

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

February 24, 2009
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 Franklin, Hanna, Machisic, Robinson, Mayor Botts

**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.

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

*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.*

PRESENTATIONS

1. American Cancer Society – Relay for Life – June Patterson (ORAL)
2. Community Development Block Grant Program Process
- Sterlon Sims, Riverside County Economic Development Agency (ORAL)

APPOINTMENTS

1. Appointments to Planning Commission (2 Appointments) 1

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 5

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 – 02/10/09.	13
2.	Amendment No. 3 to The Joint Exercise of Powers Agreement Creating the Western Riverside County Regional Conservation Authority.	24
3.	Resolution No. 2009-15, authorizing Staff to Submit an Application for the Cycle 8 State Legislative “Safe Routes to School Program (SR2)”, for Street and Signal Improvements along San Gorgonio Avenue, from the Union Pacific Railroad Crossing to Westward Avenue, leading to Banning High School	32
4.	Resolution No. 2009-17, Approving the Airport Improvement Program (AIP) Grant Agreement Offer from the Federal Aviation Administration (FAA) for Project No. 2009-01, Construction of Drainage Improvements at Banning Municipal Airport.	38
5.	Approval of Accounts Payable and Payroll Warrants for Months of October, November and December 2008 and January 2009	42

- Open for Public Comments
- Make Motion

IV. PUBLIC HEARINGS

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

1. Resolution No. 2009-09: City Council Adoption of a Resolution Establishing a \$75.00 Administrative Fee as Park of the Vacant and Distressed Building Program 57

Recommendation: That the City Council adopt Resolution No. 2009 to Amend Exhibit "A" of Resolution No. 2007-117 by Adding Page 14, "Building and Code Enforcement Fees".

2. Zone Text Amendment No. 08-97508: A City-Initiated Amendment to the Banning Zoning Ordinance Relating to Building Coverage and Floor Area Ratio Requirements for the Very Low Density (VLDR) Zone and to Permit Existing Non-Conforming Uses to Expand up to 50% in Commercial and Industrial Zones 63

Recommendation: That the City Council adopt Ordinance No. 1404, Approving Zone Text Amendment No. 08-97508.

Mayor asks the City Clerk to read the title of Ordinance No. 1404:

"An Ordinance of the City Council of the City of Banning, California, Approving Zone Text Amendment No. 08-97508 to Amend Sections of the Zoning Ordinance Relating to Lot Coverage in the VLDR Zone and Expansion of Non-Conforming Uses in the Commercial and Industrial Zones."

Motion: I move to waive further reading of Ordinance No. 1404.

(Requires a majority vote of Council)

Motion: I move that Ordinance No. 1404 pass it first reading.

(A minimum of three votes required)

3. Zone Text Amendment No. 08-97502: Adoption of Ordinance No. 1405, Approving Zone Text Amendment No. 08-97502, to Amend Section 17.28.030 of the Zoning Ordinance Relating to the Parking of Recreation Vehicles, Trailers, Boats, Campers, and Like Vehicles 76

Recommendation: That the City Council adopt Ordinance No. 1405, approving Zone Text Amendment No. 08-97502, to Amend Section 17.28.030 of the Zoning Ordinance relating to the parking of recreational vehicles, trailers, boats, campers and like vehicles, including the provision of gravel as an acceptable material on which to park these types of vehicles.

Mayor asks the City Clerk to read the title of Ordinance No. 1405:

"An Ordinance of the City Council of the City of Banning, California, Approving Zone Text Amendment No. 08-97502 to Amend Section 17.28.030 of the Zoning Ordinance Relating to the Parking of Recreational Vehicles, Trailers, Boats, Campers and Like Vehicles."

Motion: I move to waive further reading of Ordinance No. 1405.

(Requires a majority vote of Council)

Motion: I move that Ordinance No. 1405 pass it first reading.

(A minimum of three votes required)

V. REPORTS OF OFFICERS

1. Leonard Purvis, Chief of Police
 - A. Resolution No. 2009-16, Authorizing Expenditures of funds obtained through the FY 08-09 Special Distribution Fund Grant 84

Recommendation: **That the City Council adopt Resolution No. 2009-16, Authorizing the Expenditure of \$499,500 received from the Riverside County Indian Gaming Local Community Benefits Committee under the FY 08-09 Special Distribution fund (SDF) Grant.**

 1. Brian Nakamura, City Manager
 - A. Good Samaritan Protection Act, City Council Letter of Support 90

Recommendation: **That the City Council authorize the Mayor to remit the attached letter of support for Honorable John Benoit's Senate Bill 39, providing for legal protections for Good Samaritans.**

 - B. Reimbursement Policy for the Expenses of Elected and Appointed Officials. 93

Recommendation: **That the City Council provide direction to staff regarding amendments, if any, to the reimbursement policy for the expenses of elected and appointed officials.**

VI. CLOSED SESSION

1. Pursuant to the provisions of Government Code Section 54956.9(a) to confer with legal counsel with regards to one matter of pending litigation – Case No. INC 079177 – Schoen v. Dorning, et. al.
2. Pursuant to Government Code Section 54957.6 Conference with Labor Negotiators Employee organization: IBEW - Utility Unit and IBEW General Unit, CBAM and BPOA. Agency Designated Representatives: Brian Nakamura, David Aleshire, Bonnie Johnson and Hoyl Belt
3. Pursuant to Government Code Section 54957 with regard to City Manager evaluation.
 - A. Opportunity for Public to Address Closed Session Items.
 - B. Convene Closed Session

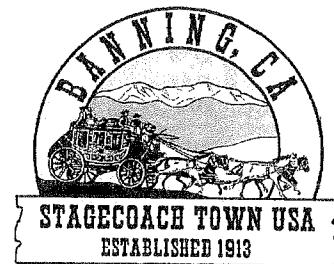
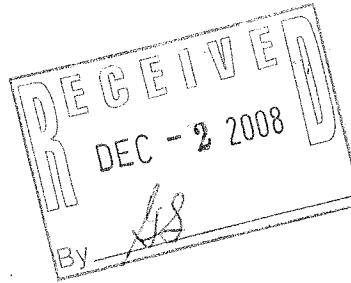
VII. ADJOURNMENT

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].



COMMITTEE/BOARD APPLICATION FORM

Name of Committee or Board on
which you would like to serve: PLANNING COMMISSION

Name: Wm. N. ESCANDEL

Address: 1084 S. 22nd St Banning Ca 92201

Telephone Numbers: Home (951) 849-2533 Office (951) 300-6859 (o)

If employed, where you work and position Swallows Country Club

Professional Community Management - Maintenance

Length of residence in Banning 35 yrs

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

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

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

College level Education (4 years) with A.A.
Debt free

30 years with General Telephone Co - 10 years
as a Supervisor - Retired

Over 20 years involvement with Stagecoach Days

Approx 15-18 years as a Planning Commissioner, having developed a
positive and trust worthy relationship
with the citizens and staff of this
Community.

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

What types of major issues does should this committee or board deal with?
Land Use and Development as identified
in our Zoning Law, Ordinances and
Planning Element.

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

FORWARD DEVELOPING A POSITIVE COMMUNICATION WITH THE CITIZENS AND COMMUNITY MEMBERS OF THIS COMMUNITY

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

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

RETURN BY: Dec. 29, 2008
by 5:00 p.m.

Thank you for your willingness to serve your local government.

Date: 12-02-08

Signed:



COMMITTEE/BOARD APPLICATION FORM

Name of Committee or Board on
which you would like to serve: PLANNING COMMISSION

Name: DANIEL P. MIROBACCI

Address: 4824 OAKHURST AV.

Telephone Numbers: Home (951) 845-4625 Office _____

If employed, where you work and position RETIRED

Length of residence in Banning 18 MONTHS

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

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

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

HIGH SCHOOL GRADUATE 1943, UNIVERSITY OF ILL 1943, UNITED STATES AIR CORP CADET
1944-1945, GRADUATE OF AMERICAN INSTITUTE OF TECHNOLOGY 1948, AEROSPACE ENGINEER
& MANAGER HUGHES AIRCRAFT CO. 1949-1983, MEMBER OF PARKS & RECREATION
COMMISSION CITY OF HAWTHORNE CALIF 1961 CANDIDATE FOR CITY COUNCIL CITY OF
HAWTHORNE 1962, CHAIRMAN ~~HAWTHORNE~~ CITY PLANNING COMMISSION
1993-1995, CANDIDATE FOR CITY COUNCIL BUELLTON CITY 1995
VICE PRESIDENT OF NACIMENTO REGIONAL MANAGEMENT ADVISORY COMMITTEE
1999-2006.

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

MAJOR DEVELOPMENT OF THE CITY OF BANNING

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

THE CITY OF BANNING NEEDS A GOOD FACE LIFT FOR ITS DOWNTOWN AREA. I HAVN'T SEEN ANY CHANGE IN 50 YEARS.

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

Please return to:

City Clerk's Office/ City of Banning
99 E. Ramsey Street
P. O. Box 998
Banning, CA 92220

RETURN BY: ^{Dec.} ~~Dec.~~ 29, 2008
5:00 p.m.

Thank you for your willingness to serve your local government.

Date: Dec. 2, 2008

Signed: Daniel G. McCall

Received 12-4-08
City Clerk's Office Mail



COMMITTEE/BOARD APPLICATION FORM

Name of Committee or Board on
which you would like to serve: PLANNING COMMISSION

Name: LYNDON E. TAYLOR

Address: 1702 FAIRWAY OAKS AVE.

Telephone Numbers: Home 951-845-7501 ^{CELL} Office 714-814-5606

If employed, where you work and position SELF EMPLOYED - BANNING
CEO CHILDCARE USA

Length of residence in Banning 12 YRS

Are you a registered voter in Banning? Yes X No

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

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

Education:

BA Whittier College; MS Simmons College; PhD Claremont Graduate School

Work Experience:

Master Planned and served as the founding Vice President of Cypress College. Served as Personnel Director for an organization with over 1,000 employees. Have planned, started, and operated my own businesses in real estate development, computer learning centers, audio visual sales and child care. Was a partner in a planning and development corporation that developed master plans for over 58 colleges and universities. These plans included educational plans, facilities plans, financial plans, staffing plans, and technology plans. Our firm also provided our clients with construction management services.

Civic Involvement:

Member of the Board of Directors of the Private Industry Council of Orange County, California. Board Member of the Los Angeles Southwest College Foundation. Member of the State-wide Advisory Board to the Chancellor of the California Community Colleges. Member, Board of Directors of the Orange County Labor Market Consortium.

Relevant Background:

Master planning based on development and use of environmental analysis documents referenced to area demographics and regional projections of population and economics. Development of trend tracking research studies of area economic growth and population dynamics. Experience working with the civic, educational, business, industrial, and development components of the master planning process. Experience working with State-wide planning groups. Development of Master Plans based on environmental issues, social factors, economic factors, educational needs, staffing needs, and technological support systems. Use of SCAG data in making planning decisions.

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

The Planning Commission must have a firm grasp of the master planning process; how to develop the General Plan from component parts, how residential and commercial components contribute to the over-all plan, and the role of zoning in the process. Master plans are dynamic documents, and as such must be prepared in a manner to be receptive to change through the supplemental process. In the day-to-day process, the review of new applications submitted to the City for consistency with adopted plans and ordinances is necessary in order to maintain congruity with the "big picture". The Planning Commission also acts as an appeal board and serves the City Council in other planning-related areas as assigned.

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

First, Banning is presently doing an outstanding job of redevelopment of existing spaces in the downtown area. This process must be continued and expanded to the entire community through use of both public and private funds. A more attractive Banning will make it more attractive to individuals, families, and businesses as a target for relocation, and a place of enhanced pride for existing residents. Redevelopment themes should focus on a greater role for cultural activities, an emphasis on the history of the area, and an increased appreciation of the physical environment.

Second, to increase the economic viability of Banning, additional attention should be directed toward actively attracting new businesses and industries to Banning. The attractive physical location of Banning together with its proximity to major transportation corridors and services make this City a desirable relocation site for businesses. The Planning Commission can and should play a key role in this process.

Finally, time should be devoted to the development of public-private partnerships to make this beautification and expansion possible. Through these partnerships, both financial and human resources can be marshaled to make these visions for the future of Banning a reality.

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

Please return to: City Clerk's Office/ City of Banning
99 E. Ramsey Street
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Banning, CA 92220

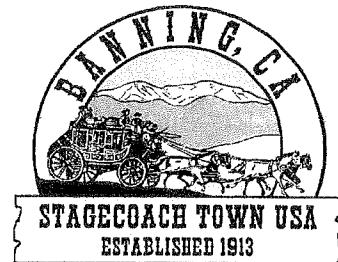
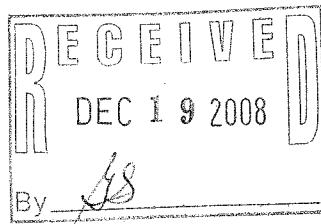
RETURN BY: Dec. 29, 2008
by 5:00 p.m.

Thank you for your willingness to serve your local government.

Date: 12/4/98

Signed:

Page 2 of 2



COMMITTEE/BOARD APPLICATION FORM

Name of Committee or Board on
which you would like to serve: PLANNING COMMISSION

Name: JEFFREY C. HO

Address: 4725 WINTERGREEN CT. BANNING CA 92220

Telephone Numbers: Home 909 524 7696 Office

If employed, where you work and position

Length of residence in Banning 2 MONTHS

Are you a registered voter in Banning? Yes ✓ No

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

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

20 YEARS EXPERIENCE IN FINANCIAL SERVICES / SECURITIES INDUSTRY

MANAGING CLIENT RELATIONSHIPS AND STAFF .

MBA , BS HOTEL AND HOSPITALITY MANAGEMENT - CAL POLY POMONA

MEMBER OF MRF TASK FORCE - CITY OF WALNUT

DRAGON BOAT TEAM COACH - CITY OF WALNUT

AYSO SOCCER COACH - CITY OF WALNUT

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

ECONOMIC DEVELOPMENT / TOURISM

FORECLOSURES AND DISTRESSED PROPERTIES

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

FORECLOSURES AND DISTRESSED PROPERTIES

1. OFFER FREE COUNSELING THROUGH THE CITY TO HELP RESIDENTS AND HOMEOWNERS AVOID FORECLOSURE
2. WORK WITH LENDERS TO OFFER AFFORDABLE FINANCING EITHER THROUGH EXISTING FEDERAL / STATE PROGRAMS OR EXPLORE LOCAL ALTERNATIVES
3. CONSIDER OPTIONS FOR AFFORDABLE HOUSING THROUGH A "WORK FOR RENT" OR "WORK TO OWN" PROGRAM.

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

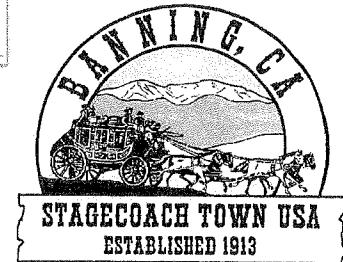
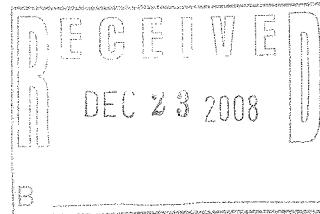
Please return to: City Clerk's Office/ City of Banning
99 E. Ramsey Street
P. O. Box 998
Banning, CA 92220

RETURN BY: Dec. 29, 2008
by 5:00 p.m.

Thank you for your willingness to serve your local government.

Date: 12/17/08

Signed: 



COMMITTEE/BOARD APPLICATION FORM

Name of Committee or Board on
which you would like to serve: PLANNING COMMISSION

Name: Timothy D. Smith

Address: 5095 Meadow Way

Telephone Numbers: Home 769-6928 Office 845-9581

If employed, where you work and position Beaumont Cherry Valley Water
District, Public Information Officer

Length of residence in Banning Three Years

Are you a registered voter in Banning? Yes No

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

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

I grew up in the Pasadena and Glendale areas of Los Angeles County. I earned a B.A. in Communications from Cal State Fullerton during my 15 year tenure with the Los Angeles Times. My civic involvement includes covering City Council and Planning Commission meetings for the Record Gazette and representing the BCVWD at civic functions.

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

Two items I would like to see completed to further enhance the city are: 1. a sports park on the West end of town and 2. Ramsey Street connected to Cabazon.

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

The Planning Commission and the City have done a wonderful job overall! The only recent misstep was approving the flawed Black Bench ETR. All ETRs must be 100 percent accurate to pass muster with the public and any judicial review.

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

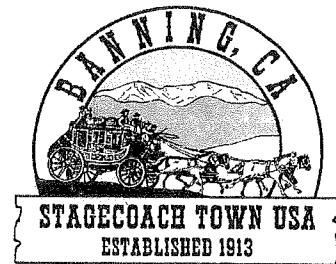
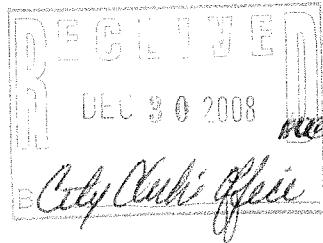
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P. O. Box 998
Banning, CA 92220

RETURN BY: Dec. 29, 2008
by 5:00 p.m.

Thank you for your willingness to serve your local government.

Date: 12/20/08

Signed: Tom D. Smith



COMMITTEE/BOARD APPLICATION FORM

Name of Committee or Board on
which you would like to serve: PLANNING COMMISSION

Name: Dennis Arterberry

Address: 2079 W. Jefferson St.

Telephone Numbers: Home 951-849-1886 Office _____

If employed, where you work and position REDlands, Realtors
RE/MAX Advantage

Length of residence in Banning 27 years

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

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

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

I've spent 27 years as a citizen of this great city. I have made relationships an integral part of business. I have volunteered for my church. We have done community outreach, concert, door to door knockups.

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

*Exercise functions of the planning agency.
Review, review, adopt and recommend to the
City Council to guide the future development.
To recommend area city plans*

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

*My positive attitude visis for the
future, and the ability to solve problems.
Planning with other cities, Caltrans, Nease, etc.,
could cause conflicts. We just exercising
patience with the fortitude to march
forward as we look to solve conflicts
with the perspective in putting the
City and its citizens first.*

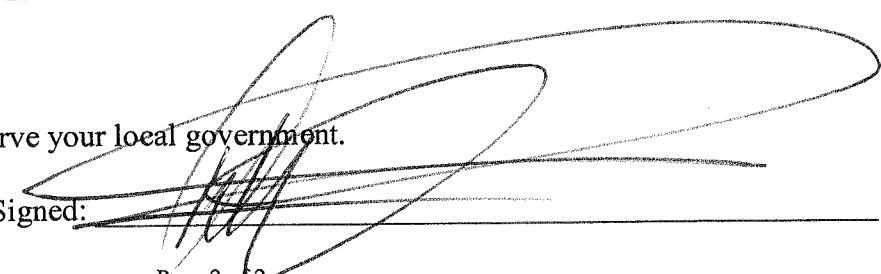
Your name will be considered by the City Council upon receipt of your application.

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

RETURN BY: Dec. 29, 2008
by 5:00 p.m.

Thank you for your willingness to serve your local government.

Date: 12/25/08

Signed: 

Page 2 of 2

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

2/10/09

REGULAR MEETING

A regular meeting of the Banning City Council was called to order by Mayor Botts on February 10, 2009 at 6:32 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

COUNCIL MEMBERS PRESENT: Councilmember Franklin
Councilmember Hanna
Councilmember Machisic
Councilmember Robinson
Mayor Botts

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Brian Nakamura, City Manager
David Aleshire, City Attorney
Bonnie Johnson, Finance Director
Duane Burk, Public Works Director
Jim Earhart, Public Utility Director
Leonard Purvis, Police Chief
Hoyl Belt, Human Resource Director
Heidi Meraz, Recreation Director
Jeff Stowells, Battalion Chief
Timothy Steenson, Development Services Manager
George Thacker, Assist. Dir. of Water and Wastewater
Marie A. Calderon, City Clerk

Mayor Botts invited the audience to join him in the Pledge of Allegiance to the Flag. The invocation was given by Pastor Todd Oldenberg, Legacy Christian Center.

PUBLIC COMMENTS/CORRESPONDENCE/PRESENTATIONS
ANNOUNCEMENTS/APPOINTMENTS

Report by City Attorney – There was no report.

Report by City Manager

City Manager said he received an update regarding the Community Redevelopment Agency and the information has been circulated that the State is looking at a take from Community Redevelopment Agencies and that the Superior Court Judge Conley did grant the request to certify all county auditors and the counties with redevelopment agencies as a class of dependence in the CRA lawsuit against the State of California. The hearing on the merits of the lawsuit will be held on March 6th and this decision was done on February 6th. There is a meeting this Friday in the

City of Moreno Valley and he intends to bring back information for the CRA Board as well as City Council and provide additional updates regarding this matter.

PUBLIC COMMENTS – On Items Not on the Agenda

Bill Dickson, 5700 W. Wilson addressed the Council thanking the current and former City Council members for appointing him to the Planning Commission. He really enjoyed serving in that position and will miss it but he is really getting into the Water Board and will be looking for other areas in which he can serve this City. It has been enjoyable and he wanted to thank the Council for their confidence to put him into that position.

Charlene Sakurai, 43000 Dillon Road addressed the Council in regards to the Go Red for Women's Luncheon to be held on Saturday, Feb. 14th at the Banning Cultural Alliance located at 175 W. Hays Street. It will be held from 11:30 a.m. to 1:30 p.m. Cost is \$10.00. Speakers will include Betty De Santis and Barbara Beardman and there will be information on women's heart disease and women's risk of stroke. You can call the Banning Cultural Alliance at 951-922-4911.

Vince Pelagrini, 33 S. San Gorgonio addressed the Council thanking everyone for the outpouring of kindness for the passing of his father-in-law Ted Yarbrough. He spoke briefly about the Haven Coffeehouse and Art Center stating that things are progressing very rapidly. He has submitted plans for tenant improvements already and being reviewed. Everything is being done concurrently with the building owners, as well as, himself to get that property wrapped up and open as soon as possible. Their website is up and it is www.havenbean.com and they talk about the gallery, the coffee and talk about the non-profits a little bit. They have started a committee already picking the non-profits where their profits will be going to. In the initial six months their first plan is nothing outside the city limits of Banning and then depending on how things go with that they will progress outward from there if they have that ability. Their purpose for this project is to revitalize downtown Banning and their intention is to take 100% of their profits and reinvest them into non-profits and other things inside of the city that need funding. The theory behind it is anybody that needs help can come there and they will be given a meal and they will do whatever they can to help that person out.

Robert Cagliari, 447 Falling Leaf Lane addressed the Council stating that he has a problem with a building permit. He said when he bought this house there was a patio and he built a pool and found he wanted some storage area so he enclosed the patio. He said he didn't change any foundation because the patio was already there and the permit for the patio was already paid for. When he went down to the City he was told that he had to start from scratch again and he said if he puts a piece of plastic around the patio does he have to get a permit. Since the foundation was already there and the posts and roof were already there all he did was put up some walls so it is like a partition. He doesn't mind paying for a permit but he was told he would need to pay \$300 and this does not make any sense because for the whole patio it cost \$50 and now you want \$300. He said who makes this decision.

Mayor Botts asked him to speak with the City Manager regarding this problem so that he can review it.

Marion Johnson addressed the Council stating that she was asked to make a few comments or give some information on the operation and procedures at Carol's Kitchen. She gave a brief overview of Carol's Kitchen and why it was started. She said that Carol Ragan was a young lady who was a school teacher in Idaho and in addition to teaching school she was very interested in working with other people who were working with the under privileged or people who needed some extra help, etc. Unfortunately she was killed in an accident by a drunk driver and her parents wanted to know what they could do in her memory and thought of about carrying on her work in what she was doing. Carol's Kitchen opened for business on April 21, 1998 at the Banning Community Center. They served about 34 people at that time. Today they have two days in Cabazon, two days in Banning and three days in Beaumont where they are serving people food. To keep this program going you have hundreds of volunteers and donors. These volunteers and donors are there during the week at every kitchen and working to serve the people that need help. The goal of this is to feed the needy and to provide some items that they may need to continue on to try to get out of the condition that they are in and try to move ahead. Each kitchen has about 30 people who work with them and not the people that work behind the scenes. The people here in attendance are a sample of some of the people that we work with. They have received letters from people who have said thank you for helping me. One letter came in with a few dollars in regards to an elderly lady that has since passed away and the letter said thank you so much for being kind to my mother. Another letter that came in said thank you for helping me during the time that I needed a job and I am working right now and he sent in \$10.00. She said that many businesses measure success from getting more customers and more people coming in and they grow that way but Carol's Kitchen is successful when they diminish the numbers coming in and this is being successful. They know now that with the economic climate that we have now that everything is growing especially in an area like that. It is going to get worse before it gets better. She understands the economic problems and understands the situation that we are facing today where there is money involved that we don't have. California, our Country and Banning are suffering financially and they are not trying to take anything from anyone who is working at this point but if there is a situation that needs to be discussed if it is financial or their procedures or what is happening there it would be worth their while to get together with the City and discuss this and see what they can do to remedy the situation and she is sure something can be worked out. She asked the Council to consider this.

Todd Oldenberg, 2562 W. Wilson, Legacy Christian Center addressed the Council stating that he was coming early this year because he does know about the financial climate of our community and all over our County and last year they were blessed. Many of you know that every year they put on probably the largest Easter Celebration in the Pass Area which last year climbed from 2000 in attendance to 3600 men, women and children and they were overwhelmed at the response of the community because it has grown every year. This year they actually have another church that has partnering with them, Canaan Church on the south east side of the town and they are both putting a side their own personal ideas and agendas to come together to do what they feel will be the largest community Easter Service at Repplier Park Amphitheater and they are anticipating 4000 to 5000 people over the weekend. They have increased the amount of lunches provided over 2000 hot dog lunches, they have increased their egg volume to 30,000 and they are also implementing clothing and blankets, shoes and other things that will be given out over the weekend because so many families that do come over the weekend many of them walk and they want to provide some other needs that our community is obviously facing. He said that the City of Banning donated a \$1000 towards their endeavor and he is asking if the City would consider doing that again this

year. He understands that times are difficult and if it is not possible, there is no resentment and they completely understand that there are some prominent needs in our community. He extended an early invitation to the Council to attend and address the community again but they are also seeking local businesses that would like to invest in this weekend to help them. He extended this invitation and if the City would consider any help in that area it would be greatly appreciated. This event will be held on April 11th at 12:00 noon (Easter Egg Hunt). Sunday morning the event will take place at 10:00 a.m.

CORRESPONDENCE: There was none.

ANNOUNCEMENTS/COUNCIL REPORTS:

Councilmember Franklin –

- The Community Action Partnership of Riverside County is offering free tax preparation services for families that have a gross income of under \$45,000. It is offered every Saturday from 10:00 a.m. to 4:00 p.m. at the Mt. San Jacinto Service Center office located at 1735 W. Ramsey Street, Ste. 111 (behind Wells Fargo). It will run through April 11, 2009. All people need to do is bring their tax information with them along with a photo ID.
- The County of Riverside participates in a discount program for pharmacy services and it applies not only to people but also for animals. You can go on-line to Riverside County and the information is available on how to get a free card. If a person does not have insurance and need pharmaceutical type of services or medicines or anything, they can get a card and will be able to get a discount up to 20% when they are picking up their prescriptions.
- At Passcom they heard about a new program called Medical Volunteer Program for Riverside County. It allows anybody that wants to be a volunteer for any of the large disasters or small ones to be able to be pre-certified and they are looking for anybody that really wants to volunteer. There is training provided and also liability coverage for anybody that is certified through the program. The idea is that when people see a disaster they want to go and help but that creates a problem when that person has not been certified in advance. You can access the website at www.rivcophepr.org/rcmvp or you can call 951-358-7100.
- In regards to the Good Samaritan Protection Act – SB 39 we have been asked if we are willing to support it as both a City and as individuals. What this does is that in a 4 to 3 decision, the California Supreme Court decided that the state's Good Samaritan Law, written in 1990, only shields people from liability if they are giving medical, not general care in the event of an emergency. So that means that if you see somebody that stuck somewhere and they are in eminent danger of something happening to them such as a fire or something, that you cannot help them without being liable if something happens. So the Senate Bill is to go back to the original Good Samaritan Act which means anytime somebody is trying to help as a good will that they are not going to be held liable. Senator Benoit is sponsoring this act and will probably be heard by the end of this month. If people are interested in helping this change, they need to contact Senator Benoit's office.

Mayor Botts asked if there was Council consensus to bring this back to the Council Meeting of February 24th to support this Bill. **There was Council consensus to bring this back.**

Councilmember Machisic –

- He said he passed out to each of the Council Members the Clean Cities Coalition dealing with clean fuels announcement of a meeting and he thinks it is vital if anyone is interested.
- He said there was a presentation made by Mr. Ward, the County Assessor and he passed out information to the Council and if you read some of the figures, they are distressing. But the other thing that you need to understand is that in the next year they will be reassessing property and as you know property values have dropped dramatically and that certainly will affect the City. It is a good report to get a perception on house value.
- WRCOG has allocated \$981,000 for planning and engineering for the I-10 Bypass Project. Right now it is going to be from Fields Rd. to Hathaway and eventually it will go from Sun Lakes Blvd. to Apache Way. As you know we have all signed an agreement and it will be a welcomed addition in case we have another emergency like we did about three years ago. Also TUMF is adjusting its fees and it will come down about \$234 for an individual house from \$10,046 to \$9,812. The RCA (Conservation Authority) is at 43,500 acres and everyone was told at the last meeting that this is the largest project of its type in America. They are trying to acquire 150,000 acres for conservation and that will be coupled with 350,000 from the BLM so it will be a project of about a half a million acres. The Annual Banquet for WRCOG will be held on June 25th and the featured speaker will be Pat Buchanan.
- Yesterday he sat on the Committee that deals with Gaming Funds and money was dispersed and the City received \$823,000 for the paramedics and received \$499,000 for equipment dealing with the police department. He thinks that it is important that we have a great relationship with the Morongo Indians and he thinks that when they awarded this money he thinks they realized the importance of a relationship with us and recognized our needs. He said we have worked with them extensively and he looks for more work in the future.
- He also has an item from the City of Roseville which is will pass around. He said that our police department passes out citations on occasion and with citations most of the money goes to the State and this is based on State law. The City of Roseville has taken a different position and not all the citations can be written on state law but a number of them can be written on municipal law and when citations are written on that all the money comes back to the city and it is not a suggestion that we write more citations but the ones that we write are applicable to municipal law would come back and he would like to present this to the Mayor and City Manager for the Police Chief to look at and investigate and maybe at some point come back and let us know the viability of this thing.

Mayor Pro Tem Hanna –

- The Banning Chamber of Commerce will hold its Annual Installation Dinner on Thursday, February 19th starting at 5:30 p.m. at the Elegant Affair in downtown Banning. She would encourage people who are interested in what the Chamber is doing to attend.

Councilmember Robinson –

- In regards to pavement rehabilitation on I-10 (SR 60) this is going to start early 2009 and they anticipate completion 2011. This is on I-10 near Calimesa and Beaumont from County Line Road to Pennsylvania Avenue. Some of this will go down to a single lane (not during peak time). If you want more information on this two-year project you can access www.caltrans8.info or call 909-383-6291.

Mayor Botts –

- As your representative to Riverside County Transportation Commission (RCTC) it comes as no surprise that money coming to the RCTC which is responsible for road building and freeway building that funding is down significantly. It is a pretty bleak picture and significant dollars less that we will have to work on freeway and roadways. Secondly, there was a hope that the federal bailout would have some significant impacts on Riverside County and transportation and of course the bill is being approved and discussed as we speak but out of the \$8 billion or \$9 billion dollars less than 5% will come back to states for transportation. We have lobbied heavily and will continue to do so that there be significantly increased monies for freeway and roadway building because they are looking for something that will create jobs. The other issue is that we have received legislative approval to build toll roads in Riverside County and the first one will be the 91.

CONSENT ITEMS

Councilmember Machisic pulled Consent Item No. 4.

1. Approval of Minutes – Special Joint Meeting – 01/27/09.

Recommendation: That the minutes of the Special Joint Meeting of January 27, 2009 be approved.

2. Award of piggyback purchase to Godwin Pumps for a 6" Emergency Water Pump in the amount not to exceed \$37,916.42 for the City of Banning Water Department.

Recommendation: That the City Council piggyback on to the U.S. General Services Administration (GSA) contract number GS-07F-9491G and award the purchase of the 6" Emergency Water Pump to Godwin Pumps in the amount not to exceed \$37,916.42.

3. Emergency Well Repairs at Water Well M-10 Site in the Amount of \$78,250.70.

Recommendation: That the City Council approve emergency repairs to Water Well M-10 Site in the amount of \$78,250.70 and direct the City Clerk to record the Notice of Completion when the project is completed.

Motion Franklin/Machisic to approve Consent Items 1, 2 and 3. Mayor Botts opened the item for public comments and there were none. **Motion carried, all in favor.**

4. Ordinance No. 1400 – 2nd Reading: An Ordinance of the City Council of the City of Banning, California, Amending Section 8.56.030 of the Banning Municipal Code to Regulate Smoking in Public Parks in the City of Banning.

Councilmember Machisic said he pulled this item for the sake of the vote.

Motion Mayor Pro Tem Hanna that Ordinance No. 1400 pass its second reading and be adopted. She read the title of Ordinance No. 1400. **Motion seconded by Councilmember Robinson.**

Mayor Botts opened the item for public comments.

Bill Dickson, 5700 W. Wilson addressed the Council stating that he can certainly see a need for such an ordinance being a reformed smoker and living with a smoker he gets both worlds. The thing we need to take a hard look at is still looking at areas where a man, a husband, a wife, mother or father bring a family would still have an area where they could still be in the park but have a designated area for smoking. He doesn't think we want to do anything that will turn any of our families away from the parks. We spend a lot of money and time to bring people to the parks and to go in and put any type of restriction on a family coming there is counterproductive.

Motion carried, with Councilmembers Franklin and Machisic voting no.

RESOLUTION/ORDINANCE

1. Amendment to CalPERS Contract –Two Years Additional Service Credit
(Staff Report – Hoyl Belt, Human Resource Director and Bonnie Johnson, Finance Dir.)

Mr. Belt gave the staff report as contained in the agenda packet in regards to the golden handshake. Finance Director also went over the cost figures that Mr. Belt quoted and explained these are the costs over a 20-year period of time. They get amortized over 20-years and what happens is that PERS puts those dollars into our actuarial and then a rate adjustment is calculated based on those dollars and the annual amount based upon those specific 20 people if they were to opt for this the annual increase to our PERS rates in dollars is about \$55,000 a year. The payroll savings related to those 20 people salary and benefits is about \$2.1 million per year. That is all predicated on those specific 20 people opting for it and those being the positions that we hold open going forward.

There was Council discussion on this item in regards to the possible number of people retiring, positions being held open, and people coming back as consultants.

Mr. Belt said that he wanted to make a correction in that they had a contact from PERS today and the original window that they were going to allow if Council would take action would have been March 2 through May 31, 2009 and those dates have to be adjusted and it would now be March 5 through June 2, 2009.

Mayor Botts opened the item for public comments.

Don Smith addressed the Council in that it was said that the City has to hold this position vacant permanently. He asked what does permanently mean.

Mr. Belt said the statute says that if ten people leave, then ten positions needs to be held permanently. They also asked what does permanently mean and they formally came back and said you would have to at least hold those positions open for two years. It doesn't mean that the City is not going to be able to expand as the economy comes back and add on positions. That is the answer they got from PERS.

Mayor Botts seeing no one come forward closed the item for public comments.

Councilmember Machisic thanked staff for having one step in the budget adjustment being taken care of very quickly.

Motion Machisic/Franklin that the City Council Adopt Resolution No. 2009-13, Resolution of Intention to Approve an Amendment to the Contract between the Board of Administration California Public Employees' Retirement System and the City of Banning.

There was further Council discussion in regards to this item not being specific enough and there being so many unknowns, true savings, holding open positions entry level and senior positions, policy decisions, the need for what if's on scenarios on those that may be retiring and range of savings, issue of staffing, consultants, and possible delay of this item.

Finance Director said that staff can go back and look at the list of twenty people who have shown interest and the executive team can look at that and make some recommendations to the City Manager and some assumptions of who is going to take it, who is not going to take it and look at if certain positions take it and the need to refill or what we would do to offset that retirement. We can go through and calculate some scenarios that you are requesting but each scenario will come with a set of assumptions and those assumptions may or may not be reality at the end of the day when we enter into it but staff can certainly make assumptions. If this is delayed it would move back the window period a couple of weeks.

There was some further Council and staff discussion in regards to those opting to retire and labor costs, and negotiations with unions and this being a voluntary program.

Motion carried with Councilmember Robinson and Mayor Botts voting no.

Mayor Botts asked the City Clerk to read the title of Ordinance No. 1403. City Clerk read: Ordinance No. 1403, An Urgency Ordinance of the City Council of the City of Banning, California, Authorizing An Amendment to the Contract Between the City Council of the City of Banning and the Board of Administration to the California Public Employees' Retirement System.

Motion Hanna/Franklin to waive further reading of Ordinance No. 1403. Motion carried, with Mayor Botts voting no.

Motion Hanna/Machisic that Ordinance No. 1403 be adopted. Motion carried, with Councilmember Robinson and Mayor Botts voting no.

Motion Hanna/Franklin to authorize the Mayor to execute the Certification of Compliance with Government Code Section 20903 for local miscellaneous and local safety members. Motion carried with Councilmember Robinson and Mayor Botts voting no.

PUBLIC HEARINGS

1. Resolution No. 2009-09, Establishing Fees for Vacant and Distressed Buildings in the City of Banning.

(Staff Report – Timothy Steenson, Development Services Manager)

Mr. Steenson gave the staff report as contained in the agenda packet and asked that this item be brought back to the City Council meeting of February 24th. City Manager also asked that the public hearing be opened for those wishing to make comments.

Mayor Botts opened the public hearing for comments from the public. There was none.

Motion Hanna/Robinson to continue this public hearing to the February 24, 2009 City Council Meeting. Motion carried, all in favor.

2. Update on the City's Neighborhood Stabilization Program.

(Staff Report – Timothy Steenson, Development Services Manager)

Mr. Steenson gave the staff report as contained in the agenda packet. This is an update and also public hearing on the Neighborhood Stabilization Program. He said that they received a letter from the California State Dept. of Housing and Community Development that HUD had notified them that the methodology for dispersing funds in California had been flawed and that they needed to recalculate and as a result of that Banning and Beaumont no longer appear on the list for direct funding from the State. As a result of that however, Riverside County's funding increased significantly. It is the second largest allocation in California surpassed only by the State's allocation. Because we are involved in an Urban County agreement we were not eligible for direct funding from the State. He doesn't have a good explanation at this time but it does appear that we will be eligible for funding from the County. We don't have a firm amount at this time and it has not all been sorted out. He also introduced written comments from Habitat for Humanity in regards to this program and submitted it to the City Clerk.

Mayor Botts opened the public hearing on this item from the public. There was none and Mayor Botts closed the public hearing.

Motion Franklin/Hanna to received and file report. Motion carried, all in favor.

REPORTS OF OFFICERS

1. Urgency Ordinance No. 1402 – Freeway Oriented Freestanding Signage – City Council adoption of Urgency Ordinance No. 1402 for the Approval of Interim Sign Regulations for the Development and Placement of Freeway-Oriented Freestanding Signage in the Downtown Commercial (DC), Highway Serving Commercial (HSC) and General Along the Interstate (I-10) Freeway in the City of Banning.

(Staff Report David Aleshire, City Attorney)

City Attorney gave the staff report on this item as contained in the agenda packet. When this was brought to the Council last time there was discussion of possible going back to the previous regulations. The Council wanted to do this in a manner that would move forward very quickly. The normal process to revise ordinances and so forth would have required hearings before the Planning Commission and City Council and would have taken considerable time. They discussed

the opportunity of doing this as an urgency ordinance and staff has prepared such an ordinance. This ordinance basically on an interim basis would replace the existing regulations with the old regulations. The way a moratorium ordinance operates is that it is adopted as an urgency ordinance for a 45-day period. At the end of that period it can be extended for ten and a half months and at the end of that time it could be extended for a full year. So there is the opportunity through this moratorium process of regulating the signage over a two year period. The theory is during that period of time we will further study the sign situation with respect to freeway signage. They will consider whether the current ordinance is correct or whether you want to permanently install the interim regulations which are really the old regulations or whether there is some middle course we want to pursue. He has spoken to Matt about the studies and efforts that will be taken. The ordinance that is attached does require a 4/5ths vote and does recite what the urgency is and has the findings concerning the urgency and in Section 5 it lists what the interim regulations are which are the old regulations and basically we have a grandfather clause that says applications that are part way through the process are immune but there are no applications at this point in time.

Councilmember Robinson said because he has property on I-10 corridor he would excuse himself from this conversation. Councilmember Robinson left the room at this time.

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

City Attorney said that in Section 5 he does have a minor change to the language so that when they act on this it can be with that change. On page, 51, Section 5, (b) instead of, "...amended to read as follows..." the language would be, "...shall be superseded during the term of this moratorium with the following requirements..." so it is not a substantive change.

Mayor Botts asked the City Clerk to read the title of Ordinance No. 1402. City Clerk read: Ordinance No. 1402, An Interim Urgency Ordinance of the City Council of the City of Banning, California, Adopting Interim Development Regulations for the Placement of Freeway Oriented Freestanding Signs.

Motion Machisic/Franklin to waive further reading of Ordinance No. 1402. Motion carried, with Councilmember Robinson abstaining.

Motion Hanna/Franklin that Ordinance No. 1402 be adopted. Motion carried, with Councilmember Robinson abstaining.

Councilmember Robinson returned to the meeting at this time.

CLOSED SESSION

City Attorney said that the City Council will meet in closed session pursuant to Government Code Section 54957.6 conference with Labor Negotiators Employee organizations: IBEW – Utility Unit and IBEW – General Unit, CBAM and BPOA with Agency Designated Representatives: Brian Nakamura, David Aleshire, Bonnie Johnson and Hoyl Belt.

Meeting went into closed session at 8:17 p.m. and returned to regular session at 8:52 p.m. with no reportable action.

ADJOURNMENT

By common consent the meeting adjourned at 8:52 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.

**CITY COUNCIL AGENDA
CONSENT ITEM**

DATE: Feb 24, 2009

TO: Honorable Mayor and Members of the City Council

FROM: Brian S. Nakamura, City Manager

SUBJECT: Amendment No. 3 to The Joint Exercise of Powers Agreement
Creating the Western Riverside County Regional Conservation
Authority

RECOMMENDATION:

That the City Council adopt Amendment No. 3 to the Joint Exercise of Powers Agreement (JPA) creating the Western Riverside County Regional Conservation Authority.

BACKGROUND:

The Proposed JPA Amendment No. 3 is administrative and for the purpose of adding the cities of Menifee and Wildomar to the joint powers authority.

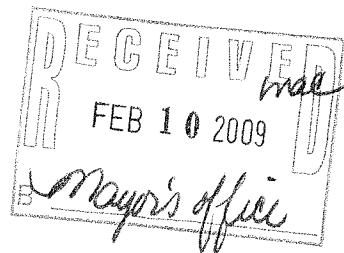
FISCAL DATA:

There is no anticipated fiscal impact to the City.

**RECOMMENDED AND
APROVED BY:**



Brian Nakamura, City Manager



Board of Directors

Chairman
Bob Buster
County of Riverside

Vice Chairman
Gary Thomasian
City of Murrieta

Marion Ashley
County of Riverside

William Batey
City of Moreno Valley

Larry Dressel
City of Beaumont

Maryann Edwards
City of Temecula

Jordan Ehrenkranz
City of Canyon Lake

Frank Hall
City of Norco

Jim Hyatt
City of Calimesa

Robin Lowe
City of Hemet

John Machisic
City of Banning

John Mansperger
City of San Jacinto

Melissa Melendez
City of Lake Elsinore

Andy Melendrez
City of Riverside

Eugene Montanez
City of Corona

Jeff Stone
County of Riverside

John Tavaglione
County of Riverside

Roy Wilson
County of Riverside

Mark Yarbrough
City of Perris

Executive Staff

Charles Landry
Executive Director

February 4, 2009

The Honorable Bob Botts, Mayor
City of Banning
99 E. Ramsey St.
Banning, CA 92220

**RE: AMENDMENT NO. 3 THE JOINT EXERCISE OF POWERS AGREEMENT
CREATING THE WESTERN RIVERSIDE COUNTY REGIONAL
CONSERVATION AUTHORITY**

Dear Mayor Botts:

The Board of Directors of the Western Riverside County Regional Conservation Authority, at their meeting of February 2, 2009, approved Amendment No. 3 to the Joint Exercise of Powers Agreement (JPA) creating the Western Riverside County Regional Conservation Authority. Said Amendment would add the cities of Menifee and Wildomar to the joint powers authority once all of the member agencies have adopted the proposed Amendment No. 3.

Enclosed is the proposed JPA Amendment No. 3 along with 25 signature pages for the City of Banning. We are requesting 25 original signatures in order that all of the member agencies may be provided with a fully executed original of the JPA. Please sign all 25 pages and return them to me. Once all of the signature pages are received, I will provide each member agency with a fully executed original for their records.

Your expeditious approval of JPA Amendment No. 3 would be greatly appreciated in order that the Cities of Menifee and Wildomar may become member agencies of the Western Riverside County Regional Conservation Authority as soon as possible. Should you have any questions regarding the proposed JPA Amendment, please feel free to call me at (951) 955-9700.

Sincerely,

Honey Bernas

Honey Bernas
Director of Administrative Services

cc: Banning City Clerk
Banning City Manager

Enclosures: Amendment No. 3 to the Joint Exercise of Powers Agreement
Creating the Western Riverside County Regional Conservation
Authority with 25 Signature Pages

3403 10th Street, Suite 320
Riverside, California 92501

P.O. Box 1667
Riverside, California 92502-1667

Phone: (951) 955-9700
Fax: (951) 955-8873
www.wrc-rca.org

1 **AMENDMENT NO. 3 TO JOINT EXERCISE OF POWERS AGREEMENT CREATING**
2 **THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY**

3 This Amendment dated _____, 2009 ("Third Amendment"), is made by
4 and between the COUNTY OF RIVERSIDE, the Cities of BANNING, BEAUMONT,
5 CALIMESA, CANYON LAKE, CORONA, HEMET, LAKE ELSINORE, MORENO
6 VALLEY, MURRIETA, NORCO, PERRIS, RIVERSIDE, SAN JACINTO, TEMECULA,
7 hereinafter sometimes referred to collectively as the "Parties", and the CITY OF
8 MENIFEE and the CITY OF WILDOMAR.

9
10 **RECITALS**

11 WHEREAS, the Parties, and each of them, have executed a Joint Exercise of
12 Powers Agreement Creating the Western Riverside County Regional Conservation
13 Authority ("Agreement"); and

14 WHEREAS, section 5(C) of the Agreement states that the Agreement may be
15 amended to add new parties provided there is mutual consent by the governing bodies
16 of each of the Parties to the Agreement; and

17 WHEREAS, the Parties and the City of Menifee desire that City of Menifee
18 become a member of the Western Riverside Regional Conservation Authority ("RCA").

19 WHEREAS, the Parties and the City of Wildomar desire that City of Wildomar
20 become a member of the Western Riverside Regional Conservation Authority ("RCA").

21
22 NOW, THEREFORE, for and in consideration of the mutual covenants and
23 conditions hereinafter stated, the Parties, the City of Menifee and the City of Wildomar
24 agree as follows:

25
26 **Section 1A. Add City of Menifee.** The City of Menifee agrees to the terms and
27 conditions of the Agreement hereto and by this reference incorporated herein as Exhibit

1 "A" and any previous amendments thereto. The City of Menifee shall become a member
2 of the RCA upon the Effective Date as defined in section 5 of this Third Amendment.
3

4 **Section 1B. Add City of Wildomar.** The City of Wildomar agrees to the terms
5 and conditions of the Agreement hereto (Exhibit "A") and any previous amendments
6 thereto. The City of Wildomar shall become a member of the RCA upon the Effective
7 Date as defined in section 5 of this Third Amendment.
8

9 **Section 2. Revise the first sentence of Section 7(C)(III) of the Agreement**
10 **regarding Quorum and Voting as follows.** "The item shall be approved by Board
11 members present at the meeting who represent Cities representing a majority of an
12 equal combination of 1) the population of the county living in incorporated areas within
13 the boundaries of the MSHCP Plan area, and 2) the number of acres currently within the
14 Criteria Area in the incorporated areas as follows: Banning – 78 acres; Beaumont –
15 10,098 acres; Calimesa – 3,380 acres; Canyon Lake – 303 acres; Corona – 2,315 acres;
16 Hemet – 1,158 acres; Lake Elsinore – 13,917 acres; Menifee – 249 acres; Moreno
17 Valley – 2,325 acres; Murrieta – 8,722 acres; Norco – 681 acres; Perris – 3,181 acres;
18 Riverside – 1,201 acres; San Jacinto – 4,224 acres; Temecula – 3,903 acres; and
19 Wildomar – 4,152 acres."

20
21 **Section 3. Revise Section 24 of the Agreement to add Notice address for**
22 **City of Menifee and the City of Wildomar.**

23 Q. City of Menifee
24 City Manager
25 29683 New Hub Drive, Suite C
26 Menifee, CA 92586
27 (951) 672-6777
28

1 R. City of Wildomar
2 City Manager
3 23738 Clinton Keith Rd
4 Wildomar, CA 92595
5 (951) 677-7751

6 **Section 4. Other Provisions to Remain in Effect.** Except as set forth herein,
7 all provisions of the Agreement shall remain in full force and effect, and shall govern the
8 actions of the parties hereto and the amended provisions set forth in this Third
9 Amendment.

10 **Section 5. Effective Date.** This Third Amendment shall become effective on
11 the date that execution of this Third Amendment is authorized by all of the governing
12 bodies of each party to the Agreement.

13 **IN WITNESS WHEREOF**, the parties hereto have caused this Third Amendment
14 to be executed and attested by their proper officers thereunto duly authorized as of the
15 date first above written.

16 Dated: _____

CITY OF BANNING

17 Attest:

18 _____
19 By: _____
20 Mayor

21 Dated: _____

CITY OF BEAUMONT

22 Attest:

23 _____
24 By: _____
25 Mayor

26 Dated: _____

CITY OF CALIMESA

27 Attest:

28 _____
By: _____
29 Mayor

1
2 Dated: _____

CITY OF CANYON LAKE

3 Attest:

4 _____
5 City Clerk

By: _____
6 Mayor

7 Dated: _____
8 Attest:

CITY OF CORONA

9 _____
10 City Clerk

11 By: _____
12 Mayor

13 Dated: _____
14 Attest:

CITY OF HEMET

15 _____
16 City Clerk

17 By: _____
18 Mayor

19 Dated: _____
20 Attest:

CITY OF LAKE ELSINORE

21 _____
22 City Clerk

23 By: _____
24 Mayor

25 Dated: _____
26 Attest:

CITY OF MENIFEE

27 _____
28 City Clerk

By: _____
Mayor

29 Dated: _____
Attest:

CITY OF MORENO VALLEY

30 _____
31 City Clerk

32 By: _____
33 Mayor

1 Dated: _____
2 Attest:
3 _____
4 City Clerk
5 Dated: _____
6 Attest:
7 _____
8 City Clerk
9 Dated: _____
10 Attest:
11 _____
12 City Clerk
13 Dated: _____
14 Attest:
15 _____
16 City Clerk
17 Dated: _____
18 Attest:
19 _____
20 City Clerk
21 Dated: _____
22 Attest:
23 _____
24 City Clerk
25 Dated: _____
26 Attest:
27 _____
28 City Clerk

CITY OF MURRIETA

By: _____
Mayor

CITY OF NORCO

By: _____
Mayor

CITY OF PERRIS

By: _____
Mayor

CITY OF RIVERSIDE

By: _____
Mayor

CITY OF SAN JACINTO

By: _____
Mayor

CITY OF TEMECULA

By: _____
Mayor

CITY OF WILDOMAR

By: _____
Mayor

1 Dated: _____

COUNTY OF RIVERSIDE

2 Attest:

3 _____
4 By: _____
Chairman, Board of Supervisors

5
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27
28
LAW OFFICES OF
BEST BEST & KRIEGER LLP
3750 UNIVERSITY AVENUE
P.O. BOX 1028
RIVERSIDE, CALIFORNIA 92502

**CITY COUNCIL AGENDA
CONSENT ITEM**

DATE: February 24, 2009

TO: Honorable Mayor and City Council

FROM: Duane Burk, Director of Public Works

SUBJECT: Resolution No. 2009-15, “Authorizing Staff to Submit an Application for the Cycle 8 State Legislative ‘Safe Routes to School Program (SR2S),’ for Street and Traffic Signal Improvements along San Gorgonio Avenue, from the Union Pacific Railroad crossing to Westward Avenue, leading to Banning High School”

RECOMMENDATION:

- I. Adopt Resolution No. 2009-15, “Authorizing Staff to Submit an Application for the Cycle 8 State Legislative ‘Safe Routes to School Program (SR2S),’ for Street and Traffic Signal Improvements along San Gorgonio Avenue, from the Union Pacific Railroad crossing to Westward Avenue, leading to Banning High School”
- II. Authorize the City Engineer to execute the application that Engineering Division staff will submit to California Department of Transportation (CALTRANS).

JUSTIFICATION: It is essential for the City Council to authorize the execution of the application for the grant, and its subsequent submittal to CALTRANS, in order to be considered for Safe Routes to School (SR2S) funds for the San Gorgonio Avenue street and traffic signal improvements project.

BACKGROUND: Established in 1999, the State Safe Routes to School program came into effect from the passage and signing of Assembly Bill 1475 (AB 1475). In 2001, Senate Bill 10 (SB 10) was enacted which extended the program for three additional years. In 2004, SB 1087 was enacted to extend the program three more years. A new bill, AB 57, was introduced in 2007 to further extend the program until January 1, 2013. Section 2333.5 of the Streets and Highways Code calls for CALTRANS and the California Highway Patrol to make grants available to local government agencies under the program, based upon the results of a statewide competition. The state Safe Routes to School Program awards grant funds to eligible cities and counties on a competitive basis, and the targeted beneficiaries of this program are students in grades K-12. The goals of the program are to reduce injuries and fatalities among children and to encourage walking and bicycling among students.

Concrete sidewalk does not currently exist on either side of San Gorgonio Avenue, which leads directly to Banning High School via Westward Avenue. Proposed improvements include removing the existing AC berm; obtaining additional right-of-way to push the curb and gutter line back 12 feet; installing handicap ramps, installing a traffic signal, street lights, and 5' wide sidewalk; removing Verizon poles and undergrounding the phone and cable services; and

removing trees to allow for these improvements. Engineering staff anticipates that these improvements will greatly enhance safety for students who walk and bike to and from Banning High School each day and encourage more to do the same. Additionally, the installation of a traffic signal at the intersection of San Gorgonio Avenue and Lincoln Street, will allow students and other pedestrians to cross between San Gorgonio Avenue and the residential area to the east more safely, while improving traffic flow and reducing the accident risk for motorists driving on San Gorgonio Avenue.

Applications submitted by eligible cities and counties will be competitively ranked based on the demonstrated needs of the applicant, the potential of the proposal for reducing child injuries and fatalities, the potential for encouraging increased walking and bicycling among students, the identification of safety hazards, the identification of current and potential walking and bicycling routes to school, and by community support by school-based associations, local traffic engineers, local elected officials, law enforcement agencies, school officials, and other relevant community stakeholders. Other general factors that could potentially influence the application score include practicality, completeness, accuracy, funding history, funding partnerships, and past project implementation performance.

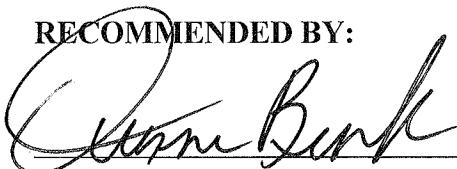
Engineering Division staff has prepared the City of Banning's grant application in-house and, pending City Council approval of the application submittal, would anticipate receiving the results of CALTRANS' competitive scoring in June of 2009. The funds must be utilized within four fiscal years of the award date, and applicant cities and counties are required to provide at least a 10% match. The maximum grant amount available to any city or county is \$900,000.00.

Seven cycles of this program have already been completed. A call for projects for the eighth cycle of this program was announced in January 15, 2009. The application submittal deadline is April 15, 2009. This call for projects covers Fiscal Year 2008/2009 and 2009/2010. The amounts available for the 2008/2009 and 2009/2010 fiscal years are approximately \$24.25 million; however, this amount will be doubled to \$48.50 million worth of projects to be selected in Cycle 8, depending on the readiness of the project. The Caltrans District will determine if a project is in a Tier I or a Tier II phase. Tier I projects will be defined as projects that are ready to go now, and Tier II projects are those that will be selected for future funds. Tier I projects will be funded with FY 08/09 funds up to FY 08/09 apportionment level, whereas Tier II projects will be funded when the next round of funding becomes available. .

FISCAL DATA: The preliminary cost estimate to complete all phases of the project, including design, construction, construction management, right-of-way acquisition and preparation, etc., is approximately \$1.60 million. Please note that this is a preliminary estimate. After the engineering plans have been completed, a more accurate cost estimate will be available. Staff is seeking the maximum grant award of \$900,000.00. According to application guidelines, if the total cost of an approved project exceeds \$1 million, a maximum of \$900,000.00 will be reimbursed to the applicant and the remaining balance would have to be paid through other local funds. The City is required to provide an estimated amount of \$850,000.00. Other sources of funds for this project include Measure "A" and Proposition 1B funds.

Signatures Next Page

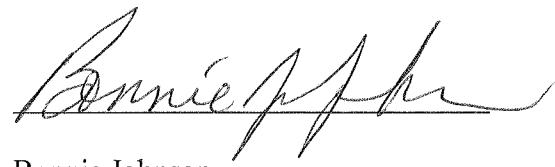
RECOMMENDED BY:



Duane Burk

Duane Burk
Director of Public Works

REVIEWED BY:



Bonnie Johnson

Bonnie Johnson
Director of Finance

APPROVED BY:



Brian Nakamura

Brian Nakamura
City Manager

RESOLUTION NO. 2009-15

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA,
AUTHORIZING STAFF TO SUBMIT AN APPLICATION FOR THE CYCLE 8 STATE
LEGISLATIVE “SAFE ROUTES TO SCHOOL PROGRAM (SR2S)” FOR STREET AND
TRAFFIC SIGNAL IMPROVEMENTS ALONG SAN GORGONIO AVENUE, FROM THE
UNION PACIFIC RAILROAD CROSSING TO WESTWARD AVENUE, LEADING TO
BANNING HIGH SCHOOL**

WHEREAS, Section 2333.5 of the Streets and Highways Code calls for CALTRANS and the California Highway Patrol to make grants available to local government agencies under the Safe Routes to School (SR2S) Program, based upon the results of a statewide competition; and

WHEREAS, in January, 2009, a CALTRANS “Call for Projects” stated that more than \$48.5 million was made available for this program, which was designed to assist eligible cities and counties design and construct capital improvements that will help reduce injuries and fatalities among children and encourage students to walk and bicycle to school; and

WHEREAS, concrete sidewalk does not currently exist on either side of San Gorgonio Avenue, between the Union Pacific Railroad crossing and Westward Avenue, leading directly to and from Banning High School, which causes students to walk in the street, leading to severe traffic and pedestrian safety hazards; and

WHEREAS, Engineering staff anticipates that these problems can be mitigated by removing the existing AC berm; obtaining additional right-of-way to push the curb and gutter line back 12 feet on either side; installing handicap ramps, street lights, and 5' wide meandering sidewalk; removing existing Verizon poles and undergrounding the phone and cable services, and removing trees to allow for a sidewalk; and

WHEREAS, applications will be ranked based on the demonstrated needs of the applicant, the potential of the proposal for reducing child injuries and fatalities, the potential for encouraging increased walking and bicycling among students, the identification of safety hazards, the identification of current and potential walking and bicycling routes to school, and other factors, with the results of the competitive scoring released in June of 2009; and

WHEREAS, it is essential for the City Council to authorize the execution of an application for the street and traffic signal improvements grant, and subsequent submittal to CALTRANS, in order to be considered for Safe Routes to School funds for these improvements on San Gorgonio Avenue.

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

Section I. The City Council of the City of Banning hereby authorizes Engineering staff to submit an application for a Cycle 8 State Legislative “Safe Routes to Schools Program (SR2S)” grant, for street improvements along San Gorgonio Avenue, from the Union Pacific Railroad crossing to Westward Avenue, leading to Banning High School.

Section II. The City Council of the City of Banning hereby authorizes the City Engineer to execute the application that Engineering Division staff will submit to CALTRANS.

PASSED, ADOPTED AND APPROVED this 24th day of February, 2009.

Robert E. Botts, Mayor

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

ATTEST

Marie A. Calderon, City Clerk

**APPROVED AS TO FORM
AND LEGAL CONTENT**

David J. Aleshire, City Attorney
Aleshire & Wynder, LLP

CERTIFICATION:

I, Marie Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2009-15 was adopted by the City Council of the City of Banning at the Regular Meeting thereof held on the 24th day of February, 2009.

AYES:

NOES:

ABSENT:

ABSTAIN:

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

**CITY COUNCIL AGENDA
CONSENT ITEM**

Date: February 24, 2009

TO: Honorable Mayor and City Council

FROM: Kahono Oei, P.E., City Engineer 

SUBJECT: Resolution No. 2009-17, "Approving the Airport Improvement Program (AIP) Grant Agreement Offer from the Federal Aviation Administration (FAA) for Project No. 2009-01 'Construction of Drainage Improvements at Banning Municipal Airport'"

RECOMMENDATION:

- I. Adopt Resolution No. 2009-17, "Approving the Airport Improvement Program (AIP) Grant Agreement Offer from the Federal Aviation Administration (FAA) for Project No. 2009-01 'Construction of Drainage Improvements at Banning Municipal Airport.'"
- II. Authorize the City Manager to execute the Grant Agreement Offer and upcoming Grant Agreement with the Federal Aviation Administration (FAA).
- III. Authorize the Director of Finance to appropriate funds from the Airport Division Reserve Funds to Account No. 600-5100-435.93-42, in the amount of \$60,000, which are the necessary matching funds.

JUSTIFICATION: Resolution No. 2009-17 is essential in order to obtain and utilize federal funds for Project No. 2009-01, "Construction of Drainage Improvements at Banning Municipal Airport." The City Manager must sign the Grant Agreement Offer to obtain federal funds. Once the FAA has authorized the Offer, the Grant Agreement must be executed by both parties.

BACKGROUND: Due to poor drainage conditions and a lack of storm sewers, drainage improvements are needed at Banning Municipal Airport. In the fall of 2007, Engineering Division staff obtained a grant of \$150,000.00 from the FAA to perform a hydrology study, hydraulic analysis and the design of drainage and street improvements, and Line "H" storm drain design (Hathaway Street, from Lincoln Street to Porter Street). Subsequently, on December 11, 2007, the City Council approved Resolution 2007-145, "Approving the Professional Services Agreement for the 'Drainage Study and Design of Drainage Improvements at Banning Municipal Airport,'" and awarded the contract to SD Engineering.

In November of 2008, the Public Works Department, Engineering Division, submitted a grant request to the Federal Aviation Administration (FAA) to construct the drainage improvements within the Airport property and its vicinity. The scope of work for the project is the construction

of drainage improvements including catch basins, storm drain laterals, inlets, a retention basin, trench basin with grates, and swales within Airport property and the vicinity on Hathaway Street.

The FAA staff evaluated the proposed project and will approve the grant, in the amount of \$429,000.00, once the Grant Agreement has been signed. Upon its execution, the City has 180 days to develop the project plans and specifications for review and approval by the FAA. The Engineering Division plans to advertise the project by the summer of 2009. Once the project is advertised and bids are opened, staff will forward the bid documents to the FAA for evaluation and staff may ask for additional grant funds to cover the eligible construction costs for this project, if additional FAA monies are available.

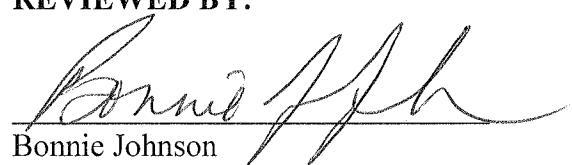
FISCAL DATA: As part of the Grant Agreement, the Federal Aviation Administration will reimburse ninety-percent (90%) of the eligible construction costs up to \$429,000.00, and the City is required to fund the remaining ten-percent (10%) of the eligible construction costs and other miscellaneous expenses. Thus, staff is requesting that \$60,000.00 in City funds be appropriated at this time. The matching funds for the project are available in the Airport Division Reserve Account and will be appropriated to Account No. 600-5100-435.93-42 for FY08/09. The current estimated balance in the Airport reserves is \$130,776.00, prior to this appropriation. Another potential source of funding to construct the storm drain improvements can be requested through the Riverside County Flood Control District (RCFCD).

RECOMMENDED BY:



Duane Burk
Director of Public Works

REVIEWED BY:



Bonnie Johnson
Director of Finance

APPROVED BY:



Brian Nakamura
City Manager

RESOLUTION NO. 2009-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING THE AIRPORT IMPROVEMENT PROGRAM (AIP) GRANT AGREEMENT OFFER WITH THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR PROJECT NO. 2009-01, "CONSTRUCTION OF DRAINAGE IMPROVEMENTS AT BANNING MUNICIPAL AIRPORT"

WHEREAS, drainage improvements are needed at Banning Municipal Airport due to poor drainage conditions and a lack of storm sewers; and

WHEREAS, a drainage study, hydraulic analysis, storm drain design and drainage improvements design at Banning Municipal Airport were performed by SD Engineering with a FAA grant of \$150,000.00 obtained by the Engineering Division staff in the fall of 2007; and

WHEREAS, the Engineering Division of the Public Works Department, submitted a grant application for the construction of drainage improvements at Banning Municipal Airport to the Federal Aviation Administration (FAA) in November of 2008; and

WHEREAS, the FAA has allocated \$429,000.00 of Airport Improvement Program (AIP) funds for Project No. 2009-01, "Construction of Drainage Improvements at Banning Municipal Airport"; and

WHEREAS, the FAA will reimburse ninety-percent (90%) in funding of the eligible construction costs for an amount of approximately \$429,000.00, and the FAA will prepare the Grant Agreement upon receipt of the executed Grant Agreement Offer; and

WHEREAS, the City of Banning is required to approve and execute the Grant Offer and subsequent Grant Agreement to utilize the federal grant.

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

Section I. The Grant Agreement Offer between the City of Banning and FAA for Project No. 2009-01 "Construction of Drainage Improvements at Banning Municipal Airport" is approved and authorization is granted for the City Manager to execute said Grant Agreement Offer and subsequent Grant Agreement.

Section II. Authorization is granted to the Finance Director to make the necessary budget appropriation to Account No. 600-5100-435.93-42 in the amount of \$60,000.00.

PASSED, APPROVED, AND ADOPTED this 24th day of February, 2009.

Robert E. Botts, Mayor
City of Banning

APPROVED AS TO FORM AND
LEGAL CONTENT:

David J. Aleshire, City Attorney
Aleshire & Wynder, LLP

ATTEST:

Marie A. Calderon, City Clerk
City of Banning

Resolution No. 2009-17

**CITY COUNCIL AGENDA
CONSENT ITEM**

Date: **February 24, 2009**

TO: **City Council**

FROM: **Bonnie Johnson, Finance Director**

SUBJECT: **Approval of Accounts Payable and Payroll Warrants for Month of October 2008**

RECOMMENDATION: "The City Council review and ratify the following reports per the California Government Code."

FISCAL DATA: The reports in your agenda packet cover "Expenditure Disbursements" and "Payroll Expenses" for the month of October 2008

The reports are:

Expenditure approval lists	
October 1, 2008 Manual Check	988.00
October 2, 2008	621,117.38
October 9, 2008	2,137,937.82
October 16, 2008	473,079.32
October 23, 2008	655,674.57
October 29, 2008 Manual Check	1,984.45
October 30, 2008	780,965.94
October 31, 2008 Manual Check	573.75
November 12, 2008	4,554,756.34 (October Month End)

Payroll check registers	
October 2, 2008 Manual Check	5,638.70
October 10, 2008	8,325.45
October 10, 2008 Manual Check	561.90
October 14, 2008 Manual Check	237.05
October 20, 2008 Manual Check	73.46
October 20, 2008 Manual Check	53.23
October 21, 2008 Manual Check	101.58
October 24, 2008	10,996.04

Payroll direct deposits*	
October 10, 2008	345,122.24
October 24, 2008	336,347.90

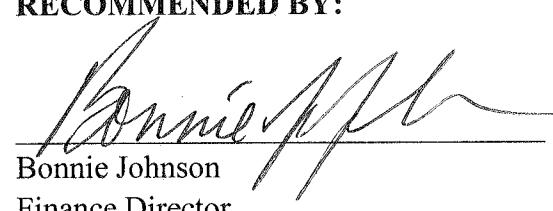
As you review the reports, if you have any questions please contact the Finance Department so that we can gather the information from the source documents and provide a response.

* Included on the October month end expenditure approval list of 11/12/2008

⁽¹⁾ Due to Positive Pay reporting, manual checks must be recorded in the accounting system separately from the weekly check register.

Report Prepared by: Michelle Green, Accounting Manager

RECOMMENDED BY:



Bonnie Johnson
Finance Director

APPROVED BY:



Brian Nakamura
City Manager

Fund/Department Legend:

General Fund – 001

Departments

0001 – General
1000 – City Council
1200 – City Manager
1300 – Human Resources
1400 – City Clerk
1500 – Elections
1800 – City Attorney
1900 – Fiscal Services
1910 – Purchasing & A/P
2060 – TV Government Access
2200 – Police
2210 – Dispatch
2300 – Animal Control

2400 – Fire
2700 – Building Safety
2800 – Planning
3000 – Engineering
3200 – Building Maintenance
3600 – Parks
4000 – Recreation
4010 – Aquatics
4050 – Senior Center
4060 – Sr. Center Advisory Board
4500 – Central Services
4800 – Debt Service
5400 – Community Enhancement

All Other Funds

003 - Riverside County MOU
100 – Gas Tax Street Fund
101 – Measure A Street Fund
103 – SB 300 Street Fund
104 – Article 3 Sidewalk Fund
110 – CDBG Fund
111 – Landscape Maintenance
132 – Air Quality Improvement Fund
140 – Asset Forfeiture-Police Fund
144 – Local Law Enforcement Block Grant
146 – San Gorgonio Gang Task Force
148 – Supplemental Law Enforcement
149 – Public Safety Sales Tax Fund
150 - State Park Bond Fund
200 – Special Donation Fund
201 – Sr. Center Activities Fund
202 – Animal Control Reserve Fund
203 – Police Volunteer Fund
204 – D.A.R.E. Donation Fund
300 – City Administration COP Debt Service
360 – Sun Lakes CFD #86-1
365 – Wilson Street #91-1 Assessment Debt
370 – Area Police Computer Fund
375 – Fair Oaks #2004-01 Assessment Debt
376 – Cameo Homes
400 – Police Facilities Development
410 – Fire Facility Development
420 – Traffic Control Facility Fund
421 – Ramsey/HIGHLAND Home Road Signal
430 – General Facilities Fund
441 - Sunset Grade Separation Fund
444 - Wilson Median Fund
451 – Park Development Fund

470 – Capital Improvement Fund
475 – Fair Oaks #2004-01 Assessment District
600 – Airport Fund
610 – Transit Fund
660 – Water Fund
661 – Water Capital Facilities
662 – Irrigation Water Fund
663 – BUA Water Capital Project Fund
669 – BUA - Water Debt Service
670 – Electric Fund
672 – Rate Stability Fund
673 – Electric Improvement Fund
674 - '07 Elec Revenue Bond Project Fund
675 – Public Benefit Fund
678 - '07 Elec Revenue Bond Debt Service Fund
680 – Wastewater Fund
681 – Wastewater Capital Facility Fund
683 – BUA Wastewater Capital Project Fund
685 – State Revolving Loan Fund
689 – BUA Wastewater Debt Service Fund
690 – Refuse Fund
700 – Insurance Fund
702 – Fleet Maintenance
703 – Information Systems Services
761 – Utility Billing Administration
810 – CRA – Low/Mod Fund
830 – CRA – Debt Service Fund
850 – CRA - Administration Fund
854 – CRA Low/Mod Bond Fund
855 - 2007 TABS Bond Proceeds
856 – 2003 TABS Bond Proceeds
857 – 2003 TABS Bond Proceeds Low/Mod
860 – CRA - Project Fund

**CITY COUNCIL AGENDA
CONSENT ITEM**

Date: February 24, 2009

TO: City Council

FROM: Bonnie Johnson, Finance Director

SUBJECT: Approval of Accounts Payable and Payroll Warrants for Month of November 2008

RECOMMENDATION: "The City Council review and ratify the following reports per the California Government Code."

FISCAL DATA: The reports in your agenda packet cover "Expenditure Disbursements" and "Payroll Expenses" for the month of November 2008

The reports are:

Expenditure approval lists	
November 4, 2008 - Manual Check	1,850.00
November 6, 2008	2,962,738.86
November 13, 2008	212,492.34
November 20, 2008	1,386,307.04
November 26, 2008	601,164.62
December 16, 2008	3,634,893.32 (November Month End)

Payroll check registers	
November 7, 2008	8,095.67
November 13, 2008 Manual Check	1,822.08
November 21, 2008	7,798.65

Payroll direct deposits*	
November 2, 2008	368,424.58
November 21, 2008	401,840.38

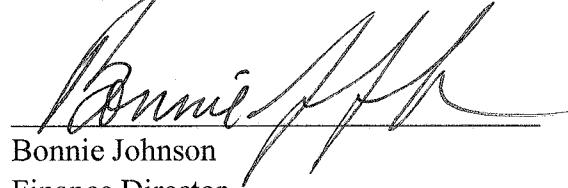
As you review the reports, if you have any questions please contact the Finance Department so that we can gather the information from the source documents and provide a response.

* Included on the November month end expenditure approval list of 12/16/2008

⁽¹⁾ Due to Positive Pay reporting, manual checks must be recorded in the accounting system separately from the weekly check register.

Report Prepared by: Michelle Green, Accounting Manager

RECOMMENDED BY:



Bonnie Johnson
Finance Director

APPROVED BY:



Brian Nakamura
City Manager

Fund/Department Legend:

General Fund – 001

Departments

0001 – General
1000 – City Council
1200 – City Manager
1300 – Human Resources
1400 – City Clerk
1500 – Elections
1800 – City Attorney
1900 – Fiscal Services
1910 – Purchasing & A/P
2060 – TV Government Access
2200 – Police
2210 – Dispatch
2300 – Animal Control

2400 – Fire
2700 – Building Safety
2800 – Planning
3000 – Engineering
3200 – Building Maintenance
3600 – Parks
4000 – Recreation
4010 – Aquatics
4050 – Senior Center
4060 – Sr. Center Advisory Board
4500 – Central Services
4800 – Debt Service
5400 – Community Enhancement

All Other Funds

003 - Riverside County MOU
100 – Gas Tax Street Fund
101 – Measure A Street Fund
103 – SB 300 Street Fund
104 – Article 3 Sidewalk Fund
110 – CDBG Fund
111 – Landscape Maintenance
132 – Air Quality Improvement Fund
140 – Asset Forfeiture-Police Fund
144 – Local Law Enforcement Block Grant
146 – San Gorgonio Gang Task Force
148 – Supplemental Law Enforcement
149 – Public Safety Sales Tax Fund
150 - State Park Bond Fund
200 – Special Donation Fund
201 – Sr. Center Activities Fund
202 – Animal Control Reserve Fund
203 – Police Volunteer Fund
204 – D.A.R.E. Donation Fund
300 – City Administration COP Debt Service
360 – Sun Lakes CFD #86-1
365 – Wilson Street #91-1 Assessment Debt
370 – Area Police Computer Fund
375 – Fair Oaks #2004-01 Assessment Debt
376 – Cameo Homes
400 – Police Facilities Development
410 – Fire Facility Development
420 – Traffic Control Facility Fund
421 – Ramsey/Highland Home Road Signal
430 – General Facilities Fund
441 - Sunset Grade Separation Fund
444 - Wilson Median Fund
451 – Park Development Fund

470 – Capital Improvement Fund
475 – Fair Oaks #2004-01 Assessment District
600 – Airport Fund
610 – Transit Fund
660 – Water Fund
661 – Water Capital Facilities
662 – Irrigation Water Fund
663 – BUA Water Capital Project Fund
669 – BUA - Water Debt Service
670 – Electric Fund
672 – Rate Stability Fund
673 – Electric Improvement Fund
674 - '07 Elec Revenue Bond Project Fund
675 – Public Benefit Fund
678 - '07 Elec Revenue Bond Debt Service Fund
680 – Wastewater Fund
681 – Wastewater Capital Facility Fund
683 – BUA Wastewater Capital Project Fund
685 – State Revolving Loan Fund
689 – BUA Wastewater Debt Service Fund
690 – Refuse Fund
700 – Insurance Fund
702 – Fleet Maintenance
703 – Information Systems Services
761 – Utility Billing Administration
810 – CRA – Low/Mod Fund
830 – CRA – Debt Service Fund
850 – CRA - Administration Fund
854 – CRA Low/Mod Bond Fund
855 - 2007 TABS Bond Proceeds
856 – 2003 TABS Bond Proceeds
857 – 2003 TABS Bond Proceeds Low/Mod
860 – CRA - Project Fund

**CITY COUNCIL AGENDA
CONSENT ITEM**

Date: February 24, 2009

TO: City Council

FROM: Bonnie Johnson, Finance Director

SUBJECT: Approval of Accounts Payable and Payroll Warrants for Month of December 2008

RECOMMENDATION: "The City Council review and ratify the following reports per the California Government Code."

FISCAL DATA: The reports in your agenda packet cover "Expenditure Disbursements" and "Payroll Expenses" for the month of December 2008

The reports are:

Expenditure approval lists	
December 4, 2008	588,277.83
December 11, 2008	1,093,543.92
December 18, 2008	1,088,070.92
December 22, 2008 Manual Check	4,527.48
December 30, 2008	480,883.38

January 22, 2009	3,152,966.86 (December Month End)
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Payroll check registers	
December 1, 2008 Manual Check	166.23
December 5, 2008	11,572.90
December 5, 2008 Manual Check	701.84
December 19, 2008	6,939.92
December 19, 2008 Manual Check	228.66

Payroll direct deposits*	
December 5, 2008	411,876.59
December 19, 2008	375,153.78

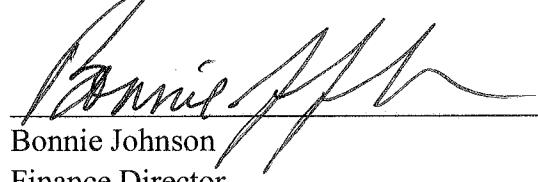
As you review the reports, if you have any questions please contact the Finance Department so that we can gather the information from the source documents and provide a response.

* Included on the December month end expenditure approval list of 01/22/2009

⁽¹⁾ Due to Positive Pay reporting, manual checks must be recorded in the accounting system separately from the weekly check register.

Report Prepared by: Michelle Green, Accounting Manager

RECOMMENDED BY:



Bonnie Johnson
Finance Director

APPROVED BY:



Brian Nakamura
City Manager

Fund/Department Legend:

General Fund – 001

Departments

0001 – General
1000 – City Council
1200 – City Manager
1300 – Human Resources
1400 – City Clerk
1500 – Elections
1800 – City Attorney
1900 – Fiscal Services
1910 – Purchasing & A/P
2060 – TV Government Access
2200 – Police
2210 – Dispatch
2300 – Animal Control

2400 – Fire
2700 – Building Safety
2800 – Planning
3000 – Engineering
3200 – Building Maintenance
3600 – Parks
4000 – Recreation
4010 – Aquatics
4050 – Senior Center
4060 – Sr. Center Advisory Board
4500 – Central Services
4800 – Debt Service
5400 – Community Enhancement

All Other Funds

003 - Riverside County MOU
100 – Gas Tax Street Fund
101 – Measure A Street Fund
103 – SB 300 Street Fund
104 – Article 3 Sidewalk Fund
110 – CDBG Fund
111 – Landscape Maintenance
132 – Air Quality Improvement Fund
140 – Asset Forfeiture-Police Fund
144 – Local Law Enforcement Block Grant
146 – San Gorgonio Gang Task Force
148 – Supplemental Law Enforcement
149 – Public Safety Sales Tax Fund
150 - State Park Bond Fund
200 – Special Donation Fund
201 – Sr. Center Activities Fund
202 – Animal Control Reserve Fund
203 – Police Volunteer Fund
204 – D.A.R.E. Donation Fund
300 – City Administration COP Debt Service
360 – Sun Lakes CFD #86-1
365 – Wilson Street #91-1 Assessment Debt
370 – Area Police Computer Fund
375 – Fair Oaks #2004-01 Assessment Debt
376 – Cameo Homes
400 – Police Facilities Development
410 – Fire Facility Development
420 – Traffic Control Facility Fund
421 – Ramsey/Highland Home Road Signal
430 – General Facilities Fund
441 - Sunset Grade Separation Fund
444 - Wilson Median Fund
451 – Park Development Fund

470 – Capital Improvement Fund
475 – Fair Oaks #2004-01 Assessment District
600 – Airport Fund
610 – Transit Fund
660 – Water Fund
661 – Water Capital Facilities
662 – Irrigation Water Fund
663 – BUA Water Capital Project Fund
669 – BUA - Water Debt Service
670 – Electric Fund
672 – Rate Stability Fund
673 – Electric Improvement Fund
674 - '07 Elec Revenue Bond Project Fund
675 – Public Benefit Fund
678 - '07 Elec Revenue Bond Debt Service Fund
680 – Wastewater Fund
681 – Wastewater Capital Facility Fund
683 – BUA Wastewater Capital Project Fund
685 – State Revolving Loan Fund
689 – BUA Wastewater Debt Service Fund
690 – Refuse Fund
700 – Insurance Fund
702 – Fleet Maintenance
703 – Information Systems Services
761 – Utility Billing Administration
810 – CRA – Low/Mod Fund
830 – CRA – Debt Service Fund
850 – CRA - Administration Fund
854 – CRA Low/Mod Bond Fund
855 - 2007 TABS Bond Proceeds
856 – 2003 TABS Bond Proceeds
857 – 2003 TABS Bond Proceeds Low/Mod
860 – CRA - Project Fund

**CITY COUNCIL AGENDA
CONSENT ITEM**

Date: February 24, 2009

TO: City Council

FROM: Bonnie Johnson, Finance Director

SUBJECT: Approval of Accounts Payable and Payroll Warrants for Month of January 2009.

RECOMMENDATION: "The City Council review and ratify the following reports per the California Government Code."

FISCAL DATA: The reports in your agenda packet cover "Expenditure Disbursements" and "Payroll Expenses" for the month of January 2009

The reports are:

Expenditure approval lists	
January 5, 2009	65,312.69
January 8, 2009	551,772.69
January 15, 2009	642,860.63
January 22, 2009	413,263.81
January 29, 2009	170,584.94

February 17, 2009	3,916,021.82 (December Month End)
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Payroll check registers	
January 2, 2009	6,571.71
January 2, 2009 Manual Check	649.30
January 8, 2009	2,984.72
January 16, 2009	5,854.39
January 30, 2009	8,849.14

Payroll direct deposits*	
January 2, 2009	336,633.81
January 16, 2009	335,866.86
January 30, 2009	358,569.07

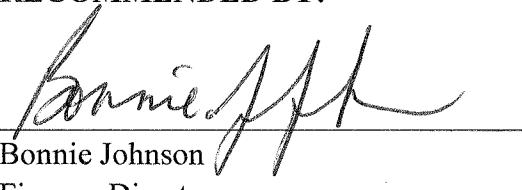
As you review the reports, if you have any questions please contact the Finance Department so that we can gather the information from the source documents and provide a response.

* Included on the December month end expenditure approval list of 02/17/2009.

⁽¹⁾ Due to Positive Pay reporting, manual checks must be recorded in the accounting system separately from the weekly check register.

Report Prepared by: Michelle Green, Accounting Manager

RECOMMENDED BY:



Bonnie Johnson
Finance Director

APPROVED BY:



Brian Nakamura
City Manager

Fund/Department Legend:

General Fund – 001

Departments

0001 – General
1000 – City Council
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703 – Information Systems Services
761 – Utility Billing Administration
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854 – CRA Low/Mod Bond Fund
855 - 2007 TABS Bond Proceeds
856 – 2003 TABS Bond Proceeds
857 – 2003 TABS Bond Proceeds Low/Mod
860 – CRA - Project Fund

**CITY COUNCIL
PUBLIC HEARING**

Date: February 24, 2009

TO: Honorable Mayor and City Council Members

FROM: Tim Steenson, Building Official

SUBJECT: [City Council Resolution No. 2009-09](#)

City Council Adoption of a Resolution Establishing a \$75.00 Administrative Fee as part of the Vacant & Distressed Building Program.

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. 2009-09 (Attachment 1) to amend Exhibit "A" of Resolution No. 2007-117 by adding Page 14 "Building and Code Enforcement Fees".

BACKGROUND/ANALYSIS:

At the August 12, 2008 City Council meeting, the Council adopted Ordinance No. 1394 which was an amendment to Section 8.12 of the Banning Municipal Code to address vacant and distressed buildings in the City of Banning. This Ordinance contained a provision that allowed the City to establish fees to oversee the administration of the vacant and distressed building program.

As adopted, Banning Municipal Code Section 8.12.030 subsection (c) requires the City Council to establish a registration fee by resolution. Resolution No. 2009-09 seeks to add the required registration fee necessary to assist in the administration of the vacant and distressed building program. Resolution No. 2009-09 will add the required \$75.00 administration fee by amending Chapter 29 entitled "Fee and Service Charge Revenue/Cost Comparison System ("Fee Ordinance").

Banning Municipal Code Section 8.12.030 subsection (a-i) requires all beneficiary/trustees to register their property if the structure located on the property is found to be vacant. A fee is required for every individual property where a vacant and distressed building is located within the City. The \$75.00 fee is used to offset the cost of inspections and clerical administration by staff, and is required at the time the beneficiary/trustee submits the registration form for each property. The fee will be required annually (i.e., every January 1st) until the property is sold.

FISCAL DATA:

Currently staff has recorded approximately 53 registration applications. The adoption of the fee will initially result in \$3,975 to the general fund. Additional revenue will be generated as each vacant/distressed property is registered.

PREPARED BY:



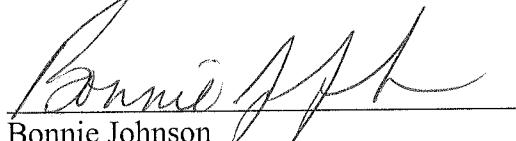
Richard De La Cruz
Senior Code Enforcement Officer

REVIEWED BY:



Matthew C. Bassi
Interim Community Development Director

REVIEWED BY:



Bonnie Johnson
Finance Director

APPROVED BY:



Brian Nakamura
City Manager

CC Attachments:

1. City Council Resolution No. 2009-09

ATTACHMENT 1
CC RESOLUTION NO. 2009-09

RESOLUTION NO. 2009-09

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BANNING AMENDING EXHIBIT "A" OF RESOLUTION NO.
2007-117 ADDING PAGE 14 "BUILDING DEPARTMENT AND
CODE ENFORCEMENT FEES"**

WHEREAS, the City Council has adopted Ordinance No. 1394 amending Chapter 8.12 of the Banning Municipal Code revising the regulations pertaining to the maintenance of vacant and distressed properties; and,

WHEREAS, Section 8.12.030 subsection (c) requires the City Council to establish a registration fee by resolution; and,

WHEREAS, Ordinance Nos. 908 and 912 amended the Municipal Code of the City of Banning by adding and subsequently modifying Chapter 29 entitled "Fee and Service Charge Revenue/Cost Comparison System" ("Fee Ordinance") and authorizing the City to levy fees for certain enumerated regulations, products and services (collectively "service Fees"); and,

WHEREAS, the Fee Ordinance authorizes the City Council to periodically review and revise, by resolution, the amount charged for Service Fees to ensure that the City is recovering the percentage of cost reasonably borne in providing the regulations, projects and services; and,

WHEREAS, the City Council has previously revised the amount charged for the Services Fees by Resolution No. 2007-117.

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

SECTION 1. Finding.

The City Council hereby finds, according to Section 8.12.030 subsection (c) of Ordinance No. 1394, that an annual fee for the registration of vacant and distressed properties in the City of Banning shall be established by resolution.

SECTION 2. Addition to Service Fee Amounts.

The fee amounts for regulatory products and services as specified within Exhibit "A" of Chapter 29 of Resolution No. 2007-117 is hereby amended to add "Page 14" entitled "BUILDING DEPARTMENT AND CODE ENFORCEMENT FEES" to read as follows:

BUILDING DEPARTMENT AND CODE ENFORCEMENT FEES

	<u>Present Fees</u>	<u>New Fees</u>
Annual vacant/distressed property registration fee; (not established) address		\$75.00 per

Exhibit "A" Page 14 of 14

SECTION 3. Effective Date.

This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED this 24th day of February, 2009.

Robert E. Botts, Mayor
City of Banning

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

David J. Aleshire
City Attorney

ATTEST:

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. 2009-09, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 24th day of February, 2009, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

**CITY COUNCIL
PUBLIC HEARING**

Date: February 24, 2009

TO: Honorable Mayor and City Council Members

FROM: Kim Clinton, Senior Planner

SUBJECT: Zone Text Amendment No. 08-97508:

A City-Initiated Amendment to the Banning Zoning Ordinance Relating to Building Coverage and Floor Area Ratio Requirements for the Very Low Density (VLDR) Zone and to Permit Existing Non-Conforming Uses to Expand up to 50% in Commercial and Industrial Zones.

RECOMMENDATION:

Staff recommends City Council adoption of Ordinance No.1404 (Attachment 1) approving Zone Text Amendment No. 08-97508.

BACKGROUND/ANALYSIS:

The Planning Commission and City Council reviewed and approved the General Plan and a large majority of the Zoning Ordinance on January 31, 2006. In the course of implementing the zoning provisions, staff continues to identify areas of concern that need to be addressed through zone text amendments. In this case, staff is proposing two (2) amendments. The first is to increase building / lot coverage in the Very Low Density Residential (VDLR) Zone from 15% to 25%. The second is to allow existing non-conforming uses in the Commercial and Industrial zones to expand by up to 50% subject to approval of a Conditional Use Permit by the Planning Commission.

The Planning Commission held a public hearing on the matter on January 6, 2009. A copy of the minutes of the meeting is being provided for Council consideration (Attachment 2). The Planning Commission unanimously recommended approval of the ZTA No. 08-97508.

A. Amendment to Building / Lot Coverage Requirements in the VLDR District Section (Table 17.08.030):

Table 17.08.030 of the Zoning Ordinance outlines property development standards for residential zoning districts. Staff has identified an impediment with the current maximum building coverage / floor area ratio requirements for the VLDR zone. The Zoning Ordinance currently allows a maximum 15% building coverage for a property located in this zone. Therefore, the total square footage that could be constructed on a typical 20,000 square-foot lot (minimum required by Code) would be 3,000 square feet. This would include the main dwelling, garage and any accessory structures on the property.

Staff has come across several situations through the plan check process where a resident who owns property in the VLDR zone has proposed to add a third car garage, enlarge their house or add an accessory structure but could not due to the current lot coverage limitations. Since many uses in this district include animal keeping, barns, workshops and other accessory structures, a home owner has difficulty improving their property beyond what was originally built. This has resulted in many verbal requests and inquiries from citizens to possibly amend the Zoning Ordinance to fix this problem.

Therefore, in an effort to come up with a reasonable solution to this issue, staff is proposing that the maximum building coverage requirement be slightly increased from 15% to 25%. The amendment concurrently proposes to increase the Floor Area Ratio (FAR) slightly for a one-story home from .15% to .25% to provide internal consistency between the two standards.

While both standards appear to be similar, it is important to provide clarification in the definitions of each. Building coverage requirements are intended to regulate the total building square-footages on a given property, including the main dwelling, garage, and any accessory structures on the property. The floor area ratio is intended to regulate the overall size and bulk of only the main dwelling, including a multi-story home (it does not regulate size and bulk of detached garages and accessory structures). Both the building coverage and floor area ratio work in combination to limit overall massing on a property. While building coverage limits the size of structures on the ground, the floor area ratio limits the size of a building as more floors are added.

To provide a point of comparison, staff surveyed a few adjacent cities to see what building coverage requirements they had for similar type VLDR zone districts. The cities of Hemet, Yucaipa and San Jacinto indicated that the maximum building coverage on lots with a 20,000 square-foot foot minimum lot size is 40%. The City of Beaumont indicated that only accessory structures have a building coverage requirement which is limited to 25%. Even with the proposed increase to a 25% building coverage, the City would remain less than three (3) other adjacent cities under similar circumstances in terms of zoning and land use.

For comparison purposes, the chart below illustrates the maximum building that can be constructed at varying building coverage maximums in a typical VLDR zone.

Square Footage of Lot	16,000	18,000	20,000	23,000	25,000	28,000	30,000	35,000	40,000
@15%	2,400	2,700	3,000	3,450	3,750	4,200	4,500	5,250	6,000
@20%	3,200	3,600	4,000	4,600	5,000	5,600	6,000	7,000	8,000
@25%	4,000	4,500	5,000	5,750	6,250	7,000	7,500	8,750	10,000
@30%	4,800	5,400	6,000	6,900	7,500	8,400	9,000	10,500	12,000
@35%	5,600	6,300	7,000	8,050	8,750	9,800	10,500	12,250	14,000

As the chart illustrates at the current building coverage requirement of 15%, the total combined square footage of all structures on a typical 20,000 square-foot lot would be 3,000 square feet which would include a typical 2,600 square-foot house and a 400 square-foot garage. Under this current requirement, nothing else could be added to the property, unless a second story is built. On the other hand, at the proposed 25% building coverage requirement, the total square-footage of all structures on a typical 20,000 square-foot lot would be 5,000 square feet. This would allow for a larger home, a three car garage and accessory structures (such as barns, workshops, etc.). Staff believes this approach is reasonable and allows a homeowner to improve his property without being excessive.

The proposed changes (bold highlighted & shaded) are outlined in the following table (see next page):

Table 17.08.030
Residential Development Standards¹

	R/A	R/A/H	RR	RR/H	VLDR	LDR	MDR	HDR	MHP
Max. Density (Units/Ac.)	1/10 Ac.	1/10 Ac. ²	0-1	0-1 ²	0-2	0-5	0-10	11-18	9-18
Min. Lot Size (Ac. or s.f.) Single Family Lot ^{3,4}	10 Ac.	10 Ac.	40,000 s.f.	40,000 s.f.	20,000 s.f.	7,000 or suffix ⁵	5,000	7,000	N/A
Min. Lot Size (Ac.) Multi-Family Units	N/A	N/A	N/A	N/A	N/A	N/A	2 Ac.	2 Ac.	2 Ac.
Min. Lot Width (Feet)	600	600	150	150	100	70	50	150	150
Min. Lot Depth (Feet)	600	600	150	150	100	90	75	100	100
Min. Front Setback (Feet)	50	50	50	50	35	20	15	15	10
Min. Rear Setback (Feet)	50	50	35	35	35	15	10	10	10
Min. Side Yard Setback (Ft)	25	25	25	25	15	10	5	5	5
Min. Street Side (Feet)	30	30	30	30	20	15	10	10	5
Max. Bldg. Coverage (%) ⁹	10	10	15	15	15 25	40 ⁸	40	40	50
Min. Private Outdoor Space (s.f.)	N/A	N/A	N/A	N/A	N/A	N/A	200	200	200
Min. Common Outdoor Space (s.f.) ⁶	N/A	N/A	N/A	N/A	N/A	N/A	200	200	200
Maximum Height (stories/feet)	2/35	2/35	2/35	2/35	2/35	2/35	3/45 ⁷	4/60	1/25
Maximum Fence/Wall Height (ft)	6	6	6	6	6	6	6	6	6
Floor Area Ratio (FAR)									
a. One-story home	.10	.10	.15	.15	.15 .25	.35	.40	.40	.50
b. Multi-story home	.20	.20	.30	.30	.30	.60	.70	.70	N/A

¹ These standards can be superseded by standards in a Specific Plan, or by the standards provided for Planned Unit Development, under Section 17.08.160.

² The provisions for hillside development and density transfers shall apply

³ A single family home can be built on an existing legal lot in the R/A, R/A-H, RR, RR/H, VLDR, LDR or MDR zones, providing all single family residential development standards for that zone are met.

⁴ Minimum lot size net of public right of way dedication.

⁵ In the LDR Zone, if no suffix is shown on the map. If a suffix is shown on the map, that suffix indicates the minimum lot size.

⁶ A minimum of 30% of the net site area must be provided in common outdoor space. See multi-family development standards, Section 17.08.140.

⁷ Maximum height only permitted if Fire Department provides written verification that they can serve.

⁸ Up to 240 square feet of third car garage space is exempted from lot coverage and FAR requirements for lots over 9,500 square feet.

⁹ Golf cart garages are exempted from the building coverage requirements in areas that are adjacent to a golf cart path.

B. Amendment to Allow Non-Conforming Uses to Expand by up to 50% in Commercial/Industrial Zones (Chapter 17.88.030 Non-Conforming Uses)

This proposed amendment adds a provision that would permit existing non-conforming uses located in Commercial and Industrial zones to expand by up to 50% subject to a Conditional Use Permit. This change is intended to help provide an increased opportunity for continued growth and development within the City in the current difficult economic climate by encouraging the retention of successful local businesses by allowing them to expand on their current site rather than incurring the cost of re-location. This is consistent with the General Plan Economic Development Policy #2 which states that the City should take a proactive role in the retention of existing businesses. Staff is recommending the following text change by adding a new subparagraph "(F)" to Section 17.88.030 to read as follows:

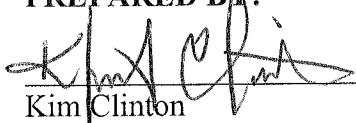
"F. An existing non-conforming use located in a Commercial or Industrial zone may be expanded up to, but not exceeding, 50% subject to approval of a Conditional Use Permit by the Planning Commission."

Allowing the expansion of an existing non-conforming use with the approval of a Conditional Use Permit (CUP) will leave the Planning Commission with the ability to retain its authority to approve or deny a request from a property owner subject to the required CUP findings. The Commission will also retain its ability to apply appropriate conditions of approval on the CUP as it similarly does now with other CUP requests. It is important to note that the existing nonconforming use must still conform to the City's abatement schedule as outlined in Section 17.88.040. For example, the City's abatement schedule requires that existing non-conforming uses conducted within a building to be abated by 2016.

RECOMMENDATION:

That the City Council adopt Ordinance No. 1404 approving Zone Text Amendment No. 08-97508.

PREPARED BY:



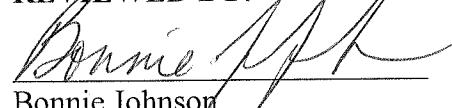
Kim Clinton
Senior Planner

REVIEWED BY:



Matthew C. Bassi
Interim Community Development Director

REVIEWED BY:



Bonnie Johnson
Finance Director

APPROVED BY:



Brian Nakamura
City Manager

Attachments:

1. Ordinance No. 1404 for Zone Text Amendment No. 08-97508
2. Excerpt from Planning Commission Minutes from January 6, 2009

ATTACHMENT 1

ORDINANCE NO. 1404

ORDINANCE NO. 1404

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA APPROVING ZONE TEXT AMENDMENT No. 08-97508, TO AMEND SECTIONS OF THE ZONING ORDINANCE RELATING TO LOT COVERAGE IN THE VLDR ZONE AND EXPANSION OF NON-CONFORMING USES IN THE COMMERCIAL AND INDUSTRIAL ZONES.

WHEREAS, the Municipal Code allows for Zone Text Amendments consistent with the goals and policies of the General Plan; and

WHEREAS, on the January 6, 2009, the Planning Commission held a noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Zone Text Amendments and at which time the Planning Commission considered the Zone Text Amendments; and

WHEREAS, at this public hearing on January 6, 2009, the Planning Commission approved Resolution No. 2009-02 recommending approval of Zone Text Amendment No. 08-97508 to the City Council; and

WHEREAS, on February 13, 2009, the City gave public notice as required under Zoning Code Section 17.68.020 by advertising in the Record Gazette newspaper of the holding of a public hearing at which the project would be considered; and

WHEREAS, on February 24, 2009, the City Council held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Zone Text Amendment No. 08-97508; and

WHEREAS, the City has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment.

NOW THEREFORE BE IT HEREBY ORDAINED, that the City Council of the City of Banning does hereby find, determine, and resolve as follows:

SECTION 1. ENVIRONMENTAL FINDINGS.

The City Council, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines, the recommendation of the Interim Community Development Director as provided in the Staff Report dated February 24, 2009 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:

CEQA: The City has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act (“CEQA”) under Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the municipal code do not relate to any one physical project and will not result in any physical change to the environment. Further, projects subject to this ordinance will trigger individual analysis and documentation related to CEQA. Therefore, it can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment, and therefore the adoption of this ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 2: ZTA NO. 08-97508 REQUIRED FINDINGS.

Finding No. 1:

The proposed Zone Text Amendments are consistent with the goals and policies of the General Plan.

Facts:

The Zone Text Amendments are consistent with the goals and policies of the General Plan, insofar as the General Plan designations and Zoning designations will not change, and the proposed Zone Text Amendments further the goals and policies of the General Plan, in so far as the General Plan designations and Zoning designations will not change as a result of the proposed Zone Text Amendments. The proposed amendment for lot coverage will result in furthering Policy 6 of the Land Use Element that states: “*The Zoning Ordinance shall include principles, standards and guidelines which allow for creative and flexible design of residential projects....*” This amendment will modify the residential building coverage requirements to provide for a greater range of permitted coverage levels tailored to lot sizes to allow greater flexibility within the Very Low Density Residential zone (VLDR).

Furthermore, the proposed amendment to permit non-conforming uses in the Commercial and Industrial zones to expand up to 50% subject to a Conditional Use Permit is consistent with General Plan Economic Development Policy #2 Which states: “*The City shall take a proactive role in the retention of existing businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes and contribute to City General Fund revenues*”. In a tough economic climate, the existing businesses that are successful enough to expand may do so subject to a Conditional Use Permit, rather than having to relocate in order to expand.

Finding No. 2:

The proposed Amendment is internally consistent with the Zoning Ordinance.

Facts:

The Zone Text Amendments are internally consistent with the provisions of the Zoning Ordinance in that the proposed amendments will only modify and update development standards for specific provisions in the Zoning Ordinance that relate to maximum residential building coverage and expansion of non-conforming uses in the Commercial and Industrial zones, and will not affect, or require changes to, any other provisions of the Zoning Ordinance.

Finding No. 3:

That the City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

Facts:

The City has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act (“CEQA”) under Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Municipal Code do not relate to any one physical project and will not result in any physical change to the environment. Further, projects subject to this ordinance will trigger individual analysis and documentation related to CEQA. Therefore, it can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment, and therefore the adoption of this ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 3: Section 11.08.030 of the Banning Zoning Ordinance is hereby amended by modifying Table 17.08.030 (Residential Development Standards), as follows:

Table 17.08.030
Residential Development Standards¹

	R/A	R/A/H	RR	RR/ H	VLDR	LDR	MD R	HDR	MHP
Max. Density (Units/Ac.)	1/10 Ac.	1/10 Ac. ²	0-1	0-1 ²	0-2	0-5	0-10	11-18	9-18
Min. Lot Size (Ac. or s.f.) Single Family Lot ^{3,4}	10 Ac.	10 Ac.	40,000 s.f.	40,000 s.f.	20,000 s.f.	7,000 or suffix ⁵	5,000	7,000	N/A
Min. Lot Size (Ac.) Multi-Family Units	N/A	N/A	N/A	N/A	N/A	N/A	2 Ac.	2 Ac.	2 Ac.
Min. Lot Width (Feet)	600	600	150	150	100	70	50	150	150
Min. Lot Depth (Feet)	600	600	150	150	100	90	75	100	100
Min. Front Setback (Feet)	50	50	50	50	35	20	15	15	10
Min. Rear Setback (Feet)	50	50	35	35	35	15	10	10	10
Min. Side Yard Setback (Feet) Min. Street Side (Feet)	25 30	25 30	25 30	25 30	15 20	10 15	5 10	5 10	5 5
Max. Bldg. Coverage (%) ⁹	10	10	15	15	15-25	40	40	40	50
Min. Private Outdoor Space (s.f.)	N/A	N/A	N/A	N/A	N/A	N/A	200	200	200
Min. Common Outdoor Space (s.f.) ⁶	N/A	N/A	N/A	N/A	N/A	N/A	200	200	200
Maximum Height (stories/feet)	2/35	2/35	2/35	2/35	2/35	2/35	3/45 ⁷	4/60	1/25
Maximum Fence/Wall Height (ft)	6	6	6	6	6	6	6	6	6
Floor Area Ratio (FAR)									
a. One-story home	.10	.10	.15	.15	.15-.25	.35	.40	.40	.50
b. Multi-story home	.20	.20	.30	.30	.30-.40	.60	.70	.70	N/A

1 These standards can be superseded by standards in a Specific Plan, or by the standards provided for Planned Unit Development, under Section 9102.03.2.M.

2 The provisions for hillside development and density transfers shall apply

3 A single family home can be built on an existing legal lot in the R/A, R/A-H, RR, RR/H, VLDR, LDR or MDR zones, providing all single family residential development standards for that zone are met.

4 Minimum lot size net of public right of way dedication.

5 In the LDR Zone, if no suffix is shown on the map. If a suffix is shown on the map, that suffix indicates the minimum lot size.

6 A minimum of 30% of the net site area must be provided in common outdoor space. See multi-family development standards, Section 9102.03.2.J.

7 Maximum height only permitted if Fire Department provides written verification that they can serve.

8 Up to 240 square feet of third car garage space is exempted from lot coverage and FAR for lots over 9,500 square feet.

9 Golf cart garages are exempted from the building coverage requirements in areas that are adjacent to a golf cart path.

SECTION 4. Section 17.88.030 (Nonconforming Uses) of the Banning Zoning Ordinance is hereby amended by adding the following subsection to read as follows:

(F) A non-conforming use located in a commercial or industrial zone may be expanded up to but not exceeding 50% subject to the approval of a Conditional Use Permit by the Planning Commission.

SECTION 5. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. Effective Date. This Ordinance shall take effect thirty (30) days after its 2nd reading in accordance with California law.

PASSED, APPROVED, AND ADOPTED this 24th day of February, 2009.

Robert E. Botts, Mayor
City of Banning

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

David J. Aleshire, City Attorney
Aleshire & Wynder, LLP
City of Banning, California

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. 1404 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 24th day of February, 2009, and was duly adopted at a regular meeting of said City Council on the _____ day of _____, 2009, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

ATTACHMENT 2

EXCERPT FROM 1/6/09

PLANNING COMMISSION MINUTES

* 2. Zone Text Amendment No.08-97508: A City-Initiated Amendment to the Banning Zoning Ordinance relating to lot coverage requirements for the Very Low Density Residential (VLDR) Zone and an Amendment to permit existing non-conforming uses to expand by up to 50% in Commercial and Industrial Zones subject to a conditional use permit.

Senior Planner Clinton presented the staff report and stated that this zone text amendment has two parts to it. The first part is an amendment to our non-conforming uses section and it would permit expansion of existing non-conforming uses located in the Commercial and Industrial zones to expand up to 50% subject to a conditional use permit. This provision is something that has been suggested to help stimulate existing successful businesses who need to have some expansion and to enable them to do that without relocating and without having to build a new facility.

Commissioner Escandel inquired if the 50% was of the lot size or the building size. Ms. Clinton responded that they could expand their building up to 50% of the size of the building. Commissioner Escandel stated he wanted to be certain that an expansion would meet all the other qualifications of the code as it relates to landscaping and parking. Ms. Clinton stated that we could add language to cover those issues.

Senior Planner Clinton stated that the second part is an amendment to the residential development standards and this is to increase the building coverage and floor area ratio thresholds in the Very Low Density Residential zone. This came about due to people who had homes that were in the VLDR zone and at this time the code allows only 15% lot coverage and people with large lots were finding that they could not expand their homes, garages or build any out buildings. Staff felt that an increase to 25% would be logical.

Assistant City Attorney Lopez recommended some changes to the resolution to address Commissioner Escandel's concerns. It would be paragraph B, which begins by reading, Section 17.88.030, under that it has the language that would be amended in the Code to read as follows: An existing non-conforming use located in the Commercial or Industrial zone may be expanded in conformance with this Code up to, but not exceeding 50%, subject to the approval of a conditional use permit by the Planning Commission.

ACTION (ESCANDEL / SIVA): A motion was moved, seconded and carried that the Planning Commission adopt Resolution No. 2009-02 recommending to the City Council approval of Zone Text Amendment No. 08-97508, as amended to include new language for paragraph B, Section 17.88.030, that would read, "An existing non-conforming use located in the Commercial or Industrial zone may be expanded in conformance with this Code, up to but not exceeding 50%, subject to the approval of a conditional use permit by the Planning Commission".

(Motion carried 4 – 0) (Commissioner Barsh was excused)

**CITY COUNCIL
PUBLIC HEARING**

DATE: **February 24, 2009**

TO: **Honorable Mayor and Members of the City Council**

FROM: **Timothy Steenson, Development Services Manager**

SUBJECT: **Zone Text Amendment No. 08-97502:**

Adoption of Ordinance No. 1405, approving Zone Text Amendment No. 08-97502, to Amend Section 17.28.030 of the Zoning Ordinance Relating to the Parking of Recreational Vehicles, Trailers, Boats, Campers, and Like Vehicles.

RECOMMENDATION:

The Planning Commission recommends that the City Council adopt Ordinance No. 1405, approving Zone Text Amendment No. 08-97502 to amend Section 17.28.030 of the Zoning Ordinance relating to the parking of recreational vehicles, trailers, boats, campers and like vehicles, including the provision of gravel as an acceptable material on which to park these types of vehicles.

JUSTIFICATION:

The City Council reviewed and approved the General Plan and the Zoning Ordinance at the January 31, 2006 meeting. The General Plan and Zoning Ordinance have been in effect since March of that year. Since then, staff continues to identify code provisions that need to be improved or clarified. Therefore, the purpose of this amendment is to provide modification to the Zoning Ordinance for clarification/cleanup purposes.

BACKGROUND:

Prior to July 2004, the parking of recreational and similar vehicles on residentially zoned properties in the City was prohibited by the City's Municipal Code. At the City Council meeting of April 27, 2004, the Council received testimony from the public regarding this prohibition and took action to direct staff to review the City's existing codes and work with the public and Planning Commission to examine the appropriateness of the existing codes and recommend changes if warranted.

After several public meetings to solicit public comment, the City's Planning Commission held a public hearing on June 1, 2004, to receive and discuss proposed amendments to the City's current provisions regulating parking and storage of recreational vehicles, trailers, boats, campers, and like vehicles. As a result of these meetings staff drafted Ordinance No. 1316, establishing provisions relating to the parking and storage of recreational vehicles, trailers, boats, campers, and like vehicles. Ordinance No. 1316 was introduced at the City Council's regular meeting of June 22,

2004, and was duly adopted at the City Council's regular meeting of July 13, 2004. However, when the Zoning Ordinance was adopted in January 2006, the provisions of Ordinance No. 1316 were left out.

ANALYSIS:

A large number of the complaints that the Code Enforcement Division deals with are generated as a result of the parking of motor homes, boats, campers, watercraft, dune buggies, off-road vehicles, travel trailers and like vehicles on residentially zoned properties in the City. The adoption of Ordinance No. 1405 would restore to the Municipal Code the provisions of Ordinance No. 1316, relating to the parking of these types of vehicles, adopted by the Council in July of 2004.

PLANNING COMMISSION RECOMMENDATION

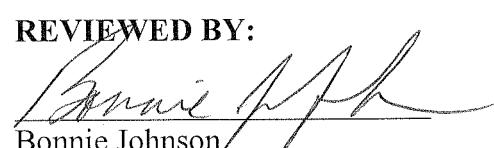
The Planning Commission held a public hearing on Resolution No. 2009-03, adopting Zone Text Amendment No. 08-97502, at their January 6, 2009, regular meeting. The Commission heard comments from four citizens and the focus of the discussion on this Zone Text Amendment centered around the inclusion of gravel as an acceptable paving material on which to park these types of vehicles.

A motion was moved, seconded, and carried that the Planning Commission adopt PC Resolution No. 2009-03, recommending City Council approval of Zone Text Amendment No. 08-97502, as amended to include that Sub paragraph G, would read all parking shall occur on gravel or paved surfaces such as asphalt, concrete or similar materials. Sub paragraph I, Sub paragraph 3 would be deleted; all the following paragraphs would be renumbered. The motion carried 4 – 0.

PREPARED BY:

Timothy Steenson
Development Services Manager

REVIEWED BY:


Bonnie Johnson
Finance Director

REVIEWED BY:

Matthew C. Bassi
Interim Community Development Director

APPROVED BY:


Brian Nakamura
City Manager

Attachments:

1. Ordinance No. 1405
2. Excerpt from 1/6/09 Planning Commission minutes

ORDINANCE NO. 1405

**A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
BANNING, CALIFORNIA APPROVING ZONE TEXT
AMENDMENT NO. 08-97502 TO AMEND SECTION 17.28.030 OF
THE ZONING ORDINANCE RELATING TO THE PARKING OF
RECREATIONAL VEHICLES, TRAILERS, BOATS, CAMPERS
AND LIKE VEHICLES.**

WHEREAS, the City undertook a comprehensive General Plan and Zoning Ordinance update in 2006; and

WHEREAS, the Municipal Code allows for Zone Text Amendments consistent with the goals and policies of the General Plan; and

WHEREAS, on the 26th day of December 2008, the City gave public notice as required under Zoning Ordinance Chapter 17.68 by advertising in the Record Gazette newspaper of the holding of a public hearing at which the project would be considered; and

WHEREAS, on the 6th day of January 2009, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, Zone Text Amendment No. 08-97502 and at which time the Planning Commission considered the Zone Text Amendment; and

WHEREAS, the Planning Commission analyzed this proposed Zone Text Amendment No. 08-97502, which is considered a project under the California Environmental Quality Act (CEQA) guidelines, has determined that Zone Text Amendment No. 08-97502 is Exempt from CEQA under Section 15061(b)(3) of the CEQA Guidelines, and recommended City Council adoption of the aforementioned Exemption; and

WHEREAS, on February 13, 2009, the City published a public hearing notice for Zone Text Amendment No. 08-97502 in the Record Gazette newspaper in compliance with state law and Section 17.68 of the Banning Zoning Ordinance; and

WHEREAS, on February 24, 2009, the City Council held a noticed public hearing at which time interested persons had an opportunity to testify in support of, or opposition to Zone Text Amendment No. 08-97502; and

WHEREAS, at said public hearing on February 24, 2009, the City Council considered and heard public testimony and comments regarding Zone Text Amendment No. 08-97502; and

WHEREAS, the City Council has carefully considered all pertinent documents and the staff report offered in this case as presented at the public hearing held on February 24, 2009.

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

SECTION 1. ENVIRONMENTAL FINDINGS

The City Council, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines, the recommendation of the Development Services Manager as provided in the Staff Report dated February 24, 2009, 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:

CEQA: Zone Text Amendment No. 08-97502 is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. It is the City Council's independent judgment that in approving this Ordinance there is no possibility that this action will result in any physical changes to the environment, and thus, will not have a significant effect. Further, the proposed text amendment is a legislative change to the Zoning Ordinance text and does not relate to a specific project proposal. Therefore, adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 2: ZTA NO. 08-97502 REQUIRED FINDINGS

Finding No. 1:

The proposed amendments are consistent with the goals and policies of the General Plan.

Facts:

Zone Text Amendment No. 08-97502 will result in furthering Goal 2 of the Land Use Element that states: "*The Zoning Ordinance shall include principles, standards and guidelines which maintain and preserve the housing element.*" This amendment will establish minimum requirements for the parking and storage of motor home, boats, trailers, campers and similar recreational vehicles on residentially zoned properties throughout the City. These minimum requirements are designed to reduce the likelihood of blight from abandoned or improperly maintained vehicles in residential neighborhoods while allowing for the storage of one's properly maintained recreational vehicles at one's home. This Amendment

will also allow for the storage of vehicles whose primary use is agriculturally related on appropriately zoned residential properties.

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.

Facts:

Quite often abandoned or improperly maintained vehicle issues accompany substandard housing issues. The City's zoning code provides principles, standards and guidelines for dealing with substandard units but does not provide the same for abandoned or neglected recreational vehicles.

Policy 4:

Promote increased awareness among property owners and residents of the importance of property maintenance to long term housing quality.

Facts:

Zone Text Amendment No. 08-97502 will provide for interaction between the City's code enforcement staff and citizens which will provide the opportunity to explain the importance of property maintenance and the negative affect derelict vehicles have on long term housing quality.

Finding No. 2:

The proposed Amendment is internally consistent with the Zoning Ordinance.

Facts:

Zone Text Amendment No. 08-97502 is internally consistent with the provisions of the Zoning Ordinance in that the proposed amendment will only modify and update development standards for specific provisions in the Zoning Ordinance that relate to the parking and storage of recreational and similar type vehicles on residentially zoned properties and will not affect, or require changes to, any other provisions of the Zoning Ordinance.

Finding No. 3:

That the Planning Commission and City Council have independently reviewed and considered the requirements of the California Environmental Quality Act.

Facts:

The City Council, upon recommendation from the Planning Commission, has analyzed Zone Text Amendment No. 08-97502 and determined that the project is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. It is the City Council's independent judgment that in approving Zone Text

Amendment No. 08-97502 that there is no possibility that the activity in question will have a significant effect on the environment; thus, the activity is not subject to CEQA.

SECTION 3. Title 17 of the Banning Municipal Code (Zoning Ordinance), Section 1728.030 is hereby amended by deleting existing subparagraphs G., H., and I.; and by adding new subparagraphs G., H., and I., to read as follows:

“G. All parking shall occur on paved surfaces of asphalt, concrete or similar materials.

H. Recreational vehicles, trailers, boats, campers and like vehicles, except vehicles utilized for agricultural purposes, that are required to be licensed but that are not currently registered with the DMV shall not be parked or stored on any property other than in a completely enclosed building.

I. Currently licensed recreational vehicles that are parked on property that is residentially zoned or is in current use as a residential property and are parked on such property in a location that is visible from the public right-of-way or any adjacent property shall meet the following requirements:

1. Be demonstrably operational.
2. Be visibly maintained in good condition. Maintained in good condition includes, but is not limited to, the vehicle shall not be under major or commercial repair, there shall be no parts of the vehicle stored in view of the public right-of-way or any adjacent property, visible surfaces of the vehicle shall not be rusted or have peeling paint, broken windows, tires shall not be flat, any covering shall not be torn and shall be properly attached.
3. Parked on an all-weather surface. For the purpose of this section “all-weather surface” is defined as a parking surface made of a material that is impervious to water and, as installed, has sufficient strength to support the weight of the vehicle. Such surface shall be of a size at least equivalent to the footprint of the vehicle parked thereon and shall, at all times, be maintained in such a condition that it does not lose its strength or imperviousness to water.
4. There shall be no more than two recreational vehicles parked on any parcel of $\frac{1}{4}$ acre or less in area. There shall be no more than four recreational vehicles parked on any parcel greater than $\frac{1}{4}$ acre in area.
5. When a recreational vehicle is parked on a property other than a trailer park or authorized storage facility, water and power shall not be provided to the vehicle from any structure except as necessary for the maintenance

of the vehicle and not for a period not to exceed 24 hours in a three day period. Such recreational vehicles shall not be used for residential purposes.

6. No recreational vehicles shall be parked on residentially zoned property if parked closer than ten (10) feet to any curb or edge of pavement that constitutes or parallels the front property line of the parcel upon which it is parked. A recreational vehicle shall not be parked in a side yard in such a manner so as to substantially eliminate access to the rear yard.

7. No recreational vehicle shall be parked upon any residentially zoned property for compensation except as otherwise provided by this Code.

8. No recreational vehicle may be parked or stored on any public street or right-of-way except that a recreational vehicle may be temporarily parked on such street or right-of-way for the purpose of loading or unloading for a period of time not exceeding 72 consecutive hours. No utilities may be connected to such temporarily parked recreational vehicle.

SECTION 4. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. Effective Date. This Ordinance shall take effect thirty (30) days after its 2nd reading in accordance with California law.

PASSED, APPROVED AND ADOPTED this 24th day of February 2009.

Robert E. Botts, Mayor
City of Banning

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

David J. Aleshire, City Attorney
Aleshire & Wynder, LLP
City of Banning, California

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. 1405 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 24th day of February, 2009, and was duly adopted at a regular meeting of said City Council on the 10th day of March, 2009, by the following vote, to wit:

AYES:

NOES:

ABSEN:

ABSTAIN:

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

CITY COUNCIL AGENDA REPORTS OF OFFICERS

Date: February 24, 2009

TO: City Council

FROM: Leonard Purvis, Chief of Police

SUBJECT: Resolution No. 2009-16 authorizing expenditures of funds obtained through the FY08-09 Special Distribution Fund Grant

RECOMMENDATION: "Adopt Resolution No. 2009-16 authorizing the expenditure of \$499,500 received from the Riverside County Indian Gaming Local Community Benefits Committee under the FY08-09 Special Distribution Fund (SDF) Grant."

JUSTIFICATION: The monies obtained through the FY08-09 Special Distribution Funds Grant will enhance the police department's ability to work with local businesses through the Entertainment District Patrol. Additionally, the funds will provide the department with much needed equipment, including police vehicles, motorcycles, speed radar signs, wireless surveillance cameras, and electronic citation books.

BACKGROUND: On November 25, 2008, the Banning Police Department submitted a proposal for the FY08-09 SDF to the Morongo Band of Mission Indians in the amount of \$499,500. The Morongo Band of Mission Indians forwarded the department's application to the Riverside County Indian Gaming Local Community Benefits Committee with their full support. The proposal identified the police department's need for overtime funds for the Entertainment District Patrol and equipment. See attached addendum A, which is a copy of the proposal outlining the cost for overtime and equipment and how they will be used.

On February 9, 2009, the Banning Police Department was notified by the Riverside County Indian Gaming Local Community Benefits Committee that its FY08-09 application was approved for \$499,500.00.

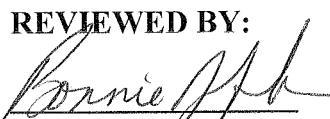
STRATEGIC PLAN INTEGRATION: Council approval of this recommendation will help facilitate the Police Department's goals of better serving the community and the citizens who live here through increased services and implementation of updated and state of the art equipment.

FISCAL DATA: The Riverside County Indian Gaming Local Community Benefits Committee will provide the City of Banning with the FY08-09 SDF funds (\$499,500.00) by the beginning of March 2009. These funds do not require matching funds.

RECOMMENDED BY:


Leonard Purvis
Chief of Police

REVIEWED BY:


Bonnie Johnson
Finance Director

APPROVED BY:


Brian Nakamura
City Manager

RESOLUTION NO. 2009-16

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BANNING
AUTHORIZING THE EXPENDITURE OF FY08-09 SPECIAL DISTRIBUTION FUNDS
IN THE AMOUNT OF \$499,500.00**

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

WHEREAS, the City of Banning Police Department operates a 24 hour a day operation; and

WHEREAS, the Police Department is proactive in its efforts to provide a safe and secure environment for Citizens of the City and visitors to conduct their business; and

WHEREAS, the Police Department is dedicated to providing its employees with state of the art technology and equipment to better serve the community; and

WHEREAS, the Riverside County Indian Gaming Local Community Benefits Committee awarded the City FY08-09 Special Distribution Funds to fund overtime and equipment; and

WHEREAS, the City's procedures requires the City Council to adopt a resolution authorizing the expenditure of grant funds.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Banning authorizes the expenditure of FY08-09 SDF Funds (\$499,500.00) received from the Riverside County Indian Gaming Local Community Benefits Committee for overtime and equipment as identified on addendum A to this resolution. Additionally, the Finance Department is authorized to make necessary budget adjustments related to these grant funds.

PASSED, APPROVED, AND ADOPTED this 24th day of February, 2009.

Bob Botts, Mayor
City of Banning

APPROVED AS TO FORM
AND LEGAL CONTENT

ATTEST

Aleshire & Wynder, 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. 2009-16 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 24th day of February 2009, by the following to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

ADDENDUM A

**2008-09
Grant Request Funding
From Special Distribution Funds**
Submitted by
Banning Police Department

I-10 Corridor Entertainment District Patrol

This program will run throughout the grant period using a deployment of uniformed officers who will work five days per week in six hour block increments. Two uniformed police officers will deploy in two marked patrol units and provide high visibility patrol, concentrating in and around the business district in the City of Banning, primarily near Interstate 10, up to and including the eastern boundary of the city nearest to the Morongo Casino. Deployment times will vary depending on casino traffic volume and special events or programs being conducted at the casino. The program will closely mirror the times and days of the week when customer counts at the casino are at their highest levels.

Two officers will be available to immediately assist Morongo Casino staff with handling criminal activity at the casino if requested. This program specifically deploys the two uniformed officers to focus on traffic related issues and seek out potential robbery, auto theft, auto burglary, narcotics sales, prostitution, pandering, and pick pocket suspects. These particular suspects are known to prey on patrons who are traveling to and from the Morongo Casino.

Because the proposed staffing level includes two officers, the program is designed to be flexible. The flexible deployment can be used to have two officers work two shifts per day (covering a twelve hour period) or stretch out patrols to cover the entire week if needed.

It is important to understand that the two officers will not be responding to calls for service in the City of Banning, unless needed as backup officers in emergency situations. The officers will only be deployed to provide additional high visibility patrol responsibilities as outlined in the program. It is also important to understand that due to budget constraints, the number of officers assigned to the uniformed patrol division of the police department has not increased in recent years, even though the population of the city has increased, and the traffic levels and customer levels at the Morongo Casino have significantly increased.

This program will focus on preventative high visibility patrols in our entertainment district, which, in turn, will provide a much safer environment for casino patrons who visit the City of Banning. Officers conducting the patrols will be deployed on an overtime basis. This deployment method is the most cost effective and efficient way to specifically address the crime problems outlined above. Statistics will be maintained through the grant cycle to record the number of contacts, arrests, assists to casino staff and other law enforcement officers involved in casino operations, and other pertinent information to help us identify if we are actually reducing crime and traffic issues in the program area. **Total Personnel Cost: \$101,400**

Equipment for I-10 Corridor Entertainment District Patrol Program:

The current marked vehicle fleet at the Banning Police Department consists of 18 vehicles that can be used directly for patrol purposes (16 for patrol officers and 2 for supervisors). There is one other vehicle that is used by our school resource officer. Historically, the patrol division requires 18 vehicles to provide minimum patrol staffing levels for the city. Patrol units provided to the police department in past years from the Special Distribution Fund were used to replace existing vehicles and allowed the department to update its aging fleet.

To implement the I-10 Corridor Entertainment District Patrol Program, the police department is requesting a one-time addition of two additional marked units that are not designated for standard patrol operations. The addition of these two vehicles will increase the marked unit fleet from 19 to 21 and allow the officers assigned to this program to consistently have access to designated marked patrol units. **Total Cost of 2 fully equipped marked police units: \$84,000**

Additionally, the police department is requesting a one-time addition of two unmarked units for use by officers working the I-10 Entertainment District Patrol Program to conduct undercover operations of criminal activity occurring in the targeted areas. The addition of these two vehicles will increase the number of unmarked units for the department and allow officers assigned to the program to have immediate access to the unmarked units to conduct their undercover investigations. **Total Cost of 2 fully equipped unmarked police units: \$78,000**

Equipment to supplement I-10 Corridor Entertainment District Patrol Program:

Our 18 marked police units continue to be used seven days per week. Although Special Distribution Funds have been used to replace eight of these units over the past three years, four marked units need to be replaced this year that have excessive mileage. Each requested unit would be assigned to one of the four assigned patrol shifts and be readily available to assist officers working the I-10 Entertainment District Patrol and/or Morongo Casino staff. It is our estimate that a patrol car is either on Ramsey Street or adjacent to Ramsey Street at any given time. When you average out each patrol shift (four to five cars per shift), we believe our officers spend about 12 hours per shift patrolling on or around the I-10 Corridor Entertainment District. On average, we believe that one vehicle is continually being used per shift to patrol the I-10 Corridor Entertainment District and would fulfill the 100% requirement of using the funds received to directly mitigate the impacts of tribal gaming. There will be a cost savings for the four requested marked units as computers and cameras in the older units will be transferred to the newer units.

Total Cost of 4 fully equipped marked units (w/o computers & cameras): \$120,000

In addition to the requested marked patrol units, the police department has two marked police motorcycles that are in need of replacement this coming year due to excessive mileage. The motorcycles are assigned to traffic officers who handle traffic related issues directly related to the increased level of traffic on Ramsey Street caused by the influx of visitors to the Morongo Casino using the city's amenities. Like their marked patrol vehicle counterparts, these motor officers will be available to immediately respond to assist officers assigned to the I-10 Entertainment District Patrol and/or Morongo Casino staff. Additionally, during non-operational hours of the I-10 Corridor Entertainment District Patrol, motor officers would patrol the entertainment district, as time permits, to continue high visibility saturation patrols of the targeted areas. **Total Cost of 2 fully equipped marked motorcycles: \$55,400**

Understanding officers assigned to the I-10 Corridor Entertainment District cannot be everywhere at once; the police department is requesting funding to purchase four radar signs to address vehicles speeding through the entertainment district. The signs will be strategically placed at locations where speeding vehicles have been identified as a problem. The radar signs are built to alert motorists of their vehicle speed, and tests show over and over, that speeders WILL slow down when they see they are driving over the posted limit. The radar signs will be operational 24 hours a day 7 days a week. Typical speed reductions are 8-15%, and overall compliance with the posted speed limit will go up by 30-60%. The reduction in vehicle speed will increase the safety for drivers traveling to and from the Morongo Casino, as well as citizens living in the area.

Total Cost of 4 fully equipped radar signs powered through solar power: \$17,200

To assist officers conducting undercover surveillances of criminal activity in the I-10 Corridor Entertainment District; the police department is requesting funding to purchase three Express Camera Surveillance Systems. The camera systems will be strategically deployed in areas of the entertainment district where criminal activity is likely to occur. The camera system provides the police department the ability to monitor and record specific locations 24 hours a day 7 days a week. The recordings will assist the police department with criminal investigations and arrests of suspects preying on visitors to the Morongo Casino as they patronize Banning's amenities. It should be noted the cameras are mobile and can be moved from location to location depending on the needs of the police department.

Total Cost of 3 fully equipped Express Camera Surveillance Systems: \$21,000

During the initial two year implementation (2005-2007), officers assigned to the I-10 Entertainment District Patrol issued 879 traffic citations. With an average completion time of 15 to 20 minutes per citation, officers spent between 220 and 293 hours writing citations. In order to free up officers' time, who are assigned to the entertainment district patrol, the police department is requesting funding for three electronic citation computers, which will reduce the amount of time required for officers to issue traffic tickets by 50%. Subsequently, officers will have more time to actively patrol the entertainment district to deter criminal activity against visitors to the Morongo Casino who have stopped in Banning to utilize anyone of the many amenities the city has to offer.

Total Cost of 3 fully equipped electronic citation computers: \$22,500

**CITY COUNCIL AGENDA
STAFF REPORT**

DATE: Feb 24, 2009

TO: Honorable Mayor and Members of the City Council

FROM: Brian S. Nakamura, City Manager

SUBJECT: Good Samaritan Protection Act, City Council Letter of Support

RECOMMENDATION:

That the City Council authorize the Mayor to remit the attached letter of support for Honorable Senator John Benoit's Senate Bill 39, providing for legal protections for Good Samaritans.

BACKGROUND:

On December 19, the California Supreme Court handed down a ruling that created a significant shortfall in legal protections for Good Samaritans. In the 4-3 decision, the Court decided that the state's Good Samaritan Law, written in 1980, only shields people from liability if they are giving medical, not general, care in an emergency. SB 39 corrects the Supreme Court's interpretation and overturns this decision.

FISCAL DATA:

There is no anticipated fiscal impact to the City.

**RECOMMENDED AND
APPROVED BY:**



Brian Nakamura, City Manager

February 24, 2009

Honorable Senator John Benoit
37th District of California
State Capitol Room 4066
Sacramento, CA 95814

Re: Senate Bill 39, Good Samaritan Protection Act

Dear Honorable Senator Benoit:

On behalf of the City Council of the City of Banning I submit this letter of support for Senate Bill 39, the Good Samaritan Protection Act, making a technical amendment to the original Good Samaritan legislation, correcting the Supreme Court's interpretation and overturning this dangerous decision.

The City of Banning is in agreement that threats of lawsuits may deter a passerby, a Good Samaritan, from stopping at the scene of an accident to help and if legislation is not corrected it may cost lives. The 4-3 decision by the Supreme Court to only shield people from liability if they are giving medical, not general, care in an emergency will cause Good Samaritans to think twice about assisting.

The City Council and I commend your efforts and actions and support the Good Samaritan Act as it was intended when written in 1980 and ask that the Legislature "step up" and protect Good Samaritans in their time of need.

Yours truly,

Robert E. Botts
Mayor

Cc: Honorable Banning City Council Members

Peter Lent
Deputy Director

Riverside County Fire Department
Office of Emergency Services (OES)
PH: 951.955.4700
CELL: 951.538.5481

Benoit Special Alert: Good Samaritan Protection Act

On December 19, the California Supreme Court handed down a ruling that created a significant shortfall in legal protections for Good Samaritans. In the 4-3 decision, the Court decided that the state's Good Samaritan Law, written in 1980, only shields people from liability if they are giving medical, not general, care in an emergency.

I am concerned that the threat of lawsuits may deter a passerby from stopping at the scene of an accident to help. Over the course of my 31-year law enforcement career, I've encountered many of these Good Samaritans whose urgency has made the difference where every second counts. If not corrected, I fear this ruling will cost lives.

I have introduced SB 39, the Good Samaritan Protection Act, to make a technical amendment to the original Good Samaritan legislation, correcting the Supreme Court's interpretation and overturning this dangerous decision. My legislation already has 21 legislators signing on as co-authors, as well as many newspaper editorial endorsements. The *Ventura County Star* recently concluded "it's now time for the Legislature to step up and protect Good Samaritans in their time of need."

If you are a member of an organization interested in supporting the Good Samaritan Protection Act, please contact my Capitol office at (916) 651-4037, or fax your letter of support to (916) 327-2187.

Read – *Time Magazine*: "The Perils of Being a Good Samaritan in California"

Read – Benoit Introduces Good Samaritan Protection Act

Read – *The Desert Sun*: "Benoit proposes bill to protect good Samaritans"

Read – *Ventura County Star*: "Protect doers of good deeds"

Read – *San Bernardino Sun*: "Those who give aid deserve protection"

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CITY COUNCIL AGENDA REPORTS OF OFFICERS

Date: February 24, 2009

TO: City Council

FROM: Brian Nakamura, City Manager

SUBJECT: Reimbursement Policy for the Expenses of Elected and Appointed Officials

RECOMMENDATION: "The City Council provide direction to staff regarding amendments, if any, to the reimbursement policy for the expenses of elected and appointed officials."

JUSTIFICATION: Resolution 2006-55, approved on May 30, 2006, established an expense reimbursement policy for Elected and Appointed Officials. Given the City's current fiscal challenges, the Mayor requested that the policy be revisited.

BACKGROUND & ANALYSIS: AB 1234, a new law applicable to cities, counties and special districts went into effect on January 1, 2006. This law requires, among other things, that local agencies adopt an expense reimbursement policy specific to its elected and appointed officials. The Council adopted a policy on May 30, 2006. A copy is attached for your reference.

The attached policy satisfies the new requirements, but is very general in nature. It was adopted with the understanding that if the Council wished in future, the policy could be amended or enhanced to include more specific guidelines. In November of 2006, the policy was revisited, however, with the exception of agreeing not to pay in-town mileage to Council Members, no formal changes were agreed upon. The matter was never reagendized. At this juncture staff would ask the following be considered:

In town business mileage: Formally amend the policy to exclude in-town mileage as reimbursable.

Inclusion of list of unauthorized expenses: Formally amend the policy to include a section on unauthorized expenses. Our policy does not list explicitly certain expenses that are unauthorized. Staff has researched the policy of several surrounding cities. All contain a section related to unauthorized expenses. Many appear to be common to all of the policies. These include entertainment expenses, personal mileage, personal automobile expenses, political or charitable contributions, personal alcohol or bar expenses, family related expenses including spousal or partner expenses, children expenses or pet expenses.

In addition, the Mayor would like the following recommendations to be considered:

1. That the Mayor and Chairman of the Community Development Agency be the primary representatives to events/lobbying in Monterey, Sacramento and Washington DC. If the Mayor is not available to travel then the Mayor Pro Tem would be next in line, as would the Vice Chairman of the CRA be next in line if the Chairman were not available to attend.

2. The policy should state that only a newly elected Councilmember, that has not previously attended, should attend the annual California League of Cities "Boot camp" for newly elected

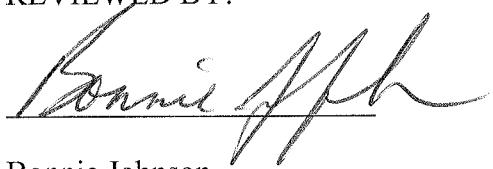
Mayor's and Councilmember, in January, in Sacramento. Anyone else is free to attend if they want to pay their own way. The basic agenda changes very little, from year to year, and for a Councilmember to attend multiple times is not a good expenditure of taxpayers' money.

3. The policy should state that an individual Councilmember will be allocated a certain amount of money and within their allocated amount of funding, can chose to attend California League of Cities educational events or events specific to their Council assignments, i.e., WRCOG, RCTC, RTA, etc. Any other events should be reviewed and approved by the Mayor and City Manager and within budget. If this recommendation is approved, the Mayor will work with the City Manager and Finance Director to develop recommended amounts for each Councilmember.

If Council chooses to recommend amendments to the policy, staff will agendize the amended policy at a future regular City Council meeting.

FISCAL IMPACT: Uncertain, however, overall savings is anticipated if recommendations are approved.

REVIEWED BY:



Bonnie Johnson
Finance Director

RECOMMENDED AND APPROVED BY:



Brian Nakamura
City Manager

Attachment "A"

CITY OF BANNING

Reimbursement Policy for Elected and Appointed Officials

PURPOSE

To establish a policy for the reimbursement of expenses incurred by elected and appointed officials (hereinafter "officials") of the City of Banning ("City") in the performance of City business. This Policy will be applicable to all elected or appointed members of any legislative body (as defined in Government Code Section 54952(a), (b)) of the City, including the City Council, Planning Commission, Senior Citizens Advisory Committee, Financing Authority Board, Utility Authority Board, Economic Development Committee, Government Access Channel Committee, Park & Recreation Committee, Public Works Advisory Committee, and Water Utility Committee and any other City-affiliated commission, committee, board, or other body created by ordinance, resolution, or formal action of the City Council.

POLICY

It is the policy of the City to reimburse actual and necessary expenses incurred by officials in the performance of City business.

A. Activities for which Expense Reimbursement may be Granted

Expenses incurred in connection with the following types of activities are eligible for reimbursement:

1. Attendance and participation at meetings of the official's legislative body or at meetings of an advisory body of the legislative body.
2. Attendance and participation at meetings of any body or organization to which the official has been appointed by the official's governing or legislative body or at which the official serves as a designated representative of the City.
3. Communicating with constituents on matters within the jurisdiction of the official's legislative body.
4. Attending community events as a representative of the City.
5. Communicating with representatives of local, regional, state and national government on City matters, policy positions, or legislation that may affect the City.
6. Participating in local, regional, state and national organizations and entities whose activities affect City interests.

7. Attending seminars designed to improve officials' skill and information levels.

Reimbursement for expenses incurred with respect to activities not authorized above require prior approval by the City Council or applicable legislative body.

Reimbursement for expenses incurred by a Board Member, Commissioner or Committee Member require prior approval by the City Manager.

B. Expenses Authorized for Reimbursement

1. Transportation. Transportation expenses incurred in connection with activities authorized under Section A of this Policy are subject to the following requirements:

- a. Airlines and Other Commercial Carriers: Travel reimbursement is generally limited to coach class fare at government rates or group rates when available. Fares that are equal to or less than those available through the League of California Cities or the State of California (www.catravelsmart.com) are presumed to be economical and reasonable for purposes of reimbursement. If rates comparable to those available through the League of California Cities or the State are either not available or the fare to the applicable destination is not specified by these sources, then fares that do not exceed the median retail price of the fares posted on websites like www.expedia.com or www.travelocity.com, or an equivalent service will be considered reasonable.
 - b. Automobile (Personal Vehicle): Travel using personal vehicles will be reimbursed at the IRS mileage rate in effect at the time.
 - c. Car Rental: Rental vehicles may be used if more economical and reasonable than other forms of transportation. Rental is generally limited to the most economical and reasonable mid-sized vehicle. Government rates or rental rates that are equal or less than those listed by the State of California (www.catravelsmart.com) will be considered the most reasonable and economical for purposes of reimbursement. If government rates or rates comparable to those listed by the State are either not available or the State does not specify a rate for a particular location, then rental rates that do not exceed the median retail price of the rates posted on websites like www.expedia.com or www.travelocity.com, or an equivalent service will be considered reasonable.
 - d. Taxis/Shuttles: Taxi or shuttle fares, when reasonable and necessary, will be reimbursed, including a 15% gratuity per fare.

2. Lodging. Lodging expenses incurred in connection with activities authorized under Section A of this Policy when travel requires an overnight stay are subject to the following requirements:

- a. Officials must use government or group rates for lodging when available.

- b. If lodging is in connection with a conference or organized activity, lodging expenses must not exceed the maximum group rate published by the conference or activity sponsor if such rate is available at the time of booking.
- c. If group or government rates are not available, lodging rates that do not exceed the median retail price for lodging in the area listed on websites like www.hotels.com or an equivalent service will be considered reasonable.

3. Meals. Meal expenses incurred in connection with activities authorized under Section A of this Policy will be reimbursed at the applicable IRS meal rates in effect at the time.
4. Miscellaneous Expenses. Actual and necessary miscellaneous business expenses, as defined by the IRS and incurred in connection with activities authorized under Section A of this Policy, may be reimbursed.

C. Reporting

1. Report Forms. Officials should submit their expense reports within 30 calendar days after the end of the month in which the expense was incurred, accompanied by receipts documenting each expense. In no event may a request for reimbursement be submitted later than the close of the fiscal year in which the expense was incurred absent exigent circumstances.
2. Reports to City Council, Board, or Commission. Each official must briefly report on outside meetings subject to the Brown Act that are attended at public expense at the next regular meeting of the official's legislative body. If multiple officials attended such a meeting, a joint report may be made.
3. Expense Reports As Public Records. All expense reports of officials and City reimbursement expenditures are public records subject to disclosure under the Public Records Act and other applicable laws.