

MINUTES
CITY COUNCIL

06/25/2019
REGULAR MEETING

COUNCIL MEMBERS PRESENT: Councilmember Happe
Councilmember Wallace
Mayor Welch

COUNCIL MEMBERS ABSENT: Councilmember Peterson
Mayor Pro Tem Andrade

OTHERS PRESENT Douglas Schulze, City Manager
Kevin G. Ennis, City Attorney
Daryl Betancur, Deputy City Clerk
Matthew Hamner, Police Chief
Scott Foster, Interim Parks & Recreation Director
Tom Miller, Electric Utility Director
Art Vela, Public Works Director/City Engineer
Suzanne Cook, Interim Administrative Services Director
Adam Rush, Community Development 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 June 25, 2019, at 5:04 p.m. at the Banning Civic Center Council Chamber, 99 E. Ramsey Street, Banning, California.

Pastor Bob Pawlin of Mountain Avenue Baptist Church offered the invocation.

Councilmember Colleen Wallace led the audience in the Pledge of Allegiance.

Mayor Welch requested that item number 7 under Report of Officers be moved ahead on the agenda right after item number 5.

A motion was made by Councilmember Happe, seconded by Councilmember Wallace to approve the change to the agenda. Electronic roll call vote was taken as follows:

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

II. APPROVAL OF AGENDA

A motion was made by Councilmember Wallace, seconded by Councilmember Happe to approve the agenda as amended. Electronic roll call vote was taken as follows:

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

III. PRESENTATION

None

IV. REPORT ON CLOSED SESSION

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Pursuant to Government Code Section 54956.8)

Property Description: APN: 419-140-041

City Negotiators: Douglas Schulze, City Manager, and Ted Shove, Economic Development Manager

Negotiating Parties: Marinita Development

Under Negotiation: Request for Conveyance of Land. Report was provided and direction given to the City negotiators, City Manager Douglas Schulze, and Economic Development Manager, Ted Shove with regard to the potential conveyance of City property to Marinita Development.

V. PUBLIC COMMENTS, CORRESPONDENCE, AND APPOINTMENTS

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

Public Comments

Mary Hamlin spoke with regards to the Grand Jury report that was issued June 18th, 2019, which was made public on June 21; she made specific reference to the summary whereby it says that the people of Banning deserve and expect the proper function and operation of their City government and stated that we can all agree on that statement; commented that under goals, the report states that the citizens of Banning should hold the City Council accountable to high standards and expectations, observe, attend and voice their concerns at City Council public meetings; stated that she hoped that when said report comes before the City Council that the public steps up and voices their opinion and also that the City Council seriously listens to the citizens of Banning; perhaps the guilty party would just resign and save us all some trouble.

Inge Schuler addressed the City Council with respect to an event that occurred a few weeks ago and which seemed to be drifting off into no comment area and that was the destruction of the Reid building; she stated that she understood it was an attempt to demolish it, and luckily some of that was stopped but that she wanted to know if the next item was going to be to demolish it after all; stated that we have a list of buildings that have been demolished in town such as the San Gorgonio Inn; and that the only art deco building between Palm Springs and Redlands was the one to the east of the property in which the San Gorgonio Inn was located.

Ms. Schler stated that it was a show room for cars and that the developer who wanted to rebuild the property across from City Hall was interested in that building being demolished; stated that we need to pay attention to the old buildings in town; commented that it was ironic that on the day the building was facing partial demolition, the group of people with the historical society had a meeting to list the historical buildings in the pass area; commented that the Council also removed the discussion of the Mills Act from your agenda of future items and urge the Council to put it back on the agenda.

Rena Richards, Chairman of the Board of the Sunrise Estates Park Board at 2200 W. Wilson Street spoke about the traffic on sunrise states and read a statement included herein as part of the record.

Misha Graves with the Riverside Sheriff's Department stated that she had come to introduce herself to the City Council and the community because she had recently been assigned to the Larry D. Smith Correctional Facility here in Banning as a Captain in charge of the facility.

Bill Hobbs spoke about San Gorgonio Hospital and the Cherry Valley Health Care Facility stating that a long time ago there was a lot of negative information in the community about San Gorgonio hospital; commented that he had been attending their board meetings for the past two years and that he had seen significant progress; commented that it feels good to see positivity and collaborative partnerships; commented on the event held at Johnny Russo's and the Station tap house where everyone enjoyed karaoke; stated that Banning was positively changing.

CORRESPONDENCE

None.

VI. CONSENT ITEMS

Mayor Welch asked if the Council wished to pull any items. Seeing none, he entertained a motion to approve the consent calendar.

There were no comments on consent items.

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

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

1. Approval of Special Meeting – 6/11/19 Minutes (Closed Session)

Action: Approved by Minute Order No. 2019-086

2. Approval of Special Meeting – 6/11/19 Minutes (Workshop)

Action: Approved by Minute Order No. 2019-087

3. Approval of Regular Meeting – 6/11/19 Minutes

Action: Approved by Minute Order No. 2019-088

4. Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of May 2019.

Action: Approved by Minute Order No. 2019-089

5. Receive and File Cash, Investments and Reserve Report for May 2019.

Action: Received and filed by Minute Order No. 2019-090

6. **Receive and file** Public Works Capital Improvement Project Tracking List for June 2019.

Action: Received and filed by Minute Order No. 2019-091

7. Receive and File Police Department Statistics Report for May 2019.

Action: Received and filed by Minute Order No. 2019-092

8. Receive and File Fire Department Statistics Report for May 2019.

Action: Received and filed by Minute Order No. 2019-093]

9. Ordinance No. 1547 - An Ordinance of the City Council of the City of Banning, California, Approving the Zoning Text Amendment No. 19-97502, Amending Chapter 17.12 "Commercial and Industrial Zoning Districts" and 17.36 "Sign

Regulations of Title 17 Zoning" of the Banning Municipal Code Authorizing Electronic Message Centers in the Downtown Commercial Zoning District, Subject to a Conditional Use Permit (CUP) and Development Agreement. ***(Second Reading and Adoption)***

Action: Adopted Ordinance No. 1547

VII. PUBLIC HEARING(S)

1. Tentative Tract Map (TTM) 37365, A Proposal to Subdivide Approximately 14.22 Gross Acres of Vacant Land into 18 Lots for Condominium Purposes for a Total of 107 Single-Family Residential Detached Condo Units, Four Open Space Lots, One Park Lot and Public Streets, All Within the Butterfield Specific Plan, Planning Areas 4, 9B and 26.

Adam Rush, Community Development Director presented the staff report and indicated that there were three public hearings, which were all adjacent projects; that the first public hearing was on Tentative Tract Map 37365, which was part of the Pardee Development is a proposal to subdivide approximately 14.22 gross acres of vacant land into 18 lots for condominium purposes for a total of 107 single-family residential detached condo units, four open space lots, one park lot and public streets located within the Butterfield Specific Plan, Planning Areas 4, 9B and 26.

Mr. Rush explained the location of the project, which was in the northeastern portion of Highland Springs Avenue, adjacent to Wilson Street; he also explained elements of the project site and its geographical areas including the school district boundaries. In the way of background, Mr. Rush stated that the Butterfield Specific Plan, General Plan and Zoning Map Amendments, Development Agreement and related EIR were originally approved by the City Council in March of 2012; stated that the Planning Commission had recommended its approval.

There were several questions from Council in relation to the School District boundary issue.

City Manager, Douglas Schulze stated that City staff had had a meeting with representative of the School District and Pardee and discussed the issue of the School District boundary; that as a follow up to that meeting they are working to scheduling a meeting to include the legal counsel of each of those entities, to discuss some of the implications related to environmental issues, the EIR and how the boundary for territory adjustment would potentially impact the need to redo or do additional environmental work.

Public Comment

There were no public comments.

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

Action: Adopted Resolution No. 2019-73

2. Tentative Tract Map (TTM) 37390, A Proposal to Subdivide Approximately 93 Gross Acres of Vacant Land for Purposes of Subdividing 362 Single Family Lots, 1 Lot for a Park Site, 13 Open Space Lettered Lots (Including Recreation and Drainage), and Public Streets, All Within Planning Area 2B, 6, 7, 8A, 8B, 23, 24, 25, 35A, 35B, and 50B the Butterfield Specific Plan Area.

Adam Rush, Community Development Director presented the staff report and indicated that the item before the Council was Tentative Tract Map 37390, which was a proposal to subdivide approximately 93 gross acres of vacant land for purposes of subdividing 362 single family Lots, 1 Lot for a park site, 13 open space lettered lots (Including Recreation and Drainage), and public streets, all within planning area 2B, 6, 7, 8A, 8B, 23, 24, 25, 35A, 35B, and 50B the Butterfield Specific Plan Area; commented that the lots in this tract were larger; that there were two Park sites within the proposed development.

Mr. Rush stated that the proposal was presented to the Planning Commission and that they had recommended approval as well.

Public Comment

Unidentified speaker asked for a definition of CEQA and inquired about traffic impacts on the surrounding areas particularly Highland Springs Avenue. Staff commented that CEQA stands for the California Environmental Quality Act and explained that the Environmental Impact Report (EIR) addressed all of the impact related to the project.

Kathy Noor also addressed the City Council on the traffic impact on Highland Springs given that it already has a lot of traffic, and stated that was concerned about traffic.

Art Vela, Director of Public Works/City Engineer stated that because it was such a large project, the impacts were difficult to understand; Mr. Vela stated that CEQA requires that we take very technical looks at all of those factors mentioned and devise mitigating measures for each one.

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

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

Action: Adopted Resolution No. 2019-74

3. Tentative Tract Map (TTM) 37474, A Proposal to Subdivide Approximately 16.5 Gross Acres of Vacant Land for Purposes of Creating 109 Single Family Lots, 2 Open Space Lettered Lots, and Public Streets, All Within Planning Area 3, Within the Butterfield Specific Plan.

Adam Rush, Community Development Director presented the staff report and indicated that the item before the Council was Tentative Tract Map 37474, which was sandwiched between the two previous tract maps.

Public Comment

Jeff Chambers representative with Pardee Homes thanked Community Development Director, Adam Rush for putting together a great deal of information on these projects in a very quick period of time; he also thanked Art Vela, Director of Public Works/City Engineer for his hard work on these projects.

Nick Parra stated that he was in support of these projects because they were making America's dream come through in terms of homeownership for many families.

Councilmember Happe inquired about public recreation facilities within the project area, and was advised by Jeff Chambers from Pardee that there will be park amenities for both, the residents that would be part of the HOA as well as park amenities that the general public could use.

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

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

Action: Adopted Resolution No. 2019-75

4. Adopt Resolution Approving an Increase in Overage and Contamination Fees Related to the Collection, Transportation and Disposal of Solid Waste.

Art Vela, Director of Public Works/City Engineer, presented the staff report and stated that this was first introduced at the June 11, Council meeting; that at that time a request for a rate adjustment was asked for to keep up with CIP increases; that in order to make those fees effective a public hearing was required.

Councilmember Happe inquired about the definition of contamination.

Mr. Vela commented that contamination refers to contamination of recycled material or green waste.

Public Comment

Susan Shotts spoke about the issue of contamination stating that she had become more and more passionate about trash; that we are all causing our trash fees to increase because we are being careless; stated that she was enlightened by someone from Waste Management at a recent event where she had learned about trash; commented that more of us need to become aware and passionate about recycling; that we need to do more to educate people and that we as a City are causing our rates to go up because of our contamination of our recycling.

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

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

Action: Adopted Resolution No. 2019-76

VIII. ANNOUNCEMENTS AND REPORTS

CITY COUNCIL COMMITTEE REPORTS

Councilmember Wallace reported on having attended the Riverside County Community Action organization; that she had attended the graduation of college kids who volunteer helping other kids with tutoring, mentoring and other projects, and that it was a nice event; also spoke about Community Action and commented that Community Action wants to partner with the City of Banning about bringing youth programs to the City.

Councilmember Happe. No report.

Mayor Welch reported on having attended a meeting with the Historical Society; commented that so far the City has not been quite organized on preserving historical sites and it had to do with the fact that the City had not had a well-organized group in the community making suggestions as to what we can do or should do; that owners of historical properties do not have objections in keeping those properties designated as historical; he stated that the City is working very hard to put the City and the Historical Society together to work in more collaboration.

REPORT BY CITY ATTORNEY

None.

REPORT BY CITY MANAGER

Douglas Schulze reported on two items: 1) a reminder to the Council and the community that the next meeting of July 9 will be the last meeting before the Council goes dark for the second meeting in July and the first meeting in August; that after July 9, the next Council meeting will be on August 27; and 2) provided an update on the Reid Building and stated that this building appears to be the oldest commercial building in Banning, dating back to the 1890's; that on Wednesday, June 12, the day before the Mayor and he spoke at the San Gorgonio Pass Historical Society meeting, contractors began work in the building that far exceeded the work that was allowed by the issued building permit, which was issued for tenant improvements to create an interior space and to do some patching around windows and doors.

Mr. Schulze further commented that around 11 a.m. on Wednesday the 12th, he had observed significant demolition to the exterior of that building and thus has contacted the Community Development Director, Mr. Adam Rush and Mr. Rush and his staff quickly reviewed the permit file and eventually a few hours later there was a stop work order issued on that property. He explained that as of today City staff continues to communicate with the owner and owners agents regarding the project; that the majority of the building has been modified over the past 100 plus years; that the original building does not exist anymore except for the structure, even though the building was listed in the City's general plan under the archeological element as one of the places or buildings in the City that has some historical significance, there is no legal requirement

for the owner to preserve that building; stated that staff is working with the owner to do what we can to at a minimum restore the building to at least some resemblance of what the original appearance was when it was built in the 1890's.

Councilmember Wallace inquired as to whether or not the City Manager was holding any District meetings during the summer months.

REPORT OF OFFICERS

1. Adopt Resolution Approving the Agreement with Cybertime Network Communications for Citywide Looped Microwave Backbone System and Data Circuit to the Water Plant, and Provision of 10.0 Mpbs Internet Feed to City Hall for Fiscal Year 2019-2020 for \$31,188.00.

City Manager Douglas Schulze stated that this was an ongoing relationship with this vendor, which has provided the City with high-speed interconnectivity services and technical support as a sole provider; that this item was to continue this service contract.

Public Comment

Nick Parra stated that he was a member of the Historical Society and that he was very proud to see the collaboration between the City, citizens, and owner of the Reid Building; that he looks forward to seeing more of that kind of collaboration.

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

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

Action: Adopted Resolution No. 2019-77

2. Adopt Resolution Authorizing Workers' Compensation Coverage for Off-Duty Peace Officers Injured Out of State.

City Manager Douglas Schulze indicated that this item was before the Council in anticipation of new legislation that is coming down to the Cities and is intended to provide coverage in the event that a police officer who is traveling or who is out of state and while off duty engages in the apprehension of law violators or suspected law violators or engages in protection or preservation of life or property, the officer could potentially be injured; that as it stands now,

if this were to happen the officer would not be covered by Workers' Compensation benefits.

There were several questions from the Council regarding coverages under the City's insurance medical plan and what this protection would do; and whether or not there had been changes to the Workmen's' Compensation provisions of if there was any fiscal impact.

Mr. Schulze explained the rationale that having for having this in place, and stated that the officer would not need to use the City's medical benefits or be out without a paycheck.

City Attorney Kevin G. Ennis indicated that section 3600.2 of the labor code was recently approved by the legislature to allow cities to provide this type of coverage.

Public Comment

There were no public comments.

Susan Shouts stated that she was in support of approving this item due to the multiple of benefits afforded to peace officers who will then be more vested in serving and staying in the City.

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

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

Action: Adopted Resolution No. 2019-78

3. Approving a Determination of Public Convenience and Necessity for the Sales of Beer and Wine (Type 20) in an Existing Retail Store (Dollar General) Located at 1323 West Ramsey Street, Banning, California (APN 540-130-039 in the Highway Servicing Commercial (HSC) Zoning District.

Adam Rush Community Development Director presented the staff report. Mr. Rush stated that this was a finding of public necessity and convenience for the sales of beer and wine (type 20) in an existing retail store (Dollar General) located at 1323 West Ramsey Street; stated that the project required a CUP, which was then approved by the Planning Commission; that due to

overconcentration nature of this area, there is also a finding that needs to be determined by the City Council for public necessity and convenience.

He further commented that the area of sales is only going to be 200 square feet of retail space; that no single sales are allowed.

Councilmember Happe inquired as to whether or not ABC would require additional training for their staff.

Community Development Director Adam Rush stated that in fact that was a condition of approval of the Conditional Use Permit (CUP), and as part of the maintenance of their license.

Public Comment

Bill Hobbs asked about the hours of the sale, with Steve Rawlings representative from Dollar General indicating that sales would be from 8:00 a.m. to 10:00 p.m. He expressed that he asked because at that time of the evening there are quite a few transients in that area.

Nick Parra stated that Dollar General appear to be a family friendly business and stated that he had concerns with liquor mixing with children; that there are families with children shop there, and concerns about alcohol being available to children.

Steve Rawlings representing Dollar General store elaborated on Dollar General alcohol sales program and stated that currently operates over 200 stores in the state of California; that each store is approximately 10,000 square feet, and it is considered a full service store; stated that the sales of beer and wine were intended to be only incidental; that they only stock four, they don't stock singles, and that total square footage of retail space for the sale of beer and wine is less than 100 square feet.

There were several questions from the City Council with respect to security, training and proper identification checks. Mr. Rawlings addressed these questions and stated that they have electronic card readers to prevent sales to minors, which is an effective control mechanism.

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

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

Action: Approved by Minute Order No. 2019-094

4. Adopt Resolution Approving and Authorizing the Submittal of the Application for Statewide Park Development and Community Revitalization Program Grant Funds.

Art Vela, Director of Public Works/City Engineer stated that the State Department of Recreation has been assigned as the Grant Administrator for the Statewide Park Development and Community Revitalization Grant Program; that they have advertised a call for project for round 1; that they currently have 254,942 million available for disbursement; stated that staff will be submitting an application for funds to complete the expansion of Lyons Park; that about 2.75 million will be needed for the Park, which require extensive community outreach with a deadline of August 5 and with no local matching of funds required.

There were several questions from Council regarding the design, layout, parking feedback received from the community and available funding if the project goes above its allocated budget.

Councilmember Happe inquired as to whether or not other grant funding applications could be submitted during round 1 to do work on other parks.

Public Comment

There were no public comments.

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

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

Action: Adopted Resolution No. 2019-79

5. Adopt Resolution Approving the Replacement of Vehicles for Fiscal Year 2020 Pursuant to the Five (5) Year Master Equity Lease Agreement with Enterprise Fleet Management.

Art Vela, Director of Public Works/City Engineer provided a brief history of this item by stating that back in September of 2018, the City Council had approved the five-year lease agreement with Enterprise, and also the first grouping of

vehicles was also approved; he stated that he was proposing to replace about 12 vehicles.

Public Comments

There were no public comments.

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

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

Action: Adopted Resolution No. 2019-80

6. Discuss the Current Policy for the Repair and Maintenance of Curbs, Sidewalks, and Parkstrips.

Art Vela, Director of Public Works/City Engineer presented the staff report stating that this item is on the agenda to allow the Council the opportunity to discuss the current policy that is in place; that it relates to comments that staff receives on the telephone, via public comments and at the Engineering counter about the maintenance of landscaping, shrubs, weeds, and sidewalks within the public right-of-way; commented that in accordance with Resolution 1977-15 identifies the responsibilities of certain items within the right-of-way; he described in detail what those items were that were included in the resolution.

Mr. Vela stated that when they receive requests for the maintenance of certain items, that they try to educate the public about whose responsibility it is to maintain landscaping and other areas that they City is not responsible for.

There was an extensive discussion about the enforcement of the provisions of this resolution, and about trees that are diseased, landscaping, weeds on sidewalks.

Councilmember Happe commented that there needs to be a public awareness campaign about this; that the perception on the part of the public is that these are the City's trees and sidewalks and thus they need to take care of them, when in fact, that was not the case; stated that there was not a lot of public education about this; he proposed a workshop to discuss and educate the public

Mayor Welch commented that we need some type of campaign or exposure or workshops to educate people about what their responsibilities are along with what the city's' responsibilities are.

Mr. Vela stated that the main objective with this item was to seek direction from Council moving forward with the maintenance of items on the public-right-of-way; and the second reason was to solicit Council's input on the implementation of this policy.

Public Comment

Nick Parra stated that he was aware of the historical value of the trees; that Banning was the first official city of trees; suggested on trimming trees that are potential hazards and that he was in favor of a workshop.

Susan Shoots stated that the City needed to exercise consistency in implanting this policy or whatever policy the City decides on as it could prove to be controversial for a lot of people; stated that a workshop may not be the right strategy because they people who need to hear this, will not show up and that there needs to be another method of reaching these folks.

Action: Direction provided to staff by Minute Order No. 2019-095

7. Adopt Resolution, Approving the Interagency Services Agreement between the City of Banning and the City of Beaumont for the Purpose of Providing Coordinated Transit Services.

Art Vela, Director of Public Works/City Engineer presented the staff report. Mr. Vela stated that back in 2002, the City Council approved Resolution 2002-76 authorizing the execution of an agreement with the City of Beaumont to provide coordinated transit services and that both cities had operated under that agreement; highlighted some of the provisions of the agreement.

There were several comments from Council regarding the transfer stations.

Public Comment

There were no public comments.

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

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

Action: Adopted Resolution No. 2019-81

8. Revisions and Update of Electric Rule #22- Tree Trimming.

Tom Miller Electric Utility Director stated that the rule was last updated in December of 1994 because of the Banning Fire, which was roughly a 1.6 million dollar claim against the Electric Utility for a fire that was started by power lines on private property, which cost the City dearly for that fire; he commented that about six weeks ago, there was a tree limb in a private yard that fell down across a neighbors power, and knocked the service off to the house and it resulted in damage to electronic equipment in the house, and that both homeowners stated that the Electric Utility should pay for this incident; that staff had referenced Electric Rule 22 to ascertain who had the responsibility of cutting trees on private property.

Mr. Miller stated that the overhead service drop from the public utility power poles into the house if it is overhead is the private owners' responsibility, and that the rule clearly stated that; further, he commented that staff noticed that when the rule was passed in 1994 that the strikeout version was what was being operated off of; that staff had revised the provisions of the Rule and made some changes to it.

Public Comment

There was no public comments.

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

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

Action: Adopted Resolution No. 2019-82

IX. DISCUSSION ITEM

None

CITY COUNCIL – Next Meeting, August 27, 2019, 5:00 p.m.

Please note that in accordance with City Council Resolution No. 2017-14, the City Council will go dark for the last meeting in July and the first meeting in August. Therefore, please be advised that the City Council will not hold its regular meetings on July 23 or August 13 respectively.

X. ITEMS FOR FUTURE AGENDAS

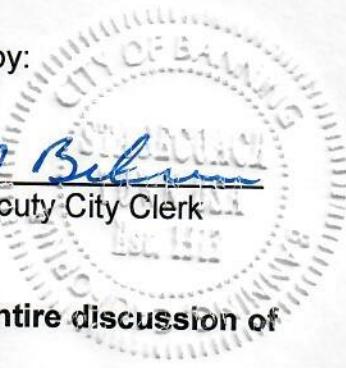
1. Website Redesign
2. Wildfire Mitigation Plans
3. 553 E. Ramsey Receivership

XI. ADJOURNMENT

By consensus, the meeting was adjourned at 7:37 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://www.banning.ca.us/ArchiveCenter/ViewFile/Item/2122> requesting a CD or DVD at Banning City Hall located at 99 E. Ramsey Street.**