

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

10/09/18
REGULAR MEETING

A regular meeting of the Banning City Council was called to order by Mayor Moyer on October 9, 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
Council Member Franklin
Council Member Peterson
Council Member Welch
Mayor Moyer

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT Doug Schulze, City Manager
Kevin Ennis, City Attorney
Rochelle Clayton, Deputy City Manager
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
Tim Chavez, Fire Battalion Chief
Robert Meteau, Deputy Human Resources Director
Sonja De La Fuente, Deputy City Clerk
Laurie Sampson, Executive Assistant
Leila Lopez, Office Specialist

The Invocation was given by Council Member Franklin. Council Member Peterson 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 LABOR NEGOTIATORS Pursuant to Government Code Section 54957.6 – City Designated Representative: Rochelle Clayton, Interim City Manager; Unrepresented employee: Candidate for Interim Community Development Director. Action will be taken in open session. 2) PUBLIC EMPLOYEE APPOINTMENT: Community Development Director – Pursuant to Government Code Section 54957. Action will be taken in open session. 3) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: Turner v. City of Banning, Case No. RIC 1607623. A status report was provided regarding the case and its settlement. 4) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Potential initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9. One case. A status report was

provided. There is no reportable action. 5) 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 report was given regarding the City's attempt to recover legal fees.

The City Attorney noted the City's Rules and Procedures regarding decorum. Under Section 10.1 it instructs legislative body members to provide the utmost courtesy to each other, employees, and members of the public, refraining from rude and derogatory remarks, inflections as to integrity, abusive comments and statements as to motives and personalities, disrupt, disturb, or otherwise impede orderly conduct of the meeting. This same requirement applies to employees and members of the public under section 10.3.

PUBLIC COMMENTS / CORRESPONDENCE / PRESENTATIONS / APPOINTMENTS

PUBLIC COMMENTS

The Mayor opened Public Comment for items not on the Agenda.

Inge Schuler expressed her concern with the speed limit heading north on Highland Springs Road is 45. South on Sunset is 35, but if you turn left on Westward it increases to 40. Wilson's speed limit is also too fast and she would like these speed limits reexamined. She also recommended posting weight limit signs on surface streets. Finally, she requested the Business Spotlight of a Council Candidate be removed from the City's website.

Laura Leindecker advised the State of the City Address will be held on October 18th at Sun Lakes Country Club. Tickets may be purchased through the Chamber of Commerce for \$15. Doors open at 10:30 a.m. with the program beginning at 11:00 a.m.

Ellen Carr with Tender Loving Critters advised the Animal Action League will be at the Community Center with their low cost spay and neuter clinic. Low cost shots and microchipping is also available. Now that the City is under the County for animal control, microchipping is mandatory. Citizens may call Animal Action League at 760-366-1100 to be put on a list for spay and neuter. There is no appointment required for shots or microchipping.

David Castellanos, resident and hopeful business owner, requested the Council reinstate the Zone Text Amendment, but strike out DC Zone for tattoo establishments. The Mayor advised this will be on the next agenda.

Lanny Swerdlow, Registered Nurse, advised the Hospital has had some serious challenges. He is a candidate for San Geronio Memorial Health Care District Board Member and would like the public's consideration in electing him to one of the three available positions.

John Hagan asked why the City is airing a City Council Candidate's business on their website. He doesn't feel it should be aired at this time. Deputy City Manager Clayton advised it was requested the video take the video down.

Diego Rose suggested the Council beautify the City and suggested the City hire an Arborist, as the tree trimmers that are trimming the trees to keep them away from the Utility lines are butchering the trees.

David Ellis informed the Council that per the Supreme Court citizens can stand at the podium and say anything he wants as long as they are not violent, rude, or threatening. He would also like to know why the candidate forums were not re-aired on the public access channel.

Jerry Westholder indicated he taught history and advised that the 1st amendment should not be infringed upon. He encouraged the public to vote "No" on Measure P, as he feels it will cost more in the long run.

The City Attorney explained a written memorandum will be distributed to the Council. But, briefly explained to the public why the City will not be airing or rebroadcasting the candidate forums.

Council Member Peterson asked the City Attorney some questions pertaining to why the City can't air candidate statements. City Attorney Ennis explained why the statements should not be aired on the City's website and channel. Council Member Peterson would like the new City Manager to view the candidate forums and advise if they can be aired.

Seeing no further comments, the Mayor closed Public Comment.

CORRESPONDENCE

There was no correspondence.

PRESENTATIONS

The Mayor presented a proclamation to Interim Chief Fisher proclaiming the second week of October Code Enforcement Officer Appreciation Week.

CONSENT ITEMS

Items 3, 8, and 12 were pulled for discussion.

1. Minutes – Special Meeting – 9/25/2018 (Workshop)

Recommendation: Approve the Minutes from September 25, 2018, Special Meeting of the Banning City Council.

2. Minutes – Special Meeting – 9/25/2018 (Closed Session)

Recommendation: Approve the Minutes from the September 25, 2018, Special Meeting of the Banning City Council.

4. List of Contracts Approved Under the City Manager's Approval Authority (September 2018)

Recommendation: Receive and file

5. Police Stats (August 2018)

Recommendation: Receive and file

6. Police Stats for April through July 2018

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

7. Resolution 2018-121, Establishing a Pre-Approved Grant Writing Services Vendor List for the Remainder of Fiscal Year 2019 through Fiscal Year 2021

Recommendation: Adopt Resolution 2018-121

9. Resolution 2018-133, Approving an Amendment to the 2017-2019 Memorandum of Understanding ("MOU") Between the City of Banning and the Banning Police Management Association ("BPMA") for the Remainder of the MOU Term

Recommendation: Adopt Resolution 2018-133

10. Resolution 2018-125, Establishing a Pre-Approved Surveyor Services Vendor List for the Remainder of Fiscal Year 2019 through Fiscal Year 2021

Recommendation: Adopt Resolution 2018-125

11. Proposed Street Striping at the Intersections of Ramsey Street and Martin Street; and Wilson Street and Florida Street

Recommendation: Receive and file

The Mayor opened Consent Items 1, 2 through 7, and 9 through 11 for public comment. Seeing none, closed public comment.

Motion Peterson/Welch to approve Consent Items 1, 2 through 7, and 9 through 11. Motion carried, 5-0.

3. Minutes – Regular Meeting – 9/25/2018

Council Member Franklin noted that on page 37 of the Agenda packet the motion was seconded by Council Member Welch.

Recommendation: Approve the Minutes from the September 25, 2018, Regular Meeting of the Banning City Council.

The Mayor opened Consent Item 3 for public comment. Seeing none, closed public comment.

Motion Franklin/Peterson to approve Consent Item 3 with the noted correction. Motion carried, 5-0.

8. Resolution 2018-132, Approving the Second Amendment to the 2016-2019 Memorandum of Understanding ("MOU") Between the City of Banning and the Banning Police Officer's Association ("BPOA") for the Remainder of the MOU Term

Recommendation: Adopt Resolution 2018-132

Council Member Franklin stated that she wished the Dispatchers were included with the increase to Public Safety and there are issues with them as well. She apologized for not being present at the last meeting.

The Mayor opened Consent Item 8 for public comment. Seeing none, closed public comment.

Motion Franklin/Andrade to approve Consent Item 8. Motion carried, 5-0.

12. Re-Acquire Rights-of-Way Previously Deeded to Vanir Property

Recommendation: Receive and file

Council Member Peterson recused himself due to potential conflict of interest, as he owns property within 500 feet.

The Mayor opened Consent Item 12 for public comment.

Inge Schuler indicated she is pleased to see this item and would like to see it pass.

David Ellis suggested revisiting the freeway sign as well.

Seeing no further comments, the Mayor closed public comment.

Motion Andrade/Franklin to approve Consent Item 12. Motion carried, 4-0, with Council Member Peterson not voting.

PUBLIC HEARINGS

1. Ordinance 1534, Amending Chapter 13 of the Banning Municipal Code to add Chapter 13.05

Electric Utility Director Tom Miller presented the staff report as contained in the Agenda packet. He advised the Ordinance included in the Agenda packet was a draft version and provided an updated version (see Exhibit "A").

The Mayor opened the Public Hearing. Seeing no comments from the public, the Mayor closed the Public Hearing.

The Mayor asked the Deputy City Clerk to read the title of Ordinance 1534.

The Deputy City Clerk read the title of Ordinance 1534.

Motion Franklin/Peterson to waive further reading of Ordinance 1534. Motion carried, 5-0.

Motion Franklin/Peterson Ordinance 1534 pass its first reading. Motion carried, 5-0.

2. Resolution No. 2018-127, Approving a 12 Month Extension of Time for Tentative Parcel Map 34335, Property Generally Located South of Railroad Right of Way, North of Banning Airport, Immediately West of the Eastern City Limit, APN's 532-110-006, 532-130-001, and 532-130-002

Community Development Director Patty Nevins presented the staff report as contained in the Agenda packet.

Council Member Peterson pointed out for the public that this is the Messenger project and asked the developer to provide an update.

Bill Patton with Pacific Newport Properties provided some background regarding the project and indicated they now own the property, but Mr. Messenger is still a partner. He advised they are hoping to begin construction in late 2019.

Council Member Andrade indicated that nothing has been done in eleven years, therefore she is not inclined to approve another extension.

Mr. Patton advised they have spent a lot of time over the last year preparing the Environmental Impact Report and getting approvals and intend to move forward.

Council Member Franklin asked for a description of the project for the benefit of the public.

Mr. Patton indicated it is a single building (just under one million square feet) distribution center.

The Mayor opened the Public Hearing.

Inge Schuler asked if this project would fall under the provisions of AB 333.

Council Member Franklin referred to Page 202 of the Agenda packet under Background Information where it talks about extensions. Director Nevins explained the legislative extensions (six years). Council Member Welch indicated AB 333 was a 24 month extension to 2014, which is now expired. The life of all legislative extensions are almost finished.

David Ellis asked how the Council could not consider approving an extension. Council Member Welch pointed out that it is a process the City Council must go through to approve any extension.

John Hagan asked if the grade separation on Hargrave would be included in this plan. The Mayor indicated the CEQA documents would indicate traffic impacts and mitigations.

Council Member Andrade asked about street improvements would be done. Director Nevins indicated the mitigation measures would be addressed in the Environmental Impact Report.

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

Motion Welch/Peterson to adopt Resolution 2018-127, approving the time extension for Tentative Parcel Map 34335. Motion carried, 4-1, with Council Member Andrade voting against.

ANNOUNCEMENTS & REPORTS

The Mayor welcomed Mr. Doug Schulze as the new City Manager for the City of Banning. Mr. Schulze thanked the Mayor and Council and encouraged members of the public to contact him if they wished.

REPORT BY CITY MANAGER

City Manager Doug Schulze reported there will be a Town Hall Meeting at the Senior Center tomorrow, October 10th at 6:00 P.M.

CITY COUNCIL COMMITTEE REPORTS

Council Member Andrade thanked Patty Nevins for her service during her tenure with the City of Banning.

Council Member Welch announced RTA will be donating a renovated Trolley to the City of Banning. It will be at the State of the City Address for everyone to see.

Council Member Franklin advised she has welcomed her second granddaughter last Wednesday.

Council Member Peterson welcomed Doug and thanked Patty and wished her well.

The Mayor thanked Patty for her service.

REPORT BY CITY ATTORNEY

City Attorney Kevin Ennis reported their firm will be evaluating new laws and supplying information to the City as to how they may affect it.

REPORTS OF OFFICERS

1. Resolution 2018-131, Approving an Amendment to the Contract with Romo Planning Group to Expand the Scope of Services

Deputy City Manager Clayton presented the Staff Report as contained in the Agenda packet. She provided a revised Resolution (see Exhibit "B") since the agenda was published.

Council Member asked if this would be only during the recruitment process. Deputy City Manager Clayton confirmed.

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

Motion Franklin/Peterson to adopt Resolution 2018-131, 1) Approving an amendment to the contract with Romo Planning Group to expand the Scope of Services to include Interim Community Development Director services and an additional Planner for Project Manager services. 2) Authorize the Interim City Manager to execute the Amendment. Motion carried, 5-0.

2. Resolution 2018-123, Authorizing an Appropriation of Funds for Emergency Mold Remediation at the Banning Police Station in the Amount of \$55,403.21

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

Council Member Franklin asked about a warranty, since the building is not very old.

The Mayor suggested the City Attorney to see if there was a construction defect.

Council Member Welch asked if rodents could have been the cause. Director Vela indicated it was a copper pipe and does not believe rodents would have been the cause.

Deputy City Manager Clayton explained updates made to Resolution 2018-123 since the Agenda published (see Exhibit "C").

The Mayor opened the item for public comment.

Ellen Carr recommended getting a cat to catch any rodents.

Seeing no further comments, the Mayor closed public comment.

Motion Andrade/Franklin to adopt Resolution 2018-123, authorizing an appropriation of funds for emergency mold remediation at the Banning Police Station and designating the Interim City Manager to make necessary budget adjustments, appropriations and transfers related to the project. Motion carried, 5-0.

3. Resolution 2018-124, Awarding a Construction Agreement to Allison Mechanical, Inc. for Project No. 2018-05, "City Hall Heating, Ventilation and Air Conditioning (HVAC) Improvements" in the amount of \$162,000 and Approving a 10% Contingency for a Total Project Budget of \$178,200 and Rejecting All Other Bids

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

Council Member Peterson asked about the Police Department. Director Vela explained that an assessment has been done and their recommendations have been done at the Police Department and this is their recommendation for City Hall. Council Member Peterson asked if this work would be completed before summer. Director Vela confirmed it would if approved.

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

Motion Welch/Franklin to adopt Resolution 2018-124: 1) Approving an award of a Construction Agreement to Allison Mechanical, Inc. of Redlands, CA for Project No. 2018-05, "City Hall HVAC Improvements"" in an amount of \$162,000 and a 10% contingency for a total project budget of \$178,200 and rejecting all other bids. 2) Authorizing the Interim City Manager or her designee to make necessary budget adjustments, appropriations and transfers related to the Construction Agreement for Project No. 2018-05, City Hall HVAC Improvements within the 10% contingency. 3) Authorizing the Interim City Manager or her designee to execute the Construction Agreement with Allison Mechanical, Inc. for Project No. 2018-05, "City Hall HVAC Improvements". Motion carried, 5-0.

4. Resolution 2018-129, Phase 2 – Automated Meter Reading (AMR) and Advanced Metering Infrastructure (AMI)

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

Council Member Franklin asked if money is available through Prop. 1 for water. Director Vela indicated they have requested \$1 million, but were recently notified the funding was not awarded to the City of Banning, but would continue seeking grant opportunities. \$650,000 has been budgeted for this, which would amount to about three years' worth of work. She also asked about down-time and how that would be addressed. Director Miller indicated the meters have memory, therefore the meters can re-send the information after any outage.

Mayor Moyer asked about meter readers. Director Miller indicated people will still be needed to do field work. Mayor Moyer asked if it would take about three to four years to get everything online (water and electric). Director Miller

Council Member Peterson asked how the new developments would affect this. Director Miller indicated there would probably only need to be three routers installed to handle both Rancho San Geronio and Pardee, as most of the cost is in the set-up and would be paid for by the customer.

There was discussion regarding how the project came about and how it was implemented.

Mayor Moyer asked about the software going out of date and not being able to update without purchasing. Director Miller indicated that is the nature of the software business.

Council Member Franklin asked if staff could provide a quarterly update, especially related to how the system will mesh with the water side.

The Mayor opened the item for public comment.

Ellen Carr asked if this would help with the billing period. Mayor Moyer explained that the billing period issue would not be addressed until the water meters are online. Director Miller indicated the rate structure adjustments will be addressed at the next Council Meeting where the tiers will be done away with.

Jerry Westholder expressed his appreciation for Director Miller and asked if staff would be able to double check meter reading manually. Director Miller indicated they would be able to double check manually.

Seeing no further comment, the Mayor closed public comment

Motion Peterson/Andrade to adopt Resolution 2018-129: 1) Approving the expenditure of funds from the Electric Improvement Fund in the amount not to exceed \$450,000 for network infrastructure equipment, Itron Professional Services, Cloud Services provided by Itron, and annual maintenance support as detailed by Itron BMR#15360-18. 2) Authorizing the City Attorney and the Electric Utility Director to execute the Master Sales Agreement and all related documents between the Banning Electric Utility and Itron, Inc. Motion carried, 5-0.

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

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

Board Members Absent: None

CONSENT ITEMS

1. Resolution 2018-17 UA, Approving the Award of a Contract for Survey and Right-of-Way Services to Cozad & Fox, Inc. of Hemet, CA in the Amount of \$39,771

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

Motion Franklin/Peterson to approve Consent Item 1. Motion carried, 5-0.

REPORTS OF OFFICERS

1. Resolution 2018-19 UA, Approving an Amendment to the Professional Services Agreement with Aspen Environmental Group in the Amount of \$50,000 for Environmental Services Related to the San Gorgonio Flume

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

The Chairman opened the Item for public comment.

Ellen Carr asked what the Flume is. Director Vela provided a brief explanation. Council Member Franklin advised there is also a DVD on the Flume available.

Seeing no further comments, the Chairman closed public comment.

Motion Franklin/Peterson to adopt Resolution 2018-19 UA: 1) Approving an Amendment to the Professional Services Agreement with Aspen Environmental Group of Agoura Hills, CA in the amount of \$50,000 for environmental services related to the transfer of the San Gorgonio Flume. 2) Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Amendment to the Professional Services Agreement. 3)

Authorizing the City Manager to execute the Amendment to the Professional Services Agreement with Aspen Environmental Group of Agoura Hills, CA. Motion carried, 5-0.

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

DISCUSSION ITEMS

None

ITEMS FOR FUTURE AGENDAS

None

ADJOURNMENT

By common consent the meeting was adjourned at 7:20 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=WWcMvElKnift>, or by requesting a CD or DVD at Banning City Hall located at 99 E. Ramsey Street.

Exhibit “A”

to the October 9, 2018, Regular Meeting Minutes

ORDINANCE NO. 1534

AN ORDINANCE OF THE CITY OF BANNING REGARDING THE OPERATION, MAINTENANCE, AND RATE SETTING STANDARDS OF THE BANNING ELECTRIC UTILITY, AMENDING THE BANNING MUNICIPAL CODE, AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. CEQA Finding. The adoption of this Ordinance is not a "project" under the California Environmental Quality Act ("CEQA") because the Ordinance does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Section 15378(b)(4). This Ordinance is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the adoption of authority in the Municipal Code for the operation and maintenance of the Banning Electric Utility or the City Council's rate setting for the Banning Electric Utility will result in a permanent alteration of property or the construction of any new or expanded structures, or have any other direct or indirect physical changes in the environment, and therefore will not have any potential to significantly affect the environment.

SECTION 2. A new Chapter 13.05 entitled "Banning Electric Utility" of Title 13 ("Public Services") of the Banning Municipal Code is hereby established to read as follow:

"Chapter 13.05. Banning Electric Utility.

13.05.010. Purpose.

The City of Banning owns and operates an electric utility known as the Banning Electric Utility to provide electric power generation and electrical energy procurement, transmission and delivery of electrical energy, retail electrical energy distribution, metering, customer billing and energy efficiency services to its end-use customers.

13.05.020. Authority.

With the city council's concurrence, as provided by subsection (c) of section 2.08.080, the city manager is authorized to appoint the Banning Electric Utility director as the primary authorized representative for the Banning Electric Utility. The primary responsibility for enforcement of this chapter and the policies, rates, rules, and regulations adopted pursuant to this chapter shall be vested in the Banning Electric Utility director.

It will be the primary objective of the city in all decisions under these policies to make electrical energy services available to the end-use consumer at the lowest possible rates consistent with sound business principles and in conformance with state and federal law.

13.05.030. Adoption of Rules and Regulations by Resolution.

The city council may, by resolution, from time to time as it deems necessary for the administration or implementation of the intent of this chapter, review, revise, adopt and/or promulgate new or amended rules and regulations concerning the operation or administration of the Banning Electric Utility. A copy of the current rules and regulations adopted by the city council shall be kept open for inspection at the office of the Banning Electric Utility and shall also be posted online on the city's website.

13.05.040. Adoption of Rate Schedule (Tariffs) by Resolution.

The city council may, by resolution, from time to time as it deems necessary for the administration or implementation of the intent of this chapter, review, revise, adopt and/or promulgate new or amended electric utility rate schedules and tariffs in accordance with applicable state law. A copy of the current schedule of rates and charges adopted by the city council shall be kept open for inspection at the office of the electric utility and shall also be posted online on the city's website.

13.05.050. Establishing Electricity Rates

In the establishment of rates pursuant to this chapter, the city may provide different rates for various categories of use, quantities of power used, and types of service furnished, to the extent permitted by applicable state law.

Electric utility rates shall be sufficient to discharge and pay all the costs of operation and maintenance of the Banning Electric Utility and its electric utility system, including (i) general administrative services; (ii) services rendered by other city departments in support of the Banning Electric Utility; (iii) additions and betterments to the electric utility system; (iv) the amortization or depreciation of obsolete facilities within the electric utility system; (v) any and all bonded indebtedness incurred in the construction or extension of the electrical utility system, including principal and interest thereof; (vi) a reasonable reserve fund to provide for unforeseen contingencies; (vii) and the acquisition of facilities in newly annexed areas. Electrical utility rates shall not be charged in excess of the amounts necessary to account for the cost, expenses, appropriate reserves, and other expenses reasonably necessary to operate the electric utility.

The city council may authorize a transfer of certain revenues from the electric utility to the city's general fund for general revenue purposes, provided that city voters authorize such transfers in accordance with state law.

13.05.060. Responsible Parties.

By receiving and accepting electric utility services, customers of the electric utility shall be considered to have given express consent to, and be bound by, the provisions of this chapter, and the policies, procedures, rules and regulations, or rate schedules and tariffs adopted or amended from time to time.

It shall be unlawful for any person to violate the adopted provisions of this chapter, and such policies, procedures, rules and regulations, or rate schedules and tariffs."

SECTION 3. Section 13.08.010 ("Electricity rates—Customer Charge") of Article I ("Electricity Rates") of Chapter 13.08 ("Water, Sewer and Electricity Rates") of Title 13 ("Public Services") is hereby amended to read as follows, unless and until the voters adopt an ordinance via a ballot measure on the November 6, 2018 general municipal election to amend Section 13.08.010, in which case the language of the voter approved ordinance shall prevail:

13.08.010. Electricity Rates—Customer Charge.

"The rates and tariffs, including rate schedules, for the operation of the Banning Electric Utility shall be established by resolution of the city council. Additional requirements and authority for Banning Electric Utility rate setting is found in Chapter 13.05."

SECTION 4. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The People of the City of Banning hereby declare that they would have adopted this ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 5. Publication; Effective Date. The City Clerk shall certify to the passage and adoption of this Ordinance, and shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted. This Ordinance shall be in full force and effect thirty (30) days after its final passage and adoption, and within fifteen (15) days after its final passage, the City Clerk shall cause it to be published in a newspaper of general circulation and shall post the same at City Hall, 99 E. Ramsey Street, Banning, California.

PASSED, APPROVED, AND ADOPTED this ___ day of _____, 2018.

George Moyer, Mayor
City of Banning

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

Kevin G. Ennis, City Attorney
Richards, Watson & Gershon, APC

ATTEST:

Sonja De La Fuente, Deputy City Clerk
City of Banning, California

CERTIFICATION:

I, Sonja De La Fuente, Deputy City Clerk of the City of Banning, California, do hereby certify that Ordinance _____ was duly introduced at a regular meeting of the City Council of the City of Banning, held on the _____ day of _____, 2018, and was duly adopted at a regular meeting of said City Council on the _____ day of _____, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sonja De La Fuente, Deputy City Clerk
City of Banning, California

Exhibit “B”

to the October 9, 2018, 2018, Regular Meeting Minutes

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, AUTHORIZING APPROVING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR PLANNING SERVICES BETWEEN THE CITY OF BANNING AND ROMO PLANNING GROUP FOR THE SCOPE OF SERVICES TO INCLUDE INTERIM COMMUNITY DEVELOPMENT DIRECTOR SERVICES AND ADDITIONAL PLANNING SERVICES, AND CONCURRING IN THE APPOINTMENT OF MARYANN MARKS AS INTERIM COMMUNITY DEVELOPMENT DIRECTOR

WHEREAS, on October 9, 2013 the Council approved a Professional Services Agreement for Planning Services with Romo Planning Group in connection with the providing general planning services for the City; and

WHEREAS, the Council approved an amendment with Romo Planning Group to provide general planning services for the City in the sum of \$199,680 for fiscal year 2018-2019; and

WHEREAS, it is necessary to amend the Professional Services Agreement with Romo Planning Group to include additional services due to the Community Development Director tendering resignation; and

WHEREAS, MaryAnn Marks of Romo Planning Group has sufficient experience and has detailed knowledge of the current City projects to serve as Interim Community Development Director; and

WHEREAS, Mark DeManicor of Romo Planning Group has sufficient experience and has detailed knowledge of the large City projects to serve as Project Manager; and

WHEREAS, there will be no increase to the contract amount.

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

SECTION 1. The City of Banning approves Resolution 2018-131 approving Amendment No. 9 to the Professional Services Agreement with Romo Planning Group to include an additional scope of services for Interim Community Development Director services and additional Planning services with no increase to the contract amount.

SECTION 2. The City Council concurs in the appointment of MaryAnn Marks as Community Development Director effective October 10, 2018.

SECTION 3. The City Manager is authorized to execute the amendment to the Professional Services Agreement with Romo Planning Group for an additional scope of services.

PASSED, APPROVED AND ADOPTED this 9th day of October 2019

George Moyer, Mayor
City of Banning

ATTEST:

Sonja De La Fuente, Deputy City Clerk

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

Kevin Ennis, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Sonja De La Fuente, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2018-131 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 9th day of October, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sonja De La Fuente, Deputy City Clerk
City of Banning, California

Exhibit “C”

to the October 9, 2018, 2018, Regular Meeting Minutes

Revised

EXHIBIT "C"
TO October 9, 2018
Regular Meeting Minutes **RESOLUTION 2018-123**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA,
AUTHORIZING AN APPROPRIATION OF FUNDS FOR EMERGENCY MOLD
REMEDiation AT THE BANNING POLICE STATION IN THE AMOUNT OF \$55,403.21**

WHEREAS, per the Purchasing Policy, emergencies are defined as those situations where the safety and/or welfare of City residents or employees is at stake and/or immediate purchasing action is required to prevent serious economic hardship to the City; and

WHEREAS, when due to the nature of the emergency, it is not possible or it is impractical to follow competitive bidding requirements, these requirements may be waived by the City Manager or his designee; and

WHEREAS, on June 20, 2018, the Public Works Department (PWD) was notified of a possible leak originating from an overhead water line in the utility room located adjacent to the gym room at the Banning Police Station; and

WHEREAS, the PWD responded by having the City's on-call plumbing contractor address the leak in addition to obtaining a contractor with expertise in mold remediation, Belfor Property Restoration, to assess the damage, perform an environmental assessment and provide applicable recommendations; and

WHEREAS, on June 29, 2018 an environmental report ("Report") was presented to the PWD identifying the presence of fungal spores in the utility and gym rooms and remediation measures; and

WHEREAS, due to health and safety concerns of those employees of the Banning Police Station, the Interim City Manager classified the situation as an emergency, waiving the requirements to follow the competitive bidding process and PWD staff directed Belfor to begin work as specified in the Report and the abatement and remediation process began July 2, 2018 and was completed July 19, 2018; and

WHEREAS, funds in the amount of \$55,403.21 will be appropriated from the General Fund to Account No. 001-3200-412.90-15 (Capital Expenditures/Building Improvements) to cover the costs of the testing and remediation work; and

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

SECTION 1. The Banning City Council adopts Resolution 2018-123, authorizing an appropriation for emergency mold remediation at the Banning Police Station.

SECTION 2. Pursuant to Public Contract Code Sections 20168 and 22050, the City Council hereby confirms, based on the circumstances described above and in the staff report for this resolution, that an emergency existed in the City's Police Department building and that the public interest and necessity demanded immediate expenditure of public funds to safeguard the employees and public using that building from exposure to mold that precluded the City for competitively bidding the work. Pursuant to Public Contract Code Section 22050, the City Council has reviewed the action taken and the condition of the building, and determined that with the repair work completed, the emergency condition has been abated and terminated and that further review of the emergency condition at future meetings is not warranted at this time.

SECTION 3. The Interim City Manager or her designee is authorized to make necessary budget adjustments, appropriations and transfers related to the project.

PASSED, APPROVED AND ADOPTED this 9th day of October, 2018.

George Moyer, Mayor
City of Banning

ATTEST:

Sonja De La Fuente, Deputy City Clerk
City of Banning

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

Kevin G. Ennis, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Sonja De La Fuente, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2018-123, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 9th day of October, 2018, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sonja De La Fuente, Deputy City Clerk
City of Banning, California

Exhibit “D”

to the October 9, 2018, Regular Meeting Minutes

Rec'd 10/9/18 (5)



Electric / Gas / Water
Information collection, analysis and application

2111 N. Molter Rd.
Liberty Lake, WA 99019
fax: 866-787-6910
www.itron.com

EXHIBIT D
TO October 9, 2018
Regular Meeting Minutes

Pricing Summary for
City of Banning

BMP# 15360-18 ver 3 Oct
October 5, 2018

Item	Category	Description	Qty	Unit Price	Extended Price	Notes
Network Infrastructure						(1)
1	Network	HW3.1 RFLAN Range Extender - 120V External Antenna	1	\$528.00	\$528.00	
Third-Party						
2	Network	Connected Grid Router - CGR 1240 4G, w/ 4 module slots, 2 GE, 2 serial, 4 FE LAN, Wi-Fi, GPS	11	\$6,120.00	\$67,320.00	
Network Infrastructure Total					\$67,848.00	
Professional Services						(2-3)
3	Services	Project Implementation Services			\$213,480.00	
4	Expenses	Project Implementation Expenses (estimated)			\$15,570.00	
Professional Services Total					\$229,050.00	
Itron Cloud Services						(4)
5	One-time	One-Time Set-up, OpenWay			\$26,750.00	
				Monthly Fee	Annual	
6	Operations	Software as a Service - Up to 13,860 Endpoints Collection Engine, ISM and Cisco IoT FND		\$3,595.50	\$43,146.00	
Itron Cloud Services Total					\$69,896.00	
OpenWay System Total					\$366,794.00	
Annual Maintenance						
7	Maintenance	Connected Grid Router Support	11	\$694.00	\$7,634.00	
Annual Maintenance Total					\$7,634.00	
Optional						
Itron Cloud Services						
8	Analytics	CSR Portal (E)			\$12,806.64	(5,7)
9	Analytics	Transformer Load Management			\$5,847.24	(5-7)
10	Analytics	Theft Detection	7	7,634.00 +	\$5,847.24	(5-7)
11	Analytics	Voltage Analysis		12,806.64 +	\$5,847.24	(5-7)
12	Analytics	Reliability Analysis		5,847.24 +	\$5,847.24	(5-7)
13	Analytics	Outage Detection		5,847.24 +	\$6,496.88	(5-7)
				5,847.24 +		
				5,847.24 +		
				5,847.24 +		
				6,496.88 +		
				Total	\$50,326.48 *	

\$417,120.48