

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

01/09/18
REGULAR MEETING

A regular meeting of the Banning City Council was called to order by Mayor Moyer on January 9, 2018, at 5:03 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
Mayor Moyer

COUNCIL MEMBERS ABSENT: Council Member Welch (excused)

OTHERS PRESENT: Alejandro Diaz, Interim City Manager
Kevin Ennis, City Attorney
Rochelle Clayton, Deputy City Manager
Stephen Badgett, Interim Electric Utility Director
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 Police Chaplain Merle Malland. Mayor Moyer led the audience in the Pledge of Allegiance to the Flag.

REPORT ON CLOSED SESSION

City Attorney Ennis indicated there were three items on the Closed Session Agenda, which include the following: City Attorney Kevin Ennis listed the items on the closed session agenda, which included: 1) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Potential initiation of litigation pursuant to paragraph (4) of subdivision (d) Government Code Section 54956.9: One case. Direction was provided to the City Attorney. 2) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to paragraph (2) subdivision of (d) Government Code Section 54956.9: Two cases. Direction was provided. 3) CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) Government Code Section 54956.9: One case. A status report was provided and there was no reportable action taken. 4) CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6 Agency designated representative: Deputy City Manager Rochelle

Clayton. Employee Organizations: Banning Police Officers Association (BPOA). A status report was provided and there was no reportable action taken. 5) CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Section 54956.9) Robertson's Ready Mix, LTD v. City of Banning, et al., Riverside County Superior Court Case No. RIC 1409037, RIC 1409829, RIC 1500296, RIC 1513475. An update was provided to the Council and no reportable action was taken. 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 and there was no reportable action taken. 7) CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION Potential initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: One case. A status report was provided and there was no reportable action taken. 8) PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT - Public employment pursuant to Government Code Section 54957. Title: City Manager. A report was provided in regard to the steps taken in connection with that process and no reportable action was taken.

PRESENTATIONS

1. Riverside County Fair & National Date Festival Queen & Court

Don Smith, our District Representative on the Date Festival Board, introduced the Riverside County Fair & National Date Festival Queen and Court. Queen Scheherazade: Keanna Garcia, Princess Dunyazade: Sianna Gonzalez, and Princess Jasmine: Caedwyn Lethlean. The Queen and her Court informed the Council and public of general information and featured attractions for the 2018 Riverside County Fair and National Date Festival February 16-25, 2018 (see Exhibit "A").

2. Introduction of New Employees

Interim City Manager Alex Diaz introduced new and promoted employees (see Exhibit "B").

PUBLIC COMMENTS / CORRESPONDENCE / ANNOUNCEMENTS & REPORTS

PUBLIC COMMENTS

John Hagan read a prepared statement regarding the I-10 Bypass (see Exhibit "C").

Ellen Carr spoke on behalf of Tender Loving Critters, and informed the Council and public that the Animal Action League will be in Banning on January 16th and 17th at Repplier Park between the Aquatic Center and the Skate Park. There is no appointment required for shots or microchips. There are no appointments available for spay/neuter, but appointments for February can be made by calling (760) 366-1100. She also informed the Council that Tender Loving Critters rescued approximately 70 cats, dogs, kittens and puppies last year and 90% of those rescues have been adopted out (spayed/neutered,

microchipped, de-wormed, and current on shots). She is regularly at PetsMart in Palm Desert, but is happy to bring pets to people that see them on Facebook. She is pleased that this not only saves the City money, but it saves the citizens money as they do not charge to take in the animals and only accept donations if offered.

Seeing no further comments, Mayor Moyer closed public comment.

CORRESPONDENCE

There was no correspondence received.

ANNOUNCEMENTS & REPORTS

Council Member Franklin

- The Annual Point in Time Count for the homeless is on Tuesday, January 23rd. Anyone interested in helping, there will be a training Meeting on Thursday, January 18th at 5:30 p.m. at the Police Department.
- Attended the WRCOG Meeting on January 8th. The Fellowship Program was approved again.
- Attended the League of California Cities Dinner on January 8th, along with Council Member Andrade and Mayor Moyer. There was a presentation regarding the new observatory that is being built in Rancho Mirage.
- I-10 Bypass project has been in the works since around 2005 and there have been multiple presentations held. She will take a copy of Mr. Hagan's letter to her next meeting at RCTC so the Board can take it into consideration. The project is currently in environmental review.

Council Member Andrade

- Has not attended any meetings this past month.

Mayor Moyer

- Did not attend any committee meetings this past month.
- Advised the public that there will be a meeting regarding the I-10 Bypass where everyone may attend and make their feelings heard. It will be held on January 25th from 5:00 p.m. until 7:00 p.m. at Banning High School in the Multipurpose Room. This is not a City project, rather a County project.

Council Member Peterson

- Has attended I-10 Bypass meetings in the past and asked about the City's cost. He has not received a definitive answer, but there will be some burden to the City in regard to policing the area.

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.

APPOINTMENTS

1. Committee Assignments

Mayor Moyer announced that all Committee assignments will remain the same as they were in 2017 (see Exhibit "D").

City Attorney Ennis announced that there is a requirement by the Fair Political Practices Commission (FPPC) that the City will post a form on the City's website disclosing the appointments and the stipends associated with them.

CONSENT ITEMS

1. Minutes – Special Meeting – 12/12/17 (Closed Session)

Recommendation: Approve the Minutes from the December 12, 2017 Special Meeting of the Banning City Council (Closed Session)

2. Minutes – Regular Meeting – 12/12/17

Recommendation: Approve the Minutes from the December 12, 2017 Regular Meeting of the Banning City Council

3. List of Contracts Signed Under the City Manager's Signature Authority

Recommendation: Receive and File

4. Ordinance 1519 – 2nd Reading

Recommendation: Adopt Ordinance 1519 Reauthorizing the City's Public, Educational, and Governmental Access Support Fee.

5. Resolution 2018-05 Formally Accepting Ownership of a Lot Offered for Dedication to the City (Assessor's Parcel Number 537-211-010) and Located at 3900 West Wilson Street.

Recommendation: Adopt Resolution 2018-05

6. Resolution 2018-03 Establishing a Vendor List and Blanket Purchase Orders for the Purchase of Auto and Equipment Parts in a Not to Exceed Amount of \$60,000 Annually

Recommendation: Adopt Resolution 2018-03

7. Accounts Payable and Payroll Warrants (November 2017)

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

8. Resolution 2017-101 Including Sections One through Seven in the Maximum Compensation and Benefits in City Executive Department Director Employment Contracts.

Recommendation: Adopt Resolution 2017-101

9. Impact of Parks Maintenance Division Transfer to the Community Services Department from the Public Works Department

Recommendation: Receive and File

10. Resolution 2018-11 Authorizing the Purchase of One 2017 Starcraft Allstar Bus from Creative Bus Sales, Utilizing the California Association for Coordinated Transportation (CalACT) Competitive Bid Award for a Total of \$102,17.96

Recommendation: Adopt Resolution 2018-11

Mayor Moyer opened the consent items for public comment.

Paul Perkins expressed concerns and shared suggestions related to come of the consent items (see Exhibit "E").

Don Smith provided some background on the Parks division in regard to the cutbacks made during the recession. He applauded moving the Park employees back under Community Services so the Parks and Recreation divisions can work hand in hand.

Jim Price expressed concern regarding the purchase of such an expensive bus.

Mayor Moyer explained that a bus was in an accident and needed to be replaced and the cost will be reimbursed by the insurance company.

Seeing no further comments, the Mayor closed public comment.

Motion Franklin/Andrade to approve Consent Items 1 through 10. Motion carried, 4-0, with Council Member Welch Absent.

Mayor Moyer asked that the Minutes from the December 12, 2017, Regular Meeting (Item 2 of the Consent Calendar) reflect the correct date in the first paragraph. The Deputy City Clerk confirmed the correction will be made.

REPORTS OF OFFICERS

1. Resolution 2018-06, Approving a Legal Representation Agreement with the Law Offices of Ferguson, Praet & Sherman, A.P.C. for Pitchess Motions and Legal Advice on Incidents Involving the Use of Force

Interim City Manager/Police Chief Alex Diaz presented the Staff Report as contained in the Agenda packet.

Council Member Andrade asked why we would not use our new law firm for this service.

Council Member Franklin asked if there would be a conflict of interest with our City Attorney handling these because they involve actions against City employees.

City Attorney Ennis confirmed there would not be.

Council Member Peterson stated that Ferguson, Praet & Sherman has been the department's attorney regarding Pitchess Motions and Use of Force for 10-12 years and feels the Council should accept the Chief's recommendation in regard to this.

Council Member Andrade feels the City should consider other firms.

Mayor Moyer asked why the contract ran out in June and is just now coming forward for approval. The Chief will ask the Captain and get back to the Mayor.

Chief Diaz explained that this firm does not require a retainer and the City only pays when the firm is needed.

The Mayor opened the item for public comment.

Don Smith explained that being an attorney does not mean you have an expertise in all areas of the law. He does not have an objection to issuing a Request for Proposals, but would like the City to be sure that whoever is chosen knows what they are doing and we are not training them.

Paul Perkins would like clarification on what a Pitchess Motion is.

Chief Diaz provided an example, whereas a defendant may be facing a third strike and they make a motion to review the officer's personnel file for any discrepancies. Those are currently defended by Ferguson Praet and these hearings go before a Superior Court Judge.

Seeing no further comments, the Mayor closed public comment.

Motion Franklin/Peterson to adopt Resolution 2018-06; 1) Approving a Legal Representation Services Agreement with the Law Offices of Ferguson, Praet &

Sherman, A.P.C., a professional corporation in an amount not to exceed \$8,000 for the remainder of Fiscal Year 2017/18 and in an amount not to exceed \$16000 for Fiscal Year 2018/19 with the option to renew for one additional single year period. 2) Authorizing the City Manager to execute the Legal Representation Services Agreement with the Law Offices of Ferguson, Praet & Sherman, A.P.C. Motion carried, 3-1, with Council Member Andrade voting against and Council Member Welch absent.

Mayor Moyer moved Item 5 under Reports of Officers up to be considered before Item 2 under Reports of Officers.

5. Recommendation from Cannabis Ad-Hoc Committee to Amend the Municipal Code to Allow, Regulate, and Zone for Indoor Commercial Cultivation of Cannabis and to Prepare a Ballot Measure to Impose a Municipal Tax on Such Activity.

Community Development Director Nevins presented the Staff Report as contained in the Agenda packet.

Council Member Peterson explained that the Cannabis Ad Hoc Committee thought the City Council would be able to pass a tax and implement an ordinance right away. However, under advice of the City Attorney there needs to be a Proposition 218 process put before the voters and that the City cannot charge a fee. Therefore a tax measure will need to go before the voters at the time of a City Council Member election, which would take it to November 2018. He reminded the public that this will be up to the voters.

Council Member Franklin asked if the City will be able to charge a fee for the administration of Permits and regulation of Permits. Director Nevins advised that the City may charge a fee directly related to administering the requirements. City Attorney Ennis explained there may be an application fee that covers the City staffing and a fee for the regulatory cost, which a portion of could be used for enforcement. However, the City would need to have a good analysis related to the typical generation of police calls and cost to enforce a code related to commercial cultivation, then come up with a regulatory fee. What cannot be justified in the regulatory fee or application fee would then be included in the tax.

Council Member Andrade announced that she is in support of dispensaries and cultivation.

The Mayor opened the item for public comment.

Lanny Swerdlow expressed concern about the City's personal cultivation ordinance. He feels greenhouses should be permitted with transparent walls, because if they are not it is forcing people to use dangerous and expensive lighting. He said that while adult use of marijuana is limited to six plants, the medical marijuana use is not. He feels the City's ordinance should be changed to reflect that it doesn't apply to medical marijuana patients.

He referenced a case challenging the City of Fontana's ordinance. He listed items in the City of Banning's ordinance he felt to be unreasonable.

Don Smith praised the City Attorney. He feels the only reason the City should allow this is if it makes Banning better. He does not feel there should be a tax if it does not bring a profit. He cautioned the City to be careful in whatever it does, as he wouldn't want the DEA and Department of Justice after Banning. He feels the City does need more revenue, and this is a reasonable way to do that. But, would like it to be adequate.

Seeing no further comments, the Mayor closed public comment.

Mayor Moyer informed the public that it will require a 2/3 vote by the City Council when they vote to place the item to be placed on the ballot.

Council Member Peterson encouraged everyone to look at the City of Desert Hot Spring's website and look at their fee structure. He also asked that the City Attorney look into the suggestions made under public comment.

Motion Andrade/Peterson to direct staff to prepare Municipal Code amendments to allow, regulate, and zone for indoor commercial cannabis cultivation to prepare a ballot measure to impose a municipal tax on such activity. Motion carried 4-0, with Council Member Welch absent.

2. Reclassification of the Administrative Sergeant Position to Administrative Lieutenant, the Addition of Two Code Enforcement Officers, and the Creation of a Police Cadet Program

Interim City Manager/Police Chief Alex Diaz presented the Staff Report as contained in the Agenda packet.

Council Member Andrade is concerned with the timing of this request and feels it should be discussed at a later date. She expressed her support of the Cadet Program only at this time.

Chief Diaz explained that Department needs the positions as it is, and come November, should the Cannabis Ordinance be approved by the voters the positions need to be filled by then.

Council Member Peterson is in support of the program moving forward, as there are already issues in town with illegal dispensaries, etc. He doesn't feel now is the time to cut back, it is the time to train, implement, and get ready.

Council Member Franklin wholeheartedly supports having more officers and Code Enforcement, and giving the young people in town a viable opportunity with the Cadet Program in their community.

Chief Diaz informed the Council that with the additional Code Enforcement Officers there would be coverage on the weekends.

Mayor Moyer reminded the public that this would accomplish one of the goals and priorities of this City Council.

The Mayor opened the item for public comment.

Don Smith reminded everyone that 10 years ago there were six Code Enforcement Officers and we currently only have two. He feels the two additional Code Enforcement Officers are needed. He asked that Hathaway be moved to the top of the street improvement list.

Jerry Westholder expressed his support of the Chief's recommendations and would like to see the Robertson's money put toward the additional staff. He feels the best way to get police officers is through a cadet program.

Seeing no further comments, the Mayor closed public comment.

Motion Franklin/Peterson to approve the reclassification of the Administrative Sergeant position to Administrative Lieutenant, the addition of two Code Enforcement Officers, and the creation of a Police Cadet Program. Motion carried, 4-0, with Council Member Welch absent.

3. Resolution 2018-09, Approving the Allocation of the Voter Approved Mining Tax Revenue and Other Revenue Received from Robertson's Ready Mix, Ltd.

Deputy City Manager Rochelle Clayton presented the Staff Report as contained in the Agenda packet.

Council Member Franklin asked about the 10% in the General Fund being held in a reserve account and not spending it. Manager Clayton explained that it is currently designated in reserve for administration as unallocated. Council Member Franklin would like it to be held in reserves and not committing it. Council Member Moyer suggested bringing that item to the Finance Committee for their review and recommendation.

The Mayor opened the item for public comment.

Jerry Westholder asked for clarification regarding Measure J and what the money is to be used for, as he believes it was to go toward law enforcement.

Council Member Peterson explained that it was not a special tax, it was a general tax. However, the City Council and Budget & Finance Committee has broken it down to be distributed to law enforcement and parks.

Ellen Carr expressed her concern with the citizens voting for an \$0.80 tax and it came down to \$0.25 and feels it needs to be revisited.

Council Member Peterson explained that City Staff and Council revisited the \$0.80 and the reason it was reduced was because of some litigation and the City being potentially liable and continued litigation may have ended up costing the City a lot of money. Therefore, the City renegotiated the contract and Robertson's waived some fees in lieu of the City lowering the tax. Mayor Moyer added that there were some other clauses in the contract and that the Measure stated "up to \$0.80 per ton" and not \$0.80 per ton.

Paul Perkins expressed concern with spending the money on all of the recommendations. He suggested being careful with spending and not getting comfortable.

Seeing no further comments, the Mayor closed public comment.

Motion Franklin/Peterson to adopt Resolution 2018-09; approving the allocation of the voter approved Mining Tax revenue and other revenue received from Robertson's Ready Mix, Ltd. As indicated in the Memorandum of Understanding between Robertson's Ready Mix and the City of Banning, adopted on September 9, 2016. Motion carried, 4-0, with Council Member Welch absent.

4. Recommendation from the Planning Commission to Consider Adding a Highland Home Road/I-10 Interchange to the City's General Plan Circulation Element During the Next General Plan Update

Community Development Director Nevins presented the Staff Report as contained in the Agenda packet.

Council Member Peterson recalled that in 2013 Council was advised that the project had been to Caltrans and they rejected it. Director Nevins found that in the staff report at the time the rationale given was cost and environmental reasons with some discussing related to Caltrans and County requirements. Council Member Peterson asked Public Works Director Vela for his recollection. Director Vela recalled some issues with Caltrans regarding the distance from Highland Springs. However, he was surprised to see that both the overpass and the interchange were removed from the General Plan. Council Member Peterson and Mayor Moyer expressed concern with City staff spending time on a project that Caltrans does not support. Council Member Franklin recalled that during the City asking Caltrans if they would be able to move forward on an interchange without Caltrans and they said "no, but it is up to the city to decide whether or not they wanted it." Also, it is her understanding that now the Federal Highways Commission has to weigh in. She suggested not taking too much time, but when meeting with Caltrans maybe just ask what the current requirements, if it's even feasible, then report back. The Mayor opened the item for public comment.

Don Smith recalls this interchange being much more expensive than the other one on the City's wish list. He believes it was part of the original agreement with Pardee to pay a

large share of the intersection during the development of their project. Currently, their project has all traffic coming down Highland Springs. He is concerned with the level of traffic their project will bring to an already congested Highland Springs with Highland Home out of their plan.

Mayor Moyer shared that in 2013 the estimate for the project was \$60-\$69 million.

Jerry Westholder doesn't see how the City can get by without another interchange in the City, as Highland Springs is out of control. He provided some history to the traffic in Banning and suggested taking a serious look at our current situation. He would like to know why Caltrans is redoing all of the interchanges in the desert cities and toward Fontana and not this area.

Seeing no further comments, the Mayor closed public comment.

Council Member Franklin recommends considering the project after having conversations with Caltrans about what our reasonable expectation is and what we can feasibly do without spending a lot of money, then staff can report back.

Director Nevins will bring back high level, fatal flaw type information to provide Council with the challenges the City may or may not expect. Staff will add to the list of future items.

Motion Franklin/Peterson to continue this item to a future meeting. Motion carried, 4-0, with Council Member Welch absent.

6. Resolution 2018-12, Approving an Agreement with Service Scape of Alta Loma, California, in an Amount Not to Exceed \$39,270 for the Remainder of the Fiscal Year 2017/2018 With the Option for Annual Renewals for Up to Three Additional Year Periods

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

Mayor Moyer asked if the new fields at Lions Park were included in this. Director Vela explained that they would be added to then contract after they are built.

Council Member Franklin asked if the \$10,000 would only be used if incurred. Director Vela confirmed that items charged against that would be pre-approved by staff.

The Mayor opened the item for public comment. Seeing none, closed public comment.

Motion Andrade/Peterson to adopt Resolution 2018-12; approving the Agreement with Service Scape of Alta Loma, California in an amount not to exceed \$39,270 for the remainder of Fiscal Year 2017/2018 with the option for annual renewals for up to three additional single year periods. Motion carried, 4-0, with Council Member Welch absent.

7. Resolution 2018-04, Approving an Agreement for Electrical Substation Equipment Maintenance Testing

Interim Electric Utility Director Stephen Badgett provided the Staff Report as contained in the Agenda packet.

Mayor Moyer asked what the City was paying Riverside for this service. Director Badgett explained time and material is what was paid to Riverside, and this will be better for the City. Mayor Moyer asked if this is in the budget. Director Badgett explained it will be added and included as a line item in future budgets. Mayor Moyer asked how often maintenance is required and if the City is in compliance. Director Badgett explained the City is in compliance and maintenance will be done as needed. However, because it hasn't been done in three years, it needs to be done now.

Council Member Franklin asked for an explanation on maintenance being done on laptops. Director Badgett explained that the technician/engineer will utilize the laptop to plug into the equipment and run diagnostics to determine work needed. Council Member Franklin asked if there are malfunctioning parts, how it would be taken care of. Director Badgett informed the council that there is an existing maintenance budget to cover those costs.

The Mayor opened the item for public comment. Seeing none, closed public comment.

Motion Franklin/Andrade to adopt Resolution 2018-04, approving the Agreement for Maintenance Services for RFP 17-020 Electrical Substation Equipment Maintenance Testing between the City of Banning and Electrical Powers Systems, Inc. with a contract sum not to exceed \$150,535 and a contract term of three years. Motion carried, 4-0, with Council Member Welch absent.

PUBLIC HEARING

1. Resolution 2018-10, Vacating 25 Feet of Public Right-of-Way Fronting 1233 East Ramsey Street and Approving the Conveyance of the Land to the Abutting Property Owner

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

Council Member Andrade questioned giving the City's land to the property owner. Director Vela explained that the parcel is not needed by the City.

Council Member Franklin asked if this is considered a gift of public funds. City Attorney Ennis clarified that if there is a public purpose served by the conveyance, meaning it will facilitate greater economic development on the property or utilization of the property for an economic purpose then it would not be a gift of public funds.

Director Vela explained that the City placed a condition on this property and the applicant is required to meet the condition of taking the land and is not sure about requiring the applicant to pay for the land the City is requiring they accept. City Attorney Ennis confirmed the City apparently has determined it would be in the best interest of the City for the applicant to accept the property. Council Member Peterson explained that it is not uncommon for the City to do something like this.

Mayor Moyer asked if this 25 feet scenario is specific to this lot or if the other properties along Ramsey have the same situation or if this is unique to this lot. Director Vela clarified that they do not and that this 25 feet was originally obtained for road purposes, but is not certain about how it was acquired. The vacation of this right-of-way will bring this property in line with the neighboring property owners.

The Mayor opened the Public Hearing.

Don Smith feels it is only the fair thing to do to give the property back to the property owner since it was taken by the City previously for road purposes and it is not needed any longer.

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

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

Motion Peterson/Franklin to adopt Resolution 2018-10, vacating 25 feet of public right-of-way fronting 1233 E. Ramsey Street and approving the conveyance of the land to the abutting property owner. Motion carried, 3-0-1, with Council Member Andrade abstaining and Council Member Welch absent.

The Mayor recessed the Regular City Council Meeting and called to order a scheduled meeting of the Banning Utility Authority.

BOARD MEMBERS PRESENT: Board Member Andrade
Board Member Franklin
Board Member Peterson
Chairman Moyer

BOARD MEMBERS ABSENT: Board Member Welch

CONSENT ITEMS

1. Accept Project 2017-02W – Tank Inspections and Cleaning as Complete, Authorize the City Manager to Sign, and Direct the City Clerk to Record the Notice of Completion

The Mayor opened the item for public comment. Seeing none, closed public comment.

Motion Franklin/Peterson to approve Consent Item 1. Motion carried, 4-0, with Board Member Welch absent.

The Mayor adjourned the scheduled Meeting of the Banning Utility Authority and reconvened the regular City Council Meeting.

ITEMS FOR FUTURE AGENDAS

None

ADJOURNMENT

By common consent the meeting was adjourned 7:20 P.M.

Minutes Prepared by:

A handwritten signature in blue ink, appearing to read 'Sonja', 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=JzQ8A5b38kFM> or by requesting a CD or DVD at Banning City Hall located at 99 E. Ramsey Street.

EXHIBIT A

EXHIBIT "A"



CHASE RICE

Saturday, February 17 at 7:30pm



LOU GRAMM

FOUNDING MEMBER OF FOREIGNER

WITH **FOGHAT**

Saturday, February 24 at 7:00pm



at the Fantasy Springs

CONCERT PAVILION



82-503 HWY 111, INDIO



TEN DAYS OF

FAMILY FUN

FEBRUARY 16 - 25, 2018

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RIVERSIDE
COUNTY

Fair

& National Date Festival

Presented by
FANTASY SPRINGS
RESORT CASINO



FRIDAY-MONDAY: 10AM-10PM
TUESDAY-THURSDAY: NOON-10PM
CARNIVAL OPEN TILL MIDNIGHT ON WEEKENDS

82-503 HWY 111, INDIO

FEBRUARY 16-25, 2018

CAMEL & OSTRICH RACES | MONSTER TRUCKS
DEMOLITION DERBY | PROFESSIONAL BULL RIDING | HYPNOTIST SHOWS
MARVELOUS MUTTS | NIGHTLY MUSICAL PAGEANT
SCOTT'S WORLD OF MAGIC SHOW
RAINFORREST EXHIBIT | COOKING WITH DATES

Friday, February 16 at 7:30pm

WAR



Sunday, February 18 at 7:30pm

LOS RIELEROS DEL NORTE



Sunday, February 25 at 3:00pm

SUPER FIESTA LOS TEQUILEROS DE RAMON JIMENEZ BANDA PACHUCO — CARMEN JARA



The

STARS SHINE

GENERAL INFORMATION

FRIDAY - MONDAY: 10AM - 10PM
TUESDAY - THURSDAY: NOON - 10PM
CARNIVAL OPEN UNTIL MIDNIGHT ON WEEKENDS

Adult (13-54) \$11
 Senior (55+) \$10
 Youth (6-12) \$9
 Children (5 & under) Free
 Season Pass \$30
 Unlimited Carnival Rides
 Tuesday - Thursday \$25
 Friday - Monday \$28
 Preferred & RV Parking \$15 Per Day
 General Parking \$10 Per Day

FREE WITH ADMISSION

Camel & Ostrich Races
 Monster Trucks
 Demolition Derby
 Professional Bull Riding
 Hypnotist Shows
 Marvelous Mutts Show
 Nightly Musical Pageant
 Scott's World of Magic Show
 Rainforest Exhibit
 Cooking with Dates

CALENDAR OF EVENTS

FRIDAY, FEBRUARY 16
 Opening Day Ceremony
 & Blessing of the Dates 9:30 am
 WAR 7:30 pm

SATURDAY, FEBRUARY 17
 Amateur Date Recipe Contest 1:30 pm
 Humpz & Hornz Bull Riding 5:00 pm
 Chase Rice 7:30 pm

SUNDAY, FEBRUARY 18
 WGAS Monster Trucks Junior Outlaw
 Sprints & Mini Dwarfs Racing 3:00 pm
 Los Rieleros Del Norte 7:30 pm

MONDAY, FEBRUARY 19
 Presidents' Day Parade 9:00 am
 Monster Trucks & Free Style Moto X 3:00 pm

TUESDAY, FEBRUARY 20
 Smooth Sounds of Santana 4:00 pm

WEDNESDAY, FEBRUARY 21
 Flash Back Boyz Band 4:00 pm

THURSDAY, FEBRUARY 22
 Andy Dimino's Toast to Dean Martin 4:00 pm
 Lads & Lassies 5:00 pm
 Veterans' Appreciation Day Ceremony 5:30 pm

FRIDAY, FEBRUARY 23
 WGAS Motorsports Pit Party & FREE
 Monster Truck Rides 6:00 pm
 Monster Trucks, Free Style MotoX
 & Quad Wars 7:30 pm

SATURDAY, FEBRUARY 24
 Livestock Auction 10:00 am
 Lou Gramm, founding member of Foreigner,
 with Foghat 7:00 pm

SUNDAY, FEBRUARY 25
 Super Fiesta - Los Tequileros de Ramon Jimenez,
 Banda Pachuco, Carmen Jara 3:00 pm
 WGAS Motorsports Demolition Derby 6:00 pm

THERE'S SOMETHING FOR EVERYONE AT THE FAIR

CAMEL & OSTRICH RACES
 February 16, 20-22 3:00 pm
 February 17-19, 23, 24 11:00 am
 February 25 12:00 pm

COOKING WITH DATES
 Taj Mahal Building Daily 1:30 pm
 (February 17 is the Amateur Date Recipe Contest)

ADDITIONAL INFORMATION

PARKING
 There is ample parking at the Fair for automobiles, buses and RVs.

LODGING AND RESTAURANTS
 Enjoy the many attractions in the Palm Springs/Coachella Valley area on your visit. Numerous lodging and dining options are available throughout the Valley.

FOR BUS AND GROUP DISCOUNTS (25 PEOPLE OR MORE)
 All bus tour members will receive a complimentary goodie bag.

For more information, please call **800.811.3247**



SPECIAL DAYS

Veterans plus three guests are admitted free everyday (I.D. required)

FANTASY \$5 FRIDAY - OPENING FRIDAY, FEBRUARY 16



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FANTASY SPRINGS
 RESORT CASINO

KWIR DAY - TUESDAY, FEBRUARY 20

Say the phrase that saves for a discounted \$6 admission
 Watch **KMIR 3** News for more info

KIDS' DAY - TUESDAY THROUGH THURSDAY
 3:00 pm to close - One child free per paid adult

RIVERSIDE COUNTY DEPARTMENT OF WASTE RESOURCES - WEDNESDAY, FEBRUARY 21
 Bring in small used e-waste (electronic devices) for recycling. Get into the Fair for FREE! Acceptable items are listed at DateFest.org



VETERANS' APPRECIATION DAY THURSDAY, FEBRUARY 22

Special presentation on the Pageant Stage at 5:30 pm

ATTRACTIONS

Artists in Action in the Queen's Gallery
 Livestock Barn Nursery
 Petting Zoo | Camel Rides
 Model Railroad in the Crafts & Hobbies Building



EXHIBIT B

Exhibit "B"

City of Banning
New Employees/Promotions

VINCENT AVILA	POLICE LIEUTENANT (Promoted from Sergeant)
STEPHEN BADGETT	INTERIM ELECTRIC UTILITY DIR
MEAGHAN BARAJAS	UTILITY BILLING REPRESENTATIVE
JONATHAN DAVIS	MULTIMEDIA SPECIALIST
JULIETA DE ANDA	POLICE OFFICER
LOUIS HOMAN	INFORMATION TECH ANALYST I
ROBERT MATEAU	HUMAN RESOURCES/RISK MANAGER
SONIA PIERCE	SENIOR PLANNER
DAVID ROBLEE	INFORMATION TECH ANALYST I
CHRISTOPHER SAYESKI	POLICE OFFICER
JACOB STEWART	UTILITY BILLING REPRESENTATIVE
ALLEN THRON	FIELD SERVICE REPRESENTATIVE
JORGE URIBE	BUYER
DABRAYAH WASHINGTON	BUS DRIVER (Promoted from PT)

EXHIBIT C

Exhibit "C"

COMMITTEE ASSIGNMENTS FOR - 2018

CITY COUNCIL CITY OF BANNING

NAME OF COMMITTEE	DAY & TIME OF MEETING	ASSIGNMENT	ALTERNATE	STAFF MEMBER
Western Riverside Council of Governments (WRCOG) <i>(receive stipend) (\$150.00)</i>	1 st Monday of each month.	Franklin	Moyer	City Manager
Riverside Transit Agency (RTA) <i>(receive stipend) (\$150.00)</i> <i>(plus round-trip mileage)</i>	4 th Thurs. of each month – 2:00 p.m. (Dark-August) (Nov. & Dec. 3 rd . Thursday)	Welch	Moyer	Heidi Meraz, Community Services Director
Riverside County Transportation Commission (RCTC) <i>(receive stipend) (\$100.00)</i>	2 nd Wednesday of each month - 10:00 a.m.	Franklin	Welch	Art Vela, Public Works Director and Heidi Meraz, Community Services Director
Pass Area Transportation NOW Committee	1 st Friday of each month at Noon	Welch	Moyer	Heidi Meraz, Community Services Director
Regional Conservation Authority (RCA) <i>(receive stipend) (\$100.00 plus mileage)</i>	1 st Monday of each month.	Andrade	Moyer	Staff: Patty Nevins, Community Development Director

GOVERNMENT ACCESS CHANNEL COMMITTEE <i>(as needed)</i>	PUBLIC UTILITY ADVISORY COMMITTEE FOR CITY OF BANNING (4/25/06) <i>(as needed)</i>	OVERSIGHT BOARD to Successor Agency of Dissolved CRA <i>(as needed)</i>	PUBLIC WORKS ADVISORY COMMITTEE 1/12/16 (Reso. 2016-07) <i>(as needed)</i>	COMMUNITY ADVISORY COMMITTEE
Peterson Welch Staff: Public Information Officer	Moyer Welch Staff: Art Vela, Public Works Director	Welch, Appt. Franklin, Alt. Staff: Patty Nevins, Community Development Director	Peterson Moyer Staff: Art Vela, Public Works Director	Moyer Andrade Staff: City Manager

Assignments - 2018 (Continued)

TUMF ZONE COMMITTEE	LEAGUE OF CALIF. CITIES – Contact and Executive Board Representative	LEAGUE OF CALIFORNIA CITIES (External Group)	SAN GORGONIO PASS WATER AGENCY (External Group)	COMMUNITY ACTION AGENCY (External Group) <i>3rd Thurs. of each month at 7:00 p.m.</i>
Franklin Peterson, Alt.	Moyer (Mayor)	City Council	Franklin Moyer, Alt. Staff: Art Vela, Public Works Director	Moyer Andrade, Alt.

2 x 2 COUNCIL WORKING GROUPS

Groups meet as needed.

BANNING UNIFIED SCHOOL DIST.	MORONGO BAND OF MISSION INDIANS	MT. SAN JACINTO COLLEGE	INTER-GOVERNMENTAL – LOBBYING <i>(Reso. 2012-89)</i>	
Moyer Franklin Staff: City Manager	Moyer Welch Staff: City Manager	Peterson Andrade Staff: City Manager	Moyer Franklin Staff: City Manager	

SAN GORGONIO MEMORIAL HOSPITAL	AD HOC BUDGET & FINANCE	AD HOC ECONOMIC DEVELOPMENT COMMITTEE	CITY OF BEAUMONT	HEALTHY LIVING CITY
Andrade Welch Staff: City Manager	Moyer Peterson McQuown Staff: Deputy City Manager, Clayton	Welch Peterson Staff: Ted Shove	Moyer Franklin Staff: City Manager	Franklin Andrade Staff: Heidi Meraz, Community Services Director

DOWNTOWN VISIONING AD HOC	CANNABIS AD HOC	ANIMAL SERVICES AD HOC		
Andrade Franklin Staff: Community Development Director Nevins	Peterson Welch Staff: Community Development Director Nevins and Sgt. Fisher	Moyer Franklin Staff: Sgt. Fisher		

EXHIBIT D

Exhibit "D"

Rec'd 1-9-2018 (84)

Letter to Banning City Council,

January 6, 2018

I received a letter Jan 4, 2018, from the Riverside Dept. of Transportation, about a public hearing for the I-10 bypass between Banning and Cabazon which raised some concerns. It's great to have public hearings on projects but it would have been nice to have some input before the snowball is halfway down the hill and the avalanche has already started and no way to stop it.

Letter breakdown, "What is being planned" Being implies that your prepared to make changes and that my input would matter. It appears that BEEN planned would be more appropriate, considering the money already spent on environmental impact study and the money diverted from the airport improvements to improve Lincoln and Hathaway. It appears to me that this has been planned, and you were aware of the plan long ago.

The letter touts 2 paved lanes, 2 bridges, a median, drainage, shared pathway, and sidewalks. The reason states local trip access on local roadway and an alternate route in case of an I-10 closure. Well we all know that the I-10 verbiage is only for the grant funds approval, if some catastrophic event such as an earthquake close I-10 the same event would no doubt close this alt route also. If a major traffic accident temporarily closed it, simple reroute lane and directional dividers would be used.

The letter conveniently omits that the traffic from the local cement plant/rock quarry will be outrageous. All these commercial trucks will be using this route to avoid the scales on I-10, hence leaving our residential streets in shambles after a couple of years. Maybe that is what is meant by "shared" pathway.

Sidewalks, The only reason you would put a sidewalk in the middle of nowhere would be to accommodate future development in that area which must be already planned and your waiting for that snowball to get a little bigger before you spring it on the public. It's not like the Cabazon residents are going to stroll into Banning markets and walk back home. I have heard some speculation of selling off the airport for development but obviously you have not cleared that through the FAA because they have no plans to close the airport as it is deemed crucial for the area. Drainage I assume will be run off into the creek or river bed, or is sewer planned for the future development at the public's added expense.

Traffic, unless you are talking about a grade separation with traffic lights, an over or underpass for the railroad on Hargrave, and upgraded on and off ramps for I-10, you are looking at a nightmare. Without that, traffic will be unbearable. Right now if you catch it right, with an eastbound and westbound trains you could wait up to 25 mins, or reroute to 8th which will eventually destroy Lincoln and the surrounding residential streets as regular traffic will seek new routes to avoid the wait.

It seems to me a better route would be to punch Ramsey through to the outlets on the north side which would eliminate the cost of the train over or underpass. It appears to me that the proposed route is a ploy to put in an alternate route for the cement plant at the public's expense. Ramsey is already a commercial area and it would not create an undue hardship on the residential area south of I-10.

In my 30 years in law enforcement I have found that when a project is present like this one and in this manor, where some minor benefit to the city is presented as pie in the sky and a special interest group is the real benefactor, there are some kick backs being made to someone. It will be interesting to find out what the cement plant is kicking down and to whom.

I have only been a resident of this community for about 18 months and am deeply concerned about the way the city has operated in the past and this project appears to be Dejavu. I have to keep asking myself why there are so many homes for sale around here and I keep coming to the same conclusion they are afraid of what this city will do to them next.

I think a better use of this money would be to punch Lincoln through to Highland Springs, which is a nightmare already and only going to get worse as they develop more. Oh, I forgot, you already diverted those funds for the Sunset upgrade.

John M. Hagen
956 Driftwood Circle
Banning Ca 92220

EXHIBIT E

Exhibit "E"

Rec'd 1-8-2018 (8)

City Council Meeting 01-09-2018

Paul Perkins

Mining Tax Revenue Allocation - Resolution 2018-09

Page 210 States we have Received = \$979,273

FY 2015 = \$439,795

Fy2016 = \$464,013

Fy2017 = \$75,465

40% to Public Safety = \$391,709

30% to Parks Capital Improvement Projects (CIP) = \$293,782

20% to Streets = \$195,854

10% to General Fund = \$97,927

FY 2017 Estimated \$451000 for = Public Safety \$180000, Parks \$135000, \$902, \$45000

Parks + Streets + General = \$360000 distribution

Change from Vote

\$0.80 to \$0.25 per ton

Possible ready-mix plant construction for sales tax of each yard sold

Cash rebate of \$0.15 per yard for cement poured within the city

\$125k annually if goals are not met is a Revenue supplement

States pages 210-210

"and the split will be applied to all future revenues received"

Page 216 - Attorney states tax can be used "and other services that benefit the City's residents"

EXHIBIT F

Exhibit "F"

City Council Meeting 01-09-2018

Rec'd 1-9-2018 (SB)

Paul Perkins

Transfer of Parks Maintenance Div to Community Services Department from the Public Works Department. Page 143 and item 9, 6

Problems associated with the Transfer

1. Increased cost to City -
 - a. 2 people moved to "Street's"
 - b. Outside contract for service of \$80,000 plus per year
 - c. Proposed increase in Supervisor Salary salary(s) as stated
2. Decreased productivity
 - a. Lack of supervision shown for Parks Division - No Supervisor being assigned
3. Who Supervises the outside contractor?
4. Assuming you are using the Mining Tax portions of \$489, 63 to pay for these Changes?
5. Resolution 2018-12 Agreement for Landscape Maintenance of City Parks, with Service Scape of Alto Loma for not to exceed \$39,270 remainder of fiscal and \$80,248 for 3 years more

Possibilities and suggestions

1. This is not the time to increase cost in the City by over \$150,000 dollars, money is needed to support OUR WATER issues.
2. No Reported failures were given, just a nice thing to do.
3. Both department need to better communicate with each other to keep the schedule in mind
4. Continuing to support each other in the City Departments needs to be a way of life.
5. Can all current outside landscaping without the parks be placed onto one bill. Current Artistic Maintenance for Warrantees being paid this month shows multiple invoices of about \$14,000 with multiple invoices - 1 invoice is needed