



In accordance with City Council Resolution 1995-21, the minutes of meetings of the City Council and the Boards, Commissions, and Committees of the City shall be prepared as Action Minutes.

The following information comprises the minutes for the regular meeting of the City Council, a joint meeting of the Banning City Council and Banning Utility Authority and a joint meeting of the Banning City Council and the Banning City Council sitting in its capacity as the Successor Agency Board.

MINUTES
CITY COUNCIL

02/25/2020
REGULAR MEETING

COUNCIL MEMBERS PRESENT: Mayor Andrade
Councilmember Happe
Councilmember Welch

COUNCIL MEMBERS ABSENT: Mayor Pro Tem Wallace

OTHERS PRESENT Douglas Schulze, City Manager
Kevin G. Ennis, City Attorney
Sonja De La Fuente, Deputy City Clerk
Matthew Hamner, Police Chief
Art Vela, Public Works Director/City Engineer
Adam Rush, Community Development Director
Ralph Wright, Community Services Director
Tom Miller, Electric Utility Director
Suzanne Cook, Deputy Finance Director
Jeff Horn, Police Captain
Brandon Robinson, Electric Engineering Supervisor
Carla Young, Business Support 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 Andrade on February 25, 2020, at 5:10 p.m. at the Banning City Council Chamber, 99 E. Ramsey Street, Banning, California.

Assistant Pastor Mike Moyer from Mountain Avenue Baptist Church offered the invocation.

Councilmember Happe led the audience in the Pledge of Allegiance.

II. AGENDA APPROVAL

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

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

III. PRESENTATION(S)

1. Mayor's Special Recognition

The Mayor and City Council presented Certificates of Recognition to Eric Brown, Louie Homan, and David Roblee with the City's Information Technology Department; and Ellen Carr with Tender Loving Critters and Police Volunteer, thanking them for making Banning a better place to work, live, and play.

2. Census 2020

Parks & Recreation Director Ralph Wright introduced Jerome Braun with the US Census Bureau who provided a PowerPoint presentation (Attachment 1).

IV. REPORT ON CLOSED SESSION

City Attorney reported as follows:

1. CONFERENCE WITH LEGAL COUNCIL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9: One potential case
The item was continued to March 11, 2020.

2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Paragraph (1) of subdivision (d) of Section 54956.9
Name of Case: James Arthur Algea II and Cali Emerald Care, Inc. v. City of Banning, Case No. RIC 1903009
A status report was provided with no final reportable action.

V. PUBLIC COMMENTS, CORRESPONDENCE, AND APPOINTMENTS

PUBLIC COMMENT(S)

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

Jerry Westholder offered kudos to City Staff for acquiring property for the Sun Lakes Boulevard extension and encouraged making this project a priority.

Ellen Carr with Tender Loving Critters reported that Animal Action League would be here Monday, March 2nd and Tuesday March 3rd. To get on the waiting list people may call (760) 366-1100. There will be a shot clinic both days from 10:00 A.M. until 2:00 P.M.

John Hagan read a prepared statement (Attachment 2).

Pat Murkland shared some History of Banning and advised that, according to her records, Banning held their first meeting on February 25, 1913.

Ted Gunderson expressed his happiness to see progress on Lincoln and 8th. He shared his concern that he didn't believe homeowners received notice regarding proposed changes to Landscape Maintenance District 1. He also advised it was illegal to post notices on mailboxes. (Attachment 3).

Diego Rose acknowledged the Record Gazette for recognizing young readers. He expressed support for the extension Sun Lakes Boulevard. He cautioned against hypocrisy in government.

Oleg Ivaschuck advised his truck was vandalized last Tuesday to the tune of \$2,500. He shared other stories of theft and vandalism experienced by him and others. He encouraged all citizens to come together to fight this criminal activity.

Bill Hobbs expressed his concern with safety in regard to the extension of Sun Lakes Boulevard.

Seeing no further comments, the Mayor closed Public Comments.

Police Chief Matthew Hamner provided some information and statistics in regard to the Police Department's challenges when he came on board just over one year ago. He shared some of the accomplishments and progress made thus far regarding processes and staffing. He also discussed some challenges they are facing in regard to law enforcement. He, District Attorney Mike Hestrin, and Sheriff Chad Bianco will be bringing their concerns to Sacramento next week.

CORRESPONDENCE

None.

APPOINTMENT(S)

None.

VI. CONSENT ITEMS

Mayor Andrade asked if the Council wished to pull an item for discussion. There were none.

1. Minutes – February 11, 2020, Special Meeting (Closed Session)
2. Minutes – February 11, 2020, Regular Meeting
3. Approval and Ratification of Accounts Payable and Payroll Warrants
4. Investment Report for January 2020
5. Capital Improvement Project Update
6. Police Statistics – January 2020
7. Fire Statistics – January 2020
8. Ordinance 1558, an Ordinance of the City of Banning, California, Approving Development Agreement No. 11 Between the City of Banning and AMG Outdoor Advertising, Inc., for the Construction and Operation of an Electronic Message Center in the Downtown Commercial General Plan Designation and Zoning District on Real Property Located at 583 West Livingston Street (APN: 540-192-005) (2nd Reading)
9. Resolution 2020-1 UA, Approving the Professional Services Agreement in the Amount of \$103,924 with US Geological Survey for the Continued Implementation of a Stream Flow Monitoring Program Related to the San Gorgonio Flume
10. Resolution 2020-17, Approving the First Amendment to Contract Services Agreement C00229 with Electric Power Systems International, Inc.
11. Resolution 2020-3 UA, Approving an Amendment to the Professional Services Agreement with Falen Law Offices, LLC for Legal Services Related to the Transfer of the San Gorgonio Flume System in the Amount of \$250,000
12. Increase Purchase Order with Altec Industries, Inc., by \$20,000 for Onsite Inspections and Repair of Bucket Trucks
13. Appropriate \$25,000 and Increase Purchase Order with Sonsray Machinery, LLC, by Same Amount for As Needed Repairs to the City's Heavy-Duty Equipment
14. Resolution 2020-18, Awarding a Construction Agreement for IFB No. 19-037 Electric Utility Underground Construction Labor and Equipment Work to Gross Development Marketing, Inc./9500, Inc. and Establishing a Total Contract Budget of \$1,500,000 and Rejecting all Other Bids

Public Comments

None

A motion was made by Councilmember Welch, seconded by Councilmember Happe, to approve consent calendar items 1 and 3-9. Electronic vote was taken as follows:

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

Action: Approved Consent Items 1 through 14.

VII. PUBLIC HEARING(S)

None

VIII. ANNOUNCEMENTS AND REPORTS

CITY COUNCIL COMMITTEE REPORTS

Councilmember Happe had nothing to report.

Councilmember Welch reported on the following:

- Attended the Chamber breakfast on Wednesday at the Haven where a representative from the Riverside County Transportation Commission (RCTC) spoke regarding the highway improvements.

Mayor Andrade reported on the following

- School District held two townhall meetings this past week regarding their search for a new Superintendent.
- Attended ribbon cutting for a new tattoo business on Ramsey Street.
- City Seal Committee met and is making progress. She thanked the Chamber of Commerce for their vital input.
- Downtown Ad Hoc Committee met and is making progress. The Alleyway improvements are underway and there is discussion regarding beautification of the alleys. The Adopt a Roadway program will also continue. She advised there are still some streets available. There was also discussion held regarding the Ring of Honor.
- Riverside County Flood and Water Conservation Committee met last Thursday in the Council Chamber.
- The Girl Scout Troop toured City Hall and the Police Department. She thanked The City Manager and Chief of Police for providing the tours.

REPORT BY CITY ATTORNEY

None

REPORT BY CITY MANAGER

City Manager Doug Schulze reported on the following:

- In response to public comment regarding landscape maintenance district 1,000 letters were mailed to property owners regarding notices related to the landscape maintenance district proposed changes using the same addresses utility bills are mailed. Approximately 15 letters were returned either undeliverable or the recipient wasn't the current owner.
- Participated in a conference call with City Managers coordinated by WRCOG to discuss how cities can collaborate in order to address homeless issues in their cities. The affirmative response from all is they would like to continue developing ways to address the issue regionally.
- Adding to Chief Hamner's comments regarding the condition of the police department just over a year ago; not only were they down several police officers, but there was also equipment that was inoperable for many years, and approximately \$1 million in grant money that could have fixed a lot of those issues. He thanked Chief Hamner and his staff for moving the department forward.
- Demolition of the buildings at the site of the Banning Business Center begins Monday, March 2, 2020.

REPORTS OF OFFICERS

1. Resolution 2020-26, Initiating Proceedings to Update Landscape Maintenance District No. 1 for Fiscal Year 2020/2021.

Public Works Director Art Vela provided the staff report regarding this item.

Public Comment

None.

A motion was made by Councilmember Happe, seconded by Councilmember Welch, to adopt Resolution 2020-26, initiating proceedings to update Landscape Maintenance District No. 1 for Fiscal Year 2020/2021 in order to prepare for the assessments of the area. Electronic vote was taken as follows:

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

Action: **Adopted Resolution 2020-26.**

IX. DISCUSSION ITEM

None

X. ITEMS FOR FUTURE AGENDAS

XI. ADJOURNMENT

By consensus, the meeting was adjourned at 6:52 p.m.

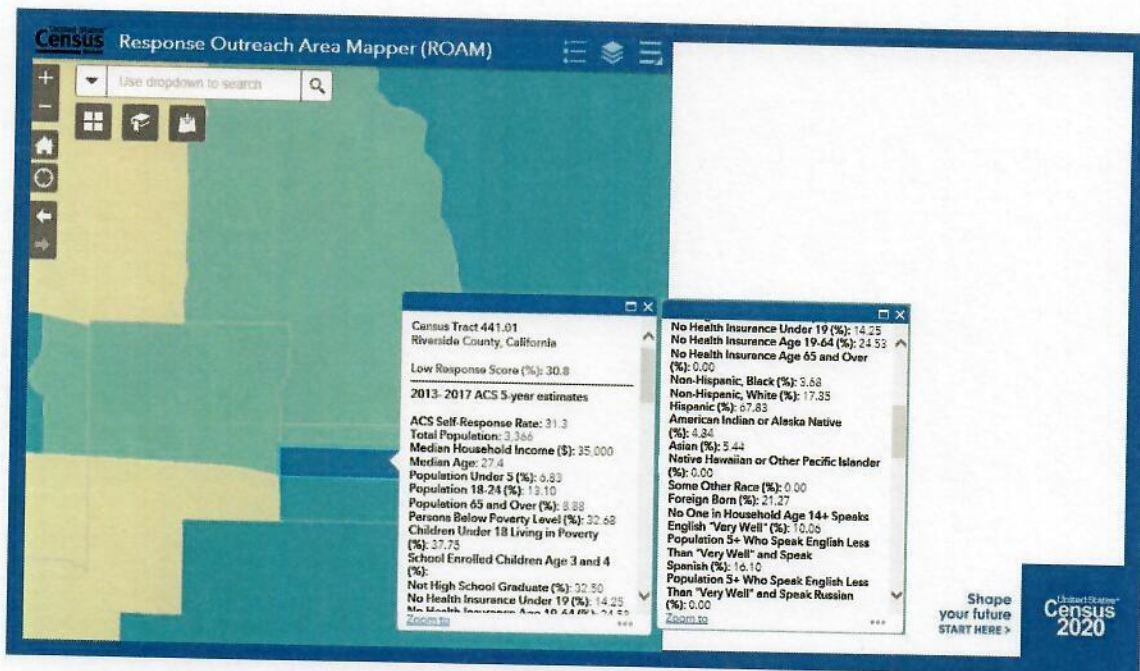
Minutes Prepared by:



Sonja De La Fuente, Deputy City Clerk

The entire discussion of this meeting may be viewed here:
<https://banninglive.viebit.com/player.php?hash=6v3Zhaa6zbed> and related
documents maybe viewed here:
<http://www.banningca.gov/ArchiveCenter/ViewFile/Item/2249> or by purchasing a CD or
DVD in the amount of \$7.00 at Banning City Hall located at 99 E. Ramsey Street.

ATTACHMENT 1



Next Steps

- Encourage your community to be counted in the 2020 Census.
- Involve local leaders in your Complete Count Committee and Engage diverse community groups.
- Help us to reach your community. Invite your Census Partnership Specialists to present at your networking meetings, events, and festivals.
- Help us identify Questionnaire Assistance Center locations to reach and count your Community.

Focus on High LRS Tracts

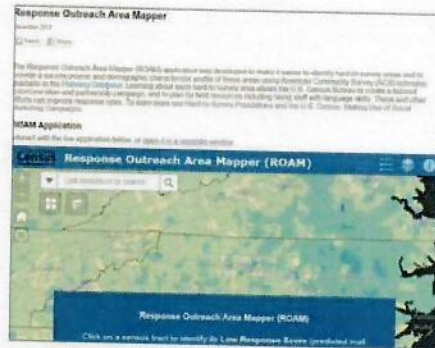
Response Outreach Area Mapper (ROAM)

Public mapping application that displays characteristics of hard-to-count areas.

Census tract levels are from 0 to 100.

If LRS= 30, we estimate that 30% of households will not respond to the Census.

Census/American Community Survey estimates.

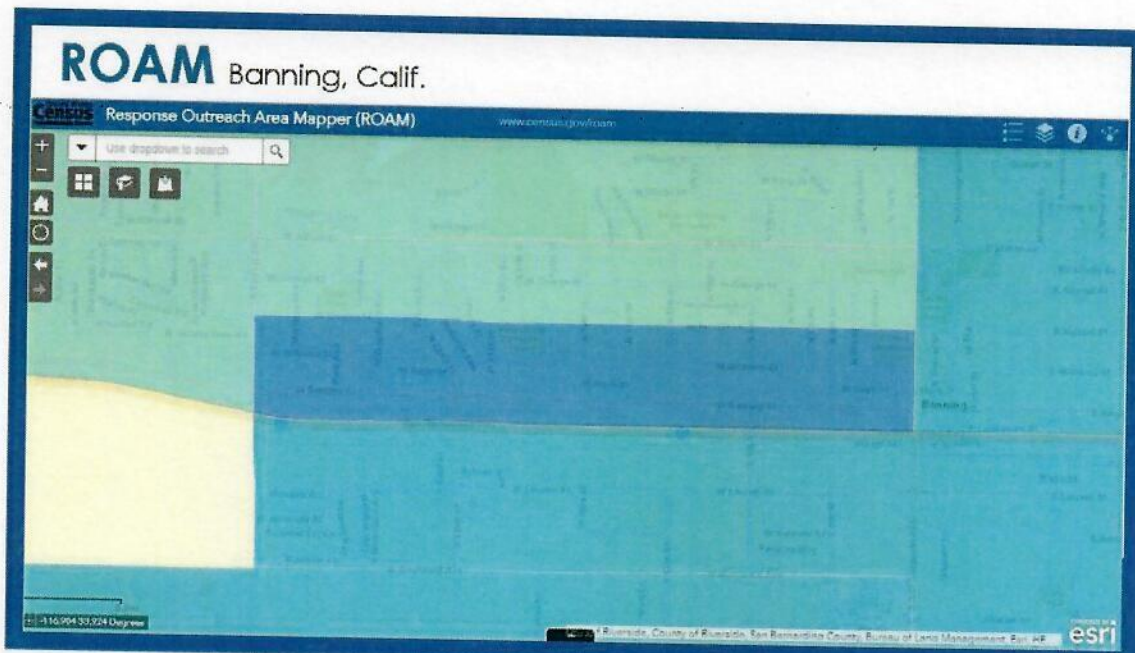


<https://www.census.gov/roam>

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CCC Structure

CCCs should be all-inclusive, addressing the various racial, ethnic, cultural and geographic considerations of your community. *This is YOUR count!*

Census Bureau representative serves as liaison and information resource for CCCs to help you meet *YOUR* goals and the requirements of the State and County.

Goal: To reach Your local Hard to Reach populations.

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Identifying Hard-to-Count Areas and Populations

The CCC develops a work plan leveraging the knowledge and expertise of YOUR local community leaders.

Data tools provide assistance to the committee to identify predicted areas of low response at the community level.

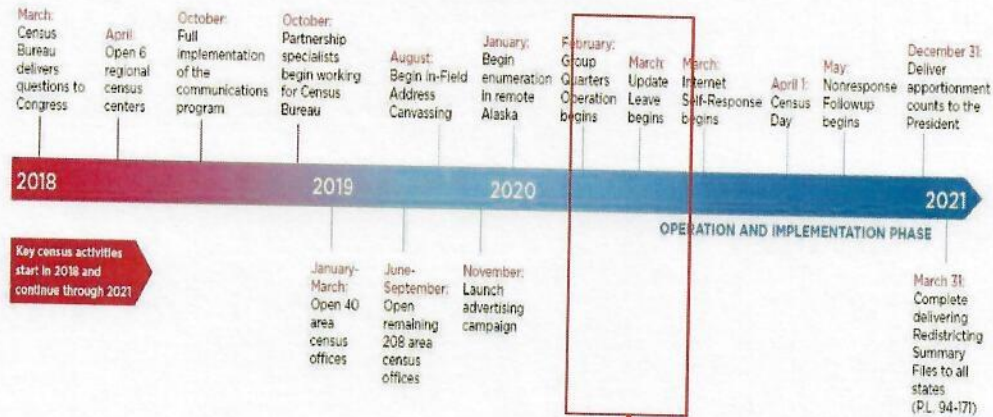
Objective: Reach Low Response Score (LRS) Tracts.

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2020 Census Timeline



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Introduction to Complete Count Committees (CCCs)

City Leaders work together with your local Community Partners to form CCCs to promote the 2020 Census and engage their constituents.

Committee members are experts in these areas:

- *Government
- *Media
- *Workforce development
- *Business
- *Education
- *Community Organizations
- *Faith-Based Community
- *Others, based on needs

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Census 2020 Mailing Strategy

WHAT WE WILL SEND IN THE MAIL	
On or between	You'll receive:
March 12-20	An invitation to respond online to the 2020 Census. (Some households will also receive paper questionnaires.)
March 16-24	A reminder letter.
	If you haven't responded yet:
March 26-April 3	A reminder postcard.
April 8-16	A reminder letter and paper questionnaire.
April 20-27	A final reminder postcard before we follow up in person.

We understand you might miss our initial letter in the mail.

- Every household that hasn't already responded will receive reminders and will eventually receive a paper questionnaire.
- It doesn't matter which initial invitation you get or how you get it—we will follow up in person with all households that don't respond.



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English/Spanish Questionnaire



This will be available in some areas:

- Determined at the Census Tract Level
- Where 20% or more speak Spanish at home

And

- No member 14 years and older speaks English "very well"

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New Abilities to Self Respond



Internet



Phone



Paper Form



In-person

**12 languages plus English will be supported (Internet & Phone)*

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Responses are Protected by Law Title 13 of the U.S. Code

- The Census is Confidential and required by Law.
- Results of the Census are reported in Statistical format only.
- We do not share a respondent's personal information or responses with any other government agencies.
- All Census Employees swear to a lifetime oath to protect respondent information.
- Penalties for wrongful disclosure - Up to 5 years imprisonment and or a fine of \$250,000.

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Why the Census matters

Power

- Power in Representation
- Re-apportionment of Congressional Seats
- Our States' Redistricting of legislative boundaries

Money

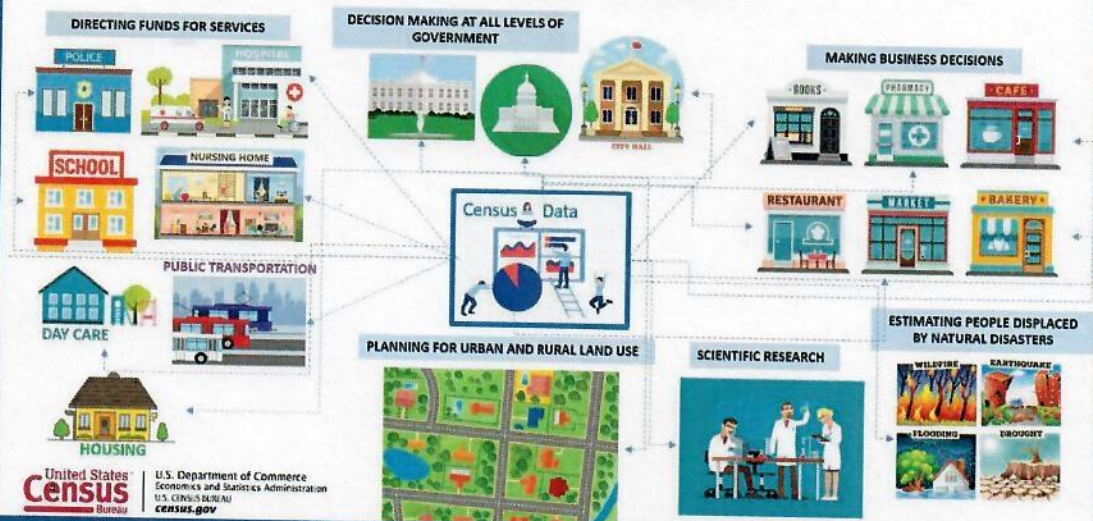
- More than \$675 Billion funding distributed annually
- Critical funding distributed based on population

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10th Census
2020

Census Data is important



CENSUS 2020



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Why do the Census?

The Constitution mandates it

Constitution Article 1, Section 2 of the U.S. Constitution

"The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct."

*The fact that it is in the constitution makes it central to **our form of government.***

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Contact Information

Jerome Braun
Partnership Specialist

669-264-3939
Jerome.L.Braun@2020Census.gov

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ATTACHMENT 2

Rec'd 2/25/2020



Landscape Maintenance Program District 1

From the information I collected on LMD1 the actual cost of the maintenance contract is Approx 80,000 a year. This cost has not been increased by the contractor. Operations comes in at roughly 64K a year which covers Admin, Water, lighting. This cost leaves a lot of room for fudging as the water and electric are billed at retail prices when the city should be getting a wholesale rate at least. Admin costs are added for the clerks and office staff that are already employed. That's one of their duties for the position they hold. The lighting we are already billed for in the 18.00 meter fee monthly on the utility bill so this appears to be a double billing

There is a 16k incidental pool that may or may not be used yearly and by the looks of these areas it appears that they are saving that for a rainy day because I drove through some of these areas and there are a lot of dead plants or no plants at all.

They are receiving approx 140k annually from the fees that are collected now and they are claiming it is costing them 160k an inflated estimate. (20k deficit) They are looking to increase the fees to 185K to pad the account and insert a CPI annual raise that would be automatic and forever with a max of 5%.

I would like to know how much was spent on the firm they hired to figure out the new fees rates and come up with the degree of benefit each zone receives from these landscaped areas that the rest of the city doesn't and then convert that benefit into a dollar amount. Was that a council action to hire that firm if so I must have missed it on an agenda some where. In zone 9 the home owners just south of zone borders are the only ones benefiting and they don't pay any fees as they are not

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counted in the district. I don't see the benefit for the 26 homes out of 35 homes in my zone 8. 9 homes get their front median mowed but how is that a benefit to the rest of us.

I spoke at the last council meeting about this issue and suggested rock scraping most of these areas to eliminate the expense and ongoing maintenance. Adam Rush spoke after me about the mandated state policy for water conservation methods which added weight to my views.

My suggestion would be to eliminate the LMD#1 and roll it all into the street maintenance program or the parks and green space budget as they are all on public right of ways. You could still sub the work out so the work load would not have an impact on either of those departments but you could do away with most of the inflated admin costs because the entire city benefits from the maintenance of these areas. We could rock scape most of those areas to eliminate excessive maintenance, planting, replanting, and watering. At the same time comply with the state mandates on water conservation. Why are certain homeowners targeted for those expenses? The city required green space areas and parkways as a condition of planned improvement this expense should be absorbed by the entire city.

In driving around this city to look at these areas I discovered that the signage is ridiculous. The street signs are so faded that you can hardly read them if they are there at all. If you don't know your way around this city good luck trying to find any locations.

John Hagen, City of Banning

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ATTACHMENT 3

Red 2-25-2020 (2)



[FAQs Home](#) » [Receiving Mail & Packages](#) » [Mailboxes](#)

Restrictions for attaching flyers, posters, etc. to a mailbox



Guidelines governing placing any item into a mail receptacle.

© Sep 5, 2019 · FAQ

Article Number

000003419

Customer Information

Feedback

Can a flyer/envelope be put in someone else's mailbox without being mailed? What if a stamp was placed on it?

A mailpiece with postage must go through the United States Postal Service® and be delivered in order for it to be a valid mailpiece to go in the mail receptacle. A flyer cannot be placed in a mailbox after putting a stamp on it unless the item was actually mailed. According to Sect. 508.3.1.3 of the Domestic Mail Manual (DMM):

"No part of a mail receptacle may be used to deliver any matter not bearing postage, including items or matter placed upon, supported by, attached to, hung from, or inserted into a mail receptacle. Any mailable matter not bearing postage and found as described above is subject to the same postage as would be paid if it were carried by mail."

"Postage" is defined as: Payment for a delivery service that is affixed or imprinted to a mailpiece, usually in the form of a postage stamp, permit imprint, or meter impression.

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Notes:

- If you have a curbside mailbox or a mailbox on the outside of your house, Postal Service regulations govern what can and can not be placed in them. Generally speaking, only mail that has been sent through the USPS may be placed in these types of receptacles. Conversely, USPS regulations do not govern what can be placed in a mail slot on your door. This means that if a local business wants to put a flyer in the mail slot, they can do so.
- For further questions (or to report occurrences) regarding flyers being placed into your mailbox without first going through the postal system, please refer to the local Post Office.

Can I affix a flyer or poster to a United States Postal Service® Collection Box®?

United States Postal Service Collection boxes are the property of the Postal Service. You are not allowed to affix anything to them, including flyers, signs about missing items or animals, and advertisements.

Related Information

Receiving Mail & Packages

Mailboxes

Feedback

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