

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

February 28, 2012
5:00 p.m.

Banning Civic Center
Council Chambers

The following information comprises the agenda for a regular meeting of the City Council and the City Council of the City of Banning Sitting In Its Capacity as Successor Agency, and the Banning Financing Authority, Banning Housing Authority and the Banning Utility Authority.

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

I. CALL TO ORDER

- Invocation – Pastor Steve Bierly, Church of the Nazarene
- Pledge of Allegiance
- Roll Call – Council Members Botts, Franklin, Hanna, Machisic, Mayor Robinson

II. REPORT ON CLOSED SESSION

III. PUBLIC COMMENTS/CORRESPONSENCE/PRESENTATIONS/ANNOUNCEMENTS

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 the category may be received and filed or referred to staff for future research or a future agenda.

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

PRESENTATIONS:

1.	Stagecoach Days Committee Presentation of Plaque to I.B.E.W (International Brotherhood of Electrical Workers)	(ORAL)
2.	Presentation by the Fair Housing Council of Riverside County, Inc.	(ORAL)
3.	Proposed Banning Science & Technology Center by Henri De Roule	(ORAL)
4.	Banning Cultural Alliance Grant Support	1
	Recommendations:	
	a) Receive and file the presentation by the Banning Cultural Alliance outlining the “Our Town” Grant; b) authorize staff to provide in-kind services to the Banning Cultural Alliance in support of their “Our Town” Grant Application; and c) authorize the Mayor and City Manager to sign a letter of support, on behalf of the City of Banning, to the Banning Cultural Alliance in support of their Our Town Grant Application.	

ANNOUNCEMENTS

1.	Promotion of Jason Smith to Powerline Crew Supervisor	(ORAL)
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IV. CONSENT ITEMS

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

Motion: That the City Council approve Consent Item 1 through 6

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

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

1.	Approval of Minutes – Special Meeting – 02/14/12 (Closed Session)	5
2.	Approval of Minutes – Regular Meeting – 02/14/12.	6
3.	Notice of Completion for Project 2011-03EL, Lighting Retrofit at City of Banning City Hall	30
4.	Resolution No. 2012-12, Appointing Kevin Siva as a Member of the Planning Commission for An Additional Four-Year Term.	34
5.	Resolution No. 2012-16, Supporting the Transfer of Ontario International Airport (ONT) to Local Control.	42
6.	That the Successor Agency adopt Resolution No. 2012-04SA, Approving and Adopting Its Amended Enforceable Obligation Payment Schedule (EOPS) and Amended Draft Recognized Obligation Payment Schedule and Approving Certain Related Actions	47

- Open for Public Comments
- Make Motion

V. PUBLIC HEARINGS

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

1. Banning Municipal Transit System Fixed Route and Dial-A-Ride Fare Structure.

Staff Report 60

Recommendation: That the City Council adopt Resolution No. 2012-15, A Resolution of the City Council of the City of Banning, California, Authorizing An Adjustment in the Banning Municipal Transit System Fixed Route and Dial-A-Ride Fare Structure.

VI. REPORTS OF OFFICERS

1. Reward for Information Leading to the Arrest and Conviction of Suspect(s) Involved in the Triple Homicide That Took Place in the City of Banning on September 6, 2011.

Staff Report 65

Recommendation: That the City Council approve the police department's Request for the City of Banning to offer a \$25,000 reward for information Leading to the arrest and conviction of the suspect(s) responsible for the Triple homicide that took place in the city of Banning on September 6, 2011.

2. Auditor's Reports for Fiscal Year 2010-2011

Staff Report 66

Recommendation: That the City Council and Agency Board accept and place on file the auditor's reports from Lance, Soll & Lunghard, LLP for the fiscal year ended June 30, 2011.

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

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

VIII. ITEMS FOR FUTURE AGENDAS

New Items –

Pending Items – City Council

1. Schedule Meetings with Our State and County Elected Officials
2. Polices & Procedures (fingerprinting) for Applicant re. Projects and Applicants for Commissions & Committees (*Commissions & Committees*)
3. Water Resources Report (*Workshop*) (*April*)

Successor Agency

1. Parking Delineation (Martin to 4th; Livingston to Williams, Nicolet
2. Proposal from Owners of Oddfellows Building - 42 W. Ramsey Street.

IX. ADJOURNMENT

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

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

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

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

CITY OF BANNING

DATE: **February 28, 2012**

TO: **Mayor and Members of the City Council**

FROM: **Bill R. Manis, Economic Development Director**

SUBJECT: **Banning Cultural Alliance Grant Support**

RECOMMENDATION:

That the City Council:

- (1) Receive and file a presentation by the Banning Cultural Alliance outlining the “Our Town” Grant;
- (2) Authorize staff to provide in-kind services to the Banning Cultural Alliance in support of their “Our Town” Grant Application; and.
- (3) Authorize the Mayor and City Manager to sign a letter of support, on behalf of the City of Banning, to the Banning Cultural Alliance in support of their Our Town Grant Application.

BACKGROUND/ANALYSIS:

The City has provided both financial and in-kind service support to the Banning Cultural Alliance since 2006. Our current Contract Services Agreement with the Banning Cultural Alliance provides for \$75,000 in financial support and an estimated total of \$12,500 for in-kind services. The in-kind services consist of staff time to hang banners within our Downtown corridor, provide security at events, and other utility related assistance for events. In return the Banning Cultural Alliance provides a scope of services that includes promotional events production, marketing of the Downtown, Gallery operations, and youth programs. The current contract expires in August 2012.

The Banning Cultural Alliance is using their grant application to not only offset their operational costs, but to also bring together different parts of the Banning community. To date, the following partners have signed Letter of Intent:

- Banning Unified School District
- Dorothy Ramon Learning Center
- Centennial Committee
- Light House Church
- San Gorgonio Pass Hispanic Chamber of Commerce
- Banning Chamber of Commerce (pending Board approval)
- Hmong Cultural Center (pending Board approval)
- Anthropol Women (pending Board approval)



City staff supports this request and is encouraged to see that that Banning Cultural Alliance is pursuing grant opportunities to help offset their operational costs. The City's prior financial support was intended as seed funding to help this non-profit become sustainable and continue their efforts in our community. The impacted City Departments who would be providing in-kind services have been briefed on the request.

FISCAL DATA:

There is no fiscal impact to the General Fund in support this request. Only in-kind services will be provided and they are estimated at \$12,500.

RECOMMENDED BY:

Bill R. Manis

Bill R. Manis
Economic Development Director

REVIEWED BY:

June Overholt

June Overholt
Administrative Services Director/
Deputy City Manager

APPROVED BY:

Andy Takata

Andy Takata
City Manager D.S.

Attachment:

1. Letter of Endorsement

J

ATTACHMENT 1.
LETTER OF ENDORSEMENT



City of Banning

Office of the Mayor

February 28, 2012

National Endowment for the Arts
1100 Pennsylvania Avenue NW
Washington, DC 20506

Re: Letter of Endorsement – Banning Cultural Alliance

Dear Review Committee –

We, as Mayor and City Manager, on behalf of the City of Banning, CA, endorse the Our Town grant proposal to the National Endowment for the Arts for \$100,000 being submitted by the Banning Cultural Alliance. As Mayor I am familiar with the proposed project as I have been a part of the planning meeting to establish the content of this proposal.

The City of Banning has partnered with the Banning Cultural Alliance since 2006 in activities designed to bring people to downtown Banning in support of efforts to revitalize downtown Banning. During this partnership the Banning Cultural Alliance has demonstrated their ability to work in collaboration with many sectors of the community and attract residents and visitors to the City of Banning.

The City of Banning will partner with the Banning Cultural Alliance in the Our Town grant by providing support for its special events through its public services department and police department. In addition, the City will continue to work to develop an ordinance for Art in Public Places and continue to work through a process for the creation of a Cultural Arts District in downtown Banning.

Please contact our Economic Development Director if you have any questions and thank you for considering the Banning Cultural Alliance.

Sincerely,

Don Robinson
Mayor, City of Banning

Andy Tanaka
City Manager

Cc Banning Cultural Alliance
City of Banning Economic Development Department

A handwritten signature in black ink, appearing to read "Andy Tanaka".

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

02/14/2012
SPECIAL MEETING

A special meeting of the Banning City Council and the Banning City Council Sitting In Its Capacity as Successor Agency was called to order by Mayor Robinson on February 14, 2012 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
David J. Aleshire, City Attorney/Agency Counsel
Duane Burk, Public Works Director
Bill Manis, Economic Development/Redevelopment Director
Marie A. Calderon, City Clerk/Secretary

PUBLIC COMMENTS

There were none.

CLOSED SESSION

City Attorney announced that for the Council there are two items of potential litigation pursuant to Government Code Section 54956.9. Also, for the City Council pursuant to the provisions of Government Code Section 54956.8 we have three items of real property negotiations: 1) 600 N. Hathaway; 2) 226 S. 2nd Street; and 3) 4545 W. Ramsey and he will give status reports on those items.

Mayor Robinson opened the item for public comments. There were none. Meeting went into closed session at 4:03 p.m. and reconvened at 4:57 p.m.

ADJOURNMENT

By common consent the meeting adjourned at 4:57 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.

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

02/14/12
REGULAR MEETING

A regular meeting of the Banning City Council and a Joint Meeting of the Banning City Council and the Banning Utility Authority and a Meeting of the City Council of the City of Banning Sitting in Its Capacity of a Successor Agency was called to order by Mayor Robinson on January 14, 2012 at 5:08 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

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

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Andrew Takata, City Manager
David J. Aleshire, City Attorney
Zai Abu Bakar, Community Development Director
Duane Burk, Public Works Director
Leonard Purvis, Police Chief
Lieutenant Mike West
Heidi Meraz, Community Services Director
Bill Manis, Economic Development/Redevelopment Director
Fred Mason, Electric Utility Director
Perry Gerdes, Public Utilities Superintendent
John McQuown, City Treasurer
Marie A. Calderon, City Clerk

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

REPORT ON CLOSED SESSION

City Attorney reported that the Council met in closed session to discuss two items of potential litigation and a status report was given and no reportable action was taken. With respect to the real property negotiations there was Council discussion regarding real property at 600 N. Hathaway, 226 S. 22nd Street and 4545 W. Ramsey and there was no vote on any matter and no reportable action was taken.

PUBLIC COMMENTS/CORRESPONDENCE/PRESENTATIONS

PUBLIC COMMENTS – *On Items Not on the Agenda*

Jim Price, Banning Pass Little League Baseball addressed the Council stating that a couple of years ago he got together with Heidi Meraz the Director of Community Services to bring in Little League and the response has been unbelievable. He said that they have more kids signed up right now than they have had in any time during the six years that he has been here and he owes a lion's share of that credit to Mayor Don Robinson and the City. They have prepared the fields at Lions Park and they look wonderful and they are going to get better. He hears that people are coming over from Beaumont and in Beaumont they have the County working for them and the regional park thing going on and all of that but we don't have all of that here so with us it is just volunteers and we are getting wonderful response. He just wanted to say to everyone involved from the Mayor to the Electric Dept. and the Water Company they have been nothing but great and excellent people to work with and they have done a wonderful job. Too many times people whine and say they are not doing this or that and he cannot say that and can only say that everyone has just been terrific to them. This just shows you what happens when you work with each other and we have transparency and any time anyone wants to look at our books just call him and his wife will be happy to show them to you. Right now they have 259 kids signed up and this is really great for their first year.

Anita Worthin, Chair of the Pass Area Veterans Expo addressed the Council thanking them so much for their support and for being there. She said that Art Welch is on the committee, as well as, Debbie Franklin and we really appreciated all of the participation. She wanted to make sure that everyone knew that this was a Pass Area event for everyone.

Art Welch addressed the Council stating that this is the third year of the expo and it has grown each year and they have learned more in three years as to what the needs are of our veterans. This year they were able to enroll, at their site, over 100 veterans into the benefit programs. It is a service that is second to none. He thanked the City of Banning and Debbie Franklin for being part of that effort and they are going to be continuing this and expect it to continue to grow. He stressed that it is an expo for the veterans in the Pass Area.

Inge Schuler, resident addressed the Council stating that she had a suggestion and a concern and she doesn't know whether the City is in charge of that or whether it is Caltrans. The half road or street, 8th Street between Lincoln and Westward has become sort of a hazard. People are driving their big SUV's and trucks headed for the high school at relatively high speeds and sometimes the opposing traffic is forced off the road. She said that there is enough room but it is tight and she was wondering if that road or street could be stripped because it might encourage people to keep on their side of the street.

Don Smith congratulated Duane Burk on being this year's MSJC's Alumni of the Year. He said that he wanted to inform the Council and the public about a few events that will be happening so please mark your calendars. This Thursday, February 16th at Johnny Russo's from 6 to 8 p.m. the top ten juniors, local youth, will be performing their acts and he will have \$9 dinner specials so if you want to support our youth who are trying to show their musical talent be there this Thursday. On Saturday, February 25th the Black Heritage Celebration of 2012 will take place from 11 a.m. to 3 p.m. at the Banning Women's Club. This is a special event the Alliance does each year to recognize the outstanding contributions of Black culture in

our community. Dr. Kennedy will be the Master of Ceremonies and there will be art work, entertainers and a dinner and if you want to buy a ticket you can call the ticket office at 951-922-4911. This weekend and next weekend, Friday, Saturday and Sunday there will be a dinner theater at the Women's Club "And Then There Were None." You can call 951-922-4911 to make your reservation. Also, this Friday, February 17th the Date Festival starts and it runs through February 26th and adult tickets are \$8, Seniors \$7 and children \$5 but if you come opening Friday it is free from 10 a.m. to 3 p.m.

Charlene Sakurai addressed the Council stating that she wanted to give a brief report on the "Go Red for Women" celebration that was held on Saturday, February 11th. It was very well attend and it was sold out and in fact she had to turn away Kathryn Robinson because she didn't make a reservation and we didn't have a chair left. They had several women from House of Hope in the Desert that came to serve and participate. What impressed her was the involvement of each person that was there asking questions and discussing and that is how we all learn and the whole purpose this year was to raise awareness of women's risk for heart disease. It was a great success but she doesn't have the numbers but knows that it will be included in the quarterly report.

Jim Price addressed the Council stating that as a follow-up in Beaumont they charge a child \$175 dollars to play ball and they get a hat and a t-shirt. In Banning we charge a child \$50 dollars to play ball and they get a hat, t-shirt, pants and socks. Also, Beaumont reaches a maximum number of players and they turn them away. We do not turn children away in Banning. That is something we will not do and we will find room on a team if a child wants to play baseball or softball.

Motion Hanna/Botts to add to the agenda the presentation of a proclamation. Motion carried, all in favor.

Mayor Robinson asked the Council Members to join him at the podium and asked that the Director of Public Works, Director of Water, Director of Wastewater, Fleet Management Director to join him and the Council at the podium. He said that this is for somebody that told him when they first met talking about all the things that he does and how he prepared for his job and said that he has more degrees than a thermometer and last Saturday evening the Council went to Mt. San Jacinto College (MSJC) and found out that he was also a basketball star along with a lot of his friends but he has received proclamations from MSJC, the Senate, and the Assembly and if that is not enough, Monday morning he received a proclamation from the Boys and Girls Club for all the work that he has done in working with the Boys and Girls Club over the last couple of years. Also, Tom Lara from the City of Banning received the same credit. He said that our City would not be our City without Duane Burk. At this time Mayor Robinson read the proclamation for the benefit of the audience and all those listening.

Mr. Burk said that he receives this proclamation on behalf of himself and his family because when you take time away to do your work and go to school you take away from your family so he thanks them also. He said Mt. San Jacinto College when he attended thirty years ago was a couple of trailers and an administrative office and gymnasium and today it is nestled into San Jacinto and it is surrounded by a lot of development, surrounded by a lot of college students, a

larger campus and one of the most successful basketball programs in the area and also it dedicated the Menifee Campus and he thinks it is a privilege for the City of Banning to have the opportunity to have an educational foundation such as MSJC on the corner of Westward and Sunset and he looks forward to seeing it grow to its 58 acre capacity and believes it will be a focal point for the community in the future. He thanked everyone and said without the Council and the previous Councils supporting his education and all of us he wouldn't be where he is at today.

CONSENT ITEMS

Mayor Robinson pulled Consent Items 9 and 10 for discussion.

1. Approval of Minutes – Regular Joint Meeting – 01/24/12 (Closed Session)

Recommendation: That the minutes of the Regular Joint Meeting of January 24, 2012 be approved.

2. Approval of Minutes – Regular Meeting – 01/24/12

Recommendation: That the minutes of the Regular Meeting of January 24, 2012 be approved.

3. 2nd Reading: Ordinance No. 1444, An Ordinance of the City Council of the City of Banning, California, Amending Chapter 3.20 of the Municipal Code Entitled “Claims Against City” Adding Procedural Requirements for Claims Made Against City in Compliance with California Government Code.

Recommendation: That Ordinance No. 1444 pass its second reading and be adopted.

4. 2nd Reading: Ordinance No. 1445, An Ordinance of the City Council of the City of Banning, California, Establishing Section 3.21 ‘Financial Procedures’ to the Banning Municipal Code.

Recommendation: That Ordinance No. 1445 pass its second reading and be adopted.

5. 2nd Reading: Ordinance No. 1447, An Ordinance of the City Council of the City of Banning, California, Approving Zoning Text Amendment No. 11-97502 Amending the Sign Regulations for Freeway-Oriented Signs.

Recommendation: That Ordinance No. 1447 pass its second reading and be adopted.

6. Approval of Accounts Payable and Payroll Warrants for the Month of December 2011.

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

7. Report of Investments for November 2011

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

8. Report of Investments for December 2011

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

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

9. Resolution No. 2012-09, Entering Into Agreements with The Emergency Response Network of the Inland Empire (ERNIE) and with The California Water/Wastewater Agency Response Network to Provide Mutual Aid in the Event of a Catastrophic Disaster.

Director Burk said that this is basically mutual aid operations for disasters that the City would participate in an overall outreach with other ERNIE members to support in mutual aid. For example if there was a flood and it affects somebody else and we have equipment, the Council would authorize Public Works to lend our equipment and they would pay the hourly rate or manpower and vice a versa. A list would be provided of mutual aid responders similar as to what happens with fire and police. This is a public works effort as it relates to the same opportunities and it also strengthens up the emergency response for the California State Department of Health. It is a really good effort and opportunity for the cities to work together and participate in a mutual aid effort.

Mayor Robinson said that it is only \$400 dollars per year just to belong to this group and there won't be any other charges above that amount per year. Mr. Burk said that was correct.

Motion Machisic/Franklin to approved Consent Item No. 9, adopting Resolution No. 2012-09, entering into agreements with the Emergency Response Network of the Inland Empires (ERNIE) which facilitate public agency preparedness for response to and recovery from local and regional disasters to ensure the delivery of critical public services through mutual aid, communications and compliance with State and Federal emergency standards; and with the California Water/Wastewater Agency Response Network (CALWARN), to provide mutual aid in the event of catastrophic disaster. Mayor Robinson opened the item for public comments. There were none. **Motion carried, all in favor.**

10. 2010-11 Annual Report of Development Impact Fees.

City Manager said that this is the annual report of development impact fees. The Mitigation Act requires you to bring the balances and receipts of those development impact fees commonly known as DIF for further discussion. All of these funds have identified things through our development impact fee studies and so what this allows us to do is to use these funds for growth for example if we wanted to build a fire station, there are a certain amount of

dollars in there right now for a fire station or something that would be caused by growth. Basically that is what each one of these funds are and these funds were done by a study as far as how much per household or per business.

Mayor Robinson asked if we were still looking at a plan to improve customer service by making previously discussed counter changes and possible express payment or service request lines under general government facilities funds. City Manager said yes.

Motion Franklin/Hanna to approved Consent Item No. 10 approving the 2010-11 Annual Report of Development Impact Fees as required by the Mitigation Fee Act. Mayor Robinson opened the item for public comments. There were none. **Motion carried, all in favor.**

JOINT MEETING

Mayor Robinson recessed the regular City Council Meeting and called to order a Joint Meeting of the Banning City Council and the Banning Utility Authority.

CONSENT ITEM

Councilmember Hanna pulled Consent Item No. 2, Resolution No. 2012-03 UA for discussion.

1. Resolution No. 2012-02 UA, Awarding a Professional Services Agreement to Nobel Systems, Inc. of San Bernardino, California for the Maintenance, Training and Support of the Water and Wastewater Geographic Infrastructure System (GIS).

Recommendation: That the City Council adopt Resolution No. 2012-02 UA, Awarding the Professional Services Agreement to Nobel Systems, Inc. of San Bernardino, CA for the Maintenance, Training and Support of the Water and Wastewater Geographic Infrastructure System (GIS) in an amount “Not to Exceed” \$50,000.00 as shown in the agenda packet as Exhibit A.

Motion Botts/Franklin to approve Consent Item No. 1, adopting Resolution No. 2012-02 UA. Mayor Robinson opened the item for public comments. There were none. **Motion carried, all in favor.**

2. Resolution No. 2012-03 UA, Amending the Professional Services Agreement with AECOM, (Formerly Known as Metcalf & Eddy, Inc.) for the Design of the Transmission Pipeline to Deliver State Water Project Water to Banning.
(Staff Report – Duane Burk, Public Works Director)

Director Burk gave the staff report on this item giving a power-point presentation (see Exhibit “A”). He said the project itself has been discussed and talked about for a period of time and he revisited the history. He said that in regards to your options you can approve what he has put before you which is Option 1, or you can not approve the resolution and leave the plans at current design which is at 80% so at a later date you would have to pick up that 20% design if

you chose to go with the 24" pipeline and so would the Pass Agency if they chose not to they would have to pick up the plans and finish the design on that. The third option we could look at is just to request that the Water Agency complete the plans as described in the Capacity Fee Nexus Study Exhibit A which is described on page 125 of the agenda packet and attached (see Exhibit "B").

There was further Council and staff discussion in regards to the options, the development of the Banning pipeline, the Cabazon pipeline extension, finishing the design, dollars already spent, monies already paid for the State Water Project, spreading the water in the Banning Basin, and putting forth a policy of the Council.

Mayor Robinson opened the item for public comments.

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*):

Henri De Roule, resident
Don Smith, resident

Councilmember Hanna said that she agrees with Don Smith that we should get a credit. One of the things that she remembers is that a portion of the fee, 51% would be paid by new development fees that would be paying for a portion of the pipe. We are not going to build that pipe and we cannot afford to build that pipe because we have many other requirements in our water department. It was advised to us several years ago that this was the direction to take and she believes that it may be a future direction for the San Gorgonio Pass Water Agency and when they start charging this development fee we should ask for a credit. So far we have paid \$237,000 of the \$400,000 and she doesn't see any reason personally that we should complete the plans; 80% is fine. We don't know all the facts of where the permanent connection will be but thinks the 80% plans are worth \$400,000 and we should note in the minutes today that we should get a credit from the San Gorgonio Pass Water Agency for the amounts paid to date when they pursue the plans for this and that we should leave it at that. She would rather spend the \$40,000 for other improvements in the city.

Mr. Burk said with all the reimbursements it is around \$300,000 that we have invested.

Mayor Pro Tem Franklin said in going back to the plans being 80% completed; is that enough for grants. Mr. Burk said yes because the difference is whether or not we would do a permanent connection versus a temporary. We have already learned from the Department of Water Resources that we cannot do a temporary connection.

Mayor Pro Tem Franklin said in that case she would go along with what Councilmember Hanna has said but also she would like to see our Council come together with a policy because we do have an Ad Hoc but we need to be able to say that we are speaking on behalf of the whole Council in saying that this is what our policy is and this is what to do. She said that she and Councilmember Botts do sit on that Ad Hoc Committee.

Councilmember Botts said that he does agree with Mayor Pro Tem Franklin on the policy issue and which ever way we go and he would go with the will on the Council on finishing it up or not and staying at 80% but we need to make the statement in our policy that we are not going to pay to build the pipeline 49% or any percent. We expect the San Gorgonio Pass Water Agency, as Councilmember Machisic has said for years, that they built it everybody else so they build the pipeline. That is our policy and he would like it to be included in this motion.

Councilmember Machisic said it wasn't too long ago that the General Manager from the Agency came and spoke to us and one of the things that he wanted us to do was to collect \$1,100 from every new house that is built in Banning whether it is built this year or twenty years from now to pay for the project. He would concur with his fellow Council Members that he is not interested in extending this contract. He thinks that we ought to leave it at this point and he is concerned about getting this water into the Banning Basin. He is not interested in putting more water into the Beaumont Basin because one of the things that we have to face is that the Beaumont-Cherry Valley Water District controls those percolation ponds and if at any time they decide that they want to put more water into those ponds do you know who is going to get left out, us and he is concerned because water is an issue that is not today or tomorrow, it is 15 to 50 years from today when most of us won't be around and it important that we take our stand in what we believe in like Councilmember Botts said and support it with a vote.

Mayor Robinson said that he also agrees on this Cabazon pipeline extension issue as far as the cost to new development. That is so far out that this won't happen in anybody's lifetime that is sitting in this room so he just can't see this at all. It seems like a pipe dream to get it out to Cabazon where we don't have anybody to help pay for it. He is fine with the 80% also.

Councilmember Botts said that he agrees with Councilmember Machisic that we don't want to be held hostage by Beaumont-Cherry Valley Water District but isn't it true that the Pass Water Agency has already bought property and are moving forward with their own percolation ponds. That may be a plus ultimately for us that there are multiple ways to do that. There is a great deal of consternation why they would do that when they could use Beaumont-Cherry Valley percolation ponds but the Pass Water Agency is forging ahead to build their own and is that fair to say.

Mr. Burt said according to this document that he has here it is Item No. 4 that they have actually adopted and bought that land which is about 53 acres so you are accurate there.

Councilmember Machisic asked how much did they pay for that land. Mr. Burk said \$3 million dollars.

Mayor Robinson asked Mr. Burk to go over the options for us if we deny this and just leaving it at the 80% but that is not your recommendation but it appears to be the way we are heading right now as a Council.

Mr. Burk said one reason he wanted to bring this forward to the Council is that in our capital improvement project list we identify this and one may ask in the future whether he is standing

before you or you are sitting there whatever happened to that project and he would like the minutes to reflect that you have a set of plans and he will go back and report to the Pass Water Agency what your outcome was and if they decide that they want to go ahead and absorb all \$82,000 dollars and finish the plans, he will report that back to the Council. And it is the desire that we hold the plans as they are and at a later date someone else decides to pick them up to go back like Councilmember Botts talked about whether or not you have an impasse with Beaumont-Cherry Valley Water District then we could determine at that time that we want to build it ourselves and that would be a choice of that elected body and/or the citizens here at the time. His point is that he does not want to not let everybody know that we have moved forward and spent \$300,000 dollars on plans and wanted to make sure that the Council knew where staff stood and that is what tonight is about.

Councilmember Machisic said he believes that Councilmember Hanna spoke to that issue of the \$300,000 dollars in form of credit in some point in time.

Mr. Burk said he thinks that if the Pass Water Agency comes before you to ask to collect a capacity fee as they have before in September of 2011, you obviously would say that we have a fair share of \$300,000 dollars credit on the books.

Mayor Pro Tem Franklin said for any of the other municipalities as they have built this pipeline have they charged capacity fees to anybody else after they have built it. Mr. Burk said no.

Motion Botts that we take the position that we leave the design at 80% and not authorize this amount and include a policy statement that our expectations is that if the pipeline is ever built that the San Gorgonio Pass Water Agency would in fact build that pipeline and give us the credit we are requesting.

Mayor Pro Tem Franklin asked Councilmember Botts to amend his motion to say that we want them to build it and not if it is ever built. We want them to build it as soon as possible.

Councilmember Botts amended his motion to include what Mayor Pro Tem Franklin said. Motion seconded by Mayor Pro Tem Franklin. Motion carried, all in favor.

Successor Agency Items

Adjourn Joint Meeting of the Banning City Council and the Banning Utility Authority and call to order a meeting of the Banning City Council and the Banning City Council Sitting In Its Capacity as Successor Agency.

CONSENT ITEMS

1. Approval of Minutes – Regular Jt. Meeting – 01/24/12 (Closed Session)

Recommendation: That the minutes of the Regular Jt. Meeting of January 24, 2012 be approved.

2. Approval of Minutes – Regular CRA Meeting – 01/24/12

Recommendation: That the minutes of the Regular CRA Meeting of January 24, 2012 be approved.

3. Resolution No. 2012-03 SA, Authorizing Investment of Monies in the Local Agency Investment Fund.

Recommendation: That the Banning City Council, Acting as Successor Agency to the Community Redevelopment Agency adopt Resolution No. 2012-03 SA.

4. Resolution No. 2012-11, Authorizing Investment of Monies in the Local Agency Investment Fund.

Recommendation: That the City Council adopt Resolution No. 2012-11.

Motion Franklin/Machisic to approved Consent Items 1 through 4. Mayor Robinson opened the item for public comments. There were none. **Motion carried, all in favor.**

Adjourn Meeting of the Banning City Council and the Banning City Council Sitting in Its Capacity of a Successor Agency and reconvene regular City Council Meeting.

PUBLIC HEARINGS

1. Tow Fee Study
(Staff Report – Lieutenant Mike West)

Lt. West gave the staff report stating that before you is a project that they began a number of months ago at the request of the City Manager to analyze our costs associated with the operations that we are involved in when we tow vehicles. Back in 2004 we franchised with three tow companies and we have been operating with those three companies and they have been paying a franchise fee to the City. Some questions came up regarding the mechanism used in back in 2004 as to how our fees were determined so at the request of the City Manager he wanted a new and current fee study done and we contracted with Willdan Financial Services and basically the study was done and we have some new numbers to best reflect our current and actual costs in our tow operations.

Mayor Robinson asked Lt. West to tell us what the numbers were and what the fee study reflects what they should be at this time.

Lt. West said the previous towing costs were at \$87,264.87 per year. What was contracted to the tow companies was to pay a portion of that of \$25,000 each billed bi-annually each year. The new study that Willdan came up with is based on an average of tows that we have and the new fee is \$122,440.00 dollars. That is based on an average number of tows which vary from year to year. They also analyzed at our request our fee that we charge at the window to release vehicles to the public and our current fee is \$77 dollars and the new estimate is \$77.96.

Mayor Pro Tem Franklin said for clarification this is just to recoup the cost of what we are spending and is not for any other purpose.

Lt. West said yes. Actually the Vehicle Code only allows us to recover actual and reasonable costs. We cannot recover more than what it costs us to operate under and that is set out in the Vehicle Code. So when we determine our actual and reasonable costs we have the actual and the reasonable that we have to use averages to base our reasonable costs on.

Councilmember Hanna said so the new estimated annual costs as you mentioned was \$122,440.00 dollars and then that is to be divided by how many franchise there were.

Lt. West said yes. It is also affected by the number of tows that we have. The consultant used an average number of tows per year to base that number but as he mentioned obviously our tows are not a set amount each year. We tow based on need and the general trend has been that tows have been going down the last few years but he used the average of three years to kind of come up with at least a fixed number so we had a number to work with when we begin negotiating with the tow companies on a new fee.

City Attorney said he wanted to add to those comments and said that there are three important points. 1) We are proposing to do this for basically a limited period of time, no more than two years and during that period of time we go through an RFP (request for proposals) process so we regard this as kind of a study and it is setting us up for an interim process here that we would use this study data. Also, we had a meeting today with one of the two operators who did have some concerns with some components of the study and this decline in the number of tows feature was discussed. We intend to provide a contract to the new operators and hopefully all three are willing to proceed and if they are not, we would go forward with which ever of the ones who are willing to proceed and as Councilmember Hanna indicated they would split the amount of the franchise fee. However we will include some language in that contract that allows during the course of the contract that if we find significant deviances from the study, we will be willing to try to work with the tow operators to determine whether there needs to be some adjustment in terms of computation of the fee. That is not really discussed in the staff report. It is something that arose through the conversation today. We would like you to authorize this with a contract in a form approved by the City Attorney and we would get something put together quickly for the operators that do choose to participate in the program.

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*):

Briana Haberman, All American Towing, Banning
Chris Kirk, Statewide Towing & Recovery, Banning
Larry Higgins, representing the three tow companies

Mayor Robinson seeing no one else coming forward closed the public hearing.

Councilmember Hanna said she wonders if we could continue the hearing and staff could consider the information received tonight and see whether there are any adaptations/adjustments to the recommendation that they would consider. There are problems with efficiencies and inefficiencies and billing once a year is a lot more efficient for the City and billing quarterly is going to cost us money. But she would like to see if there is some middle ground.

Councilmember Botts said he would think the middle ground would be to move forward on this. We have already heard from one tow operator that apparently they can live with the numbers but he thinks that he would be very sympathetic. You do pay twice a year and it wouldn't be the \$40,000 but he would certainly be open to perhaps quarterly and he doesn't know if the Council would want to go to per tow but if that would help that it is quarterly rather than \$40,000 up front or even twice a year or go four times a year. This is a tough issue but we have tried to deal fairly with particularly the company that challenged us and raised all of this in the first place and refused to pay and hasn't paid and so we legitimately responded and said maybe we didn't have that proper study. So we set about it and he doesn't think that there is any question about the legitimacy of the study and he thinks legitimacy is we need to get back our cost recover and we can't get back any more than that. He thinks that we need to go forward and set that being sensitive to perhaps paying quarterly and the City Attorney mentioned that if this is a two-year agreement we would come back in six months to a year and perhaps look at the trends. He would be sympathetic to say in six months we look and say have tows started up or are they continuing down and be open and willing to look at some kind of an adjustment going forward.

Mayor Robinson said that he is very concerned about these dollars and we just received information tonight that we haven't seen prior to this minute and time and obviously there had been changes in the economy since this study was requested so he is very concerned that this is a great burden on three companies that serve the city and the citizens of the city. He would be more incline to see if the City Manager could talk to these three two companies and work a little bit more on an equitable deal.

Councilmember Machisic said he knows that the City Manager and the City Attorney met with one of the tow companies and with Larry Higgins and were those things that you mentioned in public here brought up to the City Attorney and City Manager when you talked to them. Mr. Higgins said yes. Councilmember Machisic said knowing some intricacies about the fee is that the individual who picks up the car has to pay a certain portion of the fee. Mayor Robinson said that was a suggestion from the two companies.

Mayor Pro Tem Franklin asked if all three tow companies got a copy of the study.

Lt. West said the issue at hand as you aware is that we were dealing with one particular tow company who requested the legitimacy of our fees and that is why the meeting was restricted to the one company and the other companies were not brought in on this particular aspect because we haven't sat down and negotiated with anyone. We were focusing on recovering outside costs that haven't been paid yet.

Mayor Robinson said that they truly are the ones being affected by the outcome of this study.

Councilmember Hanna said so they had not been sent the fee study and is that accurate. Lt. West said it was posted as a public hearing for the last Council Meeting and then it was continued to this meeting. But again, the focus was mostly on the legitimacy of our fees that were challenged and we presented that document to those that challenged the fees and then we were going to move forward from there.

Motion Botts that the City Council adopt Resolution No. 2012-02, Amending the Towing Franchise Fee and Vehicle Storage Fee in Conformance with Chapter 3.36 "Fee and Service Charge Revenue/Cost Comparison" System and accept the recommendations of the attached "Review of Towing Franchise Fee and Other Associated Fees" final report completed by Willdan Financial Services and amended to include that we direct staff to consider quarterly billing of whatever the fee is and review in six months. Motion died for a lack of a second.

Motion Franklin/Hanna that we continue the public hearing and ask staff to go ahead and try to work on some of the information that has been given and see what we get with that information verifying all the information.

City Attorney said to clarify it is the intent of the motion that the public hearing itself be continued so you would be reopening the hearing and be willing to take additional testimony at that time. There was consensus of the Council.

Councilmember Botts said he has a concern that we need to be a little more specific. He has no idea of what you are asking the City Manager to do.

Mayor Pro Tem Franklin asked that the City Manager take the information that was provided tonight and be able to verify it, as well as, the information that came from Larry Higgins in regards to the number of tows and what happens with those tows and whether or not there is a possibility for the auto owner to be partially charged for any tow that is picked up.

City Attorney we can impose a franchise fee because we are limiting the number of people that have the ability of doing the tow so this is set up as a franchise fee. The billing in terms of setting costs for the person who has come in that is not a franchise fee sort of a process.

Mayor Pro Tem Franklin said that you can delete that part of her request about the possibility for the auto owner to be partially charged for any tow that is picked up.

Councilmember Machisic said he would like to be sure that the other two tow companies have the information that was provided to the one person who objected so that they can see what the study is if they have not received it.

The motion is that we reopen the public hearing and continue it to March 13, 2012 asking the City Manager to take the information that was provided tonight and be able to verify it, as well as, the information that came from Larry Higgins in regards to the number of tows and what happens with those tows. Motion carried, with Councilmember Botts voting no.

Mayor Robinson reopened the public hearing and said that the public hearing is extended out to March 13th and in that time the tow companies will be contacted by the City Manager so please leave your contact information with means and ways of contacting you in writing or by phone with the City Clerk.

2. Resolution No. 2012-10, Approving the Consumer Price Index (CPI) Increase or the Service Charges for the Collection, Transportation and Disposal of Solid Waste.
(Staff Report – Duane Burk, Public Works Director)

Director Burk stated that before you is a recommendation from staff to adopt Resolution No. 2012-10. Back on June 28, 2011 under Resolution No. 2011-53, the agreement was modified and the term with Waste Management was extended for an additional ten years. At that meeting it was identified by our legal team that per Section 18 of the Franchise Agreement we could adjust our rate through the CPI (Consumer Price Index) and we had been doing that previously on an annually basis so I would come before you and adjust it annually. There are two fees and one is the collection fee for Waste Management and the other fee is what we call the “pass-through” fee or what the County charges for per ton waste. So we are talking primarily what is collected on the franchise fee side. We do not have any control on the “pass-through” fee and wanted to clarify that for the record. The laws have changed since the last time we entered into the agreement under the guidance of Prop 218 which was approved by the voters in 1996 and basically it is the duty or responsibility of the City to give notification to all affected property owners and rate payers of the proposed rates and instructions for those who wish to protest the rate increase. We have been working on that since June in trying to get all the language correct because we haven’t done it before. The Tipping fee charge will remain the same at \$34.37 per tenant. We don’t know if they will change the rate here in 2012. The notice was sent out to all rate payers and if the rate is adopted tonight it would go into effect on March 1, 2012 and the increase would be adjusted by 4% per the CPI and the average would go up from \$17.60 per month, per household, to \$17.97 which would be an increase of .37 cents. We would not retro that back to June 28th and it would be from this point forward. The caveat is that because we followed the Prop 218 Notice this would be for a four-year period so by adopting this we can adjust the CPI without notifying the public again every year during that period. Director Burk said that the representative from Waste Management, Steve Glenn is in the audience and it has been a privilege to work with Steve Glenn through this process and he can’t tell you how many events they attend for this City and how many outreach programs they do for the City as it relates to the schools, the classrooms and just all kinds of events for the city so they are a great partner. By record we received 16 protests and for 50% we would have needed about 4,900 protests. Also, the franchisee and this Council because we have managed the rates we are one of the lowest rates at the curb for pickup. One of our most successes that we have is that in 2000 AB 939 was adopted which said the customer of the city had to divert away from its landfill 50% of all waste and that was achieved primarily from the curb side pickup with the outreach that Waste Management and the City afforded to the customer and also the customer participation. He said that AB 341 has been adopted by the State and that diversion rate by 2015/16 would have to go to 75%. So we are going to need everybody’s help on this and it is a tough battle to get to 75%.

Director Burk said that he does want the City Attorney to weigh in on some amendments as it relates to his resolution and tweaking it a little bit in Section 1 of Findings A, we will put the number of protests we received and a majority protest would have been 4,952 and we received 16 protests so that item will be amended. We will also amend Section 4 – Implementation to get it correct.

City Attorney said that we need to make a finding concerning the 16 protest received and at the conclusion, if we get any additional protests, we will add that to the 16. He would also need to clarify a little bit the language in the resolution in regards to the CPI formula. It is in the “Whereas” clauses where it talks about the CPI scale is the Los Angels-Anaheim area and it is 4% this year but it would be adjusted annually for the CPI. It would not require further action on the Council’s part although staff does intend annually to tell you what that number is.

There was some Council and staff discussion in regards to the last time we had increases and with regards to the increases being gradual.

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*):

Inge Schuler, resident
Henri De Roule, resident
Don Smith, resident

Mayor Robinson closed the public hearing on this item.

Motion Hanna/Machisic that the City Council adopt Resolution No. 2012-10, Approving the Consumer Price Index (CPI) Increase for the Service Charges 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 along with the two changes as referred to by the City Attorney.

Mayor Pro Tem Franklin wanted to add that we would then also have a report as to where we are annually regarding the CPI so that the public is aware of where we are and what is happening.

Mr. Burk said yes, staff would be glad to bring that forward.

Motion carried, all in favor.

REPORTS OF OFFICERS

1. New Developments in the Law: AB 23 and New FPPC (Fair Political Practices Commission) Rules In Re to Appointments to Paid Positions.
(Staff Report – David J. Aleshire, City Attorney)

City Attorney said this report has to do with some changes in the law that will apply to us and we actually have already experienced this to some degree on the appointment issue but this is to try to

summarize everything. First of all AB 23 was passed and this really arose out of the occurrences in the City of Bell and the discovery that that particular Council served as members on five different boards and were receiving significant compensation for membership on each of those boards and no one in the community was really aware of that and as a result those Council Members were receiving over \$100,000.00 in salary for their Council membership for a city of about 40,000 population. The legislature in enacting AB 23 basically stated that if you are on multiple boards such as that where basically the membership is the whole City Council but they sit with different hats then to the extent their compensation exceeds limits set by State law at each meeting at the beginning of the meeting where you have joint meetings and so forth you have to recite the compensations being received in addition to whatever the minimum is. So we kind of publicly stated this requirement and wanted to be sure that everyone was aware of it. In the case of the City of Banning we haven't had those announcements since January 1 because Council members are not receiving any compensation in excess of what is permitted by State law. In fact, as he understands it the Council has been receiving \$30 dollars a month to be a member of the Redevelopment Agency per meeting and again with the Redevelopment Agency going away that will be discontinued and as members of the Housing Authority although compensation would be permitted the Council has not been taking any compensation as members of the Housing Authority so you are certainly not exceeding State law so it is not necessary to make this announcement and there aren't any other bodies that you sit on where you receive any compensation and that is why we have not been making that type of announcement.

City Attorney said the second point has to do with some new FPPC (Fair Political Practices Commission) rules concerning how we make appointments and what happens when the Mayor is making an appointment and it needs to be approved by the City Council and the appointment is to a body where you receive compensation. The rules used to be that any type of governmental compensation was not considered income but just by definition and although none of the statutes have changed the FPPC in interpreting all of this has issued a new opinion that says if a Council Member, as a member of a multi-agency body is going to receive compensation, then they have a financial interest and can't participate in the selection process. When we actually made our appointments at the beginning of this year we saw some significant confusion trying to figure out how we were going to make that and just to let you know every other City has been experiencing the same sort of problem which is why we have now put together a memo that sort of explains how the process would go. So actually we've outlined that process in the memo where there would be a nomination concerning the appointment to a position. The person who was going to be nominated would then step aside while the vote occurred so that they would not be voting on it. When we went through this the first time the only thing that we are talking about that would be different from kind of how we handled it the last time is that now upon further reflection our recommendation is that the Councilmember who is up for the appointment needs to actually leave the room just like all of our other conflict of interest situations so they would actually step outside while this process continued. We also talked about how we would deal with a situation with the Mayor appointment and again we have the situation under our rules where the Mayor is supposed to make the nomination. If the Mayor was interested in serving for that office the only way we can figure out how to handle the situation if the Mayor wanted to be eligible for the position the Mayor should hand the meeting over and say that this is possibly something they would be considered for so they are going to leave the room. It is a little odd because under our rules only the Mayor can make that nomination but given the interpretation by the State what we are going to

do is change our rules on making the nomination so that our rule will say that the Mayor should step aside. So we are going to try to fix the way our rules read with respect to that one scenario. If in fact you are okay with this policy, if there was an action to approve the staff report, then we would proceed and make this one change in our appointment process in order to conform with the memo.

Councilmember Hanna said that perhaps you can mention that those appointments outside of the City Council where the City Council receives a stipend such as WRCOG (Western Riverside Council of Governments), Riverside Transit Agency (RTA), Riverside County Transportation Commission (RCTC), Regional Conservation Authority (RCA) and would need to add SCAG (Southern California Association of Governments).

There was Council consensus to this report and to have the City Attorney fix the appointment resolution.

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

City Council

Councilmember Botts –

- He stated that he had a number of calls and some of you in this room experienced another delay on I-10 on Sunday and the Council received Dr. Wolf's humble apology. You know the history of delays on the I-10 freeway with the shooting and the 12 hour closure, accidents with 8 and 10 hour closures and somehow staff (Caltrans) didn't move forward properly or something. He wanted to remind everyone that we have an approved by-pass road and that would be at this point the extension of Westward to Main Street in Cabazon. We have talked about this before but would like to remind everyone that that is moving and he is going to suggest that it may move real fast following Sunday's debacle. But it is being designed and the County is taking the lead on it and the Tribe has agreed on the route and there is funding. Just a reminder it is not going to take the pain away from a whole lot of folks who were backed up 22 miles on Sunday. There is a remedy and trust this will make it move up faster.

Councilmember Machisic –

- RCA (Regional Conservation Authority) has a Journal out that explains some of the projects we are involved in and he has left some of them in the back of the room for the public and he gave each Council Member a copy. If you remember he discussed a program where RCA is trying to get a loan from the federal government so that they can buy land at this time when land prices are very advantageous and they have attached the Bill for the loan to the Transportation Bill in the House but not in the Senate. Senator Feinstein is leading the Senate approach on this and Calvert in the House so we are hoping that they will attach it to the Transportation Bill and we will see some action whenever Washington chooses to take some action.
- In regards to WRCOG there was a presentation in regards to the Ontario Airport and some of you may have been reading about the Ontario Airport and you know that the airport is owned by LAX and LA City and Ontario is trying to gain control of it and there was a presentation by the City Manager of Ontario and he tried to see if he could get the 17 cities to support it and he

has brought a model of a resolution if the Council sees fit to support this and he will give it to the City Manager and this is an item to be brought up on the agenda.

- The HERO (Home Energy Retrofit Opportunity) Program dealing with energy efficiency and water have over \$600,000.00 in applications already applying for \$5 million dollars and they have about \$8 million for the commercial part of this HERO Program. Also, once they had announced this program on the internet they have had over ten thousand hits from 24 states regarding this program. WRCOG is reporting that it is the largest organization of its type in the country. WRCOG also has a General Assembly so mark your calendars for June 21, 2012.

Mayor Pro Tem Franklin –

- Said in regards to what Councilmember Botts said about the problems on I-10 there is a website that people can go on and also an app that you can put on your Smartphone and it is www.ie511.org and it will tell you what the road conditions are and in fact if you are looking at it on your computer you can put you mouse on it where it has the yellow sign and it will tell you what is happening at that position. It will give you real time on what is going on at any freeway you are looking at.
- She attend the SunLine Transit State of Transit Meeting that she attended with Community Services Director Heidi Meraz and the Director for SunLine talked about that they didn't get the money that they had anticipated for the route to Riverside but they are working through a consultant with trying to get a proposed line for people to be able to commute from the Desert to Riverside so that would include us on the way. The keynote speaker was John Cheng, State Controller and some of the points that the made was that there are three issues for fiscal future for the State and one is Europe, the second is political considerations such as our federal debt, and third is the employment and housing crisis and he said with all the measures taken so far to cut debt the State still has a \$10 billion dollar shortfall. He believes the State is leading the country in recovery and unemployment is now at 11.1% down from 15.5% in 2010, California has gone from the 5th largest world economy to the 9th and it mainly because other economies are growing, and the last point made was that consumers are two-thirds of the GDP and we need to balance between saving and spending and people should be aware that saving is an investment. He really didn't talk about redevelopment other than that we have to look at the State first.
- For the San Gorgonio Pass Water Agency she attends their meetings every week and this week they had the Engineering Report and Duane talked a little bit about it. They gave us an update regarding the Fiesta Recharge Facility in Beaumont and that was part of the presentation. Even though Jeff Davis the Director talked about what they wanted to do and she thought it was really important that we do have our policy because it is kind of hard to speak on behalf of the City without being able to say this is what we want as a body. So he did talk about that and one of the issues was how much they have really put into Beaumont that has not really benefitted Banning although they say it is. One of the things that came up was that there are other agencies that are asking for the same amount of water that they are going to get in total so if this one agency in particular got what they wanted, no one else would get anything.
- We also attended a water meeting in Industry and it was on the Bay-Delta Conservation Plan. It is a \$12 billion dollar project to repair the Delta and help bring State water to Central and Southern California. One of the things they talked about was that they took a survey over a three-day period and they talked to about 300 people and 78% of the people had no idea what

they were talking about and so a good portion of the meeting which was about two hours of who is going to pay for this and how are they going to pay for it. This is something they are thinking about putting on the ballot in November.

- She attended the Passcom meeting this morning and said that they heard more acronyms than she has heard in a month of all the different programs that are going on at the County level. One good one was the County Mitigation Plan for Emergencies and Disasters and the county plan which includes us has been submitted to the State and they think it is going to be approved. Another one is a Fast Team and this is for people in the event of a disaster that we have people trained to help those who have access disabilities or learning disabilities and if people are interested in being on this team you can call 951-955-4700 to sign up for the training session which is going to be in April but you do need to have two years of experience in this area. Another group that is forming is in regards to web based information so that whenever there is an incident people are going to be able to go on-line and add the information about the incident in their area and other areas will be able to do the same so that there is always an on-line update regarding incidents that are happening. We also heard that they had a Code Pink at the hospital and staged having a baby abducted and they talked about how well the staff did. So our hospital is working hard to make sure that we are prepared for any kind of emergency.

Councilmember Hanna –

- She said that Patrick has put up the logo for our new charity bike ride in Banning called "Ride the Coach" that will be held on Saturday, June 2nd and this is a first-year event and they expect a minimum of 100 bicyclist or maybe as many as 300 bicyclists and their first priority to get as many people riding as possible. This is all going to be around the Community Center, Repplier Park and include the Nicolet Middle School track. There will be music at the Playhouse Bowl from 9 a.m. to 2 p.m., a Health Expo from 9 a.m. to 2 p.m. and they are getting terrific response from all the medical providers who are interested in being there. Even if you don't have any interest in bicycling, you should come to this event because there will be so much going on. There will be activities for children, crafts and food. Across the street at Nicolet they will have a bike ride for kids and one ride will be for 6 and under, and under kids under 10 and Kohl's Department Store will help organize and volunteer for the kid's bike ride. There will be a 10 mile ride, 25 mile ride, 34 mile ride and a metric century. The metric century is about 62 miles and will take you up to the Bench, Cherry Valley and further around the Pass Area. We are trying to get the school district involved and get cheerleaders. Art Welch went Saturday to our role model which is the Tour de Palm Springs and they had 12,000 riders. This is called a Charity Bike Ride because it is going to benefit charities and because this is a first year we don't know how much money we will make and the funds will go to the Playhouse Bowl. The City Council is very aware that we used to fund the Playhouse Bowl with \$20,000 or more in a year and we have stopped all funding so they have to replace that to be able to continue the same quality of concerts they do every Thursday in August. Next year we hope to expand and perhaps include the Centennial and in subsequent years as it builds include additional charities for it. It will be great fun and if you are interested in being a sponsor it starts at \$50 and we are looking for teams.
- As you know the community has been working on the Centennial planning of our city's 100 year birthday which is in 2013 and they have been working on this for about year and all of our meetings are open to the public and we will have a public meeting on Wed., Feb. 29th at 6

p.m. and the City Council is invited. We want to let people know what we have done so far and what we are in the process of doing and ask for ideas. What are we missing? What haven't we thought of? What else should be a part of that Centennial planning and then to show you where the gaps are. A steering committee is going to steer the process and in order for any of the events to happen we need to find groups, clubs, and organizations that are willing to actually organize these events together.

Mayor Robinson –

- Feb. 21st the Mid-County Courthouse Groundbreaking will be held in the Council Chambers at 10:30 a.m. You can see the area has been fenced off and grading is about ready to begin.
- The Hospital Foundation Dinner was held on Feb. 8th and it was great.
- Pass EDA (Economic Development Association) was the birth of a star with Andy Takata/Andrew Takata.
- On February 3rd he and Councilmember Hanna attended Central Elementary where they became a new "Confucius Institute". There are Confucius Institutes all over the world and some of the local colleges here are a very big part of the Confucius Institute. They came and presented Central Elementary School because of their Dual Emersion Program with a plaque making them a "Confucius Institute" right here in Banning. As you may remember these small kids won a contest writing poetry in Chinese. They brought in dancers, singers and kung fu experts from China to help them with this Institute opening here in our city and also to celebrate the New Year – The Year of the Dragon. It was quite exciting and it was first class entertainment from a lot of people that really put their heart into this project.

City Committee Reports – There were none.

Report by City Attorney – None at this time.

Report by City Manager

- The replacement of the asphalt for Sunset north roughly three miles from Wilson is going to take place in the not to distant future and we will have dates later but there will be three days that the road will be closed so they will have to go up San Gorgonio basically to get to the Bench area. We will make sure that it is on our website and other information will be put out there informing the public and directions.
- Also we completed and will have a notice of completion on the infrastructure for the courthouse, as well as, different other areas of the city.
- Dave Willmon has left being the representative for the League of California Cities Riverside County Division and he has heard this through a person who is applying for the job and this happened suddenly and no one knows why.

ITEMS FOR FUTURE AGENDAS

New Items –

1. Consideration of a resolution in support of the transfer of Ontario International Airport (ONT) back to local control. (*Robinson*)
2. Discussion and passing of a resolution in regards to Healthy Eating-Active Living (HEAL) Cities Campaign (*Franklin*)

There was Council consensus for both of these items. Councilmember Hanna said for the Healthy Eating –Active Living Cities Campaign things like “Ride the Coach” should be considered part of it; just one strategy.

Pending Items – City Council

1. Schedule Meetings with Our State and County Elected Officials
2. Polices & Procedures (fingerprinting) for Applicant re. Projects and Applicants for Commissions & Committees (*Commissions & Committees*)
3. Water Resources Report (*Workshop*) (*April*)

Successor Agency

1. Parking Delineation (Martin to 4th; Livingston to Williams, Nicolet
2. Proposal from Owners of Oddfellows Building - 42 W. Ramsey Street.

ADJOURNMENT

By common consent the regular City Council meeting adjourned at 7:22 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.

Resolution No. 2012-03UA, "Amending the Professional Services Agreement with AECOM for the Design of the Transmission Pipeline to Deliver State Water Project Water to Banning"

- **Background:**
 - On **October 23, 2007** the City Council awarded a Professional Services Agreement to "Design the Transmission Pipeline to Deliver SWP Water to Banning" to Metcalf & Eddy, Inc. (now AECOM) in the amount of **\$249,046.00**.
 - On **June 10, 2008** the City Council approved the First Amendment in the amount of **\$95,215.00** at the request and expense of the SGPWA to upsize the pipeline from 24" to 54".
 - On **March 24, 2009**, City Council approved the Second Amendment in the amount **\$60,000.00** for the downsizing of the transmission pipeline from 54" to 36" in diameter as determined necessary by SGPWA staff.

Resolution No. 2012-03UA, "Amending the Professional Services Agreement with AECOM for the Design of the Transmission Pipeline to Deliver State Water Project Water to Banning"

- **Background (cont.)**
 - Staff requested a proposal from AECOM for the completion of the SWP mainline design including a 24" waterline for Banning and a 36" waterline for SGPWA.
 - On **January 17, 2012**
• AECOM submitted a proposal in the amount of **\$82,460.00**.
• SGPWA will reimburse Banning fifty-percent of the cost "Not to Exceed" **\$50,000.00** as approved by their board on January 17, 2012.

Resolution No. 2012-03UA, "Amending the Professional Services Agreement with AECOM for the Design of the Transmission Pipeline to Deliver State Water Project Water to Banning"

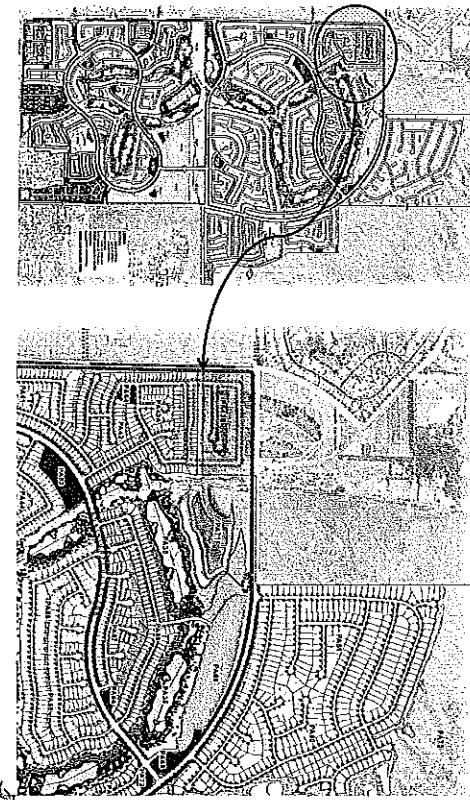
- **Background (cont.)**
 - On **May 16, 2011**, the SGPWA approved the Capacity Fee Nexus Study for The San Gorgonio Pass Water Agency which included the following items (shown in Exhibit "A" of the Staff Report):
 - Facilities and land that SGPWA has determined essential in order to meet their future demands.
 - Estimated costs that will be financed, or partially financed, by the revenue from the facility capacity fee.
 - The alignment for the Banning Extension Pipeline.



- ① Noble Creek Connection for EBX
- ② Banning Pipeline Terminus Point for EBX
- ③ BCCWD Spreading Basins for BMIZ (Currently used by COB to spread State Project Water)
- ④ Future Spreading Basins for SGPWA

Banning Terminus Point for EBX

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Council Options

1. Approve Resolution No. 2012-03UA and finish the design of the State Project Water Pipeline to Banning at shared (50/50) costs with the SGPWA.
2. Not Approve Resolution No. 2012-03UA and accept plans at current design which are at 80% completion.
3. Request SGPWA to complete the plans as described in the Capacity Fee Nexus study shown in Exhibit "A" of the Staff Report and pay the full cost for the completion of the plans.

EXHIBIT "A"

TABLE 5
NEEDS LIST AND ESTIMATE OF COSTS

Facility Name	Cost Estimate	% Allocated to New Development	Cost to New Development
Banning Pipeline Extension	\$2,410,800	51.37%	\$1,238,375
Cabazon Pipeline Extension	\$18,228,000	51.37%	\$9,363,321
Beaumont Basin Recharge Facility	\$3,753,500	100.00%	\$3,753,500
Cabazon Basin Recharge Facility	\$14,347,000	51.37%	\$7,369,737
16 cfs capacity from SBVMWD	\$30,000,000	100.00%	\$30,000,000
Sub Totals	\$68,739,300		\$51,724,932
Land	Cost Estimate	Allocated to New Development	Cost to New Development
Beaumont Basin Recharge Facility	\$3,200,000	100.00%	3,200,000
Cabazon Basin Recharge Facility	\$1,020,000	51.37%	523,951
Sub Totals	\$4,220,000		\$3,723,951
Total Facility and Land Cost	\$72,959,300		\$55,448,884
Administrative fee @ 0.50%			\$277,244
Grand Total			\$55,726,128

125

CITY COUNCIL AGENDA

Date: February 28, 2018
TO: Honorable Mayor and City Council
FROM: Fred Mason, Electric Utility Director
SUBJECT: Notice of Completion for “Project 2011-03EL Lighting Retrofit at City of Banning City Hall”

RECOMMENDATION: The City Council accept the Project 2011-03EL “Lighting Retrofit at City of Banning City Hall” as complete and direct the City Clerk to record the Notice of Completion.

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

BACKGROUND: The City Council awarded the construction contract for said project to Regency Pacific Development Corp, of Beaumont, Ca., at its regular meeting held on June 14, 2011.

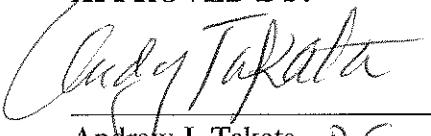
The scope of work for the project included the energy efficiency retrofit of the existing lighting at the City Hall building including any necessary structural work as well as all labor and materials needed for the retrofit, i.e. ballasts, bulbs, clips and repairs as needed, etc.

FISCAL DATA: The original/final contract price for the entire project was \$22,075.00.

RECOMMENDED BY:


Fred Mason
Electric Utility Director

APPROVED BY:


Andrew J. Takata D.S.
City Manager

1 WHEN RECORDED MAIL TO:

2
3 City Clerk's Office
4 City of Banning
5 City Hall, 99 E. Ramsey Street
6 Banning, California 92220

7
8 FREE RECORDING:

9 Exempt Pursuant to
10 Government Code §6103

11
12
13
14 NOTICE OF COMPLETION

15 PROJECT NO. 2011-03EL LIGHTING RETROFIT AT CITY OF BANNING
16 CITY HALL

17
18
19 THIS NOTICE OF COMPLETION IS HEREBY GIVEN by the City of Banning,
20 a municipal corporation, pursuant to the provisions of Section 3093 of the Civil Code of
21 the State of California, and is hereby accepted by the City of Banning pursuant to
22 authority conferred by the City Council this February 28, 2012, and the grantees consent
23 to recordation thereof by its duly authorized agent.

24
25 (1) That the OWNER, the City of Banning and Regency Pacific Development
26 Corp., entered into a written Agreement dated June 28, 2011, for the Lighting Retrofit at
27 City of Banning City Hall. The scope of work for the project included the energy
28 efficiency retrofit of the existing lighting at the City Hall building including any
29 necessary structural work as well as all labor and materials needed for the retrofit, i.e.
30 ballasts, bulbs, clips and repairs as needed, etc.

31
32 (2) That the Work of Improvement was substantially completed on February
33 3, 2012, and the Nature of Interest is in fee simple owner.

34
31

(3) That the City of Banning, a municipal corporation, whose address is Banning City Hall, 99 E. Ramsey Street, Banning, California 92220, is the owner of said Work of Improvement.

(4) That the said Work of Improvement was performed at the City Hall Building, 99 E. Ramsey St., in the City of Banning.

(5) That the original contractor for said improvement was Regency Pacific Development Corp, State Contractor's License No. 555936.

(6) That the corporate surety on the performance and payment bonds is NAS Surety Group.

Dated: February 28, 2012

CITY OF BANNING
A Municipal Corporation

APPROVED AS TO FORM:

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

32

JURAT

State of California
County of Riverside

Subscribed and sworn to (or affirmed) before me on this _____ day of _____, 2012 by _____ proved to me on this basis of satisfactory evidence to be the person(s) who appeared before me.

(See 1)

Notary Public in and for said County
and State

STATE OF CALIFORNIA)

) SS

COUNTY OF RIVERSIDE)

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

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

Executed on _____, 2012 at Banning, California.

City Clerk of the City of Banning

33

CITY COUNCIL AGENDA

DATE: February 28, 2012

TO: Mayor and City Council

FROM: Zai Abu Bakar, Community Development Director

SUBJECT: Planning Commission Appointment

RECOMMENDATION

That the Council adopt Resolution No. 2012-12 appointing Commissioner Kevin Siva as a member of the Planning Commission for an additional four-year term.

JUSTIFICATION

The City Council appointed Mr. Kevin Siva to the Planning Commission on March 25, 2008. His term will expire on March 25, 2012. The Planning Commission serves as the City's planning agency as delegated in the Municipal Code Chapter 2.28 (copy attached). To ensure that there is no vacancy on the Planning Commission prior to the expiration of Commissioner Siva's term; Staff recommends that the City Council appoint a member prior to a seat being vacant.

BACKGROUND

Staff released a solicitation to recruit interested citizens to serve on the Planning Commission to the Record Gazette and Press Enterprise on January 9, 2012. The solicitation was also published on Channel 10 and the City's website. Commissioner Kevin Siva submitted an application to continue his service on the Planning Commission.

There are two options for the City Council to fill the vacant position on the Planning Commission: (1) Appoint Commissioner Siva for an additional four-year term, or (2) Direct staff to continue the recruitment to get additional applications. Staff recommends that the Council appoint Commissioner Siva since he has been a valuable member of the Planning Commission.

FISCAL REVIEW

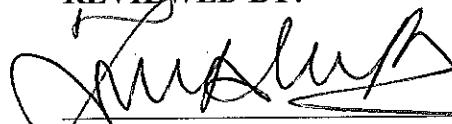
There is no additional fiscal impact for staffing of the Planning Commission since the expenses have been included in the current budget.

APPROVED BY:



Andrew J. Takata *by D.S.*
City Manager

REVIEWED BY:



Zai Abu Bakar
Community Development Director

Attachments:

1. Resolution No. 2012-12
2. Chapter 2.28 of the Banning Municipal Code

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ATTACHMENT 1

Resolution No. 2012-12

RESOLUTION NO. 2012-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPOINTING KEVIN SIVA AS A MEMBER OF THE BANNING PLANNING COMMISSION FOR A FOUR-YEAR TERM

WHEREAS, Banning Municipal Code Section 2.28 directs that the bylaws and ordinances governing the Planning Commission are adopted and amended by the City Council of the City of Banning; and

WHEREAS, the Planning Commission consists of five (5) members and serve for four-year terms, which shall be staggered every two years concurrent with the City elections; and

WHEREAS, the term of Planning Commissioner Kevin Siva expires on March 28, 2012; and

WHEREAS, the appointment of a Planning Commissioner prior to an expiration of term for one of its members will ensure continuity of the Planning Commission as a five-member board so it can conduct the planning agency business as designated by the Municipal Code Chapter 2.28; and

WHEREAS, the solicitation for the recruitment of the Planning Commission was sent to the Record Gazette and Press Enterprise on January 9, 2012 and was published on Channel 10 and the City's website.

WHEREAS, one application was received from Kevin Siva and was reviewed by Staff; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BANNING,
CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

SECTION 1. Kevin Siva is hereby appointed to the Planning Commission for a four-year term.

SECTION 2. The Mayor shall sign this resolution and the City Clerk shall attest thereto.

PASSED, APPROVED, and ADOPTED this 28th day of February, 2012.

Don Robinson, Mayor
City of Banning

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

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

ATTEST:

Marie A. Calderon, City Clerk
City of Banning

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2012-12 was duly adopted by the City Council of the City of Banning at a regular meeting thereof held on the 28th day of February 2012, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

ATTACHMENT 2

Chapter 2.28 of the Banning Municipal Code

Chapter 2.28

PLANNING COMMISSION

Sections:

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

2.28.010 Planning commission—**Membership requirements.**

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

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

2.28.020 Term and vacancies.

A. The planning commission shall consist of five members.

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

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

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

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

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

2.28.030 Compensation.

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

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

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

2.28.040 Rules of procedure.

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

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

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

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

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

2.28.050 Duties and responsibilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.28.060 Conflict of interest requirements.

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

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

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

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

2.28.070 Staff liaison.

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

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

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

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

3. Signing all meeting minutes and resolutions upon approval;

4. Preparing and distributing agendas and agenda packets;

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

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

2.28.080 Meeting times and places:

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

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

2.28.090 Adoption.

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

CITY OF BANNING

DATE: February 28, 2012

TO: Mayor and Members of the City Council

FROM: Bill R. Manis, Economic Development Director

SUBJECT: Request to Consider Adoption of a Resolution Supporting Local Control of Ontario Airport

RECOMMENDATION:

That the City Council:

- (1) Adopt Resolution No 2012-16 of the City Council of the City of Banning, California, supporting the transfer of Ontario International Airport (ONT) to local control.

BACKGROUND/ANALYSIS:

On February 6, 2011, the Western Riverside Council of Governments (WRCOG) Executive Committee adopted Resolution Number 08-12 supporting the transfer of Ontario International Airport (ONT) to local control. WRCOG has requested each City in Riverside County and San Bernardino County to prepare and adopt a resolution supporting the transfer of ONT to local control, Attachment 1.

ONT is currently operated by Los Angeles World Airports (LAWA), a City of Los Angeles Agency, under terms of a Joint Powers Agreement. Over the past four years, ONT has lost over one-third of its passenger traffic, costing the Riverside and San Bernardino Counties' economy \$500 million annually and 9,250 jobs. WRCOG recognizes the importance of a fully-operational and competitive Ontario Airport as a necessary component to the subregion's future economic vitality. Under local control, ONT can more quickly rebound and position itself for long-term market share growth, just as other regional airports under local control in Southern California have achieved over the past decade.

City staff supports this request by WRCOG for ONT and believes our County and subregion will ultimately benefit as a result. If approved City staff will transmit a copy of our adopted Resolution to the following parties:

- Mayor Antonio Villaraigosa
City of Los Angeles, City Hall
- Mayor Paul S. Leon
City of Ontario, City Hall
- Michael P. Huerta
Acting Administrator, Federal Aviation Administration

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FISCAL DATA:

There is no fiscal impact associated with adopting the attached Resolution.

RECOMMENDED BY:

Bill R. Manis

Bill R. Manis
Economic Development Director

REVIEWED BY:

June Overholt

June Overholt
Administrative Services Director/
Deputy City Manager

APPROVED BY:

Andy T. Kata

Andy Takata by D.S.
City Manager

Attachment:

1. Resolution 2012-16

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ATTACHMENT 1.
RESOLUTION 2012-16

RESOLUTION NUMBER 2012-16

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING,
CALIFORNIA, SUPPORTING THE TRANSFER OF ONTARIO
INTERNATIONAL AIRPORT (ONT) TO LOCAL CONTROL**

WHEREAS, local control of airports in Southern California has been shown to be conducive to development of successful regional airports because the airport sponsor has a vested interest in ensuring that the airport and the local community can best benefit from the economic opportunities provided by the airport and local business; and

WHEREAS, local control of ONT will help ensure that all of Southern California will have sufficient airport capacity to meet the long-term demand for air travel in the region; and

WHEREAS, on September 2, 2010, the Southern California Association of Governments (SCAG) Regional Council enacted a resolution recommending the transfer of ONT to local control as being in the best interests of Los Angeles and the Southern California region. SCAG further stated that under local control, ONT can recover from the economic downturn of the past several years while positioning itself for long-term growth, consistent with the reorganization of air traffic contemplated in SCAG's Regional Transportation Plan; and

WHEREAS, on November 29, 2010, the Alliance for a Regional Solution to Airport Congestion (ARSAC) urged the Los Angeles Board of Airport Commissioners to transfer ONT airport management decisions to the local Ontario area in pursuit of a regional airport system that can better address ONT patronage decline and regional service demands; and

WHEREAS, on January 7, 2011, the Los Angeles Economic Development Corporation called on Los Angeles World Airports (LAWA) to shift control of ONT – as well as the responsibility and risk that comes with that control – to another entity so LAWA can focus more of its energy on modernizing Los Angeles International Airport; and

WHEREAS, after transfer to local control, ONT can operate on the same basis as airports in Burbank, Orange County, Long Beach and Palm Springs – as low-cost secondary airports under local control; and

WHEREAS, the City of Banning recognizes the importance of a fully-operational and competitive Ontario Airport as a necessary component to the sub-region's future economic vitality.

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

SECTION 1. The City of Banning hereby supports the transfer of ONT to local control in furtherance of airport regionalization and the region's economy.

SECTION 2. The City of Banning requests the Cities of Los Angeles and Ontario commit the necessary resources and effort to affect the transfer of ONT to local control at the earliest possible date.

SECTION 3. The City of Banning shall communicate this action of the Banning City Council to the Mayors of Los Angeles and Ontario, and to the Acting Administrator of the Federal Aviation Administration.

PASSED, APPROVED, AND ADOPTED this 28th day of February, 2012

Don Robinson, Mayor
City of Banning

ATTEST:

Marie A. Calderon, City Clerk

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

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

CERTIFICATION:

I, MARIE A. CALDERON, City Clerk of the City of Banning, California, hereby certify that Resolution No. 2012-08 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 24th day of January 2012, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

**CITY COUNCIL OF THE CITY OF BANNING,
ACTING IN ITS CAPACITY AS THE SUCCESSOR AGENCY**

DATE: **February 28, 2012**

TO: **Mayor and Members of the City Council/Successor Agency**

FROM: **Bill R. Manis, Economic Development Director**

SUBJECT: **Approval of an amended “Enforceable Obligation Payment Schedule” (EOPS) and
an amended Draft “Recognized Obligation Payment Schedule” (DROPS)
Resolution**

RECOMMENDATION:

That the Successor Agency:

- (1) Adopt Resolution No. 2012-04 SA of the City Council of the City of Banning acting in its capacity as Successor Agency to the Community Redevelopment Agency of the City of Banning, California, approving and adopting the amended EOPS and the amended DROPS and approving certain related actions.

BACKGROUND/DISCUSSION:

As a result of Assembly Bill X1 26 (Blumenfield) (“AB 26”), which was signed by the Governor on June 28, 2011 and confirmed by the Supreme Court (*California Redevelopment Association, et al. v. Matosantos, et al.* (Case No. S194861)) on December 29, 2011, all California redevelopment agencies were effectively dissolved on February 1, 2012 and successor entities became responsible for winding down the affairs of the former redevelopment agencies. Consistent with the provisions of AB 26, on January 24, 2012, the City Council adopted Resolution No. 2012-02 SA confirming the City Council’s election to serve in the capacity of the Successor Agency to the Community Redevelopment Agency of the City of Banning (the “Successor Agency”) and authorizing the City Manager to undertake all administrative actions necessary to comply with AB26. Therefore, the Successor Agency is now responsible for winding down the affairs of the former Community Redevelopment Agency of the City of Banning consistent with the applicable provisions of the California Health and Safety Code.

Per Health and Safety Code § 34177, successor agencies are required to do all of the following:

1. Continue to make payments due for enforceable obligations;
2. Maintain reserves in the amount required by indentures, trust indentures, or similar documents governing the issuance of outstanding redevelopment agency bonds;
3. Perform obligations required pursuant to any enforceable obligation;
4. Remit unencumbered balances of redevelopment agency funds to the county auditor-controller for distribution to the taxing entities;

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5. Dispose of assets and properties of the former redevelopment agency as directed by the oversight board;
6. Enforce all former redevelopment agency rights for the benefit of the taxing entities, including, but not limited to, continuing to collect loans, rents, and other revenues that were due to the redevelopment agency;
7. Effectuate transfer of housing functions and assets to the appropriate entity designated pursuant to Health and Safety Code § 34176;
8. Expeditiously wind down the affairs of the redevelopment agency pursuant to the provisions of Part 1.85 of the Health and Safety Code and in accordance with the direction of the oversight board;
9. Continue to oversee development of properties until the contracted work has been completed or the contractual obligations of the former redevelopment agency can be transferred to other parties;
10. Prepare a proposed administrative budget and submit it to the oversight board for its approval; and
11. Provide administrative cost estimates, from its approved administrative budget that are to be paid from property tax revenues deposited in the Redevelopment Property Tax Trust Fund, to the county auditor-controller for each six-month fiscal period.

As noted above, the Successor Agency's first enumerated responsibility is to continue to make payments due for enforceable obligations. On or after February 1, 2012, and until a Recognized Obligation Payment Schedule ("ROPS") becomes operative, only payments required pursuant to an Enforceable Obligations Payment Schedule ("EOPS") shall be made. Until the adoption of its own EOPS, the Successor Agency's initial EOPS shall be the last version adopted by the former Community Redevelopment Agency of the City of Banning.

Pursuant to Health and Safety Code § 34177, on January 24, 2012 the Successor Agency adopted its initial EOPS and Draft ROPS. The EOPS may be amended at any public meeting. The Draft ROPS shall be subject to the approval of the Oversight Board as soon as that Board has sufficient members to form a quorum. It is anticipated that the Oversight Board will be seated during April 2012.

The draft ROPS is subject to review and certification, as to its accuracy, by an external auditor designated by the County Auditor-Controller pursuant to Health and Safety Code § 34182. Once the ROPS has been certified by the external auditor, it will be submitted to the Oversight Board for approval. The auditor-certified and Oversight Board-approved ROPS shall then be submitted to the State Controller's Office ("SCO") and the Department of Finance ("DOF") by April 15, 2012, and shall cover the period of May 1, 2012 to June 30, 2012. As of the date of this report, it is not known if the County Auditor-Controller or the Oversight Board will be able to meet the foregoing deadlines. If either entity experiences delays, the ROPS will nevertheless be submitted to the SCO and the DOF by the April 15, 2012, deadline with an explanation regarding when the missing auditor certification and/or Oversight Board approval may be forthcoming.

City staff has prepared Resolution 2012-04 SA (Attachment 1), the amended EOPS (Exhibit A), and the amended DROPS (Exhibit B) pursuant to California State Legislation AB 26.

FISCAL DATA:

Approval of the amended EOPS will ensure that the Successor Agency has the authority to continue to pay its enforceable obligations until the amended ROPS becomes operative. The recommended action does not, in itself, cause any new financial obligations.

RECOMMENDED BY:

Bill R. Manis
Bill R. Manis
Economic Development Director

APPROVED BY:

Andy Takata
Andy Takata,
City Manager
by D.S.

REVIEWED BY:

June Overholt
June Overholt
Deputy City Manager/
Administrative Services Director

Attachments:

1. Resolution 2012-04 SA

Exhibits to Attachment:

- A. Amended EOPS
- B. Amended Draft ROPS

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ATTACHMENT 1.
RESOLUTION 2012-04 SA

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RESOLUTION NO. 2102-04 SA

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING ACTING IN ITS CAPACITY AS SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING, CALIFORNIA, APPROVING, AND ADOPTING ITS AMENDED ENFORCEABLE OBLIGATION PAYMENT SCHEDULE (EOPS) AND AMENDED DRAFT RECOGNIZED OBLIGATION PAYMENT SCHEDULE AND APPROVING CERTAIN RELATED ACTIONS

The City of Banning, Acting as Successor Agency to the Former Redevelopment Agency of the City of Banning DOES RESOLVE as follows:

WHEREAS, as a result of Assembly Bill X1 26 (Blumenfield) (“AB 26”), which was signed by the Governor on June 28, 2011 and confirmed by the Supreme Court (*California Redevelopment Association, et al. v. Matosantos, et al.* (Case No. S194861)) on December 29, 2011, all California redevelopment agencies were dissolved as of February 1, 2012 and successor entities became responsible for winding down the affairs of the former redevelopment agencies; and

WHEREAS, the Successor Agency is now responsible for winding down the affairs of the former Community Redevelopment Agency of the City of Banning consistent with the applicable provisions of the California Health and Safety Code; and

WHEREAS, on January 24, 2012, the City Council of the City of Banning in its capacity as the Successor Agency to the Community Redevelopment Agency of the City of Banning adopted Resolution No. 2012-01 SA receiving and adopting its Enforceable Obligation Payment Schedule and its Preliminary Draft Recognized Obligation Schedule; and

WHEREAS, among other things, Health and Safety Code § 34177 requires successor agencies to continue to make payments due for enforceable obligations; and

WHEREAS, on or after February 1, 2012, and until a Recognized Obligation Payment Schedule (“ROPS”) becomes operative, only payments required pursuant to an Enforceable Obligations Payment Schedule (“EOPS”) shall be made; and

WHEREAS, per Health and Safety Code § 34177 the Successor Agency may amend the EOPS at any public meeting; and

WHEREAS, per Health and Safety Code § 34177, the Successor Agency must prepare its draft ROPS by March 1, 2012 to cover the period of February 1 through July 1, 2012; and

WHEREAS, the draft ROPS is subject to review and certification, as to its accuracy, by an external auditor designated by the County Auditor-Controller pursuant to Health and Safety Code § 34182 and must subsequently be submitted to the Oversight Board for approval; and

WHEREAS, the auditor-certified and Oversight Board-approved ROPS shall then be submitted to the State Controller's Office and the Department of Finance by April 15, 2012 and shall cover the period of May 1, 2012, to June 30, 2012; and

WHEREAS, an amended EOPS is attached to this Resolution as Exhibit "A" and an amended draft ROPS is attached to this Resolution as Exhibit "B"; and

WHEREAS, this Resolution has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, §§ 15000 *et seq.*, hereafter the "Guidelines"), and the City's environmental guidelines; and

WHEREAS, this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines § 15378, because this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per § 15378(b)(5) of the Guidelines; and

WHEREAS, all of the prerequisites with respect to the approval of this Resolution have been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning, acting in its capacity as the Successor Agency to the Community Redevelopment Agency of the City of Banning, as follows:

SECTION 1. The foregoing recitals are true and correct and are a substantive part of this Resolution.

SECTION 2. The adoption of this Resolution is not intended to and shall not constitute a waiver by the City of any rights the City may have to challenge the effectiveness and/or legality of all or any portion of AB 1X 26 through administrative or judicial proceedings.

SECTION 3. The Successor Agency's amended EOPS, which is attached hereto as Exhibit "A", is approved and adopted.

SECTION 4. The Successor Agency's amended draft ROPS, which is attached hereto as Exhibit "B", is approved and adopted.

SECTION 5. The City Manager, or designee, is hereby authorized and directed to: i) post the amended EOPS on the City's website; ii) notify the County Auditor-Controller, the State Controller and the State Department of Finance concerning this Resolution, in accordance with the applicable provisions of the Health and Safety Code; and iii) take such other actions and execute such other documents as are necessary to effectuate the intent of this Resolution, to implement the amended EOPS and the amended draft ROPS on behalf of the Successor Agency, including making such payments.

SECTION 6. This Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines § 15378, because this Resolution is an organizational or administrative activity that

will not result in a direct or indirect physical change in the environment, per § 15378(b)(5) of the Guidelines.

SECTION 7. This Resolution shall take effect upon the date of its adoption.

PASSED, APPROVED, AND ADOPTED at a joint meeting of the City Council of the City of Banning, acting at its capacity as the Successor Agency, this 28th day of February 2012.

Don R. Robinson, Mayor
City of Banning – Successor Agency

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

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

ATTEST:

Marie Calderon, City Clerk

CERTIFICATION:

I, MARIE CALDERON, City Clerk of the City of Banning, seating as the Successor Agency, California, do hereby certify that Resolution No. 2012-04 SA was adopted by the City of Banning, seating as the Successor Agency, of the City of Banning at a regular meeting held on the 28th day of February, 2012, and that the same was adopted by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Marie Calderon, City Clerk
City of Banning

EXHIBIT A.
AMENDED EOPS

ENFORCEABLE OBLIGATION PAYMENT SCHEDULE
Per AB 26 - Section 34167 and 34169 (c)

Downtown (DT), Midway (MW), Added Area No. 4 (AA)

Downtown (DT), Midway (MW), Added Area No. 4 (AA)

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* Commencing February 1, 2011
** Per AB X1 26, as amended

ENFORCEABLE OBLIGATION PAYMENT SCHEDULE
Per AB 26 - Section 34167 and 34169 (c)

Per AB 26 - Section 34167 and 34169 (*)

*² Bar AB Y1 26 no command

∴ Per AB & 1 26, as affixed
to the documents.

*** Amounts to be determined.

EXHIBIT B.
AMENDED DRAFT ROPS

RECOGNIZED OBLIGATION PAYMENT SCHEDULE Per AB 26 - Section 34169(h)*

OBLIGATION PAYMENT
Per AB 26 - Section 34169(h)*

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**CITY COUNCIL AGENDA
PUBLIC HEARING**

DATE: February 28, 2012

TO: City Council

FROM: Heidi Meraz, Community Services Director

SUBJECT: **Resolution No. 2012-15 A Resolution of the City Council of the City of Banning Authorizing an Adjustment in the Banning Municipal Transit System Fixed Route and Dial-A-Ride Fare Structure**

RECOMMENDATION: "That the City Council adopt Resolution 2012-15, A Resolution of the City Council of the City of Banning Authorizing an Adjustment in the Banning Municipal Transit System Fixed Route and Dial-A-Ride Fare Structure

JUSTIFICATION: Section 992668.4 of the Public Utilities Code (PUC) requires that rural transit operators maintain a farebox recovery ratio of 10% of the transit system's annual operating costs. If the Banning Municipal Transit System fare structure is not adjusted, the transit system will not be able to maintain compliance with the PUC farebox requirement.

BACKGROUND: The Transportation Development Act (TDA) requires that transit operators comply with farebox ratio requirements. In urban areas the requirement is 20%; in rural areas it is 10%. The balance of the funding for the transit system is TDA grant money that is allocated through Riverside County Transportation Commission (RCTC). If the City does not meet its required farebox ratio, it may become ineligible for future TDA allocations. The loss of TDA funding would adversely impact the City's ability to provide transit services to its residents.

Fares were last adjusted in 2009, with a phased approach to an overall increase of approximately 30%. The proposed fare increases for the fixed-route have a maximum increase of 17.5% to any given category, with the most used, General Passenger, being raised 15%. The increase to Dial-A-Ride fares is higher, with an increase of 48%. The proposed fare adjustment, as detailed on Exhibit A to Resolution 2012-15, would be effective April 2, 2012.

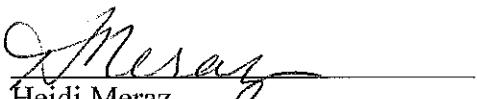
As you are aware, the cities of Banning and Beaumont currently operate in the Pass area under the name of Pass Transit. Although separate transit entities, the desire is to maintain a consistent fee structure between both transit operators. As such, the City of Beaumont will also be considering the same fare adjustments during a public hearing on February 21, 2012.

This public hearing was advertised as required. In addition, announcements were posted on the buses.

FISCAL DATA: It is difficult to project revenue increases based on the recommended fare adjustments in as much as the ultimate revenue generation is based upon ridership, which typically declines after a fare increase. Staff will continue to monitor revenue, expenses and ridership as required for continued TDA compliance.

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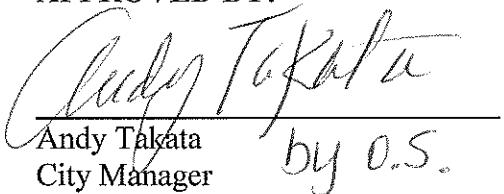
RECOMMENDED BY:


Heidi Meraz
Community Services Director

REVIEWED BY:


June Overholt
Administrative Services Director/
Deputy City Manager

APPROVED BY:


Andy Takata
City Manager
by O.S.

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RESOLUTION NO. 2012-15

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA,
AUTHORIZING AN ADJUSTMENT IN THE BANNING MUNICIPAL TRANSIT
SYSTEM FIXED ROUTE AND DIAL-A-RIDE FARE STRUCTURE**

WHEREAS, Section 99268.4 of the Public Utilities Code requires that a rural transit operator in the State of California maintain a farebox recovery ratio of no less than 10% of its annual operation; and

WHEREAS, the Banning Municipal Transit operates in a rural area and is subject to the 10% farebox recovery ratio requirement; and

WHEREAS, periodic adjustments to fares are necessary to offset increased operating costs; and

WHEREAS, the cities of Banning and Beaumont both operate public transit services in the Pass area under the name of Pass Transit the directors of both cities have met and agreed on the proposed fare adjustments.

NOW, THEREFORE, BE IT RESOLVED, THE CITY COUNCIL OF THE CITY OF BANNING APPROVES AS FOLLOWS:

SECTION 1. The transit fare structure as specified in Exhibit "A" is hereby adopted.

SECTION 2. The adopted fare structure shall take effect on April 2, 1012

PASSED, APPROVED, AND ADOPTED this 28th day of February, 2012

Don Robinson, Mayor
City of Banning

ATTEST:

Marie A. Calderon, City Clerk
City of Banning

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

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

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2012-15, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 28th day of February, 2012 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

EXHIBIT A

	Current Fare	Proposed Fare
Fixed Route		
General Passengers	\$1.00	\$1.35
Senior/Disabled	\$0.60	\$0.65
Youth (17 & Under)	\$0.85	\$1.00
Child (46"tall or under)	First two free with paying adult, additional children pay general fare	\$0.25
Zone	\$0.25	\$0.25
Ticket Books - 10rides/one free		
General Passengers	\$9.00	\$10.35
Senior/Disabled	\$5.40	\$5.85
Passes		
Day		
Pass	\$3.00	\$3.00
Day Pass Seniors/Disabled	\$1.80	\$1.80
Monthly - General	\$34.00	\$36.00
Monthly- Senior Disabled	\$20.50	\$21.50
Monthly - Youth	Not currently offered	\$25.00
Dial-A-Ride		
One-Way Fare	\$1.35	\$2.00
Attendant Fare	\$1.70	\$3.00
No-		
Show	\$1.35	\$2.00
10ride tickets/one free	\$12.15	\$18.00

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**CITY COUNCIL AGENDA
REPORT OF OFFICERS**

Date: February 28, 2012

TO: City Council

FROM: Leonard Purvis, Chief of Police

SUBJECT: \$25,000 reward for information leading to the arrest and conviction of suspect(s) involved in the triple homicide that took place in the City of Banning on September 6, 2011.

RECOMMENDATION: "The City Council approve the police department's request for the City of Banning to offer a \$25,000 reward for information leading to the arrest and conviction of the suspect(s) responsible for the triple homicide that took place in the City of Banning on September 6, 2011."

JUSTIFICATION & BACKGROUND: On September 6, 2011, a triple homicide took place inside a residence located in 100 block of N. Phillips Street in the City of Banning. Since that time, Banning Police Department Investigators have followed up on over one hundred leads on the case. Unfortunately, none of the information has led to the arrest of the suspect(s) responsible for the homicides.

Banning Police Department Investigators believe there are individuals in the community that may have information needed to break the case and believe a reward will provide enough incentive for this person, or individuals, to come forward. The reward would be payable upon the successful arrest and conviction of the suspect(s) responsible for the homicides.

FISCAL DATA: Potential Police Department budget savings will be designated in fund balance reserves for this purpose.

RECOMMENDED BY:


Leonard Purvis
Chief of Police

REVIEWED BY:


June Overholt
Administrative Services Director

APPROVED BY:


Andrew Takata
City Manager
D.S.

15

**JOINT MEETING AGENDA
REPORTS OF OFFICERS**

Date: **February 28th, 2012**

TO: **City Council and Successor Agency Board**

FROM: **June Overholt, Administrative Services Director**

SUBJECT: **Auditor's Reports for Fiscal Year 2010-2011**

RECOMMENDATION: "The City Council and Agency Board accept and place on file the auditor's reports from Lance, Soll & Lunghard, LLP for the fiscal year ended June 30, 2011."

JUSTIFICATION: The annual audit of the City's and Redevelopment Agency's financial statements and annual compliance audit of the Agency by an independent audit firm satisfies the legal requirement for such a periodic review and report.

BACKGROUND/ANALYSIS: The audit firm of Lance, Soll & Lunghard, LLP has issued an unqualified opinion on the financial statements for the fiscal year ended June 30, 2011. This means that their examination, testing and review process lead them to believe that the financial statements present fairly both the financial position of the City and the Agency as of June 30, 2011 and the results for the City's and Agency's operations for that year.

The auditors issued a compliance letter regarding internal controls of the City. During their audit they noted several areas needing improvement. A copy of the compliance letter is included with the audit report. All of the areas mentioned by the auditors will be addressed as part of the processes during the next audit cycle. Limited staffing was a factor in achieving some of the requirements.

State law requires that redevelopment agencies undergo a two-part audit; a financial audit and an audit of Agency compliance. In the audit of Agency compliance the auditors issued an unqualified opinion on the compliance of the Agency with State laws, regulations and administrative requirements governing the activities of redevelopment agencies for the same fiscal year. The notes to the financial statements include comments regarding the problems created by AB_1x_26 and AB_1x_27. Based on the court ruling to implement AB_1x_26, this will likely be the last Redevelopment Agency report.

The third report prepared by Lance, Soll & Lunghard, LLP is the single audit report. This is a compliance audit on federal awards received and is required when the expenditure of federal funds exceeds \$500,000 in any given fiscal year. The single audit has a completion deadline of March 31st. The reports are on file at the City Clerk's office and will be posted to the City website after the City Council meeting, the following business day.

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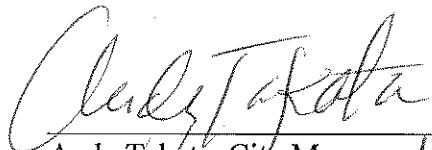
FISCAL DATA: None

RECOMMENDED BY:



June Overholt, Administrative Services
Director/Deputy City Manager

APPROVED BY:



Andy Takata, City Manager *by O.S.*

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