

AGENDA
REGULAR MEETING
CITY OF BANNING
BANNING, CALIFORNIA

February 23, 2010
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/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.

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

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

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.

III. 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 7

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 – 2/09/10.	1
2.	Approval of Accounts Payable and Payroll Warrants for Month of January 2010	18
3.	Resolution No. 2010-11, Authorizing Staff to Submit an Application for the Proposition 84 Statewide Park Development and Community Revitalization Program of 2008 (Statewide Park Program) for the Repplier Park Bowl Project	20
4.	Resolution No. 2010-12, Authorizing an Appropriation of Funds From the Wastewater Revenues to Account No. 680-0000-454.36-08 (Departmental Supplies/Chemicals)	25
5.	Notice of Completion for Mechanical Equipment Repairs for Well No. 3.	28
6.	Authorization to Fill a Position – Part Time Bus Driver	32
7.	Sustainability Committee Report	33

- Open for Public Comments
- Make Motion

IV. ITEMS FOR FUTURE AGENDAS

New Items –

Pending Items –

1.	Schedule Meetings with Our State and County Elected Officials
2.	Set New Date for Joint Meeting with Banning School Board (6/10)
3.	Massage Ordinance (ETA 4/27/10)
4.	Budget Workshop (ETA 3/23/10)
5.	Information of rotation of mayor position and also direction election of the mayor. (ETA 3/9/10)
6.	Look at Council Assignments for a set term (ETA 3/9/10)
7.	Reporting Guidelines (ETA 4/13/10)

V. CLOSED SESSION

1. Pending Litigation

That the City Council recess to Closed Session pursuant to Government Code Section 54956.9 (a) regarding pending litigation - Brar vs. City of Banning.

VI. ADJOURNMENT

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

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

02/09/10
REGULAR MEETING

A regular meeting of the Banning City Council was called to order by Mayor Pro Tem Hanna on February 9, 2010 at 7:05 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

COUNCIL MEMBERS ABSENT: Mayor Botts

OTHERS PRESENT: Sam Racadio, Interim City Manager
David J. Aleshire, City Attorney
Duane Burk, Public Works Director
Hoyl Belt, Human Resource Director
Leonard Purvis, Chief of Police
Zai Abu-Bakar, Community Development Director
Fred Mason, Power Contracts and Revenue Administrator
Heidi Meraz, Community Services Director
John Jansons, Redevelopment Manager
John McQuown, City Treasurer
Marie A. Calderon, City Clerk

The invocation was given by Pastor Carlo Alce of the Hope Storehouse Christian Center. Councilmember Franklin invited the audience to join her in the Pledge of Allegiance to the Flag.

PUBLIC COMMENTS/CORRESPONDENCE/
PRESENTATIONS/ANNOUNCEMENTS

Report by City Attorney

There was nothing to report at this time.

Report by City Manager

Interim City Manager said that this would be his last meeting and he wanted to thank the City Council for allowing him to come here for the last six and half months and has enjoyed it immensely. He expressed appreciation to the staff and they are great and wonderful people. He said he has been able to meet with old friends and renew acquaintances with them and also make new friends. He said that the new City Manager,

Andy Takata will start on Monday and he is confident that he will do an excellent job and will blend in well with the community and you will enjoy working with him.

Mayor Pro Tem Hanna read a letter from Mayor Botts to Mr. Racadio as follows: "Dear Sam, I am sorry that I will not be able to be in attendance at your last meeting of the Banning City Council but I am here in spirit. As Mayor, I want you to know how much we have appreciated your serving as our Interim City Manager over these past few months. Your time with us has been absolutely outstanding as you have worked closely with all members of the City Council, as well as, leading department directors and their staff. Your knowledge and professionalism is exceeded by no City Manager he has ever known or worked with. Your friendly easy way with us and staff members was not to be misinterpreted as not providing very firm direction and leadership which you have done. Some Interim City Managers can be simply become caretakers in their role but not in your case. You are aggressively digging into the challenges facing our City and communicated in working with staff to provide alternatives and bringing solutions to the Council has been outstanding. Your personal and professional assistance in the recruiting process for our new city manager not only to save the City a significant amount of money but it was a process that brought us many good candidates and an outstanding one which we selected to lead us in the future. I know that I speak for the Council in thanking you for all of your efforts on behalf. I will personally miss you a great deal and wish you God speed."

PUBLIC COMMENTS – On Items Not on the Agenda

Carlo Alcé, Pastor of the Hope Storehouse Christian Center addressed the Council stating that he had the opportunity to share with several organizations his trip back from Haiti. He couldn't share all that took place within those six days he was there after the earthquake but thought it was only befitting that he came back to Banning to share with the Council their gratitude from Haiti to Banning in regards to all of the help they have provided. He said that the Ambassador of Haiti last time in was in Washington in 2008 appointed him as a Humanitarian Ambassador for Haiti. On behalf of the people of Haiti he wanted to thank you for being proactive in reaching out during their last disaster outreach to help the people. They delivered a container with approximately 15,000 pieces of items including food in September 2009. Special thanks to the Chief Purvis and Councilmember Hanna as being the first to monetarily assist at time of need. Special thanks to Councilmember Franklin and Mayor Botts who gave clothing and food for that container. He thanked the entire community of Banning and the surrounding cities on their donated funds and relief items and thanked them for their generosity. Since the most recent disaster they are working on securing funds for a 300-tent village with blankets and power generator to help the earthquake victims in the remote areas of Haiti. What Haiti needs today is more than money; it is mentorship, it is partnership of outside allies. This is why he is recommending and invited U.S. cities such as Banning to adopt a city in Haiti; schools to adopt schools, churches to adopt churches, businesses to adopt business and partner with Haiti and together in unity we will become an exemplified city in America and the world and eventually we will share the future success of Haiti. What you give may leave your wallet, may leave your pocket or may even leave your house but

it never leaves your life. He will assure you this day that you will reap a harvest from Haiti some day as you continue to help the people of Haiti. He said that he took so much for him to share the painful agony that he witnessed while being in Haiti and he refuses now talk about the pain but rather sustainable help. He said that Haiti does not need a lot more money, they do not need more containers, they do not need more clothes; they need opportunity. If we can create a sister relationship that creates opportunity for those people, he believes that not only will they be grateful but you will see a harvest in return for our city.

Chris McCallum, 757 W. Westward addressed the Council in regards to the Banning Police Department, the Banning Cultural Alliance and the Community Redevelopment Agency and Façade Grant Programs. He said the new police station in an incredible facility that gives the people we trust to keep our families, businesses, tourist, customers and potential new residents safe. This facility gives the men and women we trust the tools to do their job that we the people demand. This is the first major infrastructure project that in his 31 years in this city, in his opinion, that was done right, on time and on budget. He believes many people deserve credit for completion of this project and he thanked Chief Purvis and Duane Burk and their families. He can't image the challenges they had to face personally and professionally over the years to give us what we may not totally need today. We made an investment in the future to give our residents a better Banning. He said his basic understanding of the Banning Cultural Alliance from the inception of their agreement they would receive some seed money to build an organization to perform tasks that would attract culture, business and showcase our downtown area and become self-reliant. Well after approximately four years and \$700,000.00 in cold, hard cash and approximately \$500,000.00 for a building which the value is debatable and essentially free to them and approximately \$250,000.00 in a redevelopment grant not yet confirmed to be enough to complete this renovation which the balance is supposedly to be raised by the Cultural Alliance which has not proved yet to be self-reliant on their own day to day operations; when is enough, enough? He said redevelopment grant money, façade grant money, the Community Redevelopment Agency/City Council have managed to soak millions of façade and community redevelopment funds, our tax dollars, into many projects and at this point there are minimal tax dollars left in these funds – cash flow. He is here today ask his fellow residents and City Council to stop spending these funds – cash flow unless the businesses no matter where they are located in our community must at least match the money they are being given for the facades and development of their businesses. In conclusion, as a resident of the city of Banning for over 30 years and business owner for 15 he wish he could stand here today and say he is a very successful businessman in our city of Banning. Like so many other businesses in our community and country he is struggling also to stay afloat but of the many things he has learned coming from a cover your fanny world of being an employee to a put your fanny on the line world of being a business owner. Cash flow is still king. He said he asked Chief Purvis to take the tools that we have given him and streamline his department and also ask your officers to help on cutting costs and he asked the same of the fire department. There are budget problems in our City and your departments represent 66% of our budget. You are an important part of making us a better Banning whether you live here or spend here. He would also like to

as the City Council to be aware of the only cash flow in our City to attract business is the CRA funds and façade grants to his knowledge. We must be wish in dispensing these monies; mistakes are not an option.

Don Smith resident of Banning addressed the Council added that Sam Racadio as an Interim City Manager you have been highly engaged and we have appreciated you being here. To Duane Burk and Chief Purvis he would agree that the facility is quite nice and it will meet our needs as we grow no doubt and it is something for us to be proud of and we need to adopt it as ours and enjoy it and use it to the best of its ability. He said that many non-profits take quite awhile to become self-sufficient and he knows that about 18 years ago when he was first on the Council we gave yearly money to the Child Care Consortium and to this day the City still gives money to the Child Care Consortium. Some non-profits are worth the investment and he would encourage the Council to continue to support those that give you the results and the services that you need. He said he was responding to what everybody else said earlier but he his really here to remind everyone that the Riverside County Fair and National Date Festival begins this Friday, February 12th at 10:00 a.m. It runs daily from 10 a.m. to 10 p.m. through Sunday, February 21st. This Friday, Feb. 12th admission is free from 10 a.m. to 3 p.m. He looks forward to a good fair season and hopes to see some of you there.

Victor Dominguez local Pass resident and business owner addressed the Council. He said he currently has a local radio program called PassPolitics.com that broadcasts every Wednesday at 2 p.m. on 1050 a.m. KCAA NBC News Talk Radio. As some of you may or may not be aware their local coverage is local politics. They offer a platform to community leaders, elected officials and to some old, grumpy men. In response to many emails, phone calls and comments about their website passpolitics.com the questions and concerns exist with his listeners as to how come there are no Banning City Council Members on the show. His response to his listeners and critics is that he has been asking himself the same question. So to clarify, KCAA PassPolitics.com would like to extend an invitation to the Banning City Council to join them on PassPolitics.com free of charge to share with our community your vision, your insight and your decisions that directly affect our community. There are many ethical, character and financial questions being raised by some of our community members namely the BanningInformer.com from the surface seem to raise some legitimate questions. As public servants your constituents are not mind readers and just might need some clarification to some simple concerns whether it is in a local paper, a radio or a question and answer session in a public forum that could take place in a public setting like this building, city hall. Make no mistake having a small invited group of supporters forum at Johnny Russo's, even though the food is great, mid-day does not constitute an open to the public forum in his opinion. If it does to you, then please take down his email, he wishes to be invited as well to give his comments and be a part of your forum. Thank you for time in this matter. He hopes that you will all consider this invitation to have a better informed public to whom tax monies you wish to spend. Victor Dominguez, KCAA NBC News Talk Radio PassPolitics.com every Wednesday at 2 p.m.

Charlene Sakurai, 4985 Bermuda Dunes addressed the Council updated everyone that this Saturday, February 13th from 11:30 a.m. to 1:30 p.m. they are having the Third Annual Go Read for Women's Luncheon which is a part of the American Heart Association's effort to make women aware and educate them about women's risk for heart disease and stroke. There are a few open spots left and the cost is \$12.00. The official Go Red speaker is Linda Nichols and she is nutritionist and health educator and brings a wealth of good information. There will also be drawings and door prizes and a wonderful lunch. You can call 922-4911 to make your reservations by phone.

Dr. John McQuown, Banning City Treasurer addressed the Council echoing what was said about Sam Racadio and appreciates his efforts. He said that he and Sam go back a long way and he stepped in at a fairly difficult time and he is an outstanding individual and has really done a great job. He commended the City Council, Chief Purvis and Duane Burk on Friday's event in regards to the police station and said it was a great event and this building will definitely be an asset to our community. He said as a Foundation Board Member of the San Gorgonio Memorial Hospital they all dinner will be held tomorrow, February 10th at 6:00 p.m. at Casino Morongo and tickets are still available from Jack Holstead or Mark Turner.

PRESENTATIONS:

1. Presentation on League's Proposition by Dave Willmon

Mr. Willmon said he wanted to be able to come before this Council again where he has been so often before Sam Racadio left and he promised that he will come back when Andy Takata is here and he is an outstanding City Manager and he congratulated the Council on their choice. He thanked the Council and the City of Banning for having hosted the Riverside County Division Meeting in January and had a chance to be in the new police station before it was christened and it was a great opportunity. He thanked Chief Purvis and his staff on the great opening and celebration. Mr. Willmon said that he is making reports on the League ballot measure and since Banning is a 100% commitment City and are far ahead of many of the cities in Riverside County and around the State he won't belabor the merits of the ballot measure or dwell too deeply on the particulars of the ballot measure except to say that it does raise higher the wall of protection around local government revenues with special reference to redevelopment funds, transportation funds and public transit funds. This ballot measure in prohibiting State raiding and in closing the loophole of borrowing under Prop 1A and in eliminating and repealing such bills as might be passed this year to the disadvantage of local government it has some tremendous promise. He can't tell the Council how many signatures they have collected but if he did, they would be astonished. They are exceeding their signature goal every week and people seem to jump to sign the petition as soon as they find out that the ballot prohibits the State from taking local government revenue. He thanked the Council for their efforts and he appreciates it. He thinks that there is such an understanding of this measure on this Council and perhaps not in every Council in Riverside County and he would be happy to answer any questions on this or on current budget deliberations.

Councilmember Franklin asked if he could give them a current update on the State budget.

Mr. Willmon said that the budget deficit is a moving figure. There are several variables which will change the deficit figure as we go more deeply into the budget year and as the legislature begins to try and address the shortfall. There are approximately eight lawsuits representing different communities of interest that are affected by the State budget. They do not like the 2009/2010 budget and have sued the State to prevent the cuts in that budget from taking place. They watch with special interest the suit brought by the California Redevelopment Association and the League and some individual redevelopment agencies and it was heard last week. What is at stake for us is a \$1.7 billion dollar raid on redevelopment funds for the 09/10 fiscal year and a \$350 million dollar take from 10/11 fiscal year. It would instantly freeze about 30% of all the redevelopment funds available in the state of California and would probably freeze in place most of the municipal redevelopment agencies. The payment on this State raid will be due May 10th. The courts have promised, Judge Connelly, who is hearing the case has promised that the lawsuit will be adjudicated before cities actually have to make that payment. At least that is the objection and he is the same Judge who heard the suit arising out of the 2008/2009 budget which we prevailed. The fact is that this is only one of eight major lawsuits. As the court rule, if they rule in favor of those attempting to block the cuts, whatever is blocked adds on or packs on that amount to the budget deficit. At the same time the State made certain optimistic budgetary assumptions in order to satisfy the Constitutional requirement that the budget be balanced. The Governor said that they would sell the State Compensation and Insurance Fund and have net proceeds of \$1 billion dollars and that won't happen. The Governor and the Legislature agreed that the federal government would reimburse the State of California to a degree that they never have before and that hasn't happened. As these assumptions are proven false the State budget deficit rises. The decline in personal income tax, corporate income tax, and other sources of state revenue will add to that so the \$21 billion dollar figure that we are using right now that represents the approximate 6 billion dollar shortfall in the 08/09 budget and \$15 billion dollar shortfall in the 09/10 budget will undoubtedly rise. It is for that reason the League and other local government associates have felt that it is high time we protect ourselves. So the ballot measure is the way to do that and he applauds and thanks the Council for their efforts on its behalf and you are representing your own interests and the public's interest magnificently.

CORRESPONDENCE: There was none.

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

Councilmember Machisic –

- On January 28th he attended an event at The Haven in connection with Happy Faces, the organization that deals with child adoption, and was presented with a Certificate of Appreciation to present to the City Council thanking the City Council for their contribution in helping families and children

- In regards to RCA (Regional Conservation Authority) he passed around to everyone an article from the Press Enterprise dealing with the RCA trying to buy some land that is wanted for taxes. The taxes have to be five years in arrear before they can be claimed by a public agency and RCA has made a claim on a number of acres. Most of these pieces of land where there are protected animals, species and plants, etc. they are hoping to be able to buy them at a bargain price to add to their land accumulation. At the present time they have 45,000 acres and their goal is 150,000 acres to be combined with 350,000 acres that is owned by the federal government so at some time in the future western Riverside County will have about 500,000 acres in natural habitat.
- WRCOG is making a concerted effort and forming a committee dealing with the census and it is Riverside County, WRCOG and the Coachella Valley and will distribute promotional materials for cities. They will also have a short video 30 to 60 seconds long and will have it available to the cities at the end of the month and will be in English and Spanish. Don't forget how important the census is to us because a lot of governmental spending and funding deals with how many people you have.
- Dave Willmon gives a report to WRCOG every month about what is going on but he also pointed out that there were 66 applications for ballots for measures in the State and 30 have not been approved. So that means that 36 measures have been approved and people are out getting petitions signed like we are and he said the most important one that he could point out was the one that is dealing with the new Constitutional Convention to try to change the Constitution in California and the other is in regards to State takeaways from cities.

Councilmember Franklin –

- She attended the School District's Annual Spelling Bee and there were three winners with 1st Place to Emily Soto (4th grader at Cabazon), 2nd Place to Kevin Moua (4th grade at Hemmerling) and 3rd Place to Daniel Saulier (6th grade at Coombs). There was about 35 students participating and those participating received a certificate, a medal, as well as, a gift card to Ruby's Dinner and the winners all received savings bonds from the Kiwanis Club. The first place winner, as well as, an alternate will be going to compete at the county level.
- On Jan. 27th she attended the Community Action Partnership's Countywide Mentor Collaborative Recognition program and they talked about how important mentors are for young people. She knows that there are some programs in town so if there are any programs that involve mentors, it would be great for them to be a part of this program that is countywide and you can call 951-955-4900.
- On Jan. 30th they had the first workshop for Veterans for the Pass Area and it was held at the Beaumont City Hall. They had over 30 vendors that showed up with many different services that they could explain to veterans. They have over 250 guests in attendance. In talking to people that attended most of them said that it really helped to satisfy a lot of their needs in terms of getting information. It was put on by PASS and many people attended from Calimesa to Banning to help participate in this program. PASS will also be holding the next packing day for items for military service personnel serving overseas on March 16th from 9 a.m. to Noon at the Calimesa Senior Center. If you would like to bring anything in, you can bring it to

any Chamber of Commerce office or city hall building. They are also looking for names of those serving overseas because they want to make sure that anybody that is from this area or related to someone from this area gets a chance to get a care package. If you are interested in helping out or giving a name, you can call Sandi at 951-880-7085.

- She attended the Earned Income Tax Credit Workshop that was held in Riverside at Cal Baptist. It is a way for people to try to get as much as they can that they are entitled to when they fill out their income tax forms. They are trying to get a mobile unit in the Pass Area.
- The Transportation Now Meeting met on Feb. 3rd and the speaker was Larry Grable who represents the Governor's Office. He gave some information on a lot of the proposed cuts on the budget. One of the things that they are talking about doing is actually removing the six cents tax that we now pay on a gallon of gas and taking that away from transportation and including that money as part of the general fund. That is just one example of what he is talking about doing. The cuts that are being talked about are to take money from a lot of the social services such as Healthy Families and First Five. On a positive note we will be receiving two new Dial-a-Ride buses here in Banning and they will be on display sometime soon. This will be replacing two of the buses that we currently have. These are not general fund dollars but actually transportation dollars being used for that.
- She thanked Chief Purvis and Duane Burk, as well as, staff on all the good work in regards to the new police department building.
- Today she attending the Passcom meeting and their speaker was from AMR and he advises that when you talk about emergency preparedness be sure to be reasonable and measured in what you do. If you cannot afford to get all your supplies ready at one time, do it in increments so that you do have what you need for when a disaster happens. Also, told them that they have paramedics on the ambulances, as well as, Cal Fire so that might be something to discuss at a later time.
- For people who are interested in being on the Commission for redistricting they extended the deadline and redistricting has to do with the districts for the State Assembly and the Senate. The deadline has been extended to February 16th and people can get the application on the State Auditor's website.
- There will be two Black History Month events taking place on Feb. 26th at First Missionary Baptist Church with a fashion show and soul food potluck starting at 7 p.m. On Saturday, Feb. 27th there will be an education and drama night at 6:30 p.m. at the Fountain of Life Church. For more information you can call 922-8609.
- On March 13th the next Quarterly Bulky Item Drop Off will be held at Dysart Park from 8 a.m. to 1 p.m.
- March 21st the VFW will have their first golf tournament to help them raise funds to offset their operation costs and if you are interested in participating you can call 845-4713.
- On April 16, 17 and 18 the First CERT Preparedness Class will be held in Banning and it is a free class to help people prepare for any kind of a disaster and there are 40 spaces available but of those 40, 34 have been taken. You need to call to sign-up and that number is 955-4700.

- On April 24 the Disaster Preparedness Expo will take place from 10 a.m. to 2 p.m. at the Community Center.

Mayor Pro Tem Hanna –

- She said that there is one additional Black History Celebration that will be held on Saturday, Feb. 27th at the Banning Women's Club sponsored by the Banning Cultural Alliance from Noon to 6 p.m. It will be a full afternoon of talks and entertainment and starting at 3:00 p.m. there will be a dinner where they will be asking for donations.
- If you ever been traveling in Southern California and if you go online to try to find out about the traffic it always seemed like there was a line right to the west of San Bernardino and you could never get information about the Inland Empire and the traffic. But there is a new 511 service that you can call to get information about real time traffic information including incidents, travel times, bus and rail trip planning and rideshare and the website is ie511.org.
- There was a recent meeting in Sun Lakes and some people have a stereotype about Sun Lakes folks being all rich, etc. and that is not the case. A lot of folks were able to buy homes some 20 to 25 years ago and they may be on fixed incomes and maybe having a pretty tuff time at this point so the Master Board put together a program on Jan. 27th where they had representatives from Riverside County Dept. of Aging, City of Banning Electric, Southern Calif. Gas Co., Riverside Dept. of Animal Services, Sun Lakes Emergency Program and Animal Rescue, as well as, a representative from HELP to let people know that there are resources available to help them. It was a well put together program and if you are a Sun Lakes resident and you do need help, you can call your Administration Office and will take your name and phone number and will direct it to people that can help you get the services that you need.

Councilmember Robinson –

- On Jan. 27th he and John Machisic met with Kirby Warner, Finance Dir. to discuss the Animal Shelter status. Due to the rains it has been closed and animals are being transferred to Thousand Palms right now and we are trying to work out an agreement with the County and come up with another way to handle this animal shelter problem.
- On Jan. 28th at 7:00 a.m. he met with the mayors and mayor pro tem's, council members and Larry Grable and Marion Ashley and his message for that meeting was conservative estimates or 16,000 people will have to be laid off in the County in this next budget review.
- On Jan. 28th he attended a meeting at the Riverside Transit Agency and one of the items approved was for the placement of an advertisement within RTA buses to increase awareness about and participation in the 2010 Census. The City of Riverside has received approval to promote their discount bus passes that offer residents a 30% discount for the purchase of a 30-day pass and 20% discount for the purchase of 7-day passes and for Riverside users they can log on to www.riversidegotransit.com or go to the Public Works Dept. within the City of Riverside. A second item approved was for a photovoltaic solar panel that they

will try at the transit center in the amount of \$416,000. The good news is that with the SCE rebates the final cost will be \$276,000.

- On Jan. 28th he traveled out to La Quinta and included in the Western County Financial Challenges and Recovery Plan presentation for RCTC. The evening speaker was Mark Watts, Legislative Advocate and he spoke on signs of economic improvement and large need for change in Sacramento to guard our funds from future takeovers. The next day he attended the second day of the program and the first item was to approve the proposed 2010 State Transportation Improvement Program (STIP) for Riverside County. This included directing staff to seek all funding options. Sheldon Peterson, Rail Manager gave an update of the California High Speed Rail from San Diego to San Francisco with 8 scheduled stops. Routes are being reviewed and future ties from outlying areas are being analyzed. There is also talk of a desert rail from Las Vegas to Anaheim and Banning must stay totally involved for get passed by.
- On Jan. 29th he met with Jan McCormick on the work being done at Rio Ranch Market.
- On Feb. 3rd he had a meeting with Ronna Kadow who is the past Executive Director for Riverside Humane Society and they discussed potential options for our animal shelter.
- On Feb. 4th he attended the same T-NOW meeting with Councilmember Franklin where they heard from Larry Grable on the budget proposal.
- On Feb. 5th we all heard about the new Banning Police Department but were fortunate to have our local restaurant Consuelo's treat us to the great food and a cake to commemorate the day. Thank you to Waste Management for sponsoring the invitations, photography and food for this event.
- On Feb. 6th at 5 p.m. they were treated to a Lincoln Day event hosted by the Republican Women's Federation at the Elegant Affair. The room was filled to hear great singing and a review class given by Assemblyman, Historian and Teacher Paul Cook.
- You can call 511 to find out information on traffic for the Inland Empire. He asked if possible this could be put on our website.

Councilmember Robinson said that he wanted to respond with his arguments to the slander, defamation and libel put forth by Councilmember Franklin at the January 12th meeting relative to committee assignments. He said that he would answer each point of her argument and that he gave a copy of this to the City Clerk, City Attorney and City Manager. (See Exhibit "A").

Councilmember Franklin asked for the floor so that she could make some very quick comments. She said that she will go back to the idea about the racist's comments and she said that has nothing to do with RTA. Her comments at that meeting were strictly related to RTA and that to bring up another issue at a different time she thinks is trying to pull other people into an issue that had nothing to do with it at that time. The same thing having to do with the markets and as she stated in the Redevelopment meeting the markets are something that the community asked for and not only our community but also our neighbors to the east and as long as there is a need we are responsible to address

that need. The special interests have been addressed by the public and she has not even had to talk about who the special interests are and she will not go into that because it has nothing to do with RTA at this time. The "Go Pass System" was passed for UCR in 2008 and it took until this past year for RTA to work out the logistics to get it to our area and that is something she reported on at the time it was reported that the "Pass System" had started and she reported it at that point to come to our area. Not only did she report about it but she spoke about what the impact would be for Banning and how much the cost would be and that was brought as soon as we found out what was going to be involved in it. In regards to the JPA she believed that may be a violation of the Brown Act because she has been involved in the discussions as was the Mayor and to have another person talking on that same issue could be a violation of the Brown Act and maybe something that needs to be reviewed. She said that the JPA is not the only option and she believes that all options need to be reviewed and to have an offer by Supervisor Ashley rejected to have all option reviewed and brought forward for everybody to look at does not tell me that we are working in the best interest of the community. She said that she will stand on the comments that she made and she doesn't believe there is an apology necessary for her to be able to speak her opinion and if there are any issues about slander, defaming or libels then she thinks that is something that needs to be brought up through attorneys.

CONSENT ITEMS

Councilmember Franklin pulled Consent Item No. 6 for discussion.

1. Approval of Minutes – Special Meeting – 01/12/10

Recommendation: That the minutes of the Special Meeting of January 12, 2010 be approved.

2. Approval of Minutes – Regular Meeting – 01/12/10

Recommendation: That the minutes of the Regular Meeting of January 12, 2010 be approved.

3. Approval of Minutes – Regular Meeting – 01/26/10

Recommendation: That the minutes of the Regular Meeting of January 26, 2010 be approved.

4. Ordinance No. 1419 – 2nd Reading: an Ordinance of the City Council of the City of Banning, California, Extending Urgency Ordinance No. 1406 for An Additional 10 Months and 15 Days and Extending the Interim Development Sign Regulations for the Placement of Freestanding Freeway Oriented Signs.

Recommendation: That Ordinance No. 1419 pass its second reading and be adopted.

5. Resolution No. 2010-08, Amendment to Resolution No. 2009-55, Memorandum

of Understanding (MOU) Between the International Brotherhood of Electrical Workers (IBEW) -Local 47 General Employees Unit and the City of Banning Amending a Side Letter of Agreement to the MOU with the IBEW – General Employees.

Recommendation: That Resolution No. 2010-08 be adopted.

Motion Machisic/Franklin that Consent Item 1 through 5 be approved. Mayor Pro Tem Hanna opened the item for public comments. There were none. Motion carried, all in favor with Mayor Botts absent.

6. Resolution No. 2010-09 – Initiating Proceedings for the Vacating of a Portion of Val Monte Street from Ramsey Street to Interstate 10 and Adjacent Alleys and Setting the Date, Time, and Place for the Public Hearing.

Councilmember Franklin asked what impact this would have on the residents that have driveways on Val Monte and to speak a little bit about this so the public knows what this project is. Also has anybody spoken to the residents there already?

Duane Burk, Public Works Director addressed the Council stating that there are no impacts on their driveways and it will actually help them. It is a little dirt road and the circulation there will be an improvement to the area. He doesn't know if the City has spoken to them but thinks that the property proponent has talked to them.

Zai Abu Bakar, Community Development Director said that when they had the hearing on the Conditional Use Permit for the hospital they had a resident come and speak before the Planning Commission about the access issue. She said that the access will still be there for public access and for utilities for the City.

Motion Machisic/Robinson that Consent Item 6 be approved. Motion carried, all in favor with Mayor Botts absent.

PUBLIC HEARINGS

1. Ordinance No. 1420 – Approving Zone Text Amendment No. 09-97506 to Amend Municipal Code Section 17.44.010 Pertaining to Table 17.44.010 Review Authority for Tentative Parcel Maps and Amendments to Municipal Code Title 16 Subdivisions.
(Staff Report – Zai Abu Bakar, Community Development Director)

Community Development Director gave the staff report as contained in the agenda packet. By changing approval authority of the tentative map it will make for a better public process and the Planning Commission agreed that this would make it a better process for them also.

Councilmember Franklin asked if this would add any time to the process. Zai said that it may or may not add time to the process depending on the type of map coming before the Council. She said that this is for four or less parcels.

Mayor Pro Tem Hanna opened the public hearing for comments from the public. Seeing no one come forward she closed the public hearing on this item.

Mayor Pro Tem Hanna asked the City Clerk to read the title of Ordinance No. 1420. City Clerk read: An Ordinance of the City Council of the City of Banning, California, Approving Zone Text Amendment No. 09-97506, to Amend Municipal Code Section 17.44.01, Pertaining to Table 17.44.010 Review Authority for Tentative Parcel Maps and Amendments to Municipal Code Title 16 Subdivisions.

Motion Machisic/Robinson to waive further reading of Ordinance No. 1420. Motion carried, all in favor with Mayor Botts absent.

Motion Machisic/Robinson that Ordinance No. 1420 pass its first reading. Motion carried, all in favor with Mayor Botts absent.

ITEMS FOR FUTURE AGENDAS

There were no new items or discussion on pending items.

1. Schedule Meetings with Our State and County Elected Officials
2. Set New Date for Joint Meeting with Banning School Board (*Date to be determined*)
3. Massage Ordinance (*ETA 4/27/10*)
4. Budget Workshop (*ETA 3/9/10*)
5. Information of rotation of mayor position and also direction election of the mayor. (*ETA 3/9/10*)
6. Look at Council Assignments for a set term (*ETA 3/9/10*)
7. Reporting Guidelines (*ETA 4/13/10*)

ADJOURNMENT

By common consent the meeting adjourned at 8:19 p.m.

Marie A. Calderon, City Clerk

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

City Clerk: Marie Calderon

My arguments to the slander, defamation and libel put forth by councilmember Franklin at the January 12, 2010 meeting relative to committee assignments. I will answer each point of her argument. The councilmember is challenging the appointment change to RTA for the following reasons:

- 1- I have and always will work in the best interests of the residents and tax payers of my city, Banning and I will not work for special interests.

My answer. Is multifold. Ms Franklin called Ms Hanna a racist just over one year ago. That was a complaint she filed with the City Manager, Brian Nakamura. Staff had to stop what they were doing and an investigator was brought in. The investigator and attorney fees were over \$23,000 only to conclude, beside wasting tax payer dollars, Councilwoman Hanna was not or is not a racist. Although Councilmember Franklin has been told on several occasions that markets have been considered for the East side of Banning, that there purely isn't enough rooftops or income to support an East Side grocery store. More staff time wasted, because she gets told the same thing over and over again, plus we have Rio Ranch Market(investing millions of dollars this past year), Smart and Final Market, Village Market(substantial Investment) , Rite Aide(Moved from Sunset to 8th St and Ramsey, closer to East side) with a good stock of groceries and several convenience stores. I have the fliers here to show we have grocery stores that, we on the East End of Banning use. Please point out my special interest group?, we will want an apology to them also.

1-cont. Councilmember Franklin recently announced the "Go-Pass" system for college students.

My answer. This was approved by the RTA in August 2008(page 6 T-Nowguidelines book), why wait so long to offer this to the students of the Pass area?

2-You and Councilmember Robinson have apparently promised council members of Calimesa that you will create a Joint Powers Authority so that they can have access to Transit.

My answer. That is slanderous, defamatory and libelous. I spoke with the Mayors and Mayor Pro Tems of Calimesa and Beaumont since Councilmember Franklin expounded this foolishness. They are all astounded that we have to sit like gentlemen and take such foolishness from the very RTA rep and T-now rep that has made it nearly impossible to have worthwhile meetings to discuss how all members of the pass could work together, with the goal of saving RTA and the taxpayers money to run three side by side transit agencies. For every gallon of fuel Beaumont buys or every driver, Banning must duplicate that cost. No savings there for anyone. Our budgets for transportation have been tapped by government already and are the target of further reductions, if we learn to work together now, we will be ready for those reductions. You will see full busses, not just one or two riders with busses stacked in

left turn lanes. You have seen them yourself. We must be preparing for the Court house, college, medical facilities and jobs to be attended by residents from Beaumont, Banning, Calimesa, County areas. I have been working for one and a half years to get a railroad station here in the Pass Area. This will now be included in the design for the Sunset Grade Separation and meet the resolution signed by Supervisor Ashley in 2006 to provide a rail station in either Banning or Beaumont. Banning has stepped up.

2cont-. I have questioned how Pass Transit , which is much smaller, could possibly carry Calimesa, when RTA could not.

My answer. Quite frankly, maybe this cannot be done. But working for a unified pass and all they have asked for is a seat at the table. This doesn't cost pass ridership a nickel and possibly like the Engine#20, great open minds will come up with something for the good of all the pass, that includes Banning. We could not afford the fire engine #20 to stay in place, so we partnered with Beaumont and the County and got it done. This probably has saved some lives in Banning, Beaumont or the County. I would like to see Calimesa students come to and support our college. Or maybe the sick or seniors of Calimesa and the county would like to be able to come and take advantage of our medical services. Then there is our abundance of grocery stores, art and history museums and events that draw thousands of people annually. That's Sales Tax generation, the name of the game.

2cont.-I have expressed a concern because to try and expand transit services in the manner desired by Calimesa could put operational services and transit funding at risk, the monies that pay for Banning Riders.

My Answer. I feel certain the RTA Board would look most favorably on any group that would look at a possible means to partner with their neighbors for the good of the community and the ridership. To just announce that you are not in favor of joint efforts of a pass region does not show the spirit of cooperation that this pass area must prepare for as the economy begins its march to recovery. The Pass area is in the County, State and Federal focal point, we have a duty to perform.

3-While I disagree with these comments, they are targeted at the mayor. I will not respond.

4-You and Councilmember Robinson have made promises to another city that could have negative impacts to Banning riders.

My answer. Slanderous, Defamatory and Libel. This councilmember has spoken with every Mayor and Mayor Pro Tem of Calimesa and Beaumont. They are very disheartened that any councilmember would make such a slanderous, defaming and followed up by libelous statement in the newspaper, that impacts all 3 cities and the county working together for the good of pass area residents. There have been no conversations by this councilmember regarding bus transit systems now or in the

future. I am excited to start researching this as I am sure Perris, who started with a bus system, then a rail system, now looking at metro-link and future ties to the State wide high speed rail started the same way. This includes bus riders now and transit riders of the future that may include bus/rail transit stations and bus/rail/airplane transportation ingressing and egressing from the pass area, one of the largest goods movements corridors in the United States.

4cont.- I question your motives in removing me from this committee and replacing me with some one who will rubberstamp your ideas without counting the cost for Banning residents.

My Answer. I again protest the slander, defamation and libel that this councilmember who is rather practiced at this method has belayed on me as a fellow councilmember. Most often councilmembers are surprised with a project and/or suggestion or a different way to approach a problem that I am working on. My suggestions led to early cuts in budget expenses, changes to accounts payable and warrants reporting, funding support for Compass Blueprint Project, League of California Cities dinner hosting, Police Department Grand Opening Hosting, Apex extension and four way intersection, parking lot and underground work affecting downtown businesses and many other projects that my colleagues didn't know I was working on, including the mayor.

5- Paragraph speaks to all of the council's inability to come up to speed on projects.

My answer. None of the council has been schooled in Electrical Transmission or Facilities Management. None of us have run water utilities, wastewater facilities, parks and recreation, transit, airports, streets and sidewalks, been policemen or doctors. But we are asked to make decisions on all of these things to the best of our abilities. Because I climbed telephone poles and became an engineer for cable television for 20 years doesn't give me the knowledge to go tell the electric department to place a 10m guy versus a 6m guy because of the load and pull. Because I was a firefighter, I rarely roll up and say hey guys you could put that fire out quicker with 2-2" hoses instead of a 1 and 1/2 inch. We as a council should not be defamed or libeled by a councilmember trying to make a political statement for re-election in November. Look to the 97% who know we do an amazing job in the worst economical times in the history of the United States. We make tough, life changing decisions.

And Lastly- Rubberstamp the mayor's ideas. Placed the needs of another city above Banning? Not voting for special interests? Arbitrarily lookout for the needs of another city?

My answer. This is beneath the ethics of a councilmember. Councilmember Franklin has slandered, defamed and libeled three councilmembers. We know her tie to the informer is now causing attack on the fourth councilmember here.

in Banning. If this is an election ploy, I would suggest she just go out and beat the streets (East and West side) and not her colleagues for votes.

It is this councilmember's opinion that councilmember Franklin should publicly apologize, just as she demanded from councilmember Hanna just one year ago. I await the apology along with my colleagues in this city and the pass.

Hearing none, this will go to all forms of media in this area this evening.

Cc: Erin Waldner

Tracy Kratzer

Ron Smith

Bob Pratte

Dave Aleshire, Attorney

Andy Takata, Incoming City Manager

Sam Racadio, Interim City Manager

Brenda Dietrichs, Attorney(Hanna vs Franklin)

Exhibit "A"

CITY COUNCIL AGENDA

Date: February 23, 2010

TO: City Council

FROM: Kirby J. Warner, Interim Finance Director

SUBJECT: Approval of Accounts Payable and Payroll Warrants for Month of January 2010

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

FISCAL DATA: The reports in your agenda packet cover "Expenditure Disbursements" and "Payroll Expenses" for the month of January 2010.

The reports are:

Expenditure approval lists

January 7, 2010	462,480.22
January 14, 2010	1,161,241.90
January 14, 2010	22,019.55
January 20, 2010	130,625.34
January 28, 2010	1,282,584.15
January 28, 2010	103,416.81
February 4, 2010	3,751,264.62 (January Month End)

Payroll check registers

January 15, 2010	5,452.95
January 29, 2010	5,365.34

Payroll direct deposits*

January 15, 2010	290,177.41
January 29, 2010	308,326.62

18

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

* Included on the December month end expenditure approval list of 2/4/2010.

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

Report Prepared by: Robin Anderson, Accounts Payable

RECOMMENDED BY:



Kirby J. Warner
Interim Finance Director

APPROVED BY:



Andy Takata
City Manager

**CITY COUNCIL AGENDA
CONSENT ITEM**

DATE: **February 23, 2010**

TO: **City Council**

FROM: **Kahono Oei, City Engineer**

(1)

SUBJECT: **Resolution No. 2010-11, "Authorizing Staff to Submit an Application for Proposition 84 Statewide Park Development and Community Revitalization Program of 2008 (Statewide Park Program) for the Repplier Park Playhouse Bowl Project"**

RECOMMENDATION:

- I. Adopt Resolution No. 2010-11, "Authorizing Staff to Submit an Application for the for Proposition 84 Statewide Park Development and Community Revitalization Program of 2008 (Statewide Park Program) for the Repplier Park Bowl Project."
- II. Authorize the City Engineer to execute the application that Engineering Division staff will submit to the State of California, Department of Parks and Recreation.

JUSTIFICATION: It is essential for the City Council to authorize the execution of the application for the grant, and its subsequent submittal to the State of California, Department of Parks and Recreation, in order to be considered for Proposition 84 Statewide Park Development and Community Revitalization Program of 2008 (Statewide Park Program) for the Repplier Park Playhouse Bowl project.

BACKGROUND: On November 7, 2006, Californian voters passed Proposition 84, the \$5.4 billion "Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bonds Act of 2006" (Proposition 84). This measure provides funding for the Statewide Park Development and Community Revitalization Program of 2008 in the amount of \$368 million available over two competitive rounds.

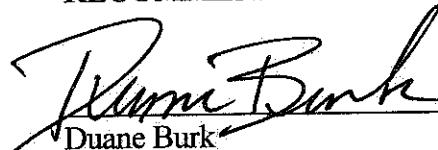
The program will award grants on a competitive basis for the creation of new parks and new recreation opportunities in proximity to the most critically under-served communities across California. Applicants may request at minimum of \$100,000 and a maximum of \$5,000,000 with no matching funds required. Applicants will be notified by the end of 2010 on the outcome of their applications.

For the City of Banning, staff recommends requesting grant funding for the construction of the new Repplier Park Playhouse Bowl project. The existing Repplier Park Playhouse Bowl has been utilized for many years and requires significant upgrades including items such as seating, electrical, restrooms, lighting, landscaping, irrigation and so forth, in order for the City of Banning to continue to provide high quality community service events and entertainment for its residents.

On May 26, 2009, the City Council approved the Professional Services Agreement for Project No. 2009-02, "Design of the New Repplier Park Playhouse Bowl" with Williams Architects, Inc. of Upland, California. This design is currently in progress with a projected completion date of August 2010.

FISCAL DATA: The preliminary cost estimate to complete the construction phase of this project, including construction, construction management, etc. is approximately \$6 million. Staff anticipates submitting a request for the maximum amount of \$5 million. To fund the remaining portion of the project, funding will be requested through Community Development Block Grants and other grants as they become available.

RECOMMENDED BY:



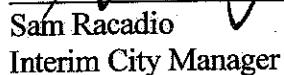
Duane Burk
Director of Public Works

REVIEWED BY:



Kirby Warner
Interim Finance Director

APPROVED BY:



Sam Racadio
Interim City Manager

RESOLUTION NO. 2010-11

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING,
CALIFORNIA, AUTHORIZING STAFF TO SUBMIT AN APPLICATION FOR
PROPOSITION 84 STATEWIDE PARK DEVELOPMENT AND COMMUNITY
REVITALIZATION PROGRAM OF 2008 (STATEWIDE PARK PROGRAM) FOR THE
REPLPLIER PARK PLAYHOUSE BOWL PROJECT**

WHEREAS, On November 7, 2006, Californian voters passed Proposition 84, the \$5.4 billion “Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bonds Act of 2006” (Proposition 84); and

WHEREAS, this measure provides funding for the Statewide Park Development and Community Revitalization Program of 2008 in the amount of \$368 million available over two competitive rounds; and

WHEREAS, the program will award grants on a competitive basis for the creation of new parks and new recreation opportunities in proximity to the most critically under-served communities across California; and

WHEREAS, the City will enter into a contract with the State of California to complete the grant scope project; and

WHEREAS, staff recommends requesting grant funding for the construction of the new Repplier Park Playhouse Bowl project since the existing Repplier Park Playhouse Bowl has been utilized for many years and requires significant upgrades including items such as seating, electrical, restrooms, lighting, landscaping, irrigation and so forth, in order for the City of Banning to continue to provide high quality community service events and entertainment for its residents; and

WHEREAS, this design is of the new Repplier Playhouse Bowl is currently in progress with a projected completion date of August 2010; and

WHEREAS, it is essential for the City Council to authorize the execution of an application for the Repplier Park Playhouse Bowl Project, and subsequent submittal to the State of California, Department of Parks and Recreation in order to be considered for Proposition 84 Statewide Park Development and Community Revitalization Program of 2008 (Statewide Park Program).

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

Section I. The City Council of the City of Banning hereby authorizes Engineering staff to submit an application for Proposition 84 Statewide Park Development and Community Revitalization Program of 2008 (Statewide Park Program) for the Repplier Park Playhouse Bowl Project.

Section II. The City Council of the City of Banning hereby authorizes the City Engineer to execute the application that Engineering Division staff will submit to the State of California, Department of Parks and Recreation

Section III. The City will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project.

Section IV The City will have sufficient funds to operate and maintain the projects.

Section V The City has reviewed, understands, and agrees to the General Provision contained in the contract shown in the Grant Administration Guide.

Section VI The City Council delegates the authority to the City Manager or designee to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments and payment requests, which may be necessary for the completion of the grant scope.

Section VII The City Agrees to comply with all applicable federal, state and local laws, ordinance, rules, regulations and guidelines.

PASSED, APPROVED AND ADOPTED this 23rd day of February, 2010.

Robert E. Botts, Mayor

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

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

ATTEST

Marie A. Calderon, City Clerk

CERTIFICATION:

I, Marie Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2010-11 was adopted by the City Council of the City of Banning at the Regular Meeting thereof held on the 23rd day of February, 2010.

AYES:

NOES:

ABSENT:

ABSTAIN:

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

**CITY COUNCIL AGENDA
CONSENT ITEM**

DATE: February 23, 2010

TO: City Council

FROM: Duane Burk, Director of Public Works

SUBJECT: Resolution No. 2010-12, "Authorizing an Appropriation of Funds from the Wastewater Revenues to Account No. 680-0000-454-36.08 (Departmental Supplies/Chemicals)

RECOMMENDATION:

- I. Authorize the Finance Director to make the necessary budget adjustments and appropriations from the Wastewater Revenues to Account No. 680-8000-454.36-08 (Departmental Supplies/Chemicals) in the amount of \$15,000.00.

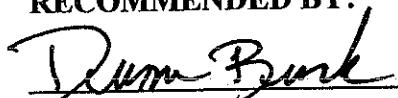
JUSTIFICATION: The approval of this budget appropriation will increase the chemical account to cover purchases of Ferric Sulfate which is necessary to enhance treatment during the colder winter months.

BACKGROUND: The City of Banning Wastewater Treatment Plant provides secondary sewage treatment for the City of Banning. Operation and maintenance of the treatment plant is contracted to United Water Services. The State Water Resources Quality Control Board requirements mandates the reduction of certain pollutants such as Biological Oxygen Demand (BOD).

The current secondary filtration treatment process has reduced efficiency from December through April due to the limited activity in the winter months. To compensate for this reduction, addition of a chemical coagulant Ferric Sulfate provides higher BOD removal which is mandatory by the State Water Resources Quality Control Board.

FISCAL DATA: An appropriation of funds is requested from the Wastewater Revenues to Account No. 680-0000-454.36-08 (Departmental Supplies/Chemicals) in an amount of \$15,000.00.

RECOMMENDED BY:



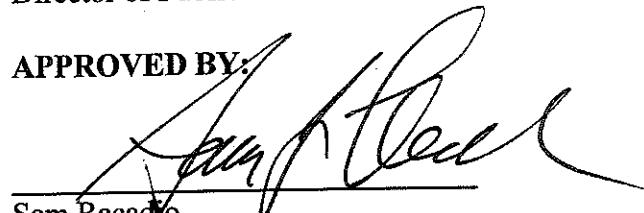
Duane Burk
Director of Public Works

REVIEWED BY:



Kirby Warner
Interim Finance Director

APPROVED BY:



Sam Racadio
Interim City Manager

RESOLUTION NO. 2010-12

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING,
CALIFORNIA, AUTHORIZING AN APPROPRIATION OF FUNDS FROM THE
WASTEWATER REVENUES TO ACCOUNT NO. 680-0000-45.36-08
(DEPARTMENTAL SUPPLIES/CHEMICALS)**

WHEREAS, the City of Banning Wastewater Treatment Plant provides secondary sewage treatment for the City of Banning; and

WHEREAS, Operation and maintenance of the treatment plant is contracted to United Water Services; and

WHEREAS, the State Water Resources Quality Control Board requirements mandates the reduction of certain pollutants such as Biological Oxygen Demand (BOD); and

WHEREAS, the current secondary filtration treatment process has reduced efficiency from December through April due to the limited activity in the winter months; and

WHEREAS, to compensate for this reduction, addition of a chemical coagulant Ferric Sulfate provides higher BOD removal which is mandatory by the State Water Resources Quality Control Board.

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

Section I. Authorize an appropriation of \$15,000.00 from the Wastewater Revenues to Account No. 680-0000-454.36-08 (Departmental Supplies/Chemicals).

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

PASSED, APPROVED AND ADOPTED this 23rd day of February 2010.

Robert E. Botts, Mayor
City of Banning

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

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

ATTEST:

Marie A. Calderon, City Clerk

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2010-12 was duly adopted by the City Council of the City of Banning at a regular meeting thereof held on the 23rd day of February, 2010.

AYES:

NOES:

ABSENT:

ABSTAIN:

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

**CITY COUNCIL AGENDA
CONSENT ITEM**

Date: February 23, 2010

TO: City Council

FROM: Duane Burk, Director of Public Works

SUBJECT: Notice of Completion for "Mechanical Equipment Repairs for Well No. 3"

RECOMMENDATION: Accept the Project "Mechanical Equipment Repairs for Well No. 3" as complete and direct the City Clerk to record the Notice of Completion.

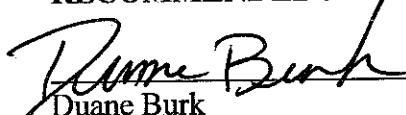
JUSTIFICATION: The Contractor has completed the work as per the plans and specifications.

BACKGROUND: On September 22, 2009 the City Council adopted Resolution No. 2009-79, "Awarding an Agreement to Layne Christensen Company of Fontana, California in the amount of \$74,493.69 for the Mechanical Equipment Repairs for Water Well No. 3"

The scope of work under this project included the removal of the Pelton water wheel, replacement parts including: grease and oil seals; main thrust bearing; and five additional bearings and repairs such as: repair of main shaft; remove pump and disassemble bowl assembly; reshape all bowls and impellers to common dimensions; and reassembly, installation and inspection of all pertinent parts for the renovation of the Pelton water wheel.

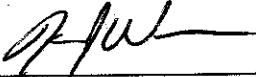
FISCAL DATA: This project was completed for a final contract amount of \$65,147.00. This project was funded by the FY 2009-2010 Water Division Operation Budget, Wells/Pump Equipment Account No. 660-6300-471.45-06.

RECOMMENDED BY:



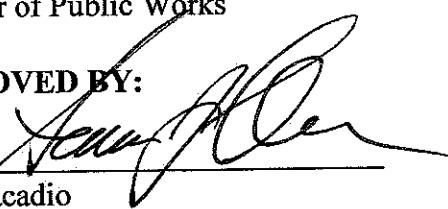
Duane Burk
Director of Public Works

REVIEWED BY:



Kirby Warner
Interim Director of Finance

APPROVED BY:



Sam Racadio
Interim City Manager/Executive Director

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1 WHEN RECORDED MAIL TO:

2
3 The Office of the Secretary of
4 Community Redevelopment Agency
5 of the City of Banning
6 P.O. Box 998
7 Banning, California 92220

8
9 FREE RECORDING:

10 Exempt Pursuant to
11 Government Code §6103

12
13
14 NOTICE OF COMPLETION

15 MECHANICAL EQUIPMENT REPAIRS FOR WATER WELL NO. 3

16
17 THIS NOTICE OF COMPLETION IS HEREBY GIVEN by the OWNER, the
18 City of Banning, a municipal corporation, pursuant to the provisions of Section 3093 of
19 the Civil Code of the State of California, and is hereby accepted by the City of Banning,
20 pursuant to authority conferred by the City Council this February 23, 2010, and the
21 grantees consent to recordation thereof by its duly authorized agent.

22
23 That the OWNER, the City of Banning, and Layne Christen Company of Fontana, Calif.,
24 the vendee, entered into an agreement on September 29, 2009, for the Mechanical
25 Equipment Repairs for Water Well No. 3. The scope of work under this project included
26 the removal of the Pelton water wheel, replacement parts including: grease and oil seals;
27 main thrust bearing; and five additional bearings and repairs such as: repair of main shaft;
28 remove pump and disassemble bowl assembly; reshape all bowls and impellers to
29 common dimensions; and reassembly, installation and inspection of all pertinent parts for
30 the renovation completion of the Pelton water wheel.

31
32 (1) That the work of improvement for the Mechanical Equipment Repairs for
33 Water Well 3 was substantially completed on December 31, 2009 and the Nature of
34 Interest is in fee simple owner.

35
29

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

(3) That the said work of improvement was performed at Water Well No. 3 site, 3332 Bluff Street #3, in the City of Banning.

(4) That the original contractor for said improvement was Layne Christensen Company, State Contractor's License No. 510011.

(5) That the corporate surety on the performance and payment bonds is Travelers Casualty and Surety Company of America.

Dated: February 23, 2010

CITY OF BANNING
A Municipal Corporation

By Duane Burk
Director of Public Works

APPROVED AS TO FORM:

David J. Aleshire, Aleshire & Wynder, LLP
Agency Counsel

JURAT

State of California
County of Riverside

Subscribed and sworn to (or affirmed) before me on this _____ day of _____, 2010 by _____ proved to me on this basis of satisfactory evidence to be the person(s) who appeared before me.

(Seal)

Notary Public in and for said County
and State

30

1
2
3 STATE OF CALIFORNIA)

4) ss

5 COUNTY OF RIVERSIDE)

6
7
8 MARIE A. CALDERON, being duly sworn, deposes and says:

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

16 Executed on _____, 2010 at Banning, California.

17
18
19 Marie A. Calderon

20 City Clerk of the City of Banning

21
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CITY COUNCIL AGENDA

DATE: February 23, 2010

TO: Mayor and City Council

FROM: Hoyl E. Belt, Human Resources Director

SUBJECT: Authorization to Fill a Position – Part-Time Bus Driver

Recommendation: That the City Council authorizes staff to fill the position of Part-Time Bus Driver.

Justification: At the last City Council meeting, the Finance Director recommended and the Council approved new supplemental budget policies to control and define the decision making process during the next eighteen months. The policies were designed to encourage the balancing of the structural deficit that exists in the General Fund. The supplemental policy that was approved stated that a hiring freeze will be in effect until cancelled by the City Council. Also, that all hiring requests shall be submitted for City Council for approval which included new positions, filling of vacated positions, departmental reorganization and other personnel actions with the potential of increasing costs or providing for savings. The policy would allow the Council to strategically determine how best to allocate personnel and service levels.

With this new policy in effect, staff is requesting that the City Council approve the filling of a part-time Bus Driver position. This position will have a significant impact on the Transit Division under Community Services if it is not filled immediately. This position would alleviate some overtime hours that transpires from the full-time positions.

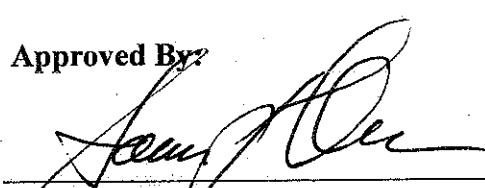
Background: This part-time Bus Driver position will cover hours during the weekend when the full time drivers are on furlough. Part-time drivers do not have benefits.

Fiscal Data: The filling of this position will not cause a fiscal impact. The Transit budget for the part-time drivers are budget as full-time equivalent hours and not based on total number of positions in the FY 2009-2010 Budget.

Prepared By:


Hoyl Belt
Human Resources Director

Approved By:


Sam Racadio
Interim City Manager

32

CITY COUNCIL AGENDA

DATE: February 23, 2010

TO: Honorable Mayor and City Council

FROM: Sam Racadio, Interim City Manager

SUBJECT: Sustainability Committee

RECOMMENDATION:

That the City Council receive and file this report related to the City's current efforts on sustainability and postpone the establishment of a Sustainability Committee.

JUSTIFICATION:

This is an outstanding item that the City Council requested staff to research and report back on.

BACKGROUND:

On June 10, 2008, the City Council reviewed and accepted the Clean and Green report and recommendations from City staff. The report is comprehensive and covers all aspects of City operations and programs related to sustainability. A copy of the report is attached.

On June 23, 2008, the City Council considered a staff report on approval to establish a community advisory panel for renewable energy opportunities in Banning and directed staff to come back with a model establishing guidelines for the panel. Due to various other priorities from the departments that are involved in this matter - Community Development, Electric Utility and Public Works, this matter was put on hold. However, the City Council continues to receive requests from community member Fred Sakurai to establish a Renewable Energy Committee.

DISCUSSION:

The Electric Utility Director, Public Works Director and the Community Development Director have discussed the creation of a Committee at length with regard to pros and cons of having an advisory committee at this time.

While it is always beneficial to receive input from the public on the various issues that impact the community, staff is concerned that right now is not an appropriate time to implement a Sustainability Committee. With regards to Renewable Energy, the Electric Utility has met the 20% by 2010 requirement and will not be looking at further Renewable Energy procurements until 2015 at the earliest. Therefore it does not make sense to have a community committee expending effort on an issue that will not be put into action for at least five years. Additionally, given the City's current fiscal situation, there is minimal funding for any new Sustainability Programs, and it would not be logical to create a committee to develop programs and make recommendations, only to be told that they cannot be implemented due to lack of funds and/or staffing. Having said this, staff has already accomplished many goals and implemented a variety of sustainability related programs and processes that have benefited the community significantly. Attachments 1 and 2 are lists of various activities related to

renewable/sustainability that have been accomplished to date by the Electric Utility and Public Works Department. In addition, the Electric Utility's Public Benefit Program continues to provide the community with energy efficiency rebates and low-income assistance.

With regard to the General Plan level of activity to create a sustainable community, the Community Development staff is actively participating in and monitoring the planning activities at the sub-regional and regional level to ensure compliance with SB 375. Additionally, on August 1, 2009, subsequent to the approval of the Clean and Green Report, the State adopted the California Green Building Standards. The Community Development Department is currently drafting a policy to provide non-monetary incentives and streamline the building permit process for developers who propose to construct green buildings in Banning. Staff expects to bring the policy and process related to green/sustainable building to the City Council by early April 2010.

Based on the level of activities and the accomplishments to date related to clean and green and sustainability, as well as the City's current fiscal situation, staff recommends that the City Council postpone the creation of a Sustainability Committee at this time. This is due to a lack of funds and staffing available to implement new programs which may be recommended by a Committee should one be established.

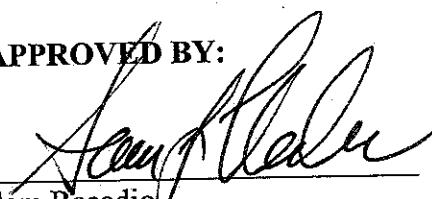
FISCAL DATA:

There is no fiscal impact related to the preparation and discussion of this report. Should a Committee be created, there would be direct fiscal impacts related to staffing of the Committee and preparation of the agenda packet and materials associated with the Committee meetings.

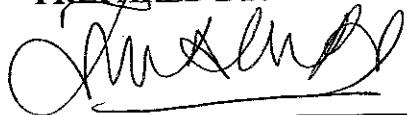
CONCLUSION:

That the City Council receive and file the report related to the City's current efforts on sustainability and postpone the establishment of a Sustainability Committee at this time.

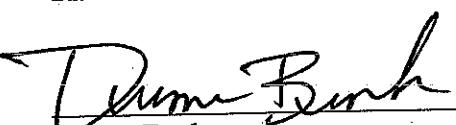
APPROVED BY:


Sam Racadio
Interim City Manager

PREPARED BY:


Zai Abu Bakar
Community Development Director

REVIEWED BY:


Duane Burk
Public Works Director

REVIEWED BY:


Fred Mason
Electric Utility Director

Attachments:

1. Electric Utility Sustainability Updates
2. Public Works Department Accomplishments Related to Clean and Green/Sustainable Banning
3. Clean and Green Report dated June 2008.

ATTACHMENT 1

ELECTRIC UTILITY SUSTAINABILITY UPDATES

Renewable Portfolio Standard (RPS)

- Met the State mandate to be 20% renewable by 2010 in October 2008 – two years ahead of schedule.
- The Utility is currently obtaining 21% of its electricity from two renewable energy geothermal generating facilities located in the Imperial Valley.
- The Utility will be able to count any excess electricity generated from customer solar/PV systems towards its RPS requirement.
- Senate Bill 1 (SB1) required that Banning provide \$1,960,000 in solar/PV rebates to its Electric Utility customers.
- The Utility has currently approved 109 solar/PV installations and has awarded over \$2,500,000 in rebates, thereby exceeding the SB1 requirement.

Energy Conservation Programs

- The Utility has awarded nearly \$500,000 in rebates for the installation of high efficiency products (air conditioners, refrigerators, windows, insulation, etc.) which have resulted in a decrease in electricity demand of approximately 500 kW.
- At the customer's request, the Utility has conducted over 170 Energy Audits and provided education and information on how to reduce electric consumption, which resulted in an average reduction in electric consumption of 16% for those customers.
- Between June 2008 and July 2009 a Utility employee went door-to-door passing out five Compact Fluorescent Light bulbs (CFLs) to each residential customer. Over that 13 month period, 91% of the residential customers were contacted. The employee also conducted a short energy survey, informed the customers of the Utility's rebates, and determined if they were eligible for Low-Income Assistance. This program resulted in a decrease in electricity demand of up to 2 MW.

Community Outreach

- The Utility regularly participates in various community events including: Stagecoach Days, the Disaster Preparedness Expo, and Chamber of Commerce functions. At these events the Utility provides customers with energy conservation data and information on the Utility's rebate programs, and answers questions customers have regarding renewable energy and the electric industry.
- The first week in October is National Public Power Week, and each year the Utility has events all week to raise awareness of the many benefits associated with having a municipally owned electric utility.

ATTACHMENT 2

PUBLIC WORKS DEPARTMENT
ACCOMPLISHMENTS RELATED TO CLEAN AND GREEN/SUSTAINABLE
BANNING

- **Bulky Item Events at Dysart Park** – Three events a year are scheduled usually during the months of March, June and October. This revised program has been effective since December of 2006. Prior to this program, the City operated three bulky goods collection days where residents placed their bulky items at the curb for collection resulting in minimal diversion. Under the revised program, residents must haul their bulky goods to a designated location. The revised program allows for metals, white appliances, greenwaste, e-waste and so forth to be diverted from the landfill. Residents also have the option to schedule bulky item pick up three times per year at curbside.
- **Recycling Fair and 5 K Earth**- On April 12, 2008 and March 28, 2009, the City of Banning, in collaboration with Western Riverside Council of Governments, held these fairs. Prior to the events, schools competed to collect the most bottles and cans and brought these items to the fairs for a final weigh in. The school that collected the most won a pizza party. Funds earned from the recycling materials were then utilized by the district. At the fair, exhibits, educational materials and promotional items were made available to the public. This year's event is scheduled for May 1, 2010.
- **Business Recycling Workshop** – On June 30, 2009, the City of Banning, in collaboration with Western Riverside Council of Governments, hosted this workshop. The workshop was designed to assist and educate local businesses with creating successful recycling programs, saving money by recycling, and providing resources to businesses interested in the recycling market. Also at this workshop, a presentation was provided by a representative from Synthetic Turf and Water Conservations related to water conservation. Currently the City tentatively has another Business Recycling Workshop scheduled for June of 2010.
- **E-Waste Collection Events** – On October 8, 2008 and July 8, 2009, the City of Banning held E-Waste Collection Events. These events provide Banning residents with an additional opportunity to dispose of residential e-waste items so that materials could be recycled and disposed of correctly.
- **Banning Unified School District Recycling Program**- The City of Banning has strived to work with the District to promote recycling which consisted of recycling programs and educational efforts including the distribution of new recycling bins district wide, recycling assemblies, recycling fairs, student and staff educational forums which included promotional and education materials, and waste audit analysis.
- **Battery Collection Kiosks** – The City of Banning launched its new program in December of 2009. Kiosks are located at City Hall and the Community Center providing locations to enable residents to properly dispose of household batteries. Prior to these kiosks, a similar program was available to residents with restriction to the City Hall location.
- **Drip Irrigation System installed at the Ramsey Street Medians** - This system is located in the medians between Highland Home Road and Highland Springs Avenue and was installed

in 2007. Drip irrigation, also known as trickle irrigation or micro irrigation, is an irrigation method which saves water and fertilizer by allowing water to drip slowly to the roots of plants, either onto the soil surface or directly onto the root zone, through a network of valves, pipes, tubing, and emitters.

- **Drip Irrigation System installed at City Hall Parking Lot-** This system was installed in late 2008. Drip irrigation, also known as trickle irrigation or micro irrigation, is an irrigation method which saves water and fertilizer by allowing water to drip slowly to the roots of plants, either onto the soil surface or directly onto the root zone, through a network of valves, pipes, tubing, and emitters.
- **Periscope Landscaping Installed at the New Banning Police Station –** Water efficient landscaping has been installed at this location which includes artificial turf and a drip system for plants. Artificial grass, or synthetic turf, is a man-made product manufactured to look like natural grass and is made of recycled or synthetic material.
- **Infrastructure for Solar Panels at the new Banning Police Station has been installed –** The Electric Department is currently working toward obtaining a grant to fund the purchase and installation of the solar panels.
- **Recycled Water Project –** Currently in the design phase. Recycled water would be used primarily for irrigation of street medians, parks and golf courses. Surplus recycled water available during certain times of the year would be stored in reservoirs for future use or percolated into the East Banning groundwater aquifer. This recycle line would be installed in the vicinity of the Wastewater Treatment Plant up to the Sun Lakes development, approximately 5 miles in length.
- **AB 325/Ordinance 1012 –** In 1990, the State passed Assembly Bill 325 to promote the value and benefit of water efficient landscaping. By January 1, 1992 California's Department of Water Resources was required to adopt a Model Water Efficient Landscape Ordinance. Cities and Counties were required to adopt their own ordinance by January 1993 or conform to the State's model program. In November 1992, the City adopted this ordinance establishing its landscape requirements that included provisions for water efficient landscapes.
- **AB 1881-** The 1990 Water Conservation in Landscaping Act required the State Department of Water Resources (DWR) to adopt a model local water efficient landscape ordinance, based on the recommendation of an advisory task force. The Act required the model ordinance to contain at least nine provisions for promoting water conservation in landscape design, construction, and maintenance. By January 1, 2010 counties and cities were required to adopt either DWR's model ordinance or a water efficient landscape ordinance that is at least as effective as the DWR model. The City of Banning Water Conservation in Landscaping Ordinance addressed all the requirements that were mandated by AB 1881. On January 26, 2010, the City Council adopted a finding to this affect and transmitted the findings to the State.

ATTACHMENT 3

Clean & Green Report



CITY OF BANNING

CLEAN & GREEN

REPORT &

RECOMMENDATIONS

JUNE 2008

41

ACKNOWLEDGEMENT & INTRODUCTION

Banning Staff would like to thank the City of Riverside and especially Riverside's Clean and Green Task Force, which allowed Banning to utilize its "Clean & Green Sustainable Riverside Report" as the blueprint upon which this report is based. It is very much appreciated.

The making of a clean and green city depends on civic leadership with the political will to adopt and fund needed programs and on an equally committed and educated citizenry willing to implement and support both public policy and private initiatives. We believe both requirements are met in Banning and we need only a comprehensive program to focus our collective effort to achieving full clean and green status.

This report lists existing programs as a benchmark upon which we recommend both expanded and new programs. The list includes official City programs, water and power agency programs and efforts at local schools, the combined impact of which is considerable.

The entire subject of energy efficiency, alternative fuels and local/on-site power generation requires further study and program development. The Banning Public Utilities Department has initiated some excellent programs that need additional support and funding, incentives to achieve broad market acceptance and educational programs to stimulate industry involvement and investment. Alternative fuels for automobile and power generation is a broad national topic gathering increasing attention and, we advocate, directed focus in a comprehensive national energy strategy.

EXECUTIVE SUMMARY

We have reached several conclusions: First, Banning has enormous potential to be a "Clean and Green" city that exemplifies sustainable living and becomes a model for the Pass Area. Second, Banning has an established foundation for sustainable living and civic action spearheaded by the Banning Public Utilities programs in renewable energy sources and photo voltaic power generation programs. Third, Banning has a core of interested and committed residents ready to devote themselves to a sustainable future.

Sustainability in the civic context means maximizing energy efficiency; optimizing resource use while minimizing negative environmental impacts; minimizing waste production and pollution; capturing the benefits of natural processes while minimizing damage from natural events and meeting the economic and social needs of all its people in a manner that does not degrade or destroy the productivity of its natural and man-made systems.

As Staff reviewed existing programs and discussed future applications, we came to understand that the range of issues pertaining to sustainable living can be as broad or as narrow as we choose. Our review of other cities' programs places our recommendations in the

middle ground of possible programs. We identified the following broad areas of interest for subsequent consideration:

- Public Policies, Regulations, Guidelines and Implementation Programs
- Regional Sustainability Issues
- Green Building Programs
- Facilities Operations and Maintenance

Sustainable thinking leads to a special kind of decision-making, i.e., choices based on a commitment to leave our children a place better for our having served as steward of their environment inheritance, a clearly defined civic conservation ethic and a deep regard for the quality of the total environment, both natural and man-made.

The genuine benefits of measurable improvements in the quality of the natural and man-made environment are both obvious and too numerous to list herein. A sustainable Banning is committed to a *continual improvement in the quality of both the built and natural environment* resulting in a legacy of genuine value.

PUBLIC POLICIES FOR A SUSTAINABLE BANNING

A deep rooted commitment to becoming a Clean and Green city requires policies and programs that create the basis for a sustainable future and the ability of the community to easily, affordably and intelligently pursue sustainable development. A formal statement of intent that commits the City to sustainability and outlines the broad scope of interest is necessary to lay the policy foundation for policies and programs to follow.

The current national sustainability movement dates from the late '80s to early '90s, the time period that roughly parallels the "Smart Growth" movement in community design. The two movements are simply different sides of the same environmental quality coin. Smart growth addresses the quality of community in terms of functional, aesthetic and social qualities with direct links to environmental quality in open space development, urban containment and alternative modes of transport/transit. Sustainability focuses on environmental quality in terms of energy efficiency, water conservation, use of renewable materials, increased densities to reduce the demand for raw land, optimizing indoor air quality with direct links to smart growth in walkable communities, alternative modes of transportation, mixed use developments, densification and an emphasis on infill, brownfield and redevelopment.

DRAFT POLICY STATEMENT

The values of legacy, conservation and respect are the foundation of a sustainable city. Just as the smart growth movement re-focused attention on the values of a humane and friendly urbanism, sustainability integrates environmental knowledge and ecological processes, the ethics of conservation, technological and design innovation, enlightened public policy and effective implementation programs.

The heart and core of almost every environmental effort revolves around the conservation of resources and their use in a manner that has zero impact on the environment or actually improves existing conditions. A sustainable Banning embodies a civic conservation ethic that mandates conservation as a prime decision-making criteria in the design, development, operation and management of our man-made environment while preserving and protecting the natural environment out of which we carve our human habitat.

Creating a Sustainable Banning requires the City to recognize the following five general procedural goals:

- Provide and update useful and timely data to inform our residents about the resources available on living sustainably and keeping our City clean;
- Adopt General Plan policies that integrate land use, circulation, open space, energy use and conservation practices so that a Sustainable Banning is the natural and inevitable consequence of the proper application of those policies;
- Ensure policy follow-through, adopt implementation plans, programs and regulations that facilitate sustainable development, maintenance and operations;
- The City also recognizes the need to lead by example and commits to developing pilot projects that demonstrate the benefits of proven sustainable action as well as those at the cutting edge;
- Particularly in the areas of clean air and traffic congestion, the City will work with regional agencies and adjacent cities and counties to design and implement regional programs to which Banning contributes and receives benefits.

Regional Sustainability

Regional Sustainability is wholly predicated on the region's constituent cities becoming sustainable themselves – no region with two-thirds of its residents living in cities can be sustainable without the City's full support and participation. A Sustainable Banning responds to regional issues with innovative programs for land use (mixed use, high density residential, transit oriented development, etc.), circulation and transit, open space development, waste water treatment, storm water handling and energy generation/conservation. Particularly in the areas of clean water, clean air and traffic congestion, the City will work with regional agencies and adjacent cities and counties to design and implement regional programs to which Banning contributes and receives benefits.

RECOMMENDATIONS:

In general, our recommendations are to: 1) endorse Sustainable Banning as a vital and necessary civic goal; 2) commit the resources necessary to explore each of the key areas of interest; 3) assess our current capabilities and policy status; 4) develop new policies, guidelines and codes/regulations; 5) create implementation programs that ensure sustainable action and 6) monitor and measure progress toward a Sustainable Banning.

General Plan Review

Appoint a Clean & Green Committee to review the draft Sustainable Banning Policy; examine the General Plan for consistency with the adopted Sustainable Banning Policy and recommend changes and additions to the General Plan to insure horizontal consistency and vertical integration and to initiate the process of defining programs and practices to implement the Sustainable Banning Policy.

Clean & Green Committee

To keep abreast of emerging information and potential programs, appoint a Clean & Green Committee staffed by the appropriate personnel and reporting to the City Council. This committee will act as the citizen review function for all sustainable programs, investigations, special projects and will provide leadership for emerging task forces and working groups that will from time to time be created for specific focused investigations and program development.

COST/BENEFIT SUMMARY

Sustainable design, building and operations is perhaps the most rapidly expanding amalgam of policies, programs and practices dealing with the entirety of the environment that we have witnessed as a culture. Still a young movement, it is based on ancient wisdoms combined with state-of-the-art technologies and is generating deep interest from those interested in environmental quality as well as the long term benefits of economic performance and an improved quality of life.

While every project is unique, generalized benefits have been observed and measured, including first cost savings through streamlined permitting, reduced infrastructure cost, potentially dramatic savings in waste handling, substantial savings in mechanical equipment and where available, tax credits and other incentives.

Operating costs can be reduced in lower energy, water and resource consumption, increased life of mechanical and electrical systems, reduced maintenance costs, reduced daily waste generation. There is now evidence of increased commercial property values, increased sales and lease-up, reduced employee turnover and easier recruitment.

More than any other institution, the City benefits from life cycle analysis of costs and benefits, and when sustainable features, equipment, materials and systems prove cost effective, and increasingly they do, it is incumbent upon the City to both employ them in municipal projects and to promote their use by the general public.

One of the most meaningful benefits is in the health and productivity arena where overall health is improved (fewer employee sick days), enhanced comfort zones, increased productivity and learning, faster recovery after illness and in commercial retail applications, increased retail sales.

The overall community benefits from reduced demand for civic services, reduced waste handling and reduced automobile use and congestion/pollution. Environmental benefits are manifold, including reduced consumption of depletable resources, reduced resource extraction and processing impacts, reduced toxic emissions, reduced transportation costs and impacts, reduced urban heat islands and the preservation of natural wildlands and agricultural areas.

PLANNING AND DEVELOPMENT PROGRAMS

Current planning and development documents do not reflect sustainability as a design criteria and may, in fact, conflict with sustainable practices as we currently understand them. A General Plan Sustainability Element should set forth planning and design principles upon which review and modification of statutes such as the Zoning Code or Citywide Design Guidelines could proceed.

Much more so than in typical development, sustainable planning and design is highly site sensitive and context responsive. It is worth noting that as in all newly emerging disciplines, more innovation, not less, is required to define the acceptable bounds of the solutions proposed. Therefore, as policies, regulations, practices and programs are reviewed and alternatives offered, a wide-ranging and comprehensive investigation should be the norm. Specifically we recommend review of Public Works policies and construction standards and the adopted building codes with the purpose of removing barriers and conflicts between existing standards and sustainable practices.

RECOMMENDATIONS:

As a general policy, sustainable standards and guidelines should supersede the traditional regulations wherever conflicts occur. It is inevitable some conflicts will remain in the various documents discussed below and these conflicts will be addressed as they arise.

Zoning Ordinance

Review the entire Zoning Code, identifying conflicts with sustainable planning/design principles. Draft alternative language for conflicting requirements and evaluate for horizontal consistency across the range of regulated issues.

Prepare a Sustainable PRD set of standards or an addition to the PRD ordinance for sustainable projects. As appropriate, use LEEDs and Green Building criteria and/or use such criteria by reference to a "to be adopted" program. This is the area in which consistency is critical to avoid a sustainable project that meets LEEDs or Green Builder criteria, but fails to meet zoning regulations that prohibit the very solutions that make the project sustainable.

Building Codes

The California Building Code should be reviewed for requirements and standards that are potentially in conflict with sustainability objectives and practices and where so identified, language crafted to resolve the conflicts.

Citywide Design Guidelines

Prepare alternative Sustainable Design Guidelines or better yet, include them in a Citywide Design book.

Public Works Standards

Prepare alternative Public Works Construction Standards and include them in the Standard Drawings for Construction. Prepare and adopt specifications for sustainable materials, systems and assemblies and revise bidding and contracting procedures to permit their utilization.

Parks and Recreation

Review the current design and construction standards for sustainability, prepare alternative language where appropriate and adopt the same bidding and contracting procedures as mentioned above.

Code Enforcement

Rigorously enforce all "clean" ordinances and require City enforced clean-ups to follow recycling practices. In such instances, the City should consider providing suitable recycling containers of the appropriate size and bill the responsible party for removal and handling.

INCENTIVE PROGRAMS

Sustainability is a qualitative issue, not a cheaper solution than traditional practices and as such requires incentives to push the issue in the marketplace. Sustainability is about doing things right, about reaching for excellence rather than settling for the status quo. Incentives are necessary for the simple reason that many beneficial sustainable products and practices are insufficiently available or utilized to have passed the profitability threshold or they are still so new that the trades have yet to build up a competitive labor pool of skilled workmen and qualified installers.

Incentives, which require a real financial component, need to be administered so that their use by the recipient yields genuine public benefit with a clear nexus to public policy. The basic rational of incentives is that the personal or corporate use of sustainable goods and services also benefits the larger community by expanding the breadth and depth of sustainable programs. For example, the use of photovoltaic panels to generate electrical power for a home also reduces the need for additional generating capacity, increases disposable income and sales tax revenues by reducing utility costs and acts as example for others to involve themselves in the program.

RECOMMENDATIONS:

- Adopt the California Green Builder program for residential construction.
- Adopt LEED standards for municipal buildings.
- Identify all applicable funding opportunities and provide user friendly access and links.
- Apply for all applicable loans and grants available to the City and other non-profit groups.

EDUCATION AND PUBLIC AWARENESS

We have identified the following general categories of residents who could be well served by a comprehensive program of public information, program coordination and project guidance:

- Residents seeking to live more sustainably and with a greater participation in keeping Banning clean and beautiful.
- Students of any age seeking focused information on clean and green topics.
- Commercial enterprise seeking information on making their businesses more sustainable.
- Agencies, private organizations and citizens seeking to partner with others in clean and green activities.
- Developers and builders (from large national builders to residential home decorators) seeking to build more sustainably.

In the context of education (we use "education" to mean the delivery of usable and accurate information) we recommend the following kinds of information and data resources be made available to Banning residents and those doing business here:

- Guidelines, practices and "how to's" for living cleaner and greener;
- Specific information on locally available programs for achieving sustainability in the home, business, school and industry;
- Funding sources that assist in sustainable living and commerce;
- Focused educational information on sustainability.

RECOMMENDATIONS:

Media Campaign

- Print media - Business Press, banners, brochures, etc.
- Video media – cable TV channel, public access, etc.
- Publicize current accomplishments
- Work to expand increased ridership and use of green fuels and vehicles

Education

- Utilize current educational programs with Banning Public Utilities
- Establish speakers bureau from committee, engage other environmental groups (VAF, UCCE MG) and Chamber of Commerce to publicize/utilize with a program CD
- Establish/publicize model water efficient landscaping garden spots throughout the community
- Work with local retailers and nurseries to educate/advocate water efficient landscaping
- Booths at community events to publicize clean and green through use of promotional items
- In-service for City staff (appropriate department heads, supervisors, landscape maintenance personnel, etc.) on clean and green practices

Incentives

- Offer incentives to developers who exceed Title 24 standards
- Offer incentives to residents for remodeling to exceed Title 24 standards and/or water efficient landscaping

REGIONAL SUSTAINABILITY

The manner in which topics are assigned to larger categories is a decision based on intent and for our purposes, regional sustainability focuses on those two critical issues over which the City of Banning has little control, yet is severely impacted in a negative way: Clean air and transportation. Their separate but related challenges cannot be solved locally—our most effective response seems to be participation in regional planning and regulatory bodies.

Clean Air

- Continue promoting City Rideshare Programs
- Clean Fuel Fleet Program – under the guidance of the Fleet Maintenance Manager we continue to convert more vehicles to alternative fuels. Currently 9% of the fleet is alternative fuel vehicles (AFV) or hybrid vehicles.
- Freeway signs for CNG – signage for alternative fuels for the public. City signs are already in place.
- Banning has a public access CNG fueling station.

Transit and Transportation

The issue of transit as a significant component of an overall transportation strategy is controversial and thus subject to different studies supporting diametrically opposite positions. Few argue the benefits of transit use; the controversy seems to focus on the lack of market acceptance, the inconvenience of local distribution networks and the perceived nature of most transit modes as user friendly. Yet despite a dearth of support, transit planning is advancing along highly focused lines, for example the on-going WRCOG investigation into transit oriented development in selected community centers throughout the county.

It was predictable that as gas prices exceeded \$4 per gallon, transit ridership would spike upwards as those at the bottom of the economic ladder felt the pinch of economic necessity and switched from cars to busses. If and when prices stabilize, it is expected that some portion of the increased ridership will revert to car commutes leaving the balance to complement the core of traditional riders.

RECOMMENDATIONS:

Support WRCOG's investigation of transit oriented development and transit oasis as a viable development paradigm with staff support and coordination of interest group participation.

Review the General Plan and the City's contributions to regional transportation planning in terms of transit adaptive development parameters that, while not immediately necessary, will provide the needed infrastructure for the future retrofit.

Where appropriate, review land use policies for increased densities in neighborhood centers as a critical component of creating the "critical mass" needed for economical transit operations.

WATER: CONSERVED AND EFFICIENT

All new projects and whenever possible all redevelopment projects should be designed to keep storm water from running off into the storm drain system carrying the water and pollution into our waterways and out to the ocean. Instead, projects should be designed to keep as much water as possible on site to allow for penetration into the soil to filter and clean the water and recharge the aquifers. For example, small retention basins/drywells, pervious soil and paving, and landscaping can be used to minimize rainwater runoff.

Since the early 1990's Banning has passed a number of Ordinances establishing water conservation plans to reduce water consumption in the landscape environment, as well as the restriction of water use during water supply emergencies. In addition, the City updated its Urban Water Management Plan in 2005, which addressed the following areas:

- Water Sources
- Water Use
- Water Resource Reliability
- Supply and Demand Comparisons
- Water Shortage Contingency Plan
- Water Demand Management Measures
- Water Recycling

Banning has begun to develop a more comprehensive water conservation/customer incentive program which will be used to help achieve real water sustainability. These include the following four areas:

- First, conservation is founded in an expanded green building program through which reduced water consumption is achieved;
- Second, efficient equipment, appliances and irrigation systems will reduce demand and lower water costs;
- Third, implement requirements for all new and redeveloped private and public properties to capture all storm water runoff and provide methods for the water to filter into the soil to replenish the water aquifers; and
- Forth, implement and expand education programs to increase public awareness and knowledge of water conservation measures and incentives available.

Conservation: Reduced demand is the goal and the regard to development, designing and building more water efficient buildings and landscapes. Technology has increased significantly enabling developers and homeowners to build-in or retrofit buildings with equipment and appliances (faucet aerators, low flow shower heads, ULF toilets, etc.) and landscape/irrigation systems that will greatly reduce water demand.

Efficient use: Efficiency addresses the manner in which water is used after conservation has reduced demand. In buildings this principally comes down to how water is used for domestic or commercial applications within the structure, and irrigation/landscape use outside. Decreasing duration of showers, reducing frequency and length of landscape irrigation cycles, and turning off faucets when not directly using the water are just a few ways to efficiently use and conserve water.

RECOMMENDATIONS:

Conservation: Encourage and offer incentives for the installation of water efficient equipment, appliances and irrigation systems.

Efficient use: Encourage and offer incentives for reducing water consumption 20 percent or more over the previous year during the same time period.

Education: Develop new and expand existing education programs to increase public awareness and knowledge of water conservation measures and incentives available.

ENERGY: CONSERVED AND EFFICIENT

Banning has an aggressive public utility program to which four other components could be added to achieve real energy sustainability.

- First, conservation is founded in an expanded green building program through which reduced energy demand is achieved;
- Second, efficient equipment, appliances and systems will reduce demand and lower utility costs;
- Third, on-site generation via photovoltaics and other low cost site specific technologies reduce demand; and
- Forth, the expanded use of alternative fuels will reduce demand on fossil fuels and contribute to lower pollution levels.

Energy use and generation is an area of highly focused attention, new technologies are emerging as fossil fuel prices escalate and foreign supplies become tenuous. Energy independence seems a long way off, but is nonetheless an important national goal and clearly an essential component of a national security strategy. That said, local efforts might seem less than relevant, but it is clear that the combined effect of small improvements yields a powerful impact on energy use and hence, policy.

Conservation: Reduced demand is the goal and the regard to development, designing and building more effective envelopes that mitigate external environmental inputs, e.g., heat, cold, and fresh air, will result in lower design loads, in turn generating lower demand for power. Effective building envelopes are hyper-insulated, utilize passive heating/cooling features, employ sustainable landscapes and use natural functions to augment (and sometimes replace) active systems.

Efficient use: Efficiency addresses the manner in which power is used after conservation has reduced demand. In buildings this principally comes down to environmental controls and power for lighting and appliances/equipment within the structure. When buildings are built with highly insulated envelopes, the lower demand may also permit use of much less energy dependent heating/cooling systems; natural daylighting means fewer and less powerful fixtures and Energy Star appliances require less energy to cook, wash and entertain. Emerging examples include compressor-less AC systems, whole house fans, super efficient evaporative coolers, high efficiency fluorescent fixtures, low voltage illumination, etc.

Buildings with automated environmental and power system controls (smart buildings) employ highly sensitive monitoring devices combined with the sophistication of computer controlled equipment and appliances. Not only are very efficient micro-adjustments possible, but certain functions can be shifted to off-peak periods.

Local generation: On-site generation of electrical power promises the potential for very substantial energy savings as photovoltaic costs drop with increased use and consumers see direct reductions in monthly utility bills. Our environment is uniquely suitable to offer maximum advantage with long daylight exposures during the summer when peak demand loads occur.

RECOMMENDATIONS:

Conservation: Encourage and offer incentives for the use of hyper-insulation, passive heating/cooling features and other energy conserving features in the built environment.

Efficient use: Encourage and offer incentives for the use of compressor-less AC systems, whole house fans in lieu of AC, instant-on fluorescent bulbs, and other super efficient appliances, fixtures and systems.

Local generation: Encourage and offer incentives for the installation of photovoltaic systems, co-generation, and other non-polluting energy producing systems.

AVAILABLE REBATE & INCENTIVE PROGRAMS OFFERED BY THE BANNING PUBLIC UTILITIES DEPARTMENT

Photovoltaic (PV) Rebate – Residential and Commercial: Monetary incentives for the purchase and installation of photovoltaic (PV) or solar powered systems, which are typically installed on the rooftops of homes and businesses.

Commercial – Energy Conservation/Weatherization Rebate: Monetary incentives for commercial customers to replace inefficient materials with products that will improve the energy efficiency of their facility and reduce energy use. Commercial customers can receive rebates for a variety of energy saving efforts alone or together including: Window/Door Replacement, Attic Insulation, Exterior Wall Insulation and Lighting.

Residential – Energy Conservation/Weatherization Rebate: Monetary incentives for residential customers to replace and/or install conservation measures that will improve the energy efficiency of their homes and reduce energy use. Residential customers can receive rebates for a variety of energy saving efforts alone or together including: Window/ Door Replacement, Attic Insulation, Exterior Wall Insulation and Whole House Fans.

Commercial – Central Air Conditioning and Heat Pump Rebate: Monetary incentives for commercial customers who purchase a new high efficiency central air conditioner and/or heat pump unit, replacing an existing air conditioning and/or heat pump. Incentives are based on the energy efficiency and size of the unit (tonnage).

Residential – Air Conditioning Replacement Rebates: Monetary incentives to replace an existing central air conditioning unit with a new high-efficiency unit. Rebates are based on the size and seasonal energy efficiency rating (SEER) of the unit.

Commercial – New Construction Energy Conservation: Monetary incentives for new construction projects that exceed California's Title 24 efficiency standards pertaining to air conditioning equipment, lighting and insulation. This incentive is designed to encourage developers to use more energy efficient materials.

Residential – New Construction Energy Conservation: Monetary incentives for new single home construction projects that exceed California's Title 24 efficiency standards pertaining to air conditioning equipment, lighting and insulation.

Energy Star Refrigerator Purchase Rebate: A monetary incentive for replacing an old and inefficient refrigerator with a new energy efficient refrigerator that is at least 14.3 cubic feet.

Refrigerator/Freezer Recycling Rebate: Monetary incentives to remove and recycle operating old and inefficient refrigerators and freezers. Customers must use a qualified contractor to remove the old unit.

Energy Star Product Rebate – Residential and Commercial: Monetary incentives for purchasing products that meet the "Energy Star" criteria. Rebates are based on the amount of purchase and/or the efficiency rating of the product.

Ultra Low-Flush Toilet Rebate: A water conservation program that offers monetary incentives to replace high water use toilet fixtures with water saving toilets.

Residential – Shade Tree Rebate: Monetary incentives to plant shade trees around homes to help reduce the amount of energy used for air conditioning.

Energy Audits: This program provides residential and commercial customers with a variety of recommendations for reducing energy consumption in their homes and businesses.