

MINUTES
CITY COUNCIL

07/09/2019
REGULAR MEETING

COUNCIL MEMBERS PRESENT: Councilmember Happe
Councilmember Wallace
Mayor Pro Tem Andrade (via teleconference)
Mayor Welch

COUNCIL MEMBERS ABSENT: Councilmember Peterson

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 July 9, 2019, at 5:12 p.m. at the Banning Civic Center Council Chamber, 99 E. Ramsey Street, Banning, California.

A motion was made by Councilmember Wallace, seconded by Councilmember Happe to excuse Councilmember Peterson from this meeting. Roll call vote was taken as follows:

AYES: Happe, Wallace, Andrade (via teleconference from
Taunusstein, Germany), & Welch
NOES: None
ABSTAIN: None
ABSENT: Peterson

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

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

Mayor Welch asked that if the Council concurred, he was moving item 12 ahead on the agenda because there was a group of residents in the audience for that item who had submitted such request. Hearing no objection, it was so ordered.

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

AYES: Happe, Wallace, Andrade (via teleconference from Taunusstein, Germany), & Welch
NOES: None
ABSTAIN: None
ABSENT: Peterson

II. APPROVAL OF AGENDA

A motion was made by Mayor Pro Tem Andrade, seconded by Councilmember Wallace, to approve the agenda. Roll call vote was taken as follows:

AYES: Happe, Wallace, Andrade (via teleconference from Taunusstein, Germany), & Welch
NOES: None
ABSTAIN: None
ABSENT: Peterson

III. PRESENTATION

None

IV. REPORT ON CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9 (one case). **Approved settlement Agreement with ECI on a 4-0 vote, with Councilmember Peterson being absent.**
2. **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 No. RIC 1900544 and Golden State Environmental Justice Alliance v. City of Banning, Case No. RIC 19000654 (Banning Distribution Center). **Status report was provided. No final conclusive results.**

3. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
(Pursuant to Subdivision (a) of Government Code Section 54956.9)
Name of Case: Sustainers Alliance for Environmental Responsibility (SAFER) v.
City of Banning, et al. (Lawrence Equipment Warehouse Project)
Case No. RIC 1903059. **Status report was provided. No reportable action.**

V. PUBLIC COMMENTS, CORRESPONDENCE, AND APPOINTMENTS

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

Public Comment

Rick Bradford addressed the City Council regarding the building of community. He proposed to do so through the Council's support on establishing community gardens, which have proven to be an effective way to build community in other cities; that when the City Council considers regulations for landscaping that consideration is given to planting of fruit, nut trees and other berry bushes as opposed to just ornamentals.

Lia Colman spoke in support of the prior speaker; she spoke relative to the homeless and cleanliness; proposed an idea of a community shower and changing station for the homeless; inquired as to whether or not the community had any interest in funding such an idea; stated that the business community was in support of such an idea.

Nathan Paxon, stagecoach representative commented that he was present to invite the public to the Banning Stagecoach Days event coming up September 5 through September 8 and that tickets for the rodeo were available through the website.

CORRESPONDENCE

None.

APPOINTMENTS:

1. Select Voting Delegate to the League of California Cities General Assembly Annual Conference to be Held in Long Beach, October 16-18.

Mayor Welch indicated that this item pertained to a selection of a member of the City Council for the Annual League of California Cities Conference.

A motion was made by Mayor Pro Tem Andrade, seconded by Councilmember Happe, to nominate Mayor Welch as the Voting Delegate to the League of California Cities Annual Conference. Roll call vote was taken as follows:

AYES: Happe, Wallace, Andrade (via teleconference from Taunusstein, Germany), & Welch
NOES: None
ABSTAIN: None
ABSENT: Peterson

A motion was made by Mayor Welch, seconded by Councilmember Happe, to nominate Mayor Pro Tem Andrade to be the first Alternate Voting Delegate to the League of California Cities Annual Conference. Roll call vote was taken as follows:

AYES: Happe, Wallace, Andrade (via teleconference from Taunusstein, Germany), & Welch
NOES: None
ABSTAIN: None
ABSENT: Peterson

A motion was made by Councilmember Happe, seconded by Mayor Welch, to nominate Councilmember Wallace to be the second Alternate Voting Delegate to the League of California Cities Annual Conference. Roll call vote was taken as follows:

AYES: Happe, Wallace, Andrade (via teleconference from Taunusstein, Germany), & Welch
NOES: None
ABSTAIN: None
ABSENT: Peterson

Action: Approved by Minute Order No. 2019-096

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. Roll call vote was taken as follows:

AYES: Happe, Wallace, Andrade (via teleconference from Taunusstein, Germany), & Welch
NOES: None
ABSTAIN: None
ABSENT: Peterson

1. Approval of Special Meeting – 6/25/19 Minutes (Closed Session)

Action: Approved by Minute Order No. 2019-097

2. Approval of Regular Meeting – 6/25/19 Minutes (Workshop)

Action: Approved by Minute Order No. 2019-098

3. Adopt Resolution Approving the Agreement for Purchase and Sale and Escrow Instructions Between the City of Banning and Louis S. Lopez Trustee of the Louis S. Lopez Trust in Connection with Ramsey-Hathaway Street Improvement Project (Portions of APNs: 532-110-004, 532-120-001, -002, -008, -009, and -010) Not to Exceed \$51,102.

Action: Adopted Resolution No. 2019-83

4. Authorize the City Manager to Sign the Notice of Completion for Project No. 2018-05 “City Hall Heating, Ventilation and Air Conditioning (HVAC) Improvements” as Complete and Direct the City Clerk to record the Notice of Completion (NOC).

Action: Approved by Minute Order No. 2019-099

5. Adopt Resolution Making an Appropriation of Additional Funds to Close Out Project No. 2016-04, “Roosevelt Williams Park Improvements.

Action: Adopted Resolution No. 2019-84

VII. PUBLIC HEARING(S)

1. Cedar Hills Apartments (“The Project”), General Plan Amendment No. 18-2504: Zone Change No. 18-3503; Design Review No. 18-7011; and Environmental Assessment No. 18-1508 for the Proposed Development of Multi-Family Residential Apartment Complex and Associated Infrastructure on 7.08 Acres of Land Within the Low Density Residential (LDR) Land Use District (APNS 534-283-011 and 534-283-014). (First reading and introduction).

Adam Rush, Community Development Director presented the staff report and stated that this was a continued item; that the project is located on Hoffer Street, north of Wilson Street and westerly of Hathaway Street; that the project includes the conversion of land use from Medium Density Residential to High Density Residential; that the applicant had submitted an application to go from Low Density Residential to High Density Residential; that the project meets the minimum requirements of the proposed zone; commented that the property is about 7.04 acres; stated that the project now consist of four sixteen unit buildings;

and two unit buildings for a maximum of 88 units, which is a reduction of approximately 16 units from the proposal that was presented to the Planning Commission; stated that the project was revised with respect to the amenities, to incorporate public input and feedback given by the City Council at the last meeting.

Councilmember Wallace inquired about the number of bedrooms in each apartment unit; how the applicant proposed to maintain the property; and who was going to be managing the property.

Ms. Hannah, Applicant, stated that these apartments would be two bedroom, two bath apartments, which are larger than the minimum requirements; that they offer twenty units of parking, which is also in excess of the minimum requirements; that a professional property management company will maintain the property.

There was a brief discussion relative to the number of bedrooms per unit and that it may not be feasible to accommodate families with more than two kids or growing families.

Councilmember Happe asked about the type of survey conducted.

Ms. Hannah, Applicant, commented that she had conducted a survey about a year and a half ago, and what they came up with was what the results of the survey revealed was most in demand. The applicant's team addressed technical questions with respect to roofs, ingress, egress, grading, traffic circulation, street parking,

Public Comments

Maggie Scott inquired about the number of ways that cars can use to go in and out, with Mr. Rush, Community Development Director responding that the existing entrances were standard for a project this size, and which can accommodate fire trucks.

Amy Pippenger asked whether or not the management company was going to set the rent and whether or not individual units will be sold.

Adam Rush, Community Development Director responded that this was intended to be an apartment complex with units to be rented not sold; that this was not a condominium type of project.

Mr. Rush further stated that by the time the agenda needed to be posted, staff did not have the conditions, or any of the updates available to provide Council such as the Resolution and Ordinance; he stated that staff now has those documents and if the Council were inclined to make a motion for approval, the City Council could keep the public hearing open until the end of the meeting, then Council

could direct staff to go prepare the documents and come back at the end of the meeting for the City Council to consider.

Mayor Welch sought clarification regarding the actions the City Council was asked to take. City Attorney Kevin G. Ennis clarified that a Resolution was needed to approve the General Plan Amendment and to approve the Design Review, and the Council would need an Ordinance to change the zoning, which could be introduced at this meeting.

Mr. Ennis further clarified that Mr. Rush, Community Development Director had indicated that if the Council wanted to do this tonight, he would take the draft documents that were included in the agenda packet, update them, review the new conditions to ensure that they were correct and address any of the conditions that the Council wanted to impose.

Mr. Ennis stated that Mr. Rush could have those documents ready at the end of this meeting, which meant that the Council would reopen the hearing to allow Mr. Rush to present the documents, answer questions from Council, and subsequently adopt.

A motion was made by Councilmember Happe, seconded by Mayor Pro Tem Andrade, to move this item to the end of the meeting and allow staff to prepare the updated documents for further consideration, made a motion. Roll call vote was taken as follows:

AYES:	Happe, Wallace, Andrade (via teleconference from Taunusstein, Germany), & Welch
NOES:	None
ABSTAIN:	None
ABSENT:	Peterson

City Attorney Kevin G. Ennis further clarified the motion that the City Council was keeping the public hearing opened; continuing the item to later on the agenda whereby Mr. Rush will come back after item 11 and present the item for the Council's consideration.

City Council reconvened the meeting at 8:43 p.m. to continue the public hearing tabled to the end of the meeting.

Adam Rush, Community Development Director came back to the podium to continue the matter of the public hearing relative to the Cedar Hills Apartments. He stated that pursuant to the Council's actions staff had updated a number of documents, which had been distributed to Council, and reviewed by the City Attorney; he read a few corrections into the record including the updating of the staff report thereby recommending approval of the General Plan Amendment, the

Design Review acceptance, and making the findings pursuant to CEQA as well as introduction of the first reading of the ordinance.

He further commented that the resolution had been updated as well; that the initial study had been signed; that the conditions were updated.

Councilmember Happe inquired about the specific changes to the conditions, with Mr. Rush stating that the preliminary grading was updated, the hydrology, the architectural plans, walls, fencing, lighting, open space and landscaping; that the issues surrounding Wilson Street had been addressed as well with Wilson Street being constructed to standards.

Public Comment

There was no public comment.

A motion was made by Councilmember Happe, seconded by Mayor Pro Tem Andrade, to adopt Resolution No. 2019-84A, adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, Environmental Assessment No. 18-1508, and approving General Plan Amendment No. 17-2504, Design Review No. 18-7001 for the Cedar Hills Apartment Project. Roll call vote was taken as follows:

AYES:	Happe, Wallace, Andrade (via teleconference from Taunusstein, Germany), & Welch
NOES:	None
ABSTAIN:	None
ABSENT:	Peterson

Mayor Welch called upon Deputy City Clerk, Daryl Betancur to read the title of the Ordinance into the record.

A motion was made by Councilmember Happe, seconded by Mayor Pro Tem Andrade, to waive further reading and introduce Ordinance No. 1548 as presented. Roll call vote was taken as follows:

AYES:	Happe, Wallace, Andrade (via teleconference from Taunusstein, Germany), & Welch
NOES:	None
ABSTAIN:	None
ABSENT:	Peterson

A motion was made by Mayor Welch, seconded by Councilmember Happe, ordering that Ordinance No. 1548 pass its first reading. Roll call vote was taken as follows:

AYES: Happe, Wallace, Andrade (via teleconference from Taunusstein, Germany), & Welch
NOES: None
ABSTAIN: None
ABSENT: Peterson

Councilmember Wallace stated that for the record, she prays that this project works and that it be kept looking nice and well maintained.

Action: Adopted Resolution No. 2019-84 A
Action: Waived further reading and introduced Ordinance No. 1543 by Minute Order No. 2019-100

12. Adopt Resolution, Approving Purchase of Arena Fencing for Dysart Park in an Amount Not to Exceed \$35,000. (*Item taken out of order*)

City Manager, Douglas Schulze indicated that staff was recommending purchase of arena fencing for Dysart Park in an amount not to exceed \$35,000. He commented that he had a meeting with Stagecoach representatives who had pointed out some immediate needs; stated that this was a time sensitive item.

Public Comment

Diego Rose spoke about beautification and that we need to beautify the City's entire infrastructure be it parks, streets, or medians; spoke in support of approval.

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

AYES: Happe, Wallace, Andrade (via teleconference from Taunusstein, Germany), & Welch
NOES: None
ABSTAIN: None
ABSENT: Peterson

2. Adopt Resolution Approving General Plan Amendment 18-2503, Waive Further Reading and Introduce Ordinance No. 1548, Approving Zone Change 18-350, to Amend the Land Use Designation and Zoning Classification of Two Parcels Totaling 5.14 Acres from General Commercial (GC) to Industrial, and Develop with Industrial Uses, Located at 200 South Eighth Street and 679 West Lincoln Street (APNs: 540-220-013 and 540-220-007).

Adam Rush, Community Development Director explained the location of the project, the type of project; commented that the project site included two property

owners; stated that the site was currently zoned commercial, and that the request before the City Council was to modify the Commercial Use designation to Industrial.

Public Comment

Diego Rose stated that he was familiar with the property but did not understand what the significance of the change or its intent.

Adam Rush, Community Development Director explained that the intended uses were not foreseen to continue; that the current uses will cease and there will be a relocation likely from the City of Beaumont to this location.

A motion was made by Councilmember Wallace, seconded by Councilmember Happe, adopting Resolution approving the General Plan Amendment 18-2503. Roll call vote was taken as follows:

AYES:	Happe, Wallace, Andrade (via teleconference from Taunusstein, Germany), & Welch
NOES:	None
ABSTAIN:	None
ABSENT:	Peterson

Mayor Welch called upon Deputy City Clerk, Daryl Betancur to read the title of the Ordinance into the record.

A motion was made by Mayor Welch, seconded by Mayor Pro Tem Andrade, to waive further reading and introduce Ordinance No. 1548. Roll call vote was taken as follows:

AYES:	Happe, Wallace, Andrade (via teleconference from Taunusstein, Germany), & Welch
NOES:	None
ABSTAIN:	None
ABSENT:	Peterson

A motion was made by Mayor Welch, seconded by Mayor Pro Tem Andrade, ordering that Ordinance No. 1548 pass its first reading. Roll call vote was taken as follows:

AYES:	Happe, Wallace, Andrade (via teleconference from Taunusstein, Germany), & Welch
NOES:	None
ABSTAIN:	None
ABSENT:	Peterson

Action: Adopted Resolution No. 2019-85
Action: Waived further reading and introduced Ordinance No. 1548 by
Minute Order No. 2019-101

VIII. ANNOUNCEMENTS AND REPORTS

CITY COUNCIL COMMITTEE REPORTS

Councilmember Wallace attended the membership committee meeting of the Riverside County Community Partnership and commented that members of the organization will be coming to Banning to help residents pay their utility bills; this event is due to take place at the Senior Community Center in Banning.

Councilmember Happe reported on having attended the California League of Cities General Membership meeting in Riverside; that there were a number of issues discussed; that they voted in support of legislation including AB344, which was the new beginnings California Program, which establishes the Department of Community Services and Development and creates a new beginning for the purpose of providing California matching grant funds to cities and local government to promote job creation aiming homeless individuals; and SB 15, which also helps provides services to the homeless population.

Mayor Welch reported on the RTC (Riverside Transportation Committee) meeting he attended, where there was a substantial discussion on freeway travel over the next few months through the pass area; reminded the audience that on Highway 60 between Beaumont and Moreno Valley they are going to be closing one lane going west for the next five months.

REPORT BY CITY ATTORNEY

None.

REPORT BY CITY MANAGER

City Manager Douglas Schulze reported on:

- The City Council meeting schedule until August 27
- Commented on a special meeting for Wednesday, July 10 with Innovative Federal Strategies, the City's lobbying firm
- That the traffic beacon on Wilson Street was taken care of
- Provided a status report on the the homeless encampments
- Provided an update on various City recruitments efforts

REPORT OF OFFICERS

1. Adopt Resolution, Approving an Agreement for Purchase of Real Property in an Amount Not to Exceed \$150,020 (APN: 534-152-025).

Ted Shove, Economic Development Manager presented the staff report and stated that this was an item related to potential acquisition for real property; that the Banning Electric Utility was currently upgrading its aging infrastructure to increase system reliability; that in anticipation of future growth and to increase safety and security of systems infrastructure, a new substation had been planned near the intersection of E. Theodore Street and Hardgrave Street.

He indicated that the staff recommendation was to approve the Agreement for purchase and sale and escrow instructions, authorize the City Manager to execute the Agreement, and authorize the Administrative Services Director to make the necessary budget adjustments and appropriations.

There were several questions from Council relative to the transmission lines locations and how these affect the surrounding properties.

Public Comment

There was no public comment.

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

AYES:	Happe, Wallace, Andrade (via teleconference from Taunusstein, Germany), & Welch
NOES:	None
ABSTAIN:	None
ABSENT:	Peterson

Action: Adopted Resolution No. 2019-86

2. Adopt Resolution of the Banning Utility Authority, Approving the Third Amendment to the Maintenance and Operations Agreement with Suez Water Environmental Services, Inc. to Extend the Term of the Agreement.

Art Vela, Director of Public Works/City Engineer presented the staff report indicating that the City of Banning had contracted out its operations and maintenance of the Water-Wastewater treatment since 1993 to JMM Operational Services, Inc. (JMM) for a period of five (5) year, which was bought out by United Water, which in turn was bought out by Suez; commented that Suez had done a good job and been very responsive.

Mr. Vela stated that he wanted to engage the Council on a discussion as to whether or not they wanted staff to issue a new Request for Proposals (RFP),

or if they wish to continue extending the current Agreement or a third option of bringing City staff to provide those services.

There were several questions from Council relative to the length of the Agreement and the expiration term; that if we were to go to RFP, staff could begin the process now; and whether or not Suez would have an advantage because they had been providing these services onsite for such a long time.

Art Vela, Director of Public Works/City Engineer clarified Council's direction that it was the Council's desire to direct staff to move forward with an RFP process.

Public Comment

There was no public comment.

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

AYES:	Happe, Wallace, Andrade (via teleconference from Taunusstein, Germany), & Welch
NOES:	None
ABSTAIN:	None
ABSENT:	Peterson

Action: Adopted Resolution No. 2019-11 UA

3. Banning Police Officer's Association Memorandum of Understanding.

Douglas Schulze, City Manager stated that staff was asking for the adoption of Resolution approving the Memorandum of Understanding between the City of Banning and the Banning Police Officers Association from March 2019 to March 2022; stated that the current MOU had expired in March of 2019; provided a brief summary of the actions taken in terms of the negotiations, which had led to a successful negotiation resulting in the proposed Agreement.

Public Comment

Diego Rose asked that if anyone had asked the Officers how they felt about the proposed Agreement; asked whether any of the Councilmembers had talked to any of the Officers directly.

Mayor Welch commented that the negotiators were the managing staff for the City, and that they were negotiating on behalf of the five elected officials.

City Attorney Kevin G. Ennis clarified that under state law when you have a union representative who is representing that bargaining group, that the City has a duty to work through that representative; commented that it was not permitted or allowed to circumvent that representative and to have dialogue negotiation back and forth between the Council members directly and the individuals in that Union; that Union members need to work through their designated representative.

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

AYES:	Happe, Wallace, Andrade (via teleconference from Taunusstein, Germany), & Welch
NOES:	None
ABSTAIN:	None
ABSENT:	Peterson

Action: Adopted Resolution No. 2019-87

4. Ordinance No. 1549, An Ordinance of the City Council of the City of Banning, California, Amending Chapter 15.76 of the Banning Municipal Code Updating Participation in the Western Riverside County Transportation Uniform Mitigation Fee (TUMF) Program to Include a Process for WRCOG Calculation and Collection of Fees Under the Program, and Making a Determination of Exemption Under the California Environmental Quality Act. (CEQA). (First reading and Introduction)

Adam Rush, Community Development Director stated that this was a fairly routine item; he stated that what this Ordinance was allowing the City to do was to defer the payment procedure directly with WRCOG; explained the current payment procedure; stated that this will allow with the exception of credit agreements, applicants to go directly to WRCOG, which helps on our staff time in preparing the documentation and subsequently transferring those fees to WRCOG; that this also helps for auditing purposes; that we are still obligated to track the credit agreements.

Public Comment

There was no public comment.

Mayor Welch called upon Deputy City Clerk, Daryl Betancur to read the title of the Ordinance into the record.

A motion was made by Mayor Welch, seconded by Councilmember Wallace, to waive further reading and introduce Ordinance No. 1549. Roll call vote was taken as follows:

AYES: Happe, Wallace, Andrade (via teleconference from Taunusstein, Germany), & Welch
NOES: None
ABSTAIN: None
ABSENT: Peterson

A motion was made by Mayor Welch, seconded by Councilmember Wallace, ordering that Ordinance No. 1549 pass its first reading. Roll call vote was taken as follows:

AYES: Happe, Wallace, Andrade (via teleconference from Taunusstein, Germany), & Welch
NOES: None
ABSTAIN: None
ABSENT: Peterson

Action: Waived further reading and introduced Ordinance No. 1549 by Minute Order No. 2019-102

5. Adopt Resolution, Approving a Professional Services Agreement with Webb & Associates for the Preparation of CEQA Documentation and Environmental Services for the Sun Lakes Boulevard Circulation General Plan Amendment (CGPA).

Adam Rush, Community Development Director stated that the Sunlakes Boulevard extension from Highland Home Road to the Easterly boundary of the Sunlakes Development to Westwood Street is moving forward, consequently, staff is asking the City Council to approve the resolution for the amount of \$78,479.50 for the preparation of the CEQA documentation, and authorize the City Manager to execute a Professional Services Agreement with Webb & Associate.

Public Comments

There was no public comment.

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

AYES: Happe, Wallace, Andrade (via teleconference from Taunusstein, Germany), & Welch
NOES: None
ABSTAIN: None
ABSENT: Peterson

Action: Adopted Resolution No. 2019-88

City Council recessed to a short break at 7:33 p.m.

City Council reconvened the meeting at 7:41 p.m.

6. Adopt Resolution, Approving a Professional Services Agreement with Dude Solutions for the Purchase of SmartGov Software and Licensing for the Streamlining of Permitting, Planning/Zoning, and Permit Inspections Services.

Adam Rush, Community Development Director presented the staff stating that with the building permit activity that is forthcoming, particularly, with the Pardee Projects, and the Rancho San Gorgonio Project, the current system of in taking, processing and issuing building permits is not adequate for handling the volume of anticipated growth; that the SmarGov system had already gone through a national procurement process and as such we did not have to publicly bid for this project; that there was a discount that came along with this; that we are using grant funding to pay for it.

Public Comment

There was no public comment.

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

AYES:	Happe, Wallace, Andrade (via teleconference from Taunusstein, Germany), & Welch
NOES:	None
ABSTAIN:	None
ABSENT:	Peterson

Action: Adopted Resolution No. 2019-89

7. Refunding of 2005 Wastewater Revenue Bonds for Debt Service Savings.

Suzanne Cook, Interim Director of Administrative Services, presented the staff report recommending that the City Council Adopt Resolution of the City Council and Banning Utility Authority, authorizing staff and consultants to prepare necessary documentation for the issuance of bonds to refund certain outstanding 2005 Wastewater Enterprise Revenue Bonds, Series 2005 and approving financing team members in connection therewith.

Ms. Cook provided a brief summary on the history of the bond issuance, and stated that because the interest rates are at all-time lows, that this was an excellent opportunity to refinance the 2005 Wastewater Revenue Bonds for debt

service and realize additional savings of approximately \$632,655, without extending the current maturity date.

Public Comment

There was no public comment.

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

AYES:	Happe, Wallace, Andrade (via teleconference from Taunusstein, Germany), & Welch
NOES:	None
ABSTAIN:	None
ABSENT:	Peterson

Action: Adopted Resolution No. 2019-90
Action: Adopted Resolution No. 2019-12 UA

8. Adopt Resolution, Approving the Renewal of the Landscape Maintenance Contract for City Parks with Z&T Ventures, Inc. dba Service Scape of Alta Loma, California for Fiscal Year 2019-2020 in the Amount of \$72,376.20.

Douglas Schulze, City Manager stated that staff was recommending adoption of the resolution that was included in the agenda packet.

Councilmember Happe inquired about the time that this contract was put out for an RFP. City Manager Schulze commented that this item was originally approved in 2017; that it was renewed for a one-year period in 2018, and that this represents the third extension.

Public Comment

There was no public comment.

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

AYES:	Happe, Wallace, Andrade (via teleconference from Taunusstein, Germany), & Welch
NOES:	None
ABSTAIN:	None
ABSENT:	Peterson

Action: Adopted Resolution No. 2019-91

9. Discuss Community Development Department Staffing Needs.

Douglas Schulze, City Manager stated that what we are facing as a City is pretty significant with respect to the increase in the amount of permits that City will be taking in the next couple of decades; that we are going from zero single-family home permits to 300 plus annually, and the potential for up to 400 or more permits a year for new homes; that in looking at the current contract we have for contract services for building and safety planning staff that was not cost-effective for the City.

Mr. Schulze further stated that when we are experience a large volume of permits, we will need more staffing, however, that the current structure worked great during low volume permit times, thus we want to start looking at transitioning contract services to in-house building safety and planning staff; stated that he did not anticipate that we will transition to a full in-house only staffing; that it will always be appropriate for the City to use a certain amount of contract services because activity will not always stay at the peak but that we want to make sure we will continue to process permits in a timely manner; and that will require supplemental services with contracts.

Additionally, he commented that what we have looked at and what we are recommending is that we start the transition process to hire a building official, and a building inspector, he stated that such process will take likely 3 to 4 months to fill after the positions are authorized but that before we start down the path of developing job descriptions and looking at a hiring or recruiting process, that we want to make sure the Council was on board with this proposal and that we are not getting too far out in front of the Council.

Councilmember Happe asked if there was a foregone savings on this proposal if we were to go in-house and how will that affect contracts as far as where they stand right now.

City Manager Douglas Schulze stated that was based on the projected activity and of course that was an assumption that we were making that certain amount of projected activity will happen; he stated that we anticipate that over the next five years, we will be generating approximately \$900,000 annually based on current accrued projects; that new projects that come in will be additional fee revenue on top of that amount; that under the current Professional Services Agreement with Charles Abbot and Associates, we will pay \$810,000 in fees of that 4900,000; that the projected cost of adding four proposed positions we are anticipating that cost to be about \$650,000 in 2020 and up to \$716,625 in 2023; so roughly there will be about 200,000 in annual savings.

Councilmember stated that we will still need to retain outside contract services as mentioned earlier with City Manager Schulze stating that is going to depend on increase activity above the current approved projects; that will be an average of 660 new dwelling units per year; and the cost of that will be based on a negotiated contract with Charles Abbot or some other provider.

Mayor Welch stated that he had a couple of comments; that as we continue to grow we are going to need an increase people power; that to do so made sense given the projected activity; that it was important to evaluate both options to make sure that in the long run we are getting the best for our resident's dollars; that he personally would say to have staff take a look and see at least we investigated it to the point so we can make some decisions on it.

Public Comment

There was no public comment.

Action: No formal action taken. Direction provided to City Manager by Minute Order No. 2019-103

10. Ordinance No. 1550, An Ordinance of the City Council of the City of Banning, California, Providing for Public Works Contracting Pursuant to the Uniform Public Construction Cost Accounting Act, Amending Title 3 of the Banning Municipal Code and Making a Finding of Exemption Under CEQA in Connection Therewith.

Tom Miller, Electric Utility Director stated that the action asked that the City Council help staff change the purchasing policy to expand it thus allowing the City Manager and Director when it deals with construction contracts; he explained that the purchasing system ordinance currently provides that all public project contracts exceeding \$5,000 must be contracted for and let pursuant to certain standard provisions of the California Public Contract Code that apply to public works contracts awarded by cities; however, this low dollar threshold, which is set by state law has been in place in Banning since 1965 and has not been adjusted by the State since that time.

Mr. Miller further stated that this low threshold could cause a degree of bureaucratic expense and delay, while not achieving the same degree of cost-effectiveness, openness and fairness that was originally intended. He stated that the recommendation is to introduce for first reading Ordinance No. 1550, an ordinance providing for public works contracting pursuant to the Uniform Public Construction Cost Accounting Act, amending Title 3 of the Banning Municipal Cod, and making a determination of exemption under CEQA; and adopting resolution electing to become subject to the provisions of the Uniform Public Construction Cost Accounting Act.

There were several questions related to expanding the spending authority of Directors for City construction contracts. There were also questions related to transparency, and whether or not we would comprise in any way check in balance during the procurement process.

City Attorney, Kevin G. Ennis commented that one thing that this Ordinance will do is that it will enable another avenue of recourse in the event that there is a complaint from a bidder; that there is a state Commission- the Cost Accounting Commission whereby if a contractor or an individual feels that the City is not abiding by the appropriate threshold requirement, they can go to that Commission and the Commission can look into it; that if they Commission were to determine that the City did not follow the appropriate threshold requirements, then they can disapprove of what the City has done and provide oversight; thus in that respect, you will be having a different and and additional layer of State oversight.

Public Comment

There was no public comment.

Mayor Welch called up Deputy City Clerk Daryl Betancur, to read the title of the Ordinance into the record.

A motion was made by Mayor Welch, seconded by Councilmember Wallace, to waive further reading and introduce Ordinance No. 1550. Roll call vote was taken as follows:

AYES:	Happe, Wallace, Andrade (via teleconference from Taunusstein, Germany), & Welch
NOES:	None
ABSTAIN:	None
ABSENT:	Peterson

A motion was made by Mayor Welch, seconded by Councilmember Happe, ordering that Ordinance No. 1550 pass its first reading. Roll call vote was taken as follows:

AYES:	Happe, Wallace, Andrade (via teleconference from Taunusstein, Germany), & Welch
NOES:	None
ABSTAIN:	None
ABSENT:	Peterson

A motion was made by Councilmember Happe, seconded by Councilmember Wallace, electing to become subject to the Uniform Public Construction Cost Accounting Act. Roll call vote was taken as follows:

AYES: Happe, Wallace, Andrade (via teleconference from Taunusstein, Germany), & Welch
NOES: None
ABSTAIN: None
ABSENT: Peterson

Action: Adopted Resolution No. 2019-92
Action: Waived further reading and introduced Ordinance No. 1550 by Minute Order No. 2019-104

11. Purchase of Electric Facilities from Mountain Air Mobile Home.

Tom Miller, Electric Utility Director provided a brief narrative of past actions on this item stating that during October 2018, City Council approved a retail residential rate restructuring to benefit the customers of the Banning Electric Utility; that the Utility staff notified the ratepayers of the implementation of this new rate structure as of March 1, 2019; that with this notification the Mountain Air Mobile Home Estates' owners contested the new rate structure and requested an audience with Councilmember Don Peterson and Electric Utility Director Tom Miller.

Mr. Miller further stated that they had met with the owners at Mountain Air; that at that meeting, it was mutually agreed that Banning Electric might consider the purchase of Estates' secondary electrical energy distribution system; that upon staff analysis, there was no cost value to that system due to its age and depreciation; that a third party evaluated the system for possible purchase and at a closed session on June 11, the Council authorized staff to continue discussions with Mountain Air and enter into negotiations for the transfer of assets between Mountain Air and Banning Electric Utility for the buy-out of that system, and that Mountain Air had agreed; that Banning Electric Utility offered \$30,000 for the existing facilities and perpetual easements; that the action before the City Council tonight was to ratify those agreements.

There were a few questions from Council relative to the maintenance of the system, sprinkler timers, and decorative lights.

Public Comment

There was no public comment.

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

AYES: Happe, Wallace, Andrade (via teleconference from Taunusstein, Germany), & Welch

NOES: None
ABSTAIN: None
ABSENT: Peterson

City Council recessed to a short break at 8:34 p.m.
City Council reconvened the meeting at 8:43 p.m. to continue the Public Hearing item No. 1, Cedar Hills Apartments.

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 9:09 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/2135> requesting a CD or DVD at Banning City Hall located at 99 E. Ramsey Street.