

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

May 10, 2011
5:00 p.m.

Banning Civic Center
Council Chambers
99 E. Ramsey St.

Per City Council Resolution No. 2010-38 matters taken up by the Council before 9:00 p.m. may be concluded, but no new matters shall be taken up after 9:00 p.m. except upon a unanimous vote of the council members present and voting, but such extension shall only be valid for one hour and each hour thereafter shall require a renewed action for the meeting to continue.

I. CALL TO ORDER

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

II. REPORT ON CLOSED SESSION

III. PUBLIC COMMENTS/CORRESPONDENCE/PRESENTATIONS/APPOINTMENTS

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.

APPOINTEMENTS:

1. Planning Commission Appointment. 1

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.

IV. 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 8

Items to be pulled _____, _____, _____ for discussion.

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

1.	Approval of Minutes – Special Meeting – 04/21/11.	13
2.	Approval of Minutes – Joint Meeting – 04/26/11.	14
3.	Approval of Minutes – Regular Meeting – 04/26/11	15
4.	Approval of Accounts Payable and Payroll Warrants for Month of January 2011.	24
5.	Approval of Accounts Payable and Payroll Warrants for Month of February 2011.	27
6.	Resolution No. 2011-29, Declaring the Intention to Levy and Collect Assessments, Approving the Engineer’s Report and Setting the Date for the Public Hearing for Landscape Maintenance District No. 1	30
7.	Resolution No. 2011-38, Amending the Classification & Compensation Plan for the City of Banning to include the Classification of Economic Development and Redevelopment Director at Range 88 compensation and the classification of Utility Financial Analyst at Range 72 compensation and approving the job descriptions for the new classifications	39
8.	Resolution No. 2011-40, Approving the Release Agreement Between Home Energy Americas and the City of Banning	54

- Open for Public Comments
- Make Motion

V. 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. 2011-33, Establishing an Underground Utilities District from Fourth Street to Hargrave Street and from Livingston Street to Williams Street. Staff Report	63
Recommendation: That the City Council adopt Resolution No. 2011-33, Establishing an Underground Utilities District from Fourth Street to Hargrave Street to Williams Street.		

VI. ANNOUNCEMENTS/REPORTS *(Upcoming Events/Other Items if any)*

- City Council
- City Committee Reports
- Report by City Attorney
- Report by City Manager

VII. ITEMS FOR FUTURE AGENDAS

New Items –

Pending Items – City Council

1. Schedule Meetings with Our State and County Elected Officials
2. Update on Economic Development Plan
3. Review of Fees and Rates
4. Policy Discussion Re. Code Enforcement (*study session*)
5. Update on Shop Local Program
6. FEMA Training – Mayoral Institute, etc. (Council coordination necessary)

VIII. ADJOURNMENT

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

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

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

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office (951) 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].

CITY COUNCIL AGENDA

DATE: May 10, 2011
TO: City Council
FROM: Zai Abu Bakar, Community Development Director
SUBJECT: Planning Commission Appointment

RECOMMENDATION:

That the City Council select one candidate to fill the vacant position on the Planning Commission.

BACKGROUND:

Chairman Bill Escandel resigned in February 2011. His resignation created one vacant position on the Planning Commission.

Applications for residents who were interested on serving on the Planning Commission were advertised in Record Gazette, the City's website, and Channel 10. The application period closed on April 11, 2011. The City received three (3) applications. The City Council interviewed the three applicants on April 21, 2011. The applicants are Diego Rose, Frank Mott and Ray Briant.

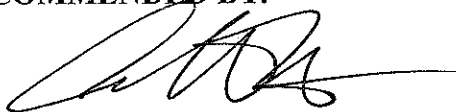
The Planning Commission consists of five members appointed by the City Council. The Commissioners serve a four year term, which is staggered every two years concurrent with the City's elections. The term of the newly appointed commissioner will expire in February 2013.

The Commission's rules and responsibilities are governed by Chapter 2.28 of the Municipal Code (Attachment 1). The Commissions two (2) main functions are to review land development applications for compliance with the Zoning Code and to recommend policy changes to the General Plan or Zoning Code.

OPTION:

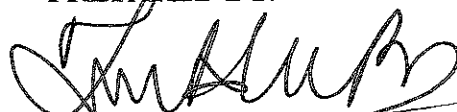
The City Council may choose to re-advertise the Planning Commission position in order to select from a larger pool of candidates.

RECOMMENDED BY:



Andrew J. Takata
City Manager

PREPARED BY:



Zai Abu Bakar
Community Development Director

Attachments:

1. Chapter 2.28 of the Banning Municipal Code
2. Planning Commission Applications

ATTACHMENT 1

Chapter 2.28 of the Banning Municipal Code

Chapter 2.28

PLANNING COMMISSION

Sections:

- 2.28.010 Planning commission—
Membership requirements.**
- 2.28.020 Term and vacancies.**
- 2.28.030 Compensation.**
- 2.28.040 Rules of procedure.**
- 2.28.050 Duties and responsibilities.**
- 2.28.060 Conflict of interest
requirements.**
- 2.28.070 Staff liaison.**
- 2.28.080 Meeting times and places.**
- 2.28.090 Adoption.**

2.28.010 Planning commission— Membership requirements.

A. Members of the planning commission shall be residents of the City of Banning who hold no other municipal office in the city. Members may not be employees of the city.

B. Proof of residency shall be submitted at time of application to the commission through voter registration, utility bill at a physical address within the city boundaries. Residency shall be confirmed prior to appointment and maintained throughout the term served. (Code 1965, § 2-5.)

2.28.020 Term and vacancies.

A. The planning commission shall consist of five members.

B. Planning commissioners shall serve four-year terms, which shall be staggered every two years concurrent with the city elections. Appointments shall be made by the city council. Applications shall be made available and the closing date announced at least two months prior to the expiration of the commissioner's term to be filled.

C. Members shall serve at the pleasure of the council and may be removed at any time by a majority vote of the entire council.

D. Any member who is unexcused for two consecutive regular meetings of the commission or six

meetings within a twelve-month period, whether the six meetings are excused or not, will be deemed to have resigned their office and the city council may appoint a new member to serve in the resigned commissioner's place for the remainder of their term.

E. To be excused from any such meeting, a member shall notify the planning department, at least forty-eight hours prior to any such meeting. If a member is unable to attend due to illness, injury or family matters, a statement by the member at the next regular meeting of the commission shall constitute an excused absence. (Code 1965, § 2-6.)

2.28.030 Compensation.

A. Members of the planning commission shall not receive compensation; reasonable traveling expenses to and from conferences and/or special field trips and training sessions shall be reimbursed.

B. Upon authorization by the city manager, the planning commission and members of its staff, may attend city planning conferences or meetings, or hearings on city planning legislation, or matters affecting the planning of the city. The reasonable expenses of such attendance shall be charged upon the funds allocated to the commission.

C. All fundings shall be established through the City of Banning budget, which shall be approved by the city council. (Code 1965, § 2-7.)

2.28.040 Rules of procedure.

A. A quorum of the planning commission shall consist of a majority of the members (including any vacancies). A quorum must be present in order for the planning commission to hold a meeting.

B. In the event that only three commissioners are present, any actions recommending amendment to the Municipal Code or general plan must be unanimous; all other actions would require a majority vote of the commission in attendance. A tie vote shall constitute a denial of the matter or request brought before the planning commission.

C. The commission shall adopt rules for the transaction of business and shall keep a record of its transactions, findings, and determinations. The Brown Act and "Robert's Rules in Plain English" by

Doris P. Zimmerman (Harper Perennial) shall be incorporated into such rules.

D. The commission shall follow all applicable city fiscal and administrative policies and procedures. (Code 1965, § 2-8.)

2.28.050 Duties and responsibilities.

A. The planning commission shall exercise those functions of the planning agency of the city delegated to it in the Banning Municipal Code.

B. At the regular February meeting, the planning commission shall choose a chairperson and a vice-chairperson from among the planning commission members. The chairman and vice-chairman shall serve for one term. Both positions shall rotate every year. All members must be present to conduct this business.

1. The chairperson shall preside at all regular and special meetings and rule on all points of order and procedure during the meetings.

2. The vice-chairperson shall assume all duties of the chairperson in his or her absence.

3. In the event the chairperson and vice-chairperson are both absent, an acting chairperson shall be appointed from the commission for the meeting from those present.

C. The planning commission's scope of responsibility is to:

1. Prepare, review, adopt, and recommend to the city council for its adoption, a long range, comprehensive general plan to guide the future physical development and conservation of the city and its adjoining environs based on geographic, social, economic and political characteristics of the community;

2. Prepare, review, adopt and recommend to the city council for its adoption of special area specific plans for identifiable areas, wherein more detailed guidelines are needed to supplement the objectives of the general plan;

3. Review development applications submitted to the city for consistency with adopted plans and ordinances. Approve or deny applications when final authority is granted to the planning commission by the Municipal Code. Make a recommendation on

those actions for which the city council is the final reviewing approval body;

4. Act as the appeal body on decisions made by the community development director;

5. Perform such other functions and duties as the city council may from time to time direct and/or provide within the Banning Municipal Code.

D. The commission may form ad-hoc subcommittees in accordance with the Brown Act, and make appointments to that subcommittee, as it deems necessary. A quorum of commission members may not be appointed to serve in a single subcommittee. Before forming a subcommittee, the commission shall establish a specific mission and term for the subcommittee.

E. The planning commission is an important function within the City of Banning, and as such, certain expectations are held by the city council in making the appointment of individuals to the commission. These expectations include the following:

1. Commissioners will attend all regular meetings and special meetings as they arise;

2. Commissioners will communicate expected and unexpected absences to the planning department, prior to the meeting;

3. Commissioners will communicate any potential conflicts of interest on agenda items to the planning department in advance of the hearing to allow confirmation of a quorum;

4. Commissioners will arrive on time to each meeting, fully participate, and remain in attendance until the end of each meeting;

5. Commissioners will prepare themselves for each meeting by reading the agenda, reports and other materials, and visiting the site, as necessary, and communicate any questions to the secretary in advance of the hearing.

Pursuant to Resolution 2000-41, if a commissioner visits the site prior to a hearing on the matter, the commissioner shall disclose at the hearing such evidence and observation gathered during the site visit;

6. Commissioners are encouraged to attend the annual planner's institute (Monterey and Southern California) or an equivalent planning training program given by a University of California campus (or

approved equivalent) and may attend other planning conferences and or training classes as the need and opportunities arise. The city will also provide regular in-service training and make-up training where attendance is required;

7. New commissioners are expected to become familiar with the city's general plan, the "Planning Commission Handbook" (prepared by the State of California), and relevant Municipal Code sections particularly those relevant to zoning to become familiar with these documents. The "Guide for New Members" distributed by the Planning Commissioners Journal and www.plannersweb.com are other valuable resources for new commissioners;

8. Applicants to the planning commission will be expected to attend a brief orientation session explaining the role of commissioners, the planning process, and the expectations of commissioners that are appointed; and

9. New commission members will attend an expanded orientation session with the liaison to the commission and other staff, as deemed necessary, to provide new appointees with a solid understanding immediately upon appointment. The orientation will include an overview of the planning process, a review of the commission's structure, policies and by-laws, a summary of available documents and resources, and a review of the commission's relationship with citizens, staff, developers, and the governing body.

F. The planning commission may serve on regional boards or commissions as directed by the city council.

G. The planning commission shall participate in annual meetings with the city council to discuss development activity, development doctrine, policies, etc. (Code 1965, § 2-8.1.)

2.28.060 Conflict of interest requirements.

A. The State of California Political Reform Act requires planning commission members to disclose interests in investments, real property, and income derived within the City of Banning or from sources doing business within the City of Banning. Filings

are required within ten days of assuming office and on an annual basis.

B. Members shall not work for the "pass" cities, which include Beaumont, Calimesa, and Riverside County in roles, such as economic development, planning, or redevelopment.

C. If an apparent conflict of interest arises, the member shall inquire of the city attorney or staff prior to the meeting. (Code 1965, § 2-8.2.)

2.28.070 Staff liaison.

A. The staff liaison to the planning commission shall be the community development director.

B. The planning commission liaison, supported by the secretary to the planning commission (a staff position), shall be responsible for:

1. Confirming that a quorum will be present prior to each meeting;

2. Receiving and recording all exhibits, petitions, documents, or other material presented to the planning commission in support of, or in opposition to, any issue before the planning commission;

3. Signing all meeting minutes and resolutions upon approval;

4. Preparing and distributing agendas and agenda packets;

5. Facilitating the tape recording of meetings and preparation of minutes; and

6. Responding to all questions from planning commission members regarding agenda items in advance of meetings. (Code 1965, § 2-8.3.)

2.28.080 Meeting times and places.

A. The planning commission shall meet on the first Tuesday of each month at 6:30 P.M. at the city council chambers located at 99 E. Ramsey Street.

B. Commissioners will attend special meetings as they arise. (Code 1965, § 2-8.4.)

2.28.090 Adoption.

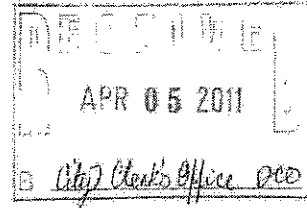
A. This document, as adopted and amended by council resolution, shall serve as the bylaws for the commission. (Code 1965, § 2-9.)

ATTACHMENT 2

Planning Commission Applications



COMMITTEE/BOARD APPLICATION FORM



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

Name: DIEGO ROSE

Address: 1875 N. SAN GORGONIO AVE.

Telephone Numbers: Home 909-915-9708 Office 909-915-9708

If employed, where you work and position N/A

Length of residence in Banning 3 1/2 yrs

Are you a registered voter in Banning? Yes ☒ No ☐

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

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

I MOVED TO BANNING 3 1/2 YEARS AGO AFTER STARTING
IN THE EMERGENCY ROOM AT SAN GORGONIO MEMORIAL HOSPITAL.
I REMAINED IN THE EMERGENCY ROOM AS A CHARGE NURSE,
UNTIL BECOMING INVOLVED IN THE HOSPITALS OPERATIONS AND
MANAGEMENT. I AM A CRAFTON HILLS GRADUATE WITH MY
A.S. I TRANSFERRED TO CALIFORNIA STATE UNIVERSITY SAN
BERNARDINO WHERE I RECEIVED MY BACHELORS IN NURSING.
I HAVE BEEN ACTIVE IN ATTEMPTING TO BRING A RESTAURANT
INTO BANNING AND ACTIVE IN DR WILLIAMS CAMPAIGN FOR
HOSPITAL BOARD.
I AM CURRENTLY STARTING
LEED CERTIFICATION AND A CERTIFICATE IN INDUSTRIAL
HYGIENE.

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

I THINK THE BOARD SHOULD HAVE A FRESH PERSPECTIVE
ON PROGRESS AND PLANNING. MANY AREAS OF PUBLIC
SERVICE NEED "OUT OF THE BOX THINKING" IN ORDER TO
CORRECT YEARS OF STATUS QUO THINKING. I DON'T BELIEVE
THERE ARE ANY MAJOR ISSUES THAT CANNOT BE SOLVED IF
WE THINK INNOVATIVELY RATHER THAN STAGNANTLY.

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

I THINK THE BOARD SHOULD REALLY FOCUS ON
COLLABORATING WITH THE REDEVELOPMENT AGENCY TO
INCREASE THE ATTRACTION OF APPROPRIATE
BUSINESSES TO THE BANNING DOWNTOWN AREA. I
ALSO FEEL THE PLANNING COMMISSION SHOULD PLAY AN
ACTIVE ROLE IN NEIGHBORHOOD BEAUTIFICATION AND
PLAN FOR GROWTH WITH CUSTOM CONSTRUCTION PROJECTS
RATHER THAN GENERIC TRACT HOUSING.

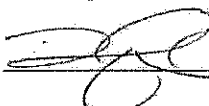
Your name will be considered by the City Council upon receipt of your application.

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

RETURN BY: April 11, 2011
5:00 p.m.

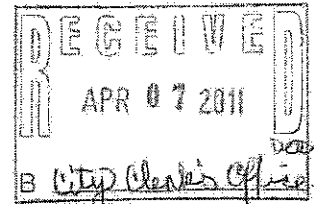
Thank you for your willingness to serve your local government.

Date: 4/5/2011

Signed:  RN, PHN, BSN.



COMMITTEE/BOARD APPLICATION FORM



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

Name: FRANK S. MOTT

Address: 5025 OAKHURST, BANNING, CAL 92220

Telephone Numbers: Home 951-769-1120 Office N/A

If employed, where you work and position ~~Q~~

Length of residence in Banning 7 yrs

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

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

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

BORN IN CHARLESTON, S.C. - HAVE LIVED IN RIVERSIDE
COUNTY FOR OVER 45+ YRS. - WORKED IN GROCERY INDUSTRY
30+ YRS - WORKED FOR UWAY 12+ YRS. NOW RETIRED.
AMONG OTHERS WAS A MEMBER OF CITY OF RIV PARK RECREATION
BOARD FOR 3 YRS / SURVIVE FOOD BANK OF RIVERSIDE /
M.F.I. BOARD.
I AM NOW A MEMBER OF THE COMMUNITY REVIEW TEAM OF
THE UNITED WAY OF THE INLAND VALLEYS.

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

Issues of safety for the people of Banning &
other persons who want to have visit our
city.

Any issue that relates to a future of development
in the city.

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

① Removal of our landmark dept. store on Ramsey.

This should be replaced with a venue that will help
bring people downtown. An operation, such as a
comedy club or an inter-active sports store might
help to keep downtown busy.

② Development of area from city hall to Hargrave. Will take time
but should give thought to making this a historical area of road.
We need to give people a reason to be on this part of Ramsey.

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

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

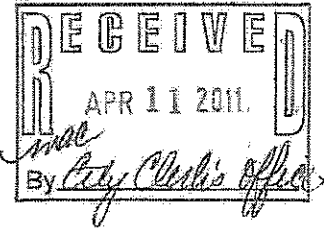
RETURN BY: April 11, 2011
5:00 p.m.

Thank you for your willingness to serve your local government.

Date: 4-7-11

Signed: Brenda Mott

Rec. 4/11/11 3PM
jc.



COMMITTEE/BOARD APPLICATION FORM

Name of Committee or Board on

which you would like to serve: PLANNING COMMISSION

Name: RAY BRIANT

Address: 5387 BRECKENRIDGE AVE BANNING

Telephone Numbers: Home 951-769-0383 ^{Cell} Office 951-288-0886

If employed, where you work and position RETIRED

Length of residence in Banning 7 YEARS

Are you a registered voter in Banning? Yes ☒ No ☐

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

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

EDUCATION: MASTER'S AND BACHELOR'S DEGREES

EXPERIENCE: EMPLOYED AS AN EXECUTIVE ASSISTANT
TO THE SAN DIEGO CITY PLANNING DIRECTOR.

//

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

1. FUTURE POPULATION GROWTH: HOUSING, TRANSPORTATION, EMPLOYMENT OPPORTUNITIES, VOCATIONAL TRAINING.
2. ATTRACTION OF EMPLOYERS AND LAND DEVELOPERS TO MEET NEEDS OF CURRENT AND EXPANDING POPULATION.
3. ENERGY REQUIREMENTS OF AN EXPANDING COMMUNITY.

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

1. WATER SUPPLY: BOTH GROUND WATER AND MOUNTAIN RUN-OFF SHOULD BE THOROUGHLY STUDIED TO DETERMINE MEETING FUTURE NEEDS (SUCH AS POPULATION GROWTH).
2. ENERGY SUPPLY: IDENTIFY THE POSSIBLE SOURCES OF ENERGY SUPPLY (SOLAR, WIND, OTHER) WITH CONSIDERATION OF COMPETITION FROM OTHER GROWING COMMUNITIES IN THE AREA.

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

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

RETURN BY: April 11, 2011
5:00 p.m.

Thank you for your willingness to serve your local government.

Date: 4-11-2011

Signed: Roy Bryant

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

04/21/2011
SPECIAL MEETING

A special meeting of the Banning City Council was called to order by Mayor Hanna on April 21, 2011 at 5:00 p.m. at the Banning Civic Center Large Conference Room, 99 E. Ramsey Street, Banning, California.

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

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Marie A. Calderon, City Clerk

INTERVIEWS

1. Candidate Interviews for City of Banning Planning Commission

Mayor Hanna went over the process that they would be using this evening for the interview process.

The candidates present were Diego Rose, Frank Mott and Ray Briant. The City Council asked each of the candidates questions in regards to why they were interested on being on the Commission, their experience and background and their understanding of the Planning Commission. The candidates also had an opportunity to ask the Council questions.

ADJOURNMENT

By common consent the meeting adjourned at 6:03 p.m.

Marie A. Calderon, City Clerk

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

04/26/2011
JOINT MEETING

A joint meeting of the Banning City Council and the Community Redevelopment Agency was called to order by Mayor Hanna on April 26, 2011 at 4:01 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

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

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Andrew Takata, City Manager/Executive Director
David J. Aleshire, City Attorney/Agency Counsel
June Overholt, Administrative Services Director
Zai Abu Bakar, Community Development Director
Marie A. Calderon, City Clerk/Secretary

CLOSED SESSION

City Attorney said that the Council will meet pursuant to Government Code Section 54957.6 regarding labor negotiations with our bargaining units: International Brotherhood of Electrical Workers (IBEW) – Utility Unit, International Brotherhood of Electrical Workers (IBEW) – General Unit, Banning Police Officers Association (BPOA), and City of Banning Association of Managers (CBAM). The Agency Board will meet pursuant to the provisions of Government Code Section 54956.9 with regards to one case of potential litigation and will also meet pursuant to the provisions of Government Code Section 54956.8 regarding real property negotiations concerning: 1) 2301 W. Ramsey Street (All Star Dodge property) and 2) various parcels near the airport (15): APN's: 532-130-011, 532-130-012, 532-130-018, 531-180-017, 531-180-034, 531-180-035, 531-180-036, 531-180-037, 532-180-038, 531-180-049, 531-180-050, 532-190-023, 532-190-024, 532-190-025, and 541-250-009.

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

Meeting went into closed session at 4:02 p.m. and returned to regular session at 4:57 p.m.

ADJOURNMENT

By common consent the meeting adjourned at 5:10 p.m.

Marie A. Calderon, City Clerk

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MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

04/26/11
REGULAR MEETING

A regular meeting of the Banning City Council and a Joint Meeting of the Banning City Council, Community Redevelopment Agency, Banning Financing Authority and the Banning Utility Authority was called to order by Mayor Hanna on April 26 2011 at 5:05 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

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

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Andrew Takata, City Manager
David J. Aleshire, City Attorney
June Overholt, Administrative Services Director
Zai Abu Bakar, Community Development Director
Fred Mason, Electric Utility Director
Leonard Purvis, Police Chief
Jeff Stowells, Battalion Chief
Heidi Meraz, Community Services Director
Kahono Oei, City Engineer
Michelle Green, Deputy Finance Director
Marie A. Calderon, City Clerk

The invocation was given by David Kealey. Councilmember Botts invited the audience to join him in the Pledge of Allegiance to the Flag.

REPORT ON CLOSED SESSION

City Attorney stated that the City Council and Agency Board met in closed session. For the City there was discussion regarding employee negotiations with the bargaining units and a status report was given and there was no reportable action taken. The Agency discussed potential litigation in one matter and a status report was given and no reportable action was taken. The Agency also discussed real property negotiations concerning the All Star Dodge property and a status report was given and no reportable action was taken. There was also discussion regarding real estate negotiations concerning some parcels out at the airport as listed on the agenda and no reportable action was taken.

PUBLIC COMMENTS/CORRESPONDENCE/PRESENTATIONS/APPOINTMENTS

PUBLIC COMMENTS – *On Items Not on the Agenda*

Jerry Searcy, 5152 Rio Bravo addressed the Council sharing some of the activities that they have going on for the kids at the Banning Center for the Arts. He thanked the Council for their continued support of the Cultural Alliance and the Center for the Arts. He said he was fortunate that he gets the opportunity to teach on some Saturday's the children's classes at the center. They offer classes for kids K through 6th but he has actually had a couple of students older than that and they receive quality instruction from the volunteers in the community. The classes are held every Saturday morning with the younger student's class which is about 45 minutes and the other classes are from 10:00 a.m. to 12:30 p.m. On May 7th, Art Hop day, he will be teaching and would encourage everyone to come by and see what is happening at the Center for the Arts.

Ron Duncan, Banning Chamber of Commerce invited everyone out to the Cinco de Mayo Golf Tournament on May 7th at Sun Lakes Country Club and if you have any questions or concerns, please contact the Banning Chamber of Commerce.

David Kealey stated that he was here promoting the Alliance effort and the Art Hop on May 7th. He said that he has a flyer explaining Geocaching and on the morning of May 7th they will have a meet and greet and geocachers are invited to attend this event and meet other geocachers and they will also receive credit for attending. There are about 50 new geocaches being placed around town and it is a small container that would hang in a tree or a bush and will have coordinates on your telephone with a GPS or unit like that and you go and find that little thing and sign your log. There are over 4 million people in the world who are looking for cashe that are placed all over the world. There will be two Geocaching Beginner Workshops in the Council Chambers on May 7th at 1:00 and 3:00 p.m.

Mike Rose said there will be adding the art of wood to the Art Hop on May 7th. He said he gave each of the Council a building plan for a 6 ft. by 10 ft. little red school house that they are going to frame up on that day and this is also a test shot because in the summer they are going to try to do a competition amongst framers to build a number of these and bring out families and it would give framers an opportunity to show what they really do as far as building various kinds of things. Also Universal Woodworking of Beaumont who builds interiors for large expensive homes in Hollywood is going to bring a wall of a house with some wood interior lining. The Brown's from Banning have quite a collection of Sam Maloof Furniture and they will show some of this furniture and also some Mexican animal sculpting. He said that they wanted to add custom cars as art to the Art Hop and Ding Master's is going to bring their truck(s) out.

Don Smith, Chairman of the Art Hop said the Art Hop will be held on Saturday, May 7th from 10 a.m. to 6:00 p.m. in downtown Banning on San Gorgonio from Ramsey to Williams and on Hays from Murray to Second Street. You have heard about what is going to be in the building and also the Geocaching and the animal art. In addition, the Pass Area Artists will be having their annual jewelry show in the Gallery and on the street they will have demonstrations of people doing pottery, basket weaving, painting, flute making, crafts for kids, quilt and fabric show in the Women's Club building along with a display from the Sun Lakes Art League, and

there will also be vendors selling art items and crafts and food vendors. It will be a day full of activities.

Mayor Hanna said that there was a press release today from the Dorothy Ramon Learning Center and they are going to hold as part of the Art Hop a Native American Storytelling and will also show a movie called "Songs of the Colorado" which is Daniel Golding's film that explores Native American music traditions along both sides of the Colorado River and the songs that have been passed down through generations and the film chronicles the cultural bearer's work to keep the songs alive.

Dorothy Familetti-McLean, resident of Banning addressed the Council stating she is also excited about the Art Hop and the Pass Area Supporting Soldiers will also have a booth at the event and will have people and students writing letters to the troops but on a more serious note she needed to mention that several Council meetings ago it was asked if there were any businesses that had agreements with the City and who have not met their contracts (see Exhibit "A").

David Lumann addressed the Council stating that he was a business owner in the Inland Empire and the Pass Area but tonight he is here as a Boardmember of Side by Side Humanitarian Food Bank. He wanted to discuss a program that they just kicked off called "Crackers for Classes" and this is a program sponsored by Side by Side Humanitarian Food Bank in conjunction with the Boys and Girls Club of the San Geronio Pass. As we all know the schools are having a real tough time making ends meet and because of budget cuts the summer classes and the summer food programs will probably be cut. The Boys and Girls Club have identified a need of over 2000 lunches that will need to be provided to these children during the summer school session. Side by Side Humanitarian Food Bank will provide the students with a box lunch containing things like applesauce, fruit juice, crackers, raisins, granola bars and cookies. The lunches will be distributed by the Boys and Girls Club. He is here to reach out to our community to help us with this lofty goal. People can get involved in many ways as individuals, families, church groups, other organizations they may be a part of, and they can help to either donate food from the list on the back of our business cards or people can sponsor a box of 16 lunches for the Crackers for Classes at a donation of \$30.00 or they can make a cash donation directly to Side by Side Humanitarian earmarking for this program or they will be able to shop local merchants that will have a flyer at the checkout counter. If you would like to find out more information about the program you can call 909-641-3945.

Mr. Benhar addressed the Council along with Citra Benhar in regards to the Spelling Bee competition in Stockton and stated that they didn't go all the way but wanted to thank everyone for their support. Also the Disaster Preparedness Event will be held at the Community Center on Saturday, April 30th and come and get involved. Citra stated in regards to the Spelling Bee she got out on Round Three and there were 61 kids and she was chosen first to spell and it was a little nerve wrecking but it was a great experience.

CORRESPONDENCE: There was none.

PRESENTATIONS:

1. Proclamation – May is Mental Health Month

Mayor Hanna read the proclamation for the benefit of the audience proclaiming May 2011 as Mental Health Month and stated that this would be forwarded to the appropriate person at the County.

CONSENT ITEMS

Councilmember Robinson pulled Consent Items No. 3 and 4 for discussion.

1. Approval of Minutes – Joint Meeting – 04/12/11

Recommendation: That the minutes of the Joint Meeting of April 12, 2011 be approved.

2. Approval of Minutes – Regular Meeting – 04/12/11

Recommendation: That the minutes of the Regular Meeting of April 12, 2011 be approved.

Motion Machisic/Robinson to approved Consent Items 1 and 2. Mayor Hanna opened the item for public comments. There were none. **Motion carried, all in favor.**

3. Resolution No. 2011-32, Approving the Measure “A” Five Year Capital Improvement Plan.

Duane Burk addressed the Council giving the staff report on this item as contained in the agenda packet.

Councilmember Robinson said that you show an order for these streets starting with this next year and then every year thereafter for the five-year period. He asked if we had to stick with this order because San Gorgonio to Eighth Street on Ramsey is pretty beat up and yet it is about three years out on the repaving and yet the area where we are going to do the Mid-County Courthouse and the Village at Paseo San Gorgonio looks like it is going to be asphalt-capped during their construction period. Is there a way that it could be changed or does it make sense to do that?

Mr. Burk said that this is your five-year CIP and as we move forward and we know that there is going to be construction in that area we can come back to you and amend this so you do have the flexibility to do that.

Motion Machisic/Robinson to approved Consent Item No. 3, adopting Resolution No. 2011-32, Approving the Measure “A” Five Year Capital Improvement Plan as presented. Mayor Hanna opened the item for public comments. There were none. **Motion carried, all in favor.**

ADDENDUM:

4. Approve Mt. San Jacinto Community College District Use of PEG Access Channel

Administrative Service Director Overholt addressed this item stating that PEG (Public Education Grant) is a program that allows for governments and public agencies to provide television and cable information channels with either education channels that are solely dedicated to education or the process of educating students or as we have here the government access channel. The City has access to three channels and tonight we are asking approval from the Council to use one of the channels that is not being used by the City to allow the college to use it for educational programs that will be broadcast to the people who subscribe to either Verizon Fios or Time Warner. There are two pieces to the request tonight and one is the authority to allow them to use the PEG channel and the second one is to just allow us to have the relationship with the college. So when we have a relationship we want to make sure that what they can do on that channel is very restrictive and meets all the guidelines that the Council has already set up through its policies, as well as, some additional language to make sure that we are protected and that nothing gets broadcast that would anyway reflect back on the City in a bad way. In addition, the contract will allow us access to their studio so when we need some technical expertise we will be able to work with the college to use their equipment that far exceeds what we could ever acquire and do here at the City.

City Attorney said that the City does have a set of rules concerning access. It has not been updated in a long time so we are in the process of looking at it and there is language in the memorandum of understanding that says that they will comply with not just with the existing set of rules but the revised set and that revised set will be brought back to the Council for review and approval and will automatically become a part of the agreement.

Ms. Overholt said that Bing and Dave are the responsible parties for the curriculum that governs this educational program that will allow the students to learn how to do broadcasting. They are the key players here in this program.

Dave Parrott and Bing Bruce addressed the Council stating that they put together a morning show every morning called the "Bad Morning Show". Mr. Bruce went over the schedule of the broadcast week and gave a copy to the Council. He said that they have been there for 20 years and they have an outstanding audio and video technology program and it is well recognized throughout the industry and their total direction is to merge the technologies together which is happening and you have probably noticed that over the past five or six years that your computer, your phone and television is all merging together as media. Their classes and program are designed to help the students simulate into that on the technical side of it and one of the things that we needed to do was to start training students on how to do broadcast production so it was the need to put the studio together. One of the things that they needed to do also was to be able to teach them how to broadcast it and the only way we could do that realistically was by gracious people like you to allow us to use your systems throughout our district and that is where this bloomed up about two years ago. He invited the Council to come down and see their studio. He said that your concern is probably about what is being put on that channel and that is their concern also. The programming that they are putting on gives them two things and one is that is very entertaining and it is family-oriented. This is classic

television and movies starting from the 1930's to the 1980's and this has passed the censors and made sure there is no profanity and nudity in it or controversial. They have a radio station that also follows the same guidelines and they don't have talk radio on there and the news content is very, very limited to just reporting the news and no commentary. Their television program will follow the same guidelines.

Mr. Parrott said that as far as local provided content they will be providing local news for Riverside County being provided by South West Riverside News Network and we have our own series of reporters and hosts. Eventually they will be broadcasting the Eagles football, basketball, baseball, concerts, and musicals.

Councilmember Franklin asked if they were including any kind of educational programs like lectures, or a class coming from the college.

Mr. Bing said no. There will not be anything like that.

Motion Machisic/Robinson to approved Consent Item No. 4, authorizing Mt. San Jacinto Community College District Use of PEG access channel and authorize the City Manager to sign any agreement that may be necessary between the City and Mt. San Jacinto Community College District. Mayor Hanna opened the item for public comments. There were none. **Motion carried, all in favor.**

Mayor Hanna recessed the regular City Council and called to order a joint meeting of the Banning City Council, the Community Redevelopment Agency, the Banning Financing Authority and the Banning Utility Authority.

CONSENT ITEM

1. Authorizing the acquisition of an IBM Power System I Server (Formally AS/400, Dell PowerVault, 2 Dell R710 Servers, Crossroads 3tb Sphinx Base Unit, and Citrix XenServer Enterprise Software.

Recommendation: That the City Council authorize the acquisition.

Motion Franklin/Robinson to approved Consent Item No. 1. Mayor Hanna opened the item for public comments. There were none. **Motion carried, all in favor.**

Mayor Hanna adjourned the joint meeting of the Banning City Council, Community Redevelopment Agency, the Banning Financing Authority and the Banning Utility Authority and reconvened the Regular City Council meeting.

ANNOUNCEMENTS/REPORTS (Upcoming Events/Other Items if any)

City Council

Councilmember Machisic –

- He stated that a week ago Monday he and Mayor Hanna attended the Western Riverside County Regional Conservation Authority (RCA) Conference held in Temecula where they discussed all the aspects dealing with conservation. It covered everything from the plan history to the goals and objectives on the coming year and he had a booklet that he would circulate regarding this information. Also he has the latest bulletin from RCA and said there are copies available on the back table. This is the largest conservation program of its type in America. If you remember, he talked to the Council about a possible loan that we were working through Senator Feinstein and the Bill was introduced on April 14 and it will take at least a year to know if the Bill would pass. One of the things that they talked about at the conference and he feels is important is that if there are businesses or individuals in the city that are building or developing a project that involves environmental issues, the RCA has many people who have worked with these various organizations such as Fish and Game and can provide excellent advice at no cost at all and all you have to do is call them. So if you have an environmental issue, make sure you give them a call.

Councilmember Franklin -

- She thanked everyone that participated in Pass Area Supporting Soldiers packing day and they were able to send over 44 boxes to specific people from the Pass Area and they did a number of other boxes for people in general. In addition to that they had a meeting for the veteran's portion of the program and they have a "Veterans Resource Guide" courtesy of Assemblyman Cook's office and these will be available at City Hall and the Community Center. There is a lot of good information in that guide for anyone who is either active, families or for veterans.
- She attended the Pass Area Water meeting and Mary Melleby who is a Banning resident was selected to fill the vacancy,
- The 6th Annual Disaster Expo will be held on Saturday from 10:00 a.m. to 2:00 p.m. at the Community Center and it is free. There will be a lot of hands-on activities, activities for children, will be giving away over 200 helmets and will also have giveaways within the arena of safety but they are really trying to encourage people to be prepared for a disaster. A disaster doesn't have to be something large. It could be something within just your own home.

Mayor Hanna -

- Reminder that we are beginning to plan for our City's Centennial in 2013 and will be meeting next Monday, May 2nd at 5:30 p.m. at the Senior Center. At this point they will start doing the overall action plan for planning for the Centennial so please join us.

City Committee Reports - None at this time.

Report by City Attorney - Nothing to report at this time.

Report by City Manager

- He met with Captain Julius Murphy from the Salvation Army based out of Moreno Valley and they are looking to do things in the Pass Area because there are a lot of Pass residents that donate to them. So if there is an organization that you would like them to speak at please let him know.
- Also in regards to the public comments in regards to the loan issue it will be addressed hopefully by May 24th. Some of the staff has not been here that long but we do have a list

of everything but we want to go through all the contracts to make sure some of those loans are forgivable and some of them are not. So we want to make sure we have all of those facts correct and that is what is taking so long and unfortunately we don't have a lot of staff to do that right now.

ITEMS FOR FUTURE AGENDAS

New Items –

Councilmember Machisic said with great sadness he read the report about the break-in at Roosevelt Williams Park in the Boys and Girls Club and he would like to have the Council have the City Manager and the Police Chief see if there is something we can do to help the Boys and Girls Club as far as security. He would like to refer the matter to them and have some suggestions. **There was Council consensus.**

Pending Items – City Council

1. Schedule Meetings with Our State and County Elected Officials
2. Update on Economic Development Plan
3. Review of Fees and Rates
4. Policy Discussion Re. Code Enforcement (*study session*)
5. Update on Shop Local Program
6. FEMA Training – Mayoral Institute, etc. (Council coordination necessary)

Future Meetings

Need dates from Council for following meetings:

- 1) Pardee Presentation Jt. Meeting with the Planning Commission
- 2) Study Session regarding selection of Mayor, Review of Code of Civility and Brown Act Update.

Mayor Hanna said as she understands we have a joint meeting planned for May 17th to have a presentation by Pardee for their housing development at 5:00 p.m.

City Manager said the Pardee presentation needs to occur between May 23rd through June 23rd and we also need to have the Council schedule a meeting to go over the Civility Code and a Brown Act Update and need a study session over the aspects of the Mayor and based on your decisions at that time staff can write the ordinance.

ADJOURNMENT

By common consent the meeting adjourned the meeting at 5:50 p.m.

Marie A. Calderon, City Clerk

THE ACTION MINUTES REFLECT 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.

*Received 4/26/11
Council mtg.*

To: Banning City Council

From: Dorothy Familetti-McLean

April 26, 2011

Several council meetings ago, it was asked if there were any businesses, who had agreements with the city, and who have not met their contracts. For example, has the Banning Cultural Alliance begun paying the city monthly as it was supposed to since, I believe, August or September 2010?

At a recent meeting where Mayor Hanna was speaking, my husband asked, "Why are we spending over a million dollars to overhaul a building that isn't even worth \$250,000. (He was speaking about the art gallery on San Geronio Avenue
Mayor Hanna's reply was, "Because we want to".

Is the mayor speaking for the council, for the people of the city, for herself, and using the word "we" to misguide us?

When questioned, the mayor mentioned at the last meeting that some grants have to be paid back immediately if the business has not lasted 5 years. Are there businesses in town that were not in operation for five years that have received money from the city and need to fulfill their agreement and reimburse the city? Agreements were signed when the businesses received the money.

A few meeting ago, a council member asked the city manager to provide a list of business that have not met their contracts with the city. Is there such a list? If not, aren't you council members concerned with the monies that are due this city? Will a list be formulated and when can the taxpayers of Banning expect to see this on the agenda?

It is time for a response to this reasonable request. *Please put this on the*

Thank you.

agenda.

CITY COUNCIL AGENDA

Date: May 10, 2011
TO: City Council
FROM: June Overholt, Administrative Services Director
SUBJECT: Approval of Accounts Payable and Payroll Warrants for Month of January 2011

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

FISCAL DATA: The reports in your agenda packet cover "Expenditure Disbursements" and "Payroll Expenses" for the month of January 2011.

The reports are:

Expenditure approval lists

January 7, 2011	173,478.52
January 13, 2011	415,856.75
January 20, 2011	295,310.75
January 27, 2011	963,944.16
April 25, 2011	3,300,823.18 (January Month End)

Payroll check registers

January 14, 2011	4,076.79
January 19, 2011	149.13
January 28, 2011	4,400.84

Payroll direct deposits*

January 14, 2011	298,452.21
January 28, 2011	282,648.08

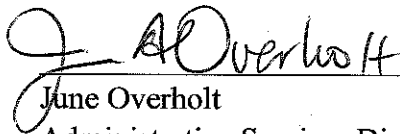
As you review the reports, if you have any questions please contact the Finance Department so that we can gather the information from the source documents and provide a response.

* Included on the January month end expenditure approval list of April 25, 2011.

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

Report Prepared by: Jenna Harrell, Accounts Payable

RECOMMENDED BY:

A handwritten signature in black ink, appearing to read "June Overholt", written over a horizontal line.

June Overholt
Administrative Services Director

APPROVED BY:

A handwritten signature in black ink, appearing to read "Andy Takata", written over a horizontal line.

Andy Takata
City Manager

Fund/Department Legend:

General Fund – 001

Departments

0001 – General	2400 – Fire
1000 – City Council	2700 – Building Safety
1200 – City Manager	2800 – Planning
1300 – Human Resources	3000 – Engineering
1400 – City Clerk	3200 – Building Maintenance
1500 – Elections	3600 – Parks
1800 – City Attorney	4000 – Recreation
1900 – Fiscal Services	4010 – Aquatics
1910 – Purchasing & A/P	4050 – Senior Center
2060 – TV Government Access	4060 – Sr. Center Advisory Board
2200 – Police	4500 – Central Services
2210 – Dispatch	4800 – Debt Service
2300 – Animal Control	5400 – Community Enhancement

All Other Funds

003 - Riverside County MOU	470 – Capital Improvement Fund
100 – Gas Tax Street Fund	475 – Fair Oaks #2004-01 Assessment District
101 – Measure A Street Fund	600 – Airport Fund
103 – SB 300 Street Fund	610 – Transit Fund
104 – Article 3 Sidewalk Fund	660 – Water Fund
110 – CDBG Fund	661 – Water Capital Facilities
111 – Landscape Maintenance	662 – Irrigation Water Fund
132 – Air Quality Improvement Fund	663 – BUA Water Capital Project Fund
140 – Asset Forfeiture-Police Fund	669 – BUA - Water Debt Service
144 – Local Law Enforcement Block Grant	670 – Electric Fund
146 – San Geronio Gang Task Force	672 – Rate Stability Fund
148 – Supplemental Law Enforcement	673 – Electric Improvement Fund
149 – Public Safety Sales Tax Fund	674 - '07 Elec Revenue Bond Project Fund
150 - State Park Bond Fund	675 – Public Benefit Fund
200 – Special Donation Fund	678 - '07 Elec Revenue Bond Debt Service Fund
201 – Sr. Center Activities Fund	680 – Wastewater Fund
202 – Animal Control Reserve Fund	681 – Wastewater Capital Facility Fund
203 – Police Volunteer Fund	683 – BUA Wastewater Capital Project Fund
204 – D.A.R.E. Donation Fund	685 – State Revolving Loan Fund
300 – City Administration COP Debt Service	689 – BUA Wastewater Debt Service Fund
360 – Sun Lakes CFD #86-1	690 – Refuse Fund
365 – Wilson Street #91-1 Assessment Debt	700 – Insurance Fund
370 – Area Police Computer Fund	702 – Fleet Maintenance
375 – Fair Oaks #2004-01 Assessment Debt	703 – Information Systems Services
376 – Cameo Homes	761 – Utility Billing Administration
400 – Police Facilities Development	810 – CRA – Low/Mod Fund
410 – Fire Facility Development	830 – CRA – Debt Service Fund
420 – Traffic Control Facility Fund	850 – CRA - Administration Fund
421 – Ramsey/Highland Home Road Signal	854 – CRA Low/Mod Bond Fund
430 – General Facilities Fund	855 - 2007 TABS Bond Proceeds
441 - Sunset Grade Separation Fund	856 – 2003 TABS Bond Proceeds
444 - Wilson Median Fund	857 – 2003 TABS Bond Proceeds Low/Mod
451 – Park Development Fund	860 – CRA - Project Fund

CITY COUNCIL AGENDA

Date: May 10, 2011
TO: City Council
FROM: June Overholt, Administrative Services Director
SUBJECT: Approval of Accounts Payable and Payroll Warrants for Month of February 2011

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

FISCAL DATA: The reports in your agenda packet cover "Expenditure Disbursements" and "Payroll Expenses" for the month of February 2011.

The reports are:

Expenditure approval lists

February 3, 2011	255,508.53
February 10, 2011	663,095.26
February 22, 2011	160,574.76
February 24, 2011	124,089.71
April 26, 2011	2,055,618.67 (February Month End)

Payroll check registers

February 11, 2011	4,502.31
February 25, 2011	4,796.86

Payroll direct deposits*

February 11, 2011	279,745.28
February 25, 2011	279,241.59

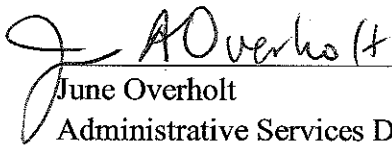
As you review the reports, if you have any questions please contact the Finance Department so that we can gather the information from the source documents and provide a response.

* Included on the February month end expenditure approval list of 04/26/2011.

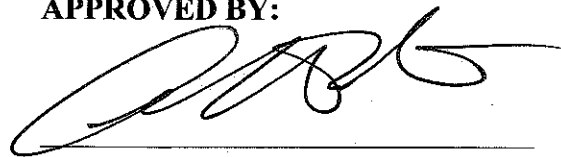
⁽¹⁾ Due to Positive Pay reporting, manual checks must be recorded in the accounting system separately from the weekly check register.

Report Prepared by: Jenna Harrell, Accounts Payable

RECOMMENDED BY:


June Overholt
Administrative Services Director

APPROVED BY:


Andy Takata
City Manager

Fund/Department Legend:

General Fund – 001

Departments

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All Other Funds

003 - Riverside County MOU	470 – Capital Improvement Fund
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444 - Wilson Median Fund	857 – 2003 TABS Bond Proceeds Low/Mod
451 – Park Development Fund	860 – CRA - Project Fund

CITY COUNCIL AGENDA

DATE: May 10, 2011

TO: City Council

FROM: Duane Burk, Director of Public Works

SUBJECT: Resolution No. 2011-29, "Declaring the Intention to Levy and Collect Assessments, Approving the Engineer's Report and Setting the Date for the Public Hearing for Landscape Maintenance District No. 1"

RECOMMENDATION: The City Council adopt Resolution No. 2011-29, declaring the intention to levy and collect assessments within Landscape Maintenance District No. 1 (LMD No. 1) during the Fiscal Year 2011/12, pursuant to the "Landscaping and Lighting Act of 1972"; approving the Engineer's Report; and giving notice of the public hearing for renewal of said maintenance District.

JUSTIFICATION: It is essential to assess the property owners located within LMD No. 1 to provide for the funding required to maintain landscape areas located within the public right-of-way directly benefiting said property owners.

BACKGROUND: The City Council authorized the formation of LMD No. 1 with the adoption of Resolution No. 1990-59 on August 14, 1990. An additional five tracts and three tentative tracts were annexed (Annexation No. 1) into LMD No. 1 when the City Council approved Resolution No. 2005-36 on May 10, 2005. A map displaying the District is attached herewith as Exhibit "A." Additionally, the City Council approved Resolution No. 2011-03, initiating proceedings for the fiscal year update of the District on January 11, 2011.

The proposed resolution basically accomplishes three goals for the fiscal year update and renewal of LMD No. 1. First, it provides the resolution of intention to levy and collect assessments; second, it permits the City Council to review and approve the Engineer's Report; and third, it sets the date and time for a public hearing. Subsequent to the approval of Resolution No. 2011-29, the City Council will be requested to confirm the assessments for Fiscal Year 2011/12.

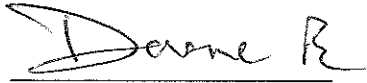
The Engineer's Report, reflecting the detail of proposed assessments, was forwarded to the City Council under a separate cover. Upon approval of this resolution, the public hearing will be held at the regularly scheduled City Council meeting on June 14, 2011, at 5:00 p.m., as shown in attached Exhibit "B." A detailed list of tracts in LMD No. 1 and their respective assessments is shown as attached Exhibit "C."

The Engineer's Report reflects an increase of 0.56% on the assessments based upon the average Consumer Price Index (CPI) percentage increase over the last fiscal year for the Los Angeles-Riverside-Orange County area, as reported by the U.S. Department of Labor.

FISCAL DATA: Based on the proposed assessments, the estimated revenues for Fiscal Year 2011/12 for Landscape Maintenance District No. 1 will be about \$131,260.00. If approved, the annual assessment for a single-family dwelling would now range from \$95.07 to \$192.66. LMD

No. 1 is managed in house by Public Works Department staff and the District is able to balance its' revenue and expenditures without additional funding from the Gas Tax or Street Department accounts.


RECOMMENDED BY:


Duane Burk
Director of Public Works

REVIEWED BY:


June Overholt
Administrative Services Director

APPROVED BY:


Andy Takata
City Manager

RESOLUTION NO. 2011-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, DECLARING THE INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 1, DURING THE FISCAL YEAR 2011/12, PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR THE MAINTENANCE AND SERVICING OF LANDSCAPING, APPROVING THE ENGINEER'S REPORT, AND SETTING THE DATE FOR THE PUBLIC HEARING FOR THE LEVY OF SAID ASSESSMENT

WHEREAS, at its regularly scheduled meeting on August 14, 1990, the City Council adopted Resolution No. 1990-59, authorizing the formation of Landscape Maintenance District No. 1 (LMD No. 1); and

WHEREAS, at its regularly scheduled meeting on May 10, 2005, the City Council of the City of Banning adopted Resolution No. 2005-36, ordering the annexation of an additional five tracts and three tentative tracts to the City's LMD No. 1; and

WHEREAS, at its regularly scheduled meeting on January 11, 2011, the City Council of the City of Banning adopted Resolution No. 2011-03, initiating proceedings for the fiscal year renewal of Landscape Maintenance District No. 1 pursuant to the "Landscaping and Lighting Act of 1972," Part 2 (commencing with Sec. 22500) of Division 15 of the Streets and Highways code, for the maintenance and servicing of landscape medians, parkways, perimeter strips and slopes adjacent to sidewalks, flood detention or retention basins, and the irrigation of the above facilities; and

WHEREAS, by said Resolution the City Council ordered the City Engineer to prepare and file a report with the City Clerk in accordance with Article 4 (commencing with Sec. 22565) of Chapter 1 of Part 2 of Division 15 of the Streets and Highways code; and

WHEREAS, the City Engineer has filed such report with the City Clerk, and such report has been presented to and considered by the City Council; and

WHEREAS, it is essential that the City Council adopt Resolution No. 2011-29, so that the City may assess and collect assessments from the property owners located within LMD No. 1; and

WHEREAS, the City Council hereby finds that the funding for LMD No. 1 is available through a special assessment of property owners located within the District.

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

SECTION 1. That the City Council hereby declares its intention to levy and collect assessments within Landscape Maintenance District No. 1 for the Fiscal Year 2011/12 pursuant to the "Landscaping and Lighting Act of 1972." The area to be assessed is located in the City of Banning, Riverside County. The boundaries of Landscape Maintenance District No. 1 are described in Exhibit "A," and are on file in the Office of the City Clerk.

SECTION 2. That the purpose of Landscape Maintenance District No. 1 is for the maintenance and servicing of landscape medians and parkways, perimeter strips and backup walls, landscaped hillsides with high visibility, side slopes adjacent to sidewalks, flood detention or retention basins, and the irrigation of the above facilities.

SECTION 3. That the Engineer's Report, which is on file with the City Clerk and considered by the City Council at the meeting at which this Resolution has been adopted, is hereby approved. All interested persons are referred to that report for a full and detailed description of the work, the boundaries of the proposed assessment district, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance District No. 1.

SECTION 4. That the City Clerk shall give notice of the time and place of said hearing by advertising a copy of the resolution once in the local newspaper and provide a posted notice not less than ten (10) days before the date of the hearing.

SECTION 5. That on Tuesday, June 14, 2011, at the hour of 5:00 p.m., during the course of its regularly scheduled meeting, the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at Banning City Hall, 99 E. Ramsey Street, Banning, California.

PASSED, APPROVED ADOPTEDthis 10th day of May, 2011.

Barbara Hanna, Mayor
City of Banning

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

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

ATTEST:

Marie A. Calderon, City Clerk

CERTIFICATION:

I, Marie Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2011-29 was adopted by the City Council of the City of Banning at the Regular Meeting thereof held on the 10th day of May, 2011.

AYES:

NOES:

ABSENT:

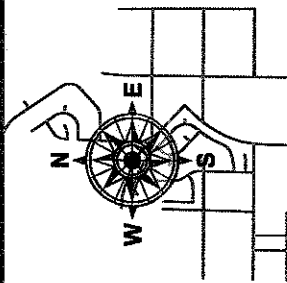
ABSTAIN:

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

EXHIBIT "A"

**LANDSCAPE MAINTENANCE DISTRICT NO. 1
FOR
FISCAL YEAR 2011/12**

Map of Landscape Maintenance District No. 1 2011/2012



Legend	
Existing Tracts	
	1. 21882 Snow Creek I
	2. 22810 Dev. Corp
	3. 22811 Dev. Corp
	4. 22913 Arce Bros.
	5. 23446 Highland Estates
	6. 23598 Snow Creek II
	7. 28252 Fair Oaks
	8. 29721 The Pines
	9. 30186 Wilson Homes
	10. 30222 Wilson Homes
	11. 30793 Fiesta Collection
	12. 30906 Evergreen Estates
	13. 31833 Fair Oaks
	14. 31834 Fair Oaks
	15. 31835 Fair Oaks
	16. 32109 Sunset Ridge
	17. 30842 Diversified Pacific Opportunity Fund

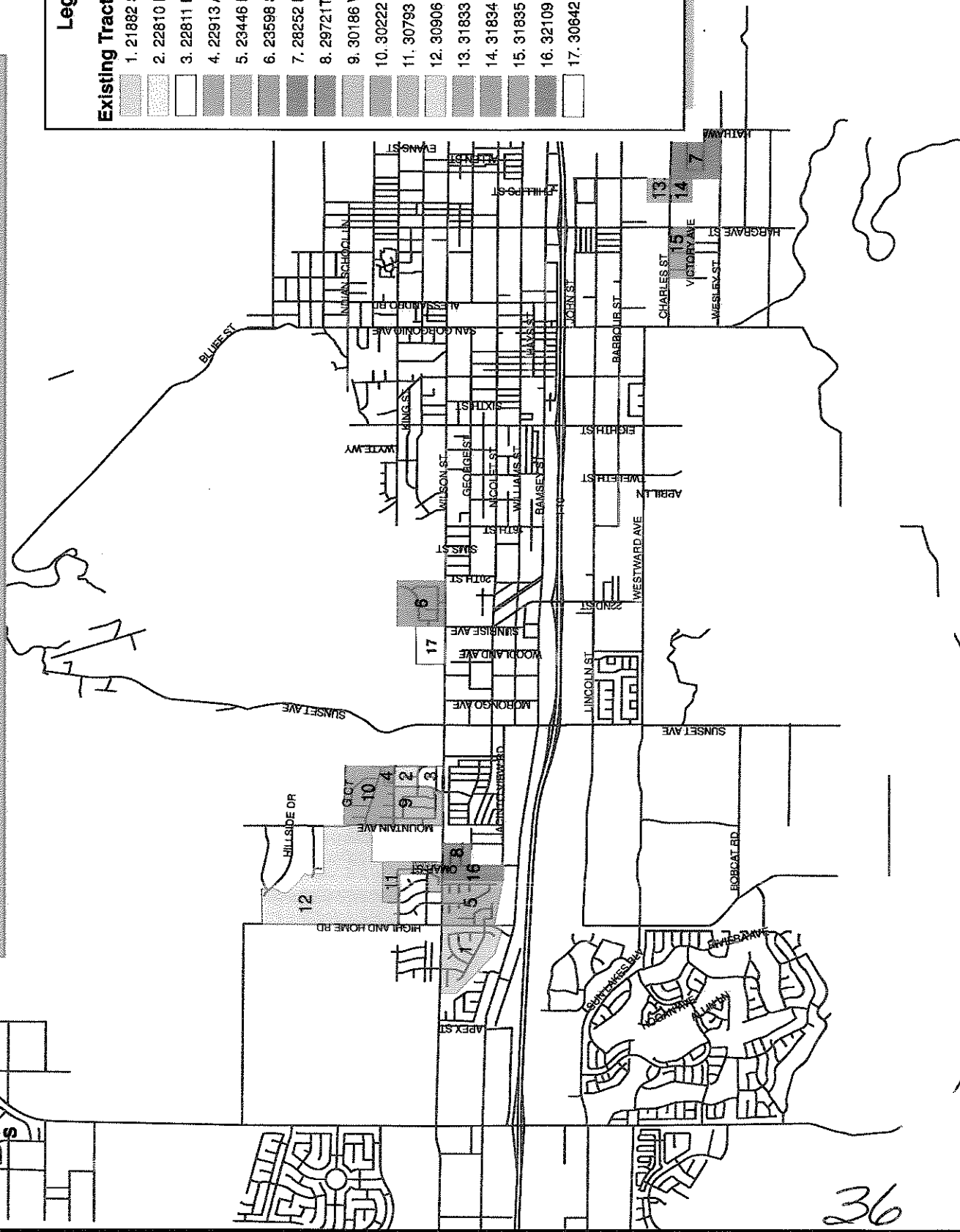


EXHIBIT “B”

**TENTATIVE SCHEDULE
UPDATING LANDSCAPE MAINTENANCE DISTRICT NO. 1**

<u>Item</u>	<u>Council Meeting</u>
Resolution Initiating Update	January 11, 2011
Resolution of Intention and Approve Engineer's Report	May 10, 2011 (revised)
Public Hearing and Resolution Confirming Assessment	June 14, 2011 (revised)

EXHIBIT "C"

LANDSCAPE MAINTENANCE DISTRICT NO. 1 TRACTS AND ASSESSMENTS FISCAL YEAR 2011/12

Tract No.	No. of AU	Zone	Proposed Cost/AU (FY 2011/12)
22810	43	A	\$104.67
22811	39	A	\$104.67
22913	9	A	\$104.67
23446	138	B	\$108.91
29721	21	B	\$108.91
30186	107	B	\$108.91
30222	121	B	\$108.91
32109	38	B	\$108.91
21882	134	B	\$108.91
23598	97	C	\$95.07
30642	(53)	C	\$95.07
30793	43	D	\$192.66
28252	70	D	\$192.66
31833	17	D	\$192.66
31834	18	D	\$192.66
31835	33	D	\$192.66
30906*	87	D	\$192.66
Total	1,015		\$131,260.33

(#) = Tract not yet completed or will not be accepted into the Landscape Maintenance District during the next Fiscal Year. Not included in total AU.

*Tract No. 30906 has a total of 303 Assessment Units (AU); therefore, a total of 216 remain.

CITY COUNCIL AGENDA

DATE: May 10, 2011

TO: Mayor and City Council

FROM: Andy Takata, City Manager

SUBJECT: Classification Plan Amendment

RECOMMENDATION: Adopt Resolution No. 2011-38, which will amend the Classification and Compensation Plan for the City of Banning to include the Classification of Economic Development and Redevelopment Director at Range 88 compensation and approve the job description for the new classification”.

JUSTIFICATION/DISCUSSION: The City Council approved the City of Banning Classification and Compensation Plan on January 25, 2005. Periodically the plan is amended to reflect changes in the organizational structure. Maintenance of the plan is a dynamic process in order to reflect the organizational and strategic needs within the City. City Personnel Rules require that the City Council approve all changes to the City’s Classification Plan.

In January 2011, the City Council held a Strategic Planning Workshop. During the workshop, Council expressed a need to have an Economic and Redevelopment Director. The Director position would have a single focus of addressing the economic development needs in the City utilizing redevelopment to accomplish the goals as identified in the Strategic Planning Workshop and subsequently approved by City Council on March 22, 2011. The housing component of redevelopment will remain as part of the responsibilities of the Community Development Director.

Staff has been considering ways to address the needs of the Community Redevelopment Agency including the operating deficit and State impacts while considering the input from City Council during the Strategic Planning Workshop. In November 2010, City Council adopted the Community Redevelopment Agency (CRA) Five Year Implementation Plan, which showed that the CRA would be operating at a deficit over the next five years. Due to the State budget crisis, the Governor proposed to completely eliminate the CRA in January 2011. This attack by the Governor to eliminate the CRA would be detrimental to the City of Banning. Although, it is not likely the Governor will succeed in his goal, it is expected that some adverse action will occur that will limit the abilities of the CRA.

Currently, the Community Development Director has responsibility over redevelopment, planning, building and code enforcement functions. The redevelopment functions were intended to be handled by the Redevelopment Manager and Economic/Redevelopment Project Coordinator. The Manager position has remained vacant for over a year and the Coordinator position is currently filled.

In order to fund the Director position, staff is recommending that the Manager and Coordinator positions be removed from the authorized positions in the budget and that the Redevelopment Director position be added to the authorized positions in the budget and also to the Classification and Compensation Plan.

FISCAL DATA: This action will result in annualized budget savings of approximately \$43,320 in the FY 2011-2012 Budget.

Approved By:



Andy Takata
City Manager

Reviewed By


June Overholt
Administrative Services Director

CITY COUNCIL AGENDA

DATE: May 10, 2011
TO: Mayor and City Council
FROM: Fred Mason, Electric Utility Director
SUBJECT: Classification Plan Amendment

RECOMMENDATION: Adopt Resolution No. 2011-38 amending the classification and compensation plan for the City of Banning to include the classification of Utility Financial Analyst at Range 72 compensation. Approve the job description for the new classification.

JUSTIFICATION/DISCUSSION: The City Council approved the City of Banning Classification and Compensation Plan on January 25, 2005. Periodically the plan is amended to reflect changes in the organizational structure. Maintenance of the plan is a dynamic process in which Human Resources works with operating departments to develop classifications which reflect the current needs of the department in their efforts to deliver quality services to residents. City Personnel Rules require that the City Council approve all changes to the City's Classification Plan.

With the recent departure of the Electric Department's Power Resource & Revenue Administrator, the Department has reevaluated its staffing needs. The Power Resource & Revenue Administrator accomplished many goals for the department during the 2000 to 2007 growth period. The most critical responsibilities related to acquiring new power resources. Due to changes in the economy and development, the department does not anticipate the need for acquiring additional power resources until possibly 2015.

In order to better serve the needs of the department while reducing budget costs, staff is recommending that the Power Resource & Revenue Administrator position (Range 81) be removed from the authorized positions in the budget, that the Utility Finance Analyst be added to the Classification and Compensation Plan (Range 72), and that the new position be added to the authorized positions in the budget. This action will result in annualized budget savings of approximately \$72,000.

The new Utility Financial Analyst position will monitor and validate the Utility's numerous energy and financial transactions, interface with the California Independent System Operator, interact with other agencies with electric utility oversight authority, and track the Utility's overall fiscal condition. In addition, the position will be responsible for the preparation and submission of the multitude of compliance reports that the Utility is required to submit on a monthly, quarterly and annual basis. This position would also supervise the administration of the Public Benefit Programs and other programs. Staff has performed a salary survey and has determined that the Salary Range 72 would be an appropriate range for this classification.

FISCAL DATA: This change will result in annualized salary savings to the Electric Operations Fund 670 in the amount of \$72,000 for the FY 2011-2012 Budget.


Recommended By:


Fred Mason
Electric Utility Director

Reviewed By


June Overholt
Administrative Services Director

Approved By:


Andy Takata
City Manager

RESOLUTION 2011-38

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING
AMENDING THE CLASSIFICATION & COMPENSATION PLAN FOR THE
CITY OF BANNING**

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1: That the City Council adopts the classifications of Utility Financial Analyst (Job Code 5028) with the recommended salary range 72 and Economic Development/Redevelopment Director (Job Code 3110) with the recommended salary range 88 as set forth on the attached classification plan - Schedule "A" (Exhibit "A").

SECTION 2: That the City Council approve the job description for the Utility Financial Analyst (Job Code 5028) and Economic Development/Redevelopment Director (Job Code 3110) as attached Exhibit "B".

PASSED, APPROVED, AND ADOPTED this 10th day of May, 2011.

Barbara Hanna, Mayor
City of Banning, California

ATTEST:

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

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. 2011-38 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 10th day of May, 2011, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

EXHIBIT “A”

CITY OF BANNING
CLASSIFICATION & COMPENSATION PLAN
REVISED MAY 10, 2011
RESOLUTION NO. 2011-38
(AMENDING RESOLUTION NO. 2010-44)

MATRIX BY CLASS SERIES/JOB CODE

Class Series/Occupational Job Group	Job Code	Classification/Position	Salary Range	Bargaining Unit
1000 – CITY ADMINISTRATION SERIES				
City Administration Group	1010	City Manager	109	Council Contract
	1020	City Clerk/Executive Assistant	55	Elected
Financial Services Group	1105	Administrative Services Director/Deputy City Manager	97	Contract
	1130	Financial Services Specialist	45	IBEW-G
	1115	Deputy Finance Director	82	Mgmt/Conf
	1140	Accountant	52	General
Human Resources Group	1215	Deputy Human Resources Director	78	Mgmt/Conf
	1230	Human Resources Technician	52	Conf/Gen
Utility Billing Group	1340	Senior Utility Billing Rep	46	IBEW-G
	1350	Utility Billing Representative	41	IBEW-G
Information/Cable Systems Group	1410	Information Technology Coordinator	57	IBEW-G
	1416	Police Information Technology Technician	57	IBEW-G
	1415	Information Technology/Media Technician	55	IBEW-G
	1510	Cable Services Specialist	42	IBEW-G
Office Support Group	1610	Executive Secretary	51	IBEW-G
	1620	Office Specialist	42	IBEW-G
	1630	Receptionist	29	IBEW-G

46

2000 - POLICE SERIES

Police Group	2010	Police Chief	96	Contract
	2025	Police Lieutenant	82	Police Mgmt
	2030A	Police Staff/Master Sergeant	75	POA
	2030	Police Sergeant	68	POA
	2050	Police Officer	64	POA
	2060	Police Recruit/Trainee	N/A	At Will
Police Support Group	2143	Lead Public Safety Dispatcher	54	IBEW-G
	2110	Public Safety Dispatcher	50	IBEW-G
	2140	Lead Police Records Specialist	43	IBEW-G
	2141	Police Records Assistant	31	IBEW-G

3000-COMMUNITY DEVELOPMENT SERIES

Community Development Group	3010	Community Development Director	88	Contract
	3026	Development Project Coordinator	56	IBEW-G
	3015	Assistant Planner	59	CBAM
Economic/Redevelopment Group	3110	Economic Development/Redevelopment Director	88	Contract
Development Services Group	3210	Development Services Manager (Building Official)	80	CBAM
	3215	Senior Building Inspector	65	IBEW-G
	3230	Code Compliance Officer	56	IBEW-G
	3240	Building Permit Specialist	53	IBEW-G

3300-COMMUNITY SERVICES GROUP

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

4000-PUBLIC WORKS SERIES

Public Works Management Group	4010	Public Works Director	96	Contract
Streets/Parks Group	4210	Public Works Superintendent	77	CBAM
	4230	Work Release Crew Leader	45	IBEW-G
	4240	Senior Maintenance Worker	48	IBEW-G
	4250	Maintenance Worker	43	IBEW-G
	4260	Motor Sweeper Operator	48	IBEW-G

Engineering Group	4300	City Engineer	83	CBAM
	4350	Senior Civil Engineer	78	CBAM
	4320	Associate Civil Engineer	72	CBAM
	4325	Assistant Civil Engineer	64	CBAM
	4330	Public Works Inspector	60	IBEW-G
	4340	Engineering Services Assistant	46	IBEW-G
General Maintenance and Support Group	4420	Fleet Maintenance Mechanic	51	IBEW-G
	4430	Building Maintenance Specialist	47	IBEW-G
	4450	Warehouse Services Specialist	50	IBEW-G
Water/Wastewater Group	4115	Water/Wastewater Superintendent	77	CBAM
	4130	Water Crew Supervisor	58	IBEW-U
	4140	Water Services Worker	50	IBEW-U
	4155	Wastewater Collection System Supervisor	58	IBEW-U
	4145	Wastewater Collection System Technician	50	IBEW-U
	4132	Water Valve Flushing Crew Lead	54	IBEW-U
	4133	Water Construction Crew Lead	54	IBEW-U
	4131	Water Meter Crew Lead	54	IBEW-U

5000 ELECTRIC UTILITIES SERIES

Electric Services & Operations Group	5001	Electric Utility Director	96	Contract
	5021	Power Contracts & Revenue Administrator	81	CBAM
	5025	Associate Electrical Engineer	72	CBAM
	5028	Utility Financial Analyst	72	CBAM
	5030	Electric Service Planner	75	IBEW-U
	5050	Public Benefits Coordinator	53	IBEW-U
	5055	Utility Services Assistant	46	IBEW-U
	5110	Electric Operations & Maintenance Manager	81	CBAM
	5120	Powerline Crew Supervisor	77	IBEW-U
	5130	Powerline Technician	73	IBEW-U
	5140	Powerline Apprentice	65 / 71	IBEW-U
	1340	Lead Field Service Representative	53	IBEW-U
	1325	Field Service Representative	49	IBEW-U
	5160	Electric Meter Test Technician	73	IBEW-U
	5170	Apprentice Electric Meter Test Technician	65 / 71	IBEW-U

EXHIBIT “B”



CITY OF BANNING, CALIFORNIA

Utility Financial Analyst

Job Code: 5028

FLSA

☒ Exempt

☐ Non-Exempt

JOB DEFINITION: Under general direction of the Electric Utility Director, performs administrative, technical and analytical analysis for the Electric Department in general accounting, budgeting, contracting, utility billing, and energy accounting, including energy transaction analysis, cost of service studies and retail rate analysis. Supervises the City's Public Benefit Programs and Field Services operations and the activities of assigned personnel.

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

REPRESENTATIVE DUTIES: Develops and maintains databases and spreadsheets to analyze, monitor and validate the Electric Utility's expenses, revenues, retail consumption, distribution and losses. Identifies and recommends opportunities for cost savings. Monitors and analyzes the utility's fiscal condition, and assists in the preparation and oversight of the departmental budget. Creates reports to inform upper management and track data. Validates and approves power purchase invoices.

Acts as the City's liaison with the California Independent System Operator (CAISO); prepares and submits periodic reports and documentation as required.

Reviews and evaluates pertinent regulatory issues for potential impact on the City. Prepares and submits a variety of reports as required by various Federal and State agencies and other entities with electric utility oversight authority.

Supervises the development and implementation of qualified programs and services, as funded by the State mandated Public Benefit Charge, for industrial, commercial and residential Electric Utility customers. Directs, monitors and evaluates the activities of assigned personnel to ensure effective administration of the City's Public Benefit Programs.

Reviews and maintains a working knowledge of the Electric Utility's various contracts and agreements. Reviews and evaluates documents, correspondence and reports from a variety of agencies and determines the potential impact on the City. Manages special projects, interfaces with vendors, contractors and City personnel and ensures satisfactory completion of projects. May represent the City at a variety of meetings pertaining to the Electric Utility operations.

Performs other duties as assigned or required.

(continued on reverse side)

CITY OF BANNING, CALIFORNIA

Utility Financial Analyst

Job Code: 5028

KNOWLEDGE and SKILLS:

- Knowledge of accounting and finance methods and procedures.
- Principles and practices of budget administration.
- Knowledge of the City's and the Department's policies and procedures.
- Knowledge of file and records management principles.
- Knowledge of research methods and procedures.
- Skill in reading, understanding, interpreting and applying relevant city, county, state and federal statutes, rules, regulations, ordinances, codes, administrative orders, policies and procedures and other operational guidelines and directives.
- Skill in assessing and prioritizing multiple tasks, projects and/or demands.
- Skill in working within deadlines to complete projects and assignments.
- Skill in assessing, analyzing, identifying and implementing solutions to complex problems.
- Skill in establishing and maintaining effective working relations with co-workers, staff, vendors, contractors, visitors, the general public and others having business with the City of Banning.
- Skill in operating a personal computer utilizing a variety of software applications, including Microsoft Excel and Word.

MINIMUM QUALIFICATIONS: Any combination of education and experience that has provided the knowledge, skills and abilities necessary for a Utility Financial Analyst. A typical way of obtaining the required qualifications is to possess a Bachelor's degree in Accounting, Business Administration, Finance or a related field **AND** three (3) years of experience in electric utility accounting, energy systems or transactions analysis, or governmental accounting.

ADDITIONAL REQUIREMENTS: May be required to work outside the traditional work schedule.



CITY OF BANNING, CALIFORNIA

Economic Development/Redevelopment Director

Job Code: 3110

FLSA ☒ Exempt ☐ Non-Exempt

JOB DEFINITION: Under general direction, directs, manages and performs a variety of tasks associated with managing economic development and redevelopment functions for the City.

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

REPRESENTATIVE DUTIES: Coordinates development projects and functions as liaison and facilitator between business, development professional and City staff. Responds to leads and inquiries for potential new business development, as well as retention, of existing businesses. Develops and manages marketing strategies to attract potential businesses.

Researches policies, procedures and programs relative to economic development and redevelopment including low and moderate income housing. Recommends and implements appropriate policies, procedures and programs in accordance with City goals and objectives. Identifies and pursues potential funding opportunities.

Selects, assigns, evaluates and manages assigned personnel work activities. Prioritizes, schedules and delegates work assignments of assigned staff. Identifies and implements new employee and on-going staff training programs.

Performs other duties as assigned or required.

KNOWLEDGE and SKILLS:

- Knowledge of applicable city, county, state and Federal statutes, rules, regulations, ordinances, codes, administrative orders and other operational guidelines and directives.
- Knowledge of the City's and the Department's policies and procedures.
- Knowledge of management and/or supervision principles.
- Knowledge of finance and/or accounting principles.
- Knowledge of research methods and procedures.
- Knowledge of marketing methods and procedures.

- Skill in reading, understanding, interpreting and applying relevant city, county, state and Federal statutes, rules, regulations, ordinances, codes, administrative orders, policies and procedures and other operational guidelines and directives.
- Skill in assessing and prioritizing multiple tasks, projects and/or demands.
- Skill in working within deadlines to complete projects and assignments.
- Skill in assessing, analyzing, identifying and implementing solutions to complex problems.
- Skill in establishing and maintaining effective working relations with co-workers, staff, vendors, contractors, visitors, the general public and others having business with the City of Banning.
- Skill in operating a personal computer utilizing a variety of software applications.

CITY OF BANNING, CALIFORNIA

Economic Development/Redevelopment Director

Job Code: 3110

MINIMUM QUALIFICATIONS: A Bachelor's degree in Business Administration, Economics or related field **AND** five (5) years of economic development and/or redevelopment experience that includes one (1) year of management and/or supervision.

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

CITY COUNCIL AGENDA

Date: May 10, 2011
To: Honorable Mayor and City Council
From: Fred Mason, Electric Utility Director
Subject: Resolution No. 2011-40, Approving the Release Agreement Between Home Energy Americas and the City of Banning

RECOMMENDATION: Adopt Resolution No. 2011-40 approving the Release Agreement between Home Energy Americas (HEA) and the City of Banning, attached herewith as Exhibit "A".

JUSTIFICATION: Approving the Release Agreement will finalize outstanding issues between HEA and the City regarding the Energy Ball V200 installation.

BACKGROUND: In July 2010 the City purchased and installed a V200 Energy Ball wind generating device from HEA utilizing Public Benefit funds. This was an R&D project, located at the Electric Utility Operations building, to determine if the wind conditions in the Pass Area would be conducive to installing additional Energy Ball devices at other City facilities.

Due to unforeseen circumstances, the project had to be abandoned and HEA agreed to refund the purchase price the City paid for the V200 Energy Ball (\$9,618.00). As a condition of this refund, both parties are required to execute the attached Release Agreement. Staff recommends approval of the attached Release Agreement.

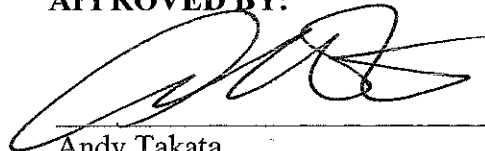
FISCAL DATA: The \$9,618.00 refund will be returned to the Public Benefit Fund account number 675-7020-473.42-61.

RECOMMENDED BY:



Fred Mason
Electric Utility Director

APPROVED BY:



Andy Takata
City Manager

RESOLUTION NO. 2011-40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING APPROVING THE RELEASE AGREEMENT BETWEEN HOME ENERGY AMERICAS AND THE CITY OF BANNING.

WHEREAS, the City of Banning owns and operates its Municipal Electric Utility; and

WHEREAS, the City purchased a V200 Energy Ball wind generation device from Home Energy Americas as an R&D project; and

WHEREAS, the project had to be abandoned due to unforeseen circumstances; and

WHEREAS, Home Energy Americas agreed to refund the City's \$9,618.00 purchase price of the V200 Energy Ball; and

WHEREAS, as a condition of this refund, both parties must execute the Release Agreement, attached herewith as Exhibit "A";

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

SECTION 1. Adopt Resolution 2011-40 approving the Release Agreement between Home Energy Americas and the City of Banning.

SECTION 2. Authorize the City Manager to execute said Agreement, and the Administrative Services Director to perform all transactions necessary to account for the \$9,618.00 refund.

PASSED, ADOPTED AND APPROVED this 10th day of May, 2011.

Barbara Hanna, Mayor

ATTEST:

Marie A. Calderon, City Clerk

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

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

CERTIFICATION

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2011-40 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 10th day of May 2011 by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

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

EXHIBIT "A"

RELEASE AND SETTLEMENT OF CLAIMS

THIS RELEASE AND SETTLEMENT OF CLAIMS ("Agreement") is entered into and effective this 3rd day of May, 2011 (the "Effective Date"), by and between Home Energy Americas, LLC, a Texas Limited Liability Company ("Company") and the City of Banning, California (the "City").

WHEREAS, the Company entered into an agreement with the City to provide and the Company did provide a V200 Energy Ball and V200 Pole to the City;

WHEREAS, the City has alleged that a material defect existed in the V200 Energy Ball and V200 Pole;

WHEREAS, the Company denies any and all such allegations by the City;

WHEREAS, this Agreement, and the execution hereof, does not, and is not intended to be, construed to be, or is an admission of any fault or wrongdoing by or on behalf of either Party;

WHEREAS, all provisions of this Agreement are contractual in nature, and not mere recitals only; and

WHEREAS, the purpose of this Agreement is to set forth and embody a negotiated compromise, settlement, and release, as set forth herein.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, and the incorporation of the above Recitals, the parties hereto agree as follows:

I. DEFINITIONS. In addition to the terms defined elsewhere herein, the following terms shall have the meaning prescribed:

A. "Claim" and "Claims" shall mean and encompass all claims, rights, demands, damages, losses, injuries, liabilities, actions or causes of action, proceedings, cross-claims, third party claims, counterclaims, or any such potential claims, whether asserted or unasserted, now known or hereafter discovered, of any nature whatsoever, known and unknown, direct or indirect, liquidated or unliquidated, fixed or contingent, whether contractual, extra-contractual, in tort or otherwise, under federal, state, or common law or any other law or at equity, or otherwise.

II. WARRANTIES & REPRESENTATIONS.

A. Authority to Settle. Each person signing this Agreement represents and warrants that he has the authority to execute this Agreement on behalf of the party for which he is signing. Further, each party represents that it has full power, legal right, capacity, and authority to execute and deliver this Agreement, to perform its obligations hereunder, and to consummate the transactions contemplated hereby.

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Each party further warrants that this Agreement has been duly executed and delivered by it and constitutes a legal, valid and binding obligation and is enforceable against it in accordance with its terms.

- B. Ownership of Claims. Each party covenants and represents that it has not transferred, assigned, pledged, sold or encumbered in any way any Claim and that it is the sole owner of the Claims released herein.

III. SETTLEMENT PAYMENT. The City shall receive the following consideration (the "Settlement Amount"):

- A. Payment of NINE THOUSAND SIX HUNDRED EIGHTEEN DOLLARS (\$9,618.00), which shall be paid upon execution of this Agreement, the receipt and sufficiency of which will be acknowledged upon exchange of documents, and in consideration of the mutual agreements, conditions, representations, warranties, recitals, covenants, and statements of intention contained herein.
- B. Each party agrees to be solely responsible for the payment of their respective attorney's fees, costs, and all other expenses incurred on said party's behalf as a result of or in connection with this Agreement.
- C. The City will retain ownership of the V200 Energy Ball and V200 pole and may utilize or dispose of them as the City sees fit.

IV. RELEASE.

- A. The City and its past, present, and future representatives, agents, employees, legal representatives, and any other person who may assert a Claim by or through the City, (individually and collectively, the "City Related Persons") fully and irrevocably releases, acquits and discharges Company and its past, present, and future representatives, members, managers, owners, employees, agents, legal representatives, directors, officers, principals, partners, joint venturers, sureties, insurers, affiliate entities, predecessors, successors, assigns, (individually and collectively, the "Company Related Persons") from any and all actual or potential claims, suits, demands, causes of action, charges, grievances, of any kind of character regardless of the nature or extent of the same arising out of any act or omission occurring in relation to the V200 Energy Ball and V200 Pole, including but not limited to the purchase, installation, or use, and/or any loss or damages of any kind relating to the V200 Energy Ball or V200 Pole.
- B. Continuing Obligation. Nothing in this Agreement shall alter, affect, discharge or release the obligations created herein.

V. NON-DISPARAGEMENT.

- A. DISCLOSURE. It is expressly understood that this Agreement shall be approved

at a public meeting. The City agrees that during this meeting, its comments pertaining to this matter shall be governed by subsection C of this section. This Agreement shall be subject to release pursuant to requirements of the California Public Records Act (Government Code Section 6250 et seq). If the City receives such a request, it shall immediately, but in no event more than five (5) business days from receipt of a subpoena, demand, request, or order for such disclosure, and prior to any such disclosure, notify the Company of said subpoena, demand, request, or order and provide the Company with a copy of same. If Company timely objects to such disclosure and agrees to defend the nondisclosure and bears all costs thereof, entering into a deposit agreement in a form approved by the City Attorney, then the City shall not produce or otherwise disclose the content of this Agreement and the terms or conditions of the parties' settlement. Company shall seek appropriate relief from a court or tribunal of competent jurisdiction and, after having sought such relief or had opportunity to seek such relief, a valid order of said court or tribunal requiring disclosure is entered.

B. **Tax Matters.** The parties may disclose the terms of this Agreement to their accountants and/or tax advisors, provided that, such persons are advised that the terms of the settlement are confidential.

C. **Non-Disparagement.**

1. For a period of one (1) years from the Effective Date of this Agreement, both parties agree that they will not disparage, defame, slander, or make any written comments, statements, reports, innuendo or other communications to any third party, on any subject or in any medium or forum, that may cast the other party in a negative light, regardless of the truth of such comments, statements, reports, innuendo, or communications.

2. If one party to this Agreement disparages the other party, the other party shall be entitled to recover the settlement amount paid hereunder as damages.

D. **Confidentiality and Non-Disparagement are Essential Terms.** The parties agree and acknowledge that their respective obligations of confidentiality and covenants not to disparage each constitute an essential and material part of this Agreement.

VI. **SELF-RELIANCE.** Each party represents and warrants that it has not been influenced to enter into this Agreement in reliance upon any statements or representations, oral or written, by any party hereto or by any other person or entity not otherwise contained herein. Each party or the duly authorized representative of each, further acknowledges that it has been advised by legal counsel of its choice and has read and understands the effect of the mutual promises and releases contained herein, and executes this Agreement of its own free will and accord for the purposes and

considerations set forth herein and in the duly authorized capacity indicated, and after full consultation with legal counsel:

- VII. **GOVERNING LAW.** This Agreement, and the rights and obligations of the Parties hereto, shall be governed by and construed in accordance with and governed by the laws of the State of California.
- VIII. **SEVERABLE.** Should any part, term, or provision of this Agreement be declared or be determined to be illegal or invalid, the validity of the remaining parts, terms or provisions shall not be affected thereby, and any part, term or provision, if finally declared or determined to be illegal or invalid, shall be deemed not to be a part of this Agreement and there shall be added automatically as part of this Agreement a provision as similar in its terms to such illegal or invalid part, term or provision as may be possible and be legal, valid and enforceable.
- IX. **INTEGRATION & NO ORAL AMENDMENTS.** Except as otherwise provided herein, this Agreement contains the entire understanding of the parties hereto and supersedes and cancels all previous negotiations, agreements, commitments, understandings in connection with the subject matter of this Agreement, whether oral or written, including any matter involving the parties' business relationship. This Agreement may not be released, discharged, abandoned, varied, supplemented, supplanted, amended, or modified in any manner except by a written instrument duly executed by an authorized representative of each party to this Agreement.
- X. **OTHER COSTS.** Other than payment of the Settlement Amount and as otherwise expressly set forth herein, the parties shall be responsible for their own costs, including attorney's fees, related to and arising out of the negotiation and execution of this settlement.
- XI. **OTHER DOCUMENTS.** The parties covenant and agree that they will execute or cause to be executed any other instruments and documents that are or may become necessary or convenient to effectuate and carry out this Agreement. The parties agree that all covenants, duties, and obligations contained in this Agreement shall apply to any other instrument or document executed by the parties in furtherance of this Agreement.
- XII. **FUTURE DISPUTES.** In the event of a future dispute between the parties related to this Agreement, its interpretation, its application, or its enforceability, the parties agree that the following terms shall govern:
- A. **Adequacy of Consideration.** Each party hereby represents and warrants that the promises and covenants set forth in this instrument are supported by fair and adequate consideration, the sufficiency of which is hereby confessed and admitted.
- B. **Binding Agreement.** It is understood that the terms of this Agreement are

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contractual and not merely recitals and shall be binding upon and inure to the benefit of each party and their respective related persons.

C. **Headings and Terms within Agreement.** The headings contained in this Agreement are for convenience only and are not intended to vary or supplement the terms of the paragraph which follows the heading. The headings are not to be given any weight if an issue arises regarding the interpretation of this Agreement.

D. **Mutual Efforts.** This Agreement has been the subject of negotiations and discussions between the parties. Consequently, the parties agree that any rule of construing ambiguities against the drafter shall have no force and effect.

XIII. **NO ADVERSE INFERENCE FROM SETTLEMENT.** It is understood and agreed that this Agreement is a compromise to terminate disputed claims. It is understood and agreed that the consideration being paid is in compromise and settlement of such disputed claims and such payments shall not be construed as an admission of liability or wrongdoing by the Company. Neither the execution or delivery of this Agreement, fulfillment of any obligation created herein, nor any statement contained in this Agreement shall express, imply, or admit any liability, obligation, wrongdoing, whether by action or omission, by the Company as all such liability being expressly denied. The Company denies any liability and wrongdoing of any kind and has entered into this Agreement merely to avoid litigation.

XIV. **COUNTERPARTS.** This Agreement may be executed in one or more counterparts, which will be construed together as forming one Agreement. Each party agrees that its or his facsimile or photocopy of its or his respective signature is the same as an original.

[SIGNATURE PAGE TO FOLLOW]

City of Banning:

DATE: _____

By: _____

Name: _____

Title: _____

City of Banning

Home Energy Americas, LLC:

DATE: 3 MAY 2011

By: *Dave Gillespie*

Name: Dave Gillespie

Title: MANAGER OF LLC

Home Energy Americas, LLC

CITY COUNCIL AGENDA

Date: May 10, 2011
To: Honorable Mayor and City Council
From: Fred Mason, Electric Utility Director
Subject: Resolution No. 2011-33, Establishing an Underground Utilities District from Fourth Street to Hargrave Street and from Livingston Street to Williams Street

RECOMMENDATION: Adopt Resolution No. 2011-33 forming the Downtown Corridor Underground Utilities District for the undergrounding of utilities in the area from Fourth Street east to Hargrave Street and from Williams Street south to Livingston Street. Shown attached as Exhibit "A".

JUSTIFICATION: The undergrounding of Utilities in this expanded area is necessary to continue the City's beautification program as adopted in Resolution No. 2004-120.

BACKGROUND: In 2004 the City Council adopted Resolution No. 2004-120 as a part of the City's beautification program. In accordance with this, Resolution No. 2009-45 was adopted for the undergrounding of utilities in a limited downtown area. To continue the City's beautification program, and eliminate the heavy concentration of overhead distribution facilities, the City's Electric Utility is recommending the area from Fourth Street east to Hargrave Street and from Williams Street south to Livingston Street be designated as an Underground Utilities District.

Ordinance No. 580 allows for the formation of an Underground Utilities District. The proposed Downtown Corridor Underground Utilities District will enable the City to require other utility companies to underground their utilities in the designated area.

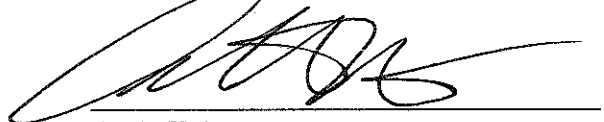
FISCAL DATA: There is no fiscal impact.

RECOMMENDED BY:



Fred Mason
Electric Utility Director

APPROVED BY:



Andy Takata
City Manager

Prepared by Carla Young

RESOLUTION NO. 2011-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING ESTABLISHING AN UNDERGROUND UTILITIES DISTRICT FROM FOURTH STREET TO HARGRAVE STREET AND FROM LIVINGSTON STREET TO WILLIAMS STREET.

WHEREAS, the City of Banning owns and operates its Municipal Electric Utility; and

WHEREAS, the City of Banning will be undergrounding electrical utilities from Fourth Street east to Hargrave Street and from Williams Street south to Livingston Street; and

WHEREAS, the Downtown Corridor Underground Utilities District must be formed to enable the City to require other utility companies to underground their utilities in the designated area; and

WHEREAS, the requirement of the undergrounding of utilities in the area of Fourth Street east to Hargrave Street and from Williams Street south to Livingston Street through the Downtown Corridor Underground Utility District as shown in Exhibit "A" will eliminate a heavy concentration of overhead distribution facilities, as well as, be another step towards the beautification of the downtown area of the City of Banning;

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

SECTION 1. Authorize the formation of the Downtown Corridor Underground Utilities District for the undergrounding of utilities as shown in Exhibit "A".

PASSED, ADOPTED AND APPROVED this 10th day of May, 2011.

Barbara Hanna, Mayor

ATTEST:

Marie A. Calderon, City Clerk

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

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

CERTIFICATION

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2011-25 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 12th day of April 2011 by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

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

DOWNTOWN UNDERGROUND CONVERSION ZONE

