

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

05/28/2019
SPECIAL MEETING- WORKSHOP

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

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Douglas Schulze, City Manager
Kevin G. Ennis, City Attorney
Daryl Betancur, Deputy City Clerk
Tom Miller, Electric Utility Director
Carla Young, Management Analyst
Heidi Meraz, Community Services Director
Art Vela, Public Works Director
Adam Rush, Community Development Director
Suzanne Cook, Deputy Finance Director
Ted Shove, Economic Development Manager
Laurie Sampson, Executive Secretary

I. CALL TO ORDER

A special meeting of the Banning City Council was called to order by Mayor Welch on May 28, 2019 at 4:02 p.m. at the Banning Civic Council Chambers, 99 E. Ramsey Street, Banning, California.

II. WORKSHOP

Review of Meeting Management Techniques from Other Cities and Options for Considering Improvements to City Council Meetings.....

City Manager Douglas Schulze made introductory remarks stating that the purpose with this presentation by the City Attorney was to make meetings more effectively; stated that throughout his career he had been asked by Councilmembers about inefficiencies with Council meetings; he spoke about meeting management techniques commonly used by other cities to improve meeting efficiency; commented that he hoped to share some of those techniques that were used by other cities thus making the Council aware of them and determine whether or not those were options that they were willing to consider, but that said options were nevertheless available to them.

Mr. Schulze expressed his commitment to ensure that the public had an opportunity to be heard and to have their rights respected; that the purpose of holding City Council meetings was to conduct the business of the City, meaning that the Council had to have time for adequate discussions, deliberation and decision-making; he commented that after three hours into the meeting, Councilmembers may have a hard time focusing; that the City of Banning had adopted Resolution No. 2016-144, which required the Council by consensus decide whether or not they want to continue deliberating past the 10:00 p.m. hour; he stated that in Banning since the regular meetings start at 5:00 p.m., we would have to be five hours into the meeting before that rule was triggered.

City Attorney Kevin G. Ennis made a presentation regarding review of meeting management techniques from other cities and options for considering improvements to City Council meetings.

Mr. Ennis spoke about the goals of meeting management, making special reference to goals of meeting management; spoke of best practices, which the City of Banning was already using; stated that the goal of meeting management was to ensure that the City's business was handled in an informative, thoughtful and reasoned manner so that the Council is able to make its best decision on the issues presented; spoke of other goals in terms of balancing public participation with efficiency and also complying with legal requirements such as the Brown Act and public hearing requirements.

He also spoke about organizing the day, types and timing of meetings; that cities use workshop type special meetings for time-sensitive items and that Banning was already utilizing the workshop meetings to discuss important lengthy subjects; stated that cities often place closed session meetings at a point that does not interfere with starting the regular meeting on time; that because the public cannot attend closed session, it can occur when public was not normally available; he touched upon ways cities traditionally organize regular meeting agendas; commented on the specific role of the Mayor as the Presiding Officer, and how he or she can run an efficient meeting without impeding on people's speech rights and that the Mayor has a tough job.

Other topics City Attorney Kevin G. Ennis discussed included: basic elements of processing an agenda item whereby the Mayor first announces the agenda item number and subject matter; that the Mayor should invite staff to report on the item, including presenting staff recommendations; that the Mayor should ask Councilmembers if they have technical questions for staff for clarification but Council should not begin to discuss the merits of the item before hearing from the public first.

Mr. Ennis also stated the reasons why Council meetings go on and on articulating that these could be the result of audience, Mayor, Councilmember or staff problems. He spoke at length about these issues; he provided some useful suggestions to counterbalance these problems by using workshops, town hall meetings, continuing a controversial item to a workshop; commented on proper parliamentary procedure with respect to clear motions; managing audience participation during controversial topics, including managing disruptions by the public; provided other best management practice techniques such as the use of speaker cards, providing three minutes for speakers per item at regular meetings to accommodate additional speakers; and modernizing the agenda template to conform to modern agenda preparation practices.

Having completed his presentation, Mr. Ennis entertained questions from the Council.

Councilmember Peterson commented on the issue of the three minutes for speakers stating that that Council had the three minute rule up until 2013 and that the people had requested longer and longer time and as a result this was changed to five minutes; he stated that he was shocked that this issue was coming back and reiterated his firm opposition to going back to the three minutes per speaker; he also commented on the issue of speaker cards stating that issue too had been raised when Andy Takada was the City Manager and had also been rejected.

Councilmember Happe stated that in his short time on the Council, he agreed that limiting the time was a limiting factor on hearing the opinions of citizens of the City; that for larger cities that would make sense, however, that we should concentrate in welcoming the people and filling the Council Chamber with more people; he also stated disagreement with the speaker card suggestion and limiting the time for speakers. Councilmember Happe also expressed concern with correspondence received for the meetings and stated that while he recognized that there was no legal requirement to read this out loud in public that he was in favor of doing so and inquired about how these communications were now being addressed.

Deputy City Clerk Daryl Betancur stated that whenever communications were received on agenda items for specific meetings; that based on Government Code provisions those items also need to be accessible to the public; Mr. Betancur commented that the manner in which we meet this requirement was that these communications are provided to the Mayor, City Councilmembers, key staff and also copies of said communications are placed in the back table for public view and transparency purposes; he also stated that he recommended folks that if they want to provide any communications to Council to bring additional copies to be distributed so that these communications can be distributed in a more timely manner; in addition, Deputy City Clerk Daryl Betancur responded that on the issue of including communications as part of the minutes; that staff was already addressing that concern by attaching them to the minutes that are part of a subsequent agenda packet.

III. PUBLIC COMMENTS – Opportunity for the public to address items on the agenda.

Public Comment.

Inga Schuler spoke read a one-page statement into the record, which is hereby included, and which partially states that she wanted to call attention to the faulty tag line on the Banning logo that had been voted our years ago; that this workshop comes on the heels of the February 28, 2019 workshop regarding City Council Meeting Policies and Procedures, many of which were with some degree of conflict with citizen's constitutional and civil rights, especially those of the first amendment; she articulated that she was adamantly opposed to the three minute speaking time limit and stated she wanted the five minute time limit to remain; commented that she too as against the use of speaker cards; and that the Council has to set an example regarding respecting the people who speak and each other.

Diego Rose addressed the City Council with respect to the five-minute speaker time limit stating that this was something that the community had fought for several years back as the result of inconsistencies with time allowances whereby developers and others were given more time to speak than the general public, which created the issue that the Council was provided with vast amounts of information that were one-side, and that as a result, the public had fought back; commented on the Council's ability to listen, which he felt was a barrier and that people's voices were not being heard. He stated that he was in favor of retaining the five-minute speaker time limit.

Mayor Welch clarified for the audience that the purpose with this workshop was not for the Council to make changes, but rather to explore what we have been doing and what we could potential improve upon with respect to running the meeting; that he had no indication from his colleagues that they wanted to make changes.

Paul Perkins commented that there has been a change with respect to the emails or correspondence that people had sent in; that he was in favor of having these items read into the record openly and recorded later on; stated that he was in favor of retaining the five minutes for speakers.

Jerry Westholder spoke about the first amendment and read a statement stating that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances"; he also mentioned Brown Act provisions, specifically GC 54950 ".The people of this State do not yield their sovereignty to the agencies which serve them. the people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created".

David Ellis stated that eight years ago this place was packed, meaning there were more people attending the meetings; that every time we get a new City Manager, the community gets a new set of rules because he cannot put on his armor and take a bit of criticism; that the City Council should listen more to the people.

Nick Parra stated that he did not agree with negative talk because it was divisive and attacks people; that we have established norms; he urged people to be respectful to each other; that even the people who come up to the podium in address the Council in an angry manner, they have Banning at heart and want what is best for Banning. Lastly, Mr. Parra stated that he was in favor or more workshops.

ACTION:

There was no action taken.

IV. ADJOURNMENT

By consensus, the meeting adjourned at 5:18 p.m.

Minutes Prepared by:



Daryl Betancur, Deputy City Clerk

The entire discussion of this meeting and related documents can be found by visiting the following website: <https://banninglive.viebit.com/player.php?hash=2OOUi3p2szYL> or by requesting a CD or DVD at Banning City Hall located at 99 E. Ramsey Street.