

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

09/25/18
REGULAR MEETING

A regular meeting of the Banning City Council was called to order by Mayor Moyer on September 25, 2018, at 5:00 p.m. at the Banning Civic Center Council Chamber, 99 E. Ramsey Street, Banning, California.

COUNCIL MEMBERS PRESENT: Council Member Andrade (arrived at 5:55 p.m.)
 Council Member Peterson
 Council Member Welch
 Mayor Moyer

COUNCIL MEMBERS ABSENT: Council Member Franklin

OTHERS PRESENT Rochelle Clayton, Interim City Manager
 Kevin Ennis, City Attorney
 Robert Fisher, Interim Police Chief
 Heidi Meraz, Community Services Director
 Tom Miller, Electric Utility Director
 Patty Nevins, Community Development Director
 Art Vela, Public Works Director/City Engineer
 Ted Shove, Economic Development Manager
 Suzanne Cook, Deputy Finance Director
 Robert Meteau, Deputy Human Resources Director
 Rick Youngblood, Police Officer
 Michelle Devoux, Fire Marshal
 Sonja De La Fuente, Deputy City Clerk
 Laurie Sampson, Executive Assistant
 Leila Lopez, Office Specialist

The Invocation was given by Merle Malland. Mayor Moyer led the audience in the Pledge of Allegiance to the Flag.

REPORT ON CLOSED SESSION

The City Attorney indicated five items were discussed in Closed Session. 1) CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION Pursuant to Government Code Section 54956.9(d)(1). Timothy McLaughlin vs. City of Banning – Workers’ Comp Claim Nos. 1080-WC-16-05000112 and 1080-WC-17-0000009. Settlement direction was given to the City’s negotiator on the item. No final conclusion to the cases. 2) CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION Pursuant to Government Code Section 54956.9(d)(1). Steven Parker (Deceased); Marlene Parker (Widow) vs. City of Banning – Workers’ Comp Claim Nos. 1080-WC-17-0000003, 1080-WC-17-0500132, and 1080-WC-0500133. Direction was given to the City’s negotiator on the item. No final conclusion to the cases. 3) CONFERENCE WITH

LABOR NEGOTIATORS Pursuant to Government Code Section 54957.6 – City Designated Representative: Rochelle Clayton, Interim City Manager; Employee Organizations: International Brotherhood of Electric Workers General, Banning Police Officer's Association, and Banning Police Management Association. Direction was given to the City's negotiator regarding meet and confer matters. 4) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9. Direction was given to legal counsel and staff regarding the potential settlement of a claim. 5) CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to Government Code Section 54956.8: Property description: APN's 541-240-009 and 541-250-009, west side of Banning Municipal Airport property. City Negotiator: Rochelle Clayton, Interim City Manager – Negotiating Party: Andy Marocco; Under Negotiation: Price and Terms. Direction was given to the City's negotiator, with no final conclusion to the matter.

PUBLIC COMMENTS / CORRESPONDENCE / PRESENTATIONS / APPOINTMENTS

PUBLIC COMMENTS

Inge Schuler shared a prepared statement (see Exhibit "A"). She also addressed her concern with the Budget & Finance Committee agendas not being published on the website since 2016.

John Hagan indicated he did not believe the candidate forums recently held were biased and feels they should be aired on the City's channel.

Frank Burgess would like the City Attorney to address the Government Code regarding the candidate forums (see Exhibit "B"). He also asked what accounts money is going into related to Public Works Permits, as the form does not show the accounts (see Exhibit "C").

Jack Gunderson would like someone to look into the sound on the City's television station, as he does not have sound.

Ellen Carr with Tender Loving Critters advised that Animal Action League was here last week and spayed/neutered approximately 60 pets. They will be here again October 16 and 17. To schedule an appointment with Animal Action League for low cost spay or neuter services they can be reached at 760-366-1100. Citizens may ask to be put on standby or the next month's schedule. She thanked the City for allowing use of the Community Center parking lot. In regard to her latest utility bill, it was for 33 days and that moved her into the next tier, which costs more. She would like the new meters to automatically read at 28-30 days.

Don Smith indicated he has a different outlook on the debates. He believes the Chamber of Commerce tried their best to put on a neutral debate and thanked the City for their help. He appreciated the opportunity to see the candidates.

Paul Perkins read the definition of transparent. He expressed his concern with the City not being transparent. He read an excerpt from a copy of an email (see Exhibit "B"). He mentioned the City paying the Indian reservation per state code and didn't feel it needed to be done. He also asked why Robertson's hasn't been fined for their violations. If the City can't fine them, he suggested turning it over to the State Mining Commission.

Richard Rutherford would like the City to consider setting a date the City will provide 1% green electricity (i.e. 2020 or 2030). He advised that the northeast corner of Highland Springs (Pardee property) has horned toads and burrowing owls and believes the City is complicit in allowing development based on falsified endangered species documents.

Diego Rose, resident and business owner, advised that he believes the residents view Banning as a rural community and sees that changing with allowing high density homes in and feels that is short term thinking. He indicated this is a commuter area, not industrial. He encouraged taking a different approach. He would like to see a program to replace the Cypress trees along San Gorgonio and suggested the City hire an arborist and make the parkways look like parks.

Jerry Westholder referenced the 1st Amendment. He indicated the candidate forums have previously been available. Also, he does not support providing Diamond Hills Chevrolet a loan to purchase land.

David Ellis addressed the Mayor and advised he hasn't heard one complaint about the candidate forum being biased. He indicated he believes a developer has the town where he wants it and believes the Mayor kept the forum from being aired. He referred the public to the Banning Informer and You Tube to find the candidate forums.

Val Westholder asked about 60 acres being available to give away.

Colleen Wallace does feel the candidate forums were somewhat biased, as one candidate was asked the questions first.

Seeing no further comments, the Mayor closed Public Comment.

CORRESPONDENCE

There was no correspondence.

PRESENTATIONS

The Mayor presented a proclamation to Michelle Devoux, Fire Marshal, proclaiming October 7-13, 2018, Fire Prevention Week.

Michele Devoux expressed her gratitude and reminded everyone to think of the great Chicago fire and other fires that have affected the community during Fire Prevention Week.

CONSENT ITEMS

Items 8 and 14 were pulled for discussion.

1. Minutes – Adjourned Regular Meeting – 9/10/2018

Recommendation: Approve the Minutes from September 10, 2018, Adjourned Regular Meeting of the Banning City Council.

2. Minutes – Special Meeting – 9/10/2018 (Closed Session)

Recommendation: Approve the Minutes from the September 10, 2018, Special Meeting of the Banning City Council.

3. Minutes – Special Meeting – 9/10/2018 (Workshop)

Recommendation: Approve the Minutes from the September 10, 2018, Special Meeting of the Banning City Council.

4. Minutes – Regular Meeting – 9/11/2018

Recommendation: Approve the Minutes from the September 11, 2018, Regular Meeting of the Banning City Council.

5. Accounts Payable and Payroll Warrants for July 2018

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

6. Investment Reports for July 2018

Recommendation: Receive and File the Investment Report for July 2018.

7. Police Stats for April through July 2018

Recommendation: Receive and file the Police Stats for April through July 2018.

9. Resolution 2018-116, Establishing a Pre-Approved Traffic Planning and Engineering Vendor List

Recommendation: Adopt Resolution 2018-116

10. Notice of Completion – Project 2017-10, Repplier Park Parking Lot Landscape

Recommendation: Accept Project No. 2017-10 as complete.

11. San Gorgonio Pass Regional Water Alliance Meeting Update

Recommendation: Receive and file the San Gorgonio Pass Regional Water Alliance meeting update

12. Right of Way Dedications from APN 541-161-030 and 541-150-020 for Road and Utilities Purposes

Recommendation: Accept the Right of Way Dedications from APN 541-161-030 and 541-150-020 for Road and Utilities Purposes

13. Resolution 2018-113, Approving the Co-Op Agreement with Riverside County Flood Control District for Tentative Map 36939

Recommendation: Adopt Resolution 2018-113

The Mayor opened Consent Items 1 through 7 and 9 through 13 for public comment. Seeing none, closed public comment.

Motion Peterson/Welch to approve Consent Items 1 through 7 and 9 through 13. Motion carried, 3-0, with Council Members Andrade and Franklin absent.

8. Capital Improvement Project Update

Recommendation: Receive and File the Capital Improvement Project Update.

Council Member Peterson asked Public Works Director Vela for an update on Livingston and getting it back in the City's hands. Director Vela explained it is not on the Capital Improvement Update list because it is not considered a Capital Improvement Project. The City has two options with Livingston, it can make it a condition of the sale of the property and whoever buys it can prepare the documents then dedicate it to the City and the other option would be for the City to hire someone to prepare the Legals and Plats and dedicate to the City prior to the sale, but does not believe it was discussed in a regular City Council meeting. Council Member Peterson advised that he believes it was directed that the City take Livingston out of the equation. The Mayor believes that direction was given previously.

Council Member Peterson asked about finishing the infrastructure for the smart meters to include the water meters. He thought Electric could loan the money for that. Director Vela indicated that project could be added. A grant request has been submitted to the Bureau of Reclamation. If the City receives the grant funding it would fund that project, if not, they can sit down with Electric to discuss a loan.

Council Member Peterson asked where the City was with the complete improvement to Ramsey Street from Hargrave, east to the City's limit. Director Vela indicated there is an item on the agenda to accept the dedications from the property on the northeast corner

and the property on the northwest corner. The plans for the street and water line improvements are about 95% complete. A grant was received from STIP to overlay Ramsey Street from Hargrave to Hathaway and the City is working with Caltrans to get the approval to proceed with that project. In regard to the Hathaway and Ramsey Street Improvement Project, the street, storm drain and water line plans are about 95% complete and the City is in the appraisal process for some needed property acquisitions. Mayor Moyer advised that eight of the 11 appraisals are complete for the Ramsey Street projects.

Council Member Peterson asked what was left on the Lions Park soccer field. Director Vela indicated they are waiting for some final things for the CEQA document and once complete the plans will be finalized within the next month. The City is looking for funding through grants or CDBG for the project.

Council Member Peterson asked where the Joshua Palmer project is. Director Vela explained the City is awaiting appraisals from the property owners.

Mayor Moyer asked why the Ramsey and Hargrave project status looks the same as it did in November 2017. Director Vela explained there have been some delays on the utility component and a few months back a water line going north was added to the project to wrap up the paving on Hargrave and the waterline drawings were started immediately.

The Mayor opened the Consent Items for public comment.

Inge Schuler advised that she believes the Council voted to return Livingston to the City several months ago.

Diego Rose expressed his surprise that the City expects Robertson's to do anything for the City after persecuting them for taxes. He also shared his concern with the City's water usage. He suggested looking at the big picture.

Seeing no further comments, the Mayor closed public comment.

Motion Peterson/Welch to approve Consent Item 8. Motion carried, 4-0, with Council Member Franklin absent.

9. 2nd Reading of Ordinance 1530, Making Findings Pursuant to CEQA and Adopting Zoning Text Amendment 18-97502, Amending Various Sections of the City's Zoning Ordinance (Title 17 of the Banning Municipal Code) Relating to Alcohol Beverage Sales, Retail Auto Part Sales, Chain Link Fencing, Public Utility Facilities, Freeway Oriented City Identification Signs, Home Occupation Permits, and Design Review Approval Authority

Recommendation: Ordinance 1530 pass its 2nd Reading

Mayor Moyer pointed out that "Tattoo Establishments" has been removed from the Ordinance.

The Mayor opened Consent Item 14 for public comment. Seeing none, closed public comment.

Motion Welch/Peterson to approve Consent Item 14. Motion carried, 4-0, with Council Member Franklin absent.

PUBLIC HEARINGS

1. Resolution 2018-110, Approving the Rate Adjustment for the Collection, Transportation and Disposal of Solid Waste Services and Approving the Execution of the Fifth Amendment to the Franchise Agreement with Waste Management

Public Works Director Vela presented the staff report as contained in the Agenda packet. He advised that since this item was continued from the September 11th Council Meeting, the City has received five additional protests for a total of 250 protests. 5,275 would be the required majority number of protests required, and that was not received (see Exhibit "D").

Mayor Moyer asked if the City's rate would go from \$20.99 to \$21.71 per month. Director Vela confirmed that is correct and shared an updated rate comparison chart showing 2018 rates (see Exhibit "E").

There was discussion regarding the fact that the Franchise Agreement is approved through 2021 and CPI. Some Council Members are interested in staff preparing a Request for Proposal (RFP) and others were not because the fair market value could be higher. Staff will bring back to Council before issuing a RFP.

The Mayor opened the Public Hearing.

Ellen Carr expressed her opposition to a rate increase and feels like the residents get less service for more money. She provided an example of the service provided in Miami. She would like to know if there is a discount for senior citizens.

Diego Rose indicated he doesn't feel that a CPI is needed, as he does not believe the constituents can afford it. He recommended saying "no" to the way things have always been done.

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

Clara Vera with Waste Management encouraged the public to call Waste Management at 1-800-423-9986 for assistance with any of their concerns. Unfortunately, there is not a senior discount available.

Motion Peterson/Andrade to adopt Resolution 2018-110: 1) Consider and declare the number of protests received in response to the Proposition 218 notifications for the Collection, Transportation and Disposal of Solid Waste services rate adjustment. 2) Approve the rate adjustment for the Collection, Transportation and Disposal of Solid Waste services effective October 1, 2018 and equal to an overall increase of 3.43%. 3) Approve annual rate increases for four (4) additional years beginning July 1, 2019 based on Consumer Price Index (CPI) data for the Riverside-San Bernardino-Ontario area without further hearings as allowed by the Proposition 218 process and Franchise Agreement. Motion carried 4-0, with Council Member Franklin absent.

ANNOUNCEMENTS & REPORTS

CITY COUNCIL COMMITTEE REPORTS

The Council had nothing to report.

REPORT BY CITY ATTORNEY

City Attorney Ennis advised that he will provide answers to the City Manager related to questions raised this evening. Also, he attended the League of California Cities Annual Conference and presented the Ethics Training to attendees at the conference.

REPORT BY CITY MANAGER

Interim City Manager Clayton announced the City will conduct Town Hall Informational Meetings on the City's Ballot Measures at various locations in the City beginning this week (see Exhibit "F").

The Mayor asked the Interim City Manager to clarify if he had any input regarding the Finance Committee's agenda. She advised he did not, and explained that he did not and the items on the agenda are brought forward by staff. Staff was approached by the business requesting the item be taken to Council, but staff generally takes items of this nature to the applicable Committee for their recommendation to Council.

The Mayor asked the Interim City Manager if he had directed her to not air the candidate forums. She advised he did not, and explained she watched the forums live and directed staff not to re-air the forums until.

Council Member Peterson asked the Interim City Manager what policy was followed to determine the bias. She advised she was basing her decision on the communication she received on how the forum was going to be conducted, and it was not conducted in the manner communicated. She advised she would be happy to provide a written report regarding the decision to not re-air the forums.

REPORTS OF OFFICERS

1. Council Committees Meeting Schedules

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

The Council discussed the various committees and determined the following committees as recurring scheduled meetings:

Budget & Finance Advisory Committee (monthly)
Economic Development Committee (quarterly)
Public Works Committee (quarterly)

The remaining committees will meet as needed as special meetings.

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

Motion Andrade/Welch to schedule the Budget & Finance Advisory Committee on a monthly basis, the Economic Development Committee Meeting on a quarterly basis, and the Public Works Committee on a quarterly basis, and the remaining committees will be scheduled as special meetings on an as needed basis. Motion carried 4-0, with Council Member Franklin absent.

2. Resolution 2018-122, Approving a Salary and Benefits Adjustment to Public Safety Positions to Retain and Recruit Hard to Fill Critical Positions of the Banning Police Department

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

Council Member Peterson supports this for sworn personnel only. The Dispatchers and Community Services Officer can ne

Mayor Moyer indicated he and Council Member Peterson met with the Banning Police Officers Association and Interim Chief Fisher and determined this is what needs to be done to retain some of the veterans and encourages new recruitments.

The Mayor opened the item for public comment.

Diego Rose expressed his support for the item.

Jerry Westholder encouraged Council to offer this to Dispatchers as well.

Seeing no further comments, the Mayor closed public comment.

Motion Peterson/Welch to Adopt Resolution 2018-122: 1) Approving a salary increase of 8.5% or approximately \$3 per hour, and benefits increase in the form of paying 4% Employer Paid Member Contributions (“EPMC”) of allowable Public Employee Retirement System (“PERS”) employee contributions to police positions, to retain and recruit hard to fill critical sworn peace officers of the Banning Police Department. 2) Authorizing the Interim City Manager or designee to make necessary budget adjustments, appropriations and transfers related to salary and benefits. 3) Authorizing the Interim City Manager to reopen and amend to the related Memorandum of Understanding. Motion carried 4-0, with Council Member Franklin absent.

3. Resolution No. 2018-120, Approving Amendment No. 1 to the Enterprise Licensing Agreement with Software One

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

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

Motion Andrade/Welch to adopt Resolution 2018-120, approving Amendment No. 1 to the Enterprise Licensing Agreement with Software One to include data storage. Motion carried 4-0, with Council Member Franklin absent.

4. Electric Line Extension Agreement for Pardee Homes

Electric Utility Director Tom Miller presented the Staff Report as contained in the Agenda packet.

Mayor Moyer asked if this would be a reimbursement. Director Miller advised they will be required to advance money.

The Mayor opened the item for public comment.

Diego Rose asked how he could get a loan from the City to install a new parking lot at his business.

Mr. Miller advised the customer is paying the Utility, the Utility is not paying for anything.

Seeing no further comment, the Mayor closed public comment

Motion Andrade/Peterson to approve the use of the proposed electric line extension and reimbursement agreement in connection with Pardee Homes for various project work in connection with the Butterfield Subdivision. Motion carried 4-0, with Council Member Franklin absent.

5. Resolution 2018-118, Approving a Vehicle Lease and Replacement Program and Awarding a Five (5) Year Master Equity Lease Agreement to Enterprise Fleet Management

Public Works Director Vela presented the Staff Report as contained in the Agenda packet along with a PowerPoint presentation (see Exhibit "G"). He introduced Tyler Wick with Enterprise.

Council Member Peterson expressed concern with the annual maintenance fee and asked what the City would do if it were to opt out of the program in the future. Tyler Wick with Enterprise explained that the maintenance program is not required, but it does provide a value to the City. Council Member Peterson asked about the cost increase over four years. Director Vela explained that approximately \$100,000 would be added to the budget annually over the next four years. Mr. Wick advised that at the end of five years, the City has rights of ownership or take the equity and use as a down payment on new vehicles.

Director Vela advised Council that a vehicle replacement program needs to be implemented whether or not this option is chosen.

Council Member Andrade shared her concern with the cost.

The Mayor opened the item for public comment.

Paul Perkins asked where the maintenance would be done. Mr. Wick explained it would be done at local auto shops.

Don Smith informed the Council that a previous finance director recommended a vehicle replacement program. He urged the Council to implement a program and consider whether or not this is the most cost effective method to have a vehicle replacement program.

Diego Rose asked why the City can't do this themselves. Director Vela advised the City could do this themselves, but it would require a large initial capital investment.

Seeing no further comment, the Mayor closed public comment.

Council Member Peterson asked how the City would pay for the program four years from now. Interim City Manager Clayton advised that it will depend on the state of the budget at that time, but the program is needed for several reasons, including safety.

Council Member Andrade asked if the City is locked into the program for five years. Mr. Wick advised that the City can start with the twelve initial vehicles and make sure it is still feasible to continue the program on an annual basis.

Motion Andrade/Welch to Adopt Resolution 2018-118: 1) Authorizing the Interim City Manager or her designee to execute a Five (5) year Master Equity Lease Agreement and supporting documentation, beginning Fiscal Year 2019 and ending Fiscal year 2023 with Enterprise Fleet Management for a Vehicle Lease and Replacement Program. 2) Authorizing the Interim City Manager or her designee to declare and remove various City-owned vehicles from the City's fleet and dispose of the surplus vehicle assets per City policy. 3) Authorizing the proceeds from the sale of the surplus vehicles to be applied towards the cost of the annual leasing program. 4) Authorizing the Interim City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the Vehicle Lease and Replacement Program. Motion carried 4-0, with Council Member Franklin absent.

The Mayor recessed the meeting at 7:43 P.M. and reconvened at 7:50 P.M.

The Mayor recessed the regular meeting and called to order a meeting of the Banning Housing Authority.

Board Members Present: Andrade, Peterson, Welch, and Chairman Moyer

Board Members Absent: Franklin

CONSENT ITEMS

1. Resolution 2018-04 HA, Approving the Subordination Agreement for First Time Homebuyer Program Located at 1500 G Court

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

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

Chairman Moyer adjourned the Housing Authority meeting and called to order a scheduled meeting of the Banning Utility Authority.

Board Members Present: Andrade, Peterson, Welch, and Chairman Moyer

Board Members Absent: Franklin

CONSENT ITEMS

1. Notice of Completion for Project 2017-17W, "Repair of Wells and Pumps"

The Chairman opened the Item for public comment. Seeing none, closed public comment.

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

REPORTS OF OFFICERS

1. Resolution 2018-15 UA, Approving the Award of a Professional Services Contract for Completing a Nitrogen Removal Feasibility Study and Development of a Salt and Nutrient Management Plan to Montrose Environmental

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

Chairman Moyer clarified this is a state mandated expense. There was discussion regarding the effects of nitrogen in the water and funding.

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

Motion Peterson/Welch to adopt Resolution 2018-15 UA: 1) Approving an agreement with Montrose Environmental of Irvine, CA for completing a Nitrogen Removal Feasibility Study and development of a Salt and Nutrient Management Plan, in the amount of \$321,669 for Fiscal Years 2018/2019 and 2019/2020. 2) Authorizing the Interim City Manager or her designee to execute the Agreement with Montrose Environmental, legal name "ES Engineering Services, LLC". 3) Establishing a \$30,000 Project Contingency and Authorizing the Interim City Manager to Execute Amendments to the Agreement within the Contingency Amount. Motion carried 4-0, with Board Member Franklin absent.

2. Resolution 2018-18 UA, Approving an Alternative for Obtaining Legal Counsel Services for the Public Works Department, Water and Wastewater Divisions

City Attorney Ennis excused himself due to potential conflict of interest with the item, as his legal firm is being considered. He explained he would be available for questions on this item only in his private capacity.

Public Works Director Art Vela presented the Staff Report and as contained in the Agenda packet and explained the alternatives available for consideration.

There was discussion held regarding the Flume process and how the current attorney has represented the City. Director Vela explained it is a long, complicated, and very involved process.

The Chairman asked which option staff recommends. Director Vela recommended the second option, as it will take time to issue the RFP and bring a firm up to speed.

The Chairman opened the item for public comment.

Don Smith expressed his support of Director Vela's recommendation and suggested the Council consider the second option.

Seeing no further comments, the Chairman closed public comment.

Council Member Peterson would recommend paying an hourly fee and not a retainer.

Motion Peterson/Andrade to adopt Resolution 2018-18 UA, approving option 2 based on an hourly rate on an as needed basis up to \$30,000 and issue a Request for Proposals for legal counsel services for the Public Works Department, Water and Wastewater Divisions. Motion carried 4-0, with Board Member Franklin absent.

The Chairman adjourned the Banning Utility Authority Meeting and the Mayor reconvened the regular meeting.

DISCUSSION ITEMS

None

ITEMS FOR FUTURE AGENDAS

Mayor Moyer requested a thorough update.

Council Member Peterson requested the Livingston Right of Way.

ADJOURNMENT

By common consent the meeting was adjourned at 8:33 P.M.

Minutes Prepared by:



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=wmhaeQ6AHNiU> for part 1 and <https://banninglive.viebit.com/player.php?hash=jZn0xaGthJun> for part 2, or by requesting a CD or DVD at Banning City Hall located at 99 E. Ramsey Street.

Exhibit “A”

to the September 25, 2018, Regular Meeting Minutes

Recd 9/25/18 (81)

Banning City Council Meeting
September 25, 2018

Public Comment portion of the agenda

The following comments address the two Candidate Forums held last week. The Chamber of Commerce had sponsored the events to allow the candidate for each of the two districts to present his position statements to his constituents and then answer questions regarding issues that confront the city now and in future. The forum rules were explicit and assured fairness to each candidate. Each candidate was asked the same question, the order was changed to give each candidate the opportunity to be first or have the advantage of having heard others' answers beforehand.

At the District 5 Forum, one of the candidates, Mr Irwin, did not show up. At the District 4 Forum, also one candidate, Mr Happe, did not show up. Apparently both candidates are certain to win the election and therefore did not need to subject themselves to their prospective voters' scrutiny. Thus they did not need to interact publicly with their electorate and answer important questions. Since neither of these two candidates is ever seen at city council meetings, I wonder about their commitment to the residents of their respective districts.

A disagreeable development occurred after the Forums: Banning Interim City Manager, Rochelle Clayton, took it upon herself to dig up an obscure Government Code that she used to cancel any availability of the recorded and videotaped meetings to the citizens. As the Forums were sponsored by the local Chamber of Commerce, a private NGO (non Government organization) Ms Clayton was clearly overstepping her authority with her unfortunate decision. Apparently, she is totally ignorant of the difference between private and government. Also she was clearly violating the First Amendment of the US Constitution. People like that should not be in a position to muck up like that.

Inge Schuler
Banning

Exhibit “B”

to the September 25, 2018, Regular Meeting Minutes

Rec'd 9/25/18 (SD)

NO MORE TELEVISED CANDIDATE FORUMS OR RECORDED CANDIDATE STATEMENTS, SAYS INTERIM CITY MANAGER ROCHELLE CLAYTON.....

For years it has been the City's practice to film all Candidate Forums, and air them on the Government Channel. It was also the City's practice to video record each Candidate's Statement, and post them on the City's website, but this practice is also gone.

It seems the City has been violating the Law all these years by recording and posting these items. I am just amazed with the number of laws that the City Staff breaks on a daily basis. Laws and procedures that Staff should know, like knowing the difference between a Standing Committee meeting and an Ad Hoc Committee meeting.

Oh well, if you want a copy of the video, then fill out a Public Record Request. Click on this link to down load the form.

<http://ci.banning.ca.us/.../View/5386/Public-Records-Request-...>

Below is the email containing the newly discovered law.

From: <rclayton@ci.banning.ca.us>
Date: Thu, Sep 20, 2018 9:44 pm
To: <don@donpeterson.org>
Cc:

Mayor Pro Tem Peterson

In order to protect the City, and due to the political biased perception of the candidates forums, the City will not make the forums available on the City's website nor the City's government access channel. Likewise, the City is unable to record candidates statements, nor make them available on the City's website, nor air them on the City's government access channel, as per G.C. 18215.

Based on exception under 18215 (c)(10), the City was permitted to allow the candidates forums in Council chambers and video such. The videos are available to the public by way of submitting a Public Records Act request.

If you have any questions, I'll refer you to the City Attorney.

Rochelle Clayton
Interim City Manager
City of Banning

Exhibit “C”

to the September 25, 2018, Regular Meeting Minutes



CITY OF BANNING
PUBLIC WORKS DEPARTMENT

Rec'd 9/25/18

PUBLIC WORKS PERMIT

CONTRACTOR INFORMATION

BT Pipeline, Inc. for Pardee Homes
NAME
PO Box 40

Ranch Cucamonga CA 91739
CITY STATE ZIP
713383 11/30/2019
LICENSE NO EXP DATE

PERMIT: 18-7010-0053

DATE: 9/4/2018
JOB LOCATION: Wilson St & Apex St

OWNER/DEVELOPER FEI ECC 2412900 10/1/2018
LIABILITY INSURANCE EXP DATE

QTY	FEES	AMOUNT
DRIVEWAY APPROACH RESIDENTIAL COMMERCIAL	\$60.00/EACH \$81.00/EACH	
WHEELCHAIR RAMP CROSS GUTTER/SPANDREL	\$60.00 \$103.00	
CURB/GUTTER 1 TO 100 LF 101 LF OR GREATER	\$60.00 \$103.00	
SIDEWALK 1 TO 400 SF 401 SF OR GREATER	\$60.00 \$103.00	
A.C. PAVEMENT 1 TO 1,000 SF 1,001 TO 5,000 SF 5,001 SF OR GREATER	\$120.00 \$291.00 \$351.00	
SEWER, WATER, STORM DRAIN (S/D) MAIN 1 TO 50 LF 51 LF OR GREATER SEWER LATERAL SEWER MANHOLE SEWER CLEAN-OUT	\$82.00 \$188.00 \$60.00 \$81.00 \$82.00	
WATER SERVICE WATER LINE HOT TAP (SPRINKLER) FIRE HYDRANT S/D INLET, JUNCTION STRUCTURE S/D CONNECTOR PIPE PARKWAY DRAIN	\$60.00 \$174.00 \$270.00 \$189.00 \$145.00 \$81.00	
OTHER AIR VAC BLOW OFF/AIR RELEASE STREET LIGHT STREET NAME AND TRAFFIC SIGN RETAINING WALL STREET TREE LANDSCAPING PENALTY FOR WORK W/O PERMIT RE-INSPECTION FEE OVERTIME INSPECTION NPDES INSPECTION INDUSTRIAL WASTE INSPECTION DYE TEST ENCROACHMENT PERMIT INSPECTION FEE	\$103.00 \$60.00 \$460.00 \$188.00 \$60.00 \$826.00 \$244.00 1.5 X TIME SPENT \$154.00 \$111.00 \$175.00 \$104.00 \$352.00 4% of ECC	
EXCAVATION PERMIT INDIVIDUAL PROJECT ANNUAL PERMIT (6X6 CUT OR LESS)	\$189.00 \$685.00	
PRINTING FEES X ISSUANCE FEE OF PERMIT		\$23.00
	TOTAL	\$1,250.84

Twenty four hour notice must be given prior to commencing any work listed on this Public Works Permit. Work must be performed between the hours of 7:00 am and 6:00 pm, exclusive of Saturdays, Sundays, and holidays. Forms and subgrade must be inspected and approved by the Public Works Inspector before ordering PCC or AC. Sewers and other pipelines must be inspected and approved before backfilling. Failure to obtain approval before proceeding with work will result in rejection and a penalty. For inspection contact the Engineering Division at (951) 922-3130.

SIGNATURE

9/4/18
CONTRACTOR OR AUTHORIZED REPRESENTATIVE

PERMIT APPROVED: Garcia
CITY ENGINEER OR AUTHORIZED REPRESENTATIVE

NO WORK WILL BE PERFORMED ON SATURDAYS, SUNDAYS, OR CITY HOLIDAYS WITHOUT CLEARANCE AND APPROVAL BY THE ENGINEERING DIVISION.

PERMIT EXPIRES 180 DAYS FROM DATE OF ISSUANCE

Exhibit “D”

to the September 25, 2018, Regular Meeting Minutes

Vote Tracking Prop 218 Waste Rate Increase- Summary

250 – Verified protest votes for waste rate increase as of 11:00am – Tuesday, September 25, 2018

- 3 - Protest forms not counted due to lack of signature
- 2 - Protest forms returned as "not protesting"
- 4 - Protest forms received from non-owner tenants not paying waste rates
- 1 - Rates page received with no protest attached
- 20 - Notices returned by post office for address and/or unknown person
- 11 - Notices returned by post office as forwarding order expired, had a Banning address. Notices re-mailed on August 16, 2018.

Process used to validate and confirm each Protest Form received:

1. Received by City Clerk- stamped and initialed - locked up in City Clerk's vault.
2. Public Works Office Specialist was given Protest Forms to confirm utility account matched the name(s) on Protest Form and logged the Forms in by APN order on excel spreadsheet titled "Vote Tracking Prop 218 Waste Rate Increase". This allowed all vote tracking to be in APN order, easier to track duplicates. Each valid Protest Form was counted only once. If a property owner and their tenant both submitted a protest form, only one Protest Vote was logged.
3. The City Clerk put protest forms back into the City Clerk's vault at the end of each day.
4. The excel spreadsheet titled "Vote Tracking Prop 218 Waste Rate Increase" was reviewed by either the Utility Financial Analyst or City Manager Executive Assistant to confirm all Protest Forms received had been logged and counted for properly. They confirmed this by initialing each line.

Exhibit “E”

to the September 25, 2018, Regular Meeting Minutes

RATE COMPARISON

Residential Monthly Rates

2018

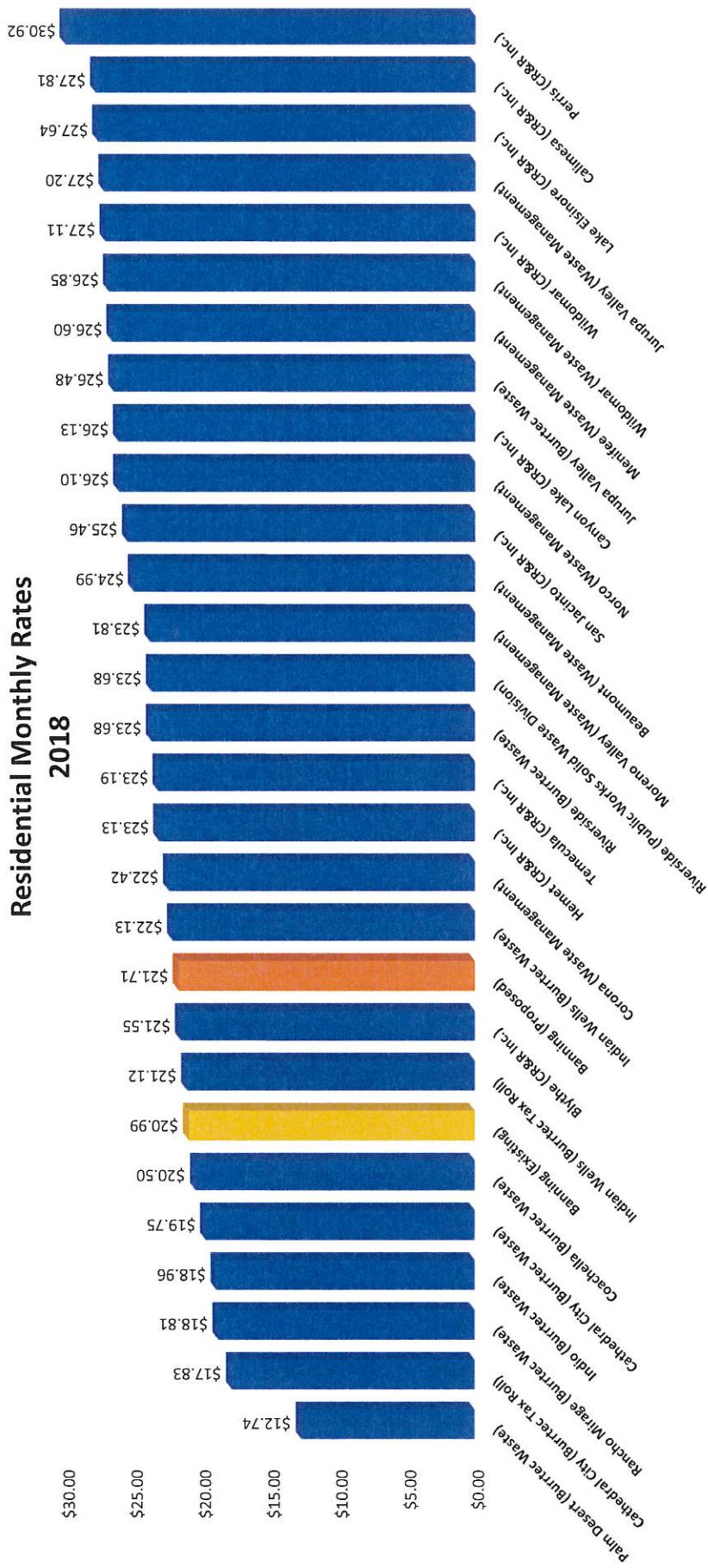


Exhibit “F”

to the September 25, 2018, Regular Meeting Minutes

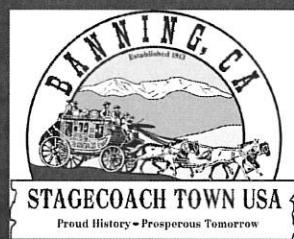
Banning 2018 Ballot Measures Informational Meeting Schedule

	Location	Date	Time
District 1	Community Center 769 N. San Gorgonio Avenue	10/10/2018	6:00 pm – 8:00 pm
District 2	Banning High School 100 W. Westward Avenue	10/16/2018	6:00 pm - 8:00 pm
District 3	Sun Lakes Ballroom	9/27/2018	10:30 am - 12:30 pm 6:00 pm - 8:00 pm
District 4	Mountain Avenue Baptist Church 1325 N. Mountain Avenue	10/30/2018	6:00 pm - 8:00 pm
District 5	Nicolet Middle School 101 E. Nicolet Street	10/24/2018	6:00 pm - 8:00 pm

Exhibit “G”

to the September 25, 2018, Regular Meeting Minutes

Resolution 2018-118



Public Works Department – Fleet Division

9-25-18

Introduction

- Fleet inventory includes over 150 vehicles and approximately 100 support equipment items (e.g. utility trailers, mowers, generators, compressors, etc.).
- Sound practice in Fleet Management is to have a vehicle replacement program.
- Historically, the City has replaced a majority vehicles/equipment when the asset has become non-operational and/or the cost to repair far exceeds the value of the vehicle.

Benefits to a Fleet Replacement Program

- Reliability (e.g. limited downtime)
- Fuel efficiency
- Vehicles meet current safety requirements
- Most costly repairs done within warranty period
- Higher residual returns on vehicles sold
- Large repairs take staff away from important preventative maintenance activities

Options for Fleet Replacement

- Cash Purchase
 - Large upfront capital investment
- Debt Obligation (e.g. issuance of bonds)
- Leasing
 - Lease purchase
 - Open-ended (e.g. equity): City keeps vehicle equity at end of purchase
 - Close-ended: City walks away with no responsibility at end of the lease term.

Fleet Replacement Vehicles

- Focused on 59 light-duty vehicles
- Average age of 12.7 years
- 2 vehicles predate airbag standardization (1998)
- 40 vehicles predate anti-lock brake standardization (2007)
- 52 vehicles predate electronic stability control (2012)

The Interlocal Purchasing System (TIPS)

- National Cooperative Purchasing Program
- City is currently a member of TIPS
- Enterprise Fleet Management was awarded a contract with TIPS through a competitive process for Fleet Leasing and Management Services.

Enterprise Lease-Equity

- Lease term = 5 years per vehicle
 - Equity earned would be owned by the City and reinvested into the replacement vehicle
- Estimated savings of \$513,000 over 10 years in the procurement of replacement vehicles
- Estimated \$78,000/year reduction in maintenance costs
- Reduction in fueling expenditures due to fuel efficient vehicles
- Maintenance Service
 - Would allow Fleet Department staff to increase level of service on remaining vehicles

Enterprise Lease-Equity

- Fleet Replacement Program
 - 57 vehicles identified
 - Schedule includes replacing approximately 12 per year (5 year program)
 - 2018-2019 costs: \$124,564.74
 - Engineering, Streets, Water, Electric and Fleet Maintenance
 - 2018-2019 approved budget includes: \$110,514.
 - Appropriation needed to cover shortfall: \$14,050.74
- Recommendation
 - Approve a 5 Year Master Equity Lease Agreement with Enterprise Fleet Management
 - Approve required appropriations to cover shortfall
 - Declare the vehicles identified to be replaced as surplus
 - Approve utilizing the proceeds from the sale of surplus vehicles towards the leasing program