

MINUTES  
CITY COUNCIL

03/26/2019  
REGULAR MEETING

COUNCIL MEMBERS PRESENT: Councilmember Happe  
Councilmember Peterson  
Councilmember Wallace  
Mayor Pro Tem Andrade  
Mayor Welch

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT Doug Schulze, City Manager  
Kevin Ennis, City Attorney  
Rochelle Clayton, Deputy City Manager  
Daryl Betancur, Deputy City Clerk  
Matthew Hamner, Police Chief  
Heidi Meraz, Community Services Director  
Tom Miller, Electric Utility Director  
Carla Young, Management Analyst  
Art Vela, Public Works Director/City Engineer  
Suzanne Cook, Deputy Finance Director  
Adam Rush, Community Development Director  
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 March 26, 2019, at 5:00 p.m. at the Banning Civic Center Council Chamber, 99 E. Ramsey Street, Banning, California.

Merle Malland, Chaplain, Banning Police Department offered the invocation.

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

Mayor Welch requested that item No. 10 be pulled from the consent calendar for further discussion.

**II. APPROVAL OF AGENDA**

A motion was made by Councilmember Wallace, seconded by Mayor Pro Tem Andrade, to approve the agenda with the amendment to pull item No. 10. Electronic roll call vote was taken as follows:

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

### III. PRESENTATION

Police Chief Matthew Hamner Oath of Office Ceremony

Superior Court of Riverside County, Judge Jorge C. Hernandez, administered the oath of office to the new Police Chief Matthew Hamner.

Chief Hamner introduced his family, and made brief comments about his decision to come to Banning as Police Chief; he thanked City Manager Schulze, members of the community, police chiefs of the Cities of Indio, Desert Hot Springs, and Riverside County Sheriff's personnel present for their support.

### IV. REPORT ON CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to paragraph (1) of subdivision (d) of Section 54956.9) Name of cases: Sierra Club v. City of Banning, Case RIC 1900544 and Golden State Environmental Justice Alliance v. City of Banning Case RIC 1900654. **Status report was provided. No final conclusion.**
2. CONFERENCE WITH LABOR NEGOTIATORS Pursuant to Government Code Section 54957.6 – City Designated Representative: Doug Schulze, City Manager, Kevin Ennis, City Attorney, Banning Police Officer Association (BPOA). **Direction given to City Negotiator.**
3. CONFERENCE WITH LABOR NEGOTIATORS Pursuant to Government Code Section 54957.6 – Agency Designated Representative: Deputy City Manager Rochelle Clayton. Employee Organizations: International Brotherhood of Electric Workers (IBEW) General, IBEW Utility, and Teamsters. **Direction given to City Manager and Deputy City Manager.**

### V. PUBLIC COMMENTS, CORRESPONDENCE, AND APPOINTMENTS

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

Inge Schuler made comments relative to being the subject of a Public Records Request for emails by Mr. Schulze's wife.

Marty Jackson spoke about identify theft; also mentioned that property owners and renters alike should be informed of the quality of the water in Banning because due to his bladder condition he must be careful that the water he drinks is clean water.

David Ellis made brief comments about Public Records Requests that he too was included in.

Diego Rose stated that he continues his quest to speak about beautifying Banning; spoke about beginning with planting of trees; made comments about issues related to the police audit and how that matter was handled.

City Attorney Kevin Ennis in response to a question raised by a member of the public, clarified that according to the rules of procedure on page 24, applauding was allowed during ceremonial events or occasions because it was not prohibiting the legislative body proceeding with its agenda or was considered disruptive.

#### CORRESPONDENCE:

There was no correspondence.

#### APPOINTMENTS:

##### 1. Downtown Ad-Hoc Committee Appointment.

A brief discussion ensued relative to which Councilmember ought to be part of the Downtown Ad-Hoc Committee. Mr. Peterson expressed his desire to have himself and Councilmember Happe as business owners/property owners in the Downtown core to be on the Ad-Hoc Committee due to their business experience.

There were several comments made about the potential conflict of interest associated with Councilmembers who were also business/property owners serve on the Committee.

Mayor Welch proposed to appoint Mayor Pro Tem Andrade to serve on the Downtown Ad-Hoc Committee.

A motion was made by Councilmember Peterson, seconded by Councilmember Happe, to approve the nominations as discussed. Electronic roll call vote was taken as follows:

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

#### **Public Comment**

The following individuals commented on the matter of appointments to the Downtown Ad-Hoc Committee, Don Smith, Davis Ellis, Diego Rose, and Paul Perkins.

Council reaffirmed its decision by the following motion:

A motion was made by Councilmember Peterson, seconded by Councilmember Happe, to approve the nominations as discussed. Electronic roll call vote was taken as follows:

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

## **VI. CONSENT ITEMS**

Mayor Welch asked if the Council wished to pull any items; and stated that item No. 10 had been moved from the consent calendar to the regular calendar to be discussed.

### **Public Comment**

Inga Schuler commended the folks who worked on item No. 9, the General Plan Annual Progress Report, which was very detailed and informative.

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

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

1. Approval of Special Meeting – 3/12/19 Minutes (Closed Session)

**Action:      Approved by Minute Order No. 2019-041**

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

**Action:      Approved by Minute Order No. 2019-042**

3. Approval of Regular Meeting – 3/12/19 Minutes (Regular Meeting)

**Action:      Approved by Minute Order No. 2019-043**

4. Receive and File Cash, Investments, and Reserve Report for the month of February, 2019.

**Action:      Received and Filed by Minute Order No. 2019-044**

5. Approval and Ratification of Accounts Payable and Payroll Warrants, issued in the month of February 2019.

**Action: Approved by Minute Order No. 2019-045**

6. Capital Improvement Project Update for the month of February 2019.

**Action: Received and Filed by Minute Order No. 2019-046**

7. Receive and File Police Statistics for January 2019 Revised.

**Action: Received and Filed by Minute Order No. 2019-047**

8. Receive and File Police Statistics for February 2019.

**Action: Received and Filed by Minute Order No. 2019-048**

9. General Plan Annual Progress Report for Calendar Year 2018.

**Action: Received and Filed by Minute Order No. 2019-049**

10. Adopt Resolution, Approving the Maximum Compensation and Benefits for City Executive Department Directors. (Pulled)

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

There was a brief discussion relative to fairness of pay when compared to more recent hires, loyalty due to years of service, and pay equity.

A consensus was reached to allow staff more time to analyze Council's feedback and bring this item back at the next Council meeting.

### **Public Comment**

The following individuals commented on this item: Don Smith, Diego Rose, and Jim Price.

A motion was made by Councilmember Happe, seconded by Councilmember Peterson, to place this on Closed Session as well as include a placeholder in open session for April 9<sup>th</sup>.

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

**Action: Received and Filed by Minute Order No. 2019-050**

**VII. ANNOUNCEMENTS AND REPORTS**

CITY COUNCIL COMMITTEE REPORTS

Councilmember Peterson – none

Councilmember Happe – none

Mayor Pro Tem Andrade reported on having attended the student of the month ceremony, visited the site for Habitat for Humanity, attended the pinball museum, attended the Veteran's Awards Ceremony, and the employee appreciation recognition event.

Mayor Welch spoke about the Veteran's event, which was well attended.

Councilmember Wallace – none

REPORT BY CITY ATTORNEY - None

REPORT BY CITY MANAGER

City Manager Douglas Schulze addressed a comment made at the last Council meeting in relation to taxes. He pointed out that the City does not have a utility user's tax, an authorized additional sales tax, or parcel tax, which are opportunities for revenue generation that the City has chosen not to pursue.

Mr. Schulze announced the two additional coffee with the City Manager events upcoming in Councilmembers Wallace and Andrade's Districts, and offered to have additional events in Councilmembers Happe and Peterson's Districts; spoke about the Electric Utility Cost of Service Study and that in concurrence with the Utility Electric Director an Ad-Hoc Committee or Steering Committee was recommended, which will be comprised of Council representatives and community members to help in that process.

City Manager Douglas Schulze also addressed the issue of public records requests stating that there are no public records requests with the City that were made by neither him nor his wife.

**REPORT OF OFFICERS**

1. Receive and File Police Department Audit Report.  
(*Staff Report – Douglas Schulze, City Manager*)

**Recommendation: Receive and File Report.**

There was an extensive discussion relative to the Police Audit with City Manager Douglas Schulze presenting the staff report and addressing Council's questions, and issues raised during public comment. There were several issues raised by Councilmember Peterson with respect to the intent, purpose, and goal of the audit.

### **Public Comment**

The following individuals spoke about the Police Audit item: Don Smith, Diego Rose, David Ellis, and Jerry Westholder

A motion was made by Mayor Pro Tem Andrade, seconded by Councilmember Wallace to receive and file the Police Audit Report. Electronic vote was taken as follows:

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

**Action: Received and Filed by Minute Order No. 2019-051**

### **RECESS THE REGULAR MEETING OF THE CITY COUNCIL AND CALL TO ORDER A JOINT MEETING OF THE BANNING CITY COUNCIL AND THE BANNING UTILITY AUTHORITY**

- Roll Call – Board Members Happe, Peterson, Wallace, Vice Chairman Andrade, and Chairman Welch. Time: 6:57 p.m.

### **VIII. REPORTS OF OFFICERS**

1. Adopt Resolutions Authorizing the FY 2018-19 Mid-Year Budget Adjustments.

*(Staff Report – Rochelle Clayton, Deputy City Manager)*

**Recommendation: 1) City Council approve the Resolutions authorizing the recommended mid-year budget adjustments and continued appropriations for the FY 2018-19 adopted budget.**

Rochelle Clayton, Deputy City Manager/Finance Director presented the staff report and answered Council's questions on a number of topics related to the budget such as: revenue projections, cannabis, and budget adjustments.

**There were no public comments.**

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

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

**Action: Adopted Resolution No. 2019-036, Authorizing the Mid-Year City Budget**  
**Action: Adopted Resolution No. 2019-01 UA, Authorizing the Mid-Year UA Budget**

2. Adopt Resolutions Authorizing the Submittal of an Application for Grant Funds from the Bureau of Reclamation WaterSMART: Water and Energy Efficiency Grants Program for FY 2019, and Provide Local Match if Awarded.

*(Staff Report – Art Vela, Public Works Director)*

**Recommendation: 1) Adopt Resolutions authorizing the City to apply for grant funds from the Bureau of Reclamation WaterSMART: Water and Energy Efficiency Grants Program for FY 2019, and provide the required local match, if awarded; and 2) Authorize the City Manager or his designee to accept and receive grant funding and to make necessary budget adjustments and appropriations related to these resolutions.**

Art Vela, Director of Public Works/City Engineer presented the report and answered questions from the Council and the public.

#### **Public Comment**

Paul Perskins inquired as to whether or not this was going to be compatible with the electric system that they had, meaning set up as two systems or one.

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

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

**Action: Adopted Resolution No. 2019-037**  
**Action: Adopted Resolution No. 2019-02 UA**

3. Adopt Resolution Awarding a Services Agreement to Prominent Systems, Inc. of City of Industry, CA for “Iron Sponge Media Replacement” in the Amount of \$36,760.84 and Establishing a Total Project Budget of \$40,436.92.

*(Staff Report – Art Vela, Public Works Director)*

**Recommendation: 1) Adopt Resolutions awarding a Services Agreement for “Iron Sponge Media Replacement” to Prominent Systems, Inc. of City of Industry, CA for an amount of \$36,760.84 and authorize an additional 10%**



contingency in the amount of \$3,675.08 to cover any unforeseen conditions; and 2) Authorizing the Administrative Services Director to make necessary budget adjustments, appropriations and transfers related to the "Iron Sponge Media Replacement"; and 3) Authorizing the City Manager or his designee to execute the Services Agreement with Prominent Systems, Inc. in the amount of \$36,760.84.

Art Vela, Director of Public Works/City Engineer presented the report and answered questions Council's questions.

**There were no public comments.**

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

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

4. Adopt Resolution Approving a Professional Services Agreement for Geographic Information System (GIS) Maintenance and Hosting Services with Nobel Systems, Inc. of San Bernardino, CA in the Amount of \$180,000 for a Three (3) Year Period.

*(Staff Report – Art Vela, Public Works Director)*

**Recommendation: Adopt Resolution approving an Agreement with Nobel Systems, Inc. of San Bernardino, CA for Geographic Information Systems (GIS) Maintenance and Hosting Services, with an annual cost of \$60,000, for a three (3) year period not to exceed \$180,000; and 2) Authorizing the City Manager or his designee to execute the Agreement with Nobel Systems, Inc. and to make necessary budget adjustments, appropriations and transfers.**

Art Vela, Director of Public Works/City Engineer presented the report and answered questions from the Council.

**There were no public comments.**

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

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

**RECESS THE JOINT MEETING OF THE CITY COUNCIL AND UTILITY AUTHORITY  
AND RECONVENE THE REGULAR MEETING OF THE BANNING CITY COUNCIL:  
Time: 7:17 p.m.**

**IX. DISCUSSION ITEM None**

**BANNING UTILITY AUTHORITY (BUA) – Next Meeting, April 9, 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
11. Police Audit

**XI. ADJOURNMENT**

By consensus, the meeting was adjourned at 7:17 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:**

**<http://banning.ca.us/ArchiveCenter/ViewFile/Item/2044> or by requesting a CD or DVD at Banning City Hall located at 99 E. Ramsey Street.**