

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

May 24, 2011  
**5:00 p.m.**

Banning Civic Center  
Council Chambers  
99 E. Ramsey St.

*The following information comprises the agenda for a regular meeting of the City Council and a Joint Meeting of the City Council and the Banning Utility Authority.*

*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 – Pastor Steve Braun, Banning Foursquare Church
- 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.

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

PRESENTATIONS:

1. Inland Empire Resource Conservation District (IERCD)  
– Mandy Parkes, District Manager (ORAL)
2. Report on 6<sup>th</sup> Annual Disaster Preparedness Expo held April 30, 2011 (ORAL)

**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 9**

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

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

1.	Approval of Minutes – Joint Meeting – 05/10/11.....	1
2.	Approval of Minutes – Regular Meeting – 05/10/11 .....	2
3.	Approval of Accounts Payable and Payroll Warrants for Month of March 2011.....	11
4.	Report of Investments for March 2011.....	14
5.	Resolution No. 2011-39, Accepting Project No. 2010-02, A. C. Overlay, Pavement Rehabilitation and Sidewalk Improvements on Various Streets as Complete and direct the City Clerk to record the Notice of Completion. .	24
6.	Resolution No. 2011-41, Authorizing a Loan in the Amount of \$25,000 to the San Gorgonio Child Care Consortium .....	32
7.	Resolution No. 2011-43, Authorizing an Increase in the Contract with Laurin Associates to Complete the Housing Element for Certification by the State Housing and Community Development.....	36
8.	Resolution No. 2011-45, Approving the Change Order to the Construction Contract Awarded to Cindy Bales Engineering, Inc. for Project No. 3-06-0018 AIP 10(C), Airport Rotating Beacon, Wind Cone, Segmented Circle & AWOS and Approving an Amendment to the Professional Services Agreement with C&S Engineers, Inc. for Design Services at the Banning Municipal Airport .....	40
9.	Resolution No. 2011-47, Authorizing the City Manager or His Designated Representative to Execute For and On Behalf of the City of Banning for the Purpose of Obtaining Financial Assistance Provided by the California Emergency Management Agency and Other State and Federal Agencies . .	46

- Open for Public Comments
- Make Motion

**RECESS REGULAR CITY COUNCIL MEETING AND CALL TO ORDER A JOINT MEETING OF THE BANNING CITY COUNCIL AND THE BANNING UTILITY AUTHORITY.**

**V. CONSENT ITEM**

1. Accepting Project No. 2010-01WW, Iron Sponge Media and Granulated Activated Carbon Drum Filter Replacement as complete and direct the City Clerk to record the Notice of Completion. .... 49

- Open for Public Comments
- Make Motion

**Adjourn Joint Meeting of the Banning City Council and the Banning Utility Authority and reconvene the Regular City Council meeting.**

**VI. 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. Amending the Banning Ordinance Code to Redesignate the Parks and Recreation Committee to a Commission and Amending Section 2.40.030 – Appointment of Members.  
Staff Report ..... 53  
Recommendation: That the City Council adopt Ordinance No. 1438 to Redesignate the Parks and Recreation Committee to a Commission and Amending Section 2.40.030 – Appointment of Members.

**Mayor asks the City Clerk to read the title of Ordinance No. 1438:**

*“An Ordinance of the City Council of the City of Banning Amending the Banning Ordinance Code to Redesignate the Parks and Recreation Committee to a Commission and Amending Section 2.40-030 – Appointment of Members.”*

**Motion: I move to waive further reading of Ordinance No. 1438.**

(Requires a majority vote of Council)

**Motion: I move that Ordinance No. 1438 pass its first reading.**

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

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

**VIII. 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 (*June 28<sup>th</sup>*)
3. Review of Fees and Rates
4. Policy Discussion Re. Code Enforcement (*study session*) (*July*)
5. Update on Shop Local Program
6. FEMA Training – Senior Officials (*Aug. 30, 2011*)
7. Speaker Cards

**IX. 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].

MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

05/10/2011  
JOINT MEETING

A joint meeting of the Banning City Council and the Community Redevelopment Agency was called to order by Mayor Hanna on May 10, 2011 at 4:03 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  
Zai Abu Bakar, Community Development Director  
Marie A. Calderon, City Clerk/Secretary

**CLOSED SESSION**

City Attorney said that staff would like to add an item to the agenda in regards to an update on the Fields litigation matter and this matter came up after the posting of the agenda.

**Motion Machisic Robinson to add the Fields litigation update to the closed session agenda. Motion carried, all in favor.**

City Attorney said that the Council will meet in closed session in regards to the added matter of the Field litigation; a matter of potential litigation pursuant to Government Code Section 54956.9; City Attorney and City Manager evaluation pursuant to Government Code Section 54957; and the Agency Board will meeting in closed session pursuant the provisions of Government Code Section 54956.8 regarding real property negotiations concerning: 1) 220 E. Ramsey Street, 2) Cultural Alliance Lease – 150 N. San Gorgonio, and 3) Brinton Property – APN: 535-030-019.

Mayor Hanna opened the item for public comments. There were none. Meeting went into closed session at 4:04 p.m. and returned to regular session at 5:00 p.m.

## ADJOURNMENT

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

Marie A. Calderon, City Clerk

MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

04/26/11  
REGULAR MEETING

A regular meeting of the Banning City Council was called to order by Mayor Hanna on May 10 2011 at 5:10 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  
Zai Abu Bakar, Community Development Director  
Fred Mason, Electric Utility Director  
Leonard Purvis, Police Chief  
Kahono Oei, City Engineer  
Rita Chapparosa, Deputy Human Resources Director  
Marie A. Calderon, City Clerk

The invocation was given by Ken Spicer, New Creation Church. 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. One item that was added to the closed session agenda in regards to a currently filed litigation matter involving the Fields property. A status report was given and no reportable action was taken. In the one matter of potential litigation and a status report was given and no reportable action was taken. They briefly discussed the evaluation of the City Attorney and City Manager and those have been deferred to another time. There was discussion regarding real property negotiations concerning: 1) 220 E. Ramsey Street and a status report was given and no reportable action was taken; 2) Brinton Property – APN: 535-030-019 and 3) Cultural Alliance Lease – 150 N. San Gorgonio. A status report was given in regards to 220 E. Ramsey and the Cultural Alliance and no reportable action was taken. It regards to the Brinton property the matter was deferred to another time.

**PUBLIC COMMENTS/CORRESPONDENCE/PRESENTATIONS/APPOINTMENTS**

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

Mayor Hanna announced with great sadness the death of a Banning icon and someone who loved Banning with all of his heart for over 50 years – Bud Mathewson. Bud Mathewson died yesterday morning and his celebration of life will be this Sunday, May 15<sup>th</sup> at 1:00 p.m. at the Banning United Methodist Church on Second Street. She stated that she would like to close this meeting this evening in honor of Bud Mathewson.

Inge Schuler, resident of Banning addressed the Council stating that she noticed that at the next Council Meeting it is projected that the discussion of the outstanding fees, etc. will be presented. She noticed that the conversation goes primarily to loans and grants. In view of the Los Angeles City having not collected millions of dollars in parking fees she wondered whether the parking fees that are outstanding in this town can be included plus any fees and penalties and interest on long-term monies owed for these property management things. The fire season is going to happen and people are not always taking care of their properties so the City has to clean up those properties and are those properties up to snuff in paying all of these outstanding fees when they don't do it and the City has to assume responsibility. She knows that the City can, for instance, put a lien on the property which means that eventually there is a possibility that the City owns the property which means a loss of tax revenue. She would like to know whether all these outstanding monies could probably be consolidated into several categories and diligently pursued so that we can at least have that revenue.

Don Smith, resident of Banning speaking as Chairman of the Art Hop Committee thanked the City for their cooperation in allowing them to put this event on. The City crews bringing the barricades and putting up the no parking signs, closure of streets and hanging of the banners was very helpful in putting on a successful event. He thanked each of the Council Members for coming and said it was a great event and lots of people attended and there were a lot of activities for every generation.

#### APPOINTMENTS:

##### 1. Planning Commission Appointment

Councilmember Robinson nominated Ray Briant for Planning Commissioner.

Councilmember Franklin said that she talked to several people who told her that they were never aware that we even had the opening and that it was just a small announcement in the Record Gazette and she would like the Council to reconsider re-opening it as we have done for the Parks and Recreation Advisory Committee and Economic Development Committee so that we have a wider pool of candidates and that at the same time we ask staff to look over the municipal code because in reading it there are some things that don't show that it has been updated in regards to the Planning Commission itself. For example, it shows that the Planning Commission meets on Tuesday and that makes a difference for people who are not here on Tuesday but they are available on Wednesday.

There was further Council discussion regarding re-opening this appointment to receive more applications and the need to make an appointment to the Planning Commission.

Councilmember Botts moved that we cast a unanimous ballot for Ray Briant to complete the term of Bill Escandel who resigned in February 2011 with the term to expire in February 2013. Motion seconded by Councilmember Robinson. **Motion carried with Councilmember Franklin voting no.**

CONSENT ITEMS

1. Approval of Minutes – Special Meeting – 04/21/11

Recommendation: That the minutes of the Special Meeting of April 21, 2011 be approved.

2. Approval of Minutes – Joint Meeting – 04/26/11

Recommendation: That the minutes of the Joint Meeting of April 26, 2011 be approved.

3. Approval of Minutes – Regular Meeting – 04/26/11

Recommendation: That the minutes of the Regular Meeting of April 26, 2011 be approved.

4. 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.

5. 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.

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.

Recommendation: That 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.

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.

Recommendation: That the City Council adopt Resolution No. 2011-38.

8. Resolution No. 2011-40, Approving the Release Agreement between Home Energy Americas (HEA) and the City of Banning.

Recommendation: That the City Council adopt Resolution No. 2011-40.

**Motion Robinson/Botts that Consent Items 1 through 8 be approved.** Mayor Hanna opened the item for public comments. There were none. **Motion carried, all in favor.**

#### PUBLIC HEARINGS

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 – Fred Mason, Electric Utility Director)

Mr. Mason addressed this item displaying the area that would be in the proposed underground district. He said that previously staff and the consultant worked on dividing these into manageable projects because this is a huge two-year project. There are 17 projects and will take approximately 24 months to complete and the estimated cost is \$2.8 million dollars to complete all of the undergrounding in that area and this amount will be coming from the electric bond funds. At this point they should be moving forward with the actual start of the first project. Also in having individual projects if there is an area that needs to be done sooner they can actually move to wherever they need to if there is development, etc. It allows them flexibility on when and what order they actually do the underground project. As far as the underground district, they did send notices out per the ordinance to all the property owners in the proposed underground district and there were nearly 200 notices that were mailed out. What the district does is to allow the City to require the other utilities (phone, gas, etc.) to actually underground their utilities at the same time we are doing ours, hopefully. The goal is to actually work together to underground all of the utilities at the same time. Without the district established the City does not have the ability to require the other utilities to do this so staff is recommending the establishment of the Underground Utility District between Fourth Street, Hargrave Street, Livingston and Williams Street.

There was Council discussion regarding multiple use trench or joint trench use, joint pole use, time line to get this project done, starting date, what Banning electrical lines won't be included in underground district, work in the alley areas, and any costs to owners of buildings in area.

Mayor Hanna opened the public hearing on this item.

The following people spoke in favor or against or had some questions or concerns or general comments in regards to this item (*any written comments handed to the City Clerk will be attached as an exhibit to the minutes*):

Fred Sakurai, resident of Banning addressed the Council regarding backfilling of utility trenches.

Mayor Hanna closed the public hearing seeing no one else coming forward to speak.

Mr. Mason said that he and Mr. Burk will work on this to make sure that the backfilling is properly compacted and that it is as level as possible.

Councilmember Botts said that it says we are requiring the other utilities to comply with this and that they understand that they have to do it. Whether it is legal or otherwise, if we pass this, the other utilities need to obey.

Mr. Mason said absolutely and they will do what it necessary to make sure that they comply.

**Motion Botts/Machisic that the City Council 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. Motion carried, all in favor.**

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

City Council

Councilmember Franklin –

- She attended the Workforce Investment Board Meeting a couple of weeks ago and one of the things that they had a presentation on was a survey that was taken throughout the Inland Empire and it is now posted on the website of [www.usworks.com/inlandempire](http://www.usworks.com/inlandempire) and basically what this report does is tell you that if you are looking at a particular type of job or in a particular area and you want to research what is available by city or zip code, you can put in the name of the job that you are looking for such as accounting and then you can scroll to the city or the zip code and it will tell you what jobs are currently available and the name of the employer. It is to be updated on a regular basis.
- Last week she went to the Santa Ana Water Regional Meeting and they heard several different topics and basically what they talked about was that we do have to have water conservation at least 20% by 2020. That we need to work on partnerships not only water district to water district but also cities talking to planners, talking to the schools and everybody that uses water because it is not a thing we can do in terms of silos. Everybody has to work together because there will be less Delta water available and we have had a lot of talks so far but we haven't taken action on it so the next step that they really talked about is that we really need to move forward with action on making sure we do what we need to do to have sufficient water for Southern California.
- She also attended the San Gorgonio Pass Water Agency meeting and she has been going every week but rather than trying to report at each meeting just to give an update on some of them yesterday was the engineering report and things discussed was an update on the flume, the east branch extension and salinity issues for our particular area.
- She attended the Transportation NOW meeting last week and the Riverside Transportation Agency is donating a bus to the hospital and these are buses that have been retired from regular use and this is a program that they had but now they are going to be starting some of them again.

- Riverside County Transportation Commission (RCTC) is sponsoring a meeting regarding transit needs for our Pass Area and the meeting will be held in Banning at the Senior Center on Thursday, May 12<sup>th</sup> at 3:00 p.m. and there is a new rider guide effective 5/8 and we do have some available at our Community Center.
- This is Community Action Month and she attended the Community Action Meeting and they are recognizing people throughout the county for this month and one of the issues still is whether or not the federal government is going to continue with the idea that they have to severely cut the community services block grants and we are still waiting to find out what is happening on that issue.
- At the Passcom Meeting this morning they had a very interesting presentation from the Coachella Regional Early Warning System and there is a system whereby they are able to alert not only the fire department but emergency services when an earthquake is starting and they saw a simulation of that. Hopefully we will be included in the next round of Homeland Security Grants that they have included the Pass Area so we are just waiting now hopefully to see if they get the money.
- The Expo was held the weekend before last and hopefully at our next meeting we will be able to give an update.

Councilmember Botts –

- He stated that he wanted to reiterate what Councilmember Franklin talked about the meeting on Thursday and the title of that is “Unmet Transit Needs” and RCTC is chairing that at 3:00 p.m. at the Community Center. If you feel there are unmet transit needs, then you should attend and express that.

Councilmember Machisic –

- In regards to the Regional Conservation Authority just to show you how much housing has dropped their appropriations have been reduced 43% for this coming year; their land acquisition and improvement has been reduced by 63%.
- In regards to WRCOG (Western Regional Council of Governments) the Executive Committee voted not to implement a 5.6% increase in TUMF fees. That would have increased the fee for a single-family home from \$88.90 to \$93.87 and of course that is the result of a slow down in the housing market and they are hoping that will encourage more housing at that point. To date the TUMF (Transportation Uniform Mitigation Fee) Program has collected \$532 million dollars and under AB 811 that deals with energy, electricity, conservation and water conservation and the staff continues to develop WRCOG’s Regional Energy Efficiency and Water Conservation Retrofit Financing Program and hopes to launch the first series of financing for home and business owners in mid-summer. This would be the low financing interest for those two projects and they hope to have \$300 million dollars available and they will come back to the individual cities and make an offering of how you are eligible for it. Also, WRCOG’s General Assembly on June 23<sup>rd</sup> at Morongo Casino will feature speaker Condoleezza Rice former Secretary of State.
- He serves on the Community Benefits Committee (CBC) which is a result of gambling money and it was dispersed last Monday and our fire department received a half a million dollars and our police department received \$561,000. He thanked the Tribe and the Tribal Council for their generosity. They continue to support the City of Banning and they are our good neighbors.

Councilmember Robinson –

- Stated that he attended the SCAG meeting which is not a bunch of old women running loose out in the desert; it actually stands for Southern California Association of Governments. There is a profit report that was just done and it is on-line and you can go to SCAG and see that report and there are quite a few items that were very interesting and one of them was the number of people in Banning that use public transportation which was only 1.9% and we need to increase that number and match what other districts are doing as far as increasing transit usage. There is also a Redistricting Meeting in Palm Springs on Thursday. There is a Commission that has been set up in the state of California and they are going to talk about this on Thursday at the convention center but you can go to [www.drawthelines.com](http://www.drawthelines.com) and you can see what the proposals are for redistricting. This affects all of us and it is our senators, assemblymen and congressmen and it is all there for you and if you have a concern you can attend this meeting or go on-line at that website and voice your concern there also.

Mayor Hanna –

- She attending the Riverside Superior Court Legislative Outreach and this is a new effort on the part of the judges of Riverside County to get more support from the communities of their needs and our needs as communities and of course, Banning is very interested in it because we have courts here now and we hope to double the number to six State Superior Courts here in Banning. They will be coming back with more detailed information about how the cities can help the courts in Riverside County and when that is prepared she will bring that back or perhaps have them come if possible to make a presentation to us. Her thought was that we could ask our lobbyist to help on our behalf. The groundbreaking for our new courts is delayed and it is likely to happen in January and she was told at that meeting that the governor is just trying to put that off. We have a revenue stream for the bonds that need to be sold so they could go out but they are concerned that until the State budget is passed the bond market may not be as favorable as it will be once a State budget is passed. But it will happen but it is just a matter of waiting until the budget is passed.
- The San Gorgonio Pass Rotary Club is inviting people to attend an informal and informational meeting called “Spring Picnic with Your Legislators” on Friday, May 20<sup>th</sup> starting at 11:00 a.m. at the Sun Lakes Country Club Ballroom. You must buy tickets in advance and the cost is \$25.00. The honored guests in attendance will include Congressman Jerry Lewis, State Senator Bill Emmerson, Assemblyman Paul Cook, Riverside District Supervisor Marion Ashley and elected leaders and dignitaries of the San Gorgonio Pass area. This is a fundraiser for community projects of the San Gorgonio Pass Rotary Club. You need to contact Audrey Nathan for reservations and you must mail your checks prior to the May 20<sup>th</sup> event. Her phone number is 951-845-5383 or by email to [enathan@dc.rr.com](mailto:enathan@dc.rr.com).
- The Playhouse wants to develop fundraisers that will over time replace the tremendous funding support that the City has offered and they will be having a Playhouse Bowling Tournament which will be held at the Canyon Lanes at Morongo on Saturday, June 11<sup>th</sup> at 10:00 a.m. If you go to [www.banningplayhousebowl.com](http://www.banningplayhousebowl.com) you can get more information and registrations must be received no later than May 21<sup>st</sup>.

City Committee Reports – There were none.

Report by City Attorney – There were none.

Report by City Manager

- It is weed abatement time and if people have not received notice the weed abatement has to be taken care of by May 15<sup>th</sup>. Also, if the City has to clean the lot for weeds and the property owner does not pay, a lien is put on the property and this is pretty common practice in all cities and this city has done liens on other issues, as well as, code enforcement and we can get that information together for the Council if they wish in the future. To go back and get this information it would be a daunting task and we are in the middle of the budget and staff will not get to that anytime soon but we can give the Council a list of the things that we do lien.
- Our airport improvements have been done and staff will be coming back to the Council as far as one change order and then it will be finalized.
- The waterline project is almost done.
- There have been complaints regarding the signal on San Gorgonio and Ramsey Street that is taking too long to make the left hand turn, etc. and it should be repaired in the next few weeks.
- He needs some dates from the Council and a tentative date was put out to the Council for June 21<sup>st</sup> and it was his mistake because we do need the City Attorney in attendance for the Brown Act training and the civility code and June 21<sup>st</sup> will not work. This would also include discussion regarding the rotation of the mayor position, etc.

**There was Council discussion regarding dates and there was consensus to have this meeting on Wednesday, June 15<sup>th</sup> from 12:00 to 3 p.m. approximately. City Manager said this meeting may go to 4:00 p.m. if they include the City Attorney and City Manager evaluations. Also the Pardee meeting will be held on Tuesday, June 7<sup>th</sup> at 5:00 p.m.**

ITEMS FOR FUTURE AGENDAS

New Items – There were none.

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)

Mayor Hanna said that there are some items that have been on pending items in the past that are not there at the moment but she presumes that they will be returned and also, when will the update on the Economic Development Plan be coming forward to the Council.

City Manager said that they will be returned and also when you receive our agenda planning sheet it should be on that list also and if they are not on either list that means that they have been dropped for some reason. There are some things that we have caught that have been placed back on the pending item list. In regards to the Update on Economic Development Plan that is scheduled for June 28<sup>th</sup>.

ADJOURNMENT

Mayor Hanna adjourned the meeting in honor of Bud Mathewson. By common consent the meeting adjourned the meeting at 6:00 p.m.

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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.**

## CITY COUNCIL AGENDA

**Date:** May 24, 2011  
**TO:** City Council  
**FROM:** June Overholt, Administrative Services Director  
**SUBJECT:** Approval of Accounts Payable and Payroll Warrants for Month of March 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 March 2011.

The reports are:

Expenditure approval lists

March 3, 2011	249,576.50
March 7, 2011	75,000.00
March 10, 2011	554,789.18
March 17, 2011	140,592.21
March 24, 2011	1,564,533.29
March 31, 2011	476,361.76
May 10, 2011	2,430,800.70 (March Month End)

Payroll check registers

March 11, 2011	6,031.45
March 25, 2011	5,255.54

Payroll direct deposits\*

March 11, 2011	289,601.27
March 25, 2011	273,688.93

//

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 March month end expenditure approval list of May 10, 2011.

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

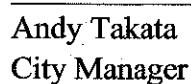
Report Prepared by: Jenna Harrell, Accounts Payable

**RECOMMENDED BY:**



June Overholt  
Administrative Services Director

**APPROVED BY:**

  
Andy Takata  
City Manager

**Fund/Department Legend:**

**General Fund – 001**

**Departments**

0001 – General  
1000 – City Council  
1200 – City Manager  
1300 – Human Resources  
1400 – City Clerk  
1500 – Elections  
1800 – City Attorney  
1900 – Fiscal Services  
1910 – Purchasing & A/P  
2060 – TV Government Access  
2200 – Police  
2210 – Dispatch  
2300 – Animal Control

2400 – Fire  
2700 – Building Safety  
2800 – Planning  
3000 – Engineering  
3200 – Building Maintenance  
3600 – Parks  
4000 – Recreation  
4010 – Aquatics  
4050 – Senior Center  
4060 – Sr. Center Advisory Board  
4500 – Central Services  
4800 – Debt Service  
5400 – Community Enhancement

**All Other Funds**

003 - Riverside County MOU  
100 – Gas Tax Street Fund  
101 – Measure A Street Fund  
103 – SB 300 Street Fund  
104 – Article 3 Sidewalk Fund  
110 – CDBG Fund  
111 – Landscape Maintenance  
132 – Air Quality Improvement Fund  
140 – Asset Forfeiture-Police Fund  
144 – Local Law Enforcement Block Grant  
146 – San Gorgonio Gang Task Force  
148 – Supplemental Law Enforcement  
149 – Public Safety Sales Tax Fund  
150 - State Park Bond Fund  
200 – Special Donation Fund  
201 – Sr. Center Activities Fund  
202 – Animal Control Reserve Fund  
203 – Police Volunteer Fund  
204 – D.A.R.E. Donation Fund  
300 – City Administration COP Debt Service  
360 – Sun Lakes CFD #86-1  
365 – Wilson Street #91-1 Assessment Debt  
370 – Area Police Computer Fund  
375 – Fair Oaks #2004-01 Assessment Debt  
376 – Cameo Homes  
400 – Police Facilities Development  
410 – Fire Facility Development  
420 – Traffic Control Facility Fund  
421 – Ramsey/Highland Home Road Signal  
430 – General Facilities Fund  
441 - Sunset Grade Separation Fund  
444 - Wilson Median Fund  
451 – Park Development Fund

470 – Capital Improvement Fund  
475 – Fair Oaks #2004-01 Assessment District  
600 – Airport Fund  
610 – Transit Fund  
660 – Water Fund  
661 – Water Capital Facilities  
662 – Irrigation Water Fund  
663 – BUA Water Capital Project Fund  
669 – BUA - Water Debt Service  
670 – Electric Fund  
672 – Rate Stability Fund  
673 – Electric Improvement Fund  
674 - '07 Elec Revenue Bond Project Fund  
675 – Public Benefit Fund  
678 - '07 Elec Revenue Bond Debt Service Fund  
680 – Wastewater Fund  
681 – Wastewater Capital Facility Fund  
683 – BUA Wastewater Capital Project Fund  
685 – State Revolving Loan Fund  
689 – BUA Wastewater Debt Service Fund  
690 – Refuse Fund  
700 – Insurance Fund  
702 – Fleet Maintenance  
703 – Information Systems Services  
761 – Utility Billing Administration  
810 – CRA – Low/Mod Fund  
830 – CRA – Debt Service Fund  
850 – CRA - Administration Fund  
854 – CRA Low/Mod Bond Fund  
855 - 2007 TABS Bond Proceeds  
856 – 2003 TABS Bond Proceeds  
857 – 2003 TABS Bond Proceeds Low/Mod  
860 – CRA - Project Fund

## CITY COUNCIL AGENDA

**Date:** May 24, 2011

**TO:** City Council

**FROM:** June Overholt, Administrative Services Director/Deputy City Manager

**SUBJECT:** Report of Investments for March 2011

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

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

**BACKGROUND:** This report includes investments on hand at the end of March 2011. As of March 31, 2011, the City's operating funds totaled \$67,475,223. Included in operating funds is \$2,142,350 of restricted CRA bond proceeds that are on deposit with LAIF and reflected separately on the Treasurer's Report. As of March 31, 2011 approximately 43% of the City's unrestricted cash balances were invested in investments other than LAIF.

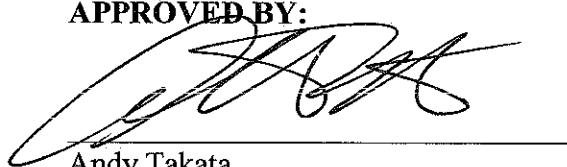
Presented are three months of Investment Reports. March is a first issue, while January and February are included to provide multiple months of statements for comparison.

**FISCAL DATA:** The latest reports from the State indicate that the average interest achieved by the Local Agency Investment Fund (LAIF) decreased to 0.500 % in March. The average rate for all investments in March was 0.618%.

**RECOMMENDED BY:**

  
June Overholt  
Administrative Services Director/  
Deputy City Manager

**APPROVED BY:**

  
Andy Takata  
City Manager

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

	Interest		Amount
	Rate	Amount	
Wells Fargo Bank	0.000%	153,692	
Wells Fargo Bank-Investment Account	0.100%	2,116,263	
Bank of America-Airport	0.300%	5,281	
Bank of America-Parking Citations	0.300%	3,274	
Bank of America-CNG Station	0.300%	3,713	

*Money Market and Bank Account Sub-Total* 2,282,224

Government Pools

Local Agency Investment Fund: Account #1	0.500%	31,406,941
Account #2 Operating Amount		5,114,643
Account #2 CRA Bond Cash Bal		2,142,350

*Local Agency Investment Fund: Account #2* 0.500% 7,256,992

*Government Pool Sub-Total* 38,663,933

**Operating Cash Balance** 40,948,462

Restricted Operating Funds at Riverside Public Utilities

Highmark U.S. Government Money Market Fund 0.040% 1,183,245

Other Investments

Investments-US Bank/Piper Jaffray - See Page 2 0.844% 25,343,517

**Operating Funds Total** 67,475,223

**Fiscal Agent**

	Amount
BNY Western Trust Company	538,762
US Bank	44,104,405

**Fiscal Agent Total** 44,643,167

City of Banning Investment Report

March 31, 2011

## Operational Portfolio Individual Investments

Par Value	Investment Description	Coupon Rate	Interest Rate	Maturity Date	Purchase Date	Purchase Cost	(Premium) Amortization	Market Value
<u><b>Bank Accounts</b></u>								
153,692	Wells Fargo Bank-Operating	n/a	0.00%	daily	varies	153,692	n/a	153,692
2,116,263	Wells Fargo Bank-Investment Acct	n/a	0.10%	daily	varies	2,116,263	n/a	2,116,263
5,281	Bank of America-Airport	n/a	0.30%	daily	varies	5,281	n/a	5,281
3,274	Bank of America-Parking Citations	n/a	0.30%	daily	varies	3,274	n/a	3,274
3,713	Bank of America-Parking Citations	n/a	0.30%	daily	varies	3,713	n/a	3,713
	Sub-total							2,282,224
31,406,941	L.A.I.F. account #1	n/a	0.500%	daily	varies	31,406,941	n/a	31,406,941
7,256,992	L.A.I.F. account #2	n/a	0.500%	daily	varies	7,256,992	n/a	7,256,992
								38,663,933
<u><i>Government Pools</i></u>								
2,000,000	FNMA MTN	n/a	0.750%	4/23/2013	10/5/2010	2,000,000		1,989,080
3,000,000	FNMA MTN	n/a	1.000%	10/21/2013	10/5/2010	3,000,000		2,952,420
3,000,000	Federal Home Loan Banks	n/a	1.200%	8/5/2013	8/5/2010	3,000,000		2,997,150
4,000,000	FHLMC MTN	n/a	1.150%	9/3/2013	9/3/2010	4,000,000		3,981,520
3,000,000	FHLMC MTN	n/a	1.100%	12/9/2013	12/9/2010	3,000,000		2,970,930
4,000,000	FHLMC MTN	n/a	1.375%	2/3/2014	2/3/2014	4,000,000		3,977,840
6,474,577	Money Market	n/a	0.000%	daily	varies	6,474,577	0	6,474,577
	US Bank/Piper Jaffray Average Rate=							0.844%
								25,343,517
								Average Rate All= 0.618%

It has been verified that this investment portfolio is in conformity with the City of Banning's investment policy which was approved by the City Council on July 27, 2010. The Treasurer's cash management program provides sufficient liquidity to meet estimated future expenditures for a period of six months. The weighted average maturity of the pooled investment portfolio is 242 days and does not include Bond Reserve Fund Investments.

## Investments,

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# City of Banning Investment Report

March 31, 2011

## Individual Investments with Fiscal Agent

TRUSTEE	Bond Issue Description	Bond Maturity Date	Investment Description	Current Yield	Bond Maturity Date	Minimum Reserve Requirement	Interest Mar-11	Market Value	3/31/2011
<b>BNY WESTERN TRUST COMPANY</b>									
1997 Admin Building COP's Refunding	2020	Republic Bank Investment Agreement Federated U.S. Treasury Money Mkt		6.2700% 0.0000%	11/1/2020 daily	522,375		*	522,562 16,200
US BANK									
1991 Wilson St. Assessment District	2012	AIM U.S. Treasury Money Market US Bank Mmkt 4-Ct		0.2000% 0.1500%	daily daily	265,580	8.85	265,589 112,500	
<b>2005 Fair Oaks Ranch Estates</b>									
2003 CRA Tax Allocation Bonds	2028	US Bank Mmkt 4-Ct US Treasury Bill US Bank Mmkt 4-Ct US Bank Mmkt 4-Ct		0.1500% 0.1500% 0.1500% 0.1500%	daily daily daily daily	188,943	29.07	219,222	
Surplus Fund									
<b>COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION PARITY BONDS, SERIES 2007</b>									
Redevelop Fund	2037	US Bank Mmkt 4-Ct US Bank Mmkt 4-Ct US Bank Mmkt 4-Ct US Bank Mmkt 4-Ct		0.1500% 0.1500% 0.1500% 0.1100%	daily daily daily daily	971,763	3.28 0.01	991,653 21,360 39	
Reserve Fund									
Special Fund									
Surplus Fund									8
<b>BUA - WASTE WATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES</b>									
Bond Fund		US Bank Mmkt 4-Ct US Bank Mmkt 4-Ct US Bank Mmkt 4-Ct US Bank Mmkt 4-Ct		0.1400% 0.1100% 0.1500% 0.1500%	daily daily daily daily	1,829.31 287.78 0.01	11,925,109 1,876,025 93		
Interest Account									
Principal Account									
Surplus Fund									9
<b>BUA - WATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES</b>									
Bond Fund		US Bank Mmkt 4-Ct US Bank Mmkt 4-Ct US Bank Mmkt 4-Ct US Bank Mmkt 4-Ct US Bank Mmkt 4-Ct		0.1600% 0.1600% 0.1500% 0.1500% 0.1500%	daily daily daily daily daily	0.01 0.01 0.02 0.01 565.48	44 38 9 52 3,686,170		
Interest Account									
Principal Account									
Reserve Fund									
Project Fund									
<b>BFA - ELECTRIC SYSTEM REVENUE BONDS 2007 SERIES</b>									
Reserve Fund		US Bank Mmkt 4-Ct Reliance Trust Company # 9AMGGBEZ7 US Bank Mmkt 4-Ct US Bank Mmkt 4-Ct		0.1500% 3.6500% 0.1500% 0.1500%	daily daily daily daily	8.47 280.95 0.00 2,357.76	55,220 2,931,509 141,302 15,370,025		
Acquisition & Construction									
<b>Total</b>									<b>6,369.39</b>
<b>*Paid Semi-Annually-Deposited into Money Mkt Account</b>									<b>44,643,167</b>

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\*Paid Semi-Annually-Deposited into Money Mkt Account

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

2,305

Bank Accounts

Wells Fargo Bank

InterestRateAmount

0.000% -

Wells Fargo Bank-Investment Account

0.100% 1,924,555

Bank of America-Airport

0.300% 9,526

Bank of America-Parking Citations

0.300% 3,596

Bank of America-CNG Station

0.300% 3,370

*Money Market and Bank Account Sub-Total*

1,941,047

Government Pools

Local Agency Investment Fund: Account #1

0.512% 31,406,941

Account #2 Operating Amount

4,985,263

Account #2 CRA Bond Cash Bal

2,271,730

Local Agency Investment Fund: Account #2

0.512% 7,256,992

*Government Pool Sub-Total*

38,663,933

**Operating Cash Balance****40,607,285**Restricted Operating Funds at Riverside Public Utilities

Highmark U.S. Government Money Market Fund 0.040%

1,262,236

Other Investments

Investments-US Bank/Piper Jaffray - See Page 2 0.817%

25,344,297

***Operating Funds Total*****67,213,818****Fiscal Agent**

BNY Western Trust Company

US Bank

Amount

538,762

43,909,588

***Fiscal Agent Total*****44,448,350**

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# City of Banning Investment Report

February 28, 2011

## Operational Portfolio Individual Investments

Par Value	Investment Description	Coupon Rate	Interest Rate	Maturity Date	Purchase Date	Purchase Cost	Discount or (Premium) Amortization	Market Value
<u><b>Bank Accounts</b></u>								
1,924,555	Wells Fargo Bank-Operating	n/a	0.00%	daily	varies	1,924,555	-	n/a
9,526	Wells Fargo Bank-Investment Acct	n/a	0.10%	daily	varies	9,526	n/a	1,924,555
3,596	Bank of America-Airport	n/a	0.30%	daily	varies	3,596	n/a	9,526
3,370	Bank of America-Parking Citations	n/a	0.30%	daily	varies	3,370	n/a	3,596
	Sub-total							3,370
31,406,941	L.A.I.F. account #1	n/a	0.512%	daily	varies	31,406,941	n/a	31,406,941
7,256,992	L.A.I.F. account #2	n/a	0.512%	daily	varies	7,256,992	n/a	7,256,992
<u><b>Government Pools</b></u>								
31,406,941	L.A.I.F. account #1	n/a	0.512%	daily	varies	31,406,941	n/a	31,406,941
7,256,992	L.A.I.F. account #2	n/a	0.512%	daily	varies	7,256,992	n/a	7,256,992
<u><b>Investments-US Bank/Piper Jaffray</b></u>								
2,000,000	FNMA MTN	n/a	0.750%	4/23/2013	10/5/2010	2,000,000	-	1,995,700
3,000,000	FNMA MTN	n/a	1.000%	10/21/2013	10/5/2010	3,000,000	-	2,956,650
3,000,000	Federal Home Loan Banks	n/a	1.200%	8/5/2013	8/5/2010	3,000,000	-	3,003,600
4,000,000	FHLMC MTN	n/a	1.150%	9/3/2013	9/3/2010	4,000,000	-	3,983,240
3,000,000	FHLMC MTN	n/a	1.100%	12/9/2013	12/9/2010	3,000,000	-	2,973,330
4,000,000	FHLMC MTN	n/a	1.200%	12/3/2014	2/3/2011	4,000,000	-	3,980,200
6,451,577	Money Market	n/a	0.000%	daily	varies	6,451,577	0	6,451,577
US Bank/Piper Jaffray Average Rate=								
						0.817%		25,344,297
<b>Average Rate All= 0.618%</b>								

It has been verified that this investment portfolio is in conformity with the City of Banning's investment policy which was approved by the City Council on July 27, 2010. The Treasurer's cash management program provides sufficient liquidity to meet estimated future expenditures for a period of six months. The weighted average maturity of the pooled investment portfolio is 252 days and does not include Bond Reserve Fund Investments.

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City of Banning Investment Report

February 28, 2011

## Individual Investments with Fiscal Agent

TRUSTEE		Bond Issue Description		Investment Description		Bond Reserve		Minimum Reserve		Interest		2/28/2011
BNY WESTERN TRUST COMPANY		1997 Admin Building COPs Refunding		2020		Republic Bank Investment Agreement Federated U.S. Treasury Money Mkt		Bond		Requirement		Market Value
								Current Yield	Bond Maturity Date	Reserve Requirement	Interest Feb-11	
								6.270%	11/1/2020	522,375	*	522,561
								0.000%	daily			16,200

1991 Wilson St. Assessment District	2012	AIM U.S. Treasury Money Market	0.200%	daily	265,580	4.65	265,611
		US Bank Mmkt 4-Ct	0.390%	daily		0.00	
2005 Fair Oaks Ranch Estates	2035	US Bank Mmkt 4-Ct	0.200%	daily	188,943	-32.18	189,411
2003 CRA Tax Allocation Bonds	2028	U.S. Treasury Bill	0.200%	daily			

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX AVILOCATION DADDY DODDING CENTER						
Surplus Fund	US Bank Mmkt 4-Ct	0.000%	1/29/2010	971,763	8.96	991,395
	US Bank Mmkt 4-Ct	0.210%	daily		38.60	31,357
	US Bank Mmkt 4-Ct	0.210%	daily			39
	US Bank Mmkt 4-Ct	0.025%	daily			8

INVESTMENT ALLOCATION, BONDS, SERIES 2007					
Redevelop Fund	2037	US Bank Mmkt 4-Ct	0.200%	daily	2,024.95
Reserve Fund		US Bank Mmkt 4-Ct	0.200%	daily	318.88
Special Fund		US Bank Mmkt 4-Ct	0.200%	daily	93.35
Surplus Fund		US Bank Mmkt 4-Ct	0.210%	daily	93

BWA - WASTEWATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES			
Bond Fund	US Bank Mmkt 4-Ct	0.140%	daily
Interest Account	US Bank Mmkt 4-Ct	0.230%	daily
Principal Account	US Bank Mmkt 4-Ct	0.190%	daily

BUA - WATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES					
Bond Fund	US Bank Mmkt 4-Ct	0.200%	daily	625.93	3,685,605
Interest Account	US Bank Mmkt 4-Ct	0.200%	daily	0.01	44
Principal Account	US Bank Mmkt 4-Ct	0.210%	daily	0.01	38

Reserve Fund	US Bank Mmkt 4-Q1	0.200%	daily	0.02	135
Project Fund	US Bank Mmkt 4-Q1	0.200%	daily	392.77	2,312,677
	US Bank Mmkt 4-Q1	0.200%	daily	712.38	4,194,610
<b>IFA - ELECTRIC SYSTEM REVENUE BONDS 2007 SERIES</b>					
	US Bank Mmkt 4-Q1	0.200%	daily		220

Reserve Fund	Reliance Trust Company # 9AMGGBEZ7	3.650%	11/17/2011	2,961,500	9.38	55,211
	US Bank Mmkt 4-Ct	0.250%	daily		0.00	3,016,509
	US Bank Mmkt 4-Ct	0.200%	daily		2,609.91	4
Acquisition & Construction						15,367,667

## Transferring Money from a 401(k) to an IRA

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## **Summary Schedule of Cash and Investments**

## Operating Funds

<u>Petty Cash</u>	<u>Amount</u>	
	2,305	
<u>Bank Accounts</u>		
Wells Fargo Bank		
Wells Fargo Bank-Investment Account		
Bank of America-Airport		
Bank of America-Parking Citations		
Bank of America-CNG Station		
	Interest	
	Rate	
	Amount	
	0.000%	222,497
	0.100%	1,135,383
	0.300%	5,480
	0.300%	3,043
	0.300%	3,061

*Money Market and Bank Account Sub-Total*

1,369,465

### *Government Pools*

Local Agency Investment Fund: Account #1	0.538%	31,406,941
Account #2 Operating Amount	4,709,858	
Account #2 CRA Bond Cash Bal	2,547,134	
Local Agency Investment Fund: Account #2	0.538%	7,256,992

*Government Pool Sub-Total*

38,663,933

### Operating Cash Balance

40,035,703

## ***Restricted Operating Funds at Riverside Public Utilities***

Highmark U.S. Government Money Market Fund 0.040% 1,264,730

### *Other Investments*

Investments-US Bank/Piper Jaffray - See Page 2 0.629% 25,382,427

### *Operating Funds Total*

66,682,859

## Fiscal Agent

	<u>Amount</u>
BNY Western Trust Company	538,762
US Bank	44,754,598

*Fiscal Agent Total*

45,293,360

City of Banning Investment Report

January 31, 2011

## Operational Portfolio Individual Investments

Par Value	Investment Description	Coupon Rate	Interest Rate	Maturity Date	Purchase Date	Purchase Cost	(Premium) Amortization	Market Value
<u><b>Bank Accounts</b></u>								
222,497	Wells Fargo Bank-Operating	n/a	0.00%	daily	varies	222,497	n/a	222,497
1,135,383	Wells Fargo Bank-Investment Acct	n/a	0.10%	daily	varies	1,135,383	n/a	1,135,383
5,480	Bank of America-Airport	n/a	0.30%	daily	varies	5,480	n/a	5,480
3,043	Bank of America-Parking Citations	n/a	0.30%	daily	varies	3,043	n/a	3,043
3,061	Bank of America-Parking Citations	n/a	0.30%	daily	varies	3,061	n/a	3,061
	Sub-total							1,369,465
<u><b>Government Pools</b></u>								
31,406,941	L.A.I.F. account #1	n/a	0.538%	daily	varies	31,406,941	n/a	31,406,941
7,256,992	L.A.I.F. account #2	n/a	0.538%	daily	varies	7,256,992	n/a	7,256,992
								38,663,933
<u><b>Investments-US Bank/Piper Jaffray</b></u>								
2,000,000	FNMA MTN	n/a	0.750%	4/23/2013	10/5/2010	2,000,000		1,998,780
3,000,000	FNMA MTN	n/a	1.000%	10/21/2013	10/5/2010	3,000,000		2,966,100
3,000,000	Federal Home Loan Banks	n/a	1.200%	8/5/2013	8/5/2010	3,000,000		3,008,700
4,000,000	FHLMC MTN	n/a	1.150%	9/3/2013	9/3/2010	4,000,000		3,994,680
3,000,000	FHLMC MTN	n/a	1.100%	12/9/2013	12/9/2010	3,000,000		2,980,590
10,433,577	Money Market	n/a	0.000%	daily	varies			10,433,577

Average Rate All = 0.564%

US Bank/Piper Jaffray Average Rate= 0.6290% 25,382,427

It has been verified that this investment portfolio is in conformity with the City of Banning's investment policy which was approved by the City Council on July 27, 2010. The Treasurer's cash management program provides sufficient liquidity to meet estimated future expenditures for a period of six months. The weighted average maturity of the pooled investment portfolio is 217 days and does not include Bond Reserve Fund Investments.

## Investments.

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## City of Banning Investment Report

January 31, 2011

## Individual Investments with Fiscal Agent

TRUSTEE	Bond Issue Description	Maturity Date	Investment Description	Current Yield	Bond Maturity Date	Minimum Reserve Requirement	Interest Jan-11	Market Value
BNY WESTERN TRUST COMPANY	1997 Admin Building COPs Refunding	2020	Republic Bank Investment Agreement Federated U.S. Treasury Money Mkt	6.270% 0.000%	11/1/2020 daily	522,375	* *	522,562 16,200
US BANK	1991 Wilson St. Assessment District	2012	AIM U.S. Treasury Money Market	0.200% 0.390% 0.200%	daily daily daily	265,580 0.00 188,943	4.65 0.00 3T.13	265,608 3 189,457
	2005 Fair Oaks Ranch Estates	2035	US Bank Mmkt 4-Ct US Bank Mmkt 4-Ct					
	2003 CRA Tax Allocation Bonds	2028	U S Treasury Bill	0.000%	7/29/2010	971,763	4,322.50	0
			US Bank Mmkt 4-Ct	0.200%	daily		0.02	1,013,075
			US Bank Mmkt 4-Ct	0.200%	daily			251,552
			US Bank Mmkt 4-Ct	0.025%	daily			8
<b>COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION PARITY BONDS, SERIES 2007</b>								
Redevelop Fund		2037	US Bank Mmkt 4-Ct	0.200%	daily	2,024.63	11,921,255	
Reserve Fund			US Bank Mmkt 4-Ct	0.200%	daily	318.83	1,876,982	
Special Fund			US Bank Mmkt 4-Ct	0.200%	daily	0.02	608,426	
Surplus Fund			US Bank Mmkt 4-Ct	0.210%	daily			9
<b>BUA - WASTEWATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES</b>								
Bond Fund			US Bank Mmkt 4-Ct	0.140%	daily			7
Interest Account			US Bank Mmkt 4-Ct	0.23%	daily			9
Principal Account			US Bank Mmkt 4-Ct	0.190%	daily	0.01	52	
			US Bank Mmkt 4-Ct	0.200%	daily	625.83	3,684,979	
<b>BUA - WATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES</b>								
Bond Fund			US Bank Mmkt 4-Ct	0.200%	daily	0.01	44	
Interest Account			US Bank Mmkt 4-Ct	0.210%	daily	0.01	38	
Principal Account			US Bank Mmkt 4-Ct	0.200%	daily	0.02	135	
Reserve Fund			US Bank Mmkt 4-Ct	0.200%	daily	392.70	2,312,284	
Project Fund			US Bank Mmkt 4-Ct	0.200%	daily	712.26	4,193,898	
<b>BFA - ELECTRIC SYSTEM REVENUE BONDS 2007 SERIES</b>								
Reserve Fund			US Bank Mmkt 4-Ct	0.200%	daily	5.45	55,202	
Acquisition & Construction			Reliance Trust Company # 9AMGGGBEZ7	3.650%	11/17/2011	2,961,500	3,016,513	
			US Bank Mmkt 4-Ct	0.250%	daily		4	
			US Bank Mmkt 4-Ct	0.200%	daily	2,609.50	15,365,058	
								45,293,360
							Total	11,047.57

## CITY COUNCIL AGENDA

**DATE:** May 24, 2011

**TO:** City Council

**FROM:** Duane Burk, Director of Public Works

**SUBJECT:** Resolution No. 2011-39, "Accepting Project No. 2010-02, 'A.C. Overlay, Pavement Rehabilitation and Sidewalk Improvements on Various Streets' as Complete."

**RECOMMENDATION:** The City Council adopt Resolution No. 2011-39:

- I. Accepting Project No. 2010-02, "A.C. Overlay, Pavement Rehabilitation and Sidewalk Improvements on Various Streets," as complete and direct the City Clerk to record the Notice of Completion.
- II. Authorizing the Administrative Services Director to make the necessary budget adjustments, appropriations and transfers related to this project.

**JUSTIFICATION:** Staff has determined that the project has been completed per the City of Banning plans and specifications; therefore the acceptance of the Notice of Completion is appropriate.

**BACKGROUND:** On October 26, 2010 the City Council adopted Resolution No. 2010-76, "Awarding the Construction Contract for Project No. 2010-02, 'A.C. Overlay, Pavement Rehabilitation and Sidewalk Improvements on Various Streets,' Accepting and Authorizing the Expenditures of SB-821 Bicycle and Pedestrian Facilities Grant Program Funds for Fiscal Year 2010/2011 and Approving the Necessary Budget Appropriations for Said Project".

The scope of work under this project included grinding/cold planing of existing asphalt; grading, placing new A.C. and base, and A.C. overlay per City Engineer's recommendations; constructing A.C. berm, sidewalks, curbs, gutters, driveways, cross gutters, spandrels and handicap ramps; construction of a sewer main and manholes; adjusting manholes, fire hydrants, water meters, and water valve covers to grade; removing and replacing water services, water meter boxes, and mailboxes; striping improvements; and cleaning on various streets all in accordance with the City of Banning and CALTRANS Standard Specifications.

During the course of the project, there were numerous unforeseen conditions that were not identified during the engineering design. For example, during the grading operation on Almond Street a gas main was encountered in an area where the street was proposed to be lowered. Due to the shallow depth of the gas main and gas service laterals, it was necessary to relocate the lines to meet the minimum depth requirements set forth by the Gas Company. The relocation of the gas main also resulted in the extension of the paving limits. The existing A.C. street section of Almond Street was constructed over native material, whereas, in order to meet current

minimum standards, the new street section was thicker than the original and was constructed over compacted aggregate base.

Also, due to the existing conditions of the streets selected to be rehabilitated with the project, field adjustments were made that increased the areas to be cold planed and paved. Reasons for the adjustments include the enhancement of the structural integrity and elimination of drainage issues. The original striping quantities were also increased in order to improve safety along City streets.

**FISCAL DATA:** The original contract amount for this project was \$837,000.00. An additional \$83,700.00, 10% of the contract, was added as contingency. Due to unforeseen conditions additional work was added to the project which resulted in a final project cost of \$973,466.72. The final cost is an increase of approximately 16% of the original contract amount. An appropriation in the amount of \$64,759.00 into Account No. 104-4900-431.93-11, to cover the additional expenses, is requested. There was a savings in the amount of \$11,992.00 in Account No. 101-4900-431.93-16, which was previously appropriated and will offset the additional appropriation requested.

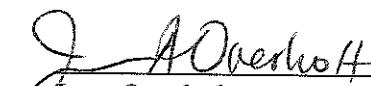
The City of Banning's share of costs related to the SB-821 Bicycle and Pedestrian Facilities project has increased by \$22,745.00 due to a reduction in expected SB-821 Grant Funding. An amount equal to \$87,504.00 will be transferred from the Measure "A" Fund to the Article 3 Sidewalk Fund to cover the \$64,759.00 appropriation and the \$22,745.00 increased share of the project cost.

**RECOMMENDED BY:**



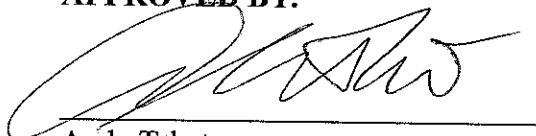
Duane Burk  
Director of Public Works

**REVIEWED BY:**



June Overholt  
Administrative Services Director

**APPROVED BY:**



Andy Takata  
City Manager

**RESOLUTION NO. 2011-39**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING,  
CALIFORNIA, ACCEPTING PROJECT NO. 2010-02, "A.C. OVERLAY, PAVEMENT  
REHABILITATION AND SIDEWALK IMPROVEMENTS ON VARIOUS STREETS"  
AS COMPLETE.**

**WHEREAS**, a call for projects for the annual SB-821 Bicycle and Pedestrian Facilities Grant Program for Fiscal Year 2010/2011 was issued by the Riverside County Transportation Commission (RCTC) on March 22, 2010; and

**WHEREAS**, in June of 2010, the Riverside County Transportation Commission (RCTC) approved two City of Banning grant applications for two sidewalk improvement projects: various locations within the vicinity of Hemmerling Elementary School and Almond Way, on the east side of the street from Nicolet Street to Indian School Lane; and

**WHEREAS**, on October 26, 2010 the City Council adopted Resolution No. 2010-76, "Awarding the Construction Contract for Project No. 2010-02, 'A.C. Overlay, Pavement Rehabilitation and Sidewalk Improvements on Various Streets,' Accepting and Authorizing the Expenditures of SB-821 Bicycle and Pedestrian Facilities Grant Program Funds for Fiscal Year 2010/2011 and Approving the Necessary Budget Appropriations for Said Project"; and

**WHEREAS**, the original contract amount for this project was \$837,000.00. An additional \$83,700.00, 10% of the contract, was added as contingency; and

**WHEREAS**, due to unforeseen conditions additional work was added to the project which resulted in a final project cost of \$973,466.72; and

**WHEREAS**, staff has determined that the project has been completed per the City of Banning plans and specifications.

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

**SECTION 1.** That the City Council accepts Project No. 2010-02, "A.C. Overlay, Pavement Rehabilitation and Sidewalk Improvements on Various Streets" and directs the City Clerk to record the Notice of Completion.

**SECTION 2.** An appropriation in the amount of \$64,759.00 into Account No. 104-4900-431.93-11, to cover the additional expenses, is requested. There was a savings in the amount of \$11,992.00 in Account No. 101-4900-431.93-16, which was previously appropriated and will offset the additional appropriation requested. In addition there was an increase in the City's share of costs in the amount of \$22,745.00 due to a reduction in expected SB-821 Grant Funding. An amount equal to \$87,504.00 will be

26

transferred from the Measure "A" Fund to the Article 3 Sidewalk Fund to cover the \$64,759.00 appropriation and the \$22,745.00 increased share of the project cost.

**SECTION 3.** That the Administrative Services Director is authorized to make the necessary budget adjustments, appropriations and transfers related to this project as mentioned in Section 2.

**PASSED, APPROVED, AND ADOPTED** this 24<sup>th</sup> day of May, 2011.

---

Barbara Hanna, Mayor  
City of Banning

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

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

**ATTEST:**

---

Marie A. Calderon, City Clerk

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2011-39 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 24<sup>th</sup> day of May, 2011.

AYES:

NOES:

ABSENT:

ABSTAIN:

---

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

28

1 WHEN RECORDED MAIL TO:

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

8 FREE RECORDING:

9 Exempt Pursuant to  
10 Government Code §6103  
11

---

12  
13 NOTICE OF COMPLETION

14 PROJECT NO. 2010-02

15 A.C. OVERLAY, PAVEMENT REHABILITATION AND SIDEWALK  
16 IMPROVEMENTS ON VARIOUS STREETS

17  
18 THIS NOTICE OF COMPLETION IS HEREBY GIVEN by the OWNER, the  
19 City of Banning, a municipal corporation, pursuant to the provisions of Section 3093 of  
20 the Civil Code of the State of California, and is hereby accepted by the City of Banning,  
21 pursuant to authority conferred by the City Council this May 24, 2011 , and the grantees  
22 consent to recordation thereof by its duly authorized agent.

23  
24 That the OWNER, the City of Banning, and Matich Corporation of San Bernardino,  
25 California, the vendee, entered into an agreement dated October 27, 2010, for  
26 Construction of Project No. 2010-02, "A.C. Overlay, Pavement Rehabilitation and  
27 Sidewalk Improvements on Various Streets". The scope of work for Project No. 2010-02  
28 included grinding/cold planing of existing asphalt; grading, placing new A.C. and base,  
29 and A.C. overlay per City Engineer's recommendations; constructing A.C. berm,  
30 sidewalks, curbs, gutters, driveways, cross gutters, spandrels and handicap ramps;  
31 construction of a sewer main and manholes; adjusting manholes, fire hydrants, water  
32 meters, and water valve covers to grade; removing and replacing water services, water  
33 meter boxes, and mailboxes; striping improvements; and cleaning on various streets all in  
34 accordance with the City of Banning and CALTRANS Standard Specifications.

35 (1) That the work of improvement was completed on April 14, 2011, for  
36 Project No. 2010-02, "A.C. Overlay, Pavement Rehabilitation and Sidewalk

1 Improvements on Various Streets" and the Nature of Interest was to provide street and  
2 sidewalk improvements.

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

6 (3) That said work of improvement was performed at various locations  
7 throughout Banning, California 92220.

8 (4) That the original contractor for said improvement was Matich Corporation  
9 , State Contractor's License No. 149783.

10 (5) That Performance and Payment bonds were required for this project.

11  
12 Dated: May 24, 2011

13 CITY OF BANNING  
14 A Municipal Corporation  
15  
16  
17

18 By \_\_\_\_\_  
19 Andy Takata  
20 City Manager  
21

22 APPROVED AS TO FORM:  
23  
24  
25  
26

27 David J. Aleshire, Aleshire & Wynder, LLP  
28 Agency Counsel  
29  
30  
31  
32  
33  
34

30

## JURAT

State of California  
County of Riverside

Subscribed and sworn to (or affirmed) before me on this \_\_\_\_\_ day of  
\_\_\_\_\_, 2011 by \_\_\_\_\_ proved to me on this basis of  
satisfactory evidence to be the person(s) who appeared before me.

(Seal)

Notary Public in and for said County  
and State

STATE OF CALIFORNIA)

) ss

COUNTY OF RIVERSIDE)

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

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

Executed on \_\_\_\_\_, 2011 at Banning, California.

## **City Clerk of the City of Banning**

## CITY COUNCIL AGENDA

**Date:** May 24<sup>th</sup>, 2011

**TO:** Mayor and City Council Members

**FROM:** June Overholt, Administrative Services Director/Deputy City Manager

**SUBJECT:** Resolution No. 2011-41 Approving an Advance to the San Gorgonio Child Care Consortium in the Amount of \$25,000

### **RECOMMENDATION:**

The City Council adopt Resolution No. 2011-41 approving a short-term loan to the San Gorgonio Child Care Consortium (Consortium) which would be funded on July 1, 2011 and expire September 30, 2011, in the amount of \$25,000.

### **BACKGROUND:**

For the past sixteen years, the City has provided a short-term interest free loan to allow the Consortium to continue operations pending its first payment from the State. In the current fiscal year the loan was funded on July 1, 2010 and repaid on December 14, 2010 due to State delays. Staff will monitor and work with the Consortium if the State causes another delay.

State funding to the Consortium is granted once the Governor signs the State Budget. Actual receipt of the funding has often been delayed until August or later. The State Department of Education provides funding to local child care facilities. The Consortium provides full day childcare services to approximately one hundred and ten (110) children. Forty (40) of these slots are funded from the State program.

### **FISCAL DATA:**

The proposed funding source is the General Fund. The loan would be interest free for three-months. The General Fund is projected to lose approximately \$37.50 of interest earnings assuming the funds were invested for three months at the LAIF's current yield of .500%. The short-term loan funds will be recorded in account #001-0000-118-12-00.

### **RECOMMENDED BY:**

  
June Overholt  
Administrative Services Director/  
Deputy City Manager

### **APPROVED BY:**

  
Andy Takata  
City Manager

**RESOLUTION NO. 2011-41**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING  
AUTHORIZING A LOAN IN THE AMOUNT OF \$25,000 TO THE SAN  
GORGONIO CHILD CARE CONSORTIUM**

**WHEREAS**, State funding to the San Gorgonio Child Care Consortium does not occur until the Governor signs the State Budget; and

**WHEREAS**, actual receipt of the funds has often been delayed until August or later from the State program which provides funding to the local child care facility; and

**WHEREAS**, the City Council desires uninterrupted services which might otherwise result from cash flow constraints; and

**WHEREAS**, there exists a cash flow shortage for the program,

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

City Council hereby authorizes and directs the Administrative Services Direct/Deputy City Manager to advance the sum of \$25,000 to the San Gorgonio Child Care Consortium as an interest free short-term loan, funded on July 1, 2011 and due no later than September 30, 2011.

**PASSED, APPROVED, AND ADOPTED** this 24<sup>th</sup> 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. 2011-41, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 24<sup>th</sup> day of May, 2011, by the following vote, to wit:

AYES:

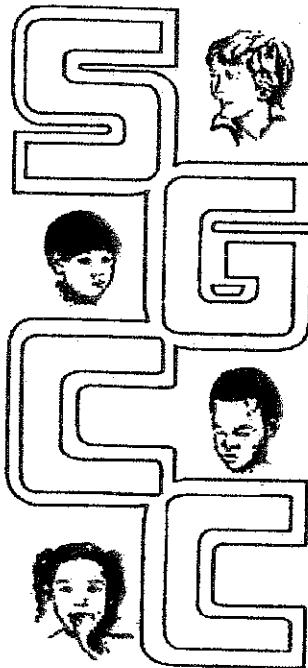
NOES:

ABSENT:

ABSTAIN:

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



# San Gorgonio Child Care Consortium

671 N. Florida St., Ste A • Banning, CA 92220

Phone: 951.849.2930 • Fax: 951.849.2262 • email: sgccc@verizon.net

License # 330908137/330909114/330907234

April 28, 2011  
Mr. Andy Takata  
City Manager  
City of Banning  
99 E. Ramsey  
Banning, CA 92220

Dear Mr. Takata:

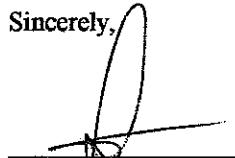
We would appreciate it very much if you would include in the June Council agenda our yearly request for \$25,000 from the City of Banning to hold us over until the State Department of Education's first allocation check reaches us for Fiscal Year 2011/2012.

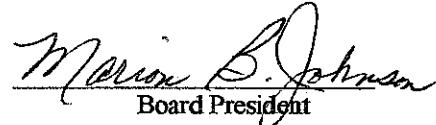
As in former years, we will pay this loan back immediately upon receipt of these funds, which usually are not sent out until the Governor has signed the budget.

Your records will show that this loan has been made to us each year and that it always was paid back when we received our State payments.

Thank you very much for your continued support to the community and for our non-profit organization's purpose of high quality affordable childcare.

Sincerely,

  
\_\_\_\_\_  
Program Director

  
\_\_\_\_\_  
Marion B. Johnson  
Board President

gr



Riverside County Children & Families Commission



United Way of the Inland Valleys  
MEMBER AGENCY

35

## CITY COUNCIL AGENDA

**DATE:** May 24, 2011

**TO:** City Council

**FROM:** Zai Abu Bakar, Community Development Director

**SUBJECT:** Authorize an Increase in Contract with Laurin Associates to Complete the Housing Element

**RECOMMENDATION:**

That the City Council adopt Resolution No. 2011-43 authorizing an increase in the contract with Laurin Associates to complete the Housing Element for certification by the State Housing and Community Development ("HCD").

**BACKGROUND:**

The State requires that each City in California adopt a Housing Element in their General Plan. The City of Banning contracted with Laurin Associates on January 8, 2008 to prepare and have the Housing Element certified by the HCD.

HCD reviewed the City's Housing Element twice and still has comments that require additional work by the consultant to address the comments and to submit for HCD final review and certification. The funds in the current contract in the amount of \$63,278.75 were exhausted.

**FISCAL IMPACT:**

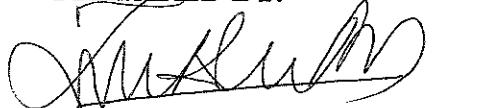
The cost to complete the Housing Element is \$9,000.00 which will be paid from the General Fund, Planning Division Account No. 001-2800-441.33-11. A budget transfer of \$9,000 from Account 001-1800-412.33-04 is necessary to fund the contract increase.

**RECOMMENDED BY:**



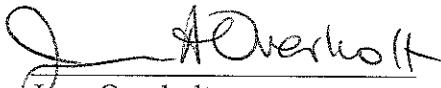
Andrew J. Takata  
City Manager

**PREPARED BY:**



Zai Abu Bakar  
Community Development Director

**REVIEWED BY:**



June Overholt  
Deputy City Manager/Administrative Services Director

Attachment:

1. Resolution No. 2011-43

36

# **ATTACHMENT 1**

**Resolution No. 2011-43**

**RESOLUTION NO. 2011-43**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA AUTHORIZING AN INCREASE IN THE CONTRACT WITH LAURIN ASSOCIATES TO COMPLETE THE HOUSING ELEMENT FOR CERTIFICATION BY THE STATE HOUSING AND COMMUNITY DEVELOPMENT**

**WHEREAS**, the California state law requires that each city in California adopt a Housing Element as part of their general plan to guide development of housing in their city; and

**WHEREAS**, on January 8, 2008 the City of Banning contracted with Laurin Associates in the amount of \$63,278.75 to prepare its Housing Element and submit to the State for review and certification; and

**WHEREAS**, the City submitted its Housing Element to the State Housing and Community Development (“HCD”) twice and HCD still has comments; and

**WHEREAS**, in order to complete the Housing Element for review and certification by HCD additional funds are needed in the amount of \$9,000.00; and

**NOW THEREFORE**, the City Council of the City of Banning does hereby find, determine, and resolve as follows:

**SECTION 1:** The completion of the Housing Element for review and certification by HCD is necessary to ensure compliance with State law.

**SECTION 2:** The City Council hereby authorizes an increase in the contract with Laurin Associates to complete the Housing Element in the amount of \$9,000.00, which will be paid from the General Fund, Planning Division Account No. 001-2800-441.33-11. A budget transfer of \$9,000 from Account 001-1800-412.33-04 is necessary to fund the contract increase.

**PASSED, APPROVED AND ADOPTED** this 24th 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  
City of Banning, California

**ATTEST:**

---

Marie Calderon, City Clerk  
City of Banning

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, do hereby certify that the foregoing Resolution 2011-43 was duly adopted by the City of Banning City Council at a regular meeting held on May 24, 2011, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Marie A. Calderon, City Clerk  
City of Banning

## CITY COUNCIL AGENDA

**DATE:** May 24, 2011

**TO:** City Council

**FROM:** Duane Burk, Director of Public Works

**SUBJECT:** Resolution No. 2011-45, "Approving the Change Order to the Construction Contract Awarded to Cindy Bales Engineering, Inc. for Project No. 3-06-0018 AIP 10(C), 'Airport Rotating Beacon, Wind Cone, Segmented Circle & AWOS' and Approving an Amendment to the Professional Services Agreement with C&S Engineers, Inc. for Design Services at the Banning Municipal Airport"

**RECOMMENDATION:** The City Council adopt Resolution No. 2011-45:

- I. Approving the Change Order to the Construction Contract Awarded to Cindy Bales Engineering, Inc. for Project No. 3-06-0018 AIP 10(C), "Airport Rotating Beacon, Wind Cone, Segmented Circle & AWOS".
- II. Approving an Amendment to the Professional Services Agreement with C&S Engineers, Inc. for Design Services at the Banning Municipal Airport.
- III. Authorizing the Administrative Services Director to make necessary adjustments and appropriations in an amount of \$92,681.30 from the Airport Fund to Account No. 600-5100-435.93.73 to cover the Change Order to the Construction Contract with Cindy Bales Engineering, Inc.
- IV. Authorizing the Administrative Services Director to make necessary adjustments and appropriations in an amount of \$20,000.00 from the Airport Fund to Account No. 600-5100-435.33-11 to fund the amendment to the Professional Services Agreement with C&S Engineers, Inc.

**JUSTIFICATION:** The approval of the change order and amendment are necessary in order to amend the existing scope of work of the current contracts with Cindy Bales Engineering, Inc. and C&S Engineers, Inc. to include additional work requested by the Department of Transportation and the City of Banning.

**BACKGROUND:** In early 2010, the Public Works Department, Engineering Division, submitted a grant application to the FAA to construct navigational improvements at the Banning Municipal Airport. FAA staff evaluated the grant application and awarded the City of Banning an amount of \$536,750.00. On August 24, 2010 the City Council adopted Resolution No. 2010-62, "Approving the Airport Improvement Program Grant Agreement Offer from the Federal Aviation Administration".

On March 9, 2010 the City Council approved Resolution No. 2010-14, "Awarding a Professional Services Agreement to C&S Engineers, Inc. for Design Services at the Banning Municipal Airport" in the amount of \$79,691.37. The scope of work under this contract was to design the Airport Rotating Beacon, Wind Cone, Segmented Circle and Automated Weather Observing System (AWOS).

On September 28, 2010 the City Council of the City of Banning adopted Resolution No. 2010-69, awarding the Construction Contract for Project No. 3-06-0018 AIP 10(C), "Airport Rotating Beacon, Wind Cone, Segmented Circle & AWOS" to Cindy Bales Engineering, Inc. of Big Bear City, California for an amount equal to \$326,246.50.

At its regular meeting on November 9, 2010 the City Council approved Resolution No. 2010-80, "Amending the Professional Services Agreement with C&S Engineers, Inc. for Design Services at the Banning Municipal Airport to include Construction Observation and Administrative Services" in the amount of \$40,163.70.

The Department of Transportation (DOT), Division of Aeronautics conducted a State permit compliance inspection and Federal Aviation Administration (FAA) Airport Master Record update of the Banning Municipal Airport. On October 1, 2010, as a result of said inspection and update, the DOT provided a letter to the City of Banning which included a list of items that required the City's attention such as: clearing and re-grading the runway safety area; adding signing and striping; repairing of the Precision Approach Path Indicator (PAPI) system; and filling of abandoned in-ground base lights.

City staff requested a proposal from C&S Engineers, Inc. and Cindy Bales Engineering, Inc. for additional design and construction, respectively, to resolve the items listed in the letter issued by the DOT.

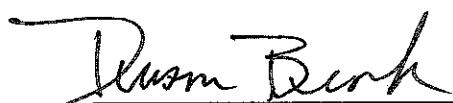
**FISCAL DATA:** The total contract with C & S Engineers, Inc. for Professional Services related to navigational improvements at the airport currently amounts to \$119,855.07. The amendment for the additional services is for an amount equal to \$20,000.00, which would bring the total contract amount to \$139,855.07. An appropriation in the amount of \$20,000.00 from the Airport Fund to Account No. 600-5100-435.33-11 is necessary in order to fund the Amendment to the Professional Services Agreement.

The construction contract with Cindy Bales Engineering, Inc. is currently \$326,246.50. The change order request is in an amount of \$92,681.30 which results in a contract total of \$418,927.80, an increase of approximately 28.4% of the original construction contract cost. An appropriation in the amount of \$92,681.30 from the Airport Fund to Account No. 600-5100-435.93.73 is necessary in order to fund the change order request.

FAA has approved the additional expenditures under the existing grant agreement therefore the additional expenditures are reimbursable up to 95% of the design and construction costs.

**SIGNATURES ON NEXT PAGE**

**RECOMMENDED BY:**



Duane Burk  
Director of Public Works

**APPROVED BY:**



Andy Takata  
City Manager

**REVIEWED BY:**



June Overholt  
Administrative Services Director/  
Deputy City Manager

## RESOLUTION NO. 2011-45

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING APPROVING THE CHANGE ORDER TO THE CONSTRUCTION CONTRACT AWARDED TO CINDY BALES ENGINEERING, INC. FOR PROJECT NO. 3-06-0018 AIP 10(C), "AIRPORT ROTATING BEACON, WIND CONE, SEGMENTED CIRCLE & AWOS" AND APPROVING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH C&S ENGINEERS, INC. FOR DESIGN SERVICES AT THE BANNING MUNICIPAL AIRPORT**

**WHEREAS**, the Federal Aviation Administration (FAA) staff evaluated a grant application submitted by the Public Works Department, Engineering Division and awarded the City of Banning an amount of \$536,750.00, subsequently on August 24, 2010 the City Council adopted Resolution No. 2010-62, "Approving the Airport Improvement Program Grant Agreement Offer from the Federal Aviation Administration"; and

**WHEREAS**, on March 9, 2010 the City Council approved Resolution No. 2010-14, "Awarding a Professional Services Agreement to C&S Engineers, Inc. for Design Services at the Banning Municipal Airport" in the amount of \$79,691.37 which included the design of the Airport Rotating Beacon, Wind Cone, Segmented Circle and Automated Weather Observing System (AWOS); and

**WHEREAS**, on September 28, 2010 the City Council of the City of Banning adopted Resolution No. 2010-69, awarding the Construction Contract for Project No. 3-06-0018 AIP 10(C), "Airport Rotating Beacon, Wind Cone, Segmented Circle & AWOS" for an amount equal to \$326,246.50 to Cindy Bales Engineering, Inc. of Big Bear City, California; and

**WHEREAS**, at its regular meeting on November 9, 2010 the City Council approved Resolution No. 2010-80, "Amending the Professional Services Agreement with C&S Engineers, Inc. for Design Services at the Banning Municipal Airport to include Construction Observation and Administrative Services" in the amount of \$40,163.70; and

**WHEREAS**, on October 1, 2010, the Department of Transportation provided a letter to the City of Banning which included a list of items that required the City's attention such as: clearing and re-grading the runway safety area; adding signing and striping; repairing of the Precision Approach Path Indicator (PAPI) system; and filling of abandoned in-ground base lights; and

**WHEREAS**, City staff has requested a proposal from C&S Engineers, Inc. and Cindy Bales Engineers, Inc. for additional design and construction, respectively, to resolve the items listed in the letter issued by the DOT; and

**WHEREAS**, an appropriation in the amount of \$92,681.30 from the Airport Fund to Account No. 600-5100-435.93.73 is necessary in order to fund the change order request with Cindy Bales Engineering, Inc.; and

**WHEREAS**, an appropriation in the amount of \$20,000.00 from the Airport Fund to Account No. 600-5100-435.33-11 is necessary in order to fund the Amendment to the Professional Services Agreement with C & S Engineers, Inc.

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

**SECTION 1:** The Change Order in the amount of \$92,681.30 for the Construction Contract Awarded to Cindy Bales Engineering, Inc. for Project No. 3-06-0018 AIP 10(C), "Airport Rotating Beacon, Wind Cone, Segmented Circle & AWOS" is approved.

**SECTION 2:** The Amendment in the amount of \$20,000.00 to the Professional Services Agreement with C&S Engineers, Inc. for Design Services at the Banning Municipal Airport" is approved.

**SECTION 3:** The Administrative Services Director is authorized to make the necessary adjustments and appropriations in an amount of \$92,681.30 from the Airport Fund to Account No. 600-5100-435.93.73 to cover the Change Order to the Construction Contract with Cindy Bales Engineering, Inc.

**SECTION 4:** The Administrative Services Director is authorized to make the necessary adjustments and appropriations in an amount of \$20,000.00 from the Airport Fund to Account No. 600-5100-435.33-11 to fund the amendment to the Professional Services Agreement with C&S Engineers, Inc.

**PASSED, APPROVED, AND ADOPTED** this 24th day of May, 2011.

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Barbara Hanna, Mayor  
City of Banning

**ATTEST:**

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Marie A. Calderon, City Clerk

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

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

**CERTIFICATION:**

I, Marie Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2011-45, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 24th day of May, 2011, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

## CITY COUNCIL AGENDA

**DATE:** May 24, 2011

**TO:** City Council

**FROM:** Duane Burk, Director of Public Works

**SUBJECT:** Resolution No. 2011-47, A Resolution of the City Council of the City of Banning, California, Authorizing the City Manager or his Designated Representative to Execute for and on Behalf of the City of Banning for the Purpose of Obtaining Financial Assistance Provided by the California Emergency Management Agency and other State Agencies.

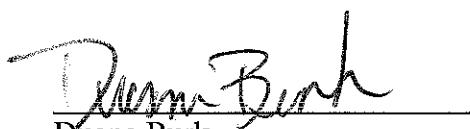
**RECOMMENDATION:** Adopt Resolution No. 2011-47, A Resolution of the City Council of the City of Banning, California, Authorizing the City Manager or his Designated Representative to Execute for and on Behalf of the City of Banning for the Purpose of Obtaining Financial Assistance Provided by the California Emergency Management Agency and other State Agencies.

**JUSTIFICATION:** The appointment of an Authorized Representative appointed by the City Council is required by the State of California.

**BACKGROUND:** The current authorized individuals on file with FEMA to execute documents are no longer employed with the City of Banning. The approval of Resolution No. 2011-47, would be switching the authorization from individual names to Titles only; allowing the document to remain valid if an Authorized Agent were to leave the position and is replaced by another individual.

**FISCAL DATA:** None.

**RECOMMENDED BY:**

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

**REVIEWED BY:**

  
\_\_\_\_\_  
June Overholt  
Administrative Services Director

**APPROVED BY:**

  
\_\_\_\_\_  
Andy Takata  
City Manager

**RESOLUTION NO. 2011-47**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING,  
CALIFORNIA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNATED  
REPRESENTATIVE TO EXECUTE FOR AND ON BEHALF OF THE CITY OF  
BANNING FOR THE PURPOSE OF OBTAINING FINANCIAL ASSISTANCE  
PROVIDED BY THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY AND  
OTHER STATE AND FEDERAL AGENCIES**

**WHEREAS**, the City of Banning prepares and submits documents such as applications for grants and reimbursements, etc. to various State and Federal Agencies; and

**WHEREAS**, the forms must be executed by an approved designated representative of the City Council; and

**WHEREAS**, the individuals authorized by the City Council to engage particularly with FEMA and Cal EMA and other related State Agencies will be in Titles Only; this allows the document to remain valid if an Authorized Agent leaves the position and is replaced by another individual..

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

**SECTION 1.** That the City Manager, or his Designated Representative are hereby appointed to represent the City with authority to examine and execute the necessary forms required by the Federal and the California Emergency Management Agency (FEMA and Cal EMA).

**SECTION 2:** That the City Manager, or his Designated Representative are hereby appointed to represent the City with authority to examine and execute/file necessary forms required by other State and Federal Agencies when deemed necessary.

**SECTION 3:** That this resolution supersedes all prior resolutions of the City Council of the City of Banning adopted pursuant to the Authorized Representative on behalf of the City of Banning.

**PASSED, APPROVED, AND ADOPTED** this 24th day of May, 2011.

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Barbara Hanna, Mayor  
City of Banning

**ATTEST:**

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Marie A. Calderon, City Clerk

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

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

**CERTIFICATION:**

I, Marie Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2011-47, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 24th day of May, 2011, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

**CITY COUNCIL AND BANNING UTILITY AUTHORITY  
AGENDA**

**DATE:** May 24, 2011

**TO:** City Council

**FROM:** Duane Burk, Director of Public Works

**SUBJECT:** Notice of Completion for Project No. 2010-01WW, "Iron Sponge Media and Granulated Activated Carbon Drum Filter Replacement"

**RECOMMENDATION:** City Council accept Project No. 2010-01WW, "Iron Sponge Media and Granulated Activated Carbon Drum Filter Replacement," as complete and direct the City Clerk to record the Notice of Completion.

**JUSTIFICATION:** The contractor has completed the work as per the approved plans and specifications.

**BACKGROUND:** On January 11, 2011, the City Council and the Banning Utility Authority adopted Resolution No. 2011-01UA, awarding the contract for Project No. 2010-01WW, "Iron Sponge Media and Granulated Activated Carbon Drum Filter Replacement," to Prominent Systems, Inc. of City of Industry, California in the amount of \$39,700.00.

The scope of work for Project No. 2010-01WW included the removal and disposal of the existing iron sponge media, painting of the iron sponge vessels, replacement of neoprene gaskets, removal, disposal and replacement of the existing GAC filled drums.

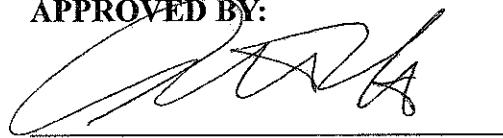
**FISCAL DATA:** This original contract amount for this project was \$39,700.00. The project was completed within budget with a final project cost of \$39,700.00, and was funded by the Wastewater Capital Facility Fund.

**RECOMMENDED BY:**

  
\_\_\_\_\_  
Duane Burk

Director of Public Work

**APPROVED BY:**

  
\_\_\_\_\_  
Andy Takata

City Manager

**REVIEWED BY:**

  
\_\_\_\_\_  
June Overholt  
Administrative Services Director

1 WHEN RECORDED MAIL TO:

2  
3 The Office of the City Clerk  
4 of the City of Banning  
5 P.O. Box 998  
6 Banning, California 92220

7  
8 FREE RECORDING:

9 Exempt Pursuant to  
10 Government Code §6103

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12  
13 NOTICE OF COMPLETION

14 PROJECT NO. 2010-01WW

15 "IRON SPONGE MEDIA AND GRANULATED ACTIVATED CARBON DRUM  
16 FILTER REPLACEMENT"

17  
18 THIS NOTICE OF COMPLETION IS HEREBY GIVEN by the OWNER, the  
19 City of Banning, a municipal corporation, pursuant to the provisions of Section 3093 of  
20 the Civil Code of the State of California, and is hereby accepted by the City of Banning,  
21 pursuant to authority conferred by the City Council and the Banning Utility Authority  
22 this May 24, 2011, and the grantees consent to recordation thereof by its duly authorized  
23 agent.

24  
25 That the OWNER, the City of Banning, and Prominent Systems Inc. of City of Industry,  
26 California, the vendee, entered into an agreement dated January 12, 2011, for  
27 Construction of Project No. 2010-01WW, "Iron Sponge Media and Granulated Activated  
28 Carbon Drum Filter Replacement." The scope of work for Project No. 2010-01WW  
29 included the removal and disposal of the existing iron sponge media, painting of the iron  
30 sponge vessels, replacement of neoprene gaskets, removal, disposal and replacement of  
31 the existing GAC filled drums in accordance with the City of Banning Standard  
32 Specifications.

33 (1) That the work of improvement was completed on April 14, 2011, for  
34 Project No. 2010-01WW, "Iron Sponge Media and Granulated Activated Carbon Drum  
35 Filter Replacement."

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

(3) That said work of improvement was performed at the Banning Wastewater Treatment Plant, located at 2242 E. Charles Street in Banning, California 92220.

(4) That the original contractor for said improvement was Prominent Systems, Inc., State Contractor's License No. 912647.

(5) That Performance and Payment bonds were required for this project.

Dated: May 24, 2011

CITY OF BANNING  
A Municipal Corporation

By Andy Takata  
City Manager

APPROVED AS TO FORM:

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

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## JURAT

State of California  
County of Riverside

Subscribed and sworn to (or affirmed) before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2011 by \_\_\_\_\_ proved to me on this basis of satisfactory evidence to be the person(s) who appeared before me.

(Seal)

Notary Public in and for said County  
and State

STATE OF CALIFORNIA)

) SS

## COUNTY OF RIVERSIDE)

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

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

Executed on \_\_\_\_\_, 2011 at Banning, California.

## City Clerk of the City of Banning

52

**CITY COUNCIL AGENDA  
PUBLIC HEARING**

**DATE:** May 24, 2011

**TO:** City Council

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

**SUBJECT:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING AMENDING THE BANNING ORDINANCE CODE TO REDESIGNATE THE PARKS AND RECREATION COMMITTEE TO A COMMISSION AND AMENDING SECTION 2.40.030 – APPOINTMENT OF MEMBERS

**RECOMMENDATION:** The City Council adopt Ordinance No. 1438 amending the Banning Ordinance Code to re-designate the Parks and Recreation Committee to a Commission and amending Section 2.40.030 pertaining to the appointment of members.

**JUSTIFICATION:** In the Banning Parks and Recreation Master Plan, which was adopted by Council February 22, 2011, it is stated in the Executive Summary that a priority project should be to “create a Parks and Recreation Commission to communicate effectively the Community Services Department’s needs and issues. Section 2.40.030 addresses the appointment of members to the Parks and Recreation Committee and will be changed to mirror the “Terms and Vacancies” that have been adopted for the Planning Commission.

**BACKGROUND:** In 1997 changes were made to the City Ordinance which re-designated the Parks and Recreation Commission to a Committee and also made changes to the appointment process of the Committee members. As noted above, the Parks and Recreation Master Plan recommends that the Parks and Recreation Committee be changed to a Commission.

**FISCAL DATA:** There will be no fiscal impact as a result of this change.

**RECOMMENDED BY:**

  
Heidi Meraz  
Community Services Director

**REVIEWED BY:**

  
June Overholt  
Administrative Services Director/  
Deputy City Manager

**APPROVED BY:**

  
Andy Takata  
City Manager

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## ORDINANCE NO. 1438

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING AMENDING THE BANNING ORDINANCE CODE TO REDESIGNATE THE PARKS AND RECREATION COMMITTEE TO A COMMISSION AND AMENDING SECTION 2.40.030 – APPOINTMENT OF MEMBERS**

**WHEREAS**, on February 22, 2011 the Banning City Council adopted Resolution 2011-10 approving adoption of the Banning Parks and Recreation Master Plan; and

**WHEREAS**, the newly adopted Parks and Recreation Master Plan recommends the creation of a Parks and Recreation Commission as opposed to a Committee; and

**WHEREAS**, a Parks and Recreation Advisory Committee is currently in place with active members that the Council desires to have serve in such capacity; and

**WHEREAS**, Section 2.40.030 shall be changed to mirror those of Section 2.28.020 to address Terms and Vacancies of the Parks and Recreation Commission

### **NOW, THEREFORE, BE IT RESOLVED, THE CITY COUNCIL OF THE CITY OF BANNING CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** Chapter 2.40 of the Banning Ordinance Code is hereby amended as follows:

- A. All references to "Parks and Recreation Advisory Committee" shall be changed to "Park and Recreation Committee". And, all references to "committee" shall be changed to "Committee".
- B. 2.40.030 is hereby amended as follows:
  - A. The Parks and Recreation Commission shall consist of five members.
  - B. The Parks and Recreation Commission 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 the term.
  - E. To be excused from any such meeting, a member shall notify the community services 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 and excused absence.

**SECTION 2.** The Mayor shall sign this Ordinance and the city clerk shall attest thereto and shall within fifteen (15) days of its adoption cause it, or a summary of it, to be published in the Record Gazette, a newspaper published and circulated in the city. Thereupon this Ordinance shall take effect (30) days after adoption and be in effect according to the law.

**PASSED, APPROVED, AND ADOPTED** at a regular meeting of the City Council of the City of Banning, California, on this 14<sup>th</sup> day of June 2011.

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Barbara Hanna, Mayor  
City of Banning

ATTEST:

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Marie A. Calderon, City Clerk  
City of Banning

APPROVED AS TO FORM  
AND LEGAL CONTENT:

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

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1438 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 24<sup>th</sup> day of May, 2011, and was duly adopted at a regular meeting of said City Council on the 14<sup>th</sup> day of June, 2011, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Marie A. Calderon, City Clerk  
City of Banning

55