

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

01/23/18
REGULAR MEETING

A regular meeting of the Banning City Council was called to order by Mayor Moyer on January 23, 2018, at 5:08 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

COUNCIL MEMBERS PRESENT: Council Member Andrade
Council Member Franklin
Council Member Peterson
Council Member Welch
Mayor Moyer

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Alejandro Diaz, Interim City Manager
Kevin Ennis, City Attorney
Rochelle Clayton, Deputy City Manager
Tim Chavez, Fire Battalion Chief
Heidi Meraz, Community Services Director
Patty Nevins, Community Development Director
Art Vela, Public Works Director/City Engineer
Ted Shove, Economic Development Manager
Sonja De La Fuente, Deputy City Clerk
Leila Lopez, Office Specialist

The Invocation was given by Jim Price. Council Member Franklin led the audience in the Pledge of Allegiance to the Flag.

REPORT ON CLOSED SESSION

1) CONFERENCE WITH REAL PROPERTY NEGOTIATORS - pursuant to Government Code Section 54956.8: Property description: 541-181-032, 541-181-033, 541-181-034, and 541-181-035, located in the general vicinity of Ramsey Street between San Geronio Avenue and Martin Street. City Negotiator: Alex Diaz, Interim City Manager and Ted Shove. Economic Development Manager - Negotiating Parties: Vanir Group of Companies, Inc.; Under Negotiation: Price and Terms. 2) PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT - Public employment pursuant to Government Code Section 54957. Title: City Manager. 3) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION potential initiation of litigation pursuant to Government Code Section 54956.9: One case. There was no final or reportable action on these items. 4) THREAT TO PUBLIC SERVICES OR FACILITIES - pursuant to Government Code Section 54957. Consultation with: Chief of Police. There is nothing to report regarding this item. 5) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.

Significant exposure to litigation pursuant to paragraph (2) subdivision of (d) Government Code Section 54956.9: Two cases. A status report was provided and direction was given to staff. 6) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Section 54956.9) Fields v. City of Banning, Riverside County Superior Court Case No. RIC 1102234 and Court of Appeal Case No. E057277. A status report was provided regarding the terms and conditions for the settlement of the case with no other reportable action.

PRESENTATIONS

1. Introduction of New Police Department Staff and Badge Pinning

Interim City Manager/Police Chief Alex Diaz introduced the following staff from the Police Department.

New Officers:

1. Julieta (Julie) DeAnda, Police Officer
2. Christopher Sayeski, Police Officer

New Members of the Investigative Team:

1. Roberto Jaureguri, Detective
2. Derek Thesier, Detective
3. Linda Jimenez, Detective
4. Daniel Deussenberry, Detective

New Members of the Administrative Team:

1. Robert Fisher, Lieutenant (promotion)
2. Vince Avila, Lieutenant (promotion)

PUBLIC COMMENTS / CORRESPONDENCE / ANNOUNCEMENTS & REPORTS

PUBLIC COMMENTS

Ellen Carr spoke on behalf of Tender Loving Critters, informed the Council and public that the Animal Action League will be in Banning on February 19th and 20th at Repplier Park between the Aquatic Center and the Skate Park. Appointments for spay/neuter can be made by calling (760) 366-1100. There is also a low-cost shot clinic from 10:00 a.m. until 2:00 p.m. on the same days. Feral cats can be spayed/neutered at no charge, but they do accept donations. She thanked everyone in the City of Banning for supporting Animal Action League. Ellen can be reached at (951) 849-5817 with any questions.

Inge Schuler informed everyone there is an important scoping meeting regarding the I-10 Bypass project Thursday at Banning High School from 5:00 p.m. until 7:00 p.m. She would

also like an update regarding the Milliband activity regarding the Flume with quarterly updates for the community. She also asked if there is a Water Board Meeting on Wednesday. Council Member Franklin confirmed there is a Water Board Meeting on Wednesday, January 24th at City Hall in the Large Conference Room at 5:00 p.m.

Jerry Westholder expressed concern regarding \$3 million per year the City receives from the Electric Company and believes it belongs to the ratepayers and would like a reduction in rates. He recommended conducting a needs assessment when the forensic audit of the utility.

Ms. Scott would like to know why she received a utility bill for 35 days. She was told there wouldn't be any bills over 34 days. She also asked for an update regarding the paving on Hargrave. She does not want to wait long. Council Member Peterson asked staff to get in contact with her and provide her some answers. Deputy City Manager Clayton provided her with her business card and asked her to contact her regarding her utility bill. Public Works Director Vela informed Ms. Scott the paving on Hargrave has been included in this year's project and will be done in 2018.

Paul Perkins recommended getting the software needed for the meter readers to drive by and automatically pick up the data and automatically download that information into the accounting program.

John Hagan informed the Council that he has a hard time believing the City doesn't have any input into the I-10 Bypass project because it will go right through Banning. He would like to know if there are any current or pending ordinances limiting overweight vehicles on the streets. He is concerned about the commercial traffic from the bypass and how it will affect the streets in the city.

Darren Adrian with Kimley-Horn, the planning and engineering firm working with the Riverside County Transportation Department on the I-10 Bypass, introduced himself and informed the public of the Public Hearing regarding the project that is being held at Banning High School on Thursday, January 25th from 5:00 p.m. until 7:00 p.m.. It will be in the format of a workshop as part of their environmental studies. There will be stations and people with knowledge about the project, the history and the alternatives that have been explored available to talk to people that attend the meeting. Council Member Andrade asked about the location and why this location was selected.

Council Member Welch and Council Member Peterson shared concerns regarding the project going through residential streets and traffic backing up on Hargrave at the railroad crossing. Mr. Adrian recommended those concerns be brought forward so they are heard and taken into consideration. Council Member Andrade asked why this part of Banning was selected.

David Ellis reminded the Council that in 2014 five median gates were installed. He recommended Johnson Lane be considered for use during an emergency.

Seeing no further comments, Mayor Moyer closed public comment.

CORRESPONDENCE

There was no correspondence received.

ANNOUNCEMENTS & REPORTS

Council Member Franklin:

- RCTC had a meeting last week and there were no actions directly related to Banning.
- Attended the League of California Cities Policy Committee Meeting for Revenue and Taxation. They discussed the Governor's budget. They are tracking some of the Bills coming up, such as a proposed tax on retail water providers, SB1 Gas Tax, and SB5 for Park and Water Bond. They also had a presentation from the Department of Tax and Fee Administration who have taken over a lot of what the Board of Equalization used to do. They are looking at e-commerce and a fee for cannabis.
- Attended the Southern California Water Coalition Meeting and had a presentation by the new CEO of their Board. They discussed their priorities for the year, which include water rights, the Bay Delta Conservation Plan, and water quality. They are working on the economic feasibility plan for approaching how to address contaminants like lead and Chromium 6 in the water. The Department of Financial Assistance's grants and loans equal about \$2 billion per year, so they are trying to better serve disadvantaged communities. They are also looking at new regulations on conservation and recycled water. SB 623, which is a tax on water would also impose fees on farms and dairies. There is another tax they are looking at regarding drinking water to assist the 300 agencies in the state that don't currently have safe drinking water. They are also looking at their own policies regarding the cultivation of cannabis.
- Thanked those who participated in the Point in Time Count. They went out at 5:00 a.m. On January 23, 2018.

Council Member Peterson had nothing to report.

Council Member Andrade had nothing to report.

Council Member Welch had nothing to report.

Mayor Moyer:

- Attended the League of California Cities Environmental Policy Committee Meeting. They discussed SB63, which would charge anyone with a one-inch or less water connection \$0.95 per month, and anyone with more than a one-inch water connection \$4.00 per month to help assist the areas with contaminated water get the funds they need to fix their issues. The bill would last 15 years if passed. Another bill discussed is from CalRecycle, which would require residents and

business to separate organic waste, adding a bin to the current three, making it four bins. The projected cost is \$2-3 billion and it would be funded by the local agencies to satisfy the new regulations.

REPORT BY CITY ATTORNEY

City Attorney Ennis did not have anything to report.

REPORT BY CITY MANAGER

Interim City Manager Diaz did not have anything to report.

CONSENT ITEMS

1. Minutes – Special Meeting – 1/9/18 (Workshop)

Recommendation: Approve the Minutes from the January 9, 2018 Special Meeting of the Banning City Council (Workshop)

2. Minutes – Special Meeting – 1/9/18 (Closed Session)

Recommendation: Approve the Minutes from the January 9, 2018 Special Meeting of the Banning City Council (Closed Session)

3. Minutes – Regular Meeting – 1/9/18

Recommendation: Approve the Minutes from the January 9, 2018 Regular Meeting of the Banning City Council

4. Capital Improvement Project Update

Recommendation: Receive and File

5. Accounts Payable and Payroll Warrants (December 2017)

Recommendation: Approve and Ratify Accounts Payable and Payroll Warrants for December 2017

6. Resolution 2017-98 Amending the 2016-2019 Memorandum of Understanding Between the City of Banning and the Banning Police Officer's Association

Recommendation: Adopt Resolution 2017-98

7. Resolution 2017-108 Rejecting all Bids for RFP 17-098, Regional Real Estate Brokerage Services

Recommendation: Adopt Resolution 2017-108

8. Fiscal Year 2016-17 Financial Statements and Independent Auditor's Reports for the Housing Authority

Recommendation: Accept the Fiscal Year 2016-17 Financial Statements and Independent Auditor's Report for the Banning Housing Authority, which were audited by Lance, Soll & Lunghard, LLP.

Mayor Moyer opened the consent items for public comment. Seeing none, closed public comment.

Motion Peterson/Andrade to approve Consent Items 1 through 8. Motion carried, 5-0.

REPORTS OF OFFICERS

1. Response from San Geronio Pass Water Agency (SGPWA) to City's Request for Cost Sharing of Stream Gaging Along the San Geronio Flume System

Public Works Director Vela presented the Staff Report as contained in the Agenda packet.

Mayor Moyer asked why they don't participate if they are part of this. Director Vela explained that the four-party agreement does not obligate them to pay for this. However, as referenced in their letter, they have paid approximately \$600,000 toward the project.

Council Member Peterson asked if it is considered a self-exit from the agreement if they don't wish to participate financially. Director Vela indicated that is a good question and he would be willing to bring that to their group for consideration.

Council Member Franklin advised they will be meeting with Banning Heights this Thursday to discuss the issue.

There was some discussion held by the Council regarding the matter.

The Mayor opened the item for public comment.

Jerry Westholder recommended putting Banning first regarding this issue.

Paul Perkins asked if accounting records are kept and if the City is keeping track of who is spending money to make sure it's balanced.

Seeing no further comments, the Mayor closed public comment.

PUBLIC HEARING

1. Resolution 2017-112 Approving the 2017 Engineering and Traffic Survey and Ordinance 1516, Re-Establishing Prima Facie Speed Limits Throughout the City of Banning and Amending Ordinance 1449

Public Works Director Art Vela presented the Staff Report as provided in the Agenda packet.

Council Member Peterson mentioned correspondence received from Don Smith (see Exhibit "A"). He agrees with his comments regarding the speed limit on Westward Avenue.

Council Member Franklin requested that staff bring back things that can be done to slow traffic and what the distance is from the schools for 25 miles per hour zones. Also, in regard to the streets where a speed limit is increased, advise what needs to be done to bring them back to where the current posted speed limits.

The Mayor opened the Public Hearing.

Inge Schuler expressed her support of the comments regarding Westward. She mentioned that there are two schools on Westward, the junior college and the high school including a planned K-8 school. In regard to the I-10 Bypass road, she would like to see weight restrictions posted on City roadways and recommends insisting on a grade separation at Hargrave before the I-10 Bypass road is built.

Seeing no further comments, the Mayor closed the Public Hearing.

Motion Welch/Franklin to continue Resolution 2017-112 and Ordinance 1516 to City Council's regularly scheduled meeting on February 27, 2018. Motion carried, 5-0.

ITEMS FOR FUTURE AGENDAS

Council Member Peterson would like to rescind Resolutions 2009-92 and 2012-74 where the City supports the HERO program.

ADJOURNMENT

By common consent the meeting was adjourned at 6:15 P.M.

Minutes Prepared by:

A handwritten signature in blue ink, appearing to read 'S. De La Fuente', is written over a horizontal line.

Sonja De La Fuente, Deputy City Clerk

These Minutes reflect actions taken by the City Council. The entire discussion of this meeting can be found by visiting the following website: <https://banninglive.viebit.com/player.php?hash=vWlgFgM1BioP> or by requesting a CD or DVD at Banning City Hall located at 99 E. Ramsey Street.

EXHIBIT A

Donald E. Smith
55 N. 8th St
Banning, CA 92220
(951) 849-4521 FAX (951) 849-4244

RECEIVED

JAN 19 2018

Per *City Clerk's Office/eg*

January 19, 2018

Banning City Clerk
Banning City Council

Re: Resolution 2017-112 Traffic Study

Dear Mayor, Council and City Clerk:

I have reviewed the proposed resolution, traffic study and recommendation and support the recommendation to continue the matter. I support the recommendation because my first reaction to the report is: "You have to be joking."

The traffic study recommendation is to increase the speed limit on 17 of 44 sections of road. This is a recommendation to increase the speed limit on 38% of these roads. Why? Because people are currently speeding on them.

There are a few of these recommended increases on which I need to comment and voice my objection.

First, the report suggests increasing the speed limit on Westward Ave. between Sunset and San Geronio from 35 to 45 miles per hour. As you are aware, you have the ability to not set the speed at the 85 percentile if there are extenuating circumstance to justify a lower speed. There are 2 schools and one unbuilt school site on Westward. It is a residential neighborhood (no businesses) with on street parking. It is a street where people back out of their driveways onto the street. It is a street on which people ride their horses. It is the street on which the High School cross country team practices most days and children walk to school. It is simply a bad decision and would be unsafe to increase the speed limit on Westward. What the city should do is enforce the current speed limit.

Lincoln from 22nd to 8th Street is also a residential street without sidewalks were the residents park on the street, walk on the street and have to back their cars out of their driveways onto the street. Its width varies. Once again it is not a safe spot to increase speed limits

Wilson Street has had several accidents over the years and is also a residential street with residents parking in front of their houses and backing in to the street from Highland Home Road to Blanchard yet the report suggests increasing the

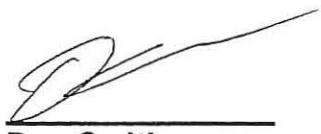
speed to 50 from Highland Springs to Highland Home and from Sunset to 16th. The speed limits on Wilson should remain as is with more enforcement.

Finally increasing the speed limit on Ramsey between 22nd and 8th where people are turning right and left into businesses and turning right and left out of the businesses' driveways would add to an already challenging traffic area.

There are probably justifications to deny many of the other increases as well but these are the increases that jumped off the page to me.

Thank you for your consideration of these issues. I will be out of town on 2/23 at the Fair but hope you find justification for not raising the speed limits in these areas.

Very Truly Yours

A handwritten signature in black ink, appearing to be 'Don Smith', written over a horizontal line.

Don Smith