



*In accordance with City Council Resolution 1995-21, the minutes of meetings of the City Council and the Boards, Commissions, and Committees of the City shall be prepared as Action Minutes.*

*The following information comprises the minutes for the regular meeting of the City Council, a joint meeting of the Banning City Council and Banning Utility Authority and a joint meeting of the Banning City Council and the Banning City Council sitting in its capacity as the Successor Agency Board.*

MINUTES  
CITY COUNCIL

01/28/2020  
REGULAR MEETING

COUNCIL MEMBERS PRESENT: Mayor Andrade  
Mayor Pro Tem Wallace  
Councilmember Happe  
Councilmember Welch

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT Douglas Schulze, City Manager  
Kevin G. Ennis, City Attorney  
Sonja De La Fuente, Deputy City Clerk  
Matthew Hamner, Police Chief  
Art Vela, Public Works Director/City Engineer  
Adam Rush, Community Development Director  
Jennifer Christensen, Administrative Services Director  
Ralph Wright, Community Services Director  
Tom Miller, Electric Utility Director  
Suzanne Cook, Deputy Finance Director  
Laurie Sampson, Executive Assistant  
Leila Lopez, Office Specialist  
Paula Baeza, City Attorney's Office

**I. CALL TO ORDER**

A regular meeting of the Banning City Council was called to order by Mayor Andrade on January 28, 2020, at 5:05 p.m. at the Banning City Council Chamber, 99 E. Ramsey Street, Banning, California.

Elder Neil Nottingham from the Church of Jesus Christ of Latter-Day Saints offered the invocation.

Mayor Pro Tem Wallace led the audience in the Pledge of Allegiance.

## **II. AGENDA APPROVAL**

A motion was made by Mayor Pro Tem Wallace, seconded by Councilmember Happe, to approve the agenda. Roll Call vote was taken as follows:

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

## **III. PRESENTATION(S)**

### **1. Mayor's Special Recognition**

The Mayor and City Council presented Certificates of Recognition to Ernest & June Siva with the Dorothy Ramon Learning Center and Sonja De La Fuente with the City of Banning, thanking them for making Banning a better place to work, live, and play.

### **2. Safety Presentation**

Mike Alvarez, Captain with the California Highway Patrol provided the City Council and public with a presentation regarding driver safety and shared two public service announcement (PSA) videos regarding distracted driving and driving under the influence. These videos were created by students of Mt. San Jacinto College. He thanked Councilmember Welch and John Garside for their recommendations and assistance with the project.

## **IV. REPORT ON CLOSED SESSION**

City Attorney Ennis provided a report on Closed Session as follows:

### **1. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code Section 54957.6

City designated representatives: Mayor Andrade and City Attorney Ennis

Unrepresented employee: City Manager

**Direction was given to the City's negotiators.**

### **2. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code Section 54957.6

City designated representative: Douglas Schulze, City Manager

Unrepresented employee: Tom Miller, Electric Utility Director

**Direction was given to the City's negotiator.**

**3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Paragraph (1) of subdivision (d) of Section 54956.9

Name of Case: City of Banning, et al. v. Cali Emerald Care, Inc., et al.

Case No. RIC 1904157

**A status report was provided, with no reportable action.**

**4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Paragraph (1) of subdivision (d) of Section 54956.9

Name of Case: James Arthur Algea II and Cali Emerald Care, Inc. v. City of Banning, Case No. RIC 1903009

**A status report was provided, with no reportable action.**

**5. 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 No. RIC 1900544

Golden State Environmental Justice Alliance v. City of Banning;

Case No. RIC 1900654 (Banning Distribution Center Project)

**A status report was provided, with no reportable action.**

**6. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Paragraph (1) of subdivision (d) of Section 54956.9

Name of Case: Supporters Alliance for Environmental Responsibility

(SAFER) v. City of Banning, et al. (Lawrence Equipment Project), Case No.

RIC 1903059

**A status report was provided, with no reportable action.**

**7. CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to Government Code Section 54956.8

**Properties and Owners/Negotiating Parties:** Real Property located in the vicinity of Ramsey and Hathaway – 1909 E. Ramsey Street, 2933 E. Ramsey Street, 1909 E. Ramsey Street, APN 532-120-011 – Ramirez Family Living Trust; 1933 E. Ramsey Street, APN: 532-120-012 – Liang; 1679 E. Ramsey Street, APN 532-120-019 – Terra Firma Enterprise, LLC; Northeast corner of Ramsey Street and North Hathaway Street, APN 532- 120-020 – Frank J. Burgess and Lorna D. Burgess, Trustees; Southeast corner of Ramsey Street and Hathaway Street, APN 532-140-005– Frank Burgess; 1483 E. Ramsey St, APN 541- 170-019 – Raymond Ngoc Huynh and Lucy Nguyen Huynh, as Trustees of the Raymond and Lucy Huynh Revocable Trust; 1573 E. Ramsey St, APN 541-170-021 – Jen H. Huang

**City Negotiators:** Douglas Schulze, City Manager and Art Vela, Public Works Director

**Under Negotiation:** Price and terms for acquisition of street right of way and temporary construction easements

**A status report was provided, with no reportable action.**

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

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

**PUBLIC COMMENT(S)**

Ellen Carr with Tender Loving Critters informed all that Animal Action League will be in the City of Banning February 5-6, 2020. The shot clinic is from 10:00 a.m. until 2:00 p.m. She explained a story regarding one of their cats that was adopted being impounded and the County wanting to charge \$184 to get the cat back. She expressed concern regarding this high cost for owners to get their pets back.

Inge Schuler supported Ms. Carr's concern regarding animal control and expressed that it is an issue everywhere. She thanked the City for improving upon the content provided in the minutes. She also asked why the City is now using the City seal, as she sees this as a frivolous expense. She pointed out the importance of economic and fiscal health. Finally, she expressed concern about PERS liability being unfunded.

Representatives from the new Nutrition Club invited all to their new location at 157 N. San Gorgonio Avenue in Banning and provided the City Council with a flyer. (Attachment 1)

Linnea Hagen asked about the Banning Business Center and when it would be demolished.

Val Westholder read Don Peterson's resignation letter. She recommended a book titled Politics for Dummies for anyone interested in serving on the City Council.

Paul Perkins informed the Council and public that there was a flight scheduled to land in Ontario coming from China and recommended it go to a military base instead.

Bill Hobbs, 16-year resident of Banning, advised that he mentioned the pothole issues to the California Highway Patrol. He indicated he has attended City Council Meetings for the last couple of years and they have been very informative. He congratulated Positively Banning and the positivity they have brought to the City.

Jerry Westholder, 20-year resident of Banning, shared six things he believes the Lord hates. He informed the Council that it is their job to get things done. He asked about the Highland Springs/Ramsey intersection improvements and Sun Lakes Boulevard extension. He advised that 25% of the taxes from the Pardee development go to Banning, but the school district for this development is Beaumont Unified.

Frank Burgess asked about items one and seven on the Closed Session agenda. He also asked about a policy to read letters at City Council meetings.

Diego Rose thanked the City employees, as he has noticed a lot of work around town. In regard to public safety and healthy cities, he suggested the installation of a crosswalk between City Hall and the Gas Company/Chamber of Commerce and lowering the speed limit on Ramsey Street near Ramsey Street/Omar. He encouraged forethought rather than hindsight.

Seeing no further comments, the Mayor closed Public Comments.

The City Attorney responded to Mr. Burgess in regard to the closed session items he asked about.

The City Manager responded to Mr. Burgess regarding reading letters at City Council Meetings.

#### CORRESPONDENCE

None.

#### APPOINTMENT(S)

None.

### **VI. CONSENT ITEMS**

Mayor Andrade asked if the Council wished to pull an item for discussion. Councilmember Happe pulled items 4 and 5 for discussion.

1. Minutes – January 14, 2020, Special Meeting (Closed Session)
2. Minutes – January 14, 2020, Regular Meeting
3. City Manager Approved Contracts – November & December 2019
6. Approval & Ratification of Accounts Payable & Payroll Warrants - November 2019
7. Approval & Ratification of Accounts Payable & Payroll Warrants - December 2019
8. Capital Improvement Projects Update
9. Police Statistics – November & December 2019
10. Fire Statistics – November & December 2019
11. Ordinance 1554, an Ordinance of the City of Banning, California, Adding a New Chapter 5.88 to, and Deleting Sections 17.108.020(K) and 17.108.070 of Chapter 17.108 of Title 17 from the Banning Municipal Code to Create a Sidewalk Vending Program (**2<sup>nd</sup> Reading**)
12. Resolution 2020-12, Authorizing the Purchase of a 2020 Kia Sorento in the amount of \$29,333.04

13. Ordinance 1552, an Ordinance of the City of Banning, California, Approving Zoning Text Amendment 19-97503, Amending Section 17.04.070 ("Definitions") of Chapter 17.04 ("Basic Provisions"), Amending Table 17.08.020 of Section 17.08.020 ("Permitted, Conditional and Prohibited Uses") of Chapter 17.08 ("Residential Districts"), Amending Table 17.12.020 ("Permitted, Conditional and Prohibited Commercial and Industrial Uses") of Section 17.12.020 ("Permitted, Conditional and Prohibited Uses") of Chapter 17.12 ("Commercial and Industrial Districts"), Adding a New Section 17.24.180 ("Commercial Cargo/Storage Containers") to Chapter 17.24 ("General Standards"), and Amending Section 17.108.020 ("Permitted Uses") of Chapter 17.108 ("Temporary Use Permits") of Title 17 ("Zoning") of the Banning Municipal Code to Establish Zoning and Design Standards for Commercial Cargo/Storage Containers, and Making a Determination of Exemption Under CEQA Guidelines Section 15060(C)(3) **(2<sup>nd</sup> Reading)**
14. Resolution 2020-14, Authorizing the City Manager to Accept and Receive SB2 Grant Funding in the Amount of \$160,000
15. Administrative Policy No. B-34, Discontinuation of Residential Water Service for Urban and Community Water Systems (Senate Bill 998)

### **Public Comments**

None

A motion was made by Councilmember Welch, seconded by Mayor Pro Tem Wallace, to approve consent calendar items 1-3 and 6-15. Electronic vote was taken as follows:

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

**Action: Approved Consent Items 1-3 and 6-15.**

4. Investment Report – November 2019
5. Investment Report – December 2019

Councilmember Happe asked for a report on consent items 4 and 5.

Deputy Finance Director Suzanne Cook and Administrative Services Director Jennifer Christensen provided the staff report for this item. City Manager Doug Schulze provided further explanation and clarification.

## **Public Comment**

Diego Rose asked about \$30 million in Electric and whether it was included in the numbers on these reports. He also suggested language that is easily understood.

Jerry Westholder asked about \$26 million in Electric and whether it was included in the numbers on these reports.

Seeing no further comments, the Mayor closed Public Comment.

Deputy Finance Director Suzanne Cook and Administrative Services Director confirmed Electric funds were included in the reports.

A motion was made by Councilmember Happe, seconded by Councilmember Welch, to approve consent calendar items 4 and 5. Electronic vote was taken as follows:

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

**Action: Approved Consent Items 4 and 5.**

## **VII. PUBLIC HEARING(S)**

None

## **VIII. ANNOUNCEMENTS AND REPORTS**

### **CITY COUNCIL COMMITTEE REPORTS**

Councilmember Welch reported on the following:

- RTA will have their summer bus fare program for students beginning as soon as school is out through September. Students who show ID can ride the bus for \$0.25 during the summer months.

Mayor Pro Tem Wallace reported on the following:

- Attended the BLU for Black Public Officials at the City of Rialto where they talked about what is happening in the Inland Empire. She announced that she ran to try and help and that if anyone needs anything to please let her know.
- Community Action wants to do more for Banning. The City needs growth to receive more services.

- February 19<sup>th</sup> is the Sunrise Banning Breakfast.
- February 17<sup>th</sup> is the President's Day Parade for the Riverside County Date Festival.

Mayor Andrade reported on the following

- The Downtown Ad Hoc Committee met and discussed the Adopt A Roadway Program. She thanked the Diaz Family for the work they have done.
- Attended the first Policy Committee Meeting for the League of California Cities.
- The School District is conducting a search for a new Superintendent. There is a survey for the community, and they are working to get it on the City's website.
- Attended the Pass Area Veteran's Expo with Councilmember Welch and Mayor Pro Tem Wallace. She thanked Dr. Raul Ruiz for his support of veteran's programs.

Councilmember Happe had nothing to report.

The Mayor recessed the regular meeting at 6:49 p.m. and reconvened at 6:58 p.m.

#### REPORT BY CITY ATTORNEY

None

#### REPORT BY CITY MANAGER

City Manager Doug Schulze reported on the following:

- The City is adhering to Banning Municipal Code in utilizing the official seal of the City of Banning, but not incurring additional costs by utilizing existing stationery/paper and updating the logo digitally. The seal will be updated on other items during normal replacement. He reminded all that the logo was never adopted by the City Council by formal vote.
- The Banning Business Center is scheduled for demolition and the Receiver has notified the City they will be in on Wednesday, January 29<sup>th</sup> to pay for the permit.
- Interstate 10 improvement project will begin soon. They will be improving I-10 from Pennsylvania Avenue in Beaumont, east to Highway 111. A press conference is scheduled for February 4, 2020.
- Ramsey and Highland Springs intersection improvements, Sun Lakes Boulevard extension, Wilson Street widening, Ramsey Street widening projects are in the works. Wilson will be taken care of by Pardee as part of their development.
- Pardee Homes will be paying millions of dollars in Development Impact Fees, which will bring significant revenue to the City.

- Currently Atwell residents fall within the Beaumont Unified School District. However, a committee has been formed by the Board of Education and arguments will be heard.
- City Manager is not present during labor negotiations regarding his contract during Closed Session. The City Council and City Attorney are.
- Mr. Rose's comments will be addressed internally.

### REPORTS OF OFFICERS

1. Resolutions of Necessity for the Acquisition by Eminent Domain of Certain Real Property Interests Necessary for Public Purposes in Connection with the City's Ramsey/Hathaway Street Improvement Project.

Paula Baeza with the City Attorney's Office provided a presentation regarding this item. (Attachment 2) She also provided the Council and Public with an updated version of Resolution 2020-161. (Attachment 3)

#### **Public Comment**

Frank Burgess spoke regarding which of the two Burgess-owned parcels located on the north and south side of Ramsey are affected by the Project. Mr. Burgess stated that a meeting with City Staff held on September 13, 2019, both parcels were discussed. Mr. Burgess stated that the notice he received regarding the hearing did not include the parcel located on the south side of Ramsey. Mr. Burgess also stated that he has invested millions of dollars in the City of Banning and put people to work and he has supported the redevelopment of downtown since back in the 1970's He stated that back in 2005 he asked for \$60,000 in redevelopment fees for property he donated for electrical conduits for property at Hargrave and Ramsey. He expressed concern that he never received the redevelopment funds. Mr. Burgess also stated that a 2016 resolution placed certain obligations on the City regarding redevelopment funding.

Public Works Director Art Vela advised and showed on the map which parcels would be affected and confirmed that the Project impacts the Burgess parcel located on the north side of Ramsey Street.

City Attorney Ennis advised letters have been sent to Mr. Burgess over the last year and a half and discussions held regarding both parcels located on the north and south side. Based on the discussions and negotiations with Mr. Burgess regarding the property on the south side of Ramsey, the City decided to redesign the project to avoid any impacts to the property on the south side of Ramsey. Mr. Ennis also advised that negotiations may continue even after the resolutions are adopted.

Councilmember Happe stated that he would like to understand Mr. Burgess' objection to the resolution regarding the parcel on the north side of Ramsey.

Mr. Burgess stated that he did not receive a copy of the City's appraisal but was offered up to \$5,000 from the City to obtain his own appraisal for each of his parcels. Mr. Burgess stated that it made no sense for the City to offer him \$10,000 for the appraisals of the properties and to put another \$50,000 to court for eminent domain and not come to an agreement with him. He stated that in his mind, the decision is not a business decision. It is about personalities. Mr. Burgess stated that he can show the City letters regarding the \$60,000 in redevelopment funds.

Councilmember Happe stated that there appears to be confusion regarding the former redevelopment funds used for redevelopment of buildings on the east end of town with this Project. He also asked for clarification regarding the appraisal.

City Attorney Ennis advised that the issue of the source of funding for the Project is not a decision before the City Council at this hearing.

Ms. Baeza clarified that the Government Code does not require that the City provide a copy of the appraisals to property owners and that the offer letters contain detailed information regarding the valuation, including the larger parcel, highest and best use, methodology, and comparable sales data. She also confirmed that the owners are offered up to \$5,000 to obtain their own appraisal as required by the Code of Civil Procedure. The City Manager also explained the reasons for not disclosing appraisals at this stage pursuant to the Public Records Act.

A motion was made by Councilmember Happe, seconded by Councilmember Welch, to adopt Resolution 2019-160, for the Acquisition by Eminent Domain of Certain Real Property Interests Necessary for Public Purposes in Connection with the City's Ramsey/Hathaway Street Improvement Project. Electronic vote was taken as follows:

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

**Action: Adopted Resolution 2019-160.**

A motion was made by Mayor Pro Tem Wallace, seconded by Councilmember Happe, to adopt Resolution 2019-161, for the Acquisition by Eminent Domain of Certain Real Property Interests Necessary for Public Purposes in Connection with the City's Ramsey/Hathaway Street Improvement Project. Electronic vote was taken as follows:

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

**Action: Adopted Resolution 2019-161.**

A motion was made by Councilmember Welch, seconded by Mayor Pro Tem Wallace, to adopt Resolution 2019-162, for the Acquisition by Eminent Domain of Certain Real Property Interests Necessary for Public Purposes in Connection with the City's Ramsey/Hathaway Street Improvement Project. Electronic vote was taken as follows:

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

**Action: Adopted Resolution 2019-162.**

A motion was made by Councilmember Welch, seconded by Councilmember Happe, to adopt Resolution 2019-163, for the Acquisition by Eminent Domain of Certain Real Property Interests Necessary for Public Purposes in Connection with the City's Ramsey/Hathaway Street Improvement Project. Electronic vote was taken as follows:

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

**Action: Adopted Resolution 2019-163.**

2. Resolution 2020-11, Approving the Financial Analysis, Redevelopment and Proposition 218 of Landscape Maintenance District No. 1 ("LMD No. 1") Report.

Public Works Director Art Vela provided a presentation regarding this item.  
(Attachment 4)

## **Public Comment**

John Hagan indicated that he hopes the Prop. 218 Notice will be clear. He mentioned that Zone 8 only has 35 homes. Also, he is concerned with the work being done and encouraged people to look at the work.

Ellen Carr indicated she noticed one of the increases were \$13.80 per month and that her Social Security increase was only \$14 per month. She asked if people were complaining.

Seeing no further comments, the Mayor closed public comment.

Councilmember Happe asked if the costs include administration. Public Works Director Vela indicated that they do.

Mayor Pro Tem Wallace asked that the notice include language the citizens can understand.

A motion was made by Councilmember Happe, seconded by Councilmember Welch, to adopt Resolution 2020-11, approving the Financial Analysis, Redevelopment and Proposition 218 of LMD No. 1 Report prepared by Webb Municipal Finance, LLC. Electronic vote was taken as follows:

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

**Action: Adopted Resolution 2020-11.**

3. Resolution 2020-13, Approving the Banning Municipal Airport's Airport Capital Improvement Plan (ACIP) for 2020-2024.

Public Works Director Art Vela provided the staff report for this item as contained in the agenda packet.

The Mayor asked why the City is continuing to improve the airport if it plans on closing. Public Works Director Vela explained that the City must continue to maintain for safety reasons and to remain in good graces of the FAA.

## **Public Comment**

None

A motion was made by Councilmember Welch, seconded by Mayor Pro Tem Wallace, adopt Resolution 2020-13, approving the five-year (2020-2024) Airport Capital Improvement Plan (ACIP) and direct staff to submit the ACIP to the Federal Aviation Administration (FAA). Electronic vote was taken as follows:

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

Action: **Adopted Resolution 2020-13.**

**IX. DISCUSSION ITEM**

None

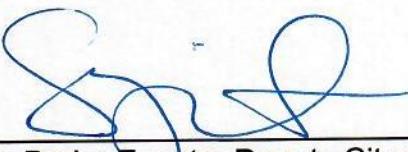
**CITY COUNCIL – Next Meeting, February 11, 2020, 5:00 p.m.**

**X. ITEMS FOR FUTURE AGENDAS**

**XI. ADJOURNMENT**

By consensus, the meeting was adjourned at 8:19 p.m.

Minutes Prepared by:



\_\_\_\_\_  
Sonja De La Fuente, Deputy City Clerk

The entire discussion of this meeting may be viewed here:  
<https://banninglive.viebit.com/player.php?hash=OFlqAaipHXcg>, and  
<https://banninglive.viebit.com/player.php?hash=fgqUVRw0Rr78> and related  
documents maybe viewed here:  
<https://banningca.gov/ArchiveCenter/ViewFile/Item/2236> or by purchasing a CD or  
DVD in the amount of \$7.00 at Banning City Hall located at 99 E. Ramsey Street.

# **ATTACHMENT 1**

# NUTRITION CLUB

WE INVITE YOU TO OUR NUTRITION CLUB  
137 N. SAN GORGONIO • BANNING, CA

**IMPROVE YOUR NUTRITION  
INCREASE YOUR ENERGY  
CONTROL YOUR WEIGHT**

Carlos Lozano  
(951) 457-9840



Hours:	Morning	Afternoon
Monday	7:00-12:00	5:00-7:30
Tuesday	7:00-12:00	5:00-7:30
Wednesday	7:00-12:00	Closed
Thursday	7:00-12:00	5:00-7:30
Friday	7:00-12:00	5:00-7:30
Saturday	8:00-10:00	Closed
Sunday	8:00-10:00	Closed

# CLUB DE NUTRICION

LOS INVITAMOS A NUESTRO CLUB DE NUTRICION

137 N. SAN GORGONIO • BANNING, CA

**MEJORE SU NUTRICION  
AUMENTE SU ENERGIA  
CONTROLE SU PESO**

Sadia Lozano  
(951) 457-9765



Horario:	Mañana	Tarde
Lunes	7:00-12:00	5:00-7:30
Martes	7:00-12:00	5:00-7:30
Miercoles	7:00-12:00	Cerrado
Jueves	7:00-12:00	5:00-7:30
Viernes	7:00-12:00	5:00-7:30
Sabado	8:00-10:00	Cerrado
Domingo	8:00-10:00	Cerrado



# **ATTACHMENT 2**



## CITY OF BANNING RAMSEY-HATHAWAY STREET IMPROVEMENT PROJECT

Consideration of adoption of Resolutions of Necessity authorizing the acquisition of certain property interests by eminent domain in connection with the Ramsey-Hathaway Street Improvement Project (Project)

- Resolution 2019-160
- Resolution 2019-161
- Resolution 2019-162
- Resolution 2019-163

1



### DESCRIPTION OF PROJECT

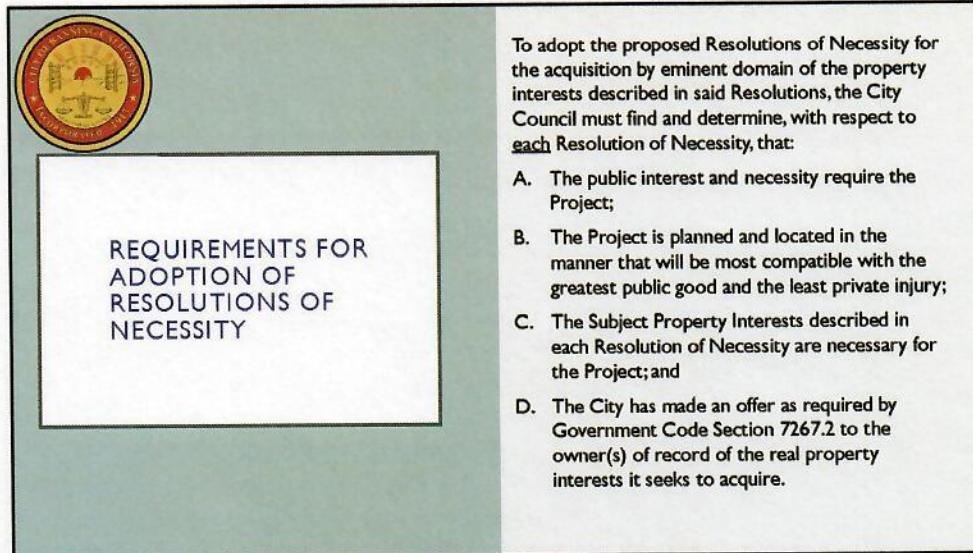
The City seeks to construct the Project to widen Ramsey Street approximately 500 feet west and 1,500 feet east of Hathaway Street.

The Project would widen Hathaway Street from Ramsey Street approximately 1,400 feet north, and construct a new 12-inch ductile iron water line along Ramsey Street.

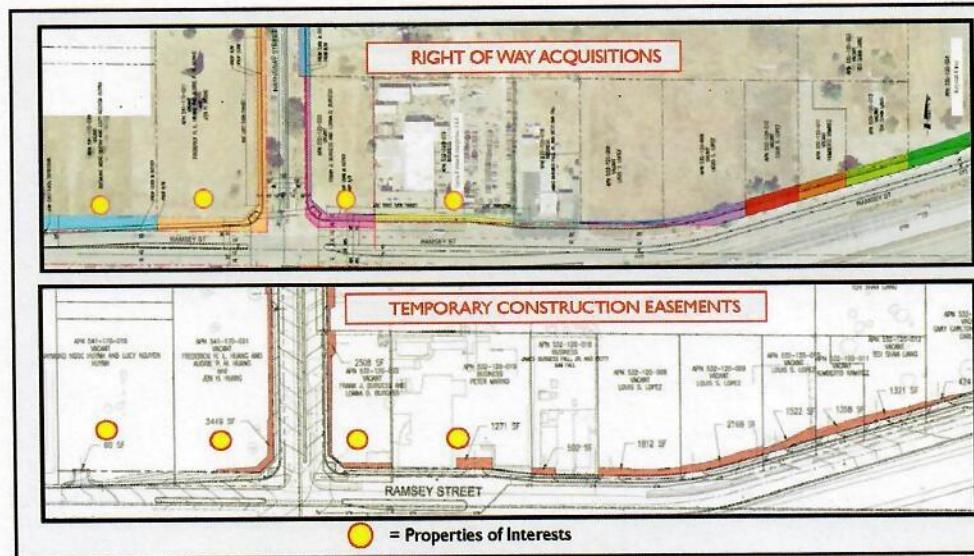
- The construction of Project requires the acquisition of portions of ten larger parcels in fee for right of way and the use of temporary construction easements to facilitate the construction of the Project.
- The City has acquired the necessary property interests from five of these parcels and will consider a Purchase and Sale Agreement for a sixth parcel at a later date.
- This hearing relates to the City Council's consideration of four Resolutions of Necessity to authorize the acquisition by eminent of the necessary property interests from the remaining four parcels.

2

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3



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2



#### PUBLIC INTEREST AND NECESSITY REQUIRE PROJECT

- The City seeks to construct the Project to improve capacity, circulation, and enhance safety for its residents and businesses in this area of the City. The widening of Ramsey Street and resulting improvements to traffic circulation and efficiency in this area during peak hour traffic may also consequently have a beneficial effect on the access and response times of emergency vehicles vital to the public health and safety. Accordingly, the Project will benefit the residents and businesses of the City and the community as a whole.
- The Project is consistent with the Circulation Element of the General Plan. The Circulation Element of the General Plan designates Ramsey Street between Hathaway Street to Morongo Road as a Major Highway. The widening of Ramsey Street, as proposed by the Project, will help the City to meet the goals of widening Ramsey Street consistent with the requirements for Major Roadways.

5



#### PUBLIC INTEREST AND NECESSITY REQUIRE PROJECT

- The Project will also help to improve the flow of traffic in this area of the City. The improvements to the intersection of Ramsey and Hathaway will help ensure a smooth flow of traffic and help meet the capacity and level of service requirements for this intersection in accordance with the goals of the General Plan. Without the additional lanes along Ramsey Street, the intersection along Ramsey Street will operate at below the Level of Service D identified for General Plan buildout.
- The Project is an essential part of the overall capital improvements planned for the area and will help meet the goals of a safe and efficient transportation system. It will also meet the goal of Program 2.B, which is to improve the aesthetic and safety of potential street improvements.

6

3



PROJECT IS PLANNED AND LOCATED IN THE MANNER THAT WILL BE MOST COMPATIBLE WITH THE GREATEST PUBLIC GOOD AND THE LEAST PRIVATE INJURY

- The above facts also support the finding that the Project is planned and located in the manner that will most compatible with the greatest public good and the least private injury.
- The Project, as planned and designed, seeks to minimize the impact on the adjacent properties. The City has acquired the necessary property interests from five parcels and will consider an Agreement for the negotiated purchase of the property interests needed from a sixth parcel at a later date.
- The construction of the Project will not result in the displacement of any persons from their residences or businesses.

7



SUBJECT PROPERTY  
INTERESTS DESCRIBED  
IN EACH RESOLUTION  
OF NECESSITY ARE  
NECESSARY FOR THE  
PROJECT

Resolution No. 2019-160

➤ The City needs to acquire an approximate 5,285 square foot portion in fee for public street purposes, drainage, public utilities, and all uses necessary or convenient thereto from the real property located at 1483 E. Ramsey Street, Banning, and identified as Riverside County Tax Assessor's Parcel Number 541-170-019, which is owned by Raymond Ngoc Huynh and Lucy Nguyen Huynh, as Trustees of the Raymond and Lucy Huynh Revocable Trust dated August 8, 2007.

➤ The City also needs to acquire an approximate 90 square foot temporary construction easement with a term of nine months on the Huynh Trustees Parcel to help facilitate the construction of the Project.

8

4



**SUBJECT PROPERTY  
INTERESTS DESCRIBED  
IN EACH RESOLUTION  
OF NECESSITY ARE  
NECESSARY FOR THE  
PROJECT**

**Resolution No. 2019-161**

- The City needs to acquire an approximate 12,146 square foot portion in fee for public street purposes, drainage, public utilities, and all uses necessary or convenient thereto on the vacant real property located at the northwest corner of E. Ramsey Street and N. Hathaway Street, and identified as Riverside County Tax Assessor's Parcel Number 541-170-021, which is owned by Jen H. Huang.
- The City also needs to acquire an approximate 3,448 square foot temporary construction easement on the Huang Parcel with a term of nine months to help facilitate the construction of the Project.

9



**SUBJECT PROPERTY  
INTERESTS DESCRIBED  
IN EACH RESOLUTION  
OF NECESSITY ARE  
NECESSARY FOR THE  
PROJECT**

**Resolution No. 2019-162**

- The City needs to acquire an approximate 16,182 square foot portion in fee for public street purposes, drainage, public utilities, and all uses necessary or convenient thereto from the real property located at 1679 E. Ramsey Street, Banning, and identified as Riverside County Tax Assessor's Parcel Number 532-120-019, which is owned by Terra Firma Enterprises, LLC, a Wyoming Limited Liability Company. The 16,182 square foot fee area from the Terra Firma Parcel includes the underlying fee interest in an approximate 12,700 square foot area previously dedicated as an easement for state highway purposes pursuant to the Record of Survey recorded in July 1937 in Book 11, Page 24 of Official Records. It also includes an approximate 3,482 square foot fee area that is not burdened by an existing easement and is needed for the construction of the Project.
- The City also needs to acquire an approximate 4,752 square foot temporary construction easement with a term of nine months on the Terra Firma Parcel to help facilitate the construction of the Project.

10

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**SUBJECT PROPERTY  
INTERESTS DESCRIBED IN  
EACH RESOLUTION OF  
NECESSITY ARE  
NECESSARY FOR THE  
PROJECT**

Resolution No. 2019-163

- The City needs to acquire an approximate 5,692 square foot portion in fee for public street purposes, drainage, public utilities, and all uses necessary or convenient thereto from the real property located at the northeast corner of E. Ramsey Street and N. Hathaway Street, and identified as Riverside County Tax Assessor's Parcel Number 532-120-020, which is owned by Frank J. Burgess and Lorna D. Burgess, Trustees of the Burgess Family Trust DOT December 5, 1989.
- The City also needs to acquire an approximate 2,575 square foot temporary construction easement with a term of nine months on the Burgess Trustees Parcel to help facilitate the construction of the Project.

11



**CITY EXTENDED OFFER TO RECORD OWNERS OF  
SUBJECT PROPERTY INTERESTS IN ACCORDANCE WITH  
GOVERNMENT CODE SECTION 7627.2**

- The City obtained independent appraisals, set just compensation, and extended written offers in November 2018 to the owners of record of the Subject Property Interests.

12

6



RECOMMENDED ACTION:

That the City Council:

1. Separately consider the above four Resolutions, which are Resolutions of Necessity declaring certain real property interests necessary for public purposes and authorizing the acquisition thereof in connection with the City's Ramsey-Hathaway Street Improvement Project.
2. Open and conduct a hearing on the adoption of the proposed Resolutions of Necessity, receive from City Staff the evidence stated and referred to in the Agenda Report, take testimony from any person wishing to be heard on the above, and consider all evidence to determine whether to adopt each proposed Resolution of Necessity, each of which requires the City Council's separate consideration and determination.
3. If the City Council finds, based on the evidence contained and referred to in the Agenda Report, the testimony and written comments submitted to the City Council, that the evidence warrants the necessary findings with respect to each of the proposed Resolutions of Necessity, then City Staff recommends that the City Council, in the exercise of its discretion, adopt proposed Resolution of Necessity 2019-160, Resolution of Necessity 2019-161, Resolution of Necessity 2019-162, and Resolution of Necessity 2019-163 (each of which requires a 4/5ths vote of the entire City Council).

13



RECOMMENDED ACTION (CONT.):

That the City Council:

4. If the City Council adopts the proposed Resolutions of Necessity, authorize the City Attorney's Office to file and prosecute eminent domain proceedings for the acquisition of the Subject Property Interests by eminent domain.
5. Authorize the City Manager to execute all necessary documents.
6. Authorize the City Clerk to certify the adoption of each Resolution of Necessity and to have said Resolutions filed in the book of original resolutions.

14

# **ATTACHMENT 3**

**RESOLUTION 2019-161**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA,  
DECLARING CERTAIN REAL PROPERTY INTERESTS NECESSARY FOR PUBLIC  
PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF IN CONNECTION  
WITH THE RAMSEY-HATHAWAY STREET IMPROVEMENT PROJECT (PORTIONS  
OF APN 541-170-021)**

**WHEREAS**, the City of Banning ("City") is a municipal corporation in the County of Riverside, State of California; and

**WHEREAS**, the 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; 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. The City Council concurred 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 directed City staff to file a Notice of Exemption in connection with this Project in accordance with CEQA. In February 2019, the City duly filed the Notice of Exemption with the State of California Clearing House in accordance with CEQA. Said Notice of Exemption was filed with the County of Riverside on or about April 8, 2019 in accordance with CEQA.

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

**SECTION 1.** The Banning City Council adopts Resolution 2019-161, A Resolution of the City Council of the City of Banning, California, Declaring Certain Real Property Interests Necessary for Public Purposes and Authorizing the Acquisition Thereof in Connection with the Ramsey-Hathaway Street Improvement Project (Portions of APN 541-170-021).

**SECTION 2.** The City seeks to acquire by eminent domain the real property interests described below in Section 3 of this Resolution for public use, namely public street purposes, drainage, public utilities, and all uses necessary or convenient thereto in connection with the Ramsey-Hathaway Street Improvement Project pursuant to the authority conferred on the City of Banning to acquire real property by eminent domain by Section 19 of Article 1 of the California Constitution, Government Code Sections 37350, 37350.5, 37351, 40401, and 40404, California Code of Civil Procedure Section 1230.010

*et seq.* (Eminent Domain Law), including but not limited to Sections 1240.010, 1240.020, 1240.110, 1240.120, 1240.510, 1240.610, 1240.650, and by other provisions of law.

**SECTION 3.** The City seeks to acquire in fee an approximate 12,146 square foot portion ("Subject Fee Property") of the real property located at the northwest corner of E. Ramsey Street and North Hathaway Street, Banning, California, and identified as Riverside County Tax Assessor's Parcel Number 541-170-021 ("Huang Parcel") in connection with the Project. The Subject Fee Property is described more particularly in Exhibit "A-1" and depicted on Exhibit "B-1", which are attached hereto and incorporated herein by this reference. The City also seeks to acquire an approximate 3,448 square foot temporary construction easement ("TCE") on the Huang Parcel for a period of nine months to facilitate the construction of the Project. The TCE is described more particularly in Exhibit "A-2" and depicted on Exhibit "B-2", which are attached hereto and incorporated herein by this reference.

**SECTION 4.** The environmental effects of the acquisition of the Subject Fee Property and TCE were studied as an integral part of the environmental review for the Project. In connection with the proposed Resolutions of Necessity, on December 10, 2019, City staff reviewed the environmental documentation prepared in connection with the Project. Pursuant to the criteria of Section 15162 of the CEQA Guidelines and Section 21166 of the Public Resources Code, City staff concluded that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and that the City has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Subject Fee Property and TCE.

**SECTION 5.** The Project, as planned and designed, is in the public interest and necessity and is needed to improve traffic circulation and efficiency in this area of the City. The City seeks to construct the Project to widen Ramsey Street approximately 500 feet west and 1,500 feet east of Hathaway Street. The Project would also widen Hathaway Street from Ramsey Street approximately 1,400 feet north, and construct a new 12-inch ductile iron water line along Ramsey Street.

The City seeks to construct the Project to improve capacity, circulation, and enhance safety for its residents and businesses in this area of the City. The widening of Ramsey Street and resulting improvements to traffic circulation and efficiency in this area during peak hour traffic may also consequently have a beneficial effect on the access and response times of emergency vehicles vital to the public health and safety. Accordingly, the Project will benefit the residents and businesses of the City and the community as a whole.

The Project, as planned and designed, is consistent with the Circulation Element of the General Plan. The Circulation Element of the General Plan designates Ramsey Street between Ramsey Street to Morongo Road as a Major Highway. The widening of Ramsey Street, as proposed by the Project, will help the City to meet the goals of widening Ramsey Street consistent with the requirements for Major Roadways. The Project will

also help to improve the flow of traffic in this area of the City. The improvements to the intersection of Ramsey and Hathaway will help ensure a smooth flow of traffic and help meet the capacity and level of service requirements for this intersection in accordance with the goals of the General Plan. Without the additional lanes along Ramsey Street, intersection along Ramsey Street will operate at below the Level of Service D identified for General Plan buildout. The improvements proposed by the Project will help to meet Policy 6 set forth in the Circulation Element of the General Plan, which seeks to "maintain peak hour Level of Service C or better on all local intersections, except those on Ramsey Street and at I-10 Interchanges where Level of Service D or better shall be maintained." The Project is an essential part of the overall capital improvements planned for the area and will help meet the goals of a safe and efficient transportation system. It will also meet the goal of Program 2.B, which is to improve the aesthetic and safety of potential street improvements.

The Project was planned and located to minimize the impact on the adjacent properties. The Project requires the acquisition of a portion of ten larger parcels owned by private property owners. The construction of the Project will not result in the displacement of any persons from their residences or businesses.

**SECTION 6.** Pursuant to Government Code Section 7260 *et seq.*, the City of Banning obtained a fair market value appraisal of the Huang Parcel, the approximate 12,146 square foot Subject Fee Property the City seeks to acquire in fee for public use, namely public street purposes, drainage, public utilities, and all uses necessary or convenient thereto, and of the approximate 3,448 square foot TCE with a term of nine months to help facilitate the construction of the Project. The City set just compensation in accordance with the appraised fair market value, and extended a written offer on November 8, 2018 to Jen H. Huang, the owner of record. The fair market value appraisal used a date of value of May 28, 2018.

The City's written offer included an informational pamphlet describing the eminent domain process and the record owner's rights under the Eminent Domain Law. In accordance with Government Code Section 7267.2, the City's written offer contained a written statement of, and summary of the basis for, the amount it established as just compensation. The offer set forth the date of value utilized by the appraiser and explained the appraiser's opinion of the highest and best use of the larger parcel. It explained the applicable zoning and General Plan designation of the larger parcel. The City's offer also summarized the principal transactions relied on by the appraiser to arrive at the appraiser's opinion of value. In addition, the written offer explained the appraiser's valuation analysis, including severance damages. It included the City's comparable market data relied on by the appraiser. Further, the City offered, pursuant to Code of Civil Procedure Section 1263.025, to pay the record owner the reasonable costs, up to \$5,000.00, for an independent appraisal of the approximate 12,146 square foot Subject Fee Property and the approximate 3,448 square foot TCE.

**SECTION 7.** The City provided written notice to the owner of record pursuant to Code of Civil Procedure section 1245.235 of the City Council's intent to consider the adoption of

a Resolution of Necessity for the acquisition of the Subject Fee Property and TCE by eminent domain.

**SECTION 8.** The public use for which the City seeks to acquire the Subject Fee Property and TCE, namely public street purposes, drainage, public utilities, and all uses necessary or convenient thereto, will not unreasonably interfere with or impair the continuance of the public use to which any easement holders may have appropriated the area (Code of Civil Procedure Section 1240.510). Further, the Project may require the relocation of several utilities to the proposed new right-of-way area. The public use for which the City seeks to acquire the Subject Fee Property and TCE, namely public street purposes, drainage, public utilities, and all uses necessary or convenient thereto, is a more necessary public use within the meaning of Code of Civil Procedure Section 1240.650 than the uses to which public utility easement holders have appropriated any utility easements located in the area of the Subject Fee Property and TCE that are affected by the Project. Accordingly, the City is authorized to acquire the Subject Fee Property and TCE pursuant to Code of Civil Procedure Sections 1240.510, 1240.610, and 1240.650.

**SECTION 9.** Based on the evidence presented at the hearing regarding the Project, including the Agenda Report and documents referenced therein and any oral and written testimony at the hearing, the City Council hereby finds and determines that:

1. The public interest and necessity require the Project;
2. The Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;
3. The Subject Fee Property described more particularly in Exhibit "A-1" and depicted on Exhibit "B-1" hereto, and the TCE described more particularly in Exhibit "A-2" and Exhibit "B-2" hereto are necessary for the Project; and
4. The City has made the offer required by Government Code Section 7267.2 to the record owner of the Subject Fee Property and TCE the City seeks to acquire.

**SECTION 10.** The findings and declarations contained in this Resolution are based upon the record before the City Council, including the Agenda Report and all documents referenced therein, all of which are incorporated herein by this reference, and any testimony and/or comments submitted to the City by the record owner and or the owner's representative(s). These documents include, but are not limited to the City of Banning General Plan, the offer letter sent to the owner pursuant to Government Code Section 7267.2, the notice to the record owner pursuant to Code of Civil Procedure Section 1245.235 of the City's intent to consider the adoption of the Resolution of Necessity, Street Improvement Plans for the Project, and the Notice of Exemption for the Project.

**SECTION 11.** The City Council of the City of Banning hereby authorizes and directs the City Attorney's Office to take all steps necessary to commence and prosecute legal proceedings in a court of competent jurisdiction to acquire in fee by eminent domain the approximate 12,146 square foot Subject Fee Property for the Project and the approximate

3,448 square foot TCE for a period of nine months to facilitate the construction of the Project. The Subject Fee Property is described more particularly on Exhibit "A-1" and depicted on Exhibit "B-1" hereto, and the TCE is described more particularly on Exhibit "A-2" and depicted on Exhibit "B-2" hereto.

**SECTION 12.** The City Council of the City of Banning hereby authorizes the City Manager to execute all necessary documents in connection with the eminent domain proceeding.

**SECTION 13.** The City Clerk shall certify to the adoption of this Resolution.

**PASSED, APPROVED AND ADOPTED** this 28th day of January 2020.

---

Daniela Andrade, Mayor  
City of Banning

**ATTEST:**

---

Sonia De La Fuente, Deputy City Clerk  
City of Banning

**APPROVED AS TO FORM:**

---

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

**CERTIFICATION:**

I, Sonia De La Fuente, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2019-161, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 28th day of January, 2020, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

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

**Exhibit "A-1"¶  
Legal Description Subject Fee Property¶**

**EXHIBIT "A"  
RIGHT-OF-WAY DEDICATION - A.P.N. 541-170-021**

THAT PORTION OF BLOCK 172 OF BANNING COLONY LANDS, IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, PER MAP FILED IN BOOK 5, PAGE 186 OF MAPS, LYING WITHIN THE LAND DESCRIBED IN A GRANT DEED TO FREDERICK H. L. HUANG AND AUDRIE P. H. HUANG, HUSBAND AND WIFE, AND JEN H. HUANG, A SINGLE MAN, RECORDED FEBRUARY 5, 1988 AS INSTRUMENT NO. 32916 OF OFFICIAL RECORDS, ALL IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTERLINE INTERSECTION OF RAMSEY STREET AND HATHAWAY STREET AS SHOWN ON CASTILLA SUBDIVISION, IN SAID CITY OF BANNING, PER MAP FILED IN BOOK 14, PAGE 88 OF MAPS, IN SAID OFFICE OF THE COUNTY RECORDER;

THENCE, ALONG SAID CENTERLINE OF RAMSEY STREET, NORTH 89°04'51" WEST, 230.03 FEET TO THE SOUTHWESTERLY CORNER OF SAID LAND DESCRIBED IN A GRANT DEED RECORDED FEBRUARY 5, 1988 AS INSTRUMENT NO. 32916 OF OFFICIAL RECORDS;

THENCE, ALONG THE WESTERLY LINE OF SAID LAND DESCRIBED IN A GRANT DEED RECORDED FEBRUARY 5, 1988 AS INSTRUMENT NO. 32916 OF OFFICIAL RECORDS, NORTH 00°03'38" EAST, 55.01 FEET TO A LINE PARALLEL WITH AND 55.00 FEET NORTHERLY OF SAID CENTERLINE OF RAMSEY STREET;

THENCE, TRAVERSING THE INTERIOR OF SAID BLOCK 172, THE FOLLOWING COURSES:

ALONG SAID PARALLEL LINE, SOUTH 89°04'51" EAST, 155.67 FEET;

NORTH 46°41'26" EAST, 33.49 FEET TO A LINE PARALLEL WITH AND 50.00 FEET WESTERLY OF SAID CENTERLINE OF HATHAWAY STREET;

ALONG SAID PARALLEL LINE, NORTH 00°03'38" EAST, 319.65 FEET TO THE SOUTHERLY LINE OF THE NORTHERLY 230.00 FEET OF SAID BLOCK 172;

ALONG SAID SOUTHERLY LINE OF THE NORTHERLY 230.00 FEET OF BLOCK 172, SOUTH 89°26'22" EAST, 50.00 FEET TO SAID CENTERLINE OF HATHAWAY STREET;

THENCE, ALONG SAID CENTERLINE OF HATHAWAY STREET, SOUTH 00°03'38" WEST, 398.33 FEET TO THE **POINT OF BEGINNING**.

**EXCEPTING THEREFROM** THOSE PORTIONS INCLUDED WITHIN THE EXISTING RIGHT-OF-WAY OF HATHAWAY STREET AND THE EXISTING RIGHT-OF-WAY OF RAMSEY STREET.

CONTAINING 12,146 SQUARE FEET, MORE OR LESS.

Y:\\HOME\\US-2024\\US-2024\\MAPS\\LEGALS\\BY DEDICATION\\N541-170-021.DOC

1 OF 2

11303-0019\Q366546v2.doc

Exhibit "A-1"¶

**EXHIBIT "A"**  
**RIGHT-OF-WAY DEDICATION - A.P.N. 541-170-021**

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-1" ¶  
Depiction-Subject-Fee-Property ¶**

**EXHIBIT "B"**

SHEET 1 OF 2

A PORTION OF BLOCK 172 OF BANNING COLONY LANDS, M.B. 5 / 186,  
IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
**RIGHT-OF-WAY DEDICATION - APN 541-170-021**

C/L NICOLET STREET

C/L JACINTO  
VIEW ROAD

MEXI-AMERI  
M.B. 20 / 69  
C/L WILLIAMS STREET

C/L RAMSEY STREET

CASTILLA SUBDIVISION  
M.B. 14 / 88

—611 HATHAWAY STREET

AFN 532-110-004

NW 1/4, SECTION 11  
T. 3 S., R. 1 E., S.B.M.

AFN SKYB20-00

APN 532-120-002

APN 532-  
120-004

SW 1/4, SECTION 11  
T. 3 S., R. 1 E., S.B.M.

SCALE: 1" = 300'



James O. Sten's  
JAMES O. STENES FLS SOBG

\Projects\20426\1000\51RM40\DWG\51MEO019.dwg 4/4/2012 7:29:36 AM PDT

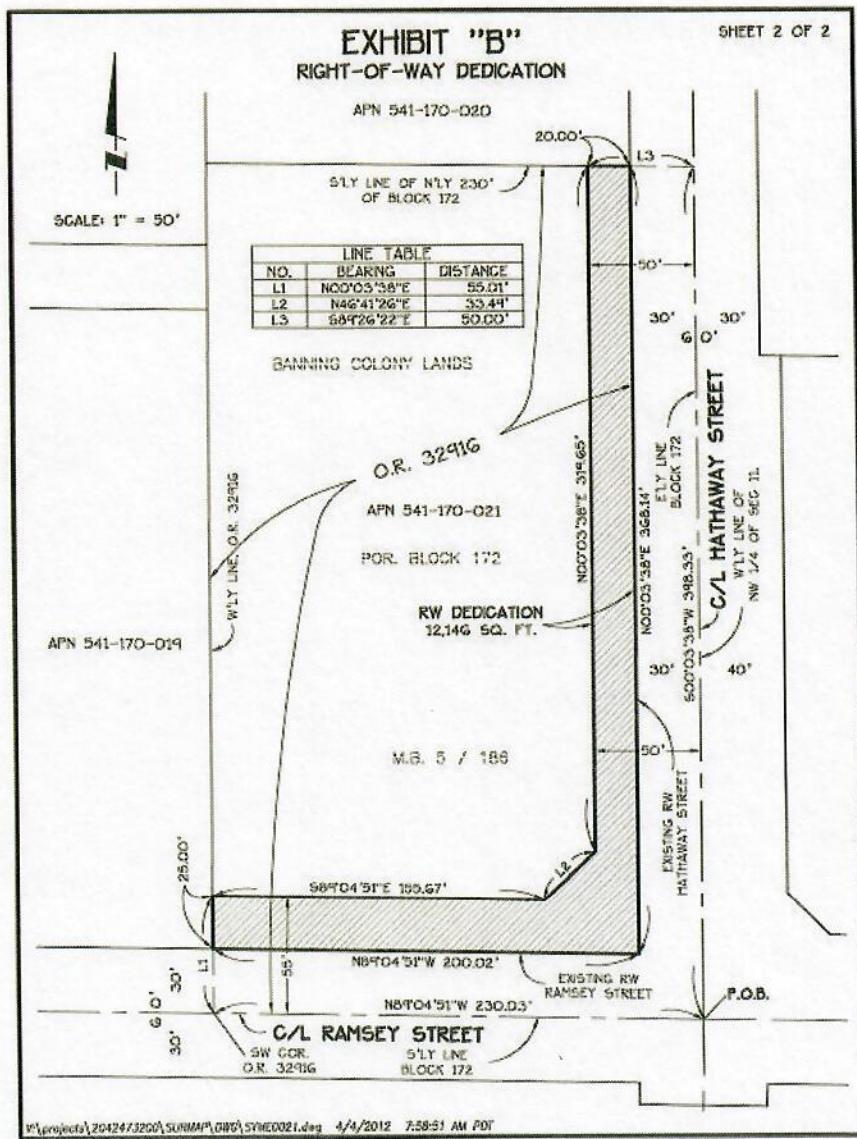


**STANTEC CONSULTING INC.**  
19 TECHNOLOGY DRIVE  
IRVINE, CA 92618  
949.923.6000

JN 2042 473201

11303-0019v2366546v2.doc

**Exhibit "B-1"¶**



**Exhibit "A-2"||**  
**Legal Description·Temporary·Construction·Easement||**

THAT PORTION OF BLOCK 172 OF BANNING COLONY LANDS, IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, PER MAP FILED IN BOOK 5, PAGE 186 OF MAPS, LYING WITHIN THE LAND DESCRIBED IN A GRANT DEED TO FREDERICK H. L. HUANG AND AUDRIE P. H. HUANG, HUSBAND AND WIFE, AND JEN H. HUANG, A SINGLE MAN, RECORDED FEBRUARY 5, 1988 AS INSTRUMENT NO. 32916 OF OFFICIAL RECORDS, ALL IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTERLINE INTERSECTION OF RAMSEY STREET AND HATHAWAY STREET AS SHOWN ON CASTILLA SUBDIVISION, IN SAID CITY OF BANNING, PER MAP FILED IN BOOK 14, PAGE 88 OF MAPS, IN SAID OFFICE OF THE COUNTY RECORDER;

THENCE, ALONG SAID CENTERLINE OF HATHAWAY STREET, NORTH 00°03'38" EAST, 658.34 FEET TO THE INTERSECTION WITH THE CENTERLINE OF WILLIAMS STREET AS SHOWN ON MEX-AMERI MAP, IN SAID CITY OF BANNING, PER MAP FILED IN BOOK 20, PAGE 69 OF MAPS, IN SAID OFFICE OF THE COUNTY RECORDER;

THENCE, ALONG SAID CENTERLINE OF WILLIAMS STREET, NORTH 89°26'22" WEST, 73.51 FEET;

THENCE, PERPENDICULAR TO SAID CENTERLINE OF WILLIAMS STREET, SOUTH 00°33'38" WEST, 30.00 FEET TO THE NORTHERLY LINE OF SAID BLOCK 172;

THENCE, TRAVERSING THE INTERIOR OF SAID BLOCK 172, THE FOLLOWING COURSES:

SOUTH 29°39'59" EAST, 31.81 FEET TO A LINE PARALLEL WITH AND 58.00 FEET WESTERLY OF SAID CENTERLINE OF HATHAWAY STREET;

ALONG SAID PARALLEL LINE, SOUTH 00°03'38" WEST, 82.01 FEET;

PERPENDICULAR TO SAID CENTERLINE OF HATHAWAY STREET, NORTH 89°56'22" WEST, 3.00 FEET TO A LINE PARALLEL WITH AND 61.00 FEET WESTERLY OF SAID CENTERLINE OF HATHAWAY STREET;

ALONG SAID PARALLEL LINE, SOUTH 00°03'38" WEST, 142.49 FEET;

PERPENDICULAR TO SAID CENTERLINE OF HATHAWAY STREET, SOUTH 89°56'22" EAST, 4.00 FEET TO A LINE PARALLEL WITH AND 57.00 FEET WESTERLY OF SAID CENTERLINE OF HATHAWAY STREET;

ALONG SAID PARALLEL LINE, SOUTH 00°03'38" WEST, 225.05 FEET;

PERPENDICULAR TO SAID CENTERLINE OF HATHAWAY STREET, NORTH 89°56'22" WEST, 3.00 FEET TO A LINE PARALLEL WITH AND 60.00 FEET WESTERLY OF SAID CENTERLINE OF HATHAWAY STREET;

Exhibit-A-2]]

ALONG SAID PARALLEL LINE, SOUTH 00°03'38" WEST, 65.60 FEET;

SOUTH 46°41'26" WEST, 29.06 FEET;

SOUTH 86°36'56" WEST, 73.29 FEET;

SOUTH 00°55'09" WEST, 59.50 FEET TO SAID CENTERLINE OF RAMSEY STREET;

ALONG SAID CENTERLINE OF RAMSEY STREET, SOUTH 89°04'51" EAST, 155.19 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THOSE PORTIONS INCLUDED WITHIN THE EXISTING RIGHT-OF-WAY OF HATHAWAY STREET AND THE EXISTING RIGHT-OF-WAY OF RAMSEY STREET.

ALSO 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 3,448 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.

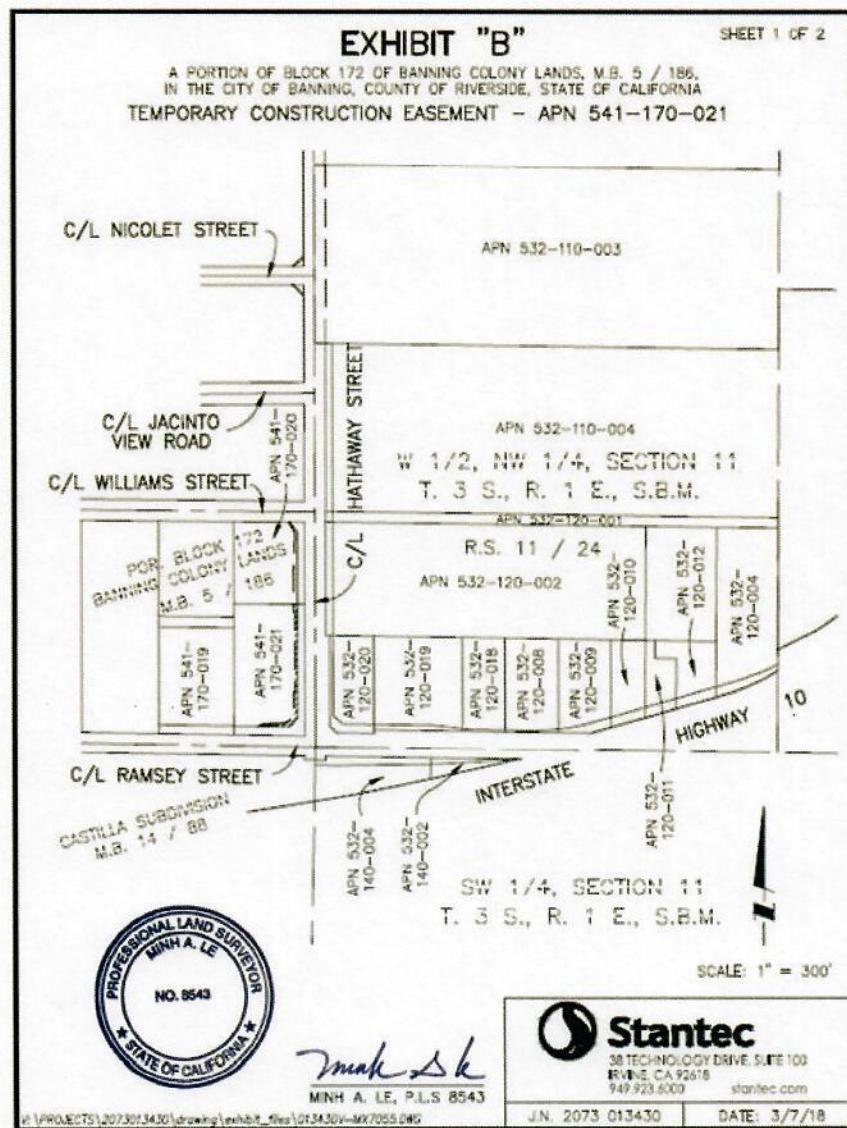


PREPARED BY: STANTEC CONSULTING INC.  
UNDER THE DIRECTION OF:

*Mark Lk*  
MINH A. LE, P.L.S. 8543

MARCH 7, 2018  
J.N. 2073013430

Exhibit "B-2"||  
Depiction of Temporary Construction Easement||



**Exhibit "B-2"¶**

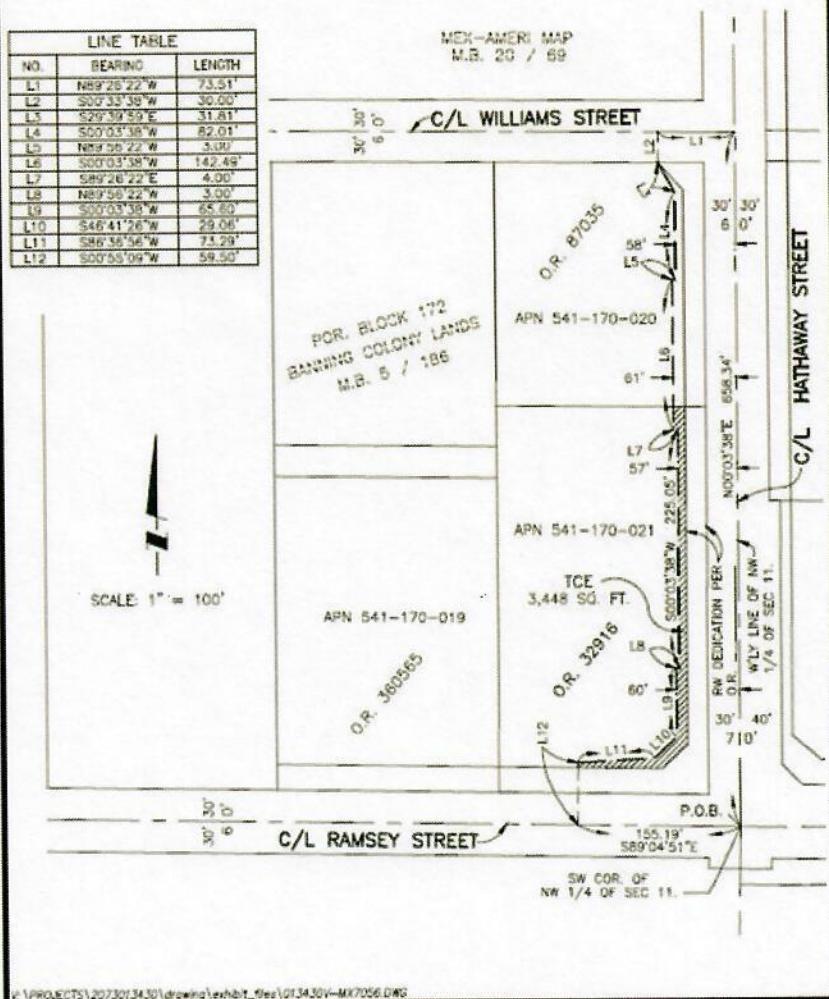
**EXHIBIT "B"**

SHEET 2 OF 2

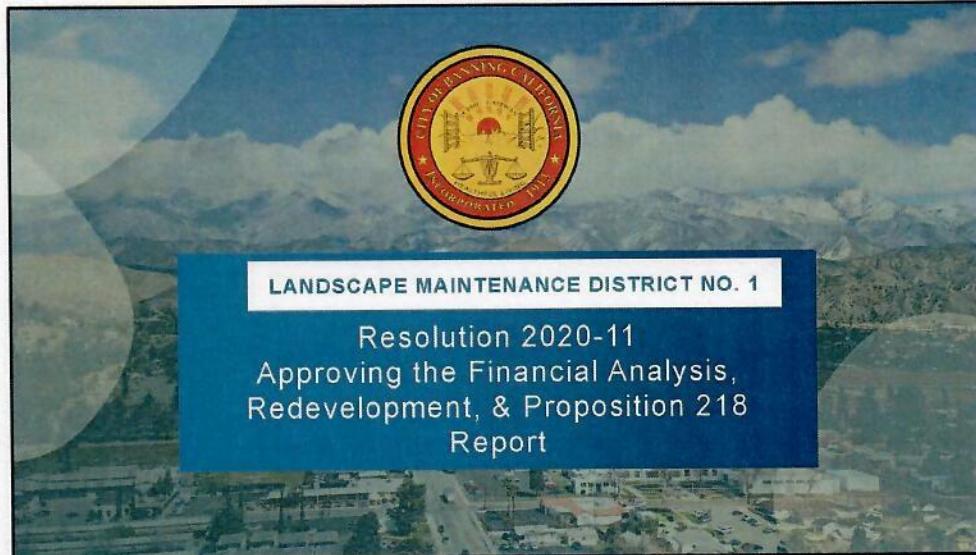
TEMPORARY CONSTRUCTION EASEMENT - APN 541-170-021

LINE TABLE		
NO.	BEARING	LENGTH
L1	N89°26'22" W	73.51'
L2	S00°33'38" W	30.00'
L3	S27°59'59" E	31.81'
L4	S00°03'38" W	82.01'
L5	N89°56'22" W	5.00'
L6	S00°03'38" W	142.49'
L7	S89°26'22" E	4.00'
L8	N89°56'22" W	3.00'
L9	S00°03'38" W	85.60'
L10	S46°41'26" W	29.06'
L11	S86°55'58" W	73.29'
L12	S00°53'09" W	59.50'

MEK-AMERI MAP  
M.B. 23 / 69



# **ATTACHMENT 4**



1

The image is a screenshot of a presentation slide with a dark blue background. At the top left, the word 'Overview' is written in a small white font. Below it, the title 'Landscape Maintenance District No. 1 (LMD No. 1)' is displayed in a larger white font. Three white circular icons, each containing a black checkmark, are listed vertically. The first icon is followed by the text 'Provides Funding for Admin., Landscaping, Utilities &amp; Maintenance' and 'Established in 1990'. The second icon is followed by 'Compromised of 4 Zones' and 'Original Zones Established without an Annual Escalator'. The third icon is followed by 'Annexed 8 Additional Tracts (1 Zone) that Escalate Annually by Consumer Price Index (CPI)'.

2

1

## Financial Analysis, Redevelopment and Prop 219 Report

- ✓ To make sure that the LMD zones comply with Prop 218 guidelines
- ✓ To develop appropriate assessments sufficient to cover current and increasing costs to administer and maintain the LMD.
- ✓ To look at the impacts to future assessments to cover ongoing maintenance and large capital improvement projects.

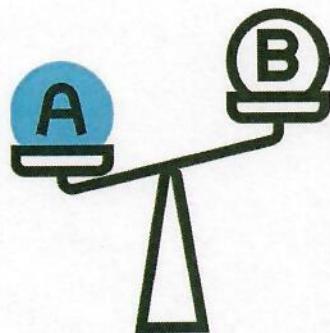
3

ZONES

4

2

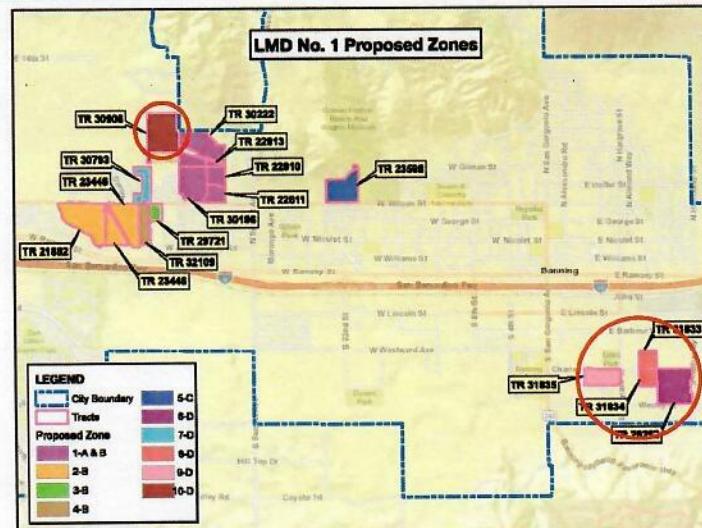
## Current Zone Configuration vs. Special Benefit



### 4 Current Zones:

- Tracts within Zones are Not Contiguous
- Tracts may be Paying for Benefit Not Received
  - Tracts (within same Zone) paying **higher rates** than their actual costs
  - Tracts (within same Zone) paying **lower rates** than their actual costs

5



6

3



7

### New Zone Recommendations

Proposed Zone	Tract No(s.)	# of Assessment Units
1	TR22810, TR22811, TR22913, TR30186, TR30222	319
2	TR21882 & TR23446	272
3	TR29721	21
4	TR32109	38
5	TR23598	97
6	TR28252	70
7	TR30793	43
8	TR31833 & TR31834	35
9	TR31835	33
10	TR30906	87

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## FUNDING OPTIONS

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### Options

1. Budget & Rates with Maintenance Program Only (\$0.29/SQFT)
2. Budget and Rates with Maintenance Program escalated by 50% (\$0.44/SQFT)
3. Budget & Rates with Maintenance Program & CIP program over 30 Years



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Summary of Options								
Proposed Zone	Original Zone	Tract No.	# of Assessment Units	FY 2019-20 Assessment Rates	Prop 218 Option 1 Maintenance Program FY 2020-21	Prop 218 Option 2 Escalated Maintenance Program FY 2020-21	Prop 218 Option 3 Redesign CIP Program FY 2020-21	Assessment Rate per Unit
1	A	22810	43	\$108.90	\$207.39	\$230.07	\$246.33	
1	A	22811	39	\$108.90	\$207.39	\$230.07	\$246.33	
1	A	22913	9	\$108.90	\$207.39	\$230.07	\$246.33	
1	B	30186	107	\$113.31	\$213.31	\$230.07	\$246.33	
1	B	30222	121	\$113.31	\$213.31	\$230.07	\$246.33	
2	B	21882	134	\$113.31	\$97.85	\$107.69	\$244.90	
2	B	22446	128	\$113.31	\$97.85	\$107.69	\$244.90	
3	B	29721	38	\$113.31	\$174.71	\$183.60	\$207.58	
4	B	32109	21	\$113.31	\$308.89	\$333.77	\$680.61	
5	C	23598	97	\$98.91	\$159.01	\$168.30	\$227.80	
6	D	28252	70	\$210.38	\$171.98	\$187.77	\$211.62	
7	D	30793	43	\$210.38	\$158.09	\$167.77	\$203.12	
8	D	31833	17	\$210.38	\$375.93	\$392.07	\$617.08	
8	D	31834	18	\$210.38	\$375.93	\$392.07	\$617.09	
9	D	31835	33	\$210.38	\$314.54	\$359.77	\$990.40	
10	D	30906	87	\$210.38	\$221.55	\$235.63	\$431.81	
Total			1015					

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## Property Owner Outreach

- ✓ Letters to property owners
- ✓ 4 property owner meetings held at the Senior Center
- ✓ Social media
- ✓ City Website
  
- ✓ Notifications will be posted near community mailboxes
- ✓ Online surveys/Survey cards



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## Next Steps

- ✓ Continue with outreach
- ✓ Report outreach and survey results to City Council
- ✓ Staff will recommend options to include on the Prop 218 ballot (March, 2020)
  - ✓ One option per zone will be voted on by property owners in that zone.
- ✓ Prop 218 ballots mailed out (May, 2020)
- ✓ Public Hearing (June, 2020)
  - ✓ Count ballots
  - ✓ Approve Engineer's Report



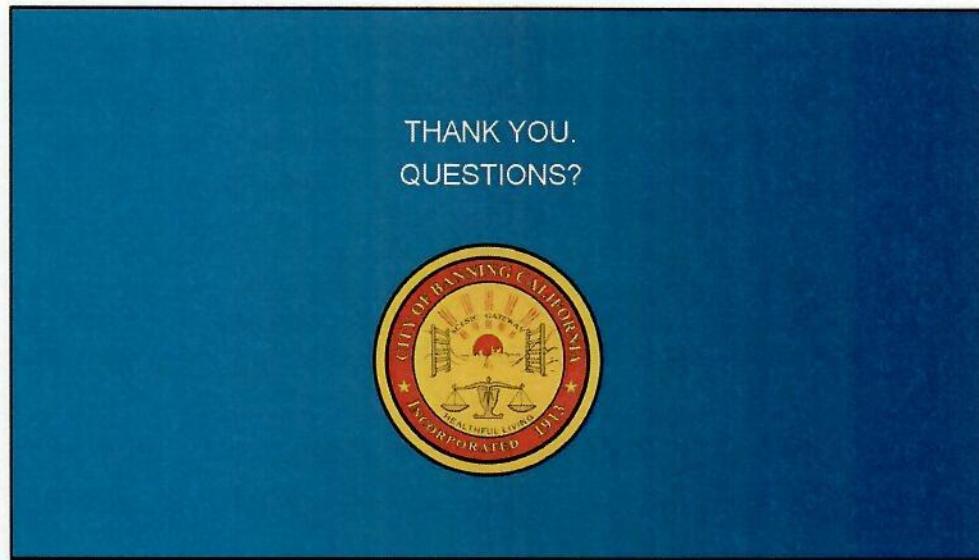
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## Resolution 2020-11

- Staff recommends adoption
  - Approval of the *Financial Analysis, Redevelopment and Proposition 218 Report*
    - With the approval, the rezoning will occur whether any of the funding options are approved by the property owners or not.*

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