



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

05/26/2020
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
Kevin G. Ennis, City Attorney
Sonja De La Fuente, Deputy City Clerk
Jennifer Christensen, Administrative Services Director
Matthew Hamner, Police Chief
Tom Miller, Electric Utility Director
Adam Rush, Community Development Director
Art Vela, Public Works Director/City Engineer
Ralph Wright, Parks & Recreation Director
Laurie Sampson, Executive Assistant
Carla Young, Business Support Manager

I. CALL TO ORDER

A regular meeting of the Banning City Council was called to order by Mayor Andrade on May 26, 2020, at 5:06 p.m.

Pastor Ken Spicer of Hope Unlimited Church offered the invocation.

Councilmember Pingree led the audience in the Pledge of Allegiance.

II. AGENDA APPROVAL

A motion was made by Councilmember Welch, seconded by Councilmember Pingree, to approve the agenda. Electronic vote was taken as follows:

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

III. PRESENTATION(S)

Mayor's Special Recognitions

The Mayor and City Council recognized Stacy Bouslog, Customer Service Manager, City of Banning, for making Banning a better place to work, live, and play, and the Banning High School Varsity Boys Basketball Team for being the 2020 CIF Champions.

IV. REPORT ON CLOSED SESSION

City Attorney Ennis reported that City Council held a special meeting beginning at 4:00 p.m. today. The items discussed were 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 Case)
No final or reportable action.

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8
Property: 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, with no final or reportable action.

3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8
Property: 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, with no final or reportable action.

4. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to Government Code Section 54956.8

Properties and Owners/Negotiating Party: Real Property located in the vicinity of Ramsey and Hathaway – Southeast corner of Ramsey Street and Hathaway Street, APN 532-140-005 – Frank J. Burgess; and Northeast corner of Ramsey Street and Hathaway Street, APN 532-120-020 – Frank J. Burgess and Lorna D. Burgess, Trustees

City Negotiators: Douglas Schulze, City Manager and Art Vela, Public Works Director

Under Negotiation: Price and terms for acquisition of street right of way and temporary construction easements

Direction was given to the City's negotiator, with no final or reportable action.

5. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to Government Code Section 54956.8

Property and Owners/Negotiating Parties: Real Property located in the vicinity of Ramsey and Hathaway – 1483 E. Ramsey St, APN 541- 170-019 – Raymond Ngoc Huynh and Lucy Nguyen Huynh, as Trustees of the Raymond and Lucy Huynh Revocable Trust

City Negotiators: Douglas Schulze, City Manager and Art Vela, Public Works Director

Under Negotiation: Price and terms for acquisition of street right of way and temporary construction easements

Direction was given to the City's negotiator, with no final or reportable action.

6. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to Government Code Section 54956.8

Property and Owner/Negotiating Party: Real Property located in the vicinity of Ramsey and Hathaway – 1573 E. Ramsey St, APN 541-170-021 – Jen H. Huang

City Negotiators: Douglas Schulze, City Manager and Art Vela, Public Works Director

Under Negotiation: Price and terms for acquisition of street right of way and temporary construction easements

Direction was given to the City's negotiator, with no final or reportable action.

V. PUBLIC COMMENTS, CORRESPONDENCE, AND APPOINTMENTS

PUBLIC COMMENT(S)

Mayor Andrade opened public comment for items not on the Agenda.

Jerry Westholder thanked the City Council for voting against more than three pot shops in the City.

Paul Perkins recommended improving upon justifications from staff for purchases.

Frank Burgess expressed his difficulty with hearing within the Council Chamber. He also requested less distance between seats in the Council Chamber so more people can fit. Finally, he indicated that he and his family donated some land on the north side of Ramsey Street in 1995 and hopes the project will finally be completed.

Inge Schuler encouraged the City to follow the Brown Act, as she was not aware of the closed session held two weeks ago. Also, she advised she has no objection with dealing with homeless but would like to know how much the City has paid toward the homeless village. Finally, she expressed concern with Councilmember Welch's sidebars during public comment.

Karen Amirson thanked Mayor Pro Tem Wallace for her update on the Ramsey Street Village at the last meeting. She expressed concern with Councilmember Welch's comments during her public comment time at the last meeting and clarified that she is concerned with the homeless situation, not critical.

Bill Hobbs commended the City Council for working together and encouraged the community to support local businesses. He also advised there is a homeless encampment on the south side of I-10.

Seeing no further comments, the Mayor closed public comment.

CORRESPONDENCE

None

APPOINTMENT(S)

None

VI. CONSENT ITEMS

1. Minutes – May 12, 2020, Regular Meeting
2. Minutes – May 12, 2020, Special Meeting (Closed Session)
3. Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of April 2020
4. Receive and File Cash, Investments and Reserve Report for the Month of April 2020
5. Receive and File Public Works Capital Improvement Project Tracking List
6. Police Statistics for the Month of April 2020
7. Fire Statistics for the Month of April 2020
8. Receive and File Contracts Approved Under the City Manager's Signature Authority for the Month of April 2020
9. Resolution 2020-62, Accepting Funding from the State of California 911 Emergency Communications Branch in an Amount Not to Exceed \$287,000
10. Resolution 2020-63, Approving the License Agreement with Girl Scouts of San Gorgonio Council for Use of the Girl Scout House in Repllier Park
11. Resolution 2020-64, Authorizing the Purchase of One Bucket Truck, One Dump Truck, and One Wire Puller Trailer for the Electric Utility
12. Amendment No. 1 to the Contract Agreement with Artistic Maintenance, Inc. of Lake Forest, California, in an Amount Not to Exceed \$79,975 and Extending the Term of the Agreement through June 30, 2021 for the Operation and Maintenance of Landscape Maintenance District No. 1
13. Award Landscape Maintenance Agreement for City Properties to Artistic Maintenance, Inc. of Lake Forest, California, in the Amount of \$59,760 for Fiscal Year 2020/21 with the Option to Review for Four Additional Single Year Periods
14. Award Contract to L.O. Lynch Quality Wells and Pumps, Inc. for the Well Redevelopment and Repairs Project in the Amount of \$519,568; Establish a 10% Contingency for a Total Project Budget of \$571,525; and Reject all Other Bids
15. Award Custodial Services Agreement to Dynamic Building Maintenance of Riverside, California for Custodial Maintenance of Municipal Facilities in the Amount of \$77,432 for Fiscal Year 2020/2021 with the Option to Review for Four Additional Years

Public Comments

The Mayor opened public comment.

Inge Schuler spoke regarding Consent Item 2 and asked that the May 12th closed session minutes be updated to reflect that the correct end time of 4:55 (not 5:55). The Deputy City Clerk will amend the final version to reflect the correct end time.

Jerry Westholder asked for a presentation of the statistics in Consent Items 6 and 7. Regarding Consent Item 9, he asked what the funding would be used for. Finally, in regard to Consent Item 11, he asked why the City needs another dump truck.

Frank Burgess spoke regarding Consent Item 1 and advised he sent an email on May 8th and he would like it added to the May 12th regular meeting minutes. The Deputy City Clerk will add the email to the final version of the minutes. Regarding Consent Item 3, he requested copies of checks. Regarding Consent Item 7, he recommended the City have its own fire department. Regarding Consent Item 11, he questioned the need for trucks. In regard to Consent Items 12 and 13, he indicating his dissatisfaction with landscape maintenance in the City.

Paul Perkins spoke regarding Consent Item 11 and recommended justification for equipment purchase. He also spoke regarding Consent Item 13 and asked if the Armory would be included in the landscape maintenance contract.

John Hagen spoke regarding Consent Item 12 indicating his dissatisfaction with current landscape maintenance services.

Seeing no further comments, the Mayor closed public comment.

In response to questions regarding Consent Item 11, Jason Smith, Electric Operations Manager explained why the Electric Utility needs its own equipment and provided the Deputy City Clerk a copy of the Electric Department's Heavy-Duty Equipment Replacement presentation from 2019 (Attachment 1) to include with the minutes for reference.

There was some discussion held among Council and staff.

A motion was made by Mayor Pro Tem Wallace, seconded by Councilmember Happe to approve Consent Items 1-15. Electronic vote was taken as follows:

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

Action: Approved Consent Items 1-15.

VII. PUBLIC HEARING(S)

1. Resolution 2020-39, Approving the Emergency Billing Fee

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

The Mayor opened the Public Hearing.

John Hagen clarified that if the insurance didn't pay the fee, the resident would not be made to pay the fee.

Paul Perkins asked who would be paying the fee and if it was a private ambulance company.

Seeing no further comments, the Mayor closed the Public Hearing.

The City Manager explained that the ambulance fee is a private service. This fee is related to CalFire only.

A motion was made by Mayor Pro Tem Wallace seconded by Councilmember Happe to 1) adopt Resolution 2020-39 approving the emergency medical services billing program fee schedule and related write-off policy; and 2) approve a contract with Wittman Enterprises LLC to administer the emergency medical services billing program in an amount not to exceed \$60,000. Electronic vote was taken as follows:

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

Action: Adopted Resolution 2020-39 and Approved Contract with Wittman Enterprises LLC in an Amount Not to Exceed \$60,000.

2. Ordinance 1562, Amended and Restated Development Agreement No. 11 Between the City of Banning and AMG Sign Company, Inc. for the Operation of an Electronic Message Center; and Ordinance No. 1562, An Ordinance of the City of Banning, California, approving an Amended and Restated Development Agreement No. 11 Between the City of Banning and AMG Sign Company, 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)

Community Development Director Adam Rush provided a staff report and presentation (Attachment 2) on this item.

The Mayor opened the Public Hearing.

Paul Perkins recommended businesses within Banning city limits get a discount, not just Chamber of Commerce members. He provided some clarification regarding how the advertisement slots work.

Alex Garcia, applicant/developer, advised that the City of Banning will get \$96,000 per year in free advertisement with this agreement and that he is open to a 20-30-year agreement. He mentioned that he also plans on bringing rock concerts to the City of Banning.

Laura Leindecker advised that this started when she was on the Board for the Chamber of Commerce and it was to promote business in the City and to promote Banning.

Seeing no further comments, the Mayor closed the Public Hearing.

There was some discussion held among Council, Mr. Garcia, and Community Development Director Rush to provide further clarification.

A motion was made by Councilmember Welch seconded by Councilmember Happe to waive further reading of Ordinance 1562. Electronic vote was taken as follows:

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

Action: Waived further reading of Ordinance 1562.

A motion was made by Councilmember Pingree seconded by Mayor Pro Tem Wallace that Ordinance 1562 pass its first reading with the amendment to the agreement making the initial term 30 years plus an additional 10-year automatic extension, unless the parties agree otherwise. Electronic vote was taken as follows:

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

Action: Ordinance 1562 passed its first reading as amended.

The Mayor recessed the meeting at 6:58 P.M. and reconvened at 7:14 P.M.

VIII. ANNOUNCEMENTS AND REPORTS

CITY COUNCIL COMMITTEE REPORTS

Councilmember Pingree had nothing to report.

Councilmember Welch advised that Friday was the eighth week that the Chamber of Commerce along with several community volunteers did the drive through food distribution program. There were approximately 350 cars and 50 walk-up that participated. He commended the program.

Councilmember Happe had nothing to report.

Mayor Pro Tem Wallace reported that the food distribution program would continue on the fourth Saturday of every month at 8:00 a.m. at the Community Center. She also reported that this Friday there would be an 8th Grade Promotion Drive By. Riverside County Action Partnership will meet via Zoom on June 18th. They will be coming to the Community Center to help residents with assistance in paying their electric and gas bills.

Mayor Andrade thanked all the volunteers for the food drive. She reported feeding approximately 600-700 people with the food distribution and deliveries each week. She advised the Chamber would be holding a Chamber Mixer and a volunteer appreciation event sometime in June. On Thursday she will be meeting with Dr. Natasha Baker, Banning Unified School District Superintendent, and will be recommending a graduation program. In the May 22nd issue of the Record Gazette the Top 10 Seniors from Banning High School were featured (Attachment 3). The Sunrise Banning Breakfast will be on June 17th from 7:00 a.m. until 8:30 a.m. at The Haven. The guest speaker will be Wall Street Journal and Business Week best-selling Author David Finkle. The Boys & Girls Club is open for all children of essential workers.

REPORT BY CITY ATTORNEY

City Attorney Kevin Ennis had nothing to report.

REPORT BY CITY MANAGER

City Manager Doug Schulze advised the Emergency Services Grant application was submitted today. The City requested \$174,000. In response to questions regarding operating costs of the Ramsey Street Village, he advised utilities are

approximately \$15,000 annually. The police officer assigned to the homeless population is \$44,000 annually, but that would be the case even if there wasn't a village. The net total identified is (shelters, meals, shower room, restroom, laundry, etc.) \$485,000 annually. The City has received \$170,000 in CDBG funds and currently seeking \$174,000 through the grant. If the grant funding is not received, the additional items will not be purchased. He will email the Council with this information and post online. Finally, he encouraged any community members with questions to contact him.

REPORTS OF OFFICERS

1. Resolution 2020-67, Amending Manual of Procedural Guidelines

City Manager Doug Schulze provided the staff report for this item.

Public Comment

The Mayor opened Public Comment.

Frank Burgess encouraged the Council to listen to those that provide public comment and asked why the Council never answers his questions.

Seeing no further comments, the Mayor closed Public Comment.

The City Attorney explained the public comment process and that it is traditional to take all the public comments first. Once all public comment has been received then the Council may respond at that point or when it is time for their report. It is not traditional that each commenter gets a response immediately following their comment or question.

A motion was made by Councilmember Happe and seconded by Mayor Pro Tem Wallace, to adopt Resolution 2020-67. Electronic vote was taken as follows:

AYES: Andrade, Happe, & Wallace

NOES: Pingree & Welch

ABSTAIN: None

ABSENT: None

Action: Adopted Resolution 2020-67

2. Resolution 2020-68, Approving the Agreement for the Purchase and Sale and Escrow Instructions Between the City of Banning and Shi Pingdong, for Real Property located at 447 E. Ramsey Street (APN: 541-150-004) and Making a Finding of Exemption Under CEQA in Connection Therewith

Electric Utility Director Tom Miller provided the staff report for this item.

Public Comment

The Mayor opened Public Comment.

Paul Perkins spoke against using Electric funds to purchase property.

Frank Burgess asked how the money would be paid back to the Electric fund, if the Utility Committee approved this and what Electric would be doing with the property if they must repossess it from the City.

Jerry Westholder expressed concern with using Electric funds to purchase property and requested a reason for such purchase.

Seeing no further comments, the Mayor closed Public Comment.

A motion was made by Councilmember Welch, seconded by Mayor Andrade, to continue this item to the July 14th City Council Meeting. Electronic vote was taken as follows:

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

Action: Continued to July 14, 2020 Regular City Council Meeting

3. Resolution 2020-69, Urging County of Riverside and Governor's Office to Immediately Allow All Retail Stores and Restaurants in the City of Banning to Re-Open

Mayor Andrade advised that she requested this item brought forward. However, the Governor has already moved forward with allowing businesses and churches to open.

Public Comment

The Mayor opened Public Comment.

Jerry Westholder advised that he received a CDC report indicating that a lot of the information previously provided has been changed and that he believes the City should open. However, expressed concern with using the term "sanctuary".

Frank Burgess spoke in support of adopting Resolution 2020-69 and opening all business in Banning.

John Hagen expressed concern with the term "sanctuary" used in Resolution 2020-69B.

Robert Ybarra expressed his appreciation of the Council supporting opening businesses.

Dorothy Famaletti McLean advised that she has trouble hearing in the Council Chamber, but can hear at home. She also noted that the City of Banning should not be a sanctuary city for all businesses, as there are some businesses not wanted in the City.

Seeing no further comments, the Mayor closed Public Comment.

A motion was made by Councilmember Pingree, seconded by Mayor Pro Tem Wallace, to table this item. Electronic vote was taken as follows:

AYES: Andrade, Happe, Pingree, Wallace & Welch

NOES: None

ABSTAIN: None

ABSENT: None

Action: Item tabled.

IX. DISCUSSION ITEM

1. Continued Service of Inge Schuler on Planning Commission

City Manager Doug Schulze provided the staff report for this item.

There was discussion held regarding Planning Commissioner terms.

Councilmember Happe explained that he asked for this item to be placed on the agenda for discussion. He shared his concern with a situation that occurred last year where Planning Commissioner Schuler voted in support of an apartment complex then came to a City Council meeting and spoke against the project, causing confusion as Council takes recommendations from the Planning Commission.

Public Comment

The Mayor opened Public Comment.

Jerry Westholder spoke in favor of Commissioner Schuler remaining on the Planning Commission.

John Hagen spoke in favor of Commissioner Schuler remaining on the Planning Commission.

Dorothy Famaletti McLean spoke in favor of Commissioner Schuler remaining on the Planning Commission.

Paul Perkins spoke in favor of Commissioner Schuler remaining on the Planning Commission.

Frank Burgess spoke in favor of Commissioner Schuler remaining on the Planning Commission.

Seeing no further comments, the Mayor closed Public Comment.

There was discussion held among the Council.

Councilmember Happe recommended recognizing all the Planning Commissioners and commending them for their service.

2. Consideration of a Resolution Calling for a Ballot Measure to Ask Voters Whether the Positions of Banning City Clerk and City Treasurer Should be Elective or Appointive

City Manager Doug Schulze provided the staff report for this item.

Public Comment

John Hagen spoke against a ballot measure for both positions.

Frank Burgess spoke against a ballot measure for both positions.

Jerry Westholder spoke against a ballot measure for both positions.

Marie Calderon advised she requested the City Clerk position being placed on the ballot to be appointive, but understands if now is not the time.

John McQuown submitted a letter (Attachment 5) against a ballot measure for the City Treasurer position.

Seeing no further comments, the Mayor closed Public Comment.

There was discussion among the Council regarding the item.

There was a consensus (5-0) of the Council that the City Treasurer position remain an elected position.

There was additional discussion held among the City Council.

A motion was made by Mayor Andrade, seconded by Councilmember Happe, to direct staff to bring back a resolution for consideration regarding a ballot measure to determine if the City Clerk position shall be appointive. Electronic vote was taken as follows:

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

Action: **Staff directed to prepare a resolution regarding a ballot measure to determine if the City Clerk position shall be appointive.**

X. ITEMS FOR FUTURE AGENDAS

None

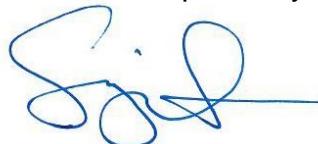
XI. ADJOURNMENT

There was a moment of silence held in honor of Memorial Day and in remembrance of those who have lost their lives.

By consensus, the meeting was adjourned at 9:08 P.M.

Next Meeting: June 9, 2020, 5:00 p.m.

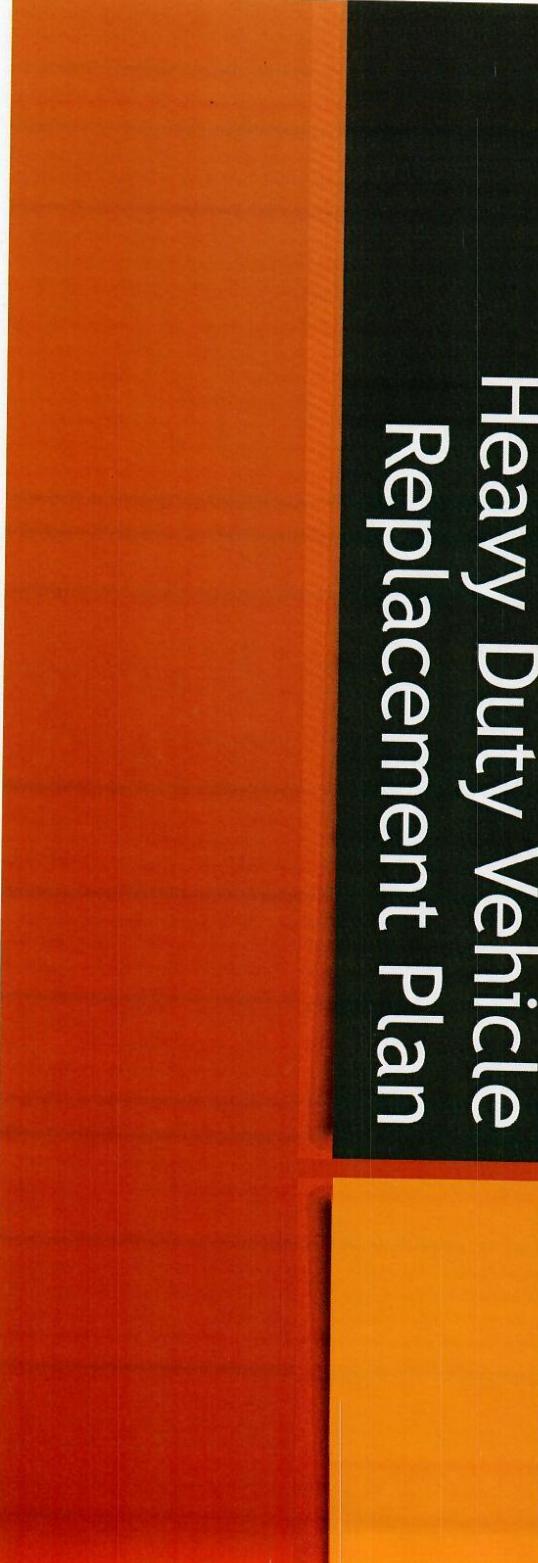
Minutes Prepared by:



Sonja De La Fuente, Deputy City Clerk

*The entire discussion of this meeting may be viewed here:
<https://banninglive.viebit.com/player.php?hash=xAbAQAi3M84g> and
<https://banninglive.viebit.com/player.php?hash=JBsEDUgEtJxN>. Any related
documents maybe viewed here:
<https://banningca.gov/ArchiveCenter/ViewFile/Item/2303> 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



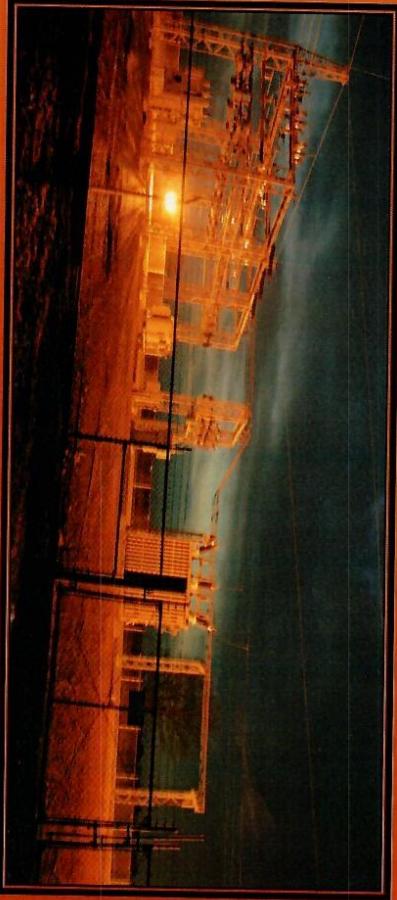
Electric Department

Heavy Duty Vehicle

Replacement Plan

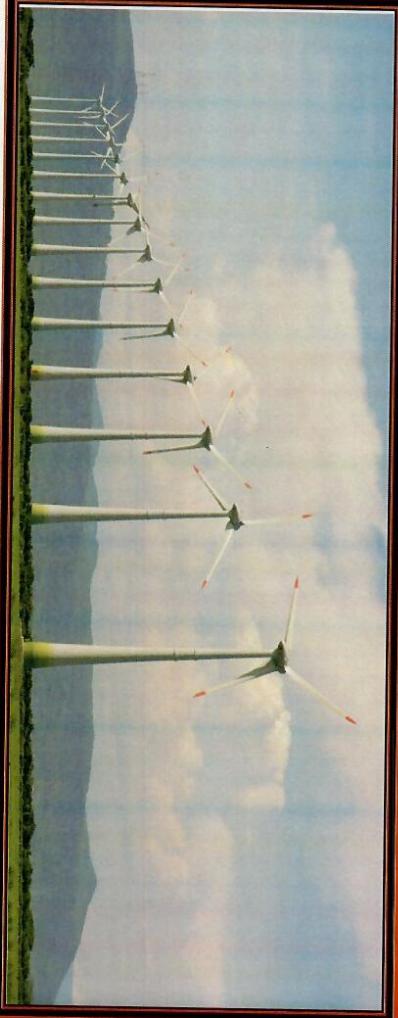
Purpose:

- Efficiently replace utility vehicles and equipment in order to safely and effectively maintain electrical distribution infrastructure while operating within SCAQMD requirements.

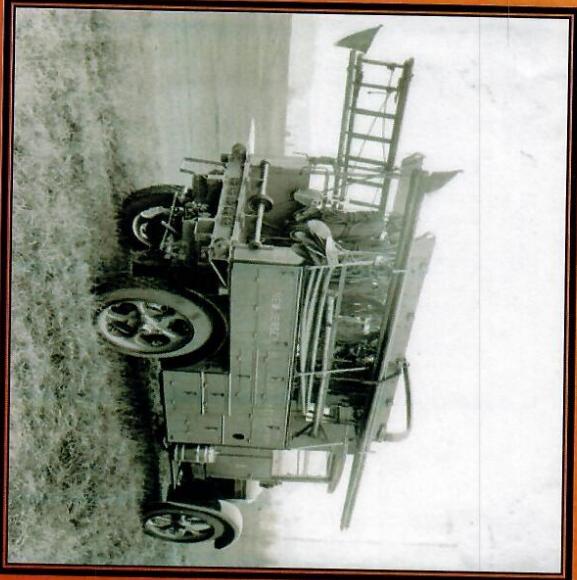


Regulations

- SCAQMD/CARB
- Rule 1196
- B.A.C. T. (five units with PM filters)

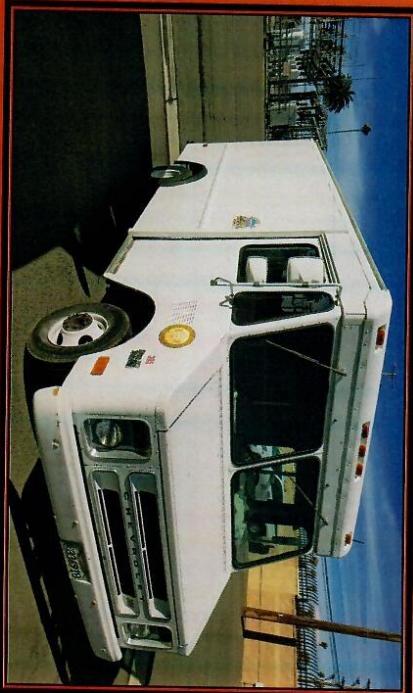
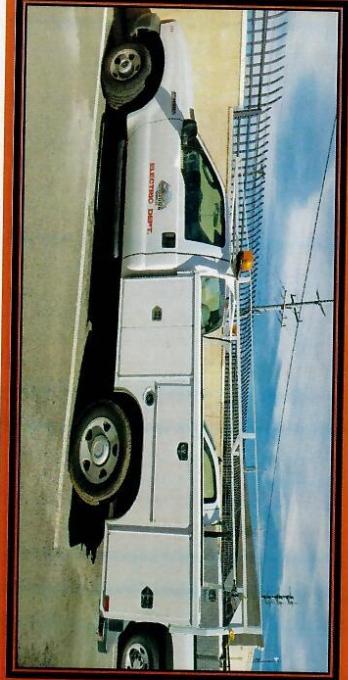


Current Fleet and Crew Composition



“Actual” Current Fleet and Crew Composition

- Three service planners
 - Two pick-up trucks. (2006 Chevy, 2010 Chevy)
- One Substation Technician and one Meter Test Technician
- Two pick-up trucks. (2009 Chevy, 2009 Ford)



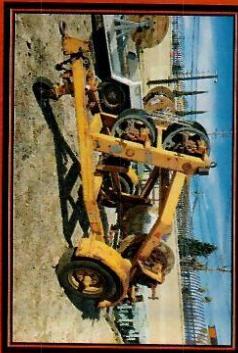
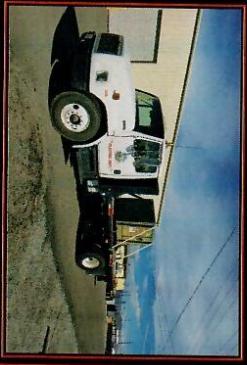
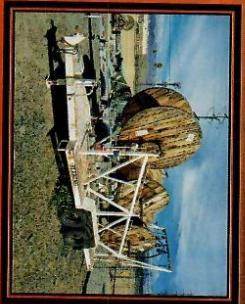
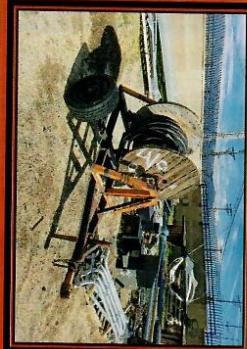
Current Fleet and Crew Composition cont.

- Two Heavy Crews (Supervisor, Four Powerline Techs)
 - (2) Utility Crew Pick-up Trucks (2015 Chevys)
 - (2) 50' Bucket Trucks, (1994 GMC, 1998 Freightliner)
 - (1) 55' Bucket Truck 2007 International)
- 2 55' Digger/ Derrick Trucks (2004 International, 2006 International)
- One Service Crew (Supervisor, One Powerline Tech or App.)
 - 1 Utility Crew Pick-up Truck (2003 Ford)
 - 1 Bucket Truck (2003 Freightliner)



Current Fleet and Crew Composition cont.

- Miscellaneous equipment:
 - 1 Flatbed Heavy Duty Truck (1997 Freightliner)
 - 1 Puller Trailer (1990 Sherman Reilly)
 - 1 Air Compressor (1985 Smith)
 - 1 Underground Van (1991 Chevy)
 - 1 Traffic Control Trailer (2014 Arrow Board)
 - 1 Pole Trailer (2004 Sauber)
 - 6 Wire Reel Trailers (2001 Homemade, 1994 Fleming, 2001 Sauber, 1965 Royal, 1945 Homemade, 1990 Fleming)
 - 1 Hot Stick Trailer (1985 Kearney)
 - 1 Forklift (1998 Caterpillar)



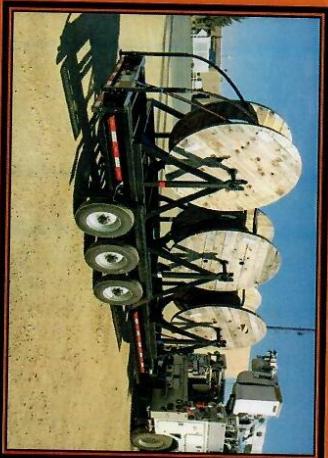
Optimal Crew and Fleet Composition

- 3 Heavy Crews (1 Supervisor, Three Powerline Techs)
 - 3 Utility Crew Pick-up Trucks
 - 3 60' Bucket Trucks
 - 3 60' Digger/ Derricks
 - 1 Dump Truck
 - 1 Backhoe/ Trailer combo
- 1 Service Crew (1 Supervisor, 1 Powerline Tech)
 - 1 Utility Crew Pick-up
 - 1 40' Bucket Truck

Optimal Crew and Fleet Composition cont.

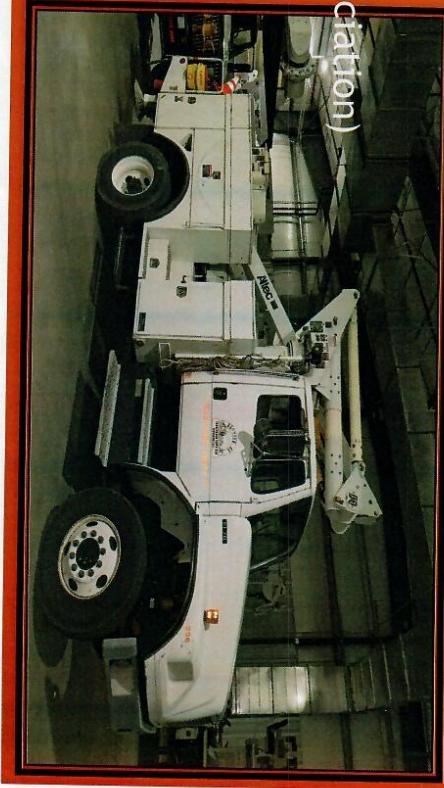
- Equipment:

- 1 Flatbed Heavy Duty Truck
- 1 Puller Trailer
- 1 Air Compressor
- 2 Pole Trailers
- 6 Wire Reel Trailers
- 1 U.G. Van
- 2 Traffic Control Trailers
- 1 Forklift
- 1 Backyard Machine



Replacement Plan

- Pick-up(Light Duty) Trucks will be part of the City's new lease program with Enterprise.
- Bucket Trucks (8-10 years)
- Digger Derrick Trucks (10-15 years)
- Equipment (TBD from use and depreciation)



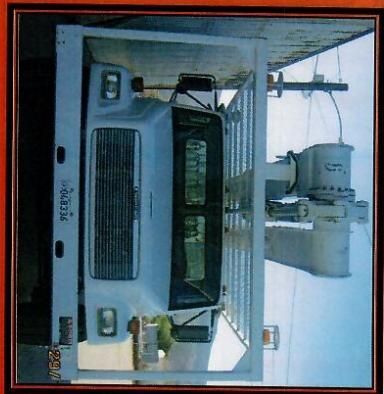
Replacement Plan cont.

- 2018/2019 Fiscal Yr.
- 1 40' Service Bucket Truck
- 1 60' Bucket Truck



Replacement Plan cont.

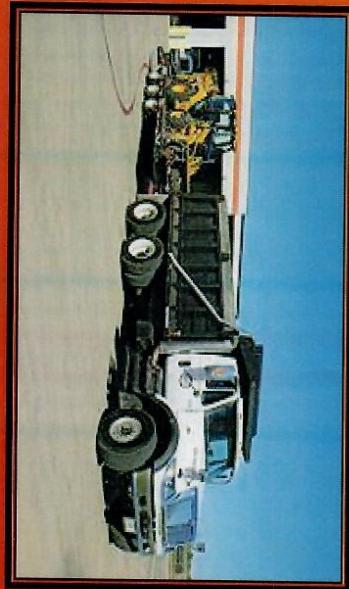
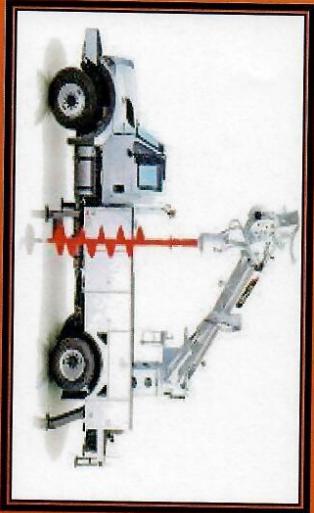
- 2019/2020 Fiscal Yr.
- 1 60' Bucket Truck
- 1 O.H./U.G. Combo Wire Puller Trailer.
- 1 Flatbed
- 1 Three Reel Heavy Duty Wire Trailer
- 1 U.G. Utility Van



Replacement Plan cont.

- 2020/2021 Fiscal Yr.

- 1 Digger/ Derrick
 - Add 1 Dump Truck
 - Add 1 Backhoe/Trailer Combo



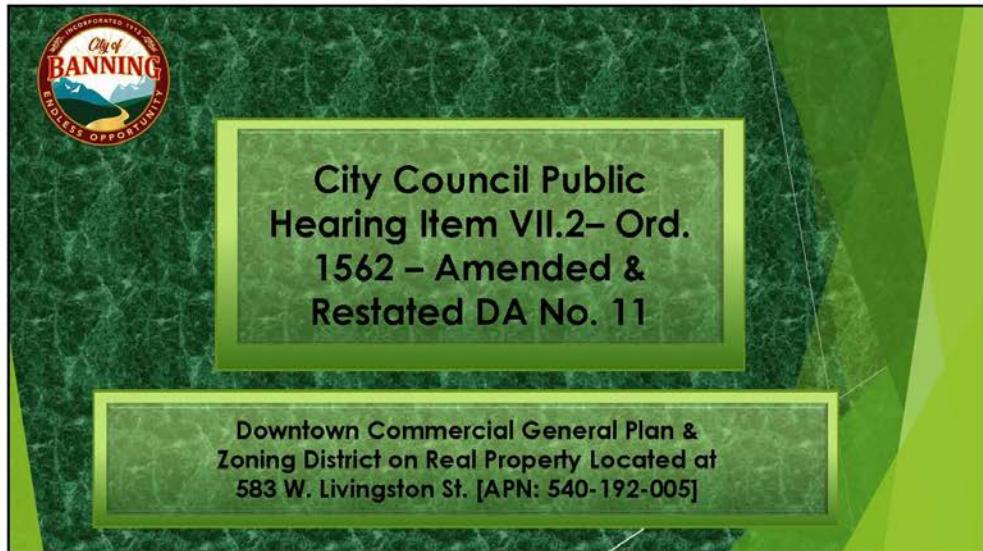
Fiscal Impact

- 2018/2019
 - Approximately \$410,000.00
- 2019/2020
 - Approximately \$400,000.00
- 2020/2021
 - Approximately \$450,000.00

Conclusion

- Goals:
 - Reach optimum operating capabilities
- 3 (4) Man Heavy Crews
 - 1 (2) Man Service Crew
 - 1 Crew Pick-up
 - 1 60' Bucket Truck
 - 1 60' Digger/Derrick Truck
- Develop a sustainable Electric Utility Fleet modernization plan
- Secure proper resources and equipment to safely and proficiently maintain electrical infrastructure.
- Operate Electric fleet within SCAQMD/CARB requirements.

ATTACHMENT 2

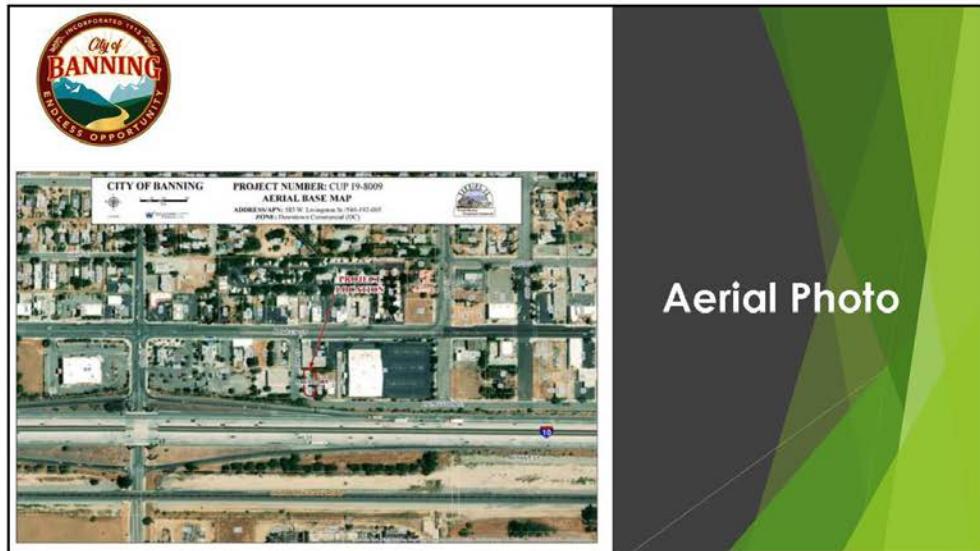


1



2

1



3



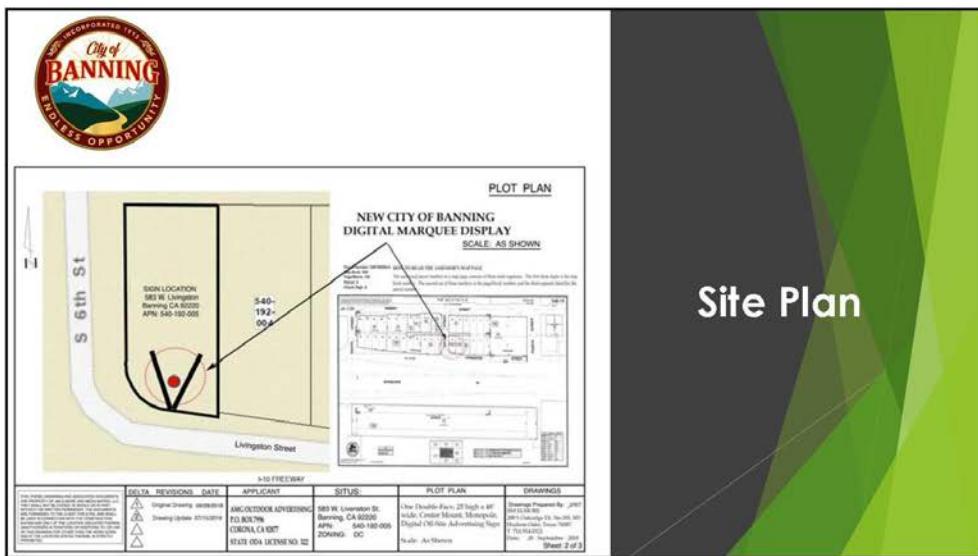
4

2



Development Opportunities

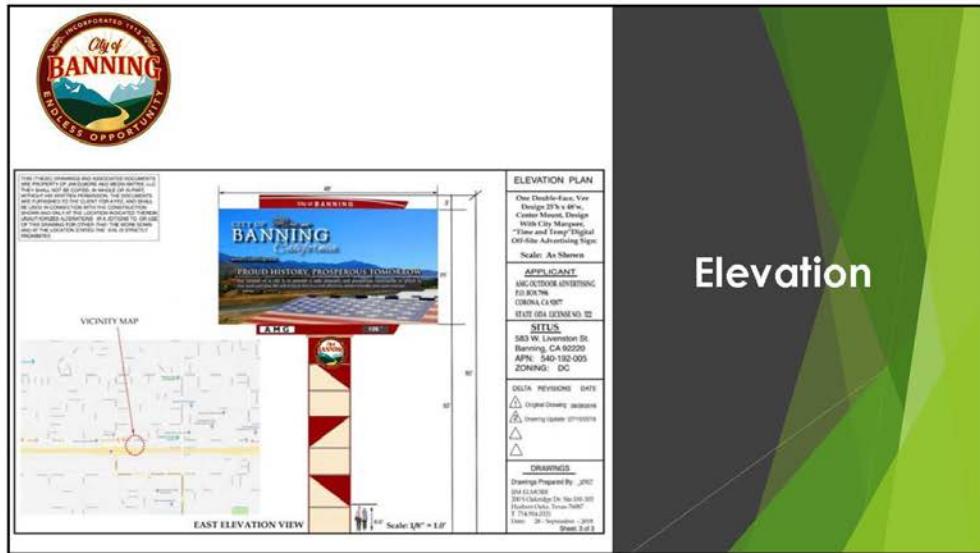
5



Site Plan

6

3



7

Elevation



8

Line-of-Sight

4



- ▶ The City Council considered an Amendment to the Development Agreement at the May 12th meeting.
- ▶ The item was continued for staff to conduct additional research and also for the sign owner to reconsider their offer.
- ▶ The Council requested additional justification for the removal of a \$50,000 annual payment to City.

Background

9



- ▶ AMG requested a Development Agreement for the construction and operation of an electronic message center at 583 W. Livingston St., near the Interstate 10 freeway.
- ▶ An electronic message center ("digital billboard"). 80-feet in height and 1,200 s.f. of display (25' x 48').
- ▶ Original Development Agreement (DA) would provide a \$50,000 per annum payment to City.

Background

10

5



The Council's deliberations, during the May 12th meeting, is summarized as follows:

- Do the *newly proposed* discounted advertising provisions qualify as a "public benefits".
- Broadened access of advertising discounts.
- Clarification on the advertising restrictions
- Additional justification for removing the annual payment of \$50,000 to City.
- A comparative analysis of other Cities and their individual billboard agreements.

Background

11



- These new public benefit provisions are summarized as follows:
 - Term of agreement is now 20-years.
 - The City is allowed one advertisement, on one side for an 8-second advertising space per rotation interval.
 - Chamber businesses are allowed one advertisement, on one side, for an 8-second ad, per rotation interval, at 50% of the full rate.
 - AMG will be restricted from advertising content of a graphic or suggestive nature.
 - AMG is allowed to advertise alcohol, tobacco, and cannabis.

Justification

12

6

 Additional Analysis (city-by-city comparison):

DIGITAL BILLBOARD RESEARCH - COUNCIL REQUEST

City	# Billboard	Annual Payment to City	Additional Incentives	Term of Agreement	Advertising Restrictions	Owner
Rialto	3	\$90,000/yr. + 25% GAR	3 City Ads/Year	20yr (w/ 10yr. opt.)	No Drug or Sexually Oriented content	Lamar
Corona	3	\$90,000/yr.	1 City Ad per min.	30 years	No drug, sexually oriented content, alcohol, or tobacco	Lamar/General Outdoor Advertising (GOA)
Rancho Cucamonga	1	\$40,000/yr. OR 12% GAR	One (1) - 6 sec. City Ad per min.	In perpetuity	No drug, sexually oriented content, alcohol, or tobacco	GOA
Eastvale	1	\$50,000/yr.	1 City Ad per min.	20 years	No drug, sexually oriented content, alcohol, or tobacco	GOA
Colton	1	\$70,000/yr. + 30% GAR	Renegotiation Clause	20 years (w/ 2-5yr. opts.)	No drug, sexually oriented content, alcohol, or tobacco	

Background

13

 RECOMMENDED ACTION:

 That the City Council take the following actions:



That the City Council waive full reading of, and introduce Ordinance No. 1562, approving the Amended and Restated Development Agreement No. 11 between the City of Banning and AMG Sign Company, Inc. ("AMG").

City Council Recommended Action

14

7

ATTACHMENT 3

Accolades**Banning High School Top 10 seniors**

Banning High School announces its top 10 ranked seniors based on grade point averages, as reflected at the start of the semester prior to schools closing due to the coronavirus quarantine.

**Rank 1****Jazmine Colon**

Valedictorian Jazmine Colon has a grade point average of 4.789, and will enroll at the University of California, Berkeley to study economics and political science with an emphasis in public law. She participated in cheer, soccer and water polo; was a member of the National Honor Society and Link Crew. She served as president of AVID, and was president of the campus's High School Democrats of America, which she founded.

**Rank 2****Kenya Nunez**

Salutatorian Kenya Nunez attained a 4.635 grade point average, and will attend Claremont McKenna College to study a combined major of politics, philosophy and economics while minoring in data science. During high school she participated in the Solar Boat program and ASB. She was captain of the cross country and track teams, and president of the Key Club. She was the high school's student representative at school board meetings.

**Rank 3****Leslie Paz**

Leslie Paz will start out studying history at Claremont McKenna College, but indicates that her field of study could change. She was involved in Key Club, Upward Bound, National Honor Society and Link Crew. She was treasurer for AVID and for the Spanish Club.

**Rank 4****Briza Martinez**

Briza Martinez will study health, medicine and society at the University of Redlands. She was the senior class treasurer, and served as secretary of Key Club. She was the publicist for the High School Democrats of America. She was involved in the National Honor Society, Solar Boat, Link Crew and Upward Bound.

**Rank 5****Aizel Mejia Munoz**

Aizel Mejia Munoz was active in Key Club, AVID, Link Crew and the Solar Boat program. She will study bioengineering at the University of California, Riverside.

**Rank 6****Jesus Vasquez**

Jesus Vasquez ran cross country and played volleyball. He was involved in AVID, Key Club, Asian American Club, Spanish Club, Interact, and the National Honor Society. He has been accepted to the University of California, Irvine, where he is considering studying business administration or engineering.

**Rank 7****Rania Saber**

Senior Class President Rania Saber will study computer science at the University of California, Riverside. She has served as vice president of Key Club, treasurer of the National Honor Society, and was involved in Spanish Club, Asian American Club, tennis and Link Crew.

**Rank 8****Christopher Gonzalez**

Christopher Gonzalez will study mathematics at Claremont McKenna College. During high school he played volleyball, played soccer and ran cross country. He was involved in Key Club, Spanish Club, Link Crew, and the National Honor Society.

**Rank 9****Orion Flynn**

Senior Class Vice President Orion Flynn has been accepted to Marquette College at the University of California, San Diego to study aerospace engineering. He served as vice president of the golf club and the National Honor Society. He was involved in the Solar Boat program, Asian American Club, Key Club, Athletic Club, water polo, and football.

**Rank 10****Giselle Farfan Magana**

Rounding out the top 10 with a grade point average of 4.25, Giselle Farfan Magana will spend her post-high school career serving as a Jehovah's Witness. During high school she was a yearbook editor and secretary of the Spanish Club. She played cello with the school's orchestra, and was a member of the Herd theater club.

Lavender Festival is cancelled, but visitors can still enjoy the fields

ARTS & ENTERTAINMENT

ATTACHMENT 4

RESOLUTION NO. 2020-69- A (Revised)**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING URGING THE COUNTY OF RIVERSIDE AND THE GOVERNOR'S OFFICE TO IMMEDIATELY ALLOW MORE BUSINESSES IN THE CITY OF BANNING TO REOPEN WITH APPROPRIATE SAFETY PRECAUTIONS AND FOR THE COUNTY AND THE GOVERNOR TO ALLOW BANNING TO PROCEED INTO STAGE 3 OF THE STATE'S REOPENING PLAN**

WHEREAS, the City of Banning recognizes that the Nation's Declaration of Independence and the Constitution of the United States recognize and enshrine certain rights of all Americans, including those fundamental liberty interests set forth in the Fourteenth Amendment that prohibits any state from depriving any person of life, liberty, or property, without due process of law; and

WHEREAS, each of the City of Banning's duly elected or appointed public servants have sworn to defend and uphold the United States Constitution and the Constitution of the State of California; and

WHEREAS, at the same time, the City of Banning recognizes that on March 4, 2020, the Governor of the State of California declared a state of emergency to address the COVID-19 pandemic and to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for the broader spread of COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments to prevent the spread of and otherwise address the effects of COVID-19; and

WHEREAS, on March 17, 2020, the City Manager of the City of Banning, as the Director of Emergency Services, proclaimed the existence of a local emergency in response to the COVID-19 pandemic; and

WHEREAS, on March 24, 2020, the City Council of the City of Banning ratified the Director of Emergency Services' proclamation of the existence of a local emergency in response to the COVID-19 pandemic; and

WHEREAS, it has now been more than two months since these emergency declarations have been issued and Banning has not encountered a wide-spread outbreak of COVID-19 infections or hospitalizations in Banning; and

WHEREAS, as of May 20, 2020, there have only been 88 confirmed Coronavirus cases in Banning, which is less than 0.3% of the City's population; and

WHEREAS, as of May 20, 2020, there have only been 2 deaths caused by Coronavirus in Banning, which is less than 0.006% of the City's population; and

WHEREAS, people and businesses of the City of Banning have taken the necessary steps to slow the pandemic, and it is now important that we move quickly to address the urgent needs of businesses to reopen; and

WHEREAS, the impact of the Governor's Stay at Home Order and related State Orders and guidance (the "State Orders") has had a devastating impact on local businesses, forcing them perilously on life support as they fight for their very economic survival and livelihood; and

WHEREAS, the impact of the State Orders on business operations has begun to have significant impacts on the City's revenue sources, resulting in the need to make deep and painful budget cuts that will impact essential operations of the City; and

WHEREAS, the Riverside County Board of Supervisors, noting the extreme hardship the State Orders have had on local businesses, personal freedoms and on the operations of local governments, unanimously approved its Readiness and Reopening Framework on May 12, 2020, requesting regional variance from the State to move into Expanded Stage 2 of the Governor's four-stage reopening plan; and

WHEREAS, the County's Readiness and Reopening Framework provides a path to reopen the economy with the appropriate health and safety measures in place and describes the County's progress towards achieving the readiness metrics that are required to enter into Expanded Stage 2, which, if approved by the State, would allow restaurants to reopen for inside dining and allow for retail stores to reopen; and

WHEREAS, the County of Riverside's proposed cycle for reopening sectors of the economy includes the following: (1) review and evaluate efforts to slow the spread of COVID-19; (2) engage with sector leaders to plan for reopening; (3) develop protocols for reopening; and (4) reopen sectors by stage; and

WHEREAS, on May 21, 2020, the County of Riverside submitted a revised request to the State to receive regional variance to move to Expanded Stage 2 of the State's reopening plan based on the State's revised readiness criteria; and

WHEREAS, on May 22, 2020, the State approved the County of Riverside's request for regional variance to move to Expanded Stage 2 of the State's reopening plan which allows all retail stores to reopen and allows restaurants to recommence dine-in service under social distancing and other restrictions; and

WHEREAS, given the City of Banning's extremely low infection and death rate from COVID-19 and the absence of any compelling state interest to keep Banning businesses closed, the City is now entitled to move into Stage 3 where most businesses will be allowed to reopen; and

WHEREAS, the City of Banning acknowledges the health risks associated with COVID-19 for all individuals, including and particularly, those with underlying health conditions and trusts our businesses to operate safely; and

Resolution 2020-69

WHEREAS, the City of Banning strongly advises individuals with underlying health conditions and those over the age of 65 to stay at home and follow State Public Health Department Orders and guidance along with guidelines from the National Center for Disease Control (CDC); and

WHEREAS, at the same time, the City of Banning welcomes, honors, and respects the contributions of all businesses, regardless of their size, and regardless of whether or not they have been deemed "essential" by state or county bodies to the economy, vitality and needs of the community in Banning; and

WHEREAS, the City of Banning's diverse businesses positively contribute to the economic, cultural, and social fabric of the City and they need an opportunity to regain economic strength and begin to operate freely but safely; and

WHEREAS, all businesses in the City have not only been a catalyst for the City's recent economic recovery from the Great Recession, but have also been the backbone of the City throughout its 107-year history, and we need them to now pull us out of the economic catastrophe caused by the COVID-19 shutdown; and

WHEREAS, the City of Banning's businesses are socially responsible, and are able and willing to maintain effective social distancing and health protocols to ensure the City remains one of the strongest COVID-19 success stories in California; and

WHEREAS, fostering a relationship of trust, respect, and open communication between City officials, businesses, and residents is essential to the City's mission of delivering effective public services in partnership with the community, thereby advancing a high quality of life for residents; and

WHEREAS, the City of Banning seeks to foster trust between City officials, businesses, and residents while properly allocating limited local resources and encouraging cooperation and open communication, to ensure public safety and due process for all, irrespective of business status; and

WHEREAS, the City of Banning desires to demonstrate its commitment to its businesses by providing a safe community and by assuring them that, in accordance with federal and state laws and all state licensing authorities, the City supports them reopening as quickly as possible.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Banning does hereby resolve as follows:

SECTION 1. The City of Banning supports the rapid reopening of businesses in Banning by urging the County of Riverside and the Governor of the State of California to take all actions needed to immediately move into Stage 3 of the Governor's reopening plan so that most businesses can reopen and do so in a healthy and safe manner.

SECTION 2. The City Council of the City of Banning wants businesses in Banning to understand that the City of Banning is not standing in their way. Local businesses are closed due to the State Orders, not because of the City's declaration of a local emergency which has no impact on the operations of local businesses.

SECTION 3. The City of Banning has limited code enforcement and public safety resources, which constrain its ability to monitor, track and enforce compliance of the City's businesses with the State Orders. The City will look upon Banning businesses to operate safely and responsibly with limited City oversight of their reopening requirements and responsibilities under State Orders.

SECTION 4. The City of Banning recognizes that State and County authorities directly license, permit, and regulate some businesses within the City and that the State Orders and phased reopening plans carry the force of law and that nothing in this Resolution is intended to abridge such authorities from overseeing applicable license regulations and restraints on such City businesses or to imply that they are immune from the State Orders or from other applicable state laws.

PASSED, APPROVED AND ADOPTED this 26th day of May 2020.

Daniela Andrade, Mayor
City of Banning

ATTEST:

Sonja De La Fuente, Deputy City Clerk
City of Banning

**APPROVED AS TO FORM AND
LEGAL CONTENT:**

Kevin G. Ennis, Esq., City Attorney
Richards, Watson & Gershon

Resolution 2020-69

CERTIFICATION:

I, Sonja De La Fuente, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2020-69, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 26th day of May 2020, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sonja De La Fuente, Deputy City Clerk
City of Banning

ATTACHMENT 5

RECEIVED

By Sonja De La Fuente at 9:15 am, May 26, 2020

Hi Sonja: Can you please read when item comes up on page 91- IX -2 concerning elected vs. appointed City Treasurer. Thanks Dr. John

May 25, 2020

Honorable Mayor and City Council:

I would like to take this opportunity to thank the citizens of Banning for allowing me to represent them since 2004 as their elected City Treasurer. After 16 years in this office I have decided not to seek re-election. It has come to my attention that this may be the last year that the office of the City Treasurer be an elected position but may become an appointed position if approved by members of the city council.

The City Treasurer position has been an elected office for over 100 years. I see no reason why there should be a change now and I strongly feel that it should continue to remain an elected position. The City Treasurer should be an independent and autonomous voice in all financial matters affecting our City and residents. The Treasurer should be able to make suggestions and recommendations to the Council without fear of any retribution or removal from office.

Again, thank you for the opportunity to serve.

Sincerely,

John McQuown