

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

July 28, 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**

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

**II. PUBLIC COMMENTS/CORRESPONDENCE/PRESENTATIONS  
ANNOUNCEMENTS/**

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.*

CLOSED SESSION

1. The City Council will meet in Closed Session pursuant to Government Code Section 54957 with regard to recruitment/appointment of Interim City Manager.

*The City of Banning promotes and supports a high quality of life that ensures a safe and friendly environment, fosters new opportunities and provides responsive, fair treatment to all and is the pride of its citizens.*

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

**PRESENTATIONS:**

1.	Presentation by Wind Power Consulting Group . . . . .	1
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**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 Item 1 through 12**

**Items to be pulled \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ for discussion.**

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

1.	Approval of Minutes – Regular Meeting – 07/14/09 . . . . .	6
2.	Approval of Minutes – Adjourned Meeting-07/17/09. . . . .	14
3.	Approval of Minutes – Special Meeting – 07/20/09. . . . .	15
4.	Resolution No. 2009-61, Amending Resolution No. 1997-41 Employer Pickup Resolution Pre-Tax Payroll Deduction Plan for Service Credit Purchases (Contribution Code 14). . . . .	16
5.	Resolution No. 2009-63, Accepting and Authorizing the Expenditure of SB-821 Bicycle and Pedestrian Facilities Grant Program funds for Fiscal Year 2009/10. . . . .	20
6.	Resolution No. 2009-62, Accepting Community Development Block Grant (CDBG) Program Funds for Fiscal Year 2009-2010 . . . . .	27
7.	Resolution No. 2009-66, Authorizing the Submittal of the FY 2009-10 Local Transportation Fund (LTF) and approving the FY 2009/10 Short Range Transit Plan (SRTP). . . . .	34
8.	Approval of Accounts Payable and Payroll Warrants for Month of June 2009 . . . . .	79
9.	Police Officer fees for security during the 2009 Playhouse Bowl Evenings in the Park Concert Series beginning August 6, 2009 at the Repplier Park Bowl. . . . .	82
10.	Award of Piggyback Purchases of 2 Transit Buses and 2 Dial-A-Ride Buses for the Transit Division of the Community Services Department in the amount not to exceed \$975,214.00 to Creative Bus Sales from the funds obtained through the FY 08-09 RCTC Transit Grant as listed in the Short Range Transit Plan . . . . .	83

- 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. Tentative Tract Map 31614 – Time Extension: Located on Banning Bench APN: 531-240-008, -009, -010 *(This item has been removed from the agenda)*  
*(Per AB 333 – this map is extended for an additional 2 years.)*

2. Adoption of Ordinance No. 1408 - Amending the Municipal Code  
Regarding the Local Preference Pursuant to the City's Purchasing System:  
Adoption of Ordinance No. 1408 Amending Section 3.24.140(B) of the Banning Municipal Code Regarding Local Preference Pursuant to the City's Purchasing System.

Staff Report ..... 85  
Recommendations:

1. **That the City Council adopt Ordinance No. 1408 amending Section 3.24.140(B) of the Banning Municipal Code regarding local preference pursuant to the City's purchasing system.**
2. **That the City Council approve Resolution no. 2009-60 a Resolution of the City Council of the City of Banning Setting the Local Preference Percentage pursuant to the City's Purchasing System.**

#### **V. REPORTS OF OFFICERS**

1. Bonnie Johnson, Finance Director  
A. Consideration of a Transient Occupancy Tax (TOT) Ballot Measure .. 90

Recommendations:

1. **That the City Council approve Resolution No. 2009-67 a Resolution of the City Council of the City of Banning calling and giving notice of a special municipal election on Tuesday, November 3, 2009, for the submission to the voters of the City a proposed ordinance amending the City's transient occupancy tax; unanimously declaring a fiscal emergency under proposition 218 and in accordance therewith requesting the County of Riverside to consolidate the City's special election with the special and general municipal elections held within Riverside County on that date.**
2. **That the City Council approve Resolution No. 2009-68 a Resolution of the City Council of the City of Banning directing the City Attorney to prepare an impartial analysis, setting priorities for filing written arguments, and providing for rebuttal arguments regarding the Banning transient occupancy tax measure.**

2. John Jansons, Redevelopment Manager
  - A. Economic Development Committee . . . . . 103

Recommendations: **That the City Council receive and file this report regarding the status of the Economic Development Committee to provide advisory support to the Agency and City on matters of economic development and projects.**
  
3. Barbara Hanna, Mayor Pro Tem
  - A. Need for Community Conversations . . . . . 116

Recommendation: **That the City Council discuss and take possible action regarding Community Conversations.**

## **VI. ITEMS FOR FUTURE AGENDAS**

New Items –

Pending Items –

1. Service Club Signage on Ramsey Street, Gateway project (*ETA 8/25/09*)
2. Local Economic Stimulus Program (*ETA 8/25/09*)
3. Golf Cart Lane Policy for City of Banning (*ETA 9/8/09*) *Pending Beaumont Policy Development*
4. Schedule Meetings with Our State and County Elected Officials
5. Set New Date for Joint Meeting with Banning School Board (*ETA 8/09*) (*Date to be determined*)
6. Policy for Naming of Street and also Parks – Policy and Procedures (*ETA 8/25/09*)

## **VII. CLOSED SESSION**

1. Pursuant to Government Code Section 54957.6 Conference with Labor Negotiators and Employee organization: BPOA  
Agency Designated Representatives: Brian Nakamura, David Aleshire, Bonnie Johnson and Hoyl Belt
  
2. Potential Litigation-Proposed Settlement  
Pursuant to Government Code Section 54956.9 (c) City of Banning et al. vs. James Jones Company,
  
3. The City Council will meet in Closed Session pursuant to Government Code Section 54957 with regard to recruitment of City Manager.

- A. Opportunity for Public to Address Closed Session Items.
- B. Convene Closed Session

## **VIII. 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].

# WIND POWER Consulting

GBR Engineering & Development Contractors, LLC

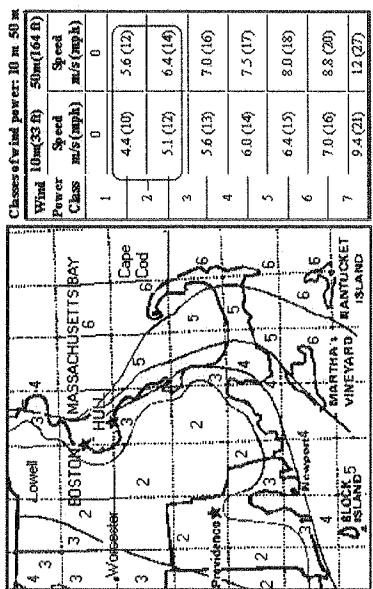
## Associates:

Pat Oberg	Wind Farm Development
P.O. Box 511	Cell 951-906-8923
Highland, CA 92346	<u><a href="mailto:landinca@roadrunner.com">landinca@roadrunner.com</a></u>

Harold Wright	Wind Farm Development
P.O. Box 1598	Off 909-981-6984
Upland, CA 91785	Fax 909-981-2330
<u><a href="mailto:hw@tpmland.com">hw@tpmland.com</a></u>	Cell 909-772-5660

## CAN YOUR COMMUNITY SUPPORT WIND POWER?

Find you town or city on the map below. Most areas in Eastern Massachusetts are very wind friendly. Class 2 wind speeds or greater can support turbines. The greater the wind speed the quicker the return on money. For more information, please visit the American Wind Energy Associations website at [www.awea.org](http://www.awea.org).



## A PHOTOGRAPHER'S VIEW OF WIND POWER IN HULL

### HISTORY

1820's - Hull Peninsula nicknamed "Windmill Point."  
1984 - 1996 - 40kW windmill installed adjacent to Hull High School. During the life-span of this single turbine, the DOER estimates The Town of Hull saved \$70,000.

Driving by shuttle to Hull from Boston was a peaceful experience, with a mild breeze, the sun rising in the early morning house to Hull Harbor. We debarked onto the Wharf and heard nothing from the wind turbine, which was creating electricity for many of the Hull residences and businesses.

The structure was not unsightly, as gas riggings were in the Harbor, the towering base of the wind turbines was microscopic, compared to a tanker transporting crude oil through our environmentally fragile harbor and surrounding islands.

There was no smell of oil, the air around us was crisp and clean, and it did not take up acres upon acres of real estate as do, huge electric generating power plants from the Quincy shores to Boston Harbor. The pillar, upon which the wind turbine and blades stood, was clean and reflected the sun's early morning rays.

I stood beneath the wind turbine and listened to the tranquilizing whoosh, as the wind turned the blades. No one had to speak loud to be heard, and this monument to clean energy disturbed no sea critter or bird.

As a photographer, I enjoy scenery, I am not politically involved in any environmental movement, but like any human being, I want our oceans and land and air to be free of pollutants that hinder our activities, no matter what we do for work in our leisure time.

Alex Marvadis, - Boston, MA

Photo courtesy of Alex Marvadis

1820's - Hull Peninsula nicknamed "Windmill Point."

1984 - 1996 - 40kW windmill installed adjacent to Hull High School. During the life-span of this single turbine, the DOER estimates The Town of Hull saved \$70,000.

1997 - Citizen's For Alternative Renewable Energy (CARE) was formed by citizens eager to see the town of Hull replace its outdated 1984 windmill with a newer more efficient model. Headed by Malcolm Brown and Andrew Stern, CARE petitioned Hull Light to take on the project.

1999 - With strong assistance from the DOER a full engineering survey and report was completed.

2000 - At a Town public meeting strong support was shown for the new project.

2001 - In January, at a price of \$700,000, Vestas' V47 turbine rated at 660kW was chosen to replace the 1984 model. Nicknamed Hull Wind 1, the turbine started producing electricity on December 27.

2002 - Billing for the Hull's street lights and traffic lights suspended.

2003 - After 724 days in operation, Hull Wind 1 produced over 3 Million kWh of electricity and has saved the Town \$250,000 (see "Economics" inside for more information).

## FREQUENTLY ASKED QUESTIONS

**What are the dimensions of Hull Wind 1?** Hull Wind 1 weighs 145,900 lbs, stands 150' tall and each blade is 90' long.

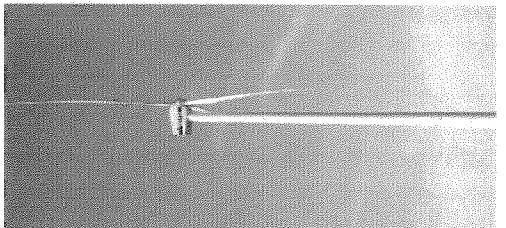
### How much electricity does Hull Wind 1 produce?

During the first year of operation, Hull Wind 1 produced 1,597,963 kWh of electricity. With the average home using about 6,000 kWh per year, Hull Wind 1 produced enough electricity to power 300 homes!

**How fast do Hull Wind 1's blades turn?** No matter how fast the wind blows, the blades will never turn faster than 28.5 revolutions per minute.

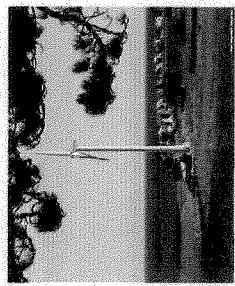
**How will Hull Wind 1 be maintained?** Hull Wind 1 is under a 2 year maintenance contract with Vestas.

**Will Hull install more turbines? If so, When?** Hull Light is scheduling public meetings to decide this. Sign up for up-to-date information on this issue at [www.hullwind.org](http://www.hullwind.org).



**Congressional Recognition**

- Certificate of Congressional Recognition from Congressman William Delahunt
- 2003 Climate Award for Communities from Clean Air Cool Planet



**Awards**

- 2003 Utility Leadership Award from the American Wind Energy Association

- 2002 EPA Environmental Merit Award
- 2003 MMA Award
- 2002 USDOE Award

## ECONOMICS OF HULL WIND 1

**Total Purchase Price** \$700,000

### Annual Cost

Purchase Price	\$35,000
Maintenance/Warranty	\$ 8,000
Insurance	\$ 8,000
Total Year Fixed Price	\$51,000

\$51,000/1,500,000 kWh = \$0.034  
Cost to Hull is 3.4 cents/kWh

### Credit

Green Certificates	.030/kWh
Renewable Credit	.015/kWh

.045kWh - .034kWh = .011

**Annual Savings**  
1,500,000 X .0749 kWh  
1,500,000 X .011 kWh  
Total Annual Savings

**Savings To Date**  
**3,033,076 kWh = \$250,893.62**

**Who can we contact for more information on Hull Wind 1?**

Malcolm Brown, President of CARE at  
Malcolm.Brown@comcast.net

**Andrew Stern, Vice President of CARE at**  
ASternWind@hotmail.com

**3**

## AWARDS

## WHY WIND POWER

**Wind Energy is CLEAN.** A single wind turbine displaces 1,200 tons of CO<sub>2</sub>, 7 tons of sulfur dioxide and 5 tons of nitrogen oxide. More wind power means less smog, acid rain and greenhouse gas emissions.

**Wind Energy is ABUNDANT.** Wind energy could provide 20% of the US electricity with turbines installed on 1% of its land area.

**Wind Energy is INEXHAUSTIBLE.** To generate the amount of electricity that the U.S. wind resources could supply, 20 billion barrels of oil per year would be needed. But unlike oil, wind energy is renewable, year after year.

**Wind Energy is DOMESTIC.** It will never be subject to embargoes or "price shocks" due to international conflict.

## HELPFUL LINKS

Learn more about alternative energy

**Wind Power**  
www.awea.org  
www.nrel.org  
www.windpower.org  
www.cerie.org  
www.wind-power.com  
www.eintoday.com

**Electric Vehicles**  
www.evii.com  
www.evworld.com  
www.acpropulsion.com  
www.evuk.com

**Fuel Cells**  
www.dodfuelcell.com  
www.enrgfuel.com  
www.fuelcelltoday.com

**Wind Energy**  
www.vestas.dk  
www.neg-micon.com

**Wind Turbines**  
www.hullwind.org



AMERICAN  
WIND ENERGY  
ASSOCIATION

## 10 Steps to Developing a Wind Farm

This information is intended for landowners interested in developing or hosting a wind farm on their property. It briefly addresses key factors in this decision:

*Understanding your wind resource*

*Distance from existing transmission lines*

*Securing access to land*

*Establishing access to capital*

*Identifying reliable power purchaser or market*

*Addressing siting and project feasibility considerations*

*Understanding wind energy's economics*

*Obtaining zoning and permitting expertise*

*Establishing dialogue with turbine manufacturers and project developers*

*Securing agreement to meet O&M needs*

**FOR MORE INFORMATION, PLEASE CONTACT:**

American Wind Energy Association  
1501 M Street, NW  
Suite 1000  
Washington, DC 20005

(202) 383-2500  
windmail@awea.org

**1. Understand Your Wind Resource.** The most important factor to consider in the construction of a wind energy facility is the site's wind resource. A site must have a minimum annual average wind speed in the neighborhood of 11-13 mph to be considered. Local weather data available from airports and meteorological stations may provide some insight as to averages. You can also check the wind maps for your state on the [National Renewable Energy Laboratory Web site](#). Eventually, you will want to install your own monitoring devices to record the site's wind characteristics. A listing of consultants specializing in wind resource assessment can be found at the American Wind Energy Association Web site: <http://www.awea.org/directory/consultcde.html>. More information on basic principles of wind resource evaluation can be found at [http://www.awea.org/faq/wwt\\_basics.html](http://www.awea.org/faq/wwt_basics.html).

**2. How Far Is Your Site from Existing Transmission Lines?** A critical issue in keeping costs down in building a wind farm is minimizing the amount of transmission infrastructure that has to be installed. High-voltage lines can cost thousands of dollars per mile. Whenever possible, availability and access to existing lines should be considered in selecting a site.

**3. Secure Access to Land.** Landowners, both private and public, will expect to be compensated for any wind energy development that occurs on their land. Royalty or lease agreements will need to be discussed with all parties involved. Roads, transmission equipment, maintenance infrastructure, turbines, etc. all need to be considered. Moreover, the construction of a wind farm requires the use of heavy industrial equipment so developers will need to ensure there are roads capable of handling significant weight. The planning phase requires cooperation of landowners and the local community.

**4. Establish Access To Capital.** Building a wind farm is not cheap. Wind power development can cost around \$2 million per megawatt (MW) of generating capacity installed. To take advantage of economies of scale, wind power facilities should be in excess of 20 MW. Assuming the average wind turbine is rated at 1.5 megawatts (MW) in capacity, this means the installation of at least 13 turbines and an initial investment of about \$40 million.

**5. Identify Reliable Power Purchaser or Market.** Today, wind energy is one of the most cost-effective renewable energy options on the market. In fact, the cost of electricity from a new wind project is now in a range that is competitive with the cost of electricity from new power plants of any kind. However, utilities will tend to purchase power from what they consider to be the cheapest and most reliable technology. There is a fast-growing demand for wind power as well. Demand for "green power" (electricity from clean sources like wind that is sold to customers at a premium price) and environmental requirements are also creating buyers for wind energy at competitive rates. A developer should typically secure a commitment from one or more buyers for the plant's output over 10-30 years of its operational lifetime.



AMERICAN  
WIND ENERGY  
ASSOCIATION

## 10 Steps to Developing a Wind Farm

**6. Address Siting and Project Feasibility Considerations.** The fact that a site is windy does not always mean it is suitable for wind power development. A developer needs to consider many factors in siting a project. Are there endangered or protected species that could be jeopardized by the presence of the facility? Is the site's geology suitable and appropriate for industrial development? Will turbine sound and aesthetics be issues for the local community? Will the turbines obstruct the flight path of local air traffic? There are quite a few environmental and social issues that will need to be addressed in the siting of a wind power facility. Wind farms can make great neighbors, but it is the obligation of the developer to work to ensure that a project proceeds in a fashion that is acceptable to regulators and the local community. AWEA has developed a Siting Handbook that can be a useful tool in addressing siting considerations. The Handbook is available online at <http://www.awea.org/sitinghandbook/>.

**7. Understand Wind Energy's Economics.** There are many factors contributing to the cost and productivity of a wind plant. For instance, the power a wind turbine can generate is a function of the cube of the average wind speed at its site, which means that small differences in wind speed mean large differences in productivity and electricity cost. Additionally, the swept area of a turbine rotor is a function of the square of the blade length (the radius of the rotor's swept area). A modest increase in blade length boosts energy capture and cost-effectiveness. Financing methods can make a major difference in project economics as well. Securing significant investment capital or joint ownership of a project can cut costs significantly. Furthermore, there are federal and state incentives for which a project may qualify and which could reduce costs and encourage more favorable investment. For an online database of state and federal renewable energy incentives, go to <http://www.dsireusa.org/>.

**8. Obtain Zoning and Permitting Expertise.** Siting any power project can be a daunting task due to the complex array of social and environmental factors at play. A wind power developer would be well served to obtain the services of a professional familiar with the regulatory environment surrounding wind power development. A listing of consultants is available at <http://www.awea.org/membercenter/memberdirectory.aspx>.

**9. Establish Dialogue With Turbine Manufacturers and Project Developers.** Every wind turbine is different despite seemingly similar power ratings. Some machines are designed to operate more efficiently at lower wind speeds, while others are intended for more robust wind regimes. A prospective wind power developer would be wise to investigate all of the various considerations and compare the projected performance to existing machines. Moreover, anecdotal information and even the professional services of wind power developers may prove helpful. A listing of utility-scale wind turbine manufacturers can be found at <http://www.awea.org/directory/wtgmfgr.html> and a listing of developers can be found at <http://www.awea.org/membercenter/memberdirectory.aspx>.

**10. Secure Agreement to Meet O&M Needs.** Wind turbine technology has made great strides in the recent years. Today's machines are more efficient and cost-effective than ever. However, they are also more complex. Turbine availability (reliability) is a major factor in project success, and the services of professionals familiar with the O&M (operation and maintenance) of wind turbines can prove to be invaluable. Also, turbine manufacturers may offer more favorable product guarantees knowing that qualified project operators will be on site to maintain the equipment. A listing of project operators can be found at <http://www.awea.org/membercenter/memberdirectory.aspx>.

MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

07/14/09  
REGULAR MEETING

A regular meeting of the Banning City Council was called to order by Mayor Botts on July 14, 2009 at 7:47 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

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

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Brian Nakamura, City Manager  
David J. Alshire, City Attorney  
Bonnie Johnson, Finance Director  
Duane Burk, Public Works Director  
Hoyl Belt, Human Resource Director  
Zaiton Abu-Bakar, Community Development Director  
Heidi Meraz, Recreation Director  
Leonard Purvis, Chief of Police  
Perry Gerdes, Water/Wastewater Superintendent  
Ernest Marquez, Senior Civil Engineer  
Dr. John McQuown, City Treasurer  
Marie A. Calderon, City Clerk

The invocation was given by Dr. Ernest Siva. Councilmember Machisic invited the audience to join him in the Pledge of Allegiance to the Flag.

PUBLIC COMMENTS/CORRESPONDENCE/PRESENTATIONS/  
ANNOUNCEMENTS/APPOINTMENTS

Report by City Attorney

City Attorney said that the Redevelopment Agency met in closed session and did not complete the closed session item so the Agency meeting should be continued so that they can go back into closed session.

Chairman Robinson said he would accept a motion to continue the CRA closed session item to end of the closed session items for the regular City Council Meeting.

**Motion Botts/Machisic that the CRA closed session item be continued to the end of the closed session items for the regular City Council Meeting. Motion carried, all in favor.**

Report by City Manager – There was nothing to report at this time.

City Manager introduced our new Community Development Director Zaiton Abu Bakar. She comes to us from the City of Chino Hills with a plethora of experience in community development and planning.

Ms. Bakar said that she came from the City of Chino Hills and was there for about ten years. Prior to that she was at San Bernardino Associated Governments for about four years dealing with transportation and road projects. Prior to that she was with the City of Brea in Orange County for about 8 years working in the Community Development Department and prior to that she was with the City of San Dimas in LA County where she was half time code enforcement/half time in planning in advance planning projects. She also worked for the City of Commerce in East LA. She said that overall she comes here with 20 years of experience on planning regional transportation issues. She looks forward to working with the City Council, City Manager and also the community.

City Manager said that if you recall at the last meeting a citizen came up and was concerned about the signal at San Gorgonio and Ramsey. The reason for that is that we are still with the construction project at the Oddfellows Building and once that is completed staff will then set the timers on the synchronizers and you'll have a more proactive signal there.

#### PUBLIC COMMENTS – On Items Not on the Agenda

Bill Dickson, 5700 W. Wilson addressed the Council regarding the Playhouse Bowl Association Programs in to be held every Thursday starting in August as they are as follows: August 6 – Backbeat which is a Tribute to the Beatles, August 13 – Lights – Tribute to Journey, August 20<sup>th</sup> – Dean Martin and Marilyn Monroe, and August 27<sup>th</sup> – Dolly Parton and Reba McEntire. They are hoping for a great turnout and they are still looking for people who would like to advertise in their program and if you are interested you can call 951-922-3240.

Charlene Sakurai, 43000 Dillon Road addressed the Council stating that Cool Summer Nights are continuing on Friday nights with a lot of food, music, art and all kinds of things. There is always a theme for these events and the theme for Friday, July 17<sup>th</sup> is “Cookin’ with Booker”. He is a chef and will be doing some demos and offering culinary tips. There will also be a live musical performance by Inside Straight hosted by Carol’s Kitchen. July 24<sup>th</sup> is Country N’ Western Night and there is going to be international recording artist Mike Chain and he will be hosted by the Banning Playhouse Bowl. Also, the last Friday night of every month it is Car Night. At the Gallery last Saturday they had a reception for their newest artist Ginger Peña and her work is wonderful and four paintings were sold last Saturday. She is a water colorist on canvas which is a very unusual approach. In regards to Passcom and as a representative she thanked the Council and City Manager for the donation of \$500.00 and they are very grateful because they were down to \$12.75. She said that the Council’s confidence and support is really gratifying

Mr. Dickson said that he did receive an email today that the Texas Hold Em Fundraiser for Stagecoach Days has been changed until September. There were some problems with permits so please change your calendar. It will not be held on Saturday.

CORRESPONDENCE:

Mayor Botts read letter from Tanya McClain of the Department of Motor Vehicles that said as you are aware the Governor issues an Executive Order which calls for three furlough days per month for State Employees and as a result of this Order the Department of Personnel Administration ordered a furlough plan that implements the closing of State Government Operations and they will be closed on July 10, 17 and 24<sup>th</sup>.

APPOINTMENTS:

1. Designation of Voting Delegates and Alternates for the League of California Cities Annual Conference in San Jose Sept. 16-18, 2009.

Mayor Pro Tem Hanna nominated that Mayor Botts be the delegate to the annual conference. Mayor Botts asked if any of the Council would like to be the alternate. Mayor Pro Tem Hanna said that she would volunteer.

**Motion Machisic/Robinson that nominations be closed and accept the nomination of Mayor Botts as the voting delegate and Mayor Pro Tem Hanna as the alternate.** Mayor Botts opened the item for public comments. There were none. **Motion carried, all in favor.**

ADDED ITEM

Mayor Botts asked the rest of the Council to join him at the podium and stated that he had the pleasure of talking about Dr. Ernest Siva at Cal State San Bernardino and made a presentation to him at the commencement ceremony on June 14th but felt that the public and the community needed to know what Ernest and his wife do for the community the honor that was bestowed upon Dr. Siva. Mayor Botts read the proclamation for the benefit of the audience going over his accomplishments and congratulated him on receiving an Honorary Doctorate from Cal State San Bernardino.

ANNOUNCEMENTS/COUNCIL REPORTS:

Councilmember Robinson –

- He said that the Council attended the League of California Cities Meeting that was held at the old Norconian Hotel in Norco. It is an amazing facility and the first Olympic swimming pools that brought our Olympians forward in 1928 through the 40's. There is awful lot of history there and he has a CD on that also along with some books. They listened to a legislative analyst on the condition and position we are in right now as far as the budget and Sacramento and all the things that are going on. He said that Mayor Botts cannot make it to the Summit to be held this Friday and Saturday in Sacramento so he will take his place and represent the City of Banning at the Summit.

Mayor Botts –

- He said that we have wrestled with our budget for quite some time and they will be coming out and finalizing and summarizing what the Council has done in order to balance the budget as they must do or at least come close to it. Also as a Council they voted to put on the ballot this November to raise the Transient Occupancy Tax (TOT). We already have

this on the books at 6% and our neighbors and most of Southern California are at 12% and so after a lot of discussion and the decision that this is a tax but it is paid by visitors to Banning and not by any local residents and we do need to help this year and next year and later years to balance the budget. The City for probably another month can try to educate our citizens about the need and perhaps what this money could go for and why they should support it but once it goes on the ballot the City cannot be involved in a political campaign. He said that he and Mayor Pro Tem Hanna were asked by the Council to be the ad hoc committee for this and so they are trying to find volunteers who will work on a campaign committee to help pass the TOT. His plea is that if you are interested in helping with this, you can call the City Manager's office or City Hall and you can call him at 295-3950. They need a lot of people to help and put on a successful campaign.

Councilmember Machisic –

- He said that there was no RCA (Regional Conservation Authority) Meeting or WRCOG (Western Riverside Council of Governments) Meeting this month but they did send through an RCA Annual Report which he will leave with the City Clerk if anyone would like to review it.

Councilmember Franklin –

- On Saturday, August 1, 2009 from 9:00 a.m. to 1:00 p.m. a Foreclosure Prevention and Eviction Protection Workshop will be held in Riverside for those people who are interested in finding out what the latest laws are and where they can get help. You can call 951-955-4900 regarding this workshop but if you want individualized service or help and don't want to go through a meeting they can call the Fair Housing Council of Riverside and they do offer assistance free and you can reach them at 951-682-6581.
- On August 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> there will be a Spanish CERT class offered through the Riverside County Office of Emergency Services and the number to call is 951-955-4700 and then there will be an English speaking class on August 28<sup>th</sup>, 29<sup>th</sup> and 30<sup>th</sup> in Calimesa and if you are interested you can call the same number.
- There is a group of ministers that meet every month and we have talked about what we can do to help the community at large and the project selected for the city of Banning was to help our young people with school supplies. With the economic times we have a lot of students that will be going back to school with no supplies. So the community at large, individuals, different organizations are being asked if they want to participate and they can purchase school supplies for the students and they can drop them off at the Community Center. On August 7<sup>th</sup> they will collect all of the supplies, all the monies that have been donated and they will divide them up to the schools rather than giving them to individual students. They are doing this because the teacher's will be the ones that will best know which students need assistance. If people want to write checks, they can make them out to the San Gorgonio Education Fund and can also be left at the Community Center and then they will have a group of people that will go out and purchase school supplies for students. The school supplies that they are talking about are the basics which include pencils, pens, erasers, crayons, writing paper, and backpacks. The idea is if we as a community can help our young people as we age, hopefully they will be able to help us.

CONSENT ITEMS

Councilmember Machisic said that in regards to Item No. 6 we have been working with Babcock & Sons testing water for six years. He was just wondering if it would be advantageous to have a longer contract with the City. He said that is a question directed to staff that they can answer at some time in the future.

Councilmember Franklin pulled Consent Item No. 7 for discussion.

1. Approval of Minutes – Regular Meeting – 4/28/09

Recommendation: That the minutes of the Regular Meeting of April 28, 2009 be approved.

2. Resolution No. 2009-57, Adopting a Statement of Investment Policy

Recommendation: That the City Council adopt Resolution No. 2009-57.

3. Resolution No. 2009-58, Authorizing the Banning Police Department to Destroy Internal Affairs Records in Excess of Five Years From Date of Completion Per California Government Code Section 34090 and California Penal code section 832.5.

Recommendation: That the City Council adopt Resolution No. 2009-58.

4. Report of Investment for May 2009

Recommendation: That the City Council receive and place these required monthly Report of Investment on file.

5. Emergency Pavement Repairs at the Intersection of Hargrave Street and John Street Street Caused by a Ruptured 10-Inch Steel Water Main.

Recommendation: That the City Council approve the asphalt concrete pavement and concrete sidewalk repairs ( $\pm 2,000$  sq. ft.) at the intersection of Hargrave Street and John Street caused by a ruptured 10-inch steel water main in the amount of \$14,600.00 and direct the City clerk to record the Notice of Completion once the project is completed.

6. Award of Contract to E. S. Babcock & Sons, Inc. for Water Testing During the 2009/2010 Fiscal Year in the amount not to exceed \$60,000.

Recommendation: That the City Council award a contract for water testing to E. S. Babcock & Sons, Inc. in the amount not-to-exceed \$60,000.

8. Relocation of Southern California Edison Transmission Facilities for the Brinton Reservoir

Recommendation: That the City Council approve the funding for the relocation of Southern California Edison (SCE) Transmission Facilities in the amount of \$109,000.

9. Adoption of the City of Banning Sanitary Sewer Management Plan (SSMP).

Recommendation: That the City Council approve Resolution No. 2009-56, Adopting the City of Banning Sanitary Sewer Management Plan.

10. Approval of Agreement between the City of Banning and County of Riverside, Department of Environmental Health, for the Continued Arrangement of the Certified Unified Program Agency (CUPA).

Recommendation: That the City Council approve the Continuation Agreement with the County of Riverside Department of Environmental Health, for Continued Arrangement of the Certified Unified Program Agency (CUPA), for facilities and operations of the underground storage tank program, hazardous waste generation and inventory program, hazardous materials management plans and inventory permits, and above ground storage tank spill prevention program.

11. Ordinance No. 1388 – 2<sup>nd</sup> Reading: An Ordinance of the City Council of the City of Banning, California, Adding Title 18 to the Banning Municipal Code Pertaining to Grading, Erosion, and Sediment Control.

Recommendation: That Ordinance No. 1388 pass its second reading and be adopted.

12. Accept the Right-of-Way Dedication from Bogar A. Ortiz for Street Improvements at Assessor's Parcel Number 541-145-007 (Ramsey Street, Martin Street).

Recommendation: That the City Council accept the Right-of-Way Dedication from Bogar A. Ortiz for Street Improvements at Assessor's Parcel Number 541-145-007, as described in Exhibit "A" and Exhibit "B" and direct the City Clerk to accept and record said dedication.

**Motion Hanna/Machisic to approve Consent Items 1 through 6 and 8 through 12.** Mayor Botts opened the item for public comments. There were none. **Motion carried, all in favor.**

7. Amending the existing Agreement with A P Engineering to Provide Additional Design Work for the Construction of Downtown Water Main Improvements, Project No. 2008-02W.

Councilmember Franklin said she wanted to know if staff could give a little bit of background as to where we are regarding our water system and why we are going through this and where we are going forward with it.

Ernest Marquez, Civil Engineer with the Water/Wastewater Department addressed the Council stating that right now in regards to the downtown project it is about 95% complete. However, they do need an extra amount of money in order to finish up the project. He said that pipeline design had already been done due and an extra 2500 linear feet was added to that design and also a traffic control plan for Ramsey Street. Once the finishing touches are put on the plans and specifications they are ready to go out to bid for the project and hopefully that will be in about a month.

Councilmember Franklin asked if he would talk a little bit more about how old our pipes are, why we are doing this and how much of our city is impacted by it.

Mr. Marquez said that some of the pipelines were put in back in the 1930's and 40's and it is right here on Ramsey Street, First Street, Second Street and some of them are within the alleyways. They are old steel pipe and they are deteriorated in some areas downtown. We don't meet the modern fire flow requirements and that is why they are doing a lot of upgrades on them.

Mayor Pro Tem Hanna said a note to Redevelopment is that we should be coordinating façade improvements with water main replacements so we don't want one to be done and then have to be redone.

City Manager said as you know the city of Banning has been here since 1913 and a lot of infrastructure is aging. As we go through the process as you know of the potential rate adjustments one of the things that they are looking at are those capital improvements that need to be made throughout the city to serve our infrastructure. One of the items approved this evening was a major waterline failure that caused disruption not to just businesses but to the city and ironically it happened on disaster preparedness day so again these are some of the issues that they are trying to address city-wide as well as in our core downtown area that provides the infrastructure that serves our businesses and our residents.

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

**Motion Machisic/Franklin to approve Consent Item No. 7 to approve amending the existing Consultant Services Agreement for Project No. 2008-02W, Construction of Downtown Water Main Improvements with A P. Engineering for extra design work in the amount not-to-exceed \$10,747.00. Motion carried, all in favor.**

#### ITEMS FOR FUTURE AGENDAS

##### New Items and Pending Items -

1. Service Club Signage on Ramsey Street, Gateway project (ETA 7/28/09)
2. Courthouse Development, Land Assembly for Future Development
3. Local Economic Stimulus Program (ETA 7/28/09)
4. Golf Cart Lane Policy for City of Banning (ETA 7/28/09)
5. Update on Sunset Grade Separation (ETA 7/28/09)
6. Schedule Meetings with Our State and County Elected Officials
7. Set New Date for Joint Meeting with Banning School Board (ETA 8/09)  
*(Date to be determined)*
8. Policy for Naming of Street and also Parks – Policy and Procedures (ETA 8/25/09)

Mayor Pro Tem Hanna said in regards to Item No. 4 will it be on the next agenda. City Manager said yes.

Councilmember Robinson said that he passed out some information on windmills and solar that would like to make a presentation to the Council on the 28<sup>th</sup> if that could be considered for the agenda. It came from people who are interested in working with the City on this.

Mayor Pro Tem Hanna said that she would like to know that it is relevant to Banning and if it is and educational she sees no problem.

Councilmember Franklin asked how many other things are going to be on the 28<sup>th</sup> agenda so that we are not packing the calendar. It is not an urgency item evidently so she thinks if it comes that we make sure that we are trying to do the calendar in a manner that is reasonable.

#### CLOSED SESSION

City Attorney said that the City Council would go into closed session pursuant to Government Code Section 54957.6 with regard to labor negotiation with Banning Police Officers Association (BPOA) and also with labor negotiations regarding department head contracts; and pursuant to Government Code Section 54956.8 regarding real property negotiations with Pardee Homes. Also there will be the continuation of the Community Redevelopment Agency closed session items.

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

City Attorney said that there was a need to add an item to the closed session regarding the evaluation of the City Manager. **Motion Machisic/Hanna to add this to the agenda. Motion carried, all in favor.**

The Community Redevelopment Agency meeting was reconvened at this time to go into closed session. Meeting went into closed session at 7:21 p.m. and returned to regular session at 9:53 p.m.

#### ADJOURNMENT

By common consent the meeting adjourned at 9:53 p.m. with consensus to continue the City Council closed session item regarding the Evaluation of the City Manager to an adjourned meeting to be held on July 17, 2009 at 10:00 a.m.

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Marie A. Calderon, City Clerk

THE MINUTES OF THIS MEETING ARE A SUMMARY OF ACTIONS TAKEN BY THE CITY COUNCIL. AUDIOTAPES OF THE ACTUAL MEETING ARE AVAILABLE FOR LISTENING IN THE OFFICE OF THE CITY CLERK.

MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

7/17/09  
ADJOURNED MEETING

An adjourned meeting of the Banning City Council was called to order by Mayor Botts on July 17, 2009 at 9:50 a.m. at the Banning Civic Center Large Conference Room, 99 E. Ramsey Street, Banning, California.

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

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: David J. Aleshire, City Attorney  
Marie A. Calderon, City Clerk

CLOSED SESSION (*Continued from 7/14/09 Regular Council Meeting*)

The City Council met in closed session pursuant to Government Code Section 54957 to continue discussion with regard to City Manager evaluation.

Meeting went into closed session at 9:50 p.m. and returned to regular session at 11:02 p.m. City Council decided to have a closed session on Monday, July 20, 2009 at 2:00 p.m. with regard to recruitment of Interim City Manager.

## ADJOURNMENT

By common consent the meeting adjourned at 11:03 a.m.

Marie A. Calderon, City Clerk

MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

7/20/09  
SPECIAL MEETING

A special meeting of the Banning City Council was called to order by Mayor Botts on July 20, 2009 at 1:55 p.m. at the Banning Civic Center Large Conference Room, 99 E. Ramsey Street, Banning, California.

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

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Marie A. Calderon, City Clerk

**CLOSED SESSION**

The City Council met in closed session pursuant to Government Code Section 54957 with regard to recruitment of Interim City Manager.

Meeting went into closed session at 1:55 p.m. and recessed at 3:10 p.m. reconvening the closed session at 6:02 p.m. Meeting returned to regular session at 7:55 p.m. with a consensus for Mayor Botts to move forward with the recruitment of an Interim City Manager.

## ADJOURNMENT

By common consent the meeting adjourned at 7:56 p.m.

Marie A. Calderon, City Clerk

**City Council Agenda  
Consent Calendar**

**DATE:** **July 28, 2009**

**TO:** **Honorable Mayor and City Council**

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

**SUBJECT:** **Amendment to Resolution No. 1997-41, a Pre-Tax Payroll Deduction Plan for Service Credit Purchases with CalPERS.**

**Recommendation:** That the City Council approve Resolution 2009-61, amending Resolution No. 1997-41 Pre-Tax Payroll Deduction Plan for Service Credit Purchases with CalPERS.

**Justification:** CalPERS recommends that the City of Banning amend Resolution No. 1997-41, a pre-tax payroll deduction plan for service credit purchases with CalPERS due to corrections.

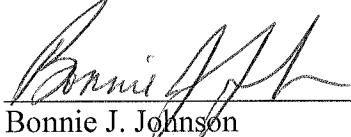
**Background:** CalPERS recently conducted an audit on our City Resolution and found that some corrections on our coverage group numbers listed on Resolution No. 1997-41 a pre-tax payroll deduction plan for service credit purchases that was adopted on May 13, 1997 be changed to coincide with our current coverage group plan number. CalPERS recommended that the City omit the coverage group numbers to prevent future amendments for minor changes. Those changes have been made in Resolution No. 2009-61.

**Fiscal Data:** There will be no costs associated with these changes.

**Recommended By:**

  
\_\_\_\_\_  
Hoyl E. Belt  
Human Resources Director

**Reviewed By:**

  
\_\_\_\_\_  
Bonnie J. Johnson  
Finance Director

**Approved By:**

  
\_\_\_\_\_  
Brian S. Nakamura  
City Manager

**Attachments:**

Resolution No. 2009-61, Amendment to Resolution No. 1997-41

## **RESOLUTION NO. 2009-61**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, AMENDING RESOLUTION NO. 1997-41 EMPLOYER PICKUP RESOLUTION PRE-TAX PAYROLL DEDUCTION PLAN FOR SERVICE CREDIT PURCHASES (CONTRIBUTION CODE 14)**

**WHEREAS**, the Board of Administration of the California Public Employees' Retirement System (CalPERS) at the April 1996 meeting approved a pre-tax payroll deduction plan for the services credit purchase under Internal Revenue Code (IRC) section 414 (h)(2); and

**WHEREAS**, the City of Banning has the authority to implement the provisions of IRC section 414 (h)(2) and has determined that even though implementation is not required by law, the tax benefits offered by this section should be provided to those employees who are members of CalPERS ;and

**WHEREAS**, the City of Banning elects to participate in the pre-tax payroll deduction plan for all employees in the following CalPERS Coverage Group(s)

All Miscellaneous  
All Safety

#### **NOW, THEREFORE, BE IT RESOLVED:**

1. That the City of Banning will implement the provisions of IRS section 414 (h)(2) by making all employee contributions for service credit purchases pursuant to the California State Government Code on behalf of its employees who are members of CalPERS, and who have made a binding irrevocable election to participate in the pre-tax payroll deduction plan. "Employees contribution" shall mean those contributions reported to CalPERS which are deducted from the salary of employees and are credited to individual employee accounts for service credit purchases, thereby resulting in tax deferral of employee contribution.
2. That the contributions made by the City of Banning to CalPERS, although designated as employee contributions, are being paid by the City of Banning in lieu of contributions by the employees who are members of CalPERS.
3. That the employees shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the City of Banning to CalPERS.
4. That the City of Banning shall pay to CalPERS the contributions designated as employee contributions from the same source of funds as used in paying salary, thereby resulting in tax deferral of employee contributions.
5. That the effective date for commencement of pre-tax payroll deduction plan cannot be any earlier than the date completed resolution is received and approved by CalPERS.

6. That the governing body of the City of Banning shall participate in and adhere to requirements and restrictions of the pre-tax payroll deduction plan by reporting pre-tax payroll deductions when authorized by CalPERS for those employees of the above stated Coverage Group(s) who have elected to participate in this plan.

**PASSED, APPROVED and ADOPTED** by the governing board of the City of Banning this 28<sup>th</sup> day of July, 2009 at Banning, California.

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Robert E. Botts, Mayor  
City of Banning, California

APPROVED AS TO FORM AND  
LEGAL CONTENT:

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David Aleshire, Attorney  
Aleshire & Wynder, LLP

ATTEST:

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Marie A. Calderon, City Clerk

CERTIFICATION

I, Marie A Calderon, City Clerk of Banning, California, do here by certify that the foregoing Resolution, No. 2009-61 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 28<sup>th</sup> day of July, 2009, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

**CITY COUNCIL MEETING  
CONSENT ITEM**

**DATE:** **July 28, 2008**

**TO:** **Honorable Mayor and City Council**

**FROM:** **Kahono Oei, City Engineer**



**SUBJECT:** **Resolution No. 2009-63, "Accepting and Authorizing the Expenditure of SB-821 Bicycle and Pedestrian Facilities Grant Program Funds for Fiscal Year 2009/10"**

**RECOMMENDATION:** Adopt Resolution No. 2009-63, "Accepting and Authorizing the Expenditure of SB-821 Bicycle and Pedestrian Facilities Grant Program Funds for Fiscal Year 2009/10", to be utilized to pay for sidewalk improvements on Woodland Avenue as well as handicap ramp improvements at various locations throughout the City that will be constructed as part of the City's Annual Street Rehabilitation Project.

**JUSTIFICATION:** In order to obtain SB-821 funds from the Riverside County Transportation Commission (RCTC) for the proposed projects that were awarded the grant, the City Council must accept the grant and authorize the expenditure of matching funds to fully pay for the improvements.

**BACKGROUND:** A call for projects for the annual SB-821 Bicycle and Pedestrian Facilities Grant Program was issued by the RCTC on March 19, 2009. A grant application encompassing two projects was fully prepared in house by the Public Works Department and submitted to the RCTC in May, 2009. A presentation was then given by Engineering Division staff to the RCTC Review Committee on May 27, 2009.

There were 38 applications submitted by cities in Riverside County and the County for this highly coveted grant. The RCTC Review Committee scored each project application competitively and awarded a total of \$1,204,397.00 to agencies within Riverside County. The scoring summary sheet is attached as Exhibit "A". The City of Banning obtained the RCTC approved grant in July, 2009 for the following project:

<u>No.</u>	<u>Project Description</u>	<u>SB-821 Grant</u>	<u>City's Match</u>
1.	City Wide Handicap Ramp Improvements	\$62,500.00	\$62,500.00
2.	Woodland Ave Sidewalk Improvements	\$45,000.00	\$45,000.00
	+10% contingency (based on a total project amount of \$107,500.00)	_____	<u>\$ 10,750.00</u>
		<b>Total</b>	<b>\$ 107,500.00</b>
			<b>\$ 118,250.00</b>

The SB-821 grant will be used to fund sidewalk and handicap ramp improvements at the above listed location, and those improvements will be constructed as part of the City's Annual Street Rehabilitation Project. The SB-821 grant must be utilized at locations where sidewalk and handicap ramps do not already exist and/or are in sub-standard condition and thus causes a safety concern, and in locations that lead to schools, parks, commercial districts, city and county services, amenities and other attractors.

**FISCAL DATA:** The Engineering Division of the Public Works Department obtained a grant in the "not-to-exceed" amount of \$107,500.00 from the RCTC to fund handicap ramp improvements at various locations throughout the City, and sidewalk improvements on the west side of Woodland Avenue from George Street to Ramsey Street. The City is required to provide matching funds estimated at \$107,500.00, or 50% of the total project costs. Staff is requesting that a 10% construction contingency be added to the estimated project costs, bringing the total City's matching amount requested to \$118,250.00. Once the project is awarded as part of the Annual Overlay project, the exact amount will be determined based on the contractor's actual bid prices. Staff is requesting that the City's matching funds be appropriated in the Measure "A" Fund for Fiscal Year 2009/10. The current estimated unappropriated balance in the Measure "A" Fund is \$1,048,434.

**RECOMMENDED BY:**



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Duane Burk  
Director of Public Works

**APPROVED BY:**



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Brian Nakamura  
City Manager

**REVIEWED BY:**



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Bonnie Johnson  
Finance Director

**RESOLUTION NO. 2009-63**  
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING,**  
**CALIFORNIA, ACCEPTING AND AUTHORIZING THE EXPENDITURE OF SB-821**  
**BICYCLE AND PEDESTRIAN FACILITIES GRANT PROGRAM FUNDS FOR**  
**FISCAL YEAR 2009/10**

**WHEREAS**, on March 19, 2009, the Riverside County Transportation Commission (RCTC) issued a call for projects for the annual SB-821 Bicycle & Pedestrian Facilities Grant Program; and

**WHEREAS**, Engineering Division Staff prepared a grant application encompassing two projects and presented the projects to the RCTC Review Committee on May 27, 2009; and

**WHEREAS**, in July of 2009, the RCTC approved both City of Banning project applications (as shown attached as Exhibit "A"), and awarded the City \$107,500.00 to be used towards handicap ramp improvements at various locations throughout the City and sidewalk improvements on the west side of Woodland Avenue from George Street to Ramsey Street.

**WHEREAS**, the SB-821 grant will be used to fund sidewalk improvements at the approved project locations, as part of the City's Annual Street Rehabilitation Project; and

**WHEREAS**, the City of Banning is required to provide matching funds estimated at \$107,500.00, which includes a 50% match of the project costs, plus a 10% construction contingency; and

**WHEREAS**, when the project is awarded, the required matching funds will come from the City of Banning's Measure "A" Fund, for Fiscal Year 2009/10.

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

**Section I.** The City Council of the City of Banning hereby accepts the \$107,500.00 SB-821 Bicycle and Pedestrian Facilities Grant (also known as the Article 3 Sidewalk Fund) from the RCTC for handicap ramp improvements at various locations throughout the City and sidewalk improvements at the west side of Woodland Avenue from George Street to Ramsey Street and authorizes the Director of Finance to make related budget adjustments.

**Section II.** The City Council of the City of Banning hereby authorizes the appropriation of the City's match, \$118,250.00 from the Measure "A" Fund and authorizes the Director of Finance to make the related budget adjustments.

**Section III.** The City Council of the City of Banning authorizes the appropriation of \$225,750.00 in the Article 3 Sidewalk Fund for the construction of the aforementioned improvements and authorizes the Director of Finance to make the related budget adjustments.

**PASSED, ADOPTED AND APPROVED** this 28<sup>th</sup> day of July, 2009.

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Robert Botts, Mayor

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

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

**ATTEST:**

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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. 2009-63 was adopted by the City Council of the City of Banning at a regular meeting thereof held on the 28<sup>th</sup> day of July, 2009, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

## **EXHIBIT “A”**

### **RANKING OF SB-821 GRANT APPLICATIONS FOR FISCAL YEAR 2009/10**

**RIVERSIDE COUNTY TRANSPORTATION COMMISSION  
SB 821 CYCLE AND PEDESTRIAN FACILITIES PROGRAM  
FY 2009/10 RECOMMENDED FUNDING**

**ATTACHMENT 1**

**25**

<u>Rank</u>	<u>Agency</u>	<u>Project Description</u>	Total Costs	SB 821 Funds Requested	Recommended Allocation	Cumulative Funds Allocated	Average Score
1	Indio	Monroe St./Dr. Carreon S/W & Ramp Project	\$184,480	\$92,240	\$92,240	\$92,240	99.7
2	Wildomar	Wildomar/Reagan School S/W & Ramp Proj.	266,800	186,760	\$186,760	279,000	95.5
3	Banning	Citywide ADA Ramp (S/W) Improvements	125,000	62,500	\$62,500	341,500	94.8
4	Beaumont	Beaumont Ave - S/W & Access Ramps	398,221	199,110	\$199,110	540,610	94.3
5	Hemet	"Missing Link" S/W and ADA Project	279,500	103,500	\$103,500	644,110	93.5
6	Lake Elsinore	Campus Way S/W & Ramp Project	92,000	46,000	\$46,000	690,110	92.8
7	Cathedral City	Whitewater Neighborhood Sidewalk Improv.	180,000	108,000	\$108,000	798,110	91.7
8	Lake Elsinore	Sumner Ave. Sidewalk/Ramp Project	93,900	46,950	\$46,950	845,060	91.5
9	Riverside	Poe St. Sidewalk/Ramp Project	38,500	19,250	\$19,250	864,310	90.8
10	Banning	Woodland Ave. Sidewalk Improvements	90,000	45,000	\$45,000	1,084,310	90.0
11	La Quinta	Village Sidewalk Infill Project	174,600	87,300	\$87,300	1,171,610	89.3
12	Corona	10th Street Sidewalk Gap Closures	89,483	67,112	\$32,787	1,204,397	89.2
13	Lake Elsinore	Riverside Dr. Sidewalk & Ramp Project	207,000	103,500	\$0	1,204,397	88.3
14	Lake Elsinore	Langstaff Street Sidewalk/Ramp Project	87,500	43,750	\$0	1,204,397	87.8
15	Indio	Monroe St. S/W Improvements (Ave 50-52)	132,500	66,250	\$0	1,204,397	86.7
16	Riverside County	Jurupa Road S/W & Access Ramps	257,000	205,600	\$0	1,204,397	85.8
17	Canyon Lake	Railroad Canyon Rd S/W & Ramp Improv.	134,000	54,000	\$0	1,204,397	85.6
18	Perkins	Citywide Sidewalk & Ramps	240,000	95,000	\$0	1,204,397	85.5
19	Riverside	Randolph St. & Lake St. Sidewalk Project	330,000	165,000	\$0	1,204,397	85.0
20	Riverside County	Grant St. Sidewalk and Access Ramps	157,000	125,600	\$0	1,204,397	83.7
21	Desert Hot Springs	Wardman Park Sidewalk Improvements	52,000	39,000	\$0	1,204,397	83.3
22	Riverside	Orrenmaa Sch. Footpath Access Project	200,000	100,000	\$0	1,204,397	83.2
23	San Jacinto	Downtown Infill S/W & Ramp Project	600,000	150,000	\$0	1,204,397	82.0
24	Riverside	Citywide Wheelchair Ramps	400,000	200,000	\$0	1,204,397	81.3
25	Riverside County	Mayberry Ave. S/W & Access Ramps	206,000	164,800	\$0	1,204,397	81.2
26	Riverside County	Steve Ave. Sidewalk & Access Ramps	120,500	96,400	\$0	1,204,397	80.8

**RIVERSIDE COUNTY TRANSPORTATION COMMISSION  
SB 821 BICYCLE AND PEDESTRIAN FACILITIES PROGRAM  
FY 2009/10 RECOMMENDED FUNDING**

**ATTACHMENT 1**

**26**

<u>Rank</u>	<u>Agency</u>	<u>Project Description</u>	Total <u>Costs</u>	SB 821 Funds <u>Requested</u>	Recommended <u>Allocation</u>	Cumulative <u>Funds Allocated</u>	Average <u>Score</u>
28	Moreno Valley	Class II Bike Lanes (Lasselle to Krameria)	40,040	36,036	\$0	1,204,397	79.9
29	Desert Hot Springs	Desert Springs Middle School S/W Project	188,000	141,000	\$0	1,204,397	79.8
30	Coachella	Bagdoura Park Projects (S/W & Ramps)	123,066	79,993	\$0	1,204,397	79.2
31	Moreno Valley	Gap Closure Pedestrian Walkway	85,250	68,200	\$0	1,204,397	77.7
32	Murrieta	Nutmeg (S/W) Washington to Adams	128,000	96,000	\$0	1,204,397	76.7
33	Coachella	Valley View School Projects (S/W & Ramps)	151,021	98,164	\$0	1,204,397	75.5
34	Coachella	Pueblo Viejo Projects (S/W & Ramps)	162,819	105,832	\$0	1,204,397	74.7
35	Palm Springs	Cerritos Road "Missing Link" Sidewalk Proj.	106,000	84,800	\$0	1,204,397	73.2
36	Palm Springs	Farrell Dr. "Missing Link" Sidewalk Project	48,000	38,400	\$0	1,204,397	72.0
37	Murrieta	California Oaks Rd. (S/W) Jackson to Lincoln	158,000	118,500	\$0	1,204,397	70.9
38	Desert Hot Springs	Cabot's Museum Sidewalk Improvements	93,000	<u>69,750</u>	<u>\$0</u>	1,204,397	68.7
		Totals	<u><u>\$6,762,189</u></u>	<u><u>\$3,784,297</u></u>	<u><u>\$1,204,397</u></u>		

MD: 6/1/09

**CITY COUNCIL MEETING  
CONSENT ITEM**

**DATE:** **July 28, 2009**

**TO:** **Honorable Mayor and City Council**

**FROM:** **Kahono Oei, City Engineer** 

**SUBJECT:** **Resolution No. 2009-62, "Accepting Community Development Block Grant (CDBG) Program Funds for Fiscal Year 2009-2010"**

**RECOMMENDATION:** Adopt Resolution No. 2009-62, "Accepting Community Development Block Grant (CDBG) Program Funds for Fiscal Year 2009-2010."

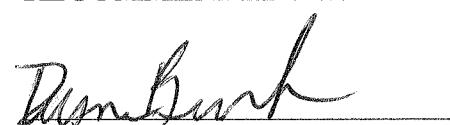
**JUSTIFICATION:** Acceptance of this grant is necessary in order for the City to obtain and utilize funds for CDBG projects, Fiscal Year 2009-2010.

**BACKGROUND:** On an annual basis, the City of Banning has participated in the federally funded Community Development Block Grant (CDBG) program. On December 10, 2008 the City Council adopted Resolution No. 2008-126, approving the projects as shown in Exhibit "A" for funding by the CDBG program, Fiscal Year 2009-2010. The City submitted these projects and requested funding in the amount of \$180,000.00 to the Riverside County Economic Development Agency (EDA) and was approved in an amount of \$164,616.00.

In order to utilize these funds for Fiscal Year 2009-2010, the City is required to accept grant funds. The approval letter from the EDA is attached herein as Exhibit "B" showing the approved projects and funding allocations. Once the City approves this Resolution, the Riverside County EDA will provide a Supplemental Agreement at a later date.

**FISCAL DATA:** These projects are funded through the Community Development Block Grant (CDBG) program funds, Fiscal Year 2009-2010, and the City anticipates receiving \$164,616.00.

**RECOMMENDED BY:**

  
\_\_\_\_\_  
Duane Burk  
Director of Public Works

**REVIEWED BY:**

  
\_\_\_\_\_  
Bonnie Johnson  
Finance Director

**APPROVED BY:**

  
\_\_\_\_\_  
Brian Nakamura  
City Manager

**RESOLUTION NO. 2009-62**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING,  
CALIFORNIA, ACCEPTING THE COMMUNITY DEVELOPMENT BLOCK GRANT  
(CDBG) PROGRAM FUNDS FOR FISCAL YEAR 2009-2010”**

**WHEREAS**, on an annual basis, the City of Banning has participated in the federally funded Community Development Block Grant (CDBG) program; and

**WHEREAS**, the proposed projects for Fiscal Year 2009-2010 were approved by the City Council under Resolution No. 2008-126 on December 10, 2008; and

**WHEREAS**, the City submitted these projects and requested funding in the amount of \$180,000.00 to the Riverside County Economic Development Agency (EDA) and was approved in an amount of \$164,616.00; and

**WHEREAS**, in order to utilize CDBG funds for Fiscal Year 2009-2010, the City is required to accept grant funding allocations.

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

- Section I.** The City Council of the City of Banning hereby approves the acceptance of Fiscal Year 2009-2010 Community Development Block Grant funds.
- Section II.** The City Council of the City of Banning authorizes the City Manager to execute any Supplemental Agreement for Fiscal Year 2009-2010 covering the use of Community Development Block Grant funds allocated by the Riverside County Economic Development Agency.
- Section III.** Authorize the Director of Finance to make necessary budget adjustments and appropriations related to Fiscal Year 2009-2010 Community Development Block Grant program funds in an amount “Not to Exceed” \$164,616.00.
- Section IV.** This authority is rescinded within Ninety (90) days of the effective date of this Resolution.

**PASSED, APPROVED AND ADOPTED** this 28<sup>th</sup> day of July, 2009.

---

Robert E. Botts, Mayor  
City of Banning

**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. 2009-62, was adopted by the City Council of the City of Banning at a Regular Meeting thereof held on the 28<sup>th</sup> day of July, 2009, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Marie A. Calderon  
City Clerk of the City of Banning

**EXHIBIT "A"**

**Community Development Block Grant (CDBG) Program Funds**  
**Fiscal Year 2009-2010**

**CITY PROJECTS**

NO.	PROJECT NAME	DESCRIPTION	FY 2009-10 CITY REQUESTED	FY 2009-10 EDA APPROVED AMOUNT
1.	Repplier Park Bowl Rehabilitation	Project will include design, facade, stage repair, provide additional bathrooms, improvements to the superstructure, landscaping, walkways, etc.	\$153,000.00	\$140,612.00
	<b>Totals</b>		<b>\$153,000.00</b>	<b>\$140,612.00</b>

**Community Development Block Grant (CDBG) Program Funds**  
**Fiscal Year 2009-2010**

**SERVICE RELATED PROJECTS**

NO.	PROJECT NAME	DESCRIPTION	FY 2009-10 CITY REQUESTED	FY 2009-10 EDA APPROVED AMOUNT
1.	Banning Police Activities League	“At-Risk” Youth Programs Involving Sports Activities, Art Programs, and Community Participation	\$10,000.00	\$10,000.00
2.	San Gorgonio Child Care Consortium	Providing Miscellaneous Services to Special Needs Children	\$10,000.00	\$10,000.00
3.	Soroptimist House of Hope	Residential 24 HR Substance Recovery	\$7,000.00	\$4,004.00
	<b>Totals</b>		<b>\$27,000.00</b>	<b>\$24,004.00</b>

**EXHIBIT “B”**

**PROJECT APPROVAL LETTER AND FUNDING  
ALLOCATIONS FOR FISCAL YEAR 2009-2010**



File No.: 0.59-09, 0.60-09,  
5.BN.10-09, 5.BN.11-09

May 14, 2009

Kahono Oei, City Engineer  
City of Banning  
P.O. Box 998  
Banning, CA 92220

**SUBJECT: Approval of Proposed 2009-2010 CDBG Funded Activities, City of Banning**

Dear Mr. Oei:

The Riverside County Board of Supervisors has approved your City's proposed CDBG projects for the 2009-2010 Program Year. These activities have been included in the 2009-2010 One Year Action Plan (OYAP). The OYAP has been submitted to the U.S. Department of Housing and Urban Development (HUD) for review and approval. We are expecting the effective date of HUD's approval of our program by July 1, 2009.

Please note – the County of Riverside's 2009-2010 CDBG allocation was reduced by nearly 15% from the 2008-2009 level. As a result, your City's 2009-2010 CDBG allocation is **\$164,616**; this is **\$11,280** less than your 2008-2009 funding level. To expedite processing of the One Year Action Plan, we reduced your largest funded activity or split the difference among the largest activities as necessary. We did not reduce the amount available for your City's public service activities; however, public service adjustments will be made for the 2010-2011 program year.

The approved projects are as follows:

0.59-09	San Gorgonio Special Needs	\$10,000
0.60-09	Soroptimist House of Hope, Inc.	\$4004
5.BN.10-09	Repplier Park Bowl Improvements	\$140,612
5.BN.11-09	Banning Police Activities League Program	\$10,000

We are in the process of preparing your City's Supplemental Agreement for the use of the CDBG funds. The agreement together with instructions will be forwarded to you in a few weeks. Once you receive your Supplemental Agreement, you will have sixty (60) days to have it properly executed and returned to EDA.

ECONOMIC DEVELOPMENT/MARKETING • REDEVELOPMENT • HOUSING • WORKFORCE DEVELOPMENT • HOUSING AUTHORITY  
AVIATION • RIVERSIDE COUNTY FAIR & NATIONAL DATE FESTIVAL • EDWARD-DEAN MUSEUM & GARDENS • COMMUNITY SERVICES

**1325 SPRUCE STREET, SUITE 400 • RIVERSIDE CALIFORNIA 92507**  
**T 951.955.8916 • F 951.955.6686 • [WWW.RIVCOEDA.ORG](http://WWW.RIVCOEDA.ORG)**

**CITY COUNCIL AGENDA  
CONSENT ITEM**

**DATE:** **July 28, 2009**

**TO:** **City Council**

**FROM:** **Heidi Meraz, Community Services Director**

**SUBJECT:** **Resolution 2009-66 A Resolution of the City Council of the City of Banning Authorizing the Submittal of the FY 2009-10 Local Transportation Fund (LTF) Claim and approving the FY 2009/10 – 2011/12 Short Range Transit Plan (SRTP)**

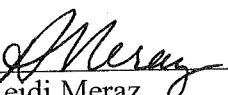
**RECOMMENDATION:** "The City Council approve Resolution No. 2009-66, authorizing the submittal of the FY 2009-10 Local Transportation Fund (LTF) Claim in the amount of \$1,145,000 and approving the FY 2009/10 – 2011/12 Short Range Transit Plan (SRTP)".

**JUSTIFICATION:** LTF dollars are needed to fund the operation of the City's fixed route and dial-a-ride services system. The SRTP is prepared annually and justifies the amount of funding being requested from the Riverside County Transportation Commission (RCTC). The plan, as well as the required funding sources, has already been approved by RCTC.

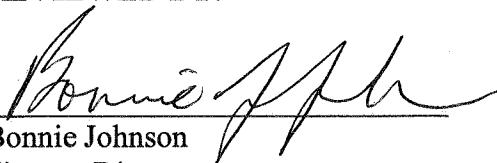
**BACKGROUND:** The City operates three fixed routes and a dial-a-ride service. The Riverside County Transportation Commission (RCTC) allocates LTF dollars to the City each year to cover the transit system's operating costs. A claim form must be submitted annually to RCTC in order for the funds to be released to the City. The SRTP should be approved by the Council as part of the claim submittal process.

**FISCAL DATA:** The Fiscal Year 2009-10 LTF transit claim total of \$1,145,000, along with fare box recovery, will fund the operating expenditures for the City's transit and dial-a-ride services.

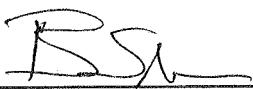
**RECOMMENDED BY:**

  
\_\_\_\_\_  
Heidi Meraz  
Community Services Director

**REVIEWED BY:**

  
\_\_\_\_\_  
Bonnie Johnson  
Finance Director

**APPROVED BY:**

  
\_\_\_\_\_  
Brian Nakamura  
City Manager

**RESOLUTION NO. 2009-66**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING AUTHORIZING THE SUBMITTAL OF THE FY 2009-10 LOCAL TRANSPORTATION (LTF) CLAIM AND APPROVING THE FY 2009/10-2011/12 SHORT RANGE TRANSIT PLAN (SRTP)**

**WHEREAS**, the City of Banning annually receives an allocation of Local Transportation Funds to operate the City's transit and dial-a-ride services; and

**WHEREAS**, a claim form and standard assurances must be submitted to the Riverside County Transportation Commission in order to receive the allocated LTF funds; and

**WHEREAS**, the Short Range Transit Plan is prepared annually as justification for the LTF funding requests; and

**WHEREAS**, the Short Range Transit Plan should be approved as part of the claim submittal process;

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

**Section I.** The City Council of the City of Banning hereby authorizes the Community Services Director to execute and submit the Fiscal Year 2009-10 LTF Public Transit Claim in the amount of \$1,145,000 on behalf of the City of Banning.

**Section II.** The City Council approves the FY 2009/10-2011/12 Short Range Transit Plan.

**Section III.** The Finance Director is authorized to make any budget adjustments related to this resolution.

**PASSED, APPROVED, AND ADOPTED** this 28th day of July, 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. 2009-66, was duly adopted by the City Council of Banning, California, at a regular meeting thereof held on the 28th day of July 28, 2009, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

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

**RIVERSIDE COUNTY TRANSPORTATION COMMISSION**  
**TDA: LOCAL TRANSPORTATION CLAIM FORM**  
**FY 2009/10**

CLAIMANT: <b>CITY OF BANNING</b>	COUNTY: <b>RIVERSIDE</b>
ADDRESS: <b>99 E. Ramsey St., P.O. Box 998</b> <b>Banning, CA 92220</b>	
CONTACT PERSON: <b>Heidi Meraz</b>	TITLE: <b>Comm Svcs Director</b>
TELEPHONE NUMBER: <b>951) 922-3241</b>	
EMAIL ADDRESS: <b><a href="mailto:hmeraz@ci.banning.ca.us">hmeraz@ci.banning.ca.us</a></b>	
<p>I verify that the information on this Claim Form is true and accurate to the best of my knowledge. Additionally, I verify that the FY 2009/10 SRTP has been approved by my agency's governing body and a copy of the minutes approving the FY2009/10 SRTP is attached.</p>	
<p>SIGNED: _____ DATE: _____</p>	

Purpose: Article 4 <b>PUC 99260a</b>	REQUESTED PAYMENT
	Payment for Operations (From page 3, Line 11) <span style="float: right;">\$ 1,145,000</span>
	PAYMENT FOR CAPITAL (From page 3, Line 11) <span style="float: right;">\$ -</span>
	PAYMENT FOR CAPITAL Prior Year Reserves (From Page 3, Line 12) <span style="float: right;">_____</span>
	<b>TOTAL PAYMENT REQUESTED:</b> <span style="float: right;">\$ 1,145,000</span>
<p>CONDITION OF APPROVAL: Approval of this claim and payment by the County Auditor to the claimant are subject to the monies being available and to the provision that such monies will be used only in accordance with the terms and conditions set forth in this claim.</p>	

<b>FOR RCTC USE ONLY</b>						
<b>FUNDS FOR OPERATING ASSISTANCE WILL BE DISBURSED BASED ON RCTC'S APPROVED POLICY.</b>						
<b>FUNDS FOR CAPITAL WILL BE DISBURSED BASED ON INFORMATION CONTAINED ON PAGE 2 CONTINGENT UPON OPERATOR SUBMISSION OF ACCEPTABLE PROOF OF PURCHASE (P.O.s, Contract Award or Paid Invoice).</b>						
July	\$ -	August	\$ -	September	\$ -	
October	\$ -	November	\$ -	December	\$ -	
January	\$ -	February	\$ -	March	\$ -	
April	\$ -	May	\$ -	June	\$ -	

RIVERSIDE COUNTY TRANSPORTATION COMMISSION  
TDA: LOCAL TRANSPORTATION CLAIM FORM  
FY 2009/10

**CAPITAL PROJECT PAYMENTS**

**Part 1: Payments from Current Fiscal Year Allocation**

<u>Project Description</u>	<u>LTF Amount</u>	<u>Amount Claimed</u>	<u>Date Required</u>	<u>Hold at RCTC</u>
1				
2				
3				
4				
5				
6				
7				
8				
TOTAL: (Enter on line 11, Page 3)	\$	\$		\$

**Part 2: Payments from Reserves (Funds Allocated in Prior Years but not Claimed)**

<u>Project Description</u>	<u>LTF Amount</u>	<u>Amount Claimed</u>	<u>Date Required</u>	<u>Hold at RCTC</u>
1				
2				
3				
4				
5				
TOTAL: (Enter on line 12, Page 3)	\$	\$		\$

ALL CAPITAL PROJECTS LISTED ABOVE MUST BE INCLUDED IN THE SHORT RANGE TRANSIT PLAN AND APPROVED REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM (RTIP).

7/21/09  
LTF claim.com  
2  
38

RIVERSIDE COUNTY TRANSPORTATION COMMISSION  
 TDA: LOCAL TRANSPORTATION CLAIM FORM  
 FY 2009/10

REVENUES	OPERATING ASSISTANCE		CAPITAL ASSISTANCE	
	ESTIMATED FY 2008/09	ESTIMATED FY 2009/10	ESTIMATED FY 2008/09	ESTIMATED FY 2009/10
1) Prior Year Carryover (Note 1)				
2) Passenger and Special Fares		122,850		
3) Other Operator Revenues				
4) Other Local (Interest)				
5) FTA Section 5307				
6) FTA Section 5309				
7) FTA Section 5311				
8) Other (Specify)		7,000		
9) Other Federal				
10) State Transit Assistance				
11) LTF (Current Year Allocation)		1,145,000		
12) LTF (Reserves)				
COA Expense (Paid by RCTC)				
13) TOTAL REVENUES	\$ -	\$ 1,274,850	\$ -	\$ -
14) Expenses (Note 2)		1,274,850		
15) Surplus (Deficit)	\$ -	\$ -	\$ -	\$ -
(Line 14 less Line 13)				
(Transfer to Line 1, for next FY)				

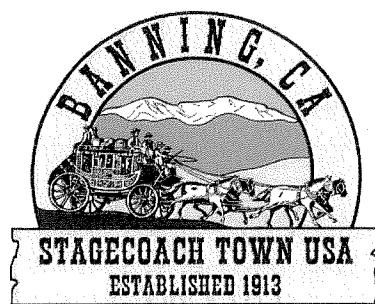
Notes: 1) Prior Year Carryover from Audited Financial Statement

2) Expenses exclude Depreciation and Amortization



# **BANNING TRANSIT SYSTEM**

**FY 2009/10 – 2011/12  
SHORT RANGE TRANSIT PLAN**



*Pass Transit is a cooperative effort between the City of Banning  
and the City of Beaumont*

## TABLE OF CONTENTS

<b>INTRODUCTION.....</b>	<b>3</b>
The City of Banning.....	4
History of the Banning Transit System.....	5
Services Provided By Banning Transit System .....	6
Pass Transit Fixed Routes.....	6
Pass Transit Dial-A-Ride .....	7
Pass Transit Fare Structure .....	7
Population Served .....	9
Fleet Characteristics.....	10
Facilities.....	10
Marketing.....	10
<b>SERVICE CHARACTERISTICS.....</b>	<b>13</b>
Ridership Projections .....	13
<b>RIDERSHIP CHARACTERISTICS .....</b>	<b>13</b>
Ridership Demographics.....	13
Major Destinations.....	15
<b>PASSENGER AMENITIES.....</b>	<b>15</b>
<b>SERVICE RELATED ISSUES.....</b>	<b>16</b>
<b>REGIONAL SERVICES AND ADJACENT TRANSIT SYSTEMS.....</b>	<b>16</b>
<b>PUBLIC PARTICIPATION .....</b>	<b>17</b>
<b>KEY PERFORMANCE INDICATORS .....</b>	<b>18</b>
<b>NEW SERVICE IMPLEMENTATION AND EVALUATION .....</b>	<b>19</b>
Marketing Pass Transit .....	19
<b>REGULATORY AND COMPLIANCE REQUIREMENTS.....</b>	<b>19</b>
The Americans with Disabilities Act of 1990.....	19
Title VI.....	20
Alternatively Fueled Vehicles (RCTC Policy) .....	20
State Transit Assistance Compliance.....	20
<b>BANNING TRANSIT SYSTEM TABLES</b>	
Banning Table 1: Fleet Inventory .....	21-22
Banning Table 2: Transit Service	
Banning Table 2: System-wide Transit Service.....	23
Banning Table 2: Fixed Route Service .....	24
Banning Table 2: ADA-Paratransit Service .....	25
Banning Table 3: Individual Route Information.....	26-27
Banning Table 3a: Individual Route Description .....	28-29
Banning Table 4: Summary of Funds Requested for FY 10.....	30
Banning Table 5: Summary of Funds Requested for FY 11 & FY 12 .....	31
Banning Table 5a: .....	32
Banning Table 6: Progress to Implement Prior Audit Recommendations.....	33
Banning Table 7: Service Provider Performance Target.....	34
Banning Table 8: FY10 SRTP Performance Report.....	35
Banning Table 9: Highlights of SRTP .....	36
<b>BANNING TRANSIT SYSTEM ROUTES AND MAP.....</b>	<b>37-38</b>

## INTRODUCTION

Pass Transit is the result of a cooperative effort between the City of Banning (Banning Transit System) and the City of Beaumont (Beaumont Transit System). Pass Transit consists of two independent, but coordinated transit systems. The coordinated service area of Pass Transit includes the cities of Banning and Beaumont, the unincorporated areas of Cabazon and Cherry Valley, and the commercial area of the Morongo Band of Mission Indians Reservation. Both fixed route and dial-a-ride services are provided.

In the spring of 2000, the Pass Area cities of Banning, Beaumont and Calimesa requested a Transportation Development Act (TDA) - Local Transportation Fund (LT) allocation from the Riverside County Transportation Commission (RCTC) to hire a consultant to conduct a study of the transit needs of Pass Area residents and businesses. The study indicated the need to design a single, seamless transit system within the Pass Area that is easy for Pass Area residents to understand and use.

The Pass Area Transit Task Force was formed to review the work of the consultant. At that time, the task force was made up of representatives from the City of Banning, City of Beaumont, City of Calimesa, County of Riverside, Riverside County Transportation Commission, Riverside Transit Agency, SunLine Transit Agency, and the Morongo Band of Mission Indians.

The research phase of the study was completed in December 2001 and the task of developing a transit system plan that addresses issues raised by the study was turned over to Transit Managers of the Cities of Banning and Beaumont, which were interested in further review of a coordinated transit system. The City of Calimesa wanted to continue to utilize the Riverside Transit Agency as their transit service provider and opted out of further participation.

The final plan was approved by both the Banning and Beaumont City Councils in May 2002. Central to the plan is a greater integration of local transit services in the Pass Area. The plan also identified areas where local transit services could be improved or enhanced. The Banning Transit System Short Range Transit Plan incorporates the elements of the Pass Area Transit Plan that address service within this system's service area.

It should be noted that even though the two cities operate their transit systems closely in providing a seamless service to the residents of the Pass Area, the transit systems are separate entities. Nothing in this document is intended to indicate anything more than a cooperative effort between the two transit systems. This plan only focuses on services provided by Banning Transit System under the name Pass Transit. For details on Pass Transit services operated by Beaumont Transit System, please refer to their Short Range Transit Plan. Pass Transit is the marketing name for Banning Transit System and Beaumont Transit System. Banning Transit System is a service of the City of Banning.

### The City of Banning

The City of Banning is located in the San Gorgonio Pass, between Mt. San Gorgonio on the north and Mt. San Jacinto to the south in Riverside County, California. Various tribes of Indians, notably the Serano and Cahuilla, were well established in the region when Mexican and Spanish expeditions reached the area around 1774. It is believed that a pre-historic lake existed here since a bone fossil of a Mastodon of the Pliocene Age was discovered in 1965. By 1824, the San Gabriel Mission Fathers established a branch of the Mission at the highest point in the Pass, along the foothills northwest of Banning, where they raised cattle, sheep and pursued land cultivation. By that time, the area was known as Rancho San Gorgonio, so named by the padres after St. Gorgonio, a Latin martyr.

Banning has a rich and colorful history. The first white man to reach the area was Dr. Isaac Smith in 1853 who, according to recorded land documents, purchased from Paulino Weaver an undivided one-third interest in Rancho San Gorgonio that he had received from the Mexican Governor, Pio Pico. Dr. Smith brought his wife and seven children to the rancho to live and built a house known as Smith's Station, which later became Highland Home and subsequently called Highland Springs.

The following year, Banning's first permanent landmark, Gilman Ranch adobe, was built. It was ultimately used as a stage stop by the Colorado Stage & Express Line founded by Alexander & Co. of Los Angeles on its route to the Colorado River in 1862, where gold had been discovered. The route ran through the foothills a half-mile north of downtown Banning, then north of Cabazon and Whitewater, which was the last stop before reaching Palm Springs (Dos Palmas). The railroad replaced the stagecoach in 1876, but Banning is still known as "STAGECOACH TOWN, U.S.A." and is famous for its annual Stagecoach Days Celebration featuring a parade, carnival and rodeo.

The City is named in honor of General Phineas T. Banning, who freighted over the Mormon trail from Salt Lake to San Bernardino and Los Angeles. General Banning also figures prominently in the history of the town of Wilmington, California. He developed a shipping company there between San Pedro and Los Angeles, as well as operating the stage line from Wilmington to Yuma, Arizona through the Banning Pass.

The City of Banning is a growing Southern California community strategically located alongside Interstate 10 with connections to the Ports of Los Angeles and Long Beach, the southwestern United States, and Mexico. Banning has its own municipal airport with corporate jet operations that can easily accommodate any similarly sized aircraft. The presence of the Union Pacific rail lines offers unlimited potential for developing railroad spurs. The City of Banning was incorporated in 1913.

Banning is well known for its picturesque qualities, nestled between the majestic San Gorgonio and San Jacinto mountains - the two tallest peaks in Southern California. The community enjoys a quiet rural lifestyle, nearby outdoor opportunities, an abundance of quality water, and invigorating and healthful clean air - the key ingredients that lure families to the City.

Business people see opportunity in Banning. They are attracted to the community because the City has prepared itself for development by controlling the sewer, water and electric facilities. These low cost services, in combination with a skilled work force, a housing supply that provides bargains for all income groups, a school district devoted to providing quality education to its students, an abundance of low-cost land, and the most favorable lease rates in all of the Inland Empire make Banning the place to locate.

The City has 28,272 residents (from the January 1, 2007 Department of Finance estimates); the elevation is 2,417 above sea level and is 18.9 square miles.

The City has adopted the following mission statement:

*The City of Banning promotes and supports a high quality of life that ensures a safe and friendly environment, fosters new opportunities and provides responsive, fair treatment to all and is the pride of its citizens.*

This mission statement also applies to the Banning Transit System.

#### **History of the Banning Transit System**

Banning Transit System began as one intracity fixed route in April 1973, then expanded to two routes in September 1985. Fixed route service to Cabazon and the commercial area of the Morongo Band of Mission Indians Reservation began in July 1995, as the system's third route. Banning Dial-A-Ride service for seniors and persons with disabilities began in October 1985. Pass Transit as a combined effort between Banning Transit System and Beaumont Transit System started in November 2004. Routes 1 and 2 were modified from the previous Banning Transit System Cabazon Route and Beaumont Transit System Route 1. Banning Northern Route was renumbered Route 5 and Banning Southern Route was renumbered Route 6. Beaumont's existing Routes 3 and 4 remained the same. A memorandum of understanding was developed to allow each city Dial-A-Ride services to cross-jurisdictional boundary lines so that a passenger did not have to transfer. A new joint Rider's Guide was developed, combined transfers and ten-ride ticket books were printed, buses and bus stop signs were decaled Pass Transit and fares were established to be the same for the convenience of riders.

#### **Administration of Banning Transit System**

The Banning Transit System functions as a department within the City. The City of Banning contracts a Transit Manager through Professional Transit Management (PTM). This transit contract is overseen by the Banning Finance Director/Assistant City Manager. The transit department is managed by the Transit Manager under the direction of the Community Services Director. Under the Transit Manager is a team of City of Banning employees, which include a Lead Bus Driver/Trainer, five full-time Bus Drivers, four part-time Bus Drivers, two part-time Dial-A-Ride drivers, one Office Specialist, and one full-time Equipment Mechanic. This arrangement began in April 2008.

## **Services Provided By Banning Transit System**

### **Pass Transit Fixed Routes**

Pass Transit combined operates six fixed routes. Routes 1, 5 and 6 are operated by the Banning Transit System. Routes 2, 3 and 4 are operated by the Beaumont Transit System. See "Appendix A" for the system route map. This Plan only focuses on routes operated by the Banning Transit System. Routes 5 and 6 operate on a 75 minute headway. The routes had their headways increased due to increased congestion and multiple stops being made. The prior 60 minute headway caused routes to operate late. Routes 1 and 2 complement each other throughout the commercial areas of Beaumont, Banning, Cabazon, and the Morongo commercial development, with both Routes 1 and 2 operating every two hours. Route 1 is the only service that travels into eastern Cabazon, whereas Route 2 is the only service that travels into northeastern Beaumont. Approximately 75% of Routes 1 and 2 duplicate each other. Due to a recent schedule change, Route 1 trails behind Route 2 by 10 to 12 minutes causing a two hour frequency along this corridor.

Pass Transit service into Cabazon is the result of a memorandum of understanding between RTA and the City of Banning in an effort to reduce duplicative transit service in the Pass Area and to satisfy an unmet transit need at the time. In the future we will modify routes as needed to better serve the unmet transit need.

A summary of the Banning Transit System operated Pass Transit routes are shown below:

#### **Route 1 – Beaumont/Banning/Cabazon**

This route operates on a two-hour headway and is complimented by an overlap with Route 2 along 75% of the route. Route 1 is the only service to the remote Esperanza & Elm area of eastern Cabazon. The route also provides service to the residential areas of Cabazon, Cabazon Community Center, Casino Morongo, Desert Hills Premium Outlets and Cabazon Outlets, and the commercial areas along Ramsey Street and Highland Springs Avenue in Banning, and the commercial areas along 6<sup>th</sup> Street and Beaumont Avenue in Beaumont.

#### **Route 5 – Northern Banning**

This route operates on a 75 minute headway and provides service to the residential areas of the City of Banning that lie north of the I-10 freeway, the Banning Municipal Library, the Coombs Intermediate School and the commercial areas along Ramsey Street and Highland Springs Avenue.

#### **Route 6 - Southern Banning**

The route operates on a 75 minute headway and provides service to the residential areas south of the I-10 freeway, a small residential section north of Ramsey Street at the east end of the City of Banning, the commercial areas along Ramsey Street and Highland Springs Avenue, Banning High School, Smith Correctional Facility, apartment complexes in the south, and the Banning Municipal Airport.

Pass Transit fixed route service hours are:

Monday - Friday	6:00 a.m. to 7:00 p.m.
Saturday	8:00 a.m. to 5:00 p.m.
Sunday	9:00 a.m. to 5:00 p.m. (Pass Transit Routes 1, 5 & 6 only)

Sunday service hours (9:00 a.m. to 5:00 p.m.) is provided on Martin Luther King, Jr.'s Birthday, Presidents Day, Memorial Day, Labor Day, Veterans Day, the day after Thanksgiving Day. No service is provided on New Year's Day, Independence Day, Thanksgiving Day and Christmas Day.

### **Pass Transit Dial-A-Ride**

Pass Transit Dial-A-Ride provides service to seniors (60+), persons with disabilities, and individuals certified for complementary paratransit service under the Americans with Disabilities Act (ADA).

Service hours for Pass Transit Dial-A-Ride are:

Seniors (age 60 & older) and persons with disabilities without ADA certification	
Monday - Friday	8:00 a.m. to 3:00 p.m.
Saturday & Sunday	No Service

Persons with ADA Complementary Paratransit Certification

Monday - Friday	6:00 a.m. to 7:00 p.m.
Saturday	8:00 a.m. to 5:00 p.m.
Sunday	9:00 a.m. to 5:00 p.m. (within a $\frac{3}{4}$ mile boundary of Routes 1, 5 & 6)

Sunday service (9:00 a.m. to 5:00 p.m.) is provided on Martin Luther King, Jr.'s Birthday, Presidents Day, Memorial Day, Labor Day, Veterans Day, the day after Thanksgiving Day. No service is provided on New Year's Day, Independence Day, Thanksgiving Day and Christmas Day.

Pass Transit Dial-A-Ride is provided within the entire city limits of Banning and Beaumont and within a  $\frac{3}{4}$  mile boundary of the Routes 1 and 2 service areas in Cabazon. The City of Banning provides the ADA certification for Pass Transit Dial-A-Ride services operated by the City of Banning.

The primary uses of Pass Transit Dial-A-Ride are for transportation to medical appointments, workshop programs for persons with disabilities, shopping areas, employment, and include connections to Riverside Transit Agency (RTA) and Pass Transit fixed routes.

Through a cooperative memorandum of understanding, Pass Transit Dial-A-Ride operated by the Beaumont Transit System will provide its residents with service in Banning and within a  $\frac{3}{4}$  mile boundary of Route 2 in Cabazon. Pass Transit Dial-A-Ride operated by the Banning Transit System will provide its residents with service in the city limits of Beaumont (excluding Cherry Valley).

### **Pass Transit Fare Structure**

The fare structure was adjusted in January 2009. Currently the fixed route fare is \$.85/one-way trip for general fare passengers. Fares for senior citizens age 60 years and older and persons with

disabilities, is \$.55/one-way trip. A zone fare of \$.25 exists for persons traveling between Banning/Beaumont and Cabazon/Morongo Reservation service areas. (The route is twice the length of any other route in the system. The zone fare helps to recover operating costs for travel beyond the City limits). Ten-ride ticket books are offered for \$7.65 each; senior citizens and persons with disabilities can purchase Ten-Ride ticket books at a reduced cost of \$4.95.

Ten-Ride Ticket Books can be purchased at Banning Transit System Administrative Offices located at 789 North San Gorgonio Avenue and Banning City Hall Finance Department located at 99 Ramsey Avenue. The City of Beaumont also offers the same Ten-Ride Ticket Book for sale onboard Routes 2, 3 and 4 or at the Beaumont City Hall.

Transfers are no longer valid on the Pass system. RTA accepts day and monthly passes where Pass Transit routes connect to RTA routes.

The final increase of fares will go into effect in July 2009 to ensure that the City is in compliance with achieving a 10% farebox recovery ratio.

#### **PASS TRANSIT FIXED ROUTE FARE STRUCTURE**

<b>Category</b>	<b>Current Fare</b>
Full Fare in Banning or Beaumont	\$.85
Zone Fare to/from/within Cabazon	\$.25
Seniors (age 60 and up)	\$.55
Persons with Disabilities	\$.55
Student	\$.85
Children (5 years and under) traveling w/fare paying passenger	First 2 travel free
Day Pass (general)	\$2.55
Day Pass ( SR 60+)	\$ 1.65
Other Transit Items	10 Ride Ticket Book/ \$7 .65 Seniors/ Persons With Disabilities: 10 Ride Ticket Book /\$1.65

A fixed route disability discount card is available from the Banning Transit System administrative office for those who have a disability, a Medicare card or is ADA certified. This card allows the eligible user to pay the fare of "Persons with Disabilities" when traveling on the Pass Transit and RTA.

Pass Transit Dial-A-Ride is restricted to persons with disabilities and seniors age 60 years old and older. The Dial-A-Ride fare is \$1.15/one-way trip. Staff will increase fares for FY 2009/10 to ensure that the City is in compliance with achieving a 10% farebox recovery ratio.

#### **PASS TRANSIT DIAL-A-RIDE FARE STRUCTURE**

Category	Current Fare
Full Fare	\$1.15
Seniors (age 60 and up)	\$1.15
Persons with Disabilities	\$1.15
Other Discounts	10 Rides/\$10.35

#### **Population Served**

The residential population within the Banning Transit System's service area has grown approximately 20% since 2000. The population is anticipated to remain flat for the upcoming fiscal year. The California Department of Finance estimated that the City's population as of January 1, 2009 was 28,457.

As of the 2000 census there were 23,562 people, 8,923 households, and 6,237 families residing in the city. The population density was 1,022 people per square mile (395/km<sup>2</sup>). There were 9,761 housing units at an average density of 423/sq mi (164/km<sup>2</sup>). The racial makeup of the city was 64.19% White, 8.55% African American, 2.52% Native American, 5.38% Asian, 0.13% Pacific Islander, 14.88% from other races, and 4.36% from two or more races. 30.21% of the population was Hispanic or Latino of any race.

Banning has numerous sections where residents of a certain race/ethnicity reside, such as the Vista Serena section which is mainly African-American, Latino or Hispanic and Southeast Asian. The western section is mostly non-Hispanic white, and has a preponderance of Irish, Scottish, German, Swiss and Italian descent, a legacy of Banning's immigrant settlers in the late 1800s. Banning has several shops run by South Asian and Middle Eastern owners. The Morongo Band of Mission Indians is prominent in city life.

There were 8,923 households out of which 26.3% had children under the age of 18, 53.2% were married couples living together, 12.5% had a female head of household, and 30.1% were non-families. 25.8% of all households were made up of individuals and 16.1% had someone living alone who was 65 years of age or older. The average household size was 2.60 and the average family size was 3.11.

In the city, the population was spread out with 26.4% under the age of 18, 7.4% from 18 to 24, 20.9% from 25 to 44, 18.4% from 45 to 64, and 26.8% who were 65 years of age or older. The median age was 41 years. For every 100 females there were 90.9 males. For every 100 females age 18 and over, there were 86.7 males.

The median income for a household in the city was \$32,076, and the median income for a family was \$38,995. Males had a median income of \$31,300 versus \$20,794 for females. The per capita income for the city was \$16,231. About 14.8% of families and 19.9% of the population were below the poverty line, including 31.8% of those under age 18 and 6.5% of those ages 65 and over.

This median income is well below the national median of \$49,314. This indicates the potential of a significant need for transit services. Many individuals in the service area are earning well below the national average which leads to the conclusion that there may be a significant number of transit dependent individuals.

### **Fleet Characteristics**

Banning Transit System operates five fixed route vehicles (three in revenue service and two as spares), all of which are powered by compressed natural gas (CNG) and are equipped with bicycle racks for two bicycles, and in compliance with the ADA with mobility device lifts and two tie-down stations per bus. The transit system also operates three Dial-A-Ride vehicles (two in revenue service and one as a spare) that are gasoline powered and in compliance with the ADA, with mobility device lifts and tie-down stations for four mobility devices. The City also has three support vehicles that are used for driver relief or administrative errands.

The City adheres to all Federal Transit Administration (FTA) and California Highway Patrol (CHP) mandated Preventive Maintenance Inspection criteria and is very proactive in maintenance efforts.

See the City of Banning Fleet Inventory Table 1 for individual vehicle characteristics.

CNG vehicles for the transit system are fueled at the City of Banning Corporation Yard. The fueling station is the only CNG station in the city of Banning large enough to meet the transit system's demands and Banning Unified School District.

### **Facilities**

Banning Transit System functions as a department within the City and utilizes existing facilities. Transit administrative staff is housed at the City's Community Center located at 789 North San Gorgonio Avenue. The maintenance, parking, fueling of the buses, and storage of bus stop amenities are performed at the City's Corporation Yard located at 176 East Lincoln Street. Maintenance of the vehicles is performed by the Public Works Department, Fleet Maintenance Division. City administrative staff, including Finance and Human Resources, is located at Banning City Hall, 99 East Ramsey Street. Banning Police, which provides security services for Pass Transit, is located at 321 West Ramsey Street.

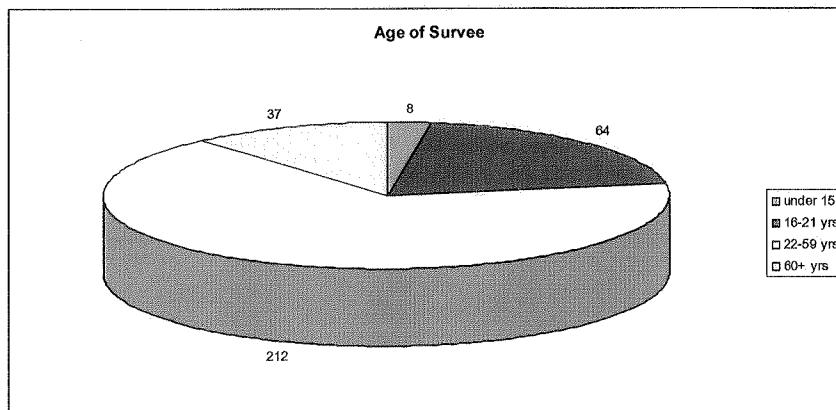
Facilities also include 84 bus stops, 15 bus shelters, 47 benches, trash cans and information panels. Facilities are discussed in greater detail under passenger amenities.

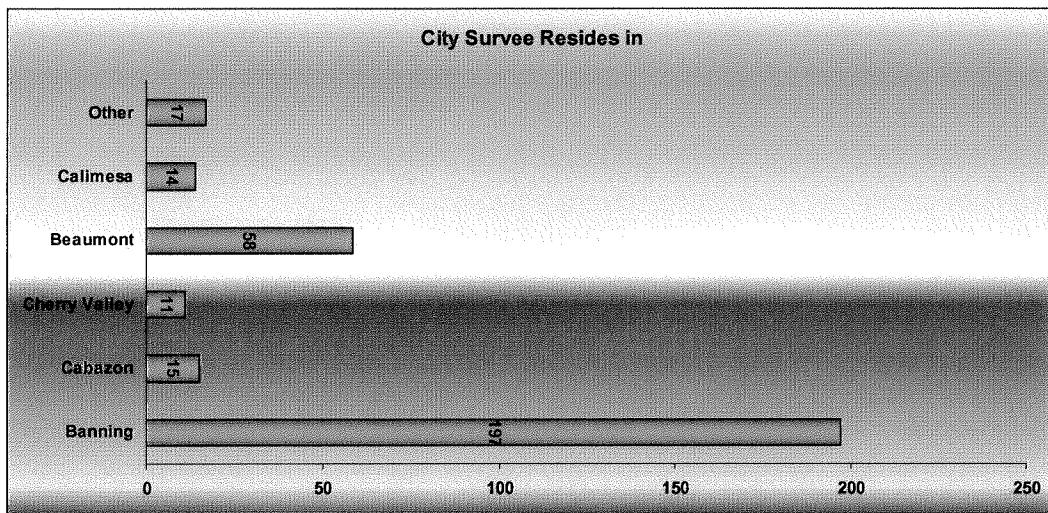
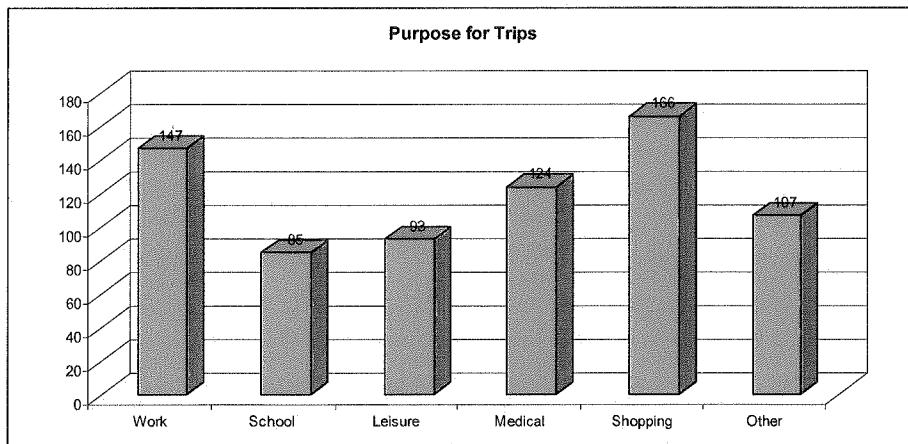
### **Marketing**

The following marketing efforts will be undertaken to promote ridership growth.

1. Development of a marketing program which includes brochures (which will be coordinated with the city of Beaumont), flyers, advertisements in local newspapers, TV and cable access channels, billboards, community transit fairs, participation in community events, website, promotional materials and “grass roots” type marketing.
2. Development of a public outreach program, which includes meeting with schools, employers, senior service programs, persons with disabilities programs, social service agencies, the general public, city departments and other organizations who would benefit from public transportation in the Pass Area.
3. Participation in RCTC Rideshare program to encourage employers, residents and visitors of the Pass Area to rideshare.
4. Develop a new Shop, Save & Get Home Free program with retailers in Banning and Beaumont. This program will allow retailers to purchase one ride passes from the City and pass them out to their shoppers when they spend a certain dollar amount at their stores. This program has been very successful in Riverside and Blythe.

In FY 2008/09, the Banning staff conducted surveys in three different formats from October 1 to November 19, 2008. Staff personally surveyed passengers on board buses. Insert surveys were included in utility bills and surveys were available online at the city of Banning website. Over three hundred completed surveys were returned. Results from these surveys showed that there is a need for later service and connection service to the Coachella Valley. The city of Banning intends to work towards the goal of fulfilling this need. The following charts are results from Survey Questions that will guide the City of Banning when marketing the services:





**How often do you currently ride the Pass Transit bus for the following?**

	Daily	Weekly	Monthly	On occasion	Never
Work	89	40	17	25	116
Leisure	49	39	16	40	117
School	42	25	9	18	151
Medical	25	30	49	53	113
Shopping	35	77	48	46	98
Other	49	27	17	53	85
<b>Total</b>	<b>289</b>	<b>238</b>	<b>156</b>	<b>235</b>	<b>680</b>

## **SERVICE CHARACTERISTICS**

System-wide ridership on Banning Transit System in FY 2008/09 is expected to end at approximately 141,588. Ridership for FY 2008/09 was originally anticipated to grow modestly at 5%. FY 2009/10 is projected to be at 151,457.

Pass Transit Dial-A-Ride ridership in FY 2008/09 is expected to end at approximately 10,487. Based on current data, Dial-A-Ride ridership for FY 2009/10 is projected to be 11,700. Presently there are 534 ADA certified users, of which only 234 of them are active.

### **Ridership Projections**

Ridership is expected to increase by 5% for FY 2009/10 due to the increase of seniors in the community. There are no route changes planned for the upcoming fiscal year. Minor schedule changes will take place to reduce non productive hours and improve connectivity with other transit services and other Pass Transit routes. Additional marketing and outreach programs to the schools and major employers will be developed and implemented in the coming fiscal year with the goal to increase ridership.

Routes 1 (operated by Banning) and 2 (operated by Beaumont Transit System) began as complementing commercial truck routes in fiscal year 2005. This originally allowed for a one-hour headway along the length of the commercial corridors of Banning, Beaumont, Cabazon, and the Morongo Band of Mission Indians Reservation. The fare structure was restructured to implement a zone fare for trips between the Banning/Beaumont and Cabazon areas. This resulted in the Routes 1 and 2 fares being the same for trips up and down the commercial areas of Banning and Beaumont. As such, Pass Transit – Banning Transit System has seen a shift in ridership from Route 5 - Northern Banning and Route 6 – Southern Banning to both Routes 1 and 2. This indicates that the redesign was successful in making it easier for the transit customers to travel throughout the commercial area by just taking whatever bus comes, versus waiting for a specific route, however, this change resulted in lower than expected fare revenues for Banning Transit System. Additionally, with the change in schedules on Routes 1, 5 and 6 in FY 2007/08, due to the need to increase running times from increased traffic congestion and frequent stops, ridership declined, since frequencies were increased to 75 minutes on Routes 5 and 6 and Route 1 now trails behind Route 2 by 10 to 12 minutes causing a two hour frequency along the commercial corridor through Beaumont, Banning and Cabazon.

Providing service to major employers are available if needed.

## **RIDERSHIP CHARACTERISTICS**

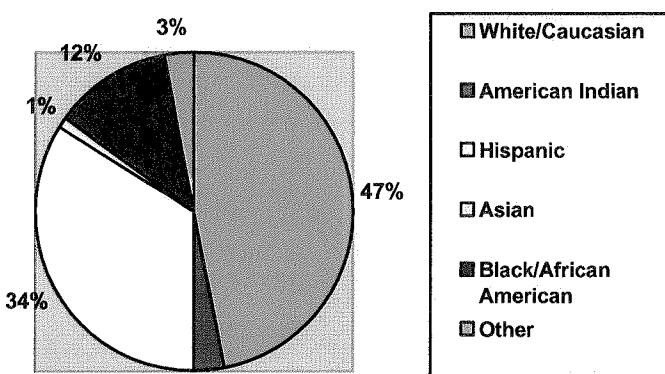
### **Ridership Demographics**

This section provides demographic information that creates a passenger profile including gender, age, ethnicity, and income of the riders. Data is from the Pass Area Transit Study (2001). Ridership demographics have not been reviewed since the 2001 Pass Area Transit Study.

In 2001, the Pass Area Transit Study reported that more than two-thirds of the ridership (68%) is female. This number increases to 86% among riders age 62 to 79 years.

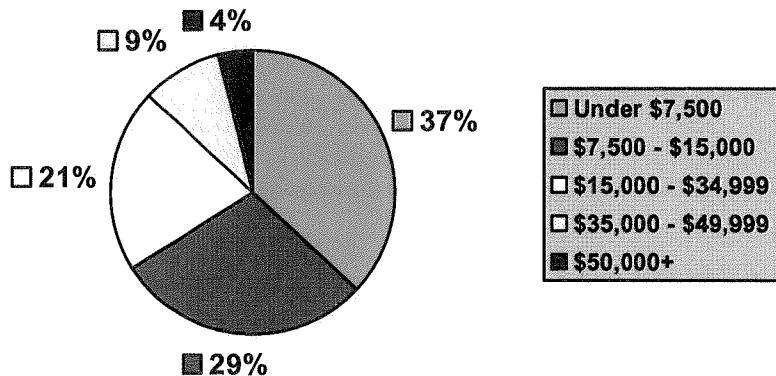
Ridership ethnicity closely parallels the population ethnicity presented earlier in this plan. Caucasian riders represent 48% of the system's ridership. Hispanic is the next most common ethnic group (34%).

### Ridership Ethnicity



The majority of riders have very low household income. Two-thirds (66%) earn less than \$15,000 per year and 37% earn less than \$7,500 per year. Low household income is especially prevalent among the oldest riders. 82% of those 62 years and older have household incomes under \$15,000.

### Ridership Household Income



Additional ridership statistics:

- 85% of the system's fixed route ridership uses transit services at least three times a week
- 23% of the system's Dial-A-Ride ridership uses transit services at least three times a week
- 67% of the ridership use transit services for local trips within the Banning/Beaumont/Cabazon area

- 27% use transit for travel outside of the local service areas
- 91% of the system's ridership do not have access to a car
- Transit services are readily available with the majority of riders walking five minutes or less to the bus stop
- The majority of rider households (87%) have English as their primary language. However, a significant minority (13%) have Spanish as their primary language.

### **Major Destinations**

Major trip destinations include the commercial areas along Beaumont Avenue, 6<sup>th</sup> Street, 2<sup>nd</sup> Street, Ramsey Street and Highland Springs Avenue (including the Wal-Mart Supercenter); the Kmart transfer point; Albertsons, Rite Aid at Sunset & Ramsey; area elementary, intermediate and high schools operated by Banning and Beaumont Unified School Districts; Desert Hills Premium Outlets, Cabazon Outlets, Casino Morongo; Davita Dialysis, Banning Chamber of Commerce, Beaver Medical and the medical offices adjacent to the San Gorgonio Memorial Hospital; Riverside County Department of Public Social Services; Banning Mental Health and public health clinics.

The Pass Area Transit Study identified that:

- 40% of the trips made are for running errands.
- 25% of the trips made are commuting to work.

### **PASSENGER AMENITIES**

On street TransferCenters has been developed at the Kmart Garden Center off Sun Lakes Boulevard, San Gorgonio Memorial Hospital on Highland Springs Drive, Sunset & Ramsey near Rite Aid Pharmacy, Ramsey at North San Gorgonio Avenue near The Gas Company, Banning Post Office on Alessandro and Williams and Banning City Hall in Banning and at Wal-Mart Supercenter on 2<sup>nd</sup> Street and Beaumont City Hall on 6<sup>th</sup> Street in Beaumont. These on-street TransferCenters have bus shelters, benches, information panels, trash receptacles and signs. At least two or more Pass Transit routes meet at each TransferCenter. At the present time, passengers can only transfer at the above mentioned locations. RTA connections can be made at Kmart Garden Center off Sun Lakes Boulevard, Sunset & Ramsey in Banning, Wal-Mart Supercenter off 2<sup>nd</sup> Street and Beaumont City Hall on 6<sup>th</sup> Street in Beaumont.

There are bus stops located along Ramsey Street and at major points of interests in the City. Each bus stop is identified by a teal and white Pass Transit bus stop sign. In the residential areas and in Cabazon, passengers can flag the bus down by waving their hand as the bus approached. There are a total of 84 bus stops served by Pass Transit.

Some bus stop locations feature a schedule holder, bench, trash receptacle and/or a bus shelter (some with advertising panels). There are a total of 15 bus shelters and 47 benches within City limits.

Banning Transit System staff intends to work on the improvement of passenger amenities located throughout the City of Banning and Cabazon by installing bus stop signs within a reasonable

distance from each other on all fixed routes, replacing and adding new advertising benches, and adding information panels and trash cans at all major bus stops.

Banning Transit System staff intends to work with City's Community Development Department and Riverside County Planning Department to develop transit facilities such as pull outs, sidewalk pads, benches and shelters in new developments. A Transit Facilities Standard Manual has been developed by RTA and will be used as a model for the City and the County to follow as it relates to the design and placements of bus stops.

## **SERVICE RELATED ISSUES**

Many service related issues have been addressed in the past year. One issue that is still being addressed is the dead head time that it takes a vacant bus to travel to their first destination for pick up; the city of Banning intends to shorten the dead head time. Another issue that will be addressed will be customer services. Customers at certain bus stops often have to wait a long time for pick up; the city of Banning intends to address this issue.

## **REGIONAL SERVICES AND ADJACENT TRANSIT SYSTEMS**

A Council Member from both the City of Banning and City of Beaumont serve on the Riverside County Transportation Commission (RCTC). A City Council Member from both cities also serves on the RTA Board of Directors. The City Councils are represented at the Western Riverside County – Pass Area Transportation NOW Chapter meetings, sponsored by RTA.

The Pass Transit Agency Task Force was formed to oversee the Pass Area Transit Study and has been maintained to advise on the implementation and continued coordination of the Pass Area Transit Plan, which includes the operation of Pass Transit and to discuss transit issues specific to the Pass Area. The task force is made up of representatives from the City of Banning and City of Beaumont along with the County of Riverside, RCTC, RTA, and Morongo Band of Mission Indians. This task force meets every other month.

Banning Transit System staff will continue to participate in the RCTC Citizens Advisory Committee/Social Services Transportation Advisory Council, the RCTC Transit Policy Committee, RCTC Technical Advisory Committee and any other regional based committees that would be of interest and benefit to Pass Transit.

Meetings of transit operators in Riverside County are hosted by RCTC and provide an opportunity for the operators to discuss regional issues.

RTA has been designated as the Consolidated Transportation Services Agency (CTSA) for western Riverside County. As a result, RTA coordinates with local public and non-profit transportation providers to facilitate the delivery of coordinated transportation for seniors, persons with disabilities and transit dependent passengers, including Pass Transit.

There are no direct connections between the Pass Area and the Coachella Valley on public transit. Greyhound Lines, Inc through their Crucero subsidiary provides intercity bus service

between Los Angeles, Banning, Palm Springs, Imperial County and Mexicali four times each day. Caltrans Division of Rail, through Amtrak operates Amtrak California Thruway bus service between Indio, Beaumont City Hall and Bakersfield with connections to Amtrak California San Joaquin to Oakland or Sacramento via Central Valley cities.

Every other month, council members from Banning and Beaumont meet at the PASS Transit TAC with PASS transit managers, a representative from RTA, RCTC, SunLine Transit, Morongo Band of Mission Indians and other city staff to discuss PASS Transit issues and coordinate processes, etc. It has proven to be very helpful for the PASS Transit area.

## **PUBLIC PARTICIPATION**

Banning Transit System staff has available comment cards, a direct line to the Banning transit telephone, email, mail, fax a comment, complaint or suggestion for the public to communicate with the transit department. There has been the creation of a transit advisory committee to assist the City in monitoring transit services. Banning Transit System staff actively participates in community events with local organizations.

The City encourages public participation at City Council meetings, which are held every 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of the month. Riverside County Transportation Commission (RCTC) meetings which are held monthly in Riverside, RCTC Technical Advisory Committee meetings are held monthly and RCTC Transit Policy Committee meetings are held quarterly in Riverside and RCTC Citizens Advisory Committee/Social Services Transportation Advisory Council meetings are held three times per year in Riverside.

Because western Riverside County uses all TDA funds for transit, there are no unmet transit needs hearing to discuss the use of these funds.

The Pass Transit Information Center provides dial-a-ride information, reservations, cancellations, fixed route schedules and information. Hours of operation are Monday through Friday from 8:00 am to 5:00 pm. Presently, the Transit Information Center is closed on weekends and on all major holidays. The Transit Information Center is located at the Banning Community Center, inside the Transit Administrative Offices, located at 789 North San Gorgonio Avenue in Banning. This center is also responsible for taking complaints and passing them to the Transit General Manager.

The City has made a commitment to provide reliable, responsive information to the public and be proactive in responding to customer comments, complaints and suggestions. The Transit General Manager utilizes transit services on a daily basis to talk with riders and drivers to obtain comments.

The City of Banning's website at [www.ci.banning.ca.us](http://www.ci.banning.ca.us) provides basic Pass Transit route and schedule information. In FY 2009/10, staff intends to add more information about Pass Transit, links to other transit providers, allow for pass sales online, add Pass Transit routes and schedules on the TranStar, Metro and Google transit trip planners, and allow customers to submit comments, complaints, concerns and suggestions through the website.

Public participation regarding the Short Range Transit Plan adoption will be afforded at the Banning City Council Meeting, Banning City Council Budget Workshop and at the RCTC Citizens Advisory Committee/Social Services Transportation Advisory Council meeting.

Banning Transit System staff is easily accessed by the public, on the telephone by calling (951) 922-3243 or 1-800-COMMUTE, options 1, 1, 3, 4 or for the hearing impaired by calling 711 through the California Relay Service or by visiting the Transit Information Center located at 789 North San Gorgonio Avenue inside the Banning Community Center, off Pass Transit Route 5 and Pass Transit Dial-A-Ride.

## KEY PERFORMANCE INDICATORS

The Riverside County Transportation Commission has adopted a Productivity Improvement Plan (PIP) for the transit and commuter rail operators of Riverside County. The PIP sets forth efficiency and effectiveness standards that the transit operators are to meet. Progress towards these standards is reported quarterly to the Commission. Below are tables of the operating performance indicators adopted in the PIP and this plan's projections for the coming year.

### Banning Transit System/Pass Transit Performance Measures

Banning Transit System / Pass Transit	FY 2006 Audited	FY 2007 Audited	FY 2008 Actual	FY 2009 Projected (Annualized 10 mos)	FY 2010 Projected
<i>Performance Statistics</i>					
Unlinked Passenger Trips	192,728	157,253	133,939	144,068	151,457
Operating Cost per Revenue Hours	\$69.74	\$73.39	\$79.34	\$82.01	\$82.82
Farebox Recovery Ratio	12.11%	11.82%	12.44%	11.28%	10.18%
Subsidy per Passenger	\$4.76	\$6.00	\$7.57	\$7.58	\$7.56
Subsidy per Passenger Mile	N/A	N/A	N/A	\$2.92	\$3.10
Subsidy per Revenue Hour	\$61.29	\$64.71	\$69.47	\$72.75	\$74.38
Subsidy per Revenue Mile	\$3.77	\$3.94	\$4.23	\$4.44	\$4.74
Passengers per Revenue Hour	12.9	10.8	9.2	9.6	9.8
Passengers per Revenue Mile	0.79	0.66	0.56	0.59	0.63

While any new service may be exempt from performance standards for up to three full fiscal years, the City is required to meet several standards for the rest of its services, including the mandated 10% farebox recovery ratio.

The City was able to meet its Productivity Improvement Program (PIP) mandatory and discretionary standards in FY 2006/07.

The new projections are based upon operating data through April 2009, projected through June 2009. Since these are only estimates, the performance indicators are subject to change.

For Fiscal Year 2009/10, the Banning Transit System expects to be in compliance with at least 4 of the 7 performance targets.

Additional details on key indicators for demand responsive and fixed route service are shown in Table 2.

The Banning Transit System does not receive any federal funding and is not required to report to the National Transit Database.

## **NEW SERVICE IMPLEMENTATION AND EVALUATION**

Resources in Fiscal Year 2010 will be focused on building ridership, reducing costs and increasing revenues. Existing services provided by Banning Transit System will continue to operate and be monitored by staff for efficiency. No changes in service or service hours will occur this fiscal year. Minor schedule changes will be made to improve frequency, eliminate duplication and improve service coverage within Banning and Cabazon.

The following projects will be explored by Banning Transit System administrative staff in FY 2009/10:

### **Marketing Pass Transit**

Staff will continue efforts to market the Pass Transit. These efforts will include creating brochures that are just like Beaumont's brochures.

### **Policies and Procedures**

The Banning Transit System staff will begin to work on a new Transit Operations Procedure Manual, which would guide the operation of Pass Transit. This manual would help ensure consistency as it relates to day-to-day operations. Staff will also begin tracking passenger mile data and will conduct samples on an annual basis. This task will meet the finding in the Triennial Performance Review.

## **REGULATORY AND COMPLIANCE REQUIREMENTS**

### **The Americans with Disabilities Act of 1990**

The City of Banning submitted an Americans with Disabilities Act Paratransit Plan to the FTA on January 26, 1992. Pass Transit fixed route buses are equipped with ADA compliant mobility device lifts and are accessible to persons with disabilities. A procedure is in place to provide service to a customer in a mobility device should a fixed route bus lift fail.

Pass Transit Dial-A-Ride services provide ADA complimentary paratransit service for the fixed route services operated by Banning Transit System. Beaumont Transit System offers the same service through their operation of Pass Transit Dial-A-Ride. The system uses a self-certification

process with professional verification. Banning Transit System staff will process ADA certifications for Pass Transit operations by Banning.

#### **Title VI**

Banning Transit System/Pass Transit does not utilize federal funds for operating expenses. As such, Title VI requirements do not currently apply to the transit system.

#### **Alternatively Fueled Vehicles (RCTC Policy)**

Pass Transit fixed-route buses are CNG powered. Pass Transit Dial-A-Ride vehicles (which are less than 33,000 lbs. GVW and 15-passenger capacity) and administrative and driver relief vehicles are gasoline powered.

Future vehicle purchases will be in compliance with the RCTC and South Coast Air Quality Management District (AQMD) policies regarding alternative fuel transit vehicles.

The CNG Fueling station at the City of Banning Corporation Yard provides expanded CNG capacity and fast fueling capability. With increased capacity and redundant compressor units, having adequate and reliable CNG pumping capacity will not be an issue in the foreseeable future.

#### **State Transit Assistance Compliance**

Banning Transit System does not utilize State Transit Assistance (STA) funding for operating expenses. As such, compliance with the Public Utilities Commission (PUC) requirement is not applicable.

#### **Disadvantage Business Enterprise (DBE) Program**

The City of Banning has adopted a DBE plan and methodology which is in compliance with the State of California's requirements. The plan and goals will be updated on an as needed basis.



**Table 1 - Fleet Inventory**  
**FY 2009/10 Short Range Transit Plan**  
 City of Banning

Bus (Motorbus) / Directly Operated

Year Built	Mfg. Code	Model Code	Seating Capacity	Lift and Ramp Equipped	Vehicle Length	Fuel Type Code	# of Active Vehicles	# of Contingency Vehicles	Life to Date Vehicle Miles Prior Year End			Average Lifetime Miles Per Active Vehicle As Of Year-To-Date (e.g., March FY 2008/09
									Vehicle Miles FY 2007/08	Vehicle Miles FY 2007/08	Vehicle Miles FY 2008/09	
1998	EDN	Transmark	33	2	35	CN	2	0	499,387	641,321	320,661	
2001	EDN	Transmark	33	1	35	CN	1	0	346,273	669,889	669,889	
2004	EDN	Transmark	33	2	35	CN	2	0	358,692	591,025	295,513	
<b>Totals:</b>			99	5			5	0	1,204,352	1,902,235	380,447	



**Table 1 - Fleet Inventory**  
**FY 2009/10 Short Range Transit Plan**  
**City of Banning**

**Demand Response / Directly Operated**

Year Built	Mfg. Code	Model Code	Seating Capacity	Lift and Ramp Equipped	Vehicle Length	Fuel Type Code	# of Active Vehicles	# of Contingency Vehicles	Life to Date Vehicle Miles through March FY 2008/09		Average Lifetime Miles Per Active Vehicle As Of Year-To-Date (e.g., March FY 2008/09
									Prior Year End FY 2007/08	Vehicle Miles FY 2008/09	
1995	FRD	Collins	12	0	GA				146,584		
2001	EDN	Aerotech	12	1	GA		1	0	149,609	310,916	310,916
2003	EDN	Aerotech	12	1	GA		1	0	124,586	262,391	262,391
2008	ZZZ	Ford	14	1	GA		1	0	17,270	14,294	14,294
<b>Totals:</b>			50	3			3	0	438,049	587,601	195,867



**Table 2 -- City of Banning -- SRTP Service Summary**  
**FY 2009/10 Short Range Transit Plan**  
**All Routes**

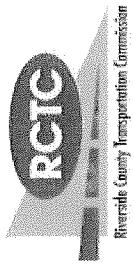
	FY 2006/07 Audited	FY 2007/08 Audited	FY 2008/09 Plan	FY 2008/09 3rd Qtr Actual	FY 2009/10 Plan
<b>Fleet Characteristics</b>					
Peak-Hour Fleet			5		5
<b>Financial Data</b>					
Total Operating Expenses	\$1,070,036	\$1,158,734	\$1,265,067	\$923,783	\$1,274,851
Total Passenger Fare Revenue	\$126,572	\$144,226	\$126,530	\$104,291	\$129,850
Net Operating Expenses (Subsidies)	\$943,464	\$1,014,508	\$1,138,537	\$819,492	\$1,145,001
<b>Operating Characteristics</b>					
Unlinked Passenger Trips	157,253	138,939	147,000	108,051	151,457
Passenger Miles			436,070	276,592	369,270
Total Actual Vehicle Revenue Hours (a)	14,579.3	14,603.8	16,065.0	11,264.2	15,393.0
Total Actual Vehicle Revenue Miles (b)	239,234.9	239,755.1	246,618.0	184,634.4	241,368.0
Total Actual Vehicle Miles	250,201.5	251,142.9	261,358.0	192,384.9	259,564.0
<b>Performance Characteristics</b>					
Operating Cost per Revenue Hour	\$73.39	\$79.34	\$78.65	\$82.01	\$82.82
Farebox Recovery Ratio	11.82%	12.44%	10.00%	11.28%	10.18%
Subsidy per Passenger	\$6.00	\$7.57	\$7.75	\$7.58	\$7.56
Subsidy per Passenger Mile			\$2.61	\$2.95	\$3.10
Subsidy per Revenue Hour (a)	\$64.71	\$69.47	\$70.78	\$72.75	\$74.38
Subsidy per Revenue Mile (b)	\$3.94	\$4.23	\$4.62	\$4.44	\$4.74
Passenger per Revenue Hour (a)	10.8	9.2	9.1	9.6	9.8
Passenger per Revenue Mile (b)	0.66	0.56	0.60	0.59	0.63

(a) Train Hours for Rail Modes. (b) Car Miles for Rail Modes.

**Table 2 -- Banning-BUS -- SRTP Service Summary**  
**FY 2009/10 Short Range Transit Plan**  
**All Routes**

	FY 2006/07 Audited	FY 2007/08 Audited	FY 2008/09 Plan	FY 2008/09 3rd Qtr Actual	FY 2009/10 Plan
<b>Fleet Characteristics</b>					
Peak-Hour Fleet			3		3
<b>Financial Data</b>					
Total Operating Expenses	\$951,979	\$1,041,582	\$1,126,507	\$827,355	\$1,121,002
Total Passenger Fare Revenue	\$114,134	\$128,846	\$111,000	\$95,815	\$118,191
Net Operating Expenses (Subsidies)	\$837,844	\$912,736	\$1,015,507	\$731,551	\$1,002,811
<b>Operating Characteristics</b>					
Unlinked Passenger Trips	146,089	122,257	135,000	100,350	139,757
Passenger Miles	12,392.0	12,627.0	12,585.0	248,868	330,336
Total Actual Vehicle Revenue Hours (a)	198,735.9	197,402.1	196,746.0	9,588.0	12,832.0
Total Actual Vehicle Revenue Miles (b)	199,395.5	203,157.9	202,485.0	149,892.4	199,655.0
Total Actual Vehicle Miles				154,264.9	205,496.0
<b>Performance Characteristics</b>					
Operating Cost per Revenue Hour	\$76.82	\$52.49	\$89.51	\$86.29	\$87.36
Farebox Recovery Ratio	11.98%	12.37%	9.89%	11.57%	10.54%
Subsidy per Passenger	\$5.74	\$7.47	\$7.52	\$7.29	\$7.18
Subsidy per Passenger Mile			\$2.51	\$2.94	\$3.04
Subsidy per Revenue Hour (a)	\$67.61	\$72.28	\$80.69	\$76.30	\$78.15
Subsidy per Revenue Mile (b)	\$4.32	\$4.62	\$5.16	\$4.88	\$5.02
Passenger per Revenue Hour (a)	11.8	9.7	10.7	10.5	10.9
Passenger per Revenue Mile (b)	0.75	0.62	0.69	0.67	0.70

(a) Train Hours for Rail Modes. (b) Car Miles for Rail Modes.



Riverside County Transportation Commission

**Table 2 -- Banning-DAR -- SRTP Service Summary**  
**FY 2009/10 Short Range Transit Plan**  
**All Routes**

	FY 2006/07 Audited	FY 2007/08 Audited	FY 2008/09 Plan	FY 2008/09 3rd Qtr Actual	FY 2009/10 Plan
<b>Fleet Characteristics</b>					
Peak-Hour Fleet				2	2
<b>Financial Data</b>					
Total Operating Expenses	\$118,058	\$117,152	\$138,580	\$96,428	\$153,849
Total Passenger Fare Revenue	\$12,437	\$15,380	\$15,550	\$8,487	\$11,659
Net Operating Expenses (Subsidies)	\$105,620	\$101,771	\$123,030	\$87,941	\$142,190
<b>Operating Characteristics</b>					
Unlinked Passenger Trips	11,164	11,682	12,000	7,701	11,700
Passenger Miles	2,187.3	1,976.8	30,979	27,724	38,934
Total Actual Vehicle Revenue Hours (a)	45,499.0	42,333.0	3,500.0	1,676.2	2,561.0
Total Actual Vehicle Miles (b)	50,806.0	47,985.0	49,872.0	34,742.0	41,699.0
Total Actual Vehicle Miles			58,872.0	38,120.0	54,068.0
<b>Performance Characteristics</b>					
Operating Cost per Revenue Hour	\$53.98	\$59.26	\$39.59	\$57.53	\$60.07
Farebox Recovery Ratio	10.53%	13.12%	11.22%	8.80%	7.57%
Subsidy per Passenger	\$9.46	\$8.71	\$10.25	\$11.42	\$12.15
Subsidy per Passenger Mile			\$3.97	\$3.17	\$3.65
Subsidy per Revenue Hour (a)	\$48.29	\$51.48	\$35.15	\$52.46	\$55.52
Subsidy per Revenue Mile (b)	\$2.32	\$2.40	\$2.47	\$2.53	\$3.41
Passenger per Revenue Hour (a)	5.1	5.9	3.4	4.6	4.6
Passenger per Revenue Mile (b)	0.25	0.28	0.24	0.22	0.28

(a) Train Hours for Rail Modes. (b) Car Miles for Rail Modes.

**Table 3 - SRTP Route Statistics**  
 City of Banning – 1  
 FY 2009/10  
 All Routes

Route #	Day Type	Data Elements			Data Elements				
		Peak Vehicles	Passenger Miles	Revenue Hours	Total Hours	Revenue Miles	Total Miles	Operating Cost	Passenger Revenue
BAN-1	Total	1	46,158	109,101	4,264.0	4,317.0	72,809.0	74,743.0	\$383,332
BAN-5	Total	1	52,880	124,969	4,268.0	4,966.0	60,462.0	60,082.0	\$354,851
BAN-6	Total	1	40,719	96,245	4,300.0	4,373.0	66,424.0	69,926.0	\$382,819
BAN-DAR	Total	2	11,700	38,934	2,561.0	3,756.0	41,698.0	54,068.0	\$153,849
<b>Service Provider Totals</b>	<b>5</b>	<b>151,457</b>	<b>369,270</b>	<b>15,393.0</b>	<b>17,452.0</b>	<b>241,393.0</b>	<b>259,564.0</b>	<b>\$1,274,851</b>	<b>\$129,850</b>
									<b>\$1,145,001</b>

**Table 3 - SRTP Route Statistics**  
 City of Banning – 1  
 FY 2009/10  
 All Routes

Route #	Day Type	Operating Costs				Performance Indicators				
		Cost Per Revenue Hour	Cost Per Revenue Mile	Cost Per Passenger	Farebox Recovery Ratio	Subsidy Per Passenger	Subsidy Per Passenger Mile	Subsidy Per Revenue Hour	Subsidy Per Revenue Mile	Passengers Per Hour
BAN-1	Total	\$89.90	\$5.26	\$8.30	12.12%	\$3.09	\$79.00	\$4.63	10.8	0.63
BAN-5	Total	\$83.14	\$5.87	\$6.71	11.14%	\$2.52	\$73.87	\$5.21	12.4	0.87
BAN-6	Total	\$89.03	\$5.76	\$9.40	8.39%	\$8.61	\$3.64	\$5.28	9.5	0.61
BAN-DAR	Total	\$60.07	\$3.69	\$13.15	7.57%	\$12.15	\$3.65	\$55.52	\$3.41	4.6
Service Provider Totals		\$82.82	\$5.28	\$8.42	10.18%	\$3.56	\$74.38	\$4.74	9.8	0.63

### TABLE 3A: INDIVIDUAL ROUTE DESCRIPTION

#### **Route 1 - Beaumont/Banning/Cabazon**

Pass Transit Route 1 provides service predominately along Ramsey Street & 6th Street between Beaumont City Hall, Banning and Cabazon, while serving the Casino Morongo, Cabazon neighborhoods and Cabazon shopping areas.

This route operates on a two-hour headway and is complimented by an overlap with Route 2 (operated by Beaumont Transit System) along 75% of the route. It provides service to the remote Esperanza & Elm area of Cabazon. The route also provides service to the residential areas of Cabazon, James Venable Community Center, Casino Morongo, Desert Hills Premium Outlets and Cabazon Outlets, and the commercial areas along Ramsey Street and Highland Springs Avenue in Banning, and the commercial areas along 6" Street and Beaumont Avenue in Beaumont.

This route provides riders access to many civic, educational and county sponsored public social service office within the City of Banning and the unincorporated community of Cabazon. Destinations on Route 1 include: Kmart, Albertsons, Wal-Mart Supercenter, Beaumont City Hall, Greyhound Crucero Agency, Amtrak California Thruway bus stop, Banning City Hall, The Gas Company, San Gorgonio Memorial Hospital, Fox Cinemas, Banning Police Department, Desert Hills Premium Outlets, Cabazon Outlets, Casino Morongo and James Venable Community Center.

#### **Route 5 -Northern Banning**

This route operates on a 75 minute headway and provides service to the residential areas of the City of Banning that lie north of the 1-10 freeway, the Banning Municipal Library, the Coombs Intermediate School and the commercial areas along Ramsey Street and Highland Springs Avenue.

This neighborhood feeder route provides connections to many civic, educational and county sponsored public social service office, Banning City Hall, Fox Cinemas, Kmart, Albertsons, Rite Aid Pharmacy, San Gorgonio Memorial Hospital, Banning Chamber of Commerce Banning Public Library, Smith Correctional Facility, Banning Community Center, Banning Senior Center, US Post Office, and various other shopping and school locations within the community.

#### **Route 6 - Southern Banning**

The route operates on a 75 minute headway and provides service to the residential areas south of the 1-10 freeway, a small residential section north of Ramsey Street at the east end of the City of Banning, the commercial areas along Ramsey Street and Highland Springs Avenue, Banning High School, apartment complexes in the south, and the Banning Municipal Airport.

This neighborhood feeder route provides connections to many civic, educational and county sponsored public social service office, Banning City Hall, Fox Cinemas, Kmart, Albertsons, Rite

Aid Pharmacy, San Gorgonio Memorial Hospital, Banning High School Banning Municipal Airport, US Post Office, and various other shopping and school locations within the community.

### **Pass Transit Dial-A-Ride**

Pass Transit Dial-A-Ride is provided within the entire city limits of Banning and Beaumont and within a  $\frac{3}{4}$  mile boundary of Routes 1 and 2 services in Cabazon. The City of Banning provides the ADA certification for Pass Transit Dial-A-Ride services operated by the Cities of Banning and Beaumont.

Seniors (age 60 years old and older), persons with disabilities and ADA eligible passengers are eligible for dial-a-ride throughout the entire service area. Service hours vary for non ADA eligible passengers. These categories of passengers also are required to fill out a certification application to determine eligibility of service. Once certified, a card is issued to the applicant.

General public passengers (ages 5-59 years old) are not eligible for dial-a-ride service. The primary uses of Pass Transit Dial-A-Ride are for transportation to medical appointments, workshop programs for persons with disabilities, shopping areas, employment, and connections with Riverside Transit Agency (RTA) and Pass Transit fixed routes.

Banning PASS Transit  
 FY 2009/10  
 Summary of Funds Requested  
 Short Range Transit Plan

Table 4 - Summary of Funds Requested for FY 2009/10

Project Description	Capital Project Number	Total Amount of Funds	LTF	STA	Prop 1B (PTMSEA)	Measure A	Section 5307 - Temecula/Murrieta	Section 5307 - Riv-San. Brdo	Section 5307 - Hemet/San Jacinto	Section 5307 - Indoor-Cathedral City-Palm Springs	Section 5307 - Los Angeles	CMAQ	TRMF	Fare Box	Other (a)	
FY 2009/10 operating Assistance for Fixed Route and Dial-A-Ride		\$1,274,350		\$1,145,000											\$122,850	\$7,000
<b>Subtotal: Operating</b>		\$1,274,350		\$0	\$0	\$0		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$122,850
<b>Subtotal: Capital</b>		\$0	\$0	\$0	\$0	\$0		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total: Operating &amp; Capital</b>		\$1,274,350	\$1,145,000	\$0	\$0	\$0		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$122,850

Banning PASS Transit  
 FY 2010/11 and FY 2011/12  
 Summary of Funds Requested  
 Short Range Transit Plan

**Table 5A - Summary of Funds Requested for FY 2010/11**

Project Description	Capital Project Number	Total Amount of Funds	LTF	STA	Prop 1B (PTMSEA)	Measure A	Section 5307 - Rv-San. Bendo	Section 5307 - Temecula/Murrieta	Section 5307 - Hemet/San Jacinto	Section 5307 - Los Angeles	Section 5309	Section 5311	CMAQ	TUMF	Fare Box	Other (2)	
FY 10/11 Operating Assistance for Fixed Route and Dial-A-Ride		\$1,355,391	\$1,204,391													\$124,000	\$7,000
<b>Subtotal: Operating</b>		<b>\$1,335,391</b>	<b>\$1,204,391</b>													<b>\$0</b>	<b>\$0</b>
Bus Stop Amenities	FY 11 - 1	\$80,000	\$80,000														
<b>Subtotal: Capital</b>		<b>\$80,000</b>	<b>\$80,000</b>													<b>\$0</b>	<b>\$0</b>
<b>Total: Operating &amp; Capital</b>		<b>\$1,415,391</b>	<b>\$1,284,391</b>													<b>\$0</b>	<b>\$0</b>
																	<b>\$124,000</b>
																	<b>\$7,000</b>

**Table 5B - Summary of Funds Requested for FY 2011/12**

Project Description	Capital Project Number	Total Amount of Funds	LTF	STA	Prop 1B (PTMSEA)	Measure A	Section 5307 - Rv-San. Bendo	Section 5307 - Temecula/Murrieta	Section 5307 - Hemet/San Jacinto	Section 5307 - Los Angeles	Section 5309	Section 5311	CMAQ	TUMF	Fare Box	Other (2)	
FY 11/12 Operating Assistance for Fixed Route and Dial-A-Ride		\$1,355,434	\$1,223,980													\$123,216	\$7,238
<b>Subtotal: Operating</b>		<b>\$1,359,434</b>	<b>\$1,223,980</b>													<b>\$0</b>	<b>\$0</b>
No Capital Request																	
<b>Subtotal: Capital</b>		<b>\$0</b>	<b>\$0</b>												<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Total: Operating &amp; Capital</b>		<b>\$1,359,434</b>	<b>\$1,223,980</b>												<b>\$0</b>	<b>\$0</b>	<b>\$128,216</b>
																	<b>\$7,238</b>

**TABLE 5A – CAPITAL PROJECT JUSTIFICATION**PROJECT NUMBER

FY 11-1

PROJECT NAME

Bus Stop Amenities

PROJECT DESCRIPTION

This project will purchase replacement bus benches, bus shelters, trash cans, bus stop signs and poles to add at existing bus stop locations and at unsigned or undesignated bus stop locations.

PROJECT JUSTIFICATION

The City anticipates ongoing maintenance of all bus stops and amenities through a regular repair/replacement program for all of our bus stop locations. Bus stops and amenities will be maintained according to standards that have been developed.

PROJECT FUNDING SOURCES (REQUESTED)STA            \$ 80,000

TOTAL        \$ 80,000

PRIOR YEAR PROJECTS OF A SIMILAR NATURE WITH UNEXPENDED BALANCE – OR PROJECTS APPROVED BUT NOT YET ORDERED – INCLUDE FTA GRANT NUMBER AND RCTC'S CAPITAL GRANT NUMBER.

<b><i>FTA Grant #</i></b>	<b><i>RCTC Grant #</i></b>	<b><i>Description</i></b>	<b><i>Unexpended balance</i></b>
STA	08/09	Bus Stop Amenities	150,000

**TABLE 6 – PROGRESS TO IMPLEMENT TRIENNIAL PERFORMANCE AUDIT**

Audit Recommendations (Covering FY 2004 – FY 2006)	Action(s) Taken And Results (1)
<p>1. Banning Transit should implement the remaining three prior audit recommendations:</p> <ul style="list-style-type: none"><li>◆ Provide Passenger Mile data in TransTrack</li><li>◆ Continued Recruitment of Drivers</li><li>◆ Provide incentives for drivers to maintain longevity</li></ul>	The Transit Department has provided all TransTrack information that is needed every quarter, ever since staff was trained.
2. Develop and enforce employee policies and rules specific to providing consistent transit service.	The City hired a transit management firm to manage the day-to-day operations of the transit system. It is the intent of the City to develop a new training program and to develop a procedures manual for the bus operators to follow and use as a guideline. This will begin in FY 10. Staff keeps the drivers informed of upcoming law changes, commercial driver handbook changes and California Vehicle Code book changes.
3. Conduct daily reconciliation of farebox revenues with passenger counts.	The transit management staff has been responsible for ensuring that the fare revenues are deposited at the City Finance Department and that the fares are reconciled with the passenger tally sheets.
4. Considering prioritizing procurement of electronic farebox	Currently, there have been funds set aside for electronic fareboxes, but during the PASS TAC meetings, per RTA input, it was not recommended to go to electronic fareboxes at this time.



**Table 7 -- Service Provider Performance Targets Report**  
 FY 2008 / 09 Short Range Transit Plan Review  
 City of Banning

Data Elements	FY 2008 / 09 Plan	FY 2008 / 09 Target	FY 2008 / 09 Year to Date Through 3rd Quarter	Year to Date Performance Scorecard
Unlinked Passenger Trips	147,000			
Passenger Miles	436,070			
Total Actual Vehicle Revenue Hours	16,085.0			
Total Actual Vehicle Revenue Miles	246,618.0			
Total Actual Vehicle Miles	261,358.0			
Total Operating Expenses	\$1,265,087			
Total Passenger Fare Revenue	\$126,550			
Net Operating Expenses	\$1,138,537			
<b>Performance Indicators</b>				
<b>Mandatory:</b>				
1. Farebox Recovery Ratio	100.00%	> = 10.00%		11.28% Meets Target
<b>Discretionary:</b>				
1. Operating Cost Per Revenue Hour	\$78.65	< = \$79.25		\$82.01 Falls to Meet Target
2. Subsidy Per Passenger	\$7.75	> = \$6.35 and < = \$8.59		\$7.58 Meets Target
3. Subsidy Per Passenger Mile	\$2.61	None		\$2.96
4. Subsidy Per Hour	\$70.78	> = \$58.23 and < = \$78.79		\$72.75 Meets Target
5. Subsidy Per Mile	\$4.62	> = \$3.55 and < = \$4.81		\$4.44 Meets Target
6. Passengers Per Revenue Hour	9.1	> = 7.8 and < = 10.6		9.6 Meets Target
7. Passengers Per Revenue Mile	0.60	> = 0.48 and < = 0.64		0.59 Meets Target

Note: Must meet at least 4 out of 7 Discretionary Performance Indicators

**Productivity Performance Summary:**

Meets FY 08/09 Farebox Ratio Requirement.

Meets 5 of 7 Discretionary Indicators. Meets RCTC PIP Program.

**Service Provider Comments:**

The 07/08 Targets did not include the accumulated wage increases that were due, and these were not attended to until FY 08/09, therefore, the Operating Costs Per Revenue Hour expenses were increased and the target was not met. The City of Banning does not plan to get behind on these again- the transition of a new Transit Manager is what delayed these wage increases.

**FY 2009/10 - Table 8 -- SRTP Performance Report**  
*Service Provider: City of Banning*  
*All Routes*

Performance Indicators	FY 2007/08 End of Year Actual	FY 2008/09 3rd Quarter Year-to-Date	FY 2009/10 Plan	FY 2009/10 Target	Plan Performance Scorecard (a)
Passengers	133,939	108,051	151,457	None	
Passenger Miles		276,592	369,270	None	
Revenue Hours	14,603.8	11,264.2	15,393.0	None	
Total Hours	14,755.7	12,472.3	17,452.0	None	
Revenue Miles	239,735.1	184,634.4	241,398.0	None	
Total Miles	251,142.9	192,384.9	259,564.0	None	
Operating Costs	\$1,158,734	\$923,783	\$1,274,851	None	
Passenger Revenue	\$144,226	\$104,291	\$129,850	None	
Operating Subsidy	\$1,014,508	\$819,492	\$1,145,001	None	
Operating Costs Per Revenue Hour	\$79.34	\$82.01	\$82.82	<= \$84.89	Meets Target
Operating Cost Per Revenue Mile	\$4.83	\$5.00	\$5.28	None	
Operating Costs Per Passenger	\$8.65	\$8.55	\$8.42	None	
Farebox Recovery Ratio	12.44%	11.28%	10.18%	>= 10.0%	Meets Target
Subsidy Per Passenger	\$7.57	\$7.58	\$7.56	>= \$6.44 and <= \$8.72	Meets Target
Subsidy Per Passenger Mile		\$2.96	\$3.10	>= \$2.48 and <= \$3.36	Meets Target
Subsidy Per Revenue Hour	\$69.47	\$72.75	\$74.38	>= \$61.84 and <= \$83.66	Meets Target
Subsidy Per Revenue Mile	\$4.23	\$4.44	\$4.74	>= \$3.77 and <= \$5.11	Meets Target
Passengers Per Revenue Hour	9.2	9.6	9.8	>= 8.16 and <= 11.04	Meets Target
Passengers Per Revenue Mile	0.56	0.59	0.63	>= 0.50 and <= 0.68	Meets Target

a) The Plan Performance Scorecard column is the result of comparing the FY 2009/10 Plan to the FY 2009/10 Primary Target.

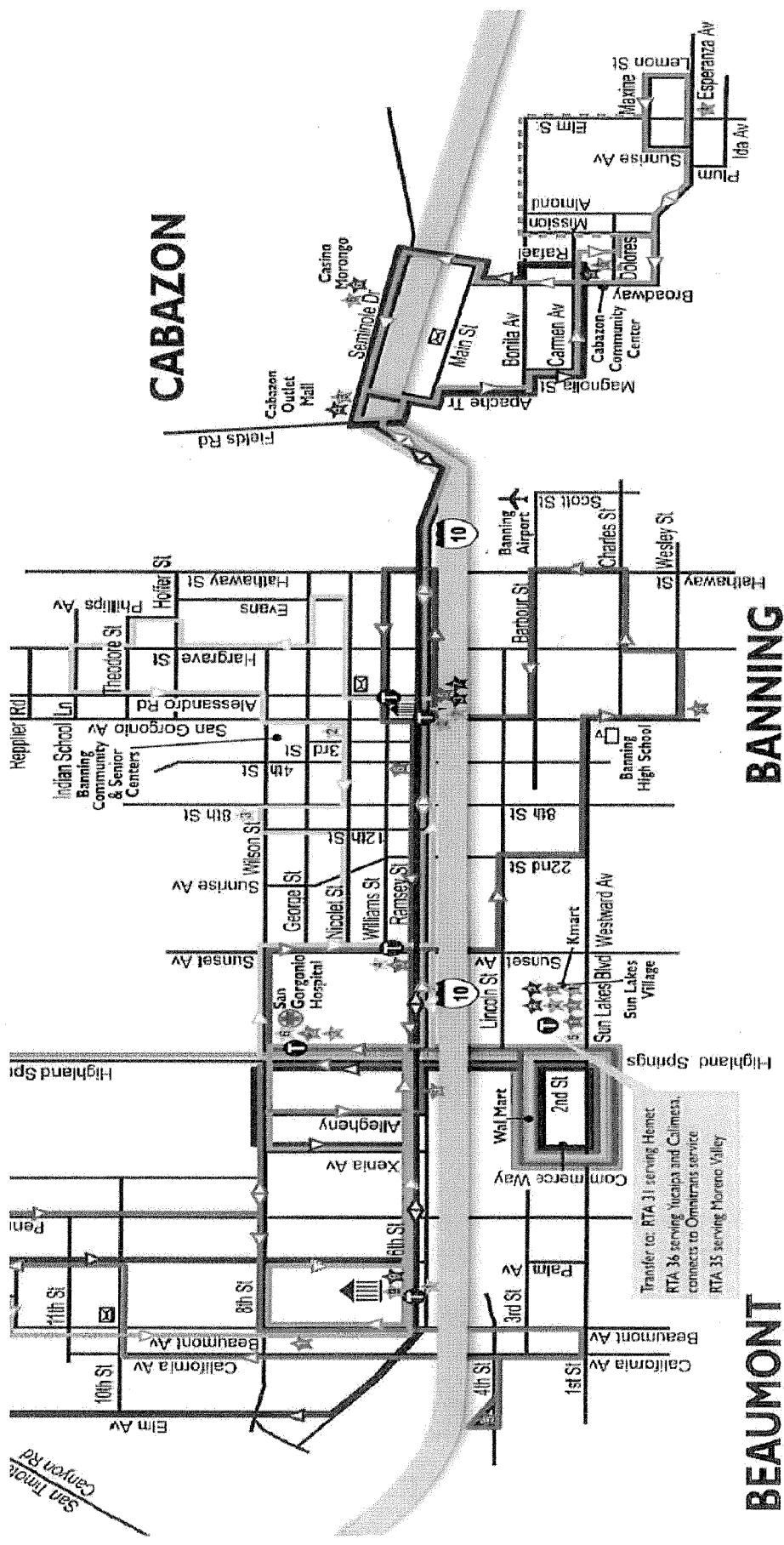
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**TABLE 9 – HIGHLIGHTS OF 2009/10 – 2011/12 SHORT RANGE TRANSIT PLAN**

- ◆ Minor schedule changes will be made to improve frequency, eliminate duplication and improve service coverage within Banning and Cabazon.
- ◆ Upgrade passenger amenities and information racks onboard buses.
- ◆ Purchase replacement buses: 2 fixed route and 2 dial-a-ride (will include security cameras)
- ◆ Modify Fixed Routes 1, 5, 6 (as needed)
- ◆ Continue working with the City of Beaumont staff regarding the coordination of routes, schedules, passenger amenities, and fares to ensure that Pass Transit is seamless and simple to use by Pass Area residents
- ◆ New fare increases were implemented on January 1, 2009 and the final phase will take place July 1, 2009.

Banning Transit System / Pass Transit	FY 2005/06 Audited	FY 2006/07 Audited	FY 2007/08	FY 2009 Projected with 3 <sup>rd</sup> Quarter	FY 2010 Planned
Systemwide Ridership	192,728	157,253	133,939	144,068	151,457
Operating Cost per Revenue Hours	\$69.74	\$73.39	\$79.34	\$82.01	\$82.82





**CITY COUNCIL AGENDA  
CONSENT ITEM**

**Date:** **July 28, 2009**

**TO:** **City Council**

**FROM:** **Bonnie Johnson, Finance Director**

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

The reports are:

Expenditure approval lists

June 4, 2009	575,461.95
June 11, 2009	2,246,947.21
June 18, 2009	198,182.40
June 25, 2009	2,085,071.53
July 9, 2009	3,120,906.78 (June Month End)

Payroll check registers

June 5, 2009	8,689.32
June 19, 2009	9,046.29
June 30, 2009 Manual Check	3,897.43

Payroll direct deposits\*

June 5, 2009	348,251.21
June 19, 2009	327,734.37

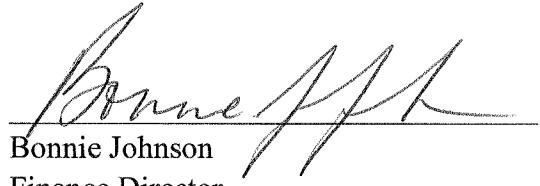
As you review the reports, if you have any questions please contact the Finance Department so that we can gather the information from the source documents and provide a response.

\* Included on the June month end expenditure approval list of 07/09/2009.

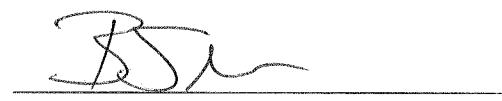
<sup>(1)</sup> Due to Positive Pay reporting, manual checks must be recorded in the accounting system separately from the weekly check register.

Report Prepared by: Robin Anderson, Accounts Payable

**RECOMMENDED BY:**

  
\_\_\_\_\_  
Bonnie Johnson  
Finance Director

**APPROVED BY:**

  
\_\_\_\_\_  
Brian Nakamura  
City Manager

# **PAYROLL**

## **DIRECT DEPOSIT TOTALS**

<b>PAY PERIOD ENDING</b>	<b>DIRECT DEPOSIT DATES</b>	<b>DIRECT DEPOSIT AMOUNTS</b>
05/29/2009	06/05/2009	\$348,251.21
06/12/2009	06/19/2009	\$327,734.37

## **MANUAL CHECKS ISSUED**

<b>CHECK DATE</b>	<b>CHECK #</b>	<b>CHECK AMOUNT</b>
06/30/2009	6421	Aguilar \$3,897.43

\$3,897.43

Report only the amounts that actually paid during the month.

**CITY COUNCIL AGENDA  
CONSENT ITEM**

**Date:** **July 28, 2009**

**TO:** **City Council**

**FROM:** **Leonard Purvis, Chief of Police**

**SUBJECT:** **Police officer fees for security during the 2009 Playhouse Bowl Evenings  
in the Park Concert Series beginning August 6, 2009 at the Repplier Park Bowl.**

**RECOMMENDATION:** "The City Council review and provide direction on a request from the Banning Community Service Department for two police officers to be present between the hours of 6:30 – 9:30 P.M. for each of the four concerts during the Playhouse Bowl Evenings in the Park Concert Series."

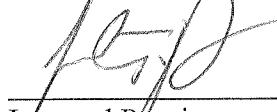
**JUSTIFICATION:** Because the police department does not have the authority to waive city fees, this request is being forwarded to the City Council for consideration.

**BACKGROUND & ANALYSIS:** On July 14, 2009, Banning Community Services Department Executive Secretary, Lynette Espinoza, requested the presence of two to three police officers during the 2009 Summer Concert Series for security purposes. The concert series is run by the Playhouse Bowl Association, which is a non-profit organization.

Based on the City's current fee schedule, the cost for one police officer, per hour, is \$65. We recommend staffing each event with two police officers. The cost of two police officers for each of the four concerts would be \$390.00. The total cost for two police officers for the entire concert series would be \$1,560.00.

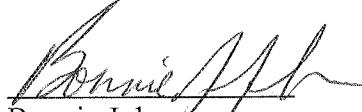
**FISCAL DATA:** If approved by the City Council, the noted police officer fees would be waived and the overtime cost of the two police officers working the concert series would be paid with funds from the police department's general overtime account.

**RECOMMENDED BY:**



Leonard Purvis  
Chief of Police

**REVIEWED BY:**



Bonnie Johnson  
Finance Director

**APPROVED BY:**



Brian Nakamura  
City Manager

**CITY COUNCIL AGENDA  
CONSENT ITEM**

**Date:** **July 28, 2009**

**TO:** **City Council**

**FROM:** **Bonnie Johnson, Finance Director**

**SUBJECT:** **Award of Piggyback Purchases of 2 Transit buses and 2 Dial-A-Ride buses for the Transit Division of the Community Services Department in the amount not to exceed \$975,214.00 to Creative Bus Sales from the funds obtained through the FY08-09 RCTC Transit Grant as listed in the Short Range Transit Plan**

**RECOMMENDATION:** "Award of Piggyback Purchases of 2 Transit buses and 2 Dial-A-Ride buses for the Transit Division of the Community Services Department in the amount not to exceed \$975,214.00 to Creative Bus Sales from the funds obtained through the FY08-09 RCTC Transit Grant."

**JUSTIFICATION:** Purchase of these vehicles will allow the City of Banning Transit Division to have the necessary Transit vehicles for the operation of the City of Banning Pass Area Transit.

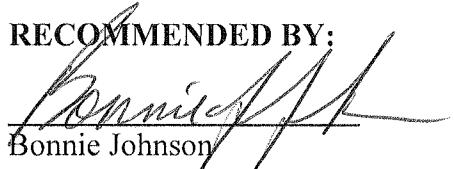
**BACKGROUND:** On July 22, 2009 the City Council adopted Resolution 2008-90 authorizing expenditures of funds obtained through the FY08-09 RCTC Transit Grant for the purchase of various vehicles and equipment for the Transit Division of the Community Services Department. The Division submitted a proposal that identified the Transit divisions need for replacement and new vehicles. The Transit Division of the Community Services Department is in need of the vehicles for the Pass Area Transit operation as soon as possible. The Transit Division has had several recent instances where the existing vehicles have been placed out of operation due to mechanical failures. This leaves the Transit Division operating with minimal coverage to serve the citizens of Banning. Staff has consulted with vendors regarding the needs of the City of Banning for buses and the Piggyback contract opportunities available.

Creative Bus Sales Inc. was awarded the Bids from Tahoe Transportation District and San Mateo County Transit District (SamTrans) bid #SAMTR-M-023 for the ElDorado National XHF Buses and the ElDorado National Aerotech 240 Dial-A-Ride buses. Section 18A-13 "D" of the City's Purchasing Ordinance allows the City to enter into agreements with other agencies for the purchase of supplies, services and equipment. In such instances, the procedures of that agency shall satisfy all city requirements for the bid and award of those purchases. The City of Banning can piggyback onto the above references bids for the 2 Transit buses and 2 Dial-A-Ride buses under their cooperative purchasing provision. This will save the City the cost of the formal bid process and allow us to take advantage of the volume discount afforded to Tahoe Transportation District and SamTrams.

**ALTERNATIVES:** Solicit sealed bids for the purchase of all vehicles. However, the cost may well be higher due to the smaller quantity and by piggybacking onto the Tahoe Transportation District and SamTrams contracts the City of Banning can still take advantage of the volume discount pricing afforded to the Agencies.

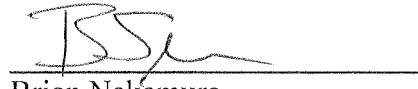
**FISCAL DATA:** Sufficient Grant funds are available for the purchase of the vehicles in the Fixed Route Transit account #610-5800-434.90-51 and Dial-A-Ride account 610-5850-434-9051.

**RECOMMENDED BY:**



Bonnie Johnson  
Finance Director

**APPROVED BY:**



Brian Nakamura  
City Manager

**CITY COUNCIL  
PUBLIC HEARING**

**Date:** **July 28, 2009**

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

**FROM:** **Bonnie J. Johnson, Finance Director**

**SUBJECT:** **Adoption of Ordinance No. 1408 - Amending the Municipal Code  
Regarding the Local Preference Pursuant to the City's Purchasing System:**

Adoption of Ordinance No. 1408 Amending Section 3.24.140(B) of the Banning Municipal Code Regarding Local Preference Pursuant to the City's Purchasing System

**RECOMMENDATION:**

1. "That the City Council adopt Ordinance No. 1408 amending Section 3.24.140(B) of the Banning Municipal Code regarding local preference pursuant to the City's purchasing system."
2. "That the City Council approve Resolution no. 2009-60 a Resolution of the City Council of the City of Banning Setting the Local Preference Percentage pursuant to the City's Purchasing System."

**JUSTIFICATION**

One of the City Council's primary goals is to promote the economic health of the City and provide local support to businesses by purchasing goods and services local whenever possible. To that end the City Council would like to increase the local preference percentage for purchases made by the City from Banning businesses.

**BACKGROUND:**

On June 9, 2009 the City Council directed staff to bring forward an amendment to the City's Municipal Code that would allow the local preference percentage to be changed by resolution. The percentage, currently set by ordinance, is 2%. This Municipal Code amendment would remove a specified percentage and add language wherein the local preference percentage would be set by resolution. This will allow Council to change the percentage in the future without further amending the Municipal Code.

A resolution has also been prepared that would become effective at the same time as the ordinance. The resolution sets the local preference percentage at 5%.

**FISCAL IMPACT:**

The ultimate fiscal impact is difficult to quantify.

**PREPARED BY:**



Bonnie Johnson, Finance Director

**APPROVED BY:**



Brian Nakamura, City Manager

## ORDINANCE NO. 1408

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, AMENDING SECTION 3.24.140(B) OF THE BANNING MUNICIPAL CODE REGARDING LOCAL PREFERENCE PURSUANT TO THE CITY'S PURCHASING SYSTEM

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

**SECTION 1. RECITALS.** The City Council hereby amends Section 3.24.140(B) of the Banning Municipal Code and finds and declares as follows:

WHEREAS, one of the City Council's primary goals is to promote the economic health of the City,

WHEREAS, the City Council desires to provide support to its local businesses whenever possible,

WHEREAS, the City Council desires to amend the Municipal Code to provide flexibility in setting the local buying preference, and

WHEREAS, the City Council conducted a duly noticed public hearing on this ordinance on July 28, 2009 at City Hall, 99 E. Ramsey St., Banning, California.

**SECTION 2.** Section 3.24.140(B) ("Local Preference") of the Banning Municipal Code is hereby amended to read, in its entirety, as follows:

B. In the assessment of any responsive bid submitted by a local business pursuant to this chapter, the amount bid by the local business shall be lowered by the local preference percentage, for purposes of award, than the amount actually bid. The local preference percentage will be set by City Council resolution.

**SECTION 3. SEVERABILITY.** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 4. NON-EXCLUSIVITY.** Nothing in this Ordinance shall limit or preclude the enforcement of other applicable laws.

**SECTION 5. EFFECTIVE.** This Ordinance shall take effect thirty (30) days after its enactment in accord with California law.

**SECTION 6. PUBLICATION.** The City Clerk is directed to cause this Ordinance to be published within 15 days of its passage in a newspaper of general circulation published and circulated within the City of Banning.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_\_ day of August, 2009.

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Robert E. Botts, Mayor  
City of Banning

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

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

**ATTEST:**

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Marie Calderon, City Clerk

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1408 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 28<sup>th</sup> day of July, 2009, and was duly adopted at a regular meeting of said City Council on the \_\_\_\_\_ day of August, 2009 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Marie Calderon, City Clerk  
City of Banning, California

**RESOLUTION NO. 2009-60**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING,  
CALIFORNIA, SETTING THE LOCAL PREFERENCE PERCENTAGE PURSUANT TO  
THE CITY'S PURCHASING SYSTEM**

**WHEREAS**, one of the City Council's primary goals is to promote the economic health of the City,

**WHEREAS**, the City Council desires to provide support to its local businesses whenever possible,

**WHEREAS**, the Municipal Code provides for the setting of a local preference percentage with regard to the purchasing of goods and services,

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

1. The local preference percentage is hereby set at 5%. This local preference is applicable to goods and services; but not to public works projects.
2. This resolution will take effect on the same date Ordinance 1408 takes effect.

**PASSED, APPROVED AND ADOPTED** this 28th day of July, 2009.

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Robert E. Botts, Mayor  
City of Banning

APPROVED AS TO FORM AND  
LEGAL CONTENT:

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

ATTEST:

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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 2009-60 was adopted by the City Council of the City of Banning, at a regular meeting thereof held on the 28th day of July 2009, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

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

**CITY COUNCIL AGENDA  
REPORTS OF OFFICERS**

**Date:** **July 28, 2009**

**TO:** **City Council**

**FROM:** **Bonnie Johnson, Finance Director**

**SUBJECT:** **Consideration of a Transient Occupancy Tax (TOT) Ballot Measure**

**RECOMMENDATION:**

1. "That the City Council approve Resolution No. 2009-67 a Resolution of the City Council of the City of Banning calling and giving notice of a special municipal election on Tuesday, November 3, 2009, for the submission to the voters of the City a proposed ordinance amending the City's transient occupancy tax; unanimously declaring a fiscal emergency under proposition 218 and in accordance therewith requesting the County of Riverside to consolidate the City's special election with the special and general municipal elections held within Riverside County on that date."
2. "That the City Council approve Resolution No. 2009-68 a Resolution of the City Council of the City of Banning directing the City Attorney to prepare an impartial analysis, setting priorities for filing written arguments, and providing for rebuttal arguments regarding the Banning transient occupancy tax measure."

**JUSTIFICATION:** At the Council Meeting on May 26, 2009 the City Council directed staff to move forward with preparation for a potential TOT ballot measure.

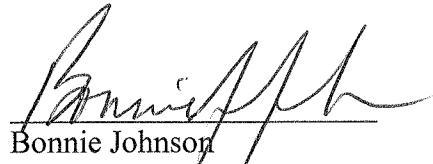
**BACKGROUND & ANALYSIS:** As reported to Council in budget workshops during 2008-09, for the past three years, the City's General Fund expenditures would have exceeded the General Fund revenues if there had not been one-time revenue sources and/or one-time salary savings from vacant positions to offset this. In addition with the recent drastic downturn in the economy, the City's existing tax revenue bases, primarily sales tax and property 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 approximately \$5 million in recurring expenditures from the General Fund budget in 2009-10 as well as starting the process related to a potential transient occupancy tax measure (TOT). After the aforementioned cuts, the estimated annual General Fund structural deficit is approximately \$827,000. The current estimated increase from raising the TOT from 6% to 12% is approximately \$275,000 to \$300,000 of General Fund dollars annually.

The two resolutions before the City Council for consideration will do the following: declare a fiscal emergency (unanimous vote needed), call a Special Municipal Election that will be consolidated with Riverside County's General Election, direct the City Clerk to take a number of actions as required by law to facilitate the election, direct the City Attorney to prepare an impartial analysis of the proposed measure, authorizes City Council, individually or collectively, to file written arguments in favor of the proposed measure and allow for a written rebuttal argument to be submitted.

**FISCAL IMPACT:** The adopted 2009-10 budget includes a \$35,000 appropriation for the estimated cost of a special election. No additional appropriation is needed.

RECOMMENDED BY:



Bonnie Johnson  
Finance Director

APPROVED BY:



Brian Nakamura  
City Manager

**RESOLUTION NO 2009-67**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING CALLING AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 3, 2009, FOR THE SUBMISSION TO THE VOTERS OF THE CITY A PROPOSED ORDINANCE AMENDING THE CITY'S TRANSIENT OCCUPANCY TAX; UNANIMOUSLY DECLARING A FISCAL EMERGENCY UNDER PROPOSITION 218 AND IN ACCORDANCE THEREWITH REQUESTING THE COUNTY OF RIVERSIDE TO CONSOLIDATE THE CITY'S SPECIAL ELECTION WITH THE SPECIAL AND GENERAL MUNICIPAL ELECTIONS HELD WITHIN RIVERSIDE COUNTY ON THAT DATE**

**WHEREAS**, the City Council of Banning determined at its regular meeting on July 28, 2009, that it should present to City voters the question of whether to amend its current Transient Occupancy Tax for the purpose of raising general fund revenue to provide basic City services for residents, including but not limited to, law enforcement, fire protection, graffiti removal, sidewalk and street repair, and maintenance of public parks; and

**WHEREAS**, the voters of the State of California approved Proposition 218 (Article XIII C, section 2 of the California Constitution and Government Code section 53723), which authorizes the City to impose, extend or increase a general tax upon a majority vote of the population; and

**WHEREAS**, Revenue and Taxation Code section 7280 authorizes the City to levy a tax on hotels, inns, tourist homes, motels, or other lodging for the privilege of occupying a room or rooms; and

**WHEREAS**, in 1965, the City of Banning levied upon those occupying a room or rooms in the aforementioned hotels, inns, tourist homes, motels or other lodging, a six percent Transient Occupancy Tax, which has remained at the same level for nearly fifty years; and

**WHEREAS**, due to an unprecedented set of financial challenges at both the Federal and State level, with the national economy in the largest recession since the Great Depression, and the State facing a deficit of at least \$26 billion and issuing vouchers for the first time in 25 years, and potentially seeking a loan from local agencies, and the City of Banning having had to cut its 2009-2010 budget by over \$5M, a state of fiscal emergency currently exists within the City of Banning and by this Resolution the City Council is unanimously declaring a fiscal emergency, as described below; and

**WHEREAS**, under Proposition 218 (Article XIIIIC of the California Constitution) in light of such fiscal emergency, it is desirable that the Special Election be consolidated with the Special and General Elections to be held within Riverside County on the same date, that within the city the precincts, polling places, and election officers of the two elections be the same, that the Riverside County Election Department canvass the returns of the Special election, and that the election be held in all respects as if there were only one election.

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

**Section 1.** Pursuant to the requirement of the laws of the State of California relating to general law cities, there is called and ordered to be held in the City of Banning, California on Tuesday, November 3, 2009, a Special Municipal Election for the purpose of submitting to the voters of the City of Banning, the measure specified in Sections 2 and 3, below. Pursuant to Government Code Section 53724(d) and Elections Code Section 9222, it is the intent of the City Council that the measure be submitted to the voters of Banning at the aforementioned Special Municipal Election.

**Section 2.** All recitals are deemed true and correct. The City Council hereby finds and declares by a unanimous vote that a fiscal emergency now exists in the City due to the lack of municipal revenue necessary to provide an acceptable level of municipal services that would ensue if collection of the tax does not continue. On July 1, 2009, California declared a fiscal emergency and will likely need to take money

from local governments to close a \$26.3 billion budgetary gap. Current discussions at the state level could mean the Legislature taking as much as \$900,000 from the City of Banning, which could have grave results for City residents. Due to decreasing revenues as well as certain known cost increases, the 2009-10 structural deficit projection increased to approximately \$5.8 million annually. An additional 8.7% decline in sales tax is projected for 2009-10 and property tax revenue, already down 4.7% in 2008-09, is expected to decline another 10% in 2009-10. The adopted 2009-10 General Fund budget already includes approximately \$5 million in expenditure reductions; Citywide reductions total approximately \$14.6 million. Due to the continuing housing market collapse and other recessionary indicators, other City revenue sources are likely to continue to decrease making it necessary for the City to establish new funding sources. It is clear that a continuing level of local revenue is immediately needed to fund a level of municipal services required to properly protect the public health, safety, and welfare. There is no scheduled regular municipal election prior to November of 2009. Given the existence of such a fiscal emergency declared pursuant to Proposition 218, pursuant to Article XIIIC Section 2(b) of the California Constitution, the City Council hereby orders that the following measure be submitted to the voters at a special election, rather than the next regular municipal election:

To minimize future cuts and provide funding for essential city services including police, fire, 9-1-1 emergency response, graffiti removal, and maintaining streets and public areas, shall the City of Banning adopt an ordinance increasing its existing Transient Occupancy Tax (which is a hotel bed tax paid when overnight visitors rent a room) from 6% to 12%, with annual independent audits provided by code, and all funds used to maintain city services in Banning?	YES
	NO

**Section 3.** Upon approval of the voters of the City of Banning, the Banning Municipal Code, Chapter 3.16, Section 3.16.030, shall be amended to increase the Transient Occupancy Tax from six percent to twelve percent. The ordinance adopting this amendment is set forth in Exhibit "A" of this Resolution.

**Section 4.** The City Council of the City of Banning further does resolve, declare and order:

(a) That notice of time and place of holding said election is hereby given and the City Clerk is hereby authorized, instructed and directed to give such further or additional notice of said election in the time, form and manner as required by California law.

(b) That pursuant to Sections 10402 and 10403 of the Elections Code, the Riverside County Board of Supervisors is hereby requested to consent and agree to the consolidation of the Special Election with the election conducted by Riverside County to be held on Tuesday, November 3, 2009.

(c) That the Riverside County Election Department is authorized to canvass the returns of the Special Election. The election shall be held in all respects as if there were only one election

(d) That the Riverside County Board of Supervisors is requested to issue instructions to the County Election Department to take any and all necessary steps for the holding of this consolidated election.

(e) That the City of Banning recognizes that additional costs will be incurred by Riverside County by reason of this consolidation and agrees to reimburse Riverside County for those costs.

(f) That the City Clerk is directed to file a certified copy of this resolution with the Riverside County Board of Supervisors and with the Riverside County Election Department.

(g) That the City Council authorizes the City Clerk to administer said election, including but not limited to, contracting with the County of Riverside to assist with conducting the election, and otherwise take all reasonably necessary steps to ensure the proper handling and conduct of the special election authorized by this resolution, and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

(h) That this resolution shall be effective immediately upon passage and adoption.

PASSED, APPROVED, AND ADOPTED this 28<sup>th</sup> day of July, 2009, at the City of Banning, County of Riverside.

---

Robert E. Botts, Mayor  
City of Banning

APPROVED AS TO FORM  
AND LEGAL CONTENT:

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

ATTEST:

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Marie 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. 2009-67 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 28<sup>th</sup> day of July, 2009 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

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

## EXHIBIT "A"

**(Not effective unless approved by voters.)**

AN ORDINANCE OF THE VOTERS OF THE CITY OF BANNING, CALIFORNIA, AMENDING SECTION 3.16.030 OF CHAPTER 3.16 OF THE BANNING MUNICIPAL CODE TO INCREASE THE RATE OF TRANSIENT OCCUPANCY TAX FROM 6% TO 12%

**SECTION 1. Tax Adopted.** The Banning Municipal Code, Section 3.16.030, Chapter 3.16, is hereby amended to read, in its entirety, as follows:

### "CHAPTER 3.16: TRANSIENT OCCUPANCY TAX

#### **Section 3.16.030. Imposed--Amount--When payable**

For the privilege of occupancy in any hotel or motel, each transient is subject to and shall pay a tax in the amount of twelve percent of the rent charged by the operator. Such tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator or to the city. The transient shall pay the tax to the operator of the hotel or motel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid in each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel or motel. If for any reason the tax due is not paid to the operator of the hotel or motel, the tax administrator may require that such tax shall be paid directly to the tax administrator."

**SECTION 2. Amendments to Rate.** This ordinance may be amended by majority vote of the voters of the City of Banning at any time. The City Council may by ordinance establish the Transient Occupancy Tax rate at a lesser rate provided it does not exceed the maximum set herein by the voters.

**SECTION 3. Amendments to Chapter 3.16.** Notwithstanding the voters' amendment of Section 3.16.030 to set the rate of the Transient Occupancy Tax, the City Council retains full authority to modify or add to Chapter 3.16 to change the manner mode and method of collecting Transient Occupancy Taxes as set forth in Chapter 3.16.

**SECTION 4. Severability.** If any sections, subsections, sentences, phrases, or portions are for any reason, held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of their Ordinance. The City Council of the City of Banning hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more

sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

**SECTION 5. Effective Date.** This ordinance shall be considered as adopted upon the date that the vote is declared by the City Council, and shall go into effect ten (10) days after that date, pursuant to Elections Code Section 9217.

PASSED AND ADOPTED by the people of the City of Banning, California, on November 3, 2009.

**RESOLUTION 2009-68**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS, AND PROVIDING FOR REBUTTAL ARGUMENTS REGARDING THE BANNING TRANSIENT OCCUPANCY TAX MEASURE**

**WHEREAS**, an election shall be held in the City of Banning, California, on November 3, 2009, at which there will be submitted to the voters a ballot measure to consider increasing the Transient Occupancy Tax for the purpose of raising general fund revenue to provide basic City services for residents, including but not limited to, law enforcement, fire protection, graffiti removal, sidewalk and street repair, and maintenance of public parks; and

**WHEREAS**, whenever a municipal ballot measure is authorized, State law provides that the City Council may direct the City Attorney to prepare an impartial analysis and provide for the filing of written arguments for and against a measure and for rebuttal arguments to be filed with the City elections official.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, DOES RESOLVE, DECLARE, AND ORDER AS FOLLOWS:**

**Section 1.** The City Council directs the City Attorney to prepare an impartial analysis of the Measure which would amend the current Transient Occupancy Tax ordinance by increasing the rate from six percent (6%) to twelve percent (12%) for the aforementioned purposes. The impartial analysis shall be filed within fifteen (15) days of the adoption of this Resolution or by the date set by the City Clerk for the filing of primary arguments, whichever is later.

**Section 2.** The City Council authorizes members of that body, collectively or individually, to file written arguments in favor of the Transient Occupancy Tax measure specified above, accompanied by the printed name(s) and signature(s) of the author(s), and to change the argument until and including the date fixed by the City Clerk after which no

arguments for or against the City measure may be submitted to the City Clerk. The City Clerk shall follow Elections Code sections 9281 through 9287 in determining the printing of all arguments in favor and against.

**Section 3.** If no member of the City Council files written arguments in favor of said Measure, then any voter of the City may submit an argument in favor to the City Clerk for consideration in accordance with State law.

**Section 4.** That the Councilmember(s) authorized to file such arguments are:

Robert Botts, Mayor  
Barbara Hanna, Mayor Pro Tem  
Debbie Franklin, Councilmember  
John Machisic, Councilmember  
Don Robinson, Councilmember

**Section 5.** Any argument filed for or against said Measure shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.

**Section 6.** The City Clerk shall make the selection of arguments in accordance with the Elections code and local procedure. When the City Clerk has selected the arguments for and against the Measure which will be printed and distributed to the voters, the City Clerk shall send a copy of an argument in favor of the Measure to the authors of any argument against the measure and a copy an argument against the measure to the authors of any argument in favor of the measure.

**Section 7.** The author or a majority of the authors of an argument relating to the Measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument. A rebuttal argument may not be signed by more than five persons. The rebuttal arguments shall be filed with the city clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the

printed name and signature of at least one of its principal officers. Any rebuttal argument must be filed within 10 days after the final date for filing direct arguments.

**Section 8.** Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

**Section 9.** The City Clerk shall cause the City Attorney's Impartial Analysis, and duly selected arguments and rebuttals, to be printed and distributed to voters in accordance with State law regarding same.

**Section 10.** The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED, AND ADOPTED this 28<sup>th</sup> day of July, 2009, at the City of Banning, County of Riverside.

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Robert E. Botts, Mayor  
City of Banning

APPROVED AS TO FORM  
AND LEGAL CONTENT:

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

ATTEST:

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Marie 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. 2009-68 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 28<sup>th</sup> day of July, 2009 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

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

## **CITY COUNCIL AGENDA REPORT OF OFFICERS**

**DATE:** **July 28, 2009**

**TO:** **Community Redevelopment Agency Board**

**FROM:** **John Jansons, Redevelopment Manager**

**THROUGH:** **Brian Nakamura, City Manager**

**SUBJECT:** **Economic Development Committee**

**RECOMMENDATION:**

That the City Council receive this report and provide direction regarding the Economic Development Committee.

**JUSTIFICATION:**

Since 1998, The Community Redevelopment Agency has managed an Economic Development Committee to provide public input about economic development activities, policies and projects and to provide advice to the City Council on similar issues. The current Economic Development Committee was amended by Ordinance No. 1371 on May 29, 2007, and has not met since June of 2008. CRA Chairman Robinson now wishes to reactivate the Economic Development Committee.

**BACKGROUND:**

Ordinance No. 1371 was originally adopted on April 14, 1998, and established an Economic Development Committee (EDC).

The EDC was originally formed as a nine member committee, including two City Council members and seven members from the community at large, representing a cross section of the community including the Chamber of Commerce, manufacturing, retail, service, education, and the general community. Monthly meetings were established in the Ordinance.

Prior to amending the Committee on May 29, 2007, the EDC had grown to 12 members, four of whom represented specific groups including: the Banning Chamber of Commerce, the Morongo Band of Mission Indians, the Banning Unified School District, the Cabazon community; members of the City Council, and six at-large members who represent a cross-section of the community. The Committee met monthly, with additional meetings called by the Chair as the business of the EDC required.

On May 29, 2007, Ordinance No. 1371 was adopted to amend Chapter 2, Article VIII of the Banning Municipal Code regarding establishment of the Banning Economic

Development Advisory Committee (EDC) which revised the composition and updated the duties of the Committee. (**Attachment 1**).

The revised EDC currently consists of nine members in total, with seven voting members: five from the community at large, one representing the Redevelopment Agency Chairperson, and one City Councilperson. Representatives from the Morongo/Cabazon area and from the Banning School District would remain as non-voting members. The EDC officially meets monthly and all voting members are required to be residents of the City of Banning. These revisions were endorsed by the then current EDC in March of 2007, prior to adoption by the City Council in May of 2007.

Following the adoption of the amended Ordinance No. 1371, which recomposed the EDC, the EDC began to meet monthly during the remainder of 2007 and into 2008. The current EDC held its last meeting in June of 2008.

Earlier this year, Chairman Robinson requested that staff bring the matter forward to the Board for their direction to reactivate the committee.

#### **DISCUSSION:**

Due to several member resignations and other administrative reasons, the EDC has not convened or met since June of 2008. In November of 2008, upon the re-staffing of the Redevelopment Agency, staff identified the need to bring forward the matter to address the status of the committee. Since January of 2009, staff has conducted research to better understand the formation of the Committee, its charge, and what happened to cause it to become inactive.

Staff has researched City reports and documents, interviewed committee members, and City /Agency staff with knowledge of the Committee, and brainstormed options to reactivate the committee.

#### **A. Current Status:**

Following the establishment of the revised Committee in May of 2007, the Committee began to meet monthly. Below in **Table 1** is a list of the Committee members, the organization they represent, appointment date and current status of their appointment.

#### **1. Membership**

Table 1:

	<b>Representative</b>	<b>Organization</b>	<b>Appointment</b>	<b>Status</b>
1	John Klimkiewicz Chairman	Resident	7-10-07	Resigned Aug. 2008
2	Gail Paparian, Vice Chair	Resident	7-10-07	Resigned July 2008
3	Bob Rochelle	Resident	7-10-07	TBD
4	Helen Barnes	Resident	7-10-07	TBD
5	Bob Botts	CRA Cahir	7-10-07	Ended in Nov. / Dec. 2008 w/ Transition from CRA Chair to Mayor

6	Hal Taylor	Resident	7-10-07	TBD
7	Carl Workman	Resident	7-10-07	TBD
8	Bill Landon	Morongo Tribal Representative	7-10-07	TBD Now with Pass Area EDA
9	*Ron Franklin	Banning Unified School District Representative	7-10-07	* Mr. Franklin left the District in March 2008. BUSD has not nominated new representative.

## 2. Past Meetings

The Committee met as per the schedule shown below from November 2007 through June 2008:

- June 18, 2008.
- May 15, 2008
- April 17, 2008
- March 20, 2008
- February 21, 2008
- January 17, 2008
- December 20, 2007
- November 15, 2007

## B. Reactivation of the Committee

Staff seeks direction from the City Council and has identified several options available to the Council to reactivate the Committee.

- 1) Council to discuss EDC status and direct staff to advertise for new interested residents to apply for positions on the EDC to nominate new members to fill vacant seats, or
- 2) Consider changes to the EDC and direct staff accordingly.

Should the Council select option Number One, staff would solicit new members to the Committee and then return to the Council for appointment of new members to the Committee to fill the current vacancies. If this is the Council direction, it is anticipated that new nominees could be brought to the Council for their consideration in 45-60 days.

Should the Council select option Number Two, any change to the current composition or charge of the EDC desired by the Council will require amendment of Ordinance No. 1371 by the City Council. If that is the direction of the Council, staff will return at a future meeting with an amended draft Ordinance No. 1371 containing the direction of the Board.

### FISCAL DATA:

There are nominal costs associated with providing staff support and oversight to the Committee, producing Agenda packets/review materials and hosting meetings, etc. These costs are estimated to be less than \$10,000 per year, inclusive of advertising, and can be funded through the Community Redevelopment Agency.

**CONCLUSION:**

It is respectfully recommended that the City Council provide direction to Staff to address the current status of the Economic Development Committee.

**RECOMMENDED BY:**



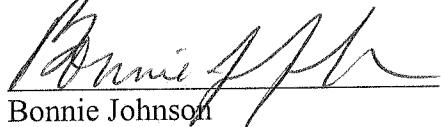
John Jansons  
Redevelopment Manager

**APPROVED BY:**



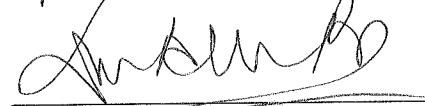
Brian Nakamura  
City Manager

**REVIEWED BY:**



Bonnie Johnson  
Finance Director

**REVIEWED BY:**



Zaiton Abu Bakar  
Community Development Director

Attachments:

1. Ordinance 1371 – May 29, 2007
2. EDC Notice
3. EDC Application

ATTACHMENT 1

ORDINANCE NO. 1371

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF BANNING, CALIFORNIA, AMENDING  
CHAPTER 2 ARTICLE VIII OF THE BANNING  
MUNICIPAL CODE REGARDING  
ESTABLISHMENT OF THE BANNING ECONOMIC  
DEVELOPMENT COMMITTEE

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

**SECTION 1.** Chapter 2, Article VIII ("Economic Development Committee") of the Banning Municipal Code is hereby amended and Sections 2-94, 2-95, 2-96 and 2-97 are hereby repealed and replaced by the provisions of this ordinance, so that the Chapter reads in its entirety as follows:

**"Sec. 2-94. Committee Established.**

An economic development committee is established in the city. The purpose of this committee is to establish a coordinating entity between the City, its staff and other commissions and committees, and the private sector for the purpose of recruiting and retention of business development and tourism. The committee is charged with the following responsibilities and duties:

- A. Participate in the implementation of the city's economic strategic/implementation plan as approved by the city council.
- B. Review and advise the city council on proposed economic development projects within the city.
- C. Advise the city council on economic development trends and/or programs that may impact the city fiscally or economically.
- D. Assist the city council and staff in economic development matters including:
  - (1) recruitment of new retail, commercial and industrial businesses to the city;
  - (2) development of programs and activities to assist in the expansion of existing retail, commercial and industrial companies;

- (3) development of programs and activities directed toward the retention of existing retail, commercial and industrial businesses;
- (4) review and research of economic development issues to provide recommendations to the city council relating to such things as tax revenue generating activities including educational outreach to the community;
- (5) support of the Banning Cultural Alliance's Downtown Revitalization Committee and the related five year strategic plan;
- (6) provision of advice and counseling with regard to business recruitment and development;
- (7) coordination of tourism between the city and private sector organizations including assistance in developing a tourism plan to be recommended to the city council for adoption;
- (8) serving, when called upon by the city council, as members of a business recruitment team as well as a "red team" for business retention.

**Sec. 2-95. Membership – voting members.**

A. The economic development committee shall be comprised of seven voting members and two non voting members for a total of nine members.

B. The Chairperson of the Redevelopment Agency shall serve on the committee as a voting member.

C. Six members of the economic development committee shall be appointed by the city council from the community at-large and shall have a demonstrated interest and experience in business and economic development issues and all members of the committee shall live within the City of Banning.

D. There shall be two non-voting members of the economic development committee including one representative from the Banning Unified School District and one representative from the Morongo Band of Mission Indians. These non-voting members shall be recommended by their respective organizations and appointed by the city council.

**Sec. 2-96 Terms of office.**

A. Upon the effective date of this ordinance, the terms of office of any member of an existing economic development committee shall terminate and the terms of office set forth in this ordinance shall apply to those appointed to serve under the provisions set forth herein.

B. Except as provided in Section 2-99 and subsection (C) of this section, terms of office of voting members of the economic development committee after establishment of the first economic development committee as provided in this ordinance, shall be four (4) years or until a successor is appointed as provided herein.

C. The initial appointment of the voting members of the economic development committee under this ordinance shall include two (2) members who shall serve for an initial term of two (2) years and three (3) members who shall serve for an initial term of four years to assure continuity on the committee by the staggering of terms of office.

D. Terms of office non-voting members shall be two years.

**Sec. 2-97. Officers.**

All voting members of the economic development committee shall elect a Chairperson and Vice Chairperson from among the at-large voting members at the initial meeting of the committee under this ordinance and at the first meeting in February of all subsequent years.

**Sec. 2-98. Quorum.**

A majority of the voting members shall constitute a quorum and a majority of a quorum or of the full committee if the full committee is present shall be required for action.

**Sec. 2-99. Absences and removal.**

A. All members of the economic development committee shall serve at the pleasure of the city council and may be removed from office by a four-fifths (4/5ths) vote of the city council at any time with or without cause.

B. Three (3) unexcused absences in any fiscal year shall constitute an automatic resignation of the absent member. Absences may be excused at the discretion of the Chair.

**Sec. 2-100. Staff support for committee.**

The Executive Director of the Redevelopment Agency shall serve as the official secretary of the economic development committee and shall provide staff support as needed to the committee.

**Sec. 2-101. Meetings and Bylaws.**

A. The economic development committee shall meet once monthly on the third Thursday at 6:00 p.m. in the City Council Chambers.

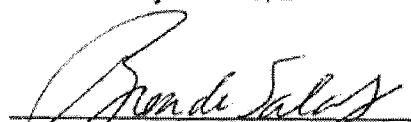
B. The economic development committee shall adopt such rules, regulations and bylaws for the conduct of its business as it deems appropriate consistent with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et seq.) and other applicable law."

**SECTION 2. SEVERABILITY.** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

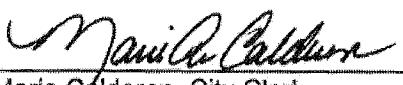
**SECTION 3. EFFECTIVE DATE.** This Ordinance shall take effect thirty (30) days after its enactment in accord with California law.

**SECTION 4. PUBLICATION.** The City Clerk is directed to cause this Ordinance to be published within 15 days of its passage in a newspaper of general circulation published and circulated within the City of Banning.

PASSED, APPROVED, AND ADOPTED this 12<sup>th</sup> day of June, 2007.

  
\_\_\_\_\_  
Brenda Salas, Mayor

ATTEST:

  
\_\_\_\_\_  
Marie Calderon, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Burke, Williams and Sorensen, LLP  
City Attorney  
AP

CERTIFICATION:

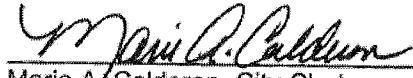
I, Marie Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Ordinance No. 1371 was introduced at a regular meeting of the City Council of the City of Banning, California, held on the 29<sup>TH</sup> day of May, 2007 and was duly adopted at a regular meeting of the City Council held on the 12<sup>th</sup> day of June, 2007, by the following roll-call vote, to wit:

AYES: Councilmembers Botts, Franklin, Hanna, Machisic, Mayor Salas

NOES: None

ABSENT: None

ABSTAIN: None

  
Marie A. Calderon

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

**ATTACHMENT 2**

DRAFT

DATE, 2009

TO: Record Gazette  
Press Enterprise

FROM: City Clerk

SUBJECT: Announcement

It would be most appreciated if you could announce the following information in your newspaper:

The Banning City Council is now accepting applications for the Economic Development Committee. This committee has been reorganized to be more proactive in promoting economic development opportunities within the city. Six at-large members will be appointed by the City Council, three for a two-year term and three for a four-year term. All terms thereafter will be four-year terms. Ordinance No. 1371, Section 2-95 D. Membership, "declares that members shall have demonstrated interest and experience in business and economic development issues and all members of the committee shall live within the city of Banning." This is a volunteer position. The Committee meets once a month on the third Thursday at 6:00 p.m. You can pick up an application at the Information Desk or at the City Clerk's Office at the Banning City Hall, 99 E. Ramsey Street. You can also call 951-922-3102 and request an application and we can mail it to you. Deadline to submit your application is DATE, 2009.



**CITY OF BANNING  
APPLICATION FOR APPOINTMENT  
ECONOMIC DEVELOPMENT COMMITTEE**

Name \_\_\_\_\_

Date \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_ Cell Phone \_\_\_\_\_

Email \_\_\_\_\_

The Economic Development Committee is established to provide a coordinating entity between the City, its staff and other commissions and committees, and the private sector for the purpose of recruiting and retaining business development and tourism. It is being reorganized to be more proactive in promoting economic development opportunities within the City. Six at-large community members will be appointed by the City Council, three for a two-year term and three for a four-year term. All terms thereafter will be four-year terms.

Section 2-95 D. Membership - The Ordinance declares that "members shall have a demonstrated interest and experience in business and economic development issues and all members of the committee shall live within the City of Banning."

Please complete the following questions for City Council review and consideration:

What is your economic development philosophy?

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What do you believe the Economic Development Committee should be doing and why?

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What talents, skills, and experience do you have that will benefit the work of the Committee?

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What three things are you most proud of?

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What value can you bring to the committee?

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Please write a brief biographical sketch (Include information and experience that relate to Ordinance Section 2-95 D. – Membership, outlined above:

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How long have you resided in the City? \_\_\_\_\_

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

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

Please return to: City Clerk's Office/ City of Banning

**RETURN BY:** **DATE, 2009**  
99 E. Ramsey Street  
P. O. Box 998  
Banning, CA 92220

*Thank you for your willingness to serve your local government.*

## an invitation to a conversation about Banning's finances

Date: 7/28/2009

To: Mayor & City Council

Cc: City Manager

From: Barbara Hanna

RE: Need for Community Conversations

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We've just gone through a painful budget process that required significant cuts across the board. Now we anticipate that increases will be necessary for our utility rates as well as a ballot measure increasing hotel bed tax for our general fund.

This is an opportunity to bring the community into the conversation so that they will better understand with what the City is being confronted. A conversation does not infer that solutions or any type of negotiations will occur. Instead, people from across the community will be able to speak their mind and understand the possibilities.

For anyone interested, this proposal is grounded in a DVD presentation by the International City/County Managers Association of an interview of Peter Block author of **Community: the Structure of Belonging**. The DVD is available for your viewing.

I recommend that we schedule 2 conversations in September: one in Sun Lakes, if available, and one at the Banning High School gym. The invitation would go something like this:

"You are invited to a conversation about the City of Banning's finances. Expect that it will be highly interactive and that you will talk with people with whom you don't normally speak. We will not decide anything; we will not negotiate anything. We will understand the possibilities better at the end of the conversation. (Then information about the date, time, location, and a telephone number for more information.)"

As Peter Block recommends, this is a time for the City Council to participate and to listen, not to dominate. One page flyers could be developed for distribution at the meetings on each of the concerns being considered: hotel bed tax, electric, water and wastewater rates. A brief presentation could be made on each of these topics. Attendees could generate their issues, post them and then break into conversations about each of the issues. A report could be generated from each group and compiled for distribution.

One way to reach Banning residents is to use an automatic dialing announcing program. Each council member could record the invitation and it could be delivered to all residents and businesses with telephones. A known self-identified voice is likely to be listened to by our residents. The cost is very minimal for such a program. If the Council supports this proposal the TOT ad hoc could convene a group of people to help organize the effort.