

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

March 13, 2012  
**5:00 p.m.**

Banning Civic Center  
Council Chambers

*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 George Rosemier, Banning United Methodist Church
- 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.

**PRESENTATIONS:**

1.	Proclamation presentation to Mandy Stephens – Becoming A Naturalized United States Citizen . . . . .	1
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*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.*

2. San Gorgonio Memorial Hospital Update – Mark Turner, CEO *(ORAL)*
3. Banning Chamber of Commerce Update on Contract and Golf Tournament *(ORAL)*

#### **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 7**

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

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

1.	Approval of Minutes – Regular Meeting – 02/28/12. ....	2
2.	Right of Way Dedication Acceptance – Parcel No. 540-130-021, also known as 1481 W. Ramsey Street. ....	18
3.	Resolution No. 2012-17, Authorize the purchase of three (3) 2012 Chevrolet Caprice PPV sedans from Diamond Hills Auto Group in the amount of \$28,000 each, \$84,000 total, and the purchase of four (4) 2011 Ford Crown Victoria Police Interceptor sedans from Wondries Fleet Group in the amount of \$24,793 each, or \$99,172 total. ....	22
4.	Resolution No. 2012-18, Appropriating Funds for the Public Benefit Programs. ....	26
5.	Resolution No. 2012-20, Supporting New Mexico's Proposed State Implementation Plan Regarding Regional Haze Standards. ....	31
6.	Resolution No. 2012-22, Awarding the Construction Contract for Project No. 2012-01, UST and Hydraulic Lift Removal at 150, 220 and 280 E. Ramsey Street to Warren Duncan Contracting of San Bernardino, CA for an amount of \$35,000.00 and allowing a 15% construction contingency. ....	36
7.	Resolution No. 2012-23, Accepting Project No. 2011-02, Street and Electrical Improvements on Ramsey Street, Martin Street and Williams Street as Complete. ....	44

- Open for Public Comments
- Make Motion

#### **V. ORDINANCES - INTRODUCTION**

1.	Ordinance No. 1449, Re-establishing and Declaring Prima Facie Speed Limits Within Specified Speed Zones throughout the City of Banning to include Speed Zones 28, 37 and 46.	
	Staff Report. ....	51

Recommendation: That the City Council adopt Ordinance No. 1449, Re-establishing and Declaring Prima Facie Speed Limits within Specified Speed Zones throughout the City of Banning to include Speed Zones 28, 37 and 46, amending Ordinance No. 1443.

**Mayor asks the City Clerk to read the title of Ordinance No. 1449:**

*"An Ordinance of the City of Banning, California, Re-establishing and Declaring Prima Facie Speed Limits Within Specified Speed Zones Throughout the City of Banning to Include Speed Zones 28, 37 and 46."*

**Motion: I move to waive further reading of Ordinance No. 1449.**

(Requires a majority vote of Council)

**Motion: I move that Ordinance No. 1449 pass its first reading.**

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

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

**VII. ITEMS FOR FUTURE AGENDAS**

New Items –

Pending Items – City Council

1. Schedule Meetings with Our State and County Elected Officials
2. 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 4<sup>th</sup>; Livingston to Williams, Nicolet
2. Proposal from Owners of Oddfellows Building - 42 W. Ramsey Street.

**VIII. ADJOURNMENT**

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

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

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

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



## PROCLAMATION

*WHEREAS, "Mandy" Stephens was born Mandeep Khangura on May 11<sup>th</sup> 1980 in Birmingham England, the first child of Jit Kaur and Jasvinder Singh; and*

*WHEREAS, Mandy journeyed to Los Angeles, California in the summer of 2001 on a Work Visa to gain career experience through an internship program offered by the University of Manchester; and.*

*WHEREAS, during her time at various studios and post production houses in LA she met an instructor and future husband at Oasis TV in Beverly Hills; and*

*WHEREAS, during her time there, she gained knowledge of shooting and editing techniques in addition to enjoying her free time around the greater Los Angeles area; and*

*WHEREAS, after being engaged for 15 Months, on May 17th of 2003, Mandy Stephens moved to Chino, California on a Fiancé Visa to marry Patrick Stephens on July 8th; and*

*WHEREAS, she became a permanent resident in 2004 and after being eligible for Naturalization for 3 years, Mandy applied in October of 2011 with the U.S. Citizen & Immigration Services; and*

*WHEREAS, Mandy took the Oath to become a Naturalized United States Citizen on February 22, 2012 in Los Angeles, California with over 5000 other applicants.*

**NOW THEREFORE, I, Don Robinson, Mayor of the City of Banning, along with the City Council, do hereby express our sincere congratulations to Mandy Stephens on becoming "A Naturalized United States Citizen," exercising her right to vote & defending the Constitution of the United States**

**ATTEST:**

Marie A. Calderon, City Clerk

Don Robinson, Mayor

*IN WITNESS WHEREOF, I have set my hand and caused the seal of the City of Banning, California to be affixed this 13<sup>th</sup> day of March, 2012.*

MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

02/28/12  
REGULAR MEETING

A regular meeting of the Banning 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 was called to order by Mayor Robinson on February 28, 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: June Overholt, Deputy City Manager  
David J. Aleshire, City Attorney  
Zai Abu Bakar, Community Development Director  
Duane Burk, Public Works Director  
Leonard Purvis, Police Chief  
Heidi Meraz, Community Services Director  
Bill Manis, Economic Development/Redevelopment Director  
Fred Mason, Electric Utility Director  
John McQuown, City Treasurer  
Michelle Green, Deputy Finance Director  
Marie A. Calderon, City Clerk

The invocation was given by Pastor Jerry Westholder, Highland Springs Fellowship. Mayor Robinson invited the audience to join him in the Pledge of Allegiance to the Flag.

REPORT ON CLOSED SESSION – There was no closed session.

#### **PUBLIC COMMENTS/CORRESPONDENCE/PRESENTATIONS**

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

Deborah Dukes, spoke on behalf of the Banning Cultural Alliance thanking the Council for coming out to their 4<sup>th</sup> Annual Black Heritage Celebration that was held on Saturday. It was very inspirational, very moving and a big diverse crowd of people attended as they honored three individuals for their contributions to the community. The theme for the day was "Past, Present and Future" and those honored were Rev. T. L. Thomas for his past contributions to community, Dr. Lynne Kennedy for her present contributions as our leader of the school

district and Jamaal Williams who is a role model and future leader of the community. She thanked the community for coming out to see the PAPA's play "And Then There Was None" and thanked everyone for their support of the Cultural Alliance.

Siobhan Lopez, Chairperson of the San Gorgonio Relay for Life addressed the Council introducing her Co-Chairperson Mayda Cox. She said that the San Gorgonio Pass Relay for Life is a 24-hour event in which we celebrate life by honoring cancer survivors and their caregivers, remembering those lost to cancer and fight back against the disease through programs, services and legislation. She thanked the Mayor and Council Members for their past support of one of the most successful events that has taken place in the San Gorgonio Pass for the last eight years. Your San Gorgonio Pass Relay for Life has raised in excess of \$1 million dollars for the American Cancer Society to support cancer research, education, advocacy and patient services throughout the San Gorgonio community. This year's goal is to have over 50 relay teams of families, businesses and service clubs representing the Pass communities and reaching a goal of \$105,000 and with the Council's help they know they will be able to accomplish these goals. They asked for the City's support for the Relay for Life by having the Mayor speak at this year's event, issuing a proclamation for the May 12-13, 2012 Relay for Life weekend and presenting the proclamation the morning of opening ceremonies on May 12<sup>th</sup> at 9:00 a.m. at the Beaumont Sports Park. They would like to see participation from the City of Banning by having a team at the event and the City's support by painting the town purple taking place on April 23<sup>rd</sup> through 28<sup>th</sup> through advertising this year's event in the city hall, street signage and in our local businesses as well.

CORRESPONDENCE: There was none.

ANNOUNCEMENTS

1. Promotion of Jason Smith to Powerline Crew Supervisor

Deputy City Manager Overholt said that one of the things that City Manager Takata likes to do is to celebrate our employees those who have made an effort to be promoted, as well as, those who are new to the City so that the Council and the public can meet them. Tonight we have the honor of celebrating Jason Smith who has been promoted to Powerline Crew Supervisor. He is a graduate of Banning High School and was a star quarterback. He attended Mt. San Jacinto College where he was also a star quarterback. He enlisted in the Army where he served for several years and was deployed to Bosnia from September 1997 through 1998. He began his employment with the City in January 2001 and became a Journeyman Lineman in 2004 and served with IBEW (International Brotherhood of Electrical Workers) as a Shop Steward between 2006 and 2009. He is currently finishing his Bachelor of Science Degree in Business Administration from the University of Redlands. He is planning on finishing an Associates Degree in Physical Education from Mt. San Jacinto College and is also planning on competing in a triathlon within the next three years. He is also the proud father of three children.

PRESENTATIONS:

2. Presentation by the Fair Housing Council of Riverside County, Inc.

Sheena Wright and Ramona Wells, Foreclosure Counselors with the Fair Housing Council of Riverside County addressed the Council. Ms. Wright said that they are a non-profit HUD approved counseling agency and they have various programs under their umbrella. They mediate landlord-tenant issues, first time homebuyer workshops and foreclosure prevention. They are going to be having a Foreclosure Prevention Workshop with the collaboration of the City of Banning on Thursday, March 22, 2012 from 4 to 7 p.m. in the Banning City Council Chambers. Attending will be Bank of America, Chase, Springboard, credit counseling and debt management and a short sale consultant for anyone that would need that type of consulting. This workshop is to inform the public about the programs that are available and basic and specific needs. All of their services are free.

1. Stagecoach Days Committee Presentation of Plaque to I.B.E.W (International Brotherhood of Electrical Workers)

Bill Lamb, Chairman of Banning Stagecoach Days addressed the Council stating that for this past year 2011 they had a successful event and one of the reasons it was so successful was because of great donations by the surrounding community and many organizations. One of the organizations they would like to recognize is the International Brotherhood of Electrical Workers (IBEW). They gave a very generous donation on the Platinum level of \$2,500 and this was due to Helen Barnes' efforts also as their liaison between the Stagecoach Days Committee and IBEW. Mr. Lamb read the inscription on the plaque for the benefit of the audience and Helen Barnes presented the plaque to Pat Lavin, IBEW Local 47 for their generous and continuous support of Stagecoach Days. Mr. Lavin accepted the plaque on behalf of I.B.E.W.

3. Proposed Banning Science & Technology Center

Henri De Roule thanked the Council for giving him the opportunity to show them the proposal he has for a piece of property that he is negotiating with the City on 22<sup>nd</sup> Street. He said that when the space shuttle was designed and the astronaut capsule was designed the only things that were used were the human mind and the slide rule. We have come a long way in fifty years and we are coming along way a lot faster. The Banning Science and Technology Center, Inc. was founded in September of 2011 and they are calling the facility "The Science Experience". A quote by Benjamin Franklin really says everything, "Tell me and I forget, Teach me and I remember, Involve me and I learn." That is the focus of their science center. Their mission is to use hands on fun, exciting and educational experiments in science, technology, engineering and math (STEM). This is to educate people in what they should know to be able to live and work in the 21st Century. When he looked at starting a science center he immediately bought a book from the Association of Science and Technology Centers that says how to start and run a science center. The first thing it says is do not build one in Banning and the reason for that is that we are a depressed area. But if he draws a 50 mile circle and he looks at that area we have 1.7 million people in that area that do not have a science center available to them so we will have a very large group to draw from. The closest other science centers are in Santa Ana which is 68 miles away and it is fairly small and aimed at primarily younger children. If we get our children to play with this stuff and to understand science and

technology and to understand what engineering is and to understand mathematics and why it is important, then maybe they will continue their education and want to go into those fields and that is where all the business is today. This science center should create 20 full-time jobs, about 15 part time jobs and have over 150 volunteers and they are also trying to make packages with restaurants and hotels where people can get discounts if they buy a ticket to the science center. So the goal is to try to build Banning and build business here. He went over the site which is about 7.5 acres and sits just below I-10 and the railroad tracks just above Lincoln Street. It was deeded to the City of Banning by Ford some 15 years ago with the provision that it be used for something for the public benefit. He showed an example of what the building would look like and the parking area, etc. He said the proposed interior would include some showing laboratories, planetarium, theater, meeting rooms and restaurant. Mt. San Jacinto College and UC Riverside both teach cosmology and astrophysics and neither one of them have a planetarium. He said that both of them would love to use this planetarium and have asked them for a wish list of what they would like to see in the planetarium and in return they will build the planetarium to their specifications so that they can have something to use. They are also in the process of negotiating memorandums of understanding and both of those institutions of higher learning and they will include the Banning Science & Technology Center in their grant proposals so they can receive a portion of their grants and in return they will have use of the facility. Mr. De Roule said that contributions are greatly accepted at any level and can be sent to: Banning Science & Technology Center, Inc., P. O. Box 381, Banning, CA 92220 or in care of the Bank of Hemet where they have their account. The building is going to run \$6.5 million dollars and another \$2 million for the exhibits to go into it. They are also trying to get corporate sponsorship for the building. They do have a full business plan available for those that want more information.

Councilmember Machisic said that he thinks this is a great idea for the Pass Area, if we could do something of this type. We have picked up Mt. San Jacinto College and it is growing rather rapidly and they will play a major part in this community for the next 50 to 100 years and certainly something that Henri De Roule is here proposing would certainly be a compliment both to the elementary schools, as well as, higher learning. He thinks that if it is successful it will draw from a large, large area. He feels it will be a great addition to the educational experience that the people of the Pass Area could have.

Mayor Pro Tem Franklin said she would agree that it sounds like a great good addition to the City. She asked if he had a timeline as to when they will be able to open.

Mr. De Roule said he wants it open for the Gala on November 2, 2013. It is an extremely aggressive schedule. He already has bond commitments verbally committed for the \$6.5 million to build the building. He has a number of the \$2 million dollar figure for exhibits already verbally committed. He said that they have staved off signing up for the bonds because they would rather do it with contributions if they can. They have released this now to a number of corporations and giving naming rights to the building if they would like to make a significant contribution. He thinks that it can be done if we start by mid-summer.

Maria De Roule addressed the Council stating that she was very proud of him and proud that the children will have an opportunity that many of them don't have. She said that she has been

here six years in Banning coming from the San Francisco area and every time she goes up north they ask where is Banning; so let's put Banning on the map.

Added – Public Comments

Brianna Valdivia, Mary Gisele Sanchez and Maria Bruce, seniors from Cal State San Bernardino – Palm Desert Campus Nursing Program addressed the Council stating that they are in their Public Health Quarter and they just did their teaching project over at the Boys and Girls Club on George Street and their focus for the project was preventative. They discussed fitness and nutrition and focused on disease processes such as diabetes, heart disease and obesity. They made smoothies for them and taught them that there are simple choices that you can make in your lifestyle choosing between water with watermelon or cucumber and just different fruit infused instead of choosing coke or Gatorade which has a lot of sugar in it and making fruit choices instead of candy bars. They also encouraged them to exercise more at least 60 minutes per day. Encouraged them that these diseases are preventable and childhood obesity is on the rise. The ladies said that the Mayor came and supported them and the kids were very encourage and asked for his autograph and wanted pictures with him. They thanked the Mayor for attending and supporting them. Miss Valdivia said that they are doing a Community Assessment and actually have a large paper to write with all the information they have gathered from their experience.

4. Banning Cultural Alliance Grant Support

Don Smith, President of the Banning Cultural Alliance addressed the Council stating that as you know funding from the City for the Banning Cultural Alliance is about to end and they have been tasked with finding new funding which they have been working on. One of the things that they have been working on is a grant with the National Endowment for the Arts who have a program for partnerships between non-profits in the arts and governmental agencies to do festivals for performances in spaces not usually used for that purpose thinking like the Art Hop and the Phineas Festival where they use the city streets to put on a festival that is the exact sort of thing that they are talking about is using that type of an event to help the redevelopment of the downtown area. That is what the program is about and they are sending in an application. One of things that it requires is that we have a governmental agency that we are partnering with and they need something from that agency that they are in fact in support of our grant. What they are asking from the City is that the City be their partner in these events and that they authorize the Mayor and the City Manager to sign the letter in support. They know that there is no monetary monies available from the City but we know the City for these events has been providing in-kind and that is what they are asking be continued. Those in-kinds being that you hang the banners like you always have, that you allow the street closures and put up the no parking signs and barricades and that the police as they always do bring up their Command Center for the public to use as well. What they are looking for from the City is the partnership of those in-kinds continuing for their event. The event that they are asking the grant for is the 2012 Phineas Festival, 2013 Phineas Festival, 2013 Art Hop 2-day event and a Memorial Day event in 2013 where they plan on presenting a plaque in the Sculpture Garden that will list the names of everyone from World War I through the present from Banning who has died in

conflict in military action, as well as, having a reenactment of a USO show. They are asking the City to be their partner so that they can submit the grant application.

Mayor Pro Tem Franklin applauded the Banning Cultural Alliance on going out and looking for grants but her concern is even though it is in-kind you are asking basically for more money from the City because the City does have to pay for the additional work that these people would be doing. She likes the idea about the grant but has a hard time with saying more money would be coming out of the City General Fund when we have already given \$75,000.

Mr. Smith said that he understands but this is for after that \$75,000 dollar period ends and without an in-kind from the City they do not qualify for the grant.

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

Councilmember Botts said that he would hope that we could support this. He thinks that we just gave \$30,000 or \$40,000 dollars to Stagecoach Days in-kind but he is not sure. This is kind of what we have been asking the Alliance to do.

There was some further Council discussion in regards to in-kind support, the need for the Chamber and the Alliance to put on events, the need to go out and get grants, other organizations asking for monetary support, the need to continue in-kind support, and concern of how we are spending our money and impacts on the City.

**Motion Hanna/Botts to: 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. Motion carried 3/2 with Franklin and Machisic voting no.**

#### CONSENT ITEMS

1. Approval of Minutes – Special Meeting – 02/14/12 (Closed Session)

Recommendation: That the minutes of the Special Meeting of February 14, 2012 be approved.

2. Approval of Minutes – Regular Meeting – 02/14/12

Recommendation: That the minutes of the Regular Meeting of February 14, 2012 be approved.

3. Notice of Completion for Project 2011-03EL, Lighting Retrofit at City of Banning City Hall.

Recommendation: That 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.

4. Resolution No. 2012-12, Appointing Kevin Siva as a Member of the Planning Commission for an Additional Four-Year Term.

Recommendation: That the City Council adopt Resolution No. 2012-12.

5. Resolution No. 2012-16, Supporting the Transfer of Ontario International Airport (ONT) to Local Control.

Recommendation: That the City Council adopt Resolution No. 2012-16.

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.

Recommendation: That the City Council of the City of Banning sitting in its capacity as Successor Agency to the Community Redevelopment Agency of the City of Banning, adopt Resolution No. 2012-04SA.

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

**Motion Machisic/Franklin to approve Consent Items 1 through 6. Motion carried, all in favor.**

#### PUBLIC HEARINGS

1. Banning Municipal Transit System Fixed Route and Dial-A-Ride Fare Structure. (Staff Report – Heidi Meraz, Community Services Director)

Director Meraz gave the staff report as contained in the agenda packet. She said that the transit operations are required to maintain a fare box recovery of 10%. In order to consistently meet the requirement it is necessary to continually monitor our revenues and expenses and periodically make necessary adjustments. Fares have not been adjusted in over two years and the last increase was done in July 2009. The most used fixed route fare is the General Passenger fare and that is proposed to increase from \$1.00 to \$1.15. She said that there is an error on Exhibit "A" which shows the fares and it is listed as \$1.35 but it should be \$1.15. The Dial-A-Ride fare sees the most significant increase and it would be a 48% increase taking the fare from \$1.35 to \$2.00 per one-way trip and the fare is still reasonable and RTA (Riverside Transit Agency) is our next closest that we can look at and they charge \$3.00 per trip. Also, the cities of Banning and Beaumont both operate in the Pass Area under the name of "Pass Transit" and approval of these fees will allow for a consistent fee structure between the two systems. A public hearing was held in Beaumont last week and the fares were approved by their City Council. Staff from both cities worked collectively to produce this fare structure feeling it adequate for both cities. At this time Exhibit "A" showing the fares was displayed for the benefit of the public and Director Meraz went over some of the fares especially in regards to the youth and the "Go Pass" and also explained the need to maintain the fare box recovery ratio.

Mayor Robinson opened the public hearing on this item and asked for public comments. Seeing no one come forward, Mayor Robinson closed the public hearing.

**Motion Hanna/Machisic 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. Motion carried, all in favor.**

**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 – Leonard Purvis, Police Chief)

Chief Purvis gave the staff report as contained in the agenda packet. He said that Banning Police Department Investigators have followed up on over one hundred leads on the case but unfortunately, none of the information has led to the arrest of the suspect(s) responsible for the homicides. They 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. The funding would come from potential police department budget savings and it will be designated in fund balance reserves for this purpose.

Mayor Robinson opened the item for public comments.

The mother of Natasha Biggers who was killed addressed the Council stating that she would just appreciate any help the City of Banning has to offer.

Marva Biggers said since coming to the Council meeting in January and speaking with the Detective and Sergeant and the Chief of Police, people are still talking. We have tried to reach out to the other family of the Hunt's and the Moore's and we need your help. We want closure and want safety for all of the city of Banning.

**Motion Machisic/Franklin 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. Motion carried, all in favor.**

2. Auditor's Reports for Fiscal Year 2010-2011  
(Staff Report – June Overholt, Administrative Services Director)

Director Overholt addressed the Council stating that the auditors for the City Lance, Soll & Lunghard, LLP were not able to be at the meeting tonight and she would be giving the report. At this time she started her power-point presentation (Exhibit "A"). She said that the key to the financial report is the opinion that the auditors give so all the work that they are working

towards is to come up with an opinion. She went over the audit process and the work involved. In summary the Audited Financial Statements resulted in an “unqualified opinion” and that is the best opinion you can get when you receive an audit.

There was some Council and staff discussion in regards to listing assets and the designation or purpose of those assets. There was also discussion in regards to the Redevelopment Agency and how this will be reported back in subsequent years.

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

Councilmember Botts said he would like us as a Council to commend June and Michelle Green and staff. You look around and see some of the other messes of other cities like Bell and June is new and learning a lot and Michelle has been here and held things together and we have asked staff to do double duty and we have reduced their staff and reduced their staff and having come out of the banking business and working with auditors and federal auditors in the banking business he is really sensitive to how well a job we do with finance. In discussions with June we are learning that even though we talked about needing a new accounting system some months ago, June and staff and others are learning that there may be some things that we didn't know that we could do that will make it easier and smarter and he thinks a part of that talks about cross-communications among other departments and that kind of thing. He can say that when you have an “unqualified opinion” that is good stuff and would like to say thank you to staff.

**There was consensus of the City Council and the City Council of the City of Banning Sitting In Its Capacity as Successor Agency, to accept and place on file the auditor's reports from Lance, Soll & Lunghard, LLP for the fiscal year ended June 30, 2011.**

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

City Council

Councilmember Hanna –

- She and Mayor Pro Tem Franklin attended the Nicole Middle School One Person Can Make a Difference. She was pleased to see that Debbie Franklin was the keynote speaker and she gave a very nice talk to the youth, 7<sup>th</sup> and 8<sup>th</sup> graders, and probably her main message was that everyone should do spontaneous acts of kindness everyday just because you can. To smile at someone, to open a door, to help someone in some way. It was just a very nice talk and she spoke about each of her sisters and brothers and what they do in their lives and she thought it was quite charming and the children really appreciated it.
- She said that the Dorothy Ramon Learning Center at their new Gathering Hall is having a 4<sup>th</sup> Sunday Music Performance very month and it started this past Sunday from 3 to 5 p.m. and there is a \$10.00 charge to help the center. It was absolutely delightful and she knows that we all don't enjoy the same types of music and this was Bill Bell and Friends and it was Celtic and American Fiddle Music, foot-stomping, etc. and he brought in some tremendous performers. It is so wonderful to have such experiences in our downtown. The Next 4<sup>th</sup> Sunday will be Silver Sounds Flute Ensembles... A Flute Choir with piccolos, alto flutes, bass

flutes and all kinds of flutes and she is sure it will be a delight to experience and would encourage people to enjoy the live music performances that we have in our downtown.

Mayor Pro Tem Franklin –

- Thank you to all our City staff. We had the opportunity yesterday to attend the Annual Employee Recognition and Appreciation and she really wants to convey her appreciation to all of our staff for all of the work they do for us day-in and day-out and especially as we have had reduced staffing. They have continued to step up to the plate to make sure our City is running as well as it can and we have had a lot of success here.
- She shared that we did have a prior employee, Phil Kelleher, who was the Fire Chief at Morongo and had been a fireman here in Banning pass away from Lou Gehrig's disease. He was only 44 years old but he had left a lasting legacy for our community and she was hoping to adjourn our meeting today in his honor.

Councilmember Machisic –

- He said that several times the Mayor has mentioned the courthouse and we have also mentioned some of the things that we have done downtown with Redevelopment money and there is another item coming forth before the next Council meeting and that is on Tuesday, March 6<sup>th</sup> at 11:30 a.m. there is going to be a groundbreaking of Banning Powersports and this is the old Dodge property. It is another effort on part of the City, staff, City Manager, as well as, the Council bringing this forth and we think this business will be very successful. He is really thankful when you hear about the difficulties some cities are having in getting some growth and one of the things that we have done is to continue to add and not in always very spectacular ways like the courthouse but in adding money raising types of things with sales tax, as well as, with employees. If you can, show up at the Dodge site on March 6<sup>th</sup> at 11:30 a.m.
- He said that the Mayor talked about the Education Forum that took place at the hospital last Friday and there were other Council Members in attendance and it was interesting what they were trying to do and this was under the auspices of the Mt. San Jacinto College and they brought 12 groups together besides themselves and there was a variety of groups such as United Way, Soroptimist, Beaumont Adult School, Banning Science & Technology and the hospital and they all talked about the programs that they offer in the education field, as well as, assisting parents and/or kids to promote their education. They are planning a major forum after they collect all the data from this particular forum and will open it to the public about opportunities. Not only opportunities for kids, but opportunities for families to be able to support and encourage them. It is a wealth of material and will be held on May 18<sup>th</sup> and open to the public. It is a further exploring of valuable assets we have in the area.
- The Sun Lakes Community has a whole page in their monthly booklet about volunteer opportunities and they are instituting something they are calling "Volunteer Day" and it will be held on Monday, April 16<sup>th</sup> from 2 to 4 p.m. in their ballroom and they are asking if there are any non-profit organizations in the city who would like to sign up to accept volunteers they will publish their name, the contact person's name and the telephone number so that you can get on the list and you have access to 6,000 people looking for things to do and they are anxious to help in any way. This would be the Recreation Department at Sun Lakes at 769-6651.

Councilmember Hanna -

- In regards to the City's Centennial there will be a meeting on Wednesday, February 29<sup>th</sup> at 6:00 p.m. in the Council Chambers and she would like to encourage anyone who is interested in helping us celebrate our Centennial in 2013 to come and hear what we are planning so far, where we need help and gather any additional new ideas that haven't been expressed yet so that we can incorporate them into our planning.

Mayor Robinson -

- Attended the track meet at the new high school and it was exciting to see that this was their first track meet down there and there were a lot of people in attendance and it was a lot of fun and it is really a state-of-the-art track.
- On March 17<sup>th</sup> at 11:00 a.m. at Lions Park, Banning Pass Little League will have their opening day event. They have 392 kids signed up. It has taken a lot of effort and we have had help from Yucaipa who sent over five brand new catchers outfits and a lot of things are being donated and a lot of people are stepping up to the plate and people are sponsoring kids who cannot afford to pay the \$50. He hopes everyone will come out and support this rebirth of Banning Little League in our city.

City Committee Reports - None

Report by City Attorney – Nothing to report.

Report by City Manager

- Deputy City Manager thanked the Council for the encouragement on the audit and she thanked staff for all that they did to get the audit done.
- She just received a note in regards to the project on Sunset. There was a sign that indicated what the dates are and it has been updated because of the weather so the new information is that Sunset will be closed from Wilson north for two miles from March 5<sup>th</sup> through March 7<sup>th</sup>. It is a paving project.

Mayor Robinson said that plaques was presented to him, Duane Burk, the judges and others who were involved in bringing the courthouse to this city at the groundbreaking of the courthouse and it is a very nice plaque and he is bringing his back to the City and Mr. Burk and his staff are going to put this together in a shadow box along with program, etc. so that everyone can see it when they come down to city hall.

## ITEMS FOR FUTURE AGENDAS

New Items – There were none.

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 4<sup>th</sup>; Livingston to Williams, Nicolet

2. Proposal from Owners of Oddfellows Building - 42 W. Ramsey Street.

ADJOURNMENT

By common consent the meeting adjourned at 6:45 p.m. in honor of Phil Kelleher one of our brave firefighters who's life has been taken.

---

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.**

## Audit Responsibilities and Process

- ◎ LSL has been engaged by the City of Banning to perform a *financial audit* and to assist in preparing the annual Audited Financial Statements.
- ◎ Testing of account balances and also to assess the internal controls set in place at the City of Banning.

- Internal controls are those policies and procedures set in place to safeguard the assets of the City.
- And also to detect and correct any material errors arising in the accounting system of the City.

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## CITY OF BANNING JUNE 30, 2011 AUDIT

February 28, 2012

## City Auditors – Lance, Soll & Lunghard, LLP

- ◎ LSL was established in 1929
- ◎ They are a full service CPA Firm specializing in the audits of governmental entities. (Cities, Agencies, Authorities, and Special Districts throughout California)
- ◎ They do over 100 of these audits.
- ◎ They have three offices in the Southern California area

4

## Audit Process and Report

- ◎ Interim Audit (one week - July)
  - Planning,
  - Inquiry and documentation,
  - Risk assessment,
  - Internal controls
- ◎ Year-End Audit (late November through early December)
  - Account analysis
  - Confirmations
  - Cut-off procedures
- ◎ Annual Financial Report
  - Audit Report
  - MD&A
  - Financial Statements
  - Footnotes

2

## Audit Opinion

- This audit work was all performed in order to render an “opinion” on the financial statements.

- An “unqualified opinion” was given on the June 30 financial statements. This is the best opinion.

## GASB 54 – Fund Balance Reporting

- Effective FY 10-11
- Enhance the usefulness of fund balance information by providing clearer fund balance classifications
  - Non-spendable – not in a spendable form
- Inventories
  - Land held for resale
  - Loans receivable
- Restricted – only be spent on a specific purpose restricted by law
  - Grants
  - Gas Tax

## General Financial Statements

- Combines all entities governed by the City (including Redevelopment)
- Includes implementation of GASB 54 (Fund Balance reporting)  
(Government Accounting Standards Board)
- Includes Management Discussion & Analysis
  - required by GASB 34
- Footnotes include discussion on dissolution of Redevelopment Agency

## GASB 54 – Fund Balance Reporting

- Committed – only be spent on a specific purpose determined by council’s formal action
  - Contract obligations (capital projects)
  - Other items deemed by council
    - Emergency Contingency of \$3 million
- Assigned – items intended to be used for a specific purpose determined by council’s designee
  - Encumbrances
  - Compensated absences
  - Gas tax commitment
- Unassigned – residual classification of the City’s General Fund which is in a spendable form and not contained in the above classifications

## Redevelopment Financial Report

- Also prepared separately from the General Financial Statements in order to comply with the State reporting requirements.
- They are submitted to the State by December 31st each year.
- Due to the elimination of the Agency, there will be a great deal of work to figure out the accounting
- There will be a close out audit

## Audit Communication Letter

- At the conclusion of the audit, examples of communications include:
  - Significant Accounting Policies
  - Accounting Estimates
  - Difficulties in Performing the Audit
  - Disagreements with management
  - Other Audit Findings or Issues

## Management Letter

- Statement on Auditing Standards (SAS) No. 115:
  - Communicating internal control related matters identified in an audit
  - Significant Deficiencies
  - Material Weaknesses
- Material Weaknesses Identified and subsequently corrected:
  - Fund balance/net asset Restatements
  - Notes & Loans Receivable and Deferred Revenue
  - Independent review of Transaction Classes

## Single Audit

- When the City receives and spends Federal Grant monies in excess of \$500,000 in one year, a Single Audit is required. Banning expended approximately \$1,175,330 in FY 2011
- Compliance Audit
  - Finding for not being able to substantiate the "Excluded Parties List System" (EPLS) was checked prior to contract approval. Carryover from prior year.
- Filing date: March 31
  - Will be finalized and electronically submitted

## Summary

- ◎ The Audited Financial Statements resulted in an unqualified Opinion
- ◎ Receive and File

## CONSENT ITEM

Date: March 13, 2012

TO: City Council

FROM: Kahono Oei, City Engineer

SUBJECT: Right of Way Dedication Acceptance - Parcel No. 540-130-021, also known as 1481 W. Ramsey Street

**RECOMMENDATION:** Accept the Right-of-Way dedication from Assessor's Parcel Number 540-130-021, also known as 1481 W. Ramsey Street, and direct the City Clerk to accept and record said dedication. The parcel is described in the attached Exhibit "B."

**JUSTIFICATION:** It is essential that the City accept this right of way dedication in order to accommodate and build the necessary street improvements fronting said property.

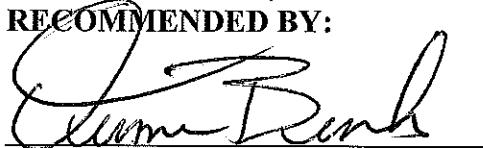
**BACKGROUND:** As part of the City's Ordinance No. 1108, the property owner is required to make certain street improvements within the right of way whenever the property owner requests a building permit or makes certain improvements to property.

Ramsey Street is the main street in the east/west direction, which is identified as a major highway in the Circulation Element, and required to have 40' right of way.

On this specific property, the existing right of way lies only 25' from the centerline and the additional 15' of right of way, as shown on the attached Exhibit "B," is essential in order for the property owner to construct the street improvements.

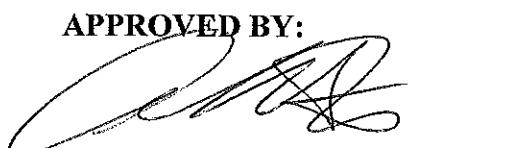
**FISCAL DATA:** Not applicable.

**RECOMMENDED BY:**



Duane Burk,  
Director of Public Works

**APPROVED BY:**

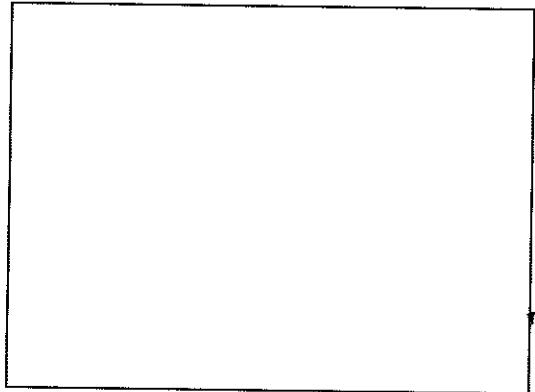


Andy Takata,  
City Manager

**When recorded Mail To:**

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

**NO RECORDING FEE PER SECTION  
6103 OF THE GOVERNMENT CODE.**



SPACE FOR RECORDER'S USE

**CERTIFICATE OF ACCEPTANCE**

This is to certify that the right of way dedication, as attached herein as Exhibit "B," to the CITY OF BANNING, a municipal corporation is hereby accepted by the CITY OF BANNING pursuant to authority conferred by the City Council; and the grantees consent to recordation thereof by its duly authorized agent.

Dated: \_\_\_\_\_, 2012

CITY OF BANNING, A Municipal Corporation

By \_\_\_\_\_  
City Clerk

EXHIBIT "A"  
RIGHT OF WAY DEDICATION  
LEGAL DESCRIPTION  
(APN: 540-130-021)

REAL PROPERTY IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THE SOUTHERLY 25.00 FEET AND THE NORTHERLY 33.00 FEET OF THE WESTERLY 150 FEET OF THE EASTERLY 350 FEET OF THE SOUTH HALF OF BLOCK 283 OF BANNING COLONY LANDS, AS SHOWN BY MAP ON FILE IN BOOK 9, PAGE 44 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA;

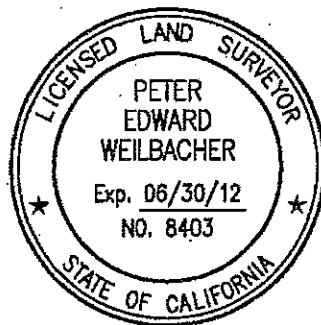
EXCEPTING THEREFROM ANY PORTION PREVIOUSLY DEDICATED FOR ROAD PURPOSES.

AREAS AND DISTANCES COMPUTED TO CENTERS OF ADJOINING STREETS AS SHOWN ON SAID MAP.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 2,700 SQUARE FEET, MORE OR LESS.

SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

  
\_\_\_\_\_  
PETER E. WEILBACHER, PLS  
DATE: 2-8-12



# EXHIBIT "B"

THIS MAP IS PROVIDED FOR ILLUSTRATIVE  
PURPOSES ONLY

W'L Y LINE OF THE W'L Y 150' OF THE E'L Y 350'  
OF THE S $\frac{1}{2}$  OF BLOCK 283 OF BANNING COLONY LANDS  
M.B. 9 / 44 S.B. CO.

APN: 540-130-021

**POR. BLOCK 283**  
**BANNING COLONY LANDS**  
**M.B. 9 / 44 S.B. CO.**

E'L Y LINE OF THE W'L Y 150' OF THE E'L Y 350'  
OF THE S $\frac{1}{2}$  OF BLOCK 283 OF BANNING COLONY LANDS  
M.B. 9 / 44 S.B. CO.

N'L Y LINE OF THE S $\frac{1}{2}$  OF BLOCK 283 OF BANNING COLONY LANDS  
M.B. 9 / 44 S.B. CO.

S'L Y LINE OF THE S $\frac{1}{2}$  OF BLOCK 283 OF BANNING COLONY LANDS  
M.B. 9 / 44 S.B. CO.

DENOTES PARCEL DESCRIBED  
AREA= 2,700 SQ. FT.

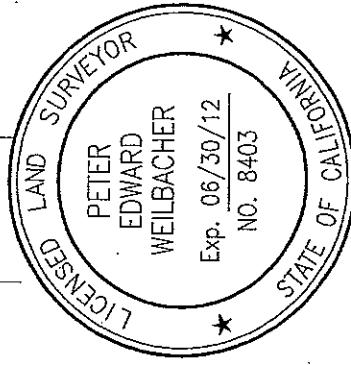
SCALE 1" = 40'  
1. 10' RIGHT OF WAY FOR STREET PURPOSES PER  
INST. NO 73193 O.R.

*PETER WEILBACHER, PLS*  
*2-8-12*  
*PETER WEILBACHER, PLS*

RAMSEY STREET

RE

HAYS STREET



ASSESSOR'S PARCEL NUMBER: 540-130-021-8  
THE WESTERLY 150 FEET OF THE EASTERLY 350 FEET OF THE  
SOUTH HALF OF BLOCK 283 OF BANNING COLONY LANDS, AS  
SHOWN BY MAP ON FILE IN BOOK 9, PAGE 44 OF MAPS,  
RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA;  
EXCEPTING THEREFROM THE NORTHERLY 30 FEET THEREOF,  
FOR PUBLIC STREET PURPOSES.

**CANYON**  
**CO. N. S. U. L. T. I. N. G.**  
PLANNING • ENGINEERING • SURVEYING  
11860 PIERCE STREET, SUITE 200, RIVERSIDE, CA 92505  
951/343-8888 Voice, 951/343-8831 FAX

**EXHIBIT B**  
**RIGHT OF WAY DEDICATION**  
**BANNING, CA**

2

**CITY COUNCIL AGENDA  
CONSENT ITEM**

**Date:** **March 13, 2012**

**TO:** **City Council**

**FROM:** **Leonard Purvis, Chief of Police**

**SUBJECT:** **Resolution No. 2012-17. Authorize the purchase of three (3) 2012 Chevrolet Caprice PPV sedans from Diamond Hills Auto Group in the amount of \$28,000 each, \$84,000 total, and the purchase of four (4) 2011 Ford Crown Victoria Police Interceptor sedans from Wondries Fleet Group in the amount of \$24,793 each, or \$99,172 total.**

**RECOMMENDATIONS:** "Adopt Resolution No. 2012-17 authorizing the purchase of three (3) 2012 Chevy Caprice PPV sedans for the City of Banning Police Department from the Diamond Hills Auto Group in an amount not to exceed \$84,000 and four (4) Ford Crown Victoria Police Interceptor sedans from Wondries Fleet Group in an amount not to exceed \$99,172.

**JUSTIFICATION:** The requested vehicles will be used to replace aging police department vehicles currently in use by officers working on patrol and in the detective bureau.

The purchase of the seven (7) vehicles fulfills the vehicle purchase grant requirement under the FY10-2011 Special Distribution Fund (SDF) Grant.

**BACKGROUND:** On February 23, 2010, the Banning Police Department submitted a proposal for the FY10-11 SDF Grant to the Morongo Band of Mission Indians in the amount of \$564,951. The Morongo Band of Mission Indians forwarded the department's application to the Riverside County Indian Gaming Local Community Benefits Committee with their full support. The proposal identified the police department's need for a police officer position, overtime for the Entertainment District Patrol, cameras, and seven (7) vehicles.

On May 2, 2011, the Banning Police Department was notified by the Riverside County Indian Gaming Local Community Benefits Committee that its FY10-11 application was approved for \$564,951.

The Banning Police Department received two bids for the 2012 Chevy Caprice PPV sedans. The first was through a "Piggy Back" bid awarded to Wondries Fleet Group under the Los Angeles Airports Contract #DA 4672, dated February 10, 2012, in the amount of \$29,542 per vehicle. The second bid was through the local Diamond Hills Auto Group, dated February 22, 2012, in the amount of \$28,000 per vehicle. The purchase of the three (3) vehicles through the local dealership will save \$4,626.

22

The Banning Police Department received a "Piggy Back" bid for the 2011 Crown Victoria Police Interceptor sedans from Wondries Fleet Group under the Los Angeles County Contract DPO-SH-11323318-1, dated February 10, 2012. The quoted amount for each vehicle is \$24,793.

**FISCAL DATA:** The purchase of these vehicles will not require any funding from the City's General Fund. The FY10-11 SDF Grant funds have been received by the City and are now available for vehicle purchases.

**RECOMMEND BY:**

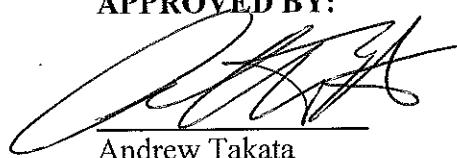


Leonard Purvis  
Chief of Police



June Overholt  
Administrative Services Director

**APPROVED BY:**



Andrew Takata  
City Manager

**RESOLUTION NO. 2012-17**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BANNING APPROVING THE PURCHASE OF THREE (3) 2012 CHEVROLET CAPRICE PPV SEDANS FROM DIAMOND HILLS AUTO GROUP IN THE AMOUNT OF \$28,000 PER VEHICLE AND THE PURCHASE OF FOUR (4) 2011 FORD CROWN VICTORIA POLICE INTERCEPTOR SEDANS IN THE AMOUNT OF \$24,793 PER VEHICLE.**

**WHEREAS**, the City of Banning Police Department is responsible for the security and safety of the Citizens of the City; and

**WHEREAS**, the City of Banning Police Department operates a 24 hour a day operation; and

**WHEREAS**, it is imperative the Banning Police Department maintain the optimal level of transportation for its officers to complete their assignments; and

**WHEREAS**, there is a need to replace high mileage patrol and detective bureau vehicles; and

**WHEREAS**, the City's procedures requires the City Council to adopt a resolution authorizing the expenditure of funds procured through grants.

**NOW, THEREFORE, BE IT RESOLVED**, the City Council of the City of Banning authorizes the Banning Police Department to accept the bid from Diamond Hills Auto Group in the amount of \$84,000 for the purchase of three (3) 2012 Chevy Caprice PPV sedans and to accept the bid from Wondries Fleet Group in the amount of \$99,172 for the purchase of four (4) 2011 Ford Crown Victoria Police Interceptor sedans to be paid for through the funds received under the FY10-11 SDF Grant. The Finance Department is authorized to make the necessary budget adjustments related to these funds.

**PASSED, APPROVED, AND ADOPTED** this 13<sup>th</sup> day of March, 2012.

---

Don Robinson, Mayor  
City of Banning

**ATTEST:**

---

Marie A. Calderon, City Clerk

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

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

**CERTIFICATION:**

I, Marie Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2012-17 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 13th day of March 2012, by the following to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

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

## CITY COUNCIL AGENDA

**DATE:** March 13, 2012

**TO:** Honorable Mayor and City Council

**FROM:** Fred Mason, Electric Utility Director

**SUBJECT:** City Council Resolution No. 2012-18, "Appropriating Funds for the Public Benefit Programs".

**RECOMMENDATION:** Adopt City Council Resolution No. 2012-18, "Appropriating Funds for the Public Benefit Programs".

**JUSTIFICATION:** Appropriating the monies to fund conservation and renewable energy programs will further the City's commitment to creating a sustainable community.

**BACKGROUND:** The Electric Department administers a number of programs through its Public Benefits Division. These programs are funded through the Public Goods Charge, which is assessed on each Electric Utility customer bill. Per Assembly Bill 1869 (AB 1869), these funds can only be spent on the following four categories: 1) Energy Conservation, 2) Renewable Energy, 3) Research & Development, and 4) Low Income Assistance.

In 2005 the Water Utility asked if the Public Benefit Division would administer its Low Flush Toilet Rebate Program, which we agreed to do. It was agreed that the Water Utility would transfer monies to the Public Benefits Fund to cover the Toilet Rebate program, since it was not included in one of the four categories. Due to a misunderstanding, those monies have never been transferred. However, since 2005 a total of \$15,500 has been issued in Toilet Rebates from the Public Benefit Fund, inadvertently violating the legislative requirements. The requested appropriation, transferring monies from the Water Fund to the Public Benefits Fund, will resolve this issue.

Senate Bill 1 (SB 1) required that electric utilities in California spend a specific amount of money on Solar/Photovoltaic rebates. Banning's allocation was \$1,960,000 and we met and exceeded that amount, awarding a total of \$2,414,251 in rebates. As of December 31, 2010 all Solar Rebates had been issued, except for the Banning High School, which was experiencing some delays completing its project. The Banning Unified School District recently submitted the final documentation required to issue the Solar Rebate. Unfortunately, the Low Income Assistance expense had doubled since 2010, leaving the Public Benefit Fund short to issue the \$252,978 Solar Rebate to the Banning High School. The requested appropriation, transferring monies from the Electric Fund to the Public Benefits Fund, will resolve this issue.

**FISCAL DATA:** An appropriation from the Water Fund in the amount of \$15,500 and Electric Fund in the amount of \$252,978 to the Public Benefit Fund is necessary in order to cover Water Conservation and Solar Rebates.

**RECOMMENDED BY:**



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Fred Mason  
Electric Utility Director

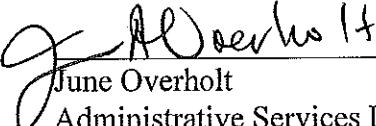
**REVIEWED BY:**



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Duane Burk  
Public Works Director

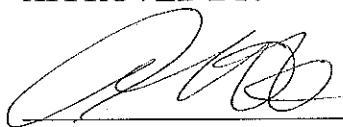
**REVIEWED BY:**



---

June Overholt  
Administrative Services Director/  
Deputy City Manager

**APPROVED BY:**



---

Andy Takata  
City Manager

## **RESOLUTION NO 2012-18**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING AMENDING ITS 2011-12 FISCAL BUDGET AND APPROPRIATING FUNDS FOR THE PUBLIC BENEFIT PROGRAMS**

**WHEREAS**, the budget for fiscal year 2011-2012 of the City of Banning has been adopted by this Council in its original form, and said budget will need to be amended at times to fulfill the goals of the City; and

**WHEREAS**, the City departments may not exceed their appropriations by character of expense, with character of expense being defined as personnel services, services and supplies, capital outlay, debt service and inter-fund transfers, without the consent of the City Manager; and

**WHEREAS**, the City may transfer appropriations, between departments and within their respective funds, as long as those appropriations do not exceed their fund total unless approved by Council; and

**WHEREAS**, the City Departments may not hire in excess of the approved number of positions in job classification as indicated by the budget detail without the consent of the City Council; and

**WHEREAS**, the City administers a variety of Public Benefit programs as authorized by Assembly Bill 1869; and

**WHEREAS**, the Public Benefit programs require additional funds to stay in compliance with legislative requirements and fulfill rebate obligations; and

**WHEREAS**, an appropriation in the amount of \$268,478.00 is necessary in order to meet Public Benefit program obligations through FY 2012;

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

**SECTION 1:** An appropriation in the total amount of \$268,478.00 is authorized from the Water Fund (\$15,500) and Electric Fund (\$252,978) to the Public Benefits Fund.

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

**PASSED, APPROVED AND ADOPTED** this 13<sup>th</sup> day of March, 2012.

---

Don Robinson, Mayor  
City of Banning

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

---

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

ATTEST:

---

Marie A. Calderon, City Clerk

**CERTIFICATION**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2012-18 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 13<sup>th</sup> day of March, 2012, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

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

## CITY COUNCIL AGENDA

**DATE:** March 13, 2012

**TO:** Honorable Mayor and City Council

**FROM:** Fred Mason, Electric Utility Director

**SUBJECT:** City Council Resolution No. 2012-20, Supporting New Mexico's Proposed State Implementation Plan Regarding Regional Haze Standards

**RECOMMENDATION:** Adopt City Council Resolution No. 2012-20, supporting New Mexico's proposed State Implementation Plan regarding Regional Haze standards.

**JUSTIFICATION:** Supporting New Mexico's proposed State Implementation Plan regarding Regional Haze standards is essential to reducing Banning's electricity costs related to its ownership in the San Juan Generating Station located in Farmington, New Mexico.

**BACKGROUND:** The City of Banning has ownership interests in the San Juan Generating Station Unit 3 (SJ3) through contracts with the Southern California Public Power Authority (SCPPA). The energy received from SJ3 provides over 60 percent of the City's electricity requirements, and therefore any increase in costs at SJ3 will have a direct and significant impact on the City's Electric Utility customers.

The U.S. Environmental Protection Agency (EPA) has issued a Federal Implementation Plan for reducing visibility impacts from manmade pollution on nearby national parks and wilderness areas. The EPA's plan requires Selective Catalytic Reduction (SCR) technology at all four units of the San Juan Generating Station. Two well respected engineering firms have estimated that implementing SCR technology on all four units of the San Juan Generating Station would cost at least \$750 Million. Banning's proportional share of that cost would be approximately \$10 Million.

The State of New Mexico has submitted a State Implementation Plan with the EPA that would require Selective Non-Catalytic Reduction (SNCR) technology on each of the four units at the San Juan Generating Station. The States Plan would meet all federal Regional Haze standards, but would only cost an estimated \$77 Million – approximately one-tenth the cost of the Federal Implementation Plan. Banning's proportional share of that cost would be about \$1 Million.

The courts have made it clear that individual states, and not the EPA, have broad authority for determining the best approach for meeting regional haze reduction requirements. Because of the significant impact on Banning ratepayers, Staff is recommending that the City Council adopt the attached resolution supporting New Mexico's proposed State Implementation Plan.

**FISCAL DATA:** There is no immediate fiscal impact. However, the City of Banning would be required to pay its proportional share of the cost of any capital projects performed on the San Juan Generating Station. Banning's share of the estimated cost of the SCR technology proposal would be approximately \$10 Million, and its share of the SNCR technology proposal would be approximately \$1 Million.

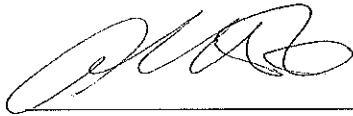
**RECOMMENDED BY:**



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Fred Mason  
Electric Utility Director

**APPROVED BY:**



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Andy Takata  
City Manager

**RESOLUTION NO 2012-20**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING SUPPORTING NEW MEXICO'S STATE IMPLEMENTATION PLAN REGARDING REGIONAL HAZE STANDARDS**

**WHEREAS**, the U.S. Environmental Protection Agency (EPA) has issued a Federal Implementation Plan for reducing visibility impacts from manmade pollution on nearby national parks and wilderness areas; and

**WHEREAS**, the EPA's Federal Implementation Plan includes a Best Available Retrofit Technology (BART) determination for the San Juan Generating Station in New Mexico requiring Selective Catalytic Reduction (SCR) technology at all four of the plant's coal-fired electric generating units; and

**WHEREAS**, two internationally respected engineering firms estimate SCR technology on all four units would cost at least \$750 million; and

**WHEREAS**, the City of Banning Electric Utility customers rely on a portion of the electricity produced by the San Juan Generation Station through ownership contracts with the Southern California Public Power Authority (SCPPA) to help keep rates affordable and electric service reliable; and

**WHEREAS**, costs incurred by the San Juan Generation Station will be passed on to the City's Electric Utility customers; and

**WHEREAS**, the New Mexico Environmental Department has submitted a State Implementation Plan with the EPA that would require Selective Non-Catalytic Reduction technology (SNCR) at all four of the plant's coal-fired electric generating units; and

**WHEREAS**, the State Implementation Plan meets all federal Regional Haze standards, while requiring new technology costing an estimated \$77 million to install at the San Juan Generating Station – approximately one-tenth the cost of the Federal Implementation Plan; and

**WHEREAS**, the courts have made clear that states, and not EPA, have broad authority for determining the best approach for meeting regional haze reduction requirements;

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

**SECTION 1:** The City of Banning supports New Mexico's proposed State Implementation Plan and calls on the EPA to reconsider and ultimately adopt the State Plan in favor of the Federal Implementation Plan.

**SECTION 2:** The City of Banning requests California's Federal Congressional delegation to encourage the EPA to grant an administrative stay in the matter to allow for the courts to consider EPA's determination of regional haze BART for the San Juan Generating Station.

**PASSED, APPROVED AND ADOPTED** this 13<sup>th</sup> day of March, 2012.

---

Don Robinson, Mayor  
City of Banning

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

---

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

ATTEST:

---

Marie A. Calderon, City Clerk

## **CERTIFICATION**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2012-20 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 13<sup>th</sup> day of March, 2012, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

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

## CITY COUNCIL AGENDA

**DATE:** **March 13, 2012**

**TO:** **City Council**

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

**SUBJECT:** **Resolution No. 2012-22, "Awarding the Construction Contract for Project No. 2012-01, "UST and Hydraulic Lift Removal at 150, 220 and 280 E. Ramsey Street"**

**RECOMMENDATION:** Adopt Resolution No. 2012-22, "Awarding the Construction Contract for Project No. 2012-01, 'UST and Hydraulic Lift Removal at 150, 220 and 280 E. Ramsey Street,'" to Warren Duncan Contracting of San Bernardino, California for an amount of \$35,000.00 and allowing a 15% construction contingency.

**JUSTIFICATION:** Warren Duncan Contracting of San Bernardino, California, is the lowest responsive and responsible bidder to perform the work listed in the specifications for Project No. 2012-01, "UST and Hydraulic Lift Removal at 150, 220 and 280 E. Ramsey Street."

**BACKGROUND:** Project No. 2012-01, "UST and Hydraulic Lift Removal at 150, 220 and 280 E. Ramsey Street" would remove underground storage tanks and hydraulic lifts identified during a Phase II environmental study conducted at the three sites.

The scope of work for this project includes the removal of one 1,500 gallon underground storage tank (UST) and piping at 150 E. Ramsey Street; the removal of two hydraulic lift mechanisms approximately ten feet deep located at 220 E. Ramsey Street and the removal of three 1,500 gallon USTs and piping at 280 E. Ramsey Street. All work will be done in accordance with the City of Banning's Standard Specifications. The contractor is required to comply with all National Pollutant Discharge Elimination System (NPDES) and Air Quality Management District (AQMD) requirements including, but not limited to implementing applicable Best Management Practices (BMPs).

The project was advertised for bids on February 19 and 24, 2012, as shown attached as Exhibit "A." Two contractors attended a mandatory pre-bid meeting/walkthrough held at City Hall and at the site on February 27, 2012. Flemming Environmental submitted the lowest bid, but due to an incomplete bid package was determined to be unresponsive. As a result, Warren Duncan Contracting of San Bernardino, California, was deemed the lowest responsible bidder of the two contractors that submitted bids for the project on March 1, 2012. The bid results are listed below and are also attached as Exhibit "B":

<u>Contractor</u>	<u>Total Bid</u>
1. Warren Duncan Contracting	\$35,000.00
2. Flemming Environmental	\$29,700.00

The Engineer's Estimate for the project is \$40,000.00. Upon City Council approval, a 15% construction contingency will be added to the contract amount to cover any unforeseen conditions and the unanticipated costs of necessary labor and materials not mentioned in the original scope of work. The project is anticipated to commence in April of 2012.

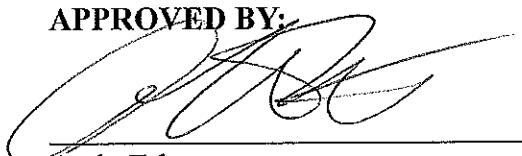
**FISCAL DATA:** The total project cost is equal to \$40,250.00, which includes a 15% construction contingency and is available in Account No. 855-9500-490-90.06 (Land Improvements), which currently holds a balance of \$374,417.79.

**RECOMMENDED BY:**



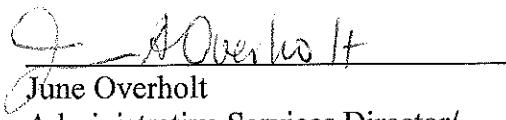
Duane Burk  
Director of Public Works

**APPROVED BY:**



Andy Takata  
City Manager

**REVIEWED BY:**



June Overholt  
Administrative Services Director/  
Deputy City Manager

## **RESOLUTION NO. 2012-22**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, AWARDING THE CONSTRUCTION CONTRACT FOR PROJECT NO. 2012-01, "UST AND HYDRAULIC LIFT REMOVAL AT 150, 220 AND 280 E. RAMSEY STREET"**

**WHEREAS**, the scope of work for this project includes the removal of one 1,500 gallon underground storage tank (UST) and piping at 150 E. Ramsey Street; the removal of two hydraulic lift mechanisms approximately ten feet deep located at 220 E. Ramsey Street and the removal of three 1,500 gallon USTs and piping at 280 E. Ramsey Street all which were found during the Phase I and II environmental studies; and

**WHEREAS**, the project was advertised for bids on February 17 and 24 of 2012, and bids were received and opened on March 1, 2012, with two contractors bidding the job; and

**WHEREAS**, Warren Duncan Contracting of San Bernardino, California, is the lowest responsive and responsible bidder to perform the work listed in the specifications for Project No. 2012-01, "UST and Hydraulic Lift Removal at 150, 220 and 280 E. Ramsey Street"; and

**WHEREAS**, an appropriation already exists in the FY 2011-2012 budget in Account No. 855-9500-490-90.06 (Land Improvements) sufficient to cover the \$40,250.00, which includes a 15% contingency.

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

**SECTION 1.** City Council adopts Resolution No. 2012-22 awarding the construction contract for Project No. 2012-01, "UST and Hydraulic Lift Removal at 150, 220 and 280 E. Ramsey Street" to Warren Duncan Contracting of San Bernardino, California, for an amount of \$35,000.00 and allowing a 15% construction contingency, and all other bids are hereby rejected.

**SECTION 2.** The Administrative Services Director is authorized to make the necessary budget adjustments, appropriations and transfers related to this project.

**SECTION 3.** The City Manager is authorized to execute the contract agreements Project No. 2012-01, "UST and Hydraulic Lift Removal at 150, 220 and 280 E. Ramsey Street." This authorization will be rescinded if the contract agreement is not executed by both parties within forty-five (45) days of the date of this resolution.

**PASSED, ADOPTED AND APPROVED** this 13<sup>th</sup> day of March, 2012.

---

Don Robinson, Mayor  
City of Banning

**ATTEST:**

---

Marie A. Calderon, City Clerk  
City of Banning

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

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

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2012-22 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 13<sup>th</sup> day of March, 2012, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

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

**EXHIBIT "A"**

**BID ADVERTISEMENTS**

Printed at: 8:37 am  
on: Thursday, Feb 23, 2012  
Ad #: 0000742068  
Order Taker:



Classified Advertising

Proof

3450 Fourteenth St.  
Riverside, CA 92501-3878  
(800) 514-7253  
(951) 684-1200  
(951) 368-9006 Fax

**Account Information**

Phone #: (951) 922-3130  
Name: BANNING, CITY OF  
Address: 99 E RAMSEY ST ,  
BANNING, CA 92220  
USA

Account #: 100143211  
Client:  
Placed By:  
Fax #:

**Ad Information**

Classification: EN CLS Legals  
Publication: PE.com, Press Enterprise

Start Date: 02/24/2012  
Stop Date: 03/02/2012  
Insertions: 2 print / 2 online

Rate code: LGL PE City Legal  
Ad type: CLS 10 Liner

Size: 2.0 X 68 Li  
Bill Size:

Amount Due:

**Ad Copy:**

**NOTICE INVITING TO BID  
PROJECT NO. 2012-02, 'STREET IMPROVEMENTS  
AND ELECTRICAL IMPROVEMENTS ON RAMSEY  
STREET BETWEEN SAN GORGONIO AVENUE AND  
MARTIN STREET"**

**OWNER:** City of Banning

**PROJECT DESCRIPTION:** The scope of work under this project includes grinding/cold planing of existing asphalt; grading, placing new A.C. and base; constructing A.C. berms, sidewalks, curbs, gutters, driveways, cross gutters, spondales and handicap ramps; installation of electric conduits, street lights and hand holes; construction of a sewer main and manholes; adjusting manholes, fire hydrants, water meters and water valve covers to grade; removing and replacing water services, water meter boxes, and mailboxes when required by the Public Works Inspector; striping improvements; and cleaning; etc., on various streets all in accordance with the City of Banning and CALTRANS Standard Specifications. The Contractor must comply with all NPDES requirements to reduce storm water run-off by implementing applicable BMPs, as required by the Public Works Inspector.

**PLANS & SPECS:** Full-size drawings and specifications will be made available on February 28, 2012, and may be obtained at the Public Works Department, Engineering Division, City of Banning, 99 E. Ramsey Street, Banning, California 92220, by a non-refundable deposit of Fifty Dollars (\$50.00) per set. An additional non-refundable charge of Fifteen Dollars (\$15.00) to cover the cost of wrapping, handling, and postage will be made for each set of Contract Documents mailed.

**NON-MAHATORY PRE-BID CONFERENCE:** March 8, 2012 at 10 a.m. at the City of Banning, City Hall, 99 E. Ramsey St, Banning.

**REQUIREMENTS:** Prevailing Wage, Certified Payroll, Bid Bond, Payment and Performance Bond, Insurance, etc., per the approved specifications. Pursuant to the provisions of Public Contract Code Section 3300, the City has determined that the Contractor shall possess a valid Class A license at the time that the Contract is awarded. Failure to possess the specified license shall render the bid as not responsible and/or non-responsive and shall act as a bar to award the Contract to any bidder not possessing said license at the time of award.

**SEALED BIDS DUE:** March 15, 2012 and Opened Publicly at 2 p.m. local time, at the above City Hall address, Attn: City Clerk.

**CITY OF BANNING, CALIFORNIA**  
Dated: 2/22/2012  
S/ Marie A. Calderon  
City Clerk

2/24, 3/2

41

**EXHIBIT "B"**

**BID RESULTS**

**SUMMARY OF BIDS RECEIVED  
CITY OF BANNING**

**PROJECT NO.: 2012-01**

**DESCRIPTION: UST and Hydraulic Lifts Removal at 150, 220 and 280  
East Ramsey Street**

**BID OPENING DATE: March 1, 2012 TIME: 10:00 a.m.**

NAME OF BIDDER:	Bid Bond	<i>Abund.</i>	TOTAL BID AMOUNT:
Warren Duncan Contracting	✓	✓	\$35,000.00
Flemming Env.	✓	NO	\$29,700.00

**VERIFIED BY:**

*A.H.W., Senior Engineer / Deputy City Clerk.*

## CITY COUNCIL AGENDA

**DATE:** March 13, 2012

**TO:** City Council

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

**SUBJECT:** Resolution No. 2012-23, "Accepting Project No. 2011-02, 'Street and Electrical Improvements on Ramsey Street, Martin Street and Williams Street' as Complete"

**RECOMMENDATION:** The City Council adopt Resolution No. 2012-23:

- I. Accepting Project No. 2011-02, "Street and Electrical Improvements on Ramsey Street, Martin Street and Williams Street" as complete and direct the City Clerk to record the Notice of Completion.
- II. Authorizing the Administrative Services Director to make the necessary budget adjustments, appropriations and transfers related to this project.

**JUSTIFICATION:** Staff has determined that the project has been completed per the City of Banning plans and specifications.

**BACKGROUND:** On September 27, 2011, the City Council adopted Resolution No. 2011-83, "Awarding the Construction Contract for Project No. 2011-02, 'Street and Electrical Improvements on Ramsey Street, Martin Street and Williams Street,' to Matich Corporation Inc. of San Bernardino, California."

The project scope of work included: installation of an electric conduit duct bank, vaults, transformer pads, handholes and street lights; grading, placement of a new street section including base and asphalt concrete, street signing and striping; construction of curbs and gutters, sidewalks, commercial and residential driveways, cross gutters, spandrels, handicap ramps, retaining walls and catch basins including the installation of reinforced concrete pipe; adjusting existing water meters, valve cans and manholes to finish grade on various streets all in accordance with the City of Banning, Caltrans and Riverside County Flood Control District Standard Specification.

The improvements included in the project were required to be completed as part of the Real Property Acquisition Agreement between the Community Redevelopment Agency (CRA) and the State of California for the development of the Mid County Courthouse.

During the course of the project, there were numerous unforeseen conditions that were not identified during the preparation of the scope of work for the project. Due to the conditions the contractor was directed to complete additional work outside of the original scope of work

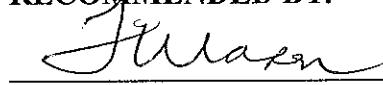
included in the contract. These additional items included: the removal of building footings, located within the grading limits, belonging to building that were demolished many years ago; removal and reconstruction of concrete needed to make substandard handicap ramps compliable with current Americans with Disabilities Act (ADA) requirements; installation of conduits to facilitate the removal of Verizon overhead lines; modification of storm drain laterals to avoid shallow utilities; and modifications to the street lighting plan.

**FISCAL DATA:** The original contract amount for this project was \$596,000.00. An additional \$59,600.00, 10% of the contract, was added as a construction contingency. Due to unforeseen conditions additional work was added to the project which resulted in a final project cost of \$723,076.85. An appropriation in the amount of \$63,330.74 into Account No. 855-9500-490-90.06 and an appropriation in the amount of \$4,146.11 into Account No. 673-7000-473-96.29, to cover the additional expenses, is requested.

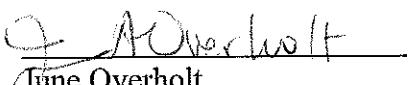
**RECOMMENDED BY:**

  
Duane Burk,  
Director of Public Works

**RECOMMENDED BY:**

  
Fred Mason,  
Electric Utility Director

**REVIEWED BY:**

  
June Overholt  
Administrative Services Director  
Deputy City Manager

**APPROVED BY:**

  
Andy Takata  
City Manager

**RESOLUTION NO. 2012-23**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING,  
CALIFORNIA, ACCEPTING PROJECT NO. 2011-02, "STREET AND ELECTRICAL  
IMPROVEMENTS ON RAMSEY STREET, MARTIN STREET AND WILLIAMS  
STREET" AS COMPLETE**

**WHEREAS**, on September 27, 2011, the City Council adopted Resolution No. 2011-83, "Awarding the Construction Contract for Project No. 2011-02, 'Street and Electrical Improvements on Ramsey Street, Martin Street and Williams Street,' to Matich Corporation Inc. of San Bernardino, California"; and

**WHEREAS**, the project scope of work included: installation of an electric conduit duct bank, vaults, transformer pads, handholes and street lights; grading, placement of a new street section including base and asphalt concrete, street signing and striping; construction of curbs and gutters, sidewalks, commercial and residential driveways, cross gutters, spandrels, handicap ramps, retaining walls and catch basins including the installation of reinforced concrete pipe; adjusting existing water meters, valve cans and manholes to finish grade on various streets all in accordance with the City of Banning, Caltrans and Riverside County Flood Control District Standard Specification; and

**WHEREAS**, the improvements included in the project were required to be completed as part of the Real Property Acquisition Agreement between the Community Redevelopment Agency (CRA) and the State of California for the development of the Mid County Courthouse; and

**WHEREAS**, the original contract amount for this project was \$596,000.00 and an additional \$59,600.00, 10% of the contract, was added as contingency; and

**WHEREAS**, due to unforeseen conditions additional work was added to the project which resulted in a final project cost of \$723,076.85; and

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

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

**SECTION 1.** That the City Council accepts Project No. 2011-02, "Street and Electrical Improvements on Ramsey Street, Martin Street and Williams Street" and directs the City Clerk to record the Notice of Completion.

**SECTION 2.** That the requested appropriation in the amount of \$63,331.84 into Account No. 855-9500-490-90.06 and the appropriation in the amount of \$4,146.11 into Account No. 673-7000-473-96.29, to cover the additional expenses is approved.

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

**PASSED, APPROVED, AND ADOPTED** this 13<sup>th</sup> day of March, 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, do hereby certify that the foregoing Resolution No. 2012-23 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 13<sup>th</sup> day of March, 2012, by the following vote, to wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

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

1 WHEN RECORDED MAIL TO:

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

8 FREE RECORDING:

9 Exempt Pursuant to  
10 Government Code §6103

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12  
13 NOTICE OF COMPLETION

14 PROJECT NO. 2011-02

15 STREET AND ELECTRICAL IMPROVEMENTS ON RAMSEY STREET, MARTIN  
16 STREET AND WILLIAMS STREET

17  
18 THIS NOTICE OF COMPLETION IS HEREBY GIVEN by the OWNER, the  
19 City of Banning, a municipal corporation, pursuant to the provisions of Section 3093 of  
20 the Civil Code of the State of California, and is hereby accepted by the City of Banning,  
21 pursuant to authority conferred by the City Council this May 13, 2012 , and the grantees  
22 consent to recordation thereof by its duly authorized agent.

23  
24 That the OWNER, the City of Banning, and Matich Corporation of San Bernardino,  
25 California, the vendee, entered into an agreement dated October 24, 2011, for  
26 Construction of Project No. 2011-02, "Street and Electrical Improvements on Ramsey  
27 Street, Martin Street and Williams Street". The scope of work for Project No. 2011-02  
28 included installation of an electric conduit duct bank, vaults, transformer pads, handholes  
29 and street lights; grading, placement of a new street section including base and asphalt  
30 concrete, street signing and striping; construction of curbs and gutters, sidewalks,  
31 commercial and residential driveways, cross gutters, spandrels, handicap ramps, retaining  
32 walls and catch basins including the installation of reinforced concrete pipe; adjusting  
33 existing water meters, valve cans and manholes to finish grade on various streets all in  
34 accordance with the City of Banning, Caltrans and Riverside County Flood Control  
35 District Standard Specifications.

(1) That the work of improvement was completed on February 13, 2012, for Project No. 2011-02, "Street and Electrical Improvements on Ramsey Street, Martin Street and Williams Street" and the Nature of Interest was to provide street improvements.

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

(3) That said work of improvement was performed at various locations on Ramsey Street, Martin Street and Williams Street throughout Banning, California 92220.

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

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

(6) The nature of interest is in fee.

Dated: May 13, 2012

CITY OF BANNING  
A Municipal Corporation

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

APPROVED AS TO FORM:

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

49

## 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.

(Seal)

Notary Public in and for said County  
and State

STATE OF CALIFORNIA)

) ss

COUNTY OF RIVERSIDE)

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

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

Executed on \_\_\_\_\_, 2012 at Banning, California.

## City Clerk of the City of Banning

50

**CITY COUNCIL AGENDA  
ORDINANCE**

**DATE:** **March 13, 2012**

**TO:** **City Council**

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

**SUBJECT:** **Ordinance No. 1449, “Re-establishing and Declaring Prima Facie Speed Limits within Specified Speed Zones throughout the City of Banning to include Speed Zones 28, 37 and 46”**

**RECOMMENDATION:** Adopt Ordinance No. 1449, “Re-establishing and Declaring Prima Facie Speed Limits within Specified Speed Zones throughout the City of Banning to include Speed Zones 28, 37 and 46,” amending Ordinance 1443.

**JUSTIFICATION:** City Council adopted Ordinance 1443 with the exclusion of Speed Zones 28, 37 and 46 to be brought back to Council for further consideration after additional radar and speed surveys on these zones were performed.

**BACKGROUND:** On January 10, 2012, the City Council approved the first read of Ordinance 1443 Re-establishing and Declaring Prima Facie Speed Limits with Specified Zones throughout the City of Banning with exception to Zones 28, 37 and 46 to be resurveyed and brought back for further consideration. On January 24, 2012, Ordinance 1443 passed its second reading and was adopted with exception to the abovementioned zones.

As directed by City Council, additional radar and speed surveys were conducted on January 24, 25 and 26 on both peak and off-peak hours for the following zones:

Zone 28: Ramsey Street between 22<sup>nd</sup> Street and 8<sup>th</sup> Street

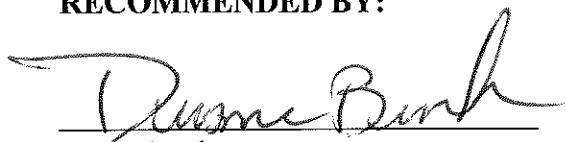
Zone 37: Wilson Street between Sunset Avenue and 8<sup>th</sup> Street

Zone 46: Sun Lakes Blvd between Highland Springs Avenue and Country Club Drive

As a result, the Traffic Engineer Consultant provided a certified memorandum report that includes analyses and recommendations as shown in the attached Exhibit “A”. The additional survey results support the initial recommendations as listed in Exhibit “B” that were included in the Engineering and Traffic Surveys report for the City of Banning; therefore, staff respectfully requests the approval and inclusion of Speed Zones 28, 37 and 46 as originally presented under Ordinance 1443. If approved, a summary of all speed zones incorporating these changes are shown in Exhibit “C”.

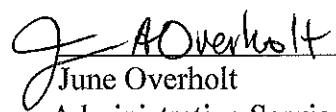
**FISCAL DATA:** The costs associated with the approval of Speed Zones 28, 37 and 46 were previously approved on January 24, 2012 under Ordinance 1443.

**RECOMMENDED BY:**



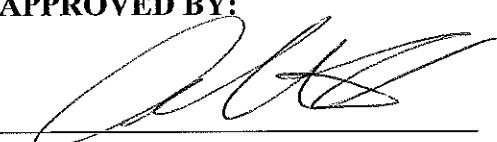
Duane Burk  
Director of Public Works

**REVIEWED BY:**



June Overholt  
Administrative Services Director/  
Deputy City Manager

**APPROVED BY:**



Andy Takata  
City Manager

**ORDINANCE NO. 1449**

**AN ORDINANCE OF THE CITY OF BANNING, CALIFORNIA, RE-ESTABLISHING AND DECLARING PRIMA FACIE SPEED LIMITS WITHIN SPECIFIED SPEED ZONES THROUGHOUT THE CITY OF BANNING TO INCLUDE SPEED ZONES 28, 37, & 46.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANNING AS FOLLOWS:**

**SECTION 1.** The prima facie speed limits within the specified speed zone limits of the following specified streets are determined and declared to be as shown herewith as Exhibit "C".

**SECTION 2.** The Mayor shall sign this ordinance and the City Clerk shall attest thereto and shall publish it or a summary of it in a newspaper printed and published within the City, and thereafter this ordinance shall be in force and effect according to law.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_\_ day of March, 2012.

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Don Robinson, Mayor  
City of Banning

**ATTEST:**

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Marie A. Calderon, City Clerk

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

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

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1449 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 13<sup>th</sup> day of March, 2012, and was duly adopted at a regular meeting of said City Council on the \_\_\_\_ day of March, 2012, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

**EXHIBIT "A"**  
**CERTIFIED MEMORANDUM DATED JANUARY 30, 2012**

## MEMORANDUM REPORT

**DATE:** JANUARY 30, 2012

**TO:** KAHONO OEI, CITY ENGINEER

**FROM:** PETER H. LIU, P.E.

**SUBJECT: ADDITIONAL SPEED SURVEYS, RAMSET STREET, WILSON STREET AND SUN LAKES BOULEVARD**

As directed by City Council at their January 10, 2012 regular meeting for the re-certification of Citywide Speed Zone Survey, additional radar speed surveys were conducted on January 24, 25 and 26 on both peak and off-peak hours at the following speed zones:

Zone 28: Ramsey Street between 22<sup>nd</sup> Street and 8<sup>th</sup> Street

Zone 37: Wilson Street between Sunset Avenue and 8<sup>th</sup> Street

Zone 46: Sun Lakes Boulevard between Highland Springs Avenue and Country Club Drive

### Analysis

In summary, the new critical (85<sup>th</sup> percentile) speeds for Ramsey Street between 22<sup>nd</sup> Street and 8<sup>th</sup> Street are measured at 39 mph for both EB and WB directions. The new measurements when compared with the previous survey results (40 mph and 41 mph for EB and WB respectively) are relatively insignificant since both surveys would justify a 40 mph speed zone.

For Wilson Street, an additional survey location was selected between 16<sup>th</sup> Street and 8<sup>th</sup> Street. This segment of street provides direct driveway access, allows on-street parking and is within close proximity to a school. The 85<sup>th</sup> percentile speed measured in this segment is 36 mph as compared with 45 mph in the segment west of 16<sup>th</sup> Street. The reason for the decrease of critical speed, as observed, is primarily attributed to the existing flashing radar speed detectors which provide advance warning for motorists to slow down as they pass through the school zone.

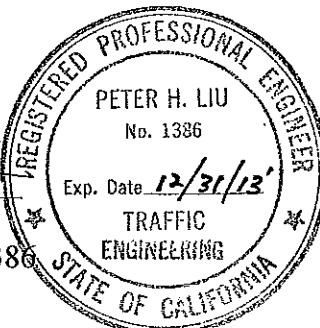
The new critical speeds for Sun Lakes Boulevard between Highland Springs Avenue and Country Club Drive are measured at 27 mph EB and 28 mph WB. They are almost identical to the previously surveyed critical speed of 28 mph in both directions. Under ideal conditions, the speed limit should be established at 30 mph for this segment of Sun Lakes Boulevard. However, a lower speed limit of 25 mph could be justified in

consideration of senior citizens driving golf carts to and from the shopping center in mixed traffic flow.

Recommendation

1. Approve a 40 mph speed zone be established for Ramsey Street between 22<sup>nd</sup> and 8<sup>th</sup> Street,
2. Approve a 45 mph speed zone be established for Wilson Street between Sunset Avenue,
3. Install additional advance warning signs (School Ahead) on Wilson Street to slow down motorists for both EB and WB directions travelling between 16<sup>th</sup> and 8<sup>th</sup> Streets per California MUTCD (Manual of Uniform Traffic Control Device) standards and requirements.
4. Approve a 25 mph speed zone be established for Sun Lakes Blvd. between Highland Springs Avenue and Country Club Drive.

  
Peter H. Liu, P.E.  
Ca. Registered Traffic Engineer #1386



## EXHIBIT “B”

### SPEED LIMIT CHANGES

ZONE	Street Name	From	To	EXISTING POSTED SPEED		PROPOSED SPEED	
				EB	WB	EB	WB
28	Ramsey St	22nd St	8th St	35	35	40	40
37	Wilson St	Sunset Ave	8th St	35	35	45	45
46	Sun Lakes Blvd	Highland Springs Ave	Country Club Dr	35	35	25	25

## EXHIBIT "C"

### SUMMARY OF SPEED ZONES

#### NORTHBOUND / SOUTHBOUND ZONES

No	Street Name	From	To	RECOMMENDED SPEED	
				NB	SB
1	8th St	Gilman St	I-10	30	30
2	22nd St	Ramsey St	Westward Ave	35	35
3	Highland Home Road	Wilson St	Ramsey St	40	40
4	Hathaway St	Hoffer St	Ramsey St	35	35
5	Hathaway St	Lincoln St	Wesley St	35	35
6	Mountain Ave	Mockingbird Lane	Wilson St	35	35
7	Highland Springs Ave (Northbound)	N. City Limit	Oak Valley Pkwy	50	Beaumont
8	Highland Springs Ave (Northbound)	Oak Valley Pkwy	Wilson St	50	Beaumont
9	Highland Springs Ave (Northbound)	Wilson St	Sun Lakes Bl	35	Beaumont
10	Highland Spring Ave (Northbound)	Sun Lakes Bl	S. City Limit	35	Beaumont
11	San Gorgonio Ave	Lombardy Lane	Wilson St	30	30
12	San Gorgonio Ave	Wilson St	Ramsey St	30	30
13	San Gorgonio Ave	Ramsey St	Lincoln St	30	30
14	Sunset Ave	Wilson St	Ramsey St	35	35
15	Sunset Ave	Ramsey St	Westward Ave	35	35
16	Hargrave St	Wilson St	Ramsey St	30	30
17	Hargrave St	Ramsey St	Wesley St	35	35
18	Omar St	Ramsey St	Wilson St	25	25
19	Alessandro St	Repllier Rd	Wilson St	30	30
20	Alessandro St	Wilson St	Ramsey St	30	30

(\*) – City of Beaumont has agreed to keep speed limits consistent with City of Banning

## EASTBOUND /WESTBOUND ZONES

No	Street Name	From	To	RECOMMENDED SPEED	
				EB	WB
21	Lincoln St	Sunset Ave	22nd St	40	40
22	Lincoln St	22nd St	8th St	40	40
23	Lincoln St	8th St	San Gorgonio Ave	40	40
24	Lincoln St	San Gorgonio Ave	Hathaway St	40	40
25	Ramsey St	Highland Springs Ave	Highland Home Rd	50	50
26	Ramsey St	Highland Home Rd	Sunset Ave	50	50
27	Ramsey St	Sunset Ave	22nd St	40	40
28	Ramsey St	22nd St	8th St	40	40
29	Ramsey St	8th St	Hargrave St	25	25
30	Ramsey St	Hargrave St	I-10 Ramps	40	40
31	Nicolet St	Sunset Ave	22nd St	35	35
32	Nicolet St	22nd St	4th St	35	35
33	Nicolet St	4th St	Hargrave St	25	25
34	Nicolet St	Hargrave St	Hathaway St	25	25
35	Wilson St	Highland Springs Ave	Highland Home Rd	45	45
36	Wilson St	Highland Home Rd	Sunset Ave	45	45
37	Wilson St	Sunset Ave	8th St	45	45
38	Wilson St	8th St	San Gorgonio Ave	35	35
39	Wilson St	San Gorgonio Ave	Hargrave St	35	35
40	Sun Lakes Bl	Country Club Drive	Highland Home Rd	35	35
41	Westward Ave	Sunset Ave	San Gorgonio Ave	35	35
42	Williams St	Sunset Ave	Hathaway St	25	25
43	George St	Sunset Ave	Woodland Ave	25	25
44	George St	20th St	8th St	25	25
45	George St	8th St	San Gorgonio Ave	25	25
46	Sun Lakes Bl	Highland Springs Ave	Country Club Drive	25	25