

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

December 11, 2012  
**5:00 p.m.**

Banning Civic Center  
Council Chambers  
99 E. Ramsey St.

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

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

**I. CALL TO ORDER**

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

**II. 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. 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 for future study, research, and appropriate Council Action.) See last page. PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.

**CORRESPONDENCE:** Items received under the category may be received and filed or referred to staff for future research or a future agenda.

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

### **III. 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 14**

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

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

1.	Approval of Minutes – Special Meeting – 11/13/12 (Closed Session) .....	1
2.	Approval of Minutes – Regular Meeting – 11/13/12. ....	2
3.	Report of Investments for September 2012 .....	14
4.	Report of Investments for October 2012 .....	24
5.	Approval of Accounts Payable and Payroll Warrants for Month of September 2012 .....	34
6.	Accept Grant of Easement from George A. Pearson, APN 537-090-063 063 for the Sunset Grade Separation Project. ....	36
7.	Accept Grant of easement from Oakwood Investments, LLC, APN 538-190-014 for Sunset Grade Separation Project .....	43
8.	Approve Share of Cost Agreement for State Route 10 at Sunset Ave. Eastbound and Westbound Ramps. ....	49
9.	Resolution No. 2012-88, Adopting a Government Access TV (PEG) Administration Policy A-12 and Related Sponsorship Policy A-12 (a) ...	53
10.	Resolution No. 2012-94, Approving a Side Letter Agreement to the Memorandum of Understanding Between the International Brotherhood of Electrical Workers-Local 47 (IBEW) General Employees Unit and Utility Unit, the San Bernardino Public Employees Association (SBPEA) and the City of Banning .....	75
11.	Resolution No. 2012-95, Reciting the Facts of the Consolidated Presidential General Election Held in Said City on November 6, 2012 Declaring the Result Thereof and Such Other Matters as Provided By Law. ....	90
12.	Resolutions No. 2012-96, Awarding the Construction Contract for Project No. 2012-03, Corporate Yard Block Wall and Rejecting All Other Bids .....	96
13.	Resolution No. 2012-97, Adopting the 2012 Public Works Standard Drawings for the City of Banning. ....	102
14.	Resolution No. 2012-98, Approving the Second Amendment to the Professional Services agreement with GeoTek, Inc. ....	108

- Open for Public Comments
- Make Motion

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

**IV. CONSENT ITEMS**

1. Resolution No. 2012-15 UA, Approving the Purchase of Supervisory Control and Data Acquisition Radios through Steven Engineering of San Francisco, Calif. and Awarding a Professional Services Agreement to Prime Systems Industrial Automation, Inc. of Riverside, Calif. .... 112

**Recess joint meeting of Banning City Council and Banning Utility Authority and reconvene the regular City Council Meeting.**

**V. PRESENTATIONS TO OUTGOING CITY COUNCIL MEMBERS**

- by Mayor Pro Tem Franklin

**VI. SWEARING IN OF CITY CLERK**

- by Mayor Pro Tem Franklin

**VII. SWEARING IN OF CITY TREASURER**

- by City Clerk

**VIII. SWEARING IN OF COUNCILMEMBERS ELECT**

- City Clerk

**IX. REORGANIZATION OF CITY COUNCIL, HOUSING AUTHORITY**

- City Clerk

**RECESS COUNCIL MEETING – At this time please join the City Council for a small reception in the Large Conference Room.**

**Reconvene joint meeting of Banning City Council and Banning Utility Authority.**

**X. PUBLIC HEARING**

1. Resolution No. 2012-17 UA, Adopting the Addendum to the 2010 Urban Water Management Plan.

Staff Report ..... 127

Recommendation: **That the Utility Authority Board adopt Resolution No. 2012-17 UA, Adopting the Addendum to the 2010 Urban Water Management Plan.**

**Adjourn joint meeting of Banning City Council and Banning Utility Authority and reconvene the regular City Council Meeting.**

## **XI. ORDINANCE-INTRODUCTION**

1. Urgency Ordinance to Amendment to CalPERS Contract for a Two Tier Plan for the Miscellaneous Employees.	144
Staff Report . . . . .	144
Recommendation: That the City Council adopt Urgency Ordinance No. 1459 amending the City's contract with the California Employees' Retirement System (CalPERS) to implement the lower-level retirement formula for new employees at 2% @60 retirement formula for miscellaneous employees and be subject to the final compensation calculation based on an average 36 month period.	

**Mayor asks the City Clerk to read the title of Ordinance No. 1459:**

*“An Urgency Ordinance of the City Council of the City of Banning, California, Authorizing an Amendment to the Contract Between the City Council of the City of Banning and the Board of Administration to the California Public Employees’ Retirement System.*

**Motion: I move to waive further reading of Urgency Ordinance No. 1459.**

(Requires a majority vote of Council)

**Motion: I move that Urgency Ordinance No. 1459 be adopted.**

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

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

## **XIII. ITEMS FOR FUTURE AGENDAS**

New Items –

Pending Items – City Council

1. Schedule Meetings with Our State and County Elected Officials

## **XIV. ADJOURNMENT**

The December 25, 2012 City Council Meeting will be cancelled due to the Christmas Holiday and the next Regular City Council Meeting will be held on Tuesday, January 8, 2013.

*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. 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. No member of the public shall be permitted to "share" his/her three minutes with any other member of the public. The Mayor and Council will in most instances refer items of discussion which do not appear on the agenda to staff for appropriate action or direct that the item be placed on a future agenda of the Mayor and Council. However, no other action shall be taken, nor discussion held by the Mayor and Council on any item which does not appear on the agenda, unless the action is otherwise authorized in accordance with the provisions of subdivision (b) of Section 54954.2 of the Government Code.

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

MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

11/13/12  
SPECIAL MEETING

A special meeting of the Banning City Council and a special joint meeting of the Banning City Council and the City Council Sitting In Its Capacity of a Successor Agency was called to order by Mayor Robinson on November 13, 2012 at 4:00 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

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

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Andrew J. Takata, City Manager  
David J. Aleshire, City Attorney  
Duane Burk, Public Works Director  
Zai Abu Bakar, Community Development Director  
Marie A. Calderon, City Clerk

CLOSED SESSION

City Attorney announced that the City Council would meet in closed session to discuss a matter of potential litigation pursuant to the provisions of Government Code Section 54956.9; and a Successor Agency Board item pursuant to the provisions of Government Code Section 54956.8 with regard to real property negotiations concerning to 42 W. Ramsey Street.

City Attorney said that the Council will also need to add an item to the closed session agenda pursuant to Government Code Section 54957 with regard to City Attorney evaluation.

**Motion Hanna/Franklin to add this item to the agenda. Motion carried, all in favor.**

Mayor Robinson opened the item for public comments. There were none. Meeting went into closed session at 4:03 p.m. and reconvened at 5:50 p.m.

## ADJOURNMENT

By common consent the meeting adjourned at 4:50 p.m.

Marie A. Calderon, City Clerk

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

MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

REGULAR MEETING  
11/13/12

A regular meeting of the Banning City Council and a Joint Meeting of the City Council Sitting in Its Capacity of a Successor Agency and the Banning Housing Authority was called to order by Mayor Robinson on November 13, 2012 at 5:15 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

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

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Andrew J. Takata, City Manager  
David J. Aleshire, City Attorney  
Duane Burk, Public Works Director  
Zai Abu Bakar, Community Development Director  
Leonard Purvis, Police Chief  
Phil Holder, Police Lieutenant  
Heidi Meraz, Community Services Director  
Fred Mason, Electric Utility Director  
Jeff Stowell, Battalion Chief  
Rita Chapparosa, Deputy Human Resources Director  
Marie A. Calderon, City Clerk

The invocation was given by Pastor Richard Szydlowski, Mountain Avenue Baptist Church. Mayor Robinson invited the audience to join him in the Pledge of Allegiance to the Flag.

## REPORT ON CLOSED SESSION

City Attorney announced that the Council met in closed session and the items on the agenda involved a matter of potential litigation which was not discussed. Also property negotiations involving the Oddfellows and a status report was given and there was no reportable action taken. The other item involved evaluation of the City Attorney and the Council began that process.

PUBLIC COMMENTS/CORRESPONDENCE/PRESENTATIONS/ANNOUNCEMENTS

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

Beverly Rashidd announced two events: 1) Pass Area Performing Artist present "Death by Golf" being held on Nov. 17 and Nov. 18; and 2) New Children's Theater of the Pass will put on its first production entitled "The Best Christmas Pageant Ever" to be held on Dec. 14, 15, and 16 at the Woman's Club and tickets go on sale Nov. 19<sup>th</sup>.

Chief Purvis presented a plaque to Volunteer Dick Morris for his dedication, loyalty and service. He has been a volunteer with the Banning Police Department since July 1999 and he is moving on to Idaho. Dick has done a great job over the years donating thousands of hours to the City of Banning and his shoes are going to be tough to fill. Chief Purvis said that they will miss having him as a part of Team Banning and wish him the best of luck.

Bill Dickson, Volunteer Coordinator for the Banning Police Department addressed the Council stating that currently they have four new people that have been through the academy and you will soon see them out and about. For those that would be interested in being a part of this volunteer group can give him a call at 951-692-6902 to get an application.

CORRESPONDENCE: There was none.

PRESENTATIONS:

1. Proclamation Presentation to Logan Purvis

Mayor Robinson and the City Council Members presented a proclamation to Logan Purvis in recognition of her outstanding record of volunteer service, peer leadership, and community spirit. Mayor Robinson read the proclamation for the benefit of the audience.

Also at this time Art Welch presented a proclamation to Logan Purvis from the California Assembly and Assemblyman Paul Cook upon the occasion of her high school graduation proclaiming she is being recognized for her outstanding record of volunteer of volunteer service, peer leadership, and community spirit and extends best wishes for continued success.

2. Announcement of New Employees – James Tarwick and Brandon Robinson

City Manager introduced new employees Brandon Robinson, Associate Electrical Engineer and James Tarwick, Office Assistant working in both the Electrical Dept. and Administrative Services and gave some background information on each of them and welcomed both of them to the organization.

3. Centennial Update (Barbara Hanna, Don Smith and Mike Rose)

Councilmember Hanna said the Centennial kick-off will be held on December 1st.

Don Smith stated that the Phineas Festival will be held on Saturday, December 1<sup>st</sup> at the corner of Hays and San Gorgonio starting at 3 p.m. Santa Claus will be in attendance and there will be food vendors, craft vendors, an art show, an event at the Dorothy Ramon Learning Center, Fire Memories Museum will be out in force with the fire trucks giving rides. At 5:30 p.m. the

official lighting of the City's Christmas Tree will be held and the official opening of the Centennial will be held where Phineas Banning will be presented back to Banning.

Mike Rose stated that a bust of Phineas Banning will be unveiled and he displayed for the audience a picture of the bust and this will be their piece of public art and first sculpture and first appearance of Banning in 140 years. He gave more information about the bust.

Don Smith said that during the Phineas Festival there will be entertainment on stage from the different churches, Banning Police Activities League (BPAL), Boys and Girls Club beginning at 3 p.m. Approximately 7:00 p.m. there will be a march from downtown Banning to the Life Point Church located at George St. and Ramsey St. where a live Christmas Tree event will take place at the close at the Phineas Festival.

Don Smith said the sculptor of Phineas Banning, Rob Brown in order to get a feel for Banning, first did a relief and stated that one of the ways they are going to be raising money over the next year is to sell shares in Banning. People who buy shares in Banning will be recognized by receiving a relief with some sort of indication on the base of the sculpture itself as to the sponsors of it. He stated that Mike Rose will be telling fascinating stories about Phineas Banning and once you get to know this man there will be pride in the fact that we were named after such an important Californian.

Information was also given about the fifty art banners to hang in downtown Banning throughout 2013 beginning in January and most of the banners are completed and can be seen at the Woman's Club or the Art Gallery and 45 of them have been sold and 5 are still available. They are a wonderful depiction of both our past and present.

Councilmember Hanna said that she is working very hard right now on the website and that website will be the core of their marketing and will be available December 6th. The web address will be [www.Banning100Birthday.com](http://www.Banning100Birthday.com). She said that while the City is a very active and important partner to the Centennial the City is not funding the Centennial. Their goal has been to raise \$100,000.00 dollars and the concept is that half of it will go to the events and half will go towards creating a Banning Community Fund which will be invested with the Community Foundation of Riverside/San Bernardino Counties. They are up to \$65,000 and hopefully that they will reach the \$100,000.00 mark by the end of the year. At this time she mentioned some upcoming things that will be happening after the Phineas Festival: January 12<sup>th</sup> – San Gorgonio Pass Historical Society will host a roundtable regarding things that people may have in their homes, businesses, etc. regarding Banning history; Feb. 6<sup>th</sup> – Special City Council Meeting at 5:00 p.m. honoring past council members; and Feb. 9<sup>th</sup> first lecture on Banning and the West and this will be a dinner lecture at a cost of \$25.00. Don Smith said that one of the oldest buildings in town and still being used for its purpose is the Woman's Club which is 99 years old. It was used during World War II for USO shows and a USO show will be held in 2013 on Memorial Day.

Beverly Rashidd, Culture Alliance said that since we are moving on into the future she wanted to announce the Annual Black History Celebration and they will be focusing on old families

and if anyone knows anything about the migration from Palm Springs, etc. they would like to hear about them.

## CONSENT ITEMS

City Manager requested that Consent Item No. 12 be pulled and moved to Reports of Officers. Mayor Pro Tem Franklin pulled Consent Item No. 11.

1. Approval of Minutes – Special Meeting – 08/28/12 (Workshop)

Recommendation: That the minutes of the Special Meeting of August 28, 2012 be approved.

2. Approval of Minutes – Special Meeting – 08/28/12 (Closed Session)

Recommendation: That the minutes of the Special Meeting of August 28, 2012 be approved.

3. Approval of Minutes – Regular Meeting – 08/28/12

Recommendation: That the minutes of the Regular Meeting of August 28, 2012 be approved.

4. Approval of Minutes – Special Meeting – 09/11/12 (Closed Session)

Recommendation: That the minutes of the Special Meeting of September 11, 2012 be approved.

5. Approval of Minutes – Regular Meeting – 09/11/12

Recommendation: That the minutes of the Regular Meeting of September 11, 2012 be approved.

6. Approval of Minutes – Special Meeting – 10/23/12 (Closed Session)

Recommendation: That the minutes of the Special Meeting of October 23, 2012 be approved.

7. Approval of Minutes – Regular Meeting – 10/23/12

Recommendation: That the minutes of the Regular Meeting of October 23, 2012 be approved.

8. Adoption of Ordinance No. 1457 – 2<sup>nd</sup> Reading: An Ordinance of the City Council of the City of Banning, California, Amending Ordinance No. 1442 Setting Forth a Procedure of Mayor and Other Positions Held by Councilmembers.

Recommendation: That Ordinance No. 1457 pass its second reading and be adopted.

9. Accept Grant of Easement from O'Donnell Group, Parcel 1/APN 532-110-010 and parcel 2/APN 532-110-008 for Proposed Water Well Exploration/Drilling Project.

Recommendation: Accept the Grant of Easement from O'Donnell Group, Assessor's Parcel Number 532-110-010/008, for the temporary access to the water well site located within the O'Donnell project, and direct the City Clerk to accept and record said easement. The parcel is described in Exhibit "A" and "B".

10. Resolution No. 2012-14, Authorizing the Acceptance of a Mass Care Trailer from the County of Riverside.

Recommendation: That the City Council adopt Resolution No. 2012-14.

12. Resolution No. 2012-85, A Resolution of Intention to Approve an Amendment to the Contract between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the City Council for the City of Banning.

*(This item was pulled from Consent Items and consider under Reports of Officers as Item 1A.)*

13. Resolution No. 2012-86, Approving the Reimbursement Agreement Between the City of Banning and MCI Communications Services, Inc. for Relocation of Facilities at a Portion of the Union Pacific Railroad Right of Way for Project No. 2006-05, Sunset Avenue Grade Separation.

Recommendation: That the City Council adopt Resolution No. 2012-86, Approving the Reimbursement Agreement between the City of Banning and MCI Communications Services, Inc., for Relocation of Facilities at a Portion of the Union Pacific Railroad Right of Way for Project No. 2006-05, Sunset Avenue Grade Separation for an amount not to exceed \$237,731.59 and authorize the City Manager to execute the Reimbursement Agreement with MCI Communications Services Inc., attached as Exhibit "I".

14. Resolution No. 2012-87, Approving a Contract Services Agreement with TruGreen Landcare for Landscaping Maintenance Services for An Amount not to exceed \$12,530.00.

Recommendation: That the City Council adopt Resolution No. 2012-87, Approving a Contract Services Agreement with TruGreen Landcare for Landscape Maintenance Services for an amount not to exceed \$12,530.00; authorizing the Administrative Services Director to appropriate \$10,430.00 from the General Fund to Account No. 100-4900-431.30-15 and to make all necessary budget adjustments, appropriations and transfers related to the approval of the Contract Services Agreement; and authorize the City Manager to execute the contract services agreement.

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

**Motion Hanna/Franklin to approve Consent Items 1 through 10, 13 and 14. Motion carried, all in favor.**

11. Resolution No. 2012-84, Approving the Projects for Fiscal Year 2013-2014 Community Development Block Grant (CDBG) Program.

Mayor Pro Tem Franklin stated that she would be abstaining from this item because of her relationship with the San Gorgonio Child Care Consortium.

Councilmember Hanna asked about the plans for the Playhouse Bowl and it looks like construction projects related to that issue. Director Burk gave the staff report on this item and explained the plans for the Repplier Park Bowl.

Councilmember Botts stated that he is no longer serves on the Boys and Girls Club Board and wanted the record to reflect that because their application is part of the requested projects for the CDBG Program.

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

**Motion Hanna/Botts that the City Council approve Consent Item No. 11, adopting Resolution No. 2012-84, Approving the Projects for Fiscal Year 2013-2014 Community Development Block Grant (CDBG) Program and authorize staff to submit said applications to the Riverside County Economic Development Agency. Motion carried, all in favor with Mayor Pro Tem Franklin abstaining.**

#### REPORTS OF OFFICERS

1A. Resolution No. 2012-85, A Resolution of Intention to Approve an Amendment to the Contract between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the City Council for the City of Banning.

City Manager said that he will have the Clerk read some things that need to be in the minutes for CalPERS and he gave a brief explanation of the retirement program under PERS.

City Clerk read the following language for the record as follows: "Decreases in the miscellaneous employer rate will occur as employees are hired into the Second Tier." "The employer contribution rate will be 20.560% of reportable earnings for local safety members entering membership for the first time in the safety classification after the effective date of this amendment to contract."

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

**Motion Hanna/Machisic that the City Council adopt Resolution No. 2012-85, a Resolution of Intention to approve an Amendment to the Contract between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the City Council for the City of Banning in order to implement the lower-level retirement formula of 2% at 60 for miscellaneous employees and 2% at 50 for safety employees for new employees and to have the new employees subject to the final compensation calculation based on an average 36 month period; and authorize the Mayor to execute the**

**Certification of Compliance with Government Code Section 20903 for local miscellaneous and local safety members.**

1. City Business Permit for Valley Medical Transport, LLC  
(Staff Report – Phil Holder, Lieutenant)

Lt. Holder gave the staff report as contained in the agenda packet.

Mayor Pro Tem Franklin asked if we had enough business to support five different companies doing this kind of work in our city. Lt. Holder said an analysis has not been done on that yet but he would assume that a company coming into a city would do their own thing to see if they would make money or not. It is not just within the city but a lot of transport through the county or cross-county or depending on the kind of medical service required.

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

**Motion Machisic/Franklin to approve a City Business Permit for Valley medical Transport, LLC to provide non-emergency medical transport services within the City Limits of Banning. Motion carried, all in favor.**

2. Approval of Exclusive Negotiations Agreement by and Between the City of Banning and the Fairview Holdings, S.A., LLC.  
(Staff Report – David Aleshire, City Attorney)

City Attorney gave the staff report as contained in the agenda packet. City Manager said that this will not be the final time that you will see this ENA because a contract has to be brought back. This is just the beginning point; there is a long way to go. City Attorney described the provisions of the Exclusive Agreement to Negotiate.

Councilmember Machisic said it is important to clarify in years the possibility of this project if it ever materializes because people have a perspective if you propose it today, you build it next year. This is certainly not that kind of a project.

John Ohanian, Highland Fairview said it is a long term project. Just the decommissioning of the airport, that aspect, if that were to be part of what they pursue, is a lengthy process. So he would think to be realistic they it would be three to four years to get through the entitlement phase, get to the point of having a fully defined project and something that is ready to break ground.

City Attorney said to reinforce that he would anticipate just negotiating out the agreement is going to be a very substantial period of time.

There were further Council and staff discussion regarding the need for future reports or updates to the Council every six months or when needed and some further explanation about environmental impacts and the public process.

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

Councilmember Botts comments further in regards to this item and the need to develop the airport, utilize the land and the need for new jobs.

**Motion Botts/Machisic that 1) the City Council approve the Exclusive Negotiation Agreement (“ENA”) to be in substantially the form shown in the agenda package and authorize the City Manager and the City Attorney to finalize the ENA to the final executable form; and 2) direct staff to continue discussion with the representatives of Fairview Holdings, S.A., LLC and work towards, in good faith, the culmination of a development agreement or equivalent agreement(s), that may provide for future development of the area in and around the Banning Municipal Airport only after said agreements have been considered and approved by the City Council after a public hearing in accordance with the law.**

3. Resolution No. 2012-89, Establishing the Intergovernmental Communications and Advocacy Committee  
(Staff Report – Andy Takata, City Manager)

City Manager stated that basically this committee would be the screening committee to look at the request for proposals and to determine and make a recommendation to the Council as to our lobbyist for the federal government. One of the things that he has always said is that he would like to have one person who would be on this committee who would stay in that committee and the Mayor would rotate in and out so everybody had an opportunity because it is really important to build a relationship with our State and Federal elected. This basically forms that committee formally for the Council and there will be various functions.

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

**Motion Hanna/Franklin that the City Council adopt Resolution No. 2012-89.**

#### JOINT MEETINGS

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

#### CONSENT ITEMS

1. Resolution No. 2012-13 UA, Approving the Second Amendment to the Professional Services Agreement with Geoscience Support Services, Inc. of Claremont, CA to include additional services in an Amount of \$50,000.00 for a total contact amount “Not to Exceed” \$250,000.00.

**Motion Hanna to approve Consent Item No. 1, adopting Resolution No. 2012-13 UA, Approving the Second Amendment to the Professional Services Agreement with Geoscience Support Services, Inc. of Claremont, CA to include additional services in an Amount of \$50,000.00 for a total contact amount “Not to Exceed” \$250,000.00; and**

authorizing the Administrative Services Director to make an appropriation from the Water Operations funds to Account No. 660-6300-471.33-11 (Professional Services) in the amount of \$50,000.00 and authorizing the City Manager to execute the second amendment to the Professional Services Agreement with Geoscience Support Services.

Mayor Robinson opened the item for public comment. There were none. **Motion seconded by Councilmember Machisic. Motion carried, all in favor.**

Mayor Robinson adjourned the joint meeting of the Banning City Council and the Banning Utility Authority and called to order a joint meeting of the Banning City Council sitting in its capacity of a Successor Agency and the Banning Housing Authority.

#### CONSENT ITEMS

1. Contract Services Agreement with Riverside Housing Development Corporation (“RHDC”) to Implement the Housing Exterior Rehabilitation Program.

**Motion Franklin to approve Consent Item No. 1 a), adopting Resolution No. No. 2012-14 SA, Approving a Contract Services Agreement with Riverside Housing Development Corporation (RHDC) and Authorize the City Manager to Execute the Contract to Implement the Housing Exterior Rehabilitation Program.**

Mayor Robinson opened the item for public comment. There were none. **Motion seconded by Councilmember Hanna. Motion carried, all in favor.**

Chairman Hanna asked for a motion for Resolution No. 2012-05 HA.

**Motion Franklin/Robinson to approve Consent Item No. 1 b), adopting Resolution No. 2012-05 HA, Approving a Contract Services Agreement with Riverside Housing Development Corporation (RHDC) and Authorize the City Manager to Execute the Contract to Implement the Housing Exterior Rehabilitation Program . Motion carried, all in favor.**

#### REPORTS OF OFFICERS

1. Ramsey Villa, LLC (225 W. Ramsey St.) – Extension of Time to Complete Leasing of the Apartments and Retail/Restaurant Space.  
(Staff Report – Zai Abu Bakar, Community Development Director)

Director Zai gave the staff report as contained in the agenda packet.

Councilmember Hanna asked Mr. Lawson in regards to the restaurant component of this project is this just your best guess at this point of when you hope to accomplish it.

Mr. Lawson said he gets a lot of inquires about it but he feels with the economy down people do not have the cash money. He said that Bill Manis contacted him after the last meeting and

seemed to think that there was a concern about bringing veterans into the building and what kind of veterans would he try to lease the building to. Mr. Lawson said he didn't mind renting to veterans but he is not looking for homeless or drug veterans. His goal in developing this downtown was not to bring a negative environment downtown; that is not his intention at all. He is looking for veterans that can afford to pay his rent and are stabilized.

Mayor Pro Tem Franklin stated she has been working with Fred Lawson in terms of trying to get this as a resource center for veterans and it has been a very enlightening experience and she will abstain from voting since she has been working with Mr. Lawson.

Councilmember Machisic asked Mr. Lawson that if he does anything with the different veteran organizations would he sign some kind of an agreement and would they demand or require certain specifications be changed in the building.

Mr. Lawson said he is not signing any agreement with anyone.

Mayor Robinson opened the item for public comments.

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

Don Smith resident commented his knowledge of residential rentals in the Pass Area.

Mayor Robinson closed the item for further public comments.

**Motion Machisic/Botts that the Successor Agency adopt Resolution No. 2012-15 SA, Approving an extension of time to complete the leasing of the apartments and the commercial tenant space at Ramsey Villa, LLC based on the specified schedule as shown in the Second Amendment to the Agreement. Motion carried with Boardmember Franklin abstaining.**

**Robinson/Machisic that the Housing Authority adopt Resolution No. 2012-06 HA, Approving an extension of time to complete the leasing of the apartments and the commercial tenant space at Ramsey Villa, LLC based on the specified schedule as shown in the Second Amendment to the Agreement. Motion carried with Boardmember Franklin abstaining.**

Mayor Robinson adjourned the joint meeting and reconvened the regular City Council Meeting.

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

City Council

Mayor Pro Tem Franklin –

- Congratulated the Banning High School Bronco Team as being the league champion and the Little Broncos had two teams make it to the championships.
- On Thanksgiving Day there will be some places where people can go for a free meal and each of them will be held from 11 a.m. to 1:00 p.m. and those places are the Banning Community Center and Legacy Christian Center and New Creation located on Ramsey Street.

Councilmember Hanna –

- On Thanksgiving Day the Hmong New Year's Celebration will be taking place at Repplier Park. The formal part will start at 10 a.m. at the Playhouse Bowl and then a free meal will be provided starting at noon.

Councilmember Machisic –

- At the WRCOG (Western Riverside Council of Governments) meeting there was a report by the County Superintendent of Schools. They reported on numerous things in Riverside County as compared with other counties in the state of California and county of Riverside as a whole didn't seem to get up much above the middle, if at all. He also noted four particular items where they compared school districts in Western Riverside County and our local school district certainly needs some help and he would suggest to the future Council if there is any way we can help the school district in reaching some goals for the students achieving higher grades, higher achievement, more college entrance, more vocational training, etc. he would urge the Council to do it because that is the future of Banning.

Mayor Robinson –

- He will be attending the final open house and construction walk-through of the San Gorgonio Memorial Hospital Emergency Center at 4:00 p.m. tomorrow. He said we should be very proud of that hospital and the work done there.

City Committee Reports - None

Report by City Attorney – Nothing to report.

Report by City Manager

- Sears Home Stores grand opening will be Nov. 20<sup>th</sup>.
- We will have a test site for LED street lights near Fourth and Ramsey and would like the public to give input as to whether the lights are to bright or other issues and the number that you can call is 951-922-3260.
- Coyne Powersports will have a grand opening on Saturday, December 8<sup>th</sup> at noon.

## ITEMS FOR FUTURE AGENDAS

New Items – None

Pending Items – City Council

1. Schedule Meetings with Our State and County Elected Officials

## ADJOURNMENT

Mayor Robinson announced that the November 27, 2012 City Council Meeting will be cancelled due to the Thanksgiving Holiday and the next Regular City Council Meeting will be held on Tuesday, December 11, 2012.

By common consent the meeting adjourned at 6:17 p.m.

---

Marie A. Calderon, City Clerk

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

## CITY COUNCIL AGENDA

**Date:** December 11, 2012

**TO:** City Council

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

**SUBJECT:** Report of Investments for September 2012

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

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

**BACKGROUND:** This report includes investments on hand at the end of September 2012. As of September 30, 2012, the City's operating funds totaled \$65,123,865. Included in operating funds is \$783,494 of restricted CRA bond proceeds that are on deposit with LAIF and reflected separately on the Treasurer's Report. As of September 30, 2012 approximately 47% of the City's unrestricted cash balances were invested in investments other than LAIF.

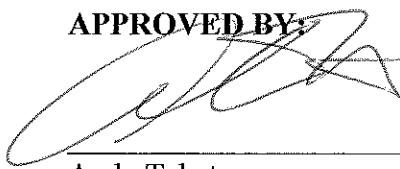
Presented are three months of Investment Reports. September is a first issue, while July and August are included to provide multiple months of statements for comparison.

**FISCAL DATA:** The latest reports from the State indicate that the average interest achieved by the Local Agency Investment Fund (LAIF) decreased to 0.348% in September. The average rate for all investments in September was 0.271%.

**RECOMMENDED BY:**

  
June Overholt  
Administrative Services Director/  
Deputy City Manager

**APPROVED BY:**

  
Andy Takata  
City Manager

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

	<u>Amount</u>
--	---------------

Bank Accounts

Wells Fargo Bank	0.000%	26,741
Wells Fargo Bank-Investment Account	0.100%	4,467,240
Bank of America-Airport	0.300%	4,320
Bank of America-Parking Citations	0.300%	3,134
Bank of America-CNG Station	0.300%	<u>3,418</u>

<i>Money Market and Bank Account Sub-Total</i>	4,504,853
--	-----------

Government Pools

Account #1 Operating Amount	33,498,330
Account #1 CRA Bond Cash Bal.	783,494
Local Agency Investment Fund: Account #1	0.348% 34,281,824
Account #2 Successor Agency Cash Bal	348
Local Agency Investment Fund: Account #2	0.348% <u>348</u>

<i>Government Pool Sub-Total</i>	<u>34,282,172</u>
----------------------------------	-------------------

<b>Operating Cash Balance</b>	<b>38,789,829</b>
-------------------------------	-------------------

Restricted Operating Funds at Riverside Public Utilities

Highmark U.S. Government Money Market Fund	0.000%	659,452
--	--------	---------

Other Investments

Investments-US Bank/Piper Jaffray - See Page 2	0.197%	25,674,584
--	--------	------------

<b>Operating Funds Total</b>	<b><u>65,123,865</u></b>
------------------------------	--------------------------

**Fiscal Agent**

US Bank	<u>Amount</u>
---------	---------------

	<u>40,092,174</u>
--	-------------------

<b>Fiscal Agent Total</b>	<b><u>40,092,174</u></b>
---------------------------	--------------------------

## Operational Portfolio Individual Investments

Par Value	Investment Description	Coupon Rate	Interest Rate	Maturity Date	Purchase Date	Purchase Date	Discount or (Premium)	Amortization	Market Value
<i><u>Bank Accounts</u></i>									
26,741	Wells Fargo Bank-Operating	n/a	0.00%	daily	varies	26/7/41	n/a		26,741
4,467,240	Wells Fargo Bank-Investment Acct	n/a	0.10%	daily	varies	4,467,240	n/a		4,467,240
4,320	Bank of America-Airport	n/a	0.30%	daily	varies	4,320	n/a		4,320
3,134	Bank of America-Parking Citations	n/a	0.30%	daily	varies	3,134	n/a		3,134
3,418	Bank of America-Parking Citations	n/a	0.30%	daily	varies	3,418	n/a		3,418
	Sub-total								4,504,853
<i><u>Government Pools</u></i>									
34,281,824	L.A.I.F. account #1	n/a	0.348%	daily	varies	34,281,824	n/a		34,281,824
348	L.A.I.F. account #2	n/a	0.348%	daily	varies	348	n/a		348
									34,282,172
<i><u>Investments-US Bank/Piper Jaffray</u></i>									
3,000,000	FNMA Deb	n/a	0.600%	5/29/2015	5/16/2012	3,000,000			3,004,470
3,000,000	Federal Farm Credits Bks	n/a	0.600%	5/22/2015	5/16/2012	3,000,000			3,006,420
2,000,000	FNMA MTN	n/a	0.550%	12/4/2014	6/27/2012	2,000,000			2,002,620
17,661,074	Money Market	n/a	0.020%	daily	varies	17,661,074	0		17,661,074
	US Bank/Piper Jaffray Average Rate=		0.197%						25,674,584
	Average Rate All=					0.271%			

It has been verified that this investment portfolio is in conformity with the City of Banning's investment policy which was approved by the City Council on August 28, 2012. The Treasurer's cash management program provides sufficient liquidity to meet estimated future expenditures for a period of six months. The weighted average maturity of the pooled investment portfolio is 115 days and does not include Bond Reserve Fund Investments.

City of Banning Investment Report

September 30, 2012

## Individual Investments with Fiscal Agent

TRUSTEE		Bond Maturity Date	Investment Description	Bond Reserve	Minimum Reserve	Interest Sep-12	Market Value
Bond Issue Description	Investment Description	Current Yield	Bond Maturity Date	Requirement			
<b>COB IMPROVEMENT DISTRICT LIMITED OBLIGATION BONDS SERIES 2005A</b>							
2005 Fair Oaks Ranch Estates	2035 US Bank Mmkt 4-Ct	0.040%	daily	188,943	7.59		188,032
<b>COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION, SERIES 2003</b>							
2003 CRA Tax Allocation Bonds	2028 US Treasury Bill	4.61%	7/28/2011	971,763			
	US Bank Mmkt 4-Ct	0.040%	daily				984,892
	US Bank Mmkt 4-Ct	0.050%	daily				20,706
Surplus Fund	US Bank Mmkt 4-Ct	0.000%	daily				22
							8
<b>COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION PARITY BONDS, SERIES 2007</b>							
Redevelop Fund	2037 US Bank Mmkt 4-Ct	0.040%	daily		282.09		8,326,625
Reserve Fund	US Bank Mmkt 4-Ct	0.040%	daily		63.53		1,875,289
Special Fund	US Bank Mmkt 4-Ct	0.030%	daily				37
Surplus Fund	US Bank Mmkt 4-Ct	0.000%	daily				9
<b>BUA - WASTEWATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES</b>							
Interest Account	US Bank Mmkt 4-Ct	0.000%	daily				9
Principal Account	US Bank Mmkt 4-Ct	0.040%	daily		2.37		70,009
	US Bank Mmkt 4-Ct	0.040%	daily		125.00		3,689,543
<b>BUA - WATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES</b>							
Interest Account	US Bank Mmkt 4-Ct	0.050%	daily		0.00		19
Principal Account	US Bank Mmkt 4-Ct	0.040%	daily		12.54		370,050
Reserve Fund	US Bank Mmkt 4-Ct	0.040%	daily		78.30		2,311,202
Project Fund	US Bank Mmkt 4-Ct	0.040%	daily		142.26		4,199,092
<b>BFA - ELECTRIC SYSTEM REVENUE BONDS 2007 SERIES</b>							
Acquisition & Construction	US Bank Mmkt 4-Ct	0.040%	daily				25
	US Bank Mmkt 4-Ct	0.040%	daily		2,672,050	90.54	2,672,517
	US Bank Mmkt 4-Ct	0.040%	daily		521.19		15,384,089

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

17

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

	<u>Amount</u>
--	---------------

Bank Accounts

Wells Fargo Bank	0.000%	257,966
Wells Fargo Bank-Investment Account	0.100%	2,807,513
Bank of America-Airport	0.300%	5,176
Bank of America-Parking Citations	0.300%	4,137
Bank of America-CNG Station	0.300%	<u>3,801</u>

<i>Money Market and Bank Account Sub-Total</i>	<i>3,078,593</i>
--	------------------

Government Pools

Account #1 Operating Amount	33,188,512
Account #1 CRA Bond Cash Bal.	1,093,312
Local Agency Investment Fund: Account #1	0.363% 34,281,824
Account #2 Sucessor Agency Cash Bal	348
Local Agency Investment Fund: Account #2	0.363% <u>348</u>

<i>Government Pool Sub-Total</i>	<i><u>34,282,172</u></i>
----------------------------------	--------------------------

<b>Operating Cash Balance</b>	<b>37,363,570</b>
-------------------------------	-------------------

Restricted Operating Funds at Riverside Public Utilities

Highmark U.S. Government Money Market Fund	0.000%	1,075,487
--	--------	-----------

Other Investments

Investments-US Bank/Piper Jaffray - See Page 2	0.307%	25,663,165
--	--------	------------

<i>Operating Funds Total</i>	<i><u>64,102,223</u></i>
------------------------------	--------------------------

**Fiscal Agent**

	<u>Amount</u>
--	---------------

US Bank	<u>41,980,146</u>
---------	-------------------

<i>Fiscal Agent Total</i>	<i><u>41,980,146</u></i>
---------------------------	--------------------------

City of Banning Investment Report

July 31, 2012

## Operational Portfolio Individual Investments

Average Rate All= 0.327%

It has been verified that this investment portfolio is in conformity with the City Council on August 23, 2011. The Treasurer's cash management program provides sufficient liquidity to meet estimated future expenditures for a period of six months. The weighted average maturity of the pooled investment portfolio is 192 days and does not include Bond Reserve Fund Investments.

III. *Conclusion.*

19

City of Banning Investment Report

July 31, 2012

## Individual Investments with Fiscal Agent

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

20

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

	<u>Amount</u>
--	---------------

Bank Accounts

Wells Fargo Bank	0.000%	11,189
Wells Fargo Bank-Investment Account	0.100%	2,910,993
Bank of America-Airport	0.300%	3,984
Bank of America-Parking Citations	0.300%	3,435
Bank of America-CNG Station	0.300%	<u>3,424</u>

<i>Money Market and Bank Account Sub-Total</i>	<i>2,933,025</i>
--	------------------

Government Pools

Account #1 Operating Amount	33,498,604
Account #1 CRA Bond Cash Bal.	783,220
Local Agency Investment Fund: Account #1	0.377% 34,281,824
Account #2 Sucessor Agency Cash Bal	348
Local Agency Investment Fund: Account #2	0.377% <u>348</u>

<i>Government Pool Sub-Total</i>	<i><u>34,282,172</u></i>
----------------------------------	--------------------------

<b>Operating Cash Balance</b>	<b>37,218,002</b>
-------------------------------	-------------------

Restricted Operating Funds at Riverside Public Utilities

Highmark U.S. Government Money Market Fund	0.000%	608,649
--	--------	---------

Other Investments

Investments-US Bank/Piper Jaffray - See Page 2	0.281%	25,664,450
--	--------	------------

<b>Operating Funds Total</b>	<b><u>63,491,101</u></b>
------------------------------	--------------------------

**Fiscal Agent**US Bank

	<u>Amount</u>
--	---------------

<b><i>Fiscal Agent Total</i></b>	<b><u>40,213,227</u></b>
----------------------------------	--------------------------

City of Banning Investment Report

August 31, 2012

## Operational Portfolio Individual Investments

Par Value	Investment Description	Coupon Rate	Interest Rate	Maturity Date	Purchase Date	Purchase Date	Discount or Premium	Market Value
<b>Bank Accounts</b>								
11,189	Wells Fargo Bank-Operating	n/a	0.00%	daily	varies	11,189	n/a	11,189
2,910,993	Wells Fargo Bank-Investment Act	n/a	0.10%	daily	varies	2,910,993	n/a	2,910,993
3,984	Bank of America-Airport	n/a	0.30%	daily	varies	3,984	n/a	3,984
3,435	Bank of America-Parking Citations	n/a	0.30%	daily	varies	3,435	n/a	3,435
3,424	Bank of America-Parking Citations	n/a	0.30%	daily	varies	3,424	n/a	3,424
Sub-total								2,933,025
<i>Government Pools</i>								
34,281,824	L.A.I.F. account #1	n/a	0.377%	daily	varies	34,281,824	n/a	34,281,824
348	L.A.I.F. account #2	n/a	0.377%	daily	varies	348	n/a	348
<i>Investments-US Bank/Piper Jaffray</i>								
5,000,000	FHLMC MTN	n/a	0.450%	9/6/2013	12/2/2011	5,000,000		5,000,000
3,000,000	FNMA Deb	n/a	0.600%	5/29/2015	5/16/2012	3,000,000		3,005,010
3,000,000	Federal Farm Credits Blks	n/a	0.600%	5/22/2015	5/16/2012	3,000,000		3,006,990
2,000,000	FNMA MTN	n/a	0.550%	12/4/2014	6/27/2012	2,000,000		2,002,780
12,649,670	Money Market	n/a	0.020%	daily	varies	12,649,670	0	12,649,670
							0.281%	25,664,450

Average Rate All= 0.325%

It has been verified that this investment portfolio is in conformity with the City Council on August 23, 2011. The Treasurer's cash management program provides sufficient liquidity to meet estimated future expenditures for a period of six months. The weighted average maturity of the pooled investment portfolio is 154 days and does not include Bond Reserve Fund Investments.

22

City of Banning Investment Report

August 31, 2012

## Individual Investments with Fiscal Agent

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

23

## CITY COUNCIL AGENDA

**Date:** December 11, 2012

**TO:** City Council

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

**SUBJECT:** Report of Investments for October 2012

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

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

**BACKGROUND:** This report includes investments on hand at the end of October 2012. As of October 31, 2012, the City's operating funds totaled \$64,518,453. Included in operating funds is \$746,138 of restricted CRA bond proceeds that are on deposit with LAIF and reflected separately on the Treasurer's Report. As of October 31, 2012 approximately 47% of the City's unrestricted cash balances were invested in investments other than LAIF.

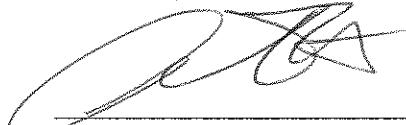
Presented are three months of Investment Reports. October is a first issue, while August and September are included to provide multiple months of statements for comparison.

**FISCAL DATA:** The latest reports from the State indicate that the average interest achieved by the Local Agency Investment Fund (LAIF) decreased to 0.340% in October. The average rate for all investments in October was 0.268%.

**RECOMMENDED BY:**

  
June Overholt  
Administrative Services Director/  
Deputy City Manager

**APPROVED BY:**

  
Andy Takata  
City Manager

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

	Amount
--	--------

Bank Accounts

Wells Fargo Bank

Interest	Rate	Amount
----------	------	--------

Wells Fargo Bank-Investment Account	0.100%	3,792,089
Bank of America-Airport	0.300%	16,977
Bank of America-Parking Citations	0.300%	7,838
Bank of America-CNG Station	0.300%	5,990

<i>Money Market and Bank Account Sub-Total</i>	<i>3,917,699</i>
--	------------------

Government Pools

Account #1 Operating Amount	33,566,425
Account #1 CRA Bond Cash Bal.	746,138
Local Agency Investment Fund: Account #1	0.340% 34,312,563
Account #2 Sucessor Agency Cash Bal	348
Local Agency Investment Fund: Account #2	0.340% <u>348</u>

<i>Government Pool Sub-Total</i>	<i><u>34,312,911</u></i>
----------------------------------	--------------------------

<b>Operating Cash Balance</b>	<b>38,233,415</b>
-------------------------------	-------------------

Restricted Operating Funds at Riverside Public Utilities

Highmark U.S. Government Money Market Fund	0.000%	611,282
--	--------	---------

Other Investments

Investments-US Bank/Piper Jaffray - See Page 2	0.197%	25,673,756
--	--------	------------

<b><i>Operating Funds Total</i></b>	<b><u>64,518,453</u></b>
-------------------------------------	--------------------------

**Fiscal Agent**

US Bank

Amount
--------

<b><i>Fiscal Agent Total</i></b>	<b><u>41,442,677</u></b>
----------------------------------	--------------------------

## Operational Portfolio Individual Investments

Par Value	Investment Description	Coupon Rate	Interest Rate	Maturity Date	Purchase Date	Purchase Date	Amortization	Discount or Premium	Market Value
<b><u>Bank Accounts</u></b>									
94,804	Wells Fargo Bank-Operating	n/a	0.00%	daily	varies	94,804	n/a	94,804	
3,792,089	Wells Fargo Bank-Investment Act	n/a	0.10%	daily	varies	3,792,089	n/a	3,792,089	
16,977	Bank of America-Airport	n/a	0.30%	daily	varies	16,977	n/a	16,977	
7,838	Bank of America-Parking Citations	n/a	0.30%	daily	varies	7,838	n/a	7,838	
5,990	Bank of America-Parking Citations	n/a	0.30%	daily	varies	5,990	n/a	5,990	
	Sub-total							3,917,699	
<b><u>Government Pools</u></b>									
34,312,563	L.A.I.F. account #1	n/a	0.340%	daily	varies	34,312,563	n/a	34,312,563	
348	L.A.I.F. account #2	n/a	0.340%	daily	varies	348	n/a	348	
								34,312,911	
<b><u>Investments-US Bank/Piper Jaffray</u></b>									
3,000,000	FNMA Deb	n/a	0.600%	5/29/2015	5/16/2012	3,000,000		3,004,200	
3,000,000	Federal Farm Credits Bks	n/a	0.600%	5/22/2015	5/16/2012	3,000,000		3,006,000	
2,000,000	FNMA MTN	n/a	0.550%	12/4/2014	6/27/2012	2,000,000		2,002,260	
17,661,296	Money Market	n/a	0.020%	daily	varies	17,661,296	0	17,661,296	0.197%
								25,673,756	
								US Bank/Piper Jaffray Average Rate=	

Average Rate All = 0.268%

It has been verified that this investment portfolio is in conformity with the City Council on August 28, 2012. The Treasurer's cash management program provides sufficient liquidity to meet estimated future expenditures for a period of six months. The weighted average maturity of the pooled investment portfolio is 113 days and does not include Bond Reserve Fund Investments.

26

# City of Banning Investment Report

October 31, 2012

## Individual Investments with Fiscal Agent

TRUSTEE	Bond	Maturity	Current Yield	Bond Maturity Date	Minimum Reserve Requirement	Interest Oct-12	Market Value	10/31/2012
<b>Bond Issue Description</b>								
<b>COB IMPROVEMENT DISTRICT LIMITED OBLIGATION BONDS SERIES 2005A</b>								
2005 Fair Oaks Ranch Estates	2035	US Bank Mmkt 5-Ct	0.040%	daily	188,943	6.58	188,038	
2003 CRA Tax Allocation Bonds	2028	U S Treasury Bill	4.61%	7/28/2011	971,763		984,951	20,707
		US Bank Mmkt 5-Ct	0.040%	daily		0.68		22
		US Bank Mmkt 5-Ct	0.050%	daily				
		US Bank Mmkt 5-Ct	0.000%	daily				8
<b>COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION, SERIES 2003</b>								
Redevelop Fund	2037	US Bank Mmkt 5-Ct	0.040%	daily	273.00	8,326,898		
Reserve Fund		US Bank Mmkt 5-Ct	0.040%	daily	61.48	1,875,350		
Special Fund		US Bank Mmkt 5-Ct	0.030%	daily		37		
Surplus Fund		US Bank Mmkt 5-Ct	0.000%	daily				9
<b>BUA - WASTEWATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES</b>								
Interest Account		US Bank Mmkt 5-Ct	0.040%	daily	196,635			
Principal Account		US Bank Mmkt 5-Ct	0.040%	daily	70,012			
		US Bank Mmkt 5-Ct	0.040%	daily	120.97	3,689,664		
<b>BUA - WATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES</b>								
Interest Account		US Bank Mmkt 5-Ct	0.040%	daily	0.00	1,152,554		
Principal Account		US Bank Mmkt 5-Ct	0.040%	daily	12.13	370,062		
Reserve Fund		US Bank Mmkt 5-Ct	0.040%	daily	2,310,710	75.78	2,311,278	
Project Fund		US Bank Mmkt 5-Ct	0.040%	daily	137.67	4,199,230		
<b>BFA - ELECTRIC SYSTEM REVENUE BONDS 2007 SERIES</b>								
Acquisition & Construction		US Bank Mmkt 5-Ct	0.040%	daily	25			
		US Bank Mmkt 5-Ct	0.040%	daily	2,672,050	87.62	2,672,605	
		US Bank Mmkt 5-Ct	0.040%	daily	504.39	15,384,593		
<i>*Paid Semi-Annually-Deposited into Money Mkt Account</i>								
<b>Total</b>							<b>1,282.60</b>	<b>41,442,677</b>

27

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

	Interest	Amount
	Rate	Amount
Wells Fargo Bank	0.000%	26,741
Wells Fargo Bank-Investment Account	0.100%	4,467,240
Bank of America-Airport	0.300%	4,320
Bank of America-Parking Citations	0.300%	3,134
Bank of America-CNG Station	0.300%	<u>3,418</u>

*Money Market and Bank Account Sub-Total* 4,504,853

**Government Pools**

Account #1 Operating Amount	33,498,330
Account #1 CRA Bond Cash Bal.	783,494
Local Agency Investment Fund: Account #1	0.348% 34,281,824
Account #2 Sucessor Agency Cash Bal	348
Local Agency Investment Fund: Account #2	0.348% <u>348</u>

*Government Pool Sub-Total* 34,282,172

**Operating Cash Balance** **38,789,829**

**Restricted Operating Funds at Riverside Public Utilities**

Highmark U.S. Government Money Market Fund **659,452**

**Other Investments**

Investments-US Bank/Piper Jaffray - See Page 2 **25,674,584**

***Operating Funds Total*** **65,123,865**

**Fiscal Agent**

US Bank **Amount**

40,092,174

***Fiscal Agent Total*** **40,092,174**

## Operational Portfolio Individual Investments

Par Value	Investment Description	Coupon Rate	Interest Rate	Maturity Date	Purchase Date	Purchase Date	Discount or (Premium) Amortization	Market Value
<i>Bank Accounts</i>								
26,741	Wells Fargo Bank-Operating	n/a	0.00%	daily	varies	26/741	n/a	26,741
4,467,240	Wells Fargo Bank-Investment Acct	n/a	0.10%	daily	varies	4,467,240	n/a	4,467,240
4,320	Bank of America-Airport	n/a	0.30%	daily	varies	4,320	n/a	4,320
3,134	Bank of America-Parking Citations	n/a	0.30%	daily	varies	3,134	n/a	3,134
3,418	Bank of America-Parking Citations	n/a	0.30%	daily	varies	3,418	n/a	3,418
	Sub-total							4,504,853
<i>Government Pools</i>								
34,281,824	L.A.I.F. account #1	n/a	0.348%	daily	varies	34,281,824	n/a	34,281,824
348	L.A.I.F. account #2	n/a	0.348%	daily	varies	348	n/a	348
								34,282,172
<i>Investments US Bank/Piper Jaffray</i>								
3,000,000	FNMA Deb	n/a	0.600%	5/29/2015	5/16/2012	3,000,000		3,004,470
3,000,000	Federal Farm Credits Bks	n/a	0.600%	5/22/2015	5/16/2012	3,000,000		3,006,420
2,000,000	FNMA MTN	n/a	0.550%	12/4/2014	6/27/2012	2,000,000		2,002,620
17,661,074	Money Market	n/a	0.020%	daily	varies	17,661,074	0	17,661,074
	US Bank/Piper Jaffray Average Rate=		0.197%					25,674,584
								Average Rate All= 0.271%

It has been verified that this investment portfolio is in conformity with the City of Banning's investment policy which was approved by the City Council on August 23, 2011. The Treasurer's cash management program provides sufficient liquidity to meet estimated future expenditures for a period of six months. The weighted average maturity of the pooled investment portfolio is 115 days and does not include Bond Reserve Fund Investments.

29

# City of Banning Investment Report

September 30, 2012

## Individual Investments with Fiscal Agent

TRUSTEE	Bond Issue Description	Bond Maturity Date	Investment Description	Current Yield	Bond Maturity Date	Minimum Reserve Requirement	Interest Sep-12	9/30/2012 Market Value
<b>COB IMPROVEMENT DISTRICT LIMITED OBLIGATION BONDS SERIES 2005A</b>								
2005 Fair Oaks Ranch Estates	2035	US Bank Mnkt 4-Ct		0.040%	daily	188,943	7.59	188,032
<b>COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION, SERIES 2003</b>								
2003 CRA Tax Allocation Bonds	2028	US Treasury Bill		4.61%	7/28/2011	971,763	0.70	984,892
		US Bank Mnkt 4-Ct		0.040%	daily			20,706
		US Bank Mnkt 4-Ct		0.050%	daily			22
		US Bank Mnkt 4-Ct		0.000%	daily			8
<b>COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION PARITY BONDS, SERIES 2007</b>								
Redevelop Fund	2037	US Bank Mnkt 4-Ct		0.040%	daily	282.09	8,326,625	
		US Bank Mnkt 4-Ct		0.040%	daily	63.53	1,875,289	
		US Bank Mnkt 4-Ct		0.030%	daily			37
		US Bank Mnkt 4-Ct		0.000%	daily			9
<b>BUA - WASTEWATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES</b>								
Interest Account		US Bank Mnkt 4-Ct		0.000%	daily			9
Principal Account		US Bank Mnkt 4-Ct		0.040%	daily			70,009
		US Bank Mnkt 4-Ct		0.040%	daily			125.00
<b>BUA - WATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES</b>								
Interest Account		US Bank Mnkt 4-Ct		0.050%	daily	0.00		19
Principal Account		US Bank Mnkt 4-Ct		0.040%	daily	12.54		370,050
Reserve Fund		US Bank Mnkt 4-Ct		0.040%	daily	2,310,710	78.30	2,311,202
Project Fund		US Bank Mnkt 4-Ct		0.040%	daily	142.26		4,199,092
<b>BFA - ELECTRIC SYSTEM REVENUE BONDS 2007 SERIES</b>								
		US Bank Mnkt 4-Ct		0.040%	daily			25
		US Bank Mnkt 4-Ct		0.040%	daily	2,672,050	90.54	2,672,517
		US Bank Mnkt 4-Ct		0.040%	daily	521.19		15,384,089
<b>Total</b>							<b>1,326.11</b>	<b>40,092,174</b>
<i>*Paid Semi-Annually-Deposited into Money Mkt Account</i>								

30

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

	Interest	Amount
	Rate	Amount
Wells Fargo Bank	0.000%	11,189
Wells Fargo Bank-Investment Account	0.100%	2,910,993
Bank of America-Airport	0.300%	3,984
Bank of America-Parking Citations	0.300%	3,435
Bank of America-CNG Station	0.300%	<u>3,424</u>

*Money Market and Bank Account Sub-Total* 2,933,025

Government Pools

Account #1 Operating Amount	33,498,604
Account #1 CRA Bond Cash Bal.	783,220
Local Agency Investment Fund: Account #1	0.377% 34,281,824
Account #2 Sucessor Agency Cash Bal	348
Local Agency Investment Fund: Account #2	0.377% <u>348</u>

*Government Pool Sub-Total* 34,282,172

**Operating Cash Balance** **37,218,002**

Restricted Operating Funds at Riverside Public Utilities

Highmark U.S. Government Money Market Fund 0.000% **608,649**

Other Investments

Investments-US Bank/Piper Jaffray - See Page 2 0.281% **25,664,450**

***Operating Funds Total*** **63,491,101**

**Fiscal Agent**

US Bank Amount

40,213,227

***Fiscal Agent Total*** **40,213,227**

## City of Banning Investment Report

August 31, 2012

### Operational Portfolio Individual Investments

Par Value	Investment Description	Coupon Rate	Interest Rate	Maturity Date	Purchase Date	Purchase Date	Discount or (Premium)	Amortization	Market Value
<i>Bank Accounts</i>									
11,189	Wells Fargo Bank-Operating	n/a	0.00%	daily	varies	11/18/9	n/a		11,189
2,910,993	Wells Fargo Bank-Investment Acct	n/a	0.10%	daily	varies	2,910,993	n/a		2,910,993
3,984	Bank of America-Airport	n/a	0.30%	daily	varies	3,984	n/a		3,984
3,435	Bank of America-Parking Citations	n/a	0.30%	daily	varies	3,435	n/a		3,435
3,424	Bank of America-Parking Citations	n/a	0.30%	daily	varies	3,424	n/a		3,424
	Sub-total								2,933,025
<i>Government Pools</i>									
34,281,824	L.A.I.F. account #1	n/a	0.377%	daily	varies	34,281,824	n/a		34,281,824
348	L.A.I.F. account #2	n/a	0.377%	daily	varies	348	n/a		348
									34,282,172
<i>Investments-US Bank/Piper Jaffray</i>									
5,000,000	FHLMC MTN	n/a	0.450%	9/6/2013	12/2/2011	5,000,000			5,000,000
3,000,000	FNMA Déb	n/a	0.600%	5/29/2015	5/16/2012	3,000,000			3,005,010
3,000,000	Federal Farm Credits Bks	n/a	0.600%	5/22/2015	5/16/2012	3,000,000			3,006,990
2,000,000	FNMA MTN	n/a	0.550%	12/4/2014	6/27/2012	2,000,000			2,002,780
12,649,670	Money Market	n/a	0.020%	daily	varies	12,649,670	0		12,649,670
	US Bank/Piper Jaffray Average Rate=		0.281%						25,664,450

Average Rate All= 0.325%

It has been verified that this investment portfolio is in conformity with the City of Banning's investment policy which was approved by the City Council on August 23, 2011. The Treasurer's cash management program provides sufficient liquidity to meet estimated future expenditures for a period of six months. The weighted average maturity of the pooled investment portfolio is 154 days and does not include Bond Reserve Fund Investments.

32

## City of Banning Investment Report

August 31, 2012

### Individual Investments with Fiscal Agent

BOND TRUSTEE	Bond	Maturity	Bond Reserve	Minimum Reserve	Interest	8/31/2012
Bond Issue Description	Investment Description	Current Yield	Bond Maturity Date	Requirement	Aug-12	Market Value
<b>COB IMPROVEMENT DISTRICT LIMITED OBLIGATION BONDS SERIES 2005A</b>						
2005 Fair Oaks Ranch Estates	US Bank Mmkt 4-Ct	0.040%	daily	188,943	7.39	311,115
2003 CRA Tax Allocation Bonds	U S Treasury Bill	4.61%	7/28/2011	971,763		
	US Bank Mmkt 4-Ct	0.040%	daily			984,813
	US Bank Mmkt 4-Ct	0.050%	daily			20,705
	US Bank Mmkt 4-Ct	0.000%	daily			22
						8
<b>COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION, SERIES 2003</b>						
Redevelop Fund	US Bank Mmkt 4-Ct	0.040%	daily			
Reserve Fund	US Bank Mmkt 4-Ct	0.040%	daily			
Special Fund	US Bank Mmkt 4-Ct	0.030%	daily			
Surplus Fund	US Bank Mmkt 4-Ct	0.000%	daily			
						9
<b>BUA - WASTEWATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES</b>						
Interest Account	US Bank Mmkt 4-Ct	0.000%	daily			
Principal Account	US Bank Mmkt 4-Ct	0.040%	daily			
	US Bank Mmkt 4-Ct	0.040%	daily			
						9
<b>BUA - WATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES</b>						
Interest Account	US Bank Mmkt 4-Ct	0.050%	daily			
Principal Account	US Bank Mmkt 4-Ct	0.040%	daily			
Reserve Fund	US Bank Mmkt 4-Ct	0.040%	daily			
Project Fund	US Bank Mmkt 4-Ct	0.040%	daily			
						9
<b>BFA - ELECTRIC SYSTEM REVENUE BONDS 2007 SERIES</b>						
Acquisition & Construction	US Bank Mmkt 4-Ct	0.040%	daily			
	US Bank Mmkt 4-Ct	0.040%	daily			
	US Bank Mmkt 4-Ct	0.400%	daily			
						25
						2,672,426
						15,383,046
	Total	1,410.91				40,213,227

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

33

## CITY COUNCIL AGENDA

**Date:** December 11, 2012

**TO:** City Council

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

**SUBJECT:** Approval of Accounts Payable and Payroll Warrants for Month of September 2012

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

**FISCAL DATA:** The reports in your agenda packet cover "Expenditure Disbursements" and "Payroll Expenses" for the month of September 2012.

The reports are:

Expenditure approval lists	
September 6, 2012	156,840.17
September 13, 2012	51,780.37
September 20, 2012	550,126.58

November 27, 2012	2,906,480.25 (September Month End)
-------------------	------------------------------------

Payroll check registers	
September 7, 2012	8,080.00
September 13, 2012 <i>(Manual Check)</i>	5,707.52
September 21, 2012	5,681.85

Payroll direct deposits*	
September 7, 2012	287,520.02
September 21, 2012	282,626.47

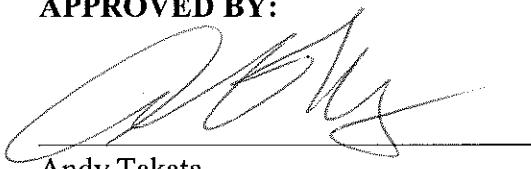
As you review the reports, if you have any questions please contact the Finance Department so that we can gather the information from the source documents and provide a response.

Report Prepared by: Jenna Harrell, Accounts Payable

**RECOMMENDED BY:**

  
June Overholt  
Administrative Services Director

**APPROVED BY:**

  
Andy Takata  
City Manager

## CITY COUNCIL AGENDA

### CONSENT ITEM

**Date:** December 11, 2012

**TO:** City Council

**FROM:** Kahono Oei, City Engineer

**SUBJECT:** Accept Grant of Easement from George A. Pearson, as his sole and separate property APN 537-090-063 for Sunset Avenue Grade Separation Project

**RECOMMENDATION:** Accept the Grant of Easement from George A. Pearson, Assessor's Parcel Number 537-090-063, for Sunset Avenue Grade Separation, and direct the City Clerk to accept said easement and return to the County of Riverside for further processing. The parcel is described in the attached Exhibit "A" and "B."

**JUSTIFICATION:** It is essential that the City accept the easement, as described and shown on the attached Exhibit "A" and Exhibit "B," respectively, in order for the city to be able to construct the Sunset Avenue Grade Separation Project.

**BACKGROUND:** The City, with the assistance of the Riverside County Transportation Department, has completed the design of Sunset Avenue Grade Separation Project. In order to be able to complete the project, the City needs the easement from George A. Pearson as shown attached herewith as Exhibit "A" and "B."

**FISCAL DATA:** Riverside County Transportation Department has negotiated the cost of the easement and it is being included as part of the Sunset Avenue Grade Separation Project.

**RECOMMENDED BY:**



Duane Burk,  
Director of Public Works

**APPROVED BY:**



Andy Takata,  
City Manager

June Overholt  
June Overholt, *by me*  
Administrative Services Director/  
Assistant 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 Grant of Easement, as attached herein as Exhibit "A" and 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

Recorded at request of and return to:

City of Banning  
City Clerk  
99 E. Ramsey Street  
Banning, CA 92220

**FREE RECORDING**

This instrument is for the benefit of  
the City of Banning, and is  
entitled to be recorded without fee.  
(Govt. Code 6103)

---

CO:ra/101812/310TR/14.794

(Space above this line for Recorder's use)

PROJECT: Sunset Avenue Grade  
Separation  
PARCELS: 0529-003A  
APN: 537-090-063 (portion)

## **EASEMENT DEED**

FOR GOOD AND VALUABLE CONSIDERATION, receipt and adequacy of which are  
hereby acknowledged,

**George A. Pearson, as his sole and separate property**

Grant(s) to the City of Banning, a Municipal Corporation, an easement for public road and  
utility purposes, including drainage purposes, over, upon, across and within the real  
property in the City of Banning, County of Riverside, State of California, as more  
particularly described as:

See Exhibits "A" and "B" attached hereto  
and made a part hereof

PROJECT: Sunset Avenue Grade Separation  
PARCEL: 0529-003A  
APN: 537-090-063 (portion)

Dated: 11-5-12

**GRANTOR:**

George A. Pearson, as his sole and separate property 

By:

George A. Pearson

STATE OF CALIFORNIA  
COUNTY OF Orange

)  
)ss  
)

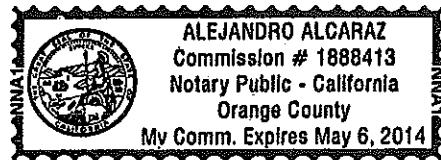
On November 5, 2012, before me, Alejandro Alvaraz, a Notary Public in and for said County and State, personally appeared George A. Pearson, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal:

Signature \_\_\_\_\_

[SEAL]



**EXHIBIT "A"**  
**SUNSET AVENUE (GRADE SEPARATION)**  
**LEGAL DESCRIPTION**  
**0529-003A**

BEING A PORTION OF LOT 69 OF A MAP OF SAN JACINTO VISTA TRACT ON FILE IN BOOK 18, PAGE 31 OF MAPS, RECORDS OF THE RECORDER OF RIVERSIDE COUNTY, CALIFORNIA IN THE CITY OF BANNING, CALIFORNIA WITHIN THE EAST ONE-HALF OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS:

**COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF RAMSEY STREET, FORMERLY KNOWN AS STATE HIGHWAY (25.00 FOOT SOUTHERLY HALF-WIDTH) AS DESCRIBED BY DEED RECORDED JANUARY 2, 1915 IN DEED BOOK 406, PAGES 67 AND 68, OFFICIAL RECORDS OF SAID RECORDER AND THE EAST LINE OF SAID SECTION 7, BEING THE CENTERLINE OF SUNSET AVENUE (50.00 FOOT WESTERLY HALF-WIDTH) AS SHOWN ON SAID MAP;**

THENCE N 81°16'37" W ALONG SAID CENTERLINE OF RAMSEY STREET, A DISTANCE OF 68.24 FEET;

THENCE LEAVING SAID CENTERLINE AT RIGHT ANGLES, S 08°43'23" W, A DISTANCE OF 25.00 FEET TO THE MOST NORTHERLY CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED BY GRANT DEED TO THE CITY OF BANNING RECORDED JUNE 19, 1972 AS INSTRUMENT NUMBER 79776, SAID OFFICAL RECORDS, BEING A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID RAMSEY STREET, ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 25.00 FEET AND AN INITIAL RADIAL BEARING OF N 08°43'23" E, AND THE **TRUE POINT OF BEGINNING**;

THENCE EASTERLY, SOUTHEASTERLY, AND SOUTHERLY ALONG SAID NON-TANGENT CURVE THROUGH A CENTRAL ANGLE OF 81°21'00", AN ARC DISTANCE OF 35.50 FEET TO A POINT OF TANGENCY WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID SUNSET AVENUE;

THENCE S 00°04'23" W ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 83.20 FEET TO THE POINT OF INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 10 (VARIABLE HALF-WIDTH) AS SHOWN ON COUNTY MAP NUMBER 204, PAGES 87 THROUGH 108, INCLUSIVE;

THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE N 04°07'35" W, A DISTANCE OF 36.12 FEET;

THENCE N 21°23'54" W, A DISTANCE OF 6.45 FEET TO A POINT ON A LINE PARALLEL WITH AND DISTANT 55.00 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES TO, SAID EAST LINE OF SECTION 7;

THENCE N 00°04'23" E ALONG SAID PARALLEL LINE, A DISTANCE OF 28.00 FEET;

THENCE N 21°32'40" E, A DISTANCE OF 6.45 FEET TO A POINT ON A LINE PARALLEL WITH AND DISTANT 52.63 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES TO, SAID EAST LINE OF SECTION 7;

THENCE N 00°04'23" E ALONG SAID PARALLEL LINE, A DISTANCE OF 11.94 FEET;

THENCE N 40°26'17" W, A DISTANCE OF 24.12 FEET TO A POINT ON A LINE PARALLEL WITH AND DISTANT 26.15 FEET SOUTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, SAID CENTERLINE OF RAMSEY STREET;

THENCE N 81°16'37" W ALONG SAID PARALLEL LINE, A DISTANCE OF 5.28 FEET;

THENCE N 08°43'23" E, A DISTANCE OF 1.15 FEET TO A POINT SAID SOUTHERLY RIGHT-OF-WAY LINE OF RAMSEY STREET;

EXHIBIT "A"  
SUNSET AVENUE (GRADE SEPARATION)  
LEGAL DESCRIPTION (CONTINUED)  
0529-003A

THENCE S 81°16'37" E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2.15 FEET TO  
THE TRUE POINT OF BEGINNING.

CONTAINING: 366 SQUARE FEET, OR 0.008 ACRES, MORE OR LESS.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON THE  
CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 6. MULTIPLY DISTANCES SHOWN BY  
1.000106481 TO OBTAIN GROUND DISTANCE.

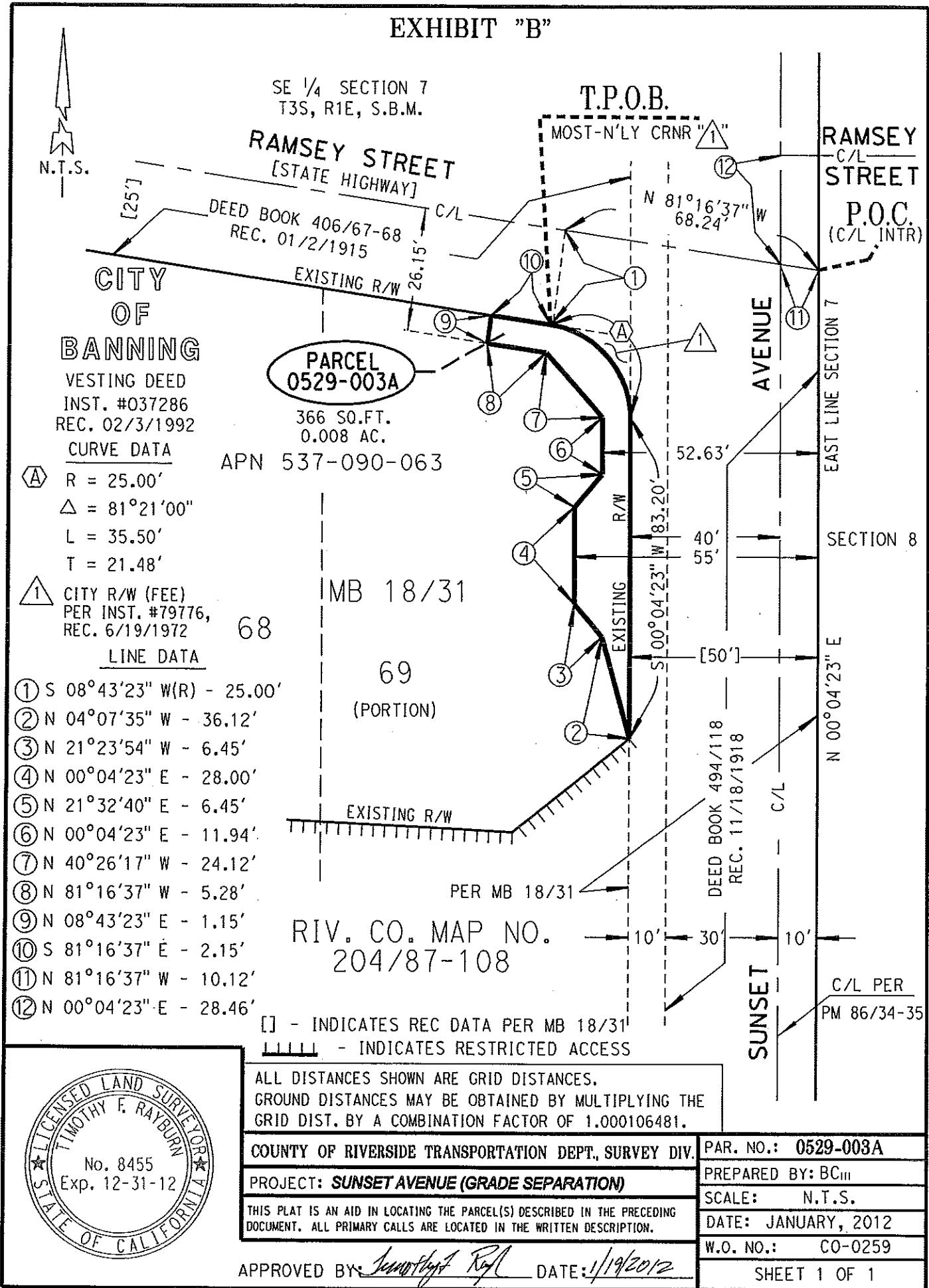
REFERENCE IS HEREBY MADE TO RIVERSIDE COUNTY MAP NUMBER 956-I, ON FILE IN THE OF THE  
COUNTY SURVEYOR OF RIVERSIDE COUNTY, CALIFORNIA.

SEE ATTACHED EXHIBIT "B"

APPROVED BY: Timothy F. Ray  
DATE: 1/19/2012



# EXHIBIT "B"



## CITY COUNCIL AGENDA

### CONSENT ITEM

**Date:** December 11, 2012

**TO:** City Council

**FROM:** Kahono Oei, City Engineer

**SUBJECT:** Accept Grant of Easement from Oakwood Investments, LLC, APN 538-190-014 for Sunset Avenue Grade Separation Project

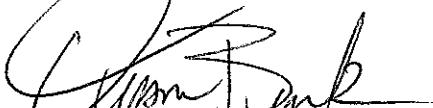
**RECOMMENDATION:** Accept the Grant of Easement from Oakwood Investments, LLC, Assessor's Parcel Number 538-190-014, for Sunset Avenue Grade Separation, and direct the City Clerk to accept said easement and return to the County of Riverside for further processing. The parcel is described in the attached Exhibit "A" and "B".

**JUSTIFICATION:** It is essential that the City accept the easement, as described and shown on the attached Exhibit "A" and Exhibit "B", respectively, in order for the city to be able to construct the Sunset Avenue Grade Separation Project.

**BACKGROUND:** The City, with the assistance of the Riverside County Transportation Department, has completed the design of Sunset Avenue Grade Separation Project. In order to be able to complete the project, the City needs the easement from Oakwood Investments, LLC, as shown attached herewith as Exhibit "A" and "B".

**FISCAL DATA:** Riverside County Transportation Department has negotiated the cost of the easement and it is being included as part of the Sunset Avenue Grade Separation Project.

**RECOMMENDED BY:**



Duane Burk,  
Director of Public Works

**APPROVED BY:**



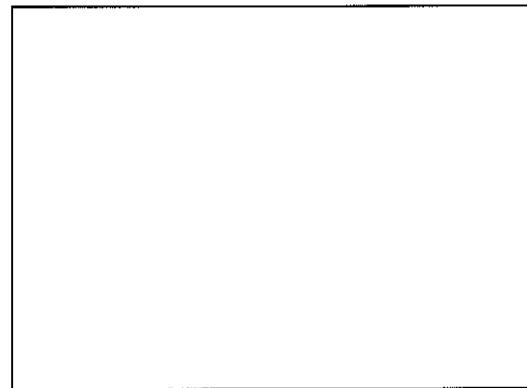
Andy Takata,  
City Manager

*June Overholt*  
June Overholt, *by May*  
Administrative Services Director/  
Assistant 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 Grant of Easement, as attached herein as Exhibit "A" and 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

44

Recorded at request of and return to:

City of Banning  
City Clerk  
99 E. Ramsey Street  
Banning, CA 92220

**FREE RECORDING**

This instrument is for the benefit of  
the City of Banning, and is  
entitled to be recorded without fee.  
(Govt. Code 6103)

CAO:sl/052112/310TR/14.938

(Space above this line for Recorder's use)

PROJECT: Sunset Avenue Grade  
Separation

PARCEL: 0529-002A

APN: 538-190-014 (portion)

## **EASEMENT DEED**

FOR GOOD AND VALUABLE CONSIDERATION, receipt and adequacy of which are  
hereby acknowledged,

**Oakwood Investments, LLC**

Grant(s) to the City of Banning, a Municipal Corporation, an easement for slope and  
maintenance purposes, over, upon, across and within the real property in the City of  
Banning, County of Riverside, State of California, as more particularly described as:

See Exhibits "A" and "B" attached hereto  
and made a part hereof

PROJECT: Sunset Avenue Grade Separation

PARCEL: 0529-002A

APN: 538-190-014 (portion)

Dated: 11/16/12

GRANTOR:

Oakwood Investments, LLC

By: Shobhana Madan

Name: SHOBHANA MADAN

Its: MEMBER

STATE OF CALIFORNIA

COUNTY OF Los Angeles

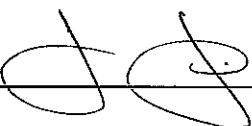
)  
ss  
)

On NOVEMBER 16, 2012, before me, JEFF JENKINS, a Notary Public in and for said County and State, personally appeared SHOBHANA MADAN, who proved

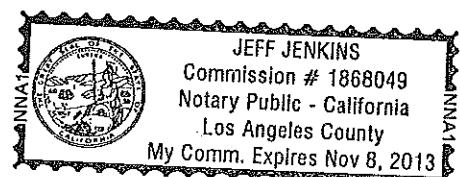
to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal:

Signature 

[SEAL]



46

EXHIBIT "A"  
SUNSET AVENUE (GRADE SEPARATION)  
LEGAL DESCRIPTION  
0529-002A

AN EASEMENT FOR SLOPE AND MAINTENANCE PURPOSES, BEING A PORTION OF LOT 8 OF A MAP OF "C.O. BARKER'S SUBDIVISION" ON FILE IN BOOK 7, PAGE 21 OF MAPS, RECORDS OF THE RECORDER OF RIVERSIDE COUNTY, CALIFORNIA IN THE CITY OF BANNING, CALIFORNIA WITHIN THE SOUTH EAST ONE-QUARTER OF SECTION 8, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHWESTERLY CORNER OF SAID LOT 8, BEING THE POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SUNSET AVENUE (50.00 FOOT EASTERLY HALF-WIDTH) AS SHOWN ON SAID MAP AND THE SOUTHERLY LINE OF THE EXISTING SOUTHERN PACIFIC RAILROAD RIGHT-OF-WAY (200.00 FOOT WIDTH) PER ACT OF CONGRESS RECORDED MARCH 3, 1871, SHOWN AS PARCEL 4 ON STATE BOARD OF EQUALIZATION MAP NUMBER 872-33-10, ON FILE IN SAID OFFICE OF THE COUNTY SURVEYOR, SAID POINT ALSO BEING THE BEGINNING OF NON-TANGENT CURVE, CONCAVE NORtherly, HAVING A RADIUS OF 5,829.03 FEET AND INITIAL RADIAL BEARING OF S 07°47'47" E;

THENCE EASTERLY ALONG SAID SOUTHERLY LINE AND SAID NON-TANGENT CURVE THROUGH A CENTRAL ANGLE OF 00°29'21", AN ARC DISTANCE OF 49.77 FEET;

THENCE S 03°53'36" W, A DISTANCE OF 428.19 FEET;

THENCE S 11°43'45" W, A DISTANCE OF 53.52 FEET;

THENCE N 89°55'37" W, A DISTANCE OF 10.00 FEET TO A POINT ON SAID EASTERLY RIGHT-OF-WAY LINE OF SUNSET AVENUE;

THENCE N 00°04'23" E ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 486.14 FEET TO THE **TRUE POINT OF BEGINNING**;

CONTAINING: 15,952 SQUARE FEET, OR 0.366 ACRES, MORE OR LESS.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 6. MULTIPLY DISTANCES SHOWN BY 1.000106481 TO OBTAIN GROUND DISTANCE.

REFERENCE IS HEREBY MADE TO RIVERSIDE COUNTY MAP NUMBER 956-I, ON FILE IN THE OFFICE OF THE COUNTY SURVEYOR OF RIVERSIDE COUNTY, CALIFORNIA.

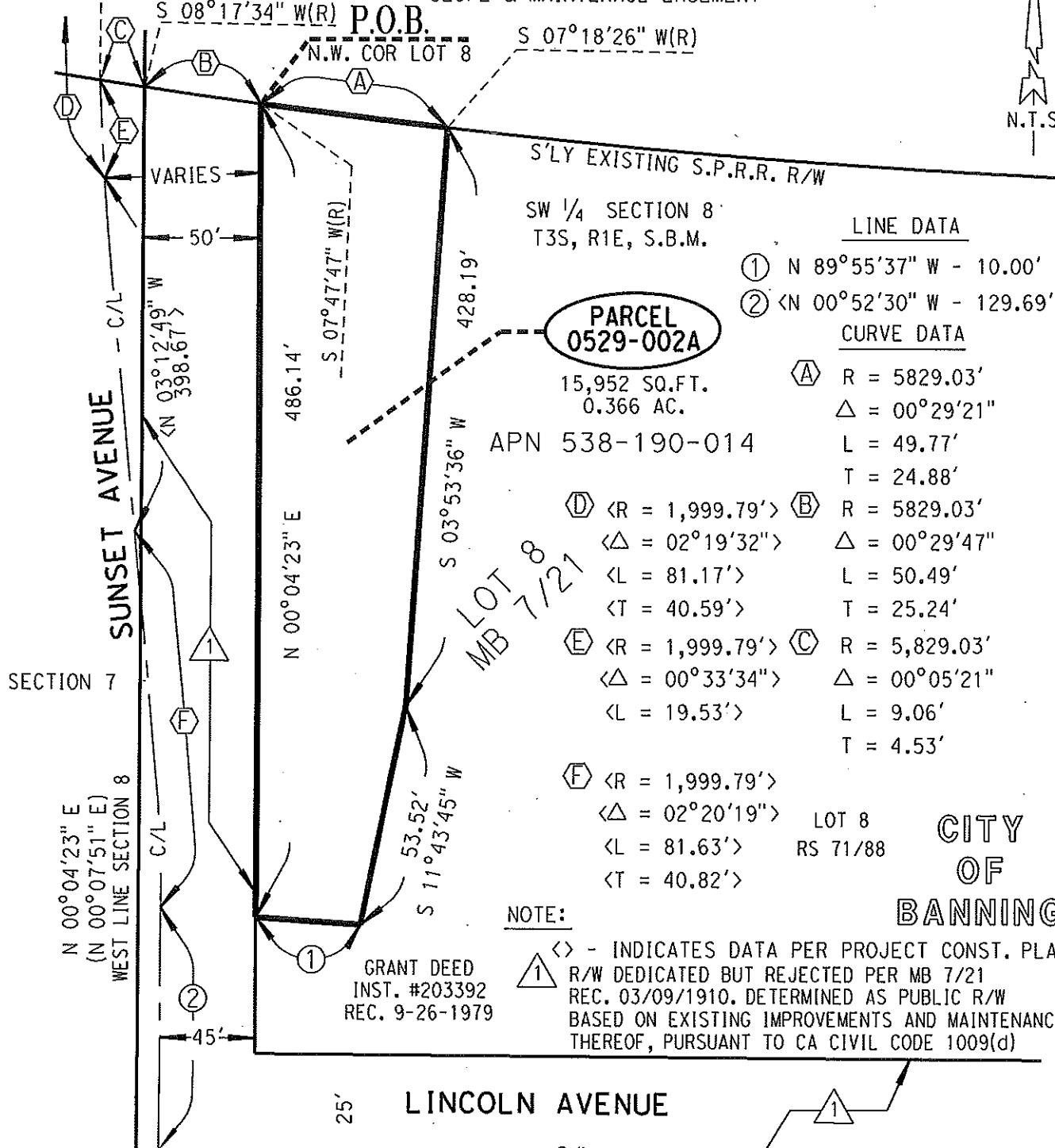
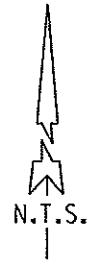
SEE ATTACHED EXHIBIT "B"

APPROVED BY: Timothy F. Ray  
DATE: 1/19/2012



S 08°22'55" W(R) R=5,829.03'  
<S 87°20'45" W(R) R=1,999.79'>

EXHIBIT "B"  
SLOPE & MAINTENACE EASEMENT



(1) - INDICATES REC DATA PER MB 7/21

ALL DISTANCES SHOWN ARE GRID DISTANCES.  
GROUND DISTANCES MAY BE OBTAINED BY MULTIPLYING THE  
GRID DIST. BY A COMBINATION FACTOR OF 1.000106481.



COUNTY OF RIVERSIDE TRANSPORTATION DEPT., SURVEY DIV.

PROJECT: **SUNSET AVENUE (GRADE SEPARATION)**

THIS PLAT IS AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE PRECEDING  
DOCUMENT. ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DESCRIPTION.

APPROVED BY: *Timothy F. Ray* DATE: 1/19/2012

PAR. NO.: 0529-002A

PREPARED BY: BCIII

SCALE: N.T.S.

DATE: JANUARY, 2012

W.O. NO.: CO-0259

SHEET 1 OF 1

48

**CITY COUNCIL AGENDA  
CONSENT ITEM**

**Date:** December 11, 2012

**TO:** City Council

**FROM:** Kahono Oei, City Engineer

**SUBJECT:** Share of Cost Agreement for State Route 10 at Sunset Avenue Eastbound and Westbound Ramps

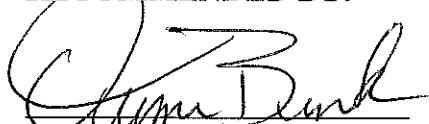
**RECOMMENDATION:** Approve the Share of Cost Agreement for the new Signals and Safety Lighting to be installed at State Route 10 at Sunset Avenue Eastbound and Westbound ramps as shown attached herein as Exhibit "A."

**JUSTIFICATION:** Approval of this agreement is essential for California Department of Transportation (Caltrans) to install and maintain the traffic signals and lighting for Route 10 Eastbound and Westbound ramps at Sunset Avenue.

**BACKGROUND:** The Sunset Avenue Grade Separation design is near 100% completion. Prior to Caltrans approval of the plan and the start of construction this agreement has to be approved. Sunset Avenue Grade Separation project will create the need for traffic signals and lighting to be placed at both the Eastbound and Westbound ramps on Sunset Avenue. Currently, Caltrans maintains the signals and lighting at the Highland Springs Avenue underpass. This agreement will allow Caltrans to maintain and operate the traffic signal and lighting for the City of Banning at Sunset Avenue.

**FISCAL DATA:** If the share of cost agreement is approved, the City shall pay 50% of the maintenance and electrical costs. Caltrans will pay the other 50% for maintenance and electrical costs. In addition, Caltrans will pay 100% of the operating costs. Funding for this signal and lighting maintenance will be budgeted in Account 100-4900-431.26-02.

**RECOMMENDED BY:**



Duane Burk,  
Director of Public Works

**APPROVED BY:**



Andy Takata,  
City Manager

June Overholt  
June Overholt, *by mg*  
Administrative Services Director/  
Assistant City Manager

**EXHIBIT "A"**

**SHARE OF COST AGREEMENT FOR STATE ROUTE 10 AT SUSED AVENUE  
EASSTBOUND AND WESTBOUND RAMPS**

**Cost Distribution Agreement for Traffic Signals and Lighting  
EA 33471 Project ID 0800020174**

**Project Location: SR 10 Sunset Avenue Eastbound and Westbound in the  
City of Banning**

Traffic signals and safety lighting will be installed on Route 10 Sunset Avenue Eastbound and Westbound. City and State agree to cost distribution stated below.

**Maintenance and Electrical Energy Costs**

Commencing upon construction and continuing until determined otherwise by mutual agreement, City of Banning agrees to pay Caltrans for City's proportionate share of the ongoing monthly maintenance and electrical energy costs for the traffic signals and safety lighting at the intersection.

On Route 10 Sunset Avenue Eastbound and Westbound ramps City's share is 50% of maintenance and electrical energy costs. Caltrans will pay 50% of maintenance and electrical energy costs.

Caltrans will own, maintain and operate the traffic signal and lighting system and pay 100% of the operating costs.

**Maintenance, Repair and Replacement of Emergency Vehicle Preemption System**

If installed, all costs for the maintenance, repair and replacement of an Emergency Vehicle Preemption System is the responsibility of City of Banning.

When necessary for repair or replacement, Caltrans will test, remove and reinstall Preemption System upon notification by the City.

**Maintenance and Materials for Internally Illuminated Street Name Signs**

If installed, City of Banning agrees to purchase all materials for installation and ongoing maintenance of internally illuminated street name signs, including signs, sign panels and all hardware.

Caltrans agrees to maintain the internally illuminated street name signs. Caltrans will notify City of Banning when materials are required for repair and maintenance of the signs.

Cost Distribution Agreement  
SR 10 Sunset Ave Eastbound and Westbound  
Page 2

At any time City of Banning wishes to terminate this agreement, the signs will be replaced with signs of reflective sheeting.

Approved by:

## City of Banning

Caltrans

---

Signature \_\_\_\_\_ Date \_\_\_\_\_

---

Signature \_\_\_\_\_ Date \_\_\_\_\_

Andy Takata  
City Manager  
Please Print Name

**Maintenance Manager**  
Please Print Name

**Return signed copies to:**

**Caltrans Electrical Maintenance Office  
Attention: Cynthia Ellick  
175 W. Cluster Street  
San Bernardino, CA 92408**

52

## CITY COUNCIL MEETING

**DATE:** November 13, 2012

**TO:** Mayor and City Council

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

**SUBJECT:** Resolution No. 2012-88 adopting a Government Access TV (PEG) Administration Policy A-12 and Related Sponsorship Policy A-12 (a).

**RECOMMENDATION:** That the City Council adopt Resolution No. 2012-88 that provides policies and guidelines for managing the Public, Educational, Governmental (PEG) Channels and adopt the related Sponsorship Policy.

**BACKGROUND:** The City of Banning PEG channels include both the "Banning Government Access Channel" (BGAC) cablecast by the City and "EagleVision" cablecast by Mt. San Jacinto Community College District ("MSJCCD"). Currently the City of Banning programming is broadcast on Verizon Channel 10 and Time Warner Channel 126. The Eagle Vision programming is broadcast on Verizon Channel 29 and Time Warner Channel 45

The last time the policy was updated was in July 2004. Since that time technology, staffing and legislation have changed. In addition, the Eagle Vision programming was added as a PEG channel. As a result, it is necessary to update the policy. In addition, the City did not previously have a sponsorship policy to govern sponsorship or underwriting of programming on BGAC. Accordingly, there is a sponsorship policy included for consideration.

### **DISCUSSION:**

The attached policy (A-12) was prepared by the City Attorney's office in collaboration with City staff and Eagle Vision staff. The policy conforms to current standards and legislation governing PEG Channels. Some of the changes include:

- Adding a definitions section
- Clarifying the types of programming allowed and how these programs are prioritized for scheduling purposes. These include:
  - Emergency programming,
  - Eagle Vision programming, and
  - Bulletin boards
- Clarity on the Programming approval process and grievance procedures
- Election Guidelines are substantially the same
- Programming restrictions
- Format Requirements

- Grievance Procedure
- City Liability and rights

The attached policy A-12 (a) is the Sponsorship Policy which governs all sponsorship or underwriting of any BGAC programming. This policy has been drafted to comply with Federal requirements and City policies. The policy outlines the permitted sponsorship, prohibited advertising and related review procedure.

**FISCAL DATA:**

No known fiscal impact with adopting this policy.

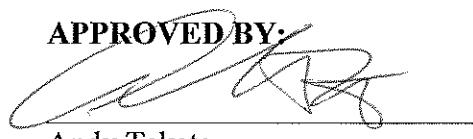
**Prepared by:**

Aleshire & Wynder, LLP

**REVIEWED BY:**

  
Jim Overholt  
Administrative Services Director/  
Deputy City Manager

**APPROVED BY:**

  
Andy Takata  
City Manager

Attachment:

1. Resolution No. 2012-88

**RESOLUTION NO. 2012-88**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING,  
CALIFORNIA, ADOPTING ADMINISTRATIVE POLICY NUMBER A-12  
PERTAINING TO THE CITY'S PUBLIC, EDUCATIONAL AND  
GOVERNMENTAL (PEG) CHANNEL AND RELATED SPONSORSHIP POLICY**

**WHEREAS**, the City Council of the City of Banning has previously adopted Administrative Policy A-12 pertaining to "Channel 10 (Government Access Cable TV) Administration," effective July 1, 2004 ; and

**WHEREAS**, the City does not have a policy to govern the underwriting or sponsorship of the City's PEG channel or its programming; and

**WHEREAS**, in 2011, the City entered in a Memorandum of Understanding (MOU) with Mt. San Jacinto Community College District which allows the District to utilize one of the City's available PEG channels for the airing of various programming; and

**WHEREAS**, the City Council desires to update the City's Administrative Policy governing the City's PEG channel, in part, as a result of the above referenced MOU and due to changes in state law impacting the City's use and operation of its channels; and

**WHEREAS**, the City Council desires to adopt a sponsorship policy to govern underwriting or sponsorship of the PEG channels or its programming;

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

**SECTION 1.** That the City Council approves Policy No. A-12, entitled "City of Banning's Public, Educational, Governmental (PEG) Channel Policies and Guidelines", attached hereto and incorporated herein as Exhibit "A".

**SECTION 2.** That the City Council approves Policy No. A-12 (a), entitled "Banning Government Access Channel (BGAC) Sponsorship Policy", attached hereto and incorporated herein as Exhibit "B".

**SECTION 3.** This resolution shall take effect as of the date of its passage and adoption.

**PASSED, APPROVED AND ADOPTED** this 11 day of December 2012.

---

Don Robinson, Mayor  
City of Banning

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

---

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

**ATTEST:**

---

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

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2012-88 was duly adopted by the City Council of the City of Banning at a regular meeting thereof held on the 11 day of December, 2012.

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

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

<b>City of Banning PEG Channel Policies and Guidelines</b>		<b>SECTION or Policy No:</b> A-12
		<b>ORIGINATING DEPARTMENT:</b> Administrative Services Department/TV
<b>SUPERSEDES:</b> July 1, 2004		<b>Reference:</b> Administrative Policy
<b>NEW EFFECTIVE DATE:</b> December 11, 2012		<b>PAGE 1 of 12</b>
<b>APPROVED BY CITY COUNCIL:</b> City Council Resolution 2012-88		

## **Public, Educational, Governmental (PEG) Channels Policies and Guidelines**

### **I. Purpose**

The City of Banning's PEG Channels include both the "Banning Government Access Channel" cablecast by the City and "EagleVision" cablecast by Mt. San Jacinto Community College District ("MSJCCD"). Banning Government Access Channel ("BGAC") is a source for informing the Banning community of city issues, programs, events and services, and seeks to increase the community's knowledge and level of participation on the various services and functions performed by their local government. EagleVision allows students in the community to be educated on production, programming and cablecasting. The City of Banning's policies relating to Banning PEG Channels are designed, intended and implemented to comply with state and federal law and to maintain, develop and implement appropriate programming, as well as to allow for technical and broadcast improvements as needed or desired.

### **II. Intent**

- (a) To identify and establish the criteria for appropriate programming.
- (b) To define and establish policies for the use of the City of Banning's PEG Channels (Time Warner channels 10 and 126 and Verizon channels 29 and 45).
- (c) To identify and encourage the use of new and emerging media technologies and to best position the City's PEG Channels and the content provided through it, so as to effectively serve the public's information needs.

### **III. Definitions**

- (a) *BGAC*: A channel branding designation for video programming on the City of Banning's Government Access Channel. BGAC is viewed on channel 10 on Time Warner and channel 29 on Verizon FIOS.

<h1 style="text-align: center;">City of Banning PEG Channel Policies and Guidelines</h1>		SECTION or Policy No: A-12
<b>ORIGINATING</b> <b>DEPARTMENT:</b> Administrative Services Department/TV		
<b>Reference:</b> Administrative Policy		
<b>SUPERSEDES:</b> July 1, 2004	<b>NEW EFFECTIVE DATE:</b> December 11, 2012	<b>PAGE 2 of 12</b>
<b>APPROVED BY CITY COUNCIL:</b> City Council Resolution 2012-88		

- (b) *Banning PEG Channels:* PEG access channels serving the residents of Banning and includes both BGAC and EagleVision.
- (c) *EagleVision:* A channel branding designation for video programming cablecast by Mt. San Jacinto College. EagleVision is viewed on channel 126 on Time Warner and channel 45 on Verizon FIOS.
- (d) *MSJCCD:* Mt. San Jacinto Community College District.
- (e) *PEG access channels:* Public, Educational and Governmental access channels.
- (f) *Underwriting policy:* The Banning PEG Channels' Underwriting Policy adopted by the Banning City Council by resolution.
- (g) *Cable Television Coordinator:* The Administrative Services Director or his or her designee shall be assigned to the day to day responsibilities of the City PEG channel.

#### IV. Types of Programming

- (a) **BGAC:** Programming aired on BGAC shall fall into one of the following programming categories, listed in order of priority:
  - (i) **Emergency:** Emergency programming includes emergency operations for natural or man-made disasters, weather phenomena, poison prevention, first aid, and the like.
  - (ii) **Public Meetings:** Live and pre-recorded public meetings of the City Council will be aired. Planning Commission, Parks & Recreation Advisory Committee and various other appointed committee or board meetings may be aired based on approval from City Council. Live public meetings will be aired gavel-to-gavel and will not be edited nor subject to editorial comment. The City is not responsible for any statements made during public meetings. For playback purposes, public meetings that include long delays for recesses or closed sessions may be edited but only the recesses will be edited out or any other editing as required by law or FCC regulations. Public forums or symposiums which are not a matter of public record, and/or in which a

<h1>City of Banning</h1> <h2>PEG Channel</h2> <h3>Policies and Guidelines</h3>		<b>SECTION or Policy No:</b> A-12 <b>ORIGINATING</b> <b>DEPARTMENT:</b> Administrative Services Department/TV <b>Reference:</b> Administrative Policy
<b>SUPERSEDES:</b> July 1, 2004	<b>NEW EFFECTIVE DATE:</b> December 11, 2012	<b>PAGE 3 of 12</b>
<b>APPROVED BY CITY COUNCIL:</b> City Council Resolution 2012-88		

quorum of elected officials do not attend and/or vote may be edited for playback when the program is intended for (and is presented as) portions or highlights of the meeting. Coverage of a meeting's procedures should be objective and should not portray anyone in a particularly negative or unfavorable manner.

- (iii) City Programs: City programs may include any program produced, organized or sponsored by the City. Additionally, programming produced by the City or a City paid vendor, including programs for and about City Departments or services, issues related to City government and programs or the Banning community, activities, history and events. City Programs shall also include any event approved in advance by the City Council as a City program.
- (iv) Government Agency Programs: Programs submitted by other governmental agencies, including local school districts, local, county, state or federal agencies that are of general interest to the residents of the City of Banning may be aired if said programs comply with these guidelines.
- (v) Electronic Bulletin Board Messages and Public Service Announcements: Content includes graphical and text based messages, video based messages, RSS feeds of relevant information, webcams and other future video or media sources related to County of Riverside or City activities, programs, services and events and national news coverage relevant to the Banning community. Additionally, messages from other local, regional, state and federal government agencies are permissible. Other relevant messages from non-profit corporations, service clubs and organizations, local and regional educational agencies and institutions are permissible. Messages recognizing Banning PEG Channels sponsors are also permissible. Editing by City staff to provide clarity, improve readability and maximize utilization of pages may be required and shall not require the consent of the advertiser.
- (vi) Outside programming: Pre-recorded material for playback including programs offered on a variety of topics regarding government or economic issues or other topics believed to be of interest to the

<h1 style="text-align: center;">City of Banning PEG Channel Policies and Guidelines</h1>		SECTION or Policy No: A-12
		ORIGINATING DEPARTMENT: Administrative Services Department/TV
<b>SUPERSEDES:</b> July 1, 2004		<b>Reference:</b> Administrative Policy
<b>NEW EFFECTIVE DATE:</b> December 11, 2012		<b>PAGE 4 of 12</b>
<b>APPROVED BY CITY COUNCIL:</b> City Council Resolution 2012-88		

community and which are deemed educational, informational, non-partisan and non-political in nature. This may include shows privately produced and provided to the City by other local jurisdictions. Programming must comply with the policies set-forth in these guidelines.

**(b) EagleVision:** Programming aired on EagleVision shall include the following categories listed in order of priority:

- (i) Emergency: Emergency programming includes emergency operations for natural or man-made disasters, weather phenomena, poison prevention, first aid, and the like.
- (ii) Programs Produced by Mt. San Jacinto College Students: Programs produced by students in compliance with the policies detailed herein, in accordance with the MOU entered into between the City and the MSJCCD, and which are family friendly and are of general interest to the Banning community.
- (iii) Electronic Bulletin Board Messages and Public Service Announcements: Content includes graphical and text based messages, video based messages, RSS feeds of relevant information, webcams and other future video or media sources related to County of Riverside or City activities, programs, services and events. Additionally, messages from other local, regional, state and federal government agencies are permissible. Other relevant messages from non-profit corporations, service clubs and organizations, local and regional educational agencies and institutions are permissible. Messages recognizing Banning PEG Channels sponsors are also permissible. Editing by staff to provide clarity, improve readability and maximize utilization of pages may be required without the consent of the advertiser.
- (iv) Government Agency Programs: Programs submitted by other governmental agencies, including local school districts, local, county, state or federal agencies that are of general interest to the residents of the City of Banning and/or the student body of MSJCCD may be aired if said programs comply with these guidelines.

<h1 style="text-align: center;">City of Banning PEG Channel Policies and Guidelines</h1>		SECTION or Policy No: A-12
		ORIGINATING DEPARTMENT: Administrative Services Department/TV
SUPERSEDES: July 1, 2004	NEW EFFECTIVE DATE: December 11, 2012	Reference: Administrative Policy
APPROVED BY CITY COUNCIL: City Council Resolution 2012-88		

- (v) Programs in the Public Domain: Content includes programs which have been legally deemed to be within the public domain, which may be aired on PEG channels, which is family friendly and the content of which is in compliance with these guidelines. Any necessary approvals or authorizations must be sought prior to airing.
- (c) Scheduling: The Cable Television Coordinator shall schedule programming in accordance with the priorities as listed in subsections (a) and (b) above and shall further schedule programs to maximize viewer interest. The Cable Television Coordinator shall schedule all programming on a non-discriminatory basis.

## V. Programming Approval for BGAC

Any proposed programming for BGAC must meet the programming restrictions criteria of section IV above and must be authorized in accordance with the following provisions. Requests to air programming or bulletin board messages on EagleVision is governed by MSJCCD policies and guidelines.

### (a) Requests to Air Programming on BGAC:

- (i) Any request to air programming must be authorized by the City Manager or his/her designee, or the City Council when appropriate. Any decision of the City Manager may be appealed in accordance with the Grievance Procedure at section IX(a) below. As the sole and exclusive programmer of BGAC, the City reserves the right to review all proposed programming to determine compliance with these guidelines and objectives. The City also reserves the right to assess any proposed programming based on timeliness. Any program under consideration may be accepted as presented, may be turned down completely, or may be given conditional approval. In the case of a conditional approval, the program may be required to be edited in accordance with policies. Any significant departure from the policies established herein or city past practice is subject to authorization by the Banning City Council.

61

<h1>City of Banning</h1> <h2>PEG Channel</h2> <h3>Policies and Guidelines</h3>		<b>SECTION or Policy No:</b> A-12
		<b>ORIGINATING</b> <b>DEPARTMENT:</b> Administrative Services Department/TV
		<b>Reference:</b> Administrative Policy
<b>SUPERSEDES:</b> July 1, 2004	<b>NEW EFFECTIVE DATE:</b> December 11, 2012	<b>PAGE 6 of 12</b>
<b>APPROVED BY CITY COUNCIL:</b> City Council Resolution 2012-88		

- (ii) Program content, complaints, customer service, scheduling and playback will be managed by the Cable Television Division in accordance with these Policies and Guidelines.

**(b) Bulletin Board Messages on BGAC**

- (i) Any public service messages to be displayed on BGAC must be submitted in writing on a BGAC Message Request Form, and must be submitted at least three working days prior to the requested start date. Qualifying messages may be emailed, mailed, faxed, submitted online or hand delivered to the Cable Television Division. No announcements will be taken over the phone, except in the case of an emergency.
- (ii) All messages submitted must be approved by the City Manager or his/her designee, or the Cable Television Division when appropriate. All messages must comply with Section VII Programming Restrictions.
- (iii) Messages should be concise, and should contain basic information concerning what, when, where, and how. Messages may be edited for time and space consideration as determined by the Cable Television Coordinator. Every effort will be made to include all vital information and maintain the spirit of the message.
- (iv) All submitted messages must be accompanied by the name of the submitting organization or department, the name and phone number of a contact person, and whether or not that information is to appear in the message. Submissions must include desired start and end dates.
- (v) Receipt of a public service message does not in any way guarantee its airing.

**(c) Emergency Broadcasts**

All emergency programming shall be authorized by the City Manager, or in his/her absence the Acting Manager in Charge or in his/her absence the Cable

<b>City of Banning</b> <b>PEG Channel</b> <b>Policies and Guidelines</b>		<b>SECTION or Policy No:</b> A-12 <b>ORIGINATING</b> <b>DEPARTMENT:</b> Administrative Services Department/TV <b>Reference:</b> Administrative Policy
<b>SUPERSEDES:</b> July 1, 2004	<b>NEW EFFECTIVE DATE:</b> December 11, 2012	<b>PAGE 7 of 12</b>
<b>APPROVED BY CITY COUNCIL:</b> City Council Resolution 2012-88		

Television Coordinator. Emergency programming may only be originated by City, County, State or Federal departments including Police, Public Works, Fire or other emergency service personnel. Under no circumstances will access for emergency communications be granted to anyone who does not have the proper authority to initiate emergency procedures.

## VI. Election Guidelines

In order to provide equitable access for all local candidates prior to municipal elections, the following guidelines shall apply:

- A. Each "qualified" candidate for public office in any City of Banning municipal election will be advised that there will be time available for them to participate in City produced pre-election programs. Candidates will be considered "qualified" after the final filing date and determination of eligibility. Access to qualified candidates shall be limited to the opportunity to participate in City produced pre-election programming. No other playback access provisions shall be allowed.
- B. Forums and debates may be sponsored or hosted by bona fide non-profit groups, such as the League of Women Voters or Chamber of Commerce. Other outside groups may be designated as sponsors/co-producers for pre-election programming, provided the group is non-partisan.
- C. Candidate profiles may last to a maximum of fifteen minutes per candidate. Attendance at videotaping sessions will be limited to the candidate and his/her on camera guest(s). Each candidate may determine the content of their program segment and may have a maximum of two guests per taping session. Each candidate must appear in person, by appointment, according to schedules which shall be completed after the filing period closes, and which shall be mailed at least ten days in advance of each taping date.
- D. Candidate profiles will be blocked together for playback the same evening or the following day. The order of segments will be determined by draw, with any successive playback based on an arithmetic rotation. Disclaimers will be included at the beginning and end of each City produced pre-election program, and candidates will be required to sign release forms

<b>City of Banning PEG Channel Policies and Guidelines</b>		<b>SECTION or Policy No:</b> A-12 <b>ORIGINATING</b> <b>DEPARTMENT:</b> Administrative Services Department/TV <b>Reference:</b> Administrative Policy
<b>SUPERSEDES:</b> July 1, 2004	<b>NEW EFFECTIVE DATE:</b> December 11, 2012	<b>PAGE 8 of 12</b>
<b>APPROVED BY CITY COUNCIL:</b> City Council Resolution 2012-88		

indemnifying the City of Banning. No other use of any of the programs will be allowed without written authorization of the City Manager.

E. The City will develop sets as deemed appropriate by the City Manager. The City will not provide make-up or make-up artist(s). BGAC generated graphics will be limited to the name and title of each participating individual.

## VII. Programming Restrictions

(a) Political/Campaign: Notwithstanding the Election Guidelines above, Banning PEG Channels are not intended to be used as a political forum by an individual or group, nor as a mechanism for building exclusive support for a particular person or issue. As such, neither political advocacy, nor promotional announcements for political and campaign events or activities, nor solicitation of votes are permitted. Political programming that only provides factual or educational information on a ballot issue affecting a State, City or County government service or ballot issue directly affecting City residents shall be permitted.

(b) Endorsements or Solicitation: At all times Banning PEG Channels shall remain noncommercial. No use of the channel for any personal gain shall be permitted.

(c) Sponsorship: Any program which was funded, sponsored or underwritten, in part or in full, by any individual, business or non-profit organization may credit that support in the following manner: "This program was made possible with funds provided by \_\_\_\_\_ (name of sponsor) \_\_\_\_\_. Further sponsorship recognition is subject to the applicable Underwriting and Sponsorship Policy.

(d) Promotional Announcements: Promotional announcements for City-sponsored events, or events or services provided or organized by a non-profit organization, will be permitted on Banning PEG Channels. All other promotional announcements shall not be permitted unless in accordance with subsection (c) above.

(e) Lottery: No programming containing advertisement or information regarding any lottery shall be aired.

<b>City of Banning PEG Channel Policies and Guidelines</b>		<b>SECTION or Policy No:</b> A-12
<b>ORIGINATING</b> <b>DEPARTMENT:</b> Administrative Services Department/TV		
<b>Reference:</b> Administrative Policy		
<b>SUPERSEDES:</b> July 1, 2004	<b>NEW EFFECTIVE DATE:</b> December 11, 2012	<b>PAGE 9 of 12</b>
<b>APPROVED BY CITY COUNCIL:</b> City Council Resolution 2012-88		

- (f) Alcohol or Tobacco: No material that can be construed as promoting alcohol or tobacco shall be aired.
- (g) Indecency, Obscenity and Defamation: No sexual, obscene, indecent, defamatory or offensive material or language shall be aired. Community standards of good taste will be adhered to at all times.
- (h) Copyright and Trademark: No copyrighted or trademarked material shall be aired unless clearances for use have been obtained, and written proof of such clearance is provided to the Cable Television Division. The producers submitting programs to be aired shall hold the City harmless in any case of copyright or trademark infringement.
- (i) Other Prohibited Material: No material which constitutes libel, slander, invasion of privacy or publicity rights, or unfair competition shall be aired.
- (j) FCC Guidelines: Use of the channel shall be governed by the operating procedures as set forth herein and by the rules of the Federal Communications Commission (FCC) as they may apply to operations of the City's channels.
- (k) Compliance with All Laws: No programming shall be permitted that is not in compliance with any applicable Federal, State or local law, code or regulation.

### **VIII. Format Requirements**

- (a) Digital Media Preferred: The City requires that all programming submitted be supplied in digital format, including DVDs.
- (b) Length of Programs:
  - (i) Programs scheduled in half hour time slots must not exceed 28 minutes.
  - (ii) Programs scheduled in hour time slots must not exceed 58 minutes.
  - (iii) Programs exceeding 58 minutes will be scheduled according to available Channel air time.

<b>City of Banning</b> <b>PEG Channel</b> <b>Policies and Guidelines</b>		<b>SECTION or Policy No:</b> A-12  <b>ORIGINATING</b> <b>DEPARTMENT:</b> Administrative Services Department/TV  <b>Reference:</b> Administrative Policy
<b>SUPERSEDES:</b> July 1, 2004	<b>NEW EFFECTIVE DATE:</b> December 11, 2012	<b>PAGE 10 of 12</b>
<b>APPROVED BY CITY COUNCIL:</b> City Council Resolution 2012-88		

- (iv) Programs under 28 minutes or between 28 - 58 minutes will be considered "Filler Programming" and may be scheduled less frequently.
- (c) Labeling: All media submitted must be clearly labeled with title, date of production, name, address and telephone number of user. Both the media and container must be labeled.
- (d) Technical Quality: The City reserves the right to reject any proposed programming which, in its discretion, do not meet technical standards.
- (e) Reservation of rights: The City reserves the right to schedule or reschedule programs or require any viewer discretion tags at the beginning and end of each program that the City deems appropriate.

## IX. Grievance Procedures for BGAC

- (a) Applicability: Any person or persons wishing to protest decisions made by the Cable Television Division (i.e. in regards to playback scheduling, production scheduling, refusal of programming due to content or length, etc.) may file a grievance and request a hearing before the City Manager, which decision may be appealed to the Cable Committee in accordance with the following.
- (b) Protest Procedure(s):
  - (i) Any applicant wishing to file a protest must submit a detailed report regarding the complaint to the City Manager no later than fourteen (14) calendar days from the date of the decision being grieved. Based upon all evidence in the record, the City Manager shall render its decision.
  - (ii) If the applicant wishes to appeal the City Manager's decision, the applicant shall file a grievance no later than fourteen (14) days from the date of the decision, with the City Clerk to be heard by an ad hoc Cable Committee. Said Committee shall consist of 2 City Council members, the Administrative Services Director, the Deputy City

<b>City of Banning PEG Channel Policies and Guidelines</b>		<b>SECTION or Policy No:</b> A-12
<b>ORIGINATING</b>		<b>DEPARTMENT:</b> Administrative Services Department/TV
<b>Reference:</b> Administrative Policy		
<b>SUPERSEDES:</b> July 1, 2004	<b>NEW EFFECTIVE DATE:</b> December 11, 2012	<b>PAGE 11 of 12</b>
<b>APPROVED BY CITY COUNCIL:</b> City Council Resolution 2012-88		

Manager and a representative from MSJC. This decision shall be final.

(iii) If any protest is received by the Cable Television Coordinator prior to airing of any program that is the subject of protest, the program may still be shown at the discretion of the Cable Television Coordinator and subject to a consensus by the City Manager or the City Manager's designee. If deemed appropriate by the City Manager or the City Manager's designee, an emergency Cable Committee meeting shall be called to render a final decision.

(c) For all grievances related to programming on EagleVision, the MSJCCD guidelines govern.

## X. City Liability and Rights

(a) Editing: The City reserves its right to edit any program in accordance with the guidelines and policies herein. Alternatively, the City's Cable Television Division may notify a producer of all program portions in need of editing and request said editing be completed. The producer will then have the option of making all specified changes or declining to have the program aired.

(b) Accuracy: The City does not guarantee the accuracy of the information aired on Banning PEG Channels. No agents, employees or officials of the City, shall be held liable, and shall be held harmless, for the cablecast of inaccurate or incorrect information.

(c) Statement of Compliance: Any programming not produced by the City of Banning or its representatives must fill out a Statement of Compliance to ensure that the content meets the requirement set forth in this document. Failure to submit a Statement of Compliance shall result in a delay of airing or revocation of approval. Statements of Compliance forms may be obtained from the Cable Television Division.

## XI. Ownership, Storage and Copies

(a) Ownership: The ownership and copyright for any program produced by the City of Banning shall be held by the City of Banning.

<h1>City of Banning PEG Channel Policies and Guidelines</h1>	<b>SECTION or Policy No:</b> A-12
	<b>ORIGINATING</b>
	<b>DEPARTMENT:</b> Administrative Services Department/TV
	<b>Reference:</b> Administrative Policy
<b>SUPERSEDES:</b> July 1, 2004	<b>NEW EFFECTIVE DATE:</b> December 11, 2012
<b>PAGE 12 of 12</b>	
<b>APPROVED BY CITY COUNCIL:</b> City Council Resolution 2012-88	

- (b) Storage: Recordings of public meetings and other events will be stored by Banning as required by the City's record retention policy. These copies shall not be considered the official record of any meeting and the City shall not be held liable for the inadvertent erasure or omissions of any portion of such recordings.
- (c) Copies: Copies of recordings of public meetings may be purchased from the City Clerk's office. Copies of all other events may be purchased from the Cable Television Division. The cost to purchase a copy of a recording shall be determined by the schedule of fees adopted by the City Council, as may be amended from time to time.

<b>City of Banning</b> <b>Banning Government Access</b> <b>Channel (BGAC)</b> <b>Sponsorship Policy</b>		<b>SECTION or Policy No:</b> A-12 (a)
		<b>ORIGINATING</b> <b>DEPARTMENT:</b> Administrative Services Department/TV
		<b>Reference:</b> Administrative Policy
<b>SUPERSEDES:</b> none	<b>NEW EFFECTIVE DATE:</b> December 11, 2012	<b>PAGE 1 of 12</b>
<b>APPROVED BY CITY COUNCIL:</b> City Council Resolution 2012-88		

**BANNING GOVERNMENT ACCESS CHANNEL  
SPONSORSHIP POLICY**

**I. PURPOSE**

The purpose of the Banning Government Access Channel (BGAC) Sponsorship Policy is to provide a set of objective criteria to be applied uniformly in determining the appropriateness of sponsorship, donation or advertising arrangements between an agency, group or individual and the City of Banning.

**II. DEFINITIONS**

**CITY:** The City of Banning.

**DONOR:** An agency, group or individual giving money, materials or services with no expectation of recognition or consideration in return. The City may choose to provide recognition to donors. Such recognition shall be solely determined, controlled and prescribed by the City. Examples of such recognition may include, but are not limited to, letters of appreciation and certificates of commendation.

**BANNING GOVERNMENT ACCESS CHANNEL (BGAC) CHANNEL:** The City operated PEG Channel cablecast on channel 10 on Time Warner and channel 29 on Verizon FIOS.

**BANNING GOVERNMENT ACCESS CHANNEL (BGAC) REVIEW COMMITTEE:** The Banning Government Access Channel (BGAC) Review Committee is composed of the City Manager (and/or his designee), the City Clerk and the Administrative Services Director. The purpose of the "Review Committee" is to review and approve sponsorships or to make recommendations to the Banning City Council for sponsorship approval or denial.

**SPONSOR:** An agency, business, group, individual or IRS certified non-profit entity providing either funds to offset the cost and/or services or materials in support of BGAC

<b>City of Banning</b> <b>Banning Government Access</b> <b>Channel (BGAC)</b> <b>Sponsorship Policy</b>		<b>SECTION or Policy No:</b> A-12 (a)
<b>ORIGINATING</b> <b>DEPARTMENT:</b> Administrative Services Department/TV		
<b>Reference:</b> Administrative Policy		
<b>SUPERSEDES:</b> none	<b>NEW EFFECTIVE DATE:</b> December 11, 2012	<b>PAGE 2 of 12</b>
<b>APPROVED BY CITY COUNCIL:</b> City Council Resolution 2012-88		

Channel, or program or program series. Sponsorship does not authorize the agency, group or individual to plan, organize, conduct or influence the City television programming operation, but shall allow recognition consistent with this Sponsorship Policy and which has been recommended by staff and approved by the Review Committee and/or the City Council.

**SPONSOR PAID ADVERTISING:** Permitted sponsorship features arranged for an agency, group or individual that provides money in exchange for recognition as part of an approved sponsorship of a specified community television program, or program series. Sponsor produced advertising may be authorized if it adheres to this policy and meets all technical specifications. Such advertising is subject to approval from the Review Committee and/or the City Council.

**SUPPORTED TELEVISION PROGRAMS (CO-SPONSORED):** Programming which the City jointly produced with another agency, group or individual to serve the community for a public purpose including, but not limited to, television programs that the City would directly finance or operate if there were adequate resources available to do so.

### **III. PERMITTED SPONSORSHIP**

The City shall approve sponsorships and/or donations for Banning Government Access Channel Programming (BGAC) that are consistent with the subject, purpose and audience of the program and recognize the sponsor in accordance with this policy, the Federal Communications Commission (FCC) *Standards for underwriting or sponsorship credits (FCC 86-161)* and Public Broadcasting System (PBS) *Funding Standards and Practices: Overall Appearance and Effect of Credits*. No sponsorship is available for any legislative body or public meetings.

The sponsorship features allowed by this policy include, but are not necessarily limited to, the following:

- Logograms or slogans which identify but do not promote;
- Location information, telephone numbers and webpages;
- Value neutral descriptions of a product line or service;
- Brand and trade names and product or service listings; and
- Visual depictions of specific products.

<b>City of Banning</b> <b>Banning Government Access</b> <b>Channel (BGAC)</b> <b>Sponsorship Policy</b>		<b>SECTION or Policy No:</b>
		A-12 (a)
		<b>ORIGINATING</b> <b>DEPARTMENT:</b> Administrative Services Department/TV
<b>SUPERSEDES:</b> none	<b>NEW EFFECTIVE DATE:</b> December 11, 2012	<b>Reference:</b> Administrative Policy
<b>APPROVED BY CITY COUNCIL:</b> City Council Resolution 2012-88		

Further, any program which is funded, sponsored or underwritten, in part or in full, by any individual, business or non-profit organization may be verbally recognized in the following manner: *"This program was made possible with funds provided by \_\_\_\_\_ (name of sponsor)."*

In the event it shall be become necessary, the City Manager shall establish administrative procedures to implement or clarify this policy. The administrative procedures shall be consistent with all appropriate provisions of the Banning Municipal Code, the Banning Government Access Channel Policies and Guidelines, and any relevant contracts.

#### **IV. PROHIBITED ADVERTISING**

All sponsorship advertising is subject to the following prohibitions:

- A. **Political Content:** To avoid any appearance of partiality, or the appearance of the impermissible use of public resources, the City will not accept advertising with political advocacy. For purposes of this policy, advertising with political advocacy is any advertising involving promotional announcements for political issues, or candidates, including but not limited to candidate advertising and ballot issue advocacy. However, informational only, political advertising consistent with the Banning Government Access Channel Policies and Guidelines, shall be permitted.
- B. **Sexual Content:** To protect the public, and especially minors, the City will not accept advertising that contains sexual content. For purposes of this policy, advertising with sexual content is any advertising that contains depictions or descriptions that are obscene or lewd as defined in California Penal Code section 311 or applicable federal law or which would be deemed indecent in accordance with current case law. Advertising with sexual content is also any advertising promoting products or services involving obscene, lewd or indecent content or conduct or depicts specified anatomical areas or specified sexual activities as defined by section 5.84.020 of the Banning Municipal Code.
- C. **Tobacco Products:** Because the use of tobacco products has a detrimental effect on public health, the City will not accept advertising promoting tobacco products.

<b>City of Banning</b> <b>Banning Government Access</b> <b>Channel (BGAC)</b> <b>Sponsorship Policy</b>		<b>SECTION or Policy No:</b> A-12 (a)  <b>ORIGINATING</b> <b>DEPARTMENT:</b> Administrative Services Department/TV  <b>Reference:</b> Administrative Policy
<b>SUPERSEDES:</b> none	<b>NEW EFFECTIVE DATE:</b> December 11, 2012	<b>PAGE 4 of 12</b>
<b>APPROVED BY CITY COUNCIL:</b> City Council Resolution 2012-88		

D. Alcohol Products: Because of the abuse of alcohol has a detrimental effect on public health and safety, City will not accept advertising promoting alcohol products.

## **V. PROCEDURE**

A. Review Process: A sponsorship proposal must be submitted to the Cable Television Coordinator for review. The sponsorship proposal must include the following:

1. Identification of program, series, channel selected for sponsorship;
2. Name, address and telephone number of agency, group or individual, including contact person;
3. Type of sponsorship being requested;
4. Monetary value of funding or estimated value of service being provided; and
5. Cost to the City, if any, to administer the program.

The Cable Television Coordinator shall receive and review applications for sponsorship and make a recommendation to accept or deny the same. The BGAC "Review Committee" shall review the recommendations as well as the applications including the financial contribution offered.

Based upon the criteria listed herein, the Review Committee shall either accept or deny the proposed sponsorship, or the Review Committee may determine that an individual application requires further review by the City Council. In the event that said sponsorship warrants further review, the proposed sponsorship shall be put before the City Council at its next regularly scheduled meeting.

Upon approval of a sponsorship application, the sponsorship opportunity may be renewed annually without further review unless there are significant changes to the sponsorship applicant, program, series, channel, facility, or this policy.

B. Inventory: The Cable Television Coordinator shall establish and maintain a database of programs, series, channels, facilities and services that may be eligible for sponsorship. This inventory shall include a listing of existing sponsors, time frame designated for sponsor participation, and sponsorship level designation.

<b>City of Banning</b> <b>Banning Government Access</b> <b>Channel (BGAC)</b> <b>Sponsorship Policy</b>		<b>SECTION or Policy No:</b> A-12 (a)  <b>ORIGINATING</b> <b>DEPARTMENT:</b> Administrative Services Department/TV  <b>Reference:</b> Administrative Policy
<b>SUPERSEDES:</b> none	<b>NEW EFFECTIVE DATE:</b> December 11, 2012	<b>PAGE 5 of 12</b>
<b>APPROVED BY CITY COUNCIL:</b> City Council Resolution 2012-88		

C. MOU or Contract Requirements: Depending on the complexity or dollar value involved in a sponsorship, the City Manager may require a memorandum of understanding (MOU) or formal contract with the sponsor requiring approval of the City Council. Unless expressly provided otherwise by the City Council, the MOU or contract shall contain these items:

1. An agency, group or individual desiring to sponsor a program must demonstrate that its purpose is consistent with the City's mission to enhance service to the community.
2. Sponsors may provide funds or pay for facilities, equipment, supplies, staff services, security services, consultation, public relations services, and/or materials.
3. The sponsor shall not directly seek to make a profit from the sponsorship. However, building community interest on a subject or gaining professional exposure is acceptable.
4. The City must be appropriately represented and/or acknowledged in any publicity or public announcements for a television program, series, channel or facility. The City Manager or designee shall review and approve all publicity such as media releases, posters, flyers, etc.
5. The approval of a sponsorship project or program shall in no way obligate the City to continue the arrangement in the future.
6. Approved sponsors shall comply with all appropriate provisions of the Banning Municipal Code, Banning Government Access Channel Policies and Guidelines, state and federal law and Public Broadcasting System (PBS) *Funding Standards and Practices: Overall Appearance and Effect of Credits*.

<p><b>City of Banning Banning Government Access Channel (BGAC) Sponsorship Policy</b></p>		<p><b>SECTION or Policy No:</b> A-12 (a)</p>
<p><b>ORIGINATING</b></p>		<p><b>DEPARTMENT:</b> Administrative Services Department/TV</p>
<p><b>Reference:</b> Administrative Policy</p>		
<p><b>SUPERSEDES:</b> none</p>	<p><b>NEW EFFECTIVE DATE:</b> December 11, 2012</p>	<p><b>PAGE 6 of 12</b></p>
<p><b>APPROVED BY CITY COUNCIL:</b> City Council Resolution 2012-88</p>		

## **VI. OTHER**

- A. **DONATIONS:** All donations for events, activities or facilities must be in accordance with the City's existing practices for receiving donations. Donors may be recognized within the guidelines of this policy.
- B. **RESERVATION OF RIGHTS:** The City retains the right to not offer particular programming for sponsorships by entities which would be incompatible with BGAC operations and the City's mission or policies and procedures.
- C. **AMENDMENTS:** This Policy may be amended by a resolution of the City.

## CITY COUNCIL AGENDA

**DATE:** December 11, 2012

**TO:** Mayor and City Council

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

**SUBJECT:** Side Letter to Memorandum of Understanding (MOU) for San Bernardino Public Employees Association (SBPEA) and International Brotherhood of Electrical Workers (IBEW) - General & Utility Employees

**RECOMMENDATION:** Adopt Resolution No. 2012-94 approving side letter agreements to the Memorandum of Understanding (MOU) with the San Bernardino Public Employees Association (SBPEA) and the International Brotherhood of Electrical Workers (IBEW) – General & Utility Unit Employees.

**JUSTIFICATION:** Section 3505.1 of the Meyers-Milias-Brown Act ("MMBA") (Gov't Code Sections 3500-3511) provides that: "If agreement is reached by the representatives of the public agency and a recognized employee organization or recognized employee organizations, they shall jointly prepare a written memorandum of such understanding, which shall not be binding, and present it to the governing body or its statutory representative for determination." Once approved by the governing body of the local agency, a side letter to the memorandum of understanding becomes a binding agreement between the employee organization and the local government. *Thus, City Council approval of the proposed San Bernardino Public Employees Association representing the Mid-Management & Professional Unit and the International Brotherhood Electrical Workers – General and Utility Unit Side Letter to the Memorandum of Understanding is required by the MMBA in order to be binding on the parties.*

**BACKGROUND:** Although negotiations are ongoing with all bargaining groups to negotiate new MOUs, the recent pension reform (AB340) takes effect January 1, 2013, which closes the opportunity for the foreseeable future of addressing retirement costs for new employees currently vested in CalPERS through a previous employer. During negotiations with the employee bargaining groups, the City proposed implementation of a two-tier retirement system for new members. The bargaining units have agreed to a new tier formula: 2% @ 60 retirement formula subject to the final compensation calculation based on an average 36 month period.

This tier will apply to new employees vested in CalPERS through a previous employer (often referred to as legacy employees). The attached side letter agreements formalize this understanding. Approval of this retirement formula does not impact current employees. Approval of the side letters and the separate agenda report with the changes to the ordinance authorizes CalPERS and the City to add this proposed tier before the December 31, 2012 deadline. Implementation of this second tier allows the City to have reduced retirement costs in the future.

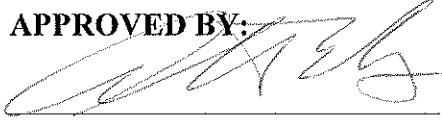
Negotiations are ongoing with the Safety employees. Upon agreement regarding implementing the second tier retirement formula, a Special meeting of the City Council may be necessary in order to meet the deadlines imposed by AB340.

**FISCAL DATA:** For the second tiered plans, the immediate fiscal impact is unknown due to the fact that the 2@60 retirement formula for miscellaneous members will only be given to new "legacy" employees hired after the approval and implementation of the new tier. Savings will come in the future through lower rates as more and more of the work force is on the lower plan. Staff recognizes through discussions with the bargaining groups that there may be challenges with recruitments in the interim due to the lower benefit.

**RECOMMENDED BY:**

  
June Overholt  
Administrative Services Director/  
Deputy City Manager

**APPROVED BY:**

  
Andy J. Takata  
City Manager

Attachments:

1. Resolution No. 2012-94 – Approval of the Side Letter of Agreements to MOU's
2. Side Letter Agreement – SBPEA
3. Side Letter Agreement – IBEW – General Unit
4. Side Letter Agreement – IBEW – Utility Unit

**RESOLUTION NO. 2012-94**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING  
APPROVING A SIDE LETTER AGREEMENT TO THE MEMORANDUM OF  
UNDERSTANDING BETWEEN THE INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS-LOCAL 47 (IBEW) GENERAL EMPLOYEES UNIT AND  
UTILITY UNIT, THE SAN BERNARDINO PUBLIC EMPLOYEES ASSOCIATION  
(SBPEA) AND THE CITY OF BANNING**

WHEREAS, the City of Banning has recognized the International Brotherhood of Electrical Workers – General Unit (IBEW – General Unit) and the Utility Unit (IBEW – Utility Unit) and the San Bernardino Public Employees Association (SBPEA) as the bargaining units representing a group of its employees; and,

WHEREAS, the City and the IBEW – General Unit and Utility Unit and the SBPEA entered into a Memorandum of Understanding (MOU) which all expired September 11, 2011; and

WHEREAS, the City and bargaining units have been in Meet and Confer Sessions to negotiate a successor MOU, which is in progress; and

WHEREAS, the City proposed a two tiered retirement formula in an effort to achieve cost savings for the City; and

WHEREAS, with the recent passage of the Public Employees' Pension Reform Act of 2013 (AB340), the opportunity to implement a two tiered retirement formula for new employees that are currently vested in CalPERS expires on December 31, 2013; and

WHEREAS, the City and the IBEW units and SBPEA have met in good faith to approve the 2% @ 60 retirement formula; and

WHEREAS, the City and the IBEW units and SBPEA have successfully negotiated a side letter Amending the expired Memorandum of Understanding ("MOU") according to the guidelines of the Meyers-Milias-Brown Act ("MMBA") and the City's Employer-Employee Relations resolution ("Resolution No. 2010-45");

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

**SECTION 1:**

1. That the City Council approves the Side Letter Agreements to the MOU for IBEW – General Unit, IBEW – Utility Unit and SBPEA, a copy of which is attached hereto and by this reference made a part hereof; and
2. The Administrative Services Director is authorized to make the necessary budget adjustments as applicable.

PASSED, APPROVED AND ADOPTED this 11th day of December 2012 at Banning, California.

---

Don Robinson, Mayor  
City of Banning, California

APPROVED AS TO FORM AND  
LEGAL CONTENT

---

David Aleshire, Attorney  
Aleshire & Wynder, LLP

ATTEST:

---

Marie A. Calderon  
City Clerk of the City of Banning

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2012-94 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 11th day of December 2012, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

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

**SIDE LETTER AGREEMENT BETWEEN  
THE CITY OF BANNING,  
AND  
THE SAN BERNARDINO PUBLIC EMPLOYEES ASSOCIATION  
  
REGARDING TWO TIERED RETIREMENT  
(NOVEMBER, 2012)**

**SIDE LETTER AGREEMENT BETWEEN THE CITY OF BANNING, AND THE SAN  
BERNARDINO PUBLIC EMPLOYEES ASSOCIATION REGARDING TWO TIERED  
RETIREMENT**

**PREAMBLE**

This most current Memorandum of Understanding ("MOU" or "Agreement") between the City of Banning, a Municipal Corporation, hereinafter known as "the City" or "City" and the authorized representatives of the San Bernardino Public Employees Association, the recognized employee organization of the mid-management and professional unit, hereinafter known as the "Union" or "SBPEA", expired June 30, 2011. Since that time, the parties have continued on and off good faith negotiations over a successor MOU. The negotiations have been delayed in large part due to successive and ongoing negative fiscal impacts to the City caused by both the local economy and statewide events beyond the City's control. However, the parties have recently resumed negotiations in an effort to agree upon terms for a successor MOU. In the meantime, the parties have agreed to allow the City to attempt to implement a two tiered retirement plan for miscellaneous employees prior to January 1, 2013 as described more fully below and contingent upon agreement with all City miscellaneous employee organizations and approval by CalPERS.

The purpose of this Side Letter Agreement is to memorialize the meet and confer discussions and agreement reached on this particular issue of two tiered retirement which would be an express modification of the terms and conditions of the pre-existing expired MOU. Thus, this Side Letter Agreement is the product of meet and confer labor negotiations between the parties pursuant to Chapter 10 (Section 3500 et. seq.) of Division 4, Title 1 of the Government Code and pursuant to Resolution No. 2010-45, the Employer-Employee Relations Resolution of the City of Banning.

**ARTICLE 12 - RETIREMENT (Modification)**

12.3 CalPERS Formulas.

(a) The City agrees to continue to pay the employer's portion of the "Two and One-Half Percent at Fifty-Five" (2.5% @ 55) CalPERS Retirement for Miscellaneous employees, including the "single highest year" benefit, for all current SBPEA represented employees.

(b) City Council shall be authorized to adopt and implement resolutions providing for two tiered retirement for miscellaneous employees hired on or after such resolution adoption providing for the retirement plan known as 2% @ 60 retirement formula with final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period. All new employees vested in CalPERS or with any CalPERS recognized reciprocal agencies/plans shall receive the 2% @ 60 second tier retirement formula with final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period. All SBPEA represented employees hired on or before such resolution adoption shall remain at the current existing 2.5 @ 55 retirement formula, including the "single highest year" benefit.

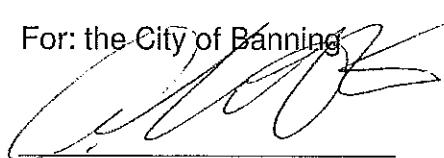
(c) Per AB340, new SBPEA represented employees hired on or after January 1, 2013 shall be entitled to receive either the City's second tier 2% @ 60 retirement formula with final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period or the newly created the retirement plan known as 2% @ 62 formula with final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period, as determined by CalPERS eligibility rules for these plans.

### **ARTICLE 30 – RATIFICATION AND EXECUTION**

The Union represents that this Side Letter Agreement has been ratified by its members and therefore the City's representatives and the Union jointly recommend this Side Letter Agreement to the City Council for the City of Banning. The parties hereto acknowledge that this Side Letter Agreement shall not be in full force and effect until adoption by the Banning City Council.

In witness whereof, the parties have caused their signatures to be affixed this 28 day of November, 2012.

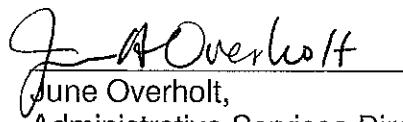
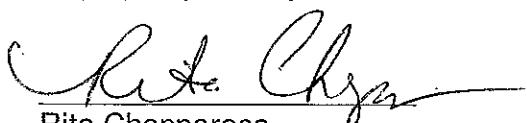
For: the City of Banning



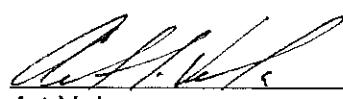
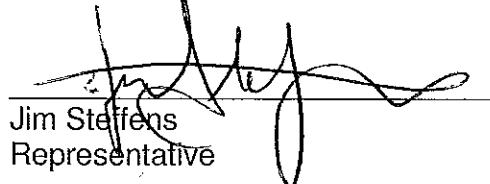
Andy Takata,  
City Manager



Colin Tanner,  
Lead Negotiator

  
June Overholt,  
Administrative Services Director/  
Deputy City Manager  
Rita Chapparosa,  
Deputy Human Resources Director

For SBPEA

  
Michael Moore  
SBPEA Labor Relations Representative  
Art Vela  
Representative  
Jim Steffens  
Representative

**SIDE LETTER AGREEMENT BETWEEN**  
**THE CITY OF BANNING,**  
**AND**  
**THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS - LOCAL 47**  
**GENERAL EMPLOYEES UNIT**  
**REGARDING TWO TIERED RETIREMENT**  
**(NOVEMBER, 2012)**

*82*

**SIDE LETTER AGREEMENT BETWEEN THE CITY OF BANNING, AND THE  
INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS - LOCAL 47,  
GENERAL EMPLOYEES UNIT, REGARDING TWO TIERED RETIREMENT**

**PREAMBLE**

This most current Memorandum of Understanding ("MOU" or "Agreement") between the City of Banning, a Municipal Corporation, hereinafter known as "the City" or "City" and the authorized representatives of the International Brotherhood Of Electrical Workers - Local 47, the recognized employee organization of the General Employees Unit, hereinafter known as the "Union" or "IBEW", expired September 30, 2011. Since that time, the parties have continued on and off good faith negotiations over a successor MOU. The negotiations have been delayed in large part due to successive and ongoing negative fiscal impacts to the City caused by both the local economy and statewide events beyond the City's control. However, the parties have recently resumed negotiations in an effort to agree upon terms for a successor MOU. In the meantime, the parties have agreed to allow the City to attempt to implement a two tiered retirement plan for miscellaneous employees prior to January 1, 2013 as described more fully below and contingent upon agreement with all City miscellaneous employee organizations and approval by CalPERS.

The purpose of this Side Letter Agreement is to memorialize the meet and confer discussions and agreement reached on this particular issue of two tiered retirement which would be an express modification of the terms and conditions of the pre-existing expired MOU. Thus, this Side Letter Agreement is the product of meet and confer labor negotiations between the parties pursuant to Chapter 10 (Section 3500 et. seq.) of Division 4, Title 1 of the Government Code and pursuant to Resolution No. 2010-45, the Employer-Employee Relations Resolution of the City of Banning.

**ARTICLE 24 - RETIREMENT AND MEDICARE (Modification)**

**24.1 CalPERS Formulas.**

(a) The City agrees to continue to pay the employer's portion of the "Two and One-Half Percent at Fifty-Five" (2.5% @ 55) CalPERS Retirement for Miscellaneous employees, including the "single highest year" benefit, for all current General Employees Unit employees.

(b) City Council shall be authorized to adopt and implement resolutions providing for two tiered retirement for miscellaneous employees hired on or after such resolution adoption providing for the retirement plan known as 2% @ 60 retirement formula with final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period. All new employees vested in CalPERS or with any CalPERS recognized reciprocal agencies/plans shall receive the 2% @ 60 second tier retirement formula with final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period. All General Employees Unit employees hired on or before such resolution adoption shall remain at the current existing 2.5 @ 55 retirement formula, including the "single highest year" benefit.

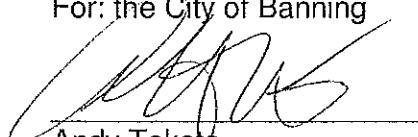
(c) Per AB340, new General Employees Unit employees hired on or after January 1, 2013 shall be entitled to receive either the City's second tier 2% @ 60 retirement formula with final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period or the newly created the retirement plan known as 2% @ 62 formula with final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period, as determined by CalPERS eligibility rules for these plans.

### **ARTICLE 30 – RATIFICATION AND EXECUTION**

The Union represents that this Side Letter Agreement has been ratified by its members and therefore the City's representatives and the Union jointly recommend this Side Letter Agreement to the City Council for the City of Banning. The parties hereto acknowledge that this Side Letter Agreement shall not be in full force and effect until adoption by the Banning City Council.

In witness whereof, the parties have caused their signatures to be affixed this 28<sup>th</sup> day of November, 2012.

For: the City of Banning



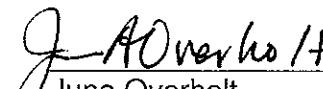
Andy Takata,  
City Manager

For the Union

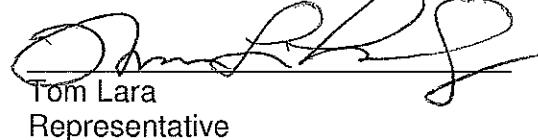
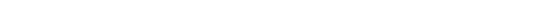
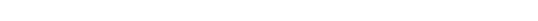
Patrick Lavin, Business Manager  
IBEW Local 47

Colin Tanner

Colin Tanner,  
Lead Negotiator

  
  
  
  
  
  
  
Stan Stossel  
Lead Negotiator, Senior Assistant  
Business Manager  
IBEW Local 47  
June Overholt

June Overholt,  
Administrative Services Director/  
Deputy City Manager

  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
<img alt="Signature of Tom Lara" data-b

(c) Per AB340, new General Employees Unit employees hired on or after January 1, 2013 shall be entitled to receive either the City's second tier 2% @ 60 retirement formula with final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period or the newly created the retirement plan known as 2% @ 62 formula with final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period, as determined by CalPERS eligibility rules for these plans.

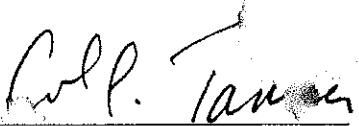
### **ARTICLE 30 – RATIFICATION AND EXECUTION**

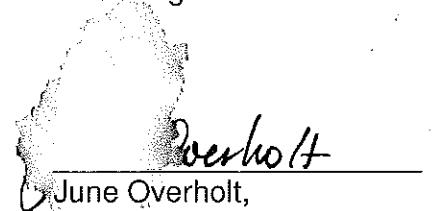
The Union represents that this Side Letter Agreement has been ratified by its members and therefore the City's representatives and the Union jointly recommend this Side Letter Agreement to the City Council for the City of Banning. The parties hereto acknowledge that this Side Letter Agreement shall not be in full force and effect until adoption by the Banning City Council.

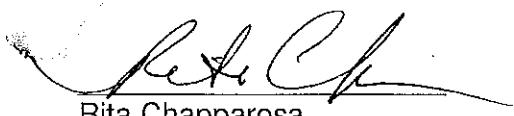
In witness whereof, the parties have caused their signatures to be affixed this 28<sup>th</sup> day of November, 2012.

For: the City of Banning

Andy Takata,  
City Manager

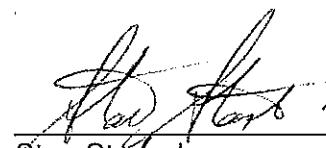
  
Colin Tanner,  
Lead Negotiator

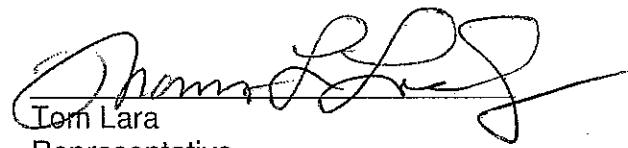
  
June Overholt,  
Administrative Services Director/  
Deputy City Manager

  
Rita Chapparosa,  
Deputy Human Resources Director

For the Union

  
Patrick Lavin, Business Manager  
IBEW Local 47

  
Stan Stossel  
Lead Negotiator, Senior Assistant  
Business Manager  
IBEW Local 47

  
Tom Lara  
Representative

**SIDE LETTER AGREEMENT BETWEEN**  
**THE CITY OF BANNING,**  
**AND**  
**THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS - LOCAL 47**  
**UTILITY UNIT**  
**REGARDING TWO TIERED RETIREMENT**  
**(NOVEMBER, 2012)**

**SIDE LETTER AGREEMENT BETWEEN THE CITY OF BANNING, AND THE  
INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS - LOCAL 47,  
UTILITY UNIT, REGARDING TWO TIERED RETIREMENT**

**PREAMBLE**

This most current Memorandum of Understanding ("MOU" or "Agreement") between the City of Banning, a Municipal Corporation, hereinafter known as "the City" or "City" and the authorized representatives of the International Brotherhood Of Electrical Workers - Local 47, the recognized employee organization of the Utility Unit, hereinafter known as the "Union" or "IBEW", expired September 30, 2011. Since that time, the parties have continued on and off good faith negotiations over a successor MOU. The negotiations have been delayed in large part due to successive and ongoing negative fiscal impacts to the City caused by both the local economy and statewide events beyond the City's control. However, the parties have recently resumed negotiations in an effort to agree upon terms for a successor MOU. In the meantime, the parties have agreed to allow the City to attempt to implement a two tiered retirement plan for miscellaneous employees prior to January 1, 2013 as described more fully below and contingent upon agreement with all City miscellaneous employee organizations and approval by CalPERS.

The purpose of this Side Letter Agreement is to memorialize the meet and confer discussions and agreement reached on this particular issue of two tiered retirement which would be an express modification of the terms and conditions of the pre-existing expired MOU. Thus, this Side Letter Agreement is the product of meet and confer labor negotiations between the parties pursuant to Chapter 10 (Section 3500 et. seq.) of Division 4, Title 1 of the Government Code and pursuant to Resolution No. 2010-45, the Employer-Employee Relations Resolution of the City of Banning.

**ARTICLE 24 - RETIREMENT AND MEDICARE (Modification)**

24.1 CalPERS Formulas.

(a) The City agrees to continue to pay the employer's portion of the "Two and One-Half Percent at Fifty-Five" (2.5% @ 55) CalPERS Retirement for Miscellaneous employees, including the "single highest year" benefit, for all current Utility Unit employees.

(b) City Council shall be authorized to adopt and implement resolutions providing for two tiered retirement for Utility Unit employees hired on or after such resolution adoption providing for the retirement plan known as 2% @ 60 retirement formula with final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period. All new employees vested in CalPERS or with any CalPERS recognized reciprocal agencies/plans shall receive the 2% @ 60 second tier retirement formula with final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period. All Utility Unit employees hired on or before such resolution adoption shall remain at the current existing 2.5 @ 55 retirement formula, including the "single highest year" benefit.

(c) Per AB340, new Utility Unit employees hired on or after January 1, 2013 shall be entitled to receive either the City's second tier 2% @ 60 retirement formula with final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period or the newly created the retirement plan known as 2% @ 62 formula with final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period, as determined by CalPERS eligibility rules for these plans.

### **ARTICLE 30 – RATIFICATION AND EXECUTION**

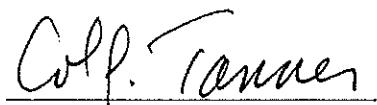
The Union represents that this Side Letter Agreement has been ratified by its members and therefore the City's representatives and the Union jointly recommend this Side Letter Agreement to the City Council for the City of Banning. The parties hereto acknowledge that this Side Letter Agreement shall not be in full force and effect until adoption by the Banning City Council.

In witness whereof, the parties have caused their signatures to be affixed this 28th day of November, 2012.

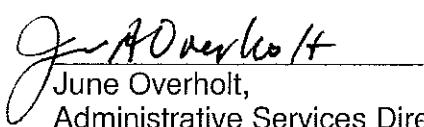
For: the City of Banning



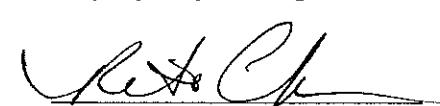
Andy Takata,  
City Manager



Colin Tanner,  
Lead Negotiator

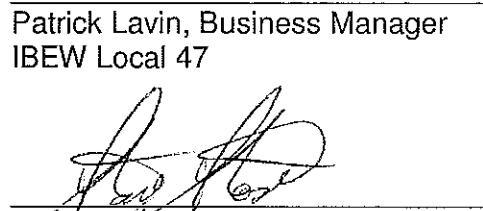


June Overholt,  
Administrative Services Director/  
Deputy City Manager

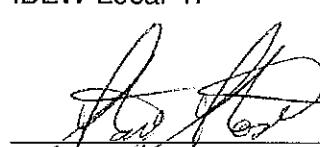


Rita Chapparosa,  
Deputy Human Resources Director

For the Union



Patrick Lavin, Business Manager  
IBEW Local 47



Stan Stossel  
Lead Negotiator, Senior Assistant  
Business Manager  
IBEW Local 47



Michael Colantuono  
Representative

(c) Per AB340, new Utility Unit employees hired on or after January 1, 2013 shall be entitled to receive either the City's second tier 2% @ 60 retirement formula with final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period or the newly created the retirement plan known as 2% @ 62 formula with final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period, as determined by CalPERS eligibility rules for these plans.

### **ARTICLE 30 – RATIFICATION AND EXECUTION**

The Union represents that this Side Letter Agreement has been ratified by its members and therefore the City's representatives and the Union jointly recommend this Side Letter Agreement to the City Council for the City of Banning. The parties hereto acknowledge that this Side Letter Agreement shall not be in full force and effect until adoption by the Banning City Council.

In witness whereof, the parties have caused their signatures to be affixed this 28th day of November, 2012.

For: the City of Banning

Andy Takata,  
City Manager

Colin Tanner,  
Lead Negotiator

JAO:soh  
June Overholt,  
Administrative Services Director/  
Deputy City Manager

Rita Chapparosa,  
Deputy Human Resources Director

For the Union

Patrick Lavin, Business Manager  
IBEW Local 47

Stan Stossel  
Lead Negotiator, Senior Assistant  
Business Manager  
IBEW Local 47

Michael Colantuono  
Representative

**RESOLUTION NO. 2012-95**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
BANNING, CALIFORNIA, RECITING THE FACTS OF THE  
CONSOLIDATED PRESIDENTIALGENERAL ELECTION HELD IN  
SAID CITY ON NOVEMBER 6, 2012 DECLARING THE RESULT  
THEREOF AND SUCH OTHER MATTERS AS PROVIDED BY LAW.**

**WHEREAS**, a consolidated presidential general election was held and conducted in the City of Banning, California, on Tuesday, November 6, 2012, as required by law; and

**WHEREAS**, the City Clerk has been informed by the Registrar of Voters of the County of Riverside that notice of said election was duly and regularly given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects said election was held and conducted and the votes cast thereat, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in cities; and

**WHEREAS**, pursuant to Resolution No. 2012-42 adopted June 12, 2012, the Registrar of Voters of the County of Riverside canvassed the returns of said election and certified the results to this City Council, said results are received, and attached and incorporated herein as "Exhibit A."

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF  
BANNING, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE,  
DETERMINE AND ORDER AS FOLLOWS:**

SECTION 1. That the whole number of votes cast in said City (except vote by mail ballots) was 3,815.

That the whole number of votes by mail ballots cast in said City was 6,073, making a total of 9,888 votes cast in said City.

SECTION 2. That the names of persons voted for at said election for Member of the City Council of said City are as follows:

Art Welch  
Larry Tucker  
Edward Miller  
Donald Robinson  
Adam Buchanan  
Don M. Peterson

That the names of persons voted for at said election for City Treasurer of said City is as follows:

John C. McQuown

That the name of person voted for at said election for City Clerk of said City is as follows:

Marie A. "Toni" Calderon

SECTION 3. That the number of votes given at each precinct and the number of votes given in the City to each of such persons above named for the respective offices for which said persons were candidates were as listed in Exhibit "A" attached.

SECTION 4. The City Council does declare and determine that:

Art Welch was elected as Member of the City Council for the full term of four years; Edward Miller was elected as Member of the Council for the full term of four years; Don Peterson was elected as Member of the City Council for the full term of four years; John C. McQuown was elected as City Treasurer for the full term of four years and Marie A "Toni" Calderon was elected as City Clerk for the full term of four years;

SECTION 5. The City Clerk shall enter on the records of the City Council of the City of Banning a statement of the result of said election, showing: (1) The whole number of votes cast in the City; (2) The names of the persons voted for; (3) For what office each person was voted for; (4) The number of votes given at each precinct to each person; (5) The number of votes given in the city to each person.

SECTION 6. That the City Clerk shall immediately sign and deliver to each of the persons elected a Certificate of Election signed by the City Clerk and authenticated; that the City Clerk shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

**PASSED, APPROVED AND ADOPTED** this 11<sup>th</sup> day of December, 2012.

---

Don Robinson, Mayor

**ATTEST:**

---

Marie A. Calderon, City Clerk

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

---

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

**CERTIFICATION:**

I, Marie Calderon, City Clerk of the City of Banning, do hereby certify that the foregoing Resolution No. 2012-95 as duly adopted by the City Council of the City of Banning at a regular meeting thereof, held on the 11<sup>th</sup> day of December, 2012, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

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

**RESOLUTION NO. 2012-95**

**EXHIBIT “A”**

*Kari Verjil*  
Registrar of Voters



*Rebecca Spencer*  
Assistant Registrar of Voters

**REGISTRAR OF VOTERS  
COUNTY OF RIVERSIDE**

**CERTIFICATE OF REGISTRAR OF VOTERS  
TO THE RESULTS OF THE CANVASS OF ELECTION RETURNS**

State of California      )  
                            ) ss.  
County of Riverside    )

I, KARI VERJIL, Registrar of Voters of said County, do hereby certify that, in pursuance of the provisions of Sections 15301, 15372, and 15374 of the California Elections Code, and the resolution adopted by the City Council, I did canvass the returns of the votes cast on November 6, 2012, as part of the Consolidated Presidential General Election in the

**CITY OF BANNING**

and I further certify that the statement of votes cast, to which this certificate is attached, shows the whole number of votes for each candidate for elective office at said election, in said City, and in each precinct therein, and that the totals as shown for each candidate are full, true, and correct.

Dated this 26<sup>th</sup> day of November 2012.



*Kari Verjil*  
**KARI VERJIL**  
Registrar of Voters

CITY OF BANNING													
100041	Registration	Ballots Cast	Turnout (%)	CITY COUNCIL MEMBER, CITY OF BANNING ART WELCH	LARRY L. TUCKER	EDWARD MILLER	DON ROBINSON	ADAM BUCHANAN	DON M. PETERSON	CITY CLERK, CITY OF BANNING MARIE "TONI" CALDERON	TREASURER, CITY OF BANNING JOHN C. MC QUOWN		
55000 BANNING	0	0	0.00	0	0	0	0	0	0	0	0	0	
55000 - Vote by Mail Reporting	0	0	0.00	0	0	0	0	0	0	0	0	0	
55001 BANNING	628	245	39.01	62	42	78	62	91	91	173	167		
55001 - Vote by Mail Reporting	628	211	33.60	76	37	84	66	84	101	157	157		
55004 BANNING	742	246	33.15	66	42	77	63	62	83	181	173		
55004 - Vote by Mail Reporting	742	289	40.30	106	51	122	106	70	129	222	231		
55006 BANNING	1933	439	22.71	243	42	167	178	70	194	263	276		
55006 - Vote by Mail Reporting	1933	1300	67.25	712	127	507	588	273	592	918	925		
55012 BANNING	2463	529	21.48	301	41	238	231	81	201	339	354		
55012 - Vote by Mail Reporting	2463	1761	71.50	1086	166	791	800	323	849	1249	1275		
55014 BANNING	1726	583	33.78	175	80	186	167	174	226	393	381		
55014 - Vote by Mail Reporting	1726	765	44.32	269	120	300	235	271	355	604	590		
55018 BANNING	1402	501	35.73	143	75	177	116	175	169	389	342		
55018 - Vote by Mail Reporting	1402	489	34.88	170	92	183	127	203	203	375	376		
55020 BANNING	1664	513	32.80	143	80	148	116	185	197	340	336		
55020 - Vote by Mail Reporting	1664	548	35.04	180	87	225	177	211	254	428	411		
55023 BANNING	913	341	37.35	83	37	116	67	122	107	246	228		
55023 - Vote by Mail Reporting	913	292	31.98	81	38	119	68	128	128	224	209		
55025 BANNING	1290	418	32.40	99	55	124	88	141	131	290	262		
55025 - Vote by Mail Reporting	1290	408	31.63	149	53	168	108	157	168	319	300		
Precinct Totals	12661	3815	30.13	1315	494	1311	1088	1101	1399	2574	2517		
Vote by Mail Reporting Totals	12661	6073	47.97	2829	771	2499	2275	1720	2799	4496	4474		
Grand Totals	12661	9888	78.10	4144	1265	3810	3363	2821	4198	7070	6991		
RIVERSIDE COUNTY	12661	9888	78.10	4144	1265	3810	3363	2821	4198	7070	6991		
36th Congressional District	12661	9888	78.10	4144	1285	3810	3363	2821	4198	7070	6991		
23rd Senatorial District	12661	9888	78.10	4144	1265	3810	3363	2821	4198	7070	6991		
42nd Assembly District	12661	9888	78.10	4144	1265	3810	3363	2821	4198	7070	6991		
St. Bd of Equalization Dist. 4	12661	9888	78.10	4144	1265	3810	3363	2821	4198	7070	6991		
5th SUPERVISORIAL DISTRICT	12661	9888	78.10	4144	1265	3810	3363	2821	4198	7070	6991		
City of Banning	12661	9888	78.10	4144	1265	3810	3363	2821	4198	7070	6991		

## CITY COUNCIL AGENDA

**DATE:** December 11, 2012

**TO:** City Council

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

**SUBJECT:** Resolution No. 2012-96, "Awarding the Construction Contract for Project No. 2012-03, 'Corporate Yard Block Wall' and Rejecting all other Bids"

**RECOMMENDATION:** Adopt City Council Resolution No. 2012-96:

- I.** Awarding the Construction Contract for Project No. 2012-03, "Corporate Yard Block Wall" to BW Simmons Inc. of Calimesa, California for an amount of \$1,099,893.00 and allowing a 10% contingency of \$109,989.30.
- II.** Approving the Professional Services Agreement for Construction Staking Services with Albert A. Webb Associates of Riverside, California, for an amount of "Not to Exceed" \$25,000.00.
- III.** Authorizing the Administrative Services Director to appropriate \$1,234,882.30 from the Electric Improvement Fund to Account No. 673-7000-473-9016 and to make the necessary budget adjustments, appropriations and transfers to fund this project.
- IV.** Authorizing the Administrative Services Director to approve change orders within the 10% contingency of \$109,989.30.

**JUSTIFICATION:** BW Simmons is the lowest responsive and responsible bidder to construct Project No. 2012-03, "Corporate Yard Block Wall."

**BACKGROUND:** On April 25, 2006, the Banning City Council approved Resolution No. 2006-47 to design and construct a block wall around the City Yard premises located at 176 East Lincoln Street. Currently the yard is enclosed by an old, ineffective chain link fence. The block wall design and construction address existing security issues.

The Public Works staff advertised a "Notice Inviting to Bid", as shown attached as Exhibit "A", on October 12, 2012 and October 19, 2012 for Project No. 2012-03, "Corporate Yard Block Wall." The scope of work includes the construction of a CMU wall along the perimeter and within the City of Banning's Corporate Yard located at 176 E. Lincoln Street, the installation of gates, gate openers, card readers, steel fencing, conduits, irrigation mainline; construction of driveways, curb and gutter, sidewalk and AC paving; as well as the removal of existing miscellaneous items; in accordance with the City of Banning Specifications.

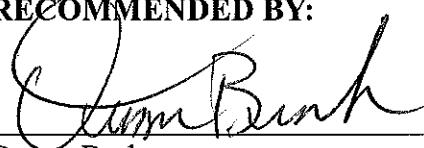
On November 13, 2012 the City Clerk received six (6) bids and publicly opened and read out loud the following results:

<u>Contractor</u>	<u>Total Bid</u>
1. BW Simmons Inc.	\$1,099,893.00
2. Flacon Builders Inc.	\$1,135,988.00
3. Team West Contracting	\$1,240,441.28
4. KPRS Construction	\$1,315,978.00
5. Hamel Contracting	\$1,474,175.00
6. Kasa Construction	\$1,527,938.00

The Engineer's estimate for the project is \$1,250,000.00. If approved the project is anticipated to begin in January 2013.

**FISCAL DATA:** The total project cost is equal to \$1,234,882.30, which includes a 10% construction contingency and the professional services costs. An appropriation in the amount of \$1,234,882.30 from the Electric Improvement Fund is needed in Account No. 673-7000-473-9016.

**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. 2012-96**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING,  
CALIFORNIA, AWARDING THE CONSTRUCTION CONTRACT FOR PROJECT NO.  
2012-03, "CORPORATE YARD BLOCK WALL" AND REJECTING ALL OTHER BIDS**

**WHEREAS**, the Community Redevelopment Agency (CRA) directed staff to proceed with the development of construction of a block wall around the City of Banning's corporate yard located at 176 East Lincoln Street; and

**WHEREAS**, a Notice Inviting Bids was advertised on October 12, 2012 and October 19, 2012, as shown attached as Exhibit "A", and six (6) bids were received and opened on November 13, 2012; and

**WHEREAS**, BW Simmons Inc. of Calimesa, California is the lowest responsible bidder to construct Project No. 2012-03, "Corporate Yard Block Wall"; and

**WHEREAS**, The scope of work includes the construction of a CMU wall along the perimeter and within the City of Banning's Corporate Yard located at 176 E. Lincoln Street, the installation of gates, gate openers, card readers, steel fencing, conduits, irrigation mainline; construction of driveways, curb and gutter, sidewalk and AC paving; as well as the removal of existing miscellaneous items.

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

**SECTION 1.** City Council adopts Resolution No. 2012-96, awarding the Construction Contract for Project No. 2012-03, "Corporate Yard Block Wall" to BW Simmons Inc. of Calimesa, California for an amount equal to \$1,099,893.00, allowing a 10% contingency of \$109,989.30 and rejecting all other bids.

**SECTION 2.** City Council approves the Professional Services Agreement for Construction Staking Services with Albert A. Webb Associates of Riverside, California, for an amount of "Not to Exceed" \$25,000.00

**SECTION 3.** The Administrative Services Director is authorized to make the necessary budget appropriation in the amount of \$1,234,882.30 from the Electric Improvement Fund to Account No. 673-7000-473-9016, and any additional budget adjustments, appropriations and transfers related to this project including approval of change orders within the 10% contingency of \$109,989.30.

**SECTION 4.** The City Manager is authorized to execute the contract agreements for Project No. 2012-03 "Corporate Yard Wall" This authorization will be rescinded if the contract agreements are not executed within sixty (60) days of the date of this resolution.

**PASSED, ADOPTED AND APPROVED** this 11<sup>th</sup> day of December, 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. 2012-96, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 11<sup>th</sup> day of December, 2012.

AYES:

NOES:

ABSTAIN:

ABSENT:

---

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

**EXHIBIT "A"**

**NOTICE INVITING TO BID**

**NOTICE INVITING TO BID**  
**PROJECT NO. 2012-03, "CORPORATE YARD PERIMETER WALL"**

**OWNER:** City of Banning

**PROJECT DESCRIPTION:** The primary scope of work under this project includes the construction of a CMU wall along the perimeter and within the City of Banning's Corporate Yard located at 176 E. Lincoln Street. The scope also includes the installation of gates, gate openers, card readers, steel fencing, conduits, irrigation mainline; construction of driveways, curb and gutter, sidewalk and AC paving; as well as the removal of existing miscellaneous items.

**PLANS & SPECS:** Full-size drawings and specifications will be made available on October 16, 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.

**MANDATORY PRE-BID CONFERENCE:** October 24, 2012 at 10:00 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:** November 1, 2012 and Opened Publicly at 2:00 p.m. local time, at the above City Hall address, Attn: City Clerk.

CITY OF BANNING, CALIFORNIA  
Dated: 10/9/2012

Publication Date: 10/12/2012  
10/19/2012

  
\_\_\_\_\_  
Marie A. Calderon  
City Clerk

## **CITY COUNCIL AGENDA**

**DATE:** **December 11, 2012**

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

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

**SUBJECT:** **Resolution No. 2012-97, “Adopting the 2012 Public Works Standard Drawings for the City of Banning”**

**RECOMMENDATION:** Approve Resolution No. 2012-97, “Adopting the 2012 Public Works Standard Drawings for the City of Banning.”

**JUSTIFICATION:** It is necessary to approve the 2012 Public Works Standard Drawings for the City of Banning in order to provide updated guidelines and design standards to engineers, contractors and developers.

**BACKGROUND:** On September 1, 1982 the City of Banning adopted Resolution 1982-50, “A Resolution of the City of Banning, California, adopting the 1982 Edition of the Standard Specifications for Public Works Construction.”

Soon after on February 24, 1983 the City of Banning adopted Resolution 1983-07, “Rescinding Resolution 1982-50 and adopting the 1983 Public Works Specifications for the City of Banning” which resulted in the last update of the Public Works Standard Drawings for the City of Banning.

In a continual effort to enhance the quality of design and construction work within the City of Banning staff has updated the City’s Street, Water and Wastewater standard drawings. In addition, staff has included standard drawings for Recycled Water projects.

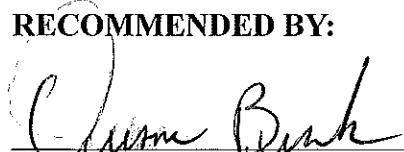
Staff respectfully requests the approval of the 2012 Public Work Standard Drawings for the City of Banning, as shown in Exhibit “A”, as well as authorizing the City Engineer to make revision to the 2012 Public Works Standard Drawings for the City of Banning when needed. In addition, staff request the latest edition of the Standard Specifications for Public Works Construction, also known as the “Greenbook”, be adopted by reference as part of the 2012 Public Works Standard Drawings for the City of Banning.

Once approved, staff will make a copy of the 2012 Public Work Standard Drawings available at the Engineering counter as well as on the City’s website.

**FISCAL DATA:** N/A

**SIGNATURES ON NEXT PAGE**

**RECOMMENDED BY:**



Duane Burk  
Director of Public Works

**APPROVED BY:**



Andy Takata  
City Manager

**RESOLUTION NO. 2012-97**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING,  
CALIFORNIA, ADOPTING THE 2012 PUBLIC WORKS STANDARD DRAWINGS  
FOR THE CITY OF BANNING**

**WHEREAS**, on September 1, 1982 the City of Banning adopted Resolution 1982-50, "A Resolution of the City of Banning, California, adopting the 1982 Edition of the Standard Specifications for Public Works Construction"; and

**WHEREAS**, on February 24, 1983 the City of Banning adopted Resolution 1983-07, "Rescinding Resolution 1982-50 and adopting the 1983 Public Works Specifications for the City of Banning" which resulted in the last update of the Public Works Standard Drawings for the City of Banning; and

**WHEREAS**, in a continual effort to enhance the quality of design and construction work within the City of Banning staff has updated the City's Street, Water and Wastewater standard drawings as well as included standard drawings for Recycled Water projects and are shown as Exhibit "A"; and

**WHEREAS**, in addition, staff requests the latest edition of the Standard Specifications for Public Works Construction, also known as the "Greenbook", be adopted by reference as part of the 2012 Public Works Standard Drawings for the City of Banning.

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

**SECTION 1.** City Council approves Resolution No. 2012-97, adopting the 2012 Public Works Standard Drawings for the City of Banning" and adopts by reference the Standard Specifications for Public Works Construction, also known as the "Greenbook".

**PASSED, ADOPTED AND APPROVED** this 11<sup>th</sup> day of December, 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. 2012-97, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 11<sup>th</sup> day of December, 2012.

AYES:

NOES:

ABSTAIN:

ABSENT:

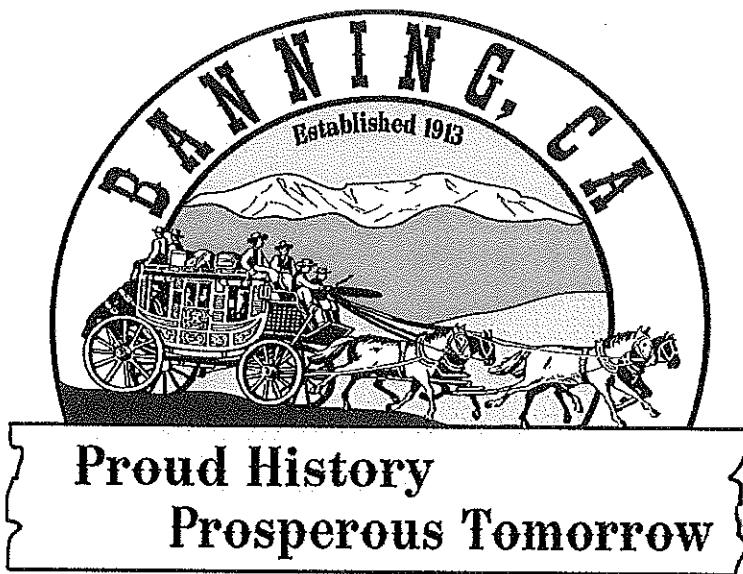
---

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

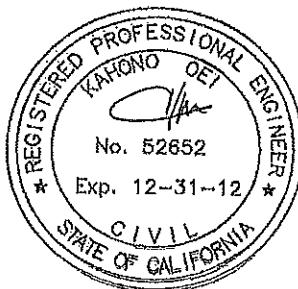
**EXHIBIT "A"**

**2012 STANDARD DRAWINGS OF THE CITY OF BANNING**

# PUBLIC WORKS STANDARD DRAWINGS



**CITY OF BANNING**  
P. O. BOX 998  
BANNING, CA 92220  
951-922-3130



**DECEMBER 12, 2012**

107

## **CITY COUNCIL AGENDA**

**DATE:** December 11, 2012

**TO:** City Council

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

**SUBJECT:** Resolution No. 2012-98, "Approving the Second Amendment to the Professional Services Agreement with GeoTek, Inc."

**RECOMMENDATION:** City Council adopts Resolution 2012-98:

- I. Approving the Second Amendment to the Professional Services Agreement with GeoTek, Inc. of Corona, California in an amount of \$4,588.48 for a total contract amount "Not to Exceed" \$34,011.15.
- II. Authorizing the City Manager to execute the second amendment to the Professional Services Agreement with GeoTek, Inc.

**JUSTIFICATION:** The second amendment is necessary in order to cover the remaining project charges for contamination testing during the removal of the Underground Storage Tanks ("UST") at 150 E. Ramsey Street

**BACKGROUND:** On March 13, 2012, the City Council adopted 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.'"

The scope of work for the project included 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.

GeoTek, Inc. was awarded a professional services agreement to analyze soil samples in the immediate vicinity of the USTs being removed. High levels of contaminants were detected in the soil located underneath the UST at 150 E. Ramsey Street. Staff worked closely with the Riverside County Environmental Health Department ("RCHD") to develop a compliance plan which consisted of removing the contaminated material and testing the soil at deeper depths. This process continued several times until the levels of contamination in the soil were in ranges acceptable to the RCHD.

The approval of the second amendment is necessary in order to cover costs incurred for the unanticipated charges for additional testing of the soil.

**FISCAL DATA:** The original funding amount for the Professional Services Agreement was \$24,661.00. The first amendment to the agreement added an additional \$4,761.67 to the contract. If approved, the second amendment will add \$4,588.48 for a total contract amount of \$34,011.15. The additional cost will be funded by Account No. 855-9500-490.90-54.

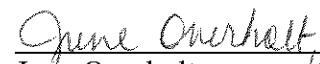
**RECOMMENDED BY:**



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

Director of Public Works

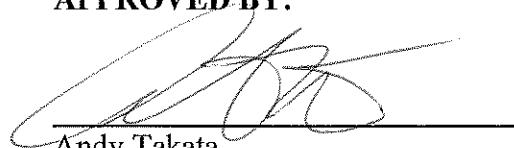
**REVIEWED BY:**



\_\_\_\_\_  
Julie Overholt

\_\_\_\_\_  
by my  
Administrative Services Director/  
Deputy City Manager

**APPROVED BY:**



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

City Manager

**RESOLUTION NO. 2012-98**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING,  
CALIFORNIA, APPROVING THE SECOND AMENDMENT TO THE PROFESSIONAL  
SERVICES AGREEMENT WITH GEOTEK, INC.**

**WHEREAS**, on March 13, 2012, the City Council adopted 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'"; and

**WHEREAS**, the scope of work for the project included 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; and

**WHEREAS**, GeoTek, Inc. of Corona, California was awarded a professional services agreement to analyze soil samples for contamination in the immediate vicinity of the USTs being removed; and

**WHEREAS**, high levels of contaminants were detected in the soil located underneath the UST at 150 E. Ramsey Street and as a result, staff worked closely with the Riverside County Environmental Health Department ("RCHD") to develop a compliance plan which consisted of removing the contaminated material and testing the soil at deeper depths; and

**WHEREAS**, the approval of the second amendment is necessary in order to cover costs incurred for the unanticipated charges for additional testing of the soil.

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

**SECTION 1.** The City Council adopts Resolution No. 2012-98 approving the second amendment to the Professional Services Agreement with GeoTek, Inc. of Corona, California.

**SECTION 2.** The City Manager is authorized to execute the second amendment to the Professional Services Agreement with GeoTek, Inc. of Corona, California. This authorization will be rescinded if the contract agreement is not executed by the parties within sixty (60) days of the date of this resolution.

**PASSED, ADOPTED AND APPROVED** this 11th day December, 2012.

---

Don Robinson, Mayor  
City of Banning

**ATTEST:**

---

Marie A. Calderon, Secretary

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

---

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

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2012-98 was adopted by the City Council of the City of Banning at a regular meeting thereof held on the 11th day of December, 2012.

AYES:

NOES:

ABSENT:

ABSTAIN:

---

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

## **CITY COUNCIL / BANNING UTILITY AUTHORITY AGENDA**

**DATE:** December 11, 2012

**TO:** Banning Utility Authority

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

**SUBJECT:** Resolution No. 2012-15 UA, "Approving the Purchase of Supervisory Control and Data Acquisition Radios through Steven Engineering, of South San Francisco, California and Awarding a Professional Services Agreement to Prime Systems Industrial Automation, Inc. of Riverside, California"

**RECOMMENDATION:** Adopt Resolution No. 2012-15 UA:

- I. Approving the purchase of Supervisory Control and Data Acquisition Radios through Steven Engineering, of South San Francisco, California in an amount "Not to Exceed" \$57,310.87.
- II. Awarding a Professional Services Agreement to Prime Systems Industrial Automation, Inc. of Riverside, California in an amount "Not to Exceed" \$16,543.00.
- III. Authorize the City Manager to execute the Professional Services Agreement.

**JUSTIFICATION:** The replacement of existing wideband 25 kHz with 900 MHz Ethernet radios is necessary for the City to stay in compliance with new Federal Communications Commission ("FCC") regulations.

**BACKGROUND:** In August 1991 the City of Banning Water Department installed the first Supervisory Control and Data Acquisition ("SCADA") system to allow staff the ability to monitor and control the City's water collection and distribution operating systems from a remote location. The last major upgrade of the SCADA system was in 2003. The City of Banning received a notice from the FCC explaining that all Industrial/Business and Public Safety Radio Pool licensees must operate on 12.5 kHz or narrower channels by January 1, 2013. The City's existing SCADA system currently uses 25 kHz technology and is therefore affected by the new requirement.

Since receiving the notice staff has diligently worked with various radio suppliers and operators to analyze the City's existing SCADA system and to determine the most suitable upgrade of the system to meet FCC requirements, to allow for further growth, and to provide staff with an efficient system for uninterrupted monitoring and control of the City's water collection and distribution operating systems.

Staff recommends the purchase of Phoenix 900 MHz Ethernet Radios from Steven Engineering for the replacement of the City's existing SCADA radios. Phoenix radios are a reliable product widely used by many utility agencies in the surrounding area. In addition to being reliable radios, the Phoenix product will allow for future expansion of the telemetry system. Steven Engineering has submitted a proposal, attached as Exhibit "A", in the amount of \$57,310.87. In addition to the Phoenix Radios, the proposal includes miscellaneous items needed for their installation.

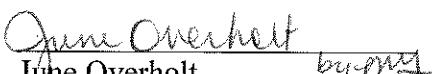
Staff also recommends the award of Professional Services Agreement with Prime Systems Industrial Automation ("PSIA"), Inc. a reputable company specializing in control system integration for industrial, water and wastewater operations. PSIA has submitted a proposal, attached as Exhibit "B", in the amount of \$16,543.00. The scope of work includes the replacement of the SCADA systems existing radios, radio programming, configuration and testing.

**FISCAL DATA:** The total cost for the purchase of the SCADA radios is \$57,310.87 and will be funded by Account No. 660-6300-471.95-08 (Wells/Pump Equipment). The total cost of the Professional Services Agreement for the installation of the SCADA radios is \$16,543.00 and will be funded by Account No. 660-6300-471.33-11 (Professional Services). An appropriation into these accounts is not required.

**RECOMMENDED BY:**

  
Duane Burk  
Director of Public Works

**REVIEWED BY:**

  
June Overholt  
by: MJS  
Administrative Services Director

**APPROVED BY:**

  
Andy Takata  
City Manager

**RESOLUTION NO. 2012-15 UA**

**A RESOLUTION BY THE BANNING UTILITY AUTHORITY OF THE CITY OF BANNING, CALIFORNIA, APPROVING THE PURCHASE OF SUPERVISORY CONTROL AND DATA ACQUISITION RADIOS FROM STEVEN ENGINEERING, OF SOUTH SAN FRANCISCO, CALIFORNIA AND AWARDING A PROFESSIONAL SERVICES AGREEMENT TO PRIME SYSTEMS INDUSTRIAL AUTOMATION, INC. OF RIVERSIDE, CALIFORNIA**

**WHEREAS**, the City of Banning received a notice from the Federal Communications Commission (“FCC”) explaining that all Industrial/Business and Public Safety Radio Pool licensees must operate on 12.5 kHz or narrower channels by January 1, 2013; and

**WHEREAS**, in August, 1991 the City of Banning Water Department installed the first Supervisory Control and Data Acquisition (“SCADA”) system, was last upgraded in 2003 and currently operates using 25 kHz technology and is therefore affected by the FCC’s new requirements; and

**WHEREAS**, in order to comply with FCC’s requirements, staff recommends the purchase of Phoenix 900 MHz Ethernet Radios from Steven Engineering for the replacement of the City’s existing SCADA radios; and

**WHEREAS**, staff recommends the award of Professional Services Agreement with Prime Systems Industrial Automation, Inc. a reputable company specializing in control system integration for industrial, water and wastewater operations, for the installation and configuration of the Phoenix radios.

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

**SECTION I.** The Banning Utility Authority approves the purchase of Supervisory Control and Data Acquisition Radios through Steven Engineering, of South San Francisco, California in an amount “Not to Exceed” \$57,310.87.

**SECTION II.** The Banning Utility Authority approves the award of a Professional Services Agreement to Prime Systems Industrial Automation, Inc. of Riverside, California in an amount “Not to Exceed” \$16,543.00.

**SECTION III.** The City Manager is authorized to execute the Professional Services Agreement and this authorization will be rescinded if the parties do not execute the contract agreement within Sixty (60) days of the date of this resolution.

**PASSED, APPROVED, AND ADOPTED** this 11<sup>th</sup> day of December, 2012.

---

Chairman  
Banning Utility Authority

APPROVED AS TO FORM  
AND LEGAL CONTENT:

---

David Aleshire  
City Attorney

ATTEST:

---

Marie A. Calderon, Secretary

**CERTIFICATION:**

I, Marie A. Calderon, Secretary of the Banning Utility Authority of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2012-15 UA was adopted by the Utility Authority of the City of Banning at a Regular Meeting thereof held on the 11th day of December, 2012.

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Marie A. Calderon, Secretary  
Banning Utility Authority  
City of Banning, California

**EXHIBIT “A”**

**Steven Engineering  
Quotation**



# STEVEN

## ENGINEERING

230 Ryan Way • South San Francisco • California 94080-6308

DATE 08/01/12 PAGE 1 OF 3

BILL 208788  
TO: CITY OF BANNING  
176 E LINCOLN  
BANNING, CA 92220

SHIP TO: CITY OF BANNING

Main Office 650-588-9200  
Outside Local Area 800-258-9200  
Sales Fax 888-258-9200

E-Mail sales@steveneng.com

BILL

208788  
TO: CITY OF BANNING  
176 E LINCOLN  
BANNING, CA 92220

SHIP

TO: CITY OF BANNING  
176 E LINCOLN  
BANNING, CA 92220

Please review this quote at your earliest convenience. If there are any discrepancies or changes, please contact me personally,

MARCUS DETRY  
at Ext: 1027

QUOTE REQUESTED BY	PHONE NUMBER	FAX NUMBER	INSTRUCTIONS		
ORDER TYPE	SHIP FROM/SE VIA	F.O.B.	TERMS	TAX %	
LINE NO.	ITEM NUMBER / DESCRIPTION	SHIPPING POINT	QUANTITY	AVAILABLE	BACK ORDERED/ APPROX. DEL.
1	2900016 Phoenix RAD-ISM-900-EN-BD FACTORY STOCK	951-922-3281	951-849-4573	COD	7.75
2	2867801 PHOENIX PANEL ANTENNA RAD-ISM-900-ANT-YAGI-3-N FACTORY STOCK		12	0	12
3	2867597 PHOENIX ANTENNA CABLE RAD-CAB-RG213-25 FACTORY STOCK		2	1	1
4	2885207 PHOENIX WIRELESS ADAPTER RAD-CON-MCX90-N-SS FACTORY STOCK		23	6	17
5	5602357 PHOENIX SURGE PROTECTOR CN-UB-280DC-SB-BH-ASSY FACTORY STOCK		23	6	17
6	2885579 PHOENIX OMNI ANTENNA RAD-ISM-900-ANT-OMNI-FG- FACTORY STOCK		6	1	5
7	2866611		23	5	18

QUOTATION - CONTINUED



# STEVEN

## ENGINEERING

230 Ryan Way • South San Francisco • California 94080-6308

E-Mail

sales@steveneng.com

BILL: 208788  
TO: CITY OF BANNING  
176 E LINCOLN  
BANNING, CA 92220

SHIP  
TO:

CITY OF BANNING  
176 E LINCOLN  
BANNING, CA 92220

Please review this quote at your earliest  
convenience. If there are any discrepancies  
or changes, please contact me personally,

MARCUS DETRY  
at Ext: 1027

QUOTE REQUESTED BY		PHONE NUMBER	FAX NUMBER	INSTRUCTIONS		
ORDER TYPE	SHIP FROM SEI VIA	F.O.B.	TERMS	TAX %		
LINE NO.	ITEM NUMBER / DESCRIPTION	SHIPPING POINT	COD	7.75		
8	Phoenix TRIO-UPS/1AC/24D C/ 5 3 WKS + TRANSIT			BACK ORDERED/ APPROX. DEL.	NET PRICE/ UNIT	EXTENDED AMOUNT
8	2320296 Phoenix UPS-BAT/VRLA/ 24DC/ 1.3AH 1 WK LEAD TIME + TRANSIT	951-922-3281	951-849-4573	23	0	23
9	2856812 PHOENIX SURGE PRO 120VAC PT-2-PE/S-120AC			23	12	11
10	2867814 Phoenix RAD-ISM-900-ANT-YAGI-6.5 FACTORY STOCK			5	0	5
11	2867377 PHOENIX EXTENSION CABLE RAD-CAB-RG213-40 FACTORY STOCK			1	0	1
12	2867380 PHOENIX ANT EXT CABLE RAD-CAB-IMR400-60 60 FT			1	0	1
13	2867393 Phoenix RAD-CAB-IMR400-80 2 WKS + TRANSIT			1	0	1

119



# STEVEN

## ENGINEERING

230 Ryan Way • South San Francisco • California 94080-6308

E-Mail

sales@steveneng.com

Main Office  
650-588-9200  
Outside Local Area  
800-258-9200  
888-258-9200

Sales Fax

BILL: 208788  
TO: CITY OF BANNING  
176 E LINCOLN  
BANNING, CA 92220

SHIP TO:

CITY OF BANNING  
176 E LINCOLN  
BANNING, CA 92220

Please review this quote at your earliest convenience. If there are any discrepancies or changes, please contact me personally,

MARCUS DETRY  
at Ext: 1027

QUOTE REQUESTED BY	PHONE NUMBER	FAX NUMBER	INSTRUCTIONS
PERRY GERD	951-922-3281	951-849-4573	
ORDER TYPE	SHIP FROM SEI VIA	F.O.B.	TERMS
Standard Order	UPS - GRND	SHIPPING POINT	COD
LINE NO.	ITEM NUMBER / DESCRIPTION	QUANTITY	AVAILABLE
14	2891152 PHOENIX ETHERNET SWITCH FL SWITCH SEN 5TX	23	23
		0	77.963 EA
			1793.14

120

## QUOTATION

Thank you for this opportunity  
to quote your requirements.

053188-A QUOTE TOTAL  
53188.74



SIGNATURE

**EXHIBIT “B”**

**Prime Systems Industrial Automation, Inc.**  
**Quotation**



December 3, 2012

Letter: 2012 BANNING RADIO Install v2.docx

Perry Gerdes  
Public Utilities Superintendent  
City of Banning  
Public Utilities Department  
176 E. Lincoln Street  
P.O. Box 998  
Banning, CA 92220-0998

Phone: 951-849-3273  
FAX: 951-849-4573  
E-Mail: pgerdes@ci.banning.ca.us

Subject: **City of Banning SCADA System Radio Hardware Installation Quotation**  
**Revision 2: Remove Labor Cost for Radio Replacement/Installation for Esteem Radios**

Dear Mr. Gerdes,

Thank you for this opportunity for *Prime Systems Industrial Automation, Inc.* to present the following quotation for the City of Banning SCADA System Radio Hardware Installation.

*Prime Systems Industrial Automation, Inc.* prides itself on being responsive to our customer's needs. With no formal marketing or sales force, Prime Systems relies completely on customer repeat business and "word of mouth" recommendations. With this marketing strategy, we have continued to grow our customer base and support our existing customers with the high quality work standards they have come to expect from our professional services.

*Prime Systems Industrial Automation, Inc.* has a proven track record for many installed PLC based control systems, similar to your systems. If there is any interest in seeing one of these installations, or contacting a current client, please let us know.

We appreciate the opportunity to support you in your Control System and Automation needs and we look forward to demonstrating our reputation for quality work done in a timely manner. If there is anything we can do to assist you, please don't hesitate to contact me at our office.

Sincerely,

Marc Smith  
President  
Prime Systems Industrial Automation, Inc.

**Scope of Work:**

This quotation is submitted to summarize the cost associated with the City of Banning SCADA System Radio Hardware Installation.

The Scope of Work for this quotation is to provide all required labor services to remove existing, FCC non-compliant radios from seventeen (17) existing RTU sites and replace them with new, City of Banning, provided Phoenix Contact radios and radio hardware. This quotation consists of providing the required labor for the SCADA System Radio Hardware Installation. The new SCADA System Radio Hardware is manufactured by Phoenix Contact.

This quotation consists of the labor required to replace the existing TSI9600 Teledesign radios at the following Kingfisher RTU Stations with Phoenix Contact 900 MHz Ethernet Radios:

1. Well 1 & Well 3
2. Well 4
3. Well 7
4. C-2
5. C-3
6. C-4
7. C-5
8. C-6
9. M-3
10. M-7
11. M-10
12. M-11
13. M-12
14. Southwest Reservoir
15. Sunset Reservoir
16. Sun Lakes Lake
17. BCVWD Intertie

The project cost is quoted and itemized as follows:

1. **SCADA System Radio Hardware Installation Labor.....\$16,543**  
*Prime Systems Industrial Automation, Inc.* will provide the following installation services:
  - a) On-Site Radio Communication Testing and Verification
  - b) Radio Programming, Configuration, Testing (Prime System Office/Shop)
  - c) On-Site Phoenix Contact Hardware Installation, Wiring, and Communications Testing
    - a. Install Phoenix Contact 900 MHz Ethernet Radios (17 Total)
    - b. Install Phoenix Contact 120 Vac Surge Suppressor (17 Total)
    - c. Install Phoenix Contact 5-Port Ethernet Switch (17 Total)
    - d. Install Phoenix Contact 24 Vdc Power Supply (17 Total)
    - e. Install Phoenix Contact 24 Vdc Battery Backup (17 Total)
    - f. Install Phoenix Contact Antenna Surge/Lightning Protection (17 Total)
    - g. Install Phoenix Contact Antenna Pigtail (17 Total)
    - h. Install Phoenix Contact Antennas (17 Total)
    - i. Install Weatherheads to top of Antenna Masts (17 Total)
    - j. Install LMR 400 Antenna Cable – Cut to Length (17 Total)
    - k. Install N-Male Antenna Cable Connectors (34 Total)
  - d) Remove existing 24 Vdc Power Supplies and 24 Vdc Batteries/Battery Packs from all 17 sites
  - e) Remove existing Antennas and Antenna Cables from all 17 sites
  - f) Sunset Reservoir

- a. Relocate and wire all Sunset Reservoir Kingfisher hardware in existing RTU panel to new Enclosure
- b. Relocate and wire all Repeater Station Kingfisher hardware in existing RTU panel to new Enclosure
- c. Connect Kingfisher Repeater RTU to new Phoenix Contact Radio on the RS232 Serial Port
- d. Install new Phoenix Contact Antenna for Sunset Reservoir Kingfisher RTU. Antenna to be mounted on top of Tank #2
- e. Wire 120 Vac power to the new Enclosure for the Kingfisher Sunset and Repeater RTUs. Power to be provided from existing Allen Bradley Enclosure.
- f. Demo/Remove existing unused Kingfisher conduit and antenna cable.

This quotation is based on the City of Banning Water Department performing the following task:

- a) Purchase and provide all required hardware.
- b) Provide one (1) maintenance person to assist in the hardware installation. This support includes prepping the site, powering down the site, pulling antenna cable, supporting ladder work, antenna alignment, etc. This support will be required 100% of the time during hardware installation.
- c) Provide bucket truck for all work above 20' and location with difficult elevated access.
- d) Replace all antenna masts with 1 1/4" Ridged Conduit antenna masts (as required).
- e) Site specific requirements:
  - a. M-12 – Replace existing conduit and flex conduit on the back of the MCC Panel with new 1 1/4" Conduit, flex conduit, LB Condulet, and Chase Nipple.
  - b. BCVWD Inter Tie – Add Antenna Mast, Base Support, Unistrut Supports, brackets, T-Condulet, LB-Condulet, Conduit Nipples, Chase Nipples, etc.
  - c. Well 1 – Core a 2" hole in the block wall. Add 3' length of 2" rigid conduit, LB Condulet, and Conduit nipples as required to allow antenna cable access into the building.
  - d. Sunset Reservoir
    - i. Purchase and Install a new 36"x36"x12" Steel Enclosure and Back Panel next to the existing Enclosure
    - ii. Install two 2" Conduit penetrations between Enclosures
    - iii. Install a new twisted-shielded cable from Tank #2 Pressure Transmitter to the new Enclosure (via the existing enclosure)
    - iv. Install new antenna cable from the existing Kingfisher Sunset RTU antenna to the new Enclosure (via the existing enclosure)
- f) Remove the existing Esteem Radios and associated hardware at the following sites. Permanently mounting and install Phoenix Contact radio, radio hardware, antennas, and antenna cables that were installed as part of the Phoenix Radio testing.
  - a. Field Office
  - b. Waste Water Treatment Plant (Repeater Station)
  - c. Sunset Reservoir
  - d. Mountain Reservoir
  - e. Mountain East Reservoir

The payment schedule for this project is as follows:

1. Project Down Payment (due at receipt of order)	25%
2. Progress payment due at completion Phoenix Hardware Installation	65%
3. Final payment due at completion of Project	10%

All invoices are due and payable on net 30-day terms.

This quotation is good for 30 days at which time we will requote as required.

*Prime Systems Industrial Automation, Inc.* will require six (6) weeks to replace the seventeen (17) 900 MHz radios.

**Terms and Conditions:**

1. All Phoenix Contact hardware must be delivered to the *Prime Systems Industrial Automation, Inc.* shop in Riverside, CA. Delivery of hardware is the responsibility of the City of Banning.
2. This quotation is for the listed SCADA Radio Hardware Installation only.
3. Each of the seventeen (17) remote sites will be powered off (not communicating to the existing SCADA System) during the installation of the new hardware. Each site could be off for up to 4 hours.
4. This quotation does not include any equipment and/or hardware. All equipment and/or hardware is purchased and provided by the City of Banning.
5. The City of Banning Water Department personnel must be present and participate in the installation at each site. Most of the sites have tasks that require two (2) people; this quotation is based on the City of Banning providing the second person to support the installation.
6. Existing 24 Vdc batteries and battery packs will be removed from all 17 sites and replaced by the Phoenix Contact Battery Backup modules.
7. Existing 24 Vdc Power Supplies will be removed from all 17 sites and replaced by the Phoenix Contact 24 Vdc Power Supplies.
8. City of Banning to purchase and provide new Weatherheads for all sites. Cost for installation of the new Weatherheads is included in this quotation.
9. All antenna cables installed by the City of Banning and/or its contractors are to be installed inside the antenna masts and conduits.
10. If additional Hardware Installation, not detailed above, is required and/or requested it will be provided at an additional cost.
11. Existing Radio Antenna masts will be reused at most of the sites. If the City of Banning wants/needs different antenna masts or mast configurations, they will be responsible for modifying the antenna masts prior to *Prime Systems Industrial Automation, Inc.* arrival on-site for hardware installation.
12. This quotation does not include any SCADA, Kingfisher RTU, Allen Bradley and/or Wonderware programming.
13. No changes will be made to the Allen Bradley PLC panels and/or programming.
14. Mountain Reservoir currently has a Kingfisher RTU and TSI9600 Teledesign radio. The Radio for this site will be powered off and not replace. Communication to this site is currently not required.
15. This quotation does not include any tasks associated with new or existing Esteem Radios.
16. This quotation assumes that all work will be done during normal work hours (no weekend, holidays, or after hours).
17. This quotation assumes that all work days are limited to eight (8) hours. Any work in excess of eight (8) hours per day is considered overtime and is not included in this quotation.
18. *Prime Systems Industrial Automation, Inc.* standard work hours are Monday – Friday 8:00 AM – 5:00 PM. Any work outside these standard work hours is considered overtime/after-hours/weekend/holiday and is invoiced at 1.5 our standard rate.

December 3, 2012

Letter: 2012 BANNING RADIO Install v2.docx  
PAGE: 5 of 5

I hope this quotation is responsive to your needs and I look forward to demonstrating our reputation for quality work done in a timely manner. We appreciate the opportunity to work with you on this project and to support you in your automation and control system needs. If you have any questions, please don't hesitate to call me at our office, 951-656-7139.

Sincerely,

Marc Smith  
President  
Prime Systems Industrial Automation, Inc.

**CITY COUNCIL / BANNING UTILITY AUTHORITY JOINT MEETING  
PUBLIC HEARING**

**DATE:** December 11, 2012

**TO:** Banning Utility Authority

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

**SUBJECT:** Utility Authority Resolution No. 2012-17 UA, "Adopting the Addendum to the 2010 Urban Water Management Plan"

**RECOMMENDATION:** Adopt Utility Authority Resolution No. 2012-17 UA, "Adopting the Addendum to the 2010 Urban Water Management Plan."

**JUSTIFICATION:** Adoption of Utility Authority Resolution No. 2012-17 UA is requested in order to satisfy comments received from the Department of Water Resources ("DWR") on the City of Banning's 2010 Urban Water Management Plan ("UWMP") and to receive approval from the DWR for the submitted UWMP.

**BACKGROUND:** The City of Banning is an Urban Water Supplier for the water service area of the City of Banning and was therefore required to prepare an UWMP which assess the reliability of its water sources over a 20 year planning horizon considering normal and dry years. UWMPs are due on December 31<sup>st</sup> of years ending in 0 and 5, but a 6-month extension was granted for submittal of the 2010 UWMPs to provide additional time for water suppliers to address new requirements. City of Banning staff submitted its most recent UWMP on July 22, 2011.

The information contained in the 2010 UWMP included the following as required by California Water Code Sections 10610 through 10657:

- a) Conservation and efficient use of urban water supplies.
- b) A long-term, reliable supply of water to the area.
- c) Ensure the appropriate level of reliability water service to meet the needs of the City's various categories of customers during normal, dry, and multiple dry water years.
- d) Public health issues as related to contaminants identified in certain local and imported water supplies.
- e) Implementing effective water management strategies, including groundwater storage projects and recycled projects meeting water quality and salinity targets for groundwater basins water quality objectives and promoting beneficial use of recycled water.
- f) Water quality regulations relating to the water agency selection of raw water sources, treatment alternatives, and modification to existing treatment.
- g) Changes in drinking water quality standards, which may impact the usefulness of water supplies and may ultimately impact supply reliability.
- h) Review the quality of source supplies, which can have a significant impact on water management strategies and supply reliability.

Recently the DWR requested revisions to specific sections in the 2010 UWMP, which have been addressed and are contained in the attached Technical Memorandum (Exhibit "A"). The addendum revises information contained in Section 3.2 (Baseline and Water Use Targets), Section 4.1 (Current and Planned Water Supplies and Sources) and Section 6.0 (Demand Management Measures) of the UWMP.

In advance of the public hearing held this day, the notice of public hearing for the adoption of the Addendum to the 2010 Urban Water Management Plan was advertised in the Press Enterprise on November 30, 2012 and December 7, 2012 as shown in Exhibit "B".

**STRATEGIC PLANNING:** City Council adoption of Utility Authority Resolution No. 2012-17 UA, "Adopting the Addendum to the 2010 Urban Water Management Plan" will allow the City to meet its goal of providing a reliable delivery of water supply to the present and future customers of the Banning Water Utility as well as the ability of obtaining future grant funding from the DWR.

**FISCAL DATA:** N/A

**RECOMMENDED BY:**



Duane Burk  
Director of Public Works

**REVIEWED BY:**

  
June Overholt  
by my  
Administrative Services Director/  
Deputy City Manager

**APPROVED BY:**



Andy Takata  
City Manager

**RESOLUTION NO. 2012-17 UA**

**A RESOLUTION OF THE BANNING UTILITY AUTHORITY OF THE CITY OF BANNING, CALIFORNIA, ADOPTING THE ADDENDUM TO THE 2010 URBAN WATER MANAGEMENT PLAN**

**WHEREAS**, the City of Banning is an Urban Water Supplier for the water service area of the City of Banning and was therefore required to prepare an Urban Water Management Plan (“UWMP”) which assess the reliability of its water sources over a 20 year planning horizon considering normal and dry years; and

**WHEREAS**, UWMPs are due on December 31 of years ending in 0 and 5, but a 6-month extension was granted for submittal of the 2010 UWMPs to provide additional time for water suppliers to address new requirements; and

**WHEREAS**, City of Banning staff submitted its most recent UWMP on July 22, 2011; and

**WHEREAS**, recently the Department of Water Resources (“DWR”) requested revisions to specific sections in the 2010 UWMP, which have been addressed and are contained in the attached Technical Memorandum (Exhibit “A”); and

**WHEREAS**, in advance of the public hearing held this day, the notice of public hearing for the adoption of the Addendum to the 2010 Urban Water Management Plan was advertised in the Press Enterprise on November 30, 2012 and December 7, 2012 as shown in Exhibit “B”; and

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

**SECTION 1.** The Addendum to the 2010 Urban Water Management Plan is hereby adopted and ordered filed with the City Clerk.

**SECTION 2.** The Public Works Director is hereby authorized and directed to file the Addendum to the 2010 Urban Water Management Plan with the California Department of Water Resources within 30 days of this Resolution.

**PASSED, ADOPTED AND APPROVED** this 11th day December, 2012.

---

Don Robinson, Chairman  
Banning Utility Authority

**ATTEST:**

---

Marie A. Calderon, Secretary

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

---

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

**CERTIFICATION:**

I, Marie A. Calderon, Secretary of the Banning Utility Authority of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2012-17 UA was adopted by the Utility Authority of the City of Banning at a Regular Meeting thereof held on the 11th day of December, 2012.

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Marie A. Calderon, Secretary  
Banning Utility Authority  
City of Banning, California

**EXHIBIT "A"**

**TECHNICAL MEMORANDUM**

**ADDENDUM TO THE CITY OF BANNING 2010 URBAN  
WATER MANAGEMENT PLAN**

# Technical Memorandum

GEOSCIENCE Support Services, Inc.  
P.O. Box 220, Claremont, CA 91711  
Tel: (909) 451-6650 Fax: (909) 451-6638  
[www.gssiwater.com](http://www.gssiwater.com)

---

**To:** Mr. Duane Burk  
Public Works Director  
City of Banning

---

**From:** Dennis E. Williams, Ph.D.  
President  
GEOSCIENCE Support Services, Inc.

---

**Date:** November 26, 2012

---

**Subject:** Addendum to City of Banning 2010 Urban Water Management Plan

---

## 1.0 INTRODUCTION

### 1.1 Background and Purpose

The City of Banning submitted the 2010 Urban Water Management Plan (2010 UWMP) July 22, 2011, upon review by the Department of Water Resources (DWR) it was requested that additional information be included in the document to be consistent with updated management practices being implemented by the City since the adoption in 2011. The following sections are addendums to the specific sections of the City of Banning 2010 Urban Water Management Plan issued July 22, 2011 and shall supersede similar information previously provided for the cited sections.

## 2.0 BASELINE AND WATER USE TARGETS – ADDENDUM TO SECTION 3.2

The 2010 UWMP addressed the selection of base daily per capita water use using Technical Methodology 3: Base Daily Per Capita Water Use. The following table summarizes the base period determination.

**Table 3-6a**  
**Base Daily Per Capita Water Use - 2001 through 2010**

Sequence Year	Base Period Year Calendar Year	Distribution System Population <sup>1</sup>	Daily System Gross Water Use (mgd)	Annual Daily Per Capita Water Use (gpcd)
Year 1	2001	24,639	8.95	363
Year 2	2002	25,662	8.75	341
Year 3	2003	27,608	8.96	324
Year 4	2004	28,055	9.30	332
Year 5	2005	28,250	8.41	298
Year 6	2006	28,234	9.14	324
Year 7	2007	28,193	9.14	324
Year 8	2008	28,551	8.57	300
Year 9	2009	28,751	8.26	287
Year 10	2010	29,603	7.57	256
<b>Base Daily Per Capita Water Use<sup>2</sup></b>				<b>315</b>

<sup>1</sup>Population values were taken from the CDOF Table E-5, however please note that data estimated for January 1 of each year was used as the ending population estimate for the previous year (e.g. population estimate for January 1, 2010 in CDOF Table E-5 is 28,751. This value is used for the year 2009 above). Population value for 2010 was taken from the 2010 Census data dated April 1, 2010.

<sup>2</sup> Average daily per capita water use for the base period is calculated by dividing the daily system gross water use converted to gallons per day by the total population for the year and then taking the average daily per capita water use for the base period 2001 through 2010.

The 10 year baseline per capita water use is 315 gpcd using a ten-year average ending between January 1, 2001 and December 31, 2010. The 2015 interim reduction of 10% is 283 gpcd and the 2020 reduction target of 20% is 252 gpcd. The DWR requires a confirmation of the ten-year 2020 reduction target by comparing the value to a five-year base period. The ten-year 2020 reduction target cannot exceed 95% of the 5-year base daily per capita water use. Table 3-6b shows the five-year baseline per capita water use is 298 gpcd using a five-year average ending between January 1, 2006 and December 31, 2010. The five-year water use confirms that the 2020 target of 252 gpcd is well below 95% of the five-year water use of 283 gpcd, and therefore meets a minimum threshold.

**Table 3-6b**  
**Confirm Base Daily Per Capita Water Use Target - 2006 through 2010**

Sequence Year	Base Period Year Calendar Year	Distribution System Population <sup>1</sup>	Daily System Gross Water Use (mgd)	Annual Daily Per Capita Water Use (gpcd)
Year 1	2006	28,234	9.14	324
Year 2	2007	28,193	9.14	324
Year 3	2008	28,551	8.57	300
Year 4	2009	28,751	8.26	287
Year 5	2010	29,603	7.57	256
<b>Base Daily Per Capita Water Use<sup>2</sup></b>				<b>298</b>
<b>95% of 5 year Base Daily Per Capita Water Use</b>				<b>283</b>

<sup>1</sup>Population values were taken from the CDOF Table E-5, however please note that data estimated for January 1 of each year was used as the ending population estimate for the previous year (e.g. population estimate for January 1, 2010 in CDOF Table E-5 is 28,751. This value is used for the year 2009 above). Population value for 2010 was taken from the 2010 Census data dated April 1, 2010.

<sup>2</sup> Average daily per capita water use for the base period is calculated by dividing the daily system gross water use converted to gallons per day by the total population for the year and then taking the average daily per capita water use for the base period 2001 through 2010.

### 3.0 CURRENT AND PLANNED WATER SUPPLIES AND SOURCES

#### 3.1 Available Water Supplies – Addendum to Section 4.1

During the review of the 2010 UWMP by DWR, it was identified that return flows listed in Table 4-1 from recycled water irrigation as well as return flows from potable residential irrigation should not be considered supplies available to the City. Upon completion of the expansion of the waste water treatment plant (Phase I), the recycled water applied for irrigation purposes to new developments will now be available to various storage units. Therefore a percent of this water as return flows have been added to the respective storage unit's maximum perennial yield, as established in the *Maximum Perennial Yield Estimates for the Banning and Cabazon Storage Units, and Available Water Supply from the Beaumont Basin* (Geoscience, 2011). The revised Table 4-1 is presented below.

**Table 4-1**  
**Current and Projected Water Supplies**  
**for the City of Banning [acre-ft]**

Water Supply Source	2010*	2015	2020	2025	2030	2035
Banning Storage Unit <sup>1,2,3</sup>	1,218	1,222	1,231	1,241	1,251	1,261
Banning Bench Storage Unit <sup>1,3</sup>	1,472	2,183	2,183	2,183	2,183	2,183
Banning Canyon Storage Unit <sup>1</sup>	3,726	4,070	4,070	4,070	4,070	4,070
Beaumont Storage Unit <sup>4</sup>	1,372	2,514	2,514	2,514	2,514	2,514
Cabazon Storage Unit <sup>3,5</sup>	565	1,299	1,519	1,762	2,030	2,326
Recycled Water Supply <sup>6</sup>	0	1,680	1,680	1,680	1,680	1,680
SWP Table A Entitlement <sup>7</sup>	1,200	2,595	2,595	2,595	2,595	2,595
<b>Total</b>	<b>9,552</b>	<b>15,563</b>	<b>15,792</b>	<b>16,045</b>	<b>16,323</b>	<b>16,628</b>

\* 2010 values are actual supplies utilized by the City in 2010. The DWR Guidebook requires inclusion of 2010, however as the deadline for submittal of the UWMP has been extended to 2011, all 2010 values are not projections or estimates, but are actual values.

<sup>1</sup> Maximum Perennial Yield Estimates for the Banning and Cabazon Storage Units, and Available Water Supply from the Beaumont Basin, Geoscience 2011.

<sup>2</sup> Values include 25% return flow from all irrigation purposes where potable water is used (50% of residential water use is used for landscape irrigation for new developments only[i.e. Black Bench and Loma Linda Development areas]). Returns flows for Beaumont Storage Unit are not counted, as the City has an allotment of the Safe Yield. All return flows within the Beaumont Basin from imported water are dedicated for overdraft mitigation. Return flows in the Banning Storage Units are considered for developments projected for construction which will add new recharge to the storage units (total of 1,044 EDUs at build out - assumed to be 2061) along with 20X2020 conservation.

<sup>3</sup> Values include 25% return flow from all irrigation purposes inside and outside the BMZ for Phase I WWTP expansion project Assumes Phase I will be completed in 2014.

Continued Footnotes from Table 4-1:

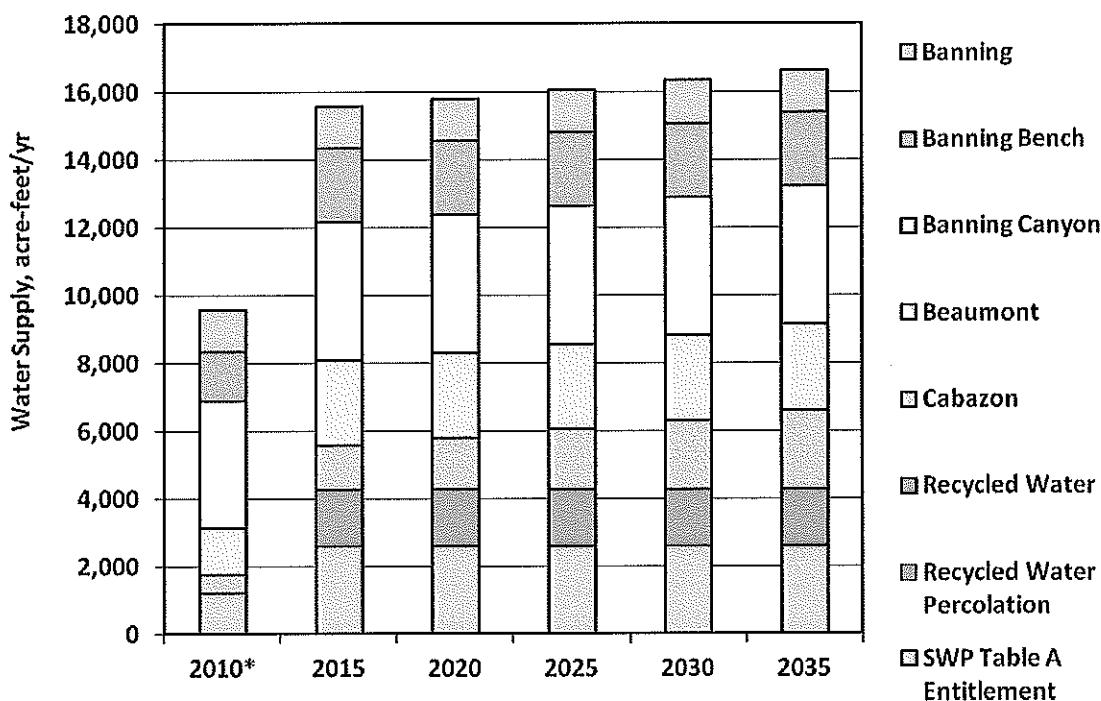
<sup>4</sup> City of Banning average annual production from City of Banning Wells within the Beaumont Storage Unit since the basin was adjudicated in 2004.

<sup>5</sup> Cabazon production supply includes approximately 710 acre-ft/yr, which has been the average annual production from the City of Banning Well C-6, and additional water which may be utilized by the City as described in Maximum Perennial Yield Estimates Report, Geoscience, 2011 (see Appendix F). See Section 4.2.7 for explanation of estimates. These values assume that Phase I of the WWTP Expansion will be completed by 2014, and 1,680 acre-ft/yr will be treated to Tertiary standards and used to offset potable demand, therefore the 1,680 acre-ft/yr is excluded from these estimates.

<sup>6</sup> Values from Initial Study/Mitigated Negative Declaration, Wastewater Treatment Plant Expansion and Phase I Recycled Water System, May 2008 prepared by the City of Banning Water/Wastewater Utilities Department. Assumes WWTP Phase I will be completed by 2015.

<sup>7</sup> Assumes 60% SGPWA SWP average reliability per DWR's Final Reliability Report 9/27/10; Assumes Banning's allocation of available SWP water is 25% of SGPWA Allotment, assumes EBX-II is on line by 2014.

**Figure 4-1**  
**Current and Projected Water Supplies**  
**for the City of Banning**



### 3.2 Banning Storage Unit – Addendum to Section 4.2.4

The safe yield of the Banning Storage Unit was estimated to be 1,130 acre-ft/yr (Geoscience, 2011). Additional supplies to the Banning Storage Unit will be available upon completion of Phase I of the waste water treatment plant expansion. These additional supplies are the result of return flows from recycled water application from irrigation purposes where potable water would be used for new developments within the Banning Storage Unit. In other words, return flows resulting from additional applied water represent a supplemental yield to the Maximum Perennial Yield. Additionally, it is estimated that approximately 83 acre-ft/yr will return to the Banning Storage Unit in the form of return flows from the conversion of potable water use to recycled water use of the potential recycled water users identified in *The City of Banning Recycled Water Master Plan*, 2006. Phase I potential recycled water users within the Banning Storage Unit are Neighborhood Park, Repplier Park and approximately 1/3 of the Caltrans roadway median resulting in 331.7 acre-ft/year of applied recycled water, of which, approximately 25% will return to the storage unit as return flow.

### 3.3 Banning Bench Storage Unit – Addendum to Section 4.2.5

The safe yield of the Banning Bench Storage Unit was estimated to be 1,960 acre-ft/yr (Geoscience, 2011). Additionally, it is estimated that approximately 223 acre-ft/yr will return to the Banning Bench Storage Unit in the form of return flows from the conversion of potable water use to recycled water use of the potential recycled water users identified in *The City of Banning Recycled Water Master Plan*, 2006. Phase I potential recycled water users within the Banning Bench Storage Unit are Loma Linda Greenspace resulting in 892 acre-ft/year of applied recycled water, of which, approximately 25% will return to the storage unit as return flow. It should be noted that the *Recycled Water Master Plan* states that the Loma Linda Greenspace could potentially use 1,059 acre-ft/yr of recycled water however, due to the limitation of Phase I expansion, which will only supply 1,680 acre-ft/yr of recycled water, and the fact that the Loma Linda development is geographically located farthest from the treatment plant of the Potential users identified in the Recycled Water Master Plan, it is assumed that this development will more than likely need to supplement its water demands with potable supply.

### 3.4 Cabazon Storage Unit – Addendum to Section 4.2.7

In addition to the supplies identified in the 2010 UWMP for 2010, 2015, 2020, 2025, 2030 and 2035 of 565 acre-ft/yr, 1,185 acre-ft/yr, 1,405 acre-ft/yr, 1,648 acre-ft/yr, 1,916 acre-ft/yr and 2,212 acre-ft/yr respectively, it is estimated that approximately 114 acre-ft/yr will return to the Cabazon Storage Unit in the form of return flows from the conversion of potable water use to recycled water use of the potential recycled water users identified in *The City of Banning Recycled Water Master Plan*, 2006. Phase I potential recycled water users within the Cabazon Storage Unit are Banning High School, Deutsch Company Park and approximately 1/3 of the Caltrans roadway median resulting in 457 acre-ft/year of applied recycled water, of which, approximately 25% will return to the storage unit as return flow.

## 4.0 DEMAND MANAGEMENT MEASURES

Since completion of the Final 2010 UWMP on July 22, 2011, there have been some revisions to the implementation of some demand management measures. The following discusses BMP 1, 6 and 8 and the City's current implementation or the City's plan to implement these measures in the next five years the discussion supersedes the sections presented in the City of Banning 2010 UWMP dated July 2011.

### 4.1 BMP 1 – Water Surveys Programs for Single-Family Residential and Multi-Family Residential Customers – Addendum to Section 6.2

This BMP consists of developing and implementing a strategy targeting and marketing water use surveys to single-family residential and multi-family residential customers. For each reporting period, direct contact via letter or telephone shall be made to not less than 1.5% of single-family residential customers and 1.5% of multi-family residential customers, with a 10-year target of 15%. Water use surveys shall address indoor and outdoor components and contain, at a minimum, the following elements:

- Check for leaks, including toilets, and faucets, and check meters.
- Check showerhead flow rates, aerator flow rates, and offer to replace or recommend replacement, as necessary.
- Check toilet flow rates and offer to install or recommend the installation of a displacement device or direct the customer to an Ultra-Low Flush Toilet (ULFT) replacement program, as necessary; replace leaking toilet flapper, as necessary.
- Check irrigation system and timers.
- Review or develop customer irrigation schedule.
- Measure currently landscaped area (recommended).
- Measure total irrigable area (recommended).

#### 4.1.1 Implementation or Scheduled Implementation– Addendum to Section 6.2.1

The City of Banning plans to implement this BMP within the next five years. The City shall develop and implement a strategy for targeting and marketing water use surveys to single-family and multi-family residential customers by the end of the first reporting period following the date that the implementation was set to commence. The program shall continue until water surveys have been completed for 15% of single-family residential customers and 15% of multi-family residential customers in a ten year period.

#### **4.1.2 Methods to Evaluate Effectiveness– Addendum to Section 6.2.2**

This BMP shall be considered effective if water surveys have been completed for 15% of single-family residential customers and 15% of multi-family residential customers within ten years. The CUWCC estimates the potential water savings for homes constructed prior to 1980 are 9 gallons per day per capita (gpcd) and 3.4 gpcd for homes constructed post 1980. In both situations, outdoor use reductions are estimated to be 10%.

#### **4.2 BMP 6 – High-Efficiency Washing Machine Rebate Programs– Addendum to Section 6.7**

This BMP is currently being implemented by the City of Banning's Municipal Electric Company through the City of Banning Public Benefits Department and is available to residential electric customers. The Southern California Gas Company also offers rebates to the City's residential gas customers. The BMP consists of financial incentives for the purchase and use of high-efficiency clothes washing machines (HEWs) that meet ENERGY STAR minimum standards of 15 gallons of water per load. Energy Star is a voluntary partnership between the U.S. Department of Energy, the U.S. Environmental Protection Agency, product manufacturers, local utilities, and retailers. Partners help promote efficient products by labeling them with the ENERGY STAR logo and educating consumers about the benefits of energy and water efficiency. The City's residents qualify for rebates by purchasing ENERGY STAR certified HEWs which include \$75, as of January 1, 2012 from the City's electric company, as well as a \$35 rebate from Southern California Gas Company.

##### **4.2.1 Implementation or Scheduled Implementation– Addendum to Section 6.7.1**

The City of Banning's Municipal Electric Company, as well as the Southern California Gas Company both currently offer the City's residents rebates for purchasing ENERGY STAR certified HEWs.

#### **4.3 BMP-8 – School Education Programs– Addendum to Section 6.9**

Implementation methods shall consist of implementing a school education program to promote water conservation and water conservation related benefits. Programs shall include working with school districts and private schools in the water suppliers' service area to provide instructional assistance,

educational materials, and classroom presentations that identify urban, agricultural, and environmental issues and conditions in the local watershed. Education materials shall meet the state education framework requirements and grade appropriate materials shall be distributed to grade levels K-3, 4-6, 7-8, and high school.

#### **4.3.1 Implementation or Scheduled Implementation— Addendum to Section 6.9.1**

The City plans to implement this BMP April of 2013 by means of the Water Fund. The City has a program where Public Works employees can visit local schools and make presentations on water conditions in the San Gorgonio Pass area to educate students on the value of water and water conservation. Educational brochures are also made available to the students. The City plans to encourage more student involvement and awareness by offering scholarships to the winners of water related contests.

**EXHIBIT “B”**

**PRESS ENTERPRISE  
NOVEMBER 30, 2012 AND DECEMBER 7, 2012**

NOTICE OF  
PUBLIC HEARING  
PURSUANT TO LAW, notice is hereby given of a Public Hearing before the City Council and the Banning Utility Authority of the City of Banning, to be heard December 11, 2012 at 5:00 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey St., Banning, California, to consider adopting the City of Banning Addendum to the 2010 Urban Water Management Plan. An informational presentation regarding the Addendum to the 2010 Urban Water Management Plan will be provided at the same location on December 11, 2012 at 5:00 p.m. ALL INTERESTED PARTIES are invited to attend said hearing and present oral or written testimony on the matter or to send written comments to the City Clerk, P.O. Box 998, Banning, CA 92220. The City anticipates the Addendum to the 2010 Urban Water Management Plan will be available for public review beginning December 12, 2012 at the office of the City Clerk or at the Engineering Division of the Public Works Department, located at 99 E. Ramsey Street. This document will also be made available on-line at HYPERLINK

"[http://www.ci.banning.ca.us/2010\\_uwmp](http://www.ci.banning.ca.us/2010_uwmp)" [www.ci.banning.ca.us/2010\\_uwmp\\_addendum](http://www.ci.banning.ca.us/2010_uwmp_addendum).. Note: If you challenge this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Banning at, or prior to, the public hearing. Questions regarding this matter should be directed to City of Banning, Public Works Department at (951) 922-3130. BY ORDER OF THE CITY CLERK of the City of Banning, California. Date: November 26, 2012 Publish: Record Gazette November 30, 2012 December 7, 2012

Marie A. Calderon  
City Clerk  
Publish The Record  
Gazette  
No. 60933  
11:30 & 12:07, 2012

## **CITY COUNCIL AGENDA**

**DATE:** December 11, 2012

**TO:** Mayor and City Council

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

**SUBJECT:** Urgency Ordinance to Amendment to CalPERS Contract for a Two Tier Plan for the Miscellaneous employees.

**RECOMMENDATION:** That the City Council adopt Urgency Ordinance No. 1459 amending the City's contract with the California Public Employees' Retirement System (CalPERS) to implement the lower-level retirement formula for new employees at the 2% @ 60 retirement formula for miscellaneous employees and be subject to the final compensation calculation based on an average 36 month period.

**JUSTIFICATION:** As part of the City's efforts to reduce expenditures in order to address the ongoing structural budget deficit and operational concerns, staff met and conferred with the employee unions and associations to implement a lower level retirement formula for new employees in the miscellaneous group and to have the new employees subject to the final compensation calculation based on an average 36 month period.

**BACKGROUND:** During negotiations with the employee bargaining groups, the City proposed implementation of a two-tier retirement system for new members. The bargaining units have agreed to a new tier formula. A side letter agreement formalized this understanding.

At the November 13, 2012 Council meeting, the Resolution of Intention and Exhibit were adopted. Once the Urgency Ordinance is adopted the new formula will take effect December 24th, 2012.

Adoption of the Urgency Ordinance is the final step required by CalPERS to implement a new retirement formula. Once AB340 takes effect, the City will have three retirement formulas in place. These formulas are as follows:

- Current employees will remain at the 2.5% @ 55 retirement formula subject to the final compensation calculation based on the single highest year.
- New employees that are vested in CalPERS through a previous employer will be placed at the new 2% @ 60 retirement formula subject to the final compensation calculation based on an average 36 month period. This formula will be implemented with the adoption of this Urgency Ordinance 1459.
- New employees that have NEVER been vested in CalPERS will be subject to the retirement plan imposed by AB340, which is the 2% @ 62 retirement formula subject to the final compensation calculation based on an average 36 month period. New employees will pay the full employee paid member contribution (EPMC) of 7% for miscellaneous (non-safety members) employees. (Note: The

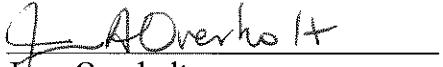
new employee rate for miscellaneous members corresponds to a reduced employee share of the lower retirement formula.)

Benefits of having the tiered plans is that it will result in reducing future retirement costs for the City.

Negotiations are ongoing with the Safety employees. Upon agreement regarding implementing the second tier retirement formula, a Special meeting of the City Council may be necessary in order to meet the deadlines imposed by AB340.

**FISCAL DATA:** For the second tiered plans, the immediate fiscal impact is unknown due to the fact that the 2@60 retirement formula for miscellaneous members will only be given to new employees already vested in CalPERS. Savings will come in the future through lower rates as more and more of the work force is on the lower plan. Staff recognizes through discussions with the bargaining groups that there may be challenges with recruitments in the interim due to the lower benefit.

**RECOMMENDED BY:**

  
June Overholt  
Administrative Services Director/  
Deputy City Manager

**APPROVED BY:**

  
Andy J. Takata  
City Manager

Attachments:

1. Urgency Ordinance No. 1459
2. Amendment to Contract Exhibit

**ORDINANCE NO. 1459**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING,  
CALIFORNIA AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN  
THE CITY COUNCIL OF THE CITY OF BANNING AND THE BOARD OF  
ADMINISTRATION TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT  
SYSTEM.**

**THE CITY COUNCIL OF THE CITY OF BANNING DOES HEREBY ORDAIN AS  
FOLLOWS:**

**SECTION 1**

That an amendment of the contract between the City Council of the City of Banning and the Board of Administration, California Public Employees Retirement System to provide different benefit levels to new employees in the local miscellaneous group entering membership for the first time in the miscellaneous classifications after the effective date of this amendment to contract is hereby authorized. A copy of said amendment being attached hereto, marked Exhibit A, and by such reference is made a part hereof as though herein set out in full.

**SECTION 2**

The Mayor of the City Council is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

**SECTION 3**

If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

**SECTION 4**

To the extent that the terms or provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed. The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

**SECTION 5**

This ordinance is an urgency ordinance and shall take effect immediately upon adoption. The City Council hereby declares that the need for adoption of this ordinance as an urgency measure is necessary to preserve the public health, safety and welfare and is based upon the following facts:

a. This ordinance will authorize the execution of an amendment to the contract between the California Public Employee Retirement System and the City regarding different level of benefits for new employees in the miscellaneous groups. Pursuant to law, the ordinance to amend the contract cannot take effect at for least twenty (20) days after the adoption of a resolution of intention to approve the amendment to the contract. The resolution of intention was adopted by the City Council at its meeting of November 13, 2012.

b. Based on the cost analysis, the adoption of the plan amendment will result in a decrease in benefits to new CalPERS members, however, should result in overall savings to the City.

## SECTION 6

The City Clerk is hereby directed to cause publication of this ordinance within 15 days from its passage in a newspaper of general circulation, published and circulated in the City of Banning in accordance with Section 36933 of the Government Code, and thenceforth and thereafter the same shall be in full force and effect.

Passed, approved and adopted this 11<sup>th</sup> day of December, 2012.

---

Don Robinson, Mayor  
City of Banning, California

ATTEST:

---

Marie A. Calderon, City Clerk  
City of Banning

APPROVED AS TO FORM AND  
LEGAL CONTENT

---

David Aleshire, City Attorney  
Aleshire & Wynder, LLP

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Urgency Ordinance No. 1459 was duly adopted at a regular meeting of the City Council of the City of Banning on the 11th day of December, 2012 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

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



## EXHIBIT

California  
Public Employees' Retirement System

### AMENDMENT TO CONTRACT

Between the  
Board of Administration  
California Public Employees' Retirement System  
and the  
City Council  
City of Banning

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective July 1, 1965, and witnessed May 27, 1965, and as amended effective October 8, 1973, September 9, 1974, June 27, 1977, August 1, 1983, April 13, 1992, July 26, 1999, June 26, 2001, September 17, 2001, September 30, 2002, July 2, 2007 and March 4, 2009 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

A. Paragraphs 1 through 17 are hereby stricken from said contract as executed effective March 4, 2009, and hereby replaced by the following paragraphs numbered 1 through 20 inclusive:

1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members entering membership in the miscellaneous classification on or prior to the effective date of this amendment to contract and age 60 for local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract and age 50 for local safety members.

2. Public Agency shall participate in the Public Employees' Retirement System from and after July 1, 1965 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:
  - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
  - (b) Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than existing retirement benefits, provisions or formulas.
  - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
  - (d) Public Agency's election to file for bankruptcy under Chapter 9 (commencing with section 901) of Title 11 of the United States Bankruptcy Code and/or Public Agency's election to reject this Contract with the CalPERS Board of Administration pursuant to section 365, of Title 11, of the United States Bankruptcy Code or any similar provision of law.
  - (e) Public Agency's election to assign this Contract without the prior written consent of the CalPERS' Board of Administration.
  - (f) The termination of this Contract either voluntarily by request of Public Agency or involuntarily pursuant to the Public Employees' Retirement Law.
  - (g) Changes sponsored by Public Agency in existing retirement benefits, provisions or formulas made as a result of amendments, additions or deletions to California statute or to the California Constitution.

4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
  - a. Local Fire Fighters (herein referred to as local safety members);
  - b. Local Police Officers (herein referred to as local safety members);
  - c. Employees other than local safety members (herein referred to as local miscellaneous members).
5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
  - a. **ELECTED OFFICIALS.**
6. Prior to January 1, 1975, those members who were hired by Public Agency on a temporary and/or seasonal basis not to exceed 6 months were excluded from PERS membership by contract. Government Code Section 20336 superseded this contract provision by providing that any such temporary and/or seasonal employees are excluded from PERS membership subsequent to January 1, 1975. Legislation repealed and replaced said Section with Government Code Section 20305 effective July 1, 1994.
7. The percentage of final compensation to be provided for each year of credited prior and current service for those local miscellaneous members in employment prior to September 17, 2001 shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Modified).
8. The percentage of final compensation to be provided for each year of credited prior and current service for those local miscellaneous members in employment on September 17, 2001 and those local miscellaneous members in employment before and not on or after September 30, 2002, shall be determined in accordance with Section 20515 and 21354 of said Retirement Law (2% at age 55 Full).
9. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment on and after September 30, 2002 and not entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract shall be determined in accordance with Section 21354.4 of said Retirement Law (2.5% at age 55 Full).

10. The percentage of final compensation to be provided for each year of credited current service as a local miscellaneous member entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract shall be determined in accordance with Section 21353 of said Retirement Law (2% at age 60 Full).
11. The percentage of final compensation to be provided for each year of credited prior and current service as a local fire member in employment prior to April 13, 1992 shall be determined in accordance with Section 21362 of said Retirement Law subject to the reduction provided therein for Federal Social Security (2% at age 50 Modified).
12. The percentage of final compensation to be provided for each year of credited prior and current service as a local fire member in employment on or after April 13, 1992 shall be determined in accordance with Section 21362 of said Retirement Law (2% at age 50 Full).
13. The percentage of final compensation to be provided for each year of credited prior and current service as a local police member entering membership in the police classification on or prior to the effective date of this amendment to contract shall be determined in accordance with Section 21363.2 of said Retirement Law subject to the reduction provided therein for Federal Social Security (3% at age 50 Modified).
14. The percentage of final compensation to be provided for each year of credited current service as a local police member entering membership for the first time in the police classification after the effective date of this amendment to contract shall be determined in accordance with Section 21362 of said Retirement Law subject to the reduction provided therein for Federal Social Security (2% at age 50 Modified).
15. Public Agency elected and elects to be subject to the following optional provisions:
  - a. Sections 21624 and 21626 (Post-Retirement Survivor Allowance) for local safety members.
  - b. Section 20042 (One-Year Final Compensation) for local miscellaneous members and local police members entering membership on or prior to the effective date of this amendment to contract.
  - c. Section 20515 (Full Formula Plus Social Security) for past and future service for local fire members in employment on and after April 13, 1992 and for local miscellaneous members in employment on and after September 17, 2001. Legislation repealed said Section effective January 1, 2002.

- d. Section 20903 (Two Years Additional Service Credit).
- e. Section 20475 (Different Level of Benefits). Section 21353 (2% @ 60 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract, and

Section 21362 (2% @ 50 Modified formula) and Section 20037 (Three-Year Final Compensation) are applicable to local police members entering membership for the first time in the police classification after the effective date of this amendment to contract.

- 16. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on April 1, 1983. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
- 17. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
- 18. Public Agency shall also contribute to said Retirement System as follows:
  - a. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
  - b. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
- 19. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

20. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the \_\_\_\_\_ day of \_\_\_\_\_.

BOARD OF ADMINISTRATION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL  
CITY OF BANNING

BY  
KAREN DE FRANK, CHIEF  
CUSTOMER ACCOUNT SERVICES DIVISION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY  
PRESIDING OFFICER

Witness Date

Attest:

Clerk