

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

05/22/18
REGULAR MEETING

A regular meeting of the Banning City Council was called to order by Mayor Moyer on May 22, 2018, at 5:01 p.m. at the Banning Civic Center Council Chamber, 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 Rochelle Clayton, Interim City Manager
Kevin Ennis, City Attorney
Tim Chavez, Fire Battalion Chief
Robert Fisher, Interim Police Chief
Heidi Meraz, Community Services Director
Patty Nevins, Community Development Director
Art Vela, Public Works Director/City Engineer
Suzanne Cook, Deputy Finance Director
Robert Meteau, Deputy Human Resources Director
Michelle Devoux, Fire Marshal
Sonja De La Fuente, Deputy City Clerk
Laurie Sampson, Executive Assistant
Leila Lopez, Office Specialist

The Invocation was given by Banning Police Chaplain Merle Malland. Council Member Welch led the audience in the Pledge of Allegiance to the Flag.

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

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

BOARD MEMBERS ABSENT: None

PUBLIC HEARING

1. Proposed Water and Wastewater Rate Increases in Accordance with Proposition 218

Interim City Manager Clayton presented the Staff Report as contained in the Agenda.

Chairman Moyer opened the Public Hearing.

Jeremiah Price spoke against a rate increase, and asked the Council to keep in mind that people live here because they can't afford anywhere else.

Gary Hironimus spoke against a rate increase, as he believes the City would be in a different situation if \$14 million of water bond money wasn't used to help build the Police station in 2005. He asked the Council to work on a plan to start paying the money back.

John Hagan spoke against a rate increase and suggested the Prop. 2108 mailer was faulty and believes that is why only 300 oppositions were submitted.

Jerry Westholder spoke against a rate increase and suggested the Prop. 2108 mailer was faulty and sent irresponsibly, as it was not mailed in Spanish.

Inge Schuler spoke against a rate increase and does not believe the Prop. 218 mailing was handled well or that the public was properly informed.

Richard Rutherford spoke against a rate increase, as most people in Banning are poor. He indicated that he did not receive a notice and believes it should be nullified and resent in English and Spanish. He also recommended considering that most of Banning's constituents are poor.

Bernadine Edmondson spoke against a rate increase. She suggested that most people don't pay attention to their bills, but noticed there has been a daily charge recently and it added a little more than \$4 to her bill, which may not seem like a lot, but it adds up.

Ellen Carr spoke against a rate increase, as there are a lot of people on strictly Social Security and does not believe they can afford this increase. She indicated that most residents don't make as much money as the City's employees and she asked for someone to explain what "other pay" is on the report she saw.

Glen Stull sympathized with the predicament the Council is in. With the recent squeeze on local governments because of the State passing things like the recent gas tax, everything is going up. He believes increased energy prices are a reflection of what is going on in Sacramento.

Tim Smith spoke against a rate increase and would like the City to repay the \$14 million used to build the Police station. He believes if the water rates are raised, citizens will use less water.

Board Member Peterson expressed his discontent with the proposed increases. He reminded everyone that in 2010 rates were increased 51%. He read from an October 2010 article in the Record Gazette related to the increase then and provided some history in regard to how money was previously spent. He explained that he does not support the rate increase, as he doesn't think the 3% will make a difference. He suggested selling some assets and maybe selling the Police station building and leasing it back.

Board Member Welch indicated the City is currently in an unfortunate situation. He advised that the City of Banning currently has the fourth lowest water rates in this area of California. He does not believe the one action in the past caused the state the City is in today. He believes if the City is going to move forward, the increase is probably necessary.

Board Member Andrade explained that she understands how people feel, as she is in the same predicament. She does believe that allocating the money to build a police station may have set the City back, but questions why nothing has been done to rectify the situation since then. She recommended everyone pull together and move forward.

Board Member Franklin indicated the cost of operations and maintenance of systems is covered by the rate payers. She reminded everyone the population has not increased yet and 200 additional houses would have helped the situation. She understands residents do not want large increases and that is why the incremental increases were recommended. She recommended being more open to allowing more people into the City as a part of moving forward.

Chairman Moyer does not want a rate increase, but supports the increase because it is the bare minimum agreed on by the Finance Committee. He outlined how the number was settled on by the Committee.

Motion Peterson to reject the Prop. 218 Notice based on it not being mailed out properly. Motion died due to the lack of a second.

Council Member Franklin asked the City Attorney if the Prop. 218 Notice was sent out properly. City Attorney Ennis indicated the Notice went out at least 45 days in advance, transmitted to every property owner listed on the last Assessor roll and every customer of the Utility. The law does not require the notices be sent out in multiple languages. It is considered best practice to not include it in the utility bill, as it is thought to be more identifiable as a separate item, rather than a utility bill insert. At this point he has not heard sufficient reason why the protest or the notice itself was in violation of Prop. 218.

The Deputy City Clerk announced the final count of received and verified oppositions to the proposed water and wastewater rate increase is 312 and the final count of the received and verified oppositions to only the proposed water rate increase is 13.

Seeing no further comments, Chairman Moyer closed the Public Hearing.

The Mayor recessed the scheduled meeting of the Banning Utility Authority and reconvened the Regular Meeting of the Banning City Council..

REPORT ON CLOSED SESSION

The City Attorney indicated four items were discussed in Closed Session. 1) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Paragraph (1) of Subdivision (d) of Section 54956.9) Name of Case: City of Banning v. Go Green Calming Solutions, et al., Case No. RIC 1806731. A status report was provided with no final or reportable action. 2) 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. The City Council, by a vote of 4-1, with Council Member Andrade voting against, approved a Settlement Agreement. 3) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (one case). A status report was provided with no final or reportable action. 4) PUBLIC EMPLOYEE APPOINTMENT: City Manager – Pursuant to Government Code Section 54957. A report was provided and a special meeting was set for further discussion of the item.

PUBLIC COMMENTS / CORRESPONDENCE / ANNOUNCEMENTS & REPORTS

PUBLIC COMMENTS

Ellen Carr with Tender Loving Critters advised the public that when they have a pet microchipped to keep the registration up to date because if they don't there is no way to reunite a lost pet with their owner.

Val Westholder indicated she has lost trust in Council Members Welch and Franklin. She still is not sure the Prop. 218 notices were sent properly, as she received two for her home and two for her church. She feels more police officers are needed. For example, she needed a copy of a police report due to a recent theft at her church and was told there are only three police officers and they are behind on reporting. She believes the moving

John Hagan urged the public to attend the June 6th Planning Commission Meeting at 6:30 p.m. regarding the proposed cannabis growing ordinance. He feels the Council is wasting the City's time considering this.

Jeremiah Price believes in the medical benefits of cannabis and suggested the Council look at Palm Springs Safe Access for a good example of a clean and reputable dispensary.

Jeanne Rossiter asked the Council to consider adopting a Resolution or file an amicus brief to opt out of Senate Bill (SB) 54. She advised 41 cities and 10 counties have opted out of SB 54. She indicated the City risks losing any federal funding if they don't opt out.

Mike Rossiter, US Navy and Vietnam Veteran, urged the City Council to opt out of SB 54. He reminded everyone that the public servants have taken an oath to support and defend the Constitution against all enemies, foreign and domestic.

Arvid Anderson urged the City to opt out of SB 54.

Colleen Wallace advised that she doesn't agree with everyone talking about people and urged everyone to instead focus on the future of Banning for the children.

Russell Roof expressed his opposition of SB 54 and requested the Council to do the same at the next meeting.

Glenn Stall urged the Council to opt out of SB 54, as he feels it endangers the citizens.

Jerry Westholder believes there is an indigent problem because of the passage of AB 109. He advised these indigents are living under a bridge on Wilson and causing problems at his church.

Teri Smith urged the City to opt out of SB 54. Her fiancé was a police officer and murdered by an illegal immigrant and a member of MS13. He has been on death row since 1992. She would like it placed on a future agenda to discuss opting out.

Don Smith expressed his concern with the homeless. He does not believe Council is responsible for the issue, but feels there should be a study session to brainstorm possible solutions.

Seeing no further comments, the Mayor closed Public Comment.

The Mayor recessed the meeting at 6:52 p.m. and reconvened at 7:01 p.m.

CORRESPONDENCE

There was no correspondence received.

ANNOUNCEMENTS & REPORTS

Council Member Andrade reported on the following:

- The 5K Run/Walk on May 19th had a good turnout with 89 registered participants and approximately 200 attendees. She thanked Council Member Franklin, Community Services Director Meraz and staff for a successful event.

Council Member Franklin reported on the following:

- She also attended the 5K Run/Walk on May 19th and felt it was a successful event. She thanked the Community Services Director, staff, and all that participated.
- The Water Alliance will meet at City Hall on May 23rd at 5:00 p.m.
- There will be a free Community Emergency Response Team (CERT) class offered to students on June 5, 6, and 7 at Banning High School from 9:00 a.m. until 3:00 p.m.

Mayor Moyer reported on the following:

- He congratulated Banning High School on their achievement on outranking Beaumont High School in the National Rankings according to US News and World Report and thanked Banning High School Principal Matt Valdivia.
- He thanked the Economic Development Committee for recommending a program, which was reviewed and approved by the Finance Committee as well, to provide Housing Authority funds to residents for home rehabilitation and down payment assistance.

Council Member Welch had nothing to report.

Council Member Peterson had nothing to report.

REPORT BY CITY ATTORNEY

City Attorney Ennis did not have anything to report.

REPORT BY CITY MANAGER

Interim City Manager Clayton congratulated the City of Banning Wastewater Division for receiving the statewide 1st Place Award for Small Collections System from the California Water Environmental Association. They were recognized for excelling in areas of regulatory compliance, maintenance programs, safety program and records, training program, emergency program and procedures, and administrative procedures.

CONSENT ITEMS

1. Minutes – Regular Meeting – 5/8/2018 (Workshop)

Recommendation: Approve the Minutes from May 8, 2018 Special Meeting of the Banning City Council (Workshop).

2. Minutes – Special Meeting – 5/8/2018 (Closed Session)

Recommendation: Approve the Minutes from the May 8, 2018 Special Meeting of the Banning City Council (Closed Session).

3. Minutes – Special Meeting – 5/8/2018

Recommendation: Approve the Minutes from the May 8, 2018 Regular Meeting of the Banning City Council.

4. Approval and Ratification of Accounts Payable and Payroll Warrants for April 2018

Recommendation: Approve and Ratify the Accounts Payable and Payroll Warrants for April 2018.

5. Public Works Capital Improvement Project Status List

Recommendation: Receive and file list of Public Works Capital Improvement Project Status.

6. Ordinance 1520, Amending Existing Sections of Chapter 12.52 of the Banning Municipal Code that Established a Local Development Mitigation Fee for the Funding and Preservation of Natural Ecosystems in Accordance with the Western County Multiple Species Habitat Conservation Plan to Bring those Sections into Conformance with the Updated Standards and Provisions

Recommendation: Ordinance 1520 pass its 2nd reading.

7. Ordinance 1521, Amending Section 8.020.070 of the Banning Municipal Code to Establish Additional Penalties for Violating the Citywide Prohibition of Fireworks

Recommendation: Ordinance 1521 pass its 2nd reading.

8. Resolution 2018-60, Accepting the Grant of Right of Way from the Bureau of Indian Affairs on Behalf of the Morongo Band of Mission Indians for the Alignment and Widening of the Intersection of Hathaway Street and Wilson Street

Recommendation: Adopt Resolution 2018-60.

9. Bulky Item Community Clean-Up Event Update

Recommendation: Receive and file update.

10. Resolution 2018-66, Opposing SB 1302 Removing the Ability for Local Jurisdiction to Decide if Cannabis Deliveries Should be Allowed

Recommendation: Adopt Resolution 2018-66.

The Mayor opened Consent Items 1 through 10 for public comment. Seeing none, closed public comment.

Motion Peterson/Andrade to approve Consent Items 1 through 10. Motion carried, 5-0.

REPORTS OF OFFICERS

1. Resolution 2018-58, Approving a Three (3) Year Agreement with Riverside County Fire Department

Tim Chavez, Battalion Chief for the City of Banning through Riverside County Fire Department and CalFire, presented the Staff Report as contained in the Agenda packet along with a PowerPoint presentation (see Exhibit "A").

There was discussion amongst the Council regarding a three-year vs. a one-year contract. Mayor Moyer advised that the Finance Committee has discussed this item at length. Chief Chavez reminded the Council the cost is an estimate and the billing almost always comes in lower. Interim City Manager clarified the termination timeline requirements.

Council Member Andrade is concerned with the amount of the increase and feels the City needs to look into alternatives. Interim City Manager Clayton advised she will bring forward options to the Finance Committee.

Motion Peterson/Welch to table for now and refer back to the Finance Committee.

Steve Beach, Division Chief for Riverside County Fire Department advised Council that if the contract renewal is not completed and ratified by July 1st SB 239 kicks in and that will require any expired fire contracts to be reviewed by LAFCO.

The Mayor opened the item for public comment.

Don Smith provided some history regarding the transition about 20 years ago from the City having its own fire department to the County providing fire services and how smoothly it went. He recommended comparing apples to apples when researching and to make sure the service level is the same.

Seeing no further comments, the Mayor closed public comment.

Motion carried 5-0.

2. Report from Grand Jury

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

Council Member Peterson explained the definition and duties of a Grand Jury and provided some history regarding Grand Jury investigations related to the City of Banning. He asked for Council Member Welch's resignation and advised that if he didn't resign he will ask that a censure be placed on the next agenda as outlined in section 10.5 of the Manual of Procedural Guidelines for the Conduct of City Council and requested he provide his intent and answer to the Mayor.

Council Member Welch disputed accusations advised that he will not resign from the City Council.

Council Member Franklin disputed accusations made by Council Member Peterson and recommended Council focus on the agenda focusing on the Grand Jury Report.

Council Member Welch provided some history related to the City of Banning and the Banning Pass Area Chamber of Commerce.

Council Member Andrade would like to see the accusations stopped, recommended implementing a policy regarding agreements as suggested by the previous Grand Jury report, and she would like to see it on the next agenda. She would like the District Attorney to look into all of the sitting Council Members as Mr. Ellis recommended, but until then she recommended stopping allegations based on hearsay.

Mayor Moyer clarified that the current sales tax sharing agreement is for 15 years. He pointed out that the Grand Jury talked to three of the five Council Members and would have liked them to interview all of them. Another item he would like added to the response is the fact that they talked to two City Managers regarding sales tax sharing, the Council reviewed 11 cities and would like the data the City used included in the City's response, as he felt it should have been considered when the Grand Jury conducted their investigation.

Council Member Welch apologized to the residents for having to go through situations such as this and that it can't be handled in a respectful manner.

Council Member Peterson referred the public to view the tape from the April 17, 2017 City Council Meeting.

The Mayor opened the item for public comment.

Don Smith apologized to Council Member Welch on behalf of all of the Citizens of Banning that questioned his service to the Country and thanked him for his service. He agreed with Council Member Andrade that the Council should receive and file the Grand Jury Report and direct staff to prepare a response rather than pass blame. He believes the Chamber of Commerce is an integral part of the City and the City and Chamber should work together going forward and help local businesses. He pointed out a mistake in the Grand Jury Report that the original tax sharing agreement with Diamond Hills was done in 1994. He also explained that the Grand Jury serves an important function in determining if the Government is doing a good job and where they may not be succeeding. They are not experts and will make mistakes, but are trying to give ideas on what problems are and how to fix them.

David Ellis shared some instances where he believes Council Member Welch and Council Member Franklin have requested certain things from staff and not through the City Manager. He reminded the Council they are to go through the City Manager. He then told Council Member Welch and Council Member Franklin he would like them to resign, as he does not trust them.

Nick Partland, new resident of Banning attended the 5K and is proud of the event, as it brought the community together. He would like the people to come together to work on solutions. He would like people to put the past behind us and work together on the future.

Seeing no further comments, the Mayor closed public comment.

Motion Andrade/Franklin to receive and file the Grand Jury Report, direct staff to prepare a response to the report, and the Council to follow the policy to only provide direction to the City Manager. Motion carried, 5-0.

3. Resolution 2018-52, Approving an Agreement with the County of Riverside Department of Animal Services to Provide Basic Animal Shelter Services, Field Operations, and Licensing Services for Fiscal Year 2018-2019 in an Amount Not to Exceed \$204,372

Interim Police Chief Fisher presented the Staff Report as contained in the Agenda packet along with a PowerPoint presentation (see Exhibit "B").

Council Member Peterson asked if people get license renewals

Council Member Andrade asked if it would be cheaper to have our own Animal Control Officer and delivers them to the holding facility. Also, she would like to know how much it would cost to update the City's old facility.

Council Member Franklin indicated there was a Committee formed to review all of these questions and it was determined the best option would be to go with the County.

Mayor Moyer opened the item for public comment.

Ellen Carr with Tender Loving Critters feels the County facility and staff are a good option. She agrees that it would be nice to have a local facility. Her only concern is the cats being held in the truck all day.

David Ellis advised that he is willing to talk to an individual he knows about possibly leasing the existing facility with certain conditions if the City is interested in exploring the option.

Don Smith attended several of the community meetings regarding animal control and explained that when the committee ran calculations to if the City could provide the services the County is able to provide and it was determined the City could not provide all of the services at that low of a price because it is too small of an operation.

Seeing no further comments, the Mayor closed public comment.

Council Member Andrade asked if there would be an Animal Control Officer assigned to the City of Banning and if an animal is picked up in the morning would it be held all day or delivered to the shelter.

Council Member Franklin asked if an Animal Control Officer would be hired specifically for Banning and if the hours and work days would be negotiable, as she would like an officer to be available some weekends.

Frank Corvino, Deputy Director with the Riverside County Department of Animal Services, addressed the Council to advise that the contract cost is an all-inclusive cost, which includes the Animal Control Officer, the truck, the gas, the facilities, as well as special licenses held by the County. He advised that the Department would be willing to discuss the hours of the Animal Control Officer.

Motion Peterson/Franklin to adopt Resolution 2018-52; approving an agreement with the County of Riverside Department of Animal Services to provide basic animal shelter services, field operations, and licensing services from July 1, 2018 through June 30, 2019, and authorizing the Interim City Manager to execute the agreement Motion carried, 5-0.

4. Ordinance 1522, Amending Title 6 of the Banning Municipal Code to Regulate and Control the Keeping of Animals

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

Council Member Peterson asked if this would remove the City of Beaumont's Animal Control code and replace with the County's. Interim City Manager Clayton confirmed that it would.

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

The Mayor asked the Deputy City Clerk to read the title of Ordinance 1522.

The Deputy City Clerk read the title of Ordinance 1522.

Motion Welch/Franklin to waive further reading of Ordinance 1522. Motion carried, 5-0.

Motion Welch/Franklin that Ordinance 1522 pass its first reading. Motion carried, 5-0.

5. Resolution 2018-48, Awarding a Professional Services Agreement to Albert A. Webb Associates for Active Transportation Plan Cycle 2 Design Services

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

Mayor Moyer asked why the price was not considered.

Director Vela explained that the Local Transportation Assistance has very stringent guidelines. The fees are submitted in a sealed envelope and staff has not even seen them yet. The proposals were ranked then staff negotiated the cost with the highest ranking firm based on qualifications.

Mayor Moyer opened the item for public comment.

Marvin Norman, Executive Director of the Inland Empire Biking Alliance, expressed his support of this project and encouraged the City to apply again as the next cycle has opened and the ATP is going to a two-year cycle. He shared that

Seeing no further comments, the Mayor closed public comment.

Motion Andrade/Welch to adopt Resolution 2018-48, 1) awarding a Professional Services Agreement for Active Transportation Plan (ATP) Cycle 2 Design Services to Albert A. Webb Associates in the amount of \$127,696 and approving a 10% contingency for a total project budget of \$140,466, 2) authorizing the Interim City Manager or her designee to make necessary budget adjustments, appropriations and transfers related to the Professional Services Agreement and to approve change orders within the 10% contingency, and 3) authorizing the Interim City Manager or her designee to execute the Professional Services Agreement with Albert A. Webb Associates in the amount of \$127,696. Motion carried, 5-0.

6. Resolution 2018-54, Approving Amendment No. 3 to the Contract Services Agreement with Merchants Building Maintenance, LLC for Custodial Services

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

Council Member Peterson asked if the custodians could check and clean under the desks

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

Motion Welch/Peterson to adopt Resolution 2018-54; approving Amendment No. 3 to the Contract Services Agreement with Merchants Building Maintenance, LLC, for the not to exceed total of \$70,693 for Fiscal Year 2018/2019, adding quarterly carpet and window cleaning at the Community and Senior Center to the scope of work, and extending the term of the agreement to June 30, 2019. Motion carried, 5-0.

7. Resolution 2018-49, Approving Amendment No. 8 to the Agreement for Contractual Services with Romo Planning Group

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

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

Motion Welch/Peterson to adopt Resolution 2018-49; approving a one year extension to an existing Agreement for Contractual Services between the City of Banning and Romo Planning Group to provide temporary planning services through June 30, 2019, and amending the agreement to include additional compensation for additional services in an amount not to exceed \$199,680. Motion carried, 5-0.

8. Planning Commissioner Resignation & Recruitment

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

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

The Deputy City Clerk to read the resignation letter received from Mr. Ellis (see Exhibit "C").

Council Member Andrade expressed her disappointment in Mr. Ellis not completing his term on the Planning Commission.

There was a consensus of the Council to post a special notice to fill the vacancy until January 2019.

The Mayor recessed the Regular Meeting of the Banning City Council and reconvened a joint meeting of the Banning City Council and the Banning Utility Authority.

REPORTS OF OFFICERS

1. Resolution 2018-39 and Resolution 2018-06 UA, Authorizing the Submittal of an Application for Grant Funds from the Bureau of Reclamation WaterSMART. Water and Energy Efficiency Grants Program for Fiscal Year 2018, Funding Opportunity No. BOR-DO-18-F006

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

Mayor Moyer asked about the AMI portion and if that is included.

Director Vela explained that this does not include the AMI portion. He explained the Electric Department has completed the AMR portion and their next phase is to complete the AMI portion. The Water Utility will be able to use that infrastructure once complete.

Mayor Moyer asked how much more the AMI portion would cost. Electric Utility Director Tom Miller believes it will be about \$250,000.

Council Member Peterson asked if Bond money could be used for this. Interim City Manager Clayton explained that it was not identified as a project when the Bond was issued. Electric Utility Director Miller explained that the money for the AMI portion is in the Electric Reserve Fund.

Mayor Moyer opened the item for public comment.

Don Smith congratulated staff on locating this grant opportunity and wished them success in having it approved. He asked about the status of the third component of the implementation of this program, which would be the computer program. He doesn't want to see the meters installed, the towers put in, and no computer system for them to communicate with.

Interim City Manager Clayton explained the Customer Information System (CIS) is a critical component and it will need to be implemented and is being looked at by the consultant now.

Seeing no further comments, the Mayor closed public comment.

Motion Andrade/Welch to adopt Resolution 2018-39, and Resolution 2018-06 UA; 1) authorizing the City to apply for grant funds from the Bureau of Reclamation WaterSMART. Water and Energy Efficiency Grants Program for FY 2018, and provide the required local match, if awarded, and 2) authorize the Interim City Manager or her designee to accept and receive grant funding and make necessary budget adjustments and appropriations. Motion carried, 5-0.

The Mayor recessed 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, the City Council sitting in its capacity as the Successor Agency Board, and the Banning Utility Authority.

REPORTS OF OFFICERS

1. Resolution 2018-65 , 2018-02 SA, and 2018-07 UA, Approving Amendment No. 2 to the Professional Services Agreement with Lance, Soll, and Lunghard, LLP CPAs for Financial Auditing Services

Deputy Finance Director Suzanne Cook presented the Staff Report as contained in the Agenda packet. She noted a correction to the City Council Resolution number listed in the Agenda packet. The Utility Authority Resolution number for this item is not 2018-06 UA, it is 2018—07 UA.

Council Member Franklin asked if this audit is different than the Electric Utility audit the Council recently approved. Deputy Director Cook confirmed that it is different. The other audit only covers the Electric Utility. This audit covers the financials citywide.

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

Motion Welch/Peterson to adopt Resolutions 2018-65, 2018-02 SA, and 2018-07 UA, approving Amendment No. 2 to the Professional Services Agreement with Lance, Soll, and Lunghard, LLP CPAs to exercise the options for the audit periods covering Fiscal Years ended June 30, 2018 and June 30, 2019 and authorize the Interim City Manager to execute the amendment to the contract. Motion carried, 5-0.

The Mayor adjourned the joint meeting and reconvened the Regular City Council Meeting.

ITEMS FOR FUTURE AGENDAS

Council Member Peterson would like to have a discussion about initiating censure proceedings on the next agenda. City Attorney Ennis explained there are specific procedures to follow regarding advanced notice if censure proceedings are ultimately initiated. Mayor Moyer asked for the procedures to be included with the Agenda item.

Council Member Andrade would like policies regarding handshake agreements. Interim City Manager Clayton clarified the item would be discussion on the policy to be developed. Council Member Andrade confirmed.

Council Member Andrade announced there will be a Crisis Leadership meeting on May 24th from 11:30 a.m. – 1:30 p.m. in Yorba Linda.

ADJOURNMENT

By common consent the meeting was adjourned at 9:20 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=J41nB6MZd49J> or by requesting a CD or DVD at Banning City Hall located at 99 E. Ramsey Street.

Exhibit “A”

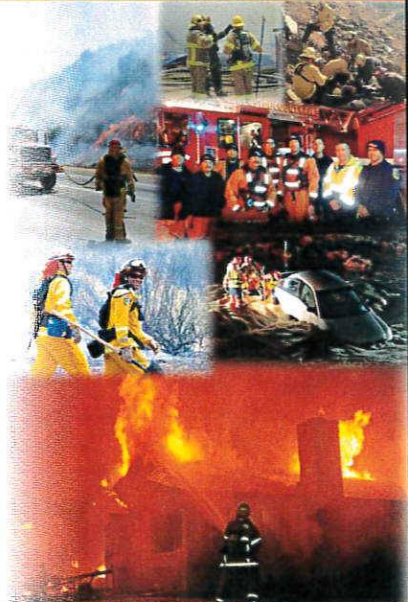
to the May 22, 2018, Regular Meeting Minutes





Background

- CAL FIRE
 - Established in 1885
 - Largest Fire Agency in California
 - 7000 employees
 - Cal Fire serves as the County Fire Department for 26 of California's 58 Counties
 - Began as Banning Fire Services in 1998






Background

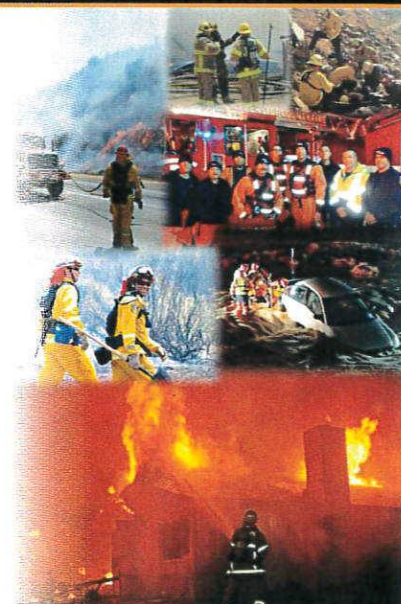
- CAL FIRE/Riverside County Fire Department
 - 1921 – Wildland Agreement
 - 1946 – Establishment of County Fire Department
 - 1978 – First Partner City Contract - City of Beaumont
 - Tasked with enforcing conditions contained within Riverside County Ordinance 787.

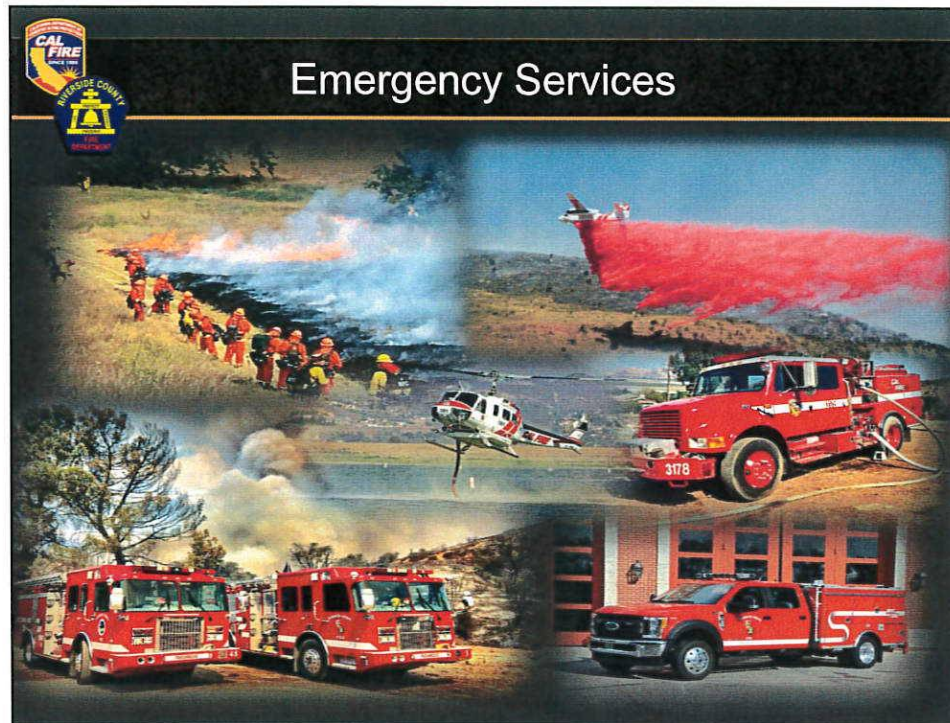




Background


- CAL FIRE/Riverside County Fire Department
 - 20 Partner Cities
 - 1 Community Services District
 - 1500 Personnel
 - 325 Emergency Responders on duty daily



A collage of four images related to emergency services. The top-left image shows firefighters battling a large fire in a field. The top-right image shows a red fire truck with the number 3178. The bottom-left image shows two red fire trucks parked side-by-side. The bottom-right image shows a red fire truck parked in front of a building. The CAL FIRE logo is in the top-left corner.

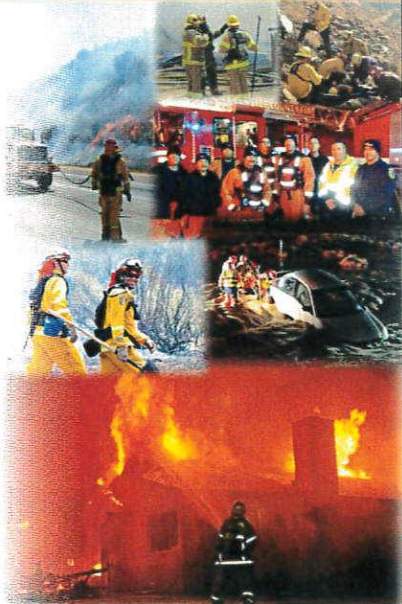
Background


- 92 Staffed Fire Stations
- 99 Engine Companies
- 6 Paramedic Squads
- 10 Paramedic Ambulances
- 8 Truck Companies
- 3 Conservation Camps
- 3 Bull Dozers
- 1 Water Tender
- 1 Hazardous Materials Team
- 2 Breathing Supports
- 6 US&R Units
- Significant Surge Capacity in all Program Areas



Background


- The CAL FIRE/Riverside County Fire Department seamlessly directs these many resources to any emergency, regardless of partner jurisdiction, utilizing a “boundary drop” concept. This ideology is the basis of the Regionalized, Integrated, Cooperative Fire Protection System recognized as a model across the State.






State Funded Air Program

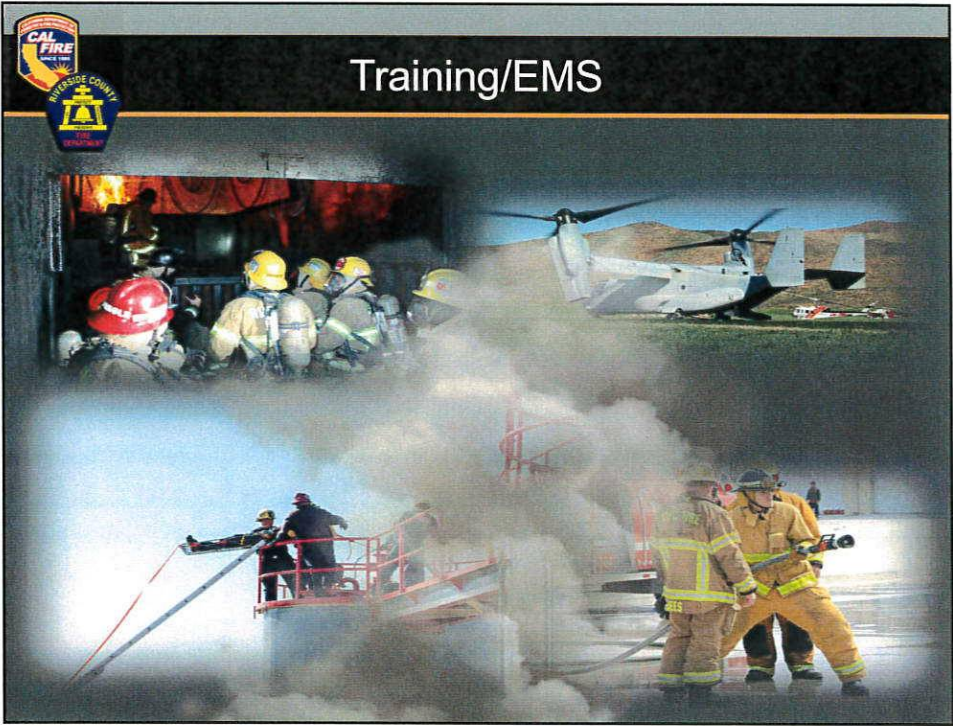
- 1 Air Attack
 - Provides tactical oversight for aerial firefighting operations.
- 2 Air Tankers






1 Helicopter

- Can deliver a 9-person firefighting crew
- Water/Retardant Drops
- Backfiring Operations
- Infra-Red Mapping
- Medical Evacuations
- Hoist Rescue

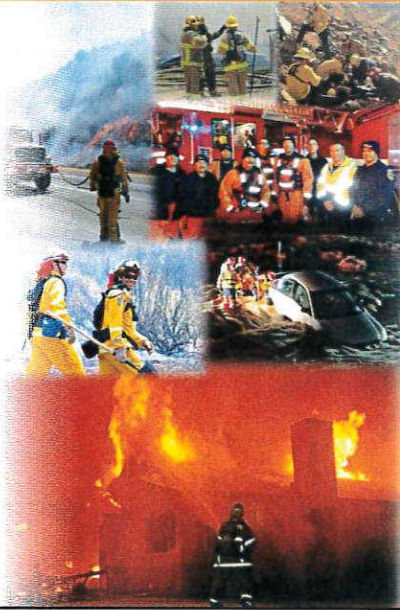





Training/EMS

In 2017, the Training Bureau conducted:

- 2 Truck Academies
- 5 Tiller Academies
- 12 New Hire Academies
- 5 Engineer Orientation Academies
- 6 Engineer CPT Classes
- 23 Rescue Courses
- 28 CAL FIRE Regional Courses

A collage of four images illustrating various training activities. The top-left image shows firefighters working on a structure with smoke. The top-right image shows a group of firefighters standing in front of a fire engine. The bottom-left image shows two firefighters in yellow gear working with a hose. The bottom-right image shows a firefighter in front of a large fire burning in a structure.




Training/EMS


The EMS Bureau provides a critical link between the fire department, our area hospitals and the Riverside County EMS Agency. EMS-centric training and Continuous Quality Improvement (CQI) processes are developed based on trends recognized both locally and regionally.

- In 2017, the Training/EMS Bureau provided training to more than 7000 students





Law Enforcement/Prevention



- Fire/Arson Investigations
Cause and Origin Determination
- Sworn Peace Officers
Assist Local PD When Requested
- Juvenile Fire Setter programs focus on children exhibiting unsafe behavior



Law Enforcement/Prevention

In 2017, the Law Enforcement/Prevention Bureau:

- Handled 631 case files
- Devoted more than 3100 investigative hours
- Made 87 arrests, including 59 felony arrests
- Issued 176 citations



Public Education



Public Education Programs are conducted throughout the County and include opportunities for both adults and children. Public Safety Fairs encourage emergency preparedness for families while classroom sessions and muster activities educate children on the importance of fire safety.



Fire Marshal's Office

- **Works Closely with Building and Safety**
In 2017, the Fire Marshal's Office performed 13,120 Plan Reviews.
- **Business Inspections**
In 2017, the Fire Marshal's Office performed 38,417 New License & Fire Safety Inspections








Service Center Warehouse








Fleet



- Inspections/Preventative Maintenance
- County Field Mechanics with State oversight
- Manages the Engine Replacement Program
 - Replacement based on vehicle age and response volume.




Resource Management


Registered Professional Foresters provide

- Consultation on Tree Health
- Fuels Management
- Consultation for CEQA needs when landowners or HOA's are considering fuels management options.

Registered Professional Foresters


- Work with our Conservation crews on projects to ensure plans are cut to expectation
- Belong to working groups in the County and across the State, and are constantly exposed to new issues and treatment options
- Oversee Resource Management Programs including : Archaeology, Climate and Energy, Environmental Protection, FRAP, Forest Practice, Forest Assistance, Urban Forestry and Vegetation Management.






Communications / IT


- Technology devices and applications are supported 24x7
- Systems are standardized throughout the county for all users, streamlining repair procedures and ultimately reducing labor costs
- Bulk purchases reduce costs
- Single technology platforms reduce training requirements







Headquarters Staff

- State and County Administration Staff
 - Chief Officers
 - Payroll
 - 1500 employees
 - Personnel Services
- County Staff
 - Finance
 - PIO
 - Photographers
 - Chaplin's






Emergency Command Center




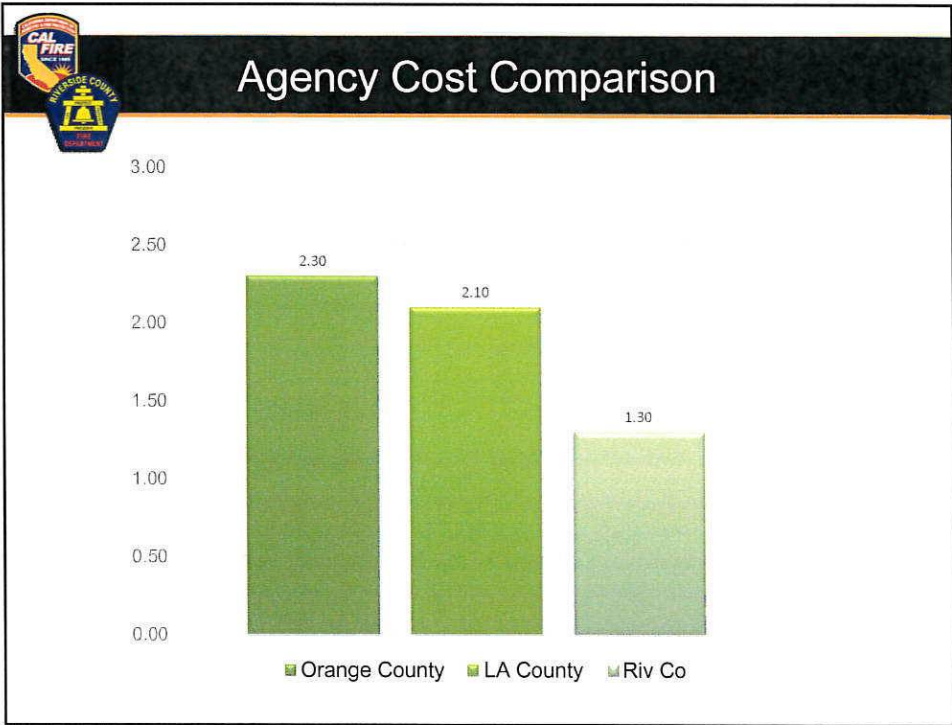
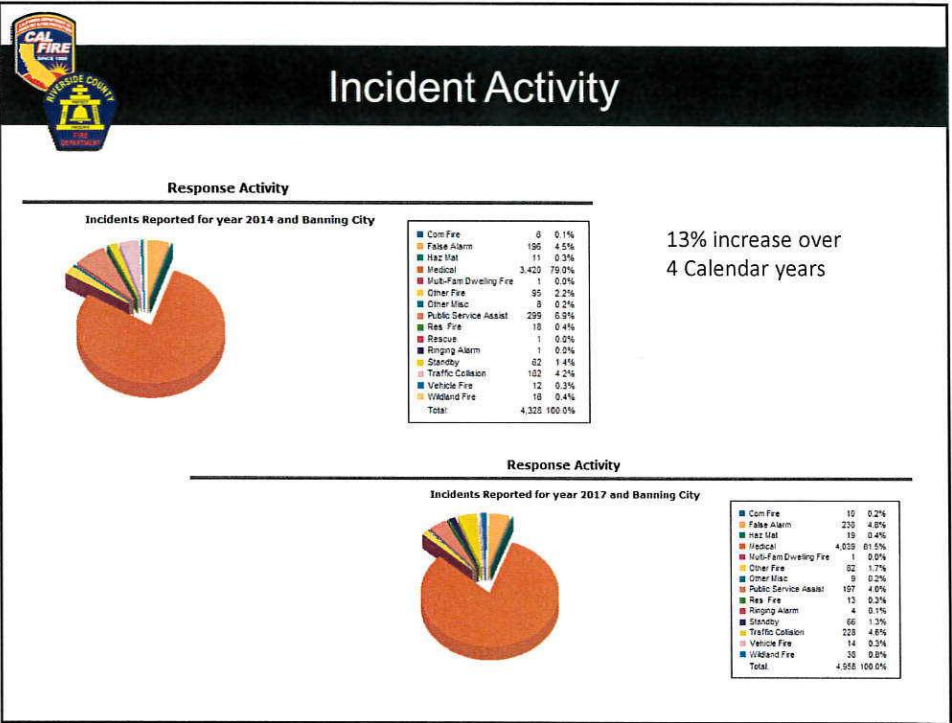
- Dispatched 164,977 calls for service in 2017
- Anticipate to dispatch more than 170,000 calls in 2018
- More than 450 calls for service daily
- Emergency Medical Dispatch (EMD)





Incident Activity

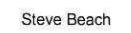
- Riverside County is the fourth most populous county in California and the 11th most populous in the United States.
- Between 2006 and 2017, both the yearly incident activity and the daily response average for Riverside County Fire Department increased by 46.9%.
- With the population of our county continuing to grow steadily, it is anticipated the Riverside County Fire Department's activity will also increase.









Oak Glen Division




Steve Beach



Battalion Chief Mike Smith
Battalion 3



Battalion Chief Andrew Bennett
Oak Glen Conservation Camp



Battalion Chief Tim Chavez
Battalion 3




Exhibit “B”

to the May 22, 2018, Regular Meeting Minutes



Animal Control

Presented by:
Interim Chief of Police
Robert Fisher



Animal Control History

In 2010, the Banning Animal Shelter was closed due to extensive flood damage.



Since July 1, 2010, Banning has contracted with the city of Beaumont to provide Animal Control Field Services.






Current Animal Control Status

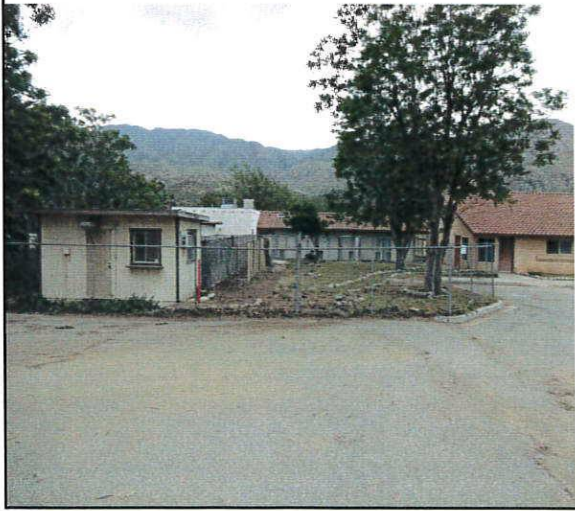


Recently, the City of Beaumont decided to discontinue Banning’s Animal Control Services contract.

The current contract expires on June 30, 2018.



Option 1 - Renovate Banning Facility



The City Council can choose to completely renovate the Banning Animal Shelter facility, which would potentially cost up to \$1,000,000 plus operating costs.



Option 2 – Riverside County Shelter

The City can also choose to have the Banning Animal Shelter remain closed, and contract for Animal Control with Riverside County’s Department of Animal Services.





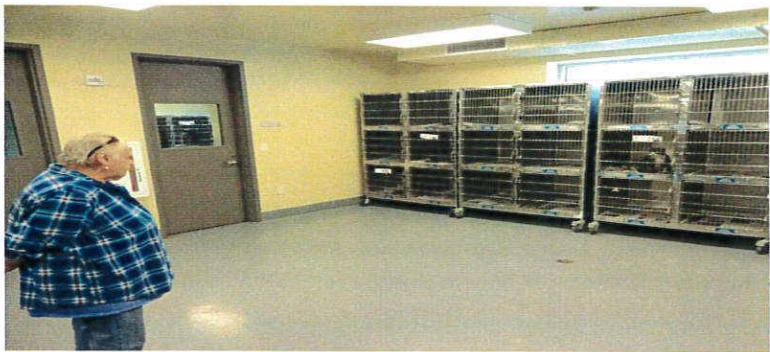
Option 2 – Located in San Jacinto



The Riverside County Shelter is located at 581 S. Grand Avenue, in the city of San Jacinto.



Option 2 – Services & Costs



Riverside County Shelter
One full-time Officer: \$127,026



Option 2 – Services & Costs



Riverside County Shelter
Animal Care/Shelter Services: \$68,202



Option 2 – Services & Costs



Riverside County Shelter
Operation & Maintenance: \$9,144



Option 2 – Total Services & Costs



Riverside County Shelter - Option 2
Total annual cost for all services: \$204,372



License Processing




Riverside County Shelter
License Processing: \$6/per license.

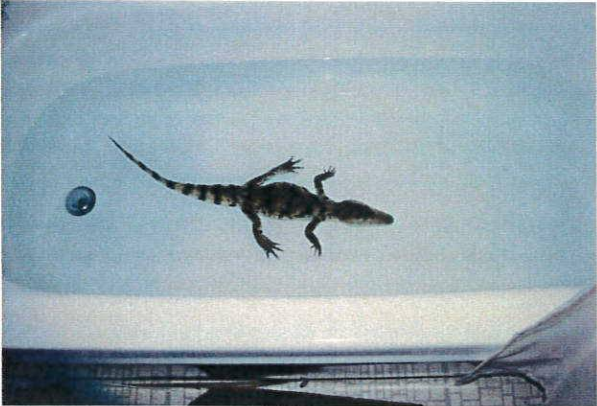


Riverside County Animal Control Field Services





Field Service Assistance



Riverside County Animal Control will provide Field Service Assistance. A Field Services officer will respond to all calls for field service assistance pursuant to the priority of calls as described.



Impoundment

The Field Service officer will impound all animals found at large and collect such impound fees.





Proper Care and Treatment




Riverside County Animal Shelter and staff will provide proper care and treatment to any stray or abandoned animal.



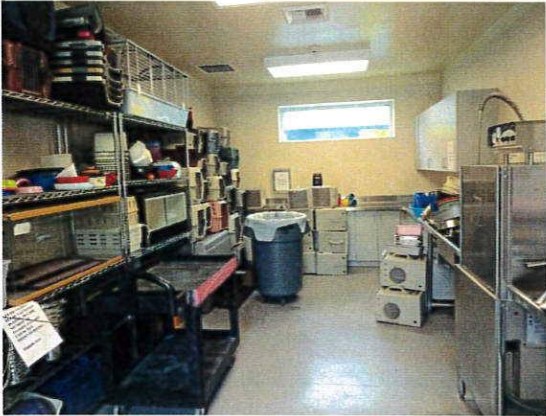
Animal Bites



Riverside County Animal Control will investigate reported bites by animals.



Quarantine




Riverside County Animal Control will quarantine animals, as prescribed by State law.




Stray and Barking Complaints



Riverside County Animal Control will respond to and process stray and barking animal complaints.




Dead Animals



Riverside County Animal Control will attend to and remove dead animals from the public right-of-way.



Return of Impounded Animals

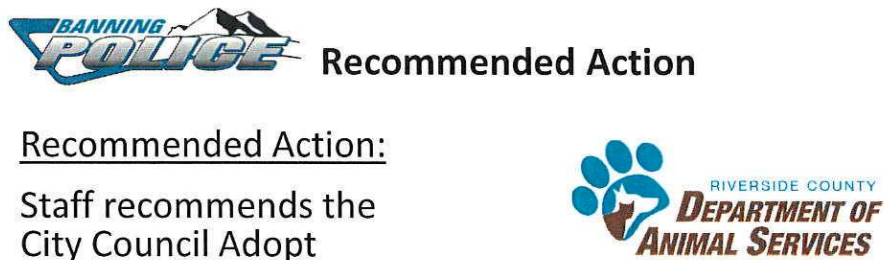


Riverside County Animal Shelter encourages the return of any lost/stray impounded animals.



Overtime Field Service Rate

Riverside County's Over-time Field Services Assistance rate: \$82 per hour




Recommended Action

Recommended Action:


Staff recommends the City Council Adopt Resolution 2018-52, approving an agreement with Riverside County Animal Control.

Amendment to Title 6 of the Banning Municipal Code to Regulate and control the keeping of Animals.





Questions



Thank You!

Exhibit “C”

to the May 22, 2018, Regular Meeting Minutes



To whom it may concern

As I had indicated in the most recent council meeting, I have submitted my resignation from the Planning Commission. You may ask: why?

I have made the decision to resign because I am going to be running for city council in November to replace Debbie Franklin. For those who have followed the course of events, it was Debbie Franklin who voted to remove me from the Planning Commission in 2016, along with Art Welch and George Moyer. They did so because I had publicly shamed Art Welch. My crime : I publicly cited an article by the Banning Informer which suggested that Welch is under the influence of alcohol during council meetings. So much for free speech in Banning.

Several months after my forced removal from the Commission, a council majority reconsidered their decision, and re-appointed me. The re-appointment was based on my qualifications and track record as a Commissioner, which always put the interests of Banning over those of special interests. The re-appointment was supported by council members Peterson and Andrade as well as Mayor George Moyer.

I feel that the position of Planning Commissioner is much too important for our city than to ever be used as a political tool - in an election or otherwise. But, as we have learned in the past, this is not to say that it won't. It goes without saying that during my campaign, I will be vocal about my disagreement with many decisions Debbie Franklin and others have made on the council.

Knowing first hand how Franklin and Welch operate, I cannot allow them to remove me as a Planning Commissioner yet again, in an attempt to make me look bad with the public and derail my candidacy. It is this circumstance, and this circumstance only, that is the reason for my

resignation.

If you are as tired as I am of the ruthless and draconian ways Franklin & Co. run this city, come November you will have an opportunity to send a clear message by electing me for the city council. I can assure you things will change.

Sincerely,

A handwritten signature in black ink, appearing to read "David Ellis", written over the printed name.

David Ellis

5/17/2018