



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

03/24/2020
REGULAR MEETING

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

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT Douglas Schulze, City Manager (via teleconference)
Kevin G. Ennis, City Attorney
Sonja De La Fuente, Deputy City Clerk
Jennifer Christensen, Administrative Services Director
Art Vela, Public Works Director/City Engineer
Adam Rush, Community Development Director
Leila Lopez, Office Specialist

I. CALL TO ORDER

A regular meeting of the Banning City Council was called to order by Mayor Andrade on March 24, 2020, at 5:03 p.m. at the Banning City Council Chamber, 99 E. Ramsey Street, Banning, California.

Councilmember Welch offered the invocation.

Councilmember Pingree led the audience in the Pledge of Allegiance.

The Deputy City Clerk read the Safety Alert as follows:

"If you have traveled internationally, particularly to China, Italy, Iran, Japan, South Korea, Taiwan, and/or you have had direct contact with someone who has travelled to those places or tested positive for Coronavirus (COVID-19), or you are experiencing symptoms such as coughing, sneezing, fever, difficulty breathing or other flu-like symptoms, please do not attend this meeting in person. You may submit comments on any agenda item or on any item not on the agenda in writing via mail to "city council" at PO Box 998, Banning, CA 92220 or by email to sdelafuente@banningca.gov.

If you are in the group of individuals who may be most vulnerable to COVID-19, including those over the age of 60 and those with underlying health conditions, including but not limited to lung, heart, immuno-compromised, diabetes, or other conditions that could interfere with your ability to fight COVID-19, please consider carefully before attending this meeting in person and keep a six-foot distance from others as much as possible."

II. AGENDA APPROVAL

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

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

III. PRESENTATION(S)

1. Organics & Recycling Update

Public Works Director Art Vela introduced Carrie Baxter with R3 Consulting Group who provided a presentation via teleconference regarding unfunded mandates and services the City will be required to provide the community related to solid waste.

IV. REPORT ON CLOSED SESSION

The City Attorney reported that the City Council only discussed two of the five items on the Closed Session Agenda as follows:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Paragraph (1) of subdivision (d) of Section 54956.9

Name of Case: City of Banning, et al. v. Cali Emerald Care, Inc., et al. Case No. RIC 1904157. **A status report was provided.**

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.***

3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Paragraph (1) of subdivision (d) of Section 54956.9

Name of Case: Supporters Alliance for Environmental Responsibility (SAFER) v. City of Banning, et al. (Lawrence Equipment Project), Case No. RIC 1903059. ***The case has been settled with terms favorable to the City and the lawsuit has been dismissed.***

4. CONFERENCE WITH PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Properties: Northeast Corner of Highland Springs Road and Sun Lakes Boulevard (APN: 419-140-041)

City Negotiator: Douglas Schulze, City Manager

Negotiating Parties: Sage Investco

Under Negotiation: Price and terms for potential sale of City-owned property to Sage Investco. ***Direction was given to the City's negotiator.***

5. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Properties: 447 E. Ramsey Street (APN: 541-150-004)

City Negotiator: Douglas Schulze, City Manager

Negotiating Parties: Property Owner, Shi Pingdong

Under Negotiation: Price and terms for potential acquisition of property. ***Direction was given to the City's negotiator.***

6. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Properties: 553 E. Ramsey Street (APN: 541-150-010)

City Negotiator: Douglas Schulze, City Manager

Negotiating Parties: Property Owner, DBBF Enterprises

Under Negotiation: Price and terms for potential acquisition of property. ***Direction was given to the City's negotiator.***

7. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Properties: 3724 W. Ramsey Street (APN: 537-090-046)

City Negotiator: Douglas Schulze, City Manager

Negotiating Parties: Property Owner, Yps Properties, LLC

Under Negotiation: Price and terms for potential acquisition of property. ***Direction was given to the City's negotiator.***

V. PUBLIC COMMENTS, CORRESPONDENCE, AND APPOINTMENTS

PUBLIC COMMENT(S)

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

Frank Connelly spoke on behalf of the Vista Serena Homeowners Association to determine the status of their application to develop 34 acres and the checks submitted. He provided a copy of the email to the Deputy City Clerk (Attachment 1).

Diego Rose, resident and business owner, expressed his confusion with the statewide order related to the Coronavirus requesting voluntary compliance and recommended everyone get on the same page.

Seeing no further comments, the Mayor closed Public Comments.

Community Development Director Adam Rush advised staff will look into Mr. Connelly's concern and follow-up with him.

CORRESPONDENCE

None

APPOINTMENT(S)

None

VI. CONSENT ITEMS

1. Minutes – March 10, 2020, Special Meeting (Closed Session)
2. Minutes – March 10, 2020, Regular Meeting
3. Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of February 2020
4. Cash Investments and Reserve Report for the Month of February 2020
5. Capital Improvement Project Update
6. Police Department Statistics for February 2020
7. Fire Department Statistics for February 2020
8. Contracts Approved Under City Manager Signature Authority for the Month of February 2020

9. Ordinance 1559, an Ordinance of the City of Banning, California, Amending Title 17 ("Zoning") of the Banning Municipal Code to Update the City's Development Standards for Accessory Dwelling Units and Establish Development Standards for Junior Accessory Dwelling Units Consistent with State Law, and Making a Determination of Statutory Exemption Under CEQA Section 2108.17 and CEQA Guidelines Section 15282(H) (2nd Reading)
10. Ordinance 1561, an Ordinance of the City of Banning, California, Amending Section 1.08.10 of the Banning Municipal Code Pertaining to the Design and Restrictions for Use of the City Seal and Penalties for Misuse Thereof (2nd Reading)
11. Accept the Right of Way Dedication from Banning Industrial L.P. for Public Road and Utility Purposes on Assessor's Parcel Numbers 532-130-001 and 532-130-015 for John Street Improvements
12. Accept the Right of Way Dedication from O'Reilly's Auto Enterprises, LLC for Public Road and Utilities Purposes on Assessor's Parcel Number 538-182-008-1 (2929 W. Ramsey Street)
13. Resolution 2020-34, Awarding IFB No. 20-005 for Banning Electric Utility's Public Benefits Lease of a 2020 Hyundai Kona Ultimate Electric Vehicle to Ontario Hyundai in an Amount Not to Exceed \$37,268.59 for a Three-Year Term
14. Notice of Completion for Project No. 2019-01W, "Pelton Wheel and Well Repairs"
15. Notice of Completion for Project No. 2018-07W, "Altitude Valve at Southwest Reservoir"
16. Award a Construction Contract for Project No. 2020-01WW "Wastewater Treatment Plant Mechanical Bar Screen" to Cora Construction, Inc. in the Amount of \$232,000, Establishing a Total Project Budget of \$255,200, and Rejecting All Other Bids
17. Resolution 2020-35, Ratifying the Director of Emergency Services; Proclamation of the Existence of a Local Emergency Due to the Novel Coronavirus (COVID-19) Under Government Code Section 8630 and Chapter 2.48 of the Banning Municipal Code
18. Resolution 2020-36, Approving the First Amendment to Professional Services Agreement C00158 with Utility Tree Service, Inc. to Include One Additional Year and Increasing the Spend for an Additional \$150,000
19. Approve a Professional Services Agreement with Cartegraph in the Amount of \$42,176.66 to Update Asset Management Software to Web-Based Operations Management System

Public Comments

None

A motion was made by Councilmember Welch, seconded by Mayor Pro Tem Wallace. Electronic vote was taken as follows:

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

Action: Approved Consent Items 1-19.

VII. PUBLIC HEARING(S)

1. Resolution 2020-37, Adopting a Negative Declaration (Environmental Assessment 19-1503) and Approving Proposed General Plan Amendment 19-2502 for a Proposed General Plan Circulation Element Amendment for the Extension of Sun Lakes Boulevard in the City of Banning, California (APN's 537-110-007, 537-110-008, 537-110-009 and 537-110-0100)

Adam Rush, Community Development Director provided the staff report and PowerPoint presentation (Attachment 2) for this item.

Public Hearing

Seeing nobody come forward, the Mayor closed the Public Hearing

A motion was made by Councilmember Welch, seconded by Councilmember Happe to adopt Resolution 2020-37. Electronic vote was taken as follows:

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

Action: Adopted Resolution 2020-37.

VIII. ANNOUNCEMENTS AND REPORTS

CITY COUNCIL COMMITTEE REPORTS

Councilmember Happe advised he is a small business owner and can appreciate Mr. Rose's pain. He provided the public with some helpful websites (i.e. <https://covid19.ca.gov>, <https://www.cdc.gov>) for general information and recommended the guide for business resources that can be found on the State of California's website for business owners. He also indicated that his wife is a frontline healthcare provider and emphasized the importance of doing the right

thing to slow down the spread of the Coronavirus. He encouraged people to contact their state and national representatives to encourage them to make this about community, not tribal, and that it is time to come together. Finally, he encouraged everyone to participate in Census2020 and stressed the importance of the data provided for the community.

Councilmember Welch expressed his agreement with Councilmember Happe. Last week he attended a meeting sponsored by the Banning Chamber of Commerce where an effort is being considered and coordinated with Table of Plenty and Carol's Kitchen to hopefully provide food at the Community Center in the very near future.

Councilmember Pingree advised that he attended the last Student of the Month program and encouraged people to go when the program begins again. He also attended the grand opening of Superior Barber Shop.

Mayor Pro Tem Wallace reported that she was a guest speaker at Banning High School two weeks ago to encourage the students. She also encouraged them to come to City Council meetings once the restrictions are over, as they are the future. She advised that free meals for seniors are being provided at the Community Center on Mondays and Fridays, but they must call Parks and Recreation first.

Mayor Andrade reported on the following:

- Attended a program at Nicolet Middle School where the author of Next Level Teaching spoke.
- Attended the Student of the Month program.
- Attended the Ribbon Cutting for Superior Barbershop.
- Spoke with County Supervisor Jeff Hewitt and requested they do something for the small businesses.
- Expressed understanding for Mr. Rose's concerns but encouraged everyone to do their part to slow/stop the spread of the Coronavirus.
- Invited to attend weekly meetings with cities and other mayors and city leaders to keep updated on COVID-19. Will report out after the meetings start.
- Thanked all City staff for doing an outstanding job.
- Thanked the Community for caring for each other.
- Encouraged all to support local business.

REPORT BY CITY ATTORNEY

City Attorney Kevin Ennis reported on the following:

- The California Governor has issued a Stay at Home Order. Within that order is a list with 16 essential business categories that are exempt from that

order. The Riverside County Health Officer together with the County Counsel has been very helpful keeping the City Attorney's office updated.

- The Chief Justice of the California Supreme Court announced today that there would be a 60-day extension of trials and criminal arraignments.
- The Governor has provided relaxation provisions related to the Brown Act allowing for video/teleconferencing City Council Meetings. The City Manager is looking into providing this for future meetings without the presence in the Council Chamber. Notices will be provided and opportunity for the public to participate in those through video/telephone will also be provided.

REPORT BY CITY MANAGER

City Manager Doug Schulze reported on the following:

- Regarding the Coronavirus (COVID-19), Riverside County Public Health Officer's Order has restricted gatherings of more than 10 people and restricted dining in restaurants.
- City Facilities have been closed to the public and operations have moved to virtual/electronic/remote operations to the fullest extent possible. Those that can work remotely have been authorized and set-up to do so as of last Tuesday.
- Parks & Recreation staff have stepped up to make sure the senior community is cared for. Five days of prepared frozen meals can be picked up by regularly attending seniors on Wednesdays from 11:00 a.m. until 1:00 p.m. at the Senior Center. The food pantry is also available where seniors may pick up one bag of non-perishable items per senior per week on Mondays and Wednesdays from 9:30 a.m. until 11:30 a.m. Staff is also calling and checking on seniors regularly.
- Transit routes have been modified and encouraged the community to check with the City's transit division regarding routes.
- Participating in daily briefings with the White House, State and County agencies.
- Riverside County cities will be meeting weekly.
- Working with the Chamber of Commerce to get information to the business community regarding various regulations and programs available.
- Encouraged the community to visit the City's website related to COVID-19: <https://banningca.gov/606/COVID-19-Coronavirus-Alerts> which includes information from public and private entities.
- A video/teleconferencing platform is being considered for the April 14, 2020, City Council Meeting.
- The need for a Public Information Officer has been emphasized by the COVID-19 issue.

REPORTS OF OFFICERS

1. Resolution 2020-38, Adopting the City of Banning Pandemic Influenza Preparedness Plan, Including Provisions Allowing for Pandemic Sick Leave

City Manager Douglas Schulze provided the staff report regarding this item.

Public Comment

None.

A motion was made by Councilmember Happe, seconded by Councilmember Welch, adopt Resolution 2020-38. Electronic vote was taken as follows:

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

Action: Adopted Resolution 2020-38.

2. Emergency Medical Services Billing Fee.

Administrative Services Director Jennifer Christensen provided the staff report for this item.

There was a brief discussion held between Council and staff.

Public Comment

None

A motion was made by Mayor Pro Tem Wallace, seconded by Councilmember Pingree, directing staff to return with a resolution to implement an Emergency Medical Services Billing Program Fee and Related Write-Off Policy. Electronic vote was taken as follows:

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

Action: Directed staff to return with a resolution and related policy.

IX. DISCUSSION ITEM

None

CITY COUNCIL – Next Meeting, April 14, 2020, 5:00 p.m.

X. ITEMS FOR FUTURE AGENDAS

Councilmember Happe asked the Council to consider Inge Schuler's continued service on the Planning Commission at an upcoming meeting.

XI. ADJOURNMENT

By consensus, the meeting was adjourned at 6:22 p.m.

Minutes Prepared by:

Sonja De La Fuente

Sonja De La Fuente, Deputy City Clerk

***The entire discussion of this meeting may be viewed here:
<https://banninglive.viebit.com/player.php?hash=le4w7dUqv5zX>. Any related
documents maybe viewed here:
<http://banningca.gov/ArchiveCenter/ViewFile/Item/2270> 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

Rec'd 3/24/2020 

~~From: Cinc. TBS, 2020~~
Sent: Mon, Mar 23, 2020 7:59 pm
Subject: Fwd: Vista Serena 32 Finished Lots ✓

Attention -
City Council ✓
City Manager ✓
Thank You!

Hi Frank

We seem to have entered the black hole. Would appreciate you contacting the city council lady to see if she has any input on our project.

Thank you

----- Forwarded message -----

From: **Geoffrey Payne** <gpayne@tahitipartners.com> ✓
Date: Mon, Mar 23, 2020 at 5:47 PM
Subject: Vista Serena 32 Finished Lots
To: Adam Rush <arush@banningca.gov>, Sonia Pierce <spierce@banningca.gov>
Cc: Tahiti Accounting <tahitipartnersaccounting@tahitipartners.com>

As you know, months ago we gave the City two checks as part of our processing our application. Specifically, we gave the City the following checks:

- Check Number 1018 issued to the City of Banning for \$1,086 on 08.30.19
- Check Number 1019 issued to the City of Banning for \$619 on 08.30.19

As of the date of this email, neither check has been cashed. Some banks would consider the checks stale after six months, which date has already passed. Could you please advise about the status of these checks and about our application. Thank you.

Geoffrey S. Payne
Tahiti Partners Properties Corp.
Cal. Broker's Lic. No. 827404
Ok. Broker's Lic. No. 144955
3711 Long Beach Blvd., Ste. 925
Long Beach, CA 90807 ✓
Phone (562) 433-1286 ✓
Fax (562) 433-8926 ✓
Cell (562) 824-4500 ✓

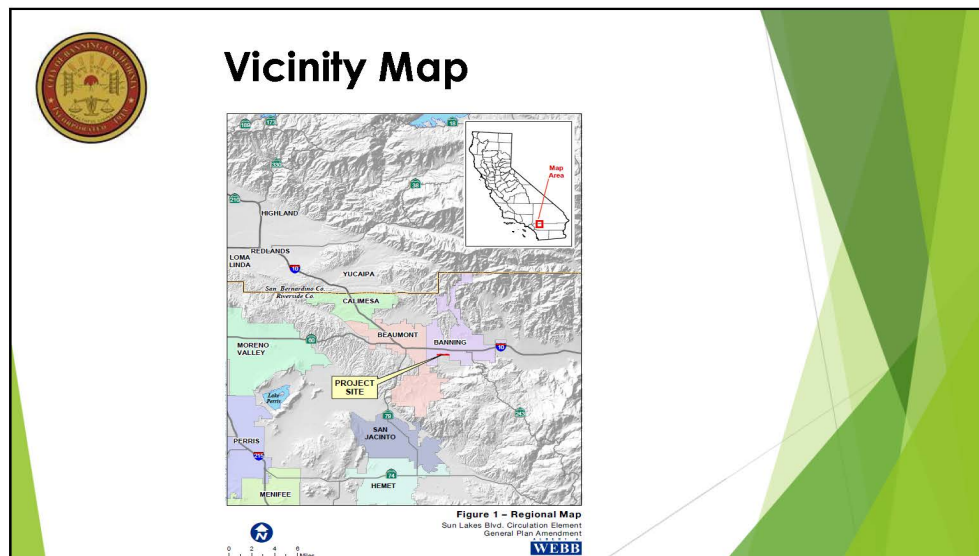
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ATTACHMENT 2

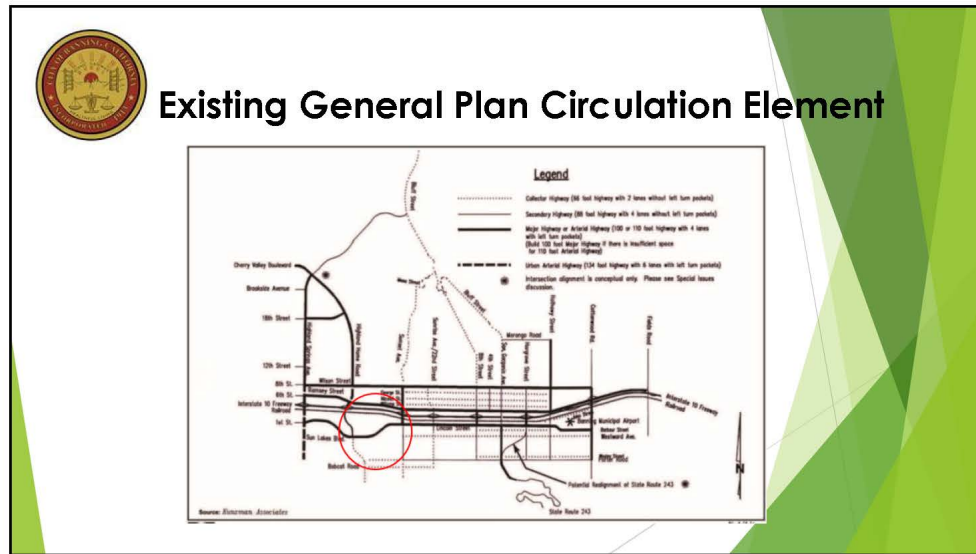


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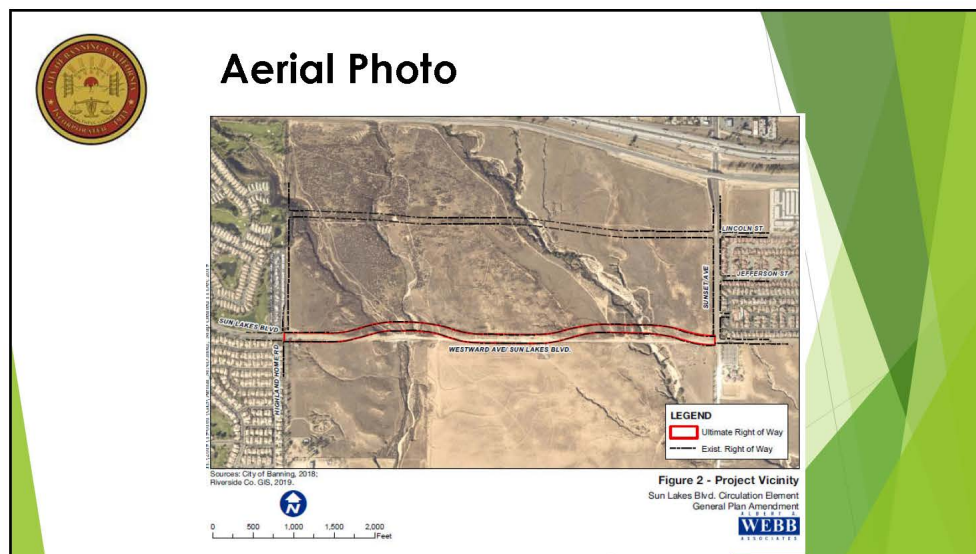


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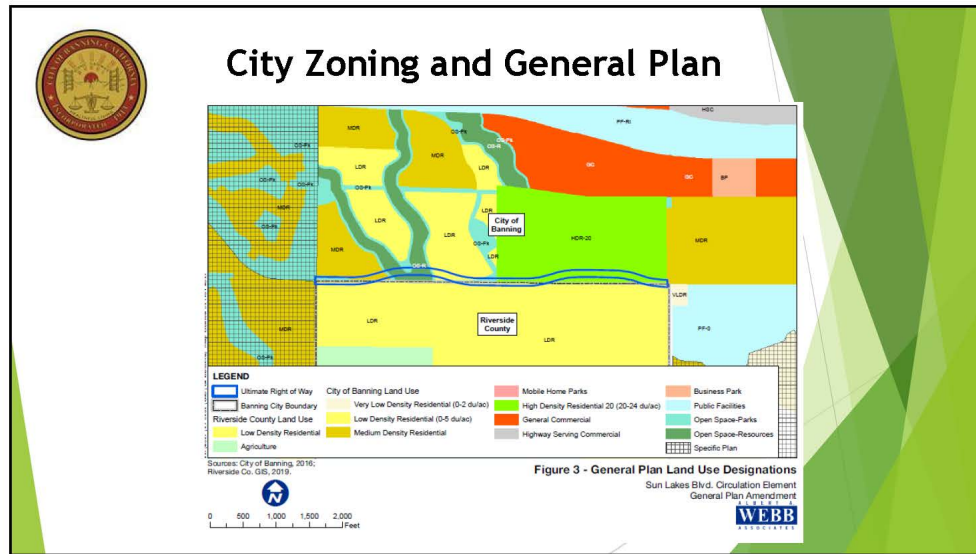
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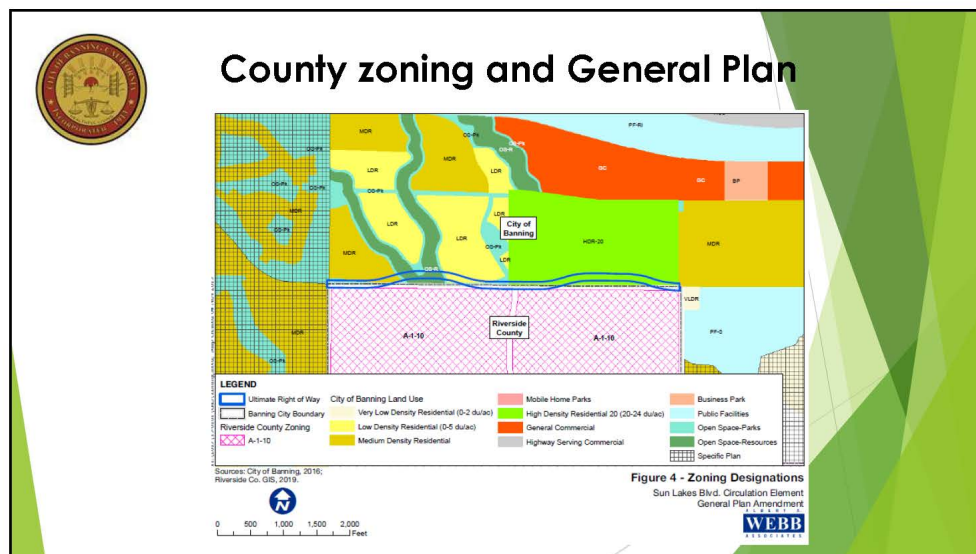
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Background:

- ▶ At the request of the Public Works Department, the Community Development Department is processing the proposed realignment of Sun Lakes Blvd. The current General Plan Circulation Element shows Sun Lakes Blvd. at Highland Home Road continuing eastward and curving upward to connect with Lincoln Street at Sunset Avenue.
- ▶ The proposed General Plan Circulation Element Amendment consists of the realignment of Sun Lakes Blvd. and will extend Sun Lakes Blvd. at Highland Home Road by continuing eastward to connect with West Westward Avenue at Sunset Avenue.
- ▶ The proposed realignment of Sun Lakes Blvd. is anticipated to assist in alleviating the current and future congestion of the intersections of Highland Springs Avenue and Interstate 10 (I-10) and Highland Springs Avenue and West Ramsey Street. Currently there is no east/west route through the City on the south side of the Interstate. It is the Public Works Departments' plan to create an east/west corridor, thereby providing travelers an alternate route across the City. This east/west corridor will also be beneficial in providing an emergency route in the event I-10 is closed.

7



Recommendation

Staff recommends the City Council:

Adopt Resolution 2020-37, approving General Plan Amendment 19-2502 and Environmental Assessment 19-1503 adopting a Negative Declaration finding the project will have a less than significant effect on the environment and making findings in support thereof.

8

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