

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

March 9, 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/PRESENTATIONS/
ANNOUNCEMENTS**

Report by City Attorney

Report by City Manager

PUBLIC COMMENTS – *On Items Not on the Agenda*

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

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

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.

PRESENTATIONS

1. Proclaiming March 30th as "Welcome Back Home Vietnam Veterans Day". . . 1

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

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 6
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 – 2/23/10. 2
2. Report of Investments for January 2010 13
3. Resolution No. 2010-14, Awarding a Professional Services Agreement to C&S Engineers, Inc. for Design Services at the Banning Municipal Airport and Approving the Necessary Budget Adjustments 23
4. Resolution No. 2010-15, Awarding the Construction Contract for Project No. 2010-01, Phase 3 Improvements to the City of Banning's Community Center Gym, and Approving the Necessary Budget Adjustments 27
5. Resolution No. 2010-16, Awarding a Professional Services Agreement to Albert A. Webb Associates for the Modification of the Recycled Waterline Design and Approving the Necessary Budget Adjustments 34
6. Authorization to Fill a Position – Financial Services Specialist 42

- Open for Public Comments
- Make Motion

IV. PUBLIC HEARINGS

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

1. Resolution No. 2013, Vacating a Portion of Val Monte Street and Adjacent Alleys. 43
Staff Report
Recommendation: **That the City Council adopt Resolution No. 2010-13, Vacating a portion of Val Monte Street from Ramsey Street to Interstate 10 and adjacent alleys.**

V. 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 3/23/10)
6. Look at Council Assignments for a set term (ETA 3/23/10)
7. Reporting Guidelines (ETA 4/13/10)

VI. CLOSED SESSION

1. Potential Litigation
That the City Council recess to Closed Session pursuant to Government Code Section 54956.9 regarding potential litigation - Grand Jury Report
 2. Pursuant to Government Code Section 54957.6 regarding negotiations.
- A. Opportunity for Public to Address Closed Session Items.
B. Convene Closed Session

VII. ADJOURNMENT

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

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ADDENDUM

III. CONSENT ITEMS

7. Resolution No. 2010-19, Authorizing the purchase of three (3) 2009 Chevrolet Malibu Hybrids from Diamond Hills Auto Group in the amount of \$24,382 per vehicle or \$73,146 total. **42a**

IV. RECESS REGULAR CITY COUNCIL MEETING TO A JOINT MEETING OF THE BANNING CITY COUNCIL AND THE COMMUNITY REDEVELOPMENT AGENCY.

CLOSED SESSION

1. That the City Council recess to Closed Session – exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 in one case.
2. Conference with Labor Negotiators pursuant to Section 54957.6. City is Represented by City Manager, City Attorney and Human Resources Director. Negotiations are with International Brotherhood of Electrical Workers – Utility Unit; International Brotherhood of Electrical Workers – General Unit; Banning Police Officers Association and City of Banning Association of Managers.

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

Adjourn Joint Meeting of City Council and Community Redevelopment Agency

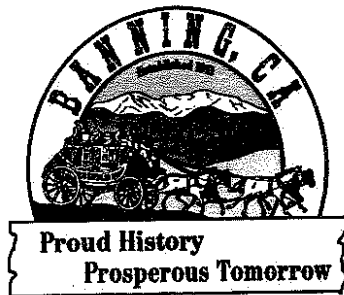
RECONVENE REGULAR MEETING OF THE CITY COUNCIL

(This item was posted on March 4, 2010)

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

Any member of the public may address this meeting of the Mayor and Council on any item which does not appear on the agenda, but is of interest to the general public and is an item upon which the Mayor and Council may act. A three-minute limitation shall apply to each member of the public, unless such time is extended by the Mayor and Council. A thirty-minute time limit is placed on this section. No member of the public shall be permitted to "share" his/her three minutes with any other member of the public. The Mayor and Council will in most instances refer items of discussion which do not appear on the agenda to staff for appropriate action or direct that the item be placed on a future agenda of the Mayor and Council. However, no other action shall be taken, nor discussion held by the Mayor and Council on any item which does not appear on the agenda, unless the action is otherwise authorized in accordance with the provisions of subdivision (b) of Section 54954.2 of the Government Code.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office (909) 922-3102. **Notification 48 hours prior to the meeting** will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.02-35.104 ADA Title II].



PROCLAMATION

WHEREAS, beginning in 1950 and ending with troop evacuations in 1975, the Vietnam War was the longest conflict in American history; and

WHEREAS, 324,400 Californians served in the Vietnam War, putting their lives on the line for the cause of freedom; and

WHEREAS, during the Vietnam War, more than 18,000 Californians were wounded and 5,822 were killed; and

WHEREAS, although our nation was divided in its support of the Vietnam War, we must pledge to never forget the outstanding strength, service and sacrifice of those who fought to defend democracy, human dignity and the right to self-determination; and

WHEREAS, Assemblyman Paul Cook introduced and Governor Schwarzenegger, in the fall of 2009 signed AB 717, which establishes March 30th of each year as "Welcome Back Home Vietnam Veterans Day" and encourages public schools and educational institutions to observe that day and to conduct exercises recognizing the contributions of all those involved in the Vietnam War and remembering the sacrifices they made for their country.

NOW THEREFORE, BE IT RESOLVED, that I, Robert E. Botts, Mayor of the City of Banning along with the City Council do hereby proclaim March 30th as "WELCOME BACK HOME VIETNAM VETERANS DAY" in the city of Banning and commend all Vietnam Veterans who risked their lives in protecting this country's freedom.

IN WITNESS WHEREOF, I have set my hand and caused the seal of the City of Banning, California to be affixed this

9th day of March, 2010.

ATTEST:

Marie A Calderon, City Clerk

Robert E. Botts, Mayor

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

02/23/10
REGULAR MEETING

A regular meeting of the Banning City Council was called to order by Mayor Botts on February 23, 2010 at 6:36 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: Andy Takata, 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
Jeff Stowells, Fire Battalion Chief
Gene Lawton, Transit Manager
John McQuown, City Treasurer
Marie A. Calderon, City Clerk

The invocation was given Chaplain Chris Crawford. Councilmember Machisic invited the audience to join him in the Pledge of Allegiance to the Flag.

PUBLIC COMMENTS/CORRESPONDENCE/ANNOUNCEMENTS/PRESENTATIONS

Report by City Attorney

City Attorney said that he has two closed session items to add to the agenda. One involves a matter of actual litigation involving the Banning Heights Water District. They just became aware of that litigation on Friday so it was after the posting of the agenda. The second matter involves a matter of potential litigation and that is something that he just became aware of today. He asked that the City Council add these two items to the agenda along with the third that has been listed.

Motion Hanna/Machisic to add these two closed session items to the agenda. Mayor Botts opened the item for public comments. There were none. **Motion carried, all in favor.**

Report by City Manager

Mayor Botts introduced the new City Manager Andy Takata who has been on the job for a week and two days.

PUBLIC COMMENTS – *On Items Not on the Agenda*

Ingle Schuler resident of Banning addressed the Council stating that when read the minutes for the last meeting and on page 10 there was a reference by Councilmember Robinson that he had met on February 3rd with Ronna Kadow the past Executive Director for Riverside Humane Society and they discussed potential options for our animal shelter. She said that she was not aware that we had a problem aside from moving the animals to a safer location. She what was the reason for the meeting and was a directive of the Council. Our previous experience in Banning with the Humane Society has not always been very satisfactory so the reasons for returning to that would be her concern. She has had no problem with the Riverside County Animal organization and none of friends have had any problems. She knows it is a question of resources but with the resources and the networking available to Riverside County she really thinks that they have done a fabulous job and in a much more timely fashion. If there are problems with the current management, why has that not be aired before and shouldn't that be part of community involvement.

Don Smith resident of Banning addressed the Council stating that he was asked to give a brief presentation of the upcoming events by the Banning Cultural Alliance. This Saturday, February 27th from 12 to 6 p.m. at the Banning Women's Club, 175 W. Hays there will be a Black Heritage Day Celebration which will include live performances, exhibits, special presentations, awards, soul food dinner and dance. All of this is free of charge and there will be a request for donations for the food if you choose to eat. On Sunday, February 28th at the Women's Club at 4 p.m. they will start a Readers Theater with performances of The Billy Goats Gruff, The Princess and the Pea and Rapunzel which is themed the Fantasy Carpet Ride. It is basically for children in elementary school. Elementary school children are free and they are asking for \$1.00 donation from adults that attend. Save the date for the Annual Art Hop to be held on May 1st and more information will be following as it develops.

Victor Dominguez of Beaumont addressed the Council stating that he does PassPolitics.com which is a local radio program that airs every Wednesday at 2 p.m. keaaradio.com. He said that he has called the Council numerous times regarding some stories that they are working on and he hasn't been able to get a response. He wanted to be as educated as he possible can when he is presenting the facts over the air and he hates to ask these questions in a public forum like this. One of the questions is regarding Don Robinson's tax issues since 2005. Everything that is on the website and the County Assessor whom he spoke to for as much information that they can give him validates that true. But he also wants to be responsible and ask the question to make sure that he is as educated as he possibly can before he does speak. His question to Don Robinson is it true that you haven't paid your property taxes since 2005 accumulating up to about \$22,000.

Mayor Botts said that Mr. Dominguez's comments are inappropriate. Generally public comment is for issues that we in fact can act on as a Council. You can make your comments but we do not respond.

Mr. Dominguez continued stating that with that being said he would like to have a response because not only is it our civic duty as good citizens to question our government. He said questions should not be taken in a negative manner but it is our duty as good citizens to have these questions and to get these answers. If I cannot get you on your cell phone and because you don't return my calls, he is left with this forum here. Again, passpolitics.com KACC NBC News Talk Radio every Wednesday at 2:00 p.m. 1050.

PRESENTATIONS

1. Presentation by Banning Unified School District Regarding Athletic Facility

Mayor Botts introduced and welcomed Superintendent Dr. Lynne Kennedy, Deborah Dukes, President of the Banning School Board and Ken Miller.

Dr. Kennedy addressed the Council said that they take pleasure in this opportunity to share the progress that they have made on their athletic facilities as to where they are going and what you can expect from the bond money and the citizens contributions to this wonderful project. They are also looking forward to a partnership and to meeting with Andy Takata and Councilmembers at the two x two meetings so that we can continue to move forward for the best of our students and our community. She introduced Ken Miller, Director of Facilities who would give the presentation.

Mr. Miller addressed the Council started his power-point presentation show the site plan for this project and it would include the sports stadium, the aquatic center, the basketball courts, tennis courts, ball fields and some additional parking. There are going to be a whole variety of sports that they will be providing. He showed the pictures of the front view of the entry of the stadium area and structures of the stadium will include the restrooms, concession stands, ticket booths and team rooms. The stadium will feature a synthetic track surface, an all weather running track surface, as well as, a synthetic turf for the football field. In regards to the home bleachers they will open with 1,500 and 500 on the visitor's side and will be expandable. The aquatic center will be a 25 meter competition pool, CIF, with a support building. The good news is that they have begun grading operations this month and are underway. They have split the project for construction purposes into two increments with the earth work, concrete, retaining walls and such and everything else such as the buildings and structures are in increments also. They will be graduating their first class in June of 2011 and actually being playing football in the fall of 2011. He recognized Ron Duncan who was the co-chair of the steering and design committee for this wonderful facility that we are building right now and he thanked Mr. Duncan for his contributions to the process. He reminded everyone that the ground breaking ceremony will take place on Wednesday, March 10th at 10 a.m. at the school site.

There were some questions and answers in regards to turf being used and the availability of the pool year round, also how many parking spaces will be available.

Mr. Miller said in regards to the turf they did a field trip and toured several high schools around Riverside County and looked at several different turf projects and they focused in on

one they are looking at right now. It will also be irrigated so that it can be washed down and cooled and to keep it clean along with drainage. In regards to parking there are roughly 300 parking spaces and will be used for event parking along with student parking.

Dr. Kennedy said in regards to the pool it will be part of the physical education program and have classes in aquatics all year round, as well as, their polo team and hopefully summer opportunities for the community.

Mayor Botts opened the item for public comments.

Regina Crawford resident of Banning asked if there would be any upgrades to the gym. Mr. Miller said the gym is not part of this project. Dr. Kennedy said the basketball area he was referring to were the outside courts and not the gymnasium. She knows what Ms. Crawford's concern is about the floor and they are working with the manufacturer and that was due to some rain problems.

Chris McCallum asked if they were looking to local contractors for these facilities. Dr. Kennedy said there is a bid process that they have to abide by.

Mr. Miller said this is all advertised through all of the standard trade publications, The Dodge Report, local newspaper and they encourage local contractors to bid on their projects.

Dr. John McQuown, City Treasurer said in response to Councilmember Franklin's question concerning the pool and year round activities are we going to have enough money to maintain that pool year round as far as heating and chemicals, etc. he said that he heard some estimates of about \$250,000.

Dr. Kennedy said that they do have a commitment to maintain the pool and make sure it is heated, chemicals and everything that is required to keep it up to standards. She said she has heard that rumor of \$250,000 dollars and thinks that is a tad high and cannot speak to the monthly maintenance but their plan is to contact that out and hopefully get a good bid price.

CORRESPONDENCE: There was none.

ANNOUNCEMENTS/COUNCIL REPORTS:

Mayor Botts –

- Reminded everyone about the Black History Day that the Banning Cultural Alliance is putting on Saturday and two of the honorees are in the audience – Marion Johnson and Estelle Lewis.
- In regards to the census he cannot emphasize the importance of the census and it is critical to California in this case because we could lose a congressional seat. Money comes back to the cities when it is apportioned by population and we need to make sure that we have an accurate count of everyone that is living within Banning. It is a simple process and you will be receiving a letter in the mail and you will get a simple form to fill out and you may overlook it but it is terribly important. There is a stigma associated with this in that people feel it is not really confidential and it is the federal government wanting

information from me and what are they going to do with it. The census takers are sworn under oath never to reveal what they learn and this information cannot be shared with anyone. Not the welfare department and not with INS. It is confidential information. It is very important to your city and you need to complete it.

- The League of California Cities is made up of the Mayor and Council of this City and every other mayor and council in the state of California and we meet periodically to work together and share ideas and we are putting an initiative on the ballot that very simply boils down to one thing that the State of California, the governor and the legislature cannot come back and take the City's money, they cannot borrow out of our General Fund, they cannot borrow our transportation funds, they cannot take funds from us right now and it hundreds of thousands of dollars that the State has threatened to take from the City of Banning not only in the General Fund but redevelopment money. Redevelopment money that we use to do projects and put people to work. This Council said that each of us would contribute \$100 to the campaign and each get 100 signatures. He has petitions if anyone is interested in circulating this and there is a paragraph and a half that describes it but the bottom line is that the State needs to balance their own budget. It is a terribly important issue.

Councilmember Robinson –

- He attended RCTC as an alternate. He said state sales tax for the third quarter was reported and that was 14.8%. Southern California for the third quarter was 15.5% and Riverside County was 16.6%. So you can see that it is down that much in the third quarter and fourth quarter numbers could be even lower than that. The Sunset Grade Separation was approved as part of the funding strategy with RCTC and that received a priority A Status in Tier 1.
- On February 12th he attended Carol's Kitchen Valentines Dinner and Dance with great local food and outstanding local six-piece Gina Harland Band.
- February 17th attended the Chamber Quarterly Business Meeting
- February 18th attended the Solid Waste Management Advisory Council. This is a county-wide local task force that has to do with the management of solid waste in Riverside County and they did receive a lot of legislative updates.
- The first meeting of the Redevelopment Agency's Economic Development Committee (EDC) met and Zai Abu Bakar, Community Development Director and Redevelopment Manager John Jansons did a great job on hosting that meeting. This was the first meeting of EDC since June 18, 2008.

Mayor Pro Tem Hanna –

- She reinforced attendance to the Black Heritage Celebration at Noon on Saturday at the Banning Women's Club. Be there at noon because one of the singers is Eve Evans who is a wonderful jazz singer and we are lucky to have her there and it is free.
- Several of the Council attended the San Geronio Memorial Hospital Foundation Dinner which was held on Feb. 10th. They honored the Hospital Auxiliary as the Perfect Partner. She was proud to be there representing the City along with fellow Council Members to note that we just completed construction of the electric substation north on Mountain Avenue and we did that for our present residents but the hospital could not have expanded without that substation. She was glad that the Council was there

working together with another community organization supporting their very important work.

- She attended the Nicolet Middle School (7th and 8th graders) Science Department Science Fair awards ceremony. It was amazing and they had around 145 kids who did science projects and it was a wonderful experience and tomorrow is the District-wide competition. She said that each of the Council Members has a different school and so she hears about Nicolet.
- The San Geronio Ballet here in Banning is planning a return performance of "Charlie" a tribute to Charlie Chaplin and will be held on Sat., May 29th with two performances at the Annenberg Theater at 3 p.m. and 7 p.m.

Councilmember Machisic –

- He said we have a great staff at the City and one of the things we do once a year is to have Employee Recognition for those people that have been with us for awhile but also to recognize those people that have done something outstanding, and some educational accomplishments and it will be held on Thursday at 10 a.m. in the Council Chambers and everyone is welcomed to attend and there will be light refreshments.
- He said he attending County Fair in Indio and was really impressed with the exhibits, the booths of things they were selling and so on and as he was walking around and one thing he ran into was a booth about the census. He walked over there to see if there was anything new and one of the things he hadn't seen that caught his eye was a brochure advertising jobs and they have salaries in the range of \$18.50 an hour to \$11.25 an hour. He asked the City Manager to have this brochure available at the counter next to where people pay their utility bills and would encourage anyone who is employed or not employed to pick up one of these brochures. These are temporary and part-time jobs and will last most of this year. These brochures are also available at the Banning Chamber of Commerce.

Councilmember Franklin –

- On February 13th she attended the "Go Red Luncheon" that was focused on breast cancer awareness and women's health issues and they had really good information on what we need to do to make sure we stay healthy.
- On February 18th she attended the Community Action Partnership meeting and one of the things they talked about is that there are still a lot of services available to people who are financially challenged. They have such things as weatherization for seniors and free tax preparation. You can call 951-955-4900 or toll free to 800-511-1110 for more information. There is another program being offered and it is a pre-apprentice program for small business owners who might be interested in hiring high school students. What will happen is that they would get hired to be able to work so many hours and those hours can then be reimbursed. The idea is to hopefully get training and become a permanent employee for businesses.
- Thursday there will be a soft opening of Rio Ranch Market's new location at the corner of Ramsey and Sunset and they will be open at 7 a.m.
- Feb. 26th there is a Black History Fashion Show hosted by Fountain of Life but will be held at First Missionary Baptist Church at 7 p.m. followed by a soul food potluck.
- Feb. 27th the Fountain of Life Church is going to have a Black History Educational and Culture Program at 6:30 p.m. at their church on East Williams.

- March 6th the Banning High School Key Club is going to holding a rummage sale and car wash on the corner of Sunset and Ramsey at the Citibank parking lot. Also, if you have broken jewelry or old jewelry there will be ladies there that will give you cash on the spot if it is real gold and that will be held between 10 a.m. and Noon.
- March 13th is the Bulky Item Drop Off from 8 a.m. to 1 p.m. at Dysart Park
- March 16th in Calimesa the Pass Area Support Soldiers will be doing a packing for soldiers overseas and anyone that is interested in dropping off any items or want to give names of anyone serving overseas you can call 880-7085.
- April 24th the Disaster Survival Expo will be held

CONSENT ITEMS

The following items were pulled for discussion: Consent Item No. 3 by Councilmember Machisic, Consent Item No. 6 by Mayor Botts and Consent Item No. 7 by Mayor Pro Tem Hanna.

1. Approval of Minutes – Regular Meeting – 2/09/10

Recommendation: That the minutes of the regular meeting of February 9, 2010 be approved.

2. Approval of Accounts Payable and Payroll Warrants for Month of January 2010.

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

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).

Recommendation: 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.

5. 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.

Motion Machisic/Franklin to approve Consent Items No. 1, 2, 4 and 5. Mayor Botts asked if there were any comments from the public. There were none. Motion carried, all in favor.

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.

Councilmember Machisic said that this is grant money, Proposition 84, and the only application we are making is for Repplier Park and we have other parks in the city that

certainly could use some additional monies for buildings, equipment, materials and whatever and where they considered as part of this package.

Duane Burk, Public Works Director said that staff looked at all the parks as it relates to Prop 84 and staff is recommending the Repplier Park Bowl for a couple of reasons and one would be because it is central to the area. This process for Prop 84 will be a very competitive process and the City is asking Prop 84 for a \$5 million dollar grant. As you know Council has for the past three years set a side Community Development Block Grant money for the design and we have entered into a contract with Max Williams Architect to redesign the park bowl and the plans are about 60% complete. Mr. Burk explained the competitive process and scoring for this grant. He said that this is an overall community project that benefits the entire community as opposed to maybe a ball field for soccer field where it would only focus on one event. Also, the Repplier Park Bowl is already in place so we are not constructing something new and is already part of our current Master Plan and a renovation. Also, the Repplier Park Bowl doesn't really meet a lot of the ADA current requirements. It is an old facility and this will bring it into a new code so it rates higher as it relates to just renovation. Staff's recommendation is to move forward with this grant application. He said that this is a great project for the community as whole.

Councilmember Machisic said that the most important criterion was that it is community wide. Mr. Burk said yes.

Mayor Pro Tem Hanna asked isn't it true that we do have shelf-ready or "shovel-ready" plans for both Roosevelt Williams Park and Lions Park. Mr. Burk said that was correct but they are not adopted as part of our Master Plan. If our Master Plan called for them right now, we would have moved them forward.

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

Motion Franklin/Hanna that Consent Item No. 3 recommending adoption of 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 and authorizing the City Engineer to execute the application that Engineering Division staff will submit to the State of California, Department of Parks and Recreation be approved. Motion carried, all in favor.

6. Authorization to Fill a Position – Part Time Bus Driver.

Mayor Botts said that he pulled this item and first of all he is not suggesting that we not hire a bus driver but wants to deal with sort of a philosophical issue here. We all know what we have had to do with tightening our budget and laying people off and closing city hall and putting people on furloughs and we are still not balanced and need to look at that again and what seemed to jump out at him is not the issue do we need a part time bus driver but it is the language. It states in the background part of the report that this part-time Bus Driver position will cover hours during the weekend when the full time drivers are on furlough and part-time drivers do not have benefits. He asked if this was counter productive.

Hoyl Belt, Human Resources Director said the issue is that last year we bargained with the union for a five percent reduction and the bus drivers have taken a five percent pay cut and they have a day off to compensate them for that time. What they have always done to keep the buses running is that they currently have five extra bus drivers and they are not regular slotted positions with benefits. They are hourly people that are funded out of a group of hours that you budget each year for the transit people. We currently had one of the part-time bus drivers called to active duty and to keep this transit system running they have to pay overtime because they do not have enough people due to illnesses, etc.

Motion Hanna/Machisic that the City Council authorize staff to fill the position of Part-Time Bus Driver. Mayor Botts opened the item for public comments. There was none.
Motion carried, all in favor.

7. Sustainability Committee Report

Mayor Pro Tem Hanna said this is regarding a Sustainability Committee and staff's recommendation is to postpone the establishment of that committee which she supports but she thought it might be useful for people to understand why we are doing that. She said that she is so proud of what the Electric Utility and Public Works has accomplished that it is worthy of giving some report to the public about what has been accomplished regarding sustainability and renewable energy.

Fred Mason, Electric Utility Director addressed the Council stating that the Electric Utility has been very active in the green sustainable programs for the last eight years and one of the things that isn't part of the energy efficiency but part of the requirements that we have for the State is meeting the 20% renewable by 2010 and we are one of the first utilities here in Southern California that met that obligation. Additionally the State has mandated that we provide \$1,960,000 in rebates for rooftop solar systems and that was to be provided within ten years and we are the first utility in Southern California to meet our rebate obligation and have actually exceed that and awarded over \$2.5 million in rebates for solar systems. Additionally there are numerous rebate programs for refrigerator replacement, air conditioning replacement, energy efficiency and those things have been going on and on. They have awarded about \$500,000 in rebates for energy efficiency items. We have done a significant amount in reducing the greenhouse gases that consumers put out just through the normal day to day living.

There were comments from the Council in regards to getting this information out to the public because the average citizens doesn't know what is available and to get the message out somehow and somehow; where people can find out about the rebates and benefits; and money available for solar rebates.

Mr. Mason said all of our programs are on our website and they can download the application and guidelines or can call Veronica the Public Benefits Coordinator 951-849-5224 and also information is available at city hall. In regards to solar rebates like he mentioned earlier there was mandate to put out \$1,960,000 in solar rebates and they have met that and that money had been set a side so it was available. At this point we only have a certain amount of the public

benefit budget that we can budget for the solar programs and at this point they have set a side 5% which is about \$35,000 a year so 5% of the Public Benefit budget goes for solar/PV and they have already awarded through June 2010 so the next time money will be awarded is July 2011 and after that it will be approximately \$35,000 a year.

Duane Burk, Public Works Director addressed the Council stating that the City has taken on a partnership of its own and it is to lead by example. He said that these things don't come cheap and went over things that had been done like converting almost the entire city hall to a drip irrigation system and this was also done at the new Banning Police Station along with waterless grass. From Highland Home Road to Highland Springs this Council landscaped that entire median for one mile with drip irrigation, and water sensitive timers, etc. and it shows what beautification could look like. We have a great partner in WRCOG outreach programs. In 2000 we were supposed to divert 50% of our waste from the landfill and in 2005 we were at 40% and we are currently at 53% now. Those are huge numbers and it is a partnership with WRCOG and the outreach to the schools offering programs for water conservation, recycling, education for janitorial programs to a point where the word has really gotten out. We have done a recycling fair with the schools and there will be another event on May 1st. This Council has invested a lot of time into education. We have also given trash awards for the highest recyclers. We have centralized drop off and divert that from the landfill. All of our new vehicles are pretty much CNG and we currently maintain and own the CNG fueling station for the public and are partners with the school district to use this CNG facility. We are currently in design for the purple pipe recycled water. There are a lot of good things green and clean happening. The City also has a Battery Collection Kiosks at city hall where people can dispose of household batteries. One of the really good programs that we have is electronic recycling where you can recycle anything that has a cord and there will also be an E-Waste Collection event at the Art Hop.

Motion Hanna/Robinson to approve Consent Item No. 7 to receive and file this report related to the City's current efforts on sustainability and postpone the establishment of a Sustainability Committee. Motion carried, all in favor.

There was Council consensus to direct staff to reach out to the community to the extent possible to let them know about the programs that are available to them.

ITEMS FOR FUTURE AGENDAS

New Items – There were none.

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)

CLOSED SESSION

City Attorney said stated that the City Council would recess to closed session pursuant to Government Code Section 54956.9 (a) regarding pending litigation - Brar vs. City of Banning and will give a report on that litigation matter. Also two items were added to the closed session with one in regards to a litigation matter involving Banning Heights Mutual Water and the second one is potential for litigation.

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

Meeting when into closed session at 7: 37 p.m. and returned to regular session at 8:18 p.m.

City Attorney said that the Council met in closed session and there was discussion in regards to the Brar litigation matter with a status report was given and that matter has been resolved through a motion for summary judgment and has been dismissed. Second they discussed a litigation matter involving the Banning Heights Mutual Water and a report was given and no action was taken by the Council. In regards to the third matter which was a potential threat of litigation a status report was given and no action was taken.

ADJOURNMENT

By common consent the meeting adjourned at 8:20 p.m.

Marie A. Calderon, City Clerk

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

CITY COUNCIL AGENDA

Date: March 9, 2010

TO: City Council

FROM: Kirby Warner, Interim Finance Director

SUBJECT: Report of Investments for January 2010

RECOMMENDATION: "The City Council receive and place these required monthly *Reports of Investments* on file."

JUSTIFICATION: State law requires that a monthly report of investments be submitted to the Chief Executive Officer and the Legislative Body.

BACKGROUND: This report includes investments on hand at the end of January 2010. As of January 31, 2010, the City's operating funds totaled \$69,816,171. Included in operating funds is \$3,508,615 of restricted CRA bond proceeds that are on deposit with LAIF and reflected separately on the Treasurer's Report. As of January 31, 2010 approximately 45% of the City's unrestricted cash balances were invested in investments other than LAIF.

Presented are three months of Investment Reports. January is a first issue, while November and December are included to provide multiple months of statements for comparison.

FISCAL DATA: The latest reports from the State indicate that the average interest achieved by the Local Agency Investment Fund (LAIF) decreased to 0.558 % in January. The average rate for all investments in January was 0.986%.

RECOMMENDED BY:



Kirby Warner
Interim Finance Director

APPROVED BY:



Andy Takata
City Manager

Summary Schedule of Cash and Investments

Operating Funds		<u>Amount</u>
<u>Petty Cash</u>		2,305
<u>Bank Accounts</u>		
	Interest Rate Amount	
Wells Fargo Bank	0.000% 475,747	
Wells Fargo Bank-Investment Account	0.100% 3,885,153	
Bank of America-Airport	0.300% 3,423	
Bank of America-Parking Citations	0.300% 3,403	
Bank of America-CNG Station	0.300% 3,232	
<i>Money Market and Bank Account Sub-Total</i>		4,370,957
<u>Government Pools</u>		
Local Agency Investment Fund: Account #1	0.558% 31,244,147	
Account #2 Operating Amount	4,152,278	
Account #2 CRA Bond Cash Bal	3,508,615	
Local Agency Investment Fund: Account #2	0.558% 7,660,893	
<i>Government Pool Sub-Total</i>		38,905,040
Operating Cash Balance		43,278,302
<u>Restricted Operating Funds at Riverside Public Utilities</u>		
Highmark U.S. Government Money Market Fund	0.050%	1,426,876
<u>Other Investments</u>		
Investments-US Bank/Piper Jaffray - See Page 2	1.808%	25,110,992
Operating Funds Total		<u>69,816,171</u>
Fiscal Agent		
		<u>Amount</u>
BNY Western Trust Company		539,035
US Bank		56,227,434
Fiscal Agent Total		<u>56,766,469</u>

City of Banning Investment Report

January 31, 2010

Operational Portfolio Individual Investments

Par Value	Investment Description	Coupon Rate	Interest Rate	Maturity Date	Purchase Date	Purchase Cost	Discount or (Premium) Amortization	Market Value
<u>Bank Accounts</u>								
475,747	Wells Fargo Bank-Operating	n/a	0.00%	daily	varies	475,747	n/a	475,747
3,885,153	Wells Fargo Bank-Investment Acct	n/a	0.10%	daily	varies	3,885,153	n/a	3,885,153
3,423	Bank of America-Airport	n/a	0.30%	daily	varies	3,423	n/a	3,423
3,403	Bank of America-Parking Citations	n/a	0.30%	daily	varies	3,403	n/a	3,403
3,232	Bank of America-Parking Citations	n/a	0.30%	daily	varies	3,232	n/a	3,232
Sub-total								4,370,957
<u>Government Pools</u>								
31,244,147	L.A.I.F. account #1	n/a	0.558%	daily	varies	31,244,147	n/a	31,244,147
7,660,893	L.A.I.F. account #2	n/a	0.558%	daily	varies	7,660,893	n/a	7,660,893
								38,905,040

Investments-US Bank/Piper Jaffray

6,000,000	Federal Farm Credit Banks	n/a	2.125%	9/23/2011	3/24/2008	6,000,000	0	6,012,900
3,000,000	Fedl Natl Mtg Assn	n/a	2.050%	12/30/2011	12/23/2008	3,000,000	0	3,006,570
11,170,000	Federal Farm Credit Banks	n/a	2.000%	1/30/2012	6/12/2009	11,170,000	0	11,206,303
3,000,000	Federal Farm Credit Banks	n/a	1.350%	1/20/2012	1/7/2010	3,000,000	0	3,006,570
1,878,650	Money Market	n/a	0.000%	daily	varies	1,878,650	0	1,878,650
US Bank/Piper Jaffray Average Rate=								25,110,992
1.808%								

Average Rate All= 0.986%

It has been verified that this investment portfolio is in conformity with the City of Banning's investment policy which was approved by the City Council on July 14, 2009. The Treasurer's cash management program provides sufficient liquidity to meet estimated future expenditures for a period of six months. The weighted average maturity of the pooled investment portfolio is 234 days and does not include Bond Reserve Fund Investments.

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City of Banning Investment Report

January 31, 2010

Individual Investments with Fiscal Agent

Bond Issue Description	Bond Maturity Date	Investment Description	Current Yield	Bond Maturity Date	Minimum Reserve Requirement	Interest Jan-10	1/10/2010 Market Value
BNY WESTERN TRUST COMPANY							
1997 Admin Building COPs Refunding	2020	Republic Bank Investment Agreement Federated U.S. Treasury Money Mkt	6.270% 0.010%	11/1/2020 daily	522,375	*	522,562 16,473
US BANK							
1991 Wilson St. Assessment District	2012	AIM U.S. Treasury Money Market US Bank Mmkt 4-Ct	0.200% 0.280%	daily daily	265,580	5.28	265,618 14
2005 Fair Oaks Ranch Estates	2035	US Bank Mmkt 4-Ct	0.300%	daily	190,323	48.28	189,539
2003 CRA Tax Allocation Bonds	2028	US Treasury Bill US Bank Mmkt 4-Ct	4.560% 0.300%	1/28/2010 daily	971,763	21,021.68 *	0 1,014,759
		US Bank Mmkt 4-Ct	0.300%	daily		0.04	256,467
Surplus Fund		US Bank Mmkt 4-Ct	0.025%	daily			8
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION PARITY BONDS, SERIES 2007							
Redevelop Fund	2037	US Bank Mmkt 4-Ct	0.300%	daily		1,835.16	5,229,816
		Cdars Federated Treasury Oblig Fd.-9AMMF98F1	0.000%	daily			3,336,669
		Reliance TR Co Cdars CD #0140029695-7AMCD1FD1	0.750%	5/20/2010			3,500,000
Reserve Fund		US Bank Mmkt 4-Ct	0.300%	daily	1,880,751	478.48	1,878,401
Special Fund		US Bank Mmkt 4-Ct	0.300%	daily		0.05	613,873
Surplus Fund		US Bank Mmkt 4-Ct	0.320%	daily			9
BUA - WASTEWATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES							
Bond Fund		US Bank Mmkt 4-Ct	0.320%	daily		0.01	28
Principal Account		US Bank Mmkt 4-Ct	0.300%	daily		0.01	33
		US Bank Mmkt 4-Ct	0.300%	daily		913.10	3,676,811
BUA - WATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES							
Bond Fund		US Bank Mmkt 4-Ct	0.300%	daily		0.74	2,918
Principal Account		US Bank Mmkt 4-Ct	0.300%	daily		0.02	88
Reserve Fund		US Bank Mmkt 4-Ct	0.300%	daily	2,310,710	589.05	2,312,486
Project Fund		US Bank Mmkt 4-Ct	0.300%	daily		3,312.43	10,029,502
BFA - ELECTRIC SYSTEM REVENUE BONDS 2007 SERIES							
Reserve Fund		US Bank Mmkt 4-Ct	0.300%	daily		0.04	163
Acquisition & Construction		Reliance Trust Company # 9AMGGBEZ7 US Bank Mmkt 4-Ct	3.650% 0.300%	11/17/2011 daily	2,961,500	413.37	3,016,509 1,617,265
		Reliance Trust Co C D #7AMCD5063	0.400%	11/26/2010			8,036,457
		Reliance TR CO Cdars #0140029703- 7AMCDIFE9	0.750%	5/20/2010			3,250,000
		Reliance Trust Co C D #7AMCD49F7	0.500%	11/18/2010			8,000,000
Total							56,766,469
*Paid Semi-Annually-Deposited into Money Mkt Account							

*Paid Semi-Annually-Deposited into Money Mkt Account

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Summary Schedule of Cash and Investments**Operating Funds**Petty Cash

Amount

2,305

Bank Accounts

Interest

Rate

Amount

Wells Fargo Bank

0.000% 445,834

Wells Fargo Bank-Investment Account

0.100% 7,351,110

Bank of America-Airport

0.300% 3,444

Bank of America-Parking Citations

0.300% 3,243

Bank of America-CNG Station

0.300% 3,436

Money Market and Bank Account Sub-Total

7,807,066

Government Pools

Local Agency Investment Fund: Account #1

0.569% 31,196,602

Account #2 Operating Amount (1,412,681)

Account #2 CRA Bond Cash Bal 3,565,144

Local Agency Investment Fund: Account #2

0.569% 2,152,463

Government Pool Sub-Total

33,349,065

Operating Cash Balance**41,158,437**Restricted Operating Funds at Riverside Public Utilities

Highmark U.S. Government Money Market Fund

0.050%

1,411,988

Other Investments

Investments-US Bank/Piper Jaffray - See Page 2

1.738%

25,099,705

*Operating Funds Total*67,670,130**Fiscal Agent**

BNY Western Trust Company

Amount

539,035

US Bank

57,323,358*Fiscal Agent Total*57,862,394

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City of Banning Investment Report

December 31, 2009

Operational Portfolio Individual Investments

Par Value	Investment Description	Coupon Rate	Interest Rate	Maturity Date	Purchase Date	Purchase Cost	Discount or (Premium) Amortization	Market Value
<u>Bank Accounts</u>								
445,834	Wells Fargo Bank-Operating	n/a	0.00%	daily	varies	445,834	n/a	445,834
7,351,110	Wells Fargo Bank-Investment Acct	n/a	0.10%	daily	varies	7,351,110	n/a	7,351,110
3,444	Bank of America-Airport	n/a	0.30%	daily	varies	3,444	n/a	3,444
3,243	Bank of America-Parking Citations	n/a	0.30%	daily	varies	3,243	n/a	3,243
3,436	Bank of America-Parking Citations	n/a	0.30%	daily	varies	3,436	n/a	3,436
Sub-total								
								7,807,066
<u>Government Pools</u>								
31,196,602	L.A.I.F. account #1	n/a	0.569%	daily	varies	31,196,602	n/a	31,196,602
2,152,463	L.A.I.F. account #2	n/a	0.569%	daily	varies	2,152,463	n/a	2,152,463
Sub-total								
								33,349,065
<u>Investments-US Bank/Piper Jaffray</u>								
6,000,000	Federal Farm Credit Banks	n/a	2.120%	9/23/2011	3/24/2008	6,000,000	0	6,019,920
3,000,000	Fedl Natl Mtg Assn	n/a	2.040%	12/30/2011	12/23/2008	3,000,000	0	3,008,430
11,170,000	Federal Farm Credit Banks	n/a	2.000%	1/30/2012	6/12/2009	11,170,000	0	11,204,180
1,500,000	Federal Farm Credit Banks	n/a	1.550%	7/7/2011	7/7/2009	1,500,000	0	1,500,150
3,367,025	Money Market	n/a	0.000%	daily	varies	3,367,025	0	3,367,025
US Bank/Piper Jaffray Average Rate=								
			1.738%					25,099,705

Average Rate All= 0.955%

It has been verified that this investment portfolio is in conformity with the City of Banning's investment policy which was approved by the City Council on July 14, 2009. The Treasurer's cash management program provides sufficient liquidity to meet estimated future expenditures for a period of six months. The weighted average maturity of the pooled investment portfolio is 230 days and does not include Bond Reserve Fund Investments.

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City of Banning Investment Report

December 31, 2009

Individual Investments with Fiscal Agent

Bond Issue Description	Bond Maturity Date	Investment Description	Current Yield	Bond Reserve Bond Maturity Date	Minimum Reserve Requirement	Interest Dec-09	12/31/2009 Market Value
TRUSTEE							
BNY WESTERN TRUST COMPANY							
1997 Admin Building COPs Refunding	2020	Republic Bank Investment Agreement Federated U.S. Treasury Money Mkt	6.270% 0.010%	11/1/2020 daily	522,375	* 10.81	522,562 16,473
US BANK							
1991 Wilson St. Assessment District	2012	AIM U.S. Treasury Money Market	0.200%	daily	265,580	10.81	265,612
		US Bank Mmkt 4-Ct	0.280%	daily			14
2005 Fair Oaks Ranch Estates	2035	US Bank Mmkt 4-Ct	0.300%	daily	190,323	46.71	189,491
2003 CRA Tax Allocation Bonds	2028	U S Treasury Bill	4.560%	1/28/2010	971,763	*	991,980
		US Bank Mmkt 4-Ct	0.300%	daily		5.61	22,753
		US Bank Mmkt 4-Ct	0.300%	daily		0.04	146
		US Bank Mmkt 4-Ct	0.025%	daily			8
Surplus Fund							
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION PARITY BONDS, SERIES 2007							
Redevelop Fund	2037	US Bank Mmkt 4-Ct	0.300%	daily		652.98	7,202,536
		Cdars Federated Treasury Oblig Fd.-9AMMF98F1	0.000%	daily			3,336,669
		Reliance TR Co Cdars CD #0140029695-7AMCD1FD1	0.750%	5/20/2010			3,500,000
Reserve Fund		US Bank Mmkt 4-Ct	0.300%	daily	1,880,751	462.93	1,877,922
Special Fund		US Bank Mmkt 4-Ct	0.300%	daily		0.05	185
Surplus Fund		US Bank Mmkt 4-Ct	0.320%	daily			9
BUA - WASTEWATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES							
Bond Fund		US Bank Mmkt 4-Ct	0.320%	daily		2.16	28
Principal Account		US Bank Mmkt 4-Ct	0.300%	daily		1.04	33
		US Bank Mmkt 4-Ct	0.300%	daily		187.03	3,675,898
BUA - WATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES							
Bond Fund		US Bank Mmkt 4-Ct	0.300%	daily		10.19	2,918
Principal Account		US Bank Mmkt 4-Ct	0.300%	daily		2.75	87
Reserve Fund		US Bank Mmkt 4-Ct	0.300%	daily	2,310,710	569.93	2,311,897
Project Fund		US Bank Mmkt 4-Ct	0.300%	daily		4,486.25	10,025,189
BFA - ELECTRIC SYSTEM REVENUE BONDS 2007 SERIES							
Reserve Fund		US Bank Mmkt 4-Ct	0.300%	daily		163.08	163
Acquisition & Construction		Reliance Trust Company # 9AMGGBEZ7	3.650%	11/17/2011	2,961,500		3,016,509
		US Bank Mmkt 4-Ct	0.300%	daily		401.05	1,616,852
		Reliance Trust Co C D #7AMCD5063	0.400%	11/26/2010			8,036,457
		Reliance TR CO Cdars #0140029703- 7AMCD1FE9	0.750%	5/20/2010			3,250,000
		Reliance Trust Co C D #7AMCD49F7	0.500%	11/18/2010			8,000,000
*Paid Semi-Annually-Deposited into Money Mkt Account						Total	57,862,394

Summary Schedule of Cash and Investments

Operating Funds		<u>Amount</u>
<u>Petty Cash</u>		2,305
<u>Bank Accounts</u>	Interest Rate Amount	
Wells Fargo Bank	0.000% -	
Wells Fargo Bank-Investment Account	0.100% 2,997,473	
Bank of America-Airport	0.300% 5,444	
Bank of America-Parking Citations	0.300% 3,627	
Bank of America-CNG Station	0.300% 4,326	
<i>Money Market and Bank Account Sub-Total</i>		3,010,870
<u>Government Pools</u>		
Local Agency Investment Fund: Account #1	0.611% 31,196,602	
Account #2 Operating Amount	1,260,019	
Account #2 CRA Bond Cash Bal	3,642,444	
Local Agency Investment Fund: Account #2	0.611% 4,902,463	
<i>Government Pool Sub-Total</i>		36,099,065
Operating Cash Balance		39,112,240
<u>Restricted Operating Funds at Riverside Public Utilities</u>		
Highmark U.S. Government Money Market Fund	0.050%	747,749
<u>Other Investments</u>		
Investments-US Bank/Piper Jaffray - See Page 2	1.982%	25,082,496
Operating Funds Total		64,942,485
<hr/>		
Fiscal Agent		<u>Amount</u>
BNY Western Trust Company		539,035
US Bank		63,685,381
Fiscal Agent Total		64,224,417

City of Banning Investment Report

November 30, 2009

Operational Portfolio Individual Investments

Par Value	Investment Description	Coupon Rate	Interest Rate	Maturity Date	Purchase Date	Purchase Cost	Discount or (Premium) Amortization	Market Value
<u>Bank Accounts</u>								
-	Wells Fargo Bank-Operating	n/a	0.00%	daily	varies	-	n/a	-
2,997,473	Wells Fargo Bank-Investment Acct	n/a	0.10%	daily	varies	2,997,473	n/a	2,997,473
5,444	Bank of America-Airport	n/a	0.30%	daily	varies	5,444	n/a	5,444
3,627	Bank of America-Parking Citations	n/a	0.30%	daily	varies	3,627	n/a	3,627
4,326	Bank of America-Parking Citations	n/a	0.30%	daily	varies	4,326	n/a	4,326
Sub-total								3,010,870
<u>Government Pools</u>								
31,196,602	L.A.I.F. account #1	n/a	0.611%	daily	varies	31,196,602	n/a	31,196,602
4,902,463	L.A.I.F. account #2	n/a	0.611%	daily	varies	4,902,463	n/a	4,902,463
								36,099,065
<u>Investments-US Bank/Piper Jaffray</u>								
3,000,000	Federal Farm Credit Banks	n/a	2.000%	12/30/2010	12/30/2008	3,000,000	0	3,003,240
6,000,000	Federal Farm Credit Banks	n/a	2.120%	9/23/2011	3/24/2008	6,000,000	0	6,029,100
3,000,000	Fedl Natl Mtg Assn	n/a	2.040%	12/30/2011	12/23/2008	3,000,000	0	3,012,180
11,170,000	Federal Farm Credit Banks	n/a	2.000%	1/30/2012	6/12/2009	11,170,000	0	11,229,871
1,500,000	Federal Farm Credit Banks	n/a	1.550%	7/7/2011	7/7/2009	1,500,000	0	1,501,830
306,275	Money Market	n/a	0.000%	daily	varies	306,275	0	306,275
US Bank/Piper Jaffray Average Rate=								25,082,496
Average Rate All=								1.121%

It has been verified that this investment portfolio is in conformity with the City of Banning's investment policy which was approved by the City Council on July 14, 2009. The Treasurer's cash management program provides sufficient liquidity to meet estimated future expenditures for a period of six months. The weighted average maturity of the pooled investment portfolio is 266 days and does not include Bond Reserve Fund Investments.

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City of Banning Investment Report

NOVEMBER 30, 2007

Individual Investments with Fiscal Agent

Bond Issue Description	Bond Maturity Date	Investment Description	Current Yield	Bond Reserve	Bond Maturity Date	Minimum Reserve Requirement	Interest Nov-09	Market Value 11/30/2009
TRUSTEE								
BNY WESTERN TRUST COMPANY								
1997 Admin Building COPs Refunding	2020	Republic Bank Investment Agreement Federated U.S. Treasury Money Mkt	6.270% 0.010%	11/1/2020 daily	522,375	16,200.29 *	522,562 16,473	
US BANK								
1991 Wilson St. Assessment District	2012	AIM U.S. Treasury Money Market US Bank Mmkt 4-Ct	0.500% 0.280%	daily daily	265,580	11.17	265,602 14	
2005 Fair Oaks Ranch Estates	2035	US Bank Mmkt 4-Ct	0.300%	daily	190,323	48.25	189,444	
2003 CRA Tax Allocation Bonds	2028	US Treasury Bill US Bank Mmkt 4-Ct	4.560% 0.300%	daily daily	971,763	0.00 *	991,990	
		US Bank Mmkt 4-Ct	0.300%	daily		8.79	22,747	
		US Bank Mmkt 4-Ct	0.300%	daily		0.04	146	
Surplus Fund		US Bank Mmkt 4-Ct	0.025%	daily			8	
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION PARITY BONDS, SERIES 2007								
Redevelop Fund	2037	US Bank Mmkt 4-Ct	0.300%	daily			7,201,884	
	11/27/2009	Cdars Federated Treasury Oblig Fd.-9AMMF98F1	2.950%				3,336,669	
	5/21/2009	Reliance TR Co Cdars CD #0140029695-7AMCD1FD1	0.750%				3,500,000	
	11/19/2009	Reliance Trust Company GIC # 9AMGGBEV6	2.950%			236,771.22		
Reserve Fund		US Bank Mmkt 4-Ct	0.300%	daily	1,880,751	478.24	1,877,459	
Special Fund		US Bank Mmkt 4-Ct	0.300%	daily		0.05	185	
Surplus Fund		US Bank Mmkt 4-Ct	0.320%	daily			9	
BUA - WASTEWATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES								
Bond Fund		US Bank Mmkt 4-Ct	0.300%	daily		26.23	26	
Principal Account		US Bank Mmkt 4-Ct	0.310%	daily		31.99	32	
		US Bank Mmkt 4-Ct	0.300%	daily		193.22	758,539	
BUA - WATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES								
Bond Fund		US Bank Mmkt 4-Ct	0.300%	daily		113.93	2,907	
Principal Account		US Bank Mmkt 4-Ct	0.290%	daily		84.74	85	
Reserve Fund		US Bank Mmkt 4-Ct	0.300%	daily	2,310,710	589.47	2,311,327	
Project Fund		US Bank Mmkt 4-Ct	0.300%	daily		4,634.65	18,194,532	
BFA - ELECTRIC SYSTEM REVENUE BONDS 2007 SERIES								
Bond Fund		US Bank Mmkt 4-Ct	0.300%	daily			1,102,294	
Reserve Fund	11/17/2011	Reliance Trust Company # 9AMGGBEZ7	3.650%	daily	2,961,500	414.32	3,016,509	
Acquisition & Construction		US Bank Mmkt 4-Ct	0.300%	daily			1,626,516	
	11/27/2009	Reliance Trust Co C D #7AMCD5063	0.400%				8,036,457	
	5/21/2009	Reliance TR CO Cdars #0140029703-7AMCD1FE9	0.750%				3,250,000	
	11/19/2009	Reliance Trust Co C D #7AMCD49F7	0.500%				8,000,000	
*Paid Semi-Annually-Deposited into Money Mkt Account							259,606.60	64,224,417

22

CITY COUNCIL AGENDA

DATE: March 9, 2010

TO: City Council

FROM: Duane Burk, Director of Public Works

SUBJECT: Resolution No. 2010-14 "Awarding a Professional Services Agreement to C&S Engineers, Inc. for Design Services at the Banning Municipal Airport"

RECOMMENDATION:

- I. Award the Professional Services Agreement to C&S Engineers, Inc. of San Diego, California in an amount "Not to Exceed" \$79,691.37 for the design of various improvements at the Banning Municipal Airport.
- II. Authorize the Director of Finance to make necessary budget adjustments and appropriations from the Airport Fund to Account No. 600-5100-435.33-11 in an amount of \$79,691.37.

JUSTIFICATION: The award of this agreement is necessary in order to design various safety elements needed for navigation to and from the Banning Municipal Airport.


BACKGROUND: In April of 2007, the Airport Master Plan Update was completed by C&S Engineers, Inc. and submitted to the Federal Aviation Administration (FAA) for review. FAA approval was obtained in May of 2007. Consequently, the Airport Master Plan Update was submitted to the County of Riverside Airport Land Use Commission (ALUC) in June of 2007. ALUC found this update to be consistent with the 2004 Banning Airport Land Use Compatibility Plan and therefore approved the new Airport Master Plan in August of 2007.

The main objective of the Airport Master Plan update was to determine the extent, type, and schedule of development needed to accommodate existing needs and future aviation demand at the airport. The Airport Master Plan took inventory of current conditions of the airport's infrastructure and recommended alternatives for airside and landside facility improvements at the airport which consequently developed the Airport Improvement Program (AIP).

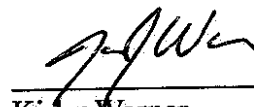
The scope of work under this contract is to design the Airport Rotating Beacon, Wind Cone, Segmented Circle and an Automated Weather Observing System (AWOS). All items are currently listed in the Airport's AIP with the exception of the Rotating Beacon, which will be added prior to construction. The costs for design and construction of these items are eligible for a 95% reimbursement from FAA grants and therefore, in addition to design services, C&S Engineers, Inc. will be responsible for the preparation of grant application packages to be submitted to FAA as well as the preparation of reimbursement request packages for grants awarded to the City.

FISCAL DATA: An appropriation in the amount of \$79,691.37 from the Airport Fund to Account No. 600-5100-435.33-11 is necessary in order to fund the proposed Professional Services Agreement.

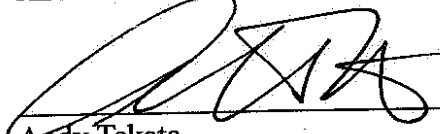
RECOMMENDED BY:


Duane Burk
Director of Public Works

REVIEWED BY:


Kirby Warner
Interim Finance Director

APPROVED BY:


Andy Takata
Interim Executive Director

RESOLUTION NO. 2010-14

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING,
CALIFORNIA, AWARDED A PROFESSIONAL SERVICES AGREEMENT TO C&S
ENGINEERS, INC. FOR DESIGN SERVICES AT THE BANNING MUNICIPAL
AIRPORT**

WHEREAS, in April of 2007, the Airport Master Plan Update was completed by C&S Engineers, Inc. and submitted to the Federal Aviation Administration (FAA) for review, subsequently FAA approval was obtained in May of 2007; and

WHEREAS, the Airport Master Plan took inventory of current conditions of the airport's infrastructure and recommended alternatives for airside and landside facility improvements at the airport which consequently developed the Airport Improvement Program (AIP); and

WHEREAS, the scope of work under the proposed contract with C&S Engineers, Inc. is to design the Airport Rotating Beacon, Wind Cone, Segmented Circle and an Automated Weather Observing System (AWOS), which are currently listed in the Airport's AIP with the exception of the Rotating Beacon, which will be added prior to construction; and

WHEREAS, the costs for design and construction of the items listed above are eligible for a 95% reimbursement from FAA grants and therefore, in addition to design services, C&S Engineers, Inc. will be responsible for the preparation of grant application packages to be submitted to FAA as well as the preparation of reimbursement request packages for grants awarded to the City; and

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

- Section I.** Award the Professional Services Agreement to C&S Engineers, Inc. of San Diego, California in an amount "Not to Exceed" \$79,691.37 for the design of various improvements at the Banning Municipal Airport.
- Section II.** Authorize the Director of Finance to make necessary budget adjustments and appropriations from the Airport Fund to Account No. 600-5100-435.33-11 in an amount of \$79,691.37.
- Section III.** The City Manager is authorized to execute the contract agreement with C&S Engineers, Inc. of San Diego, California. This authorization will be rescinded if the contract agreement is not executed by the parties within sixty (60) days of the date of this resolution.

PASSED, ADOPTED AND APPROVED this 9th day of March, 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 A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2010-14, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 9th day of March, 2010.

AYES:
NOES:
ABSTAIN:
ABSENT:

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

CITY COUNCIL AGENDA

DATE: March 9, 2010

TO: City Council

FROM: Duane Burk, Director of Public Works

SUBJECT: Resolution No. 2010-15, "Awarding the Construction Contract for Project No. 2010-01, 'Phase 3 Improvements to the City of Banning's Community Center Gym,'" and Approving the Necessary Budget Appropriations.

RECOMMENDATION: Adopt Resolution No. 2010-15:

I. Award the Construction Contract for Project No. 2010-01, "Phase 3 Improvements to the City of Banning's Community Center Gym," to Whitmore Construction, Inc. of Banning, California for an amount of "Not to Exceed" \$147,809.00.

II. Authorize the Director of Finance to make necessary budget adjustments and appropriations from the Capital Improvement Fund to Account No. 470-4000-413.90-15.

JUSTIFICATION: Whitmore Construction, Inc. is the lowest responsive and responsible bidder to perform the work for the City of Banning's Project No. 2010-01 "Phase 3 Improvements to the City of Banning's Community Center Gym".

BACKGROUND: Staff has determined that the existing HVAC system at the Banning Community Center is in a major state of disrepair (the facility was built in the early 1970's and the existing HVAC system is original to the building) and has recommended that it be renovated.

The scope of work for Project No. 2010-01 includes the installation of an HVAC system consisting of 4, 5 ton units along with required structural work, installation of ducts and vents, electrical runs to the new HVAC units, installation of water, gas and condensate lines, installation of electrical outlets, installation of thermostats; roof improvements (re-roofing), installation of acoustic paneling, weather proofing around HVAC units; installation of a steel ladder with security measures and removal of existing heater units. All building permits necessary for the construction of this project will be the responsibility of the General Contractor.

The project was advertised for bids on January 29, 2010 and February 5, 2010 as shown attached as Exhibit "A". On February 16, 2010 staff held a mandatory pre-bid conference to review the project in detail. Four contractors attended the meeting however, only one bid was received and opened on February 23, 2010 with the following results:

	<u>NAME OF FIRM</u>	<u>BID AMOUNT</u>
1.	Whitmore Construction, Inc	\$147,809.00

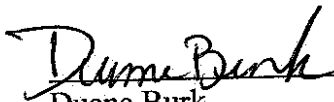
The Engineer's estimate for the project is \$145,000.00.

Whitmore Construction, Inc., recently completed Project No. 2008-08, "Phase 2 Improvements to the Banning Community Center Gym". The contractor performed the work according to the project specifications and did not disrupt employees working at the Community Center. Additionally, Whitmore Construction, Inc., has successfully performed facade improvements of businesses for the Redevelopment Agency and has performed satisfactory work for the Public Works Department for over 10 years.

Currently, in the Capital Improvement Fund, there exists a remaining balance from the lease payments of the Banning Utility Authority once earmarked for specific public works projects, such as the Repplier Park Aquatic Center and the Banning Police Department Building. A portion of this unused balance will be utilized for the construction costs of Project No. 2010-01.

FISCAL DATA: The total project cost is \$162,589.90, which includes a 10% construction contingency. An appropriation of \$162,589.90 will be required from the Capital Improvement Fund to Account No. 470-4000-413.90-15.

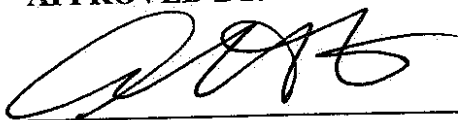
RECOMMENDED BY:


Duane Burk
Director of Public Works

REVIEWED BY:


Kirby Warner
Interim Finance Director

APPROVED BY:


Andy Takata
City Manager

RESOLUTION NO. 2010-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, AWARDED THE CONSTRUCTION CONTRACT FOR PROJECT NO. 2010-01, "PHASE 3 IMPROVEMENTS TO THE CITY OF BANNING'S COMMUNITY CENTER GYM"

WHEREAS, staff has determined that the existing HVAC system at the Banning Community Center is in a major state of disrepair and has recommended that it be renovated; and

WHEREAS, the project was advertised for bids on January 29, 2010 and bids were received and opened on February 23, 2010, with one contractor bidding the project; and

WHEREAS, Whitmore Construction, Inc. of Banning, California, is the lowest responsible bidder; and

WHEREAS, Whitmore Construction, Inc., has successfully performed facade improvements of businesses for the Redevelopment Agency and has performed satisfactory work for the Public Works Department for over 10 years; and

WHEREAS, an appropriation of \$162,589.90 will be required from the Capital Improvement Fund to Account No. 470-4000-413.90-15.

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

Section I. Award the Construction Contract for Project No. 2010-01, "Phase 3 Improvements to the City of Banning's Community Center Gym" to Whitmore Construction, Inc., California, for an amount "Not to Exceed" \$162,589.90.

Section II. Authorize the Director of Finance to make the necessary budget appropriations and transfers from the Capital Improvement Fund to Account No. 470-4000-413.90-15.

Section III. The Mayor is authorized to execute the Construction Contract agreement with Whitmore Construction Inc. of Banning, California for Project No. 2010-01, "Phase 3 Improvements to the City of Banning's Community Center Gym." This authorization will be rescinded if the contract agreement is not executed by both parties within thirty (30) days of the date of this resolution.

PASSED, ADOPTED AND APPROVED this 9th day of March, 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 of the City of Banning

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2010-15, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 9th day of March, 2010.

AYES:
NOES:
ABSTAIN:
ABSENT:

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

EXHIBIT "A"

NOTICE INVITING TO BID

PROJECT NO. 2010-01

**"PHASE 3 IMPROVEMENTS TO THE CITY OF BANNING'S
COMMUNITY CENTER GYM"**

PRESS ENTERPRISE

JANUARY 29, 2010 and February 5, 2010

Public Notices

No. 4788
01/22, 29 & 02/05, 2010

NOTICE INVITING TO BID
PROJECT NO. 2010-01,
"PHASE 3 IMPROVE-
MENTS TO THE CITY OF
BANNING'S
COMMUNITY CENTER
GYM" OWNER: City of
Banning PROJECT DE-
SCRIPTION: The scope of
work under this project in-
cludes the renovation of the
gymnasium at the existing
Community Center building.
The principal items of work
include: installation of an
HVAC system consisting of
4, 5 ton units along with re-
quired structural work, in-
stallation of ducts and
vents, electrical runs to
HVAC units, installation of
water, gas and condensate
lines, installation of electri-
cal outlets, installation of
thermostats; roof improve-
ments (re-roofing), installa-
tion of acoustic paneling,
weather proofing around
HVAC units; installation of a
roof access ladder with
safety measures and re-
moval of existing heater
units. All building permits
necessary for the construc-
tion of this project will be
the responsibility of the
General Contractor. The
General Contractor will se-
cure and pay for all
permits. PLANS & SPECS:
Copies of the Specifications
and plans may be obtained
at the Public Works Depart-
ment, Engineering Division,
City of Banning, 99 E. Ram-
sey Street, Banning, Cali-
fornia 92220, by a non-re-
fundable deposit of fifty dol-
lars (\$50.00) per set, avail-
able on February 3, 2010.
An additional non-refund-
able charge of fifteen dol-
lars (\$15.00) to cover the
cost of wrapping, handling,
and postage will be made
for each set of Contract

Documents mailed. MAN-
DATORY PRE-BID CON-
FERENCE: A mandatory
pre-bid meeting will be held
at 10:00 a.m. on February
16, 2010 at the Community
Center, to allow contractors
to familiarize themselves
with the site, obtain impor-
tant information and to ask
questions about the project
specifications. Interested
bidders must attend this
meeting in order to bid on
the project, and failure to
attend will result in bid dis-
qualifications. REQUIRE-
MENTS: Prevailing Wage,
Certified Payroll, Bid Bond,
Payment and Performance
Bond, Insurance, etc., per
the approved specifications.
Pursuant to the provisions
of Public Contract Code
Section 3300, the City has
determined that the Con-
tractor shall possess a valid
Class B license at the time
that the Contract is
awarded. Failure to pos-
sess the specified license
shall render the bid as not
responsible and/or non-re-
sponsive and shall act as a
bar to award the Contract to
any bidder not possessing
said license at the time of
award. SEALED BIDS DUE:
February 23, 2010 and
Opened Publicly at 10 a.m.
local time, above City Hall
address, Attn: City Clerk.
CITY OF BANNING, CALI-
FORNIA Dated: 01/27/2010
Marie A. Calderon City
Clerk Publication Date:
01/29/2010 02/05/2010
Publish The Record
Gazette
No. 4818
01/29 & 02/05, 2010

Public Notices

NOTICE INVITING TO BID
PROJECT NO. 2010-01,
"PHASE 3 IMPROVE-
MENTS TO THE CITY OF
BANNING'S
COMMUNITY CENTER
GYM" OWNER: City of
 Banning **PROJECT DE-**
SCRIPTION: The scope of
 work under this project in-
 cludes the renovation of the
 gymnasium at the existing
 Community Center building.
 The principal items of work
 include: installation of an
 HVAC system consisting of
 4, 5 ton units along with re-
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 vents, electrical runs to
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 cal outlets, installation of
 thermostats; roof improve-
 ments (re-roofing), installa-
 tion of acoustic paneling,
 weather proofing around
 HVAC units; installation of a
 roof access ladder with
 safety measures and re-
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 Copies of the Specifications
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 the project, and failure to
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qualifications. **REQUIRE-**
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 Payment and Performance
 Bond, Insurance, etc., per
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 any bidder not possessing
 said license at the time of
 award. **SEALED BIDS DUE:**
 February 23, 2010 and
 Opened Publicly at 10 a.m.
 local time, above City Hall
 address, Attn: City Clerk.
CITY OF BANNING, CALI-
FORNIA Dated: 01/27/2010
 Marie A. Calderon City
 Clerk Publication Date:
 01/29/2010 02/05/2010
 Publish The Record
 Gazette
 No. 4818
 01/29 & 02/05, 2010

CITY COUNCIL AGENDA

DATE: March 9, 2010

TO: City Council

FROM: Duane Burk, Director of Public Works

SUBJECT: Resolution No. 2010-16, "Awarding a Professional Services Agreement to Albert A. Webb Associates for the Modification of the Recycled Waterline Design"

RECOMMENDATION: Adopt Resolution No. 2010-16:

- I. Award the Professional Services Agreement to Albert A. Webb Associates of Riverside, California in an amount "Not to Exceed" \$152,900.00 for the Modification of the Recycled Waterline Design.
- II. Authorize the Director of Finance to make necessary budget adjustments and appropriations from the Banning Utility Authority Wastewater Project Fund to Account No. 856-9500-490.95-30 (Capital Expenditures/ Planning/Design) in an amount of \$168,190.00 which includes a 10% contingency.

JUSTIFICATION: The award of this agreement is necessary in order to redesign the alignment of a future recycled water pipeline to be constructed within the City of Banning existing right-of-way.

BACKGROUND: In the 1990's, due to high growth rates and irrigation demands, the City recognized the increasing need to provide irrigation water to its customers. As a result, CM Engineering was obtained to conduct an Irrigation Water Feasibility Study and to evaluate the feasibility of the construction of an irrigation water system.

In July of 1991, CM Engineering Associates, Inc. completed the Irrigation Water Project Feasibility Study that evaluated the feasibility of constructing an irrigation water system that would utilize the City's existing Well R-1 and treated wastewater from the City's Wastewater Treatment Plant. It was determined that the construction of a recycled waterline would free up approximately 1.5 million gallons (4.6 acft) of potable water per day, which could serve approximately 2,500 homes per year, that is currently being utilized to irrigate Sun Lakes Golf Courses. The installation of this recycle waterline will benefit the Redevelopment Project Area as well as the City in its entirety by increasing the available amount of potable water for new development in the project area. Once constructed, the recycle waterline would serve the Sun Lakes' golf course, Interstate 10 Freeway landscapes, municipal parks and other industrial/commercial areas.

The report concluded that an irrigation water pipeline along Lincoln Street could deliver water to the Sun Lakes golf course and other identified areas as mentioned. As a result of these findings, plans for Phase I of the Irrigation Water Supply System were prepared by CM Engineering in 1992.

In 2006, the City obtained Carollo Engineers to develop a Recycled Water Master Plan. In accordance with this plan, staff recommends modifying the original 1991 CM Engineering plans to the design recommended by Carollo Engineers.

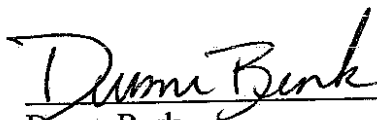
Initially, the pipeline was to be constructed within the right-of-way of a proposed street that was to be constructed as part of a private development plan known as the Five Bridges. Due to the current economic climate, the timeline and fate of the Five Bridges project is unknown. Based on these findings and in an effort to move forward with the irrigation water system, staff recommends the redesign of a portion of the pipeline that was once proposed to be within the Five Bridges project limits, as shown in Exhibit "A".

The new alignment will place the pipeline on Sunset Avenue (South of Lincoln) and Westward Avenue (West of Sunset Avenue) and tie into an existing irrigation line at Sun Lakes Boulevard and Highland Home Road. The original irrigation design by CM Engineering to the Wastewater Plant, on Lincoln Street east of Sunset Avenue, will remain the preferred alignment thereby utilizing the existing design drawings. In addition to these modifications, staff requests the design of Phase II and Phase III for future construction since it would more efficient and cost effective to perform utility research, field survey and plan modification all at once.

Consequently, staff respectfully recommends the original Irrigation Water Supply System Design be modified by Albert A. Webb Associates (Webb) of Riverside, California. Webb has consistently provided civil engineering and planning services to public and private sector clients throughout Southern California since 1945. Webb offers a broad range of services including development planning and design entitlement, funding, permitting, construction management, and ongoing maintenance and operation. Modification of the existing plans is a significant costs savings in comparison to a complete set of new plans.

FISCAL DATA: An appropriation in the amount of \$168,190.00 from the Banning Utility Authority Wastewater Project Fund to Account No. 683-8000-454.90-78 (Capital Expenditures/ Planning/Design) is necessary in order to fund the proposed Professional Services Agreement for the Modification of the Recycled Waterline Design. The estimated total project cost including design, construction, construction management and so forth, is projected to be approximately \$10 million. The following sources of funding will be utilized to cover future project costs: \$3 million Water Irrigation Facilities Fund; \$5 million BUA bond proceeds; \$1.7 million 2003 Community Redevelopment Agency bond funds.

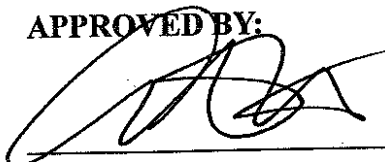
RECOMMENDED BY:


Duane Burk
Director of Public Works

REVIEWED BY:


Kirby Warner
Interim Finance Director

APPROVED BY:


Andy Takata
City Manager

CITY COUNCIL RESOLUTION NO. 2010-16

RESOLUTION OF THE CITY OF BANNING, CALIFORNIA, AWARDED A PROFESSIONAL SERVICES AGREEMENT TO ALBERT A. WEBB ASSOCIATES FOR THE MODIFICATION OF THE RECYCLED WATERLINE DESIGN

WHEREAS, in the early 1990's, due to high growth rates and irrigation demands, the City of Banning obtained CM Engineering Associates, Inc. to conduct an Irrigation Water Feasibility Study and to evaluate the feasibility of construction of an irrigation system; and

WHEREAS, in July of 1991, CM Engineering Associates, Inc. completed the Irrigation Water Project Feasibility Study that evaluated the feasibility of constructing an irrigation water system that would utilize the City's existing Well R-1 and treated wastewater from the City's Wastewater Treatment Plant; and

WHEREAS, the construction of a recycled waterline would free up 1,500,000 gallons (4.6 acft) potable water per day that is currently being utilized to irrigate Sun Lakes Golf Courses and the installation of this recycle waterline will benefit the Redevelopment Project Area as well as the City as a whole by increasing the available amount of potable water for new development in the project area; once constructed, the recycle waterline would serve the Sun Lakes' golf course, Interstate 10 Freeway landscapes, municipal parks and other industrial/commercial areas; and

WHEREAS, the report concluded that a irrigation water pipeline along Lincoln Street could deliver irrigation water to the Sun Lakes golf course and other identified areas as mentioned and as a result, plans for Phase I of the Irrigation Water Supply System were prepared by CM Engineering in 1993; and

WHEREAS, in 2006, the City obtained Carollo Engineers to develop a Recycled Water Master Plan and based on that plan, staff recommends modifying the original 1991 CM Engineering plans to the design recommended by Carollo Engineers; and

WHEREAS, initially the pipeline was to be constructed within the right-of-way of a proposed street that was to be constructed as part of a private development plan known as the Five Bridges; and

WHEREAS, due to the current economic climate, the timeline and fate of the Five Bridges project is unknown therefore in order to move forward with the irrigation water system, staff recommends the redesign of the portion of the pipeline that was once proposed to be within the Five Bridges project limits, as shown in Exhibit "A"; and

WHEREAS, the new alignment will place the pipeline on Sunset Avenue (South of Lincoln) and Westward Avenue (West of Sunset Avenue), the original design of constructing a portion of the pipeline on Lincoln Street east of Sunset Avenue will remain the same, thereby utilizing the existing design drawings; and

WHEREAS, in addition to these modifications, staff requests the design of Phase II and Phase III for future construction since it would more efficient and cost effective to perform utility research, field survey and plan modification all at once; and

WHEREAS, staff respectfully recommends the original Irrigation Water Supply System Design be modified by Albert A. Webb Associates (Webb) of Riverside, California which is a firm that has consistently provided civil engineering and planning services to public and private sector clients throughout Southern California since 1945 and offers a broad range of services including development planning and design entitlement, funding, permitting, construction management, and ongoing maintenance and operation; and

WHEREAS, modification of the existing plans is a significant costs savings in comparison to a complete set of new plans; and

WHEREAS, an appropriation in the amount of \$168,190.00 from the 2003 Tax Allocation Bond Fund to Account No. 856-9500-490.95-30 (Recycled Waterline Design) is necessary in order to fund the proposed Professional Services Agreement for the Modification of the Recycled Waterline Design.

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

Section I. The Professional Services Agreement for the Modification of the Recycled Waterline Design is hereby awarded to Albert A. Webb Associates, of Riverside, California, in the amount of "Not to Exceed" \$152,900.00.

Section II. The Director of Finance is authorized to make necessary adjustments and appropriations in the amount of \$168,190.00 from the Banning Utility Authority Wastewater Project Fund to Account No. 856-9500-490.95-30 (Capital Expenditures/ Planning/Design).

Section III. The City Manger is authorized to execute the contract agreement with Albert A. Webb Associates of Riverside, California. This authorization will be rescinded if the contract agreement is not executed by the parties within sixty (60) days of the date of this resolution.

PASSED, ADOPTED AND APPROVED this 9th day of March, 2010.

Robert E. Botts, Mayor

ATTEST:

Marie A. Calderon, City Clerk

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

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

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2010-16, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 9th day of March, 2010.

AYES:
NOES:
ABSTAIN:
ABSENT:

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

Exhibit “A”

Exhibit “A”

City of Banning – Irrigation Water Supply Pipeline Project, Section A of Phase 1

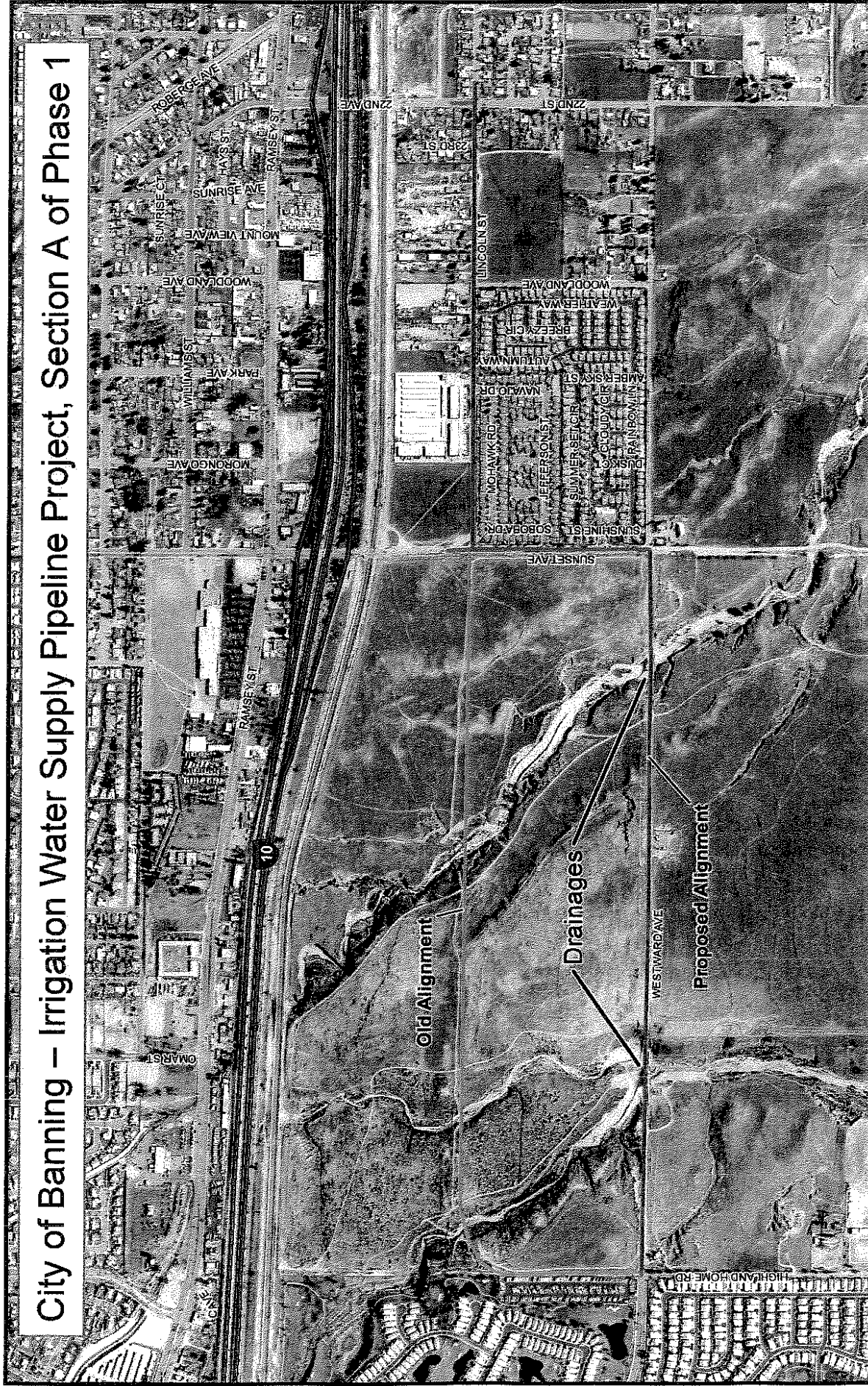
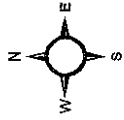


Figure 1
Project Location
City of Banning



CITY COUNCIL AGENDA

DATE: March 9, 2010

TO: Mayor and City Council

FROM: Hoyl E. Belt, Human Resources Director

SUBJECT: Authorization to Fill a Position – Financial Services Specialist

Recommendation: That the City Council authorizes staff to fill the position of Finance Services Specialist.

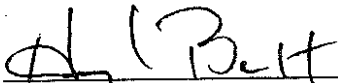
Justification: At the last City Council meeting, the Finance Director recommended and the Council approved new supplemental budget policies to control and define the decision making process during the next eighteen months. The policies were designed to encourage the balancing of the structural deficit 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 full-time Finance Services Specialist position.

Background: This position will have a significant impact on the Finance Department if it is not filled immediately. This position is responsible for the Accounts Payable Division under the Finance Department. Recently, the Finance Department has lost two positions due to resignations which is a burden for our current staff to conduct business.

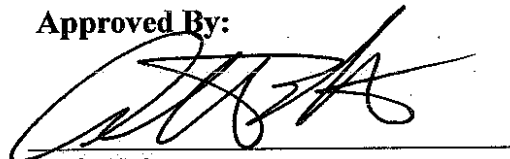
Fiscal Data: The filling of this position will not cause a fiscal impact. This position is currently budget for FY 2009-2010.

Prepared By:



Hoyl Belt
Human Resources Director

Approved By:



Andy Takata
City Manager

**CITY COUNCIL AGENDA
CONSENT ITEM**

Date: March 9, 2010

TO: City Council

FROM: Leonard Purvis, Chief of Police

SUBJECT: Resolution No. 2010-19. Authorize the purchase of three (3) 2009 Chevrolet Malibu Hybrids from Diamond Hills Auto Group in the amount of \$24,382 per vehicle or \$73,146 total.

RECOMMENDATIONS: “Adopt Resolution No. 2010-19 “Appropriating funds for the purchase of three (3) 2009 Chevrolet Malibu Hybrids for the City of Banning Police Department from the Diamond Hill Auto Group in the amount not to exceed \$73,146.”

JUSTIFICATION: To provide the City of Banning Police Department with three (3) alternative fuel vehicles for the department’s administrative staff. Vehicles assigned to administrative personnel are driven the most and will provide the greatest benefit in the reduction in fuel costs. Subsequently, three unmarked vehicles in the department’s fleet will be retired from use, each with over 105,000 miles.

Additionally, the police department will be reducing its vehicle fleet by one with the transfer of the 2009 Chevrolet Tahoe Hybrid from the police department to the City Manager.

BACKGROUND: On March 1, 2010, the Banning Police Department requested quotes from two auto dealerships for three (3) 2009 Chevrolet Malibu Hybrid vehicles. On March 3, 2010 the Banning Police Department received the requested quotes from Wondries Fleet Group and Diamond Hills Auto Group.

Wondries Fleet Group advised they have three (3) 2010 models available for immediate delivery at a cost of \$25,344.99 each, plus tax and license. The total cost of the purchase is estimated at \$75,735 plus tax and license. This quote is based on a municipal bid Wondries Fleet Group provided for the City of Huntington Beach under contract # 14724-OP.

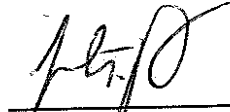
Diamond Hills Auto Group advised they have the ability to acquire three (3) new/unused 2009 models from associated auto dealerships in the local region at a cost of \$24,382 per vehicle, including tax and license. However, they cannot commit to acquiring the noted vehicles until they receive a commitment from the City of Banning that it will, in fact, purchase the three (3) Chevrolet Malibu Hybrids at a total cost of \$73,146.


42a

ALTERNATIVES: Advertise for sealed bids for the purchase of the vehicles. However, the cost may well be higher and the noted vehicles through Diamond Hills Auto Group may not be available.

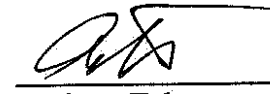
FISCAL DATA: An appropriation of funds from the Air Quality Improvement account number 132-4900-446.90-52 in the amount of \$73,146 is being requested. Estimated available fund balance of the AQMD fund is \$239,881.

RECOMMEND BY:


Leonard Purvis
Chief of Police


Kirby Warner
Interim Finance Director

APPROVED BY:


Andrew Takata
City Manager

RESOLUTION NO. 2010-19

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BANNING APPROVING THE PURCHASE OF THREE (3) CHEVROLET MALIBU HYBRID VEHICLES FOR THE CITY OF BANNING POLICE DEPARTMENT AND APPROPRIATING THE NECESSARY FUNDS FOR THE PURCHASE IN A TOTAL AMOUNT OF \$73,146.

WHEREAS, the two year budget cycle for the City of Banning for the Fiscal Year commencing July 1, 2009 and ending June 30, 2010 was approved and adopted on June 23, 2009; and

WHEREAS, the approved Budget is in accordance with all applicable ordinances of the City and all applicable statutes of the State; and

WHEREAS, The Reallocation of appropriations between departmental activities may be made by the City Manager, however Amendments (increases/decreases) to the Budget shall be by approval and Resolution of the City Council; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning, California that the Air Quality Improvement Account Number 132-4900-446.90-52 budget for the fiscal year ending June 30, 2010, is hereby amended to include an appropriation for \$73,146 for the purchase.

PASSED, APPROVED, AND ADOPTED this 9th day of March, 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

42c

CERTIFICATION:

I, Marie Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2010-19 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 9th day of March 10, 2010, by the following to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

42d

**CITY COUNCIL AGENDA
PUBLIC HEARING**

DATE: March 9, 2010

TO: Honorable Mayor and City Council Members

FROM: Duane Burk, Director of Public Works

SUBJECT: Resolution No. 2010-13 – Request to Vacate a Portion of Val Monte Street and Adjacent Alleys.

RECOMMENDATION: Adopt Resolution No. 2010-13, vacating a portion Val Monte Street from Ramsey Street to Interstate 10 and adjacent alleys.

BACKGROUND: On July 21, 2009, the Community Development Department received a written request from the applicant (Joseph E. Bonadiman & Associates of San Bernardino, California) to vacate a portion of Val Monte Street from Ramsey Street to the Interstate 10 and the adjacent alleys. The applicant's client, Inland Behavioral and Health Services, Inc. of San Bernardino, California, desires to use the vacated area as a part of a future health clinic project.

The applicant is proposing to construct a 9,000 square foot medical and dental office on a 1.16 acre parcel at 1070 E. Ramsey Street immediately adjacent to Val Monte Street. The proposed facility will provide health services to low-income families and seniors in the Pass area. The proposed health clinic project area consists of four parcels, Assessor's Parcel Numbers 541-200-009; 541-200-010; 541-200-015; 541-200-016 totaling approximately 1.15 acres. Three of the parcels consist of Lot 16, Lot 17 and a portion of Lot 15 of the Hunter's Val Monte Tract recorded in 1930. The fourth parcel to the west consists of a portion of Block 174 of the Banning Colony Lands map recorded in the 1880's. The applicant is requesting the vacation of Val Monte Street, Lot A and Lot C (the alleys adjacent to Lots 15, 16 and 17) so that these unused portions of land may be added to the project development area. On December 1, 2009 the Planning Commission approved Conditional Use Permit #09-803 authorizing the health clinic project. See copies of the site plan and elevations included as an attachment to this report. Condition of approval #60 requires that the applicant provide proof to the City Engineer that Val Monte Street is vacated prior to issuing permits.

The area proposed to be vacated is a strip of undeveloped land approximately 50 feet wide by 250 feet in length. In its present condition it is an unpaved road providing vehicle access for a few parcels of land on the south side of Ramsey Street. The adjacent alleys to the west of Val Monte Street are not being used for vehicle access. That portion of Val Monte Street and adjacent alleys proposed for vacation are more particularly described in Exhibit A (legal description), and Exhibit B (plat map) included as

attachments to this report. A reservation of a public utility easement and private access easement is included as part of the street vacation process in order to maintain the existing utilities, and continue to provide private access for the abutting properties. A location/vicinity map is included as an attachment to this report.

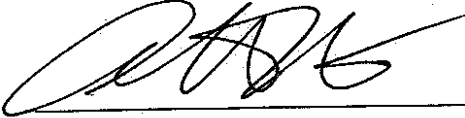
Streets and Highways Code § 8300 et seq., the Public Streets, Highways, and Service Easements Vacation Law (the "Law"), requires that where a city's general plan covers the area in which the street to be vacated exists, then it cannot proceed to vacate the street until the location, purpose, and extent of the vacation has been submitted to the City's Planning Commission for consideration of consistency with the General Plan (Streets and Highways Code § 8313(b) & Gov. Code § 65402). On December 1, 2009, the Planning Commission, by adoption Resolution No. 2009-09, considered this request and determined that the proposed street vacation is consistent with the General Plan in accordance with Streets and Highways Code § 8313(b) and Government Code § 65402.

As part of the street vacation process on February 9, 2010 the City Council considered Resolution No. 2010-09 initiating proceedings and setting the date, time and place for the public hearing (Streets and Highways Code § 8320). The resolution initiating the proceedings was approved by City Council and the date of the public hearing was set as March 9, 2010.

PUBLIC NOTICE: Notice of the public hearing was published in the *Record Gazette*, a newspaper of general circulation, for two consecutive weeks on February 19, 2010 and February 26, 2010 in accordance with Streets and Highways Code §8322. Additionally, on February 23, 2010 three notices were posted along the street proposed to be vacated in accordance with Streets and Highways Code §8323. Also, written notice was mailed to the abutting property owners in accordance with Banning Municipal Code §12.20.010.

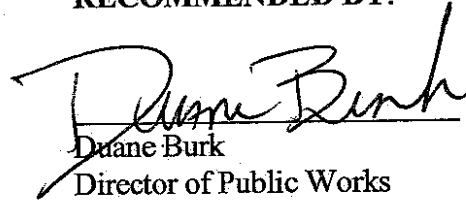
FISCAL DATA: There is no fiscal impact associated with adoption of this resolution. However, should the applicant complete the proposed project, the project will generate revenues to the City in the form of one-time building permit fees as well as annual property taxes.

APPROVED BY:



Andrew J. Takata
City Manager

RECOMMENDED BY:



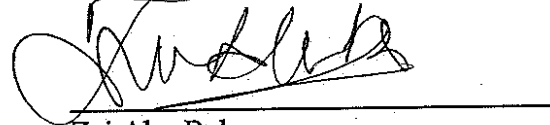
Duane Burk
Director of Public Works

REVIEWED BY:



Kirby Warner
Interim Finance Director

REVIEWED BY:



Zai Abu Bakar
Community Development Director

PREPARED BY:



Brian Guillot
Assistant Planner

Attachments:

1. Resolution No. 2010-13.
2. Legal description Exhibit A and Exhibit B Val Monte Street vacation.
3. Legal description Exhibit A and Exhibit B Reservation of Private Access Easement.
4. Legal description Exhibit A and Exhibit B Reservation Public Utility Easement.
5. Copy of Public Notice.
6. Location/vicinity map.
7. CUP #09-803 Site plan and elevations.

Attachment 1

(Resolution No. 2010-13)

RESOLUTION NO. 2010-13

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF BANNING, CALIFORNIA VACATING THE
STREET COMMONLY KNOWN VAL MONTE STREET
FROM RAMSEY STREET TO INTERSTATE 10 AND
ADJACENT ALLEYS

WHEREAS, the City of Banning desires to vacate that roadway commonly known as Val Monte Street from Ramsey Street to Interstate 10 and adjacent alleys located in,

THAT PORTION OF VAL MONTE STREET AS SHOWN ON HUNTER'S VAL MONTE TRACT, IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, MAP BOOK 17, PAGE 91 RECORDS OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF SAID VAL MONTE STREET, BEING NORTH OF THE NORTHERLY RIGHT-OF-WAY INTERSTATE 10, AND BEING SOUTH OF THE SOUTHERLY RIGHT-OF-WAY OF RAMSEY STREET (HAVING A 60 FOOT RIGHT-OF-WAY, 30 FEET BOTH SIDES.)

TOGETHER WITH LOT C OF SAID HUNTER VAL MONTE TRACT, AND LOT A OF SAID HUNTER'S VAL MONTE TRACT BEING NORTH OF THE NORTHERLY RIGHT-OF-WAY OF INTERSTATE 10.

WHEREAS, the City of Banning desires to reserve a Private Access Easement to the owners of the real property abutting said street vacation located in,

THOSE PORTIONS OF LOTS 15 AND 16 OF HUNTER'S VAL MONTE TRACT AS SHOWN ON BOOK 17, PAGE 91 OF MAPS, RECORDS OF SAN DIEGO COUNTY, STATE OF CALIFORNIA, AND THE EAST HALF OF VAL MONTE STREET, SAID MAP, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1 OF SAID TRACT, THENCE SOUTH ALON THE EAST RIGHT-OF-WAY LINE OF VAL MONTE STREET A DISTANCE OF 250.05 FEET TO ITS INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 10 AS SHOWN ON CALTRANS RIGHT-OF-WAY MAP NO. 421541; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY A DISTANCE OF 50.14 FEET TO ITS INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID VAL MONTE STREET;

THENCE NORTH ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 4.71 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 31.41 FEET, A RADIAL TO SAID POINT BEARS SOUTH 27°27'45" WEST (SOUTH 27°02'37" WEST RECORD);

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 125°20'46". A DISTANCE OF 68.71 FEET TO ITS INTERSECTION WITH THE SAID WESTERLY RIGHT-OF-WAY OF VAL MONTE STREET AND THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 46.22 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 62°40'23", A DISTANCE OF 50.55 FEET TO ITS TANGENCY WITH THE CENTERLINE OF SAID VAL MONTE STREET; THENCE NORTH ALONG SAID CENTERLINE, A DISTANCE OF 144.99 FEET TO THE SOUTH RIGHT-OF-WAY OF RAMSEY STREET;

THENCE EASTERLY ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

WHEREAS, the City of Banning desires to reserve a Public Utility Easement to the owners of the real property abutting said street vacation located in,

THOSE PORTIONS OF LOTS 15 AND 16 OF HUNTER'S VAL MONTE TRACT AS SHOWN ON BOOK 17, PAGE 91 OF MAPS, RECORDS OF SAN DIEGO COUNTY, STATE OF CALIFORNIA, AND THE EAST HALF OF VAL MONTE STREET; SAID MAP, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1 OF SAID TRACT, THENCE SOUTH ALON THE EAST RIGHT-OF-WAY LINE OF VAL MONTE STREET A DISTANCE OF 250.05 FEET TO ITS INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 10 AS SHOWN ON CALTRANS RIGHT-OF-WAY MAP NO. 421541; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY A DISTANCE OF 50.14 FEET TO ITS INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID VAL MONTE STREET;

THENCE NORTH ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 4.71 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 31.41 FEET, A RADIAL TO SAID POINT BEARS SOUTH 27°27'45" WEST (SOUTH 27°02'37" WEST RECORD);

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 125°20'46". A DISTANCE OF 68.71 FEET TO ITS INTERSECTION WITH THE SAID WESTERLY RIGHT-OF-WAY OF VAL MONTE STREET AND THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 46.22 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 62°40'23", A DISTANCE OF 50.55 FEET TO ITS TANGENCY WITH THE CENTERLINE OF SAID VAL MONTE STREET; THENCE NORTH ALONG SAID CENTERLINE, A DISTANCE OF 144.99 FEET TO THE SOUTH RIGHT-OF-WAY OF RAMSEY STREET;

THENCE EASTERLY ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

WHEREAS, pursuant to California Streets and Highways Code Sections 8300 et seq., the City Council has the authority and responsibility to resolve to vacate streets and highways within the City; and

WHEREAS, on December 1, 2009 the Planning Commission adopted Resolution No. 2009-09, finding that the vacation of Val Monte Street from Ramsey Street to Interstate 10 and adjacent alleys is consistent with the City of Banning's General Plan and recommending that the City Council vacate Val Monte Street from Ramsey Street to Interstate 10 and adjacent alleys; and

WHEREAS, on February 9, 2010, the City Council set March 9, 2010 as the date on which it would hold a hearing for the purpose of considering the vacation of Val Monte Street from Ramsey Street to Interstate 10 and adjacent alleys; and

WHEREAS, on February 19, 2010, and continuing through February 26, 2010, the City gave public notice, by publishing in *Record Gazette* newspaper and by posting in prominent places on Val Monte Street from Ramsey Street to Interstate 10 and adjacent alleys in compliance with Streets and Highways Code Section 8320, of the holding of the public hearing at which the City Council would consider the vacation of Val Monte Street from Ramsey Street to Interstate 10 and adjacent alleys; and

WHEREAS, on March 9, 2010, the City Council held the noticed public hearing considering the vacation of Val Monte Street from Ramsey Street to Interstate 10 and

adjacent alleys, at which interested persons had an opportunity to testify in support of, or opposition to, the vacation of Val Monte Street from Ramsey Street to Interstate 10 and adjacent alleys:

NOW, THEREFORE, the City Council of the City of Banning does Resolve, Determine, Find and Order as follows:

SECTION 1. FINDINGS.

The City Council, in light of the whole record before it, including but not limited to, the City's General Plan, the recommendation of the Community Development Director as provided in the Planning Commission Staff Report dated December 1, 2009, and the documents incorporated therein by reference, the recommendation of the Planning Commission, and any other evidence within the record or provided at or prior to the public hearing of this matter, hereby finds and determines as follows:

1. Val Monte Street from Ramsey Street to Interstate 10 and adjacent alleys is unnecessary for present or prospective public use.
2. The vacation of Val Monte Street from Ramsey Street to Interstate 10 and adjacent alleys is consistent with the City of Banning's General Plan.
3. No conditions precedent to the vacation of Val Monte Street from Ramsey Street to Interstate 10 and adjacent alleys exist or are necessary.

SECTION 2. CITY COUNCIL ACTION.

The City Council hereby takes the following actions:

1. The City Council hereby recognizes Val Monte Street from Ramsey Street to Interstate 10 and adjacent alleys is not necessary for present or prospective public use.
2. The City Council hereby orders vacated Val Monte Street from Ramsey Street to Interstate 10 and adjacent alleys.
3. The City Council hereby orders the City Clerk to record this Resolution with the County Recorder, which recording will make the vacation of Val Monte Street from Ramsey Street to Interstate 10 and adjacent alleys effective pursuant to Streets and Highways Code Section 8325.
4. The City Council hereby orders Public Works Department to review potential uses for the land formerly known as Val Monte Street from Ramsey Street to Interstate 10 and adjacent alleys and to provide to the City Council by April 13, 2010 a report analyzing the reasonably practicable uses for that land, including but not limited to sale of the land as surplus property.

PASSED, APPROVED, AND ADOPTED this 9th day of March, 2010.

Robert E. Botts, Mayor
City of Banning

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

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

ATTEST:

Marie A. Calderon, City Clerk
City of Banning

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2010-13, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 9th day of March 2010.

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Attachment 2

(Legal description Exhibit A and Exhibit B Val Monte
Street vacation.)

EXHIBIT "A"
LEGAL DESCRIPTION
STREET AND ALLEY VACATION

THAT PORTION OF VAL MONTE STREET AS SHOWN ON HUNTER'S VAL MONTE TRACT, IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, MAP BOOK 17 PAGE 91 RECORDS OF SAID COUNTY. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF SAID VAL MONTE STREET, BEING NORTH OF THE NORTHERLY RIGHT-OF-WAY OF INTERSTATE 10, AND BEING SOUTH OF THE SOUTHERLY RIGHT OF WAY OF RAMSEY STREET (HAVING A 60 FOOT RIGHT-OF-WAY, 30 FEET BOTH SIDES.)

TOGETHER WITH LOT C OF SAID HUNTER VALMONTE TRACT, AND LOT A OF SAID HUNTER VALMONTE TRACT BEING NORTH OF THE NORTHERLY RIGHT-OF-WAY OF INTERSTATE 10.

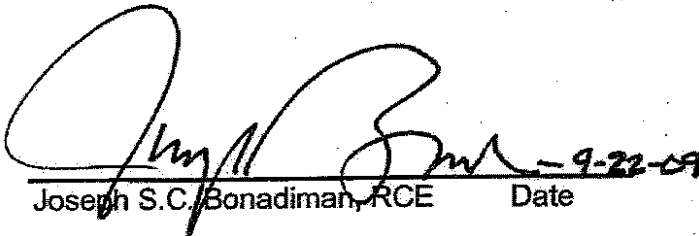
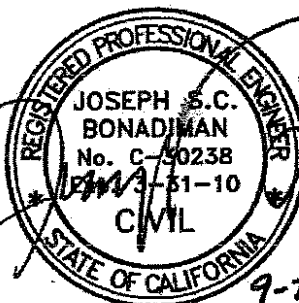
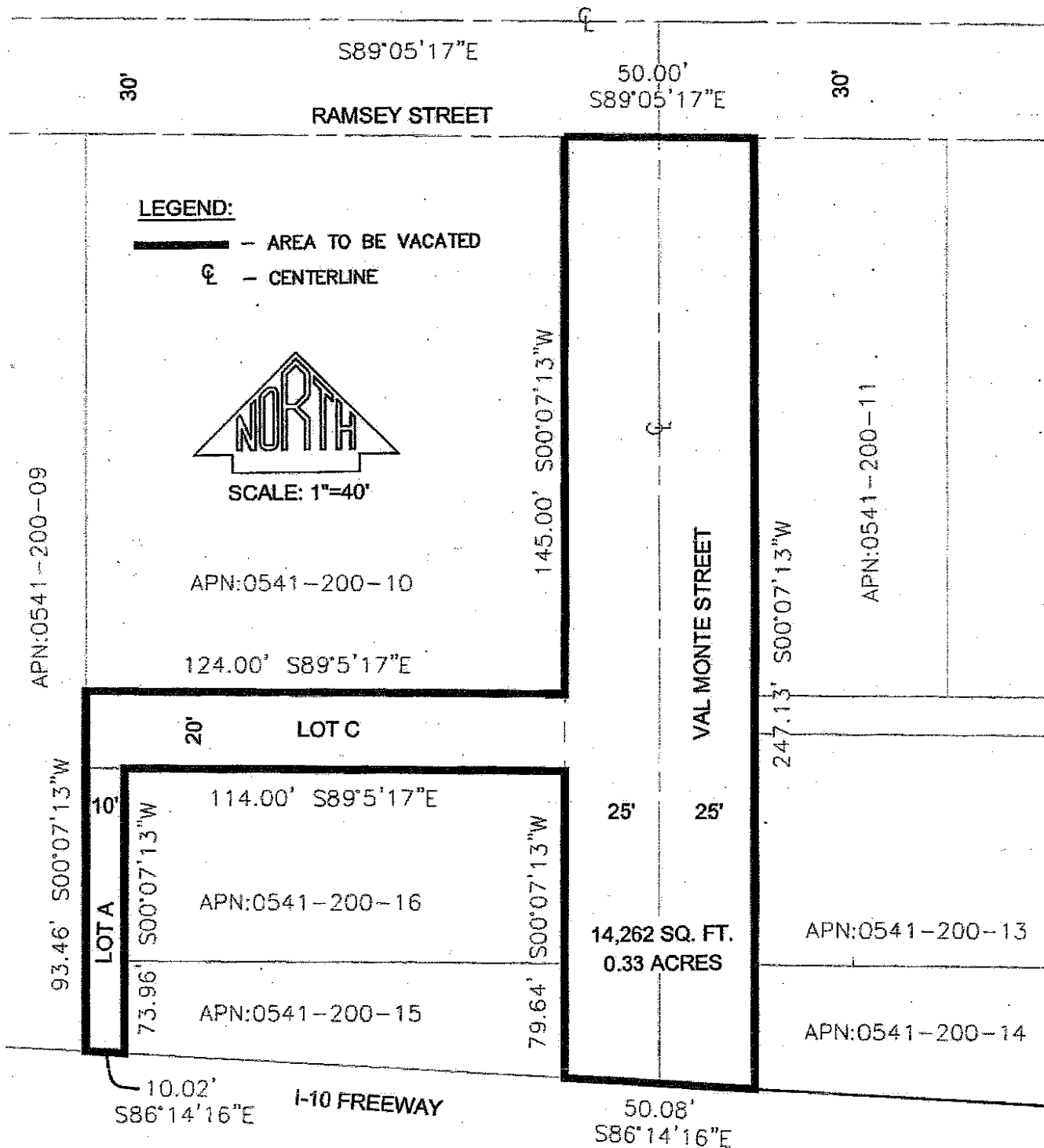

Joseph S.C. Bonadiman, RCE Date 9-22-09



EXHIBIT "B"



PREPARED BY:



JOSEPH E. BONADIMAN & ASSOCIATES INC.
 consulting engineers land surveyors

234 N. Arrowhead Ave., San Bernardino, CA. 92408
 Phone: (909)885-3806 Fax: (909)381-1721

9-22-09

53

Attachment 3

(Legal description Exhibit A and Exhibit B Reservation
of Private Access Easement.)

Date: 9/17/2009

RECORDING REQUESTED BY
Joseph E. Bonadiman & Assoc., Inc.

**AND WHEN RECORDED MAIL DOCUMENT
TO:**

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

Space Above This Line for Recorder's Use Only

Job No.: 093477

**RESERVATION
IN CONNECTION WITH VACATION OF STREET OR HIGHWAY
PERSUANT TO CITY COUNCIL RESOLUTION NO. _____**

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX \$-0-
SURVEY MONUMENT FEE \$-0-

- ☐ computed on the consideration or full value of property conveyed, OR
☐ computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
☐ unincorporated area; ☒ City of Beaumont

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

The City of Banning, California, a municipal corporation.,

**Hereby RESERVES to THE OWNERS OF THE REAL PROPERTY ABUTTING THE PROPERTY DESCRIBED
IN EXHIBITS "A" AND "B" A PRIVATE ACCESS EASEMENT**

in the City of Banning, County of Riverside, State of California, described as follows:

**SEE EXHIBITS "A" & "B" FOR COMPLETE LEGAL DESCRIPTION AND PLAT, ATTACHED AND MADE A
PART HEREOF.**

Dated: _____

By:
The City of Banning, California, a municipal corporation

55

Exhibit "A"

THOSE PORTIONS OF LOTS 15 AND 16 OF HUNTER'S VAL MONTE TRACT AS SHOWN ON BOOK 17, PAGE 91 OF MAPS, RECORDS OF SAN DIEGO COUNTY, STATE OF CALIFORNIA, AND THE EAST HALF OF VAL MONTE STREET, SAID MAP, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1 OF SAID TRACT, THENCE SOUTH ALONG THE EAST RIGHT OF WAY LINE OF VAL MONTE STREET A DISTANCE OF 250.05 FEET TO ITS INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF INTERSTATE 10 AS SHOWN ON CALTRANS RIGHT OF WAY MAP NO. 421541;
THENCE WESTERLY ALONG SAID NORTHERLY RIGHT OF WAY A DISTANCE OF 50.14 FEET TO ITS INTERSECTION WITH THE WESTERLY RIGHT OF WAY OF SAID VAL MONTE STREET;

THENCE NORTH ALONG SAID RIGHT OF WAY, A DISTANCE OF 4.71 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 31.41 FEET, A RADIAL TO SAID POINT BEARS SOUTH 27°27'45" WEST (SOUTH 27°02'37" WEST RECORD);

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 125°20'46", A DISTANCE OF 68.71 FEET TO ITS INTERSECTION WITH THE SAID WESTERLY RIGHT OF WAY OF VAL MONTE STREET AND THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 46.22 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 62°40'23", A DISTANCE OF 50.55 FEET TO ITS TANGENCY WITH THE CENTERLINE OF SAID VAL MONTE STREET;
THENCE NORTH ALONG SAID CENTERLINE, A DISTANCE OF 144.99 FEET TO THE SOUTH RIGHT OF WAY OF RAMSEY STREET;

THENCE EASTERLY ALONG SAID SOUTH RIGHT OF WAY, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B"

PLAT FOR STREET RESERVATION

SHEET 3 OF 3

THOSE PORTIONS OF LOTS 15 AND 16 OF HUNTER'S VAL MONTE
TRACT AS SHOWN ON BOOK 17, PAGE 91 OF MAPS, RECORDS OF
SAN DIEGO COUNTY, STATE OF CALIFORNIA, AND THE EAST HALF
OF VAL MONTE STREET, SAID MAP



LINE TABLE

L1 - 4.71'
L2 - SOUTH 27°27'45" WEST (R)

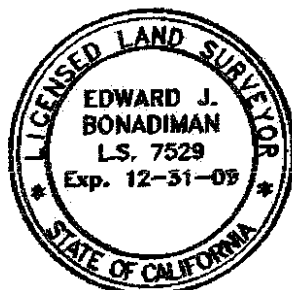
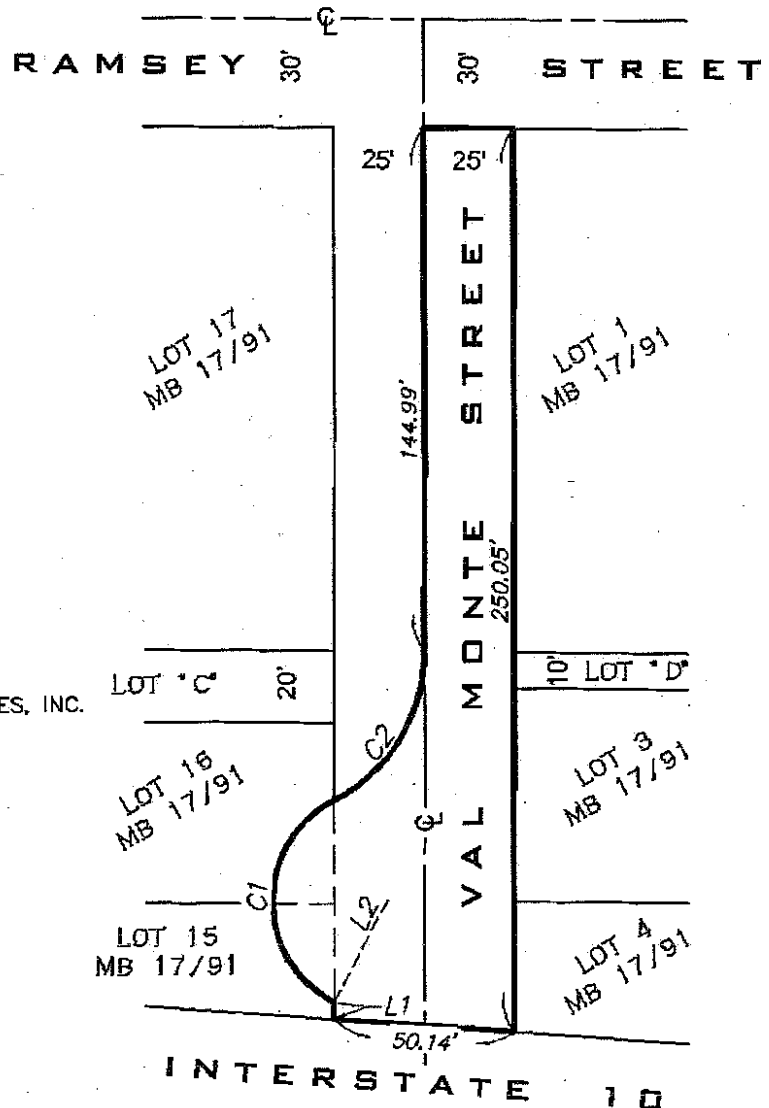
CURVE TABLE

#	RADIUS	DELTA	LENGTH
C1	31.41'	125°20'46"	68.71'
C2	46.22	62°40'23"	50.55'

PROPERTY OWNERS:

THE CITY OF BANNING
99 E. RAMSEY STREET
P.O. BOX 998
BANNING, CA 92220

INLAND BEHAVIORAL & HEALTH SERVICES, INC.
1963 NORTH "E" STREET
SAN BERNARDINO, CA 92405



Edward J. Bonadiman, LS 7529

DATE



JOSEPH E. BONADIMAN & ASSOCIATES INC.
consulting engineers land surveyors

234 N. Arrowhead Ave., San Bernardino, CA. 92408
Phone: (909)885-3806 Fax: (909)381-1721

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Attachment 4

(Legal description Exhibit A and Exhibit B Reservation
Public Utility Easement.)

Date: 9/17/2009

RECORDING REQUESTED BY
Joseph E. Bonadiman & Assoc., Inc.

AND WHEN RECORDED MAIL DOCUMENT TO:
City of Banning
P.O. Box 998
Banning, CA 92220

Space Above This Line for Recorder's Use Only

Job No.: 093477

**RESERVATION
IN CONNECTION WITH VACATION OF STREET OR HIGHWAY
PERSUANT TO CITY COUNCIL RESOLUTION NO. _____**

The Undersigned Grantor(s) Dedare(s): DOCUMENTARY TRANSFER TAX \$-0-
SURVEY MONUMENT FEE \$-0-

- [] computed on the consideration or full value of property conveyed, OR
[] computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
[] unincorporated area; [X] City of Beaumont

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

The City of Banning, California, a municipal corporation.,

Hereby RESERVES to:

The City of Banning, California, a municipal corporation, **A PUBLIC UTILITY EASEMENT**
in the City of Banning, County of Riverside, State of California, described as follows:

SEE EXHIBITS "A" & "B" FOR COMPLETE LEGAL DESCRIPTION AND PLAT, ATTACHED AND MADE A PART HEREOF.

Dated: _____

By:
The City of Banning, California, a municipal corporation

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Exhibit "A"

THOSE PORTIONS OF LOTS 15 AND 16 OF HUNTER'S VAL MONTE TRACT AS SHOWN ON BOOK 17, PAGE 91 OF MAPS, RECORDS OF SAN DIEGO COUNTY, STATE OF CALIFORNIA, AND THE EAST HALF OF VAL MONTE STREET, SAID MAP, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1 OF SAID TRACT, THENCE SOUTH ALONG THE EAST RIGHT OF WAY LINE OF VAL MONTE STREET A DISTANCE OF 250.05 FEET TO ITS INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF INTERSTATE 10 AS SHOWN ON CALTRANS RIGHT OF WAY MAP NO. 421541;

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THENCE EASTERLY ALONG SAID SOUTH RIGHT OF WAY, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B" PLAT FOR STREET RESERVATION

SHEET 3 OF 3

THOSE PORTIONS OF LOTS 15 AND 16 OF HUNTER'S VAL MONTE TRACT AS SHOWN ON BOOK 17, PAGE 91 OF MAPS, RECORDS OF SAN DIEGO COUNTY, STATE OF CALIFORNIA, AND THE EAST HALF OF VAL MONTE STREET, SAID MAP



LINE TABLE

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L2 - SOUTH 27°27'45" WEST (R)

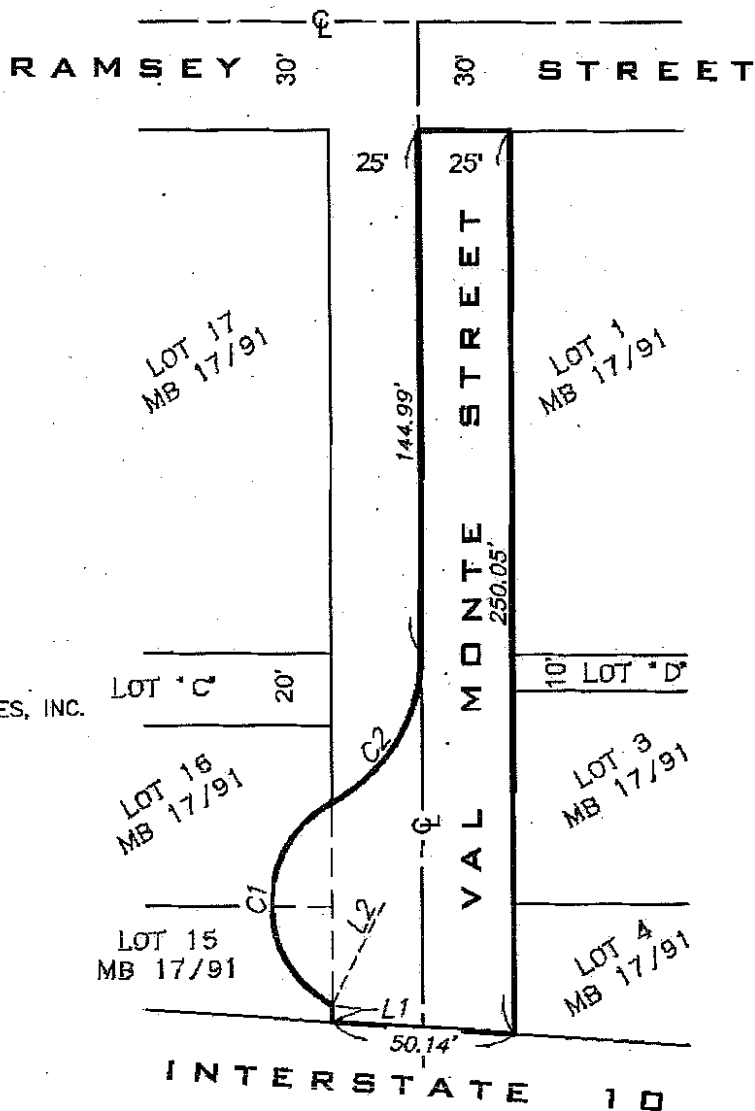
CURVE TABLE

#	RADIUS	DELTA	LENGTH
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PROPERTY OWNERS:

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1963 NORTH "E" STREET
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DATE



JOSEPH E. BONADIMAN & ASSOCIATES INC.
consulting engineers land surveyors

224 N. Arrowhead Ave., San Bernardino, CA. 92408
Phone: (909)885-3806 Fax: (909)381-1721

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Attachment 5

(Copy of Public Notice.)

**NOTICE OF PUBLIC HEARING
PROPOSED STREET VACATION**

PUBLIC NOTICE IS HEREBY GIVEN that on the 9th of February, 2010, the City Council of the City of Banning, California, adopted Resolution No. 2010-09 declaring its intention to vacate a portion of Val Monte Street from Ramsey Street to Interstate 10 and adjacent alleys more particularly described in Exhibit A legal description and Exhibit B plat on file with the City Clerk for the City of Banning.

On **March 9, 2010 at 6:30 p.m.** at the City of Banning City Hall, 99 E. Ramsey Street, the City of Banning City Council shall consider the vacation and closure of the roadway commonly known as **Val Monte Street from Ramsey Street to Interstate 10 and adjacent alleys.** Any public comment regarding the vacation and closure of Val Monte Street and adjacent alleys may be made in person at that date and time or by mailing or delivering written materials to the City Council before that date.

The roadway to be vacated, Val Monte Street, is located as shown in Hunter's Val Monte Tract, in the City of Banning per map Book 17, page 91 of Maps, records of Riverside County, California.

The roadway runs north/south from Ramsey Street to Interstate 10 in the City of Banning, California and proposed vacation includes the adjacent alleys. Val Monte Street is located approximately 1,100 feet east of Hargrave Street and south of Ramsey Street. The portion of Val Monte Street and adjacent alleys proposed to be vacated is unimproved.

The City of Banning intends to vacate and close all of the roadway between Ramsey Street and Interstate 10, a distance of approximately 250 feet.

Questions regarding the vacation and closure of Val Monte Street may be directed to City Engineer in the Public Works Department at (951) 922-3130 or by visiting the Public Works Department at City Hall, 99 E. Ramsey Street.

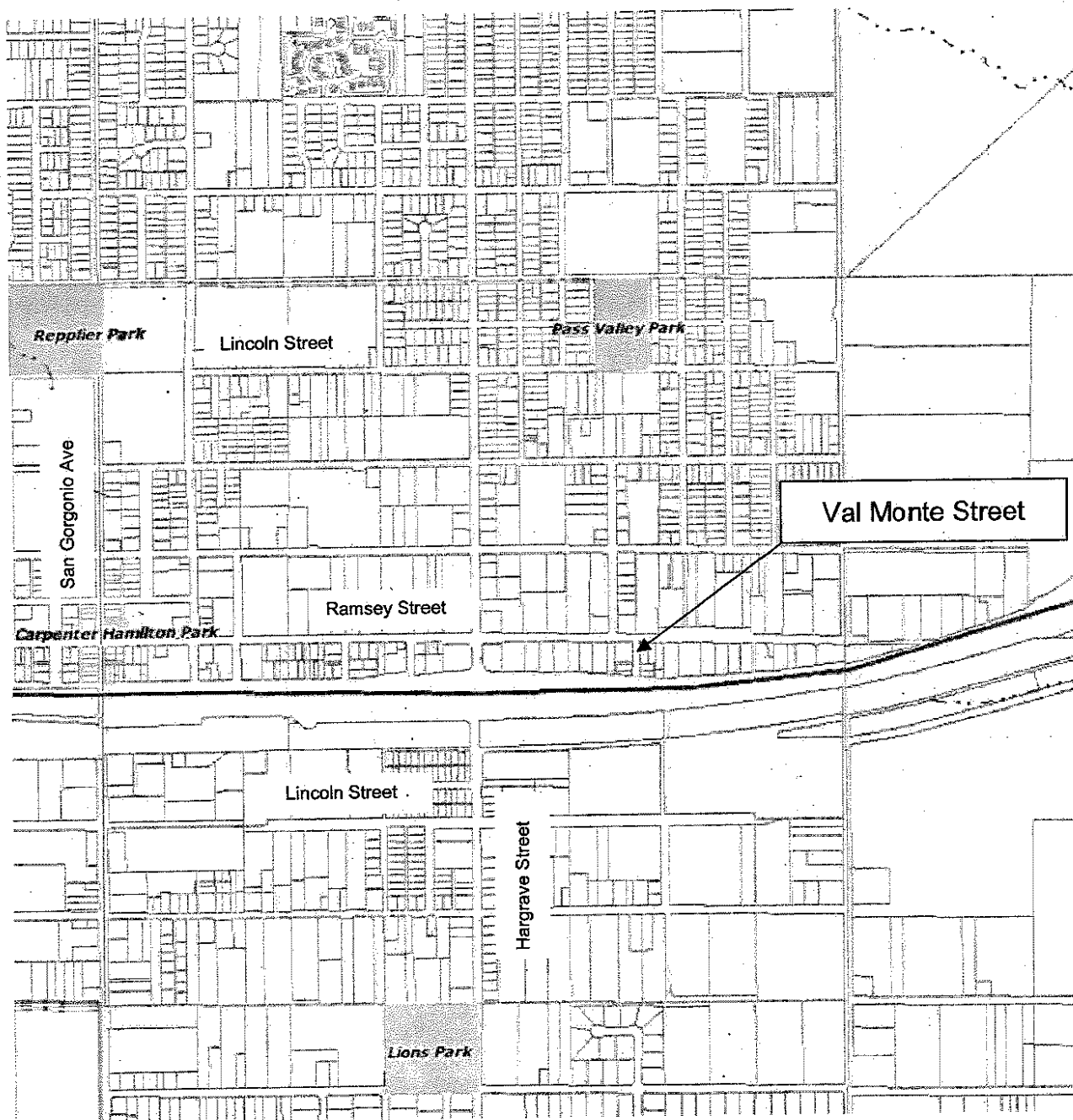
BY ORDER OF THE CITY CLERK OF THE CITY OF BANNING, CALIFORNIA.

Marie A. Calderon
City of Banning

Date: February 16, 2010
Publish: February 19, 2010
And February 26, 2010

Attachment 6

(Location/vicinity map)



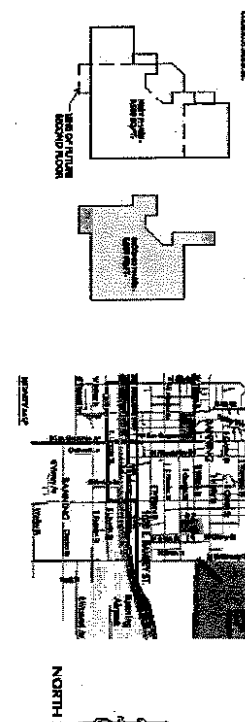
Not to Scale

Location/Vicinity Map

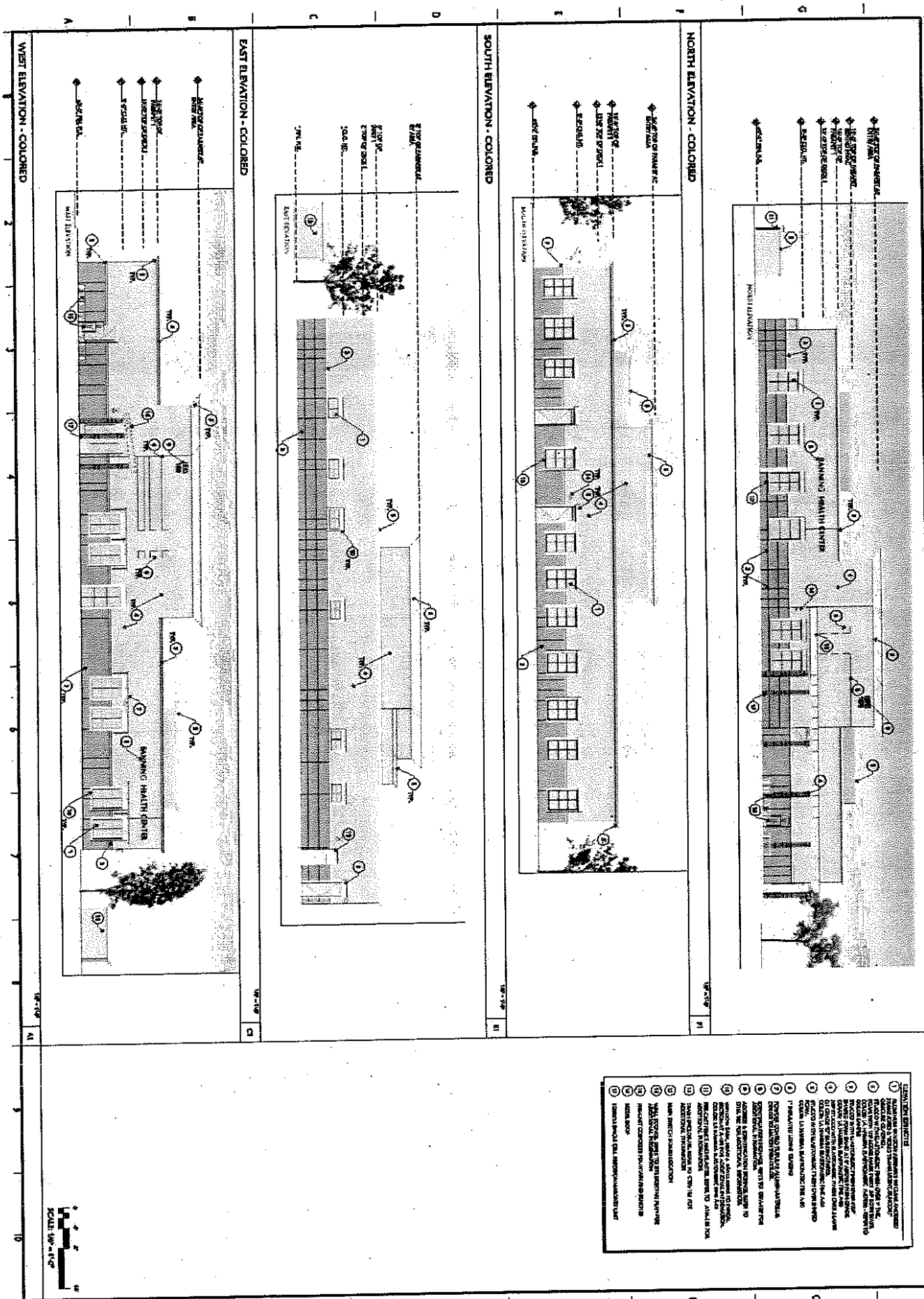
Val Monte Street Vacation

Attachment 7

(CUP #09-803 site plan and elevations)



- [illegible]



- LEGEND:**
- 1. EXTERIOR WALLS - LIGHT GRAY
 - 2. EXTERIOR WALLS - DARK GRAY
 - 3. EXTERIOR WALLS - WHITE
 - 4. EXTERIOR WALLS - RED
 - 5. EXTERIOR WALLS - BLUE
 - 6. EXTERIOR WALLS - GREEN
 - 7. EXTERIOR WALLS - BROWN
 - 8. EXTERIOR WALLS - BLACK
 - 9. EXTERIOR WALLS - GOLD
 - 10. EXTERIOR WALLS - SILVER
 - 11. EXTERIOR WALLS - COPPER
 - 12. EXTERIOR WALLS - BRASS
 - 13. EXTERIOR WALLS - ALUMINUM
 - 14. EXTERIOR WALLS - STAINLESS STEEL
 - 15. EXTERIOR WALLS - TITANIUM
 - 16. EXTERIOR WALLS - CARBON FIBER
 - 17. EXTERIOR WALLS - Kevlar
 - 18. EXTERIOR WALLS - FIBERGLASS
 - 19. EXTERIOR WALLS - POLYESTER
 - 20. EXTERIOR WALLS - POLYPROPYLENE
 - 21. EXTERIOR WALLS - POLYETHYLENE
 - 22. EXTERIOR WALLS - POLYIMIDE
 - 23. EXTERIOR WALLS - POLYBUTYLENE
 - 24. EXTERIOR WALLS - POLYACETAL
 - 25. EXTERIOR WALLS - POLYURETHANE

A-903

PROJECT FOR BANNING HEALTH CENTER
BANNING HEALTH CENTER
2075 E. Banning Blvd., Banning, CA 92506

Victor R. Fabionar
Architect
License No. 015728
4015 E. Greenway Ave.
Fresno, California 93705
TEL: (559) 220-4955 FAX: (559) 225-4955

DATE: 11/11/03

SCALE: 1/8" = 1'-0"

COLORED ELEVATIONS