

AGENDA
REGULAR MEETING
CITY OF BANNING
BANNING, CALIFORNIA

March 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.

PRESENTATIONS:

1. Proclamation – Child Abuse Prevention Month 1

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.

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

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

1.	Resolution No. 2009-12, Rescinding Resolution No. 2008-120 to Amend the Classification & Compensation Plan for the City of Banning.	3
2.	Resolution No. 2009-21, Establishing the Building Standards Administration Special Revolving Fund (BSASRF) Fee Adopted by the State of California	13
3.	Resolution No. 2009-22, Authorizing An Appropriation of Funds for the Engine Repair of Transit buses Unit Nos. 217 and 221.	18
4.	Resolution No. 2009-23, Authorizing 2008-09 Expenditure Line Item Reductions as Reflected on attachments "A" and "B"	29
5.	Resolution No. 2009-25, Authorizing the City Manager or His Designee to Execute For and On Behalf of the City of Banning Any Actions Necessary for the Purpose of Obtaining Financial Assistance Provided by the Governor's Office of Homeland Security	36
6.	Resolution No. 2009-26, Authorizing Western Riverside Council of Governments to Submit an Application for the Transportation Planning Grant Program on Behalf of the City of Banning	42
7.	Filing Notice of Completion for Vacuum Potholing Services for the Design And Engineering Criteria for the State Water Project Pipeline.	46
8.	Amending the existing Agreement with Metcalf & Eddy, Inc. to Provide the Potholing of the Alignment and Downsizing of the Proposed 53" to 36" Diameter State Water Project Pipeline	51
9.	Auditor's Report for Fiscal Year 2007-2008	56
10.	Approval of Accounts Payable and Payroll Warrants for Month of February 2009	63

- 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. Adoption of Ordinance No. 1406 To Extend Urgency Ordinance No. 1402 for an Additional 10 months and 15 days for Interim Sign Regulations for the Development and Placement of Freeway-Oriented Freestanding Signage in the Downtown Commercial (DC), Highway Serving Commercial (HSC) and General Commercial (GC) Zones Located Along the Interstate (I-10) Freeway in the city of Banning 65
 Recommendation: Staff recommends the City Council adopt Ordinance No. 1406 (Attachment 1) to extend Urgency Ordinance No. 1402 for an additional 10 months and 15 days and continue to implement the existing interim sign regulations for the development and placement of freeway-oriented freestanding signage in the Downtown Commercial (DC), Highway Serving Commercial (HSC) and General Commercial (GC) zones located along the Interstate (I-10) freeway in the city of Banning.

Mayor asks the City Clerk to read the title of Ordinance No. 1406

“An Ordinance of the City Council of the city of Banning, California, Extending Urgency Ordinance No. 1402 for an Additional 10 Months and 15 Days and Extending the Interim Development Sign Regulations for the Placement of Freestanding Freeway Oriented Signs.”

Motion: I move to waive further reading of Ordinance No. 1406

(Requires a majority vote of Council)

Motion: I move that Ordinance No. 1406 be adopted.

V. REPORTS OF OFFICERS

1. Brian Nakamura, City Manager
 - A. City Council Donation and Sponsorship Policy for Community Events and Programs 86
 Recommendation: That the City Council authorize the City Manager to recommend donation and sponsorship requests for community events and programs by individuals, groups, and/or organizations to the City Council for approval based upon the following criteria as listed in the staff report.
 - B. Amending the Reimbursement Policy for the Expenses of Elected and Appointed Officials 88
 Recommendation: That the City Council approve Resolution No. 2009-24, Amending the policy entitled “Reimbursement Policy for Elected and Appointed Officials.”

VI. CLOSED SESSION

1. 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
2. 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

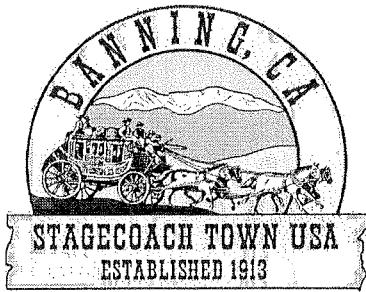
VII. ADJOURNMENT

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].



PROCLAMATION

WHEREAS, children deserve a safe, stable and permanent home in order to become productive members of our society; and

WHEREAS, child abuse is found in families of all social and economic classes and every racial and ethnic group; and

WHEREAS, child abuse impacts the entire community and finding solutions depends on community involvement to nurture family growth and inspire future generations; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious organizations, law enforcement agencies and the business community; and

WHEREAS, through the continued work of volunteers, parents, community partners, policy makers and professionals, child abuse may be eradicated, giving our children a bright, successful future; and

WHEREAS, Prevent Child Abuse Riverside County works in collaboration with the Department of Public Social Services to educate the public to reduce the incidence of child abuse and provide other services to help alleviate its effects; and

WHEREAS, all citizens should become more aware of child abuse and its prevention within the community, and become more involved in supporting parents to raise their children in a safe, nurturing environment.

NOW THEREFORE, BE IT RESOLVED, that I, Robert Botts, Mayor of the City of Banning along with the City Council do hereby proclaim the month of April 2009, as "CHILD ABUSE PREVENTION MONTH" and urge all the residents to become more aware of this Nationwide problem and to take the necessary actions to prevent child abuse in their communities.

IN WITNESS WHEREOF, I have set my hand and caused the seal of the City of Banning, California to be affixed this 24th day of March, 2009.

ATTEST:

Marie A Calderon, City Clerk

Robert E. Botts, Mayor

Marie Calderon

RECEIVED
MAR 4 2009
B City Clerk's Office

From: Mayra [motrejo@pcariverside.org]
Sent: Wednesday, March 04, 2009 2:19 PM
To: Marie Calderon
Cc: Veronica Rodriguez; Sandra Davalos
Subject: Child Abuse Prevention Month - Banning Proclamation
Attachments: 2009 PROCLAMATION - April's Child Abuse Prevention Month.doc

Marie A. Calderon,

Child abuse remains a serious problem in our communities throughout Riverside County. Successful prevention and intervention requires the commitment of the entire community to nurture the growth of safe and stable families and ensure the welfare of future generations.

In the calendar year 2007, the Department of Public Social Services received 24,168 referrals. The greatest type of abuse investigated was neglect (51%). All children under age of 18 are at risk; however, children under five are at greater risk for child abuse.

Prevent Child Abuse Riverside County (PCARC) is the county's designated lead agency in child abuse and neglect prevention, promoting strong families, positive parenting , and safe children through advocacy, public awareness, and coordination of community programs and services. We are comprised of individuals from public and private agencies and concerned members of the community.

As part of PCARC's mission of advocacy, we encourage community involvement and participation, especially during April which is Child Abuse Prevention Awareness Month.

We would like to request a proclamation from your City Council to help us kickoff the awareness of child abuse and the efforts to help prevent child abuse in our communities. I would like to request to be added to your agenda for the March 24th City Council Meeting. I have attached a draft of the proclamation to this e-mail.

Thank you very much for your attention towards this matter. Please feel free to contact me if you have any questions or need additional information.

Sincerely,

Mayra Trejo

Prevent Child Abuse Riverside County

1945 Chicago Ave., Suite B South

Riverside, CA 92880

:(951-686-5581 *:(951-686-5654*

:(www.pcariverside.org

**City Council Agenda
Consent Calendar**

DATE: **March 24, 2009**

TO: **Honorable Mayor and City Council**

FROM: **Hoyl E. Belt, Human Resources Director**

SUBJECT: **Classification Plan Amendment**

Recommendation: Adopt Resolution No. 2009-12 amending the City's Classification Plan to reflect the change of the classification to add Associate Electrical Engineer to under fill the Electrical Systems Engineer position. The current salary Range is 86 for Electric Systems Engineer and the Associate Electrical Engineer is recommended at Range 72. Staff recommends that by filling this position with an entry level professional position would meet the needs of the Electric Division. In addition, adopt the attached job description of Associate Electrical Engineer.

Justification: The City approved the City of Banning Classification and Compensation Plan on January 25, 2005. The plan has since been amended with most recently on November 14, 2008. Maintenance of this plan is a dynamic process in which Human Resources works with operating departments to develop classifications which reflect the current needs of the department in their departments in their efforts to deliver quality services to residents. City Personnel Rules require that the City Council approve all changes to the City's Classification Plan. Council approval of this Recommendation will meet the City's goal to provide top quality and reliable service to both internal and external Customers.

Background: Previously, the Electrical Systems Engineer position was contracted to AC Electric Systems because Human Resources were unable to fill the position. This position is a difficult to recruit position. The contracted position became vacant and the City hired a temporary employee to fill the needs of the department.

Fiscal Data: The above classification change result in the following budgetary impacts: Currently, the budget for the Electrical Systems Engineer for salary and benefits are \$164,669 and the Associate Electrical Engineer is budget for \$104,352. This is approximately \$60,317 decrease to the Electric Utility Fund.

Recommended By:



Hoyl E. Belt
Human Resources Director

Reviewed By:



Bonnie J. Johnson
Finance Director

Approved By:



Brian S. Nakamura
City Manager

RESOLUTION 2009-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING
RESCINDING RESOLUTION NO. 2008-120 TO AMEND THE CLASSIFICATION &
COMPENSATION PLAN FOR THE CITY OF BANNING

WHEREAS, it is necessary to amend the City's Classification Plan from time to time to maintain a current plan which reflects the nature of work, organizational structure, or otherwise;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1:

The City Council adopts as its official Classification Plan the attached Schedule "A" setting forth all classifications of the City and their corresponding salary ranges.

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

Robert E. Botts, Mayor
City of Banning, California

APPROVED AS TO FORM AND
LEGAL CONTENT

David Aleshire, Attorney
Aleshire & Wynder, LLP

ATTEST:

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

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2009-12 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 24th day of March, 2009, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

CITY OF BANNING
CLASSIFICATION & COMPENSATION PLAN
REVISED MARCH 24, 2009
RESOLUTION NO. 2009-12
(AMENDING RESOLUTION NO. 2008-120)

MATRIX BY CLASS SERIES/JOB CODE

Class Series/Occupational Job Group	Job Code	Classification/Position	Salary Range	Bargaining Unit
1000 – CITY ADMINISTRATION SERIES				
City Administration Group	1010	City Manager	109	Council Contract
	1005	Assistant City Manager	97	Contract
	1020	City Clerk/City Manager Secretary	55	Elected
Financial Services Group	1110	Finance Director/Assistant City Manager	97	Contract
	1130	Financial Services Specialist	45	IBEW-G
	1150	Accounting Manager	73	Mgmt/Conf
	1140	Accountant	52	General
	1160	Purchasing Manager	73	CBAM
	1165	Buyer	52	General
Human Resources Group	1210	Human Resources Director	88	Contract
	1220	Human Resources Analyst	60	Mgmt/Conf
	1225	Senior Human Resources Analyst (Recruitment & Benefit Manager)	68	Mgmt/Conf
	1240	Risk Management Analyst	60	CBAM
	1230	Human Resources Technician	52	Conf/Gen
Utility Billing Group	1310	Customer Services Manager	67	CBAM
	1340	Sr. Utility Billing Rep	46	IBEW-G
	1350	Utility Billing Representative	41	IBEW-G
Information/Cable Systems Group	1405	Information Technology Manager	73	CBAM
	1410	Information Technology Coordinator	57	IBEW-G
	1416	Police Information Technology Technician	57	IBEW-G
	1415	Info Technology/Media Technician	55	IBEW-G
	1510	Cable Services Specialist	42	IBEW-G
Office Support Group	1610	Executive Secretary	51	IBEW-G
	1620	Office Specialist	42	IBEW-G
	1630	Receptionist	29	IBEW-G

Schedule "A"

2000 – POLICE SERIES

Police Group	2010	Police Chief	96	Contract
	2015	Deputy Police Chief	86	Police Mgmt/Conf
	2025	Police Lieutenant	82	Police Mgmt/Conf
	2030A	Police Staff/Master Sergeant	75	POA
	2030	Police Sergeant	68	POA
	2050	Police Officer	64	POA
	2060	Police Recruit/Trainee	N/A	At-Will
Police Support Group	2143	Lead Public Safety Dispatcher	54	IBEW-G
	2110	Public Safety Dispatcher	50	IBEW-G
	2120	Property & Evidence Specialist	48	POA
	2130	Community Services Officer	42	POA
	2140	Lead Police Records Specialist	43	IBEW-G
	2141	Police Records Assistant	31	IBEW-G

3000-COMMUNITY DEVELOPMENT SERIES

Community Development Group	3010	Community Development Director	88	Contract
	3021	Planning Engineer	72	CBAM
	3050	Senior Planner	75	CBAM
	3020	Associate Planner	64	CBAM
	3015	Assistant Planner	59	CBAM
Development Services Group	3026	Development Project Coordinator	56	IBEW-G
	3025	Planning Technician	54	IBEW-G
Economic/Redevelopment Group	3116	Redevelopment Manager	81	CBAM
	3103	Economic/Redevelopment Project Coordinator	56	IBEW-G
	3210	Development Services Manager (Building Official)	80	CBAM
	3215	Senior Building Inspector	65	IBEW-G
	3220	Building Inspector	60	IBEW-G
	3235	Senior Code Compliance Officer	59	IBEW-G
	3230	Code Compliance Officer	56	IBEW-G
	3240	Building Permit Specialist	53	IBEW-G

3300-COMMUNITY SERVICES GROUP

Community Services Group	3310	Community Services Director	82	Contract
	3325	Recreation Coordinator	49	IBEW-G
	3350	Lead Bus Driver/Trainer	53	IBEW-G
	3340	Bus Driver	45	IBEW-G

Schedule "A"

CO

4000-PUBLIC WORKS SERIES

Public Works Management Group	4010	Public Works Director	88	Contract
Streets/Parks Group	4210	Public Works Superintendent	77	CBAM
	4220	Streets/Parks Maintenance Manager	64	CBAM
	4230	Work Release Crew Leader	45	IBEW-G
	4240	Sr. Maintenance Worker	48	IBEW-G
	4250	Maintenance Worker	43	IBEW-G
	4260	Motor Sweeper Operator	48	IBEW-G
Engineering Group	4300	City Engineer	81	CBAM
	4350	Senior Civil Engineer (Water/Wastewater)	78	CBAM
	4320	Associate Civil Engineer	72	CBAM
	4325	Assistant Civil Engineer	64	CBAM
	4330	Public Works Inspector	60	IBEW-G
General Maintenance and Support Group	4340	Engineering Services Assistant	46	IBEW-G
	4410	Fleet Maintenance Manager	71	CBAM
	4425	Lead Fleet Maintenance Mechanic	54	IBEW-G
	4420	Fleet Maintenance Mechanic	51	IBEW-G
	4430	Building Maintenance Specialist	47	IBEW-G
	4440	Custodian	32	IBEW-G
	4450	Warehouse Services Specialist	50	IBEW-G
4100 PUBLIC UTILITIES SERIES				
Water/Wastewater Group	4109	Director of Public Utilities	96	Contract
	4110	Assistant Water/Wastewater Director	81	CBAM
	4115	Water/Wastewater Superintendent	77	CBAM
	4120	Assistant Water Superintendent	65	IBEW-U
	4130	Water Crew Supervisor (Distribution Specialist)	58	IBEW-U
	4140	Water Services Worker	50	IBEW-U
	4141	Water Production Operator I	52	IBEW-U
	4142	Water Production Operator II	54	IBEW-U
	4145	Wastewater Collection System Technician	50	IBEW-U
	4150	Wastewater Collection System Specialist	52	IBEW-U
	4160	Water Crew Supervisor (Production Specialist)	58	IBEW-U
	4152	Water Valve Flushing Crew Lead	54	IBEW-U
	4133	Water Construction Crew Lead	54	IBEW-U
	4131	Water Meter Crew Lead	54	IBEW-U
	4155	Wastewater Collection System Supervisor	58	IBEW-U

Schedule "A"

Electric Services & Operations Group	5015	Electrical Systems Engineer	86	CBAM
5021	Power Contracts & Revenue Administrator	81	CBAM	
5025	Associate Electrical Engineer	72	CBAM	
5031	Sr. Electric Service Planner	77	IBEW-U	
5030	Electric Service Planner	75	IBEW-U	
5045	AutoCAD/GIS Technician	66	IBEW-U	
5050	Public Benefits Coordinator	53	IBEW-U	
5055	Utility Services Assistant	46	IBEW-U	
5110	Electric Operations & Maintenance Manager	81	CBAM	
5120	Powerline Crew Supervisor	77	IBEW-U	
5130	Powerline Technician	73	IBEW-U	
5140	Powerline Apprentice	65/71	IBEW-U	
5150	Electric Services Worker	50	IBEW-U	
1325	Field Service Representative	49	IBEW-U	
5160	Electric Meter Test Technician	73	IBEW-U	
5170	Apprentice Electric Meter Test Technician	65/71	IBEW-U	



CITY OF BANNING, CALIFORNIA

Associate Electrical Engineer

Job Code 5025

FLSA

Exempt

Non-Exempt

JOB DEFINITION: This is an entry level position which performs less complex professional engineering work under close supervision. Incumbents within this class decide and act within strict limits of approved plans, programs, budgets, policies, standards, and established procedures. All deviations require prior approval. Under direction, performs a variety of duties associated with the design and construction of electrical distribution system in order to ensure adequate utility resources to meet the City's current and future electrical demands; responsible for design review, and inspection of electrical facilities on residential and commercial projects; ensures safe work practices, work quality and accuracy; maintains appropriate work records which may include database inventories; and serves as a technical resource. Also performs professional electrical engineering work in the design and investigation and construction of electrical utility projects and related work as required.

ESSENTIAL FUNCTIONS: *The following duties ARE NOT intended to serve as a comprehensive list of all duties performed by all employees in this classification. Shown are duties intended to provide a representative summary of the major duties and responsibilities. Incumbent(s) may not be required to perform all duties listed and may be required to perform additional, position specific duties.*

REPRESENTATIVE DUTIES:

- Perform studies of technical, environmental and economic feasibility, engineering field studies, and related studies pertaining to proposed and existing system facilities.
- Prepare contracts and specifications for engineering and construction services.
- Plan and perform own work and completes special projects requiring engineering and technical ability as assigned.
- Provide background information and documentation for management consideration on various projects. Make sound decisions on minor problems related to the work being performed based on established guidelines and principles and supervisor guidance.
- Plans, coordinates, prioritizes, monitors and participates in the design, review and inspection of electrical facilities on residential and commercial projects which consist of street lighting, primary distribution laterals, secondary laterals, electric services, distribution transformers, rights of way and easements with the use of available computer applications as required.
- Develops electric plans for the City to accommodate current and future load requirements, Designs new electrical substations, transmission and local distribution circuits. Converts existing distribution system to a more efficient system for improvement of and increase in capacity, efficiency and reliability of electric service. Prepares engineering drawings, specifications and cost estimates of purchasing materials and equipment.
- Maintains appropriate work records and documents which may include time sheets and work orders.
- Prepares statistical and/or analytical reports on operations as necessary.
- Oversees the maintenance of a computer database inventory of poles, transformers and electric apparatus for the electric utility system.
- Develops and prepares cost estimates for overhead and underground electrical distribution lines.
- Develops labor and material costs.
- Investigates and analyzes field problems regarding electrical customers and devises possible remedies.
- Identifies the appropriate specifications for the design of civil infrastructures for underground electrical systems.

CITY OF BANNING, CALIFORNIA

Associate Electrical Engineer

Job Code: 5025

- Develops standards and creates AutoCad and GIS drawings; create and maintain base maps and systems maps for the City electric utility system.
- Interfaces with other City department's system maps to ensure the accuracy and validity of electrical utilities systems and maps.
- Revises, adds and modifies single line drawings, schematics, and layout drawings with the use of computers as necessary.
- Identifies and explains various electrical engineering issues to customers and assists in solutions to problems identified. Performs other related duties as required.

KNOWLEDGE, ABILITIES and SKILLS:

Knowledge of:

- Applicable city, county, state and Federal statutes, rules. Regulations, ordinances, codes, administrative orders and other operational guidelines and directives.
- High and low voltage electrical overhead and underground line construction practices.
- National Electrical Code and CPUC's GO 95 / 128 rules
- Requirements for underground installation of electrical conduits and substructures.
- Maximum allowable voltage drop and conductor loading under normal and emergency conditions.
- Transformer loading, maximum system losses, minimum allowable power factor and power quality issues.
- Principles of electrical system design and electrical theory.
- Principles and practices of electrical engineering and other engineering disciplines used in the electric utility industry.
- Modern methods and techniques used in design and construction of a wide variety of electrical utility projects.
- Applicable laws and regulatory codes relevant to design and construction of electrical facilities.
- City's and Department's policies and procedures.
- Modern office equipment including a computer and applicable software.
- Methods and techniques for basic report preparation and writing.
- Methods and techniques for record keeping and inventory control.
- Knowledge of proper English, spelling and grammar. Basic principles of mathematics including engineering calculations.

Ability to:

- Make engineering computations and to check, design and supervise the construction of a wide variety of electrical utility facilities.
- Communicate clearly and concisely, orally and in writing.
- Apply technical insight and sound judgment necessary in the solution of difficult and complex problems.
- Apply theoretical concepts to practical problems.
- Complete projects which require extensive research of current and past technical literature and the resolving of real or apparent conflict conclusions. For these projects, guidelines may frequently require considerable interpretation and adaptation in order to fit the kinds of situations encountered.

CITY OF BANNING, CALIFORNIA

Associate Electrical Engineer

Job Code: 5025

- Use and apply engineering economic principles.
- Read and interpret schematics and blueprints.
- Work independently.
- Understand and follow instructions.
- Establish and maintain effective working relations with co-workers, staff, vendors, contractors, visitors, the general public and others having business with the City of Banning.

Skill in:

- Assessing and prioritizing multiple tasks, projects and or demands.
- Working within deadlines to complete projects and assignments.
- Effectively operate a motor vehicle on City streets.

Education:

Graduation with a bachelor's degree in Electrical Engineering from a college or university with an accredited four or five year degree program in electrical engineering. Registration as a Professional Engineer cannot substitute for the required education.

MINIMUM QUALIFICATIONS: Any combination and experience that has provided the knowledge, skills and abilities necessary for an Associate Electrical Systems Engineer. A typical way of obtaining the required qualifications is to possess the equivalent of three years of directly related experience in electrical utility systems, and a bachelor's degree in Electrical Engineering or a related field.

ADDITIONAL REQUIREMENTS: Must have at the time of application and must maintain a California driver license. May be required to work outside the traditional work schedule.

WORKING CONDITIONS: Position requires sitting, standing, walking on level and slippery surfaces, reaching, twisting, turning, kneeling, bending, stooping, squatting, crouching, grasping and making repetitive hand movement in the performance of daily duties. The position also requires both near and far vision when inspecting work and operating assigned equipment. The need to lift, carry and push tools, equipment and supplies weighing 25 pounds or more is also required. Additionally, the incumbent in this outdoor position works in all weather conditions including wet, hot and cold. The incumbent may use paint and cleaning and lubricating chemicals that may expose the employee to fumes, dust and air contaminants. The nature of the work also requires the incumbent to climb ladders, use power and noise producing tools and equipment, drive motorized vehicles and heavy equipment, work in heavy vehicle traffic conditions and often work with constant interruption.

**CITY COUNCIL MEETING
CONSENT ITEM**

DATE: March 24, 2009

TO: Honorable Mayor and Members of the City Council

FROM: Timothy Steenson, Development Services Manager/Building Official

SUBJECT: Adoption of Resolution 2009-21: A Resolution of the City Council of the City of Banning establishing the Building Standards Administration Special Revolving Fund (BSASRF) fee applicable to all developments in the City of Banning in accordance with California Health and Safety Code Section 18931.6.

RECOMMENDATION:

Staff recommends the City Council adopt Resolution No. 2009-21, establishing the Building Standards Administration Special Revolving Fund fee applicable to all developments in the City of Banning.

JUSTIFICATION:

It is essential to adopt this resolution in order to comply with California Health and Safety Code Section 18931.6 recently adopted by the State of California.

BACKGROUND:

The state legislature adopted Senate Bill 1473 during its regular session on September 2, 2008, mandating cities, that require the issuance of a permit as a condition precedent to the construction, alteration, improvement, demolition, or repair of any building, to collect a fee for deposit in the state Building Standards Commission's Building Standards Administration Special Revolving Fund (BSASRF).

The BSASRF will be used for expenditures in carrying out provisions that relate to building standards, with emphasis placed on the development, adoption, publication, updating, and educational efforts associated with green building standards.

The proposed Resolution will establish this fee as indicated below:

Four dollars (\$4) per one hundred thousand dollars (\$100,000) in valuation, as determined by the local building official, with appropriate fractions thereof, but not less than one dollar (\$1).

<u>Permit Valuation</u>	<u>BSASRF Fee</u>
\$0 - \$25,000	\$1.00
\$25,001 - \$50,000	\$2.00
\$50,001 - \$75,000	\$3.00
\$75,001 - \$100,000	\$4.00

FISCAL DATA:

If approved, the new fees will be effective immediately.

RECOMMENDED BY:



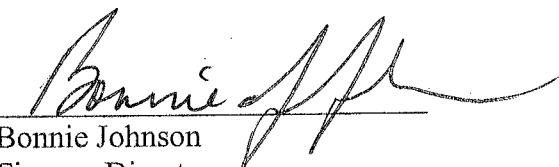
Timothy Steenson
Development Services Manager/Building Official

REVIEWED BY:



Matthew C. Bassi, Interim
Community Development Director

REVIEWED BY:



Bonnie Johnson
Finance Director

APPROVED BY:



Brian Nakamura
City Manager

Attachment:

1. Resolution No. 2009-21

G:\Planning\Blgd Standards Admin\STF RPT 2009-21(2)

ATTACHMENT 1

RESOLUTION NO. 2009-21

RESOLUTION NO. 2009-21

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF BANNING ESTABLISHING THE
BUILDING STANDARDS ADMINISTRATION
SPECIAL REVOLVING FUND (BSASRF) FEE
ADOPTED BY THE STATE OF CALIFORNIA.**

WHEREAS, the legislature of the State of California did pass Senate Bill No. 1473, in their 2008 session, establishing the Building Standards Administration Special Revolving Fund; and

WHEREAS, The City of Banning (“City”) requires the issuance of a permit as a condition precedent to the construction, alteration, improvement, demolition or repair of any building or structure; and

WHEREAS, Section 18931.6 (a) of the California Health and Safety Code requires that each city shall collect a fee from any applicant for a building permit; and

WHEREAS, Section 18931.6 (b) of the California Health and Safety Code allows that the City to retain not more than 10 percent of the fees collected for administrative costs and for code enforcement education; and

WHEREAS, Section 18931.6 (b) of the California Health and Safety Code further requires the City to transmit the remainder of the fees to the Building Standards Commission for deposit in the Building Standards Administration Special Revolving Fund established under Section 19831.7 of the California Health and Safety Code; and

WHEREAS, the fees collected pursuant to this Resolution shall be used for expenditures that relate to building standards, with emphasis placed on the development, adoption, publication, updating, and educational efforts associated with green building standards; and

WHEREAS, the levying of BSASRF has been reviewed by the City Council and staff in accordance with the California Environmental Quality Act (“CEQA”) and the CEQA Guidelines and it has been determined that the adoption of this resolution is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

NOW, THEREFORE, the City Council of the City of Banning does resolve as follows:

SECTION 1. Findings. The recitals set forth above are hereby adopted as findings in support of this Resolution.

SECTION 2. BSASRF Fee Schedule. In accordance with Section 18931 (b) of the California Health and Safety Code, the following fee schedule is hereby adopted for the BSASRF.

Four dollars (\$4) per one hundred thousand dollars (\$100,000) in valuation, as determined by the City’s building official, with appropriate fractions thereof, but not less than one dollar (\$1).

SECTION 3. CEQA Findings. The City Council hereby finds that in accordance with the California Environmental Quality Act ("CEQA") and the CEQA Guidelines the adoption of this Resolution is exempt from CEQA pursuant to Section 15061(b)(3).

SECTION 4. Effective Date. This Resolution shall become effective immediately upon approval by the City Council.

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

Robert E. Botts, Mayor
City of Banning

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

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

ATTEST:

Marie A. Calderon, City Clerk
City of Banning

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2009-21, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 24th day of March 2009, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Marie A. Calderon, City Clerk
City of Banning

**CITY COUNCIL AGENDA
CONSENT ITEM**

DATE: March 24, 2009

TO: Honorable Mayor and City Council

FROM: Duane Burk, Director of Public Works

SUBJECT: Resolution No. 2009-22, "Authorizing an Appropriation of Funds for the Engine Repair of Transit Buses, Unit Nos. 217 and 221"

RECOMMENDATION: The City Council adopt Resolution No. 2009-22, "Authorizing an Appropriation of Funds for the Engine Repair of Transit Buses, Unit Nos. 217 and 221" in an amount "Not to Exceed" \$27,228.88 from the Fleet Maintenance Fund to Account No. 702-3800-480.30-05.

JUSTIFICATION: In order to maintain current operations and funding, and to sustain existing bus route schedules, the repair of these units is required.

BACKGROUND: The Fleet Maintenance Division is responsible for the maintenance and repair of all City vehicles and equipment, along with Transit and Dial-a-Ride vehicles. Currently, the City's Transit Division has two El Dorado 32 passenger buses, Unit No. 217 which is a 1999 model and Unit No. 221 which is 2005 model, that are in need of repair. The buses cannot be driven without repairs which include having both engines rebuilt. The necessity of repairs is imperative considering routes cannot be shutdown without jeopardizing funding obtained from various sources including the Riverside County Transportation Commission (RCTC), the State Transit Administration, local transit funds, and revenues from fare boxes. In consideration of the Fleet Maintenance Division's demanding work schedules and due to the time consuming nature of these repairs, staff determined it would be more efficient and cost effective to contract out these services.

Staff solicited bids from various companies including A-Z Bus Service Center, Cummins Cal Pacific, LLC and RDO Equipment Company. Two bids were received for Unit No. 217, which has a Cummins engine, and are attached as Exhibit "A" and two bids were received for Unit No. 221, which has a John Deere engine, and are attached as Exhibit "B". A-Z Bus Service Center, a company that was founded in 1976 and has successfully done business with the City in the past, submitted the lowest bids. A-Z Bus Service Center is also certified to perform maintenance work and repairs on both the Cummins and John Deere engines that are installed in Unit Nos. 217 and 221, respectively. Based on the two quotes received from A-Z Bus Service Center, staff requests that the funds be appropriated and made available for said repairs which include labor, parts, and miscellaneous services in an amount "Not to Exceed" \$27,228.88. The rebuilt engines both include a 90 day labor warranty. Warranties on parts will vary and depend on the manufacturer.

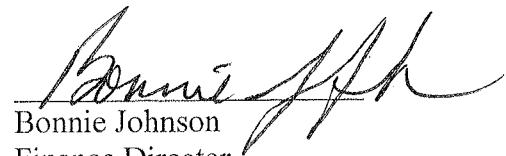
FISCAL DATA: An appropriation of funds is requested from the Fleet Maintenance Fund to Account No. 702-3800-480.30-05 (Contract Svc Repair/Maintenance-Vehicles) in an amount of \$27,228.88. The current Fleet Maintenance Fund balance is approximately \$139,329.00.

RECOMMENDED BY:



Duane Burk
Director of Public Works

REVIEWED BY:



Bonnie Johnson
Finance Director

APPROVED BY:



Brian Nakamura
City Manager

RESOLUTION NO. 2009-22

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING,
CALIFORNIA, AUTHORIZING AN APPROPRIATION OF FUNDS FOR THE ENGINE
REPAIR OF TRANSIT BUSES, UNIT NOS. 217 AND 221**

WHEREAS, the City's Transit Department has two El Dorado 32 passenger buses, Unit No. 217 which is a 1999 model and Unit No. 221 which is a 2005 model, that cannot be driven without repairs which include having both engines rebuilt; and

WHEREAS, the necessity of repairs is imperative considering routes cannot be shutdown without jeopardizing funding obtained from various sources including the Riverside County Transportation Commission (RCTC), the State Transit Administration, local transit funds, and revenues from fare boxes; and

WHEREAS, with consideration of the Fleet Division's demanding work schedules and due to the time consuming nature of these repairs, staff determined it would be more efficient and cost effective to contract out these services; and

WHEREAS, staff solicited bids from various companies including A-Z Bus Service Center, Cummins Cal Pacific, LLC and RDO Equipment Company; and

WHEREAS, two bids were received for Unit No. 217, which has a Cummins engine, and are attached as Exhibit "A" and two bids were received for Unit No. 221, which has a John Deere engine, and are attached as Exhibit "B".

WHEREAS, A-Z Bus Service Center, a company that was founded in 1976 and has successfully done business with the City in the past, submitted the lowest bids and is certified to perform maintenance work and repairs on said buses; and

WHEREAS, staff requests that the funds be appropriated and made available for said repairs; and

WHEREAS, the rebuilt engines both include a 90 day labor warranty and warranties on parts will vary and depend on the manufacturer.

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

Section I. Authorize an appropriation of \$27,228.88 from the Fleet Maintenance Fund to Account No. 702-3800-480.30-05 (Contract Svc. Repair/Maintenance-Vehicles).

Section II. Authorize the Director of Finance to make necessary budget adjustments related to these funds.

PASSED, APPROVED AND ADOPTED this 24th day of March 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

EXHIBIT “A”

Quotes for Unit 217 were obtained from companies certified to perform repairs and maintenance on Cummins engines.

A-Z BUS SERVICE CENTER
1900 S. RIVERSIDE AVENUE
COLTON CA. 92324

951-781-1850

*SERVICE DEPARTMENT
ESTIMATE OF REPAIRS*

LAROCHE

OLD PARTS REMOVED FROM TRUCKS WILL BE SCRAPED UNLESS OTHERWISE INSTRUCTED IN WRITING.

THE ABOVE IS AN ESTIMATE BASED ON OUR INSPECTION AND DOES NOT COVER ADDITIONAL PARTS OR LABOR.

WHICH MAY BE REQUIRED AFTER THE WORK HAS BEEN OPENED UP, OCCASIONALLY AFTER WORK

WORN OR DAMAGED PARTS ARE DISCOVERED WHICH ARE NOT

LABOR RATE \$10.00	LABOR	\$6,240.00
WRITING	PARTS	\$5,176.49
AL. PARTS OR LABOR, WORK HAS STARTED,	SUBLET	\$595.30
ON,	MISC.	\$20.00
	Haz waste	\$10.00
	TAX	\$402.73

SIGNATURE X _____ DATE _____

GRAND TOTAL \$12,444.52

ESTIMATED BY RUBEN

AUTHORIZED AND ACCEPTED

DATE



**Cummins
Cal Pacific, LLC**

MATERIAL RETURNED FOR CREDIT OR EXCHANGE MUST
SHOW THIS INVOICE NUMBER. ALL MATERIAL RETURNED
FOR CREDIT SUBJECT TO 15% HANDLING CHARGE.

BLOOMINGTON
3061 S. RIVERSIDE
BLOOMINGTON, CA 92316-
(909)877-0433

INVOICE NO
ESTIMATE
REMIT TO: P.O. BOX 513017 LOS ANGELES, CA 90061-1017

BILL TO
CITY OF BANNING
FINANCE DEPT.
P.O. BOX 998
BANNING, CA 92220-

OWNER
CITY OF BANNING
FINANCE DEPT.
P.O. BOX 998
BANNING, CA 92220-
TERRY DUNN - 909 9223291

PAGE 1 OF 1

*** CHARGE ***

DATE	CUSTOMER ORDER NO.	DATE IN SERVICE	ENGINE MODEL	PUMP NO.	EQUIPMENT MAKE
16-MAR-2009 08:51AM		17-FEB-1999	GC8.3BUS-250		EL DORADO
CUSTOMER NO.	SHIP VIA	FAIL DATE	ENGINE SERIAL NO.	CPL NO.	EQUIPMENT MODEL
99236	ORLG EST	30-JAN-2009	45789563	CPL248600	ESCORT RE

REF. NO.	SALESPERSON	PARTS DISP.	MILEAGE/HOURS	PUMP CODE	UNIT NO.
98994				03929964	217

QUANTITY ORDERED	PACK ORDERED	QUANTITY SHIPPED	PART NUMBER	DESCRIPTION	PRODUCT CODE	UNIT PRICE	AMOUNT
CSN/MSN/VIN	CO84137						

COMPLAINT IN-FRAME OVERHAUL ESTIMATE INCLUDES SIX PISTON KITS, CYLINDER HEAD, ROD & MAIN BEARINGS, ALL SPARK PLUGS.

951 922 9482 ATTN: TERRY

PARTS:	0.00
PARTS COVERAGE CREDIT:	0.00CR
TOTAL PARTS:	0.00
SURCHARGE TOTAL:	0.00
LABOR:	16,500.00
LABOR COVERAGE CREDIT:	0.00CR
TOTAL LABOR:	16,500.00
MISC.:	1,700.00
MISC. COVERAGE CREDIT:	0.00CR
TOTAL MISC.:	1,700.00
MISC. CHARGE	1,000.00
TOWING	700.00
SALES TAX	77.50

THANK YOU! WE APPRECIATE YOUR BUSINESS.
VISIT US AT WWW.CUMMINSCALPACIFIC.COM

Completion date : 03-Feb-2009 09:04AM. Estimate expires : 01-Mar-2009 09:04AM.

BAR# AL225033

TERMS: NET 30 UNLESS OTHERWISE SPECIFIED. A SERVICE CHARGE OF 1 AND 1/2% PER MONTH (EFFECTIVE RATE OF 18% PER ANNUM) WILL BE CHARGED ON PAST DUE ACCOUNTS. PLEASE CONTACT THE CCP SHIPPING BRANCH FOR ANY QUESTIONS REGARDING THIS INVOICE.

SUB TOTAL: 17,200.00

TOTAL TAX: 77.50

TOTAL AMOUNT: US \$ 17,277.50

AUTHORIZED BY: _____

DATE: _____

EXHIBIT “B”

Quotes for Unit 221 were obtained from companies certified to perform repairs and maintenance on John Deere engines.

unit 221

A-Z BUS SERVICE CENTER
1900 S. RIVERSIDE AVENUE
COLTON CA, 92324

951-781-1850

SERVICE DEPARTMENT
ESTIMATE OF REPAIRS

OWNER CITY OF BANNING

DATE 2/25/2009

PHONE

FAX

CONTACT TERRY

ENVOICE QUOTE

MODEL BLUE BIRD

ENGINE JOHN DEERE 8.1 CNG

MILES

SERIAL# RG6081H233942

UNIT# 5YYA376

LABOR RATE \$104

LABOR	\$5,200.00
PARTS	\$8,840.00
SUBLET	\$0.00
MISC.	\$5.00
ENVIORMENT	\$50.00
TAX	\$689.36

OLD PARTS REMOVED FROM TRUCKS WILL BE SCRAPPED UNLESS OTHERWISE INSTRUCTED IN WRITING

THE ABOVE IS AN ESTIMATE BASED ON OUR INSPECTION AND DOES NOT COVER ADDITIONAL PARTS OR LABOR, WHICH MAY BE REQUIRED AFTER THE WORK HAS BEEN OPENED UP. OCCASIONALLY AFTER WORK HAS STARTED, WORN OR DAMAGED PARTS ARE DISCOVERED WHICH ARE NOT EVIDENT ON FIRST INSPECTION. BECAUSE OF THIS, THE ABOVE PRICES ARE NOT GUARANTEED.

SIGNATURE X

DATE

GRAND TOTAL \$14,784.36

ESTIMATED BY RUBEN

AUTHORIZED AND ACCEPTED

DATE



RDO Equipment Co.
20 Iowa Avenue
Riverside, CA 92507

Service Manager: RV.Service@rdoequipment.com
General Manager: RV.GenMgr@rdoequipment.com
www.rdoequipment.com

Phone: 951-778-3700 • Fax: 951-778-3746

Ship to:

CITY OF BANNING
FINANCE DEPARTMENT
PO BOX 998
BANNING CA 922200988

Invoice to:

CITY OF BANNING
FINANCE DEPARTMENT
PO BOX 998
BANNING CA 922200988

Branch			
Date	Time	Page	
03/16/2009	9:13:04 (O)		2
Account No.	Phone No.	Estimate No.	
3291005	9519223291	003956	
Ship Via	Purchase Order		
	022394		
		Salesperson	JGO

ESTIMATE EXPIRY DATE: 04/15/2009

SERVICE ESTIMATE

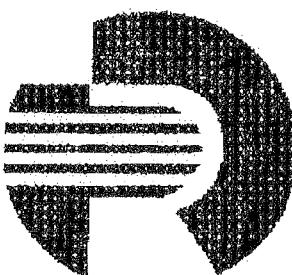
Authorization: _____

Tax: 905.19
TOTAL: 17585.04

Quote # 221

NOT AN INVOICE

Note: ENGINE out of Bus for this
Quote. Would not repair
unless removed by us or
them (extra labor would
apply)



RDO[®]
EQUIPMENT CO.

NO Towing priced with this

Stocked parts can be returned within 30 days with copy of invoice. Special order parts \$20.00 and up may be returned within 30 days with copy of invoice. 20% restock charge will apply to all special order parts. All sales are final on special order non-returnable parts. All parts must be new, uninstalled and in original packaging. No returns on electrical components. No refunds on freight charges.

SIGNATURE

TERMS AND CONDITIONS: All invoices are due Net-20 days from the invoice date or in accordance with the terms of your account agreement. Please refer to your finance agreement for details.



RDO Equipment Co.
20 Iowa Avenue
Riverside, CA 92507

Phone: 951-778-3700 • Fax: 951-778-3748

Service Manager: RV.Service@rdoequipment.com
General Manager: RV.GenMngr@rdoequipment.com
www.rdoequipment.com

Ship to:
CITY OF BANNING
FINANCE DEPARTMENT
PO BOX 998
BANNING CA 922200988

Invoice to:
CITY OF BANNING
FINANCE DEPARTMENT
PO BOX 998
BANNING CA 922200988

Branch		
RV - RIVERSIDE, CA		
Date	Time	Page
03/16/2009	9:13:04 (O)	1
Account No.	Phone No.	Estimate No.
3291005	9519223291	003956
Ship Via	Purchase Order	
	022394	
		Salesperson
		JGO

ESTIMATE EXPIRY DATE: 04/15/2009

SERVICE ESTIMATE

Stock #: CUSTSTK

MS #: CUST. STOCK

Make: JD Model: 6081

Is to have the following work done by 03/25/2009 (Estimated)

REBUILD 6081 ENGINE NATURAL GAS

TEARDOWN INSTALL PISTONS LINERS, REMAN WATER PUMP, REMAN TURBO, REM CYLINDER HEAD AND TELL NEW BEARING AND GASKET

REASSEMBLY THIS IS BASED ON CUSTOMER INFO

NOTICE: PRICES ARE ONLY AN ESTIMATE AND ARE SUBJECT TO CHANGE IF ADDITIONAL PARTS OR LABOR ARE REQUIRED DURING THE REPAIR. IF FURTHER ITEMS ARE NEEDED YOU WILL BE NOTIFIED BEFORE ANY EXTRA WORK IN ADDITION TO THIS ESTIMATE IS PERFORMED. THIS ESTIMATE DOES NOT INCLUDE ANY UNDISCLOSED ADDITIONAL REPAIRS THAT MAY NOT BE DISCOVERED UNTIL TEARDOWN OF THE MACHINE WHICH MAY RESULT IN THE REQUIREMENT OF EXTRA PARTS AND LABOR FROM THE ITEMS LISTED ABOVE. FREIGHT CHARGES ARE SUBJECT TO CHANGE AS THEY ARE INCURRED.

ESTIMATE

Part#	Description	Qty	Price	Amount
RE516782	KIT	16	362.10	2172.60
R525767	BUSHING	6	12.25	73.50
RE529319	BEARING	6	26.84	161.04
RE529320	THRUST BEARING	1	55.00	55.00
R87561	BUSHING	4	20.33	81.32
RE521502	WATER PUMP	1	315.00	315.00
RE533607	SPARK PLUG	6	62.15	372.90
RE527549	GASKET KIT	1	395.00	395.00
RE532788	TURBOCHARGER	1	2503.49	2503.49
RE503996	CYLINDER HEAD	1	5550.00	5550.00

Parts: 11679.85
Labor: 5000.00

Stocked parts can be returned within 30 days with copy of invoice. Special order parts \$20.00 and up may be returned within 30 days with copy of invoice. 20% restock charge will apply to all special order parts. All sales are final on special order non-returnable parts. All parts must be new, uninstalled and in original packaging. No returns on electrical components. No refunds on freight charges.

SIGNATURE

TERMS AND CONDITIONS: All invoices are due Net-20 days from the invoice date or in accordance with the terms of your account agreement. Please refer to your finance agreement for details.

**CITY COUNCIL AGENDA
CONSENT CALENDAR**

Date: **March 24, 2009**

TO: **City Council**

FROM: **Bonnie Johnson, Finance Director**

SUBJECT: **Budget Reductions for 2008-09**

RECOMMENDATION: "The City Council adopt Resolution No. 2009-23, A Resolution of the City Council of the City of Banning authorizing 2008-09 expenditure line item reductions as reflected on Attachments "A" and "B"."

JUSTIFICATION: At a special Council workshop on January 28, 2009 the Council directed staff to move forward with reducing expenditures across the board; both in the current year and in the 2009-10 fiscal year. On March 10th staff presented a summary of recommended budget reductions for 2008-09. This action will formally amend the budget to incorporate these reductions.

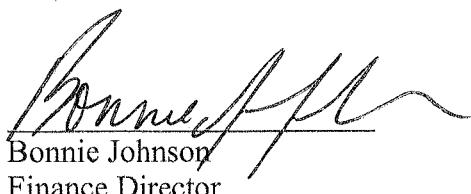
BACKGROUND & ANALYSIS: As reported to Council in its January 28, 2009 workshop, for the past three years, the City's General Fund expenditures would have exceeded the General Fund revenues if there had not been one-time revenue sources and/or one-time salary savings from vacant positions to offset this. In addition with the recent drastic downturn in the economy, the City's existing tax revenue bases, primarily sales tax, property tax and transient occupancy tax, have seen significant declines. These sources of revenue are the main source for many City services.

In response to the fiscal situation, the City Council directed staff to move forward with cutting up to \$2.9 million in recurring expenditures from the General Fund budget in 2009-10 as well as identifying other areas that could be reduced for the remainder of the current fiscal year. The projected annual structural deficit for the General Fund is approximately \$5.5 million. Although the City's General Fund is the main focus, expenditure reductions are being recommended Citywide in that the drastic downturn in the economy has affected all City operations.

Amongst the direction from the Council was to reduce City's bottom line (non-payroll) expenses by a minimum of 5% in 2009-10, but also immediately reduce current year expenses where possible. The Current year reductions were presented on March 10, 2009 and conceptually approved by Council. This action will formally amend the current year budget line items to incorporate the reductions.

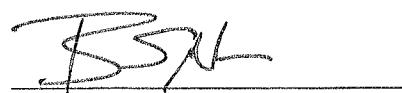
FISCAL IMPACT: The estimated General Fund costs savings for 2008-09 \$248,473. The estimated savings in other City operational funds for 2008-09 is \$207,007.

RECOMMENDED BY:



Bonnie Johnson
Finance Director

APPROVED BY:



Brian Nakamura
City Manager

RESOLUTION NO. 2009-23

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING
AUTHORIZING 2008-09 EXPENDITURE LINE ITEM REDUCTIONS AS
REFLECTED ON ATTACHMENTS "A" AND "B"**

WHEREAS, the City of Banning adopts a fiscal year budget prior to July 1st each year; and

WHEREAS, the City is facing challenging economic times and the City Council desires to cut certain previously authorized appropriations from the budget;

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

1. City Council approves reductions to the City's budget as detailed on Attachments "A" and "B" to this resolution.

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

Robert E. Botts, Mayor
City of Banning

APPROVED AS TO FORM AND
LEGAL CONTENT:

Aleshire & Wynder, LLP
City Attorney

ATTEST:

Marie A. Calderon, City Clerk

CERTIFICATION

I, MARIE A. CALDERON, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2009-23 was duly adopted by the City Council of the City of Banning at a regular meeting thereof held on the 24th day of March, 2009 by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

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

CITY OF BANNING
General Fund
2008-09 Budget Reductions

Attachment A

		Cost Reduction	Department Total
City Manager			
Staff Training	001-1200-412-23.06	(15,000)	
General expenses	001-1200-412-23.47	(1,500)	
Professional Services	001-1200-412-33.11	(5,000)	
Professional Services (1)	001-1200-412-33.11	<u>52,500</u>	<u>31,000</u>
Human Resources			
Advertising/Publishing	001-1300-412-23.01	<u>(14,700)</u>	<u>(14,700)</u>
City Clerk			
Staff Training	001-1400-412-23.06	<u>(350)</u>	<u>(350)</u>
Elections			
County Election Service	001-1500-412.33.71	<u>(6,170)</u>	<u>(6,170)</u>
Finance			
Fiscal Services			
Postage	001-1900-412-23.04	(100)	
Travel/Conferences	001-1900-412-23.05	(437)	
Staff Training	001-1900-412-23.06	(500)	
Contract Emp. Svc.	001-1900-412-23.27	(5,000)	
Purchasing			
Travel/Conferences	001-1910-412-23.05	(500)	
Departmental Supplies	001-1910-412-36.00	<u>(500)</u>	<u>(7,037)</u>
Fire			
Fire Suppression Services (2)	001-2400-422-33.93	<u>(100,825)</u>	<u>(100,825)</u>
Community Development			
Building and Safety			
Misc Contract Services	001-2700-442-23.07	(500)	
Professional Services	001-2700-442-33.11	(3,394)	
Planning			
Advertising/Publishing	001-2800-441-23.01	(1,000)	
Dues/Subscriptions	001-2800-441-23.02	(750)	
Environmental Review	001-2800-441-33.05	(10,000)	
Departmental Supplies	001-2800-441-36.00	<u>(300)</u>	<u>(15,944)</u>

CITY OF BANNING
General Fund
2008-09 Budget Reductions

Attachment A

	Cost Reduction	Department Total
Public Works		
Engineering		
Advertising/Publishing	001-3000-442-23.01	(700)
Dues/Subscriptions	001-3000-442-23.03	(1,500)
Travel/Conferences	001-3000-442-23.05	(1,700)
Staff Training	001-3000-442-23.06	(4,600)
Misc Contract Services	001-3000-442-23.07	(4,000)
Mileage Reimbursement	001-3000-442-25.05	(250)
Professional Services	001-3000-442-33.11	(5,500)
Departmental Supplies	001-3000-442-36.00	(1,000)
Computer Hardware	001-3000-442-89.48	(1,250)
Computer Hardware	001-3000-442-90.48	(4,500)
Building Maintenance		
Repair/Maint - Bldgs	001-3200-412-30.02	(17,545)
Custodial Services	001-3200-412-33.18	(7,564)
Parks		
Alarm services	001-3600-461-23.19	(117)
Uniform Purchases	001-3600-461-23.19	(170)
Repair/Maint - bldgs	001-3600-461-30.02	(1,166)
Repair/Maint - equip.	001-3600-461-30.06	(220)
Repair/Maint - fencing	001-3600-461-30.07	(300)
Repair/Maint - radios	001-3600-461-30.08	(60)
Repair/Maint - irrigation	001-3600-461-30.16	(1,000)
Equipment Rent	001-3600-461-32.05	(250)
Departmental Supplies	001-3600-461-36.00	(785)
Food/meal costs	001-3600-461-36.07	(250)
Fertilizer	001-3600-461-36.10	(750)
Herbicides	001-3600-461-36.57	(500)
Repair/Maint - supplies	001-3600-461-38.50	(200)
Graffiti Paint	001-3600-461-38.54	(200)
Licenses, Permits, Fees	001-3600-461-41.04	(30) <u style="text-decoration: underline;">(56,107)</u>
Central Services		
Interfund Transfers - Gas Tax	001-4500-412-56.04	<u>(78,340)</u> <u>(78,340)</u>
Grand Total of General Fund Requests		<u>(248,473)</u>

(1) reallocated \$52,500 to fund UUT Consultant

(2) savings from open Fire Marshall position

CITY OF BANNING
Other Funds
(Non- General Fund)
2008-09

Attachment B

	Budget Reductions	Cost Reduction	Department Total
Public Works			
Gas Tax -Streets			
Advertising/Publishing	100-4900-431-23.01	(125)	
Printing/Binding	100-4900-431-23.02	(50)	
Dues/Subscriptions	100-4900-431-23.03	(50)	
Postage/Mailing	100-4900-431-23.04	(50)	
Travel/Conferences	100-4900-431-23.05	(500)	
County Dump Fees	100-4900-431-23.11	(150)	
Inmate Labor Costs	100-4900-431-23.12	(100)	
Tree Trimming	100-4900-431-23.17	(1,480)	
Contract Striping	100-4900-431-23.18	(2,000)	
Pest Eradication	100-4900-431-23.24	(75)	
Hazardous Materials	100-4900-431-23.25	(25)	
Repair/Maint - Equip.	100-4900-431-30.06	(200)	
Repair/Maint - Radios	100-4900-431-30.08	(100)	
Repair/Maint - Sidewalks	100-4900-431-30.13	(15,000)	
Departmental Supplies	100-4900-431-36.00	(1,900)	
Herbicides	100-4900-431-36.57	(500)	
Graffiti Paint	100-4900-431-38.54	(1,025)	
Bituminous Materials	100-4900-431-38.58	(5,000)	
Other Street Materials	100-4900-431-38.59	(50,000)	
Licenses, Permits, Fees	100-4900-431-41.04	(10)	
Airport			
Advertising/Publishing	600-5100-435-23.01	(300)	
Postage/Mailing	600-5100-435-23.04	(15)	
Travel/Conferences	600-5100-435-23.05	(1,000)	
Repair/Maint - Grounds	600-5100-435-30.01	(750)	
Repair/Maint - Bldgs	600-5100-435-30.02	(1,000)	
Repair/Maint - Radios	600-5100-435-30.08	(25)	
Departmental Supplies	600-5100-435-36.00	(300)	
Oils, Lubricants	600-5100-435-36.14	(45)	
Licenses, Permits, Fees	600-5100-435-41.04	(1,100)	
Fleet			
Printing/Binding	702-3800-480-23.02	(150)	
Postage/Mailing	702-3800-480-23.04	(250)	
Staff Training	702-3800-480-23.06	(500)	
Contracted Refuse Service	702-3800-480-23.10	(300)	
Recycling Services	702-3800-480-23.49	(2,250)	
Uniform Purchases	702-3800-480-25.02	(220)	
Repair/Maint - Bldgs	702-3800-480-30.02	(1,500)	

CITY OF BANNING
Other Funds
(Non- General Fund)
2008-09

Attachment B

Budget Reductions	Cost Reduction	Department Total
Repair/Maint - Equip. 702-3800-480-30.06	(1,300)	
Repair/Maint - Radios 702-3800-480-30.08	(62)	
Departmental Supplies 702-3800-480-36.00	(2,500)	
Licenses, Permits, Fees 702-3800-480-23.02	(1,500)	<u>(93,407)</u>
 Electric Fund		
Power Resources Costs 670-7010-473-27.02	(25,000)	
RPU Expense 670-7010-473-27.06	(50,000)	
State Power Charge 670-7010-473-27.08	(5,000)	
Legal Services -energy 670-7010-473-33.02	(20,000)	<u>(100,000)</u>
 Redevelopment		
Low/Mod Housing		
Advertising/Publishing 810-9700-490-23.01	(250)	
Printing/Binding 810-9700-490-23.02	(750)	
Dues/Subscriptions 810-9700-490-23.03	(1,000)	
Postage/Mailing 810-9700-490-23.04	(250)	
 Project Fund (tax increment)		
Code enforcement		
Misc Contract Services 860-9270-490-23.07	(1,250)	
Departmental Supplies 860-9270-490-36.00	(3,600)	
 Administration		
Advertising/Publishing 850-9200-490.23.01	(2,000)	
Printing/Binding 850-9200-490.23.02	(500)	
Dues/Subscriptions 850-9200-490.23.03	(2,000)	
Staff Training 850-9200-490.23.06	(1,000)	
Food/meal costs 850-9200-490.36.07	(1,000)	<u>(13,600)</u>
 Grand Total of Other Fund Reductions		<u>(207,007)</u>

**CITY COUNCIL AGENDA
CONSENT ITEMS**

Date: March 24, 2009

TO: City Council

FROM: Heidi Meraz, Community Services Director

SUBJECT: Resolution No. 2009-25, A Resolution of the City Council of the City of Banning Authorizing the City Manager or his Designee to Execute For and On Behalf of the City of Banning any actions necessary for the purpose of obtaining Financial Assistance Provided by the Governor's Office of Homeland Security.

RECOMMENDATION:

- I. Adopt Resolution No. 2009-25 authorizing the execution of Appendix C, Governing Body Resolution, of the FY08-09 California Transit Security Grant Program and California Transit Assistance Fund (CTSGP-CTAF) Application

JUSTIFICATION: Resolution No. 2009-25 is required to obtain funding made available by Proposition 1B, titled "Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006".

BACKGROUND: In the 2008/09 – 2010-Short Range Transit Plan (SRTP) of Banning Pass Transit, funding was requested in the amount of \$50,000 for Security Cameras on Buses. The funding will allow repair of cameras presently on board the transit buses, purchase or a viewing station to monitor activity of the buses and install cameras on board the buses that do not have any.

The upgrade and installation of cameras on buses and a monitoring station will help improve security on board transit buses, monitor suspicious activity and assist in reducing claims against the city for incidents that occur.

Staff has received notification from The California Emergency Management Agency (CalEMA) that this project meets program guidelines and is eligible for Prop 1B funding. The application for funding must be submitted with a Governing Body Resolution.

FISCAL DATA: None

RECOMMENDED BY:

Meraz
Heidi Meraz
Community Services Director

REVIEWED BY:

Bonnie J. Johnson
Bonnie Johnson
Finance Director

APPROVED BY:

Brian Nakamura
Brian Nakamura
City Manager

RESOLUTION NO. 2009-25

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING,
CALIFORNIA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO
EXECUTE FOR AND ON BEHALF OF THE CITY OF BANNING ANY ACTIONS
NECESSARY FOR THE PURPOSE OF OBTAINING FINANCIAL ASSISTANCE
PROVIDED BY THE GOVERNOR'S OFFICE OF HOMELAND SECURITY**

WHEREAS, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, was passed by the voters in November 2006, included a \$1 billion fund for Transit System Safety, Security and Disaster Response Account; and

WHEREAS, the Governor's Office of Homeland Security created the California Transit Security Grant Program—California Transit Assistance Fund (CTSGP-CTAF) from the Proposition 1B account; and

WHEREAS, eligible projects for the CTSGP-CTAF funds are capital projects that provide increased protection against a security or safety threat; and

WHEREAS, the Governor's Office of Homeland Security requests that the governing body of the City of Banning, the City Council, authorize a designated agent within the City to execute any actions necessary for the purposes of obtaining financial assistance from the above fund source.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Banning authorizes the execution of Appendix C, Governing Body Resolution, FY08/09 Transit System Safety, Security and Disaster Response Account Program designating the City Manager or his designee authority to execute any actions necessary for the purposes of obtaining financial assistance from the above source.

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

Robert E. Botts, Mayor

ATTEST:

Marie A. Calderon, City Clerk

APPROVED AS TO FORM
AND LEGAL CONTENT:

David J. Aleshire, City Attorney

Aleshire & Wynder, LLP

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2009-25, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 24th day of March, 2009, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Appendix C
Governing Body Resolution
**FY08/09 Transit System Safety, Security and
Disaster Response Account Program**

BE IT RESOLVED BY THE _____
(Governing Body)

OF THE _____ *THAT*
(Name of Applicant)

OR

_____ (Name or Title of Authorized Agent)

OR

_____ (Name or Title of Authorized Agent)

_____ (Name or Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the named applicant, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining financial assistance provided by the Governor's Office of Homeland Security.

Passed and approved this _____ day of _____, _____
20

Certification

I, _____, duly
appointed and
(Name)

_____ of the _____
(Title) (Governing Body)

do hereby certify that the above is a true and correct copy of a resolution passed and approved by

the _____ of the _____ on the
(Governing body) (Name of Applicant)

_____ day of _____,
20 _____

_____ (Official Position)

_____ (Signature)

_____ (Date)

Instruction Sheet for the Governing Body Resolution

Purpose The purpose of the Governing Body Resolution is to appoint individuals to act on behalf of the governing body and the OA.

Authorized Agent(s) The Governing Body Resolution allows for the appointment of individuals or positions. For each person or position appointed by the governing body, submit the following information, with the resolution, to State OES on the applicant's letterhead:

<input type="checkbox"/> Jurisdiction	<input type="checkbox"/> Telephone
<input type="checkbox"/> Grant Program	<input type="checkbox"/> Fax #
<input type="checkbox"/> Name	<input type="checkbox"/> Cell Phone #
<input type="checkbox"/> Title	<input type="checkbox"/> E-Mail Address
<input type="checkbox"/> Address	
<input type="checkbox"/> City	
<input type="checkbox"/> Zip Code	

Authorized Agent Changes

- If the Governing Body Resolution identified Authorized Agents by position and/or title, changes can be made by submitting new Authorized Agent information to State OES, as indicated above.
- If the Governing Body Resolution identified Authorized Agents by name, a new Resolution is needed when any changes are made. The information list above must also be submitted with the new Resolution.

**CITY COUNCIL AGENDA
CONSENT ITEM**

DATE: March 24, 2009

TO: Honorable Mayor and City Council

FROM: Duane Burk, Director of Public Works

SUBJECT: Resolution No. 2009-26, "Authorizing Western Riverside Council of Governments to Submit an Application for the Transportation Planning Grant Program on behalf of the City of Banning

RECOMMENDATION:

- I. Adopt Resolution No. 2009-26, "Authorizing Western Riverside Council of Governments to Submit an Application for the Transportation Planning Grant Program on behalf of the City of Banning" in order to develop a comprehensive study to encourage an environmental friendly transport sector.
- II. Authorize the City Engineer to execute the application and have Western Riverside Council of Governments submit the application to California Department of Transportation (CALTRANS).

JUSTIFICATION: In order to be considered as a recipient for grant funding, it is necessary for the City Council to authorize the execution of the grant application, and its subsequent submittal to CALTRANS.

BACKGROUND: The California Department of Transportation (Caltrans) is accepting applications for Fiscal year 2009-2010 Transportation Planning Grant Programs. Transportation Planning Grants are intended to promote a balanced, comprehensive multi-modal transportation system. For the coming years a further rapid growth in freight transport demand is predicted, increasing the demand on the available land and transportation infrastructure in western Riverside County. Currently, four (4) major passageways: I-15, I-10, I-215 and I-60 freeways serve as key moving routes for freight through our region.

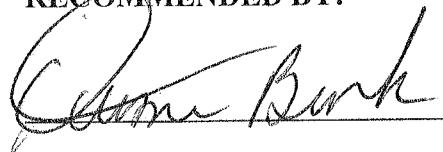
It is clear that one role the Inland Empire will play in Southern California's long term future will be to handle an increasing share of the region's goods production and distribution which will result in a continued increase in truck traffic. It is estimated that by 2010, 70% of traffic along these routes will consist of freight transportation directly resulting in the decrease of traffic speeds.

In order to encourage the implementation of advanced truck stop technology at existing and potential distribution centers and truck terminals, the study will take measures to develop a comprehensive analysis of the current and future effects of truck idling in western Riverside County related to the movement of freight. The project will include an outreach program and

study regarding the impact of idling car and truck engines. This project will support the efforts to demonstrate the potential public health, environmental, energy efficiency, and economic benefits of Advance Truck Stop Electrification (ATE), which offers significant reduction or altogether the elimination of extended periods of diesel engine idling at Distribution Centers and Truck Terminals.

FISCAL DATA: There is no fiscal impact.

RECOMMENDED BY:



Duane Burk
Director of Public Works

REVIEWED BY:



Bonnie Johnson
Director of Finance

APPROVED BY:



Brian Nakamura
City Manager

RESOLUTION NO. 2009-26

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA,
AUTHORIZING WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS TO SUBMIT AN
APPLICATION FOR THE TRANSPORTATION PLANNING GRANT PROGRAM ON
BEHALF OF THE CITY OF BANNING**

WHEREAS, the Western Riverside Council of Governments, hereinafter referred to as “WRCOG”, has been duly established by a joint powers agreement by and between certain local government agencies; and

WHEREAS, the California Department of Transportation, hereinafter referred to as “Caltrans” has issued a Notice of Funding Availability (NOFA) for Transportation Planning Grants for Community Based Transportation Planning to provide grant funds for coordinated transportation and land use planning that promotes public engagement, livable communities, and a sustainable transportation system which includes mobility, access, and safety; and

WHEREAS, the stakeholders for this program includes, but is not limited to the following entities: the City of Banning and participating jurisdictions; and

WHEREAS, WRCOG may act as the sub-recipient and may file for and administer a Community Based Transportation Planning Funds Grant Application with Caltrans.

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

Section I Adopt Resolution No. 2009-26, “Authorizing Western Riverside Council of Governments to Submit an Application for the Transportation Planning Grant Program on behalf of the City of Banning.”

Section II Authorize the City Engineer to execute the application and have Western Riverside Council of Governments submit the application to California Department of Transportation (CALTRANS).

PASSED, ADOPTED AND APPROVED this 24th day of March, 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. 2009-26 was adopted by the City Council of the City of Banning at the Regular Meeting thereof held on the 24th day of March, 2009.

AYES:

NOES:

ABSENT:

ABSTAIN:

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

**CITY COUNCIL AGENDA
CONSENT ITEM**

Date: March 24, 2009

TO: City Council

FROM: George Thacker, Assistant Public Utilities Director

SUBJECT: *Filing Notice of Completion for Vacuum Potholing Services for the Design and Engineering Criteria for the State Water Project Pipeline*

RECOMMENDATION: The City Council directs the City Clerk to record the *Notice of Completion* for the Vacuum Potholing Services for the Engineering Criteria for the State Water Project pipeline.

JUSTIFICATION: SAR-r-DIG Utility Surveys, Inc. has completed the vacuum potholing for determining the engineering design criteria for the proposed State Water Project Transmission Pipeline from the intersection of Noble Street and Noble Creek in the County of Riverside to Highland Springs Avenue in the northwest area of the City of Banning.

BACKGROUND: Staff signed a contract with SAR-r-DIG Utility Surveys, Inc. on July 21, 2009, in the amount of \$17,108.00 for the vacuum excavation of twenty potholes to verify depth and alignment of existing utilities, basic traffic control, backfilling with native material, and resurface with hot mix asphalt replacement. These services are necessary for the design and engineering criteria required by Metcalf & Eddy, the design engineering consultant, for the State Water Transmission Pipeline Project.

An amendment was signed with SAF-r-DIG on October 29, 2008, in the amount of \$4,277.00 for five additional potholes necessary to determine the location and depth of utilities not shown on the original map.

The proposed 36" State Water Project transmission pipeline is to be constructed from the Department of Water Resources (DWR) East Branch Extension (EBX) located at its present terminus at the intersection of Noble Street and Noble Creek in Cherry Valley to 800' south of the intersection of Brookside and Highland Springs Avenues within the Butterfield Specific Plan, Pardee Homes.

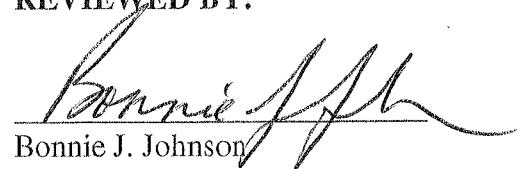
FISCAL DATA: The funds in the amount of \$21,385.00 for this contract were utilized from the FY 08-09 Water Capital Facilities Budget, State Water Line Account No. 661-6300-471-9628.

RECOMMENDED BY:



James D. Earhart
Electric Utility Director

REVIEWED BY:



Bonnie J. Johnson
Finance Director

APPROVED BY:



Brian Nakamura
City Manager

1 WHEN RECORDED MAIL TO:

2
3 City Clerk's Office
4 City of Banning
5 City Hall, 99 E. Ramsey Street
6 Banning, California 92220

7
8 FREE RECORDING:

9 Exempt Pursuant to
10 Government Code §6103

11
12
13 NOTICE OF COMPLETION

14 Vacuum Potholing for Design and Engineering Criteria for the State Water Project

15
16 THIS NOTICE OF COMPLETION IS HEREBY GIVEN by the City of Banning,
17 a municipal corporation, pursuant to the provisions of Section 3093 of the Civil Code of
18 the State of California, and is hereby accepted by the City of Banning pursuant to
19 authority conferred by the City Council this March 24, 2009, and the grantees consent to
20 recordation thereof by its duly authorized agent.

21
22 (1) That the OWNER, the City of Banning and SAF-r-DIG Utility Surveys,
23 Inc., the Contractor entered into a written Agreement dated July 21, 2008, for Vacuum
24 Potholing for Design and Engineering Criteria for the State Water Project ("Work of
25 Improvement"). The scope of work under this project was the vacuum excavation of
26 twenty five potholes to verify depth and alignment of existing utilities, basic traffic
27 control, backfilling with native material, and resurface with hot mix asphalt replacement

28
29 (2) That the Work of Improvement was substantially completed on September
30 22, 2008, and the Nature of Interest is in fee simple owner.

31
32 (3) That the OWNER, the City of Banning, a municipal corporation, whose
33 address is Banning City Hall, 99 E. Ramsey Street, Banning, California 92220, is the
34 owner of said Work of Improvement.

(4) That the said Work of Improvement was performed along the alignment starting near the intersection of Noble Street and Noble Creek in the County of Riverside and follows Noble Street south to High Street, then follows High Street east to Bellflower Avenue, then Bellflower south to Brookside Avenue, then follows Brookside east to Highland Springs Avenue, then turns south onto Highland Springs where it enters the City of Banning.

(5) That the original contractor for said improvement was SAF-r-Dig Utility Surveys, Inc, State Contractor's License No. 712492.

(6) That the performance and payment bonds were not required for this project.

Dated: March 24, 2009

CITY OF BANNING
A Municipal Corporation

APPROVED AS TO FORM:

David Aleshire, Aleshire & Wynder, LLP
City Attorney

1 STATE OF CALIFORNIA)

2) ss

3 COUNTY OF RIVERSIDE)

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

8 That I am the City Clerk of the City of Banning, which City caused the work to be
9 performed on the real property herein described, and that I am authorized to verify this
10 Notice of Completion on behalf of said City; that I have read the foregoing Notice and
11 know the contents thereof, and that the facts stated therein are true based upon
12 information available to the City of Banning, and that I make this verification on behalf
13 of said City of Banning. I declare under penalty of perjury that the foregoing is true and
14 correct.

15 Executed on _____, 2009 at Banning, California.

17 _____
18 City Clerk of the City of Banning
19

20 JURAT

22 State of California

23 County of Riverside

25 Subscribed and sworn to (or affirmed) before me on this _____ day of
26 _____, 2009 by _____ proved to me on the basis of
27 satisfactory evidence to be the person(s) who appeared before me.

29 (Seal) _____

30 Notary Public in and for said County
31 and State
32

**CITY COUNCIL AGENDA
CONSENT ITEM**

Date: March 24, 2009

TO: City Council

FROM: George Thacker, Assistant Public Utilities Director

SUBJECT: Amending the Existing Agreement with Metcalf & Eddy, Inc. to Provide the Potholing of the Alignment and Downsizing of the Proposed 54" to 36" Diameter State Water Project Pipeline

RECOMMENDATION: The City Council approves amending the existing Consultant Services Agreement for "Design the Transmission Pipeline to Deliver State Water Project Water to Banning" with Metcalf & Eddy, Inc. to include potholing of the underground utilities along the alignment, addition of a magnetic meter with a precast vault, additional surveying for a 20' offset from the existing State Reach 3 Pipeline temporary connection, and the downsizing from 54" to 36" diameter pipeline for SGPWA in the amount of "Not to Exceed" \$60,000.00.

JUSTIFICATION: The SGPWA has recently requested the City to downsize the previous approved design of the 54" diameter transmission pipeline to a 36" diameter pipeline, additional surveying required by the Department of Water Resource's for a 20' offset from the existing State Reach 3 Pipeline temporary connection, addition of a magnetic meter with a precast vault, and twenty five potholes along the pipeline alignment to determine the depth and location of underground utilities.

BACKGROUND: The City Council approved a Consultant Services Agreement for "Design the Transmission Pipeline to Deliver State Project Water to Banning" with Metcalf & Eddy, Inc. at the October 23, 2007 Council Meeting in the amount of \$249,046.00. At the City Council meeting of June 10, 2009, the City Council approved the First Amendment to the Agreement in the amount of \$95,215.00 at the request and expense of the SGPWA to upsize the 24" to 54" pipeline for a total of \$344,261.00. Presently, Metcalf & Eddy has been working on the 65% engineering design of the transmission pipeline.

Jeff Davis, General Manager for the San Gorgonio Pass Water Agency (SGPWA), has received approval from the SGPWA Board to spend up to \$45,000 for engineering the downsizing of the transmission pipeline from 54" to 36" in diameter. It was determined by Jeff that a 54" pipeline was not needed.

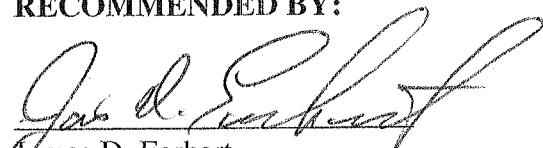
To improve the engineering criteria for the transmission pipeline, it was determined that twenty-five potholes to verify depth and alignment of the existing utilities were necessary. This required Metcalf & Eddy to monitor these potholes excavated by SAF-r-DIG, contractor for the City, and use the data for the proper placement of the pipe underground for design at an additional cost of \$15,000.00.

The Department of Water Resource's requested a 20' offset from the existing State Reach 3 Pipeline for the temporary connection, which required additional surveying by Metcalf & Eddy. Also, it was determined that a magnetic meter in a precast vault for the temporary turnout facilities was necessary.

The new *Scope of Work* for the potholing, temporary turnout facilities, and design engineering of the downsizing of the project now consists of construction of the proposed 36" water transmission pipeline from the Department of Water Resources (DWR) East Branch Extension (EBX) located at its present terminus at the intersection of Noble Street and Noble Creek in Cherry Valley to 800' south of the intersection of Brookside and Highland Springs Avenues within the Butterfield Specific Plan, Pardee Homes.

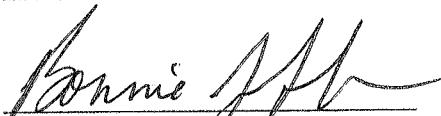
FISCAL DATA: The funds in the amount of \$60,000.00 for this amendment shall be utilized from the FY 08-09 Water Capital Facilities Budget, State Water Line Account No. 661-6300-471-9628. SGPWA will reimburse the City for all cost associated with the engineering downsizing in the amount of \$45,000.00 and the original upsizing of \$95,215.00.

RECOMMENDED BY:



James D. Earhart
Director of Public Utilities

REVIEWED BY:



Bonnie J. Johnson
Finance Director/Assistant City Manager

APPROVED BY:



Brian Nakamura
City Manager

SECOND AMENDMENT TO CONSULTANT SERVICES AGREEMENT

FOR

**DESIGN THE TRANSMISSION PIPELINE TO DELIVER STATE WATER PROJECT
WATER TO BANNING**

BETWEEN THE CITY OF BANNING

AND

METCALF & EDDY, INC.

ARTICLE 1. PARTIES AND DATE

1.1 This Second Amendment to Consultant Services Agreement for Design the Transmission Pipeline to Deliver State Water Project Water to Banning ("Second Amendment") dated as of the 24th day of March, 2009, is entered into by and between the City of Banning ("City") and Metcalf & Eddy, Inc., a California Corporation ("Consultant").

ARTICLE 2. RECITALS

2.1 City and Metcalf & Eddy entered into that certain Consultant Services Agreement for Design the Transmission Pipeline to Deliver State Water Project Water to Banning dated the 26th day of October, 2007 ("Agreement") and First Amendment to the Agreement dated June 10, 2008, whereby Metcalf & Eddy agreed to provide engineering design, environmental documentation, permitting, geotechnical engineering, and project management services for the construction of the State Project Water Pipeline.

2.2 City and Metcalf & Eddy now desire to amend the Agreement to include additional compensation of Not to Exceed \$60,000.00 to the original Contract Amount and First Amendment and revises the Scope of Services. The original and First Amendment Scope of Works and tasks are modified and revised to include potholing of the underground utilities along the alignment, addition

of a magnetic meter with a precast vault, additional surveying for a 20' offset from the existing State Reach 3 Pipeline temporary connection, and the downsizing from 54" to 36" diameter pipeline for a "Stand Alone Design Package for SGPWA Pipeline".

ARTICLE 3. TERMS

3.1 Contract Amount: Original Amount and First Amendment of \$344,261.00 plus \$60,000.00 Amendment No. 2 equals a Total Amount of \$404,261.00 (17.4% Increase).

3.2 Continuing Effect of Agreement. Except as amended by this Second Amendment, all provisions of the Agreement and First Amendment shall remain unchanged and in full force and effect. From and after the date of this Second Amendment, whenever the term "Agreement" appears in the Agreement, it shall mean the Agreement as amended by this First and Second Amendments to the Consultant Services Agreement.

3.3 Affirmation of Agreement; Warranty Re Absence of Defaults. City and Metcalf & Eddy each ratify and reaffirm each and every one of their respective rights and obligations arising under the Agreement. Each party represents and warrants to the other that there have been no written or oral modifications to the Agreement. Each party represents and warrants to the other that the Agreement is currently an effective, valid and binding obligation.

Metcalf & Eddy represents and warrants to City that, as of the date of this Second Amendment, City is not in default of any material term of the Agreement and that there have been no events that, with the passing of time or the giving of notice, or both, would constitute a material default under the Agreement.

City represents and warrants to Metcalf & Eddy that, as of the date of this Second Amendment, Metcalf & Eddy is not in default of any material term of the Agreement and that there have been no events that, with the passing of time or the giving of notice, or both, would constitute a material default under the Agreement.

3.4 Adequate Consideration. The parties hereto irrevocably stipulate and agree that they have each received adequate and independent consideration for the performance of the obligations they have undertaken pursuant to this Second Amendment.

3.5 Counterparts. This Second Amendment may be executed in duplicate originals, each of which is deemed to be an original, but when taken together shall constitute but one and the same instrument.

CITY OF BANNING

CONSULTANT: Metcalf & Eddy, Inc.

By: _____
Brian Nakamura, City Manager

By: _____
(Authorized Officer)

Title: _____

Print Name _____

By: _____
(Authorized Officer)

Title: _____

Print Name _____

APPROVED AS TO FORM:

David Aleshire, Aleshire & Wynder, LLP
City Attorney

**CITY COUNCIL AGENDA
CONSENT ITEM**

Date: March 24, 2009

TO: City Council

FROM: Bonnie Johnson, Finance Director

SUBJECT: Auditor's Report for Fiscal Year 2007-2008

RECOMMENDATION: "The City Council accept and place on file the auditor's report from Lance, Soll & Lunghard, LLP for the fiscal year ended June 30, 2008."

JUSTIFICATION: The annual audit of the City's financial statements by an independent audit firm satisfies the legal requirement for such a periodic review and report.

BACKGROUND/ANALYSIS: The audit firm of Lance, Soll & Lunghard, LLP has issued an unqualified opinion on the financial statements for the fiscal year ended June 30, 2008. This means that their examination, testing and review process lead them to believe that the financial statements present fairly both the financial position of the City as of June 30, 2008 and the results for the City's operations for that year.

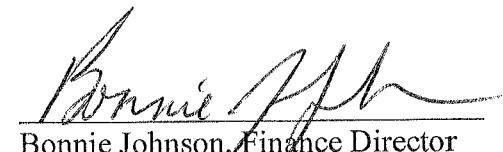
The auditors issued a compliance letter regarding internal controls. During their audit they noted one area needing improvement; the improper accrual of yearend accounts payable invoices due to the untimely receipt of invoices from other City departments. Finance has addressed this issue i.e. communicated yearend processing requirements with City departments to ensure the timely receipt of yearend accounts payable invoices in the future. A copy of the compliance letter is included with the audit report.

The GASB Statement No. 34 financial reporting model which includes management's discussion and analysis (MD&A) continues to be in effect this year.

The report is on file at the City Clerk's office and is available in the City Council's office.

FISCAL DATA: None

RECOMMENDED BY:



Bonnie Johnson, Finance Director

APPROVED BY:



Brian Nakamura, City Manager



- Brandon W. Burrows, C.P.A.
- Donald L. Parker, C.P.A.
- Michael K. Chu, C.P.A.
- David E. Hale, C.P.A., C.F.P.
A Professional Corporation
- Donald G. Slater, C.P.A.
- Richard K. Kikuchi, C.P.A.
- Susan F. Matz, C.P.A.

February 9, 2009

To the Honorable Mayor and Members of the City Council
City of Banning, California

We have audited the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of City of Banning (the City) for the year ended June 30, 2008, and have issued our report thereon dated February 9, 2009. Professional standards require that we provide you with the following information related to our audit.

Our Responsibilities under U.S. Generally Accepted Auditing Standards and Government Auditing Standards

Our responsibility, as described by professional standards, is to express opinions about whether the financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our audit of the financial statements does not relieve you or management of your responsibilities.

As part of our audit, we considered the City's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinions on the financial statements and not to provide assurance on the internal control over financial reporting. Any significant deficiencies in such controls, if any, have been communicated to you by a separate letter.

As part of obtaining reasonable assurance about whether the City's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grants, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit. While our audit provides a reasonable basis for our opinion, it does not provide a legal determination on the City's compliance with those requirements. Again, any non-compliance with provisions of laws, regulations, contracts and grants noted by us, if any, have been communicated to you by a separate letter.

Planned Scope and Timing of the Audit

We conducted our audit in accordance with generally accepted auditing standards. Those standards require that we obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether caused by error or fraud. Accordingly, a material misstatement may remain undetected. Also, an audit is not designed to detect error or fraud that is immaterial to the financial statements.



Honorable Mayor and Members of City Council
City of Banning
Page 2

During the audit, we obtained an understanding of the entity and its environment, including its internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. An audit is not designed to provide assurance on internal control or to identify significant deficiencies. Any significant deficiencies in such controls, if any, have been communicated to you by a separate letter.

Our audit has been performed in phases which consisted of interim contact(s) during the fiscal year and a year-end contact which occurred after the fiscal year-end.

At the conclusion of our audit, we communicated under a separate letter significant matters related to the financial statement audit that are, in our professional judgment, relevant to the responsibilities of those charged with governance in overseeing the financial reporting process. Generally accepted auditing standards do not require us to design procedures for the purpose of identifying other matters to communicate with those charged with governance.

Significant Accounting Policies

Management is responsible for the selection and use of appropriate accounting policies. In accordance with the terms of our engagement, we will advise management about the appropriateness of accounting policies and their application. The significant accounting policies used by the City are described in the notes to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during the year ended June 30, 2008. We noted no transactions entered into by the City during the year that were both significant and unusual, and of which, under professional standards, we are required to inform you, or transactions for which there is a lack of authoritative guidance or consensus.

Accounting Estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. Where applicable, the City utilized accounting estimates for depreciation on City assets, amortization of bond related issuance costs, premiums/discounts and gains/losses on bond defeasance and for reporting incurred but not reported amounts relating to the liability for claims and judgments. The methodology used during this audit is consistent with that of prior years. We evaluated the key factors and assumptions used to develop these estimates in determining that they are reasonable in relation to the financial statements taken as a whole.

Financial Statements Disclosure

The disclosures in the financial statements are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.



Honorable Mayor and Members of City Council
City of Banning
Page 3

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to the financial statements taken as a whole.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated November 19, 2008.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the governmental unit's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the governmental unit's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Communications

The City implemented the following new Governmental Accounting Standards Board (GASB) pronouncements, which were effective for fiscal year 2007-2008 audits:

GASB Statement No. 48, *Sales and Pledges of Receivables and Future Revenues and Intra-Entity Transfers of Assets and Future Revenues*

GASB Statement No. 50, *Pension Disclosures – an amendment to GASB Statements No. 25 and No. 27*.



Honorable Mayor and Members of City Council
City of Banning
Page 4

This information is intended solely for the use of the members of the City Council or individual(s) charged with governance and management of the City, and is not intended to be and should not be used by anyone other than these specified parties.

Very truly yours,

A handwritten signature in black ink that reads 'LSI, Loll & Loughard, LLP'. The signature is cursive and fluid, with 'LSI' being the most prominent part.



CERTIFIED PUBLIC ACCOUNTANTS

- Brandon W. Burrows, C.P.A.
- Donald L. Parker, C.P.A.
- Michael K. Chu, C.P.A.
- David E. Hale, C.P.A., C.F.P.
A Professional Corporation
- Donald G. Slater, C.P.A.
- Richard K. Kikuchi, C.P.A.
- Susan F. Matz, C.P.A.

**REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING
AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT
OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE
WITH GOVERNMENT AUDITING STANDARDS**

To the Honorable Mayor and Members of the City Council
City of Banning, California

We have audited the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of the City of Banning, California, as of and for the year ended June 30, 2008, which collectively comprise the City of Banning's basic financial statements and have issued our report thereon dated February 9, 2009. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the City of Banning's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City of Banning's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the City of Banning's internal control over financial reporting.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and would not necessarily identify all deficiencies in internal control over financial reporting that might be significant deficiencies or material weaknesses. However, as discussed below, we identified certain deficiencies in internal control over financial reporting that we consider to be significant deficiencies.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the City of Banning's ability to initiate, authorize, record, process, or report financial data reliably in accordance with generally accepted accounting principles such that there is more than a remote likelihood that a misstatement of the City of Banning's financial statements that is more than inconsequential will not be prevented or detected by the City of Banning's internal control. We consider the following deficiencies to be significant deficiencies in internal control:



To the Honorable Mayor and Members of the City Council
City of Banning, California
Page 2

Accounts Payable

During our test work, we identified certain vendor invoices which were to be accrued as a liability for the fiscal year June 30, 2008. These invoices were from March, April, and May 2008 but were not given to the Finance Department by other City Departments until September and October 2008. As a result, these invoices were not properly accrued. We recommend that all invoices be given to the Finance Department immediately after receiving them from vendors so that they may be processed and recorded in the proper period.

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statements will not be prevented or detected by the City of Banning's internal control.

Our consideration of the internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in the internal control that might be significant deficiencies and, accordingly, would not necessarily disclose all significant deficiencies that are also considered to be material weaknesses. However, we believe that none of the significant deficiencies described above is a material weakness.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the City of Banning's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards* issued by the Comptroller General of the United States.

This report is intended solely for the information and use of management, the City Council, federal awarding agencies and pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.

A handwritten signature in black ink that reads 'Lane, Sell & Langford, LLP'.

February 9, 2009

**CITY COUNCIL AGENDA
CONSENT ITEM**

Date: **March 24, 2009**

TO: **City Council**

FROM: **Bonnie Johnson, Finance Director**

SUBJECT: **Approval of Accounts Payable and Payroll Warrants for Month of February 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 February 2009

The reports are:

Expenditure approval lists	
February 5, 2009	679,423.69
February 9, 2009 Manual Check	20,530.76 ⁽¹⁾
February 12, 2009	1,393,214.96
February 19, 2009	958,313.99
February 26, 2009	427,983.80
March 6, 2009	2,003,271.86 (February Month End)
Payroll check registers	
February 13, 2009	8,848.57
February 25, 2009 Manual Check	9,801.82
February 27, 2009	7,400.11
Payroll direct deposits*	
February 13, 2009	336,632.47
February 27, 2009	329,350.40

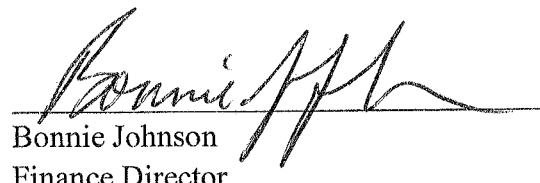
As you review the reports, if you have any questions please contact the Finance Department so that we can gather the information from the source documents and provide a response.

* Included on the February month end expenditure approval list of 03/06/2009.

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

Report Prepared by: Robin Anderson, Accounts Payable

RECOMMENDED BY:



Bonnie Johnson
Finance Director

APPROVED BY:



Brian Nakamura
City Manager

**CITY COUNCIL
PUBLIC HEARING**

Date: March 24, 2009

TO: Honorable Mayor and City Council Members

FROM: Matthew C. Bassi, Interim Community Development Director

SUBJECT: Adoption of Ordinance No. 1406 To Extend Urgency Ordinance No. 1402:

Adoption of Ordinance No. 1406 to Extend Urgency Ordinance No.1402 for an Additional 10 months and 15 days for Interim Sign Regulations for the Development and Placement of Freeway-Oriented Freestanding Signage in the Downtown Commercial (DC), Highway Serving Commercial (HSC) and General Commercial (GC) Zones Located Along the Interstate (I-10) freeway in the City of Banning.

RECOMMENDATION:

Staff recommends the City Council Adopt Ordinance No. 1406 (Attachment 1) to extend Urgency Ordinance No. 1402 for an additional 10 months and 15 days and continue to implement the existing interim sign regulations for the development and placement of freeway-oriented freestanding signage in the Downtown Commercial (DC), Highway Serving Commercial (HSC) and General Commercial (GC) zones located along the Interstate (I-10) freeway in the city of Banning.

BACKGROUND/ANALYSIS:

On February 10, 2009, the City Council adopted Urgency Ordinance No. 1402 establishing for a 45-day urgency period and establishing interim sign regulations for the development and placement of freeway-oriented freestanding signage in the Downtown Commercial (DC), Highway Serving Commercial (HSC) and General Commercial (GC) zones located along the Interstate (I-10) freeway in the City of Banning. Adoption of Ordinance No. 1402 also “suspended” the existing “sign district” regulations for freeway-oriented signs for the same three zone districts. A copy of the February 10, 2009 Council report is attached for Council consideration (Attachment 2).

The City Council also directed staff to develop comprehensive and appropriate revisions to the City's Sign Ordinance including, but not limited to, development of a process for existing businesses to request sign permits for the placement of freeway-oriented signage along the I-10 freeway. In compliance with state law, the Planning Division prepared a report on the measures taken to alleviate the conditions that led to the adoption of Urgency Ordinance No. 1402. This report is required to be completed and made available for public review (as requested) at least 10 days prior to the public hearing extending the urgency ordinance. Staff completed this report and

has provided a copy of it for Council consideration (Attachment 3). A summary of these items is provided as follows:

- Assessment of whether there are additional state, federal or local funding sources available to subsidize the development and implementation of sign districts; and
- Analysis of whether based upon the current economic conditions within the City, the continued implementation of sign districts unduly restricts or hampers business development, or has a significant negative impact on current businesses operating within the City.
- Initiated a survey of cities within the surrounding area that currently have existing freeway oriented sign districts to determine the effectiveness of sign districts in clearing up "sign blight", and as a business development tool; and
- Initiated internal discussions regarding any pending applications for freeway oriented signage to determine if additional regulatory requirements are necessary prior to implementing sign districts.

Staff is continuing to gather information from various public agencies to address the sign regulations. Extensive review and consideration of the information is required and a comprehensive analysis could not be completed within the 45-day urgency ordinance period. Therefore, staff is recommending City Council adoption of Ordinance No. 1406 to extend Urgency Ordinance No. 1402 for an additional 10 months and 15 days in compliance with state law. The extension will provide staff adequate time to fully address this issue.

FISCAL DATA:

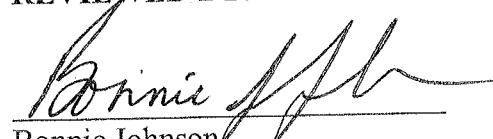
The proposed Urgency Ordinance will not result in any fiscal impacts.

RECOMMENDED BY:


Matthew C. Bassi
Interim Community Development Director

David J. Aleshire
City Attorney

REVIEWED BY:


Bonnie Johnson
Finance Director

APPROVED BY:


Brian Nakamura
City Manager

Ordinance No. 1406
Extending Urgency Ordinance No. 1402
March 24, 2009
Page 3 of 3

CC Attachments:

1. Ordinance No. 1406 Extending Urgency Ordinance No. 1402
2. City Council Report from the February 10, 2009 meeting (without attachments)
3. Urgency Ordinance Status Report (dated March 12, 2009)

G:\Freeway Signs Urgency Ordinance\Ord 1406 CC extension report 3-24-09.DOC

ATTACHMENT 1
ORDINANCE NO. 1406

ORDINANCE NO. 1406

AN ORDINANCE OF THE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, EXTENDING URGENCY ORDINANCE NO. 1402 FOR AN ADDITIONAL 10 MONTHS AND 15 DAYS AND EXTENDING THE INTERIM DEVELOPMENT SIGN REGULATIONS FOR THE PLACEMENT OF FREESTANDING FREEWAY ORIENTED SIGNS

WHEREAS, the City of Banning (“City”) has long recognized the use and value of freeway oriented signage for business development along Interstate 10; and

WHEREAS, prior to September 25, 2007 the City sign ordinances allowed the use and placement of freestanding freeway oriented signs subject to location, height, size and sign area requirements; and

WHEREAS, historically the use of signage has been utilized by merchants and citizens as a significant form of business development; and

WHEREAS, the use of such signage resulted in decreased visibility and non-uniformity in appearance and location of signage along the Interstate 10 corridor; and

WHEREAS, on September 25, 2007, the City of Banning adopted Ordinance No. 1377 amending sections 9009.06(G), 9109.11 (2) (f) of the Banning Municipal Code which provides for (1) the creation of six (6) sign districts, (2) grouping of individual signs onto seven (7) large freeway oriented signs of similar size and shape, and (3) the establishment of new size and height regulations without any limitation on the type of businesses allowed to have signage.

WHEREAS, the purpose of creating “sign districts” was to preserve the aesthetics of the City, create uniformity and improve sight visibility of freeway oriented signs and established new size and height regulations; and

WHEREAS, to date there has only been one request for additional freeway oriented signage; and

WHEREAS, the adoption of Ordinance No. 1377 precluded the approval of any freeway oriented signs subsequent to September 25, 2007, and by its purpose and language likewise prevents the placement of any new signage that is not within a sign district; and

WHEREAS the City has not begun to implement the use of “sign districts” and has no other options available to merchants for freeway oriented sign placement; and

WHEREAS, the City recognizes that the implementation of “sign districts” which require the removal of existing non-conforming freeway signs and construction of new “sign districts”, presents significant financing challenges and could only be accomplished in the current economic environment at considerable cost to the City and/or businesses operating within the City; and

WHEREAS, in light of the severely declining economy within the State of California in general, and the City of Banning specifically, the City Council believes that the current standards set for the use of signage may not appropriately take the economy, welfare and concerns of businesses and citizens into consideration, and pose an immediate and current threat to the public health, safety or welfare; and

WHEREAS, the City does not wish to immediately implement the "sign district" concept, wishes to study it further, and finds that in the interim it is in the best interest of the City, its citizens and businesses to allow new freeway oriented signs subject to location, height, size and sign area requirements consistent with pre-September 25, 2007 sign ordinances; and

WHEREAS, the City Council approved and adopted Interim Urgency Ordinance 1402 on February 10, 2009, in response to growing concerns by the Council about the economic viability of creating "sign districts", and their potential negative impact on the financial welfare of citizens and businesses in the current economy; and

WHEREAS, the City Council desires to respond to the concerns of its citizens regarding the economic impact of freeway oriented signage on local businesses and believes that it is in the best interest of its citizens to put forth a sign ordinance that addresses the immediate concerns of businesses desiring to advertise; and

WHEREAS, the City Council desires that staff undertake a comprehensive study and analysis of possible public and private funding sources for later implementation of "sign districts" along the Interstate 10 corridor; and

WHEREAS, Government Code Sections 65858, 36934, and 36937 expressly authorize the City Council to adopt an urgency ordinance and to impose interim regulations that are applicable to freeway oriented signage, until updated regulations are adopted; and

WHEREAS, Government Code section 65050 allows the City Council to extend Interim Urgency Ordinance No. 1402 adopted on February 10, 2009; and

WHEREAS, on March 13, 2009, the City published a public hearing notice for Ordinance No. 1406 to extend Interim Urgency Ordinance No. 1402 in the Record Gazette newspaper in compliance with state law and Section 17.68 of the Banning Zoning Ordinance; and

WHEREAS, on March 24, 2009, the City Council held the a noticed public hearing at which time interested persons had an opportunity to testify in support of, or opposition to the adoption of Ordinance No. 1406 to extend Interim Urgency Ordinance No. 1402 for an additional 10 months and 15 days; and

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

SECTION 1. Above-Recitals. The above recitals are true and correct.

SECTION 2. Effectiveness of Ordinance. Ordinance No. 1406 to extend Interim Urgency Ordinance No. 1402 is hereby extended for an additional ten (10) months and fifteen (15) days from and after the date of adoption of Ordinance No. 1406, pursuant to the authority conferred upon the City Council by Government Code section 65858 and in accordance with the provisions of Government Code section 65090.

SECTION 3. Urgency Declaration. The City Council finds and determines that the City's current standards for freeway oriented signage cannot be immediately implemented because to do so would pose a severe and significant economic hardship on the City, residents and businesses thereby creating a current and immediate threat to the public health, safety or welfare. Thus, the City Council directs staff to continue to undertake a comprehensive study and analysis of development standards to be applied to freeway-oriented signage, identification of possible public and private funding sources for later implementation of "sign districts" along the Interstate 10 corridor, and development of new freeway oriented sign standards. The study shall be completed within a reasonable time.

SECTION 4. Urgency Findings. In adopting Ordinance No. 1406 extending Interim Urgency Ordinance No. 1402, the City Council finds and determines that the extension of Interim Urgency Ordinance No. 1402 is necessary to protect the public safety, health, and welfare, as those terms are defined in Government Code Section 65858(a), for the reasons set forth below in this Section 4.

(a) The City Council of the City of Banning has determined that the current economy, as well as community and merchant concerns about the economy and ability to generate interest and advertise businesses within the City through freeway oriented signage, has resulted in an urgent need to re-evaluate the immediate implementation of Section 17.36.110 (B) (6) subsections a-j of the Banning Municipal Code, Sign Ordinances and Regulations, and their direct effect upon the public safety, health, and welfare.

(b) The City Council of the City of Banning has determined that the use of freeway oriented signage has a direct relationship and impact on the City's ability to generate revenue, which in turn affects the general welfare and economic well being of the residents of the City of Banning.

(c) The City Council of the City of Banning has determined that without extending the proposed ordinance, there will be an immediate, negative, and detrimental impact on the welfare of the City.

(d) The City Council of the City of Banning has determined that there is a need to further study what impact, if any, a "sign district" has on the public safety, specifically on those traveling through the City of Banning on Interstate 10 and who reside near the freeway.

(e) The City Council of the City of Banning has determined that the use of freeway signage is an important aspect of the success of freeway oriented businesses and that freeway oriented signs provide positive benefits to motorists as they easily advertise businesses along the freeway to prospective customers.

SECTION 5. Interim Regulations. From and after the adoption of Ordinance No. 1406 extending Interim Urgency Ordinance No. 1402, and until the adoption of revised regulations, the Planning Commission and the City Council shall authorize the Community Development Department to consider requests for freeway oriented signage in accordance with the following regulations:

(a) The consideration of freeway oriented signage shall be permitted in accordance with Banning Municipal Code 17.36 to the extent consistent and applicable to the adoption of this urgency ordinance.

(b) Banning Municipal Code Chapter 17.36.110 (B) (6) subsections a - j, shall be amended to read as follows:

6. Freeway-oriented freestanding sign. A freestanding sign proposed to be located and designed in such a manner as to be viewed by the freeway traveling public and limits its advertising to such services as food, lodging and automotive services shall be subject to the following regulations:

- a. Said business must be a freeway-oriented business, as determined by the Planning Commission.
- b. Said business must be easily accessible to a freeway off-ramp, as determined by the Planning Commission.
- c. Said sign shall not block another freeway oriented freestanding sign. The applicant shall be responsible for providing the Planning Commission with evidence to assure satisfactory compliance with this requirement.
- d. Said sign shall be located in a planter area not less than fifty (50) square feet with one dimension being at least four (4) feet, unless from the evidence presented to the Planning Commission it can be determined that the area is not visible from Ramsey Street, or the absence of the planter shall not be detrimental to the appearance of the area.
- e. Said sign shall not exceed an overall height of fifty-five (55) feet.

f. Said sign shall not exceed one hundred and seventy-five (175) square feet per display face (a variance not to exceed an additional fifty (50) square feet may be possible providing the applicant meets the requirements for a variance as outlined in Article 17 of the Municipal Code.

SECTION 6. CEQA Finding. The City Council hereby finds that there is no possibility that the adoption of Ordinance No. 1406 extending Interim Urgency Ordinance No. 1402 will have a significant effect on the environment. This finding is supported by the following facts: (1) this ordinance authorizes the undertaking of feasibility and planning studies; and (2) any development which may occur pursuant to the interim standards will not be approved until a complete environmental evaluation of the proposed project has occurred. This Ordinance is therefore exempt from California Environmental Quality Act review pursuant to Title 14 California Code of Regulations, Section 15262.

SECTION 7. Grandfathering. Adoption of Ordinance No. 1406 extending Interim Urgency Ordinance No. 1402, shall only apply to sign applications for new freeway oriented signage for development projects that have been issued a Certificate of Occupancy by the City subsequent to September 27, 2007. This Interim Urgency Ordinance and extension thereof, shall not apply to any project which has been previously approved by the City or its constituent boards, commissions or officials so long as such approvals remain valid, nor shall it apply to any application for discretionary land use development entitlements, or zoning variances which were approved and that were issued a Certificate of Occupancy by the City prior to the effective date of this Interim Urgency Ordinance.

SECTION 8. Vote Required for Adoption of Ordinance. This Ordinance No. 1406 to extend Interim Urgency Ordinance No. 1402 is enacted pursuant to the authority conferred upon the City Council of the City of Banning by Government Code Section 65858, 36934 and 36937, and shall be in full force and effect immediately upon its adoption by a four-fifths (4/5) vote of the City Council.

PASSED, APPROVED, AND ADOPTED AS AN URGENCY ORDINANCE this 24th day of March, 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

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1406 to extend Interim Urgency Ordinance No. 1402 was duly adopted at a regular meeting of the City Council of the City of Banning, held on the 24th day of March, 2009, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

ATTACHMENT 2

**CITY COUNCIL REPORT FROM THE
FEBRUARY 10, 2009 MEETING (WITHOUT ATTACHMENTS)**

**CITY COUNCIL
REPORT OF OFFICERS**

Date: February 10, 2009

TO: Honorable Mayor and City Council Members

FROM: Dave Aleshire, City Attorney
Matthew C. Bassi, Interim Community Development Director

SUBJECT: 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 Commercial (GC) Zones Located
Along the Interstate (I-10) freeway in the City of Banning.

RECOMMENDATION:

Staff recommends adoption of Urgency Ordinance No. 1402 (Attachment 1) approving interim sign regulations for the development and placement of freeway-oriented freestanding signage in the Downtown Commercial (DC), Highway Serving Commercial (HSC) and General Commercial (GC) zones located along the Interstate (I-10) freeway in the city of Banning.

BACKGROUND:

Prior to the adoption of Ordinance No. 1377, the City had specific codes in place that regulated the placement and design of freeway-oriented signage along the I-10 freeway. The then existing regulations did not address sign uniformity nor visibility and added to the "sign clutter" present along the freeway. On September 25, 2007, the City Council adopted Ordinance No. 1377 (Attachment 2) which amended the Freeway Sign Ordinance. The new regulations were established for the purpose of improving visibility, eliminating "sign clutter" and addressing sign blight issues along the I-10 freeway.

The new regulations created six (6) "sign districts" where existing individual freeway-oriented signs along the I-10 freeway would be phased out and a program established to group all of the individual signs onto seven (7) large freeway-oriented signs. The amendment also established new height and size regulations and removed the limitation on the type of businesses allowed to have a freeway-oriented sign. Likewise, the City Council also adopted Resolution No. 2007-137(Attachment 3) on November 13, 2007, that approved a special design for new freeway oriented signs.

Since its adoption and approval, the "sign district" project has not been implemented. The cost to implement the ordinance is considerable and the project has not been funded by the City, nor has

any individual property owner proposed paying for a sign in their district. Subsequent to adoption there has only been one formal sign application submitted proposing to erect a freestanding freeway-oriented sign.

ANALYSIS:

Ordinance No. 1377 established "sign districts" within the City of Banning for freeway-oriented signs. As a result of the current sign ordinance regulations, the City is prohibited from approving any requests for freeway-oriented signs unless and until a "sign district" is implemented.

While the concept of establishing "sign districts" and the grouping of existing freeway-oriented signs onto larger signs has merit, and will achieve the City's desired objective of improving visibility and eliminating sign blight, the cost of actually implementing "sign districts" has proven to present significant economic challenges for the City given the current economic climate. It is unlikely that either public or private financing is available to implement the project. In addition, existing business owners cannot be required to remove existing non-conforming freeway oriented signs unless compensated, and the inability to erect any signage outside of a "sign district" may impact revenue/economic opportunities of new businesses.

The City needs to have regulations in place that allow for the consideration of new freestanding freeway-oriented signage until a further analysis and study can be completed on the implementation of "sign districts".

CONCLUSION:

Staff believes that the proposed Urgency Ordinance No. 1402 amending Banning Municipal Code Section 17.36.110 (b) (6), a - j will accomplishes two (2) things. First, it would give the Community Development Department the authority to approve new freeway-oriented signs subject to the location, height, size and sign area regulations that previously existed prior to the adoption of Ordinance No. 1377 on September 25, 2007. Second, it would remove the non-conforming status of existing freeway oriented signs approved prior to September 27, 2007, and eliminate the financial burden on the City for constructing the new freeway oriented monument signs as part of the removal process of these non-conforming signs which are inconsistent with the "sign district" concept.

FISCAL DATA:

The proposed Urgency Ordinance will not result in any fiscal impacts.

RECOMMENDED BY:



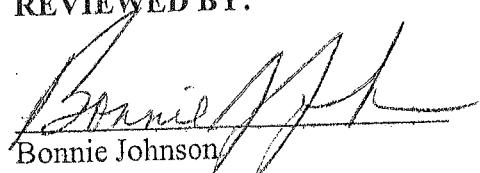
Matthew C. Bassi

Interim Community Development Director

David J. Aleshire

City Attorney

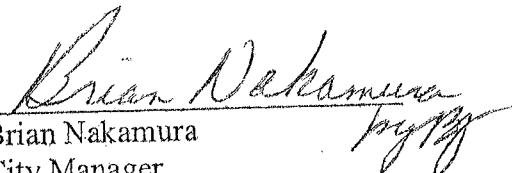
REVIEWED BY:



Bonnie Johnson

Finance Director

APPROVED BY:



Brian Nakamura

City Manager

CC Attachments:

1. Urgency Ordinance No. 1402
2. City Council Ordinance No. 1377
3. Resolution No. 2007-137

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

WHEREAS, the City of Banning ("City") has long recognized the use and value of freeway oriented signage for business development along Interstate 10; and

WHEREAS, prior to September 25, 2007 the City sign ordinances allowed the use and placement of freestanding freeway oriented signs subject to location, height, size and sign area requirements; and

WHEREAS, historically the use of signage has been utilized by merchants and citizens as a significant form of business development; and

WHEREAS, the use of such signage resulted in decreased visibility and non-uniformity in appearance and location of signage along the Interstate 10 corridor; and

WHEREAS, on September 25, 2007, the City of Banning adopted Ordinance No. 1377 amending sections 9009.06(G), 9109.11 (2) (f) of the Banning Municipal Code which provides for (1) the creation of six (6) sign districts, (2) grouping of individual signs onto seven (7) large freeway oriented signs of similar size and shape, and (3) the establishment of new size and height regulations without any limitation on the type of businesses allowed to have signage.

WHEREAS, the purpose of creating "sign districts" was to preserve the aesthetics of the City, create uniformity and improve sight visibility of freeway oriented signs and established new size and height regulations; and

WHEREAS, to date there has only been one request for additional freeway oriented signage; and

WHEREAS, the adoption of Ordinance No. 1377 precludes the approval of any freeway oriented signs subsequent to September 25, 2007 and by its purpose and language likewise prevents the placement of any new signage that is not within a sign district; and

WHEREAS the City has not begun to implement the use of "sign districts" and has no other options available to merchants for freeway oriented sign placement; and

WHEREAS, the City recognizes that the implementation of "sign districts" which require the removal of existing non-conforming freeway signs and construction of new "sign districts", presents significant financing challenges and could only be accomplished in the current economic environment at considerable cost to the City; and

WHEREAS, in light of the severely declining economy within the State of California in general, and the City of Banning specifically, the City Council believes that the current standards set for the use of signage may not appropriately take the economy, welfare and concerns of businesses and citizens into consideration, and pose an immediate and current threat to the public health, safety or welfare; and

WHEREAS, the City does not wish to immediately implement the "sign district" concept wishes to study it further, and finds that in the interim it is in the best interest of the City and its citizens to allow new freeway oriented signs subject to location, height, size and sign area requirements consistent with pre-September 25, 2007 sign ordinances; and

WHEREAS, the City Council desires to respond to the concerns of its citizens regarding the economic impact of freeway oriented signage on local businesses and believes that it is in the best interest of its citizens to put forth a sign ordinance that addresses the immediate concerns of businesses desiring to advertise; and

WHEREAS, the City Council desires that staff undertake a comprehensive study and analysis of possible public and private funding sources for later implementation of "sign districts" along the Interstate 10 corridor; and

WHEREAS, Government Code Sections 65858, 36934, and 36937 expressly authorize the City Council to adopt an urgency ordinance and to impose interim regulations which are applicable to freeway oriented signage, until updated regulations are adopted.

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

SECTION 1. Above-Recitals. The above recitals are true and correct.

SECTION 2. Effectiveness of Ordinance. This Interim Urgency Ordinance shall be effective for forty-five (45) days from and after the date of its adoption, pursuant to the authority conferred upon the City Council by Government Code Section 65858(a), and may thereafter be extended twice provided notice is given pursuant to Government Code section 65090 and a public hearing is held thereon.

SECTION 3. Urgency Declaration. The City Council finds and determines that the City's current standards for freeway oriented signage cannot be immediately implemented because to do so would pose a severe and significant economic hardship on the City, residents and businesses thereby creating a current and immediate threat to the public health, safety or welfare. Thus, the City Council directs staff to undertake a comprehensive study and analysis of development standards to be applied to freeway oriented signage, possible public and private funding sources for later implementation of "sign districts" along the Interstate 10 corridor and development of new freeway oriented sign standards. The study shall be completed within a reasonable time.

SECTION 4. Urgency Findings. In adopting this Interim Urgency Ordinance, the City Council finds and determines that the adoption of this Interim Urgency Ordinance is

necessary to protect the public safety, health, and welfare, as those terms are defined in Government Code Section 65858(a), for the reasons set forth below in this Section 4.

(a) The City Council of the City of Banning has determined that the current economy, as well as community and merchant concerns about the economy and ability to generate interest and advertise businesses within the City through freeway oriented signage, has resulted in an urgent need to re-evaluate the immediate implementation of Section 17.36.110 (B) (6) subsections a-j of the Banning Municipal Code, Sign Ordinances and Regulations, and their direct effect upon the public safety, health, and welfare.

(b) The City Council of the City of Banning has determined that the use of freeway oriented signage has a direct relationship and impact on the City's ability to generate revenue, which in turn affects the general welfare and economic well being of the residents of the City of Banning.

(c) The City Council of the City of Banning has determined that without the proposed ordinance there will be an immediate, negative and detrimental impact on the welfare of the City.

(d) The City Council of the City of Banning has determined that there is a need to further study what impact, if any, a "sign district" has on the public safety, specifically on those traveling through the City of Banning on Interstate 10 and who reside near the freeway.

(e) The City Council of the City of Banning has determined that the use of freeway signage is an important aspect of the success of freeway oriented businesses and that freeway oriented signs provide positive benefits to motorists as they easily advertise businesses along the freeway to prospective customers.

SECTION 5. Interim Regulations. From and after the date of this Interim Urgency Ordinance, until the adoption of revised regulations, the Planning Commission and the City Council shall authorize the Community Development Department to consider requests for freeway oriented signage in accordance with the following regulations:

(a) The consideration of freeway oriented signage shall be permitted in accordance with Banning Municipal Code 17.36 to the extent consistent and applicable to the adoption of this urgency ordinance.

(b) Banning Municipal Code Chapter 17.36.110 (B) (6) subsections a - j, shall be superseded during the effective period of this ordinance by the following regulations:

6. Freeway-oriented freestanding sign. A freestanding sign proposed to be located and designed in such a manner as to be viewed by the freeway traveling public and limits its advertising to such services as food, lodging and automotive services shall be subject to the following regulations:

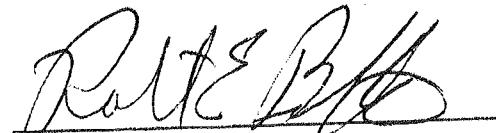
- a. Said business must be a freeway-oriented business, as determined by the Planning Commission.
- b. Said business must be easily accessible to a freeway off-ramp, as determined by the Planning Commission.
- c. Said sign shall not block another freeway oriented freestanding sign. The applicant shall be responsible for providing the Planning Commission with evidence to assure satisfactory compliance with this requirement.
- d. Said sign shall be located in a planter area not less than fifty (50) square feet with one dimension being at least four (4) feet, unless from the evidence presented to the Planning Commission it can be determined that the area is not visible from Ramsey Street, or the absence of the planter shall not be detrimental to the appearance of the area.
- e. Said sign shall not exceed an overall height of fifty-five (55) feet.
- f. Said sign shall not exceed one hundred and seventy-five (175) square feet per display face (a variance not to exceed an additional fifty (50) square feet may be possible providing the applicant meets the requirements for a variance as outlined in Article 17 of the Municipal Code.

SECTION 6. CEQA Finding. The City Council hereby finds that there is no possibility that the adoption of this Interim Urgency Ordinance will have a significant effect on the environment. This finding is supported by the following facts: (1) this ordinance authorizes the undertaking of feasibility and planning studies; and (2) any development which may occur pursuant to the interim standards will not be approved until a complete environmental evaluation of the proposed project has occurred. This Ordinance is therefore exempt from California Environmental Quality Act review pursuant to Title 14 California Code of Regulations, Section 15262.

SECTION 7. Grandfathering. This Interim Urgency Ordinance shall only apply to sign applications for new freeway oriented signage for development projects that have been issued a Certificate of Occupancy by the City subsequent to September 27, 2007. This Interim Urgency Ordinance shall not apply to any project which has been previously approved by the City or its constituent boards, commissions or officials so long as such approvals remain valid, nor shall it apply to any application for discretionary land use development entitlements, or zoning variances which were approved and that were issued a Certificate of Occupancy by the City prior to the effective date of this Interim Urgency Ordinance.

SECTION 8. Vote Required for Adoption of Ordinance. This Interim Urgency Ordinance is enacted pursuant to the authority conferred upon the City Council of the City of Banning by Government Code Section 65858, 36934 and 36937, and shall be in full force and effect immediately upon its adoption by a four-fifths (4/5) vote of the City Council.

PASSED, APPROVED, AND ADOPTED as an URGGENCY ORDINANCE this 10th 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

ATTACHMENT 3

URGENCY ORDINANCE NO. 1402 STATUS REPORT
(DATED MARCH 12, 2009)

REPORT ON MEASURES TAKEN TO ALLEVIATE THE CONDITIONS THAT LED TO THE ADOPTION OF URGENCY ORDINANCE NO. 1402

March 12, 2009

On February 10, 2009, the City Council adopted Urgency Ordinance No. 1402 declaring a moratorium on the development of freeway oriented sign districts. The City Council further directed staff to develop comprehensive and appropriate revisions to the City's ordinances including, but not limited to, development of a process for existing businesses to request permits for the placement of freeway oriented signage along the interstate.

Immediately upon the adoption of Urgency Ordinance No. 1402, and in order to address the existing conditions that led to the adoption of the Ordinance, the Planning Division has initiated the following efforts:

- Assessment of whether there are additional state, federal or local funding sources available to subsidize the development and implementation of sign districts; and
- Analysis of whether based upon the current economic conditions within the City, the continued implementation of sign districts unduly restricts or hampers business development, or has a significant negative impact on current businesses operating within the City.
- Initiated a survey of cities within the surrounding area that currently have existing freeway oriented sign districts to determine the effectiveness of sign districts in clearing up "sign blight", and as a business development tool; and
- Initiated internal discussions regarding any pending applications for freeway oriented signage to determine if additional regulatory requirements are necessary prior to implementing sign districts.

The gathering of information and analysis of data from various agencies and other staff members is on-going. Extensive review and consideration of the information is required and a comprehensive analysis could not be completed within 45 days of the original moratorium. Consequently, the moratorium needs to be extended.



Matthew C. Bassi
Interim Community Development Director



Brian Nakamura
City Manager

**CITY COUNCIL AGENDA
REPORT OF OFFICERS**

DATE: March 24, 2009

TO: Honorable Mayor and Members of the City Council

FROM: Brian S. Nakamura, City Manager

SUBJECT: City Council Donation and Sponsorship Policy for Community Events and Programs

RECOMMENDATION:

That the City Council authorize the City Manager to recommend donation and sponsorship requests for community events and programs by individuals, groups, and/or organizations to the City Council for approval based upon the following criteria:

1. The City shall advertise by public notice by March 15 of each fiscal year eligibility requirements for donations and/or sponsorships funding requests by individuals, groups, and/or organizations shall be submitted to the City Manager in writing for the purpose of gathering certain pertinent information prior to being placed on the agenda; and
2. The required information shall be submitted in writing by individuals, groups, and/or organizations and shall include and may not be limited to:
 - a. funding amount requested from City; and
 - b. other sources of funding which is being sought or has been obtained; and
 - c. approximately how many City of Banning residents shall be impacted or affected by the program(s) seeking funding; and
 - d. what benefits shall be received by the City; and
 - e. financial status of the individual and/or organization if applicable; and
 - f. whether or not the individual, group, and/or organization received approvals and/or responses to similar requests within the last 12 to 24 months; and
 - g. that such requests are within the current budget appropriated for within the City Council's Contingency Account and shall not exceed the amount of \$1,000 for the fiscal year requested.

BACKGROUND:

At the March 10, 2009 City Council meeting staff was provided additional direction regarding requirements and qualifications for City Donations and Sponsorships. Those additional provisions are highlighted and subsequent to City Council approval will be put into a format satisfactory for public distribution.

The City Council fully supports and appreciates opportunities to invest in community events and programs when residents and businesses benefit from such efforts. In an effort to effectively manage requests for funding of community events and programs it is imperative that funding criteria be established to insure fair and equitable distribution of funds available.

Unfortunately, budget constraints do not allow for full or partial funding of all events and programs, therefore the City shall focus on such efforts that have the greatest positive impact on the community and sets forth the criteria above as a means for achieving and accomplishing its community events and programs goal.

FISCAL DATA:

The fiscal impact is based upon funding appropriated each fiscal year by the City Council. Historically the City has budgeted approximately \$20,000 annually in a contingency fund that has been utilized for this purpose as well as other purposes.

However, based upon current economic conditions, City staff recommends that the FY 2008/09 include \$10,000 to be appropriated for community donation funding requests. Once said funds are exhausted, the City Council may appropriate funds accordingly for the next fiscal year. To date, the City has spent \$3,000 toward donations from the contingency fund.

REVIEWED BY:


Bonnie Johnson
Finance Director

APPROVED BY:



Brian Nakamura
City Manager

**CITY COUNCIL AGENDA
REPORTS OF OFFICERS**

Date: **March 24, 2009**

TO: **City Council**

FROM: **Brian Nakamura, City Manager**

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

RECOMMENDATION: "The City Council approve resolution number 2009-24 a Resolution of the City Council of the City of Banning amending the policy entitled "Reimbursement Policy for Elected and Appointed Officials".

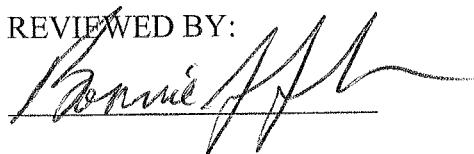
JUSTIFICATION: Resolution 2006-55, approved on May 30, 2006, established an expense reimbursement policy for Elected and Appointed Officials. Given the City's current fiscal challenges, the City Council desires to amend the policy.

BACKGROUND & ANALYSIS: AB 1234, a 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 reference.

The attached policy satisfies the requirements, but is very general in nature. At the February 24, 2009 Council meeting staff was directed to make certain changes in the policy. These changes have been incorporated into attached the policy (shown in bold) and include the following: 1) addition of a clause on unauthorized expenses, 2) clarification on which members of Council would represent the City on lobbying efforts, and 3) establishing an annual spending limit for each Council member with regard to travel, training, seminars and attendance at various events. With regard to the spending limit, staff has looked at the last 2 fiscal years and the current one as well. In the last 2 fiscal years, the total Council spending in this area has been a total of approximately \$32,000. That averages to \$6,400 per Councilmember per year. In 2009 so far, the average is \$1,045 per Councilmember. Given the current year trend, economic conditions and the City's fiscal challenges, staff would recommend a cap for 2009-10 of \$3,000 for the Mayor and CRA Chairman and \$2,000 for all other Councilmembers. This would result in an annual budget of \$12,000 for travel and seminars. Any expenses expected to exceed these amounts would need to be approved in advance by the Council.

FISCAL IMPACT: Uncertain, however, overall savings is anticipated.

REVIEWED BY:



Bonnie Johnson
Finance Director

RECOMMENDED AND APPROVED BY:



Brian Nakamura
City Manager

RESOLUTION NO. 2009-24

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF BANNING AMENDING THE REIMBURSEMENT
POLICY FOR THE EXPENSES OF ELECTED AND
APPOINTED OFFICIALS**

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

WHEREAS, The City Council of the City of Banning formerly adopted Resolution 2006-55 establishing an expense reimbursement policy for elected and appointed officials;

WHEREAS, The City Council now desires to make changes to said policy;

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

SECTION 1. FINDINGS. The City Council of the City of Banning (“City”) finds as follows:

- A. In addition to performing their day-to-day duties and responsibilities, it is in the best interests of the City that elected and appointed officials (hereinafter, “officials”) remain informed and trained in activities, developments and professional trends affecting the affairs of the City and that attendance at institutes, hearings, meetings, conferences, or other gatherings is of value to the City and its citizens.
- B. The City’s officials include members of any legislative body (as defined in Government Code Section 54952(a), (b)) of the City (hereinafter “legislative body”), including the City Council, as well as the 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.
- C. The City takes its stewardship over the use of its limited public resources seriously.
- D. Public resources should only be used when there is a substantial benefit to the City, including:
 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 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.

E. It is in the best interests of the City to adopt a policy to provide guidance to officials on the use and expenditure of City resources, as well as the standards against which those expenditures will be measured.

F. Government Code section 36514.5 allows the Mayor and City Councilmembers to be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

G. The travel and expenses reimbursement policy adopted by this resolution is intended to and does satisfy the requirements of Government Code sections 53232.2 and 53232.3.

H. The desired changes are incorporated in bold print in Attachment "A" to this resolution.

SECTION 2. Adoption of Reimbursement Policy. The "City of Banning Reimbursement Policy for Elected and Appointed Officials" as amended and set forth in Attachment "A," is hereby adopted, and will apply to all applicable requests for the reimbursement of expenses incurred after the effective date of this resolution.

SECTION 3. The City Clerk must certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 24th day of March, 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

CERTIFICATION:

I, Marie Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2009-24 was introduced at a regular meeting of the City Council of the City of Banning, California, held on the 24th day of March, 2009 and was duly adopted at a regular meeting of the City Council held on the 24th day of March, 2009, by the following roll-call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

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. **However, the Mayor and Chairman of the Community Redevelopment Agency will be the primary representatives for activities relating to lobbying efforts. If the Mayor is not available 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.

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. A newly elected Councilmember, that has not previously attended, should attend the annual California League of Cities "Boot camp" for newly elected Mayors and Councilmembers, in January, in Sacramento. Anyone else is free to attend if they want to pay their own way.

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. **Expenses Not Authorized for Reimbursement**

- A. The personal portion of any trip;
- B. Political or charitable contributions or events;
- C. Family expenses, including partner's expenses when accompanying the Council member on City-related business, as well as children or pet related expenses;
- D. Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events;
- E. In-town mileage;
- F. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and

- G. Alcohol and personal bar expenses; and
- H. Personal losses incurred while on City business. Any questions regarding the propriety of a particular type of expense should be resolved by the City Council before the expense is incurred.

D. Annual Allocation of Funding for Reimbursable Expenses

Each individual Councilmember will be allocated an agreed upon amount of funding in a given fiscal year. This amount will be reviewed annually as part of the budget process. Within their allocated amount of funding, he/she can choose to attend California League of Cities educational events, events specific to their Council assignments, i.e., WRCOG, RCTC, RTA, etc. or any other event that meets the criteria of this policy.

E. 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.