

MINUTES
CITY COUNCIL

02/26/2019
REGULAR MEETING

COUNCIL MEMBERS PRESENT: Council Member Happe
Council Member Wallace
Mayor Pro Tem Andrade
Mayor Welch

COUNCIL MEMBERS ABSENT: Councilmember Peterson

OTHERS PRESENT Doug Schulze, City Manager
Kevin Ennis, City Attorney
Rochelle Clayton, Deputy City Manager
Marie E. Calderon, City Clerk
Daryl Betancur, Deputy City Clerk
Matthew Hamner, Police Chief
Vincent Avila, Lieutenant
Heidi Meraz, Community Services Director
Tom Miller, Electric Utility Director
Maryann Marks, Interim Community Development Director
Art Vela, Public Works Director/City Engineer
Suzanne Cook, Deputy Finance Director
Ted Shove, Economic Development Manager
Laurie Sampson, Executive Assistant
Leila Lopez, Office Specialist

I. CALL TO ORDER

A regular meeting of the Banning City Council was called to order by Mayor Welch on February 26, 2019, at 5:09 p.m. at the Banning Civic Center Council Chamber, 99 E. Ramsey Street, Banning, California.

Banning Police Department Chaplain Merle Malland offered the invocation.

Councilmember David Happe led the audience in the Pledge of Allegiance.

II. APPROVAL OF AGENDA

Mayor Welch indicated that at the request of staff, item No. 8 under Reports of Officers would be moved right after the consent calendar and before the first public hearing. He entertained a motion to that effect.

A motion was made by Councilmember Wallace seconded by Councilmember Happe to move item 8 ahead on the agenda. Electronic roll call vote was taken as follows:

AYES: Happe, Wallace, Andrade, & Welch
NOES: None
ABSTAIN: None
ABSENT: Peterson

A motion was made by Mayor Pro Tem Andrade, seconded by Councilmember Happe to approve the agenda as amended. Electronic vote was taken as follows:

AYES: Happe, Wallace, Andrade, & Welch
NOES: None
ABSTAIN: None
ABSENT: Peterson

III. DECLARATION

1. Declaration of Local Emergency Due to Storm Damage.

City Manager Doug Schulze briefed the Council about the circumstances that prompted the declaration of emergency.

There were no public comments.

A motion was made by Councilmember Wallace, seconded by Mayor Pro Tem Andrade to approve as requested. Electronic vote was taken as follows:

AYES: Happe, Wallace, Andrade, & Welch
NOES: None
ABSTAIN: None
ABSENT: Peterson

IV. REPORT ON CLOSED SESSION

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8:

Property: 4133 West Wilson Street

Agency Negotiators: Doug Schulze, City Manager, Tom Miller, Electric Utility Director

Negotiating Parties: Mountain Air Mobile Home Estates, Dora J. Nordquist and Art Nordquist.

Under Negotiation: Price and Terms for potential acquisition of electrical metering and related equipment improvements. **Direction given to Mr. Schulze and Mr. Miller. No final recommendation. Councilmember Peterson was absent.**

2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957

Title: City Manager. **Item to be continued to the next regular meeting. Councilmember Peterson was absent.**

V. PUBLIC COMMENTS, CORRESPONDENCE, AND APPOINTMENTS

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

Ellen Carr from Tender Loving Critters spoke about low cost spay and neuter events that can benefit the community; spoke about pay increases for Police Department Dispatchers.

Inge Schuler, spoke about animal concerns in times of emergencies; stated that the Riverside Emergency Animal Rescue System provides this type of service; stated that they are in need of volunteers who will be provided with training.

Jim Price spoke about the Banning Pass Little League opening day ceremony to be held on Saturday, March 9, at 10:00 a.m.

Jerry Westholder inquired about the forensic audit, and asked when will it be ready for public view.

Rene Foster representative from Arise Rehabilitation Restoration Centre addressed the City Council regarding the homeless stating that she had some information to share.

Don Smith commended the Council and City staff for a job well-done with the 8th Street Repayment and Widening project.

VI. CONSENT ITEMS

Mayor Welch asked if the Council wished to pull any items. Councilmember Wallace requested that item No. 2 be pulled for a typographical correction.

A motion was made by Councilmember Happe, seconded by Mayor Pro Tem Andrade to approve the rest of the consent calendar as presented. Electronic vote was taken as follows:

AYES:	Happe, Wallace, Andrade, & Welch
NOES:	None
ABSTAIN:	None
ABSENT:	Peterson

2. Approval of Special Meeting – 2/5/19 Minutes (Parks & Recreation Commission)

Councilmember Wallace requested that the minutes of the Special Meeting held on February 5, 2019 for Parks and Recreation Commission Interviews should reflect that the meeting started at 9 a.m. rather than 9:00 p.m. and that the minutes should be corrected accordingly.

Deputy City Clerk Daryl Betancur indicated that the minutes had been corrected and as such, they could be approved as amended.

A motion was made by Councilmember Wallace, seconded by Mayor Pro Tem Andrade to approve the item as amended. Electronic vote was taken as follows:

AYES:	Happe, Wallace, Andrade, & Welch
NOES:	None
ABSTAIN:	None
ABSENT:	Peterson

Action: Approved by Minute Order No. 2019-023

3. Approval of Special Meeting - 2/12/19 Minutes (Workshop)

Action: Approved by Minute Order No. 2019-024

4. Approval of Special Meeting – 2/12/19 Minutes (Closed Session)

Action: Approved by Minute Order No. 2019-025

5. Approval of Regular Meeting – 2/12/19 Minutes (Regular Meeting)

Action: Approved by Minute Order No. 2019-026

6. Approval and Ratification of Accounts Payable and Payroll Warrants for January, 2019.

Action: Approved by Minute Order No. 2019-027

7. Receive and File Cash, Investments and Reserve Report for January, 2019.

Action: Received and filed by Minute Order No. 2019-028

8. Capital Improvement Projects Update for January, 2019.

Action: Received and filed by Minute Order No. 2019-029

9. Receive and File Police Statistics Report for January, 2019.

Action: Received and filed report by Minute Order No. 2019-030

10. Adopt Resolution No. 2019-24; Initiating Proceedings to Update Landscape Maintenance District No. 1 for Fiscal Year 2019-2020

Action: Adopted Resolution No. 2019-24

11. Adopt Resolution No. 2019-25; Approving Termination and Release of Liens in Favor of Cash Deposit for Construction of Public Improvements.

Action: Adopted Resolution No. 2019-25

8. Adopted Resolution No. 2019-31; Approving Funds to Provide Energy Efficiency and Photovoltaic Solar System Evaluation at Banning Unified School District Facilities in an amount not to exceed \$60,000. *(Item moved up on agenda)*

Brandon Robinson, Associate Electrical Engineer with the Banning Electric Utility presented the staff report and answered Council's questions.

Public Comment

Jerry Westholder, Frank Burgess and Ann Price spoke relative to this item including issues about rebates, and supporting the School District.

A motion was made by Councilmember Wallace, seconded by Councilmember Happe to approve item as presented. Electronic vote was taken as follows:

AYES: Happe, Wallace, Andrade, & Welch
NOES: None
ABSTAIN: None
ABSENT: Peterson

Action: Adopted Resolution No. 2019-31

VII. PUBLIC HEARING(S)

1. Discuss and consider approving a twelve (12) month extension of time for Tentative Track Map No. 36939 for property generally located north of Wilson Street between Sunset Avenue and Sunrise Avenue.

Maryann Marks, Interim Community Development Director presented the staff report.

Nolan Leggio, Project Manager with Diversified Pacific addressed the City Council with a status report on the project and answered Council's questions.

Public Comment

Don Smith spoke about an original map that had been approved for the same site, and the past objections. He stated that he had one objection, which was the concern over the houses close to the hillside, and the fire hazard potential.

Jerry Westholder spoke against the proposal of granting the 12-month extension.

Paul Smith spoke about the project and stated that he would like to see businesses grow.

A motion was made by Councilmember Happe, seconded by Mayor Pro Tem Andrade to approve item as presented. Electronic vote was taken as follows:

AYES:	Happe, Andrade, & Welch
NOES:	Wallace
ABSTAIN:	None
ABSENT:	Peterson

Action: Adopted Resolution No. 2019-18

2. Adoption of Categorical Exemption, Approving Conditional Use Permit 18-8003 to Allow a Bar and Drinking Establishment with Outdoor Seating Area, in a Business Known as Finesse Lounge.

Maryann Marks, Interim Community Development Manager presented the staff report.

Arthur Cabral applicant addressed the Council seeking its support and provided a brief narrative about the proposed project; and answered Council's questions.

Public Comment

Don Smith, Salid Abigoshuk and Frank Burgess spoke in favor of the project.

Councilmember Happe recused himself at 6:11 p.m., left the dais, and returned at 6:25 p.m. following the vote.

A motion was made by Councilmember Wallace, seconded by Mayor Pro Tem Andrade to approve item as presented. Electronic vote was taken as follows:

AYES: Wallace, Andrade, & Welch
NOES: None
ABSTAIN: None
ABSENT: Happe & Peterson

Action: Adopted Resolution No. 2019-26

3. Resolution No. 2019-03, General Plan Amendment No. 18-2501; Ordinance No. 1541 Approving Zone Change No. 18-3501; and Making Findings Pursuant to CEQA.

Maryann Marks, Interim Community Development Director presented the staff report and requested that the public hearing be continued to the next regular meeting at the request of the applicant so that they can respond accordingly to the letter received from Lozeau/Drury concerning the mitigated negative declaration.

Mayor Welch opened the public hearing and stated for the record that the public hearing was to continue to the next meeting.

There was no public comment.

A motion was made by Councilmember Happe, seconded by Mayor Pro Tem Andrade to continue the public hearing to the next regular meeting (March 12, 2019). Electronic vote was taken as follows:

AYES: Happe, Wallace, Andrade, & Welch
NOES: None
ABSTAIN: None
ABSENT: Peterson

Action: Public Hearing continued by Minute Order No. 2019-031

VIII. ANNOUNCEMENTS AND REPORTS

CITY COUNCIL COMMITTEE REPORTS

Councilmember Wallace reported on having attended the Community Action Commission where they had a discussion on public safety and public works; made brief comments on how this organization tries to help and serve the homeless.

Mayor Pro Tem Andrade stated she had attended the student of the month event, the Riverside County Fair Parade, the League of California Cities training in Banning and the State of Education event.

Councilmember Happe attended the State of the Education event, and reported on some of the findings about graduation and dropout rates. Reported on having attended the Banning Chamber Breakfast.

REPORT BY CITY ATTORNEY

None

REPORT BY CITY MANAGER

City Manager Doug Schulze introduced new Police Chief Matthew Hamner. He stated that he and other City staff had met with relatives from Jorge Castillo's family, and the local soccer program to discuss strategies, and options to meet the needs of the youth soccer program; reported on having attending the League of California Cities, City Manager's Conference in San Diego.

IX. REPORT OF OFFICERS

1. Resolution No. 2018-156, Approving an Amendment to Purchasing Policy B-30.

Rochelle Clayton, Deputy City Manager presented the staff report and answered Council's questions.

There was no public comment.

A motion was made by Councilmember Wallace, seconded by Councilmember Happe to approve the item as presented. Electronic vote was taken as follows:

AYES:	Happe, Wallace, Andrade, & Welch
NOES:	None
ABSTAIN:	None
ABSENT:	Peterson

Action: Adopted Resolution No. 2018-156

2. Resolution 2019-02, Amending the Fiscal Year 2018-2019 Budget for the Addition of Two Code Compliance Officers and to Update the Classification and Compensation Plan to Reclassify the Senior Code Compliance Officer to Code Compliance Supervisor.

Rochelle Clayton, Deputy City Manager presented the staff report and answered Council's questions.

There was no public comment.

A motion was made by Councilmember Happe, seconded by Mayor Pro tem Andrade to approve the item as presented. Electronic vote was taken as follows:

AYES: Happe, Wallace, Andrade, & Welch
NOES: None
ABSTAIN: None
ABSENT: Peterson

Action: Adopted Resolution No. 2019-02

3. Resolution 2019-27, Approving an Amendment to the City's Agreement with CalPERS relative to Safety Member Benefits, to allow a 4% Employer Paid Member Contribution for Qualifying Safety Members of the Banning Police Department.

Rochelle Clayton, Deputy City Manager presented the staff report and answered Council's questions.

There was no public comment.

A motion was made by Mayor Pro Tem Andrade, seconded by Councilmember Happe to approve the item as presented. Electronic vote was taken as follows:

AYES: Happe, Wallace, Andrade, & Welch
NOES: None
ABSTAIN: None
ABSENT: Peterson

Action: Adopted Resolution No. 2019-27

4. Amendment to the Joint Powers Agreement and Bylaws of the Western Riverside Council of Governments to make various updates.

Doug Schulze, City Manager presented the staff report and explained the intent of the update revisions.

There was no public comment.

A motion was made by Councilmember Wallace, seconded by Mayor Welch to approve the item as presented. Electronic vote was taken as follows:

AYES: Happe, Wallace, Andrade, & Welch
NOES: None
ABSTAIN: None
ABSENT: Peterson

Action: Approved by Minute Order No. 2019-032

5. Resolution No. 2019-28, Approving a Memorandum of Understanding (MOU) Between the Cities of Banning and Beaumont for the Free Fare Promotion Made Available through Low Carbon Operations Program (LCTOP) funds.

Heidi Meraz, Community Services Director presented a brief report.

There was no public comment.

A motion was made by Councilmember Happe, seconded by Mayor Pro Tem Andrade to approve the item as presented. Electronic vote was taken as follows:

AYES:	Happe, Wallace, Andrade, & Welch
NOES:	None
ABSTAIN:	None
ABSENT:	Peterson

Action: Adopted Resolution No. 2019-28

6. Resolution 2019-29, Approving an Agreement for the Purchase of Certain Real Property Interests from the Real Property at 1909 E. Ramsey Street (APN: 532-120-011).

Ted Shove , Community Development Manager stated that there was no additional information to present.

There was no public comment.

A motion was made by Councilmember Happe, seconded by Mayor Pro Tem Andrade to approve the item as presented. Electronic vote was taken as follows:

AYES:	Happe, Wallace, Andrade, & Welch
NOES:	None
ABSTAIN:	None
ABSENT:	Peterson

Action: Adopted Resolution No. 2019-29

7. Resolution No. 2019-30, Awarding a Professional Services Agreement (PSA) for the design of the north San Gorgonio Avenue building demolition and parking lot improvements to Cozad & Fox, Inc. in the amount of \$59,960.

Art Vela , Public Works Director/City Engineer briefed the Council on the project.

Councilmember Happe recused himself at 7:01 p.m., left the dais, and returned at 7:05 p.m. following the vote.

There was no public comment.

A motion was made by Mayor Pro Tem Andrade, seconded by Councilmember Wallace, to approve the item as presented. Electronic vote was taken as follows:

AYES: Wallace, Andrade, & Welch
NOES: None
ABSTAIN: None
ABSENT: Happe & Peterson

Action: Adopted Resolution No. 2019-30

8. Resolution No. 2019-31, Approving Funds to Provide Energy Efficiency and Photovoltaic Solar System Evaluation at Banning Unified School District Facilities not to Exceed \$60,000. *(Item moved ahead on agenda).*
9. Resolution 2019-32, Temporarily Suspending the Electric Utility's Rate Restructuring for Master-Metered Mobile Home Parks Only.

Tom Miller, Electric Utility Director, presented the staff report.

There was no public comment.

A motion was made by Councilmember Happe, seconded by Mayor Welch, to approve the item as presented. Electronic vote was taken as follows:

AYES: Wallace, Andrade, & Welch
NOES: None
ABSTAIN: None
ABSENT: Peterson

Action: Adopted Resolution No. 2019-32

BANNING UTILITY AUTHORITY (BUA) – Next Meeting, March 12, 2019, 5:00 p.m.

BANNING FINANCING AUTHORITY (BFA) – no meeting.

X. ITEMS FOR FUTURE AGENDAS

1. Mills Act Update
2. Fee Suspension Update
3. Website Redesign

4. Street Naming Policy to Honor Land Owners
5. Contingency Plan for Residents During Emergencies
6. Appraisals Update
7. Honor Banning High School Senior Aliyah Amis
8. Golf Carts
9. Empty Lots Clean up
10. Enterprise Zone

XI. ADJOURNMENT

By consensus, the meeting was adjourned at 7:10 P.M.

Minutes Prepared by:


Daryl Betancur, 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=WLjWsVcMB9Xq> or by requesting a CD or DVD at Banning City Hall located at 99 E. Ramsey Street.