.45-17	SPECIAL UTILITY COSTS / AGGREGATE/ASPHALT	35,000.00	13,685.00	48,685.00	PO 28698 Fence and gate repair as needed
660-6300-471.89-22	NONCAPITALIZED ASSETS / FENCING IMPROVEMENTS		5,059.00	5,059.00	PO 28951 Dump truck purchase
660-6300-471.90-51	CAPITAL EXPENDITURES / AUTOMOTIVE EQUIPMENT		121,499.00	121,499.00	

City of Banning Banning Utility Authority
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Account	Account Description	FY 2019 Adopted Budget 6-26-2018 Reso 2018-85	Continuing Appropriations and Encumbrances	FY2019 Amended Budget 11-13-18	Continuing Appropriation or Encumbrance Comment/Justification
660-6300-471.90-78	CAPITAL EXPENDITURES / PLANNING/DESIGN-CAPITAL	300,000.00	17,311.00	317,311.00	PO 27177, 28292 & 28858 Water Main replacement design, architectural planning and programming of city facilities, water supply verification
660-6300-471.95-08	SPECIAL UTILITY CAP ITEMS / WELLS/PUMPING EQUIPMENT	157,343.00	60,834.00	218,177.00	PO 28909 Repair of wells 3 electric, M-7 and M-10 Project 2017-17w
	Total Expenditures Fund 660 - Department 6300	9,912,731.00	536,523.00	10,449,254.00	
	Total Fund 660 - Water Fund - Revenue	10,088,730.00	-	10,088,730.00	
	Total Fund 660 - Water Fund - Expenditures	9,912,731.00	536,523.00	10,449,254.00	
	Net Fund 660 - Water Fund Balance	175,999.00	(536,523.00)	(360,524.00)	
Fund 661 - Water Capital Facilities Fund					
Expenditures - Water Capital Facilities Fund - Department - Water					
661-6300-471.95-08	SPECIAL UTILITY CAP ITEMS / WELLS/PUMPING EQUIPMENT	2,037,500.00	18,228.00	2,055,728.00	PO 27858 Repairs to wells and boosters Proj 2016-01W
661-6300-471.95-09	SPECIAL UTILITY CAP ITEMS / RESERVOIRS	250,000.00	98,670.00	348,670.00	PO 28914 CLA-VAL water valves
	Total Expenditures Fund 661 - Department 6300	2,287,500.00	116,898.00	2,404,398.00	
	Total Fund 661 - Water Capital Facilities Fund - Revenue	44,000.00	-	44,000.00	
	Total Fund 661 - Water Capital Facilities Fund - Expenditures	2,287,500.00	116,898.00	2,404,398.00	
	Net Fund 661 - Water Capital Facilities Fund Balance	(2,243,500.00)	(116,898.00)	(2,360,398.00)	
Fund 663 - BUA Water Capital Project Fund					
Expenditures - BUA Water Capital Project Fund - Department - Water					
663-6300-471.90-78	CAPITAL EXPENDITURES / PLANNING/DESIGN-CAPITAL		24,930.00	24,930.00	PO 27967 Banning Canyon water main replacement design
663-6300-471.95-10	SPECIAL UTILITY CAP ITEMS / WATER MAINS		309,112.00	309,112.00	PO 28753, 28798, 28815, 28830 & 28880 Environmental services, monitoring in support of the Banning water canyon pipeline replacement project, pipes & valves, restoration construction, Contract administration services
663-6300-471.96-35	SPL UTIL CAP-SPL PROJECTS / FLUME RESTORATION PROJE		23,195.00	23,195.00	PO 27497, 27504, & 29033 preparation of the San Gorgonio project, Environmental and permitting services for Flume, Legal services for Flume
	Total Expenditures Fund 663 - Department 6300	-	357,237.00	357,237.00	
	Total Fund 663 - BUA Water Capital Project Fund - Revenue	3,500.00	-	3,500.00	

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Account	Account Description	FY 2019 Adopted Budget 6-26-2018 Reso 2018-85	Continuing Appropriations and Encumbrances	FY2019 Amended Budget 11-13-18	Continuing Appropriation or Encumbrance Comment/Justification
Total Fund 663 - BUA Water Capital Project Fund - Expenditures					
Net Fund 663 - BUA Water Capital Project Fund Balance		-	357,237.00	357,237.00	
		3,500.00	(357,237.00)	(353,737.00)	
Fund 680 - Wastewater Fund					
Expenditures - Wastewater Fund - Department - Wastewater					
680-8000-454.23-01	CONTRACTUAL SERVICES / ADVERTISING/PUBLISHING	2,500.00	239.00	2,739.00	PO 28873 & 28949 Bill printing & mailing services /Newsletter
680-8000-454.23-32	CONTRACTUAL SERVICES / LABORATORY SERVICES	12,500.00	1,491.00	13,991.00	PO 28636 Testing at Wastewater Treatment plant
680-8000-454.23-36	CONTRACTUAL SERVICES / SLUDGE HAULING	25,000.00	25,000.00	50,000.00	PO 28848 Sludge removal
680-8000-454.30-07	CONTRACT SVC REPAIR/MAINT / REPAIR/MAINT-FENCING	15,000.00	4,862.00	19,862.00	PO 28698 Fence & gate repairs as needed
680-8000-454.33-11	CONTRACT SVC-PROFESSIONAL / PROFESSIONAL SERVICES	5,000.00	5,385.00	10,385.00	PO 26423 & 28840 Rate Study, GIS Mapping
680-8000-454.36-08	DEPARTMENTAL SUPPLIES / CHMCLS/GASES/POOL SUPPLS	30,000.00	6,679.00	36,679.00	PO 28763 Ferric Sulfate
680-8000-454.45-09	SPECIAL UTILITY COSTS / SEWER COLL SYSTEM EXPENSE	85,000.00	1,504.00	86,504.00	PO 28928 & 29026 Application of root killer withn the City sewer, Wastewater roach control services within sewer
680-8000-454.90-78	CAPITAL EXPENDITURES / PLANNING/DESIGN-CAPITAL	500,000.00	791.00	500,791.00	PO 28292 Architectural and Programming of City Facilities
680-8000-454.95-12	SPECIAL UTILITY CAP ITEMS / TREATMENT PLANT IMPROV	106,438.00	50,144.00	156,582.00	PO 28281 Anaerobic Digester Dome seal repair and cleaing
Total Expenditures Fund 680 - Department 8000		3,984,998.00	96,095.00	4,081,093.00	
Total Fund 680 - Wastewater Fund - Revenue		3,386,900.00	-	3,386,900.00	
Total Fund 680 - Wastewater Fund - Expenditures		3,984,998.00	96,095.00	4,081,093.00	
Net Fund 680 - Wastewater Fund Balance		(598,098.00)	(96,095.00)	(694,193.00)	
Fund 683 - BUA Wastewater Capital Project Fund					
Expenditures - BUA Wastewater Capital Project Fund - Department - Wastewater					
683-8000-454.90-78	CAPITAL EXPENDITURES / PLANNING/DESIGN-CAPITAL	-	228,408.00	228,408.00	PO 20185 WWTP Expansion
Total Expenditures Fund 683 - Department 8000		-	228,408.00	228,408.00	
Total Fund 683 - BUA Wastewater Capital Project Fund - Revenue		4,000.00	-	4,000.00	
Total Fund 683 - BUA Wastewater Capital Project Fund - Expenditures		-	228,408.00	228,408.00	
Net Fund 683 - BUA Wastewater Capital Project Fund Balance		4,000.00	(228,408.00)	(224,408.00)	
Total All Funds					
Revenue		93,443,195.00	-	93,443,195.00	
Operating Expenditures		88,808,439.00	3,996,528.00	92,804,967.00	
Capital Expenditures		26,510,901.00		26,510,901.00	
Total Expenditures		115,319,340.00	3,996,528.00	119,315,868.00	



**CITY OF BANNING
BANNING UTILITY AUTHORITY REPORT**

TO: BANNING UTILITY AUTHORITY

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works
Tammi Phillips, Management Analyst

MEETING DATE: December 11, 2018

SUBJECT: Adopt Resolution 2018-20 UA, Approving an Increase of \$9,500 to the Purchase Order with Haaker Equipment Company for Services and Repairs to the City of Banning's Vacuum Trucks

RECOMMENDED ACTION:

The Banning Utility Authority adopt Resolution 2018-20 UA:

1. Increasing Fiscal Year 2019 purchase order with Haaker Equipment Company for services and repairs to the City's vacuum trucks in the amount of \$9,500 for a total purchase order amount of \$34,367.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to Resolution 2018-20 UA.

BACKGROUND:

The Public Works Department, Wastewater Division owns and operates two vacuum trucks (1997 and 2007) which are used to clean and maintain the City's sewer collection system to prevent wastewater spills and occasionally to clean storm drain inlets.

A purchase order (PO 29059) for Haaker Equipment Company of La Verne, CA was issued for fiscal year 2019 and, due to an unanticipated repair to one of the vacuum trucks, has reached an expenditure amount of \$24,867. Adding additional funds to the purchase order is necessary to cover additional unplanned repairs as well as anticipated expenses for scheduled maintenance for the remainder of fiscal year 2019.

JUSTIFICATION:

The two vacuum trucks play a critical role in cleaning and maintaining the City's wastewater collection system. Having available funds on the Haaker purchase order will allow the Wastewater Division to quickly respond to unplanned repairs to the vacuum trucks and to proceed with planned maintenance on the equipment.

The City Manager's signing authority is \$25,000, therefore City Council's approval of Resolution 2018-20 UA is required in order to increase the Haaker purchase order.

FISCAL IMPACT:

If approved, the total purchase order amount will be \$34,367. The increase to the purchase order will be funded from Account No. 680-8000-454.30-06 (Repair/Maint. Equipment).

ALTERNATIVE:

Reject the Resolution 2018-20 UA, which may cause delays in making repairs to the vacuum trucks and may postpone planned maintenance of the equipment.

ATTACHMENTS:

1. Resolution 2018-20 UA

Approved by:



Douglas Schulze
City Manager

ATTACHMENT 1

Resolution 2018-20 UA

RESOLUTION 2018-20 UA

A RESOLUTION OF THE BANNING UTILITY AUTHORITY OF BANNING, CALIFORNIA, ADOPT RESOLUTION 2018-20 UA, APPROVING AN INCREASE OF \$9,500 TO THE PURCHASE ORDER WITH HAAKER EQUIPMENT COMPANY FOR SERVICES AND REPAIRS TO THE CITY OF BANNING'S VACUUM TRUCKS

WHEREAS, the City of Banning owns and operates two vacuum cleaner trucks (1997 and 2007) which are used to clean and maintain the City's sewer collection system to prevent wastewater spills and occasionally to clean storm drain inlets; and

WHEREAS, a purchase order (PO 29059) for Haaker Equipment Company of La Verne, CA was issued for fiscal year 2019 and, due to an unanticipated repair to one of the vacuum trucks, has reached an expenditure amount of \$24,867; and

WHEREAS additional funds in the amount of \$9,500 to the Haaker Equipment Company purchase order is necessary to cover additional unplanned repairs as well as anticipated expenses for scheduled maintenance for the remainder of fiscal year 2019; and

WHEREAS, the total purchase order amount will be \$34,367 and will be funded from Account No. 680-8000-454.30-06.

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 2018-20 UA increasing fiscal year 2019 purchase order with Haaker Equipment Company for services and repairs to the City's vacuum trucks in the amount of \$9,500.

SECTION 2. The City Manager or his designee is authorized to make necessary budget adjustments, appropriations and transfers related to Resolution 2018-20 UA

PASSED, APPROVED AND ADOPTED this 11th day of December, 2018.

, Chairman
Banning Utility Authority

ATTEST:

Laurie Sampson, Acting Deputy Secretary

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

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

CERTIFICATION:

I, Laurie Sampson, Acting Deputy Secretary of the Banning Utility Authority of Banning, California, do hereby certify that the foregoing Resolution 2018-20 UA was duly adopted by the Banning Utility Authority of the City of Banning, California, at a Regular Meeting thereof held on the 11th day of December, 2018, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Laurie Sampson, Acting Secretary
Banning Utility Authority
City of Banning, California



**CITY OF BANNING
BANNING UTILITY AUTHORITY REPORT**

TO: BANNING UTILITY AUTHORITY

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works
Luis Cardenas, Senior Civil Engineer

MEETING DATE: December 11, 2018

SUBJECT: Resolution 2018-21 UA, Approving an Agreement in the Amount of \$179,885 with Layne Christensen Company for Repairs to Well 3 Pelton Wheel, Wells 9, M-4, M-5, M-8 and MP-1; Establishing a Total Project Budget of \$197,874; and Rejecting all Other Bids

RECOMMENDED ACTION:

The Banning Utility Authority adopt Resolution 2018-21 UA:

1. Approving an Agreement with Layne Christensen Company for the Repairs to Well 3 Pelton Wheel, Wells 9, M-4, M-5, M-8 and MP-1 in the amount of \$179,885 and a 10% contingency in the amount of \$17,989 to cover unforeseen conditions and reject all other bids.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Agreement with Layne Christensen Company of Redlands, CA for the "Repairs to Well 3 Pelton Wheel, Wells 9, M-4, M-5, M-8 and MP-1" and to approve change orders within the 10% contingency.
3. Authorizing the City Manager or his designee to execute the Agreement with Layne Christensen Company for the "Repairs to Well 3 Pelton Wheel, Wells 9, M-4, M-5, M-8 and MP-1".

BACKGROUND:

The City owns and operates 21 groundwater production wells. Over time, various factors can lead to mechanical or electrical failures that require repairs beyond the normal maintenance. Staff has identified six wells that are in need of immediate repairs.

The Pelton wheel and pump on Well 3 was last pulled and worked on in 2009. The Pelton wheel and pump will be pulled and disassembled. A complete report and repairs analysis will be conducted and a color video log of the well will be created. Pumps will be pulled and disassembled on Wells 9 and MP-1 and repaired as needed. Pumps will be pulled on wells M-4, M-5, and M-8 since they are dedicated monitoring wells and the pumps are no longer needed, but are obstructing important measurements that are needed for reporting purposes.

Water Department staff put together a scope of work of the likely repairs and new equipment needed to get the above-mentioned wells back in working order. Actual repairs and parts needed will be evaluated once the Pelton wheel and pumps are pulled, video logs are created and evaluated.

JUSTIFICATION:

The City of Banning currently depends 100% on groundwater wells to meet its water demands. Having wells out of service or not functioning to capacity limits operational flexibility and puts at risk the reliability of the water system. City staff have made all possible repairs in-house, but have determined that the services of a well contractor are needed.

Staff advertised an invitation for bids in the Press Enterprise (Attachment 3), and through its PlanetBids web page. Five firms attended the mandatory pre-bid meeting, including the field walkthrough of each site. Three bids were submitted and are summarized as follows:

Firm Name	Schedule A Bid Amount	Schedule B Bid Amount
Layne Christensen Company	\$ 97,855.00	\$ 82,030.00
L.O. Lynch Quality Wells & Pumps, Inc.	no bid	\$ 95,979.00
South West Pump & Drilling, Inc.	no bid	\$ 146,518.99

The lowest responsive bid was from Layne Christensen Company from Redlands, CA, for both Schedule A and Schedule B.

FISCAL IMPACT:

Staff recommends to award both Schedule A and B and therefore the Agreement with Layne Christensen Company is in the amount of \$179,885 and a 10% contingency in the amount of \$17,989 for a total project budget of \$197,874, which will be paid for from Account No. 660-6300-471.45-06 (Wells/Pumping Equipment).

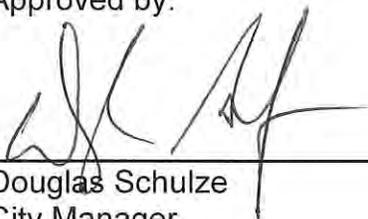
ALTERNATIVE:

Do not approve and provide alternative direction. Not funding repairs to wells and pumps could have serious consequences, such as the inability to maintain reliable water service to the community.

ATTACHMENTS:

1. Resolution 2018-21 UA
2. Agreement
3. Invitation For Bids, Legal Ad, and Addendums

Approved by:



Douglas Schulze
City Manager

ATTACHMENT 1

Resolution 2018-21 UA

RESOLUTION 2018-21 UA

A RESOLUTION OF THE BANNING UTILITY AUTHORITY OF BANNING, CALIFORNIA, APPROVING AN AGREEMENT IN THE AMOUNT OF \$179,885 WITH LAYNE CHRISTENSEN COMPANY FOR THE REPAIRS TO WELL 3 PELTON WHEEL, WELLS 9, M-4, M-5, M-8 AND MP-1; ESTABLISHING A TOTAL PROJECT BUDGET OF \$197,874; AND REJECTING ALL OTHER BIDS

WHEREAS, the City of Banning owns and operates a public water system that supplies domestic water to approximately 29,500 people through approximately 10,500 service connections; and

WHEREAS, the City owns and operates 21 groundwater production wells; and

WHEREAS, six (6) wells are in need of repairs; and

WHEREAS, staff advertised an invitation for bids for qualified contractors using the PlanetBids system, and through the Press Enterprise; and

WHEREAS, three bids were received; and

WHEREAS, Layne Christensen Company of Redlands, CA was the lowest responsive bidder in the amount of \$179,885.

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 2018-21 UA Approving an Agreement with Layne Christensen Company of Redlands, CA for the Repairs to Well 3 Pelton Wheel, Wells 9, M-4, M-5, M-8 and MP-1 in the amount of \$179,885 and a 10% contingency in the amount of \$17,989 to cover unforeseen conditions for a total project budget of \$197,874 and rejecting all other bids.

SECTION 2. The City Manager or his designee is authorized to make necessary budget adjustments, appropriations and transfers related to the Agreement for "Repairs to Well 3 Pelton Wheel, Wells 9, M-4, M-5, M-8 and MP-1" and approve change orders within the 10% contingency.

SECTION 3. The City Manager or his designee is authorized to execute the Agreement with Layne Christensen Company for "Repairs to Well 3 Pelton Wheel, Wells 9, M-4, M-5, M-8 and MP-1".

PASSED, ADOPTED AND APPROVED this 11th day of December, 2018.

_____, Chairman
Banning Utility Authority

ATTEST:

Laurie Sampson, Acting Deputy Secretary

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

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

CERTIFICATION:

I, Laurie Sampson, Acting Deputy Secretary of the Banning Utility Authority of Banning, California, do hereby certify that the foregoing Resolution 2018-21 UA was duly adopted by the Banning Utility Authority of the City of Banning, California, at a Regular Meeting thereof held on the 11th day of December, 2018, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Laurie Sampson, Acting Deputy Secretary
Banning Utility Authority
City of Banning, California

ATTACHMENT 2

Agreement

AGREEMENT FOR CONTRACT SERVICES

By and Between

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

and

**LAYNE CHRISTENSEN COMPANY,
A DELAWARE CORPORATION**

**AGREEMENT FOR CONTRACT SERVICES
BETWEEN
THE CITY OF BANNING, CALIFORNIA
AND
LAYNE CHRISTENSEN COMPANY**

THIS AGREEMENT FOR CONTRACT SERVICES (herein "Agreement") is made and entered into this 11th day of December, 2018 by and between the **CITY OF BANNING, a municipal corporation** ("City") and **LAYNE CHRISTENSEN COMPANY, a Delaware corporation** and licensed contractor (California License Number 510011) ("Contractor"). City and Contractor are sometimes hereinafter individually referred to as "Party" and hereinafter collectively referred to as the "Parties."

RECITALS

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

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

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

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

OPERATIVE PROVISIONS

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

ARTICLE 1. SERVICES OF CONTRACTOR

1.1 Scope of Services.

In compliance with all terms and conditions of this Agreement, the Contractor shall provide those Services specified in the "Scope of Services" attached hereto as Exhibit "A" and "A-1" and incorporated herein by this reference, which Services may be referred to herein as the "Services" or "Work" hereunder. As a material inducement to the City entering into this Agreement, Contractor represents and warrants that it has the qualifications, experience, and facilities necessary to properly perform the Services required under this Agreement in a thorough, competent, and professional manner, and is experienced in performing the Work and Services contemplated herein. Contractor shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all Services described herein. Contractor covenants that it shall follow the highest professional standards in performing the Work and Services required hereunder and that all materials will be of good quality, fit for the purpose intended. For purposes

of this Agreement, the phrase “highest professional standards” shall mean those standards of practice recognized by one or more first-class firms performing similar work under similar circumstances.

1.2 Contractor’s Proposal.

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

1.3 Compliance with Law.

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

1.4 Licenses, Permits, Fees and Assessments.

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

1.5 Familiarity with Work.

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

1.6 Care of Work.

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

1.7 Warranty.

Contractor warrants all under the Agreement (which for purposes of this Section shall be deemed to include unauthorized Work which has not been removed and any non-conforming materials incorporated into the Work) to be of good quality and free from any defective or faulty material and workmanship. Contractor agrees to warranty labor for ninety (90) days. Parts, materials, and workmanship for a period of one year (or the period of time specified elsewhere in the Agreement or in any guarantee or warranty provided by any manufacturer or supplier of equipment or materials incorporated into the Work, whichever is later) after the date of final acceptance, Contractor shall within ten (10) days after being notified in writing by the City of any defect in the Work or non-conformance of the Work to the Agreement, commence and prosecute with due diligence all Work necessary to fulfill the terms of the warranty at his sole cost and expense. Contractor shall act sooner as requested by the City in response to an emergency. In addition, Contractor shall, at its sole cost and expense, repair and replace any portions of the Work (or work of other contractors) damaged by its defective Work or which becomes damaged in the course of repairing or replacing defective Work. Contractor shall perform such tests as the City may require to verify that any corrective actions, including, without limitation, redesign, repairs, and replacements comply with the requirements of the Agreement. All costs associated with such corrective actions and testing, including the removal, replacement, and reinstatement of equipment and materials necessary to gain access, shall be the sole responsibility of the Contractor. All warranties and guarantees of subcontractors, suppliers and manufacturers with respect to any portion of the Work, whether express or implied, are deemed to be obtained by Contractor for the benefit of the City, regardless of whether or not such warranties and guarantees have been transferred or assigned to the City by separate agreement and Contractor agrees to enforce such warranties and guarantees, if necessary, on behalf of the City. In the event that Contractor fails to perform its obligations under this Section, or under any other warranty or guaranty under this Agreement, to the reasonable satisfaction of the City, the City shall have the right to correct and replace any defective or non-conforming Work and any Work damaged by such Work or the replacement or correction thereof at Contractor's sole expense. Contractor shall be obligated to fully reimburse the City for any expenses incurred hereunder upon demand. This provision may be waived in Exhibit "B" if the Services hereunder do not include construction of any improvements or the supplying of equipment or materials.

1.8 Prevailing Wages.

Contractor is aware of the requirements of California Labor Code Section 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, Section 1600, et seq., ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on "Public Works" and "Maintenance" projects. If the Services are being performed as part of an applicable "Public Works" or "Maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is \$1,000.00 or more, Contractor agrees to fully comply with such Prevailing Wage Laws. City shall provide Contractor with a copy of the prevailing rates of per diem wages in effect at the commencement of this Agreement. Contractor shall make copies of the prevailing rates of per diem wages for each craft, classification or type of worker needed to execute the Services available to interested parties upon request, and shall post copies at the Contractor's principal place of business and at the project site. Contractor shall defend, indemnify and hold the City, its elected officials, officers, employees and agents free and harmless from any claim or liability arising out of any failure or alleged failure to comply with the Prevailing Wage Laws.

1.9 Further Responsibilities of Parties.

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

1.10 Additional Services.

City shall have the right at any time during the performance of the Services, without invalidating this Agreement, to order extra Work beyond that specified in the Scope of Services or make changes by altering, adding to or deducting from said Work. No such extra Work may be undertaken unless a written order is first given by the Contract Officer to the Contractor, incorporating therein any adjustment in (i) the Contract Sum, and/or (ii) the time to perform this Agreement, which said adjustments are subject to the written approval of the Contractor. Any increase in compensation of up to five percent (5%) of the Contract Sum or \$25,000.00, whichever is less; or in the time to perform of up to one hundred eighty (180) days may be approved by the Contract Officer. Any greater increases, taken either separately or cumulatively must be approved by the City Council. It is expressly understood by Contractor that the provisions of this Section shall not apply to Services specifically set forth in the Scope of Services or reasonably contemplated therein. Contractor hereby acknowledges that it accepts the risk that the Services to be provided pursuant to the Scope of Services may be more costly or time consuming than Contractor anticipates and that Contractor shall not be entitled to additional compensation therefor.

1.11 Special Requirements.

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

ARTICLE 2. COMPENSATION AND METHOD OF PAYMENT.

2.1 Contract Sum.

Subject to any limitations set forth in this Agreement, City agrees to pay Contractor the amounts specified in the "Schedule of Compensation" attached hereto as Exhibit "C" and "C-1", and incorporated herein by this reference. The total compensation, including reimbursement for actual expenses, shall not exceed, ONE HUNDRED SEVENTY-NINE THOUSAND EIGHT HUNDRED EIGHTY-FIVE DOLLARS (\$179,885.00) (the "Contract Sum"), unless additional compensation is approved pursuant to Section 1.10.

2.2 Method of Compensation.

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

2.3 Reimbursable Expenses.

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

2.4 Invoices.

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

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

2.5 Waiver.

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

ARTICLE 3. PERFORMANCE SCHEDULE

3.1 Time of Essence.

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

3.2 Schedule of Performance.

Contractor shall commence the Services pursuant to this Agreement upon receipt of a written notice to proceed and shall perform all Services within the time period(s) established in the "Schedule of Performance" attached hereto as Exhibit "D" and incorporated herein by this reference.

3.3 Force Majeure.

The time period(s) specified in the Schedule of Performance for performance of the Services rendered pursuant to this Agreement shall be extended because of any delays due to unforeseeable causes beyond the control and without the fault or negligence of the Contractor,

including, but not restricted to, acts of God or of the public enemy, unusually severe weather, fires, earthquakes, floods, epidemics, quarantine restrictions, riots, strikes, freight embargoes, wars, litigation, and/or acts of any governmental agency, including the City, if the Contractor shall within ten (10) days of the commencement of such delay notify the Contract Officer in writing of the causes of the delay. The Contract Officer shall ascertain the facts and the extent of delay, and extend the time for performing the Services for the period of the enforced delay when and if in the judgment of the Contract Officer such delay is justified. The Contract Officer's determination shall be final and conclusive upon the parties to this Agreement. In no event shall Contractor be entitled to recover damages against the City for any delay in the performance of this Agreement, however caused, Contractor's sole remedy being extension of the Agreement pursuant to this Section.

3.4 Inspection and Final Acceptance.

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

3.5 Term.

Unless earlier terminated in accordance with Article 7 of this Agreement, the term of this Agreement shall commence upon execution by both Parties and shall expire on December 10, 2019, or extended in writing in advance by both Parties. Maximum term and any subsequent amendment or modification shall not exceed five (5) years.

ARTICLE 4. COORDINATION OF WORK

4.1 Representatives and Personnel of Contractor.

The following principal of Contractor (Principal) is hereby designated as being the principal and representative of Contractor authorized to act in its behalf with respect to the Work specified herein and make all decisions in connection therewith.

Todd A. Howard, General Manager

4.2 Representative Name, Title.

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

assigned to perform the Services required under this Agreement. Contractor shall notify City of any changes in Contractor's staff and subcontractors, if any, assigned to perform the Services required under this Agreement, prior to and during any such performance.

4.3 Status of Contractor.

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

4.4 Contract Officer.

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

4.5 Independent Contractor.

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

4.6 Prohibition Against Subcontracting or Assignment.

The experience, knowledge, capability and reputation of Contractor, its principals and employees were a substantial inducement for the City to enter into this Agreement. Therefore, Contractor shall not contract with any other entity to perform in whole or in part the Services required hereunder without the express written approval of the City. In addition, neither this Agreement nor any interest herein may be transferred, assigned, conveyed, hypothecated or encumbered voluntarily or by operation of law, whether for the benefit of creditors or otherwise, without the prior written approval of City. Transfers restricted hereunder shall include the transfer to any person or group of persons acting in concert of more than twenty-five percent (25%) of the present ownership and/or control of Contractor, taking all transfers into account on a cumulative

basis. In the event of any such unapproved transfer, including any bankruptcy proceeding, this Agreement shall be void. No approved transfer shall release the Contractor or any surety of Contractor of any liability hereunder without the express consent of City.

ARTICLE 5. INSURANCE, INDEMNIFICATION AND BONDS

5.1 Insurance Coverages.

Throughout the life of this Agreement, Contractor shall pay for and maintain in full force and effect all policies of insurance required hereunder with an insurance company(ies) that meet the standards specified in Section 5.5. The following policies of insurance are required:

(i) COMMERCIAL GENERAL LIABILITY insurance which shall be at least as broad as the most current version of Insurance Services Office (ISO) Commercial General Liability Coverage Form CG 00 01 and include insurance for “bodily injury,” “property damage” and “personal and advertising injury” with coverage for premises and operations (including the use of owned and non-owned equipment), products and completed operations, and contractual liability (including, without limitation, indemnity obligations under the Contract) with limits of liability of not less than the following:

\$2,000,000 per occurrence for bodily injury and property damage

\$1,000,000 per occurrence for personal and advertising injury

\$4,000,000 aggregate for products and completed operations

\$4,000,000 general aggregate

(ii) COMMERCIAL AUTOMOBILE LIABILITY insurance which shall be at least as broad as the most current version of Insurance Service Office (ISO) Business Auto Coverage Form CA 00 01, and include coverage for all owned, hired, and non-owned automobiles or other licensed vehicles (Code 1 Any Auto) with limits of liability of not less than \$1,000,000 per accident for bodily injury and property damage.

(iii) WORKERS’ COMPENSATION insurance as required under the California Labor Code.

(iv) EMPLOYERS’ LIABILITY insurance with limits of liability of not less than \$1,000,000 each accident, \$1,000,000 disease policy limit and \$1,000,000 disease each employee.

(v) PROFESSIONAL LIABILITY Professional Liability (Errors and Omissions) insurance appropriate to Contractor’s profession, with limits of liability of \$2,000,000 per claim/occurrence and \$2,000,000 policy aggregate.

In the event Contractor purchases an Umbrella or Excess insurance policy(ies) to meet the minimum limits of insurance set forth above, this insurance policy(ies) shall “follow form” and afford no less coverage than the primary insurance policy(ies).

If this Agreement continues for more than three (3) years duration, or in the event the City Manager or his/her designee determines that the work or Services to be performed under this Agreement

creates an increased or decreased risk of loss to the City, the Contractor agrees that the minimum limits of the insurance policies may be changed accordingly upon receipt of written notice from the City Manager, or his/her designee.

Contractor shall be responsible for payment of any deductibles contained in any insurance policies required hereunder and Contractor shall also be responsible for payment of any self-insured retentions.

Any deductibles or self-insured retentions must be declared to, and approved by, the City Manager or his/her designee. At the option of the City Manager or his/her designee, either: (i) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects to City, its Council members, officers, officials, employees and agents; or (ii) Contractor shall provide a financial guarantee, satisfactory to the City Manager or his/her designee, guaranteeing payment of losses and related investigations, claim administration and defense expenses. At no time shall the City be responsible for the payment of any deductibles or self-insured retentions.

5.2 General Requirements.

All policies of insurance required hereunder shall be endorsed to provide that the coverage shall not be cancelled, non-renewed, reduced in coverage or in limits except after 30 calendar day written notice has been given to City. Upon issuance by the insurer, broker, or agent of a notice of cancellation, non-renewal, or reduction in coverage or in limits, Contractor shall furnish City with a new certificate and applicable endorsements for such policy(ies). In the event any policy is due to expire during the work to be performed for City, Contractor shall provide a new certificate, and applicable endorsements, evidencing renewal of such policy not less than 15 calendar days prior to the expiration date of the expiring policy.

The General Liability and Automobile Liability insurance policies shall be written on an occurrence form. The General Liability (including ongoing and completed operations) and Automobile Liability shall name City and its officers, officials, employees, agents and volunteers as an additional insured. Such policy(ies) of insurance shall be endorsed so Contractor's insurance shall be primary and no contribution shall be required of City. The coverage shall contain no special limitations on the scope of protection afforded to the City and its officers, officials, employees, agents and volunteers. The Workers' Compensation insurance policy shall contain a waiver of subrogation as to City and its officers, officials, employees, agents and volunteers. Should Contractor maintain insurance with broader coverage and/or limits of liability greater than those shown above, City requires and shall be entitled to the broader coverage and/or the higher limits of liability maintained by Contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to City.

If the Professional Liability (Errors and Omissions) insurance policy is written on a claims-made form:

1. The retroactive date must be shown, and must be before the effective date of the Agreement or the commencement of work by Contractor.

2. Insurance must be maintained and evidence of insurance must be provided for at least three years after any expiration or termination of the Agreement or, in the alternative, the policy shall be endorsed to provide not less than a three-year discovery period.

3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a retroactive date prior to the effective date of the Agreement or the commencement of work by Contractor, Contractor must purchase extended reporting coverage for a minimum of three years following the expiration or termination of the Agreement.

4. A copy of the claims reporting requirements must be submitted to City for review.

5. These requirements shall survive expiration or termination of the Agreement.

Contractor shall furnish City with all certificate(s) and applicable endorsements effecting coverage required hereunder. All certificates and applicable endorsements are to be received and approved by the City Manager or his/her designee prior to City's execution of the Agreement and before work commences.

If at any time during the life of this Agreement or any extension, Contractor or any of its subcontractors fail to maintain any required insurance in full force and effect, all work under this Agreement shall be discontinued immediately, and all payments due or that become due to Contractor shall be withheld until notice is received by City that the required insurance has been restored to full force and effect and that the premiums therefore have been paid for a period satisfactory to City. Any failure to maintain the required insurance shall be sufficient cause for City to terminate this Agreement. No action taken by City hereunder shall in any way relieve Contractor of its responsibilities under this Agreement.

Upon request of City, Contractor shall immediately furnish City with a complete copy of any insurance policy required under this Agreement, including all endorsements, with said copy certified by the underwriter to be a true and correct copy of the original policy. This requirement shall survive expiration or termination of this Agreement.

The fact that insurance is obtained by Contractor shall not be deemed to release or diminish the liability of Contractor, including, without limitation, liability under the indemnity provisions of this Agreement. The duty to indemnify City and its officers, officials, employees, agents and volunteers shall apply to all claims and liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by Contractor. Approval or purchase of any insurance contracts or policies shall in no way relieve from liability nor limit the liability of Contractor, its principals, officers, employees, agents, persons under the supervision of Contractor, vendors, suppliers, invitees, subcontractors, or anyone employed directly or indirectly by any of them.

If Contractor should subcontract all or any portion of the Services to be performed under this Agreement, Contractor shall require each subcontractor to provide insurance protection in favor of City and its officers, officials, employees, agents and volunteers in accordance with the terms of each of the preceding paragraphs, except that the subcontractors' certificates and endorsements shall be on file with Contractor and City prior to the commencement of any work by the subcontractor.

5.3 Indemnification, Hold Harmless, and Duty to Defend.

A. Indemnities.

1) To the fullest extent permitted by law, Contractor shall, at its sole cost and expense, defend, hold harmless and indemnify City and its elected officials, officers,

attorneys, agents, employees, designated volunteers, successors, assigns and those City agents serving as independent contractors in the role of City officials (collectively "Indemnites"), from and against any and all damages, costs, expenses, liabilities, claims, demands, causes of action, proceedings, expenses, judgments, penalties, liens, and losses of any nature whatsoever, including fees of accountants, attorneys, or other professionals and all costs associated therewith and the payment of all consequential damages (collectively "Liabilities"), in law or equity, whether actual, alleged or threatened, which arise out of, are claimed to arise out of, pertain to, or relate to the acts or omissions of Contractor, its officers, agents, servants, employees, subcontractors, materialmen, Contractors or their officers, agents, servants or employees (or any entity or individual that Contractor shall bear the legal liability thereof) in the performance of this Agreement, including the Indemnites' active or passive negligence, except for Liabilities arising from the sole negligence or willful misconduct of the Indemnites as determined by court decision or by the agreement of the Parties. Contractor shall defend the Indemnites in any action or actions filed in connection with any Liabilities with counsel of the Indemnites' choice, and shall pay all costs and expenses, including all attorneys' fees and experts' costs actually incurred in connection with such defense. Contractor shall reimburse the Indemnites for any and all legal expenses and costs incurred by Indemnites in connection therewith.

2) Contractor shall pay all required taxes on amounts paid to Contractor under this Agreement, and indemnify and hold City harmless from any and all taxes, assessments, penalties, and interest asserted against City by reason of the independent contractor relationship created by this Agreement. Contractor shall fully comply with the workers' compensation law regarding Contractor and Contractor's employees. Contractor shall indemnify and hold City harmless from any failure of Contractor to comply with applicable workers' compensation laws. City may offset against the amount of any fees due to Contractor under this Agreement any amount due to City from Contractor as a result of Contractor's failure to promptly pay to City any reimbursement or indemnification arising under this subparagraph A.2).

3) Contractor shall obtain executed indemnity agreements with provisions identical to those in this Section from each and every subcontractor or any other person or entity involved by, for, with or on behalf of Contractor in the performance of this Agreement. If Contractor fails to obtain such indemnity obligations, Contractor shall be fully responsible and indemnify, hold harmless and defend the Indemnites from and against any and all Liabilities at law or in equity, whether actual, alleged or threatened, which arise out of, are claimed to arise out of, pertain to, or relate to the acts or omissions of Contractor's subcontractor, its officers, agents, servants, employees, subcontractors, materialmen, Contractors or their officers, agents, servants or employees (or any entity or individual that Contractor's subcontractor shall bear the legal liability thereof) in the performance of this Agreement, including the Indemnites' active or passive negligence, except for Liabilities arising from the sole negligence or willful misconduct of the Indemnites as determined by court decision or by the agreement of the Parties.

B. Workers' Compensation Acts not Limiting. Contractor's indemnifications and obligations under this Section, or any other provision of this Agreement, shall not be limited by the provisions of any workers' compensation act or similar act. Contractor expressly waives its statutory immunity under such statutes or laws as to City, its officers, agents, employees and volunteers.

C. Insurance Requirements not Limiting. City does not, and shall not, waive any rights that it may possess against Contractor because of the acceptance by City, or the deposit with City, of any insurance policy or certificate required pursuant to this Agreement. The

indemnities in this Section shall apply regardless of whether or not any insurance policies are determined to be applicable to the Liabilities, tax, assessment, penalty or interest asserted against City.

D. Survival of Terms. Contractor's indemnifications and obligations under this Section shall survive the expiration or termination of this Agreement.

5.4 Performance Bond.

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

5.5 Sufficiency of Insurer or Surety.

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

ARTICLE 6. RECORDS, REPORTS, AND RELEASE OF INFORMATION

6.1 Records.

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

6.2 Reports.

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

6.3 Ownership of Documents.

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

6.4 Confidentiality and Release of Information.

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

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

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

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

ARTICLE 7. ENFORCEMENT OF AGREEMENT AND TERMINATION

7.1 California Law.

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

7.2 Disputes; Default.

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

7.3 Retention of Funds.

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

7.4 Waiver.

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

7.5 Rights and Remedies are Cumulative.

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

7.6 Legal Action.

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

7.7 Liquidated Damages.

Since the determination of actual damages for any delay in performance of this Agreement would be extremely difficult or impractical to determine in the event of a breach of this Agreement, the Contractor and its sureties shall be liable for and shall pay to the City the sum of Five Hundred Dollars (\$500.00) as liquidated damages for each working day of delay in the performance of any service required hereunder, as specified in the Schedule of Performance (Exhibit "D"). The City may withhold from any monies payable on account of Services performed by the Contractor any accrued liquidated damages.

7.8 Termination Prior to Expiration of Term.

This Section shall govern any termination of this Contract except as specifically provided in the following Section for termination for cause. The City reserves the right to terminate this Contract at any time, with or without cause, upon thirty (30) days' written notice to Contractor, except that where termination is due to the fault of the Contractor, the period of notice may be such shorter time as may be determined by the Contract Officer. In addition, the Contractor reserves the right to terminate this Contract at any time, with or without cause, upon sixty (60) days' written notice to City, except that where termination is due to the fault of the City, the period of notice may be such shorter time as the Contractor may determine. Upon receipt of any notice of termination, Contractor shall immediately cease all Services hereunder except such as may be specifically approved by the Contract Officer. Except where the Contractor has initiated termination, the Contractor shall be entitled to compensation for all Services rendered prior to the effective date of the notice of termination and for any Services authorized by the Contract Officer

thereafter in accordance with the Schedule of Compensation or such as may be approved by the Contract Officer, except as provided in Section 7.3. In the event the Contractor has initiated termination, the Contractor shall be entitled to compensation only for the reasonable value of the Work product actually produced hereunder. In the event of termination without cause pursuant to this Section, the terminating Party need not provide the non-terminating Party with the opportunity to cure pursuant to Section 7.2.

7.9 Termination for Default of Contractor.

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

7.10 Attorneys' Fees.

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

ARTICLE 8. CITY OFFICERS AND EMPLOYEES: NON-DISCRIMINATION

8.1 Non-liability of City Officers and Employees.

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

8.2 Conflict of Interest.

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

No officer or employee of the City shall have any financial interest, direct or indirect, in this Agreement nor shall any such officer or employee participate in any decision relating to the

Agreement which effects his financial interest or the financial interest of any corporation, partnership or association in which he is, directly or indirectly, interested, in violation of any State statute or regulation. The Contractor warrants that it has not paid or given and will not pay or give any third party any money or other consideration for obtaining this Agreement.

8.3 Covenant Against Discrimination.

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

8.4 Unauthorized Aliens.

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

ARTICLE 9. MISCELLANEOUS PROVISIONS

9.1 Notices.

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

9.2 Interpretation.

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

9.3 Counterparts.

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

9.4 Integration; Amendment.

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

9.5 Severability.

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

9.6 Corporate Authority.

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

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF the Parties hereto have executed this contract the day and year first hereinabove written.

CITY OF BANNING

CONTRACTOR

Douglas Schulze, City Manager

By: _____
NAME:
TITLE:

By: _____
NAME:
TITLE:

ATTEST:

Laurie Sampson, Acting Deputy City Clerk

Tax ID No.

CONTRACTOR'S ADDRESS:

1717 W Park Ave

Redlands, CA 92373

APPROVED AS TO FORM:
Richards, Watson & Gershon

Kevin G. Ennis, Esq., City Attorney

Two signatures are required if a corporation

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 _____, 20__ 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.

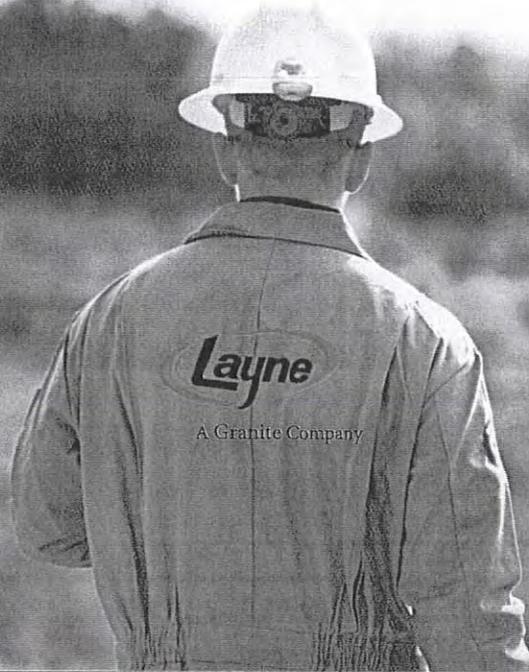
<p><input type="checkbox"/> CAPACITY CLAIMED BY SIGNER</p> <p><input type="checkbox"/> INDIVIDUAL</p> <p><input type="checkbox"/> CORPORATE OFFICER</p> <p>_____</p> <p><input type="checkbox"/> PARTNER(S) <input type="checkbox"/> LIMITED</p> <p><input type="checkbox"/> ATTORNEY-IN-FACT <input type="checkbox"/> GENERAL</p> <p><input type="checkbox"/> TRUSTEE(S)</p> <p><input type="checkbox"/> GUARDIAN/CONSERVATOR</p> <p><input type="checkbox"/> OTHER _____</p> <p>_____</p> <p>SIGNER IS REPRESENTING: (NAME OF PERSON(S) OR ENTITY(IES))</p> <p>_____</p> <p>_____</p>	<p>DESCRIPTION OF ATTACHED DOCUMENT</p> <p>_____</p> <p>TITLE OR TYPE OF DOCUMENT</p> <p>_____</p> <p>NUMBER OF PAGES</p> <p>_____</p> <p>DATE OF DOCUMENT</p> <p>_____</p> <p>SIGNER(S) OTHER THAN NAMED ABOVE</p>
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EXHIBIT "A"
SCOPE OF SERVICES

I. Contractor will perform the following Services:

As specified in Scope of Work proposal dated November 1, 2018, Exhibit "A-1".

EXHIBIT A-1



CITY OF BANNING

PELTON WHEEL AND WELL REPAIR

INVITATION FOR BID# 19-008

PROPOSAL BY: Cheyne Wells, P.E.
LAYNE CHRISTENSEN COMPANY
1717 W Park Ave
Redlands CA 92373
PH: 909.390.2833
FX: 909.390.5540
www.layne.com



**FEE PROPOSAL
PELTON WHEEL REPAIR
SCHEDULE A**

TASK NO.	DESCRIPTION OF ITEM	QTY	UNIT	UNIT PRICE	EXT. PRICE
1.	Pelton Wheel removal, transport, disassembly, anticipated repair report and estimate. Cost for repair not included and will be determined after inspection	1	ea	\$20,845.00	\$20,845.00
2.	Vertical Turbine pump removal, transport, and disassembly.	1	ea	\$4,065.00	\$4,065.00
3.	Final Repair report and analysis.	1	ea	\$920.00	\$920.00
4a.	Rebuild Bowl Assembly	1	ea	\$12,725.00	\$12,725.00
4b.	20' replacement column Assumes 4 columns at 20' each	4	ea	\$1,080.00	\$4,320.00
4c.	Replacement tube and shaft assembly	4	ea	\$1,130.00	\$4,520.00
4d.	Top Stretch Tube	1	ea	\$250.00	\$250.00
4e.	Stretch Assembly Bearing	1	ea	\$140.00	\$140.00
4f.	Replace Bowl Assembly	1	ea	\$34,965.00	\$34,965.00
4g.	New Column and Inner Column Includes QTY (1) 10' Column	1	ea	\$10,670.00	\$10,670.00
4h.	Head parts repairs and replacements	1	ea	\$3,600.00	\$3,600.00
5.	Color video log	1	ea	\$835.00	\$835.00

TOTAL PROPOSAL AMOUNT IN FIGURES: \$ 97,855.00

(Task Item No.'s 1 through 5)

TOTAL PROPOSAL AMOUNT IN WORDS: Ninety Seven Thousand, Eight Hundred Fifty Five Dollars and Zero Cents.

(Task Item No.'s 1 through 5)

IFB CLARIFICATION

This portion of Schedule B serves as a breakdown of unit costs and is to be completed and submitted as a supplemental document. Amounts entered on PlanetBids "Line Items" tab are to include all materials, taxes and labor for each job in Schedule B respectively.

SCHEDULE B – Rehabilitation of Well 9, Pull Pumps on Wells M-4, M-5, M-8 & MP-1**Well 9 Rehabilitation****New Materials**

	Qty.	Units	Unit Price	Ext. Price
Motor Rewind	<u>1</u>	EA	<u>\$1,775.00</u>	<u>\$1,775.00</u>
8" x 20" Heavy wall .365 Column	<u>4</u>	FT	<u>\$730.00</u>	<u>\$2,920.00</u>
8" x 15' Heavy wall .365 Column head joint.	<u>1</u>	EA	<u>\$730.00</u>	<u>\$730.00</u>
2 ½" x 1 1/2" x 20' Tube & Shaft Assembly	<u>5</u>	EA	<u>\$570.00</u>	<u>\$2,850.00</u>
Tube end bearings	<u>1</u>	EA	<u>\$45.00</u>	<u>\$45.00</u>
Rubber Centralizer	<u>2</u>	EA	<u>\$15.00</u>	<u>\$30.00</u>
Bowl assembly rebuild	<u>1</u>	EA	<u>\$1,315.00</u>	<u>\$1,315.00</u>
8" Stainless Steel strainer	<u>1</u>	EA	<u>\$370.00</u>	<u>\$370.00</u>
SS Poly Coated .25" Airline & Gauge	<u>100</u>	FT	<u>\$2.00</u>	<u>\$200.00</u>
Gaskets, Bolts and misc. materials	<u>1</u>	EA	<u>\$160.00</u>	<u>\$160.00</u>

Wells M-4, M-5 & M-8 Pumps**New Materials**

	Qty.	Units	Unit Price	Ext. Price
SS Poly Coated .25" Airline & Gauge	<u>400</u>	EA	<u>\$1.85</u>	<u>\$740.00</u>

Well MP-1**New Materials**

	Qty.	Units	Unit Price	Ext. Price
SS Poly Coated .25" Airline & Gauge	<u>375</u>	EA	<u>\$1.75</u>	<u>\$656.25</u>
1" Column and tube shaft	<u>18</u>	EA	<u>\$37.00</u>	<u>\$666.00</u>



9/26/2018
 Bid #19-008 Pelton Wheel and Well Repair - Supplemental Bid Support

Well 9 Rehabilitation (Labor Unit Pricing)

1a) Mob/Demob; Pull Pump and Transport to Shop; Misc Support			Each	\$17,075.00
1b) Video Log			Each	\$835.00
1c) Perform 24 Hours of Nylon Brushing Labor	Qty 24	Units HRS	Unit Price \$275.00	Ext Price \$6,600.00
			Sub-Total	\$6,600.00
1d) Provide Sonar Jet Cleaning			Each	\$4,080.00
1e) Perform 48 Hours of Dual Swab Airlifting Labor	Qty 48	Units HRS	Unit Price \$350.00	Ext Price \$16,800.00
			Sub-Total	\$16,800.00
1f) Provide Post Rehabilitation Video Log			Each	\$835.00
2. Shop Labor			Each	\$2,060.00
a) Disassembly Pump, Inspect (bowls, tubes, shaft, column casing) and document findings				
b) Reassemble pump, bowls				
c) Bowl Rebuild Labor				
3. Materials	Qty	Units	Unit Price	Ext Price
Motor Rewind	1	L/S	\$1,775.00	\$1,775.00
8" x 0.322" x 20' Column T&C	4	Each	\$730.00	\$2,920.00
8" x 0.322" x 15' Column T&C	1	Each	\$730.00	\$730.00
2-1/2" x 1-1/2" x 20' tube and shaft assembly	5	Each	\$570.00	\$2,850.00
2-1/2" tube end bearing (each)	1	Each	\$45.00	\$45.00
Rubber oil tube centralizer	2	Each	\$15.00	\$30.00
Bowl assembly rebuild materials	1	Each	\$1,315.00	\$1,315.00
8" s x 316L stainless steel cone strainer	1	Each	\$370.00	\$370.00
Poly-coated stainless steel x 1/4" airline	100	Feet	\$2.00	\$200.00
Gaskets, bolts, misc materials	1	Each	\$160.00	\$160.00
			Sub-Total	\$10,395.00

Total Estimated Price - Well 9 Rehab \$58,680.00

WATER RESOURCES



A GRANITE COMPANY

Quote: 93764

9/26/2018

Bid #19-008 Pelton Wheel and Well Repair

Wells M4, M5 and M8

1. Pull		Each	\$3,700.00
2. Transport all well column and pumps to the City Yard		Each	\$145.00
3. Make Lockable Well Caps		Each	\$355.00
4. Video Inspection		Each	\$835.00

5. New Materials	Qty	Units	Unit Price	Ext Price
SS Poly Coated 0.25" Airline & Gauge	400	Ft	\$1.85	\$740.00
<u>(OPTIONAL) 2" x 20' schedule 120 PVC T&C</u>	20	Each	\$61.00	\$1,220.00
		Sub-Total (w/out OPTION)		\$740.00

Total Estimated Price - Each M Well \$5,775.00

Well MP-1

1. Pull Pump, Column Tube and Inspect		Each	\$1,957.75
2. Video Inspection		Each	\$835.00
3. Add Stainless Steel Airline		Each	\$145.00
4. Reinstall and Test Well		Each	\$2,530.00

5. New Materials plus Labor	Qty	Units	Unit Price	Ext Price
SS Poly Coated 0.25" Airline & Gauge	375	Ft	\$1.75	\$656.25
1" x 21' galvanized T&C	18	Each	\$37.00	\$666.00
		Sub-Total		\$1,322.25

Total Estimated Price - Each MP-1 Well \$6,790.00

WATER RESOURCES

BID BOND

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
Hartford, Connecticut 06183

KNOWN ALL BY THESE PRESENTS, That we, Layne Christensen Company, as Principal, and Travelers Casualty and Surety Company of America, as Surety, are held and firmly bound unto City of Banning, as Obligee, in the sum of Ten Percent (10%) of Bid Amount Dollars (\$10% of Bid Amount) for the payment of which we bind ourselves, and our successors and assigns, jointly and severally, as provided herein.

WHEREAS, Principal has submitted or is about to submit a bid to the Obligee on a contract for Pelton Wheel And Well Repair ("Project").

NOW, THEREFORE, the condition of this bond is that if Obligee accepts Principal's bid, and Principal enters into a contract with Obligee in conformance with the terms of the bid and provides such bond or bonds as may be specified in the bidding or contract documents, then this obligation shall be void; otherwise Principal and Surety will pay to Obligee the difference between the amount of Principal's bid and the amount for which Obligee shall in good faith contract with another person or entity to perform the work covered by Principal's bid, but in no event shall Surety's and Principal's liability exceed the penal sum of this bond.

Signed this 17th day of October, 2018.

Layne Christensen Company
(Principal)



By: _____

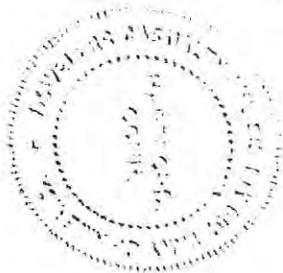
A handwritten signature in black ink, appearing to be "Layne Christensen", written over a horizontal line.

Travelers Casualty and Surety Company of America

By: _____

A handwritten signature in black ink, appearing to be "Ashley Stinson", written over a horizontal line.

Ashley Stinson, Attorney-in-Fact



CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

Civil Code § 1189

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 San Bernardino }
On 10/18/2018 before me, Cynthia E. Lee, Notary Public
personally appeared Todd H. Leonard

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 [Handwritten Signature]
Notary Public Signature

Place Notary Public Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document

Document Date Number of Pages:

Signer's Name:

- Individual
Corporate Officer - Title(s):
Partner - Limited General
Guardian or Conservator
Attorney-in-Fact
Trustee
Other:
Signer is representing



- Individual
Corporate Officer - Title(s):
Partner - Limited General
Guardian or Conservator
Attorney-in-Fact
Trustee
Other:
Signer is representing



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.

ACKNOWLEDGMENT

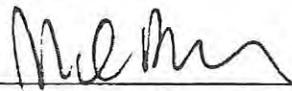
State of California
County of Santa Cruz)

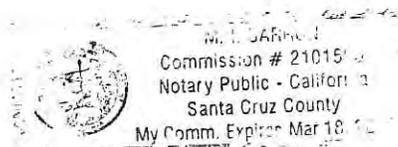
On October 17, 2018 before me, M.I. Barron, Notary Public
(insert name and title of the officer)

personally appeared Ashley Stinson,
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  (Seal)
M.I. Barron, Notary Public





POWER OF ATTORNEY

**Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company**

Attorney-In-Fact No. 232494

KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **Ashley Stinson**, of the City of **Watsonville**, State of **California**, their true and lawful Attorney-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

This Power of Attorney is limited to bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof for Granite Construction Incorporated and all subsidiaries and affiliates, alone or in joint venture.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this **3rd** day of **February**, 2017.

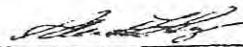
**Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company**



State of Connecticut

City of Hartford ss.

By:

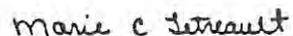

Robert L. Raney, Senior Vice President

On this the **3rd** day of **February**, 2017, before me personally appeared **Robert L. Raney**, who acknowledged himself to be the Senior Vice President of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.

My Commission expires the **30th** day of **June**, 2021




Marie C. Tetreault, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

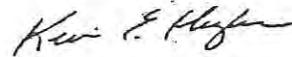
FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

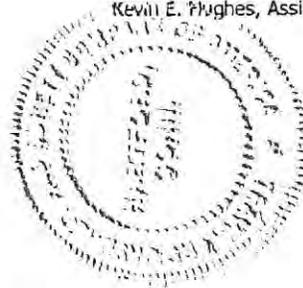
FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or undertaking to which it is attached.

I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which will remain in full force and effect through December 31, 2018.

Bond Executed on October 17, 2018



Kevin E. Hughes, Assistant Secretary



To verify the authenticity of this Power of Attorney, call 1-800-421-3880 to contact us. Please refer to the Attorney-In-Fact number, the above-named individual and the details of the bond to which the power is attached.

STATE BPS 112 ALSO FOR AC

QUESTIONNAIRE REGARDING BIDDERS

Number of years engaged in the contracting business under present business name 136 years

List of at least the last three contracts performed which show experience in working on a project of a nature similar to that covered in this proposal. If none, so indicate. Attach separate list of references if necessary.

Year	Type of Work	Contract Amt.	Location	Contact person/phone	
1	2018	Pull reassemble and reinstall repaired and/or rehabilitated pump, motor and related equipment for wells.	\$445,900.00	City of Victorville	Doug Mathews (760) 955-5000
2	2018	Mobilization & demobilization services for the City's well pump equipment for the purposes of both removing and re-installing the well pumps.	\$200,000.00	City of Hesperia	Jeremy McDonald (760) 947-1193
3	2019	Maintenance and repair services for wells, boosters and sanitation pump facilities	\$1,500,000.00	San Bernardino County-Special Districts Dept. Water & Sanitation Division	Rich Allen (760) 962-1508
4	2009	Pull Pelton Wheel #3: Pull Wheel and Pump, Inspect, Replace/Repair Mechanical Components and Startup	\$65,147	City of Banning	Perry Gerdes (951) 849-3273
5	2011	Pull Pelton Wheel #3: Brush and Bail, Replace/Repair Mechanical Components.	\$7,114	City of Banning	Perry Gerdes (951) 849-3273
6					
7					

State of California Contractor's License No.: 510011

Contractor's License Expiration Date: 05/31/2019

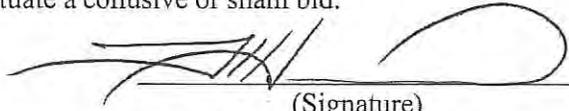
NON COLLUSION AFFIDAVIT

STATE OF CALIFORNIA

COUNTY OF San Bernardino Todd A. Howard, being first duly sworn, the party making the

(Name of Bidder) Layne Christensen Company

foregoing bid; that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and, further, that the bidder has not directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.



(Signature)

Todd A. Howard

(Typed Name)

SUBSCRIBED BEFORE ME on this 22 day of October, 2018.

See Attached

Notary Public

My commission Expires:

CALIFORNIA JURAT WITH AFFIANT STATEMENT

GOVERNMENT CODE § 8202

- See Attached Document (Notary to cross out lines 1-6 below)
- See Statement Below (Lines 1-6 to be completed only by document signer[s], *not* Notary)

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

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 San Bernardino

Subscribed and sworn to (or affirmed) before me
 on this 29 day of October, 2018
 by Todd A. Howard
Date Month Year

(and (2) _____),
Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence
 to be the person(s) who appeared before me.

Signature Cynthia E. Lee
Signature of Notary Public



Seal
 Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

DECLARATION OF ACCURACY

I, the undersigned, declare under penalty of perjury that the information presented in this bid, including without limitation the Contractor's license number and expiration date, are true and correct to the best of my knowledge. The bid of any Bidder not signed by the Bidder, or not containing the Bidder's license number and license expiration date, or containing information which is subsequently proven false, shall be considered non-responsive and shall be rejected.

Todd A. Howard
Name


Signature

General Manager
Title

10/22/2018
Date

510011
Contractor's License No.

48-0920712
Federal ID No. (If applicable)

(SEAL - if Bid is by a corporation)

ATTEST 

1717 W Park Ave.
Address

Redlands, CA 92373
City, State, Zip

909-390-2833
Telephone

Contractor license
Type of License

05/31/2019
Expiration Date of License

CERTIFICATION

LABOR CODE - SECTION 1861

I, the undersigned Contractor, am aware of the provisions of Section 3700 et. Seq. of the Labor Code which requires every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions of that Code, and I, the undersigned Contractor, agree to and will comply with such provisions before commencing the performance of the Work of this Contract.

Contractor agrees to utilize federal job classifications for the submittal of the certified payrolls and further agrees to pay all of its employees the higher of the prevailing State or Federal wages.

CONTRACTOR:

Layne Christensen Company
Firm Name

Todd A. Howard
By

General Manager
Title

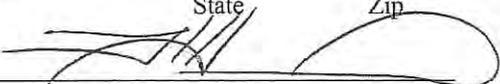
TO THE CITY OF BANNING:

The Undersigned hereby offers and shall furnish the material or service in compliance with all terms, scope of work, conditions, specifications, and amendments in the Invitation for Bid which is incorporated by reference as if fully set forth herein.

Layne Christensen Company
Company Name

1717 W Park Ave
Address

Redlands California 92373
City State Zip


Signature of Person Authorized to Sign

Todd A. Howard
Printed Name

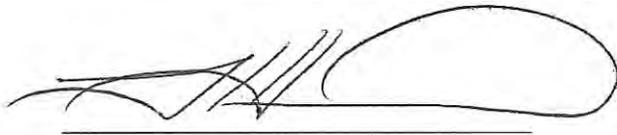
General Manager
Title

10/22/2018
Date

EX PARTE COMMUNICATIONS CERTIFICATION

Please indicate by signing below one of the following two statements. **Only sign one statement.**

I certify that Proposer and Proposer's representatives have not had any communication with a City Councilmember concerning the IFB No. 19-008 Pelton Wheel and Well Repair at any time after September 21, 2018.



A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a solid horizontal line.

OR

I certify that Proposer or Proposer's representatives have communicated after September 21, 2018 with a City Councilmember concerning the IFB No. 19-008 Pelton Wheel and Well Repair. A copy of all such communications is attached to this form for public distribution.

DISCLOSURE OF GOVERNMENT POSITIONS

Each Proposer shall disclose below whether any owner or employee of the firm currently hold positions as elected or appointed officials, directors, officers, or employees of a governmental entity or held such positions in the past twelve months. List below or state "None."

Layne Christensen Company is a wholly owned subsidiary of Granite Construction Incorporated ("GCI") a publicly-traded parent holding company. GCI and Layne's Assistant Secretary, Kenneth B. Olsen, is on the Board of Pacific Collegiate Charter School, which is under the Santa Cruz County Office of Education. Layne and Granite and can only provide information concerning their executives and directors.

DISQUALIFICATIONS QUESTIONNAIRE

The Consultant shall complete the following questionnaire:

Has the Consultant, any officer of the Consultant, or any employee of the Consultant who has proprietary interest in the Consultant, ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or safety regulation?

Yes _____ No X _____

If the answer is yes, explain the circumstances in the following space.

LAYNE BACKGROUND

Founded in 1882, **Layne Christensen Company (LAYNE) (NASDAQ:LAYN)** is a global water management, construction and drilling company. We provide responsible solutions for water, mineral and energy challenges. Layne brings modern skills, an experienced work force, and a highly trained team to our clients in the public and private sectors. Innovation and vision throughout our history has led to our broad range of services that meet the needs of our various clients and provides stability in an ever changing environment.

Layne operates upon a philosophy of responsible growth that guides us in consistently doing the right thing for our people, the environment, our company and the clients we serve every day. We strive to leave the individuals and places we touch better off for their interaction with us, and our culture is embodied in our unwavering commitment to the four core values that define us: Safety, Sustainability, Integrity and Excellence.

SUCCESS AT LAYNE

Here are just a few of our impressive statistics built on our results over the last 130 years.

OUR VISION.

TO BE THE LEADING SUSTAINABLE SOLUTIONS PROVIDER TO THE WORLD OF ESSENTIAL NATURAL RESOURCES — WATER, MINERAL AND ENERGY.

OUR PURPOSE.

TO ENHANCE THE LIVES OF PEOPLE BY PROVIDING AND PROTECTING THE WORLD'S ESSENTIAL NATURAL RESOURCES.

LAYNE IS THE WORLD LEADER IN WATER WELLS.

WE HAVE DRILLED NEARLY

1,000

wells in the PAST 5 YEARS ALONE, with a combined pumping capacity of 1 billion gallons per day and a total depth of 167 miles. In our extensive history, we estimate we have successfully completed more than

50,000
WATER WELLS

LAYNE AND OUR AFFILIATES HAVE DRILLED MORE THAN
50 MILLION METERS
SEARCHING FOR MINERAL RESOURCES AROUND THE GLOBE.

MORE THAN **31,000**
MILES IN DEPTH

FOUNDED IN **1882**

LAYNE HAS IMPROVED BOILS AROUND THE GLOBE WITH MORE THAN
500 THOUSAND
CUBIC METERS
OF JET GROUTING

17 MILLION FEET
OF 4-96" PIPE WITH CURED-IN-PLACE PIPE LINER.

PLAN B

WORKED!

WHEN OTHERS FAILED, LAYNE'S PLAN RESCUED 23 MINERS TRAPPED UNDERGROUND IN CHILE.



WE HAVE CONSTRUCTED MORE THAN
ONE THOUSAND

TREATMENT PLANTS AND INSTALLED MORE THAN
18 MILLION FEET
OF PIPELINE.

TOTAL SOLUTIONS PROVIDER

Layne's experts collaborate across divisional, functional and geographic lines to deliver *total solutions* for some of the world's toughest water, mineral and energy challenges. This integrated approach ensures streamlined communications, expedited timelines, a constant focus on our overriding values of **safety, sustainability, integrity and excellence**, and allows us to offer more than the sum of our individual services. Our solutions give clients a single point of accountability for even the most complex projects, and enable us to deliver high levels of both quality and economic efficiency. While our services are impeccable, it is our solutions that make us truly remarkable.

DELIVERING SUSTAINABLE SOLUTIONS IN WATER MANAGEMENT, CONSTRUCTION & DRILLING.



Well and Booster Pump System Services

- + Pump Equipment Design and Installation
- + Pump Equipment Maintenance and Repair
- + Predictive Well Maintenance Program
- + Electrical Services – Controls Installation and Troubleshooting



Well Rehabilitation Services

- + Mechanical Methods
- + Chemical Methods
- + Innova Deep Well Chemistry
- + Self-Contained Mobile Treatment Units (CTU)
- + Downhole Video Service



Drilling Services

- + Air Rotary
- + Direct Mud Rotary
- + Reverse Circulation Rotary
- + Dual and Triple Wall Reverse Circulation
- + Dual Wall Percussion Hammer
- + Dual Rotary Casing Advance
- + Sonic Drilling
- + Scavenger Well Design
- + Collector, Angle, and Injection Well Design and Construction



SAFETY IS PARAMOUNT AT LAYNE

PHILOSOPHY

Safety is a fundamental right of every person who works for or interacts with Layne. It is an inherent part of our mindset, and is the most important factor in each decision we make. Layne is committed to the long-term health and safety of our people and the communities we touch. We understand the challenges associated with complex cultures and harsh environments that are found on water management, drilling and construction sites around the world. At Layne, our purpose is to enhance the lives of people by providing and protecting the world's essential natural resources – and it all begins with safety.

CORE VALUE

Safety and Health in our work environment is based on the Layne's corporate business philosophy and is our most important core value. At Layne, we believe that sustainable success can only be achieved through the safety and health of people. No other asset in the company is as important as the people that contribute to our safety culture resulting in the success of our company. Therefore, we dedicate and devote all the necessary resources and attention to protect employees, contractors and any other people involved with the company and community.

EDUCATION & TRAINING

Layne's dedicated team of Safety & Health professionals drive continuous improvement and heightened awareness across the company through a robust training and auditing program. All field personnel participate in safety training classes that are compliant with the latest OSHA, MSHA and DOT regulations. Clients and partners are also invited to participate in the training, where we review our Hazard Identification and Risk Assessment (HIRA) program and Layne's Accident Prevention Policy.

SUMMARY

After all, it is not about statistics, it's about people; it's about training and educating our employees, contractors, and all of those that interacts with Layne to ensure that each and every one has the knowledge and resources to perform their daily job task in a safe manner. At Layne we continually strive to be the world class leaders in safety and health.



Todd Howard

General Manager
Water Resources Division

Summary of Qualifications

Professional Certifications:

Goulds/ITT Design & Application
Peerless Pump Design & App
Berkley Centrifugal Eng. & App
Design Water
Chemical Well Rehab Application

Total Years' Experience:

34

Joined Layne WRD:

2004

References:

Vince Vasquez
Water Asset Management
220 Montgomery St
Penthouse 3
San Francisco, CA 94101
415 529-4832

Mark Unruh
JG Boswell
27922 Dairy Ave
Corcoran, CA
559 992-5011

Steve Samaras
San Bernardino Special Dist
157 W 5th St #2
San Bernardino CA 92415
909 387-5940

Mr. Howard has been in the water well industry since 1983, specializing in water well rehabilitation, pump engineering and application. Mr. Howard manages the Western Regions Operations for pump repair, well rehabilitation, electrical and construction services. He is also the current Chair of Layne's National Rehabilitation Committee. Mr. Howard developed and implemented the Roto Scrub well rehabilitation technology as well as Layne's proprietary NSF certified well chemistry in use today throughout the Western United States.

Relevant Project Experience

BOR: Bureau of Reclamation, Sacramento, CA

General Manager – Drought relief, construction of (44) design build wells were completed with borehole depths from 220' to 1,020' deep and successfully tested at an average of 1500 GPM @ depths from 400' to 600'.

Contact: Brenda Davis (916) 978-5143

Contract Amount: \$15,959,262.16

SDF: Sweetwater Authority, San Diego, CA

General Manager – The Sweetwater Authority is expanding the facilities to achieve the full 8,800 acre feet per year capacity with the construction of (5) new municipal brackish groundwater wells. The wells were drilled and constructed with borehole depths of 880' to 1,020 deep and successfully tested at an average of 2,115 GPM @ 200'.

Contact: Tom Henderson P.G. (619) 687-0120

Contract Amount: \$7,033,913.73

TID: Tranquility Irrigation District, Fresno, CA

Operations Manager – Fourteen (14) new wells were drilled and constructed with borehole depths from 840' to 920' deep and successfully tested at an average of 2,006 GPM @ 500'.

Contact: Mr. Danny Wade (559) 698-7225

Contract Amount: 4,876,034.66



MARK HOWARD

Business Development Manager Water Resources Division

Professional Affiliations:

National Groundwater Assoc.
California Groundwater Assoc..
Hi Desert/ Mountain Groundwater Assoc.
AWWA Member

Total Years Experience:

40

Joined Layne WRD:

2012

References:

Ted Caldwell

Sales
Roscoe Moss Company
4360 Worth St.
Los Angeles, CA 90063
323-263-4111

Aaron Pidgeon

Branch Manager
Bear State Pump
2115 S. Hellman Ave., Unit H
Ontario, CA 91761
909-923-9809

Diane Smith

Principal/Hydrologist
Hydrosmith, Inc.
8736 Lion St. #352
Claremont, CA 91711
909-753-2805

Summary of Qualifications

Mr. Howard has been in the water well industry since 1978, specializing in water well rehabilitation, pump engineering, and application. Mr. Howard manages the Western Region in Business Development and oversees the Account Management team.

- Business Development Manager, Layne Christensen Co. (2014–Present)
- Account Manager, Layne Christensen Co. (2012–2014)
- Pump Division Sales Manager, Best Drilling & Pump (2010-2012)
- Marketing Manager, Layne Christensen Co (2008-2009)
- Owner, Secretary/Treasurer, Laveen Pump Co. (2006-2008)
- Branch Manager, La Habra Branch, Layne Christensen Co. (2004-2006)
- Pump Division Manager, Beylik Drilling (2002-2004)
- Account Manager, Beylik Drilling (2000-2003)
- Secretary/Treasurer, Pump Manager, Howard Pump, Inc. (1988-2000)
- Pump Forman, Forman, Howard Pump, Inc. (1978-1988)

Relevant Project Experience

- **San Diego Formation Water Wells; Sweetwater Authority, Chula Vista, CA, 7)** well water well drilling project. \$7,035,000.00
- **Maintenance Service Agreement; Los Angeles Department of Water and Power, Los Angeles area** well and pump maintenance \$5,500,000.00 5 year contract
- **Multi Well Project; Corcoran Irrigation District, Corcoran, CA 3)** well water well drilling project. \$1,800,000.00

Continued Education

Goulds/ITT, Design & Engineering
Goulds/ITT, Turbine Pump
Goulds/ITT, VFD Drive & Training
Peerless Pump, Design & Application
Berkley Centrifugal Engineering & Application
Dale Camegie, Management Training
Karrass, Effective Negotiating Training

ACCOUNT MANAGER, P.E.

Experience

Account Manager, P.E.	Layne Christensen Company	2017 - Present
Project Manager, P.E.	Layne Christensen Company	2015 - 2017
Senior Associate Engineer	Martinez & Turek	2011—2015

Professional Certifications

Professional Engineer (PE), License No. M 39780

California State Polytechnic University—Bachelors of Science, Mechanical Engineering

Areas of Specialized Competence

Sales Engineering

Project Management

Certified Professional Engineer

Bachelor of Science Mechanical Engineering

Mr. Wells has 3 years experience with Layne and 5 years experience in project management and sales engineering with a degree in mechanical engineering. Responsibilities include all functions from business development through accounts receivable collection, including project management. He oversees project staff as required involved in municipal and industrial water supply design and construction services, as well as investigative and remedial services. Mr. Wells has been intimately involved as a site foreman and rig operator on dozens of water-well projects including pump repairs, well reconstruction, well development and importantly, well rehabilitation (chemical, mechanical and Aqua Freed).



CRIS HEPBURN, CPI

Project Manager
Water Resources Division

Summary of Qualifications

Mr. Hepburn has involved in water related services since 1976. Currently, he is responsible for water-well & pump design, sales, services and repairs. Responsibilities include all functions from business development through accounts receivable collection, including project design and management. He oversees project staff as required involved in municipal and industrial water supply design and construction services, as well as investigative and remedial services.

Education:

Bachelor of Science

Professional Certifications:

American Red Cross First Aid/CPR
Certified Pump Installer

Total Years' Experience:
41

Joined Layne WRD:
1989

References:

Matt Kuhn
Account Manager
Xylem
760 317-6481

Christian Bogan
National Sales Manager
Western Hydro
951 849-7333

Chris Robinson
General Manager
Custom Pipe
714 761-8801

Relevant Project Experience

Well 33 Rehab: Indian Wells Valley WD, Ridgecrest, CA

Project Manager – Point of contact for client, mobilize and schedule crew to job site. Pull pump, remove oil, video, wire brush, dual swab airlift, furnish new replacement bowl, install new pump unit, disinfect, post video.

Contact: Renee Morquecho PhD.P.E. (760) 384-5520
Contract Amount: \$383,000.00

Famoso Well: Lucich Farms, Delano CA

Project Manager – Mobilize and schedule crew to job site. Electrical construction consisting of: VFD control panel with switches, relays, ss pressure transmitter, signal splitter, Dynotek Data Manager 700 Datalogger, Data Industrial flow meter, level transmitter cabinet. Pump equipment: Furnish and install new 500 HP VTP, concrete pump foundation, pump installation and start up.

Contact: David Morton (661) 725-4550
Contract Amount: \$368,000.00

Well 12: Sun Pacific Farms, Bakersfield, CA

Project Manager – Mobilize and schedule crew to job site. Furnish and install vertical pump and electrical control system.

Contact: Jose Marin (661) 847-1015
Contract Amount: \$350,000.00

Continued Education

Pump & System Design
Water Well Rehabilitation
Electrical System Design & Troubleshooting
Water Well Reconstruction



National Ground Water Association recognizes

Cris Hepburn, CPI

for earning this professional designation, proving competence through successful completion of at least one or a series of specialized examinations — and for the commitment to engage in continuing education annually and to adhere to high standards of professional practice.

national ground water association

Chief Executive Officer

January 30, 2018

Date

December 31, 2018

Certification expiration date





RIGOBERTO PEREIDA

R & I SUPERVISOR WATER RESOURCES DIVISION

Education:

OSHA 40 Hour Training Programs
OSHA 8 Hour Annual Training

Professional Certifications:

American Red Cross First Aid/CPR
MSHA Certified
Forklift Certified
Backhoe Certified
NCCCO Certified TSS & TLL

Total Years Experience:

18

Joined Layne WRD:

2000

References:

Scott Larson
Northrop Grumman
Facilities Engineering
scott.larson@ngc.com
661 272-8589

Gonzalo Reyes, P.E
LADWP
R&C Engineering
Gonzalo.Reyes@ladwp.com
213 367-8419

Sean Wright
Phelan Pinon Hills CSD
[760 868-1212](tel:7608681212)

Summary of Qualifications

Mr. Pereida has in-depth knowledge and experience in the following operations: Deep Well Pumps and Booster, Water Well Rehabilitation, Well Destruction, and Pump Installation. He has successfully completed rehabilitations and aqua freed process system. Mr. Pereida has supervised major projects by selecting, assigning, and scheduling employees. Communicated job expectations and managed sub-contractors performance, stayed within budget by monitoring expenditures, identifying variances and calculating required resources. Ensured all local regulations were met and codes enforced, avoiding fines and delays. He is a certified crane operator on swing cab and fixed cab cranes large and small. He holds a Class A with endorsements for hazmat, tanker, doubles and triples. Pump rig operator for 13 years on Smeal, Tayler, Simco and Old General "A" frame rigs and cranes.

Relevant Project Experience

Sites 4 East & 8 North: Northrop Grumman Corp- Palmdale, CA

R&I Supervisor – Point of contact for client. Mobilize/ schedule rig and crew to job site and perform the following rehab tasks: Pull customers pump equipment. Inject and swab acid. Set up chemical mixing trailer and injecting equipment. Install injecting tool w/tremmie to upper perforations 482'. Perform well disinfection, video log.

Contact: Scott Larson (661) 272-8589
Contract Amt. \$80,456.60

Contract 691: LADWP- Los Angeles CA

R&I

Supervisor – Schedule/ mobilize crew to job site. Oversee all aspects of the project, coordinated vendors and/or resources for execution of project. Project consisted of services to remove, and install groundwater well submersible and vertical turbine line shaft pump units and to maintain repair or destroy wells on an intermittent basis.

Contact: Gonzalo Reyes (213) 367-8419
Contract Amount: \$1,258,903.96

ANC: MMG Agribusiness, Wasco, CA

R&I Supervisor – Schedule/ mobilize crew to job site, supply, installation and removal of a temporary vertical turbine test pump equipment. Perform test pump development, 24 hour pump and surge, 12 hour step test, & 12 hour constant rate tests.

Contact: Steve Gilfenbain (310) 651-2591
Contract Amount: \$354,387.85

Continued Education

Rehabilitation Process
Aqua Freed Process

EXHIBIT "B"
SPECIAL REQUIREMENTS
(Superseding Contract Boilerplate)

Not Applicable.

EXHIBIT "C"
SCHEDULE OF COMPENSATION

- I. Contractor shall perform the following tasks in accordance with Exhibit A-1.**
- II. To the extent a project proposal consists of multiple subtasks, within the budgeted amounts for each subtask, and with the approval of the Contract Officer, funds may be shifted from one subtask sub-budget to another so long as the project budget is not exceeded per Section 2.1, unless additional services are approved per Section 2.3.**
- III. For each project assignment the City will compensate Contractor for the Services performed upon submission of a valid invoice. Each invoice is to include:**
 - A. Line items for all personnel describing the Work performed, the number of hours worked, and the hourly rate.
 - B. Line items for all materials and equipment properly charged to the Services.
 - C. Line items for all other approved reimbursable expenses claimed, with supporting documentation.
 - D. Line items for all approved subcontractor labor, supplies, equipment, materials, and travel properly charged to the Services.
- VI. The total compensation for Services shall not exceed \$179,885 as provided in Section 2.1 of this Agreement.**

EXHIBIT "D"
SCHEDULE OF PERFORMANCE

- I.** The Contract Officer may approve extensions for performance of the Services in accordance with Section 3.5.
- II.** All work product is subject to review and acceptance by the City, and must be revised by the Contractor without additional charge to the City until found satisfactory and accepted by City.
- III.** The Contractor will commence the Work required by the Contract Documents on or before the date specified to commence Work in the Notice to Proceed and will complete the same within **60 working Days** unless the period for completion is extended otherwise by the Contract Documents.

ATTACHMENT 3

**Invitation to Bids, Legal Ad
and Addendums**



**CITY OF BANNING
CALIFORNIA
INVITATION FOR BID #19-008
PELTON WHEEL AND WELL REPAIR**

INSTRUCTIONS:

1. Complete and sign all documents.
3. Download and submit all forms by the deadlines.
4. Quote on each item separately; all or none bids may not be accepted unless otherwise specified.
5. Price alone may not be the final determining factor.
6. Declination - in the event you elect not to quote, please inform us on this form and return by the bid due date indicated.
7. Out of state vendors must include California sales tax permit number.

IFB specific information	
Date of issuance	Friday, September 21, 2018
IFB number	19-008
Deadline for delivery of bid	Wednesday, October 17, 2018 by 10:00 a.m.

Contact person(s)	
For bid document questions	Jorge Uribe, Buyer (951) 922-3129
For technical questions	Luis Cardenas, Senior Civil Engineer

Terms	
Delivery term	
Payment term	35 Days
Binding period of the bid	90 Days
Other terms	Reference to purchase agreement or contract

Vendor Information (vendor to complete and upload online)	
Company name:	
Street address:	
City and Zip:	
Phone number/Fax number:	

**Administrative Services Department
Purchasing Division
Jorge Uribe, Buyer**
Address: 99 E. Ramsey St., Banning, CA 92220
Telephone: (951) 922-3129
Email: juribe@ci.banning.ca.us

Advertising Order Confirmation

The Press Enterprise

Ad Order Number
0011176347

Customer
BANNING, CITY OF

Payor Customer
BANNING, CITY OF

PO Number

Sales Representative
Nick Eller

Customer Account
5209534

Payor Account
5209534

Ordered By
Jorge Uribe

Order Taker
Nick Eller

Customer Address
99 E RAMSEY ST
BANNING, CA 92220

Payor Address
99 E RAMSEY ST
BANNING, CA 92220

Customer Fax

Order Source
Select Source

Customer Phone
951-922-3130

Payor Phone
951-922-3130

Customer EMail

Current Queue
Ready

Invoice Text
City of Banning - RFP #19-008

Tear Sheets
0

Blind Box

Promo Type

Special Pricing

Advertising Order Confirmation

The Press Enterprise

09/18/18 1:58:08PM
Page 2

Ad Number
0011176347-01

Ad Size
3 X 72 LI

Color

Production Method
AdBooker

Production Notes

External Ad Number

Pick Up

Ad Type
Legal Liner

Released for Publication

City of Banning
Invitation for Bids for IFB #19-008 PELTON WHEEL AND WELL REPAIR

NOTICE IS HEREBY GIVEN that online bid price and document submittal must be uploaded to the online bid system in accordance with the instructions included within bid documents for IFB #19-008 PELTON WHEEL AND WELL REPAIR, on or before the hour of 10:00 a.m. on October 17, 2018. It shall be the responsibility of the bidder to upload this proposal by the online system. The bidder's bid must be submitted and time printed on the deadline (Sun. and Mon. bids may be withdrawn and resubmitted at any time prior to the deadline, and cannot be viewed by City staff until the close date and time.)

BID DOCUMENTS: To obtain a copy of the bid documents, please visit <http://www.planetbids.com/portal/portal.cfm?CompanyID=3307>. If you are not currently registered with the City of Banning through Planet Bids, please click on the "New Vendor Registration" button and then complete the electronic supplier registration. After registering your firm, click on the "Bid Opportunities" button to view and download the Bid Documents, which include the complete Notice Inviting Bids document. Firms must also check the web site periodically for additional information to ensure to download the bid documents and acknowledge in the bid submittal, will result in bid disqualification.

QUESTIONS REGARDING PROPOSAL: Any questions pertaining to this invitation for Bids shall be submitted through PlanetBids. Deadline for submittal of bid Request for Information (RFIs) is October 5, 2018 by 3:00 p.m. local time.

Bids must be submitted electronically by visiting the City of Banning PlanetBids Vendor Portal at <http://www.planetbids.com/portal/portal.cfm?CompanyID=3307>. Click on the "Bid Opportunities" link. Next, "Log In." Enter your User Name and Password. Click "Bid Opportunities" and then select the invitation for Bids (IFB). Click on "Place bid" and follow the instructions.

A Pre-Proposal Meeting will be held on October 1, 2018 at 9:00 a.m., 99 E. Ramsey St., Banning, CA 92220 to discuss the Description of Work. Site walkthrough will immediately follow. Attendance of the pre-proposal meeting is mandatory.

SEALED BIDS DUE: October 17, 2018 and opened online only at 10:00 a.m.

If you have additional questions, please contact Jorge Uribe, via online bid system.

City of Banning
99 E. Ramsey St.
P.O. Box 998
City Clerk's Office
Banning, CA 92220-0998
Phone: 951-922-3121
Fax: 951-922-3165

CITY OF BANNING, CALIFORNIA
Dated: 9/21/18 and 9/28/18

/s/ Jorge Uribe
Buyer

9/21, 9/28

Product
PE Riverside:Full Run

Requested Placement
Legals CLS

Requested Position
City Notices - 1076-

Run Dates
09/21/18, 09/28/18

Inserts
2

Order Charges:

Net Amount
447.30

Tax Amount
0.00

Total Amount
447.30

Payment Amount
0.00

Amount Due
\$447.30

If this confirmation includes an advertising proof, please check your proof carefully for errors, spelling, and/or typos. Errors not marked on the returned proof are not subject to credit or refunds.

Please note: To meet our printer's deadline, we must have your proof returned by the published deadline, and as indicated by your sales rep.

Please note: If you pay by bank card, your card statement will show the merchant as "SoCal Newspaper Group".

INTRODUCTION

The City of Banning seeks Bids from qualified contractors to provide Pelton Wheel and Well Repair Services. Qualified firms shall have experience in Pelton Wheel repair for schedule A and at a minimum, general well repair for Schedule B. The Contractor may bid on Schedule A only, Schedule B only, or on both Schedules A & B. The City, at its discretion, may award one or two separate contracts.

INVITATION FOR BID

Sealed bids will be received by the City of Banning through the eBid system until October 17, 2018 at 10:00 a.m. and opened publicly online only. Bids must be submitted electronically by visiting the City of Banning PlanetBids Vendor Portal at <http://www.planetbids.com/portal/portal.cfm?CompanyID=33077>

Click on the "Bid Opportunities" link. Next, "Log In." Enter your User Name and Password. Click "Bid Opportunities" and then select the Invitation for Bid (IFB). Click on "Place eBid" and follow the instructions.

The bid shall include all costs for furnishing all labor, materials, tools, equipment and necessary incidentals to perform the work including, but not limited to mobilization, participation in safety meetings and clean up. All work shall be coordinated with Perry Gerdes, Public Works Superintendent.

Deadline for submittal of bid **Request for Information (RFI's) is October 5, 2018 by 3:00 p.m.** local time. Submit all inquiries to Jorge Uribe, Bidding Facilitator via the Bids Online system at:
<http://www.planetbids.com/portal/portal.cfm?CompanyID=33077>

Bidders on this work will be required to comply with the California Labor Code Section 1410 et. seq., California Labor Code Section 1777.6, and implementing regulations concerning equal opportunity for Apprentices.

The Director of the Department of Industrial Relations has ascertained the general prevailing rate of per diem wages and the general rate for holiday and over-time work in the locality in which the work is to be performed for each craft or type of workmen needed to execute the Contract or Work as hereinafter set forth (see Labor code 1770 et seq.). Copies of rates are on file at the office of the Owner, which copies shall be made available to review to any interested party on request. The successful Bidder shall post a copy of such determinations at the job site. Attention is called to the fact that not less than the minimum salaries and wages shall be paid on this Project by all Contractors and Subcontractors. The Contractor will be required to pay the higher of State or Federal prevailing wage rates.

Bids are required for the entire work described herein. This contract is subject to the State contract nondiscrimination and compliance requirements pursuant to Government Code Section 12990.

The City of Banning hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in being considered for an award.

REQUIRED LICENSE CLASSIFICATION

Under Section 7059 of the Business and Professions Code, the bidder must have a license classification, which is sufficient to perform a majority of the project. The Owner has determined that a **CLASS C-57 LICENSE** is necessary to bid this project. If the bidder is a specialty contractor, the bidder is alerted to the requirements of Business and Professions Code Section 7059.

PUBLIC WORKS CONTRACTOR REGISTRATION

This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

Pursuant to Section 1771.1 of the Labor Code, no contractor or subcontractor shall be qualified to bid on, be listed in a bid proposal (submitted on or after March 1, 2015), or engage in the performance of any contract for public work unless currently registered with the Department of Industrial Relations to perform public work pursuant to Section 1725.5 of the Labor Code. It shall not be a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Sections 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded.

No contractor or subcontractor may be awarded a contract for public work on a public works project (awarded on or after April 1, 2015) unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5.

Bidders and their subcontractors listed in the bid documents must provide an extract (pdf) at time of bid showing active registration from the Public Works Contractor Registration online registration at <https://efiling.dir.ca.gov/PWCR/Search> .

All contractors and subcontractors must furnish electronic certified payroll records directly to the Labor Commissioner (aka Division of Labor Standards Enforcement). Additionally, the awarded Contractor shall submit certified payroll records to the City.

AWARD AND EXECUTION

The award of contract, if made, will be within forty-five (45) calendar days from the date of the bid opening.

The Contractor shall execute the Contract within fifteen (15) calendar days after he has been notified in writing of the award.

The owner hereby reserves the right to reject any and all proposals, to waive any irregularity, award any combination of schedules and to award the contract to the lowest responsive and responsible bidder. In case the lowest bid proposal is higher than the Engineer's estimate, the owner reserves the right to negotiate a contract with the lowest responsive and responsible bidder. No bidder may withdraw his bid for a period of ninety (90) calendar days after the bid opening.

INSURANCE REQUIREMENTS

Prior to award of the price agreement/contract, contractor shall furnish the purchasing department proof of compliance with the following insurance requirements.

The City of Banning will require the following to approve insurance for your contract:

1) Limits of insurance:

(a) General Liability insurance with limits of not less than \$1,000,000 for bodily injury and property damage; \$1,000,000 for personal and advertising injury; \$2,000,000 products and completed operations aggregate and \$2,000,000 general aggregate

(b) Auto Liability insurance endorsed for "any auto" with limits of liability of not less than \$1,000,000 per accident for bodily injury and property damage

(c) Professional Liability insurance with limits of liability of not less than \$1,000,000 per claim/occurrence and \$2,000,000 aggregate (only required if contract involves the rendering of a professional service)

(d) Workers' Compensation insurance as required by law

(e) Employer's Liability insurance with limits of liability of not less than \$1,000,000, each accident; \$1,000,000 disease each employee; and \$1,000,000 disease policy limit

2) Certificate holder should appear as follows:

City of Banning
Attn: Jorge Uribe
99 E. Ramsey Street
Banning, CA 92220-4837

3) The certificate of insurance should read "The City of Banning, its officers, officials, employees and agents are additional insured as respects to General Liability and Auto Liability insurance. This insurance is primary, and our obligations are not affected by any other insurance carried by such additional insured whether primary, excess, contingent, or on any other basis. Waiver of subrogation for Workers' Compensation insurance as respects to the City of Banning, its officers, officials, employees and agents.

4) Additional insured endorsement, with primary and non-contributory language or a primary insurance endorsement, for General Liability insurance (including ongoing operations and completed operations). The additional insured should read,

"The City of Banning, its officers, officials, employees, agents and volunteers". Examples of primary insurance language are "Such insurance as is afforded by the policy is primary and any other insurance shall be excess and not contribute to the insurance afforded by this endorsement" or "This insurance is primary, and our obligations are not affected by any other insurance carried by such additional insured whether primary, excess, contingent, or on any other basis".

5) Additional insured endorsement for Auto Liability insurance. The additional insured should read, "The City of Banning, its officers, officials, employees and agents."

6) Waiver of subrogation endorsement for Workers' Compensation insurance should read, "The City of Banning, its officers, officials, employees and agents."

7) The "Retro Date" must be shown for the Professional Liability insurance. (Only required if contract involves the rendering of a professional service).

Insurance Submittal Link: <http://www.planetbids.com/portal/portal.cfm?CompanyID=33077>

FILING OF BID PROTESTS

Bidders may file a "protest" of a contract award with the OWNER's Purchasing Manager. In order for Bidder's protest to be considered valid, the protest must;

- Be filed timely and in writing (as detailed in this Section).
- Clearly identify the specific accusation involved.
- Clearly identify the specific OWNER City Council recommendation being protested.
- Specify in detail, the grounds of the protest and the facts supporting the protest.
- Include all relevant, supporting documentation with protest at time of filing.

If the protest regarding the recommend award of a contract solicited by the Invitation for Bid must be filed in writing with the OWNER within five (5) Calendar Days after the bid opening date.

If the protest is valid, the OWNER'S Purchasing Manager, or other designated OWNER staff member, shall review the basis of the protest and all relevant information. The Director of Public Works will deny or concur with the protest and provide a written decision to the protestor. The protestor may appeal the decision of the Director of Public Works to the Deputy City Manager with 3 days of Notification thereof.

BUSINESS LICENSES

The successful bidder will be required to obtain a City of Banning business license prior to commencement of work.

HOW TO SUBMIT A BID

The City of Banning is currently using PlanetBids, a web based bid management service to manage request for bids and quotes. PlanetBids does not charge a fee to access and view current projects; however, PlanetBids requires potential bidders, contractors, subcontractors, and suppliers to provide contact information in order to download files, receive addendum notifications and to receive automatic updates or revisions to bids. PlanetBids can be accessed through the City of Banning's website at <http://www.ci.banning.ca.us/136/Purchasing> and selecting the BIDS & RFP's link or directly at <https://www.planetbids.com/portal/portal.cfm?CompanyID=33077>.

Submit one complete bid specification package through the online eBid system and the completed online Line Item Price Quote Sheet. Bids will be accepted electronically only.

BIDS ARE REQUESTED FOR FURNISHING THE ITEMS DESCRIBED HEREIN IN ACCORDANCE WITH STATED TERMS AND CONDITIONS.

All bids containing shipping fees, must be F.O.B. Destination and include cost of boxing and cartage to delivery point as stated in the Scope of Work. Bid prices are to include any freight and delivery charges.

Quote your most competitive prices. The City of Banning reserves the right to reject any and all bids. Lowest qualified bid may be subject to further negotiations.

Vendor is required to provide a completed MSDS (Material Safety Data Sheet) for hazardous substances as required by Labor Code Section 6390, General Industrial Safety Order; Section 5194 and Calif. Admin. Code Title 8. MSDS Sheet for each

specified item shall be sent to place of shipment, and a copy sent to the Purchasing Division.

If the services are being performed as part of an applicable "Public Works" or "Maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is \$1,000 or more, Contractor agrees to fully comply with such Prevailing Wage Laws. See the State of California Department of Industrial Relations page for more information. <http://www.dir.ca.gov/>.

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SCOPE OF SERVICES

The City of Banning seeks Bids from qualified contractors to provide Pelton Wheel and Well Repair Services. Qualified firms shall have experience in Pelton Wheel repair for schedule A and at a minimum, general well repair for Schedule B. The Contractor may bid on Schedule A only, Schedule B only, or on both Schedules A & B. The City, at its discretion, may award one or two separate contracts.

SCHEDULE A – Pelton Wheel Repair (Well 3)

1. Contractor shall provide proof that they have worked on and successfully repaired Pelton Wheel-operated pumps and drives similar to those upon which this IFB is based.
2. Contractor will be required to submit statement of Qualifications for their which will provide history of the firm, project references, and resumes of employees who will be involved in supervision of the work.
3. Prior to the bid, at a date to be determined by the City, a mandatory job walk will be conducted. Bids from contractors who do not attend the job walk will not be accepted.
4. Contractor will be required to pay Prevailing Wage Rate hourly wages to all workers for all on-site labor. Contractor will be required to submit a Certified Payroll with all payment request.

Pelton Wheel on Well 3

Well 3 was last pulled and worked on in 2009.

- Well Depth of 103'6"
- Casing diameter of 22"

Tasks:

1. Remove the Pelton Wheel, Transport it to shop and disassemble and prepare an anticipated repair report and cost estimate. The line item bid for this work is based upon estimated costs for all field labor, shop labor and parts.
2. Remove the vertical turbine pump from the well, transport it to shop and disassemble.
3. Provide a complete report and repairs analysis.
4. Prepare cost sheet to include rebuild price for the bowl assembly, price for 20' replacement column, 20' replacement tube and shaft assembly, top stretch tube, stretch assembly bearing. Provide alternative cost to replace bowl assembly, all new column and inner column, head parts repairs and replacements.
5. Upon removal of the pump, Contractor will prepare the well and create a color video log from top to bottom. 2 copies of the video log paper report and 2 copies of the video log DVD will be provided to the City's site representative. It is assumed the well casing will require some mechanical (nylon brushing) cleaning. Following this effort, the well will be cleared of debris by bailing to the bottom and open-ended airlifting to clear the water in preparation for a post-cleaning video log. Following the repairs and/or pump replacement, Contractor will install the pump, reinstall the Pelton Wheel drive, pump test shall be performed to confirm the pump curve.

Based upon results of the video logs, additional work may be required to clean the well casing. Contractor will provide a report with recommendations therein for additional downhole work, if required and if feasible. All work shall be performed by competent, well-trained workers. Site safety JSA forms will be filled out at the start each shift, copies thereof shall be presented to the City's representative for review and comment. A site safety exclusion zone shall be determined by Contractor Supervisory Staff and Client Representative and then established with delineators and Yellow Caution/No Admittance Tape on the entire Perimeter of said Exclusion Zone. It shall be understood that no person, whether City staff, contractor employee, inspector, vendor employee, etc. shall be admitted into the Safety Exclusion Zone unless it is demonstrated that they are wearing proper PPE for this site; OSHA-approved hard hat, steel-toed boots or shoes, safety glasses or goggles and have hearing protection (ear plugs) and gloves, if required. It is further expected that the Contractor's Project Manager shall be recognized by the National Groundwater Association (NGWA) as a **Certified Pump Installer (CPI) and a copy of this certificate will be attached to the Contractors' bid.** The warranty (new parts and workmanship) furnished project will be for a minimum period of one year following installation, successful start-up of new pump and acceptance by the City.

FEE PROPOSAL

**PELTON WHEEL REPAIR
SCHEDULE A**

TASK NO.	DESCRIPTION OF ITEM	TOTAL
1.	Pelton Wheel removal, transport, disassembly, anticipated repair report and estimate.	
2.	Vertical Turbine pump removal, transport, and disassembly.	
3.	Final Repair report and analysis.	
4a.	Rebuild Bowl Assembly	
4b.	20' replacement column	
4c.	Replacement tube and shaft assembly	
4d.	Top Stretch Tube	
4e.	Stretch Assembly Bearing	
4f.	Replace Bowl Assembly	
4g.	New Column and Inner Column	
4h.	Head parts repairs and replacements	
5.	Color video log	

TOTAL PROPOSAL AMOUNT IN FIGURES: \$ _____
(Task Item No.'s 1 through 5)

TOTAL PROPOSAL AMOUNT IN WORDS: _____
(Task Item No.'s 1 through 5)

SCHEDULE B – Rehabilitation of Well 9, Pull Pumps on Wells M-4, M-5, M-8 & MP1

Well 9 Rehabilitation

- Well Depth 162’
- Casing diameter 16”

The scope of work for Well 9 includes pulling of motor, pump, transportation, disassembling, inspection, and video logging the well to identify necessary maintenance or repairs. A complete report and repairs analysis is to be provided. The bid for Well 9 shall consist of field labor including travel to and from jobsite, pulling pump and transportation of pump to contractor shop, video log well, brush and bail well. Shop labor shall include disassembling pump, inspection and documentation. Repairs as needed: Upon documentation and concurrence with the City of Banning, old or worn materials will be replaced and pump and motor will be reinstalled. Materials shall include a nylon brush and other materials identified by the contractor. The existing equipment consist of a 3 stage bowl assembly 10 NKH (9.5” impeller diameter), 10’ Short nipple of 8” suction pipe with stainless cone strainer, 95’ of 8” x 2” x 1-1/4” oil lube column, tube and shaft assembly, and a US Motors 25HP 460V 1770 RPM motor.

Tasks:

1. Field Labor

- a) Travel to and from jobsite; pull pump and transport to shop.
- b) Video log well and provide a compact disc or memory stick with video results.
- c) Provide pre-rehabilitation video log.
 - a. Provide pre-rehabilitation video log.
 - b. Brush and Bail Well to total depth.
 - c. Perform 24 hours of nylon brushing.
 - d. Provide Sonar Jet cleaning.
 - e. Perform 48 hours of dual swab airlifting.
 - f. Provide post rehabilitation video log.

2. Shop Labor

- a) Disassemble pump, inspect (bowls, tubes, shaft, column casing) and document findings.
- b) Reassemble pump, bowls.

3. Materials

- a) 1 - Nylon brush.
- b) 1 - Lot; Miscellaneous Shop Supplies.
- c) 4 – 8” x 20’ Column pipe.
- d) 1 – 8” x 15’ Column head joint.
- e) 5 – 1 ½” x 20’ 12 thread “R”.
- f) 1 – 10” 3stage discharge Bowls.
- g) 1 – 8” Stainless Steel strainer.
- h) 1 – 110’ SS coated airline.

4. Unit cost breakdown – Please give a cost breakdown for the following items:

New Materials

	Qty.	Units	Unit Price	Ext. Price
Motor Rewind				
8” x 20” Heavy wall .365 Column	_____	EA.	_____	_____
8” x 15” Heavy wall .365 Column head joint	_____	FT.	_____	_____
2 ½” x 1 ½” x 20’ Tube & Shaft Assembly	_____	EA.	_____	_____
Tube end bearings	_____	EA.	_____	_____
Rubber Centralizer	_____	EA.	_____	_____
Bowl assembly rebuild	_____	EA.	_____	_____

8" Stainless Steel Strainer	_____	EA.	_____	_____
SS Poly Coated .25" Airline & Gauge	_____	FT.	_____	_____
Gaskets, Bolts and misc. materials	_____	EA.	_____	_____
			Sub Total	_____
			Tax	_____
			Grand Total	_____

Wells M-4, M-5 & M-8 Pumps

- M-4: Well Depth of 660', Diameter of 18"
- M-5: Well Depth of 600', Diameter of 18"
- M-8: Well Depth of 823', Diameter of 22"

Tasks:

1. Pull submersible well pumps on well M4, M5, and M8.
2. Transport all well column and pumps to the City water yard located at 3333 Bluff Street, Banning, CA 92220.
3. Make lockable well caps with center hole under cap for well level monitoring for all 3 wells.
4. Video inspection. Contractor will create a color video log from top to bottom. 2 copies of the video log paper report and 2 copies of the video log DVD will be provided to the City's site representative. The video log must be conducted in the presence of City's field representative.

New Materials

	Qty.	Units	Unit Price	Ext. Price
SS Poly Coated .25" Airline & Gauge	_____	EA.	_____	_____
			Sub Total	_____
			Tax	_____
			Grand Total	_____

Well MP-1

- Well depth of 450', casing diameter of 4" PVC
- 2" Submersible grundfos pump with 1" column tube

Tasks:

1. Pull pump, column tube and inspect.
2. Video inspection. Contractor will create a color video log from top to bottom. 2 copies of the video log paper report and 2 copies of the video log DVD will be provided to the City's site representative. The video log must be conducted in the presence of City's field representative.
3. Add stainless airline (stainless steel with plastic coating).
4. Make lockable well caps with center hole under cap for well level monitoring.
5. Reinstall and test well.

New Materials

	Qty.	Units	Unit Price	Ext. Price
SS Poly Coated .25" Airline & Gauge	_____	EA.	_____	_____
			Sub Total	_____
			Tax	_____
			Grand Total	_____

SAFETY REQUIREMENTS: proper PPE; OSHA-approved hard hat, steel-toed boots or shoes, safety glasses or goggles and have hearing protection (ear plugs) and gloves.

WARRANTY/GUARANTEES: All materials and equipment provided under the agreement shall be listed and labeled for the purpose intended and must be in good working order. All work provided under this agreement shall have, as a minimum, a one (1) year warranty from the date of final acceptance against any latent defects, design, materials, workmanship and installation.

CITY RESPONSIBILITIES: Access to City facilities shall be coordinated through the City's Public Works Superintendent or his designee.

EVALUATION OF CONTRACTOR PERFORMANCE: The Company shall establish and follow a quality control program throughout duration of the Contract. The Quality Control Program will identify; performance standards, evaluation forms, incentives, liquidated damages review personnel and describe the procedures to be used to verify, to independently check, and to review the Services provided, as well as any function, activity, or task as part of this Contract.

Throughout the Contract duration, the Company will maintain quality control procedures as covered in the approved Quality Control Program and documentation of the Company's internal reviews for inspection by the City's Public Works Superintendent or his designee.

The service agreement period will be for one (1) year. As part of the agreement, the City of Banning will reserve the right to select or reject contractors and sub-contractors providing services. The City of Banning reserves the right to award separately, by class, in whole or in part but must bid on each class to be considered for that class. The City also reserves the right to reject any, and/or all bids, reserve the right to waive any informality or irregularities in the bid or examination process, reserve the right to select low quote per item, and reserves the right to award quotes and/or contracts in the best interest of the City.

All prices quoted shall be firm for the term of the contract awarded and thereafter until notified in writing by the successful bidders of any price increase or decrease. Unit prices shall be F.O.B. destination prices. All Bidders must conform to these specifications and the products they furnish shall be of first class quality and the equipment used to provide said product shall be the best obtainable in the various trades.

Bidder must bid on all items; award will be made to the lowest responsive and responsible bidder. Prices shall include all costs for the services/items described. All overhead costs, including, but not limited to, freight, delivery and fuel fees shall be included in the total cost. Prices shall remain in effect for the term of the contract and prices shall remain in effect for 90 days from the bid opening date. Bidder further agrees; in addition to the terms and conditions specified herein the following terms and conditions that are a part of this quote and any resulting contract. Quantities stated are estimates only, and are not guaranteed. Quote unit price on the estimated quantity and unit of measure specified. The City may order more or less than the estimated quantity indicated on quote price sheet.

DEFINITION OF REGULAR WORK HOURS: For the purpose of this contract, regular work hours shall be between 8:00 am and 5:00 p.m. Monday through Friday, excluding holidays.

DEFINITION OF HOLIDAYS: For the purpose of this contract, holidays shall be in accordance with City of Banning's official holidays as outlined by City code. Listing will be provided upon request.

LABOR: In compliance with this competitive sealed bid and all of the conditions imposed herein, the bidder offers to furnish the services as stipulated below:

Overtime hourly rates include work performed between 5:00 p.m. and 8:00 a.m. Monday through Friday, anytime Saturday, Sunday and holidays. Overtime rates shall be one and one half (1 ½) times the regular hourly rate. For the purpose of this contract, holidays shall be in accordance with City of Banning's official holidays as outlined by City Code. Listing will be providing upon request. Definitions of technicians assigned to this contract:

BID PRICE LIST

Submit pricing through the City of Banning, eBid system through the PlanetBids Vendor Portal.
<https://www.planetbids.com/portal/portal.cfm?CompanyID=33077>.

QUESTIONNAIRE REGARDING BIDDERS

Number of years engaged in the contracting business under present business name _____.

List of at least the last three contracts performed which show experience in working on a project of a nature similar to that covered in this proposal. If none, so indicate. Attach separate list of references if necessary.

Year	Type of Work	Contract Amt.	Location	Contact person/phone
1				
2				
3				
4				
5				
6				
7				

State of California Contractor's License No.: _____

Contractor's License Expiration Date: _____

NON COLLUSION AFFIDAVIT

STATE OF CALIFORNIA

COUNTY OF _____, being first duly sworn, the party making the

(Name of Bidder)

foregoing bid; that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and, further, that the bidder has not directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

(Signature)

(Typed Name)

SUBSCRIBED BEFORE ME on this _____ day of _____, 2018.

Notary Public

My commission Expires:

DECLARATION OF ACCURACY

I, the undersigned, declare under penalty of perjury that the information presented in this bid, including without limitation the Contractor's license number and expiration date, are true and correct to the best of my knowledge. The bid of any Bidder not signed by the Bidder, or not containing the Bidder's license number and license expiration date, or containing information which is subsequently proven false, shall be considered non-responsive and shall be rejected.

Name

Signature

Title

Date

Contractor's License No.

Federal ID No. (If applicable)

(SEAL - if Bid is by a corporation)

ATTEST

Address

City, State, Zip

Telephone

Type of License

Expiration Date of License

CERTIFICATION

LABOR CODE - SECTION 1861

I, the undersigned Contractor, am aware of the provisions of Section 3700 et. Seq. of the Labor Code which requires every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions of that Code, and I, the undersigned Contractor, agree to and will comply with such provisions before commencing the performance of the Work of this Contract.

Contractor agrees to utilize federal job classifications for the submittal of the certified payrolls and further agrees to pay all of its employees the higher of the prevailing State or Federal wages.

CONTRACTOR:

Firm Name

By

Title

TO THE CITY OF BANNING:

The Undersigned hereby offers and shall furnish the material or service in compliance with all terms, scope of work, conditions, specifications, and amendments in the Invitation for Bid which is incorporated by reference as if fully set forth herein.

Company Name

Address

City State Zip

Signature of Person Authorized to Sign

Printed Name

Title

Date

EX PARTE COMMUNICATIONS CERTIFICATION

Please indicate by signing below one of the following two statements. **Only sign one statement.**

I certify that Proposer and Proposer's representatives have not had any communication with a City Councilmember concerning the IFB No. 19-008 Pelton Wheel and Well Repair at any time after September 21, 2018.

OR

I certify that Proposer or Proposer's representatives have communicated after September 21, 2018 with a City Councilmember concerning the IFB No. 19-008 Pelton Wheel and Well Repair. A copy of all such communications is attached to this form for public distribution.

DISCLOSURE OF GOVERNMENT POSITIONS

Each Proposer shall disclose below whether any owner or employee of the firm currently hold positions as elected or appointed officials, directors, officers, or employees of a governmental entity or held such positions in the past twelve months. List below or state "None."

DISQUALIFICATIONS QUESTIONNAIRE

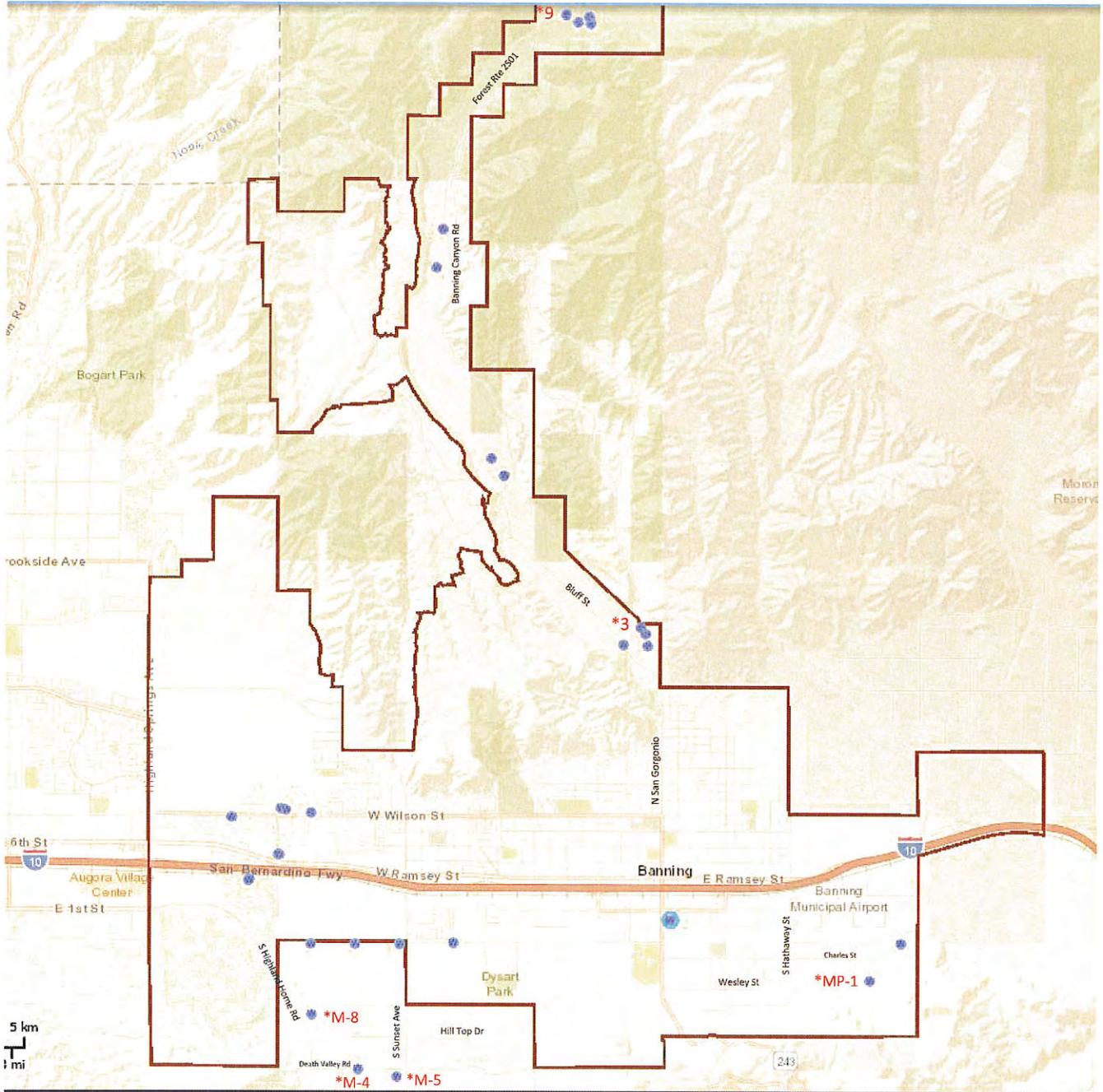
The Consultant shall complete the following questionnaire:

Has the Consultant, any officer of the Consultant, or any employee of the Consultant who has proprietary interest in the Consultant, ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or safety regulation?

Yes _____ No _____

If the answer is yes, explain the circumstances in the following space.

EXHIBIT A WELL LOCATION EXHIBIT





**ADDENDUM NO. 1
INVITATION FOR BID**

FOR

**PELTON WHEEL AND WELL REPAIR
PUBLIC WORKS WATER DEPARTMENT**

IFB No. 19-008

CITY OF BANNING

IFB Released on 9/21/18

Addendum #1 Issued 9/25/18

The referenced document has been modified as per the attached Addendum No. 1

Please acknowledge this Addendum through PlanetBids prior to bid submittal. This addendum is hereby made part of the referenced bid as through fully set forth therein. Any questions regarding this addendum should be addressed through the PlanetBids portal.

Fee Proposal Form for Schedule A has been removed completely and replaced with corrected Proposal Form. Submit your proposal using this form.

**FEE PROPOSAL
 PELTON WHEEL REPAIR
 SCHEDULE A**

TASK NO.	DESCRIPTION OF ITEM	QTY	UNIT	UNIT PRICE	EXT. PRICE
1.	Pelton Wheel removal, transport, disassembly, anticipated repair report and estimate.				
2.	Vertical Turbine pump removal, transport, and disassembly.				
3.	Final Repair report and analysis.				
4a.	Rebuild Bowl Assembly				
4b.	20' replacement column				
4c.	Replacement tube and shaft assembly				
4d.	Top Stretch Tube				
4e.	Stretch Assembly Bearing				
4f.	Replace Bowl Assembly				
4g.	New Column and Inner Column				
4h.	Head parts repairs and replacements				
5.	Color video log				

TOTAL PROPOSAL AMOUNT IN FIGURES: \$ _____
 (Task Item No.'s 1 through 5)

TOTAL PROPOSAL AMOUNT IN WORDS: _____
 (Task Item No.'s 1 through 5)

Under Schedule B, Wells M-4, M-5 & M-8 Pumps, Tasks, Task 5 has been added.

5. Install a threaded 2" PVC sounding tube that the .25 Airline can attach to.

Under Schedule B, Well MP-1, Tasks, Task 4 has been removed and replaced with new task description.

4. Reinstall and test well.

Under Schedule B, Well MP-1, Tasks, New Materials, New material line has been added.

	Qty	Unit Price	Ext. Price
1" Column and tube shaft	_____	_____	_____

All other provisions of the request for quote shall remain in their entirety. Vendors hereby acknowledge receipt and understanding of the above Addendum. Complete and submit this Addendum with your bid.



**ADDENDUM NO. 2
INVITATION FOR BID**

FOR

**PELTON WHEEL AND WELL REPAIR
PUBLIC WORKS WATER DEPARTMENT**

IFB No. 19-008

CITY OF BANNING

IFB Released on 9/21/18

Addendum #2 Issued 10/10/18

The referenced document has been modified as per the attached Addendum No. 2

Please acknowledge this Addendum through PlanetBids prior to bid submittal. This addendum is hereby made part of the referenced bid as through fully set forth therein. Any questions regarding this addendum should be addressed through the PlanetBids portal.

RFP CLARIFICATION

RESPONSE TO QUESTIONS

1. On materials listing for well 9 it is calling for 8" x 20' column pipe but on the costing break down it calls for 8" x 20". Is this just a typo?

The Correct measurement is 8" x 20', the other measurement is a typo.

All other provisions of the request for quote shall remain in their entirety. Vendors hereby acknowledge receipt and understanding of the above Addendum. Complete and submit this Addendum with your bid.



**ADDENDUM NO. 3
INVITATION FOR BID**

FOR

Pelton Wheel Repair

IFB No. 19-008

Public Works – Water Division

CITY OF BANNING

IFB Released on September 21, 2018

Addendum #3 Issued October 16, 2018

The referenced document has been modified as per the attached Addendum No. 3

Please sign this Addendum where designated and return the executed copy with submission of your bid. Addendum must also be acknowledged on PlanetBids. This addendum is hereby made part of the referenced invitation for bids as though fully set forth therein.

Any questions regarding this addendum should be submitted online through PlanetBids.

IFB CLARIFICATION

The closing date for this IFB has been changed from October 17, 2018 at 10:00am to closing as of October 22, 2018 at 5:00pm.

SCHEDULE A – Pelton Wheel Repair

Task 4b. – Assume 4 columns at 20' each, totaling 80'

Please remove and replace Schedule B in its entirety and replace with the following information.

SCHEDULE B – Rehabilitation of Well 9, Pull Pumps on Wells M-4, M-5, M-8 & MP-1

Well 9 Rehabilitation

- Well Depth 162'
- Casing diameter 16"

The scope work for Well 9 includes pulling of motor, pump, transportation, disassembling, inspection, and video logging the well to identify necessary maintenance or repairs. A complete report and repairs analysis is to be provided. The bid for Well 9 shall consist of field labor including travel to and from jobsite, pulling pump and transportation of pump to contractor shop, video log well, brush and bail well. Shop labor shall include disassembling pump, inspection and documentation. Repairs as needed: upon documentation and concurrence with the City of Banning, old or worn materials will be replaced and pump and motor will be reinstalled. Materials shall include a nylon brush and other materials identified by the contractor. The existing equipment consists of a 3 stage bowl assembly 10 NKH (9.5" impeller diameter), 10' Short nipple of 8" suction pipe with stainless cone strainer, 95' of 8" x 2" x 1-1/4" oil lube column, tube and shaft assembly, and a US Motors 25HP 460V 1770 RPM motor.

Tasks:

1. Field Labor

- a) Travel to and from jobsite; pull pump and transport to shop.
- b) Video log well and provide a compact disc or memory stick with video results.
- c) Provide well rehabilitation to consist of the following:
 - a. Provide pre-rehabilitation video log.
 - b. Brush and Bail well to total depth
 - c. Perform 24 hours of nylon brushing.
 - d. Provide Sonar Jet cleaning.
 - e. Perform 48 hours of dual swab airlifting.
 - f. Provide post rehabilitation video log.

2. Shop Labor

- a) Disassemble pump, inspect (bowls, tubes, shaft, column casing) and document findings.
- b) Reassemble pump, bowls.

3. Materials

- a) 1-Nylon brush
- b) 1- Lot; Miscellaneous Shop Supplies
- c) 4- 8" x 20' Column pipe.
- d) 1- 8" x 15' Column head joint.
- e) 5-1 1/2" x 20' 12 thread "R".
- f) 1- 10" 3 stage discharge Bowls.
- g) 1- 8" Stainless Steel strainer.
- h) 1- 110' SS coated airline

4. Unit cost breakdown - Please give a cost breakdown for the following items:

New Materials plus Labor

	Qty.	Units	Unit Price	Ext. Price
Motor Rewind	___	EA	_____	_____
8" x 20" Heavy wall .365 Column	___	FT	_____	_____
8" x 15' Heavy wall .365 Column head joint.	___	EA	_____	_____
2 1/2" x 1 1/2" x 20' Tube & Shaft Assembly	___	EA	_____	_____
Tube end bearings	___	EA	_____	_____
Rubber Centralizer	___	EA	_____	_____
Bowl assembly rebuild	___	EA	_____	_____
8" Stainless Steel strainer	___	EA	_____	_____
SS Poly Coated .25" Airline & Gauge	___	FT	_____	_____
Gaskets, Bolts and misc. materials	___	EA	_____	_____
			Sub Total	_____
			Tax	_____
			Price	_____

Wells M-4, M-5 & M-8 Pumps

- M-4: Well Depth of 660', Diameter of 18"
- M-5: Well Depth of 600', Diameter of 18"
- M-8: Well Depth of 823', Diameter of 22"

Tasks:

1. Pull submersible well pumps on wells M4, M5, and M8.

2. Transport all well column and pumps to the City water yard located at 3333 Bluff Street, Banning, CA 92220.
3. Make lockable well caps with center hole under cap for well level monitoring for all 3 wells.
4. Video inspection. Contractor will create a color video log from top to bottom. 2 copies of the video log paper report and 2 copies of the video log DVD will be provided to the City's site representative. The video log must be conducted in the presence of City's field representative.

New Materials plus Labor

	Qty.	Units	Unit Price	Ext. Price
SS Poly Coated .25" Airline & Gauge	_____	EA	_____	_____
			Sub Total	_____
			Tax	_____
			Price	_____

Well MP-1

- Well Depth of 450', casing diameter of 4" PVC
- 2" submersible grundfos pump with 1" column tube

Tasks:

1. Pull pump, column tube and inspect
2. Video inspection. Contractor will create a color video log from top to bottom. 2 copies of the video log paper report and 2 copies of the video log DVD will be provided to the City's site representative. The video log must be conducted in the presence of City's field representative.
3. Add stainless airline (stainless steel with plastic coating)
4. Reinstall and test Well

New Materials plus Labor

	Qty.	Units	Unit Price	Ext. Price
SS Poly Coated .25" Airline & Gauge	_____	EA	_____	_____
1" Column and tube shaft	_____	EA	_____	_____
			Sub Total	_____
			Tax	_____
			Price	_____



**ADDENDUM NO. 4
INVITATION FOR BID**

FOR

Pelton Wheel Repair

IFB No. 19-008

Public Works – Water Division

CITY OF BANNING

IFB Released on September 21, 2018

Addendum #4 Issued October 17, 2018

The referenced document has been modified as per the attached Addendum No. 4

Please sign this Addendum where designated and return the executed copy with submission of your bid. Addendum must also be acknowledged on PlanetBids. This addendum is hereby made part of the referenced invitation for bids as though fully set forth therein.

Any questions regarding this addendum should be submitted online through PlanetBids.

IFB CLARIFICATION

The following information is included as part of the solicitation document. Please acknowledge this addendum in Planetbids in order to have your submission deemed responsive.

Packaging and Delivery of Bid Proposal

Once the Bid Proposal and Supporting Documents herein have been completed and signed as set forth above, they shall be scanned, along with any proposed sketches and brochures required by these instructions, and upload to Planet Bids.

Bid Bond of 10% (Ten Percent), shall be delivered in a sealed envelope, Attn: Damian Gallegos, Purchasing Manager

City of Banning Clerk's Office

Attn: Damian Gallegos

Banning City Hall

Purchasing Manager

99 E. Ramsey Street, CA 92220

Said envelope shall also contain the following in the lower left-hand corner thereof:

Bid Bond of _____ (Bidder's Name)

for _____ (Project Name Appearing on Cover Sheet)

No consideration shall be given by the Owner to bid proposals received after the date and time set by the Invitation for Bids herein for the opening of bids. No oral or telephonic bids will be considered. No forms transmitted via the e-mail, facsimile, or any other means other than Planet Bids will be considered unless specifically authorized by Owner.

SCHEDULE AND LIQUIDATED DAMAGES

Once the contract has been fully executed, a Notice to Proceed will be issued. After the notice to Proceed has been issued, the contractor will have **sixty (60) working days** to fully complete the work listed in the Scope of Work from the solicitation document.

IF CONTRACTOR DOES NOT CONFORM TO THE ABOVE LISTED CONTRACT COMPLETION SCHEDULES, THEN THE OWNER WILL ENFORCE "LIQUIDATED DAMAGES" IN THE AMOUNT OF **\$500 DOLLARS PER CALENDAR DAY.**



**ADDENDUM NO. 5
INVITATION FOR BID**

FOR

Pelton Wheel Repair

IFB No. 19-008

Public Works – Water Division

CITY OF BANNING

IFB Released on September 21, 2018

Addendum #5 Issued October 22, 2018

The referenced document has been modified as per the attached Addendum No. 5

Please sign this Addendum where designated and return the executed copy with submission of your bid. Addendum must also be acknowledged on PlanetBids. This addendum is hereby made part of the referenced invitation for bids as though fully set forth therein.

Any questions regarding this addendum should be submitted online through PlanetBids.

IFB CLARIFICATION

Due date on bid was extended by 7 days to give us time fix some errors on the bid that have been found.
 An additional addendum will be posted once those errors are corrected.

RFQ specific information	
Date of issuance	September 21, 2018
RFQ number	19-008
Deadline for delivery of bid	Wednesday October 17, 2018 by 10:00 a.m. Monday October 22, 2018 by 5:00 p.m. Monday October 29, 2018 by 10:00 a.m.



**ADDENDUM NO. 6
INVITATION FOR BID**

FOR

Pelton Wheel Repair

IFB No. 19-008

Public Works – Water Division

CITY OF BANNING

IFB Released on September 21, 2018

Addendum #6 Issued October 23, 2018

The referenced document has been modified as per the attached Addendum No. 6

Please sign this Addendum where designated and return the executed copy with submission of your bid. Addendum must also be acknowledged on PlanetBids. This addendum is hereby made part of the referenced invitation for bids as though fully set forth therein.

Any questions regarding this addendum should be submitted online through PlanetBids.

IFB CLARIFICATION

This portion of Schedule B serves as a breakdown of unit costs and is to be completed and submitted as a supplemental document. Amounts entered on PlanetBids "Line Items" tab are to include all materials, taxes and labor for each job in Schedule B respectively.

SCHEDULE B – Rehabilitation of Well 9, Pull Pumps on Wells M-4, M-5, M-8 & MP-1

Well 9 Rehabilitation

New Materials

	Qty.	Units	Unit Price	Ext. Price
Motor Rewind	___	EA	_____	_____
8" x 20" Heavy wall .365 Column	___	FT	_____	_____
8" x 15' Heavy wall .365 Column head joint.	___	EA	_____	_____
2 1/2" x 1 1/2" x 20' Tube & Shaft Assembly	___	EA	_____	_____
Tube end bearings	___	EA	_____	_____
Rubber Centralizer	___	EA	_____	_____
Bowl assembly rebuild	___	EA	_____	_____
8" Stainless Steel strainer	___	EA	_____	_____
SS Poly Coated .25" Airline & Gauge	___	FT	_____	_____
Gaskets, Bolts and misc. materials	___	EA	_____	_____

Wells M-4, M-5 & M-8 Pumps

New Materials

	Qty.	Units	Unit Price	Ext. Price
SS Poly Coated .25" Airline & Gauge	___	EA	_____	_____

Well MP-1

New Materials

	Qty.	Units	Unit Price	Ext. Price
SS Poly Coated .25" Airline & Gauge	___	EA	_____	_____
1" Column and tube shaft	___	EA	_____	_____



**ADDENDUM NO. 7
INVITATION FOR BID**

FOR

Pelton Wheel Repair

IFB No. 19-008

Public Works – Water Division

CITY OF BANNING

IFB Released on September 21, 2018

Addendum #7 Issued October 29, 2018

The referenced document has been modified as per the attached Addendum No. 7

Please sign this Addendum where designated and return the executed copy with submission of your bid. Addendum must also be acknowledged on PlanetBids. This addendum is hereby made part of the referenced invitation for bids as though fully set forth therein.

Any questions regarding this addendum should be submitted online through PlanetBids.

IFB CLARIFICATION

Due date on bid was extended by 3 days to fix the error of not having the ability to upload bid documents.
 Bid documents can now be upload.

RFQ specific information	
Date of issuance	September 21, 2018
RFQ number	19-008
Deadline for delivery of bid	Wednesday October 17, 2018 by 10:00 a.m. Monday October 22, 2018 by 5:00 p.m. Monday October 29, 2018 by 10:00 a.m. Thursday, November 1, 2018 by 10:00 a.m.



**CITY OF BANNING
BANNING UTILITY AUTHORITY REPORT**

TO: BANNING UTILITY AUTHORITY

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Public Works Director
Tammi Phillips, Management Analyst

MEETING DATE: December 11, 2018

SUBJECT: Resolution 2018-22 UA, Rejecting Bid for the “Iron Sponge Media Replacement”

RECOMMENDED ACTION:

Staff recommends that the Banning Utility Authority adopt Resolution 2018-22UA rejecting the bid for the “Iron Sponge Media Replacement”.

BACKGROUND:

Suez Environmental Water Services, Inc., the City's Wastewater Treatment Plant Operator, has informed staff that the current iron sponge media is nearing the end of its service life. The iron sponge media, last replaced in May of 2016, removes hydrogen sulfide from the pipes which is highly corrodible and generates an odorous gas into the atmosphere that is regulated by South Coast Air Quality Management District (SCAQMD).

On October 12, 2018 and October 19, 2018 staff advertised an Invitation for Bids in the Press Enterprise. Additionally, the project was advertised on PlanetBids where thirty-four (34) vendors were notified. The scope of work for this project included the removal and disposal of the existing iron sponge media, installation of new media and the replacement of neoprene gaskets. A mandatory pre-bid meeting was held on October 22, 2018 with one (1) company in attendance. On November 9, 2018 the bid period closed with one bid being received from EnviroSupply & Service, Inc. of Irvine, California, in the amount of \$86,300.

The last time the job was awarded was in February 2016. The winning bid at that time was \$32,245. The current bid reflects a 168% increase from the lowest bid received in 2016.

JUSTIFICATION:

The competitive process ensures contractors do not inflate pricing and that prices are set honestly and fairly. Multiple bids provide a guideline of current market conditions and allows verification of fair and reasonable pricing. Due to the lack of response and the bid amount, rejecting the bid and rebidding the project would be in the best interest of the City.

FISCAL IMPACT:

The City will incur cost related to staff time and approximately \$700 for additional publications.

ALTERNATIVE:

1. Reject the Resolution 2018-22 UA and provide direction to staff.

ATTACHMENTS:

1. Resolution 2018-22 UA

Approved by:



Douglas Schulze
City Manager

ATTACHMENT 1

Resolution 2018-22 UA

RESOLUTION NO 2018-22 UA

A RESOLUTION OF THE BANNING UTILITY AUTHORITY OF THE CITY OF BANNING, CALIFORNIA, REJECTING THE BID FOR "IRON SPONGE MEDIA REPLACEMENT"

WHEREAS, on October 12, 2018 and October 19, 2018 staff advertised the Invitation for Bid in the Press Enterprise and PlanetBids; and

WHEREAS, staff held a mandatory pre-bid meeting on October 22, 2018 to allow prospective contractors to familiarize themselves with the project site as well as ask questions of staff regarding the project's specifications; and

WHEREAS, one bid was received and was 168% higher than the winning bid from February 2016; and

WHEREAS, due to lack of response to the Invitation for Bids, staff recommends the bid is rejected and the project be re-advertised.

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

The Banning Utility Authority adopts Resolution No 2018-22 UA rejecting the bid received for "Iron Sponge Media Replacement.

PASSED, APPROVED AND ADOPTED this 11th day of December, 2018.

, Chairman
Banning Utility Authority

ATTEST:

Laurie Sampson, Acting Deputy Secretary

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

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

CERTIFICATION:

I, Laurie Sampson, Acting Deputy Secretary of the Banning Utility Authority of Banning, California, do hereby certify that the foregoing Resolution 2018-22 UA, was duly adopted by the Banning Utility Authority of the City of Banning, California, at a regular meeting thereof held on the 11th day of December, 2018, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Laurie Sampson, Acting Secretary
Banning Utility Authority
City of Banning, California