

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

July 12, 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 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
- Pledge of Allegiance
- Roll Call – Councilmembers Botts, Franklin, Machisic, Robinson, Mayor Hanna

II. REPORT ON CLOSED SESSION

III. PUBLIC COMMENTS/CORRESPONDENCE/PRESENTATIONS

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.

APPOINTMENTS:

1. Designation of Voting Delegates and Alternates to League of California Cities Annual Conference – Sept. 21-23 **1**

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

IV. CONSENT ITEMS

(The following items have been recommended for approval and will be acted upon simultaneously, unless any member of the City Council wishes to remove an item for separate consideration.)

Motion: That the City Council approve Consent Item 1 through 5

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 – 06/28/11. **5**
2. Approval of Minutes – Regular Meeting – 06/28/11 **6**
3. Resolution No. 2011-60, Authorizing the Expenditure of \$500,000.00
Received from Morongo through the Riverside Indian Gaming Local
Community Benefit Committee (CBC) under the FY 09/10 Special
Distribution Fund (SDF) Grant. **39**
4. Resolution No. 2011-62, Authorizing an Appropriation of Funds from the
City Hall Construction Fund for Security Upgrades at City Hall. **42**
5. Approve Contract Between Banning Unified School District and the
City of Banning for Assignment of a School Resource Officer (SRO)
at Banning High School for the 2011-12 School Year. **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. Resolution No. 2011-11 UA, Awarding the Professional Services
Agreement to G&G Environmental Compliance, Inc. of Riverside,
California in an amount “Not to Exceed” \$84,565.00 for Pretreatment
Program Services and the Development of Technically Based Local
Wastewater Discharge Limits **55**

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

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

VII. ITEMS FOR FUTURE AGENDAS

New Items –

Pending Items – City Council

1. Schedule Meetings with Our State and County Elected Officials
2. Review of Fees and Rates
3. Policy Discussion Re. Code Enforcement (*study session – July 26th Tentative*)
4. Update on Shop Local Program
5. FEMA Training – Senior Officials (*Aug. 30, 2011*)
6. Speaker Cards
7. Update on Loans

VIII. ADJOURNMENT

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

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

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

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office (951) 922-3102. **Notification 48 hours prior to the meeting** will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.02-35.104 ADA Title II].

Council Action Advised by August 26, 2011

June 9, 2011

TO: Mayors, City Managers and City Clerks

RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference – September 21–23, San Francisco

The League's 2011 Annual Conference is scheduled for September 21-23 in San Francisco. An important part of the Annual Conference is the Annual Business Meeting (*at the closing General Assembly*), scheduled for 2:30 p.m., Friday, September 23, at the San Francisco Moscone West Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, August 26, 2011. This will allow us time to establish voting delegate/alternates' records prior to the conference.

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates must be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: www.cacities.org. In order to cast a vote, at least one person must be present at the Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up

-more-

the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the San Francisco Moscone West Convention Center, will be open at the following times: Wednesday, September 21, 8:30 a.m. – 6:00 p.m.; Thursday, September 22, 7:30 a.m. – 4:00 p.m.; and September 23, 7:30–10:00 a.m. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but not during a roll call vote, should one be undertaken.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League office by Friday, August 26th. If you have questions, please call Mary McCullough at (916) 658-8247.

Attachments:

- 2011 Annual Conference Voting Procedures
- Voting Delegate/Alternate Form



1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

Annual Conference Voting Procedures 2011 Annual Conference

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CITY: _____

**2011 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM**

Please complete this form and return it to the League office by Friday, August 26, 2011. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____ E-mail: _____

Mayor or City Clerk _____ Phone: _____
(circle one) (signature)

Date: _____

Please complete and return by Friday, August 26 to:

League of California Cities
ATTN: Mary McCullough
1400 K Street
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: mccullom@cacities.org
(916) 658-8247

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MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

06/28/2011
JOINT MEETING

A joint meeting of the Banning City Council and the Community Redevelopment Agency was called to order by Mayor Hanna on June 28, 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 the City Council and Agency Board will meet in closed session pursuant to the provisions of Government Code Section 54956.9. in regards to one matter of potential litigation and pursuant to the provisions of Government Code Section 54956.8 regarding two matters of real property negotiations concerning 775 E. Ramsey Street and 940 E. Williams Street. We also need to add one item that was not listed which is a litigation matter actually filed which is Fields versus the City of Banning matter to give a report on something that has occurred since the agenda was posted.

Motion Machisic/Robinson to add the Fields Litigation Matter to the agenda to report on something that occurred subsequent to the posting of the agenda. Motion carried, all in favor.

Mayor Hanna opened the item for public comments. There were none. Meeting went into closed session at 4:05 p.m.

Councilmember/Chairman Robinson left the room when there was discussion regarding the one matter of potential litigation.

The meeting returned to regular session at 4:53 p.m.

ADJOURNMENT

By common consent the meeting adjourned at 5:08 p.m.

Marie A. Calderon, City Clerk

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MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

06/28/11
REGULAR MEETING

A regular meeting of the Banning City Council and a Joint Meeting of the Banning City Council, Community Redevelopment Agency and Banning Utility Authority and a Joint Meeting of the Banning City Council and the Banning Utility Authority was called to order by Mayor Hanna on June 28, 2011 at 5:00 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

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

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Andrew Takata, City Manager
David J. Aleshire, City Attorney
June Overholt, Administrative Services Director
Duane Burk, Public Works Director
Zai Abu Bakar, Community Development Director
Leonard Purvis, Police Chief
Fred Mason, Electric Utility Director
John McQuown, City Treasurer
Marie A. Calderon, City Clerk

The invocation was given by Councilmember Botts. Councilmember Machisic 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 the Agency Board met in closed session and discussed one matter regarding potential litigation and a status report was given and no reportable action was taken. We discussed two matters of real property negotiations regarding 775 E. Ramsey Street and 940 E. Williams Street and a status report was given on those negotiations and no reportable action was taken. The City Council also added to the closed session agenda a litigation matter actually filed which is Fields vs. City of Banning and a status report was given on the recent decision of the court that was favorable to the City that found that the Tribe (Morongo Band of Mission Indians) was an indispensable party to the lawsuit and most of the Fields claims were dismissed for that reason and no reportable action was taken.

PUBLIC COMMENTS/CORRESPONDENCE/PRESENTATIONS/APPOINTMENTS

PUBLIC COMMENTS – On Items Not on the Agenda

Bill Dickson 5700 W. Wilson addressed the Council thanking all the citizens and the Council people that participated in the fundraiser for Ellen Carr and Tender Loving Critters. They raised some money and Ellen Carr is a very valuable part of our city and she really helps in keeping the animals off the streets and finding them homes. He appreciates all the support from the citizens and from the Council.

Deborah Dukes of Banning and Robert Meteau, Principal of Nicolet Middle School addressed the Council. She stated that they were here to remind the Council of the Sports Complex opening on September 8th at 5:30 p.m. This is a "save the date" and formal invitations will be forthcoming. Also, along with that Janelle Poulter, Counselor at Banning High School has started a fundraiser and the first 20 people that donate \$100 to the ASB will get the rare opportunity to ride the stadium elevator up to the press box and get a wonderful view. You can send your check to 161 W. Williams Street, Banning, CA. Also, they would like to thank the Council Members for supporting our students and you support us all year round but especially at the end of the year activities. Mayor Hanna and Chief Purvis attended the promotions and the graduations and we thank you. Thank you to Councilmember Franklin who attended Nicolet Middle School's promotion dinner and dance and served and then after that attended Mr. Diliberto's final band concert. Thank you to Councilmember Machisic for attending the First Duel Immersion Graduation and the comments he made were excellent.

Mr. Meteau said the success we have had in the school district especially at Nicolet we would have not made that progress without your support. On June 16th they decided to pay tribute, tradition wise, by having the 8th Grade Promotion at Repplier Park and in preparation for the promotion, as you are aware when you are putting on an function of that magnitude, it takes a lot of team work, a lot of collaboration and we want to recognize two departments that went above and beyond in preparing this facility so that we could enjoy the excellent promotion that we had and that is the Banning Public Works Department, as well as, Community Services Department. Two particular individuals Ms. Heidi Meraz and Duane Burk really came through for us and had the park sparkling. We had nothing but positive comments from the people that attended. As a token of esteem and appreciation they would like to recognize Heidi Meraz and Duane Burk and thank you from Nicolet Middle School and Banning Unified School District.

Mayor Hanna said that there have been a lot of graduations recently and she is very proud of her daughter, Judy Sheldon (who was in the audience). She went through the Banning schools K through 12 and went on to get a degree from the University of California at Davis and just got her MBA in Sports Management from the University of Oregon – Eugene.

Councilmember Franklin said that her younger daughter just got her MBA in Accounting with a Tax Option and she is also a Banning High School graduate.

INTRODUCTIONS

1. Introduction of "Citizens on Patrol Volunteers"

Chief Purvis said he was very proud to be able to introduce some very important people in our community. He had Officer Brian Callahan, Volunteer Coordinator and Staff Sergeant Mark Smith joined him at this time. He said that these nine new volunteers and five current volunteers attended the Redlands Police Department's Volunteer Program. The academy was eight weeks long, one day a week for four hours and the course was completed on May 26, 2011 and the training topics consisted of community policing, risk focus policing, records management, liability, ethics, media relations, gangs, department forums, personal safety management, crime scenes, drugs, verbal judo, traffic control, call outs and radio procedures. The new volunteers will attend a driving safety course and learn more about traffic control and using fire extinguishers and those volunteers that will be working in a patrol capacity will be patrolling with another volunteer that has been assigned as a field training officer. At this time he introduced Volunteer Coordinator, Bill Dickson who will make the introductions of the volunteers and the Program Coordinators for the Redlands Police Department.

Bill Dickson introduced the Program Coordinators for the Redlands Police Department Jim Deggan and Brad Billings and asked them to come forward to help congratulate the new graduates and the current volunteers. The five current and long time volunteers include: Richard Morris, Ted Grossman, Carol McLaughlin, Jane Bonelli, and Cynthia Holmes. The nine new graduates include: Matt Clarke, Ralph Lopez, Jackie Gonzales, Cheryl Rasmussen, Bill Sanders, Freddie Brown, Joan Leffler, Doreen Sanders, and Bill Dickson.

City Manager said he really feels that Bill Dickson has stepped up to this and thanked him for all his hard work. .

CONSENT ITEMS

1. Approval of Minutes – Joint Meeting – 06/14/11

Recommendation: That the minutes of the joint meeting of June 14, 2011 be approved.

2. Approval of Minutes – Regular Meeting – 06/14/11

Recommendation: That the minutes of the regular meeting of June 14, 2011 be approved.

3. Report of Investments for April 2011

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

4. Resolution No. 2011-35, Approving the State Grant Agreement for the California Department of Resources Recycling and Recovery (Cal Recycle) Targeted Recycled Asphalt Concrete (RAC) Grant and Authorizing the City Manager to Execute the Grant Agreement with Cal Recycle.

Recommendation: That the City Council adopt Resolution No. 2011-35 and authorize the City Manager to execute the Grant Agreement with Cal Recycle.

5. Resolution No. 2011-52, Authorizing the Acceptance of the FY 10-11 Special Distribution Fund Grant in the Amount of \$564,951.00 and Authorizing the Expenditures as Outlined in Addendum A.

Recommendation: That the City Council adopt Resolution No. 2011-52.

6. Resolution No. 2011-58, Authorizing staff to Submit an Application for Proposition 84 Statewide Park Development and Community Revitalization Program (Statewide Park Program) for the Reppier Park Playhouse Bowl Project and Authorizing the City Engineer to execute the application that Engineering Division staff will submit to the State of California, Department of Parks and Recreation.

Recommendation: That the City Council adopt Resolution No. 2011-58 and authorize the City Engineer to execute the application that Engineering Division staff will submit to the State of California Department of Parks and Recreation.

7. Resolution No. 2011-61, Approving Cooperation Agreement for the Community Development Block Grant (CDBG), Home Investment Partnership Program, and Emergency Shelter Grant for Fiscal Years 2012-2013, 2013-2014, 2014-2015.

Recommendation: That the City Council adopt Resolution No. 2011-65.

Motion Franklin/Machisic to approve Consent Items 1 through 7. Mayor Hanna opened the item for public comments. There were none. **Motion carried, all in favor.**

Mayor Hanna recessed the regular meeting of the City Council and called to order a joint meeting of the Banning City Council and the Banning Utility Authority.

PUBLIC HEARINGS

1. Resolution No. 2011-53, Amending the Franchise Agreement between the City and Waste Management of the Inland Empire for the Collection, Transportation and Disposal of Solid Waste.
(Staff Report – Duane Burk, Public Works Director)

Mr. Burk addressed the Council regarding this item giving a brief power-point presentation (see Exhibit "A"). He continued his staff report as contained in the agenda packet asking the Council to extend Waste Management's contract for a ten-year period. He said that Steve Glenn of Waste Management is in the audience if the Council has any questions. He said he would like to make an amendment to the fiscal side of this at this time in regards to Section 18, paragraph 2, stating that this would be modified to conform with Prop 218 and the appropriate language will be added from the City Attorney's Office.

City Attorney said that the law was changed a couple of years ago and it was always a little unclear what Prop 218 applied to and there was a clarification with regards to CPI (Consumer Price Index) escalators in contracts and the statutory change was that there needs to be a Prop

218 hearing on that sort of a provision and it can only apply for five years so potentially every five years you would have to come back and do a Prop 218 hearing with respect to that increase. So our recommendation tonight is that the Council approve this for ten years but the actual change in rates would not occur until we have held a Prop 218 hearing and he will add some language to this agreement to make it clear that a CPI provision only goes for five years until you have to have a Prop 218 hearing. We will have a hearing tonight on approving the ten-year agreement but will come back with a hearing on the rate change.

Councilmember Franklin asked about service for disabled residents and recycling for multi-family units.

Mr. Burk said the multi-family portion is kind of difficult at best. It was one of their goals to enhance that program. The Council/CRA in the language for the conditions of approval for the Westview Terrace was that they would participate in multi-family education on recycling and dumpsters and that was kind of the kick-off. The City had applied for a grant in prior years to try to kick off a multi-family program but it is very difficult and we were denied the grant but our goal is to get out and do some multi-family education. It is much easier to do this in mobile home parks and apartments are much harder to do.

Steve Glenn addressed the Council stating that there is a component in the contract where they will make arrangements with a disabled person to assist them with getting their carts out to the curb. They can call customer service and show proof that they are a disabled person and Waste Management will send out a Route Manager to make arrangements to help them on a weekly basis.

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

There was further Council discussion in regards to the rates, going out to bid, service and Waste Management's participation in reducing the landfill.

Motion Botts/Machisic at the City Council adopt Resolution No. 2011-53, Amending the Franchise Agreement between the City and Waste Management of the Inland Empire for the collection, Transportation and Disposal of Solid Waste as set forth in the City of Banning's Franchise Agreement with Waste Management of the Inland Empire as amended. Motion carried, with Mayor Hanna voting no.

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

REPORTS OF OFFICERS

1. Adoption of Resolutions Related to the Second Year of the Two Year Budget Plan for Fiscal Year 2011-2012 for the City, Redevelopment Agency and Utility Authority (Staff Report – June Overholt, Director of Administrative Services/Deputy City Manager)

Director Overholt addressed the Council giving a power-point presentation on this item (see Exhibit "B"). She said as a reminder as we look at the General Fund one of the things that people should remember is that that fund is intended to provide for all of the general tax receipts of the City. June thanked staff and the Council for their support during this process of updating the budget.

City Manager said that budgeting is an art form and not an exact science. You do not know what is going to happen and there are a lot of estimates and you go off of trends and we did pretty well this past year but this gets more accurate as we go along. He thanked June and her staff and the department heads because they put in a lot of work. To emphasize there is some stuff that we took from the Community Redevelopment Agency which was code enforcement and a gang task force member and both those positions are now in the General Fund and we believe that is where they belong to begin with. We still have a structural deficit adding those two to it but if you think about it, the deficit we are showing you is less than what we projected last year by adding those programs back into the General Fund. Next year we will have a two-year budget and our goal is to have that completely balanced.

Councilmember Botts said in regards to debt coverage where are we approximately on the percentage. Also you used the word "crisis" and you said if we slip below on 20% reserves and the 10% and 10% reserve that it would be a crisis.

Director Overholt said the goal for both the Water and Wastewater is 115% and we are just under 100%. In regards to the word "crisis" she said she believes she was referring to the Water and Wastewater Fund since their operational budget is fairly substantial. We have \$8 million and there is \$1.4 million in reserves and on the Wastewater side the variance is not as great and their budget was \$2.8 million and their reserves are about \$1.4 to \$1.2 million. So the Wastewater is in a much better situation because they have almost 50% of their operating budget in reserves. But on the water side if something were to really go sideways, then it would create a problem for the Water Fund to dip further into that reserve.

Mayor Hanna said as she understands from the City Manager we are going to revisit those rates in October. We guaranteed that we would look at them each year and approved last year a 15% increase in Water and Wastewater and 15% this year. City Manager said that was correct.

Director Overholt said what they did was to go ahead and build into the budget the rate increases and then staff will present to the Council the status of where it is at and what worked well and what didn't happen.

Councilmember Franklin said that you are going to close the books in two days and about when do you think we will hear what we actually have. Director Overholt said the year end will end in two days and we won't actually close the books. To actually close the books takes between two to three months. She thanked June and her staff for the information they received and it helps them see the overall big picture and not just focusing on each line 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*):

Dorothy Familetti-McLean, Banning addressed the Council regarding the \$75,000 to the Alliance (see Exhibit "C").

Don Smith, Banning addressed the Council regarding transparency, putting the budget online for review and it is understandable.

City Manager said that there is a place marker in the budget for the Cultural Alliance and you still have to see their contract. It was on the CRA agenda and it has been pulled but will be coming back to the Agency Board for a decision. What is not in the budget is that last year there were a number of agencies asking for additional money that we brought to the Council later on and we did not put that in the budget. If the Council would staff to reconsider that or bring you the list of those individuals, staff will be more than happy to do that but at the current time it is not in the budget. He thinks that the statement that the Council made last year was that we will give them a year and once they had that year they will understand that we don't have any money to give to them at that point in time.

The Council expressed their thanks to the department heads and commended June and her staff for an outstanding job and the City Manager who provided direction.

Motion Machisic/Robinson that the City Council adopt Resolution No. 2011-54, Adopting the Annual Budget for the Fiscal Period July 1, 2011 through June 30, 2012 and Making appropriations to Meet Expenses Approved Therein and Approving Budgetary Policies and Recommendations.

Councilmember Franklin said the only piece that she disagreed with was in the CRA budget for the \$75,000 for the Alliance. She just wanted to make sure that when she is voting that she is not agreeing and didn't want to show any support at this time that she is saying yes she wants to put \$75,000 there when she thinks that money should go to either businesses or infrastructure. City Manager said it would just be budgeted. You still have to vote for the contract. If you don't vote for the contract, then the monies don't get distributed. We put placeholders in budgets but that doesn't mean you spend it or approve contracts.

Motion carried, all in favor.

Motion Machisic/Robinson that the Banning Utility Authority adopt Resolution No. 2011-10UA, Adopting the Budget Plan for the Fiscal Period July 1, 2011 through June 30, 2012 and Making Appropriations to Meet Expenses Approved Therein. Motion carried, all in favor.

Motion Machisic/Robinson that the Agency Board adopt CRA Resolution No. 2011-24, Adopting the Budget Plan for the Fiscal Period July 1, 2011 through June 30, 2012 and Making Appropriations to Meet Expenses Approved Therein. Motion carried, all in favor.

Motion Botts/Franklin that the City Council adopt Resolution No. 2011-55, Establishing An Appropriations Limit for the Fiscal Year 2011, Pursuant to Article XIII B of the California Constitution. Motion carried, all in favor.

Motion Botts/Franklin that the City Council adopt Resolution No. 2011-59, Amending the Classification & Compensation Plan for the City of Banning. Motion carried, all in favor.

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

PUBLIC HEARINGS

1. Banning Utility Authority Resolution No. 2011-09UA, Adopting the 2010 Urban Water Management Plan and Approving the Submittal to the California Department of Water Resources.
(Staff Report – Duane Burk, Public Works Director)

Director Burt addressed the Council giving the staff report as contained in the agenda packet. He read for the record that the Urban Water Management Plan Act states that all urban suppliers have to draft a document every five years to show a 20-year horizon of the water supply for their suppliers. It is predicated on the fact that you either have 3,000 customers or you serve 3,000 acre-feet annually and we serve around 9,000 acre-feet and we have around 11,000 customers. The Urban Water Management Plan (UWMP) workshop was held June 14th and the consultant Geoscience, a highly renowned firm in the area, was brought in and Brian Villalobos is the author of the document and is in the audience if you have any specific questions. The scope of the work for the 2010 Urban Water Management Plan included conservation and efficiency use, long-term reliability, appropriate level of reliability water service to meet the needs of the city in various categories, implement effective water management strategies including groundwater storage and, as you know, we receive 100% of our water from the groundwater so in the document we talk about safe yields at each basin we have and how we would develop future water, water quality regulations which all the water we serve comes under high stringent guidelines from regulatory agencies, changes in drinking water quality standards which may impact the usefulness of the water and the good thing about our water is extremely high in quality and review the quality of source supplies which can have a significant impact on water management strategies and supply reliability. On May 16th staff circulated for comments an administrative draft to local agencies and water suppliers such the Cabazon Water District, Morongo Band of Mission Indians, Beaumont Cherry Valley Water District, San Geronio Pass Water Agency, Beaumont Basin Water Master, City of Beaumont, Banning Heights Mutual Water Company, High Valley Water District, Yucaipa Valley Water District, Riverside County Planning Department and the South Mesa Water Company. The draft was also made available to the public by providing a copy at the Engineering counter, as well as, the City of Banning website. The draft has been amended per the comments received and will be included within the Final UWMP submitted to the California Department of Water Resources. So basically this document will be certified by a clearinghouse of the Department

of Water Resources after it is adopted this evening and remains open for any additional comments from the Department of Water Resources and/or any additional comments we receive now and then they will certify it as being adopted by the Council. We did receive some comments which were addressed in the document and received some additional ones today.

Mayor Hanna said that comments have been made since you circulated it on May 16th and the draft they have is dated April 8, 2011. She doesn't believe that they have seen any comments received. Director Burk said the only comments they received from the public was from Councilmember Franklin and they were addressed in the workshop and some additional ones were received today from Mayor Hanna and staff would be glad to address them.

Mayor Hanna opened the public hearing for comments from the public. Seeing no one come forward she closed the public hearing.

Mayor Hanna said that we have gone through this before and most of us on the Council except for Councilmember Robinson were here for the 2005 Water Management Plan and the consequence of that Urban Water Management Plan was tested with the Black Bench court case and expended over \$1.2 to \$1.3 million dollars in legal fees and settlements with it so she is a little gun shy. It was rather painful and we certainly don't want to go through that again. There are various issues identified/singled out by the judge that were issues from his perspective that she doesn't believe have yet been identified and corrected. She went over that list (see Exhibit "D"). She said she is very wary and not going to just go forward lively and say sounds good to me when this is such a significant issue. The City Manager talked about how in the budget we made very conservative projections and she commends him and we are all very appreciative of that and we would rather see worse case scenarios but in water it seems like we are taking the opposite approach and everything is going to be great and we are going to get all we wanted and everything is going to work out and she just doesn't think that is a recommended strategy.

Director Burk said these are actually very good comments and they will actually be part of the document so that we can make sure we respond to them. He said that Mayor Hanna is absolutely right and the City paid very dearly for an urban water management plan that failed and our goal in this document is not to paint something that is rosy. To him it is a very conservative approach but there are large commitments that have to be made on behalf of the City and some are going to be regulatory driven and maybe not today and some are going to be driven just by the adjudication itself. Those are trigger points that are going to happen no matter what whether we build anymore houses or we stay the way we are today. But he feels that they did take a conservative approach and they did say they were going to do a lot of points that would trigger however they are driven by the budget. You are absolutely right that they were pushed to the right and that doesn't mean that they won't come back later when things get better. The other side of that is that our demand because of things and the economy are down. We did have a wet winter and so our Banning Basin is doing extremely well right now. Unfortunately the downside to that is that our revenues are down so it is this juggling act of sorts.

Director Burk and Mr. Villalobos answered Mayor Hanna's questions as follows:

- We do have a contact with the San Geronio Pass Water Agency and it rolls every five years. Our contract is up next year and he did specifically ask the General Manager at what point do we have to go back and tell you that we want another five-year window and his answer back was that as long as we don't say anything to you and you are buying water it is kind of a rollover however we have already addressed it and we have a year and a half before we have to officially ask for that contract to continue. We are one of the three retailers that currently purchase water from the San Geronio Pass Water Agency. There are multiple purveyors in the area that don't even receive the benefit. The Beaumont Cherry Valley Water District also purchases water from the San Geronio Pass Water Agency and we have an agreement with them to recharge the water in the Beaumont Management Zone and Yucaipa Water District also takes water from them.

Mayor Hanna said that the General Manager was here at our workshop and he came up and made the comment that you could use 25% for planning if you want to but there is nothing in an agreement. What does that mean compared to what you just said?

Director Burk said he thinks that is a great comment because of the way we got the 25% in this document and he doesn't think the wholesaler would ever want to allocate and he thinks that is what the General Manager said that night. We are not going to allocate something that is going to commit us. However on the City's side we have to develop a planning tool and our planning tool is simply that you are the wholesaler and we are the retailer and we are going to buy it so we are just saying whatever you have available that year we want to commit 25% of whatever is available and a couple of years ago there was only 5% available. So his answer to him simply would be that we want 25% of the 5%. We got that number based on land size meaning that there are 17,442 acres that is in the sphere of influence for the San Geronio Pass Water Agency which is our State Project contractor. Our mass to that commitment from them is 25%. There were arguments in the past that have said we should get more than 25% based on formulas of the debt service. But the three retailers Yucaipa Valley Water District, Beaumont Cherry Valley Water District and City of Banning through this allocation idea came together and said let's do it through land use meaning the City of Banning has 25% of their overall sphere so we want to commit 25% of their resource to us. Beaumont Cherry Valley Water District has 26% or 27%, Yucaipa Valley Water District (serve water to Calimesa) are 23%. So each one of their documents would say they want 23% or 25% of that. So we are asking all of you to agree that 25% of whatever is available annually. Right now there is 80% available but we do not have the resources to buy 25% of the 80% but as this cycle moves through the average would be 25% for a five-year window.

City Attorney added that in terms of an urban water management plan the requirement from a legal standpoint is that it has to be reasonably likely that the water is available. As you pointed out there could be an earthquake or some unpredictable event that would occur. If the possibility of that unpredictable event meant that all of our projections were speculative then you could never plan anything. So case law on this has said you have to make a reasonable good faith effort to come up with an estimate that is not just speculative. There has to be some reasonable basis to it and the court, as you pointed out in the prior legal proceeding, felt that there was not enough substance behind the estimates made at that time. Going back to his comment he took the comment by the General Manager to be that just because we as a

planning document had come up with 25% and we were at a public meeting and we were publicly disclosing this he was just kind of putting us on notice that we didn't have a contract for 25%. As a matter of fact, if you go by the property tax thing, our share should really be 40%. If you took the investment that has been made up until now in their facilities, it should be much higher. When we have gone back and forth with the Pass Water Agency we have said you ought to give us 40% and their position was that they won't enter into contracts to commit any specific amount. So since they won't enter into a contract it is obviously not a guarantee. We haven't used the most aggressive number which we could argue which is 40% and instead we have used a number that the other retailers amongst each other have talked about making the allocation in terms of land area and giving all the factors that is a reasonable way of looking at it. So in terms of an urban water management plan that standard that is being used here is something that the consultant has a reasonable basis of different ways of looking at it. The consultant has picked a fairly conservative number and it is reasonably based upon criteria which is land area which the other retailers have generally agreed to.

- In regards to the Cabazon Water Basin this document relies on specifically for evaluating the water supply from the groundwater basins on the maximum perennial yield report which is included as Appendix F and if you look at that appendix as far as the history of the Cabazon Basin we have water level data from 1944 to 2009 to be able to track the changes in the groundwater basin. We have pumping data from 1989 to 2009 which is about 20 years of pumping data which is fairly substantial in terms of evaluating basins. In that we have included what we were able to determine where Morongo Indian extractions from documents that we researched to be able to include that so we have included every pumper that we have been able to research possibly minus some single-family types which would be very minimal. So Cabazon is a great little basin and it responds directly to the climate so we know that it stores water and it drains water as the climate changes. So when we mention that there is not a limit on that what we mean by that is that we are able to pump whatever goes in according to climate and if we don't, it is lost out the other end of the basin. So it is really a basin that needs to be developed to maximize its conjunctive use. As far as the maximum perennial yield report we have studied Cabazon fairly intensely with a considerable amount of data to be able to identify what we think the long-term storage changes will be in that basin.

Mayor Hanna said the other part of her comment was that in order to go from 565 to 2,515 acre feet a year is a big jump and she would assume that would mean we would have additional wells in the Cabazon Water Basin and what if we can't afford to put them in as it appears the case right now.

Mr. Villalobos said that Well C-6 has a total capacity of 1,452 acre feet so we are able to capture a pretty good percentage of the 2500 acre feet. We also have well R-1 which is not used currently so in essence it is a management issue. Well R-1 could produce another 1400 acre feet per year if you pump it at full capacity. The only issue with Well R-1 is that it is close to the wastewater treatment plant so in that sense the water management issue would be to use that water for non-potable uses and manage potable uses in the other basins different. So we could get away with not putting new wells in Cabazon and still sustain the supply numbers that

we have there but actually it would be better in time to look at putting other wells in Cabazon in other areas to distribute the pumping and that would be a capital cost. . . .

- The approved plan for recycled water the City entered into an agreement in 2006 with Corollo Engineers to draft a document for the recycled water plan. He doesn't know if the Council every adopted that study or not however it is the document we currently use as what we would be developing our infrastructure and currently we are under contract to design pipelines per that plan. We are in the motions of doing that as far as a recycled plan goes. There are a couple of approaches to that in that you really don't qualify for grant funding without a complete set of specifications and plans so the idea was to get those drafted per that study and then have that document support a grant application to move forward with some funding we have in the budget now under the irrigation line and bring that project to you. Obviously we wanted to do it sooner but there are some issues as it relates to getting the project designed but it is almost complete.

City Attorney said he thinks that comment is really saying that if the scalping plant went forward, the wastewater treatment plant would not produce enough developed water in the Cabazon Basin. He thinks what the report says is that the scalping plant is dealing with new production and that the wastewater treatment plant will still be able to produce this amount going into the Cabazon Basin. That when the calculations that are done we will still leave enough of this water going into the Cabazon Basin to give us the right to extract that amount of water.

Mr. Villalobos said since this document was issued we revised that particular table and he can circulate that by tomorrow where they did decrease the Cabazon amount if we use the 1680 elsewhere so there isn't double counting water.

- As you know the Beaumont Basin is an adjudicated basin so pumping in the basin is set by that adjudication and allotted to the folks with the overlying rights and then the appropriators. So no one can pump from that basin without getting permission from Water Master and so what we have done is to use the amount allocated to the City of Banning for future projections. We didn't assume the same yield would increase. We assumed it would stay the same until the Water Master reports that increase so all of our numbers that we have used to calculate are based on the current adjudication. In terms of how we projected 2014 versus the 1400 acre feet the Water Master's consultant has actually prepared a projection of the amounts that each individual appropriator is expected to have in the future. We received that information as a result of our participation in the Beaumont Management Zone Maximum Benefits Program. So we have actually used the numbers that they have actually published and presented to the Regional Water Quality Control Board as projections for the future. Receiving those numbers from the Water Master's consultant means that is what Water Master would look to in the future so that is why that number was used rather than the 400 that was previously used.
- As far as looking at the water system here for the city of Banning since we rely 100% on the groundwater supplies we have been able to study the basins and we know that we have over a million acre feet in storage and that is based on multiple well depths and numerous amounts of well logs that we have studied. So in a sense the groundwater system that we

have allows us to have a supply beyond the Delta issues in case of emergencies. During a disaster for instance, if we assume the Delta supplies are not there at all and we have to completely rely on groundwater supplies, if we reduce the current 1200 acre feet that we show a supply or the 2595, we are able to see that we still fall within the reduction that would be mandatory during such a case. If the Delta supplies failed due to an earthquake during a multiple drought period, then what we do at that time is to use the current well system that is not tied to the grid that is based on generators and we are able to generate 6400 acre feet from those wells. We have groundwater in storage so we can weather those sorts of situations even if it happened during a multiple drought year to be able to supply the city. When you include the mandatory percentage which goes up to 50% during a Stage Four we are well within that 6400 acre feet from our current wells to supply the city's needs during those periods.

Mayor Hanna said that we had a plan done about 25 to 30 years ago about storage and the requirements for storage and this is relative to a disaster and we have only met about 50% of that storage finally with the storage unit we just completed the other year. So that is another major capital project that we really need because water flows in and flows out and if we don't have the storage capability, we could be in trouble.

Director Burk said on the storage side you are absolutely right. The Water Master Plan in 1992 identified that the City was around 16 million gallons short in storage. Since then the City has built 9.5 million of the 16 million so we are 6 million shy. However with the 1992 Water Master Plan it does not identify the interconnections that you have on Highland Springs with the Beaumont Cherry Valley Water District who have tied into their reservoirs. So I think as we move forward we are going to ask the Council at a later date to do an integrated plan as it relates to our neighbors to the west and how our systems integrate with each other and how they support each other. Not to say that we don't need that storage in our system and rely on them because we don't want to be that way. We want to be self-sufficient and we are lacking currently storage as far as infrastructure goes.

Councilmember Botts said while he appreciates the Mayor's concern and her questions and the characterization that we are looking at this as a wonderful, wonderful report so let's pass it and he is just paraphrasing and this is what he heard. She referenced Black Bench and recall she voted against it but she was talking about the judge's judgment and the he thinks that one of the first questions in the meeting he was in on this workshop that everyone of us here kept asking the questions about these numbers and how reliable they were because we didn't want a repeat of what happened with the judgment on the Black Bench. And as he recalls the consulting firm said the first thing they did was to get the judge's judgment and read it and studied it and tried to make every effort to make sure whatever document we were putting together was more than adequate. It seems that you have done it with one of the leading water companies and though he agrees with the Mayor that we have to make assumptions and we just passed the budget with a bunch of assumptions and the assumptions that we are making here with this are very technical and he did read the whole document and didn't understand all of it so we have to rely on someone that has the expertise to go down the path and it shows us the numbers and good assumptions and feels that this firm has done that. None of us does want a repeat of the judge's order from that last development and we have Pardee coming up and certainly other

developments and he thinks the hearing we had showed very, very good questions and concerns and he wants to thank Duane and his department and this firm for doing what appears to be reasonably conservative and if it is reasonably accurate, we will be able to continue to move forward with development in Banning.

Mayor Pro Tem Machisic said that the State passed a law in 1983 according to the agenda that you have to have a water management plan and it has to be filed. So he thinks one of the problems you face is that at some point in time you put your finger down and say as of today this is the best data, this is the best science, this is the best thinking we could have at this time. And when you compare it against our budget we control the factors in the budget to a large extent but a lot of the factors that are in this report they are not controlled by the Council. For instance you mentioned a nebulous thing, if you want to call it that, climate change. Who knows what is going to happen 2, 5 or 10 years from now; no one knows. It depends on what you want to believe in and that is the report you believe. The San Geronimo Water Agency says how much water we are going to get from them depends on what the State allocates to them and what they allocate to us and we have no control over that. You talk about disasters and he thinks the question was answered fairly well by the expert. For instance, Delta water, how many times have you had court cases on Delta water protecting the Smelt and you don't know what is coming down the line tomorrow or the next day in a court decision and the court decisions have affected water supplies in the state. For instance, what will happen if we get another environmental court case; will they restrict the water further. We have no knowledge of what will happen. He thinks as far as he is concerned at some point you just put your finger down and say as of today this is the best data and from that you develop a report and he thinks that is what the expert has done and that is what Duane is delivering to us. We can go on and worry about probably questions that nobody will have the answer to whether it is today, tomorrow or a year from today. He thinks this is the best thinking on this report and he is certainly in favor of accepting it as it has been presented.

Councilmember Franklin said that she wanted to not repeat everything that has been said by the other Councilmembers but just reminding everybody that a lot of the questions you asked were asked at the workshop and we did get a lot of information to go to the next step and she actually asked somebody who read our report who knows water and asked did the answers make sense and she was told yes and she does trust people that she knows that work in water and know the business. Are we experts in water; no. But she does agree with the comments made by Mayor Pro Tem Machisic that there is no such thing as a perfect report. There is no such thing as knowing perfectly what tomorrow is going to bring but we do have to make our best guess based on the information we get from the experts. She thanked Mr. Villalobos and Duane and his staff for the work that they did. She does support the report in the sense that she was told by an outside person that it is defensible.

Councilmember Robinson said that he would like to defend the report and the questions that we had during our work study session every question was answered and every time the answers came back we didn't use the highest number. When we deal with storm water, storm water is really not even in the report and that is something we can develop down the road. And in regards to the recycled water we all know that is not the cheapest way to get water and yet that

was addressed also. So all of these things he felt were addressed very well in the work study session and he definitely stands behind this report; very good job.

Mayor Hanna said that she would agree and there is no doubt that we have much better data than we had six years ago and she thinks that Mayor Pro Tem Machisic makes a very good point that it is the best data we have now. She still has some concerns because she thinks that some of the yearly, annual things are the highest and stay the same number but she just has concerns about that.

Motion Machisic/Robinson that the Authority Board adopt Resolution No. 2011-09UA, Adopting the 2010 Urban Water Management Plan and Approving the Submittal to the California Department of Water Resources. Motion carried, all in favor.

Mayor Hanna adjourned the joint meeting of the Banning City Council and the Banning Utility Authority and reconvened the regular City Council Meeting.

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

City Council

Councilmember Robinson –

- He said that usually he doesn't announce a lot of things that happen with RTA (Riverside Transit Agency) but would like to announce this because it affects our region as a whole. The Regional Transportation Plan (RTP) is a long-range transportation plan that is developed and updated by the Southern California Association of Governments (SCAG) every four years. The RTP provides a vision for transportation investments through the region and SCAG is the lead agency and facilitating the development of the RTP for the six county regions it has jurisdiction over. So we are working with Imperial, Los Angeles, Orange, Riverside, San Bernardino and Ventura and at our meeting there were a list of projects that were announced that were presented to RCTC (Riverside County Transportation Commission) so he is sure Councilmember Botts got a look at that and when he attends the SCAG meeting next week he will get another look at it. But the first one on the list is Transit Centers – Banning, Beaumont, Calimesa – total cost \$8 million dollars. It says that this community has a growth potential for a future transit center that could be served by as many as 9 fixed bus routes. Then the Transit Enhancements on top of that for the regions is \$13,500,000. These projections go out 20 years so it is not going to happen tomorrow but they are on the books. And then there is the SR60 Regional Flyer and that is \$24,750,000 which is a regional transit corridor service along Highway 60 from Interstate 15 to Banning. So you can see from this throughout the region we are considered a corridor for not only transportation and goods movement but a very important source for where a transportation center would be. He talked to Corona's City Council and they started their planning about 15 years ago and they just opened their center this year. He will keep the Council advised as these things change.

Mayor Pro Tem Machisic –

- Last Thursday night we had the WRCOG (Western Riverside Council of Governments) meeting and the following morning we had an Executive Board Meeting and we met with Brain Nestande who is an Assemblyman out of the Coachella Valley and the main topic of

discussion was the budget and at that time there was just an impasse. But he mentioned some things that he felt were really important. The number that is bounded around about the State budget deficit is around \$25 billion dollars and he said that is not true. He said the actual budget deficit is some where around \$50 billion dollars because the State does not include the money they have borrowed from different sources like schools, workers comp and cities; money that they are supposed to pay back. But when you read the paper or hear reports from anyone they never mention that and he says until they solve that problem there is always going to be a budget deficit in California.

- Right across the street here is the Ramon Learning Center and it deals with Native American Culture. They opened their new gathering hall on June 18th and they had a grant of \$500,000 dollars from the San Manuel Band of Serrano Mission Indians and on that date they kind of dedicated their hall. They had a group of people called Bird Singers and this was primarily made up of 18 to 20 men at one time and these were tribal members from different Councils like Pechanga, San Manuel, and some of the others and they each took turns leading the Bird Singing. The Ramon Learning Center has been involved with a number of activities in the city and they are beginning to be an integral part of the town and we should welcome them and they are expanding and they have some super ambitious plans. They plan to build a building in that whole block from the front of the street (San Geronio) to the back street and that is a good start at a half a million dollars.

Councilmember Franklin –

- She went to the Community Services Committee for the League of Cities a couple of weeks ago and they did receive an update on the State budget and what they were told basically by the staff for redevelopment is that they have already been working on the lawsuits to go against the State so they are already putting all of their ducks in a row so that when everything is signed they are ready to respond to it. They also received an update on the Federal budget and there are many cuts and many of them will definitely affect our City and include the Community Development Block Grant dropped 16%, Byrne Justice funding dropped 17%, Federal Transportation Funding for SAFETEA-LU is extended through September 30th but they are working on a multiply year bill for funding, also being affected is Homeland Security. When they went into the actual committee meeting there were some things brought out specifically for Community Services and one is the closure of 70 out of 278 State Parks which is about 25% and their budget was cut 40% although the parks they talked about are not in our area for people who do go to parks there is a whole list out on the State Parks website for people to know which ones are being cut. They are also looking to local entities to ask if they may partner to maintain some of the parks to keep them open. Another topic they talked about was marijuana regulation and what they talked about was the working group's recommendations. They suggested that local control is still paramount and that cities should have the authority to regulate marijuana dispensaries and before people look at what the financial benefits are there should be a statewide tax structure for medical marijuana but it is only after public safety and health ramifications are fully reviewed and evaluated. One of the things that they talked about also and some of the cities that were there were saying that there are a lot of problems with it and it has to do with if there are marijuana dispensaries in a city and if people are actually growing them at home, that there is a change in the land use and another thing that people have to look at is in residential areas not only what it does to the housing stock but also the water quality impacts.

- She attended the San Geronio Pass Water Agency regular meeting and she read a little bit from the documents they received and the topic is "The Court Upholds Water Supply Assessment and Criticizes Last Minute CEQA Tactic" and it was in a case of Citizens for Responsible Equitable Environmental Development vs. the City of San Diego. The Court of Appeals strongly criticized the tactic often seen in California Environmental Quality Act or CEQA cases whereby public agencies are bombarded with last minute submission of lengthily comment letters from those opposing projects. The court also confirmed that the timing requirements of Water Code Section 10910 for the preparation of water supply assessment do not apply where the water supplier and the approving agency are the same entity. Basically what that means is that is a good thing for our City.

Mayor Pro Tem Machisic said that the County has cut services at the Gilman Ranch. In fact, if he read it correctly, the only time it is going to be open is when they have tours by students. So that is very limiting so if you want to visit the Ranch, you better call and find out if the facility is available because they have cut all the staff from the Gilman Ranch.

Mayor Hanna –

- She said that she was very impressed with the Mayor of Fontana, Acquanetta Warren who called a meeting of all mayors. She is trying to get the mayors of Riverside and San Bernardino together and in this particular case she drafted a letter which we all considered and will be send to Sacramento to defend redevelopment and so forth. It is a little late probably at this point but she likes the concept of us working together as the Inland Empire. It is now being called "Inland Southern California" which is more of place rather than the Inland Empire which there are a number of Inland Empires around the country.

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

Report by City Manager

He said he would make the announcements at the CRA Meeting.

ITEMS FOR FUTURE AGENDAS

New Items –

Councilmember Robinson asked the City Manager about the August and holiday schedules for our meetings.

City Manager said that last year you took the first meeting in August off and that is what we plan on doing this year also. In regards to the holiday schedule he hasn't planned that far in advance and he will look at it at that point in time and let the Council know. Usually you don't have the second meeting in December. Also some of the Council has mentioned to him about the possibility of talking about a federal lobbyist in the future so if you have three people who want to talk about it, he will bring it back. **There was Council consensus to talk about that item.**

Pending Items – City Council

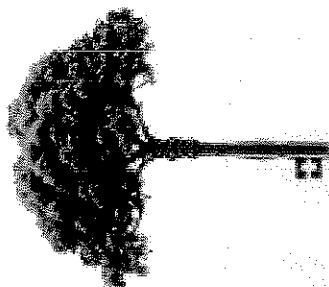
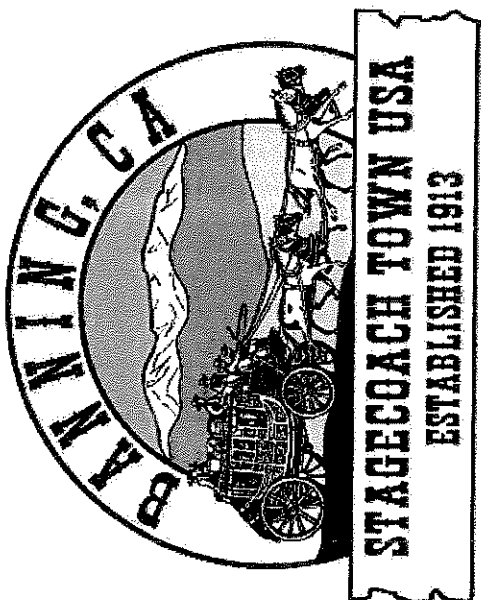
1. Schedule Meetings with Our State and County Elected Officials
2. Review of Fees and Rates
3. Policy Discussion Re. Code Enforcement *(study session) (July)*
4. Update on Shop Local Program
5. FEMA Training – Senior Officials *(Aug. 30, 2011)*
6. Speaker Cards
7. Update on Loans

ADJOURNMENT

By common consent the meeting adjourned the meeting at 7:31 p.m.

Marie A. Calderon, City Clerk

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



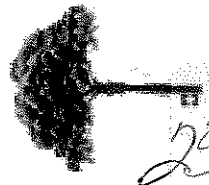
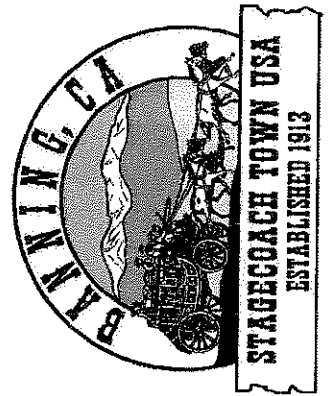
Waste Management Solid Waste & Recycling Agreement



Recycling Diversion

State Mandated Diversion Programs

- Three cart residential system
- Commercial Recycling Programs
- Roll-off and Compactor Recycling Programs
- Over 50% Diversion at Community Clean-ups



Waste Management's Commitment to Air Quality



WASTE MANAGEMENT
THINK GREEN

26

Customer Rates

- Waste Management has retained a low rate for both residential and commercial customers in the City of Banning.

Residential Rates (Monthly as of July 2010)

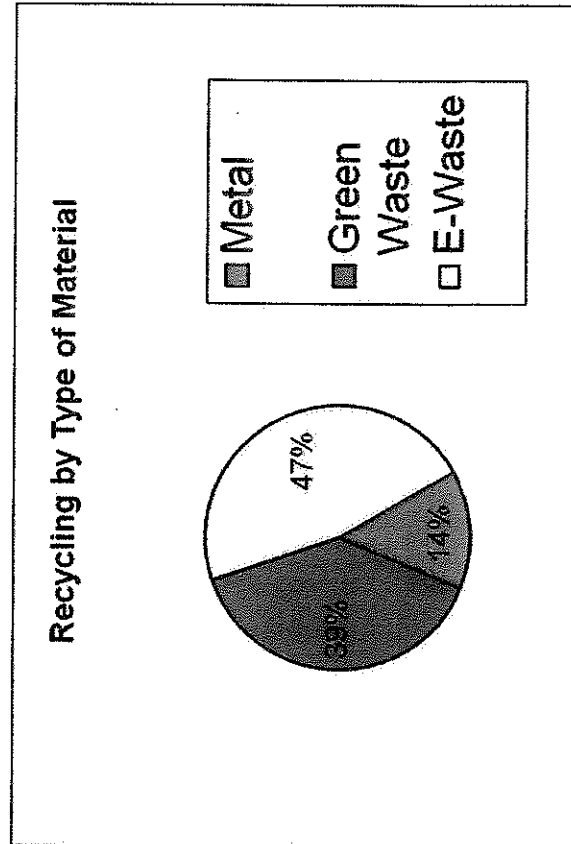
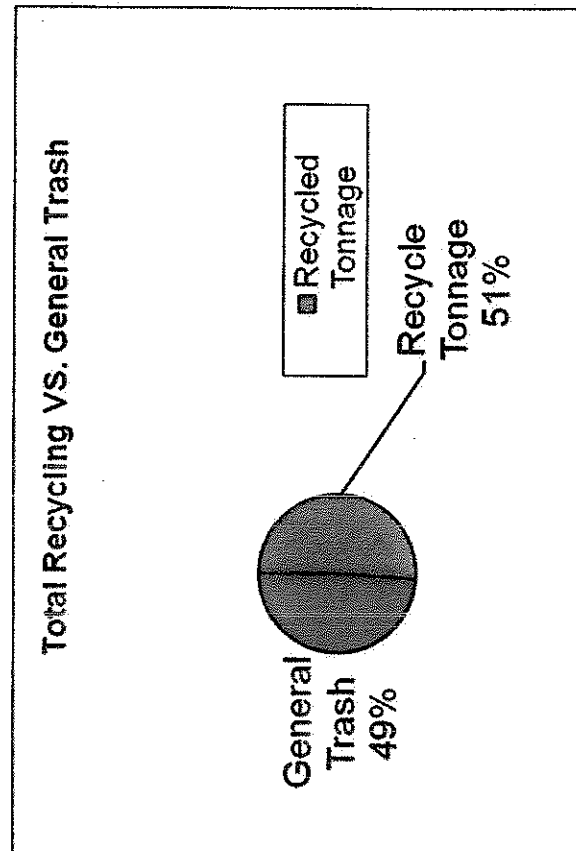
- | | |
|------------------------------|----------------------------|
| • Banning WM \$17.60 | • Norco WM \$20.20 |
| • Beaumont WM \$20.00 | • Moreno Valley WM \$21.11 |
| • Canyon Lake CR&R \$20.10 | • Murrieta WM \$17.97 |
| • Corona WM \$18.67 | • Perris CR&R \$19.78 |
| • Lake Elsinore CR&R \$22.96 | • San Jacinto CR&R \$19.91 |
| | • Temecula CR&R \$18.08 |



27

Community Clean-ups

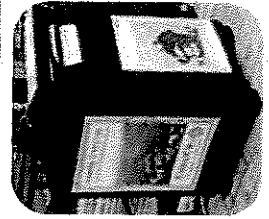
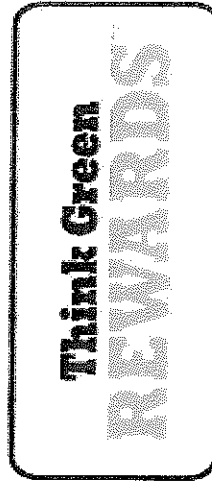
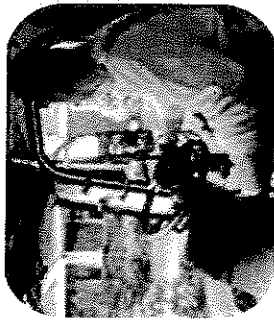
- Free to residents of Banning three times per year
- Events occur in March, June and November



Waste Management as a Comprehensive Service Solutions Provider

Largest Waste & Recycling Hauler in the United States; Revenue Exceeds \$13B

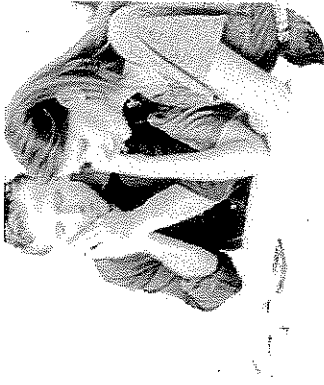
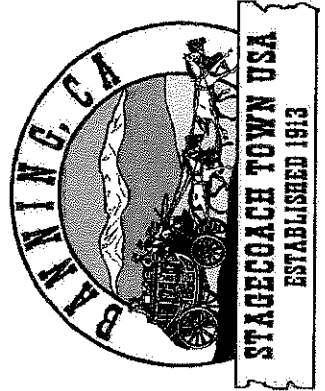
- Comprehensive solutions provider, forward thinking and experienced
- Financial strength—readily available cash flow
- Economies of scale enable us to provide assurance no one else can—insurance, staff
- We can be your environmental services partner, offering a comprehensive suite of services.
- Sustainability initiatives that impact your local environment
- An easy way to encourage residents to recycle
- Curbside solutions for household hazardous waste
- A better, greener way to keep public spaces clean



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Community Partner

- Recycling Fair at the Art Hop
- Disaster Expo
- Boys & Girls Club
- Banning Chamber of Commerce



1/15/10:10:00 AM
General Fund
Grand Total

CITY OF BANNING BUDGET PRESENTATION FISCAL YEAR 2011-12

June 28, 2011



Agenda

- General Fund – status
 - Future Challenges
- Other funds – status
- Recommend adoption of budget

Budget Process

- Department review
- City Manager review and direction
- Finance review and compilations
- Adjustments include...
 - Revenues – changes to estimates based on trends and/or external information
 - Expenditures – changes based on trends, savings, or new requests

General Fund

- Collects the general tax receipts and fee revenue not allocated by law.
- Pays for general services (police, fire, public works, administration)
- Responsible for all other funds that operate at a deficit

General Fund	FY12 ADOPTED	FY12 ADJUSTED	Variance
Revenues	12,228,082	12,708,595	480,513
Expenditures	13,570,954	13,176,160	(394,794)
Surplus/(Deficit)		(1,342,872)	(467,565)

General Fund Revenue Observations

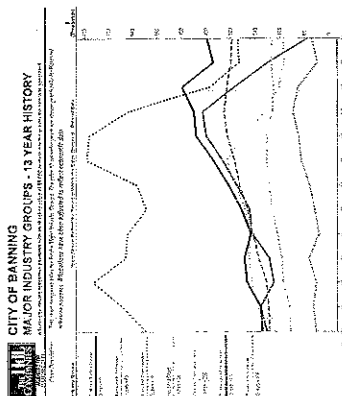
- Net improvement of \$480,513
 - Add missing revenues (permits)
 - Improved sales tax, franchise and TOT revenues
 - Multi year COP Grant added
- Realignment of revenues, for example...
 - Weed abatement revenue now matched in same cost center as expense
 - Code Enforcement revenues now matched in same cost center as expense

General Fund Expenditure Observations

- Net reduction in expenditures \$394,794
 - Major reductions:
 - reduced animal control and Fire budget based on updated contract information
 - Adjustments to expenditures:
 - Weed abatement, code enforcement, gang task force absorbed by General Fund
 - Operating contingency established for potential booking fees costs and emergencies
 - Personnel costs include COP grant officers, PERS increases, budget savings from eliminated positions
 - Budget savings from 97 COP refinancing

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Sales tax - Industry groups



Special Revenue Funds

- ☐ Includes funds that are restricted in use.
- Examples include:
 - Riverside / Police MOU
 - Gas Tax
 - Measure A
 - Grants
 - CFDs and LMDs
- ☐ Total Adjusted Revenues \$ 3,298,263
- ☐ Total Adjusted Expenditures \$ 3,147,342 9

Personnel Changes

Authorized positions (full time) for FY11	142
net reduction in Police	(2)
Authorized positions (full time) for FY12	140
Expected increases through separate Council report:	
PD - Tasin liaison officer	1
PD - BUSD additional officer - Nicolet	1

Capital Improvement Funds

- ☐ Includes funds that are restricted in use.
 - i.e. Development impact funds, major capital projects
- ☐ Sunset Grade Separation project represents the majority
- ☐ Total Adjusted Revenues \$ 1,132,300
- ☐ Total Adjusted Expenditures \$ 1,120,000 10

Reserves/Fund Balance

Available Fund Balance - per audit - 6/30/2010	79,665
reserve for encumbrances	235,833
reserve for continuing appropriations	1,280,607
reserve for working capital (contingency)	3,097,401
undesignated	4,683,506
General Fund Balance >>>	
FY11 - Revised Budget	
Revenues - adjusted	13,161,261
Expenditures - adjusted	13,866,342
revised deficit >>>	(705,081)
Estimated fund balance at 6/30/2011	3,978,425
FY12 - Revised Budget	
Revenues - adjusted	12,708,595
Expenditures - adjusted	13,176,160
revised deficit >>>	(467,565)
Estimated fund balance at 6/30/2012	3,510,860

Enterprise Funds

- ☐ Includes funds that are considered to be like a business. Examples include:
 - Airport
 - Transit
 - Refuse
 - (Water, Wastewater, and Electric will be discussed separately)
- ☐ Total Adjusted Revenues \$ 4,600,187
- ☐ Total Adjusted Expenditures \$ 4,636,040 //

Water Fund - Operations

	Available balance @	Projected YTD	Projected balance @
	6/30/2011	Gain(loss)	6/30/2012
Water Funds			
660 - Water Operations	1,436,846	114,308	1,551,154
661 - Water Capital Facilities	4,144,833	79,000	4,223,833
662 - Irrigation Water	2,229,452	15,000	2,244,452
663 - BUA Water Capital Project	86,034	25,000	111,034
669 - BUA - Water Debt Service	96,433	500	96,933
Combined Fund Balance >>>	7,993,598	233,808	8,227,406

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Wastewater Fund - Operations

	Available balance @	Projected YTD	Projected balance @
	6/30/2011	Gain(loss)	6/30/2012
Wastewater Funds			
680 - Wastewater	1,407,475	(169,124)	1,238,351
681 - Wastewater Capital Facility	12,067,058	514,044	12,581,102
683 - BUA Wastewater Capital Project	715,308	3,000	718,308
685 - State Revolving Loan	764,484	1,705	766,189
689 - BUA Wastewater Debt Service	90,635	500	91,135
Combined Fund Balance >>>	15,044,960	350,125	15,395,085

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Electric Funds

	Available balance @	Projected YTD	Projected balance @
	6/30/2011	Gain(loss)	6/30/2012
Electric Funds			
Operations			
Rate Stability	6,211,274	(242,184)	5,969,090
Electric Improvement	4,934,559	1,040,000	5,974,559
Electric Bond Project Fund	9,721,726	(2,056,955)	7,664,771
Public Benefit Fund	15,410,604	7,500	15,418,104
Electric Debt Service Fund	244,326	24,938	269,264
Combined Fund Balance >>>	36,643,329	(1,226,201)	35,417,128

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Internal Service Funds

- Include funds that provide services to other City operations. Examples include
 - Insurance (worker's compensation & general liability)
 - Fleet
 - Information services
 - Utility billing services

Total Adjusted Revenues \$ 5,090,325
 Total Adjusted Expenditures \$ 5,080,492

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Redevelopment Funds

	Available balance @	Projected YTD	Projected balance @
	6/30/2011	Gain(loss)	6/30/2012
Community Redevelopment Agency Funds			
810 - Low/Mod Fund	2,451,825	(18,819)	2,433,006
830 - Debt Service Fund	12,266	38,363	51,629
850 - CRA Administration Fund	66,767	66,560	133,327
855 - 2007 TABS Bond Proceeds	-	9,979	9,979
856 - 2003 TABS Bond Proceeds	438,990	2,500	441,490
857 - 2003 TABS Bond - Low/Mod	184,719	(179,759)	4,960
860 - CRA Project Fund	2,741,575	(1,402,704)	1,338,871
Combined Fund Balance >>>	5,896,142	(1,482,880)	4,413,262

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Redevelopment Funds - part 1

Gross Tax Increment	4,402,734
(Less 80% of County admin fees)	(40,378)
Interest Income (all funds)	78,750
	4,441,106
20% Low/Mod SetAside	(880,548)
Pass Thru Payments	(847,509)
Debt Service Requirements	(2,875,387)
Reimb for Low/Mod portion of Debt Service	192,380
Reimb for Bond paid portion of Debt Service	40,021
Services & Supplies	(6,200)
	(4,377,243)
Available for Admin/Projects	53,863

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Redevelopment Funds - part 2

	Increment Available for Admin/Projects.....	63,863
Administration		
Employee Services	(437,525)	
Services & Supplies	(159,402)	
Internal Service Transfers	(126,013)	
Subtotal - Administration budget	(722,940)	
Programs & Projects		
Cultural Alliance	(75,000)	
Chamber of Commerce	(25,000)	
2nd Annual payment of 2010 SERAF take	(381,204)	
Professional and contractual services	(156,500)	
Subtotal - Programs & Projects budget	(637,704)	
Total Amount required from fund balance	(1,296,781)	

Operational Challenges

Operational funds still struggling:

☐ General Fund, Electric, Water, Wastewater, CRA

Challenges:

☐ State budget actions

☐ PERS rate increases

☐ Grants/Funding agreements with end dates

19

Economic Challenges - ongoing...

☐ National and World Economic impacts

▪ Unemployment

▪ Housing market

▪ Increase in interest rates

▪ Increase in fuel costs

▪ Potential removal of US dollar as world reserve currency

Results = increase in costs for services and supplies

20

Strategies

☐ Continue work on Two goals

▪ Structural balanced budget

▪ Reserve strategy

☐ Strategies

▪ Advocate against State takeaways

▪ Increase revenue streams

▪ Review existing fees

▪ Manage / reduce expenditures

▪ Look for efficiencies in systems and procedures

▪ Negotiate reductions in contracts

21

Recommendation

☐ Approve the resolutions approving the estimated revenues and appropriations for the Fiscal Year 2011/2012 budget for the City of Banning, Banning Utility Authority and CRA

22

To: Banning City Council Members

From: Dorothy Familetti-McLean

June 28, 2011

Is the \$75,000 to the Alliance included in this recommendation? Mayor Hanna responded, "Yes!"

The Grand Jury said, "Cease and desist giving the Alliance any more money". They were to repay about \$165,000 and you voted to ignore that. Since then, you have given the Alliance \$111,000—and now you plan to give them \$75,000 more. A large majority of this redevelopment money has been used for salaries. This is not the proper use of Redevelopment money. In fact, it is a travesty to use taxpayers' money in this fashion. I urge you to not allocate any more money to the Alliance. They were to be self-sufficient by now. Even Councilman Machisic said a while ago that they should be self-sufficient.

Thank you.

**City of Banning Draft 2010
Urban Water Management Plan**

From the PowerPoint provided at the 6/11/11 Pardee workshop that pertains to the UWMP:

Water Supply

- **Identified Issues with Previous Studies**
 - **Insufficient Evidence for Supply Sources**
 - Not enough information to support use of supply sources and future needs
 - Did not adequately address Safe Yield of each basin
 - **Beaumont Basin**
 - Did not accurately calculate rights in terms of adjudication and use of temporary surplus
 - **State Water Purchases**
 - Did not adequately describe plans for future purchases and funding required
 - **Recycled Water**
 - Did not demonstrate how City will carry out this program and develop this source

A number of those issues still remain. I believe that this plan makes optimistic assumptions that are not based on reality. In fact, to my knowledge, we don't have:

1. a contract with the San Geronio Pass Water Agency,
2. substantial history re the Cabazon Water Basin,
3. an approved plan for recycled water,
4. descriptions of other existing and future demands on the Beaumont Water Basin
5. known Water Master 2014 allocation for the Beaumont Water Basin
6. "what-if" scenarios if multiple disasters or a major impact of climate change were to take place

7. a plan of how the San Gorgonio Pass Water Agency will fund expansion of their system to accept their full State Water contract. They have approached each of the cities asking for a fee for new development which has not been approved.

For some further comments:

1. **San Gorgonio Pass Water Agency:** As noted at the workshop on this plan, the SGPWA has not approved any allocation for State Project Water for Banning. It is stated in the report also that the 25% of SWP deliveries is a **minimum**. I don't know the likelihood of it being a minimum percentage.

In addition, as noted in the plan, State Project Water is not guaranteed every year. Another earthquake in the Sacramento levees could interrupt water delivery for several years.

2. **Cabazon Water Basin:** The only data available for the Cabazon Water Basin is the C-6 well. Data has been recorded for the C-6 well since 2007. Yet the report says that historical data shows that there are no production limits during dry years in the Cabazon Water Basin. It is a rather limited definition of history.

The annual production of C-6 is 710 acre-feet per year yet beginning in 2015 the projected water supply from the Cabazon Water Basin is 2515. I imagine that assumes additional wells will begin to be developed in the next two years. Politically it would appear difficult to achieve that with the resulting impact on water rates.

There is no mention that Morongo and a bottled-water company also pump from the Cabazon Water Basin. Granted they are to the east but it might affect the potential for drawing that amount of water from the basin.

3. **Recycled Water:** Starting in 2015 it is projected in this report that 2,515 acre-feet per year will be produced. This may assume that all City wastewater will be recycled at an expanded eastside treatment plant. The proposal being considered now, and potentially fundable, is a scalping plant that will create tertiary treated water from Sun Lakes' wastewater only. I would expect that the amount of recycled water will be much less for many years if that scenario occurs.
4. **Beaumont Water Basin:** There is no mention of the other demands on the Beaumont Water Basin. The Water Master has previously stated the safe yield was 8,650 acre feet per year. Staff suggests that in 2014 a new safe yield of or 10,290 may be announced. In any case, what is happening with the other pumpers of the Beaumont Water Basin?

5. **Beaumont Water Basin:** As I understand the agreement, the Water Master will determine future allotment in 2014. Until they are published the future amount of 2,414 is an estimate only rather than the published amount of 400 acre feet per year.
6. **Disasters:** The entire water system is a fragile one. Multiple emergencies could happen easily. The State Project Water could be unavailable for several years. We could have an earthquake which could affect our water canyon. There could be multiple dry years.

The solution offered is to build more wells. They take time and a great deal of money while, at the same time, we would have to solve the underlying problems. It doesn't seem all that simple.

7. **Expansion of supplies for SGP Water Agency:** Last year we had a presentation requesting consideration of a development fee for the San Geronio Pass Water Agency in this area. It was not seriously considered. We have not heard a plan how they will be able to expand delivery and acquire the additional water without this fee. How does that affect the potential supply of State Project Water?

**CITY COUNCIL AGENDA
STAFF REPORT**

Date: July 12, 2011

To: City Council

From: Jeff Stowells, Fire Services Battalion Chief

Subject: Resolution 2011-60 authorizing expenditure of funds obtained for FY 09/10 through the Special Distribution Fund Grant process.

RECOMMENDATION: The City Council adopts Resolution No. 2011-60, authorizing the expenditure of \$500,000.00 received from Morongo through the Riverside Indian Gaming Local Community Benefit Committee (CBC) under the FY 09/10 Special Distribution Fund (SDF) grant.

JUSTIFICATION: The money obtained through the CBC will be used for the Paramedic program within the City of Banning for FY 10/11 through direct funding or reimbursement under the contract agreement with the City of Beaumont and County Fire.

BACKGROUND: On February 8, 2010 the fire department on behalf of the City of Banning submitted a proposal for the FY 09/10 SDF to the Morongo Band of Mission Indians in the amount of \$823,331.00. The Morongo Band of Mission Indians forwarded this application to the CBC with their support of \$500,000.00 to continue funding the paramedic program to mitigate impacts of Indian gaming.

On May 2, 2011 the CBC voted to approve the FY 09/10 grant application in the amount of \$500,000.00.

FISCAL DATA: The city has continued the paramedic program with general fund money and an agreement with both the City of Beaumont and Riverside County Fire and with the approval of this grant the city will use these funds for cost reimbursement to Beaumont and the County as per the agreement.

RECOMMENDED BY:


Jeff Stowells
Fire Services, Battalion Chief

APPROVED BY:


Andrew Takata
City Manager

REVIEWED BY:


June Overholt
Administrative Director

RESOLUTION NO. 2011-60

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING REGARDING MONIES RECEIVED FROM MORONGO THROUGH THE RIVERSIDE INDIAN GAMING LOCAL COMMUNITY BENEFIT COMMITTEE (CBC) UNDER THE FY 2010 SPECIAL DISTRIBUTION FUND (SDF) GRANT.

WHEREAS, on February 8, 2010 the fire department, on behalf of the City of Banning, submitted a proposal for the FY 09/10 SDF grant request to the Morongo Band of Mission Indians in the amount of \$823,331.00, and

WHEREAS, the Morongo Band of Mission Indians forwarded this application to the CBC with their support of \$500,000.00 to continue funding the paramedic program to mitigate impacts of Indian gaming, and

WHEREAS, on May 2, 2011 the CBC voted to approve the 09/10 grant application in the amount of \$500,000.00, and

WHEREAS, the money obtained through the CBC will be used to continue to fund the Paramedic program within the City of Banning for FY 09/10,

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Banning hereby authorize the expenditure of \$500,000.00 received from Morongo Band of Mission Indians through the Riverside Indian Gaming Local Community Benefit Committee (CBC) under the FY 09/10 Special Distribution Fund (SDF) grant.

PASSED, APPROVED, AND ADOPTED this 12th day of July 2011.

Barbara Hanna, Mayor

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

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

ATTEST:

Marie A. Calderon, City Clerk

CERTIFICATION

I, Marie A. Calderon, City Clerk of the City of Banning, do hereby certify that the foregoing Resolution 2011-60 was duly introduced at a regular meeting of the City Council of the City of Banning, California, held on the 12th day of July 2011, and was duly adopted at a regular meeting of said City Council held on the 12th day of July 2011, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Marie A. Calderon, City Clerk
City of Banning

2/1

CITY COUNCIL AGENDA

DATE: July 12, 2011

TO: City Council

FROM: Duane Burk, Director of Public Works

SUBJECT: Resolution No. 2011-62, "Authorizing an Appropriation of Funds from the City Hall Construction Fund for Security Upgrades at City Hall"

RECOMMENDATION: Adopt Resolution No. 2011-62, "Authorizing an Appropriation of Funds from the City Hall Construction Fund for Security Upgrades at City Hall".

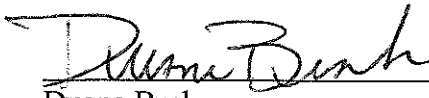
JUSTIFICATION: In order to increase the safety and security at City Hall a security system upgrade limiting facility access to unauthorized persons is necessary.

BACKGROUND: In March of 2008, a keyless entry and card reader system was installed on the employee access door located on the west side of City Hall to increase the safety of City personnel, as well as, to protect the City's assets. Recently, staff was directed to upgrade this system to include additional security equipment throughout City Hall locations that would further limit access of unauthorized persons to employee work stations and City assets during and after business hours. The scope of work for this project will include all labor, material and equipment for installing and operating the security equipment for eight doors throughout City Hall. The estimated cost for security equipment and installation is \$25,000.00.


In addition to the procurement and installation of security equipment, staff has estimated that additional funds in the amount of \$4,500.00 will be necessary for the construction of a new partition wall in the hallway behind the Council Chamber which is essential in order to limit public access. The scope of work for this portion of the project includes the following; framing of a wall approximately 6' wide by 9' high with a 36" door opening; installation of drywall on both sides including tape, texture, primer, and paint; and furnishing and installation of a new door 36" by 7' with new casing on both sides.

FISCAL DATA: An appropriation is necessary from the City Hall Construction Fund 470 in the amount of \$29,500.00 to Account No. 470-6900-413.90-15 (Building Improvements). The approximate fund balance prior to the approval of this resolution is \$699,901.00.


RECOMMENDED BY:


Duane Burk
Director of Public Works

REVIEWED BY:


June Overholt
Administrative Services Director/
Deputy City Manager

APPROVED BY:


Andy Takata
City Manager

RESOLUTION NO. 2011-62

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING,
CALIFORNIA, AUTHORIZING AN APPROPRIATION OF FUNDS
FROM THE CITY HALL CONSTRUCTION FUND FOR SECURITY
UPGRADES AT CITY HALL**

WHEREAS, in March of 2008, a keyless entry and card reader system was installed on the employee access door located on the west side of City Hall to increase the safety of City personnel and to protect the City's assets; and

WHEREAS, staff was directed to upgrade this system to include additional security equipment throughout City Hall locations that would further limit access of unauthorized persons to employee work stations and City assets during and after business hours; and

WHEREAS, the scope of work for this project will include all labor, material and equipment for installing and operating the security equipment for eight doors throughout City Hall with an estimated cost of \$25,000.00; and

WHEREAS, staff has also estimated that additional funds in the amount of \$4,500.00 will be necessary for the construction of a new partition wall in the hallway behind the Council Chamber which is essential in order to limit public access; and

WHEREAS, the scope of work for this portion of the project includes the following; framing of a wall approximately 6' wide by 9' high with a 36" door opening; installation of drywall on both sides including tape, texture, primer, and paint; and furnishing and installation of a new door 36" by 7' with new casing on both sides.

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

SECTION 1: An appropriation in the amount of \$29,500.00 is authorized from the City Hall Construction Fund 470 to Account No. 470-6900-413.90-15 (Building Improvements).

SECTION 2: The Administrative Services Director is authorized to make necessary budget adjustments related to these funds.

PASSED, APPROVED AND ADOPTED this 12th day of July, 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 A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2011-62 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 12th day of June, 2011.

AYES:

NOES:

ABSENT:

ABSTAIN:

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

**CITY COUNCIL AGENDA
CONSENT ITEM**

Date: July 12, 2011

TO: City Council

FROM: Leonard Purvis, Chief of Police

SUBJECT: Approve contract between BUSD and the City of Banning for assignment of a School Resource Officer (SRO) at Banning High School for the 2011-12 school year.

RECOMMENDATION: "The City Council approves entering into a contract between the Banning Unified School District and the City of Banning, which will provide a School Resource Officer at Banning High School during the 2011-12 school year."


JUSTIFICATION & BACKGROUND: For over 10 years, the Banning Unified School District has been paying 70% of a police officer's salary for the services of an SRO at Banning High School. On June 23, 2011, the Banning Unified School District (BUSD) Board approved continuing this funding for the 2011-12 school year. In the agreement, the Banning Unified School District agrees to pay 70% (\$99,367) of the police officer's annual cost. The purpose of the SRO program is to continue the cooperative effort between the schools and the City of Banning Police Department to increase safety and promote a positive environment where education can occur.

Duties of the SRO include, but are not limited to, assisting in the development and implementation of school security programs, providing classroom presentations on safety topics, helping school staff with student counseling, assist with supervision during school activities, enforce criminal laws through investigations, and work with probation, the Youth Accountability Team (Y.A.T.), and social services in investigations where students are involved.


STRATEGIC PLAN INTEGRATION: The SRO program enhances the City's and Police Department's image while providing a safer environment for students, parents, and school staff to learn and work.

FISCAL DATA: The remaining 30% of the officer's salary is already accounted for in the City's recently approved budget. Subsequently, there is no cost to the City for providing the SRO at Banning High School. The City Manager is authorized to sign the contract between the BUSD and the City for the noted SRO position. Additionally, the Finance Department is authorized to make the necessary budget adjustments related to this contract.

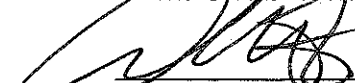
RECOMMENDED BY:


Leonard Purvis
Chief of Police

REVIEWED BY:


June Overholt
Administrative Services Director

APPROVED BY:


Andrew Takata
City Manager

BANNING UNIFIED SCHOOL DISTRICT
161 West Williams Street
Banning, CA 92220

SCHOOL RESOURCE OFFICER
Banning High School

PROFESSIONAL SERVICES AGREEMENT

This Agreement, made and entered into this 23rd day of June, 2011 by and between the CITY OF BANNING, a municipal corporation (herein referred to as "CONTRACTOR"), and the BANNING UNIFIED SCHOOL DISTRICT, a political subdivision of the State of California, (herein referred to as "DISTRICT").

WHEREAS, DISTRICT desires to contract with the City of Banning for the services of 70% of a police officer for the purpose of providing a School Resource Officer as required by DISTRICT; and,

WHEREAS, Contractor has the expertise, special skills, knowledge and experience to perform the duties set out herein.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the CONTRACTOR and the DISTRICT (jointly referred to hereinafter as the "Parties") agree as follows:

1. DESCRIPTION OF SERVICES:

CONTRACTOR shall provide all services as outlined and specified in Exhibit A, consisting of two (2) pages, attached hereto and by this reference incorporated herein.

2. PERIOD OF PERFORMANCE:

2.1 It is mutually agreed and understood that the obligation of the DISTRICT is limited by and contingent upon the availability of 2011-2012 fiscal year funds for the reimbursement of CONTRACTOR'S expenditures hereunder. In the event that such funds are not forthcoming for any reason, DISTRICT shall immediately notify CONTRACTOR in writing. This agreement shall be deemed terminated and have no further force and effect immediately on receipt of DISTRICT'S notification to CONTRACTOR. In the event of such termination, CONTRACTOR shall be entitled to reimbursement of his costs in accordance with Paragraph 3 herein.

2.2 This agreement shall be effective as of July 1, 2011 and shall continue in effect through June 30, 2012, unless earlier terminated as specified in Paragraph 6.

3. COMPENSATION:

3.1 The DISTRICT shall pay the CONTRACTOR for services performed and expenses incurred in accordance with the terms of Exhibit A attached hereto.

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- 3.2 The DISTRICT shall pay, to CONTRACTOR, the base sum of ninety-nine thousand three hundred sixty-seven dollars for the provision of one School Resource Officer during regular school hours during the period that schools are routinely in session according to the School Calendar attached hereto as Exhibit B and by this reference made a part hereof. Compensation for a School Resource officer to provide services at special events, at after school and weekend athletic events, or at other non-routine times shall not be charged to the DISTRICT. Compensation for the School Resource officer's overtime, which is a direct result of incidents that occur during his regularly scheduled hours shall not be charged to the DISTRICT.

School hours are 7:30 AM – 3:23 PM. Wednesday hours are 8:30 AM – 2:21 PM. Days of service are as set forth in the attached calendar, from August 25th, 2011 to June 14th, 2012. (August – date to be determined, 2011 to serve as prep time for SRO to write programs, set up security routes and schedules, and plan for other school related SRO business).

- 3.3 The total amount of compensation paid to the CONTRACTOR under this Agreement shall not exceed the sum of ninety nine thousand, three hundred sixty-seven dollars (~~\$99,367~~) unless both parties prior to the performance of additional services execute a written amendment to this agreement.
- 3.4 Compensation for overtime payments shall be paid in accordance with an invoice submitted to DISTRICT by CONTRACTOR within fifteen (15) days from the last day of each calendar month, and DISTRICT shall pay the invoice within thirty (30) working days from the date of receipt of the invoice.

4. HOLD HARMLESS-INDEPENDENT CONTRACTOR:

- 4.1 It is understood and agreed that CONTRACTOR is an independent contractor and that no relationship of employer-employee exists between the parties hereto. CONTRACTOR'S employee provided hereunder shall not be entitled to any benefits payable to employees of DISTRICT including DISTRICT Workers' Compensation Benefits. DISTRICT is not required to make any deductions from the compensation payable to CONTRACTOR under the provisions of this Agreement. As an independent contractor, CONTRACTOR hereby holds DISTRICT harmless from any and all claims that may be made against DISTRICT based upon any contention by any third party that an employer-employee relationship exists between CONTRACTOR'S employee and DISTRICT by reason of this agreement.

CONTRACTOR agrees to indemnify DISTRICT for any and all Federal/State withholding or State retirement payments, which DISTRICT may be, required to make by Federal or State government if for any reason CONTRACTOR is determined not to be an independent contractor to DISTRICT in carrying out the terms of this agreement. Such indemnification shall be paid in full to DISTRICT upon sixty (60) days written notice to CONTRACTOR of a Federal and/or state determination that such payment is required.

- 4.2 It is further understood and agreed by the parties hereto that CONTRACTOR in the performance of his obligation hereunder is responsible to DISTRICT merely as to the result to be accomplished by the services to be performed and is not subject to the control of the DISTRICT as to the means and methods for accomplishing the results.

5. INSURANCE-INDEMNIFICATION:

- 5.1 CONTRACTOR agrees to defend, indemnify, protect and hold harmless, the DISTRICT, each member of its Board, agents, officers and employees from and against any and all claims asserted or liability established for damages or injuries to any person or property, including injury to CONTRACTOR'S employees, agents or officers, which arise from or are connected with or are caused or claimed to be caused by the acts or omissions of CONTRACTOR and its agents, officers or employees in performing the work or services hereunder; for all expenses of investigating and defending against same; provided however, that the CONTRACTOR'S duty to indemnify and hold harmless shall not include any claims or liability arising from the negligence or misconduct of the DISTRICT, its Board, agents, officers or employees; and provided that to the extent the DISTRICT is determined to have been negligent or at fault, the DISTRICT agrees to bear its own portion or percentage of liability and to indemnify and hold harmless CONTRACTOR from that share.
- 5.2 Without limiting CONTRACTOR'S indemnification, CONTRACTOR shall maintain in force at all times during the performance of this Agreement, insurance policies or equivalent evidence of coverage common that is common to municipalities, evidencing coverage during the entire term of the Agreement as follows:
- a) General liability insurance, in the amount of not less than \$1,000,000 per occurrence and aggregate, when CONTRACTOR performs any professional services.
 - b) Workers' Compensation insurance in accordance with statutory requirements.
 - c) If motor vehicles are used pursuant to this Agreement, not less than \$300,000 combined single limit for damage to property and injury to persons.

Certificate(s) satisfactory to the DISTRICT'S Assistant Superintendent of Business evidencing the maintenance of such evidence of coverage shall be filed with the DISTRICT'S Superintendent, prior to providing any services pursuant to this Agreement. DISTRICT shall be given notice, in writing, at least thirty (30) days in advance of cancellation, modification or reduction in coverage. All insurance shall be with a company or companies or joint powers authority admitted by the Department of Insurance for the State of California, or authorized as otherwise required by law, to transact insurance business in California.

6. TERMINATION:

- 6.1 Either party may terminate this agreement without cause by giving thirty (30) days written notice of intention to terminate. Either party may terminate this Agreement for cause by giving five (5) days written notice of intention to terminate.
- 6.2 Notwithstanding any of the provisions of this Agreement, CONTRACTOR'S rights under this Agreement shall terminate (except for fees accrued prior to the date of termination) upon CONTRACTOR'S bankruptcy, death or disability, or in the event of fraud, dishonesty, or a willful or material breach of this agreement by CONTRACTOR, or at DISTRICTS election, in the event of CONTRACTOR'S unwillingness or inability for any reason whatsoever to perform the duties hereunder. In such event, CONTRACTOR shall be entitled to no further compensation under this agreement, it being the intent that CONTRACTOR shall be paid as specified herein only during such period that CONTRACTOR shall, in fact, be performing the duties hereunder.

7. CONFLICT OF INTEREST:

CONTRACTOR promises, covenants, and warrants that the performance of its services and representations to DISTRICT under this Agreement do not result in a "conflict of interest" as that term is used in the Conflict of Interest Code of the Banning Unified School DISTRICT (the "Code") for any of its officers, agents or elected officials. CONTRACTOR represents that it has read and is familiar, with the Conflict of Interest Code of the Banning Unified School DISTRICT as well as California Government Code sections 1090 et. Seq, and 87000 et seq. CONTRACTOR understands that "Consultants" are included in the list of designated employees in the Code and shall disclose, pursuant to the broadest disclosure category in that Code, subject to the limitations set forth in the Code. CONTRACTOR promises, covenants, and warrants that the performance of its services under this agreement shall not result in or cause a violation of the Code or Government Code Section 1090 et seq. and 87000 et. Seq.

8. ADMINISTRATION:

The Superintendent (or designee) shall administer this Agreement on behalf of DISTRICT. The Chief of Police shall administer this Agreement on behalf of the CONTRACTOR.

9. ASSIGNMENT:

CONTRACTOR shall not assign this Agreement, either in whole or in part, without prior written consent of DISTRICT. Any assignment or purported assignment of this agreement by CONTRACTOR without the prior written consent of DISTRICT will be deemed void and of no force or effect.

10. NONDISCRIMINATION:

CONTRACTOR shall not discriminate in his/her recruiting, hiring, promotion, demotion or termination practices on the basis of race, religious creed, color, national origin,

ancestry, physical handicap, medical condition, marital status or sex in the performance of this agreement, and, to the extent they shall be found to be applicable hereto, shall comply with the provisions of the California Fair Employment Practices Act (commencing with Section 1410 of the Labor Code), and Federal Civil Rights Act of 1962 (P. L. 88-352).

11. ALTERATION:

No alteration or variation of the terms of this Agreement shall be valid unless made in writing and signed by the parties hereto, and no oral understanding or agreement not incorporated herein shall be binding on any of the parties hereto.

12. ELIGIBILITY:

Services and benefits shall be provided by CONTRACTOR to individuals without reference to their religion, color, sex, national origin, age or physical or mental handicap.

13. LICENSE AND CERTIFICATION:

CONTRACTOR verifies upon execution of this agreement, possession of a current and valid license in compliance with any local State, and Federal laws and regulations relative to the scope of services to be performed under Exhibit A, and that service(s) will be performed by properly trained and licensed staff.

14. CONFIDENTIALITY:

CONTRACTOR shall observe its own, and all Federal, State and DISTRICT regulations concerning confidentiality of records.

15. WORK PRODUCT:

All reports, preliminary findings, or data assembled or compiled by CONTRACTOR under this agreement are the property of the CONTRACTOR. Such reports may include material that constitutes a criminal investigation or materials that are subject to regulation under the Public Safety Officers Procedural Bill of Rights (Cal. Gov. Code §§3300 et seq.), or other rules for the protection of police officer work product and the maintenance of confidentiality and shall be subject to all laws for the dissemination of such information applicable thereto. The DISTRICT shall not authorize others to use or reproduce such materials except upon the prior written agreement of the CONTRACTOR. Therefore, such materials may not be circulated in whole or in part, nor released to the public, without the direct authorization of the Superintendent, or an authorized designee and the Chief of Police or an authorized designee.

16. JURISDICTION, VENUE - ATTORNEY'S FEES:

This Agreement is to be construed under the laws of the State of California. The parties agree to the jurisdiction and venue of the appropriate courts in the County of

Riverside, State of California. Should action be brought to enforce or interpret the provisions of the agreement, the prevailing party shall be entitled to attorney's fees in addition to whatever other relief is granted.

17. WAIVER:

Any waiver by DISTRICT of any breach of any one or more of the terms of this Agreement shall not be construed to be a waiver of any subsequent or other breach of the same or of any other term thereof. Failure on the part of the DISTRICT to require exact, full and complete compliance with any terms of this agreement shall not be construed as in any manner changing the terms hereof, or stopping DISTRICT from enforcement hereof.

18. SEVERABILITY:

If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void of unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way.

19. ENTIRE AGREEMENT:

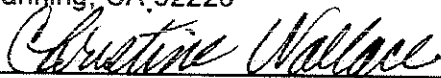
This Agreement constitutes the entire agreement between the parties hereto with respect to the subject matter hereof, and all prior or contemporaneous agreements of any kind or nature relating to the same shall be deemed to be merged herein. Any modifications to the terms of this Agreement must be in writing and signed by the parties herein.

20. NOTICES:

All correspondence and notices required or contemplated by this Agreement shall be delivered to the respective parties at the addresses set forth below and are deemed submitted one (1) day after their deposit in the United States Mail, postage prepaid:

DISTRICT:

Banning Unified School District
Business Services
161 W. Williams Street
Banning, CA 92220



Christine Wallace, Ed.D.
Interim Assistant Superintendent
Business Services

Date

BOARD APPROVED

6-23-11

CONTRACTOR:

City of Banning
Banning Police Department
321 W. Ramsey Street
Banning, CA 92220

Andrew Takata
City Manager
City of Banning

Date

95-6000674

Tax I.D. #

IN WITNESS WHEREOF, the Parties hereto have caused their duly designated representatives to execute this agreement.

Exhibit A

**Banning Police Department
SCHOOL RESOURCE OFFICER PROGRAM (Banning High School)**

PURPOSE:

The purpose of the School Resource Officer Program is to formalize a cooperative effort between the schools and the City of Banning Police Department to increase safety and promote a positive environment where education can occur.

POLICY:

It is the policy of the Banning Police Department to assign a police officer to Banning High School for the purpose of providing the following, but not limited to:

1. Provide a positive image of law enforcement and law enforcement officer's for students.
2. Share educational resources for instructional programs dealing with law enforcement, health and safety, drug and alcohol education.
3. Assist school counselors and staff with troubled students, as requested.
4. Create an atmosphere of safety and security on campus.
5. Facilitate a more coordinated effort in dealing with problems involving school, parents, police, and other community agencies.

DUTIES OF THE SCHOOL RESOURCE OFFICER SHALL INCLUDE:

1. Assist in the development and implementation of a program for the establishment and maintenance of security and order on school campus.
2. Provide classroom presentations on topics of mutual interest to the City and the School District.
3. Assist school counselors and staff with informal counseling to students as requested by the counselor and staff.
4. Assist with supervision of school activities as requested and as otherwise deemed appropriate by the officer in the exercise of his professional judgment.
5. Enforce criminal laws through investigation and arrest when necessary.
6. Investigate all complaints of criminal activity on campus.

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7. Assist law enforcement, probation, Youth Accountability Team (Y.A.T.), and social services in investigations where students are involved.
8. Assist in the development and implementation of security procedures on the Banning High School campus.
9. Develop and present programs on:
 - a) Career Development - Law enforcement as a career
 - b) Health Classes - Alcohol and drug awareness
 - c) Sociology - Gang Awareness and Violence Prevention
10. Assist school counselors and staff with informal guidance and informational materials as they relate to the Penal/Education Code.
11. Campus Supervision
 - a. Foot and/or bike patrol before and after school, during student breaks, at lunchtime, and during special assemblies or rallies
 - b. Serve as a representative to the School Attendance Review Board (SARB), and other education committees as they relate to SRO duties (i.e. present SRO program to service clubs in the community).
 - c. Supervise security and establish duty stations, safety procedures and supervision schedules around the campus.
 - d. Make recommendations for improvement of school safety procedures and plans.

QUALIFICATIONS OF SCHOOL RESOURCE OFFICER:

Meet minimum POST qualifications for the rank held by the officer assigned.

CITY COUNCIL/BANNING UTILITY AUTHORITY JOINT MEETING

DATE: July 12, 2011

TO: Banning Utility Authority

FROM: Duane Burk, Director of Public Works

SUBJECT: Utility Authority Resolution No. 2011-11 UA, "Approving the Award of a Professional Services Agreement to G&G Environmental Compliance, Inc. for Pretreatment Program Services and the Development of Technically Based Local Wastewater Discharge Limits"

RECOMMENDATION: Adopt Utility Authority Resolution No. 2011-11 UA awarding the Professional Services Agreement to G&G Environmental Compliance, Inc. of Riverside, California in an amount "Not to Exceed" \$84,565.00 for Pretreatment Program Services and the Development of Technically Based Local Wastewater Discharge Limits.

JUSTIFICATION: The award of this agreement is necessary in order to ensure compliance with the City of Banning's wastewater discharge ordinances and permits including Pretreatment Program regulatory reports required under existing Waste Discharge Requirements (WDR) and National Pollution Discharge Elimination System (NPDES) permits.

BACKGROUND: Code of Federal Regulations, Title 40 "Protection of Environment," Part 403 "General Pretreatment Regulations for Existing and New Sources of Pollution" *establishes responsibilities of Federal, State, and local government, industry and the public to implement National Pretreatment Standards to control pollutants which pass through or interfere with treatment processes in Publicly Owned Treatment Works (POTWs) or which may contaminate sewage sludge.* The City of Banning Wastewater Treatment Plant and infrastructure (sewer mains, manholes, lift stations, etc.) are considered a POTW and are required to meet Federal and State regulations.

On February 11, 1997 the City Council adopted Ordinance No. 1206 adding Chapter 31A to the Banning Ordinance Code pertaining to industrial wastewaters and pretreatment requirements. Chapter 31A lists prohibited discharges into the City's wastewater system; limitations on discharges; terms and conditions of wastewater discharge permits; pretreatment requirements; reporting requirements; monitoring, inspection and sampling requirements; and the City's enforcement procedure.

The City's commercial/industrial wastewater inspection program currently requires inspections at all permitted facilities (typically significant industrial user), however the new program for reducing sanitary sewer overflows (SSOs) will require additional inspections at all food service facilities under the Fats, Oils, and Grease (FOG) Control Program; new Best Management Practices (BMPs) requirements for dental offices (dental amalgam separators); and potential inspections at health care facilities related to the disposal management of pharmaceuticals.

On November 27, 2001 the City Council adopted Ordinance No. 1271 "Amending Ordinance No. 1206, Chapter 31A, Section 31A-5, Subsections (c) and (m), Sections 31A-6, Subsections (b) and Sections 31A-10, Subsections (b) relating to Industrial Discharge Regulations for the City of Banning Sewer Collection System." The purpose of Ordinance No. 1271 was to replace old discharge limits with new technically based local limits found in a report prepared by CGvL Engineers. Local limits are intended to protect the POTW from adverse impacts of conservative, non-conservative, and organic toxic pollutant discharges from industrial (non-residential) users. Such limits are needed to enable the POTW to comply with applicable State water quality laws, Federal requirements under the Clean Water Act, and the City's Waste Discharge Requirements (WDR) Permit.

The City's Pretreatment Program has been audited in each of the past two years by State and Environmental Protection Agency (EPA) contractors. The auditors have identified a need to evaluate current local limits against existing conditions. During the most recent audit on April 5, 2011, the auditors stated that a requirement is being considered by EPA and the State that would require local agencies to submit a formal Pretreatment Program approval package for review and approval. Local Limits are one of the required components of the Pretreatment Program approval package.

At this time, staff respectfully requests an agreement be awarded to G&G Environmental Compliance, Inc. (G&G). G&G is an environmental science and regulatory compliance program management company. G&G is familiar with the City of Banning's Pretreatment Program and is currently assisting the City with the development of a new wastewater ordinance and Enforcement Response Plan (ERP). The Pretreatment Program scope of work covered by the agreement includes: pretreatment inspections; regulatory reporting; and compliance assurance. The scope of work for the development of Local Limits covered by the agreement includes: reviewing existing monitoring data and discharge limitations; preparation of a sample plan; calculating Local Limits; and preparation of a Local Limits final report.

FISCAL DATA: The Professional Services Agreement for Pretreatment Program Services and the Development of Technically Based Local Wastewater Discharge Limits will be for a total of \$84,565.00. Account No. 680-8000-454.33-11 (Professional Services) will be utilized to fund the agreement.

RECOMMENDED BY:



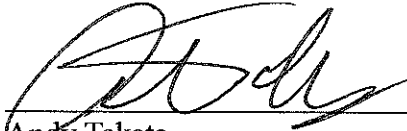
Duane Burk
Director of Public Works

REVIEWED BY:



June Overholt
Administrative Services Director/Deputy
City Manager

APPROVED BY:



Andy Takata
City Manager

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RESOLUTION NO. 2011-11 UA

RESOLUTION OF THE BANNING UTILITY AUTHORITY OF THE CITY OF BANNING, CALIFORNIA, APPROVING THE AWARD OF A PROFESSIONAL SERVICES AGREEMENT TO G&G ENVIRONMENTAL COMPLIANCE, INC. FOR PRETREATMENT PROGRAM SERVICES AND THE DEVELOPMENT OF TECHNICALLY BASED LOCAL WASTEWATER DISCHARGE LIMITS

WHEREAS, Code of Federal Regulations, Title 40 "Protection of Environment," Part 403 "General Pretreatment Regulations for Existing and New Sources of Pollution" *establishes responsibilities of Federal, State, and local government, industry and the public to implement National Pretreatment Standards to control pollutants which pass through or interfere with treatment processes in Publicly Owned Treatment Works (POTWs) or which may contaminate sewage sludge; and*

WHEREAS, the City of Banning Wastewater Treatment Plant and infrastructure (sewer mains, manholes, lift stations, etc.) are considered a POTW and are required to meet Federal and State regulations; and

WHEREAS, on February 11, 1997 the City Council adopted Ordinance No. 1206 adding Chapter 31A to the Banning Ordinance Code pertaining to industrial wastewaters and pretreatment requirements; and

WHEREAS, Chapter 31A of the Banning Ordinance Code list prohibited discharges into the City's wastewater system; limitations on discharges; terms and conditions of wastewater discharge permits; pretreatment requirements; reporting requirements; monitoring, inspection and sampling requirements; and the City's enforcement procedure; and

WHEREAS, on November 27, 2001 the City Council adopted Ordinance No. 1271 "Amending Ordinance No. 1206" to replace old discharge limits with new technically based local limits; and

WHEREAS, the City's Pretreatment Program has been audited in each of the past two years by State and Environmental Protection Agency (EPA) contractors in which the auditors have identified a need to evaluate current local limits against existing conditions; and

WHEREAS, staff respectfully requests an agreement be awarded to G&G Environmental Compliance, Inc in order to provide services including pretreatment inspections; regulatory reporting; and compliance assurance and the development of new technically based local limits; and

WHEREAS, Account No. 680-8000-454.33-11 (Professional Services) will be utilized to fund the agreement.

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

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Section 1. The Banning Utility Authority approves the award of the Professional Services Agreement to G&G Environmental Compliance, Inc. of Riverside, California for Pretreatment Program Services and the Development of Technically Based Local Wastewater Discharge Limits in an amount "Not to Exceed" \$84,565.00.

Section 2. The Administrative Services Director is authorized to make the necessary account transfers to fund this agreement.

Section 2. The City Manager is authorized to execute the contract agreement with G&G Environmental Compliance, Inc. of Riverside, California. This authorization will be rescinded if the contract agreement is not executed by the parties within sixty (60) days of the date of this resolution.

PASSED, ADOPTED AND APPROVED this 12th day of July, 2011.

Barbara Hanna, Chairman
Banning Utility Authority

ATTEST:

Marie A. Calderon, Secretary

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

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

CERTIFICATION:

I, Marie Calderon, Secretary to the Utility Authority of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2011-11 UA was adopted by the Banning Utility Authority of the City of Banning at its joint meeting thereof held on the 12th day of July, 2011.

AYES:

NOES:

ABSENT:

ABSTAIN:

Marie A. Calderon, Secretary
Banning Utility Authority