

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

February 26, 2019  
**5:00 p.m.**

Banning Civic Center  
Council Chamber  
99 E. Ramsey Street

*The following information comprises the agenda for the regular meeting of the City Council.*

*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 – Banning Police Department Chaplain Merle Malland
- Pledge of Allegiance
- Roll Call – Council Members, Happe, Peterson, Wallace, Mayor Pro Tem Andrade, Mayor Welch

**II. AGENDA APPROVAL**

**III. DECLARATION**

1. Declaration of a Local Emergency Due to Storm Damage ..... **1**

**IV. REPORT ON CLOSED SESSION**

**V. PUBLIC COMMENTS, CORRESPONDENCE, AND APPOINTMENTS**

PUBLIC COMMENTS – *On Items Not on the Agenda*

*A five-minute limitation shall apply to each member of the public who wishes to address the Mayor and Council on a matter not on the agenda. No member of the public shall be permitted to “share” his/her five minutes with any other member of the public. (Usually, any items received under this heading are referred to staff for future study, research, completion and/or future Council Action. See last page.) PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.*

CORRESPONDENCE

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

APPOINTMENTS

None

**VI. CONSENT ITEMS**

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

**Motion: 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)*

- 2. Approval of Special Meeting – 2/5/2019 Minutes (Commission Interviews) ..... **21**
- 3. Approval of Special Meeting – 2/12/2019 Minutes (Workshop) ..... **41**
- 4. Approval of Special Meeting – 2/12/2019 Minutes (Closed Session)..... **81**
- 5. Approval of Regular Meeting – 2/12/2019 Minutes (Regular Meeting).....**85**
- 6. Approval and Ratification of Accounts Payable and Payroll Warrants for January 2018 ..... **97**
- 7. Receive and File Cash, Investments and Reserve Report for January 2018..... **125**
- 8. Capital Improvement Projects Update for January ..... **131**
- 9. Receive and File Police Statistics for January 2019 .....**135**
- 10. Adopt Resolution 2019-\_\_, Initiating Proceedings to Update Landscape Maintenance District No. 1 for Fiscal Year 2019-2020.....**139**
- 11. Adopt Resolution 2019-\_\_, Approving Termination and Release of Liens in Favor of Cash Deposit for Construction of Public Improvements .....**149**

**VII. PUBLIC HEARING(S)**

- 1. Discuss and consider approving a twelve (12) month extension of time for Tentative Track Map No. 36939 for property generally located north of Wilson Street between Sunset Avenue and Sunrise Avenue (APNs 535-430-001 through 021, 535-431-001 through 015, 535-432-01 through 017, 535-070-004 through 006) and adopt Resolution No. 2018-18 granting the requested twelve (12) month extension of time. *(Staff Report: Maryann Marks, AICP, Interim Community Development Director)*

**Recommendation:** that the City Council, **1)** conduct a public hearing on the proposed extension of time for Tentative Tract Map No. 36339; and **2)** Adopt Resolution No. 2019-18 approving a twelve (12) month

2. Adoption of a Categorical Exemption, Approving Conditional Use Permit 18-8003 to Allow a Bar and Drinking Establishment with Outdoor Seating Area, in a Business Known as Finesse Lounge, Approving a Business Permit Required under Chapter 5.48 for Public Dances and Pool Rooms, and a Finding of Public Convenience for Necessity for the Issuance of a License by the California Department of Alcoholic Beverage Control for a Proposed Drinking and Catering Establishment in the Downtown Commercial (DC) Zone on the Property Identified as 144 Wets Ramsey Street. (APNS: 540-203-009,007)

*(Staff Report: Maryann Marks, AICP, Interim Community Development Director)*

**Recommendation:** Adopt Resolution 2019-\_\_\_, **1)** Adopt a Categorical Exemption, pursuant to Section 15301 (Existing Facilities) ; **2)** Approve Conditional Use Permit 18-8003 for a Bar/Lounge in the Downtown Commercial zoning district; **3)** Approve a Business Permit required under Section 5.48 of the banning Municipal Code for Public Dances and a Pool Table ; **4)** Approve a Determination that Public convenience of Necessity would be served by the issuance an “ABC” type 489 license for ‘On-Sale General Public Premises’ and type 58 license ‘Caterer’s Permit’.

241

3. Resolution 2019-03, General Plan Amendment 18-2501; Ordinance No. 1541 approving Zone Change 18-3501 and making findings pursuant to CEQA; Design Review 18-7001; and Environmental Assessment 18-1501 for the Proposed Development of a 146,890 Square Foot Industrial Building within the General Commercial (GC) Land Use District Located on Developed and Undeveloped Property Located at 1897 West Lincoln Street, 1661 West Lincoln Street, 1617 West Lincoln Street, 1589 West Lincoln Street and Vacant Parcels to the East (APNs: 538-230-014, 538-220-002, 538-220-003, 538-220-004, 540-180-041, 540-180-042, 540-180-043, 540-180-044 & 540-180-045)

*(Staff Report: Maryann Marks, AICP, Interim Community Development Director)*

**Recommendation:** **1)** Open the public hearing, receive public comment, and close the public hearing; **2)** Adopt the Resolution 2019-03 (Attachment 1), Adopting an Initial Study / Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Environmental Assessment 18-1501), Approving General Plan Amendment 18-2501, and Approving Design Review 18-7001 for a Proposed 146,890 Square Foot Industrial Warehouse Building Project; and **3)** Introduce, as read by title only, Ordinance No. 1541

(Attachment 2), an Ordinance of the City Council of the City of Banning, California, Approving Zone Change No. 18-3501 to Amend the Zoning Classification for Real Property Located on the North Side of Lincoln Street, East of 22<sup>nd</sup> Street at 1897 West Lincoln Street, 1661 West Lincoln Street, 1589 West Lincoln Street and Vacant Parcels to the East (APNs: 538-230-014, 538-220-002, 538-220-003, 538-220-004, 540-180-041, 540-180-042, 540-180-043, 540-180-044 & 540-180-045) from General Commercial (GC) to Business Park (BP) in Conformance with General Plan Amendment 18-2501.

319

**VIII. ANNOUNCEMENTS AND REPORTS**

CITY COUNCIL COMMITTEE REPORTS

REPORT BY CITY ATTORNEY

REPORT BY CITY MANAGER

**IX. REPORT OF OFFICERS**

1. Resolution No. 2018-156, Approving an Amendment to Purchasing Policy B-30.  
*(Staff Report: Rochelle Clayton, Deputy City Manager)*  
**Recommendation:** Adopt Resolution 2018-156, approving an amendment to Purchasing Policy B-30 to streamline and enhance the procurement and purchasing policy.

523

2. Resolution 2019-02, Amending the Fiscal Year 2018-2019 budget for the addition of two Code Compliance Officers and to update the Classification and Compensation Plan to reclassify the Senior Code Compliance Officer to Code Compliance Supervisor.  
*(Staff Report: Rochelle Clayton, Deputy City Manager)*  
**Recommendation:** Adopt Resolution No. 2019-02; and Authorizing the City Manager or designee to make necessary classification and budget adjustments, appropriations and transfers related to salary and benefits.

635

3. Resolution 2019-\_\_\_, Approving an Amendment to the City's Agreement with CalPERS relative to Safety Member Benefits, to allow a 4% Employer Paid Member Contribution for Qualifying Safety Members of the Banning Police Department.  
*(Staff Report: Rochelle Clayton, Deputy City Manager)*  
**Recommendation:** Adopt Resolution 2019-XX, approving an amendment to the City's Agreement with CalPERS relative to Safety

Member Benefits, to allow a four percent (4%) Employer Paid Member Contribution (“EPMC”) for qualifying Safety members of the Banning Police Department, as approved by Resolution 2018-122.

659

4. Amendment to the Joint Powers Agreement and Bylaws of the Western Riverside Council of Governments to make various updates.  
*(Staff Report: Douglas Schulze, City Manager)*

**Recommendation:** that the City Council approve the amendment to the Joint Powers Agreement and Bylaws of the Western Riverside County Council of Governments to make various language updates.

669

5. Resolution No. 2019-\_\_\_\_, Approving a Memorandum of Understanding (MOU) between the Cities of Banning and Beaumont for the free fare promotion made available through low carbon operations program (LCTOP) funds.

*(Staff Report: Heidi Meraz, Community Services Director)*

**Recommendation:** that the City Council adopt resolution No. 2019-\_\_\_\_, approving the Memorandum of Understanding.

707

6. Resolution 2019-\_\_\_\_, Approving an agreement for the purchase of certain real property interests from the real property at 1909 E. Ramsey Street (APN: 532-120-011)

*(Staff Report: Ted Shove, Economic Development Manager)*

**Recommendation:** Adopt resolution, **1)** approving the Agreement for the purchase of certain real property interests from real property at 1909 E. Ramsey Street (APN: 532-120-011; **2)** authorize the City Manager to execute agreement for purchase and sale and escrow instructions and certificate of acceptance for portions of APN: 532-120-011; and **3)** authorize the Administrative Services Director to make the necessary budget adjustments and appropriations for FY 2018.

719

7. Resolution No. 2019-\_\_\_\_, Awarding a Professional Services Agreement (PSA) for the design of the north San Gorgonio Avenue building demolition and parking lot improvements to Cozad & Fox, Inc. in the amount of \$59,960.

*(Staff Report: Art Vela, Director of Public Works)*

**Recommendation:** that the City Council: **1)** adopt resolution No. 2019-\_\_\_\_, awarding a Professional Services Agreement to Cozad & Fox, Inc.; **2)** authorize the City Manager or his designee to make the necessary budget adjustments; and **3)** authorize the City Manager or his designee to execute the Professional Services Agreement with Cozad & Fox, Inc. of Hemet, California in the amount of \$59,960.

787

8. Resolution No. 2019-\_\_\_\_, Approving Funds to Provide Energy Efficiency and Photovoltaic Solar System Evaluation at Banning Unified School District Facilities not to Exceed \$60,000  
(Staff Report: Tom Miller, Electric Utility Director)  
**Recommendation:** Adopt Resolution 2019- \_\_\_\_, **1)** Amending Fiscal Year 2019 and 2020 public benefits budget to include energy efficiency and solar PV evaluation specifically for Banning Unified School District ("BUSD") solar projects at an amount not to exceed \$60,000 for the Electric Utility and; **2)** Authorizing the Electric Utility Director or his/her designee to approve additional public benefits spending for Fiscal Year 2019 and 2020 upon direction of Banning City Council, and shall not exceed \$60,000 unless otherwise agreed to in writing by the City of Banning.

852

9. Resolution 2019-\_\_\_\_, Temporarily Suspending the Electric Utility's Rate Restructuring for Master-Metered Mobile Home Parks Only.  
(Staff Report: Tom Miller, Electric Utility Director)  
**Recommendation:** Adopt Resolution 2019- \_\_\_\_, **1)** Temporarily Suspending the Electric Utility rate restructuring, as outlined in Resolution 2018-130, for master -metered mobile home parks only; **2)** Authorizing the Electric Utility Director or his/her designee to reinstate the rate restructuring for master-metered mobile home parks once the City Attorney has indicated that all applicable issues have been resolved and all regulations adhered to.

893

**BANNING UTILITY AUTHORITY (BUA) – Next Meeting, March 12, 2019,**  
**5:00 p.m.**

**BANNING FINANCING AUTHORITY (BFA) – no meeting.**

**X. 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. Honor Banning High School Senior Aliyah Amis

**XI. 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.*



**CITY OF BANNING  
CITY COUNCIL REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Laurie Sampson, Executive Assistant

**MEETING DATE:** February 26, 2019

**SUBJECT:** Resolution 2019-\_\_\_, Declaring a Local Emergency Due to Storm Damage

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**RECOMMENDED ACTION:**

Adopt a Resolution of the Council of the City of Banning Declaring a Local Emergency Caused by Heavy Rain, Storm Conditions, and Flooding.

**DISCUSSION:**

On, Thursday, February 14, 2019 heavy rainfall resulted in flooding of certain areas within City limits. The Director of Emergency Services, Douglas Schulze, proclaimed the existence of a local emergency on Tuesday, February 19, 2019 (see attachment 1). It is recommended that the City Council adopt a Resolution Declaring the Existence of a Local Emergency (Attachment 2) caused by flooding commencing on February 14, 2019.

**OPTIONS:**

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

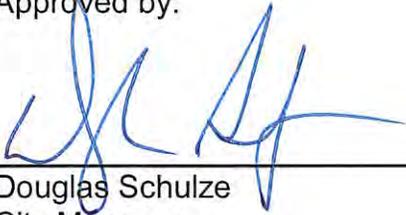
**ATTACHMENTS:**

1. Proclamation of the Existence of a Local Emergency
2. Resolution Declaring the Existence of a Local Emergency
3. Pictures of Locations Affected by Storm Damage

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1. Proclamation of the Existence of a Local Emergency
2. Resolution Declaring the existence of a Local Emergency
3. Pictures of Locations Affected by Storm Damage

Approved by:



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Douglas Schulze  
City Manager

# **ATTACHMENT 1**

## **Proclamation of the Existence of a Local Emergency**

CITY OF BANNING  
STATE OF CALIFORNIA

PROCLAMATION OF A LOCAL EMERGENCY  
BY THE DIRECTOR OF EMERGENCY SERVICES

WHEREAS, Ordinance 1378 of the City of Banning empowers the Director of Emergency Services to proclaim the existence of a "Local Emergency" when the City Council is not in session; and

WHEREAS, the Director of emergency services finds:

That at the time of this proclamation the City Council is not in session; and

That conditions of extreme peril to the safety of person and property have arisen within the City of Banning caused by severe winter storms, resulting in subsequent flooding, rockslides and road closures; and

There exists an imminent threat to life, property and critical infrastructure; and

Limited resources within the City are available due to the number of ongoing incidents throughout Riverside County; and

State Resources have been called upon to assist in flood fighting efforts and to clear blocked roadways; and

Evacuation of critical facilities and citizens are possible; and

Communities in the unincorporated areas are isolated; and

That the aforementioned conditions of extreme peril warrant and necessitate the proclamation of a "Local Emergency".

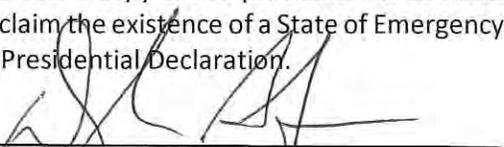
NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a "Local Emergency" exists throughout the City of Banning; and

IT IS FURTHER PROCLAIMED AND ORDERED that during existence of said "Local Emergency" the powers, functions and duties of the Director of Emergency Services and the Emergency Management Organization of this County shall be those prescribed by State law and the charter, ordinances, resolutions and approved plans of the City of Banning in order to mitigate the effects of said "Local Emergency"; and

IT IS FURTHER PROCLAIMED AND ORDERED that said "Local Emergency" shall be deemed to continue to exist for the next fourteen days; and, thereafter by ratification of the City of Banning, until its termination is proclaimed by the City Council of the City of Banning; and

IT IS FURTHER PROCLAIMED AND ORDERED that a copy of this proclamation be forwarded to the Governor of California with the request that he proclaim the existence of a State of Emergency throughout Riverside County and that the Governor request a Presidential Declaration.

Dated: February 21, 2019

  
\_\_\_\_\_  
Director of Emergency Services  
City of Banning

# **ATTACHMENT 2**

## **Resolution Declaring the Existence of a Local Emergency**

**RESOLUTION NO. 2019-\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA,  
DECLARING A LOCAL EMERGENCY CAUSED BY HEAVY RAIN, STORM  
CONDITIONS, AND FLOODING**

**WHEREAS**, Chapter 6A, Section 6 of the Municipal Code of the City of Banning empowers the Director of Emergency Services to proclaim the existence or threatened existence of a disaster or an emergency, and the termination thereof; and

**WHEREAS**, the City Council of the City of Banning has been requested by the Director of Emergency Services of said City to confirm the existence of a local emergency therein; and

**WHEREAS**, on February 21, 2019, the Director of Emergency Services of the City of Banning, Douglas Schulze, signed a Proclamation of Existence of a Local Emergency, declaring a local emergency due to a natural disaster caused by severe flooding conditions as of February 14, 2019; and

**WHEREAS**, the City Council does hereby find that:

1. The conditions of extreme peril to the safety of persons and property have arisen with said City, caused by flooding commencing on or about February 14, 2019; and
2. The conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency;

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

1. A local emergency now exists throughout said City;
2. It is ordered that during the existence of said local emergency the powers, functions, and duties of the Director of emergency Services and the emergency organization of this city shall be those prescribed by state law, by ordinances, and resolutions of this city approved by the City Council; and
3. It is further proclaimed and ordered that said local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Banning.

**PASSED, APPROVED AND ADOPTED** this 26th day of February, 2019.

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Arthur L. Welch, Mayor  
City of Banning

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Daryl Betancur, Deputy City Clerk  
City of Banning

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

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

**CERTIFICATION:**

I, Daryl Betancur, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2019-\_\_\_\_, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 26<sup>th</sup> day of February, 2019, by the following vote, to wit:

AYES:

NOES:

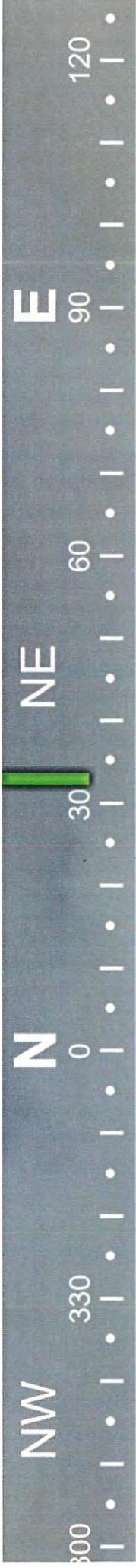
ABSTAIN:

ABSENT:

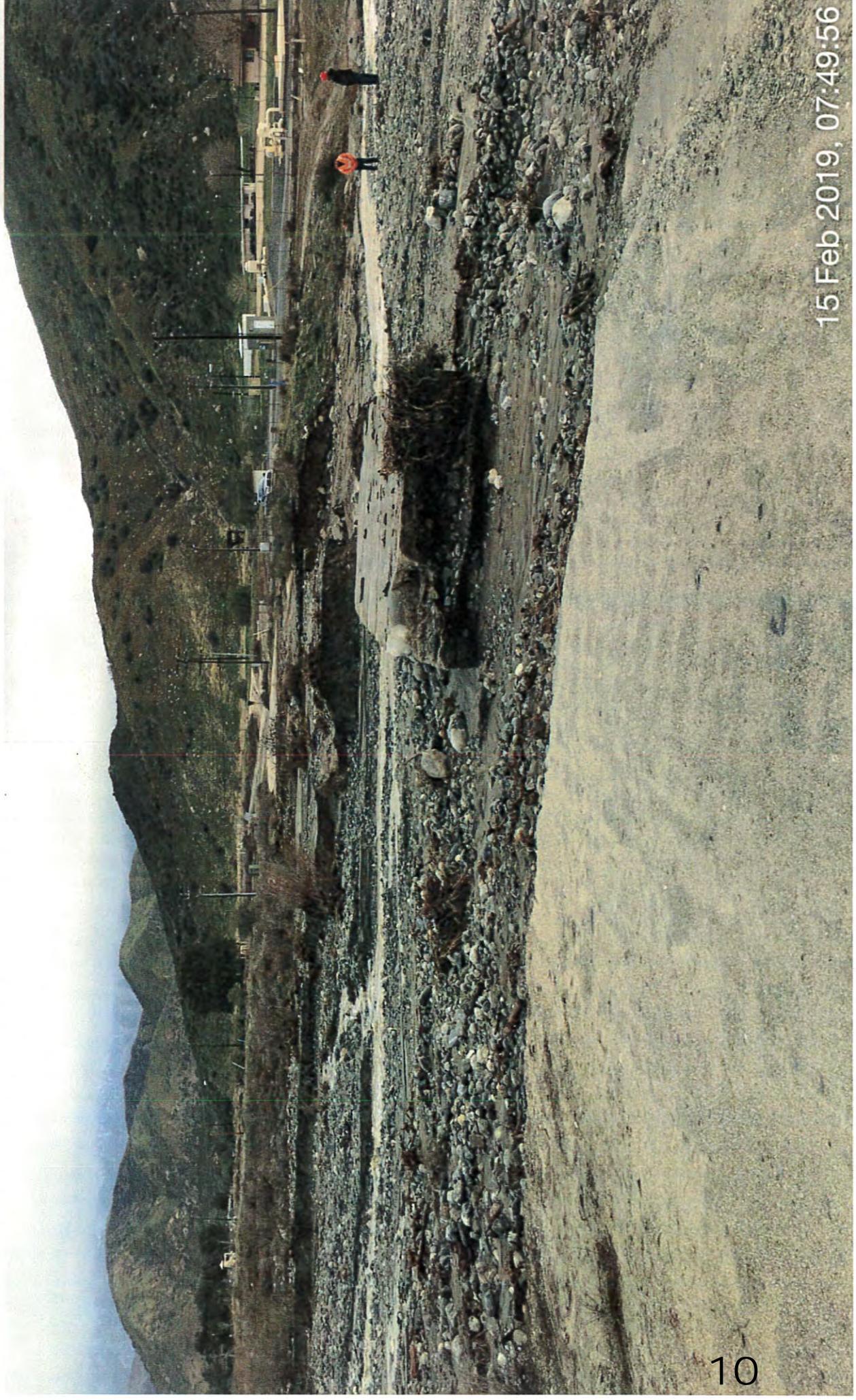
\_\_\_\_\_  
Daryl Betancur, Deputy City Clerk  
City of Banning, California

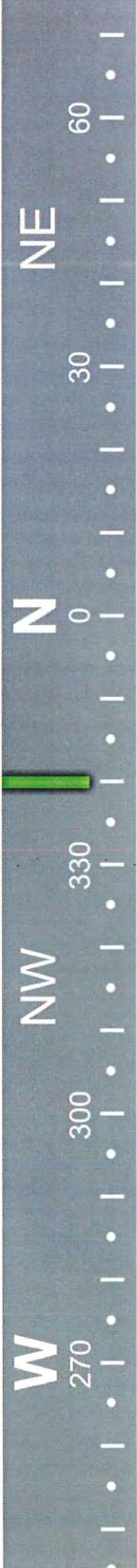
# **ATTACHMENT 3**

## Pictures of Locations Affected by Storm Damage



☀ 33°NE (T) ● 33°57'4"N, 116°52'48"W ±16.4ft ▲ 2729ft

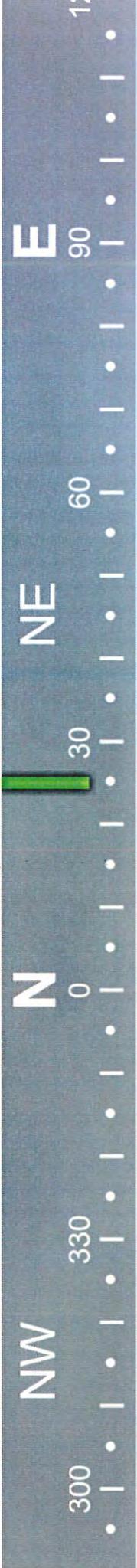




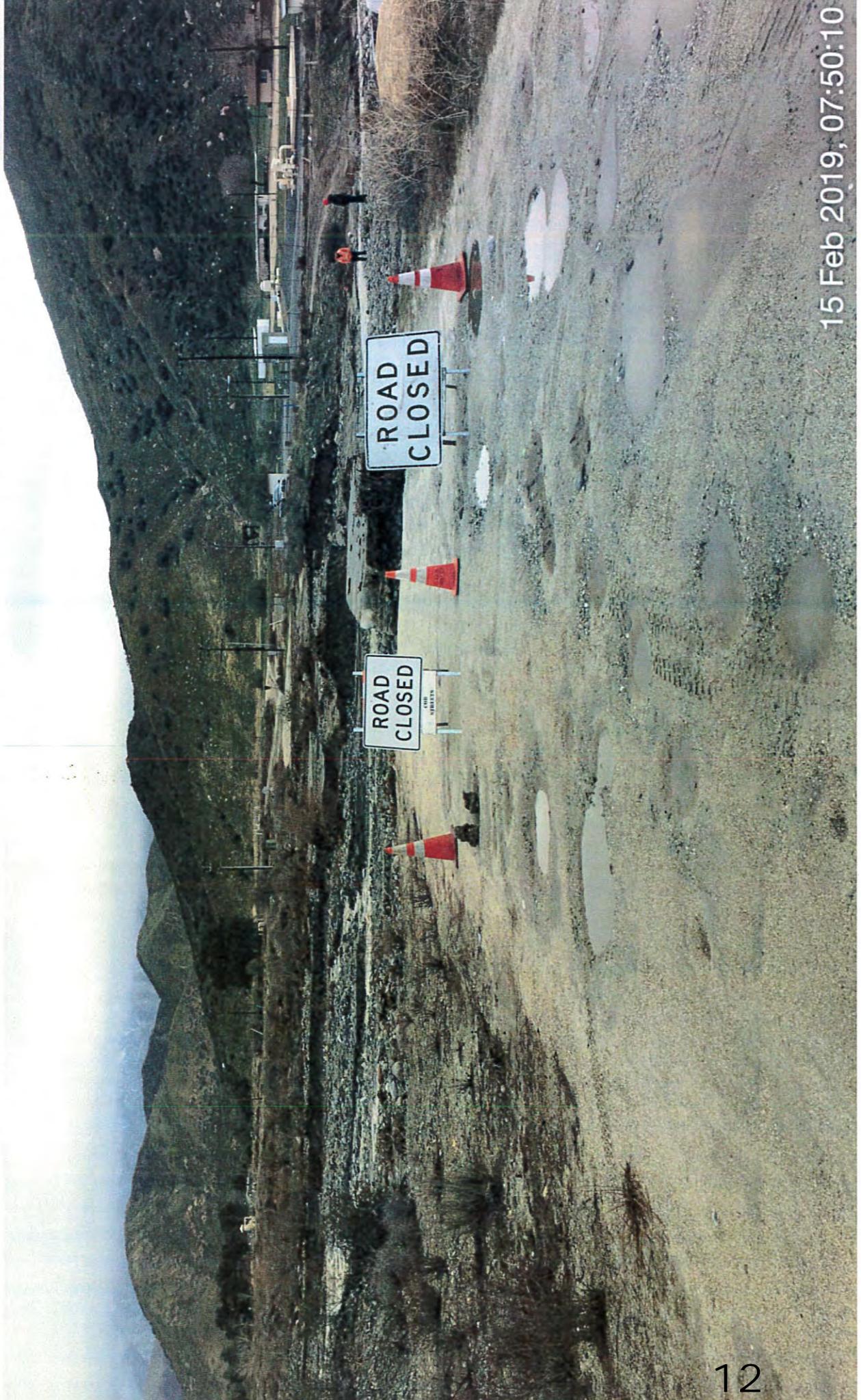
☉ 340°N (T) ● 33°57'4"N, 116°52'46"W ±16.4ft ▲ 2716ft



15 Feb 2019, 07:52:16



26°NE (T) ● 33°57'4"N, 116°52'48"W ±16.4ft ▲ 2717ft



NE

E

SE

30

60

90

120

1

☀ 78°E (T)    ● 33°54'52"N, 116°51'10"W ±16.4ft    ▲ 2123ft



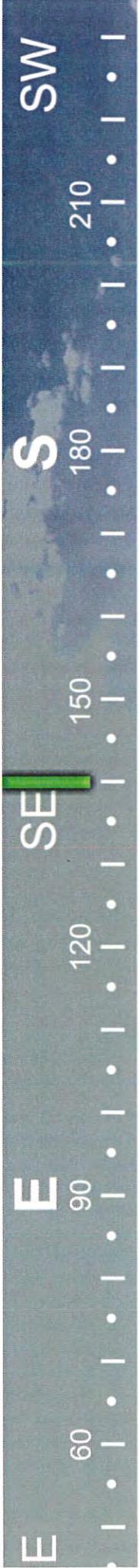
15 Feb 2019, 08:21:41



☉ 354°N (T) ● 33°54'50"N, 116°51'3"W ±16.4ft ▲ 2106ft



15 Feb 2019, 08:30:22

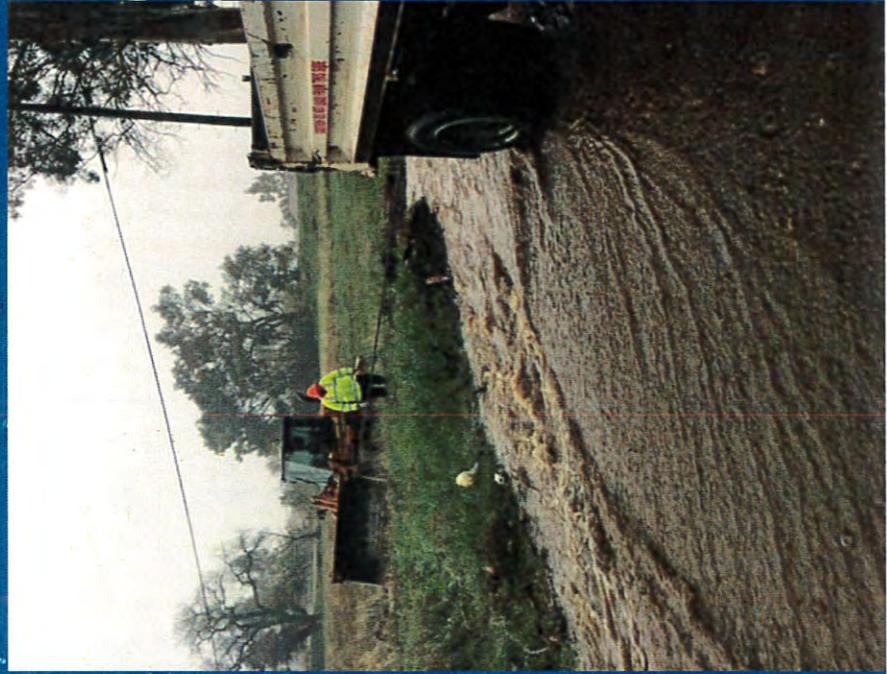


☉ 140°SE (T) ● 33°54'51"N, 116°51'3"W ±16.4ft ▲ 2110ft



15 Feb 2019, 08:30:53

# Omar & Ramsey Crews at work









W

270

NW

300

N

0

☀ 316°NW (T)    ☉ 33°56'29"N, 116°52'38"W ±32.8ft    ▲ 2560ft



15 Feb 2019 20:06:54

A special meeting of the Banning City Council was called to order by Mayor Welch on February 5, 2019 at 9:00 p.m. at the Banning Civic Council Chambers, 99 E. Ramsey Street, Banning, California.

COUNCIL/BOARD MEMBERS PRESENT: Council Member Happe  
Council Member Peterson  
Council Member Wallace  
Mayor Pro Tem Andrade  
Mayor Welch

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Heidi Meraz, Community Services Director  
Daryl Betancur, Deputy City Clerk

COMMISSIONER INTERVIEWS:

1. Arthur J. Cabral
2. Frank Diaz
3. Laura Leindecker
4. Leroy Miller
5. Vickie Sellers
6. Shelby Waldron
7. Robert Ybarra

Following the interviews, the City Council engaged in a brief discussion relative to the credentials, and suitability of each candidate to serve on the Parks & Recreation Commission.

PUBLIC COMMENT

None

## ADJOURNMENT

By consensus, the meeting adjourned at 11:22 a.m.

Minutes Prepared by:

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Daryl Betancur, Deputy City Clerk

Attachments:

Exhibit A: Parks & Recreation Commissioner Applications

Exhibit B: Interview Questions

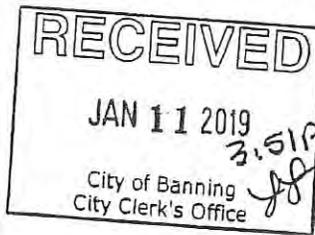
**These Action Minutes reflect actions taken by the City Council. The entire discussion of this meeting can be found by visiting the following website: <https://banninglive.viebit.com/player.php?hash=HWru93tYuMRK> or by requesting a CD or DVD at Banning City Hall located at 99 E. Ramsey Street.**

**Exhibit “A”**

**to the February 5 2019**

**9:00 A.M. Special City Council Meeting**

**Parks & Recreation Commission Applications**



**COMMITTEE/BOARD APPLICATION FORM**

Name of Committee or Board you are applying for: PARKS AND RECREATION

Name: Arthur J. Cabral

Email Address: \_\_\_\_\_

Address: \_\_\_\_\_ CA, 92220

Telephone Numbers: Home \_\_\_\_\_ Cell \_\_\_\_\_

If employed, where do you work and what is your position?  
TMDLI, Human Resource Analyst, Business Owner.

Length of residence in Banning 25 yrs.

Are you a registered voter in Banning? Yes  No \_\_\_\_\_

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

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

Banning Graduate, Some College edu. 15+ years non-profit work, volunteer with city in sports (Baseball, Football) Board member at Banning Chamber of Commerce.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Focus and provide safe environments for our youth with more after school activities, cleaning parks & creating new parks or park activities.

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

Processes take to long to approve, I would like to be involved in the process and figure out how the city can be more efficient and accountable to timelines.

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

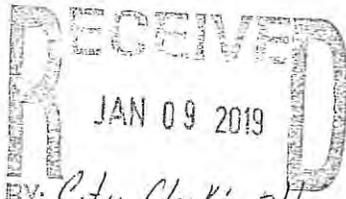
**This is a volunteer position. You must be a registered voter and reside in the City of Banning. You will also need to be fingerprinted and pass a background investigation.**

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

**RETURN BY: January 11, 2019  
5:00 p.m.**

Thank you for your willingness to serve your local government.

Date: 1/11/19 Signed: [Signature]



BY: City Clerk's Office



COMMITTEE/BOARD APPLICATION FORM

Name of Committee or Board you are applying for:

PARKS AND RECREATION

Name: Frank Diaz

Email Address:

Address:

Banning Ca 92220

Telephone Numbers: Home

Cell

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

Fountain Valley School District - Operation Supervisor

Length of residence in Banning 2y 3months

Are you a registered voter in Banning? Yes [X] No

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

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

My background relevant to the duties of the post are as follows:

- \* Education - High School Diploma with 38 units of college.
- \* Work Experience - 25 yrs in Facilities, Maintenance & Operations. 17 yrs experience leading school departments of 25 - 280 employees. 17 yrs experience developing budgets, working with contractors, and supervising projects of \$1,000 - 6 million.
- \* Civic Involvement - Banning SD (DPAC) District Agent Advisory Committee officer, community volunteer with Habitat for Humanity.

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

The committee would advise the City Council of community planning events, programs, operational activities and facilities matters that pertain to the Parks & Recreation.

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

The specific problems facing the board and how I feel they might be resolved are as follows:

- \* Community Outreach - can be resolved by utilizing networking groups and/or social media.
- \* Community Involvement - can be resolved by utilizing networking groups and/or social media. Advertisement based on core values of events with specific goals.

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

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

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

**RETURN BY:** January 11, 2019  
5:00 p.m.

Thank you for your willingness to serve your local government.

Date: 1/8/19 Signed: Frank Diaz

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JAN 10 2019  
BY: City Clerk's office



**COMMITTEE/BOARD APPLICATION FORM**

Parks / Recreation

Name of Committee or Board you are applying for:

PLANNING COMMISSION

Name: Laura L. Leindecker

Email Address: \_\_\_\_\_

Address: \_\_\_\_\_, CA 92220

Telephone Numbers: Home \_\_\_\_\_ Cell \_\_\_\_\_

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

LLLeindecker & Associates, proprietor

Length of residence in Banning 14 years

Are you a registered voter in Banning? Yes  No \_\_\_\_\_

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

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

Graduated UC Santa Barbara with a Bachelors Degree in Communications; worked in NYC in commercial real estate/commercial development. Continued career in financial publishing for CFO's i.e. IMF, World Bank events. My background has continued to be in business, business development. LLeindecker & Associates is an independent public relations business - I currently am working with a client which I have been retained for more than 4 years whose commercial property went through a development phase; a 2-year process - we are now in a zoning phase of one of his projects. I have worked with the Cities departments of planning, building, zoning, permits, fire. Personal - originally from Goleta/Santa Barbara; never married, no children. Local Rotarian, Chamber of Commerce VP; a Rotarian; have been on the business ad hoc committee; believe in Banning, believe in business!

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

Improving the quality of our Parks, especially during the economic restraints our City may go  
through: before I can identify specific issues/items I would need to review the last few Board Agendas. I do  
know about Roosevelt Park, I am aware individuals/public have their own priorities projects— these might  
not always be feasible. Work for the good of the entire City.

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

Parks/Recreation - keeping the City balanced, safe - well rounded. We have done a great job.

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

***This is a volunteer position. You must be a registered voter and reside in the City of Banning. You will also need to be fingerprinted, pass a background investigation and attend a brief orientation session at City Hall to explain the role of commissioners on Wednesday, October 10, 2018 from 4:00 p.m. to 4:30 p.m.***

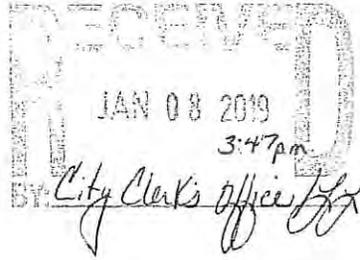
Please return to: City Clerk's Office  
City of Banning  
99 E. Ramsey Street  
P. O. Box 998  
Banning, CA 92220

**RETURN BY:** October 12, 2018  
5:00 p.m.

Thank you for your willingness to serve your local government.

Date: 1/10/2019

Signed: 



**COMMITTEE/BOARD APPLICATION FORM**

Name of Committee or Board you are applying for:

**PARKS AND RECREATION**

Name: Leroy Miller

Email Address: \_\_\_\_\_

Address: \_\_\_\_\_ ining, CA 92220

Telephone Numbers: Home -- \_\_\_\_\_ Cell -- \_\_\_\_\_

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

Length of residence in Banning 54 years

Are you a registered voter in Banning? Yes Yes No \_\_\_\_\_

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

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

I went to school in Banning and have completed some college. I have worked for the City of Banning and Cal Fire. I have worked in Parks and Recreation for 10 years, Banning Youth Baseball, Concerts in the Park, One on One Board for the City and schools, and helped with the Senior Citizen and Recreation Department.

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

Funding programs for the Recreation department, updating of the City Master Plan,  
funding for playground equipment, and looking at new park plans

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

The homeless problem in the parks and graffiti might be resolved with Park Rangers.  
Funding needs might be resolved with increased fees and by generating other revenue.

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

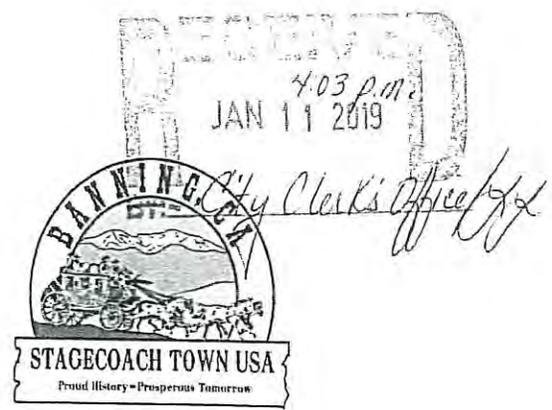
***This is a volunteer position. You must be a registered voter and reside in the City of Banning. You will also need to be fingerprinted and pass a background investigation.***

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

**RETURN BY: January 11, 2019  
5:00 p.m.**

Thank you for your willingness to serve your local government.

Date: 1-8-19 Signed: Larry Miller



**COMMITTEE/BOARD APPLICATION FORM**

Name of Committee or Board you are applying for:

PARKS AND RECREATION

Name: Vickie A Sellers

Email Address: \_\_\_\_\_

Address: \_\_\_\_\_ St Banning, CA 92221

Telephone Numbers: Home \_\_\_\_\_ Cell \_\_\_\_\_

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

Banning High School - Banning, HS, principals secretary

Length of residence in Banning 63 years

Are you a registered voter in Banning? Yes  No \_\_\_\_\_

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

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

graduated from Banning High School - 1974 - graduated  
in 1975 in Sacramento with a degree in Association of Science  
and currently the Secretary of Banning PMS Little League  
I have been on the Board for six years. I am also  
a member of Stagecoach Rules Dept. for the past 6 years  
and am the Vendor representative. I also have  
attended school @ Cal State University of San Bernardino.  
my position at Banning High School will help the city  
coordinate activities with the school district and

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4:03 p.m.  
City Clerk's Office

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

Being available with people to get things done. Hearing their issues and working with the city to resolve problems that may arise. Being ADA compliant is a concern as well as funding

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

I am a great task master. I face challenges getting resolution. A big issue the committee is facing is not having a complete committee; I am dedicated and would do there 100% plus. If an emergency met reassemble the committee, to make have a meeting I would attend. I believe in community service and would love an opportunity to serve.

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

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

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

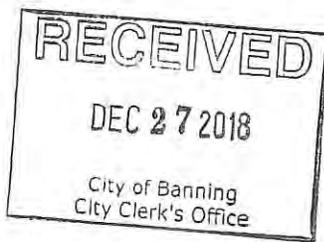
**RETURN BY:**

**January 11, 2019  
5:00 p.m.**

Thank you for your willingness to serve your local government.

Date: 1/11/2019

Signed: Vickie A Sellers



**COMMITTEE/BOARD APPLICATION FORM**

Name of Committee or Board you are applying for: PARKS AND RECREATION

Name: Shelby Waldron

Email Address: \_\_\_\_\_

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

Telephone Numbers: Home ( \_\_\_\_\_ ) Cell \_\_\_\_\_

If employed, where do you work and what is your position?  
Graduate Student at California Baptist University; Part-time private child-care provider.

Length of residence in Banning 22 years

Are you a registered voter in Banning? Yes  No \_\_\_\_\_

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

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

**Community Service:** Volunteer mentor for anti-bullying club at Ramona High School; Choreographer for youth cheerleading program; Former junior board member of youth football program, Pass Redskins, where I worked snack bar, ran game clocks, field set-up & maintenance and picked up trash after use.  
**Education:** Beaumont High School - (2014); University of Dallas - B.A. in Psychology (2018); Currently a master's student at California Baptist University studying sport and performance psychology.  
**Leadership Roles/ Committees and Boards:** Founder and CEO of non-profit "Shelby's Locker"; Co-Founder of Public Speaking Club "Next Level Speakers"; Student Athlete Advisory Committee (SAAC) (Univ. of Dallas); Basketball representative for Fellowship of Student Athletes (FCA) (Univ. of Dallas); BHS Prom Committee 2013; BHS C/O 2014 Senior I.O.C. Representative;  
**Scholarships:** Kohl's community cares scholarship (community service-based award); Soroptimist International Violet Richardson community service award

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

I am not aware of any current major issues within the city because I have just recently relocated back to Banning; however. I think the parks and recreation board would focus on making sure Banning parks are clean, well lit, and safe. I would think a priority of the board would be working with other organizations to provide as many community activities, sports, and events for the residents of Banning, especially the youth.

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

As noted above. I am not aware of any specific problems. I have always taken advantage of the parks around town and was a participant in any and all youth activities and sports, so I just want to volunteer and give back to my community and I saw this opening and thought it would be a good place for me to start.

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

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

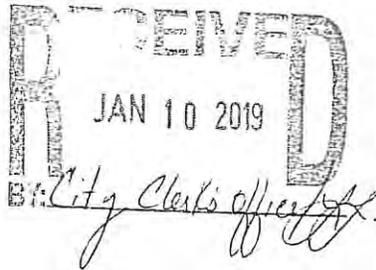
Please return to: City Clerk's Office  
City of Banning  
99 E. Ramsey Street  
P. O. Box 998  
Banning, CA 92220

**RETURN BY: January 11, 2019  
5:00 p.m.**

Thank you for your willingness to serve your local government.

Date: December 22, 2018

Signed: 



**COMMITTEE/BOARD APPLICATION FORM**

Name of Committee or Board you are applying for:

PARKS AND RECREATION

Name: Robert G Ybarra III

Email Address: \_\_\_\_\_

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

Ca 92220

Telephone Numbers: Home \_\_\_\_\_

Cell \_\_\_\_\_

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

Precision Material Handling INC.  
CEO/owner

Length of residence in Banning 5 years

Are you a registered voter in Banning? Yes  No \_\_\_\_\_

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

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

I grew up in Yucaipa and graduated from Chaffey school  
I am the CEO/owner of Precision Material Handling INC.  
and have been successful in my business for 11 years.  
I moved my family and business to Banning around 2013  
I participate and am involved in community events that  
sponsor Corals Kitchen. I am currently the President  
of the Banning chamber of Commerce, and I am working  
with the Board of directors on new events for the  
Local Business owners and the community to bring  
new life to our community, our goal is to make  
Banning a destination and bring new business to our  
city.

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

Promoting the use of, and advocating the use  
of parks and recreational services.  
Help create programs to be implemented by the  
Park and Recreation.

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

Banning needs a sports park for soccer  
and other sports for the youth.  
Also Banning need some kind of events that  
will bring people to Banning year round  
something that will bring much needed  
revenue to our city.

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

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

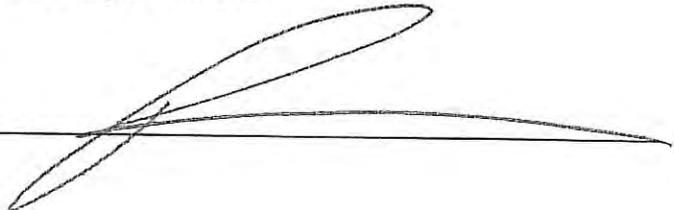
Please return to: City Clerk's Office  
City of Banning  
99 E. Ramsey Street  
P. O. Box 998  
Banning, CA 92220

**RETURN BY:**

**January 11, 2019  
5:00 p.m.**

Thank you for your willingness to serve your local government.

Date: 1/10/19

Signed: 

**Exhibit “B”**  
**to the February 5, 2019**  
**9:00 A.M. Special City Council Meeting**  
**Interview Questions**

# **Parks & Recreation Commission Interview Questions**

1. Describe your involvement in community activities, volunteer and civic organizations.
2. What is about the Parks & Recreation that interest you? What qualities, experience and expertise would you bring to the Parks & Recreation Commission?
3. How would you see your role as commissioner when recommending policy and working with the council?
4. What do you see as the current primary issues with parks and recreation in Banning?
5. If appointed, what specific goals would you like to see the Parks and Recreation Commission achieve?
6. We have concluded the interview. Do you have any questions for us?

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COUNCIL/BOARD MEMBERS PRESENT: Council Member Andrade  
Council Member Happe  
Council Member Peterson  
Council Member Wallace  
Mayor Welch

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Doug Schulze, City Manager  
Rochelle Clayton, Deputy City Manager  
Kevin Ennis, City Attorney  
Tom Miller, Electric Utility Director  
Art Vela, Public Works Director  
Luis Vela, Senior Civil Engineer  
Kyle Nelson, Montrose Environmental Group  
Daryl Betancur, Deputy City Clerk

1. **CALL TO ORDER**

1.1 Roll Call

A special meeting of the Banning City Council was called to order by Mayor Welch on February 12, 2019 at 2:30 p.m. at the Banning Civic Center Council Chambers at 99. E. Ramsey Street, Banning, California.

2. **WORKSHOP**

2.1 Nitrogen removal Feasibility Study

Art Vela, director of Public Works Director and Kyle Nelson from Montrose Environmental Group, Inc. presented the staff report and answered Council's questions.

3. **PUBLIC COMMENT**

There was no public comment.

4. **ADJOURNMENT**

By consensus, the meeting adjourned at 3:38 p.m.

Minutes Prepared by:

---

Daryl Betancur, Deputy City Clerk

Attachment: Exhibit A- Central Wastewater Treatment Plant Upgrades Presentation

**These Action 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=RIUVzrKc1PxP> or by requesting a CD or DVD at Banning City Hall located at 99 E. Ramsey Street.**

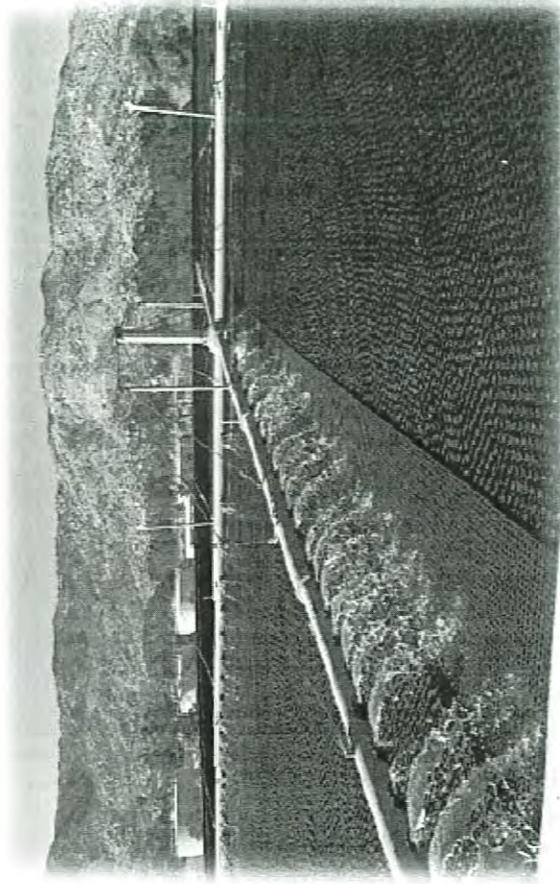
**Exhibit “A”**

**To the February 12, 2019**

**2:30 P.M. Special City Council Meeting**

**Workshop**

**Nitrogen Removal Feasibility Study**



## City of Banning City Council Workshop Central Wastewater Treatment Plant Upgrades

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February 12, 2019

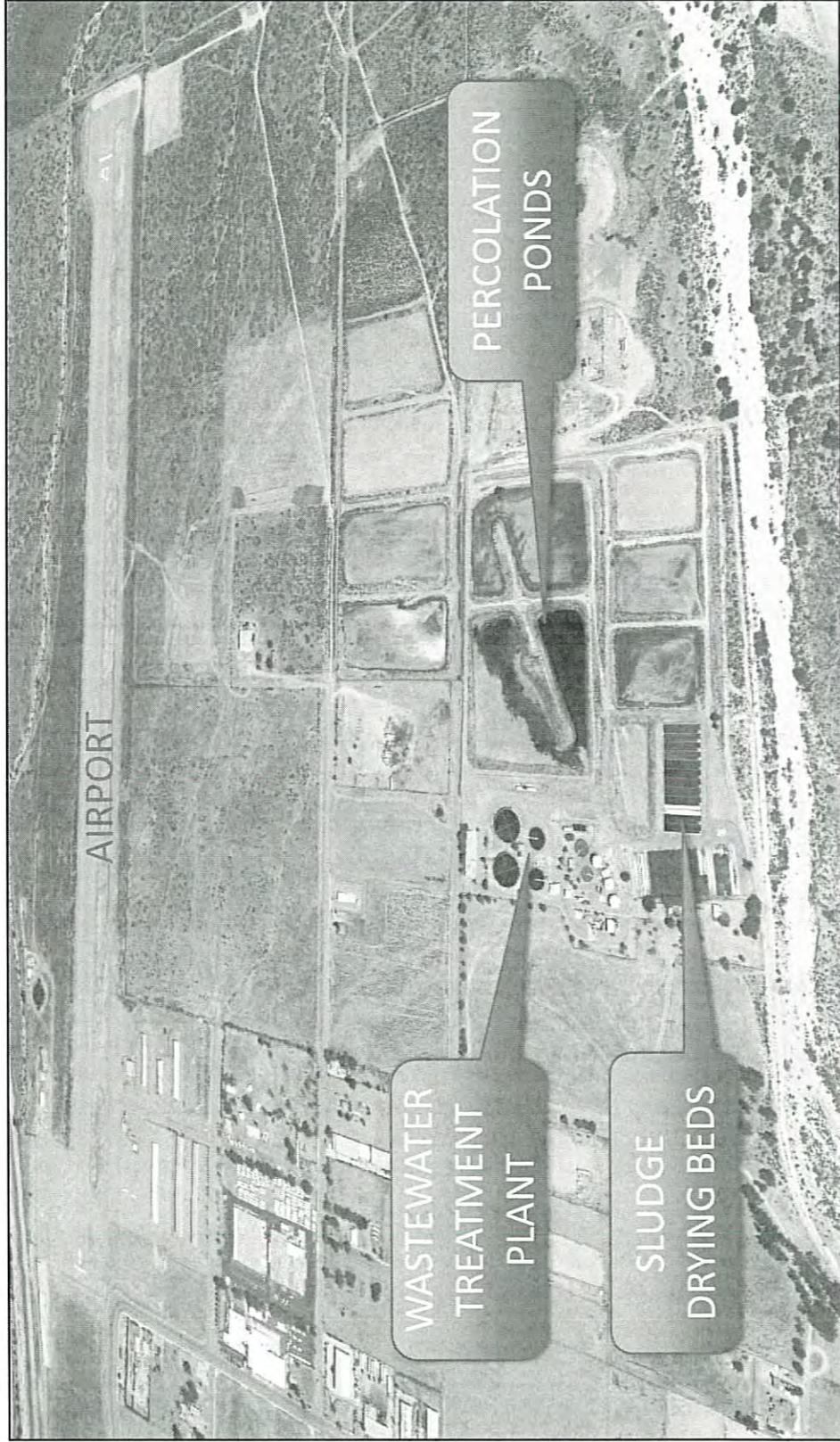
# City Council Workshop Agenda

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- Background
- Nitrogen Removal – Regional Board Order
- Title 22 Compliance
  - Recycled Water
  - Groundwater Recharge
- Recommendations
- Implementation and Financing Options

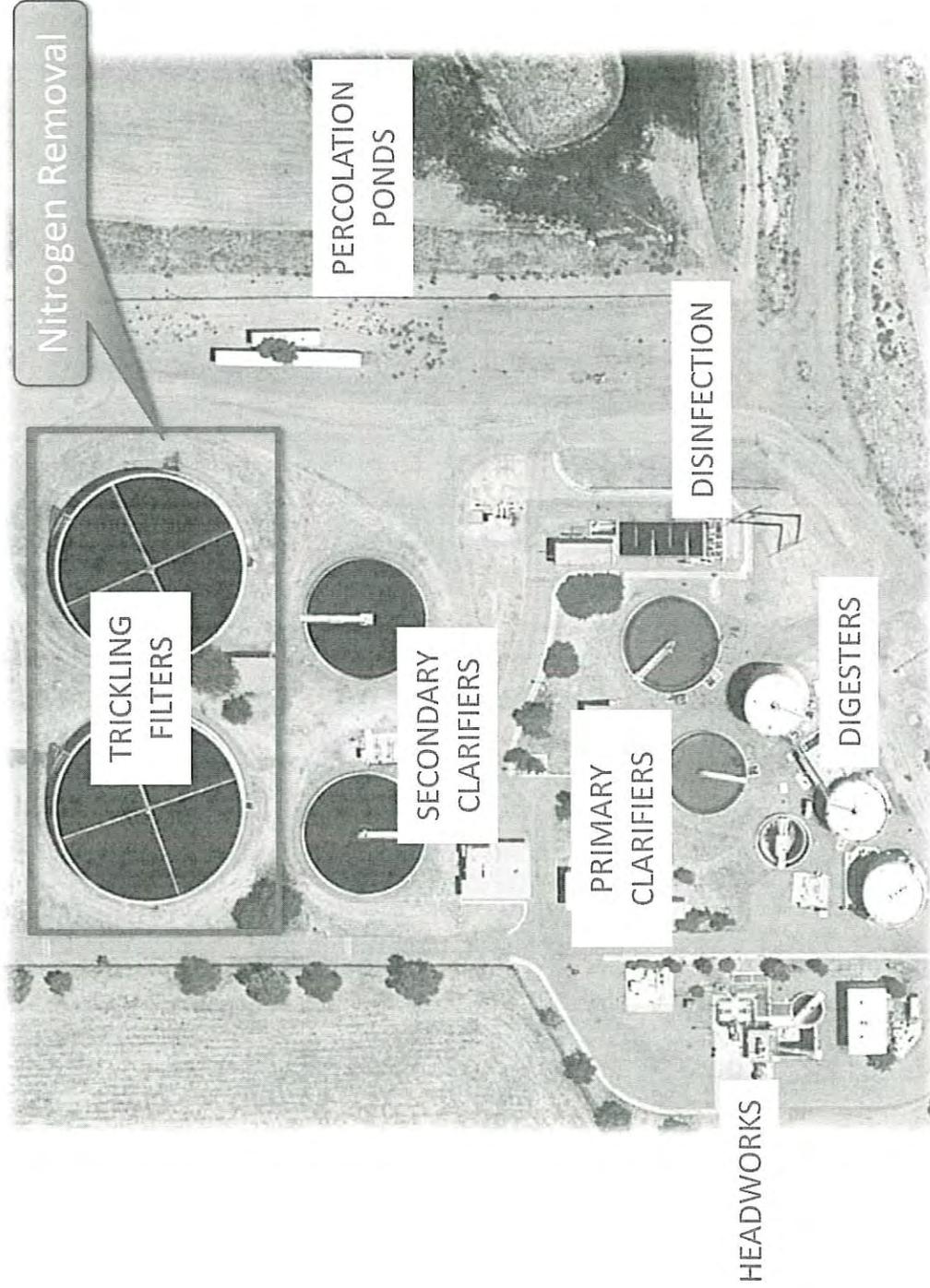
# Existing Site



# Existing Treatment



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## Previous Efforts

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- 2007 – Parsons evaluated 1.5 MGD expansion
  - Goal was to produce recycled water
  - Membrane bioreactor (MBR) was selected
  - 90% design completed for an MBR system
- 2015 – Carollo evaluated upgrading existing WWTP to comply with Title 22 requirements
  - Goal was also to produce Recycled Water
  - Evaluation did not consider future nitrogen limitations

# New Permit Requirements

---



- June 30, 2016 Regional Water Quality Control Board adopted Order R7-2016-0015 establishing more stringent requirements for the Banning WWTP
- Most consequential is a total nitrogen discharge limit of 10 mg-N/L
- Current total nitrogen discharge is 29 mg-N/L
- Feasibility study to determine best treatment technologies and cost of compliance
- Workplan and schedule to comply with new total nitrogen limit

# 2018 Integrated Master Plan

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- Recommended a hybrid approach of using recycled water for irrigation and groundwater recharge to maximize use of water resources at the lowest cost
- Determined that the existing wastewater treatment capacity of 3.6 MGD is adequate to meet sewer flows until at least 2025, even with optimistic growth projections.

# Feasibility Study Objectives

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- Comply with Regional Board Order
- Evaluate technologies that also support future goals:
  - Produce recycled water
  - Recharge groundwater in the Banning Basin
- Identify existing plant components that can be reused
  - Facility Condition Assessment
- Develop cost estimates for construction and O&M

# Discharge Standards



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Proud History • Preserving Tomorrow

Key Board Order Requirements		
Parameter	30-day average	7-day average
20°C BOD <sub>5</sub>	30 mg/L	45 mg/L
TSS	30 mg/L	45 mg/L
30-day Average Daily Discharge	< 3.6 Million Gallons per Day	
Total Nitrogen	10 mg-N/L	

Additional Title 22 Requirements for Recycled Water and Groundwater Recharge	
Parameter	30-day average
Turbidity	2 NTU
Total Suspended Solids (TSS)	3-5 mg/L
Disinfection	90-minute contact time; 5 mg/L chlorine residual

# Existing Water Quality



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Parameter	Unit	Raw Wastewater	Primary Effluent		Plant Effluent	Combined Limits
			% Removal	Effluent		
BOD	mg/L	320	30	224	24	30
TSS	mg/L	288	50	144	20	5
TDS	mg/L	420	0	420	437	500
TN	mg-N/L	45*	6	42.3	29	10

Data per 2015 – 2018 Annual Operations Reports, average flows of 2.0 MGD

\*Data is from previous studies. New measurements will be taken to confirm values.

# Preliminary Screening of Options



## Biological Systems

- A. Existing Trickling Filters
- ~~B. Denitrification filter~~
- ~~C. Oxidation ditch~~
- D. Conventional activated sludge
- E. Integrated Fixed-Film Activated Sludge (IFAS)
- F. Moving Bed Biofilm Reactor (MBBR)
- G. Membrane Bioreactor (MBR)
- ~~H. Sidestream treatment~~
- ~~I. Biologically active filtration~~
- ~~J. Natural treatment systems~~
- ~~K. Passive aeration rock filters~~



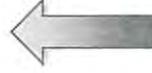
Board Order Nitrogen Removal

## Tertiary Filters

- A. Cloth media disks
- B. Pressurized sand filters
- C. Gravity sand filters

## Disinfection

- A. Sodium hypochlorite
- B. Chlorine gas
- C. UV



Title 22 Recycled Water

# Nitrogen Removal Treatment Alternatives



- Alternative 1 – Increase Trickling Filter Recirculation Rate

-----

- Alternative 2 – Conventional Activated Sludge
- Alternative 3 – Integrated Fixed-Film Activated Sludge (IFAS)
- Alternative 4 – Moving Bed Biofilm Reactor (MBBR)

-----

- Alternative 5 – Membrane Bioreactor (MBR)

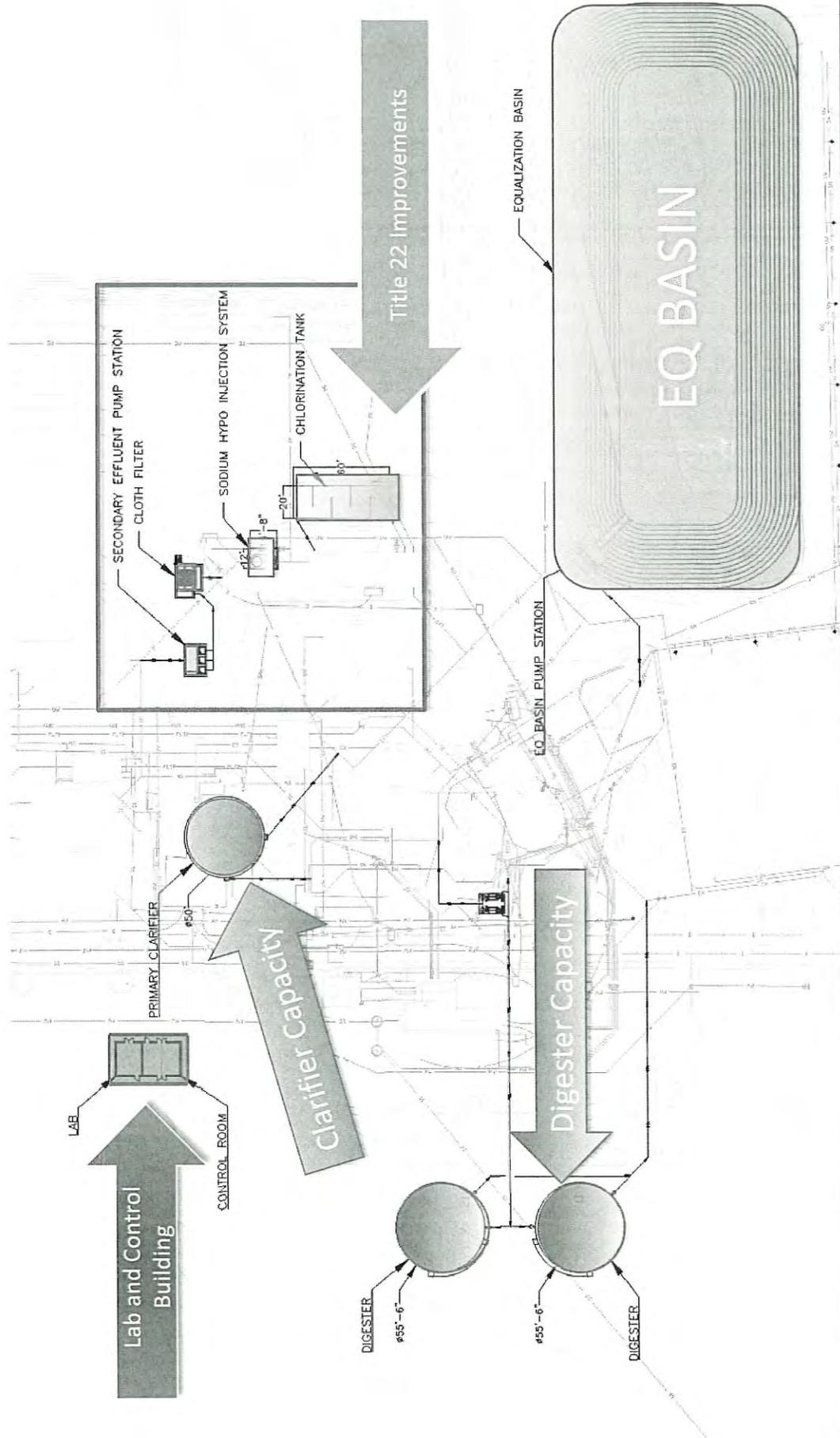
## Detailed Analysis of Alternatives

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- Selected design criteria and equipment sizing to meet discharge requirements at full 3.6 MGD rated capacity
- Developed mathematical models for analysis of each alternative design using an industry standard software package (BioWIN)
- Drafted scaled site layouts in AutoCAD
- Estimated capital and O&M costs
- Calculated 20-year life cycle costs at 2.5% annual inflation rate

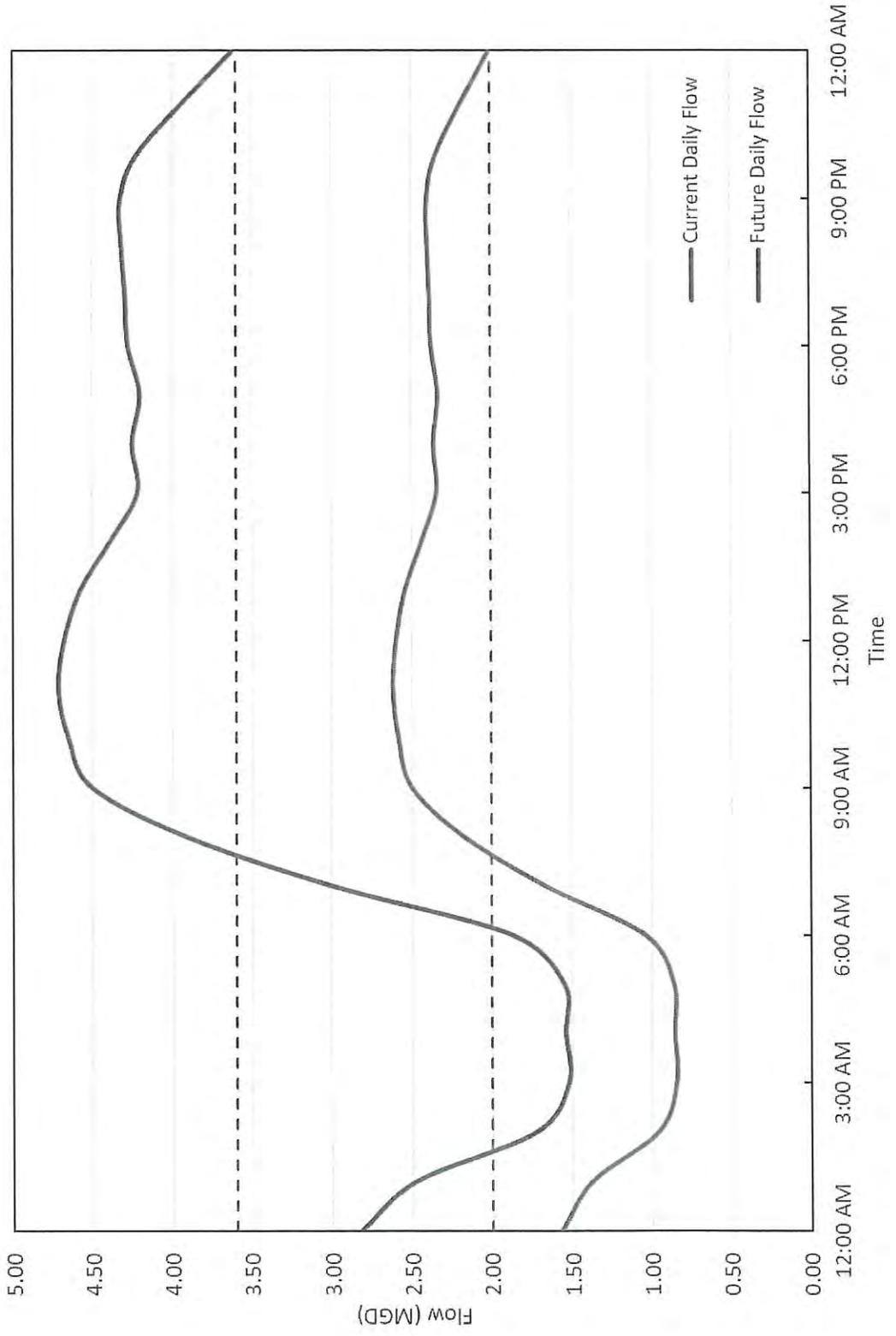
# Upgrades for All Alternatives



# Equalization (EQ) Basin



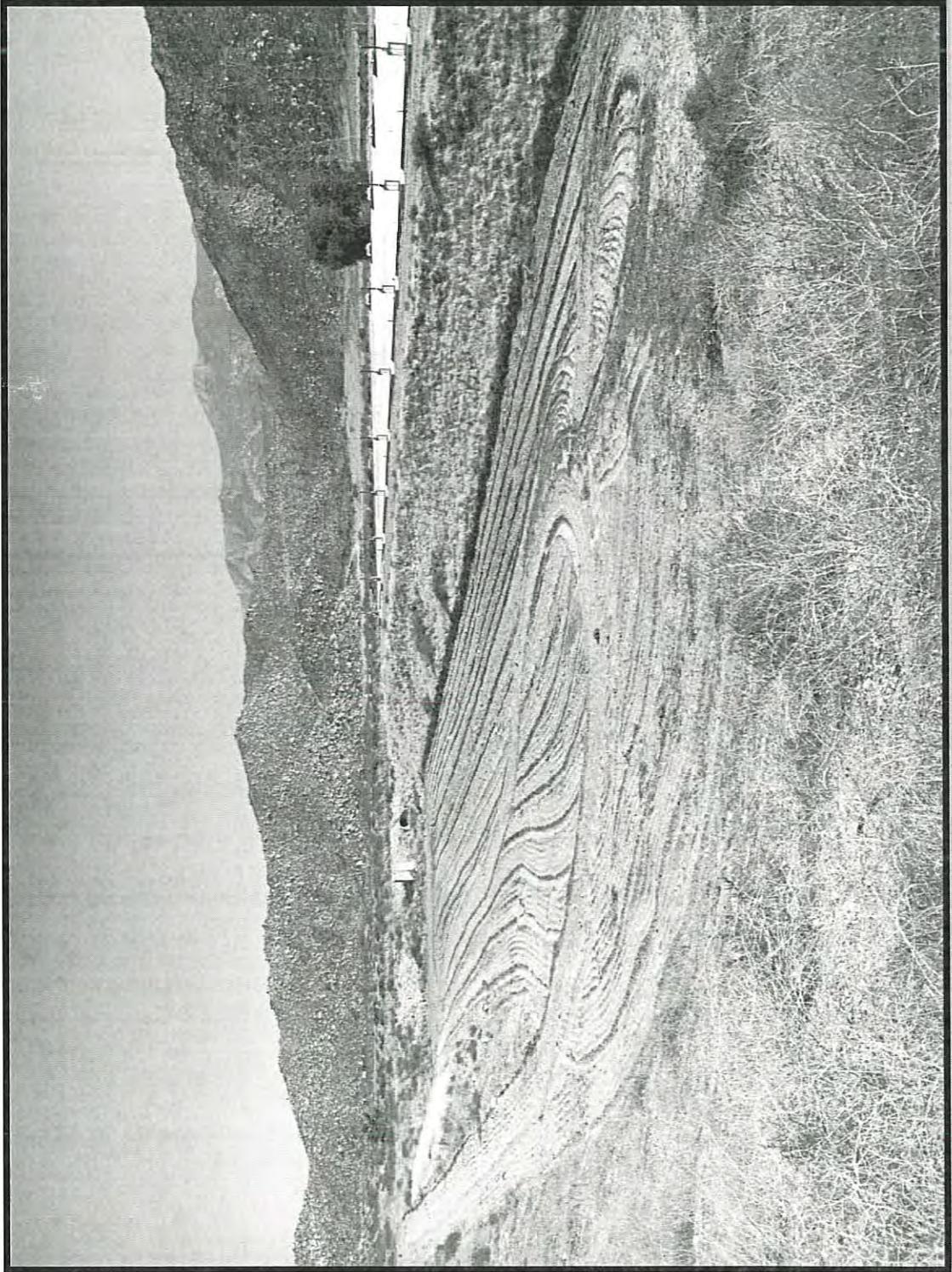
Daily Flow Fluctuations



# EQ Basin – modify existing pond



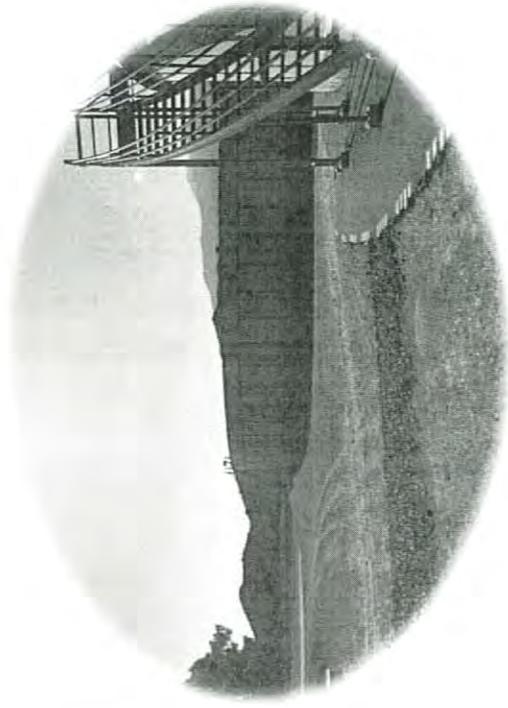
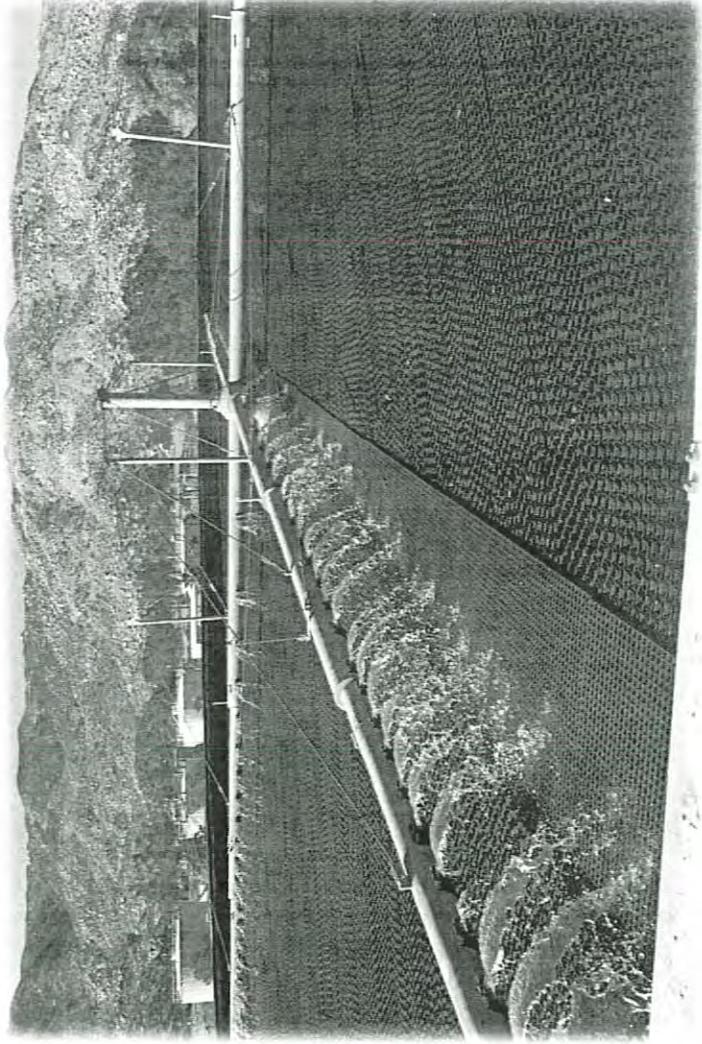
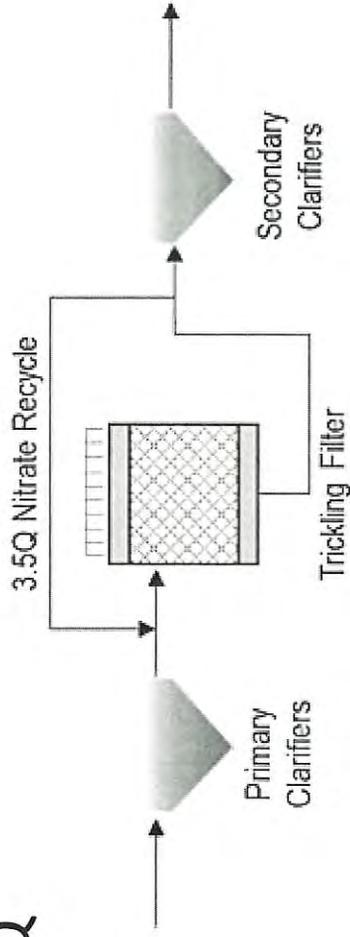
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Proud History • Prosperous Tomorrow



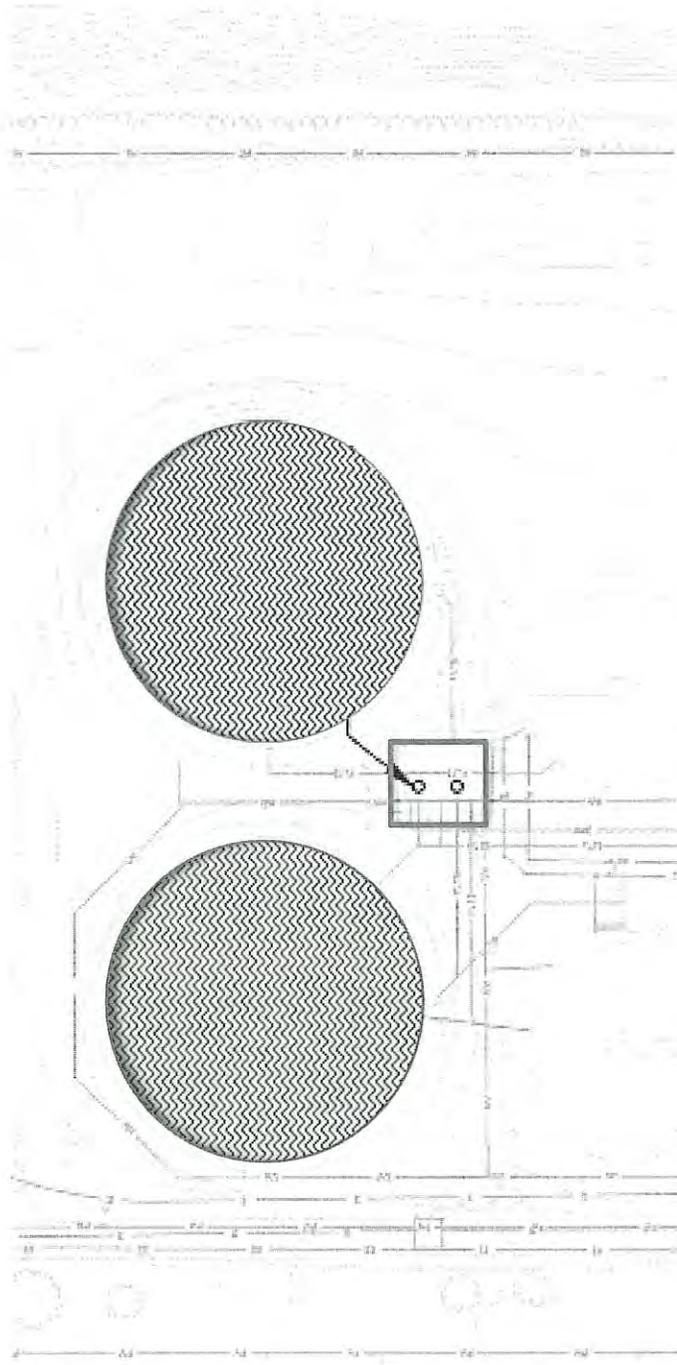
## Alternative 1 – Increase Trickling Filter Recirculation Rate



- Current recirculation is 1Q
- Need minimum 3.5Q
- Q = flow into the plant



## Alternative 1 – Increase Tricking Filter Recirculation Rate

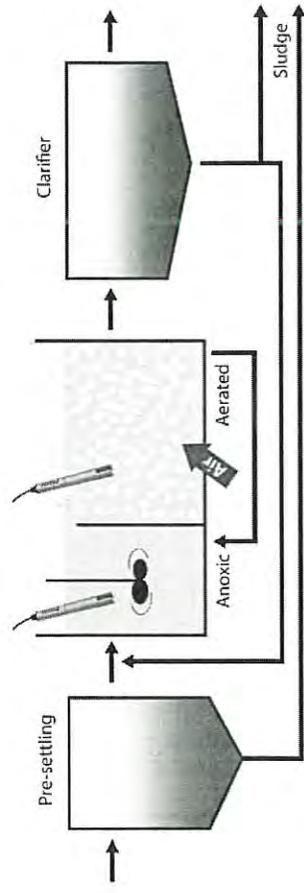


- Increase recirculation pump size
- Electrical upgrades
- Existing pipe sizes are adequate

## Alternative 2 – Conventional Activated Sludge



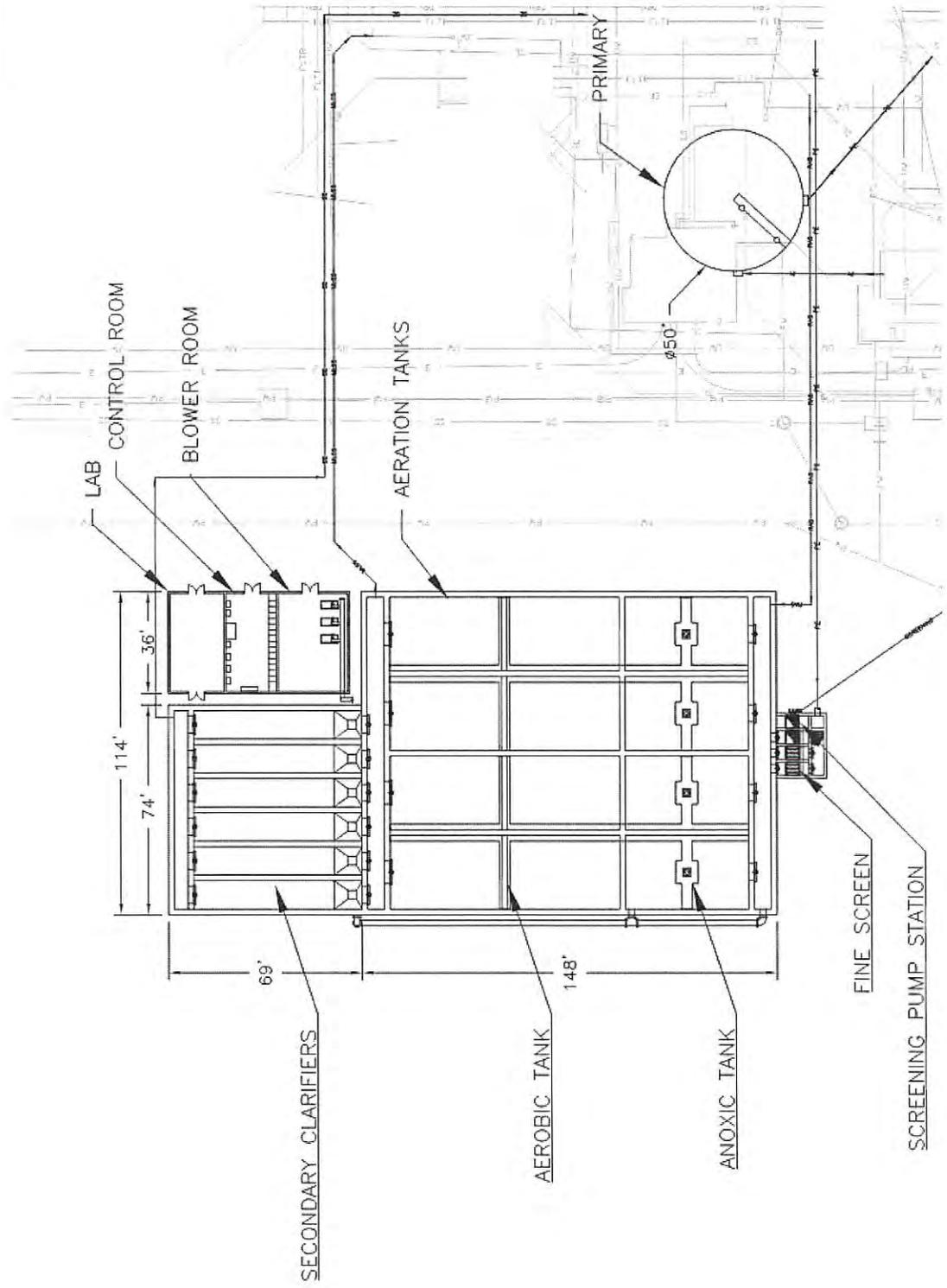
- Activated sludge = clumps of biomass
- Oxygen is injected to convert ammonia
- Healthy organisms degrade organics
- Anoxic tank (no oxygen) allows for nitrogen removal
- Microorganisms convert nitrogen to nitrogen gas





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Private Industry • Professional • Environment

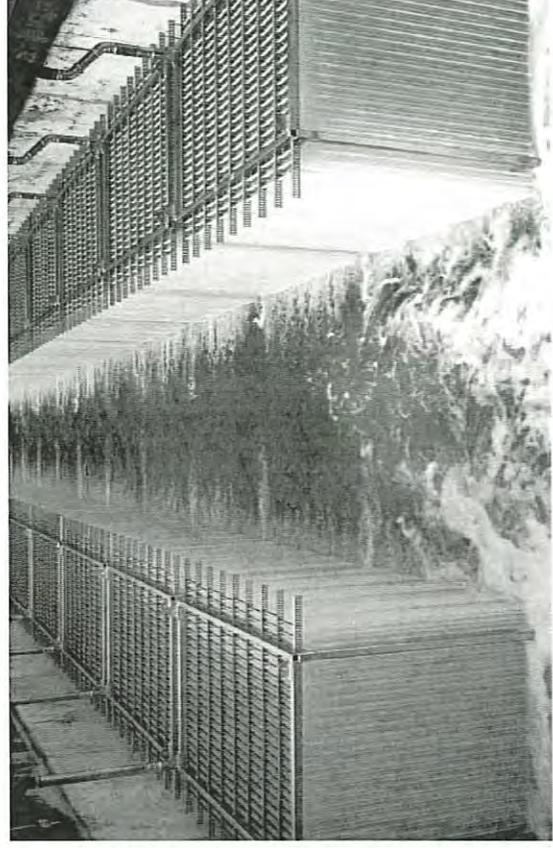
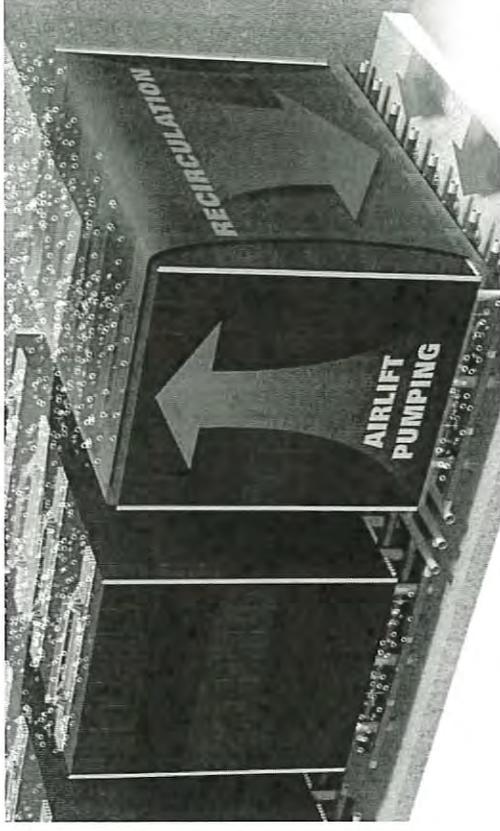
# Alternative 2 – Conventional Activated Sludge



# Alternative 3 – IFAS



- Activated sludge and fixed media
- Greater density of bacteria grow on surface area of **fixed media**
- Increased treatment capacity in same sized tank
- Increased process reliability

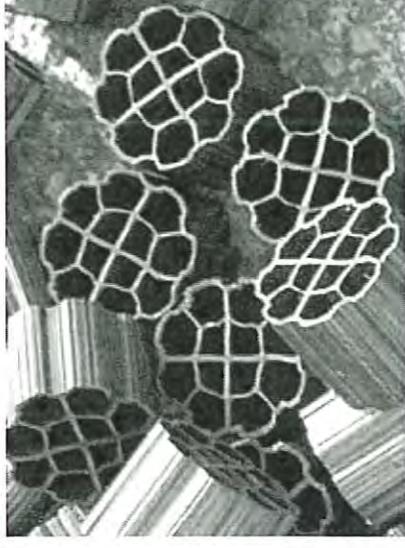
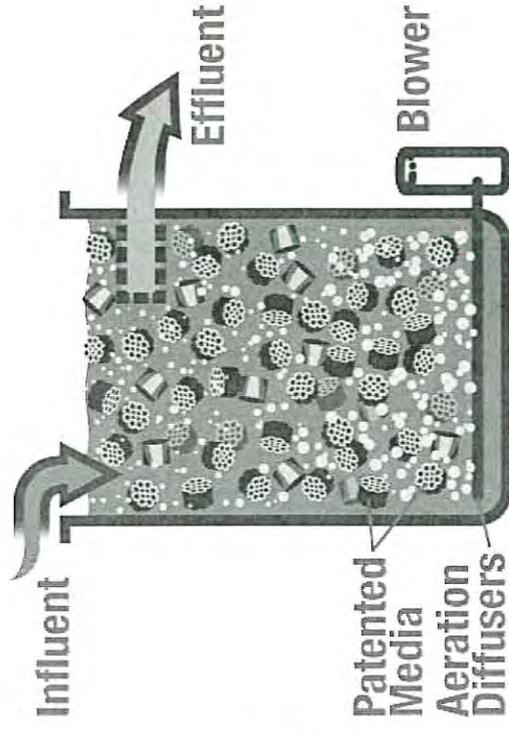


## Alternative 4 – MBBR



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- Activated sludge and suspended biofilm carrier media
- Greater density of bacteria to grow on surface area of **floating media**
- Increased treatment capacity in same sized tank
- Increased process reliability



# Alternative 5 – Membrane Bioreactor



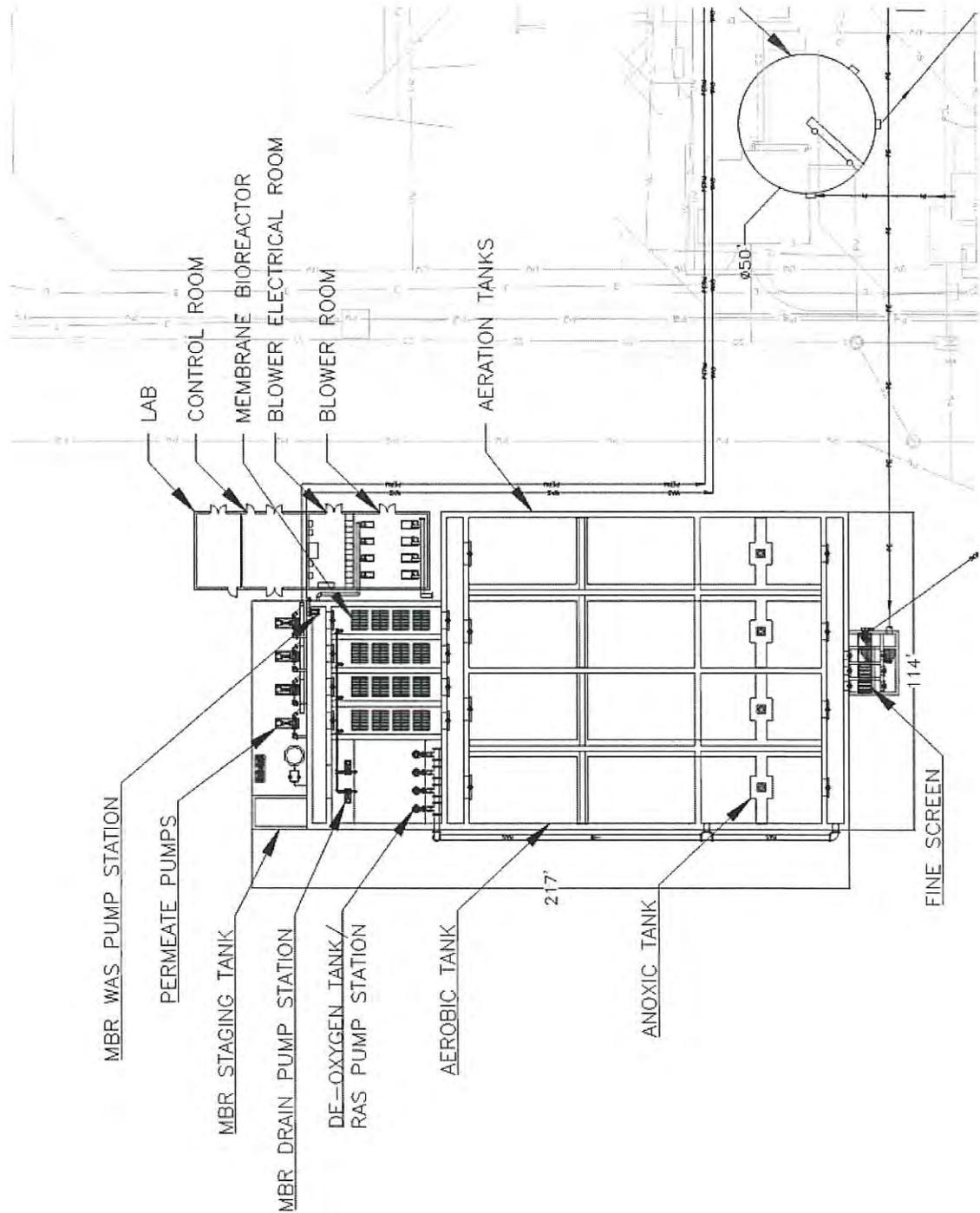
- Biological reactor plus microfiltration membranes
- Typically hollow fibers arranged in cassettes
- Operate at higher biomass concentrations
- Produce high effluent water quality
- Process robustness
- Operated autonomously





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# Alternative 5 – Membrane Bioreactor



# Performance Comparison



Parameter	Limit (mg/L)	Percent Effluent Concentration (mg/L)			
		Alternative 1 Trickling Filter	Alternative 2 Activated Sludge	Alternative 3 IFAS	Alternative 5 MBR
BOD	30	24.74	4.78	4.58	0.86
TSS	30	6.31	10.96	10.43	0.00
TN	10	9.92	7.49	7.4	7.74

Similar Water Quality

Best Water Quality

# Cost Comparison



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Unit Process	Alternative 2 Activated Sludge	Alternative 3 IFAS	Alternative 4 MBBR	Alternative 5 MBR
EQ Basin	\$2,008,000	\$2,008,000	\$2,008,000	\$2,008,000
Primary Clarifier	\$1,701,000	\$1,701,000	\$1,701,000	\$1,701,000
Sludge Treatment	\$2,227,000	\$2,522,000	\$2,353,000	\$2,042,000
Lab and Control Building	\$978,000	\$978,000	\$978,000	\$978,000
Activated Sludge	\$22,274,000	-	-	-
IFAS	-	Operational Complexity	-	-
MBBR	-	-	\$20,443,000	-
MBR	-	-	-	1,000,000
<b>Construction Total</b>	<b>\$29,188,000</b>	<b>\$2,445,000</b>	<b>\$27,473,000</b>	<b>\$3,001,000</b>
<b>Annual O&amp;M</b>	<b>\$402,000</b>	<b>\$500,000</b>	<b>\$474,000</b>	<b>\$805,000</b>
<b>20-Year Life Cycle</b>	<b>\$39,520,000</b>	<b>\$45,280,000</b>	<b>\$39,644,000</b>	<b>\$66,043,000</b>

Highest Cost

Operational Complexity

Higher Cost

# Title 22 Compliance

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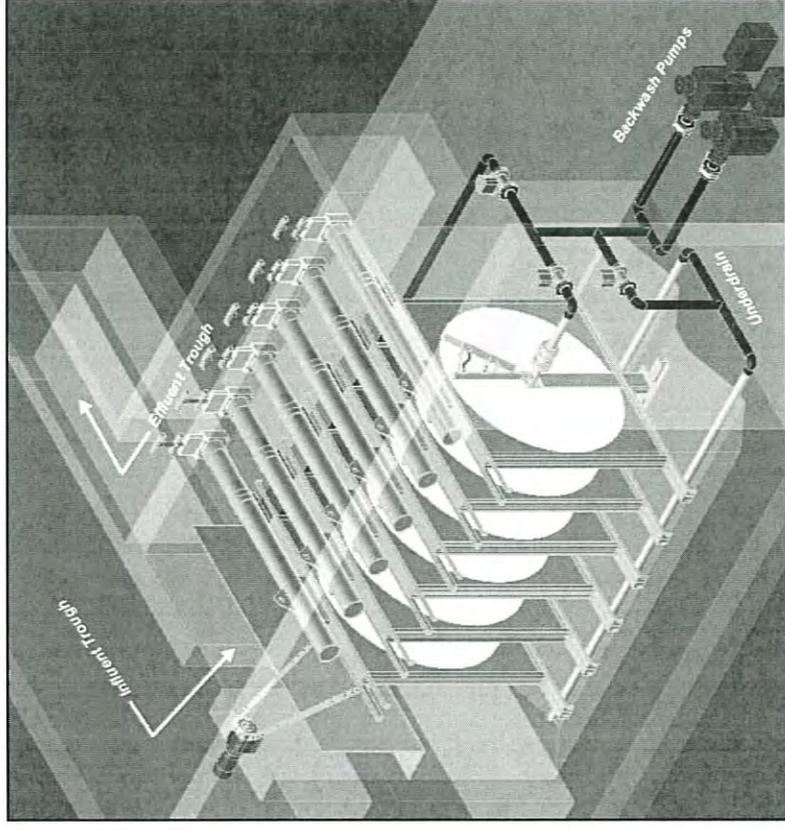
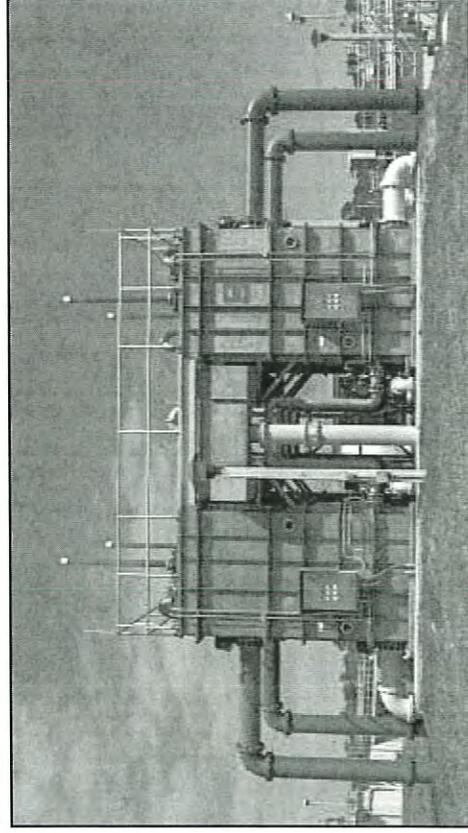


- State Water Resources Control Board Division of Drinking Water (DDW)
- Title 22 Code of Regulations
- Regulates water quality and system design for recycled water
- Recycled water for irrigation requirements
  - 2 NTU turbidity
  - Chlorine disinfection of CT 450 mg-min/L at 90 minutes modal contact time

# Tertiary Filters – Cloth Media Disks



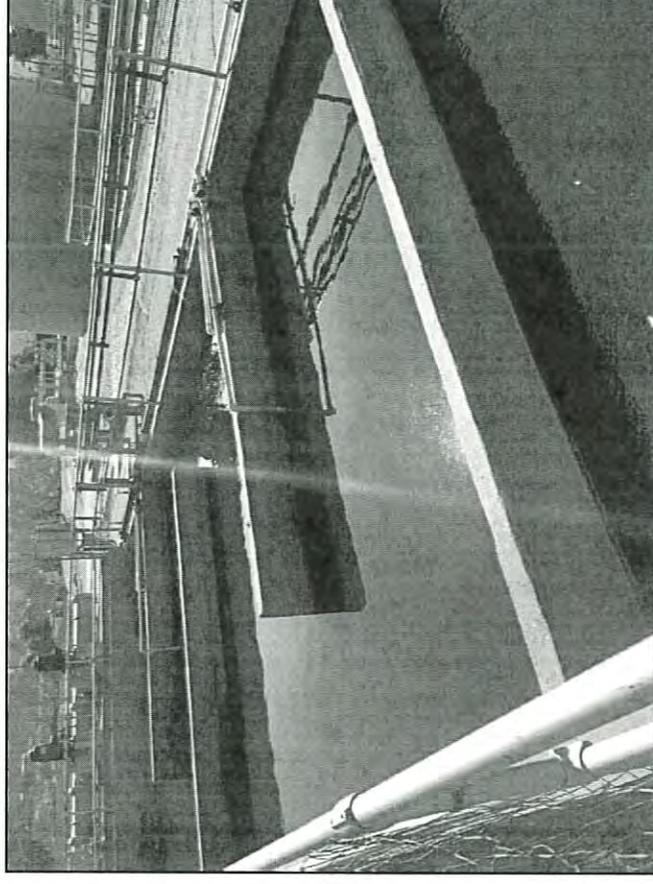
- Comply with Title 22 requirements
- Post secondary treatment
- Reduce Turbidity
- Improve disinfection efficacy



# Chlorine Contact Basin



- 12.5% sodium hypochlorite
- Title 22 requires 90 minutes of contact time at peak dry weather flow
- CT 450 mg-min/L
- Additional 20' x 60' x 12' chlorine contact tank will achieve 90 minute contact time
- Canopy covers to prevent chlorine degradation



# Comparison – Title 22 Cost



Unit Process	Alternative 2 Activated Sludge	Alternative 5 MBR
EQ Basin	\$2,008,000	\$2,008,000
Primary Clarifier	\$1,701,000	\$1,701,000
Tertiary Filter	\$1,814,000	\$0
Chlorine Contact Basin	\$1,097,000	\$1,097,000
Sludge Treatment	\$2,227,000	\$2,042,000
Lab and Control Building	\$978,000	\$978,000
Activated Sludge	\$22,274,000	-
MBR	-	\$28,172,000
<b>Construction Total</b>	<b>\$32,099,000</b>	<b>\$35,998,000</b>
<b>Annual O&amp;M</b>	<b>\$592,000</b>	<b>\$938,000</b>
<b>20-Year Life Cycle</b>	<b>\$49,568,000</b>	<b>\$70,537,000</b>

# Recommendations – Option 1

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## **Phased Approach**

Build Conventional Activated Sludge (CAS) and add MBR component in the future, if necessary

### **Pros:**

- Allows for immediate compliance with Board Order at a lower cost than other alternatives
- If discharge limits become more stringent in the future, the system can be upgraded
- Can delay building of system components to comply with Title 22 until needed (cloth filters and chlorination facilities)

### **Cons:**

- Need new secondary clarifiers due to bottleneck
- Higher overall cost if MBR is needed later

# Recommendations – Option 2

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## **Membrane Bioreactor (MBR)**

### **Pros:**

- Most resilient and reliable technology available
- Produces best water quality for future reuse or groundwater recharge
- Best choice if Reverse Osmosis (R.O.) is needed in the future
- Highly automated

### **Cons:**

- Highest capital, O&M, and life cycle costs

# Considerations

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- When will the City actually see 3.6 MGD on average?
- When does the Regional Board Order compliance need to be constructed?
- When does the City plan to use recycled water for irrigation or recharge purposes? Beaumont Basin limit of 330 mg/L for TDS may require R.O.
- Would the City consider direct potable reuse?
- Do we expect to observe more stringent water quality requirements in the future?

# Implementation Options

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- **Traditional Design-Bid-Build (DBB)**
  - Design 12 months; Construction 24 months
  - 3 years total project time
- **Design-Build (DB)**
  - Saves time and money
  - 2 years total project time
- **Design-Build-Operate (DBO)**

# Financing Options

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- Grants
- Development Impact Fees
- SRF Loan
- Public-Private Partnership (P3)
- Design-Build-Finance (DBF)
- Design-Build-Finance-Operate (DBFO)

Proud History • Prosperous Tomorrow

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# •Questions?

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COUNCIL MEMBERS PRESENT: Council Member Happe  
Council Member Peterson  
Council Member Wallace  
Mayor Pro tem Andrade  
Mayor Welch

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Douglas Schulze, City Manager  
Rochelle Clayton, Deputy City Manager  
Kevin Ennis, City Attorney  
Daryl Betancur, Deputy City Clerk  
Tom Miller, Electric Utility Director  
Heidi Meraz, Community Services Director  
Maryann Marks, Interim Community Development Director  
Art Vela, Public Works Director  
Ted Shove, Economic Development Manager

1. **CALL TO ORDER**

A special meeting of the Banning City Council was called to order by Mayor Welch on February 12, 2019, at 3:38 p.m. at the Banning Civic Center Council Chamber, 99 E. Ramsey Street, Banning, California.

Mayor Welch opened the closed session items for public comments. Seeing none, the City Council adjourned to closed session at 3:40 p.m.

City Attorney Kevin Ennis read the closed session items into the record.

2. **CLOSED SESSION**

2.1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
(Pursuant to paragraph (1) of subdivision (d) of Section 54956.9) Name of cases: Sierra Club v. City of Banning, Case RIC 1900544 and Golden State Environmental Justice Alliance v. City of Banning Case RIC 1900654. **No reportable action.**

2.2 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
(Potential initiation of litigation pursuant to paragraph (4) of subdivision (d))

of Government Code Section 54956.9). **Direction given to City Manager and City Attorney.**

- 2.3 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Potential initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9. **No reportable action.**
- 2.4 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to paragraph (1) of subdivision (d) of Section 54956.9) Name of case: City of Banning and People of the State of California v. Supreme Cannabis Club, Tony Macias, and Maria Dolores Macias, Case RIC 1821127. **Status report was provided.**
- 2.5 CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Pursuant to Government Code Section 54956.8): Property description: APN: 532-120-001, -002, -004, -005, -008 through -012, -019 & -020 located in the general vicinity of Ramsey Street and Hargrave Street. City Negotiator: Douglas Schulze, City Manager and Ted Shove, Economic Development Manager – Negotiating Parties: Fountain of Life Temple Church of God in Christ, Inc., Frank J. Burgess and Lorna Burgess, Burgess Family Trust, Frank J. Burgess, Humberto and Eulogia Ramirez, Family Trust, James Burgess Fall and Betty Lmai, Family Trust, Jen H. Huang, Krystal P. Cruz, Louis S. Lopez Trust, Raymond Ngoc and Lucy Nguyen Huynh Revocable Trust, the Shan Liang, Terra Firma Enterprises, LLC.; Under Negotiation: Price and Terms. **Direction given to Mr. Schulze and Mr. Shove. No final action.**
- 2.6 CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8: Property description: APNs: 543-090-008, located in the general vicinity of Hathaway Street and Westward Avenue. City Negotiator: Douglas Schulze, City Manager and Ted Shove, Economic Development Manager – Negotiating Parties: Douglas D & Adelheid F Finnie; Under Negotiation: Price and Terms. **Direction given to Mr. Schulze and Mr. Shove. No final action.**
- 2.7. CONFERENCE WITH LABOR NEGOTIATORS- Pursuant to Government Code Section 54957.6  
Agency Designated Representative: Doug Schulze, City Manager  
Unrepresented employee: Community Development Director Candidate.  
**No reportable action.**
- 2.8 CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8: Property description: APN: 541-181-032, 541-181-033, 541-181-034, and 541-181-035, located in the general vicinity of Ramsey Street between San Gorgonio Avenue and Martin Street. City Negotiator: Douglas Schulze, City Manager and Ted Shove, Economic Development Manager – Negotiating Parties: Mark Development, Inc.;

Under Negotiation: Price and Terms. **Direction given to Mr. Schulze and Mr. Shove.**

The Meeting convened to closed session at 3:40 p.m. and reconvened to open session at 4:30 p.m.

**3. ADJOURNMENT**

By consensus, the meeting adjourned at 4:30 p.m.

Minutes Prepared by:

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Daryl Betancur, Deputy City Clerk

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A regular meeting of the Banning City Council was called to order by Mayor Welch on February 12, 2019, at 5:04 p.m. at the Banning Civic Center Council Chamber, 99 E. Ramsey Street, Banning, California.

COUNCIL MEMBERS PRESENT: Council Member Happe  
Council Member Peterson  
Council Member Wallace  
Mayor Pro Tem Andrade  
Mayor Welch

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT Doug Schulze, City Manager  
Kevin Ennis, City Attorney  
Rochelle Clayton, Deputy City Manager  
Tim Chavez, Fire Battalion Chief  
Vincent Avila, 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  
Ted Shove, Economic Development Manager  
Marie A. Calderon, City Clerk  
Daryl Betancur, Deputy City Clerk  
Laurie Sampson, Executive Assistant  
Leila Lopez, Office Specialist

**1. CALL TO ORDER**

Mayor Welch called the regular meeting of the City Council to order at 5:04 pm.

The Invocation was given by Elder Jim Price, Church of Jesus Christ of Latter Day Saints.

Councilmember Peterson led the Pledge of Allegiance.

Roll call- All members present.

**2. AGENDA APPROVAL**

A motion was made by Councilmember Wallace, seconded by Councilmember Happe to approve the agenda. Motion carried 5-0.

### **3. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS**

City Manager Doug Schulze introduced newly hired Deputy City Clerk Daryl Betancur.

Mr. Betancur stated he was looking forward to working with the community and with all city staff.

### **4. REPORT ON CLOSED SESSION**

City Attorney Kevin G. Ennis reported out of closed session as follows:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to paragraph (1) of subdivision (d) of Section 54956.9) Name of cases: Sierra Club v. City of Banning, Case RIC 1900544 and Golden State Environmental Justice Alliance v. City of Banning Case RIC 1900654. **No reportable action.**
2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Potential initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9). **Direction given to City Manager and City Attorney.**
3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Potential initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9). **No reportable action.**
4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to paragraph (1) of subdivision (d) of Section 54956.9) Name of case: City of Banning and People of the State of California v. Supreme Cannabis Club, Tony Macias, and Maria Dolores Macias, Case RIC 1821127. **Status report was provided.**
5. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Pursuant to Government Code Section 54956.8): Property description: APN: 532-120-001, -002, -004, -005, -008 through -012, -019 & -020 located in the general vicinity of Ramsey Street and Hargrave Street. City Negotiator: Douglas Schulze, City Manager and Ted Shove, Economic Development Manager – Negotiating Parties: Fountain of Life Temple Church of God in Christ, Inc., Frank J. Burgess and Lorna Burgess, Burgess Family Trust, Frank J. Burgess, Humberto and Eulogia Ramirez, Family Trust, James Burgess Fall and Betty Lmai, Family Trust, Jen H. Huang, Krystal P. Cruz, Louis S. Lopez Trust, Raymond Ngoc and Lucy Nguyen Huynh Revocable Trust, the Shan Liang, Terra Firma Enterprises, LLC.; Under Negotiation: Price and Terms. **Direction given to Mr. Schulze and Mr. Shove. No final action.**
6. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to to Government Code Section 54956.8: Property description: APNs: 543-090-008, located in the general vicinity of Hathaway Street and Westward Avenue. City

Negotiator: Douglas Schulze, City Manager and Ted Shove, Economic Development Manager – Negotiating Parties: Douglas D & Adelheid F Finnie; Under Negotiation: Price and Terms. **Direction given to Mr. Schulze and Mr. Shove. No final action.**

7. CONFERENCE WITH LABOR NEGOTIATORS- Pursuant to Government Code Section 54957.6. **No reportable action.**

Agency Designated Representative: Doug Schulze, City Manager  
Unrepresented employee: Community Development Director Candidate.

8. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8: Property description: APN: 541-181-032, 541-181-033, 541-181-034, and 541-181-035, located in the general vicinity of Ramsey Street between San Gorgonio Avenue and Martin Street. City Negotiator: Douglas Schulze, City Manager and Ted Shove, Economic Development Manager – Negotiating Parties: Mark Development, Inc.; Under Negotiation: Price and Terms. **Direction given to Mr. Schulze and Mr. Shove.**

## **5. PUBLIC COMMENTS (NON-AGENDA ITEMS)**

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

Ellen Carr representing Tender Loving Critters made few announcements regarding low cost spay and neuter clinic events, and provided dates. She made brief comments about increasing City pay for the Police Department Dispatchers.

Inge Schuler, Banning resident, thanked Interim Community Development Director Maryann Marks for her excellent support of the Planning Commission; spoke in disagreement about the new agenda format and other technical requirements.

Bill Hobbs thanked Mayor Welch for the great performance as MC at the veteran's expo; stated that he had enjoyed the presentation by Congressman Ruiz. Mr. Hobbs expressed contentment with the City Council; however, he stated that the City needs to change; that there needs to be more economic development to enable the city to thrive just like Beaumont; he thanked the City Manager for the recent event "Coffee with the City Manager" where he answered questions from members of the public.

## **6. CORRESPONDENCE**

None

## **7. APPOINTMENTS**

### 7.1 Parks & Recreation Commission Appointments

Nominations for Parks and Recreation Commissioners were made as follows:

A motion was made by Councilmember Peterson, seconded by Councilmember Happe to nominate Shelby Waldron for a seat on the Parks & Recreation Commission. Electronic vote was taken as follows.

AYES: Happe, Peterson, Andrade, & Welch  
NOES: Wallace  
ABSTAIN: None  
ABSENT: None

A motion was made by Councilmember Wallace, seconded by Mayor Welch to nominate Leroy Miller for a seat on the Parks & Recreation Commission. Electronic vote was taken as follows.

AYES: Happe, Peterson, Wallace, Andrade, & Welch  
NOES: None  
ABSTAIN: None  
ABSENT: None

A motion was made by Councilmember Peterson, seconded by Councilmember Wallace to nominate Arthur J. Cabral for a seat on the Parks & Recreation Commission. Electronic vote was taken as follows.

AYES: Happe, Peterson, Wallace, Andrade, & Welch  
NOES: None  
ABSTAIN: None  
ABSENT: None

#### **8. CONSENT ITEMS**

A motion was made by Councilmember Peterson, seconded by Councilmember Wallace, to approve the consent calendar with the exception of item 8.5, which was pulled for a separate discussion by Councilmember Happe. Electronic vote was taken as follows:

AYES: Happe, Peterson, Wallace, Andrade, & Welch  
NOES: None  
ABSTAIN: None  
ABSENT: None

#### Public Comment:

Inge Schuler spoke in disagreement to page 47 of the minutes of the January 22, 2019 City Council meeting stating that the minutes as written did not accurately reflect her comments; and that her comments were "truncated". *Public written comments were submitted and made part of the record.*

8.1 Approval of Minutes from the Following City Council Meetings:

January 22, 2019, Planning Commission Interviews  
January 22, 2019, Special City Council Meeting  
January 22, 2019 Regular City Council Meeting

**Action: Approved by Minute Order No. 2019-020**

8.2 Receive and File Contracts Approved under the City Manager's Signature Authority for the Month of January 2019.

**Action: Approved by Minute Order No. 2019-021**

8.3 Adopt Resolution No. 2019-14, Accepting a Federal Surface Transportation Program (STP) Grant and Approving the Execution of California Department of Transportation (Caltrans) Program Supplemental Agreement No. 005-F to the Existing Administering Agency-State Master Agreement Including Related Documents for Project No. 2014-06, "Ramsey Street Pavement Rehabilitation, Hargrave Street to West of Hathaway Street."

**Action: Adopted Resolution No. 2019-14**

8.4 Application for Authorization to Access State and Federal Level Summary Criminal History Information for Employment Including Volunteers and Contractors, and for Licensing or Certification Purposes for Cannabis Regulatory Permits.

**Action: Adopted Resolution No. 2019-20**

8.5 Adopt Resolution No. 2019-19, Approving and Accepting the Right-of-Way Dedication from APN# 541-181-032 and APN# 541-181-033 along Livingston Street for Road Purposes. (Pulled)

Councilmembers Happe and Peterson recused from voting on this item.

There was a brief discussion on this item with the consensus to table item to date uncertain.

Public Comment

Don Smith made comments related to the right-of-way.

A motion was made by Mayor Pro Tem Andrade to table item 8.5, seconded by Mayor Welch. Electronic vote was taken as follows:

AYES: Wallace, Andrade, & Welch  
NOES: None  
ABSTAIN: Happe & Peterson  
ABSENT: None

**Action: Tabled by Minute Order No. 2019-022**

- 8.6 Adopt Resolution No. 2019-23, Approving an Agreement for the Purchase of Right-of-Way Dedication from Fountain of Life Temple of God in Christ, Inc. in an Amount Not-to-Exceed \$20,560.

**Action: Adopted Resolution No. 2019-23**

- 8.7 Adopt Resolution No. 2019-22, Approving an Agreement for the Purchase of Right-of-Way Dedication from Krystal P. Cruz in an Amount Not-to-Exceed \$17,100.

**Action: Adopted Resolution No. 2019-22**

## **9. ANNOUNCEMENTS & REPORTS**

Mayor Pro Tem Andrade reported on having attended the WRCOG meeting in Riverside where two important issues were discussed; 1) the housing and transportation needs of populations; and 2) the fellowship program; she stated that she would report more on these items later.

Councilmember Happe, no report.

Mayor Welch reported on having attended the Mayor's and City Manager's meeting where significant policy issues were discussed on a number of topics including transportation, education, and public safety, which impact the cities of Banning, Beaumont and Calimesa.

Councilmember Peterson commented that he was opposed to the HERO and PACE programs, which the Western Riverside COG administers and asked his colleagues for a future status report on the lending practices by these two programs and the corresponding investigations relative to funding concerns and practices.

## **10. CITY COUNCIL COMMITTEE REPORTS**

None

## **11. REPORT BY CITY ATTORNEY**

City Attorney Kevin Ennis clarified two points that were discussed during the public comment portion of the meeting. The first issue had to do with the minutes, and how much information is included in the minutes. He stated that the rules state that the City Clerk provides an abbreviated record of the meeting proceedings.

He mentioned that minutes of the meeting do not need not be verbatim; thus, councilmember comments will not be included, but will be provided in summary format as best as the Clerk can. He stated that this rule also applies to public comments.

Second, on the issue of time limitations, he commented that there is a time limit on speaker comments; and that councilmembers were allowed to ask questions of the public, however, discussion of the merits of an item are neither appropriate nor allowed.

## **12. REPORT BY CITY MANAGER**

City Manager Doug Schulze commented on several items, which included a brief statement about the minutes, which could be easily linked to the video; spoke about the Coffee with the City Manager event, which was successful and mentioned that about 70 residents from District 3 attended.

City Manager, Doug Schulze stated that he hoped to do more of these in the future; spoke briefly about the goal setting and strategic planning workshop planned for February 28; and provided a status report on the starting date of the new Chief of Police.

Mr. Schulze also provided two legislative alerts, one on AB213, and the other on HR530.

A brief discussion ensued relative to clarity on what these bills were intended to do with Mr. Schulze answering council's questions.

### **12.1 Meeting Order and Start Times**

City Manager Doug Schulze reported on a citizen request to alter the order of the meetings.

A lengthy discussion took place regarding the logistics of accommodating the reordering of the workshop and closed session meetings; Mayor Pro Tem Andrade requested consideration for the regular meeting to start at 6:00 p.m. in consideration of her work schedule.

Don Smith spoke in favor of reordering the agenda to make it more accessible to people to attend.

Direction was given to staff to move forward with reordering the starting times of the workshop and the closed session meetings.

12.2 Request to add AB213 and HR530 for discussion to agenda. **(Add-on)**

A motion was made by Mayor Pro Tem Andrade, seconded by Councilmember Happe to add this item to the agenda. Motion carried unanimously.

Following a lengthy discussion on the merits of these legislative bills, the City Council authorized staff to send letters of support.

A motion was made by Mayor Pro Tem Andrade, seconded by Councilmember Happe to authorize staff to send letters of support on AB213 and HR530 as drafted. Electronic vote was taken as follows:

AYES: Happe, Peterson, Wallace, Andrade, & Welch  
NOES: None  
ABSTAIN: None  
ABSENT: None

**13. REPORTS OF OFFICERS**

13.1 Adopt Resolution No. 2019-04, Approving Final Payment to Southern California Edison in the amount of \$96,705.61 for the Relocation of Overhead Transmission Facilities related to the Mid-County Justice Center.

Deputy City Manager Rochelle Clayton presented the staff report.

There were no public comments.

A motion was made by Councilmember Peterson, seconded by Mayor Pro Tem Andrade to approve the item as presented. Electronic vote was taken as follows:

AYES: Happe, Peterson, Wallace, Andrade, & Welch  
NOES: None  
ABSTAIN: None  
ABSENT: None

**Action: Adopted Resolution No. 2019-04**

13.2 Adopt Resolution No. 2019-15, Authorizing the City Manager to enter into a Software Services Agreement with OpenGov, Inc. for Cloud-Based Financial and Budgeting Subscription Solutions.

City Manager Doug Schulze presented the staff report.

There were no public comments.

A motion was made by Councilmember Peterson, seconded by Mayor Pro Tem Andrade to approve the item as presented. Electronic vote was taken as follows:

AYES: Happe, Peterson, Wallace, Andrade, & Welch  
NOES: None  
ABSTAIN: None  
ABSENT: None

**Action: Adopted Resolution No. 2019-15**

- 13.3 Adopt Resolution No. 2019-16, Authorizing the Electric Utility Heavy Duty Trucks and Equipment Replacement Program and the Purchase of two Heavy Duty Trucks.

Electric Utility Operations Manager Jason Smith presented the staff report and answered Council's questions.

There were no public comments.

A motion was made by Councilmember Peterson, seconded by Councilmember Wallace to approve the item as presented. Electronic vote was taken as follows:

AYES: Happe, Peterson, Wallace, Andrade, & Welch  
NOES: None  
ABSTAIN: None  
ABSENT: None

**Action: Adopted Resolution No. 2019-16**

- 13.4 Adopt Resolution No. 2019-17, Approving a Task Order Engaging Black and Veatch Corporation to Complete a Resource Study not to exceed \$50,000.

Electric Utility Director Tom Miller presented the staff report.

There were no public comments.

A motion was made by Mayor Pro Tem Andrade, seconded by Councilmember Happe, to approve the item as presented. Electronic vote was taken as follows:

AYES: Happe, Peterson, Wallace, Andrade, & Welch  
NOES: None  
ABSTAIN: None  
ABSENT: None

**Action: Adopted Resolution No. 2019-17**

13.5 Adopt Resolution No. 2019-21, Authorizing the City Manager to enter into an Employment Agreement with Adam Rush for Community Development Director Services.

City Manager Doug Schulze presented the staff report.

There were no public comments.

A motion was made by Mayor Pro Tem Andrade, seconded by Councilmember Happe, to approve the item as presented. Electronic vote was taken as follows:

AYES: Happe, Peterson, Wallace, Andrade, & Welch  
NOES: None  
ABSTAIN: None  
ABSENT: None

**Action: Adopted Resolution No. 2019-21**

Mayor Welch recessed the regular meeting of the Banning City Council and called to order a joint meeting of the Banning City Council, and Banning Utility Authority at 7:05 p.m.

1. CALL TO ORDER

Board Members, Happe, Peterson, Wallace, Vice Chairman Andrade and Chairman Welch. All members were present.

2. REPORTS OF OFFICERS

21 Adopt Resolution No. 219-02 UA, Approving an amendment to the Professional Services Contract for the Design of Well C-8 with Hazen and Sawyer of Palm Desert, CA. for \$42,087.

Utility Director Tom Miller presented the staff report and answered Council's questions.

Don Smith provided comment on this item.

A motion was made by Councilmember Peterson, seconded by Councilmember Happe, to approve the item as presented. Electronic vote was taken as follows:

AYES: Happe, Peterson, Wallace, Andrade, & Welch  
NOES: None  
ABSTAIN: None

ABSENT: None

Mayor Welch adjourned the Utility Authority meeting and reconvene to the Regular City Council meeting at 7:18 p.m.

**ADJOURNMENT**

By consensus, the regular meeting was adjourned at 7:18 P.M.

Minutes Prepared by:

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Daryl Betancur, 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=CnzIB0BOCu2L> , or by requesting a CD or DVD at Banning City Hall located at 99 E. Ramsey Street.**

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**CITY OF BANNING  
CITY COUNCIL REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Suzanne Cook, Deputy Finance Director

**MEETING DATE:** February 26, 2019

**SUBJECT:** Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of January 2019

**RECOMMENDATION:**

That City Council review and ratify the warrants for period ending **January 31, 2019**, per California Government Code Section 37208.

**WARRANT SUMMARY:**

Description	Payment #	Amount	Total Amount
<b>Checks:</b>			
Checks Issued during Month	167455 - 167779	\$ 1,543,040.30	
Voided / Reissue Check		\$ 4,078.40	
<b>Check Total</b>			<b>\$ 1,538,961.90</b>
<b>Wires Total</b>	<b>999</b>		<b>\$ 1,602,830.12</b>
<b>ACH payments:</b>			
	9006369- 9006384		
Payroll Direct Deposit 1/4/2019		\$ 347,190.01	
Payroll Direct Deposit 1/18/2019		\$ 366,473.05	
Other Payments		\$ 527,147.82	
<b>ACH Total</b>			<b>\$ 1,240,810.88</b>
<b>Payroll Checks:</b>			
	11676 - 11694		
Payroll - Regular 1/4/2019		\$ 2,426.83	
Payroll - Regular 1/18/2019		\$ 3,351.11	
Manual Check 1/23/2019		\$ 2,782.65	
<b>Payroll Check Total</b>			<b>\$ 8,560.59</b>
<b>Total Warrants Issued for January 2019</b>			<b>\$ 4,391,163.49</b>

**ATTACHMENTS:**

- Fund List
- Warrant List January 2019
- Warrant List Detail January 2019
- Voided Check Log – January 2019
- 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:



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Douglas 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 January 2018**

Warrant Number	Vendor Name	Warrant Amount
999	RIVERSIDE PUBLIC UTILITIES	1,602,830.12
167455	IBEW LOCAL 47 RETIREE MEDICAL TRUST	2,185.41
167456	ICMA RETIREMENT TRUST 457	995.69
167457	NATIONWIDE RETIREMENT SOLUTIONS	7,892.94
167458	PARS	424.89
167459	ADRIAN, MARION	90.04
167460	ADVANCE WORKPLACE STRATEGIES INC	57.00
167461	AILA, GREBELL	146.39
167462	ANDRADE, DANIELA	38.70
167463	ANIXTER, INC	328.55
167464	ARROW STAFFING SERVICE	6,481.54
167465	ASPEN ENVIRONMENTAL GROUP	2,954.27
167466	ATWORK FRANCHISE, INC	2,286.06
167467	AVILA, VINCENT	20.00
167468	BABCOCK LABORATORIES, INC	847.00
167469	BANACH, HELENA	6.49
167470	BANNING POLICE OFFICERS ASSOC	2,100.00
167471	BEAUMONT BASIN WATERMASTER	36,878.00
167472	BEAUMONT CHAMBER OF COMMERCE	150.00
167473	BEAUMONT SAFE & LOCK	33.35
167474	BENNETT, MICHAEL	20.00
167475	BENNETT, SALWYNNE	136.68
167476	BLUE SHIELD OF CALIFORNIA	69,459.64
167477	CA. ST. DEPT. OF CONSERVATION	40.14
167478	CALIF BUILDING STANDARDS COMMISSION	142.38
167479	CALIFORNIA CHAMBER OF COMMERCE	455.76
167480	CALIFORNIA LAW ENFORCE ASSN	563.50
167481	CALIFORNIA LAW ENFORCEMENT ASSOC	20.00
167482	CALIMESA CHAMBER OF COMMERCE	45.00
167483	CALIMESA CHAMBER OF COMMERCE	45.00
167484	CALIMESA CHAMBER OF CONFERENCE	0.00
167485	CAMPA, ERIC	20.00
167486	CANON FINANCIAL SERVICES, INC	1,184.35
167487	COLONIAL INSURANCE	19,583.63
167488	COSTAR REALTY INFORMATION, INC	87.95
167489	COUTS HEATING & COOLING, INC	405.00
167490	CREATIVE BUS SALES INC	255.52
167491	CSH 2016-1 BORROWER LLC	48.62
167492	CUSTOM TROPHIES & U-NEEK AWARDS	100.85
167493	DeLONGCHAMP, MARGARET	64.80
167494	DANIELS TIRE SERVICE	1,491.26
167495	DESTEFANO JR, FRED	117.69
167496	DIAMOND HILLS CHEVROLET BUICK GMC	258.09
167497	DIVISION OF THE STATE ARCHITECT	198.80
167498	EDGELL, ANNIE	172.74
167499	ENZ, BARBARA	198.02
167500	FAST LUBE & TUNE	267.66
167501	FELIX, ALBERTO	55.35
167502	FEOLA, JOSEPH	20.00
167503	FERRELLGAS	557.05
167504	FIRST AMERICAN TITLE COMPANY	2,400.00
167505	FRANCO, JUAN	291.64
167506	FRONTIER COMMUNICATIONS	1,955.87
167507	G & G ENVIRONMENTAL COMPLIANCE, INC	3,682.45

**City of Banning**  
**Warrant Llist January 2018**

Warrant Number	Vendor Name	Warrant Amount
167508	GARCIA, EDITH	43.08
167509	GAS COMPANY, THE	621.65
167510	GIBSON, JOHN	196.53
167511	GRAVES & KING LLP	3,390.75
167512	GUTIERRES JR, JUAN CARLOS	32.28
167513	HAAKER EQUIPMENT COMPANY	26,175.22
167514	HERNANDEZ, GILBERT	114.34
167515	HICKS &, SHERRIE	88.87
167516	HINDERLITER DE LLAMAS & ASSOCIATES	150.00
167517	HOLLIS, MARILYNN	150.23
167518	HOME DEPOT #8987	1,763.40
167519	I.B.E.W. LOCAL 47	7,891.17
167520	I.B.E.W. LOCAL 47 (PAC)	52.00
167521	IML NORTH AMERICA	13,097.00
167522	INFOSEND, INC	13,765.45
167523	IRON MOUNTAIN INFORMATION MGMT, LLC	349.00
167524	JAUREGUI, ROBERTO	132.00
167525	JOHNSON, JEFFERY & DONNA	106.75
167526	KAISER FOUNDATION HEALTH	49,212.43
167527	KEEM &, JOONGHYUN	54.98
167528	KLAUSNER, EILEEN	154.34
167529	KLEIN, KARI-LEAH	128.03
167530	LEAGUE OF CALIFORNIA CITIES	175.00
167531	LEIDOS ENGINEERING, LLC	960.00
167532	LEXISNEXIS RISK SOLUTIONS	309.00
167533	LITHOPASS PRINTING, FORMS,	736.57
167534	LOFTIS, MILDRED	149.11
167535	LOZANO SMITH LLP	3,529.93
167536	MAXEY, DAVID	98.66
167537	MC CALL'S METER SALES	486.91
167538	MCFARLAND, DARLENE	148.33
167539	MEZA, ROSALVA	84.24
167540	MEZA, TOMMY & GLORIA	185.84
167541	MORENO, ANGELA	52.10
167542	MST BACKFLOW	4,800.00
167543	MUNICIPAL CODE CORPORATION	1,118.26
167544	MUNOZ, RENE	20.00
167545	NIETO, FRANCISCO	20.00
167546	O'CONNELL, DONNA	197.26
167547	OFFICE DEPOT	1,518.92
167548	P&P UNIFORMS	365.23
167549	PARKHOUSE TIRE, INC.	3,861.74
167550	PAYPRO ADMINISTRATORS	110.00
167551	PRE-PAID LEGAL SERVICES, INC	234.18
167552	PRICE, RENATA	119.29
167553	PRUDENTIAL OVERALL SUPPLY	523.64
167554	PUBLIC AGENCY RETIREMENT SERVICES	300.00
167555	QUEZADA, HECTOR	124.00
167556	QUINTAL, WILLIAM A	139.64
167557	RANCHO PASEO MEDICAL GROUP	400.00
167558	RAUM, WILLIAM	215.92
167559	RECORD GAZETTE, THE	313.90
167560	REDLANDS FORD	1,483.39
167561	RICHARDS WATSON GERSHON	76,094.71

**City of Banning  
Warrant List January 2018**

Warrant Number	Vendor Name	Warrant Amount
167562	RIV. CO. CLERK RECORDER	61.00
167563	ROCKWELL, AMBER	272.28
167564	ROWELL, JOYCE	196.73
167565	SAFEGUARD BUSINESS SYSTEMS INC	314.47
167566	SAN BERNARDINO PUBLIC EMPLOYEES	994.02
167567	SCCI, INC DBA	250.00
167568	SHOVE, TED	532.59
167569	SHRED-IT USA, LLC	147.00
167570	SITEONE LANDSCAPE SUPPLY	429.58
167571	SKINNER, DEBORAH & ROY	150.69
167572	SOUTHERN CALIFORNIA EDISON	986.40
167573	SOUTHERN CALIFORNIA EDISON COMPANY	3,263.00
167574	STAPLES BUSINESS ADVANTAGE	627.89
167575	STONE, IDA	90.47
167576	SUEZ BANNING	62,182.00
167577	SUN LIFE FINANCIAL	19,917.85
167578	SUPERION	256.24
167579	TA, HAI	170.09
167580	TELEPACIFIC COMMUNICATIONS	2,925.67
167581	TERRY, BILLIE	232.50
167582	TESTAMERICA LABORATORIES, INC	695.00
167583	THORNTON, MEL	309.62
167584	TIME WARNER CABLE	1,012.40
167585	TMG UTILITY ADVISORY SERVICES, INC	1,982.73
167586	UNDERHILL, WILLIAM	117.18
167587	US GEOLOGICAL SURVEY,	23,125.00
167588	VALDEVIESO &, KRIS KIANDRA	127.35
167589	VALENCIA, MARIBEL	161.80
167590	VELA, ARTURO	42.50
167591	VELA, ARTURO M	136.58
167592	VERIZON WIRELESS	425.75
167593	VERIZON WIRELESS	3,405.51
167594	VOLVO CONSTRUCTION EQUIPMENT & SALE	364.85
167595	WARE, KENNITH	82.87
167596	WASTE MANAGEMENT OF THE	510,342.89
167597	WEBSTER, LON	12.76
167598	WELLS FARGO CARD SERVICES INC	403.14
167599	WELLS FARGO CARD SERVICES INC	4,282.06
167600	WELLS FARGO CARD SERVICES INC	210.59
167601	WESCO DISTRIBUTION, INC	3,106.38
167602	WILLDAN FINANCIAL SERVICES	3,270.41
167603	YOO &, SARANG	10.81
167604	ZENNER PERFORMANCE METERS, INC	900.00
167605	ALL STAR ELITE SPORTS	1,908.22
167606	ANIXTER, INC	1,986.05
167607	ARROW STAFFING SERVICE	2,554.73
167608	ARTISTIC MAINTENANCE, INC.	8,898.75
167609	ASCAP	357.00
167610	ATWORK FRANCHISE, INC	1,196.03
167611	BABCOCK LABORATORIES, INC	1,123.00
167612	BEAUMONT DO IT BEST HOME CENTER	18.30
167613	BEAUMONT SAFE & LOCK	11.31
167614	BECERRA, ELADIO	186.35
167615	BECHTEL, PETRA	57.54

**City of Banning  
Warrant List January 2018**

<b>Warrant Number</b>	<b>Vendor Name</b>	<b>Warrant Amount</b>
167616	CALIFORNIA DEPT OF TAX AND FEE ADMN	9,186.24
167617	CALIFORNIA WATER ENVIRONMENT	200.00
167618	CHARLES ABBOTT ASSOCIATES, INC	4,702.97
167619	CORE AND MAIN, LP	8,066.70
167620	COUNTY OF RIVERSIDE	121.10
167621	COUTS HEATING & COOLING, INC	502.42
167622	DAVILA, BERTHA	187.59
167623	DIAMOND HILLS CHEVROLET BUICK GMC	0.00
167624	DISPLAY SALES	16,840.00
167625	FACTORY MOTOR PARTS	39.24
167626	FAST LUBE & TUNE	39.99
167627	FOX OCCUPATIONAL MEDICAL CENTER	95.00
167628	FRONTIER COMMUNICATIONS	84.69
167629	FTOULIS, MIKE	244.57
167630	G & G ENVIRONMENTAL COMPLIANCE, INC	2,098.74
167631	GAS COMPANY, THE	1,171.89
167632	HOMAN, LOUIS	1,562.37
167633	HOME DEPOT #8987	44.79
167634	IBEW LOCAL 47 RETIREE MEDICAL TRUST	2,169.94
167635	ICMA RETIREMENT TRUST 457	995.69
167636	INLAND WATER WORKS SUPPLY CO.	4,310.00
167637	LEAF	303.35
167638	LESLIE'S POOL SUPPLIES INC.	3,379.19
167639	LOS ANGELES TRUCK CENTERS DBA	54.73
167640	MEADOWS, FRANK	187.78
167641	MENDOZA, SALVADOR	151.26
167642	MINIBISHI ELECTRIC & ELECTRONICS	303.80
167643	NATIONWIDE RETIREMENT SOLUTIONS	6,292.94
167644	ONE SOURCE DISTRIBUTORS	67.88
167645	PARKHOUSE TIRE, INC.	1,159.00
167646	PARS	565.55
167647	PRUDENTIAL OVERALL SUPPLY	455.99
167648	RIV. CO. CLERK RECORDER	32.00
167649	RIV. CO. CLERK RECORDER	8.00
167650	RIV. CO. CLERK RECORDER	8.00
167651	RIV. CO. CLERK RECORDER	16.00
167652	RIV. CO. CLERK RECORDER	8.00
167653	RIVERSIDE COUNTY OFFICE OF ED	120.00
167654	SAIGEON, DORIS	175.25
167655	SMART & FINAL	321.42
167656	SONSRAY MACHINERY LLC	48.59
167657	STAPLES BUSINESS ADVANTAGE	269.87
167658	TIME WARNER CABLE	2.23
167659	UNDERGROUND SERVICE ALERT	62.80
167660	AFANA, NUHA NELLY	134.09
167661	ALBERT A. WEBB ASSOCIATES	30,418.04
167662	ALL WEATHER, INC	2,250.00
167663	ALTEC INDUSTRIES, INC.	1,018.04
167664	ALVAREZ, EVELING & ROSA	48.40
167665	AMAZON CAPITAL SERVICES	964.87
167666	AMERICAN FORENSIC NURSES	980.00
167667	ANDRADE, DANIELA	250.00
167668	ARROW STAFFING SERVICE	1,392.30
167669	ARTISTIC MAINTENANCE, INC.	2,445.00

**City of Banning  
Warrant List January 2018**

Warrant Number	Vendor Name	Warrant Amount
167670	ARVIZU, MARIA	50.26
167671	AT&T CALNET 2	667.09
167672	AT&T CALNET 2	212.32
167673	AT&T CALNET 2	388.98
167674	AT&T MOBILITY	1,099.52
167675	ATWORK FRANCHISE, INC	2,700.86
167676	BANNING POLICE OFFICERS ASSOC	2,400.00
167677	BEAUMONT DO IT BEST HOME CENTER	2,615.51
167678	BENHAR, DIANA T	49.70
167679	BERMUDEZ, RAUL	252.74
167680	BIO-TOX LABORATORIES	1,892.50
167681	CA. ST. BOARD OF EQUAL. - FUEL	372.61
167682	CA. ST. BOARD OF EQUAL. - FUEL	63.33
167683	CA. ST. BOARD OF EQUAL. - FUEL	660.46
167684	CALIFORNIA SURVEYING & DRAFTING SUP	11,869.74
167685	CALIFORNIA, STATE OF	2,147.00
167686	CDW GOVERNMENT, INC	66.00
167687	CENTER ELECTRIC	2,233.00
167688	CHARLES ABBOTT ASSOCIATES, INC	18,834.91
167689	CLEARY, KATHLYN L	140.85
167690	COMMUNITY RESTORATION GROUP	136.72
167691	CORE AND MAIN, LP	5,191.40
167692	CORELOGIC INFORMATION SOLUTIONS INC	216.68
167693	COUNTY OF RIVERSIDE-ANIMAL CONTROL	33,688.80
167694	COUTS HEATING & COOLING, INC	479.90
167695	CUSTOM TROPHIES & U-NEEK AWARDS	269.38
167696	DANIELS TIRE SERVICE	2,537.54
167697	DEX MEDIA	40.50
167698	DIAMOND HILLS CHEVROLET BUICK GMC	1,219.24
167699	DIAMOND HILLS CHEVROLET BUICK GMC	61.42
167700	DIMITRIJEVICH, JAMES	164.44
167701	DIRECTV	23.25
167702	DOBBINS, DEANN LOUISE	14.00
167703	ECCLESTONE, CHERYL	181.36
167704	EVIDENT, INC.	489.60
167705	FAST LUBE & TUNE	39.99
167706	FEDEX	38.06
167707	FERGUSON ENTERPRISES	20,461.73
167708	FLANAGAN, DANIEL L	280.65
167709	FLEET SERVICES INC	243.23
167710	FOX OCCUPATIONAL MEDICAL CENTER	160.00
167711	FRONTIER COMMUNICATIONS	1,696.47
167712	GAS COMPANY, THE	1,212.82
167713	GONZALES &, CHRISTOPHER	70.65
167714	GONZALEZ, SAGRARIO HERNANDEZ	19.15
167715	GRAINGER	1,342.67
167716	HAAKER EQUIPMENT COMPANY	374.15
167717	HIGGINS, BLANCHE	140.31
167718	HOME DEPOT #8987	1,765.75
167719	INFOSEND, INC	5,385.48
167720	INNOVATIVE EMERGENCY EQUIPMENT	8,044.00
167721	INTERNATIONAL ASSOC FOR PROPERTY	50.00
167722	IRON MOUNTAIN INFORMATION MGMT, LLC	212.32
167723	LANCE, SOLL & LUNGHARD, LLP	12,710.00

**City of Banning**  
**Warrant List January 2018**

Warrant Number	Vendor Name	Warrant Amount
167724	LEE &, JC	39.61
167725	LITHOPASS PRINTING, FORMS,	562.65
167726	LOZANO SMITH LLP	3,532.94
167727	MANERI SIGN COMPANY INC.	21,339.71
167728	MAUERHAN, TERRY & MICHAEL	6.65
167729	MCALL, MARILYN J	44.08
167730	MERCHANTS BUILDING MAINTENANCE, LLC	5,561.08
167731	MICHAEL BAKER INTERNATIONAL, INC	24,215.66
167732	MILSOFT UTILITY SOLUTIONS, INC	16,700.00
167733	MONTROSE ENVIROMENTAL GROUP, INC	40,559.55
167734	MORGAN, DEIDRA J	230.13
167735	NET TRANSCRIPTS, INC	479.59
167736	NUNEZ, VIOLET	257.20
167737	OFFICE DEPOT	413.63
167738	ORTA, YADIRA D	65.63
167739	PARKHOUSE TIRE, INC.	2,041.87
167740	PETTY CASH CUSTODIAN - CITY YARDS	145.87
167741	PETTY CASH CUSTODIAN - POLICE	141.60
167742	PRO-CRAFT PLUMBING COMPANY, INC	1,028.40
167743	PROFORCE LAW ENFORCEMENT	952.51
167744	PRUDENTIAL OVERALL SUPPLY	166.95
167745	PUBLIC AGENCY RETIREMENT SERVICES	300.00
167746	R.F. MACDONALD CO	4,530.05
167747	RELIABLE WORKPLACE SOLUTIONS	87.85
167748	RENOVA PROPERTIES LLC	102.60
167749	ROMO PLANNING GROUP, INC.	66,795.00
167750	RON'S BEE SERVICE	200.00
167751	ROW TRAFFIC SAFETY, INC	1,293.01
167752	RUEHLE, TARA SHAWN M	108.50
167753	SALER &, DALE CODY	46.17
167754	SAN GORGONIO PASS DESIGN AND PRINT	133.61
167755	SANDERS, ROBERT	170.16
167756	SCHULZE, DOUG	250.00
167757	SHRED-IT USA, LLC	166.74
167758	SIEMENS INDUSTRY, INC	1,271.28
167759	SILVER & WRIGHT, LLP	388.89
167760	SIRCHIE FINGER PRINT LABORATORIES	422.98
167761	SMART & FINAL	281.94
167762	SMITH, LOIS E	28.00
167763	SONSRAY MACHINERY LLC	263.16
167764	SOTO, GABINO	142.03
167765	SOUTHERN CALIFORNIA EDISON	479.27
167766	SOUTHERN CALIFORNIA GAS CO	5,751.42
167767	SOUTHERN CALIFORNIA JOINT POLE	713.69
167768	STAPLES BUSINESS ADVANTAGE	164.20
167769	STATE WATER RESOURCES CONTROL	30,261.00
167770	STERLING TALENT SOLUTIONS	68.27
167771	TERRY, BILLIE	110.52
167772	TIME WARNER CABLE	89.57
167773	TRINITY FINANCIAL SERVICES	99.38
167774	TURBO DATA SYSTEMS INC	473.47
167775	ULINE	468.01
167776	UNITED ROTARY BRUSH CORPORATION	128.52
167777	VERIZON WIRELESS	152.04

**City of Banning  
Warrant List January 2018**

Warrant Number	Vendor Name	Warrant Amount
167778	WASTE MANAGEMENT	1,228.99
167779	WEBSTER, LON	188.71
9006369	WELLS FARGO BANK	347,190.01
9006370	INTERNAL REVENUE SERVICE	133,529.09
9006371	CA. ST. EMPLOYMENT DEV. DEPT.	19,549.84
9006372	TASC	4,325.24
9006373	CA. ST. PUBLIC EMPLOYEES	84,803.77
9006374	WELLS FARGO BANK	400.00
9006375	CALPERS 457 PLAN - 450260	34,738.43
9006376	CA. ST. PUBLIC EMPLOYEES	84,783.28
9006377	WELLS FARGO BANK	366,473.05
9006378	CA. ST. EMPLOYMENT DEV. DEPT.	19,774.57
9006379	INTERNAL REVENUE SERVICE	136,230.18
9006380	TASC	4,325.24
9006381	CA. ST. EMPLOYMENT DEV. DEPT.	144.27
9006382	INTERNAL REVENUE SERVICE	930.91
9006383	WELLS FARGO BANK	400.00
9006384	CA. ST. BOARD OF EQUALIZATION	3,213.00
<b>Grand Total</b>		<b>4,385,355.64</b>

<b>Less Voided / Reissued Checks from Prior Period</b>	<b>(2,652.74)</b>
<b>Less Voided Checks Prior Period</b>	<b>(100.00)</b>
<b>Add Payroll Checks</b>	<b>8,560.59</b>
<b>Total Remittance for Month</b>	<b><u>4,391,163.49</u></b>

City of Banning  
Warrant List Detail January 2019

Warrant Number	Warrant Date	Vendor Name	Invoice Number	P. O. Number	Account Number	Payment Description	Warrant Amount
999	1/18/2019	RIVERSIDE PUBLIC UTILITIES	212		670-7000-331-20-01	INTEREST REVENUE REVENUE RCVD JAN 2019	(1,657.97)
					670-7000-356-38-10	ENERGY REVENUE REVENUE RCVD JAN 2019	(10,985.03)
					670-7000-356-38-17	CRR REVENUE REVENUE RCVD JAN 2019	(49,210.50)
					670-7000-356-38-20	TRANS REVENUE REVENUE RCVD JAN 2019	(64,290.86)
					670-7010-473-27-09	S & D EXPENSE POWER EXPENSE JAN 2019	51,024.00
					670-7010-473-27-50	CAPACITY EXPENSE POWER EXPENSE JAN 2019	1,013,907.65
					670-7010-473-27-60	ENERGY EXPENSE POWER EXPENSE JAN 2019	339,428.38
					670-7010-473-27-70	TRANS EXPENSE POWER EXPENSE JAN 2019	277,142.74
					670-7010-473-33-02	LEGAL EXPENSE POWER EXPENSE JAN 2019	4,539.88
					675-7020-473-42-58	ENERGY EFFICIENCY POWER EXPENSE JAN 2019	42,931.83
167455	1/10/2019	IBEW LOCAL 47 RETIREE MEDICAL TRUST	20190104		001-0000-204-80-10	PAYROLL SUMMARY	2,185.41
167456	1/10/2019	ICMA RETIREMENT TRUST 457	20190104		001-0000-204-16-00	PAYROLL SUMMARY	995.69
167457	1/10/2019	NATIONWIDE RETIREMENT SOLUTIONS	20190104		001-0000-204-16-00	PAYROLL SUMMARY	7,892.94
167458	1/10/2019	PARS	20190104		001-0000-204-25-00	PAYROLL SUMMARY	424.89
167459	1/10/2019	ADRIAN MARION	APR 18-SEP 18	029108	675-7020-473-42-36	ENERGY ASSISTANCE PROGRAM REBATE APR 2018-SEP 2018	90.04
167460	1/10/2019	ADVANCE WORKPLACE STRATEGIES INC	392737		001-1300-412-33-32	DRUG TESTING CHARGES	57.00
167461	1/10/2019	AILA, GREBELL	JUL 18-DEC 18		001-1300-412-33-32	ENERGY ASSISTANCE PROGRAM REBATE JUL 2018-DEC 2018	146.39
167462	1/10/2019	ANDRADE, DANIELA	WILEAGE12/14/18		001-1000-411-23-05	CHAD MAYES OPEN HOUSE	38.70
167463	1/10/2019	ANIXTER, INC	4033050-00		660-0000-131-00-00	SPRAY PAINT PO NUM 029177	328.55
167464	1/10/2019	ARROW STAFFING SERVICE	105886		001-1900-412-23-27	CARROLL, GARY W/E 12/08 FINANCE	1,222.00
			105888		761-3100-480-33-11	RUIZ, TAMMIE W/E 12/15/18 CUSTOMER SERV REP	1,054.42
			105964		001-1900-412-23-27	CARROLL, GARY W/E 12/15	1,222.00
			105966		003-1900-412-23-27	CARROLL, GARY W/E 12/22	1,222.00
			106038		001-1900-412-23-27	CARROLL, GARY W/E 12/29 FINANCE	733.20
			106112		001-1900-412-23-27	CARROLL, GARY W/E 12/29 FINANCE	2,954.27
167465	1/10/2019	ASPEN ENVIRONMENTAL GROUP	3313-0072-11	027504	663-6300-471-96-35	BANNING FLUME FIELD SURVE	500.92
167466	1/10/2019	ATWORK FRANCHISE, INC	063839		702-3800-480-23-27	WILLIAMS E W/E 12/16/18 DATA ENTRY	1,115.71
			064084		001-1200-412-23-27	STEINER, C W/E 12/30/18	669.43
			064815		001-1200-412-23-27	STEINER, C W/E 12/30/18	20.00
167467	1/10/2019	AVILA, VINCENT	MEAL 1/03/19	029259	001-2200-421-23-06	PSP TRAINING MEAL 1/03/19	20.00
167468	1/10/2019	BARCOCK LABORATORIES, INC	BL81850 0030	029259	680-8000-454-23-32	TOTAL DISSOLVED SOLIDS	20.00
			BL81901 0050	029259	680-8000-454-23-32	VARIOUS CHEMICAL TESTS	807.00
			BL82469 0030	029259	680-8000-454-23-32	TOTAL DISSOLVED SOLIDS	20.00
167469	1/10/2019	BANACH, HELENA	000073471		001-0000-218-22-22	UB CR REFUND-FINALS 000003968	6.49
167470	1/10/2019	BANNING POLICE OFFICERS ASSOC	DECEMBER 2018		001-0000-204-50-00	POLICE OFFICER ASSOC DUES DECEMBER 2018	2,100.00
167471	1/10/2019	BEAUMONT BASIN WATERMASTER	B-196		660-6300-471-42-43	TASK ORDER #17 RETURN FLOW METHODOLOGY	13,380.00
			B-199		660-6300-471-42-43	TASK ORDER #18 PREP OF 2018 ANNUAL REP	19,194.00
167472	1/10/2019	BEAUMONT CHAMBER OF COMMERCE	1/24/2019		001-1000-411-23-05	TASK ORDER #19 WATER LV MONITORING EQUIP	4,304.00
167473	1/10/2019	BEAUMONT SAFE & LOCK	71268	029066	001-3200-412-30-02	ART WELCH BEAUMONT INSTALL DINNER	50.00
			71378	029066	702-3800-480-38-52	COLLEEN WALLACE BEAUMONT INSTALL DINNER	50.00
167474	1/10/2019	BENNETT, MICHAEL	MEAL 1/03/19		001-2200-421-23-06	DAVE HAPPE BEAUMONT INSTALL DINNER	26.88
167475	1/10/2019	BENNETT, SALWYNNE	JUN 18 - NOV 18		001-2200-421-23-06	#905 DUPLICATE KEYS	6.47
167476	1/10/2019	BLUE SHIELD OF CALIFORNIA	JANUARY 2019		675-7020-473-42-36	PSP TRAINING MEAL 1/03/19	20.00
167477	1/10/2019	CA. ST. DEPT. OF CONSERVATION	2018 QTR 4		001-0000-204-31-00	HEALTH INSURANCE PREMIUMS JANUARY 2019	136.68
167478	1/10/2019	CALIF BUILDING STANDARDS COMMISSION	2018 QTR 4		001-2700-442-41-28	SMIP FEES 4TH QTR 2018 OCT 2018 - DEC 2018	40.14
167479	1/10/2019	CALIFORNIA CHAMBER OF COMMERCE	11261323		001-0000-223-25-00	CALIFORNIA BLDG STANDARD 2018 4TH QTR FEES	142.38
			JANUARY 2019		001-0000-201-10-00	SALES TAX CA LABOR LAW POSTERS	(3.69)
			JANUARY 2019		001-1300-412-23-03	CA LABOR LAW POSTERS	459.45
167480	1/10/2019	CALIFORNIA LAW ENFORCE ASSN	JANUARY 2019		001-0000-204-80-13	POLICE LTD PREMIUMS JANUARY 2019	563.50
167481	1/10/2019	CALIFORNIA LAW ENFORCEMENT ASSOC	LAW/A 1/22/19		001-2200-421-23-06	INLAND CHAPTER TRNG CLASS ANGLE LAM 1/22/19	20.00
167482	1/10/2019	CALIMESA CHAMBER OF COMMERCE	1/10/19		001-1000-411-23-05	COLLEEN WALLACE CALIMESA INSTALL DINNER	45.00
167483	1/10/2019	CALIMESA CHAMBER OF COMMERCE	01/10/2019		001-1000-411-23-05	ART WELCH -INSTALL DINNER	45.00
167484	1/10/2019	CALIMESA CHAMBER OF COMMERCE	1/10/19		001-1000-411-23-05	ART WELCH CALIMESA INSTALL DINNER	0.00
167485	1/10/2019	CAMPA, ERIC	MEAL 12/03/18	028687	001-2200-421-23-06	PSP TRAINING MEAL 12/03 NIGHT SHOOT	20.00
167486	1/10/2019	CANON FINANCIAL SERVICES, INC	19519378		001-4000-461-32-06	LEASE	83.60
					001-4500-412-32-06	LEASE	478.96

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167486	1/10/2019	CANON FINANCIAL SERVICES, INC	19519378	028697	148-2215-421.32-06 610-5800-434.32-06 600-6300-471.32-06 670-7000-473.32-06 761-3100-480.32-06	LEASE LEASE LEASE LEASE LEASE	102.75 83.61 150.95 179.98 104.50
167487	1/10/2019	COLONIAL INSURANCE	3229614-0101235		001-0000-204.30-00 001-0000-204.80-02 001-0000-204.80-03 001-0000-204.80-09 001-0000-204.80-11 001-0000-204.80-12 001-0000-204.80-16 001-1210-412.33-11 001-3200-412.30-21 702-3800-480.38-52	TERM LIFE PREMIUMS DECEMBER 2018 CANCER PREMIUMS DECEMBER 2018 UNIVERSAL LIFE PREMIUMS DECEMBER 2018 ACCIDENT PREMIUMS DECEMBER 2018 SUPPLEMENTAL DISABILITY DECEMBER 2018 CRITICAL ILLNESS PREMIUMS DECEMBER 2018 HOSPITAL CONFINEMENT PREM DECEMBER 2018 COMM PROP LISTING SITE 1/1/19-1/31/19 A/C REPAIR AT CITY HALL THERMAL MATERIAL UB CR REFUND-FINALS 000050276	2,074.00 1,730.61 3,016.05 3,229.21 6,307.11 1,556.30 1,670.35 87.95 405.00 255.52 48.62 100.85 64.80 1,304.85 186.41 117.69 258.09 198.80 172.74 198.02 55.69 39.99 39.99 131.99 55.35 20.00 557.05 1,200.00 1,200.00 92.19 199.45 920.69 80.41 461.95 247.56 83.54 80.86 80.86 717.85 2,964.60 43.08 247.63 14.79 359.23 169.88 25.75 0.90 3,390.75 32.28 1,231.58 24,943.64 114.34 88.87
167488	1/10/2019	COSTAR REALTY INFORMATION, INC	108545885-1	029105	001-3200-412.30-21	UB CR REFUND-FINALS 000050276	100.85
167489	1/10/2019	COUTS HEATING & COOLING, INC	SRVCE09680	029264	702-3800-480.38-52	UB CR REFUND-FINALS 000050276	48.62
167490	1/10/2019	CREATIVE BUS SALES INC	5158098		001-0000-218.22-22	COUNCIL MBRS NAME PLAQUES	100.85
167491	1/10/2019	CSH 2016-1 BORROWER LLC	0000930041	029047	001-1000-411.36-00	UB CR REFUND-FINALS 00005812	64.80
167492	1/10/2019	CUSTOM TROPHIES & U-NEEK AWARDS	000007925	029041	702-3800-480.38-52	#604 RADIAL CASTING	1,304.85
167493	1/10/2019	DeLONGCHAMP, MARGARET	230117794	029041	702-3800-480.38-52	TIRE & RADIAL CASTING	186.41
167494	1/10/2019	DANIELS TIRE SERVICE	230117950	029041	675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE JUL 2018-DEC 2018	117.69
167495	1/10/2019	DESTEFANO JR, FRED	JUL 18- DEC 18	029071	702-3800-480.38-52	#02 COVER & PAD	258.09
167496	1/10/2019	DIAMOND HILLS CHEVROLET BUICK GMC	643443		001-0000-223.26-00	AB 1379 FEES 4TH QTR 10/1/18-12/31/18	198.80
167497	1/10/2019	DIVISION OF THE STATE ARCHITECT	2018 QTR 4		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE JUL 2018-DEC 2018	172.74
167498	1/10/2019	EDGE, ANNIE	JUL 18-DEC 18		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE JUL 2018-DEC 2018	198.02
167499	1/10/2019	ENZ, BARBARA	JUL 18-DEC 18	029146	702-3800-480.30-05	#604 OIL CHANGE	55.69
167500	1/10/2019	FAST LUBE & TUNE	50171	029146	702-3800-480.30-05	#439 SMOG INSPECTION	39.99
			50232	029146	702-3800-480.30-05	#02 SMOG INSPECTION	39.99
			50236	029146	702-3800-480.30-05	#623 CHECK ENGINE LIGHT	131.99
167501	1/10/2019	FELX, ALBERTO	REINIB 12/3-14		001-2200-421.23-06	GAS-T C INVESTIGATION SAN BERNARDINO 12/3-12/14	55.35
167502	1/10/2019	FEOA, JOSEPH	MEAL 1/03/19	028717	600-6300-471.36-08	PROPANE	20.00
167503	1/10/2019	FERRELLGAS	1104371475		001-1210-412.33-11	PRELIMINARY WATER REPORT APN 532-190-025	557.05
167504	1/10/2019	FIRST AMERICAN TITLE COMPANY	446-44684429		001-1210-412.33-11	PRELIMINARY WATER REPORT APN 532-180-048	1,200.00
			446-44684430		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE DEC 2017-MAY 2018	1,200.00
			DEC 17-MAY 18		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE JUN 2017-NOV 2017	92.19
167505	1/10/2019	FRANCO, JUAN	JUN 17- NOV 17		001-4500-412.26-05	ENERGY ASSISTANCE PROGRAM REBATE JUN 2017-NOV 2017	199.45
167506	1/10/2019	FRONTIER COMMUNICATIONS	2090560495JAN19		001-4500-412.26-05	209-056-0495 DEC 28,2018-JAN 27,2019	920.69
			2091884027DEC18		001-4500-412.26-05	209-188-4027 DEC 16, 2018- JAN 15,2019	80.41
			2131817186DEC18		703-3700-480.30-17	213-181-7186 DEC 19, 2018- JAN 18,2019	461.95
			9518493260JAN19		001-4500-412.26-05	951-849-3260 DEC 28,2018-JAN 27,2019	247.56
			9518497124DEC18		001-4500-412.26-05	951-849-7124 DEC 10, 2018- JAN 9,2019	83.54
			9518497296DEC18		001-4500-412.26-05	951-849-7296 DEC 16, 2018- JAN 15,2019	80.86
			9518499205DEC18		001-4500-412.26-05	951-849-9205 DEC 13, 2018- JAN 12,2019	80.86
167507	1/10/2019	G & G ENVIRONMENTAL COMPLIANCE, INC	BANNING-0818	029182	660-6300-471.23-37	NPDES/WASTE INSPECTIONS	717.85
			REINIB 12/6/18		680-8000-454.23-37	NPDES/WASTE INSPECTIONS	2,964.60
167508	1/10/2019	GARCIA, EDITH	05602682006DEC18		001-3200-412.36-00	PHONE CHARGER CABLES	43.08
167509	1/10/2019	GAS COMPANY, THE	13392459007NOV18		001-2400-422.26-06	172 N MURRAY ST 11/14/18-12/17/18	247.63
			15684815176DEC18		600-5100-435.26-06	408 S HATHAWAY ST OCT 22,2018-NOV 21,2018	14.79
			APR 18-SEP 18		001-4500-412.26-06	99 F RAMSEY ST NOV 14, 2018-DEC 17 2018	359.23
167510	1/10/2019	GIBSON, JOHN	JUL 18-DEC 18		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE APR 2018-SEP 2018	169.88
			JUL 18-DEC 18		670-7000-356.38-01	MEDICAL LIFELINE REBATE JUL 2018-DEC 2018	25.75
			1811-00101612-01		675-7020-356.38-15	PUBLIC BENEFIT CHARGE REBATE JUL 2018-DEC 2018	0.90
167511	1/10/2019	GRAVES & KING LLP	000096727		700-5040-480.33-11	PROF SVCS THRU 11/30/18	3,390.75
167512	1/10/2019	GUTIERRES JR, JUAN CARLOS	C47243		001-0000-218.22-22	UB CR REFUND-FINALS 000021830	32.28
167513	1/10/2019	HAAKER EQUIPMENT COMPANY	W52335	029059	660-0000-131.00-00	VECTOR PARTS PO NUM 029096	1,231.58
			000097117		680-8000-454.30-06	VECTOR TRUCK REPAIRS	24,943.64
167514	1/10/2019	HERNANDEZ, GILBERT	000097117		601-0000-218.22-22	UB CR REFUND 000008010	114.34
167515	1/10/2019	HICKS & SHERIE	000096297		001-0000-218.22-22	UB CR REFUND-FINALS 000018118	88.87

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167516	1/10/2019	HINDERLITER DE LLAMAS & ASSOCIATES	0020504-IN		001-1900-412.33-11	SALES TAX QUARTER 2 2018 FEE INCREASE DIFFERENTIAL	150.00
167517	1/10/2019	HOLLIS, MARIYNN	000046019		001-0000-218.22-22	UB CR REFUND 000024276	150.23
167518	1/10/2019	HOME DEPOT #8987	1012000	029093	001-3200-412.30-01	COM. CENTER- FILTER& BOLT	63.50
			1024213	029093	001-3200-412.30-02	OSCILLATING TOOL & DREMEL	148.48
			2011912	029093	600-6500-471.45-08	60 LB CONCRETE MIX	141.20
			2092973	029093	660-6300-471.45-08	CREDIT - 60LB QUIKRETE	(37.83)
			5014053	029093	001-3200-412.30-01	CHRISTMAS-50L LED BULBS	463.50
			5022637	029093	001-3200-412.30-02	2-PIN CFL LIGHT BULB	32.13
			5041325	029093	001-3200-412.30-01	BULBS & OUTLET WALL PLATE	89.20
			6012718	029093	670-7000-473.45-16	RUBBER CORD/SPADE/CONNECT	348.41
			7024111	029093	001-3200-412.30-01	SAWHORSE	98.79
			9092706	029093	001-3200-412.30-01	ROLLER, SCREWS & SAWHORSE	269.66
167519	1/10/2019	I.B.E.W. LOCAL 47	9092706	029093	100-4900-431.36-00	SQUEEGEE PUSH & OVAL TINE	146.36
167520	1/10/2019	I.B.E.W. LOCAL 47 (PAC)	DECEMBER 2018		001-0000-204.53-00	GEN / UTILITY UNION DUES DECEMBER 2018	
167521	1/10/2019	IML NORTH AMERICA	DECEMBER 2018		001-0000-204.80-01	PAC DUES FOR DECEMBER 2018	7,891.17
167522	1/10/2019	INFOSEND, INC	13862		001-0000-201.10-00	SALES TAX	(1,015.02)
			145194	029290	673-7000-473.96-40	DRILL W/BATTERY ADAPTER	14,112.02
			145234	029232	690-9600-453.23-01	PROP 218 NOTICE-PRINTING	3,922.27
			145979	029174	690-9600-453.23-04	PROP 218 NOTICE POSTAGE	3,694.89
			146154	029174	761-3100-480.23-02	UB BILL SRVC 11/26-11/30	251.96
			146184	029174	761-3100-480.23-04	UB BILL SRVC 11/26-11/30	2,162.59
			AKF2416	029174	761-3100-480.33-11	UB BILL SRVC 11/26-11/30	518.59
			AKF2416	029174	761-3100-480.23-02	UB BILL SRVC 12/3-12/7	174.49
			AKF2416	029174	761-3100-480.23-04	UB BILL SRVC 12/3-12/7	1,452.28
			AKF2416	029174	761-3100-480.33-11	UB BILL SRVC 12/3-12/7	343.94
			AKF2416	029174	761-3100-480.33-11	PROGRAMMING CHANGE	175.00
			AKF2416	029174	761-3100-480.23-02	UB BILL SRVC 12/10-12/14	86.89
			AKF2416	029174	761-3100-480.23-04	UB BILL SRVC 12/10-12/14	189.90
			AKF2416	029174	761-3100-480.33-11	UB BILL SRVC 12/10-12/14	349.00
167523	1/10/2019	IRON MOUNTAIN INFORMATION MGMT, LLC	AKF2416	029123	001-4500-412.33-11	REG STORAGE JAN 2019	132.00
167524	1/10/2019	JAUREGUI, ROBERTO	REFIMB 12/3-14		001-4500-412.33-06	GAS FOR SURV COURSE TEMUCULA 12/3/18-12/14/18	106.75
167525	1/10/2019	JOHNSON, JEFFERY & DONNA	000079277		001-0000-218.22-22	UB CR REFUND-FINALS 000050370	7,917.72
167526	1/10/2019	KAISER FOUNDATION HEALTH	JANUARY 2019		001-0000-204.31-00	KAISER PREMIUM - JAN 2019 GROUP 101565-0006	41,294.71
167527	1/10/2019	KEEM & JOONGHYUN	000084525		001-0000-218.22-22	UB CR REFUND-FINALS 000039572	54.98
167528	1/10/2019	KLAUSNER, EILEEN	APR 18-SEP 18		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE APR 2018-SEP 2018	154.34
167529	1/10/2019	KLEIN, KARI-LEAH	000048131		001-0000-218.22-22	UB CR REFUND-FINALS 000003636	128.03
167530	1/10/2019	LEAGUE OF CALIFORNIA CITIES	LOC 1/14/19		001-1000-411.23-05	ART WELCH-RIV CTY DIV MTG EASTVALE 1/14/19	35.00
167531	1/10/2019	LEIDOS ENGINEERING, LLC	INV-00094755105	027350	001-1200-412.23-05	C WALLACE-RIV CTY DIV MTG EASTVALE 1/14/19	35.00
167532	1/10/2019	LEXISNEXIS RISK SOLUTIONS	160860120181031	029214	674-7000-473.96-32	D ANDRADE-RIV CTY DIV MTG EASTVALE 1/14/19	35.00
			160860120181231	029214	001-2200-421.41-20	D HAPPE-RIV CTY DIV MTG EASTVALE 1/14/19	35.00
			20181130	029320	001-2200-421.30-17	D SCHULZE-RIV CTY DIV MTG EASTVALE 1/14/19	35.00
			1344	029320	610-5800-434.23-02	ENG SERVICES SUBSTATIONS	960.00
			1659	029320	001-4000-461.23-02	MONTHLY SUBSCRIPTION OCTOBER 2018	103.00
			1660	029320	001-4000-461.23-02	DECEMBER 2018 SUBSCRIPTN	103.00
			1784	029320	001-4000-461.23-02	MONTHLY SUBSCRIPTION NOVEMBER 2018	255.37
			1982	029320	001-4000-461.23-02	FIXED ROUTE PASSENGER TRIP SHEETS	16.16
			JUL 18-DEC 18	029320	001-4000-461.23-02	SANTA SHOPPE FLYER	351.90
			20/0981	029320	001-4000-461.23-02	PRINTING	48.49
			JUL 18-DEC 18	029320	675-7020-473.42-36	5x7 WINTER SHOWCASE INVIT	64.65
			JUL 18-DEC 18	029320	700-5040-480.33-11	WINTER SHOWCASE PROGRAMS	149.11
167534	1/10/2019	LOFTIS, MILDRED	JUL 18-DEC 18		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE JUL 2018-DEC 2018	3,529.93
167535	1/10/2019	LOZANO SMITH LLP	20/0981		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE JUL 2018-DEC 2018	98.66
167536	1/10/2019	MAXEY, DAVID	JUL 18-DEC 18	028950	660-6300-471.45-08	TOP PLATE ASSEMBLY PROGRAM REBATE JUL 2018-DEC 2018	486.91
167537	1/10/2019	MC CALL'S METER SALES	31303		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE JUL 2018-DEC 2018	148.33
167538	1/10/2019	MCFARLAND, DARLENE	JUL 18-OCT 18		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE MAR 2018-AUG 2018	84.24
167539	1/10/2019	MEZA, ROSALVA	MAR 18-AUG 18		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE JUN 2018-NOV 2018	185.84
167540	1/10/2019	MEZA, TOMMY & GLORIA	JUN 18-NOV 18		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE JUN 2018-NOV 2018	185.84

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Warrant Number	Warrant Date	Vendor Name	Invoice Number	P.O. Number	Account Number	Payment Description	Warrant Amount
167541	1/10/2019	MORENO, ANGELA	NOV 17-APR 18		675-7020-473-42-36	ENERGY ASSISTANCE PROGRAM REBATE NOV 2017-APR 2018	52.10
167542	1/10/2019	MST BACKFLOW	JAN 2019	029215	600-6300-471.45-08	BACKFLOWS TEST&CERTIFY	4,800.00
167543	1/10/2019	MUNICIPAL CODE CORPORATION	00323144	029048	001-1400-412.33-72	MUNICODE UPDATE	1,118.26
167544	1/10/2019	MUNOZ, RENE	MEAL 12/03/18		001-2200-421.23-06	PSP TRAINING MEAL 12/03	20.00
167545	1/10/2019	NIETO, FRANCISCO	MEAL 12/03/18		001-2200-421.23-06	PSP TRAINING MEAL 12/03	20.00
167546	1/10/2019	O'CONNELL, DOMINA	APR 18 - SEP 18	029065	675-7020-473-42-36	ENERGY ASSISTANCE PROGRAM APRIL 2018-SEPT 2018	197.26
167547	1/10/2019	OFFICE DEPOT	244841945001	029065	001-4500-412.36-00	PAPER	861.73
			248155317001		001-1200-412.36-00	TONER	328.59
167548	1/10/2019	P&P UNIFORMS	416785/4	028875	001-1400-412.36-00	TONER	328.60
			417137/4	028875	001-2200-421.36-04	POLO AND BOOTS FOR SAVILA	202.55
			417138/4	028875	001-2200-421.36-04	T-6 WOOL PANTS SOL AVILA	100.20
167549	1/10/2019	PARKHOUSE TIRE, INC.	2030170606	029040	001-2200-421.36-04	(1) POLO FOR S.AVILA	62.48
			2030170606	029040	702-3800-480.23-49	TIRES RECYCLING FEE	3.50
			2030170619	029040	702-3800-480.38-52	TIRES	773.71
			2030170688	029040	702-3800-480.23-49	TIRES RECYCLING FEE	7.00
			2030170688	029040	702-3800-480.38-52	TIRES	1,858.34
			48415	029040	702-3800-480.38-52	TIRES	7.00
167550	1/10/2019	PAYPRO ADMINISTRATORS	48415		001-1300-412.33-11	DECEMBER 2018 COBRA ADMIN	110.00
167551	1/10/2019	PRE-PAID LEGAL SERVICES, INC	DECEMBER 2018		001-0000-204.80-07	PREPAID LEGAL PREMIUMS DECEMBER 2018	234.18
167552	1/10/2019	PRICE, RENATA	APR 18-SEP 18		675-7020-473-42-36	ENERGY ASSISTANCE PROGRAM REBATE APR 2018-SEP 2018	119.29
167553	1/10/2019	PRUDENTIAL OVERALL SUPPLY	22718772	029184	702-3800-480.23-16	FLEET UNIFORMS & TOWELS	10.36
			22718776	029184	702-3800-480.25-02	FLEET UNIFORMS & TOWELS	17.90
			22722244	029184	702-3800-480.23-16	FLEET UNIFORMS & TOWELS	36.06
			22725983	029184	600-6300-471.25-02	UNIFORMS - WATER	57.10
			22725984	029184	680-8000-454.25-02	UNIFORMS - WASTEWATER	15.00
			22726003	029184	100-4900-431.25-02	STREET UNIFORMS	17.55
			22726006	029184	001-3200-412.25-02	BUILDING MAIN. UNIFORMS	5.68
			22726007	029184	761-3110-480.25-02	FIELD SERVICE UNIFORMS	33.92
			22726008	029184	670-7000-473.25-02	ELECTRIC UNIFORMS	139.29
			22729851	029184	100-4900-431.25-02	STREET UNIFORMS	17.55
			22729853	029184	001-3200-412.25-02	BUILDING MAIN. UNIFORMS	5.68
			22729855	029184	670-7000-473.25-02	ELEC DEPT UNIFORMS	139.29
			41750		001-1900-412.33-11	PARS PIN ID#PH-ARSOSA SVC PERIOD 20181031	300.00
167554	1/10/2019	PUBLIC AGENCY RETIREMENT SERVICES	000091547		001-0000-218.22-22	UB CR REFUND-FINALS 000000178	124.00
167555	1/10/2019	QUEZADA, HECTOR	000084887		001-0000-218.22-22	UB CR REFUND-FINALS 000014572	139.64
167556	1/10/2019	QUINTAL, WILLIAM A	06012018-1		001-1300-412.33-32	PRE-EMP EXAMS & DRUG SCRIN JUNE 2018	400.00
167557	1/10/2019	RANCHO PASEO MEDICAL GROUP	MAY 18-OCT 18		675-7020-473-42-36	ENERGY ASSISTANCE PROGRAM REBATE MAY 2018-OCT 2018	215.92
167558	1/10/2019	RAUM, WILLIAM	00161072	029044	001-2800-441.23-01	ORDINANCE 1527	73.00
167559	1/10/2019	RECORD GAZETTE, THE	00161073	029044	001-2800-441.23-01	ORDINANCE 1528	69.35
			00161075	029044	001-2800-441.23-01	ORDINANCE 1531	98.55
			00161076	029044	001-2800-441.23-01	ORDINANCE 1532	73.00
			5149071	029255	702-3800-480.38-52	SWITCH WINDOW RET.	88.92
			6202471	029255	001-0000-201.10-00	SALES TAX	(5.60)
167560	1/10/2019	REDLANDS FORD	6202957	029255	702-3800-480.38-52	#10 INT TRIM CONCERN	202.74
			6202957	029255	001-0000-201.10-00	SALES TAX	(2.02)
			6203490	029255	702-3800-480.38-52	#29 FUSSION	44.51
			6205559	029255	001-0000-201.10-00	SALES TAX	(29.14)
			219973	029255	702-3800-480.38-52	#4 CHECK ENGINE LIGHT	614.15
167561	1/10/2019	RICHARDS WATSON GERSHON	219974	029255	700-5300-480.33-04	NOVEMBER 2018 LEGAL SRVCS	569.83
			219974	029255	700-5300-480.33-04	NOVEMBER 2018 LEGAL SRVCS	9,971.66
			219975	029255	700-5300-480.33-04	NOVEMBER 2018 LEGAL SRVCS	1,191.48
			219976	029255	700-5300-480.33-04	NOVEMBER 2018 LEGAL SRVCS	2,426.72
			219977	029255	700-5300-480.33-04	NOVEMBER 2018 LEGAL SRVCS	9,391.12
			219978	029255	700-5300-480.33-04	NOVEMBER 2018 LEGAL SRVCS	2,109.00
			219978	029255	700-5300-480.33-04	NOVEMBER 2018 LEGAL SRVCS	1,991.50

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167561	4/14/2019	RICHARDS WATSON GERSON	219979 219980 219981 219982 219983		700-5300-480.33-04 700-5300-480.33-04 700-5300-480.33-04 700-5300-480.33-04 002-0000-222.30-27	NOVEMBER 2018 LEGAL SRVS NOVEMBER 2018 LEGAL SRVS NOVEMBER 2018 LEGAL SRVS NOVEMBER 2018 LEGAL SRVS NOVEMBER 2018 LEGAL SRVS	162.00 4,537.21 1,467.98 11,958.81 55.00
			219984 219985 219986 219987 219988 219989		002-2800-361.41-02 700-5300-480.33-04 700-5300-480.33-04 700-5300-480.33-04 700-5300-480.33-04 700-5300-480.33-04	NOVEMBER 2018 LEGAL SRVS NOVEMBER 2018 LEGAL SRVS	(55.00) 55.00 2,515.46 8,524.95 18.00
			219990 219991		700-5300-480.33-04 700-5300-480.33-04	NOVEMBER 2018 LEGAL SRVS NOVEMBER 2018 LEGAL SRVS	2,234.82 15,293.50
			18-382649		810-9700-480.41-65	OFFICIAL RECORDS COPIES DOCS TO SUPP HOUSING APPS	1,732.50
167562	1/10/2019	RIV. CO. CLERK RECORDER	18-382649		700-5300-480.33-04	NOVEMBER 2018 LEGAL SRVS	192.50
167563	1/10/2019	ROCKWELL, AMBER	18-382649		700-5300-480.33-04	NOVEMBER 2018 LEGAL SRVS	320.50
167564	1/10/2019	ROWELL, JOYCE	18-382649		700-5300-480.33-04	NOVEMBER 2018 LEGAL SRVS	61.00
167565	1/10/2019	SAFEGUARD BUSINESS SYSTEMS INC	04326385	029326	670-7000-473.25-05	OFFICIAL RECORDS COPIES DOCS TO SUPP HOUSING APPS	272.28
167566	1/10/2019	SAN BERNARDINO PUBLIC EMPLOYEES	JUL 18 DEC 18		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE JUL 2018-DEC 2018	196.73
167567	1/10/2019	SCCI, INC DBA	04326385		001-1900-412.36-00	YEAR END FORMS	314.47
167568	1/10/2019	SHOVE, TED	164347	029276	004-0000-204.51-00	SBPEA DUES DECEMBER 2018	994.02
167569	1/10/2019	SHRED-IT USA, LLC	8126200559	029197	660-6300-471.33-11	SAFETY MTG - DRIVING SAFE	250.00
167570	1/10/2019	SITONE LANDSCAPE SUPPLY	87471890-001	029319	001-1300-412.36-09	BAL OF TUITION REIMB FY19 PER TEAMSTERS UNIT MOU	147.00
167571	1/10/2019	SKINNER, DEBORAH & ROY	JUL 18-DEC 18		001-3700-412.30-01	CITY HALL11/6,11/30,12/14	429.58
167572	1/10/2019	SOUTHERN CALIFORNIA EDISON	20152150490EC18		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE JUL 2018-DEC 2018	150.69
			2015215072DEC18		660-6300-471.26-04	WELL 11 7072 PLANT E-5 NOV 9, 2018 - DEC 12, 2018	132.00
			2015215098DEC18		660-6300-471.26-04	WELL 30 7071 PLANT E-5 NOV 9, 2018 - DEC 12, 2018	47.88
167573	1/10/2019	SOUTHERN CALIFORNIA EDISON COMPANY	7500952233	029099	670-7000-473.27-11	BILL OF SALE FORM 44 SALE NO 10-18-620	806.52
167574	1/10/2019	STAPLES BUSINESS ADVANTAGE	3399009978		001-1200-412.36-00	USB/ENVELOPES	3,263.00
					001-1400-412.36-00	USB/ENVELOPES	14.27
					703-3700-480.36-00	USB/ENVELOPES	37.65
					001-1400-412.36-00	CERAMIC HEATER	23.69
					001-1200-412.36-00	COFFEE/CLIPS	12.20
					001-1400-412.36-00	COFFEE/CLIPS	12.20
					001-4500-412.36-00	COFFEE/CLIPS	19.97
					001-1900-412.36-00	OFFICE SUPPLIES	161.99
					001-1910-412.36-00	OFFICE SUPPLIES	8.05
					001-1300-412.36-00	OFFICE SUPPLIES	255.85
					001-1900-412.36-00	OFFICE SUPPLIES	16.10
					001-1910-412.36-00	OFFICE SUPPLIES	7.89
					001-1000-411.36-00	FRAME/CALENDAR	16.96
					001-2060-446.36-00	FRAME/CALENDAR	18.41
					001-2060-446.36-00	DRY ERASE MARKERS	8.39
167575	1/10/2019	STONE, IDA	3400232479	029099	675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE JUL 2018-DEC 2018	90.47
167576	1/10/2019	SUEZ BANNING	JUL 18-DEC 18	029272	680-8000-454.23-38	MONTHLY O&M FEE - DEC	62,182.00
167577	1/10/2019	SUN LIFE FINANCIAL	201835682		001-0000-204.14-00	LTD - STD INSURANCE PREM JANUARY 2019	4,256.77
			JANUARY 2019		001-0000-204.30-00	LIFE INSURANCE PREMIUMS JANUARY 2019	9,066.67
					001-0000-204.32-00	DENTAL INSURANCE JANUARY 2019	256.24
167578	1/10/2019	SUPERION	220194	029306	761-3100-480.23-52	NOV 2018 TRANS MGR	170.09
167579	1/10/2019	TA, HAI	JUL 18 DEC 18		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE JUL 2018-DEC 2018	660.58
167580	1/10/2019	TELEPACIFIC COMMUNICATIONS	111187671-0		001-2200-421.26-05	PD PHONE SERVICE 12/16/18-1/15/19	2,265.09
					001-4500-412.36-05	CENTRAL SRVS PHONE SRV 12/16/18-1/15/19	87.47
167581	1/10/2019	TERRY, BILLIE	JAN 18-JUN 18		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE JAN 2018-JUN 2018	145.03
167582	1/10/2019	TESTAMERICA LABORATORIES, INC	JUL 17-DEC 17	029305	675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE JUL 2017-DEC 2017	695.00
167583	1/10/2019	THORNTON, MEL	3200004188		680-8000-454.23-32	TESTING/ANALYSIS/SUPPLIES	211.19
			JUN 18 - NOV 18		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE JUN 2018- NOV 2018	95.29
			MAY 18 - NOV 18		670-7000-356.38-01	MEDICAL LIFELINE REBATE MAY 2018 - NOV 2018	

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167583	4/23/19	THORNTON, MEL	MAY 18 - NOV 18		675-7020-356.38-15	PUBLIC BENEFIT CHARGE REBATE MAY 2018 - NOV 2018	3.14
167584	1/10/2019	TIME WARNER CABLE	CITYHALL1/19		001-2060-446.26-09	99 E RAMSEY ST CABLE 12/25/18-1/24/19	91.85
			COMWRK CTR 1/19		001-2060-446.26-09	789 N SAN GORGONIO AVE JAN 1, 2019-JAN 31, 2019	15.90
			CORPYARD1/19		670-7000-473.26-07	ETHERNET 12/25/18-1/24/19	823.84
			FIRE ADM 1/19		001-2400-422.26-09	3900 W WILSON ST-FIRE ADM 12/17/17-1/17/19	27.46
			FS89 1/2019		001-2400-422.26-09	172 N MURRAY FS #89 1/1/2019-1/31/2019	37.45
			SRCTR 1/19		001-2060-446.26-09	769 N SAN GORGONIO AVE JAN 1, 2019-JAN 31, 2019	15.90
167585	1/10/2019	TMG UTILITY ADVISORY SERVICES, INC	201806019	028808	001-1200-412.33-11	CONSULT SRV CIS/ERP STDY	396.35
					660-6300-471.33-11	CONSULT SRV CIS/ERP STDY	208.78
					670-7000-473.33-11	CONSULT SRV CIS/ERP STDY	1,168.82
167586	1/10/2019	UNDERHILL, WILLIAM	MIAR 18 - AUG 18		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE MAR 2018 - AUG 2018	208.78
167587	1/10/2019	US GEOLOGICAL SURVEY	90691977		670-7000-473.26-05	QTRLY BILL CO-OP WATER 8/1/2018-10/31/2018	117.18
167588	1/31/2019	VALDEVESO &, KRIS KIANDRA	000089035		663-6300-471.96-35	UB CR REFUND 00006260	23,125.00
167589	1/10/2019	VALENCIA, MARIABEL	APR 18-SEP 18		001-0000-218.22-22	ENERGY ASSISTANCE PROGRAM REBATE APR 2018-SEP 2018	127.35
167590	1/10/2019	VELA, ARTURO	SSI-0056479		675-7020-473.42-36	L HALL LIBRARY ARTICLE REIMBURSEMENT	42.50
167591	1/10/2019	VELA, ARTURO M	APR 18-SEP 18		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE APR 2018-SEP 2018	136.58
167592	1/10/2019	VERIZON WIRELESS	9820996460		670-7000-473.26-05	ACCT #972157141-00001 NOV 24, 2018 - DEC 23, 2018	14.04
			9821103663		670-7000-473.26-05	ACCT #271004536-00001 NOV 27, 2018 - DEC 26, 2018	12.37
			9821112134		670-7000-473.26-05	ACCT #371004535-00001 NOV 27, 2018 - DEC 26, 2018	11.73
			9821146288		670-7000-473.26-05	ACCT #371004535-00001 NOV 27, 2018 - DEC 26, 2018	376.75
			9821154714		670-7000-473.26-05	ACCT #871004535-00001 NOV 27, 2018 - DEC 26, 2018	10.86
167593	1/10/2019	VERIZON WIRELESS	9819498917		001-1200-412.26-05	CITY MANAGER NOV 2, 2018 - DEC 1, 2018	137.45
					001-1300-412.26-05	HUMAN RESOURCES NOV 2, 2018 - DEC 1, 2018	25.17
					001-1900-412.26-05	FINANCE DEPT NOV 2, 2018 - DEC 1, 2018	25.17
					001-2200-421.26-05	POLICE DEPT NOV 2, 2018 - DEC 1, 2018	732.07
					001-2210-421.26-05	DISPATCH CELL NOV 2, 2018 - DEC 1, 2018	33.05
					001-2740-442.26-05	CODE ENFORCEMENT NOV 2, 2018 - DEC 1, 2018	33.22
					001-2800-441.26-05	PLANNING DEPT CELLS NOV 2, 2018 - DEC 1, 2018	49.34
					001-3000-442.26-05	ENGINEERING CELL NOV 2, 2018 - DEC 1, 2018	85.48
					001-3200-412.26-05	BUILDING MAINTENANCE NOV 2, 2018 - DEC 1, 2018	28.83
					001-4000-461.26-05	COMMUNITY SERVICES NOV 2, 2018 - DEC 1, 2018	311.49
					300-4900-431.26-05	STREET DEPT CELLS NOV 2, 2018 - DEC 1, 2018	181.97
					610-5800-434.26-05	TRANSIT DEPT CELLS NOV 2, 2018 - DEC 1, 2018	56.75
					610-5850-434.26-05	DIAL-A-RIDE NOV 2, 2018 - DEC 1, 2018	293.70
					660-6300-471.26-05	WATER DEPT CELLS NOV 2, 2018 - DEC 1, 2018	831.86
					680-8000-454.26-05	WASTEWATER DEPT CELLS NOV 2, 2018 - DEC 1, 2018	46.88
					702-3800-480.26-05	FLEET DEPT NOV 2, 2018 - DEC 1, 2018	68.52
					703-3700-480.26-05	INFORMATION SERVICES NOV 2, 2018 - DEC 1, 2018	197.08
					761-3110-480.26-05	METER SERVICES NOV 2, 2018 - DEC 1, 2018	141.39
167594	1/10/2019	VOLVO CONSTRUCTION EQUIPMENT & SALE	P504072934	029101	702-3800-480.38-52	#607 ROOF LAMP, STRAINER,	364.85
167595	1/10/2019	WARE, KENNETH	REIMB 12/19/18		610-5800-434.36-00	CHARGERS-TRANSIT RADIOS	82.87
167596	1/10/2019	WASTE MANAGEMENT OF THE	DECEMBER 2018		650-9600-453.23-10	REFUSE FOR DECEMBER 2018	273,685.63
			NOVEMBER 2018		690-9600-453.23-10	REFUSE FOR NOVEMBER 2018	236,657.26
167597	1/10/2019	WEBSTER, LON	MAY 18 - OCT 18		670-7000-356.38-01	MEDICAL LIFE LINE REBATE MAY 2018 - OCT 2018	12.40
167598	1/10/2019	WELLS FARGO CARD SERVICES INC	05 6378 DEC18		675-7020-356.38-15	PUBLIC BENEFIT CHARGE REBATE MAY 2018-OCT 2018	0.36
					001-0000-201.10-00	SALES TAGS CITY COUNCIL & DIRECTORS	(12.05)
					001-1200-412.23-01	CONSTANTCONTACT.COM CITY MANAGER NEWSLETTER	99.00
					001-1700-412.23-01	NAME TAG COUNTRY.COM CITY COUNCIL & DIRECTORS	167.47
					001-1200-412.23-28	PATSY'S COUNTRY.KITCHEN POLICE CHIEF CAND BRKFAS	84.77
					001-1200-412.23-07	THE HAVEN LUNCH MTG-ATTORNY,DIRECTR	63.95
167599	1/10/2019	WELLS FARGO CARD SERVICES INC	11 2930 DEC18		001-1200-421.23-06	DOUBLETREE - DANA POINT LT AVILA POST MNGMNT #3	540.96
						HILTON GARDEN INN-BURBANK MARIA VARGAS- PD PROPERTY	353.60
						HOLIDAY INN - BURBANK DET JIMENEZ 12/02-12/07	1,296.95
						CA ASSOC OF PUBLIC PROCRM CAPPO REGISTRATION-JACOBS	1,296.95
						HILTON GARDEN INN GILROY MARIA VARGAS CPOA COURSE	398.60



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167630	1/17/2019	G & G ENVIRONMENTAL COMPLIANCE, INC	BANNING-1218	029182	680-8000-454.23-37	INDUSTRIAL WASTE INSPECT	2,098.74
167631	4/17/2019	GAS COMPANY, THE	0329268002DC18		001-4000-461.26-06	749 N SAN GORGONIO-CCTR NOV 14 2018 - DEC 17 2018	171.15
			0519271000D1C18		001-4050-461.26-06	201 W GEORGE NOV 14 2018 - DEC 17 2018	21.66
			09142474007D1C18		001-4050-461.26-06	84 W WILSON NOV 14 2018 - DEC 17 2018	258.60
			161083444339DC18		001-4010-461.26-06	749 N SAN GORGONIO-POOL NOV 14 2018 - DEC 17 2018	34.18
			19499362408DC18		001-3600-461.26-06	176 E LINCOLN ST NOV 23 2018-DEC 22 2018	85.78
					001-4900-431.26-06	176 E LINCOLN ST NOV 23 2018-DEC 22 2018	85.78
					660-6300-471.26-06	176 E LINCOLN ST NOV 23 2018-DEC 22 2018	171.58
					670-7000-473.26-06	176 E LINCOLN ST NOV 23 2018-DEC 22 2018	171.58
					702-3800-480.26-06	176 E LINCOLN ST NOV 23 2018-DEC 22 2018	171.58
167632	1/17/2019	HOMAN, LOUIS	COMPUTER LOAN		670-0000-116.21-02	EMPLOYEE COMPUTER LOAN	1,562.37
167633	1/17/2019	HOME DEPOT #8987	4142262	029083	001-3200-412.30-02	SPRAY BOTTLES, SQUEEGEE,	44.79
167634	1/17/2019	IBEW LOCAL 47 RETIREE MEDICAL TRUST	20190118		001-0000-204.80-10	PAYROLL SUMMARY	2,169.94
167635	1/17/2019	ICMA RETIREMENT TRUST 457	20190118		001-0000-204.16-00	PAYROLL SUMMARY	995.69
167636	1/17/2019	INLAND WATER WORKS SUPPLY CO.	51018538.001		660-0000-131.00-00	ANGLE METER STOP 1"X3/4" PO NUM 029097	4,310.00
167637	1/17/2019	LEAF	9053136	029186	001-4050-461.26-06	COPIER @ SR CTR	303.35
167638	1/17/2019	LESLIE'S POOL SUPPLIES INC.	3016-002-5470	029186	001-4010-461.36-08	POOL CHEMICALS	3,379.19
167639	1/17/2019	LOS ANGELES TRUCK CENTERS DBA	XAS00043817-01	029073	702-3800-480.38-52	ELECTR DEPT POLE TRAILERS	54.73
167640	1/17/2019	MEADOWS, FRANK	JUL 18 - DEC 18		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE JUL 2018 -DEC 2018	187.78
167641	1/17/2019	MENDOZA, SALVADOR	JUL 18 - DEC 18		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE JUL 2018 -DEC 2018	151.26
167642	1/17/2019	MITSUBISHI ELECTRIC & ELECTRONICS	341921	029109	001-3200-412.30-02	PD ELEVATOR MAINTENANCE	303.80
167643	1/17/2019	NATIONWIDE RETIREMENT SOLUTIONS	20190118		001-0000-204.16-00	PAYROLL SUMMARY	6,292.94
167644	1/17/2019	ONE SOURCE DISTRIBUTORS	56025202.001	029308	660-6300-471.45-06	FUSE SMARTSPOT	67.88
167645	1/17/2019	PARKHOUSE TIRE, INC.	2030171647	029040	702-3800-480.23-49	RECYCLING FEE	12.25
			2030171982	029040	702-3800-480.38-52	TIRES & RECYCLING FEE	842.50
167646	1/17/2019	PARS	20190118	029184	001-0000-204.25-00	PAYROLL SUMMARY	3.50
167647	1/17/2019	PRUDENTIAL OVERALL SUPPLY	22725985	029184	610-5800-434.23-16	TRANSIT UNIFORM SERVICE	300.75
				029184	610-5800-434.25-02	TRANSIT UNIFORM SERVICE	565.55
				029184	610-5800-434.25-02	TRANSIT UNIFORM SERVICE	20.75
				029184	610-5800-471.25-02	PARKS UNIFORM SERVICE	48.52
				029184	660-6300-471.25-02	UNIFORMS - WATER	3.89
				029184	610-5800-434.23-16	TRANSIT UNIFORM SERVICE	12.30
				029184	610-5800-434.25-02	TRANSIT UNIFORM SERVICE	57.10
				029184	610-5800-434.25-02	TRANSIT UNIFORM SERVICE	20.75
				029184	610-5800-434.25-02	TRANSIT UNIFORM SERVICE	48.52
				029184	610-5800-434.25-02	TRANSIT UNIFORM SERVICE	3.89
				029184	001-3600-461.25-02	PARKS UNIFORM SERVICE	12.30
				029184	761-3110-480.25-02	FIELD SERVICE UNIFORMS	33.92
				029184	660-6300-471.25-02	UNIFORMS - WATER	57.10
				029184	610-5800-434.23-16	TRANSIT UNIFORMS	20.75
				029184	610-5800-434.25-02	TRANSIT UNIFORMS	48.52
				029184	610-5800-434.25-02	TRANSIT UNIFORMS	3.89
				029184	702-3800-480.23-16	FLEET UNIFORMS & TOWELS	10.36
				029184	702-3800-480.25-02	FLEET UNIFORMS & TOWELS	17.90
				029184	001-3600-461.25-02	STREET UNIFORMS	12.30
				029184	001-3200-412.30-02	PARKS UNIFORM SERVICE	5.68
167648	1/17/2019	RIV. CO. CLERK RECORDER	APN 540-141-017	029184	001-2740-442.23-07	BUILDING MAIN. UNIFORMS	32.00
167649	1/17/2019	RIV. CO. CLERK RECORDER	APN 538-312-001	029184	001-2740-442.23-07	RELEASE PEND/LEIN BY GOV 363 N. 6TH ST	8.00
167650	1/17/2019	RIV. CO. CLERK RECORDER	APN 541-350-001	029184	001-2740-442.23-07	RELEASE PEND/LEIN BY GOV 420 NAVAJO DR	8.00
167651	1/17/2019	RIV. CO. CLERK RECORDER	APN 541-044-008	029184	001-2740-442.23-07	RELEASE PEND/LEIN BY GOV 492 N ALESSANDRO ST	16.00
167652	1/17/2019	RIV. CO. CLERK RECORDER	APN 541-273-008	029184	001-2740-442.23-07	RELEASE PEND/LEIN BY GOV LOT 9 MB 17/27 BHS-TR	8.00
167653	1/17/2019	RIVERSIDE COUNTY OFFICE OF ED	02262019	029045	001-1000-411.23-05	RELEASE PEND/LEIN BY GOV VACANT LOT	40.00
				029045	001-1000-411.23-05	C WALLACE 2019 RCOE ADDRESS	40.00
				029045	001-1000-411.23-05	D ANDRADE 2019 RCOE ADDRESS	40.00
167654	1/17/2019	SAIGEON, DORIS	JUN 18 - NOV 18	029045	675-7020-473.42-36	D HAPPÉ 2019 RCOE ADDRESS	175.25
167655	1/17/2019	SMART & FINAL	0240098	029045	610-5800-434.36-00	ENERGY ASSISTANCE PROGRAM REBATE JUN 2018 -NOV 2018	194.82
			024753	029045	001-4000-461.36-00	BUS WASHING SUPPLIES	194.82
				029045	001-4000-461.36-00	CCTR KIT SUPPLIES	126.60



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167677	4/24/2019	BEAUMONT DO IT BEST HOME CENTER	465592	029051	001-3200-412.30-02	U SHAPE LAMP	167.23
			465736	029051	702-3800-480.36-00	W/C PINS	5.33
			465889	029051	702-3800-480.38-52	SQUARE TUBING #816	22.61
			466075	029051	100-4900-431.36-00	POP HEAD & PVC NIPPLE	22.24
			466084	029051	702-3800-480.38-52	COTTON AIR SPRAY & FLAT	22.61
			466135	029051	702-3800-480.38-52	#816 HR STEEL ANGEL	11.84
			466208	029051	001-3200-412.30-02	STATION 89- SMOKE ALARMS	156.18
			466557	029051	702-3800-480.30-06	CHOP SAW & SHIELD	256.75
			466558	029051	702-3800-480.38-52	#834 B SCREWS & GALV PIPE	23.65
			466590	029051	702-3800-480.38-52	RAZOR & #834 SCREWS	12.70
			466643	029051	001-3200-412.30-01	AIRPORT- GLASSINE HEAVY G	4.93
			466726	029051	702-3800-480.38-52	#834 AIR FITTINGS	31.64
			466742	029051	001-4000-461.36-00	DEPARTMENTAL SUPPLIES	108.57
			466804	029051	001-3200-412.30-01	BRUSH, BLADE, & ADHESIVE	27.98
			466805	029051	001-3600-461.36-00	PK SUPPLIES	10.62
			466825	029051	001-3200-412.30-02	DRYWALL SCREEN & SANDER	35.53
			466837	029051	001-3200-412.30-02	GALV CAP	4.08
			466868	029051	001-3200-412.30-01	YEL ARMORED PLUG & CONNEC	18.07
			466944	029051	001-3200-412.30-01	SPIKE SMTH BRT	16.15
			467071	029051	100-4900-431.36-00	RAINSUIT	59.25
			467072	029051	001-3200-412.30-02	12 INCH NUMBERS & MOUNTIN	105.63
			467078	029051	001-3600-461.36-00	PARK SUPPLIES	34.86
			467103	029051	001-3200-412.30-02	SCREWS, TAPE, SEALANT	42.53
			467118	029051	001-3200-412.30-02	HAND TRUCK	64.64
			467147	029051	001-3200-412.30-02	PVC 16" EO WASTE	5.38
			467160	029051	001-3200-412.30-02	GLOVES, MASKS, MOLD CONTR	48.46
			467169	029051	001-3200-412.30-02	RADIAL SAW	49.87
			467175	029051	001-4000-461.36-09	DEPT SUPPLIE CCTR	44.45
			87731	029051	702-3800-480.38-52	ZUMBA CLASS INSTRUCTOR DECEMBER 2018	4.62
167678	1/24/2019	BENHAR, DIANA T	DECEMBER 2018		001-4000-461.33-15	ZUMBA CLASS INSTRUCTOR DECEMBER 2018	49.70
167679	1/24/2019	BERMUDEZ, RAUL	000086741		001-0000-218.22-22	UB CR REFUND-FINALS 000050458	252.74
167680	1/24/2019	BIO-TOX LABORATORIES	36990	029216	001-2200-421.33-31	BLOOD ALCOHOL ANALYSIS	472.00
			36991	029216	001-2200-421.33-31	BLOOD ALCOHOL ANALYSIS	961.00
			37099	029216	001-2200-421.33-31	BLOOD ALCOHOL ANALYSIS	459.50
167681	1/24/2019	CA. ST. BOARD OF EQUAL - FUEL	2018 EXEMPT BUS		001-2200-421.33-31	BLOOD ALCOHOL ANALYSIS	372.61
167682	1/24/2019	CA. ST. BOARD OF EQUAL - FUEL	2018-USER		702-3800-480.41-04	EXEMPT BUS OPER USE FUEL TAX 2018	63.33
167683	1/24/2019	CA. ST. BOARD OF EQUAL - FUEL	2018-QTR 4		702-3800-480.41-04	UN-GROUND TANK FEE QTR 4 OCT 2018-DEC 2018	651.68
167684	1/24/2019	CALIFORNIA SURVEYING & DRAFTING SUP	2018-VENDOR		702-3800-480.41-04	VENDOR USE FUEL TAX CNG SOLD TO PUBLIC	8.78
			117235/1	029325	660-6300-471.45-11	GPS SYSTEM	8,929.61
167685	1/24/2019	CALIFORNIA, STATE OF	316724	029151	680-8000-454.45-09	GPS SYSTEM	2,940.13
			346813	029151	001-2200-421.33-31	CHP BLOOD ANALYSIS	175.00
			348738	029151	001-2200-421.33-31	CHP BLOOD ALCOHOL ANALY	70.00
			349993	029112	001-2200-421.33-94	DEC2018 LIVE SCANS	1,804.00
167686	1/24/2019	CDW GOVERNMENT, INC	01X22183	029175	001-1300-412.33-11	DECEMBER LIVE SCANS	98.00
			01M00954	029175	702-3800-480.36-00	SAMSUNG 860 EVO 250GB	56.00
			01L13660	029175	702-3800-480.36-00	COMPUTER HARDWARE	66.00
			9966	029181	660-6300-471.45-06	CREDIT- SAMSUNG 860 EVO	(56.00)
167687	1/24/2019	CENTER ELECTRIC	59089	028250	001-0000-218.22-22	COB/SCADA DRAWINGS	2,233.00
167688	1/24/2019	CHARLES ABBOTT ASSOCIATES, INC	59125	028250	001-2700-442.33-11	B&S SERVICES DEC 2018	12,646.91
167689	1/24/2019	CLEARY, KATHLYN L	000024085	029225	001-3000-442.33-53	ENG CONSULTING SERVICES	6,188.00
167690	1/24/2019	COMMUNITY RESTORATION GROUP	000095559	029225	001-0000-218.22-22	UB CR REFUND-FINALS 000007008	140.85
167691	1/24/2019	CORE AND MAIN, LP	1959749	029225	660-0000-131.00-00	UB CR REFUND-FINALS 000001954	136.72
167692	1/24/2019	CORELOGIC INFORMATION SOLUTIONS INC	8193708Z	029225	001-2700-442.33-33	BALL CURB VALVE 1" PO NUM 029094	5,191.40
			8193708Z	029225	001-2700-442.33-33	DEC 2018 METROSCAN	100.00
			81937247	029225	001-3000-442.33-17	DEC 2018 METROSCAN	50.00
167693	1/24/2019	COUNTY OF RIVERSIDE-ANIMAL CONTROL	AN0000001404	029225	001-2300-424.33-90	ENG. METROSCAN ACCESS	66.68
			AN00000001518	029225	001-2300-424.33-90	ANIMAL CONTROL SERVICES 8/1/2018-8/31/2018	18,163.80
				029225	001-2300-424.33-90	ANIMAL CONTROL SERVICES 12/1/2018-12/31/2018	15,525.00

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167694	1/24/2019	COUTS HEATING & COOLING, INC	SRVCE09802	029105	001-3200-412.30-21	A/C REPAIR AT CITY HALL	479.90
167695	1/24/2019	CUSTOM TROPHIES & U-NEEK AWARDS	18945	029047	670-7000-473.36-00	CERTIFICATE FRAMES	269.38
167696	1/24/2019	DANIELS TIRE SERVICE	250118004 230118086	029041	702-3800-480.23-49 702-3800-480.23-49	CALIFORNIA STATE TIRE FEE CA STATE TIRE FEE	76.00 10.50
167697	1/24/2019	DEX MEDIA	230118199	029041	702-3800-480.38-52	TRAILER, BKT, HARV KING	1,545.82
167698	1/24/2019	DIAMOND HILLS CHEVROLET BUICK GMC	610039095409	029111	702-3800-480.38-52	CALIFORNIA STATE TIRE FEE	239.00
167699	1/24/2019	DIAMOND HILLS CHEVROLET BUICK GMC	6A1909	029111	702-3800-480.38-52	SERVICE CALL TIRES	666.22
167700	1/24/2019	DIMITRIUEVICH, JAMIES	643985	029111	702-3800-480.38-52	PD WEB ADVERTISING	40.50
167701	1/24/2019	DIRECTV	MAY 18 - OCT 18	029071	675-7020-473.42-36	FINAL SETTLEMENT OF CLAIM	61.42
167702	1/24/2019	DOBBS, DEANN LOUISE	35566670673	029071	675-7020-473.42-36	#2 TOOL KIT	164.44
167703	1/24/2019	ECCLESTONE, CHERYL	DFCEMBER 2018	029071	001-2200-421.23-01	ENERGY ASSISTANCE PROGRAM REBATE MAY 2018 -OCT 2018	23.25
167704	1/24/2019	EVIDENT, INC.	JUL 18 - DEC 18	029071	001-2200-421.23-01	ACCT #038204005 SERV PER 12/09/18-1/08/19	14.00
167705	1/24/2019	FAST LUBE & TUNE	1380818	029127	001-0000-201.10-00	SPEC NEEDS CLASS INSTRUC DECEMBER 2018	181.36
167706	1/24/2019	FEDEX	138081C	029127	001-0000-201.10-00	SALES TAX	(3.79)
167707	1/24/2019	FERGUSON ENTERPRISES	50810	029146	001-2200-421.36-62	SPECIAL DEPT SUPPLIES	52.75
167708	1/24/2019	FLANAGAN, DANIEL L	6-414-01388	029080	001-2200-421.36-62	SPECIAL DEPT SUPPLIES	(34.15)
167709	1/24/2019	FLEET SERVICES INC	0124684	029295	702-3800-480.30-05	SPECIAL DEPT SUPPLIES	474.79
167710	1/24/2019	FOX OCCUPATIONAL MEDICAL CENTER	000086651	029053	702-3800-480.30-05	#51 SMOG INSPECTION	39.99
167711	1/24/2019	FRONTIER COMMUNICATIONS	05P21366	029053	600-6300-471.45-11	PACKAGE DELIVERY SRVS	38.06
167712	1/24/2019	GAS COMPANY, THE	05P21391	029053	001-0000-218.22-22	WATER METER TEST BENCH	20.461.73
167713	1/24/2019	GONZALES & CHRISTOPHER	05P21450	029057	702-3800-480.38-52	UB CR REFUND-FINALS 000055328	280.65
167714	1/24/2019	GONZALEZ, SAGRARIO HERNADEZ	55361-100754	029057	702-3800-480.38-52	BATT TERM MARINE	42.46
167715	1/24/2019	GRAINGER	2130197968DEC18	029057	702-3800-480.38-52	HARDWARE-RAIN CAP	15.67
167716	1/24/2019	HAAKER EQUIPMENT COMPANY	9518494533DEC18	029057	702-3800-480.38-52	#231 LED LAMP	26.57
167717	1/24/2019	HIGGINS, BLANCHE	9518494533JAN19	029057	702-3800-480.38-52	CONSPIQUITY TAPE	158.53
167718	1/24/2019	HOME DEPOT #8987	9518496777JAN19	029057	600-6300-471.33-32	DOT EXAM-CALEB NAASZ	40.00
			9518498256DEC18	029057	670-7000-473.33-32	DOT EXAM-TRAVIS GATES	40.00
			0770263751OCT18	029057	702-3800-480.38-52	DOT EXAM-FRANK CHESONIS	40.00
			13392459007DEC18	029057	001-2200-421.26-05	DOT EXAM-FRANK CHESONIS	317.75
			000095559	029057	001-2200-421.26-05	219-019-7968 DEC 7 2018-JAN 6 2019	40.00
			000093155	029057	001-2200-421.26-05	951-849-1575 DEC 13 2018-JAN 12 2019	127.74
			9021285011	029057	001-2200-421.26-05	951-849-4533 DEC 4 2018-JAN 3 2019	56.57
			9023319479	029057	001-2200-421.26-05	951-849-6777 JAN 1 2019- JAN 31 2019	56.56
			9025447344	029057	001-2200-421.26-05	951-849-8256 DEC 16 2018-JAN 15 2019	103.52
			9032021512	029057	001-2200-421.26-06	125 E RAMSEY ST 11/14/2018-12/17/2018	1,034.33
			9040825433	029057	001-2400-422.26-06	3900 W WILSON ST 12/10/2017-1/10/2019	1,104.89
			IM107640	029059	600-5100-435.26-06	408 S HATHAWAY ST 11/21/2018-12/21/2018	68.30
			MAY 18 - OCT 18	029059	001-0000-218.22-22	UB CR REFUND-FINALS 000014060	39.63
			00354229	029059	001-0000-218.22-22	UB CR REFUND-FINALS 000010464	70.65
			2021698	029059	702-3800-480.38-52	STEERING WHEEL COVERS, WH	19.15
			4025075	029059	702-3800-480.38-52	STEERING WHEEL COVERS, WH	497.41
			40929455	029059	702-3800-480.38-52	STEERING WHEEL COVERS, WH	55.85
			5022152	029059	702-3800-480.38-52	GAS PRESSURE WASHER	521.88
			6024821	029059	702-3800-480.38-52	WHEEL CLOCK	119.91
			7010866	029059	702-3800-480.36-00	WHEEL CLOCK	126.73
			7015276	029059	702-3800-480.36-00	BLANK TAG MANILLA CARDSTO	20.89
			7015328	029059	680-8000-454.30-06	BINDER 3-3/4	374.15
				029059	675-7020-473.42-36	VACTOR TRUCK REPAIRS	140.31
				029093	001-3200-412.30-02	ENERGY ASSISTANCE PROGRAM REBATE MAY 2018 -OCT 2018	101.05
				029093	001-3200-412.30-02	FLUORESCENT LIGHTS & WET	129.61
				029093	001-3200-412.30-01	FLUORESCENT LIGHTS & BUCK	285.17
				029093	001-3200-412.30-02	COMMUNITY CENTER- SPLASH	41.05
				029093	001-3200-412.30-02	SCREWS & EQUIVALENT BRIGH	18.09
				029093	001-3200-412.30-02	RAT GLUE TRAPS & GLUE	181.84
				029093	001-3200-412.30-02	COMPACT FRIGE & LED BULBS	228.21
				029093	001-3200-412.30-02	COMMUNITY CENTER SUPPLY	43.50
				029093	001-3200-412.30-02	FIRE ADMIN BUILDING - SUP	655.40
				029093	001-3200-412.30-02	AIRPORT- CAP SHEET, TROWE	

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167718	1/24/2019	HOME DEPOT #8987	70215419	029093	001-3200-412-30-02	BOND ROOF EDGE	33.01
167719	1/24/2019	INFOSEND, INC	9024438	029093	001-3200-412-30-02	DRYWALL, SCREWS, KNIFES	48.82
			146614	029174	761-3100-480-23-02	UB BILL SRV 12/17-12/21	150.62
167724	1/24/2019	INNOVATIVE EMERGENCY EQUIPMENT	146585	029174	761-3100-480-23-04	UB BILL SRV 12/17-12/21	1,297.02
			147500	029174	761-3100-480-23-11	UB BILL SRV 12/22-12/28	313.56
167720	1/24/2019	INNOVATIVE EMERGENCY EQUIPMENT	29510	029336	761-3100-480-23-02	UB BILL SRV 12/22-12/28	189.32
			26310	029336	761-3100-480-23-04	UB BILL SRV 12/22-12/28	1,559.13
167721	1/24/2019	INTERNATIONAL ASSOC FOR PROPERTY	26311	029336	761-3100-480-23-11	UB BILL SRV 12/29-1/4	348.20
			26312	029336	761-3100-480-23-04	UB BILL SRV 12/29-1/4	125.60
167722	1/24/2019	IRON MOUNTAIN INFORMATION MGMT, LLC	26313	029246	761-3100-480-23-11	UB BILL SRV 12/29-1/4	1,103.38
			26335	029336	148-2200-421-90-52	LIGHT BAR REPLACE UNIT21	298.65
167723	1/24/2019	LANE, SOLL & LUNGHARD, LLP	26343	029246	148-2200-421-90-52	LIGHT BAR REPLACE UNIT32	903.63
			26388	029336	148-2200-421-90-05	LIGHT BAR REPLACE UNIT19	1,233.71
167724	1/24/2019	LEE &, JC	26391	029336	001-2200-421-30-05	SECURE IDLE FOR UNIT 32	973.71
			16631853	029122	148-2200-421-90-52	LIGHT BAR REPLACE UNIT23	259.37
167725	1/24/2019	LITHOPASS PRINTING, FORMS,	201792057	029336	148-2200-421-90-52	LIGHT BAR REPLACE UNIT17	973.71
			29516	029200	001-2200-421-30-05	SECURE IDLE FOR UNIT 27	1,233.71
167726	1/24/2019	LOZANO SMITH LLP	000008547	029320	001-2200-421-23-06	SECURE IDLE FOR UNIT 18	259.37
			2180	029320	001-2200-421-23-06	CUNNING A ANNUAL MBRSHIP IAPE 2019	973.71
167727	1/24/2019	MANERI SIGN COMPANY INC.	20171458	029189	703-3700-480-33-11	STORAGE	50.00
			40004688	029189	001-1900-412-33-12	2018 GOVT AUDIT	212.32
167728	1/24/2019	MAUERHAN, TERRY & MICHAEL	000012375	029189	660-6300-471-33-12	2018 GOVT AUDIT	2,777.67
			000080253	029189	680-8000-454-33-12	2018 GOVT AUDIT	2,691.00
167729	1/24/2019	MCALL, MARILYN J	515914	029189	761-3100-480-33-12	2018 GOVT AUDIT	2,691.00
			515915	029189	810-9700-490-33-12	2018 GOVT AUDIT	4,167.33
167730	1/24/2019	MERCHANTS BUILDING MAINTENANCE, LLC	000008547	029320	001-0000-218-22-22	UB CR REFUND-FINALS 000011594	383.00
			2180	029320	001-4000-461-23-02	PRINTING CCTR	39.61
167731	1/24/2019	MICHAEL BAKER INTERNATIONAL, INC	20171458	029189	700-5040-480-33-11	LEGAL SERVS THRU 12/31/18	562.65
			40004688	029189	100-4900-431-69-54	STREET SIGNS	3,532.94
167732	1/24/2019	MILSOFT UTILITY SOLUTIONS, INC	000012375	029189	001-0000-218-22-22	UB CR REFUND-FINALS 000021774	21,339.71
			000080253	029189	001-0000-218-22-22	UB CR REFUND-FINALS 000021774	6.65
167733	1/24/2019	MONTROSE ENVIROMENTAL GROUP, INC	515914	029189	001-3200-412-33-18	CITY HALL - CUSTODIAL SER	44.08
			515915	029189	001-3200-412-33-18	CITY HALL - CUSTODIAL SER	1,869.42
167734	1/24/2019	MORGAN, DEIDRA J	515916	029189	001-2200-421-33-18	POLICE DEPARTMENT - CUSTO	2,438.61
			515917	029189	001-3200-412-33-18	WATER SHOP - CUSTODIAL SE	289.15
167735	1/24/2019	NET TRANSCRIPTS, INC	515918	029189	001-3200-412-33-18	FLEET SHOP - CUSTODIAL SE	437.89
			515919	029189	001-3200-412-33-18	CORPORATE YARD - CUSTODIAL	139.92
167736	1/24/2019	NUNEZ, VIOLET	1034314	029248	661-6300-471-95-09	BANNING ALTITUDE VALVES	386.09
			20185142	029318	670-7000-473-89-49	ENG. ANALYSIS ESSENTIALS	24,215.66
167737	1/24/2019	OFFICE DEPOT	0022298 IN	029064	680-8000-954-90-78	PROJECT 2018-03WWW	14,000.00
			0022601 IN	029064	001-4000-461-23-15	TOT TIME CLASS INSTRUCTOR DECEMBER 2018	2,700.00
167738	1/24/2019	ORTA, YADIRA D	DEC 17 - MAY 18	029040	001-2200-421-33-11	TRANSCRIPTION CASE # 18-1787	230.13
			JUN 18 - NOV 18	029040	675-7020-473-42-36	ENERGY ASSISTANCE PROGRAM REBATE JUN 2018 - MAY 2018	268.65
167739	1/24/2019	PARKHOUSE TIRE, INC.	244837629001	029040	675-7020-473-42-36	ENERGY ASSISTANCE PROGRAM REBATE JUN 2018 - NOV 2018	92.84
			000090029	029040	001-0000-218-22-22	12 BOXES OF PAPER/COPY	164.36
167740	1/24/2019	PETTY CASH CUSTODIAN - CITY YARDS	20110598364	029040	702-3800-480-23-49	RECYCLING FEE	65.63
			2010595003	029040	702-3800-480-38-52	RECYCLING FEE	17.50
167741	1/24/2019	PETTY CASH CUSTODIAN - CITY YARDS	3260	029040	702-3800-480-23-49	TITRES	1,091.70
			3261	029040	702-3800-480-38-52	TITRES	3.50
167742	1/24/2019	PETTY CASH CUSTODIAN - CITY YARDS	3262	029040	670-7000-473-25-02	RECYCLING FEE	929.17
			3262	029040	670-7000-473-25-02	RECYCLING FEE	21.55
167743	1/24/2019	PETTY CASH CUSTODIAN - CITY YARDS	3262	029040	660-6300-471-45-08	RECYCLING FEE	21.55
			3262	029040	660-6300-471-45-08	RECYCLING FEE	22.76

City of Banning  
Warrant List Detail January 2019

Warrant Number	Warrant Date	Vendor Name	Invoice Number	P.O. Number	Account Number	Payment Description	Warrant Amount	
167740	1/14/2019	PETTY CASH CUSTODIAN - CITY YARDS	3263 3264 3265 3266 3267 3268 3319 3320 3321 3322 3323 3324 3325 3326 3327		670-7000-473.36-00 670-7000-473.36-00 670-7000-473.36-00 670-7000-473.36-00 670-7000-473.45-16 670-7000-473.36-00 001-2200-421.23-05 001-2200-421.23-05 001-2200-421.36-07 001-2200-421.23-05 001-2200-421.41-20 001-2200-421.36-00 001-2200-421.23-05 001-2200-421.23-05 001-3200-412.30-02 001-2200-421.36-01 001-2200-421.36-01 702-3800-480.23-16 702-3800-480.25-02 680-8000-454.25-02 680-8000-454.25-02 610-5800-434.23-16 610-5800-434.25-02 100-4900-431.25-02 001-3600-461.25-02 001-1900-412.33-11 660-0000-131.00-00 001-2200-421.30-06 001-2200-421.30-06 001-2800-441.33-41 670-7000-473.23-24 100-4900-431.36-00 001-4000-461.23-15 001-0000-218.22-22 001-2800-441.33-41 001-2800-441.33-41 100-4900-431.36-00 001-4000-461.23-15 001-0000-218.22-22 001-2200-421.23-02 001-2200-421.23-02 675-7020-473.42-36 001-1200-412.25-10 001-2200-421.23-07 100-4900-431.30-09 100-4900-431.30-09 700-5300-480.33-04 001-2200-421.36-62 001-4000-461.36-09 001-4000-461.36-09 001-4000-461.23-15 702-3800-480.38-52 675-7020-473.42-36 670-7000-473.26-04 660-6300-471.26-04		9/19/18 AMBER ROCKWELL PB EVENT SUPPLIES 9/25/18 CARLA YOUNG MTG REFRESHMENTS 10/10/18 CARLA YOUNG CARDSTOCK PAPER 10/10/18 CARLA YOUNG REPORT COVER 10/11/18 JASON SMITH LOCK 12/19/18 AMBER ROCKWELL DEPT CARDS LT AVILA - PARKING CITATN DA HEARING 10/10/2018 APELATA COURT PARKING 11/02/2018 LT AVILA COURT PARKING NOVEMBER 2,2018 A FELIX - GAS FOR UNIT OCTOBER 19,2018 DET THESHER CASE 18-2891 FOOD 11/06/2018 CASE 18-2891 INVESTGTN EDDIE'S LIQUOR STORE KELLY - VOLUNTEER PLAQUE REIMBURSEMENT LT AVILA - GRAND JURY PRK RIVERSIDE COUNTY 12/05/18 LT AVILA - GRAND JURY PRK RIVERSIDE COUNTY 12/04/18 COMMUNITY CENTER- URINAL SPECIAL DEPT SUPPLIES SPECIAL DEPT SUPPLIES FLEET UNIFORMS & TOWELS FLEET UNIFORMS & TOWELS UNIFORMS - WASTEWATER UNIFORMS - WASTEWATER TRANSIT / DAR UNIFORM SVC TRANSIT / DAR UNIFORM SVC STREET UNIFORMS BUILDING MAIN. UNIFORMS PARS PUN IDPH-ARSOSA SVC PERIOD 20181130 DOSING PUMP PO NUM 029210 ADMIN/CODE ENF PRINTERS DB PRINTER UB CR REFUND-FINALS 000006066 PLANN SER 11/4/18-12/1/18 PLANN SER 11/4/18-12/1/18 PLANNING SERV 12/2-12/29 BEE REMOVAL-TRANSFORMER STOP SIGNS SIGN MOUNTS BALLETT CLASS INSTRUCTOR DECEMBER 2018 YOGA CLASS INSTRUCTOR DECEMBER 2018 UB CR REFUND-FINALS 000014208 (250) BUS CARDS/SAYESKI ENVELOPES PRINTING(1000) ENERGY ASSISTANCE PROGRAM REBATE JUL 2018 -DEC 2018 EYEWEAR REIMB PER CIM AGMT PD SHRED SERVICES MONTHLY TRAFFIC SIGNAL TRAFFIC SIGNAL REPAIRS LEGAL SERVS DEC 2018 SPECIAL DEPT SUPPLIES PANCAKE BKFT BBAL CREDIT PANCAKE MIX GUITAR CLASS INSTRUCTOR DECEMBER 2018 UNIT 619 - RELAY & FILTER ENERGY ASSISTANCE PROGRAM REBATE APR 2018 -SEP 2018 HIGHLAND HOME RD/S/O 12/17/2017-1/1/2019 WELL 11 7072 PLANT E-5 12/12/2018-1/11/2019	4.32 17.81 4.28 25.84 6.43 21.33 44.95 10.00 25.00 3.23 26.94 4.00 3.75 1,028.40 107.16 845.35 10.36 17.90 15.00 15.00 20.75 48.52 3.89 17.55 12.30 5.68 300.00 4,530.05 47.33 40.52 102.60 2,320.00 34,525.00 29,950.00 200.00 808.13 484.88 84.00 24.50 46.17 25.86 107.75 170.16 250.00 166.74 630.00 641.28 388.89 422.98 641.34 (359.40) 28.00 263.16 142.03 58.74 126.72
167741	1/24/2019	PETTY CASH CUSTODIAN - POLICE						
167742	1/24/2019	PRO-CRAFT PLUMBING COMPANY, INC	18006.5	029134				
167743	1/24/2019	PROFORCE LAW ENFORCEMENT	363656 363688	029317 029317				
167744	1/24/2019	PRUDENTIAL OVERALL SUPPLY	22726003 22729831 22733418 22737115	029184 029184 029184 029184				
167745	1/24/2019	PUBLIC AGENCY RETIREMENT SERVICES	22737134	029184				
167746	1/24/2019	R.F. MACDONALD CO	22737135	029184				
167747	1/24/2019	RELIABLE WORKPLACE SOLUTIONS	42015 269163	028519 028519				
167748	1/24/2019	RENOVA PROPERTIES LLC	AR75763	028519				
167749	1/24/2019	ROMO PLANNING GROUP, INC.	000053821 2018-11	028041				
167750	1/24/2019	RON'S BEE SERVICE	2018-12	028041				
167751	1/24/2019	ROW TRAFFIC SAFETY, INC	1356 16161	029052 029084				
167752	1/24/2019	RUEHLE, TARA SHAWN M	16201	029084				
167753	1/24/2019	SALER &, DALE CODY	000096385					
167754	1/24/2019	SAN GORGONIO PASS DESIGN AND PRINT	10830 10915	029329 029329				
167755	1/24/2019	SANDERS, ROBERT	JUL 18 - DEC 18					
167756	1/24/2019	SHULZE, DOUG	EYEWEAR 2018					
167757	1/24/2019	SHRED-IT USA, LLC	8126199508	029197				
167758	1/24/2019	SIEMENS INDUSTRY, INC	5610150845 5620022901	028207 028207				
167759	1/24/2019	SILVER & WRIGHT, LLP	25340					
167760	1/24/2019	SIRCHIE FINGER PRINT LABORATORIES	0379409-IN	029299				
167761	1/24/2019	SMART & FINAL	024233 031442	029045 029045				
167762	1/24/2019	SMITH, LOIS E	DECEMBER 2018	029067				
167763	1/24/2019	SONSRAY MACHINERY LLC	P28615-02					
167764	1/24/2019	SOTO, GABINO	APR 18 - SEP 18					
167765	1/24/2019	SOUTHERN CALIFORNIA EDISON	2011918816DEC18 2015215049JAN19					

**City of Banning  
Warrant List Detail January 2019**

Warrant Number	Warrant Date	Vendor Name	Invoice Number	P.O. Number	Account Number	Payment Description	Warrant Amount
167765	4/3/2019	SOUTHERN CALIFORNIA EDISON	2015215072JAN19 2015215098JAN19 21596273304JAN19 09242310481DC18 20120		660-6300-471.26-04 660-6300-471.26-04 660-6300-471.26-04 702-3800-480.36.61 670-7000-473.27-11	WELL 9 7070 PLANT D-5 12/12/2018-1/11/2019 WELL 10 7071 E-5 12/12/2018-1/11/2019 DEL RIA BOOSTER STATION 12/12/2018-1/11/2019 FLEET CNG FUEL DEC 1 2018-JAN 1 2019 DECEMBER 2018 DUES	38.74 211.56 43.51 5,751.42 713.69
167766	1/24/2019	SOUTHERN CALIFORNIA GAS CO	34000232481	029099	001-2700-442.36-00	B&S OFFICE SUPPLIES	76.52
167767	1/24/2019	SOUTHERN CALIFORNIA JOINT POLE	3401287275	029099	001-1200-412.36-00	STAPLER/CLIPS/PENS	34.14
167768	1/24/2019	STAPLES BUSINESS ADVANTAGE		029099	001-1400-412.36-00	STAPLER/CLIPS/PENS	14.15
167769	1/24/2019	STATE WATER RESOURCES CONTROL	3401382080 LW-1020638 SW-0159661 SW-0167105	029099	001-4000-461.36-00 660-6300-471.23-37 451-3600-461.90-69	OFFICE SUPPLIES COMM WATER SYS FEES 7/1/201-6/30/2019 ANNUAL PERMIT FEE 10/01/2018-09/30/2019 ANNUAL PERMIT FEE 1/1/2019-12/31/2019	39.99 21,028.00 8,539.00 694.00
167770	1/24/2019	STERLING TALENT SOLUTIONS	7649637	029115	001-1300-412.33-11	BKGRND FEES FOR DEC	68.27
167771	1/24/2019	TERRY, BILLIE	JUL 18 - DEC 18		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE JUL 2018 -DEC 2018	110.52
167772	1/24/2019	TIME WARNER CABLE	PD 1/2019		001-2200-421.26-09	125 E RAMSEY ST JAN 1 2019- JAN 31 2019	89.57
167773	1/24/2019	TRINITY FINANCIAL SERVICES	000097577		001-0000-218.22-22	UB CR REFUND-FINALS 000001262	99.38
167774	1/24/2019	TURBO DATA SYSTEMS INC	29576	029288	001-2200-421.23-45	DEC2018 CITE PROCESSING	473.47
167775	1/24/2019	ULINE	104267792	029129	001-2200-421.36-62	SPECIAL DEPT SUPPLIES	468.01
167776	1/24/2019	UNITED ROTARY BRUSH CORPORATION	307178	029198	100-4900-431.38-57	STREET SWEEPER SUPPLIES	128.52
167777	1/24/2019	VERIZON WIRELESS	9821128831 9821128832		001-2200-421.26-05 001-2740-442.26-05	PO ACCT #570653806-00001 11/27/2018-12/26/2018 CODE ENF #570653806-00002 11/27/2018-12/26/2018	76.02 76.02
167778	1/24/2019	WASTE MANAGEMENT	0041312-2371-3		670-7000-473.23-54	BIN FOR TREATED POLES INCLUDES YTD ADJMT	1,228.99
167779	1/24/2019	WEBSTER, LON	JUL 18 - DEC 18		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE JUL 2018 -DEC 2018	188.71
9006369	1/4/2019	WELLS FARGO BANK	PPE 12/30/2018		001-0000-204.10.00	PAYROLL PPE 12/30/2018	347,190.01
9006370	1/4/2019	INTERNAL REVENUE SERVICE	PPE 12/30/2018		001-0000-204.11-00	FEDERAL INCOME TAX PPE 12/30/2018	51,847.33
9006371	1/7/2019	CA. ST. EMPLOYMENT DEV. DEPT.	PPE 12/30/2018		001-0000-204.13-00	FICA MEDICARE/REGULAR PPE 12/30/2018	81,681.76
9006372	1/7/2019	TASC	PPE 12/30/2018		001-0000-204.12-00	PAYROLL TAX DEPOSIT PPE 12/30/2018	19,549.84
9006373	1/8/2019	CA. ST. PUBLIC EMPLOYEES	PPE 12/16/2018		001-0000-204.80-04	MEDICAL CONTRIBUTIONS PPE 12/30/2018	3,673.08
9006374	1/10/2019	WELLS FARGO BANK	PPE 12/30/18		001-0000-204.80-05	RETIREMENT BENEFITS PPE 12/16/2018	652.16
9006375	1/11/2019	CALPERS 457 PLAN - 450260	PPE 12/30/18		001-0000-204.20-00	SAFETY PLAN 30132 ADJ PPE 12/30/2018	86,714.79
9006376	1/11/2019	CA. ST. PUBLIC EMPLOYEES	PPE 12/30/18		001-0000-204.80-14	VEBA CONTRIBUTIONS PPE 12/30/2018	(1,911.02)
9006377	1/18/2019	WELLS FARGO BANK	PPE 01/13/2019		001-0000-204.16-00	CAL PERS 457 CONTRIBUTION PPE 12/30/2018	400.00
9006378	1/22/2019	CA. ST. EMPLOYMENT DEV. DEPT.	PPE 01/13/2019		001-0000-204.16-00	CAL PERS 457 LOAN PYMNTS PPE 12/30/2018	28,377.74
9006379	1/22/2019	INTERNAL REVENUE SERVICE	PPE 01/13/2019		001-0000-204.20-00	RETIREMENT BENEFITS PPE 12/30/2018	6,360.69
9006380	1/22/2019	TASC	PPE 01/13/2019		001-0000-204.20-00	SAFETY PLAN 30132 ADJ PPE 12/30/2018	86,694.26
9006381	1/25/2019	CA. ST. EMPLOYMENT DEV. DEPT.	PPE 01/13/2019		001-0000-204.10-00	PAYROLL PPE 1/13/2019	366,473.05
9006382	1/25/2019	INTERNAL REVENUE SERVICE	PPE 01/13/2019		001-0000-204.11-00	PAYROLL TAX DEPOSIT PPE 1/13/2019	19,774.57
9006383	1/25/2019	WELLS FARGO BANK	PPE 01/13/2019		001-0000-204.11-00	FEDERAL INCOME TAX PPE 1/13/2019	51,695.58
9006384	1/25/2019	CA. ST. BOARD OF EQUALIZATION	PPE 01/13/19		001-0000-204.13-00	FICA MEDICARE / REGULAR PPE 1/13/2019	84,534.60
Grand Total							4,385,355.64

Less Voided / Reissued Checks from Prior Period (2,652.74)  
Less Voided Checks Prior Period (100.00)  
Add Payroll Checks 8,560.59  
Total Remittance for Month 4,391,163.49

## Voided Checks

### January 2019

Date	Check	Vendor #	Reason	Amount	Check	Vendor #	Amount
1/3/2019	165862	3132	Unable to attend training - IOD	\$ 12.00			
1/3/2019	167285	7122	Training Cancelled	\$ 24.00			
1/10/2019	163260	5097	Stale dated check-Payroll to issue	\$ 16.00			
1/10/2019	163466	4444	Stale dated check-Payroll to issue	\$ 16.00			
1/10/2019	163592	3204	Stale dated check-Payroll to issue	\$ 16.00			
1/17/2019	164379	4597	Stale dated check-Payroll to issue	\$ 16.00			
1/24/2019	163975	939	Lost / Never received	\$ 2,400.00	167676	939	\$ 2,400.00
1/24/2019	166395	99001	Lost / Never received	\$ 252.74	167679	99001	\$ 252.74
1/24/2019	167484	99001	Erroneous Name on Check	\$ 45.00			
1/24/2019	167623	7082	Issued 2 separate checks	\$ 1,280.66	167698	7082	\$ 1,219.24
1/24/2019	167623	7082			167699	7082	\$ 61.42
<b>TOTALS</b>				<b>\$ 4,078.40</b>			<b>\$ 3,933.40</b>

**Payroll**  
**January 2019**

<b>Start</b>	<b>End</b>	<b>Date</b>	<b>Description</b>	<b>Check Total</b>	
11676	11684	1/4/2019	WARRANT REGISTER	\$	2,426.83
11685	11693	1/17/2019	WARRANT REGISTER	\$	3,351.11
11694	11694	1/23/2019	Manual Check	\$	2,782.65
<b>TOTALS</b>				<b>\$</b>	<b>8,560.59</b>
<hr/> <b>19 CHECKS USED</b> <hr/>					

Dept/Div Activity	Check Payee	Social Security	Check Number	Amount
5800-434	CALIF. STATE DISBURSEMENT UNIT		11676	484.15
	UNITED STATES TREASURY		11677	125.50
	CALIF. STATE DISBURSEMENT UNIT		11678	180.46
	TRACY YOUNGBLOOD		11679	223.39
	FRANCHISE TAX BOARD		11680	200.00
	MCKETHAN, CYNTHIA L	2488	11681	684.49
	UNITED STATES TREASURY		11682	260.00
	FRANCHISE TAX BOARD		11683	75.00
	CALIF. STATE DISBURSEMENT UNIT		11684	193.84
	Total Checks		9	2,426.83

Check Register  
 BIWEEKLY  
 Pay Date 1/18/19

Prepared 1/17/19, 15:16:50  
 Program PR655L  
 CITY OF BANNING

Dept/Div Activity	Check Payee	Social Security	Check Number	Amount
	CALIF. STATE DISBURSEMENT UNIT		11685	484.15
	UNITED STATES TREASURY		11686	125.50
	CALIF. STATE DISBURSEMENT UNIT		11687	180.46
	TRACY, YOUNGBLOOD		11688	223.39
	FRANCHISE TAX BOARD		11689	200.00
	MCKETHAN, CYNTHIA L	2488	11690	1,608.77
	UNITED STATES TREASURY		11691	260.00
	FRANCHISE TAX BOARD		11692	75.00
	CALIF. STATE DISBURSEMENT UNIT		11693	193.84
5800-434	Total Checks -		9	3,351.11



**CITY OF BANNING  
CITY COUNCIL REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Suzanne Cook, Deputy Finance Director

**MEETING DATE:** February 26, 2019

**SUBJECT:** Receive and File Cash, Investments and Reserve Report for the Month of January 2019

**RECOMMENDATION:**

That City Council receive and file Cash, Investment and Reserve Report for **January 31, 2019** in accordance with California Government Code 53646.

**CASH AND INVESTMENT SUMMARY:**

Description	Prior Month	Current Month
<b>Funds Under Control of the City</b>		
Cash		
Cash on Hand	\$ 4,155.00	\$ 4,155.00
Checking and Savings Accounts	\$ 12,593,784.66	\$ 14,326,207.98
Investments		
LAIF	\$ 40,885,682.30	\$ 41,132,746.18
Brokerage	\$ 26,567,373.17	\$ 26,632,063.98
<b>Total Funds Under Control of the City</b>	<b>\$ 80,050,995.13</b>	<b>\$ 82,095,173.14</b>
<b>Funds Under Control of Fiscal Agents</b>		
US Bank		
Restricted Bond Project Accounts	\$ 15,194,776.85	\$ 15,203,982.08
Restricted Bond Accounts	\$ 5,669,439.53	\$ 5,669,487.00
Union Bank		
Restricted Funds	\$ 789,054.56	\$ 1,309,118.72
<b>Total Funds Under Control of Fiscal Agents</b>	<b>\$ 21,653,270.94</b>	<b>\$ 22,182,587.80</b>
<b>Total Funds</b>	<b>\$ 101,704,266.07</b>	<b>\$ 104,277,760.94</b>

**RESTRICTED, ASSIGNED, COMMITTED AND RESERVED SUMMARY:**

Description	Prior Month	Current Month
<b>Total Funds</b>	<b>\$ 101,704,266.07</b>	<b>\$ 104,277,760.94</b>
Restricted Funds	40,047,970.60	\$ 40,770,873.27
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
<b>Total Restricted, Assigned, Committed and Reserv</b>	<b>\$ 68,338,228.14</b>	<b>\$ 69,061,130.81</b>
<b>Operating Cash - Unrestricted Reserves</b>	<b>\$ 33,366,037.93</b>	<b>\$ 35,216,630.13</b>
Less Accounts held in Investments	\$ 26,567,373.17	\$ 26,632,063.98
Liquid Cash	\$ 6,798,664.76	\$ 8,584,566.15

**ATTACHMENTS:**

- Cash, Investment and Reserve Report January 2019
- Investment Report January 2019
- 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:




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Douglas Schulze  
City Manager

City of Banning  
Cash, Investment & Reserve Balances - January 31, 2019

Cash & Investments		December 2018	January 2019	Reserve Balances	
Institution/Investment Type	Balance	Balance	Description	Balance	
<b>Funds Under Control of the City:</b>					
Petty Cash / Cash on Hand	\$ 4,155.00	\$ 4,155.00	RESTRICTED FUNDS		
Checking and Savings:			Restricted Project Funds	\$ 15,203,982.08	
Wells Fargo - General Account - XXXXX5798	\$ 12,228,052.64	\$ 13,950,144.11	Bond Funds Held with Fiscal Agents	\$ 5,669,487.00	
Bank of America - Parking Citations - XXXXXXXX 8776	\$ 67,970.24	\$ 74,497.17	CASIO - City of Banning 6731036994	\$ 112,665.40	
Bank of America - Airport Visa - XXXXXXXX 7548	\$ 212,239.78	\$ 216,074.65	City of Banning - 6736305920 - RPU	\$ 1,196,453.32	
Bank of America - CNG Charge Acct XXXXXXXX 5594	\$ 85,522.00	\$ 85,492.05	Customer Deposit Accounts	\$ 1,557,138.86	
	\$ 12,593,784.66	\$ 14,326,207.98	Capital Facility Fees (Funds 400, 410, 420, 421, 430, 661, & 681)	\$ 16,655,082.74	
State of California, Local Agency Investment Fund			Parking Citations	\$ 74,497.17	
City of Banning XX-XX-050	\$ 40,885,682.07	\$ 41,132,745.95	Airport	\$ 216,074.65	
Successor Agency XX-XX-001	\$ 0.23	\$ 0.23	CNG	\$ 85,492.05	
	\$ 40,885,682.30	\$ 41,132,746.18			
% of Investments in LAIF (Maximum 40% allowed per Investment Policy)	61%	61%			
<b>US Bank</b>					
City of Banning Custody Account XXXX6000					
<b>Government Agencies</b>					
First American Government Oblig Fd Cl D 31846V401 Market Value #3802 S2,159,553.98	\$ 2,094,863.17	\$ 2,159,553.98	ASSIGNED FUNDS - SPECIFIC PURPOSE		
Federal Home Loan Bks 3130A6K89 Market Value \$1,998,060 Maturity 10/5/2018	\$ -	\$ -	Workers Compensation - PERMA	\$ 300,000.00	
Federal Home Loan Bks 3130A7G25 Market Value \$2,995,860 Maturity 3/15/2019	\$ 3,000,000.00	\$ 3,000,000.00	Capital Replacement	\$ 1,500,000.00	
F N M A 3135GOP49 Market Value \$2,974,110 Maturity 8/28/2019	\$ 2,955,090.00	\$ 2,955,090.00	Debt Service Payments	\$ 6,884,911.34	
F H L M C M T N 3134GBJ52 Market Value \$2,979,390 Maturity 9/27/2019	\$ 3,000,000.00	\$ 3,000,000.00			
F H L M C M T N 3134GBL83 Market Value \$2,967,360 Maturity 3/27/2020	\$ 3,000,000.00	\$ 3,000,000.00			
F N M A M T N 3136G4PP2 Market Value \$2,960,130 Maturity 10/26/2020	\$ 3,000,000.00	\$ 3,000,000.00	COMMITTED FUNDS - SPECIFIC PURPOSE		
Federal Home Loan Bks 3130ADFV9 Market Value \$2,985,450 Maturity 1/29/2021	\$ 2,967,420.00	\$ 2,967,420.00	General Fund - Emergency Contingency 25% (minimum req. \$1,500,000)	\$ 4,528,172.25	
F H L M C M T N 314GSSD8 Market Value \$2,001,280 Maturity 1/29/2021	\$ 2,000,000.00	\$ 2,000,000.00			
Federal Home Loan Bks 3130AETB6 Market Value \$4,550,045.50 Maturity 02/26/2021	\$ 4,550,000.00	\$ 4,550,000.00			
	\$ 26,567,373.17	\$ 26,632,063.98			
<b>Total Funds Under Control of the City</b>	\$ 80,050,995.13	\$ 82,095,173.14			
<b>Funds Under Control of Fiscal Agents:</b>					
<b>US Bank</b>					
2015 Water Revenue Bonds-BUA Water Projects - 258228005	\$ 1,504,988.77	\$ 1,507,254.83	AVAILABLE FUND BALANCE RESERVES		
2005 Wastewater Project Fund Bond - 792143006	\$ 3,267,641.42	\$ 3,268,473.98	Electric Rate Stabilization Fund	\$ 6,723,446.60	
2015 Electric Revenue Bond-Acquisition & Construction Fund - 262605003	\$ 2,758,927.31	\$ 2,763,081.42	Electric Operational Fund	\$ 3,361,723.30	
Successor Agency of the Dissolved Redevelopment Agency of the City of Banning Tax Allocation Bonds Series 2016 (Taxable) Unexpended Proceeds Fund - 277166005	\$ 7,863,219.35	\$ 7,665,171.85	BUA Water Fund	\$ 1,197,964.30	
Restricted Project Funds Available	\$ 15,194,776.85	\$ 15,203,982.08	BUA Wastewater Fund	\$ 378,339.40	
2015 Electric Revenue Bond-Escrow Fund - 277246000/262685001			Self Insurance Fund	\$ 500,000.00	
Wastewater System Improvement Project Fund Bond 1989 Escrow Account for AC 94627350-792145000	\$ 111,849.00	\$ 111,849.00	Designated, Unreserved		
Water System Improvement Project 1989 Escrow Acct AC 94027340 - 792146000	\$ 213,531.00	\$ 213,531.00	Mining Tax Collected	\$ 979,274.00	
2015 Electric Revenue Bond-Reserve Fund - 262685002 - Market Value	\$ 2,428,543.76	\$ 2,428,543.76	PEG Reserve	\$ 133,104.35	
Improvement Dist No 2004-1 (Fair Oaks Ranch Estates) Limited Obligation Improvement Bonds Series 2005A Principal Acct-78958201	\$ 48.92	\$ 48.92	Litigation Contingency	\$ 179,189.00	
Improvement Dist No 2004-1 (Fair Oaks Ranch Estates) Limited Obligation Improvement Bonds Series 2005A Reserve Fund-78958203	\$ 166,326.32	\$ 186,373.79	Gas Tax & Police Reward	\$ 189,325.00	
BUA Wastewater Enterprise Lease Revenue Bonds Series 2005 Reserve Fund - 7912143004	\$ 523,623.18	\$ 523,623.18	CalPERS Liability	\$ 500,000.00	
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	Compensated Absences	\$ 934,808.00	
Successor Agency of the Dissolved Redevelopment Agency of the City of Banning Tax Allocation Bonds Series 2016 (Taxable) Cost of Issuance - 277166006	\$ -	\$ -			
Successor Agency of the Dissolved Redevelopment Agency of the City of Banning Tax Allocation Bonds Series 2016 (Taxable) Revenue Fund - 277166000	\$ 19.85	\$ 19.85			
Bond Funds Held with Fiscal Agent - Restricted	\$ 5,669,439.53	\$ 5,669,487.00			
<b>Union Bank of California:</b>					
CAISO - City of Banning XXXXX6994	\$ 112,456.06	\$ 112,665.40	Operating Cash		
City of Banning - XXXXX5920 - RPU	\$ 676,598.50	\$ 1,196,453.32	Balance Available for Daily Operations	\$ 35,216,630.13	
Funds Held with Fiscal Agent - Restricted	\$ 789,054.56	\$ 1,309,118.72	Less Amount held in investments	\$ 26,632,063.98	
<b>Total Funds Under Control of Fiscal Agents</b>	\$ 21,653,270.94	\$ 22,182,587.80	Liquid Cash	\$ 8,584,566.15	
<b>Grand Total</b>	\$ 101,704,266.07	\$ 104,277,760.94			
			UNRESTRICTED RESERVES	\$ 35,216,630.13	

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  
January 2019**

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	\$ 41,132,745.95	2.355	99.905113	\$ 41,093,716.20	60.7%	
		Pooled Investment	N/A	N/A	N/A	N/A	N/A	\$ 41,132,746.18	0.000		\$ 41,093,716.43	60.7%	
US Bank - Broker Piper Jaffray	Government Agencies	Cash Equivalent	31846V401	N/A	N/A	N/A	N/A	\$ -	1.850	100.000	\$ 2,159,533.98	3.2%	
		US Government Issue	3130A7GZ5	AA+	Aaa	7/26/2018	3/15/2019	\$ 3,000,000.00	1.260	99.862	\$ 2,895,860.00	4.4%	
		US Government Issue	3135GQP49	AA+	Aaa	7/26/2018	8/28/2019	\$ 2,955,090.00	1.010	99.137	\$ 2,974,110.00	4.4%	
		US Government Issue	3134GBJ52	AA+	Aaa	7/26/2018	9/27/2019	\$ 3,000,000.00	1.510	99.313	\$ 2,979,390.00	4.4%	
		US Government Issue	3134GBJ83	AA+	Aaa	7/26/2018	3/27/2020	\$ 3,000,000.00	1.620	98.912	\$ 2,967,360.00	4.4%	
		US Government Issue	3136GAPP2	AA+	Aaa	7/26/2018	10/26/2020	\$ 3,000,000.00	1.780	98.671	\$ 2,960,130.00	4.4%	
		US Government Issue	3130ADPV9	AA+	Aaa	7/26/2018	1/29/2021	\$ 2,967,420.00	2.260	99.515	\$ 2,885,450.00	4.4%	
		US Government Issue	3134GSSD8	AA+	Aaa	7/30/2018	1/29/2021	\$ 2,000,000.00	2.800	100.064	\$ 2,001,290.00	3.0%	
		US Government Issue	3130AETB6	AA+	Aaa	9/29/2018	2/26/2021	\$ 4,550,000.00	2.750	100.001	\$ 4,550,045.50	6.7%	
										\$ 26,632,063.98		\$ 26,573,179.48	39.3%
										\$ 67,664,810.16		\$ 67,665,895.91	100.0%

**Total Investments**



**CALIFORNIA STATE TREASURER  
FIONA MA, CPA**



**PMIA Performance Report**

Date	Daily Yield*	Quarter to Date Yield	Average Maturity (in days)
01/14/19	2.35	2.34	185
01/15/19	2.36	2.34	187
01/16/19	2.36	2.34	188
01/17/19	2.36	2.34	189
01/18/19	2.37	2.34	190
01/19/19	2.37	2.35	190
01/20/19	2.37	2.35	190
01/21/19	2.37	2.35	190
01/22/19	2.37	2.35	188
01/23/19	2.37	2.35	187
01/24/19	2.37	2.35	188
01/25/19	2.38	2.35	188
01/26/19	2.38	2.35	188
01/27/19	2.38	2.35	188
01/28/19	2.38	2.35	185
01/29/19	2.38	2.35	187
01/30/19	2.38	2.35	186
01/31/19	2.39	2.36	188
02/01/19	2.39	2.36	191
02/02/19	2.39	2.36	191
02/03/19	2.39	2.36	191
02/04/19	2.39	2.36	189
02/05/19	2.39	2.36	187
02/06/19	2.39	2.36	187
02/07/19	2.39	2.36	187
02/08/19	2.39	2.36	187
02/09/19	2.39	2.36	187
02/10/19	2.39	2.36	187
02/11/19	2.39	2.36	185
02/12/19	2.39	2.36	183
02/13/19	2.39	2.37	182

\*Daily yield does not reflect capital gains or losses

[View Prior Month Daily Rates](#)

**LAIF Performance Report**

Quarter Ending 12/31/18

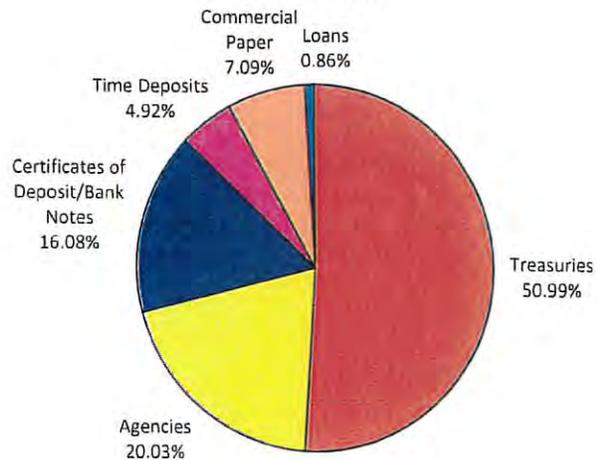
Apportionment Rate: 2.40  
 Earnings Ratio: 0.00006573663340150  
 Fair Value Factor: 0.999051127  
     Daily: 2.32%  
 Quarter to Date: 2.21%  
 Average Life: 192

**PMIA Average Monthly Effective Yields**

**Jan 2019 2.355**  
 Dec 2018 2.291  
 Nov 2018 2.208

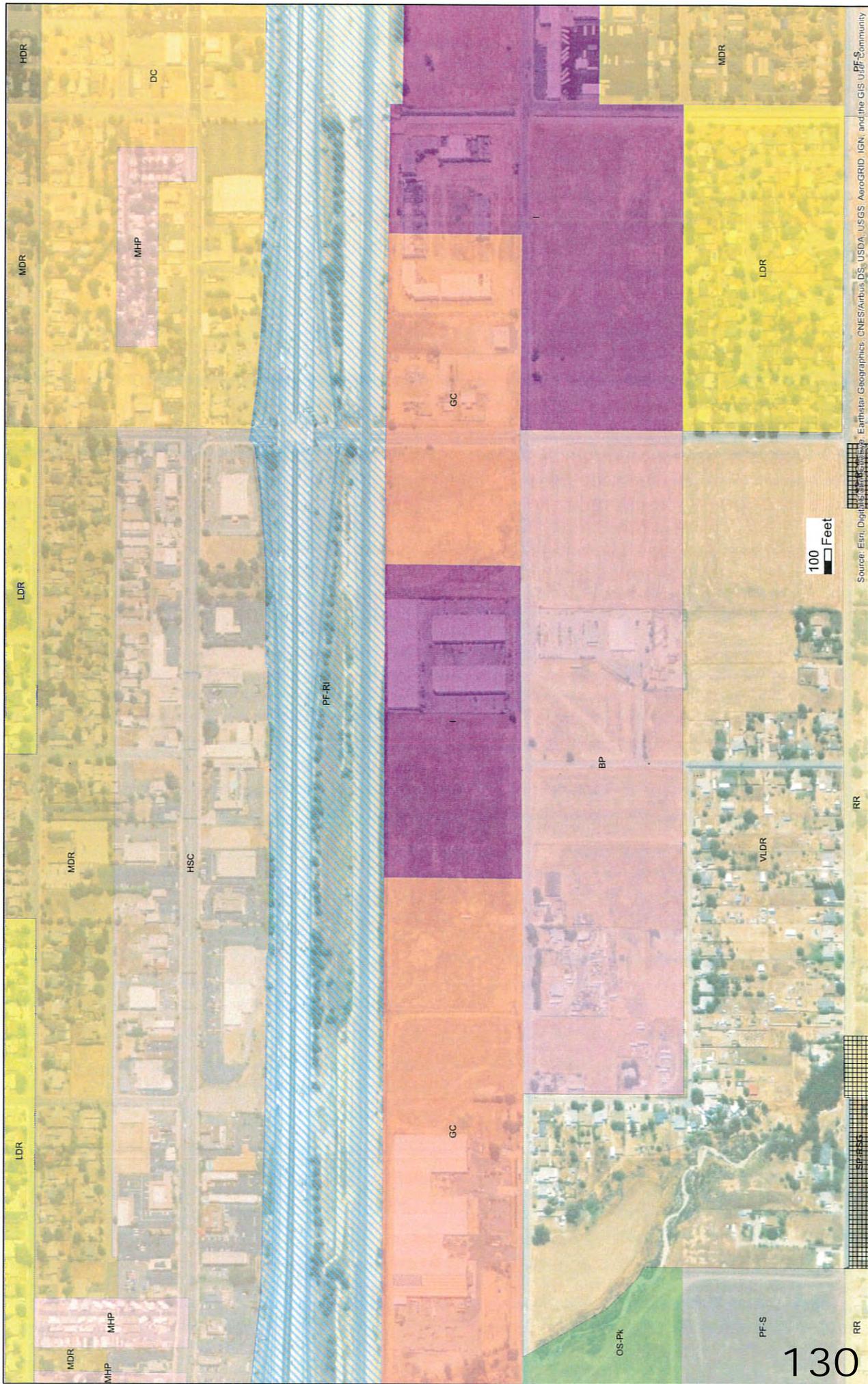
**Pooled Money Investment Account  
Portfolio Composition**

**01/31/19  
\$93.1 billion**



Percentages may not total 100%, due to rounding.

Based on data available as of 2/13/2019



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



**CITY OF BANNING  
CITY COUNCIL REPORT**

**TO:** CITY COUNCIL  
**FROM:** Douglas Schulze, City Manager  
**PREPARED BY:** Art Vela, Director of Public Works  
**MEETING DATE:** February 26, 2019  
**SUBJECT:** Public Works Capital Improvement Project Tracking List

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**RECOMMENDED ACTION:**

This is informational only; receive and file report.

**GOAL STATEMENT:**

The purpose of presenting the attached Public Works Capital Improvement Project (CIP) Tracking List is to keep City Council and the public informed of the status of the various capital improvement projects that are currently managed by the Public Works Department.

**BACKGROUND:**

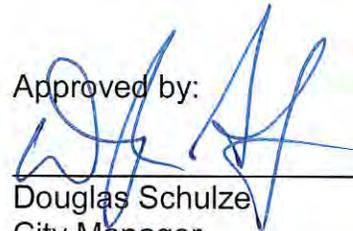
There are several planning, environmental, design and construction contracts that have been approved by City Council and/or the City Manager's office that are being managed by the Public Works Department. In an effort to keep the City Council and the public informed of the progress made and current status of each project, staff has prepared and will continue to update the attached Public Works CIP Tracking List. The list will be presented to City Council on a monthly basis.

**FISCAL IMPACT:**

None

**ATTACHMENTS:**

1. CIP Status List

Approved by:  
  
\_\_\_\_\_  
Douglas Schulze  
City Manager

# **ATTACHMENT 1**

## Public Works Department CIP Tracking List

PUBLIC WORKS CAPITAL IMPROVEMENT PROJECTS (CIP) TRACKING SHEET

Category	Project #	Project	Phase	Council Award Date	Project Kickoff	% Completed	Tasks Completed	Current Tasks	1 Month Look Ahead Tasks	Future Tasks	Tentative Completion Date	Project Budget
Streets	2014-03	Hargrave/Ramsey Street Intersection	Design	5/26/2015	8/10/2015	95%	PS&E are 100% complete. Right of way documents accepted by Council and recorded by County.	Waiting for SCT to complete their design and easement documents for the relocation of power poles. Acquiring Caltrans permit. Training electric preparing for the new power lines. Completing Water Main Replacement Plan.	Banning Electric complete designs. Incorporated electric designs to Project Plans and Specs and Bid Project. SCT completes design.	SCT complete their design and relocation electric design and construction.	1/1/19	\$ 79,920
Streets	2016-11	Hathaway/Ramsey Street Intersection	Design	12/12/2016	1/18/2017	95%	Staff completed reviewing 2nd submittal of PS&E. Preliminary R/W appraisal. "Intent to Appraise" letters sent to property owners.	Banning Electric preparing improvement plans. Review of right-of-way documents, preparation of Temporary Construction Easements and appraisals. Review final PS&E.	Present appraisal to council and property owners. Complete PS & E package.	Complete right-of-way acquisition. Bid project.	3/1/19	\$ 254,512
Streets	ATP-1214(012)	ATP Bicycle/Pedestrians Safe Routes to School	Environmental and Design	5/22/2018	6/19/2018	50%	Design Funding Approval approved by CTC in March 2017 and approved by Caltrans in April 2017. Council approved PSA dated 5-22-18. Design started on 6/19/18. Reviewed 90% plans. Request for Construction Allocation Funding has been submitted to Caltrans on 10/19/18.	Completing 100% PS&E. Submitting final PS&E to Caltrans for review and approval. CTC to approve funding allocation for Construction.	Bid Project.	Open bids and recommend award to City Council.	2/1/19	\$ 207,000
Streets	ATP-231(012)	ATP Bicycle/Pedestrians Safe Routes to School	Construction						Bid Project	Open bids and recommend award to City Council.	9/1/19	\$ 875,000
Streets	STPL 5214 (011)	Ramsey Street, from Hargrave St. to west of Hathaway St.	Environmental, PS&E			85%	PS&E are 75% complete. Cultural resources study approved by Caltrans. Draft PS and E documents sent to Caltrans for review and comment.	Finalizing of PS&E	Advertise notice inviting to bid. Consider combining this project with Hargrave St. and Hathaway St improvements for better bid costs and results.	Open bids and recommend award to City Council.	6/1/19	\$ 295,000
Streets	2018-09	Johua Palmer Way Realignment	Design			95%	PS&E 95% complete. Submitted to Caltrans for review. Funding agreement in place. Appraisals completed. Property owners conducted their own appraisals.	Right of way acquisition. Preparation of traffic operations analysis at the request of Caltrans.	Negotiate right-of-way acquisition price with property owners. Complete all improvements plans. Obtain Caltrans permit.	Notice inviting to bid		\$ 2,000,000
Streets	2017-16	Citywide Various Street Improvements	Construction	12/11/2018	1/15/2019	10%	PS&E completed. Bidded. To City Council for award on 12/11/18.	Awarding construction contract.	Evaluation of construction. Pre-construction meeting.	Construction begins.	6/30/19	\$ 848,124
Streets	2017-03	Lions Park Multi Purpose Fields	ROW			100%	Legals and plats completed and presented to City Council on 2/12/19.				2/19/19	\$ 5,000
Parks	2017-03	Lions Park Multi Purpose Fields	Environmental	11/7/2016		98%	Received FAA and ALC approval for project. ABS2 Consultation was started. Completed borrowing owl study. AB 52 Consultation Complete.	Complete CEQA Document			1/1/19	\$ 66,300
Parks	2017-03	Lions Park Multi Purpose Fields	Design	7/11/2017	9/5/2017	100%	100% Design for location 3; 90% Design for location 2. Specifications completed.	MyLans submitted to City.	Close out the project account.	Looking for funding for Construction	12/30/18	\$ 77,798
Water	2015-01W	Water line Replacement (3 Locations)	Design	3/24/2015	4/15/2016	95%	Plan Acceptance by DWR. Coordination with other Regions in the Colorado River Funding Area	90% review for location 2; pre-may review for location 3	Complete plans and specs for location 3	Complete plans and specs for Construction	1/31/19	\$ 107,980
Water / Wastewater / Non-potable Water	2017-11W	Integrated Regional Water Management Plan	Grant Applications and Implementation	TBD	TBD			Regional Meetings to select Projects for Grant Applications	Shortlist of City Projects	DWR Worksheet in May; Grant Applications	TBD	TBD
Water	2017-04W	Groundwater Audit	Planning		10/4/2017	90%	Kickoff Meeting. Data Gathering. Data Review and Analysis. Draft Summary Report	Review of Draft Summary Report	Meeting to discuss Pumping Recommendations	Finalize Groundwater Audit Report; Implementation	2/21/2019	\$ 19,886
Water	Part of 2014-03	Hargrave Waterline - Williams to Hofer	Design	Part of Hargrave/Ramsey Intersection contract	5/16/2018	90%	Determined preliminary waterline alignment, peeling for all utilities and service laterals; 100% PS&E	Mostly Bid Schedule to include Sewer Laterals	Bid Project	Award construction contract.	2/28/19	Part of Hargrave/Ramsey Streets project
Water	2018-02W	New Domestic Water Well CB	Design	9/10/2018	9/24/2018	5%	Task 1 - Evaluation of Feasibility	Technical Memo regarding Cabazon basin water resources; Request Amendment to Contract	Evaluation of other potential well sites	Technical Memo regarding final site selection	6/30/20	\$ 671,296
Water	2018-07W	Altitude Values for Storage Reservoirs	Design		9/24/2018	90%	90% Design; Review of 200% PS&E	Finalizing of PS&E	Bid Project	Award construction contract.	3/31/19	\$ 55,225
Water	2018-08W	Advance Metering Infrastructure (AMI) Pilot Study	Planning/Construction	TBD	TBD		Staff is planning a pilot study which will include the installation of 200 AMI meters, 100 each from 2 separate vendors	Coordination with 2 Separate AMI Vendors	Sign no-cost agreements, Implement Pilot Studies	Make a Final Selection; Award Purchase Order for new AMI Meters; begin installation	6/30/19	TBD
Wastewater	2018-03WW	Nitrogen Removal Feasibility Study	Planning	9/25/2018	10/4/2018	15%	Kickoff meeting. Scoping. Scoping for Discharge permit. Permit Basis. Preliminary Evaluation of Treatment Technologies. Workshop provided to City Council and public.	Groundwater impacts; Soil Nutrient Management Plan	Model Development; Rigorous Assessment of Treatment Technologies; Final Report and Recommendations		10/31/19	\$ 351,669
Water	2019-03W	Pelton Wheel and Well Repairs	Construction	12/11/2018	1/9/2019	1%	Pre-Con Meeting; NTP	Removal of Pelton Wheel	Inspection of Pelton Wheel; Removal of M8 equipment	Well 9 Rehab; Removal of Equipment at Wells M4 and M5; Repairs to Well M1	5/30/19	\$ 178,485
LMD	2017-22	Landscape Maintenance District No.1 Redesign	Design		7/7/2017	80%	Reviewed conceptual plans, field work, staff provided RW Park Specs and current costs to the consultant.	Complete Design drawings and cost estimates. Including irrigation, cost estimates and Specs. for review and approval.	Submit Draft landscape design drawings including irrigation, cost estimates and Specs. for review and approval.	Design and Specs final approval by the City.	8/31/18	

PUBLIC WORKS CAPITAL IMPROVEMENT PROJECTS (CIP) - FUNDED BY PARDEE, ELIGIBLE FOR DIF CREDITS

Category	Project #	Project	Phase	Council Award Date	Project Kickoff	% Completed	Tasks Completed	Current Tasks	1 Month Look Ahead Tasks	Future Tasks	Tentative Completion Date	Project Budget
Non-potable		Well NP-1	Rehab and Design	N/A - Pardee Project	6/5/2018	40%	Kickoff Meeting: Award of Contract for Rehabilitation and Well Development; Conceptual Design; Well Rehab; Well Development; Capacity Testing (Deep Drawdown and Constant Rate Test); Capacity Recommendation	60% Design	60% Design	90% Design; 100% PS&E; Environmental; Bid	5/31/19	DIF Credits, TBD
Non-potable		Irrigation Pipeline Phase 1 Segments B, D1 and D2	Redesign and Permitting	N/A - Pardee Project	6/5/2018	40%	Kickoff Meeting: Submitted Encroachment Permit to Caltrans; Re-design of Segment C (renamed Segment D due to new alignment)	Survey; 60% Design Drawings	90% Design Drawings	100% PS&E; Construction Bid	9/30/19	DIF Credits, TBD
Non-potable		Non-potable Reservoir at WWTP	Design	N/A - Pardee Project	6/5/2018	15%	Kickoff Meeting: Reservoir Sizing Calculations	Reservoir Sizing based on new demand data and NP-1 Capacity; Preliminary Design	30% Design Drawings	60% Design; 90% Design; 100% PS&E; Environmental; Construction Bid	4/30/19	DIF Credits, TBD
Non-potable		Recycled Water Booster Station at WWTP	Design	N/A - Pardee Project	6/5/2018	10%	Kickoff Meeting: Conceptual Design; Verification of Uras Park peak demands	Preliminary Design	30% Design Drawings	60% Design; 90% Design; 100% PS&E; Environmental; Construction Bid	5/30/19	DIF Credits, TBD
Non-potable		Booster Station on Lincoln	Design	N/A - Pardee Project	6/5/2018	10%	Kickoff Meeting: Conceptual Design; Verification of expected operating pressures and demands	Preliminary Design	30% Design Drawings	60% Design; 90% Design; 100% PS&E; Environmental; Construction Bid	5/30/19	DIF Credits, TBD
Water		Brinton Booster Station	Design	N/A - Pardee Project	6/5/2018	10%	Kickoff Meeting; Conceptual Design	Required Capacity Analysis; Preliminary Design	30% Design Drawings	60% Design; 90% Design; 100% PS&E; Environmental; Construction Bid	6/30/19	DIF Credits, TBD
Water / Non-potable		OJA Valley Interconnect Building	Design	N/A - Pardee Project	6/5/2018	15%	Kickoff Meeting; Conceptual Design; Site Layout	Adjustments to Site Layout	Preliminary Design	30% Design; 60% Design; 90% Design; 100% PS&E; Environmental; Construction Bid	6/30/19	DIF Credits, TBD
Water		Foothill West Reservoir	Design	N/A - Pardee Project	6/5/2018	10%	Kickoff Meeting	Reservoir Sizing & Configuration; Schedule	Conceptual Design	30% Design; 60% Design; 90% Design; 100% PS&E; Environmental; Construction Bid	6/30/19	DIF Credits, TBD
Wastewater		Ramsay Lift Station	Design	N/A - Pardee Project	6/5/2018	10%	Kickoff Meeting; Conceptual Design	Site Acquisition	Phase 1 ESA; Site Acquisition	30% Design; 60% Design; 90% Design; 100% PS&E; Environmental; Construction Bid	12/25/19	DIF Credits, TBD
Wastewater		Atwell Offsite Sewer Trunk Mains and Force Main	Design	N/A - Pardee Project	6/5/2018	15%	Kickoff Meeting; Sewer Flow Monitoring	CCTV Video Inspection; Wilson Street Sewer Design	Video Inspection Report and Condition Assessment	Identification of Existing Sewer Capacity; Preliminary Design for New Sewer Trunk Mains and Force Main; 60% Design; 90% Design; 100% PS&E; Construction Bid	9/30/19	DIF Credits, TBD



**CITY OF BANNING  
CITY COUNCIL REPORT**

**TO:** CITY COUNCIL  
**FROM:** Douglas Schulze, City Manager  
**PREPARED BY:** Lt. Vincent Avila  
**MEETING DATE:** February 26, 2019  
**SUBJECT:** Police Department Statistics for January 2019

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**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

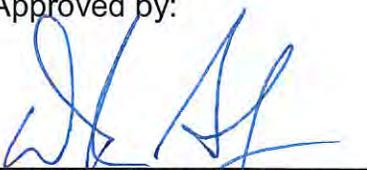
**OPTIONS:**

1. Approve as recommended

**ATTACHMENTS:**

1. Statistics for November 2018

Approved by:

  
\_\_\_\_\_  
Douglas Schulze  
City Manager

# **ATTACHMENT 1**

## January 2019 Statistics

**BANNING POLICE DEPARTMENT**  
**JANUARY, 2019**

<b>CRIME</b>	<b>Jan-19</b>	<b>Jan-18</b>	<b>% CHGE</b>	<b>YTD-19</b>	<b>YTD-18</b>	<b>% CHGE</b>
<b>PART 1 CRIMES</b>						
Homicide	0	1	-100%	0	1	-100%
Rape	0	3	-100%	0	2	-100%
Robbery	3	3	0%	3	0	300%
Assaults Agg/Simp	16	22	-27%	16	29	-45%
Burglary	18	17	6%	18	30	-40%
Vehicle Theft	19	15	27%	19	19	0%
Larceny	13	18	-28%	13	27	-52%
<b>OTHER</b>						
Narcotics	7	26	-73%	7	24	-71%
DUI	2	4	-50%	2	3	-33%
T/C Non-Injury	14	20	-30%	14	21	-33%
T/C Injury	6	1	500%	6	3	100%
T/C Fatal	1	0	100%	1	0	100%
Citations	302	264	14%	302	214	41%
<b>Total Incidents</b>	<b>2974</b>	<b>3056</b>	<b>-3%</b>	<b>2974</b>	<b>3514</b>	<b>-15%</b>

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## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Art Vela, Director of Public Works

**MEETING DATE:** February 26, 2019

**SUBJECT:** Adopt Resolution 2019-XX, Initiating Proceedings to Update Landscape Maintenance District No. 1 for Fiscal Year 2019/2020.

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### **RECOMMENDED ACTION:**

That the City Council adopt Resolution No. 2019-XX, Initiating Proceedings to Update Landscape Maintenance District No. 1 for Fiscal Year 2019/2020 in order to prepare for the assessments of the area.

### **BACKGROUND:**

In accordance with the "Landscaping and Lighting Act of 1972" ("1972 Act") of the Streets and Highways Code, the City Council adopted a resolution on August 14, 1990 ordering the formation of Landscape Maintenance District (LMD) No. 1, ("the District") the boundaries of which are shown in Attachment "2". An additional five tracts and three tentative tracts were annexed (Annexation No. 1) into LMD No. 1 when the City Council approved Resolution No. 2005-36 on May 10, 2005. The District, by special benefit assessments, provides funding for the servicing and maintenance of certain landscape areas within the City of Banning, all of which are located in the public right-of-way. The 1972 Act requires that assessments are to be levied according to benefit rather than according to assessed value. Resolution No. 2019-XX will initiate the proceedings to update the District for Fiscal Year 2019/2020. A tentative schedule for updating the District, as required by the "Landscaping and Lighting Act of 1972," is attached hereto as Attachment "3" for your information.

**JUSTIFICATION:**

The City Council approved the formation of Landscape Maintenance District No. 1 by adopting Resolution No. 1990-59 on August 14, 1990. The adoption of Resolution No. 2019-XX will enable the City Engineer to prepare for the assessment for Fiscal Year 2019/2020.

**FISCAL IMPACT:**

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

**ALTERNATIVE:**

Do not approve Resolution 2019-XX, which would result in staff not initiating the process of assessing the homeowners and properties within LMD No. 1 a fee to pay for maintenance and servicing costs. Expenses funded by the fee currently include the LMD contractor, utility costs (water and electric), miscellaneous costs (design improvements, irrigation repair, flower and tree replacement, shrubs, etc.), and minor incidentals. Without an assessment, other funding sources would have to be utilized to pay for the expenses related to the operation and maintenance of LMD No.1.

**ATTACHMENTS:**

1. Resolution 2019-XX
2. LMD No. 1 Map for FY 2019/20
3. Tentative Schedule for Updating LMD No. 1

Approved by:



---

Douglas Schulze  
City Manager

# **ATTACHMENT 1**

## **Resolution 2019-XX**

**RESOLUTION NO. 2019-XX**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, INITIATING PROCEEDINGS TO UPDATE LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR THE FISCAL YEAR 2019/2020, PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972**

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

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

SECTION 1. The City Council desires to update Landscape Maintenance District No. 1 for Fiscal Year 2019/2020, pursuant to the “Landscaping and Lighting Act of 1972” (Section 22500 and following, Streets and Highways Code) for the purpose of the following improvements:

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

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

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

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

SECTION 5. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

**PASSED, ADOPTED AND APPROVED** this 26th day of February, 2019.

---

Arthur L. Welch, Mayor  
City of Banning

**ATTEST:**

---

Daryl A. Betancur, Deputy City Clerk  
City of Banning

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

---

Kevin Ennis, Interim City Attorney  
Jenkins & Hogin, LLC

**CERTIFICATION:**

I, Daryl A. Betancur, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2019-XX was duly adopted by the City Council of the City of Banning at a regular meeting thereof held on the 26<sup>th</sup> day of February, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

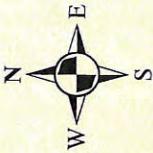
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Daryl A. Betancur, Deputy City Clerk  
City of Banning, California

# **ATTACHMENT 2**

## **Landscape Maintenance District No. 1 Map for Fiscal Year 2019/2020**

# Map of Landscape Maintenance District No. 1 2019-2020



Legend	
Existing Tracts	
[Light Blue Box]	1. 21882 Snow Creek I
[Light Green Box]	2. 22810 Dev. Corp
[Light Purple Box]	3. 22811 Dev. Corp
[Light Orange Box]	4. 22913 Arce Bros.
[Light Pink Box]	5. 23446 Highland Estates
[Light Yellow Box]	6. 23598 Snow Creek II
[Light Blue Box]	7. 28252 Fair Oaks
[Light Green Box]	8. 29721 The Pines
[Light Orange Box]	9. 30186 Wilson Homes
[Light Green Box]	10. 30222 Wilson Homes
[Light Pink Box]	11. 30793 Fiesta Collection
[Light Yellow Box]	12. 30906 Evergreen Estates
[Light Blue Box]	13. 31833 Fair Oaks
[Light Green Box]	14. 31834 Fair Oaks
[Light Orange Box]	15. 31835 Fair Oaks
[Light Yellow Box]	16. 32109 Sunset Ridge
[Light Purple Box]	17. 36939 Wilson 97



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

# ATTACHMENT 3

(Tentative Schedule for Updating Landscape Maintenance District No. 1)

Item	Council Meeting
Resolution Initiating Update	February 26, 2019
Resolution of Intention (Approving Engineer's Report)	April 23, 2019
Resolution Confirming Assessment (Public Hearing)	May 28, 2019

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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:** February 26, 2019

**SUBJECT:** Adopt Resolution No. 2019-XX, Approving Termination and Release of Liens in Favor of Cash Deposit for Construction of Public Improvements

---

**RECOMMENDED ACTION:**

That the City Council Adopt Resolution No. 2019-XX:

1. Approve the Termination and Release of Liens in Favor of Cash Deposit for Construction of Public Improvements (APNs 540-230-017 and -018)";
2. Authorize the City Manager to execute Termination and Release of Lien for APN 540-230-018 in favor of a Cash Deposit in the amount of \$9,200; and
3. Authorize the City Manager to execute Termination and Release of Lien for APN 540-230-017 in favor of a Cash Deposit in the amount of \$7,400; and
4. Authorize the Administrative Services Director to receive Cash Deposit for \$16,600 and to release the Cash Deposit only upon verification of public improvements by the City Engineer.

**BACKGROUND:**

On or about the year of 1979, the late property owners (Ferenc and Marcia Szecsy) secured permits and initiated construction of a large building located at 1356 W. Lincoln Street, APNs: 540-230-017 and -018, known as the "Site" [Attachment 6]. Construction never completed and subsequent liens were placed on both APNs for public right-of-way

improvements, by the City. The liens were recorded against the property and referenced as:

- Lien Contract for Improvements in Public Right of Way, recorded on July 23, 1979 as Document No. 154054 in the Official Records of Riverside County, CA (APN 540-230-018) [Attachment 5]
- Lien Contract for Improvements in Public Right of Way, recorded on January 24, 1980 as Document No. 15992 in the Official Records of Riverside County, CA (APN 540-230-017) [Attachment 5]

The property has remained unfinished and was the subject of a court action, (Proposed) Permanent Injunction, "Injunction", which was recorded on March 13, 2008 as Instrument No. 2008-124006, in the Official Records of Riverside County, CA [Attachment 5]. The Injunction provides for specific requirements to list and sell the property (by the current owner). At close of escrow, the new owner is required to either secure a "Certificate of Occupancy" or demolish the existing improvements within prescribed timelines. The Injunction also provides the court the ability to sanction the property owner in the form of monetary damage for non-compliance.

Historically, the property has been listed for the past several years, with little interest and no accepted offers. In November 2018, an offer was accepted and is currently in escrow. Upon review of the title report for both parcels that make up the Site, the Buyer and Seller have agreed to provide a "Cash Deposit" [Attachment 2] in the amount equal to the public right-of-way improvements. Section 5 of the Lien Contract for Improvements provides for a cash bond or surety performance bond to be accepted, subject to City Engineer verifying actual costs. The amounts of \$9,200 (APN 540-230-018) and \$7,400 (APN 540-230-017), totaling \$16,600 reflect the current estimated amounts to complete the improvements described in the Lien Contracts. The Cash Deposit will be held by the City until such time that the public improvements have been completed and verified by the City Engineer. After the completion of the improvements, the City reserves the right to hold back 10% of the Cash Deposit for one year to warrant the improvements. The 10% hold for one year is a standard practice for reducing performance bond amounts to free up capital capacity for the property owner.

The Buyer is seeking to acquire this site for construction a new pallet manufacturing and repair facility. A Pre-Application Conference was conducted with the Buyer in November 2018, before entering into escrow.

Staff is requesting approval of the "Termination and Release of Lien" and Improvements Security Agreement – Cash Deposit in order for the transaction to close, and to promote new business development. Release of the lien documents are required by the primary lender. Should the Council not approve this item; the property will not close escrow.

**FISCAL IMPACT:**

None.

**ATTACHMENTS:**

1. Resolution 2019-XX
2. Improvement Security Agreement - Cash Deposit
3. Termination and Release of Lien (APN 540-230-018)
4. Termination and Release of Lien (APN 540-230-017)
5. Excerpts from the Title Report – APNs 540-230-017 and -018 (Dated November 26, 2018)
6. Aerial Map

Approved by:



---

Douglas Schulze  
City Manager

# **ATTACHMENT 1**

Resolution 2019-XX

## RESOLUTION NO. 2019-XX

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING TERMINATION AND RELEASE OF LIENS IN FAVOR OF CASH DEPOSIT FOR CONSTRUCTION OF PUBLIC IMPROVEMENTS

**WHEREAS**, the property owners of 1356 W. Lincoln Street (Ferenc and Marcia Szecsy) partially completed the construction of a building on two parcels (APNs 540-230-017 and 540-230-018), "Site"; and

**WHEREAS**, public right of way improvements were never completed and the City entered into a Lien Contract for Improvements in Public Right-of-Way for each parcel and were recorded on July 23, 1979 as Document No. 154054 in the Official Records of Riverside County, CA (APN 540-230-018) and on January 24, 1980 as Document No. 15992 in the Official Records of Riverside County, CA (APN 540-230-017); and

**WHEREAS**, the Site remained vacant and unfinished for a number of years and the property owners have passed away; and

**WHEREAS**, the Successor Trustee of the Family 2009 Trust u/d/t March 18, 2009 has listed the property for sale and secured a potential buyer; and

**WHEREAS**, in order to close escrow and transfer ownership, the public right-of-way improvements must be completed or a bond must be pledged until the improvements can be completed; and

**WHEREAS**, the new buyer has proposed a Cash Deposit for the full amount of the public improvements (\$16,600), and that deposit to be held by the City and released upon completion of public right-of-way improvements and verified by the City Engineer; and

**WHEREAS**, the release of the Liens in exchange for a surety performance or cash bond is authorized under Section 5 of the Lien Contract for Improvements in Public Right-of-way; and

**WHEREAS**, the release of the Liens will create a marketable title that promotes new business development by removing impediments to real property transactions and new construction of commercial facilities that create jobs; and

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

**SECTION 1.** The Banning City Council adopts Resolution 2019-XX, Approving Termination and Release of Liens for APNs 540-230-017 and 540-230-018 in favor of an Improvement Security Agreement - Cash Deposit, for \$16,600.

**SECTION 2.** The City Manager is authorized to execute Termination and Release of Lien Agreements for APNs 540-230-017 and 540-230-018.

SECTION 3. The Administrative Services Director is authorized to receive the Cash Deposit and to release the funds only upon verification of completion of public improvements, by the City Engineer.

SECTION 3. The Administrative Services Director is authorized to retain ten percent of the Cash Deposit for a period of one year following completion of public improvements and verified by the City Engineer.

SECTION 4. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

**PASSED, APPROVED AND ADOPTED** this 25th day of September, 2018.

\_\_\_\_\_  
Arthur L. Welch, Mayor  
City of Banning

**ATTEST:**

\_\_\_\_\_  
Daryl Betancur, Deputy City Clerk  
City of Banning

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

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

**CERTIFICATION:**

I, Daryl Betancur, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2019-XX, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 26<sup>th</sup> day of February, 2019, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Daryl Betancur, Deputy City Clerk  
City of Banning, California

# **ATTACHMENT 2**

## Improvement Security Agreement-Cash Deposit

**IMPROVEMENT SECURITY AGREEMENT  
CASH DEPOSIT**

This Improvement Security Agreement ("Agreement") is dated February \_\_\_\_, 2019, and is entered into by and between the CITY OF BANNING, a California municipal corporation ("City"), and XTREME PALLETS, INC., a California corporation ("Owner").

**RECITALS**

A. City entered into that certain "Lien Contract for Improvements in public Right of Way" for APN 640-230-018 which is being acquired by Owner, which was recorded on July 23, 1979 as Document No. 154054 in the Official Records of Riverside County, California, and another "Lien Contract for Improvements in Public Right of Way" for APN 540-230-017 which is also being acquired by Owner, which was recorded on January 24, 1980 as Document No. 15992 in such Official Records (the "Lien Contracts").

B. The Lien Contracts create liens in favor of the City to secure certain right of way improvement obligations of Owner, and provide that the liens may be replaced with bonds, but Owner has requested that City accept cash collateral instead (in the amounts of \$9,200 for APN 620-230-018, and \$7,400 for APN 540-239-017), and City has agreed to accept such cash collateral in lieu of bonds (and to terminated the liens of record) provided Owner executes and delivers this Agreement and provides the cash collateral deposits by March 15, 2019.

NOW THEREFORE, it is agreed by and between the parties, in order to secure the obligations of Owner under the Lien Contracts and give assurance to the City that the improvements described will be made in accordance with the Lien Contracts, that:

1. On or before March 15, 2019, Owner shall deposit with City the sums of \$9,200 for the Lien Contract for APN 620-230-018 and \$7,400 for the Lien Contract for APN 540-230-017 ("Improvement Security").
2. Owner hereby grants a security interest in the Improvement Security to secure the obligations of Owner with the Lien Contracts to which each cash deposit relates (each deposit applying separately to the Lien Contract to which it relates).
3. Upon timely completion of the applicable work required by a Lien Contract, City shall release the applicable unapplied cash deposit to Owner; provided, however that if City elects to perform such work, City may apply the applicable deposit to City's costs in completing the work (including engineering costs) and then deliver the balance (if any) to Owner.
4. Owner acknowledges that upon Owner's acquisition of APNs 640-230-017 and 018, Owner shall be bound by the Lien Contracts, as amended/supplemented by this Agreement and two Termination of Lien documents being approved and

executed by the City and recorded upon such acquisition (after the delivery of this Agreement).

**OWNER (signature must be acknowledged):**

XTREME PALLETS, INC.,  
a California corporation

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**CITY:**

CITY OF BANNING

\_\_\_\_\_  
Douglas Schulze, City Manager

**ATTEST:**

\_\_\_\_\_  
Daryl Betancur, Deputy City Clerk

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 \_\_\_\_\_, before me, \_\_\_\_\_,  
(insert name and title of the officer)

Notary Public, personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)

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 \_\_\_\_\_, before me, \_\_\_\_\_,  
(insert name and title of the officer)

Notary Public, personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose  
name(s) is/are subscribed to the within instrument and acknowledged to me that  
he/she/they executed the same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of  
which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California  
that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)

**ATTACHMENT 3**  
Termination and Release  
of Lien  
(APN 540-230-018)

RECORDING REQUESTED BY,  
AND WHEN RECORDED MAIL  
TO:

City of Banning  
99 E. Ramsey Street  
Banning, CA 92220  
Attn: Ted Shove  
APN: 540-230-018

SPACE ABOVE THIS LINE FOR RECORDER'S USE

The undersigned declare that this Termination and Release of Lien is exempt from Recording Fees pursuant to California Government Code Section 27383.

**TERMINATION AND RELEASE OF LIEN**

(APN 540-230-018)

THIS TERMINATION AND RELEASE OF LIEN (this "Termination") is dated as of \_\_\_\_\_, 2019, and is executed by the CITY OF BANNING, a California municipal corporation ("City").

**RECITALS**

A. Ferenc Szecsy and Marcia Szecsy executed a Lien Contract for Improvements in Public Right of Way in favor of the City, which was recorded on July 23, 1979 as Document No. 154054 in the Official Records of Riverside County, California (the "Lien Contract").

B. Section 3 of the Lien Contract granted City a lien ("Lien") on the real property described in the Lien Contract to secure the performance of certain public improvements, including related engineering costs.

C. Said real property is currently owned by Kathy Lampert, as Successor Trustee of the Szecsy Family 2009 Trust u/d/t March 18, 2009, who desires to sell the real property.

D. Section 5 of the Lien Contract permits the lien to be replaced with certain bonds, and provides for the release of the lien by City upon City's receipt of acceptable bonds; however, the City has approved a cash collateral deposit of \$9,200 in lieu of the bonds.

E. City has received the acceptable said cash deposit as collateral to secure the improvement obligations and costs, and desires to terminate and release the lien.

TERMINATION

The Lien and Section 5 of the Lien Contract are hereby terminated, and the Lien is hereby "released", all as of the date of recordation hereof.

IN WITNESS WHEREOF, the City has executed this Termination as of the date and year first above written.

CITY:

CITY OF BANNING

By: \_\_\_\_\_  
Douglas Schulze, City Manager

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Daryl Betancur, Deputy City Clerk

\_\_\_\_\_  
Kevin G. Ennis, City Attorney

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of \_\_\_\_\_ )

On \_\_\_\_\_, before me,

\_\_\_\_\_  
,  
Notary Public, (insert name and title of the officer) personally appeared

\_\_\_\_\_  
, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)

# **ATTACHMENT 4**

## **Termination and Release of Lien (APN 540-230-017)**

RECORDING REQUESTED BY,  
AND WHEN RECORDED MAIL  
TO:

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

Attn: Ted Shove  
APN: 540-230-017

SPACE ABOVE THIS LINE FOR RECORDER'S USE

The undersigned declare that this Termination and Release of Lien is exempt from Recording Fees pursuant to California Government Code Section 27383.

**TERMINATION AND RELEASE OF LIEN**  
(APN 540-230-017)

THIS TERMINATION AND RELEASE OF LIEN (this "Termination") is dated as of \_\_\_\_\_, 2019, and is executed by the CITY OF BANNING, a California municipal corporation ("City").

**RECITALS**

A. Ferenc Szecsy and Marcia Szecsy executed a Lien Contract for Improvements in Public Right of Way in favor of the City, which was recorded on January 24, 1980 as Document No. 15992 in the Official Records of Riverside County, California (the "Lien Contract").

B. Section 3 of the Lien Contract granted City a lien ("Lien") on the real property described in the Lien Contract to secure the performance of certain public improvements, including related engineering costs.

C. Said real property is currently owned by Kathy Lampert, as Successor Trustee of the Szecsy Family 2009 Trust u/d/t March 18, 2009, who desires to sell the real property.

D. Section 5 of the Lien Contract permits the Lien to be replaced with certain bonds, and provides for the release of the Lien by City upon City's receipt of acceptable bonds; however, the City has approved a cash deposit of \$7,400 in lieu of the bonds.

E. City has received said cash deposit as collateral to secure the improvement obligations and costs, and desires to terminate and release the Lien.

TERMINATION

The Lien and Section 5 of the Lien Contract are hereby terminated, and the lien is hereby "released", all as of the date of recordation hereof.

IN WITNESS WHEREOF, the City has executed this Termination as of the date and year first above written.

CITY:

CITY OF BANNING

By: \_\_\_\_\_  
Douglas Schulze, City Manager

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Daryl Betancur, Deputy City Clerk

\_\_\_\_\_  
Kevin G. Ennis, City Attorney

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of \_\_\_\_\_ )

On \_\_\_\_\_, before me,

,  
Notary Public, \_\_\_\_\_ personally appeared  
(insert name and title of the officer)

, 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)

# **ATTACHMENT 5**

Excerpts from the Title  
Report

APN 540-230-017 and -018  
Dated November 26, 2018

15992

Assessors No. 940-230-017

Job Location: W/ of 1356 West Lincoln St.

NO FEES 6103 OF GOVERNMENT CODE  
 WHEN RECORDED, MAIL TO:  
 City Clerk  
 City of Banning  
 P.O. Box 998  
 Banning, California 92220

RECEIVED FOR RECORD  
 AT 11:00 O'CLOCK A.M.  
 City Clerk  
 Book 1980, Page 15992  
 JAN 24 1980  
 Recorded in Official Records  
 of Riverside County, California  
 Deputy D. Sullivan - Recorder  
 RES 8

LIEN CONTRACT FOR IMPROVEMENTS

IN PUBLIC RIGHT-OF-WAY

THIS AGREEMENT entered into by and between the CITY OF BANNING, A municipal corporation of the State of California, sometimes hereinafter referred to as "City", and Ferenc Szecsy and Marcia Szecsy

sometimes hereinafter referred to as "Property Owner".

WHEREAS, Property Owner has applied to City for a LLA 79-6 for the real property hereinafter described, now under Property Owner's ownership; and

WHEREAS, it has been determined and found that said property is not suitable for said LLA 79-6 in its present condition; however, said property would be suitable for said LLA 79-6 if certain improvements herein described will be constructed and certain irrevocable offers of dedication are made to City; and

WHEREAS, ordinances of the City require improvements and dedications as a condition of LLA 79-6; and

WHEREAS, it has been determined to be in the public interest to temporarily postpone the construction of said improvements; and

WHEREAS, Property Owner has requested said LLA 79-6 be granted by City in advance of the time said improvements are to be made.

NOW, THEREFORE, IT IS AGREED between the parties hereto as follows;

Section 1 That the City agrees to record the irrevocable offers of dedication made by the Property Owner.

Section 2. That the Property Owner, in lieu of making the improvements specified herein before said LLA 79-6 is granted, agrees to install and construct, or cause to be installed or constructed, the improvements herein set forth in accordance with plans and specifications approved by the City Engineer within 60 days after written demand so to do by City. The Property Owner shall not be required to make said improvements before July 1, 1981 or within such further period of time as is granted by City; provided, however, that upon the happening of either of the following occurrences said improvements may, at the sole election of the City, be required to be made sooner than said July 31, 1981 or such extended period of time which may have been granted by City;

(a) When the City Council finds that the owners of 40% or more of the frontage, including the frontage of the Property Owner, between intersecting streets on both sides of the street upon which the property herein described has frontage, have agreed with the City to install or have already installed street and/or utility installations.

RECORDER'S MEMO: Legality of writing. Typing or Printing UNSATISFACTORY

1592

(b) cont.

described has frontage, have petitioned the City to form an improvement district for the improvement of said streets and/or utility installations.

Said improvements shall be made without cost or expense to the City. City estimates that the cost of engineering and construction of said improvements at the time of signing this contract is \$ 2,354.00. Property Owner hereby acknowledges that said cost is a reasonable estimate of engineering and construction costs at this time and that the actual cost of same at some time in the future may exceed this estimate.

Section 3. That for the faithful performance of the promises and covenants herein contained, Property Owner hereby grants to City a lien upon the hereinafter described property in the amount of \$ 2,354.00, plus any future advances in excess of this sum resulting from increased engineering and construction costs, and in the event the Property Owner, his successors, heirs, assigns, or transferees fail to install or construct said improvements in the manner and within the time specified herein, he agrees that the City may do any or all of the following:

- (a) Have the necessary engineering for said improvements done and install and construct said improvements by contract or otherwise, City or its contractor and his employees may enter upon any portion or portions of the property reasonably necessary for said engineering and construction, and the entire cost and expense shall be charged against said property and payable by said Property Owner, his successors, heirs, assigns, or transferees, immediately upon completion of said improvements. In the event same is not paid within 30 days from completion, City may foreclose said lien as provided by law for the foreclosure of mortgages.
- (b) Direct the City Engineer to estimate the cost of necessary engineering, and the work required to install and construct said improvements, and foreclose said lien in said amount.
- (c) Pursue any remedy, legal or equitable (including those specifically referred to herein), for the foreclosure of a lien, and the Property Owner, his successors, heirs, assigns, and transferees, shall be liable for reasonable attorney's fees as a cost in said proceedings.

Section 4. That it is agreed that anything herein contained to the contrary notwithstanding, the promises and covenants made herein shall not be binding upon the holders, mortgages, or beneficiaries of any purchase money mortgage or purchase money deed of trust, for value which has been or may in the future be executed by the Property Owner, his successors, heirs, assigns, or transferees, and the lien hereby created shall be and is hereby subordinated to and declared to be inferior and subsequent in lien to the lien of any such purchase money mortgage or purchase money deed of trust. The lien hereby created shall likewise be of no force or effect against any owner whose title to the property hereinafter described is acquired by or as a result of a foreclosure or trustee sale of any such purchase money mortgage or purchase money deed of trust.

Section 5. That at any time during the period herein provided, the Property Owner, his successors, heirs, assigns, or transferees, shall deposit a cash bond or post a surety performance bond satisfactory to the City to charge said surety with the cost of said improvements; the amount of bond to be the estimated cost of engineering and improvements at the time of such deposit or posting as ascertained by the City Engineer, and that upon deposit of said cash or posting of said bond the City agrees to release to enable a record title of the property to be released from the lien herein imposed.

Section 6. Said City shall not, nor shall any officer or employee thereof, be liable or responsible for any accident, loss or damage happening or occurring to the work or improvements specified in this agreement prior to the completion and acceptance of the same, nor shall said City, nor any officer or employee thereof, be liable for any persons or property injured by reason of said work or improvements, but all of said liabilities shall be assumed by said Property Owner, and his successors, heirs, assigns, and transferees, and they shall save the City harmless from, and indemnify the City against, any and all claims, suits and liabilities of or to any person or property injured or claiming to be injured as a result of said work or improvements. Said Property Owner, and his successors, heirs, assigns, and transferees, further agrees to protect said City and the officers and the employees thereof from all liability or claim because of, or arising out of, the use of any patent or patented article in the construction of said improvements.

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Section 7. It is further agreed that said Property Owner will at all times up to the completion of and acceptance of said work and improvements by the City, give good and adequate warning to the traveling public of any dangerous or defective conditions of public property. The Property Owner hereby agrees to pay for such inspection of improvements as may be required by the City Engineer of City.

Section 8. This agreement and the covenants contained herein shall be binding upon and inure to the benefit of the successors, heirs, assigns, and transferees of Property Owner, shall run with said real property, and create an equitable servitude upon said real property.

Section 9. A description of the property referred to herein and upon which said lien is imposed is described as follows:

Parcel 1 of Parcel Map 75-5 as shown by map on file in Book 60, page 5 of Parcel Maps, Records of Riverside County, California.

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Section 10. The improvements required and the estimated costs thereof are as follows:

IMPROVEMENTS	ESTIMATED COSTS
1. Engineering-----	\$ 214.00
2. Concrete Curb and Gutter: 100 L.F. at \$ 3.00 L.F.-----	\$ 300.00
3. Paving 6' x 100' = 600 S.F. at \$ 2.00 S.F.-----	\$ 1,200.00
4. 1 Driveway Approach, 5' x 14' = 70 S.F. at \$2.00 S.F.-----	\$ 140.00
5. Sidewalk, 0' x 0' = 0 S.F. at \$ 0 S.F.-----	\$ 0
6. Other:-----	
TOTAL-----	\$ 2,354.00

ITEMS 2, 4, & 5: All work is to be in conformance with City Standards, copies of which are obtainable at the Engineering Department, City Hall.

ITEM 3: Pavement and base thickness to be constructed shall be determined by the resistance value of existing subgrade and the traffic indicated by the City Engineer, based on a 20 year pavement life.

- NOTE: 1) Place compacted fill to top of curb in the area between the curb and property line.
- 2) Do not encroach into the City owned right-of-way with fences, structures, sprinklers or decorative items.

ADDITIONAL NOTES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PROPERTY OWNER SIGNATURES

Ferenc Szecsy  
Marcia Szecsy  
 Ferenc Szecsy  
 Marcia Szecsy

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.

On July 12, 1979, before me, the undersigned, a Notary Public in and for said State, personally appeared Ferenc Szecsy and Marcia Szecsy, known to me to be the persons whose names are subscribed to the within instrument as Property Owners, and acknowledged that they executed the same.

WITNESS my hand and official seal.

Connie G. Pe Hau  
 Notary Public in and for said County and State:



15992

WITNESS our hands and seals this 14th. day of January, 1980

CITY OF BANNING, a municipal corporation of the State of California,

By E. Brigitte Page Mayor

ATTEST:

Darlene Litton  
City Clerk

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.

On January 14, 1980 before me, the undersigned, a Notary Public in and for said State, personally appeared E. Brigitte Page, Mayor, and Darlene Litton, known to me to be the City Clerk of the City of Banning, the municipal corporation which executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the within instrument pursuant to a resolution of the City Council.

WITNESS my hand and official seal.

Connie G. Pehau  
Notary Public in and for said County and State.



END RECORDED DOCUMENT DONALD D. SULLIVAN, COUNTY RECORDER

15992

Assessors No. 640-230-017  
Job Location: W/ of 1356 West Lincoln St.

NO FEES 6103 OF GOVERNMENT CODE  
WHEN RECORDED, MAIL TO:  
City Clerk  
City of Banning  
P.O. Box 998  
Banning, California 92220

RECEIVED FOR RECORD  
AT 11:00 O'CLOCK A.M.  
City Clerk  
Book 1987, Page 15992  
JAN 24 1980  
Recorded in Official Records  
of Riverside County, California  
D. J. [Signature]  
FEE \$ [Signature]

LIEN CONTRACT FOR IMPROVEMENTS  
IN PUBLIC RIGHT-OF-WAY

THIS AGREEMENT entered into by and between the CITY OF BANNING, A municipal corporation of the State of California, sometimes hereinafter referred to as "City", and Ferenc Szecsy and Marcia Szecsy

sometimes hereinafter referred to as "Property Owner".

WHEREAS, Property Owner has applied to City for a LLA 79-6 for the real property hereinafter described, now under Property Owner's ownership; and

WHEREAS, it has been determined and found that said property is not suitable for said LLA 79-6 in its present condition; however, said property would be suitable for said LLA 79-6 if certain improvements herein described will be constructed and certain irrevocable offers of dedication are made to City; and

WHEREAS, ordinances of the City require improvements and dedications as a condition of LLA 79-6; and

WHEREAS, it has been determined to be in the public interest to temporarily postpone the construction of said improvements; and

WHEREAS, Property Owner has requested said LLA 79-6 be granted by City in advance of the time said improvements are to be made.

NOW, THEREFORE, IT IS AGREED between the parties hereto as follows;

Section 1 That the City agrees to record the irrevocable offers of dedication made by the Property Owner.

Section 2. That the Property Owner, in lieu of making the improvements specified herein before said LLA 79-6 is granted, agrees to install and construct, or cause to be installed or constructed, the improvements herein set forth in accordance with plans and specifications approved by the City Engineer within 60 days after written demand so to do by City. The Property Owner shall not be required to make said improvements before July 1, 1981 or within such further period of time as is granted by City; provided, however, that upon the happening of either of the following occurrences said improvements may, at the sole election of the City, be required to be made sooner than said July 31, 1981 or such extended period of time which may have been granted by City:

- (a) When the City Council finds that the owners of 40% or more of the frontage, including the frontage of the Property Owner, between intersecting streets on both sides of the street upon which the property herein described has frontage, have agreed with the City to install or have already installed street and/or utility installations.

RECORDER'S MEMO - Legality of writing.  
Typing or Printing UNSATISFACTORY

(b) cont. described has frontage, have petitioned the City to form an improvement district for the improvement of said streets and/or utility installations.

Said improvements shall be made without cost or expense to the City. City estimates that the cost of engineering and construction of said improvements at the time of signing this contract is \$ 2,354.00. Property Owner hereby acknowledges that said cost is a reasonable estimate of engineering and construction costs at this time and that the actual cost of same at some time in the future may exceed this estimate.

Section 3. That for the faithful performance of the promises and covenants herein contained, Property Owner hereby grants to City a lien upon the herein-after described property in the amount of \$ 2,354.00, plus any future advances in excess of this sum resulting from increased engineering and construction costs, and in the event the Property Owner, his successors, heirs, assigns, or transferees fail to install or construct said improvements in the manner and within the time specified herein, he agrees that the City may do any or all of the following:

- (a) Have the necessary engineering for said improvements done and install and construct said improvements by contract or otherwise. City or its contractor and his employees may enter upon any portion or portions of the property reasonably necessary for said engineering and construction, and the entire cost and expense shall be charged against said property and payable by said Property Owner, his successors, heirs, assigns, or transferees, immediately upon completion of said improvements. In the event same is not paid within 30 days from completion, City may foreclose said lien as provided by law for the foreclosure of mortgages.
- (b) Direct the City Engineer to estimate the cost of necessary engineering, and the work required to install and construct said improvements, and foreclose said lien in said amount.
- (c) Pursue any remedy, legal or equitable (including those specifically referred to herein), for the foreclosure of a lien, and the Property Owner, his successors, heirs, assigns, and transferees, shall be liable for reasonable attorney's fees as a cost in said proceedings.

Section 4. That it is agreed that anything herein contained to the contrary notwithstanding, the promises and covenants made herein shall not be binding upon the holders, mortgages, or beneficiaries of any purchase money mortgage or purchase money deed of trust, for value which has been or may in the future be executed by the Property Owner, his successors, heirs, assigns, or transferees, and the lien hereby created shall be and is hereby subordinated to and declared to be inferior and subsequent in lien to the lien of any such purchase money mortgage or purchase money deed of trust. The lien hereby created shall likewise be of no force or effect against any owner whose title to the property hereinafter described is acquired by or as a result of a foreclosure or trustee sale of any such purchase money mortgage or purchase money deed of trust.

Section 5. That at any time during the period herein provided, the Property Owner, his successors, heirs, assigns, or transferees, shall deposit a cash bond or post a surety performance bond satisfactory to the City to charge said surety with the cost of said improvements; the amount of bond to be the estimated cost of engineering and improvements at the time of such deposit or posting as ascertained by the City Engineer, and that upon deposit of said cash or posting of said bond the City agrees to release to enable a record title of the property to be released from the lien herein imposed.

Section 6. Said City shall not, nor shall any officer or employee thereof, be liable or responsible for any accident, loss or damage happening or occurring to the work or improvements specified in this agreement prior to the completion and acceptance of the same, nor shall said City, nor any officer or employee thereof, be liable for any persons or property injured by reason of said work or improvements, but all of said liabilities shall be assumed by said Property Owner, and his successors, heirs, assigns, and transferees, and they shall save the City harmless from, and indemnify the City against, any and all claims, suits and liabilities of or to any person or property injured or claiming to be injured as a result of said work or improvements. Said Property Owner, and his successors, heirs, assigns, and transferees, further agrees to protect said City and the officers and the employees thereof from all liability or claim because of, or arising out of, the use of any patent or patented article in the construction of said improvements.

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Section 7. It is further agreed that said Property Owner will at all times up to the completion of and acceptance of said work and improvements by the City, give good and adequate warning to the traveling public of any dangerous or defective conditions of public property. The Property Owner hereby agrees to pay for such inspection of improvements as may be required by the City Engineer of City.

Section 8. This agreement and the covenants contained herein shall be binding upon and inure to the benefit of the successors, heirs, assigns, and transferees of Property Owner, shall run with said real property, and create an equitable servitude upon said real property.

Section 9. A description of the property referred to herein and upon which said lien is imposed is described as follows:

Parcel 1 or Parcel Map 75-5 as shown by map on file in Book 60, page 5 of Parcel Maps, Records of Riverside County, California.

15992

Section 10. The improvements required and the estimated costs thereof are as follows:

IMPROVEMENTS	ESTIMATED COSTS
1. Engineering-----	\$ 214.00
2. Concrete Curb and Gutter: 100 L.F. at \$ 8.00 L.F.-----	\$ 800.00
3. Paving 6' x 100' = 600 S.F. at \$ 2.00 S.F.-----	\$ 1,200.00
4. 1 Driveway Approach, 5' x 14' = 70 S.F. at \$2.00 S.F.--	\$ 140.00
5. Sidewalk, 0' x 0' = 0 S.F. at \$ 0 S.F.-----	\$ 0
6. Other:-----	
TOTAL-----	\$ 2,354.00

ITEMS 2, 4, & 5: All work is to be in conformance with City Standards, copies of which are obtainable at the Engineering Department, City Hall.

ITEM 3: Pavement and base thickness to be constructed shall be determined by the resistance value of existing subgrade and the traffic and determined by the City Engineer, based on a 20 year pavement life.

- NOTE: 1) Place compacted fill to top of curb in the area between the curb and property line.
- 2) Do not encroach into the City owned right-of-way with fences, structures, sprinklers or decorative items.

ADDITIONAL NOTES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PROPERTY OWNER SIGNATURES

Ferenc Szecsy  
Marcia Szecsy  
 Ferenc Szecsy  
 Marcia Szecsy

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.

On July 12, 1979, before me, the undersigned, a Notary Public in and for said State, personally appeared Ferenc Szecsy and Marcia Szecsy, known to me to be the persons whose names are subscribed to the within instrument as Property Owners, and acknowledged that they executed the same.

WITNESS my hand and official seal.

Connie G. Pe Hau  
 Notary Public in and for said County and State:



15992

WITNESS our hands and seals this 14th day of January, 1980

CITY OF BANNING, a municipal corporation of the State of California,

By E. Brigitte Page Mayor

ATTEST:

Darlene Litton  
City Clerk

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.

On January 14, 1980 before me, the undersigned, a Notary Public in and for said State, personally appeared E. Brigitte Page known to me to be the Mayor, and Darlene Litton known to me to be the City Clerk of the City of Banning, the municipal corporation which executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the within instrument pursuant to a resolution of the City Council.

WITNESS my hand and official seal.

Connie G. Pehau  
Notary Public in and for said County and State.



-5-

END RECORDED DOCUMENT DONALD D. SULLIVAN, COUNTY RECORDER

DOC # 2008-0124006

03/13/2008 08:00A Fee:25.00

Page 1 of 7

Recorded in Official Records

County of Riverside

Larry M. Ward

Assessor, County Clerk & Recorder



PLEASE COMPLETE THIS INFORMATION  
RECORDING REQUESTED BY:

AND WHEN RECORDED MAIL TO:

BURKE, WILLIAMS AND SORENSEN  
2280 MARKET STREET STE # 300  
RIVERSIDE, CALIFORNIA.  
92501-2121

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(Proposed) PERMANENT INJUNCTION

Title of Document

THIS AREA FOR  
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USE ONLY

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION  
(\$3:00 Additional Recording Fee Applies)

ACR 238P-AS4RE0 (Rev. 06/2007)

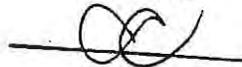
JAN 30 2008

1 JULIE HAYWARD BIGGS, CITY ATTORNEY  
2 CITY OF BANNING; and  
3 Philip A. Kraft (SBN 226639)  
4 Stephen A. McEwen (SBN 186512)  
5 BURKE, WILLIAMS & SORENSEN, LLP  
2280 Market Street, Suite 300  
6 Riverside, CA 92501-2121  
7 Tel: 951.788.0100 Fax: 951.788.5785  
8 Email: pkraft@bwslaw.com

9 Attorneys for Plaintiffs People of the State of  
10 California, and City of Banning

FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

FEB 27 2008



DMR  
MAR 01 2008

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 COUNTY OF RIVERSIDE

13 PEOPLE OF THE STATE OF  
14 CALIFORNIA, and CITY OF BANNING,,  
15

16 Plaintiffs,

17 v.

18 FERENC SZECZY, an individual;  
19 MARCIA SZECZY, an individual; DOES  
20 1 through 20,,  
21

22 Defendants.

Case No. RIC 446137

[Proposed] PERMANENT INJUNCTION

Judge: Hon. Gloria Connor Trask  
Dept. 4

23 TO DEFENDANTS FERENC SZECZY AND MARICA SZECZY:

24 Based on the Complaint filed by Plaintiffs the People of the State of California and the  
25 City of Banning (collectively "Plaintiffs"), all other papers and pleadings on file herein, and good  
26 cause appearing therefore, a Permanent Injunction is hereby issued and IT IS HEREBY  
27

28 ORDERED:

1. Defendants will continue to maintain the listing of the improved property located at 1356 W. Lincoln Street in the City of Banning, California, and also known as County of Riverside Assessor's Parcel Number 540-230-033 (the "Property") for sale with a licensed real estate broker or agent;
2. Defendants will continue diligent efforts to sell the Property;

BURKE, WILLIAMS &  
SORENSEN, LLP  
ATTORNEYS AT LAW  
RIVERSIDE

RIV #4826-1771-4689 v1

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[PROPOSED] PERMANENT INJUNCTION

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- 3. As a condition of escrow, the purchaser of the Property must bring the building on the unimproved property into full compliance with the Banning Municipal Code within three (3) months from the date of sale by doing the following:
  - (a) Within thirty (30) days from the date of close of escrow for sale of the Property, the purchaser shall submit a Building Permit Application to the City of Banning Building & Safety Division, along with all required fees and documentation, for the building on the improved property;
  - (b) Within thirty (30) days after issuance of a Building Permit from the City of Banning Building & Safety Division, the purchaser shall finish all repairs and obtain final inspections and approvals on any permit for repair of the exterior of the building on the improved property, including roof areas, eave areas, and/or exterior walls;
  - (c) Within ninety (90) days from the date of close of escrow for sale of the Property, the purchaser shall apply for and obtain a Certificate of Occupancy for the building on the improved property consistent with the applicable "Business Park" zoning;
  - (d) Alternatively, within thirty (30) days from the date of close of escrow for sale of the Property, the purchaser shall apply for and obtain a demolition permit, and demolish the building on the improved property within sixty (60) days from the date of close of escrow sale of the Property.
  
- 4. If Defendants remove the Property from being listed for sale, or otherwise discontinue diligent efforts to sell the Property, then within three (3) months of such removal Defendants must bring the building on the unimproved property into compliance by doing the following:
  - (a) Within thirty (30) days from the date that the Property ceases being listed for sale, Defendants shall submit a Building Permit Application to the City of Banning Building & Safety Division, along with all required fees and documentation, for the building on the improved property;

BURKE, WILLIAMS &  
SORENSEN, LLP  
ATTORNEYS AT LAW  
RIVERSIDE

RIV #4826-1771-4689 v1

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[PROPOSED] PERMANENT INJUNCTION

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- (b) Within thirty (30) days after issuance of a Building Permit from the City of Banning Building & Safety Division, Defendants shall finish all repairs and obtain final inspections and approvals on any permit for repair of the exterior of the building on the improved property, including roof areas, eave areas, and/or exterior walls;
  - (c) Within ninety (90) days from the date that the Property ceases being listed for sale, Defendants shall apply for and obtain a Certificate of Occupancy for the building on the improved property consistent with the applicable "Business Park" zoning;
  - (d) Alternatively, within thirty (30) days from the date that the Property ceases being listed for sale, Defendants shall apply for and obtain a demolition permit, and demolish the building on the improved property within sixty (60) days from the date that the Property ceases being listed for sale.
5. Aside from the above terms relating to the building on the improved, Defendants are required to maintain the Property in compliance with applicable state and local building, zoning, housing, property maintenance, electrical, plumbing, mechanical, administrative, and health and safety codes on an ongoing bases;
  6. Any violations of the aforementioned orders or any other terms of the injunction may result in a finding of contempt upon further application to the court by Plaintiffs or other aggrieved person;
  7. Any violations of the aforementioned orders or any other terms of the injunction may result in sanctions of \$1,000.00 per violation per day upon further application to the Court by Plaintiffs or other aggrieved person;
  8. If Defendants or the successor property owners fail to abate the nuisance as specified, then Plaintiffs can do so at Defendants' or the successor property owners' expense upon further application to the Court;
  9. If Defendants or the successor property owners fail to abate the nuisances as specified, then a receiver can be appointed to do so at Defendants' or the successor

BURKE, WILLIAMS &  
SORENSEN, LLP  
ATTORNEYS AT LAW  
RIVERSIDE

RJV #4826-1771-4689 v1

- 3 -

[PROPOSED] PERMANENT INJUNCTION

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property owners' expense upon further application to the Court by Plaintiffs or other aggrieved person;

10. The Permanent Injunction shall be effective against Defendants so long as Defendants retain record title to the Property, and shall be binding upon and inure to the benefit of the Stipulating Parties as well as their respective successors, heirs, and/or assigns, and their respective affiliates, partners, joint ventures, principals, shareholders, directors, officers, employees, counsel, agents, and/or representatives;

11. The Permanent Injunction shall be recordable as against the Property in the County of Riverside.

Dated: 2/6/08

By: *Alma C. Lee*  
JUDGE OF THE SUPERIOR COURT

**PROOF OF SERVICE BY MAIL**

I am a citizen of the United States and employed in Riverside County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 2280 Market Street, Suite 300, Riverside, California 92501-2121. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On January 29, 2008, I placed with this firm at the above address for deposit with the United States Postal Service a true and correct copy of the within document(s):

[Proposed] PERMANENT INJUNCTION

in a sealed envelope, postage fully paid, addressed as follows:

Steven J. Zipperman, Esq.  
Law Offices of Steven J. Zipperman, APC  
One Mountain Gate  
Coto de Caza, CA 92679

Following ordinary business practices, the envelope was sealed and placed for collection and mailing on this date, and would, in the ordinary course of business, be deposited with the United States Postal Service on this date.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on January 29, 2008, at Riverside, California.

This must be filed in the  
**CERTIFIED COPY**

I, Josh Belmont  
Deputy Clerk of the Superior Court of California,  
County of Riverside, do hereby certify that the within-entitled document is a true and correct copy of the original on file and to record in my office.

Deputy  
County of Riverside  
Superior Court of California

(Date) \_\_\_\_\_  
DEPUTY

**CERTIFIED COPY**  
Certification must be filed in the



BURKS, WILLIAMS &  
SORENSEN, LLP  
ATTORNEYS AT LAW  
RIVERSIDE

[PROPOSED] PERMANENT INJUNCTION

This must be in red to be a  
"CERTIFIED COPY"

Each document to which this certificate is attached  
is certified to be a full, true and correct copy of the  
original on file and of record in my office.

Superior Court of California  
County of Riverside

By Robert Ferguson  
DEPUTY

Dated: 3/9/08

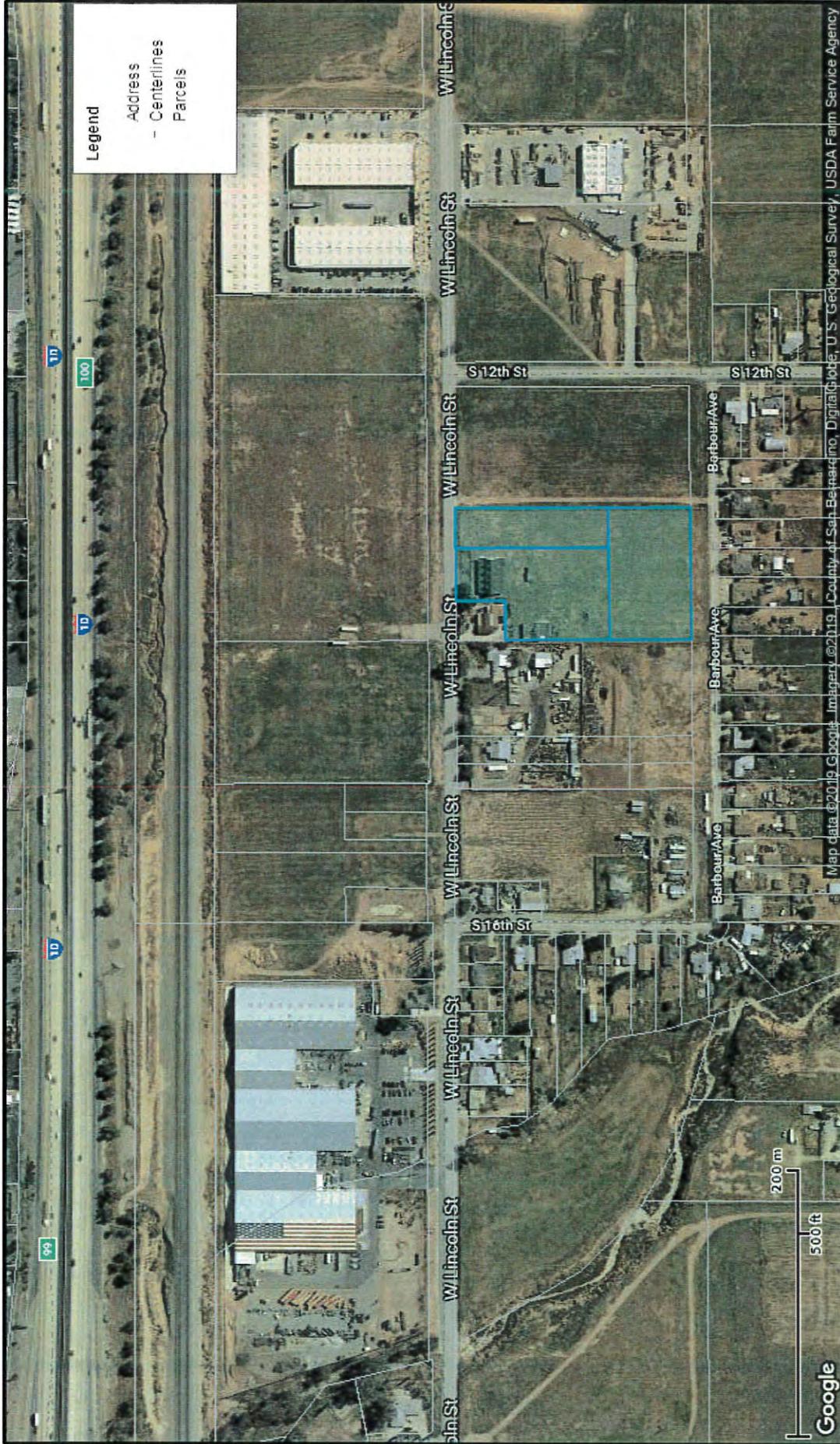


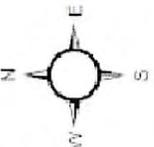
Certification must be in red to be a  
"CERTIFIED COPY"

# **ATTACHMENT 6**

## Aerial Map

# Aerial Map - 1356 W. Lincoln Street



<p>1" = 376 ft</p>	<p>Formerly APNs 540-230-017 and 018</p>	<p>02/19/2019</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>				

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**CITY OF BANNING  
CITY COUNCIL REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Maryann Marks, AICP, Interim Community Development Director  
Sandra Calderon, Development Project Coordinator

**MEETING DATE:** February 26, 2019

**SUBJECT:** DISCUSS AND CONSIDER APPROVING A TWELVE (12) MONTH EXTENSION OF TIME FOR TENTATIVE TRACT MAP NO. 36939 FOR PROPERTY GENERALLY LOCATED NORTH OF WILSON STREET BETWEEN SUNSET AVENUE AND SUNRISE AVENUE, (APN'S 535-430-001 THRU 021, 535-431-001 THRU 015, 535-432-001 THRU 017, 535-070-004 THRU 006) AND ADOPT RESOLUTION NO. 2019-18 GRANTING THE REQUESTED TWELVE (12) MONTH EXTENSION OF TIME.

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**RECOMMENDATION:**

That the City Council:

1. Conduct a Public Hearing on the proposed extension of time for Tentative Tract Map No. 36939; and
2. Adopt Resolution No. 2019-18 approving a twelve (12) month extension of time for Tentative Tract Map No. 36939.

**APPLICANT INFORMATION:**

**PROJECT APPLICANT:** Banning 97, LLC  
10621 Civic Center Drive  
Rancho Cucamonga

**PROPERTY OWNER:** Banning 97, LLC  
10621 Civic Center Drive

Rancho Cucamonga

**PROJECT LOCATION:** Generally located north of Wilson Street between Sunset Ave. and Sunrise Ave.

**APN INFORMATION:** 535-430-001 thru 021, 535-431-001 thru 015, 535-432-001 thru 017, 535-070-004 thru 006.

**PROJECT AREA:** 34.6 acres

**JUSTIFICATION:**

In accordance with California Government Code (CGC) Section 66452.6 (a) (1), an approved or conditionally approved tentative map expires 24 months after its approval or conditional approval, or after any additional time as may be prescribed by local ordinance, not to exceed a total of 36 months. Pursuant to Condition of Approval No. 3, Tentative Tract Map was granted an initial duration of two (2) years. CGC Section 66452.6 (e) allows for extensions of time for approved or conditionally approved tentative maps if the subdivider submits an application for an extension prior to the expiration of the map.

Tentative maps may be extended by the legislative body for a period or periods not exceeding a total of six years. Therefore, an approved tentative map may remain active for at least a total of eight years, with City Council granted discretionary extensions, before expiring. Additional extensions of time may result from the filing of a phased final maps for part of the property, or by acts of the State Legislature known as automatic "Legislative Extensions".

**BACKGROUND:**

On February 23, 2016, the City Council approved Tentative Tract Map 36939 (Attachment 2) and Zone Change No. 15-3501 amending the zoning map to eliminate the RL-10,000 overlay affecting the western portion of the site to low density residential (LDR, 0 to 5 units per acre) and adopted a Mitigated Negative Declaration and a Mitigation, Monitoring, and Reporting Program to allow the subdivision of a 34.6 acre site to create 98 numbered lots for single-family residential development and three (3) lettered lots; The original approval of Tentative Tract Map 36939 provided for a 24-month expiration date of February 23, 2018 by adoption of Ordinance 1495 (Attachment 4),

In 2018, the City Council approved the first twelve (12) month extension of time for Tentative Tract Map 36939 under Government Code Section 66452.6(e) by adoption of Resolution No. 2018-14 (Attachment 3) which extended the life of the Map to February 23, 2019.

On December 19, 2018, the Planning Division received an application from the project applicant seeking approval of a second twelve (12) month extension of time for Tentative Tract Map No. 36939 under Government Code Section 66452.6(e).

**ANALYSIS:**

Government Code Section 66452.6(e) authorizes the extension of the life of Tentative Tract Map No. 36939 for up to an additional four years. If approved, the extension of time will extend the life of the Map to February 23, 2020, and will require the project applicant to record the Final Map by or before that date, unless by that date, the applicant files for another extension, and thereafter the City Council grants another extension to the life of the Map.

The Council's approval of the requested 12-month extension of time would provide the subdivider with additional time to develop the Tentative Tract Map.

**FISCAL IMPACT:**

There are no direct fiscal impacts to the General Fund from this action. However, should the applicant record the Final Tract Map and obtain permits for the project, the City would receive building permit fees, development impact fees and eventually a portion of the increased property taxes generated from the property.

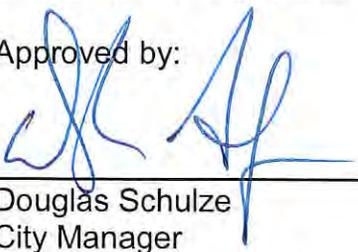
**PUBLIC COMMUNICATION:**

The proposed Tentative Map Extension was advertised in the Record Gazette newspaper on February 15, 2019. Additionally, notice was mailed to all property owners within 300 feet of the project. As of the date of this report, staff has not received any verbal or written comments for or against the proposal.

**ATTACHMENTS:**

1. Resolution 2019-18
2. TTM 36939
3. Copy of Resolution 2018-14
4. Copy of Ordinance 1495 approving TTM 36939
5. Public Hearing Notice

Approved by:



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Douglas Schulze  
City Manager

# **ATTACHMENT 1**

## **Resolution 2019-18**

## RESOLUTION 2019-18

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING A TWELVE (12) MONTH TIME EXTENSION FOR TENTATIVE TRACT MAP 36939 (TTM 36939)

**WHEREAS**, an application for an extension of time for Tentative Tract Map No. 36939 has been duly filed by:

Project Applicant: Banning 97, LLC

Project Location: Generally located north of Wilson Street between Sunset Ave. and Sunrise Ave.

APNs: 535-430-001 thru 021, 535-431-001 thru 015, 535-432-001 thru 017, 535-070-004 thru 006.

Project Area: 34.6 Acres

**WHEREAS**, on February 23, 2016, by adoption of Ordinance 1495, the City Council of the City of Banning approved Tentative Tract Map 36939 to allow the subdivision of a 34.6 acre site to create 98 numbered lots for single-family residential development and three (3) lettered lots; and, zone change amending the zoning map to eliminate the RL-10,000 overlay affecting the western portion of the site to low density residential (LDR, 0 to 5 units per acre);

**WHEREAS**, the original approval on February 23, 2016 provided the applicant two (2) years in which to obtain final approval of the map (until February 23, 2018).

**WHEREAS**, on February 23, 2016, by the adoption of Ordinance 1495, the City Council also adopted a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program in connection with the approval of the Tentative Tract Map 36939 after finding that with mitigation, the environmental impacts of the project could be mitigated to less than significance; **WHEREAS**, On February 27, 2018, the City Council approved the first twelve (12) month extension of time for Tentative Tract Map No. 36939 by adoption of Resolution 2018-14, extending the life of the Map to February 23, 2019.

**WHEREAS**, on December 19, 2018, the project applicant timely filed an application seeking a second twelve (12) month extension of time for Tentative Tract Map 36939; and

**WHEREAS**, on February 26, 2019, the City Council held a duly noticed public hearing to consider the proposed extension of time for Tentative Tract Map 36939.

**WHEREAS**, it has been determined by City Staff that no additional environmental review is required in connection with the approval of this extension pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162 because the previous Mitigated Negative Declaration was duly adopted for this project and no substantial changes to the project or the circumstances surrounding the project require major revisions are proposed by the extension of time for the tentative map;

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Banning hereby approves an additional twelve (12) month extension of time for Tentative Tract Map No. 36939 in accordance with Government Code Section 66452.6 so as to extend the duration of the map until February 23, 2020. Therefore, Tentative Tract Map 36939 shall expire February 23, 2020.

**SECTION 1. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.**

**PASSED, APPROVED AND ADOPTED** this 26<sup>th</sup> day of February, 2019.

\_\_\_\_\_  
Arthur L. Welch, Mayor  
City of Banning, California

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

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

**ATTEST:**

\_\_\_\_\_  
Daryl Betancur, Deputy City Clerk  
City of Banning, California

**CERTIFICATION:**

I, Daryl Betancur, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2019-18 was duly adopted by the City Council of the City of Banning at a regular meeting thereof held on the 26<sup>th</sup> day of February 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Daryl Betancur, Deputy City Clerk  
City of Banning, California

# **ATTACHMENT 2**

**TTM 36939**



# **ATTACHMENT 3**

Copy of Resolution  
2018-14

**RESOLUTION 2018-14**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING A TWELVE (12) MONTH TIME EXTENSION FOR TENTATIVE TRACT MAP 36939 (TTM 36939)**

**WHEREAS**, an application for time extension for Tentative Tract Map 36939 has been duly filed by:

Project Applicant: Banning Wilson 97, LLC  
Project Location: Generally located north of Wilson Street between Sunset and Sunrise.  
APN's: 535-430-001 thru 021, 535-431-001 thru 015, 535-432-001 thru 017, 535-070-004 thru 006.  
Project Area: 34.6 Acres

**WHEREAS**, it has been determined by City Staff 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 for this project 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 February 23, 2016, by adoption of Ordinance 1495, the City Council of the City of Banning approved Tentative Tract Map 36939 to allow the subdivision of a 34.6 acre site to create 98 numbered lots for single-family residential development and three (3) lettered lots; and, zone change amending the zoning map to eliminate the RL-10,000 overlay affecting the western portion of the site to low density residential (LDR, 0 to 5 units per acre);

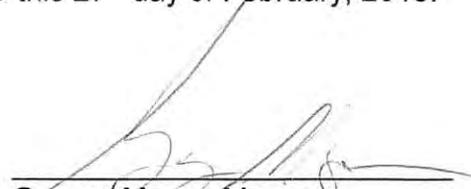
**WHEREAS**, the original approval on February 23, 2016 provided the applicant two (2) years in which to obtain final approval of the map (until February 23, 2018).

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

**Section 1.** The City Council of the City of Banning hereby approves a twelve (12) month extension of time to the expiration of Tentative Tract Map 36939 in accordance with Government Code Section 66452.6. With this approval, Tentative Tract Map shall expire on February 23, 2019.

**Section 2.** The City Clerk shall certify to the adoption of this Resolution and place the original in the book of Resolutions of the City Council.

**PASSED, APPROVED AND ADOPTED** this 27<sup>th</sup> day of February, 2018.



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George Moyer, Mayor  
City of Banning, California

**ATTEST:**



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Sonja De La Fuente, Deputy City Clerk  
City of Banning, California

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



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

**CERTIFICATION:**

I, Sonja De La Fuente, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2018-14 was duly adopted by the City Council of the City of Banning at a regular meeting thereof held on the 27<sup>th</sup> day of February, 2018, by the following vote, to wit:

AYES: Council Members Andrade, Franklin, Peterson, Welch, and Mayor Moyer

NOES: None

ABSENT: None

ABSTAIN: None



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Sonja De La Fuente, Deputy City Clerk  
City of Banning, California

# **ATTACHMENT 4**

Copy of Ordinance 1495 with Mitigation,  
Monitoring, Reporting Program (MMRP) and  
Conditions of Approval

**ORDINANCE NO. 1495**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION, MONITORING, AND REPORTING PROGRAM; APPROVING TENTATIVE TRACT MAP NO. 15-4501 (TTM 36939) TO SUBDIVIDE A 34.6 ACRE SITE TO CREATE 98 NUMBERED LOTS FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENT AND THREE (3) LETTERED LOTS; AND, ZONE CHANGE NO. 15-3501 AMENDING THE ZONING MAP TO ELIMINATE THE RL-10,000 OVERLAY AFFECTING THE WESTERN PORTION OF THE SITE TO LOW DENSITY RESIDENTIAL (LDR, 0 TO 5 UNITS PER ACRE)**

**WHEREAS**, the applicant has submitted an application for a Zone Change and Tentative Tract Map so that the Planning Commission and City Council may consider the proposed amendment to the Zoning Map to eliminate the RL-10,000 Overlay and maintain the site's Low Density Residential (LDR) zoning designation, and Tentative Tract Map 36939 to subdivide a 34.6 acre lot for purposes of creating 98 single-family lots and 3 lettered lots, which was duly filed by:

Project Applicant:	Peter J. Pitassi 10621 Civic Center Drive Diversified Pacific Rancho Cucamonga, CA 91730
Project Owner:	Banning Wilson 97, LLC 10621 Civic Center Drive Rancho Cucamonga, CA 91730
Project Developer:	Banning Wilson 97, LLC 10621 Civic Center Drive Rancho Cucamonga, CA 91730
Parcel Address:	Generally located north of Wilson Street between Sunset and Sunrise Avenue
APN's:	APN 535-430-001 thru 021, 535-431-001 thru 015, 535- 432-001 thru 017, 535-070-004 and 006)
Site Area:	34.6 Acres

**WHEREAS**, the Municipal Code allows the subdivision of approximately 34.6 acres within the Low Density Residential zoning district into 98 parcels subject to the approval of the Zone Change to remove the exiting RL-10,000 Overlay; and

**WHEREAS**, the Community Development Department has evaluated the project's potential effects on the environment as required under the California Environmental Quality Act ("CEQA") and prepared a Mitigated Negative Declaration (MND) in compliance with CEQA Statue Section 21064.5 which incorporates conditions and mitigation measures that reduce the potential impacts of the project below significance; and

**WHEREAS**, on November 20, 2015, and December 11, 2015, the City gave public notice as required under Government Code Section 66451.3 by advertising in the Record Gazette Newspaper, and mailing notices to all property owners within 300 feet of the project site of the holding of a public hearing for the Planning Commission's review, at which time the project would be considered; and

**WHEREAS**, the Mitigated Negative Declaration's Notice of Intent/Notice of Availability regarding Tentative Tract Map 36939 and Zone Change, was advertised in the Record Gazette and The Press Enterprise newspapers on October 16, 2015, and December 17, 2015, respectively. Additionally, the notice was mailed to all property owners within 300 feet of the Project; and

**WHEREAS**, on December 2, 2015, and January 6, 2016, the Planning Commission held the noticed public hearings at which time interested persons had an opportunity to testify in support of, or opposition to, the project and at which the Planning Commission considered the Mitigated Negative Declaration, Zone Change and Tentative Tract Map 36939; and

**WHEREAS**, on January 29, 2016, the City gave public notice as required under Government Code Section 66451.3 by advertising in the Record Gazette Newspaper, and mailing notices to all property owners within 300 feet of the project site of the holding of a public hearing for the City Council's review, at which time the project would be considered; and

**WHEREAS**, on February 9, 2016, the City Council held the noticed public hearing at which time interested persons had an opportunity to testify in support of, or opposition to, the project and at which the City Council considered the Mitigated Negative Declaration, Zone Change and Tentative Tract Map 36939; and

**WHEREAS**, at these public hearings, the Planning Commission and City Council considered, heard public comments on, and adopted a Mitigated Negative Declaration for the Project;

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

**SECTION 1. ENVIRONMENTAL FINDINGS**

The City Council, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines, the recommendation of the Community Development Department as provided in the Staff Report dated February 9, 2016, and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and §21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. California Environmental Quality Act (CEQA)

The approval of the Tentative Tract Map 36939 is in compliance with the requirements of CEQA, in that on January 6, 2016, at a duly noticed public hearing, the Planning Commission approved and adopted a Mitigated Negative Declaration and Mitigation Monitoring Program reflecting its independent judgment and analysis and documenting that there was no substantial evidence, in light of the whole record, from which it could be fairly argued that the Project may have a significant effect on the environment. The documents comprising the City's environmental review for the Project are on file and available for public review at Banning City Hall, 99 E. Ramsey Street, Banning, California 92220.

2. 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. MAP ACT FINDINGS

In accordance with Banning Municipal Code § 22-27 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 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 (TTM) 36939 is consistent and compatible with the objectives, policies, general land uses, and programs specified in the City's General Plan.

**Findings of Fact:** The General Plan land use designation for the site is classified as Low Density Residential (LDR) which allows housing densities from 0 to 5 dwelling units per acre. The proposed Map will result in the development of 98 single family residential dwelling units at a density of 2.8 units per acre. With the elimination of the RL-10,000 overlay zone currently overlying a portion of the property, this density level is within the range permitted under the General Plan land use designation for this site. One of the primary policies of the Land Use Element of the General Plan is that projects adjacent to existing neighborhoods shall be carefully reviewed to assure that neighborhood character is protected. The proposed Tentative Tract Map serves to achieve this objective in that the rezoning and subdivision design is consistent with existing neighborhood housing stock. 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 districts within the general vicinity of the Project.

2. The design and improvement of the subdivision proposed under Tentative Tract Map 36939 is consistent with the City's General Plan.

**Findings of Fact:** 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 36939.

**Findings of Fact:** The 34.6 acre site is relatively flat with slight, hilly undulations ranging in elevation from 2,550 to 2,650 feet above mean sea level. Two previous tentative tract entitlements reflect the historic interest to develop the property for residential development purposes in that the site lies adjacent to single-family residential zoned districts supported and supplied with the necessary infrastructure required for residential development. In that the Project intends to connect to with existing infrastructure, the Project will be consistent with the goals and objectives of the General Plan.

4. The site is physically suitable for the density of development under Tentative Tract Map.

**Findings of Fact:** The site is located within an Earthquake Fault Zone and the Project's northern boundary line runs parallel with the San Gorgonio Pass Fault. The subdivision incorporates a fault setback zone, referenced as Lot "A" ranging in width from 40 feet to 160 feet. Pursuant to the Alquist-Priolo Act, no human habitation can be built within the fault setback zone. The Project shall prohibit the construction of structures within the fault setback zone. With the incorporation of the fault setback zone, the site is physically suitable for the intended density and consistent with the City's General Plan.

5. The design of the subdivision and improvements proposed under Tentative Tract Map 36939 are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

**Findings of Fact:** The site is currently vacant and does not contain any significant vegetation or habitat for wildlife. Per the Multiple Species Habitat Conservation Plan (MSHCP), there is no evidence that any endangered, threatened or listed species of plant or animal, or its habitat, is located on the site. 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 MSHCP report prepared by LSA Associates, dated May 2015. The Project incorporates conditions intended to comply with the recommendations of the MSHCP. 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 36939 is not likely to cause health problems.

**Findings 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 Stormwater 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 36939, will not conflict with easement, acquired by the public at large, for access through or use of, property within the proposed subdivision.

**Findings of Fact:** 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 36939 adequately provides for future passive or natural heating and cooling opportunities.

**Findings of Fact:** 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. ZONE CHANGE FINDINGS**

1. The proposed Amendment is consistent with the goals and policies of the general plan.

**Findings of Fact:** The property's land use designation is Low Density Residential (LDR) with a portion of the site designated as RL-10,000. The minimum lot size per the RL-10,000 standard is intended for single family residential development with 10,000 square foot lots. The lots TTM 36939 proposes range from 7,468 square feet to 25,403 square feet which are large enough to accommodate families with children and daily home based activities. The zone change request eliminates the RL-10000 overlay and would allow 0 to 5 dwelling units per acre. The proposed 98 unit subdivision is below the maximum number that the Low Density Residential zoning district permits. At the maximum permitted per the LDR zoning district, 173 single family units could be provide. In keeping with the subdivision design, the rezoning proposed for the Project is consistent with the General Plan.

2. The proposed Amendment is internally consistent with the Zoning Ordinance.

**Findings of Fact:** The proposed Project is not anticipated to result in exceeding, either cumulatively or individually, any applicable level of service standards. As discussed in the Staff Report and pursuant to the Project's conditions of approval, the proposed streets and subdivision design will be constructed in conformance with City standards and specifications. The Mitigation, Monitoring, and Reporting Program is intended to ensure that the developer adheres to best management practices in the development of the site.

3. The Planning Commission has independently reviewed and considered the requirements of the California Environmental Quality Act.

**Findings of Fact:** The City, in light of the whole record before it including but not limited to the City's local CEQA Guidelines and Thresholds of Significance, the proposed Mitigated Negative Declaration and documents incorporated therein by reference, any written comments received and responses provided, the proposed Mitigation Monitoring Program and other substantial evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record and/or provided at the public hearing, hereby finds and determines as follows:

1. **Review Period:** That the City has provided the public review period for the Mitigated Negative Declaration for the duration required under CEQA Guidelines Sections 15073 and 15105.
2. **Compliance with Law:** That the Mitigated Negative Declaration and Mitigation Monitoring Program were prepared, processed, and noticed in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.) and the local CEQA Guidelines and Thresholds of Significance adopted by the City of Banning.
3. **Independent Judgment:** That the Mitigated Negative Declaration reflects the independent judgment and analysis of the City.
4. **Mitigation Monitoring Program:** That the Mitigation Monitoring Program is designed to ensure compliance during project implementation in that changes to the Project and/or mitigation measures have been incorporated into the Project and are fully enforceable through permit conditions, agreements or other measures as required by Public Resources Code Section 21081.6.
5. **No Significant Effect:** That revisions made to the Project plans agreed to by the applicant and mitigation measures imposed as conditions of approval on the Project, avoid or mitigate any potential significant effects on the environment identified in the Initial Study to a point below the threshold of significance. Furthermore, after taking into consideration the revisions to the Project and the mitigation measures imposed, the Planning Commission finds that there is no substantial evidence, in light of the whole record, from which it could be fairly argued that the Project may have a significant effect on the environment. Therefore, the Planning Commission concludes that the Project will not have a significant effect on the environment.

**SECTION 4. CITY COUNCIL ACTION**

The City Council hereby takes the following actions:

1. In accordance with CEQA Statue Section 21064.5, the City Council hereby adopts the Mitigated Negative Declaration and Mitigation, Monitoring, and Reporting Program and directs the Acting Community Development Director to prepare and file with the Clerk for the County of Riverside a Notice of Determination as provided under Public Resources Code Section 21108, and CEQA Guidelines Section 15075; and
2. Approves Zone Change No. 15-3501 amending the Zoning Map to eliminate the RL-10,000 Overlay affecting the western portion of the site to Low Density Residential (LDR, 0 to 5 units per acre) and approves Tentative Tract Map No. 15-4501 (TTM 36939) a proposal to subdivide 34.6 acres of vacant land for purposes of creating 98 numbered lots for single-family residential development and three (3) lettered lots, subject to Conditions of Approval attached hereto and incorporated herein by reference as Exhibit A.

**SECTION 5. SEVERABILITY**

If any section, subsection, sentence, clause, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council of the City of Banning hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

**SECTION 6. PUBLICATION, EFFECTIVE DATE**

The City Clerk shall certify to the passage and adoption of this ordinance, and shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted. This ordinance shall be in full force and effect thirty (30) days after its final passage and adoption; and 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.

**PASSED, APPROVED, AND ADOPTED** this 23<sup>rd</sup> day of February, 2016.



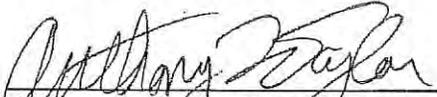
Arthur L. Welch, Mayor  
City of Banning

**ATTEST:**



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

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



Anthony R. Taylor, City Attorney  
Aleshire & Wynder, LLP

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1495 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 9<sup>th</sup> day of February, 2016, and was duly adopted at a regular meeting of said City Council on the 23<sup>rd</sup> day of February, 2016, by the following vote, to wit:

AYES: Councilmembers Franklin, Moyer, Mayor Welch

NOES: Councilmembers Miller, Peterson

ABSENT: None

ABSTAIN: None



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

Mitigation Measure	Timing	Department	Verification Signature	Date
<p><b>Biological Resources</b></p> <p><b>BIO-1: Pre-Construction Burrowing Owl Survey.</b> Per the Multiple Species Habitat Conservation Plan, and additional pre-construction Burrowing Owl survey will be required within 30 days prior to beginning of site grading.</p> <p>a. In the event that the pre-construction survey identifies the presence of at least one individual but less than three (3) mating pairs of burrowing owl, then prior to the issuance of a grading permit and prior to the commencement of ground-disturbing activities on the property, the qualified biologist shall passively or actively relocate any burrowing owls. Passive relocation, including the required use of one-way doors to exclude owls from the site and the collapsing of burrows, will occur if the biologist determines that the proximity and availability of alternate habitat is suitable for successful passive relocation. Passive relocation shall follow California Department of Fish and Wildlife relocation protocol. If proximate alternate habitat is not present as determined by the biologist, active relocation shall follow California Department of Fish and Wildlife relocation protocol. The biologist shall confirm in writing to the Planning Department that the species has fledged or been relocated prior to the issuance of a grading permit.</p>	<p>Prior to building permit issuance</p>	<p>Community Development Department</p>		
<p><b>BIO-2 Native Plan Recovery:</b> Developer shall recover native and drought tolerant plant materials, and incorporate them into project landscaping, to provide or enhance habitat for</p>	<p>Prior to building permit issuance</p>	<p>Community Development Department</p>		

Mitigation Measure	Timing	Verification	
		Department	Signature Date
local species to the extent possible.			
<p><b>Cultural Resources</b></p> <p><b>CR-1: Archaeological Monitoring.</b> Prior to the issuance of a grading permit, the Project Proponent shall implement the following program:</p> <p>a) A qualified archaeological monitor shall be retained by the Project Proponent to conduct monitoring of all grading and trenching activities and has the authority to halt and redirect earthmoving activities in the event that suspected archaeological resources are unearthed during Project construction.</p> <p>b) During grading operations, a professional archaeological monitor shall observe the grading operation until such time as monitor determines that there is no longer any potential to uncover buried cultural deposits. If the monitor suspects that an archaeological resource may have been unearthed, the monitor shall immediately halt and redirect grading operations in a 100-foot radius around the find to allow identification and evaluation of the suspected resource. If the monitor determines that the suspected resource is potentially significant, the archaeologist shall notify the appropriate Native American Tribe(s) and invite a tribal representative to consult on the resource evaluation. In consultation with the appropriate Native American Tribe(s), the archaeological</p>	Prior to grading permit issuance	Community Development & Public Works Department	

Mitigation Measure	Timing	Verification	
		Department	Signature Date
<p>monitor shall evaluate the suspected resource and make a determination of significance pursuant to California Public Resources Code Section 21083.2. If the resource is significant, Mitigation Measure CR-2 shall apply.</p>			
<p><u>CR-2: Treatment Plan.</u> If a significant archaeological resource(s) is discovered on the property, ground disturbing activities shall be suspended 100 feet around the resource(s). The archaeological monitor and a representative of the appropriate Native American Tribe(s), the Project Proponent, and the City of Banning Community Development Department shall confer regarding mitigation of the discovered resource(s). A treatment plan shall be prepared and implemented by the archaeologist to protect the identified archaeological resource(s) from damage and destruction. The treatment plan shall contain a research design and data recovery program necessary document the size and content of the discovery such that the resource(s) can be evaluated for significance under CEQA criteria. The research design shall list the sampling procedures appropriate to exhaust the research potential of the archaeological resource(s) in accordance with current professional archaeology standards (typically this sampling level is two (2) to five (5) percent of the volume of the cultural deposit). The treatment plan shall require monitoring by the appropriate Native American Tribe(s) during data recovery excavations of archaeological resource(s) of prehistoric origin, and shall require that all recovered artifacts undergo laboratory analysis. At the completion of the laboratory analysis, any recovered archaeological resources shall be processed and curated</p>	<p>During any earth movement activity</p>	<p>Community Development Department</p>	

Mitigation Measure	Timing	Verification	
		Department	Signature Date
<p>according to current professional repository standards. The collections and associated records shall be donated to an appropriate curation facility, or, the artifacts may be delivered to the appropriate Native American Tribe(s) if that is recommended by the City of Banning. A final report containing the significance and treatment findings shall be prepared by the archaeologist and submitted to the City of Banning Community Development Department.</p>			
<p><u>CR-3: Paleontological Monitoring.</u> Prior to the issuance of grading permits, the Project Proponent shall implement the following program:</p> <ul style="list-style-type: none"> <li>a) A qualified paleontologist shall be on-site at the pre-construction meeting to discuss monitoring protocols.</li> <li>b) The qualified paleontologist shall be empowered to temporarily halt or redirect grading activities paleontological resources are discovered.</li> <li>c) In the event of a paleontological discovery the monitor shall flag the area and notify the construction crew immediately. No further disturbance in the flagged area shall occur until the qualified paleontologist has cleared the area.</li> <li>d) The qualified paleontologist shall quickly assess the nature and significance of the find. If the specimen is not significant it shall be quickly removed and the area cleared.</li> </ul>	<p>Prior to grading permit issuance</p>	<p>Community Development Department</p>	

Mitigation Measure	Timing	Verification	
		Department	Signature
			Date
<p>e) If the discovery is significant the qualified paleontologist shall notify the Project proponent and the City immediately.</p> <p>f) In consultation with the Project proponent and the City, the qualified paleontologist shall develop a plan of mitigation which shall include salvage excavation and removal of the find, removal of sediment from around the specimen (in the laboratory), research to identify and categorize the find, curation in the find a local qualified repository, and preparation of a report summarizing the find.</p>			
<b>Geology and Soils</b>			
GEO-1. <u>Fault Setback Zone</u> . Fault Setback Zone. No human structures for human habitation can be built within this zone; however other land uses are permitted.	During Plan Check process	Community Development Department	
GEO-2 <u>Recommended Fault Setback Zone Boundaries</u> . The Project shall adhere to the recommendations and requirements cited in the RMA Group Report dated April 8, 2014 with regard to Fault Setback Zone Boundaries.	During Plan Check process and during construction activity	Community Development Department and Public Works Department	
GEO-3. <u>Debris and Catch basins</u> . The Project shall adhere to the recommendations and requirements cited in the RMA Group Report dated April 8, 2014 with regard to the design of catch and debris basins for Lot "B" and "C" and design requirements of the City of Banning Engineering and Public Works Department and WQMP report.	During Plan Check process and during construction activity	Community Development Department and Public Works Department	
GEO-4. <u>Fill in Graded Eastern Portion of Site</u> . The existing undocumented fill is not adequate for purposes intended	During permitted grading activity	Public Works Department	

Mitigation Measure	Timing	Department	Verification	
			Signature	Date
and will need to be removed and recompact.				
GEO-5 General Earthwork and Grading. All Earthwork and grading to be performed in accordance with the 2013 California Building Code and all applicable governmental agency requirements.	During permitted grading activity	Public Works Department and Community Development Department		
<del>Hazards and Hazardous Materials</del>				
HAZ -1 Fuel Modification Zone: Parcels adjacent to Lot "A" shall maintain a Fuel Modification Zone of 70 feet.	Prior to Final Map recordation	Fire Department		
HAZ -2 Hazard Plan: The Applicant shall submit a Hazard Analysis Prior to issuance of Building Permits	Prior to issuance of building permits.	Community Development Department		



# 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

## EXHIBIT A

PROJECT #: TENTATIVE TRACT MAP NO. 15-4501 (TTM 36939)  
SUBJECT: Conditions of Approval\*  
APPLICANT: Peter J. Pitassi  
LOCATION: APN: 535-430-001 thru 021, 535-431-001 thru 015, 535-432-001 thru 017, 535-070-004 and 006

**\* 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

#### **General Requirements**

1. 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.

2. The issuance of these Conditions of Approval do not negate the requirements of the Engineering/Public Works Department or submittal, review, and approval of: Street improvement plans, signing and striping plans, grading plans, storm drain improvement plans, street lighting plans, water, sewer, and electrical improvement plans, or other plans as deemed necessary by the City Engineer.
3. Approval of Tentative Tract 36939 shall be for a period of two (2) years from the date of City Council approval. All Conditions of Approval must be met on or before the expiration date or the applicant must request an extension of time at least thirty (30) days prior to the expiration date; otherwise, the approval shall expire and become null and void.
4. 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.
5. The design of all lots shall meet the minimum property development requirements contained in the City's Zoning Ordinance for the Low Density Residential Zoning District.
6. The placement of the subdivision's CMU walls shall be in accordance with the following plan:

**Perimeter Wall – a 6' high tan split face CMU (on the public side) with a 2" smooth cap located:**

- Along the west side of Lot 47, adjacent to Sunset Avenue
- Along the north side of the Montgomery Creek Channel Right-of Way
- Along the perimeter of Lot "B"
- Along the southeasterly side of Lot 69
- Along the south sides of Lots 78 and 81, and the east side of Lot 81
- Along the perimeter of Lot "C"
- Along the North side of Lots 5,6,9, and 10, and along the west side of Lot 10
- Along the Northeast and Northwest sides of Lot 11

**Interior Fencing**

- 6' high tan or white vinyl at rear and side yard fencing.
  - 3' wide vinyl gate at the return fence at the garage side of each home.
  - 6' high tan or white vinyl return fencing from the side fence to the home on each side
7. Prior to the issuance of any building permits, typical building elevations shall be submitted to the Planning Department for design review and approval, in accordance with the provisions and requirements of Article 16E of the Banning Ordinance Code.

8. Applicant shall pay all development fees adopted by the City in effect at the time of issuance of any building permits, which shall include but not be limited to: TUMF, MSHCP, police and fire safety developer fees, water and sewer fees, park land dedication fees, and electric meter installation fees etc. Project proponent 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.
9. A copy of the final grading plan, approved by Engineering, shall be submitted to the Office of Planning for review and approval of the landscaping and erosion control plans when graded cut slopes exceed five (5) feet in height and fill slopes exceed three (3) feet in height.
10. The following building setback lines shall be delineated on the composite development plan submitted for building permits:
  - a. Front yard - Minimum 20 feet.
  - b. Side yard (interior lot) - Minimum 10 feet (single-story: measured between the furthest projection of the wall to the property line).

Side yard setbacks for two-story dwellings shall be staggered per Section 17.08.240(E) of the zoning ordinance.
  - c. Side yard (corner lot - street side) – Minimum 15 feet.
  - d. Side yard (corner lot – abutting interior lot) - Minimum 10 feet (measured between the furthest projection of the wall to the property line)
  - e. Rear yard – minimum 15 feet.
11. The developer shall contact the U.S. postal Service to determine the appropriate type and location of mailboxes.
12. The applicant shall install slate, concrete, tile, clay tile, or equal roofing material approved by the Planning Department on all units within the subject property.
13. A trailer, used as an office by the property owner or his designee, may be permitted on the site during construction for a period not to exceed six (6) months. Prior to issuance of a building permit for any residential unit, said trailer shall be subject to a Land Use Permit reviewed and approved by the Planning Department.
14. Prior to the issuance of any Building Permits, the project proponent shall submit to the City's Planning Department for review and approval: (1) three (3) copies of a drought-tolerant landscape plan and irrigation plans prepared by a licensed landscape architect. The drought-tolerant landscape plan shall include the following:

- A. The location, type, size and quantity of vegetation to be installed, and a date by which the landscaping shall be completed.
  - B. Required drought-tolerant slope planting: Slope planting shall be required for the surface of all cut slopes of three (3) feet or greater in height and fill slopes more than two (2) feet in height. Said slopes shall be protected against damage from erosion by providing jute netting and planting with, ground cover plants or grass, except that grass will not exceed 25% of the total planting area on the slope face.
    - (1) All slopes exceeding three (3) feet in vertical height shall also be planted with shrubs, spaced at distances not to exceed five (5) feet on center; or, trees spaced at distances not to exceed ten (10) feet on center; or a combination of shrubs and trees.
    - (2) Slopes exceeding five (5) feet in vertical height shall be planted with a combination of drought-tolerant trees, shrubs and groundcover.
    - (3) Drought-tolerant slope planting as required by B(1) and (2), above, shall consist of the following sizes and quantities:
      - a. Trees: 30% — 24- inch box; 35% — 15-gallon; 25% - five gallon; 10% -one gallon.
      - b. Shrubs: 60% — five gallon; 40%—one gallon.
      - c. Groundcover: 100% coverage from flats planted 18-inch on-center.
    - (4) The approved landscape plan shall be installed on a phase by phase basis prior to the issuance of a Certificate of Occupancy for each single-family residence to be constructed within that phase.
  - C. The fuel modification zone shall be landscaped in accordance with the City's General Plan policies and an analysis of the landscaping means the thinning of native combustible vegetation and the placement of fire resistant plant species as approved by the Fire Marshal.

The Plan shall be forwarded to a Landscape Architect for review and the applicant shall pay all fees associated with the review process. The approved landscape plan shall be implemented /installed on a phase by phase basis prior to the issuance of a Certificate of Occupancy for each single-family residence constructed within that phase, or at the direction of the Fire Marshal.
15. Prior to the issuance of a Certificate of Occupancy for each single-family residence constructed within TTM 36939, the applicant shall submit to the City for review and approval three (3) copies of a detailed landscape and irrigation plan (comprised of

xeriscape plant material) indicating type, species and location of the following minimum number of drought tolerant, multi-branched trees on each lot adjacent to the street right-of-way (all trees shall be planted with root barriers):

- Cul-de-sac lots –1 tree; minimum 24” box
- Interior lot— 2 trees; one 24” box, one 15—gallon
- Corner lot — 3 trees; two 24” box and one 15—gallon.
- The Plan shall be forwarded to a Landscape Architect for review and the applicant shall pay all fees associated with the review process. The approved landscape plan shall be implemented/installed on a phase by phase basis prior to the issuance of a Certificate of Occupancy for each single-family residence constructed within that phase. (Submit landscape and irrigation plans as soon as possible to allow sufficient time for a Landscape Architect to review same).
- The landscaping for the street parkways, public lots, and other public areas shall be installed prior to occupancy of the first unit.

16. A six-(6) foot high chain link fence shall be maintained around the perimeter of the site during all phases of construction, or until replaced by the permanent fencing and/or walls.

17. Developer shall meet all requirements of responsible agencies, including but not limited to: Southern California Gas Company, and Southern California Edison Company.

#### **Standard Conditions**

18. The Project is required to comply with the provisions of South Coast Air Quality Management District Rule 402, A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

19. The Project is required to comply with regional rules that assist in reducing short-term air pollutant emissions. SCAQMD Rule 403 requires that fugitive dust be controlled with best-available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. SCAQMD Rule 403 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off site. Applicable dust suppression techniques from Rule 403 are summarized below:

- Apply nontoxic chemical soil stabilizers according to manufactures’ specifications to all inactive construction areas (previously graded areas inactive for 10 days or more).
- Water active sites at least twice daily. (Locations where grading is to occur will be thoroughly watered prior to earthmoving.)
- Cover all trucks hauling dirt, sand, soil, or other loose materials, or maintain at least 0.6 m (2 ft.) of freeboard (vertical space between the top of the load and top of the

trailer) in accordance with the requirements of California Vehicle Code (CVC) Section 23114.

- Pave construction access roads at least 30 m (100 ft.) onto the site from the main road.
- Reduce traffic speeds on all unpaved roads to 15 mph or less.

The applicable Cal/Recycle Sustainable (Green) Building Program Measures are:

- Recycle/reuse at least 50 percent of the construction material that are rapidly renewable or resource-efficient, and recycled and manufactured in an environmentally friendly way for at least 10 percent of the project, as defined on the California Department of Resources Recycling and Recovery (CalRecycle) website: [www.calrecycle.ca.gov](http://www.calrecycle.ca.gov)
20. Prior to issuance of a grading permit, the developer shall provide to the City of Banning evidence of fully executed monitoring agreement(s) with the appropriate culturally affiliated Native American tribe(s) or band(s) for all ground disturbing activities associated with the project. If more than one tribe Federally Recognized Indian Tribe has requested monitoring, an equal rotation shall be created around the grading and ground disturbing schedule. This shall include a scope of work and a description of tribal monitoring activities.
  21. In the event that previously undocumented archaeological resources are identified during earthmoving activities, further construction work in the area should be diverted or halted until the nature and significance of the find can be assessed.
  22. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the County Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.
  23. 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 shall be shown under a heading labeled Environmental Constraint Notes. The Environmental Constraint Sheet shall contain the following 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 THE RECORD TITLE INTEREST. THIS INFORMATION IS DERIVED THE PUBLIC RECORDS OR REPORTS, AND DOES NOT IMPLY THE CORRECTNESS OR SUFFICIENCY OF THOSE RECORDS OR REPORTS BY THE PREPARER OF THIS MAP.

The sheet shall delineate constraints involving, but not limited to, any of the following that are conditioned by the advisory agency: archeological sites, geologic mapping, grading, building, and building setback lines, flood hazard zones, airport compatibility zones, seismic lines and setbacks, fire protection, water availability, and sewage disposal.

### Mitigation

24. **Burrowing Owls.** The project fall within the Multiple Species Habitat Conservation Plan (MSHCP). Per the MSHCP 30-day Pre-construction Burrowing Owl Survey Guidelines, an additional pre-construction survey will be required within 30 days prior to beginning of site grading. If burrowing owls are found to be present, for compliance with the MSHCP, project-specific mitigation would be developed and authorized through consultation with the City of Banning and California Department of Fish and Wildlife.
25. Any project-related effects to potentially jurisdictional streambeds will require the preparation of a Determination of Biologically Equivalent or Superior Preservation (DBESP) report for compliance with the MSHCP. In addition, permits would be required from the U.S. Army Corp. of Engineers (USACE), RWQCB, and CDFW. Any necessary mitigation would be determined through the DBESP and permitting process with the USACE and CDFW.
26. To avoid any potential effects to nesting birds protected by the Migratory Bird Treaty Act (MBTA), and the California Fish and Game Code, vegetation-clearing and preliminary ground-disturbing work should be completed outside of bird breeding season (typically February through August 31). In the event that initial groundwork cannot be conducted outside the bird breeding season, pre-construction surveys would be required within 30 days prior to construction. Should nesting birds be found, an exclusionary buffer will be established by the biologist. The buffer may be up to 500 feet in diameter, depending on the species of nesting bird found. The buffer will be clearly marked in the field by construction personnel under guidance of the biologist, and construction or clearing will not be conducted within this zone until the biologist determines that the young have fledged or the nest is no longer active.
27. **Fault Setback Zone.** The subdivision shall be designed with the fault setback zone as shown in the Tentative Tract Map 36939 and in accordance with the recommendations cited in the RMA Group Geologic Fault Investigation of Alquist-Priolo Zone Report dated April 8, 2014. Any deviation from the Fault Setback zone shall require Planning and City Engineer approval. Based on the requirements of

**the Alquist-Priolo Act, no human habitation structures can be built within this zone, however other land uses may be permitted subject to Planning Approval.**

- 28. Native Plant Recovery: Developer shall recover native and drought tolerant plant materials, and incorporate them into project landscaping, to provide or enhance habitat for local species to the extent possible.**
- 29. Archaeological Monitoring. Prior to the issuance of a grading permit, the Project Proponent shall implement the following program:**
  - a) A qualified archaeological monitor shall be retained by the Project Proponent to conduct monitoring of all grading and trenching activities and has the authority to halt and redirect earthmoving activities in the event that suspected archaeological resources are unearthed during Project construction.**
  - b) During grading operations, a professional archaeological monitor shall observe the grading operation until such time as monitor determines that there is no longer any potential to uncover buried cultural deposits. If the monitor suspects that an archaeological resource may have been unearthed, the monitor shall immediately halt and redirect grading operations in a 100-foot radius around the find to allow identification and evaluation of the suspected resource. If the monitor determines that the suspected resource is potentially significant, the archaeologist shall notify the appropriate Native American Tribe(s) and invite a tribal representative to consult on the resource evaluation. In consultation with the appropriate Native American Tribe(s), the archaeological monitor shall evaluate the suspected resource and make a determination of significance pursuant to California Public Resources Code Section 21083.2. If the resource is significant, Mitigation Measure CR-2 shall apply.**
- 30. Treatment Plan. If a significant archaeological resource(s) is discovered on the property, ground disturbing activities shall be suspended 100 feet around the resource(s). The archaeological monitor and a representative of the appropriate Native American Tribe(s), the Project Proponent, and the City of Banning Community Development Department shall confer regarding mitigation of the discovered resource(s). A treatment plan shall be prepared and implemented by the archaeologist to protect the identified archaeological resource(s) from damage and destruction. The treatment plan shall contain a research design and data recovery program necessary document the size and content of the discovery such that the resource(s) can be evaluated for significance under CEQA criteria. The research design shall list the sampling procedures appropriate to exhaust the research potential of the archaeological resource(s) in accordance with current professional archaeology standards (typically this sampling level is two (2) to five (5) percent of the volume of the cultural deposit). The treatment plan shall require monitoring by the appropriate Native American Tribe(s) during data recovery excavations of archaeological resource(s) of prehistoric origin, and shall require that all recovered artifacts undergo laboratory analysis. At the completion of the laboratory analysis,**

any recovered archaeological resources shall be processed and curated according to current professional repository standards. The collections and associated records shall be donated to an appropriate curation facility, or, the artifacts may be delivered to the appropriate Native American Tribe(s) if that is recommended by the City of Banning. A final report containing the significance and treatment findings shall be prepared by the archaeologist and submitted to the City of Banning Community Development Department.

**31. Paleontological Monitoring.** Prior to the issuance of grading permits, the Project Proponent shall implement the following program:

- a) A qualified paleontologist shall be on-site at the pre-construction meeting to discuss monitoring protocols.
- b) The qualified paleontologist shall be empowered to temporarily halt or redirect grading activities paleontological resources are discovered.
- c) In the event of a paleontological discovery the monitor shall flag the area and notify the construction crew immediately. No further disturbance in the flagged area shall occur until the qualified paleontologist has cleared the area.
- d) The qualified paleontologist shall quickly assess the nature and significance of the find. If the specimen is not significant it shall be quickly removed and the area cleared.
- e) If the discovery is significant the qualified paleontologist shall notify the Project proponent and the City immediately.
- f) In consultation with the Project proponent and the City, the qualified paleontologist shall develop a plan of mitigation which shall include salvage excavation and removal of the find, removal of sediment from around the specimen (in the laboratory), research to identify and categorize the find, curation in the find a local qualified repository, and preparation of a report summarizing the find.

**Public Works**

**General Requirements**

32. 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.

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)
- Army Corps of Engineers
- CA Fish and Game
- 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.

33. 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/Precise Grading Plans<br>(All Conditions of Approval shall be reproduced on last sheet of set) | 1" = 40' horizontal                     |
| b. Clearing Plans<br>(Include fuel modifications zones)<br>(Include construction fencing plan)          | 1" = 50' horizontal                     |
| c. Erosion Control Plan, SWPPP and WQMP<br>(Note: a, b & c shall be reviewed and approved concurrently) | 1" = 40' Horizontal                     |
| d. Storm Drain Plans  | 1" = 40' Horizontal                     |
| e. Street Improvement Plans   | 1" = 40' Horizontal<br>1" = 4' Vertical |
| f. Signing & Striping Plans   | 1" = 40' Horizontal                     |
| g. Construction Traffic Control Plan<br>(Major or Arterial Highways only)                               | 1" = 40' Horizontal                     |
| h. Landscaping Plans-Streets  | 1" = 20' Horizontal                     |

i. Water & 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.

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.

34. 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.
35. 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.
36. The Developer shall cause all public improvements to be constructed and accepted by the City prior to occupancy of the first unit; or, the Developer shall enter into an agreement to guarantee the construction of the public improvements as listed in the Conditions of Approval and as shown on the approved plans.

**Rights of Way/Easements**

37. Prior to issuance of any permit(s), the applicant shall acquire or confer property rights necessary for the construction or proper functioning of the proposed project/development. Conferred rights shall include right-of-way dedications, irrevocable offers to dedicate or grant of easements to the City for emergency services, maintenance, utilities, storm drain facilities, or temporary construction purposes including the reconstruction of essential improvements.

38. Offer to dedicate to the City of Banning for public purposes the right-of-way for Wilson Street fronting the site as an Arterial Highway; 55 feet one-half width (centerline to right-of-way). Offers of dedication shall include corner cut-off at intersections.
39. Related to COA No.36, the developer shall request the right-of-way dedication along Wilson Street fronting the Montgomery Creek Channel from the Riverside County Flood Control and Water Conservation District.
40. Offer to dedicate to the City of Banning for public purposes the right-of-way for Sunset Avenue fronting the site as an Collector Highway; 33 feet one-half width (centerline to right-of-way).
41. Offer to dedicate to the City of Banning for public purposes the right-of-way for Local Streets, including Sunrise Avenue fronting the site; 30 feet one-half width (centerline to right-of-way). Offers of dedication shall include corner cut-off at intersections.
42. Offer to dedicate to the City of Banning easements to maintain any slopes supporting public right-of-ways. Maintenance easements shall extend 10 feet beyond the toe of slope.
43. 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.
44. All street centerline monument ties shall be submitted to the Engineering Division.
45. Prior to the issuance of any certificates of occupancy, the applicant shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer of dedication to the City 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 RCFCFD. Prior to granting any of said easements, the applicant shall furnish a copy of the proposed easement to the City Engineer for review and approval. Further, a copy of the approved easement shall be furnished to the City Engineer prior to the issuance of any certificate of use and/or occupancy.

#### **Traffic**

46. Street name signs and traffic control devices including traffic legends and traffic striping shall be installed, or relocated in accordance with Caltrans Standards and as shown on the approved plans, and/or as directed by the City Engineer.

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 roads, drives, streets, and alleys. The plans shall include plan and sectional views and indicate the grade and width of the access road measured flow-line to flow-

line. When a dead-end access exceeds 150 feet or when otherwise required, a clearly marked fire apparatus access turnaround must be provided and approved by the Fire Marshall.

47. The intersection of Sunset Avenue and Dawn Lane shall be design in manner to mitigate sight distance issues.

### **Street Improvements**

48. All street improvement designs shall provide pavement and lane transitions per City of Banning and Caltrans standards for transition to existing street sections.
49. Construct half-width street improvements in accordance with City standards fronting Wilson Street, Sunset Avenue and Sunrise Avenue including street lighting, curb and gutter, drive approaches, sidewalk, and 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.
50. Construct full-width street improvements in accordance with City standards along local streets within the project boundaries including street lighting, curb and gutter, drive approaches, sidewalk, handicap ramps, and 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.
51. Any public improvements damaged during the course of construction shall be replaced to the satisfaction of the City Engineer, or his/her designee.
52. 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.
53. The channel crossing of Wilson Street over the Montgomery Creek Channel shall be designed and constructed to the ultimate width of Wilson Street as approved by the City and Riverside County Flood Control and Water Conservation District. Access and safety devices such as guard rail, chain link fence, etc., shall be provided on the north side of Wilson Street for the maintenance of "Montgomery Creek Channel" as approved by the City and Riverside County Flood Control and Water Conservation District.

### **Grading/Drainage Improvements**

54. In accordance with the June 19, 2015 RMA GeoScience Report, the Developer shall adhere to the comments, recommendations and conditions cited in the report as to the following:
  - Existing Fill in Graded Eastern Portion of the Site.
  - General Earthwork and Grading
  - Removals and Over excavation

- Earthwork Shrinkage and Subsidence
  - Earthwork Recommendations
  - Excavation Characteristics and Rock Disposal
  - Fill and Cut Slopes
  - Interior Slabs-on-Grade
  - Foundation Setback from Slopes
  - Temporary Slopes and Excavations
  - Import Soils
  - Cement type and Corrosion Potential
  - Utility Trench Backfill
  - Drainage and Moisture Proofing
  - Plan Review
  - Geotechnical Observation and Testing During Rough Grading
  - Post-Grading Geotechnical Observation and Testing
55. 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 and shall incorporate the drainage area north of the proposed tract. 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.
56. The project shall comply with all RCFCD requirements including, but not limited to: drainage/debris basins, drainage easements, storm drain infrastructure and design criteria. A debris basin shall be included with this project to capture debris flows as recommended by the RCFCD.
57. Concrete lined interceptor channels shall be designed and constructed along the north boundary of the proposed development as required by Grading Ordinance.
58. Submit confirmation that the project meets the requirements of the Alquist-Priolo Earthquake Fault Zoning Act.
59. 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.
60. 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.

61. 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.

62. 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 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.

Note: The SWPPP may be supplemented with an Erosivity Waiver, if approved by the State Water Resource Control Board.

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.

63. 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.

64. 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.

65. 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.

- At a minimum, all development will make provisions to store runoff from rainfall events up and including the **one-hundred year, three hour duration**. Post development peak urban runoff discharge rates shall not exceed pre-development peak urban runoff discharge rates.

66. 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.

67. Obtain Letter of Map Revision (LOMR) from FEMA.

#### **Landscaping Public Right of Way**

68. The Developer shall prepare a water conservation plan to reduce water consumption in the landscape environment using xeriscape principles. "Xeriscape" shall mean a combination of landscape features and techniques that in the aggregate reduce the demand for and consumption of water, including appropriate low water using plants, non-living ground-cover, a low percentage of turf coverage (limited to 25% of the planted area), permeable paving and water conserving irrigation techniques and systems. A low water-using drought tolerant plant includes species suited to our climate, requiring less water in order to grow well.
69. An automatic sprinkler system and landscaping shall be installed on a phase by phase basis, prior to occupancy of the first unit of that phase. The landscaping shall include the parkway fronting Sunrise Avenue, Wilson Street and the interior streets as they are included in each phase of construction. The system within the Landscape Maintenance District shall include a landscape controller, a separate water meter and electric meter, and plantings as approved by the Community Development Director. Landscaping plans and specifications shall be reviewed and approved by the City Engineer.
70. The Developer shall participate in a Landscape Maintenance District to be established by the City of Banning for the maintenance of landscape within the public right-of-way and the open space area within the development's boundary along Wilson Street and Lots A, B, and C. The Developer shall landscape and maintain said area until the City accepts it into the Landscape Maintenance District No. 1.
71. Landscape improvements shall be certified by a licensed landscape architect or licensed landscape contractor as having been installed in accordance with the approved detailed plans and specifications. The applicant shall furnish said certification, including an irrigation management report, for each landscape irrigation system and any other required implementation report determined applicable, to the City Engineer for review and approval.

#### **Trash/Recycling**

72. 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.

#### **Fees**

73. Plan check fees for 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.
74. A fee shall be paid to the Riverside County Flood Control and Water Conservation District to perform plan checking for the proposed project.
75. 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.
76. 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.
77. 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.
78. A Traffic Control mitigation fee shall be paid prior to issuance of building permits.
79. Payment of all associated development impact fees in effect at the time of building permit issuance.

#### **Final Parcel Map**

80. 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 - \$20,000.00

*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.*

81. 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.
82. 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.
83. An original Mylar of the final map (after recordation) shall be provided to the City for the record files.

84. 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.

#### **Water**

85. Design and construct the water system (mains, laterals, hydrants, valves, blowoffs, airvacs, etc.) according to the City of Banning standards. The water mains shall be a minimum of eight inches in diameter ductile iron pipe and shall be designed to be a "looped" system. The applicant is directed to review the water plans previously approved with Tract Map No. 30642.
86. 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.

#### **Sewer**

87. Design and construct the sewer system (mains, laterals, manholes, etc.) according to the City of Banning standards. The applicant is directed to review the sewer plans previously approved with Tract Map No. 30642.
88. 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 inches in diameter and all sewer mains shall be a minimum of 8 inches. Final sizes shall be approved by the City Engineer.
89. A sewer check valve shall be provided for each building with a finish pad elevation lower than the rim elevation of the immediate up-stream sewer manhole.

#### **Fire Department**

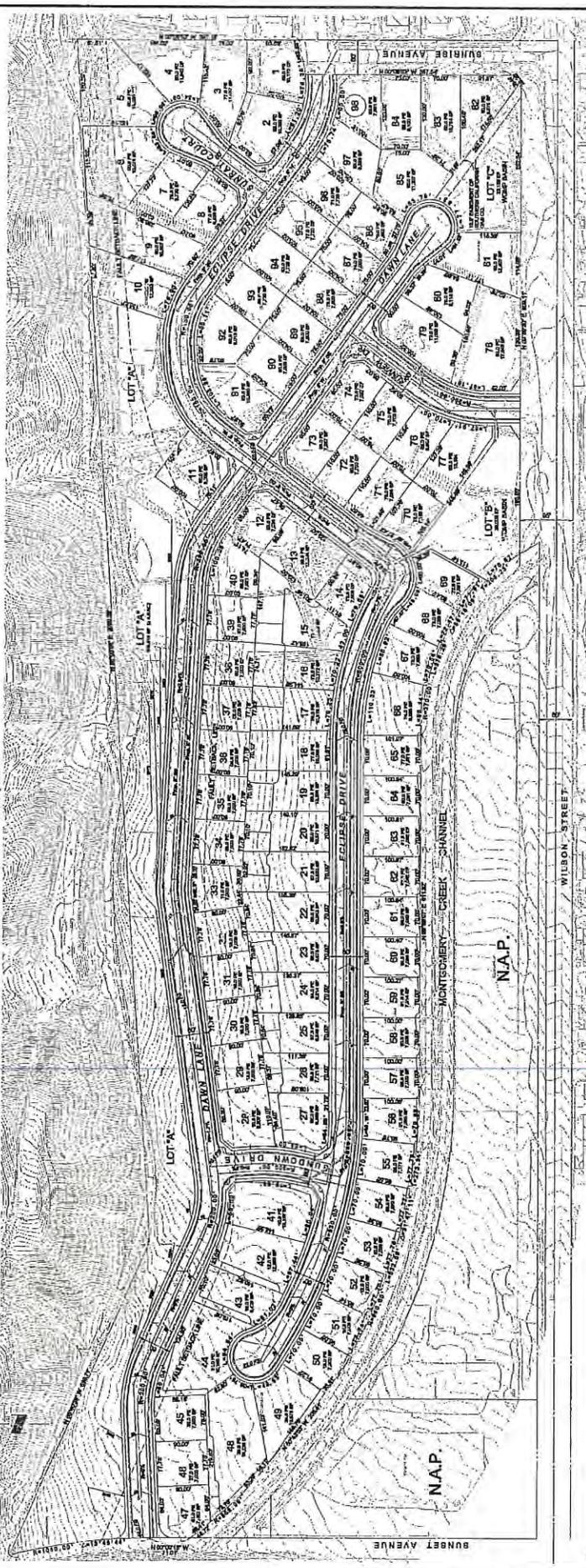
90. For residential areas, approved standard fire hydrants, located at each intersection, with no portion of any lot frontage more than a maximum of 500 feet from a hydrant. Minimum fire flow for all residential structures shall be 1000 GPM for a 2-hur duration at 20 psi residual operating pressure, which must be available before any combustible material is placed on the construction site.
91. The required water system, including fire hydrants shall be installed and accepted by the appropriate water agency prior to any combustible building material being placed on an individual lot. Two sets of water plans are to be submitted to the Fire Department for approval.
92. Applicant/Developer shall mount blue dot retro-reflectors pavement markers on private streets, public streets and driveways to indicate location of the fire hydrant. It should be eight (8) inches from centerline to the side that the fire hydrant is on, to identify fire hydrant locations.

93. Residential fire sprinklers are required in all one and two family dwellings per the California Residential Code. Contact the Riverside County Fire Department for the Residential Fire Sprinkler Standard.
94. Fire Apparatus access road and driveways shall be in compliance with the Riverside County Fire Department Standard number 06-05 (located at [www.rvcfire.org](http://www.rvcfire.org)). Access lanes will not have an up, or downgrade of more than 15%. Access roads shall have an unobstructed vertical clearance not less than 13 feet and 6 inches. Access lanes will be designed to withstand the weight of 70 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.
95. Roadways may not exceed 1320 feet without secondary access. This access may be restricted to emergency vehicles only however, public egress must be unrestricted.
96. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provision for the turn-around capabilities of fire apparatus.
97. Any turn-around requires a minimum of 42-foot turning radius.
98. The minimum dimension for gates is 20 feet clear and unobstructed width and a minimum vertical clearance of 13 feet 6 inches in height. Any gate providing access from a road shall be located at least 35 feet setback from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Where a one-way road with a single traffic lane provides access to a gate entrance, a 38-foot turning radius shall be used.
99. Gates may be automatic or manual and shall be equipped with a rapid entry system (KNOX). Plans shall be submitted to the Fire Department for approval prior to installation. Automatic gate pins shall be rated with a shear pin force, not to exceed 30 pounds. Gates activated by the rapid entry system shall remain open until closed by the rapid entry system. Automatic gates shall be provided with backup power.

# TENTATIVE TRACT MAP 36939

## CITY OF BANNING, CALIFORNIA

JULY, 2015



City of Banning  
 Planning Department  
**APPROVED**  
 By *[Signature]*  
 Date 2-23-16  
 ORD NO. 1495

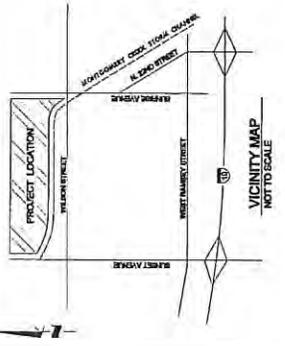
- GENERAL NOTES**
- TOTAL ORDER AREA - 36.6 AC
  - TOTAL NUMBERED LOTS - 88. TOTAL LETTERED LOTS - 3
  - MINIMUM LOT SIZE - 7,000 SF (RESIDENTIAL LOTS)
  - LOT DENSITY - 2.9 LOTS/ACRE
  - LINEAL FEET OF NEW STREETS - 5,620 LF
  - DIMENSIONS SHOWN HEREON ARE APPROXIMATE
  - ADJACENT PARCELS: N. - 200-200-001 200-200-002 200-200-003 200-200-004 200-200-005 200-200-006 200-200-007 200-200-008 200-200-009 200-200-010

**LAND USE INFORMATION**

EXISTING ZONING: LOW DENSITY RESIDENTIAL (R-100)  
 PROPOSED ZONING: LOW DENSITY RESIDENTIAL (R-100)  
 PROPOSED OVERLAY: R-100 OVERLAY (R-100-O)  
 EXISTING LAND USE: RESIDENTIAL  
 PROPOSED LAND USE: RESIDENTIAL  
 LETTERED LOT PROPOSED USE: LOT 'A' - OPEN SPACE - HELIX PRESERVATION (TO BE DEDICATED TO THE CITY)  
 LOT 'B' - OPEN SPACE - HELIX PRESERVATION (TO BE DEDICATED TO THE CITY)  
 LOT 'C' - OPEN SPACE - HELIX PRESERVATION (TO BE DEDICATED TO THE CITY)

**OWNER/APPLICANT**

BANNING WILLSON 92, LLC  
 10001 OAK CENTER DRIVE  
 BANNING, CA 92410  
 CONTRACT NO. 15-0000000000000000  
 (951) 851-1100



<p>PLANS PREPARED UNDER THE SUPERVISION OF  <b>OTTER ENGINEERS &amp; ARCHITECTS, INC.</b>                  8755 CALIFORNIA BOULEVARD                  TEMECULA, CALIFORNIA 92590                  PHONE: (951) 261-1100                  FAX: (951) 261-1101                  WWW.OTTER-ENR.COM</p>		<p>TENTATIVE TRACT 36939</p>
<p><b>CITY OF BANNING</b>                  APPROVED BY:</p>	<p>DATE:</p>	<p>SHEET 1 OF 1</p>
<p>Underground Service Alert                  Call: TOLL FREE                  1-800-488-7827                  227-2600</p>	<p>DATE:</p>	<p>DATE:</p>
<p>TWO WORKING DAYS BEFORE YOU DIG</p>	<p>DATE:</p>	<p>DATE:</p>

# **ATTACHMENT 5**

## **Public Hearing Notice**

Record Gazette  
218 N. Murray St.  
**Proof of Publication**  
(2015.5 C.C.P.)

162416 PHN TTM 36939

State of California )  
County of Riverside ) ss.

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer and publisher of Record Gazette, a newspaper published in the English language in the City of Banning, County of Riverside, and adjudicated a newspaper of general circulation as defined by the laws of the state of California by the Superior Court of the County of Riverside, under the date October 14, 1966, Case No. 54737. That the notice, of which the annexed is a copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

February 15, 2019

NOTICE OF PUBLIC HEARING FOR A TWELVE (12) MONTH EXTENSION OF TIME FOR TENTATIVE TRACT MAP 36939 (TTM 36939), LOCATED GENERALLY NORTH OF WILSON STREET BETWEEN SUNSET AVENUE AND SUNRISE AVENUE; APNS 535-430-001 THRU 021, 535-431-001 THRU 015, 535-432-001 THRU 017, 535-070-004 THRU 006.

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning City Council, to be held on Tuesday, February 26, 2019, at 5:00 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider granting a twelve (12) month time extension for Tentative Tract Map 36939 (TTM 36939) The proposed project site is located generally, north of Wilson street between Sunset Avenue and Sunrise Avenue; APNs 535-430-001 thru 021, 535-431-001 thru 015, 535-432-001 thru 017, 535-070-004 thru 006.

Information regarding the request for a twelve (12) month extension of time for Tentative Tract Map 36939 (TTM 36939) can be obtained by contacting the City's Community Development Department at (951) 922-3125, or by visiting 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 INTERIM COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA

Maryann Marks, AICP  
Interim Community Development Director  
Dated: February 12, 2019  
Published: February 15, 2019  
Published in  
The Record Gazette  
No. 162416  
02/15/2019

Executed on: 02/15/2019

At Banning, CA

I certify (or declare) under penalty of perjury that the foregoing is true and correct.



Signature



**CITY OF BANNING  
CITY COUNCIL REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Maryann Marks, Interim Community Development Director

**MEETING DATE:** February 26, 2019

**SUBJECT:** ADOPTION OF A CATEGORICAL EXEMPTION, APPROVING CONDITIONAL USE PERMIT 18-8003 TO ALLOW A BAR AND DRINKING ESTABLISHMENT WITH OUTDOOR SEATING AREA, IN A BUSINESS KNOWN AS FINESSE LOUNGE, APPROVING A BUSINESS PERMIT REQUIRED UNDER CHAPTER 5.48 FOR PUBLIC DANCES AND POOL ROOMS, AND A FINDING OF PUBLIC CONVENIENCE OR NECESSITY FOR THE ISSUANCE OF A LICENSE BY THE CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL FOR A PROPOSED DRINKING AND CATERING ESTABLISHMENT IN THE DOWNTOWN COMMERCIAL (DC) ZONE ON THE PROPERTY IDENTIFIED AS 144 WEST RAMSEY ST (APNS: PORTIONS OF 540-203-009, 007)

**RECOMMENDED ACTION:**

Staff recommends that the City Council:

1. Adopt the Resolution 2019-XX (Attachment 1), recommending that the City Council take the following actions:
  - I. Adopt a Categorical Exemption, pursuant to Section 15301 (Existing Facilities);
  - II. Approve Conditional Use Permit 18-8003 for a Bar/Lounge in the Downtown Commercial zoning district;
  - III. Approve a Business Permit required under Section 5.48 of the Banning Municipal Code for Public Dances and a Pool table.
  - IV. Approve a Determination that Public Convenience or Necessity would be served by the issuance an "ABC" type 48 license for 'On-Sale General for Public Premises' and type "58" license 'Caterer's Permit'.

## **PROJECT/APPLICANT INFORMATION:**

Project Applicant: Old Eagle Enterprises, LLC  
46775 Morongo Road  
Banning, CA 92220

Project Location: 144 West Ramsey

## **BACKGROUND:**

The applicant is requesting approval of a Conditional Use Permit for a bar to be located in the Downtown Commercial (DC) zoning district, a Business Permit for dancing and a pool table, and a Determination of Public Convenience or Necessity to obtain an on-sale ABC license for Finesse Lounge, a proposed bar with dining and catering services. The proposed project is located in an existing building in the Downtown Commercial (DC) zone on the property identified as 144 West Ramsey St, APN 540-203-009, 007. The applicant's site plan shows use of the adjacent parcel to the south for a patio and landscaped game area. The current owner of both parcels has leased the patio space as well as the 2,637 sf of existing building space to the applicant.

On January 16, 2019, the City Planning Commission considered Resolution No 2019-02 and unanimously recommended that the City Council approve the application for Finesse Lounge to operate the 2,637 square foot bar with dining, dancing, a pool table and catering services. During discussion, an additional Condition of Approval was requested to be added requiring the applicant to work with staff to light the alley between the buildings for the safety of pedestrian use from the parking lots in the rear. That condition has been added at the end of the Conditions of Approval.

### **Conditional Use Permit 18-8003**

The project is located in the Downtown Commercial (DC) zoning district. Bars and breweries are permitted with approval of a Conditional Use Permit by the Planning Commission.

### **Business Permit (BMC 5.48)**

Per Banning Municipal Code section 5.48.010 *Permit-Required*, no person shall conduct a public dance where intoxicating liquor or beer or wine are then being sold, offered for sale, distributed or given away, or conduct a room or place where billiards or pool is played, or a bowling alley, shooting gallery or similar place without first obtaining a permit so to do.

The applicant has requested in writing, City Council approval of the required business permit per section 5.48 of the Banning Municipal Code.

### **Public Convenience or Necessity**

The proposed project will require State Alcoholic Beverage Control License Type 48, On-Sale General for Public Premises. The applicant has applied for a liquor license through

the Department of Alcoholic Beverage Control (ABC). ABC is requiring approval of a finding Public Convenience or Necessity by the local governing body (City Council) prior to issuing a type 48 license due to an overconcentration of for-sale licenses in the census tract. A Map of the census tract licenses is included as Attachment 4.

If an applicant is applying for a license to sell alcoholic beverages at a premises where an undue concentration exists, they are required to be denied a license by ABC unless the local governing body of the area determines that public convenience or necessity would be served by the issuance of the license. ABC has made the determination of over concentration and is requesting confirmation that the City has determined that issuing a license to the applicant will serve the public convenience or necessity.

### **JUSTIFICATION**

Under the provisions of the Zoning Code, a bar is permitted within the Downtown Commercial (DC) zoning district with the approval of a Conditional Use Permit. The applicant is proposing to establish Finesse Lounge, a bar with dining, dancing, a pool table and catering services. The existing building is currently vacant. The Downtown Commercial (DC) zoning district is the City's traditional commercial core where bars and breweries are permitted with approval of a Conditional Use Permit by the Planning Commission. Downtown has special significance to the community because small scale commercial retail and office uses, services, restaurants, and entertainment serve as the primary uses in this district and offer social opportunities for entertainment, community interaction, food and relaxation.

No exterior improvements are proposed in the front of the building other than the addition of a sign which will be submitted for review and approval at a later date and lighting for pedestrian access through the side alley. Interior floor plans and design images provided to the City show an upscale urban style décor which will enhance the downtown revitalization experience. The addition of the use of the patio and adjacent lot as a landscaped game area, activates the alley and provides potential for a future network of alleys as public spaces throughout the downtown.

The request in question is located within Census Tract No. 0441.01 which includes the approximately two-mile linear area bounded by Sunset and San Gorgonio on the west and east, the 10 freeway on the south and Wilson Street on the north. The tract presently has a total of eleven (11) active On-Sale licenses. Eight (8) of these licenses are restaurants serving only beer and wine. Two (2) are restaurants with licenses that permit general alcohol and one is the American Legion.

Staff has evaluated whether or not the sale of alcohol within the bar may have any adverse impacts upon the site, the surrounding land uses or the community as a whole. Considerations included:

- Would an additional facility in the downtown area selling alcohol have an adverse impact upon the specific area or the community as a whole;
- Could the bar in question survive as a business without the sale of alcohol; and
- Would denial of the request force the relocation of the proposed business outside of the census tract or out of the city.

Staff determined that the proposed location in the Downtown, within an area which permits restaurants serving alcohol by right, would have a minimal impact to the surrounding properties and that the impacts can be mitigated by the Conditions of Approval. In order to apply the most conservative standards, staff has applied the required Conditional Use Permit conditions and associated findings for alcoholic beverage sales to the Conditions of Approval for this project. Additionally, the potential for impacts is limited by the size of the bar and operating conditions. Without an ABC license the applicant asserts that the bar would suffer an unfair disadvantage and would not be able to operate.

We are informed by the applicant, that offering the sale of alcohol to patrons of the bar is an integral part of the business's success. The Downtown core is an appropriate location and will benefit from the influx of activity and additional sales revenue. The bar is a benefit to the community adding to the variety of entertainment opportunities in the community, contributing to the redevelopment of the Downtown area, and enhancing the environment by revitalizing an underutilized vacant space.

The Banning Police Department was notified of the project upon submittal of the application. They provided a condition of approval requiring an alarm system and a 24-hour digital video surveillance system. They also supplied an Incident Report which is included within the planning commission packet. The report demonstrates that very little criminal activity has occurred in the area over the past 14 years with the existing establishments serving alcohol. The Police Department is not opposed to the project.

Additional details, including findings, are provided in the Planning Commission staff report which is included as Attachment 2.

### **ENVIRONMENTAL DETERMINATION:**

In accordance with §15301 (Existing Facilities) a Class 1 Categorical Exemption of the California Environmental Quality Act (CEQA), the project is exempt from further environmental review. A Class 1 Categorical Exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

### **FISCAL IMPACT**

Development of the property would result in increased property values and associated increases in property taxes. The development contributes to the revitalization of the downtown commercial core.

### **ATTACHMENTS:**

1. Resolution 2019-XX
2. Planning Commission Staff Report
3. Planning Commission Resolution (2019-02)
4. Comment Letters Received
5. Public Hearing Notice

Approved by:

A handwritten signature in blue ink, consisting of stylized, overlapping loops and lines, positioned above a horizontal line.

Douglas Schulze  
City Manager

# **ATTACHMENT 1**

Resolution 2019-XX

CUP 18-8003

**RESOLUTION NO. 2019-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA ADOPTING A CATEGORICAL EXEMPTION, APPROVING CONDITIONAL USE PERMIT 18-8003 TO ALLOW A BAR AND DRINKING ESTABLISHMENT WITH OUTDOOR SEATING AREA FOR A BUSINESS KNOWN AS FINESSE LOUNGE, APPROVING A BUSINESS PERMIT REQUIRED UNDER CHAPTER 5.48 FOR PUBLIC DANCES AND POOL, AND A FINDING OF PUBLIC CONVENIENCE OR NECESSITY FOR THE ISSUANCE OF AN ABC LICENSE BY THE CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL FOR A PROPOSED BAR/NIGHTCLUB IN THE DOWNTOWN COMMERCIAL (DC) ZONE ON THE PROPERTY IDENTIFIED AS 144 WEST RAMSEY ST (APNS: PORTIONS OF 540-203-009, 007)**

**WHEREAS**, an application for Conditional Use Permit 18-8003 including a request for a drinking and catering establishment has been duly filed by:

Applicant:	Old Eagle Enterprises, LLC
Owner:	Don M. Peterson and Ixchel Peterson
Authorized Agent	Old Eagle Enterprises, LLC
Project Location:	144 West Ramsey Street
APN Information:	540-203-009, 007

**WHEREAS**, the City Council has the authority pursuant to Chapter 17 of the Banning Municipal Code to take action on Conditional Use Permit 18-8003 for a drinking and catering establishment in the Downtown Commercial Zoning District;

**WHEREAS**, the California Department of Alcoholic Beverage Control requires a finding of Public Convenience or Necessity be submitted by the local governing authority, (City Council);

**WHEREAS**, the City Council is required to approve a Business License for Public Dances, Poolrooms, Bowling Alleys and Shooting Galleries pursuant to Chapter 5.48 of the Banning Municipal Code.

**WHEREAS**, in accordance with Government Code Sections 65353, 65355 and 65090, on February 15, 2019 the City gave public notice by advertising in the Record Gazette, a newspaper of general circulation within the City of Banning, and by mailing notices to property owners within 300 feet of the project of the holding of a public hearing at which the project would be considered;

**WHEREAS**, in accordance with Government Code Section 65353, on January 16, 2019 the Planning Commission held a duly-noticed public hearing to consider Conditional Use Permit 18-8003, a finding of Public Convenience or Necessity, and a Business

License for Public Dances, Poolrooms, Bowling Alleys and Shooting Galleries and recommended that the City Council approve Conditional Use Permit 18-8003, a finding of Public Convenience or Necessity, and a Business License for Public Dances, Poolrooms, Bowling Alleys and Shooting Galleries.

**WHEREAS**, on February 26, 2019 the City Council held a duly noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, Conditional Use Permit No. 18-8003, a finding of Public Convenience or Necessity, and a Business License for Public Dances, Poolrooms, Bowling Alleys and Shooting Galleries; and

**WHEREAS**, in accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed Conditional Use Permit No. 18-8003 and determined that, pursuant to CEQA Section 15301 (Existing Facilities) it is Categorically Exempt because the proposed use is located within an existing structure and an existing outdoor patio area and does not contain any unusual features that would cause potential significant environmental effects.

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

**SECTION 1: Required Findings for California Environmental Quality Act and Multiple Species Habitat Conservation Plan**

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. In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities - Class 1 Categorical Exemption), the project is exempt from further environmental review. A Class 1 Categorical Exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.
- B. Staff has analyzed proposed Conditional Use Permit No. 18-8003 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15301 due to the fact that the proposed project meets the required criteria to qualify as "existing facilities" as defined by Section 15301 and of the CEQA Guidelines. The City Council has reviewed staff's determination of exemption, and based on its own independent judgment, concurs in the staff's determination of exemption.
- C. Multiple Species Habitat Conservation Plan (MSHCP). The project is not subject to MSHCP as the project is an existing facility.

**SECTION 2: Required Findings for Conditional Use Permit 18-8003:**

Section 17.52 of the City of Banning Zoning Ordinance requires each Conditional Use Permit application shall be analyzed to assure that the application is consistent with the

intent and purpose of this chapter, the policies and programs of the General Plan, and the Development Standards and Guidelines of the district in which it is located. The following findings are provided in support of the approval of Conditional Use Permit No. 18-8003:

**Finding No. 1:** The proposed use is consistent with the General Plan;

**Finding of Fact:** Conditional Use Permit 18-8003 is consistent with the General Plan Land Use Element Policy which states: "The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands." The land-use designation of Downtown Commercial allows small scale commercial retail and office uses, services, restaurants, and entertainment as the primary uses in this designation. Further, Conditional Use Permit 18-8003 is consistent with General Plan Economic Development Policy 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." Approval of the permit would allow the applicant to promote business diversity while providing an economic benefit to the City.

**Finding No. 2:** The proposed use is conditionally permitted within the subject land use district and complies with all the applicable provisions of this Ordinance;

**Finding of Fact:** Table 17.12.020 Permitted, Conditional and Prohibited Commercial and Industrial Uses, of Title 17 of the Municipal Code, classifies 'Bars and Drinking Establishments', as conditionally permitted uses. Section 17.12.050 Use Specific Standards provides specific provisions for the Alcohol Beverage Control "ABC" Licenses and these provisions have been addressed in this approval as well.

**Finding No. 3** The proposed use would not impair the integrity and character of the land use district in which it is to be located;

**Finding of Fact:** The proposed use will provide a new and upscale use that will complement existing restaurants and other businesses in the vicinity of the downtown area and will provide a desirable new use for residents and visitors to the City.

**Finding No. 4** The subject site is physically suitable for the type and intensity of the land use being proposed;

**Finding of Fact:** The subject site currently consists of a vacant building and the applicant is not proposing any significant exterior changes to the building. Furthermore, the small scale commercial retail, office uses,

services, restaurants, bars, and entertainment are the primary uses in the Downtown Commercial zoning district.

**Finding No. 5:** There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety;

**Finding of Fact:** The site is served by public and private utilities, including the City's water and electrical utilities. The site is accessed and served from West Ramsey Street which is an existing developed roadway with existing utilities.

**Finding No. 6:** There will not be significant harmful effects upon environmental quality; natural resources; or neighborhood characteristics;

**Finding of Fact:** The minor tenant improvements to the building to accommodate the sale for alcohol related beverages, was reviewed pursuant to the California Environmental Quality Act (CEQA). The tenant improvements to accommodate alcohol related inventory qualifies for a Class 1 (Existing Facilities) Categorical Exemption.

**Finding No. 7** The proposed location, size, design, and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.

**Finding of Fact:** The proposed use will not have a negative impact to the environment or natural resources and will complement existing businesses. Restaurants and the theater are located in close proximity and the proposed use will serve as a further draw to the downtown core. Sales of alcohol are regulated by the State of California, Department of Alcoholic Beverage Control (ABC), the applicant must maintain a valid license to be compliant with ABC. If determined for good cause that the continuance of such license would be contrary to the public welfare or morals ABC is authorized to suspend or revoke any license to sell alcoholic beverages. Furthermore, the City of Banning Police Department has provided an incident report that demonstrates that this is not a high crime area.

**SECTION 2: Additional Specific Use Findings for Conditional Use Permit 18-8003:**

Section 17.12 of the City of Banning Zoning Ordinance requires businesses seeking an Alcohol Beverage Control license shall be analyzed to assure that the proposed project is consistent with the intent and purpose of this chapter, the policies and programs of the General Plan, and the Development Standards and Guidelines of the district in which it is located. The following findings are provided in support of the approval of Conditional Use Permit No. 18-8003:

**Finding No. 1:** Establishments shall not be located within 500 feet of any school or public park within the City;

**Finding of Fact:** Staff has determined that the proposed location is not located within 500 feet of any school or public park within the City.

**Finding No. 2:** The license application shall be reviewed by the police department prior to Planning Commission approval;

**Finding of Fact:** The Banning Police Department has reviewed the project and provided an incident report for the area. This report demonstrated that very little criminal activity has been experienced in the area for the last 14 years and is attached to the Staff Report. No negative information has been provided by the Police Department.

**SECTION 3: Required Findings for Public Dance and Pool Table Permit:**

Section 5.48.010 of the City of Banning Municipal Code requires any place with public dancing where intoxicating liquor or beer or wine are being sold, offered for sale, distributed or given away, or conduct a room or place where billiards or pool is played, to obtaining a permit to do so. The following findings are provided in support of the approval of a Public Dance and Pool Table Permit:

**Finding No. 1:** That the applicant is morally responsible, has a good reputation and has never been convicted of any felony or offense against the decency and morals of the community.

**Finding of Fact:** The applicant is a well-known upstanding community member who was interviewed by City Council and selected to represent City interests on the Parks and Recreation Committee. ABC requires a background check to provide clearance from criminal offenses prior to issuing a n "ABC' license.

**Finding No. 2:** That such activity set forth in the application will not constitute a menace to the public health, safety and welfare of the people of the city or the adjoining neighborhood.

**Finding of Fact:** The City of Banning Police Department provide the criminal history of the area for the past 14 years. The neighborhood has 11 existing locations that have similar uses and there is no history of excessive crime in the area. It can be expected that this will not create any additional criminal activity that would impact the health, safety and welfare of the surrounding neighborhoods.

**Finding No. 3:** That the conduct of such activity set forth in the application, at the proposed location, is not likely to result in the disturbance of the peace and quiet of the neighborhood, constitute a nuisance or create a substantial traffic problem.

**Finding of Fact:** The City of Banning Police Department provide the criminal history of the area for the past 14 years. The neighborhood has similar

existing uses that do not create neighborhood disturbance or traffic issues. The applicant agrees to abide by all applicable noise control regulations of the city of Banning Municipal Code.

**SECTION 4: Required Findings for a Determination of Public Convenience or Necessity:**

In accordance with Section 23817.7(3) of the California Business and Professions Code the following findings are made regarding the determination of Public Convenience or Necessity:

**Finding No. 1:** (a) Notwithstanding Section 23817.5, the California Department of Alcoholic Beverage Control (“Department”) may approve an application for an on-sale license in areas covered by Section 23817.5, if the applicant shows that public convenience or necessity would be served by the issuance, and where all of the following conditions are found to exist:

- A. The applicant premises are located in a crime reporting district that is below that specified pursuant to paragraph (1) of subdivision (a) of Section 23958.4. In considering an application, the department may take into account adjacent crime reporting districts, if the applicant premises are located within 100 feet of the boundaries of any adjacent district. The department shall use an average of reported crimes in the crime reporting district in which the premises are located and reported crimes in any adjacent crime reporting district, if the total of crimes reported in the adjacent district or districts is greater than the crime reporting district in which the premises are located.
- B. The applicant premises are located in an area that falls below the concentration level provided in paragraph (3) of subdivision (a) of Section 23958.4.
- C. The local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines that public convenience or necessity would be served by the issuance.

(b) The department may impose reasonable conditions on a licensee as may be needed in the interest of the public health, safety, and welfare regarding signing, training for responsible beverage sales and hours, and mode of sale.

**Finding of Fact:** The area is not in a high crime area as determined by the Banning Police Department Incident Report. The project will generate jobs and tax revenue for the City and the project will assist in the revitalization of the Downtown area. Staff has applied the required Conditional Use Permit conditions and associated findings for alcoholic beverage sales to the Conditions of Approval for this project.

**SECTION 5: City Council Action**

The City Council hereby takes the following action:

Approval of Conditional Use Permit No. 18-8003, Business License, and Determination of Public Convenience or Necessity, with Conditions. Based on the foregoing, and all other evidence in the record, the City Council of the City of Banning approves Conditional Use Permit No. 18-8003, to allow a bar and drinking establishment with outdoor seating area, approve a business permit required under Chapter 5.48 of the Banning Municipal Code for public dances and pool, and make a determination of public convenience or necessity for the issuance of an "ABC" license by the California Department of Alcoholic Beverage Control (APNs: Portions of 540-203-009, 007), subject to the attached Conditions of Approval.

**PASSED, APPROVED AND ADOPTED this 26th day of February, 2019.**

\_\_\_\_\_  
Arthur L. Welch, Mayor  
City of Banning

**ATTEST:**

\_\_\_\_\_  
Daryl Betancur, Deputy City Clerk  
City of Banning

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

\_\_\_\_\_  
Kevin Ennis, City Attorney  
Richards, Watson & Gershon

**CERTIFICATION:**

I, Daryl Betancur, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2019-03 was duly adopted at a regular meeting of the City Council of the City of Banning held on the 26th day of February, 2019 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Daryl Betancur, Deputy City Clerk  
City of Banning, California

# **ATTACHMENT 2**

## Planning Commission Staff Report

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# CITY OF BANNING

## Planning Commission Report

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**MEETING DATE:** January 16, 2019

**TO:** Planning Commission

**FROM:** Maryann Marks, AICP,  
Interim Community Development Director

**PREPARED BY:** Mark De Manincor, Contract Planner  
Adrianna Ortiz, Contract Planner

**SUBJECT:** **CONDITIONAL USE PERMIT NO. 18-8003**  
**FINESSE LOUNGE**  
**144 WEST RAMSEY STREET**

**APPLICANT'S REQUEST:**

The applicant, Old Eagle Enterprises, LLC, is requesting approval of a Conditional Use Permit, a determination of public convenience and necessity, and approval of Business Permit per Banning Municipal Code 5.48. Old Eagle Enterprises, LLC, proposes to operate a 2,637 square foot bar with dining, dancing, poolroom and catering services. The proposed project is located in an existing building in the Downtown Commercial (DC) zone on the property identified as 144 West Ramsey St, APN 540-203-009, 007.

**RECOMMENDATION:**

That the Planning Commission adopt Resolution No. 2019-02 (Attachment 1):

- I. Recommending the City Council adopt a Categorical Exemption, pursuant to Section 15301 (Existing Facilities); and
- II. Recommending the City Council approve Conditional Use Permit 18-8003 for a Bar/Lounge in the Downtown Commercial zoning district; and
- III. Recommending the City Council approve a determination that public convenience or necessity would be served by the issuance an ABC type 48 license for 'On-Sale General for Public Premises' and type 58 license 'Caterer's Permit'; and
- IV. Recommending the City Council approve a business permit required by Section 5.48 of the Banning Municipal Code for Public Dances, Poolrooms, Bowling Alleys and Shooting Galleries.

**APPLICANT INFORMATION:**

Project Location: 144 West Ramsey  
APN Information: 540-203-009, 007  
Project Applicant: Old Eagle Enterprises, LLC  
46775 Morongo Rd.  
Banning, CA 92220  
Property Owner: Don M. Peterson and Ixchel Peterson  
494 Weather Way  
Banning, CA 92220

**PROJECT BACKGROUND AND DESCRIPTION:**

Subject Site

The applicant is requesting approval of a Conditional Use Permit for Finesse Lounge, a proposed bar with dining and catering services to be located at 144 West Ramsey St, APN 540-203-009. The project site is a 7,725 square foot lot that includes an existing building occupying the entire lot. The building is currently vacant. The South section of the parcel is adjacent to the existing patio area located on parcel 540-203-007. The current owner of both parcels has leased the patio space and 2,637 sf. of the existing building space to the applicant.

The site is located within the Downtown Commercial (DC) zoning district, wherein bars and breweries are permitted with approval of a Conditional Use Permit by the Planning Commission. The Downtown Commercial (DC) zoning district is the City's traditional commercial core, and has special significance to the community because small scale commercial retail and office uses, services, restaurants, and entertainment serve as the primary uses in this district.

Land Use Summary Table

	Existing Land Use	Zoning Designation	General Plan Designation
<b>Subject Site</b>	Existing Vacant Building	Downtown Commercial	Downtown Commercial
<b>North</b>	Office Building	Downtown Commercial	Downtown Commercial
<b>South</b>	Church	Downtown Commercial	Downtown Commercial
<b>East</b>	Restaurant and Vacant Office	Downtown Commercial	Downtown Commercial
<b>West</b>	Retail Shop	Downtown Commercial	Downtown Commercial

## PROPOSAL AND ANALYSIS

The Finesse Lounge will occupy the 2,637 square foot building space and the 1,250 square foot patio to the south. Entertainment includes a dance floor, pool tables, and corn-hole. The Finesses Lounge proposed hours of operation are 10:00 a.m. to 2:00 a.m. seven days a week.

### Conditional Use Permit

Table 17.12.020 "*Permitted, Conditional and Prohibited Commercial and Industrial Uses*" of Title 17 of the Zoning Code requires that a Conditional Use Permit be approved by the Planning Commission for both Bars and Drinking Establishments in the Downtown Commercial zoning district. In order to apply the most conservative standards, staff has applied the required Conditional Use Permit conditions and associated findings for alcoholic beverage sales to the analysis for this project. Those conditions include the following standards: (a) Establishments shall not be located within 500 feet of any school or public park within the City; and, (b) The license shall be reviewed by the police department prior to planning commission approval.

The Banning Police Department was notified of the project upon submittal of the application and no letter of approval or denial has been received. In response to their review, they did provide the attached Incident Report which demonstrates that very little criminal activity has occurred in the area over the past 14 years. Since we have not received any negative information from the Police Department, we can conclude that they are not opposed to the project.

Additionally, the Department of Alcoholic Beverage Control is requiring approval of a finding of public convenience or necessity by the local governing body (City Council) prior to issuing a type 48 license. Therefore, the Planning Commission will be the recommending body, recommending to the City Council, consideration of the project and possibly a finding of public convenience or necessity.

### Parking Requirements

Per code section 17.24.020 *Applicability*, all new projects, redevelopment projects, and project modifications which add twenty-five percent or more to a structure's building area are required to conform to standards and regulations related to off-street parking, setbacks, public street improvements, storage, fences, and so forth. The applicant's proposal includes approval of a use, not an expansion of the building area.

The parking requirements for the Downtown Commercial zone are specified under 17.12.050 (provided for informational purposes only for the proposed use):

17.12.050 (H) (4) (b) Parking for commercial land uses shall be 1 space per 300 square feet of building area.

A City-owned parking lot with 36 parking spaces is located adjacent to the project site, and 57 additional city owned public parking spaces are available in close proximity to the north and west. The reported 2,637 square foot building area would require 9 spaces. Staff finds that there is adequate parking available to patrons of this business as well as other nearby businesses.

The proposed business will provide a new venue that will complement existing businesses and restaurants in the immediate area. The existing businesses include Wings Garden Cafe and historic Fox Theatre. Finesse Lounge will help to create a destination location within the City that will attract both residents and visitors.

A conditional use permit review requires a determination as to whether the proposed use should be permitted by weighing the public need for the benefit to be derived from the use against any negative or undesirable impact which it may cause. The limits which staff is recommending include conditions that help make the use compatible with the existing and nearby land uses.

#### Public Convenience or Necessity

If an applicant is applying for a license to sell alcoholic beverages at a premises where an undue concentration exists, they are required to be denied a license by the Department of Alcoholic Beverage Control unless the local governing body of the area determines that public convenience or necessity would be served by the issuance of the license. The Department of Alcoholic Beverage Control has made the determination of over concentration and is requesting confirmation that the City has determined that issuing a license to the applicant will serve the public convenience or necessity.

Staff believes that issuing a license will serve the community by providing jobs, tax revenue and assist in the revitalization of the downtown area.

The applicant has submitted an application to ABC for type 48 license for 'On-Sale General for Public Premises' (Bar, Night Club) authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. In addition, it authorizes the sale of beer and wine for consumption off the premises where sold. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.

The applicant has also applied for type 58 license 'Caterer's Permit' with ABC. Catering Authorization (Form ABC-218) authorizes Type 47, 48, 51, 52, 57, 75 and 78 licensees (and catering businesses that qualify under Section 24045.12) to sell beer, wine and distilled spirits for consumption at conventions, sporting events, trade exhibits, picnics, social gatherings, or similar events. Type 47, 48 and 57 licensees may cater alcoholic beverages at any ABC-approved location in the State. All licensees wishing to cater alcoholic beverages must obtain prior written authorization from the Department for each event. At all approved events, the licensee may exercise only those privileges authorized by the licensee's license and shall comply with all provisions of the ABC Act pertaining to

the conduct of on-sale premises and violation of those provisions may be grounds for suspension or revocation of the licensee's license or permit, or both, as though the violation occurred on the licensed premises. (Section 23399 and Rule 60.5 California Code of Regulations)

#### Business Permit (BMC 5.48)

Per Banning Municipal Code section 5.48.010 *Permit-Required*, no person shall conduct a public dance where intoxicating liquor or beer or wine are then being sold, offered for sale, distributed or given away, or conduct a room or place where billiards or pool is played, or a bowling alley, shooting gallery or similar place without first obtaining a permit so to do.

The applicant has requested in writing, City Council approval of the required business permit per section 5.48 of the Banning Municipal Code.

#### **ENVIRONMENTAL DETERMINATION:**

##### California Environmental Quality Act (CEQA)

In accordance with §15301 (Existing Facilities) a Class 1 Categorical Exemption of the California Environmental Quality Act (CEQA), the project is being exempt from further environmental review. A Class 1 Categorical Exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

##### Multiple Species Habitat Conservation Plan (MSHCP).

The project is not subject to MSHCP as the project is an existing facility and no new exterior improvements are identified.

#### **PUBLIC COMMUNICATION**

Proposed Conditional Use Permit No. 18-8003 was advertised in the Record Gazette newspaper on January 4, 2019 (Attachment 5). As of the date of this report, staff has received one written comment for the project.

**ATTACHMENTS:**

1. Planning Resolution No. 2019-02  
Exhibit A - Project Site Plan  
Exhibit B - Conditions of Approval
2. Project Plans and Exhibits
3. Applicant's letter requesting Business License Permit
4. Comments (Church / Banning Police Department Incident Report)
5. Public Hearing Notice

Prepared By:

Reviewed and Recommended By:



Mark De Manincor  
Contract Planner  
Adrianna Ortiz  
Contract Planner



Maryann Marks, AICP  
Interim Community Development Director

# ATTACHMENT 1

1. Planning Resolution No. 2019-02
2. Exhibit A - Project Site Plan
3. Exhibit B - Conditions of Approval

RESOLUTION NO. 2019-02

- I. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA RECOMMENDING TO THE CITY COUNCIL ADOPTION OF A CATEGORICAL EXEMPTION, APPROVAL OF CONDITIONAL USE PERMIT 18-8003 TO ALLOW A BAR AND DRINKING ESTABLISHMENT WITH OUTDOOR SEATING AREA, FINESSE LOUNGE, APPROVAL OF A BUSINESS PERMIT REQUIRED BY SECTION 5.48 FOR PUBLIC DANCES AND POOL ROOMS AND A FINDING OF PUBLIC CONVENIENCE OR NECESSITY IN THE DOWNTOWN COMMERCIAL (DC) ZONE ON THE PROPERTY IDENTIFIED AS 144 WEST RAMSEY ST (APN 540-203-009, 007)

**WHEREAS**, an application for a Conditional Use Permit including a request for a drinking and catering establishment has been duly filed by:

Project Location:	144 West Ramsey Street
APN Information:	540-203-009, 007
Project Applicant:	Old Eagle Enterprises, LLC 46775 Morongo Road. Banning, CA 92220
Property Owner:	Don M. Peterson and Ixchel Peterson 494 Weather Way Banning, CA 92220

**WHEREAS**, the Planning Commission has the authority per Chapter 17 of the Banning Municipal Code to take action on Conditional Use Permit 18-8003 for a drinking and catering establishment in the Downtown Commercial Zoning District;

**WHEREAS**, the California Department of Alcoholic Beverage Control requires a finding of Public Convenience or Necessity be submitted by the local governing authority, (City Council);

**WHEREAS**, the City Council is required to approve a business license for Public Dances and Pool Rooms pursuant to Section 5.48 of the Banning Municipal Code.

**WHEREAS**, on January 4, 2019 the City gave public notice by advertising in the Record Gazette, a newspaper of general circulation within the City of Banning, and by mailing notices to property owners within 300 feet of the project of the holding of a public hearing at which the project would be considered;

**WHEREAS**, on January 16, 2019 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to Conditional Use Permit No. 18-8003;

**WHEREAS**, in accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed Conditional Use Permit No. 18-8003 determined that, pursuant to CEQA Section 15301 (Existing Facilities) is Categorically Exempt;

**NOW THEREFORE**, the Planning Commission of the City of Banning does hereby recommend to the City Council of the City of Banning as follows:

**SECTION 1:** California Environmental Quality Act and Multiple Species Habitat Conservation Plan Findings. The Planning Commission of the City of Banning does hereby recommend that the City Council of the City of Banning make the following environmental findings and determinations in connection with the approval of the Project:

- A. In accordance with §15301 (Existing Facilities) a Class 1 Categorical Exemption of the California Environmental Quality Act (CEQA), the project is being exempt from further environmental review. A Class 1 Categorical Exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.
- B. The Planning Commission has analyzed proposed Conditional Use Permit No. 18-8003 and has determined that it is Categorically Exempt from CEQA pursuant to §15301 of the CEQA Guidelines due to the fact that the proposal meets the required criteria to qualify as a "existing facilities" as defined by §15301 of the CEQA Guidelines.
- C. Staff has analyzed proposed Conditional Use Permit No. 16-8005 and has determined that it is Categorically Exempt from CEQA pursuant to §15301 due to the fact that the proposed meets the required criteria to qualify as "existing facilities" as defined by §15301 and of the CEQA Guidelines. Therefore, Conditional Use Permit No. 18-8003 is Categorically Exempt from CEQA pursuant to §15301 and of the CEQA Guidelines.
- D. Multiple Species Habitat Conservation Plan (MSHCP). The project is not subject to MSHCP as the project is an existing facility.

**SECTION 2:** Required Findings for Conditional Use Permit 18-8003: The Planning Commission of the City of Banning does hereby recommend that the City Council of the City of Banning find and determine that CUP No. 18-8003 should be approved because:

**REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT 18-8003:**

Section 17.52 of the City of Banning Zoning Ordinance requires each Conditional Use Permit application shall be analyzed to assure that the application is consistent with the intent and purpose of this chapter, the policies and programs of the General Plan, and the Development Standards and Guidelines of the district in which it is located. The following findings are provided in support of the approval of Conditional Use Permit No. 18-8003:

- Finding No. 1:** The proposed use is consistent with the General Plan;
- Finding of Fact:** Conditional Use Permit 18-8003 is consistent with the General Plan Land Use Element Policy which states: "The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands." The land-use designation of Downtown Commercial allows small scale commercial retail and office uses, services, restaurants, and entertainment as the primary uses in this designation. Further, Conditional Use Permit 18-8003 is consistent with General Plan Economic Development Policy 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." Approval of the permit would allow the applicant to promote business diversity while providing an economic benefit to the City.
- Finding No. 2:** The proposed use is conditionally permitted within the subject land use district and complies with all the applicable provisions of this Ordinance;
- Finding of Fact:** Table 17.12.020 Permitted, Conditional and Prohibited Commercial and Industrial Uses, of Title 17 of the Municipal Code, classifies 'Bars and Drinking Establishments', as conditionally permitted uses. Section 17.12.050 Use Specific Standards provides specific provisions for the Alcohol Beverage Control "ABC" Licenses and these provisions have been addressed in this approval as well.
- Finding No. 3** The proposed use would not impair the integrity and character of the land use district in which it is to be located;
- Finding of Fact:** The proposed use will provide a new and upscale use that will complement existing restaurants and other businesses in the vicinity in the downtown area and will provide a desirable new use for residents and visitors to the City.
- Finding No. 4** The subject site is physically suitable for the type and intensity of land use being proposed;

- Finding of Fact:** The subject site currently consists of a vacant building and the applicant is not proposing any significant exterior changes to the building. Furthermore, the small scale commercial retail, office uses, services, restaurants, bars, and entertainment are the primary uses in Downtown Zoning district.
- Finding No. 5:** There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety;
- Finding of Fact:** The site is served by the public and private utilities, including the City's water and electrical utilities. The site is accessed and served from West Ramsey Street which is an existing developed roadway with existing utilities.
- Finding No. 6:** There will not be significant harmful effects upon environmental quality; natural resources; or neighborhood characteristics;
- Finding of Fact:** The minor tenant improvements to the building to accommodate the sale for alcohol related beverages, was reviewed pursuant to the California Environmental Quality Act (CEQA). The tenant improvements to accommodate alcohol related inventory qualifies for a Class 1 Existing Facilities categorical exemptions.
- Finding No. 7** The proposed location, size, design, and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.
- Finding of Fact:** The proposed use will not have a negative impact to the environment or natural resources and will complement existing businesses. Restaurants and the theater are located in close proximity and the proposed use will serve as a further draw to the downtown core. Sales of alcohol are regulated by the State of California, Department of Alcoholic Beverage Control (ABC), the applicant must maintain a valid license to be compliant with ABC. If determined for good cause that the continuance of such license would be contrary to the public welfare or morals ABC is authorized to suspend or revoke any license to sell alcoholic beverages. Furthermore, the City of Banning Police Department has provided an incident report that demonstrates that this is not a high crime area.

**REQUIRED SPECIFIC USE FINDINGS FOR CONDITIONAL USE PERMIT 18-8003:**

Section 17.12 of the City of Banning Zoning Ordinance requires businesses seeking an Alcohol Beverage Control license shall be analyzed to assure that the proposed project is consistent with the intent and purpose of this chapter, the policies and programs of the General Plan, and the Development Standards and Guidelines of the district in

which it is located. The following findings are provided in support of the approval of Conditional Use Permit No. 18-8003:

**Finding No. 1:** Establishments shall not be located within 500 feet of any school or public park within the City;

**Finding of Fact:** Staff has determined that the proposed location is not located within 500 feet of any school or public park within the City.

**Finding No. 2:** The license application shall be reviewed by the police department prior to Planning Commission approval;

**Finding of Fact:** The Banning Police Department has reviewed the project and provided an incident report for the area. This report demonstrated that very little criminal activity has been experienced in the area for the last 14 years and is attached to the Staff Report. No negative information has been provided by the Police Department.

**REQUIRED FINDINGS FOR A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY:**

In accordance with Section 23817.7(3) of the business and professions Code the following findings are made regarding the determination of public convenience or necessity:

(a) Notwithstanding Section 23817.5, the department may approve an application for an on-sale license in areas covered by Section 23817.5, if the applicant shows that public convenience or necessity would be served by the issuance, and where all of the following conditions are found to exist:

- A. The applicant premises are located in a crime reporting district that is below that specified pursuant to paragraph (1) of subdivision (a) of Section 23958.4. In considering an application, the department may take into account adjacent crime reporting districts, if the applicant premises are located within 100 feet of the boundaries of any adjacent district. The department shall use an average of reported crimes in the crime reporting district in which the premises are located and reported crimes in any adjacent crime reporting district, if the total of crimes reported in the adjacent district or districts is greater than the crime reporting district in which the premises are located.
- B. The applicant premises are located in an area that falls below the concentration level provided in paragraph (3) of subdivision (a) of Section 23958.4.
- C. The local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines that public convenience or necessity would be served by the issuance.

**Finding:** The area is not in a high crime area as determined by the Banning Police Department Incident Report. The project will generate jobs

and tax revenue for the City and the project will assist in the revitalization of the Downtown area.

(b) The department may impose reasonable conditions on a licensee as may be needed in the interest of the public health, safety, and welfare regarding signing, training for responsible beverage sales and hours, and mode of sale.

SECTION 3: PLANNING COMMISSION ACTION - Recommendation of Approval of Conditional Use Permit No. 18-8003 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 Conditional Use Permit No. 18-8003, attached hereto as Exhibit "A," (APNs: Portions of 540-203-009, 007), subject to the recommended Conditions of Approval attached as Exhibit "B".

**PASSED, APPROVED AND ADOPTED this 16th day of January 2019.**

\_\_\_\_\_  
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. 2018-07, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 6th day of June, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Sandra Calderon, Recording Secretary  
City of Banning, California

# EXHIBIT A

EXISTING AREA PARKING PLAN  
11-1-2012



A2

**COMMERCIAL SPACE - REMODEL**  
**Finesse Lounge**  
 144 W. RAMSEY ST, BANNING, CA 92220

**SWEARINGEN DESIGN ASSOCIATES**  
 RESIDENTIAL & COMMERCIAL DESIGN  
 150 S. FRANKLIN BLVD STE 100, BANNING, CA 92203  
 951-234-3023 www.swearengendesign.com





# 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 #: Conditional Use Permit No. 18-8003  
Conditions of Approval (Planning Commission Resolution No. 2019-02)

SUBJECT: 2019-02)

APPLICANT: Old Eagle Enterprises, LLC / Finesse Lounge

LOCATION: APN: 540-204-009, 007

## 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 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.

2. 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.
3. Construction and/or occupancy shall commence within two (2) years from the date of project approval, or the Conditional Use Permit approval shall become null and void. Additionally, if after commencement of construction work is discontinued for a period of one year the Conditional Use Permit shall become null and void. 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 and Conditional Use Permit complies with all current Ordinance provisions.
4. If there more than three calls for service in any six-month period or any future issues that arise with the use that is the subject of this discretionary approval (e.g., complaints from neighboring residents or businesses) the Community Development Director or other appropriate City designee has the authority to require that the Conditional Use Permit be brought back before the Planning Commission for immediate remedy which may include, but not necessarily be limited to, the imposition of additional conditions of approval.
5. 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.

#### **Police Department Comments**

6. A licensee shall maintain an alarm system as defined in Business and Professions Code section 7590.1(n) at the licensed premises.
7. A licensee shall ensure a licensed alarm company operator or one or more of its registered alarm agents installs, maintains, monitors, and responds to the alarm system.
8. The business premises shall have a digital video surveillance system with a minimum camera resolution of 1280 x 720 pixels.

9. The surveillance-system storage device or the cameras shall be transmission control protocol (TCP) capable of being accessed through the internet.
10. The video surveillance system shall at all times be able to effectively and clearly record images of the area under surveillance and provide a time and date stamp.
11. 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 licensed premises, and allows for the clear and certain identification of any person and activities in all areas required to be filmed under subsection (e).
12. Areas that shall be recorded on the video surveillance system include the following:
  - a. Areas where merchandise is being served and all exits.
  - 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; and
  - e. Entrances and exits to the premises, which shall be recorded from both indoor and outdoor vantage points.
13. Cameras shall record continuously 24 hours per day and at a minimum of 15 frames per second (FPS).
14. The physical media or storage device on which surveillance recordings are stored shall be secured in a manner to protect the recording from tampering or theft.
15. Surveillance recordings shall be kept for a minimum of 90 days.
16. Surveillance recordings are subject to inspection by the police department, and shall be kept in a manner that allows the police department to view and obtain copies of the recordings at the licensed premises immediately upon request. The licensee shall also send or otherwise provide copies of the recordings to the police department upon request within the time specified by the police department.
17. 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.

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

### **Public Works Department**

19. Submit verification that the existing water meter size is adequate to meet anticipated use.
20. Backflow protection devices are tested annually to ensure they are repaired, maintained, working properly, and in compliance with the State Department of Health Regulations. A backflow certification shall be submitted to the Public Works Department for each backflow device.
21. Grease trap may be needed if one does not exist. Fill out the attached "Industrial Waste Water Survey" form and if applicable the "Grease Interceptor Waiver Request" form and submit to Public Works for review.

### **Building Department**

22. The following requirements will be required at the time of plan check submittal and/or prior to building occupancy, whichever occurs first:
  - (a) 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.
  - (b) Commercial buildings on the site shall be accessible per California Building Code (CBC) 11B.
  - (c) Site Facilities such as parking (open and covered), recreation facilities, and trash dumpsters, shall be accessible per California Building Code (CBC) 11A, 11B and 31B.
  - (d) Separate submittals and permits are required for all accessory structures such as but not limited to, trash enclosures, patios, block walls and storage buildings.
  - (e) 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**

23. 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. All measures shall be complied with prior to building occupancy unless otherwise stated or approved by the Fire Department.

- (a) Compliance with applicable provisions of the *California Fire Code* (CFC), 2016 edition and Riverside County Fire Department is required. Depending on the size and type of the event, additional conditions not listed below may be required.
- (b) Any fire alarm and/or fire sprinkler plans may be deferred submittal, separate from the tenant improvement plans.
- (c) Install door hardware and exit signs as per the 2016 CBC (A Occupancy).
- (d) Exit signs must be internally/externally illuminated.
- (e) Portable fire extinguishers having a minimum 2A:10BC rating shall be provided at an interval of not less than 75 feet of travel distance. Contact a certified extinguisher company for proper placement and spacing of equipment.
- (f) Approved building address shall be placed in such a position as to be plainly visible and legible from the street and rear access if applicable. Building address numbers shall be a minimum of 12". All addressing must be legible and of a contrasting color with the background and adequately illuminated to be visible from the street at all hours.
- (g) (If applicable) Applicable room door(s) shall be posted "ELECTRICAL ", "FACP", "FIRE RISER" and "ROOF ACCESS" on the outside of the door so it is visible and in a contrasting color.
- (h) If the building has a fire alarm-Fire department emergency key (KNOX) box will be required. Provide keys to the tenant space for inclusion in the main building Knox Box. Key(s) shall have durable and legible tags affixed for identification of the correlating tenant space. Provide Knox Key switch for the gate. Forms can be picked up at Banning City Hall.

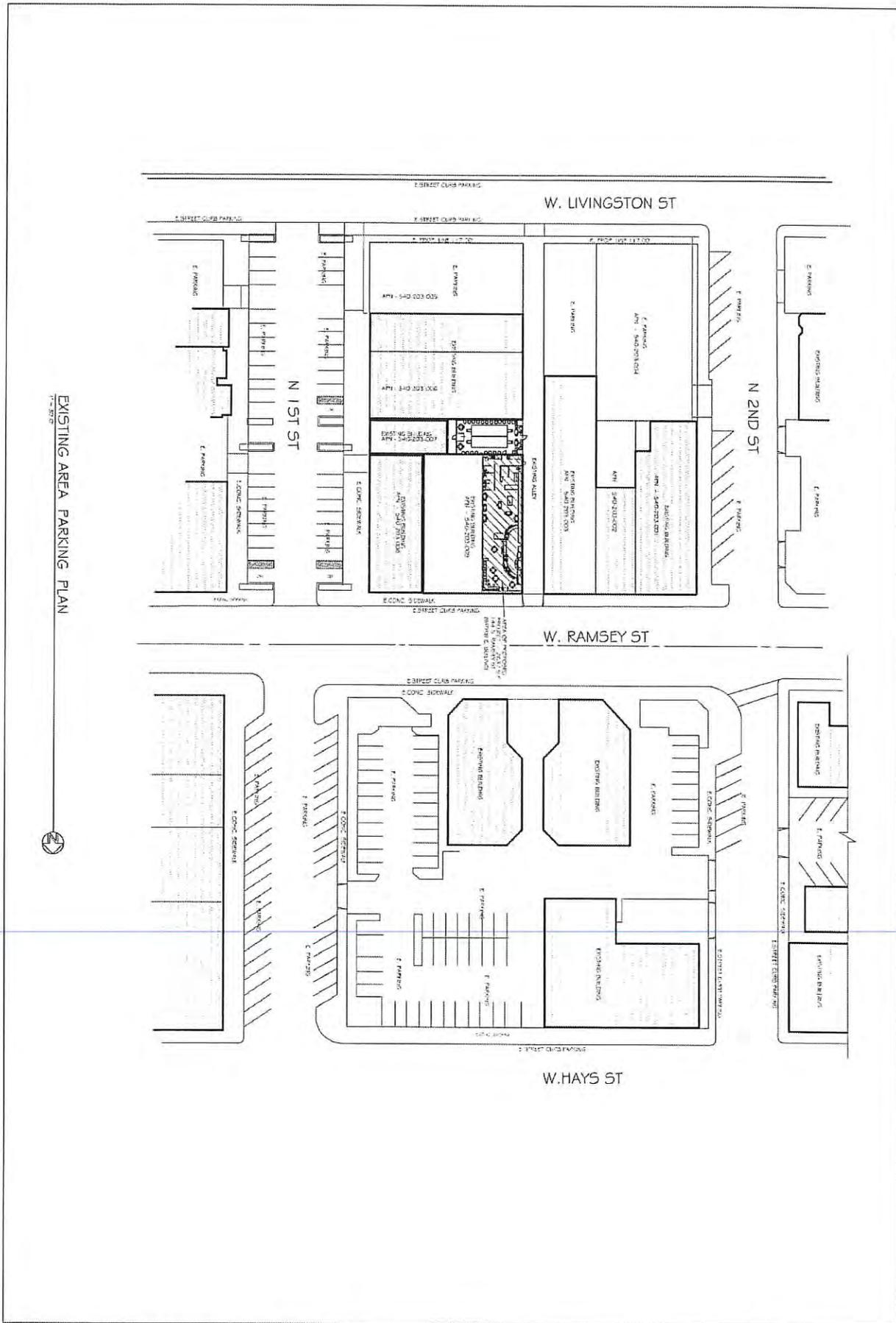
- (i) Patio occupant load will need to be calculated at a net floor area when patrons are playing the games. When the games are not in use and stored the occupant load may be increased. Architect to calculate multiple occupant loads for uses. Must show on the plans.

\*\*\*END\*\*\*

# ATTACHMENT 2

Project Plans and Exhibits  
(11" x 17" plans provided)





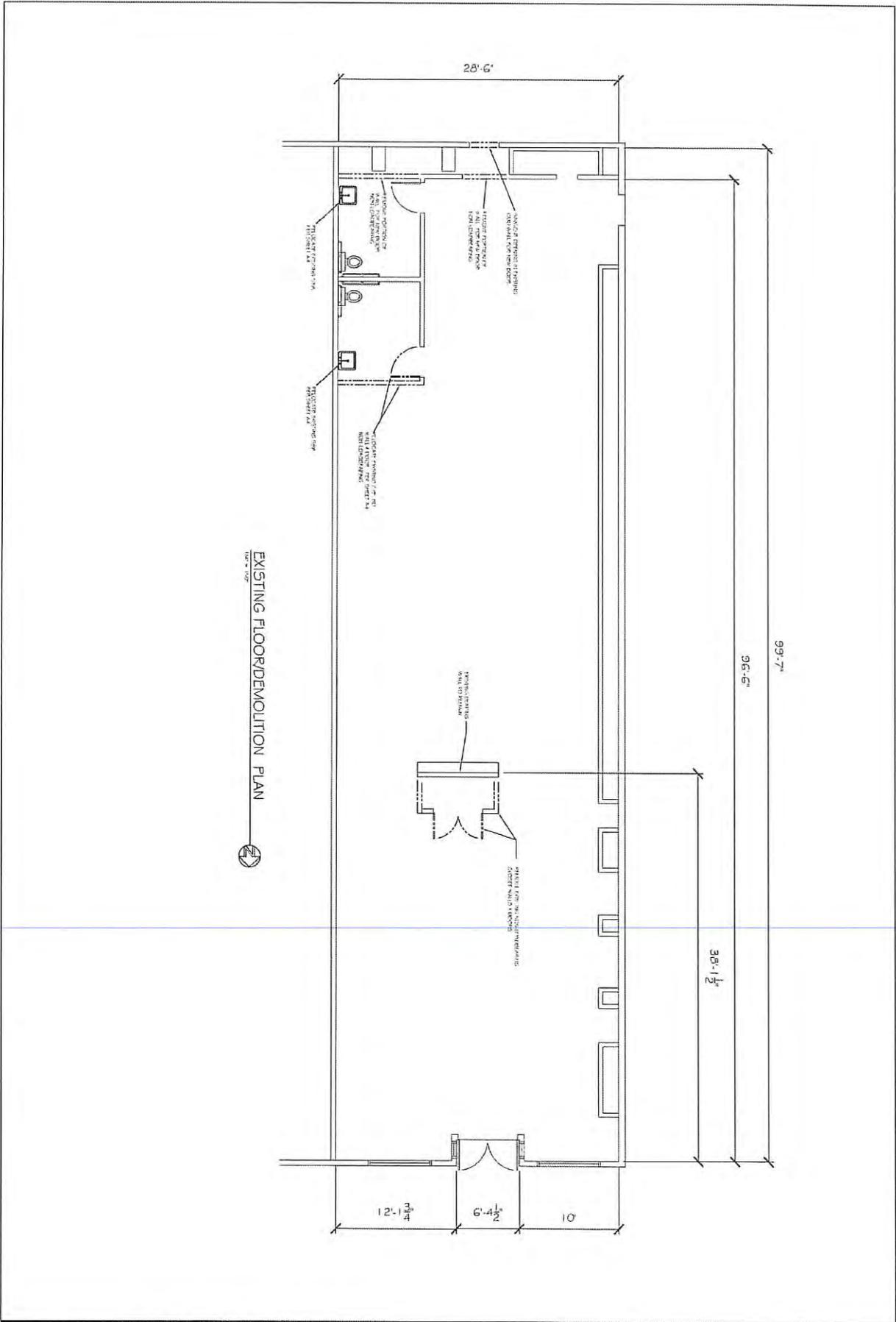
EXISTING AREA PARKING PLAN

A2  
of 3 Sheets

**COMMERCIAL SPACE - REMODEL**  
**Finesse Lounge**  
 144 W. RAMSEY ST, BANNING, CA 92220

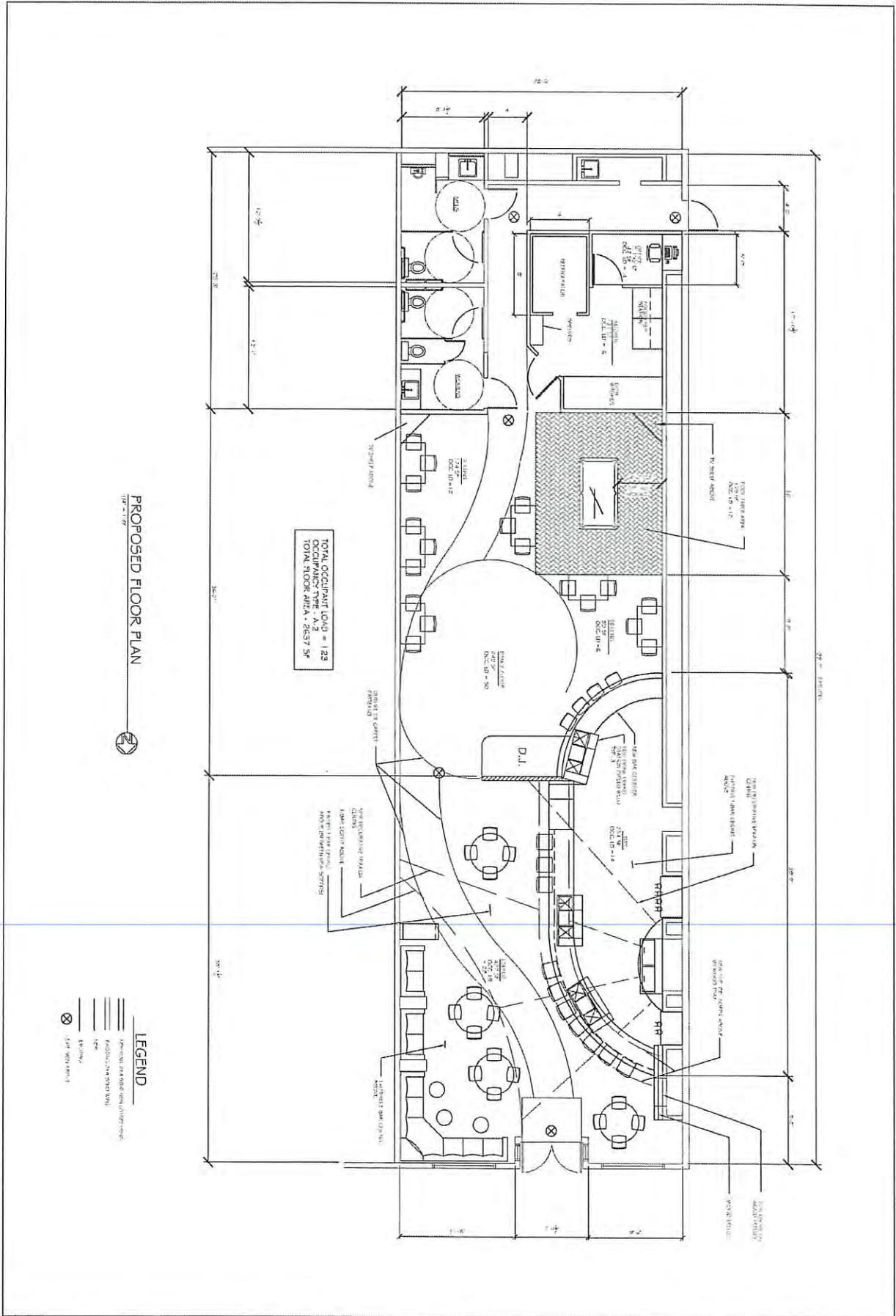
**SWEARINGEN DESIGN ASSOCIATES**  
 RESIDENTIAL & COMMERCIAL DESIGN  
 180 S. RAMONA BLVD SAN ANTONIO, CA 78203  
 TEL: 214-324-1024 www.swearingendesign.com

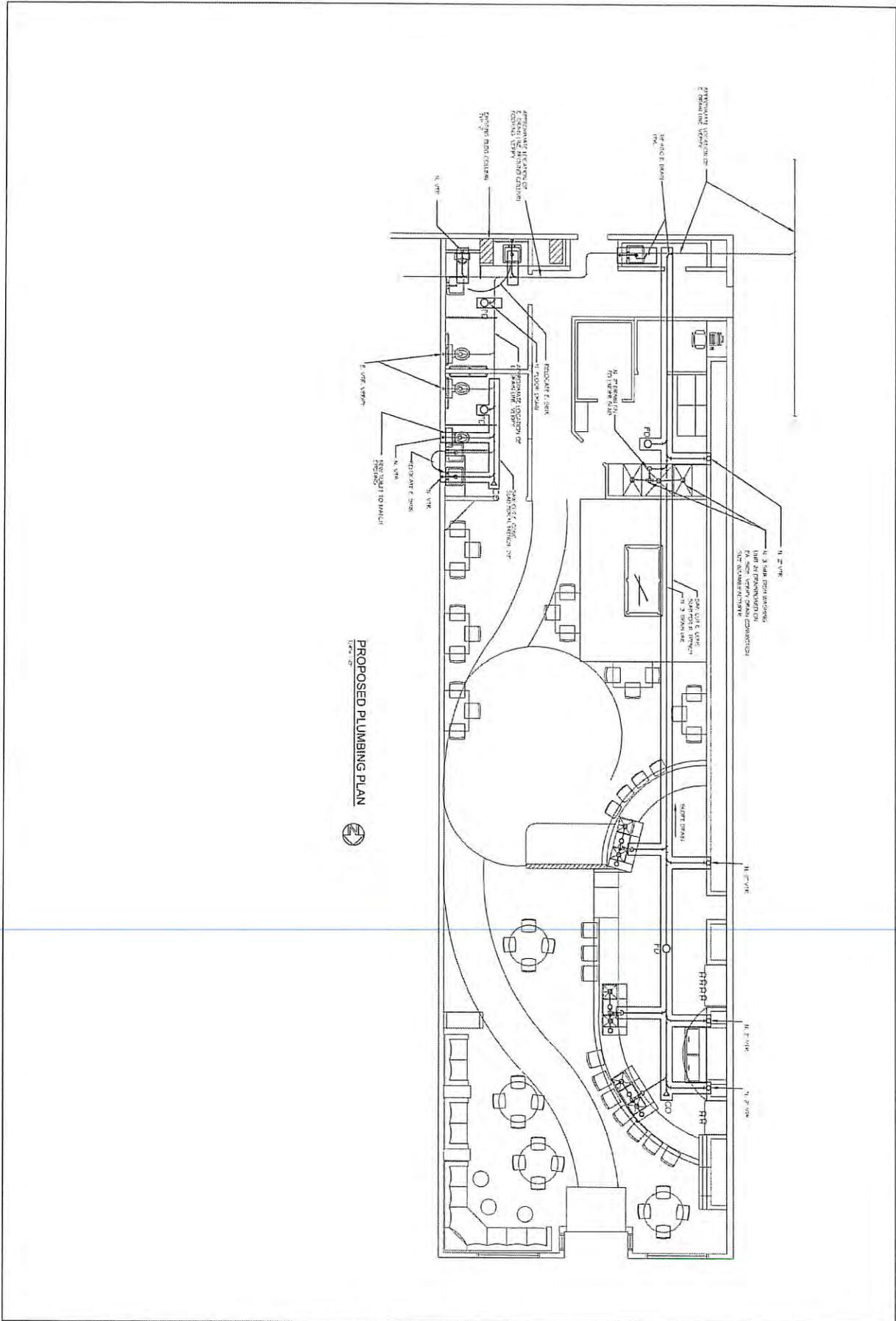




EXISTING FLOORDEMOLITION PLAN







PROPOSED PLUMBING PLAN



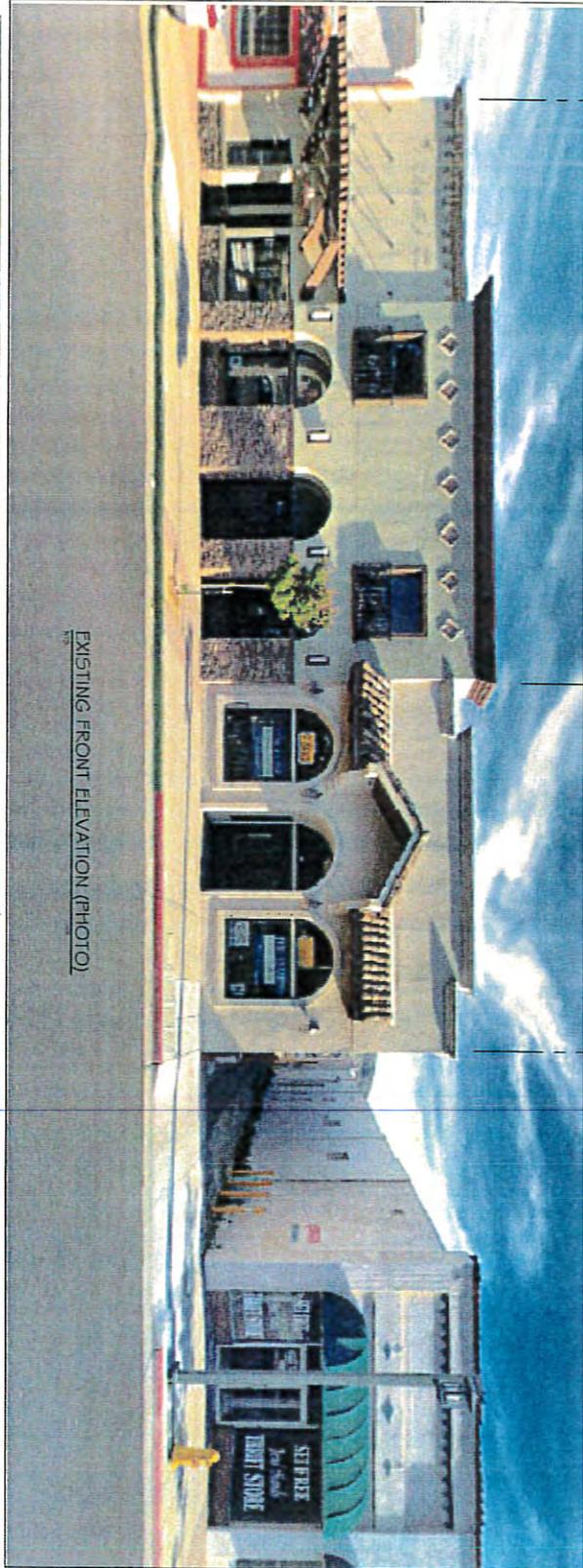
P1

DATE: 11/17/11  
BY: [Signature]

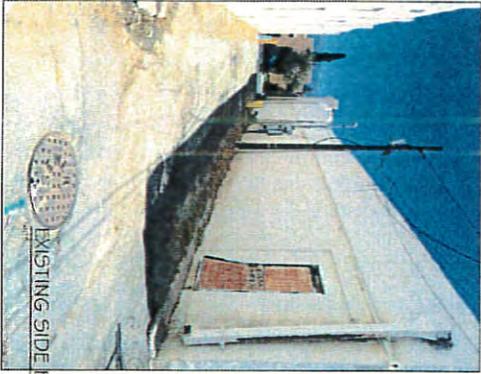
**COMMERCIAL SPACE - REMODEL**  
**Finesse Lounge**  
 144 W. RAMSEY ST, BANNING, CA 92220

**SWEARINGEN DESIGN ASSOCIATES**  
 RESIDENTIAL & COMMERCIAL DESIGN  
 1140 S. FAY AVENUE, SUITE 540, SACRAMENTO, CA 95833  
 (916) 444-0004 www.swearingendesign.com

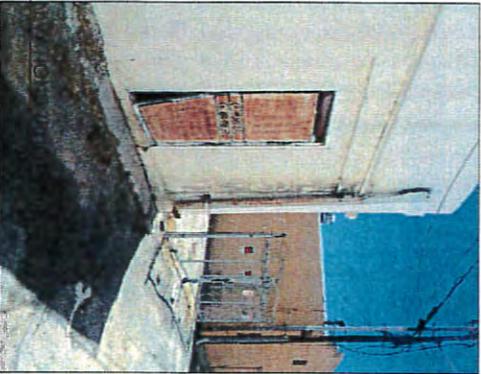




EXISTING FRONT ELEVATION (PHOTO)



EXISTING SIDE ELEVATION (PHOTO)



EXISTING REAR ELEVATION (PHOTO)



EXISTING REAR ELEVATION (PHOTO)



**COMMERCIAL SPACE - REMODEL**  
**Finesse Lounge**  
 144 W. RAMSEY ST, BANNING, CA 92220

SWEARINGEN DESIGN ASSOCIATES  
 RESIDENTIAL & COMMERCIAL DESIGN  
 220 S. HARTLEY STREET, SUITE 100, BANNING, CA 92220  
 951.384.2001 | www.swearengendesign.com



paninis

**HAM & CHEESE**

*Smoked ham, sharp cheddar, and chiptole aioli.*

**TURKEY & SWISS**

*Smoked turkey, swiss cheese, and jalapeno cranberry sauce.*

wings

**YOUR CHOICE OF...**

- Buffalo
- Sweet Chili
- BBQ
- Sweet & Spicy

*(Served with celery and carrots, ranch or bleu cheese)*

wraps

**CHEFS WRAP**

*Romaine, turkey, ham, cheddar, swiss, tomato, olives and your choice of dressing.*

**CHICKEN CAESAR**

*Romaine, chicken, parmesan cheese, tomato, and caesar dressing.*

**CALI WRAP**

*Romaine, chicken, crispy prosciutto, avocado, onion, tomato, and your choice of dressing.*



**TURKEY & SWISS PANINI**  
*Smoked turkey, swiss cheese, and jalapeno cranberry sauce.*



**HOT WINGS**  
*Your choice of wings!*

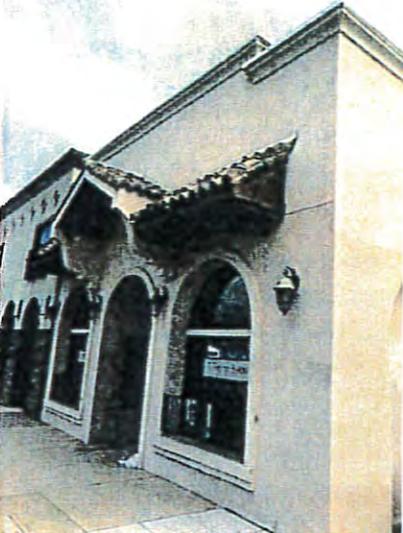
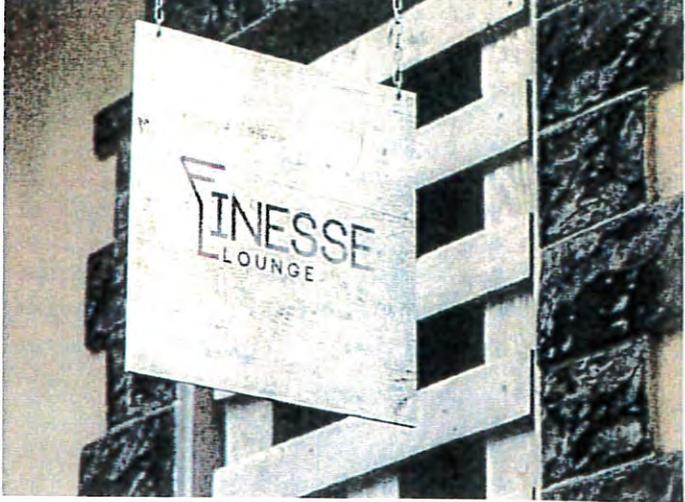
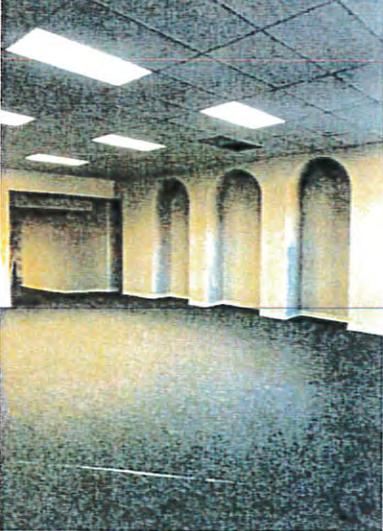
flat  
bread  
pizza

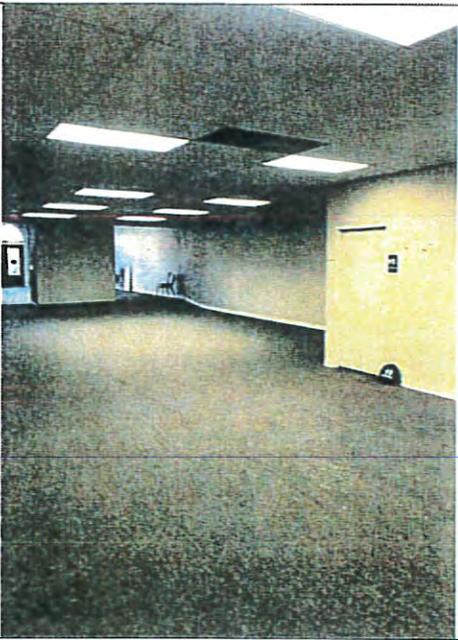


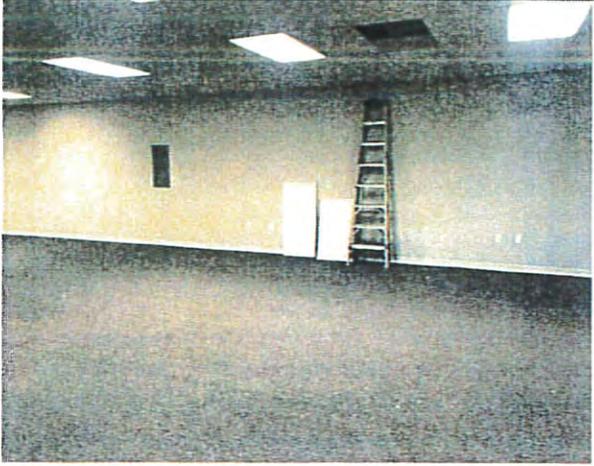
**YOUR CHOICE OF...**

- Chicken
- Spinach
- Artichoke
- Chefs daily special

Finesse Lounge – 144 West Ramsey St. Banning, CA 92220

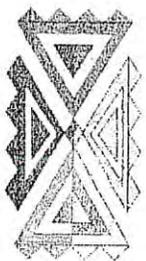
Before	After
Front of building	
	
BAR	
	

Before	After
<b>Dinning Area</b>	
	
<b>Dance Floor</b>	
	

Before	After
Pool Table area	
	

# ATTACHMENT 3

Applicant's Letter



# Old Eagle Enterprises, LLC

Business License Request

Attn: City of Banning

We Old Eagle Enterprises, LLC(OEE) are requesting a business permit at 144 W Ramsey St & 45 S. 1<sup>st</sup> St, Banning, CA, 92220 APN#'s 540203009,(007).

regarding Banning Municipal Code Section 5.48.010. to allow billiards table and dance floor

Arthur S-Cabral

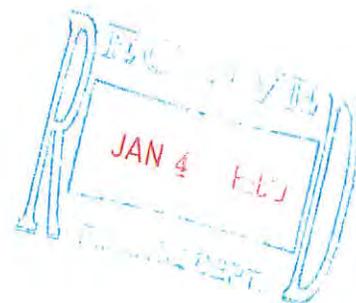
Print

[Handwritten Signature]

Signature

1/3/19

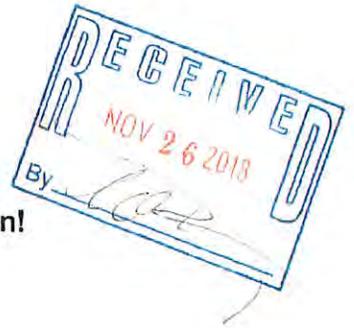
DATE



# ATTACHMENT 4

Comments (Church Letter & Banning Police Department Incident Report)

Faith Builders Family Church  
A Family of Love living by Grace where Miracles happen!  
55 South First Street  
Banning, Ca. 92220



November 26, 2018

To Whom it May Concern:

After meeting with Arthur Cabral, representing the Finesse Lounge, who is applying for a liquor license at the business addresses of 144 W. Ramsey St. and at 45 S. 1st St. in the city of Banning CA, 92220 , I, Pastor Dan Thompson of Faith Builders Family Church, am writing to say that regarding what we have heard, dealing with parking, security, and clientele, we support and understand the following:

Business type - Bar/Lounge

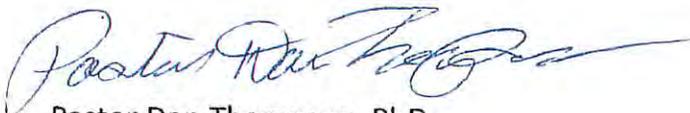
Liquor License type - 48

Hours of operation - Sunday through Saturday 10 a.m. to 2 a.m.

there are no objections or any conflict of interest regarding this endeavor at this time.

Mr. Cabral stated that he is willing to discuss concerns that arise, and assist in working them out to suit us both. We look forward to the Finesse Lounge opening and generating sales tax for the city as well as bringing new people to the City of Banning.

Sincerely yours,

  
Pastor Dan Thompson, PhD.



Location History for 132 W Ramsey

01/03/2019

Date	Event #	Officer	Description
Unknown	Person		HANALAY, RICHARD
Unknown	Person		HANALEI, RICHARD
Unknown	Person		LUCAS, FRED
Unknown	Person		REED, JULIE
Unknown	Person		RICHARD, HANALAY
02/17/2004	Incident 0402170082	Faxon, Frank	PARKING - UNABLE TO LOCATE/GONE ON ARRIVAL
03/23/2004	Incident 0403230021	Shubin, Deborah	594 PC - LOG NOTE ONLY
03/29/2004	Incident 0403290051		AOD/BMT - ASSISTED
05/29/2004	Incident 0405290047	Boisvert, Brandon	415 - NO ACTION TAKEN
07/20/2004	Incident 0407200083	Wortman, Steven	REQ INFO - NO ACTION TAKEN
08/21/2004	Incident 0408210020	Walker, Brian	THREATS - LOG NOTE ONLY
09/16/2004	Incident 0409160064		REQ INFO - LOG NOTE ONLY
01/02/2005	Incident 0501020030	Feola, Joe	SUSP SUB - UNABLE TO LOCATE/GONE ON ARRIVAL
01/17/2005	Incident 0501170048		911 - NO ACTION TAKEN
09/21/2005	Incident 0509210020		PATROL - LOG NOTE ONLY
02/24/2006	Incident 0602240062	Diaz, Alejandro	ALARM/C - LOG NOTE ONLY
06/28/2006	Incident 0606280039	West, Michael	CIVIL - LOG NOTE ONLY
08/30/2006	Incident 0608300029		KTP - CHECKS OK
09/22/2006	Incident 0609220116	Bennett, Michael	ALARM/C - CHECKS OK
10/14/2006	Incident 0610140027		ALARM/C - ALARM CANCELLED BY ALARM COMPANY
12/08/2006	Incident 0612080084	Futch, Marcus	PUBLIC - CHECKS OK
12/26/2006	Incident 0612260038	Brown, Robert	ALARM/C - FALSE ALARM
02/23/2007	Incident 0702230015	Brown, Robert	ALARM/C - ALARM CANCELLED BY ALARM COMPANY
02/24/2007	Incident 0702240054		ALARM/C - ALARM CANCELLED BY ALARM COMPANY
06/13/2007	Incident 0706130094		911 - NO ACTION TAKEN
09/19/2007	Incident 0709190066	Oertel, Erich	EXTRA PA - LOG NOTE ONLY
12/06/2007	Incident 0712060045		911 - REFERRED TO OTHER AGENCY
04/18/2008	Incident 0804180016	Voeltz, Ray	415 - LOG NOTE ONLY
04/22/2009	Citation 83874	Hobb, Steve	9.04.020(A) RMC - OPEN CONTAINER
01/10/2011	Incident 1101100056	Callahan, Brian	REQ INFO - LOG NOTE ONLY
03/14/2016	Incident 1603140070		ALARM/C - ALARM CANCELLED BY ALARM COMPANY
10/23/2017	Incident 1710230077		594 PAST - REPORT TAKEN
10/23/2017	Case 17-3547		594(B)(1): VANDALISM (\$400 OR MORE)
11/06/2018	Incident 1811060042	Munoz, Rene	FOUND - REPORT TAKEN
11/06/2018	Case 18-2895	Munoz, Rene	CANCEL: CASE PULLED IN ERROR

# ATTACHMENT 5

Public Hearing Notice

Record Gazette  
218 N. Murray St.  
**Proof of Publication**  
(2015.5 C.C.P.)

161321 PHN FINESSE LOUNGE

State of California )  
County of Riverside ) ss.

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer and publisher of Record Gazette, a newspaper published in the English language in the City of Banning, County of Riverside, and adjudicated a newspaper of general circulation as defined by the laws of the state of California by the Superior Court of the County of Riverside, under the date October 14, 1966, Case No. 54737. That the notice, of which the annexed is a copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

January 4, 2019

NOTICE OF PUBLIC HEARING FOR A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY AND CONDITIONAL USE PERMIT 18-8003 TO PERMIT A LOUNGE AND DRINKING ESTABLISHMENT IN THE DOWNTOWN COMMERCIAL (DC) ZONE ON REAL PROPERTY LOCATED AT 144 WEST RAMSEY STREET (APNs: 540-203-009, 540-203-007) NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, January 16, 2019, at 6:30 p.m. (or soon thereafter) in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider a Notice of Exemption from CEQA, a determination of Public Convenience or Necessity for the issuance of a license by the California Department of Alcohol Beverage Control, and Conditional Use Permit 18-8003 (CUP 18-8003) to allow a 2,851 square foot lounge and indoor bar and 1,238 square foot patio with dining and catering services in an existing building located in the Downtown Commercial (DC) Zone on real property located at 144 West Ramsey Street (APNs: 540-203-009, 540-203-007).

Information regarding the Notice of Exemption, the determination of Public Convenience or Necessity, and CUP 18-8003 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 Planning Commission 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, AICP  
Interim Community Development Director

Dated: January 1, 2019  
Publish: January 4, 2019

Published in  
The Record Gazette  
No. 161321  
01-04-2019

Executed on: 01/04/2019

At Banning, CA

I certify (or declare) under penalty of perjury that the foregoing is true and correct.



Signature

# **ATTACHMENT 3**

## Planning Commission Resolution

RESOLUTION 2019-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA RECOMMENDING TO THE CITY COUNCIL ADOPTION OF A CATEGORICAL EXEMPTION, APPROVAL OF CONDITIONAL USE PERMIT 18-8003 TO ALLOW A BAR AND DRINKING ESTABLISHMENT WITH OUTDOOR SEATING AREA, FINESSE LOUNGE, APPROVAL OF A BUSINESS PERMIT REQUIRED BY SECTION 5.48 FOR PUBLIC DANCES AND POOL ROOMS AND A FINDING OF PUBLIC CONVENIENCE OR NECESSITY IN THE DOWNTOWN COMMERCIAL (DC) ZONE ON THE PROPERTY IDENTIFIED AS 144 WEST RAMSEY ST (APN 540-203-009, 007)

**WHEREAS**, an application for a Conditional Use Permit including a request for a drinking and catering establishment has been duly filed by:

Project Location:	144 West Ramsey Street
APN Information:	540-203-009, 007
Project Applicant:	Old Eagle Enterprises, LLC 46775 Morongo Road. Banning, CA 92220
Property Owner:	Don M. Peterson and Ixchel Peterson 494 Weather Way Banning, CA 92220

**WHEREAS**, the Planning Commission has the authority per Chapter 17 of the Banning Municipal Code to take action on Conditional Use Permit 18-8003 for a drinking and catering establishment in the Downtown Commercial Zoning District;

**WHEREAS**, the California Department of Alcoholic Beverage Control requires a finding of Public Convenience or Necessity be submitted by the local governing authority, (City Council);

**WHEREAS**, the City Council is required to approve a business license for Public Dances and Pool Rooms pursuant to Section 5.48 of the Banning Municipal Code.

**WHEREAS**, on January 4, 2019 the City gave public notice by advertising in the Record Gazette, a newspaper of general circulation within the City of Banning, and by mailing notices to property owners within 300 feet of the project of the holding of a public hearing at which the project would be considered;

**WHEREAS**, on January 16, 2019 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to Conditional Use Permit No. 18-8003;

**WHEREAS**, in accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed Conditional Use Permit No. 18-8003 determined that, pursuant to CEQA Section 15301 (Existing Facilities) is Categorically Exempt;

**NOW THEREFORE**, the Planning Commission of the City of Banning does hereby recommend to the City Council of the City of Banning as follows:

**SECTION 1:** California Environmental Quality Act and Multiple Species Habitat Conservation Plan Findings. The Planning Commission of the City of Banning does hereby recommend that the City Council of the City of Banning make the following environmental findings and determinations in connection with the approval of the Project:

- A. In accordance with §15301 (Existing Facilities) a Class 1 Categorical Exemption of the California Environmental Quality Act (CEQA), the project is being exempt from further environmental review. A Class 1 Categorical Exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.
- B. The Planning Commission has analyzed proposed Conditional Use Permit No. 18-8003 and has determined that it is Categorically Exempt from CEQA pursuant to §15301 of the CEQA Guidelines due to the fact that the proposal meets the required criteria to qualify as a "existing facilities" as defined by §15301 of the CEQA Guidelines.
- C. Staff has analyzed proposed Conditional Use Permit No. 16-8005 and has determined that it is Categorically Exempt from CEQA pursuant to §15301 due to the fact that the proposed meets the required criteria to qualify as "existing facilities" as defined by §15301 and of the CEQA Guidelines. Therefore, Conditional Use Permit No. 18-8003 is Categorically Exempt from CEQA pursuant to §15301 and of the CEQA Guidelines.
- D. Multiple Species Habitat Conservation Plan (MSHCP). The project is not subject to MSHCP as the project is an existing facility.

**SECTION 2:** Required Findings for Conditional Use Permit 18-8003: The Planning Commission of the City of Banning does hereby recommend that the City Council of the City of Banning find and determine that CUP No. 18-8003 should be approved because:

**REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT 18-8003:**

Section 17.52 of the City of Banning Zoning Ordinance requires each Conditional Use Permit application shall be analyzed to assure that the application is consistent with the intent and purpose of this chapter, the policies and programs of the General Plan, and the Development Standards and Guidelines of the district in which it is located. The following findings are provided in support of the approval of Conditional Use Permit No. 18-8003:

**Finding No. 1:** The proposed use is consistent with the General Plan;

**Finding of Fact:** Conditional Use Permit 18-8003 is consistent with the General Plan Land Use Element Policy which states: "The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands." The land-use designation of Downtown Commercial allows small scale commercial retail and office uses, services, restaurants, and entertainment as the primary uses in this designation. Further, Conditional Use Permit 18-8003 is consistent with General Plan Economic Development Policy 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." Approval of the permit would allow the applicant to promote business diversity while providing an economic benefit to the City.

**Finding No. 2:** The proposed use is conditionally permitted within the subject land use district and complies with all the applicable provisions of this Ordinance;

**Finding of Fact:** Table 17.12.020 Permitted, Conditional and Prohibited Commercial and Industrial Uses, of Title 17 of the Municipal Code, classifies 'Bars and Drinking Establishments', as conditionally permitted uses. Section 17.12.050 Use Specific Standards provides specific provisions for the Alcohol Beverage Control "ABC" Licenses and these provisions have been addressed in this approval as well.

**Finding No. 3** The proposed use would not impair the integrity and character of the land use district in which it is to be located;

**Finding of Fact:** The proposed use will provide a new and upscale use that will complement existing restaurants and other businesses in the vicinity in the downtown area and will provide a desirable new use for residents and visitors to the City.

**Finding No. 4** The subject site is physically suitable for the type and intensity of land use being proposed;

- Finding of Fact:** The subject site currently consists of a vacant building and the applicant is not proposing any significant exterior changes to the building. Furthermore, the small scale commercial retail, office uses, services, restaurants, bars, and entertainment are the primary uses in Downtown Zoning district.
- Finding No. 5:** There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety;
- Finding of Fact:** The site is served by the public and private utilities, including the City's water and electrical utilities. The site is accessed and served from West Ramsey Street which is an existing developed roadway with existing utilities.
- Finding No. 6:** There will not be significant harmful effects upon environmental quality; natural resources; or neighborhood characteristics;
- Finding of Fact:** The minor tenant improvements to the building to accommodate the sale for alcohol related beverages, was reviewed pursuant to the California Environmental Quality Act (CEQA). The tenant improvements to accommodate alcohol related inventory qualifies for a Class 1 Existing Facilities categorical exemptions.
- Finding No. 7** The proposed location, size, design, and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.
- Finding of Fact:** The proposed use will not have a negative impact to the environment or natural resources and will complement existing businesses. Restaurants and the theater are located in close proximity and the proposed use will serve as a further draw to the downtown core. Sales of alcohol are regulated by the State of California, Department of Alcoholic Beverage Control (ABC), the applicant must maintain a valid license to be compliant with ABC. If determined for good cause that the continuance of such license would be contrary to the public welfare or morals ABC is authorized to suspend or revoke any license to sell alcoholic beverages. Furthermore, the City of Banning Police Department has provided an incident report that demonstrates that this is not a high crime area.

**REQUIRED SPECIFIC USE FINDINGS FOR CONDITIONAL USE PERMIT 18-8003:**

Section 17.12 of the City of Banning Zoning Ordinance requires businesses seeking an Alcohol Beverage Control license shall be analyzed to assure that the proposed project is consistent with the intent and purpose of this chapter, the policies and programs of the General Plan, and the Development Standards and Guidelines of the district in

which it is located. The following findings are provided in support of the approval of Conditional Use Permit No. 18-8003:

**Finding No. 1:** Establishments shall not be located within 500 feet of any school or public park within the City;

**Finding of Fact:** Staff has determined that the proposed location is not located within 500 feet of any school or public park within the City.

**Finding No. 2:** The license application shall be reviewed by the police department prior to Planning Commission approval;

**Finding of Fact:** The Banning Police Department has reviewed the project and provided an incident report for the area. This report demonstrated that very little criminal activity has been experienced in the area for the last 14 years and is attached to the Staff Report. No negative information has been provided by the Police Department.

**REQUIRED FINDINGS FOR A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY:**

In accordance with Section 23817.7(3) of the business and professions Code the following findings are made regarding the determination of public convenience or necessity:

(a) Notwithstanding Section 23817.5, the department may approve an application for an on-sale license in areas covered by Section 23817.5, if the applicant shows that public convenience or necessity would be served by the issuance, and where all of the following conditions are found to exist:

- A. The applicant premises are located in a crime reporting district that is below that specified pursuant to paragraph (1) of subdivision (a) of Section 23958.4. In considering an application, the department may take into account adjacent crime reporting districts, if the applicant premises are located within 100 feet of the boundaries of any adjacent district. The department shall use an average of reported crimes in the crime reporting district in which the premises are located and reported crimes in any adjacent crime reporting district, if the total of crimes reported in the adjacent district or districts is greater than the crime reporting district in which the premises are located.
- B. The applicant premises are located in an area that falls below the concentration level provided in paragraph (3) of subdivision (a) of Section 23958.4.
- C. The local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines that public convenience or necessity would be served by the issuance.

**Finding:** The area is not in a high crime area as determined by the Banning Police Department Incident Report. The project will generate jobs

and tax revenue for the City and the project will assist in the revitalization of the Downtown area.

(b) The department may impose reasonable conditions on a licensee as may be needed in the interest of the public health, safety, and welfare regarding signing, training for responsible beverage sales and hours, and mode of sale.

SECTION 3: PLANNING COMMISSION ACTION - Recommendation of Approval of Conditional Use Permit No. 18-8003 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 Conditional Use Permit No. 18-8003, attached hereto as Exhibit "A," (APNs: Portions of 540-203-009, 007), subject to the recommended Conditions of Approval attached as Exhibit "B".

**PASSED, APPROVED AND ADOPTED this 16th day of January 2019.**

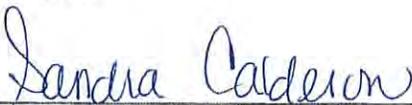
  
Eric Shaw, Chairman  
Banning Planning Commission

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:**

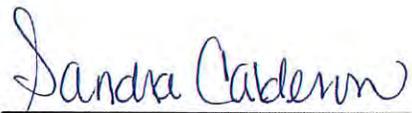
I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution 2019-02 was duly adopted by the Planning Commission of the City of Banning, California, at a special meeting thereof held on the 16th day of January 2019, by the following vote, to wit:

AYES: Brosious, Krick, Price, Schuler, Shaw

NOES: None

ABSENT: None

ABSTAIN: None

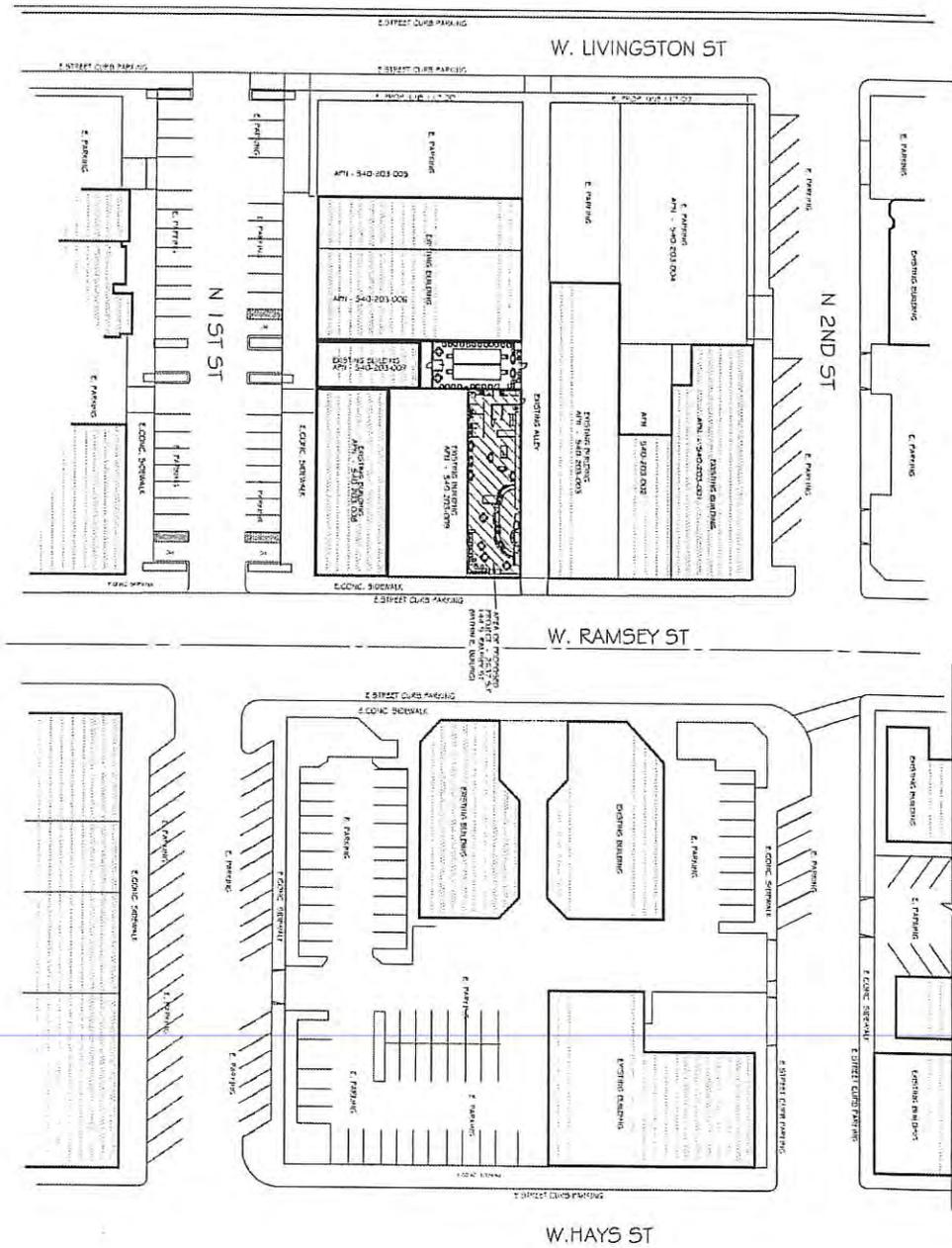


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Sandra Calderon, Recording Secretary  
City of Banning, California

# EXHIBIT A

## EXISTING AREA PARKING PLAN



A2  
 1/12/18  
 Date: 1/12/18  
 Drawn by: MS

**COMMERCIAL SPACE - REMODEL**  
**Finesse Lounge**  
 144 W. RAMSEY ST, BANNING, CA 92220

**SWEARINGEN DESIGN ASSOCIATES**  
 RESIDENTIAL & COMMERCIAL DESIGN  
 136 N. FRANCIS AVENUE, BANNING, CA 92220  
 951-244-1208 www.swearingendesign.com





# 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 #: Conditional Use Permit No. 18-8003  
Conditions of Approval (Planning Commission Resolution No.  
 SUBJECT: 2019-02)

APPLICANT: Old Eagle Enterprises, LLC / Finesse Lounge

LOCATION: APN: 540-203-009, 007

## 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 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.

2. 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.
3. Construction and/or occupancy shall commence within two (2) years from the date of project approval, or the Conditional Use Permit approval shall become null and void. Additionally, if after commencement of construction work is discontinued for a period of one year the Conditional Use Permit shall become null and void. 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 and Conditional Use Permit complies with all current Ordinance provisions.
4. If there more than three calls for service in any six-month period or any future issues that arise with the use that is the subject of this discretionary approval (e.g., complaints from neighboring residents or businesses) the Community Development Director or other appropriate City designee has the authority to require that the Conditional Use Permit be brought back before the Planning Commission for immediate remedy which may include, but not necessarily be limited to, the imposition of additional conditions of approval.
5. 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.

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#### **Police Department Comments**

6. A licensee shall maintain an alarm system as defined in Business and Professions Code section 7590.1(n) at the licensed premises.
7. A licensee shall ensure a licensed alarm company operator or one or more of its registered alarm agents installs, maintains, monitors, and responds to the alarm system.
8. The business premises shall have a digital video surveillance system with a minimum camera resolution of 1280 x 720 pixels.

9. The surveillance-system storage device or the cameras shall be transmission control protocol (TCP) capable of being accessed through the internet.
10. The video surveillance system shall at all times be able to effectively and clearly record images of the area under surveillance and provide a time and date stamp.
11. 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 licensed premises, and allows for the clear and certain identification of any person and activities in all areas required to be filmed under subsection (e).
12. Areas that shall be recorded on the video surveillance system include the following:
  - a. Areas where merchandise is being served and all exits.
  - 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; and
  - e. Entrances and exits to the premises, which shall be recorded from both indoor and outdoor vantage points.
13. Cameras shall record continuously 24 hours per day and at a minimum of 15 frames per second (FPS).
14. The physical media or storage device on which surveillance recordings are stored shall be secured in a manner to protect the recording from tampering or theft.
15. Surveillance recordings shall be kept for a minimum of 90 days.
16. Surveillance recordings are subject to inspection by the police department, and shall be kept in a manner that allows the police department to view and obtain copies of the recordings at the licensed premises immediately upon request. The licensee shall also send or otherwise provide copies of the recordings to the police department upon request within the time specified by the police department.
17. 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.

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

### **Public Works Department**

19. Submit verification that the existing water meter size is adequate to meet anticipated use.
20. Backflow protection devices are tested annually to ensure they are repaired, maintained, working properly, and in compliance with the State Department of Health Regulations. A backflow certification shall be submitted to the Public Works Department for each backflow device.
21. Grease trap may be needed if one does not exist. Fill out the attached "Industrial Waste Water Survey" form and if applicable the "Grease Interceptor Waiver Request" form and submit to Public Works for review.

### **Building Department**

22. The following requirements will be required at the time of plan check submittal and/or prior to building occupancy, whichever occurs first:
  - (a) 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.
  - (b) Commercial buildings on the site shall be accessible per California Building Code (CBC) 11B.
  - (c) Site Facilities such as parking (open and covered), recreation facilities, and trash dumpsters, shall be accessible per California Building Code (CBC) 11A, 11B and 31B.
  - (d) Separate submittals and permits are required for all accessory structures such as but not limited to, trash enclosures, patios, block walls and storage buildings.
  - (e) 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**

23. 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. All measures shall be complied with prior to building occupancy unless otherwise stated or approved by the Fire Department.

- (a) Compliance with applicable provisions of the *California Fire Code (CFC)*, 2016 edition and Riverside County Fire Department is required. Depending on the size and type of the event, additional conditions not listed below may be required.
- (b) Any fire alarm and/or fire sprinkler plans may be deferred submittal, separate from the tenant improvement plans.
- (c) Install door hardware and exit signs as per the 2016 CBC (A Occupancy).
- (d) Exit signs must be internally/externally illuminated.
- (e) Portable fire extinguishers having a minimum 2A:10BC rating shall be provided at an interval of not less than 75 feet of travel distance. Contact a certified extinguisher company for proper placement and spacing of equipment.
- (f) Approved building address shall be placed in such a position as to be plainly visible and legible from the street and rear access if applicable. Building address numbers shall be a minimum of 12". All addressing must be legible and of a contrasting color with the background and adequately illuminated to be visible from the street at all hours.
- (g) (If applicable) Applicable room door(s) shall be posted "ELECTRICAL ", "FACP", "FIRE RISER" and "ROOF ACCESS" on the outside of the door so it is visible and in a contrasting color.
- (h) If the building has a fire alarm-Fire department emergency key (KNOX) box will be required. Provide keys to the tenant space for inclusion in the main building Knox Box. Key(s) shall have durable and legible tags affixed for identification of the correlating tenant space. Provide Knox Key switch for the gate. Forms can be picked up at Banning City Hall.

- (i) Patio occupant load will need to be calculated at a net floor area when patrons are playing the games. When the games are not in use and stored the occupant load may be increased. Architect to calculate multiple occupant loads for uses. Must show on the plans.

**ADDITIONAL CONDITIONS ADDED BY THE PLANNING COMMISSION**

- 24. The applicant shall work with City staff (Planning, Public Works and Electric) to provide adequate lighting for the adjacent alley.

\*\*\*END\*\*\*

# **ATTACHMENT 4**

Map of Census Tract 0441.01

# ABC Census Tract Area 441.01



## ABC License Types

20	<b>OFF SALE BEER &amp; WINE - (Package Store)</b> Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises.
21	<b>OFF SALE GENERAL - (Package Store)</b> Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises.
23	<b>SMALL BEER MANUFACTURER - (Brew Pub or Micro-brewery)</b> Authorizes the same privileges and restrictions as a Type 01. A brewpub is typically a very small brewery with a restaurant. A micro-brewery is a small-scale brewery operation that typically is dedicated solely to the production of specialty beers, although some do have a restaurant or pub on their manufacturing plant.
40	<b>ON SALE BEER - (Bar, Tavern)</b> Authorizes the sale of beer for consumption on or off the premises where sold. No wine or distilled spirits may be on the premises. Full meals are not required; however, sandwiches or snacks must be available. Minors are allowed on the premises.
41	<b>ON SALE BEER &amp; WINE - EATING PLACE - (Restaurant)</b> Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
42	<b>ON SALE BEER &amp; WINE - PUBLIC PREMISES - (Bar, Tavern)</b> Authorizes the sale of beer and wine for consumption on or off the premises where sold. No distilled spirits may be on the premises. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
47	<b>ON SALE GENERAL - EATING PLACE - (Restaurant)</b> Authorizes the sale of beer, wine and distilled spirits for consumption on the licenses premises. Authorizes the sale of beer and wine for consumption off the licenses premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
48	<b>ON SALE GENERAL - PUBLIC PREMISES - (Bar, Night Club)</b> Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.

# **ATTACHMENT 5**

Comment Letters Received

Faith Builders Family Church  
A Family of Love living by Grace where Miracles happen!  
55 South First Street  
Banning, Ca. 92220



November 26, 2018

To Whom it May Concern:

After meeting with Arthur Cabral, representing the Finesse Lounge, who is applying for a liquor license at the business addresses of 144 W. Ramsey St. and at 45 S. 1st St. in the city of Banning CA, 92220, I, Pastor Dan Thompson of Faith Builders Family Church, am writing to say that regarding what we have heard, dealing with parking, security, and clientele, we support and understand the following:

Business type - Bar/Lounge

Liquor License type - 48

Hours of operation - Sunday through Saturday 10 a.m. to 2 a.m.

there are no objections or any conflict of interest regarding this endeavor at this time.

Mr. Cabral stated that he is willing to discuss concerns that arise, and assist in working them out to suit us both. We look forward to the Finesse Lounge opening and generating sales tax for the city as well as bringing new people to the City of Banning.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Pastor Dan Thompson".

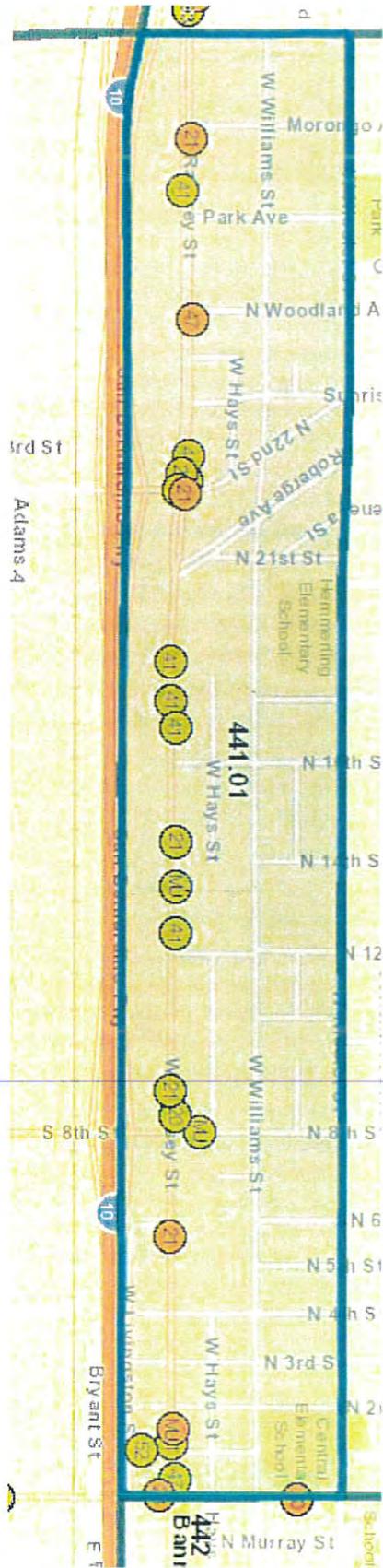
Pastor Dan Thompson, PhD.



Location History for 132 W Ramsey

01/03/2019

Date	Event #	Officer	Description
Unknown	Person		HANALAY, RICHARD
Unknown	Person		HANALEI, RICHARD
Unknown	Person		LUCAS, FRED
Unknown	Person		REED, JULIE
Unknown	Person		RICHARD, HANALAY
02/17/2004	Incident 0402170082	Faxon, Frank	PARKING - UNABLE TO LOCATE/GONE ON ARRIVAL
03/23/2004	Incident 0403230021	Shubin, Deborah	594 PC - LOG NOTE ONLY
03/29/2004	Incident 0403290051		AOD/BMT - ASSISTED
05/29/2004	Incident 0405290047	Boisvert, Brandon	415 - NO ACTION TAKEN
07/20/2004	Incident 0407200083	Wortman, Steven	REQ INFO - NO ACTION TAKEN
08/21/2004	Incident 0408210020	Walker, Brian	THREATS - LOG NOTE ONLY
09/16/2004	Incident 0409160064		REQ INFO - LOG NOTE ONLY
01/02/2005	Incident 0501020030	Feola, Joe	SUSP SUB - UNABLE TO LOCATE/GONE ON ARRIVAL
01/17/2005	Incident 0501170048		911 - NO ACTION TAKEN
09/21/2005	Incident 0509210020		PATROL - LOG NOTE ONLY
02/24/2006	Incident 0602240062	Diaz, Alejandro	ALARM/C - LOG NOTE ONLY
06/28/2006	Incident 0606280039	West, Michael	CIVIL - LOG NOTE ONLY
08/30/2006	Incident 0608300029		KTP - CHECKS OK
09/22/2006	Incident 0609220116	Bennett, Michael	ALARM/C - CHECKS OK
10/14/2006	Incident 0610140027		ALARM/C - ALARM CANCELLED BY ALARM COMPANY
12/08/2006	Incident 0612080084	Futch, Marcus	PUBLIC - CHECKS OK
12/26/2006	Incident 0612260038	Brown, Robert	ALARM/C - FALSE ALARM
02/23/2007	Incident 0702230015	Brown, Robert	ALARM/C - ALARM CANCELLED BY ALARM COMPANY
02/24/2007	Incident 0702240054		ALARM/C - ALARM CANCELLED BY ALARM COMPANY
06/13/2007	Incident 0706130094		911 - NO ACTION TAKEN
09/19/2007	Incident 0709190066	Oertel, Erich	EXTRA PA - LOG NOTE ONLY
12/06/2007	Incident 0712060045		911 - REFERRED TO OTHER AGENCY
04/18/2008	Incident 0804180016	Voeltz, Ray	415 - LOG NOTE ONLY
04/22/2009	Citation 83874	Hobb, Steve	9.04.020(A) RMC - OPEN CONTAINER
01/10/2011	Incident 1101100056	Callahan, Brian	REQ INFO - LOG NOTE ONLY
03/14/2016	Incident 1603140070		ALARM/C - ALARM CANCELLED BY ALARM COMPANY
10/23/2017	Incident 1710230077		594 PAST - REPORT TAKEN
10/23/2017	Case 17-3547		594(B)(1): VANDALISM (\$400 OR MORE)
11/06/2018	Incident 1811060042	Munoz, Rene	FOUND - REPORT TAKEN
11/06/2018	Case 18-2895	Munoz, Rene	CANCEL: CASE PULLED IN ERROR



DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
NUMBER OF LICENSES AUTHORIZED  
BY CENSUS TRACT

County Name	County Population	County Ratio On Sale	County Ratio Off Sale	Census Tract #	Census Tract Population	On Sale	Off Sale
RIVERSIDE	2,415,955	1,091	1,751	435.13	2,456	2	1
RIVERSIDE	2,415,955	1,091	1,751	435.17	6,815	6	3
RIVERSIDE	2,415,955	1,091	1,751	436.01	4,505	4	2
RIVERSIDE	2,415,955	1,091	1,751	436.02	3,953	3	2
RIVERSIDE	2,415,955	1,091	1,751	437.01	3,512	3	2
RIVERSIDE	2,415,955	1,091	1,751	437.02	4,235	3	2
RIVERSIDE	2,415,955	1,091	1,751	437.03	2,585	2	1
RIVERSIDE	2,415,955	1,091	1,751	438.02	5,116	4	2
RIVERSIDE	2,415,955	1,091	1,751	438.07	5,743	5	3
RIVERSIDE	2,415,955	1,091	1,751	438.09	3,015	2	1
RIVERSIDE	2,415,955	1,091	1,751	438.10	4,933	4	2
RIVERSIDE	2,415,955	1,091	1,751	438.11	3,877	3	2
RIVERSIDE	2,415,955	1,091	1,751	438.12	5,409	4	3
RIVERSIDE	2,415,955	1,091	1,751	438.13	4,340	3	2
RIVERSIDE	2,415,955	1,091	1,751	438.14	905	0	0
RIVERSIDE	2,415,955	1,091	1,751	438.18	3,832	3	2
RIVERSIDE	2,415,955	1,091	1,751	438.20	3,895	3	2
RIVERSIDE	2,415,955	1,091	1,751	438.21	2,707	2	1
RIVERSIDE	2,415,955	1,091	1,751	438.22	2,689	2	1
RIVERSIDE	2,415,955	1,091	1,751	438.23	7,023	6	4
RIVERSIDE	2,415,955	1,091	1,751	439.00	6,405	5	3
RIVERSIDE	2,415,955	1,091	1,751	440.00	2,109	1	1
RIVERSIDE	2,415,955	1,091	1,751	441.01	2,973	2	1
RIVERSIDE	2,415,955	1,091	1,751	441.02	2,841	2	1
RIVERSIDE	2,415,955	1,091	1,751	441.03	5,669	5	3
RIVERSIDE	2,415,955	1,091	1,751	441.04	2,647	2	1
RIVERSIDE	2,415,955	1,091	1,751	442.00	5,701	5	3
RIVERSIDE	2,415,955	1,091	1,751	443.00	4,774	4	2
RIVERSIDE	2,415,955	1,091	1,751	444.02	6,218	5	3
RIVERSIDE	2,415,955	1,091	1,751	444.03	4,402	4	2
RIVERSIDE	2,415,955	1,091	1,751	444.04	1,860	1	1
RIVERSIDE	2,415,955	1,091	1,751	444.05	2,366	2	1
RIVERSIDE	2,415,955	1,091	1,751	445.05	6,479	5	3
RIVERSIDE	2,415,955	1,091	1,751	445.07	6,565	6	3
RIVERSIDE	2,415,955	1,091	1,751	445.09	3,939	3	2
RIVERSIDE	2,415,955	1,091	1,751	445.10	5,808	5	3
RIVERSIDE	2,415,955	1,091	1,751	445.15	3,618	3	2
RIVERSIDE	2,415,955	1,091	1,751	445.16	6,606	6	3
RIVERSIDE	2,415,955	1,091	1,751	445.17	2,377	2	1
RIVERSIDE	2,415,955	1,091	1,751	445.18	5,232	4	2
RIVERSIDE	2,415,955	1,091	1,751	445.20	1,704	1	0
RIVERSIDE	2,415,955	1,091	1,751	445.21	1,196	1	0
RIVERSIDE	2,415,955	1,091	1,751	445.22	4,876	4	2
RIVERSIDE	2,415,955	1,091	1,751	446.02	2,907	2	1
RIVERSIDE	2,415,955	1,091	1,751	446.04	4,320	3	2
RIVERSIDE	2,415,955	1,091	1,751	446.05	4,803	4	2

# **ATTACHMENT 6**

## Public Hearing Notice

Record Gazette  
218 N. Murray St.  
**Proof of Publication**  
(2015.5 C.C.P.)

162415 PHN PCN CUP 18-8003

State of California )  
County of Riverside ) ss.

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer and publisher of Record Gazette, a newspaper published in the English language in the City of Banning, County of Riverside, and adjudicated a newspaper of general circulation as defined by the laws of the state of California by the Superior Court of the County of Riverside, under the date October 14, 1966, Case No. 54737. That the notice, of which the annexed is a copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

February 15, 2019

NOTICE OF PUBLIC HEARING FOR ADOPTING A CATEGORICAL EXEMPTION, APPROVING CONDITIONAL USE PERMIT 18-8003 TO ALLOW A BAR AND DRINKING ESTABLISHMENT WITH OUTDOOR SEATING AREA, FINESSE LOUNGE, APPROVING A BUSINESS PERMIT REQUIRED UNDER CHAPTER 5.48 FOR PUBLIC DANCES AND POOL, AND A FINDING OF PUBLIC CONVENIENCE OR NECESSITY FOR THE ISSUANCE OF A LICENSE BY THE CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL FOR A PROPOSED DRINKING AND CATERING ESTABLISHMENT IN THE DOWNTOWN COMMERCIAL (DC) ZONE ON THE PROPERTY IDENTIFIED AS 144 WEST RAMSEY ST (APNS: PORTIONS OF 540-203-009, 007)

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning City Council, to be held on Tuesday, February 26, 2019, at 5:00 p.m. (or soon thereafter) in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider a Notice of Exemption from CEQA, a determination of Public Convenience or Necessity for the issuance of a license by the California Department of Alcohol Beverage Control, a Business Permit required under Chapter 5.48 for public dances and pool and Conditional Use Permit 18-8003 (CUP 18-8003) to allow a 2,851 square foot lounge and indoor bar and 1,238 square foot patio with dining and catering services in an existing building located in the Downtown Commercial (DC) Zone on real property located at 144 West Ramsey Street (APNs: 540-203-009, 540-203-007).

Information regarding the Notice of Exemption, the determination of Public Convenience or Necessity, a Business Permit required under Chapter 5.48 for public dances and pool and CUP 18-8003 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 INTERIM COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA

Maryann Marks, AICP  
Interim Community Development Director

Dated: February 12, 2019

Publish: February 15, 2019

Published in

The Record Gazette

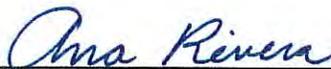
No. 162415

2/15/2019

Executed on: 02/15/2019

At Banning, CA

I certify (or declare) under penalty of perjury that the foregoing is true and correct.



Signature



**CITY OF BANNING  
CITY COUNCIL REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Maryann Marks, Interim Community Development Director

**MEETING DATE:** February 26, 2019

**SUBJECT:** Resolution 2019-03; General Plan Amendment 18-2501; Ordinance No. 1541 approving Zone Change 18-3501 and making findings pursuant to CEQA; Design Review 18-7001; and Environmental Assessment 18-1501 for the Proposed Development of a 146,890 Square Foot Industrial Building within the General Commercial (GC) Land Use District Located on Developed and Undeveloped Property Located at 1897 West Lincoln Street, 1661 West Lincoln Street, 1617 West Lincoln Street, 1589 West Lincoln Street and Vacant Parcels to the East (APNs: 538-230-014, 538-220-002, 538-220-003, 538-220-004, 540-180-041, 540-180-042, 540-180-043, 540-180-044 & 540-180-045)

**RECOMMENDED ACTION:**

Staff recommends that the City Council:

1. Open the public hearing, receive public comment, and close the public hearing;
2. Adopt the Resolution 2019-03 (Attachment 1), Adopting an Initial Study / Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Environmental Assessment 18-1501), Approving General Plan Amendment 18-2501, and Approving Design Review 18-7001 for a Proposed 146,890 Square Foot Industrial Warehouse Building Project; and
3. Introduce, as read by title only, Ordinance No. 1541 (Attachment 2), an Ordinance of the City Council of the City of Banning, California, Approving Zone Change No. 18-3501 to Amend the Zoning Classification for Real Property Located on the North Side of Lincoln Street, East of 22<sup>nd</sup> Street at 1897 West Lincoln Street, 1661 West Lincoln Street, 1589 West Lincoln Street and Vacant Parcels to the East (APNs: 538-230-014, 538-220-002, 538-220-003, 538-220-004, 540-180-041, 540-180-042, 540-180-043, 540-180-044 & 540-180-045) from General

**PROJECT/APPLICANT INFORMATION:**

Project Applicant: David J. Hidalgo  
David Hidalgo Architects, Inc.  
316 South First Avenue  
Arcadia, CA 91733

Property Owner: DJL Properties, LLC  
2034 North Peck Road  
South El Monte, CA 91733

Project Location: North side of Lincoln Street at 1897 West Lincoln Street, 1661 West Lincoln Street, 1617 West Lincoln Street and 1589 West Lincoln Street, between 22<sup>nd</sup> Street and 8<sup>th</sup> Street including 6 vacant parcels to the west

APN Information: 538-230-014, 538-220-002, 538-220-003, 538-220-004, 540-180-041, 540-180-042, 540-180-043, 540-180-044 & 540-180-045

**PLANNING COMMISSION RECOMMENDATION:**

At its January 16, 2019 meeting, the Planning Commission considered the proposed Project and unanimously adopted Resolution No. 2019-01, recommending approval of a General Plan Amendment and Zone Change to change the General Plan land use designation and zoning classification of 19.69 partially developed acres from General Commercial (GC) to Business Park (BP) and recommending Design Review approval for the construction of a new 146,890 square foot industrial warehouse building on 6.7 vacant acres located to the east, adjacent to the existing development at 1897 West Lincoln Street.

**BACKGROUND:**

In 2010, Lawrence Equipment, a family owned business purchased the site and shortly thereafter began manufacturing machinery used to make tortillas, flatbreads and similar products. Over the years, the business expanded to include general warehousing and incidental retail sales.

The site is surrounded by the single family residential developments to the south and west. The Southern Pacific Railroad line and Interstate 10 to the north of the property. Table 1 lists the land uses surrounding the site. To the east of the existing warehouse buildings is vacant property once used as residential lots and recently used for cattle grazing.

The applicant proposes to construct a single story, 146,890 square-foot light manufacturing and warehouse building for the expansion of the existing manufacturing business. The proposed building would include 73,445 square-feet of light manufacturing,

and 73,445 of industrial warehousing. An additional 174 parking spaces are proposed, which exceeds the parking requirement of 173 spaces as well as 12 loading spaces.

A conceptual fencing and planting plan depicts perimeter landscaping with a variety of ground cover, shrubs and trees which will provide fence/wall screening and soften the effects while enhancing the neighborhood character. The planting plan will coordinate with the photometric lighting plan per the requirements in the Municipal Code.

The expansion is expected to employ approximately 25 employees each use for both the warehousing and manufacturing additions, for a total of approximately 50 employees. Many of the current employees live in Banning. The company has an existing internship training program in another facility which they are looking into implementing in Banning with the expansion.

On January 16, 2019, the City Planning Commission considered Resolution No. 2019-01 and received public comments in favor of the project as well as comments expressing preferred design themes. The Planning Commission recommended unanimously that the City Council approve the subject applications for the construction of a 146,890 square foot industrial warehouse building. The Planning Commission staff report is attached as Attachment 3.

### **JUSTIFICATION**

The proposed General Plan Amendment (GPA 18-2501) to change the General Plan land use designation for the site from General Commercial to Business Park and Zone Change (ZC 18-3501) to change the zoning classification of the site from General Commercial to Business Park, would be consistent with uses permitted within the Business Park land use designation. The proposed Project will complement the adjoining light industrial manufacturing and warehouse facility to the west and allow the expansion of the existing facility and bring additional jobs to the City.

The request for Design Review approval of the proposed single-story industrial warehouse structure includes site and circulation layout design in such a way that the Project will enhance the existing character of the surrounding neighborhood by the addition of a well-designed landscape plan. The project design and landscape are consistent with the standards of the Banning Zoning Code.

Additional details, including findings for approval of GPA 18-2501, ZC 18-3501, and DR 18-7001, are provided in the Planning Commission staff report attached as Attachment 3.

### **ENVIRONMENTAL DETERMINATION:**

Pursuant to the California Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code § 21000 et seq.), the State Guidelines (14 Cal. Code Regs. § 15000 et seq.), and the City's Local Guidelines, City staff prepared an Initial Study of the potential environmental effects of the approval of the Project. Based upon the findings contained in that Study, City staff determined that, with the incorporation of mitigation measures, there was no substantial evidence that the Project could have a significant effect on the environment and a

Mitigated Negative Declaration (MND) was prepared in full compliance with the requirements of CEQA.

Thereafter, City staff provided public notice of the public comment period and of the intent to adopt the MND as required by law. The public comment period commenced on January 11, 2019, and expired on January 31, 2019. Copies of the documents were provided for public review and inspection. Comments received during the 20-day review period are incorporated into the Final MND, along with the City's responses to each comment.

The MND was prepared in compliance with CEQA and with the incorporation of mitigation measures, there is no substantial evidence that the Project will have a significant effect on the environment. The project will be conditioned to comply with the mitigation measures imposed under the approved Mitigation Monitoring and Reporting Program (MMRP).

### **FISCAL IMPACT**

Issuance of grading, building, and other permits will result in additional revenues for the City. Development of the property would result in an increase of approximately 50 jobs within the City, an increase in property values and associated increases in property taxes.

### **OPTIONS:**

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

### **ATTACHMENTS:**

1. Resolution No. 2019-03
2. Ordinance No. 1541
3. Planning Commission Staff Report
4. Planning Commission Resolution No. 2019-01
5. Comment Letters Received
6. Public Hearing Notice

Approved by:

  
\_\_\_\_\_  
Douglas Schulze  
City Manager

# **ATTACHMENT 1**

Resolution No. 2019-03

GPA 18-2501, DR 18-7001, EA 18-1501

**RESOLUTION NO. 2019-03**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM (ENVIRONMENTAL ASSESSMENT 18-1501) FOR A PROPOSED 146,890 SQUARE FOOT INDUSTRIAL BUILDING, APPROVING GENERAL PLAN AMENDMENT NO. 18-2501 TO AMEND THE GENERAL PLAN LAND USE DESIGNATION OF REAL PROPERTY LOCATED ON THE NORTH SIDE OF LINCOLN STREET, EAST OF 22<sup>ND</sup> STREET AT 1897 WEST LINCOLN STREET, 1661 WEST LINCOLN STREET, 1589 WEST LINCOLN STREET AND VACANT PARCELS TO THE EAST (APN 538-230-014, 538-220-002, 538-220-003, 538-220-004, 540-180-041, 540-180-042, 540-180-043, 540-180-044 & 540-180-045), FROM GENERAL COMMERCIAL TO BUSINESS PARK, AND APPROVING DESIGN REVIEW 18-7001 TO PERMIT THE DEVELOPMENT OF A PROPOSED 146,890 SQUARE FOOT INDUSTRIAL BUILDING ON 6.4 ACRES OF REAL PROPERTY LOCATED ON THE NORTH SIDE OF LINCOLN STREET, EAST OF 22<sup>ND</sup> STREET AVENUE, AT 1661 WEST LINCOLN STREET AND EAST (APN: 538-220-003, 538-220-002, 540-180-041, 540-180-042, 540-180-043, 540-180-044 & 540-180-045)**

**WHEREAS**, an application for General Plan Amendment 18-2501, Zone Change 18-3501, and Design Review 18-7001 to permit the development of a proposed approximately 146,890 square foot industrial building (the "Project") has been duly filed by for the proposed Lawrence Equipment Expansion:

Applicant:	David Hidalgo Architects, Inc.
Owner:	DJL Properties, LLC
Authorized Agent:	David J. Hidalgo
Project Sponsor:	Lawrence Equipment.
Project Location:	Noted Above
APN Numbers:	538-230-014, 538-220-002, 538-220-003, 538-220-004, 540-180-041, 540-180-042, 540-180-043, 540-180-044 & 540-180-045
Lot Area:	19.69 acres

**WHEREAS**, the City Council of the City of Banning ("City") adopted the current General Plan on January 31, 2006;

**WHEREAS**, California Government Code Section 65358(a) authorizes the City Council to amend the General Plan if it deems to be in the public interest;

**WHEREAS**, the City Council has the authority to review and either approve or deny General Plan Amendment No. 18-2501 for a change in the General Plan from General Commercial and the authority per Chapter 17.56 of Banning Municipal Code to review and either approve or deny Design Review 18-7001 for the property located on developed and undeveloped property at 1897 West Lincoln Street, 1661 West Lincoln Street, 1617 West Lincoln Street, 1589 West Lincoln Street and vacant parcels to the east (APN 538-230-014, 538-220-002, 538-220-003, 538-220-004, 540-180-041, 540-180-042, 540-180-043, 540-180-044 & 540-180-045;

**WHEREAS**, in accordance with Government Code Sections 65353, 65355 and 65090, on January 11, 2019 the City gave public notice by advertisement in the Record Gazette newspaper of a notice of availability/notice of intent to adopt a Mitigated Negative Declaration (MND) announcing the 20-day circulation for public review and comment on the Draft Mitigated Negative Declaration. Likewise, in accordance with State of California Public Resources Code Section 21165, a Public Hearing Notice was advertised in the Record Gazette newspaper for the Planning Commission hearing to be held on January 16, 2019. Copies of the Draft MND were made available at Banning City Hall and Banning Public Library, and comments received during the 20-day review period are incorporated into the Final MND, along with the City's responses to each comment for review and consideration by the City Council;

**WHEREAS**, in accordance with Government Code Section 65353, on January 16, 2019 the Planning Commission held a duly-noticed public hearing to consider the General Plan Amendment No. 18-2501, Zone Change No. 18-3501, and Design Review 18-7001, Mitigated Negative Declaration 18-1501, and Mitigation Monitoring and Reporting Program, and recommended that the City Council approve General Plan Amendment No. 18-2501, Zone Change 18-3501 and Design Review 18-7001 for the 19.69- acre site;

**WHEREAS**, on February 26, 2019 the City Council held a duly noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the General Plan Amendment and the Design Review 18-7001 and at which the City Council considered the General Plan Amendment and Design Review;

**WHEREAS**, the City Council reviewed GPA 18-2501 and DR 18-7001 for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures and considered Mitigated Negative Declaration 18-1501 and the Mitigation Monitoring and Reporting Program,

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

**SECTION 1: ENVIRONMENTAL FINDINGS.**

The City Council, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines and Thresholds of Significance, the staff recommendation as provided in the Staff Report dated February 26, 2019, and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

A. Public Record:

The documents and other materials constituting the record of the proceedings upon which the City's decision and its findings are based is located at the City of Banning Community Development Department, Planning Division. The Final Mitigated Negative Declaration meets the requirements of this finding in that documents and other material constituting the record of the proceedings upon which the City's decision and findings are located at the Planning Division of the City of Banning, 99 East Ramsey Street, CA, 92220 in the custody of the Banning Community Development Department as part of the public record.

B. CEQA:

The approval of this General Plan Amendment is in compliance with requirements of the California Environmental Quality Act ("CEQA"), in that on February 26, 2019, at a duly noticed public hearing, the City Council considered the project's Final Mitigated Negative Declaration 18-1501 and Mitigation Monitoring and Reporting Program and found that no significant environmental impacts would occur after required Mitigation Measures.

**SECTION 2: GENERAL PLAN AMENDMENT 18-2501 FINDINGS**

The City Council hereby finds:

A. The proposed amendment is internally consistent with the General Plan in that:

Upon City Council approval of the requested General Plan Amendment, the site's land use designation will be changed to Business Park, and the proposed development would be consistent with uses permitted within the Business Park land use designation. The Business Park land use designation is intended to allow "light industrial manufacturing and office/warehouse buildings also, ancillary restaurants and retail uses, professional offices and club stores".

B. The proposed change in the General Plan land use designation from General Commercial to Business Park will not be detrimental to the public interest, health, safety, convenience or welfare in that:

The proposed Project will complement the adjoining light industrial manufacturing and warehouse facility to the west and allow the expansion of the existing facility. As demonstrated in the analysis contained in the Planning Commission staff report dated January 16, 2019, and the MND prepared for the Project (Environmental Assessment 18-1501), there are no features unique to the Project site or the proposed use that would create conditions detrimental to the public interest, health, safety, convenience, or welfare of the City.

- C. The proposed amendment would maintain the appropriate balance of land uses within the City, in that:

Upon City Council approval of the requested General Plan Amendment, the site's land use designation will be changed to Business Park (BP), and the proposed development would be consistent with uses permitted within the Business Park land use designation. The Business Park land use designation is intended to allow "light industrial manufacturing and office/warehouse buildings also, ancillary restaurants and retail uses, professional offices and club stores".

The Project is consistent with the General Plan Land Use Element Policy which states: "The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands". The land-use designation of Business Park allows the proposed light manufacturing and warehouse use. The proposed light manufacturing and warehouse building will provide approximately 73,445 square feet of manufacturing space and 73,445 square feet of warehousing.

- D. The subject parcel is physically suitable (including, but not limited to, access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints), for the requested land use designation and the anticipated land use developments in that:

The 6.4-acre portion of the 19.69-acre project area is of adequate size to accommodate the proposed light manufacturing and warehouse building, subject to compliance with the proposed Conditions of Approval. No natural constraints exist to the proposed development, and no significant adverse environmental impacts are anticipated with mitigation measures contained in the MND for the Project (Environmental Assessment 18-1501).

Lincoln Street provides suitable access and all necessary utilities are in place within adjacent public rights-of-way. As has been described in the preceding analysis, the site is surrounded by a railroad line and freeway to the north, light manufacturing, warehousing to the west, vacant parcels to the east and

residential to the south across Lincoln Street. Public Facility-Railroad/Interstate adjoins the Project site on the north, with General Commercial land use designation and a single family residential land uses to the west and to the east and Very Low Density and Business Park across Lincoln Street to the south. A six-foot wrought iron perimeter fence buffers the existing facility, a proposed six-foot concrete, stucco covered wall is proposed on the north and east perimeter and an eight-foot concrete tilt up wall will buffer the proposed Project on the south boundary. The subject site is basically flat with and has been graded and developed in the past, thus no unique physical features or vegetation will be affected by the proposed Project.

### **SECTION 3: DESIGN REVIEW 18-7001 FINDINGS**

The City Council hereby finds the following:

- A. The proposed project is consistent with the General Plan.

The Project is consistent with the General Plan Land Use Element Policy, which states: "The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands". The land-use designation of Business Park (BP) allows the proposed light industrial manufacturing and office/warehouse buildings also, ancillary restaurants and retail uses, professional offices and club stores. The proposed light manufacturing and warehouse building will provide approximately 73,445 square feet of manufacturing space and 73,445 square feet of warehousing. Further, the Project is consistent with General Plan Economic Development Policy, 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 is estimated to generate approximately 50 jobs.

- B. The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.

The proposed Project is consistent with the Zoning Ordinance and the development standards of the Business Park (BP) Zone, with imposition of Conditions of Approval, as detailed in the analysis contained in the Planning Commission staff report dated January 16, 2019.

- 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.

The proposed Project has provided site and circulation layout design in such a way that the Project will not interfere with the use and enjoyment of existing and future development in the surrounding area. The proposed Project provides vehicular access from Lincoln Street as well as through the adjacent property to the west. A minimum six-foot solid perimeter wall will buffer residential development to the south of the proposed Project and design of lighting on-site is subject to compliance with the Municipal Code to prevent spillage onto adjacent areas.

- D. The design of the proposed project is compatible with the character of the surrounding neighborhood.

The proposed light manufacturing and warehouse building use will not impair the integrity and character of the BP land use district in which it is to be located because it is surrounded by existing light manufacturing and warehousing developments and is on Lincoln Street, an established corridor to other business parks, industrial and warehouse businesses. The building architecture, site circulation and landscaping have been designed in a manner that the Project is compatible with the character of the surrounding neighborhood, with the imposition of Conditions of Approval and CEQA mitigation measures. Additionally, a minimum 6-foot solid wall, along with landscaping, will buffer the site from residential areas to the south.

#### **SECTION 4: CITY COUNCIL ACTION**

The City council hereby takes the following action:

Adopt the Mitigated Negative Declaration (Environmental Assessment 18-1501) and the associated Mitigation Monitoring and Reporting Program; Approve General Plan Amendment No.18-2501 amending the General Plan land use designation on APNs 538-230-014, 538-220-002, 538-220-003, 538-220-004, 540-180-041, 540-180-042, 540-180-043, 540-180-044 & 540-180-045 from General Commercial to Business Park; and approve Design Review 18-7001 to permit the development of a proposed approximately 146,890 square foot industrial building subject to conditions.

PASSED, APPROVED AND ADOPTED this 26th day of February, 2019

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Arthur L. Welch, Mayor  
City of Banning

**ATTEST:**

\_\_\_\_\_  
Daryl Betancur, Deputy City Clerk  
City of Banning

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

\_\_\_\_\_  
Kevin Ennis, City Attorney  
Richards, Watson & Gershon

**CERTIFICATION:**

I, Daryl Betancur, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2019-03 was duly adopted at a regular meeting of the City Council of the City of Banning held on the 26th day of February, 2019 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Daryl Betancur, Deputy City Clerk  
City of Banning, California

# **ATTACHMENT 2**

Ordinance No. 1541  
ZC 18-3501

**ORDINANCE NO. 1541**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING ZONE CHANGE NO. 18-3501 TO AMEND THE ZONING CLASSIFICATION FOR REAL PROPERTY LOCATED ON THE NORTH SIDE OF LINCOLN STREET, EAST OF 22<sup>ND</sup> STREET AT 1897 WEST LINCOLN STREET, 1661 WEST LINCOLN STREET, 1589 WEST LINCOLN STREET AND VACANT PARCELS TO THE EAST (APNS: 538-230-014, 538-220-002, 538-220-003, 538-220-004, 540-180-041, 540-180-042, 540-180-043, 540-180-044, & 540-180-045) FROM GENERAL COMMERCIAL (GC) TO BUSINESS PARK (BP) IN CONFORMANCE WITH GENERAL PLAN AMENDMENT 18-2501, AND MAKING FINDINGS PURSUANT TO CEQA**

**WHEREAS**, an application for General Plan Amendment 18-2501, Zone Change No. 18-3501, and Design Review 18-7001 for the proposed Lawrence Equipment Expansion to permit the development of a proposed approximately 146,890 square foot light manufacturing and warehouse building (the "Project") has been duly filed by:

Project Applicant:	David Hidalgo Architects, Inc.
Owner:	DJL Properties, LLC
Authorized Agent:	David J. Hidalgo
Project Sponsor:	Lawrence Equipment.
Project Location:	Noted Above
APN Numbers:	538-230-014, 538-220-002, 538-220-003, 538-220-004, 540-180-041, 540-180-042, 540-180-043, 540-180-044 & 540-180-045419-140-059
Lot Area:	19.69 acres

**WHEREAS**, in accordance with Banning Municipal Code Section 17.116.030, on January 16, 2019, the Planning Commission held a duly public noticed hearing to consider the General Plan Amendment No. 18-2501, Zone Change No. 18-3501, and Design Review 18-7001, and adopted Resolution No. 2019-01 by a 5-0-0 vote, recommending that the City Council approve General Plan Amendment No. 18-2501, Zone Change No. 18-3501, and Design Review 18-7001;

**WHEREAS**, in accordance with Government Code Section 65856 and Banning Municipal Code Section 17.68.020.B., on February 15, 2019, the City gave public notice by advertisement in the Record Gazette Newspaper, of a public hearing concerning the Project, which included the General Plan Amendment 18-2501, Zone Change 18-3501, Design Review 18-7001, and Environmental Assessment 18-1501 (a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP));

**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. 18-3501; and

**WHEREAS**, in accordance with Banning Municipal Code Section 17.116.040 and Government Code Section 65856, at this public hearing on February 26, 2019, the City Council considered and heard public comments on the General Plan Amendment 18-2501, Zone Change 18-3501, Design Review 18-7001, and MND and MMRP for 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, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines and Thresholds of Significance, the recommendation of the Community Development Director as provided in the Staff Report dated February 26, 2019, and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

- A. Pursuant to the California Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code § 21000 *et seq.*), the State Guidelines (14 Cal. Code Regs. § 15000 *et seq.*), and the City's Local Guidelines, City staff prepared an Initial Study of the potential environmental effects of the approval of the Project as described in the Initial Study. Based upon the findings contained in that Study, City staff determined that, with the incorporation of mitigation measures, there was no substantial evidence that the Project could have a significant effect on the environment and a Mitigated Negative Declaration (MND) was prepared in full compliance with the requirements of CEQA.
- B. Thereafter, City staff provided public notice of the public comment period and of the intent to adopt the MND as required by law. The public comment period commenced on January 11, 2019, and expires on January 31, 2019. Copies of the documents have been available for public review and inspection at City Hall, 99 E. Ramsey Street, Banning, California 92220, and the Banning Public Library, 21 West Nicolet Street, Banning, California 92220. The City received comments during the public review period.

- C. On January 16, 2019, the Planning Commission conducted a duly noticed public hearing to consider the Project and the MND, reviewed the staff report, accepted and considered public testimony. After due consideration, the Planning Commission found that agencies and interested members of the public were afforded ample notice and opportunity to comment on the MND and the Project and approved Resolution No. 2019-01 recommending that City Council adopt the MND, adopt the MMRP for the Project, and approve the proposed General Plan Amendment 18-2501, Zone Change No. 18-3501, and Design Review 18-7001.
- D. On February 26, 2019, the City Council conducted a duly noticed public hearing to consider proposed General Plan Amendment 18-2501, Zone Change No. 18-3501, and Design Review 18-7001, and the MND, 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 Resolution No. 2019-03, adopted the MND and a MMRP for the proposed General Plan Amendment 18-2501, Zone Change No. 18-3501, and Design Review 18-7001.
- E. All actions taken by City have been duly taken in accordance with all applicable legal requirements, including the California Environmental Quality Act (Cal. Pub. Res. Code, § 21000 et seq.) (“CEQA”), and all other requirements for notice, public hearings, findings, votes and other procedural matters.
- F. The custodian of records for the MND, MMRP, and all other materials that constitute the record of proceedings upon which the City Council’s decision was based, including, without limitation, the staff reports, all of the materials that comprise and support the MND and all of the materials that support the staff reports, is the Planning Division of the City of Banning. Those documents are available for public review during normal business hours at Banning City Hall, 99 East Ramsey Street, Banning, California 92220.

**SECTION 2. Findings for Approval of Zone Change No. 18-3501.**

Pursuant to Banning Municipal Code Section 17.116, the City Council makes the following findings pertaining to Zone Change No. 18-3501:

**Finding No. 1:** The proposed Zone Change No. 18-3501 is consistent with the goals and policies of the General Plan.

**Finding of Fact:** Upon City Council approval of the requested Zone Change, the site’s zoning designation will be changed to Business Park (BP). The proposed development is consistent with uses permitted within the Business Park Land Use Designation in the General Plan Land Use Element.

The Project is consistent with the General Plan Land Use Element Policy which states: “The land–use map shall provide for sufficient

lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands”. The zoning classification of Business Park (BP) allows light industrial manufacturing and office/warehouse buildings also, ancillary restaurants and retail uses, professional offices and club stores.

**Finding No. 2:** The proposed Zone Change No. 18-3501 is internally consistent with the Zoning Ordinance.

**Finding of Fact:** The proposed Zone Change is not anticipated to result in exceeding, either cumulatively or individually, any applicable level of service standards. Pursuant to the Project’s Conditions of Approval, the proposed Project will be constructed in conformance with City standards and specifications.

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

**Finding of Fact:**

1. Review Period: That the City has provided the public review period for the Draft Mitigated Negative Declaration for the 20 day duration required under CEQA Guidelines Sections 15087 and 15105.
2. Compliance with Law: That the draft Mitigated Negative Declaration, Final Mitigated Negative Declaration and the associated Mitigation Monitoring Reporting Program were prepared, processed, and noticed in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.) and the local CEQA Guidelines and Thresholds of Significance adopted by the City of Banning.
3. Independent Judgment: That the Final MND and MMRP adopted by the City Council by adoption of City Council Resolution No. 2019-03 reflect the independent judgment and analysis of the City.

### **SECTION 3: City Council Action**

Based on the foregoing, the City Council hereby approves Zone Change No. 18-3501, amending the Zoning Map from General Commercial (GC) to Business Park (BP) for property located on the north side of Lincoln Street, east of 22<sup>nd</sup> Street at 1897 West Lincoln Street, 1661 West Lincoln Street, 1589 West Lincoln Street and vacant parcels to the east also known as (APNs: 538-230-014, 538-220-002, 538-220-003, 538-220-004, 540-180-041, 540-180-042, 540-180-043, 540-180-044 & 540-180-045).

**PASSED, APPROVED AND ADOPTED** this 26<sup>th</sup> day of February, 2019

\_\_\_\_\_  
Art Welch, Mayor  
City of Banning

**ATTEST:**

\_\_\_\_\_  
Daryl Betancur, Deputy City Clerk  
City of Banning

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

\_\_\_\_\_  
Kevin Ennis, City Attorney  
Richards, Watson & Gershon

**CERTIFICATION:**

I, Daryl Betancur, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Ordinance No. 1541 was duly adopted at a regular meeting of the City Council of the City of Banning held on the 26<sup>th</sup> day of February, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Daryl Betancur, Deputy City Clerk  
City of Banning, California

# **ATTACHMENT 3**

## Planning Commission Staff Report

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# CITY OF BANNING

## Planning Commission Report

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**DATE:** January 16, 2019  
**TO:** Planning Commission  
**FROM:** Maryann Marks, AICP, Interim Community Development Director  
**PREPARED BY:** Sonia Pierce, Senior Planner

**SUBJECT:** LAWRENCE EQUIPMENT INDUSTRIAL WAREHOUSE - GENERAL PLAN AMENDMENT 18-2501, ZONE CHANGE 18-3501, DESIGN REVIEW 18-7001, AND ENVIRONMENTAL ASSESSMENT 18-1501. FOR THE PROPOSED DEVELOPMENT OF A 146,890 SQUARE-FOOT. INDUSTRIAL BUILDING, WITHIN THE GENERAL COMMERCIAL (GC) LAND USE DISTRICT LOCATED ON DEVELOPED AND VACANT PROPERTY WEST OF 1897 WEST LINCOLN STREET, 1661 WEST LINCOLN STREET, 1617 WEST LINCOLN STREET and 1589 WEST LINCOLN STREET (APN 538-230-014, 538-220-002, 538-220-003, 538-220-004, 540-180-041, 540-180-042, 540-180-043, 540-180-044 & 540-180-045).

### RECOMMENDATIONS

- I. That the Planning Commission adopt Resolution 2019-01 recommending that the Council approve General Plan Amendment 18-2501, Zone Change 18-3501, and Design Review 18-1501.
- II. That the Planning Commission recommend that the City Council adopt the Mitigated Negative Declaration (MND) for the project (Environmental Assessment 18-1501).

**APPLICANT INFORMATION:**

Project Location: North side of Lincoln Street at 1897 West Lincoln Street, 1661 West Lincoln Street, 1617 West Lincoln Street and 1589 West Lincoln Street, between 22<sup>ND</sup> Street and 8<sup>th</sup> Street including 6 vacant parcels to the west

APN Information: APN: 538-230-014, 538-220-002, 538-220-003, 538-220-004, 540-180-041, 540-180-042, 540-180-043, 540-180-044 & 540-180-045

Project Applicant: David J. Hidalgo  
David Hidalgo Architects, Inc.  
316 South First Avenue  
Arcadia, CA 91006

Property Owners: DJL Properties, LLC  
2034 Peck Road  
South El Monte, CA 91733

**APPLICANT'S REQUEST:**

The applicant, is requesting approval of a General Plan Amendment to change the General Plan land use designation of 19.69 partially developed acres from General Commercial (GC) to Business Park (BP); a Zone Change to change the Zoning District from General Commercial (GC) to Business Park (BP) and Design Review approval for the construction of a new 146,890 square foot industrial warehouse building on 6.7 vacant acres located to the east, adjacent to the existing development at 1897 West Lincoln Street.

**PROJECT BACKGROUND AND SETTING:**

For over 40 years, the site was occupied by Pacific Windows, a door and window manufacturing plant. In 2010, Lawrence Equipment, a family owned business purchased the site and shortly thereafter began manufacturing machinery used to make tortillas, flatbreads and similar products. Over the years, as the business expanded to include general warehousing, and incidental retail sales additions were added to the buildings.

The site is surrounded by the single family residential developments to the south and west. The Southern Pacific Railroad line and Interstate 10 to the north of the property. Table 1 lists the land uses surrounding the site. To the east of the existing warehouse buildings is vacant property once used as residential lots and recently used for cattle grazing.

**Table 1  
Land Use Summary**

	Existing Land Use	Zoning Designation	General Plan Designation
<b>Subject Site</b>	Industrial and Vacant Land/ Abandoned Residence	General Commercial (GC)	Business Park (BP)
<b>North</b>	Southern Pacific Railroad and Interstate 10	Public Facilities – Railroad/Interstate/(PF-RI)	Public Facilities – Railroad/Interstate/(PF-RI)
<b>South</b>	Vacant and Single Family Residential/ Montgomery Creek	Very Low Density Residential (VLDR) and Business Park (BP)	Very Low Density Residential (VLDR) and Business Park (BP)
<b>East</b>	Vacant	General Commercial (GC)	General Commercial (GC)
<b>West</b>	Vacant/ Montgomery Creek / Single Family Residential	General Commercial (GC)	General Commercial (GC)

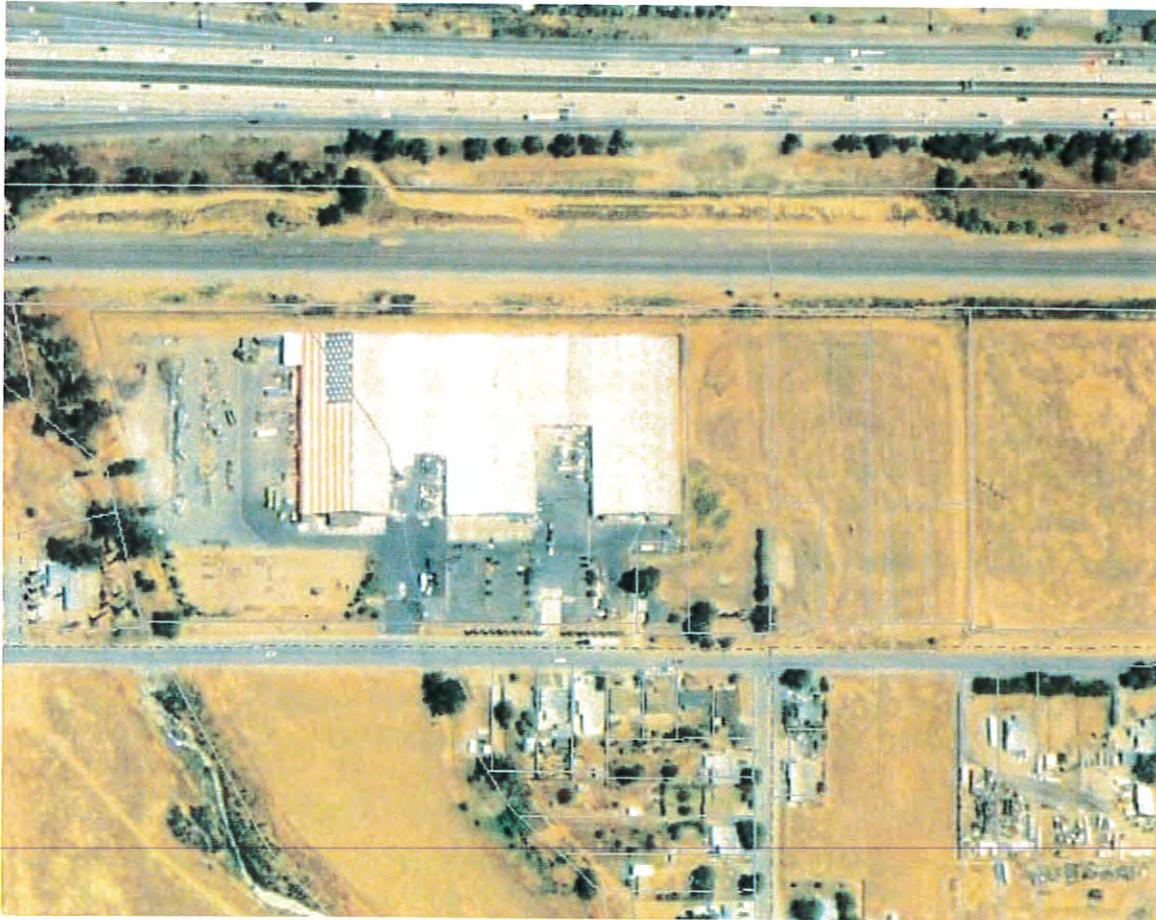
**PROJECT DESCRIPTION**

The applicant proposes a General Plan Amendment (GPA 18-2501), Zone Change (ZC 18-3501) for 19.69 acres from the General Commercial land use district to the Business Park land use district and Design Review (DR 18-7001) on 6.7 acres to allow construction of a single story, 146,890 square-foot light manufacturing and warehouse building for the expansion of the existing manufacturing business. The proposed building would include 73,445 square-feet of light manufacturing, and 73,445 of Industrial warehousing. In addition, 174 parking spaces, and related fencing, walls and landscaping is proposed on site. The expansion is expected to employ 25 employees for both warehousing and manufacturing for a total of 50 employees.

<b>Table 2 Project Characteristics</b>		
<b>Area Calculations</b>	<b>Square footage</b>	<b>Area</b>
Gross Property Area	857,696	19.69 Acres
Net Property Area	849,485	19.50 Acres
<b>New Addition</b>		
Gross Property Area	293,792	6.7
Net Property Area*	270,573	6.2
Building pad	146,890	54% % of site area
Landscaping	18,551	15% of parking area

### **Existing Site Conditions**

The project site is a total 19.69 acres and the westerly 13 acres is fully developed with 5 Lawrence Equipment metal buildings totaling 170,000 square foot used for manufacturing, warehouses, related retail sales and 220 parking spaces. The easterly 6.7 acres are mostly disturbed, with the remaining vacant parcels having been used for cattle grading for several years. The site is generally flat and slopes towards the Montgomery Creek at the west boundary.



### **General Plan Amendment and Zone Change**

The proposed project includes a General Plan Amendment (GPA) and a Zone Change (ZC) from General Commercial (GC) to Business Park (BP) land use district and zoning district. Upon the City Council's approval of the requested GPA and ZC, the site's land use designation and zoning classification would change to Business Park, and the proposed development would be consistent with uses permitted within the Business Park land use designation and the BP zoning district. The Business Park land use designation

and BP Zone are intended to allow "light industrial and office/warehouse buildings also, ancillary restaurants and retail uses are permitted uses.

## **Design Review**

### ***Building Design***

The design is modern industrial and includes concrete tilt-up wall construction with aluminum composite panels, canopies and bronze storefront mullions. The applicant proposes to construct an off-white tilt-up concrete building with two alternating textures, "dimple finish" and sandblast finish". Aluminum composite panels will also be incorporated at select intervals to accent the entrances. The concrete panels are a series of multi colors that include blues, greys and white colors as accents at selected intervals throughout the building elevations.

The building is setback 60-feet from the main access street, Lincoln Street and 60-feet from the east and west interior property lines. At the north property line, the building setback is 20-feet. All setbacks meet or exceed the minimum zero or 10-foot requirement of the Business Park (BP) land use district.

The subject 6.4 - acre site proposed for development consists of seven parcels. The applicant will be required to merge the lots into one parcel, prior to the issuance of building permits. The building pad is 146,890 sq. ft. or 54% lot coverage, which is less than the maximum 60% allowed in the Business Park Zone. The development meets all setback and lot coverage requirements for the proposed zone.

### ***Building Height***

The single-story building height ranges from twenty-six feet, eight inches (26'-8") to thirty-six feet (36') in height. The majority of the building is twenty-eight feet (28') in height with accent walls incorporated at various locations to add articulation to the building and to help screen the mechanical roof top equipment. The Business Park Zone allows for building at a maximum of two-stories at fifty feet (50) in height. Staff is supportive of the height at thirty-six feet (36'), since it is an integral part of the building architectural design and it helps to screen the roof top equipment.

### ***Perimeter Walls***

The existing 6-foot high perimeter wrought iron fencing along Lincoln Street will remain and an 8-foot high combination wrought iron and concrete tilt up wall is proposed for construction along the frontage of the new building. The wall will screen the facility and with dense landscaping will soften the appearance along Lincoln Street. In accordance with Section 17.12.030(16), the additional height may be permitted for security and be approved by the Community Development Director under a separate review and permit.

The Municipal Code (Section 17.28.060(E) (11) requires a 6-foot high “solid architecturally treated decorative masonry wall” approved by the Community Development Director in any non-residential development abutting “residentially designated property”.

***Parking and Loading***

Vehicle access will be provided primarily through two driveways directly off of Lincoln Street. Secondary access is provided through the adjacent parcel to the west. The existing site development is well established and has been in operation for many years. The proposed development is an expansion of an existing business and has an already established parking area with 220 parking spaces for employees and businesses on site. The new development, as proposed, provides 174 parking spaces and 12 truck loading stalls. The total parking for the site is 394 spaces which is more than adequate. Table 3 illustrates parking required by the Municipal Code and parking proposed. ADA

The parking for this project is based on Section 17.28.040(C) Parking and Loading Standards of the Municipal Code. The building floor plan is divided into 2 uses averaging 73,445 square feet each. The spaces are identified as manufacturing and Industrial warehousing a total 146,890 square-foot in area. The building is an expansion of an existing business and support facilities are located within the existing buildings on the property. A condition of approval has been included requiring a parking analysis prior to the time of occupancy.

<b>Table 3 Parking Calculations</b>			
<b>Type of use</b>	<b>Parking Standard</b>	<b>Parking Required</b>	<b>Parking Provided <i>(per applicant calculations)</i></b>
Industrial Warehousing (73,445 sq.ft.)	22 spaces plus 1 space per 2,000 sq.ft. of portion over 20,000 sq.ft.+	48 parking spaces	48 parking spaces
Manufacturing	2 spaces plus one space per 600 sq. ft.	125 parking spaces	126 parking spaces
<b>Total</b>		<b>173 spaces</b>	<b>174 spaces</b>

***Landscaping***

The majority of the site is development and the site proposed for expansion has been previously graded for the development of residences, that have been recently demolished or is sparsely vegetated, with no distinctive natural features. The proposed conceptual “Planting Plan” depicts landscaping with trees and shrubs along the site perimeter and

distributed throughout parking areas. The landscape plan provides a variety of planting materials, including fifteen – 36 inch box trees, fifty-seven - 24 inch box trees and twenty-eight 15 gallon size trees, as well as a variety of shrubs and ground cover. The project's landscape program must comply with standards set forth in Section 17.28.060 and Chapter 17.32 of the Municipal Code. In addition, the applicant will be required to coordinate the proposed conceptual Planting Plan with the proposed Lighting Plan.

### ***Lighting***

A photometric plan has been prepared for the project and was evaluated on a preliminary Basis in the Initial Study/MND. See the Aesthetics discussion, item 1(d). In order to ensure that no adverse impacts from possible spillage of light and glare occur, Mitigation Measure AES-1, requiring compliance with the Municipal Code, has been incorporated into the project. A Condition of Approval has been included to require compliance with all applicable standards and requirements in the Municipal Code. In addition, the project is required to be in compliance with all CEQA mitigation measures.

### ***Refuse Storage***

The facility has incorporated two trash compactors and typically will have a recycling program. Prior to issuance of building permits the development will be required to finalize trash pick-up and/or trash enclosure details. A condition of approval has been included to require that project met the city requirements for refuse.

### ***Conclusion***

The proposed use and site, building, and landscape design, along with proposed and recommended improvements and conditions, will enhance the site and provide for a land use that would complement the the surrounding community. Staff recommends approval of the proposed project, subject to conditions contained in Exhibit "A" attached.

## **ENVIRONMENTAL DETERMINATION:**

### **California Environmental Quality Act (CEQA)**

The proposed General Plan Amendment No. 18-2501, Zone Change 18-3501 and Design Review 18-7001 are considered a "project" as defined by the California Environmental Quality Act ("CEQA") (Public Resources Code § 21000 *et seq.*). An Initial Study (EA 18-1501) has been prepared and made available for public review beginning on January 11, 2019 and closing on January 31, 2019.

Based upon analysis contained in the Initial Study, staff determined that any potentially significant effects on the environment would be reduced to less than significant levels by mitigation measures incorporated in the Initial Study and that the preparation of an MND

was appropriate. All mitigation measures are carried forward into project Conditions of Approval. An MMRP has also been prepared, as required by CEQA.

**Multiple Species Habitat Conservation Plan (MSHCP).**

The project is 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 at the time of building permit issuance

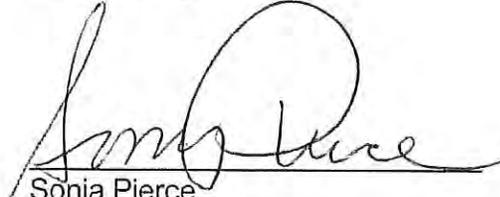
**PUBLIC COMMUNICATION:**

Proposed GPA 18-2501, Zone Change 18-3501, DR 18-7001, and Environmental Assessment 18-1501 were advertised in the Record Gazette newspaper on January 4, 2019 (Attachment No. 4).

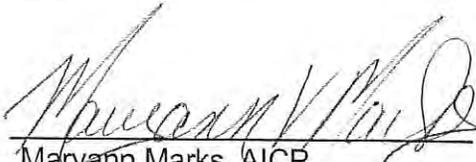
**ATTACHMENTS:**

1. Planning Commission Resolution No. 2019-01  
Exhibit A – Project Plans/General Plan / Zone Change Map  
Exhibit B – Conditions of Approval
2. Project Plans
3. Mitigated Negative Declaration/Mitigation Monitoring and Reporting Program
4. Public Hearing Notice

Prepared By:

  
Sonia Pierce  
Senior Planner

Reviewed and Recommended By:

  
Maryann Marks, AICP  
Community Development Director

# ATTACHMENT 1

Planning Commission Resolution No. 2019-01  
Exhibit A. Project Plans  
Exhibit B. Conditions of Approval

RESOLUTION 2019-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF BANNING ADOPT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM (ENVIRONMENTAL ASSESSMENT 18-1501) FOR A PROPOSED 146,890 SQUARE FOOT LIGHT MANUFACTURING AND WAREHOUSE BUILDING, APPROVE GENERAL PLAN AMENDMENT NO. 18-2501 TO AMEND THE GENERAL PLAN LAND USE DESIGNATION OF REAL PROPERTY LOCATED AT 1897 WEST LINCOLN STREET, 1661 WEST LINCOLN STREET, 1617 WEST LINCOLN STREET AND 1589 WEST LINCOLN STREET AND EASTERLY VACANT PARCELS ON THE NORTH SIDE OF LINCOLN STREET, (APN: 538-230-014, 538-220-002, 538-220-003, 538-220-004, 540-180-041, 540-180-042, 540-180-043, 540-180-044, & 540-180-045), FROM GENERAL COMMERCIAL TO BUSINESS PARK, APPROVE ZONE CHANGE NO. 18-3501 TO AMEND THE ZONING MAP AND RE-ZONE REAL PROPERTY LOCATED 1897 WEST LINCOLN STREET, 1661 WEST LINCOLN STREET, 1617 WEST LINCOLN STREET AND 1589 WEST LINCOLN STREET AND EASTERLY VACANT PARCELS ON THE NORTH SIDE OF LINCOLN STREET, (APN: 538-230-014, 538-220-002, 538-220-003, 538-220-004, 540-180-041, 540-180-042, 540-180-043, 540-180-044, & 540-180-045) FROM GENERAL COMMERCIAL TO BUSINESS PARK, AND APPROVE DESIGN REVIEW 18-7001 TO PERMIT THE DEVELOPMENT OF A PROPOSED 146,890 SQUARE FOOT LIGHT MANUFACTURING AND WAREHOUSE BUILDING A 6.4 ACRES OF 19.69 ACRES OF REAL PROPERTY LOCATED AT 1661 WEST LINCOLN STREET, 1617 WEST LINCOLN STREET, 1589 WEST LINCOLN STREET AND EASTERLY VACANT PARCELS ON THE NORTH SIDE OF LINCOLN STREET, (APN: 538-220-002, 538-220-003, 540-180-041, 540-180-042, 540-180-043, 540-180-044, & 540-180-045)

**WHEREAS**, an application for General Plan Amendment 18-2501, Zone Change 18-3501, and Design Review 18-7001 to permit the development of a proposed 146,890 square foot Light Manufacturing and Warehouse building (the "Project") has been duly filed by:

that the City Council of the City of Banning make the following environmental findings and determinations in connection with the approval of the Project:

- A. Pursuant to the California Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code § 21000 *et seq.*), the State Guidelines (14 Cal. Code Regs. § 15000 *et seq.*), and the City's Local Guidelines, City staff prepared an Initial Study of the potential environmental effects of the approval of the Project as described in the Initial Study. Based upon the findings contained in that Study, City staff determined that, with the incorporation of mitigation measures, there was no substantial evidence that the Project could have a significant effect on the environment and a Mitigated Negative Declaration (MND) was prepared in full compliance with the requirements of CEQA.
- B. Thereafter, City staff provided public notice of the public comment period and of the intent to adopt the MND as required by law. The public comment period commenced on January 11, 2019, and expires on January 31, 2019. Copies of the documents have been available for public review and inspection at City Hall, 99 E. Ramsey Street, Banning, California 92220, and the Banning Public Library, 21 West Nicolet Street, Banning, California 92220. The City received did not receive any comments during the public review period.
- C. The City Council reviewed MND and the MMRP, which is on file with the Planning Department and incorporated herein by this reference, and all comments received regarding the MND and, based on the whole record before it, finds that: (1) the MND was prepared in compliance with CEQA; (2) with the incorporation of mitigation measures, there is no substantial evidence that the Project will have a significant effect on the environment; and (3) the MND reflects the independent judgment and analysis of the City Council.
- D. Based on the findings set forth in this Resolution, the City Council hereby adopts the MND and MMRP for the Project.
- E. The Community Development Director is authorized to file a Notice of Determination in accordance with CEQA.

SECTION 2: Findings for Recommendation of Approval of General Plan Amendment 18-2501. 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 18-2501 should be approved because:

- A. **Finding: The proposed amendment is internally consistent with the General Plan.**

**Findings of Fact:**

Upon City Council approval of the requested General Plan Amendment, the site's land use designation will be changed to Business Park, and the

Applicant / Owner:	David Hildago Architects, Inc.
Project Sponsor:	DJL Properties, LLC.
Authorized Agent:	David Hildago Architects, Inc
Project Location:	North side of Lincoln Avenue at 1879 West Lincoln Street, 1661 West Lincoln Street, 1617 West Lincoln Street and 1589 West Lincoln Street, between 22 <sup>nd</sup> Street and 8 <sup>th</sup> Street,
APN Numbers:	538-230-014, 538-220-002, 538-220-003, 538-220-004, 540-180-041, 540-180-042, 540-180-043, 540-180-044, & 540-180-045.
Lot Area:	19.69 acres;

**WHEREAS**, the Planning Commission has the authority to review and make recommendations to the City Council concerning General Plan Amendment 18-2501, Zone Change 18-3501, and Design Review 18-7001;

**WHEREAS**, in accordance with Government Code Sections 65353, 65090, and 65091, on January 4, 2019, the City gave public notice, by advertisement in the Record Gazette newspaper, of a public hearing concerning the Project, which included the General Plan Amendment 18-2501, Zone Change 18-3501, Design Review 18-7001, and Environmental Assessment 18-1501 (a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP)). The public hearing notice was also mailed to the owner of the subject real property, the owner's duly authorized agent, the Project applicant, and property owners within 300 feet of the Project site on or before January 6, 2019. Further, in accordance with Public Resources Code Section 21165, a Notice of Availability and Public Hearing Notice was advertised in the Record Gazette Newspaper on January 11, 2019, announcing the 20-day circulation for public review and comment of the draft MND for the proposed Project. Copies of the draft MND were made available at Banning City Hall and Banning Public Library;

**WHEREAS**, in accordance with Government Code Section 65353, on January 16, 2019, the Planning Commission held the public hearing at which interested parties had an opportunity to testify in support of, or opposition to, General Plan Amendment 18-2501, Zone Change 18-3501, Design Review 18-7001, and at which the Planning Commission considered the Project, each of the proposed entitlements, and the MND; and

**WHEREAS**, at this public hearing on January 16, 2019, the Planning Commission heard public comments on, and adopted this Resolution recommending that the City Council adopt the MND and MMRP for the Project, and approve General Plan Amendment 18-2501, Zone Change 18-3501, and Design Review 18-7001.

**NOW THEREFORE**, the Planning Commission of the City of Banning does hereby recommend to the City Council of the City of Banning as follows:

SECTION 1: California Environmental Quality Act Findings and Recommendation for Adoption of Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. The Planning Commission of the City of Banning does hereby recommends

proposed development would be consistent with uses permitted within the Business Park land use designation. The Business Park land use designation is intended to allow “light industrial manufacturing and office/warehouse buildings also, ancillary restaurants and retail uses, professional offices and club stores”.

- B. Finding: That the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.**

**Findings of Fact:**

The proposed Project will complement the adjoining light industrial manufacturing and warehouse facility to the west and allow the expansion of the existing facility. As demonstrated in the analysis contained in the Planning Commission staff report dated January 16, 2019, and the MND prepared for the Project (Environmental Assessment 18-1501), there are no features unique to the Project site or the proposed use that would create conditions detrimental to the public interest, health, safety, convenience, or welfare of the City.

- C. Finding: That the proposed amendment would maintain the appropriate balance of land uses within the City.**

**Findings of Fact:**

Upon City Council approval of the requested General Plan Amendment, the site’s land use designation will be changed to Business Park (BP), and the proposed development would be consistent with uses permitted within the Business Park land use designation. The Business Park land use designation is intended to allow “light industrial manufacturing and office/warehouse buildings also, ancillary restaurants and retail uses, professional offices and club stores”.

The Project is consistent with the General Plan Land Use Element Policy which states: “The land–use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands”. The land-use designation of Business Park allows the proposed light manufacturing and warehouse use. The proposed light manufacturing and warehouse building will provide approximately 73,445 square feet of manufacturing space and 73,445 square feet of warehousing.

- D. Finding: That in the case of an amendment to the General Plan Land Use Map, the subject parcel (s) is physically suitable (including, but not limited to, access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints), for the**

requested land use designation(s) and the anticipated land use developments(s).

**Findings of Fact:**

The 6.4-acre portion of the 19.69-acre project area is of adequate size to accommodate the proposed light manufacturing and warehouse building, subject to compliance with the proposed Conditions of Approval. No natural constraints exist to the proposed development, and no significant adverse environmental impacts are anticipated with mitigation measures contained in the MND for the Project (Environmental Assessment 18-1501).

Lincoln Street provides suitable access and all necessary utilities are in place within adjacent public rights-of-way. As has been described in the preceding analysis, the site is surrounded by a railroad line and freeway to the north, light manufacturing, warehousing to the west, vacant parcels to the east and residential to the south across Lincoln Street. Public Facility-Railroad/Interstate adjoins the Project site on the north, with General Commercial land use designation and a single family residential land uses to the west and to the east and Very Low Density and Business Park across Lincoln Street to the south. A six foot wrought iron perimeter fence buffers the existing facility, a proposed six-foot concrete, stucco covered wall is proposed on the north and east perimeter and an eight-foot concrete tilt up wall will buffer the proposed Project on the south boundary. The subject site is basically flat with and has been graded and developed in the past, thus no unique physical features or vegetation will be affected by the proposed Project.

SECTION 3: Findings for Recommendation of Approval of Zone Change 18-3501.  
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 18-3501 should be approved because:

- A. Finding: The proposed Amendment is consistent with the goals and policies of the General Plan.**

**Findings of Fact:**

The Project is consistent with the General Plan Land Use Element Policy which states: "The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands". The zoning classification of Business Park (BP) allows light industrial manufacturing and office/warehouse buildings also, ancillary restaurants and retail uses, professional offices and club stores.

- B. Finding: The proposed Amendment is internally consistent with the Zoning Ordinance.**

**Findings of Fact:**

The proposed Project is not anticipated to result in exceeding, either cumulatively or individually, any applicable level of service standards. Pursuant to the Project's Conditions of Approval, the proposed Project will be constructed in conformance with City standards and specifications.

- C. Finding: The City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.**

**Findings of Fact:**

See findings of fact in Section 1 of this Resolution.

SECTION 4: Findings for Recommendation of Approval of Design Review 18-7001. 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 18-7001 should be approved because:

- A. Finding: The proposed Project is consistent with the General Plan.**

**Findings of Fact:**

The Project is consistent with the General Plan Land Use Element Policy which states: "The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands". The land-use designation of Business Park (BP) allows the proposed light industrial manufacturing and office/warehouse buildings also, ancillary restaurants and retail uses, professional offices and club stores. The proposed light manufacturing and warehouse building will provide approximately 73,445 square feet of manufacturing space and 73,445 square feet of warehousing.

Further, the Project is consistent with General Plan Economic Development Policy 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 is estimated to generate approximately 50 jobs.

- B. Finding: The proposed Project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.**

**Findings of Fact:**

The proposed Project is consistent with the Zoning Ordinance and the development standards of the Business Park (BP) Zone, with imposition of Conditions of Approval, as detailed in the analysis contained in the Planning Commission staff report dated January 16, 2019.

- C. **Finding: 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.**

**Findings of Fact:**

The proposed Project has provided site and circulation layout design in such a way that the Project will not interfere with the use and enjoyment of existing and future development in the surrounding area. The proposed Project provides vehicular access from Lincoln Street as well as through the adjacent property to the west. A minimum six-foot solid perimeter wall will buffer residential development to the south of the proposed Project and design of lighting on-site is subject to compliance with the Municipal Code to prevent spillage onto adjacent areas.

- D. **Finding: The design of the proposed Project is compatible with the character of the surrounding neighborhood.**

**Findings of Fact:**

The proposed light manufacturing and warehouse building use will not impair the integrity and character of the BP land use district in which it is to be located because it is surrounded by existing light manufacturing and warehousing developments and is on Lincoln Street, an established corridor to other business parks, industrial and warehouse businesses. The building architecture, site circulation and landscaping have been designed in a manner that the Project is compatible with the character of the surrounding neighborhood, with the imposition of Conditions of Approval and CEQA mitigation measures. Additionally, a minimum 6-foot solid wall, along with landscaping, will buffer the site from residential areas to the south.

PLANNING COMMISSION ACTION - Recommendation of Approval of Project 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 18-2501, Zone Change 18-3501, and Design Review 18-7001 to permit the development of a 146,890 square foot light manufacturing and warehouse building on 6.4 acres of a 19.69 acre Project Site of real property located on the north side of Lincoln Street, at 1897 West Lincoln Street, 1661 West Lincoln Street, 1617 West Lincoln Street and 1589 West Lincoln Street and adjacent parcels to the east, between 22<sup>nd</sup> Street and 8<sup>th</sup> Street as shown in plans attached as Exhibit A (APNs: 538-230-014, 538-220-002, 538-220-003, 538-220-004, 540-180-041, 540-180-042, 540-180-043, 540-180-044 & 540-180-045)

SECTION 5: ) and, subject to the recommended Conditions of Approval attached as Exhibit B. Further, the Planning Commission of the City of Banning hereby recommends to the City Council of the City of Banning that the Council's approval of Design Review 18-7001 not be effective until the effective date of the City Council

resolution approving General Plan Amendment 18-2501 and the ordinance adopting Zone Change 18-3501, whichever date occurs later.

**PASSED, APPROVED AND ADOPTED this 16th day of January, 2019.**

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Eric Shaw, Chairman  
Banning Planning Commission

APPROVED AS TO FORM  
AND LEGAL CONTENT:

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Serita R. Young, Assistant City Attorney  
Richards, Watson & Gershon

ATTEST:

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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. 2019-01, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 16th day of January, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Sandra Calderon, Recording Secretary  
City of Banning, California





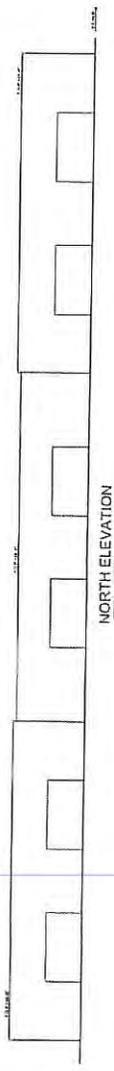


**LAWRENCE EQUIPMENT**  
NEW INDUSTRIAL WAREHOUSE BUILDING  
1000 10TH STREET  
CAMPINA  
LAWRENCE EQUIPMENT  
1000 10TH STREET  
CAMPINA

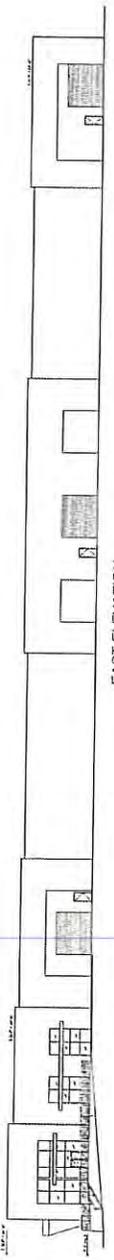
NO.	DESCRIPTION	DATE
1	FOUNDATION	
2	FRAMING	
3	ROOFING	
4	MECHANICAL	
5	ELECTRICAL	
6	PLUMBING	
7	PAINTING	
8	FINISHING	
9	LANDSCAPING	
10	GENERAL CONTRACTOR	

**EXTERIOR ELEVATIONS**

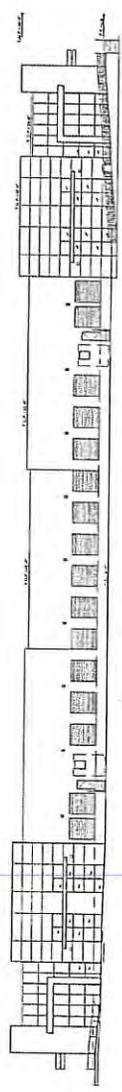
A-1



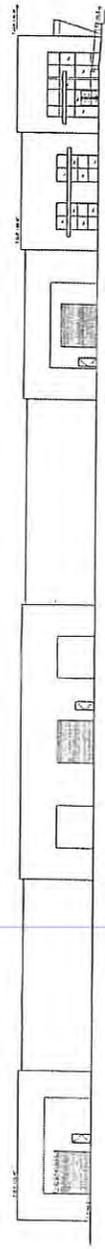
**NORTH ELEVATION**  
SCALE: 1/8" = 1'-0"



**EAST ELEVATION**  
SCALE: 1/8" = 1'-0"



**SOUTH ELEVATION - LINCOLN STREET**  
SCALE: 1/8" = 1'-0"



**WEST ELEVATION**  
SCALE: 1/8" = 1'-0"

**BUILDING ELEVATIONS**

A



# 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 18-2501, Zone Change 18-3501,  
Design Review 18-7001, Conditions of Approval

SUBJECT: Planning Commission Resolution No. 2019-01

APPLICANT: David Hildago Architects, Inc

LOCATION: 1879 WEST LINCOLN, 1617 WEST LINCOLN, 1661 WEST LINCOLN  
(APN 538-230-014, 538-220-002, 538-220-003, 538-220-004, 540-180-  
041, 540-180-042, 540-180-043, 540-180-044 & 540-180-045).

## 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 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, state Planning and Zoning Laws, 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.

2. Approval of this entitlement shall not waive compliance with any sections of the Development Code, or other applicable City Ordinances, in effect at the time of building permit issuance.
3. 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 approval 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 approval complies with all current Ordinance provisions.
4. A copy of the signed Resolution of approval or Community Development Director's letter 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.
5. Prior to any use of the project site, or business activity being commenced thereon, the applicant shall complete all Conditions of Approval to the satisfaction of the Community Development Director.
6. 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, Banning Municipal Code regulations.
7. The applicant shall comply with all conditions of approval imposed on the Industrial / Warehouse Facilities located at 1879 West Lincoln, 1617 West Lincoln, 1661 West Lincoln (APN 538-230-014, 538-220-002, 538-220-003, 538-220-004, 540-180-041, 540-180-042, 540-180-043, 540-180-044 & 540-180-045). And the approval of GPA-18-2501, ZC 18-3501, ENV 18-1501 and DR 18-7001 prior to the issuance of a Certificate of Occupancy.
8. **PRIOR TO ISSUANCE OF BUILDING PERIMTS:** The developer shall complete and record a parcel merger for the seven parcels identified as Assessor's Parcel

Numbers APN: 538-220-002, 538-220-003, 540-180-041, 540-180-042, 540-180-043, 540-180-044 & 540-180-045.

9. **PRIOR TO ISSUANCE OF BUILDING PERIMTS:** The developer shall complete and record a parcel merger or lot line adjustment for the two parcels that have an existing 610,890 square foot building across the parcel lines on the parcels identified as Assessor's Parcel Numbers APN: 538-230-014 and 538-220-004.
10. **PRIOR TO ISSUANCE OF BUILDING PERMITS** file and obtain the required demolition permits for the structure at 1661 W. Lincoln Street.
11. A six-(6) foot chain link fence or wall must be maintained around the perimeter of the site during all phases of construction.
12. Outdoor storage and screening shall comply with wall and fencing requirements of Section 17.12 of the BMC.
13. There shall be no storage of vehicles or equipment, or any other materials in the parking or landscaping areas of the project.
14. The applicant shall remove all graffiti immediately or within 24 hours of notice from the City.
15. The applicant shall keep the entire project site free from trash and debris at all times and in no event shall trash and debris remain for more than 24 hours.
16. The site plan and project design shall comply with all Mitigation Measures contained in Mitigated Negative Declaration (MND) 18-1501 and the Mitigation Monitoring and Reporting Program (MMRP).
17. Separate submittals and permits are required for all accessory structures such as but not limited to, trash enclosures, patios, block walls and storage buildings
18. Prior to approval of Building Permits, the Landscape Plan shall be coordinated with the Lighting Plan to avoid conflicts and ensure proper placement of trees and lighting standards. 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.
19. No spillage of light shall be allowed off-site on any property line.
20. All signage shall comply with Chapter 17.36 of the Banning Municipal Code. A coordinated comprehensive signage program shall be submitted for review and the approval of the Planning Department prior to issuance of Occupancy Permits.

21. Prior to the issuance of Building Permits, a comprehensive lighting plan, including specification details, shall be submitted to the Planning Department for review and approval prior to the issuance of Building Permits. The Lighting Plan shall comply with Title 24 of the California Uniform Building Code. Any existing lighting along Lincoln Street shall be plotted on the Lighting Plan, Site Plan and Landscape Plan. Any proposed wall lighting shall be schematically plotted on the Lighting Plan, Site Plan and on building facades.
22. 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.
23. Prior to certificate of occupancy, a comprehensive parking plan shall be submitted to Community Development identifying each use and related parking. Thereafter, at the time of submittal for building permits, each tenant shall submit a comprehensive parking plan identifying that the facility is in compliance with the parking code.

### **Public Works Department**

#### **A. General Requirements**

24. 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.
25. 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:
  - a. Fire Marshal (access)
  - b. Public Works Department (grading permits, street improvement permits)
  - c. Riverside County Flood Control & Water Conservation District (storm drain)
  - d. California Regional Water Quality Control Board Colorado River Basin (RWQCB)

- e. South Coast Air Quality Management District (SCAQMD)
- f. California Department of Transportation (CALTRANS)

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.

26. 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 1" = 40' horizontal  
*(All Conditions of Approval shall be reproduced on last sheet of set)*
- b. Haul Route Plans 1" = 40' horizontal
- c. Clearing Plans 1" = 50' horizontal  
*(Include construction fencing plan)*
- d. Erosion Control & SWPPP, WQMP 1" = 40' Horizontal  
*(Note: a, b, c & d shall be reviewed and approved concurrently)*
- e. Storm Drain Plans 1" = 40' Horizontal
- f. Street Improvement Plans 1" = 40' Horizontal  
1" = 40' Vertical
- g. Signing & Striping Plans 1" = 40' Horizontal
- h. Precise Grading Plans 1" = 40' Horizontal
- i. Landscaping Plans 1" = 20' Horizontal
- j. Water & 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.

27. 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. Street Improvements/Rights of Way**

28. The Applicant shall dedicate to the City of Banning the additional right-of-way of 25-feet fronting Lincoln Street (50 feet from centerline of the street) for public street and utilities purposes. Legal descriptions and plats of street dedication shall be provided to the Engineering Division for review and approval before acceptance by the City Council and recorded by the County of Riverside.
29. 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.
30. All street improvement designs shall provide pavement and lane transitions per City of Banning and CalTrans standards for transition to existing street sections.
31. Construct half-width (50-feet from centerline) street improvements fronting Lincoln Street including street lighting, curb and gutter, driveway 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.
32. Construct commercial driveway approach or approaches fronting Lincoln Street in according with the City of Banning Standard No. C-209 or C210.

33. Any public improvements damaged during the course of construction shall be replaced to the satisfaction of the City Engineer, or his/her designee.
34. 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.
35. 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**

36. 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.
37. 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.
38. 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.
39. The project grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions. Otherwise, a drainage easement shall be obtained for the release of concentrated or diverted storm flows. The project shall accept and convey storm flows from the adjacent property to the north, east and west.
40. The applicant shall comply with Chapter 13.24 "Stormwater Management Systems" of the Banning Municipal Code (BMC) and Title 18 "Grading, Erosion

and Sediment Control” of the California Building Code related to excavation and grading; and, the State Water Resources Control Board’s orders, rules and regulations.

41. For construction activities including clearing, grading or excavation of land that disturbs one (1) acre or more of land, or that disturbs less than one (1) acre of land, but which is a part of a construction project that encompasses more than one (1) acre of land, the applicant shall be required to submit a Storm Water Pollution Protection Plan (SWPPP) and file a Notice of Intent (NOI) with the Regional Water Quality Control Board.
42. The applicant’s SWPPP shall be reviewed and approved by the City Engineer prior to any permit issuance.
43. 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.
44. The applicant’s SWPPP shall include provisions for all of the following Best Management Practices (“BMPs”):
  - a. Temporary Soil Stabilization (erosion control).
  - b. Temporary Sediment Control.
  - c. Wind Erosion Control.
  - d. Tracking Control.
  - e. Non-Storm Water Management.
  - f. Waste Management and Materials Pollution Control.
45. 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.
46. 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.
47. Prior to issuance of any grading or building permit, a Project-Specific Water Quality Management Plan (WQMP) shall be reviewed and approved in accordance with California Regional Water Quality Control Board Colorado River Basin Region Order No. R7-2013-0011.

48. 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.
49. 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.
50. 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."
51. 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**

52. Prior to the issuance of a grading permit or building permit, the applicant shall submit and obtain approval in writing from the Fire Marshal 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 Marshal. 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 Marshal is granted.
53. Driveway grades shall not exceed eight percent unless approved by the City Engineer.
54. Access drives to the public right-of-way shall be restricted to those approved by the City Engineer as shown on the approved plans.
55. 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/8th street and Lincoln Street and 22nd Street and submit the report 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.

56. 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.

#### **E. Water**

57. Construct all water improvements including connection to the existing City water system. All water mains to be constructed within the Public right-of-way shall be Ductile Iron Pipe and shall be a minimum of 8". Final size shall be approved by the City Engineer.
58. 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.
59. Fire Services will require a Double Detector Check or RPP Device.
60. 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.
61. Submit water plans along with water demand calculations, based on fixture counts for indoor domestic use for each unit (i.e., per building, tenant, etc.) and computed separately for outdoor irrigation. Separate irrigation meter(s) with RP backflow device will be required. Each potential building/unit shall have a dedicated domestic water meter with RP backflow protection.
62. The private fire protection system shall be designed to meet Fire Department requirements, and include an RPDA backflow protection device approved by USC.

#### **F. Sewer**

63. Design and construct sewer line and connect to existing City sewer system. Submit any sewer improvement plans to 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.
64. 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.

65. 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.
66. 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.
67. Some industrial users may require a discharge permit, depending on the nature of the anticipated quality and quantity of the discharge. Before connecting to the City Sewer System, applicant shall provide detailed information on the anticipated discharge flows, patterns and characteristics.
68. Submit sewer plans showing one or multiple sewer lateral connections to the existing 8" sewer main on Lincoln

#### **G. Trash/Recycling**

69. 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.
70. 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.

#### **H. Fees**

71. Plan check fees for 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.
72. 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.
73. 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.

74. 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.
75. Prior to issuance of grading permits, the applicant shall submit to the City Engineer a Notice of Intent (NOI) to comply with obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit from the State Water Resources Control Board. Evidence that this has been obtained (i.e., a copy of the Waste Dischargers Identification Number) shall be submitted to the City Engineer for coverage under the NPDES General Construction Permit prior to initiation of construction activities.

### **I. Lot Merger**

76. Applicant shall submit copy of Grant Deed of the proposed lot mergers to the City.
77. Applicant shall submit legal descriptions and plats of the proposed lot merger to the City for review and approval.
78. All legal descriptions and plats must be prepared, stamped and signed by a Registered Land Surveyor or Civil Engineer in the State of California on letter size paper.
79. Applicant shall pay all associated engineering fees to the City at the time of submittal.

### **Electric Utility Department**

80. Any electric utility pole (s) that need to be relocated for this project will be done at developer's expense.
81. Submit the outlined information in a timely fashion is critical for design, planning and ordering of material for this project.
82. 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.
83. Paying required fees - electrical permit, plan check fee, inspection fees, meter fee and cost of electrical apparatus for completing the underground line extension.
84. Granting easement for electric facilities installation / maintenance, etc.

85. Installation of all electric utility conduits and substructures.

86. The City of Banning Electric Utility shall be responsible for:

- a. Reviewing plans submitted by customer.
- b. Design an electrical utility plan for the installation of substructures and conduit by developer.
- c. Providing a cost estimate for installing an underground electrical system for this project.
- d. Inspecting all trenches prior to backfilling. 24-hour prior notice is required before inspection.
- e. Install electrical apparatus including primary conductors, terminations, metering, and transformer to provide electrical service for your project.

### **Fire Department**

Fire Access and Fire Water to comply with the 2016 editions of California Fire code and California Building Code, including but not limited to the following:

87. For commercial areas, the required fire flow shall be available from Super hydrant(s) (6" x 4" x 21/2" x 21/2") spaced not more than 350 apart and shall be capable of delivering a fire flow 8000 GPM per minute for 4 hours duration at 20 psi residual operating pressure, which must be available before any combustible material is placed on the construction site.
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 a complete commercial fire sprinkler system. Fire sprinkler system(s) with pipe sizes in excess of 4" in diameter will require the project Structural Engineer to certify with a "wet signature", that the structural system is designed to support the seismic and gravity loads to support the additional weight of the sprinkler system. All fire sprinkler risers shall be protected from any physical damage.
90. The PIV and FDC shall be located to the front of building within 50 feet of approved roadway and within 200 feet of an approved hydrant. Sprinkler riser room must

- have indicating exterior and/or interior door signs. A C-16 licensed contractor must submit plans, along with current permit fees, to the Fire Department for review and approval prior to installation
91. 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.
  92. Gate(s) shall be automatic or manual operated. Install Knox key operated switches, with dust cover, mounted per recommended standard of the Knox Company. Building plans shall include mounting location/position and operating standards for Fire Department approval.
  93. Fire Apparatus access road and driveways shall be in compliance with the Riverside County Fire Department Standard number 06-05 (located at [www.rvcfire.org](http://www.rvcfire.org)). Access lanes will not have an up, or downgrade of more than 15%. Access roads shall have an unobstructed vertical clearance not less than 13 feet and 6 inches. Access lanes will be designed to withstand the weight of 80 thousand pounds over 2 axles. Access will have a turning radius capable of accommodating fire apparatus. Access lane shall be constructed with a surface so as to provide all weather driving capabilities. Width must be a minimum 20'. 24' preferred.
  94. Commercial address must be a minimum 12" tall in contrasting color visible from the street address side of the building. Illuminated internally or externally.
  95. Applicant/Developer shall mount blue dot retro-reflectors pavement markers on private streets, public streets and driveways to indicated location of the fire hydrant. It should be 8 inches from centerline to the side that the fire hydrant is on, to identify fire hydrant locations.
  96. 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.
  97. On the North side of the building near railroad property, if the project will only have 20' of clearance/distance to the property line a minimum 3 hour fire resistive rating will be required on the exterior wall.
  98. Maximum allowable area for F2 occupancy is 72,000 sq. ft. a minimum 3 hour area separation of fire resistive construction will be needed to achieve the increase of allowable area.

### **Building and Safety Department**

The following conditions are required to be met at time of plan check submittal:

99. 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.
100. 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.
101. Commercial buildings on the site shall be accessible per California Building Code (CBC) 11B.
102. Site Facilities such as parking (open and covered), recreation facilities, and trash dumpsters, shall be accessible per California Building Code (CBC) 11A, 11B and 31B.
103. Separate submittals and permits are required for all accessory structures such as but not limited to, trash enclosures, patios, block walls and storage buildings.
104. 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.

\*\*\*END\*\*\*

# ATTACHMENT 2

Exhibits-Plans  
(11" x 17" Plans Provided)

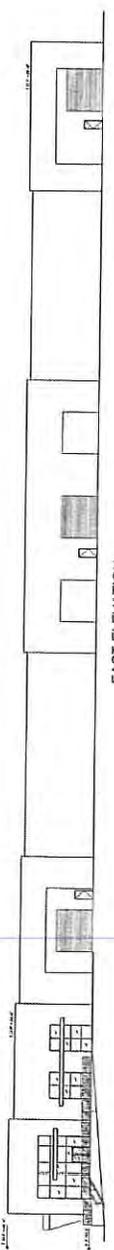
GPA 18-2501 / ZC 18-3501 From General Commercial (GC) to Business Park (BP)



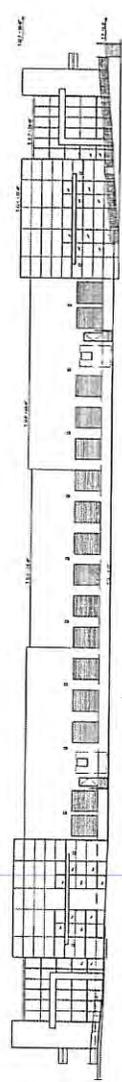




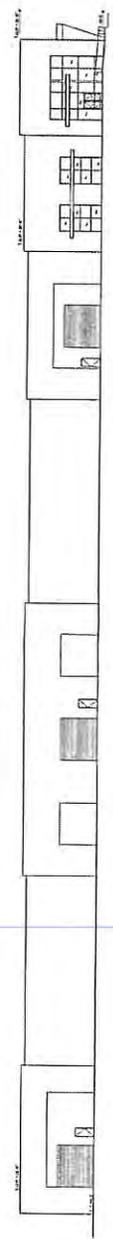
NORTH ELEVATION  
SCALE 1/8" = 1'-0"



EAST ELEVATION  
SCALE 1/8" = 1'-0"



SOUTH ELEVATION - LINCOLN STREET  
SCALE 1/8" = 1'-0"



WEST ELEVATION  
SCALE 1/8" = 1'-0"

BUILDING ELEVATIONS

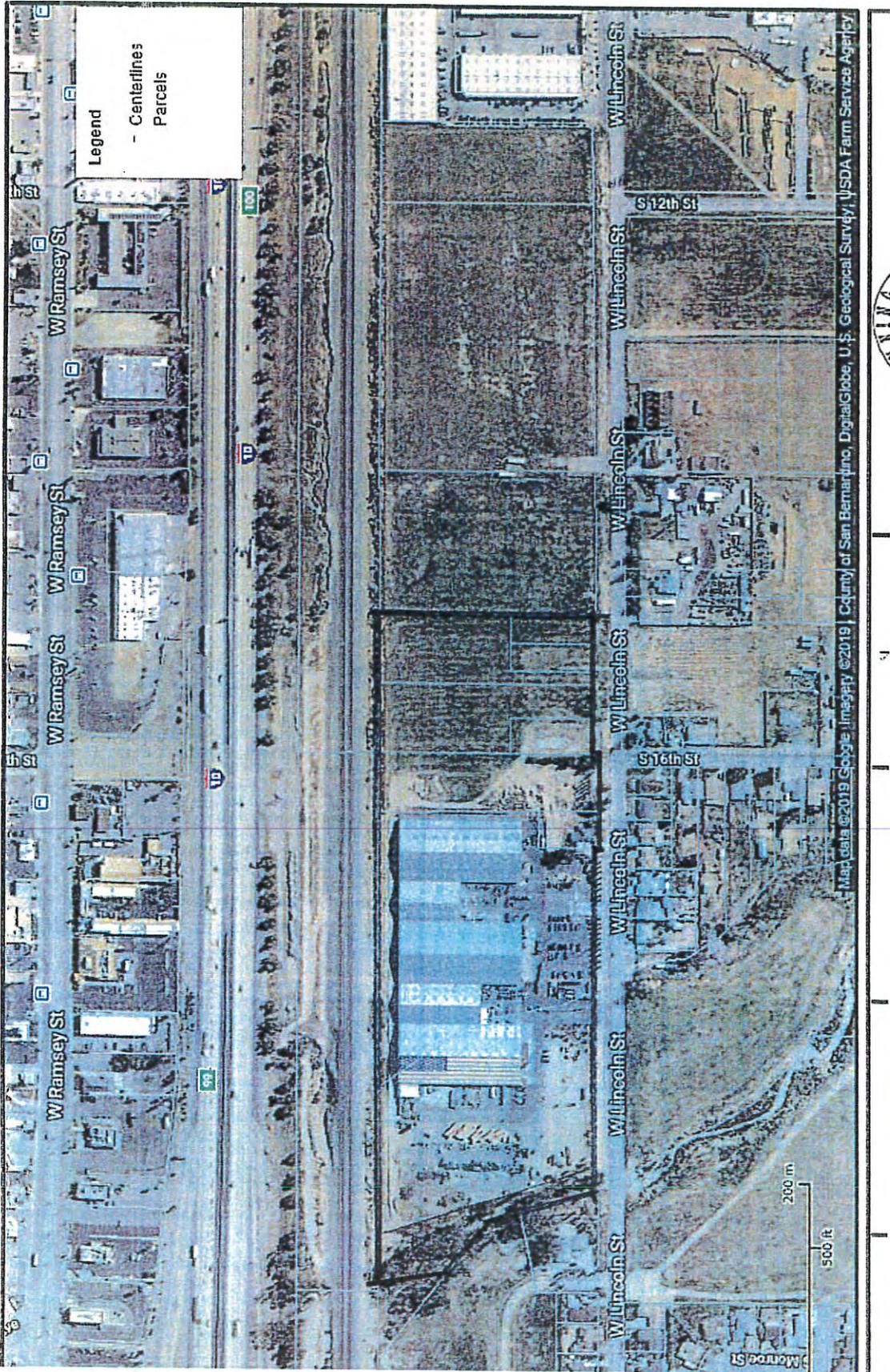
A-1

LAWRENCE EQUIPMENT  
NEW INDUSTRIAL WAREHOUSE BUILDING  
1881 N. LINCOLN STREET  
CALIFORNIA

DATE: 01/15/2010  
PROJECT: 01/15/2010  
DRAWN BY: [Name]  
CHECKED BY: [Name]

EXTERIOR ELEVATIONS

# Lawrence Equipment Expansion









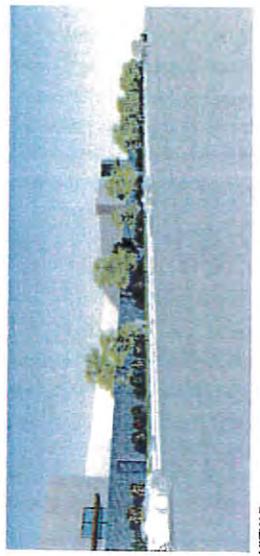
SD-2

SITE /  
SIGHT LINE  
VIEWS

LAWRENCE EQUIPMENT  
INDUSTRIAL WAREHOUSING BUILDING  
BANNING,  
CALIFORNIA  
LAWRENCE EQUIPMENT  
301 NORTH PEAK ROAD  
BONITA, CA 91734



SCREEN WALL SIGHT LINE VIEWS



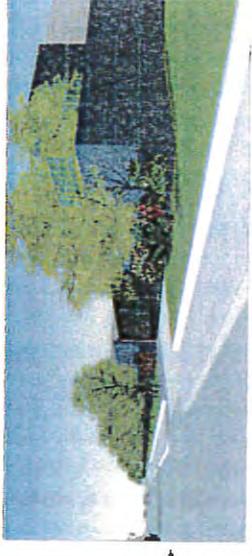
VIEW 7



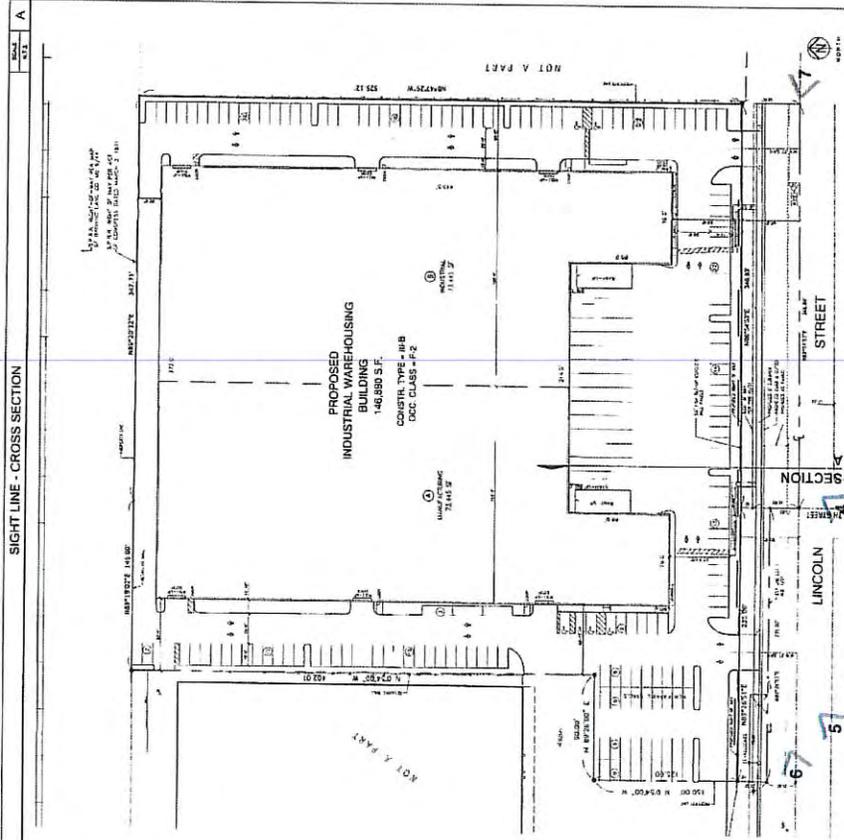
VIEW 6



VIEW 5



VIEW 4



SIGHT LINE - CROSS SECTION



SCALE 1/8" = 1'

SCALE 1/4" = 1'

SITE PLAN

SECTION











# ATTACHMENT 3

Mitigated Negative Declaration

**GPA 18-2501, ZC 18-3501, DR 18-7001  
Mitigation, Monitoring and Reporting Program (MMRP)  
January 2019**

Mitigation Measures	Timing	Verification		
		Department	Signature	Date
<b>Aesthetics</b>				
<b>Mitigation Measure AES-1</b> The final photometric plan Installation of lighting within the parking area and building entries shall be designed in a manner to control spillage of light from the Project Site, as required by the City of Banning Municipal Code. Attention will be made to assure no spillage of light onto adjacent residential properties to the west, north and east.	Prior to Issuance of Building Permits	Planning Department		
<b>Cultural Resources</b>				
<b>Mitigation Measure CR-1:</b> 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.	Prior to the Issuance of Grading Permits.	Planning Department		
<b>Mitigation Measure CR-2:</b> 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	During Grading and Construction	Planning Department		

Mitigation Measure	Timing	Department	Signature	Date
<p>Planning Department so that the City can ensure PRC §5097.98 is followed.</p>				
<p><b>Mitigation Measure CR-3</b> 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:</p> <ul style="list-style-type: none"> <li>• A fully executed reburial agreement with the appropriate culturally affiliated Native American tribe or band. This reburial area should be away from any future impacts. Reburial shall not occur until all cataloging, 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.</li> <li>• Curation at a Riverside County Curation facility that meets federal standards per 36 CFR Part 79 and therefore will be professionally curated and made available to other archaeologists/researchers and tribal members for further study. The collection and associated records shall be transferred, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be provided in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.</li> </ul>	<p>During Grading and Construction</p>	<p>Planning Department</p>		

Mitigation Measure	Timing	Department	Signature	Date
<b>NOISE</b>				
To reduce potential construction noise impacts, the following multi-part mitigation measure shall be implemented for the proposed project:				
<b>Mitigation Measure N-1:</b> The construction contractor shall designate a noise disturbance coordinator who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (starting too early, bad muffler, etc.) and establishment reasonable measures necessary to correct the problem. The construction contractor shall visibly post a telephone number for the disturbance coordinator at the construction site.	Prior to the Issuance of Grading Permits	Building & Safety Department; Planning Division		
<b>Mitigation Measure N-2</b> The construction contractor shall ensure that all on-site construction activities, including deliveries and engine warm-up, shall be restricted to the hours of 7:00 a.m. and 6:00 p.m. The contractor shall inform all workers and subcontractors of these restrictions.	During Grading and Construction	Building & Safety Department; Planning Division		
<b>Mitigation Measure N-3:</b> The construction contractor shall ensure that all equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment.	During Grading and Construction	Building & Safety Department; Planning Division		

Mitigation Measure	Timing	Department	Signature	Date
<p><b>Mitigation Measure N-4:</b> The construction contractor shall ensure that unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes) is prohibited.</p>	<p>During Grading &amp; Construction</p>	<p>Building &amp; Safety Department; Planning Division</p>		
<p><b>Mitigation Measure N-5:</b> The construction contractor shall utilize "quiet" models of air compressors and other stationary noise sources where technology exists.</p>	<p>During Grading &amp; Construction</p>	<p>Building &amp; Safety Department; Planning Division</p>		
<p><b>Mitigation Measure N-6:</b> At all times during project grading and construction, the construction contractor shall ensure that stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from the nearest residential land uses.</p>	<p>At All Times</p>	<p>Building &amp; Safety Department; Planning Division</p>		
<b>TRAFFIC</b>				
<p><b>Mitigation Measure TR-1:</b> Construct ultimate half-section width including landscaping and parkway improvements in conjunction with development, as necessary to the satisfaction of the Department of Public Works.</p>	<p>Prior to the issuance of Building Permits</p>	<p>Department of Public Works</p>		

Mitigation Measure	Timing	Department	Signature	Date
<p><b>Mitigation Measure TR-2:</b> The Project Proponent shall ensure that final site plans address safe access to the Project Site from Lincoln Street.</p>	<p>Prior to Issuance of Building Permits</p>	<p>Department of Public Works</p>		
<p><b>Mitigation Measure TR-3:</b> The Project Proponent shall ensure that the access to the Project Site from Lincoln Street has a stopping sight distance of 250 feet or as specified by the Public Works Director of unobstructed line of sight.</p>	<p>Prior to Issuance of Building Permits</p>	<p>Department of Public Works</p>		

**CITY OF BANNING  
PLANNING DIVISION  
INITIAL STUDY**

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City of Banning

Planning Division  
Initial Study

DJL Properties, LLC  
Zoning Change; New Construction

**Project Description and Location:**

This project proposes to change the zoning from General Commercial to Business Park and to construct a 146,890 square foot industrial/warehouse as an expansion of the existing businesses at 1879 W. Lincoln Street. This project includes the parcels: 538-230-014; 538-220-002; 538-220-003; 538-220-004; 540-180-041; 540-180-042; 540-180-043; 540-180-044; 540-180-045.

**August 2017**

**Prepared by:**

Environmental Regulatory Compliance, LLC, 1145 E. Orange Show Rd., Unit K, San Bernardino, CA 92408  
Wade Riddering, President, REPA, CPESC

**Prepared for:**

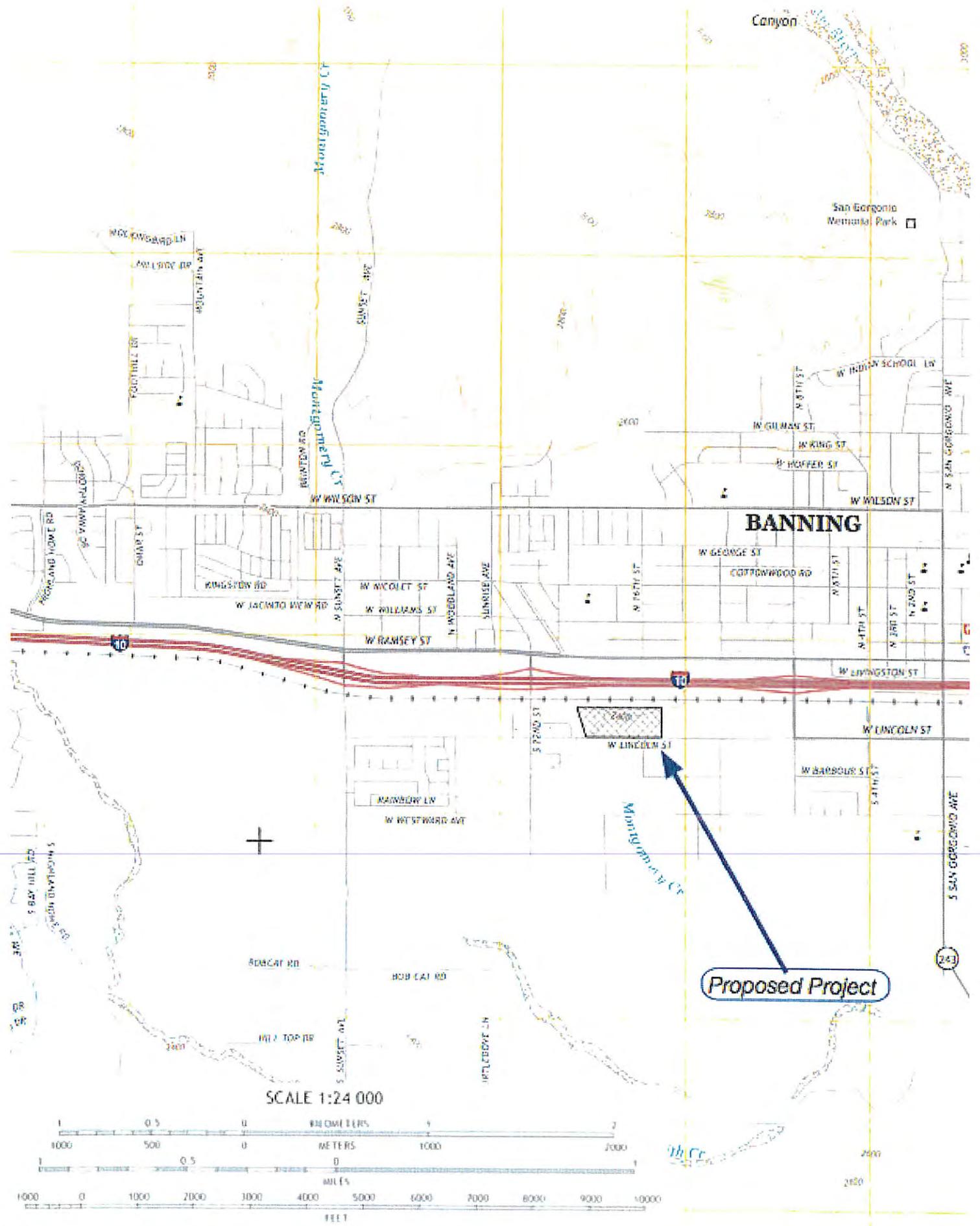
City of Banning  
Community Development Department, Planning Division  
and  
DJL Properties, LLC  
2034 North Peck Road  
South El Monte, CA 91733

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Reviewed by:

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1. **Project Title:** DJL Properties, LLC, Zoning Change and new construction
2. **Lead agency name and address:** City of Banning, Community Development Department  
99 E. Ramsey Street, Banning, CA 92220
3. **Contact person and phone number:** Patty Nevins, Community Development Director  
(951) 922-3160
4. **Project location:** Mailing Address is 1879 W. Lincoln Street, Banning, CA 92220, for parcel numbers  
538-230-014; 538-220-002; 538-220-003; 538-220-004; 540-180-041; 540-180-042; 540-180-043;  
540-180-044; 540-180-045
5. **Project sponsor's name and address:** Jose Jacquez; DJL Properties, LLC  
2034 North Peck Road, South El Monte, CA 91733
6. **General plan designation:** The current land use designation of the project site is General Commercial
7. **Zoning:** Same as the General Plan, General Commercial
8. **Description of project:** One phase of the project consists of changing the zoning of the parcels listed above from General Commercial to Business Park, to be consistent with the historical and current use of industrial and manufacturing. Historically there has been door and window manufacturing onsite approved by the City of Banning Planning Department. The current use is a retail business, The Rowdy Rose; general warehousing; and Lawrence Equipment, Inc. which is a manufacturer of bakery equipment.  
The zone change is consistent with the current and historic use of the project site, and is also consistent with the surrounding zoning and uses. The mixed use of commercial, industrial, business park is generally used as a buffer to residential areas. The proposed project is such a buffer between the residential uses south of Lincoln Street and the railroad and Interstate 10 to the North of the proposed project.  
To the East of the proposed project is one parcel of General Commercial, currently used for cattle grazing, and further east are several industrial parcels and another General Commercial that abuts Eighth Street.  
Directly south of the new construction proposed in the project are parcels zoned Business Park and extend East to Eighth Street south of Lincoln Avenue.  
Directly south of the central part of the proposed project is six parcels zoned Very Low Density Residential.  
To the west of the proposed project to 22nd Street and north of Lincoln Avenue the parcels are zoned General Commercial and Low Density Residential. And Low Density Residential south of Lincoln Street.  
The second phase of the project the applicant proposes to construct an industrial warehousing building on parcels 540-180-041; 540-180-042; 540-180-043; 540-180-044; 540-180-045. This will allow the applicant to expand their manufacturing ability and to hire additional employees.



**BANNING**

Proposed Project

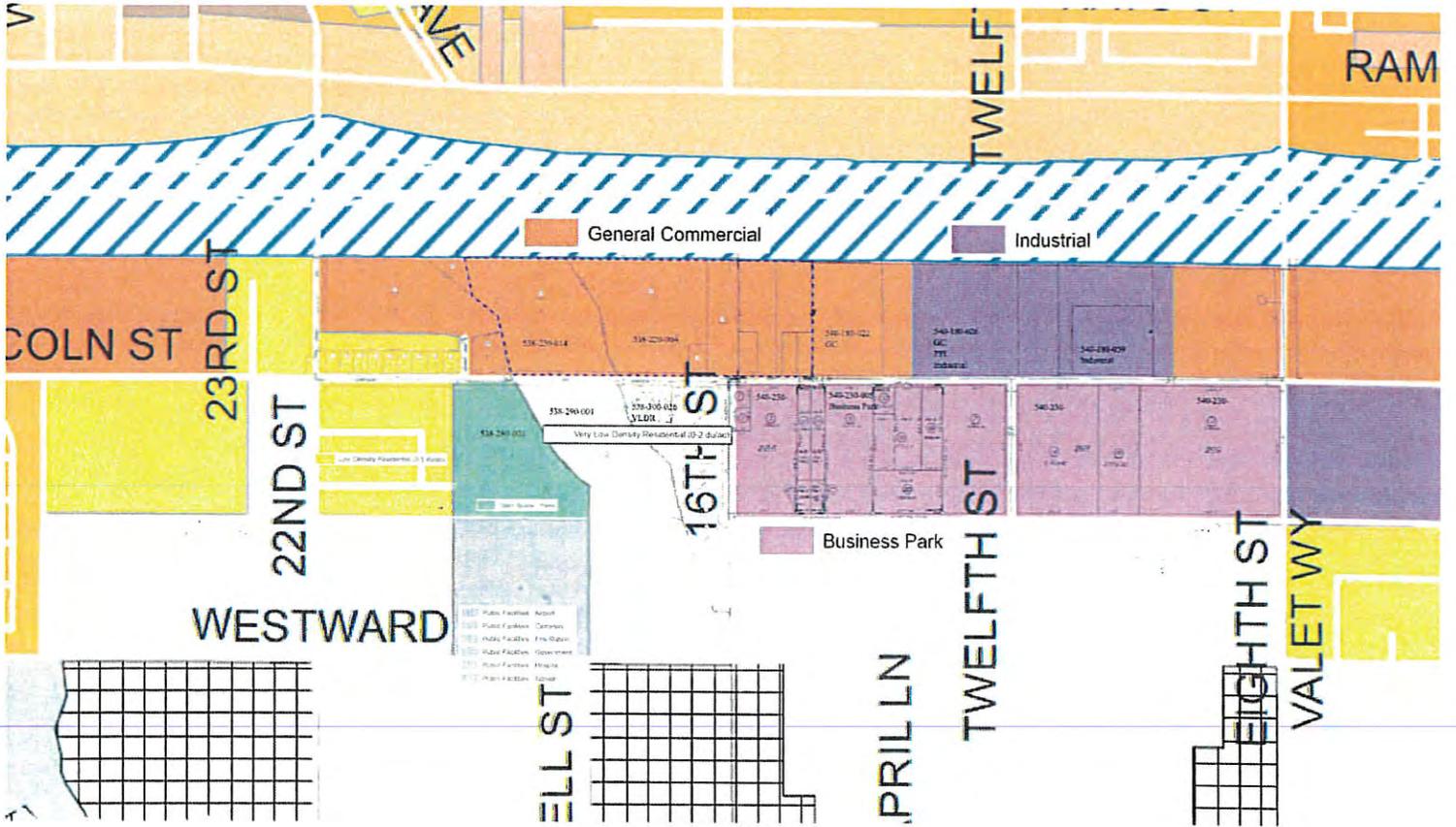
SCALE 1:24 000



CONTOUR INTERVAL 40 FEET  
 FROM AMERICAN VERTICAL DATUM OF 1948

CURRENT ZONING MAP

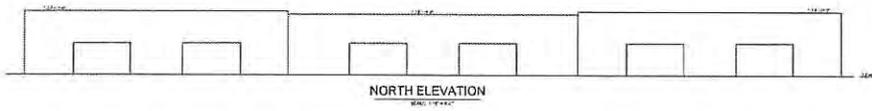
PROJECT SITE



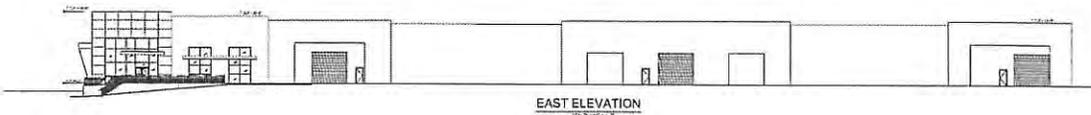
Future Construction



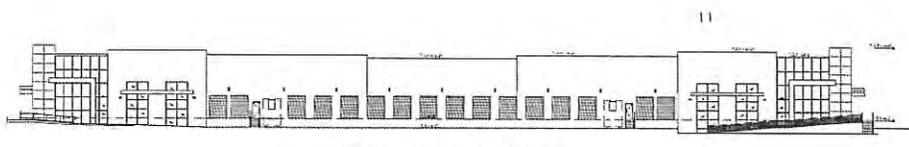
Future Construction Elevations



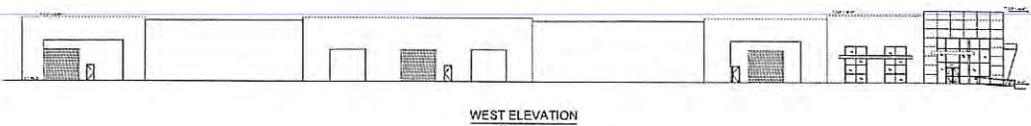
NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION - LINCOLN STREET



WEST ELEVATION

BUILDING ELEVATIONS



LAWRENCE EQUIPMENT  
 NEW INDUSTRIAL WAREHOUSING BUILDING  
 1000 W. 10TH AVENUE, SUITE 100  
 BAKING  
 LAWRENCE EQUIPMENT  
 2000 W. 10TH AVENUE, SUITE 100  
 CALIFORNIA

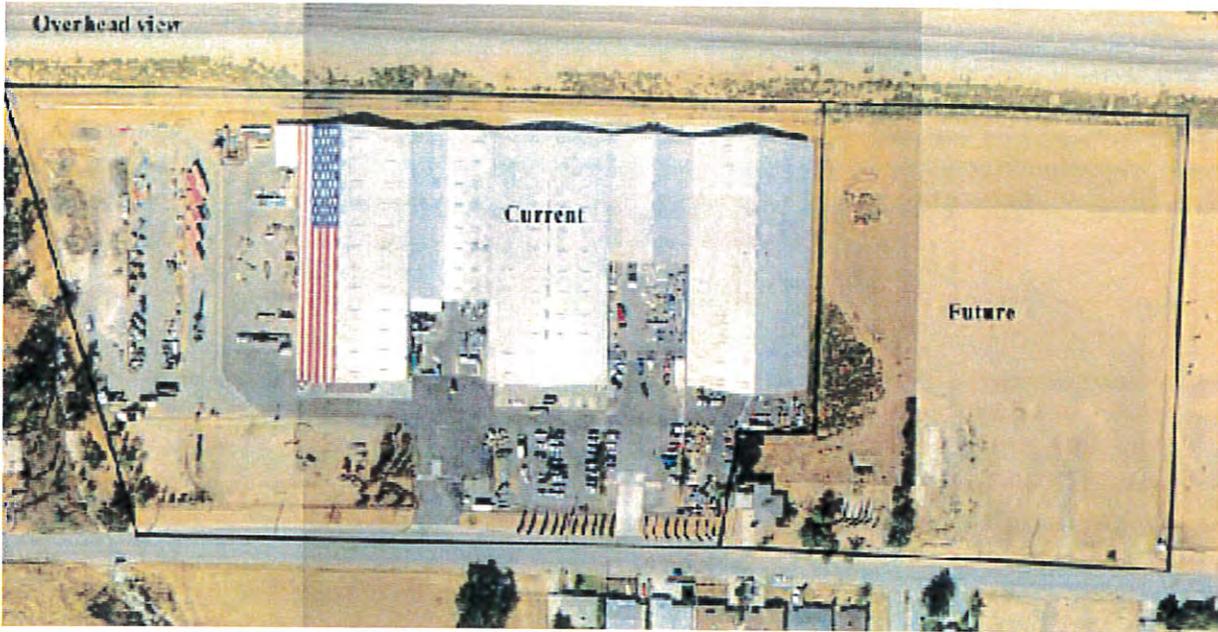
NO.	DATE	DESCRIPTION

- EXTERIOR WALLS
- EXTERIOR ROOF
- EXTERIOR FLOOR
- EXTERIOR CEILING
- EXTERIOR STAIRS
- EXTERIOR ELEVATORS

EXTERIOR ELEVATIONS

A-1

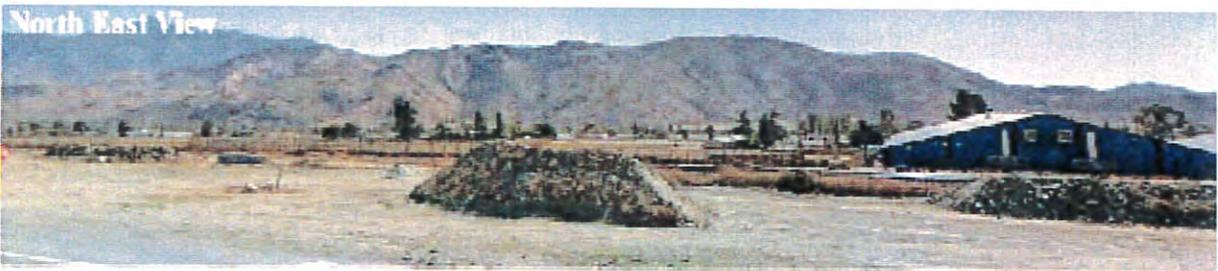
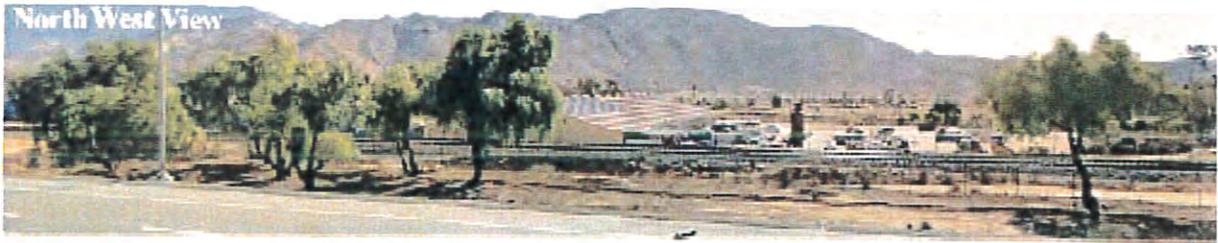
Aerial View



View from the South



View from the North



View from the East

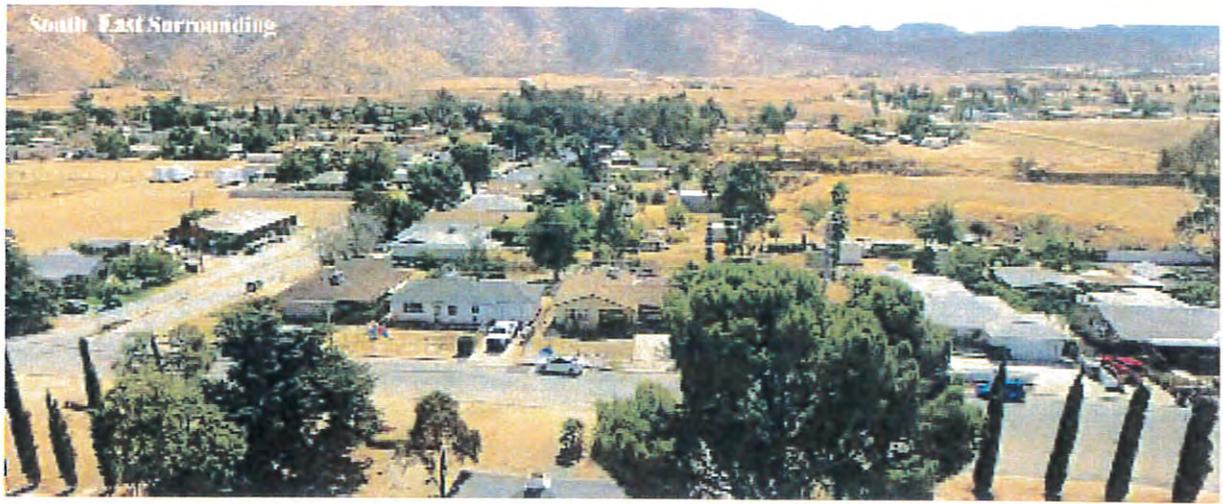


View from the West

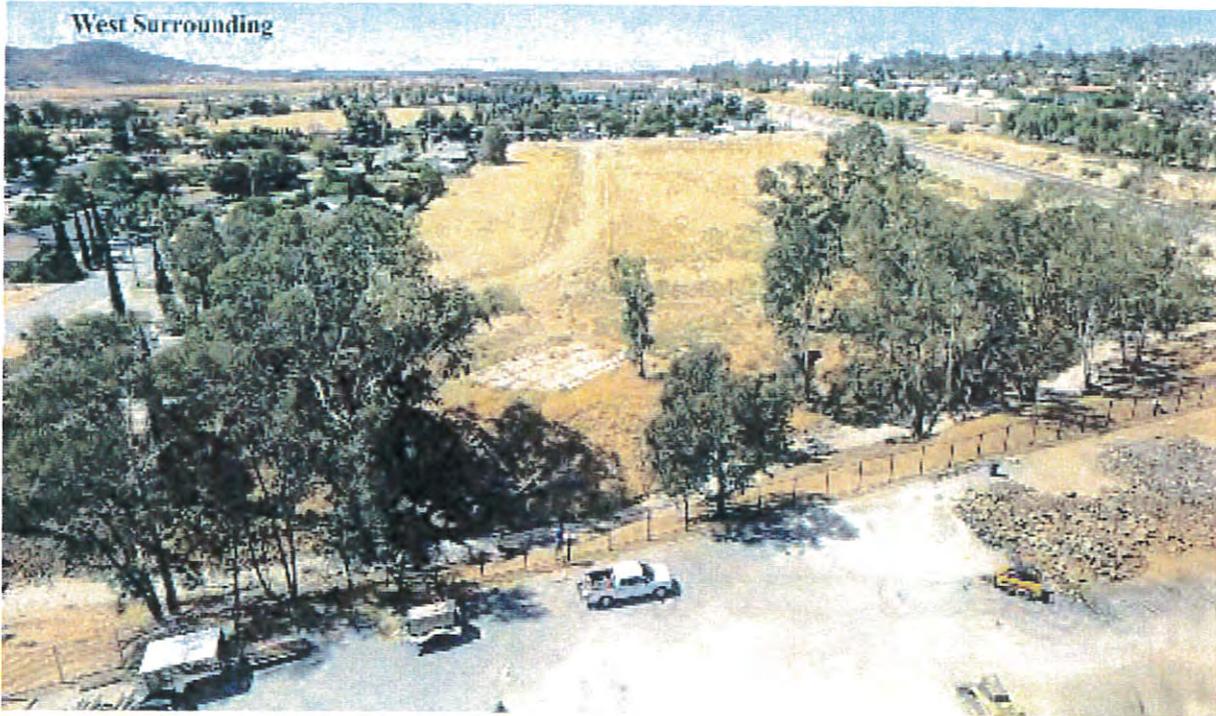


9. **Surrounding land uses and setting: Briefly describe the project's surroundings:**

South, Very Low Density Residential, Business Park and vacant land;



West, General Commercial, Low Density Residential and vacant land;



East, Vacant Land General Commercial, Industrial;

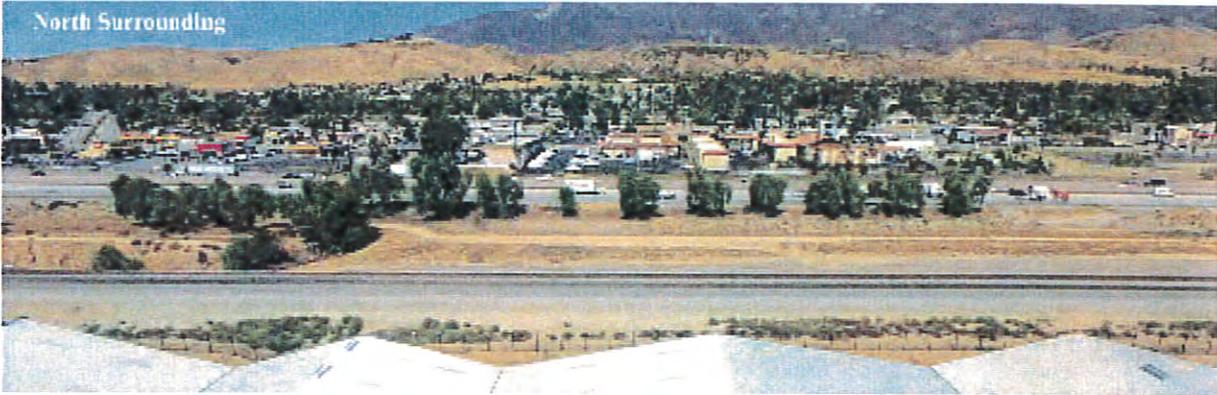


North, Santa Fe Pacific Railway, then Interstate 10 and Commercial beyond.

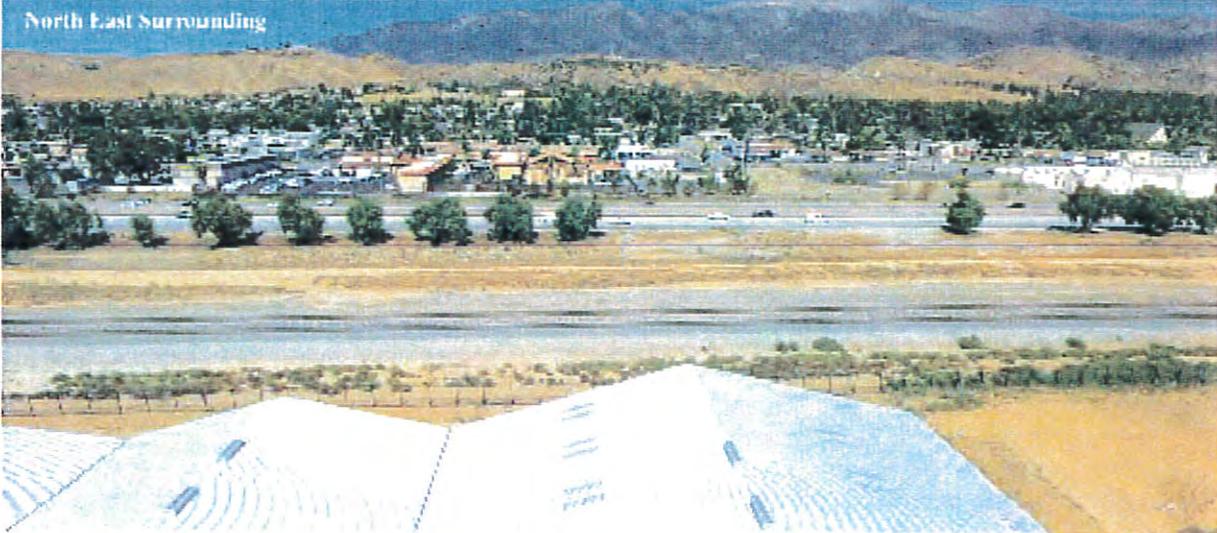
North West Surrounding



North Surrounding



North East Surrounding



**10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)**

1. Colorado River Basin Regional Water Quality Control Board, Stormwater Pollution Protection Plan
2. City of Banning, Business Registration
3. City of Banning, Building & Safety
4. City of Banning, Fire Protection
5. City of Banning, Planning Department
6. Riverside County Health, Hazardous Materials Business Emergency Plan
7. Riverside County Fire, Hazardous Waste Generator Permit
8. Riverside County Fire, Hazardous Materials Permit

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources     | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology/Soils                      |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials      | <input type="checkbox"/> Hydrology/Water Quality            |
| <input type="checkbox"/> Land Use/Planning        | <input type="checkbox"/> Mineral Resources                  | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population/Housing       | <input type="checkbox"/> Public Services                    | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation/Traffic   | <input type="checkbox"/> Utilities/Service Systems          | <input type="checkbox"/> Mandatory Findings of Significance |

**DETERMINATION: (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance

**I. AESTHETICS.**

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**a**

The proposed project of constructing a new industrial/warehouse building of 146,890 square feet is consistent with the current use. The project site is relatively flat. The San Jacinto Mountains rise steeply southeast of the project site. The San Bernardino Mountains rise steeply from the north side of the San Gorgonio Pass about two miles north of the site. The Little San Bernardino Mountains are also visible to the east. Two of the highest peaks in southern California bracket the project site: San Gorgonio Mountain in the San Bernardino Mountains, the highest point in southern California at 11,503 feet, is about 6.5 miles north of the site and visible from nearly the whole site. San Jacinto Peak in the San Jacinto Mountains, 10,834 feet, is about 6.6 miles southeast of the site. The City of Banning Municipal Code addresses construction height limits to protect scenic vistas.<sup>1</sup> The proposed project will have a less than significant impact on a scenic vista.

**b-c**

The proposed project of constructing a new industrial/warehouse building of 146,890 square feet is consistent with the current use. The proposed project will not damage any scenic resources. The proposed project site does not contain any trees or rock outcroppings and Lincoln Street is not designated a State Scenic Highway.<sup>2</sup> The proposed project will not degrade the existing visual character or quality of the site or its surroundings. There is no impact on scenic resources or visual character from the project.

**d**

The proposed project of constructing a new industrial/warehouse building of 146,890 square feet is consistent with the current use of adjacent parcels. Lighting will be in compliance with the City of Banning Municipal Code.<sup>3</sup> The impact of light and glare is less than significant.

<sup>1</sup> City of Banning Municipal Code Chapter 17.12 (Commercial and Industrial Districts), Section 17.12.030 (Development Standards)

<sup>2</sup> [http://www.dot.ca.gov/hq/LandArch/16\\_livability/scenic\\_highways/](http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/)

<sup>3</sup> City of Banning Municipal Code Chapter 17.12 (Commercial and Industrial Districts), Section 17.12.170 (Lighting)

II. AGRICULTURE AND FORESTRY RESOURCES.

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**a-c**

The proposed project site is listed as Other Land on the Department of Conservation website mapping Prime, Unique or Farmland of Statewide Importance.<sup>1</sup> No farmland will be converted to non-agriculture use by the proposed project.

The proposed project site is currently zoned General Commercial and seeks to change the zone to Business Park, and which does not conflict with any agriculture zoning or Williamson Act. The current use is industrial and commercial, the new construction is also industrial/commercial. According to Riverside County the proposed project site is listed as Non-Williamson Act Land, Urban and Built-Up Land.<sup>2</sup> There will be no loss of, or conversion of farmland or forest land to non-agriculture use. There is no conflict of zoning. There is no impact on agriculture or forestry resources by the proposed project.

<sup>1</sup> [http://ftp.consrv.ca.gov/pubs/dlrp/FMIMP/pdf/2016/riv16\\_w.pdf](http://ftp.consrv.ca.gov/pubs/dlrp/FMIMP/pdf/2016/riv16_w.pdf) Important Farmland 2016 Sheet 1 of 3  
<sup>2</sup> <http://www.conservacion.ca.gov/dlrp/lea> Riverside County FY 2015-2016 Sheet 1 of 3

### III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a-c

#### Construction Phase

The Sample Construction Scenarios for Localized Significant Thresholds (LST) on the South Coast AQMD website was utilized on September 12, 2017 for Appendix B, a Five Acre Site Example.<sup>1</sup> The lbs/day of all pollutants is well below the LST. Chart III-1 is the summary from Calcemod for the construction phase.<sup>2</sup> The prevailing wind is from the southeast to the northwest.<sup>3</sup> The project will not conflict with nor obstruct implementation of the applicable air quality plan. The impact on air quality is less than significant during the construction.

Chart III-1	Peak Daily Construction Emissions (lb/day)						MT/yr
	ROG	NOX	CO	SO2	PM10	PM2.5	CO2e
Peak Daily Total	3.9112	34.5782	27.7123	0.0639	18.4713	6.0708	721.9183
Current Emissions	4.8923	6.8678	12.5445	0.0424	1.3457	0.4754	1413.06
Total	8.8035	41.446	40.2568	0.1063	19.817	6.5462	2134.9783
SCAQMD Threshold	75	100	550	150	150	55	10,000
Exceed Significance	no	no	no	no	no	no	no

1. see appendix A for LST worksheets obtained from SCAQMD at <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>  
 2. see appendix B for construction summary sheet from Calcemod 2016.3.3  
 3. see appendix C for wind rose obtained from Iowa State University Web site at [http://mesonet.agron.iastate.edu/sites/site.php?station=BUO&network=CA\\_ASOS](http://mesonet.agron.iastate.edu/sites/site.php?station=BUO&network=CA_ASOS)

III. AIR QUALITY (continued)

**a-c (continued)**

Operating Phase

One phase of the proposed project involves a zoning change of existing industrial buildings. There is no impact from this phase. The second phase of the proposed project involves the construction of an additional industrial building of 146,890 sq.ft. The emissions from the current industrial operations were compared to the future operational emissions with the new building included and found to be less than significant.<sup>1</sup> (see chart III-2 and III-3) The project will not conflict with an air quality plan; will not violate any air quality standard; and will not produce a net increase of any criteria pollutant.

Chart III-2 Current Peak Daily Operational Emissions (lb/day)							MT/yr
	ROG	NOX	CO	SO2	PM10	PM2.5	CO2e
Peak Daily Total	4.8923	6.8678	12.5445	0.0424	1.3457	0.4754	1413.06
SCAQMD Threshold	75	100	550	150	150	55	10,000
Exceed Significance	no	no	no	no	no	no	no

Chart III-3 Future Peak Daily Operational Emissions (lb/day)							MT/yr
	ROG	NOX	CO	SO2	PM10	PM2.5	CO2e
Peak Daily Total	9.2179	13.9109	25.9421	0.0894	2.2522	0.8712	2995.014
SCAQMD Threshold	75	100	550	150	150	55	10,000
Exceed Significance	no	no	no	no	no	no	no

**d**

See a-c above. The closest sensitive receptor is 1575 feet north with the SFPP Railway and Interstate 10 between the project site and the sensitive receptors. The prevailing wind is from the northwest to the southeast.<sup>2</sup> The impact of substantial pollutant concentrations to sensitive receptors is less than significant.

**e**

The proposed project is in CalEnviroScreen census tract 6065044300. The prevailing wind, from southwest to northeast will effect census tract 6065044101 and this census tract has a population of 2973. The majority of the zoning in this tract is Highway Commercial. The number of homes within 1/4 mile radius of the proposed project site is 66. The lbs/day of all pollutants is well below the LST.<sup>3</sup> The facility does not generate odors, and does not use chemicals that generate odors. The long-term operations of the proposed project will keep any industrial activity of the warehouse indoors. The impact of objectionable odors to a substantial number of people is less than significant.

<sup>1</sup> see appendix D for Current Operational summary sheets and appendix E for future operational summary sheets from Caleemod 2016 3 3  
<sup>2</sup> see appendix C for wind rose obtained from Iowa state University Web site at [http://mesonet.agron.iastate.edu/sites/site.php?station=BUO&network=CA\\_ASOS](http://mesonet.agron.iastate.edu/sites/site.php?station=BUO&network=CA_ASOS)  
<sup>3</sup> see appendix A for LST worksheets obtained from SCAQMD at <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>

**IV. BIOLOGICAL RESOURCES:**

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) 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 or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**a-d**

The Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) provides for special species surveys for covered species that do not fit well into design of criteria areas and expected locations of habitat reserves. The Banning planning area falls within the special survey areas for three of these species. They are the Yucaipa Onion, the Burrowing Owl, and the Los Angeles Pocket Mouse. The proposed project site is not located within any of these three special survey areas.<sup>1</sup> The proposed project site has been developed and previously contained four houses. It is bounded on the north by a major Railroad and Interstate 10.

Sensitive natural communities are natural communities that are considered rare in the region by regulatory agencies, that are known to provide habitat for sensitive animal or plant species, or that are known to be important wildlife corridors.<sup>2</sup> Riparian habitats are those occurring along the banks of rivers and streams. The western property line borders the Montgomery Creek for 541 feet. Montgomery Creek is ephemeral and stays dry most of the time, therefore, there is little to no riparian habitat along the creek bed. The closest construction to the Montgomery Creek will be 959 feet to the east and will not have an adverse affect on Montgomery Creek. The proposed project site is not identified as being in or near any riparian habitat or other sensitive natural community.<sup>3</sup>

Wetlands are defined under the federal Clean Water Act as land that is flooded or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that normally does support, a prevalence of vegetation adapted to life in saturated soils. Wetlands include areas such as swamps, marshes, and bogs. The proposed project site is not listed as a federally protected wetland.<sup>4</sup> Further the proposed project construction is more than 900 feet from the Montgomery Creek and will not involve filling or removal of creek material.

The proposed project site is not located in a critical area nor a special linkage area as set forth in the MSHCP. There is no impact on the movement, migration, or impede the use of a nurse site of any native resident or wildlife.<sup>5</sup> The proposed project site has contained houses, is bounded on the north by a major Railroad and Interstate 10. There will be no impact on biological resources during construction or operation.

1. City of Banning General Plan Chapter IV Exhibit IV-3, IV-4 and IV-5  
 2. City of Banning General Plan Chapter IV, Biologic Resources Element  
 3. <https://www.fws.gov/wetlands/Data/Web-Map-Services.html>, accessed September 9, 2017  
 4. <https://watersgeo.epa.gov/watershedreport/?comid=22591669>  
 5. City of Banning General Plan Chapter IV Exhibit IV-2

IV. BIOLOGICAL RESOURCES: (continued)

e

Current site conditions of the proposed new warehouse construction consists of three single family residences that have been removed. There are typical trees around these residences that will be removed for the construction of the new 146,890 sq. ft. industrial/warehouse building. The proposed project will include the required typical landscaping and be in compliance with the City of Banning Municipal Code.<sup>1</sup> The impact is less than significant.

f

The proposed project site is not located within an MSHCP Conservation Area, and is not in conflict with any conservation plan.<sup>2</sup> There is no impact on habitat conservation during construction or operation.

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<sup>1</sup> City of Banning Municipal Code Chapter 17.32 Landscaping Standards

<sup>2</sup> Western Riverside County Multiple Species Habitat Conservation Plan Section 3.2, <http://rctfma.org/Portals/0/mshcp/volume1/sec3.html#3.2>

V. CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**a**

Historical resources are recognized as part of the environment under CEQA (PRC Section 21084.1). The California Register is an authoritative guide to the State's historical resources and to which properties are considered significant for purposes of CEQA.

The California Register includes resources listed in or formally determined eligible for listing in the National Register of Historic Places, as well as some California State Landmarks and Points of Historical Interest. Properties of local significance that have been designated under a local preservation ordinance (local landmarks or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the California Register and are presumed to be significant resources for purposes of CEQA unless a preponderance of evidence indicates otherwise (PRC Section 5024.1, 14 CCR § 4850).

Resources eligible for listing include buildings, sites, structures, objects, or historic districts that retain historic integrity and are historically significant at the local, state or national level under one or more of the following four criteria per CEQA Guidelines Section 15064.5. (3):

- A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- B) Is associated with the lives of persons important to our past;
- C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- D) Has yielded, may be likely to yield, information important in prehistory or history.

The proposed project site is now vacant land. Four homes have been built along Lincoln Street in the past. These homes were built in 1946, 1947 and 1979. No structures and no portion of the properties are listed on the National Register of Historic Places, as a State Landmark, on the California State Register or as a Point of Interest. There is no impact on historic resources from the proposed project.<sup>1</sup>

**b**

The area that includes the proposed project has been identified as having a low sensitivity for archaeological resources in the City of Banning General Plan.<sup>2</sup> Of the seven parcels that will be used for the construction of the 146,890 sq. ft. warehouse/industrial building, four have had prior development. The impact on archeological resources is less than significant during construction and operation.

**c**

There are no unique geologic features onsite. The topography is flat with no rock outcroppings. No impacts to unique geologic features would occur during construction or operations.

<sup>1</sup> <http://ohp.parks.ca.gov/ListedResources/?view=county&criteria=33>  
<sup>2</sup> City of Banning General Plan Chapter IV Exhibit IV-6

V. CULTURAL RESOURCES (continued)

d

California Health and Safety Code Section 7050.5, CEQA Section 15064.5, and Public Resources Code Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. Specifically, California Health and Safety Code Section 7050.5 requires that, if human remains are discovered in a project site, disturbance of the site shall halt until the coroner has conducted an investigation into the circumstances, manner, and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes or has reason to believe that the human remains are those of a Native American, he or she shall contact the Native American Heritage Commission by telephone within 24 hours. Although soil-disturbing activities associated with construction of a 146,890 sq. ft. industrial/warehouse building could result in the discovery of human remains, compliance with existing law would ensure that significant impacts to human remains would not occur.

## VI. GEOLOGY AND SOILS

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### a

The majority of injuries and loss of life related to earthquakes are typically linked to the collapse of buildings and structures. While preventing the occurrence of an earthquake is not feasible, their destructive effects can be minimized through comprehensive hazard mitigation measures that include the identification and mapping of potential hazards, sensible planning, strict implementation of building codes, and the retrofitting and rehabilitation of weak structures. All construction will be completed using the most up-to-date research available to consultants, engineers and the City to mitigate any risk to less than significant.<sup>1</sup>

### i

Based on the Riverside County Land Information System, the site is not located within an Alquist-Priolo Earthquake Fault Zone, nor is it located within 1/2 mile of any fault. The San Geronio Pass Fault is more than 4000 feet to the northwest.<sup>2</sup> The impact is less than significant with mitigation, see VI.a above.

<sup>1</sup> City of Banning General Plan Section V page 20  
<sup>2</sup> City of Banning General Plan Exhibit V-3

## VI. GEOLOGY AND SOILS (continued)

### ii

The degree of Seismic Ground Shaking is primarily based on a site's proximity to an earthquake fault. The site is not within an Alquist-Priolo Fault Zone or within 1/2 mile of any other fault zone.

Seismically induced ground shaking is the most significant potential geotechnical hazard facing the Banning area. Given the City's proximity of the San Andreas and San Jacinto faults, the urban core of the City has the potential to experience very high and extremely high ground shaking values of about 50% of the force of gravity, with a 10% chance of such a seismic event occurring in 50 years.<sup>1</sup> These are probabilistic values, which combine all seismic sources in the area and assess the likelihood of each source to generate an earthquake. These values are among the highest in southern California and are the result of the City's proximity to major fault systems with high earthquake recurrence rates. The effects of ground motion on structures are difficult to predict, and depend on the intensity of the quake, the distance from the epicenter to the site, the composition of soils and bedrock, building design, and other physical criteria. Based on these factors, ground shaking may cause no, little, or major structural damage or destruction; however, in general, peak ground accelerations and seismic intensity values decrease with increasing distance from the causative fault. Local conditions, such as soft soils, shallow ground water, and the presence of ridge tops, could amplify the effects of seismic waves and result in higher localized accelerations.

The Uniform Building Code, California Building Code, and Unreinforced Masonry Law are the primary tools used by local agencies to ensure seismic safety in structures. The impact is less than significant with mitigation, see VI.a above.

### iii

Liquefaction in the proposed project site is listed as moderate in the City of Banning General Plan.<sup>2</sup> Three general conditions induce liquefaction. One condition is strong ground shaking of relatively long period. Another condition is the presence of unconsolidated granular sediments. A third condition is the occurrence of water-saturated sediments within 50 feet of the ground surface. Because the alluvium that underlies the Banning areas is coarsely granular and percolates well, the water table is not within 50 feet of the ground surface. However, in the past, shallow groundwater was detected on the southernmost part of the valley before water pumping activity. The impact is less than significant with mitigation, see VI.a above.

### iv

Based on a field review and USGS topographic maps, the site is relatively flat. The adjacent topography is also relatively flat. There are no slopes that would create a risk on or off site due to landslides. The proposed project site is not located in an area potentially prone to landslides.<sup>3</sup> Therefore, the Project is forecast to have no impact with respect to landslides.

### b

Based on a field review and USGS topographic maps, the project site is a flat area that will be built as an industrial/warehouse building using the NPDES requirements and the guidelines in the City of Banning Municipal Code.<sup>4</sup> No loss of topsoil or erosion will occur during or after construction. There is no impact on soil erosion from the proposed project.

### c

Liquefaction in the proposed project site is listed as moderate in the City of Banning General Plan.<sup>5</sup> Three general conditions induce liquefaction. One condition is strong ground shaking of relatively long period. Another condition is the presence of unconsolidated granular sediments. A third condition is the occurrence of water-saturated sediments within 50 feet of the ground surface. Because the alluvium that underlies the Banning areas is coarsely granular and percolates well, the water table is not within 50 feet of the ground surface. However, in the past, shallow groundwater was detected on the southernmost part of the valley before water pumping activity. The impact is less than significant with mitigation, see VI.a above.

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1 City of Banning General Plan Chapter V Page V-16

2 City of Banning General Plan Chapter V Exhibit V-4

3 City of Banning General Plan Chapter V Exhibit V-2

4 City of Banning Municipal Code Chapters 15 and 17

5 City of Banning General Plan Chapter V Exhibit V-4

VI. GEOLOGY AND SOILS (continued)

d

The majority of the proposed project site is Greenfield Sandy Loam and a small portion is Ramona Sandy Loam.<sup>1</sup> Sandy Loams are stable soils that are not heavily affected by changes in moisture content. The impact of expansive soils is less than significant.

e

The Project will have no impact with respect to septic tanks because the Project does not propose the use of a septic tank system.

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<sup>1</sup> Soil Survey Staff. Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at <https://websoilsurvey.sc.egov.usda.gov/>. Accessed 09/13/2017.

## VII. GREENHOUSE GAS EMISSIONS

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### a-b

The construction and operational greenhouse gas emissions have been calculated using Calcemod 2016.3.1 and are well below the SCAQMD threshold of 10,000 MT/year.<sup>1</sup> See charts III-1, 2 and 3 of this document. The effect on greenhouse gas emissions from the proposed project is less than significant.

<sup>1</sup> see appendix B, D and E for construction and operational summary sheets from Calcemod 2016.3.3 and appendix A for the LST worksheets obtained from SCAQMD at <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>

### VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### a

##### Construction

Hazardous materials such as fuels, greases, paints, and cleaning materials would be used during construction of the proposed project. Onsite construction equipment might require routine or emergency maintenance that could result in the release of oil, diesel fuel, transmission fluid, or other materials. The use, storage, transport, and disposal of hazardous materials in construction would comply with existing regulations of several agencies including the EPA, US Department of Transportation (DOT), Occupational Safety and Health Administration (OSHA), California Division of Occupational Safety and Health (Cal/OSHA), and Riverside County Department of Environmental Health (DEH) that is the Certified Unified Program Agency (CUPA) for Riverside County.<sup>1</sup> Impacts of hazardous materials would be less than significant.

##### Operations

The proposed project's use of hazardous materials is similar to the adjacent land use. No materials of significant danger will be used onsite. Any that are used onsite will be listed on the Emergency Planning and Community Right-to-Know documents. Uses of hazardous materials during project operation would be subject to many of the same regulations as govern hazardous materials use in construction operations. Impacts of hazardous materials would be less than significant.

<sup>1</sup> The Riverside County Department of Environmental Health is the Certified Unified Program Agency (CUPA) for Riverside County; the Certified Unified Program coordinates and makes consistent enforcement of several state and federal regulations governing hazardous materials

VIII. HAZARDS AND HAZARDOUS MATERIALS (continued)

**b**

Construction

Hazardous materials such as fuels, greases, paints, and cleaning materials would be used during construction of development accommodated by the proposed project. Onsite construction equipment might require routine or emergency maintenance that could result in the release of oil, diesel fuel, transmission fluid, or other materials. The use, storage, transport, and disposal of hazardous materials in construction would comply with existing regulations of several agencies including the EPA, US Department of Transportation (DOT), Occupational Safety and Health Administration (OSHA), California Division of Occupational Safety and Health (Cal/OSHA), and Riverside County Department of Environmental Health (DEH), the Certified Unified Program Agency (CUPA) for Riverside County.<sup>1</sup> Impacts of hazardous materials release would be less than significant.

Operations

Commercial and industrial land uses utilizing hazardous materials are required to prepare and submit a Hazardous Materials Business Plan (HMBP) to the DEH. A HMBP includes an inventory of hazardous materials used and stored onsite; a site map; an emergency plan; and a training program for employees. The release of hazardous materials in operations would not cause significant hazards to the public or the environment. The impact of accidental releases of hazardous materials would be less than significant.

**c**

The closest schools to the proposed project is Banning High School over 4200 feet to the southeast, and Mt. Sac Community College over 5000 feet to the southwest. An elementary school is proposed adjacent to Banning High School and approximately 4000 feet to the southeast of the proposed project, and Mt. Sac Community College has proposed expansion to be within 3000 feet of the proposed project.<sup>2</sup> There is no impact from hazardous materials or emissions from the proposed project.

**d**

An environmental database search was conducted in August 2017. Hazardous materials sites were identified on the project site. Environmental records were identified for three parcels of the project site, as described below in Table VIII-1. None of the environmental records are considered “recognized environmental conditions” for the project site.<sup>3</sup> There are no Underground Storage Tanks identified on the state database.<sup>4</sup> The proposed project buildout would not create a substantial hazard for the public or the environment related to hazardous materials sites identified in the database search. The impact is less than significant.

**Table VIII-1 Parcels listed on environmental databases**

Site Address	Database	Reason of Listing
Intown Properties 1661 W. Lincoln	HAZNET	HAZNET is a database of hazardous waste shipment manifests. One manifest shipment in 1997 of unspecified solvent mixture.
Kelly Lawrence 1617 W. Lincoln	HAZNET	One manifest shipment in 2015 of asbestos containing waste
Pacific Window 1879 W. Lincoln	HAZNET	One manifest shipment in 2004 of hydrocarbon solvents
Lawrence Equipment 1879 W. Lincoln	HAZNET	One manifest shipment in 2017 of unspecified oil-containing waste and unspecified organic liquid mixture

**e**

The proposed project is 1.95 miles west of the Banning Municipal Airport and is listed outside of the compatibility zone by the Riverside County Airport Land Use Commission.<sup>5</sup>

<sup>1</sup> The Riverside County Department of Environmental Health is the Certified Unified Program Agency (CUPA) for Riverside County; the Certified Unified Program coordinates and makes consistent enforcement of several state and federal regulations governing hazardous materials  
<sup>2</sup> City of Banning, Rancho San Geronimo Specific Plan Figure-6  
<sup>3</sup> A recognized environmental condition is the presence or likely presence of hazardous materials or petroleum products under conditions indicating an existing or past release or a material threat of a release into structures or soil or groundwater or surface water, even under conditions in compliance with laws  
<sup>4</sup> <http://geotracker.waterboards.ca.gov/map?CMD=runreport&myaddress=1879-west+lincoln+street+banning%2C+ca> Accessed on 09/13/2017  
<sup>5</sup> Riverside County Land Use Commission, Banning Municipal Airport, Map BN-1  
<http://www.realuc.org/Portals/0/06-%20Vol%201%20Banning%20Municipal.pdf?ver=2016-09-19-114352-640>

## VIII. HAZARDS AND HAZARDOUS MATERIALS (continued)

**f**

The project site is not within the vicinity of a private airstrip. The nearest heliport to the site is at San Geronio Memorial Hospital at 600 North Highland Springs Avenue in the City of Banning, about 3.3 miles northwest of the site. Over congested areas, helicopters must maintain an altitude of at least 1,000 feet above the highest obstacle within 2,000 feet of the aircraft, except as needed for takeoff and landing.<sup>1</sup> Project development would not create any hazard for people living or working onsite arising from helicopters operating to or from the above mentioned heliport, and no impact would occur.

**g**

The emergency response plan for the City of Banning is the Riverside County Emergency Operations Plan adopted by the County Board of Supervisors in 2006. Project construction activities, and staging activities will be kept off of city streets and rights-of-ways. Impairment to emergency access of the surrounding areas will be less than significant.

**h**

No part of the project site is in Very High Fire Hazard Severity Zones designated by the California Department of Forestry and Fire Prevention.<sup>2</sup> Project development could not result in hazards arising from wildland fires. There is no impact by the proposed project.

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1. Code of Federal Regulations Title 14 Section 91.119

2. [http://www.fire.ca.gov/fire\\_prevention/flsz\\_maps/FHSZ/riverside/Banning.pdf](http://www.fire.ca.gov/fire_prevention/flsz_maps/FHSZ/riverside/Banning.pdf), accessed 9/12/2017

## IX. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### a

#### Construction Phase

Project construction could generate pollutants that could contaminate water. The project site is in the Whitewater River Watershed and in the Colorado River Basin Regional Water Quality Control Board (CRB RWQCB) region. Waste-discharge requirements for discharges to stormwater for construction activities are set by the State Water Resources Control Board. Waste-discharge requirements for post-construction stormwater discharges to municipal storm drainage systems in the Whitewater River Watershed are set by the CRB RWQCB. Best management practices for mitigating potential pollutants is an integral part of the regulations governing water quality.<sup>1</sup> This impact is less than significant with mitigation incorporated.

1. Construction General Permit order 2009-00009-DWQ, [https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.shtml#construction](https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml#construction)

## IX. HYDROLOGY AND WATER QUALITY (continued)

### a continued

#### Operating Phase

Project operations are not planned to generate waste water discharges, but could generate pollutants that could contaminate water. The project site is in the Whitewater River Watershed and in the Colorado River Basin Regional Water Quality Control Board (CRB RWQCB). Waste-discharge requirements for discharges to stormwater from industrial activities are set by the State Water Resources Control Board. Waste-discharge requirements for stormwater discharges to municipal storm drainage systems in the Whitewater River Watershed are set by the CRB RWQCB. Best management practices for mitigating potential pollutants is an integral part of the regulations governing water quality.<sup>1</sup> This impact is less than significant with mitigation incorporated.

### b

#### Construction Phase

A minimal amount of water is used during the construction phase of the proposed project. The impact from water use is less than significant.

#### Operating Phase

The 146,890 sq. ft. industrial/warehouse building will have offices and approximately 50 employees. The average water use is calculated at 18,600 gpd, with a peak use at 37,200 gpd.<sup>2</sup> The projected water supply in 2015 was 13.89 mgd, with a total wet year capacity of 34.99 mgd and dry year capacity of 25.66 mgd.<sup>3</sup> The impact of operations of the proposed project on water supplies of is less than significant.

### c-e

#### Construction Phase

Construction of the proposed project will not alter nor increase natural drainage.

#### Operating Phase

The proposed project is to construct a 146,890 sq.ft. industrial/warehouse building on 6.2 acres with the required landscaping per the City of Banning Municipal Code Development Standards. The month of January has the highest average rainfall at 3.76 inches.<sup>4</sup> Accessing data from the National Oceanic and Atmospheric Administration 10 year data from the closest station in Beaumont shows that the highest hourly rainfall is .7 inches.<sup>5</sup> This will calculate to an average of 633,020 gallons in the month of January and a maximum of 129,010 gallons in an hour of stormwater run-off added to the Montgomery Creek. The maximum flow through the concrete culverts under Lincoln Street is calculated to be 3,584,581 gallons per hour.<sup>5</sup> Even allowing for 100% run-off the maximum run-off is only 3.5% of the maximum flow under Lincoln Street. The impact of drainage and run-off will be less than significant.

### f

The proposed project does not involve the generation of industrial waste waters. Storm water discharges are regulated by the Colorado Rivers Basin Regional Water Quality Board. See IXa above. The impact is less than significant.

### g

The proposed project does not include housing; there is no impact.

### h

The western edge of the proposed project, parcel 538-230-014, that is adjacent to Montgomery Creek is in zone AH, flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations determined. The eastern edge of parcel 538-230-014 and the western edge of parcel 538-220-004 are zone X areas of 0.2% chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% chance of flood. The rest of the parcels in the proposed project are in zone X, areas determined to be outside the 0.2% annual chance floodplain.<sup>6</sup> There is no impact of placing structures within a 100-year floodplain.

1. Industrial General Permit order 2014-0057-DWQ. [https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/gp\\_20140057/dwg.shtml](https://www.waterboards.ca.gov/water_issues/programs/stormwater/gp_20140057/dwg.shtml)

2. City of Banning Water Department 3/2006 as shown on the Environmental Information Form, <http://ci.banning.ca.us/documentcenter/view/3951>

3. City of Banning 2010 Urban Water Management Plan Tables 4-1 and 4-2

4. Time related maps accessed on 09/13/2017 <https://gis.ncdc.noaa.gov/maps/nccei/cdo/daily>, see appendix F

5. Two 30" concrete pipes at 2% slope with a Manning N of .011 flow 68.554 cfs each, see appendix G

6. FEMA, Flood Insurance Rate Map, Map number 06065C0817G August 28, 2008

## IX. HYDROLOGY AND WATER QUALITY (continued)

i

The project site is not in an area mapped by FEMA as protected from 100-year floods by levees. There are no dams upstream from the site on Montgomery Creek or the San Geronio River that could pose a flood threat to the site due to dam failure. No impact would occur.

i

### **Seiche**

A seiche is a surface wave created when an inland water body is shaken, usually by an earthquake. There are no inland bodies of water near enough to the site to pose a flood threat to the site due to a seiche, and no impact would occur.

### **Tsunami**

A tsunami is a sea wave caused by a sudden displacement of the ocean floor, most often due to earthquakes. The site elevation ranges from about 2,215 to 2,402 feet above mean sea level, and is about 52 miles inland from the Pacific Ocean; thus, there is no potential for flooding onsite due to tsunamis.

### **Mudflow**

A mudflow is a landslide composed of saturated rock debris and soil with a consistency of wet cement. The site consists of gently sloping terrain vegetated with grasses, and is unlikely to be capable of generating a mudflow. The general slope of the area is from the north to the south. The railway and Interstate 10, directly north, will prevent a threat of mudflow. The proposed project site slopes generally from north to south 8 feet in 556 feet. There is no impact from mudflows for the proposed project.

**X. LAND USE AND PLANNING**

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**a**

The proposed project is contiguous to current industrial land use to the west, vacant land to the east, U.P. Railroad and I-10 to the north, and Lincoln Street to the south.<sup>1</sup> The project will not divide an established community, there is no impact.

**b**

The construction phase of the project would also require approval of the project water quality management plan (WQMP) by the CRB RWQCB. The proposed project area has historically been used for industrial purposes and is zoned commercial. Three parcels were used out of zoning as low density residential and have been vacant for a number of years. The proposed project seeks to continue use as industrial and commercial and would require discretionary approval of General Plan amendment/zone change to Business Park to reflect the proposed project. The proposed project does not conflict with a land-use plan, policy or regulation. The impact is less than significant.

**c**

The proposed project does not conflict with any natural habitat or community conservation plan.<sup>2</sup> There is no impact by the proposed project.

<sup>1</sup> Surrounding land use maps, pages 6-8 of this document

<sup>2</sup> Western Riverside County Multiple Species Habitat Conservation Plan; <http://rctlma.org/Portals/0/mshcp/volume1/sec3.html>

XI. MINERAL RESOURCES

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**a**

The proposed project site is located in an area designated Mineral Resource Zone-3 as an area containing known or inferred mineral occurrences of unknown significance. None of the project site is mapped by the CGS as containing known Portland-cement concrete (PCC) grade aggregate resources (CGS 2008).<sup>1</sup> Project development would not cause a loss of availability of known mineral resources valuable to the region and the state, no impact would occur.

**b**

No mining site in or near the project is identified in the City of Banning General Plan. The nearest mine to the project site present on the Office of Mine Reclamation's map is the Banning Quarry, mine ID 91-33-00012. It is an active sand and gravel mine located about 2.2 miles northeast of the site project.<sup>2</sup> No impact would occur to mineral resources.

1. City of Banning General Plan Chapter IV Exhibit IV-8  
 2. Office of Mine Reclamation's Mines Online <http://maps.conservation.ca.gov/mol/index.html>, accessed 9/13/2017

## XII. NOISE

Would the project result in:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### a-b

Groundborne Vibration and noise is most typically associated with operation of heavy construction equipment. Because of the flat topography of the site and no demolition a minimal amount of heavy equipment is required. There are 24 homes within 1000 feet of the project site, the closest is 300 feet south. The Project is required to comply with the mandatory noise requirements contained in Section 8.44.090.E and F of the Banning Municipal Code for construction activities and the operation of an industrial/warehouse building. Operation of the industrial/warehouse building will not produce groundborne vibrations beyond six additional truck trips per day. The impacts from noise and groundborne vibrations are considered to be less than significant.

### c

#### Construction Phase

Permanent noise is typically generated by building mechanical equipment, such as heating and air conditioning units, and by vehicle traffic associated with the use of a site. The construction of the industrial warehouse building will not produce permanent noise.

#### Operating Phase

The proposed project is anticipated to produce 56 new vehicle trips per day beyond current levels. These vehicle trips produce similar noise levels to those that already occur on Lincoln Street. The average daily trips on Lincoln Street between 8th and 22nd Streets is 2,500.<sup>1</sup> All industrial activity will occur indoors. The impact of permanent noise is less than significant.

### d

#### Construction Phase

During the construction phase of the proposed project it is anticipated that there will be an increase in daytime noise levels. These will be managed by the construction schedule. Per Section 8.44.090.E and F of the City of Banning Municipal Code, construction activity is required to be limited to certain hours and days to minimize noise impacts. This is a mandatory requirement. Therefore, impacts are forecast to be less than significant.

<sup>1</sup> City of Banning 2011 Engineering and Traffic Surveys, Table 3

XII. NOISE (continued)

**d** continued

Operating Phase

The proposed project of an industrial/warehouse building is anticipated to produce 56 new vehicle trips per day beyond current levels. These vehicle trips produce similar noise levels, during a similar time period, to those that already occur on Lincoln Street. The average daily trips on Lincoln Street between 8th and 22nd Streets is 2,500.<sup>1</sup> The industrial activity will occur indoors and the nearest residence is 300 feet south of the industrial buildings. The impacts of temporary, periodic noise is less than significant.

**e**

The proposed project is 1.95 miles west of Banning Municipal Airport. The proposed project is outside the 55 dB CNEL noise contour of the airport and will not expose people residing or working at the proposed project to excessive noise levels.<sup>2</sup> There will be no impact.

**f**

The proposed project is not within the vicinity of a private air strip. There will be no impact.

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<sup>1</sup> City of Banning 2011 Engineering and Traffic Surveys, Table 3

<sup>2</sup> Riverside County Airport Land Use Commission, Banning Municipal Airport, Map-BN-3  
<http://www.rcaluc.org/Portals/0/06-%20Vol%201%20Banning%20Municipal.pdf?ver=2016-09-19-114352-640>

### XIII. POPULATION AND HOUSING

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a

The proposed project will increase employment by 50, it is anticipated that 42 will be from the local area. The proposed project does not propose new homes and is not expected to induce population growth. The impact of the proposed project on population and housing is expected to be less than significant.

b-c

The proposed project will be constructed on parcels that have had four single family houses that have been removed and the land is now vacant. There is no impact from the proposed project.

#### XIV. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) Fire Services - The Riverside County Fire Department (RCFD) provides fire protection and emergency medical services to the City of Banning. Fire Station 89 is located 1.5 driving miles northeast of the project site. The proposed project will add a 146,890 square foot industrial warehouse building with automatic sprinklers. The impact on fire services will be less than significant.
- b) Police Protection - The Banning Police Department (BPD) provides police protection to the City of Banning. The Banning Police Department consists of 41 sworn personnel and 20 classified personnel. The police station is located at 125 E. Ramsey Street. The proposed project will add a 146,890 square foot industrial warehouse building and add 50 employees. The impact on police services will be less than significant.
- c) Schools - The project site is in the Banning Unified School District (BUSD). The proposed project will increase employment by 50, it is anticipated that 42 will be from the local area, which will have less than significant impact on the BUSD.
- d) Parks - The proposed project will increase employment by 50, it is anticipated that 42 will be from the local area, which will have less than significant impact on city parks
- e) Other public facilities - The proposed project will increase employment by 50, it is anticipated that 42 will be from the local area, which will have less than significant impact on any other public facilities.

**XV. RECREATION**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**a**  
 The proposed project will increase employment by 50, it is anticipated that 42 will be from the local area. There will not be a substantial increase in the use of local recreation facilities. There is no impact from the proposed project.

**b**  
 The proposed project does not included recreational facilities and will not require the expansion of existing or the construction of new recreational facilities. There is no impact from the proposed project.

## XVI. TRANSPORTATION/TRAFFIC

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### **a-b**

#### Construction Phase

During construction all equipment and supplies will be staged on the proposed project site and away from roadways. There is no impact.

#### Operating Phase

The proposed project is anticipated to produce 6 new truck trips per day beyond current levels. These vehicle trips produce similar noise levels to those that already occur on Lincoln Street. The addition of 50 employees is anticipated to add 50 vehicle trips per day. The average daily trips on Lincoln Street between 8th and 22nd Streets is 2,500.<sup>1</sup> The impact is expected to be less than significant.

### **c**

The proposed project is 1.95 miles west of the Banning Municipal Airport runway and is not within the Airport Influence Area.<sup>2</sup> The project will be constructed in compliance with the City of Banning Municipal Code Building Standards for Commercial/Industrial projects. There will be no impact from this project.

### **d**

#### Construction

All construction equipment will be staged on the project site ensuring that the roadway stays clear. Vehicle trips will be limited to persons working at the site during construction. There will not be design hazards.

#### Operational

The existing roadway in front of the current commercial/industrial buildings is wider than the majority of Lincoln Street. This reduces the hazards of truck traffic entering the new industrial/warehouse building drive approaches. The impact of design features is less than significant.

<sup>1</sup> City of Banning 2011 Engineering and Traffic Surveys, Table 3

<sup>2</sup> Riverside County Land Use Commission, Banning Municipal Airport, Map BN-1  
<http://www.realic.org/Portals/0/06-%20Vol%201%20Banning%20Municipal.pdf?ver=2016-09-19-114352-640>

XVI. TRANSPORTATION/TRAFFIC (continued)

e

All portions of the project site will be fully accessible to emergency vehicles during construction and will remain accessible during operations. There is no impact to emergency vehicle access.

f

The Project does not conflict with any policies, plans, or programs that support use of alternative transportation such as bus service, bike lanes, or other modes of transportation. Thus, there are no impacts to alternative modes of transportation.

## XVII. UTILITIES AND SERVICE SYSTEMS

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a

### Construction Phase

Project construction could generate pollutants that could contaminate water. The project site is in the Whitewater River Watershed and in the Colorado River Basin Regional Water Quality Control Board (CRB RWQCB) region. Waste-discharge requirements for discharges to stormwater during construction activities are set by the State Water Resources Control Board. Waste-discharge requirements for post-construction stormwater discharges to municipal storm drainage systems in the Whitewater River Watershed are set by the CRB RWQCB. Best management practices for mitigating potential pollutants is an integral part of the regulations governing water quality.<sup>1</sup> This impact is less than significant with mitigation incorporated.

### Operating Phase

Project operations are not planned to generate waste water discharges to the utility, but could generate pollutants that could contaminate storm water. The project site is in the Whitewater River Watershed and in the Colorado River Basin Regional Water Quality Control Board (CRB RWQCB) region. Waste-discharge requirements for discharges to stormwater from industrial activities are set by the State Water Resources Control Board. Waste-discharge requirements for stormwater discharges to municipal storm drainage systems in the Whitewater River Watershed are set by the CRB RWQCB. Best management practices for mitigating potential pollutants is an integral part of the regulations governing water quality.<sup>2</sup> This impact is less than significant with mitigation incorporated.

1. Construction General Permit order 2009-00009-DWQ, [https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.shtml#construction](https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml#construction)

2. Industrial General Permit order 2014-0057-DWQ, [https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/igp\\_20140057dwq.shtml](https://www.waterboards.ca.gov/water_issues/programs/stormwater/igp_20140057dwq.shtml)

XVII. UTILITIES AND SERVICE SYSTEMS (continued)

**b**

Construction Phase

Project construction will not generate wastewater and will not require the construction of new water or wastewater treatment facilities. There is no impact from the proposed construction project.

Operating Phase

The project operating phase will not result in the construction of new water or wastewater treatment facilities.

The 146,890 sq. ft. industrial/warehouse building will have offices and approximately 50 employees. The average water use is calculated at 18,600 gpd, with a peak use at 37,200 gpd.<sup>1</sup> The projected water supply in 2015 was 13.89 mgd, with a total wet year capacity of 34.99 mgd and dry year capacity of 25.66 mgd.<sup>2</sup> The impact of operations of the proposed project is less than significant.

Using the City's wastewater generation rates, the project would generate approximately 9,300 gpd of wastewater.<sup>1</sup> The existing wastewater treatment plant is designed to treat an average flow of 3.6 mgd and a peak flow of 7.2 mgd.<sup>3</sup> The impact of the proposed project on the wastewater treatment facilities is less than significant.

**c**

Construction Phase

The project site is in the Whitewater River Watershed and in the Colorado River Basin Regional Water Quality Control Board (CRB RWQCB) region. Waste-discharge requirements for discharges to stormwater for construction activities are set by the State Water Resources Control Board. Waste-discharge requirements for post-construction stormwater discharges to municipal storm drainage systems in the Whitewater River Watershed are set by the CRB RWQCB. Best management practices for mitigating potential pollutants is an integral part of the regulations governing water quality.<sup>4</sup> This impact is less than significant with mitigation incorporated.

Operating Phase

The proposed project is to construct a 146,890 sq.ft. industrial/warehouse building on 6.2 acres with the required landscaping per the City of Banning Municipal Code Development Standards. The month of January has the highest average rainfall at 3.76 inches.<sup>5</sup> Accessing data from the National Oceanic and Atmospheric Administration 10 year data from the closest station in Beaumont shows that the highest hourly rainfall is .7 inches.<sup>6</sup> This will calculate to an average of 633,020 gallons in the month of January and a maximum of 129,010 gallons in an hour of stormwater run-off added to the Montgomery Creek. The maximum flow through the concrete culverts under Lincoln Street is calculated to be 3,584,581 gallons per hour.<sup>7</sup> The impact will be less than significant.

**d**

Construction Phase

Project construction will not use any significant amount of water. The impact from the proposed project is expected to be less than significant.

Operating Phase

The project operating phase will not require new or expanded water entitlements.

The 146,890 sq. ft. industrial/warehouse building will have offices and 50 employees. The average water use is calculated at 18,600 gpd, with a peak use at 37,200 gpd.<sup>8</sup> The projected water supply in 2015 was 13.89 mgd, with a total wet year capacity of 34.99 mgd and dry year capacity of 25.66 mgd.<sup>9</sup> The average water year supply surplus is 5,187 acre-ft/year or 4.6 mgd.<sup>10</sup> The impact from the proposed project is expected to be less than significant.

1. City of Banning Water Department 3/2006 as shown on the Environmental Information Form. <http://ci.banning.ca.us/documentcenter/view/3951>

2. City of Banning 2010 Urban Water Management Plan Tables 4-1 and 4-2

3. Rancho San Geronimo Specific Plan Draft EIR, June 2016, §5.16.1.4

4. Construction General Permit order 2009-00009-DWQ, [https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.shtml#construction](https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml#construction)

5. City of Banning 2010 Urban Water Management Plan Table 2-1

6. Time related maps accessed on 09/13/2017 <https://us.ncdc.noaa.gov/maps/ncdc/cdo/daily>, see appendix F

7. Two 10" concrete pipes at 2% slope with a Manning N of 0.11 flow 68 554 cfs each, see appendix G

8. City of Banning Water Department 3/2006 as shown on the Environmental Information Form. <http://ci.banning.ca.us/documentcenter/view/3951>

9. City of Banning 2010 Urban Water Management Plan Tables 4-1 and 4-2

10. City of Banning 2010 Urban Water Management Plan Table 5-9

## XVII. UTILITIES AND SERVICE SYSTEMS (continued)

**e**

The Proposed Project's wastewater effluent will be collected by the City of Banning sewer system and transported to the City's Wastewater Reclamation Plant. This plant has a secondary treatment capacity of 3.6 million gallons per day, and a designed capacity of 7.8 MGD. The average throughput of the plant is 2.4 MGD from 2005-2010.<sup>1</sup> The predicted wastewater generation average rate of the project is 9,750 GPD. The increase of total throughput of the plant with the additional of the wastewater of the Project is minuscule to the 2.4 million gallons per day, and does not impact the design capacity of 3.6 million gallons per day. Since the Proposed Project will not result in a substantial impact on the wastewater facility and an expansion will eventually be constructed, impacts will be less than significant.

**f**

### Construction

The project proposed to construct a 146,890 sq. ft. industrial/warehouse building. The construction activities will generate a minimal amount of solid waste.

### Operations

The project will generate solid waste from the warehouse offices supporting 50 new employees. Waste Management provides service to the City. The new warehouse/industrial building is estimated to generate 186 tons/year for solid waste.<sup>2</sup> Solid waste is most likely to be transported to the Lamb Canyon Landfill. According to CalRecycle, the Lamb Canyon landfill has an estimated closure date of 04/01/2029 accepting 5,500 tons/day.<sup>3</sup> The impact from the proposed project is less than significant.

**g**

Waste Management provides service to the Project site. Any solid waste disposal will be in compliance with the City's mandatory requirements. Therefore, no impacts are forecast to occur.

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<sup>1</sup> City of Banning 2010 Urban Water Managment Plan, page 59  
<sup>2</sup> Caleemod 2016.3.1 current vs future companson. see appendix D and E  
<sup>3</sup> <http://www.calrecycle.ca.gov/SWFacilities/Directory/33-AA-0007/Detail/>

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**a**  
 The project site is considered highly disturbed, developed, and is devoid of native vegetation. Single family houses have existed on the site and have been removed. The project site does not contain any habitat to support candidate, sensitive, or special-status species and the project site is not within a designated critical habitat of any species. No drainage features, ponded areas, or riparian habitat exist on the project site. Likewise, no rare or endangered species have been found to inhabit the site. There are no structures of a historical nature, and no archaeological or paleontological resources are known to exist on site. Therefore, the project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory, and no impacts related to these topics would occur with project implementation.

**b**  
 The project is not considered growth inducing and will not alter planned development patterns in the region. Also, no expansion of supporting infrastructure would be required to accommodate the proposed project. Therefore, no impacts related to this project are individually limited, but cumulatively considerable.

**c**  
 The areas of potential significant impact are V. Geology and Soils; IX Water Quality and XVII Utilities. V. Geology and soils are affected by earthquakes and liquefaction. The site is not within an Alquist-Priolo Fault Zone or within 1/2 mile of any other fault zone. Liquefaction in the proposed project site is listed as moderate in the City of Banning General Plan. The water table is not within 50 feet of the ground surface. All construction will be completed using the most up-to-date research available to consultants, engineers and the City to mitigate any risk to less than significant.

g (continued)

IX Water Quality has the potential to be affected by industrial activity. Waste-discharge requirements for discharges to stormwater for construction activities and industrial are set by the State Water Resources Control Board. During construction the project site will operate with a construction Storm Water Pollution Prevention Plan (SWPPP). During operations the business will obtain an Industrial SWPPP. These SWPPPs have incorporated within them Best Management Practices to minimize potential pollutants in stormwater discharges.

XVII Utilities has the same potential as Water Quality and the discussion is the same.

## References

Page	Ref. #	Appendix	Source
12	1		City of Banning Municipal Code Chapter 17.12 (Commercial and Industrial Districts), Section 17.12.030 (Development Standards)
12	2		<a href="http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/">http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/</a>
12	3		City of Banning Municipal Code Chapter 17.12 (Commercial and Industrial Districts), Section 17.12.170 (Lighting)
13	1		<a href="ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/riv16_w.pdf">ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/riv16_w.pdf</a> Important Farmland 2016 Sheet 1 of 3
13	2		<a href="http://www.conservation.ca.gov/dlrp/lca">http://www.conservation.ca.gov/dlrp/lca</a> Riverside County FY 2015-2016 Sheet 1 of 3
14	1	A	see appendix A for LST worksheets obtained from SCAQMD at <a href="http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds">http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds</a>
14	2	B	see appendix B for construction summary sheet from Caleemod 2016.3.3
14	3	C	see appendix C for wind rose obtained from Iowa state University Web site at <a href="http://mesonet.agron.iastate.edu/sites/site.php?station=BUO&amp;network=CA_ASOS">http://mesonet.agron.iastate.edu/sites/site.php?station=BUO&amp;network=CA_ASOS</a>
15	1	D-E	see appendix D for Current Operational summary sheet and appendix E for Future Operational Summary Sheet from Caleemod 2016.3.3
15	2	C	see appendix C for wind rose obtained from Iowa state University Web site at <a href="http://mesonet.agron.iastate.edu/sites/site.php?station=BUO&amp;network=CA_ASOS">http://mesonet.agron.iastate.edu/sites/site.php?station=BUO&amp;network=CA_ASOS</a>
15	3	A	see appendix A for LST worksheets obtained from SCAQMD at <a href="http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds">http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds</a>
16	1		City of Banning General Plan Chapter IV Exhibit IV-3, IV-4 and IV-5
16	2		City of Banning General Plan Chapter IV, Biologic Resources Element
16	3		<a href="https://www.fws.gov/wetlands/Data/Web-Map-Services.html">https://www.fws.gov/wetlands/Data/Web-Map-Services.html</a> , accessed September 9, 2017
16	4		<a href="https://watersgeo.epa.gov/watershedreport/?comid=22591669">https://watersgeo.epa.gov/watershedreport/?comid=22591669</a>
16	5		City of Banning General Plan Chapter IV Exhibit IV-2
17	1		City of Banning Municipal Code Chapter 17.32 Landscaping Standards
17	2		Western Riverside County Multiple Species Habitat Conservation Plan Section 3.2; <a href="http://rctlma.org/Portals/0/mshcp/volume1/sec3.html#3.2">http://rctlma.org/Portals/0/mshcp/volume1/sec3.html#3.2</a>
18	1		<a href="http://ohp.parks.ca.gov/ListedResources/?view=county&amp;criteria=33">http://ohp.parks.ca.gov/ListedResources/?view=county&amp;criteria=33</a>
18	2		City of Banning General Plan Chapter IV Exhibit IV-6
20	1		City of Banning General Plan Section V page 20
20	2		City of Banning General Plan Exhibit V-3
21	1		City of Banning General Plan Chapter V Page V-16

Page	Ref. #	Appendix	Source
21	2		City of Banning General Plan Chapter V Exhibit V-4
21	3		City of Banning General Plan Chapter V Exhibit V-2
21	4		City of Banning Municipal Code Chapters 15 and 17
21	5		City of Banning General Plan Chapter V Exhibit V-4
22	1		Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at <a href="https://websoilsurvey.sc.egov.usda.gov/">https://websoilsurvey.sc.egov.usda.gov/</a> . Accessed 09/13/2017.
23	1	B	see appendix B for construction summary sheets and appendix D for the current operational summary sheets and appendix E for the future operational summary sheets from Caleemod 2016.3.3 and appendix A for the LST worksheets obtained from SCAQMD at <a href="http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds">http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds</a>
24	1		The Riverside County Department of Environmental Health is the Certified Unified Program Agency (CUPA) for Riverside County; the Certified Unified Program coordinates and makes consistent enforcement of several state and federal regulations governing hazardous materials.
25	1		The Riverside County Department of Environmental Health is the Certified Unified Program Agency (CUPA) for Riverside County; the Certified Unified Program coordinates and makes consistent enforcement of several state and federal regulations governing hazardous materials.
25	2		City of Banning, Rancho San Gorgonio Specific Plan Figure-6
25	3		A recognized environmental condition is the presence or likely presence of hazardous materials or petroleum products under conditions indicating an existing or past release or a material threat of a release into structures or soil or groundwater or surface water, even under conditions in compliance with laws.
25	4		<a href="http://geotracker.waterboards.ca.gov/map/?CMD=runreport&amp;myaddress=1879+west+lincoln+street+banning%2C+ca">http://geotracker.waterboards.ca.gov/map/?CMD=runreport&amp;myaddress=1879+west+lincoln+street+banning%2C+ca</a> Accessed on 09/13/2017
25	5		Riverside County Land Use Commission, Banning Municipal Airport, Map BN-1 <a href="http://www.rcaluc.org/Portals/0/06-%20Vol.%201%20Banning%20Municipal.pdf?ver=2016-09-19-114352-640">http://www.rcaluc.org/Portals/0/06-%20Vol.%201%20Banning%20Municipal.pdf?ver=2016-09-19-114352-640</a>
26	1		Code of Federal Regulations Title 14 Section 91.119
26	2		<a href="http://www.fire.ca.gov/fire_prevention/lhsz_maps/FHSZ/riverside/Banning.pdf">http://www.fire.ca.gov/fire_prevention/lhsz_maps/FHSZ/riverside/Banning.pdf</a> , accessed 9/12/2017
27	1		Construction General Permit order 2009-00009-DWQ; <a href="https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml#construction">https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml#construction</a>
28	1		Industrial General Permit order 2014-0057-DWQ; <a href="https://www.waterboards.ca.gov/water_issues/programs/stormwater/igp_20140057dwq.shtml">https://www.waterboards.ca.gov/water_issues/programs/stormwater/igp_20140057dwq.shtml</a>
28	2		City of Banning Water Department 3/2006 as shown on the Environmental Information Form; <a href="http://ci.banning.ca.us/documentcenter/view/3951">http://ci.banning.ca.us/documentcenter/view/3951</a>
28	3	F	Time related maps accessed on 09/13/2017 <a href="https://gis.ncde.noaa.gov/maps/ncei/cdo/daily">https://gis.ncde.noaa.gov/maps/ncei/cdo/daily</a> , see appendix F
28	4	G	Two 30" concrete pipes at 2% slope with a Manning N of .011 flow 68.554 cfs each, see appendix G
28	5	H	FEMA, Flood Insurance Rate Map, Map number 06065C0817G August 28, 2008
30	1		Surrounding land use maps, pages 6-8 of this document
30	2		Western Riverside County Multiple Species Habitat Conservation Plan; <a href="http://rctlma.org/Portals/0/mshcp/volume1/sec3.html">http://rctlma.org/Portals/0/mshcp/volume1/sec3.html</a>

Page	Ref. #	Appendix	Source
31	1		City of Banning General Plan Chapter IV Exhibit IV-8
31	2		Office of Mine Reclamation's Mines Online <a href="http://maps.conservation.ca.gov/mol/index.html">http://maps.conservation.ca.gov/mol/index.html</a> , accessed 9/13/2017
32	1		City of Banning 2011 Engineering and Traffic Surveys; Table 3
33	1		City of Banning 2011 Engineering and Traffic Surveys; Table 3
33	2		Riverside County Airport Land Use Commission, Banning Municipal Airport, Map-BN-3 <a href="http://www.rcaluc.org/Portals/0/06-%20Vol.%201%20Banning%20Municipal.pdf?ver=2016-09-19-114352-640">http://www.rcaluc.org/Portals/0/06-%20Vol.%201%20Banning%20Municipal.pdf?ver=2016-09-19-114352-640</a>
37	1		City of Banning 2011 Engineering and Traffic Surveys; Table 3
37	2		<a href="http://www.rcaluc.org/Portals/0/06-%20Vol.%201%20Banning%20Municipal.pdf?ver=2016-09-19-114352-640">http://www.rcaluc.org/Portals/0/06-%20Vol.%201%20Banning%20Municipal.pdf?ver=2016-09-19-114352-640</a>
39	1		Construction General Permit order 2009-00009-DWQ; <a href="https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml#construction">https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml#construction</a>
39	2		Industrial General Permit order 2014-0057-DWQ; <a href="https://www.waterboards.ca.gov/water_issues/programs/stormwater/igp_20140057dwq.shtml">https://www.waterboards.ca.gov/water_issues/programs/stormwater/igp_20140057dwq.shtml</a>
40	1		City of Banning Water Department 3/2006 as shown on the Environmental Information Form; <a href="http://ci.banning.ca.us/documentcenter/view/3951">http://ci.banning.ca.us/documentcenter/view/3951</a>
40	2		City of Banning 2010 Urban Water Management Plan Tables 4-1 and 4-2
40	3		Rancho San Geronio Specific Plan Draft EIR, June 2016; §5.16.1.4
40	4		Construction General Permit order 2009-00009-DWQ; <a href="https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml#construction">https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml#construction</a>
40	5		City of Banning 2010 Urban Water Management Plan Table 2-1
40	6	F	Time related maps accessed on 09/13/2017 <a href="https://gis.ncdc.noaa.gov/maps/ncei/cdo/daily">https://gis.ncdc.noaa.gov/maps/ncei/cdo/daily</a> , see appendix F
40	7	G	Two 30" concrete pipes at 2% slope with a Manning N of .011 flow 68.554 cfs each, see appendix G
40	8		City of Banning Water Department 3/2006 as shown on the Environmental Information Form; <a href="http://ci.banning.ca.us/documentcenter/view/3951">http://ci.banning.ca.us/documentcenter/view/3951</a>
40	9		City of Banning 2010 Urban Water Management Plan Tables 4-1 and 4-2
40	10		City of Banning 2010 Urban Water Management Plan Table 5-9
41	1		City of Banning 2010 Urban Water Managment Plan, page 59
41	2	D-E	see appendix D for Current Operational summary sheet and appendix E for Future Operational Summary Sheet from Caleemod 2016.3.3
41	3		<a href="http://www.calrecycle.ca.gov/SWFacilities/Directory/33-AA-0007/Detail/">http://www.calrecycle.ca.gov/SWFacilities/Directory/33-AA-0007/Detail/</a>

## Summary of Five Acre Site Example Results By Phase

<b>Total On-Site</b>	<b>CO</b>	<b>NOx</b>	<b>PM10</b>	<b>PM2.5</b>
Demolition	0.0	0.0	0.0	0.0
Site Preparation	24.0	44.4	8.6	4.1
Grading	32.4	68.4	7.2	4.2
Building	21.3	46.2	2.8	2.6
Arch Coating and Paving	17.7	34.3	2.4	2.2
Localized Significance Threshold*	31903	698	405	189
Exceed Significance?	NO	NO	NO	NO

\* For illustration purposes only, this analysis is based on the most stringent LSTs. Please consult App. C of the Methodology Paper for applicable LSTs.

Lawrence Equipment - Riverside-South Coast County, Summary Report

**Lawrence Equipment**  
Riverside-South Coast, Summary Report

**1.0 Project Characteristics**

**1.1 Land Usage**

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Manufacturing	150.59	1000sqft	3.46	150,590.00	0
Other Asphalt Surfaces	76.38	1000sqft	1.75	76,379.00	0
Other Non-Asphalt Surfaces	40.15	1000sqft	0.92	40,150.00	0
Parking Lot	57.69	1000sqft	1.32	57,685.00	0

**1.2 Other Project Characteristics**

Urbanization	Rural	Wind Speed (m/s)	2.4	Precipitation Freq (Days)	28
Climate Zone	10	Operational Year	2019		
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	702.44	CH4 Intensity (lb/MWhr)	0.029	N2O Intensity (lb/MWhr)	0.006

**1.3 User Entered Comments**

Only CalEEMod defaults were used.

Appendix B

CalEEMod Version; CalEEMod.2016.3.1

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Date: 9/28/2017 2:55 PM

Lawrence Equipment - Riverside-South Coast County, Summary Report

Project Characteristics -  
Land Use - rounding  
Construction Phase - only concrete pads of houses to demolish  
Off-road Equipment - no  
Off-road Equipment - No construction  
Off-road Equipment - only concrete pads of houses to demolish  
Off-road Equipment - No construction  
Off-road Equipment - no  
Off-road Equipment - Customer Input  
Trips and VMT - Customer Input  
On-road Fugitive Dust - estimates  
Demolition -  
Grading -  
Architectural Coating - no construction  
Vehicle Trips - Construction Only  
Area Coating - construction only  
Energy Use - construction only  
Water And Wastewater - construction only  
Solid Waste - construction only  
Construction Off-road Equipment Mitigation -  
Area Mitigation -  
Energy Mitigation -  
Road Dust - construction calcs only  
Consumer Products - construction calcs only  
Landscape Equipment - construction calcs only  
Waste Mitigation - Comply with waste diversion goal of 75% per AB341  
Water Mitigation -

Lawrence Equipment - Riverside-South Coast County, Summary Report

**2.0 Peak Daily Emissions**

**Peak Daily Construction Emissions**

**Peak Daily Construction Emissions**

		Unmitigated						Mitigated					
		ROG	NOX	CO	SO2	PM10	PM2.5	ROG	NOX	CO	SO2	PM10	PM2.5
Year	Phase	lb/day											
2017	Demolition	2.2941 S	21.8155 W	12.8369 S	0.0229 S	2.4387 W	1.2910 W	2.2941 S	21.8155 W	12.8369 S	0.0229 S	1.7874 W	1.2042 W
2017	Site Preparation	2.0177 S	19.7121 W	10.7560 S	0.0181 S	8.1534 W	4.4535 W	2.0177 S	19.7121 W	10.7560 S	0.0181 S	4.0032 W	2.4166 W
2017	Grading	3.2090 W	34.5782 W	18.2782 S	0.0337 S	18.4713 W	6.0708 W	3.2090 W	34.5782 W	18.2782 S	0.0337 S	8.1253 W	3.3815 W
2018	Grading	2.8974 W	31.3008 W	17.8121 S	0.0336 S	12.5897 W	5.2905 W	2.8974 W	31.3008 W	17.8121 S	0.0336 S	5.8691 W	2.9637 W
2018	Building Construction	3.9112 W	30.9205 W	27.7123 S	0.0639 S	4.0099 W	2.1355 W	3.9112 W	30.9205 W	27.7123 S	0.0639 S	4.0099 W	2.1355 W
2018	Paving	2.1594 S	17.6676 W	15.7763 S	0.0254 S	1.6212 S	0.9855 W	2.1594 S	17.6676 W	15.7763 S	0.0254 S	1.3413 W	0.9575 W
2019	Paving	1.9608 S	15.3773 W	15.5458 S	0.0253 S	3.5288 S	1.0703 W	1.9608 S	15.3773 W	15.5458 S	0.0253 S	1.9407 W	0.9116 W
2019	Architectural Coating	0.4511 S	1.9591 W	3.4133 S	7.1000e-003 S	0.5376 S	0.2388 S	0.4511 S	1.9591 W	3.4133 S	7.1000e-003 S	0.5376 S	0.2388 S
	Peak Daily Total	3.9112 W	34.5782 W	27.7123 S	0.0639 S	18.4713 W	6.0708 W	3.9112 W	34.5782 W	27.7123 S	0.0639 S	8.1253 W	3.3815 W
	Air District Threshold	75	100	550	150	150	55						
	Exceed Significance?	no	no	no	no	no	no						

**3.0 Annual GHG Emissions**

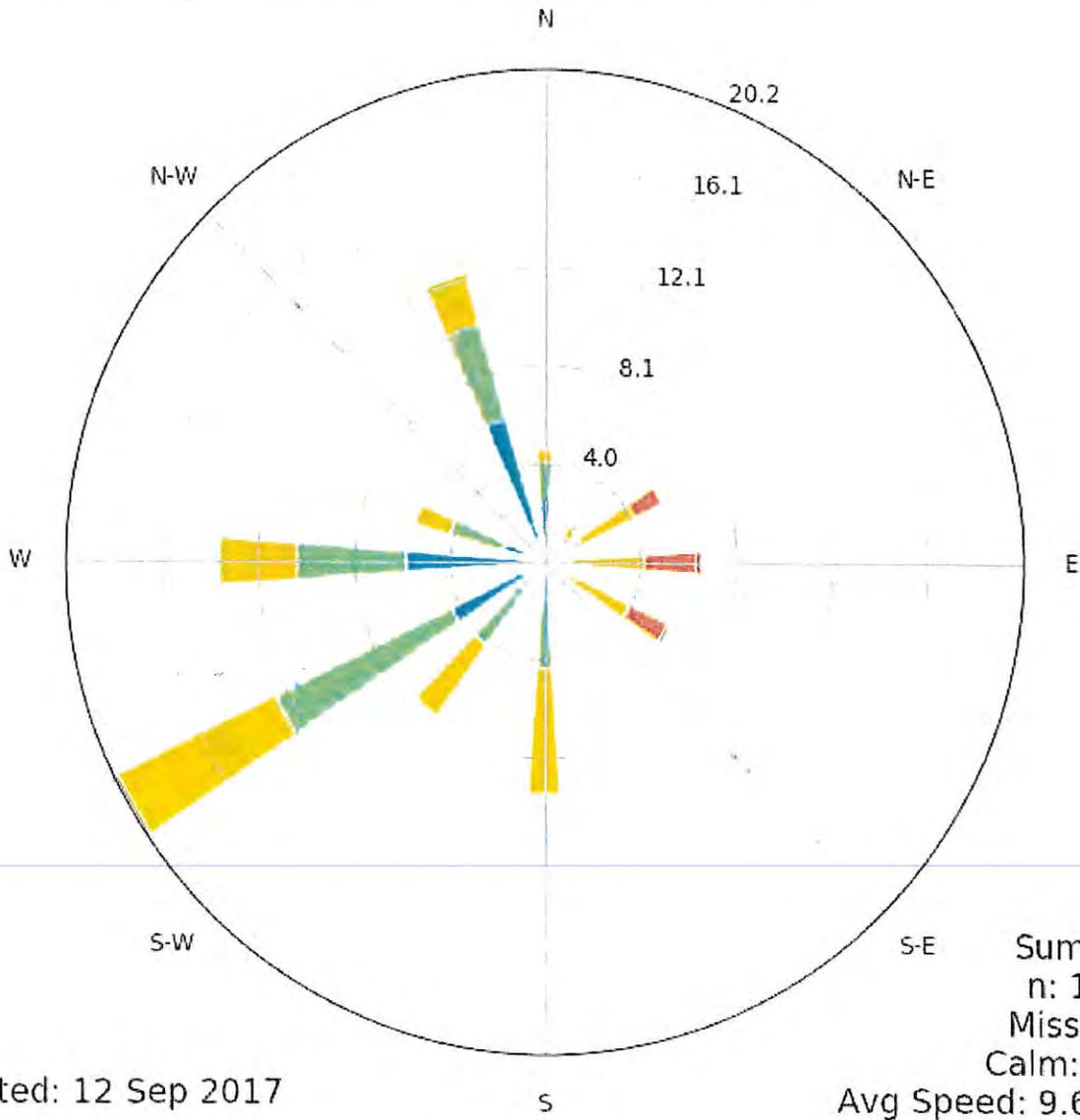
**Annual GHG**

**Annual GHG**

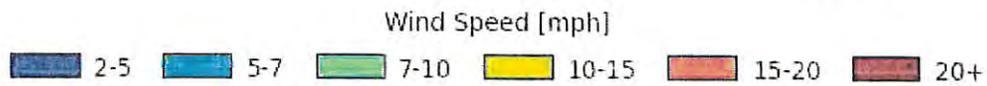
		Unmitigated				Mitigated			
		CO2	CH4	N2O	CO2e	CO2	CH4	N2O	CO2e
GHG Activity	Year	MT/yr							
Construction	2017	22.7169	5.8513e-003	0.0000	22.8632	22.7169	5.8513e-003	0.0000	22.8632
Construction	2018	687.1960	0.0982	0.0000	689.6506	687.1957	0.0982	0.0000	689.6503
Construction	2019	9.3723	1.2802e-003	0.0000	9.4045	9.3723	1.2802e-003	0.0000	9.4045
Operational	2019	967.3908	3.4070	0.0372	1,063.8519	919.7396	1.5839	0.0337	969.4414
	Total								
	Significance Threshold				10,000				
	Exceed Significance?				no				



[BUO] BEAUMONT  
Windrose Plot [All Year]  
Period of Record: 01 Sep 1997 - 01 Sep 2001



Generated: 12 Sep 2017



Lawrence Equipment - Riverside-South Coast County, Summary Report

**Lawrence Equipment**  
Riverside-South Coast, Summary Report

**1.0 Project Characteristics**

**1.1 Land Usage**

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Manufacturing	45.15	1000sqft	1.04	45,150.00	0
Manufacturing	14.85	1000sqft	0.34	14,850.00	0
Manufacturing	45.29	1000sqft	1.04	45,290.00	0
Unrefrigerated Warehouse-No Rail	19.94	1000sqft	0.46	19,940.00	0
Other Asphalt Surfaces	178.97	1000sqft	4.11	178,971.00	0
Other Non-Asphalt Surfaces	72.26	1000sqft	1.66	72,256.00	0
Parking Lot	75.88	1000sqft	1.74	75,884.00	0
Unrefrigerated Warehouse-No Rail	45.36	1000sqft	1.04	45,360.00	0

**1.2 Other Project Characteristics**

Urbanization	Rural	Wind Speed (m/s)	2.4	Precipitation Freq (Days)	28
Climate Zone	10			Operational Year	2017
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	702.44	CH4 Intensity (lb/MWhr)	0.029	N2O Intensity (lb/MWhr)	0.006

**1.3 User Entered Comments**

Only CalEEMod defaults were used.

Appendix D

CalEEMod Version: CalEEMod.2016.3.1

Page 2 of 4

Date: 9/27/2017 9:13 AM

Lawrence Equipment - Riverside-South Coast County, Summary Report

Project Characteristics - Current Operations

Land Use - Small Specialized retail store and large retail storage warehouse.

Construction Phase - No construction current Operational only

Off-road Equipment - no

Off-road Equipment - No construction

Off-road Equipment - No Construction

Off-road Equipment - No construction

Off-road Equipment - no

Off-road Equipment - No Construction

Trips and VMT - no construction

On-road Fugitive Dust - no construction

Grading - No construction

Architectural Coating - no construction

Vehicle Trips - no commercial customers

Energy Use -

Mobile Land Use Mitigation -

**2.0 Peak Daily Emissions**

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**Peak Daily Construction Emissions**

Peak Daily Construction Emissions

Appendix D

Lawrence Equipment - Riverside-South Coast County, Summary Report

Year	Phase	Unmitigated						Mitigated					
		ROG	NOX	CO	SO2	PM10	PM2.5	ROG	NOX	CO	SO2	PM10	PM2.5
Daily													
2015	Demolition	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S
2015	Site Preparation	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S
2015	Grading	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S
2015	Building Construction	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S
2016	Paving	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S
2016	Architectural Coating	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S
	Peak Daily Total	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S
	Air District Threshold												
	Exceed Significance?												

Peak Daily Operational Emissions

Peak Daily Operational Emissions

Operational Activity	Unmitigated						Mitigated						
	ROG	NOX	CO	SO2	PM10	PM2.5	ROG	NOX	CO	SO2	PM10	PM2.5	
Daily													
On-Site Area	3.9567 S	4.9000e-004 S	0.0518 S	0.0000 S	1.9000e-004 S	1.9000e-004 S	3.9567 S	4.9000e-004 S	0.0518 S	0.0000 S	1.9000e-004 S	1.9000e-004 S	
On-Site Energy	0.1033 S	0.9568 S	0.0037 S	5.7400e-003 S	0.0727 S	0.0727 S	0.1033 S	0.9568 S	0.0037 S	5.7400e-003 S	0.0727 S	0.0727 S	
Off-Site Mobile	0.0303 S	5.9105 W	11.6800 S	0.0367 S	1.2728 W	0.4025 W	0.0303 S	5.9105 W	11.6800 S	0.0367 S	1.2728 W	0.4025 W	
Peak Daily Total	4.0923 S	6.8678 W	12.5445 S	0.0424 S	1.3457 W	0.4754 W	4.0923 S	6.8678 W	12.5445 S	0.0424 S	1.3457 W	0.4754 W	
Air District Threshold	55	55	550	150	150	55							
Exceed Significance?	no	no	no	no	no	no							

3.0 Annual GHG Emissions

Appendix D

CalEEMod Version: CalEEMod.2016.3.1

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Date: 9/27/2017 9:13 AM

Lawrence Equipment - Riverside-South Coast County, Summary Report

Annual GHG

Annual GHG

		Unmitigated				Mitigated			
		CO2	CH4	N2O	CO2e	CO2	CH4	N2O	CO2e
GHG Activity	Year	MTyr							
Construction	2015	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Construction	2016	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Operational	2017	1,310.4550	3.6415	0.0398	1,413.0588	1,310.4550	3.6415	0.0398	1,413.0588
	Total								
	Significance Threshold				10,000				
	Exceed Significance?				no				

Lawrence Equipment - Riverside-South Coast County, Summary Report

**Lawrence Equipment**  
Riverside-South Coast, Summary Report

**1.0 Project Characteristics**

**1.1 Land Usage**

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Manufacturing	45.15	1000sqft	1.04	45,150.00	0
Manufacturing	14.85	1000sqft	0.34	14,850.00	0
Manufacturing	45.29	1000sqft	1.04	45,290.00	0
Unrefrigerated Warehouse-No Rail	19.94	1000sqft	0.46	19,940.00	0
Unrefrigerated Warehouse-No Rail	45.36	1000sqft	1.04	45,360.00	0
Other Asphalt Surfaces	294.22	1000sqft	6.75	294,218.00	0
Other Non-Asphalt Surfaces	61.05	1000sqft	1.40	61,051.00	0
Parking Lot	137.00	1000sqft	3.14	136,995.00	0
Manufacturing	150.59	1000sqft	3.46	150,590.00	0

**1.2 Other Project Characteristics**

Urbanization	Rural	Wind Speed (m/s)	2.4	Precipitation Freq (Days)	28
Climate Zone	10			Operational Year	2017
Utility Company	Southern California Edison				

CO2 Intensity (lb/MWhr)	702.44	CH4 Intensity (lb/MWhr)	0.029	N2O Intensity (lb/MWhr)	0.006
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**1.3 User Entered Comments**

Only CalEEMod defaults were used.

Appendix E

CalEEMod Version: CalEEMod.2016.3.1

Page 2 of 4

Date: 9/27/2017 4:03 PM

Lawrence Equipment - Riverside-South Coast County, Summary Report

Project Characteristics - Current Operations

Land Use - Small Specialized retail store and large retail storage warehouse.

Construction Phase - No construction current Operational only

Off-road Equipment - no

Off-road Equipment - No construction

Off-road Equipment - No Construction

Off-road Equipment - No construction

Off-road Equipment - no

Off-road Equipment - No Construction

Trips and VMT - no construction

On-road Fugitive Dust - no construction

Grading - No construction

Architectural Coating - no construction

Vehicle Trips - no commercial customers

Energy Use -

Mobile Land Use Mitigation -

**2.0 Peak Daily Emissions**

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**Peak Daily Construction Emissions**

**Peak Daily Construction Emissions**

Appendix E

Lawrence Equipment - Riverside-South Coast County, Summary Report

Year	Phase	Unmitigated						Mitigated					
		ROG	NOX	CO	SO2	PM10	PM2.5	ROG	NOX	CO	SO2	PM10	PM2.5
lb/day													
2015	Demolition	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S
2015	Site Preparation	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S
2015	Grading	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S
2015	Building Construction	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S
2016	Paving	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S
2016	Architectural Coating	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S
	Peak Daily Total	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S	0.0000 S
	Air District Threshold												
	Exceed Significance?												

Peak Daily Operational Emissions

Peak Daily Operational Emissions

Operational Activity		Unmitigated						Mitigated					
		ROG	NOX	CO	SO2	PM10	PM2.5	ROG	NOX	CO	SO2	PM10	PM2.5
lb/day													
On-Site	Area	7.3951 S	8.0000e-004 S	0.0816 S	1.0000e-005 S	3.1000e-004 S	3.1000e-004 S	7.3951 S	8.0000e-004 S	0.0816 S	1.0000e-005 S	3.1000e-004 S	3.1000e-004 S
On-Site	Energy	0.2501 S	2.2738 S	1.9100 S	0.0136 S	0.1728 S	0.1728 S	0.2501 S	2.2738 S	1.9100 S	0.0136 S	0.1728 S	0.1728 S
Off-Site	Mobile	1.5727 S	11.6363 W	23.9475 S	0.0758 S	2.0791 W	0.6981 W	1.5727 S	11.6363 W	23.9475 S	0.0758 S	2.0791 W	0.6981 W
	Peak Daily Total	9.2179 S	13.9109 W	25.9421 S	0.0894 S	2.2522 W	0.8712 W	9.2179 S	13.9109 W	25.9421 S	0.0894 S	2.2522 W	0.8712 W
	Air District Threshold	55	55	550	150	150	55						
	Exceed Significance?	no	no	no	no	no	no						

3.0 Annual GHG Emissions

Appendix E

CalEEMod Version: CalEEMod.2016.3.1

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Lawrence Equipment - Riverside-South Coast County, Summary Report

Annual GHG

Annual GHG

		Unmitigated				Mitigated			
		CO2	CH4	N2O	CO2e	CO2	CH4	N2O	CO2e
GHG Activity	Year	MT/yr							
Construction	2015	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Construction	2016	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Operational	2017	2,795.5433	7.0727	0.0760	2,995.0137	2,795.5433	7.0727	0.0760	2,995.0137
	Total								
	Significance Threshold				10,000				
	Exceed Significance?				no				

APPENDIX F

Pipe Flow Version 5.1 (www.keingers.com)

Pipe Flow Results  
10/9/17, 9:29:55 AM

Diameter: 30 in  
Manning N: 0.011  
Slope: 2%  
Flow: 68.554 cfs  
Velocity: 13.966 ft/s

**NOTES TO USERS**

The map is for use in determining the National Flood Insurance Program (NFIP) flood hazard areas for the Riverbank, California. The map is based on the Flood Insurance Rate Study (FIRS) for the Riverbank, California, which was completed in 2010. The map is based on the Flood Insurance Rate Study (FIRS) for the Riverbank, California, which was completed in 2010. The map is based on the Flood Insurance Rate Study (FIRS) for the Riverbank, California, which was completed in 2010.

**Map Accuracy:** The map is based on the Flood Insurance Rate Study (FIRS) for the Riverbank, California, which was completed in 2010. The map is based on the Flood Insurance Rate Study (FIRS) for the Riverbank, California, which was completed in 2010. The map is based on the Flood Insurance Rate Study (FIRS) for the Riverbank, California, which was completed in 2010.

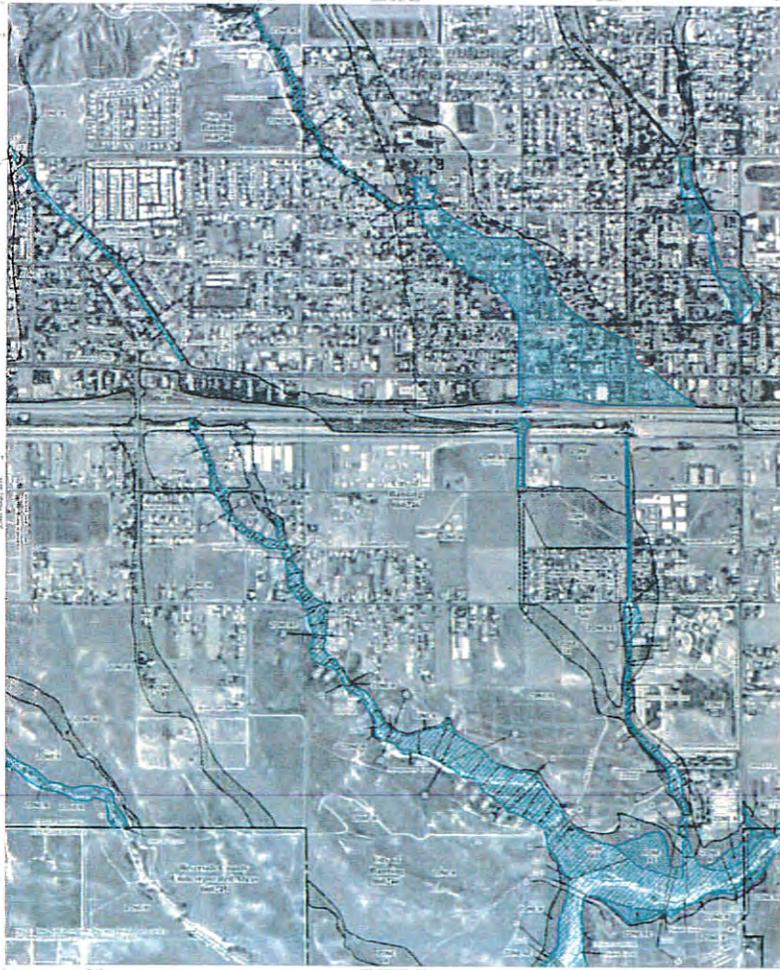
**Map Date:** The map is based on the Flood Insurance Rate Study (FIRS) for the Riverbank, California, which was completed in 2010. The map is based on the Flood Insurance Rate Study (FIRS) for the Riverbank, California, which was completed in 2010. The map is based on the Flood Insurance Rate Study (FIRS) for the Riverbank, California, which was completed in 2010.

**Map Scale:** The map is based on the Flood Insurance Rate Study (FIRS) for the Riverbank, California, which was completed in 2010. The map is based on the Flood Insurance Rate Study (FIRS) for the Riverbank, California, which was completed in 2010. The map is based on the Flood Insurance Rate Study (FIRS) for the Riverbank, California, which was completed in 2010.

**Map Projection:** The map is based on the Flood Insurance Rate Study (FIRS) for the Riverbank, California, which was completed in 2010. The map is based on the Flood Insurance Rate Study (FIRS) for the Riverbank, California, which was completed in 2010. The map is based on the Flood Insurance Rate Study (FIRS) for the Riverbank, California, which was completed in 2010.

**Map Source:** The map is based on the Flood Insurance Rate Study (FIRS) for the Riverbank, California, which was completed in 2010. The map is based on the Flood Insurance Rate Study (FIRS) for the Riverbank, California, which was completed in 2010. The map is based on the Flood Insurance Rate Study (FIRS) for the Riverbank, California, which was completed in 2010.

**Map Contact:** The map is based on the Flood Insurance Rate Study (FIRS) for the Riverbank, California, which was completed in 2010. The map is based on the Flood Insurance Rate Study (FIRS) for the Riverbank, California, which was completed in 2010. The map is based on the Flood Insurance Rate Study (FIRS) for the Riverbank, California, which was completed in 2010.



ZONE 1  
Microscale Floods  
& Unincorporated Areas  
160225

**LEGEND**

**OFFICIAL FLOOD HAZARD SYMBOLS TO BE PRINTED BY THE NATIONAL FLOOD INSURANCE PROGRAM**

**Zone 1**  
Microscale Floods & Unincorporated Areas

**Zone 2**  
Special Flood Hazard Areas

**Zone 3**  
Special Flood Hazard Areas

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**PANEL 60170**

**FIRM**  
FLOOD INSURANCE RATE MAP  
RIVERSIDE COUNTY,  
CALIFORNIA  
NATIONAL FLOOD INSURANCE PROGRAM

**PANEL 617 OF 3105**  
FIRM MAP SCALE 1:50,000 (1" = 0.833333 MILES)

**MAP NUMBER**  
160225

**EFFECTIVE DATE**  
AUGUST 28, 2018

Firm of Engineers - Mapmakers - Agents

# ATTACHMENT 4

Public Hearing Notice

Record Gazette  
218 N. Murray St.  
**Proof of Publication**  
(2015.5 C.C.P.)

161320 PHN LAWRENCE EQUIP.

State of California )  
County of Riverside ) ss.

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer and publisher of Record Gazette, a newspaper published in the English language in the City of Banning, County of Riverside, and adjudicated a newspaper of general circulation as defined by the laws of the state of California by the Superior Court of the County of Riverside, under the date October 14, 1966, Case No. 54737. That the notice, of which the annexed is a copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

January 4, 2019

Executed on: 01/04/2019

At Banning, CA

I certify (or declare) under penalty of perjury that the foregoing is true and correct.



Signature

NOTICE OF PUBLIC HEARING AND INTENT TO ADOPT AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR GENERAL PLAN AMENDMENT 18-2501, ZONE CHANGE 18-3501 AND DESIGN REVIEW 18-7001 FOR THE PROPOSED DEVELOPMENT OF A 146,890 SQUARE-FOOT LIGHT MANUFACTURING AND WAREHOUSE BUILDING IN THE GENERAL COMMERCIAL (GC) LAND USE DISTRICT ON DEVELOPED AND VACANT REAL PROPERTIES LOCATED AT 1589 WEST LINCOLN, 1617 WEST LINCOLN, 1661 WEST LINCOLN (APNS: 538-230-014, 538-220-002, 538-220-003, 538-220-004, 540-180-041, 540-180-042, 540-180-043, 540-180-044, & 540-180-045).

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, January 16, 2019, at 6:30 p.m. (or soon thereafter) in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider an Initial Study/Mitigated Negative Declaration for, and the approval of, General Plan Amendment 18-2501 (GPA 18-2501) and Zone Change 18-3501 (ZC 18-3501) to re-designate and re-zone 19.69 acres of real property from the General Commercial to Business Park, and Design Review 18-7001 (DR 18-7001) to allow construction of a single story, 146,890 square-foot light manufacturing and warehouse building. The proposed building would include 73,445 square feet of light manufacturing use and 73,445 square feet of industrial warehousing use. In addition, 174 parking spaces and related fencing, walls, and landscaping are proposed on-site. Information regarding the Initial Study/Mitigated Negative Declaration, General Plan Amendment 18-2501, Zone Change 18-3501, and Design Review 18-7001 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 Planning Commission 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, AICP  
Interim Community Development Director

Dated: January 1, 2019

Date Published: January 4, 2019

Published in  
The Record Gazette  
No. 161320

1-04-19

# **ATTACHMENT 4**

Planning Commission Resolution  
No. 2019-01

RESOLUTION 2019-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF BANNING ADOPT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM (ENVIRONMENTAL ASSESSMENT 18-1501) FOR A PROPOSED 146,890 SQUARE FOOT LIGHT MANUFACTURING AND WAREHOUSE BUILDING, APPROVE GENERAL PLAN AMENDMENT NO. 18-2501 TO AMEND THE GENERAL PLAN LAND USE DESIGNATION OF REAL PROPERTY LOCATED AT 1897 WEST LINCOLN STREET, 1661 WEST LINCOLN STREET, 1617 WEST LINCOLN STREET AND 1589 WEST LINCOLN STREET AND EASTERLY VACANT PARCELS ON THE NORTH SIDE OF LINCOLN STREET, (APN: 538-230-014, 538-220-002, 538-220-003, 538-220-004, 540-180-041, 540-180-042, 540-180-043, 540-180-044, & 540-180-045), FROM GENERAL COMMERCIAL TO BUSINESS PARK, APPROVE ZONE CHANGE NO. 18-3501 TO AMEND THE ZONING MAP AND RE-ZONE REAL PROPERTY LOCATED 1897 WEST LINCOLN STREET, 1661 WEST LINCOLN STREET, 1617 WEST LINCOLN STREET AND 1589 WEST LINCOLN STREET AND EASTERLY VACANT PARCELS ON THE NORTH SIDE OF LINCOLN STREET, (APN: 538-230-014, 538-220-002, 538-220-003, 538-220-004, 540-180-041, 540-180-042, 540-180-043, 540-180-044, & 540-180-045) FROM GENERAL COMMERCIAL TO BUSINESS PARK, AND APPROVE DESIGN REVIEW 18-7001 TO PERMIT THE DEVELOPMENT OF A PROPOSED 146,890 SQUARE FOOT LIGHT MANUFACTURING AND WAREHOUSE BUILDING A 6.4 ACRES OF 19.69 ACRES OF REAL PROPERTY LOCATED AT 1661 WEST LINCOLN STREET, 1617 WEST LINCOLN STREET, 1589 WEST LINCOLN STREET AND EASTERLY VACANT PARCELS ON THE NORTH SIDE OF LINCOLN STREET, (APN: 538-220-002, 538-220-003, 540-180-041, 540-180-042, 540-180-043, 540-180-044, & 540-180-045)

**WHEREAS**, an application for General Plan Amendment 18-2501, Zone Change 18-3501, and Design Review 18-7001 to permit the development of a proposed 146,890 square foot Light Manufacturing and Warehouse building (the "Project") has been duly filed by:

Applicant / Owner:	David Hidalgo Architects, Inc.
Project Sponsor:	DJL Properties, LLC.
Authorized Agent:	David Hidalgo Architects, Inc.
Project Location:	North side of Lincoln Avenue at 1879 West Lincoln Street, 1661 West Lincoln Street, 1617 West Lincoln Street and 1589 West Lincoln Street, between 22 <sup>nd</sup> Street and 8 <sup>th</sup> Street,
APN Numbers:	538-230-014, 538-220-002, 538-220-003, 538-220-004, 540-180-041, 540-180-042, 540-180-043, 540-180-044, & 540-180-045.
Lot Area:	19.69 acres;

**WHEREAS**, the Planning Commission has the authority to review and make recommendations to the City Council concerning General Plan Amendment 18-2501, Zone Change 18-3501, and Design Review 18-7001;

**WHEREAS**, in accordance with Government Code Sections 65353, 65090, and 65091, on January 4, 2019, the City gave public notice, by advertisement in the Record Gazette newspaper, of a public hearing concerning the Project, which included the General Plan Amendment 18-2501, Zone Change 18-3501, Design Review 18-7001, and Environmental Assessment 18-1501 (a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP)). The public hearing notice was also mailed to the owner of the subject real property, the owner's duly authorized agent, the Project applicant, and property owners within 300 feet of the Project site on or before January 6, 2019. Further, in accordance with Public Resources Code Section 21165, a Notice of Availability and Public Hearing Notice was advertised in the Record Gazette Newspaper on January 11, 2019, announcing the 20-day circulation for public review and comment of the draft MND for the proposed Project. Copies of the draft MND were made available at Banning City Hall and Banning Public Library;

**WHEREAS**, in accordance with Government Code Section 65353, on January 16, 2019, the Planning Commission held the public hearing at which interested parties had an opportunity to testify in support of, or opposition to, General Plan Amendment 18-2501, Zone Change 18-3501, Design Review 18-7001, and at which the Planning Commission considered the Project, each of the proposed entitlements, and the MND; and

**WHEREAS**, at this public hearing on January 16, 2019, the Planning Commission heard public comments on, and adopted this Resolution recommending that the City Council adopt the MND and MMRP for the Project, and approve General Plan Amendment 18-2501, Zone Change 18-3501, and Design Review 18-7001.

**NOW THEREFORE**, the Planning Commission of the City of Banning does hereby recommend to the City Council of the City of Banning as follows:

**SECTION 1:** California Environmental Quality Act Findings and Recommendation for Adoption of Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. The Planning Commission of the City of Banning does hereby recommends

that the City Council of the City of Banning make the following environmental findings and determinations in connection with the approval of the Project:

- A. Pursuant to the California Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code § 21000 *et seq.*), the State Guidelines (14 Cal. Code Regs. § 15000 *et seq.*), and the City's Local Guidelines, City staff prepared an Initial Study of the potential environmental effects of the approval of the Project as described in the Initial Study. Based upon the findings contained in that Study, City staff determined that, with the incorporation of mitigation measures, there was no substantial evidence that the Project could have a significant effect on the environment and a Mitigated Negative Declaration (MND) was prepared in full compliance with the requirements of CEQA.
- B. Thereafter, City staff provided public notice of the public comment period and of the intent to adopt the MND as required by law. The public comment period commenced on January 11, 2019, and expires on January 31, 2019. Copies of the documents have been available for public review and inspection at City Hall, 99 E. Ramsey Street, Banning, California 92220, and the Banning Public Library, 21 West Nicolet Street, Banning, California 92220. The City received did not receive any comments during the public review period.
- C. The City Council reviewed MND and the MMRP, which is on file with the Planning Department and incorporated herein by this reference, and all comments received regarding the MND and, based on the whole record before it, finds that: (1) the MND was prepared in compliance with CEQA; (2) with the incorporation of mitigation measures, there is no substantial evidence that the Project will have a significant effect on the environment; and (3) the MND reflects the independent judgment and analysis of the City Council.
- D. Based on the findings set forth in this Resolution, the City Council hereby adopts the MND and MMRP for the Project.
- E. The Community Development Director is authorized to file a Notice of Determination in accordance with CEQA.

SECTION 2: Findings for Recommendation of Approval of General Plan Amendment 18-2501. 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 18-2501 should be approved because:

- A. **Finding: The proposed amendment is internally consistent with the General Plan.**

**Findings of Fact:**

Upon City Council approval of the requested General Plan Amendment, the site's land use designation will be changed to Business Park, and the

proposed development would be consistent with uses permitted within the Business Park land use designation. The Business Park land use designation is intended to allow “light industrial manufacturing and office/warehouse buildings also, ancillary restaurants and retail uses, professional offices and club stores”.

- B. Finding: That the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.**

**Findings of Fact:**

The proposed Project will complement the adjoining light industrial manufacturing and warehouse facility to the west and allow the expansion of the existing facility. As demonstrated in the analysis contained in the Planning Commission staff report dated January 16, 2019, and the MND prepared for the Project (Environmental Assessment 18-1501), there are no features unique to the Project site or the proposed use that would create conditions detrimental to the public interest, health, safety, convenience, or welfare of the City.

- C. Finding: That the proposed amendment would maintain the appropriate balance of land uses within the City.**

**Findings of Fact:**

Upon City Council approval of the requested General Plan Amendment, the site's land use designation will be changed to Business Park (BP), and the proposed development would be consistent with uses permitted within the Business Park land use designation. The Business Park land use designation is intended to allow “light industrial manufacturing and office/warehouse buildings also, ancillary restaurants and retail uses, professional offices and club stores”.

The Project is consistent with the General Plan Land Use Element Policy which states: “The land–use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands”. The land-use designation of Business Park allows the proposed light manufacturing and warehouse use. The proposed light manufacturing and warehouse building will provide approximately 73,445 square feet of manufacturing space and 73,445 square feet of warehousing.

- D. Finding: That in the case of an amendment to the General Plan Land Use Map, the subject parcel (s) is physically suitable (including, but not limited to, access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints), for the**

**requested land use designation(s) and the anticipated land use developments(s).**

**Findings of Fact:**

The 6.4-acre portion of the 19.69-acre project area is of adequate size to accommodate the proposed light manufacturing and warehouse building, subject to compliance with the proposed Conditions of Approval. No natural constraints exist to the proposed development, and no significant adverse environmental impacts are anticipated with mitigation measures contained in the MND for the Project (Environmental Assessment 18-1501).

Lincoln Street provides suitable access and all necessary utilities are in place within adjacent public rights-of-way. As has been described in the preceding analysis, the site is surrounded by a railroad line and freeway to the north, light manufacturing, warehousing to the west, vacant parcels to the east and residential to the south across Lincoln Street. Public Facility-Railroad/Interstate adjoins the Project site on the north, with General Commercial land use designation and a single family residential land uses to the west and to the east and Very Low Density and Business Park across Lincoln Street to the south. A six-foot wrought iron perimeter fence buffers the existing facility, a proposed six-foot concrete, stucco covered wall is proposed on the north and east perimeter and an eight-foot concrete tilt up wall will buffer the proposed Project on the south boundary. The subject site is basically flat with and has been graded and developed in the past, thus no unique physical features or vegetation will be affected by the proposed Project.

**SECTION 3: Findings for Recommendation of Approval of Zone Change 18-3501.**  
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 18-3501 should be approved because:

**A. Finding: The proposed Amendment is consistent with the goals and policies of the General Plan.**

**Findings of Fact:**

The Project is consistent with the General Plan Land Use Element Policy which states: "The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands". The zoning classification of Business Park (BP) allows light industrial manufacturing and office/warehouse buildings also, ancillary restaurants and retail uses, professional offices and club stores.

**B. Finding: The proposed Amendment is internally consistent with the Zoning Ordinance.**

**Findings of Fact:**

The proposed Project is not anticipated to result in exceeding, either cumulatively or individually, any applicable level of service standards. Pursuant to the Project's Conditions of Approval, the proposed Project will be constructed in conformance with City standards and specifications.

- C. Finding: The City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.**

**Findings of Fact:**

See findings of fact in Section 1 of this Resolution.

SECTION 4: Findings for Recommendation of Approval of Design Review 18-7001. 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 18-7001 should be approved because:

- A. Finding: The proposed Project is consistent with the General Plan.**

**Findings of Fact:**

The Project is consistent with the General Plan Land Use Element Policy, which states: "The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands". The land-use designation of Business Park (BP) allows the proposed light industrial manufacturing and office/warehouse buildings also, ancillary restaurants and retail uses, professional offices and club stores. The proposed light manufacturing and warehouse building will provide approximately 73,445 square feet of manufacturing space and 73,445 square feet of warehousing.

Further, the Project is consistent with General Plan Economic Development Policy, 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 is estimated to generate approximately 50 jobs.

- B. Finding: The proposed Project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.**

**Findings of Fact:**

The proposed Project is consistent with the Zoning Ordinance and the development standards of the Business Park (BP) Zone, with imposition of Conditions of Approval, as detailed in the analysis contained in the Planning Commission staff report dated January 16, 2019.

- C. **Finding: 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.**

**Findings of Fact:**

The proposed Project has provided site and circulation layout design in such a way that the Project will not interfere with the use and enjoyment of existing and future development in the surrounding area. The proposed Project provides vehicular access from Lincoln Street as well as through the adjacent property to the west. A minimum six-foot solid perimeter wall will buffer residential development to the south of the proposed Project and design of lighting on-site is subject to compliance with the Municipal Code to prevent spillage onto adjacent areas.

- D. **Finding: The design of the proposed Project is compatible with the character of the surrounding neighborhood.**

**Findings of Fact:**

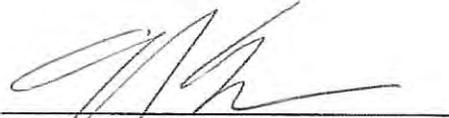
The proposed light manufacturing and warehouse building use will not impair the integrity and character of the BP land use district in which it is to be located because it is surrounded by existing light manufacturing and warehousing developments and is on Lincoln Street, an established corridor to other business parks, industrial and warehouse businesses. The building architecture, site circulation and landscaping have been designed in a manner that the Project is compatible with the character of the surrounding neighborhood, with the imposition of Conditions of Approval and CEQA mitigation measures. Additionally, a minimum 6-foot solid wall, along with landscaping, will buffer the site from residential areas to the south.

PLANNING COMMISSION ACTION - Recommendation of Approval of Project 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 18-2501, Zone Change 18-3501, and Design Review 18-7001 to permit the development of a 146,890 square foot light manufacturing and warehouse building on 6.4 acres of a 19.69 acre Project Site of real property located on the north side of Lincoln Street, at 1897 West Lincoln Street, 1661 West Lincoln Street, 1617 West Lincoln Street and 1589 West Lincoln Street and adjacent parcels to the east, between 22<sup>nd</sup> Street and 8<sup>th</sup> Street as shown in plans attached as Exhibit A (APNs: 538-230-014, 538-220-002, 538-220-003, 538-220-004, 540-180-041, 540-180-042, 540-180-043, 540-180-044 & 540-180-045)

SECTION 5: ) and, subject to the recommended Conditions of Approval attached as Exhibit B. Further, the Planning Commission of the City of Banning hereby recommends to the City Council of the City of Banning that the Council's approval of Design Review 18-7001 not be effective until the effective date of the City Council

resolution approving General Plan Amendment 18-2501 and the ordinance adopting Zone Change 18-3501, whichever date occurs later.

**PASSED, APPROVED AND ADOPTED this 16th day of January 2019.**



---

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 Planning Commission of the City of Banning, duly adopted the foregoing Resolution 2019-01, California, at a special meeting thereof held on the 16th day of January 2019, by the following vote, to wit:

AYES: Brosious, Krick, Price, Schuler, Shaw

NOES: None

ABSENT: None

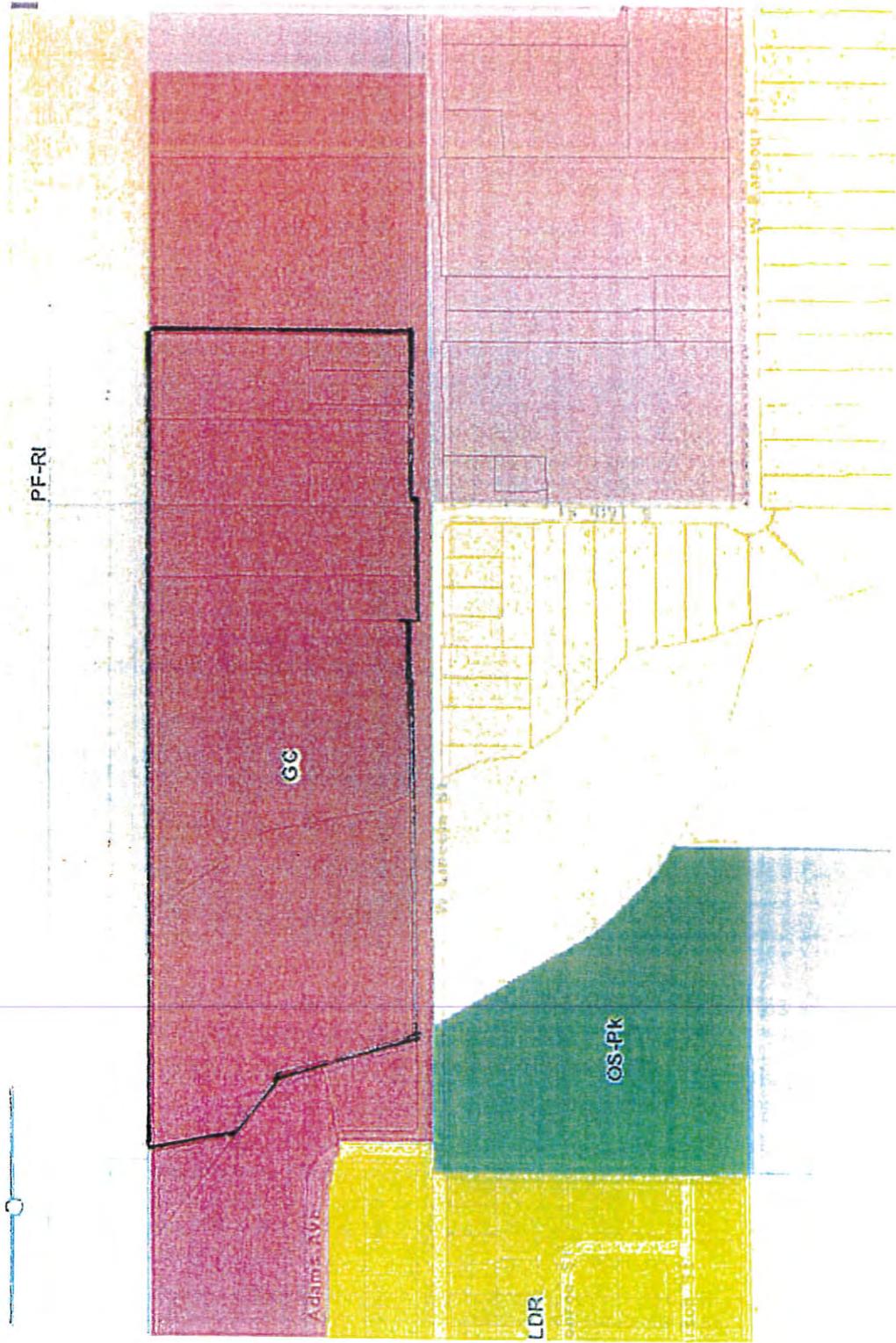
ABSTAIN: None



Sandra Calderon  
Sandra Calderon, Recording Secretary  
City of Banning, California

EXHIBIT A

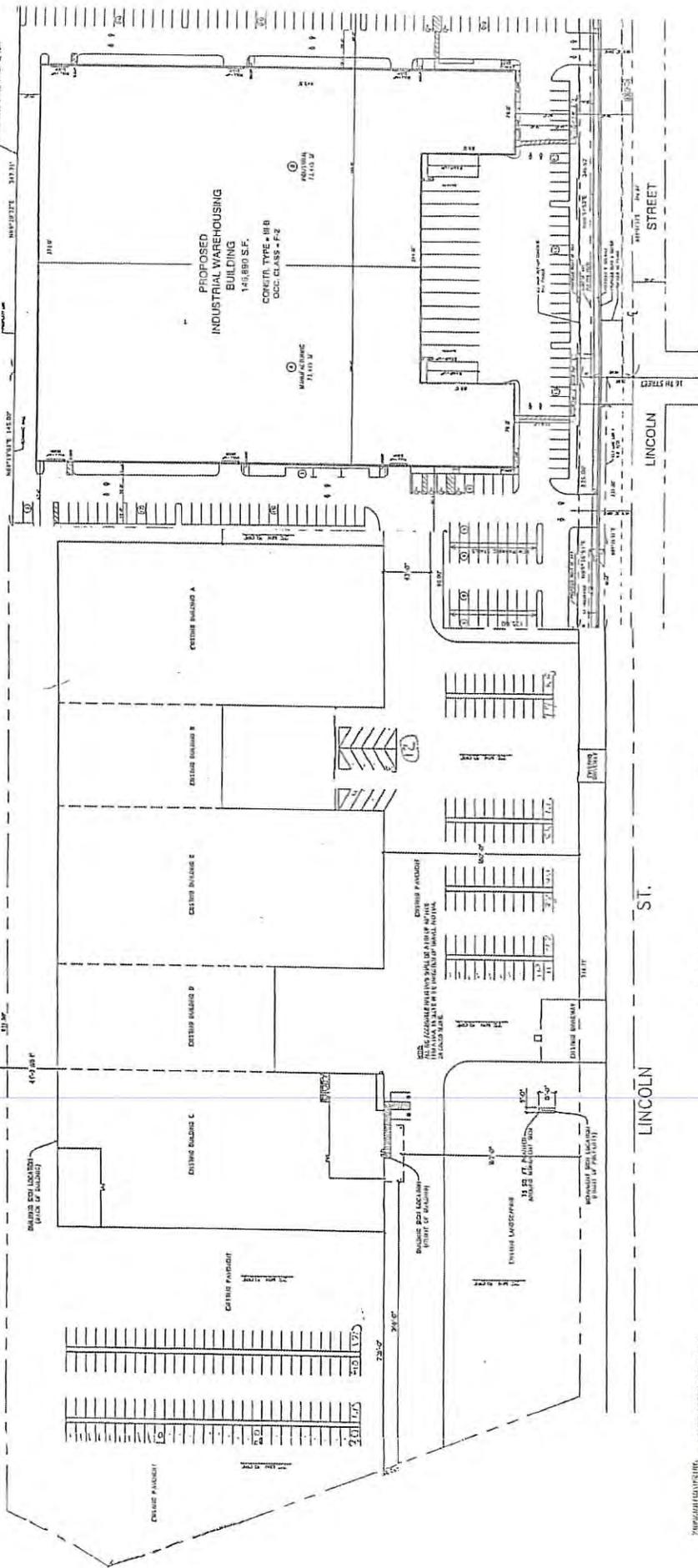
GPA 18-2501 / ZC 18-3501 From General Commercial (GC) to Business Park (BP)



SOUTHERN PACIFIC HIGHWAY

EXISTING RAILROAD TRACKS

1/2" = 1' SCALE  
BY CONSULTING ENGINEER



APPLICABLE CODES:  
SOUTH COAST  
SOUTH COAST

SITE PLAN  
SHEET 1/2

SITE PLAN

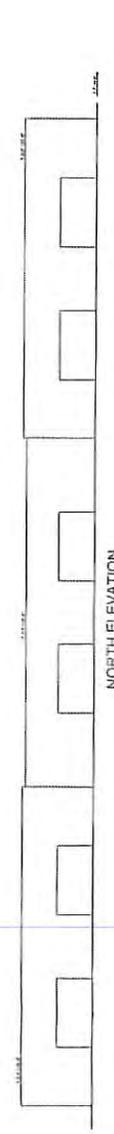


LAWRENCE EQUIPMENT  
NEW GENERAL WAREHOUSE BUILDING  
222 1/2 WEST 91 STREET  
CAMPDORA  
LAWRENCE EQUIPMENT  
224 KENNETH ROAD  
SOUTH EL MONTE, CA 91733

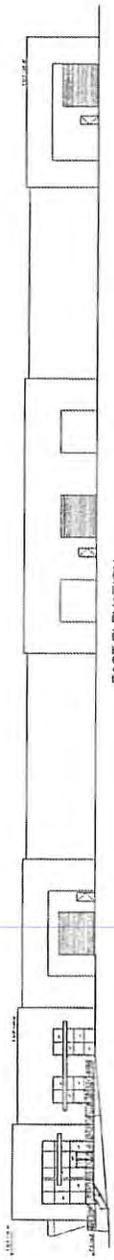
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EXTERIOR  
ELEVATIONS

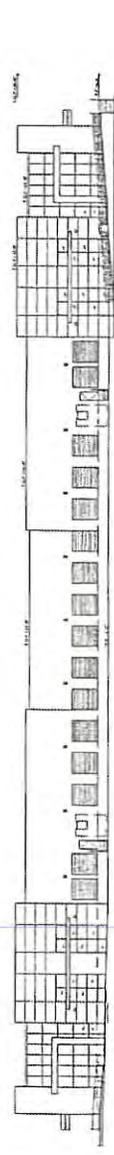
A-1



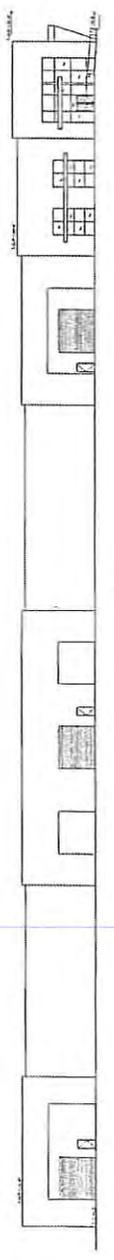
NORTH ELEVATION  
SCALE: 1/8" = 1'-0"



EAST ELEVATION  
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION - LINCOLN STREET  
SCALE: 1/8" = 1'-0"



WEST ELEVATION  
SCALE: 1/8" = 1'-0"

BUILDING ELEVATIONS



# 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 18-2501, Zone Change 18-3501,  
Design Review 18-7001, Conditions of Approval

SUBJECT: Planning Commission Resolution No. 2019-01

APPLICANT: David Hildago Architects, Inc

LOCATION: 1879 WEST LINCOLN, 1617 WEST LINCOLN, 1661 WEST LINCOLN  
(APN 538-230-014, 538-220-002, 538-220-003, 538-220-004, 540-180-  
041, 540-180-042, 540-180-043, 540-180-044 & 540-180-045).

## 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 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, state Planning and Zoning Laws, 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.

2. Approval of this entitlement shall not waive compliance with any sections of the Development Code, or other applicable City Ordinances, in effect at the time of building permit issuance.
3. 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 approval 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 approval complies with all current Ordinance provisions.
4. A copy of the signed Resolution of approval or Community Development Director's letter 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.
5. Prior to any use of the project site, or business activity being commenced thereon, the applicant shall complete all Conditions of Approval to the satisfaction of the Community Development Director.
6. 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, Banning Municipal Code regulations.
7. The applicant shall comply with all conditions of approval imposed on the Industrial / Warehouse Facilities located at 1879 West Lincoln, 1617 West Lincoln, 1661 West Lincoln (APN 538-230-014, 538-220-002, 538-220-003, 538-220-004, 540-180-041, 540-180-042, 540-180-043, 540-180-044 & 540-180-045). And the approval of GPA-18-2501, ZC 18-3501, ENV 18-1501 and DR 18-7001 prior to the issuance of a Certificate of Occupancy.
8. **PRIOR TO ISSUANCE OF BUILDING PERIMTS:** The developer shall complete and record a parcel merger for the seven parcels identified as Assessor's Parcel

Numbers APN: 538-220-002, 538-220-003, 540-180-041, 540-180-042, 540-180-043, 540-180-044 & 540-180-045.

9. **PRIOR TO ISSUANCE OF BUILDING PERIMITS:** The developer shall complete and record a parcel merger for the two parcels that have an existing 610,890 square foot building across the parcel lines on the parcels identified as Assessor's Parcel Numbers APN: 538-230-014 and 538-220-004.
10. **PRIOR TO ISSUANCE OF BUILDING PERMITS** file and obtain the required demolition permits for the structure at 1661 W. Lincoln Street.
11. A six-(6) foot chain link fence or wall must be maintained around the perimeter of the site during all phases of construction.
12. Outdoor storage and screening shall comply with wall and fencing requirements of Section 17.12 of the BMC.
13. There shall be no storage of vehicles or equipment, or any other materials in the parking or landscaping areas of the project.
14. The applicant shall remove all graffiti immediately or within 24 hours of notice from the City.
15. The applicant shall keep the entire project site free from trash and debris at all times and in no event shall trash and debris remain for more than 24 hours.
16. The site plan and project design shall comply with all Mitigation Measures contained in Mitigated Negative Declaration (MND) 18-1501 and the Mitigation Monitoring and Reporting Program (MMRP).
17. Separate submittals and permits are required for all accessory structures such as but not limited to, trash enclosures, patios, block walls and storage buildings
18. Prior to approval of Building Permits, the Landscape Plan shall be coordinated with the Lighting Plan to avoid conflicts and ensure proper placement of trees and lighting standards. 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.
19. No spillage of light shall be allowed off-site on any property line.
20. All signage shall comply with Chapter 17.36 of the Banning Municipal Code. A coordinated comprehensive signage program shall be submitted for review and the approval of the Planning Department prior to issuance of Occupancy Permits.

21. Prior to the issuance of Building Permits, a comprehensive lighting plan, including specification details, shall be submitted to the Planning Department for review and approval prior to the issuance of Building Permits. The Lighting Plan shall comply with Title 24 of the California Uniform Building Code. Any existing lighting along Lincoln Street shall be plotted on the Lighting Plan, Site Plan and Landscape Plan. Any proposed wall lighting shall be schematically plotted on the Lighting Plan, Site Plan and on building facades.
22. 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.
23. Prior to certificate of occupancy, a comprehensive parking plan shall be submitted to Community Development identifying each use and related parking. Thereafter, at the time of submittal for building permits, each tenant shall submit a comprehensive parking plan identifying that the facility is in compliance with the parking code.

## **Public Works Department**

### **A. General Requirements**

24. 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.
25. 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:
  - a. Fire Marshal (access)
  - b. Public Works Department (grading permits, street improvement permits)
  - c. Riverside County Flood Control & Water Conservation District (storm drain)
  - d. California Regional Water Quality Control Board Colorado River Basin (RWQCB)

- e. South Coast Air Quality Management District (SCAQMD)
- f. California Department of Transportation (CALTRANS)

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.

26. 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 1" = 40' horizontal  
*(All Conditions of Approval shall be reproduced on last sheet of set)*
- b. Haul Route Plans 1" = 40' horizontal
- c. Clearing Plans 1" = 50' horizontal  
*(Include construction fencing plan)*
- d. Erosion Control & SWPPP, WQMP 1" = 40' Horizontal  
*(Note: a, b, c & d shall be reviewed and approved concurrently)*
- e. Storm Drain Plans 1" = 40' Horizontal
- f. Street Improvement Plans 1" = 40' Horizontal  
1" = 40' Vertical
- g. Signing & Striping Plans 1" = 40' Horizontal
- h. Precise Grading Plans 1" = 40' Horizontal
- i. Landscaping Plans 1" = 20' Horizontal
- j. Water & 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.

27. 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. Street Improvements/Rights of Way**

28. The Applicant shall dedicate to the City of Banning the additional right-of-way of 25-feet fronting Lincoln Street (50 feet from centerline of the street) for public street and utilities purposes. Legal descriptions and plats of street dedication shall be provided to the Engineering Division for review and approval before acceptance by the City Council and recorded by the County of Riverside.
29. 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.
30. All street improvement designs shall provide pavement and lane transitions per City of Banning and CalTrans standards for transition to existing street sections.
31. Construct half-width (50-feet from centerline) street improvements fronting Lincoln Street including street lighting, curb and gutter, driveway 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.
32. Construct commercial driveway approach or approaches fronting Lincoln Street in accordance with the City of Banning Standard No. C-209 or C210.

33. Any public improvements damaged during the course of construction shall be replaced to the satisfaction of the City Engineer, or his/her designee.
34. 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.
35. 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**

36. 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.
37. 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.
38. 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.
39. The project grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions. Otherwise, a drainage easement shall be obtained for the release of concentrated or diverted storm flows. The project shall accept and convey storm flows from the adjacent property to the north, east and west.
40. The applicant shall comply with Chapter 13.24 "Stormwater Management Systems" of the Banning Municipal Code (BMC) and Title 18 "Grading, Erosion

and Sediment Control" of the California Building Code related to excavation and grading; and, the State Water Resources Control Board's orders, rules and regulations.

41. For construction activities including clearing, grading or excavation of land that disturbs one (1) acre or more of land, or that disturbs less than one (1) acre of land, but which is a part of a construction project that encompasses more than one (1) acre of land, the applicant shall be required to submit a Storm Water Pollution Protection Plan (SWPPP) and file a Notice of Intent (NOI) with the Regional Water Quality Control Board.
42. The applicant's SWPPP shall be reviewed and approved by the City Engineer prior to any permit issuance.
43. 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.
44. The applicant's SWPPP shall include provisions for all of the following Best Management Practices ("BMPs"):
  - a. Temporary Soil Stabilization (erosion control).
  - b. Temporary Sediment Control.
  - c. Wind Erosion Control.
  - d. Tracking Control.
  - e. Non-Storm Water Management.
  - f. Waste Management and Materials Pollution Control.
45. 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.
46. 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.
47. Prior to issuance of any grading or building permit, a Project-Specific Water Quality Management Plan (WQMP) shall be reviewed and approved in accordance with California Regional Water Quality Control Board Colorado River Basin Region Order No. R7-2013-0011.

48. 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.
49. 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.
50. 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."
51. 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**

52. Prior to the issuance of a grading permit or building permit, the applicant shall submit and obtain approval in writing from the Fire Marshal 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 Marshal. 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 Marshal is granted.
53. Driveway grades shall not exceed eight percent unless approved by the City Engineer.
54. Access drives to the public right-of-way shall be restricted to those approved by the City Engineer as shown on the approved plans.
55. 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/8th street and Lincoln Street and 22nd Street and submit the report 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.

56. 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.

#### **E. Water**

57. Construct all water improvements including connection to the existing City water system. All water mains to be constructed within the Public right-of-way shall be Ductile Iron Pipe and shall be a minimum of 8". Final size shall be approved by the City Engineer.
58. 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.
59. Fire Services will require a Double Detector Check or RPP Device.
60. 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.
61. Submit water plans along with water demand calculations, based on fixture counts for indoor domestic use for each unit (i.e., per building, tenant, etc.) and computed separately for outdoor irrigation. Separate irrigation meter(s) with RP backflow device will be required. Each potential building/unit shall have a dedicated domestic water meter with RP backflow protection.
62. The private fire protection system shall be designed to meet Fire Department requirements, and include an RPDA backflow protection device approved by USC.

#### **F. Sewer**

63. Design and construct sewer line and connect to existing City sewer system. Submit any sewer improvement plans to 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.
64. 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.

65. 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.
66. 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.
67. Some industrial users may require a discharge permit, depending on the nature of the anticipated quality and quantity of the discharge. Before connecting to the City Sewer System, applicant shall provide detailed information on the anticipated discharge flows, patterns and characteristics.
68. Submit sewer plans showing one or multiple sewer lateral connections to the existing 8" sewer main on Lincoln

#### **G. Trash/Recycling**

69. 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.
70. 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.

#### **H. Fees**

71. Plan check fees for 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.
72. 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.
73. 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.

74. 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.
75. Prior to issuance of grading permits, the applicant shall submit to the City Engineer a Notice of Intent (NOI) to comply with obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit from the State Water Resources Control Board. Evidence that this has been obtained (i.e., a copy of the Waste Dischargers Identification Number) shall be submitted to the City Engineer for coverage under the NPDES General Construction Permit prior to initiation of construction activities.

### **I. Lot Merger**

76. Applicant shall submit copy of Grant Deed of the proposed lot mergers to the City.
77. Applicant shall submit legal descriptions and plats of the proposed lot merger to the City for review and approval.
78. All legal descriptions and plats must be prepared, stamped and signed by a Registered Land Surveyor or Civil Engineer in the State of California on letter size paper.
79. Applicant shall pay all associated engineering fees to the City at the time of submittal.

### **Electric Utility Department**

80. Any electric utility pole (s) that need to be relocated for this project will be done at developer's expense.
81. Submit the outlined information in a timely fashion is critical for design, planning and ordering of material for this project.
82. 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.
83. Paying required fees - electrical permit, plan check fee, inspection fees, meter fee and cost of electrical apparatus for completing the underground line extension.
84. Granting easement for electric facilities installation / maintenance, etc.

85. Installation of all electric utility conduits and substructures.

86. The City of Banning Electric Utility shall be responsible for:

- a. Reviewing plans submitted by customer.
- b. Design an electrical utility plan for the installation of substructures and conduit by developer.
- c. Providing a cost estimate for installing an underground electrical system for this project.
- d. Inspecting all trenches prior to backfilling. 24-hour prior notice is required before inspection.
- e. Install electrical apparatus including primary conductors, terminations, metering, and transformer to provide electrical service for your project.

### **Fire Department**

Fire Access and Fire Water to comply with the 2016 editions of California Fire code and California Building Code, including but not limited to the following:

87. For commercial areas, the required fire flow shall be available from Super hydrant(s) (6" x 4" x 21/2" x 21/2") spaced not more than 350 apart and shall be capable of delivering a fire flow 8000 GPM per minute for 4 hours duration at 20 psi residual operating pressure, which must be available before any combustible material is placed on the construction site. With fully fire sprinklered building, the 50% reduction credit applies, therefore 4,000 gallons at a 2 hr. flow rate is the fire flow required utilizing the credit.

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 a complete commercial fire sprinkler system. Fire sprinkler system(s) with pipe sizes in excess of 4" in diameter will require the project Structural Engineer to certify with a "wet signature", that the structural system is designed to support the seismic and gravity loads to support the additional weight of the sprinkler system. All fire sprinkler risers shall be protected from any physical damage.

90. The PIV and FDC shall be located to the front of building within 50 feet of approved roadway and within 200 feet of an approved hydrant. Sprinkler riser room must have indicating exterior and/or interior door signs. A C-16 licensed contractor must submit plans, along with current permit fees, to the Fire Department for review and approval prior to installation
91. 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.
92. Gate(s) shall be automatic or manual operated. Install Knox key operated switches, with dust cover, mounted per recommended standard of the Knox Company. Building plans shall include mounting location/position and operating standards for Fire Department approval.
93. Fire Apparatus access road and driveways shall be in compliance with the Riverside County Fire Department Standard number 06-05 (located at [www.rvcfire.org](http://www.rvcfire.org)). Access lanes will not have an up, or downgrade of more than 15%. Access roads shall have an unobstructed vertical clearance not less than 13 feet and 6 inches. Access lanes will be designed to withstand the weight of 80 thousand pounds over 2 axles. Access will have a turning radius capable of accommodating fire apparatus. Access lane shall be constructed with a surface so as to provide all weather driving capabilities. Width must be a minimum 20'. 24' preferred.
94. Commercial address must be a minimum 12" tall in contrasting color visible from the street address side of the building. Illuminated internally or externally.
95. Applicant/Developer shall mount blue dot retro-reflectors pavement markers on private streets, public streets and driveways to indicated location of the fire hydrant. It should be 8 inches from centerline to the side that the fire hydrant is on, to identify fire hydrant locations.
96. 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.
97. On the North side of the building near railroad property, if the project will only have 20' of clearance/distance to the property line a minimum 3 hour fire resistive rating will be required on the exterior wall.

98. Maximum allowable area for F2 occupancy is 72,000 sq. ft. a minimum 3 hour area separation of fire resistive construction will be needed to achieve the increase of allowable area.

### **Building and Safety Department**

The following conditions are required to be met at time of plan check submittal:

99. 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.
100. 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.
101. Commercial buildings on the site shall be accessible per California Building Code (CBC) 11B.
102. Site Facilities such as parking (open and covered), recreation facilities, and trash dumpsters, shall be accessible per California Building Code (CBC) 11A, 11B and 31B.
103. Separate submittals and permits are required for all accessory structures such as but not limited to, trash enclosures, patios, block walls and storage buildings.
104. 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.

Exhibit B  
Conditions of Approval  
GPA 18-2501, ZC 18-3501, DR 18-7001  
Page 16 of 16

\*\*\*END\*\*\*

# **ATTACHMENT 5**

Responses to Public  
Comments Received

**RESPONSES TO COMMENTS  
MITIGATED NEGATIVE DECLARATION  
LAWRENCE EQUIPMENT EXPANSION**

**General Plan Amendment GPA 18-2501, Zone Change 18-3501 and Design Review**

Pursuant to CEQA Section 15074, the Lead Agency must consider the MND for adoption together with any comments received during the public review process. This section provides all written comments received on the Draft MND and the City of Banning's response to each comment.

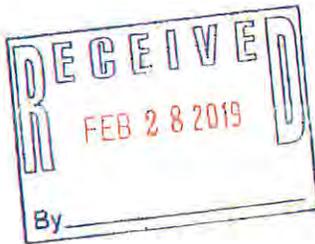
Comment letters and specific comments are given numbers for reference purposes. Introductory comments in the letters that does not include a substantive environmental comment are noted as "Intro."

Four comment letters were received during the public review period, January 11, 2019 through February 17, 2019. These letters were from:

- A. Federal Emergency Management Agency (FEMA), dated January 16, 2019;
- B. Mr. Nick Parra, dated January 21, 2019;
- C. South Coast Air Quality Management District, dated January 24, 2019; and
- D. Lozeau Drury on behalf of Laborers International Union North America, Local Union No. 1184 (LIUNA), dated January 24, 2019) which are attached. No other comments either from public agencies, organizations, or individuals were received.

LETTER 'A'

U.S. Department of Homeland Security  
FEMA Region IX  
1111 Broadway, Suite 1200  
Oakland, CA. 94607-4052



FEMA

January 16, 2019

Sonia Pierce, Senior Planner  
City of Banning  
Community Development Department  
99 E. Ramsey Street  
Banning, California 92220

Dear Ms. Pierce:

This is in response to your request for comments regarding a Notice of Availability of and Intent to Adopt Mitigated Declaration, City of Banning.

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the County of Riverside (Community Number 060245), Maps revised March 6, 1018 and City of Banning (Community Number 060246), Maps revised August 28, 2008. Please note that the above referred communities are participants in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A-1

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any *development* must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

A-2

Sonia Pierce, Senior Planner

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January 16, 2019

- All buildings constructed within a coastal high hazard area, (any of the "V" Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.
- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

↑  
A-2

**Please Note:**

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Banning floodplain manager can be reached by calling Andy Takata, City Manager, at (951) 922-3104. The Riverside County floodplain manager can be reached by calling Jason Uhley, General Manager and Chief Engineer, at (951) 955-1265.

A-3

If you have any questions or concerns, please do not hesitate to call me at (510) 627-7186.

Sincerely,



Gregor Blackburn, CFM, Branch Chief  
Floodplain Management and Insurance Branch

cc:

Andy Takata, City Manager, City of Banning

Jason Uhley, General Manager and Chief Engineer, Riverside County

Garret Tam Sing, State of California, Department of Water Resources, Southern Region Office

Gregor Blackburn, CFM, Branch Chief, Floodplain Management and Insurance Branch

Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

**Response to Comments Letter A – Federal Emergency Management Agency (FEMA)  
January 16, 2019**

**Response to Comment A-1**

The City appreciates the comments from FEMA regarding this Project. The comment notes the most current date of the countywide FEMA Flood Insurance Rate Map (FIRM) is March 6, 2018 and the FIRM for City of Banning is August 28, 2008. The FEMA FIRM maps were accessed for to determine if there were any changes in the maps since the most recent map revisions. The maps are the same, therefore the answer in Section IX Hydrology and Water Quality (b) of the Initial Study confirming the project does not propose any structures to be within the 100-year flood hazard zone is still accurate and applicable.

The comment also notes that the City of Banning, Riverside County, California is a participant in the National Flood Insurance Program (NFIP) and that the minimum basic NFIP floodplain management building requirements described in Vol. 44 Code of Federal Regulations, Sections 59 through 65 are applicable to the City. No new environmental issues have been raised by this comment.

**Response to Comment A-2**

This comment provides FEMA's floodplain management building requirements. The Initial Study discusses the flood impacts of the Project in Section IX Hydrology and Water Quality; it notes that the Project will not be placing any development within the 100-year flood hazard zone as delineated on the FEMA Flood Insurance Rate Maps effective August 28, 2008. Therefore, none of the measures offered in this comment are relevant to the Project. No new environmental issues have been raised by this comment.

**Response to Comment A-3**

The City of Banning appreciates FEMA pointing out that it can contact FEMA's local floodplain manager for more information. The Project's new structure will be located outside the 100 year floodplain as outlined in the MND. This comment not does raise any new environmental issues.

# LETTER 'B'

January 21, 2019

To: Maryanne Marks (Community Dev. Director) & Daniela Andrade (City Council Member)

From: Nick Parra

Re: Lawrence Equipment (a.k.a. LE)

Topic: Items to be considered before City Council Approves LE Warehouse Project

1. Environmental Impact Plan: Since the Intended Use of the Warehouse will be for "Light Manufacturing" & "Warehouse Building" did the Commission review and approve an acceptable EPA regulated toxic waste management plan that upholds either the strictest or at least the latest up-to-code standards to manage the metal manufacturing byproduct/waste materials. It would also be expected that the new LE Warehouse, will be a state-of-the-art facility that will manage all manufacturing/building processes which will include metal cutting, welding, sanding and possible molding/pouring. It is also expected, LE will not use other buildings it owns/possess in Banning for manufacturing use which are not equipped to manage solid and airborne waste. Since some environmental codes cannot always be supervised and legally enforced by the city and county officials, did the Commission include Contract Language for LE to adhere to its continual EPA Commitments maintaining a safe and clean operating manufacturing facility?
2. Since the City of Banning has offered LE a discounted rate for electricity, what will be the estimated Annual Cost of Electricity? Will the electricity be strictly be for the new warehouse operations and not for other nearby properties LE may own or operate? In addition, has LE submitted a Renewable Energy Plan? Does it include solar panels to offset their cost of energy consumption and/or contribute a return to the City of Banning's electrical grid? Note: Current Landscape includes trees on sides of building

B-1

B-2

for employee parking. Alternate Proposal: Instead of inefficient trees, which require water and care, Parking Lot Solar Panels could be a better alternative.



3. Has LE committed to a Community Partnership Plan which could include an Internship Program, Youth Employment Training, Community Outreach, and Local Employment Development programs, and Innovation Services. In addition, Innovation Services, along with goals, will help LE maintain an edge in the latest technology and best practices for producing food equipment in order remain a state-of-the-art facility for the City of Banning and preserve a long standing and viable company in the future.
4. Architecture Design (to Match City of Banning Theme for Beautification & Branding Goals): Note: the current LE Blue Print has omitted Front/Back (north/south) and Side (west/east) Labels making it difficult to discern which side is which. Please have LE add/clarify. In addition, has LE offered to add items to the initial Blue Print which enhance the look of the building to reflect Banning's historic character such as Stagecoach or Era Theme which have left their marks in the city. It is also important to enhance the Back Exterior Wall for visibility from the Freeway. These could include Farm, Colonial Revival, Spanish Colonial, Native American, Santa Fe designs Adobe, American, Art Deco, Craftsman, and Bungalow designs? Without completely altering the original Blue Print and adding extensive costs, it would be acceptable if LE could incorporate added designs through use of Wood/Steel Pillars, Exterior Molding Facades, Rock Covered Exterior Walls (partial or full), enhanced Signage, and Mural Art.

B-3

Sample Images Below:



Stagecoach Park

OLATHE, KS

Stagecoach Park

OLATHE, KS



5. Landscape Design/Green Space Design (to Match City Theme): Note: LE current Blueprint omits landscaping in the back of the warehouse. Has LE offered to create a revised landscaping plan to beautify the Back view?

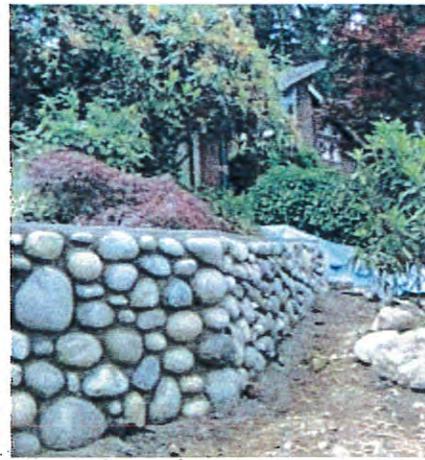
Note: Though LE's current Landscape Blueprint does include a proposed Plant Palette Key, it omits palette ID markers making it difficult to discern what trees/plants will be where. LE should add/clarify. The current Blueprint does not propose any landscaping in the back of the property which is visible to 10 freeway commuters. Including some plants in the Back view of the property will enhance the city's beautification and branding goals. This in mind, it is important the back view, which is visible from the 10 freeway and railway, reflects the city's character, so the building will stand apart from other typical warehouses. It is also extremely important that building's green space character be reflected from the Front view for local residents who reside nearby and for guests visiting the facility to offer a pleasant view. Such optional adds could include Wood Decorative Fencing, Train Tie Rod Log Stacks, Stone Wall Dry Stacks around Tree/Plants, Large Ceramic/Concrete Planters, Water Fountains, and Art Sculptures.

Sample Images Below:

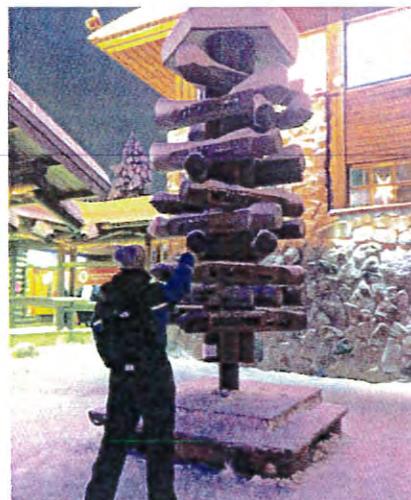


Facebook

Stagecoach Landscape And Design - Home | Facebook



Stone Walls | Dry Stack St...



6. Has LW offered a Water Conservation Plan that conserves water? The current Landscape Blue Print decentralizes trees and plants surrounding the

building which is a costly watering method. Smarter water conservation landscape design includes ways to centralize trees and plants to optimize watering costs thereby saving money to invest other areas of design. Once again, instead of wasteful tree planting on the sides of the building, Parking Lot Solar Panels could be a more viable option to both provide energy for the building and shade for employee parking. In addition, has LE included Rainwater Harvesting Plan to offset water use? Rainwater harvesting drainage collection containers could help save cost to maintaining landscaping and warehouse cleaning operations.

Sample Images Below:

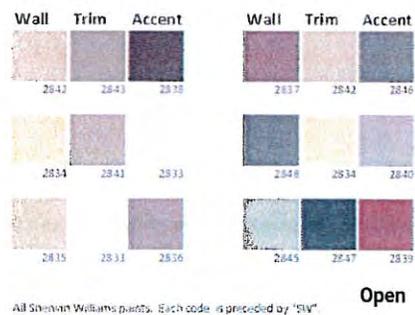
See industrial large water co Sponsored

More Options

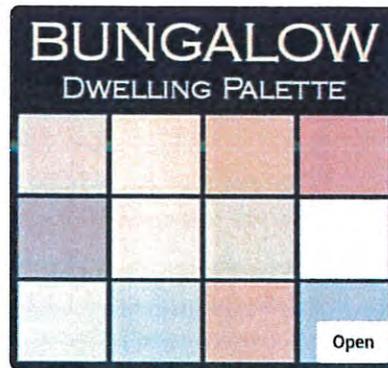
<p>Canaan 50 Gallon Rain Barrel By Sol 72 Outdoor</p>	<p>Rain Wizard 50 Gallon American Oak with Darkened Rain Barr</p>	<p>CoverMates - Round Hot Tub...</p>	<p>Rain Barrels &amp; Rain Collection Systems...</p>
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7. Color Scheme Proposal (to match City Theme): Color palette design is the most affordable way to enhance the look of a building. Instead of applying typical grey/white color schemes to the new building, which LE currently has proposed, it is highly recommend LE offer a revised building paint plan that reflects warmer earth tones to both beautify the space and capture the character of the city of Banning? Color Palettes can include Southwest, Heritage, Bungalow, Adobe, and Craftsman colors.

Samples Images Below:



Craftsman House Colors...



Interior Color Palettes fo...

Thank you! I look forward to your feedback.

Nick Parra

909-455-8293

[n.parra91711@gmail.com](mailto:n.parra91711@gmail.com)

## **Response to Comments Letter B – Mr. Nick Parra, dated January 21, 2019**

### **Response to Comment B-1**

The City appreciates the comments from Mr. Nick Parra regarding this Project. The project is an expansion of an existing industrial / manufacturing warehouse business. In past years the manufacturing of windows occupied the site. There are no restrictions on the business to prevent it from continuing its operation or sharing buildings. The use is allowable on the site.

The California Environmental Protection Agency designated “the Branch” as the Certified Unified Program Agency (CUPA) for Riverside County. The role of the CUPA is to assure consolidation, consistency and coordination of the hazardous materials programs within the County. The Riverside County Department of Environmental Health Hazardous Materials Branch is responsible for overseeing the six hazardous materials programs in the County. The Branch is responsible for inspecting facilities that handle hazardous materials, generate hazardous waste, treat hazardous waste, own/operate underground storage tanks, own/operate aboveground petroleum storage tanks, or handle other materials subject to the California Accidental Release Program. In addition, the Branch maintains an emergency response team that responds to hazardous materials and other environmental health emergencies 24 hours a day, 7 days a week.

In Section III. Air Quality Analysis of the Initial Study, the Proposed Project's construction and operation emissions have been quantified and compared to SCAQMD's regional and localized air quality CEQA significance thresholds. It has been found that the Proposed Project's air quality impacts from construction and operational would be less than significant. No environmental issues are raised in this comment.

### **Response to Comment B-2**

The comment is of a general nature regarding the Project. While Mr. Parra is questioning the electricity consumption and use of solar power, the City of Banning Electric Utility Department has conditioned the project (COA 80-86) to submit outlined information in a timely fashion for the design, planning and ordering of materials. The Utility Department will determine through design the appropriate electrical system for the Project. At this time all commercial proposals for solar project must be cleared through the City of Banning Electrical Utilities Department. Single Family Residential units have been the most successful. No new environmental issues have been raised by this comment.

### **Response to Comment B-3**

The comment is of a general nature regarding design aspect of the Project. On January 16, 2019, Design Review 18-7001 for the Project was reviewed by the Planning Commission and a recommendation to the City Council to approve the design was passed by a 5-0-0 vote with Planning Commission Resolution 2019-01. No new environmental issues have been raised by this comment.

LETTER 'C'



# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178  
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL AND USPS:

January 24, 2019

[spierce@ci.banning.ca.us](mailto:spierce@ci.banning.ca.us)

Sonia Pierce, Senior Planner  
City of Banning, Community Development Department  
99 E. Ramsey Street  
Banning, CA 92220

## Mitigated Negative Declaration (ND) for the Proposed General Plan Amendment GPA 18-2501, Zone Change 18-3501, and Design Review 18-7001

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final ND.

### SCAQMD Staff's Summary of Project Description

The Lead Agency proposes to develop a 146,890-square-foot warehouse on 19.69 acres (Proposed Project). Based on a review of the Project Location in the Notice of Availability and Intent to Adopt a Mitigated Negative Declaration (Notice) for the Proposed Project, SCAQMD staff found that residential uses are located within 1,000 feet south of the Proposed Project.

C-1

### SCAQMD Staff's Comments

As a public commenting agency, SCAQMD staff reviews and may comment on the CEQA documents. SCAQMD staff's goal is to ensure that project emissions and health risk impacts are adequately and sufficiently evaluated, disclosed, and mitigated to the maximum extent feasible. According to the Notice, a copy of the MND for the Proposed Project is available at the City Community Development Department website at <http://ci.banning.ca.us/DocumentCenter/View/6124/Lawrence-Equipment-Studies>. However, after examining the document that was posted at this web address, SCAQMD staff found that the document was a Traffic Impact Analysis Report, dated August 6, 2018. It was not a MND required under CEQA Guidelines Section 15070 to 15075. As such, SCAQMD staff was not able to review the MND and the Air Quality Impact Analysis, including the Health Risks Assessment at this time. The MND should include sufficient information as substantial evidence to support a fair argument that the Proposed Project would not have any adverse effects on air quality impacts and health risk impacts. Since the document that was made available for public review from January 11, 2019 to January 31, 2019 represented only a portion of the environmental analysis for the Proposed Project, and to provide meaningful comments on the air quality analysis for the Proposed Project that will enable informed decision-making and public participation, SCAQMD staff recommends that the Lead Agency recirculate the MND in its entirety for public review.

C-2

### Conclusion

Pursuant to CEQA Guidelines Section 15074, prior to approving the Proposed Project, the Lead Agency shall consider the MND for adoption together with any comments received during the public review process. Please provide the SCAQMD with written responses to all comments contained herein prior to the certification of the Final MND. When responding to issues raised in the comments, response should provide sufficient details giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful or useful to decision makers and the public who are interested in the Proposed Project.

C-3

Sonia Piece

January 24, 2019

SCAQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact me at [lsun@aqmd.gov](mailto:lsun@aqmd.gov) if you have any questions.

Sincerely,

*Lijin Sun*

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS  
RVC190115-01  
Control Number

## **Response to Comments - Letter C**

**South Coast Air Quality Management Agency (SCAQMD), Linjin Sun, Program Supervisor, CEQA/IGR, Planning, Rule Development and Area Sources, January 24, 2019.**

### **Response C-1**

The City appreciates the comments from SCAQMD regarding this Project. This comment is in regards to the Project description and location. This is an introductory comment that correctly summarizes the description of the proposed Project. As SCAQMD notes, the proposed project is within 1000 feet of residential uses. Additional wall screening is proposed and noise mitigations (MM N-1 – MMN-6) have been incorporated to protect the residences from construction noise. Also, in Section III. Air Quality Analysis of the Initial Study, the Proposed Project's construction and operation emissions have been quantified and compared to SCAQMD's regional and localized air quality CEQA significance thresholds. It has been found that the Proposed Project's air quality impacts from construction and operational would be less than significant. No environmental issues are raised in this comment.

### **Response C-2**

As SCAQMD notes, SCAQMD staff's goal is to ensure that project emissions and health risk impacts are adequately and sufficiently evaluated, disclosed, and mitigated to the maximum extent feasible. During the beginning of specified review period January 11, 2019 to January 31, 2019, SCAQMD was not able to review the MND document in its entirety and the Air Quality Impact Analysis. On January 24, 2019, the requested documents were made available to SCAQMD, the review period was extended to February 17, 2019 and the link to documents were refreshed and reposted.

Prior to that date January 24, 2019, FEMA had responded to the document and a local resident had responded. Only one other response to the extended public review was received from Lozeau Drury, LLP and they were assured that the comment period was still open and they can send comments. The Public Review Period closed on February 17, 2019 and no further comments have been received.

It is our goal to allow meaningful comments to the project. There is a Mitigation, Monitoring and Reporting Program for the project that includes 6 Noise Mitigations.

### **Response C-3**

The comment is in regards to CEQA Guidelines for correspondence. The City will send responses to these comments to the SCAQMD pursuant to CEQA Guidelines Section 15088(b) and Public Resources Code Section 21092.5

. The City appreciates SCAQMD's review of the MND and participation in the CEQA process. No new environmental issues are raised in this comment.

### III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a-c

#### Construction Phase

The Sample Construction Scenarios for Localized Significant Thresholds (LST) on the South Coast AQMD website was utilized on September 12, 2017 for Appendix B, a Five Acre Site Example.<sup>1</sup> The lbs/day of all pollutants is well below the LST. Chart III-1 is the summary from Calcemod for the construction phase.<sup>2</sup> The prevailing wind is from the southeast to the northwest.<sup>3</sup> The project will not conflict with nor obstruct implementation of the applicable air quality plan. The impact on air quality is less than significant during the construction.

Chart III-1	Peak Daily Construction Emissions (lb/day)						MT/yr
	ROG	NOX	CO	SO2	PM10	PM2.5	CO2e
Peak Daily Total	3.9112	34.5782	27.7123	0.0639	18.4713	6.0708	721.9183
Current Emissions	4.8923	6.8678	12.5445	0.0424	1.3457	0.4754	1413.06
Total	8.8035	41.446	40.2568	0.1063	19.817	6.5462	2134.9783
SCAQMD Threshold	75	100	550	150	150	55	10,000
Exceed Significance	no	no	no	no	no	no	no

<sup>1</sup> see appendix A for LST worksheets obtained from SCAQMD at <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis/handbook/localized-significance-thresholds>

<sup>2</sup> see appendix B for construction summary sheet from Calcemod 2016 3 3

<sup>3</sup> see appendix C for wind rose obtained from Iowa State University Web site at [http://mesonet.agron.iastate.edu/sites/site.php?station=BUO&network=CA\\_ASOS](http://mesonet.agron.iastate.edu/sites/site.php?station=BUO&network=CA_ASOS)

### III. AIR QUALITY (continued)

#### a-c (continued)

##### Operating Phase

One phase of the proposed project involves a zoning change of existing industrial buildings. There is no impact from this phase. The second phase of the proposed project involves the construction of an additional industrial building of 146,890 sq. ft. The emissions from the current industrial operations were compared to the future operational emissions with the new building included and found to be less than significant.<sup>1</sup> (see chart III-2 and III-3) The project will not conflict with an air quality plan; will not violate any air quality standard; and will not produce a net increase of any criteria pollutant.

Chart III-2 Current Peak Daily Operational Emissions (lb/day)							MT/yr
	ROG	NOX	CO	SO2	PM10	PM2.5	CO2e
Peak Daily Total	4.8923	6.8678	12.5445	0.0424	1.3457	0.4754	1413.06
SCAQMD Threshold	75	100	550	150	150	55	10,000
Exceed Significance	no	no	no	no	no	no	no

Chart III-3 Future Peak Daily Operational Emissions (lb/day)							MT/yr
	ROG	NOX	CO	SO2	PM10	PM2.5	CO2e
Peak Daily Total	9.2179	13.9109	25.9421	0.0894	2.2522	0.8712	2995.014
SCAQMD Threshold	75	100	550	150	150	55	10,000
Exceed Significance	no	no	no	no	no	no	no

d

See a-c above. The closest sensitive receptor is 1575 feet north with the SFPP Railway and Interstate 10 between the project site and the sensitive receptors. The prevailing wind is from the northwest to the southeast.<sup>2</sup> The impact of substantial pollutant concentrations to sensitive receptors is less than significant.

e

The proposed project is in CalEnviroScreen census tract 6065044300. The prevailing wind, from southwest to northeast will effect census tract 6065044101 and this census tract has a population of 2973. The majority of the zoning in this tract is Highway Commercial. The number of homes within 1/4 mile radius of the proposed project site is 66. The lbs/day of all pollutants is well below the LST.<sup>3</sup> The facility does not generate odors, and does not use chemicals that generate odors. The long-term operations of the proposed project will keep any industrial activity of the warehouse indoors. The impact of objectionable odors to a substantial number of people is less than significant.

<sup>1</sup> see appendix D for Current Operational summary sheets and appendix E for future operational summary sheets from Calenviro 2016 1 3

<sup>2</sup> see appendix C for wind rose obtained from Iowa state University Web site at [http://mesonet.agron.iastate.edu/sites/site.php?station=BUO&network=CA\\_ASOS](http://mesonet.agron.iastate.edu/sites/site.php?station=BUO&network=CA_ASOS)

<sup>3</sup> see appendix A for LST worksheets obtained from SCAQMD at <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>

### III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a-c

#### Construction Phase

The most recent version of the CalEEMod model (Version 2016.3.2) was used to calculate the construction emissions for the proposed project, as summarized below. The emissions rates shown are from the CalEEMod output tables.<sup>1</sup> As shown in table B below, construction equipment/vehicle emissions of ROG and NOX would not exceed the SCAQMD emission thresholds during project construction. The impact on air quality is less than significant during the construction.

Construction Peak Daily Operational Emissions (lb/day)						Unmitigated		Mitigated	
Year	Phase	ROG	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
2018	Demolition	3.8332	38.4856	23.3044	0.0415	2.2282	1.8766	2.1917	1.8719
2019	Demolition	3.6174	35.9320	22.9571	0.0414	2.0969	1.7444	2.0658	1.7397
2019	Site Preparation	4.4572	45.6610	23.1217	0.0409	20.7296	12.2036	10.7932	6.7417
2019	Grading	2.6823	28.4216	17.1756	0.0320	8.1772	4.7145	4.5734	2.8624
2019	Building Construction	3.5116	28.2514	26.7096	0.0635	3.7721	1.9221	3.7721	1.9221
2020	Building Construction	3.1681	25.7158	25.5285	0.0627	3.5842	1.7453	3.5842	1.7453
2020	Paving	1.8531	14.1312	15.4552	0.0251	0.9803	0.7540	0.9803	0.7540
2020	Coatings	70.9227	1.8021	3.2770	7.12E-03	0.5204	0.2215	0.5204	0.2215
Peak Daily Total		70.9227	45.6610	26.7096	0.0635	20.7296	12.2036	10.7932	6.7417
SCAQMD Threshold		75	100	550	150	150	55	150	55
Local Significance Threshold		---	236	2,817	---	21	11	21	11
Exceed Significance		no	no	no	no	no	no	no	no

1. Air Quality Impact Study, Environmental Regulatory Compliance, LLC, September 2018

III. AIR QUALITY (continued)

**a-c (continued)**

Operating Phase

One phase of the proposed project involves a zoning change of existing industrial buildings. There is no impact on air quality from this phase. The second phase of the proposed project involves the construction of an additional industrial building of 146,890 sq.ft.

The most recent version of the CalEEMod model (Version 2016.3.2) was used to calculate the construction emissions for the proposed project, as summarized below. The emissions rates shown are from the CalEEMod output tables.<sup>1</sup> As shown in the table below, future daily operations would not exceed the SCAQMD emission thresholds. The impact on air quality is less than significant during operations. The project will not conflict with an air quality plan; will not violate any air quality standard; and will not produce a net increase of any criteria pollutant.

2020 Peak Daily Operational Emissions (lb/day)						
	ROG	NOX	CO	SO2	PM10	PM2.5
Onsite Area	3.3598	3.00E-04	0.0330	0.000	1.20E-04	1.20E-04
Onsite Energy	0.0749	0.6810	0.5721	4.09E-03	0.0518	0.0518
Offsite mobile	0.9650	5.1987	15.1814	0.0531	4.3025	1.1860
Peak Daily Total	4.3997	5.8800	15.7865	0.0572	4.3544	1.2379
SCAQMD Threshold	75	100	550	150	150	55
Exceed Significance	no	no	no	no	no	no

**d**

See a-c above. The closest sensitive receptor is 1575 feet north with the SFPP Railway and Interstate 10 between the project site and the sensitive receptors. The prevailing wind is from the northwest to the southeast.<sup>2</sup> The impact of substantial pollutant concentrations to sensitive receptors is less than significant.

1. Air Quality Impact Study. Environmental Regulatory Compliance, LLC, September 2018

2. see appendix C for wind rose obtained from Iowa state University Web site at [http://mesonet.agron.iastate.edu/sites/site.php?station=BUO&network=CA\\_ASOS](http://mesonet.agron.iastate.edu/sites/site.php?station=BUO&network=CA_ASOS)

e

The proposed project is in CalEnviroScreen census tract 6065044300. The prevailing wind, from southwest to northeast will effect census tract 6065044101 and this census tract has a population of 2973. The majority of the zoning in this tract is Highway Commercial. The number of homes within 1/4 mile radius of the proposed project site is 66.

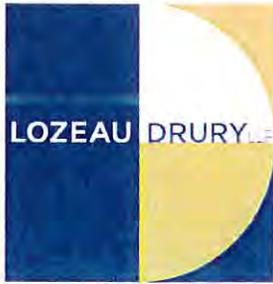
As shown in the table below the lbs/day of all pollutants is well below the LST.<sup>1</sup> The facility does not generate odors, and does not use chemicals that generate odors. The long-term operations of the proposed project will keep any industrial activity of the warehouse indoors. The impact of objectionable odors to a substantial number of people is less than significant.

Summary of Operational Localized Significance (2020 Operational)

	NOx	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
Peak Daily Emissions	5.8800	15.7865	4.3544	1.2379
LST Thresholds	236	2,817	6	3
Significant Emissions	No	No	No	No

<sup>1</sup> Air Quality Impact Study Environmental Regulatory Compliance, LLC, September 2018

LETTER 'D'



T 510 838 4200  
F 510 838 4205

410 12th Street, Suite 250  
Oakland, Ca 94607

www.lozeaudrury.com  
richard@lozeaudrury.com

*Via Email and Overnight Mail*

January 30, 2019

Sonia Pierce, Senior Planner  
Community Development Department  
City of Banning  
99 E. Ramsey Street  
Banning, CA 92220  
[spierce@ci.banning.ca.us](mailto:spierce@ci.banning.ca.us)

Maryann Marks, Interim Director of  
Community Development Department  
City of Banning  
99 E. Ramsey Street  
Banning, CA 92220  
[cd@ci.banning.ca.us](mailto:cd@ci.banning.ca.us)

Marie A. Calderon, City Clerk  
City Clerk's Office  
City of Banning  
99 E Ramsey Street  
Banning, CA 92220  
[lsampson@ci.banning.ca.us](mailto:lsampson@ci.banning.ca.us)

**Re: Comment on Lawrence Equipment Industrial Warehouse Initial Study | Mitigated Negative Declaration**

Dear Ms. Pierce, Ms. Marks and Ms. Calderon:

I am writing on behalf of the Laborers International Union of North America, Local Union 1184 and its members living in the City of Banning ("LIUNA"), regarding the Initial Study and Mitigated Negative Declaration ("IS/MND") prepared for the Project known as the Lawrence Equipment Industrial Warehouse (aka General Plan Amendment 18-2501, Zone Change 18-3501, Design Review 18-7001 and Environmental Assessment 18-1501), including all actions related or referring to the construction of a new single story 146,890 square feet industrial warehouse (with 73,445 square feet of light manufacturing & 73,445 square feet of industrial warehousing) located on the north side of Lincoln Street at 1897 West Lincoln Street, 1661 West Lincoln Street, 1617 West Lincoln Street, 1617 West Lincoln Street, and 1589 West Lincoln Street between 22<sup>nd</sup> and 8<sup>th</sup> Street on APNs: 5387-230-014, 538-220-002 to -004, 540-180-041 to -045 in the City of Banning ("Project").

After reviewing the IS/MND, we conclude the IS/MND fails as an informational document, and that there is a fair argument that the Project may have adverse environmental

↓ D-i

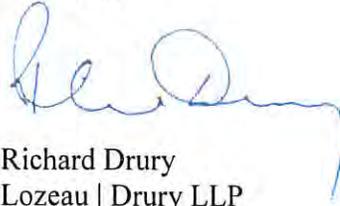
January 30, 2019  
Comment on the Lawrence Equipment Industrial Warehouse IS/MND  
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impacts. Therefore, we request that the City of Banning (“City”) prepare an environmental impact report (“EIR”) for the Project pursuant to the California Environmental Quality Act (“CEQA”), Public Resources Code section 21000, et seq.

We reserve the right to supplement these comments during public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

↑  
D-1

Sincerely,



Richard Drury  
Lozeau | Drury LLP

**Response to Comment Letter A – Lozeau Drury, LLP on behalf of Laborers International Union  
North America, Local Union No. 1184 (LIUNA), January 30, 2019**

**Response to Comment D-1:**

The comment letter is of a general nature regarding the Project. While the first paragraph identifies the Project as “Lawrence Equipment Industrial Warehouse”, the second paragraph of the letter requests that the City of Banning prepare a Draft EIR for the proposed project. On January 29, 2019, Lozeau Drury, LLP contacted the City regarding the open comment period, the public hearing dates and also requested copies of appendices that were identified in the Initial Study.

Lozeau Drury, LLP were informed of the open comment period and that their comments will be accepted, they were sent the requested appendices and given the public hearing dates.

The letter does not provide any specific comments nor provide any substantial evidence regarding the MND. No new environmental issues have been raised by this comment.

# **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 AND INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM; CONSIDERATION OF GENERAL PLAN AMENDMENT 18-2501, ZONE CHANGE 18-3501, AND DESIGN REVIEW 18-7001; A PROPOSAL TO CONSTRUCT A 146,890 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING ON 6.4 ACRES OF PARTIALLY DEVELOPED 19.69 ACRES OF LAND LOCATED ON THE NORTH SIDE OF LINCOLN STREET, EAST OF 22ND STREET AT 1897 WEST LINCOLN STREET, 1661 WEST LINCOLN STREET, 1589 WEST LINCOLN STREET AND VACANT PARCELS TO THE EAST ALSO KNOWN AS (APN 538-230-014, 538-220-002, 538-220-003, 538-220-004, 540-180-041, 540-180-042, 540-180-043, 540-180-044 & 540-180-045), IN THE CITY OF BANNING.**

**NOTICE IS HEREBY GIVEN** of a public hearing before the City of Banning City Council, to be held on **Tuesday, February 26, 2019, at 5:00 p.m.** in the **Council Chambers, City Hall, 99 East Ramsey Street, Banning, California**, to consider the proposed project. The subject parcel is located generally on the north side of Lincoln Street at 1897 West Lincoln Street, 1661 West Lincoln Street, 1617 West Lincoln Street, 1589 West Lincoln Street and vacant parcels to the east also known as (APN 538-230-014, 538-220-002, 538-220-003, 538-220-004, 540-180-041, 540-180-042, 540-180-043, 540-180-044 & 540-180-045 in the City of Banning.

Information regarding the Mitigated Negative Declaration, General Plan Amendment, Zone Change and Design Review can be obtained by contacting the City's Community Development Department, Planning Division at (951) 922-3125, or by visiting 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 to this item are invited to attend the hearing, or to send their written comments to the **Community Development Department, Planning Division, City of Banning at 99 E. Ramsey Street, 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 Planning Commission makes its recommendation 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, AICP  
Interim Community Development Director**

**Dated: February 26, 2019  
Publish: February 15, 2019**



**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:** February 26, 2019

**SUBJECT:** Resolution 2018-156, Approving an Amendment to Purchasing Policy No. B-30.

---

**RECOMMENDATION:**

Adopt Resolution 2018-156, approving an amendment to Purchasing Policy No. B-30 to streamline and enhance the procurement and purchasing process.

**JUSTIFICATION:**

Policies must be updated from time to time. A new section on insurance requirements will provide guidance and enable staff to procure and process contracts and special events more efficiently and effectively.

Other changes are summarized as follows:

1. Article 2, section 3, 104 (3): Updated Table to be consistent with Muni code
2. Article 2, section 3, 104 (6): Added exemptions for staffing (temporary personnel services), special instructors (community Center/events), and purchase of power for Public Utilities
3. Article 2, section 3, 104 (7): Public Utilities exceptions; items listed will be subject "informal procurement" only, and are require to be approved by Council annually
4. Article 6, section 23: Removed "Travel" to accommodate the revision of the City's standalone travel policy
5. Article 6, section 23, 100 – 104: Added (and replaced old section no. 23) with Vendor Commercial Liability Insurance

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**

**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**, exemptions and exceptions are necessary for an effective Purchasing Policy; and

**WHEREAS**, the City now desires to adopt a resolution approving the addition of a section for insurance requirements and other amendments.

**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 the amendment to Purchasing Policy B-30.

SECTION 2. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

**PASSED, APPROVED AND ADOPTED** this 26<sup>th</sup> day of February, 2019.

\_\_\_\_\_  
Arthur L. Welch, Mayor  
City of Banning

**ATTEST:**

\_\_\_\_\_  
Daryl Betancur, Deputy City Clerk  
City of Banning

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

---

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

**CERTIFICATION:**

I, Daryl Betancur, 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 26<sup>th</sup> day of February, 2019, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Daryl Betancur, Deputy City Clerk  
City of Banning, California

# **ATTACHMENT 2**

## **Redlined Purchasing Policy**

### **B-30**



# ADMINISTRATIVE PROCEDURES

## City of Banning

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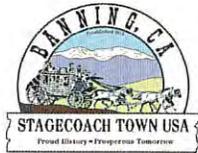


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## ARTICLE 1 – PURCHASING POLICY INTRODUCTION

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### 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.



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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. City Council approval of the purchasing policy and procedures are required every 5 years at minimum.
- ~~(10)~~

~~(30)~~(9) \_\_\_\_\_



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## ARTICLE 2 – PURCHASING POLICY

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### 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



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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.
- (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



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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, or his or her designee.
- (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;
    - 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;



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- 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;
- 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;



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- 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.
- (2) All items, regardless of amount - quantity or dollar - shall be provided to the City Purchasing Officer to review, provide guidance, and for processing.
- ~~(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.



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City of Banning Purchasing Authorization Table					
Purchase Type	Purchase Amount	Procurement	Contract Type	Internal Approval	Vendor Requirements
Goods, Widgets, Equipment	\$0.00 - \$5,000.00	1 Quote	Purchase Order	1. Department Head/Manager or Above	N/A
	\$5,000.01 - \$25,000.00	3Quotes	Purchase Order	1. Department Head/Manager or Above 2. City Manager if > 10k	N/A
	\$25,000.01 +	Formal Bidding	Purchase Order	1. Department Head/Manager or Above 2. City Manager 3. City Council	N/A
Services, including Professional (non-public works)	\$0.00 - \$5,000.00	1 Quote	Purchase Order	1. Department Head/Manager or Above	1. Insurance 2. City Business Tax 3. CA Business License
	\$5,000.01 - \$25,000.00	3Quotes	Formal Agreement & Purchase Order	1. Department Head/Manager or Above 2. City Manager if > 10k	
	\$25,000.01 +	Formal Bidding	Formal Agreement & Purchase Order	1. Department Head/Manager or Above 2. City Manager 3. City Council	
Services, Public Works only	\$0.00 - \$5,000.00	1 Quote	Purchase Order	1. Department Head/Manager or Above	1. Insurance 2. City Business Tax 3. CA Business License 4. CSLB 5. DIR
	\$5,000.01 - \$25,000.00	3Quotes	Formal Agreement & Purchase Order	1. Department Head/Manager or Above 2. City Manager if > 10k	
	\$25,000.01 +	Formal Bidding	Formal Agreement & Purchase Order	1. Department Head/Manager or Above 2. City Manager 3. City Council	

CITY OF BANNING PURCHASING AUTHORIZATION TABLE				
Purchase Type	Purchase Amount	Procurement	Contract Type	Approval Level
	\$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 (RFI)	Purchase Requisition, Purchase Order (Contract Applicable for)	548



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#### 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.
- (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:

~~(7)~~(6)

Advertisement and Notices (Per CA PCC 20169).	City Debt Service and Loans.
Conference <del>Registration</del> registration, subscriptions, membership dues, educational seminars and training.	<u>When no bids are received on formal or informal solicitations.</u> 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), <u>gasoline, diesel or aviation fuel.</u>
Insurance premiums (worker's compensation, general liability, etc.).	Payments to Department of Water Resources and related expenses (State Water Contractors, Inc., etc.) <u>and to other governmental units.</u>



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<u>Utility Bills (phone, gas, electric, etc.). Payments to Other Governmental Units</u>	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
<u>When the Purchasing Officer determines the commodity can be procured using a cooperative purchasing agreement. Subscriptions/Membership Dues</u>	Trade Circulars, Books or CD's
<u>Staffing, temporary services</u>	<u>Special instructors for community centers and events.</u>
<del>Gasoline, diesel or aviation fuel.</del>	<del>Utility Bills (phone, gas, electric, etc.)</del>
<del>When no bids are received on formal or informal solicitations.</del>	<del>When the Purchasing Officer determines the commodity can be procured using a cooperative purchasing agreement.</del>
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	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.



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governmental agency. City Council consent is required for such arrangements where the estimated value of the supplies is \$25,000 or more.	
<u>Purchase of power for Public Utilities</u>	

(7) Public Utilities Exception. The Water, Electric and Sewer Utilities have a need for compatibility within their respective systems for uniform operation, maintenance and replacement, and this need can be met by procuring certain supplies, equipment, and materials supplies through Informal Procurement or Negotiated Procurement. Such procurements may be exempted from formal competitive procurement requirements if the City Council so determines.

- a. If it appears to the Purchasing Officer to be in the best interest of overall economy and efficiency of the City to do so, and it is within existing budget appropriation, the following supplies, equipment, and materials are determined to be peculiar to the needs of the Water Utility, the Electric Utility, and the Sewer Utility and may be acquired by Informal Procurement or Negotiated Procurement, regardless of their estimated procurement expenditure amounts, provided that the City Council shall have approved the proposed acquisition if required under the provisions of the Municipal Code, either by approval of the procurement contract or approval of annual purchase orders:

<u>Automatic Reclosers with associated controllers and communications equipment</u>	<u>Power Generation Materials, Equipment, Parts and Repair</u>
<u>Batteries and Chargers</u>	<u>Pipe and Pipe Fittings</u>
<u>Blower Equipment, Parts and Repair</u>	<u>Pole Line Hardware</u>
<u>Bus and Bus Support</u>	<u>Poles, Utility</u>
<u>Capacitors</u>	<u>Mobile Substation</u>
<u>Chemicals</u>	<u>Prefabricated Electrical Enclosures</u>
<u>Circuit Breakers</u>	<u>Pumps and Repairs</u>
<u>Circuit Switcher</u>	<u>Regulators</u>
<u>Conduit and Duct</u>	<u>Relaying and Protective Devices</u>
<u>Connectors</u>	<u>Road and Backfill Materials</u>
<u>Dewatering Equipment, Parts and Repairs</u>	<u>SCADA Equipment</u>
<u>Electric Motor Controls</u>	<u>Substation and Distribution Automation Equipment</u>
<u>Electrical Motors, Panels, Panel Equipment, Materials and Repairs</u>	<u>Substation Online Monitoring Equipment and Devices</u>
<u>Electrical Line Devices</u>	<u>Substation Supervisory Equipment</u>



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<a href="#"><u>Fiber Optics Equipment and Materials</u></a>	<a href="#"><u>Surge Arrestors</u></a>
<a href="#"><u>Fire Hydrants</u></a>	<a href="#"><u>Switches, Switchgear, and Accessories</u></a>
<a href="#"><u>Fittings, Electrical, Water, and Sewer</u></a>	<a href="#"><u>Testing Equipment</u></a>
<a href="#"><u>Insulators and Bushings</u></a>	<a href="#"><u>Transformers and Accessories Treatment Equipment</u></a>
<a href="#"><u>Luminaries</u></a>	<a href="#"><u>Tubing, Copper and Plastic</u></a>
<a href="#"><u>Meter and Metering Devices</u></a>	<a href="#"><u>Valves and Operators</u></a>
<a href="#"><u>Wire and Cable</u></a>	<a href="#"><u>Vaults and Accessories</u></a>
<a href="#"><u>Well Equipment (including incidental labor to install, which labor shall not exceed the amount set by state law for which bids are required for public works projects of a general law city)</u></a>	<a href="#"><u>Uninterruptable Power Supplies</u></a>
	<a href="#"><u>Such other supplies and materials peculiar to the needs of the Public Utilities Department, which are carried as inventory items</u></a>

#### 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.
- (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:



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- ~~a.~~ Employee's purchasing authority may be suspended or revoked;
- a.
- 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.

## ARTICLE 3 – ETHICS AND PURCHASING

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### 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:



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- 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.

#### 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.



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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.
  - 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



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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 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.”



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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.
- (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



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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
  - 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

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### 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



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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 over \$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). Informal or 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.
  - 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)
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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.
- (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



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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 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.



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- (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.
  - 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.



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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 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



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- (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.

~~(2)~~

~~(3)~~

~~(4)~~(1) \_\_\_\_\_

### 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;



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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.
- (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.



# ADMINISTRATIVE PROCEDURES

## City of Banning

APPROVAL DATE 06/27/17	FINANCE POLICIES	POLICY NO. B-30
APPROVED BY  City Council	POLICY TITLE  PROCUREMENT POLICIES & PROCEDURES	EFFECTIVE DATE  <b>02/26/2019</b>

- (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/Deputy City Manager 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 Administrative Services Director/Deputy City Manager~~Deputy City Manager~~.
- (2) Within fifteen (15) business days, the Administrative Services Director/Deputy City Manager~~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.
  - 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



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- (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 meeting all City requirements 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.
- (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



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- (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 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



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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, 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



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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:
  - 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



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advantage or benefit not allowed other bidders or, in other words, if the variance is inconsequential.<sup>1</sup>

- (4) The rule of strict compliance with bidding requirements does not preclude the contracting entity from waiving inconsequential deviations.<sup>2</sup> 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 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

<sup>1</sup> [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].)

<sup>2</sup> (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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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.
- (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.



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### 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.
  - 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.



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- 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 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



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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.

#### 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.



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### 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 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



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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.

#### 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.



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**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.
  - 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**



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- (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;
    - 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



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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.

i-h.

(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



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- (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;
  - 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



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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.

#### 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



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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
  - 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



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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 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.



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#### 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.

#### 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.



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### 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 days 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.

### 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.



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~~(3)~~ When procuring property and services under a state or other local award, see the granting agencies regulations and requirements for specified guidelines.

~~(4)~~(3)

#### 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

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### 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



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agreement financially or when consistent product changes occur, such as for minor 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 over \$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 <u>(if needed)</u>
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-up to \$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

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### 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

- ~~(0) 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.~~
- ~~(0) Travel authorization is required prior to business related event (Conference, training, meeting, etc.).~~
- ~~(0) City funds shall be used only for conducting City business, or as may otherwise be permitted in this policy.~~
- ~~(0) Spouses may accompany an employee on a City business trip, provided that all expenses are borne solely by the official or staff member.~~
- ~~(0) 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.~~
- ~~(0) 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](http://www.irs.gov). The IRS Per Diem Rate is updated and effective on January 1 of each calendar year.~~
- ~~(0) 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.~~
- ~~(0) 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

- ~~(0) Itemized original receipts are required for reimbursement.~~



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~~(1) Name of attendees are required (employees, consultants, vendor, etc.) when paying for others.~~

~~(1) 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.~~

~~(1) 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](http://www.gsa.gov) and is specific to location.~~

~~Example: 2016 Palm Springs Per Diem Rate (Riverside County) is \$64 per day or \$15 - breakfast, \$16 - lunch, \$28 - dinner, & \$5 - incidental expenses.~~

~~(1) Other rates (POST) are subject to review and approval of the Administrative Services Director per occurrence.~~

### 23-102 Miscellaneous

#### ~~(0) Lodging~~

~~Itemized invoice that indicates "Paid" is required for reimbursement.~~

~~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.~~

#### ~~(0) Public Transportation~~

~~Airfare - original receipt must show name, date, destination, class and amount paid. Coach or economy rates only.~~

~~Taxi, Bart, etc. - original receipt and/or proof of payment (copy of credit card statement, etc.).~~



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~~(1) Rental Vehicle~~

- ~~— Original receipt must show location (city/state) of Rental Company, name of employee, dates, description of services and amount paid.~~

~~(1) Gasoline for rental vehicles~~

- ~~— Must provide original receipt, accompanied by a copy of rental vehicle receipt.~~

~~(1) Tips must not exceed 15% of authorized purchase.~~

~~(1) Miscellaneous~~

- ~~— Unauthorized Purchases:
 
  - ~~— Alcohol~~
  - ~~— Laundry services~~
  - ~~— Excess of three meals per day~~
  - ~~— Expenses for non-employees~~
  - ~~— Gasoline for any vehicle, (except authorized rental vehicle with original receipt accompanied by a copy of rental vehicle receipt).~~~~

~~(1) Reimbursement/Cash Advance~~

- ~~— 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.~~
- ~~— 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.~~
- ~~— 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.~~
- ~~— The City Manager's travel advances and reimbursement request shall be reviewed and approved by the Administrative Services Director.~~



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### COMMERCIAL LIABILITY INSURANCE

#### 23-100 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



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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.

- (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.



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(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 the Contractor's rights to recover such payments and an endorsement to the WC policy is recommended in most cases.

### 23-101 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.

### 23-102 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):



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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.

### 23-103 Waiver of City Insurance Requirements

(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.

### 23-104 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



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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.

<u>Category 1</u>	<u>Category 2</u>	<u>Category 3</u>
<ul style="list-style-type: none"> <li>• <u>Alcohol providers</u></li> <li>• <u>Bleachers</u></li> <li>• <u>Emergency services</u></li> <li>• <u>Event organizers</u></li> <li>• <u>Fencing</u></li> <li>• <u>Haunted houses</u></li> <li>• <u>Ice skating rink</u></li> <li>• <u>Inflatable structures</u></li> <li>• <u>Mechanical rides</u></li> <li>• <u>Petting zoo animals (pigs, goats, lambs, etc.)</u></li> <li>• <u>Portable restrooms</u></li> <li>• <u>Rock walls</u></li> <li>• <u>Security</u></li> <li>• <u>Shuttle/bus services</u></li> <li>• <u>Staging tents</u></li> <li>• <u>Traffic control companies (barricades)</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Commercial vendors</u></li> <li>• <u>Food booths on-site food preparation</u></li> <li>• <u>Food trailers on-site food preparation</u></li> <li>• <u>Food trucks on-site food preparation</u></li> <li>• <u>Retail vendors</u></li> <li>• <u>Sponsors with retail products/services</u></li> <li>• <u>Waste removal</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Arts &amp; crafts vendors</u></li> <li>• <u>Balloon artists</u></li> <li>• <u>Bands</u></li> <li>• <u>Disc jockeys</u></li> <li>• <u>Entertainment</u></li> <li>• <u>Individual artists</u></li> <li>• <u>Informational (only booths)</u></li> <li>• <u>Magicians</u></li> <li>• <u>Marketing (only) booths</u></li> <li>• <u>Mimes</u></li> <li>• <u>Musicians</u></li> <li>• <u>Performance artists (dance)</u></li> <li>• <u>Photographers</u></li> <li>• <u>Potluck items</u></li> <li>• <u>Prepackaged food/beverage vendors</u></li> <li>• <u>Produce vendors (farmers market)</u></li> <li>• <u>Professional catering</u></li> <li>• <u>Sponsors marketing purposes (only)</u></li> <li>• <u>Visual artists (painting)</u></li> <li>• <u>Other governmental agencies</u></li> </ul>



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(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 devices, 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.

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.

#### SECTION **24-24** – STANDARD FORMS

**2424-100**      Standard Forms

(1) Most recently updated standard purchasing forms can found on the City's intranet.



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## ARTICLE 7 – GLOSSARY

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### SECTION ~~25-25~~ – 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.



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- **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 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.



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- **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.
- **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.



## ADMINISTRATIVE PROCEDURES

### City of Banning

APPROVAL DATE 06/27/17	FINANCE POLICIES	POLICY NO. B-30
APPROVED BY  City Council	POLICY TITLE  PROCUREMENT POLICIES & PROCEDURES	EFFECTIVE DATE  <b>02/26/2019</b>

- **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 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.



## ADMINISTRATIVE PROCEDURES

### City of Banning

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- **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.
- **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.



## ADMINISTRATIVE PROCEDURES

### City of Banning

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- **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.
- **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,



## ADMINISTRATIVE PROCEDURES

### City of Banning

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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.
- **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.



## ADMINISTRATIVE PROCEDURES

### City of Banning

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- **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 Request Form

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# 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**



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
11/23/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b>  INSURANCE BROKER/AGENCY 123 MAIN STREET HOMETOWN CA 91234	<b>CONTACT NAME:</b> _____ <b>PHONE (A/C, No, Ext):</b> _____ <b>FAX (A/C, No):</b> _____ <b>E-MAIL ADDRESS:</b> _____
	<b>INSURER(S) AFFORDING COVERAGE</b> INSURER A: INSURER'S FULL LEGAL NAME NAIC # 12345
<b>INSURED</b>  YOUR COMPANY 1234 YOUR STREET YOURTOWN CA 91234	<b>INSURER B:</b> _____
	<b>INSURER C:</b> _____
	<b>INSURER D:</b> _____
	<b>INSURER E:</b> _____
	<b>INSURER F:</b> _____

**COVERAGES**                      **CERTIFICATE NUMBER:**                      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER: _____	Y		Full Policy Number	01/01/2018	01/01/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
A	<input checked="" type="checkbox"/> <b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input checked="" type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY	Y		Full Policy Number	01/01/2018	01/01/2019	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> <b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED    RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
A	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A	Y	Full Policy Number	01/01/2018	01/01/2019	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Re: Description of work performed for the City of Banning, reference to event or description of operations.

The City of Banning and its officers, employees and agents shall be named as additional insured as respects to the operations of the named insured per attached General Liability Form XXXXX and Automobile Form XXXXX. Workers Compensation Waiver of Subrogation applies in favor of the City of Banning per attached Form XXXXX.

<b>CERTIFICATE HOLDER</b>  CITY OF BANNING PURCHASING DEPT. 99 E. RAMSEY ST. BANNING, CA 92220	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE
---	--

POLICY NUMBER:

COMMERCIAL GENERAL LIABILITY  
CG 20 26 07 04

**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)
The City of Banning, its officers, employees and agents are added as additional insureds.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

**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

**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

SAMPLE

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:** Rochelle Clayton, Deputy City Manager

**MEETING DATE:** February 26, 2019

**SUBJECT:** Resolution 2019-02 Amending the Fiscal Year 2018-2019 Budget for the addition of two Code Compliance Officers and to update the Classification and Compensation Plan to Reclassify the Senior Code Compliance Officer to Code Compliance Supervisor.

---

**RECOMMENDATION:**

1. Adopt Resolution 2019-02 amending the Fiscal Year 2018-2019 Budget for the addition of two Code Compliance Officers and update the Classification and Compensation Plan to reclassify the Senior Code Compliance Officer to Code Compliance Supervisor, due to the voter approval Ballot Measures N and O at the November 2018 election, to support retail and commercial cannabis operations in Banning.
2. Authorizing the City Manager or designee to make necessary classification and budget adjustments, appropriations and transfers related to salary and benefits.

**JUSTIFICATION:**

During the November 6, 2018 election, Banning voters approved tax measures N and O, permitting retail and commercial cannabis operations in specified zones within the City of Banning, which shall generate general tax revenues for the City. Two additional Code Compliance Officers were approved in Fiscal Year (FY) 2017-2018 budget, when the ballot measures were introduced, but later removed from the budget unless the measures passed. Measure N passed by 61.29% and Measure O passed by 61.9%.

Staff recommends the reclassification of the Senior Code Compliance Officer to Code Compliance Supervisor. Specific oversight and training will be necessary for new officers, and there is no supervisor that is designated solely to Code Enforcement.

Formerly, the Code Enforcement division was under Community Development and the Development Services Manager/Chief Building Official provided supervision and training to Code Compliance Officers. During the last recession, Code Compliance Officers and the Development Services Manager were eliminated from the budget, leaving only two

officers and the division was reassigned to the Police Department. Since that time, there has been no dedicated supervisor to Code Enforcement.

The Cities of Moreno Valley, Riverside and Hemet each have a Code Enforcement Manager. Staff is proposing a Supervisor position as it is more appropriate due to the continued field work the proposed Code Compliance Supervisor position will conduct. The referenced cities also have Level I and Level II officers, which staff will further evaluate for Banning in the future, after the division is fully staffed and trained. See below for the structure in each referenced city:

**Moreno Valley:** Code Compliance Officer I & II; Code & Neighborhood Division Manager

**Riverside:** Code Enforcement Officer I & II; Code Enforcement Manager

**Hemet:** Code Enforcement Officer I & II; Code Compliance Manager

### **BACKGROUND:**

The City is facing a budget deficit in the upcoming fiscal years. To analyze the options of generating additional revenues needed to balance the budget, the Council formed a Cannabis Ad Hoc committee in 2017 to analyze the impact of legal cannabis operations in the City of Banning, to increase general tax revenue. The committee recommended and Council approved Resolution 2018-82, placing the two tax measures on the November 6, 2018 ballot, imposing a general tax on retail and commercial cannabis revenues.

When the Budget and Finance Committee supported the tax measures to go to the voters for approval, they also recommended additional code enforcement officers to be budgeted. In the mid-year budget adjustments for FY 2017-2018, Council approved two additional Code Compliance Officers. However, due to the initial proposed budget deficit for FY 2018-2019 at the May 22, 2018 Budget Workshop, staff recommended removing the two positions as they had not yet been filled, until the ballot measures were passed by the voters.

### **FISCAL IMPACT:**

The FY 2018-2019 fiscal impact is approximately \$40,000 to the General Fund. The annual fiscal impact for two code enforcement officers is approximately \$181,630 at step three of the salary schedule and the annual fiscal impact for the reclassification to Code Compliance Supervisor is \$17,314, for a total annual fiscal impact of approximately \$198,944 to the General Fund. Future cannabis tax revenues are expected to offset the expenditure increase.

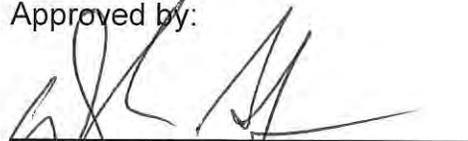
### **OPTIONS:**

1. Approve the two Code Compliance Officers and supervisor reclassification.
2. Provide alternative direction.

**ATTACHMENTS:**

1. Resolution 2019-02 (including exhibits)
2. Code Compliance and Supervisor Position Budget Worksheets
3. Senior Code Compliance Officer Job Description
4. Development Services Manager/Building Official Job Description

Approved by:



Douglas Schulze  
City Manager

# **ATTACHMENT 1**

## **Resolution 2019-02 Including Exhibits**

**RESOLUTION 2019-02**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING AMENDING THE FISCAL YEAR 2018-2019 BUDGET TO INCREASE GENERAL FUND EXPENDITURES IN THE AMOUNT OF FORTY THOUSAND DOLLARS (\$40,000) FOR THE ADDITION OF TWO CODE ENFORCEMENT OFFICERS AND RECLASSIFICATION OF THE SENIOR CODE ENFORCEMENT OFFICER TO CODE ENFORCEMENT SUPERVISOR**

**WHEREAS**, it is necessary to amend the City’s Budget from time to time to maintain a current plan which reflects the nature of work, organizational structure, or otherwise; and

**WHEREAS**, the City placed two general tax measures on the November 6, 2018 ballot for retail and commercial cannabis operations; and

**WHEREAS**, the voters of Banning approved the two general tax measures on the November 6, 2018 for retail and commercial cannabis operations; and

**WHEREAS**, the City’s Code Enforcement division is not sufficiently staffed to effectively monitor and enforce code compliance with the new business operations in the City; and

**WHEREAS**, additions or changes to job descriptions, job titles and/or pay ranges require Council approval.

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

**SECTION 1:** That the City Council approve the General Fund expenditure budget increase of forty thousand dollars (\$40,000).

**SECTION 2:** That the City Council approve the following position updates:

Reclass	Senior Code Compliance Officer	(1)
	Code Compliance Supervisor	1

**SECTION 3:** That the City Council approve the new or revised job descriptions, classification and compensation for the following positions as **Exhibit “A”**:

Code Compliance Supervisor (Job Code 3235, Grade G70)

**SECTION 4:** That the City Council approve the classification and compensation plan – Schedule “A” as **Exhibit “B”**.

**PASSED, APPROVED, AND ADOPTED** this 26<sup>th</sup> day of February, 2019.

---

Arthur L. Welch, Mayor  
City of Banning

**ATTEST:**

---

Daryl Betancur, Deputy City Clerk

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

---

Kevin Ennis, City Attorney  
Richards, Watson & Gershon

CERTIFICATION:

I, Daryl Betancur, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2019-02 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 26<sup>th</sup> day of February, 2019, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Daryl Betancur, Deputy City Clerk  
City of Banning, California

# EXHIBIT “A”



## CITY OF BANNING, CALIFORNIA

### Code Compliance Supervisor

Job Code: 3235  
Salary Grade: G70

FLSA       Exempt       Non-Exempt

**JOB DEFINITION:** Under general supervision of the Police Chief or designee, provides supervision and training to Code Enforcement Officers and office staff. Establishes and maintains code enforcement activity for the division, and conducts the more complex code enforcement activities involving code violations, investigation and enforcement of City Ordinance and related state regulations including housing, zoning, land use, health, sanitation and public nuisances.

**ESSENTIAL FUNCTIONS:** *The following duties **ARE NOT** intended to serve as a comprehensive list of all duties performed by all employees in this classification. Shown are duties intended to provide a representative summary of the major duties and responsibilities. Incumbent(s) may not be required to perform all duties listed and may be required to perform additional, position-specific duties.*

#### REPRESENTATIVE DUTIES:

- Plans, assigns, and supervises the work of staff responsible for the inspection, investigation, and enforcement of State and City codes and ordinances relating to public nuisances, including but not limited to zoning, building, weeds, and signs.
- Establishes schedules and timelines for providing code enforcement services; determines staffing needs for assigned activities and projects and identifies resource needs.
- Coordinates work projects and programs with various city officials, department personnel, and other agencies.
- Investigates complaints for compliance with municipal codes; issues notices and orders; issues citations.
- Supervises the preparation of code enforcement cases for legal action; provides testimony for administrative hearings, City Council or Planning Commission hearings, and court proceedings.
- Confers with commercial and residential property owners, developers, contractors, attorneys, homeowner associations, property managers, citizen groups, outside agencies and City staff to interpret codes and resolve problems; responds to public inquiries regarding code enforcement matters.
- Performs personnel administrative functions; counsels subordinates on compliance with procedures, rules and regulations; evaluates performance and assesses discipline as needed.
- Maintains web information.
- Prepares warrant and affidavit for abatement notices, ensures appropriate documentation is archived.
- Performs other duties as assigned or required.

Performs complex code enforcement case investigations, prepares case documentation related to casework, assists other code enforcement personnel in the investigation and case preparation for complex cases. Assigns cases, oversees case loads, maintains code enforcement activity. Position requires a significant level of specialized work requiring significant exercise of independent judgment.

Plan, organizes, supervises and evaluates the work and performance of assigned staff. Develops, implements, and monitors work plans to achieve goals and objectives. Prepares and reviews inspection reports. Documents findings with photographs and written statements, prepares correspondence to inform responsible party of the violation and required action.

#### KNOWLEDGE and SKILLS:

- Knowledge of applicable city, county, state and Federal statutes, rules, regulations, ordinances, codes, administrative orders and other operational guidelines and directives.
- Knowledge of the City's and the Department's policies and procedures.
- Knowledge of code enforcement procedures in California

**CITY OF BANNING, CALIFORNIA**  
**Code Compliance Supervisor**

**Job Code: 3235**  
**Salary Grade: G70**

---

**KNOWLEDGE and SKILLS (continued):**

- Skill in reading, understanding, interpreting and applying relevant city, county, state and Federal statutes, rules, regulations, ordinances, codes, administrative orders, policies and procedures and other operational guidelines and directives.
- Skill in assessing and prioritizing multiple tasks, projects and/or demands.
- Skill in working within deadlines to complete projects and assignments.
- Skill in conducting effective plan reviews and building inspections.
- Skill in establishing and maintaining effective working relations with co-workers, staff, vendors, contractors, visitors, the general public and others having business with the City of Banning.
- Skill in operating a personal computer utilizing a variety of software applications.
- Skill in directing and evaluating the work of subordinate employees.

**MINIMUM QUALIFICATIONS:** A high school diploma or GED **AND** five (5) years of building inspection experience, including investigating and enforcing municipal or other public jurisdiction laws and ordinances governing residential, commercial and industrial properties **WITH** at least two (2) of those years as a lead or supervising code enforcement officer.

**ADDITIONAL REQUIREMENTS:** Must have at the time of application and must maintain PC 832 Certification. Must have at the time of application and must maintain a California driver license. May be exposed to extreme weather conditions, potential physical harm, infectious diseases, hazardous chemicals and/or dangerous machinery. May be required to work outside the traditional work schedule. May be subject to call out and/or call-back.

Code Enforcement Officer Certification by the California Code Enforcement Officers Association (CACEO) or by the International Code Council/American Association of Code Enforcement (ICC/AACE) is preferred.

# EXHIBIT “B”

**CITY OF BANNING  
CLASSIFICATION & COMPENSATION PLAN  
REVISED JANUARY 22, 2019  
RESOLUTION 2019-02 (AMENDING RESOLUTION 2019-01)**

MATRIX BY CLASS SERIES/JOB CODE

Class Series/Occupational Job Group	Job Code	Classification/Position	Salary Range	Bargaining Unit
<b>1000 – CITY ADMINISTRATION SERIES</b>				
City Administration Group	1010	City Manager	D13	Council Contract
	1013	City Attorney	D11	Contract
	1015	Public Information Officer	G68	Gen/Confidential
	1606	Deputy City Clerk	G62	Gen/Confidential
Financial Services Group	1105	Administrative Services Director/Deputy City Manager	D01	Contract
	1115	Deputy Finance Director	T87	Mgmt/Confidential
	1160	Purchasing Manager	T77	TEAMSTERS
	1165	Buyer	G54	IBEW-G
	1170	Purchasing Assistant	G48	IBEW-G
	5028	Utility Financial Analyst	T76	TEAMSTERS
	1125	Accountant II	G59	IBEW-G
	1140	Accountant	G56	IBEW-G
	1136	Accounting Specialist	G53	IBEW-G
	1130	Financial Services Specialist	G47	IBEW-G
	Human Resources Group	1215	Deputy Human Resources Director	T83
1230		Human Resources Technician	G54	Gen/Confidential
1235		Senior Human Resources Technician	G58	Gen/Confidential
Utility Billing Group	1310	Customer Service & Billing Manager	T71	TEAMSTERS
	1335	Lead Customer Service Representative	G46	IBEW-G
	1340	Senior Utility Billing Rep	G48	IBEW-G
	1350	Utility Billing Representative	G43	IBEW-G
	1340	Lead Field Service Representative	U55	IBEW-U
1325	Field Service Representative	U51	IBEW-U	

Schedule "A"

Information/Cable Systems Group	1405	Information Technology Manager	T78	Mgmt/Confidential
	1410	Information Technology Analyst	G62	Gen/Confidential
	1420	Information Technology Analyst II	G70	Gen/Confidential
	1415	Multimedia Specialist	G60	IBEW-G
	1510	Cable Services Specialist	G44	IBEW-G
Office Support Group	1610	Executive Assistant	G57	IBEW-G
	1601	Management Analyst	T68	TEAMSTERS
	1620	Office Specialist	G44	IBEW-G
	1630	Receptionist	G31	IBEW-G

2000 – POLICE SERIES

Police Group	2010	Police Chief	D00	Contract
	2016	Police Captain	P92	Police Mgmt
	2025	Police Lieutenant	P87	Police Mgmt
	2030A	Police Staff/Master Sergeant	P78	POA
	2040	Police Corporal	P71	POA
	2050	Police Officer	P67	POA
	2060	Police Recruit/Trainee	N/A	At-Will
Police Support Group	2143	Lead Public Safety Dispatcher	G56	IBEW-G
	2110	Public Safety Dispatcher	G52	IBEW-G
	2130	Community Services Officer	P48	POA
	2151	Police Assistant II	G48	IBEW-G
	2152	Police Assistant I	G44	IBEW-G

3000-COMMUNITY DEVELOPMENT SERIES

Community Development Group	3010	Community Development Director	D92	Contract
	3026	Development Project Coordinator	G58	IBEW-G
	3050	Senior Planner	T79	TEAMSTERS
	3020	Associate Planner	T68	TEAMSTERS
	3015	Assistant Planner	T63	TEAMSTERS
	3115	Economic Development Manager	T85	Mgmt/Confidential
Development Services Group	3210	Development Services Manager (Building Official)	T84	TEAMSTERS
	3215	Senior Building Inspector	G67	IBEW-G
	3220	Building Inspector	G62	IBEW-G
	3230	Code Compliance Officer	G58	IBEW-G
	3235	<del>Senior Code Compliance Officer</del> Code Compliance Supervisor	G64 70	IBEW-G
	3240	Building Permit Specialist	G55	IBEW-G

**3300-COMMUNITY SERVICES GROUP**

Community Services Group	3310	Community Services Director	D92	Contract
	3315	Community Services Manager	T68	TEAMSTERS
	3360	Transit Field Supervisor	G59	IBEW-G
	3325	Recreation Coordinator	G51	IBEW-G
	3328	Program Coordinator	G49	IBEW-G
	3350	Lead Bus Driver/Trainer	G55	IBEW-G
	3340	Bus Driver	G47	IBEW-G

**4000-PUBLIC WORKS SERIES**

Public Works Management Group	4400	Public Works Director/City Engineer	D00	Contract
Streets/Parks Group	4210	Public Works Superintendent	7T8	TEAMSTERS
	4230	Work Release Crew Leader	G50	IBEW-G
	4240	Senior Maintenance Worker	G50	IBEW-G
	4250	Maintenance Worker	G45	IBEW-G
	4260	Motor Sweeper Operator	G50	IBEW-G
Engineering Group	4300	City Engineer	T85	TEAMSTERS
	4350	Senior Civil Engineer	T82	TEAMSTERS
	4320	Associate Civil Engineer	T76	TEAMSTERS
	4325	Assistant Civil Engineer	T68	TEAMSTERS
	4330	Public Works Inspector	G62	IBEW-G
	4340	Engineering Services Assistant	G48	IBEW-G
General Maintenance and Support Group	4410	Fleet Manager	T75	TEAMSTERS
	4420	Fleet Maintenance Mechanic	G53	IBEW-G
	4425			
	4430	Building Maintenance Specialist	G53	IBEW-G
	4441	Community Center Caretaker	G36	IBEW-G
	4450	Warehouse Services Specialist	U52	IBEW-U
Water/Wastewater Group	4115	Water/Wastewater Superintendent	T78	TEAMSTERS
	4130	Water Crew Supervisor	U60	IBEW-U
	4135	Water Production Operator I/II	U52/57	IBEW-U
	4140	Water Services Worker	U52	IBEW-U
	4155	Wastewater Collection System Supervisor	U60	IBEW-U
	4145	Wastewater Collection System Technician	U52	IBEW-U

Schedule "A"

4132	Water Valve Flushing Crew Lead	U56	IBEW-U
4133	Water Construction Crew Lead	U56	IBEW-U
4131	Water Meter Crew Lead	U56	IBEW-U

**5000 ELECTRIC UTILITIES SERIES**

Electric Services & Operations Group	5001	Electric Utility Director	D00	Contract
	5021	Power Resource & Revenue Administrator	T85	TEAMSTERS
	5022	Electric Engineering Manager	T85	TEAMSTERS
	5025	Associate Electrical Engineer	T76	TEAMSTERS
	5028	Utility Financial Analyst	T76	TEAMSTERS
	5029	Senior Electric Service Planner	U79	IBEW-U
	5030	Electric Service Planner	U77	IBEW-U
	5050	Public Benefits Coordinator	U55	IBEW-U
	5055	Utility Services Assistant	U48	IBEW-U
	5053	Assistant Electric Service Planner	U57	IBEW-U
	5110	Electric Operations & Maintenance Manager	T85	TEAMSTERS
	5120	Powerline Crew Supervisor	U79	IBEW-U
	5130	Powerline Technician	U75	IBEW-U
	5140	Powerline Apprentice	U67/ 73	IBEW-U
	5150	Electric Services Worker	U52	IBEW-U
	5161	Substation Test Technician	U75	IBEW-U
	5160	Electric Meter Test Technician	U75	IBEW-U
	5170	Apprentice Electric Meter Test Technician	U67 / 73	IBEW-U

# **ATTACHMENT 2**

## **Code Compliance and Supervisor Position Budget Worksheets**

**Fiscal Year 2018-19  
CODE ENFORCEMENT OFFICER  
Salary and Benefits Calculation**

<b>Code Enforcement Officer</b>	<b>FY19</b>	
<b>SALARY RANGE - G58</b>		
<b>(\$22.9959 - \$31.1106)</b>	<b>Hourly</b>	<b>24.18</b> Step 3
	<b>Annual</b>	<b>\$ 50,302.51</b>
<b>Uniform Allowance/POST Cert</b>		<b>250.00</b>
<b>Benefit Allowance</b>		<b>16,200.00</b>
<b>Maximum Cash Out:</b>		
<b>Sick Payoff</b>		<b>967.36</b>
<b>Personal Payoff</b>		<b>0.00</b>
<b>Vacation Payoff</b>		<b>1,934.71</b>
		<hr/>
<b>Total Salary Cost</b>		<b>69,654.58</b>
<b>Life Insurance</b>		<b>432.00</b>
<b>PERS Employer Cost</b>		<b>12,575.63</b>
<b>Medicare</b>		<b>1,009.99</b>
<b>Social Security</b>		<b>4,318.58</b>
<b>SUI</b>		<b>563.39</b>
<b>WC</b>		<b><u>2,260.09</u></b>
<b>Total Benefit Cost</b>		<b>21,159.68</b>
<b>Total Salary &amp; Benefits</b>		<hr/> <b>\$ 90,814.26</b> <hr/>

<b>2 CODE ENFORCEMENT OFFICERS</b>	<b>181,628.53</b>
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<b>FY2019 BUDGET IMPACT</b>	<b>30,271.42</b>
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# **ATTACHMENT 3**

## Senior Code Compliance Officer Job Description



# CITY OF BANNING, CALIFORNIA

## Senior Code Compliance Officer

Job Code: 3235

FLSA       Exempt       Non-Exempt

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**JOB DEFINITION:** Under general supervision of the Development Services Manager/Chief Building Official provides lead supervision and training to Code Enforcement Officers and office staff. Establishes and maintains code enforcement activity for the division, and conducts the more complex code enforcement activities involving code violations, investigation and enforcement of City Ordinance and related state regulations including housing, zoning, land use, health, sanitation and public nuisances.

**ESSENTIAL FUNCTIONS:** *The following duties **ARE NOT** intended to serve as a comprehensive list of all duties performed by all employees in this classification. Shown are duties intended to provide a representative summary of the major duties and responsibilities. Incumbent(s) may not be required to perform all duties listed and may be required to perform additional, position-specific duties.*

**REPRESENTATIVE DUTIES:** Performs complex code enforcement case investigations, prepares case documentation related to casework, assists other code enforcement personnel in the investigation and case preparation for complex cases. Assigns cases, oversees case loads, maintains code enforcement activity. Position requires a significant level of specialized work requiring significant exercise of independent judgment.

Plan, organizes, supervises and evaluates the work and performance of assigned staff. Develops, implements, and monitors work plans to achieve goals and objectives. Prepares and reviews inspection reports. Documents findings with photographs and written statements, prepares correspondence to inform responsible party of the violation and required action. Maintains web information.

Prepares warrant and affidavit for abatement notices, ensures appropriate documentation is archived.

Performs other duties as assigned or required.

### KNOWLEDGE and SKILLS:

- Knowledge of applicable city, county, state and Federal statutes, rules, regulations, ordinances, codes, administrative orders and other operational guidelines and directives.
- Knowledge of the City's and the Department's policies and procedures.
- Knowledge of code enforcement procedures in California
  
- Skill in reading, understanding, interpreting and applying relevant city, county, state and Federal statutes, rules, regulations, ordinances, codes, administrative orders, policies and procedures and other operational guidelines and directives.
- Skill in assessing and prioritizing multiple tasks, projects and/or demands.
- Skill in working within deadlines to complete projects and assignments.
- Skill in conducting effective plan reviews and building inspections.
- Skill in establishing and maintaining effective working relations with co-workers, staff, vendors, contractors, visitors, the general public and others having business with the City of Banning.
- Skill in operating a personal computer utilizing a variety of software applications.
- Skill in directing and evaluating the work of subordinate employees.

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City of Banning, California

CC Approved September 12, 2006

REV:\_\_\_

# CITY OF BANNING, CALIFORNIA

## Senior Code Compliance Officer

Job Code: 3235

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**MINIMUM QUALIFICATIONS:** A high school diploma or GED **AND** five (5) years of building inspection experience **WITH** at least two (2) of those years as a lead or supervising code enforcement officer.

**ADDITIONAL REQUIREMENTS:** Must have at the time of application and must maintain PC 832 Certification. Must have at the time of application and must maintain a California driver license. May be exposed to extreme weather conditions, potential physical harm, infectious diseases, hazardous chemicals and/or dangerous machinery. May be required to work outside the traditional work schedule. May be subject to call out and/or call-back.

# **ATTACHMENT 4**

## **Development Services Manager/Building Official Job Description**



## CITY OF BANNING, CALIFORNIA

### Development Services Manager (Building Official)

Job Code: 3210

FLSA       Exempt       Non-Exempt

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**JOB DEFINITION:** Under general direction, oversees, plans, organizes and administers operations related to the enforcement of California model construction codes including building, plumbing, electrical and mechanical codes. Reviews construction plans and permit applications and oversees the enforcement of City ordinances.

**ESSENTIAL FUNCTIONS:** *The following duties **ARE NOT** intended to serve as a comprehensive list of all duties performed by all employees in this classification. Shown are duties intended to provide a representative summary of the major duties and responsibilities. Incumbent(s) may not be required to perform all duties listed and may be required to perform additional, position-specific duties.*

**REPRESENTATIVE DUTIES:** Reviews newly adopted construction codes and proposed code changes. Monitors changes in acceptable construction materials and methods. Keeps abreast of new laws and court decisions that affect construction and code enforcement. Develops policies and procedures in response to changes in codes and laws. Recommends new ordinances and modifications to existing ordinances to meet the changing needs of the City.

Reviews building plans, specifications and applications for permits for new construction or modification to existing structures. Establishes and collects permit fees. Issues construction permits. Conducts complex building inspections and code enforcement investigations. Monitors and manages collection of monies relating to permit fees. Reviews and approves revenue and expenditure activities of the division,

Selects, assigns, evaluates and manages building inspection and code enforcement personnel work activities. Prioritizes, schedules and delegates work assignments of building inspection and code enforcement staff. Identifies and implements new employee and on-going staff training programs.

Performs other duties as assigned or required.

### KNOWLEDGE and SKILLS:

- Knowledge of applicable city, county, state and Federal statutes, rules, regulations, ordinances, codes, administrative orders and other operational guidelines and directives.
- Knowledge of the City's and the Department's policies and procedures.
- Knowledge of management and/or supervision principles.
- Knowledge construction and engineering concepts.
- Knowledge of bookkeeping and accounting procedures and principles.
  
- Skill in reading, understanding, interpreting and applying relevant city, county, state and Federal statutes, rules, regulations, ordinances, codes, administrative orders, policies and procedures and other operational guidelines and directives.
- Skill in assessing and prioritizing multiple tasks, projects and/or demands.
- Skill in working within deadlines to complete projects and assignments.
- Skill in assessing, analyzing, identifying and implementing solutions to complex problems.
- Skill in establishing and maintaining effective working relations with co-workers, staff, vendors, contractors, visitors, the general public and others having business with the City of Banning.
- Skill in operating a personal computer utilizing a variety of software applications.

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# CITY OF BANNING, CALIFORNIA

## Development Services Manager (Building Official)

Job Code: 3210

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**MINIMUM QUALIFICATIONS:** A high school diploma or GED **AND** five (5) years of building inspection and/or code enforcement experience that includes two (2) year of management and/or supervision.

**ADDITIONAL REQUIREMENTS:** Must have at the time of application a combination of two (2) or more of the following certifications: Building, Plumbing, Electrical or Mechanical Inspector, Plans Examiner, Building Official or Code Enforcement. Must have at the time of application an International Code Council (ICC) Certification. Must have at the time of application and must maintain a California driver license. May be exposed to extreme weather conditions, potential physical harm, infectious diseases, hazardous chemicals and/or dangerous machinery. May be required to work outside the traditional work schedule. May be subject to call out and/or call-back.

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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

**MEETING DATE:** February 26, 2019

**SUBJECT:** Adopt a Resolution Approving an Amendment to the City's Agreement with CalPERS relative to Safety Member Benefits, to allow a 4% Employer Paid Member Contribution for qualifying Safety members of the Banning Police Department.

---

**RECOMMENDATION:**

Staff Recommends that the City Council adopt Resolution 2019-XX, approving an amendment to the City's agreement with CalPERS relative to Safety Member Benefits, to allow a four percent (4%) Employer Paid Member Contribution ("EPMC") for qualifying Safety members of the Banning Police Department, as approved by Resolution 2018-122.

**JUSTIFICATION:**

CalPERS shall not accept EPMC without an amendment to the City's benefit agreement by resolution, in their required format, and requires a written labor policy or agreement which provides for the employer to pay member contributions. The Council approved an amendment to the Memorandums of Understanding with the Banning Police Officer's Association ("BPOA") and the Banning Police Management Association ("BPMA"), which defines the agreement between the City and qualifying safety members, which satisfies the agreement requirement. This item is for Council to approve the resolution which will comply with the CalPERS requirement to provide the EPMC benefit.

**BACKGROUND:**

Resolution 2018-122 was approved on September 25, 2018, authorizing a salary increase of 8.5% for public safety positions of Police Officer, Police Corporal, Police Staff Sergeant, Police Lieutenant, and Police Captain and a benefits increase of 4% permissible EPMC to Non-PEPRA safety member positions.

The 8.5% salary increase was implemented, however staff has been working with PERS to implement the EPMC Benefit.

**OPTIONS:**

1. Approve Resolution 2019-XX, approving an amendment to the City's agreement with CalPERS relative to Safety Member Benefits, to allow the 4% EPMC.
2. Provide alternate direction to staff.

**FISCAL IMPACT:**

The Salary and Benefit increase approved by Council is an approximate \$400,000 annual impact to the General Fund, and an estimated \$200,000 impact for the remainder of the current Fiscal Year.

**ATTACHMENTS:**

1. Resolution 2019-XX
2. Resolution 2018-122

Approved by:



---

Douglas Schulze, City Manager

# **ATTACHMENT 1**

Resolution 2019-XX

**RESOLUTION 2019-XX**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING EMPLOYER PAID MEMBER CONTRIBUTIONS IN THE AMOUNT OF FOUR PERCENT FOR SAFETY MEMBERS OF THE BANNING POLICE DEPARTMENT**

**WHEREAS**, the City Council of the City of Banning has the authority to implement Government Code Section 20691;

**WHEREAS**, the City Council of the City of Banning has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer;

**WHEREAS**, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of the City of Banning of a Resolution to commence said Employer Paid Member Contributions (EPMC);

**WHEREAS**, the City Council of the City of Banning has identified the following conditions for the purpose of its election to pay EPMC:

- This benefit shall apply to all employees of the Safety Plan and Safety Police Second Tier Plan.
- This benefit shall consist of paying four percent (4%) of the normal member contributions as EPMC.
- The effective date of this Resolution shall be September 24, 2018.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Banning elects to pay EPMC, as set forth above.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Banning this 26<sup>th</sup> day of February, 2019.

\_\_\_\_\_  
Arthur L. Welch, Mayor  
City of Banning

**ATTEST:**

\_\_\_\_\_  
Daryl Betancur, Deputy City Clerk  
City of Banning

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

---

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

**CERTIFICATION:**

I, Daryl Betancur, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2019-XX, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 26<sup>th</sup> day of February, 2019, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Daryl Betancur, Deputy City Clerk  
City of Banning, California

# **ATTACHMENT 2**

## Resolution 2018-122

## RESOLUTION 2018-122

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING A SALARY INCREASE OF EIGHT AND ONE HALF PERCENT AND THE PAYMENT OF FOUR PERCENT OF EMPLOYEE MEMBER CONTRIBUTIONS TO CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION, REFERRED TO AS EMPLOYER PAID MEMBER CONTRIBUTIONS, FOR PUBLIC SAFETY POSITIONS OF THE BANNING POLICE DEPARTMENT**

**WHEREAS**, City of Banning employees have updates to their compensation and benefits from time to time; and

**WHEREAS**, the compensation and benefit plans for public safety positions needs to be updated to remain competitive to enable recruitment of critical and hard-to-fill positions, and retain existing critical public safety positions; and

**WHEREAS**, the City now desires to adopt a resolution approving the maximum compensation and a salary increase of 8.5% for the public safety positions of Police Officer, Police Corporal, Police Staff Sergeant, Police Lieutenant, and Police Captain.

**WHEREAS**, the City now desires to adopt a resolution approving the maximum benefits to include a payment of 4% of employee member contributions to permissible California Public Employees' Retirement Association plans for the public safety positions of Police Officer, Police Corporal, Police Staff Sergeant, Police Lieutenant, and Police Captain positions.

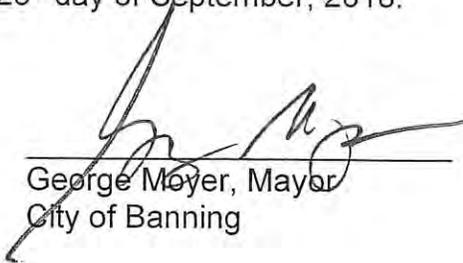
**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Banning as follows:

**SECTION 1.** The Banning City Council adopts Resolution 2018-122 approving a salary increase of 8.5% or approximately \$3 per hour, and benefits increase in the form of paying 4% Employer Paid Member Contributions ("EPMC") of allowable Public Employee Retirement System ("PERS") employee contributions to police officer and police management positions, to retain and recruit hard to fill critical public safety positions of the Banning Police Department.

**SECTION 2.** The Interim City Manager or her designee is authorized to make necessary budget adjustments, appropriations and transfers related to the salary and benefits adjustments.

**SECTION 3.** The Interim City Manager is authorized to reopen and amend the related Memorandums of Understanding.

PASSED, APPROVED AND ADOPTED this 25<sup>th</sup> day of September, 2018.



George Moyer, Mayor  
City of Banning

ATTEST:



Sonja De La Fuente, Deputy City Clerk  
City of Banning

APPROVED AS TO FORM AND  
LEGAL CONTENT:



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

**CERTIFICATION:**

I, Sonja De La Fuente, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2018-122, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 25<sup>th</sup> day of September, 2018, by the following vote, to wit:

AYES: Council Members Andrade, Peterson, Welch, and Mayor Moyer

NOES: None

ABSTAIN: None

ABSENT: Council Member Franklin



Sonja De La Fuente, Deputy City Clerk  
City of Banning, California



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Laurie Sampson, Executive Assistant

**MEETING DATE:** February 26, 2019

**SUBJECT:** Amendment to the Joint Powers Agreement and Bylaws of the Western Riverside Council of Governments to Make Various Updates

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### **RECOMMENDED ACTION:**

That the City Council approve the Amendment to the Joint Powers Agreement and Bylaws of the Western Riverside Council of Governments to make various language updates.

### **BACKGROUND:**

Earlier in 2018, WRCOG was asked by several members of the Executive Committee to research and recommend potential options related to the appointment of alternates for the Board of Supervisors. This topic was discussed at the April 11<sup>th</sup> and June 13<sup>th</sup> Administrative and Finance Committee meetings. During the course of these discussions, the issue of a larger update to the WRCOG JPA and Bylaws was also discussed. It was determined that it would be appropriate to conduct a comprehensive review of both documents, as a significant period had lapsed (over 5 years) since the last comprehensive update to the document.

The WRCOG staff and legal counsel conducted a comprehensive review of both documents. Numerous changes were recommended, many of them reflected minor word changes and/or corrections, or address other minor issues. A copy of the red-lined version is attached to this staff report for Council review and the amendments are as follows:

## **Joint Powers Agreement Changes**

1. Sections 2.12, 3.1 and 4.5 of the Agreement updates the JPA to formally recognize that the Treasurer/Auditor of WRCOG is a WRCOG employee appointed pursuant to Section 6505.6 of the Government Code. The language in the current agreement includes outdated language referencing the County Treasurer.
2. Section 2.12 formally adds the position of a Second Vice-Chair to the JPA. Currently the Second Vice-Chair is only listed in the Bylaws.
3. Section 2.4 of the Agreement rewords the language establishing the membership of the General Assembly and Executive Committee to more clearly set forth the voting membership of each Committee. The changes do not impact the current process used by WRCOG. Pursuant to the direction of the Administration and Finance Committee, the process for appointing Executive Committee alternates for the Board of Supervisors has not been revised.
4. Section 2.15 clarifies the bond requirements for WRCOG Committee members.
5. Section 2.13 clarifies that attendance of the Executive Committee members at a standing meeting is subject to the Brown Act.

## **Bylaws Changes**

1. Article I expressly clarifies the relationship between the JPA and Bylaws.
2. Article II, Section 2.F specifically empowers the Chair to create and appoint ad-hoc committees and members in accordance with WRCOG's standard practices.
3. Article III, Section 5, Article IV, Section 1.D, and Article IV, Section 2.D, adds language making the Bylaws consistent with the JPA in respect to which agencies can vote on TUMF matters.

The Executive Committee of the Western Riverside Council of Governments (WRCOG) at their November 5, 2018 meeting adopted Resolution No. 43-18 amending its JPA and Bylaws making a series of technical changes and further directed WRCOG staff to forward the Amendments to the WRCOG member agencies for their approval.

Staff is therefore providing the JPA and Bylaws with all amendments for Council approval. If approved the Mayor will sign the JPA and it will be forwarded to WRCOG.

**FISCAL IMPACT:**

None.

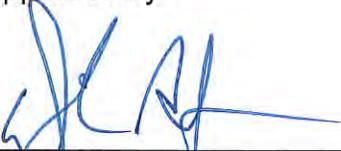
**OPTIONS:**

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

**ATTACHMENTS:**

1. WRCOG Staff Report and redlined JPA Agreement and Bylaws

Approved by:



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Douglas Schulze  
City Manager

# **ATTACHMENT 1**

## **WRCOG Staff Report and Red-lined JPA and Bylaws**



# Western Riverside Council of Governments Executive Committee

## Staff Report

**Subject:** Update to WRCOG JPA and Bylaws

**Contact:** Christopher Gray, Director of Transportation, [cgray@wrcog.us](mailto:cgray@wrcog.us), (951) 405-6710

**Date:** November 5, 2018

*The purpose of this item is to present an updated version of the WRCOG Joint Powers Agreement (JPA) and Bylaws. These updates were made based on direction at a previous Administration & Finance Committee meeting to prepare this comprehensive update, and incorporates a variety of changes, mostly minor in nature, based on staff and legal counsel review.*

### Requested Actions:

1. Adopt WRCOG Resolution Number 43-18; A Resolution of the Executive Committee of the Western Riverside Council of Governments Amending its Bylaws Making a Series of Technical Changes.
2. Direct WRCOG to forward the JPA Amendment to WRCOG member agencies for their approval.

Earlier in 2018, WRCOG was asked by several members of the Executive Committee to research and recommend potential options related to the appointment of alternates for the Board of Supervisors. This topic was discussed at the April 11th and June 13th Administration & Finance Committee meetings. During the course of these discussions, the issue of a larger update to the WRCOG JPA and Bylaws was also discussed. It was determined that it would be appropriate to conduct a comprehensive review of both documents as a significant period of time had lapsed (over five years) since the last comprehensive update of these documents.

The items for consideration today are the result of a comprehensive review of both documents by staff and legal counsel. While numerous changes are recommended, many of these changes reflect minor word changes and/or corrections, or address other minor issues. Red-line versions of both documents are attached to this staff report as a reference.

To facilitate review, staff has identified noteworthy changes to the JPA and Bylaws which are discussed below.

### Joint Powers Agreement Changes

1. Sections 2.12, 3.1 and 4.5 of the Agreement updates the JPA to formally recognize that the Treasurer / Auditor of WRCOG is a WRCOG employee appointed pursuant to Section 6505.6 of the Government Code. The language in the current agreement includes outdated language referencing the County Treasurer.
2. Section 2.12 formally adds the position of a Second Vice-Chair to the JPA. Currently the Second Vice-Chair is only listed in the Bylaws.
3. Section 2.4 of the Agreement rewords the language establishing the membership of the General Assembly and Executive Committee to more clearly set forth the voting membership of each Committee. The changes do not impact the current process used by WRCOG. Pursuant to the direction of the Administration & Finance Committee, the process for appointing Executive Committee alternates for the Board of Supervisors has not been revised.

4. Section 2.15 clarifies the bond requirements for WRCOG Committee members.
5. Section 2.13 clarifies that the attendance of Executive Committee members at a standing meeting is subject to the Brown Act.

### **Bylaws Changes**

1. Article I expressly clarifies the relationship between the JPA and Bylaws.
2. Article II, Section 2.F specifically empowers the Chair to create and appoint ad hoc committees and members in accordance with WRCOG's standard practices.
3. Article III, Section 5, Article IV, Section 1.D, and Article IV, Section 2.D, adds language making the Bylaws consistent with the JPA in respect to which agencies can vote on TUMF matters.

Staff also wants to highlight areas where changes were not made to either documents. At previous meetings of the Administration & Finance Committee, there have been extended discussions regarding member representation of the Executive Committee.

The first issue concerns the topic of alternates for the Riverside County Board of Supervisors. Staff previously presented several options for consideration and discussion. Specific direction was provided at the June 13, 2018, meeting to not implement any changes and to maintain the current process for alternates for the Board of Supervisors.

The second issue relates to appointments by member cities to the Executive Committee. Staff and legal counsel also reviewed the overall language in the Bylaws related to the appointment of members to the Executive Committee, which currently states:

“The Executive Committee will be composed of the Mayor from each of the member cities, four members of the Riverside County Board of Supervisors, the President of each water district, and the Tribal Chairman of the Morongo Band of Mission Indians. Any City Council, at its discretion, can appoint a Mayor Pro Tem or other City Council member in place of the Mayor. Each water district Board, at its discretion, can appoint another Board member in place of the President. The Tribal Council of the Morongo Band of Mission Indians, at its discretion, can appoint another Tribal Council member in place of the Tribal Chairman.”

The Administration & Finance Committee centered discussions on whether this section created a potential conflict by noting that the Mayor from any member City was the member of the Executive Committee and then noting that the City Council could appoint a representative in place of the Mayor. Staff and legal counsel reviewed this section and determined that the language seems to clearly note that each City shall have the discretion to establish a process to appoint its own representatives to the Executive Committee. Therefore, no changes were made to the Bylaws related to this item.

### **Implementation**

Approval of the Bylaws requires action by the Executive Committee. Once approved, the Bylaws changes take effect immediately. The updated Bylaws will also be brought forward for approval by the WRCOG General Assembly in 2019; however, this approval is a formality as the changes become effective once the Executive Committee acts on them.

The process to approve the updated JPA is more involved. As with the Bylaws, formal action of the Executive Committee is first required. The updated JPA must then be approved by 2/3 of WRCOG member agencies to take effect. Once 2/3 of WRCOG member agencies have approved these changes, the changes become effective. If directed to do so by the Executive Committee, staff will work with each member agency to secure their approval of the updated JPA.

**Prior Actions:**

October 10, 2018: The Administration & Finance Committee recommended that the Executive Committee 1) approve the updated Bylaws; 2) approve the updated JPA; and 3) direct WRCOG to forward the updated JPA to WRCOG member agencies for their approval.

June 13, 2018: The Administration & Finance Committee directed staff to prepare a comprehensive review of the JPA and Bylaws.

April 11, 2018: The Administration & Finance Committee directed staff to return with options for future consideration and discussion regarding an alternate policy.

**Fiscal Impact:**

This item is for informational purposes only; therefore, there is no fiscal impact.

**Attachments:**

1. Redlined Joint Powers Agreement of the Western Riverside Council of Governments.
2. Bylaws for the Western Riverside Council of Governments.
3. WRCOG Resolution Number 43-18; A Resolution of the Executive Committee of the Western Riverside Council of Governments Amending the WRCOG Bylaws.

# Item 5.C

Update to WRCOG JPA and Bylaws

## Attachment 1

Redlined Joint Powers Agreement of  
the Western Riverside Council of  
Governments

JOINT POWERS AGREEMENT OF  
THE WESTERN RIVERSIDE  
COUNCIL OF GOVERNMENTS

This Agreement is made and entered into on the 1st day of April, 1991, pursuant to Government Code Section 6500 et. seq. and other pertinent provisions of law, by and between six or more of the cities located within Western Riverside County and the County of Riverside.

RECITALS

A. Each member and party to this Agreement is a governmental entity established by law with full powers of government in legislative, administrative, financial, and other related fields.

B. The purpose of the formation is to provide an agency to conduct studies and projects designed to improve and coordinate the common governmental responsibilities and services on an area-wide and regional basis through the establishment of an association of governments. The Council will explore areas of inter-governmental cooperation and coordination of government programs and provide recommendations and solutions to problems of common and general concern.

C. When authorized pursuant to an Implementation Agreement, the Council shall manage and administer thereunder.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, the parties hereto agree as follows:

I.

PURPOSE AND POWERS

1.1 Agency Created.

There is hereby created a public entity to be known as the "Western Riverside Council of Governments" ("WRCOG" or "the Council"). WRCOG is formed by this Agreement pursuant to the provision of Government Code Section 6500 et. seq. and other pertinent provision of law. WRCOG shall be a public entity separate from the parties hereto.

1.2 Powers.

1.2.1. WRCOG established hereunder shall perform all necessary functions to fulfill the purposes of this Agreement. Among other functions, WRCOG shall:

- a. Serve as a forum for consideration, study and recommendation on area-wide and regional problems;
- b. Assemble information helpful in the consideration of problems peculiar to Western Riverside County;
- c. Explore practical avenues for intergovernmental cooperation, coordination and action in the interest of local public welfare and means of improvements in the administration of governmental services; and
- d. Serve as the clearinghouse review body for Federally-funded projects in accordance with Circular A-95 in conjunction with the Southern California Association of Governments.

1.2.2. The Council shall have the power in its own name to do any of the following;

a. When necessary for the day to day operation of the Council, to make and enter into contracts;

b. To contract for the services of engineers, attorneys, planners, financial consultants and separate and apart therefrom to employ such other persons, as it deems necessary;

c. To apply for an appropriate grant or grants under any federal, state, or local programs.

d. To receive gifts, contributions and donations of property, funds, services and other forms of financial assistance from persons, firms, corporations and any governmental entity;

e. To lease, acquire, construct, manage, maintain, and operate any buildings, works, or improvements;

f. To delegate some or all of its powers to the Executive Committee and the Executive Director of the Council as hereinafter provided.

1.2.3 The association shall have the power in its own name, only with the approval of all affected member agencies to:

a. Acquire, hold and dispose of property by eminent domain, lease, lease purchase or sale.

b. To incur debts, liabilities, obligations, and issue bonds;

## II.

### ORGANIZATION OF COUNCIL

## 2.1 Parties.

The parties to WRCOG shall be the County of Riverside and each city located within Western Riverside County which has executed or hereafter executes this Agreement, or any addenda, amendment, or supplement ~~thereto~~hereto and agrees to ~~such~~ become a member upon such terms and conditions as established by the General ~~council~~Assembly or Executive Committee, and which has not, pursuant to provisions hereof, withdrawn ~~therefrom~~herefrom (the "Member Agencies"). Only the parties identified in this section and Associate Members approved under section 8.2 of this Agreement, if any, shall be considered contracting parties to this Agreement under Government Code section 6502, provided that the rights of any Associate Member under this Agreement shall be limited solely those rights expressly set forth in a PACE Agreement authorized in section 8.2 of this Agreement.

## 2.2 Names.

The names, particular capacities and addresses of the parties ~~at any time~~ shall be shown on Exhibit "A" attached hereto, as amended or supplemented from time to time by the Executive Director. If the Executive Director amends or supplements Exhibit "A", a copy of the revised Exhibit "A" shall be provided to the members.

## 2.3 Duties.

WRCOG shall do whatever is necessary and required to carry out the purposes of this Agreement and when authorized by an Implementation Agreement pursuant to section 1.2.3 as appropriate, to make and enter into such contracts, incur such debts and obligations, assess contributions from the members, and perform such other acts as are necessary to the accomplishment of the purposes of such agreement,

within the provisions of Government Code Section 6500 et seq. and as prescribed by the laws of the State of California.

2.4 Governing Body.

2.4.1. WRCOG shall be governed by a General Assembly with membership consisting of ~~the appropriate~~ representatives from the County of Riverside, each city which is a signatory to this Agreement, the Western Municipal Water District, the Eastern Municipal Water District, and the Morongo Band of Mission Indians (“Morongo”), ~~the number of which shall be determined as hereinafter set forth. The~~ (collectively, the “General Assembly shall meet at least once annually, preferably scheduled in the evening. Each Member Agencies”). Each General Assembly Member Agency ~~of the General Assembly~~ shall have one vote for each mayor, council member, county supervisor, water district board member, and tribal council member present at the General Assembly. The General Assembly shall act only upon a majority of a quorum. A quorum shall consist of a majority of the total authorized representatives, provided that members representing voting representatives of a majority of the General Assembly Member Agencies are present. The General Assembly shall adopt and amend by-laws for the administration and management of this Agreement, which when adopted and approved shall be an integral part of this Agreement. Such by-laws may provide for the management and administration of this Agreement. The General Assembly shall meet at least once annually, preferably scheduled in the evening.

2.4.2. There shall be an Executive Committee which exercises the powers of this Agreement between sessions of the General Assembly. Members of the Executive Committee shall be the Mayor from each of the member cities, four members

of the Riverside County Board of Supervisors, the President of each Water District, and the Tribal Chairman of Morongo; ~~(the remaining member of the Board of Supervisors shall serve as an alternate, except any~~“Executive Committee Members”). Each City Council, at its discretion, can appoint ~~ajts~~ Mayor Pro Tem or other City Council member in place of the Mayor; Each water district board, at its discretion, can appoint another Board member in place of the President; ~~and.~~ The Tribal Council of Morongo, at its discretion, can appoint another Tribal Council member in place of the Tribal Chairman. The Executive Committee shall act only upon a majority of a quorum. A quorum shall consist of a majority of the ~~member agencies~~Executive Committee Members. Membership of Morongo on the General Assembly and Executive Committee of WRCOG shall be conditioned on Morongo entering into a separate Memorandum of Understanding with WRCOG.

2.4.3. Each member of the General Assembly and the Executive Committee shall be a current member of the legislative body such member represents.

2.4.4. Each ~~participating member on the~~ Executive Committee Member shall also have an alternate, who must also be a current member of the legislative body of the party such alternate represents. The remaining member of the Board of Supervisors shall serve as an alternate for the Board of Supervisors. The name of the alternate members shall be on file with the Executive Committee. In the absence of the regular member from an agency, the alternate member from such agency shall assume all rights and duties of the absent regular member.

## 2.5 Executive Director.

The Executive Director shall be the chief administrative officer of the Council. He shall receive such compensation as may be fixed by the Executive Committee. The powers and duties of the Executive Director shall be subject to the authority of the Executive Committee and include the following:

- a. To appoint, direct and remove employees of the Council.
- b. Annually to prepare and present a proposed budget to the Executive Committee and General Assembly.
- c. Serve as Secretary of the ~~Council~~ General Assembly and of the Executive Committee.
- d. To attend meetings of the General Assembly and Executive Committee.
- e. To perform such other and additional duties as the Executive Committee may require.

#### 2.6 Principal Office.

The principal office of WRCOG shall be established by the Executive Committee and shall be located within Western Riverside County. The Executive Committee is hereby granted full power and authority to change said principal office from one location to another within Western Riverside County. Any change shall be noted by the Secretary under this section but shall not be considered an amendment to this Agreement.

#### 2.7 Meetings.

The Executive Committee shall meet at the principal office of the agency or at such other place as may be designated by the Executive Committee. The time and place of regular meetings of the Executive Committee shall be determined by

resolution adopted by the Executive Committee; a copy of such resolution shall be furnished to each party hereto. Regular, adjourned and special meetings shall be called and conducted in accordance with the provisions of the Ralph M. Brown Act, Government Code Section 54950 et. seq., as it may be amended.

2.8 Powers and Limitations of the Executive Committee.

Unless otherwise provided herein, each Member or participating alternate of the Executive Committee shall be entitled to one vote, and a vote of the majority of those present and qualified to vote constituting a quorum may adopt any motion, resolution, or order and take any other action they deem appropriate to carry forward the objectives of the Council.

2.9 Minutes.

The secretary of the Council shall cause to be kept minutes of regular adjourned regular and special meetings of the General Assembly and Executive Committee, and shall cause a copy of the minutes to be forwarded to each member ~~and to each of the members hereto.~~

2.10 Rules.

The Executive Committee may adopt from time to time such rules and regulations for the conduct of its affairs consistent with this Agreement or any Implementation Agreement.

2.11 Vote or Assent of Members.

The vote, assent or approval of the members in any manner as may be required, hereunder shall be evidenced by a certified copy of the action of the governing

body of such party filed with the Council. It shall be the responsibility of the Executive Director to obtain certified copies of said actions.

2.12 Officers.

There shall be selected from the membership of the Executive Committee, a chairperson, a vice chairperson and a second vice chairperson. The Executive Director shall be the secretary. ~~The Treasurer of the County of Riverside shall be the Treasurer of the Council and the Controller or Auditor of the County of Riverside shall be the Auditor of the Council. Such persons and the Auditor shall be appointed by the Executive Director and must be officers or employees of WRCOG. The Executive Director may appoint a single officer or employee of WRCOG to serve in both the Treasurer and Auditor positions. Such person(s) shall possess the powers of, and shall perform the treasurer and auditor functions respectively, for WRCOG and perform those functions required of them by Government Code Sections 6505, 6505.5 and 6505.6, and by all other applicable laws and regulations, including any subsequent amendments thereto.~~

The chairperson ~~and~~ vice chairperson, and second vice chairperson shall hold office for a period of one year commencing ~~July 1st of each and every fiscal year; provided, however, the first chairperson and vice chairperson appointed shall hold office from the date of appointment to June 30th of the ensuing fiscal year at the close of the General Assembly meeting of their election, and ending one year thereafter, or until his or her successor is elected.~~ Except for the Executive Director, any officer, employee, or agent of the Executive Committee may also be an officer, employee, or agent of any of

the members. The appointment by the Executive Committee of such a person shall be evidence that the two positions are compatible.

#### 2.13 Committees.

The Executive Committee may, as it deems appropriate, ~~appoint~~establish committees to accomplish the purposes set forth herein. All standing committee meetings of WRCOG, including those of the Executive Committee, shall be open to all Executive Committee Members- in accordance with the Brown Act

#### 2.14 Additional Officers and Employees.

The Executive Committee shall have the power to authorize such additional officers and assistant~~employees~~ as may be appropriate. ~~Such officers and employees may also be, but are not required to be, officers and employees of the individual members.~~

#### 2.15 Bonding Requirement.

The officers or persons who have charge of, handle, or have access to any property of WRCOG shall be the ~~members of the Executive Committee, the~~ Treasurer, the Executive Director, and any other officers or persons ~~to be~~ designated or empowered by the Executive Committee. Each such officer or person shall be required to file an official bond with the Executive Committee in an amount which shall be established by the Executive Committee. Should the existing bond or bonds of any such officer be extended to cover the obligations provided herein, said bond shall be the official bond required herein. The premiums on any such bonds attributable to the coverage required herein shall be appropriate expenses of WRCOG.

#### 2.16 Status of Officers and Employees.

All of the privileges and immunities from liability, exemption from laws, ordinances and rules, all pension, relief, disability, worker's compensation, and other benefits which apply to the activity of officers, agents, or employees of any of the members when performing their respective functions shall apply to them to the same degree and extent while engaged in the performance of any of the functions and other duties under this Agreement. None of the officers, agents, or employees appointed by the Executive Committee shall be deemed, by reason of their employment by the Executive Committee, to be employed by any of the members or, by reason of their employment by the Executive Committee, to be subject to any of the requirements of such members.

2.17 Restrictions.

Pursuant to Government Code Section 6509, for the purposes of determining the restrictions to be imposed by the Council in its exercise of the above-described joint powers, reference shall be made to, and the Council shall observe, the restrictions imposed [by state law](#) upon the County of Riverside.

2.18 TUMF Matters – Water Districts and Morongo.

Pursuant to this Joint Powers Agreement, WRCOG administers the Transportation Mitigation Fee (“TUMF”) for cities in Western Riverside County. The fee was established prior to the Water District’s and Morongo’s involvement with WRCOG and will fund transportation improvements for the benefit of the County of Riverside and the cities in Western Riverside County. As such, the Western Municipal Water District, the Eastern Municipal Water District, and Morongo General Assembly and Executive

Committee Members shall not vote on any matter related to the administration of the TUMF program or the expenditure of TUMF revenues.

### III

#### FUNDS AND PROPERTY

##### 3.1 Treasurer.

~~The Treasury of the member agency whose Treasurer is the Treasurer for WRCOG shall be the depository for WRCOG.~~ The Treasurer of the Council shall have custody of all funds and shall provide for strict accountability thereof in accordance with Government Code Section 6505.5 and other applicable laws of the State of California. He or she shall perform all of the duties required in Government Code Section 6505 et. seq. and ~~following,~~ such other duties as may be prescribed by the Executive Committee.

##### 3.2. Expenditure of Funds.

The funds under this Agreement shall be expended only in furtherance of the purposes hereof and in accordance with the laws of the State of California and standard accounting practices shall be used to account for all funds received and disbursed.

##### 3.3. Fiscal Year.

WRCOG shall be operated on a fiscal year basis, beginning on July 1 of each year and continuing until June 30 of the succeeding year. Prior to July 1 of each year, the General Assembly shall adopt a final budget for the expenditures of WRCOG during the following fiscal Year.

##### 3.4. Contributions/Public Funds.

In preparing the budget, the General Assembly by majority vote of a quorum shall determine the amount of funds which will be required from its members for the purposes of this Agreement. The funds required from its members after approval of the final budget shall be raised by contributions 50% of which will be assessed on a per capita basis and 50% on an assessed valuation basis, each city paying on the basis of its population and assessed valuation and the County paying on the basis of the population and assessed valuation within the unincorporated area of Western Riverside County as defined in the by-laws. The parties, when informed of their respective contributions, shall pay the same before August 1st of the fiscal year for which they are assessed or within sixty days of being informed of the assessment, whichever occurs later. In addition to the contributions provided, advances of public funds from the parties may be made for the purposes of this Agreement. When such advances are made, they shall be repaid from the first available funds of WRCOG.

The General Assembly shall have the power to determine that personnel, equipment or property of one or more of the parties to the Agreement may be used in lieu of fund contributions or advances.

All contributions and funds shall be paid to WRCOG and shall be disbursed by a majority vote of a quorum of the Executive Committee, as authorized by the approved budget.

3.5 Contributions from Water Districts and the Morongo Band of Mission Indians.

The provision of section 3.4 above shall be inapplicable to the Western Municipal Water District, the Eastern Municipal Water District, and Morongo. The amount of

contributions from these water districts and Morongo shall be through the WRCOG budget process.

#### IV

### BUDGETS AND DISBURSEMENTS

#### 4.1 Annual Budget.

The Executive Committee may at any time amend the budget to incorporate additional income and disbursements that might become available to WRCOG for its purposes during a fiscal year.

#### 4.2 Disbursements.

The Executive Director shall request warrants from the Auditor in accordance with budgets approved by the General Assembly or Executive Committee subject to quarterly review by the Executive Committee. The Treasurer shall pay such claims or disbursements and such requisitions for payment in accordance with rules, regulations, policies, procedures and bylaws adopted by the Executive Committee.

#### 4.3 Accounts.

All funds will be placed in appropriate accounts and the receipt, transfer, or disbursement of such funds during the term of this Agreement shall be accounted for in accordance with generally accepted accounting principles applicable to governmental entities and pursuant to Government Code Sections 6505 et seq. and any other applicable laws of the State of California. There shall be strict accountability of all funds. All revenues and expenditures shall be reported to the Executive Committee.

#### 4.4 Expenditures Within Approved Annual Budget.

All expenditures shall be made within the approved annual budget. No expenditures in excess of those budgeted shall be made without the approval of a majority of a quorum of the Executive Committee.

4.5 Audit.

The ~~records and accounts of WRCOG shall be audited annually by Auditor~~ shall make or contract with an independent certified public accountant or public accountant to make an annual audit of WRCOG's accounts and records, and copies of such audit report shall be filed with the County Auditor, State Controller and each party to WRCOG no later than fifteen (15) days after receipt of said audit by the Executive Committee. The Auditor shall perform those functions required of him or her by Government Code Sections 6505, 6505.5 and 6505.6, and by all other applicable laws and regulations, including any subsequent amendments thereto.

4.6 Reimbursement of Funds.

Grant funds received by WRCOG from any federal, state, or local agency to pay for budgeted expenditures for which WRCOG has received all or a portion of said funds from the parties hereto shall be used as determined by WRCOG's Executive Committee.

V

LIABILITIES

5.1 Liabilities.

The debts, liabilities, and obligation of WRCOG shall be the debts, liabilities, or obligations of WRCOG alone and not of the parties to this Agreement.

5.2 Hold Harmless and Indemnity.

Each party hereto agrees to indemnify and hold the other parties harmless from all liability for damage, actual or alleged, to persons or property arising out of or resulting from negligent acts or omissions of the indemnifying party or its employees. Where the General Assembly or Executive Committee itself or its agents or employees are held liable for injuries to persons or property, each party's liability for contribution or indemnity for such injuries shall be based proportionately upon the contributions (less voluntary contributions) of each member. In the event of liability imposed upon any of the parties to this Agreement, or upon the General Assembly or Executive Committee created by this Agreement, for injury which is caused by the negligent or wrongful act or omission of any of the parties in the performance of this Agreement, the contribution of the party or parties not directly responsible for the negligent or wrongful act or omission shall be limited to One Hundred Dollars (\$100.00). The party or parties directly responsible for the negligent or wrongful acts or omissions shall indemnify, defend, and hold all other parties harmless from any liability for personal injury or property damage arising out of the performance of this Agreement. The voting for or against a matter being considered by the General Assembly or executive or other committee or WRCOG, or abstention from voting on such matter, shall not be construed to constitute a wrongful act or omission within the meaning of this Subsection.

## VI

### ADMISSION AND WITHDRAWAL OF PARTIES

#### 6.1 Admission of New Parties.

It is recognized that additional cities other than the original parties, may wish to participate in WRCOG. Any Western Riverside County city may become a party

to WRCOG upon such terms and conditions as established by the General Assembly or Executive Committee. Any Western Riverside County city shall become a party to WRCOG by the adoption by the city council of this Agreement and the execution of a written addendum ~~thereto~~hereto agreeing to the terms of this Agreement and agreeing to any additional terms and conditions that may be established by the General Assembly or Executive Committee. Special districts which are significantly involved in regional problems and the boundaries of which include territory within the collective area of the membership shall be eligible for advisory membership in the Council by the execution of a separate MOU setting forth the terms of such participation. The representative of any such advisory member may participate in the work of committees of the Council.

6.2 Withdrawal from WRCOG.

It is fully anticipated that each party hereto shall participate in WRCOG until the purposes set forth in this Agreement are accomplished. The withdrawal of any party, either voluntary or involuntary, unless otherwise provided by the General Assembly or Executive Committee, shall be conditioned as follows:

a. In the case of a voluntary withdrawal following a properly noticed public hearing, written notice shall be given to WRCOG, six months prior to the effective date of withdrawal;

b. Withdrawal shall not relieve the party of its proportionate share of any debts or other liabilities incurred by WRCOG prior to the effective date of the ~~parties'~~party's notice of withdrawal;

c. Unless otherwise provided by a unanimous vote of the Executive Committee, withdrawal shall result in the forfeiture of that party's rights and claims relating to distribution of property and funds upon termination of WRCOG as set forth in Section VII below;

d. Withdrawal from any Implementation Agreement shall not be deemed withdrawal from membership in WRCOG.

## VII

### TERMINATION AND DISPOSITION OF ASSETS

#### 7.1 Termination of this Agreement.

WRCOG shall continue to exercise the joint powers herein until the termination of this Agreement and any extension thereof or until the parties shall have mutually rescinded this Agreement; providing, however, that WRCOG and this Agreement shall continue to exist for the purposes of disposing of all claims, distribution of assets and all other functions necessary to conclude the affairs of WRCOG.

Termination shall be accomplished by written consent of all of the parties, or shall occur upon the withdrawal from WRCOG of a sufficient number of the agencies enumerated herein so as to leave less than five of the enumerated agencies remaining in WRCOG.

#### 7.2 Distribution of Property and Funds.

In the event of the termination of this Agreement, any property interest remaining in WRCOG following the discharge of all obligations shall be disposed of as the Executive Committee shall determine with the objective of distributing to each

remaining party a proportionate return on the contributions made to such properties by such parties, less previous returns, if any.

## VIII

### PACE IMPLEMENTATION AND PARTICIPATION AGREEMENTS:

#### ASSOCIATE MEMBERSHIP

##### 8.1 Execution of Agreement.

When authorized by the Executive Committee, any affected member agency or agencies enumerated herein, may execute an Implementation Agreement for the purpose of authorizing WRCOG to implement, manage and administer area-wide and regional programs in the interest of the local public welfare. The costs incurred by WRCOG in implementing a program including indirect costs, shall be assessed only to those public agencies who are parties to that Implementation Agreement.

##### 8.2 PACE Agreements; Associate Membership.

WRCOG shall be empowered to establish and operate one or more Property Assessed Clean Energy ("PACE") programs pursuant to Chapter 29 of the Improvement Bond Act of 1911, being Division 7 of the California Streets and Highways Code, and to enter into one or more agreements, including without limitation, participation agreements, implementation agreements and joint powers agreements and amendments thereto to fulfill such programs both within and outside the jurisdictional boundaries of WRCOG.

WRCOG, acting through its Executive Committee, shall be empowered to establish an "Associate Member" status that provides membership in WRCOG to local jurisdictions that are outside WRCOG's jurisdictional boundaries but within whose

boundaries a PACE program will be established and implemented by WRCOG. Said local jurisdictions shall become Associate Members of WRCOG by adopting one or more agreements (the "PACE Agreement") on the terms and conditions established by the Executive Committee and consistent with the requirements of the Joint Exercise of Powers Act, being 5 of Division 7, Title 1 of the California Government Code (Sections 6500 et seq.). The rights of Associate Members shall be limited solely to those terms and conditions expressly set forth in the PACE Agreement for the purposes of implementing the PACE program within their jurisdictional boundaries. Except as expressly provided for by the PACE Agreement, Associate Members shall not have any rights otherwise granted to WRCOG's members by this Agreement, including but not limited to the right to vote, right to amend this Agreement, and right to sit on committees or boards established under this Agreement or by action of the Executive Committee or the General Assembly, including, without limitation, the General Assembly and the Executive Committee.

## IX

### MISCELLANEOUS

#### 9.1 Amendments.

This Agreement may be amended with the approval of not less than two-thirds (2/3) of all member agencies.

9.2 Notice.

Any notice or instrument required to be given or delivered by depositing the same in any United States Post Office, registered or certified, postage prepaid, addressed to the addresses of the parties as shown on Exhibit "A", shall be deemed to have been received by the party to whom the same is addressed at the expiration of seventy-two (72) hours after deposit of the same in the United States Post Office for transmission by registered or certified mail as aforesaid.

9.3 Effective Date.

This Agreement shall be effective and WRCOG shall exist from and after such date as this Agreement has been executed by any seven or more of the public agencies, including the County of Riverside, as listed on page 1 hereof.

#### 9.4 Arbitration.

Any controversy or claim between any two or more parties to this Agreement, or between any such party or parties and WRCOG, with respect to disputes, demands, differences, controversies, or misunderstandings arising in relation to interpretation of this Agreement, or any breach thereof, shall be submitted to and determined by arbitration. The party desiring to initiate arbitration shall give notice of its intention to arbitrate to every other party to this Agreement and to the Executive Director of the Council. Such notice shall designate as "respondents" such other parties as the initiating party intends to have bound by any award made therein. Any party not so designated but which desires to join in the arbitration may, within ten (10) days of service upon it of such notice, file with all other parties and with the Executive Director of the Council a response indicating its intention to join in and to be bound by the results of the arbitration, and further designating any other parties it wishes to name as a respondent. Within twenty (20) days of the service of the initial demand for arbitration, the initiating party and the respondent or respondents shall each designate a person to act as an arbitrator. The designated arbitrators shall mutually designate the minimal number of additional persons as arbitrators as may be necessary to create an odd total number of arbitrators but not less than three to serve as arbitrator(s).

The arbitrators shall proceed to arbitrate the matter in accordance with the provisions of Title 9 of Part 3 of the Code of Civil Procedure, Section 1280 et. seq. The parties to this Agreement agree that the decision of the arbitrators will be binding and will not be subject to judicial review except on the ground that the arbitrators have exceeded the scope of their authority.

9.5 Partial Invalidity.

If any one or more of the terms, provisions, sections, promises, covenants or conditions of this Agreement shall to any extent be adjudged invalid, unenforceable, void or voidable for any reason whatsoever by a court of competent jurisdiction, each and all of the remaining terms, provisions, sections, promises, covenants and conditions of this Agreement shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

9.6 Successors.

This Agreement shall be binding upon and shall inure to the benefit of the successors of the parties hereto.

9.7 Assignment.

The parties hereto shall not assign any rights or obligations under this Agreement without written consent of all other parties.

9.8 Execution.

The Board of Supervisors of the County of Riverside and the city councils of the cities enumerated herein have each authorized execution of this Agreement as evidenced by the authorized signatures below, respectively.

## EXHIBIT "A"

### Original Members Agencies

1. City of Banning
2. City of Beaumont (rejoined June 22, 2017)
3. City of Calimesa
4. City of Canyon Lake
5. City of Corona
6. City of Hemet
7. City of Lake Elsinore
8. City of Moreno Valley
9. City of Murrieta
10. City of Norco
11. City of Perris
12. City of Riverside
13. City of San Jacinto
14. City of Temecula
15. County of Riverside

### Additional City Members

1. City of Eastvale (added on 08/02/2010, Resolution 01-11)
2. City of Jurupa Valley (added on 07/29/2011, Resolution 02-12)
3. City of Menifee (added on 10/06/2008, Resolution 03-09)
4. City of Wildomar (added on 08/04/2008, Resolution 01-09)

For Reference Only

**THE WESTERN RIVERSIDE  
COUNCIL OF GOVERNMENTS**

Participating Agencies

1. Eastern Municipal Water District (membership on the Governing Board of WRCOG, 05/11/2009)
2. Western Municipal Water District (membership on the Governing Board of WRCOG, 05/11/2009)
3. Riverside County Superintendent of Schools (membership as an ex-officio, advisory member of WRCOG, 11/07/2011)
4. Morongo Band of Mission Indians (membership on the Governing Board of WRCOG, 7/6/2015)

ATTEST:

Clerk of the Board of Supervisors

By: \_\_\_\_\_

Dated: \_\_\_\_\_

**COUNTY OF RIVERSIDE**

By: \_\_\_\_\_

Chairman, Board of Supervisors

ATTEST:

City Clerk  
City of Banning

By: \_\_\_\_\_

Dated: \_\_\_\_\_

**CITY OF BANNING**

By: \_\_\_\_\_

Mayor

ATTEST:

City Clerk  
City of Beaumont

By: \_\_\_\_\_

Dated: \_\_\_\_\_

**CITY OF BEAUMONT**

By: \_\_\_\_\_

Mayor

ATTEST:

City Clerk  
City of Calimesa

By: \_\_\_\_\_

Dated: \_\_\_\_\_

**CITY OF CALIMESA**

By: \_\_\_\_\_

Mayor

ATTEST:

City Clerk  
City of Canyon Lake

By: \_\_\_\_\_

Dated: \_\_\_\_\_

**CITY OF CANYON LAKE**

By: \_\_\_\_\_  
Mayor

ATTEST:

City Clerk  
City of Corona

By: \_\_\_\_\_

Dated: \_\_\_\_\_

**CITY OF CORONA**

By: \_\_\_\_\_  
Mayor

ATTEST:

City Clerk  
City of Eastvale

By: \_\_\_\_\_

Dated: \_\_\_\_\_

**CITY OF EASTVALE**

By: \_\_\_\_\_  
Mayor

ATTEST:

City Clerk  
City of Hemet

By: \_\_\_\_\_

Dated: \_\_\_\_\_

**CITY OF HEMET**

By: \_\_\_\_\_  
Mayor

ATTEST:

City Clerk  
City of Jurupa Valley

By: \_\_\_\_\_

Dated: \_\_\_\_\_

**CITY OF JURUPA VALLEY**

By: \_\_\_\_\_  
Mayor

ATTEST:

City Clerk  
City of Lake Elsinore

By: \_\_\_\_\_

Dated: \_\_\_\_\_

**CITY OF LAKE ELSINORE**

By: \_\_\_\_\_  
Mayor

ATTEST:

City Clerk  
City of Menifee

By: \_\_\_\_\_

Dated: \_\_\_\_\_

**CITY OF MENIFEE**

By: \_\_\_\_\_  
Mayor

ATTEST:

City Clerk  
City of Moreno Valley

By: \_\_\_\_\_

Dated: \_\_\_\_\_

**CITY OF MORENO VALLEY**

By: \_\_\_\_\_  
Mayor

ATTEST:

City Clerk  
City of Murrieta

By: \_\_\_\_\_

Dated: \_\_\_\_\_

**CITY OF MURRIETA**

By: \_\_\_\_\_  
Mayor

ATTEST:

City Clerk  
City of Norco

By: \_\_\_\_\_

Dated: \_\_\_\_\_

**CITY OF NORCO**

By: \_\_\_\_\_  
Mayor

ATTEST:

City Clerk  
City of Perris

By: \_\_\_\_\_

Dated: \_\_\_\_\_

**CITY OF PERRIS**

By: \_\_\_\_\_  
Mayor

ATTEST:

City Clerk  
City of Riverside

By: \_\_\_\_\_

Dated: \_\_\_\_\_

**CITY OF RIVERSIDE**

By: \_\_\_\_\_  
Mayor

ATTEST:

City Clerk  
City of San Jacinto

By: \_\_\_\_\_

Dated: \_\_\_\_\_

**CITY OF SAN JACINTO**

By: \_\_\_\_\_  
Mayor

ATTEST:

City Clerk  
City of Temecula

By: \_\_\_\_\_

Dated: \_\_\_\_\_

**CITY OF TEMECULA**

By: \_\_\_\_\_  
Mayor

ATTEST:

City Clerk  
City of Wildomar

By: \_\_\_\_\_

Dated: \_\_\_\_\_

**CITY OF WILDOMAR**

By: \_\_\_\_\_  
Mayor

ATTEST:

Council Recording Secretary  
Morongo Band of Mission Indians

By: \_\_\_\_\_

Dated: \_\_\_\_\_

**MORONGO BAND OF MISSION INDIANS**

By: \_\_\_\_\_  
Tribal Chairman



**CITY OF BANNING  
CITY COUNCIL REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Heidi Meraz, Community Services Director

**MEETING DATE:** February 26, 2109

**SUBJECT:** Resolution 2019-XX, Approving the Memorandum of Understanding” (MOU) between the City of Banning and the City of Beaumont for Free Fare Promotion

---

**RECOMMENDATION:**

That City Council adopt Resolution 2019-XX, approving a MOU between the City of Banning and the City of Beaumont defining record keeping, billing, reimbursement and the respective role of each agency with regards to the “Free Fare Promotion” that will be offered throughout the both cities fixed-route and commuter link services.

**JUSTIFICATION:**

The City of Beaumont is currently operating a fixed-route bus on Ramsey Street from Highland Springs Avenue to Hathaway Street, then proceeding on Interstate 10 to the Morongo Casino. Should Beaumont offer free fares and include the six miles that are operated in Banning’s service area it is believed that passengers would wait for the Beaumont bus, as opposed to riding the Banning bus which services the same corridor. To avoid confusion for the passengers and to eliminate impact to Banning’s farebox recovery, Beaumont Transit will be including Banning Transit routes in the scope of their Low Carbon Transportation Operations Program (LCTOP) corrective action plan for funds previously awarded in FY 15/16.

**BACKGROUND:**

The City of Beaumont secured \$63,619 in LCTOP grant funding in FY 15/16 which was not able to be used as originally intended. the funding is set to expire June 30, 2019 and any funds not expended will have to be returned to the LCTOP.

**OPTIONS:**

1. Adopt Resolution 2019-XX, approving the Memorandum of Understanding between the City of Banning and the City of Beaumont.
2. Reject Resolution 2019-XX

**ATTACHMENTS:**

1. Resolution 2019-XX
2. MOU

Approved by:



Douglas Schulze  
City Manager

# **ATTACHMENT 1**

## **Resolution 2019-XX**

## RESOLUTION 2019-XX

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITIES OF BANNING AND BEAUMONT FOR THE FREE FARE PROMOTION MADE AVAILABLE THROUGH LOW CARBON OPERATIONS PROGRAM (LCTOP) FUNDS

**WHEREAS**, LCTOP was created to provide operating and capital assistance for transit agencies to reduce greenhouse gas emissions and improve mobility, with a priority on serving disadvantaged communities;

**WHEREAS**, LCTOP is administered by the California Department of Transportation (Caltrans) in coordination with the California Air Resources Board and the State Controller's Office;

**WHEREAS**, Beaumont secured LCTOP grant funding in the amount of \$63,619 in FY2016 and has coordinated with Caltrans to join this funding with an already approved project of Free Fare Promotion;

**WHEREAS**, to benefit all Pass Transit passengers, Beaumont and Banning will work together to offer free fare to all passengers (excluding Dial A Ride) to promote the use of public transportation and to "Try Something Different, Try Transit";

**WHEREAS**, Caltrans has approved the inclusion of all Pass Transit passengers into the scope of the project to offer free fare;

**WHEREAS**, Free Fare Promotion will be an advertised and coordinated effort to promote the use of public transportation throughout the Pass Transit system from March 1 to May 31, 2019, or until funding is exhausted;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BANNING AS FOLLOWS:**

**SECTION 1.** That the Mayor is authorized to execute the MOU with the City of Beaumont allowing participation in a Free Fare Promotion for Banning Transit fixed and commuter routes

**PASSED, APPROVED AND ADOPTED** this 26<sup>th</sup> day of February 2019.

---

Arthur L. Welch, Mayor  
City of Banning

**ATTEST:**

---

Daryl Betancur, Deputy City Clerk  
City of Banning

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

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

**CERTIFICATION:**

I, Daryl Betancur, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution no. 2019-XX, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 26<sup>th</sup> day of February, 2019, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Daryl Betancur, Deputy City Clerk  
City of Banning, California

# **ATTACHMENT 2**

## **MOU**

**Memorandum of Understanding  
City of Beaumont and City of Banning  
Free Fare Promotion**

This Memorandum of Understanding (MOU) is entered into and effective this \_\_\_\_ day of \_\_\_\_\_, 2019, among the City of Beaumont and the City of Banning, to cooperatively participate in Free Fare Promotion made possible by Low Carbon Transportation Operation (LCTOP) grant funded through the State of California. The undersigned City of Beaumont is referred to herein as "Beaumont", and the undersigned City of Banning is referred to herein as "Banning."

**RECITALS**

**WHEREAS**, LCTOP was created to provide operating and capital assistance for transit agencies to reduce greenhouse gas emissions and improve mobility, with a priority on serving disadvantaged communities;

**WHEREAS**, LCTOP is administered by the California Department of Transportation (Caltrans) in coordination with the California Air Resources Board and the State Controller's Office;

**WHEREAS**, Beaumont secured LCTOP grant funding in the amount of \$63,619 in FY2016 and has coordinated with Caltrans to join this funding with an already approved project of Free Fare Promotion; The FY funding will expire in June 2019 and if not expended fully will have to be returned to Caltrans;

**WHEREAS**, to benefit all Pass Transit passengers, Beaumont and Banning will work together to offer free fare to all passengers (excluding Dial A Ride) to promote the use of public transportation and to "Try Something Different, Try Transit";

**WHEREAS**, Caltrans has approved the inclusion of both Beaumont Pass Transit and Banning Pass Transit fixed and commuter routes into the scope of the project to offer free fare;

**WHEREAS**, Free Fare Promotion will be an advertised and coordinated effort to promote the use of public transportation throughout both the Beaumont Pass Transit and the Banning Pass Transit systems from March 1 to May 31, 2019, or until funding is exhausted;

**NOW, THEREFORE IN CONSIDERATION OF THE MUTUAL PROMISES AND COVENANTS PROVIDED FOR HEREIN, THE PARTIES HEREBY AGREE AS FOLLOWS:**

**Section I  
Roles of Banning**

- 1.1 Weekly meetings with Beaumont to go over project status and accounting. Estimates for Free Fare Promotion completion date (May 31, 2019) will be confirmed or adjusted depending on actual expenses applied to the grant funding.
- 1.2 Free Fare Promotion last day shall be May 31, 2019, or the point in time at which funding is exhausted.

- 1.3 Banning will provide copies of original driver generated trip sheets (passenger count sheets) to Beaumont on a bi-weekly basis.
- 1.4 Banning will also provide Beaumont with digital spreadsheet of the same trip sheet information specified in 1.3 above
- 1.5 Banning will provide Beaumont a monthly invoice reflecting the weekly trip sheet information detailing the amount of General Passengers at \$1.15, amount of Senior/Disabled/Veteran passengers at \$.65, and amount of Cabazon Zone Passengers at \$.25 as part of the Free Fare Promotion.
- 1.6 Beaumont is not responsible for payment of passenger fares after Free Fare Promotion completion date (May 31,2019 or a predetermined adjusted completion date as stated in 1.1 above).
- 1.7 Dial A Ride is not part of the Free Fare Promotion.

## **Section 2**

### **Roles of Beaumont**

- 2.1 Weekly meetings with Banning to go over project status and accounting.
- 2.2 Beaumont will consolidate and report to Caltrans all Pass Transit passenger count information.
- 2.3 Beaumont will reimburse Banning for passenger fares within the scope of Free Fare Promotion within 15 days of receipt of each monthly invoice provided by Banning pursuant to 1.5 above.
- 2.4 Beaumont will be the record keeper of all passenger farebox and expenses applied to the grant and will maintain the records for auditing purposes.
- 2.5 Beaumont will conduct all marketing and advertising for the Free Fare Project at no cost to Banning.

IN WITNESS WHEREOF, the Parties have caused this MOU to be executed by their duly authorized representatives.

**City of Beaumont**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Julio Martinez  
Mayor

Approved as to Form:

\_\_\_\_\_ Date: \_\_\_\_\_  
Steven Mehlman  
City Clerk

**City of Banning**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Arthur L. Welch  
Mayor

Attest: \_\_\_\_\_ Date: \_\_\_\_\_  
Daryl Betancur, Deputy City Clerk  
City of Banning

Approved as to Form and Legal Content:

\_\_\_\_\_ Date: \_\_\_\_\_  
Kevin G. Ennis, City Attorney  
Richards, Watson & Gershon

Agreement No.

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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:** February 26, 2019

**SUBJECT:** Adopt Resolution No. 2019-XX, Approving an Agreement for the Purchase of Certain Real Property Interests From the Real Property at 1909 E. Ramsey Street (APN: 532-120-011)

---

**RECOMMENDED ACTION:**

That the City Council Adopt Resolution No. 2019-XX:

1. Approving the "Agreement for the Purchase of Certain Real Property Interests from Real Property at 1909 E. Ramsey Street (APN: 532-120-011)";
2. Authorize the City Manager to execute the Agreement for Purchase and Sale and Escrow Instructions and Certificate of Acceptance for portions of APN 532-120-011; and
3. Authorize Administrative Services Director to make necessary budget adjustments and appropriations for FY 2018.

**BACKGROUND:**

Under the City's Capital Improvement Program, the Ramsey and Hathaway Street Widening project has concluded design and engineering work. The project, as planned and designed, will improve circulation in this area of the City and will widen Ramsey Street approximately 500 feet west and 1,500 feet east of Hathaway Street. Widening will also occur along Hathaway Street from Ramsey Street approximately 1,400 feet north. Further, the project will construct a new 12-inch ductile iron water line along Ramsey Street. The construction of the project will require the acquisition of right of way in order to be completed.

City staff has held several meetings to discuss the project with property owners in the area and most would only consider right-of-way dedication in exchange for compensation. Prior to acquisition, the City determined fair market value for the necessary right of way required. Values established through the appraisal process, by a state licensed real estate appraiser provide a justification and amount for establishing compensation in exchange for the right-of-way dedications.

In total, the Hathaway and Ramsey Street Widening project consists of eleven parcels and seventeen separate right of way sections within those parcels. Humberto and Eulogia R. Ramirez, as Co-Trustees of the Humberto and Eulogia R. Ramirez Family Living Trust u/a dated May 29, 2013 have agreed to terms based upon the appraised value which includes acquisition of approximately 2,490 square feet for the permanent use as a roadway and an approximate 1,358 square feet Temporary Construction Easement ("TCE") for a term of nine months. The total appraised value for both the permanent dedication and TCE as \$11,425. Staff is also requesting funds not to exceed \$2,000 for associated escrow and title services, totaling \$13,425.

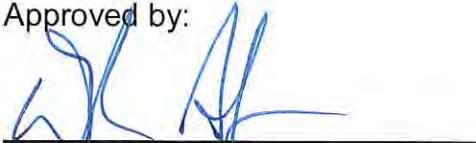
**FISCAL IMPACT:**

The purchase price is \$11,425 plus escrow and title charges not to exceed \$2,000 for a total expenditure of up to \$13,425. Funds to be sourced from Account 841-9500-490.93-30.

**ATTACHMENTS:**

1. Resolution 2019-XX
2. Purchase and Sale and Escrow Instructions Agreement – Partially Executed

Approved by:



Douglas Schulze  
City Manager

# **ATTACHMENT 1**

## Resolution 2019-XX

## RESOLUTION 2019-XX

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING AN AGREEMENT FOR THE PURCHASE OF CERTAIN REAL PROPERTY INTERESTS FROM THE REAL PROPERTY AT 1909 E. RAMSEY STREET, BANNING (APN 532-120-011)**

**WHEREAS**, the City of Banning seeks to construct the Ramsey-Hathaway Street Improvement Project ("Project") to improve circulation in this area of the City. The Project, as planned and designed, will widen Ramsey Street approximately 500 feet west and 1,500 feet east of Hathaway Street. The Project will also widen Hathaway Street from Ramsey Street approximately 1,400 feet north. Further, the Project will construct a new 12-inch ductile iron water line along Ramsey Street; and

**WHEREAS**, the Property requires the acquisition of certain property interests from eleven larger parcels; and

**WHEREAS**, on November 8, 2018, the City extended to the record owner, Humberto Ramirez and Eulogia R. Ramirez, as Co-Trustees of the Humberto and Eulogia R. Ramirez, as Co-Trustees of the Humberto and Eulogia R. Ramirez Family Living Trust, u/a dated May 29, 2013, a written offer pursuant to Government Code Section 7267.2 to purchase an approximate 2,490 square foot fee portion ("Subject Fee Property") of the real property located at 1909 E. Ramsey Street, Banning, and identified as Riverside County Tax Assessor's Parcel Number 532-120-011 ("Ramirez Family Trust Parcel") for public use, namely public street purposes, drainage, public utilities, and all uses necessary or convenient thereto. The City also offered to purchase an approximate 1,358 square foot temporary construction easement on the Ramirez Family Trust Parcel for a term of nine months ("TCE") to help facilitate the City's construction of the Project. The Subject Fee Property and TCE are more particularly described in the exhibits to the Agreement for Purchase and Sale and Escrow Instructions attached as Attachment 2 to the staff report. The City's offer was based on the fair market value estimate determined by the City's independent appraiser; and

**WHEREAS**, the record owner has accepted the City's offer to purchase the Subject Fee Property and the TCE; and

**WHEREAS**, the City studied the environmental effects of the subject road widening Project in accordance with the California Environmental Quality Act ("CEQA"). Pursuant to Section 15301 of Article 19 (Categorical Exemptions) of the State CEQA Guidelines, City Staff found that the Project is exempt from CEQA because it involves minor alterations of existing public streets, sidewalks, gutters, and related facilities with negligible expansion.

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

SECTION 1. The Banning City Council adopts Resolution 2019-XX approving the Agreement for Purchase and Sale and Escrow Instructions between City of Banning and Humberto Ramirez and Eulogia R. Ramirez, as Co-Trustees of the Humberto and Eulogia R. Ramirez, as Co-Trustees of the Humberto and Eulogia R. Ramirez Family Living Trust, u/a dated May 29, 2013 in Connection with the Ramsey-Hathaway Street Improvement Project (Portions of APN 532-120-011) for the purchase of the Subject Fee Property and the TCE for the sum of \$11,425. A copy of the Agreement is attached as Attachment 2 to the staff report that accompanies this Resolution. This approval of the Agreement is not an announcement of the City's intent to acquire any other real property interests for the Project and does not commit the City to acquire any other real property interests for the Project.

SECTION 2. The environmental effects of the Project, including the acquisition of the Subject Fee Property and the TCE, were studied as an integral part of the environmental review for the Project. The City Council concurs with City Staff's determination that the Project qualifies as exempt from CEQA pursuant to Section 15103 of the State CEQA Guidelines because the Project involves minor alterations to existing public streets. The City Council directs City staff to file a Notice of Exemption in connection with this Project in accordance with CEQA.

SECTION 3. The City Manager is authorized to execute the Agreement, in substantially the form attached as Attachment 2 to the staff report that accompanies the Resolution, the TCE Agreement in substantially the form attached as an exhibit to the Agreement, Certificate of Acceptance, escrow documents, and any such documents or instruments that are necessary to effect the transfer of property interests contemplated in the Agreement or to memorialize any necessary extension of the term of the TCE as provided for in the TCE Agreement.

SECTION 4. The Administrative Services Director is authorized to make necessary budget adjustments, appropriations and transfers to effectuate the property transactions contemplated in the Agreement, including but not limited to the payment of the Purchase Price of \$11,425, compensation for any necessary extension of the term of the TCE in accordance with the TCE Agreement, and escrow-related charges, which are not estimated to exceed \$2,000.

SECTION 5. The City Clerk shall certify the adoption of this Resolution and shall cause a certified resolution to be filed in the book of original resolutions.

**PASSED, APPROVED AND ADOPTED** this 26th day of February, 2019.

---

Arthur L. Welch, Mayor  
City of Banning

**ATTEST:**

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Daryl Betancur, Deputy City Clerk  
City of Banning

**APPROVED AS TO FORM:**

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

**CERTIFICATION:**

I, Daryl Betancur, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2019-XX, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 26th day of February, 2019, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Daryl Betancur, Deputy City Clerk  
City of Banning, California

# **ATTACHMENT 2**

Purchase and Sale and  
Escrow Instructions  
Agreement- Partially  
Executed

**AGREEMENT FOR PURCHASE AND SALE AND ESCROW INSTRUCTIONS BETWEEN CITY OF BANNING AND HUMBERTO RAMIREZ AND EULOGIA R. RAMIREZ, AS CO-TRUSTEES OF THE HUMBERTO AND EULOGIA R. RAMIREZ FAMILY LIVING TRUST, U/A DATED MAY 29, 2013 IN CONNECTION WITH RAMSEY-HATHAWAY STREET IMPROVEMENT PROJECT (PORTIONS OF APN 532-120-011)**

THIS AGREEMENT FOR PURCHASE AND SALE AND ESCROW INSTRUCTIONS BETWEEN THE CITY OF BANNING AND HUMBERTO RAMIREZ AND EULOGIA R. RAMIREZ, AS CO-TRUSTEES OF THE HUMBERTO AND EULOGIA R. RAMIREZ FAMILY LIVING TRUST, U/A DATED MAY 29, 2013 IN CONNECTION WITH RAMSEY-HATHAWAY STREET IMPROVEMENT PROJECT (PORTIONS OF APN 532-120-011) ("Agreement") is entered into by and between the CITY OF BANNING, a municipal corporation ("Buyer" or "City"), and ("Seller") and HUMBERTO RAMIREZ AND EULOGIA R. RAMIREZ, AS CO-TRUSTEES OF THE HUMBERTO AND EULOGIA R. RAMIREZ FAMILY LIVING TRUST, U/A DATED MAY 29, 2013 constitutes an agreement to purchase and sell certain real property interests between Seller and Buyer and the joint escrow instructions directed to Sentry Escrow Service, Inc., attention Judy A. Russell, President ("Escrow Holder"). Seller and Buyer are referred to below collectively as the "Parties". The Agreement is effective on the date it is fully executed by the Parties ("Effective Date"). Upon execution of this Agreement by Buyer, Buyer shall promptly deliver a copy of this executed Agreement to Seller.

**RECITALS**

A. Seller is the owner of that certain real property located at 1909 E. Ramsey Street, in the City of Banning, California, and identified as Riverside County Tax Assessor's Parcel Number 532-120-011 ("Larger Parcel"). The Larger Parcel is approximately 0.35 acres (15,073 square feet) in size and consists of a vacant commercial lot located on the north side of E. Ramsey Street, east of N. Hathaway Street.

B. City seeks to construct the Ramsey-Hathaway Street Improvement Project ("Project") to improve circulation in this area of the City. The Project, as planned and designed, will widen Ramsey Street approximately 500 feet west and 1,500 feet east of Hathaway Street. The Project will also widen Hathaway Street from Ramsey Street approximately 1,400 feet north. Further, the Project will construct a new 12-inch ductile iron water line along Ramsey Street.

C. City extended to Seller a written offer dated November 8, 2018 pursuant to Government Code Section 7267.2 to purchase in fee an approximate 2,490 square foot portion of the Larger Parcel ("Subject Fee Property") for public use, namely public street purposes, drainage, public utilities, and all uses necessary or convenient thereto in connection with the City's proposed construction of the Project. The approximate 2,490 square foot Subject Fee Property that the City seeks to acquire in fee is described more particularly on Exhibit "A" hereto and depicted on Exhibit "B" hereto, which are incorporated herein by this reference. The City also offered to purchase an approximate 1,358 square foot temporary construction easement for a term of nine months ("TCE") to facilitate the construction of the Project. The approximate 1,358 square foot TCE is

described more particularly on Exhibit "A-1" hereto and depicted on Exhibit "B-1" hereto, which are incorporated herein by this reference.

D. The Parties negotiated City's purchase in fee of the Subject Fee Property and the City's use of the TCE for a term of nine months, and have reached an agreement regarding the terms of the City's purchase of the Subject Fee Property and TCE, subject to ratification by the City Council.

E. The Parties acknowledge that City is authorized to acquire real property by eminent domain for a public use, including public street purposes, and all uses necessary or convenient thereto, including, but not limited to, street, sewer, drainage, and utilities, pursuant to the authority conferred upon the City of Banning by California Constitution Article 1, Section 19, California Government Code Sections 37350, 37350.5, 37351, 40401 and 40404 and California Code of Civil Procedure Section 1230.010 *et seq.* (Eminent Domain Law). The Project is a public use for which City has the authority to exercise the power of eminent domain. The City Council of the City of Banning, as City's governing body, has sole discretion to make the findings required by Code of Civil Procedure Section 1240.030 for the adoption of a resolution of necessity pursuant to the Eminent Domain Law. (Code of Civil Procedure Section 1245.220). If Seller and City had not reached an agreement for City's purchase of the Subject Fee Property and use of the TCE, City staff would have recommended that the City Council consider the adoption of a resolution of necessity authorizing the initiation of eminent domain proceedings to acquire the Subject Fee Property and TCE in accordance with the Eminent Domain Law. The City Council, however, has the exclusive and sole discretion to adopt a resolution of necessity. The adoption of any such resolution of necessity would require City's compliance with applicable law, including Government Code Section 7260 *et seq.* and the Eminent Domain Law. This Agreement is not a commitment or announcement of intent to acquire any other real property interests that City may need for the Project. Seller is solely responsible for consulting its tax advisors or seeking a letter ruling from the Internal Revenue Service regarding the applicability of 26 U.S.C. Section 1033 to Seller's sale of the TCE to the City in connection with the Project. The City makes no express or implied representation regarding the applicability of 26 U.S.C. Section 1033 to this transaction.

F. Seller desires to sell to City the Subject Fee Property and authorize City to use the TCE for a term of nine months, and City desires to purchase the Subject Fee Property and use the TCE for a term of nine months, on the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the above Recitals, which are incorporated herein by this reference and for other valuable consideration, the sufficiency of which is hereby acknowledged, City and Seller agree as follows.

1. SALE AND PURCHASE PRICE.

1.1 Sale and Purchase. Seller agrees to sell the Subject Fee Property and the TCE to City and City agrees to purchase the Subject Fee Property and TCE upon the terms and conditions hereafter set forth.

a. *Subject Fee Property.* On the Close of Escrow (as defined in Section 3.2 below), Seller agrees to sell in fee to the City the approximate 2,490 square foot Subject Fee

Property described in Exhibit "A" and depicted on Exhibit "B" hereto, and the City agrees to purchase in fee the Subject Fee Property pursuant to a Grant Deed, in the form of which is attached as Exhibit "C" hereto, and incorporated herein by this reference.

b. *Temporary Construction Easement.* Seller further agrees to authorize City to use the approximate 1,358 square foot TCE described on Exhibit "A-1" hereto and depicted on Exhibit "B-1" hereto for a term of nine months to facilitate the City's construction of the Project, including construction of street and drainage improvements in the new right of way area, construction staging purposes, storage of material and equipment, if necessary. City's use of the TCE and an option to extend the TCE for up to an additional six months is subject to the terms of the Temporary Construction Easement Agreement (TCE Agreement), the form of which is attached as Exhibit "D" hereto, and incorporated herein by this reference.

1.2 Purchase Price. The total purchase price ("Purchase Price") for the Subject Fee Property and the TCE is \$11,425.00 (Eleven Thousand Four Hundred Twenty-Five Dollars).

## 2. TITLE AND TITLE INSURANCE.

2.1 General. Title to the Subject Fee Property shall be conveyed by a Grant Deed in the form attached hereto as Exhibit "C".

2.2 Title Insurance. Upon the Opening of Escrow, Escrow Holder will obtain from First American Title Company a title commitment for the Subject Fee Property. Escrow Holder will also request two copies each of all instruments identified as exceptions on said title commitment. Upon receipt of the foregoing, Escrow Holder will deliver these instruments and the title commitment to City and Seller. First American Title Insurance Company, 323 Court Street, San Bernardino, California 92401, Title Officer: Tammy Kerr or Cheryl Campbell ("Title Company") will insure City's interest in the Subject Fee Property at the Close of Escrow by a CLTA Owner's Standard Coverage Policy of Title Insurance in the amount of the Purchase Price ("Title Policy"), with liability in the full amount of the Purchase Price, insuring title to the Subject Fee Property as vested in the City, free and clear of all liens and encumbrances and other matters affecting title to the Subject Fee Property, except title exceptions which Buyer has approved in writing (which shall constitute "Permitted Title Exceptions"). Buyer, in its sole discretion, may request that Title Company insure Buyer's interest in the Subject Fee Property by an ALTA Extended Coverage Form of Title Policy. In such case, Buyer shall pay for the costs of the ALTA Extended Coverage Policy and survey.

2.3 Acts After Date of Agreement. During the period from the date of this Agreement through the Close of Escrow, Seller shall not record or permit to be recorded any document or instrument relating to the Subject Fee Property or physically alter the Subject Fee Property or permit or cause to be altered without the prior written consent of Buyer, which consent may be withheld in Buyer's sole and absolute discretion. Further, Seller agrees not to authorize any other party to use the TCE during the term of the TCE.

3. ESCROW.

3.1 Escrow Holder. The escrow shall be opened with Sentry Escrow Service, Inc. (Attention: Judy A. Russell, President) ("Escrow Holder"), within five (5) business days after the execution of this Agreement by Buyer and Seller depositing an executed copy or executed counterparts of this Agreement with Escrow Holder. This document shall be considered as the escrow instructions between the Parties, with such further instructions as Escrow Holder requires in order to clarify the duties and responsibilities of Escrow Holder. For the purposes of this Agreement, "Opening of Escrow" means the date on which Escrow Holder receives a copy of the fully-executed Agreement or copy of executed counterparts of this Agreement.

3.2 Close of Escrow. For the purposes of this Agreement, "Close of Escrow" shall be the date on which the Grant Deed for the Subject Fee Property in favor of Buyer and the TCE Agreement are recorded in the Official Records of the Riverside County Recorder's Office. Provided all of Seller's and Buyer's obligations to be performed on or before Close of Escrow have been performed and all the conditions to the Close of Escrow set forth in this Agreement have been satisfied, escrow shall close 30 calendar days after the Opening of Escrow ("Closing Date"). All risk of loss or damage with respect to the Property shall pass from Seller to Buyer at the Close of Escrow. Possession of the Property shall be delivered to Buyer upon the Close of Escrow.

3.3 Seller Required to Deliver. Before the Close of Escrow, Seller shall deposit into escrow the following:

- a. A grant deed conveying the Property to Buyer, in the form attached hereto as Exhibit "C", duly executed by Seller and acknowledged ("Grant Deed");
- b. The executed Temporary Construction Easement Agreement in the form attached hereto as Exhibit "D", duly executed by Seller and acknowledged ("TCE Agreement");
- c. A California 593 certificate and federal non-foreign affidavit (with respect to Seller); and
- d. Any other documents reasonably required by Escrow Holder or the Title Company to be deposited by Seller to carry out this escrow.

3.4 Buyer Required to Deliver. On or before the Close of Escrow, Buyer shall deposit into escrow the following (properly executed and acknowledged, if applicable):

- a. An executed and acknowledged "Certificate of Acceptance" in the form attached to the Grant Deed (attached hereto as Exhibit "C");
- b. The executed TCE Agreement in the form attached hereto as Exhibit "D", duly executed by the City;
- c. The City covenants and agrees to deposit with Escrow Holder the Purchase Price and such escrow funds as are required within five business days of receiving written

notice from Escrow Holder regarding the confirmation of the completion of the conditions required herein for the Close of Escrow; and

d. Any other documents reasonably required by Escrow Holder to be deposited by Buyer to carry out this escrow.

3.5 Conditions to the Close of Escrow. Escrow shall not close unless and until both Parties have deposited with Escrow Holder all sums and documents required to be deposited as provided in this Agreement. Additionally, Buyer's obligation to proceed with the transaction contemplated by this Agreement is subject to the satisfaction of all of the following conditions precedent, which are for Buyer's benefit and may be waived only by Buyer:

a. Seller shall have performed all agreements to be performed by Seller hereunder.

b. Title Company shall have issued or shall have committed to issue the Title Policy to Buyer, for the amount of the Purchase Price, showing fee title to the Subject Fee Property to be vested in Buyer subject only to the Permitted Title Exceptions. Escrow Holder will use the proceeds of the Purchase Price to obtain a full reconveyance of any monetary liens encumbering the approximate Subject Fee Property, so that said Subject Fee Property is free and clear of monetary liens and encumbrances at the Close of Escrow. Escrow Holder will obtain final approval from Seller regarding the disbursement of the proceeds prior to disbursing any such proceeds to the holder(s) of the monetary liens encumbering the Subject Fee Property.

c. If any of the conditions to Close of Escrow are not timely satisfied for a reason other than a default of Buyer or Seller under this Agreement, and this Agreement is terminated, then upon termination of this Agreement, Escrow Holder shall promptly return to Buyer all funds (and all interest accrued thereon) and documents deposited by Buyer in escrow and to return to Seller all funds and documents deposited by Seller in escrow and which are held by Escrow Holder on the date of the termination (less any escrow cancellation charges).

3.6 Recordation of Grant Deed and TCE Agreement; Delivery of Funds and Possession. Upon receipt of the funds and instruments described in Sections 3.3 and 3.4, Escrow Holder shall cause the Grant Deed and TCE Agreement to be recorded in the Office of the County Recorder of Riverside County, California. Thereafter, Escrow Holder shall deliver the proceeds of this escrow (less appropriate charges as shown on a preliminary Settlement Statement executed by Buyer and Seller) to Seller, and Seller shall deliver possession of the Subject Fee Property to Buyer free and clear of all occupants. Buyer shall be authorized to use the TCE in accordance with the terms of the TCE Agreement.

3.7 Prorations. Real property taxes for the Subject Fee Property shall not be prorated, but must be paid by Seller for the current tax period. Seller may apply for a refund of property taxes in the event any property taxes paid are allocable to the period after the Close of Escrow and Buyer shall reasonably cooperate therewith. Buyer, as a municipal corporation acquiring property within its jurisdiction, is exempt from property taxes. All property assessments shall be prorated between Buyer and Seller as of the Close of Escrow based on the latest available tax information. All prorations for such assessments shall be determined on the basis of a 365-day

year. Escrow Holder is authorized to pay from the Purchase Price any unpaid delinquent taxes and/or penalties and interest thereon, and for any delinquent or non-delinquent assessments or bonds recorded against the Subject Fee Property.

3.8 Costs of Escrow. City will pay for the cost of the Title Policy (or ALTA Extended Coverage if Buyer elects to obtain such extended coverage). City will also pay for escrow fees and Escrow Holder's customary out-of-pocket expenses for messenger services, long distance telephone calls, etc. City will pay for recording the Grant Deed and TCE Agreement, and any documentary or other local transfer taxes, if any, and any recording costs (if any).

3.9 Brokers. Buyer and Seller represent to one another that they have not engaged any broker or finder in connection with the transaction contemplated by this Agreement. Seller shall pay commissions to such broker in accordance with the agreement between Seller and such broker. Each party covenants and agrees that any other broker fee or commission, which may be due or payable in connection with the closing of the transaction contemplated by this Agreement through its dealings with that party, shall be borne solely by that party. Each party agrees to defend, indemnify and hold harmless the other party and its respective employees, agents, representatives, council members, attorneys, successors and assigns, from and against all claims of any agent, broker, finder or other similar party arising from or in connection with its activities relating to the sale of the Property to Buyer.

3.10 Escrow Cancellation Charges. If escrow fails to close through no fault of either party, the City will pay all escrow and title cancellation charges. In the event that this escrow shall fail to close by reason of the default of either party hereunder, the defaulting party shall be liable for all escrow and title cancellation charges.

4. PERMISSION TO ENTER/DUE DILIGENCE TESTING. Seller hereby grants to City and City's authorized agents, contractors, consultants, assigns, attorneys, accountants and other representatives an irrevocable license/permission to enter upon the Subject Fee Property for the purpose of making any due diligence testing and other examinations of the Subject Fee Property, including, but not limited to, the right to perform soil and geological tests of the Subject Fee Property and environmental site assessments thereof, that City considers necessary. City will give Seller 48-hours written notice before going on the Subject Fee Property to conduct such due diligence testing. City does hereby indemnify and forever save Seller, Seller's heirs, successors and assigns free and harmless from and against any and all liability, loss, damages, costs, expenses, demands, causes of action, claims or judgments, whether or not arising from or occurring out of any damage to the Subject Fee Property arising from any accident or other occurrence at the Subject Fee Property in connection with City's due diligence testing and environmental site assessments involving entrance onto the Subject Fee Property pursuant to this Section. If City fails to acquire the Subject Fee Property due to City's default, this license/permission to enter will terminate upon the termination of City's right to purchase said Subject Fee Property. In such event, City will remove or cause to be removed all of its personal property, facilities, tools, and equipment from the Subject Fee Property left in the area comprising the Subject Fee Property in connection with the due diligence testing and restore said area as close to possible to the condition of said area prior to City's due diligence testing. The obligation of City to indemnify Seller for any such damage to the Subject Fee Property arising from the due diligence testing and/or

environmental site assessment and related testing under this Section 4 will survive Close of Escrow or termination of Escrow.

5. REPRESENTATION AND WARRANTIES OF SELLER. Seller hereby represents and warrants to City the following, it being expressly understood and agreed that all such representations and warranties are to be true and correct as of the Close of Escrow and will survive the Close of Escrow:

5.1 That to the best of Seller's knowledge on the Close of Escrow (i) the Subject Fee Property will be free and clear of Hazardous Materials (defined in Section 10.1. below) or toxic substances and waste, including, but not limited to, asbestos; (ii) businesses, if any, on the Subject Fee Property have disposed of their waste in accordance with all applicable statutes, ordinances, and regulations; and (iii) Seller has no notice of any pending or threatened action or proceeding arising out of the condition of the Subject Fee Property or alleged violation of Environmental Laws (defined in Section 10.2. below), health or safety statutes, ordinance, or regulations.

5.2 That Seller is the sole owner of the Subject Fee Property free and clear of all liens, claims, encumbrances, easements, encroachments from adjacent properties, encroachments by improvements or vegetation on the Subject Fee Property onto adjacent property, or rights of way of any nature, other than those that may appear on the title commitment. Seller will not further encumber the Subject Fee Property or allow the Subject Fee Property to be further encumbered prior to the Close of Escrow.

5.3 Neither this Agreement nor anything provided to be done hereunder, including the transfer of the Subject Fee Property to City, violates or will violate any contract, agreement or instrument to which Seller is a party, or which affects the Subject Fee Property, and the Seller's grant to City of the Subject Fee Property pursuant to this Agreement does not require the consent of any party not a signatory hereto.

5.4 Except as disclosed in the title commitment referred to in Section 2.2, there are no claims or liens presently claimed or that will be claimed against the Subject Fee Property by contractors, subcontractors, or suppliers, engineers, architects, surveyors or others that may have lien rights for work performed or commenced prior to the Effective Date. Seller agrees to hold City harmless from all costs, expenses, liabilities, losses, charges, fees, including reasonable attorneys' fees, arising from or relating to any such lien or any similar lien claimed against the Subject Fee Property and arising from work performed or commenced prior to the Close of Escrow.

5.5 There are no written or oral leases or contractual right or option to lease, purchase, or otherwise enjoy possession, rights, or interest of any nature in and to the Subject Fee Property, TCE, or any part thereof, and no persons have any right of possession to the Subject Fee Property, TCE, or any part thereof. Seller agrees to hold City harmless from all costs, expenses, liabilities, losses, charges, fees, including attorneys' fees, arising from or relating to any claims by any person or entity claiming rights to possession of any portion of the Subject Fee Property or the TCE.

5.6 Seller has no knowledge of any pending, threatened or potential litigation, action or proceeding against Seller or any other party before any court or administrative tribunal that involves the Subject Fee Property.

6. REPRESENTATIONS AND WARRANTIES OF CITY. City hereby represents and warrants to Seller the following, it being expressly understood and agreed that all such representations and warranties are to be true and correct as of the Close of Escrow and will survive the Close of Escrow:

6.1 City has taken all required action to permit it to execute, deliver, and perform its obligations under this Agreement.

6.2 City has the power and authority to execute and deliver this Agreement and carry out its obligations hereunder and consummate the transaction contemplated herein.

7. TOTAL CONSIDERATION.

7.1 City's Payment of Purchase Price. City's payment to Seller of the Purchase Price set forth in this Agreement is an all-inclusive settlement and is the full and complete consideration and payment of just compensation for the fair market value of the Subject Fee Property, any improvements located on the Subject Fee Property, use by the City of the TCE for a term of nine months, severance damages, inverse condemnation, precondemnation damages, attorneys' fees, interest, appraisal costs, loss of rents, lost profits, any other damages of every kind and nature suffered by Seller by reason of City's acquisition of the Subject Fee Property and the TCE or the proposed Project for which City is acquiring the Subject Fee Property and TCE, and all costs and expenses whatever in connection therewith.

7.2 No Loss of Business Goodwill. Seller further acknowledges and agrees that Seller will not suffer any loss of goodwill under Code of Civil Procedure Section 1263.510 as a result of City's acquisition of the Subject Fee Property or the construction of the Project because the Larger Parcel is a vacant, unimproved parcel and no business is operated on said parcel. Under Code of Civil Procedure Section 1263.510, the owner of a business conducted on the property taken, or on the remainder if the property is part of a larger parcel, will be compensated for loss of goodwill if the owner proves that (i) the loss is caused by City's acquisition of the property or the injury to the remainder; (ii) the loss cannot reasonably be prevented by a relocation of the business or by taking steps and adopting procedures that a reasonably prudent person would take and adopt in preserving the goodwill; (iii) compensation for the loss will not be included in payments under Government Code Section 7262; and (iv) compensation for the loss will not be duplicated in the compensation otherwise awarded to the owner.

7.3 No Relocation Assistance. The Larger Parcel consists of a vacant, unimproved parcel. The City's acquisition of the Subject Fee Property and TCE will not result in the displacement of any person or business. Accordingly, no relocation assistance and benefits pursuant to applicable federal or state relocation laws or regulations, including without limitation, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. Section 4601 *et seq.*), if applicable, or under Title 1, Division 7, Chapter 1 of the Government Code of the State of California (Section 7260 *et seq.*), or the Relocation Assistance and Real

Property Acquisition Guidelines (Chapter 6 of Title 25 of the California Code of Regulations) are triggered as a result of the City's acquisition of the Subject Fee Property and TCE in connection with the Project.

8. RELEASES.

8.1 This Agreement is a voluntary agreement and Seller on the Close of Escrow, on behalf of Seller, Seller's successors and assigns, fully releases City, its Council Members, officers, counsel, employees, representatives and agents, from all claims and causes of action by reason of any damage that has been sustained, or may be sustained, as a result of City's efforts to acquire the Subject Fee Property and TCE, or any preliminary steps thereto. Seller further releases and agrees to hold City harmless from any and all claims and causes of action asserted by any party claiming to have rights to possession of any portion of the Subject Fee Property and TCE.

8.2 Seller acknowledges that it may have sustained damage, loss, costs or expenses that are presently unknown and unsuspected, and such damage, loss, costs or expenses that may have been sustained, may give rise to additional damages, loss, costs or expenses in the future. Nevertheless, Seller hereby acknowledges that this Agreement has been negotiated and agreed upon in light of that situation, and hereby expressly waives any and all rights that Seller may have under California Civil Code Section 1542 as it relates to the releases set forth in this Section 8, or under any statute or common law or equitable principle of similar effect. California Civil Code Section 1542 provides as follows:

"A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR."

Seller's Initials: AL. E.R. City's Initials: \_\_\_\_\_

Seller's waiver of rights and release of claims set forth above in Section 8.1 and Section 8.2 will not extend to and is not intended to extend to claims related to or alleged to arise out of negligence on the part of City, its agents or contractors, in connection with the physical construction of the Project.

This Section 8 will survive the Close of Escrow.

9. CITY'S CONTINGENCIES. For the benefit of City, the Close of Escrow and City's obligation to consummate the purchase of the Subject Fee Property and TCE will be contingent upon and subject to the occurrence of all of the following (or City's written waiver thereof, it being agreed that City can waive any or all such contingencies) on or before the Close of Escrow:

9.1 That as of the Close of Escrow the representations and warranties of Seller contained in this Agreement are all true and correct;

9.2 The delivery to Escrow Holder of all documents pursuant to Sections 3.3 and 3.4 of this Agreement;

9.3 Escrow Holder's commitment to issue, in favor of City, the Policy with liability equal to the Purchase Price showing City's interest in the Subject Fee Property, subject only to the Permitted Title Exceptions; and

9.4 City's approval prior to the Close of Escrow of any due diligence testing, environmental site assessment, soils or geological reports, or other physical inspections of the Subject Fee Property that City might perform prior to the Close of Escrow.

## 10. CERTAIN DEFINITIONS.

10.1 The term "Hazardous Materials" will mean and include the following, including mixtures thereof: any hazardous substance, pollutant, contaminant, waste, by-product or constituent regulated under the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Section 9601 *et seq.*; oil and petroleum products and natural gas, natural gas liquids, liquefied natural gas and synthetic gas usable for fuel; pesticides regulated under the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. Section 136 *et seq.*; asbestos and asbestos-containing materials, PCBs and other substances regulated under the Toxic Substances Control Act, 15 U.S.C. Section 2601 *et seq.*; source material, special nuclear material, by-product material and any other radioactive materials or radioactive wastes, however produced, regulated under the Atomic Energy Act or the Nuclear Waste Policy Act of 1982; chemicals subject to the OSHA Hazard Communication Standard, 29 C.F.R. Section 1910.1200 *et seq.*; industrial process and pollution control wastes, whether or not hazardous within the meaning of the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 *et seq.*; any substance defined as a "hazardous substance" in California Civil Code Section 2929.5(e)(2) or California Code of Civil Procedure Section 736(f)(3); and any other substance or material regulated by any Environmental Laws.

10.2 The term "Environmental Laws" will mean and include all federal, state and local statutes, ordinances, regulations and rules in effect on or prior to the Effective Date relating to environmental quality, health, safety, contamination and clean-up, including, without limitation, the Clean Air Act, 42 U.S.C. Section 7401 *et seq.*; the Clean Water Act, 33 U.S.C. Section 1251 *et seq.*; and the Water Quality Act of 1987; the Federal Insecticide, Fungicide, and Rodenticide Act 7 U.S.C. Section 136 *et seq.*; the Marine Protection, Research, and Sanctuaries Act, 33 U.S.C. Section 1401 *et seq.*; the National Environmental Policy Act, 42 U.S.C. Section 4321 *et seq.*; the Noise Control Act, 42 U.S.C. Section 4901 *et seq.*; the Occupational Safety and Health Act, 29 U.S.C. Section 651 *et seq.*; the Resource Conservation and Recovery Act 42 U.S.C. Section 6901 *et seq.*; as amended by the Hazardous and Solid Waste Amendments of 1984; the Safe Drinking Water Act, 42 U.S.C. Section 300f *et seq.*; the Comprehensive Environmental Response, Compensation and Liability Act 42 U.S.C. Section 9601 *et seq.* as amended by the Superfund Amendments and Reauthorization Act, the Emergency Planning and Community Right-to-Know Act and the Radon Gas and Indoor Air Quality Research Act; the Toxic Substances Control Act 15 U.S.C. Section 2601 *et seq.*; the Atomic Energy Act, 42 U.S.C. Section 2011 *et seq.*; and the Nuclear Waste Policy Act of 1982, 42 U.S.C. Section 10101 *et seq.*; and state and local

environmental statutes and ordinances, with implementing regulations and rules in effect on or prior to the Effective Date.

11. EVIDENCE IN COURT PROCEEDING. The Parties agree that the total Purchase Price of \$11,425.00 or any inference of per square foot value of the Subject Fee Property or TCE based on said Purchase Price will not be admissible as evidence of the fair market value of the Subject Fee Property or TCE in any eminent domain or other proceeding or litigation concerning the Subject Fee Property, or any portion thereof.

12. DEFAULT. In the event of a breach or default under this Agreement by either City or Seller, the non-defaulting party will have, in addition to all rights available at law or equity, the right to terminate this Agreement and the Escrow for the purchase and sale of the Subject Fee Property and TCE, by delivering written notice thereof to the defaulting party and to Escrow Holder, and if City is the non-defaulting party, City will thereupon promptly receive a refund of all of the deposits it deposited with Escrow Holder, if any, less City's share of any Escrow cancellation charges. Such termination of the Escrow by a non-defaulting party will be without prejudice to the non-defaulting party's rights and remedies at law or equity.

13. NOTICES. All notices and demands will be given in writing by certified mail, postage prepaid, and return receipt requested, by personal delivery, or by Federal Express or other overnight carrier. Notices will be considered given upon the earlier of (a) personal delivery, (b) two business days following deposit in the United States mail, postage prepaid, certified or registered, return receipt requested, or (c) one business day following deposit with Federal Express or other overnight carrier. A copy of all notices will be sent to Escrow Holder. The Parties will address such notices as provided below or as may be amended by written notice:

BUYER: City of Banning  
99 E. Ramsey Street  
Banning, California 92220  
Attention: City Manager

COPY TO: Richards, Watson & Gershon  
355 South Grand Avenue  
40th Floor  
Los Angeles, California 90071-3101  
Attention: Kevin Ennis, City Attorney

SELLER: Humberto Ramirez and Eulogia R. Ramirez,  
as co-Trustees of The Humberto and Eulogia  
R. Ramirez Family Living Trust u/a dated  
May 29, 2013  
410 Avignon Court  
Riverside, California 92501-1202

ESCROW        Sentry Escrow Service, Inc.  
HOLDER:      Attention: Judy A. Russell, President  
                  300 S. Highland Springs Ave., #10C  
                  Banning, California 92220  
                  (951)849-4505 or (909)793-3147 (phone)  
                  (951)849-9262 (facsimile)

TITLE            First American Title Company  
COMPANY:      323 Court Street  
                  San Bernardino, California 92401  
                  Attention: Tammy Kerr or Cheryl Campbell

#### 14. MISCELLANEOUS

14.1 Attorneys' Fees. In any action between Buyer and Seller seeking enforcement of any of the terms and provisions of this Agreement, the prevailing party in such action shall be awarded, in addition to damages, injunctive or other relief, its reasonable costs and expenses, not limited to taxable costs, reasonable attorneys' fees and reasonable fees of expert witnesses.

14.2 Entire Agreement. This Agreement and the TCE Agreement contain all of the agreements of the Parties hereto with respect to the matters contained herein, and all prior or contemporaneous agreements or understandings, oral or written, pertaining to any such matters are merged herein and shall not be effective for any purpose. No provision of this Agreement may be amended, supplemented or in any way modified except by an agreement in writing signed by the Parties hereto or their respective successors in interest and expressly stating that it is an amendment of this Agreement.

14.3 Counterparts, Facsimile, and Electronic Signatures. This Agreement may be executed in any number of counterparts, each of which shall be an original, but all of which shall constitute one and the same instrument. Facsimile or electronic signatures/counterparts to this Agreement will be effective as if the original signed counterpart were delivered.

14.4 Time of the Essence. Time is of the essence of this Agreement.

14.5 Governing Law. This Agreement is deemed to have been prepared by each of the Parties hereto, and any uncertainty or ambiguity herein will not be interpreted against the drafter, but rather, if such uncertainty or ambiguity exists, will be interpreted according to the applicable rules of interpretation of contracts under the laws of the State of California, and not the substantive law of another state or the United States or federal common law. This Agreement will be deemed to have been executed and delivered within the State of California, and the rights and obligations of the Parties will be governed by, and construed and enforced in accordance with, the laws of the State of California.

14.6 Third Parties. Nothing contained in this Agreement, expressed or implied, is intended to confer upon any person, other than the Parties hereto and their successors and assigns, any rights or remedies under or by reason of this Agreement.

14.7 Severability. If any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect by a court of competent jurisdiction, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein, unless such invalidity, illegality or unenforceability materially affects the economic terms of the transactions contemplated by this Agreement or the ability of either party to perform its obligations under this Agreement. In such case, either party may terminate this Agreement and the escrow upon written notice to the other party given no later than ten business days after the party giving such notice becomes aware of such invalidity, illegality or unenforceability. In the event of such termination, all funds deposited with Escrow Holder by Buyer and any interest accrued thereon shall be returned to Buyer.

14.8 Additional Documents. Each party hereto agrees to perform any further acts and to execute, acknowledge and deliver any further documents that may be reasonably necessary to carry out the provisions of this Agreement.

14.9 Authority of City Manager. The City Manager may give any and all notices, consents, and terminations hereunder on behalf of the City provided they are in writing. The City Manager may execute the TCE Agreement, Certificate of Acceptance, escrow documents, and any such documents or instruments that are necessary to effect the transfer of property interests contemplated herein.

14.10 Legal Representation. Each of the Parties acknowledge that in connection with the negotiation and execution of this Agreement, they have each been represented by independent counsel of their own choosing and the Parties executed this Agreement after review by such independent counsel, or, if they were not so represented, said non-representation is and was the voluntary, intelligent and informed decision and election of any of the Parties not so represented; and, prior to executing this Agreement, each of the Parties has had an adequate opportunity to conduct an independent investigation of all the facts and circumstances with respect to the matters that are the subject of this Agreement.

14.11 Remedies Not Exclusive and Waivers. No remedy conferred by any of the specific provisions of this Agreement is intended to be exclusive of any other remedy and each and every remedy will be cumulative and will be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute or otherwise. The election of any one or more remedies will not constitute a waiver of the right to pursue other available remedies.

14.12 Severability. If any part, term or provision of this Agreement is held by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining provisions will not be affected, and the rights and obligations of the Parties will be construed and enforced as if this Agreement did not contain the particular part, term or provision held to be invalid.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date set forth below.

**SELLER**

Humberto Ramirez and Eulogia R. Ramirez, as  
Co-Trustees of The Humberto and Eulogia R.  
Ramirez Family Living Trust u/a dated May  
29, 2013

Dated: 2-18/2019

By: Humberto Ramirez  
Humberto Ramirez, Co-Trustee of The  
Humberto and Eulogia R. Ramirez Family  
Living Trust u/a dated May 29, 2013

Dated: 2-18/2019

By: Eulogia R. Ramirez  
Eulogia R. Ramirez, Co-Trustee of The  
Humberto and Eulogia R. Ramirez Family  
Living Trust u/a dated May 29, 2013

see attached acknowledgement →

**BUYER**

City of Banning, a municipal corporation

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Douglas Schulze, City Manager

ATTEST:

By: \_\_\_\_\_  
Marie Calderon, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Kevin Ennis, City Attorney

**Exhibit "A"**  
Legal Description of Subject Fee Property

**EXHIBIT "A"**  
**RIGHT-OF-WAY DEDICATION - A.P.N. 532-120-011**

THAT PORTION OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, WITHIN THE LAND DESCRIBED IN A GRANT DEED TO HUMBERTO RAMIREZ RECORDED APRIL 1, 2011 AS DOCUMENT NO. 2011-0145549 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE CENTERLINE INTERSECTION OF RAMSEY STREET AND HATHAWAY STREET AS SHOWN ON A RECORD OF SURVEY FILED IN BOOK 11, PAGE 24 OF RECORD OF SURVEYS, IN SAID OFFICE OF THE COUNTY RECORDER;

THENCE, ALONG SAID CENTERLINE OF RAMSEY STREET, SOUTH 89°07'14" EAST, 165.00 FEET TO THE SOUTHWESTERLY CORNER OF THE LAND DESCRIBED AS PARCEL 1 IN A CORPORATION GRANT DEED TO PETER MARINO RECORDED MAY 9, 2011 AS DOCUMENT NO. 2011-0204495 OF OFFICIAL RECORDS, IN SAID OFFICE OF THE COUNTY RECORDER;

THENCE, ALONG THE WESTERLY LINE OF SAID PARCEL 1 OF THE CORPORATION GRANT DEED RECORDED MAY 9, 2011 AS DOCUMENT NO. 2011-0204495 OF OFFICIAL RECORDS, NORTH 00°03'38" EAST, 65.01 FEET TO A LINE PARALLEL WITH AND 65.00 FEET NORTHERLY OF SAID CENTERLINE OF RAMSEY STREET AND **THE POINT OF BEGINNING;**

THENCE, TRAVERSING THE INTERIOR OF SAID WEST HALF OF THE NORTHWEST QUARTER OF SECTION 11, THE FOLLOWING COURSES:

ALONG SAID PARALLEL LINE, SOUTH 89°07'14" EAST, 162.68 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 212.00 FEET;

EASTERLY 21.12 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05°42'25";

SOUTH 83°24'49" EAST, 80.62 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 188.00 FEET, SAID CURVE BEING TANGENT WITH A LINE PARALLEL WITH AND 55.00 FEET NORTHERLY OF SAID CENTERLINE OF RAMSEY STREET;

EASTERLY 18.73 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05°42'25" TO SAID PARALLEL LINE;

ALONG SAID PARALLEL LINE, SOUTH 89°07'14" EAST, 165.86 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 615.00 FEET;

EASTERLY 177.69 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 16°33'15";

NORTH 74°19'31" EAST, 418.31 FEET;

**EXHIBIT "A"**  
**RIGHT-OF-WAY DEDICATION - A.P.N. 532-120-011**

NORTH 70°54'14" EAST, 68.91 FEET TO THE BEGINNING OF A CURVE  
CONCAVE NORTHWESTERLY HAVING A RADIUS OF 365.00 FEET;

NORTHEASTERLY 60.28 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE  
OF 09°27'43" TO THE EASTERLY LINE OF SAID WEST HALF OF THE  
NORTHWEST QUARTER OF SECTION 11.

CONTAINING 2,490 SQUARE FEET, MORE OR LESS.

ALSO AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND HEREBY MADE A PART  
HEREOF.

SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS,  
EASEMENTS, AND RIGHTS-OF-WAY OF RECORD, IF ANY.



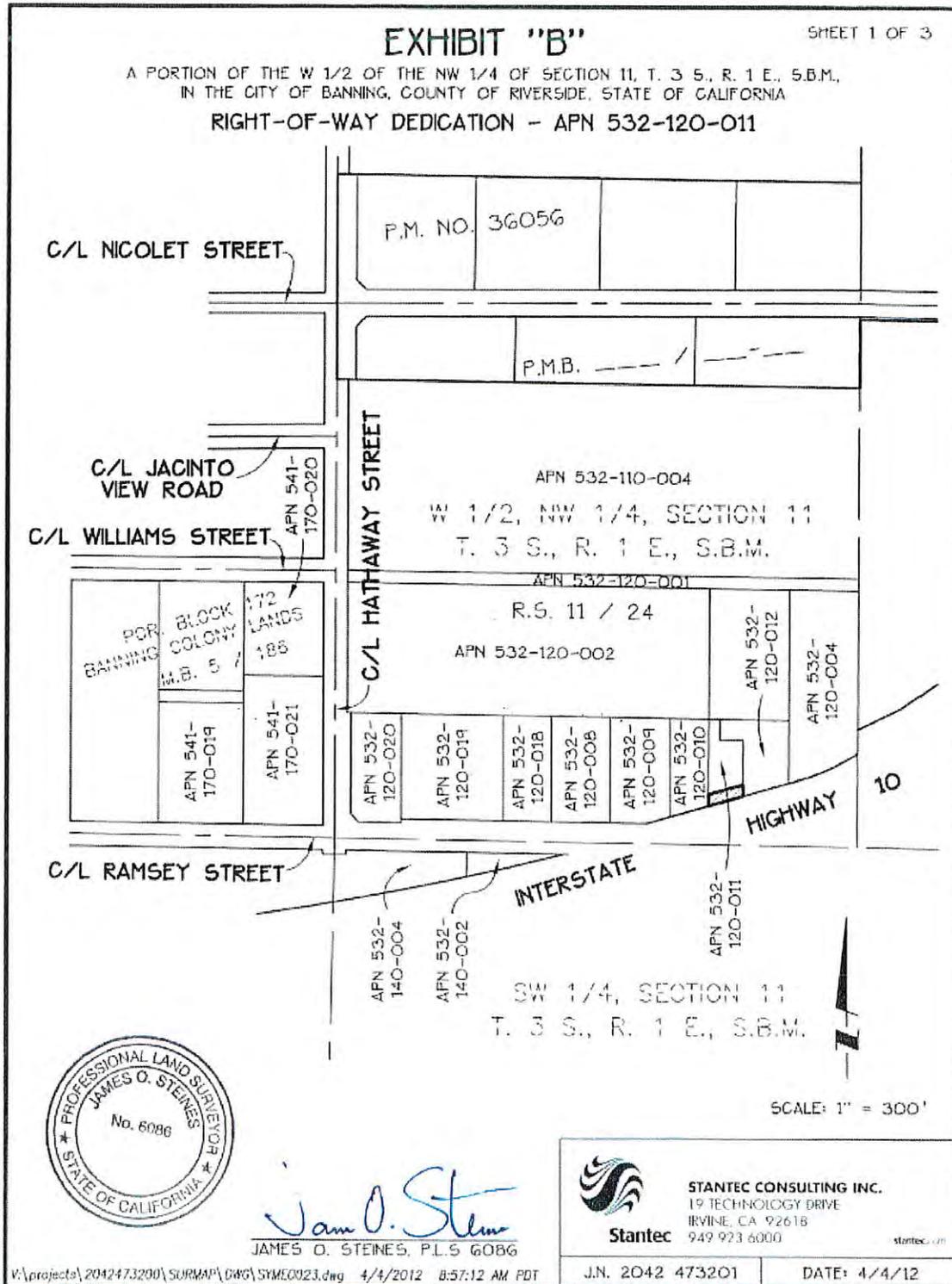
PREPARED BY: STANTEC CONSULTING INC.  
UNDER THE DIRECTION OF:

*James O. Steines*

JAMES O. STEINES, P.L.S. 6086

APRIL 4, 2012  
J.N. 2042 473201

**Exhibit "B"**  
**Depiction of Subject Fee Property**



# EXHIBIT "B"

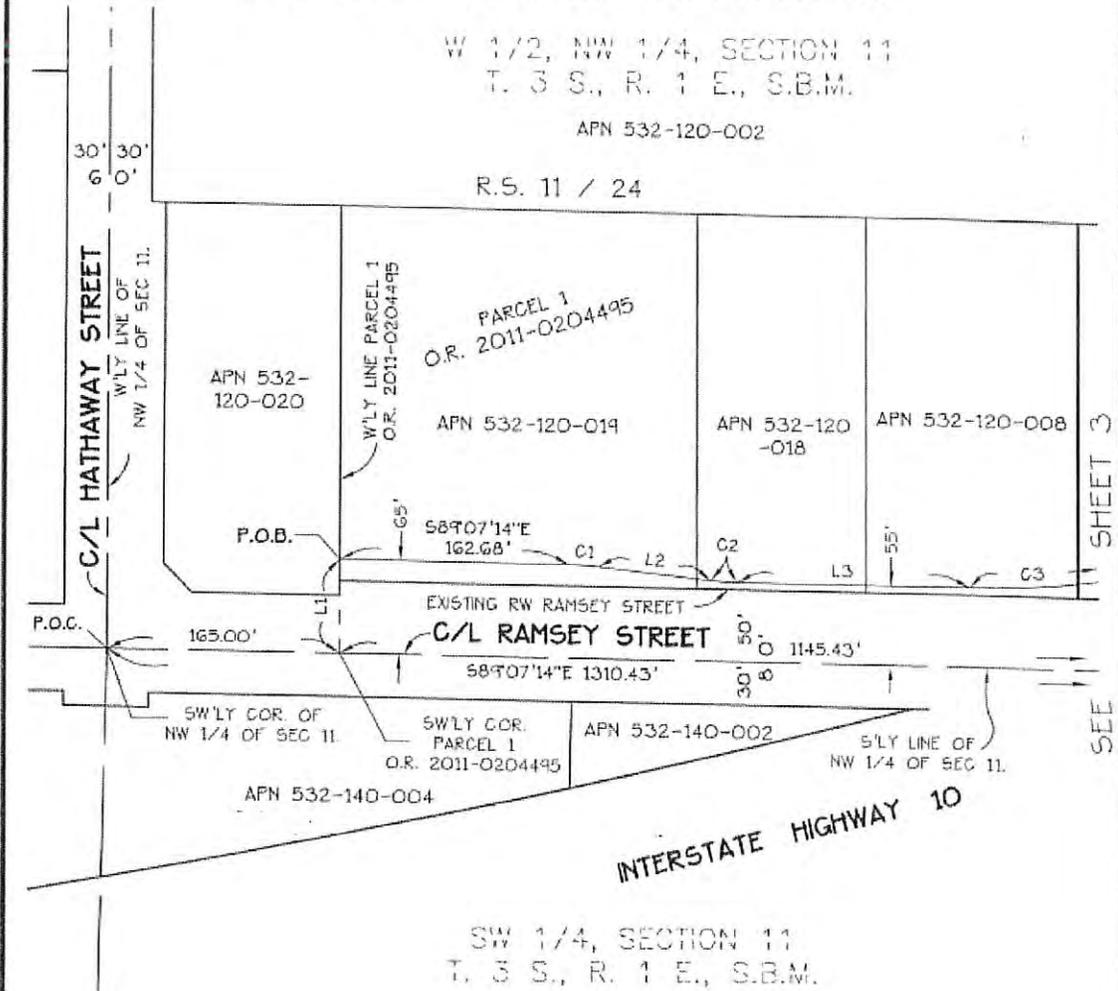
SHEET 2 OF 3

## RIGHT-OF-WAY DEDICATION - APN 532-120-011

W 1/2, NW 1/4, SECTION 11  
T. 3 S., R. 1 E., S.B.M.

APN 532-120-002

R.S. 11 / 24



LINE TABLE		
NO.	BEARING	DISTANCE
L1	N00°03'38"E	65.01'
L2	S83°24'49"E	80.62'
L3	S89°07'14"E	165.86'

CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	212.00'	05°42'25"	21.12'
C2	188.00'	05°42'25"	18.73'
C3	615.00'	16°33'15"	177.69'

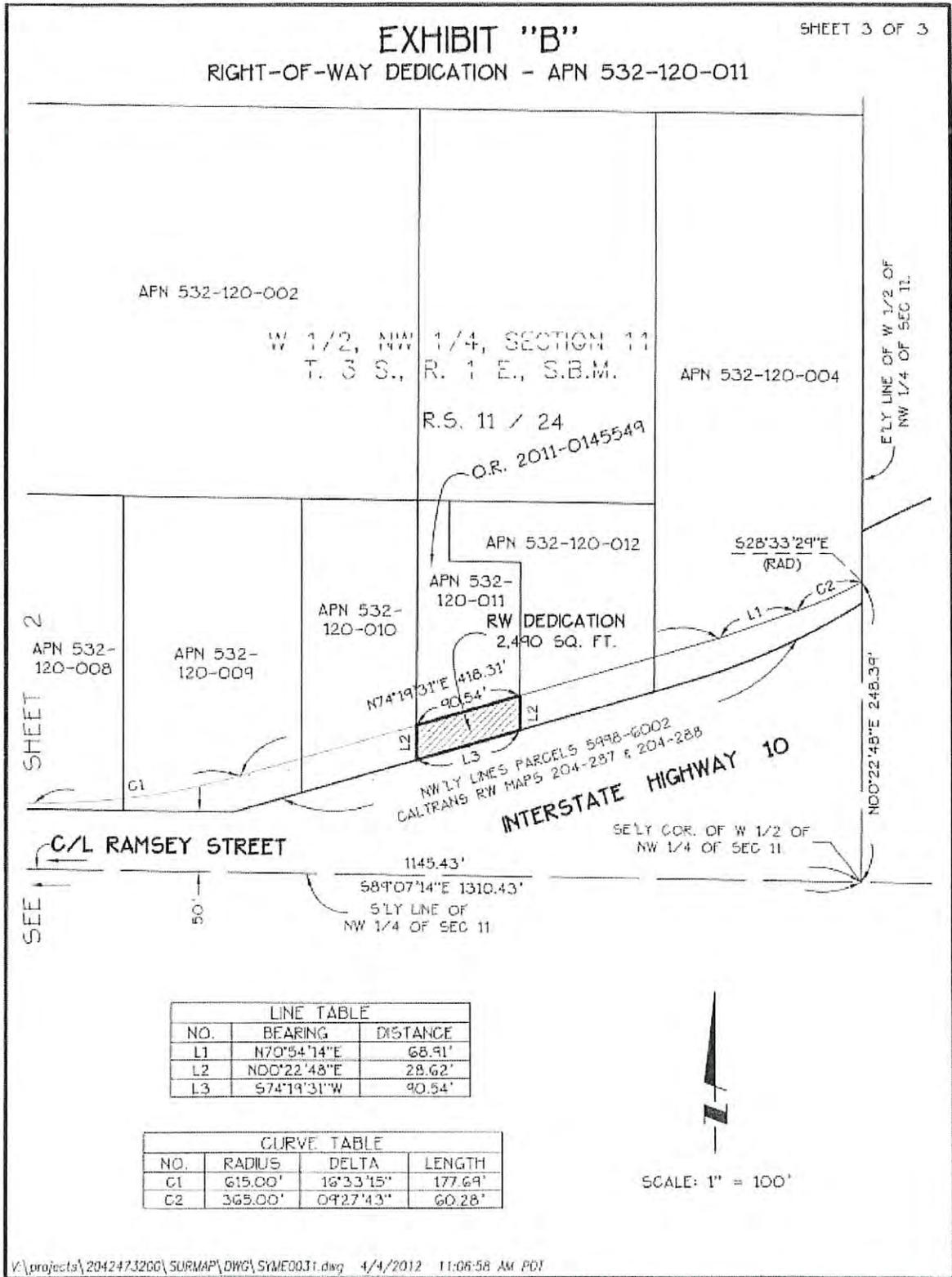


SCALE: 1" = 100'

V:\projects\2042473290\SURMAP\DWG\SYME0027.dwg 4/4/2012 10:39:46 AM P01

**EXHIBIT "B"**  
**RIGHT-OF-WAY DEDICATION - APN 532-120-011**

SHEET 3 OF 3



**Exhibit "A-1"**  
**Legal Description of Temporary Construction Easement**

**EXHIBIT "A"**  
**TEMPORARY CONSTRUCTION EASEMENT - A.P.N. 532-120-011**

THAT PORTION OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, WITHIN THE LAND DESCRIBED IN A GRANT DEED TO HUMBERTO RAMIREZ RECORDED APRIL 1, 2011 AS DOCUMENT NO. 2011-0145549 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING SOUTHERLY OF THE FOLLOWING DESCRIBED REFERENCE LINE:

COMMENCING AT THE CENTERLINE INTERSECTION OF RAMSEY STREET AND HATHAWAY STREET AS SHOWN ON A RECORD OF SURVEY FILED IN BOOK 11, PAGE 24 OF RECORD OF SURVEYS, IN SAID OFFICE OF THE COUNTY RECORDER;

THENCE, ALONG SAID CENTERLINE OF HATHAWAY STREET, NORTH 00°03'38" EAST, 1635.00 FEET TO THE NORTHWESTERLY CORNER OF PARCEL 1 AS DESCRIBED IN A GRANT DEED TO OSI PARTNERSHIP 1, LLC, RECORDED APRIL 10, 2008 AS DOCUMENT NO. 2008-0178325, OFFICIAL RECORDS OF SAID COUNTY, AND THE POINT OF BEGINNING;

THENCE, ALONG THE NORTHERLY LINE OF SAID PARCEL 1 AS DESCRIBED IN A GRANT DEED TO OSI PARTNERSHIP 1, LLC, SOUTH 89°15'37" EAST, 52.00 FEET TO A LINE PARALLEL WITH AND 52.00 FEET EASTERLY OF SAID CENTERLINE OF HATHAWAY STREET;

THENCE, ALONG SAID PARALLEL LINE, SOUTH 00°03'38" WEST, 125.99 FEET;

THENCE, SOUTH 89°56'22" EAST, 1.00 FEET TO A LINE PARALLEL WITH AND 53.00 FEET EASTERLY OF SAID CENTERLINE OF HATHAWAY STREET;

THENCE, ALONG SAID PARALLEL LINE, SOUTH 00°03'38" WEST, 29.50 FEET;

THENCE, SOUTH 89°56'22" EAST, 1.00 FEET TO A LINE PARALLEL WITH AND 54.00 FEET EASTERLY OF SAID CENTERLINE OF HATHAWAY STREET;

THENCE, ALONG SAID PARALLEL LINE, SOUTH 00°03'38" WEST, 99.85 FEET;

THENCE, SOUTH 44°59'49" EAST, 43.56 FEET;

THENCE, SOUTH 00°03'16" EAST, 61.19 FEET;

THENCE, SOUTH 45°00'11" WEST, 40.99 FEET TO A LINE PARALLEL WITH AND 56.00 FEET EASTERLY OF SAID CENTERLINE OF HATHAWAY STREET;

THENCE, ALONG SAID PARALLEL LINE, SOUTH 00°03'38" WEST, 126.26 FEET TO THE NORTHERLY LINE OF PARCEL 6 DESCRIBED IN A GRANT DEED TO LOUIS S. LOPEZ, TRUSTEE OF THE LOUIS S. LOPEZ TRUST, RECORDED DECEMBER 5, 2006 AS DOCUMENT NO. 2006-0889568, OFFICIAL RECORDS OF SAID COUNTY;

THENCE, ALONG SAID NORTHERLY LINE, NORTH 89°14'00" WEST, 1.00 FEET TO A LINE PARALLEL WITH AND 55.00 FEET EASTERLY OF SAID CENTERLINE OF HATHAWAY STREET;

THENCE, ALONG SAID PARALLEL LINE, SOUTH 00°03'38" WEST, 288.84 FEET;

1 OF 5

**EXHIBIT "A"**  
**TEMPORARY CONSTRUCTION EASEMENT - A.P.N. 532-120-011**

THENCE, SOUTH 89°56'22" EAST, 2.00 FEET TO A LINE PARALLEL WITH AND 57.00 FEET EASTERLY OF SAID CENTERLINE OF HATHAWAY STREET;

THENCE, ALONG SAID PARALLEL LINE, SOUTH 00°03'38" WEST, 69.37 FEET;

THENCE, NORTH 89°56'22" WEST, 1.00 FEET TO A LINE PARALLEL WITH AND 56.00 FEET EASTERLY OF SAID CENTERLINE OF HATHAWAY STREET;

THENCE, ALONG SAID PARALLEL LINE, SOUTH 00°03'38" WEST, 105.38 FEET;

THENCE, SOUTH 53°55'49" EAST, 11.13 FEET;

THENCE, SOUTH 00°03'38" WEST, 34.32 FEET;

THENCE, SOUTH 51°09'30" WEST, 12.85 FEET TO A LINE PARALLEL WITH AND 55.00 FEET EASTERLY OF SAID CENTERLINE OF HATHAWAY STREET;

THENCE, ALONG SAID PARALLEL LINE, SOUTH 00°03'38" WEST, 219.93 FEET;

THENCE, SOUTH 38°57'16" EAST, 14.30 FEET;

THENCE, SOUTH 00°03'38" WEST, 34.56 FEET;

THENCE, SOUTH 61°37'51" WEST, 10.23 FEET TO A LINE PARALLEL WITH AND 55.00 FEET EASTERLY OF SAID CENTERLINE OF HATHAWAY STREET;

THENCE, ALONG SAID PARALLEL LINE, SOUTH 00°03'38" WEST, 39.62 FEET TO THE SOUTHERLY LINE OF PARCEL 2 DESCRIBED IN SAID GRANT DEED TO LOUIS S. LOPEZ, TRUSTEE OF THE LOUIS S. LOPEZ TRUST, RECORDED DECEMBER 5, 2006 AS DOCUMENT NO. 2006-0889568;

THENCE, ALONG SAID SOUTHERLY LINE, SOUTH 89°07'14" EAST, 9.00 FEET TO A LINE PARALLEL WITH AND 64.00 FEET EASTERLY OF SAID CENTERLINE OF HATHAWAY STREET;

THENCE, ALONG SAID PARALLEL LINE, SOUTH 00°03'38" WEST, 39.71 FEET;

THENCE, SOUTH 49°31'47" WEST, 9.21 FEET TO A LINE PARALLEL WITH AND 57.00 FEET EASTERLY OF SAID CENTERLINE OF HATHAWAY STREET;

THENCE, ALONG SAID PARALLEL LINE, SOUTH 00°03'38" WEST, 52.53 FEET;

THENCE, SOUTH 01°47'23" WEST, 66.27 FEET TO A LINE PARALLEL WITH AND 55.00 FEET EASTERLY OF SAID CENTERLINE OF HATHAWAY STREET;

THENCE, ALONG SAID PARALLEL LINE, SOUTH 00°03'38" WEST, 57.98 FEET;

THENCE, SOUTH 50°12'34" EAST, 21.36 FEET TO A LINE PARALLEL WITH AND 74.00 FEET NORTHERLY OF SAID CENTERLINE OF RAMSEY STREET;

THENCE, ALONG SAID PARALLEL LINE, SOUTH 89°07'14" EAST, 93.57 FEET TO THE WESTERLY LINE OF PARCEL 1 OF THE CORPORATION GRANT DEED RECORDED

2 OF 5

Exhibit "A-1"  
Page 2 of 5

**EXHIBIT "A"**  
**TEMPORARY CONSTRUCTION EASEMENT - A.P.N. 532-120-011**

MAY 9, 2011 AS DOCUMENT NO. 2011-0204495, OFFICIAL RECORDS OF SAID COUNTY;

THENCE, ALONG SAID WESTERLY LINE, SOUTH 00°03'38" WEST, 9.00 FEET TO A LINE PARALLEL WITH AND 65.00 FEET NORTHERLY OF SAID CENTERLINE OF RAMSEY STREET;

THENCE, ALONG SAID PARALLEL LINE, SOUTH 89°07'14" EAST, 117.32 FEET;

THENCE, NORTH 00°03'38" EAST, 18.99 FEET;

THENCE, SOUTH 89°56'22" EAST, 65.00 FEET;

THENCE, SOUTH 00°03'38" WEST, 20.83 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 212.00 FEET, A RADIAL LINE TO SAID CURVE BEARS NORTH 06°12'06" EAST;

THENCE, EASTERLY 1.42 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00°23'05";

THENCE, SOUTH 83°24'49" EAST, 70.70 FEET TO THE EASTERLY LINE OF SAID PARCEL 1 OF THE CORPORATION GRANT DEED RECORDED MAY 9, 2011 AS DOCUMENT NO. 2011-0204495;

THENCE, ALONG SAID EASTERLY LINE, NORTH 00°03'38" EAST, 10.20 FEET;

THENCE, SOUTH 89°56'22" EAST, 42.00 FEET;

THENCE, SOUTH 00°23'37" EAST, 12.72 FEET TO A LINE PARALLEL WITH AND 55.00 FEET NORTHERLY OF SAID CENTERLINE OF RAMSEY STREET;

THENCE, ALONG SAID PARALLEL LINE, SOUTH 89°07'14" EAST, 78.89 FEET TO THE WESTERLY LINE OF PARCEL 3 DESCRIBED IN SAID GRANT DEED TO LOUIS S. LOPEZ, TRUSTEE OF THE LOUIS S. LOPEZ TRUST, RECORDED DECEMBER 5, 2006 AS DOCUMENT NO. 2006-0889568;

THENCE, ALONG SAID WESTERLY LINE, NORTH 00°03'38" EAST, 14.00 FEET TO A LINE PARALLEL WITH AND 69.00 FEET NORTHERLY OF SAID CENTERLINE OF RAMSEY STREET;

THENCE, ALONG SAID PARALLEL LINE, SOUTH 89°07'14" EAST, 42.66 FEET;

THENCE, SOUTH 81°14'46" EAST, 21.31 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 604.00 FEET, A RADIAL LINE TO SAID CURVE BEARS SOUTH 01°48'41" WEST;

THENCE, EASTERLY 86.41 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 08°11'48" TO A NON-TANGENT LINE AND TO WHICH A RADIAL LINE BEARS SOUTH 06°23'07" EAST;

THENCE, ALONG SAID NON-TANGENT LINE, NORTH 00°03'38" EAST, 2.01 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY AND HAVING A

3 OF 5

**EXHIBIT "A"**  
**TEMPORARY CONSTRUCTION EASEMENT - A.P.N. 532-120-011**

RADIUS OF 602.00 FEET, A RADIAL LINE TO SAID CURVE BEARS SOUTH  
06°24'24" EAST;|

THENCE, EASTERLY 59.33 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE  
OF 05°38'47" TO A NON-TANGENT LINE AND TO WHICH A RADIAL LINE BEARS  
SOUTH 12°03'11" EAST;

THENCE, ALONG SAID NON-TANGENT LINE, NORTH 72°27'02" EAST, 27.32 FEET  
TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY AND HAVING A  
RADIUS OF 600.00 FEET, A RADIAL LINE TO SAID CURVE BEARS SOUTH  
14°39'03" EAST;

THENCE, EASTERLY 10.72 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE  
OF 01°01'26";

THENCE, NORTH 74°19'31" EAST, 57.22 FEET;  
THENCE, SOUTH 00°03'38" WEST, 4.16 FEET;  
THENCE, NORTH 74°19'31" EAST, 35.48 FEET;  
THENCE, NORTH 63°02'37" EAST, 56.23 FEET;  
THENCE, NORTH 74°19'31" EAST, 12.45 FEET TO THE EASTERLY LINE OF  
PARCEL 5 DESCRIBED IN SAID GRANT DEED TO LOUIS S. LOPEZ, TRUSTEE OF  
THE LOUIS S. LOPEZ TRUST, RECORDED DECEMBER 5, 2006 AS DOCUMENT NO.  
2006-0889568;

THENCE, ALONG SAID EASTERLY LINE, SOUTH 00°22'48" WEST, 7.28 FEET;

THENCE, NORTH 74°19'31" EAST, 90.54 FEET TO THE EASTERLY LINE OF SAID  
LAND DESCRIBED IN A GRANT DEED TO HUMBERTO RAMIREZ RECORDED APRIL 1,  
2011 AS DOCUMENT NO. 2011-0145549;

THENCE, CONTINUING NORTH 74°19'31" EAST, 22.89 FEET;

THENCE, NORTH 82°52'09" EAST, 40.39 FEET;

THENCE, NORTH 74°19'31" EAST, 53.02 FEET TO THE WESTERLY LINE OF THE  
LAND DESCRIBED IN A GRANT DEED TO GARY CARLTON AND WENDY CARLTON,  
TRUSTEES OF THE GARY AND WENDY CARLTON LIVING TRUST, RECORDED MARCH 8,  
2006 AS DOCUMENT NO. 2006-0165322, OFFICIAL RECORDS OF SAID COUNTY;

THENCE, ALONG SAID WESTERLY LINE, SOUTH 00°22'48" WEST, 2.08 FEET;

THENCE, NORTH 74°19'31" EAST, 36.50 FEET;  
THENCE, NORTH 81°52'04" EAST, 42.65 FEET;  
THENCE, NORTH 70°54'14" EAST, 45.42 FEET TO THE BEGINNING OF A CURVE  
CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 365.00 FEET;

THENCE, NORTHEASTERLY 60.28 FEET ALONG SAID CURVE THROUGH A CENTRAL  
ANGLE OF 09°27'43" TO THE EASTERLY LINE OF SAID WEST HALF OF THE  
NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 1 EAST;

**EXHIBIT "A"**  
**TEMPORARY CONSTRUCTION EASEMENT - A.P.N. 532-120-011**

THENCE, ALONG SAID EASTERLY LINE, SOUTH 00°22'48" WEST, 248.39 FEET TO THE SOUTHERLY LINE OF SAID NORTHWEST QUARTER OF SECTION 11 AND THE TERMINUS OF THE REFERENCE LINE.

EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE RIGHT-OF-WAY DEDICATION TO THE CITY OF BANNING RECORDED \_\_\_\_\_, AS DOCUMENT NO. \_\_\_\_\_, OFFICIAL RECORDS OF SAID COUNTY.

CONTAINING 1,358 SQUARE FEET, MORE OR LESS.

ALSO AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND HEREBY MADE A PART HEREOF.

SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS, AND RIGHTS-OF-WAY OF RECORD, IF ANY.



PREPARED BY: STANTEC CONSULTING INC.  
UNDER THE DIRECTION OF:

*Minh A. Le*

MINH A, LE, P.L.S. 8543

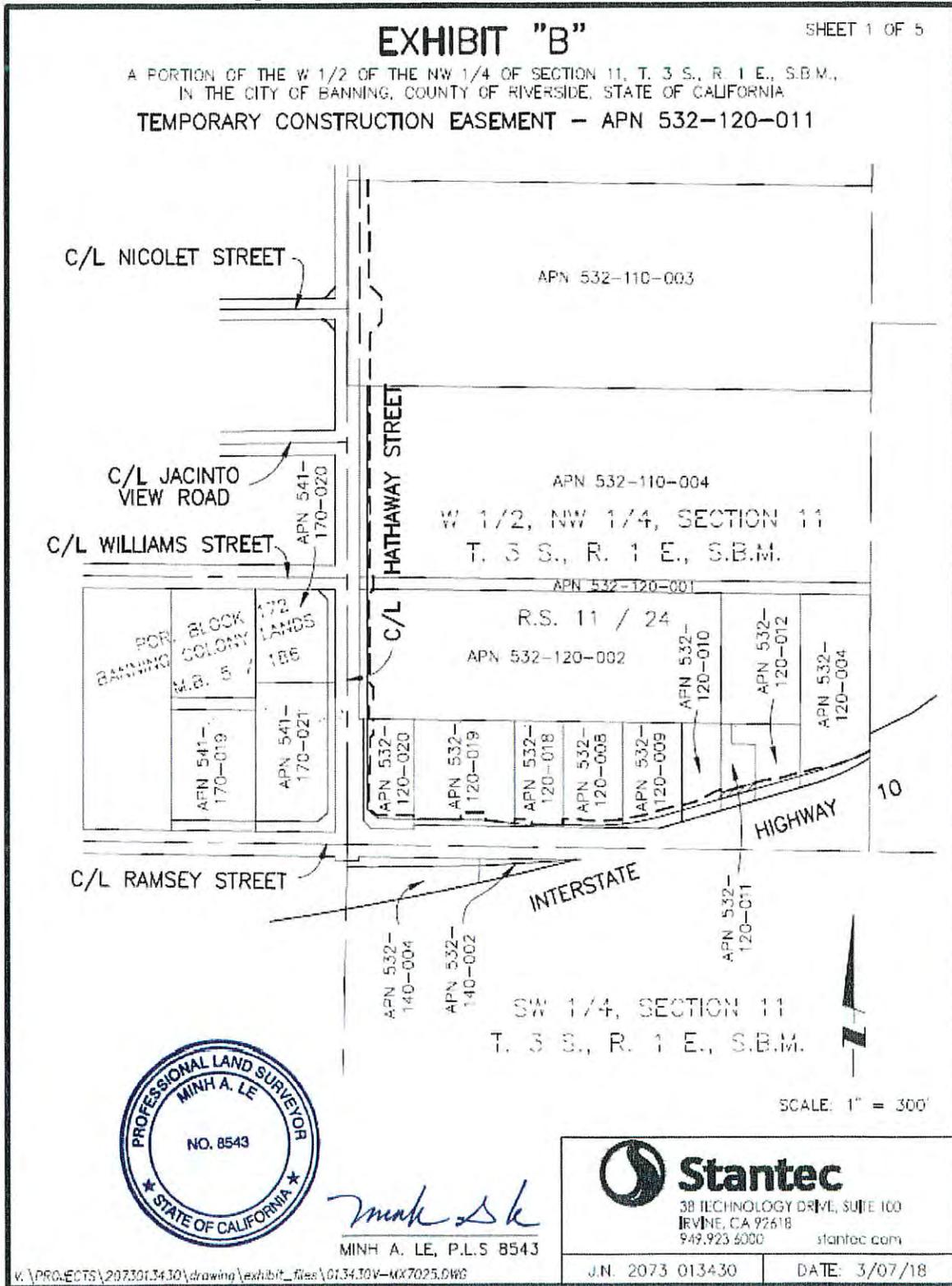
MARCH 7, 2018  
J.N. 2073 013430

5 OF 5

Exhibit "A-1"  
Page 5 of 5

**Exhibit "B-1"**

**Depiction of Temporary Construction Easement**



*Minh A. Le*  
MINH A. LE, P.L.S 8543

**Stantec**  
38 TECHNOLOGY DRIVE, SUITE 100  
IRVINE, CA 92618  
949.923.6000 stantec.com

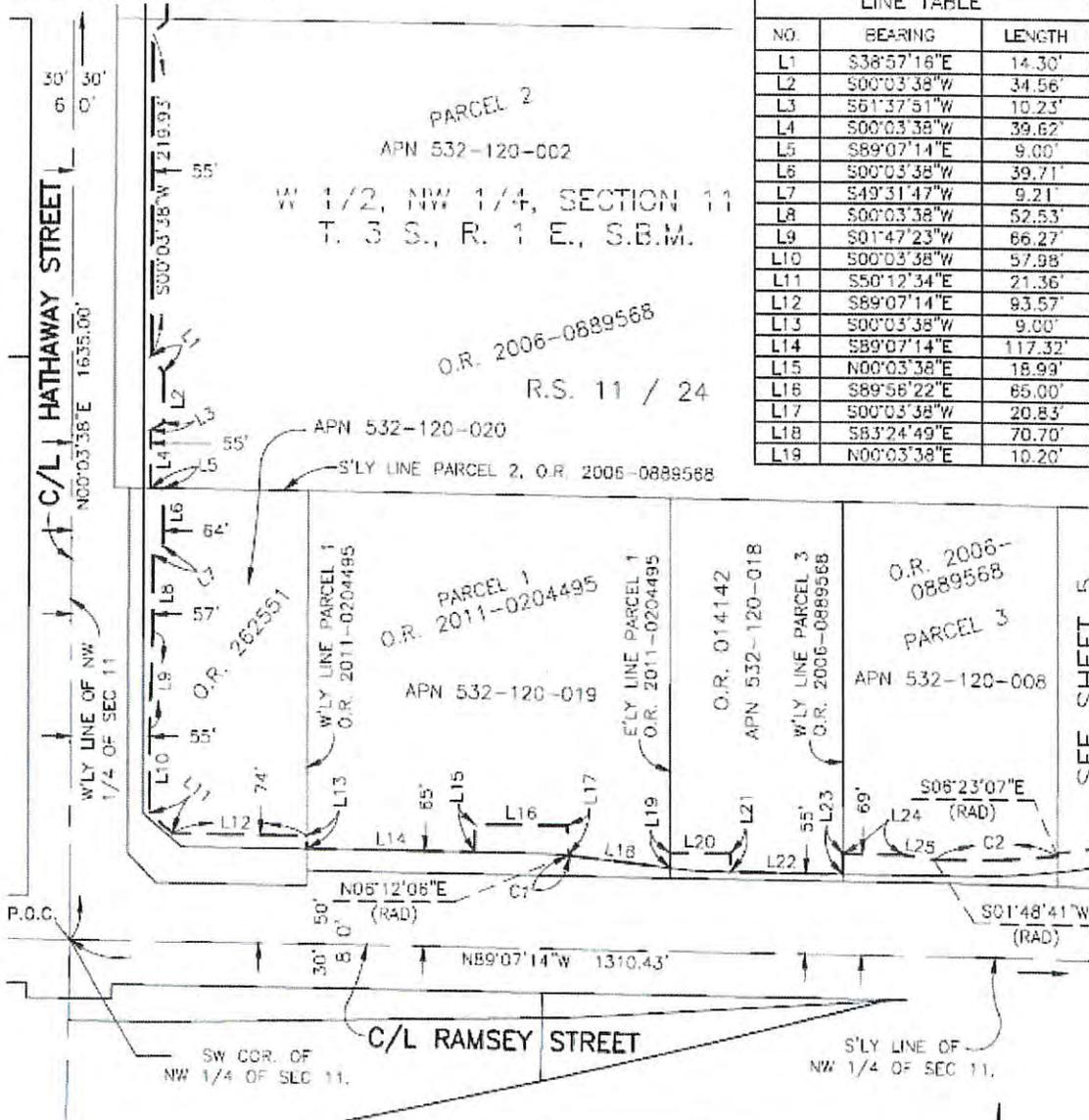
J.N. 2073 013430      DATE: 3/07/18

# EXHIBIT "B"

SHEET 2 OF 5

## TEMPORARY CONSTRUCTION EASEMENT - APN 532-120-011

SEE SHEETS 3&4



LINE TABLE		
NO.	BEARING	LENGTH
L1	S38°57'18"E	14.30'
L2	S00°03'38"W	34.56'
L3	S51°37'51"W	10.23'
L4	S00°03'38"W	39.62'
L5	S89°07'14"E	9.00'
L6	S00°03'38"W	39.71'
L7	S49°31'47"W	9.21'
L8	S00°03'38"W	52.53'
L9	S01°47'23"W	66.27'
L10	S00°03'38"W	57.98'
L11	S50°12'34"E	21.36'
L12	S89°07'14"E	93.57'
L13	S00°03'38"W	9.00'
L14	S89°07'14"E	117.32'
L15	N00°03'38"E	18.99'
L16	S89°56'22"E	65.00'
L17	S00°03'38"W	20.83'
L18	S83°24'49"E	70.70'
L19	N00°03'38"E	10.20'

CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	212.00'	00°23'05"	1.42'
C2	604.00'	08°11'48"	86.41'

LINE TABLE		
NO.	BEARING	LENGTH
L20	S89°56'22"E	42.00'
L21	S00°23'37"E	12.72'
L22	S89°07'14"E	78.89'
L23	N00°03'38"E	14.00'
L24	S89°07'14"E	42.66'
L25	S81°14'46"E	21.31'

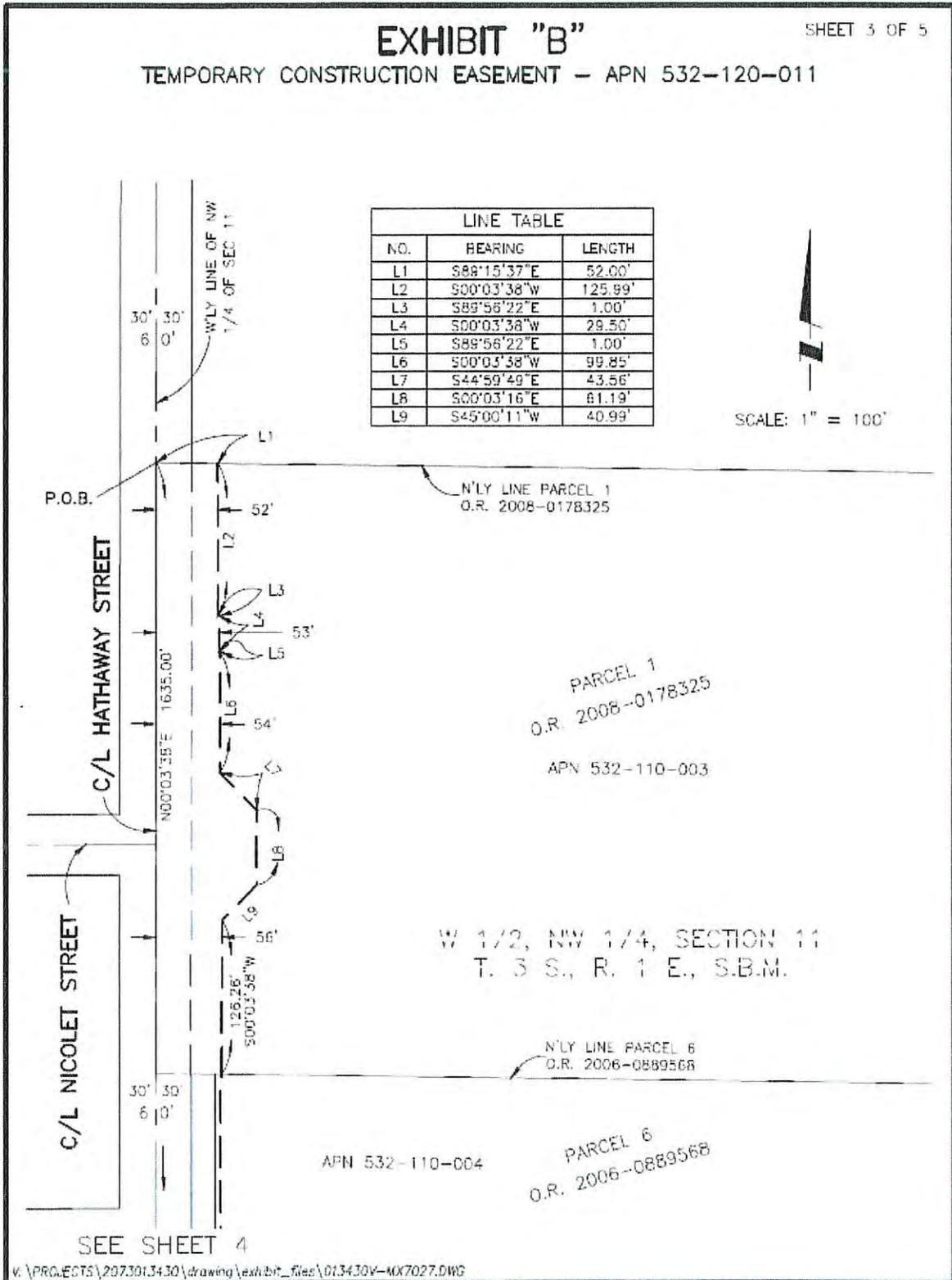
SCALE: 1" = 100'

w:\PROJECTS\2073013430\drawing\exhibit\_files\013430V-MX7026.DWG

# EXHIBIT "B"

SHEET 3 OF 5

## TEMPORARY CONSTRUCTION EASEMENT - APN 532-120-011

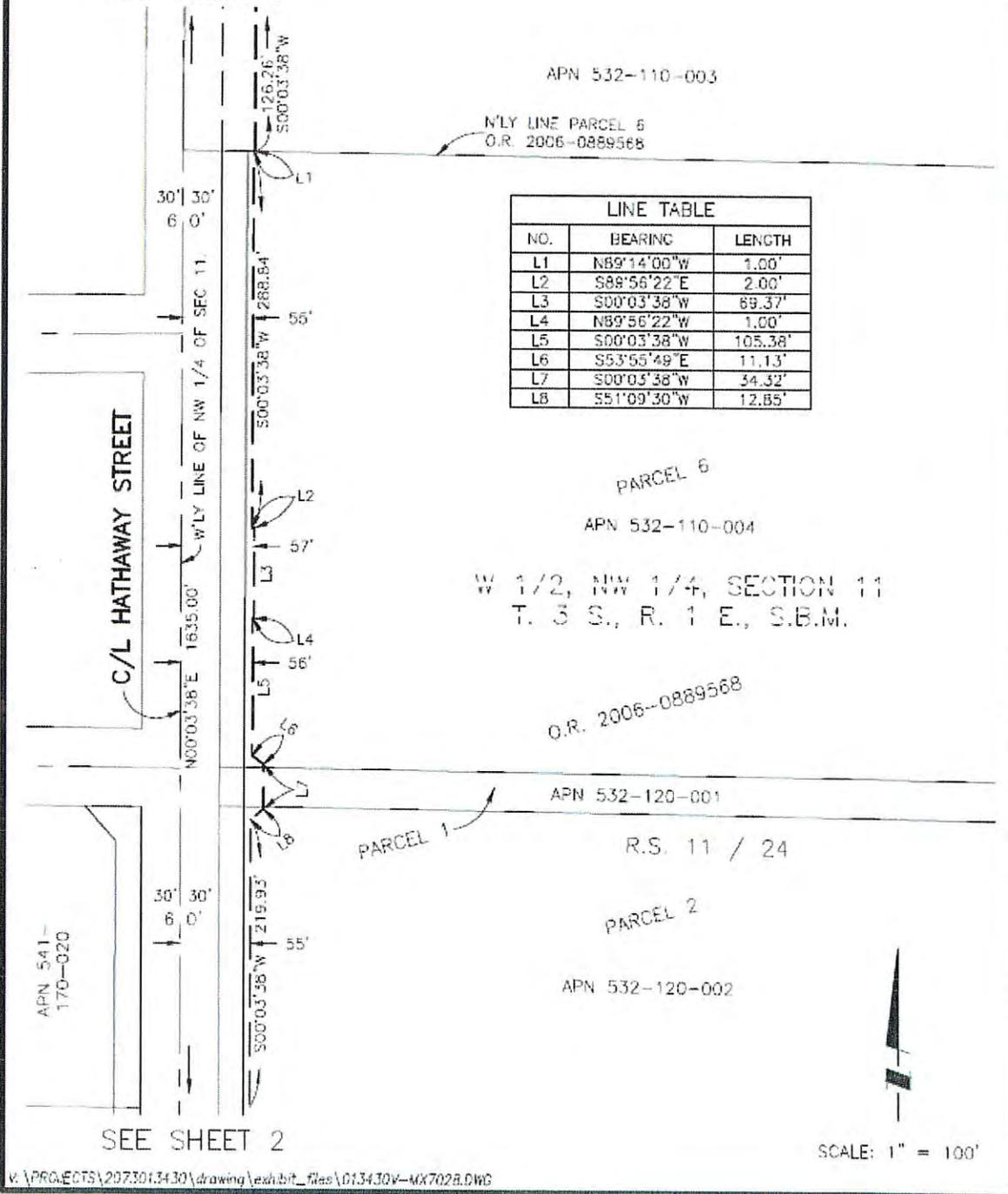


# EXHIBIT "B"

SHEET 4 OF 5

## TEMPORARY CONSTRUCTION EASEMENT - APN 532-120-011

SEE SHEET 3

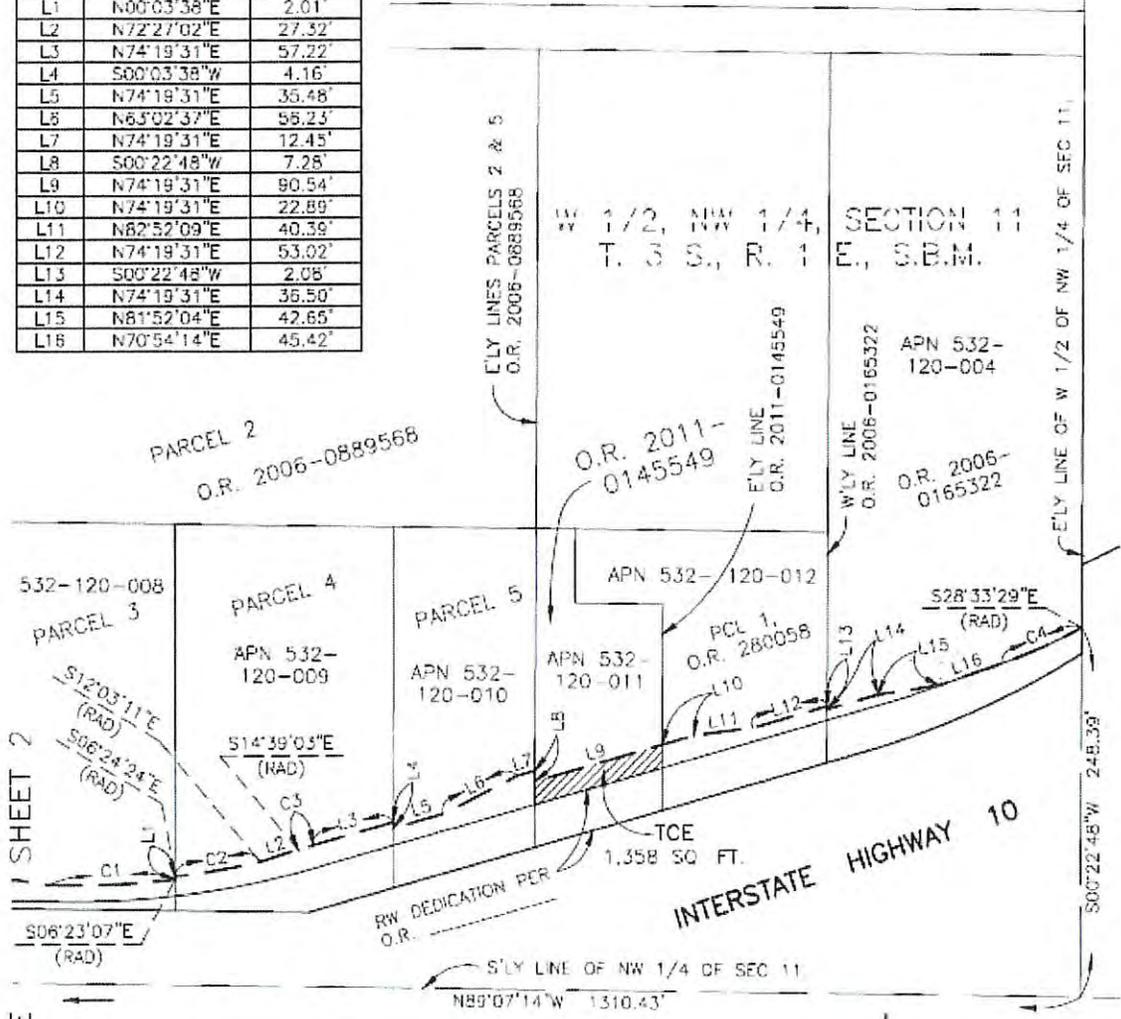


# EXHIBIT "B"

SHEET 5 OF 5

## TEMPORARY CONSTRUCTION EASEMENT - APN 532-120-011

LINE TABLE		
NO.	BEARING	LENGTH
L1	N00°03'38"E	2.01'
L2	N72°27'02"E	27.52'
L3	N74°19'31"E	57.22'
L4	S00°03'38"W	4.16'
L5	N74°19'31"E	35.48'
L6	N63°02'37"E	55.23'
L7	N74°19'31"E	12.45'
L8	S00°22'48"W	7.28'
L9	N74°19'31"E	90.54'
L10	N74°19'31"E	22.89'
L11	N82°52'09"E	40.39'
L12	N74°19'31"E	53.02'
L13	S00°22'48"W	2.08'
L14	N74°19'31"E	35.50'
L15	N81°52'04"E	42.65'
L16	N70°54'14"E	45.42'



CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	604.00'	08°11'48"	85.41'
C2	602.00'	05°38'47"	59.33'
C3	600.00'	01°01'26"	10.72'
C4	365.00'	09°27'43"	60.28'



SCALE: 1" = 100'

V:\PROJECTS\2073013430\drawing\exhibit\_files\013430V-MX7029.DWG

**Exhibit "C"**  
**Form of Grant Deed**

Recording Requested by  
and when recorded return to:

CITY OF BANNING  
99 E. Ramsey Street  
Banning, California 92220  
Attention: City Clerk

---

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Assessor's Parcel No. 532-120-011             Portions

**Documentary Transfer Tax \$0.00**

This Instrument is for the benefit of the City of Banning and is exempt from Recording Fees (Govt. Code § 27383), Filing Fees (Govt. Code § 6103), and Documentary Transfer Tax (Rev & Tax Code § 11922).

**GRANT DEED**

HUMBERTO RAMIREZ AND EULOGIA R. RAMIREZ, AS CO-TRUSTEES OF THE HUMBERTO AND EULOGIA R. RAMIREZ ("Grantors") are the record fee owners of that certain real property located at 1909 E. Ramsey Street, in the City of Banning, California, and identified as Riverside County Tax Assessor's Parcel Number 532-120-011 ("Larger Parcel").

Grantors seek to grant to the CITY OF BANNING, a California municipal corporation, in fee an approximate 2,490 square foot portion of the Larger Parcel described more particularly below ("Subject Fee Property") for public use.

**NOW THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION**, receipt and sufficiency of which are hereby acknowledged, Grantors hereby grant to the CITY OF BANNING, a municipal corporation ("Grantee") in fee the Subject Fee Property described more particularly on Exhibit "A" and depicted on Exhibit "B", which are attached hereto and incorporated herein by this reference, for public use, namely public street purposes, and all uses necessary or convenient thereto, including but not limited to street, sewer, drainage, and utilities in connection with the Ramsey-Hathaway Street Improvement Project. The Subject Fee Property includes all of the interests of Grantors in and to the Subject Fee Property, including all improvements thereon, and any rights, title, and interest of Grantors in and to adjacent streets, alleys, or rights of way.

IN WITNESS WHEREOF, Grantors have executed this Grant Deed as of the date set forth below.

**GRANTORS**

**Humberto Ramirez and Eulogia R. Ramirez, as  
co-Trustees of The Humberto and Eulogia R.  
Ramirez Family Living Trust, u/a Dated May 29,  
2013**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Humberto Ramirez, Co-Trustee of The  
Humberto and Eulogia R. Ramirez Family  
Living Trust, u/a Dated May 29, 2013

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Eulogia Ramirez Co-Trustee of The Humberto  
and Eulogia R. Ramirez Family Living Trust,  
u/a Dated May 29, 2013

**Exhibit "A"**  
**Legal Description of Subject Fee Property**

**EXHIBIT "A"**  
**RIGHT-OF-WAY DEDICATION - A.P.N. 532-120-011**

THAT PORTION OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, WITHIN THE LAND DESCRIBED IN A GRANT DEED TO HUMBERTO RAMIREZ RECORDED APRIL 1, 2011 AS DOCUMENT NO. 2011-0145549 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE CENTERLINE INTERSECTION OF RAMSEY STREET AND HATHAWAY STREET AS SHOWN ON A RECORD OF SURVEY FILED IN BOOK 11, PAGE 24 OF RECORD OF SURVEYS, IN SAID OFFICE OF THE COUNTY RECORDER;

THENCE, ALONG SAID CENTERLINE OF RAMSEY STREET, SOUTH 89°07'14" EAST, 165.00 FEET TO THE SOUTHWESTERLY CORNER OF THE LAND DESCRIBED AS PARCEL 1 IN A CORPORATION GRANT DEED TO PETER MARINO RECORDED MAY 9, 2011 AS DOCUMENT NO. 2011-0204495 OF OFFICIAL RECORDS, IN SAID OFFICE OF THE COUNTY RECORDER;

THENCE, ALONG THE WESTERLY LINE OF SAID PARCEL 1 OF THE CORPORATION GRANT DEED RECORDED MAY 9, 2011 AS DOCUMENT NO. 2011-0204495 OF OFFICIAL RECORDS, NORTH 00°03'38" EAST, 65.01 FEET TO A LINE PARALLEL WITH AND 65.00 FEET NORTHERLY OF SAID CENTERLINE OF RAMSEY STREET AND **THE POINT OF BEGINNING;**

THENCE, TRAVERSING THE INTERIOR OF SAID WEST HALF OF THE NORTHWEST QUARTER OF SECTION 11, THE FOLLOWING COURSES:

ALONG SAID PARALLEL LINE, SOUTH 89°07'14" EAST, 162.68 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 212.00 FEET;

EASTERLY 21.12 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05°42'25";

SOUTH 83°24'49" EAST, 80.62 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 188.00 FEET, SAID CURVE BEING TANGENT WITH A LINE PARALLEL WITH AND 55.00 FEET NORTHERLY OF SAID CENTERLINE OF RAMSEY STREET;

EASTERLY 18.73 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05°42'25" TO SAID PARALLEL LINE;

ALONG SAID PARALLEL LINE, SOUTH 89°07'14" EAST, 165.86 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 615.00 FEET;

EASTERLY 177.69 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 16°33'15";

NORTH 74°19'31" EAST, 418.31 FEET;

**EXHIBIT "A"**  
**RIGHT-OF-WAY DEDICATION - A.P.N. 532-120-011**

NORTH 70°54'14" EAST, 68.91 FEET TO THE BEGINNING OF A CURVE  
CONCAVE NORTHWESTERLY HAVING A RADIUS OF 365.00 FEET;

NORTHEASTERLY 60.28 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE  
OF 09°27'43" TO THE EASTERLY LINE OF SAID WEST HALF OF THE  
NORTHWEST QUARTER OF SECTION 11.

CONTAINING 2,490 SQUARE FEET, MORE OR LESS.

ALSO AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND HEREBY MADE A PART  
HEREOF.

SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS,  
EASEMENTS, AND RIGHTS-OF-WAY OF RECORD, IF ANY.



PREPARED BY: STANTEC CONSULTING INC.  
UNDER THE DIRECTION OF:

*James O. Steines*

JAMES O. STEINES, P.L.S. 6086

APRIL 4, 2012  
J.N. 2042 473201

Exhibit "B"

EXHIBIT "B"

SHEET 1 OF 3

A PORTION OF THE W 1/2 OF THE NW 1/4 OF SECTION 11, T. 3 S., R. 1 E., S.B.M.,  
IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

RIGHT-OF-WAY DEDICATION - APN 532-120-011



*James O. Steines*  
JAMES O. STEINES, P.L.S. 6086



STANTEC CONSULTING INC.  
19 TECHNOLOGY DRIVE  
IRVINE, CA 92618  
949 923 6000

stantec.com

SCALE: 1" = 300'

# EXHIBIT "B"

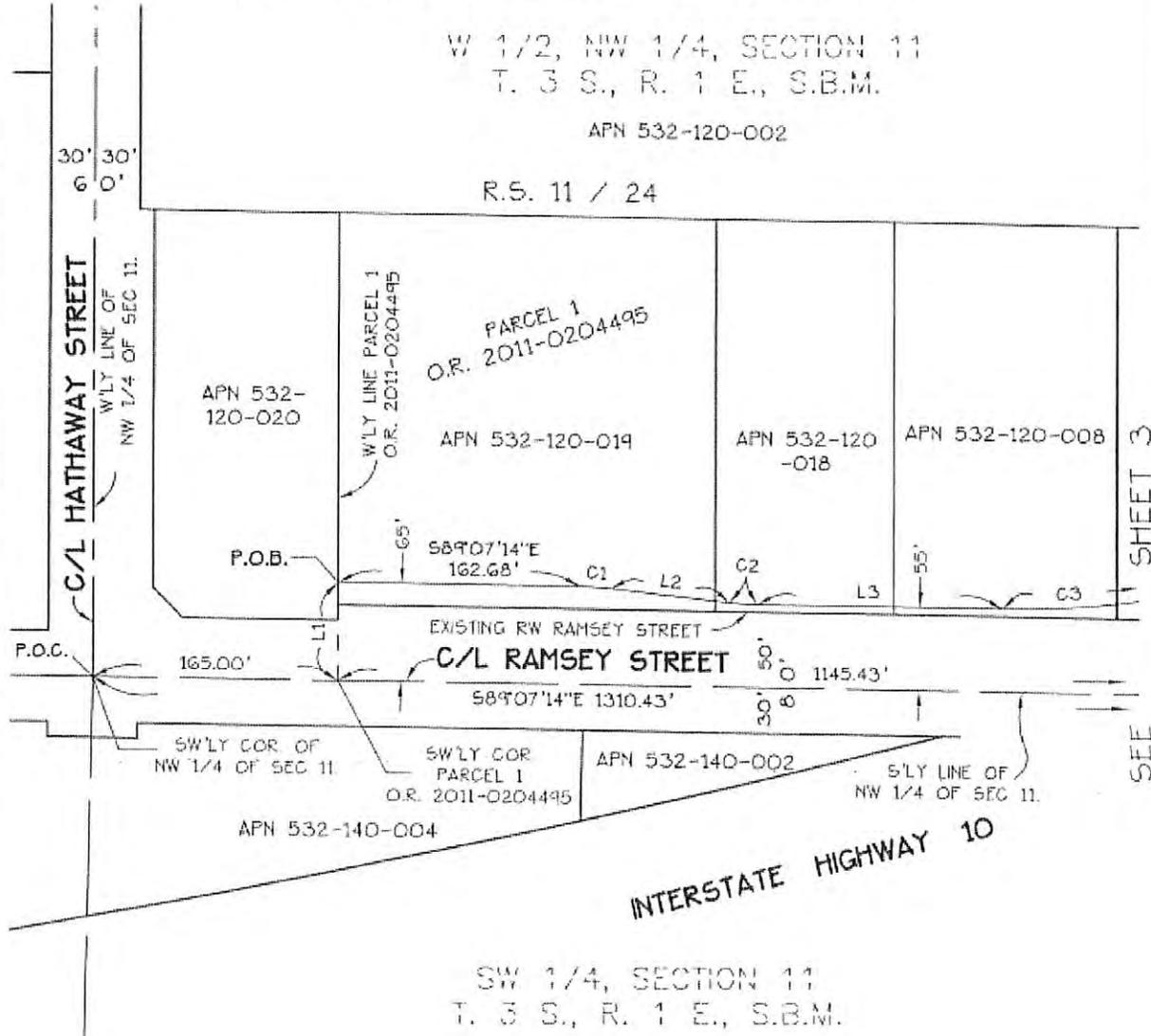
SHEET 2 OF 3

## RIGHT-OF-WAY DEDICATION - APN 532-120-011

W 1/2, NW 1/4, SECTION 11  
T. 3 S., R. 1 E., S.B.M.

APN 532-120-002

R.S. 11 / 24



SHEET 3  
SEE

LINE TABLE		
NO.	BEARING	DISTANCE
L1	N00°03'38"E	65.01'
L2	S83°24'49"E	80.62'
L3	S89°07'14"E	165.86'

CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	212.00'	05°42'25"	21.12'
C2	188.00'	05°42'25"	18.73'
C3	615.00'	16°33'15"	177.69'

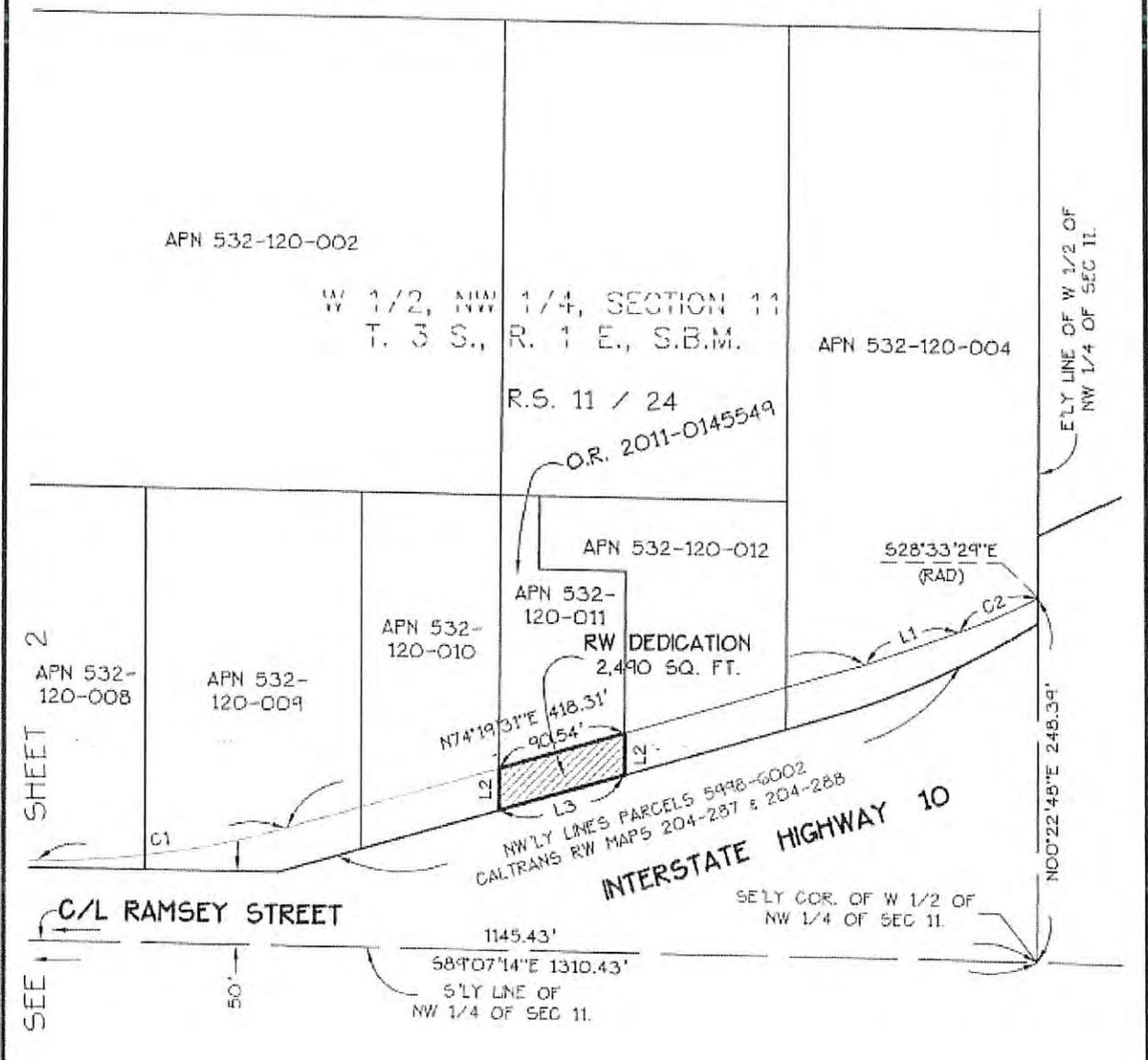


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# EXHIBIT "B"

SHEET 3 OF 3

## RIGHT-OF-WAY DEDICATION - APN 532-120-011



LINE TABLE		
NO.	BEARING	DISTANCE
L1	$N70^{\circ}54'14''E$	68.91'
L2	$N00^{\circ}22'48''E$	28.62'
L3	$S74^{\circ}19'31''W$	90.54'

CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	615.00'	$16^{\circ}33'15''$	177.69'
C2	365.00'	$0^{\circ}27'43''$	60.28'



SCALE: 1" = 100'

V:\projects\2042473260\SURMAP\DWG\SYMED031.dwg 4/4/2012 11:06:58 AM PDT

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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 )
) ss.
County of Riverside )

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public,
personally appeared \_\_\_\_\_,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity(ies) 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: \_\_\_\_\_
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to 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) Other Than Named Above: \_\_\_\_\_

Capacity(ies) claimed by Signer(s)

Signer's Name: \_\_\_\_\_

- Corporate Officer - Title(s):
Partner - Limited General
Individual Attorney in Fact
Trustee Guardian or Conservator
Other:

Signer's Name: \_\_\_\_\_

- Corporate Officer - Title(s):
Partner - Limited General
Individual Attorney in Fact
Trustee Guardian or Conservator
Other:

Signer Is Representing: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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 Riverside ) ss.

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public
personally appeared \_\_\_\_\_

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity(ies) 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: \_\_\_\_\_
Signature of Notary Public

Place Notary Seal Above OPTIONAL

Though the information below is not required by law, it may prove valuable to 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) Other Than Named Above: \_\_\_\_\_

Capacity(ies) claimed by Signer(s)

Signer's Name: \_\_\_\_\_ Signer's Name: \_\_\_\_\_
[ ] Corporate Officer - Title(s): \_\_\_\_\_ [ ] Corporate Officer - Title(s): \_\_\_\_\_
[ ] Partner - [ ] Limited [ ] General [ ] Partner - [ ] Limited [ ] General
[ ] Individual [ ] Attorney in Fact [ ] Individual [ ] Attorney in Fact
[ ] Trustee [ ] Guardian or Conservator [ ] Trustee [ ] Guardian or Conservator
[ ] Other: \_\_\_\_\_ [ ] Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_ Signer Is Representing: \_\_\_\_\_

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

**CERTIFICATE OF ACCEPTANCE OF GRANT DEED**

(Gov't Code § 27281)  
(Portions of APN 532-120-011)

This is to certify that the grant to the City of Banning of that certain approximate 2,490 square foot portion of that certain real property located at 1909 E. Ramsey Street, in the City of Banning, and identified as Riverside County Tax Assessor's Parcel Number 532-120-011, which is described more particularly in Exhibit "A" and depicted on Exhibit "B" to the attached Grant Deed is hereby accepted under the authority of the City Council of the City of Banning, and the City of Banning hereby consents to the recordation thereof by its duly authorized officer.

City of Banning, a municipal corporation

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Douglas Schulze, City Manager

Attest:

By: \_\_\_\_\_  
Marie Calderon, City Clerk

Approved as to form:

By: \_\_\_\_\_  
Kevin Ennis, City Attorney

**Exhibit "D"**  
**Form of Temporary Construction Easement Agreement**

Recording Requested by  
and when recorded return to:

CITY OF BANNING  
99 E. Ramsey Street  
Banning, California 92220  
Attention: City Clerk

---

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Assessor's Parcel No. 532-120-011       Portions

**Documentary Transfer Tax \$0.00**

This Instrument is for the benefit of the City of Banning and is exempt from Recording Fees (Govt. Code § 27383), Filing Fees (Govt. Code § 6103), and Documentary Transfer Tax (Rev & Tax Code § 11922).

**TEMPORARY CONSTRUCTION EASEMENT AGREEMENT**

This Temporary Construction Easement Agreement ("TCE Agreement") is entered into by and between HUMBERTO RAMIREZ AND EULOGIA R. RAMIREZ, AS CO-TRUSTEES OF THE HUMBERTO AND EULOGIA R. RAMIREZ FAMILY LIVING TRUST, U/A DATED MAY 29, 2013 ("Grantors") and the CITY OF BANNING, a California municipal corporation ("City" or "Grantee") and is effective as of the date it is fully executed by the Parties.

This TCE Agreement is based on the following facts, which are incorporated herein by this reference:

A. Grantors are the record fee owner of that certain real property located at 1909 E. Ramsey Street in the City of Banning, State of California, identified as Riverside County Tax Assessor's Parcel Number 532-120-011 ("Larger Parcel"). The Larger Parcel is approximately 0.35 acres (15,073 square feet) in size and consists of a vacant commercial lot located on the north side of E. Ramsey Street, east of N. Hathaway Street.

B. Grantors and City have entered into a Purchase and Sale Agreement ("Purchase Agreement") for City's purchase in fee of an approximate 2,490 square foot portion of Grantors' Larger Parcel for public use, namely public street purposes and all uses necessary or convenient thereto in connection with the Ramsey-Hathaway Street Improvement Project ("Project"). The Project will improve circulation in this area of the City. The Project, as planned and designed, will widen Ramsey Street approximately 500 feet west and 1,500 feet east of Hathaway Street. The Project will also widen Hathaway Street from Ramsey Street approximately 1,400 feet north. Further, the Project will construct a new 12-inch ductile iron water line along Ramsey Street.

C. Pursuant to the Purchase Agreement, City is also purchasing the approximate 1,358 square foot temporary construction easement described below for a term of nine months on the Larger Parcel to facilitate the construction of the Project. City's use of the TCE is subject to the terms and conditions of this TCE Agreement.

NOW THEREFORE, for a valuable consideration, receipt and sufficiency of which are hereby acknowledged, Grantors and City agree to the following:

1. Grant of 1,358 Square Foot Temporary Construction Easement. Grantors hereby grant to City, its contractors, agents, representatives, employees, and all others reasonably deemed necessary by City ("City Designees"), that certain approximate 1,358 square foot Temporary Construction Easement more particularly described on Exhibit "A" and depicted on Exhibit "B" hereto ("TCE") in, over, under and across the Larger Parcel for a term of nine months. Exhibit "A" and Exhibit "B" are attached hereto, and incorporated herein by this reference.

2. Term. The term of the TCE will commence thirty calendar days from the date that the City provides written notice to Grantors that it intends to commence construction of the Project. The thirtieth calendar day after the date of the City's notice is the "commencement date" of the TCE. The TCE will terminate automatically nine months from the commencement date ("termination date"). City is authorized to use the approximate 1,358 square foot TCE from the commencement date to the termination date to facilitate City's construction of the Project. The temporary construction easement will expire on the earlier of (i) the termination date or (ii) the date on which City records a notice of termination of the Temporary Construction Easement in the Official Records of the County of Riverside.

3. Option to Extend Term. The City has the option to extend the term of the TCE by up to six months provided that the City provides Grantors written notice 15 calendar days before the termination date (as defined in 2) notifying Grantors that the City wishes to exercise the option to extend the term by up to six months. During any such extension period, the Parties agree that the City will pay to Grantors the sum of \$46.72 per month for any portion of a month in which the City continues to use the TCE. The monthly compensation is based on compensation at \$4.13 per square foot with a net annual rate of return of ten percent. Thus, if the City uses the TCE for an additional 2.3 months, the City will pay Grantors the sum of \$140.16, which represents the compensation for three months (\$46.72 x 3 months, rounded). The City will pay any such compensation for the extension term within 30 calendar days of the date on which the City's use of the TCE terminates.

4. Scope of Temporary Construction Easement. The 1,358 square foot TCE is for the use by City Designees for the above-referenced approximate nine-month period to facilitate City's construction of the Project, including construction of street, utility, and drainage improvements in the new right of way, construction staging purposes, and storage of material and equipment on the TCE, if necessary. The construction staging purposes include, but are not limited to, the use of the TCE to facilitate the movement of construction equipment for the construction of the Project, storage and assembly of equipment and materials, ingress and egress, and any related support activities to facilitate the construction of the Project.

5. No Liens. City agrees to keep the approximate 1,358 square foot TCE and the Larger Parcel free of any liens, including without limitation, liens by contractors, subcontractors, or suppliers, engineers, architects, surveyors, or others that may have lien rights for work arising out of City's use of the TCE in connection with the construction of the Project. If any such lien is filed on the TCE or any portion of the Larger Parcel in connection with City's use of the TCE, City will, at its sole cost and expense, have the lien released and discharged of record in a matter satisfactory to Grantors within 30 calendar days of receiving notice of the lien. If City fails to remove the lien within such 30-day period, Grantors will have the right to remove or bond over the lien, and City, upon demand, will reimburse Grantors for all reasonable costs and expenses, including without limitation reasonable attorneys' fees incurred by Grantors in connection with such removal or bond.

6. City's Obligations at End of Term. City agrees that as of the termination date of the TCE, City will leave the TCE in as close as possible to the condition in which said TCE existed at the commencement date, including removal of any equipment and materials stored on the TCE in connection with the Project. Further, upon the expiration of the term of the TCE, City agrees to take such actions as reasonably necessary to evidence and give effect to the extinguishment of the TCE and the relinquishment of City's rights and interests in the TCE pursuant to this TCE Agreement, including, without limitation, City will record at City's expense, such termination or extinguishment as is in form and substance reasonably acceptable to Grantors and sufficient to remove this TCE Agreement as an encumbrance against title.

7. Warranties. City warrants that on the completion of its use of the TCE, and following removal of any construction equipment and facilities and cleanup required by Section 5, it shall cause its contractor to leave the TCE area in a neat manner conforming to the natural appearance of the TCE area prior to City's use of said area.

8. Insurance. Prior to entry onto the approximate 1,358 square foot TCE area, City will procure and maintain (and cause City's contractor for the Project to procure and maintain) a policy of commercial general liability insurance issued by an insurer reasonably satisfactory to Grantors covering the use by and activities of City and City's Designees with a single limit of liability (per occurrence and aggregate) of not less than \$2,000,000, and to deliver to Grantors a certificate of insurance and copy of additional insured endorsement naming Grantors as named additional insured, evidencing that such insurance is in force and effect, and evidencing that Grantors have been named as an additional insured thereunder with respect to the use by Grantee and Grantee's Designees of the TCE. Such insurance will be maintained in force throughout the term of this Temporary Construction Easement.

9. City's Agreement to Indemnify. City will, and will cause its contractor for the proposed Project to, indemnify, defend and hold Grantors harmless from any and all liability for loss, damages, costs, expenses, demands, causes of action, claims or judgments, arising from or arising out of or in any way connected with the entry, access and use of the TCE by said contractor and its designees in connection with the exercise of the rights of the contractor and its designees under this TCE Agreement or any breach of City's or City's contractor's obligations under this TCE Agreement, and will reimburse Grantors for all reasonable costs, expenses and losses, including reasonable attorneys' fees, incurred by Grantors in consequence of any claims, demands and causes of action that may be made or brought against Grantors arising out of the entry on and

use of the area comprising the TCE by said contractor and/or its designees in connection with the Project or any breach of City's or its contractor's obligations under this TCE Agreement.

10. Notices. All notices and demands will be given in writing by certified mail, postage prepaid, and return receipt requested, by personal delivery, or by Federal Express. Notices will be considered given upon the earlier of (a) personal delivery, (b) two business days following deposit in the United States mail, postage prepaid, certified or registered, return receipt requested, or (c) one business day following deposit with Federal Express. The Parties will address such notices as provided below or as may be amended by written notice:

GRANTEE:	City of Banning 99 E. Ramsey Street Banning, California 92220 Attention: City Manager
COPY TO:	Richards, Watson & Gershon 355 South Grand Avenue 40th Floor Los Angeles, California 90071-3101 Attention: Kevin Ennis, City Attorney
GRANTORS:	Humberto Ramirez and Eulogia R. Ramirez, as Co-Trustees of The Humberto and Eulogia R. Ramirez Family Living Trust u/a dated May 29, 2013 410 Avignon Court Riverside, California 92501-1202

11. Miscellaneous Provisions.

11.1 *Governing Law*. This TCE Agreement is deemed to have been prepared by each of the Parties hereto, and any uncertainty or ambiguity herein shall not be interpreted against the drafter, but rather, if such uncertainty or ambiguity exists, shall be interpreted according to the applicable rules of interpretation of contracts under the laws of the State of California, and not the substantive law of another state or the United States or federal common law. This TCE Agreement shall be deemed to have been executed and delivered within the State of California, and the rights and obligations of the Parties shall be governed by, and construed and enforced in accordance with, the laws of the State of California.

11.2 *Entire Agreement*. This TCE Agreement, together with the Purchase Agreement, contains the entire agreement between Grantors and Grantee regarding the TCE. No person is authorized to make, and by execution hereof Grantors and Grantee acknowledge that no person has made, any representation, warranty, guaranty or promise except as set forth herein; and any such agreement, statement, representation or promise not contained in said Purchase Agreement and this TCE Agreement will not be binding on Grantors or City.

11.3 *Amendments.* Any amendments to this TCE Agreement will be effective only by a writing executed by all Parties to this TCE Agreement.

11.4 *Successors and Assigns.* This TCE Agreement will be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of the Parties hereto.

11.5 *Counterparts, Facsimile and Electronic Signatures.* This TCE Agreement may be executed in whole or in counterparts, which together shall constitute the entire Agreement. Facsimile or electronic signatures/counterparts to this TCE Agreement shall be effective as if the original signed counterpart were delivered.

11.6 *Legal Representation.* Each of the Parties acknowledge that in connection with the negotiation and execution of this TCE Agreement, they have each been represented by independent counsel of their own choosing and the Parties executed this Agreement after review by such independent counsel, or, if they were not so represented, said non-representation is and was the voluntary, intelligent and informed decision and election of any of the Parties not so represented. The Parties further acknowledge that, prior to executing this TCE Agreement, each of the Parties has had an adequate opportunity to conduct an independent investigation of all the facts and circumstances with respect to the matters that are the subject of said Agreement.

11.7 *Attorneys' Fees.* If either of the Parties hereto incurs attorneys' fees in order to enforce, defend or interpret any of the terms, provisions or conditions of this TCE Agreement or because of a breach of this TCE Agreement by the other party, the prevailing party, whether by suit, negotiation, arbitration or settlement will be entitled to recover reasonable attorneys' fees from the other party.

11.8 *Severability.* If any part, term or provision of this TCE Agreement is held by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining provisions will not be affected, and the rights and obligations of the Parties will be construed and enforced as if this TCE Agreement did not contain the particular part, term or provision held to be invalid.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, Grantors and City have entered into this TCE Agreement as of the date set forth below.

**GRANTORS**

HUMBERTO RAMIREZ AND EULOGIA R. RAMIREZ, AS CO-TRUSTEES OF THE HUMBERTO AND EULOGIA R. RAMIREZ FAMILY TRUST U/A DATED MAY 29, 2013

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Humberto Ramirez, Co-Trustee of The Humberto and Eulogia R. Ramirez Family Living Trust u/a dated May 29, 2013

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Eulogia R. Ramirez, Co-Trustee of The Humberto and Eulogia R. Ramirez Family Living Trust u/a dated May 29, 2013

**GRANTEE**

City of Banning, a municipal corporation

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Douglas Schulze, City Manager

ATTEST:

By: \_\_\_\_\_

Marie Calderon, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Kevin Ennis, City Attorney

**Exhibit "A"**  
**Legal Description of Temporary Construction Easement**

**EXHIBIT "A"**  
**TEMPORARY CONSTRUCTION EASEMENT - A.P.N. 532-120-011**

THAT PORTION OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, IN THE CITY OF HANMING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, WITHIN THE LAND DESCRIBED IN A GRANT DEED TO HUMBERTO RAMIREZ RECORDED APRIL 1, 2011 AS DOCUMENT NO. 2011-0145549 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING SOUTHERLY OF THE FOLLOWING DESCRIBED REFERENCE LINE:

COMMENCING AT THE CENTERLINE INTERSECTION OF RAMSEY STREET AND HATHAWAY STREET AS SHOWN ON A RECORD OF SURVEY FILED IN BOOK 11, PAGE 24 OF RECORD OF SURVEYS, IN SAID OFFICE OF THE COUNTY RECORDER;

THENCE, ALONG SAID CENTERLINE OF HATHAWAY STREET, NORTH 00°03'38" EAST, 1635.00 FEET TO THE NORTHWESTERLY CORNER OF PARCEL 1 AS DESCRIBED IN A GRANT DEED TO OSI PARTNERSHIP 1, LLC, RECORDED APRIL 10, 2008 AS DOCUMENT NO. 2008-0178325, OFFICIAL RECORDS OF SAID COUNTY, AND THE POINT OF BEGINNING;

THENCE, ALONG THE NORTHERLY LINE OF SAID PARCEL 1 AS DESCRIBED IN A GRANT DEED TO OSI PARTNERSHIP 1, LLC, SOUTH 89°15'37" EAST, 52.00 FEET TO A LINE PARALLEL WITH AND 52.00 FEET EASTERLY OF SAID CENTERLINE OF HATHAWAY STREET;

THENCE, ALONG SAID PARALLEL LINE, SOUTH 00°03'38" WEST, 125.99 FEET;

THENCE, SOUTH 89°56'22" EAST, 1.00 FEET TO A LINE PARALLEL WITH AND 53.00 FEET EASTERLY OF SAID CENTERLINE OF HATHAWAY STREET;

THENCE, ALONG SAID PARALLEL LINE, SOUTH 00°03'38" WEST, 29.50 FEET;

THENCE, SOUTH 89°56'22" EAST, 1.00 FEET TO A LINE PARALLEL WITH AND 54.00 FEET EASTERLY OF SAID CENTERLINE OF HATHAWAY STREET;

THENCE, ALONG SAID PARALLEL LINE, SOUTH 00°03'38" WEST, 99.85 FEET;

THENCE, SOUTH 44°59'49" EAST, 43.56 FEET;

THENCE, SOUTH 00°03'16" EAST, 61.19 FEET;

THENCE, SOUTH 45°00'11" WEST, 40.99 FEET TO A LINE PARALLEL WITH AND 56.00 FEET EASTERLY OF SAID CENTERLINE OF HATHAWAY STREET;

THENCE, ALONG SAID PARALLEL LINE, SOUTH 00°03'38" WEST, 126.26 FEET TO THE NORTHERLY LINE OF PARCEL 6 DESCRIBED IN A GRANT DEED TO LOUIS S. LOPEZ, TRUSTEE OF THE LOUIS S. LOPEZ TRUST, RECORDED DECEMBER 5, 2006 AS DOCUMENT NO. 2006-0889568, OFFICIAL RECORDS OF SAID COUNTY;

THENCE, ALONG SAID NORTHERLY LINE, NORTH 89°14'00" WEST, 1.00 FEET TO A LINE PARALLEL WITH AND 55.00 FEET EASTERLY OF SAID CENTERLINE OF HATHAWAY STREET;

THENCE, ALONG SAID PARALLEL LINE, SOUTH 00°03'38" WEST, 288.84 FEET;

1 OF 5

**EXHIBIT "A"**  
**TEMPORARY CONSTRUCTION EASEMENT - A.P.N. 532-120-011**

THENCE, SOUTH 89°56'22" EAST, 2.00 FEET TO A LINE PARALLEL WITH AND 57.00 FEET EASTERLY OF SAID CENTERLINE OF HATHAWAY STREET;

THENCE, ALONG SAID PARALLEL LINE, SOUTH 00°03'38" WEST, 69.37 FEET;

THENCE, NORTH 89°56'22" WEST, 1.00 FEET TO A LINE PARALLEL WITH AND 56.00 FEET EASTERLY OF SAID CENTERLINE OF HATHAWAY STREET;

THENCE, ALONG SAID PARALLEL LINE, SOUTH 00°03'38" WEST, 105.38 FEET;

THENCE, SOUTH 53°55'49" EAST, 11.13 FEET;

THENCE, SOUTH 00°03'38" WEST, 34.32 FEET;

THENCE, SOUTH 51°09'30" WEST, 12.85 FEET TO A LINE PARALLEL WITH AND 55.00 FEET EASTERLY OF SAID CENTERLINE OF HATHAWAY STREET;

THENCE, ALONG SAID PARALLEL LINE, SOUTH 00°03'38" WEST, 219.93 FEET;

THENCE, SOUTH 38°57'16" EAST, 14.30 FEET;

THENCE, SOUTH 00°03'38" WEST, 34.56 FEET;

THENCE, SOUTH 61°37'51" WEST, 10.23 FEET TO A LINE PARALLEL WITH AND 55.00 FEET EASTERLY OF SAID CENTERLINE OF HATHAWAY STREET;

THENCE, ALONG SAID PARALLEL LINE, SOUTH 00°03'38" WEST, 39.62 FEET TO THE SOUTHERLY LINE OF PARCEL 2 DESCRIBED IN SAID GRANT DEED TO LOUIS S. LOPEZ, TRUSTEE OF THE LOUIS S. LOPEZ TRUST, RECORDED DECEMBER 5, 2006 AS DOCUMENT NO. 2006-0889568;

THENCE, ALONG SAID SOUTHERLY LINE, SOUTH 89°07'14" EAST, 9.00 FEET TO A LINE PARALLEL WITH AND 64.00 FEET EASTERLY OF SAID CENTERLINE OF HATHAWAY STREET;

THENCE, ALONG SAID PARALLEL LINE, SOUTH 00°03'38" WEST, 39.71 FEET;

THENCE, SOUTH 49°31'47" WEST, 9.21 FEET TO A LINE PARALLEL WITH AND 57.00 FEET EASTERLY OF SAID CENTERLINE OF HATHAWAY STREET;

THENCE, ALONG SAID PARALLEL LINE, SOUTH 00°03'38" WEST, 52.53 FEET;

THENCE, SOUTH 01°47'23" WEST, 66.27 FEET TO A LINE PARALLEL WITH AND 55.00 FEET EASTERLY OF SAID CENTERLINE OF HATHAWAY STREET;

THENCE, ALONG SAID PARALLEL LINE, SOUTH 00°03'38" WEST, 57.98 FEET;

THENCE, SOUTH 50°12'34" EAST, 21.36 FEET TO A LINE PARALLEL WITH AND 74.00 FEET NORTHERLY OF SAID CENTERLINE OF RAMSEY STREET;

THENCE, ALONG SAID PARALLEL LINE, SOUTH 89°07'14" EAST, 93.57 FEET TO THE WESTERLY LINE OF PARCEL 1 OF THE CORPORATION GRANT DEED RECORDED

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**EXHIBIT "A"**  
**TEMPORARY CONSTRUCTION EASEMENT - A.P.N. 532-120-011**

MAY 9, 2011 AS DOCUMENT NO. 2011-0204495, OFFICIAL RECORDS OF SAID COUNTY;

THENCE, ALONG SAID WESTERLY LINE, SOUTH 00°03'38" WEST, 9.00 FEET TO A LINE PARALLEL WITH AND 65.00 FEET NORTHERLY OF SAID CENTERLINE OF RAMSEY STREET;

THENCE, ALONG SAID PARALLEL LINE, SOUTH 89°07'14" EAST, 117.32 FEET;

THENCE, NORTH 00°03'38" EAST, 18.99 FEET;

THENCE, SOUTH 89°56'22" EAST, 65.00 FEET;

THENCE, SOUTH 00°03'38" WEST, 20.83 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 212.00 FEET, A RADIAL LINE TO SAID CURVE BEARS NORTH 06°12'06" EAST;

THENCE, EASTERLY 1.42 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00°23'05";

THENCE, SOUTH 83°24'49" EAST, 70.70 FEET TO THE EASTERLY LINE OF SAID PARCEL 1 OF THE CORPORATION GRANT DEED RECORDED MAY 9, 2011 AS DOCUMENT NO. 2011-0204495;

THENCE, ALONG SAID EASTERLY LINE, NORTH 00°03'38" EAST, 10.20 FEET;

THENCE, SOUTH 89°56'22" EAST, 42.00 FEET;

THENCE, SOUTH 00°23'37" EAST, 12.72 FEET TO A LINE PARALLEL WITH AND 55.00 FEET NORTHERLY OF SAID CENTERLINE OF RAMSEY STREET;

THENCE, ALONG SAID PARALLEL LINE, SOUTH 89°07'14" EAST, 78.89 FEET TO THE WESTERLY LINE OF PARCEL 3 DESCRIBED IN SAID GRANT DEED TO LOUIS S. LOPEZ, TRUSTEE OF THE LOUIS S. LOPEZ TRUST, RECORDED DECEMBER 5, 2006 AS DOCUMENT NO. 2006-0889568;

THENCE, ALONG SAID WESTERLY LINE, NORTH 00°03'38" EAST, 14.00 FEET TO A LINE PARALLEL WITH AND 69.00 FEET NORTHERLY OF SAID CENTERLINE OF RAMSEY STREET;

THENCE, ALONG SAID PARALLEL LINE, SOUTH 89°07'14" EAST, 42.66 FEET;

THENCE, SOUTH 81°14'46" EAST, 21.31 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 604.00 FEET, A RADIAL LINE TO SAID CURVE BEARS SOUTH 01°48'41" WEST;

THENCE, EASTERLY 86.41 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 08°11'48" TO A NON-TANGENT LINE AND TO WHICH A RADIAL LINE BEARS SOUTH 06°23'07" EAST;

THENCE, ALONG SAID NON-TANGENT LINE, NORTH 00°03'38" EAST, 2.01 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY AND HAVING A

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Exhibit "A"  
Page 3 of 5

**EXHIBIT "A"**  
**TEMPORARY CONSTRUCTION EASEMENT - A.P.N. 532-120-011**

RADIUS OF 602.00 FEET, A RADIAL LINE TO SAID CURVE BEARS SOUTH 06°24'24" EAST;|

THENCE, EASTERLY 59.33 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05°38'47" TO A NON-TANGENT LINE AND TO WHICH A RADIAL LINE BEARS SOUTH 12°03'11" EAST;

THENCE, ALONG SAID NON-TANGENT LINE, NORTH 72°27'02" EAST, 27.32 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 600.00 FEET, A RADIAL LINE TO SAID CURVE BEARS SOUTH 14°39'03" EAST;

THENCE, EASTERLY 10.72 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01°01'26";

THENCE, NORTH 74°19'31" EAST, 57.22 FEET;  
THENCE, SOUTH 00°03'38" WEST, 4.16 FEET;  
THENCE, NORTH 74°19'31" EAST, 35.48 FEET;  
THENCE, NORTH 63°02'37" EAST, 56.23 FEET;  
THENCE, NORTH 74°19'31" EAST, 12.45 FEET TO THE EASTERLY LINE OF PARCEL 5 DESCRIBED IN SAID GRANT DEED TO LOUIS S. LOPEZ, TRUSTEE OF THE LOUIS S. LOPEZ TRUST, RECORDED DECEMBER 5, 2006 AS DOCUMENT NO. 2006-0889568;

THENCE, ALONG SAID EASTERLY LINE, SOUTH 00°22'48" WEST, 7.28 FEET;

THENCE, NORTH 74°19'31" EAST, 90.54 FEET TO THE EASTERLY LINE OF SAID LAND DESCRIBED IN A GRANT DEED TO HUMBERTO RAMIREZ RECORDED APRIL 1, 2011 AS DOCUMENT NO. 2011-0145549;

THENCE, CONTINUING NORTH 74°19'31" EAST, 22.89 FEET;

THENCE, NORTH 82°52'09" EAST, 40.39 FEET;

THENCE, NORTH 74°19'31" EAST, 53.02 FEET TO THE WESTERLY LINE OF THE LAND DESCRIBED IN A GRANT DEED TO GARY CARLTON AND WENDY CARLTON, TRUSTEES OF THE GARY AND WENDY CARLTON LIVING TRUST, RECORDED MARCH 8, 2006 AS DOCUMENT NO. 2006-0165322, OFFICIAL RECORDS OF SAID COUNTY;

THENCE, ALONG SAID WESTERLY LINE, SOUTH 00°22'48" WEST, 2.08 FEET;

THENCE, NORTH 74°19'31" EAST, 36.50 FEET;  
THENCE, NORTH 81°52'04" EAST, 42.65 FEET;  
THENCE, NORTH 70°54'14" EAST, 45.42 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 365.00 FEET;

THENCE, NORTHEASTERLY 60.28 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°27'43" TO THE EASTERLY LINE OF SAID WEST HALF OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 1 EAST;

EXHIBIT "A"  
TEMPORARY CONSTRUCTION EASEMENT - A.P.N. 532-120-011

THENCE, ALONG SAID EASTERLY LINE, SOUTH 00°22'49" WEST, 248.39 FEET TO THE SOUTHERLY LINE OF SAID NORTHWEST QUARTER OF SECTION 11 AND THE TERMINUS OF THE REFERENCE LINE.

EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE RIGHT-OF-WAY DEDICATION TO THE CITY OF BANNING RECORDED \_\_\_\_\_, AS DOCUMENT NO. \_\_\_\_\_, OFFICIAL RECORDS OF SAID COUNTY.

CONTAINING 1,358 SQUARE FEET, MORE OR LESS.

ALSO AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND HEREBY MADE A PART HEREOF.

SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS, AND RIGHTS-OF-WAY OF RECORD, IF ANY.



PREPARED BY: STANTEC CONSULTING INC.  
UNDER THE DIRECTION OF:

*Minh A. Le*

MINH A, LE, P.L.S. 8543

MARCH 7, 2018  
J.N. 2073 013430

5 OF 5

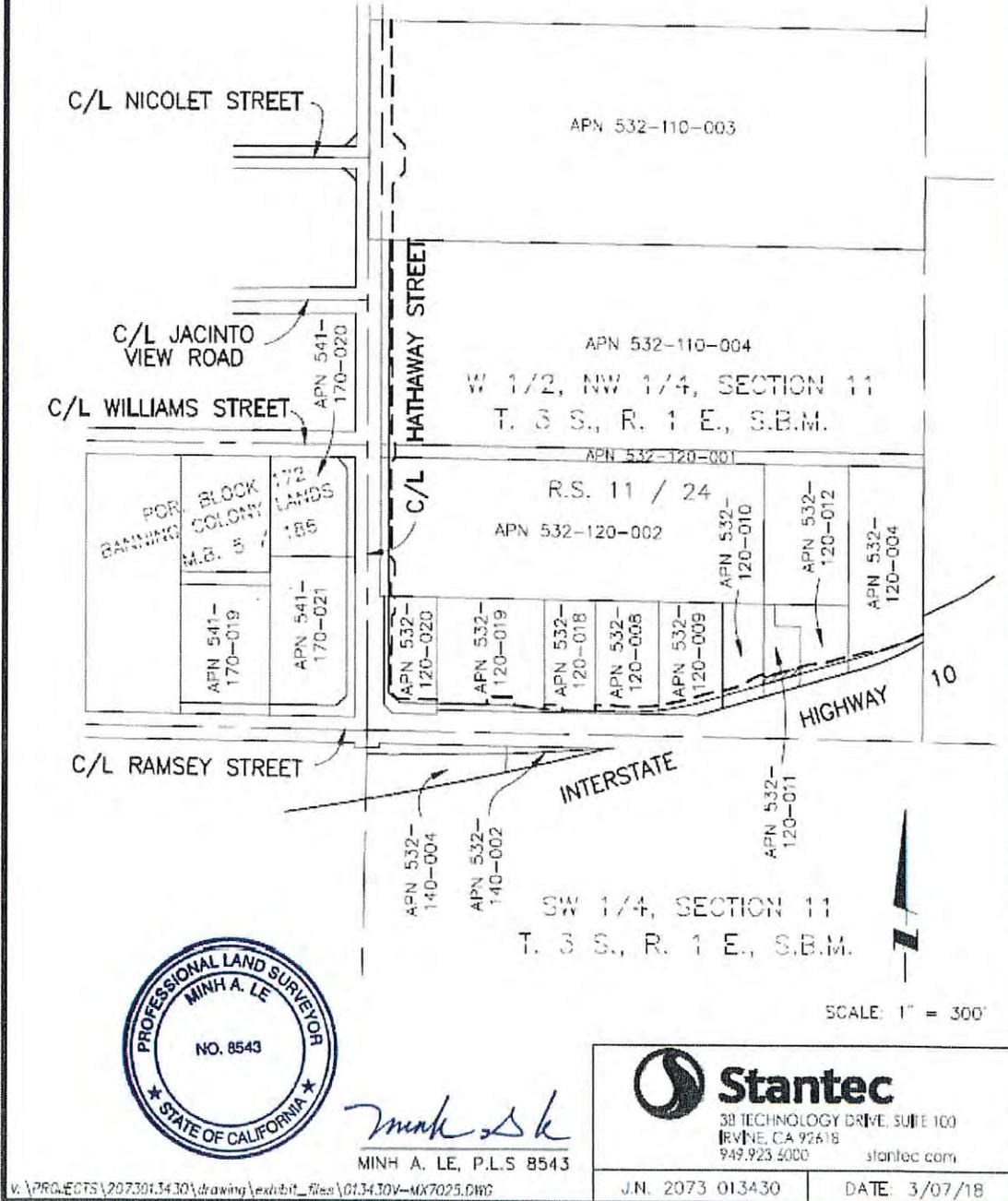
Exhibit "A"  
Page 5 of 5

**Exhibit "B"**  
**Depiction of Temporary Construction Easement**

**EXHIBIT "B"**

SHEET 1 OF 5

A PORTION OF THE W 1/2 OF THE NW 1/4 OF SECTION 11, T. 3 S., R. 1 E., S.B.M.,  
 IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
**TEMPORARY CONSTRUCTION EASEMENT - APN 532-120-011**

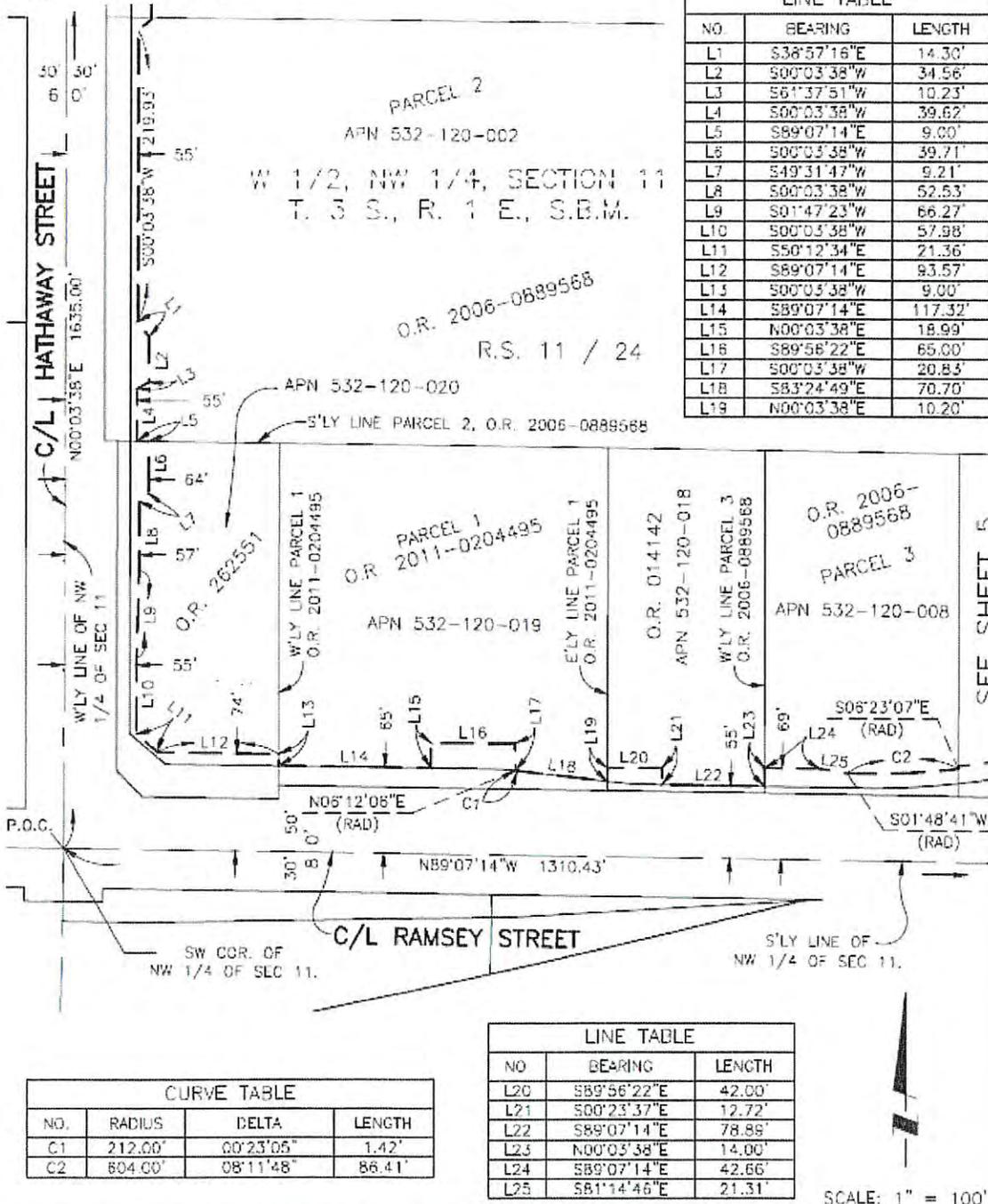


# EXHIBIT "B"

SHEET 2 OF 5

## TEMPORARY CONSTRUCTION EASEMENT - APN 532-120-011

SEE SHEETS 3&4



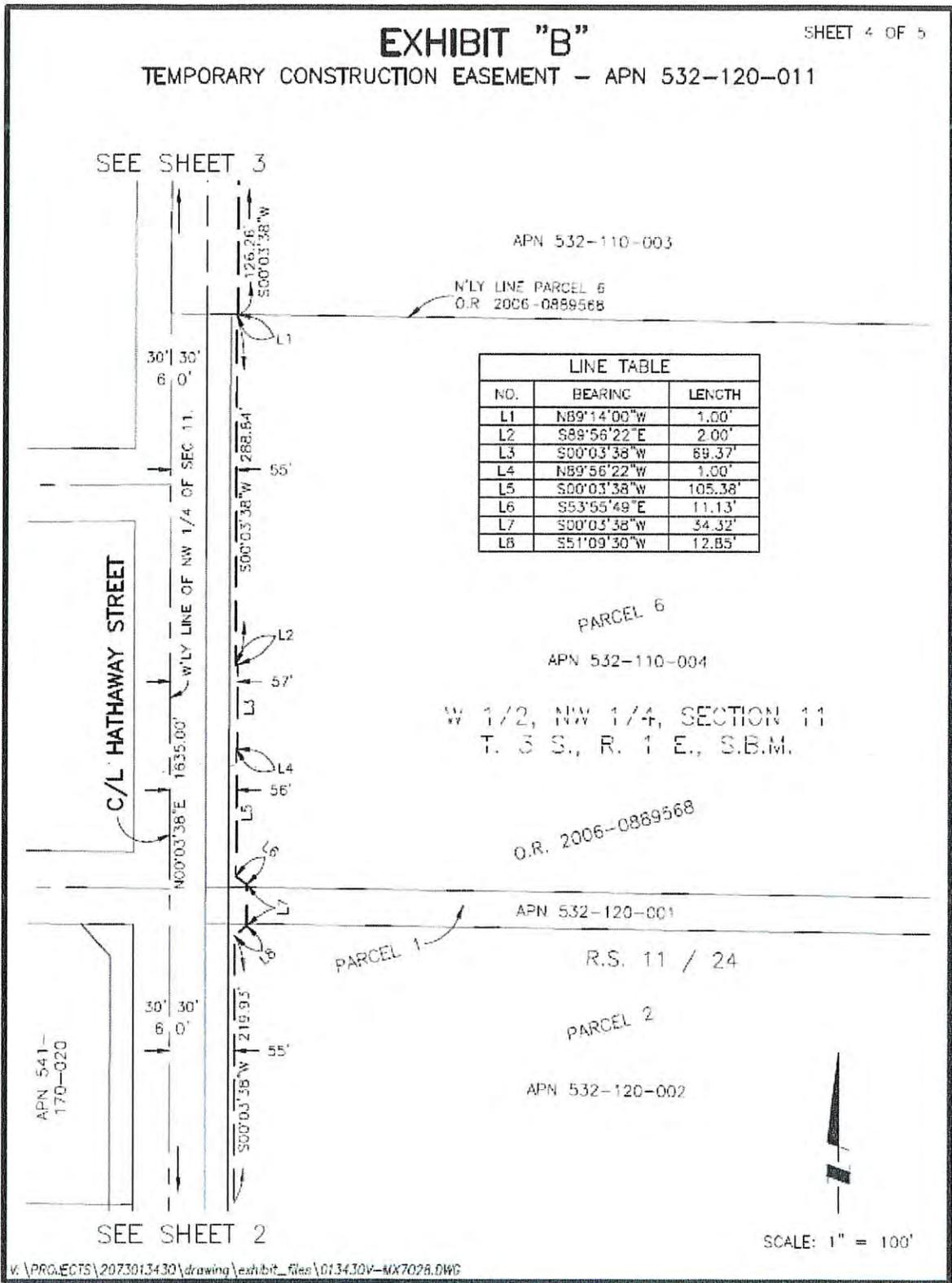
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# EXHIBIT "B"

SHEET 4 OF 5

## TEMPORARY CONSTRUCTION EASEMENT - APN 532-120-011



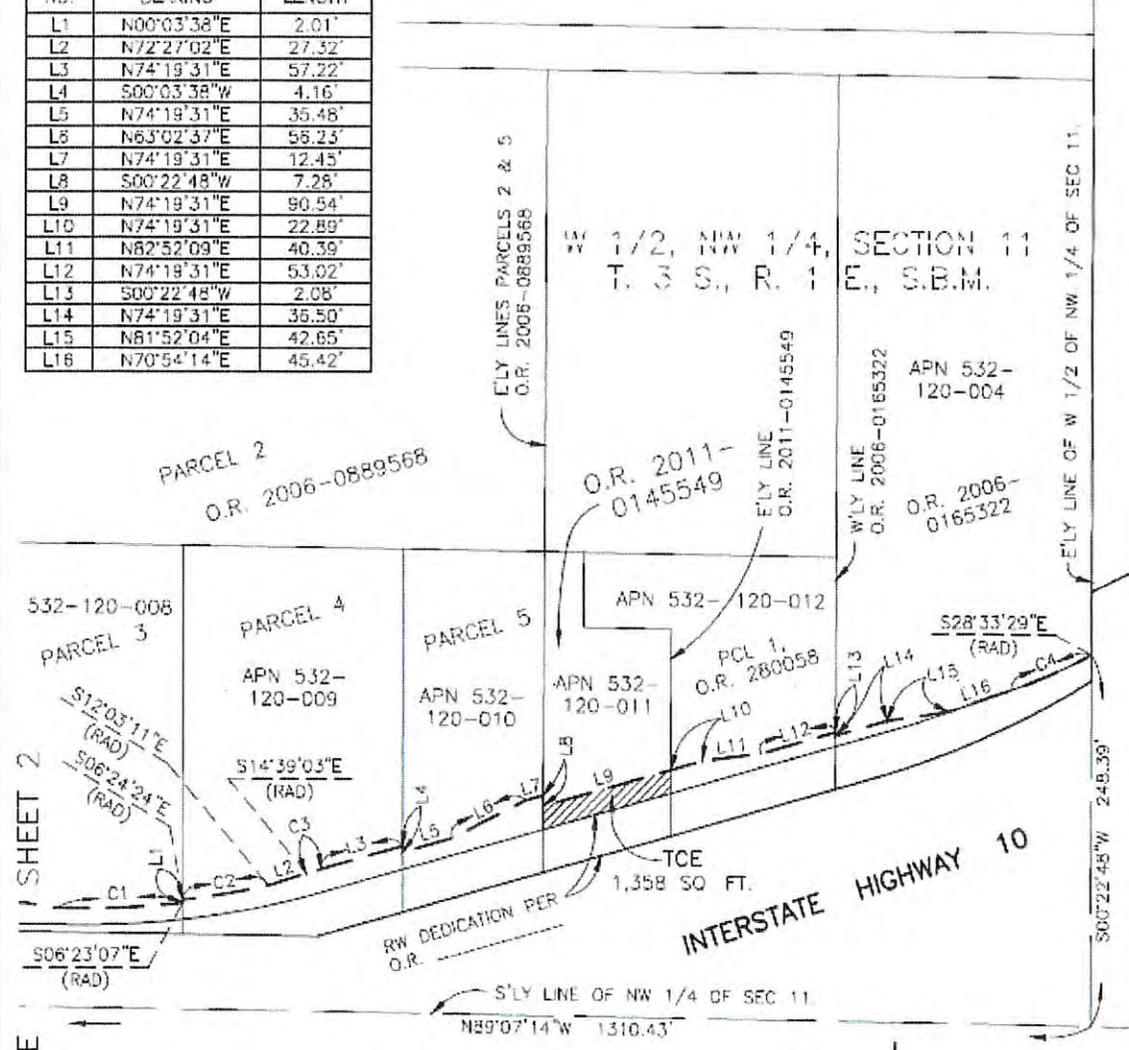
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# EXHIBIT "B"

SHEET 5 OF 5

## TEMPORARY CONSTRUCTION EASEMENT - APN 532-120-011

LINE TABLE		
NO.	BEARING	LENGTH
L1	N00°03'38"E	2.01'
L2	N72°27'02"E	27.32'
L3	N74°19'31"E	57.22'
L4	S00°03'38"W	4.16'
L5	N74°19'31"E	35.48'
L6	N63°02'37"E	56.23'
L7	N74°19'31"E	12.45'
L8	S00°22'48"W	7.28'
L9	N74°19'31"E	90.54'
L10	N74°19'31"E	22.89'
L11	N82°52'09"E	40.39'
L12	N74°19'31"E	53.02'
L13	S00°22'48"W	2.08'
L14	N74°19'31"E	35.50'
L15	N81°52'04"E	42.65'
L16	N70°54'14"E	45.42'



CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	604.00'	08°11'48"	86.41'
C2	602.00'	05°38'47"	59.33'
C3	600.00'	01°01'26"	10.72'
C4	355.00'	09°27'43"	60.28'



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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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 )
) ss.
County of Riverside )

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public,
personally appeared \_\_\_\_\_,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity(ies) 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: \_\_\_\_\_
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to 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) Other Than Named Above: \_\_\_\_\_

Capacity(ies) claimed by Signer(s)

Signer's Name: \_\_\_\_\_ Signer's Name: \_\_\_\_\_
[ ] Corporate Officer - Title(s): \_\_\_\_\_ [ ] Corporate Officer - Title(s): \_\_\_\_\_
[ ] Partner - [ ] Limited [ ] General [ ] Partner - [ ] Limited [ ] General
[ ] Individual [ ] Attorney in Fact [ ] Individual [ ] Attorney in Fact
[ ] Trustee [ ] Guardian or Conservator [ ] Trustee [ ] Guardian or Conservator
[ ] Other: \_\_\_\_\_ [ ] Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_ Signer Is Representing: \_\_\_\_\_

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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 )
) ss.
County of Riverside )

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public,
personally appeared \_\_\_\_\_,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity(ies) 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: \_\_\_\_\_
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to 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) Other Than Named Above: \_\_\_\_\_

Capacity(ies) claimed by Signer(s)

Signer's Name: \_\_\_\_\_

- Corporate Officer - Title(s):
Partner - Limited General
Individual Attorney in Fact
Trustee Guardian or Conservator
Other:

Signer's Name: \_\_\_\_\_

- Corporate Officer - Title(s):
Partner - Limited General
Individual Attorney in Fact
Trustee Guardian or Conservator
Other:

Signer Is Representing: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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 )
) ss.
County of Riverside )

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public,
personally appeared \_\_\_\_\_,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity(ies) 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: \_\_\_\_\_
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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[ ] Corporate Officer - Title(s): \_\_\_\_\_
[ ] Partner - [ ] Limited [ ] General
[ ] Individual [ ] Attorney in Fact
[ ] Trustee [ ] Guardian or Conservator
[ ] Other: \_\_\_\_\_

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[ ] Trustee [ ] Guardian or Conservator
[ ] Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_



**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:** February 26, 2019

**SUBJECT:** Adopt Resolution 2019-XX, Awarding a Professional Services Agreement for the Design of the North San Gorgonio Avenue Building Demolition and Parking Lot Improvements to Cozad & Fox, Inc. in the amount of \$59,960

---

**RECOMMENDED ACTION:**

Staff recommends that the City Council adopt Resolution 2019-XX:

1. Awarding a Professional Services Agreement for the Design of the North San Gorgonio Avenue Building Demolition and Parking Lot Improvements located at 128 N. San Gorgonio Avenue and Assessors Parcel Number 541-141-005 to Cozad & Fox, Inc. in the amount of \$59,960.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Professional Services Agreement for the Design of the San Gorgonio Building Demolition and Parking Lot Improvements.
3. Authorizing the City Manager or his designee to execute the Professional Services Agreement with Cozad & Fox, Inc. of Hemet, California in the amount of \$59,960.

**BACKGROUND:**

The City of Banning Successor Agency owns Assessor Parcel Number (APN) 541-141-013 located at 128 N. San Gorgonio Avenue and is identified in the 2013 Long Range Property Management Plan to be developed as a parking.

Furthermore, on April 10, 2018 under Resolution 2018-33, the Purchase of Real Property for APN 541-141-005 was approved and the Purchase Agreement was executed. The intent of purchasing APN 541-141-005 was to combine the properties for the development of a parking lot.

In an effort to proceed with the project, staff prepared the design services scope of work which includes the preparation of a structural demolition plan and design of a parking lot inclusive of curbs, gutters, sidewalks, pavement, striping, signage, lighting and landscaping. The scope of work also included the preparation of a Water Quality Management Plan (WQMP) for compliance with storm water regulations.

On December 14, 2018, staff released an Invitation for Bid (IFB) 19-020 for the design of building demolition and parking lot improvements to six (6) consultants on the on-call engineering list approved by City Council on April 25, 2017 under Resolution 2017-39 with proposals being due on January 17, 2019. In response to these efforts, one (1) proposal was received by Cozad & Fox, Inc.

Cozad & Fox, Inc. is a reputable qualified firm that has successfully provided services to the City in the past and as a result, staff recommends the contract award to Cozad & Fox, Inc. in the amount of \$59,960.

**JUSTIFICATION:**

The abovementioned parcels have been identified for the development of a parking lot by the 2013 Long Range Property Management Plan, City Council and/or Economic Development Ad Hoc Committee.

If approved, the final product of the services to be provided will be plans and specifications needed for construction bidding purposes.

**FISCAL IMPACT:**

The expenditure will be funded by the BEA Capital Projects Fund, Account 840-9500-490.90-07.

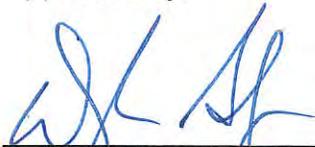
**ALTERNATIVE:**

Reject Resolution 2019-XX and provide direction to staff.

**ATTACHMENTS:**

1. Resolution 2019-XX
2. Staff Report and Resolution 2017-05
3. Property Exhibit
4. Cozad & Fox, Inc. Proposal dated January 17, 2019

Approved by:



---

Douglas Schulze  
City Manager

# **ATTACHMENT 1**

## Resolution 2019-XX

## RESOLUTION 2019-XX

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, AWARDING A PROFESSIONAL SERVICES AGREEMENT FOR THE DESIGN OF THE SAN GORGONIO BUILDING DEMOLITION AND PARKING LOT IMPROVEMENTS TO COZAD & FOX, INC. IN THE AMOUNT OF \$59,960

**WHEREAS**, the City of Banning Successor Agency owns Assessor Parcel Number (APN) 541-141-013 located at 128 N. San Gorgonio Avenue which has been identified in the 2013 Long Range Property Management Plan as a proposed property to be retained by the City of Banning for the development of a parking lot; and

**WHEREAS**, on April 10, 2018 under Resolution 2018-33, the Purchase of Real Property at 162 N. San Gorgonio Avenue (APN 541-141-005) was approved and the Purchase Agreement was executed in an effort to revitalize the downtown area and combined it with APN 541-141-013 for the development of a parking lot; and

**WHEREAS**, the project scope for design services includes the preparation of a structural demolition plan and design of a parking lot inclusive of curbs, gutters, sidewalks, pavement, striping, signage, lighting and landscaping design plan; and

**WHEREAS**, on December 14, 2018, staff released Invitation for Bid (IFB) 19-020 for the design of a building demolition and parking lot improvement project to six (6) consultants on the on-call engineering list approved by City Council on April 25, 2017 under Resolution 2017-39 with proposals being due on January 17, 2019 and in response to these efforts, one (1) proposal was received by Cozad & Fox, Inc.; and

**WHEREAS**, Cozad & Fox, Inc. is a reputable qualified firm that has successfully provided services to the City in the past and as a result, staff recommends the contract award to Cozad & Fox, Inc. in the amount of \$59,960.

**WHEREAS**, the expenditure will be funded by Account No. 840-9500-490.90-07.

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

**SECTION 1.** The Banning City Council adopts Resolution 2019-XX, awarding a Professional Services Agreement for the Design of the San Gorgonio Building Demolition and Parking Lot Improvements to Cozad & Fox, Inc. in the amount of \$59,960.

**SECTION 2.** The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

**SECTION 3.** The City Manager or his designee is authorized to make necessary budget adjustments, appropriations and transfers related to the Professional Services Agreement.

SECTION 4. The City Manager or his designee is authorized to execute the Professional Services Agreement as to form approved by the City Attorney.

**PASSED, APPROVED AND ADOPTED** this 26th day of February, 2019.

\_\_\_\_\_  
Arthur L. Welch, Mayor  
City of Banning

**ATTEST:**

\_\_\_\_\_  
Daryl Betancur, Deputy City Clerk  
City of Banning

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

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

**CERTIFICATION:**

I, Daryl Betancur, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2018-120, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 25<sup>th</sup> day of September, 2018, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Daryl Betancur, Deputy City Clerk  
City of Banning, California

# **ATTACHMENT 2**

Resolution 2017-05



**CITY OF BANNING  
CITY COUNCIL REPORT**

**TO:** CITY COUNCIL

**FROM:** Michael Rock, City Manager

**PREPARED BY:** Ted Shove, Economic Development Manager

**MEETING DATE:** January 10, 2017

**SUBJECT:** Discuss and Consider Adopting Resolution 2017-05, "Approving Environmental Remediation, Demolition of Existing Structure, and Construction of a Parking Lot for City-Owned Real Property Located at 128 N. San Gorgonio Avenue"

---

**RECOMMENDATION:**

That the City Council adopt Resolution 2017-05:

1. Approving environmental remediation, demolition of existing structure, and construction of a parking lot for City-owned real property located at 128 N. San Gorgonio Avenue.
2. Authorize staff to identify funding sources for the project.
3. Program into the 2017-18 fiscal year Capital Improvement Program.

**JUSTIFICATION:**

The Successor Agency recommended retention of 128 N. San Gorgonio Avenue, as identified in the Long Range Property Management Plan. The site was retained for ultimate use as a parking lot for City Hall.

**BACKGROUND:**

The Successor Agency to the Banning Community Redevelopment Agency ("Successor Agency") recommended disposition of certain real property assets. The recommendations were submitted, in the form of the Long Range Property

Management Plan (LRPMP) to the California Department of Finance and approved on January 28, 2015.

The City-owned real property located at 128 N. San Geronio Avenue (APN 541-141-013), consisting of one (1) 0.27 acre lot, is to be retained by the City for ultimate Government Use as a parking lot for City Hall. The City owns this asset in fee and is required to complete environmental analysis and abatement of lead-based paint and asbestos. Additionally, a parking lot is to be constructed after the existing structure is demolished.

By approving Resolution 2017-05, the City Council will formalize concurrence with the Successor Agency and direct staff to identify funding sources with the Public Works Ad hoc Committee before bringing forward a recommendation to fund the project in the FY 17 & 18 Capital Improvement Program.

**OPTIONS:**

1. Adopt Resolution 2017-05
2. Reject Resolution 2017-05 and provide direction to staff.

**FISCAL IMPACT:**

There is no fiscal impact associated with this action.

**ATTACHMENT:**

1. Resolution 2017-05
2. Memorandum dated October 28, 2016 regarding physical site inspection and preliminary report of findings for 128 North San Geronio Avenue (APN 541-141-013)

Approved by:



Michael Rock  
City Manager

**RESOLUTION 2017-05**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING ENVIRONMENTAL REMEDIATION, DEMOLITION OF EXISTING STRUCTURE, AND CONSTRUCTION OF A PARKING LOT FOR CITY-OWNED REAL PROPERTY LOCATED AT 128 N. SAN GORGONIO AVENUE; AUTHORIZE STAFF TO IDENTIFY FUNDING SOURCES FOR THE PROJECT; AND PROGRAM INTO THE 2017-18 FISCAL YEAR CAPITAL IMPROVEMENT PROGRAM**

**WHEREAS**, on July 29, 2014, the Successor Agency to the Banning Community Redevelopment Agency submitted a Long-Range Property Management Plan (LRPMP) to the California Department of Finance (DOF), pursuant to Health and Safety Code Section 34191.5(b); and

**WHEREAS**, on January 28, 2015, the DOF approved the LRPMP, which included disposition of 128 N. San Gorgonio Avenue (APN 541-141-013) to include environmental remediation, demolition and construction of a parking lot facility for City Hall and retained as a Government Use; and

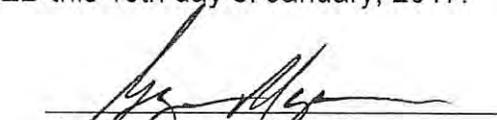
**WHEREAS**, on November 23, 2016, the City satisfied the outstanding financial obligation and now retains fee interest in 128 N. San Gorgonio Avenue; and

**WHEREAS**, the City intends to fulfill the obligations of the LRPMP by constructing a parking facility and reducing an existing blighted condition.

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

1. Resolution 2017-05 is approved authorizing environmental remediation, demolition of existing structure and construction of a parking facility at 128 N. San Gorgonio Avenue (APN 541-141-013); and
2. The City Council authorizes staff to identify funding and include the project in the 2017-18 Fiscal Year Capital Improvement Program.

**PASSED, APPROVED AND ADOPTED** this 10th day of January, 2017.

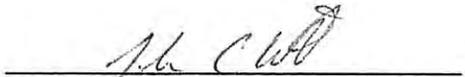
  
George Moyer, Mayor  
City of Banning, California

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, LLP

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2017-05 was duly adopted by the City Council of the City of Banning at a regular meeting thereof held on the 10th day of January, 2017, by the following vote, to wit:

AYES: Councilmembers Andrade, Franklin, Peterson, Welch, Mayor Moyer

NOES: None

ABSENT: None

ABSTAIN: None

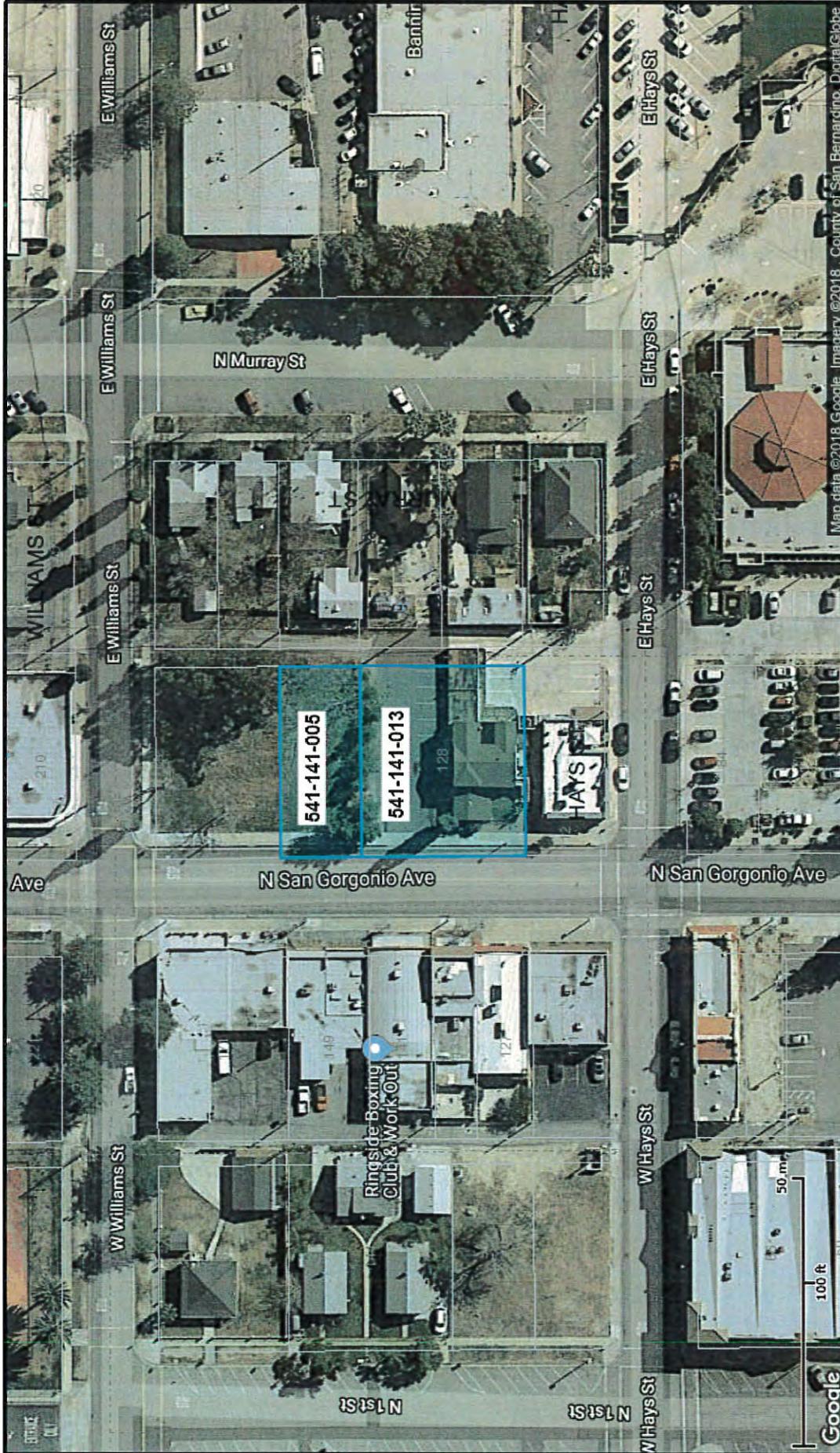


Marie A. Calderon, City Clerk  
City of Banning, California

# **ATTACHMENT 3**

## Property Exhibit

128 N. San Gorgonio Ave.



Map data ©2018 Google Imagery ©2018, County of San Bernardino, DigitalGlobe

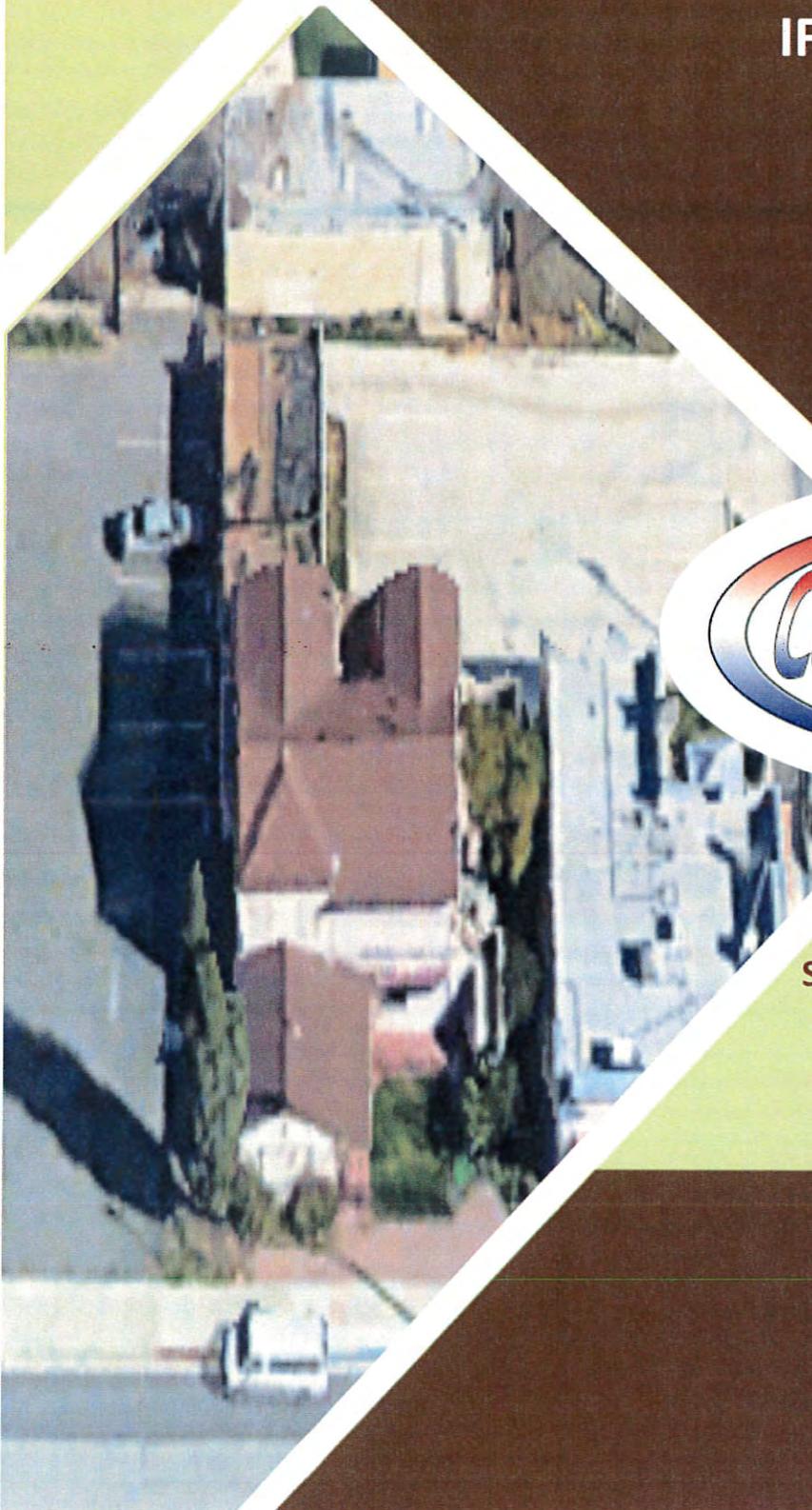
		<p>11/07/2018</p>	<p>1" = 94 ft</p>
<p>This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Banning staff for the most up-to-date information.</p>			

# **ATTACHMENT 4**

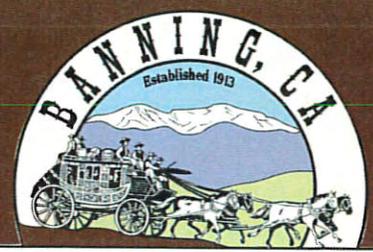
Cozad & Fox, Inc. Proposal  
dated January 17, 2019

January 17, 2019

**PROPOSAL FOR:  
DESIGN OF BUILDING DEMOLITION  
AND PARKING LOT IMPROVEMENTS  
IFB NO. 19-020**



Prepared for:  
City of Banning  
Public Works Department  
Shiloh A. Rogers, Purchasing Manager  
99 East Ramsey Street  
Banning, CA 92220-0098



Proud History  
Prosperous Tomorrow



- CIVIL / STRUCTURAL ENGINEERS
- MUNICIPAL CONSULTANTS
- SURVEYORS / PLANNERS
- WATER RESOURCES
- TRANSPORTATION

---

January 17, 2019

Shiloh A. Rogers  
Purchasing Manager  
City of Banning  
Public Works Department  
99 E. Ramsey Street  
Banning, CA 92220

P: (951) 922-3121  
E: srogers@ci.banning.ca.us

**RE: PROPOSAL FOR CIVIL ENGINEERING AND LAND SURVEYING FOR DESIGN OF BUILDING DEMOLITION AND PARKING LOT IMPROVEMENTS, IFB 19-020**

Dear Shiloh,

**Cozad & Fox, Inc.** is pleased to provide the following proposal to provide you and the **City of Banning** a constructible economical design. **Cozad & Fox, Inc.** can provide an exceptional design at an economical cost because we have visited the site and will utilize our extensive experience in parking lot design for the benefit of the **City of Banning**. For years we have had annual agreements to provide civil engineering and surveying services to **EDA, Eastern Municipal Water District (EMWD) and Riverside County Transportation Department (RCTD)**. Because of this we already have a good idea of parking lot requirements and the design and construction constraints that we must meet. I will be personally managing this project for the **City of Banning** and have enlisted the help of **Inland Foundation for the Geotechnical aspects of the project**. If necessary, **Cozad & Fox, Inc.** intends to team with **Hermann Design Group, Landscape Architects**. We have also included to subcontract with **RTM Engineering (formally MRC Engineering)**, Electrical Engineers, to prepare lighting plans. Some of our parking lot design experience includes:

- The **EDA's Hemet Regional Service Center Parking Lot** where **Cozad & Fox, Inc.** provided civil engineering and surveying services to **demo existing facilities, provide a secure parking area and Water Quality Management Facilities**.
- The **EDA's Rubidoux Library** where **Cozad & Fox, Inc.** provided civil engineering design and surveying services for parking lot design. The library site was constructed on a hill and required extensive drainage facilities and **WQMP** design.
- The **City of Hemet Library** where we again provided civil engineering and design services for the parking lot, **ADA path of travel** from initial conception through completion of construction.

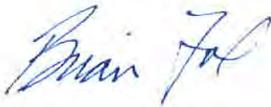
- **RCTD's new Pedley Maintenance Yard in conjunction with the EDA, Cozad & Fox, Inc.** was selected by both the RCTD and EDA to complete the site and parking lot design for the Pedley Maintenance Yard.

We have a successful track record working with the **City of Banning** and also drainage design in areas with challenging relief. We also have a successful track record working with the utility companies to eliminate surprises during construction so the contractor is not delayed.

It's not just our design skills that make us a success with the **City of Banning** and other agencies, we understand schedules and budgets. We understand the Parking Lot Improvements are desperately needed and the project is a high priority and we will strive to provide professional services that will surpass your expectations.

We believe we have a good track record and we are more than willing to bring our team in to discuss how we can successfully help the City complete the Design of Building Demolition and Parking Lot Improvements.

Thank you,



Brian Fox, P.E., P.L.S.  
President/ Principal



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## PROJECT UNDERSTANDING

**Cozad & Fox, Inc.** is pleased to provide the following proposal for Engineering Design Services for the demolition of an existing structure and design of a parking lot. The project site is located at 128 N. San Gorgonio Avenue (APN: 541-141-013 & 541-141-005) and the combined lots amount to approximately 0.40 acres. **Cozad & Fox, Inc.** will prepare structural demolition plans, design a parking lot inclusive of curbs, gutters, sidewalks, pavement, striping, signage and lighting. An optional task for landscaping design is included, **Cozad & Fox, Inc.** intends to subcontract with Hermann Design Group for the Landscaping Plans.

## PROJECT APPROACH

Upon award of the project, the team of **Cozad & Fox, Inc.** will initially meet with the City's Project Manager and discuss demolition and parking lot improvements. Our focus will be to incorporate Water Quality Management Plan (WQMP) early in the design process. The WQMP will affect the Parking Lot Plans. We will also focus on drought tolerant landscaping, this will affect the civil plans related to Grading. If necessary, **Hermann Design Group** will develop the Landscape Plans.

Brian Fox, R.C.E., P.L.S., will be the Principal in Charge and will maintain close communication between our Project Manager, Robert Ollerton, L.S. and the City's Project Manager. Our team will provide weekly updates to the City's Project Manager and presentations at the City Council as requested. Our team will actively engage in Phase Review with the City at various stages of the plan and document development process. Phase reviews are preliminarily scheduled to occur at 30%, 60% and 90%. Additional reviews and submittals may be required as direct by the City.

## QUALITY ASSURANCE PROGRAM (QA/QC)

**Cozad & Fox, Inc.** has provided civil engineering design and construction surveying services within Riverside County for the past 40 years. During that time **Cozad & Fox, Inc.** has developed practices and standards which ensure the greatest level of quality.

- ❖ **Cozad & Fox, Inc.** will maintain close communication between the City and all staff and consultants.
- ❖ As Principal in Charge, Brian Fox R.C.E., P.L.S. will review all staff decisions, designs, services and communications for this project. Furthermore, Brian will be the Engineer of Record (EOR). Brian Fox is a licensed, professional engineer responsible for the direct control and personal supervision of engineering work. Robert Ollerton, L.S., will be the Project Manager. Brian and Robert will be



focused on the project to address issues and keep the City informed. If necessary, Chris Hermann will coordinate directly with City staff for the revised Landscape Plans.

- ❖ To provide the greatest plan and document quality **Cozad & Fox, Inc.** will ensure the following:
  - That the plans are double checked with separate in-house review, and documents are accurate and a thorough representation of the existing project conditions, site features and terrain features.
  - Proposed plans and documents are an accurate and thorough representation of the design intent and contain sufficient details for constructability.
  - That the plans and documents are supported by a thorough and detailed review, documented development process; developed from 40 years of experience.
  - That the plans and documents are developed with the active involvement from City staff and consultants throughout the project.
  - That the plans will be developed and will comply with all standards and guidelines set by the Americans with Disabilities Act and Accessibility Guidelines (A.D.A.A.G).
  - Construction staking will be double checked and cut-sheets submitted to City Inspectors.
  - Coordination with contractor and inspectors to ensure the City receives a quality parking lot.



## SCOPE OF WORK

Cozad & Fox, Inc. will provide the following services as outlined by the City:

### 1 PROJECT ADMINISTRATION, RESEARCH, REVIEW AND KICK-OFF MEETING

Cozad & Fox, Inc. will review project scope with the City of Banning's Project Manager. Review existing site conditions, civil plans and site surveys. Meet with the City to initiate the project, discuss project programming, preliminary plans, design objectives and cost estimates. Cozad & Fox, Inc. will coordinate revisions and corrective concepts with the City. Cozad & Fox, Inc. and anticipates (3) three meetings with the City's Project Staff to discuss current progress, current design and future design. The three meetings shall coincide with project milestones and/or monthly intervals. Cozad & Fox, Inc. will prepare monthly progress reports during the design phase.

### 2 TOPOGRAPHIC AND BOUNDARY SURVEY

Cozad & Fox, Inc. will perform a topographic field survey that will provide sufficient topographic mapping for subsequent engineering. The field topographic field survey will include sufficient spot elevations and location data at key points to accurately model the existing surface. The survey will also locate existing features such as buildings, improvements, sidewalk, pavements, hardscaping, medium to large trees and shrubs, and other features necessary to characterize the terrain for design.

Cozad & Fox, Inc. will also perform a Boundary Survey based on the grant deeds furnished by the Client and record maps obtained from the County of Riverside. Based upon the record boundary we will search for existing exterior property corners. If property corners are missing, we will let you know which corners are missing. If you would like the missing corner set, we will prepare a separate estimate to set the missing corners with a Corner Record or Record of Survey. It is assumed that the client will provide a recent (less than one month old) title report and current Deed.

### 3 PARCEL MERGER

Cozad & Fox, Inc. will prepare the legal description of the project parcels and develop exhibits illustrating the proposed merger. The Parcel Merger application for adjusting the lot line between APN's: 541-141-013 and 541-141-005 to be submitted to the City of Banning for review and approval.



#### 4 WATER QUALITY MANAGEMENT PLAN (WQMP)

**Cozad & Fox, Inc.** will prepare a WQMP, by Brian Fox, R.C.E., L.S. is a qualified QSP/QSD and will oversee the WQMP preparation. **Cozad & Fox, Inc.** will develop the WQMP, utilizing the Whitewater Region NPDES permit and the Whitewater River template.

#### 5 GRADING PLAN

**Cozad & Fox, Inc.** will develop a detailed Grading Plans for compliance with the WQMP and City requirements. The plans will be prepared using computer aided design software (AutoCAD) and will be printed on 24x36 paper. Final plans on mylar submittal will be signed by a California Registered Professional Engineer.

**Cozad & Fox, Inc.** will submit the detailed grading plans, special conditions and technical specifications. All drawings and specifications will comply with all applicable requirements of the American with Disability Act and Accessibility Guidelines (A.D.A.A.G.) and all current applicable State and local codes. The Grading Plan will be developed at a scale of 1"=20'.

#### 6 CONSTRUCTION SURVEYING SERVICES

**Cozad & Fox, Inc.** will provide construction surveying, staking and support throughout the project. Construction staking will include: sidewalks, curbs, parking lots, ramps, signage, striping, and appurtenances. **Cozad & Fox, Inc.** will provide at a minimum, one (1) set of staking calculations and cut sheets.

#### 7 GEOTECHNICAL REPORT

**Cozad & Fox, Inc.** will utilize the services of **Inland Foundation, Inc.** to perform an investigation and prepare a soils analysis identifying potential impacts and recommendations that will be used for engineering and construction purposes. An optional task is also provided for Infiltration Testing.

#### 8 UTILITY RESEARCH

**Cozad & Fox, Inc.** will provide utility research to obtain and plot the overhead and underground utility plans from the utility purveyors along the parking lot.

#### 9 STRUCTURAL DEMOLITION PLAN

**Cozad & Fox, Inc.** will prepare demolition plan for the existing structure. The demolition plan will direct the contractor to incorporate applicable State or local laws and material recycling requirements.



### **FINAL PLANS, SPECIFICATIONS AND ESTIMATES**

**Cozad & Fox, Inc.** will prepare and provide bid construction documents, project specifications and final cost estimates. It is anticipated that the project plan set will include; Title Sheet, Demo Plans, Grading Plans, Paving & Striping and Signage Plans and Lighting Plans.

**Cozad & Fox, Inc.** will provide the **City of Banning** with:

- The **50% Conceptual Design and Drainage Study** and provide 3 sets and electronic submittal.
- The **75% Preliminary Design** and provide 3 sets and electronic submittal; 2 paper copies of WQMP, and provide an electronic submittal for the City staff to review. Prepare construction cost estimates for the City's review.
- The **90% Detailed Design** and provide 3 sets and WQMP for City review and comment.
- The **100% Final PS&E** and include construction cost estimate, plans and specifications and Base Bid Schedules, 3 sets of project documents, Civil Engineer wet stamp and signatures on mylars and all final documents, including Specifications and WQMP.

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### **BID PHASE ASSISTANCE**

**Cozad & Fox, Inc.** will prepare and pre-bid conference and prepare agenda and meeting minutes. Assist the City staff in answering questions during the bidding phase (RFI's), prepare addendums and conduct a pre-bid conference, evaluate bids submitted by contractors and subcontractors.

11

### **CONSTRUCTION PHASE ASSISTANCE**

The team of **Cozad & Fox, Inc.** and if needed, **Hermann Design Group, Inc.** will answer requests for information (RFI's), review required submittals and assume 5 site visits during the construction phase.

12

### **"AS-BUILT" PLANS**

**Cozad & Fox, Inc.** will prepare final field "as-built" construction drawings on mylar and AutoCad format to the City's Project Manager. The "as-built" drawings incorporate any changes that occurred during construction.

13



14

### **PARKING LOT LIGHTING PLAN**

**Cozad & Fox, Inc. and RTM Engineering Consultants (formally MRC Engineering)**, will provide:

- Electrical plans and specifications for the lightning additions to the parking lot.
- Perform an initial site visit as required to review the existing system.
- Provide electrical engineering plans for the electrical system.
- Prepare design and plans for building department submittal and construction issuance.
- Prepare electrical specifications on the drawings as part of the electrical set.

### **OPTIONAL TASKS**

15

### **LANDSCAPING PLANS**

**Cozad & Fox, Inc.** will utilize the services of **Hermann Design Group, Inc.** and will provide:

- Planting Plans and Details
- Irrigation Plan and Details
- Specifications
- Agency Approvals

Landscaping plans will be developed to include drought tolerant plants. Irrigation plans will be developed to include drip irrigation and micro-spray systems and promote water conservation. Hermann Design Group will also provide updates to products/materials.

16

### **GEOTECHNICAL INFILTRATION TESTING**

If required **Inland Foundation, Inc.** will provide the infiltration testing. This will include the excavation equipment, field exploration and testing and the infiltration report.



## EXPERIENCE WITH SIMILAR PROJECTS

### HEMET REGIONAL SERVICE CENTER, PARKING LOT EXPANSION PROJECT

**Cozad & Fox, Inc. was retained by the Economic Development Agency to provide civil engineering services, surveying services and construction administration services for Hemet Regional Service Center Parking Lot Expansion.** We were able to maximize the site in order to address required drainage facilities, while still providing 92 new parking spaces. The project includes field topographic surveying, evaluation of existing drainage patterns, water quality management plan in [Type a quote from the document or the summary of an interesting point. You can position the text box anywhere in the document. Use the Drawing Tools tab to change the formatting of the pull quote text box.]



filtration basin, civil engineering design of improvements, and developing materials and construction cost estimates. During design, **Cozad & Fox, Inc. coordinated utility relocation with the utility purveyors. All services were coordinated not only with the Economic Development Agency but also with Riverside County Transportation Department and the City of Hemet.** The **construction administration** services for the Parking Lot Improvement Project included administering the construction contract and orchestrating weekly on-site meetings, provided on-site observation and continuous inspection of work, responded to RFI's, processed change orders, processed shop drawings, reviewed submittals, provided construction surveying, directed the geotechnical testing and inspection, reviewed and authorized invoicing and determine the acceptability of the work. **Key aspects of our services include making sure the contractor stays on schedule and is coordinating with the utility consultant, not significantly disrupting traffic and working with the local community to provide access.**

**Cozad & Fox, Inc. performed construction administration, inspection, construction staking and resolving field changes all while keeping the project on schedule and on budget.**

### RIVERSIDE COUNTY ECONOMIC DEVELOPMENT AGENCY

Susana Orozco,  
Project Manager  
Project Manager, 2nd District  
(951) 955-9127

**Cozad & Fox, Inc.**  
Key Personnel  
Brian Fox, P.E., L.S.  
Bob Pisa, L.S.I.T.  
R. Vinicio Ontiveros, L.S.I.T.





### CITY OF INDIO

#### BNP 2010-2011 THREE NEIGHBORHOOD PARKS

**Cozad & Fox, Inc.** provided the design, construction surveying and construction administration services for the improvements of Three Neighborhood Parks including Burr Street Park, Dr Carreon Park and Miles Park along with street improvements on Valencia Street and Palm Street. The project was constructed according to the City's requirements, within budget and on schedule.



### City of Indio

#### Mr. Scott Truillo

(Now with Indio Water Authority)  
(760) 391-4013

#### Cozad & Fox, Inc.

Key Personnel  
Brian Fox, P.E., L.S.  
Bob Pisa, L.S.I.T.

### VALLEY-WIDE RECREATION AND PARK DISTRICT THE WINCHESTER COMMUNITY CENTER AND SPORTS PARK

In conjunction with Valley Wide Park and Recreation District, Eastern Municipal Water District and Riverside County Fire Department, **Cozad & Fox, Inc. surveyed, designed** and provided **construction support services**. The project included extending local county road access, water and reclaimed water, utilities and electrical services to the 20-acre park site. The new park included ample on-site parking, baseball fields, soccer fields, playground and 10,000 s.f. community center with meeting hall, basketball court, concessions, and meeting rooms. The sports park was constructed on budget and on schedule and provides a much needed facility for the community of Winchester.



### VALLEY-WIDE RECREATION AND PARK DISTRICT

#### Sam Geopp

(Former General Manager)

#### Dean Wetter

Current General Manager  
(951) 654-1505

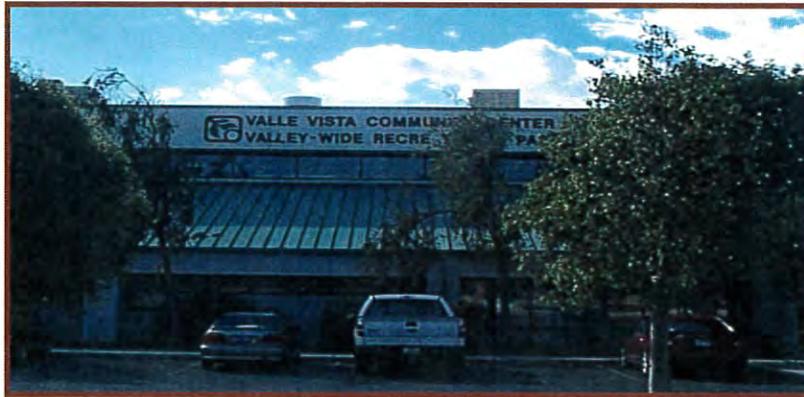
#### Cozad & Fox, Inc.

Brian Fox, P.E., P.L.S.  
Bob Pisa, L.S.I.T.



**VALLEY-WIDE RECREATION AND PARK DISTRICT  
THE VALLE VISTA COMMUNITY CENTER AND SPORTS  
PARK**

**Cozad & Fox, Inc.** also provided the complete surveying, design and construction support services for the Valle Vista Community Center and Sports Park a 10-acre facility with baseball fields, play areas, on-site parking and 10,000 s.f. community center.



**VALLEY-WIDE  
RECREATION AND PARK  
DISTRICT**

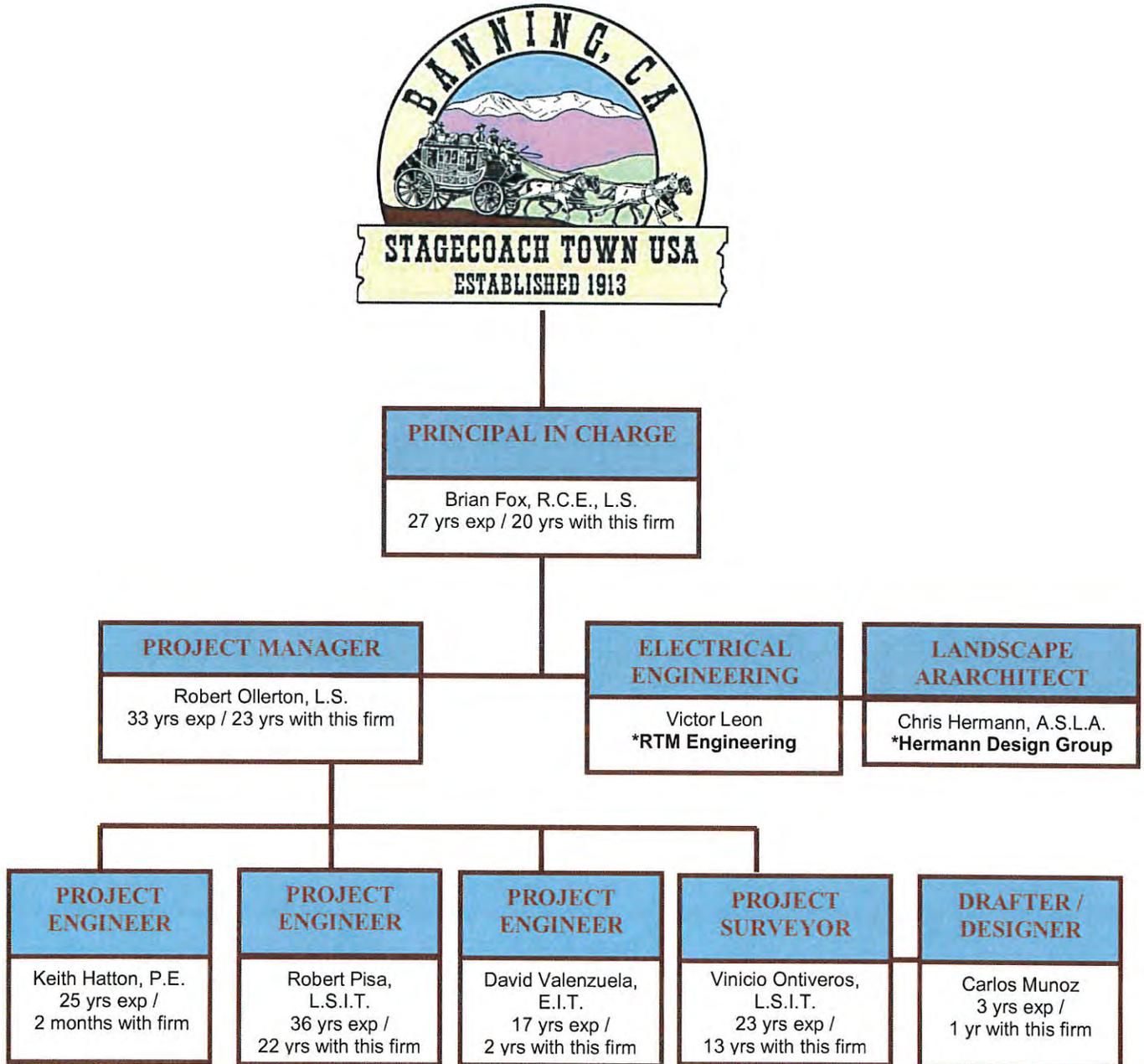
**Sam Geopp**  
(Former General Manager)

**Dean WETTER**  
Current General Manager  
(951) 654-1505

**Cozad & Fox, Inc.**  
Brian Fox, P.E., P.L.S.  
Bob Pisa, L.S.I.T.



## PROJECT TEAM



\*See Subconsultants Resumes in Appendix A



## RESUMES

### **BRIAN D. FOX, M.S.C.E. – PRINCIPAL ENGINEER / PROJECT MANAGER**

Brian Fox has over 28 years of experience, he joined the firm of Cozad & Fox, Inc. in September of 1990. Mr. Fox has also worked for Metropolitan Water District where he performed GPS surveys at the Eastside Reservoir Project. While with MWD, Mr. Fox also performed construction surveys for pipelines, treatment facilities and pumping plants.

Mr. Fox's educational background includes a Bachelor of Science degree in Civil Engineering with Survey Option from California State Polytechnic University, Pomona, where he graduated Cum-Laude. He has also received a Master of Engineering degree from California State Polytechnic University, Pomona. In addition, he has completed extensive civil engineering course work at California State University, Long Beach.

As Project Engineer and Project Manager, Mr. Fox has been the team leader for both public and private sector civil engineering projects. Mr. Fox's experience includes subdivision map checking, legals and plats, GPS, topographic, and construction surveys; design of grading, drainage, and storm drain facilities; street and highway improvements; water and sewer improvements; storm channels; and hydrology and hydraulic studies. His particular interest in GPS and computers has led to an extreme proficiency with current engineering and drafting methods.

Mr. Fox is a member of Chi-Epsilon, the Civil Engineering Honor Society; Tau Beta Pi; Phi Kappa Phi, the top 5 percent honor society; and Golden Key National Honor Society.



#### **Education**

Bachelor of Science  
 Civil Engineering-  
 Survey Option  
 California State Polytechnic  
 University, Pomona, 1995  
 Masters – Engineering  
 California State Polytechnic  
 University Pomona, 2001

#### **Registrations**

Professional Land Surveyor  
 No. 7171, California  
 Registered Civil Engineer  
 No. 57264, California  
 QSD/QSP 2011-2013  
 Certificate No. 00967

#### **Affiliations**

California Land Surveyors  
 Association  
 Chi Epsilon  
 Tau Beta Pi  
 Phi Kappa Phi  
 Golden Key National Honor  
 Society

#### **Publications**

A.C.S.M. Mobile Device for  
 the Remote Mapping of  
 Electric Fields



### **ROBERT OLLERTON, P.L.S. – PRINCIPAL SURVEYOR / PROJECT MANAGER**

Robert C. Ollerton is Professional Land Surveyor licensed in the State of California. Robert joined the firm of **Cozad & Fox, Inc.** in January of 1986.

He has over 33 years of experience in the civil engineering and land surveying industries. As a Project Engineer Mr. Ollerton has performed engineering design for public works projects including grading, sewer and water, and storm drainage. He has implemented and supervised the use of Civil3D, and MicroStation based civil engineering and land surveying software; produced maps, studies and reports using ArcGIS; and is an expert in the use of static and RTK GPS. As a Project Manager Mr. Ollerton has lead the design team in preparation of water and sewer improvements in Riverside and San Bernardino Counties. Robert's experience includes hydrology, hydraulics for water system design, hydraulics for sewer design, and design of water, sewer and recycled water facilities.

As a consulting surveyor, Robert has worked as the contract city surveyor for the cities of Palm Springs, Beaumont, Hemet, Lake Elsinore, Colton and Chino. As Principal Surveyor with Cozad & Fox, Inc., his responsibilities include providing map checking services to the County of Riverside, preparation and processing of tract maps, parcel maps and records of surveys, ALTA surveys, and fieldwork performed by the firm's survey crews.

He also has field experience working on boundary, construction, topographic and control surveys. His office experience includes analyzing and determining boundary line locations, interpretation of deeds, analysis of easements and mapping, performing research at various cities and counties for surveying projects.



#### **Education**

Surveying and Civil  
Engineering Course Work,  
U.C. Berkeley I.T.S.  
University of California  
Riverside  
Mt. San Jacinto College.

**Studies in Geographic  
information systems  
(GIS) at University of  
California at Riverside.**

#### **Registrations**

Professional Land  
Surveyor  
No. 7171, California

#### **Training**

AutoCAD  
Micro Station  
ArcGIS

#### **Affiliations**

California Land Surveyors  
Association



### KEITH HATTON, P.E. – PROJECT ENGINEER

Keith Hatton is a Professional Engineer and has over 25 years of experience and recently joined the team of **Cozad & Fox, Inc. this year**. Mr. Hatton has prepared water and sewer plans for municipal pipelines including preparation and design of transmission and distribution water mains for major portions of Summerlin, Nevada, in conjunction with Las Vegas Valley Water District. Keith has also developed water pressure zone maps for the City of Henderson, Nevada. In connection with these projects Keith utilizes AutoDesk Civil 3D, MicroStation, and HydrauliCad. Keith utilized his wide range of civil engineering experience and has been instrumental on projects during his 19 years of professional employment in the Las Vegas area.

Mr. Hatton's experience includes transportation, site planning, public works, federal projects, master planned communities, commercial developments, and program management. He has been the project principal for several of the most prestigious and challenging projects in the Las Vegas and Henderson, Nevada area. He is familiar with the technical aspects and coordination necessary to develop site plans in conjunction with architects, planners and landscape architects. Mr. Hatton has managed the design of infrastructure for major roads, storm drains, water systems, and flood control systems. He has implemented best management practices that improve urban discharges on sustainable projects seeking LEED status.

Some high profile noteworthy projects Mr. Hatton has been instrumental in are: High Speed Spiral Exits at Phoenix Sky Harbor Airport, Otay Mesa Land Port of Entry, Galleria Drive Roadway Improvements Phase II, City of Henderson, Nevada and Mira Villa (Summerlin), Westmark Homes, Las Vegas Nevada.



#### Education

Bachelor of Science –  
Engineering  
Middlesex University, U.K.

#### Registrations

Professional Engineer  
No. 15502, Nevada



### ROBERT PISA, L.S.I.T. – PROJECT ENGINEER

Robert Pisa has over 36 years of experience; he joined the firm of **Cozad & Fox, Inc.** in 1995 after two years with J. N. Beeler and Associates of Riverside. His initial training in the engineering field began in 1980 while enlisted in the United States Air Force and included being selected to attend the military's Advanced Engineering Design School. After leaving the Air Force, Mr. Pisa worked on the Space Shuttle Program for Lockheed Space Operations Company at Vandenberg Air Force Base as a Designer for Facilities Support. In 1986, Mr. Pisa went to work for M. K. Welch Surveys of Santa Maria, California, developing his experience with state-of-the-art computerized surveying and engineering practices. Mr. Pisa relocated to the Inland Empire in 1991.

Mr. Pisa has served as Project Engineer for public and private sector civil engineering projects. His experience includes topographic surveys, construction surveys, designing, grading and drainage plans, design of storm drainage facilities, street improvement plans, water and sewer plans, and survey maps required by the Subdivision Map Act.



#### Education

A.S. - Animal Husbandry  
State University of  
New York  
Morrisville, NY

A.A. - Liberal Studies  
Allan Hancock College  
Advanced Engineering  
Design  
School - U.S.A.F.

Bachelor of Arts - Liberal  
Studies  
California State University  
San Bernardino, CA

#### Registrations

Land Surveyor-In-Training  
No. 4493, California



### VINICIO ONTIVEROS, L.S.I.T. – PROJECT SURVEYOR

Mr. Vinicio Ontiveros has over 23 years' experience, he began his career in civil engineering and land surveying in 1991 and has since performed civil engineering design and land surveying in Riverside, Orange, and Los Angeles counties. In 1993, Mr. Ontiveros returned to University of Mexico to complete his Civil Engineering degree. Mr. Ontiveros received a Bachelor of Science degree in Civil Engineering from University of Mexico in 1995.

Mr. Ontiveros's experience includes topographic and construction surveying, design of grading and drainage plans, street improvement plans, water and sewer plans, and storm drain plans. Mr. Ontiveros is well versed in AutoCAD and MicroStation, and has developed expertise in Civil Engineering software such as Land Development Desktop and Eagle Point.



#### **Education**

Bachelor of Science  
Civil Engineering  
University of Mexico

#### **Registrations**

Registered Civil Engineer,  
Mexico  
Land Surveyor-In-Training  
No. 6344, California



### DAVID VALENZUELA, E.I.T. – PROJECT ENGINEER

David Valenzuela has over 17 years' experience in the construction industry. He has experience in the water and wastewater industry, in addition to vertical construction, pipelines and street construction. He has worked as representative for contractor as well as provided various Construction Management Services for the client. David has experience in project administration, schedule review, inspection, and jobsite safety. He has worked as lead inspector for the Elsinore Valley Municipal Water District's \$28M Capital Improvement Program as well as provided on-call services for Elsinore Valley Municipal Water District, and West Basin Municipal Water District. Projects include one mile of 18" Ductile Iron Pipe (DIP) and half mile 24" DIP for 1467 Zone Pipeline Phases 3 & 4 (EVMWD) approximate project cost \$1.03M, approximately one mile of 12" C900 PVC pipe for the Carson Mall Lateral Phase II (WBMWD) approximate project cost \$700k and 4 miles of 12" C900 PVC pipe for the Carson Street Master Plan Implementation Project (WBMWD) approximate project cost \$2.7M. His expertise includes review of project submittals, road construction, including grading, paving, water and sewer pipeline construction, jack and bore construction, and masonry construction.



#### Education

Bachelor of Science  
Civil Engineering  
California State  
Polytechnic  
University, Pomona, 2013

#### Registrations

Engineer-In-Training  
No.162000, California



## CARLOS MUNOZ – DRAFTER / DESIGNER

Carlos Munoz has over 3 years' experience of Engineering Drafting/ Designer experience and joined the firm at **Cozad & Fox, Inc.** in 2018. His experience includes various Civil Engineering projects such as street improvement plans, water pipelines, sewer pipelines, grading/drainage plans and design of storm drainage facilities. Mr. Munoz is highly proficient in utilizing design software such as Civil 3D and MicroStation. He also has experience preparing "As-Built" plans for municipal agencies. His GIS experience includes creating spatial tabular datasets in ArcGIS and preparing maps for municipal agencies.

Carlos has also completed numerous Engineering and Land Surveying courses at Mt. San Jacinto College and is planning to transfer to Cal Poly Pomona.



### Education

MSJC – Currently  
Attending  
Completed Engineering  
and Land Surveying  
Courses:  
Global Position Systems  
Plane Surveying I and II  
Reading Engineering Map  
/Parcels, Ranges,  
Townships  
Using Total Stations  
Calculating areas and  
curves measured in the  
field.



**FEE SCHEDULE FOR CITY OF BANNING DESIGN OF BUILDING DEMOLITION AND  
PARKING LOT IMPROVEMENTS IFB NO. 19-020**

<b>1. PROJECT ADMINISTRATION</b>	
Estimate .....	\$1,812.00
<b>2. TOPOGRAPHIC AND BOUNDARY SURVEY</b>	
Estimate .....	\$3,866.00
<b>3. PARCEL MERGER</b>	
Estimate .....	\$3,776.00
<b>4. WATER QUALITY MANAGEMENT PLAN (WQMP)</b>	
Estimate .....	\$5,472.00
<b>5. GRADING PLAN</b>	
Estimate .....	\$4,792.00
<b>6. CONSTRUCTION SURVEYING SERVICES</b>	
Estimate .....	\$4,920.00
<b>7. GEOTECHNICAL REPORT</b>	
Estimate (Lump Sum \$4,100.00 + 8%) .....	\$4,428.00
<b>8. UTILITY RESEARCH</b>	
Estimate .....	\$1,418.00
<b>9. STRUCTURAL DEMOLITION PLAN</b>	
Estimate .....	\$2,810.00
<b>10. FINAL PLANS, SPECIFICATIONS AND ESTIMATES</b>	
Estimate .....	\$3,928.00



<b>11. BID PHASE ASSISTANCE</b>	
Estimate .....	\$1,778.00
<b>12. CONSTRUCTION PHASE ASSISTANCE</b>	
Estimate .....	\$1,422.00
<b>13. "AS-BUILT" PLANS</b>	
Estimate .....	\$1,016.00
<b>14. PARKING LOT LIGHTING PLAN</b>	
Estimate (Lump Sum + 3,700.00 + 8%) .....	\$3,996.00
<b>TOTAL ESTIMATE WITHOUT OPTIONAL TASK .....</b>	<b>\$45,434.00</b>

**OPTIONAL TASK**

<b>15. LANDSCAPING PLANS</b>	
Estimate (Lump Sum \$10,350.00 + 8%) .....	\$11,178.00
<b>16. LANDSCAPING PLANS</b>	
Estimate (Lump Sum \$3,100.00 + 8%) .....	\$3,348.00
<b>TOTAL ESTIMATE WITH OPTIONAL TASK .....</b>	<b>\$59,960.00</b>



## PRICING PROPOSAL FORM

Provide hourly rates, along with pricing in accordance with the City's current requirements, as set forth in the Scope of Work. **[Also provide your firm's proposed Staffing Plan (subtasks, employee classification, hourly rate, hours assigned and total cost) on a separate sheet of paper.]** Bidder should use a separate form to state pricing for any added value.

Task	Total Cost
1. Project Administration	\$1,812.00
2. Topographic and Boundary Survey	\$3,866.00
3. Parcel Merger	\$3,776.00
4. Water Quality Management Plan (WQMP)	\$5,472.00
5. Grading and Parking Lot Improvement Plan	\$4,792.00
6. Construction Surveying Services	\$4,920.00
7. Geotechnical Report	\$4,428.00
8. Utility Research	\$1,418.00
9. Structural Demolition Plan	\$2,810.00
10. Final Plans, Specifications and Estimates (PS & E)	\$3,928.00
11. Bid Phase Assistance	\$1,778.00
12. Construction Phase Assistance	\$1,422.00
13. As-Built Plans	\$1,016.00
14. Parking Lot Lighting Plan	\$3,996.00
15. Optional: Landscaping Plan (*See Note Below)	\$11,178.00
16. Optional: Geotechnical Infiltration Testing	\$3,348.00

**\*NOTE: A portion of Landscape Architecture Services fee include Construction Phase Service and General Services to be performed hourly. Construction Phase Service allow \$2,000.00, General Services allow \$500.00, the actual fee may be lower.**

**A. Grand Total Bid amount (Tasks 1-14): \$45,434.00 ENTER AMOUNT ELECTRONICALLY UNDER "LINE ITEMS"**

**B. Optional Tasks amount (Tasks 15-16): \$14,526.00 ENTER AMOUNT ELECTRONICALLY UNDER "LINE ITEMS"**

Pricing shall remain firm for a minimum of two (2) years. Any and all requests for pricing adjustments for follow-on contract renewal periods shall be provided no later than sixty (60) days prior to the end of the contract period. Any such proposed price adjustments shall not exceed The Bureau of Labor Statistics Consumer Price Index (CPI) data for Los Angeles-Riverside-Orange County, CA, All Items, Not Seasonally Adjusted, "annualized change comparing the original Proposal month and the same month in the subsequent year. (This information may be found on the U.S. Department of Labor's website at [www.bls.gov](http://www.bls.gov).)

Consultant shall provide a separate rate schedule identifying staff members' hourly rates, reimbursable expenses and/or rates, mileage and/or travel cost, etc.

Professional Classification	Hourly Rate	Hours worked	Total Cost
Principal Engineer / Surveyor	\$178.00	36	\$6,408.00
Senior Project Engineer/Surveyor	\$148.00	65	\$9,620.00
Project Engineer / Surveyor	\$127.00	98	\$12,446.00
One Man Survey Crew	\$194.00	32	\$6,208.00
Project Coordination / Administration	\$82.00	16	\$1,312.00

MAN-HOUR BREAKDOWN								
COMPANY: Cozad & Fox, Inc.			SCOPE OF WORK Engineering /Surveying Services			DATE: 1/17/2019		
PROJECT: COB Design of Building Demolition and Parking Lot Improvements						SUMMARY: Assignment Summary		
TASK	Prinpal In Charge Engineer \$178/hr	Sr. Proj. Eng/Land Surveyor \$148/hr	Proj. Eng/Land Surveyor \$127/hr	One Man Survey Crew \$194/hr	Two Man Survey Crew \$255/hr	Project Coord. \$82/hr	TOTAL HOURS	TOTAL FEE
1. Project Administration	4	4	4				12	\$1,812
2. Topographic and Boundary Survey			6	16			22	\$3,866
3. Parcel Merger	6	8	12				26	\$3,776
4. Water Quality Management Plan (WQMP)	4	14	16			8	42	\$5,472
5. Grading Plan	6	8	20				34	\$4,792
6. Construction Surveying Services	2	3	8	16			29	\$4,920
7. Geotechnical Report	(Lump Sum \$4,100.00 + 8%)							\$4,428
8. Utility Research			6			8	14	\$1,418
9. Structural Demolition Plan	2	8	10				20	\$2,810
10. Final Plans, Specifications and Estimates	4	8	16				28	\$3,928
11. Bid Phase Assistance	5	6					11	\$1,778
12. Construcion Phase Assistance	3	6					9	\$1,422
13. "As-Built" Plans			8				8	\$1,016
14. Parking Lot Lighting Plan	(Lump Sum \$3,700.00 + 8%)							\$3,996
<b>TOTAL ESTIMATE (Without Optional Task)</b>	<b>36</b>	<b>65</b>	<b>98</b>	<b>32</b>		<b>16</b>	<b>247</b>	<b>\$45,434</b>
<u>OPTIONAL TASKS</u>								
15. Landscaping Plans (*See Note Below)	(Lump Sum \$10,350.00 + 8%)							\$11,178
16. Geotehcnical Infiltration Testing	(Lump Sum \$3,100.00 + 8%)							\$3,348
<b>TOTAL ESTIMATE (Without Optional Task)</b>	<b>36</b>	<b>65</b>	<b>98</b>	<b>32</b>		<b>16</b>	<b>247</b>	<b>\$59,960</b>

\*NOTE: A portion of Landscape Architecture services fee include Construction Phase Services and General Services to be performed hourly. Construction Phase Services allow \$2,000.00, General Services allow \$500.00, the actual fee may be lower.



- CIVIL AND STRUCTURAL ENGINEERS
- MUNICIPAL CONSULTANTS
- SURVEYORS / PLANNERS
- WATER RESOURCES
- TRANSPORTATION

**CITY OF BANNING / SCHEDULE OF FEES**

Effective Date: March 1, 2017 – April 30, 2019

**GENERAL SCOPE OF SERVICES**

**Cozad & Fox, Inc.** provides services in the fields of civil engineering, structural engineering, and land surveying in accordance with presently accepted professional practices. **Cozad & Fox, Inc.** does not provide services relating to construction safety and shall be held harmless by the contractor from any liability in this regard. In the event that the client requests termination of work prior to its completion, we reserve the right to complete, at the client's expense, such analysis and records as are considered necessary by us to place our files in order and/or to protect our professional reputation.

**PERSONNEL CHARGES - RATES PER HOUR**

	<b>RATES</b>
Principal Civil Engineer/Principal Land Surveyor/Structural Engineer.....	\$178.00
Senior Project Engineer/Surveyor .....	\$148.00
Project Engineer/Surveyor .....	\$127.00
Assistant Project Engineer/Surveyor .....	\$117.00
Administrative/Project Coordination .....	\$82.00
Typing, printing .....	\$41.00
Survey - Office Analysis .....	\$148.00
<b>*One Man Survey Crew .....</b>	<b>\$194.00</b>
Two Man Survey Crew .....	\$255.00
Extra Survey Crew Support (Traffic control, etc.) .....	Estimated by project

**\* With today's advanced technology, most of our surveys are completed by a one-man survey crew.**

**OTHER CHARGES**

Expert Witness - Deposition and/or Court appearance.....	Two times hourly rate
Expert Witness - Research, Case Review and/or Preparation.....	Normal hourly rate
Mileage to and from meetings or project site .....	\$0.54/mile
Reimbursable Expenses and Sub Consultants .....	Lump Sum

Z:\\_Admin\RFQ - SOQ\City of Banning\SOQ 2017\Schedule of Fees On Call.doc

**INLAND FOUNDATION ENGINEERING, INC.**  
*Consulting Geotechnical Engineers and Geologists*  
[www.inlandfoundation.com](http://www.inlandfoundation.com)

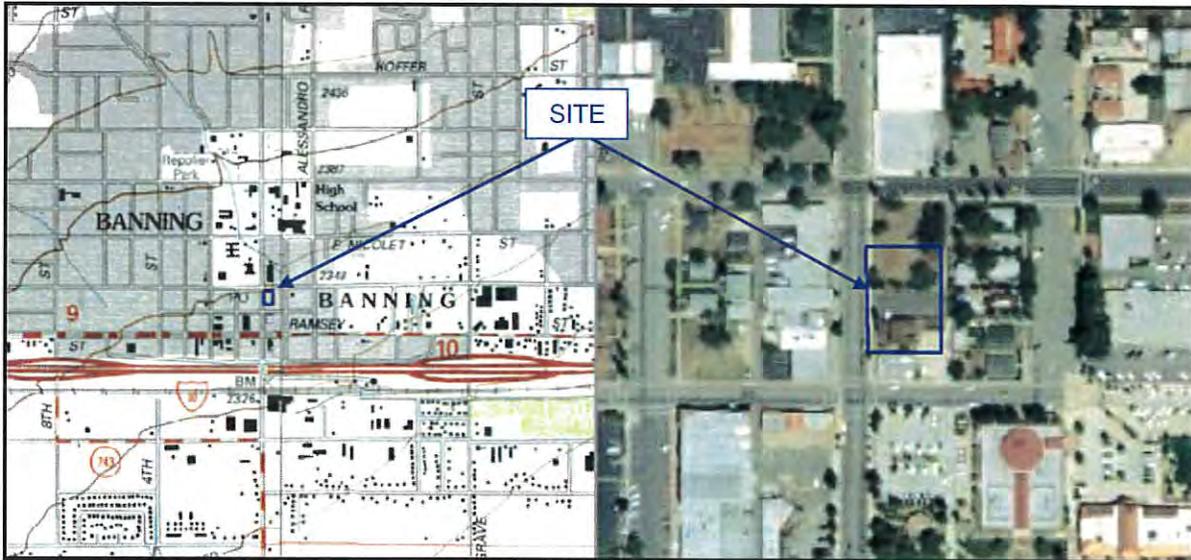
January 11, 2019

Attention: Brian Fox, P.E.  
**COZAD & FOX, INC.**  
151 South Girard Street  
Hemet, California 92544

Re: Proposal for Geotechnical Investigation and Optional Infiltration Testing  
Proposed Parking Lot  
128 N. San Gorgonio Avenue, Banning, California  
APN's 541-141-013 and 541-141-005

Dear Mr. Fox:

We are pleased to submit our proposal for performing a geotechnical investigation for the proposed parking lot improvements at the referenced site. We have also included estimated fees for storm water infiltration testing as an optional service item.



USGS Topographic Map, Cabazon 7.5' Quadrangle, and Aerial Photograph (2016)

***Project Understanding and Proposed Scope of Service***

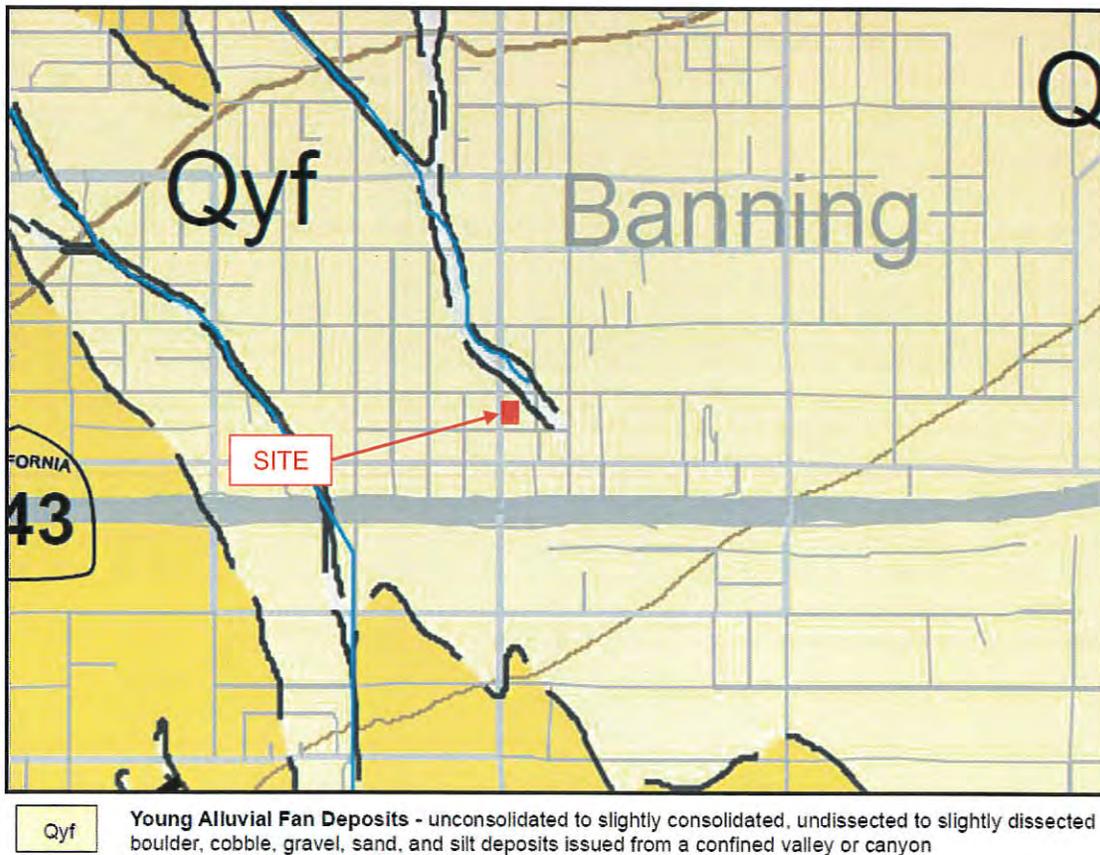
We understand that the property (APN's 541-141-013 and 541-141-005) will be improved as a parking lot. An existing two-story residence located on the southerly portion of the ±0.40 acre site will be demolished as part of the project. The proposed parking lot improvements will include curbs, gutters, sidewalks, pavement, signage and lighting. We anticipate that light poles for the parking lot will likely be supported by drilled cast-in-place pier foundations. We assume that the light pole footings will not exceed 6 feet deep.

In addition, we understand that a stormwater infiltration system, possibly consisting of an infiltration basin may be designed and constructed on the site. At this time, no site plans or details for the proposed parking lot improvements or infiltration system are available.

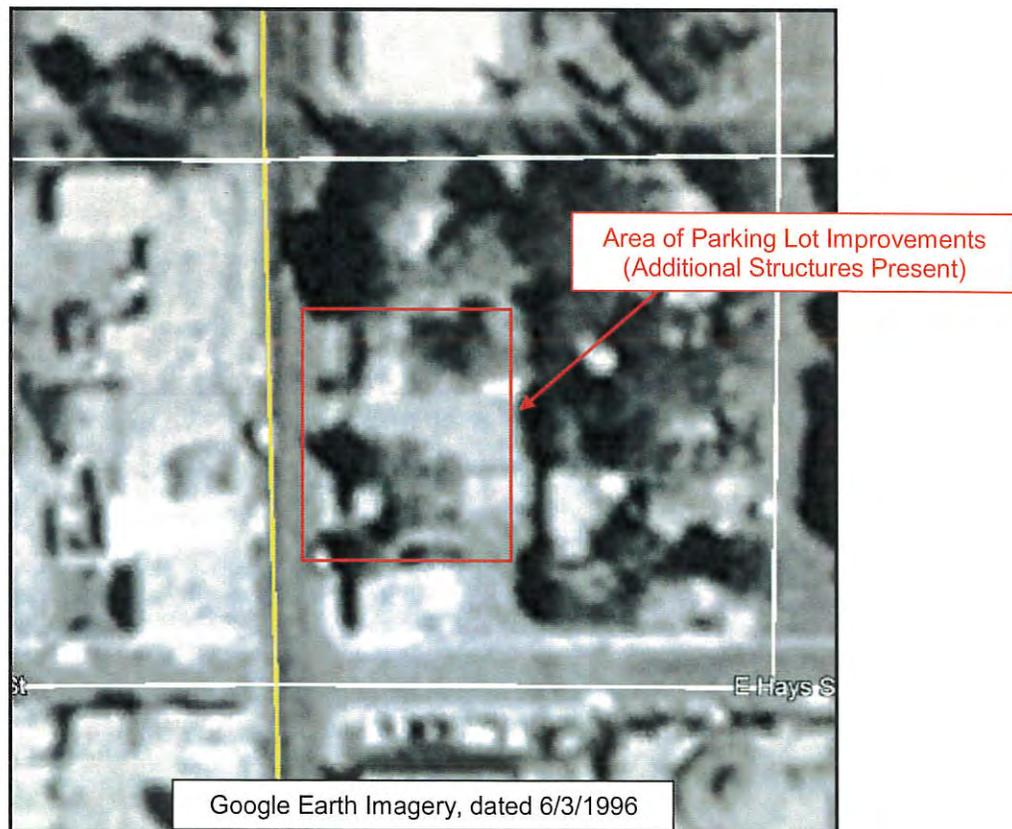
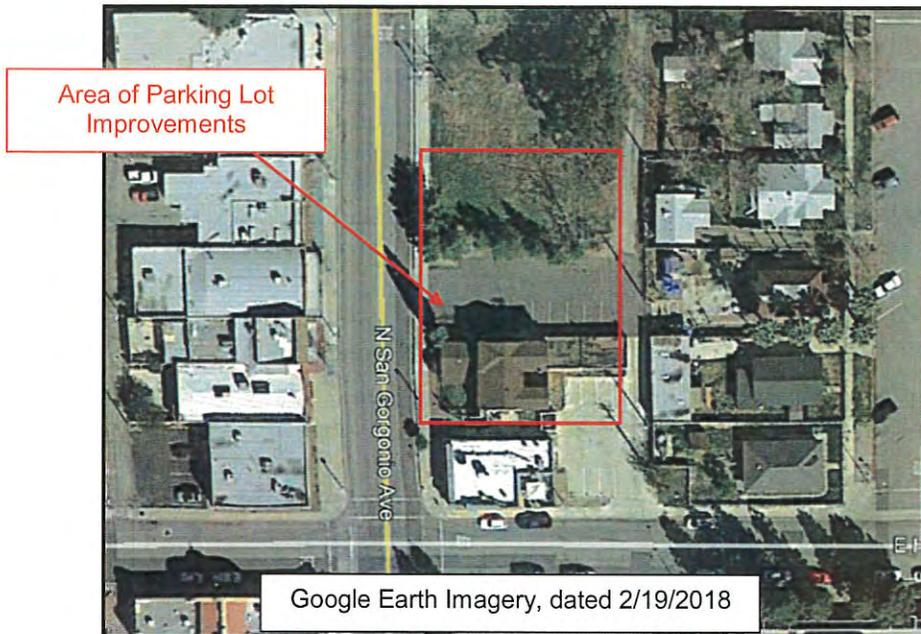
Our scope of service will include performing a subsurface geotechnical investigation for proposed parking lot improvements at the referenced site. Specific recommendations for the proposed parking lot improvements will be developed for pavement design, geotechnical parameters for the light pole footings and general site grading. We have also included estimated fees for storm water infiltration testing as an optional service item. The following sections discuss anticipated subsurface conditions at the site, and our approach to this project.

### ***Anticipated Subsurface Conditions***

According to the *CGS Preliminary Geologic Map of Quaternary Surficial Deposits, Palm Springs 30' x 60' Quadrangle (Lancaster, et al., 2012)*, the site is underlain by young alluvial fan deposits (map symbol Qyf). These are described as gray, unconsolidated to slightly consolidated alluvium consisting of boulder, cobble, gravel, sand and silt deposits. Following is a portion of the referenced geologic map.



Our preliminary review of Google Earth® imagery indicates that at least once structure once occupied the area of the proposed parking lot improvements. Following are recent (2018) and historical (1996) aerial photographs showing the previous structure(s) on the site.



### ***Preliminary Geotechnical Investigation***

Based on discussions with Cozad & Fox, Inc., we understand that the demolition of the existing structure on the site will be completed prior to the geotechnical field exploration. On this basis, a backhoe will be used for the subsurface exploration. This will allow for more accessibility to evaluate the entire site. Following is a discussion of our project approach.

**FIELD EXPLORATION** - For our field exploration, we propose to excavate 3-4 exploratory trenches within the proposed parking lot. The depths and locations of the trenches will be determined in the field on the basis of subsurface conditions encountered. A search will be made for debris, remnants, and artificial fill associated with the former structures on the site.

A staff geologist will log the materials encountered during the field investigation. Density testing using a nuclear density gauge will be performed at selected intervals within exploratory trenches. Relatively undisturbed samples will also be obtained with a drive sampler at selected locations. Representative bulk soil samples will also be obtained in the field and transported to our laboratory. Underground Service Alert will be contacted to locate buried underground utilities prior to the field exploration. The exploratory trenches will be backfilled in an uncompacted manner.

**LABORATORY TESTING** - Representative bulk soil samples will be tested in order to determine the corresponding maximum dry densities-optimum moisture contents, general engineering classifications, and other pertinent engineering characteristics. Samples will be selected for R-Value and direct shear testing. This testing will provide data useful in estimating the load-settlement and strength characteristics of the soil and for pavement structural section design. Samples will also be selected for corrosivity testing including pH, sulfates, resistivity, and chlorides.

**ENGINEERING ANALYSIS AND REPORT PREPARATION** - On the basis of our field and laboratory investigation, we will develop conclusions and engineering recommendations which may be applied to the design of the proposed parking lot improvements. Specific recommendations will be developed for:

- Pavement Design
- General Site Grading

For the light pole foundations, recommendations will be presented for:

- Pier Footing Design Parameters
- Excavation characteristics of the soil
- Soil Corrosivity
- Design Lateral Earth Pressures
- Coefficient of Friction
- Caving Potential

The conclusions and recommendations will be presented in a formal report, which will also include field and laboratory test data. Field data will be presented in *g/INT*<sup>®</sup> format. These logs will provide a written description of the subsurface materials and a graphic or symbolic presentation.

### ***Infiltration Testing (Optional Service)***

At this time, no plans are available indicating the proposed location and/or depth of the infiltration facility. The infiltration testing will be conducted for the purpose of providing test data to designers for stormwater disposal.

If infiltration testing is required to assess the infiltration characteristics of the near surface soils for landscape design, we are able to conduct infiltration testing per the Riverside County – Low Impact Development BMP Design Handbook (2011). The testing will be performed using the Riverside County Department of Environmental Health shallow percolation test procedure. As outlined in the BMP Design Handbook, the percolation rates will be converted to infiltration rates using the Porchet Method.

Typically, a minimum of four percolation tests and one deeper exploratory boring/trench in the vicinity of the proposed infiltration facility are required per the BPM Handbook. The location of the proposed infiltration facility should be provided to us prior to the infiltration testing.

For the purpose of this proposal, we are assuming that one infiltration basin will be planned for the site, and will not exceed five feet in depth. If the final design indicates multiple infiltration locations or if the basin depth exceeds five feet below the existing ground surface, we will need to revise our proposal.

Based on the testing, rates will be provided with units of inches per hour. Factors of Safety outlined in the Low Impact Development BMP Design Handbook should be applied to the infiltration rates provided.

### ***Fee Estimate***

Preliminary Geotechnical Investigation - Our fee for conducting the Preliminary Geotechnical Investigation as described in this proposal will be \$4,100.00. This will include the field exploration, laboratory testing, engineering analysis and the geotechnical report.

Infiltration Testing (Optional Service) - If required, our estimated fee for conducting the infiltration testing as described in this proposal will be \$3,100.00. This will include the backhoe equipment, field exploration and testing, and the infiltration report. This fee is based on the infiltration testing being conducted concurrently with the geotechnical exploration to avoid additional equipment mobilization costs.

Upon acceptance of this proposal, an Agreement for Professional Services will be submitted to your office requesting your signatory approval.

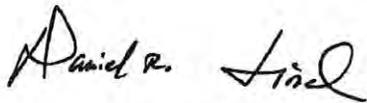
**Limitations**

Our services will be performed in accordance with the standard of practice exercised by other geotechnical engineers practicing in the same geographic area. No warranty, express or implied, is made.

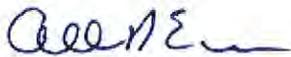
We appreciate the opportunity to submit this proposal and look forward to working with you on this project. If you have any questions concerning this proposal, please contact our office.

Respectfully,

**INLAND FOUNDATION ENGINEERING, INC.**

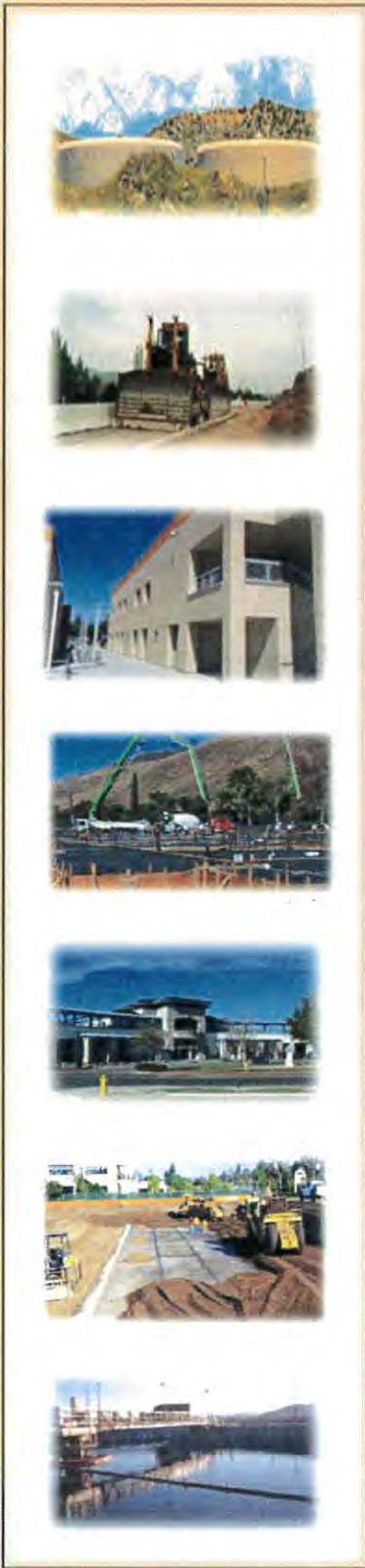


**Daniel R. Lind, P.G., C.E.G.**  
Principal Geologist



**Allen D. Evans, P.E., G.E.**  
Principal

DRL:ADE:es



### **About Inland Foundation Engineering, Inc.**

Inland Foundation Engineering, Inc. (IFE), a California Corporation, has been a recognized leader in developing solutions for demanding geotechnical engineering and materials testing projects for over 38 years. We have provided comprehensive geological and geotechnical engineering services, materials testing and special inspection throughout southern California for over 17,500 individual public and private projects since we were founded in 1978.

IFE is a California corporation and a certified Small Business Enterprise (SBE). With 20 employees, we provide services throughout Riverside County and the rest of southern California from two offices; our headquarters office in San Jacinto and our Palm Desert office. These locations are in a great position for us to promptly respond to short notice requests for services throughout Riverside County.

Several municipalities within the Counties of Riverside and San Bernardino are continuing clients of IFE. During the past 12 months, we have provided materials testing and geotechnical engineering services to the Cities of Rancho Mirage, Hemet, San Jacinto, Lake Elsinore and Canyon Lake. We have current on-call agreements with the Eastern Municipal Water District, Riverside County Flood Control and Water Conservation District, Riverside County Transportation Department and the San Bernardino County Transportation Department. In addition, we provide on-call services to the County of Riverside Economic Development Agency, the Hemet Unified School District, the Nuvew Union School District and the Lake Hemet Municipal Water District.

**ALLEN D. EVANS, PE**  
**Principal Geotechnical Engineer**

As President and Principal Geotechnical Engineer of Inland Foundation Engineering, Inc., Mr. Evans' responsibilities include overall management of our headquarters in San Jacinto and our satellite office in Palm Desert, California. Mr. Evans also serves as project manager for foundation investigations, preliminary soil investigations, environmental assessments and remedial investigations, slope stability studies, percolation investigations and other projects associated with geotechnical, environmental and construction engineering.

Mr. Evans has over 30 years of experience in the geotechnical engineering and materials testing field, nearly all of which have been spent in the greater Riverside - San Bernardino county area. His project construction experience includes schools, prisons, detention facilities and hospitals. Mr. Evans has extensive experience with the management of testing inspection programs for large infrastructure and institutional projects.

**Recent Project Experience:**

- City of Hemet, Echo Hills Waterline Replacement Project
- City of Hemet, Police Department Building Addition, Hemet
- City of Hemet, Safe Route to Schools Project, Hemet
- City of San Jacinto, Ramona Expressway Widening Project, San Jacinto
- City of San Jacinto, Sanderson Avenue Widening Project, San Jacinto
- Hemet Regional Service Center Parking Lot Improvement, Hemet
- Hemet Unified School District, Acacia Middle School Modernization, Hemet
- Hemet Unified School District, Hemet Elementary School Reconstruction, Hemet
- Hemet Valley Baptist, New Sanctuary, Hemet
- Hemet Valley Medical Center, New CT Scan Room, Hemet
- Hemet Valley Medical Center, Emergency Room Remodel, Hemet
- Lake Hemet Municipal Water District, Acacia & Girard Avenues, Waterline Replacement Project
- Lake Hemet Municipal Water District, Upper and Lower Skycrest Waterline Replacement Project
- San Jacinto MDP Line E2 and E2A, San Jacinto and Hemet

**Education:**

- B.S. AGRICULTURAL ENGINEERING, UNIVERSITY OF IDAHO, MOSCOW, IDAHO
- M.S. CIVIL ENGINEERING, UNIVERSITY OF SOUTHERN CALIFORNIA, LOS ANGELES, CALIFORNIA

**Professional Registrations:**

- CALIFORNIA GEOTECHNICAL ENGINEER, NO. 2060
- CALIFORNIA CIVIL ENGINEER, NO. 38104

**Associations:**

- AMERICAN SOCIETY OF CIVIL ENGINEERS
- CALIFORNIA GEOTECHNICAL ENGINEERS ASSOCIATION
- AMERICAN COUNCIL OF ENGINEERING COMPANIES



January 14, 2019

Michele M. Fox  
Cozad & Fox, Inc.  
151 South Girard Street  
Hemet, CA 92544

**Proposal**

**Confidential**

RE: Agreement for Engineering Services  
**City of Banning**  
**Parking Lot Improvements**  
Banning, CA

Dear Michele,

We are pleased to provide you with this proposal for engineering services. We understand the basic scope of work is to include electrical engineering for the parking lot improvements at 128 N. San Gorgonio Avenue in Banning, CA.

Founded in 1981, RTM Engineering Consultants, LLC, is a 180-person engineering consulting firm that is well equipped and highly qualified to serve as engineers, designers, project managers, and expert consultants for your design and planning needs. RTM has assembled a team of talented and experienced professionals ready and able to bring creativity, enthusiasm, and accountability to the project.

We are pleased to present our qualifications and welcome the opportunity to provide exceptional engineering services to achieve project goals. We believe that our expertise in engineering design combined with our proactive team-oriented approach will surpass your expectations and result in a successful project delivery.

Best regards,

A handwritten signature in black ink, appearing to read 'Victor Leon'.

Victor Leon  
RTM Engineering Consultants, LLC

## Section 1 - Scope of Work

### 1. GENERAL

We intend to provide the following engineering services for the proposed scope of work:

- Provide a set of electrical plans and specifications for the lighting additions to the parking lot
- Perform an initial site visit as required to review the existing electrical system
- Provide electrical engineering plans for the electrical system
- Prepare design and plans for building department submittal and construction issuance
- Prepare electrical specifications on the drawings as part of the electrical set

#### 1.1 SCOPE OF CONSTRUCTION DOCUMENTS

Construction documents will include drawings and specifications of:

- Electrical drawings including:
  - *Electrical site plan*
  - *Distribution and branch panel locations*
  - *Single line diagram*
  - *Panel schedules and load calculations*
  - *Photometrics plan*
  - *Title 24 – Exterior Lighting*

#### 1.2 CONSTRUCTION ADMINISTRATION

The following services are inclusive in the construction administration process:

- Review of equipment submittals
- Review of shop drawings
- Review and response to RFI's

#### 1.3 EXCLUSIONS

The following services are not included in the scope of work:

- Creation of as-built drawings
- Development of cost estimates
- Value engineering after issuance of construction documents
- Modifications to construction drawings to accommodate field changes

\*Services that are excluded can be provided for an additional fee at the request of the client.

## Section II - Compensation

### 2. COMPENSATION



For the work outlined above in this proposal, our engineering fees are as follows:

<b>Construction Documents</b> <i>(Base Fee)</i>	<b>\$ 3,300.00</b>
<b>Construction Administration</b> <i>(Base Fee)</i>	<b>\$ 400.00</b>

<b>TOTAL BASE FEES:</b>	<b>\$ 3,700.00</b>
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Minor variations are expected to occur in the Scope of the Project that should not alter the above estimate. In the event that the physical scope of the project, time of completion, or the services required are materially changed or the projections of the program are radically modified, thereafter; appropriate adjustments will be made to the fixed fee to compensate for any reduction or addition to the basic services. Adjustments to the lump sum fee will be made at the rate shown in the 'Hourly Rate Schedule' of this proposal.

## 2.1 HOURLY RATE SCHEDULE

Time and material expenses shall be billed at the rates shown below.

<u>CATEGORY</u>	<u>HOURLY RATES</u>
Principal	\$265.00/Hr.
Associate	\$175.00/Hr.
Senior Design Engineer	\$160.00/Hr.
Design Engineer	\$145.00/Hr.
CAD Technician	\$95.00/Hr.
Clerical	\$70.00/Hr.

## 2.2 PROJECT RELATED EXPENSES

1. All expenses will be billed at cost with 0% mark-up

## 2.3 SCHEDULE OF PAYMENTS

For the basic services described in this proposal, we request that the following terms of payments:

1. Payment of invoices to RTM Engineering Consultants, LLC, shall be within a maximum of thirty (30) days net after issue of invoices.
2. We will submit monthly invoices for the services rendered.
3. Any additional service not covered in this Proposal will be billed at the rates shown in 'Hourly Rate Schedule.'

## Section III – General Provisions

### 1. GENERAL PROVISIONS



Our ability to carry out the required work is heavily dependent upon our past experience. We will preserve the confidential nature of any information received from you, or developed during the work in accordance with our established professional standards.

Neither party will use the name of the other for advertising or promotional purposes without prior permission in writing.

Technical data, documents, drawings, specifications or memoranda resulting from this assignment, are not to be reproduced in whole or in part for use outside our organization without prior written approval.

Any statement of probable construction costs, prepared as a part of our services, represents our best judgment based on familiarity with the construction industry. It is recognized, however, that we have no control over the cost of labor, materials or equipment, or the contractor's methods of determining bid prices and cost of services. Accordingly, we do not warrant that estimates or prices may not vary from the project budget prepared by us.

We will devote our best efforts to carrying out the work required. The results obtained from our recommendations and documents will be in our judgment based upon the information available to us. In any event, our liability shall not be greater than the amount paid to us for the services rendered.

**ACCEPTED BY:**

By: \_\_\_\_\_

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

Company: \_\_\_\_\_

Date: \_\_\_\_\_

**SUBMITTED BY:**

A handwritten signature in black ink, appearing to read 'Victor Leon'.

Victor Leon

RTM Engineering Consultants, LLC



## RTM Engineering Consultants, LLC Standard Terms and Conditions

These Standard Terms and Conditions are incorporated by reference into and made a part of the proposal and agreements between RTM and Client. In the event of a conflict between these Standard Terms and Conditions and any proposal or agreement between RTM and Client, these Standard Terms and Conditions shall govern.

1. Parties. "Client" shall be the party identified as such in the proposal or agreement, or, if none is defined, shall be the party to whom the proposal or agreement is addressed. "RTM" shall mean RTM Engineering Consultants, LLC.
2. Client and Project Information. Client shall provide accurate information regarding the Project, as applicable and as are available, including surveys, as-built drawings, all known site conditions, restrictions, permit requirements, easements and legal requirements applicable to the property, a program, setting forth objectives, schedule, constraints, a budget with reasonable contingencies, and criteria for rendition of services by RTM. RTM shall be entitled to rely on the accuracy and completeness of all information and services provided by Client.
3. Scope of Services. RTM's scope of services shall include only those services identified in the proposal or agreement. The duties, responsibilities and limitations of authority of RTM shall not be restricted, modified or extended without a signed, written agreement between Client and RTM. Neither Client nor RTM shall make changes to the other's instruments of service.
4. Additional Services. Services requested, authorized or confirmed in writing, signed or initiated by Client and not described above, including any other services not otherwise expressly included in the proposal or agreement, or not customarily furnished as basic services in a generally accepted consulting engineer practice, shall constitute additional services compensable as mutually agreed or as provided herein ("Additional Services"). If no agreement is reached in advance, time spent by RTM providing Additional Services shall be billed at the rates set forth in the Hourly Fee Schedule.
5. Schedule, Budget and Standard of Care. RTM shall perform its services as expeditiously as is consistent with reasonable skill and care. RTM agrees to perform its services in a manner that is consistent with the degree of care and skill ordinarily exercised by members of the same profession under similar circumstances. In providing services under this agreement under this standard of care, however, RTM makes no express or implied warranties or guarantees. RTM's opinions or evaluations of the Project's budget and estimates of construction cost prepared by RTM represent RTM's reasonable judgment as a design professional familiar with the industry. Client understands neither Client nor RTM can control the costs of labor, materials or prices under market conditions existing at the time of bidding. RTM's estimate of quantities is provided only as a guide for opinions of costs purposes. The client agrees and understands that the contractor shall be responsible for the final determination of all quantities. As such, RTM cannot and does not warrant or guarantee that the bids or final construction cost will not exceed any estimates given by RTM. If Client has retained or intends to retain separate contractors, consultants and other professionals in connection with the Project, RTM shall not be responsible for the work, services, acts, errors or omissions of such separate contractors, consultants and other professionals.
6. Construction Administration. If RTM's services include construction phase administration of the work in progress, RTM's responsibilities during construction administration may consist of the following duties only as specifically included in RTM's scope of services:
  - a. Act as a representative, but not an agent, of Client at the site of the Project, with authority only as provided herein. RTM shall (i) have the authority but not the duty to reject work that does not conform to RTM's Contract Documents; (ii) have the authority but not the duty to request additional inspections or testing of the work whenever, in RTM's reasonable opinion, same is necessary or advisable for the implementation of the intent of RTM's Contract Documents; (iii) have the authority to review and comment or take other appropriate action upon the Contractor's submittals such as Shop Drawings, Product Data and Samples required by RTM's Contract Documents, but only for the limited purpose of checking for conformance with Contract Documents (except for dimension, quantities and installation capability, which are the responsibilities of the Contractor and/or its subcontractors) and other information given and the design concept expressed in the Contract Documents, *provided however*, RTM's review of a specific item

shall not indicate approval of an assembly of which the item is a component; and (iv) with prior written approval from Client, prepare and recommend that Client issue Change Orders and Construction Change Directives, along with supporting documentation and data;

- b. Advise and consult with Client during construction on the Project until the final payment to the Contractor is due and, as an Additional Service, during any period thereafter in which changes are to be made by the Contractor;
- c. Visit the site of the Project to observe the Work in order to become generally familiar with the progress and quality of the Work included in RTM's Contract Documents and completed to date and to determine whether, in general, the Work included in RTM's Contract Documents is being performed by the Contractor in a manner consistent with the requirements of RTM's Contract Documents: (i) at intervals which are appropriate, in RTM's reasonable discretion, to the stage of construction; or (ii) as otherwise agreed to by Client and RTM in writing, provided however, that in no event shall RTM be required to make exhaustive or continuous on-site inspections in order to check the quality or quantity of the Work, nor shall RTM be responsible for or review for any of Contractor's means, methods, techniques, sequence or procedures, or for safety precautions in connection with the Work, since these are solely the responsibility of the Contractor. Based upon said observations, RTM shall keep Client reasonably informed of the progress and quality of Work to the extent reasonable under the circumstances and in the exercise of the standard of care provided herein;
- d. If included in RTM's scope of services, review and clarify amounts due to the Contractor based on RTM's observations at the site and evaluation of the Contractor's applications for payment. RTM's certification for payment constitutes a representation to Client, based upon RTM's observations at the site and on the data contained in the Contractor's application for payment, that the Work represented therein, to the best of RTM's knowledge, information and belief, has progressed to the point indicated thereon, and that the quality of the Work is in general accordance with all the Contract Documents, provided however, that the issuance of such a certification for payment is not a representation that RTM has: (i) made an exhaustive or continuous on-site inspection to check the quality or quantity of the Work done by the Contractor; (ii) reviewed the construction means, methods, techniques, sequences or procedures used by the Contractor; (iii) reviewed copies of requisitions received from Subcontractors or material suppliers; or (iv) ascertained how or for what purpose the Contractor has used money previously paid under the terms hereof;
- e. Conduct observations to determine conformity with the dates of Substantial Completion and Final Completion and to issue a final Certificate of Payment.
- f. Upon written request of Client or the Contractor, interpret and decide matters concerning performance thereof under the requirements of the Contract Documents. RTM's response to such requests shall be made with reasonable promptness. When making such interpretations and decisions, RTM shall not be liable for results of interpretations or decisions rendered in good faith and in accordance with the standard of care.
7. Payment. Client agrees to pay RTM within 30 days of receipt of RTM's invoice and any supporting documentation reasonably requested by Client. Invoices unpaid after 30 days shall accrue interest at the rate of one percent per month. Should Client fail to pay any amounts due hereunder or for any other services under any other agreements between Client and RTM, and such non-payment exceeds 45 days, RTM may, without prejudice to any other rights and remedies, suspend services on all agreements between Client and RTM until all amounts due are paid in full. In addition, at RTM's option, Client may be required to provide reasonable evidence of financial ability to perform Client's obligations under this Agreement. In the event of such suspension of services by RTM, should Client continue to fail to pay all amounts due in full by the close of business on the thirtieth (30<sup>th</sup>) day following suspension by RTM, then RTM may, without prejudice to any other rights and remedies, terminate the agreement or agreements between Client and RTM and recover damages. In the event of any suspension of services or termination by RTM for Client's failure to timely pay RTM, or in the event that RTM must enforce the terms of the agreement between Client and RTM, RTM shall have no liability for delays in the progress of the Work and RTM shall be entitled to recover its costs of early suspension or termination, remobilization and reasonable attorneys' fees, costs and expenses. If Client is another design professional to which RTM is a subconsultant on the Project, the time periods identified in this Section 7 shall be extended by 15 days.

8. Dispute Resolution. Any proposals or agreements between Client and RTM shall be governed by the laws of the state in which the project is located without regard to its conflict of law rules. If mutually agreed, the parties may submit any disputes between Client and RTM to mediation, which shall be located in a mutually agreeable location in the greater Chicago, Illinois metropolitan area. All costs for such mediation shall be shared equally by the parties.

9. Electronically Transmitted Data. Data, design information, specifications, CAD files or other information transmitted electronically are provided for Client's convenience but are "as-is" without warranty of media, content or compatibility with Client's systems. Client acknowledges and accepts the risk and responsibility for damages to Client's hardware or software related to the use or transfer of RTM's electronic data. Client understands that RTM cannot be responsible for unauthorized changes in electronic data and that differences may exist between electronically delivered or transmitted data and the paper, hard copy of instruments of service. In the event of any conflict between RTM's electronically delivered or transmitted data and paper, hard copies of RTM's instruments of service, the paper, hard copies of RTM's instruments of service shall govern. Under no circumstances will RTM's delivery or transmission of electronic data be deemed a sale. With respect to electronically delivered or transmitted data, RTM makes no warranties, either express or implied, of merchantability, compatibility, or fitness for any particular purpose.

10. Limitation of Liability. The parties hereby waive, as against each other, any claims for incidental, special, exemplary or consequential damages. In addition, Client understands and acknowledges the design and construction process for this Project poses certain risks to both RTM and Client. Client further understands and acknowledges the amount of risk that RTM will accept is tied, in part, to the amount of compensation received for services rendered. RTM's fee for the services offered is based on Client's agreement to limit RTM's liability as described below. Client further acknowledges that were it not for this promise to limit RTM's liability, RTM's compensation would be greater to address the risks posed by this Project. Client, therefore, acknowledges its right to discuss this provision with legal counsel and voluntarily agrees that, to the fullest extent permitted by law, RTM's total liability to Client for any and all injuries, claims, liabilities, losses, costs, expenses, or damages whatsoever arising out of or in any way related to the Project, the proposal or Agreement from any cause or causes including, but not limited to, RTM's negligence, errors, omissions, breach of contract or any other legal theory, shall not exceed the greater of (i) total compensation received by RTM under this agreement or (ii) proceeds from available insurance coverage.

11. Copyrights and Licenses. RTM shall be considered the author of the drawings, specifications and other documents prepared by it for the Project ("Instruments of Service") and RTM shall at all times hold the copyright therein. Upon payment to RTM for all services rendered under the terms of this Agreement, RTM grants to Client a non-exclusive license to use the Instruments of Service in connection with the design, construction, use, maintenance and occupancy of the Project, if this Agreement is terminated for any reason prior to completion of the Project, Client may use the Instruments of Service in whole or in part in connection with the completion of the Project, so long as RTM has been compensated for all services rendered through the date of termination and Client does not use the Instruments of Service for any other project without obtaining RTM's consent to such use. RTM shall not be responsible for any changes to the Instruments of Service made by anyone other than RTM or for any failure of shop drawings or other submissions to comply with the Instruments of Service if such shop drawing or other submission has not been approved by RTM.

12. Insurance. RTM shall maintain customary insurance with limits and exclusions as reasonably determined by RTM.

13. Legal Fees. In the event of a dispute, the non-prevailing party shall be responsible for the legal fees and costs incurred by the prevailing party.

14. Successors and Assigns. Neither party shall assign this Agreement or any right or cause of action arising out of this Agreement or the performance of obligations hereunder without the written consent of the other.

15. Entire Agreement. This Agreement represents the entire and integrated agreement between Client and RTM and supersedes all prior negotiations, representations, or agreements.

16. Third Parties. Nothing contained in this Agreement shall create a contractual relationship with, or a cause of action in favor of, any third party.

## Who We Are

We are a 170+ person engineering firm that goes beyond a typical consulting role. We become a partner to our clients by aligning with the goals, processes, and people at your organization.

### RTM Culture

Our people really are our most important asset. While you can't put a price on the composure, savvy, and responsiveness of our leadership, we feel it all starts with our vibrant and ambitious staff. We pride ourselves on creating an environment that shares knowledge, whether that's client facing or within our walls. We cultivate talent from top universities and foster growth with hands-on experience and mentorship.

## What We Do

We provide engineering and related services to architects, developers, and owners to produce sustainability, construction quality, and streamlined schedules.

Our extensive capabilities allow us to deliver superior work on industrial, commercial, and retail projects as well as other complex building types such as healthcare and laboratory facilities.

Our partnerships ultimately improve each client's business beyond a single-project scope.

## Why We Do It Better

### RTM's Signature Method



Responsive in Communication



Proactive in Consultation



Quality in Every Discipline



On Schedule & On Budget



The Right Design

## Awards & Recognition

- Zweig Group's Best Firms to Work For, 2014 - 2018
- Zweig Group's Hot Firm, 2015 - 2018
- Consulting-Specifying Engineer's MEP Giants, 2015 - 2018
- Inc. 5000 Fastest Growing Companies, 2013 - 2017
- ENR Regional Top Design Firms, 2016
- Crain's Best Places to Work In Chicago, 2018

## Our Office Locations

Schaumburg, IL • Chicago, IL • Davenport, IA  
 Milwaukee, WI • Dallas, TX • Orlando, FL • Tampa, FL  
 Springfield, MO • Overland Park, KS • Palm Desert, CA

### Local Office

34300 Gateway Drive, Suite 120  
 Palm Desert, CA 92211  
 T. 760.340.9005

## Our Services



Mechanical



Technology



Electrical



Construction Administration



Plumbing



Sustainability



Fire Protection



Commissioning



Civil



High Performance Design

## Market Sectors & Reach

- Education
- Civic & Government
- Restaurant
- Retail
- Transportation
- Multi-Family Residential
- Senior Living
- Commercial
- Healthcare
- Mission Critical
- Industrial
- Hospitality

Licensed in **all 50 States**



HERMANN DESIGN GROUP

January 4, 2019

Via Email

Mr. Bob Pisa  
COZAD & FOX  
151 South Girard Street  
Hemet, CA 92544

Email: [bfox@kbcozad.com](mailto:bfox@kbcozad.com)

RE: Parking Lot Improvements – City of Banning - IFB 19-020  
Landscape Architectural Services

Dear Bob:

It is a pleasure to have an opportunity to work with you on this project in the City of Banning. We have prepared the following proposal for landscape architectural services to assist in approvals through the City.

We can begin work immediately upon receipt of contract signed by an authorized representative. If there are any questions or concerns regarding this proposal, please give me a call at 760-777-9131.

Best regards,

HERMANN DESIGN GROUP, INC.

*Chris*

E. Chris Hermann, ASLA  
CLARB Certified Landscape Architect  
Principal

ECH/kmh

77899 Wolf Road, Suite 102  
Palm Desert, CA 92211  
(760) 777-9131 • (760) 777-9132 Fax

# **Parking Lot Improvements - IFB 19-020 - City of Banning**

## **Landscape Architecture Services**

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### **SCOPE OF SERVICES**

The project is located at 128 North San Geronio Avenue, Banning, California.

#### **I. PRELIMINARY DESIGN SERVICES**

Survey/Site Review – Hermann Design Group will review the existing site conditions.

Base Sheets – We will develop base sheets from CAD-file engineer's plans at an appropriate scale.

Conceptual Planting Plan – We will prepare a planting plan with a legend that calls out plant material by Latin and common names. We will review this plan with the appropriate team members and the Client. After meeting and review of comments by the Client, we will prepare a final color rendered preliminary plan for presentation.

Opinion of Probable Construction Cost - We will prepare an opinion of probable construction cost of the preliminary plan for use by the Client.

#### **II. CONSTRUCTION DOCUMENTS**

Upon approval preliminary design we will prepare the following working drawings:

Planting Plan and Details - This plan will illustrate the location of all plant material. A plant legend will describe the Latin and common names, sizes and remarks for each plant shown on the plan. Details will be provided as required.

Irrigation Plan and Details – This plan will illustrate the location of all irrigation components. Details will be provided as required. Irrigation water budget calculations and water agency submittal for approval are included.

Specifications – Written specifications will be provided to define construction methods and materials applicable to the landscape and irrigation plans.

Agency Approvals – We will provide the Client with all plans, specifications, estimates, and/or other necessary documents required to obtain approval; the foregoing will be provided in electronic form for submittal by the Client. HDG will be responsible for required submittals to the water district. The following plan check submittals are included:

1<sup>st</sup> Review – Concept Review and Opinion of Probable Construction Cost

2<sup>nd</sup> Review – 85%-90% Check Plans and Specifications

3<sup>rd</sup> Review – 100% Check Plans, Specifications,

We will make revisions as required by the applicable governing agencies and provide electronic plans for resubmittal/approval.

#### **III. CONSTRUCTION PHASE SERVICES**

Bid Solicitation – We will provide bid assistance to include answering questions from prospective bidders.

## **Parking Lot Improvements - IFB 19-020 - City of Banning**

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### **Landscape Architecture Services**

Construction Observation Services – We will provide construction observation services upon request by the County. The following Construction Services are recommended;

1. Pre-Construction Meeting
2. Review Planting Layout Prior to Irrigation Installation (1 Visits)
3. Review Final Installation and Irrigation Coverage
4. Final Punch List
5. As Built Drawings

#### **IV. GENERAL SERVICES**

Meetings – All meetings will be billed on an hourly basis in accordance with the Normal Hourly Rate schedule outlined in Attachment -1.

**Parking Lot Improvements - IFB 19-020 - City of Banning**  
**Landscape Architecture Services**

**FEES AND CHARGES**

Our fees will be billed on a percentage complete basis based on our Normal Hourly Rates. All reimbursable expenses will be billed in accordance with Attachment -1.

I.	PRELIMINARY DESIGN	\$ 2,950.00
II.	CONSTRUCTION DOCUMENTS	\$ 4,900.00
III.	CONSTRUCTION PHASE SERVICES	Hourly per Attachment -1 and -2 Allow \$ 2,000.00
IV.	GENERAL SERVICES	Hourly per Attachment -1 and -2 Allow \$ 750.00

All provisions of the terms and conditions attached are an integral part of this proposal as if herein written in full. This agreement represents the entire and integrated agreement between the Client and the Landscape Architect and supersedes all prior negotiations, representations or agreements, either written or oral.

This proposal shall be deemed to expire within 45 days of proposal date if not fully executed.

**APPROVED:**

COZAD & FOX ("Client")

BY: \_\_\_\_\_

Printed Name and Title:

DATE: \_\_\_\_\_

HERMANN DESIGN GROUP, INC. ("Landscape Architect")

BY: \_\_\_\_\_

E. Chris Hermann, ASLA  
CLARB Certified Landscape Architect  
President

DATE: \_\_\_\_\_

# **Parking Lot Improvements - IFB 19-020 - City of Banning**

## **Landscape Architecture Services**

### **ATTACHMENT -1**

#### **NORMAL HOURLY RATES**

Principal Landscape Architect/Principal Planner	\$165.00 per hour
Project Manager	125.00 per hour
Irrigation Designer	125.00 per hour
Landscape Architect	110.00 per hour
Associate/Senior Designer	100.00 per hour
Specification Writer	95.00 per hour
Designer	85.00 per hour
Professional Staff	65.00 per hour

#### **OUTSIDE CONSULTANTS**

Services of outside consultants not listed in this proposal, at our direct cost, plus 15% of the actual cost of their services for coordination.

#### **REIMBURSABLES**

Reimbursable items, such as the cost of reprographics, plan check fees, soil samples, and auto travel outside the Coachella Valley will be charged at our cost plus 15%.

#### **OVERTIME REQUESTS**

It is the landscape architect's responsibility to schedule the project's completion under normal conditions without the use of the staff on an overtime basis. If the Client adjusts the deadline or requests that work be completed earlier than originally scheduled and thus requires overtime, the fees shall be adjusted to cover the increased costs incurred by the landscape architect. The hourly rates for overtime will be one and one-half (1-1/2) times the hourly rates above.

#### **TIMES AND CONDITIONS OF PAYMENT**

We will bill on a monthly basis in proportion to the time spent on the project to date. All billing statements are due upon receipt. Interest will be charged at the rate of 1-1/2% per month on the past due balance ninety days and over. Due to increases in wages/benefits, fees and hourly rates are subject to an annual increase of 6%.

## **Parking Lot Improvements - IFB 19-020 - City of Banning**

### **Landscape Architecture Services**

#### **ATTACHMENT -2**

##### **ADDITIONAL SERVICES**

Additional services shall be performed only when requested or approved by the Client. Compensation for such services shall be in accordance with our Normal Hourly Rates and Reimbursable items, per Attachment -1. Additional services may include, but are not limited to:

1. Revisions or modifications to documents, drawings, or specifications when such revisions or modifications are inconsistent with approvals or instructions previously given or are required by the enactment or revision of codes or laws by governmental agencies having jurisdiction over the project subsequent to the preparation of such documents, drawings, or specifications.
2. Attending any public hearings or meetings not otherwise covered in the proposal scope of services.
3. Work requested by that is not heretofore mentioned.

##### **CLIENT RESPONSIBILITY**

1. Site plan with appropriate callouts for street infrastructure and other site elements (CAD).
2. Complete information concerning available services and utilities.
3. The cost of structural, electrical, civil engineering if later required.
4. Water feature construction drawings, including (but not limited to) plumbing and electrical specifications.

The landscape architect will be entitled to rely on the adequacy and accuracy of the information provided by Client or Client's consultants and representatives.

##### **OWNERSHIP OF DOCUMENTS**

Hermann Design Group grants its Client a nonexclusive license to use landscape architectural documents as described in this agreement provided the Client performs in accordance with the terms of this agreement. No other license is implied or granted under this agreement. All instruments of professional service prepared by the landscape architect, including but not limited to: drawings, specifications and all digital files, are the property of the landscape architect. These documents shall not be reused on other projects without the landscape architect's written permission. Hermann Design Group retains all rights, including copyrights, in its documents.

##### **INDEMNIFICATION**

The Client agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Landscape Architect, its officers, directors, employees and subconsultants against all damages, liabilities or costs, including reasonable attorneys' fees and defense costs, to the extent caused by the Client's negligent acts in connection with the Project and the acts of its contractors, subcontractors or other consultants or anyone for whom Client is legally liable. The Landscape Architect agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Client, its officers, directors and employees against all damages, liabilities or costs, including reasonable attorneys' fees and defense costs, to the extent caused by the Landscape Architect's negligent performance of landscape architecture services under this Agreement and that of its subconsultants or anyone for whom the Landscape Architect is legally liable. Neither the Client nor the Landscape Architect shall be obligated to indemnify the other party in any manner whatsoever for the other party's own negligence or for the negligence of others.

## **Parking Lot Improvements - IFB 19-020 - City of Banning**

### **Landscape Architecture Services**

#### **CONSEQUENTIAL DAMAGES**

Notwithstanding any other provision of this agreement, and to the fullest extent permitted by law, neither the Client nor the Landscape Architect, their respective officers, directors, partners, employees, contractors or subconsultants shall be liable to the other or shall make any claim for any incidental, indirect or consequential damages that either party may have incurred from any cause of action including negligence, strict liability, and breach of contract. Both the Client and the Landscape Architect shall require similar waivers of consequential damages protecting all the entities or persons named herein in all contracts and subcontracts with others involved in this project.

#### **THIRD-PARTY BENEFICIARIES**

Nothing contained in this agreement shall create a contractual relationship with or a cause of action in favor of a third party against either the Client or the Landscape Architect. The Landscape Architect's services under this agreement are being performed solely for the Client's benefit, and no other party or entity shall have any claim against the Landscape Architect because of this agreement or the performance or nonperformance of services hereunder. The Client and the Landscape Architect agree to require a similar provision in all contracts with contractors, subcontractors, subconsultants, vendors and other entities involved in this project to carry out the intent of this provision.

#### **LIMITATION OF LIABILITY**

The Client agrees to limit the landscape architect's liability to the Client and to all construction contractors and subcontractors on the project due to the landscape architect's negligent acts, errors or omission, such that the total aggregate liability of the landscape architect shall not exceed the amount of the landscape architect's contractual fee. It is intended that this limitation apply to any and all liability or cause of action however alleged or arising, unless otherwise prohibited by law.

#### **OPINIONS OF PROBABLE CONSTRUCTION COSTS**

The landscape architect has no control over the cost of labor, materials, or equipment, or over the contractor's method of determining prices, or over competitive bidding or market conditions. Our opinions of probable construction costs provided for herein are to be made on the basis of our firm's experience and qualifications. These opinions represent our best judgment due to our familiarity with the construction industry. However, we cannot and do not guarantee that proposals, bids, or the construction cost will not vary from opinions of probable cost prepared by us. If the Client wishes greater assurance as to the construction cost, he shall employ an independent cost estimator.

#### **PROJECT RESTART FEE**

Because of substantial costs incurred by the landscape architect to stop and restart a project once it is underway, should this project's progress be halted at any time for 30 or more days by the Client, for any reason other than agency approval process delay, a project restart fee of \$500.00 or 10% of the total fee earned to date, whichever is greater, will be due and payable immediately.

#### **TERMINATION OF AGREEMENT**

This agreement may be terminated by either party upon seven (7) days written notice via registered mail, should the other party fail substantially to perform in accordance with its terms through no fault of the other. In the event of termination due to the fault of others, the landscape architect shall be paid his compensation for expenses then due. If a dispute arises under this contract and litigation is instituted, the prevailing party shall be entitled to recover its reasonable attorney fees.

## **Parking Lot Improvements - IFB 19-020 - City of Banning**

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### **Landscape Architecture Services**

#### **DISPUTE RESOLUTION**

Client and landscape architect agree to mediate disputes arising out of or relating to this agreement before initiating litigation. The mediation shall be conducted by a mediation service acceptable to both parties. A party shall make a demand for mediation within a reasonable time after a claim or dispute arises, and the parties agree to mediate in good faith. In no event shall any demand for mediation be made after such a claim or dispute would be barred by applicable law. Mediation fees shall be shared equally.

#### **NOTICE**

Landscape architects are regulated by The State of California. Any questions concerning a landscape architect may be referred to The Landscape Architects Technical Committee, 2420 Del Paso Road, Suite 105, Sacramento, CA 95834 (916) 575-7230.



## STATEMENT OF QUALIFICATIONS

### Hermann Design Group, Inc.

Incorporated 2009 (California S-Corporation)

Offices in Palm Desert and Riverside

Six Full-Time Employees

Hours of Operation: Monday - Friday 8:00 a.m. to 5:00 p.m.

Formerly Hermann & Associates (Sole Proprietorship 1995-2009)

President/CEO - Chris Hermann

Hermann Design Group, Inc. was founded in 1995 in Palm Desert, California as Hermann & Associates. Our founding philosophy was to create a firm by which we are able to work on unique projects and allow for Mr. Hermann to lead the design process and build relationships with clients that will last for a lifetime. We evaluate the distinct needs and desires of our clients through creative thinking, and we provide the right solutions for individual projects. Our design solutions always consider the sustainability of our valuable environment.

We have extensive experience designing projects that are LEED certified and include sustainable practices. Our team has worked on projects for a number of public agencies including CVAG, CVEP, the Counties of Riverside and San Bernardino, and most of the Cities in the Coachella Valley. While employed by others, our principals have worked with the City of Banning, and we look forward to the possibility of working with you again.

Hermann Design Group provides a wide range of landscape architecture and planning services to assist public agencies and private developers in the design of public spaces and facilities, including:

- Parks - Regional, Neighborhood, Community, Memorial
- Trails and Interpretative Sites
- Sports Facilities
- Golf Courses
- Natural and Historic Sites
- Commercial/Retail/Industrial
- Hotels
- Hospitals
- Master-Planned Communities

Hermann Design Group is a healthy firm financially with no issues that would affect our ability to complete our obligations with the City of Banning. We are profitable and strategic about our growth so that we will remain a successful enterprise.

Additionally, Hermann Design Group certifies that the firm and its principals are in good standing with all licensing boards and is eligible to contract with any federal, state or local public agency.



TRAILS

PARKS

STREETSCAPES

NATURAL PLAY ELEMENTS

CREATIVE SIGNAGE &  
WAY FINDING

PLACEMAKING  
EXPERIENCES

INTERPRETATIVE LANDSCAPE  
DESIGN



## HERMANN DESIGN GROUP, INC.

### CHRIS HERMANN, RLA/ASLA, PRINCIPAL IN CHARGE

Chris, a graduate of the Pennsylvania State University, is the founder of Hermann Design Group. He has designed and overseen the construction of public and private development projects throughout his career. He began designing landscape projects in the Coachella Valley in 1989 and has been a resident for over 20 years. In 1983 he started the landscape architecture department for CUH2A, one of the nation's largest multi-disciplinary architecture and engineering firms. He gained valuable experience working hand-in-hand with the civil engineering and architectural departments, solving a variety of design challenges. Before moving to the Coachella Valley, he was a principal at RHA Landscape Architects-Planners, Inc. in Riverside, a firm he had been with for nearly ten years. At RHA, Chris was principal-in-charge of parks, recreation centers, schools, master-planned communities, and other public sector work as well.

Hermann Design Group was founded in Palm Desert in 1995. During the span of two decades, Chris has worked with the majority of the Cities in the Coachella Valley, as well as the many of the large and small private developers who have operated in our valley. As one of founders of Aunt Effie's Gardens in Palm Springs in 2009, Chris had a unique opportunity to expand his design and horticultural knowledge by "living" with the plant material specified in his projects until the business was sold in the summer of 2013.

Additionally, Chris has served on City architectural design review committees, as well as the boards for the Building Industry Association, FCA, the Humana Challenge, and Links Players. He is also tapped annually to be a guest instructor for UCR's Master Gardener program.

#### CERTIFICATIONS/LICENSES:

CLARB Certified Landscape Architect #40888

California Lic. #2754  
Arizona Lic. #54352

#### REPRESENTATIVE PROJECTS

City of La Quinta  
On Call Services  
2015 - Present

City of Rancho Mirage  
On Call Services  
2016 - Present

County of San Bernardino  
Special Districts  
On Call Services  
2013 - Present

Rancho Mirage Community Park  
Expansion & Amphitheater  
City of Rancho Mirage

CVLink Landscape Design  
CVAG / Alta

Cesar Chavez Memorial Park  
City of Coachella

HRPP Grant Parks  
City of Indio

Miles Avenue Park Master Plan  
City of Indio

Coachella Valley Housing Coalition  
Paseo de Heroes II and III  
Tierra Bonita

OliveCrest Foundation  
Coachella Valley Location

La Colonia Park  
City of Coachella

La Quinta Wellness Center  
La Quinta, CA

Seasons / Pioneer Dog Park  
La Quinta, CA

La Quinta Sports Park  
La Quinta, CA





## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Brandon Robinson, Associate Electrical Engineer  
Tom Miller, Electric Utility Director

**MEETING DATE:** February 26, 2019

**SUBJECT:** Resolution 2019-XX, Approving Funds to Provide Energy Efficiency and Photovoltaic Solar System Evaluation at Banning Unified School District Facilities Not to Exceed \$60,000.

---

### **RECOMMENDED ACTION:**

The City Council consider adopting Resolution 2019-XX:

1. Amending Fiscal Year 2019 and 2020 public benefits budget to include energy efficiency and solar PV evaluation specifically for Banning Unified School District ("BUSD") solar projects at an amount not to exceed \$60,000 for the Electric Utility.
2. Authorizing the Electric Utility Director or his/her designee to approve additional public benefits spending for Fiscal Year 2019 and 2020 upon the direction of Banning City Council, and shall not exceed \$60,000 unless otherwise agreed to in writing by the City of Banning.

### **BACKGROUND:**

Banning Electric Utility ("Utility") is a retail electrical energy distribution provider and load serving entity serving 13,000 end-use residential, commercial, and industrial customers. The Utility is the authority having jurisdiction over the interconnection of distributed energy resources to the electric distribution grid. On January 1, 2018, the Utility entered into a master goods and services agreement with Richard Heath & Associates (RHA) through Southern California Public Power Authority ("SCPPA") to provide energy efficiency related services at customer owned facilities within the Utility's service area. The Utility recognized a need for RHA to evaluate the larger commercial solar projects that were being brought forth in order to understand the potential impact on the Utility's distribution electric grid. Precautionary methods must be considered to ensure that the proposed PV system does not have detrimental effects on the utility substation feeding

the circuit where the PV system is to be connected. Per Banning Electric Utility Standard Rules and Regulations Rule #9 Section D, the Utility has the authority to discontinue the operation of equipment or facilities that creates a detriment to the Utility and the customers that it serves. Common threats to the Utility's distribution circuitry such as harmonic distortion and insufficient power factor can affect the electric distribution systems reliability and efficiency. It is important for the Utility to get ahead of these possible impacts prior to interconnection of large solar PV systems to the grid.

The first commercial solar project evaluation and power quality analysis occurred at the KOA Campgrounds in Banning due in large part to a 286kW solar PV system being installed at the site. Although the Utility did not find any issues related to power quality or harmonics, the Utility required the customer to install a permanent power quality analyzer to provide a constant measurement of the total harmonic distortion and power factor that can be viewed by the Utility at any time. The solar PV project at KOA Campground would be used as a baseline and benchmark for energy performance for future commercial solar projects.

Soon after BUSD began the installation of six proposed large commercial solar facilities at their various school sites, the first at Coombs Middle School. Upon interconnection to the grid, the Utility noticed that the three-phase power factor of the energy being exported through the utility meter was down to around 0.48 or 48%. The low power factor was found to be attributed to the result of adding only additional real power (kW) back to the main switchgear without contributing any additional reactive power (kVar) to the system. Since the connected load at Coombs consumes both Active Power (kW) and Reactive Power (kVar), the grid needs to supply all the Reactive Power (kVAR) consumed by the school that the PV system does not supply, which reduces the power factor. This was a great concern due to the fact that optimal power factor recognized industry wide is above 90% or 0.90. As a result, the Utility required BUSD to disconnect the solar PV system at the grid interconnection point so that their engineering contractor that installed the system could investigate the matter.

After consulting with BUSD about the power factor issues at the Coombs Middle School, the Utility agreed to assist BUSD with a power quality analysis at the campus and would use RHA's services to complete and compile a report. RHA conducted an audit that measured both power factor and harmonic distortion throughout the campus. RHA concluded that BUSD would need to install two static VAR generators that would cover up to 150 kVAR of reactive power compensation to correct the onsite power factor issues. Estimated costs associated with this method of correction as well as other options are attached in the power quality analysis herewith as attachment 2. The total cost to conduct the power quality analysis and compile the report at Coombs Middle School was approximately \$8,000.

### **ISSUES/ANALYSIS:**

Based on the current and upcoming commercial solar projects with BUSD, the Utility has a substantial need for RHA to continue to perform power quality evaluations at each school site where solar PV systems are to be installed. The current agreement between the Utility and SCPPA allows for the use of RHA as a resource to complete the tasks required in the Utility's recommendation. The Utility will require RHA to do an

independent evaluation for each school site prior to the execution of the interconnection agreement between the Utility and BUSD for each site to ensure that power quality requirements are met. BUSD has requested that these activities be carried out as soon as functionally possible per their letter to the utility dated February 11, 2019 herewith as attachment 3.

Staff requests that the Electric Utility Director or his/her designee, under approval of this resolution, be given the authority to approve additional public benefits expenditures for the Utility for the evaluation of BUSD solar projects during Fiscal Years 2019 and 2020, not exceed \$60,000 unless otherwise agreed to in writing by the City of Banning.

**FISCAL IMPACT:**

The Electric Utility's public benefits budget will fund the engineering services expenditures.

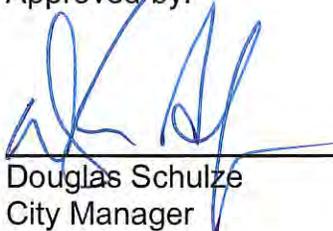
**ALTERNATIVE:**

1. Reject Resolution 2019-XX and provide direction.

**ATTACHMENTS:**

1. Resolution No. 2019-XX
2. Power Quality Analysis at Coombs Intermediate School Report, February 2019
3. BUSD Letter, Re: Status of Banning Unified School District Solar Projects, February 11, 2019

Approved by:



---

Douglas Schulze  
City Manager

# **ATTACHMENT 1**

## **Resolution 2019-XX**

## RESOLUTION 2019-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING FUNDS TO PROVIDE ENERGY EFFICIENCY AND PHOTOVOLTAIC SOLAR SYSTEM EVALUATION AT BANNING UNIFIED SCHOOL DISTRICT FACILITIES “NOT TO EXCEED” \$60,000 FOR FISCAL YEARS 2019 AND 2020.**

**WHEREAS**, the Electric Utility is a retail electrical energy distribution provider and load serving entity serving end-use residential, commercial, and industrial customers; and

**WHEREAS**, the Utility has the authority to regulate operation of equipment or facilities such as distributed energy resources that interconnect to the Utility and the customers that it serves; and

**WHEREAS**, the Utility has the authority to recommend or require retail customers to operate within acceptable power quality standards; and

**WHEREAS**, the Utility recognized a need to require Banning Unified School District to correct power quality issues at Coombs Intermediate School and other School District facilities that have applied for solar photovoltaic system interconnection to the Utility grid; and

**WHEREAS**, funding for the Electric Utility and Robert Heath & Associates to assist with power quality analysis for the School District is available within the public benefits fund budget; and

**WHEREAS**, allocations for the Utility and RHA to complete power quality analysis and remediation assistance shall not exceed \$60,000 for Fiscal Years 2019 and 2020 for the Electric Utility unless otherwise agreed to in writing by the City of Banning; and

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

SECTION 1. The Banning City Council adopts Resolution 2019-XX amending Fiscal Year 2019 and 2020 public benefits budget to include energy efficiency and solar PV evaluation specifically for Banning Unified School District solar projects at an amount not to exceed \$60,000 for the Electric Utility.

SECTION 2. The City Manager or the Electric Utility Director, is authorized to approve additional public benefits spending for Fiscal Year 2019 and 2020 upon the direction of Banning City Council, and shall not exceed \$60,000 unless otherwise agreed to in writing by the City of Banning.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

**PASSED, APPROVED AND ADOPTED** this 26th day of February, 2019.

---

Arthur L. Welch, Mayor  
City of Banning

**ATTEST:**

---

Daryl Betancur, City Clerk  
City of Banning

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

---

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

**CERTIFICATION:**

I, Daryl Betancur, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2019-10 was duly adopted by the City Council of the City of Banning, California, at a Regular Meeting thereof held on the 26th day of February 2019, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Daryl Betancur, City Clerk  
City of Banning

# **ATTACHMENT 2**

## **Power Quality Analysis at Coombs Intermediate School Report February 2019**



# Power Quality Analysis at Coombs Intermediate School (Harmonics Update)

February 2019

Prepared for:  
**Susan B. Coombs Intermediate School**  
1151 W Wilson St,  
Banning, CA 92220

Submitted By:



Richard Heath & Associates, Inc.  
rhainc.com

On Behalf of:



176 E. Lincoln St.,  
Banning, CA 92220

**Disclaimer:**

The attached report is prepared by Richard Heath and Associates, Inc. (RHA) on behalf of City of Banning Electric Utility. This study was conducted with reasonable care and in accordance with professional standards. The results were based on the Measurement & Verifications (M&V) process at the time of the study, the actual results may change and are subject to operating conditions.

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## 1 BACKGROUND

Susan B. Coombs Intermediate school (Coombs) has been experiencing poor power factor (PF) issues for more than a year, recently it has been exacerbated by the connection of the newly installed 102.5 kW<sub>AC</sub> ground mounted solar system. City of Banning involved RHA to identify the cause(s) of the issue and recommend solution(s) to the poor power quality experience at the school.

The power factor at the facility has been in the range of the 0.6 to 0.7 (before connecting the solar system) which is relatively low compared to near unity power factor the utility provides; as a result, the school has been paying an additional cost associated with power factor adjustment. After connecting the solar PV system, City of Banning concluded that the average power factor decreased even more to levels less than 0.4.

An energy audit was performed to gather the existing connected load data. In addition, spot-measurements were taken with the power quality meter (WECO WE-20) to gather the power quality information at different load conditions:

- Low-load conditions
- Low-load with solar PV on
- Full-load conditions
- Full-load with solar PV on

## 2 WHAT IS POWER FACTOR?

Power Factor (PF) is a measurement of how effectively electrical power is being used. The higher the power factor, the more efficiently electrical power is being utilized.

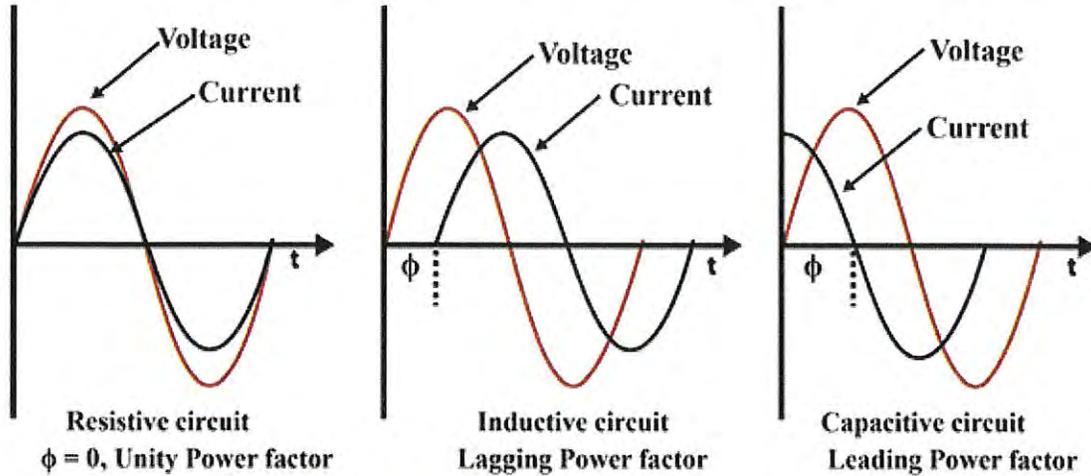
All inductive loads require two kinds of power to function properly:

1. Real power (kW) - performs the actual work
2. Reactive power (kVAr) - sustains the electromagnetic field

Power factor is usually expressed as a percentage or a decimal less than or equal to 1. When the power factor is at unity (PF=1.0), the current and voltage are synchronized optimizing the electrical power. When the power factor is less than unity (PF<1.0) the current and voltage are out of sync and power is being wasted. Inductive loads cause the power factor to be “lagging” while capacitor loads cause a “leading” power factor.

Graph 1 provides a visual of the power factor behavior under different loads: resistive, inductive and capacitive.

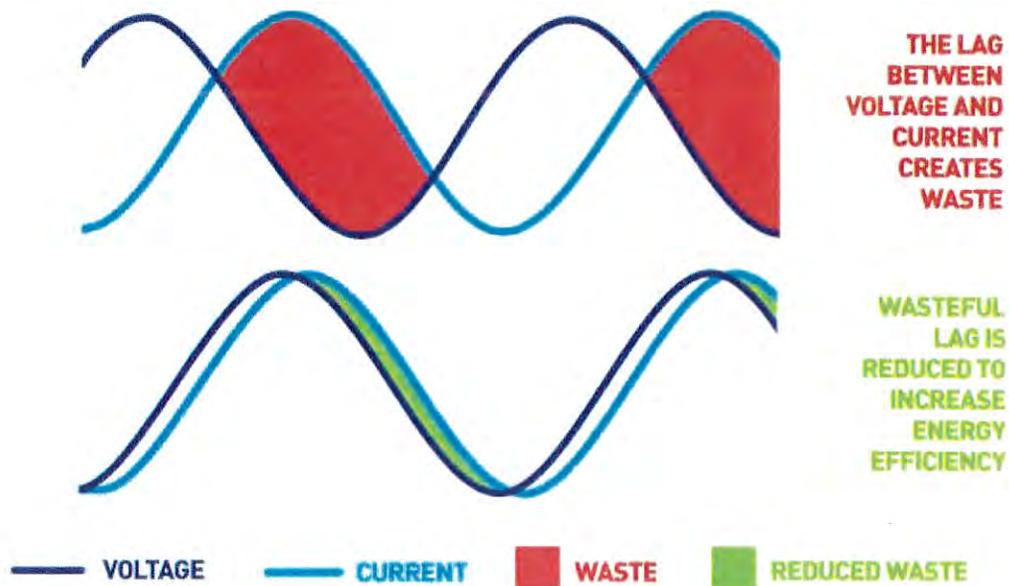
**Graph 1. Power Factor**



Source: <https://chargedevs.com/features/a-closer-look-at-power-factor-correction/>

Graph 2 represents the real-world effects of an electrical system with less than unity power factor. When the current and the voltage waveforms are out of sync, the system is working less efficiently, producing wasted energy.

**Graph 2. Power Factor and Energy Efficiency**

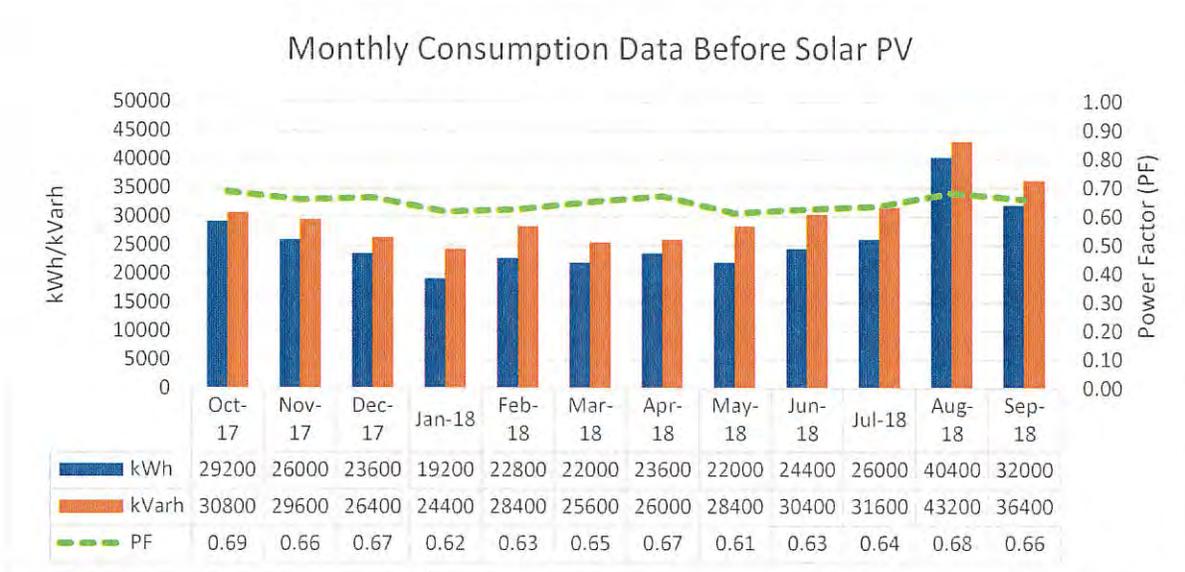


Source: <http://www.advancedelectrical.org.uk/what-we-do/power-factor-correction/>

### 3 ENERGY CONSUMPTION AND DEMAND:

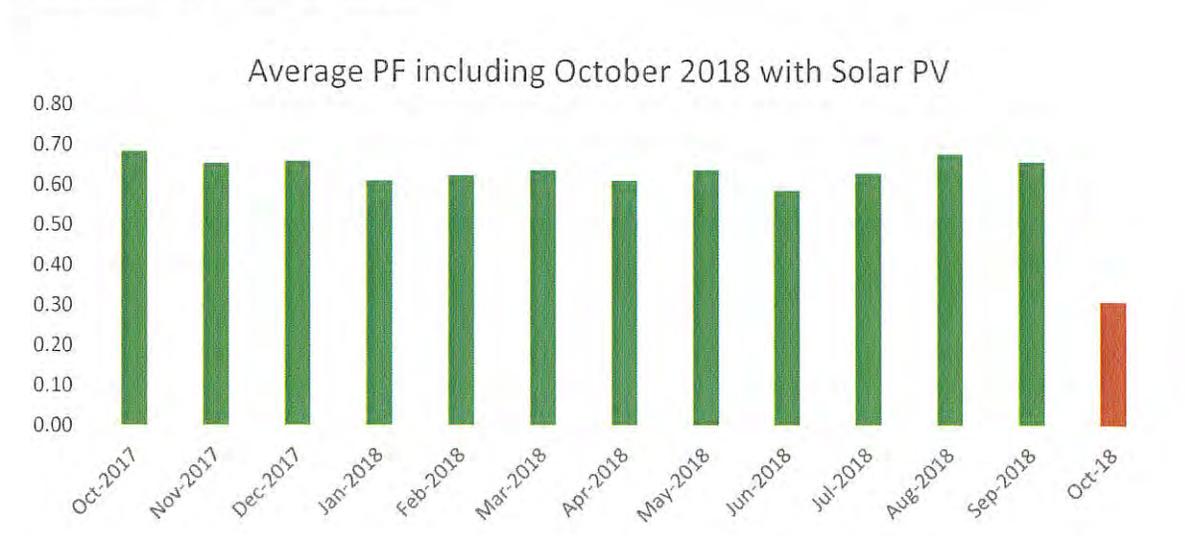
Graph 3 depicts the monthly maximum real power consumption and reactive power consumption from October 2017 to September 2018. The secondary axis includes the average power factor reported for each month. It can be observed from the graph that the power factor of the facility is in the range of 0.60 to 0.70 which is relatively low.

**Graph 3: Monthly Consumption (kWh vs kVarh)**



Graph-4 clearly shows that the reported average power factor reduced significantly due to the connection of the solar PV system.

**Graph 4: Average Power Factor (PF)**

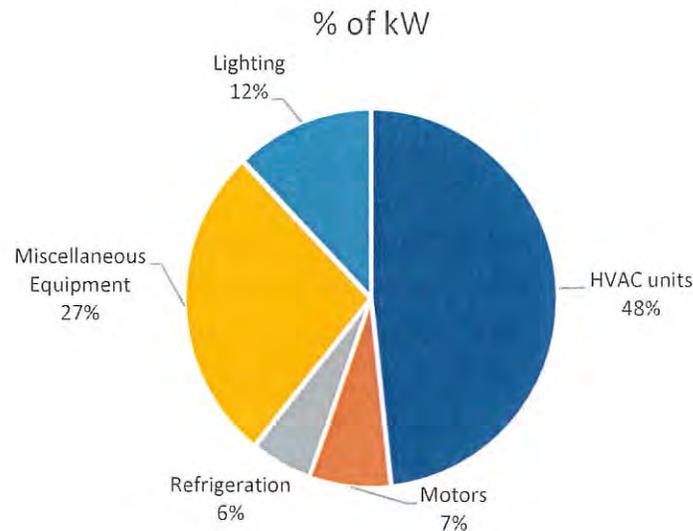


**Note:** The PF shown for the month of October is an average power factor between 10/10/18 to 10/22/18 while solar PV system was active.

#### 4 EXISTING LOAD CONDITIONS

Through the energy audit RHA identified the existing connected load at the facility which was balanced against the past 12-month's electricity billing data. It was estimated that 48% of the electric demand is attributed to HVAC, 7% is for motors, 5% is for Refrigeration, 12% is attributed to the lighting, and 27% to Miscellaneous Equipment.

**Chart A: Electric Demand Distribution (kW)**



**Table 1: Electric Demand (kW) Distribution**

Description	Electric Demand (kW)	% of kW
HVAC units	65.7	48%
Motors	9.6	7%
Refrigeration	7.3	5%
Lighting	16.5	12%
Miscellaneous Equipment	36.9	27%
<b>Total</b>	<b>136.00</b>	<b>100%</b>

## 5 POWER QUALITY MEASUREMENTS

To get a better understanding of the power quality at the site, spot measurements were taken with the utility power quality analyzer WECO WE-20 on December 20<sup>th</sup>, 2018. The readings were taken at the main service meter under the following four scenarios.

**Image 1: Low Load - Solar Off**

Scenario 1 (Low Load Conditions)				
Lighting	HVAC Gas Heating (Fans Only)	HVAC Cooling	Ventilation Fans	Solar PV
Partially ON	Partially ON		All ON	

Instantaneous	A	B	C	Net
Volts:	283.10	283.06	281.85	
Amps:	80.969	77.371	100.19	
V L-L & NeuA:	490.70	489.87	488.16	0.8919
Phase:	39.050	298.25	169.75	
P.F.:	0.7627	0.5199	0.6333	
Delta Phase:		239.85	119.40	
Freq:	60.031	60.032	60.033	
Voltage THD:	4.0868	2.4677	2.6097	
Current THD:	19.656	13.682	13.386	
WATTS:	17.483 K	11.366 K	17.883 K	46.819 K
VARS:	14.192 K	18.506 K	21.583 K	54.331 K
VA:	22.922 K	21.900 K	28.138 K	73.145 K

**Image 2: Low Load - Solar On**

Scenario 2 (Low Load Conditions with Solar)				
Lighting	HVAC Gas Heating (Fans Only)	HVAC Cooling	Ventilation Fans	Solar PV
Partially ON	Partially ON		All ON	Turned ON

Instantaneous	A	B	C	Net
Volts:	284.46	284.35	283.26	
Amps:	52.098	77.980	77.798	
V L-L & NeuA:	493.19	492.12	490.41	0.5402
Phase:	117.95	6.6500	225.90	
P.F.:	-0.4344	0.6205	-0.2712	
Delta Phase:		239.75	119.35	
Freq:	60.007	60.007	60.006	
Voltage THD:	4.6275	11.7696	4.7261	
Current THD:	547.10	1441.18	427.98	
WATTS:	-6.4380 K	13.867 K	-5.9789 K	26.279 K
VARS:	12.123 K	16.951 K	20.620 K	49.511 K
VA:	14.820 K	22.060 K	22.037 K	58.682 K

**Image 3: Full Load - Solar Off**

Scenario 3 (Full Load Conditions)				
Lighting	HVAC Gas Heating (Fans Only)	HVAC Cooling	Ventilation Fans	Solar PV
Partially ON		All ON	All ON	

Instantaneous	A	B	C	Net
Volts:	281.86	281.73	280.40	
Amps:	224.27	228.36	241.71	
V L-L & NeuA:	488.47	487.06	486.05	0.5075
Phase:	44.550	289.15	165.80	
P.F.:	0.7097	0.6508	0.6886	
Delta Phase:		239.80	119.45	
Freq:	60.017	60.016	60.015	
Voltage THD:	2.1682	2.3022	2.4640	
Current THD:	9.9217	8.5488	10.939	
WATTS:	44.865 K	41.871 K	46.669 K	133.42 K
VARS:	44.153 K	48.724 K	48.944 K	141.09 K
VA:	63.215 K	64.336 K	67.778 K	194.82 K

**Image 4: Full Load - Solar On**

Scenario 4 (Full Load with Solar PV ON)				
Lighting	HVAC Gas Heating (Fans Only)	HVAC Cooling	Ventilation Fans	Solar PV
Partially ON		All ON	All ON	Turned ON

Instantaneous	A	B	C	Net
Volts:	281.95	281.70	280.86	
Amps:	179.30	186.92	196.09	
V L-L & NeuA:	488.47	487.83	486.29	0.4276
Phase:	62.300	307.25	182.35	
P.F.:	0.4608	0.3645	0.4529	
Delta Phase:		239.90	119.40	
Freq:	59.998	59.999	59.990	
Voltage THD:	4.1707	2.2737	2.4492	
Current THD:	338.10	451.12	403.41	
WATTS:	23.298 K	20.243 K	24.944 K	68.501 K
VARS:	44.420 K	48.461 K	48.815 K	141.60 K
VA:	50.555 K	52.655 K	55.074 K	158.21 K

During full load conditions, the facility was consuming 133kW of active power, and 141kVar of reactive power, resulting in a power factor of 0.68 lagging.

**Image 3: Coombs Solar Diagram**

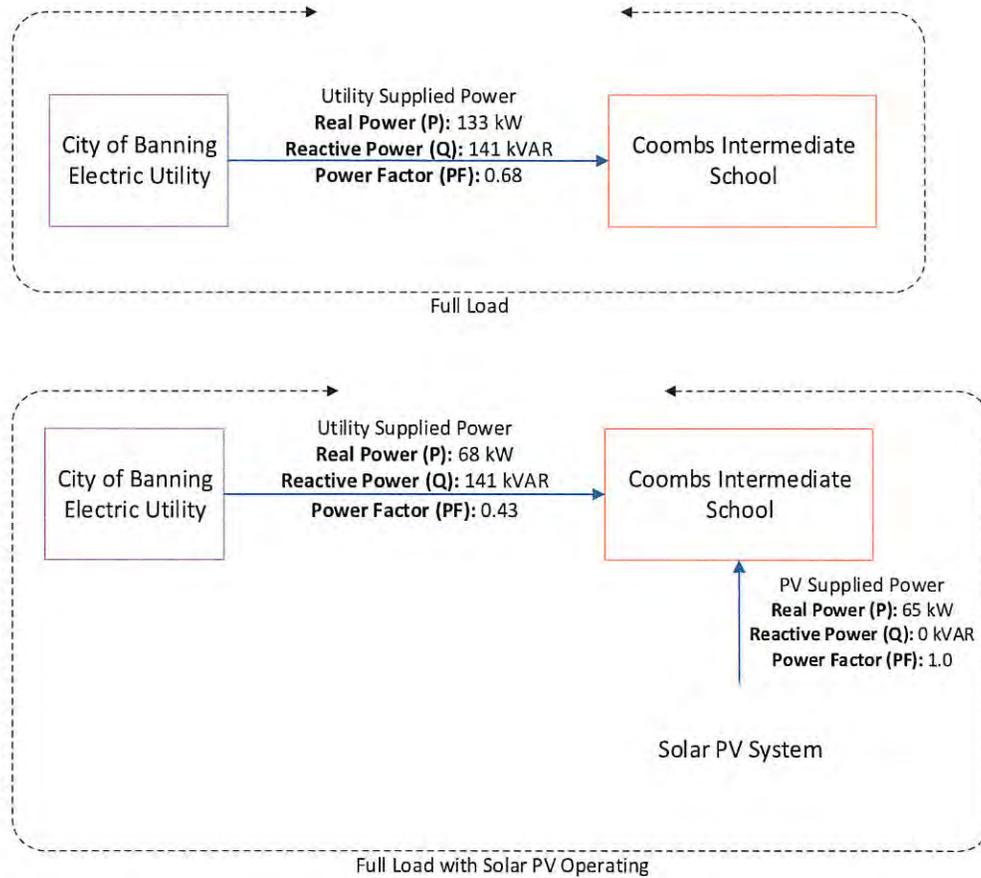
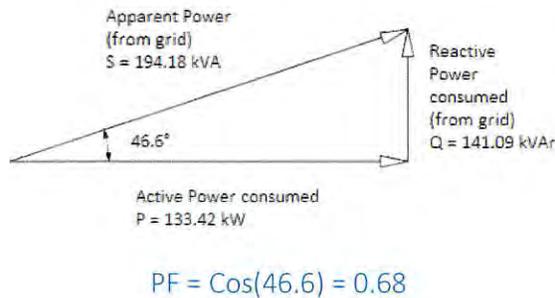
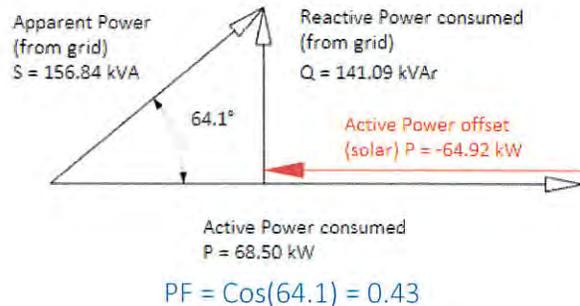


Image 5 illustrates the power diagram at Coombs for the full load - solar off condition tested during the power quality measurements. Image 6 illustrates the power diagram for the full load – solar on condition. Since the solar PV system only produces Active Power (kW) and Coombs consumes both Active Power (kW) and Reactive Power (kVAR), the grid needs to supply all the Reactive Power (kVAR) consumed by the school reducing the power factor from 0.68 to 0.43.

**Image 5: Full Load - Solar Off**



**Image 6: Full Load - Solar On**



## 6 POWER QUALITY ANALYSIS

There are two types of loads that affect the power quality of an electrical system: linear and non-linear loads. Linear loads consist of resistive, inductive or capacitive loads that can affect the power quality of the electrical system. Non-linear loads *displace* the current and the voltage waveforms thus reducing power factor. This type of load is the main culprit in the 0.68 power factor at Coombs.

Non-linear loads such as rectifiers and power electronic devices *distort* the current and voltage waveforms causing harmonics within the electrical system. Harmonics can be present in the current, in the voltage or in both waveforms depending on the severeness of the problem.

### 6.1 LOW POWER FACTOR

City of Banning Electric Utility delivers power to Coombs at near unity power factor to ensure proper equipment function. During the power factor analysis, it was found that during normal year-round operations at Coombs, the Power Factor was metered to be approximately 0.65 (PF=0.65) lagging.

When the solar PV system was connected in October 2018 the power factor dropped to about 0.31 (PF=0.31) lagging. The low power factor was confirmed on 12/20/18 when power quality metering at school was performed, the power factor at full-load conditions was measured at about 0.43 (PF=0.43) lagging.

Based on the analysis it was noted that more than 60% of the facility load consists of motors which are inductive loads that require real power (kW) and reactive power (kVAr) to operate.

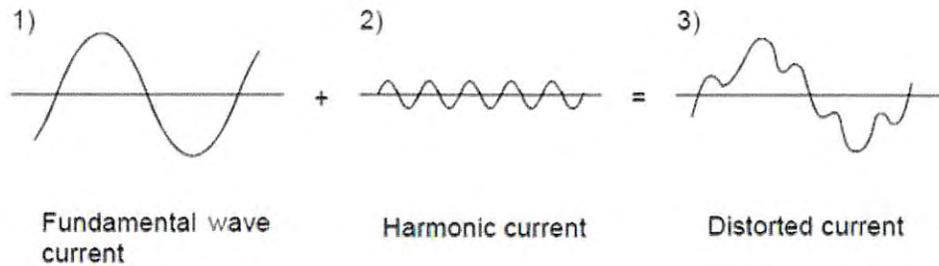
In motors, power factor increases with the load and reaches a peak at or near full load of the motor. Inversely, the motor power factor decreases at lower load conditions. In lower load condition motors require relatively high reactive power compared to the real power to sustain the electromagnetic field and keep it running. Due to the low power factor experienced at the school and the large number of motors present, it can be concluded that low load motor conditions are causing the reduced power factor.

In addition, old motors are less efficient and have lower power factor ratings than newer high efficiency motors.

## 6.2 CURRENT HARMONICS

Non-Linear loads in the AC power system create distorted sine waveforms called harmonics. Sources of non-linear loads include: computer equipment, laser printers, fax machines, photocopiers, variable speed motors and drives, battery chargers, fluorescent lighting and LEDs to name a few.

**Image 7: Current Harmonics**



Source: <http://www.acdrive.org/ac-drive-harmonics.html>

During the power quality measurements, **periodic spikes** of current Total Harmonic Distortion (THD) were recorded while the solar PV system was non-operational. After connecting the solar PV system, the **duration of the spikes in current harmonics increased** leading us to believe that the integration of the solar PV system may have aggravated the periodic spikes in current harmonics. However, the sample size was not long enough to conclude this.

Image 8 shows the current harmonics at the full load – solar on condition.

**Image 8: Current Harmonics at Coombs**

% of Fundamental:						
	Ia		Ib		Ic	
	Mag	Phase	Mag	Phase	Mag	Phase
1	100.00	0.00	100.00	0.00	100.00	0.00
2	88.740	-97.76	1.0190	112.33	84.465	-81.03
3	92.650	162.45	12.257	-148.82	82.991	-165.95
4	84.514	71.06	2.1510	-17.66	83.750	107.57
5	97.201	-22.77	3.8362	105.00	81.089	21.44
6	87.412	-115.21	1.3819	56.37	82.595	-64.05
7	77.071	161.60	7.8583	-136.64	83.466	-148.81
8	82.888	55.45	0.5807	-34.44	80.891	124.72

Instantaneous	A	B	C	Net
P.F.:	-0.3487	-0.5853	-0.1907	
Current THD:	40.115	498.18	444.55	
WATTS:	-4.9958 K	-12.674 K	-4.2845 K	-21.708 K
VARs:	12.230 K	17.221 K	21.572 K	51.052 K
VA:	14.325 K	21.653 K	22.467 K	58.358 K

It is normal for an AC electrical system to have current harmonics if they are present in low amounts. High number of current harmonics in the electrical system will cause issues with equipment. “Left un-treated, harmonic loads can reduce the distribution capacity and degrade the quality of the power of public utility power systems, increase power and AC costs, and result in equipment malfunctions such as communication errors and data loss. The effect on the public power system has led regulatory agencies to set lower harmonic levels and power utilities to charge more for wasted energy.”<sup>1</sup>

## 6.2.1 DETAILED CURRENT HARMONIC ANALYSIS

On January 25, 2019, power quality testing was performed at Banning Coombs Intermediate School to measure the site’s current harmonic content. This section will go into detailed results and observations based on the data that was recorded.

The main goal during the metering process was to obtain the power quality, specifically harmonic content, for the power coming from the utility as well as from the solar PV system. Two measurement points were made, Measurement Point #1 (MP-1) is a meter connection at the PCC (Point of common coupling) and Measurement Point #2 (MP-2) is a connection where the solar PV power is fed into the system. Those two measurement points were chosen to determine how the overall infrastructure behaves with the solar power connected.

A total of four detailed measurements were captured, three detailed measurements at MP-1 and one detailed measurement at MP-2, the criteria was as follows:

**Table 2: Measurement Criteria**

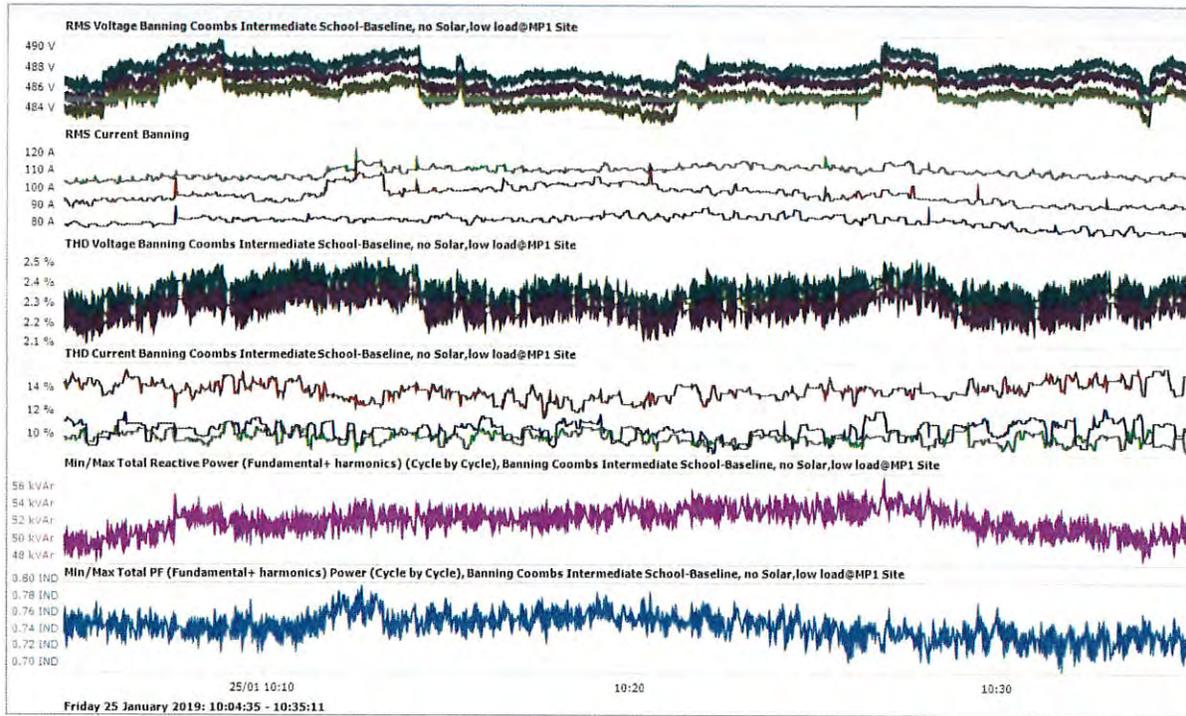
Measurement #	Measurement Point	Criteria
1	MP-1	Baseline, Solar Off
2	MP-1	Baseline, Solar On
3	MP-1	Max Power, Solar On
4	MP-2	Solar PV On

To see the baseline, we had normal operating conditions, i.e. no Air Conditioning (AC) Units or other larger loads and no solar power, connected. The second point measured was taken with the baseline with the solar PV system on. For maximum load, we asked that all ACs were turned on for a short period to avoid cooling the class rooms down from their normal ambient temperature. The last measurement point was at the solar PV system which details the PV system operation during that time.

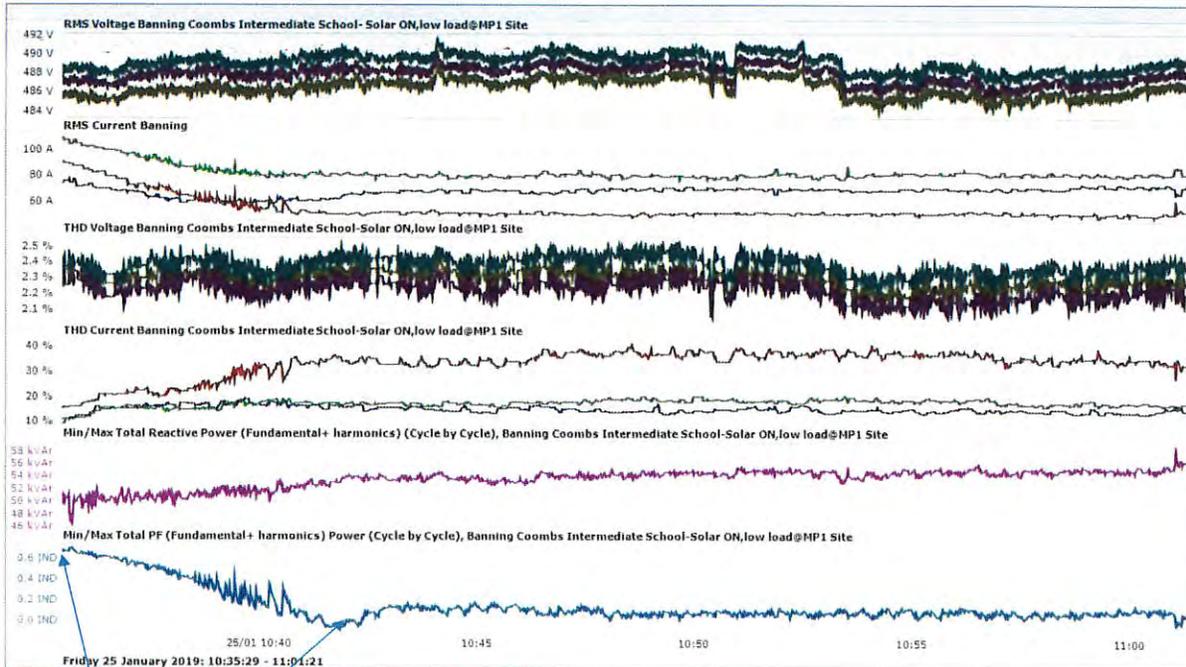
Figure 1 through 4 illustrate the harmonic metering results that includes: Voltage, Current, Voltage Harmonics THD(V), Current Harmonics THD(I), reactive power and power factor.

<sup>1</sup> <https://cmbuck.com/wp-content/uploads/2014/12/Neutral-Ratings-for-power-busway-distribution.pdf>

**Figure 1: Baseline Measurement at MP-1**



**Figure 2: Baseline and Solar Power On Measurement at MP-1**



Solar Inverter Turn On period

Figure 3: Maximum Power and Solar Power On Measurement at MP-1

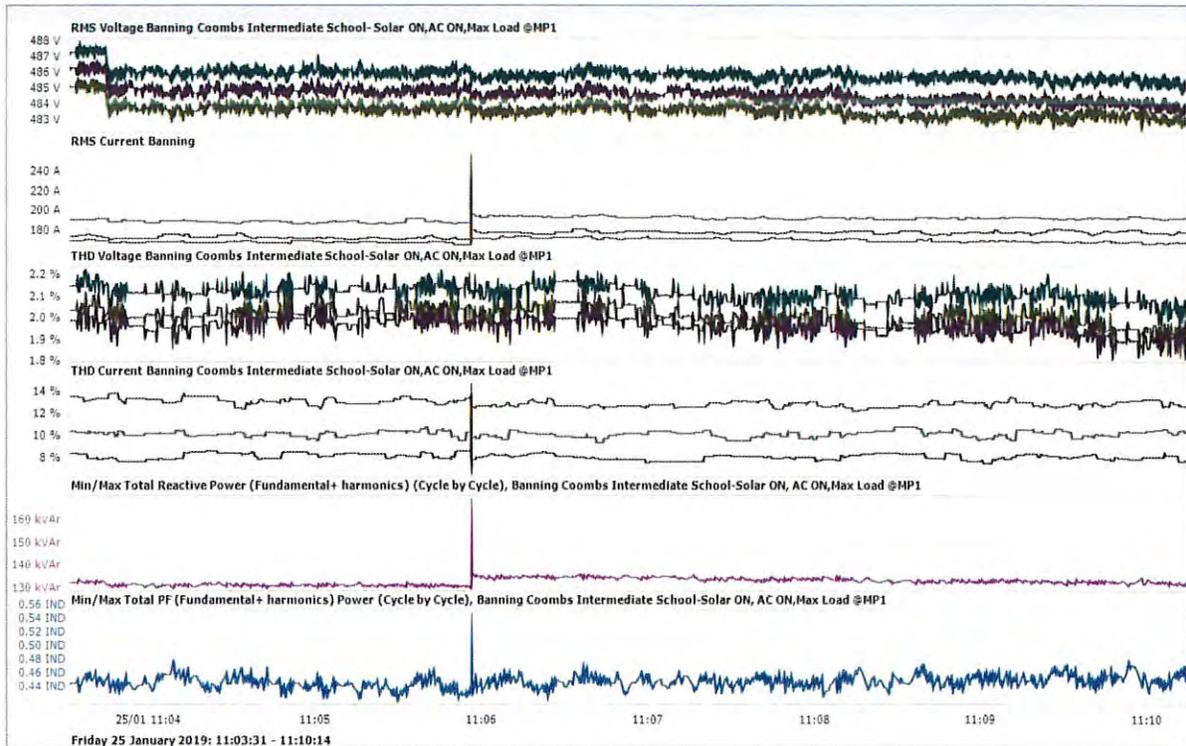


Figure 4: Solar Power On Measurement at MP-2

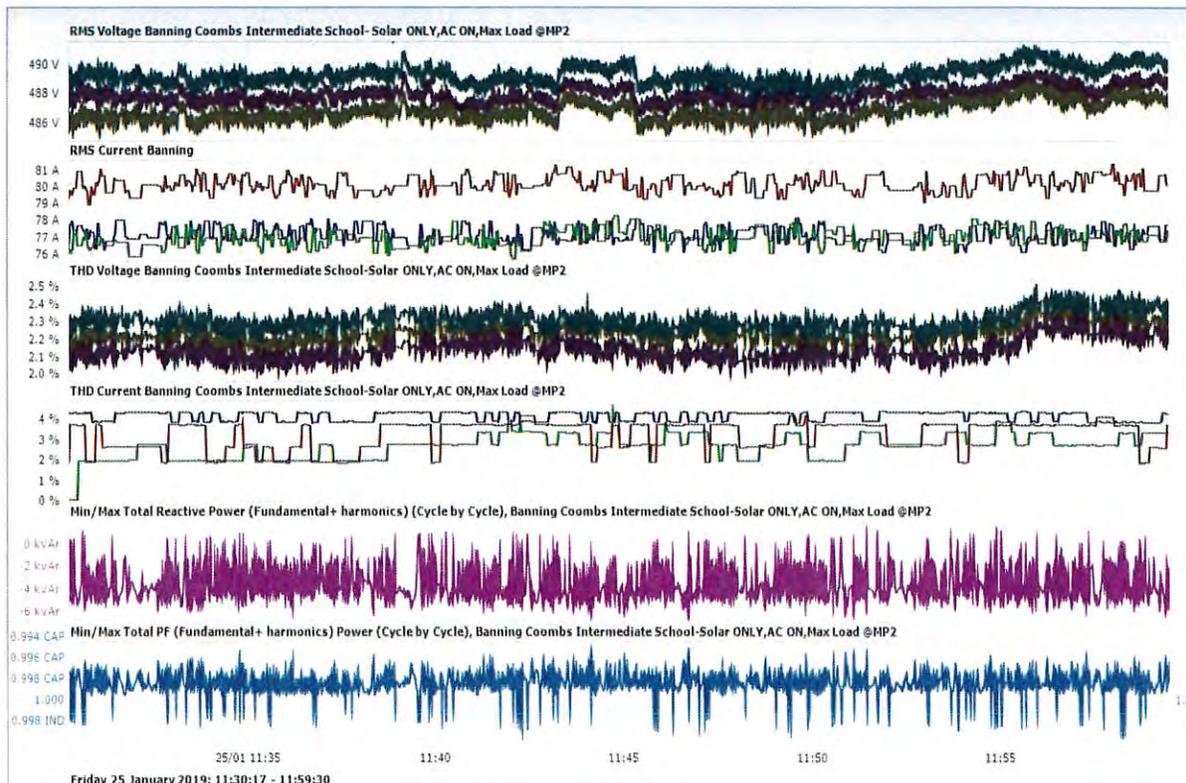


Table 2 represents the harmonic metering results for Figure 1 through 4. The average readings for each measurement taken with the power quality analyzer were used. The TDD was calculated to compare the results with IEEE519-2014 recommendations.

**Table 3: Harmonic Metering Results**

Measurement Type	Baseline, Solar Off	Baseline, Solar On	Max Power, Solar On	Solar PV System Only
L12 RMS Voltage	485.24	486.44	483.52	486.72
L23 RMS Voltage	487.87	489.12	485.78	489.21
L31 RMS Voltage	486.67	487.84	484.55	487.86
L1 RMS Current	96.07	54.45	168.04	80.11
L2 RMS Current	109.17	82.29	190.21	76.90
L3 RMS Current	80.72	67.39	174.72	77.11
L12 THD Voltage	2.31	2.29	2.00	2.23
L23 THD Voltage	2.36	2.38	2.11	2.30
L31 THD Voltage	2.28	2.22	1.96	2.13
L1 THD Current	13.75	32.87	12.80	3.17
L2 THD Current	9.66	17.12	10.02	2.62
L3 THD Current	10.28	14.75	7.98	4.08
VAR	52,100	53,589	132,315	(3,733)
PF	0.76	0.01	0.46	(1.00)
<b>TDD*</b>	<b>7.85</b>	<b>10.36</b>	<b>13.31</b>	<b>2.58</b>

\*The TDD was calculated using the true RMS voltage and current values

Based on Figure 5 (Table 2 in the IEEE519-2014 recommendations) the TDD for this system should be less than 15%, no harmonic filter is required at the facility at this point. This was determined by calculating the short circuit current over load current ratio to be in the range of 215 to 258 (refer to Appendix C for calculations and parameters).

**Figure 5: IEEE519-2014 Current Harmonic Recommendations**

**Table 2—Current distortion limits for systems rated 120 V through 69 kV**

Maximum harmonic current distortion in percent of $I_L$						
Individual harmonic order (odd harmonics) <sup>a,b</sup>						
$I_{sc}/I_L$	$3 \leq h < 11$	$11 \leq h < 17$	$17 \leq h < 23$	$23 \leq h < 35$	$35 \leq h \leq 50$	TDD
< 20 <sup>c</sup>	4.0	2.0	1.5	0.6	0.3	5.0
20 < 50	7.0	3.5	2.5	1.0	0.5	8.0
50 < 100	10.0	4.5	4.0	1.5	0.7	12.0
100 ≤ 1000	12.0	5.5	5.0	2.0	1.0	15.0
> 1000	15.0	7.0	6.0	2.5	1.4	20.0

<sup>a</sup>Even harmonics are limited to 25% of the odd harmonic limits above.

<sup>b</sup>Current distortions that result in a dc offset, e.g., half-wave converters, are not allowed.

<sup>c</sup>All power generation equipment is limited to these values of current distortion, regardless of actual  $I_{sc}/I_L$

where

$I_{sc}$  = maximum short-circuit current at PCC

$I_L$  = maximum demand load current (fundamental frequency component) at the PCC under normal load operating conditions

### 6.3 VOLTAGE HARMONICS

The voltage harmonics remained under the Institute of Electrical and Electronics Engineers (IEEE) maximum recommendations. IEEE 519-2014 recommends a voltage THD or less than 8% of the fundamental.

**Image 9: Voltage Harmonics at Coombs**

% of Fundamental:						
Order	Va		Vb		Vc	
	Mag	Phase	Mag	Phase	Mag	Phase
1	100.00	0.00	100.00	0.00	100.00	0.00
2	0.0073	87.30	0.0161	19.66	0.0124	-10.86
3	0.7153	112.15	0.8833	84.33	0.8262	99.36
4	0.0166	102.34	0.0218	136.54	0.0191	109.58
5	1.8084	-173.36	1.9459	-172.00	2.1344	-175.94
6	0.0179	90.36	0.0181	-157.33	0.0182	-102.29
7	0.7832	31.87	0.7910	44.02	0.6567	-48.13
8	0.0102	93.92	0.0171	-65.12	0.0244	-115.54

Instantaneous	A	B	C	Net
P.F.:	-0.3487	-0.5853	-0.1907	
Voltage THD:	1.2129	4.6354	2.5762	
WATTS:	-4.9958 K	-12.674 K	-4.2845 K	-21.708 K
VARS:	12.230 K	17.221 K	21.572 K	51.052 K
VA:	14.325 K	21.653 K	22.467 K	58.358 K

### 7 POWER FACTOR SETTINGS OF THE INVERTER

The solar PV system at Coombs has two inverters (#PVI-50TL) equipped with reactive power control features which can be configured to produce both real and reactive power. The power factor of the inverters can be set to 1.0 all the way down to 0.8 (leading or lagging). By setting the inverter power factor to 0.8 leading, the facility power factor can be improved; however, it will not be enough for this project as the size of the inverter was not designed to improve the power factor.

Selecting an inverter that produces more reactive power during the design phase of the project can be improved the power factor, however, lowering the inverter power factor may reduce the amount of energy produced by the solar PV system.

## 8 RECOMMENDED SOLUTIONS

To improve the power quality at Coombs Intermediate School, three solutions have been proposed. The first alternative addresses both power quality issues by improving the power factor and the current harmonic content. The second option directly focuses on the power factor increasing it to near unity. The third and final option uses a traditional approach (capacitor banks) to improve the power factor and remove harmonics from the system.

The first two solutions use static VAR generators which compensate for inductive or capacitive reactive power on an as-needed basis to automatically improving the power factor. The static VAR generator is more effective at improving the power factor when compared to traditional capacitor banks, key features include:

- Use of current transformer (CT) to automatically control the power factor
- High speed response
- Unaffected by harmonic resonance
- Compensates for both inductive reactive power and capacitive reactive power

### Image 10: Static VAR Generator



Source: <https://www.enerdoor.com/products/view/finsvg-active-static-var-generator>

## 8.1 STATIC VAR GENERATOR WITH ACTIVE FILTERS

This option addresses the poor power factor and harmonics by installing one (75 kVAR) static VAR generator and active harmonic filter. The active harmonic filter is suggested to reduce the period spikes in current harmonics. Active harmonic filters provide fast response time to load changes while compensating for harmonic distortion.

**Table 4: Static VAR Generator with Active Filters**

Description	Price (\$)
1 VAR Generator	\$6,804.88
1 Harmonic Filter	\$14,158.54
Engineering	\$6,621.95
Installation	\$2,477.66
NEMA 3 Enclosure	\$1,585.37
Concrete Slab	\$1,907.32
DSA admin Cost	\$1,219.51
<b>Total</b>	<b>\$34,775.22</b>

## 8.2 TWO STATIC VAR GENERATORS

This option addresses the poor power factor by installing two static VAR generators. The two VAR generator would cover up to 150 kVAR of reactive power compensation. No harmonic filters are needed in this case since the static VAR generator is unaffected by harmonic voltage or current components.

**Table 5: Two Static VAR Generators**

Description	Price (\$)
2 VAR Generators	\$13,609.76
Harmonic Filter	\$-
Engineering	\$5,951.22
Installation	\$2,477.66
NEMA 3 Enclosure	\$1,585.37
Concrete Slab	\$1,907.32
DSA admin Cost	\$1,219.51
<b>Total</b>	<b>\$26,750.83</b>

## 8.2.1 POWER FACTOR CALCULATIONS

To properly size the VAR Generators needed to increase the power factor at Coombs Intermediate School, we tabulated the previous 12 months with solar PV generation and VAR Generation. *The solar PV system kW is only an example of generation throughout the different months, actual generation will vary and will impact the resulting power factor.*

By installing two (75 kVAR) VAR Generators the district can expect a power factor in the range of 0.86 to 0.91 in worst case scenario. Depending on the load, a higher power factor can be achieved with ranges from 0.9 to 0.95 power factor. In addition, balancing the loads within the school will help increase the power factor, the voltage and current graphs show an imbalanced system.

**Table 6: Power Factor Calculations with VAR Generator**

Month	Current System			Solar PV System	VAR Generator	Proposed Condition
	Average PF	Peak kW	VAR Peak	Peak KW	VAR Peak	Resulting Power Factor
Oct-17	0.69	112	84	80	150	0.89
Nov-17	0.66	108	84	73	150	0.87
Dec-17	0.66	80	60	68	150	0.86
Jan-18	0.61	64	56	63	150	0.86
Feb-18	0.63	64	56	65	150	0.87
Mar-18	0.64	64	56	69	150	0.88
Apr-18	0.61	92	96	73	150	0.92
May-18	0.64	96	84	78	150	0.89
Jun-18	0.59	88	88	78	150	0.88
Jul-18	0.63	116	100	88	150	0.87
Aug-18	0.68	136	112	98	150	0.91
Sep-18	0.66	112	96	88	150	0.90

### 8.3 CAPACITOR BANK WITH LINE REACTORS

This approach takes a more traditional way of compensating for low power factor and harmonic distortion. To improve the power factor, a 4-stage capacitor bank would be used. The set of capacitors will switch according to the reactive power necessary to compensate for the poor power factor. Due to the nature of capacitors, harmonic distortion within the system needs to be removed for proper function. Line reactors would be installed capable of filtering the current waveform and attenuates electrical noise and transients associated with the system.

**Table 7: Capacitor Bank with Line Reactors**

Description	Price (\$)
4 Stage Capacitor Bank	\$10,975.61
Linear Reactors	\$25,609.76
Engineering	\$5,951.22
Installation	\$2,477.66
NEMA 3 Enclosure	\$2,439.02
Concrete Slab Cost	\$2,313.41
DSA admin Cost	\$1,219.51
<b>Total</b>	<b>\$50,986.20</b>

APPENDIX A: FACILITY IMAGES



EMS System



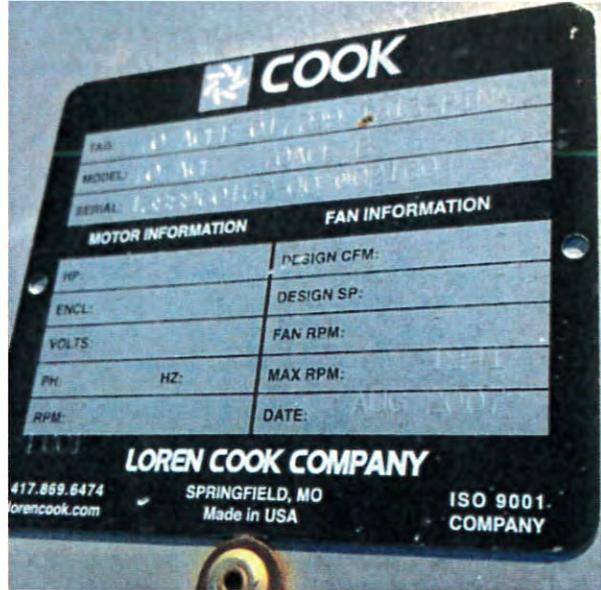
LED Lighting



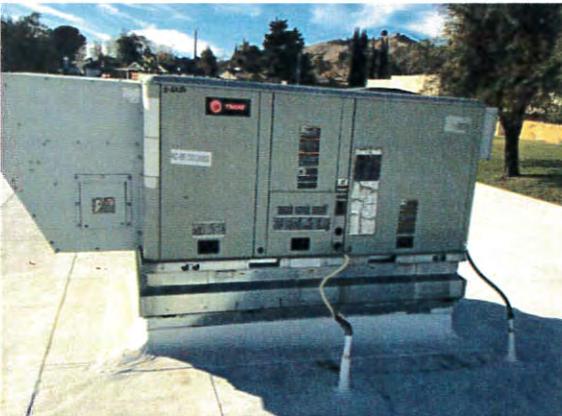
Electrical Sub-Panel



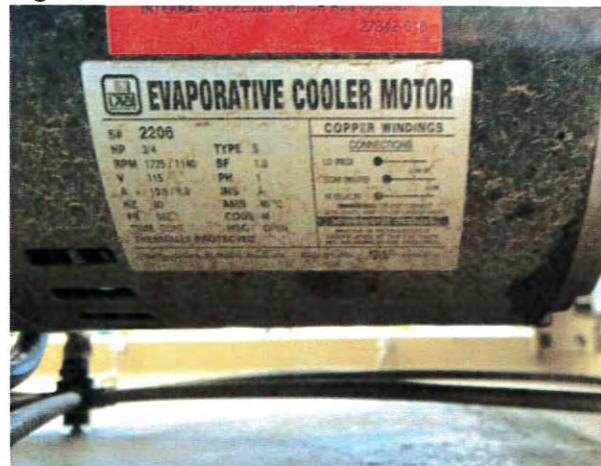
Evaporator Fan Unit



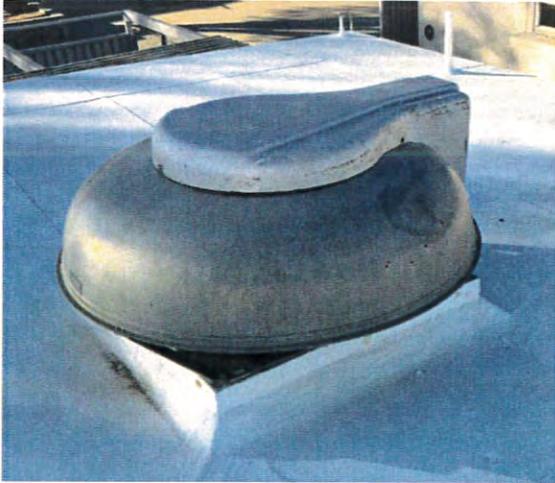
Ventilation Fan



HVAC Package Units



Swamp Cooler



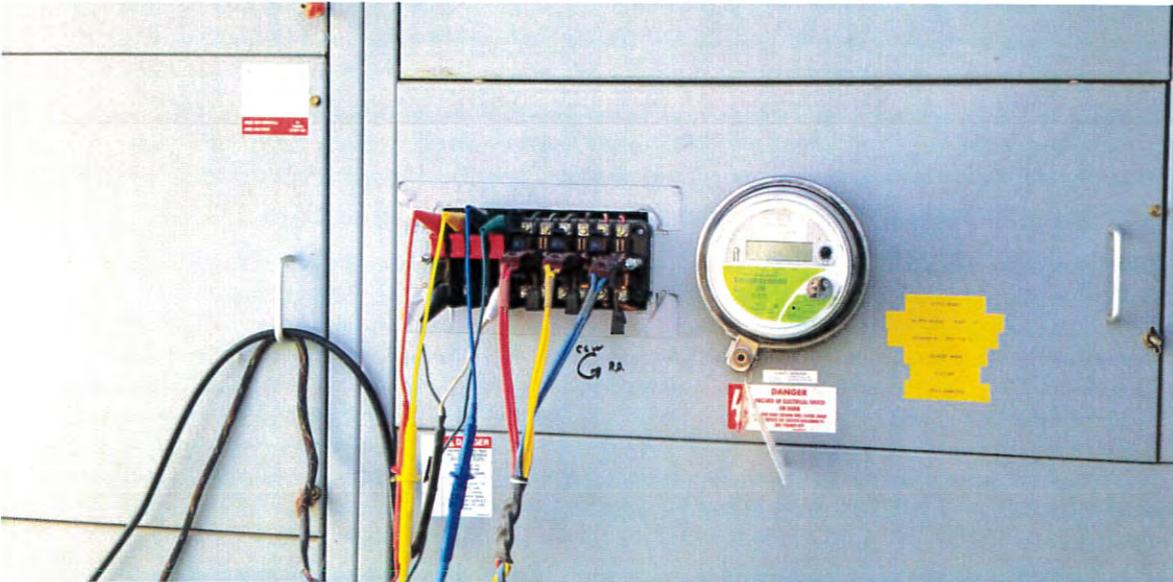
Ventilation Fans



Solar PV Gross Meter, AC Disconnects and other components



Two Solar PV Inverters



Main panel with Power Quality Meter Probes

## APPENDIX B: EQUIPMENT INVENTORY

HVAC units							
Equipment Type	Manufacturer	Model Number/ID Number	Year Built	Quantity	Size (Tons/Unit)	Cooling Capacity	Connected Load (kW)
Package Unit	Carrier	24ABS360A600	2008	1	3.00	3.0	2.91
Package Unit	Trane	YSC072E4EXA0001	2008	1	6.00	6.0	5.83
Package Unit	Trane	YSC072E4EXA0000	2008	1	6.00	6.0	5.83
Package Unit	Trane	YSC072E4EXA0000	2008	1	6.00	6.0	5.83
Package Unit	Trane	YSC072E4EXA0000	2008	1	6.00	6.0	5.83
Package Unit	Trane	YSC072E4EXA0000	2007	1	6.00	6.0	5.85
Package Unit	Trane	YSC072E4EXA0000	2008	1	6.00	6.0	5.83
Package Unit	York	D2NA060N06506D	2003	1	5.00	5.0	6.47
Package Unit	York	D2NA060N06506D	2003	1	5.00	5.0	6.47
Package Unit	Trane	YSC092E4EYA0000	2008	1	7.50	7.5	7.28
Package Unit	Trane	YSC072E4EXA0000	2008	1	6.00	6.0	5.83
Package Unit	Trane	YSC072E4EXA0000	2008	1	6.00	6.0	5.83
Package Unit	Trane	YSC072E4EXA0001	2008	1	6.00	6.0	5.83
Mini Split Unit	Mitsubishi	MUZ-A17NA	2007	1	1.35	1.4	1.07
Package Unit	Trane	YSC072E4EXA0000	2008	1	6.00	6.0	5.83
Package Unit	Trane	YSC072E4EXA0000	2008	1	6.00	6.0	5.83
Package Unit	Trane	YSC072E4EXA0000	2008	1	6.00	6.0	5.83
Package Unit	Trane	YSC092E4EYA0000	2008	1	7.50	7.5	7.28
Package Unit	Trane	YHC060E4YA0000	2008	1	5.00	5.0	4.20
Package Unit	Trane	YHC060E4YA0000	2008	1	5.00	5.0	4.20
Package Unit	Trane	YHC060E4YA0000	2008	1	5.00	5.0	4.20
Package Unit	Trane	YHC060E4YA0000	2008	1	5.00	5.0	4.20
Package Unit	Trane	YHC048E4EXA0000U	2008	1	4.00	4.0	3.36
Package Unit	Trane	YHC060E4YA0000	2008	1	5.00	5.0	4.20
Package Unit	Trane	YHC060E4YA0000	2008	1	5.00	5.0	4.20
Mini Split Unit		MHRN1W	2008	1	1.50	1.5	1.35
				26			131.37

Motors					
Location	Equipment Type	Manufacturer	Model Number/ID Number	Quantity	Connected Load (kW)
Roof	Exhaust Fan	Cook	70 ACE 70ACE B	17	6.97
Roof	Swamp Cooler		TD6812C	1	1.43
Roof	Swamp Cooler		N/A	1	1.24
Total		Subtotal		19	9.64

### Refrigeration

Location	Equipment Type	Manufacturer	Model Number/ID Number	Quantity	Connected Load (kW)
107	Refrigerator (tier-2)			1	0.72
Library	Refrigerator (tier-2)			2	1.44
Administration Offices	Refrigerator (tier-2)			1	0.72
213	Refrigerator (tier-2)			1	0.72
212	Refrigerator (tier-1)			1	0.36
Kitchen	Refrigerator (tier-3)			1	1.10
Kitchen	Freezer (tier-3)			1	0.86
Lunch Area	Refrigerator (tier-3)			1	0.97
Lunch Area	Freezer (tier-3)			1	0.86
Kitchen Storage	Ice maker			1	1.27
Kitchen Storage	Evaporator (3 fan - 1/20 HP)			3	0.15
Total				14	9.17

Miscellaneous Equipment					
Location	Equipment Type	Manufacturer	Model Number/ID Number	Quantity	Connected Load (kW)
114	Computer			2	1.16
114	Printer (tier-1)			3	1.08
Heater Room	Projector			1	0.24
113	Computer			5	2.90
113	Printer (tier-1)			1	0.36
113	Projector			1	0.24
112	Computer			5	2.90
112	Printer (tier-1)			2	0.72
112	Projector			1	0.24
111	Computer			7	4.06
111	Printer (tier-1)			2	0.72
111	Projector			1	0.24
110	Computer			8	4.64
110	Printer (tier-1)			2	0.72
110	Projector			1	0.24
109	Computer			1	0.58
109	Printer (tier-1)			1	0.36
108	Computer			38	22.04
108	Projector			2	0.48
107	Laminator (1500 W)			1	0.06
Custodian	Laminator (1500 W)			1	0.06
Electrical	Laminator (1500 W)			1	0.06
106	Computer			1	0.58
106	Printer (tier-1)			2	0.72
106	Projector			1	0.24
Library	Computer			9	5.22
Library	Printer (tier-1)			1	0.36
Library	Laminator (1500 W)			1	0.06
104	Computer			2	1.16
104	Printer (tier-1)			2	0.72
103	Computer			1	0.58
103	Printer (tier-1)			1	0.36
103	Projector			1	0.24
102	Computer			2	1.16

102	Printer (tier-1)			1	0.36
102	Projector			2	0.48
101	Computer			2	1.16
101	Printer (tier-1)			1	0.36
101	Printer (tier-3)			1	0.72
Administration	Computer			2	1.16
Administration	Printer (tier-3)			2	1.44
Administration Offices	Computer			5	2.90
Administration Offices	Printer (tier-1)			2	0.72
202	Computer			1	0.58
202	Printer (tier-1)			1	0.36
203	Computer			7	4.06
203	Printer (tier-1)			1	0.36
204	Projector			1	0.24
205	Computer			7	4.06
205	Printer (tier-1)			1	0.36
205	Projector			1	0.24
206	Computer			8	4.64
206	Printer (tier-1)			1	0.36
206	Projector			1	0.24
210	Computer			8	4.64
210	Printer (tier-1)			1	0.36
210	Projector			1	0.24
213	Printer (tier-3)			1	0.72
212	Computer			16	9.28
212	Printer (tier-1)			2	0.72
211	Computer			16	9.28
201	Projector			1	0.24
207	Computer			30	17.40
207	Printer (tier-1)			1	0.36
207	Projector			1	0.24
Lunch Area	Computer			1	0.58
109	Microwave			1	0.60
107	Microwave			2	1.20
Library	Microwave			1	0.60
104	Microwave			1	0.60
102	Microwave			1	0.60
Communication Room	Server			5	1.80
Kitchen	Electrical Oven (2kW)			2	4.00
Kitchen	Food Warmer (1.6 kW)			1	1.60
Lunch Area	Electrical Oven (2kW)			1	2.00
<b>Total</b>				<b>253</b>	<b>137.36</b>

Lighting:

Location	Occ. Sensors	Existing Fixture	Watts/ Fixt.	Qty	Exist. kW
114		LED Recessed (30W)	30	16	0.48
Communication Room		4ft 2L LED	32	2	0.06
Heater Room		LED Corn light (25 W)	25	1	0.03
113		LED Recessed (30W)	30	16	0.48
113		4ft 2L LED	32	4	0.13
112		LED Recessed (30W)	30	16	0.48
111		LED Recessed (30W)	30	16	0.48
111 Tutorial		4ft 2L LED	32	4	0.13
110		LED Recessed (30W)	30	16	0.48

Location	Occ. Sensors	Existing Fixture	Watts/ Fixt.	Qty	Exist. kW
110 Tutorial		4ft 2L LED	32	4	0.13
109		LED Recessed (30W)	30	16	0.48
108		4ft 2L LED	32	46	1.47
108 Storage		LED Corn light (25 W)	25	2	0.05
107		LED Recessed (30W)	30	13	0.39
106		LED Recessed (30W)	30	20	0.60
Library		LED Recessed (30W)	30	32	0.96
104		LED Recessed (30W)	30	16	0.48
103 Storage		4ft 2L LED	32	3	0.10
103		LED Recessed (30W)	30	16	0.48
102		LED Recessed (30W)	30	16	0.48
101		LED Recessed (30W)	30	16	0.48
Men's Restroom		4ft 2L LED	32	4	0.13
Custodian2		A-type led (9W)	9	1	0.01
Women's Restroom		4ft 2L LED	32	4	0.13
Administration		4ft 2L LED	32	16	0.51
Administration		A-type led (9W)	9	5	0.05
Administration Offices		4ft 2L LED	32	10	0.32
202		LED Recessed (30W)	30	15	0.45
203		LED Recessed (30W)	30	15	0.45
200 Hallway		LED Recessed (30W)	30	14	0.42
204		LED Recessed (30W)	30	15	0.45
205		LED Recessed (30W)	30	15	0.45
206		LED Recessed (30W)	30	15	0.45
210		LED Recessed (30W)	30	24	0.72
Storage		4ft 2L LED	32	1	0.03
Boy's Restroom		4ft 2L LED	32	4	0.13
Girl's Restroom		4ft 2L LED	32	3	0.10
Custodian4		A-type led (9W)	9	1	0.01
213		LED Recessed (30W)	30	6	0.18
Common Restroom		4ft 2L LED	32	4	0.13
212		LED Recessed (30W)	30	15	0.45
211		LED Recessed (30W)	30	16	0.48
201		LED Recessed (30W)	30	15	0.45
207		LED Recessed (30W)	30	12	0.36
Exterior Storage		4ft 2L LED	32	2	0.06
Girls Locker room		4ft 2L LED	32	18	0.58
Boys Locker room		4ft 2L LED	32	18	0.58
Kitchen		4ft 4L LED	64	12	0.77
Lunch Area		4ft 2L LED	32	58	1.86
Lunch Area		A-type led (9W)	9	5	0.05
Kitchen Storage		4ft 2L LED	32	4	0.13
Kitchen Storage		A-type led (9W)	9	4	0.04
		Existing Units:		642	19.74
Exterior		Canopy LED (30W)	52	30	1.56
Exterior		Wall pack LED (20W)	1	20	0.02
		Existing Units:		50	1.58
				692	21.32

### APPENDIX C: CURRENT HARMONICS RATIO

The following parameters were used in calculating the short circuit current over load current ratio.

Max I(L) (Amps)                      240  
 Transformer kVA                      1500  
 Secondary Voltage                      280

Transformer Impedance (Iz*)	I(sc) kA	I(sc) A	I(sc) / I(L)
5.00%	61.86	61,859	258
5.25%	58.91	58,913	245
5.50%	56.24	56,235	234
5.75%	53.79	53,790	224
6.00%	51.55	51,549	215

# **ATTACHMENT 3**

**BUSD Letter, Re: Status of  
Banning Unified School  
District Solar Projects,  
February 11, 2019**

Received + Red  
The  
2/13/19



February 11, 2019

Tom Miller,  
City of Banning Electric Utility Director  
Banning, CA 92220  
Email: [tmiller@ci.bann.ca.us](mailto:tmiller@ci.bann.ca.us)

Via E-Mail

**Re: Status of Banning Unified School District Solar Projects**

Dear Mr. Miller,

Since our previous meetings have been successful, we feel another meeting with BE is needed to hopefully speed up the approval process of the District's solar projects. Below are a list of items regarding Banning Unified School District (District) solar projects, which also involve Banning Electric (BE).

1. BE indicated in our previous sit-down meeting that they would accept and review multiple drawing packages; that a reason for delay on the Coombs drawing set had been a lack of people, so they were getting an outside consultant onboard to help move things along more quickly.
  - a. Status of Hemmerling and Hoffer review. We have since been told by BE that they will only review one project at a time, so only the plan for Hemmerling is currently accepted for review, and all projects are on hold until Coombs is resolved. Please recall, Hemmerling and Hoffer drawings were submitted at the last sit-down meeting with BE some months ago. It took much longer than expected to get the comments back, and the District has been unable to get precise direction.
2. The City's Consultant, RHA, has completed their Power Quality Analysis at the Coombs site and has presented solutions for increasing Reactive Power – kVar at Coombs Alternative Ed. Their report showed that there is a need to increase the Power Factor at the Coombs site, especially when the solar PV system is engaged.
  - a. The solution for the Coombs solar project is the placement of Two Static Var Generators.
3. A need to revise Central, Nicolet, and Banning HS Solar PV Interconnect applications to reflect the increase in kW due to design changes. Ben said to hold off submitting revised applications until they are reviewing the site in question. This further indicates BE is only reviewing one site at a time (drawings, interconnect, everything).
4. We would like for Engie to submit Central, Nicolet, and Hoffer drawings which include the Power Factor issue for BE review.
  - a. Solar projects at all sites will probably need to include RHA's kVar solution for the Power Factor and Reactive Power to be in sync when the solar PV systems are engaged.

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Board of Education • Alfredo Andrade • Anne K. Price • Alex Cassadas • Kerri Mariner • Jason Smith

161 W. Williams Street, Banning, CA 92220 • Ph (951) 922-0200 • FAX (951) 922-0227 • [www.banning.k12.ca.us](http://www.banning.k12.ca.us)

5. Florida design questions. In order to complete the design, and regarding the District's future plans to tie in solar to the Florida Discovery Center, we have a few questions that we would like BE's input on.
  - We need some Existing Utility side information
    - What size, type, and capacity is the utility transformer?
    - What are the feeder size and type from transformer to building electrical gear?
  - We have provided electrical single line drawings that we are considering
    - What is the process on the utility side to upgrade single phase transformer and gear to 3 phase?
    - Are there any potential issues with the options shown in the single line drawings?
6. Banning High School 15-minute interval data request in order to complete an analysis for a battery storage in lieu of continuing with a diesel generator for electrical power loss.
7. Over the phone, Ben had indicated to Vince (with Engie) that BE was changing the solar interconnect rules next year but said something along the line of "from one government agency to another, we'll work it out." We should sit down to have a better understanding of this and to work it out asap.

We appreciate your time to review this list of requests and I look forward to hearing from you with possible dates for a follow-up meeting regarding all of the above. If you have any questions please feel free to contact Kookie Williams or myself.

Sincerely,



Robert Guillen

Superintendent



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Jim Steffens, Power Resources & Revenue Manager  
Tom Miller, Electric Utility Director

**MEETING DATE:** February 26, 2019

**SUBJECT:** Resolution 2019-XX, Temporarily Suspending the Electric Utility's Rate Restructuring for Master-Metered Mobile Home Parks Only.

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### **RECOMMENDED ACTION:**

The City Council consider adopting Resolution 2019-xx:

1. Temporarily suspending the Electric Utility rate restructuring, as outlined in Resolution 2018-130, for master-metered mobile home parks only.
2. Authorizing the Electric Utility Director or his/her designee(s) to reinstate the rate restructuring for master-metered mobile home parks once the City Attorney has indicated that all applicable issues have been resolved and all regulations adhered to.

### **BACKGROUND:**

On October 23, 2018 the City of Banning City Council passed Resolution 2018-130, amending the residential rate structure, modifying low income and medical discounts, and indefinitely suspending the low-income senior discount and street light utility charges. This rate restructuring is scheduled to begin implementation on March 1, 2019.

The Electric Utility has approximately seven (7) master-metered mobile home parks as customers. Master metered means that there is only 1 City Electric Utility meter for the whole mobile home park. The Electric Utility bills the mobile home park based upon the readings from this one meter. The mobile home park has their own meters set up at each mobile home residence, and the mobile home park bills their customers based upon these meters. There are State regulations that dictate how the mobile home parks can pass along to their customers the charges that the parks are charged by the Electric Utility.

The City Attorney has been researching what implications the rate restructuring will have on the master-metered mobile home parks. The City Attorney has concluded that it would be prudent to temporarily suspend the rate restructuring for master-metered mobile home parks until he has had time to finish researching the issue, and until the mobile home park owners have had time to adjust their billing practices to comply with the applicable regulations.

**FISCAL IMPACT:**

The fiscal impact to the Electrical Utility will be minimal. The rate change was a restructuring, and was not designed to change the revenues that the Electric Utility would be collecting.

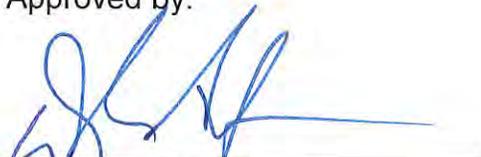
**ALTERNATIVE:**

1. Reject Resolution 2019-xx and provide direction.

**ATTACHMENTS:**

1. Resolution No. 2019-xx

Approved by:



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Douglas Schulze  
City Manager

# **ATTACHMENT 1**

## Resolution 2019-xx

**RESOLUTION 2019-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, TEMPORARILY SUSPENDING THE ELECTIC UTILITY'S RATE RESTRUCTURING FOR MASTER-METERED MOBILE HOME PARKS ONLY**

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

**WHEREAS**, on October 23, 2018 the City of Banning City Council passed Resolution 2018-130, amending the residential rate structure, modifying low income and medical discounts, and indefinitely suspending the low-income senior discount and street light utility charges; and

**WHEREAS**, the new rate structure is set to be implemented on March 1, 2019; and

**WHEREAS**, there are State regulations dictating how master-metered mobile home parks are to resell the electricity that they buy from the Utility to their mobile home park customers; and

**WHEREAS**, the City Attorney is researching this issue, and concluded that it would be prudent to temporarily suspend the rate restructuring for master-metered mobile home parks until he has had time to finish researching the issue, and until the mobile home park owners have had time to adjust their billing practices to comply with the applicable regulations.

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

SECTION 1. The Council hereby temporarily suspends the Electric Utility rate restructuring, as outlined in Resolution 2018-130, for master-metered mobile home parks only.

SECTION 2. The Council hereby authorizes the Electric Utility Director or his/her designee(s) to reinstate the rate restructuring for master-metered mobile home parks once the City Attorney has indicated that all applicable issues have been resolved and all regulations adhered to.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

**PASSED, APPROVED AND ADOPTED** this 26<sup>th</sup> day of February, 2019.

\_\_\_\_\_  
Arthur L. Welch, Mayor  
City of Banning

**ATTEST:**

\_\_\_\_\_  
Daryl Betancur, Deputy City Clerk  
City of Banning

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

\_\_\_\_\_  
Kevin G. Ennis, Esq. City Attorney  
Richards, Watson & Gershon

**CERTIFICATION:**

I, Daryl Betancur, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2019-xx, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 26<sup>th</sup> day of February, 2019, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Daryl Betancur, Deputy City Clerk  
City of Banning, California