

AGENDA
REGULAR MEETING
CITY OF BANNING
BANNING, CALIFORNIA

September 23, 2008
6:30 p.m.

Banning Civic Center
Council Chambers
99 E. Ramsey St.

Per City Council Resolution No. 1997-33 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.

I. CALL TO ORDER

- Pledge of Allegiance
- Invocation
- Roll Call – Council Members Botts, Franklin, Hanna, Machisic, Mayor Salas

II. PUBLIC COMMENTS/CORRESPONDENCE/PRESENTATIONS
ANNOUNCEMENTS/APPOINTMENTS

Report by City Attorney

Report by City Manager

PUBLIC COMMENTS – On Items Not on the Agenda

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

PRESENTATIONS

1. Proclamation – Proclaiming October, 2008 as Fire Prevention Month 1
2. Proclamation – Congratulations to Bud Mathewson – Stagecoach Days
Grand Marshal (ORAL)

*Our Mission as a City is to provide a safe, pleasant and prosperous
community in which to live, work and play. We will achieve
this in a cost effective, citizen friendly and open manner.*

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

ANNOUNCEMENTS/COUNCIL REPORTS:
(Upcoming Events/Other Items and Report if any) (ORAL)

III. A. CONSENT ITEMS

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

Motion: That the City Council approve Consent Items 1 through 20

Items to be pulled _____, _____, _____, _____ for discussion.

(Resolutions require a recorded majority vote of the total membership of the City Council)

1.	Approval of Minutes – Regular Meeting – 09-09-08	2
2.	Ordinance No. 1397 – 2 nd Reading: An Ordinance of the City Council of the City of Banning, California, Approving General Plan Amendment #08-2501 and Zone Change #08-3501 to Amend the General Plan Land Use Map and Zoning Map from Industrial (I) to General Commercial (GC) for the Properties Generally Located at the Southwest Corner of San Gorgonio Avenue and Lincoln Street. (APN: 540-250-008 & 061)	26
3.	Ordinance No. 1398 – 2 nd Reading: An Ordinance of the City Council of the City of Banning, California, Approving General Plan Amendment #08-2502 and Zone Change #08-3503 to Amend the General Plan Land Use Map and Zoning Map from General Commercial (GC) to Business Park (BP) for the Property Located at 2909 W. Lincoln Street (APN: 538-190-015)	33
4.	Resolution No. 2008-99, Adopting Environmental Review Guidelines for the Implementation of the Provisions of the California Environmental Quality Act (CEQA)	40
5.	Resolution No. 2008-107, Awarding the Construction Contract for Project No. 2007-07 Rubberized Asphalt Concrete (RAC) Overlay and Street Improvements Along Wilson Street from 8 th Street to 20 th Street to Cooley Construction, Inc. for an amount of Not to Exceed \$733,925.00, which includes an approximate 10% construction contingency	77
6.	Resolution No. 2008-108, Awarding Contract for Operation and Maintenance of the City of Banning's Landscape Maintenance District (LMD) No. 1 to Artistic Maintenance, Inc. of Lake Forest, California, for a monthly amount of \$3,327.52	84
7.	Resolution No. 2008-109, Approving Change Order No. 2 to the Construction Contract awarded to West Tek, Inc. for Project No. 2008-05, Removal of an Underground Storage Tank and Appurtenances at 311 E. Ramsey Street and Authorizing the necessary budget appropriations from the 2007 Tax Allocation Bond Proceeds.	92
8.	Resolution No. 2008-111, Authorizing the Appropriation of General	

Account funds for the P.O.S.T. Team Building Workshop in the Amount of \$8,799.00, Which Will Be Reimbursed to the City of Banning Through the California Commission on Peace Office Standards and Training Upon Completion of the Workshop	102
9. Notice of Completion for Project No. 2008-06, Replacement of Flooring at the Banning Community Center and Senior Center	105
10. Notice of Completion for Project No. 2008-07, Cabinet and Countertop Replacement at the Banning Senior Center.....	109
11. Public Improvements Acceptance and Performance/Labor and Material Bond Release for Barbour Street Industrial Park located at the southwest corner of the intersection of Hathaway Street and Barbour Street	113
12. Accept the Right-of-Way Dedications from Ann Smith for Street Improvements at 770 W. Ramsey Street	114
13. Accept the Right-of-Way Dedications from Robert D. Little and John Walls For Street Improvements at Assessor's Parcel Number 540-125-011 (Ramsey St.)......	125
14. Accept the Right-of-Way Dedications from Robert D. Little and John Walls For Street Improvements at Assessor's Parcel Number 540-125-012 (Ramsey St.)......	130
15. Accept the Right-of-Way Dedications from Robert D. Little and John Walls For Street Improvements at Assessor's Parcel Number 540-125-013 (Ramsey St.)	135
16. Accept the Right-of-Way Dedications from Leticia A. Martinez for Street Improvements at Assessor's Parcel Number 540-125-014 (Ramsey St.)....	140
17. Accept the Right-of-Way Dedications from Uyming Ling for Street Improvements at Assessor's Parcel Number 540-125-015 (Ramsey St.)....	144
18. Accept the Right-of-Way Dedications from Uyming Ling for Street Improvements at Assessor's Parcel Number 540-125-016 (Ramsey St.)....	148
19. Recommendation from Parks & Recreation Advisory Committee to Award the Contract for the Parks Master Plan Update to RJM Design Group, Inc. for an amount not to exceed \$125,000	152
20. General Plan Annual Progress Report (February 2006 to June 2008)	154

- Open for Public Comments
- Make Motion

IV. REPORTS OF OFFICERS

1. Heidi Meraz, Recreation Director
 - A. Stagecoach Days Update (*ORAL*)
2. Brian Nakamura, City Manager
 - A. Approval to Establish a Community Advisory Panel for Renewable Energy Opportunities for the City of Banning

Recommendation: **That the City Council approve the establishment of a Community Advisory Panel for Renewable Energy Opportunities**

for the City of Banning, in which members will be appointed by the City Council based upon technical and professional skills and knowledge and commitment toward objectively exploring and developing the City of Banning as a leading community in renewable energy opportunities.

V. ITEMS FOR FUTURE AGENDAS

New Items –

Pending Items –

1. Schedule Meeting with the Beaumont City Council (*Salas – 11/27/07*) (*City Mgr.*)
2. Schedule Special Jt. Meetings with the City's Various Committees (Planning Commission, Economic Development Committee, Parks & Recreation) (*Franklin – 11/27/07*)
4. Review of Development Fees (*Hanna – 12/11/07*) (*Johnson*) (*ETA 10/28/08*)
5. Review of Ordinance regarding the selling of cars in shopping center parking lots (*Salas – 9/9/08*) (*Hansen*) (*ETA 10/14/08*)
6. Ordinance regarding smoke free parks (*Hanna – 8/12/08*) (*Nakamura*) (*ETA 10/14/08*)
7. Report on “One Stop Shop” (*Franklin – 8/12/08*) (*Hansen/Nakamura*) (*ETA 10/14/08*)
8. Bring back Riverside County Policy regarding animal rescue groups (*Salas*) (*Nakamura*) (*ETA 10/28/08*)
9. Report on “Request Partner” (*Hanna – 8/12/08*) (*Nakamura*) (*ETA 10/14/08*)
10. Development of Bridge & Thoroughfare District to fund grade separation at Hargrave (*Hanna – 8/12/08*)
11. Consideration of City Town Hall Meeting to hear what departments the City has and what kind of services the City offers. (*Franklin – 9/9/08*)

FUTURE MEETINGS

1. Special City Council Meeting (Closed Session) – September 29, 2008 – City Attorney Interviews beginning at 5:30 p.m. in the Large Conference Room.
2. Special City Council Meeting Budget Workshop – October 3, 2008 at 2:00 p.m. - Council Chambers

VI. ADJOURNMENT

Pursuant to amended Government Code Section 54957.5(b) staff reports and other public records related to open session agenda items are available at City Hall, 99 E. Ramsey St., at the office of the City Clerk during regular business hours, Monday through Friday, 8 a.m. to 5 p.m.

NOTICE: Any member of the public may address this meeting of the Mayor and Council on any item appearing on the agenda by approaching the microphone in the Council Chambers and asking to be recognized, either before the item about which the member desires to speak is called, or at any time during consideration of the item. A five-minute limitation shall apply to each member of the public, unless such time is extended by the Mayor and Council. 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 three-minute limitation shall apply to each member of the public, unless such time is extended by the Mayor and Council. A thirty-minute time limit is placed on this section. No member of the public shall be permitted to "share" his/her three minutes with any other member of the public. 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 (909) 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].



PROCLAMATION

WHEREAS, the City of Banning is committed to ensuring the safety and security of all those living in and visiting our City; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed more than 2,500 people in the United States in 2006, according to the latest research from the nonprofit National Fire Protection Association (NFPA), and fire departments in the United States responded to nearly 400,000 home fires; and

WHEREAS, cooking is the leading cause of home fires and home fire injuries, while heating equipment and smoking are the leading causes of home fire deaths; and

WHEREAS, Banning's fire officials are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, Banning's residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, the 2008 Fire Prevention Month theme, "It's Fire Prevention Month – Prevent Home Fires!" effectively serves to remind us all of the simple actions we can take to stay safer from fire during Fire Prevention Month and year-round.

NOW, THEREFORE, I, Brenda Salas, Mayor of the City of Banning along with the City Council do hereby proclaim October 2008 as "**FIRE PREVENTION MONTH**" throughout the city, and urge all people of Banning to protect their homes and families by heeding the important safety messages of Fire Prevention Month 2008, and to support the many public safety activities and efforts of Banning's fire and emergency services.

IN WITNESS WHEREOF, I have set my hand and caused the seal of the City of Banning, California to be affixed this 23rd day of September, 2008.

ATTEST:

Marie A. Calderon, City Clerk

Brenda Salas, Mayor

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

09/09/08
REGULAR MEETING

A regular meeting of the Banning City Council was called to order by Mayor Salas on September 9, 2008 at 6:30 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

COUNCIL MEMBERS PRESENT:	Councilmember Botts Councilmember Franklin Councilmember Hanna Mayor Salas
COUNCIL MEMBERS ABSENT:	Councilmember Machisic
OTHERS PRESENT:	Brian Nakamura, City Manager Eric Vail, Assistant City Attorney Duane Burk, Public Works Director Jim Earhart, Public Utility Director Nicole Mihld, Purchasing Manager Leonard Purvis, Police Chief Phil Holder, Lieutenant George Hansen, Community Development Dir. Ted Yarbrough, Fire Marshal/Emergency Services Coordinator George Thacker, Asst. Public Works Dir., Water/Wastewater Kim Clinton, Senior Planner Marie A. Calderon, City Clerk

Mayor Salas invited the audience to join her in the Pledge of Allegiance to the Flag. The invocation was given by Pastor George Rosemier, Banning United Methodist Church.

PUBLIC COMMENTS/CORRESPONDENCE/PRESENTATIONS
ANNOUNCEMENTS/APPOINTMENTS

Report by City Attorney - Nothing to report at this time.

Report by City Manager

City Manager said that on Friday they had a meeting that included the County and Morongo Tribe in regards to approval of a technical amendment request regarding the Ramsey Street extension. Because of the fact that the meeting occurred after the posting of the agenda he would ask that the Council consider this an emergency item because it is time sensitive.

Motion Hanna/Botts to add this item to the agenda. Motion carried, all in favor with Councilmember Machisic absent.

PUBLIC COMMENTS – On Items Not on the Agenda

Edward Miller, 5088 Breckinridge Ave. addressed the Council stating that he has a doctorate in Engineering Science and many years of experience in power and emission analysis. He has read the environmental impact report carefully and after reviewing the report he finds much data that indicates that this plant should not be built in the Banning area. He went on to read what was stated in the EIR in regards to air quality and pollutants from this plant. Based on the data in the EIR the City Council should place this on the agenda quickly to reject the application of Liberty to build a power plant. Please permit us to consider more appropriate activities for our city rather than to consider polluting the air in our city.

Mayor Salas asked that if anyone has correspondence that you would like us to put into the record, get a copy to the City Clerk. Also, she asked staff if any questions or particular subjects were raised if we could take note of those and have questions and answers back to the Council so that we have all of the information possible for each issue raised by our constituents.

Lyndon Taylor, 1702 Fairway Oaks addressed the Council stating his background is bio-chemistry with a Masters Degree in Bio-Chemistry and a PHD and it is from that perspective that he comes forward to the Council to urge your most critical assessment of the current proposal by Liberty Energy Corporation. He has done a considerable amount of research into the proposal itself and general impact of such waste combustion technologies on both humans and communities. He went over his studies of chemicals that can be released into our community by this facility and he also addressed the trucks entering and leaving the community with sewer sludge, increased traffic, flies and other insects, odors and decline of property values. He urged the Council consideration of this critical issue of community health and welfare.

Benson Goldstein, 428 Sandpiper St. addressed the Council stating that he is a practicing California attorney but his background is civil engineering from Carnegie Mullen University in Pittsburg and Stanford University in Palo Alto. He said his concern is how it took about 27 months to get to this point and he just found out about this in early August. He doesn't know what made the Council want to very consider a project like this. He went over the downside of this project which includes the loss of property value, health conditions, pollutants, half a mile from an earthquake fault, no ability to recover if there is an accident and no experience in putting this together. He said why should Banning be the dumping ground for all the human feces in Southern California? He would recommend that the Council terminate any further consideration of this project.

Steve Lack, resident of Riverside addressed the Council stating that he represents a number of people who have become very concerned with the status of the San Gorgonio Inn. This building is a significant historic resource here and the building itself dates to 1931 but the use there goes all the way back to 1884. Reusing it and rehabilitating it makes sense from a number of standpoints. First of all it already fits into the adopted design guidelines that the Council has adopted for the downtown area. The City amongst

other entities is looking into forming a San Gorgonio Pass Heritage Corridor which will celebrate the history and maintaining the historic resources within that area is an extremely important part of that. Preservation works on a number of levels here and when we talk about bringing people in and having an interest for whatever reason corridors like this automatically bring up a couple of ideas like the Gas Lamp Corridor in San Diego and Colorado Blvd. in Pasadena because they maintain their older, smaller, more scaleable historic buildings and reuse them. They have not torn down everything. These things are pleasing to look at and people want to go to them. In regards to economics preservation jobs where you come in and preserve a building are higher paying jobs. There is preservation on a number of issues here and Banning has a very unique history.

Virginia Ross, resident of Redlands, California addressed the Council stating that she is President of the San Gorgonio Pass Historical Society and they echo the sentiments put forth by Steve Lack. She would also like to remind the Council that about 16 or 17 years ago their organization worked with Diana Cedar who was the County Historian at the time and the City Council to help preserve Old Town Banning and gave historical status to some of the buildings. They are all for saving the San Gorgonio Inn and it could be made into a prize attraction for the City.

Galina Dwyer, 864 Wesley Street addressed the Council stating that they moved in this neighborhood three years ago and they like it here. In the three years in her neighborhood Fair Oaks development was completed, the maximum security jail was expanded into their back yards, across the street is the RV park and high school and it is terrible and now what is next is a biomass solar sludge sewage plant next to a resident area. How can this happen? How is it possible for the two years to keep this big controversial project out of public sight? She considers it as a resident, as a patriot, as a citizen as a failure to communicate with your constituents. She is here to inform the Council that they are starting a grassroots public campaign in order to unite all Banning neighborhoods in order to form public opposition to this project and take necessary action to stop it. They will have a public forum this Thursday, Sept. 11th at 6:00 p.m. at Life Point Church, 565 N. San Gorgonio and invite all concerned citizens of Banning, all candidates for City Council, and all residents of the Pass Area. They also invite the Council to attend. This will be an election year issue and an issue of the future of Banning.

Larry Ellis, 10691 Gilman Street addressed the Council stating that he teaches Chemistry and Environmental Science at the Banning High School and has been teaching there for 32 years. One thing we need to be aware of is that the very things that attached him to this community 32 years ago are the mountains and these mountains have create an hour glass situation. All the air has to flow between these mountains through the Pass Area which concentrate the pollutants from other areas and also our own pollutants. Thirty years ago he coached cross-country and the students used to come at 6:30 a.m. to practice and to run because by 3:30 p.m. 30 years ago you could not see the face of Mt. San Jacinto. The air has definitely improved and we need to keep it going in that direction. We shouldn't bring in industry that will lower our air quality to the degree that this industry is going to. Once you bring dirty industry into an area you will only attract dirty

business. Clean businesses will not come into this area because of guilt by association. If we don't have our health, we don't have anything.

Lee Gladden, 6148 Turnberry Drive stated that he is 62 year career psychologist and management consultant and has taught at the college and university level and has been in private practice and management consultant to major industries in the Southern California area. He has a MBA in Business Management and a PHD in Psychology and he was consultant for a number of years to a construction company who built many, many homes in the area and has a long experience of the history of property values. He has read the EIR for Liberty Energy and agrees with what has been said by the previous speakers. However, he would like to call attention to something else that needs to be taken into consideration and regardless of what scientific data shows and regardless of what interpretations are put on it whether its believed that evidence indicates that Liberty will harm individual health and harm the environment or whether its believed it will not this is really irrelevant to the question he wants to address which is property values and real estate. Living in Sun Lakes and knowing there are a number of upscale homes in this area that cater to retirement people he thinks that we can assume even though there has been a real estate slump in recent years that as the baby boom generation enters their retirement years they will be selling their homes looking for retirement homes and we have a number of retirement communities like Sun Lakes here and they are not going to bother to read the EIR or go through all the data. One single sentence that they pick up from someone may be enough knowing the psychology of the average buyer to determine whether they will buy here or not because selling is somewhat like politics. Politics is somewhat like perception and to large extent sales is perception also. Facts are irrelevant; it is what people believe. The first he heard of this project was two weeks ago and he heard from a neighbor that there was a proposal to make Banning a dumping ground for the garbage and sewage from Los Angeles with no indication of what was going to be done whether it might be safe or unsafe. That alone is enough to turn the average buyer off and he doesn't think we want that image of being the dumping ground for raw sewage and garbage. Whether it does in fact poses a health hazard it is not the perception that is going to sell homes in this area. He would strongly recommend that the Council vote no on this proposal.

Joan Kapin, 5197 Rivera Ave. addressed the Council stating that we as a community are united in exposing the truth about the Liberty Energy project. We are united in stopping this ill-advised project and will employ all resources available to us. We are disappointed that the Council and the City has been considering this project for two years without obtaining the facts. How could you have done so and how could it have gotten this far if some research had been done. Why did you wait for the people to bring this to you? Mr. Bracken is trying to push this through as an energy plant because that is easy and does not require federal permits and apparently no one in the City has investigated what this actually is and the negative impact that it will have on our entire community. You can all save the City bus fare to Minnesota as this is not the same type of operation. One telephone call will confirm this operation is a sludge burning incinerator located at the Wastewater Treatment Plant. This plant burns the sludge and produces just enough energy to operate that plant. There is no plant in operation in the Untied States. This has

never been done and it is not proven. This is an election year for the Council so possibly some of you will not be here when this is brought to the Council for a vote. However, we urge you to be clear in your campaign on your position in this matter of Liberty Energy. We expect you to stand by your campaign promises as we will hold you accountable. Do not let this come to a vote. End this travesty before it can start.

Maureen Riley, Director of Sludge Watch and an Environmentalist with a specialty in wastewater and wastewater sludge addressed the Council. She has been working in this area since 1996. She was touring California visiting some friends and has been asked to assist some local people in understanding sludge issues. They have arranged a sewage plant tour for tomorrow afternoon at 2:30 p.m. and staff from the City and staff from the sewage treatment plant and from the energy group from the City will be there. If people want to start learning about sewage sludge and where they go and what gets done with them and where the plant will be located this is more of a tour to look at what is existing now but also bring people together to educate them. If anyone would like a free subscription to the "Sludge Watch List Serve" of which there is about a thousand people around North America who are already List Serve members there is no charge and no advertising and she can take your email address or if you want to look up "sludge watch" you can find it on any Google search engine. If she can help in any way, she knows way too much about sludge and she thinks that it makes sense that if people are going to discuss the issue that there be as much light as heat on the issue.

Fred Sakurai, 43000 Dillon Road addressed the Council stating he is retired and a citizen of the city of Banning and he is thinking of the city of Banning and what is good for the city of Banning and he thinks the bio-regeneration plant and Liberty Energy is good for the city of Banning.

Bill Dickson, 5700 W. Wilson wanted to take this opportunity to thank all of the residents of Banning of making this year's Playhouse Bowl a fantastic success. This is 56 years of something very positive in this community and wanted to thank all the residents for participating and giving input and hope it is even bigger and better next year.

Charlene Sakurai, 43000 Dillon Road addressed the Council giving a summary statement about "Cool Summer Nights". That went on for six weeks and it was a wonderful collaboration of three organizations which included the Chamber of Commerce, the San Gorgonio Rotary and the Alliance, as well as, Boys and Girls Club, PBAL and Community Services. This venture turned out to be more successful than they anticipated and maybe not as good as they had hoped. They learned a lot and had wonderful community participation. They will do this again next year and it will take place over a longer period of time so that Art Hop which will be toward the end of April will be almost the kick-off for Cool Summer Nights and will continue on till the weekend before Stagecoach Days. She thanked everyone who participated and it was a tremendous effort. On a separate note the Banning Cultural Alliance and the Banning Library are partnering to provide a bus trip on November 12th to Rogers Gardens and Sherman Gardens in Newport Beach and they will be decorated for the holidays. The cost is \$30 which includes the bus, gratuity for the bus driver and entrance into Sherman Gardens. It

is first come, first serve and you can call the Alliance at 951-922-4911 to make reservations and the bus will leave at 9 a.m. and return by 5 p.m. with lunch on your own.

Linda Goldstein, 428 Sandpiper asked the Council to please stop the Liberty Energy Project because the good people of Banning deserve better than the smell of human feces and you cannot put the price on health no matter what the revenue will be.

Jerry Bailey, 1424 Wyte Way addressed the Council stating his views on the Liberty Energy project. (See attachment "A").

Chris McCallum, 575 W. Westward addressed the Council stating that he was here last Thursday night and he was coming to find out some facts and he knows that there is a lot of emotion involved around this whole issue but one of things that he is trying to deal with himself is that he is trying to learn about different businesses that want to come into our business-friendly city. What he saw last Thursday night felt like a vigilante type thing. He is not in favor of this project or opposed at this point. If a business wants to come into our community he thinks that it is fair that we give them a chance to tell their point of view and as we do that then we can make our own decisions and hopefully the Council will make the right decision just like we have seen in a number of situations. Like the gentleman said perception is everything. If he was a potential business coming into this community after last Thursday and I had a legitimate business, I would have been out of here so fast I couldn't see straight. His concern is business in the future and the perception that we are business-friendly. We spent probably over a million dollars over his last 30 years trying to attract business and every time something comes it ends up too much like this unless it is a fast food store. It is important that we as a community understand that when people are approaching this Council or anybody to bring a business here that we give them a chance to present their case and then we make a decision. He wants people to come here and tell us their story and if we think it is right, then we go. And if we don't, they are gone. But there is a right way to do it.

Mayor Salas said that we have had a variety of experts in our community and she thanked each and everyone for bringing their thoughts forward. It is important to hear from the public and she encouraged them to come to future City Council meetings. She said in the past we have had projects particularly in 2000-2001 when Synagro who proposed something in the Pass Area and we were able to defeat that. She would like to know the difference between the various sludge plants such as Synagro Energy as well as the questions and answers and any new information brought up this evening to be addressed for the Council as well. She asked the City Attorney before Council makes comments if they have any thoughts since this is an item not on the agenda she wanted to make sure that we do everything appropriately.

Assistant City Attorney said if she was referring to the Liberty Energy comments that were made by members of the public this isn't an item on the agenda tonight for action. And it is his understanding that it is working its way through the deliberative process to come to the Planning Commission so the Planning Commission and do its job and make a recommendation to the City Council and eventually that project will make its way to the

Council. While it is going through the deliberative process State law generally requires that we don't predetermine the outcome of the project. You are supposed to fair and impartial judges when a project comes to you. You can of course while you are judging the project in light of all of the information make your determination, listen to public comments and testimony and weigh the facts. Right now those facts are not before the City Council. You don't have the EIR in front of you to review and you will not get that until the project moves further along. So at this point in time you cannot take a position on this particular project and as some of the members of the audience have requested that you stop the processing of the project State law actually prohibits us from stopping processing of projects. Even if we were to impose a moratorium on these types of facilities in the city a business could come into town, file an application and we would need to process it. It is due process. Council is not bound to approve it; Council can approve it but it is your discretion to do. We need just to follow through the process and give each step its due regard. He is very pleased to hear that there are a number of community forums and it is wonderful to get that kind of public input but the Council is not going to be able to go to those and espouse a position and it shouldn't take a position tonight.

Mayor Salas asked if they could go and listen but not take a position.

Assistant City Attorney said that you can certainly go and listen. It is well to hear the comments of the community however, he will caution the Council that if more than three of you should attend the meeting you cannot have any discussion whatsoever because this is a matter within the subject matter of the jurisdiction and that could be a violation of the Brown Act. You can make comments as members of the public but remember there is that standard that says that when it comes before you if you espoused a position already, any action you take can be subject to legal challenge as being biased or predetermined. There are some risks in going but if you sit individually, privately and quietly and listen there is nothing in the law that prohibits that.

Mayor Salas said as a City Council in a community we have to wait for it to come to the Planning Commission and as the City Council can we as a City at least let all the residents know when these meetings are going to be held. Sometimes there is a certain mile radius but this is a city-wide concern.

Assistant City Attorney said absolutely. Whatever notice the City Council wants to give for a particular project it can notice those meetings, it can notice the community forums, and it can put out a schedule when it is anticipated to come up. Even though State law doesn't require that particular notice State law just imposes minimum notice requirements of the 300 foot radius that you mentioned. The City can give any additional notice that it desires.

Mayor Salas said that the notices that have gone out said that they are City Council meetings and she doesn't want anyone in the public to be misconstrued as far as when the actual voting is going to take place. We want them to be able to voice their opinion when we are going to take the vote and the forums are equally important but at the same time

the night of the decision is when we want to make sure everyone knows that is going to happen.

Assistant City Attorney said he would encourage the Planning staff to be in coordination with the developer and the applicant on this project to make sure that the notices that they send out are not misleading in that regard. And anything that is an applicant posted meeting should be clearly identified as that so the public is not confused that it is in fact a City Council meeting or a Planning Commission meeting.

Mayor Salas said she doesn't believe the notices had a return address. They were sent out by residents so it is hard to say if it was the applicant or someone else. She knows for sure that the City did not send them out.

Councilmember Hanna said that they asked the applicant to do these two additional community meetings. They were not legally required and the applicant put these major advertisements in our local paper to let people know. These were beyond the scope of what was required. We felt it was really important that the public knew that the draft EIR was released and had this opportunity. She thinks that we need additional community forums when it is appropriate. Most people understand that there is going to be an amended EIR that will be coming out later in the next month or so and then the 45-day public comment process and then it will go to the Planning Commission, etc. and that is the process it must go through. But these two community meetings were essentially hosted by Liberty Energy so the experts that were speaking were for the most part Liberty Energy experts and obviously it would be more balanced to have experts from the City environment impact report experts rather than Liberty Energy experts so that people can be more confident that the data that is being presented is fair and balanced.

Mayor Pro Tem Franklin said that in regards to not only Liberty Energy but anytime we have anything that is of a particular concern to the community she spoke to a gentleman who works for a energy plant and his recommendation was that in a situation like this that we talk about getting an independent advisory panel that would be as objective as possible and she wasn't sure at what point we would want to talk about that since it is not an agenda item. Is that something we could even talk about?

Assistant City Attorney said that is something that would need to be agenized as an item on a subsequent meeting. You currently don't have advisory panel requirements on any of your projects. However, that could be something that the Planning Commission is asked to consider by your staff should we create an advisory commission. The City Council could as part of its deliberations require either additional town meetings as suggested by Councilmember Hanna or in addition it could suggest an advisory panel be created. He is not familiar with exactly what land use permit this business is processing so there might be State law required processing time that we would have to take into consideration but he is sure the Planning Department through the City Manager could provide you a report back on this.

Councilmember Hanna said that there is one approach used by the California Public Utility Commission where they have a process where an administrative judge oversees the process and it is very fair and balanced where we might even fund the possibility of alternative views on the project and to go through that process where the administrative judge makes a recommendation to the Council which the Council could either accept or reject. And that process she thinks will be proposed to the Council in the near future.

Mayor Pro Tem Franklin would like the Council to consider this as an agenda item for the future for our next meeting if we wanted to go that way or an advisory panel or whatever we wanted to do.

Councilmember Hanna said the more the public can be aware of the process either by what the law requires us to do or any alternatives that are possible the better off we all will be.

Mayor Salas said that it sounds like there is consensus for that.

Meeting recessed at 7:38 p.m. and reconvened at 7:50 p.m.

PRESENTATIONS:

2. Presentation to Chuck Chappel by City Council

Mayor Salas said that Mr. Chappel is a very good man and has been in our community for a long time and presented a Certificate of Congratulations to Mr. Chappel on his 90th birthday and for his contributions as a local businessman, as a Rotarian and WWII Veteran with the presentation of the American Flag that was flown over the State Capitol in Sacramento.

Councilmember Hanna said that at the request of the Honorable Mary Bono Mack, Member of Congress two flags that were flown for Chuck Chappel's 90th Birthday and as a Rotarian (since 1965). One flag will be given to Mr. Chappel and the other one to the American Legion.

Mr. Chappel thanked the Council for this presentation.

1. Presentation by Amy Herr of the Boys and Girls Club

Amy Herr said she wanted to thank the City for all of the support for the Boys and Girls Club. The main clubhouse is operated out of the Roosevelt Williams Park. There were tremendous programs there this summer and they had 170 kids that signed up for their programs and averaged about 75 to 110 children. She passed out T-shirts to the Council. She thanked Duane Burk for his responsiveness because everything they had an issue he either came to clubhouse or sent someone to handle the issues. That included Tom Lara who is part of the Parks Maintenance staff and he came out in the heat of the summer to work on some sprinkler issues because the grass was very dry and now it is green and

beautiful and it was very much appreciated. Also when they had issues where they needed the Police Department they responded quickly and resolved the issues and also came to visit. Also they took about 60 kids to the pool everyday and the Park and Recreation staff were very friendly and helpful. Also the Laura May Stewart Foundation sponsored part of their summer program as well as the Sun Lakes Residents and Charities. Mrs. Herr gave a power-point presentation showing pictures of their many activities. They wanted to say thank you to the City of Banning and they are continuing to do wonderful things and bring more kids into the Club. They currently have programs running at the clubhouse which is open to anyone from ages 7 to 17 and also running programs at Central Elementary, Hoffer Elementary and Nicolet Middle School for anyone that attends those schools. There is no cost for those programs and they only ask the kids to stay for the entire day so that they get the greatest impact that they can. Also there are two upcoming events: 1) Pancake Breakfast on Saturday 9/13 at Applebee's from 8 to 10 a.m. and tickets are \$5 and all proceeds go to the Boys and Girls Club; 2) Day for Kids which is a national event and this will be done in conjunction with United Way Day of Caring and Roosevelt Williams Park on Saturday, Sept. 20th from 9 a.m. to Noon.

Mayor Pro Tem Franklin said thank you for making suggestions that came across to the City Council about 8 years ago and we talked about Boys and Girls Club and it is finally reality and she thanked Mrs. Herr for that.

CORRESPONDENCE: There was none.

EMERGENCY ADD ITEM:

Councilmember Botts said that he and Councilmember Hanna had the opportunity to be a part of the meeting that he wants to talk briefly about. This is an urgency item in that we have about \$1,750,000.00 that was selected by Congressman Lewis in 2003 to help us identified a potential key to solving our transportation issues after the 12-hour stoppage of traffic. We need an alternative at the freeway when it is closed again. If we don't deal with the funding tonight or fairly shortly, we could in fact lose the funding. We meet with the Morongo Band of Mission Indians, Germania Group which is working with the Tribe, Marion Ashley and the County and arrived at an agreement on Friday that we do need this Council to ratify and that is to support the shifting of that money and support an alternative route on the south side of the freeway with the extension of Westward rather than absolutely locking in to the extension of Ramsey Street. There are a number of reasons for that and from Banning's standpoint it doesn't take away from our importance over time and he trusts probably the Tribe's interest with the extension of Ramsey St. at the appropriate time but if we don't take action now we could lose this funding. The extension of Westward from Banning to the Main Street in Cabazon is what is being proposed and is very much agreed upon and could more very quickly. So what is being requested is to call this Airport Way instead of Westward or Ramsey in our letter to Congressman Lewis and to support tonight the shifting of those funds to the south side for the extension of Westward. Councilmember Botts said in attendance is Tom Linton with the Morongo Tribe, Eric Haley former Executive Dir. of RCTC and Juan Perez with

County Transportation. Mayor Salas said also in attendance is former Chairman Maurice Lyons who is now a Tribal Councilman.

Tom Linton, Director of Planning and Building Services for the Morongo Band of Mission Indians addressed the Council stating that he and Juan Perez probably are the ones that go back to the history of this project. It has transcended both several City Councils, staff, city manager and CAO's and the list goes on but the purpose is still the same. Years back when they originally started talking about the Ramsey Street extension as a matter of safety but also as a matter of convenience in looking at our alternatives on the north side the Tribe did have some concerns with the north side travel path. The incident that we had some time ago with the shooting investigation on I-10 really brought to light especially with the California Highway Patrol's response to that that we need this a lot sooner than we thought we did and so it is a matter of safety and the Tribe is very supportive in looking at it on the south side of the freeway. It is also important that once we are all able to move forward on this that we sit down and establish a mutually beneficial pathway or route that will both help the county, the city and the Tribe. He said that the Tribe is fully in support of this and do want to see it move forward and protect the funds that Congressman Lewis has generously selected to aid in the project that will greatly benefit to those involved.

Eric Haley thanked Councilmember Botts for hosting the meeting and Marion Ashley for joining and Councilmember Hanna. This consensus can really set the stage for many, many good things in years to come so they are really excited about it and particularly appreciative that you were able to move this with such speed because we have just a couple of months to get this into the appropriations bill process before this Congress ends.

Juan Perez, Director of Transportation – County of Riverside addressed the Council stating that on behalf of Supervisor Ashley and Supervisor Wilson the County is very pleased to partner with the Tribe and partner with the City and move this project forward as expeditiously as we can. They are certainly ready, willing and able to be the lead agency on this project in cooperation with all three of the agencies and hit the ground running and get started on the necessary studies to make this a reality. He appreciates everyone coming together.

Mayor Salas opened the item for public comments. There were none.

Councilmember Hanna said this is very exciting and it was said at the meeting that this was probably the first major cooperative project between the three agencies. It is her understanding that the County will consider this next Tuesday and perhaps the following week the Tribal Council will consider it. So by the end of this month we should have full agreement and be able to move more. **Councilmember Hanna moved that the Mayor be allowed to sign such a letter moving this forward to the Congress. Motion seconded by Mayor Pro Tem Franklin.**

Mayor Salas asked that maybe along with the letter we add attachments of newspaper articles that might help or assist Congressman Lewis in case he hasn't seen them.

Motion carried, all in favor with Councilmember Machisic absent.

CONSENT ITEMS

1. Approval of Minutes – Regular Meeting – 08/12/08

Recommendation:

2. Ordinance No.1394, An Ordinance of the City Council of the City of Banning, California, Amending Chapter 8.12 of the Banning Municipal Code Revising the Regulations Pertaining to the Maintenance of Vacant and Distressed Buildings.

Recommendation: That Ordinance No. 1394 pass its second reading and be adopted.

3. Resolution No. 2008-94, Establishing a Classification and Compensation Policy for Part-Time Employees of the City of Banning.

Recommendation: That the City Council adopt Resolution No. 2008-94, amending the City's Part-time Classification Salary Plan to reflect new job classification and salary range.

4. Resolution No. 2008-100, Authorizing the Police Department to Destroy Internal Affairs Records in Excess of Five Years from Date of Completion Per California Government Code Section 34090 and California Penal Code Section 832.5.

Recommendation: That the City Council adopt Resolution No. 2008-100.

5. Resolution No. 2008-101, Approving a Side Letter to Memorandum of Understanding Between the City of Banning and the City of Banning Association of Managers (CBAM).

Recommendation: That the City Council adopt Resolution No. 2008-101, approving a side letter to the Memorandum of Understanding (MOU) with the City of Banning Association of Managers (CBAM) Unit.

6. Resolution No.2008-102, Authorizing the Expenditure of \$65,729 received from the Riverside County Fire Department Office of Emergency Services, under the FY 08 State Homeland Security Grant Program (HSGP), for the purchase of a state-of-the-art fiber optic inspection and viewing kit.

Recommendation: That the City Council adopt Resolution No. 2008-102.

7. Resolution No. 2008-103, Authorizing the Police Department to Receive a One Time Appropriation of \$10,683.33 from the City's General Fund to Pay for Educational

Materials Used in the Red E. Fox Program Taught to Elementary School Children on How to Use the Emergency 9-1-1 System.

Recommendation: That the City Council adopt Resolution No. 2008-103.

8. Resolution No. 2008-104, Authorizing the Destruction of Banning Police Department Informational and Criminal Records as Provided by Section 34090 of the California Government Code and Resolution No. 2003-26 of the City of Banning.

Recommendation: That the City Council adopt Resolution No. 2008-104.

9. Resolution No. 2008-106, Participating with the County of Riverside Mortgage Credit Certificate (MCC) Program.

Recommendation: That the City Council adopt Resolution No. 2008-106, which will allow the City to participate in the County MCC Program for mortgage loans available for first-time homebuyers in Banning.

10. Emergency Repairs to Well No. C-4 Booster Motor & Pump Assembly

Recommendation: That the City Council approve the repairs to the Well No. C-4 Booster Motor and Pump Assembly in the amount of \$7,670.00 and direct the City Clerk to record the Notice of Completion.

11. Amending the Existing Contract with E. S. Babcock for Laboratory Services in the Amount of \$7,000.00.

Recommendation: That the City Council amend the existing Contract with E. S. Babcock for Laboratory Services in the amount of \$7,000.00.

12. Percolate Purchased State Project Water (SPW) into the Noble Creek Recharge Facilities.

Recommendation: That the City Council authorize the payment in the amount of \$75,000.00 to Beaumont Cherry Valley Water District (BCVWD) for the costs of spreading water into the Beaumont Groundwater Basin, in which the City has existing storage water rights. Also, allow staff to increase this amount an additional \$50,000.00 when the opportunity to purchase and spread more water presents itself.

13. Amending the Existing Agreement for Consultant Services with PARSONS Water & Infrastructure, Inc. to Provide Additional Work for the Design of the Wastewater Treatment Plan Expansion in the amount "Not to Exceed" \$34,910.00.

Recommendation: That the City Council approves amending the existing Consultant Services Agreement for Design and Construction Management of the Wastewater Treatment Plant Expansion in the amount not to exceed \$34,910.00.

14. Accept the Grant of Easement from Pastor Richard S. Szydlowski of the Mountain Avenue Baptist Church, located on Parcel No. 1 of Parcel Map No. 76-4, as per Map Recorded in Book 27, Page 61 of Parcel Maps in the Office of the Riverside County Recorder.

Recommendation: That the City Council accept the Grant of Easement Dedication from Pastor Richard S. Szydlowski of the Mountain Avenue Baptist Church, located on Parcel No. 1 of Parcel Map No. 76-4, as per Map Recorded in book 27, page 61 of Parcel Maps in the Office of the Riverside County Recorder, for water purposes, as shown on attached Exhibit "B", and direct the City Clerk to accept and record said easement.

16. Approval of Accounts Payable and Payroll Warrants for the Month of June 2008

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

17. Approval of Accounts Payable and Payroll Warrants for the Month of July 2008

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

Mayor Salas opened the item for public comments.

Charlene Sakurai, 43000 Dillon Road said that there is an item that talks about a Stagecoach Days Update and she knows it is in the packet but the general public does not get that information and asked if it could be discussed.

Mayor Salas pulled Consent Item No. 15.

Motion Botts/Hanna to approve Consent Items 1 through 14 and 16 and 17. Motion carried, all in favor except for Councilmember Machisic who was absent.

15. Update on Stagecoach Days

City Manager said basically at the prior Council Meeting it was asked by Councilmember Botts and concurred by the Council that we would like an update as to where we are with the status of Stagecoach Days. This preliminary report is just to advise you that many of the items that were in last year's Stagecoach Days and where we are in the events are moving forward in a timely manner and are on track. He was informed by Mrs. Meraz today via email that we are receiving the funds that we had received last year and they are coming in but as to what specific funds he is not sure. They will also put together a report that includes the contributions from the City side as well in the next report.

Mayor Pro Tem Franklin asked that the calendar of event for Stagecoach Days be shown on Channel 10 for people to see and hand outs at City Hall. She knows that it is going to

be in the newspaper but we want to this available and accessible to as much of the public as possible.

Mayor Salas opened the item for public comments.

Bill Dickson, 5700 W. Wilson addressed the Council stating that they had a Stagecoach Days meeting yesterday and things are moving well. One of the big hurdles that they had is always picking somebody to be the Grand Marshal and they had a suggestion and carried it out and Bud Mathewson will be the Grand Marshal. It is moving along and they have a lot of participation.

Mayor Salas said that now that Bud Mathewson is mentioned we requested in the past putting a proclamation together for him and if we could coordinate that before Stagecoach Days and the Chamber could help with verbiage.

Councilmember Hanna said that one item is not in the report because it is the week prior to Stagecoach Days and that is on Saturday, Sept. 27th there will be a Stagecoach Days Dance at the Armory at 7:30 p.m. And as a Banning Rotarian she must remind folks of the Annual Spaghetti Dinner to be held at the Banning Community Center on October 1st and tickets are \$6.00 and children under 5 are free with a paid adult. Dinner will be served from 4:00 to 7:00 p.m. At the end of the evening they will celebrate the Grandmother and Grandfather of the Year Contest.

Mr. Dickson said that the Muttin Busting will not be held this year and they will have something else and BPAL is thinking of taking on the challenge of Chicken Rustling. This will involve the youth.

Gene Taylor local business owner said his local manager made an effort to find a way to support and be a sponsor of this event and the only thing that they were able to come up with was taking a vendor booth which was not really anything they were interested in. For next year if you could encourage developing sponsorship opportunities for local businesses to help defer some of the costs and be more actively involved in the development of this it would give them the opportunity to jump in and be involved.

Mr. Dickson said that there are sponsorships and he will get his name and number.

Motion Hanna/Franklin to approve Consent Item No. 15 to receive and file the update on Stagecoach Days. Motion carried, all in favor with Councilmember Machisic absent.

ORDINANCE-INTRODUCTION

1. Increase of Council Compensation
(Staff Report – Eric Vail, Assistant City Attorney)

Assistant City Attorney said that this item is a matter of routine and it generally comes up every two years. State law provides that City Council can vote to increase its stipend in an election year where a new council person is going to be seated. This increase in the stipend does not take effect until a new Council person is seated and then it takes effect for all Council persons. Generally the rule is 5% per year since the last increase. Two years ago the city Council passed an amendment to their ordinance that increased it to \$390 per month and the 10% increase in this ordinance would bring it to \$429. You are not obligated to pass it but if you don't pass it now, you would have to wait for the next cycle when someone would be up for election and a new Council person would be seated.

Mayor Salas said for the record she would like to state that she will not be voting on this matter since she will not be here on the City Council when the new Council is seated. She asked if she needed to abstain on this vote or just vote.

Assistant City Attorney said that she does not need to abstain and can vote although she is welcome to abstain. It is typical for Council Members who are up for election even if they are not running to vote on the item and it is an item before the business and it will apply to the next Council in December.

There was Council discussion in regards to this item and the budget.

Fred Sakurai, 43000 Dillon Road addressed the Council stating it would seem although he knows all of the Council and you are probably worth much more than the 10% it wasn't just a couple of months ago that we were trying to come up with different sources of revenue to help the City budget. He thinks that it would be inappropriate at this time to even consider giving yourselves an increase until we get an additional source of revenue into the City coffers.

Mayor Salas said it looks like they have consensus here but she would like to say that this Council works very hard. Each and everyone of the Council members at the very minimum spend two to three times more than they make on this modest stipend and we do it because we care about the community and want to see Banning move forward. She is glad to see everyone coming together to really work hard to make Banning a better place.

Motion Botts/Franklin to table this item and bring it up in the next cycle. Motion carried, all in favor with Councilmember Machisic absent.

PUBLIC HEARINGS

1. General Plan Amendment #08-2501 & Zone Change #08-3501: Consideration of a Request to Amend the General Plan Land Use Element and Zoning Map by changing the land use designation from Industrial (I) to General Commercial (GC) for the properties generally located at the southwest corner of San Gorgonio Avenue and Lincoln Street (APN No. 540-250-008 & 061).
(Staff Report by Kim Clinton, Senior Planner)

Ms. Clinton gave the staff report as contained in the agenda packet. She said that the Planning Commission recommended approval of this project and she also read for the benefit of the audience the findings made by the Planning Commission on August 5, 2008 because most of them illustrate the various points of why the project is recommended for approval. She also read the zone.change findings.

Mayor Salas opened the public hearing on this item. There were no comments.

Assistant City Attorney said he would like to note for the Council that every once in a while small things are done that are not necessarily how you might have seen them in the past. Generally State law provides that General Plan Amendments can be done either by ordinance or resolution and it typical to do General Plan Amendments by resolution so that they can be changed without an ordinance. In this case and in the next item, you have a combined ordinance that does both the General Plan Amendment and the Zone Change. It is perfectly appropriate under the law. You will just need to remember collectively that if you go to change the General Plan Amendment on this property in the future, you need to do so by ordinance and not by resolution. It doesn't impact this substantively but it might have been something a little different that you have seen before and he wanted to alert the Council on this matter.

Chris McCallum, 757 W. Westward addressed the Council stating that he thinks this is a great idea because you are going to capture a lot of traffic going up to Idywild and coming back. Those are revenues he thinks should stay in the city when people are getting off the freeway at both Hargrave and 8th Street.

Cindy Barrington, 1081 Wesley address the Council stating she agrees and she doesn't have much to say about the change in the zoning. But would like the Council to consider the fact that is the pathway that a lot of high school children walk to and from school. With the increase in traffic there might need to be something done about the stop signs that are there with maybe a traffic light instead. You can ask the business owner to consider this when he is building.

Darwin Manuel, 539 S. Brea Blvd., Brea addressed the Council stating that he represents the owners and after listening to the staff report he wanted to say that they appreciated this as the proposed developers. They had help from Brian Nakamura to get started on this and he gave them some direction. The new Community Development Director, George Hansen also helped them out with this project and Kim Clinton did the yeomen work in keeping them straight on how to get this to the Council for review. He said that they agree with the report. He thanked the Council and would be glad to answer any questions.

Mayor Salas asked if it has been taken into consideration the comments that were brought forward in regards to the kids walking south or north.

Mr. Manuel said that the City has made a complete improvement of the sidewalk along Lincoln and it is complete. They have put in a new asphalt sidewalk on San Gorgonio so

they may have to adjust themselves. In regards to the signal light that is part of your planning process and it is in the process.

Mayor Salas closed the public hearing for comments.

Mayor Pro Tem Franklin asked as a point of clarification she thinks that you can do an amendment to the General Plan four times in a year and do you know what number this is for us this year.

Assistant City Attorney said it is four times and he doesn't know what number the City is at. Community Development Director said that this is the third one.

Mayor Pro Tem Franklin asked if any others were anticipated for this year. Kim Clinton said that there are some in the works but whether they will come forward this year or not she is not sure. Mayor Pro Tem Franklin asked if there was any way to combine this with No. 2.

Assistant City Attorney said if you set it up in advance and go in cycles you can include a number of General Plan Amendments as one General Plan Amendment cycle and that only counts as one. You have set these up as separate, distinct, independent so these would each count as one. You could take up how you do that in the future as a matter of policy at another meeting.

City Manager said that is a good question and he will work with Mr. Hansen in the Planning Department to kind of see where we need to go in terms of grouping those together as Mr. Vail has suggested. These two were kind of critical issues to get things moving forward on specific elements. It is his understanding that the next one that the Council will be hearing has been in the works for some time also and staff wanted to move these forward as prudently as possible without jeopardizing opportunities in the future.

Mayor Salas asked the City Clerk to read the title of Ordinance. City Clerk read: No. 1397, An Ordinance of the City Council of the City of Banning, California, Approving General Plan Amendment #08-2501 and Zone Change #08-3501 to Amend the General Plan Land Use Map and Zoning Map from Industrial (I) to General Commercial (GC) for the Properties Generally Located at the Southwest Corner of San Gorgonio Avenue and Lincoln Street (APN: 540-250-008 & 061).

Motion Hanna/Franklin to waive further reading of Ordinance No. 1397. Motion carried, all in favor with Councilmember Machisic absent.

Motion Franklin/Hanna that Ordinance No. 1397 pass its first reading. Motion carried, all in favor with Councilmember Machisic absent.

2. General Plan Amendment #08-2502 & Zone Change #08-3503: Consideration of a Request to Amend the General Plan Land Use Element and Zoning Map from General Commercial (GC) to Business Park (BP) for the property located at 2909 W. Lincoln Street (APN No. 538-190-015).

(Staff Report – Kim Clinton, Senior Planner)

Ms. Clinton gave the staff report as contained in the agenda packet and read for the benefit of the audience the findings made by the Planning Commission on August 5, 2008.

Mayor Salas opened the public hearing for comments from the public.

Gene Taylor, owner of the property said he wanted to take this opportunity to thank the City for working with them on this project and it has been an interesting challenge. He said that the frustration is that they did not design or build this property and he doesn't think it could be built today with the amount of parking that it has available and the way things are set up. The difficulty that they have run into is that they have retail along the street, two industrial buildings that run up the side of the property and those are not suitable for retail. At some point in time the folks next door will build and at that point in time they may be able to convert those into commercial. Right now the only kinds of renters that they are able to attract are things like warehouses, etc. He appreciates the City working with them and finding solutions that he thinks is a reasonable compromise for all concerned.

Mayor Salas closed the public hearing for comments.

There was some small discussion in regards to design of these buildings.

Mayor Salas asked the City Clerk to read the title of Ordinance. City Clerk read: Ordinance No. 1398, An Ordinance of the City Council of the City of Banning, California, Approving General Plan Amendment #08-2521 and Zone Change #08-3503 to Amend the General Plan Land Use Map and Zoning Map from General Commercial (GC) to Business Park (BP) for the Property Located at 2909 W. Lincoln Street (APN: 538-190-008 & 015).

Councilmember Hanna said she was at the grand opening of this facility in 1985 and what they said was that they were all amazed that it was built and wondered what prospects it had for success and at the time they were told that the owners had not debt on the property and could wait for as long as it took and it has never been fully utilized. She thinks that this change is appropriate and would fit the structure and place where it is at in the city.

Motion Hanna/Franklin to waive further reading of Ordinance No. 1398. Motion carried, all in favor with Councilmember Machisic absent.

Councilmember Botts said thank you to Gene Taylor because he has been at this for 18 months to two years trying to work with the City through staff changes and city manager changes and we didn't talk about the fact that we created the problem when we changed the General Plan and put him into a non-conforming status where he couldn't get loans to do anything with it. He has been a very patient businessman.

Motion Hanna/Franklin that Ordinance No. 1398 pass its first reading. Motion carried, all in favor with Councilmember Machisic absent.

Mayor Pro Tem Franklin said that in looking at these two particular items one of the things that they were able to review is how the zoning looks for different types of businesses and there is some consistencies in the information that we have in regards to what kinds of things are allowed and not allowed in the business park. An example is that we allow massage parlors and laundries but we do not allow bakeries. She wanted to know if there was a way to possibly have a couple of the Council members work with staff to look at what the intent is of the General Plan to make sure that we are really doing the things that we need to so that we are correct before somebody else has to come to us and ask for some kind of an amendment or zone change.

Councilmember Hanna said that they are going to do the annual review of the General Plan at the next meeting and that may be an opportunity to discuss that a little bit more.

ANNOUNCEMENTS/COUNCIL REPORTS:

Mayor Pro Tem Franklin -

- Had the opportunity to go to the Town Hall Meeting in Calimesa with the City Manager and this was put on by Supervisor Ashley where he had all of the different departments from the County come out. It was very informative to talk about overall what the County was doing and how it was going to impact us throughout the whole Pass. She did ask Supervisor Ashley if he was going to do one here and he said there would probably be one here next year in Cabazon. She wanted to suggest something we might be able to consider, if the Council is in concurrence, with having our own type of Town Hall Meeting where people are able to hear about all the different departments that the City has and what kind of services we offer so that people are aware of what is actually here. This is something we can maybe start next year but it can be put on the agenda for a future item for our City to do.
- Supporting the Troops will be held on September 17th and this will be the last day for people to be able to donate items, money or even letters to let our troops know that we are supporting them especially from the Pass Area. Their goal is to have 100 boxes packed and shipped.
- College classes are available both here and at Banning and Beaumont high schools. The last day to add classes or to go the classes is Sept. 19th and high school students can take these classes for free. We do want to encourage our students to go and also call the Mt. San Jacinto Office to let people know what kind of classes they want in the future.
- Transit portion of T-Now met recently and very soon they will have opinion surveys both on the buses, as well as, in your utility mailers. They not only want to find out what people think who are currently riding the bus but for people who are thinking about it or can be encourage to ride the bus. Results of the survey should be out hopefully no later than November.
- She and resident, Don Robinson, attended the Indio Teen Center Grand Opening this past Saturday. This gives us some idea of some of the things we should consider here. One portion of our community which has not really been addressed is our teen population. The Indio Teen Center is a state-of-the-art facility located across from the high school and open Monday through Friday from 2 to 9 p.m. It has everything

from a computer room to a sound room. They have a wellness sessions for both girls and guys and have a lot of room outside.

Mayor Salas –

- October 3rd at 8:30 a.m. – Prayer Breakfast at Highland Springs Fellowship
- September 25th – Water Workshop at Highland Springs Resort starting at approximately 5:30 p.m.
- She read the different activities that will be happening for Stagecoach Days

ITEMS FOR FUTURE AGENDAS

New Items –

Councilmember Hanna said of the ten items pending five of them are supposed to be cover at our next meeting and is that accurate. City Manager said that was correct.

Councilmember Botts said that he raised the issue earlier about the need to come back and really come back and look closely at budget to actual and can we have that at the next meeting.

Councilmember Hanna said that when we approved the budget we said we would meet on a monthly basis if necessary in a workshop format. Unfortunately our Finance Director was out for six weeks.

City Manager said we originally discussed that we would try to bring it back by the end of September in a workshop format and he is not sure if it would be at the next meeting. What we have is a situation where we are closing out our books and we are trying to get our payments that have been either made through the State or through other transactions in at least a final format and be able to prepare that budget.

Finance Director said that they are in the process of closing out last fiscal year and as City Manager Nakamura was explaining that is a process and at this point what she would like to ask Council is to set up a workshop for the first part of October and that will give her the opportunity to have fairly final and very accurate picture of how we ended last fiscal year in relation to our original estimates. She thinks that will be key to how we move forward in the financial position of the City. Also at that workshop they can discuss the intervals that the Council would like to have regular budget workshops.

There was Council consensus to October 3, 2008 at 2 p.m.

Councilmember Botts asked the Finance Director on a monthly basis, quarterly or whatever do we not have budget to actual that we can look at as a Council.

Finance Director said that on a monthly basis by the 15th of the month is what they shoot for and they do produce budget to actual worksheets for both revenues and expenditures and they are detailed sheets and go out to the various departments and that is what department directors use to help monitor their own budget on a regular basis and know

where their department stands. We haven't been summarizing those in any fashion to bring back any type of summary report or distribute any kind of summary report to the Council. That doesn't mean that they can't. If the Council desires some type of summary reporting she can make some suggestions and put together a format to see if Council would like that. She would be happy to distribute those on a monthly, quarterly or whatever the design is.

There was some further Council discussion on receiving this kind of information.

Mayor Pro Tem Franklin said in regards to political signs the comment was made in regards that there had been a grand jury investigation regarding what we do with our ordinance and she wanted to know where we are with that and if that was correct.

Councilmember Hanna said that two years ago the Riverside County Grand Jury asked the City of Banning for kind of a review of our campaign sign ordinance. We were not informed of that at the time as she recalls and never recalls being informed about that. Also at her request the City Attorney indicated that although she had not been involved in the creation of our campaign sign ordinance she did a review of it for the grand jury and that is when she saw that for the first time that basically our ordinance is unconstitutional.

Mayor Pro Tem Franklin said that was interesting because she did talk to people from other cities which she had done when it was put into place as part of the General Plan and zoning because other cities have the same ordinance and she was told this last weekend at an event she attended with council members from other cities that theirs are still in place also with the same kind of time frames. That is why she is asking is there an issue with what our current ordinance is and if there is, what are we doing to resolve it.

City Manager said he was asked to look into this and he has been for the last week or so and will have something for the Council at the next meeting and he can bring a summary for the whole Council.

Pending Items –

1. Annual Review of General Plan (*Hanna- 10/9/07*) (*Comm. Dev.*) (*ETA 9/23/08*)
2. Schedule Meeting with the Beaumont City Council (*Salas- 11/27/07*) (*City Mgr.*)
3. Schedule Special Jt. Meeting the Banning Unified School District Board – (*Botts – 11/27/07*) (*City Mgr.*) (**Sept. 12, 2008 2x2 Meeting – Botts/Franklin**)
4. Schedule Special Jt. Meetings with the City's Various Committees (Planning Commission, Economic Development Committee, Parks & Recreation) – (*Franklin – 11/27/07*)
5. Review of Development Fees (*Hanna – 12/11/07*) (*Johnson*) (*ETA 9/23/08*)
6. Review of Ordinance regarding the selling of cars in shopping center parking lots – (*Salas – 9/9/08*) (*Hansen*) (*ETA 9/23/08*)
7. Ordinance regarding smoke free parks (*Hanna – 8/12/08*) (*Nakamura*) (*ETA 9/23/08*)
8. Report on “One Stop Shop” - (*Franklin – 8/12/08*) (*Hansen/Nakamura*)
9. Bring back Riverside County Policy regarding animal rescue groups – (*Salas*)

(Nakamura) (ETA 9/23/08)
10. Report on "Request Partner" - (Hanna -6/24/08) (Nakamura) (ETA 9/23/08)

CLOSED SESSION

Assistant City Attorney said that the City Council will meet in closed session pursuant to Government Code 54957 with regard to City Manager evaluation.

Mayor Salas opened the item for public comments. There were none.

City Manager said this is unrelated to the closed session but because we did not have our last meeting we have an individual who recently joined our team, George Hansen, who is our new Community Development Director and he is a welcomed addition. He currently joins us from the City of Grover Beach California and indicated that he is returning home because he served in the City of Calimesa as the Community Development Director and as the City Manager.

Mr. Hansen addressed the Council stating that it is a privilege to be back home. There are a lot of opportunities that the City of Banning has potential for and he hopes to bring those to the City Council for consideration as well as to the Agency. It is very exciting to be here and he believes this community is certainly on the threshold of doing something really different from all the other Pass communities.

Meeting went into closed session at 9:25 p.m. and returned to regular session at 10:20 p.m. with no reportable action.

ADJOURNMENT

By common consent the meeting adjourned at 10:20 p.m.

Marie A. Calderon, City Clerk

**THE ACTION MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE CITY COUNCIL.
A COPY OF THE MEETING IS AVAILABLE IN DVD FORMAT AND CAN BE REQUESTED IN
WRITING TO THE CITY CLERK'S OFFICE.**

My name is Jerry Bailey, 1424 W 7th Way

I am not done warning you the Mayor, and city council of the mistake you make if you continue to consider Liberty Power.

It is the wrong answer to our energy needs.

Solar panels, concentrated solar power, wind, enhanced geo thermal, and exciting conservation. These are the answers to our energy needs.

I am a patient man, and care for the families and children and wish them a safe and prosperous life in Banning.

The city planner said I should read the Environmental Impact Report to see what Liberty power is.

I was patient and read the EIR, and I saw problems and dangers for all children and families. Problems we do not need!

The children and families already have enough working against them in this world; they do not need or want a major polluter, real estate devaluation, health issues, and a bad reputation for their city.

I was patient and hard working and wrote clearly some of the many outstanding dangers listed in the EIR report.

I was careful at all times in writing to also point to the better choices of solar, wind, that DO improve our reputation and increase our property value and thereby bring many more jobs and residents and businesses to Banning.

I was patient during the Liberty Power spin doctor session Thursday night. But I am human, and my patience ran out when they avoided a logical discussion on the cancer issue. The moderator avoided my many polite requests to speak. And yes I gave a very clear warning to all.

Many other families gave different warnings to the city council that night to end this nightmare and say no to Liberty Power. And say yes to safe energy.

You have been warned at two meetings totaling 5 hours and in writing. You have had over a year and a half of your elite development time to do your homework, and see your mistake yourselves.

For some strange reason you still beg for more time. Well you ran out of time long ago.

But, as a patient man I also continually point you to the right solutions for Banning's safe non polluting energy.

Tonight let the exciting future of our lives begin,

Open your eyes, open your mind,

Say NO to Liberty Power and Yes to Solar, wind, conservation, geo thermal.

Now, tonight get this behind us, and set us free from this night mare.

THINK! *here is the way we should cherish*,

“Banning – The First completely solar and wind powered city In America”

2nd Read.

ORDINANCE NO. 1397

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT #08-2501 AND ZONE CHANGE #08-3501 TO AMEND THE GENERAL PLAN LAND USE MAP AND ZONING MAP FROM INDUSTRIAL (I) TO GENERAL COMMERCIAL (GC) FOR THE PROPERTIES GENERALLY LOCATED AT THE SOUTHWEST CORNER OF SAN GORGONIO AVENUE AND LINCOLN STREET. (APN 540-250-008 & 061).

WHEREAS, the City undertook a comprehensive General Plan and Zoning Ordinance update in 2003; and

WHEREAS, the Municipal Code allows for Zoning/General Plan Map Amendments consistent with the goals and policies of the General Plan; and

WHEREAS, an application for a General Plan Amendment and Zone Change to change the land use and zoning from Industrial (I) to General Commercial (GC) has been duly filed by:

Applicant / Owner:	San G Konsolidated and Robert W. Crawley
Authorized Agent:	Darwin Manuel
Project Location:	SWC of Lincoln and San Gorgonio Avenue
APN Number:	APN 540-250-008 & 061
Lot Area:	3.75 acres and .74 acres

WHEREAS, in accordance with Government Code § 65854, on July 25, 2008 the City gave public notice by advertisement in the Record Gazette Newspaper and by mailing public notices to property owners within a 300 foot radius, of the holding of a public hearing at which the project would be considered by the Planning Commission; and

WHEREAS, on August 5, 2008 the Planning Commission held the noticed public hearings at which interested persons had an opportunity to testify in support of, or opposition to, the Zone Change and at which the Planning Commission considered the GPA / Zone Change; and

WHEREAS, at this public hearing the Planning Commission considered, heard public comments on, and on August 5, 2008 adopted Resolution No. 2008-16 recommending approval of the proposed zone change; and

WHEREAS, in accordance with Government Code § 65854, on August 29, 2008 the City gave public notice by advertisement in the Record Gazette and by mailing public notices to

property owners within a 300 foot radius, of the holding of a public hearing at which the project would be considered by the City Council; and

WHEREAS, on September 9, 2008 the City Council held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the GPA / Zone Change and at which the City Council considered the Zone Change; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BANNING DOES RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

SECTION 1. ENVIRONMENTAL FINDINGS.

The City Council, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines and Thresholds of Significance, the recommendation of the Community Development Director as provided in the Staff Report dated September 9, 2008 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. CEQA: Upon submittal of the applications, staff reviewed the proposed project in accordance with the California Environmental Quality Act (CEQA) guidelines. After examining the proposed project, staff determined that the project is Categorically Exempt under Section 15332 (Class 32, (In-fill Development) of CEQA. The proposed project as approved will be consistent with the General Plan and Zoning Ordinance, the parcel is smaller than five acres, the project site has no value as habitat for endangered, rare or threatened species, the project will not have a significant effect upon the environment and the site can adequately be served by utilities and public services.

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 Fees paid for by developer of the property when that land is developed.

SECTION 2. REQUIRED GENERAL PLAN AMENDMENT FINDINGS.

Pursuant to Banning Municipal Code Section 17.44.010, the City Council makes the following findings pertaining to GPA #08-2501 and Zone Change #08-3501:

1. The proposed amendment is internally consistent with the General Plan in that the proposed land use designation will not cause any inconsistencies with the other elements of the General Plan.
2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the City in that the proposed land use designation from Industrial (I) to General Commercial (GC) will create new commercial/retail opportunities for the industrial and residential neighborhoods south of the I-10 freeway that do not currently exist. These new commercial and

retail opportunities will certainly result in increased sales tax revenues to the City's general fund (an important factor given the economic status of the region)

3. The proposed amendment will maintain the appropriate balance of land uses within the City in that this project proposes to change the general plan land use designation from Industrial (I) to General Commercial (GC). This amendment will maintain appropriate balance of land uses within the City because there is a limited number of parcels in the southern section of the City that have land use designations that will encourage and promote commercial/retail development for Banning residents.
4. The subject parcels are 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. The project proposes to change the land use element of the general plan from Industrial (I) to General Commercial (GC) and the area where the site is located will be adequately served by utilities, will have proper access per City code, and will be compatible with the surrounding uses.

SECTION 3. REQUIRED ZONE CHANGE FINDINGS

Pursuant to Banning Municipal Code, the City Council makes the following findings pertaining to Zone Change No. 08-3501 a zoning change from Industrial (I) to General Commercial (GC):

1. The proposed zone change is consistent with the goals and policies of the General Plan.

The property is located in the Industrial Zone on the southwest corner of Lincoln Street and San Gorgonio Avenue. This area is made up of a variety of land uses including single family neighborhoods to the south, industrial uses to the east and west and commercial uses to the north. The proposed zone change supports the General Plan Vision Statement that includes: "Well balanced commercial development where revenue generating commercial neighborhoods provides a diversified economy and a wide range of jobs, where people can work without needing their cars and where revitalization and beautification provide a safe and enjoyable shopping experience for visitors and residents alike."

Furthermore, Policy 1 of the Commercial and Industrial Goals, Policies and Programs states that: *"The land use map shall include sufficient commercial lands to provide a broad range of products and services to the City and region while carefully considering compatibility with adjacent residential lands"*. The proposed zone change is on parcels that are on the boundary of a residential neighborhood and on a street that straddles the transition area between industrial and residential uses. A commercial/retail development at this corner would be a compatible transitional use, as well as, would serve as both a buffer and a gateway between

commercial uses to the north on San Gorgonio Avenue, industrial uses along Lincoln Street east and west of the site and residential uses to the south.

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

Changing the zone from Industrial to General Commercial will not cause any internal inconsistencies with the Zoning Ordinance. Because the uses allowed in commercial zones are generally compatible with the surrounding industrial and residential uses and provides a transition between the less intense residential zone and the industrial properties. Furthermore, the land is located in an urbanized environment and City water, sewer and other services are existing and available to serve the site. Lincoln Street is a major highway and is adequately designed to carry the traffic generated by the zoning type. Thus, the proposed project is not anticipated to result in exceeding, either cumulatively or individually, any applicable level of service standards.

SECTION 4. CITY COUNCIL ACTION.

The City Council hereby takes the following actions:

1. **Notice of Exemption.** In accordance with Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062 the City Council hereby approves that General Plan Amendment No. 08-2501 and Zone Change No. 08-3501 for a land use and zoning change from Industrial (I) to General Commercial (GC) is Categorically Exempt from CEQA as outlined in Section 15332 (In-fill Projects).
2. **Approve General Plan Amendment No. 08-2501.** Approve General Plan Amendment No. 08-2501 changing the land use from Industrial (I) to General Commercial (GC) as shown in Exhibit A of this Resolution which is attached hereto and incorporated herein by reference.
3. **Approve Zone Change No. 08-3501.** Approve Zone Change No. 08-3501 changing the zoning from Industrial (I) to General Commercial (GC) as described and shown in Exhibit B of this Resolution which is attached hereto and incorporated herein by reference.

PASSED, APPROVED AND ADOPTED this _____ day of September, 2008.

Brenda Salas, Mayor
City of Banning

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

Burke, Williams & Sorensen, LLP
City Attorney

ATTEST:

Marie A. Calderon, City Clerk

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1397 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 9th day of September, 2008, and was duly adopted at a regular meeting of said City Council on the _____ day of _____, 2008 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

EXHIBIT 'A'

POR. SEC 9 T. 3S. R. 1E
CITY OF BANNING

(22)

PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY
FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCEL
WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.

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STREET

WESTWARD AVENUE

STREET

SAN GREGORIO AVENUE

STREET

MDR

STREET

LDR

STREET

MDR

Exhibit 'B'

Legal Description

General Plan Amendment No. 08-2501 & Zone Change No. 08-3501

BLOCKS 296 AND 297 OF SUBDIVISION OF LANDS ADJOINING BANNING ON THE SOUTHWEST, BEING PARTS OF SECTION 9 AND 16, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SAN BERNARDINO BASE AND MERIDIAN, ON FILE IN BOOK 14, PAGE 662 OF MAPS, RECORDS OF SAN DIEGO COUNTY, CALIFORNIA.

EXCEPTING FROM SAID BLOCK 296 THE SOUTH 377.00 FEET; AND

ALSO, EXCEPTING FROM SAID BLOCK 297 THE WEST 60 FEET OF THE SOUTH 377.00 FEET; AND

ALSO, EXCEPTING FROM SAID BLOCK 297 THE EAST 125 FEET OF THE NORTH 290 FEET; AND

ALSO, EXCEPTING FROM BLOCK 297 THE SOUTH 242 FEET OF THE EASTERNLY 270 FEET.

2nd Read.

ORDINANCE NO. 1398

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT #08-2502 AND ZONE CHANGE #08-3503 TO AMEND THE GENERAL PLAN LAND USE MAP AND ZONING MAP FROM GENERAL COMMERCIAL (GC) TO BUSINESS PARK (BP) FOR THE PROPERTY LOCATED AT 2909 W. LINCOLN STREET (APN 538-190-015).

WHEREAS, the City undertook a comprehensive General Plan and Zoning Ordinance update in 2003; and

WHEREAS, the Municipal Code allows for Zoning/General Plan Map Amendments consistent with the goals and policies of the General Plan; and

WHEREAS, an application for a General Plan Amendment and Zone Change to change the land use and zoning from General Commercial (GC) to Business Park (BP) has been duly filed by:

Applicant / Owner:	Banning Storage LLC
Authorized Agent:	Gene Taylor
Project Location:	2909 W. Lincoln Street
APN Number:	APN 538-190-015
Lot Area:	8.21 acres

WHEREAS, in accordance with Government Code § 65854, on July 25, 2008 the City gave public notice by advertisement in the Record Gazette Newspaper and by mailing public notices to property owners within a 300 foot radius, of the holding of a public hearing at which the project would be considered by the Planning Commission; and

WHEREAS, on August 5, 2008 the Planning Commission held the noticed public hearings at which interested persons had an opportunity to testify in support of, or opposition to, the Zone Change and at which the Planning Commission considered the GPA / Zone Change; and

WHEREAS, at this public hearing the Planning Commission considered, heard public comments on, and on August 5, 2008 adopted Resolution No. 2008-17 recommending approval of the proposed zone change; and

WHEREAS, in accordance with Government Code § 65854, on August 29, 2008 the City gave public notice by advertisement in the Record Gazette and by mailing public notices to property owners within a 300 foot radius, of the holding of a public hearing at which the project would be considered by the City Council; and

WHEREAS, on September 9, 2008 the City Council held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the GPA / Zone Change and at which the City Council considered the Zone Change; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BANNING DOES RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

SECTION 1. ENVIRONMENTAL FINDINGS.

The City Council, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines and Thresholds of Significance, the recommendation of the Community Development Director as provided in the Staff Report dated September 9, 2008 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. CEQA: The Approval of this General Plan Amendment is in compliance with the requirements of the California Environmental Quality Act (CEQA) in that General Plan Amendment No. 08-2502 and Zone Change No. 08-3503 for a land use and zoning change from General Commercial (GC) to Business Park (BP) is Categorically Exempt from CEQA as outlined in Section 15061(b)(3) in that it is consistent with all applicable General Plan policies and that there is no potential that the GPA/ZC will result any significant effects on the environment until development is proposed for the site, at which time an initial study will be required. As such, the project meets the criteria for exemption under the CEQA Guidelines.

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 Fees paid for by developer of the property when that land is developed.

SECTION 2. REQUIRED GENERAL PLAN AMENDMENT FINDINGS.

Pursuant to the Banning Municipal Code, the City Council makes the following findings pertaining to General Plan Amendment No. 08-2502 for a land use change from General Commercial (GC) to Business Park (BP):

1. The proposed amendment is internally consistent with the General Plan in that the proposed land use designation will not cause any inconsistencies with the other elements of the General Plan.
2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the City in that the proposed general plan land use designation from General Commercial (GC) to Business Park (BP) will not be detrimental to the public interest, health, safety, convenience or welfare because the existing uses within the business park complex are very light industrial uses that have existed for 20 years. Further, with the non-conforming status being

resolved through approval of the land use designation change, the property owner will be able to secure new financing to physically and architecturally upgrade and improve the site.

3. The proposed amendment will maintain the appropriate balance of land uses within the City in that this project proposes to change the general plan land use designation from General Commercial (GC) to Business Park (BP). This amendment will maintain appropriate balance of land uses within the City because the site is only 8.2 acres in size and there are adequate sites available in the City for additional General Commercial zoning opportunities. This will still enable the City to promote and encourage commercial/retail development for Banning residents that will bring in sales tax revenues.
4. The subject parcels are 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. The project proposes to change the land use element of the general plan from General Commercial (GC) to Business Park (BP) and the area where the site is located will be adequately served by utilities, will have proper access per City code, and will be compatible with the surrounding uses.

SECTION 3. REQUIRED ZONE CHANGE FINDINGS

Pursuant to Banning Municipal Code, the City Council makes the following findings pertaining to Zone Change No. 08-3503, a zoning change from General Commercial (GC) to Business Park (BP):

1. The proposed zone change is consistent with the goals and policies of the General Plan.

The proposed Amendment is consistent with the goals and policies of the general plan because the property is located in the General Commercial Zone of the General Plan at 2909 W. Lincoln Street. This area is made up of a variety of land uses including single family development on the south, General Commercial zoned land to the west General Commercial to the east and the Union Pacific Rail Road tracks to the north. Policy 1 of the Commercial and Industrial Goals, Policies and Programs is: "The land use map shall include sufficient commercial lands to provide a broad range of products and services to the City and region while carefully considering compatibility with adjacent residential lands". The Business Park designation allows for a broad range of products and services.

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

Changing the zone from General Commercial to Business Park is internally consistent with the Zoning Ordinance because the uses allowed in Business Park zones are generally compatible with the existing and surrounding

industrial/business park and residential uses. Furthermore, the land is located in an urbanized environment and City water, sewer and other services are existing and available to serve the site. Lincoln Street is a major highway and is adequately designed to carry the traffic generated by the zoning type. Thus, the proposed project is not anticipated to result in exceeding, either cumulatively or individually, any applicable level of service standards.

SECTION 4. CITY COUNCIL ACTION.

The City Council hereby takes the following actions:

1. **Notice of Exemption.** In accordance with Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062 the City Council hereby approves that General Plan Amendment No. 08-2502 and Zone Change No. 08-3503 for a land use and zoning change from General Commercial (GC) to Business Park (BP) is Categorically Exempt from CEQA in that there is no potential that the GPA/ZC will result any significant effects on the environment until development is proposed for the sites, at which time an initial study will be required.
2. **Approve General Plan Amendment No. 08-2502.** Approve General Plan Amendment No. 08-2502 changing the land use from General Commercial (GC) to Business Park (BP) as shown in Exhibit A of this Resolution which is attached hereto and incorporated herein by reference.
3. **Approve Zone Change No. 08-3503.** Approve Zone Change No. 08-3503 changing the zoning from General Commercial (GC) to Business Park (BP) as described and shown in Exhibit B of this Resolution which is attached hereto and incorporated herein by reference.

PASSED, APPROVED AND ADOPTED this _____ day of September, 2008.

Brenda Salas, Mayor
City of Banning

APPROVED AS TO FORM AND LEGAL CONTENT:

Burke, Williams & Sorensen, LLP
City Attorney

ATTEST:

Marie A. Calderon, City Clerk
City of Banning

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1398 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 9th day of September, 2008, and was duly adopted at a regular meeting of said City Council on the _____ day of _____, 2008 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Exhibit 'B'

Legal Description

General Plan Amendment No. 08-2502 & Zone Change No. 08-3503

**LOT 7 OF C.D. BARKER'S SUBDIVISION AS SHOWN BY MAP ON FILE IN
BOOK 7, PAGE 21 OF MAPS, RECORDS OF RIVERSIDE COUNTY**

EXHIBIT "B"

**CITY COUNCIL
CONSENT ITEM**

Date: September 23, 2008

TO: Honorable Mayor and City Council Members

FROM: George Hansen, Community Development Director
Julie Biggs, City Attorney

SUBJECT: Update to the City of Banning's Local California Environmental Quality Act (CEQA) Guidelines

RECOMMENDATION:

That the City Council adopt City Council Resolution No. 2008-99 (Attachment 1) approving the attached Local CEQA Guidelines for the City of Banning.

BACKGROUND:

The purpose of these Local CEQA Guidelines is to provide the City and anyone intending to carry out a project within the City with the requirements of the environmental review process established according to State law, local ordinance, and City practices. These Local CEQA Guidelines serve to augment those procedures contained in the California Environmental Quality Act (Public Resources Code [PRC] Section 21000 et seq.), referred to as CEQA, and the State CEQA Guidelines (Title 14, California Code of Regulations [CCR], Chapter 3, Section 15000 et seq.). The intent of CEQA is to ensure adequate consideration and analysis of potential environmental impacts anticipated to result from approval of discretionary actions.

ANALYSIS:

Public agencies are required to adopt implementing procedures for administering their responsibilities under CEQA. These procedures include provisions on how the agency will process environmental documents and provide for adequate comment, time periods for review, and lists of permits that are ministerial actions and projects that are considered categorically exempt. The adopted procedures must contain provisions for the following categories:

- Identifying Statutory and Categorically Exempt Activities;
- Preparing Initial Studies;
- Preparing Negative Declarations and Mitigated Negative Declarations;

- Preparing Draft and Final Environmental Impact Reports (EIR's);
- Evaluating and Responding to Comments from public review of CEQA documents;
- Filing a Notice of Exemption, Notice of Determination and Notice of Completion documents as prescribed or authorized by the state CEQA Statutes or Guidelines; and
- Evaluating and providing environmental review comments on CEQA documents submitted to the City of Banning for review by other lead agencies.

The City last updated its current Local CEQA Guidelines in 1989, since that time many legislative changes have been made to the state CEQA Guidelines. Thus, Community Development, in coordination with the City Attorney's office, has been working on updating our local guidelines. The updated guidelines were presented to and reviewed by the Planning Commission at their July 1 meeting. Following discussion and without any public comment, the Planning Commission recommended adoption of the updated guidelines to the City Council. With the Council's adoption of Resolution No. 2008-99, the City's current Local CEQA Guidelines will be brought into conformity with current CEQA laws and regulations.

FISCAL IMPACT:

There will be no fiscal impact by adopting an update to the City's Local CEQA Guidelines.

PREPARED BY:

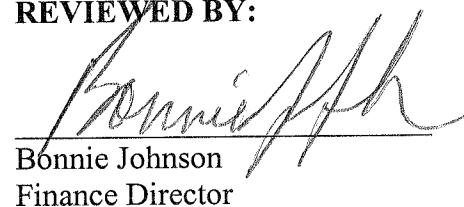


Matthew C. Bassi
Planning Consultant

REVIEWED BY:


George Hansen *bjy GS*
Community Development Director

REVIEWED BY:


Bonnie Johnson
Finance Director

APPROVED BY:



Brian Nakamura
City Manager

CC Attachments:

1. City Council Resolution No. 2008-99
Exhibit A - Local CEQA Guidelines Document

G:\CEQA Guidelines\CC Staff Report 9-23-08.doc

ATTACHMENT 1

Council Resolution No. 2008-99

RESOLUTION NO. 2008-99

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA ADOPTING ENVIRONMENTAL REVIEW GUIDELINES FOR THE IMPLEMENTATION OF THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

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

SECTION 1. Recitals.

- (a) The California Environmental Quality Act of 1970, as amended (“CEQA”), governs the environmental review and approval process of development within the City.
- (b) The provisions of CEQA are contained in Public Resources Code Section 21000 and following, and in the accompanying State CEQA Guidelines, which are set forth in Title 14 of the California Code of Regulations Section 15000 and following.
- (c) Public Resources Code Section 21082 and Section 15022 of the State CEQA Guidelines require that each public agency adopt objectives, criteria, and specific procedures consistent with CEQA and the State CEQA Guidelines for the purpose of administering the public agency’s responsibilities under CEQA.
- (d) The City Council adopts Environmental Review Guidelines in order to fulfill its obligations under CEQA and the State Guidelines, in order to protect local and regional resources in a manner that reflects local values, and translate the myriad of State laws and judicial interpretations regarding CEQA into a precise guide for use by the City, project proponents and the general public.

SECTION 2. Adoption of Environmental Review Guidelines. The City Council of the City of Banning approves and adopts the City of Banning Environmental Review Guidelines, which are attached hereto as Exhibit “A” and incorporated herein by reference, in fulfillment of the City’s obligation under CEQA to adopt such guidelines.

SECTION 3. Purpose and Implementation of Guidelines. The procedures set forth in the City’s Environmental Review Guidelines are not meant to replace the State Guidelines or the substantive requirements of CEQA but to implement and tailor the general provisions of the State Guidelines and CEQA to the specific operations of the City. If any section of the City’s

Environmental Review Guidelines are in conflict with or contrary to any of the provisions of CEQA or of the State Guidelines as they now exist or may be amended hereafter, the provisions of CEQA and the State Guidelines shall control.

SECTION 4. Effective Date. This Resolution shall become effective immediately.

PASSED, APPROVED AND ADOPTED this 23rd day of September, 2008.

Brenda Salas, Mayor
City of Banning

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

Burke, Williams & Sorensen, LLP
City Attorney

ATTEST:

Marie A. Calderon, City Clerk
City of Banning

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2008-99, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 23rd day of September 2008, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Resolution No. 2008-99

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

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Resolution No. 2008-99

EXHIBIT "A"

CITY OF BANNING ENVIRONMENTAL REVIEW GUIDELINES

CITY OF BANNING
LOCAL CALIFORNIA ENVIRONMENTAL
QUALITY ACT GUIDELINES

September 23, 2008

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DEFINITIONS

“Applicant” - The person, entity, City department, or agency which has made application to the City for review or approval of any activity which is deemed a Project pursuant to the California Environmental Quality Act (“CEQA”) or these Local Guidelines.

“Categorical Exemption” – An exemption from CEQA for a class of Projects based on a finding by the Secretary for Resources that the class of Projects does not have a significant effect on the environment.

“CEQA” – Shall refer to the California Environmental Quality Act, commencing with § 21000 *et seq.* of the California Public Resources Code, as may be amended from time to time.

“CEQA Guidelines” – Shall refer to the Guidelines for the California Environmental Quality Act, commencing with § 15000 *et seq.* of the California Code of Regulations, Title 14, Chapter 3, as may be amended from time to time.

“City” – The City of Banning, California.

“City’s Local CEQA Guidelines” – Shall refer to the City’s Local CEQA Guidelines as adopted by the City of Banning.

“Community Development Director” - The City Community Development Director, or his/her designee (who may include a consultant hired by the City), who shall have overall responsibility for City CEQA functions. As used in these City’s Local CEQA Guidelines, CEQA functions include CEQA review of all City Projects and Projects submitted to the City for approval or review pursuant to State and Federal law.

“Decision-making body” - The person, commission or council which has authority by law or ordinance to make a final decision to approve or disapprove the Project at issue.

“Discretion” or **“Discretionary”** - The Decision-making body’s exercise of judgment or deliberation regarding a decision to approve or disapprove an action or Project, as distinguished from situations in which the Decision-making body merely has to determine whether there has been conformance with applicable statutes, ordinances or regulations.

“EIR – Environmental Impact Report” – A detailed statement prepared under CEQA describing and analyzing the significant environmental effects of a Project and discussing ways to mitigate or avoid the effects. The term “EIR” may mean either a draft or final EIR depending on the context.

“Initial Study” – A preliminary analysis prepared by the Lead Agency to determine whether an EIR or a Negative Declaration must be prepared or to identify the significant environmental effects to be analyzed in an EIR.

“Lead Agency” – The public agency which has the principal responsibility for carrying out or approving a Project. The Lead Agency will decide whether an EIR or Negative Declaration will be required for the Project and will cause the document to be prepared.

“Lead Department” - The City Planning Division, which shall serve as clearinghouse for the purposes of processing and coordinating environmental review for the City.

“Ministerial” – A governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out. Common examples of ministerial permits include automobile registrations, dog licenses, and marriage licenses. A building permit is ministerial if the ordinance requiring the permit limits the public official to determining whether the zoning allows the structure to be built in the requested location, the structure would meet the strength requirements in the Uniform Building Code, and the applicant has paid his fee.

“Mitigated Negative Declaration” – A negative declaration is prepared for a Project when the initial study has identified potentially significant effects on the environment, but (1) revisions in the Project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the Project, as revised, may have a significant effect on the environment.

“N.E.P.A.” – The National Environmental Policy Act (42 U.S.C. §§4321 to 4347), as may be amended from time to time.

“Negative Declaration” – A written statement by the Lead Agency briefly describing the reasons that a proposed Project, not exempt from CEQA, will not have a significant effect on the environment and therefore does not require the preparation of an EIR.

“Notice of Completion” – A brief notice filed with the Office of Planning and Research by a Lead Agency as soon as it has completed a draft EIR and is prepared to send out copies for review.

“Notice of Determination” – A brief notice to be filed by a public agency after it approves or determines to carry out a Project which is subject to the requirements of CEQA.

“Notice of Exemption” – A brief notice which may be filed by a public agency after it has decided to carry out or approve a Project and has determined that the Project is exempt from CEQA as being ministerial, categorically exempt, an emergency, or subject

to another exemption from CEQA. Such a notice may also be filed by an applicant where such a determination has been made by a public agency which must approve the Project.

“Notice of Preparation” – A brief notice sent by a Lead Agency to notify the Responsible Agencies, Trustee Agencies, the Office of Planning and Research, and involved federal agencies that the Lead Agency plans to prepare an EIR for the Project. The purpose of the notice is to solicit guidance from those agencies as to the scope and content of the environmental information to be included in the EIR.

“Office of Planning and Research” – The Governor’s Office of Planning and Research (OPR) assists the Governor in land use planning and provided legislative and policy research.

“Project” - Any activity undertaken or proposed by an applicant including any City Department, which creates, or has potential to create, physical change to the City’s environment as guided by § 15378 of the CEQA Guidelines.

“Project Manager” – The Community Development Director’s designee who shall take direction from the Community Development Director and be responsible for carrying out a City Project or reviewing a Project submitted to the City for processing.

“Responsible Agency” – A public agency which proposes to carry out or approve a Project, for which a Lead Agency is preparing or has prepared an EIR or Negative Declaration. For the purposes of CEQA, the term “Responsible Agency” includes all public agencies other than the Lead Agency which have discretionary approval power over the Project.

“Significant Effect on the Environment” – Is a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the Project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

“State Clearinghouse” – A sub-unit of the OPR which carries out three main functions: (1) coordination of the state level review of environmental documents pursuant to CEQA; (2) provides technical assistance on land use planning and CEQA matters; (3) coordination of state review of certain federal grants.

“Statement of Overriding Considerations” – A statement, with corresponding findings supported by substantial evidence in the record, that specific economic, legal, social, technological or other benefits of a proposed Project outweigh the unavoidable adverse environmental effects.

“Trustee Agency” – A state agency having jurisdiction by law over natural resources affected by a Project which are held in trust for the people of the State of California.

I. INTRODUCTION

The City's Local CEQA Guidelines sets forth comprehensive procedures for complying with CEQA. CEQA requires each Public Agency to adopt guidelines (objectives, criteria and specific procedures) for administering its responsibilities under CEQA (§ 15022 of CEQA Guidelines and 21000, *et seq.* of the Public Resources Code (PRC). (All citations are to the CEQA Guidelines, unless otherwise noted.) The purpose of the City's Local CEQA Guidelines is to protect both local and regional environmental resources in a manner that reflects local values.

II. DELEGATION OF RESPONSIBILITY

A. Responsibilities of the Community Development Director

Responsibilities of the Community Development Director shall include, but not be limited to, the responsibilities listed throughout these City's Local CEQA Guidelines, as well as the following activities:

1. Ensuring that the City's Local CEQA Guidelines set forth in this document are strictly adhered to;
2. Conducting environmental review of all City Projects and Projects submitted to the City for review and approval;
3. Conducting preliminary review to determine if an application is a Project under CEQA;
4. Reviewing the application and Project for completeness;
5. Initial determination of the level of environmental review of the Project in accordance with CEQA, the CEQA Guidelines, City Council policy and direction and as defined in these City's Local CEQA Guidelines;
6. Preparing, processing and filing all environmental documents and notices as required;
7. Adopting, preparing and updating City procedures, policies, thresholds, guidelines and criteria as needed to forward the intent of these City's Local CEQA Guidelines;
8. Adhering to CEQA processing time limits as qualified under Local CEQA Guidelines;
9. Determining the adequacy of an EIR or Negative Declaration; and

10. Reviewing CEQA documents prepared for other agencies, providing adequate comments and complying with the requirements for a Responsible Agency under § 15096 of the CEQA Guidelines.

B. Responsibilities of the Project Managers

The Project Manager shall assist the Community Development Director in carrying out the activities required by these City's Local CEQA Guidelines, as well as to ensure timely submission of all Project information needed by the Community Development Director.

III. OVERVIEW AND SUMMARY OF PROCEDURES

The following subsections provide the procedures for following CEQA requirements. In all cases determination shall be by the Community Development Director or the Director's designee.

A. Applicability

A proposed activity or application must first be evaluated to determine if it is a "Project" and is, therefore, subject to further CEQA review. A Project is defined as any discretionary action that may cause a physical change to the environment. A Project is the whole of an action, that might result in a physical change to the environment, directly or ultimately. However, if the proposed activity is a Project under CEQA, it may still be exempt from environmental review if the Project falls under an exemption as set forth under CEQA Guidelines, Articles 18 and 19.

IV. AUTHORITY PROVIDED BY CEQA (PRC § 21004; Guidelines § 15040)

CEQA gives the City, as lead agency, authority to require feasible changes in the activities involved in the Project in order to lessen or avoid effects on the environment, disapprove or approve Projects despite significant impacts, and to charge fees to recover costs incurred in the preparation of the environmental documentation.

A. Mitigate (PRC § 21002 & 21004; Guidelines §15041(a))

The City has authority to require changes in the Project to lessen or avoid significant effects on the environment. The City shall draft mitigation measures to achieve the objective of mitigating or avoiding significant effects on the environment identified in the Initial Study or EIR.

The City has the authority to require feasible changes in any or all activities involved in the Project in order to substantially lessen or avoid significant effects on the environment, consistent with the applicable

constitutional requirements such as the "nexus" and "rough proportionality" standards required by case law.

B. Approve Projects Despite Significant Effects (PRC § 21002.1; Guidelines §15043)

The City may approve a Project despite significant environmental effects identified in an EIR if the City makes a fully informed and publicly disclosed decision that: (1) there is no feasible way to lessen or avoid these effects; and (2) the City adopts, when certifying the EIR, a Statement of Overriding Considerations to address those significant environmental effects.

Findings shall be included in the adoption identifying the expected benefits from the Project that outweigh the adverse impacts or the costs of mitigating the impacts of the Project.

C. Disapprove Projects (PRC §21002; Guidelines § 15042)

The City may disapprove a Project, if necessary, to avoid one or more significant effects on the environment that would occur if the Project were approved.

D. Fees (PRC § 21089; Guidelines § 15045)

The City, as a lead agency, may charge and collect reasonable fees in order to recover the estimated cost in preparing environmental documents and for procedures necessary to comply with CEQA on the Project. These fees are subject to periodic review and adjustment in order to assure that City costs are recovered. Litigation expenses, costs and fees incurred in actions alleging noncompliance with CEQA are not recoverable and shall be borne by the applicant.

Costs for the preparation of an EIR (including City administrative costs) will be estimated on a case by case basis depending upon the scope of the EIR. The actual cost to prepare the EIR shall be deposited with the City for all work being done on the EIR. All work required for certification of the final EIR shall be included in the costs of the EIR.

V. EXEMPTIONS

Generally, there are two types of Exemptions: Statutory and Categorical. Statutory exemptions apply to Projects that the State Legislature has ruled to have insignificant effects. Categorical exemptions include ministerial Projects and emergency Projects.

The City has 30 calendar days in which to determine whether a Project is exempt or not. (PRC § 21080.2; Guidelines 15102.) All proposed activities must be reviewed to determine if one of the following exemptions is appropriate:

- A. Statutory Exemptions: Certain activities have been exempted from CEQA by the Legislature. These exemptions include feasibility or planning studies, ministerial Projects, and emergency actions. A complete list of statutory exemptions is included in the CEQA Guidelines Article 18.
- B. Categorical Exemptions: Certain classes or "categories" of Projects have been determined by the State's Secretary for Resources to have an insignificant effect on the environment, and are known as Categorical Exemptions. Currently, the State's CEQA Guidelines recognize 32 classes of Categorically Exempt Projects. A complete list of these exemptions is included in the CEQA Guidelines Article 19.
- C. General Rule: Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to environmental review. In such cases, the activity is covered by the general rule that CEQA applies only to Projects which have the potential for causing a significant effect on the environment (Guidelines, §15061(b)(3)).
- D. Project Rejection or Disapproval: The Project will be rejected or disapproved by a public agency.
- E. Exemption Verification (PRC § 21084 & 210894.1; Guidelines § 15300.2): If a Project falls within a Categorical Exemption category, the Community Development Director shall make an additional inquiry as to whether the Categorical Exemption is inapplicable, because of the existence of any of the following factors:
 1. **Location.** Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the Project is to be located. A Project that is ordinarily insignificant in its impact on the environment may, in a particularly sensitive environment, be significant. Therefore, these classes are considered to apply in all instances, except where the Project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies
 2. **Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive Projects of the same type in the same place, over time is significant

3. **Significant Effect.** A Categorical Exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
4. **Scenic Highways.** A Categorical Exemption shall not be used for a Project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted Negative Declaration or certified EIR.
5. **Hazardous Waste Sites.** A Categorical Exemption shall not be used for a Project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
6. **Historical Resources.** A Categorical Exemption shall not be used for a Project which may cause a substantial adverse change in the significance of a historical resource.

If any of these factors cause the Categorical Exemption to be inapplicable, the Applicant shall be required to submit a more detailed Project description. Additional information, data, studies, and the like, may be required of the Applicant in order for the City to make an environmental determination.

F. Ministerial Projects

Activities over which the City has Ministerial authority and that are exempt from environmental review under § 21080(b)(1) of the Public Resources Code include, but are not limited to, those Ministerial Projects as defined by § 15268 of the CEQA Guidelines as well as the following Ministerial Projects:

1. Issuance of a Certificate of Compliance, issued in accordance with allowed land-use regulations for the zone and conditions of the Project;
2. Issuance of a Certificate of Occupancy, issued in accordance with allowed land-use regulations of the zone and conditions of the Project;
3. Approval of Construction Fencing;
4. Approval of Curb, Gutter or Sidewalk Construction or Reconstruction within an existing right of way;

5. Approval of Driveway Construction or Reconstruction;
6. Issuance of an Encroachment Permit;
7. Issuance of an Electrical Permit;
8. Approval of a Fire Extinguisher System and/or Alarm;
9. Approval of a Fire Hydrant Installation;
10. Approval of a Heating, Air Conditioning and/or Refrigeration Installation;
11. Approval of an Individual Water Service Installation;
12. Approval of an Internal Tenant Improvement which does not result in, or perpetuate, a change in land use or an unmet parking need;
13. Issuance of a Plumbing Permit;
14. Approval of a Soil Boring;
15. Approval of Street Lights;
16. Issuance of a Temporary Permit of less than thirty (30) days for the purpose of tree sales, pumpkin sales, garage sales and similar temporary uses of a localized nature; and
17. Issuance of a Building Permit (unless said Building Permit is for a Historical Structure in which further analysis by the Community Development Department may be required).

G. Notice of Exemption (PRC § 21152; Guidelines § 15062)

If a determination is made that the activity is exempt from CEQA, a Notice of Exemption (“NOE”) shall be filed with the County Clerk.

1. When the City approves or decides to carry out a Project, it shall file a Notice of Exemption with the office of the County Clerk within five (5) days of the action. This initiates a 35-calendar day statute of limitations period on legal challenges to the City's determination that the Project is exempt from CEQA. If a Notice of Exemption is not filed, a 180-calendar day statute of limitations applies. After the County Clerk has posted the NOE for 30 calendar days, a copy of the posted NOE is sent back to the City. The City is required to keep a copy of the NOE in the Project file for a period of nine (9) months after that time.

2. The NOE shall include a brief description of the Project, findings of exemption, including citation to the State CEQA Guidelines section under which it is found exempt, and reasons supporting those findings.
3. If state resources could be affected, the NOE shall be filed with the Office of Planning and Research (OPR). Copies of the NOE shall be available for public inspection. Public agencies are encouraged to post NOEs on the internet.

VI. CITY PROJECTS: ENVIRONMENTAL REVIEW PROCEDURES (PRC § 21065; Guidelines § 15378(a)(1))

When the City, as the Lead Agency, contemplates any activity resulting in physical change in the environment, including but not limited to Public Works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances initiated by the City, and the amendment of the City of Banning General Plan or any of its elements the City will not solicit bids for the Project or award the contract until the following procedures are followed:

1. The department which contemplates the activity shall request the Community Development Director to determine whether the activity qualifies for a Categorical Exemption. If the activity has been verified as Categorically Exempt and a Notice of Exemption has been filed with the county clerk, no further CEQA review is required and regular processing of plans for the activity may continue without further environmental review.
2. If the activity is not Categorically Exempt, the department shall forward its plans and specifications to the Community Development Director. Upon receipt of the plans and specifications for the Project, the Community Development Director shall conduct an Initial Study to determine if the Project may have a Significant Effect on the Environment. The environmental review process from that point on, including determinations and filing of notices, will be conducted in the same manner as specified above in the procedures for environmental review of private Projects, with the department proposing to carry out the Project being treated as the "applicant." The City Manager shall review and concur with all determinations made by the Community Development Director in connection with this section.

VII. INITIAL STUDY (PRC § 21080; Guidelines § 15063)

The City will prepare an Initial Study within 30 calendar days after determining the application complete. The 30 calendar day period may be extended 15 calendar days upon the consent of the City and the Project applicant. (For public Projects, these time limits do not apply.) Staff recommendations for requiring particular environmental documents may be appealed, in writing, to the approving agency for the Project upon payment of proper fees.

A. Project Information Required

The initial source of Project information for the Initial Study is the City's Environmental Assessment Form (§ 15063(f)). This form is completed by the applicant and received as part of the Project (application) submittal. Any information that the Project proponent or City deems relevant and will facilitate the environmental review of a Project, should be submitted along with the Project application. The City may require the Project proponent to provide additional data and information determined necessary for the preparation of the Initial Study (§§ 15060(b), 15063(e), & 15064(b)).

Additional data or information may be required for the following Projects:

1. Any residential Project in excess of 50 units;
2. Any zone change or general plan amendment request;
3. Any commercial or industrial Project in excess of two (2) acres;
4. Any Project located within a 100-year flood plain;
5. Any Project located in a known sensitive environmental area;
6. Any building currently listed on a federal, state or local inventory, or as determined by a historical resources survey.
7. Any Project for which the Community Development Director has reason to believe, based on size, scope or location, may require additional information or data.

Additional data and information may include any or all of the following:

- Traffic studies;
- Biological studies;
- Air quality analysis;

- Water quality analysis;
- Preliminary soils analysis;
- Preliminary hydrology studies;
- Seismic studies;
- Noise analysis;
- Studies as so required by the Multi Species Habitat Conservation Plan (“MSHCP”);
- Historical resources survey;
- Any other study requested by the Community Development Director with concurrence of the City Manager that may be necessary to determine Project impacts.

An unreasonable delay by the applicant in providing information (studies, surveys, maps, etc.) requested by the City shall suspend the running of the time periods as described in § 15107 and § 15108 (§ 15109). After a reasonable period of time, if no action has been taken to collect or supply the necessary information the Project will be set on the Decision-making body's agenda for denial without prejudice.

B. Preparation

1. Following preliminary review, the City shall prepare an Initial Study for nonexempt Projects to determine if the Project may have a significant effect on the environment. An environmental assessment or a similar analysis prepared pursuant to the National Environmental Policy Act (NEPA) will meet the requirements of this section.
2. If the City determines that an EIR will be required for a Project, the City may skip further initial review of the Project and begin work directly on the EIR. However, an Initial Study can prove to be a useful tool in assisting the City in identifying the significant effects of the Project upon which the EIR shall focus and provide findings why other effects would not be significant or potentially significant.

C. Content of Initial Study (PRC § 21080; Guidelines § 15063(d))

The Initial Study is prepared by City staff. An Initial Study may rely upon expert opinion supported by the facts, technical studies, or other

substantial evidence to document its findings. However, an Initial Study is neither intended nor required to include the level of detail included in an EIR. An Initial Study includes:

1. A description of the Project including the location of the Project;
2. An identification of the environmental setting;
3. An identification of environmental effects by use of a checklist, matrix, or other method, provided that entries on a checklist or other form are briefly explained to indicate that there is some evidence to support the entries. The brief explanation may be either through a narrative or a reference to another information source such as an attached map, photographs, or an earlier EIR or negative declaration. A reference to another document should include, where appropriate, a citation to the page or pages where the information is found.
4. A discussion of ways to mitigate the significant effects identified, if any;
5. An examination of whether the Project would be consistent with existing zoning, plans, and other applicable land use controls; and
6. The name of the person or persons who prepared or participate in the initial study.

All phases of Project planning, implementation, and operation shall be considered in the Initial Study. Staff shall consult with City departments, public entities that may be a responsible or trustee agency for the Project and any individuals or organizations otherwise concerned.

D. Determining Environmental Significance (PRC § 21068; Guidelines § 15382)

The environmental evaluation must consider:

Primary or Direct Impacts: such as construction-related impacts of dust and noise (§15064(d)(1));

Secondary or Indirect Impacts: such as those associated with growth resulting from additional infrastructure capacity (§ 15064(d)(2)); and,

Cumulative Impacts: such as those resulting from the total effect of a group of proposed Projects or programs, over time (§ 15065(a)(3)).

Significance will be judged by the intensity and longevity of the change, the size of the area affected, and deviation from existing conditions. Establishing thresholds of significance is the best way to enable a determination of environmental impacts.

E. Mandatory Findings of Significance (§ 15065)

The Project may be found to have a significant effect on the environment if any of the following findings are made by the City.

1. The Project has the potential to substantially 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; substantially reduce the number or restrict the range of endangered, rare or threatened species, or eliminate important examples of the major periods of California history or prehistory.
2. The Project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
3. The Project has possible environmental effects that are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual Project are significant when viewed in connection with the effects of past Projects, the effects of other current Projects, and the effects of probable future Projects.
4. The environmental effects of a Project will cause substantial adverse effects on human beings, either directly or indirectly.

The City **must** prepare an EIR if any of these Findings occur.

VIII. NEGATIVE DECLARATIONS (PRC § 21064, 21064.5; Guidelines, § 15070)

There are two types of Negative Declarations: a (standard) Negative Declaration, and a Negative Declaration with mitigation, or "Mitigated Negative Declaration." When the Initial Study shows that the Project may not have a significant effect on the environment CEQA allows for a Negative Declaration to be adopted.

CEQA continues to give the City the option of allowing applicants to modify their Project so that the City can make a finding that the Project would not have a significant effect on the environment as proposed.

A. Preparation of a Negative Declaration or Mitigated Negative Declaration (PRC §§ 21064, 21064.5; Guidelines § 15070)

A Negative Declaration or Mitigated Negative Declaration shall be prepared for nonexempt Projects if:

1. The Initial Study shows that there is no substantial evidence of the Project having a significant effect on the environment; or
2. The Initial Study identified potentially significant effects but:
 - a. Prior to completion of the Initial Study, the Project is revised to avoid or mitigate the effects to a point where no significant effects would occur; and
 - b. There is no substantial evidence that the Project, as revised, may have a significant effect on the environment.

B. Contents of Negative Declarations or Mitigated Negative Declaration (§ 15071)

A Negative Declaration or Mitigated Negative Declaration shall include:

1. A brief description of the Project, including a commonly used name for the Project, if any;
2. The location of the Project, preferably shown on a map, and the name of the Project proponent;
3. A proposed finding that the Project will not have a significant effect on the environment;
4. An attached copy of the initial study documenting reasons to support the finding; and
5. Mitigation measures, if any, included in the Project to avoid potentially significant effects.

C. Public Notice (PRC § 21092; Guidelines § 15072)

The City shall notify the public of its intention to adopt a Negative Declaration or Mitigated Negative Declaration, and provide opportunities to review it and any related documents by direct mail to all landowners within a 300 foot radius of the exterior Project boundary. The notice shall include a reference as to where all documents are available for review. The notice shall also appear in a newspaper of general circulation.

Where one or more state agencies will be a Responsible Agency or a Trustee Agency or will exercise jurisdiction by law over natural resources affected by the Project, the City shall send copies of the Negative Declaration or Mitigated Negative Declaration to the State Clearinghouse for distribution to the state agencies (§ 15073). In addition, a certified copy of the negative declaration or mitigated negative declaration shall be sent to all responsible and trustee agencies via certified mail.

Public review period for a Negative Declaration or Mitigated Negative Declaration shall be at least 20 calendar days prior to a decision by the Decision-making body. The review period for a Negative Declaration or Mitigated Negative Declaration which has been submitted to the State Clearinghouse shall be at least 30 calendar days (Public Resources Code, Section 21091).

D. Approval or Denial of Negative Declarations or Mitigated Negative Declarations

The Decision-making body for the Project shall have the authority to approve, deny or take any other action pertaining to the Negative Declaration or Mitigated Negative Declaration.

E. Notice of Determination (PRC § 21152; Guidelines § 15075)

After deciding to carry out or approve a Project for which a Negative Declaration or Mitigated Negative Declaration has been approved, the City shall file a Notice of Determination with the County Clerk within five (5) working days of the approval. After the NOD has been posted for 30 calendar days by the County Clerk, the NOD will be returned to the City. The returned NOD must then be retained for not less than nine months (PRC § 21152). Filing and posting the Notice of Determination starts a 30-calendar day statute of limitations on court challenges to CEQA approvals. Failing to file the Notice of Determination within the required time period extends the statute of limitations to 180 calendar days. If the Project requires a discretionary approval from any State agency, the notice shall also be filed with the Governor's Office of Planning and Research.

IX. ENVIRONMENTAL IMPACT REPORTS (“EIRs”)

The EIR process starts with the Community Development Director’s initial decision to prepare an EIR. This decision will be made either during preliminary review (Guidelines, § 15060) or at the conclusion of an Initial Study (§ 15064).

A. Decision to Prepare an EIR (PRC § 21080; Guidelines § 15063)

If the Initial Study determines that a Project may have a significant effect on the environment, which cannot be eliminated by changing the Project

or adding mitigation measures, the Community Development Director shall initiate the preparation of either a “EIR” or a “Focused EIR”.

The Community Development Director, or the Director's designee, will determine whether an EIR is required within 30 calendar days of determining the application complete. A 15-calendar day extension may be approved upon consent of the applicant. (§ 15102).

B. Scope of an EIR (PRC § 21080.4; Guidelines § 15082)

The breadth of analysis in the EIR shall be determined by one or more of the following: the Initial Study, comments of the City staff, and responses to the Notice of Preparation. The EIR should focus on potentially significant impacts. For Projects of unusual scope or, complexity, City staff may hold a community scoping meeting. If a scoping meeting is held, it shall be held during the same time period as the Notice of Preparation.

C. Letter to Applicant

Prior to the preparation and distribution of the Notice of Preparation, the City shall send to the Applicant a letter giving notice of the need for an EIR. Within fifteen (15) business days of receiving the notice the Applicant shall notify the City in writing of his/her agreement to proceed with an EIR and his/her agreement that an EIR is warranted. Failure of the Applicant to respond in writing within this time period shall result in the scheduling of the Project for hearing before the approving authority with a recommendation of denial without prejudice.

D. Appeal

If the Applicant wishes to appeal the City's finding that an EIR is required, the Applicant shall file an appeal within 10 business days of the date of mailing the letter. The Applicant shall submit, along with the appropriate filing fee, a letter specifying the reasons why an EIR should not be required. The appeal shall be filed with the Community Development Department. Action on these appeals shall be heard by the Decision-making body for the Project.

E. Notice of Preparation (§ 15082)

After determining that an EIR is required, and upon written confirmation of acceptance by the Applicant of the need to prepare an EIR, the City shall prepare and distribute a Notice of Preparation (“NOP”) for an EIR. The NOP shall consist of the Notice of Preparation form and include a copy of the Initial Study, if any. To send copies of the Notice of

Preparation, the City shall use either certified mail or any other method of transmittal which provides it with a record that notice was received.

If any State agency is affected, the Notice shall be sent to the State Clearinghouse in the Office of Planning and Research for distribution.

F. Response to Notice of Preparation

Each Responsible Agency shall provide a response within 30 calendar days after receiving the Notice of Preparation. If a Responsible Agency fails to reply within 30 calendar days with, either a response or a request for additional time, the City may assume that the Responsible Agency has no response to make.

The response at a minimum shall identify:

1. The significant environmental issues and reasonable alternatives and mitigation measures which the responsible agency will need to have explored in the draft EIR; and
2. Whether the agency will be a responsible agency or a trustee for the Project.

A generalized list of concerns does not meet the requirements for response.

G. Preparation of Administrative Draft EIR (§ 15084)

The Administrative Draft of the EIR is considered a working document to be circulated among City staff and any responsible agency, if appropriate. The consultant shall submit a minimum of five (5) copies of the Administrative Draft EIR for staff and applicant review. The purpose of staff review is to evaluate the EIR for adequacy and accuracy prior to public circulation. Generally, review of the Administrative Draft EIR is concluded within a few weeks, after which comments are provided to the consultant, who prepares the draft EIR for publication and distribution.

H. Notice of Completion of a Draft EIR (§15085)

As soon as the draft EIR is completed and ready for public circulation, the Community Development Director shall inform the Applicant of the number of copies which shall be submitted to the City for review. The number of copies will include hard copies as well as electronic copies, as determined by the Community Development Director. A Notice of Completion shall be filed with the Governor's Office of Planning and Research ("OPR"), 1400 10th Street, Room 121, Sacramento, CA 95814. This Notice of Completion may be filed in a printed hard copy or in

electronic form on a diskette or by electronic mail transmission. Additionally, public agencies are encouraged to make copies of Notices of Completion available in electronic format on the Internet. Receipt of this notice by OPR will initiate the mandatory 45 calendar day review period for draft EIRs. The State Clearinghouse may set shorter review periods when requested by the City due to exceptional circumstances.

I. Public Review of Draft EIRs (PRC § 21091; Guidelines § 15087)

At the time the Notice of Completion is filed with OPR, the City shall provide notice of the availability of a draft EIR by means of a public notice in the City's local newspaper of general circulation. Additional notice shall be provided by direct mailing to property owners within 300 feet of the site. The public notice shall include the name of the staff person to contact, length of the review period, and deadline for receipt of comments. The public notice shall inform the public of the presence of hazardous wastes, if any.

Copies of the draft EIR will be made available at the City library and at the public counter at the Community Development Department. Copies of the draft EIR will be made available for purchase at a local printing/copying company. The public review period for a draft EIR shall not be less than 45 calendar days (30 calendar days when authorized by the State Clearinghouse (PRC § 21091)).

J. Evaluation of Responses to Comments (PRC § 21092.5; Guidelines § 15088)

After the review period for the draft EIR closes, staff will assemble all written comments and summary minutes of comments made at the public hearing(s) and transmit this package to the consultant for preparation of the "Response to the Comments." Staff will work closely with the consultant to determine:

1. Which comments address environmental impacts and mitigation(s). These comments shall be responded to by the consultant/staff;
2. Which comments address the merits of the Project (as distinguished from environmental impacts of the Project) and do not require a response, but should be noted for the record;
3. Which comments are beyond the scope of environmental review (such as legal interpretations); and
4. Which comments on impacts are too speculative for evaluation.

Responses shall be provided for all comments received during the applicable public comment period. At least ten (10) calendar days before certifying the EIR, the response to comments document shall be provided to all responsible and or trustee agencies that provided comments on the draft EIR.

K. Public Hearing on Draft EIR

A public hearing held before the Decision-making body shall be conducted to solicit additional comments on the draft EIR. It is the City's intent to hold the public hearing on the draft EIR concurrently with the development application(s) for the Project. The public hearing shall be scheduled upon conclusion of the review period and once all responses to comment letters have been prepared. For clarity and accuracy of the record, written comments are encouraged in conjunction with, or in lieu of, oral testimony. The Decision-making body may extend the comment period and continue the public hearing, if additional time is warranted.

L. Preparation of the Final EIR (PRC § 21100; Guidelines § 15089)

The final EIR will consist of the draft EIR unchanged, copies of comments received, the response to comments (which includes corrections and error of fact of the draft EIR) and a list of persons and organizations who made comments.

M. Findings (PRC § 21081; Guidelines § 15091)

The Decision-making body shall not approve or carry out a Project for which a certified EIR identifies one or more significant environmental effects unless written findings for each of the significant effects, accompanied by a brief explanation of the rationale for each finding are made. Findings must be supported by substantial evidence in the record of Project review. The possible findings are:

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

A Statement of Overriding Considerations does not substitute for these required findings.

N. Consideration of Drafting Findings for Project Approval

After considering the Final EIR and in conjunction with making findings, the Decision-making body may decide whether or how to carry out the Project. The Project for which the EIR was prepared shall not be approved unless either:

1. the Project, as approved, will not have a significant effect on the environment; or
2. the City has eliminated or substantially lessened all significant effects on the environment where feasible as shown in the findings and any remaining significant effects on the environment have been determined to be unavoidable under § 15091 of the CEQA Guidelines and acceptable due to overriding concerns as described in § 15093 of the CEQA Guidelines.

O. Statement of Overriding Considerations (PRC § 21081; Guidelines § 15093)

If the benefits of a proposed Project outweigh the unavoidable adverse effects, such effects may be considered "acceptable." The Decision-making body shall take into consideration economic, legal, social and technological benefits for consideration when determining if the benefits outweigh the significant effects. If the Decision-making body approves a Project that allows the occurrence of significant effects, it shall adopt a Statement of Overriding Considerations as part of the Project approval that states specific reasons to support its action based on the certified final EIR and/or other information in the record. This Statement of Overriding Considerations shall be in writing. This Statement of Overriding Considerations shall be supported by substantial evidence in the record. The consultant who prepared the draft and final EIR shall be responsible for drafting the findings, subject to review and approval by the Decision-making body.

P. Certification of the Final EIR and Time Limits

The Decision-making body shall certify the final EIR for private Projects within one year of accepting the application for the Project as complete. Upon consent of the Applicant and the City, the one-year limit may be extended a maximum of an additional 90 calendar days. Changes to the Project and or delays by the Applicant in providing necessary information to complete the final EIR shall suspend these time periods. In certifying

the final EIR the Decision-making body shall find that the final EIR was prepared in compliance with CEQA, was reviewed and considered prior to Project approval, and reflects the independent judgment of the Decision-making body.

Q. Notice of Determination

A Notice of Determination (“NOD”) shall be filed with the County Clerk within five (5) working days of Project approval when an EIR has been prepared and certified for a Project. After the posting of the NOD for at least 30 calendar days the County Clerk shall send the NOD back to the City. The City shall retain the notice for not less than nine (9) months. If the Project requires discretionary approval from a state agency, the Notice of Determination shall also be filed with the Office of Planning and Research.

X. MITIGATION MONITORING AND/OR REPORTING PROGRAM (PRC § 21081.6; Guidelines § 15097)

Mitigation measures are specific requirements which will minimize, avoid, rectify, reduce, eliminate, or compensate for significant environmental effects. A monitoring and reporting program's effectiveness depends in large part upon the quality of the mitigation measures themselves. Poorly drafted measures are not only difficult to implement, they are difficult to report on and monitor.

A. Processing of Mitigation Monitoring And/Or Reporting Program: Roles and Responsibilities

1. **Administrative Responsibilities:** It shall be the overall responsibility of the Community Development Director, or the Director's designee, to perform the duties of Mitigation Coordinator.
2. **Selection of Monitor:** The Community Development Director or the Director's designee may hire the person(s) or firm(s), in consultation with the Project developer, to monitor the Mitigation and Reporting Program for each Project. In all cases, the person(s) or firm(s) responsible for monitoring shall have sufficient expertise to determine whether or not the mitigation measure has been accomplished. The Applicant shall be responsible for payment of all fees and costs associated with Project monitoring.
3. **Mitigation Monitoring and Reporting Program (MMRP):** The MMRP shall be made a part of the certified final EIR, Negative Declaration or Mitigated Negative Declaration prior to Project

approval or shall otherwise be implemented to the satisfaction of the Community Development Director.

If the required MMRP has not been prepared as part of the preparation of the Mitigated Negative Declaration or EIR, the Community Development Director shall cause the MMRP to be prepared at the expense of the Applicant, prior to Project approval.

4. **Monitoring Responsibility:** The Mitigation Coordinator (MC) shall be responsible for:

- a. Coordinating the monitoring tasks and verification program;
- b. Ensuring that the Project proponent prepares a compliance schedule;
- c. Coordinating monitoring by various City departments and other agencies;
- d. Processing and filing compliance reports and verification reports;
- e. Ensuring that the Project proponent provides a deposit to fund the Mitigation Monitoring Program.
- f. Preparing an annual environmental monitoring report.

The Mitigation Coordinator shall submit regular progress and verification reports to the Community Development Director.

B. **Enforcement Responsibility**

The Mitigation Coordinator is authorized to enforce compliance with the Monitoring Program. When compliance is lacking or incomplete, the Mitigation Coordinator is empowered to either stop work, temporarily stop work, or allow work to continue while compliance is being achieved.

C. **Exemptions - Limitations**

Any deviation from the adopted mitigation measures can only be amended or deleted by the approving body of the environmental document.

D. **Preparation of Monitoring And/Or Reporting Program**

A Mitigation Monitoring and/or Reporting Program shall be prepared by the EIR consultant for every Project for which an EIR was prepared where

mitigation measures were adopted by the Decision-making body. A Mitigation Monitoring Report shall be prepared for every Project for which a Mitigated Negative Declaration was prepared when mitigation measures were adopted by the Decision-making body. The Mitigation Monitoring and/or Reporting Program shall be reviewed and accepted by the Community Development Department prior to its implementation and use. The Program shall contain the following:

1. A statement that the requirements of the adopted Program run with the real property on which the Project is located. Successive owners, heirs, and assigns of this real property are bound to comply with all of the requirements of the adopted Program.
2. A statement which specifies the responsibilities of the applicant and the Mitigation Coordinator, or his or her designee, as well as any professional expertise on completion or evaluation of any part of the Program.
3. The time requirements, schedule, phases or tasks for each mitigation measure that will, upon completion, result in issuance of a Program Completion letter from the Mitigation Coordinator.

The Mitigation Monitoring and Reporting Program shall be written to maintain consistency with the Project as approved. It shall be the responsibility of the Mitigation Coordinator to determine that the proposed Mitigation Monitoring Program complies with City requirements.

E. Program Completion Letter

It shall be the responsibility of the Mitigation Coordinator to determine compliance with each of the required mitigation measures. Once all of the mitigation measures have been met, the MC will prepare and mail a letter to the Applicant indicating full compliance with the Mitigation Monitoring and Reporting Program for the Project or phase. Should there be an ongoing mitigation measure imposed, the MC shall prepare and mail a letter to the Applicant upon completion of all mitigation measures and indicate the ongoing need of the mitigation measure and the necessary time frame for follow-up.

F. Compliance With CEQA Guidelines § 15097

At all times, the City's Mitigation Monitoring and/or Reporting Program will be consistent with CEQA Guideline § 15097.

XI. CEQA FORMS

The City shall use the CEQA forms that are in substantial conformance with Appendix A through L of the State CEQA Guidelines.

Adopted by City Council Resolution No. 2008-99 on September 23, 2008.

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**CITY COUNCIL AGENDA
CONSENT ITEM**

DATE: September 23, 2008

TO: Honorable Mayor and City Council

FROM: Duane Burk, Director of Public Works

SUBJECT: Resolution No. 2008-107, "Awarding the Construction Contract for Project No. 2007-07 "Rubberized Asphalt Concrete (RAC) Overlay and Street Improvements Along Wilson Street, from 8th Street to 20th Street"

RECOMMENDATION: Adopt Resolution No. 2008-107:

I. Awarding the Construction Contract for Project No. 2007-07 "Rubberized Asphalt Concrete (RAC) Overlay and Street Improvements Along Wilson Street, from 8th Street to 20th Street" to Cooley Construction, Inc. for an amount of "Not to Exceed" \$733,925.00, which includes an approximate 10% construction contingency.

II. Authorizing the appropriation of \$454,735.87 from the AB 196/Proposition 1B funds, \$150,000.00 from the CIWMB Grant and \$129,189.13 from Measure "A" Funds (for a total of \$733,925.00) to the Street Fund, Account No. 101-4900-431-9316, and authorize the Director of Finance to make the necessary budget adjustments and transfers related to these funds.

JUSTIFICATION: Cooley Construction, Inc., is the lowest responsible bidder to perform the work for Project No. 2007-07 "Rubberized Asphalt Concrete (RAC) Overlay and Street Improvements Along Wilson Street, from 8th Street to 20th Street".

BACKGROUND: The California Integrated Waste Management Board (CIWMB) receives an annual appropriation from the California Tire Recycling Management Fund (Tire Fund) to administer the Tire Recycling Act (Act), per the terms of Senate Bill 937 and related legislation. As part of the Act, the CIWMB offers the Targeted Rubberized Asphalt Concrete (TRAC) Incentive Grant Program to encourage the use of waste tire rubber in order to reduce landfill disposal and stockpiling of California Waste Tires. In late February of 2007, the Public Works Department's Engineering Division submitted a grant request to the CIWMB for a street improvement project along Wilson Street, from 8th Street to 20th Street, utilizing Rubberized Asphalt Concrete. The CIWMB staff evaluated the proposed project in March of 2007 and approved the maximum grant application award available, in the amount of \$150,000.00.

The scope of work under this project includes grinding/cold planing of existing asphalt; placing 1-1/2" to 2" of Asphaltic Rubber Hot Mix (ARHM) overlay per the City Engineer's recommendations; constructing sidewalks, curbs, gutters, cross gutters, spandrels and handicap ramps in accordance with the City of Banning and CALTRANS Standard Specifications; adjusting manholes, water meters, and water valve covers to grade; striping improvements; signage installation; and cleaning on Wilson Street, between 8th Street and 20th Street.

The project was advertised for bids on August 22, 2008, and August 29, 2008, as shown attached as Exhibit "A", and ten (10) bids were received and opened on September 12, 2008, as shown attached as Exhibit "B", with the following results:

	<u>NAME OF FIRM</u>	<u>BID AMOUNT</u>
1.	Cooley Construction, Inc. Hesperia, CA	\$667,204.65
2.	Hardy & Harper, Inc. Santa Ana, CA	\$683,000.00
3.	Sylvia Construction Company, Inc Rancho Cucamonga, CA	\$684,732.40
4.	All American Asphalt Corona, CA	\$689,000.00
5.	International Pavement Solutions, Inc. San Bernardino, CA	\$696,549.25
6.	Imperial Paving Company, Inc. Santa Fe Springs, CA	\$722,062.50
7.	D&L Wheeler Enterprises Yucaipa, CA	\$723,901.00
8.	Matich Corporation San Bernardino, CA	\$788,788.00
9.	Vance Corporation Rialto, CA	\$799,794.50
10.	Granite Construction Company Indio, CA	\$833,469.50

The Engineer's estimate for the project is \$690,000.00. If approved, the project is anticipated to be completed by December, 2008.

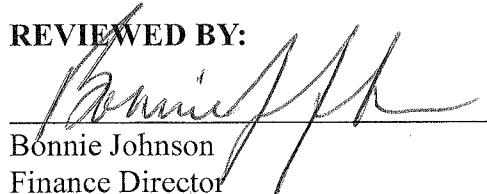
FISCAL DATA: The entire project amount of \$733,925.00, which includes a 10% construction contingency, is requested to be appropriated to Account No. 101-4900-431-9316. The funds necessary to pay for this project are as follows: AB 196/Proposition 1B fund for FY 2007/2008 amounting to \$454,735.87, a CIWMB Grant of \$150,000.00, and Measure "A" funds of \$129,189.13. The unappropriated balance in the Measure "A" fund is \$641,778.00.

RECOMMENDED BY:


Duane Burk
Director of Public Works

APPROVED BY:


Brian Nakamura
City Manager

REVIEWED BY:


Bonnie Johnson
Finance Director

RESOLUTION NO. 2008-107

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA,
AWARDING THE CONSTRUCTION CONTRACT FOR PROJECT NO. 2007-07
“RUBBERIZED ASPHALT CONCRETE (RAC) OVERLAY AND STREET
IMPROVEMENTS ALONG WILSON STREET, FROM 8TH STREET TO 20TH STREET”**

WHEREAS, Senate Bill 937 authorizes the California Environmental Protection Agency, Integrated Waste Management Board (CIWMB) to use funds from the California Tire Recycling Management Fund to administer the Tire Recycling Act (Act); and

WHEREAS, as part of the Act, the CIWMB offers the Targeted Rubberized Asphalt Concrete (TRAC) Incentive Grant Program to encourage the use of waste tire rubber to pave roadways with Rubberized Asphalt Concrete (RAC); and

WHEREAS, in late February of 2007, the Engineering Division of the Public Works Department applied for a \$150,000.00 grant from the CIWMB for FY 2007/2008; and

WHEREAS, on March 27, 2007 the Public Works Department received approval of up to \$150,000.00 in TRAC Incentive Grant Program funds to overlay Wilson Street, from 8th Street to 20th Street, with RAC and City Council authorized the execution of the Grant Agreement with CIWMB on April 24, 2007; and

WHEREAS, the scope of work under this project includes grinding/cold planing of existing asphalt; placing 1-1/2" to 2" of Asphaltic Rubber Hot Mix (ARHM) overlay per the City Engineer's recommendations; constructing sidewalks, curbs, gutters, cross gutters, spandrels and handicap ramps in accordance with the City of Banning and CALTRANS Standard Specifications; adjusting manholes, water meters, and water valve covers to grade; striping improvements; signage installation; and cleaning on Wilson Street, between 8th Street and 20th Street; and

WHEREAS, the project was advertised for bids on August 22, 2008 and August 29, 2008 and bids were received and opened on September 12, 2008, with ten (10) contractors bidding the project; and

WHEREAS, Cooley Construction, Inc. of Hesperia, California, is the lowest responsible bidder; and

WHEREAS, funding for the project is available in the AB 196/Proposition 1B FY 2007/2008 fund, Measure "A" funds, and from a grant received by the CIWMB.

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

Section I. Award the construction contract for Project No. 2007-07 “Rubberized Asphalt Concrete (RAC) Overlay and Street Improvements Along Wilson Street, from 8th Street to 20th Street” to Cooley Construction, Inc. of Hesperia, California, for an amount “Not to Exceed” \$733,925.00 (which includes an approximate 10% construction contingency), and all other bids are hereby rejected.

Section II. Authorizing the appropriation of \$454,735.87 from the AB 196/Proposition 1B funds, \$150,000.00 from the CIWMB Grant and \$129,189.13 from Measure "A" Funds (for a total of \$733,925.00) to the Street Fund, Account No. 101-4900-431-9316, and authorize the Director of Finance to make the necessary budget adjustments and transfers related to these funds.

Section III. The City Manager is authorized to execute the contract agreement for Project No. 2007-07 "Rubberized Asphalt Concrete (RAC) Overlay and Street Improvements Along Wilson Street, from 8th Street to 20th Street". This authorization will be rescinded if the contract agreement is not executed by both parties within fifteen (15) days of the date of this resolution.

PASSED, ADOPTED AND APPROVED this 23rd day of September 2008.

Brenda Salas, Mayor

ATTEST:

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

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

Burke, Williams & Sorensen, LLP
City Attorney

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2008-107, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 23rd day of September, 2008.

AYES:

NOES:

ABSTAIN:

ABSENT:

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

EXHIBIT "A"

NOTICE INVITING TO BID PROJECT NO. 2007-07, "RUBBERIZED ASPHALT CONCRETE (RAC) OVERLAY AND STREET IMPROVEMENTS ALONG WILSON STREET, FROM 8TH STREET TO 20TH STREET"

PRESS ENTERPRISE
August 22, 2008

NOTICE INVITING TO BID
PROJECT NO. 2007-07,
"RUBBERIZED ASPHALT
CONCRETE (RAC) OVERLAY
AND STREET IMPROVEMENTS ALONG
WILSON STREET, FROM
8TH STREET TO 20TH
STREET"

OWNER: City of Banning

PROJECT DESCRIPTION: The scope of work under this project includes grinding/cold planing of existing asphalt; placing 1-1/2" to 2" of Asphaltic Rubber hot Mix (ARHM) overlay per City Engineer's recommendations; constructing sidewalks, curbs, gutters, cross cutters, spandrels and handicap ramps in accordance with the City of Banning and CALTRANS Standard Specifications; adjusting manholes, water meters, and water valve covers to grade; striping improvements; signage installation; and cleaning, etc., on various streets. The Contractor must comply with all NPDES requirements to reduce storm water run-off by implementing applicable BMPs, as required by the Public Works Inspector.

PLANS & SPECS: Full-size drawing and specifications available August 22, 2008 non-refundable \$40.00

NON-MANDATORY PRE-BID CONFERENCE: September

ber 2, 2008 at 10 a.m. at City Hall, 99 E. Ramsey St., Banning.

REQUIREMENTS: Prevailing Wage, Certified Payroll, Bid Bond, Payment and Performance Bond, Insurance, etc., per the approved specifications.

Pursuant to the provisions of Public Contract Code Section 3300, the City has determined that the Contractor shall possess a valid Class A license at the time that the Contract is awarded. Failure to possess the specified license shall render the bid as not responsible and/or non-responsive and shall act as a bar to award the Contract to any bidder not possessing said license at the time of award.

SEALED BIDS DUE: September 12, 2008 and Opened Publicly @ 10 a.m. local time, above City Hall Address, Attn.: City Clerk.

CITY OF BANNING,
CALIFORNIA.
Dated: 8/18/08
S/ Marie A. Calderon, City
Clerk by: Lelia P. Lopez, Deputy
City Clerk 8/22

**NOTICE INVITING TO BID
PROJECT NO. 2007-07, "RUBBERIZED ASPHALT CONCRETE
(RAC) OVERLAY
AND STREET IMPROVEMENTS ALONG WILSON
STREET, FROM 8TH STREET TO 20TH STREET"**

**PRESS ENTERPRISE
August 29, 2008**

NOTICE INVITING TO BID
PROJECT NO. 2007-07,
"RUBBERIZED ASPHALT
CONCRETE (RAC) OVER-
LAY AND STREET IM-
PROVEMENTS ALONG
WILSON STREET, FROM
8TH STREET TO 20TH
STREET"
OWNER: City of Banning
PROJECT DESCRIPTION:
The scope of work under this project includes grinding/cold planing of existing asphalt; placing 1-1/2" to 2" of Asphaltic Rubberized Mix (ARM) overlay per City Engineer's recommendations; constructing sidewalks, curbs, gutters, cross cutters, spandrels and handicap ramps in accordance with the City of Banning and CALTRANS Standard Specifications; adjusting manholes, water meters, and water valve covers to grade; striping improvements; signage installation and cleaning; etc. on various streets. The Contractor must comply with all NPDES requirements to reduce storm water run-off by implementing applicable BMPs, as required by the Public Works Inspector.
PLANS & SPECS: Full-size drawing and specifications available August 22, 2008, non-refundable \$40.00
NON-MANDATORY PRE-BID CONFERENCE: September 2, 2008 at 10 a.m. at City Hall, 99 E. Ramsey St., Banning.
REQUIREMENTS: Prevailing Wage, Certified Payroll, Bid Bond, Payment and Performance Bond, Insurance, etc. per the approved specifications.
Pursuant to the provisions of Public Contract Code Section 3200, the City has determined that the Contractor shall possess a valid Class A license at the time that the Contract is awarded. Failure to possess the specified license shall render the bid as not responsible and/or non-responsive and shall act as a bar to award the Contract to any bidder not possessing said license at the time of award.
SEALED BIDS DUE: September 12, 2008 and Opened Publicly @ 10 a.m. local time, above City Hall Address, Attn.: City Clerk
CITY OF BANNING,
CALIFORNIA
Dated: 8/18/08
S/ Marie A. Calderon, City Clerk by: Leila P. Lopez, Deputy City Clerk
8/29

EXHIBIT "B" BID RESULTS

SUMMARY OF BIDS RECEIVED CITY OF BANNING

PROJECT NO.: 2007-07

DESCRIPTION: RUBBERIZED ASPHALT CONCRETE (RAC) OVERLAY
AND STREET IMPROVEMENTS ALONG WILSON STREET
FROM 8TH TO 20TH STREETS

BID OPENING DATE: Sept. 12, 2008 TIME: 10:00 a.m.

NAME OF BIDDER:	<i>Bid Bond</i>			TOTAL BID AMOUNT:
Silvia Construction, Inc. Rancho Cucamonga, CA	✓			\$ 684,732.40
Matich Corp. San Bernardino, CA	✓			\$ 788,788.00
Granite Constr. Co. Indio, CA	✓			\$ 833,469.50
Hardy & Harper, Inc. Santa Ana, CA	✓			\$ 683,000.00
Imperial Paving Co, Inc. Santa Fe Springs, CA	✓			\$ 722,062.50
All American Asphalt Corona, CA	✓			\$ 689,000.00
Vance Corporation Rialto, CA	✓			\$ 799,794.50
Cooley, Constr. Inc. Hesperia, CA	✓			\$ 667,204.65
International Pavement Solutions, Inc. San Bernardino, CA	✓			\$ 696,549.05
D&L Wheeler Enterprises Yucaipa, CA	✓			\$ 723,901.00

VERIFIED BY: Donna Main Socente, Associate Civil Engineer

Mari J. Calhoun, City Clerk

**CITY COUNCIL AGENDA
CONSENT ITEM**

DATE: September 23, 2008

TO: Honorable Mayor and City Council

FROM: Duane Burk, Director of Public Works

SUBJECT: Resolution No. 2008-108, "Awarding Contract for the Operation and Maintenance of the City of Banning's Landscape Maintenance District No. 1."

RECOMMENDATION: That the City Council adopt Resolution No. 2008-108, "Awarding Contract for the Operation and Maintenance of the City of Banning's Landscape Maintenance District (LMD) No. 1" to Artistic Maintenance, Inc. of Lake Forest, California, for a monthly amount of \$3,327.52.

JUSTIFICATION: Artistic Maintenance, Inc., of Lake Forest, California, is the lowest responsible bidder to provide landscape operation and maintenance services.

BACKGROUND: The City Council approved the formation of Landscape Maintenance District No. 1 ("the District") by adopting Resolution No. 1990-59 on August 14, 1990. An additional five tracts and three tentative tracts were annexed into LMD No. 1 (Annexation No. 1) when the City Council approved Resolution No. 2005-36 on May 10, 2005. Landscape Maintenance District No. 1 primarily extends along Wilson Street, Highland Home Road, Mountain Avenue, Hathaway Street, and Charles Street.

It currently consists of fourteen (14) accepted tracts: Tract No. 21882, 22810, 22811, 22913, 23446 (including the northerly median on Highland Home Road), 23598, 28252, 29721, 30186, 30222 (including Richard Sanchez Park), 30793, 31833, 31834, and 31835. The District includes the maintenance of existing and proposed public landscaping and storm drain facilities (including detention/retention basins) installed and constructed within public places. A map displaying the District and boundaries of each tract is attached herewith as Exhibit "A". When additional tracts, or portions thereof, are accepted by the City of Banning and become part of Landscape Maintenance District No. 1, the City and Contractor shall negotiate a fair and reasonable price (based on labor costs, planting materials, square footage of area, current costs, etc.) to compensate the contractor for the newly assigned work. The District, by special benefit assessments, provides for the funding of the servicing and maintenance of property owned and maintained by the City.

The contract was advertised for bids on August 11, 2008, as shown attached as Exhibit "B" and eight contractors attended a mandatory Pre-Bid meeting and walk-through of the District. Seven bid proposals were received, reviewed, and then opened on September 5, 2008, as shown attached as Exhibit "C", with the following results:

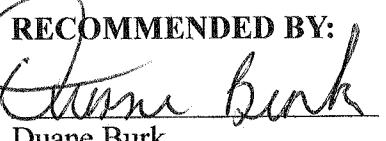
<u>Name of Firm</u>	<u>Monthly Cost</u>	<u>9 Months Cost</u>	<u>33 Months Costs</u>
1. Artistic Maintenance, Inc. Lake Forest, CA	\$ 3,327.52	\$29,947.68	\$109,808.16
2. EZ SunnyDay Landscape Rialto, CA	\$ 5,025.00	\$45,225.00	\$165,825.00
3. DLS Landscape, Inc. Redlands, CA	\$ 5,950.00	\$53,550.00	\$196,350.00
4. Marina Landscape, Inc. Anaheim, CA	\$ 7,300.00	\$65,700.00	\$240,900.00
5. Tom Lara Landscaping Beaumont, CA	\$ 8,500.00	\$76,500.00	\$280,500.00
6. LCG Landscape Corona, CA	\$ 9,339.00	\$84,051.00	\$308,187.00
7. TruGreen LandCare Riverside, CA	\$10,995.00	\$98,955.00	\$362,835.00

The scope of work includes providing all of the labor, tools, materials, and equipment necessary to provide complete year round landscape maintenance services. This includes performing a weekly maintenance inspection, checking the operation of all irrigation systems and for any required repairs, and, if necessary, replacing trees or shrubs within landscaped areas that are maintained under the contract. The detailed required work is listed in the Specifications and Scope of Services for the Operation and Maintenance of LMD No. 1, prepared by Engineering Division Staff in August, 2008, and is on file in the City Engineer's office.

DLS Landscape, Inc.'s existing contract ends on September 30, 2008. If approved, this contract is for a 9-month period and has an option to renew for two single additional years (based on satisfactory performance), subject to an annual Consumer Price Index (CPI) increase adjustment for the Los Angeles-Riverside-Orange County area, as determined by the United States Department of Labor, for the Calendar Year prior to the date of adjustment.

FISCAL DATA: The current contract amount for the operation and maintenance of Landscape Maintenance District No. 1, utilizing the services of DLS Landscape, Inc, is \$8,215.71 per month, and it ends on September 30, 2008. The proposed contract amount from Artistic Maintenance, Inc., is \$3,327.00 per month, from October 1, 2008, through June 30, 2009. Funding for the contract and additional planting materials and irrigation repairs is available through a special assessment of property owners located within Landscape Maintenance District No. 1.

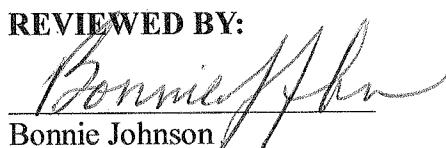
RECOMMENDED BY:


Duane Burk
Director of Public Works

APPROVED BY:


Brian Nakamura
City Manager

REVIEWED BY:


Bonnie Johnson
Finance Director

RESOLUTION NO. 2008-108

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA,
AWARDING THE OPERATION AND MAINTENANCE CONTRACT TO ARTISTIC
MAINTENANCE, INC. OF LAKE FOREST, CALIFORNIA, FOR THE OPERATION AND
MAINTENANCE SERVICES OF LANDSCAPE MAINTENANCE DISTRICT NO. 1**

WHEREAS, at its regularly scheduled meeting on August 14, 1990, the City Council adopted Resolution No. 1990-59, authorizing the formation of Landscape Maintenance District No. 1 (LMD No. 1); and

WHEREAS, at its regularly scheduled meeting on May 10, 2005, the City Council adopted Resolution No. 2005-36, ordering the annexation of an additional five tracts and three tentative tracts (Annexation No. 1) to the City's LMD No. 1; and

WHEREAS, it is essential to retain the services of a contractor to provide the necessary operation and maintenance services for the proper upkeep of the City of Banning's Landscape Maintenance District No. 1; and

WHEREAS, a Request for Bid Proposals (RFP) was advertised on August 11, 2008, with eight (8) contractors attending the mandatory Pre-Bid meeting and seven (7) of the firms responding to the RFP; and

WHEREAS, Artistic Maintenance, Inc., of Lake Forest, California, is the lowest responsible bidder; and

WHEREAS, the City Council hereby finds that the funding for the contract is available through a special assessment of property owners located within Landscape Maintenance District No. 1.

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

Section I. That the operation and maintenance services contract for Landscape Maintenance District No. 1 is hereby awarded to Artistic Maintenance, Inc. of Lake Forest, California, in the amount of \$3,327.52 per month with the option to renew for an additional two single years, subject to a Consumer Price Index increase adjustment, and all other bids are hereby rejected.

Section II. That the City Manager is authorized to execute the contract agreement with Artistic Maintenance, Inc. of Lake Forest, California. This authorization will be rescinded if the parties do not execute the contract agreement within fifteen (15) days of the date of this resolution.

PASSED, ADOPTED AND APPROVED this 23rd day of September, 2008.

Brenda Salas, Mayor

ATTEST:

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

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

Burke, Williams & Sorensen, LLP
City Attorney

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2008-108 was adopted by the City Council of the City of Banning at a regular meeting thereof held on the 23rd day of September, 2008, by the following vote, to wit:

AYES:

NOES:

ABSENT:

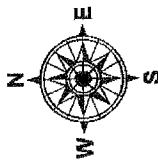
ABSTAIN:

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

EXHIBIT "A"

**MAP OF LANDSCAPE MAINTENANCE
DISTRICT NO. 1**

MAP OF LANDSCAPE MAINTENANCE DISTRICT NO. 1
JANUARY 2008



Legend

Existing Tracts

1. 211882 Snow Creek I
2. 22810 Dev. Corp
3. 22811 Dev. Corp
4. 22913 Arce Bros.
5. 23446 Highland Estates
6. 23598 Snow Creek II
7. 28252 Fair Oaks
8. 29721 The Pines
9. 30186 Wilson Homes
10. 30222 Wilson Homes
11. 30783 Fiesta Collection
12. 30906 Evergreen Estates
13. 31833 Fair Oaks
14. 31834 Fair Oaks
15. 31835 Fair Oaks
16. 32109 Sunset Ridge
17. 30774 Stallion, LLC

Tentative Tract Maps



Ted Yarbrough
Banning Fire GIS
11/18/01

EXHIBIT "B"

NOTICE INVITING TO BID LANDSCAPE SERVICES FOR LANDSCAPE MAINTENANCE DISTRICT NO. 1

PRESS ENTERPRISE
AUGUST 11, 2008

E2 MONDAY, AUGUST 11, 2008

PUBLIC NOTICES

THE PRESS-ENTERPRISE 

**NOTICE INVITING TO BID
"LANDSCAPE SERVICES
FOR LANDSCAPE MAINTENANCE
DISTRICT NO. 1, IN
THE CITY OF BANNING"**

OWNER: City of Banning

PROJECT / DESCRIPTION:
The scope of work consists of providing complete landscape services to effectively, efficiently and safely maintain the areas within Landscape Maintenance District No. 1, in accordance with the Specification and Scope of Services. The term of the contract shall be for nine months, with an option to renew for two single additional years.

REQUEST FOR BIDS/PROPOSALS: Available August 11, 2008, at City of Banning, Engineering Division, 99 E. Ramsey St., (951) 922-3130. The City will determine how many of the listed tracts will be maintained by the Contractor and by City staff prior to the

award of contract. Depending on the City's budget, tracts may be deleted from the list during the course of the contract. All tracts shall be included for bidding and Bid Bond purposes.

REQUIREMENTS: A C-27 Landscape Contractor license, Bid Bond, General Prevailing Wage, Insurance (including, but not limited to General Liability, Personal and Property Liability, automobile coverage, and worker's compensation, all naming the City of Banning as additional insured).

MANDATORY MEETING/WALKTHROUGH: August 19, 2008, @ 9 a.m., Large Conference Room of City Hall, 99 E. Ramsey St., Banning, CA.

SEALED BIDS DUE: September 2, 2008, @ 5:00 p.m. at

City of Banning, 99 E. Ramsey St., Attn: City Engineer

CITY OF BANNING

Dated: August 6, 2008

Marie A. Calderon

City Clerk

8/1

Resolution No. 2008-108

EXHIBIT "C"

SUMMARY OF BIDS RECEIVED CITY OF BANNING

PROJECT NO.:

DESCRIPTION: LANDSCAPE SERVICES FOR LANDSCAPE MAINTENANCE
DISTRICT NO. 1 IN THE CITY OF BANNING

BID OPENING DATE: Sept. 2, 2008 TIME: 5:00 p.m.

NAME OF BIDDER:	Per Month	9 Months	33 Months		TOTAL BID AMOUNT:
LCG Landscape Corona, CA	\$9,339.00	\$84,051.00	\$308,187.00		N/A
Tom Lara Landscaping Beaumont, CA	\$8,500.00	\$76,500.00	\$280,500.00		N/A
EZ SunnyDay Landscape Rialto, CA	\$5,025.00	\$45,225.00	\$165,825.00		N/A
Marina Anaheim, CA	\$7,300.00	\$65,700.00	\$240,900.00		N/A
Artistic Maintenance, Inc. Lake Forest, CA	\$3,327.52	\$29,947.68	\$109,808.16		N/A
TruGreen LandCare Riverside, CA	\$10,995.00	\$98,955.00	\$362,835.00		N/A
DLS Landscape- Irrigation Management Redlands, CA	\$5,950.00	\$53,550.00	\$190,350.00		N/A

VERIFIED BY:

Mari J. Calloway, City Clerk
Ann Marie Sociale, Associate Civil Engineer

**CITY COUNCIL AGENDA
CONSENT ITEM**

DATE: September 23, 2008

TO: Honorable Mayor, Community Redevelopment Agency Board and City Council

FROM: Duane Burk, Director of Public Works

SUBJECT: Resolution No. 2008-109, "Approving Change Order No. 2 to the Construction Contract Awarded to West Tek, Inc. for Project No. 2008-05, "Removal of an Underground Storage Tank and Appurtenances at 311 E. Ramsey St."

RECOMMENDATION: The City Council adopt Resolution No. 2008-109:

- I. Approving Change Order No. 2 to the Construction Contract awarded to West Tek, Inc. for Project No. 2008-05, "Removal of an Underground Storage Tank and Appurtenances at 311 E. Ramsey St."
- II. Authorizing the Director of Finance to make the necessary budget appropriations from the 2007 Tax Allocation Bond Proceeds to Account No. 855-9500-490.90-01.

JUSTIFICATION: Due to unforeseen conditions the approval of this change order is necessary in order to responsibly dispose of tank contents and to complete Project No. 2008-05, "Removal of an Underground Storage Tank and Appurtenances at 311 E. Ramsey St."

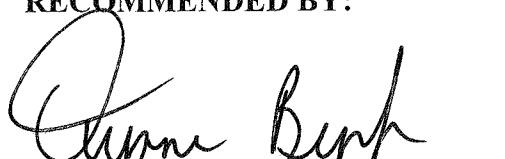
BACKGROUND: On June 24, 2008 the Community Redevelopment Agency (CRA) and City Council adopted CRA Resolution No. 2008-11 and City Council Resolution No. 2008-80, "Awarding the Construction Contract for Project No. 2008-05, 'Removal of an Underground Storage Tank and Appurtenances at 311 East Ramsey Street,'" to West Tek, Inc. of Spring Valley, California.

The scope of work under this project included obtaining the necessary permit for: the removal of one Underground Storage Tank (UST), hoist and associated piping, from the Riverside County Department of Environmental Health; exposing three anomaly areas, including the underground storage tank, hoist and piping, during the geophysical phase, per the Phase I & II reports; exposing the underground storage tank, hoist and piping, for cleaning and inspection; excavation; triple rinse, wash, haul and dispose one UST (one 12,000 gallon tank), hoist and piping; backfilling and compacting excavation to 90% relative dry density; demolition of the concrete foundation at 311 E. Ramsey St. and adjacent property; removal and disposal of concrete debris; completion of a Tank Closure Report and submittal to the Riverside County Department of Environmental Health; removal and disposal of soil and asphalt pile from the northeast and southern portions of the property; and obtaining soil samples for laboratory analysis.

The Public Works Department previously approved Change Order No. 1, in the amount of \$5,647.58 as shown attached as Exhibit "A" for the removal of 700 gallons of Underground Storage Tank (UST) contents which included expenses related to labor, material and equipment. It was necessary to store contents on site for approximately one month until space became available for proper disposal at the Thermal Recycling Facility. In order to complete this portion of the project, Change Order No. 2. in the amount of \$7,706.85, as shown as attached Exhibit "B," is necessary to cover expenses related to the actual disposal of the UST contents, which included expenses for labor and equipment related to loading, hauling, and disposal of soil.

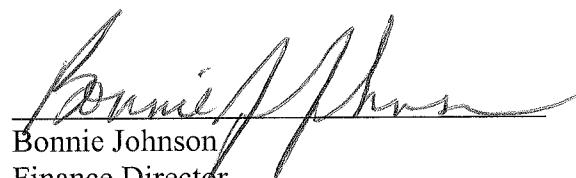
FISCAL DATA: The original contract amount for this project was \$59,680.00. The change orders will total \$13,354.43, an increase of approximately 22% of the original contract amount. If approved the new contract amount will be \$73,034.43. An appropriation from the 2007 Tax Allocation Bond Proceeds to Account No. 855-9500-490.90-01 in the amount of \$7,034.43 is necessary to cover expenses not previously approved within the original project budget of \$66,000.00 (including an approximate 10% construction contingency) under CRA Resolution No. 2008-11 and City Council Resolution No. 2008-80.

RECOMMENDED BY:



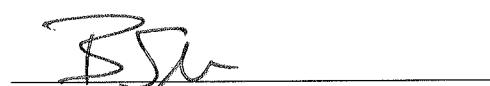
Duane Burk
Director of Public Works

REVIEWED BY:



Bonnie Johnson
Finance Director

APPROVED BY:



Brian Nakamura
City Manager

RESOLUTION NO. 2008-109

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING CHANGE ORDER NO. 2 TO THE CONSTRUCTION CONTRACT AWARDED TO WEST TEK, INC. FOR PROJECT NO. 2008-08, "REMOVAL OF AN UNDERGROUND STORAGE TANK AND APPURTENANCES AT 311 E. RAMSEY ST."

WHEREAS, On June 24, 2008 the Community Redevelopment Agency (CRA) and City Council adopted CRA Resolution No. 2008-11 and City Council Resolution No. 2008-80, "Awarding the Construction Contract for Project No. 2008-05, 'Removal of an Underground Storage Tank and Appurtenances at 311 East Ramsey Street,'" to West Tek, Inc. of Spring Valley, California; and

WHEREAS, due to unforeseen conditions it is necessary to issue Change Order No. 2 in order to make adjustments to the contract allowing for the proper disposal of tank contents at the Thermal Recycling Facility; and

WHEREAS, the Public Works Department previously approved Change Order No. 1, in the amount of \$5,647.58 as shown as Exhibit "A" for the removal of 700 gallons of Underground Storage Tank (UST) contents which included expenses related to labor, material and equipment; and

WHEREAS, Change Order No. 2 is necessary to cover expenses related to the actual disposal of the UST contents which included labor and equipment for loading, hauling, and disposal of soil; and

WHEREAS, the original contract amount for this project was \$59,680.00 and if approved, the change orders will total \$13,354.43 and the new contract amount will be \$73,034.43.

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

Section I. "Approve Change Order No. 2 to the Construction Contract Awarded to West Tek, Inc., for Project No. 2008-05, "Removal of an Underground Storage Tank and Appurtenances at 311 E. Ramsey St."

Section II. Authorize the Director of Finance to make the necessary budget adjustments and appropriation of funds to Account No.855-9500-490.90-01 in the amount of \$7,034.43.

Section III. Authorize the Public Works Director to approve and sign said Change Order prepared by staff and accepted by West Tek, Inc. and attached hereto as Exhibit "B". This authorization will be rescinded if the Change Order is not executed by both parties within thirty (30) day of the date of this resolution.

PASSED, APPROVED AND ADOPTED this 23rd day of September, 2008.

Brenda Salas, Mayor

ATTEST:

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

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

Burke, Williams & Sorenson, LLP
City Attorney

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2008-109 was adopted by the City Council of the City of Banning at a Regular Meeting thereof held on the 23rd day of September, 2008.

AYES:

NOES:

ABSENT:

ABSTAIN:

Marie A. Calderon
City Clerk of the City of Banning

EXHIBIT "A"

PROJECT NO. 2008-05, "REMOVAL OF AN UNDERGROUND STORAGE TANK AND APPURTESTANCE AT 311 E. RAMSEY ST."

CHANGE ORDER NO. 1

SECTION 1.11
OF
PROCEDURAL DOCUMENTS

CHANGE ORDER

Order No. 1

Date August 12, 2008

Agreement Date June 25, 2008

Sheet 1 of 2

Owner: CITY OF BANNING

Project: **2008-05, "REMOVAL OF AN UNDERGROUND STORAGE TANK AND APPURTEANCES AT 311 E. RAMSEY ST."**

Contractor: West Tek, Inc.

The following changes are hereby made to the Contract Documents to include the following:

The removal of 700 gallons of Underground Storage Tank (UST) contents including expenses related to labor, material and equipment.

JUSTIFICATIONS:

Per the Contract Documents for Project No. 2008-05, "Removal of an Underground Storage Tank and Appurtenance at 311 E. Ramsey St" page IV-9, the contractor is entitled to charge \$1.70/gallon of rinsate. Per page IV-3 "Assumes that USTs will not be filled with concrete, slurry or other material", the Contractor can charge for unanticipated soil disposal costs.

CHANGE TO CONTRACT PRICE

Original Contract Price	\$ <u>59,680.00</u>
Current Contract Price adjusted by previous Change Order(s)	\$ <u>0</u>
Contract Price due to this Change Order will be (increased) (decreased)	\$ <u>5,647.58</u>
New Contract Price including this Change Order	\$ <u>65,327.58</u>

CHANGE TO CONTRACT TIME

Contract Time will be (increased) (decreased)	<u>N/A</u> (Working Days)
Date for Completion of all Work	<u>August 7, 2008</u> (Date)

APPROVALS REQUIRED

To be effective, this order must be approved by the Owner, or as may otherwise be required by the Supplemental General Conditions.

Requested by: <u>John Marie Iocante</u> (Associate Civil Engineer)	Date: <u>8/12/08</u>
Recommended by: <u>Al</u> (Civil Engineer)	Date: <u>8/18/08</u>
Accepted by: <u>Zell</u> (Contractor)	Date: <u>8-13-08</u>
Approved by: <u>John Kunze B</u> (Director of Public Works)	Date: <u>8/18/08</u>

EXHIBIT “B”

PROJECT NO. 2008-05, “REMOVAL OF AN UNDERGROUND STORAGE TANK AND APPURTESTANCE AT 311 E. RAMSEY ST.”

CHANGE ORDER NO. 2

SECTION 1.11
OF
PROCEDURAL DOCUMENTS

CHANGE ORDER

Order No. 2

Date September 23, 2008

Agreement Date June 25, 2008

Sheet 1 of 2

Owner: CITY OF BANNING

Project: **2008-05, "REMOVAL OF AN UNDERGROUND STORAGE TANK AND APPURTENANCES AT 311 E. RAMSEY ST."**

Contractor: West Tek, Inc.

The following changes are hereby made to the Contract Documents to include the following:

The disposal of 700 gallons of Underground Storage Tank (UST) contents which includes expenses for labor and equipment related to loading, hauling and disposal of soil.

JUSTIFICATIONS:

Per the Contract Documents for Project No. 2008-05, "Removal of an Underground Storage Tank and Appurtenance at 311 E. Ramsey St" page IV-3 "Assumes that USTs will not be filled with concrete, slurry or other material", the Contractor can charge for unanticipated soil disposal costs.

CHANGE TO CONTRACT PRICE

Original Contract Price	\$ <u>59,680.00</u>
Current Contract Price adjusted by previous Change Order(s)	\$ <u>5,647.58</u>
Contract Price due to this Change Order will be (increased) (decreased)	\$ <u>7,706.85</u>
New Contract Price including this Change Order	\$ <u>73,034.43</u>

CHANGE TO CONTRACT TIME

Contract Time will be (increased) (decreased)	<u>N/A</u> (Working Days)
Date for Completion of all Work	<u>September 11, 2008</u> (Date)

APPROVALS REQUIRED

To be effective, this order must be approved by the Owner, or as may otherwise be required by the Supplemental General Conditions.

Requested by: Ann Marie Loconte Date: 9/12/08
(Associate Civil Engineer)

Recommended by: JK Date: 9/12/08
(Civil Engineer)

Accepted by: ZK Date: 9-12-08
(Contractor)

Approved by: _____ Date: _____
(Director of Public Works)

**CITY COUNCIL AGENDA
CONSENT ITEM**

Date: September 23, 2008

TO: City Council

FROM: Leonard Purvis, Chief of Police

SUBJECT: Resolution No. 2008-111 Reimbursable Funding for a Banning Police Department Team Building Workshop

RECOMMENDATION: "Adopt Resolution No. 2008-111 authorizing an appropriation of \$8,799 from the City's general fund to the police department's training account, which will be reimbursed by the California Commission on Peace Officers Standards and Training (P.O.S.T.) under the P.O.S.T. Team Building Workshop Program."

JUSTIFICATION: For more than 30 years the P.O.S.T. Team Building Workshop has provided specialized consultant services to assist local law enforcement management teams with planning, problem solving, goal setting, and team building. The Banning Police Department Management Team plans on using the workshop to evaluate its current operational procedures and strategic plan and to make changes as needed.

BACKGROUND: On May 13, 2008, Chief Leonard Purvis applied to the California Commission on Peace Officers Standards and Training to fund the P.O.S.T. Team Building Workshop. On June 6, 2008, P.O.S.T. approved Chief Purvis' application for nineteen department employees to attend the workshop. The workshop is scheduled for January 26-28, 2009.

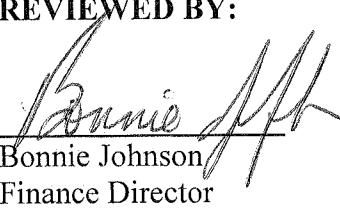
STRATEGIC PLAN INTEGRATION: Council approval of this recommendation will help facilitate the police department's goals of better serving the community and the citizens who live here through a self-evaluation of how to best meet the community's future needs.

FISCAL DATA: The Cost of the workshop will be reimbursed to the City upon its completion. However, costs for the workshop facilitator (\$3,935) and accommodation/food subsistence (\$4,864) must be paid prior to the workshop beginning.

RECOMMENDED BY:


Leonard Purvis
Chief of Police

REVIEWED BY:


Bonnie Johnson
Finance Director

APPROVED BY:


Brian Nakamura
City Manager

RESOLUTION NO. 2008-111

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BANNING AUTHORIZING THE APPROPRIATION OF GENERAL ACCOUNT FUNDS FOR THE P.O.S.T. TEAM BUILDING WORKSHOP IN THE AMOUNT OF \$8,799.00, WHICH WILL BE REIMBURSED TO THE CITY OF BANNING THROUGH THE CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING UPON COMPLETION OF THE WORKSHOP.

WHEREAS, the City of Banning Police Department is responsible for the security and safety of the Citizens of the City; and

WHEREAS, the Police Department is proactive in its efforts to continually evaluate its performance and how it operates; and

WHEREAS, the Police Department is proactive in its efforts to update its strategic plan to address the ever changing needs of the community; and

WHEREAS, the City's procedures requires the City Council to adopt a resolution authorizing the appropriation of funds from the City's general account.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Banning authorizes the appropriation of general funds (\$8,799) to the Banning Police Department Training Account (001-2200-421-23-06), which will be reimbursed from the California Commission On Peace Officer Standards and Training, under the P.O.S.T. Team Building Workshop Program. The Finance Department is authorized to make necessary budget adjustments related to these funds.

PASSED, APPROVED, AND ADOPTED this 23rd day of September, 2008.

Brenda Salas, Mayor
City of Banning

APPROVED AS TO FORM
AND LEGAL CONTENT

ATTEST

Burke, Williams, & Sorensen, LLP
City Attorney

Marie A. Calderon, City Clerk
City of Banning

CERTIFICATION:

I, Marie Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2008-111 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 23rd day of September 2008, by the following to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

**CITY COUNCIL AGENDA
CONSENT ITEM**

DATE: September 23, 2008

TO: Honorable Mayor and City Council

FROM: Duane Burk, Director of Public Works

SUBJECT: Notice of Completion for Project No. 2008-06, "Replacement of Flooring at the Banning Community Center and Senior Center"

RECOMMENDATION: That the City Council accept Project No. 2008-06, "Replacement of Flooring at the Banning Community Center and Senior Center," as complete and direct the City Clerk to record the Notice of Completion.

JUSTIFICATION: The contractor has completed the work as per the approved specifications.

BACKGROUND: On June 24, 2008 the City Council adopted Resolution No. 2008-81, "Awarding the Construction Contract for Project No. 2008-06, 'Replacement of Flooring at the Banning Community Center and Senior Center,'" to KV's Paint and Decorating Center, Inc. of Beaumont, California.

The scope of work for the Banning Community Center, located at 789 N. San Gorgonio Ave., includes removal and replacement of Vinyl Composition Tile (VCT) flooring in hallways, the large meeting room, and the restrooms. The scope of work for the Senior Center, located at 769 N. San Gorgonio Ave., includes removal and replacement of VCT flooring in the large meeting room and restrooms, and removal of VCT flooring and replacement with sheet vinyl in the commercial kitchen.

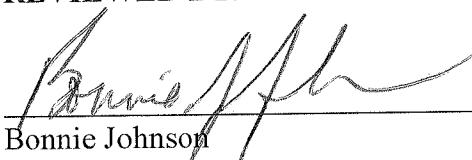
FISCAL DATA: The original contract amount for this project was \$32,591.26 with a final contract amount of \$36,000.00. Due to unforeseen conditions, a change order was necessary in the amount of \$3,408.74, which is approximately 10% of an increase from the original contract amount. The Change Order is within the construction contingency amount that was approved under Resolution No. 2008-81.

RECOMMENDED BY:



Duane Burk
Director of Public Works

REVIEWED BY:



Bonnie Johnson
Director of Finance

APPROVED BY:



Brian Nakamura
City Manager

1 WHEN RECORDED MAIL TO:

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

7
8 FREE RECORDING:

9 Exempt Pursuant to
10 Government Code §6103

11
12
13 NOTICE OF COMPLETION

14
15 REPLACEMENT OF FLOORING AT THE BANNING
16 COMMUNITY CENTER AND SENIOR CENTER

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PROJECT NO. 2008-06

20 THIS NOTICE OF COMPLETION IS HEREBY GIVEN by the OWNER, the
21 City of Banning, a municipal corporation, pursuant to the provisions of Section 3093 of
22 the Civil Code of the State of California, and is hereby accepted by the OWNER, the City
23 of Banning, pursuant to authority conferred by the City Council this September 23, 2008,
24 and the grantees consent to recordation thereof by its duly authorized agent.

25 That the OWNER, the City of Banning, and KV's Paint and Decorating, Inc. of
26 Beaumont, Calif., the vendee, entered into an agreement on June 24, 2008 for the
27 replacement of flooring at the Banning Community Center and Senior Center. The scope
28 of work for the Banning Community Center, located at 789 N. San Gorgonio Ave.,
29 includes removal and replacement of Vinyl Composition Tile (VCT) flooring in
30 hallways, the large meeting room, and the restrooms. The scope of work for the Senior
31 Center, located at 769 N. San Gorgonio Ave., includes removal and replacement of VCT
32 flooring in the large meeting room and restrooms, and removal of VCT flooring and
33 replacement with sheet vinyl in the commercial kitchen. ("work of improvement").

(1) That the work of improvement was completed on August 23, 2008, and the Nature of Interest was to replace the flooring at the Banning Community Center and Banning Senior Center .

(2) That the City of Banning, a municipal corporation, whose address is Banning City Hall, 99 E. Ramsey Street, Banning, California 92220, is completing work of improvement.

(3) That the said work of improvement was performed at 789 North San Gorgonio Avenue, Banning Community Center and Banning Senior Center.

(4) That the original contractor for said improvement was KV's Paint and Decorating Center, Inc., State Contractor's License No. 743475.

Dated: September 23, 2008

CITY OF BANNING
A Municipal Corporation

By Duane Burk
Duane Burk
Director of Public Works

APPROVED AS TO FORM:

Burke, Williams & Sorensen, LLP
City Attorney

1 STATE OF CALIFORNIA)

2) ss

3 COUNTY OF RIVERSIDE)

4

5

6 MARIE A. CALDERON, being duly sworn, deposes and says:

7

8 That she is the City Clerk of the City of Banning, which City caused the work to
9 be performed on the real property hereinabove described, and is authorized to execute
10 this Notice of Completion on behalf of said City; that she has read the foregoing Notice
11 and knows the contents thereof, and that the facts stated therein are true based upon
12 information available to the City of Banning, and that she makes this verification on
13 behalf of said City of Banning.

14

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16

17

City Clerk of the City of Banning

18

19

20

21 Subscribed and sworn to before me this

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Notary Public in and for said County
and State

**CITY COUNCIL AGENDA
CONSENT ITEM**

DATE: September 23, 2008

TO: Honorable Mayor and City Council

FROM: Duane Burk, Director of Public Works

SUBJECT: Notice of Completion for Project No. 2008-07, "Cabinet and Countertop Replacement at the Banning Senior Center"

RECOMMENDATION: That the City Council accept Project No. 2008-07, "Cabinet and Countertop Replacement at the Banning Senior Center," as complete and direct the City Clerk to record the Notice of Completion.

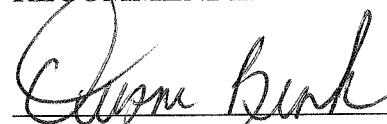
JUSTIFICATION: The contractor has completed the work as per the approved specifications.

BACKGROUND: On June 24, 2008, the City Council adopted Resolution No. 2008-76, "Awarding the Construction Contract for Project No. 2008-07, 'Cabinet and Countertop Replacement at the Banning Senior Center,'" to Whitmore Construction, Inc. of Banning, California.

The scope of work under this project includes the removal of all upper and lower cabinets and countertops in the Senior Center kitchen, including two island work areas; the installation of new upper and lower vinyl cabinets in the same locations; the installation of new granite countertops on all lower cabinets, with 6" backsplash and 1-1/2" bullnose on all exposed edges; and disposal of old cabinets and countertops.

FISCAL DATA: The project was completed for the original contract amount of \$27,970.00. This project was funded by the Capital Improvement Fund, Account No. 001-4000-461.90-15, for FY 2007/08.

RECOMMENDED BY:



Duane Burk
Director of Public Works

REVIEWED BY:



Bonnie Johnson
Director of Finance

APPROVED BY:



Brian Nakamura
City Manager

1 WHEN RECORDED MAIL TO:

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

7
8 FREE RECORDING:

9 Exempt Pursuant to
10 Government Code §6103

11
12
13 NOTICE OF COMPLETION

14 CABINET AND COUNTERTOP REPLACEMENT AT THE
15 BANNING SENIOR CENTER
16 PROJECT NO. 2008-07

17
18 THIS NOTICE OF COMPLETION IS HEREBY GIVEN by the OWNER, the
19 City of Banning, a municipal corporation, pursuant to the provisions of Section 3093 of
20 the Civil Code of the State of California, and is hereby accepted by the OWNER, the City
21 of Banning, pursuant to authority conferred by the City Council this September 23, 2008,
22 and the grantees consent to recordation thereof by its duly authorized agent.

23
24 That the OWNER, the City of Banning, and Whitmore Construction, Inc. of Banning,
25 Calif., the vendee, entered into an agreement on June 25, 2008, for the installation of new
26 cabinets and countertops at the Banning Senior Center. The scope of work under this
27 project includes the removal of all upper and lower cabinets and countertops in the Senior
28 Center kitchen, including two island work areas; the installation of new upper and lower
29 vinyl cabinets in the same locations; the installation of new granite countertops on all
30 lower cabinets, with 6" backsplash and 1-1/2" bullnose on all exposed edges; and
31 disposal of old cabinets and countertops ("work of improvement").

32
33 (1) That the work of improvement was completed on August 12, 2008, and
34 the Nature of Interest was to install new cabinets and countertops at Banning Senior
35 Center.

(2) That the City of Banning, a municipal corporation, whose address is Banning City Hall, 99 E. Ramsey Street, Banning, California 92220, is completing work of improvement.

(3) That the said work of improvement was performed at 789 North San Gorgonio Avenue, Banning Community Center and Banning Senior Center.

(4) That the original contractor for said improvement was Whitmore Inc.,
State Contractor's License No. 445152.

Dated: September 23, 2008

CITY OF BANNING
A Municipal Corporation

By Duane Burk
Duane Burk
Director of Public Works

APPROVED AS TO FORM:

Burke, Williams & Sorensen, LLP
City Attorney

1 STATE OF CALIFORNIA)

2) ss

3 COUNTY OF RIVERSIDE)

6 MARIE A. CALDERON, being duly sworn, deposes and says:

7
8 That she is the City Clerk of the City of Banning, which City caused the work to
9 be performed on the real property hereinabove described, and is authorized to execute
10 this Notice of Completion on behalf of said City; that she has read the foregoing Notice
11 and knows the contents thereof, and that the facts stated therein are true based upon
12 information available to the City of Banning, and that she makes this verification on
13 behalf of said City of Banning.

14
15
16 _____
17 City Clerk of the City of Banning
18
19
20
21 Subscribed and sworn to before me this
22
23
24 _____
25 Notary Public in and for said County
26 and State
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CITY COUNCIL AGENDA CONSENT

Date: September 23, 2008

TO: Honorable Mayor and City Council

FROM: Duane Burk, Director of Public Works

SUBJECT: Public Improvements Acceptance and Performance/Labor and Material Bond Release for Barbour Street Industrial Park

RECOMMENDATION: Accept the public improvements and release portion of the Faithful Performance/Labor and Material Bond for Barbour Street Industrial Park.

JUSTIFICATION: The bond release is equivalent to the cost of the public improvements that have been constructed, inspected and deemed in conformance with the approved plans and specifications.

BACKGROUND: Barbour Street Industrial Park is located on the southwest corner of the intersection of Hathaway Street and Barbour Street. Prior to the City Council approval, the developer is required to post a Performance/Labor & Material Bond.

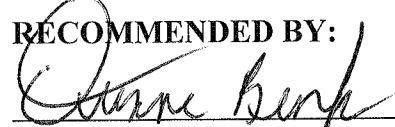
The bond reduction is equivalent to the cost of the public improvements that have been constructed, inspected and deemed in conformance with the approved plans and specifications. The remaining bond amount is equal to, or more, than the cost to complete the remaining public improvements. Typically, once the improvements are completed it is prudent to release a portion of said Bonds. The bond amount being released is as follows:

<u>Bond No.</u>	<u>Bond Amount</u>	<u>Bond Amount Being Released</u>	<u>Remaining Bond Balance</u>
5029153	\$483,044.00	\$195,000.00	\$288,044.00

Once said reduction is made in the bond the developer will provide the City with a new bond in the amount of \$288,044.00 to complete the remaining improvements within the Barbour Street Industrial Park.

FISCAL DATA: Not applicable.

RECOMMENDED BY:



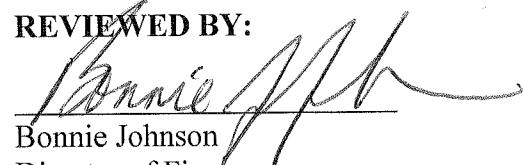
Duane Burk
Director of Public Works

APPROVED BY:



Brian Nakamura
City Manager

REVIEWED BY:



Bonnie Johnson
Director of Finance

**CITY COUNCIL MEETING
CONSENT ITEM**

DATE: September 23, 2008

TO: City Council

FROM: Kahono Oei, City Engineer

SUBJECT: Accept the Right-of-Way dedications from Ann Smith for Street Improvements at 770 W. Ramsey Street

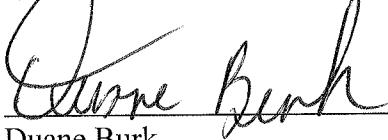
RECOMMENDATION: Accept the Right-of-Way dedications from Ann Smith for Street Improvements at 770 W. Ramsey Street, as described in Exhibit "A" and Exhibit "B", and direct the City Clerk to accept and record said dedications.

JUSTIFICATION: It is essential to obtain the right-of-way in order to construct the street improvements and meet the proposed right-of-way width requirement set forth by the adopted Circulation Element.

BACKGROUND: The property owner has constructed improvements at 770 W. Ramsey Street. As part of the Conditions of Approval, the owner is required to dedicate the necessary right-of-way fronting his/her property to meet the required width as listed in the City's general plan

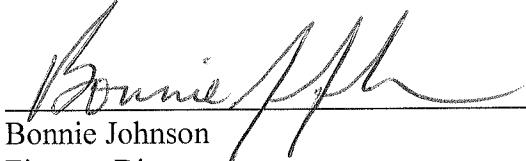
FISCAL DATA: Not applicable.

RECOMMENDED BY:



Duane Burk
Director of Public Works

REVIEWED BY:



Bonnie Johnson
Finance Director

APPROVED BY:



Brian Nakamura
City Manager

EXEMPT RECORDING
REQUESTED BY
City of Banning
PER GOV'T CODE 6103
AND WHEN RECORDED
MAIL TO:

City of Banning – City Clerk
P.O. Box 998
Banning, CA 92220

MAIL TAX STATEMENTS
TO:

City of Banning – City Clerk
P.O. Box 998
Banning, CA 92220

OFFER OF DEDICATION – ROAD PURPOSES

The undersigned, being the present title owner(s) of record of the herein described parcel of land, do hereby make an irrevocable offer of dedication to the City of Banning, a political subdivision of the State of California, and its successors or assigns for public road, street, highway, and utility purposes, the real property situated in the City of Banning, County of Riverside, State of California, described in Exhibit "A" (legal description) and shown on Exhibit "B" (plat map) attached hereto and incorporated herein by this reference as though set forth in full.

It is understood and agreed that the City of Banning and its successors or assigns shall incur no liability with respect to such offer of dedication, and shall not assume any responsibility for the offered parcel of land or any improvements thereon or therein, until such offer has been accepted by appropriate action of the City Council, or of the local governing bodies or its successors or assigns.

The provisions hereof shall inure to the benefit of and be binding upon heirs, successors, assigns, and personal representatives of the respective parties hereto.

IN WITNESS THEREOF, these presents have executed this 12 day of August,
20 08.

Ann M. Smith, Trustee of the Ann M. Smith Trust
Dated August 15, 1991


Signature

See acknowledgements attached to this document.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of San Diego

On August 12, 2008 before me, Deborah T. Drake, Notary Public,
(Here insert name and title of the officer)
personally appeared Ann M. Smith,

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.

Deborah T. Drake

Signature of Notary Public

(Notary Seal)



ADDITIONAL OPTIONAL INFORMATION

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

DESCRIPTION OF THE ATTACHED DOCUMENT

Offer of Dedication - Road
(Title or description of attached document)

Purposes (Ramsey)
(Title or description of attached document continued)

Number of Pages 4 Document Date Aug 12, 2008

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- Individual (s)
- Corporate Officer

(Title)

- Partner(s)
- Attorney-in-Fact
- Trustee(s)
- Other _____

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

ACCEPTANCE CERTIFICATE

The City of Banning hereby accepts the Offer of Dedication hereby attached and consents to the recordation of this document as set forth above by _____, on behalf of the Grantee pursuant to the authority delegated to him by City Council Resolution No. _____, adopted on _____. Nothing herein is intended nor shall anything herein be construed as acceptance of the property until such dedication has been accepted by appropriate action of the City Council, as of the local governing bodies or its successors or assigns.

CITY OF BANNING

Brenda Salas
Mayor

ATTEST:

Marie A. Calderon
City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION
STREET DEDICATION

THAT PORTION OF PARCEL 1 OF PARCEL MERGER NO. 05-5102, IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS DESCRIBED IN A DOCUMENT RECORDED MARCH 10, 2008 AS DOCUMENT NO. 116178 OF OFFICIAL RECORDS, RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF A LINE PARALLEL WITH AND DISTANT EASTERLY 10.00 FEET, MEASURED AT RIGHT ANGLES, FROM THE WESTERLY LINE OF SAID PARCEL 1 WITH THE SOUTHERLY LINE OF PARCEL 1; THENCE NORtherly, ALONG SAID PARALLEL LINE TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE NORtherly, NORtheasterly AND Easterly ALONG SAID CURVE TO A POINT OF TANGENCY WITH A LINE PARALLEL WITH AND DISTANT SOUTHERLY 10.00 FEET, MEASURED AT RIGHT ANGLES, FROM THE NORtherly LINE OF SAID PARCEL 1; THENCE NORtherly, PARALLEL WITH SAID WESTERLY LINE TO A POINT IN SAID NORtherly LINE; THENCE WESTERLY, SOUTHWESTERLY AND SOUTHERLY, ALONG SAID NORtherly LINE, THE NORTHWESTERLY LINE OF SAID PARCEL 1 AND SAID WESTERLY LINE, TO THE SOUTHWEST CORNER OF SAID PARCEL 1; THENCE EASTERLY ALONG SAID SOUTHERLY LINE TO THE POINT OF BEGINNING.

ALL AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF.

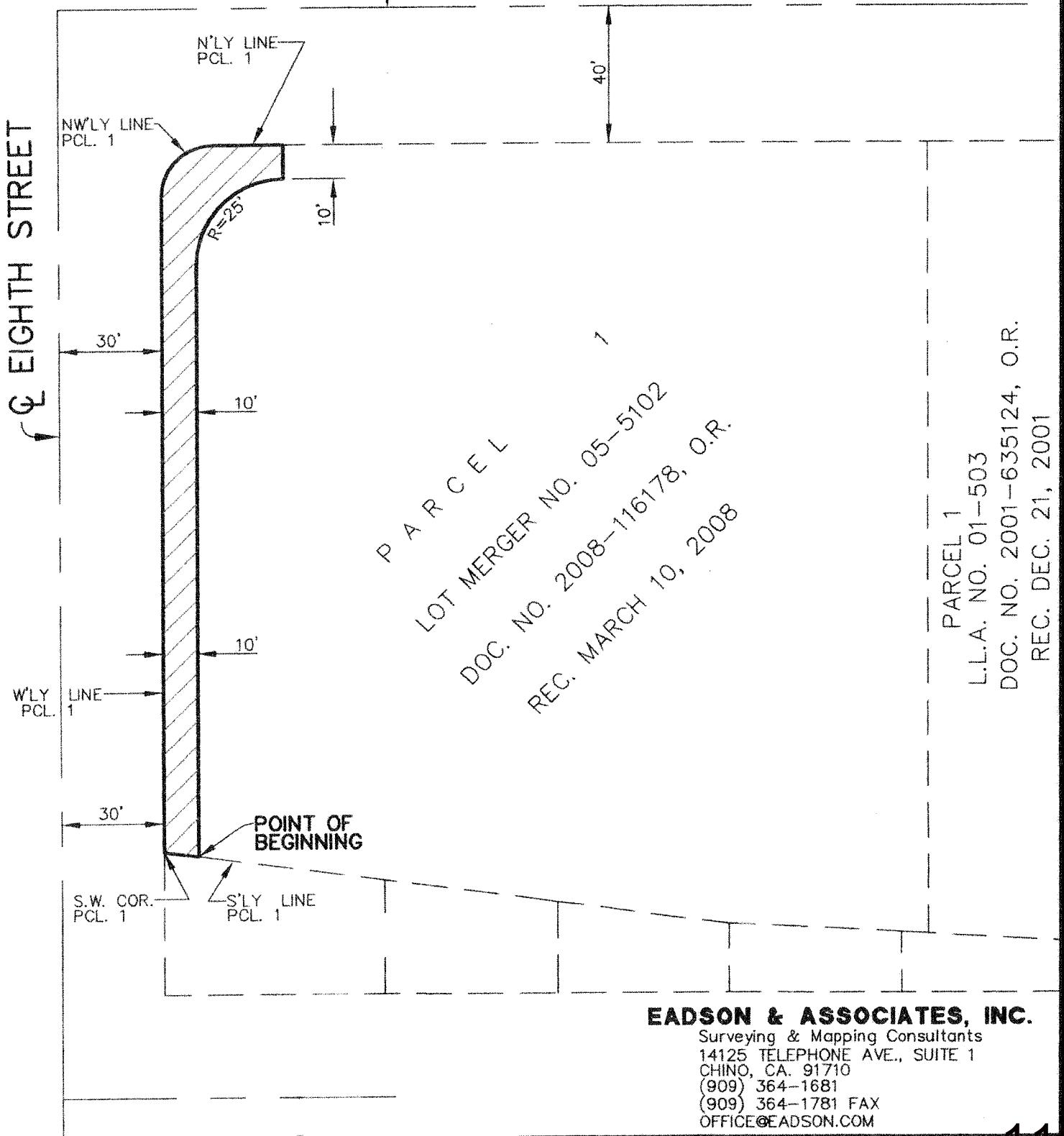

WILLIAM E. EADSON, L.S. 6154



EXHIBIT "B"
STREET DEDICATION

1 inch = 40 feet

RAMSEY STREET



EADSON & ASSOCIATES, INC.

Surveying & Mapping Consultants
14125 TELEPHONE AVE., SUITE 1
CHINO, CA. 91710
(909) 364-1681
(909) 364-1781 FAX
OFFICE@EADSON.COM

EXEMPT RECORDING
REQUESTED BY
City of Banning
PER GOV'T CODE 6103
AND WHEN RECORDED
MAIL TO:

City of Banning – City Clerk
P.O. Box 998
Banning, CA 92220

MAIL TAX STATEMENTS
TO:

City of Banning – City Clerk
P.O. Box 998
Banning, CA 92220

OFFER OF DEDICATION – ROAD PURPOSES

The undersigned, being the present title owner(s) of record of the herein described parcel of land, do hereby make an irrevocable offer of dedication to the City of Banning, a political subdivision of the State of California, and its successors or assigns for public road, street, highway, and utility purposes, the real property situated in the City of Banning, County of Riverside, State of California, described in Exhibit "A" (legal description) and shown on Exhibit "B" (plat map) attached hereto and incorporated herein by this reference as though set forth in full.

It is understood and agreed that the City of Banning and its successors or assigns shall incur no liability with respect to such offer of dedication, and shall not assume any responsibility for the offered parcel of land or any improvements thereon or therein, until such offer has been accepted by appropriate action of the City Council, or of the local governing bodies or its successors or assigns.

The provisions hereof shall inure to the benefit of and be binding upon heirs, successors, assigns, and personal representatives of the respective parties hereto.

IN WITNESS THEREOF, these presents have executed this instrument this 12 day of August,
20 08.

Ann M. Smith, Trustee of the Ann M. Smith Trust
Dated August 15, 1991


Signature

See acknowledgements attached to this document.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of San Diego

On August 12, 2008 before me, Deborah T. Drake, Notary Public
(Here insert name and title of the officer)

personally appeared Ann M. Smith,

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.

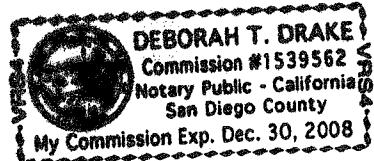
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Deborah T. Drake

Signature of Notary Public

(Notary Seal)



ADDITIONAL OPTIONAL INFORMATION

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

DESCRIPTION OF THE ATTACHED DOCUMENT

Offer of Dedication - Road
(Title or description of attached document)

Purposes (Eight)
(Title or description of attached document continued)

Number of Pages 4 Document Date Aug 12, 2008

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- Individual (s)
- Corporate Officer

(Title)

- Partner(s)
- Attorney-in-Fact
- Trustee(s)
- Other _____

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

ACCEPTANCE CERTIFICATE

The City of Banning hereby accepts the Offer of Dedication hereby attached and consents to the recordation of this document as set forth above by _____, on behalf of the Grantee pursuant to the authority delegated to him by City Council Resolution No. _____, adopted on _____. Nothing herein is intended nor shall anything herein be construed as acceptance of the property until such dedication has been accepted by appropriate action of the City Council, as of the local governing bodies or its successors or assigns.

CITY OF BANNING

Brenda Salas
Mayor

ATTEST:

Marie A. Calderon
City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION
OFFER OF DEDICATION

THAT PORTION OF PARCEL 1 OF PARCEL MERGER NO. 05-5102, IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS DESCRIBED IN A DOCUMENT RECORDED MARCH 10, 2008 AS DOCUMENT NO. 116178 OF OFFICIAL RECORDS, RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF A LINE PARALLEL WITH AND DISTANT EASTERLY 10.00 FEET, MEASURED AT RIGHT ANGLES, FROM THE WESTERLY LINE OF SAID PARCEL 1 WITH THE SOUTHERLY LINE OF PARCEL 1; THENCE NORTHERLY, ALONG SAID PARALLEL LINE TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE NORTHERLY, NORTHEASTERLY AND EASTERLY ALONG SAID CURVE TO A POINT OF TANGENCY WITH A LINE PARALLEL WITH AND DISTANT SOUTHERLY 10.00 FEET, MEASURED AT RIGHT ANGLES, FROM THE NORTHERLY LINE OF SAID PARCEL 1, SAID POINT ALSO BEING THE **TRUE POINT OF BEGINNING**; THENCE NORTHERLY, PARALLEL WITH THE WESTERLY LINE OF SAID PARCEL 1 TO A POINT IN THE NORTHERLY LINE OF SAID PARCEL 1; THENCE EASTERLY, ALONG SAID NORTHERLY LINE TO THE NORTHEAST CORNER OF SAID PARCEL 1; THENCE SOUTHERLY, ALONG THE EASTERLY LINE OF SAID PARCEL 1 TO A POINT IN SAID LINE PARALLEL WITH AND DISTANT SOUTHERLY 10.00 FEET, MEASURED AT RIGHT ANGLES, FROM THE NORTHERLY LINE OF PARCEL 1; THENCE WESTERLY, ALONG LAST SAID PARALLEL LINE TO THE **TRUE POINT OF BEGINNING**.

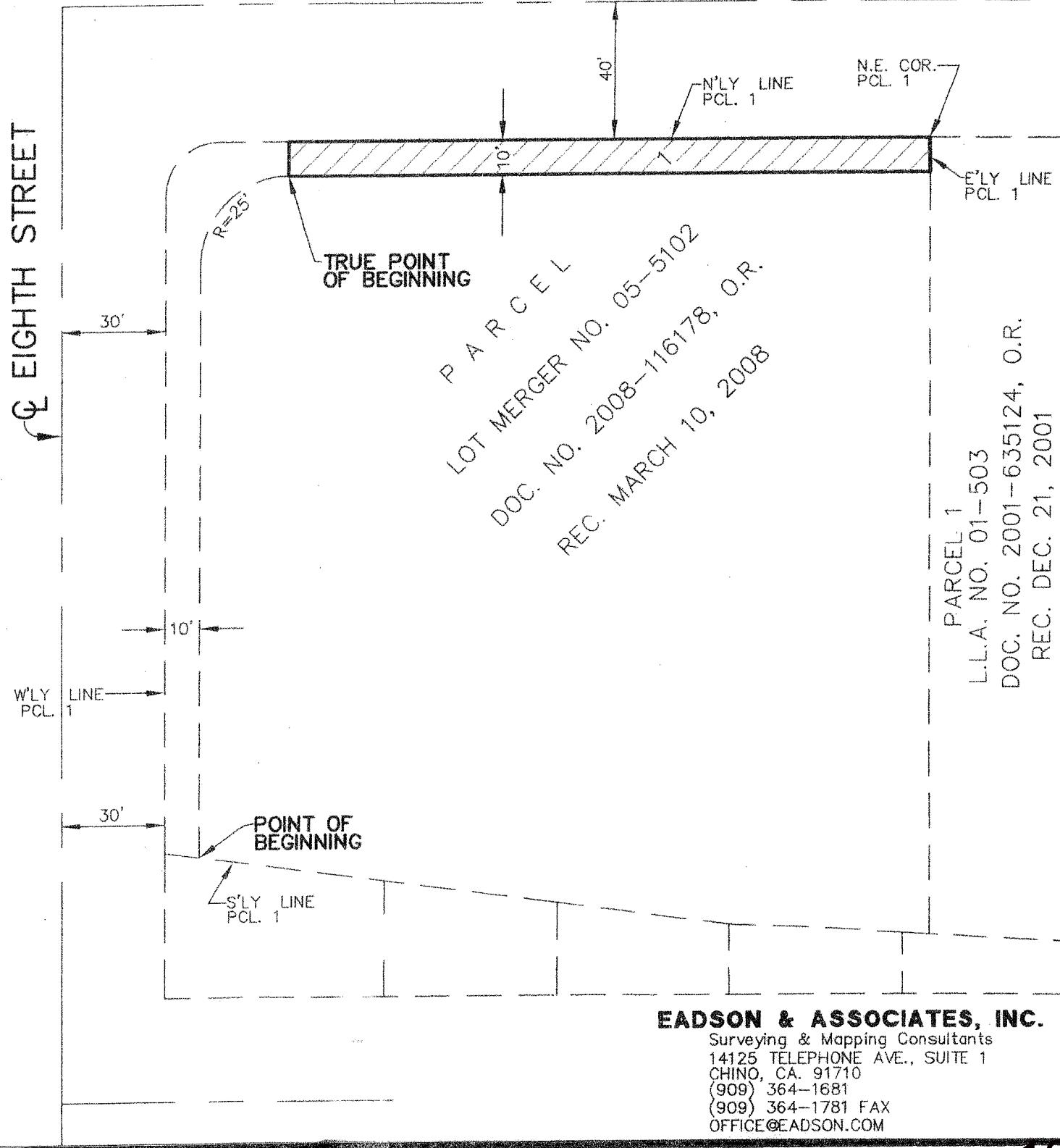
ALL AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF.


WILLIAM E. EADSON, L.S. 6154



EXHIBIT "B"
OFFER OF DEDICATION

1 inch = 40 feet



**CITY COUNCIL MEETING
CONSENT ITEM**

DATE: September 23, 2008

TO: City Council

FROM: Kahono Oei, City Engineer

SUBJECT: Accept the Right-of-Way dedications from Robert D. Little and John Walls for Street Improvements at Assessor's Parcel Number 540-125-011

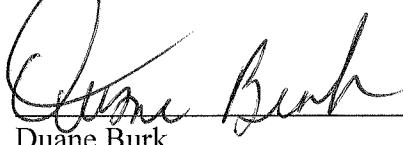
RECOMMENDATION: Accept the Right-of-Way dedications from Robert D. Little and John Walls for Street Improvements at Assessor's Parcel Number 540-125-011, as described in Exhibit "A" and Exhibit "B", and direct the City Clerk to accept and record said dedications.

JUSTIFICATION: It is essential to obtain the right-of-way in order to construct the street improvements and meet the proposed right-of-way width requirement set forth by the adopted Circulation Element.

BACKGROUND: The City of Banning has elected to construct street improvements along Ramsey Street from 887 W. Ramsey Street to approximately 400 feet west. In order to construct said improvements at the appropriate location as per the adopted Circulation Element, the City is in need to obtain additional right-of-way.

FISCAL DATA: Not applicable.

RECOMMENDED BY:



Duane Burk
Director of Public Works

REVIEWED BY:



Bonnie Johnson
Finance Director

APPROVED BY:



Brian Nakamura
City Manager

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

CITY CLERK
CITY OF BANNING
99 EAST RAMSEY STREET
BANNING, CA. 92220-0998

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED
(RIGHT-OF-WAY DEDICATION)

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

KLL, General Partnership

hereby GRANT(S) to the City of Banning, a Municipal Corporation, for street right-of-way purposes, all that real property situated in the City of Banning, County of Riverside, California, described as follows:

SEE EXHIBITS "A" AND "B" ATTACHED HERETO AND MADE A PART HEREOF

Assessor's Parcel No. 540-125-011

Executed on August 11th, 2008, at Met, California

Dated: August 11, 2008 John Walls - Partner

Robert D. Little
-Partner

STATE OF CALIFORNIA
COUNTY OF Riverside)

On Monday, August 11, 2008
before me, Renée A. Johnson
personally appeared John Walls

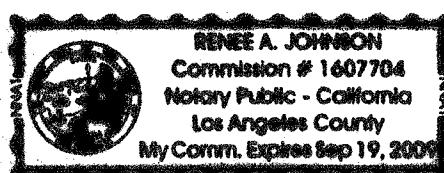
who proved to me on
the basis of satisfactory evidence to be the person(s) whose name(s)
is/are subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s), 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 Renée A. Johnson
Jennifer Roblee
NATARV

(Seal)
for RDL



RENEE A. JOHNSON
Commission # 1607704
Notary Public - California
Los Angeles County
My Comm. Expires Sep 19, 2009

EXHIBIT "A"

LEGAL DESCRIPTION (RIGHT OF WAY DEDICATION)

Portion A.P.N. 540-125-011

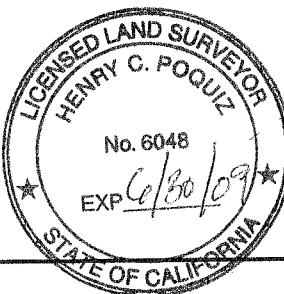
THAT PORTION OF BLOCK 271, AS SHOWN ON THE AMENDED MAP OF BANNING LAND COMPANY, RECORDED IN MAP BOOK 9, PAGE 44, RECORDS OF SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 12, BONITA HEIGHTS NO. 2, RECORDED IN MAP BOOK 17, PAGE 69, RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA, SAID POINT ALSO BEING ON THE NORTH LINE OF RAMSEY STREET (60.00 WIDE), THENCE NORTH ALONG THE WEST LINE OF SAID LOT 12, A DISTANCE OF 12.00 FEET; THENCE WEST PARALLEL WITH THE NORTH LINE OF SAID RAMSEY STREET, A DISTANCE OF 50.00 FEET; THENCE SOUTH PARALLEL WITH SAID WEST LINE OF LOT 12, A DISTANCE OF 12.00 TO THE NORTH LINE OF SAID RAMSEY STREET, THENCE EAST, ALONG SAID NORTH LINE OF RAMSEY STREET, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

Prepared under my supervision:

Henry C. Poquiz

L.S. 6048



Date:

7/24/08

EXHIBIT "B"



SCALE: 1"=20'

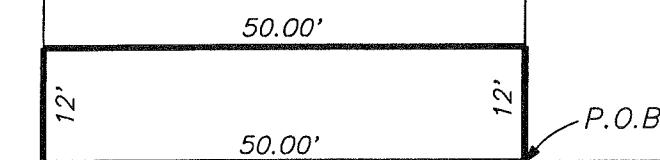
LOT 15
BLOCK 27
M.L. 17/35

POR. BLK. 271
M.L. 9/44

POR. BLK. 271
M.L. 9/44

LOT 12
BLOCK 27
M.L. 17/35

APN: 540-125-011
AREA=600 S.F.



RAMSEY STREET

30'

30'

N89°54'30"W



7/22/08

CITY OF BANNING, CALIFORNIA
DEED PLAT
RAMSEY STREET

DRAWN BY: HCP

CHECKED BY: _____

APPROVED BY: _____

DATE: JULY 14, 2008

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California)

County of Riverside)

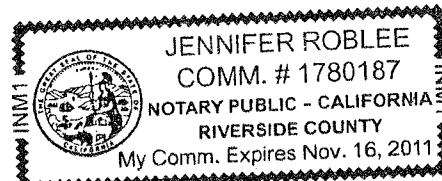
On 9/5/08 before me, Jennifer Roblee, Notary
(here insert name and title of the officer)

personally appeared Robert D Little

personally known to me (or 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.

WITNESS my hand and official seal.

Jennifer Roblee
Signature of Notary Public



(Seal)

ADDITIONAL OPTIONAL INFORMATION

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

DESCRIPTION OF THE ATTACHED DOCUMENT	
<u>Grant Deed</u> (Title or description of attached document)	
(Title or description of attached document continued)	
Number of Pages <u>1</u>	Document Date <u>Aug 11th 08</u>
<u>Parcel # 540-125-011</u> (Additional information)	

CAPACITY CLAIMED BY THE SIGNER	
<input checked="" type="checkbox"/> Individual(s)	
<input type="checkbox"/> Corporate Officer	
(Title)	
<input type="checkbox"/> Partner(s)	
<input type="checkbox"/> Attorney-in-Fact	
<input type="checkbox"/> Trustee(s)	
<input type="checkbox"/> Other	

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

**CITY COUNCIL MEETING
CONSENT ITEM**

DATE: September 23, 2008

TO: City Council

FROM: Kahono Oei, City Engineer

SUBJECT: Accept the Right-of-Way dedications from Robert D. Little and John Walls for Street Improvements at Assessor's Parcel Number 540-125-012

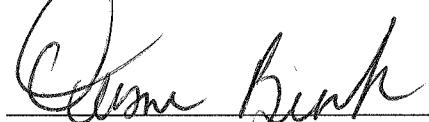
RECOMMENDATION: Accept the Right-of-Way dedications from Robert D. Little and John Walls for Street Improvements at Assessor's Parcel Number 540-125-012, as described in Exhibit "A" and Exhibit "B", and direct the City Clerk to accept and record said dedications.

JUSTIFICATION: It is essential to obtain the right-of-way in order to construct the street improvements and meet the proposed right-of-way width requirement set forth by the adopted Circulation Element.

BACKGROUND: The City of Banning has elected to construct street improvements along Ramsey Street from 887 W. Ramsey Street to approximately 400 feet west. In order to construct said improvements at the appropriate location as per the adopted Circulation Element, the City is in need to obtain additional right-of-way.

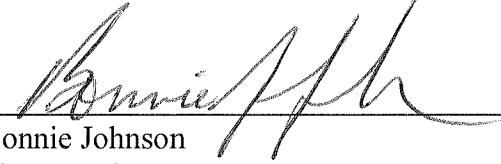
FISCAL DATA: Not applicable.

RECOMMENDED BY:



Duane Burk
Director of Public Works

REVIEWED BY:



Bonnie Johnson
Finance Director

APPROVED BY:



Brian Nakamura
City Manager

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

CITY CLERK
CITY OF BANNING
99 EAST RAMSEY STREET
BANNING, CA. 92220-0998

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED
(RIGHT- OF-WAY DEDICATION)

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

KLL, General Partnership

hereby GRANT(S) to the City of Banning, a Municipal Corporation, for street right-of-way purposes, all that real property situated in the City of Banning, County of Riverside, California, described as follows:

SEE EXHIBITS "A" AND "B" ATTACHED HERETO AND MADE A PART HEREOF

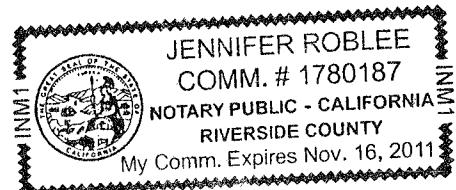
Assessor's Parcel No. 540-125-012

Executed on August 11th, 2008, at HEMET, California
Dated: August 11, 2008  - Partner

Robert D. Little
-Partner

STATE OF CALIFORNIA
COUNTY OF Riverside)

On Monday, August 11, 2008
before me, Renee A. Johnson
personally appeared John Walls
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 Renee A. Johnson (Seal)
Jennifer Roblee For RDL

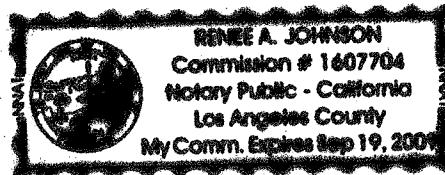


EXHIBIT "A"

LEGAL DESCRIPTION (RIGHT OF WAY DEDICATION)

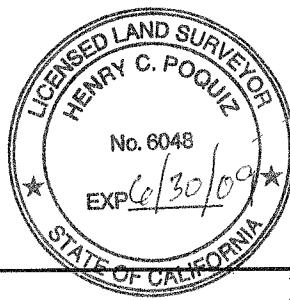
Portion A.P.N. 540-125-012

THE SOUTH 12.00 FEET OF LOT 12, BONITA HEIGHTS NO. 2, IN THE CITY OF BANNING, AS RECORDED IN MAP BOOK 17, PAGE 69, RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA.

Prepared under my supervision:

Henry C. Poquiz

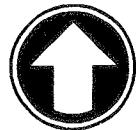
L.S. 6048



1/24/08

Date:

EXHIBIT "B"



SCALE: 1"=20'

POR. BLK. 271
M.B. 9/44

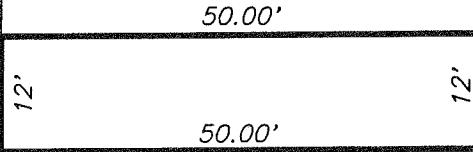
LOT 12
BONITA HEIGHTS NO. 2
M.B. 17/59

LOT 11
BONITA HEIGHTS NO. 1
M.B. 9/13

N00°08'30"W

N00°08'30"W

APN: 540-125-012
AREA=600 S.F.

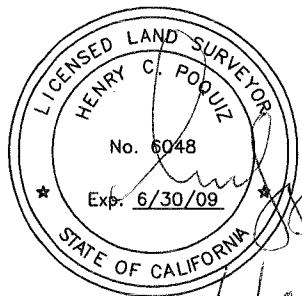


30'

RAMSEY STREET

30'

N89°54'30"W



CITY OF BANNING, CALIFORNIA
DEED PLAT
RAMSEY STREET

DRAWN BY: HCP

CHECKED BY: _____

APPROVED BY: _____

DATE: JULY 14, 2008

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California)

County of Riverside)

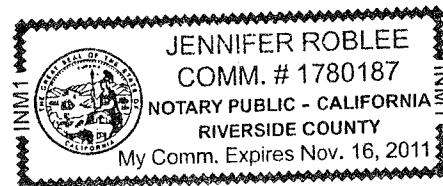
On 9/5/08 before me, Jennifer Roblee, Notary
(here insert name and title of the officer)

personally appeared Robert D Little

personally known to me (or 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.

WITNESS my hand and official seal.

Jennifer Roblee
Signature of Notary Public



ADDITIONAL OPTIONAL INFORMATION

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

DESCRIPTION OF THE ATTACHED DOCUMENT	
<u>Grant Deed</u>	
(Title or description of attached document)	
(Title or description of attached document continued)	
Number of Pages <u>1</u>	Document Date <u>Aug 11, 08</u>
<u>Parcel # 540-125-012</u>	
(Additional information)	

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is / are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

CAPACITY CLAIMED BY THE SIGNER

Individual(s)
 Corporate Officer

(Title)

Partner(s)
 Attorney-in-Fact
 Trustee(s)
 Other _____

**CITY COUNCIL MEETING
CONSENT ITEM**

DATE: **September 23, 2008**

TO: **City Council**

FROM: **Kahono Oei, City Engineer**

SUBJECT: **Accept the Right-of-Way dedications from Robert D. Little and John Walls for Street Improvements at Assessor's Parcel Number 540-125-013**

RECOMMENDATION: Accept the Right-of-Way dedications from Robert D. Little and John Walls for Street Improvements at Assessor's Parcel Number 540-125-013, as described in Exhibit "A" and Exhibit "B", and direct the City Clerk to accept and record said dedications.

JUSTIFICATION: It is essential to obtain the right-of-way in order to construct the street improvements and meet the proposed right-of-way width requirement set forth by the adopted Circulation Element.

BACKGROUND: The City of Banning has elected to construct street improvements along Ramsey Street from 887 W. Ramsey Street to approximately 400 feet west. In order to construct said improvements at the appropriate location as per the adopted Circulation Element, the City is in need to obtain additional right-of-way.

FISCAL DATA: Not applicable.

RECOMMENDED BY:



Duane Burk
Director of Public Works

REVIEWED BY:



Bonnie Johnson
Finance Director

APPROVED BY:



Brian Nakamura
City Manager

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

CITY CLERK
CITY OF BANNING
99 EAST RAMSEY STREET
BANNING, CA. 92220-0998

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED
(RIGHT- OF-WAY DEDICATION)

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

KLL, General Partnership

hereby GRANT(S) to the City of Banning, a Municipal Corporation, for street right-of-way purposes, all that real property situated in the City of Banning, County of Riverside, California, described as follows:

SEE EXHIBITS "A" AND "B" ATTACHED HERETO AND MADE A PART HEREOF

Assessor's Parcel No. 540-125-013

Executed on August 11th, 2008, at HEMET, California

Dated: August 11, 2008 JR - Partner

Robert D. Little
-Partner

STATE OF CALIFORNIA
COUNTY OF Riverside)

On Monday, August 11, 2008
before me, Renee A. Johnson
personally appeared John Walls

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 Renee A. Johnson (Seal)
Jennifer Roblee For RDL

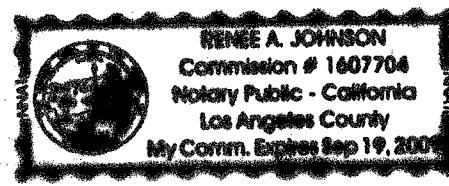
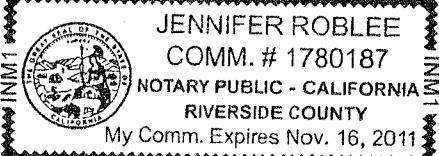


EXHIBIT "A"

LEGAL DESCRIPTION (RIGHT OF WAY DEDICATION)

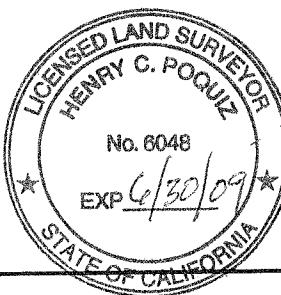
Portion A.P.N. 540-125-013

THE SOUTH 12.00 FEET OF LOT 11, INCLUDING THE SOUTH 12.00 FEET OF THE WEST 25.00 FEET OF LOT 10, ALL OF BONITA HEIGHTS NO. 1, IN THE CITY OF BANNING, AS RECORDED IN MAP BOOK 9, PAGE 16, RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA.

Prepared under my supervision:

Henry C. Poquiz

L.S. 6048



7/24/08

Date:

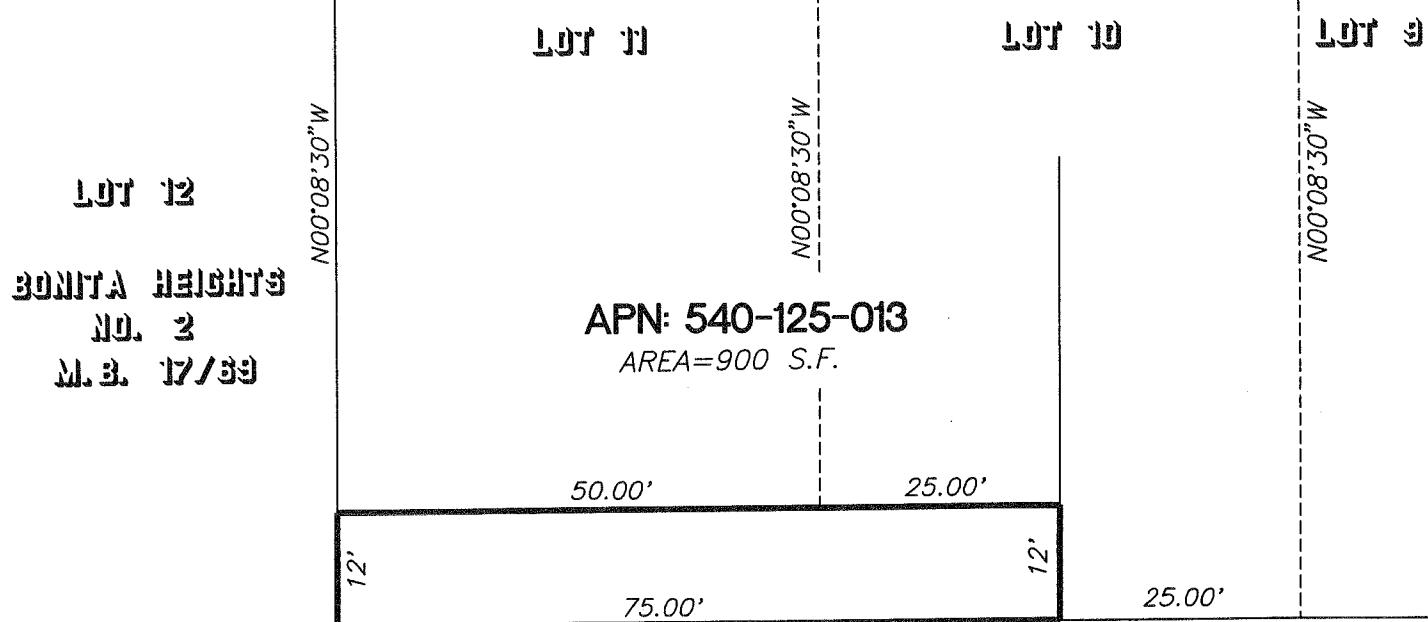
EXHIBIT "B"



SCALE: 1"=20'

BONITA HEIGHTS NO. 1

M.B. 9/16

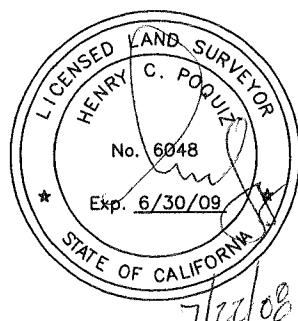


RAMSEY STREET

30'

30'

N89°54'30"W



CITY OF BANNING, CALIFORNIA
DEED PLAT
RAMSEY STREET

DRAWN BY: HCP

CHECKED BY: _____

APPROVED BY: _____

DATE: JULY 14, 2008

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California)

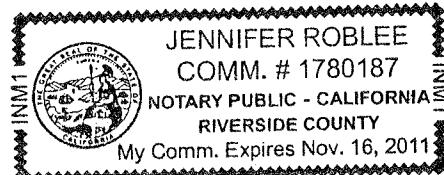
County of Riverside)

On 9/15/08 before me, Jennifer Roblee, Notary
(here insert name and title of the officer)
personally appeared Robert D Little

personally known to me (or 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.

WITNESS my hand and official seal.

Jennifer Roblee
Signature of Notary Public



(Seal)

ADDITIONAL OPTIONAL INFORMATION

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

DESCRIPTION OF THE ATTACHED DOCUMENT	
<u>Grant Deed</u>	
(Title or description of attached document)	
(Title or description of attached document continued)	
Number of Pages <u>1</u>	Document Date <u>Aug 11th, 08</u>
<u>Parcel # 540-125-013</u>	
(Additional information)	

CAPACITY CLAIMED BY THE SIGNER	
<input checked="" type="checkbox"/> Individual(s)	
<input type="checkbox"/> Corporate Officer	
(Title)	
<input type="checkbox"/> Partner(s)	
<input type="checkbox"/> Attorney-in-Fact	
<input type="checkbox"/> Trustee(s)	
<input type="checkbox"/> Other	

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

**CITY COUNCIL MEETING
CONSENT ITEM**

DATE: September 23, 2008

TO: City Council

FROM: Kahono Oei, City Engineer

SUBJECT: Accept the Right-of-Way dedications from Leticia A. Martinez for Street Improvements at Assessor's Parcel Number 540-125-014

RECOMMENDATION: Accept the Right-of-Way dedications from Leticia A. Martinez for Street Improvements at Assessor's Parcel Number 540-125-014, as described in Exhibit "A" and Exhibit "B", and direct the City Clerk to accept and record said dedications.

JUSTIFICATION: It is essential to obtain the right-of-way in order to construct the street improvements and meet the proposed right-of-way width requirement set forth by the adopted Circulation Element.

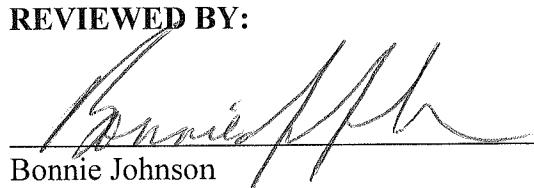
BACKGROUND: The City of Banning has elected to construct street improvements along Ramsey Street from 887 W. Ramsey Street to approximately 400 feet west. In order to construct said improvements at the appropriate location as per the adopted Circulation Element, the City is in need to obtain additional right-of-way.

FISCAL DATA: Not applicable.

RECOMMENDED BY:


Duane Burk
Director of Public Works

REVIEWED BY:


Bonnie Johnson
Finance Director

APPROVED BY:


Brian Nakamura
City Manager

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

CITY CLERK
CITY OF BANNING
99 EAST RAMSEY STREET
BANNING, CA. 92220-0998

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED
(RIGHT-OF-WAY DEDICATION)

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

LETICIA A. MARTINEZ, a widow

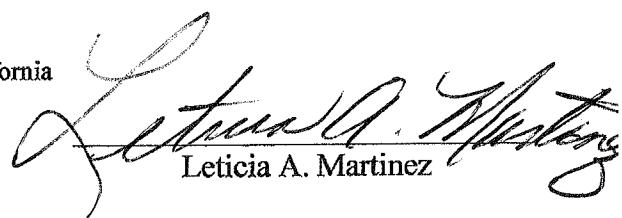
hereby GRANT(S) to the City of Banning, a Municipal Corporation, for street right-of-way purposes, all that real property situated in the City of Banning, County of Riverside, California, described as follows:

SEE EXHIBITS "A" AND "B" ATTACHED HERETO AND MADE A PART HEREOF

Assessor's Parcel No. 540-125-014

Executed on August 22nd, 2008, at Banning, California

Dated: 8/24/08



Leticia A. Martinez

STATE OF CALIFORNIA
COUNTY OF Riverside)

On August 22nd, 2008
before me, Ernest Martinez, Notary Public
personally appeared Leticia A. Martinez
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 Ernest Martinez

(Seal)

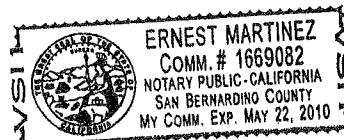


EXHIBIT "A"

LEGAL DESCRIPTION (RIGHT OF WAY DEDICATION)

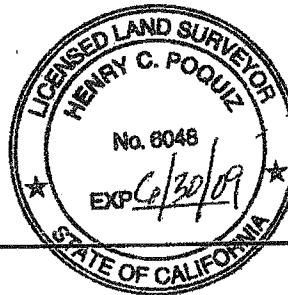
Portion A.P.N. 540-125-014

THE SOUTH 12.00 FEET OF LOTS 8 AND 9, INCLUDING THE SOUTH 12.00 FEET OF THE EAST 25.00 FEET OF LOT 10, ALL OF BONITA HEIGHTS NO. 1, IN THE CITY OF BANNING, AS RECORDED IN MAP BOOK 9, PAGE 16, RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA.

Prepared under my supervision:

Henry C. Poquiz

L.S. 6048



7/29/08

Date:

EXHIBIT "B"



SCALE: 1"=20'

BONITA HEIGHTS NO. 1
M.B. 9/16

LOT 10

LOT 9

LOT 8

LOT 7

N00°08'30"W

N00°08'30"W

N00°08'30"W

N00°08'30"W

APN: 540-125-014

AREA=1,500 S.F.

25.00'

50.00'

50.00'

12'

125.00'

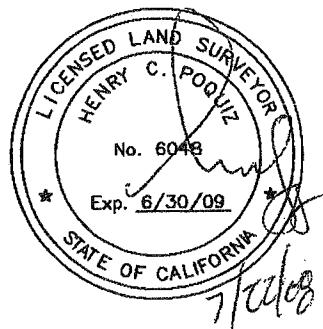
12'

RAMSEY STREET

30'

30'

N89°54'30"W



CITY OF BANNING, CALIFORNIA
DEED PLAT
RAMSEY STREET

DRAWN BY: HCP

CHECKED BY: _____

APPROVED BY: _____

DATE: JULY 14, 2008

**CITY COUNCIL MEETING
CONSENT ITEM**

DATE: September 23, 2008

TO: City Council

FROM: Kahono Oei, City Engineer

SUBJECT: Accept the Right-of-Way dedications from Uyming Ling for Street Improvements at Assessor's Parcel Number 540-125-015

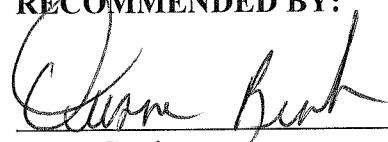
RECOMMENDATION: Accept the Right-of-Way dedications from Uyming Ling for Street Improvements at Assessor's Parcel Number 540-125-015, as described in Exhibit "A" and Exhibit "B", and direct the City Clerk to accept and record said dedications.

JUSTIFICATION: It is essential to obtain the right-of-way in order to construct the street improvements and meet the proposed right-of-way width requirement set forth by the adopted Circulation Element.

BACKGROUND: The City of Banning has elected to construct street improvements along Ramsey Street from 887 W. Ramsey Street to approximately 400 feet west. In order to construct said improvements at the appropriate location as per the adopted Circulation Element, the City is in need to obtain additional right-of-way.

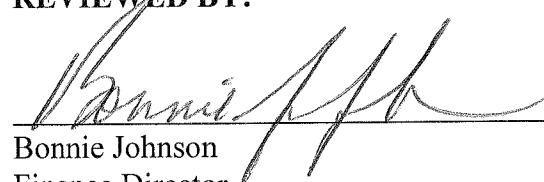
FISCAL DATA: Not applicable.

RECOMMENDED BY:



Duane Burk
Director of Public Works

REVIEWED BY:



Bonnie Johnson
Finance Director

APPROVED BY:



Brian Nakamura
City Manager

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

CITY CLERK
CITY OF BANNING
99 EAST RAMSEY STREET
BANNING, CA. 92220-0998

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED
(RIGHT- OF-WAY DEDICATION)

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

UYMING LING, Trustee of the Ling Family Living Trust Dated February 3, 2007

hereby GRANT(S) to the City of Banning, a Municipal Corporation, for street right-of-way purposes, all that real property situated in the City of Banning, County of Riverside, California, described as follows:

SEE EXHIBITS "A" AND "B" ATTACHED HERETO AND MADE A PART HEREOF

Assessor's Parcel No. 540-125-015

Executed on 8-07, 2008, at Loma Linda, California

Dated: 8-07-08

uyming ling
Uyming Ling

STATE OF CALIFORNIA
COUNTY OF San Bernardino)

On Aug 7, 2008
before me Shannon C. Rivas Notary Public
personally appeared Uyming Ling 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 Shannon C. Rivas (Seal)

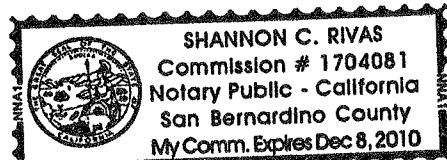


EXHIBIT "A"

LEGAL DESCRIPTION (RIGHT OF WAY DEDICATION)

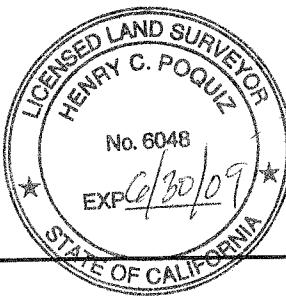
Portion A.P.N. 540-125-015

THE SOUTH 12.00 FEET OF LOT 7, BONITA HEIGHTS NO. 1, IN THE CITY OF BANNING, AS RECORDED IN MAP BOOK 9, PAGE 16, RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA.

Prepared under my supervision:

Henry C. Poquiz

L.S. 6048



Date:

7/24/08

EXHIBIT "B"



SCALE: 1"=20'

LOT 3
BONITA HEIGHTS NO. 1
M.B. 9/16

LOT 7
BONITA HEIGHTS NO. 1
M.B. 9/16

LOT 8
BONITA HEIGHTS NO. 1
M.B. 9/16

N00°08'30"W

N00°08'30"W

APN: 540-125-015
AREA=600 S.F.

50.00'

12'

50.00'

12'

30'

30'

RAMSEY STREET

N89°54'30"W



CITY OF BANNING, CALIFORNIA
DEED PLAT
RAMSEY STREET

DRAWN BY: HCP
CHECKED BY: _____
APPROVED BY: _____
DATE: JULY 14, 2008

**CITY COUNCIL MEETING
CONSENT ITEM**

DATE: September 23, 2008

TO: City Council

FROM: Kahono Oei, City Engineer

SUBJECT: Accept the Right-of-Way dedications from Uyming Ling for Street Improvements at Assessor's Parcel Number 540-125-016

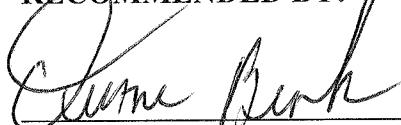
RECOMMENDATION: Accept the Right-of-Way dedications from Uyming Ling for Street Improvements at Assessor's Parcel Number 540-125-016, as described in Exhibit "A" and Exhibit "B", and direct the City Clerk to accept and record said dedications.

JUSTIFICATION: It is essential to obtain the right-of-way in order to construct the street improvements and meet the proposed right-of-way width requirement set forth by the adopted Circulation Element.

BACKGROUND: The City of Banning has elected to construct street improvements along Ramsey Street from 887 W. Ramsey Street to approximately 400 feet west. In order to construct said improvements at the appropriate location as per the adopted Circulation Element, the City is in need to obtain additional right-of-way.

FISCAL DATA: Not applicable.

RECOMMENDED BY:



Duane Burk
Director of Public Works

REVIEWED BY:



Bonnie Johnson
Finance Director

APPROVED BY:



Brian Nakamura
City Manager

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

CITY CLERK
CITY OF BANNING
99 EAST RAMSEY STREET
BANNING, CA. 92220-0998

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED
(RIGHT- OF-WAY DEDICATION)

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

UYMING LING, Trustee of the Ling Family Living Trust Dated February 3, 2007

hereby GRANT(S) to the City of Banning, a Municipal Corporation, for street right-of-way purposes, all that real property situated in the City of Banning, County of Riverside, California, described as follows:

SEE EXHIBITS "A" AND "B" ATTACHED HERETO AND MADE A PART HEREOF

Assessor's Parcel No. 540-125-016

Executed on 8-07, 2008, at Loma Linda, California

Dated: 8-07-08

Uyming Ling
Uyming Ling

STATE OF CALIFORNIA
COUNTY OF San Bernardino)

On Aug 7, 2008
before me, Shannon C. Rivas Notary Public
personally appeared Uyming Ling 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(jes), 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 Shannon C. Rivas (Seal)

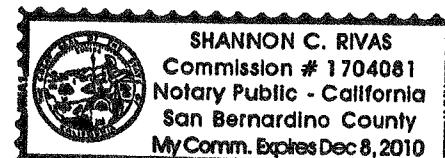


EXHIBIT "A"

LEGAL DESCRIPTION (RIGHT OF WAY DEDICATION)

Portion A.P.N. 540-125-016

THE SOUTH 12.00 FEET OF LOT 6, BONITA HEIGHTS NO. 1, IN THE CITY OF BANNING, AS RECORDED IN MAP BOOK 9, PAGE 16, RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA.

Prepared under my supervision:

Henry C. Poquiz

L.S. 6048



Date:

7/28/88

EXHIBIT "B"



SCALE: 1"=20'

LOT 7
BONITA HEIGHTS NO. 1
M.B. 9/13

LOT 8
BONITA HEIGHTS NO. 1
M.B. 9/13

LOT 5
BONITA HEIGHTS NO. 1
M.B. 9/13

N00°08'30" W

N00°08'30" W

APN: 540-125-016
AREA=600 S.F.

50.00'

12'

50.00'

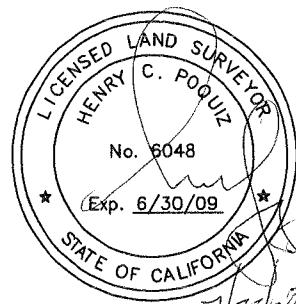
12'

30'

30'

RAMSEY STREET

N89°54'30" W



7/24/08

CITY OF BANNING, CALIFORNIA
DEED PLAT
RAMSEY STREET

DRAWN BY: HCP
CHECKED BY: _____
APPROVED BY: _____
DATE: JULY 14, 2008

CITY COUNCIL AGENDA
CONSENT ITEM

Date: September 23, 2008
TO: Honorable Mayor and City Council
FROM: Heidi Meraz, Recreation Director

SUBJECT: Approve Recommendation from the Parks and Recreation Advisory Committee to Award the Contract for the Parks Master Plan Update to RJM Design Group, Inc.

RECOMMENDATION: "That the City Council award the contract for the development of a Parks Master Plan Update to RJM Design Group, Inc. for an amount not to exceed \$125,000".

JUSTIFICATION: The development of a Parks Master Plan Update is necessary as the current Parks Master Plan was adopted in 1991 and numerous laws and regulations concerning parks have changed in California over the past 17 years

BACKGROUND: The last Parks Master Plan was developed by Purkiss-Rose Design Group in 1991 and adopted by the City Council the same year. Due to the city's financial constraints at the time and years afterward it was never implemented. The current City Council has already appropriated an amount not to exceed \$125,000 from the Park Development Fund, Account #451-3600-461-3311 for the Parks Master Plan Update. Bids were solicited for this project and three proposals were received. The respondents were RJM Design Group, Inc. with an original proposed cost of \$165,000 which has been modified to a proposed cost of \$125,000; RHA Landscape Architects Planners, Inc. with a proposed cost of \$124,375; and The Dangermond Group with a proposed cost of \$148,600. All of the organizations were present at the regular June, 18, 2008 meeting of the Parks and Recreation Advisory Committee and made their presentations. On July 10, 2008 the Parks and Recreation Advisory Committee held a special meeting to discuss the merits of each proposal and to make a formal recommendation to City Council. The Committee, after considering the qualifications of all firms, unanimously voted to recommend to City Council that the RJM Design Group be awarded the contract for the preparation of the Parks Master Plan Update not to exceed \$125,000.

Award of this contract will allow the City of Banning to proceed with the updating and expansion of our parks and park facilities keeping up with the growth of our community and assuring our compliance with the laws and regulations concerning city owned parks.

FISCAL DATA: The City Council has appropriated \$125,000 for the development of a Parks Master Plan Update from the Park Development Fund, Account #451-3600-461-3311. The funding was initially part of the 2007-08 budget and will be carried forward into the 2008-09 budget.

RECOMMENDED BY:

Heidi Meraz
Recreation Director

APPROVED BY:



Brian Nakamura
City Manager

REVIEWED BY:



Bonnie Johnson
Director of Finance

**CITY COUNCIL
CONSENT ITEM**

Date: September 23, 2008

TO: Honorable Mayor and City Council Members

FROM: George Hansen, Community Development Director

SUBJECT: General Plan Annual Progress Report (February 2006 to June 2008):

The General Plan Annual Progress Report outlining the status of the implementation of the implementation programs of the Banning General Plan during the period of February 2006 to June 2008.

RECOMMENDATION:

The Planning Division recommends that the City Council review the General Plan Annual Progress Report (Attachment 1) and direct staff to submit the report to the Governors Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD).

SUMMARY/BACKGROUND:

In compliance with Government Code Section 65400(b), the City of Banning (as well as each local agency in California) is required to provide, to the Governor's Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD), an annual progress report on the status of its General Plan, including progress on the implementation of adopted action programs, and how regional housing needs for the community are being met (i.e., Housing Element). The annual progress report is required to be submitted to the State no later than April 1st of each year. OPR will utilize the City's information, as well as other local agencies, to identify statewide trends in land use decision making as it relates to statewide planning goals and policies. Providing a copy to HCD fulfills statutory requirements to report certain housing information, including the local agency's progress in meeting its fair share of regional housing needs, and local efforts to remove governmental constraints to the development of housing (issues to be addressed in the Housing Element update).

The City has not submitted the annual progress report to the State since the comprehensive update to the General Plan was adopted by City Council in February 2006. To be in compliance with State requirements, the Planning Division, in coordination with each city department, has completed the progress report covering the period February 2006 to June 2008. The Community Development department is requesting that the City Council review the progress report and direct staff to submit the report to OPR and HCD. Once the report is submitted to and received by the State, the City will be in compliance with these regulations.

ANALYSIS DISCUSSION:

The City adopted a comprehensive update to the General Plan in January 2006. It has been nearly two and one-half (2.5) years and the City continues to take proactive steps in implementing the goals, policies and action programs of the General Plan. The General Plan has 21 elements (only 7 are mandated by the State) that contain 265 implementation action programs. The City has implemented,

completed and/or has an active/ongoing status of 220 action programs (83%). Only 45 action programs (17%) have not been completed and/or initiated. In summary, the City has done a good job of implementing the General Plan. After meeting with each department director, the primary reasons some of the action programs have not been completed/initiated are related to funding, staffing levels and individual department needs.

The General Plan Progress Report is organized alphabetically by element. Each section contains the adopted goals and policies including a summary table that reflects the action program, responsible agency, adopted schedule and implementation status. For easy reference, the action programs that have been completed and/or are active and ongoing are **highlighted in bold – blue type**, while the programs that have not been completed/initiated are **highlighted in bold red type**.

Local efforts to remove governmental constraints for Housing Development:

The City has adopted several code amendments (outlined below) since the General Plan was updated in 2006 to help streamline the development review process for housing projects which has continued to promote housing. The City is currently preparing a comprehensive update to the Housing Element which will include new ideas and programs to further promote housing opportunities in the City.

- Code revisions to comply with current state law that allows second-unit housing (i.e., “granny flats”) by right without discretionary approvals in single family residential zones, provided minimum development standards are complied with. Between July 2006 and June 2008, the Planning and Building Divisions have approved approximately 3 second units within the City.
- The City has adopted a policy that allows a pre-application review process (i.e., LTDF) free of charge for multifamily housing projects in an effort to streamline the development review process. This has reduced the processing time for these projects by an average of 30 days. This free pre-application review process has been extended to other residential, commercial and industrial projects within the City.
- The City is currently preparing the “Paseo San Gorgonio Overlay District” for the downtown area that will allow for more varied land uses, including public/institutional, residential and commercial/retail. The primary purpose for the overlay district is to encourage and promote “mixed-use” development as well as beautify the downtown area.
- The City has adopted an ordinance to grant density bonuses for affordable housing and/or senior housing projects to be consistent with state law (SB 1818). Two applications were filed in 2007 that are still in entitlement phases.

Progress in Meeting Regional Housing Needs:

In 2000, the City adopted a Housing Element covering the planning period of 2000 to 2005. The Housing element adopted by Council but it was not submitted to and certified by HCD. Nonetheless, the City did make progress in meeting its fair share of the region’s housing needs during that period. HCD has now established a new housing element cycle that will cover the period from 2006 to 2014. The city is currently working with Laurin & Associates in preparing the updated Housing Element to

establish new goals and policies (including the RHNA numbers), and it is the intention of the Community Development Department that the updated Housing element become certified by the HCD.

As part of this process, the Southern California Association of Governments (SCAG) has established updated regional housing assessment numbers that the City of Banning must comply with during the new planning period. As outlined in the table below, the City has approved a total of 71 new units since January of 2006 in the moderate and above-moderate income categories. Also, there has been no new units within the extremely low to low income categories. The table indicates that the City must provide 3,770 new units in all income categories by 2014. Staff anticipates that the updated housing element will establish new goals, policies and action programs that will make it possible to meet these requirements, especially in the extremely low to low income categories. It is important to note that this will require cooperation and joint efforts between the City and housing agencies, as well as proper budgeting of the Redevelopment Agencies 20% set-aside funds.

Progress in Meeting Regional Housing Needs				
Income Affordability Category	Number of New Units Constructed (Jan. 2000 to December 2005)	Regional Housing Needs (RHNA) Assessment (Jan. 2006 to June 2014)	Number of New Units Constructed (Jan. 2006 to June 2008)	Remaining Number of Units Needed by June 2014
Extremely Low	0	436	0	436
Very Low	69	437	0	437
Low	98	618	0	618
Moderate	540	705	21	684
Above Moderate	1810	1,645	50	1,595
Total	2,517	3,841	71	3,770

Sources: Western Riverside Council of Governments (WRCOG) & Southern California Association of Governments (SCAG).

FISCAL IMPACT:

There will be no fiscal impact with this action.

PREPARED BY:


Matthew C. Bassi
Planning Consultant

REVIEWED BY:

George Hansen pg GS
George Hansen
Community Development Director

REVIEWED BY:

Bonnie Johnson
Bonnie Johnson
Finance Director

APPROVED BY:

BS

Brian Nakamura
City Manager

CC Attachments:

1. General Plan Annual Progress Report (Feb. 2006 – June 2008)

G:\General Plan - 2006\CC Report 9-23-08 GP Progress Rept.doc

ATTACHMENT 1
General Plan Annual Progress Report

General Plan Progress Report



February 2006 - June 2008

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Introduction

The following discussion will provide a summary of the progress in achieving the Goals, Policies and Implementation Programs for each of the 21 General Plan elements. Each General Plan Element contains implementation programs that identify each department(s) responsible for implementation of the programs and outlines the timing/schedule to complete the programs. The elements have been alphabetized for easier reference. The programs that have been completed and/or active and ongoing are **highlighted in bold – blue type** and the programs that have not been completed are **highlighted in bold red type**.

Air Quality Element (11 programs)

GOAL 1

To preserve and enhance local and regional air quality for the protection of the health and welfare of the community.

Policy 1

The City shall be proactive in regulating local pollutant emitters and shall cooperate with the Southern California Association of Governments and the South Coast Air Quality Management District to assure compliance with air quality standards.

Policy 2

The City shall continue to coordinate and cooperate with local, regional and federal efforts to monitor, manage and reduce the levels of major pollutants affecting the City and region, with particular emphasis on PM₁₀ and ozone emissions, as well as other emissions associated with diesel-fueled equipment and motor vehicles.

Program 2.A

On an on-going basis, the City shall continue to participate in efforts to monitor and control PM₁₀ emissions from construction and other sources, and all other air pollutants of regional concern. The City shall coordinate with SCAQMD to provide all reporting data for the SCAQMD annual report.

Responsible Agency: Building and Public Works Departments, Planning Department, SCAQMD

Schedule: Continuous; On-going

Implementation Status – Ongoing through Development Review Process, standard conditions for Public Works.

Policy 3

City land use planning efforts shall assure that sensitive receptors are separated from polluting point sources.

Program 3.A

The General Plan Land Use Map and Element shall be developed and maintained to locate air pollution point sources, such as manufacturing operations and highways, at an appropriate distance from sensitive receptors, including hospitals, schools, hotels/motels and residential neighborhoods.

Responsible Agency: Planning Department, SCAQMD

Schedule: 2005-2006

Implementation Status – Implemented through application of zoning regulations.

Policy 4

Development proposals brought before the City shall be reviewed for their potential to adversely impact local and regional air quality and shall be required to mitigate any significant impacts.

Program 4.A

Projects that may generate significant levels of air pollution shall be required to conduct detailed impact analyses and incorporate mitigation measures into their designs using the most advanced technological methods feasible. All proposed mitigation measures shall be reviewed and approved by the City prior to the issuance of grading or demolition permits.

Responsible Agency: Planning Department

Schedule: On-going

Implementation Status - Implemented through CEQA Process and Development Review.

Program 4.B

Provide consistent and effective code enforcement of construction and grading activities and off-road vehicle use to assure that the impacts of blowing sand and fugitive dust emissions are minimized.

Responsible Agency: Building Department, Code Compliance, SCAQMD

Schedule: On-going

Implementation Status – Ongoing through standard approval process.

Program 4.C

The City shall encourage immediately, and investigate legislating the reduction of TDM requirements to a level of 50 employees or more.

Responsible Agency: Public Works Department/Planning Dept

Schedule: 2005-2006 Pending

Implementation Status - Not yet completed.

Policy 5

The City shall promote the use of clean and/or renewable alternative energy sources for transportation, heating and cooling.

Program 5.A

Vehicles that use alternative fuel sources, such as compressed natural gas and electricity, shall be purchased and maintained for use in the City's vehicle fleet when new vehicles are purchased.

Responsible Agency: City Manager's Office

Schedule: 2005-2006

Implementation Status – City vehicles use compressed natural gas.

Program 5.B

The City's Compressed Natural Gas fueling station shall continue to be open to public use.

Responsible Agency: Public Works Department

Schedule: On-going

Implementation Status - Active and Ongoing.

Policy 6

The City shall support the development of facilities and projects that facilitate and enhance the use of alternative modes of transportation, including pedestrian-oriented retail and activity centers, dedicated bicycle paths and lanes, and community-wide multi-use trails.

Program 6.A

The City shall pursue a balance of employment and housing opportunities that encourage pedestrian and other non-motorized transportation and minimize vehicle miles traveled.

Responsible Agency: Economic Development Department, Redevelopment Agency, Planning Department

Schedule: On-going

Implementation Status – Not yet completed - Paseo San Gorgonio Overlay District, when adopted, will facilitate this.

Program 6.B

The City shall promote the expanded availability of mass transit services, coordinating with all agencies to link residential and commercial business and employment centers with the City's residential neighborhoods and nearby communities.

Responsible Agency: Community Services Department, Economic Development Department, Redevelopment Agency, Planning Department

Schedule: Ongoing

Implementation Status – City attends regional transit meetings. Expansion will occur when population increases demand for expanded service.

Program 6.C

The City shall promote and support the development of ridesharing, carpooling, flexible work scheduling, telecommuting and Park and Ride programs among public and private employers.

Responsible Agency: Planning Department, Public Works Department, Community Services Department, Transit Agencies, Major Employers

Schedule: Ongoing

Implementation Status - Active and Ongoing – 9/80 schedule.

Program 6.D

The City shall require shade trees with non-damaging root systems to be planted in all medians on all streets, to cool the asphalt and reduce the Reactive Organic Compounds (ROC) and Volatile Organic Compounds (VOC) generated by asphalt streets and parking lots. A list of permitted trees with non-damaging root systems shall be developed.

Responsible Agency: Planning Department, Public Works Department

Schedule: Ongoing

Implementation Status - Ordinance in place, Active and Ongoing. Public Works reviews street tree plans for acceptable species; Planning requires one tree for every 7 spaces.

Archaeological and Cultural Resources Element (13 programs)

GOAL 1

Documentation, maintenance, preservation, conservation and enhancement of archaeological and historic sites, artifacts, traditions and other elements of the City's cultural heritage.

Policy 1

The City shall exercise its responsibility to identify, document and evaluate archaeological, historical and cultural resources that may be affected by proposed development projects and other activities.

Program 1.A

All new development proposals, except single family dwelling on existing lots of record, shall submit a records search for historic and cultural resources as part of the planning process.

Responsible Agency: Planning Department

Schedule: 2005-2006, Ongoing

Implementation Status – Not implemented.

Program 1.B

Development or land use proposals which have the potential to disturb or destroy sensitive cultural resources shall be evaluated by a qualified professional and, if necessary, comprehensive Phase I studies and appropriate mitigation measures shall be incorporated into project approvals.

Responsible Agency: Planning Department

Schedule: Ongoing

Implementation Status – Standard conditions for grading.

Program 1.C

The City shall implement the requirements of state law relating to cultural resources, including Government Code 65352.3, and any subsequent amendments or additions.

Responsible Agency: Planning Department

Schedule: Ongoing

Implementation Status –City consults with tribal representatives on all applicable projects.

Policy 2

The City shall expand and enhance its historic preservation efforts.

Program 2.A

Prepare a historic preservation plan, which outlines the goals and objectives of the City's preservation programs and serves as an official historic context statement for the evaluation of cultural resources within the City boundaries.

Responsible Agency: Planning Department

Schedule: 2006-2007

Implementation Status – Not implemented.

Program 2.B

The City shall consider participating in the Certified Local Government program so that it may benefit from historic preservation expertise, technical assistance, special grants, information exchange, and statewide preservation programs coordinated by the State Office of Historic Preservation. The evaluation of participation in the program shall be part of the historic preservation plan.

Responsible Agency: Planning Department, Historical Society, City Council
Schedule: 2006-2007
Implementation Status – Not completed as there is no preservation program.
Program 2.C
Encourage property owners and residents to nominate qualified properties to the City's inventory system and/or any federal and state registers.
Responsible Agency: Planning Department, Morongo Band of Cahuilla Indians
Schedule: Ongoing
Implementation Status – Not implemented.
Program 2.D
Should the Saint Boniface School site be proposed for development, extensive analysis of the site shall be conducted, and mitigation proposed, to document its historic significance.
Responsible Agency: Planning Department
Schedule: 2005-2006, Ongoing
Implementation Status – Tract map approved but a project is not yet developed.

Policy 3

Establish and maintain a confidential inventory of archaeological and historical resources within the City, including those identified by the Eastern Information Center (EIC) at the University of California, Riverside and in focused cultural resources studies.

Policy 4

Sensitive archaeological and historic resources shall be protected from vandalism and illegal collection, to the greatest extent possible.

Program 4.A
Mapping and similar information, which identifies specific locations of sensitive cultural resources, shall be maintained in a confidential manner, and access to such information shall be provided only to those with appropriate professional or organizational ties.
Responsible Agency: Planning Department
Schedule: Immediate; continuous
Implementation Status – Not implemented.

Policy 5

Encourage public participation in and appreciation of the City's cultural heritage.

Program 5.A
Implement a systematic program to enhance public awareness of the City's heritage, generate broad support for its preservation, and enhance community pride.
Responsible Agency: Planning Department, Historical Society, City Council, Morongo Band of Mission Indians
Schedule: 2005-2006, Ongoing
Implementation Status – Not implemented.
Program 5.B
Support the efforts of local cultural associations to acquire historical materials and artifacts, and to educate the public about the City's and region's cultural heritage.

Responsible Agency: Planning Department, Historical Society, Morongo Band of Mission Indians
Schedule: 2005-2006, Ongoing
Implementation Status –Not implemented.

Policy 6

Support the listing of eligible structures or sites as potential historic landmarks and their inclusion in the National Register of Historic Places.

Program 6.A
Develop procedures for the designation of local landmarks and historic districts.
Responsible Agency: Planning Department, Historical Society, Morongo Band of Mission Indians
Schedule: 2005-2006
Implementation Status – Not implemented.

Policy 7

The City shall consider offering economic or other incentives, such as direct subsidies or application/permitting fee reductions or waivers, to property owners to encourage the maintenance and enhancement of significant cultural buildings and sites.

Program 7.A
Develop an application process for City-sponsored incentives to maintain and enhance significant buildings and sites, and provide property owners with information and guidance on eligibility requirements.
Responsible Agency: Planning Department
Schedule: 2006-2007
Implementation Status – Not implemented.

Biological Resources Element (7 programs)

GOAL 1

A pattern of community development that supports a functional, productive, harmonious and balanced relationship between the built and natural environment.

Policy 1

The City shall continue to participate in the preservation of habitat for endangered, threatened and sensitive species.

Program 1.A

Through the Western Riverside MSHCP, maintain an accurate and regularly updated map of sensitive plant and animal species and habitat in Banning and its planning area.

Responsible Agency: Planning Department

Schedule: 2005-2006, Ongoing

Implementation Status – Implemented as required.

Program 1.B

The City shall participate in the Western Riverside County Multiple Species Habitat Conservation Plan.

Responsible Agency: Planning Department, Riverside County

Schedule: Ongoing

Implementation Status – Implemented as required.

Program 1.C

City staff shall continue to request biological resource surveys for new development.

Responsible Agency: Planning Department, Riverside County

Schedule: Continuous

Implementation Status - Implemented as required.

Policy 2

As part of the development review process, the City shall evaluate projects based on their impact on existing habitat and wildlife, and for the land's value as viable open space.

Program 2.A

The City shall encourage developers to recover native and drought tolerant plant materials, and incorporate them into project landscaping, to provide or enhance habitat for local species.

Responsible Agency: Planning Department

Schedule: Ongoing

Implementation Status – Ongoing part of development process.

Program 2.B

The City shall make available at City Hall a listing of planting materials that emphasizes native vegetation, but may also include non-native, plants that are compatible with the local environment.

Responsible Agency: Planning Department

Schedule: 2005-2006, Ongoing

Implementation Status – Landscape Guidelines contain the list.

Policy 3

The City shall encourage and cooperate with other agencies in establishing multiple use corridors that take advantage of drainage channels and utility easements as wildlife corridors, public access and links between open space areas and the built environment.

Program 3.A

The City shall consult and coordinate with the Riverside County Flood Control District to encourage the establishment of a system of multiple use corridors for movement of people and wildlife between open space areas.

Responsible Agency: Planning Department, Riverside County Flood Control District

Schedule: 2005-2006, Ongoing

Implementation Status – Trail plans for development projects adjacent to flood control facilities are required to include trails and to work with RCFC to develop the trails.

Policy 4

Drainage channels, utility corridors and pipeline easements shall be preserved in natural open space to the greatest extent possible.

Policy 5

The City shall promote the protection of biodiversity and encourage an appreciation of the natural environment and biological resources.

Program 5.A

The City shall coordinate with the Banning and Beaumont Unified School Districts, the County and other agencies as identified, to provide educational programs that offer an understanding of the region's natural environment and make the public aware of biological resource issues.

Responsible Agency: Planning Department, Banning and Beaumont Unified School Districts, Riverside County, and others as identified

Schedule: 2005-2006, Ongoing

Implementation Status – Not implemented.

Circulation Element (38 programs)

GOAL 1

A safe and efficient transportation system.

Policy 1

The City's Recommended General Plan Street System shall be strictly implemented.

Program 1.A
Street rights of way shall be 134 feet for Urban Arterial Highways, 110 feet for Arterial Highways, 100 feet for Major Highways, 88 feet for Secondary Highways, 78 feet for Divided Collectors, 66 feet for Collectors, and 60 feet for Local Streets. Local street standards can be amended as described in Policy 2.
Responsible Agency: Planning Department, Public Works Department, Planning Commission, City Council
Schedule: 2005-2006, Ongoing
Implementation Status – Implemented through development process.
Program 1.B
The City's Public Works roadway standards shall be amended to match the standards contained in this General Plan.
Responsible Agency: Public Works Department
Schedule: 2005-2006
Implementation Status – Standard plans in progress.
Program 1.C
Minimum lane width for all City streets shall be designed at 12 feet.
Responsible Agency: Planning Department, Public Works Department, Planning Commission, City Council
Schedule: 2005-2006, Ongoing, implementation
Implementation Status – Ongoing standard requirement for all development projects.

Policy 2

Local streets shall be scaled to encourage neighborhood interaction, pedestrian safety and reduced speeds.

Program 2.A

The design of new local streets can vary from the City's standard of 60 foot right-of-way, 40 foot paved width, under the following conditions:

1. The minimum travel lane width shall be 12 feet.
2. Parking shall be provided on at least one side of any public street. Parking lanes shall be a minimum of 8 feet in width.
3. Parking may be eliminated on private streets, if provisions are made in Conditions, Covenants and Restrictions (CC&R's) for enforcement by the Homeowners' Association.
4. Landscaped traffic circles, chokers, and center islands are encouraged, but must meet the requirements of the Fire Department.
5. The minimum parkway width shall be 10 feet.
6. Linear sidewalks are discouraged. Meandering sidewalks, which provide landscaping and street trees adjacent to the curb, shall be included in local street design.

The design of local streets varying from the City's standard, shall be included in the Tentative Tract Map application, and shall be reviewed by the Planning Commission and approved by the City Council.

Responsible Agency: Planning Department, Public Works Department, Planning Commission, City Council

Schedule: 2005-2006

Implementation Status – Ongoing.

Program 2.B

Existing local streets will be inventoried, and a master plan of potential improvements designed to improve their aesthetic and safety, including landscaped medians, sidewalks and traffic calming devices, shall be developed, cost engineered, and implemented.

Responsible Agencies: Public Works Department, Planning Commission, City Council

Schedule: 2006-2007

Implementation Status – Ongoing, CIP program adopted and being implemented.

Policy 3

The City shall establish and maintain a 5-Year Capital Improvement Program for streets.

Program 3.A

The Public Works Department shall establish a Capital Improvement Program for 5 years, and update it annually.

Responsible Agency: Public Works Department

Schedule: 2006-2007

Implementation Status – Capital Improvement Program approved & being implemented.

Policy 4

Proactively participate in regional transportation planning.

Program 4.A

Maintain active relationships with the City of Beaumont, the County of Riverside, the Western Riverside County Council of Governments, the California Department of Transportation and the Morongo Band of Mission Indians to share information and promote comprehensive transportation planning in the region.

Responsible Agency: Public Works Department, City Manager's Office, City Council, City of Beaumont, County of Riverside, WRCOG, CalTrans, Tribe

Schedule: 2005-2006
Implementation Status – Ongoing & in progress.
Program 4.B
Aggressively pursue Banning projects in the Transportation Uniform Mitigation Fee (TUMF) program, particularly the addition of projects to the TUMF project list, including grade separated road crossings.
Responsible Agency: Public Works Department
Schedule: 2005-2006
Implementation Status – Ongoing, Funding being secured for Sunset Grade Separation Project.
Program 4.C
Aggressively pursue the design and development of interchanges at Highland Home Road and Cottonwood Road (North - South), including all sources of funding, and the coordination of I-10 widening with their installation.
Responsible Agency: Public Works Department, City Manager's Office, City Council, CalTrans, Railroad
Schedule: 2005-2006
Implementation Status – Feasibility for Highland Home Road completed, Cottonwood under consideration.

Policy 5

Consider amendments to the Highland Home/Highland Springs/18th Street/Brookside street configurations based on public safety, design feasibility and area needs.

Policy 6

The City shall 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.

Program 6.A
Periodically review current traffic volumes and the actual pattern of development to coordinate, program and, as necessary, revise road improvements.
Responsible Agency: Public Works Department
Schedule:
Implementation Status - Ongoing & Active.

Policy 7

New development proposals shall pay their fair share for the improvement of streets within and surrounding their projects on which they have an impact, including roadways, bridges, grade separations and traffic signals.

Policy 8

Traffic calming devices shall be integrated into all City streets to the greatest extent possible and all new streets shall be designed to achieve desired speeds.

Policy 9

Street trees within the City right of way shall be preserved, unless a danger to the public health and safety or if the tree is diseased.

Program 9.A
Sidewalks in areas with street trees shall be designed to “wrap around” the tree if they are added to an existing neighborhood.
Responsible Agency: Public Works Department

Schedule: Ongoing

Implementation Status – Being implemented.

Policy 10

Sidewalks shall be provided on all roadways 66 feet wide or wider. In Rural Residential land use designation pathways shall be provided.

Program 10.A

The Public Works Department shall prepare an inventory of discontinuous sidewalks on all qualifying roadways, and fund individual projects through the Capital Improvement Program annually.

Responsible Agency: Public Works Department, City Council

Schedule: Inventory in 2006-2007, Annually thereafter

Implementation Status – Annually through CIP.

Program 10.B

All new development proposals located adjacent to qualifying roadways shall be required to install curb, gutter and sidewalk concurrent with construction.

Responsible Agency: Public Works Department, Planning Department

Schedule: Ongoing

Implementation Status – Ongoing through Development Review and CIP.

Program 10.C

The City shall develop procedures to address neighborhood sidewalk needs as they are requested by that neighborhood.

Responsible Agency: Public Works Department

Schedule: 2005-2006, Ongoing

Implementation Status – Ongoing as needed.

Program 10.D

Work with the School District to develop safe routes to school.

Responsible Agency: Public Works Department

Schedule: 2005-2006, Ongoing

Implementation Status - Ongoing.

Policy 11

Sidewalks or other pedestrian walkways shall be required on all streets within all new subdivisions.

Policy 12

In the absence of a vehicular grade separation, the City shall aggressively pursue a grade separated pedestrian access across San Gorgonio, to assure that high school students do not have to cross the railroad tracks on their way to and from school.

Policy 13

Pedestrian access in the Downtown Commercial designation shall be preserved and enhanced.

Program 13.A

All development and redevelopment proposals for the Downtown area shall include enhanced sidewalk, pedestrian walkway, lighting and landscaping designs and assure connections to existing and planned sidewalks.

Responsible Agency: Public Works Department, Planning Department

Schedule: As development proposals are presented
Implementation Status – Proposed Paseo San Gorgonio Overlay District for downtown will assure implementation of this program.

Policy 14

The City shall aggressively pursue the construction of all weather crossings over General Plan roadways.

Program 14.A

The Public Works Department shall prioritize the need for bridges listed in this Element, develop preliminary cost estimates, identify and pursue sources of funding, including developer funding, for each facility.

Responsible Agency: Public Works Department, City Council

Schedule: 2005-2006, Annually thereafter

Implementation Status – Ongoing CIP and private development; Highland Home Road – Sunset Street, Ramsey Street

Program 14.B

All new development proposals shall pay their fair share of bridge construction needed to serve their project.

Responsible Agency: Public Works Department, Planning Department

Schedule: Ongoing

Implementation Status - Implemented through entitlement process.

Policy 15

The City shall develop a Golf Cart Plan compliant with state requirements.

Program 15.A

The City shall develop a golf cart plan and associated ordinances and other required implementation programs.

Responsible Agency: Public Works Department, City Council

Schedule: 2006-2007

Implementation Status - Not yet adopted by Council (vehicle code issues).

Policy 16

Golf cart paths and facilities shall be funded, to the greatest extent possible, by new development.

Program 16.A

The routing and facilities required in the Golf Cart Plan shall be incorporated into the Development Impact Fee when the Plan is adopted.

Responsible Agency: Public Works Department

Schedule: 2006-2007

Implementation Status – Ongoing, training.

Program 16.B

Golf cart facilities shall be incorporated into new project plans located on golf cart routes.

Responsible Agency: Planning Department, Public Works Department, Planning Commission, City Council

Schedule: 2005-2006, Ongoing

Implementation Status - Not yet completed.

Policy 17

Encourage the expansion of an integrated Pass transit system.

Program 17.A

The City will explore the potential for either bus or rail connection to the Metrolink transit system.

Responsible Agency: City Manager's Office, Community Services Department

Schedule: 2006-2007, Ongoing

Implementation Status - Ongoing research as time permits

Policy 18

The City shall review its transit service to major regional attractions, and intra-City recreational locations in future planning efforts, based on need.

Policy 19

Bus pullouts shall be designed into all new projects on arterial roadways, to allow buses to leave the flow of traffic and reduce congestion.

Program 19.A

Bus pullouts will be retrofitted on built-out streets, wherever possible.

Responsible Agency: Public Works Department, City Council

Schedule: 2006-2007, Ongoing

Implementation Status - Ongoing, case by case.

Policy 20

Promote the location of a passenger rail station for long distance and commuter rail service.

Policy 21

Update the Airport Master Plan every five years to meet the needs of the general aviation, business and tourism segments of the community.

Program 21.A

Land use designation decisions within the area of influence of the airport shall be specifically reviewed to assure compatibility.

Responsible Agency: Planning Commission, City Council

Schedule: Ongoing

Implementation Status – Ongoing through Development Review Process.

Program 21.B

Work with the Chamber of Commerce, the Morongo Band of Mission Indians, and other interested parties to provide services which meet the needs of passenger and freight transport.

Responsible Agency: Airport Management, Economic Development staff, Chamber of Commerce, Morongo Band of Mission Indians, City Council

Schedule: Ongoing

Implementation Status – Ongoing, implemented through the Airport Committee.

Policy 22

Maintain an accurate mapping of all utility corridors.

Program 22.A

The Building Department shall inventory and map transmission utility easements on the Land Use Map

(including electric, fiber optics, natural gas and petroleum).
Responsible Agency: Building Department, Planning Department
Schedule: Inventory in 2005-2006, Annually thereafter
Implementation Status – The State of California requires these maps to be maintained through the Service Alert System. There has been no comprehensive inventory conducted by the city.

Policy 23

The City shall purchase and/or replace its fleet of vehicles with alternate fuel vehicles when available to the greatest extent possible, and shall encourage other agencies to do the same.

Policy 24

Public alleys throughout the City shall be maintained to be useful and safe at all times.

Program 24.A
The City shall create a downtown alley master plan and where appropriate pave, light and otherwise improve alleys.
Responsible Agency: Public Works Department
Schedule: Ongoing
Implementation Status – Ongoing Public Works Improvements and Paseo San Gorgonio Overlay District
Program 24.B
The Public Works Department shall inventory all public alleys, determine which are necessary, and vacate those that are not.
Responsible Agency: Public Works Department, City Council
Schedule: 2006-2007
Implementation Status – Ongoing and active.

Policy 25

The City shall develop and implement plans for a coordinated and connected bicycle lane network in the community that allows for safe use of bicycles on City streets.

Program 25.A
The City shall inventory all streets for potential Class I, Class II and Class III bikeways, and shall program their installation in its Capital Improvement Program.
Responsible Agency: Planning Department; Engineering Division; Public Works Department; Planning Commission; City Council
Schedule: 2005-2006.
Implementation Status – Not yet completed.
Program 25.B
Class I bikeways and sidewalks should be installed on both sides of Wilson Street, Ramsey Street, and Lincoln Street, and other major streets where sufficient right-of-way is available.
Responsible Agency: Engineering Division; Public Works Department
Schedule: 2005-2006, Ongoing
Implementation Status – Not yet completed.
Program 25.C
Class II bikeways and sidewalks should be designated on all existing arterial streets that have sufficient width to safely accommodate bicycle travel lanes.

Responsible Agency: Planning Department; Engineering Division; Public Works Department
Schedule: 2005-2006.
Implementation Status –Not yet completed.
Program 25.D

The City should designate Class III bikeways only where Class I and Class II facilities are not feasible.

Responsible Agency: Planning Department; Public Works Department

Schedule: Continuous.

Implementation Status – Not yet completed.

Policy 26

The City should continue to work with the Morongo Band of Mission Indians and neighboring cities and communities to create a regional bicycle and trail network.

Policy 27

The City shall provide for a comprehensive, interconnected recreational trails system suitable for bicycles, equestrians and/or pedestrians.

Program 27.A

Evaluate the practicality of utilizing flood control channels for multi-use trails, where flooding and safety issues can be accommodated, and negotiate inter-agency agreements for this purpose.

Responsible Agency: Planning Department

Schedule: 2005-2006.

Implementation Status – Ongoing through development review process.

Program 27.B

Evaluate the practicality of developing a multi-use trails system along the Banning Bench adjacent to and extending into San Bernardino National Forest lands, where environmental and safety issues can be accommodated, and negotiate inter-agency agreements with the U.S. Forest Service for this purpose.

Responsible Agency: Planning Department, U.S. Forest Service/San Bernardino National Forest

Schedule: 2005-2006.

Implementation Status – Not yet completed.

Program 27.C

Establish a multi-purpose trail between Dysart Park and Smith Creek Park, suitable for equestrian, bicycle and pedestrian use.

Responsible Agency: Community Services Department; Public Works Department; Parks and Recreation Advisory Committee

Schedule: 2005-2006, ongoing as development occurs

Implementation Status – Not yet completed.

Policy 28

Motorized vehicles shall be prohibited on City trails.

Program 28.A

The City shall develop a non-motorized trail system and associated ordinances and other required implementation programs.

Responsible Agency: Public Works Department, Planning Commission, City Council

Schedule: 2006-2007

Implementation Status – Not completed.
Program 28.B
The non-motorized trail system shall be funded, to the greatest extent possible, by new development.
Responsible Agency: Public Works Department
Schedule: 2006-2007
Implementation Status – Ongoing through Development Review Process.
Program 28.C
The routing and facilities required in the non-motorized trail system Plan shall be incorporated into the Development Impact Fee when the Plan is adopted.
Responsible Agency: Public Works Department
Schedule: 2006-2007
Implementation Status – Not yet completed.

Economic Development Element (20 programs)

GOAL 1

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

Policy 1

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

Program 1.A

The city shall annually monitor the remaining capacity of all General Plan land use categories to assure that a variety of economic development opportunities are available.

Responsible Agency: Planning Department, Redevelopment Agency

Schedule: 2005-2006, Annually thereafter

Implementation Status - Active, in process.

Program 1.B

All proposals for new development or redevelopment shall be evaluated to assure that these uses complement, support and are compatible with the City's core economic assets.

Responsible Agency: Planning Department, Redevelopment Agency, Finance Department, City Council

Schedule: Continuous

Implementation Status - Implemented through design review process & conditions of approval.

Policy 2

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

Program 2.A

Work closely with Mount San Jacinto College throughout their planning process to assist in its efficient and timely development, implement educational programs geared to job creation and retention, and to coordinate synergistic development opportunities.

Responsible Agency: Redevelopment Agency, Mount San Jacinto College

Schedule: 2005-2006, Ongoing

Implementation Status - Currently working with MSJC. Interim location at Banning High School.

Program 2.B

Aggressively pursue retail commercial developments which reduce the current retail sales leakage.

Responsible Agency: Redevelopment Agency, Chamber of Commerce

Schedule: Ongoing

Implementation Status - Ongoing monitoring through efforts of Economic Development at ICSC and other conferences.

Program 2.C

Continue to maximize the role of the Chamber of Commerce, City web site and other mechanisms that promote and enhance the City's business climate.

Responsible Agency: Redevelopment Agency, Chamber of Commerce
Schedule: Ongoing
Implementation Status - Implemented through EDC & city efforts and upgraded website.

Policy 3

Encourage and promote infill development in orderly and logical development patterns that decrease the costs, and increase the efficiency of new utilities, infrastructure, and public services.

Program 3.A
The City shall maintain a package of economic incentive programs that benefit developers of infill projects.
Responsible Agency: Redevelopment Agency, Finance Department
Schedule: 2005-2006
Implementation Status - Draft EI program completed under review to be finalized by October 2008.
Program 3.B
The City shall contribute to the financing of tertiary treatment facilities as an economic development tool.
Responsible Agency: Redevelopment Agency
Schedule: 2006-2007
Implementation Status - Not yet completed.
Program 3.C
Use the Downtown Charette as a guideline for the Downtown Commercial area, for the development of high quality, pedestrian oriented retail locations.
Responsible Agency: Planning Department, Redevelopment Agency, Planning Commission, City Council
Schedule: 2005-2007, Ongoing
Implementation Status - Ongoing implementation through façade grant program, to be expanded through the Paseo San G overlay district plan.

Policy 4

Attract a greater number of commercial retail businesses to the Downtown Core area to develop a safe, vital and consumer-friendly downtown shopping area.

Program 4.A
Provisions for the Downtown Commercial Zoning District shall encourage specialty retail uses, live-work uses, and other uses which support and expand the pedestrian and tourist-related shopping experience.
Responsible Agency: Planning Department, Planning Commission, City Council
Schedule: 2005-2006
Implementation Status - Ongoing implementation of Zoning Ordinance, San Gorgonio overlay district expands this.
Program 4.B
The City shall coordinate with public, private and business organizations to explore grant funding to provide funds for rehabilitation and increased code enforcement in the Downtown Core area.
Responsible Agency: Redevelopment Agency, Chamber of Commerce, City Council
Schedule: 2005-2006; Continuous
Implementation Status - Façade grant program being implemented, ongoing Code Enforcement efforts.

Program 4.C

The City shall work with CABAM and other citizen groups with an interest in development of the Downtown core area, to identify grant monies, private development interests and business synergies to build on existing revitalization activities in this area.

Responsible Agency: Redevelopment Agency, CABAM, development community

Schedule: 2005-2006; Continuous

Implementation Status - Currently working with Cultural Alliance and other citizen groups.

Policy 5

Explore opportunities with private entities to fund Smith Creek Park as a viable recreation area.

Program 5.A

Update the Smith Creek Park master plan and actively market this development opportunity among private entities that could fund development and provide for future maintenance of the park and improvements.

Responsible Agency: Community Services Department, Redevelopment Agency, City Council, development community

Schedule: 2006-2007

Implementation Status – Not implemented.

Policy 6

Encourage and facilitate highway-serving commercial development at appropriate Interstate-10 interchanges within the City limits.

Program 6.A

Proactively work with CalTrans to improve on- and off-ramp landscaping and improvements to provide more attractive gateways to the City.

Responsible Agency: Planning Department, Redevelopment Agency, CalTrans

Schedule: 2005-2006; Ongoing

Implementation Status - Currently working with CalTrans to improve the Highland Springs interchange and 8th Street off ramps.

Program 6.B

Preserve highway commercial land use designations at interchange locations, and encourage the location of high quality freeway-serving businesses.

Responsible Agency: Planning Department, Redevelopment Agency

Schedule: 2005-2006; Ongoing

Implementation Status - Implemented through Development Review process application.

Program 6.C

Code compliance on gateway streets and properties adjacent to Interstate 10 shall be strictly enforced.

Responsible Agency: Code Enforcement

Schedule: Ongoing

Implementation Status - Active code enforcement being implemented.

Policy 7

Explore joint funding opportunities for the improvement of existing at-grade rail crossings, and investigate necessary infrastructure and funding to extend rail access to lands designated for industrial development.

Program 7.A

Consult with representatives of the Railroad, state and federal legislators, and appropriate state agencies to apply for available funding for these improvements.

Responsible Agency: Redevelopment Agency, Public Works Department, Railroad, City Council

Schedule: 2005-2006; Ongoing

Implementation Status - Grant received for Sunset grade separation / SETS grant submitted for water and sewer improvements east of Hargrave.

Policy 8

In order to maintain existing economic activities and attract new commercial and industrial development, the City shall assure the provision of adequate utilities, infrastructure, and other capital facilities.

Policy 9

All development interests, including residential, commercial and industrial project proponents, shall be responsible for their fair share of on-site and off-site improvements required to support their development proposals. Such improvements may include, but are not limited to, street construction and signalization, grade separation, utility extension, drainage facilities, and parks.

Program 9.A

The Community Redevelopment Agency shall consider requests for assistance from project developers for the development of infrastructure and compare them to the economic benefit of the proposed project.

Responsible Agency: Redevelopment Agency

Schedule: 2005-2006; Ongoing

Implementation Status - Ongoing efforts by Redevelopment to fund requests.

Program 9.B

Proactively work with the Riverside County Transportation Commission in putting Banning projects on the highest priority within the Transportation Uniform Mitigation Fee (TUMF) program.

Responsible Agency: City Manager's Office, City Engineer, City Council

Schedule: Ongoing

Implementation Status - Monthly meetings with Commissions agencies and Public Works.

Policy 10

Continue to cultivate cooperative relationships with the Morongo Band of Mission Indians and Bureau of Indian Affairs, particularly regarding development of Indian lands within and adjacent to the planning area, and development and enhancement of community facilities that provide joint benefit to the Tribe and the City.

Policy 11

The City will have a comprehensive tourism plan.

Program 11.A

Encourage and promote special events and activities which strengthen the City's image and attractiveness to residents, visitors, and businesses.

Responsible Agency: City Council, Redevelopment Agency, Chamber of Commerce, Morongo Band of Mission Indians, Inland Empire Tourism Council, Banning and Beaumont Unified School Districts, ECOPAC

Schedule: 2005-2006
Implementation Status - City Council approved a Regional Tourism Council, implemented Phineas Days Art Hop and Play House Bowl and many other downtown activities.
Program 11.B
The City shall conduct market research on tourism approaches, target the tourism markets of interest, and create tourism plan goals and an implementation strategy.
Responsible Agency: City Redevelopment Agency, Chamber of Commerce, Inland Empire Tourism Council, ECOPAC
Schedule: 2006-2007
Implementation Status - Ongoing EDC efforts to accomplish tourism plan.

Emergency Preparedness Element (8 programs)

GOAL 1

A detailed, integrated and comprehensive emergency preparedness plan for the City, ensuring a high level of readiness and responsiveness to man-made and natural disasters of any scope, and which maximizes response capabilities of the City, County, State and Federal governments.

Policy 1

The City shall maintain and update its Multi-Hazard Functional Planning Guidance document to ensure maximum operational functionality and to incorporate federal mandates by required deadlines.

Program 1A

The City shall maintain close communication and coordination with Riverside County to expedite adaptation of and compliance with the federal NIMS program.

Responsible Agency: City Manager, Disaster Preparedness Coordinator, Riverside County Emergency Services Department

Schedule: 2005

Implementation Status - The Emergency Services Coordinator/Fire Marshal has completed "Nimscast," the national online NIMS compliance evaluation program developed by FEMA. Continual updates will be done on "NIMSCAST" to ensure current information about the City's compliance is recorded. The Emergency Services Coordinator/Fire Marshal monitors the City's Compliance with SEMS and NIMS and provides training or training opportunities to ensure SEMS and NIMS compliance.

Policy 2

The City shall maintain and update the Banning Emergency Plan to keep it updated with staffing and technical capabilities of the City and cooperating agencies.

Program 2.A

Periodically schedule and direct the review and revision of the Banning Emergency Plan.

Responsible Agency: City Manager, Disaster Preparedness Coordinator, Riverside County Emergency Services, Other City Departments, Sun Lakes EPAP

Schedule: Every two years.

Implementation Status - The City's Emergency Operations Plan was updated and approved by the City Council in August 2007. The plan requires review and updates, as needed, every two years.

Policy 3

The City shall identify and establish emergency evacuation and supply routes and plans to preserve or reestablish the use of Highland Springs Avenue, San Gorgonio Avenue, Wilson Street, Ramsey Street, Interstate-10 and other essential transportation routes.

Program 3.A

Through PASSCOM or other appropriate regional organization, the City shall coordinate with adjoining cities, Riverside County, the Morongo Band of Mission Indians and CalTrans to facilitate the designation of emergency evacuation and supply routes, and for the development of a multi-agency emergency response plan that provides expeditious and timely repair to major streets and highways damaged by earthquakes, flooding or other disasters.

Responsible Agency: City Manager, Disaster Preparedness Coordinator, Public Works Department, Cities

of Beaumont and Calimesa, Riverside County Emergency Services, CalTrans, Morongo Band of Mission Indians

Schedule: Continuous

Implementation Status - The Emergency Services Coordinator/Fire Marshal is working with the Emergency Services Coordinator of the Morongo Band of Mission Indians to establish a Mutual Aid Agreement between the Tribe and the City for mutual assistance during disasters. Work continues to designate and develop an alternate east/west route through the Pass Area should I-10 become impassable.

Policy 4

The City shall identify and establish emergency appropriate locations for emergency supply stockpiles.

Program 4.A

Through County-provided CERT training or other appropriate community venues, the City shall recruit decentralized locations where stockpiles of food, water and emergency medical supplies may be stored and maintained.

Responsible Agency: City Manager, Disaster Preparedness Coordinator, Public Works Department, Riverside County Emergency Services

Schedule: Continuous

Implementation Status - Nothing accomplished as of December 20, 2007 regarding stockpiling food and water except for supplies for use by EOC personnel during a disaster. For medical emergencies the Fire Department has purchased a trailer and equipped it to handle "Mass Casualty" incidents. The trailer is stocked with medical and rescue supplies.

Policy 5

The City shall cooperate and coordinate with Riverside County Emergency Services, local utility purveyors and other agencies and utilities in the preparation of public information materials to assist residents, visitors and business owners in responding to local disasters and emergencies.

Program 5.A

The City shall coordinate and cooperate with County Emergency Services, Banning Water District, Eastern Municipal Water District, Beaumont/Cherry Valley Water District, Southern California Edison, the Gas Company, and other agencies and utilities in the development and dissemination of information and instructions on appropriate actions in the event of a local disaster or emergency.

Responsible Agency: City Council, City Manager, Disaster Preparedness Coordinator, Riverside County Emergency Services, SCE, the Gas Company, Banning Water District, EMWD, and Beaumont/Cherry Valley Water District.

Schedule: Continuous

Implementation Status - The Fire Department Emergency Services Bureau continually communicates with County OES and local agencies to dispense pertinent disaster preparedness Information through public events and organization meetings.

Program 5.B

Coordinate with the County to facilitate with appropriate public and quasi-public agencies and private organizations to assure that CERT training incorporates a public information program to advise the community on how to prepare for and cope in a local disaster or emergency.

Responsible Agency: City Council, City Manager, Disaster Preparedness Coordinator, Riverside County Emergency Services, Banning Unified School District, Sun Lakes EPAP, private schools, nursing homes, and various local business organizations

Schedule: Continuous

Implementation Status - Ongoing Implementation.

Program 5.C

Encourage and train community volunteers to assist police and fire personnel during and after a major emergency.

Responsible Agency: City Manager, Disaster Preparedness Coordinator, Riverside County Emergency Services, Sun Lakes EPAP

Schedule: Continuous

Implementation Status - The Fire Department has an active volunteer program. Emergency Services Coordinator/Fire Marshal, along with one Council member and a citizen volunteer, has provided numerous training programs related to neighborhoods preparing for disasters.

Policy 6

The City shall thoroughly consider and assess vulnerability to natural and manmade disasters or emergencies when reviewing proposals for the siting and development of critical and essential public/quasi-public facilities.

Program 6.A

In order to assure the maximum possible protection from environmental and manmade hazards, including earthquakes and flooding, the City shall consider their vulnerability to natural and manmade disasters and emergencies when reviewing proposals for critical and essential facilities, as well as sensitive land uses.

Responsible Agency: Planning Department, Public Works Department, Fire Department

Schedule: Continuous

Implementation Status - This is being accomplished as evidenced by the cooperative efforts between Fire and Public Works to mitigate flooding and mudslides after the 2006 fires.

Energy and Mineral Resources Element (9 programs)

GOAL 1

Efficient, sustainable and environmentally appropriate use and management of energy and mineral resources, assuring their long-term availability and affordability.

Policy 1

Promote energy conservation throughout all areas of the community and sectors of the local economy, including the planning and construction of urban uses and in City and regional transportation systems.

Program 1.A

The City shall strictly and consistently enforce all state mandated energy-conserving development and building codes/regulations, and shall investigate and report on the appropriateness of developing more stringent local energy performance standards.

Responsible Agencies: Building Department, Planning Department, Public Utilities

Schedule: Ongoing

Implementation Status –Active and ongoing part of development process.

Program 1.B

The City shall continue to participate in transportation planning efforts and shall encourage the expanded use of public transit, vehicles fueled by compressed natural gas and hydrogen, buses with bike racks and other improvements that enhance overall operations and energy conservation.

Responsible Agency: City Manager's Office, Community Services Department, Public Utilities Department

Schedule: Ongoing

Implementation Status – Ongoing and Active.

Program 1.C

The City shall strive for efficient community land use and transportation planning and design, and shall assure the provision of convenient neighborhood shopping, medical and other services located to minimize travel and facilitate the use of alternative means of transportation.

Responsible Agency: Public Works Department, Planning Department, Community Services Department

Schedule: Ongoing

Implementation Status - Through Development Review Process; bikeways, golf cart paths & pedestrian trails have been planned for new projects.

Program 1.D

The City shall encourage the use of, and programs for, electric vehicles, hybrids, bicycles and pedestrian facilities.

Responsible Agency: Public Utilities Department, City Council

Schedule: Ongoing

Implementation Status - Active and ongoing; by providing city vehicles & funding?

Policy 2

Promote the integration of alternative energy systems, including but not limited to solar thermal, photovoltaic's and other clean energy systems, directly into building design and construction.

Program 2.A

The City shall make available to residents, businesses, and the building industry information on commercially available conservation technologies, solar thermal and photovoltaic energy systems, fuel cell and other alternative energy technology. Building regulations and guidelines that provide for the safe and efficient installation of these systems shall also be provided.

Responsible Agency: Building Department, Community Development Department, Public Works Department

Schedule: 2006-2007, Ongoing

Implementation Status - Active and ongoing.

Policy 3

Proactively support long-term strategies, as well as state and federal legislation and regulations, that assure affordable and reliable production and delivery of electrical power to the community.

Policy 4

Support public and private efforts to develop and operate alternative systems of wind, solar and other electrical production, which take advantage of local renewable resources.

Program 4.A

Support and facilitate the integration of co-generation and other on-site energy production and management systems into larger industrial, commercial and institutional operations in the City to enhance operational efficiencies, reliability, and to provide additional opportunities for local power production.

Responsible Agency: Public Works Department; Planning Department; Building Department

Schedule: Ongoing

Implementation Status - In progress; a cogeneration bio-fuels plant is in the planning stages. A draft EIR has been circulated.

Policy 5

Assure a balance between the availability of mineral resources and the compatibility of land uses in areas where mineral resources are mined.

Program 5.A

The City shall monitor and regulate the safe and environmentally responsible extraction and recycling of significant mineral resources located within the planning area.

Responsible Agency: Community Development Department, Public Utilities Department

Schedule: Ongoing.

Implementation Status – Not implemented.

Program 5.B

The City shall establish a formal relationship with the County Geologist or other qualified agency to monitor mineral resource operations under SMARA.

Responsible Agency: Planning Department, Riverside County Geologist.

Schedule: 2005-2006

Implementation Status – Completed.

Program 5.C
The City shall strictly enforce the provisions of the existing mining permit within City limits.
Responsible Agency: Code Compliance, Planning Department
Schedule: Ongoing
Implementation Status – Not completed.

Flooding and Hydrology Element (12 programs)

GOAL 1

A comprehensive system of flood control facilities and services effectively protecting lives and property.

Policy 1

Proactively plan and coordinate with other responsible agencies to upgrade the City's local and regional drainage system.

Program 1.A

Continued implementation of the recommendations of the 1994 RCFC Master Drainage Plan study.

Responsible Agency: Public Works Department, Planning Department

Schedule: Ongoing

Implementation Status – Ongoing.

Program 1.B

Capital Improvement Plans for drainage management and control shall be developed, updated and maintained and shall be based upon the Master Drainage Plan project descriptions.

Responsible Agencies: Public Works Department, Planning Department

Schedule: Ongoing

Implementation Status – Completed.

Program 1.C

Monitor and update the Master Plan of Drainage every five years to reflect changes in local and regional drainage and flood conditions.

Responsible Agencies: Public Works Department, Planning Department

Schedule: Ongoing

Implementation Status – Ongoing.

Program 1.D

Require all new development to complete on site drainage analysis and improvements, at their expense, as part of project development.

Responsible Agencies: Public Works Department, Planning Department

Schedule: Ongoing

Implementation Status – Ongoing, part of development process.

Policy 2

Major drainage facilities, including debris basins and flood control channels, shall be designed to maximize their use as multi-purpose recreational or open space sites, consistent with the functional requirements of these facilities.

Program 2.A

Coordinate and cooperate with RCFC in achieving multi-use agreements within flood control channels and designing safe, attractive recreational facilities that maintain the functional requirements of the drainage facilities.

Responsible Agencies: Public Works Department, Planning Department, RCFC

Schedule: Ongoing

Implementation Status – Ongoing; through SP's and other projects adjacent to Flood Control.

Program 2.B
Work with RCFC to design drainage and flood control facilities that minimize negative aesthetic impacts and retain natural groundcover and vegetation to the greatest extent possible.
Responsible Agencies: Public Works Department, Planning Department, RCFC, US Army Corps of Engineers
Schedule: Ongoing
Implementation Status – Ongoing; through entitlement process when designs are submitted for approval.

Policy 3

The City Engineer shall continue to actively participate in regional flood control and drainage improvement efforts and to develop and implement mutually beneficial drainage plans.

Policy 4

The City shall cooperate in securing FEMA map amendments, recognizing the importance of redesignation of the 100-year flood plains within the City boundaries and sphere-of-influence as improvements are completed.

Program 4.A
In conjunction with the RCFC, the City shall coordinate and cooperate in the filing of appropriate FEMA application materials to incrementally secure amendments to the Flood Insurance Rate Maps for the City, consistent with existing and proposed improvements.
Responsible Agencies: Public Works Department, Planning Department, RCFC
Schedule: Ongoing
Implementation Status - Ongoing.

Policy 5

Pursue all credible sources of funding for local and regional drainage improvements needed for adequate flood control protection.

Program 5.A
Consider the establishment of Area Drainage Plans or Assessment Districts for purposes of funding necessary drainage improvements in particular geographic areas of the City.
Responsible Agencies: Public Works Department, Planning Department, Economic Development Agency, Developers
Schedule: Ongoing
Implementation Status –Not yet completed.
Program 5.B
Explore County funding, state funding under the Cobey-Alquist Flood Plain Management Act, other State programs, and federal funding options for local and area-wide flood control projects.
Responsible Agencies: Public Works Department, Planning Department, Economic Development, State; County
Schedule: Ongoing
Implementation Status – Ongoing.

Policy 6

All new development shall be required to incorporate adequate flood mitigation measures, such as grading that prevents adverse drainage impacts to adjacent properties, on-site retention of runoff, and the adequate siting of structures located within flood plains.

Program 6.A
Stormwater retention shall be enforced through the development review process and routine site inspection.
Responsible Agencies: Public Works Department, Planning Department
Schedule: Ongoing
Implementation Status – Ongoing; through grading approval process.

Policy 7

Assure that adequate, safe, all-weather crossing over drainage facilities and flood control channels are provided where necessary, and are maintained for passage during major storm events.

Program 7.A
Bridging of roadways within new development projects shall be the responsibility of the developer on whose project the bridge occurs, and shall be included as a condition of approval.
Responsible Agency: Planning Department, Public Works Department, Planning Commission, City Council
Schedule: Ongoing
Implementation Status – Ongoing; yes through approval process.
Program 7.B
All new development proposals shall pay their fair share of bridge construction needed to serve their project.
Responsible Agency: Public Works Department, Planning Department
Schedule: Ongoing
Implementation Status - Ongoing.

Geotechnical Element (7 programs)

GOAL 1

Increased protection and safety of human life, land, and property from the effects of seismic and geotechnical hazards.

Policy 1

The City shall establish and maintain an information database containing maps and other information which describe seismic and other geotechnical hazards occurring within the City boundaries, sphere-of-influence and planning area.

Program 1.A

Consult and coordinate with surrounding communities, the California Division of Mines and Geology, Riverside County, other applicable state and federal agencies, and professional engineering geologists to establish, improve and routinely update the database.

Responsible Agency: Planning Department, California Division of Mines and Geology, Riverside County, Consulting Geologists

Schedule: 2005-2006; Continuous

Implementation Status – Continuous.

Policy 2

In accordance with state law, all development proposals within designated Alquist-Priolo Earthquake Fault Zones shall be accompanied by appropriate geotechnical analysis.

Program 2.A

Establish a cooperative agreement with the County Geologist, State Geologist, contract state-certified geologist, or contract geological engineer to review and determine the adequacy of geotechnical and fault hazard studies prepared within the City.

Responsible Agency: City Engineer/Consulting Engineering Geologist

Schedule: 2005-2006, Ongoing

Implementation Status – Completed.

Policy 3

Development in areas identified as being susceptible to slope instability shall be avoided unless adequately engineered to eliminate geotechnical hazards.

Program 3.A

The City shall make available copies of the General Plan Slope Instability Susceptibility Map and discourage development within areas so designated, or require detailed geotechnical analysis and mitigation measures that reduce potential hazards to insignificant levels.

Responsible Agency: Planning Department, City Engineer/Consulting Engineering Geologist

Schedule: 2005-2006, Ongoing

Implementation Status – Ongoing, implemented through new grading ordinance.

Policy 4

To minimize the potential impacts of subsidence due to extraction of groundwater, the City shall actively support and participate in local and regional efforts at groundwater conservation and recharge.

Program 4.A
Consult and coordinate with the City of Banning Public Utilities – Water Department, U.S. Geological Survey, and other appropriate agencies to routinely monitor groundwater levels and surface elevations in the City.
Responsible Agency: City of Banning Public Utilities – Water Department, U.S. Geological Survey
Schedule: Continuous
Implementation Status – Continuous.
Program 4.B
The City shall encourage the preparation of, support and participate in, the study of the temporary surplus of the Beaumont Water Basin and its impact on subsidence.
Responsible Agency: Water Department, Beaumont/Cherry Valley Water District, San Gorgonio Pass Water Agency
Schedule: Ongoing
Implementation Status – Not Completed.

Policy 5

The City shall coordinate and cooperate with public and quasi-public agencies to assure the continued functionality of major utility systems in the event of a major earthquake.

Program 5.A
Maintain working relationships and strategies between the Public Works Department (wastewater and electric), utilities, and other appropriate agencies to strengthen or relocate utility facilities, and take other appropriate measures to safeguard major utility distribution systems.
Responsible Agency: Planning Department, Public Works Department, City Engineer, Public and Quasi-Public Utilities
Schedule: 2004-05; Ongoing
Implementation Status –Ongoing, through pre applications, development meetings and with LDTF.

Policy 6

New septic tank leach fields, seepage pits, drainage facilities, and heavily irrigated areas shall be located away from structural foundations and supports to minimize the potential for localized collapse of soils.

Program 6.A
The City shall require that development applications include plans indicating the location of leach fields, seepage pits, drainage facilities, and water-dependent landscaping so that City staff may evaluate the potential for ground saturation.
Responsible Agency: Planning Department, Building Department, City Engineer
Schedule: 2005-2006, Ongoing
Implementation Status – Through grading review, part of development review process.

Hazardous and Toxic Materials Element (10 programs)

GOAL 1

Maintain and promote measures to protect life and property from hazards resulting from human activities and development.

Policy 1

The City shall continue to encourage research on potential and known hazards to public health and safety and make this information available to the general public, commercial interests, and governmental organizations.

Policy 2

The City shall continue to conduct and participate in studies with other agencies to identify existing and potential hazards to public health and safety.

Program 2.A

Maintain, coordinate, and update the location of hazardous spills as a result of accident or intentional action, and community evacuation plans.

Responsible Agencies: Fire Department, Planning Department, County Health Department

Schedule: Ongoing

Implementation Status Ongoing.

Program 2.B

The Fire Department shall maintain a citywide Emergency Response Program, which provides for emergency services in the event of a hazardous spill or airborne release.

Responsible Agencies: Fire Department, City Manager's Office, County Health Department

Schedule: Ongoing

Implementation Status – SIMS & NEMS ongoing training.

Program 2.C

Coordinate with responsible agencies to assure enforcement of state and federal regulations for the testing and monitoring of underground fuel storage tanks for leakage.

Responsible Agencies: Fire Department, state and federal EPA, County Health Department

Schedule: Ongoing

Implementation Status – Ongoing activity with fire.

Policy 3

The City shall thoroughly evaluate development proposals for lands directly adjacent to sites known to be contaminated with hazardous or toxic materials, traversed by natural gas transmission lines or fuel lines, or sites that use potentially hazardous or toxic materials.

Program 3.A

Consult with the County of Riverside Department of Health on a quarterly basis to identify existing and new hazardous waste sites within the General Plan study area.

Responsible Agencies: Planning Department, Fire Department, County Health Department

Schedule: Ongoing

Implementation Status Ongoing.

Program 3.B

A Conditional Use Permit shall be required for all new development that generates, transports, uses or stores significant amounts of hazardous materials.

Responsible Agencies: Planning Department

Schedule: Ongoing

Implementation Status – Ongoing.

Policy 4

Require and facilitate the adequate and timely cleanup of contaminated sites identified within the City of Banning and its sphere-of-influence.

Program 4.A

Coordinate with responsible county, state and federal agencies to activate cleanup procedures, and monitor the status of cleanup efforts on an ongoing basis.

Responsible Agencies: Planning Department, Fire Department, State and federal EPA, County Health Department, California Regional Water Quality Control Board

Schedule: Ongoing

Implementation Status - Ongoing

Policy 5

The City shall designate appropriate access routes to facilitate the transport of hazardous and toxic materials.

Program 5.A

Coordinate with the Fire Department, Police Department, neighboring jurisdictions, and other appropriate agencies to identify segments of highway or local roads that shall be restricted from transporting hazardous and toxic materials in order to preserve public safety.

Responsible Agencies: Planning Department, Fire Department, Police Department

Schedule: 2005-2006

Implementation: Not yet completed.

Program 5.B

Enforce roadway access restrictions and consider the implementation of fines or penalties for violations.

Responsible Agencies: Fire Department, Police Department

Schedule: 2005-2006

Implementation Status: Not yet completed

Policy 6

Continue to promote programs that encourage or educate the public in the proper handling and disposal of household hazardous waste or dangerous materials.

Program 6.A

Establish a Household Hazardous Waste program through the City's solid waste contractor.

Responsible Agencies: City Manager's office, solid waste contractor

Schedule: Ongoing

Implementation Status: Ongoing.

Policy 7

The City shall actively oppose plans to establish hazardous or toxic waste dumps, landfills, or industrial processes that may potentially adversely affect the City and its Sphere-of-Influence.

Policy 8

Maintain an inventory and information database, including mapping, of all major natural gas transmission lines and liquid fuel lines within the City limits and Sphere of Influence.

Program 8.A

The City shall insure that location of all major natural gas transmission lines and liquid fuel lines that run through the City are clearly identified, that right-of-way and maintenance easements are maintained, and that all existing and proposed development are located a safe distance from these lines.

Responsible Agencies: Building and Safety, Planning Department, Fire Department

Schedule: Ongoing

Implementation Status – Ongoing.

Housing Element (16 programs)

GOAL 1

Housing Opportunities - Provide a wide range of housing types to meet the existing and future needs of planning area residents.

Policy 1

Provide a variety of residential development opportunities in Banning, ranging from very low density to high density development as described in the Community Development Element and Plan Map in accordance with the Regional Housing Needs Assessment.

Program 1.A

The City, through planning and regulatory actions will designate adequate housing sites to meet its RHNA allocation for each income level (Objective 1,780 dwelling units through June 30, 2005 as follows: 481 very-low income, 289 low-income, 405 moderate-income and 605 above moderate income).

Responsible Agency: Community Development; City Council; Planning Commission

Schedule: January 1, 1998 – June 30, 2005

Implementation Status The housing element update is in progress and when certified provide an analysis of the progress that has been made to date with regard to the most recent RHNA numbers.

Program 1.B

City to assist Riverside County in advertising the shared housing program by placing program brochures in key locales throughout the community and contacting agencies serving seniors so they are aware of the program (Objective 10 roommate matches per year)

Responsible Agency: Community Development Department & Redevelopment Agency

Schedule: Current and On-going

Implementation Status: Not implemented.

Policy2

Encourage both the private and public sectors to produce or assist in the production of high quality housing to meet the needs of the handicapped, the elderly, large families, female-headed households and homeless.

Policy3

Promote the development of low- and moderate-income, and senior citizen housing by allowing developers density bonuses or other financial incentives for providing units for low- and moderate-income residents. Provide rental assistance vouchers, as available, for some or all of the affordable units provided.

Program 3.A

Continue implementing “Density Bonuses and Other Incentives for Lower Income and Senior Housing”, and to annually evaluate the program to ensure the Density Bonuses and Other Incentives are effective in encouraging developers to include projects containing housing affordable to low- or moderate-income households.

Responsible Agency: Community Development Department & Redevelopment Agency

Schedule: Current and on-going

Implementation Status – Developers are encouraged to take advantage of the housing density bonus and other city incentives. Shadowbrook apartments was approved in 2007 for 91 low income units.

Program 3.B
Participate in one bond-funded housing project for ownership housing and one for rental housing during the five-year period of this Housing Element. To achieve these objectives, Agency staff will do the following during 2001
Responsible Agency: Community Development Department & Redevelopment Agency
Schedule: One project each in 2003 and 2004
Implementation Status –Not implemented.
Program 3.C
The City of Banning will maintain its cooperative agreement with the County for the mortgage credit certificate program and should assist the County in advertising the program through distribution of program brochures to local realtors and residential sales offices.
Responsible Agency: Community Development Department & Redevelopment Agency
Schedule: : Current and on-going
Implementation Status – Ongoing but needs better effort.
Program 3.D
Establish ongoing working relationship with at least one nonprofit organization to administer housing programs and/or affordable housing developments
Responsible Agency Community Development Department & Redevelopment Agency
Schedule: Meet with non-profits organizations by June 2001 and establish partnerships by December 2001
Implementation Status – Ongoing but needs better effort.
Program 3.E
The City can facilitate use of Section 8 program by encouraging apartment owners to list available rental units with the County Housing Authority for potential occupancy by tenants receiving Section 8 certificates.
Responsible Agency: Community Development Department & Redevelopment Agency
Schedule: Current and on-going
Implementation Status – Ongoing.

Policy 4:

Require that housing constructed expressly for low- and moderate-income households not be concentrated in any single portion of the City.

Policy 5:

Continue to coordinate with local social service providers, such as HELP, to address the needs of the City's homeless population. Permit the development of emergency shelters in commercial and industrial zones, and transitional housing in residential zones in locations close to services, subject to a Conditional Use Permit.

Program 5.A
Designation of specific zones in which emergency and transitional facilities will be permitted.
Responsible Agency: Community Development Department & Redevelopment Agency
Schedule: site analysis and code amendments by September 2001
Implementation Status – Ongoing.

Policy 6: Encourage the development of residential units which are accessible to handicapped persons or are adaptable for conversion to residential use by handicapped persons.

Policy 7: Locate higher density residential development in close proximity to public transportation, services and recreation.

Policy 8: Permit the development of childcare facilities concurrent with new housing development.

Policy 9: Monitor all regulations, ordinances, departmental processing procedures and fees related to the rehabilitation and/or construction of dwelling units to assess their impact on housing costs.

Program 9.A

The City will provide a one-stop process for a developer with an affordable housing project. An interagency approval process system will be established to include the City Planning, Building, Public Works and Fire Departments. A designated individual within the Planning Department will act as the project manager, or liaison, for the participating City departments and the applicant. A timeframe with milestones for development approval will be established for each project to ensure processing in a timely manner. The City will also prepare a permit handbook that explains the permits process and application requirements.

Responsible Agency: Community Development Department & Redevelopment Agency

Schedule: December 2001

Implementation Status – Partially implemented.

Program 9.B

Maintain development fees at a level commensurate with the services and facilities needed to meet community standards

Responsible Agency: Community Development Department & Redevelopment Agency

Schedule: Current and on-going

Implementation Status – Specific deferral agreements approved and general DIF fees being deferred per Council approval.

Program 9.C

Improve permit processing efficiency and reduce permit processing time.

Responsible Agency: Community Development Department & Redevelopment Agency

Schedule: December 2001

Implementation Status - Active and ongoing process; internal processing schedule created for planners to use during the development review process.

Policy 10:

Encourage the use of energy conservation devices and passive design concepts which make use of the natural climate to increase energy efficiency and reduce housing costs.

Policy 11:

Provide opportunities for move-up housing in Banning.

GOAL 2

Maintenance and Preservation – Enhance the quality of existing residential neighborhoods in Banning.

Policy 1:

Correct housing deficiencies through the development of a residential rehabilitation program.

Program 1.A
Administer a Home Improvement Program to provide loans to eligible lower income families for necessary home repair and rehabilitation work, including room additions to alleviate overcrowding. Rehabilitate 15 dwelling units per year (75 over 5 years)
Responsible Agency: Community Development Department & Redevelopment Agency
Schedule: Current and on-going; Rehabilitate 15 dwelling units per year (75 over 5 years)
Implementation Status – Not completed as assigned.

Policy 2:

Continue to utilize the City's code enforcement program to bring substandard units into compliance with City codes and to improve overall housing conditions in Banning.

Program 2.A
The City will continue its sensitive enforcement of residential Building codes, and will inform property owners in violation of City codes of any rehabilitation assistance he/she may be eligible for in correcting code violations. To implement this Program, the City will fund a half-time position for a Neighborhood Code Enforcement Officer.
Responsible Agency: Community Development Department & Code Enforcement
Schedule: Establish a 2-year Pilot Program by FY 2001/02; Status report to Council by July 1, 2003 evaluating program.

Implementation Status: Ongoing.

Policy 3:

Minimize the displacement impacts occurring as a result of residential demolition.

Policy 4:

Promote increased awareness among property owners and residents of the importance of property maintenance to long-term housing quality.

Program 4.A
The Redevelopment Agency will purchase abandoned homes and provide necessary rehabilitation. This program was formerly administered in conjunction with the Banning Partners for a Revitalized Community, which is no longer active. A new program, along the same lines, had been administered by the Banning Redevelopment Agency. The Redevelopment Agency and HUD have purchased four homes to restore and are currently looking for a non-profit agency to partner to start
Responsible Agency: Community Development Department & Code Enforcement
Schedule: Current and on-going; Rehabilitate 5 dwelling units per year (25 over 5 years)
Implementation Status – Not completed as assigned.

Policy 5:

Encourage the use of rehabilitation funds for room additions to alleviate overcrowding, and for accessibility improvements to address the needs of the handicapped.

Policy 6:

Educate property owners on the benefits of home repair and remodeling using design and materials consistent with the historic character of the residence.

GOAL 3

Environmental Sensitivity - Ensure that new housing is sensitive to existing development as well as the natural environment.

Policy 1:

Ensure that multi-family development is compatible in design with single-family residential areas.

Policy 2:

Regularly examine new residential construction methods and materials, and upgrade the City's residential building standards as appropriate.

Policy 3:

Prohibit new residential development to front on major arterial highways without adequate setbacks and buffering.

Policy 4:

Prohibit housing development in areas subject to significant geologic, flooding, blow sand, noise and fire hazards.

Policy 5:

Accommodate new residential development which is coordinated with the provision of infrastructure and public services.

Program 5.A

The City will continue to use the Design Review Process to evaluate site suitability. Under design review criteria, housing should be located on sites that are physically adequate and environmentally suitable for such development and compatible with existing nearby development. These criteria will provide a yardstick for the City to identify and evaluate potential sites for environmentally sound housings

Responsible Agency: Community Development Department & Redevelopment Agency

Schedule: Current and on-going.

Implementation Status – New infill housing is encouraged in developed areas of town to make use of current infrastructure

Policy 6: Encourage the use of energy conservation devices and passive design concepts which make use of the natural climate to increase energy efficiency and reduce housing

GOAL 4

Fair Housing – Promote equal opportunity for all residents to reside in the housing of their choice.

Policy 1:

Affirm a positive action posture which will assure that unrestricted access is available to the community.

Policy 2:

Prohibit practices which restrict housing choice by arbitrarily directing prospective buyers and renters to certain neighborhoods or types of housing.

Policy 3:

Continue support and participation in the Riverside County New Horizons' Fair Housing Program to further spatial de-concentration and fair housing practices.

Program 3.A
Promote equal housing opportunity; educate the public, real estate industry representatives, lenders, and property owners on fair housing requirements; promptly refer and resolve fair housing disputes.
Responsible Agency: Community Development Department & Redevelopment Agency
Schedule: Current and on-going.
Implementation Status – Ongoing.

Land Use Element (17 programs)

GOAL 1

A balanced, well planned community including businesses which provides a functional pattern of land uses and enhances the quality of life for all Banning residents.

Policy 1

The City maintain a land use map which assures a balance of residential, commercial, industrial open space and public lands.

Program 1.A

The city shall annually monitor the remaining capacity of all General Plan land use categories and recommend changes to the City Council as needed.

Responsible Agency: Planning Department, Planning Commission

Schedule: 2005-2006, Annually thereafter

Implementation Status – Ongoing.

Program 1.B

The City's Zoning Ordinance shall directly correspond to General Plan land use designations, and shall be kept consistent with the General Plan.

Responsible Agency: Planning Department, Planning Commission, City Council

Schedule: 2005-2006, Annually thereafter

Implementation Status – Ongoing.

Policy 2

The Planning, Public Works and Economic Development staffs shall be closely coordinated, to assure efficient and cost effective processing of applications.

Program 2.A

The City shall develop a Fast Track application process for projects which enhance the City's economic development. Procedures and timelines shall be provided to qualifying project applicants in writing.

Responsible Agency: Planning Department, Public Works, Economic Development staff, Redevelopment Agency, City Manager's Office

Schedule: 2005-2006

Implementation Status – Ongoing.

Policy 3

Development in all land use categories shall be of the highest quality.

Program 3.A

The Zoning Ordinance shall include design standards and guidelines which assist the development community in developing high quality projects.

Responsible Agency: Planning Department, Planning Commission, City Council

Schedule: 2005-2006

Implementation Status – Completed.

Policy 4

Specific Plans shall be required for projects proposing one or more of the following:

- a. More than one residential land use designation;
- b. A combination of residential, recreational, commercial and/or industrial land use designation; or
- c. Extension of infrastructure (water, sewer and roadways) into an area where these do not exist.

Policy 5

All land use proposals shall be consistent with the goals, policies and programs of this General Plan, and with the Zoning Ordinance.

Policy 6

The City shall implement a program for Art in Public Places.

Program 6.A
An Art in Public Places Ordinance shall be prepared and incorporated into the Municipal Code.
Responsible Agency: Community Services Department, Planning Department, Planning Commission, City Council.
Schedule: 2005-2006
Implementation Status – Not Implemented.

Residential Goals, Policies and Programs:

GOAL 1

Preserve and enhance the City's neighborhoods.

GOAL 2

A broad range of housing types to fill the needs of the City's current and future residents.

Policy 1

The land use map shall provide a range of housing densities while considering land use compatibility with non-residential land uses.

Policy 2

Projects adjacent to existing neighborhoods shall be carefully reviewed to assure that neighborhood character is protected.

Policy 3

Density transfers resulting in a 50% increase in density shall be permitted in the Residential/Agriculture-Hillside and Rural Residential-Hillside land use designations.

Policy 4

The City's Zoning Ordinance shall include design standards and guidelines which encourage high quality residential development.

Program 4.A
Design standards and guidelines shall be included in all residential zoning categories.
Responsible Agency: Planning Department, Planning Commission, City Council
Schedule: 2005-2006

Implementation Status – Standards and guidelines contained in zoning ordinance.

Policy 5

The City shall complete Specific Neighborhood Plans when requested by the neighborhood.

Program 5.A
Develop and implement an outreach program and outline of parameters for Neighborhood Plans.
Responsible Agency: Planning Department, Planning Commission, City Council
Schedule: 2006-2007; As requested by neighborhoods
Implementation Status – Not Implemented.

Policy 6

The Zoning Ordinance shall include principles, standards and guidelines which allow for creative and flexible design of residential projects, including clustered housing, narrowed local streets, trails, parks and plazas.

Policy 7

The Zoning Ordinance shall include principles, standards and guidelines which provide for high quality, high density mixed use residential development, in the Downtown Commercial zoning designation.

Policy 8

The City will participate in a Community Plan for the Banning Bench with Riverside County and the Banning Bench Community of Interest. Specific development proposals will continue to be processed during its preparation.

Program 8.A
Negotiate with the Banning Bench Community of Interest as part of the Master Plan for either inclusion in the City's Sphere of Influence or annexation.
Responsible Agency: City Council, Community of Interest
Schedule: 2005-2006
Implementation Status – Not yet completed.

Commercial Goals, Policies and Programs:

GOAL 1 - Commercial

Complementary commercial uses which meet the needs of the City's residents, increase the City's revenues, and provide a range of employment opportunities.

GOAL 2 - Industrial

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

Policy 1

The land use map shall include sufficient commercial lands to provide a broad range of products and services to the City and region, while carefully considering compatibility with adjacent residential lands.

Policy 2

In coordination with the Economic Development Element, the City shall maintain market information, including information on the City's identified service needs, potential sites, Fast Track System and provide information on those sites to the development community.

Program 2.A

Develop and maintain an inventory of potential commercial sites, including lands which may require consolidation, and demographic information for use by the Economic Development staff in attracting new businesses to the City.

Responsible Agency: Economic Development staff, Planning Department, City Manager's Office

Schedule: 2005-2006

Implementation Status – In progress.

Program 2.B

The Redevelopment Agency shall consider land purchases which allow for the consolidation of smaller, under-utilized commercial sites into larger and more useable parcels, to be marketed to the development community.

Responsible Agency: Redevelopment Agency

Schedule: Ongoing as lands are identified

Implementation Status – Ongoing.

Policy 3

The Zoning Ordinance shall include principles, design standards and guidelines which encourage the development of high quality commercial projects.

Policy 4

The Zoning Ordinance shall include principles, design standards and guidelines, based on the Downtown Design Charette, which provide for high quality, pedestrian oriented retail development in the Downtown Commercial zoning designation.

Policy 5

The City shall coordinate with the Banning Unified, the Beaumont Unified School Districts and the Mount San Jacinto Community College to provide vocational education to support commercial and industrial businesses in the City and surrounding areas.

Policy 6

The City shall develop and implement a community identification program, including monument signage, directional signs, etc. which provide attractive entry statements for the City, and which direct visitors to local points of interest.

Policy 7

The land use map shall include sufficient industrial lands for manufacturing, warehousing and distribution, while carefully considering compatibility with adjacent lands.

Policy 8

Industrial lands shall be located on major roadways with good access to Interstate 10, to assure that potential traffic impacts associated with tractor-trailers are minimized.

Policy 9

The Redevelopment Agency will consider purchases of residential properties occurring in the industrial land use designations when they are put up for sale.

Program 9.A

Establish contacts in the real estate community to be notified of residential properties for sale in the industrial areas, and consider purchases when appropriate.

Responsible Agency: Redevelopment Agency

Schedule: Ongoing as properties become available

Implementation Status – Ongoing.

Policy 10

The Zoning Ordinance shall include principles, design standards and guidelines which encourage the development of high quality industrial projects.

Policy 11

Industrial campuses and master planned projects are encouraged.

Policy 12

The City shall coordinate with developers and the Railroad to secure railroad spurs.

Policy 13

The City shall adequately regulate sand and gravel operations to assure that their impacts to surrounding development is minimized.

Program 13.A

The City shall establish a formal relationship with the County Geologist or other qualified agency to monitor mineral resource operations under the State Mining and Reclamation Act (SMARA).

Responsible Agency: Planning Department, Riverside County Geologist

Schedule: 2005-2006

Implementation Status – Done.

Public Facilities Goals, Policies and Programs:

GOAL 1

Sufficient and appropriately located public facilities to serve the needs of the City's residents, businesses and visitors.

Policy 1

The City shall take a leadership role with all providers of public services in the community to assure they provide adequate and quality levels of service based on future demands.

Program 1.A

The City shall take a leadership role with the various public and private providers responsible for schools, fire, health and other providers.

Responsible Agency: Planning Department, City Manager's Office, City Council, Fire Department, Banning and Beaumont Unified School Districts, County of Riverside, San Gorgonio Memorial Hospital

Schedule: Quarterly

Implementation Status - The Fire Department master plan for expansion based on community growth was approved by the City Council and is continually re-evaluated. The Fire Department has

been working with the Finance Department to develop a plan for Fire and Police Community Funding districts in new developments.

Policy 2

The City shall review projects, particularly those which propose master planned communities, to assure that public facilities are provided to meet the needs of the project and the surrounding area.

Program 2.A
The City shall, where appropriate, regulate the location of public facilities through conditions of approval.
Responsible Agency: Planning Department, Public Works Department, Planning Commission, City Council
Schedule: Ongoing
Implementation Status – Ongoing through conditions of approval.

Open Space Goals, policies and Programs:

GOAL 1

The conservation and management of open space areas to provide recreational opportunities and protect important resources in perpetuity.

Policy 1

Lands preserved through conservation easements, acquired by private or public agencies, or dedicated for open space shall be designated for the appropriate Open Space land use category on the land use map as they are preserved.

Program 1 A
Review development proposals adjacent to designated open space lands and assure that land uses are compatible, and buffers provided when necessary.
Responsible Agency: Planning Department, Public Works Department
Schedule: Ongoing
Implementation Status – Ongoing.

Policy 2

The City shall proactively coordinate with private and public agencies so that lands available for conservation are dedicated appropriately to assure their management in perpetuity.

Program 2.A
The City shall coordinate with land owners and private and public agencies to the greatest extent possible to assure that lands proposed for open space either through donation or purchase are conveyed to the appropriate management agency.
Responsible Agency: Planning Department, City Manager's Office, County of Riverside, State and Federal Agencies, Land Conservation Agencies
Schedule: Ongoing
Implementation Status – Ongoing.

Policy 3

The City of Banning shall protect the peaks and ridgelines within the City, and encourage coordination with adjacent jurisdictions to protect the peaks and ridgelines within the City's area of influence, to protect the historic visual quality of the hillside areas and natural features of the Pass area.

Program 3.A

The City shall investigate and implement actions and regulations that facilitate hillside development that is compatible with the natural characteristics of the terrain while protecting the significant view sheds, and natural hillside features such as topography, natural drainage, vegetation, wildlife habitats, movement corridors etc.

Responsible Agency: City Council, City Manager's Office, Planning Department, Public Works Department, City of Beaumont, County of Riverside, Morongo Band of Mission Indians

Schedule: 2005-2006, Ongoing

Implementation Status – Ongoing, to be implemented through proposed grading ordinance.

Noise Element (10 programs)

GOAL 1

A noise environment that complements the community's residential character and its land uses.

Policy 1

The City shall protect noise sensitive land uses, including residential neighborhoods, schools, hospitals, libraries, churches, resorts and community open space, from potentially significant sources of community noise.

Program 1.A

The City shall require building setbacks, the installation of wall and window insulation, soundwalls, earthen berms, and/or other mitigation measures in areas exceeding the City's noise limit standards for private development projects as they occur.

Responsible Agency: Planning Department

Schedule: Ongoing

Implementation Status – Ongoing through development process.

Program 1.B

The City shall maintain and enforce its Noise Control Ordinances that establish community-wide noise standards and identify measures designed to resolve noise complaints.

Responsible Agency: Planning Department, Code Enforcement, Police Department

Schedule: Ongoing

Implementation Status - Ongoing through development process.

Program 1.C

The City shall use the development review process to assure the use of buffers between sensitive receptors and incompatible land uses.

Responsible Agency: Planning Department, Planning Commission, City Council

Schedule: Ongoing

Implementation Status - Ongoing through development process.

Program 1.D

The City shall require that commercial compactors, loading zones, and large trash bins be located at a sufficient distance from residential properties to reduce noise impacts to its acceptable standard.

Responsible Agency: Planning Department

Schedule: Continuous

Implementation Status - Ongoing through development process.

Program 1.E

The City shall purchase, maintain and operate its own noise monitoring equipment.

Responsible Agency: Code Enforcement

Schedule: 2006-2007, Ongoing

Implementation Status – Equipment is older prior to 2006, may need to be updated.

Policy 2

The relationship between land use designations in the Land Use Element and changes in the circulation pattern of the City, as well as individual developments, shall be monitored and mitigated.

Program 2.A

The City shall develop guidelines and minimal criteria requirements for noise analyses for proposed development projects. Studies shall evaluate project impacts and the effectiveness of proposed mitigation measures.

Responsible Agency: Planning Department, Public Works Department

Schedule: July 1, 2005; every five years.

Implementation Status – Ongoing through development process and building codes

Program 2.B

The City shall periodically review and amend the Land Use Map to assure reasonable land use/noise level compatibility.

Responsible Agency: Planning Department

Schedule: Annually

Implementation Status – Ongoing.

Policy 3

Private sector project proposals shall include measures that assure that noise exposures levels comply with State of California noise insulation standards as defined in Title 25 (California Noise Insulation Standards) and/or Banning Ordinances 1138 and 1234, whichever is more restrictive.

Policy 4

The City shall maintain a General Plan Circulation Map and assure low levels of traffic within neighborhoods by assigning truck routes to major roadways only.

Program 4.A

The City shall review designated primary truck routes and ensure they are clearly marked throughout the community. Except for traffic providing location-specific services and deliveries, construction trucks and delivery trucks shall be limited to designated truck routes, including: Ramsey Street, and those portions of Lincoln Street, Highland Springs Avenue, Hathaway Street, Sunset Avenue, Eighth Street, San Gorgonio Avenue and Hargrave Street so designated.

Responsible Agency: Public Works Department, City Engineer

Schedule: Annually

Implementation Status – Not yet implemented

Program 4.B

The City shall discourage development projects that result in through-traffic in residential neighborhoods.

Responsible Agency: Planning Department, Planning Commission, City Council

Schedule: Ongoing

Implementation Status - Ongoing through development process.

Policy 5

The City shall ensure that flight paths and airport improvements adhere to all local, state and federal noise regulations.

Policy 6

All development proposals within the noise impact area of the Interstate and the railroad shall mitigate both noise levels and vibration to acceptable levels through the preparation of focused studies and analysis in the development review and environmental review process.

Policy 7

The City shall coordinate with adjoining jurisdictions to assure noise-compatible land uses across jurisdictional boundaries.

Policy 8

The City shall impose and integrate special design features into proposed development that minimize impacts associated with the operation of air conditioning and heating equipment, on-site traffic, and use of parking, loading and trash storage facilities.

Policy 9

The City shall support development that results in grade separated railroad tracks.

Program 9.A

The City shall assure that new development and project expansions pay their fair share toward grade separations based on their impacts.

Responsible Agency: Planning Department, City Engineer

Schedule: Ongoing

Implementation Status - Ongoing through development process.

Open Space and Conservation Element (7 programs)

GOAL 1

Open space and conservation lands that are preserved and managed in perpetuity for the protection of environmental resources or hazards, and the provision of enhanced recreational opportunities and scenic qualities in the City.

GOAL 2

A balance between the City's built and open space environment and local and regional protection and preservation of its unique environment.

Policy 1

Identify and assess lands in the City, its sphere-of-influence and planning area, that are suitable for preservation as public or private, passive or active open space.

Program 1.A
The City shall maintain and use Open Space land use designations on the General Plan Land Use Map.
Responsible Agency: Planning Department, Community Services Department.
Schedule: 2005-2006
Implementation Status –Ongoing, private open space & public parks have been set aside through the Specific Plan process that requires minimum public land set aside.
Program 1.B
Environmental hazard zones, including earthquake fault lines, floodways and floodplains, steep or unstable slopes, shall be designated as open space on the land use map.
Responsible Agency: Planning Department
Schedule: 2005-2006
Implementation Status –This have been identified in general plan and no development is permitted in these areas of concern.
Program 1.C
Lands on which cultural resources are identified may be preserved as Open Space
Responsible Agency: Planning Department
Schedule: Ongoing
Implementation Status – The St Boniface Cemetery has been set aside. Smith Creek Park contains Cultural resources that are preserved as part of the park.
Program 1.D
Inventory the costs of land acquisition, maintenance and other administrative functions, and encourage the transfer of public open space and conservation properties to existing land trusts for local property management.
Responsible Agency: Planning Department, City Council.
Schedule: 2005-2006, Update every two years.
Implementation Status – No progress to date.

Policy 2

The City shall protect natural hillsides above the toe of slope in perpetuity as undeveloped open space, and shall provide specific parameters under which development can occur within the Rural Residential – Hillside and Ranch/Agriculture Residential – Hillside land use designations. For purposes of this General Plan, the toe of slope is defined as the dividing line between rock formations where there is a noticeable break in the angle of slope from steep to shallow.

Program 2.A

The Zoning Ordinance shall be amended to include detailed provisions for the preservation of natural hillsides above the toe of slope. These provisions shall include, but not be limited to, density transfers from hillside areas to developable areas within the same parcel, building prohibitions for lands with grades exceeding 25%, permitted uses and building standards for developable areas in these hillsides, and grading parameters in these hillsides.

Responsible Agency: Planning Department, City Engineer, Planning Commission, City Council.

Schedule: 2005-2006

Implementation Status – underway w/a grading ordinance to be completed by December 2008.

Program 2.B

The City shall seek recreational usage of desirable hillside lands currently owned by public agencies, such as the Bureau of Land Management, the United States Forest Service or the County of Riverside; and shall secure open space lands from private entities by negotiating public access provisions and/or establishing a density transfer program.

Responsible Agency: City Manager's Office, Planning Department, City Council

Schedule: 2006-2007; Ongoing

Implementation Status – No progress to date.

Policy 3

Ridgelines shall be preserved as permanent open space.

Policy 4

The City shall preserve all watercourses and washes necessary for regional flood control, ground water recharge areas and drainage for open space and recreational purposes.

Policy 5

The City shall preserve permanent open space edges or greenbelts that define the physical limits of the City and provide physical separation between adjoining neighborhoods.

Program 5.A

The Land Use Map and Zoning Ordinance shall regulate development at the boundaries of the planning area to assure the preservation of a well-defined, functional or visual edge.

Responsible Agency: Planning Department.

Schedule: 2005-2006

Implementation Status – No progress to date.

Policy 6

Where practical, new development shall integrate pipeline, above- and under-ground utility corridors and other easements (including electric, cable and telephone distribution lines) into a functional open space network.

Policy 7

Drought tolerant landscaping materials and design features shall be incorporated into parks, roadway medians, common area landscaping, public facilities and other appropriate open space lands to retain and preserve the natural environment.

Parks and Recreation Element (26 programs)

GOAL 1

A high quality public park system with adequate land and facilities to provide recreational facilities and activities for the City's residents.

GOAL 2

A comprehensive bikeway, trail and walking path system that connects homes to work places, commercial venues and recreational facilities, and which enhances the safety and enjoyment of cyclists, equestrians and pedestrians.

Policy 1

Update the Master Parks and Recreation Plan so as to assure adequate parklands and facilities that meet the immediate and future needs of the community, and is complementary to the natural environment.

Program 1.A
Update the City's parks master plan to address the proposed and anticipated parks and recreational facilities to be developed within the City.
Responsible Agency: Community Services Department, Public Works Department, Parks and Recreation Advisory Committee, Planning Commission
Schedule: 2005-2006, then every five years
Implementation Status - In process of hiring a consultant to update plan.
Program 1.B
The parks master plan shall maintain a standard of 5 acres of parkland per 1,000 residents.
Responsible Agency: Community Services Department, Parks and Recreation Advisory Committee
Schedule: Ongoing
Implementation Status - Not completed – to be addressed in Parks Master Plan.
Program 1.C
Include dog parks, tennis courts and golf facilities in Parks Master Planning updates.
Responsible Agency: Community Services Department, Parks and Recreation Advisory Committee
Schedule: Ongoing
Implementation Status – Not completed - To be addressed in Parks Master Plan.

Policy 2

The City will distribute parks and recreation facilities in a manner that is convenient to City neighborhoods and balanced within population concentrations.

Program 2.A
The location and design of neighborhood parks shall consider neighborhood suggestions and input regarding facility needs, vehicular and pedestrian access, noise and lighting impacts, and public safety.
Responsible Agency: Community Services Department; Public Works Department; Parks and Recreation Advisory Committee.
Schedule: Ongoing.
Implementation Status – Active policy, ongoing as developments occur.

Program 2.B

City staff shall identify and prioritize park development projects based upon need, land availability, neighborhood suggestions and funding, and shall encourage the planting of trees as in parks and open spaces.

Responsible Agency: Community Services Department; Public Works Department; Parks and Recreation Advisory Committee

Schedule: Ongoing.

Implementation Status- Active and ongoing, need more coordination.

Program 2.C

Investigate and identify the broad range of sources of financing and operating revenue, including Development Impact Fees, Mello Roos special districts, public/private ventures, state and federal grant opportunities, developer fees and inter-agency joint use agreements to supplement revenues collected for parks and recreation purposes.

Responsible Agency: City Manager's Office; Parks and Recreation Division; Community Services Department; Banning and Beaumont Unified School Districts

Schedule: Ongoing

Implementation Status - Not implemented.

Program 2.D

Investigate and identify sources of development financing and revenue, including charitable organizations, state and federal grant opportunities to supplement revenues collected for development of parks and recreation facilities and programs.

Responsible Agency: City Manager's Office; Parks and Recreation Division; Community Services Department

Schedule: Ongoing

Implementation Status – To be addressed in Parks Master Plan.

Program 2.E

The City will consider the implementation of a Quimby Ordinance for the purchase of park lands for new developments as they occur.

Responsible Agency: Parks and Recreation Division; Community Services Department, City Council

Schedule: 2005-2006

Implementation Status – Not implemented.

Policy 3

Require developers of new residential projects to provide on-site recreational and/or open space facilities in addition to City-wide park requirements.

Program 3.A

Encourage the planting of trees in parks and open spaces.

Responsible Agency: Community Services Department

Schedule: Ongoing

Implementation Status – Ongoing.

Program 3.B

Recreation facilities within projects will be maintained by the residents within the project either through a homeowners' association, assessment district or community facilities district.

Responsible Agency: Community Services Department

Schedule: Ongoing

Implementation Status – Ongoing.

Policy 4

Encourage the development of recreational programs and activities that serve all population segments, including children, the elderly and the disabled.

Program 4.A

Develop a community education program for the City's parks and recreation facilities which focuses on the sense of community which parks and recreation facilities can foster.

Responsible Agency: Parks and Recreation Division; Community Services Department

Schedule: 2005-2006, Annually

Implementation Status – Ongoing & active programs.

Program 4.B

Develop advertising and publicity programs for recreational programs and events to encourage participation.

Responsible Agency: Community Services Department; Public Works Department; Parks and Recreation Advisory Committee

Schedule: Annually

Implementation Status – Ongoing and active.

Program 4.C

Develop and distribute educational materials relating to the planting and maintenance of drought tolerant landscaping on private property.

Responsible Agency: Community Services Department; Public Works Department; Parks and Recreation Advisory Committee

Schedule: 2006-2007

Implementation Status – Ongoing and active.

Policy 5

The City shall consider alternative methods of providing park and recreational amenities to meet future population demands.

Program 5.A

Support the development of private recreational ventures that will serve the general population.

Responsible Agency: Planning Department; Community Services Department; Economic Development Department

Schedule: Ongoing

Implementation Status – Parks Master Plan.

Program 5.B

Develop a program by which the City can accept parkland gifts and dedications that would be beneficial to the community.

Responsible Agency: City Attorney; Planning Department; City Council

Schedule: 2005-2006

Implementation Status – To be addressed in Parks Master Plan.

Program 5.C

Develop a program that establishes public participation in tree or landscaping planting efforts to commemorate special civic occasions.

Responsible Agency: Community Services Department; Public Works Department; Parks and Recreation Advisory Committee

Schedule: 2006-2007

Implementation Status –Ongoing, Sun Lakes public tree planting.

Policy 6

The City shall develop and implement plans for a coordinated and connected bicycle lane network in the community that allows for safe use of bicycles on City streets.

Program 6.A

The City shall inventory all streets for potential Class I, Class II and Class III bikeways, and shall program their installation in its Capital Improvement Program.

Responsible Agency: Planning Department; Engineering Division; Public Works Department; Planning Commission; City Council

Schedule: 2005-2006.

Implementation Status - Not completed – to be addressed in Parks Master Plan.

Program 6.B

Class I bikeways and sidewalks should be installed on both sides of Wilson Street, Ramsey Street, and Lincoln Street, and other major streets where sufficient right-of-way is available.

Responsible Agency: Engineering Division; Public Works Department

Schedule: 2005-2006, Ongoing

Implementation Status - To be included in Parks Master Plan.

Program 6.C

Class II bikeways and sidewalks should be designated on all existing arterial streets that have sufficient width to safely accommodate bicycle travel lanes.

Responsible Agency: Planning Department; Engineering Division; Public Works Department

Schedule: 2005-2006.

Implementation Status - To be included in Parks Master Plan.

Program 6.D

The City should designate Class III bikeways only where Class I and Class II facilities are not feasible.

Responsible Agency: Planning Department; Public Works Department

Schedule: Continuous.

Implementation Status - To be included in Parks Master Plan.

Policy 7

The City should continue to work with the Morongo Band of Mission Indians and neighboring cities and communities to create a regional bicycle and trail network.

Policy 8

The City shall provide for a comprehensive, interconnected recreational trails system suitable for bicycles, equestrians and/or pedestrians.

Program 8.A

Evaluate the practicality of utilizing flood control channels for multi-use trails, where flooding and safety issues can be accommodated, and negotiate inter-agency agreements for this purpose.

Responsible Agency: Planning Department

Schedule: 2005-2006.

Implementation Status – Ongoing, requirement.

Program 8.B
Evaluate the practicality of developing a multi-use trails system along the Banning Bench adjacent to and extending into San Bernardino National Forest lands, where environmental and safety issues can be accommodated, and negotiate inter-agency agreements with the U.S. Forest Service for this purpose.
Responsible Agency: Planning Department, U.S. Forest Service/San Bernardino National Forest
Schedule: 2005-2006.
Implementation Status - To be addressed in Parks Master Plan.
Program 8.C
Establish a multi-purpose trail between Dysart Park and Smith Creek Park, suitable for equestrian, bicycle and pedestrian use.
Responsible Agency: Community Services Department; Public Works Department; Parks and Recreation Advisory Committee
Schedule: 2005-2006, ongoing as development occurs
Implementation Status – Ongoing.

Policy 9

Motorized vehicles shall be prohibited on City trails.

Program 9.A
The City shall develop a non-motorized trail system and associated ordinances and other required implementation programs.
Responsible Agency: Public Works Department, Planning Commission, City Council
Schedule: 2006-2007
Implementation Status - To be addressed Parks Master Plan.
Program 9.B
The non-motorized trail system shall be funded, to the greatest extent possible, by new development.
Responsible Agency: Public Works Department
Schedule: 2006-2007
Implementation Status – Not yet completed.
Program 9.C
The routing and facilities required in the non-motorized trail system Plan shall be incorporated into the Development Impact Fee when the Plan is adopted.
Responsible Agency: Public Works Department
Schedule: 2006-2007
Implementation Status – Not yet completed.

Police and Fire Protection Element (5 programs)

GOAL 1

The highest possible quality and level of service for fire and police protection to preserve and protect the health, welfare and property of residents, business owners, visitors and property owners.

Policy 1

The City shall work closely with the Fire and Police departments to assure that adequate facilities are constructed and service is provided as development and growth occur to maintain and enhance levels of service and insurance ratings.

Program 1.A

On an annual basis, consult and coordinate long-term planning with the Police and Fire departments regarding the optimal location of future police and fire stations, equipment, paramedic/ambulance service, and to ensure that levels of staffing are adequate.

Responsible Agency: City Manager, Police Department, Fire Department

Schedule: Ongoing

Implementation Status - Ongoing. Construction contract for new police station has been approved. The Fire Department has developed a long-range master plan that outlines the number and placement of fire stations. The master plan was approved by the City Council. The Fire Department uses the master plan to identify fire station requirements when proposed developments are presented. Recent City budgetary concerns have required that the Fire Department consider lowering the number of Stations originally approved in the master plan thereby lowering what it feels is the appropriate level of service for Banning residents.

Policy 2

The City shall review all proposals for new or significant remodeling projects for potential impacts concerning public safety.

Program 2.A

The City shall continue to monitor levels of development in the planning area to assess the need for new fire stations.

Responsible Agency: Planning Department, Fire Department

Schedule: Ongoing

Implementation Status - The Fire Department has developed a long-range master plan that outlines the number and placement of fire stations. The master plan was approved by the City Council. The Fire Department uses the master plan to identify fire station requirements when proposed developments are presented. Recent City budgetary concerns have required that the Fire Department consider lowering the number of stations originally approved in the master plan thereby lowering what it feels is the appropriate level of service for Banning residents.

Program 2.B

All development applications shall be routed to the Police and Fire Departments for comment as part of the application review process.

Responsible Agency: Planning Department, Fire Department, Police Department

Schedule: Ongoing

Implementation Status - All development proposals routed to Police Department for comment. All development proposals are routed to the Fire Department for comments.

Policy 3

The City shall strictly enforce fire standards and regulations in the course of reviewing development and building plans and conducting building inspections of large multiple family projects, community buildings, commercial structures and motel structures.

Policy 4

All proposed development projects shall demonstrate the availability of adequate fire flows prior to approval.

Program 4.A

Coordinate with the City of Banning Utility Department – Water Division and the Banning Heights Mutual Water Company to ensure availability of adequate water supplies and pressures for fire flows for all existing and proposed development.

Responsible Agency: Planning Department, Fire Department, City of Banning Utility Department – Water Division, Banning Heights Mutual Water Company, Building Department.

Schedule: Ongoing

Implementation Status – All projects are conditioned to meet appropriate fire flow requirements. The Water Department must verify that the required flow can be met.

Program 4.B

Proposed projects in hilly areas with potential access problems, and/or lack of sufficient water and/or water pressure, may require special on-site fire protection measures. Such measures shall be specified during project review.

Responsible Agency: Planning Department, Fire Department

Schedule: Ongoing

Implementation Status – The City Fire Code requires that any building located more than 10 minutes response time from the closest fire station have an automatic fire sprinkler system installed throughout the building. The fire department will require that developers have in place adequate water systems to support fire protection needs.

Policy 5

Crime prevention design techniques, including the use of “defensible space,” high security hardware, optimal site planning and building orientation, and other design approaches to enhance security shall be incorporated in new and substantially remodeled development. (All development proposals routed to Police Department for comment.)

Policy 6

The City shall continue to support and promote community-based crime prevention programs as an important augmentation to the provision of professional police protection services. (Ongoing through 100 Neighborhoods, KO. Gangs in Neighborhoods, GRATE, BPAL)

Policy 7

The City shall periodically review the level, quality, innovation and cost-effectiveness of police and fire protection services, including contract services. (Five-Year Strategic Plan 2006-2011 has been completed.)

Policy 8

The Police and the Fire Departments shall closely coordinate and cooperate with the City and County emergency preparedness teams and shall assure the most effective emergency response practical. (Ongoing training and coordination with all parties involved.)

Policy 9

The Fire Department shall maintain a 5-minute response time.

Policy 10

The Police Department shall maintain a level of service (LOS) goal of 2.0 sworn officers per 1000 residents. (It is recommended that LOS goal be changed to 1.5.)

Policy 11

The Fire Department Ambulance Services shall maintain a 5-minute response time.

Policy 12

The City shall investigate the requirements for an International Organization for Standardization (ISO) rating specifically for the City. (Commission on Accreditation for Law Enforcement Agencies (CALEA).)

Policy 13

The City shall continue to pursue grant positions for the Police Department. (KO Gangs and GRATE have three positions funded by grant.)

Policy 14

The City shall pursue all funding mechanisms to fund the need for police and fire services generated by new development. (Working to establish CFD's & Development Impact Fees.)

Public Buildings and Facilities Element (5 programs)

GOAL 1

The provision of a full range of dependable, cost-effective, and conveniently located public buildings, services and facilities that meet the functional, social and economic needs of the entire community.

Policy 1

The Land Use Element shall consider the long-term availability of sites for future public and quasi-public buildings, infrastructure, and other facilities.

Program 1.A

The City shall review its official Land Use Map and development patterns every five years to assure the availability of adequate sites for future public and quasi-public buildings, infrastructure, and other facilities. The City shall confer and coordinate with utilities and other public and quasi-public agencies regarding their long-term needs.

Responsible Agency: Community Development Department, Public Works Department, Banning Heights Mutual Water Company, SCE, SCG, Verizon, Time Warner

Schedule: 2005; every five years

Implementation Status –The Paso San Gorgonio District Plan includes an integrated city center plan for public buildings.

Policy 2

Continue to identify and evaluate viable, long-term funding mechanisms that provide for the construction, maintenance and operation of existing and future public buildings and facilities, including assuring that new development funds its fair share of these facilities.

Program 2.A

The City shall explore the possibility of establishing a New Construction tax for the purpose of establishing an on-going funding source for adequate provision of public buildings and utilities associated with new development.

Responsible Agency: City Council, Finance Department, Public Works Department, Building Department.

Schedule: 2005

Implementation Status –Not yet completed.

Program 2.B

The City shall pursue and encourage joint-use facilities with other local agencies.

Responsible Agency: Community Services Department, Banning and Beaumont Unified School Districts

Schedule: 2005-2006, Ongoing

Implementation Status –J.U.A. w/school and hospital.

Policy 3

Coordinate with public utility providers and other public/quasi-public agencies to assure that utility buildings and facilities are compatible with the surrounding landscape.

Program 3.A

The City shall establish and maintain close working relationships with utility purveyors and other public and quasi-public agencies serving the City to assure the least intrusive integration of related buildings and

facilities into the community.
Responsible Agency: Community Development Department, Public Works Department, Banning Heights Mutual Water Company, SCE, SCG, Verizon, Time Warner
Schedule: Immediate; Continuous
Implementation Status Ongoing.

Program 3.B
All new maintenance and utility facilities (and their signage) shall be integrated into the surrounding environment using landscape treatments, architectural elements, and/or other appropriate design mechanisms. Whether as a regulatory or advisory function, design plans shall be reviewed by the Community Development Department.
Responsible Agency: Community Development Department, Public Works Department, Banning Heights Mutual Water Company, SCE, SCG, Verizon, Time Warner
Schedule: Immediate; Continuous

Implementation Status – Active as it is implemented.

Policy 4

All public buildings and facilities shall comply with the same development standards as private development.

Policy 5

Encourage the undergrounding of all utility lines and the undergrounding or screening of transformers/facilities.

Policy 6

Critical structures and facilities (including the civic center, hospitals, fire stations, police stations, schools and major communications facilities) shall be restricted from geologically and hydrologically hazardous areas.

Policy 7

The Zoning Ordinance shall be reviewed to facilitate the location of public buildings and offices in a centralized location near the Civic Center.

Schools and Libraries Element (7 programs)

GOAL 1

The provision of quality school and library facilities in the City that are accessible, safe and conveniently located within the community.

Policy 1

Assist, cooperate and coordinate with the Banning and Beaumont Unified School Districts and state agencies in identifying, acquiring and developing school sites needed to meet future growth demands. Encourage the selection of potential school sites that are centrally located in areas of existing or future residential development.

Program 1.A

The City shall review and advise the Banning and Beaumont Unified School Districts on their master plans, development proposals and environmental documentation, and shall otherwise coordinate and cooperate with the Districts to assure the provision of safe, conveniently located and effective educational facilities.

Responsible Agency: Banning and Beaumont Unified School Districts, Planning Department, City Council

Schedule: Ongoing

Implementation Status –Working with Banning Unified School District for coordination & MSJC.

Policy 2

Continue to work with the Banning Unified School District to amend the District's boundary to encompass all lands within its corporate limits and sphere of influence.

Program 2.A

Maintain effective communication with Banning Unified School District staff and board members to lobby for amendment of the District's boundary.

Responsible Agency: Banning Unified School District, Planning Department, City Council, Beaumont Unified School District

Schedule: Ongoing

Implementation Status –Idea researched but Not yet completed.

Program 2.B

Establish an organized committee comprised of City officials, interested community members and leaders and Banning Unified School District staff and board members to lobby for amendment of the District's boundary.

Responsible Agency: City Council, City Manager's Office, Banning Unified School District

Schedule: 2005-2006

Implementation Status –Idea researched but Not yet completed.

Policy 3

Schools and libraries shall be protected from excessive noise and traffic conditions, incompatible land uses, and the threat of on-site disturbance to the greatest extent practicable.

Program 3.A

The City shall routinely evaluate and update the Land Use Element to assure that school and library sites are compatible with surrounding land uses, arterial roadways and other significant noise generators.

Responsible Agency: Planning Department
Schedule: Ongoing
Implementation Status – doing that with county and developers (i.e., SP's).
Program 3.B
The City shall work closely with the District to improve the safety of students traveling to and from school over the railroad tracks, and shall strive to provide separate, safe pedestrian and bicycle access, particularly in the vicinity of the high school.
Responsible Agency: Planning Department, Public Works Department, City Council
Schedule: Ongoing
Implementation Status – Safe routes to school program being implemented.
Program 3.C
To maximize the safety of students, parents, school staff and the general public, the City shall coordinate with the Banning Unified School District to maintain an adequate staff of school resource officers responsible for monitoring and patrolling school campuses during appropriate school hours.
Responsible Agency: Banning Unified School District, Police Department, Beaumont Unified School District
Schedule: Ongoing
Implementation Status - Active and ongoing.

Policy 4

The City shall cooperate in securing school impact fees from developers, in accordance with state law.

Policy 5

The City shall pro-actively work with the Banning Unified School District to improve the level and quality of education wherever possible.

Policy 6

The City shall encourage and support local higher education institutions that enhance general, career and vocational skills, employment opportunities and personal growth.

Policy 7

The City shall cooperate with Banning Unified School District, the Riverside Office of Education, and Mt. San Jacinto College to facilitate the establishment of a community education committee, which will develop a mission statement and process of committee activities. The committee's essential goal shall be to enhance the provision of quality education to all students in the City.

Policy 8

As appropriate, the City shall pursue agreements with the school districts to assist in the purchase, lease or joint use of land and facilities for school and recreational purposes, and to provide the neighboring community with access to recreational facilities and open space during non-school hours.

Policy 9

The City shall support and facilitate the development of youth programs to provide quality after-school programs and facilities.

Program 9.A

The City shall establish a committee comprised of education professionals, elected and appointed officials, and County and City staff, and shall explore the possibility of establishing after-school programs targeted

towards providing educational, recreational and personal development programs for school-aged children.
Responsible Agency: Banning Unified School District, City Council, Riverside County Office of Education, Community Services Department, Beaumont Unified School District
Schedule: Ongoing
Implementation Status – Active and ongoing coordination.

Policy 10

The City will encourage the Library Board to confer and coordinate with Mt. San Jacinto College to explore the provision of library services, and cooperative efforts with the Banning Public Library, in conjunction with the proposed MSJC Education Center.

Policy 11

The City shall coordinate with the Banning Public Library to assure that adequate library space, services and resources are provided to meet the educational and literary needs of the community.

Policy 12

Recognizing the importance of the library system for educational and cultural development within the community, the City shall explore the need for and feasibility of expanded library facilities and resources, including the potential for and appropriateness of accessing on-line resources associated with the Riverside County library system.

Water Resources Element (11 programs)

GOAL 1

A balance of development which assures the maintenance of the water supply and its continued high quality.

Policy 1

New development projects proposing 50 units on property whose General Plan Land Use designation would allow 50 units, and/or 10 acres of commercial/industrial/other development, or more, whether through a tract map, Specific Plan or other planning application, shall be required to fund the provision of its entire water supply, either through SWP, recycled water or other means, as a condition of approval.

Program 1.A

In accordance with the 2003 Determination of Maximum Perennial Yield for the City of Banning, the City shall implement an annual ground water audit. This process involves evaluating groundwater level trends, production rates, ground water quality or other aquifer/well/pump considerations from the previous year (the water audit should be performed six months prior to the start of the water accounting year) and using this information to make recommendations for pumping in the following year.

Responsible Agency: Public Utilities Department

Schedule: 2005-2006, Continuous

Implementation Status – Completed VWMP in 2005; next one in 2010.

Program 1.B

The City shall develop construction plans and cost estimates for the construction of recycled water facilities for both Phase I and II, and make them available to the development community.

Responsible Agency: Public Utilities Department

Schedule: 2005-2006

Implementation Status - Undergoing of wastewater treatment plan/upgrade & install recycled water productions.

Program 1.C

The City shall coordinate with the San Gorgonio Pass Water Agency and other appropriate agencies to assure that the City's SWP water can be delivered.

Responsible Agency: Planning Department, Public Utilities Department

Schedule: 2005-2006, Ongoing

Implementation Status – Active and ongoing.

Policy 2

The City shall require the use of drought-tolerant, low water consuming landscaping as a means of reducing water demand for new development.

Program 2.A

Continue to implement the City's Water Efficient Landscape Ordinance by requiring the use of native and drought-tolerant planting materials and efficient irrigation systems.

Responsible Agency: Public Utilities Department, Planning Department

Schedule: Continuous

Implementation Status - Ordinance adopted & to be revised in 08/09.

Program 2.B
The City shall coordinate and cooperate with the San Gorgonio Pass Water Agency, Banning Heights Mutual Water Company and the Beaumont-Cherry Valley Water District to expand and strengthen educational/public relations programs regarding the importance of water conservation and water-efficient landscaping.
Responsible Agency: Public Works Department, Planning Department, Banning Heights Mutual Water Company, Beaumont-Cherry Valley Water District
Schedule: Continuous

Implementation Status – Water efficient Landscape Ordinance and water efficient Landscape Guidelines are handed out at Planning Counter.

Policy 3

The City shall require the use of recycled wastewater for new development, or where it is unavailable, the infrastructure for recycled water when it becomes available, as a means of reducing demand for groundwater resources.

Program 3.A
Coordinate with the Banning Heights Mutual Water Company regarding the future expansion of recycled wastewater treatment facilities to serve existing and new development projects in the City.
Responsible Agency: Planning Department, Public Works Department, Banning Heights Mutual Water Company
Schedule: Continuous

Implementation Status – No projects identified – will be available for future coordination; expansion is coordinated and conditioned for appropriate projects.

Program 3.B
Aggressively pursue all sources of funding to allow for the installation of a comprehensive recycled water distribution system throughout the City.
Responsible Agency: Public Works Department, City Manager's Office
Schedule: Immediate, Continuous

Implementation Status – In process of SRF.

Program 3.C
The City shall study the potential of providing incentives to developers and property owners for the installation of on-site recycled water reclamation systems. Recycled water systems include the reuse of water from sources such as sink drains, dishwashers and washing machines for irrigation purposes.
Responsible Agency: Public Utilities Department, City Manager's Office
Schedule: 2005-2006

Implementation Status – On going studies with future development projects.

Policy 4

Require that all new development be connected to the sewage treatment system, or install dry sewers until such time as that connection is possible.

Policy 5

The City shall provide guidelines for the development of on-site storm water retention facilities consistent with local and regional drainage plans and community design standards.

Program 5.A
Enforce regulations and guidelines for the development and maintenance of project-specific on-site retention/detention basins which implement the NPDES program, enhance groundwater recharge, complement regional flood control facilities, and address applicable community design policies.
Responsible Agency: Public Utilities Department, Planning Department
Schedule: Continuous
Implementation Status – ongoing and required as conditions for all projects.

Policy 6

Coordinate with the San Gorgonio Pass Water Agency, Banning Heights Mutual Water Company and the Beaumont-Cherry Valley Water District, the California Regional Water Quality Control Board and other appropriate agencies to share information on potential groundwater contaminating sources.

Program 6.A
Develop and maintain a system to share records and technical information with the San Gorgonio Pass Water Agency, Banning Heights Mutual Water Company and the Beaumont-Cherry Valley Water District, CRWQCB and other appropriate agencies regarding all sites that have the potential to contaminate groundwater resources serving the City.
Responsible Agency: Public Works Department, the San Gorgonio Pass Water Agency, Banning Heights Mutual Water Company and the Beaumont-Cherry Valley Water District, California Regional Water Quality Control Board
Schedule: Continuous
Implementation Status – Ongoing and active.

Policy 7

The City shall ensure that no development proceeds that has potential to create groundwater hazards from point and non-point sources, and shall confer with other appropriate agencies, as necessary, to assure adequate review and mitigation.

Policy 8

Encourage water conservation in existing development.

Program 8.A
Establish incentive programs for conversion of existing buildings to water conserving fixtures and landscaping.
Responsible Agency: Public Utilities – Water Department
Schedule: 2005-2006
Implementation Status –In progress; to be completed in FY 08/09.

Water and Waste Water and Utilities Element (10 programs)

GOAL 1

A comprehensive range of water, Wastewater and utility services and facilities that adequately, cost-effectively and safely meet the immediate and long-term needs of the City.

Policy 1

The City shall coordinate between the City Utility Department-Water Division, Banning Heights Mutual Water Company, Beaumont/Cherry Valley Water Agency, San Gorgonio Pass Water Agency, California Regional Water Quality Control Board and Riverside County Environmental Health to protect and preserve local and regional water resources against overexploitation and contamination.

Program 1.A
Support the efforts of the City Utility Department-Water Division, San Gorgonio Pass Water Agency, Banning Heights Mutual Water Company and Beaumont/Cherry Valley Water Agency to develop alternative resources for groundwater recharge, and to expand and construct facilities for the treatment and distribution of reclaimed and/or recycled water.
Responsible Agency: Utility Department-Water Division, Banning Heights Mutual Water Company, Public Works Department, San Gorgonio Pass Water Agency
Schedule: Ongoing
Implementation Status – Ongoing and active.
Program 1.B
The City, its Utility Department-Water Division, San Gorgonio Pass Water Agency, and Banning Heights Mutual Water Company shall continue and extend their efforts to increase domestic water conservation by expanding efforts to promote the use of water efficient landscaping in all development, and the installation of efficient water-using technologies in new and substantially remodeled structures.
Responsible Agency: Utility Department-Water Division, San Gorgonio Pass Water Agency, Banning Heights Mutual Water Company, Public Works Department
Schedule: Ongoing
Implementation Status - Ongoing and active.
Program 1.C
The City, its Utility Department-Water Division and Banning Heights Mutual Water Company shall evaluate and, as appropriate, implement actions and regulations that facilitate residential and business retrofits of landscaping/irrigation and water-using appliances/processes that significantly increase water use efficiencies.
Responsible Agencies: Utility Department-Water Division, Banning Heights Mutual Water Company, Public Works Department
Schedule: 2005-2006, Ongoing
Implementation Status - Ongoing and active.
Program 1.D
The City shall provide water customers with incentives for the conservation of water.
Responsible Agency: Utility Department-Water Division
Schedule: 2005-2006, Ongoing
Implementation Status - Ongoing and active (i.e., 3rd tier program).

Policy 2

Sewer connection shall be required at the time a lot is developed when service is available.

Program 2.A

To the greatest extent practical, the City and its Utility Department-Sewer Division shall require new development to extend and connect to sewer lines rather than permitting the installation of on-lot septic tanks. In the event on-lot septic systems are required, development shall be required to install "dry sewers" and pay connection fee in anticipation of future sewer main extensions.

Responsible Agencies: Utility Department-Sewer Division, Public Works Department, Riverside County Environmental Health Department

Schedule: Ongoing

Implementation Status - Ongoing and active.

Policy 3

In the event a sewer line exists in the right-of-way where a for-sale residential unit is served by a septic system, the septic system shall be properly abandoned prior to a sale and/or close of escrow, and the unit shall be connected to the sewer system.

Program 3.A

The Building and Public Works Departments shall establish procedures for identifying home sales, and shall publicize the requirement for connection of sewers with the mortgage companies and escrow companies of the area.

Responsible Agency: Building Department, Public Works Department

Schedule: 2005-2006, Ongoing

Implementation Status - Ongoing and active.

Policy 4

The City shall make every effort to assure and assist in facilitating the timely and cost-effective extension and expansion of services that support community development and improved quality of life.

Program 4.A

The City shall coordinate its Capital Improvement Program with those of local utility and service providers to assure cost-effective and adequate capacity of services and facilities for future growth and development.

Responsible Agencies: Public Works Department, Utility Department, Banning Heights Mutual Water Company, other utilities and service providers

Schedule: 2005-2006

Implementation Status - Ongoing and active.

Program 4.B

The City shall coordinate with appropriate public and quasi-public agencies and utilities in conducting on-going assessments of infrastructure capacity and evaluating expansion and improvements needed to carry out responsible growth management.

Responsible Agencies: Public Works Department, Utility Department, Banning Heights Mutual Water Company, other utilities and service providers

Schedule: 2005-2006

Implementation Status - Ongoing and active.

Policy 5

To ensure the timely expansion of facilities in a manner that minimizes environmental impacts and disturbance of existing improvements, the City shall confer and coordinate with service and utility providers in planning, designing and siting of supporting and distribution facilities.

Program 5.A

The City shall encourage the consolidation of underground utility lines and other subsurface transmission facilities to limit the impacts of these facilities on the disruption of traffic and roadways.

Responsible Agencies: Public Works Department, Utility Department, Banning Heights Mutual Water Company, SCE, SCG, other utilities and service providers

Schedule: Ongoing

Implementation Status - Ongoing and active.

Policy 6

The City shall proactively supports the widespread integration of energy resource conserving technologies throughout the community.

Program 6.A

The City shall investigate and, as appropriate, implement actions and regulations that facilitate residential and business conservation strategies and the implementation of technology retrofits that significantly increase efficiencies in energy use.

Responsible Agencies: Planning and Public Works Departments, Utility Department, Banning Heights Mutual Water Company, SCE, SCG, other utilities and service providers

Schedule: 2005, Ongoing

Implementation Status - Ongoing and active.

Policy 7

The City shall continue to confer and coordinate with its solid waste service franchisee to maintain and, if possible, exceed the provision of AB 939 by expanding recycling programs that divert valuable resources from the waste stream and returning these materials to productive use.

Policy 8

The City shall support, and to the greatest extent practical, shall encourage commercial and industrial businesses to reduce and limit the amount of packaging and potential waste associated with product sale and production.

Policy 9

Utility lines on scenic roadways, major streets and in the downtown shall have primary consideration for undergrounding.

Policy 10

Major utility facilities, including power and other transmission towers, cellular communication towers and other viewshed intrusions shall be designed and sited to ensure minimal environmental and viewsheds impacts and environmental hazards.

Policy 11

The City shall encourage the planning, development and installation of state-of-the art telecommunications and other broadband communications systems as essential infrastructure.

Policy 12

The City shall encourage in others and itself the use of alternative fuel vehicles.

Policy 13

The City shall investigate lower cable rates for ungated neighborhoods.

Policy 14

The City shall encourage alternative energy use for individual property owners and consider developing an incentive program.

Wildland Fire Hazard Element (15 programs)

GOAL 1

Protect human life, land, and property from the effects of wildland fire hazards.

Policy 1

The City shall establish and maintain an information database containing maps and other information which describe fire hazard severity zones, fire threat zone, and other wildfire hazards occurring within the City boundaries, sphere-of-influence and planning area.

Program 1.A

Consult and coordinate with surrounding communities, the State Board of Forestry and Fire Protection, California Department of Forestry and Fire Protection, Riverside County Fire Department, other applicable state and federal agencies to establish, improve and routinely update the database

Responsible Agency: Planning Department, Banning Fire Department, Beaumont Fire Department, State Board of Forestry and Fire Protection, California Department of Forestry and Fire Protection, Riverside County Fire Department, Morongo Band of Mission Indians.

Schedule: 2005-2006; Ongoing

Implementation Status - A new severity zone map has been developed by the California Department of Forestry and Fire Protection (CafFire) and is being reviewed by the City Fire Staff. The revised map for the City, if approved by the City Council, will go into effect July 1, 2008. Revisions to the Map will be ongoing as development occurs but at a minimum of every 5 years.

Program 1.B

The City shall make available copies of the Fire Severity Map and discourage development within areas so designated, or require detailed mitigation measures that reduce potential hazards to insignificant levels.

Schedule: Immediately; Ongoing

Implementation Status - The current map, produced by the State, is currently available to view at the fire department administrative office at 3900 W. Wilson. The City Council approved fire severity map will also be a public document. Over one year ago the City Fire Marshal developed standards for development in high fire hazard areas. That document has been made available to developers as needed. At the December 13, 2007 City Council meeting the Fire Marshal introduced Ordinance 1378 which, if approved, will adopt Chapter 7B of the California Fire Code defining construction standards for building in fire hazard areas. The current handout will be revised to reflect the new code.

Program 1.C

Prepare an informational handout to be distributed to developers, property owners, and other appropriate parties, which describes the need for and design of fire safe developments.

Responsible Agency: Planning, City Engineer, Fire Department

Schedule: 2005-2006 Ongoing

Implementation Status - The Fire Department has developed a 1-page handout briefly describing the requirements. The handout will be revised to match the new building code requirements.

Program 1.D
Establish and maintain a program by which all potentially hazardous structures, which pose a threat due to inadequate fire hazard construction are identified, inventoried, and retrofitted with fire retardant materials. Program shall include informational handouts describing appropriate methods of retrofitting and possible sources of funding to facilitate the rehabilitation of such structures.
Responsible Agency: Building and Safety Department, City Engineer, Fire Department
Schedule: 2005-2006

Policy 2

On going coordination between the Banning Fire Department, Beaumont Fire Department, the Riverside County Fire Department, the California Department of Forestry, the Morongo Band of Mission Indians and the US Forest Service in fire prevention programs.

Program 2.A
Cooperate with all neighboring agencies in order to identify opportunities for fuel breaks in very high hazard severity zones and to ensure that fire breaks are provided where necessary and appropriate.
Responsible Agency: Fire Marshall, City of Beaumont, County of Riverside, Morongo Band
Schedule: 2005-2006, Ongoing

Implementation Status – Approximately 1½ years ago, the Fire Marshal met with representatives from Cal Fire/Riverside County Fire and San Bernardino County Fire, and the U.S. Forest Service Service to discuss fuel modification projects in the wildland areas north of Banning from Yucaipa to the Morongo Reservation. For budget cycle 2004-2006 the City Fire Marshal proposed a 4 year fuel break construction project in Banning Canyon. The Council approved financing for the project. When funding was requested to continue for the final 2 years of the project, it was denied. Fuel break Projects to the northwest of Banning are being done by Calfire but have little effect toward the protection of the watershed in Banning Canyon.

Program 2.B
Development proposals shall be transmitted to the Police Department and the City Fire Marshal, and input shall be incorporated into project design or conditions of approval, as appropriate.
Responsible Agency: Building and Safety Department, Planning Department, Police Department, Fire Department
Schedule: Ongoing

Implementation Status – All development proposals are routed to the Fire Department for comments.

Program 2.C
The Police and Fire Departments shall closely coordinate and cooperate with the City and County emergency preparedness teams and shall assure the most effective disaster response practical.
Responsible Agency: City Manager's office, Fire Department, Police Department, County of Riverside, PASSCOM
Schedule: Immediately; Ongoing

Implementation Status – The Fire Department's Disaster Preparedness Bureau has completed the City's Emergency Operations Plan. The Department has an ongoing training program for City Employees and City residents. Coordination with local disaster preparedness organizations and County OES is ongoing. The Fire Department evaluates all projects to ensure adequate egress in emergency situations.

Program 2.D
Contact and establish working relationships and strategies with Banning Heights Mutual Water Company, High Valley Water District, public utilities, and other appropriate agencies to strengthen or relocate utility facilities, and take other appropriate measures to safeguard major utility distribution systems to the greatest extent practical.
Responsible Agency: Planning Department, Public Works Department, City Engineer, Public and Quasi-Public Utilities
Schedule: 2005-2006; Continuous
Implementation Status – Active and ongoing.
Program 2.E
Encourage and cooperate with CalTrans and the railroad to reduce hazardous fuel loads (vegetation) near bridges, roadways, rail lines and state highways, which may be subject to closure during major wildland fire events.
Responsible Agency: Public Works Department, City Engineer, CalTrans, railroad
Schedule: Continuous
Implementation Status – Active and ongoing.
Program 2.F
The public will be educated regarding disaster prevention and emergency responses including evacuation procedures.
Responsible Agency: Police and Fire Departments, School Districts, PassCom
Schedule: Immediately; Ongoing
Implementation Status – Active and ongoing.
Policy 3
Continue to identify wildfire hazard areas, and to enforce special standards for construction in wildland fire hazard areas.
Program 3.A
New and substantially remodeled structures or developments shall incorporate wildfire prevention design techniques, such as the use of “defensible space,” fire retardant sidings, optimal site planning and building orientation, landscaping orientation, and other design approaches to reduce wildfire hazards.
Responsible Agency: Building and Safety Department, Planning Department, Police Department, Fire Department
Schedule: Ongoing
Implementation Status – Active and ongoing with development review of project.
Program 3.B
Require that adequate emergency vehicle access and evacuation routes be available with approval of any new development.
Responsible Agency: Building and Safety Department, Planning Department, Police Department, Fire Department
Schedule: Ongoing
Implementation Status – Active and ongoing.
Program 3.C
The City shall adopt standard requirements for all development proposal in High Fire Hazard Areas,

including requirements for the preparation of Fire Protection Plans prior to the approval of Tentative Tract Maps, Tentative Parcel Maps, or other land use permits.

Responsible Agency: Fire Marshal

Schedule: 2005-2006

Implementation Status – Active and ongoing.

Policy 4

The City shall make every attempt to assure that adequate water supplies and pressures are available during a fire, earthquake or both.

Program 4.A

Coordinate with Banning Heights Mutual Water Company, High Valley Water District and other agencies responsible for supplying water to the region to assure sufficient water supplies and pressures are available to provide adequate fire flows for all existing and proposed development.

Responsible Agency: Public Works Department, Building and Safety Department, Planning Department, Fire Department, Banning Heights Mutual Water Company, High Valley Water District

Schedule: Ongoing

Implementation Status – Active and ongoing.

Program 4.B

Special on-site fire protection measures may be required on well vegetated, hilly areas with slopes of 10 percent or greater, with possible access problems, and/or a lack of sufficient water and/or water pressure. Such measures shall be specified during project review.

Responsible Agency: Building and Safety Department, Planning Department, Fire Department, Banning Heights Mutual Water Company, High Valley Water District

Schedule: Ongoing

Implementation Status – Active and ongoing with development project.

**CITY COUNCIL AGENDA
DISCUSSION/ACTION ITEM**

DATE: **Sept 23, 2008**

TO: **Honorable Mayor and Members of the City Council**

FROM: **Brian S. Nakamura, City Manager**

SUBJECT: **Approval to Establish a Community Advisory Panel for
Renewable Energy Opportunities for the City of Banning**

RECOMMENDATION:

That the City Council approve the establishment of a Community Advisory Panel for Renewable Energy Opportunities for the City of Banning, in which members will be appointed by the City Council based upon technical and professional skills and knowledge and commitment towards objectively exploring and developing the City of Banning as a leading community in renewable energy opportunities.

BACKGROUND:

In an effort to ensure an open exchange of ideas and information about the development of renewable energy opportunities to supply the future energy needs of the City of Banning it may be beneficial to establish an advisory panel that will review and objectively recommend viable options to the City Council and citizens.

Knowledgeable third party review of any renewable energy opportunities will provide credible advice to policy makers and assist in the decision making process when such opportunities are brought forward.

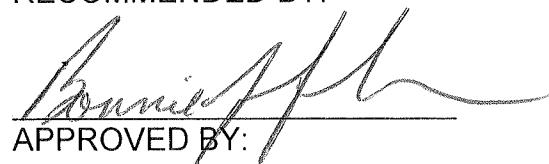
The attached example for establishing an advisory panel is provided and was gleaned from the Rock-Tenn Renewable Energy Plant project for St. Paul.

FISCAL DATA:

There is no anticipated fiscal impact for the establishment of this Advisory Committee.



RECOMMENDED BY:



APPROVED BY:

Rock-Tenn Community Advisory Panel (RCAP)

**Established to Study a
New Renewable Energy Plant
for
Rock-Tenn Company's St. Paul Operations**

June 15, 2007

Purpose of the Rock-Tenn Community Advisory Panel (RCAP)

The Rock-Tenn Community Advisory Panel (RCAP) is being established to ensure an open exchange of ideas and information about the development of a renewable energy plant to supply the future energy needs of Rock-Tenn Company's St. Paul facility. The RCAP shall be comprised of representatives of St. Paul District Councils 11, 12, 13, and 14, and local citizens and businesses. The group will engage in frequent, open and transparent discussions so there is a shared understanding of the planning, benefits and risks associated with the proposed energy options available utilizing an eligible energy technology fuel mix as defined in Minnesota Statutes section 216B.1691 subdivision 1, except excluding mixed municipal solid waste as an eligible energy technology. The discussions shall include specifically, but not necessarily limited to:

- 1) An assessment of the economic and technical feasibility of various fuel types to power the plant;
- 2) A full description and analysis of each fuel type and their respective economic and non-economic impacts;
- 3) A full description and analysis of each fuel type and their respective environmental emissions, including carbon dioxide and the cost of controlling those emissions that affect human health;
- 4) A description of public subsidized related to the production and use of each fuel type;
- 5) A description of potential energy efficiency improvements that can be made to the paper recycling operations and subsidies available for each improvement; and
- 6) An evaluation of additional uses for the steam and electricity produced at the facility and the cost of infrastructure needed to implement the additional uses.

To accomplish these assessments, analyses and evaluations, the RCAP will be provided with information from representatives of Rock Tenn, District Energy, the City of St. Paul, Saint Paul Port Authority and Ramsey County as well as from engineers and other professionals related to the necessary environmental review, permitting and preliminary engineering and development of total project cost estimates, including project design and engineering, other preliminary work, and a preliminary financing plan for a steam and electricity producing facility as well as the timeline, fuel usage, monitoring of the existing facility operations including current technology and energy market, project economics, air quality and environmental review and permitting.

The RCAP may, as it sees fit, provide recommendations and other feedback to Rock-Tenn, the City of St. Paul, Districts 11, 12 13, and 14, the Saint Paul Port Authority, Ramsey County, and District Energy on issues of concern regarding the development of a new renewable energy plant to supply the future energy needs of Rock-Tenn Company's St. Paul facility, and potentially a district energy system for the surrounding area.

As part of the process, the four RCAP district council representatives will also present, with the assistance of RCAP Staff, information back to St. Paul District Councils 11, 12, 13 and 14 so that the District Councils can make their own recommendations and decisions.

In addition, the Port Authority shall present the findings of its analysis and its preferred alternative for an eligible energy technology fuel mix in at least two public meetings that shall encompass the districts 11, 12, 13 and 14 District Councils in the City of St. Paul.

Rock-Tenn Background

The Rock-Tenn St. Paul facility is located on 42 acres in the Midway Area/South St. Anthony Park district of St. Paul. This facility has been recycling paper since operations began in 1908. The mill is currently Minnesota's oldest and largest paper recycler, processing about 1,000 tons of paper per day. This represents about 50 percent of Minnesota's recycled paper and about 1 percent of the nation's

Products manufactured by Rock-Tenn's St. Paul mill include clay-coated paperboard (which is used in packaging such as cereal and tissue cartons) and corrugating medium (which is the fluted internal ply of a paper in corrugated boxes). These products are sold to converters who manufacture paper packaging for various consumer items.

Rock-Tenn's St. Paul mill currently provides approximately 500 people with living-wage jobs with a total payroll of about \$25 million. Employees include administrative staff, technical professionals, engineers, and members of the United Steel Workers, Teamsters, Pipe Fitters, Sheetmetal, and Electrician Unions.

While Rock-Tenn collects scrap paper from the surrounding five-state area, efforts are made to secure as much paper as possible from local Metro area suppliers to reduce transportation costs. Rock-Tenn spends about \$25 million a year on scrap paper and recycles about 50% of the State's waste paper.

Energy Dilemma

Although less intensive than a virgin paper mill, Rock-Tenn's paper mill operations are energy intensive. Access to affordable energy is a significant factor to remain competitive in the current marketplace. In 1984, Rock-Tenn invested \$40 million in a 5-½ mile steam line to the Xcel Energy High Bridge Power Plant in St. Paul. This steam provides reliable, economical, highly-competitive, coal-based energy for the mill. As a result of the Metropolitan Emission Reduction Plan (MERP), however, Xcel Energy is scheduled to close the High Bridge steam boilers in July 2007, thus eliminating Rock-Tenn's access to this affordable source of energy.

Developing a replacement for this lost energy source is vital to Rock-Tenn St. Paul. Rock-Tenn needs access to a new, cost-effective steam supply to remain competitive and viable in the future. The Rock-Tenn St. Paul plant is currently considered one of the better performers in the market. However, the current energy dilemma puts that position in jeopardy.

Stakeholders:

The stakeholders in this project are many and varied. They include, but are not limited to: immediate neighbors; residents of St. Paul and the Twin Cities metropolitan area; Rock-Tenn shareholders; Rock-Tenn St. Paul employees; District Energy, residents of the State of Minnesota; local, state, and federal government officials; local, state, and federal regulators; the news media; environmental groups; recycling organizations; customers; suppliers; and other businesses throughout the region. Where feasible, time will be made available for public testimony from interested stakeholders.

RCAP Membership

It is proposed that representation on the RCAP be limited to 12 members with the following representation

- District Council 11 nominated rep
- District Council 12 nominated rep
- District Council 13 nominated rep
- District Council 14 nominated rep
- Desnoyer Park nominated rep
- South East Como Improvement Association (SECIA)
- 4 At-Large citizen representatives
- Union representative
- Midway Chamber

Applications for the At-Large representatives that meet the criteria for membership will be reviewed by Districts 11, 12, 13 and 14 and the Saint Paul Port Authority. The Saint Paul Port Authority shall convene the RCAP by a pre-determined date.

Criteria for Members

Members of the RCAP are expected to:

- Have a sincere interest in continuing Rock-Tenn recycling operations in St. Paul.
- Be able to commit the time and effort necessary to understand the current energy situation and participate in committee meetings.
- Contribute respectfully to the discussion of issues and concerns.
- Listen to and respect the viewpoints of others, and be considerate of all points of view and information available.
- Be able to understand and apply risk-benefit analysis concepts.

RCAP Staff

It is proposed that the members select a mutually agreed upon independent facilitator for the RCAP meetings. Members may propose candidates and

following joint review and interviews, a facilitator will be hired. Other staff may also be needed to:

- prepare and distribute meeting announcements, agendas and materials.
- make arrangements for tours, briefings, etc.
- prepare and distribute a record of Committee proceedings.
- assist in implementation of RCAP communications plan

Goals of Operating Rules for the RCAP

The RCAP is being formed to involve key stakeholders in the development of a new energy source for its St. Paul operations. The primary objective of this plan is to establish a committee that facilitates open and transparent communications and discussions of key issues by sharing information and reaching consensus on various recommendations needed to continue the planning for a new energy source.

More specific goals for operating rules for the RCAP are:

- Foster meaningful communications and trust between the RCAP members, the community and the Project Team.
- Create an atmosphere to allow open and effective participation by citizen representatives.
- Provide a structured and efficient forum for questions and answers, and to educate RCAP representatives on complex issues, such as: the paper recycling process, energy economics, air emissions, fossil fuels, biomass fuels, solid waste policy, current and needed infrastructure, transportation-related costs, transportation-related emissions, etc.
- Seek recommendations on the complex issues and take such recommendations of the RCAP forward to District Councils, the City of St. Paul and the Saint Paul Port Authority, Ramsey County, Rock-Tenn Corporate and District Energy.
- Develop a system to communicate the work and recommendations of the RCAP, Rock -Tenn's project goals and development process to the entire neighborhood community.

Member Roles and Responsibilities

Members of the RCAP represent various segments of the community. Committee member responsibilities include relaying information from the meetings to their respective stakeholders. In turn, members are expected to convey and represent the viewpoints of the various respective stakeholders to the RCAP.

If unable to attend a Committee meeting, each member of the RCAP will notify the facilitator and, if they have an alternate, arrange for that alternate to attend. To ensure community representation, members will be expected to attend scheduled meetings on a regular basis.

Members of the RCAP will recommend to the facilitator agendas with topics and issues requiring education and discussion to lead to the needed recommendations for the Project. To the extent possible, the agenda and education topics will be set by consensus. Otherwise these decisions will be made by the facilitator following discussion by the RCAP. In addition to meeting

the legislative requirements of the Study, at a minimum, it is expected that there will also be educational topics that will include one or more presentations on each of the following:

1. The environmental and public health impacts of each of the possible fuel sources under consideration.
2. The economic impact to St. Paul and the region of losing the Rock-Tenn recycling facility.
3. The environmental impact to St. Paul and the region of losing the Rock-Tenn recycling facility.

RCAP's work will be supported by individuals from Rock Tenn, District Energy, the Saint Paul Port Authority, the City of St. Paul, Ramsey County and their consultants. ("the Project Team")

Duration of Membership

Members shall serve a two-year term. A member may resign his or her membership at any time. A member may be replaced for missing four consecutive meetings.

Meetings

In its initial stages, it is expected that the RCAP will meet monthly or more frequently as needed to ensure all members are fully briefed and that all stakeholder interests are heard. Eventually, the RCAP will determine the meeting frequency based upon their needs.

Meetings will take place at a location to be determined. . Meetings will be open to members of the public. Meeting times and schedules for RCAP meetings will be publicized throughout the community. The agendas will be developed to allow for public comment, as appropriate, at the end of each RCAP meeting.

Ad hoc, independent experts in energy economics, public health, air emissions and other technical fields will be invited to RCAP meetings to inform and educate RCAP members and help them make more informed recommendations.

A consensus model will be adopted by the RCAP for all decision-making including providing recommendations. Immediately following the selection of a facilitator, the facilitator will define a consensus model for consideration of the RCAP. Once the facilitator is selected, the RCAP will make decisions regarding the educational component of the RCAP meetings.

Recommendations

Any recommendations made by the RCAP to Rock-Tenn, District Councils, the St. Paul City Council, the Saint Paul Port Authority or other interested

stakeholders will be arrived at by consensus. Individual members of RCAP may make their own recommendations.

RCAP Meetings

The RCAP will meet on a regularly scheduled basis and meetings will be open to the public. Committee members shall accurately present and reflect the various stakeholders' views and accurately convey information about the Project and the work of the Committee to other stakeholders. Meeting times and schedules for RCAP meetings will be publicized throughout the community.

Communication Plan

The RCAP will discuss how to most effectively communicate its work to stakeholders. Some options include:

Displays, Exhibits and Open Houses

If deemed useful or necessary, the Project Team has the capability to produce displays or exhibits about the project. For example, the display might be developed and placed at the library. Rock-Tenn St. Paul can also hold periodic open houses at which the RCAP, Project Team members and regulatory agency representatives will be present to discuss the project.

Community Forum(s)

In addition to the public hearings that the Saint Paul Port Authority will notice, the RCAP may call community forums or meetings for public input when key decisions are approaching. Input from the community forums will be collected and communicated through the various vehicles below.

Community News Update

The Project Team will provide a news update on an as-needed basis as work on the project moves forward. The Update will be published on a periodic basis when there is useful information about the project to convey. In addition, press releases based upon RCAP meetings will be distributed to neighborhood newsletters for publication.

Energy Plant Web Site

The Project Team will create a Web site that will provide information regarding the project and Rock-Tenn St. Paul's Energy Issues. The Web site will include a history of Rock-Tenn and its energy dilemma; answers to frequently asked questions; materials related to RCAP discussions, agendas, and meeting minutes; and other items deemed appropriate to communicate power plant issues and address community interests.

Responding to Community Inquiries

Rock-Tenn Company and the Project Team are committed to open communication with the community. Rock-Tenn wants to hear about any issues or concerns that its stakeholders

have with its operations. All community members should feel free to contact the company directly if they so wish. It is Rock-Tenn's obligation to provide accurate answers to all inquiries on a timely basis. Stakeholders are encouraged to contact: Steve Haselmann at (651) 641-4127 or shaselma@rocktenn.com.

If community members prefer to not contact Rock-Tenn directly, they are encouraged to contact any member of the RCAP. The RCAP member will relay the inquiry to Rock-Tenn and the Project Team and provide an answer back to the community member. The anonymity of community members will be maintained, if desired.

Media Relations

The news media outlets will be kept informed about work on the project by being notified of the schedule for RCAP meetings and by being placed on a mailing list. When warranted news releases, interviews, and other techniques will be used. The facilitator is designated as the spokesperson for the RCAP as distinguished from spokespersons for the individual stakeholders.



Rock-Tenn fuel debate heats up

BY ANNE HOLZMAN, THE PARK BUGLE

November 28, 2007

It's a crisis, or an opportunity. It's a health threat, or an environmental breakthrough. It's an economic boon, or a risky investment.

It's the future power source for St. Paul's Rock-Tenn recycling plant, and it's got a lot of people spending a lot of time trying to figure out what to do next.

After six meetings, the 15-member Rock-Tenn Community Advisory Panel has generated reams of e-mail, exhausted a facilitator and launched an experiment in democracy that draws praise from participants but can appear impenetrable to those not involved in its deliberations.

Impaneled by the St. Paul Port Authority, as directed by the Minnesota Legislature, the group is charged with recommending a power source that will help the Rock-Tenn plant keep its operations, and therefore its hundreds of jobs, in St. Paul.

Rock-Tenn needs steam, and when the Xcel Energy High Bridge plant shut down in August, Rock-Tenn began employing its backup system burning natural gas — a source the company says is too expensive to serve long-term.

The leading alternative appears to be burning "biomass," either plant material or waste, and many neighbors fear the air-quality implications, both from smokestacks and from trucks bringing in fuel.

Or, as the panel's outreach coordinator, Nina Axelson, put it: "Fuels, technology and emissions. It boils down to those three things."

Those are turning out to be three very large topics, each with a long list of subtopics. Panel members say the panel's diversity of expertise and interests is a good thing, but it's clear the each issue quickly takes as many directions as there are people discussing it.

For example, should the power source serve only Rock-Tenn, or should a grander vision serving other Midway industries be considered?

A recent "Energy Independent" enclosure in neighborhood newspapers, published by the Port Authority, tips their hand as favoring the larger vision. While there are rumors to the contrary, the Port identifies Rock-Tenn's situation as having precipitated the discussion of a Midway energy plant.

Port Authority Vice President of Finance Peter Klein said the uneven nature of Rock-Tenn's power needs makes it necessary to consider broadening the plant's scope. During hours when Rock-Tenn isn't using its steam, "it doesn't do anybody any good to have energy going down to the river" as hot wastewater, Klein said.

Neighbors counter that a bigger plant will mean more pollution.

Others argue that a bigger plant might allow other plants to shut down other outdated power sources and reduce their "carbon footprint" by using renewable fuels.

And if you thought biomass means strictly trash, think again. Klein said options under study include corn stover (stalks left in the field after harvest), grasses and a fast-growing type of willow.

He said he expects the Port's contractors to begin bringing those studies to the advisory panel in February, adding that the panel could get interested in one source and pursue it, only to discover a roadblock and have to start over again on a different energy source.

After the panel makes a recommendation, the Port also has to hear from the four District Councils (11, 12, 13 and 14) in the immediate area and hold at least two public meetings. Then it will make a recommendation to the St. Paul City Council.

The project has not moved as fast as planned, as evidenced by a letter from the Port Authority to the state, dated Oct. 27, requesting only \$148,000 of the \$600,000 budgeted up to that point. Klein said he would now consider the original scenario, with public meetings happening in summer 2008, "optimistic."

The panel also picked up a new independent facilitator in November, having received Lynn Moline's resignation.

With the debates proliferating and the timeline in flux, how can citizens keep up with this issue if, as Klein put it, they "don't have a ton of time" to sift through documents and read e-mails?

Axelson said that while the advisory panel is not required to comply with Minnesota data practices (the "sunshine" laws that govern open meetings and public records), the panel has chosen to do so. All of the panel's biweekly meetings are open to the public.

The panel has a Web site (www.rtadvisory.org) where studies, correspondence and other relevant documents are posted. Axelson is developing two database tools, a "comment tracker" and a "question tracker," primarily to serve the panel and other officials but also available to the public via the site's Public Meetings page.

Axelson and St. Anthony Park's citizen representative to the panel, Matt Hass, are also planning some occasional "coffee chats" to update neighbors and field questions and concerns.

"I am happy to spend 20 minutes with an interested neighbor," Axelson said, "so they can always start with me and I can direct them to the resources most appropriate to their questions." Axelson can be reached at nina@sapcc.org or 612-788-4151.

The St. Anthony Park library has much of the panel's material in hard copy, and during a recent visit there, a librarian offered help sorting through the pile. The Hamline and Merriam Park branches are also expected to make the materials available.

"We don't want this to become a solely Web-accessible thing," Axelson said.

Ward 4 City Council member-elect Russ Stark said that although the City Council will not weigh in on the matter yet, he expects to field comments and questions throughout the process.

"I think it's such a critical issue for the ward and for the city," Stark said.

He said that the city will have considerable influence on the eventual outcome as it negotiates permits, financing and site planning.

Panel member Matt Hass, whose service on the District 12 Council's Environment Committee led him to a spot on the panel, said council and committee meetings are often good places to get updates. The Environment Committee meets the fourth Wednesday of every month at 7 p.m. at the South St. Anthony recreation center.

Hass said "it would be great to see more people from St. Anthony Park" at the advisory panel's meetings, as well.

He said that in addition to keeping up with the panel's e-mail discussion group (<http://groups.yahoo.com/group/RTADVISORY>), he spends four to five hours perusing documents to prepare for each three-hour biweekly panel meeting.

"I don't think any of us realized going into it that it was going to be this complicated," Hass said.

Article Tags: Business, Environment, St. Paul

Tom Weina's picture

Reduce the "carbon

Submitted by Tom Weina (not verified) on Mon, 12/03/2007 - 09:50.

Reduce the "carbon footprint" with a biomass plant? There has been no evidence to suggest that it is even possible. Indeed there has been substantial evidence that a biomass plant will increase the output of carbon (and various other pollutants...)

According to emissions data from a variety of power plants in the Xcel Energy system, biomass plants in Minnesota put out twice as much CO₂ as coal plants (4 times as much as natural gas plants); they put out five times as much SO₂ as natural gas plants; biomass plants emit twice the Nitrogen Oxides of coal plants (and 8X that of natural gas plants). While these greenhouse gases are warming the planet, there are also particulate matter emissions and these are the ones that are the greatest immediate public health concern: in terms of particulate matter, biomass plants in the Xcel Energy system — including the electrical purchases they make from District Energy Saint Paul — emit SEVEN times the amount of particulate matter than do the Xcel Energy coal plants in Minnesota.

Biomass is not "clean." Biomass is dirtier than coal. This entire process is being run by people and organizations with a financial stake in the outcome and the outcome potentially involves hundreds of millions of dollars.

reply |

Gjerry Berquist's picture

Incorrect Information Is this Journalism or PR?

Submitted by Gjerry Berquist (not verified) on Mon, 12/03/2007 - 21:08.

From "Renewing Rock-Tenn:A biomass Fuels Assessment for Rock-Tenn's St. Paul Recycled Paper Mill", created by the Green Institute, printed March 2007, page 8 paragraph 2: "Four production lines (two recycled corrugated medium and two recycled paperboard) run 24 hours a day, 7 days a week."

This article states: "Port Authority Vice President of Finance Peter Klein said the uneven nature of Rock-Tenn's power needs makes it necessary to consider broadening the plant's scope. During hours when Rock-Tenn isn't using its steam, "it doesn't do anybody any good to have energy going down to the river" as hot wastewater, Klein said."

Are we to believe that Port Authority VP Klein does not understand the operation of Rock-Tenn, or are we witnessing a shameless attempt at trying to stretch the truth to get the City of Saint Paul to believe this incinerator is good for all of us.

Or are we witnessing the outcome of the Good Neighbor Agreement between Rock-Tenn and the St. Anthony Park Community Council, specifically item number 2: "Provide positive publicity for the company in local papers like the "Southwest Angle" & "Park Bugle", in neighborhood newsletters....."

reply |