



*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

01/14/2020  
REGULAR MEETING

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

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT Douglas Schulze, City Manager  
Kevin G. Ennis, City Attorney  
Marie Calderon, City Clerk  
Sonja De La Fuente, Deputy City Clerk  
Matthew Hamner, Police Chief  
Art Vela, Public Works Director/City Engineer  
Adam Rush, Community Development Director  
Jennifer Christensen, Administrative Services Director  
Ralph Wright, Community Services Director  
Tom Miller, Electric Utility Director  
Suzanne Cook, Deputy Finance Director  
Jeff Horn, Police Captain  
Art Chacon, Code Compliance Supervisor  
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 Pro Tem Andrade on January 14, 2020, at 5:09 p.m. at the Banning City Council Chamber, 99 E. Ramsey Street, Banning, California.

Reverend Bill Dunn with St. Stephen's Episcopal Church offered the invocation.

Councilmember Happe led the audience in the Pledge of Allegiance.

## **II. AGENDA APPROVAL**

City Manager Schulze requested moving Report on Closed Session and Public Comment items ahead of the Presentation. A motion was made by Councilmember Welch, seconded by Mayor Pro Tem Wallace, to approve the agenda. Roll Call vote was taken as follows:

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

## **III. PRESENTATION(S)**

1. Outgoing Mayor  
The City Council Presented Art Welch with a plaque thanking him for his service as Mayor from December 12, 2018, through December 10, 2019.
2. Oath of Office - Parks & Recreation Commissioner, Juanita Diaz  
The City Clerk swore in the new Parks & Recreation Commissioner Diaz.
3. Mayor's Special Recognition  
The Mayor and City Council presented Certificates of Recognition to Laurie Sampson with the City of Banning and Coula Ringgold with Banning RV and thanked them for making Banning a better place to work, live, and play.
4. Point-in-Time 2020  
Kimberly Trone with Riverside County Department of Public Social Services and Amber Smalley with Riverside County 5<sup>th</sup> District Supervisor Jeffrey Hewitt, provided the PowerPoint presentation included in the Agenda packet and handed out two Quick Facts maps regarding the homeless population in Riverside County (Attachment 1). Volunteers may register to participate in the Point in Time Count at [www.rivcoexchange.com](http://www.rivcoexchange.com).

## **V. REPORT ON CLOSED SESSION**

City Attorney Ennis provided a report on Closed Session as follows:

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
Pursuant to Paragraph (1) of subdivision (d) of Section 54956.9  
Anthony Valdivia, et al. v. City of Banning, et al. – United States District Court Case No. 5:19-CV-01551-CAS-KK  
***Direction was given to legal counsel.***

2. **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 to the City Council.***
3. **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 to the City Council.***
4. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
Pursuant to Paragraph (1) of subdivision (d) of Section 54956.9  
Name of Case: Robertson's Ready Mix, Ltd. v. City of Banning, et al.,  
Case No. RIC 1513475  
***Direction was given to legal counsel.***
5. **CONFERENCE WITH LABOR NEGOTIATORS**  
Pursuant to Government Code Section 54957.6  
City designated representative: Douglas Schulze, City Manager  
Unrepresented employee: Tom Miller, Electric Utility Director  
***Direction was given to the City Manager and the item was continued to January 28, 2020.***
6. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
Pursuant to Government Code Section 54957(b)(1).  
Title: City Manager  
***This item was concluded.***
7. **CONFERENCE WITH LABOR NEGOTIATORS**  
Pursuant to Government Code Section 54957.6  
City designated representatives: Mayor Andrade and City Attorney Ennis  
Unrepresented employee: City Manager  
**CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to  
Government Code Section 54956.8  
***Direction was given to the City Attorney and the item was continued to January 28, 2020.***

## **VI. PUBLIC COMMENTS, CORRESPONDENCE, AND APPOINTMENTS**

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

### **PUBLIC COMMENT(S)**

Bill Hobbs brought it to the City Council's attention that there are potholes on Interstate 10 and encouraged them to contact Caltrans to get them fixed.

Inge Schuler read Don Peterson's resignation letter and provided a copy to be entered into the record (Attachment 2).

Ellen Carr with Tender Loving Critters informed all that Animal Action League was in the City of Banning January 13 through 15, 2020 and again February 5-6, 2020. Call (760) 366-1100 for appointments. She encouraged everyone to express their gratitude for their services. She also expressed concern regarding her utility bill autopay coming out of her account early.

Frank Connelly with Vista Serena HOA expressed his concern with illegal dumping taking place at the end of Gillman Street. He also inquired as to whether it was allowed for the property across the street to put their trash cans on the Vista Serena side of the street.

John Hagan expressed his concerns regarding potentially increased Landscape Maintenance District fees and encouraged the public to look out for the Prop 218 notice and not throw it out.

Seeing no further comments, the Mayor closed Public Comments.

### **CORRESPONDENCE**

One item of correspondence was received related to Agenda Item VI.5 (Attachment 3).

### **APPOINTMENT(S)**

1. City Council Committee Assignments

**Public Comment - None**



A motion was made by Councilmember Happe, seconded by Mayor Pro Tem Wallace, to affirm City Council Committee Assignments for 2020 (Attachment 4). Electronic vote was taken as follows:

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

**Action:       2020 City Council Committee Assignments Affirmed.**

## **VI.    CONSENT ITEMS**

Mayor Andrade asked if the Council wished to pull an item for discussion. Councilmember Happe pulled items 8 and 11 for discussion.

1.     Minutes – December 10, 2019, Special Meeting (Interviews)
2.     Minutes – December 10, 2019, Special Meeting (Closed Session)
3.     Minutes – December 10, 2019, Special Meeting (Workshop)
4.     Minutes – December 10, 2019, Regular Meeting
5.     Ordinance 1553, An Ordinance of the City Council of the City of Banning, California, Amending Chapter 3.36 'Fee and Service Charge Revenue/Cost Comparison' of the Banning Municipal Code ("Code Amendment") and Making Findings Pursuant to CEQA (*2<sup>nd</sup> Reading*)
6.     Ordinance 1557, an Ordinance of the City Council of the City of Banning, California, approving Zone Change 19-3501 to Amend the Zoning Classification for Multiple Properties Located Within Seven (Locations 1, 2, 3, 4, 6, 7, 9) of the Original Nine Proposed Locations Throughout the City (APN'S 532-130-008, 541-260-033, -035, - 041, -042, -044, -047, 534-171-008, -009, 532-160-005, -007, -008, -009, -013, -014, 540-250-060, 540-250-034, -045, and 534-152-025), and Making Findings Pursuant to CEQA (*2<sup>nd</sup> Reading*)
7.     Notice of Completion, Project 2019-04WW, "Iron Sponge Media Replacement"
9.     Resolution 2020-1 SA, Approving the Recognized Obligation Payment Schedule (ROPS) 20-21 A and B
10.    Resolution 2020-2 UA, Approving the Agreement with E.R. Block Plumbing Inc., of Riverside, California, for Citywide Backflow Testing and Repair Services in the Amount of \$25,000
12.    Resolution 2020-4, Authorizing a Change Order to the Police Department's Current Blanket Purchase Order with Dell Marketing LP C/O Dell USA, LP in the Amount of \$25,000 to Allow for the Purchase of Additional Computers and Related Equipment

13. Resolution 2020-5, Approving Amendment No. 1 to the Professional Services Agreement with Engineering Resources of Southern California for an Additional \$350,000 for Plan Check, Inspections and Related Administrative Services
14. Resolution 2020-9, Approving a New Travel & Meeting Policy
15. Lease Termination – 2041 W. Nicolet (Armory)

### **Public Comments**

Morgan Keith spoke regarding Consent Item #5 and advised that he would still like Willdan's formula data. He also submitted a letter and spreadsheets (Attachment 3).

Ellen Carr spoke regarding Consent Item #5 and expressed concern with some fees.

Seeing no further comments, the Mayor closed Public Comment.

A motion was made by Mayor Pro Tem Wallace, seconded by Councilmember Welch, to approve consent calendar items 1-7, 9-10, and 12-15. Electronic vote was taken as follows:

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

**Action:      Approved Consent Items 1-7, 9-10, and 12-15.**

8. Resolution 2020-1, Amending Two of the Electric Utility's Rate Tariffs: "Schedule NMS – Net Metering Surplus Production" and "Schedule DSG – Distributed Self Generation", for the Purpose of Adjusting the Compensation Rates to Reflect Current Market Conditions and for Modifying Certain Provisions

### **Public Comment**

John Hagan expressed concern with the utility buyback rate for the purchase of solar going down and would like there to be an equitable rate.

Electric Utility Director Miller explained why the rate is going down.

Seeing no further comments, the Mayor closed Public Comment.

A motion was made by Councilmember Happe, seconded by Councilmember Welch, to approve consent item 8. Electronic vote was taken as follows:

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

**Action: Approved Consent Item 8.**

11. Resolution 2020-3, Recognizing the Importance of the 2020 United States Census and Supporting a Complete, Fair and Accurate Count of All Banning Residents

Councilmember Happe asked Parks & Recreation Director Ralph Wright to explain the importance of the 2020 Census to the City and he did so.

**Public Comment**

None

A motion was made by Councilmember Happe, seconded by Councilmember Welch, to approve consent item 11. Electronic vote was taken as follows:

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

**Action: Approved Consent Item 11.**

The Mayor asked City Manager Doug Schulze to explain Consent Item 15 and he did so.

**VII. PUBLIC HEARING(S)**

1. Ordinance 1552, Zoning Text Amendment 19-97503, Approving Zoning Text Amendment 19-97503 Amending Section 17.108.020 "Permitted Uses" of Chapter 17.108 "Temporary Use Permits" Table 17.12.020 of Section 17.12.020 "Permitted, Conditional and Prohibited Uses" of Chapter 17.12 "Commercial and Industrial Districts" and Adding a New Section, 17.24.180, "Commercial Cargo/Storage Containers" Establishing Regulations for Commercial Cargo/Storage Containers of Title 17 "Zoning" of the Banning Municipal Code and Making Findings Pursuant to CEQA.

Adam Rush, Community Development Director provided a presentation (Attachment 5).

**The Mayor opened the Public Hearing.**

Richard Macias expressed concerns with the rear of a three acre property is too far away and that there are locations on John/Hargrave, Lincoln/San Gorgonio, and Hathaway/Barbour.

John Hagan pointed out that the amnesty program is meant to handle the existing containers.

**The Mayor closed the Public Hearing.**

The City Manager advised that page seven of the draft ordinance addresses concerns raised by Mr. Macias.

**Action: Approve revised ordinance (Option 2), which includes language for an amnesty program, however not allowed permanently in the front yard on residential lots.**

AYES: Andrade, Happe, Wallace & Welch

NOES: None

ABSTAIN: None

ABSENT: None

**The Mayor asked the City Clerk to read the title of Ordinance 1552**

*"Ordinance 1552, an Ordinance of the City Of Banning, California, Approving Zoning Text Amendment 19-97503, Amending Section 17.04.070 ("Definitions") Of Chapter 17.04 ("Basic Provisions"), Amending Table 17.08.020 Of Section 17.08.020 ("Permitted, Conditional and Prohibited Uses") of Chapter 17.08 ("Residential Districts"), Amending Table 17.12.020 ("Permitted, Conditional and Prohibited Commercial and Industrial Uses") of Section 17.12.020 ("Permitted, Conditional and Prohibited Uses") of Chapter 17.12 ("Commercial and Industrial Districts"), Adding a New Section 17.24.180 ("Commercial Cargo/Storage Containers") to Chapter 17.24 ("General Standards"), and Amending Section 17.108.020 ("Permitted Uses") of Chapter 17.108 ("Temporary Use Permits") of Title 17 ("Zoning") of the Banning Municipal Code to Establish Zoning and Design Standards for Commercial Cargo/Storage Containers, and Making a Determination of Exemption Under CEQA Guidelines Section 15060(C)(3)"*

A motion was made by Councilmember Welch, seconded by Councilmember Happe to waive further reading of Ordinance 1552. Electronic vote was taken as follows:



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

A motion was made by Councilmember Welch, seconded by Mayor Pro Tem Wallace that Ordinance 1552 pass its first reading. Electronic vote was taken as follows:

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

**Action: Ordinance 1552 passed its first reading.**

2. Ordinance 1554, approving Municipal Code and Zoning Text Amendment 19-97504, to add a new chapter 5.88 to, and deleting sections 17.108.020(K) and 17.108.070, of Chapter 17.108 of Title 17 of the Banning Municipal Code to create a Sidewalk Vending Program consistent with California State Senate Bill 946 related to local regulation of sidewalk and stationary sidewalk vendors

Adam Rush, Community Development Director provided a presentation (Attachment 6).

There was discussion held among Council and Staff and clarification provided by City Attorney Ennis and Code Compliance Supervisor Art Chacon.

**The Mayor opened the Public Hearing.**

John Hagan pointed out that the sidewalk vendors should not impede existing businesses.

Paul Smith asked how long the permit would be good for.

Community Development Director Adam Rush explained the permit is good for one year for a stationary vendor. If the vendor is mobile, they would need to identify an area that would be good for one year as well. They cannot impede ADA access. City Attorney Ennis explained the carts must be movable.

**The Mayor closed the Public Hearing.**

**The Mayor asked the City Clerk to read the title of Ordinance 1554**

*"Ordinance 1554, an Ordinance of the City Council of the City of Banning, California, adding a new Chapter 5.88 to, and deleting Sections 17.108.020(K) and 17.108.070 of Chapter 17.108 of Title 17 from the Banning Municipal Code to create a Sidewalk Vending Program."*

A motion was made by Councilmember Welch, seconded by Councilmember Happe to waive further reading of Ordinance 1554. Electronic vote was taken as follows:

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

A motion was made by Councilmember Welch, seconded by Mayor Pro Tem Wallace that Ordinance 1554 pass its first reading. Electronic vote was taken as follows:

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

**Action: Ordinance 1554 passed its first reading.**

3. Resolution 2020-6, approving, Conditional Use Permit 19-8006, authorizing a Cannabis Retailer at an existing developed property located at 2372 W. Ramsey Street (APN: 538-200-025) in the Highway Serving Commercial (HSC) Zoning District

Adam Rush, Community Development Director provided a presentation (Attachment 7). There was brief discussion and clarification among the City Council and staff. Mr. Rush confirmed that the hours of operation will be 11:00 a.m. until 7:00 p.m., which will be corrected under Condition No. 19.

**The Mayor opened the Public Hearing. Seeing nobody come forward, the Mayor closed the Public Hearing.**

A motion was made by Mayor Pro Tem Wallace, seconded by Councilmember Happe, to adopt Resolution 2020-6, approving Conditional Use Permit 19-8006 making a determination that the project is exempt under the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301 (Existing Facilities) authorizing a Cannabis Retailer at an existing developed property

located at 2372 W. Ramsey Street (APN: 538-200-025) in the Highway Serving Commercial (SC) Zoning District. Electronic vote was taken as follows:

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

**Action: Adopted Resolution 2020-6.**

4. Resolution 2020-7, approving, Conditional Use Permit 19-8010, authorizing a Cannabis Retailer at an existing developed property located at 1474 W. Ramsey Street (APN: 540-180-001) in the Highway Serving Commercial (HSC) Zoning District.

Adam Rush, Community Development Director provided a presentation (Attachment 8). There was brief discussion and clarification among the City Council and staff. The landlord and dispensary representative were available to answer any questions.

**The Mayor opened the Public Hearing. Seeing nobody come forward, the Mayor closed the Public Hearing.**

A motion was made by Mayor Pro Tem Wallace, seconded by Councilmember Happe, to adopt Resolution 2020-7, approving Conditional Use Permit 19-8010 making a determination that the project is exempt under the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301 (Existing Facilities) authorizing a Cannabis Retailer at an existing property located at 1474 W. Ramsey Street (APN: 540-180-001) in the Highway Serving Commercial (HSC) Zoning District. Electronic vote was taken as follows:

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

**Action: Adopted Resolution 2020-7.**

## **VIII. ANNOUNCEMENTS AND REPORTS**

### **CITY COUNCIL COMMITTEE REPORTS**

Mayor Pro Tem Wallace reported on the following:

- Attended League of California Cities meeting on January 13, 2020. General Melissa Corbin, Commander of the 452<sup>nd</sup> Air Mobility Wings. March Reserve is the largest reserve base in California. If a catastrophe were to happen, they would distribute supplies, etc. They also adopted a resolution supporting local control of energy solutions.
- Attended the Banning Chamber Board Meeting. Their awards and installations will be on February 8<sup>th</sup> at 6:00 p.m. at Morongo.
- Sunrise Banning Breakfast at Sizzler at 7:00 a.m. with 5<sup>th</sup> District Supervisor Jeff Hewitt speaking.
- Sunrise Banning Breakfast in February will host a Senate Candidate, Chris Goodfellow.
- Pass Area Veteran's Expo will be January 25<sup>th</sup> at 1:00 p.m. at Beaumont City Hall.
- Banning Market Night, Love Your Community – February 21<sup>st</sup> 4:00 p.m. until 8:00 p.m.
- January 15<sup>th</sup> from 5:00 p.m. until 7:00 p.m. there will be a Chamber Mixer at the Hampton Inn & Suites.
- Thanked the Chamber of Commerce for writing to the California Board of Education in support of the school district territory transfer from Beaumont to Banning.

Mayor Andrade reported on the following

- The Chamber of Commerce is working well with the City and bringing many events to the community.
- Market Night in December brought snow downtown.
- Thanked John Weeks for donating the sleds.
- Thanked Johnny Lawrence, Lawrence Equipment for bike donations.
- Grand Re-Opening of the Haven was a success. Robert Ybarra and AJ Cabral are the new owners.
- The Chamber donated \$1,800 to the Student of the Month Program and highlighted the Chamber of Commerce Board: President Robert Ybarra, Vice President Arthur Cabral, Secretary Paul Smith, and Members Dan Hassey, Ruben Cruz, Carlos Trejo, Kyle Pingree, Oleg Ivaschuk, Frank Burgess, David Lopez, Ruben Cruz, and Miranda Owens.
- Coffee in the Community will be held this year on a monthly basis. The first one was held at the Haven on January 4<sup>th</sup> from 7:00 a.m. until 2:00 p.m. then across the street at the Station Tap House in the evening.



- Coffee with the City Manager will be continued in 2020.
- Netflix filmed at the Haven Café this past weekend. Laura Leindecker played a waitress in the filming and she will be sure the City is credited.
- The Pinball Museum in Banning is #1 in the world. They hosted the INDISC Pinball Festival January 9-12, 2020, which brought people from all over the world.
- Attended the Downtown Ad Hoc Committee.
- Adopt-a-Roadway Applications are available at City Hall. This is a very good program to get involved.
- Attended the Healthy City Committee. Working diligently on the 5K Run and Walk. This will be the third consecutive year with increased participation.
- City Logo Committee has met and the City Manager will give an update on that under his report.
- Sunrise Banning Breakfast is Wednesday, January 15<sup>th</sup> at Sizzler and Supervisor Jeff Hewitt will be speaking.
- The City Council will be recognizing people or groups at every meeting this year.

Councilmember Happe had nothing to report.

Councilmember Welch had nothing to report.

The Mayor recessed the regular meeting at 8:02 p.m. and reconvened at 8:13 p.m.

#### REPORT BY CITY ATTORNEY

None

#### REPORT BY CITY MANAGER

City Manager Doug Schulze provided an update on the City Seal vs. the Community Logo (Attachment 9). In the meantime, all official City documents will be

#### REPORTS OF OFFICERS

1. Filling Council Vacancy

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

#### **Public Comment**

John Hagan asked if there were certain criteria required (i.e. live in the district for 90 days).

The City Attorney explained that the only requirement is to be a registered voter living in District 2 of the City of Banning.

Councilmember Welch provided some timeline information and recommended an informational workshop for anyone interested in applying.

The City Manager indicated he will also prepare a notice to mail out to District 2 registered voters.

A motion was made by Councilmember Happe, seconded by Councilmember Welch, to advertise and recruit a qualified candidate from District 2 for appointment to fill the vacancy until a candidate is elected during the regular election on November 3, 2020. Electronic vote was taken as follows:

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

**Action: Advertise and recruit to fill the vacancy in District 2.**

2. Resolution 2020-8, Authorizing Waiver of Fees for Habitat for Humanity to Construct a Single-Family Residence (SFR) Located at Lot No. 17 (APN: 541-042-010), Wilson Street

Amy Minjares, Executive Director at Habitat for Humanity thanked the Council for their consideration (Attachment 10).

A motion was made by Councilmember Welch, seconded by Mayor Andrade, to adopt Resolution 2020-8, authorizing waiver of fees for Habitat for Humanity to construct a SFR at Lot No. 17, which is located on Wilson Street in the City of Banning. Electronic vote was taken as follows:

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

3. Statement of Investment Policy

Administrative Services Director Jennifer Christensen provided a presentation for this item (Attachment 11). She pointed out that the policy included in the agenda packet

had a typo on page four where it said County instead of City and that would be corrected in the final version.

### **Public Comment**

None

A motion was made by Councilmember Welch, seconded by Mayor Pro Tem Wallace, to adopt the Statement of Investment Policy, Administrative Policy No. B-11 with the correction as noted on page four. Electronic vote was taken as follows:

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

4. Resolutions of Necessity 2019-159, 2019-160, 2019-161, 2019-162, and 2019-163, for the Acquisition by Eminent Domain of Certain Real Property Interests Necessary for Public Purposes in Connection with the City's Ramsey/Hathaway Street Improvement Project

City Manager Doug Schulze presented the staff report for this item and recommended the item be continued to the January 28, 2020, meeting.

### **Public Comment**

None

A motion was made by Councilmember Welch, seconded by Mayor Andrade, to Continue this matter to the meeting of January 28, 2020 in accordance with the notice provided to the property owner. Electronic vote was taken as follows:

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

5. First Reading of Ordinance 1556, Approving Zoning Text Amendment (ZTA) No. 19-97505 Adopting by Reference the California State Model Water Efficient Landscape Ordinance, Codified at Chapter 2.7 of Title 23 of the California Code of Regulations, and Making Certain Clarifying Revisions to the Landscape Provisions within Title 17 of the Banning Municipal Code and Finding the Project Exempt from CEQA Guidelines Section 15378 and Adopting a Categorical Exemption.

Community Development Director Adam Rush provided a presentation for this item (Attachment 12).

## **Public Comment**

None

A motion was made by Councilmember Welch, seconded by Councilmember Happe, to 1) Approve for the first reading, Ordinance 1556 approving Zoning Text Amendment 19-97505 adopting by reference the California State Model Water Efficient Landscape Ordinance, Codified at Chapter 2.7 of Title 23 of the California Code of Regulations, and making certain clarifying revisions to the landscape provisions within Title 17 of the Banning Municipal Code; and 2) Make a determination pursuant to Section 15060(c)(3) of the California Environmental Quality Act (CEQA) that the Zoning Text Amendment is not subject to CEQA because the amendment is not a project as defined by the CEQA Guidelines Section 15378. Electronic vote was taken as follows:

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

**Action: Ordinance 1556 pass its first reading and schedule a Public Hearing for the second reading on February 11, 2020, at 5:00 p.m.**

## **IX. DISCUSSION ITEM**

None

**CITY COUNCIL – Next Meeting, January 28, 2020, 5:00 p.m.**

## **X. ITEMS FOR FUTURE AGENDAS**

## **XI. ADJOURNMENT**

By consensus, the meeting was adjourned at 9:01 p.m.



Minutes Prepared by:

A handwritten signature in blue ink, appearing to read 'Sonja', with a stylized flourish at the end.

Sonja De La Fuente, Deputy City Clerk

The entire discussion of this meeting may be viewed here:

<https://banninglive.viebit.com/player.php?hash=DTvSNqTYFKFc> and related

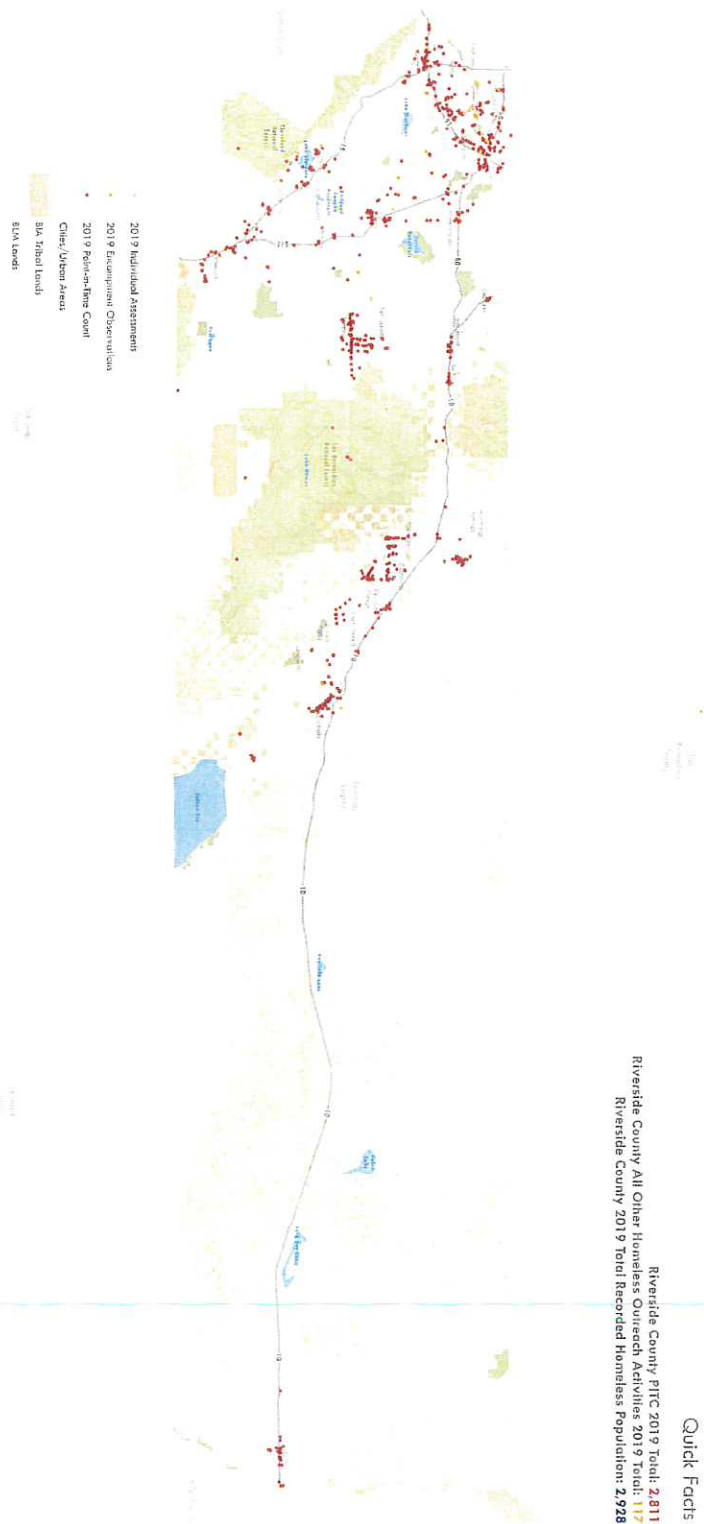
documents may be viewed here:

<http://www.ci.banning.ca.us/ArchiveCenter/ViewFile/Item/2225> 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

# Homeless Population in Riverside County

Locations recorded during the 2019 Point-in-Time Count (PTC) and other outreach activities conducted by various County departments in 2019



Locations recorded during the 2019 Point-in-Time Count (PITC) and other outreach activities conducted by various County departments in 2019





# ATTACHMENT 2

Rec'd 1/14/20 (SW)

Date: January 2<sup>nd</sup>, 2020

To: Mayor Art Welch and the Citizens of Banning :

After serving on the Banning City Council for 7 years (6 years in the minority), I have decided to submit my resignation effective January 13, 2020.

As you know, I am in strong disagreement with the direction the city has been taking and have given up all hopes that my presence on the council could change the self-destructive course Banning has now taken.

Specifically, the reasons for my resignation are as follows:

1. I cannot work with an unqualified newly elected Mayor like Daniela Andrade. Unreported by the Record Gazette, Daniela Andrade recently filed for bankruptcy with personal debt exceeding \$200k. Having a Mayor like Andrade is not only a disgrace to Banning, it also sends a message that the people of Banning are ok with her representation. When in fact, they are not!
2. I cannot work with an unqualified Mayor Pro Tem like Colleen Wallace. Unreported by the Record Gazette, Wallace is a convicted criminal, probation violator, and was even charged with Felony Check Forgery. Having a criminal like Wallace as Mayor Pro Tem illustrates how low Banning has really sunk.
3. I cannot work with an unqualified City manager like Doug Schulze. Unreported by the Record Gazette, Schulze not only filed for personal bankruptcy twice, but also had three (3) of his homes foreclosed on. How can anyone displaying so little accountability in his personal finances be qualified to lead a city? Based on his track record, I predict that Schulze will lead Banning into bankruptcy in the years to come.
4. I am also tired of watching how our Electric Utility continues to gouge the citizens of Banning to such an extent, that they are now sitting on close to \$30 million in cash. Over the years, this money was stolen from the ratepayers in violation of California Proposition 26 and used to pay the excessive salaries of our City Manager and Police Chief. But believe it or not, my colleagues on the council see nothing wrong with this theft: ALL of them are on board to raise your electric rates yet again.

The City Manager was hired to resolve our two-million-dollar deficit, but has only contributed to it, by increasing his own salary along with that of his best friend, Chief Hamner.

5. Lastly, I cannot work with Chief Hamner. Unreported by the Record Gazette, the District Attorney's Office is contemplating filing charges against a Banning Police Officer for an on-duty murder. Chief Hamner has refused to place the officer on Administrative leave or inform the City Council of the results of / or if a shooting review board has even occurred. Chief Hamner and Captain Horn were never qualified to be police officers in California and are now the top paid managers in the City.

It has been my observation that the City of Banning is led by unqualified, narcissistic and compromised individuals, who care only about themselves and the special interest groups that finance them. I have no desire nor the time to take part in their charade.

I will leave you with this quote from Dr. Martin Luther King: "To Ignore Evil Is To Become Accomplice To It".

Don Peterson  
Councilman for District 2

# ATTACHMENT 3

**RECEIVED**

By Sonja De La Fuente at 9:44 am, Jan 13, 2020

**Re: Agenda Item VI.5**

Addressing the City Council Meeting: January 14, 2020

City Council Members, City Manager, City Attorney, City Clerk, Community Developer Director:

RE: Morgan Keith's letter submitted to City Council and staff members. December 10, 2019

Morgan Keith submitted the following introduction to the letter referenced below to the City of Banning on December 19, 2019:

"RE: The Willdan Study Report and the City of Banning, Staff Report: Resolution 2019-113 and Ordinance 1553, December 10, 2019

***"Previous Public Records Requests:***

"As a consultant advocating for BIA-Riverside, I made numerous public records requests for the documents relating to the administration of the building department. The City Clerk's office responded to many of my requests and I thank them for their professional services.

"Many of my public records requests specified a request for the 'backup' data that Willdan used to determine the fees associated with Building Department services related to SFR consolidated fees that includes plan check, permit issuance, and building department (inspection) fees. Willdan and members of the City's staff consistently refused my requests based upon Willdan's claim that their methodological matrix used in data analysis which was the basis of their report is proprietary. I firmly disagree as their *Comprehensive User Fee Report* was funded with public monies and they consulted City staff and thus the data should be available for public review.

"Willdan is the only fee consultant whose work effort I have requested was denied."

My letter concluded:

"I request that the City Council direct staff and Willdan release the "back-up" documentation and the Cost Allocation Plan per the California Public Records Act."

On December 10, 2019, City Council members discussed my request with Kevin G. Ennis, the City Attorney, and he stated that often the Professional Service Agreements are drafted so as to provide public review of their "backup" calculations that substantially supporting their analysis and recommendations (or something to that effect) and that he would review the agreement as to read how the language of the agreement addressed that issue.

As of January 10, 2020, I have not received any comments concerning Kevin Ennis' review. I believe that some of the members of the City Council that were present also were (and should be) interested in learning of Kevin Ennis' review of the Professional Service Agreement as to if the "backup" calculations were proprietary or subject to review by members of the public through a filing of a California Public Records written request.

Second, consider the variable user fees charged by the City since 2007 when the last user fees pertaining to Building Department service fees were adopted for building permit processing, permit issuance, plan check, and building inspections for a typical 1,500 sf single-family residential dwelling (SFD). The following table lists the escalation of these fees from 2007 through September 10, 2019. Please notice the various fee recommendations provided by

Addressing the City Council Meeting: January 14, 2020

Willdan in their User Fee Reports beginning with March 9, 2018. Also, note the increased estimated fees provided by the Building & Safety Department that do not comply with the fees in effect since 2007. These estimates and recommendations do not agree their own provider or with each other.

**Comparison Estimated Cost of a Building Permit Fee for  
a Single Family Residential 1,500 Type-V**

	A	B
1	2007 'Current' SF w/ Carport	\$ 1,408
2	2007 'Current' SF w/Garage	\$ 1,636
3	B&S Estimated 1/15/2015	\$ 1,817
4	B&S Estimated 7/1/2016	\$ 1,825
5	Willdan User Fee Report 3/9/2018	\$ 3,679
6	B&S Estimated 10/15/2018	\$ 2,760
7	Willdan User Fee Report 1/2/2019	\$ 2,187
8	B&S Estimated 7/1/2019	\$ 2,766
9	Willdan User Fee Report 9/10/2019	\$ 3,067

The fee for a 1,500 sf SFD that the City staff presented for adoption on December 10, 2019, equals about \$3,110, which does not equal any of those fees provided above. Subsequently, who recommended and where did this proposed fee amount come from? If Staff came up with this recommended fee, then the City cannot demur my Public Records request for the "backup" calculations using Willdan's 'proprietary' argument.

I, citing the California Public Records Act, therefore request a written copy of the "backup" calculations that provide the foundation for the fees proposed and adopted relating to the permitting and inspection services provided by the City Building Department for single-family residential dwellings. I also repeat my previous request for Willdan's "backup" calculations.

Morgan Keith, Consultant to the BIA-Riverside



Rec'd 1/14/20

BUILDING PERMIT FEES - COMMERCIAL TYPES, P.L. 178

Old Construction Fee Schedule		New Construction Fee Schedule - 100% Cost Recovery	
UBC Class	UBC Description	Fee	Fee
Commercial - New	1,001	1,620.00 plus	25.31
	1,002	2,620.00 plus	25.31
	1,003	3,620.00 plus	25.31
	1,004	4,620.00 plus	25.31
	1,005	5,620.00 plus	25.31
Commercial - Existing	1,006	1,620.00 plus	25.31
	1,007	2,620.00 plus	25.31
	1,008	3,620.00 plus	25.31
	1,009	4,620.00 plus	25.31
	1,010	5,620.00 plus	25.31
Industrial - New	1,011	1,620.00 plus	25.31
	1,012	2,620.00 plus	25.31
	1,013	3,620.00 plus	25.31
	1,014	4,620.00 plus	25.31
	1,015	5,620.00 plus	25.31
Industrial - Existing	1,016	1,620.00 plus	25.31
	1,017	2,620.00 plus	25.31
	1,018	3,620.00 plus	25.31
	1,019	4,620.00 plus	25.31
	1,020	5,620.00 plus	25.31
Residential - New	1,021	1,620.00 plus	25.31
	1,022	2,620.00 plus	25.31
	1,023	3,620.00 plus	25.31
	1,024	4,620.00 plus	25.31
	1,025	5,620.00 plus	25.31
Residential - Existing	1,026	1,620.00 plus	25.31
	1,027	2,620.00 plus	25.31
	1,028	3,620.00 plus	25.31
	1,029	4,620.00 plus	25.31
	1,030	5,620.00 plus	25.31
Garage/Storage/Workshop	1,031	1,620.00 plus	25.31
	1,032	2,620.00 plus	25.31
	1,033	3,620.00 plus	25.31
	1,034	4,620.00 plus	25.31
	1,035	5,620.00 plus	25.31

2001 est of 3,792.46 Mar 9, 2018

March 9, 2018



34

39

City of Banning

2001-51 42,373.31

Jan 2, 2019

Comprehensive User Fee Study

1st

STUDY Session

Jan 8, 2019

Jan 2, 2019

[illegible]

Res  
NO. 2019-113  
DEPT & Fee

CITY OF BANNING  
SCHEDULE OF FEES  
BUILDING DEPARTMENT FEES

ORD NO  
1553

JAN 14, 2020

2001 sq ft		Construction Types: II N, III N, IV, V N		
UBC Class	UBC Occupancy Type	Project Size Threshold	Base Cost @ Threshold Size	Blended Cost for Each Additional 100 s.f. *
	Residential (Single or Multi - Per Dwelling Unit)	1	\$2,512	\$24.47
		801	\$2,708	\$67.97
		1,201	\$2,980	\$43.50
		2,001	\$3,328	\$44.59
		3,001	\$3,774	\$63.08
		4,001	\$4,404	\$41.33
		6,001	\$5,231	\$23.11
		10,001	\$6,155	\$31.19
	Residential - Production Phase	1	\$2,212	\$28.00
		801	\$2,436	\$7.61
		1,201	\$2,466	\$60.36
		2,001	\$2,949	\$27.19
		3,001	\$3,221	\$53.72
		4,001	\$3,758	\$39.26
		6,001	\$4,544	\$19.25
		10,001	\$5,314	\$1.27
	Residential - Addition (Single or Multi Family)	1	\$1,740	\$43.50
		301	\$1,871	\$184.88
		501	\$2,240	\$101.50
		801	\$2,545	\$63.70
		1,501	\$2,991	\$91.35
		2,001	\$3,447	\$122.82
	Residential - Remodel (Single or Multi Family)	1	\$1,327	\$18.13
		301	\$1,381	\$119.63
		501	\$1,620	\$39.88
		801	\$1,740	\$38.84
		1,501	\$2,012	\$21.67
		2,001	\$2,153	\$31.08
	Commercial	1,001	\$2,925	\$26.92
		5,001	\$4,002	\$30.89
		10,001	\$5,546	\$20.99
		20,001	\$7,645	\$9.10
		50,001	\$10,375	\$6.26
		100,001	\$13,507	\$8.37
	Industrial	1,001	\$2,632	\$17.67
		5,001	\$3,339	\$20.01
		10,001	\$4,339	\$13.05
		20,001	\$5,644	\$4.28
		50,001	\$6,927	\$4.26
		100,001	\$9,059	\$5.52
	Tenant Improvements	1	\$1,892	\$47.58
		801	\$2,273	\$89.42
		1,251	\$2,675	\$54.81
		2,501	\$3,360	\$26.97
		5,001	\$4,035	\$9.43
		12,501	\$4,742	\$12.72

# ATTACHMENT 4

**COMMITTEE ASSIGNMENTS FOR 2020**  
**CITY COUNCIL**  
**CITY OF BANNING**

NAME OF COMMITTEE	DAY & TIME OF MEETING	ASSIGNMENT	ALTERNATE	STAFF MEMBER
Western Riverside Council of Governments (WRCOG) <i>(receive stipend) (\$150.00)</i>	1 <sup>st</sup> Monday of each month 2:00 p.m.	Andrade	Happe	City Manager
Riverside Transit Agency (RTA) <i>(receive stipend) (\$150.00)</i> <i>(plus round-trip mileage)</i>	4 <sup>th</sup> Thurs. of each month – 2:00 p.m. (Dark-August) (Nov. & Dec. 3 <sup>rd</sup> . Thursday)	Welch	Happe	Public Works Director
Riverside County Transportation Commission (RCTC) <i>(receive stipend) (\$100.00)</i>	2 <sup>nd</sup> Wednesday of each month - 9:00 a.m.	Welch	Andrade	Public Works Director
Pass Area Transportation NOW Committee	1 <sup>st</sup> Thursday of each month at 12:00 p.m.	Welch	Happe	Public Works Director
Regional Conservation Authority (RCA) <i>(receive stipend) (\$100.00)</i> <i>plus mileage)</i>	1 <sup>st</sup> Monday of each month at 12:30 p.m.	Andrade	Wallace	Community Development Director
Southern California Association of Governments (CEHD)	1 <sup>st</sup> Thursday of each month at 10:30 a.m.	Happe	Wallace	

## **COMMITTEE ASSIGNMENTS FOR 2020**

### **CITY COUNCIL CITY OF BANNING**

<b>GOVERNMENT ACCESS CHANNEL COMMITTEE (as needed)</b>	<b>LEAGUE OF CALIF. CITIES – Contact and Executive Board Representative</b>	<b>LEAGUE OF CALIFORNIA CITIES (External Group)</b>	<b>SAN GORGONIO PASS WATER AGENCY (External Group)</b>	<b>COMMUNITY ACTION AGENCY (External Group) <i>3<sup>rd</sup> Thurs. of each month at 7:00 p.m.</i></b>
Wallace Welch  Staff: Multi-Media Specialist	Andrade	City Council	Happe Welch  Staff: Public Works Director	Andrade Wallace

### **2 x 2 COUNCIL WORKING GROUPS**

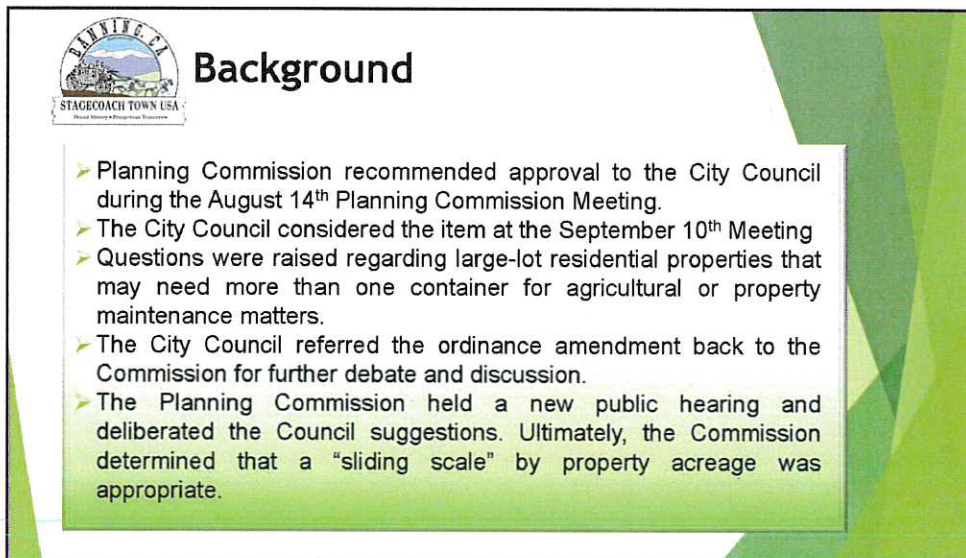
*Groups meet as needed.*

<b>BANNING UNIFIED SCHOOL DIST.</b>	<b>MORONGO BAND OF MISSION INDIANS</b>	<b>MT. SAN JACINTO COLLEGE</b>	<b>SAN GORGONIO MEMORIAL HOSPITAL</b>	<b>BUDGET &amp; FINANCE</b>
Wallace Welch  Staff: City Manager	Happe Welch  Staff: City Manager	Welch Andrade  Staff: City Manager	Wallace Welch  Staff: City Manager	Welch Happe McQuown  Staff: Administrative Services Director

<b>AD HOC ECONOMIC DEVELOPMENT COMMITTEE</b>	<b>CITY OF BEAUMONT</b>	<b>HEALTHY LIVING CITY</b>	<b>DOWNTOWN AD-HOC COMMITTEE</b>	<b>ELECTRIC COST OF SERVICE AD- HOC COMMITTEE</b>
Andrade Welch  Staff: Economic Development Manager	Welch Andrade  Staff: City Manager	Wallace Andrade  Staff: Parks & Recreation Director	Andrade Wallace  Staff: City Manager	Welch Happe McQuown Westholder Burgess  Staff: Electric Utility Director

# ATTACHMENT 5







## Background (cont'd)

### **Status Quo:**

Containers are limited to 60-days subject to a Temporary Use Permit (TUP).  
An exception remains for construction projects but in no case shall a container remain for more than one year.

### **Current Proposal:**

Permanent Storage Authorized in commercial, industrial, and residential zones of 20,000 s.f. or larger subject to a Planning & Building Approval and in compliance with Design Standards.

### **Council's Direction:**

*Create an Amnesty Program or other regulatory "vehicle" to allow existing properties – that contain storage containers – to remain subject to some or none of the proposed development standards.*

### **Additional Deliberation:**

*Counsel and City Staff have prepared two options available for the Council's Discussion.*



## Proposed Revisions (Opt. 1)

Compliance implementation program for pre-existing commercial cargo/storage containers:

- Must file an application within 180 days from effective date of ordinance.
- Application must be approved within six (6) weeks from application date or no later than October 16, 2020
- Storage containers must comply with minimum zoning setbacks, building code, only used for personal use.
- Only used as storage



## Proposed Revisions (Opt. 2)

### Amnesty Program:

- Must register by August 31, 2020.
- Storage containers, in residential properties must be contained within the rear of the lot.
- No compliance with minimum zoning setbacks.



## Background (cont'd)

Development Standards	VLDR	RR/H	RR	R/A/H	R/A
Min. Lot Size	20,000	40,000	40,000	10 Ac.	10 Ac.
Min. Front Setback (Feet)	50	50	50	50	35
Min. Rear Setback (Feet)	50	50	35	35	35
Min. Side Yard Setback (Feet)	25	25	25	25	15
Commercial Cargo/Storage Containers	1	2	2	5*	5*

\* No more than five (5) commercial cargo/storage containers shall be permitted on any parcel regardless of parcel size.





## Environmental Determination

City staff has determined that the proposed Zoning Text Amendment is not subject to the California Environmental Quality Act ("CEQA") pursuant to the State CEQA Guidelines Section 15060(c)(3) because it is not a project as defined by the CEQA Guidelines Section 15378. The Zoning Text Amendment will establish zoning and design standards for commercial cargo/storage containers within each zoning districts. In addition, adoption of the Zoning Text Amendment does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Further projects subject to the proposed Zoning Text Amendment will require a discretionary permit and CEQA review, and will be analyzed at the appropriate time in accordance with CEQA and the City of Banning Municipal Code.




## Recommendation

### RECOMMENDATION:


The Planning Commission recommends that the City Council:

- 1) Make a determination under CEQA Guidelines Section 15060(c)(3) that the Zoning Text Amendments are not subject to CEQA because the amendments are not a "project" as defined by the CEQA Guidelines Section 15378; and
- 2) Waive further reading and introduce, as read by title only, Ordinance No. 1552 (Attachment 3), an Ordinance of the City Council of the City of Banning, California, Approving Zoning Text Amendment (ZTA) No. 19-97503 amending Section 17.108.020 "Permitted Uses" of Chapter 17.108 "Temporary Use Permits," Table 17.12.020 of Section 17.12.020 "Permitted, Conditional and Prohibited Uses" of Chapter 17.12 "Commercial and Industrial Districts and adding a new Section 17.24.180, "Commercial cargo/storage containers" establishing regulations for commercial cargo/storage containers, of Title 17 "Zoning" of the Banning Municipal Code.



## Discussion

# Thank you & Questions



## Proposed Regulations

### Temporary Uses

17.108.020 – Permitted uses.

The following temporary use may be permitted, subject to the issuance of a Temporary Use Permit:

- A. On and off-site contractors' construction yards in conjunction with an approved development project, but these must be removed at the same time that the approved development project has been completed, or earlier if so directed by the Community Department or its Director.
- B. Trailer, coach or mobile home as a temporary residence of the property owner when a valid residential building permit is in force. The permit may be granted for up to 365 days, or upon expiration of the building permit, whichever occurs first.
- ~~C. Commercial cargo storage containers for a period not to exceed 60 days, unless the cargo container is used for a construction project with a valid building permit in which case the permit may be granted for up to 365 days.~~



## Proposed Regulations (cont'd)

### Commercial/Industrial Zoning District Authorized Uses

Zone	DC	GC	HSC	PO	I	AI	BP	IMR
Other Cannabis Uses	X	X	X	X	X	X	X	X
Commercial cargo storage container <sup>2</sup>	C	C	C	C	P	P	P	P
Community Gardens	P	P	P	P	P	P	P	P



## Proposed Regulations (cont'd)

### Residential Zoning District Authorized Uses

Zone	R/A	R/A/H	RR	RR/H	VLDR	LDR	MDR	HDR*	MHP
Other Cannabis Uses	X	X	X	X	X	X	X	X	X
Commercial Cargo Storage Containers	P	P	P	P	P	X	X	X	X
Community Gardens	P	P	P	P	P	P	P	P	P





## Development Standards (cont'd)

### Commercial/Industrial Zoning District Design Standards

In commercial and industrial zoning districts, the permanent placement of commercial cargo/storage containers, as an accessory use, is subject to the following development standards:

- ▶ Parcels must be conforming to current zoning standards
- ▶ Minimum 20-foot setbacks from all property lines
- ▶ Must be fully screened and placed at the rear of property (chain link prohibited)
- ▶ Neutral color and compatible with surroundings
- ▶ Must comply with current building codes
- ▶ Must be unaltered from the manufacturers specifications.
- ▶ No habitable occupancy type
- ▶ Maximum size is 8' x 8' x 53'



## Development Standards (cont'd)

### Residential Zoning District Authorized Uses

In residential zones, placement of commercial cargo/storage containers is allowed as an accessory use subject to the following development standards:

- ▶ Parcels must be conforming to current zoning standards
- ▶ Parcel must be a minimum of 20,000 s.f. for 1 container; 40,000 s.f. for 2 containers; 5-acres or more for up to 5 containers.
- ▶ Minimum 20-foot setbacks from all property lines
- ▶ Neutral color and compatible with surroundings
- ▶ Must comply with current building codes
- ▶ Must be unaltered from the manufacturers specifications.
- ▶ No habitable occupancy (e.g., no offices, ADU's, "man-caves" or "she-sheds")
- ▶ Maximum size is 8' x 8' x 53'
- ▶ Commercial cargo/storage containers shall be used solely by the resident/owner of the property in which a commercial cargo/storage container is located upon



## Development Standards (cont'd)

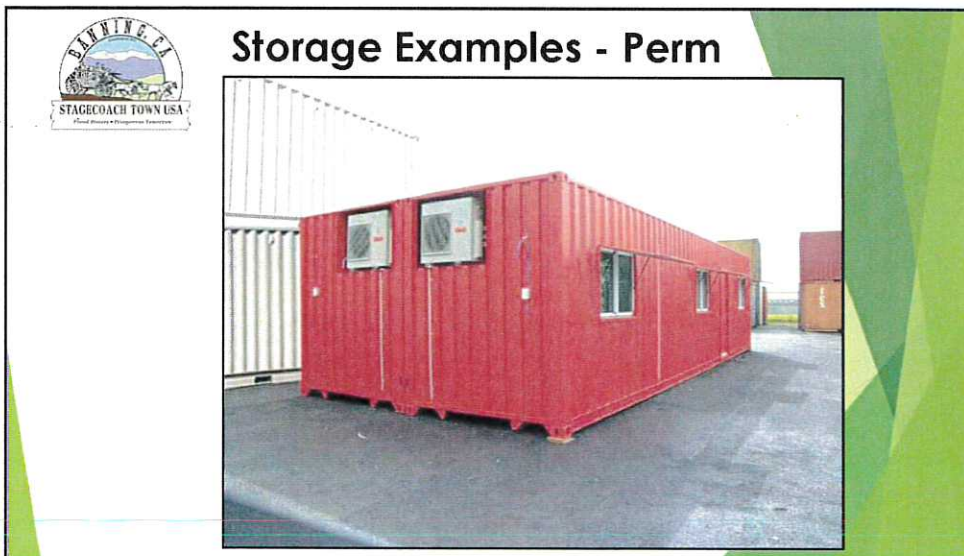
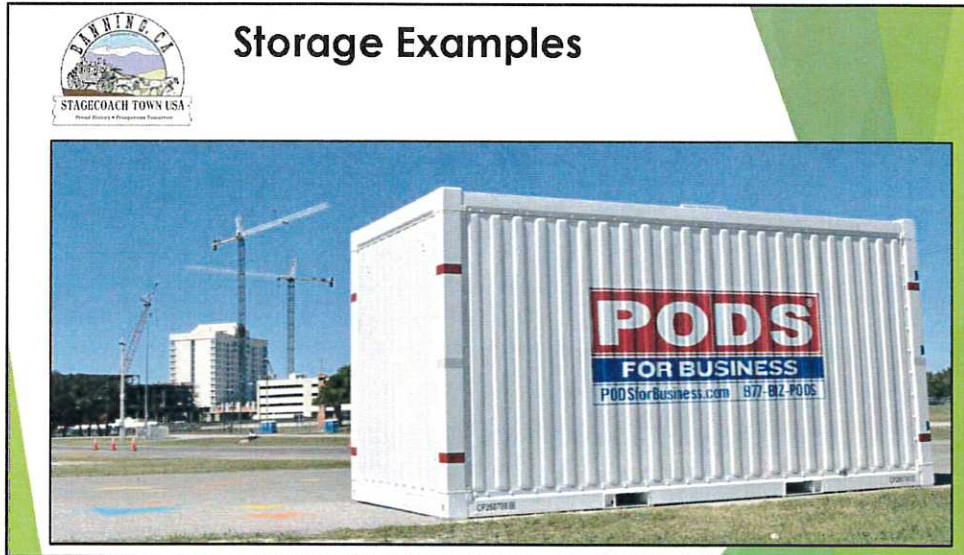
### Addition to Zoning Code Definitions

- ▶ Sec. 17.04.070 - Definitions
- ▶ Commercial Cargo/Storage Container is a portable shipping or cargo container made of metal that is used for the onsite storage of property, equipment, documents or goods associated with the primary use **contained business-housed** in an enclosed building on the property, or construction site. A metal shipping container is considered to be a maximum of eight (8') feet, a maximum of eight (8') feet wide, and a maximum of 53 feet long.
- ▶ For the purposes of this section, the Commercial Cargo/Storage Container shall not be used as habitable space.

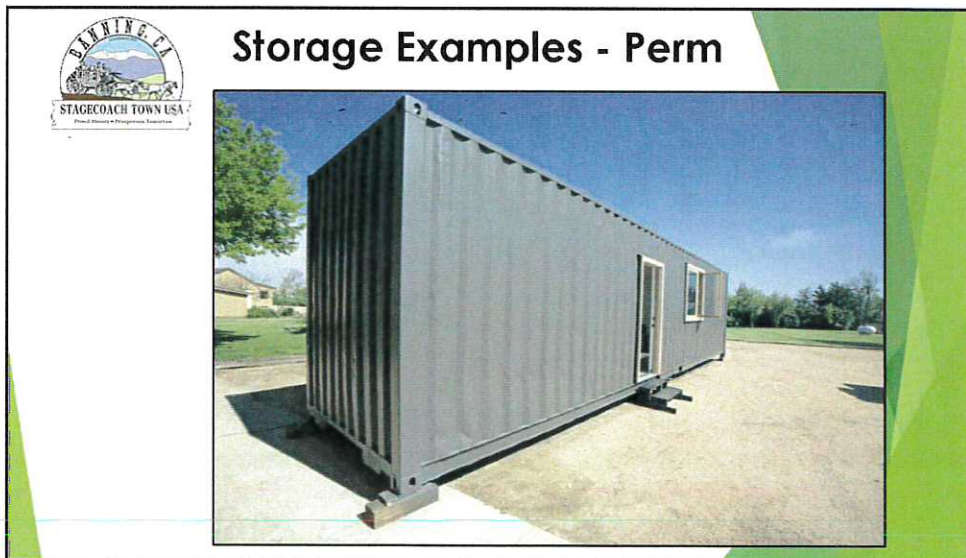
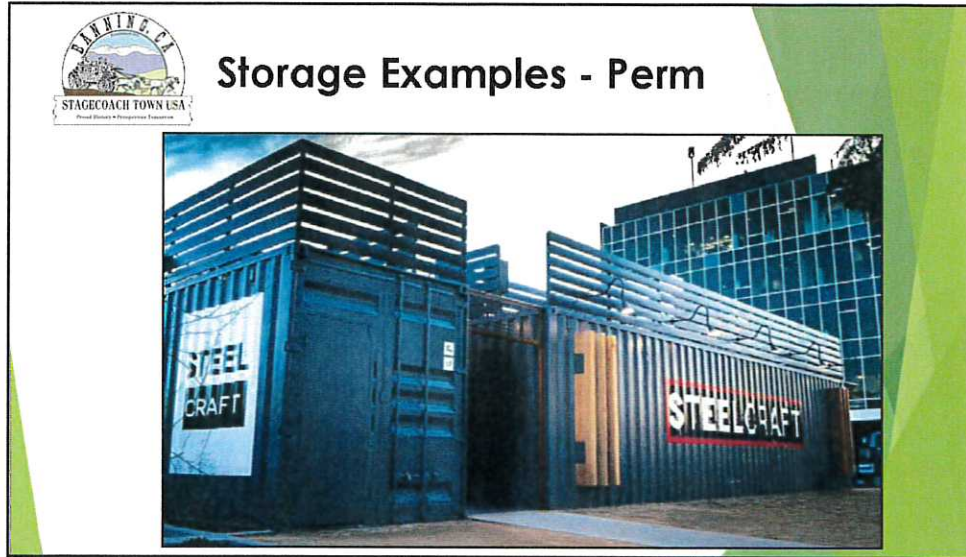


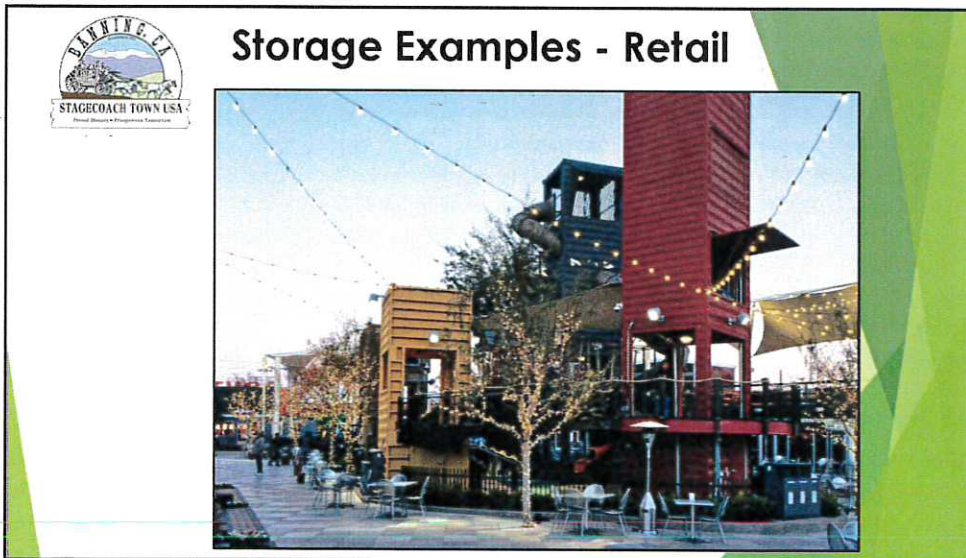
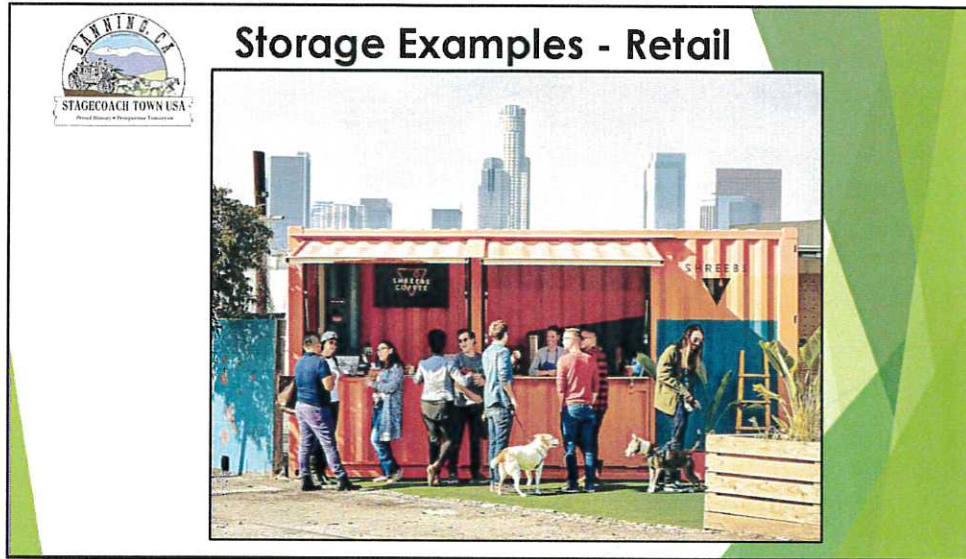
## Storage Examples - Temp















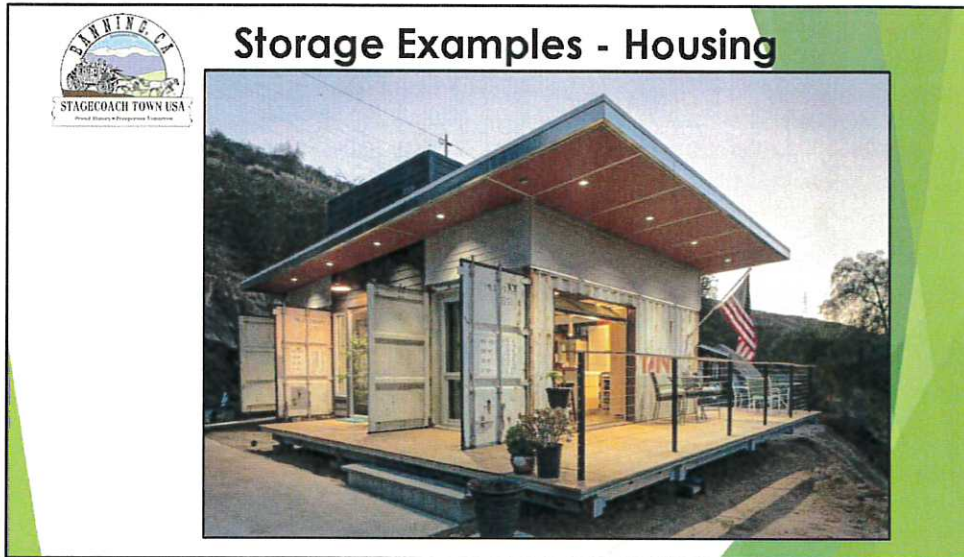
## Storage Examples - Retail



## Storage Examples - Housing









## Storage Examples - Housing




## Storage Examples - Housing




# ATTACHMENT 6





**CITY COUNCIL  
AGENDA ITEM VII. 2  
JANUARY 14, 2020**

**Consideration of Ordinance 1554 & ZTA 19-97504 proposing amendments to Title 5 and 17 of the Banning Municipal Code (BMC), to be consistent with California Senate Bill 946 related to local regulation of street vendors.**



**Background:**

- On September 17, 2018, Governor Brown signed Senate Bill 946 Which limits the City's ability to regulate sidewalk vending. The legislation defines "sidewalk vendor" as a person who sells food or merchandise on a public sidewalk or other pedestrian path. **Effective January 1, 2019.**
- Without an ordinance regulating sidewalk vending, the City will not be able to adequately address objective health, safety or welfare concerns of the general public including but not limited to:
  - Limiting hours of operation in a manner consistent with other businesses or uses;
  - Requiring sanitary conditions for food related vending, including proper permits from the Riverside County Department of Environmental Health; and
  - Ensuring no sidewalk vendor may place any cart or display in a manner that obstructs vehicular or pedestrian traffic.



## Proposed Amendment

Zoning Text Amendment 19-97504 is a proposed amendment to Title 5 and 17 of the Banning Municipal Code (BMC) to be consistent with California Senate Bill 946 related to local regulation of Street Vendors.

The purpose and intention of the Ordinance Amendment is to provide additional regulations to protect the health, safety, and welfare of the public.



## Definitions

- ▶ **Certified Farmers' Market** means a location operated in accordance with Chapter 10.5 of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter.
- ▶ **Director** means the Community Development Director, or his/her designee.
- ▶ **Roaming Sidewalk Vendor** means a sidewalk vendor who moves from place to place and stops only to complete a transaction.
- ▶ **Sidewalk Vendor** means a person who vends from a vending cart or from one's person, upon a public sidewalk, parkway, pedestrian path, or other public right-of-way available to pedestrians.
- ▶ **Stationary Sidewalk Vendor** means a sidewalk vendor who vends from a fixed location.
- ▶ **Swap Meet** means a location operated in accordance with Article 6 of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that article.



## Definitions (cont'd)

- ▶ **Sidewalk Vendor Temporary Use Permit** means a permit issued by the City for the temporary use of, or encroachment on, the sidewalk or any other public or private area, including, but not limited to, an encroachment permit, special event permit, or temporary event permit, for purposes including, but not limited to, filming, parades, or outdoor concerns.
- ▶ **Vend or Vending** means to sell, offer for sale, display for sale, or solicit offers to purchase, food, food products, beverages, goods, or merchandise.
- ▶ **Vending Cart** means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance used for vending, that is not a vehicle as defined in the California Vehicle Code.



## Requirements and prohibitions on sidewalk vending

- ▶ SB 946 currently no permit is required. A Business License and possibly health permit is required.
- ▶ City Ordinance will now require a permit.
- ▶ Sidewalk Vending Permit Application: A carve out of an existing permit application to process through Community Development





### Requirements and prohibitions on sidewalk vending

#### ➤ Operating Restrictions:

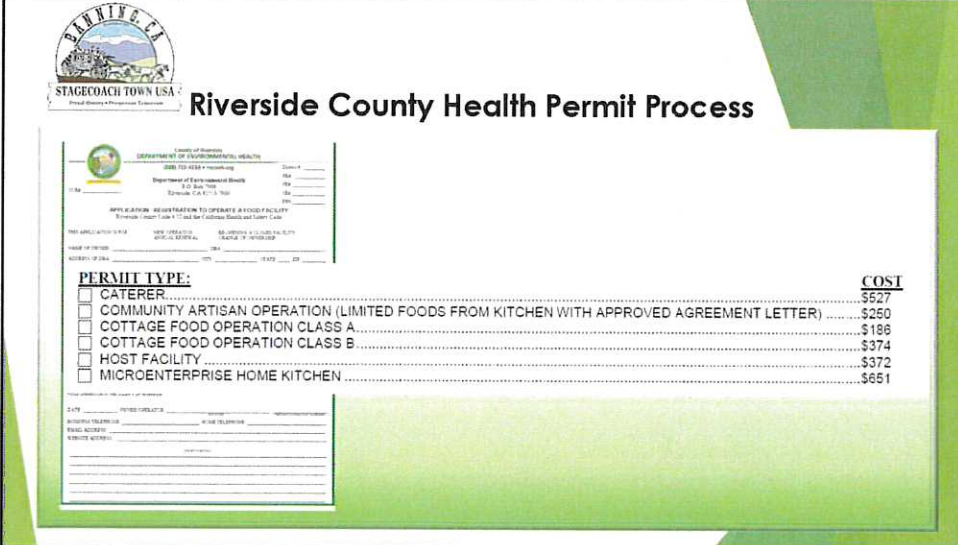
- Within thirty (30) feet of any street intersection;
- Within twenty (20) feet of any fire hydrant, fire call box, electric transformer, or other facility dedicated to the emergency and public infrastructure functions of the City.
- Within twenty (20) feet of any driveway or driveway apron;
- Upon or within any roadway, median strip, or dividing section;
- Within 200-feet of a permitted certified farmers' market or swap meet,



### Requirements and prohibitions on sidewalk vending

- Cannot block ADA and pedestrian access.
- Sidewalk vending is permitted one half hour after sunrise to one half hour before sunset daily, except as follows:
  - In residential areas, sidewalk vending shall be permitted one hour after sunrise to one hour before sunset.





**STAGECOACH TOWN USA**  
Proud History • Progressive Tomorrow

## Riverside County Health Permit Process

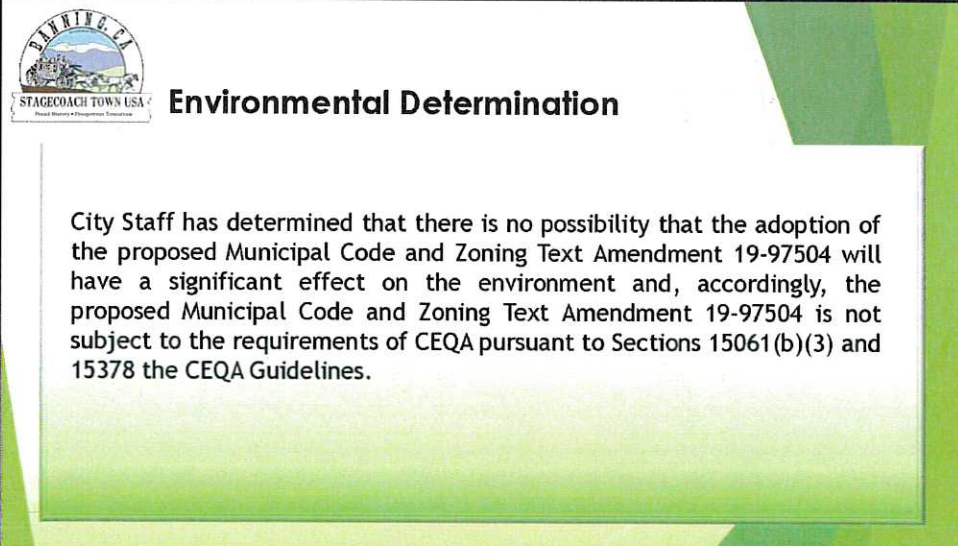
**DEPARTMENT OF ENVIRONMENTAL HEALTH**  
2000 733 4330 • rchdweb.org

**APPLICATION: REGISTRATION TO OPERATE A FOOD FACILITY**  
Kitchens subject to Code 9.17 and San Facilities Rules and Safety Code

**PERMIT TYPE:**

	<b>COST</b>
<input type="checkbox"/> CATERER	\$527
<input type="checkbox"/> COMMUNITY ARTISAN OPERATION (LIMITED FOODS FROM KITCHEN WITH APPROVED AGREEMENT LETTER)	\$250
<input type="checkbox"/> COTTAGE FOOD OPERATION CLASS A	\$186
<input type="checkbox"/> COTTAGE FOOD OPERATION CLASS B	\$374
<input type="checkbox"/> HOST FACILITY	\$372
<input type="checkbox"/> MICROENTERPRISE HOME KITCHEN	\$651

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## Environmental Determination

City Staff has determined that there is no possibility that the adoption of the proposed Municipal Code and Zoning Text Amendment 19-97504 will have a significant effect on the environment and, accordingly, the proposed Municipal Code and Zoning Text Amendment 19-97504 is not subject to the requirements of CEQA pursuant to Sections 15061(b)(3) and 15378 the CEQA Guidelines.

**STAGECOACH TOWN USA**  
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## Planning Commission Recommendation

**RECOMMENDED ACTION:**

That the Planning Commission take the following actions:

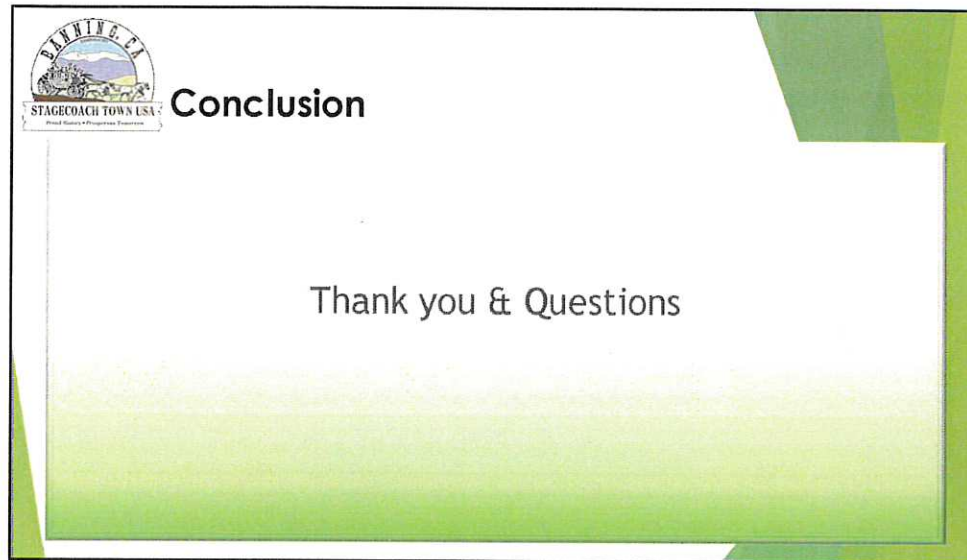
1. Make a determination pursuant to Section 15060(c)(3) of the California Environmental Quality Act (CEQA) that the Zoning Text Amendment is not subject to CEQA because the amendment is not a project as defined by the CEQA Guidelines Section 15378; and
2. Introduce for the first reading, Ordinance 1554 approving Municipal Code and Zoning Text Amendment (ZTA) 19-97504, adding 5.88 to, and deleting section 17.108.020(K) and 17.108.070, of Chapter 17.108 of Title 17 of the Banning Municipal Code (BMC) to create a Sidewalk Vending Program to be consistent with California Senate Bill 946 related to local regulation of sidewalk and stationary sidewalk vendors.




## Conclusion

Thank you & Questions


# ATTACHMENT 7





## Environmental Determination

- ▶ The project qualifies as a Class 1 Categorical Exemption pursuant to section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines as the project is operating out of an existing facility and only minor tenant improvements are proposed.
- ▶ A Notice of Exemption has been prepared for adoption with the project.



## Planning Commission Recommendation

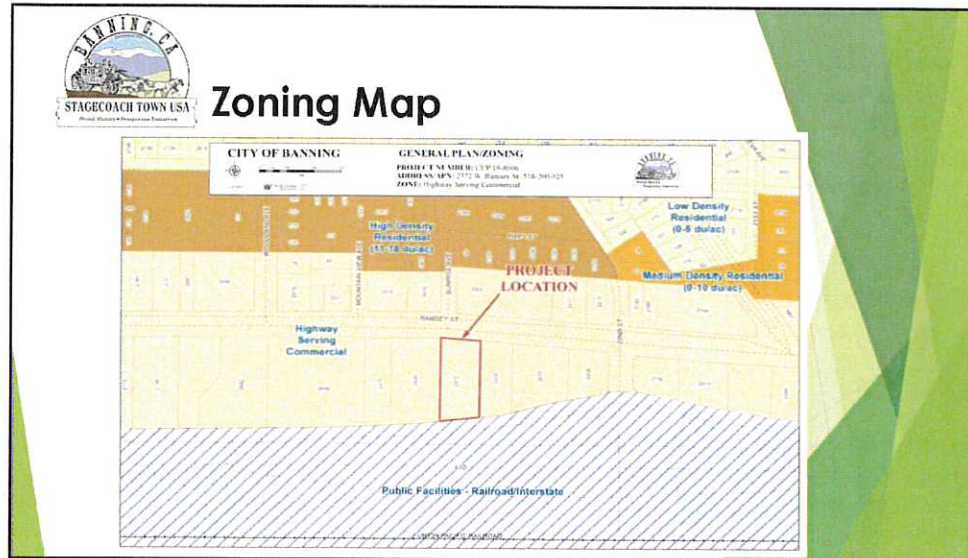
Adopt Resolution 2020-6, approving Conditional Use Permit 19-8006 making a determination that the Project is exempt under the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301 (Existing Facilities) authorizing a Cannabis Retailer at an existing developed property located at 2372 W. Ramsey Street (APN: 538-200-025) in the Highway Serving Commercial (HSC) Zoning District.

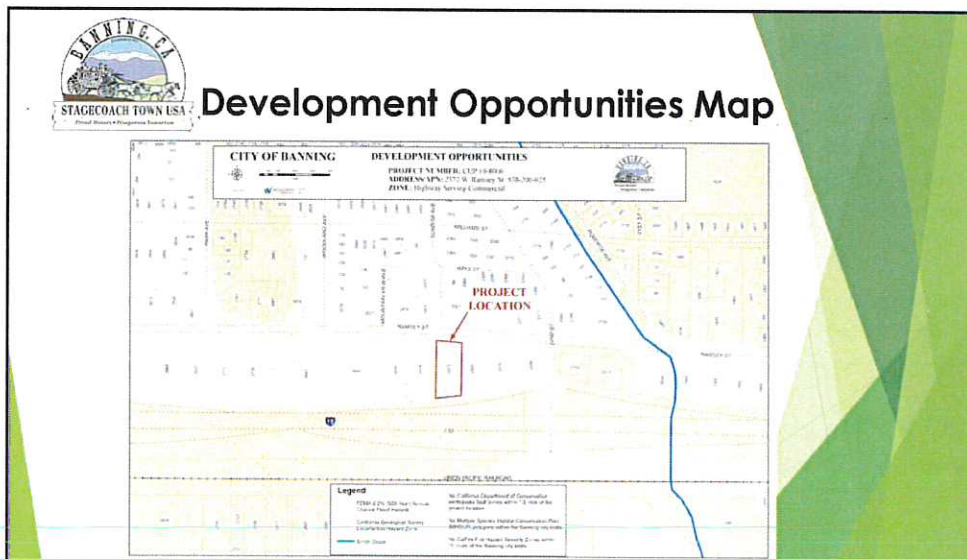
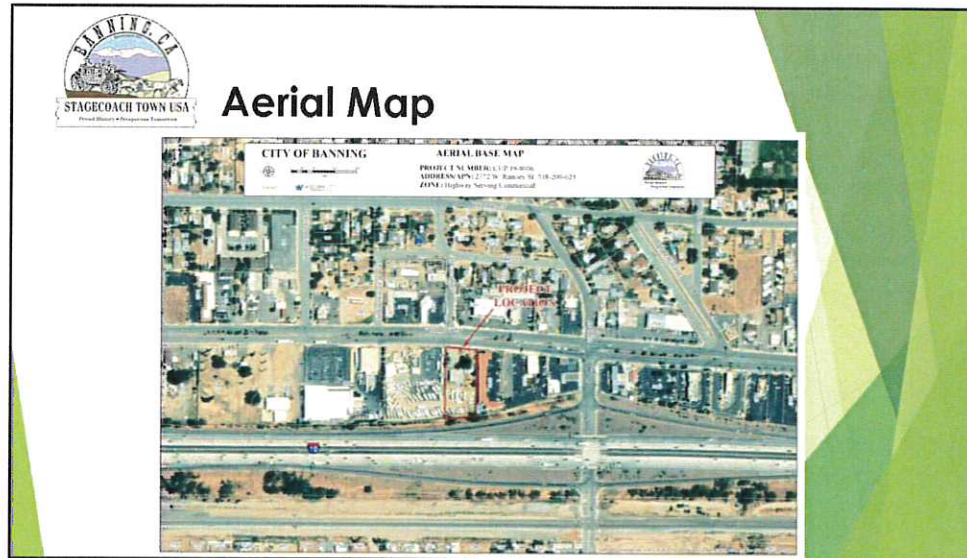




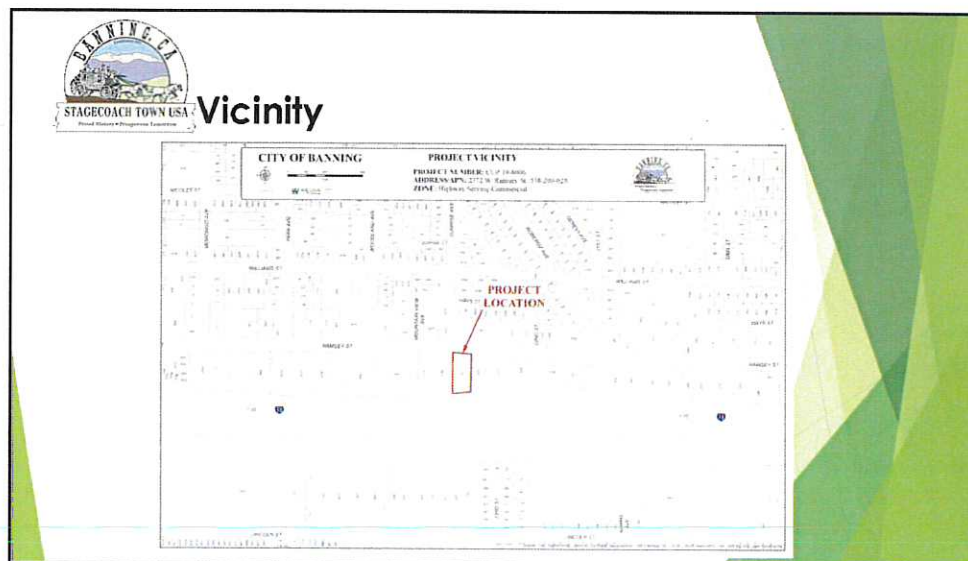
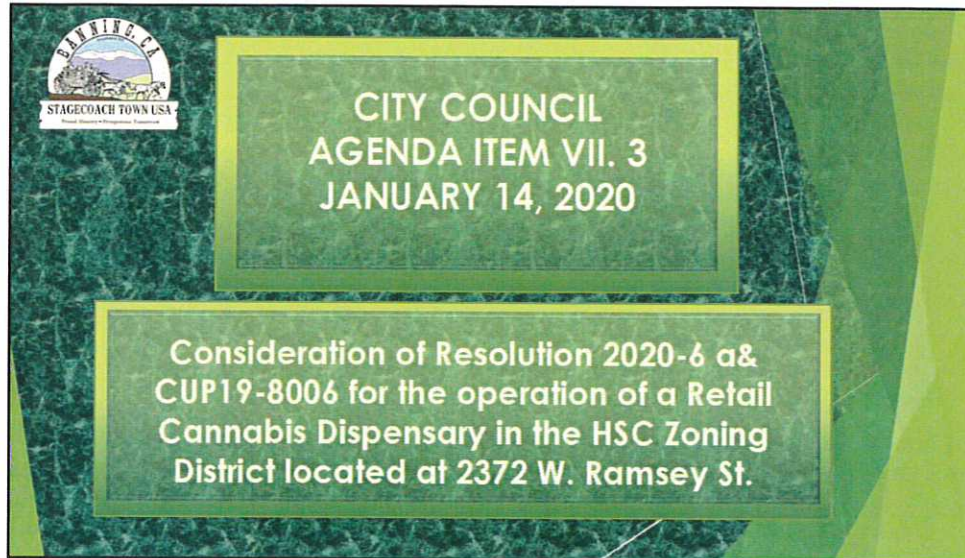
**Background:**

- ▶ The applicant proposes the operation of a Cannabis Retail facility in the Highway Servicing Commercial Zoning District located at 2372 West Ramsey Street.
- ▶ The applicant proposes to sell recreational and medicinal cannabis and cannabis related products.
- ▶ A business plan was submitted that demonstrates the applicant will be compliant with current code regulations regarding cannabis retailers which includes; site plan, floor plan, lighting plan, security plan, air filtration plan and other proprietary information for the operation of the facility.



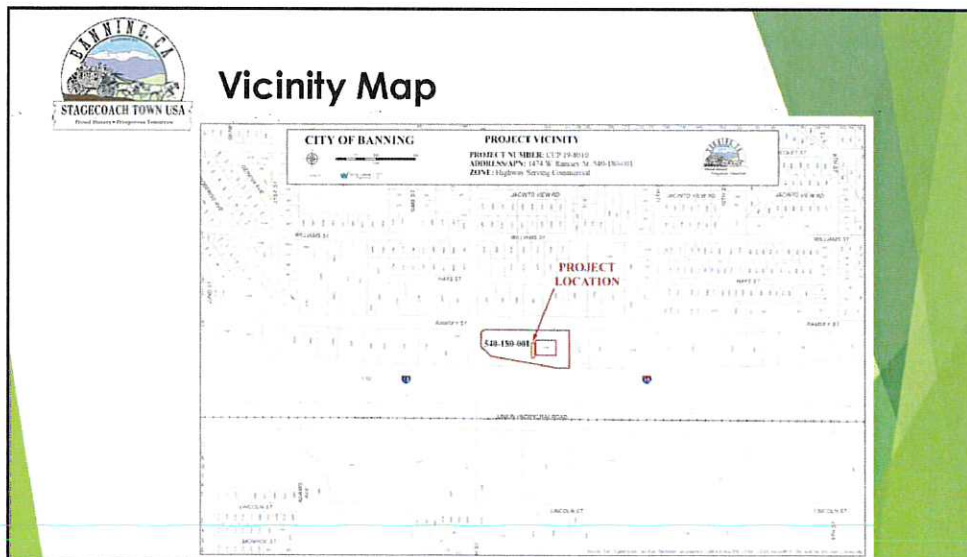
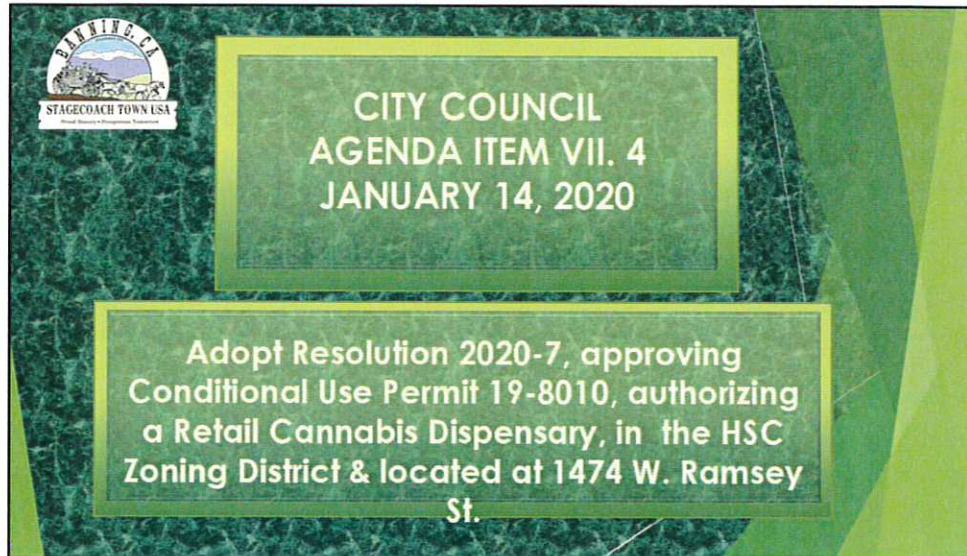


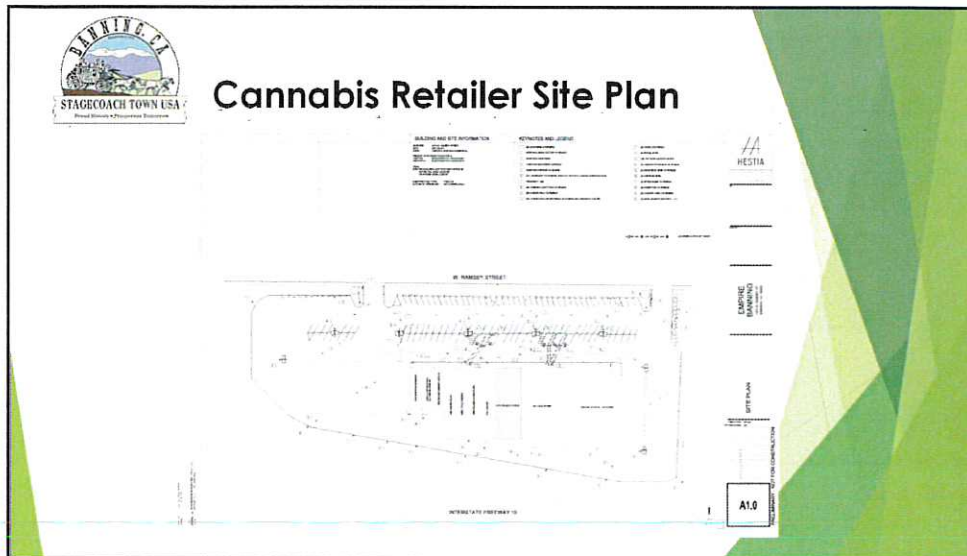
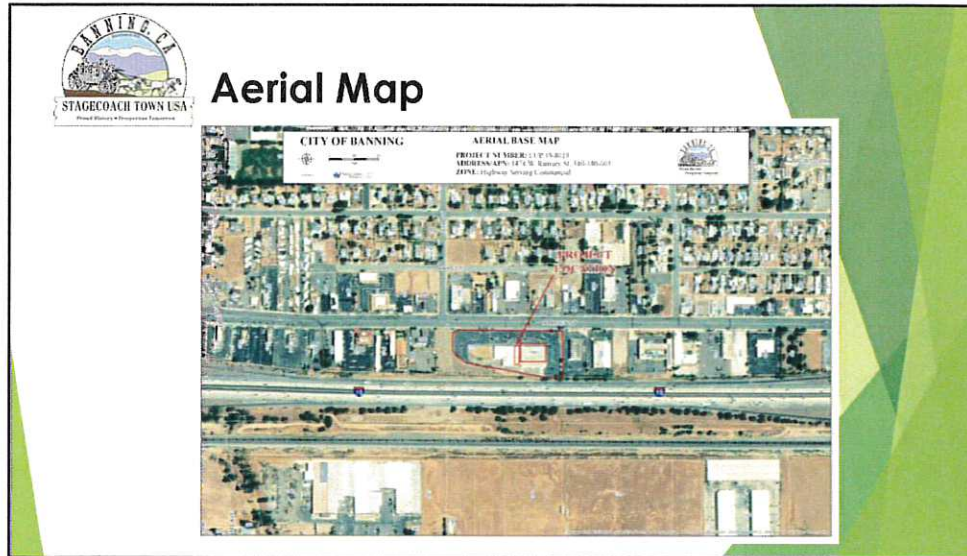


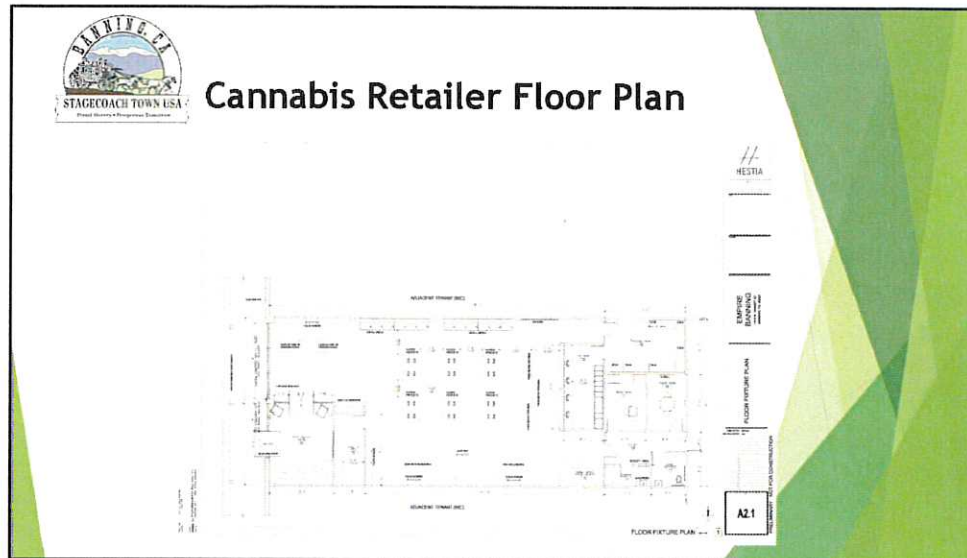


# ATTACHMENT 8










**Background**


- ▶ The applicant proposes the operation of a Cannabis Retail facility in the Highway Servicing Commercial Zoning District located at 1474 West Ramsey Street.
- ▶ The applicant proposes to sell recreational and medicinal cannabis and cannabis related products.
- ▶ A business plan was submitted that demonstrates the applicant will be compliant with current code regulations regarding cannabis retailers which includes; site plan, floor plan, lighting plan, security plan, air filtration plan and other proprietary information for the operation of the facility.





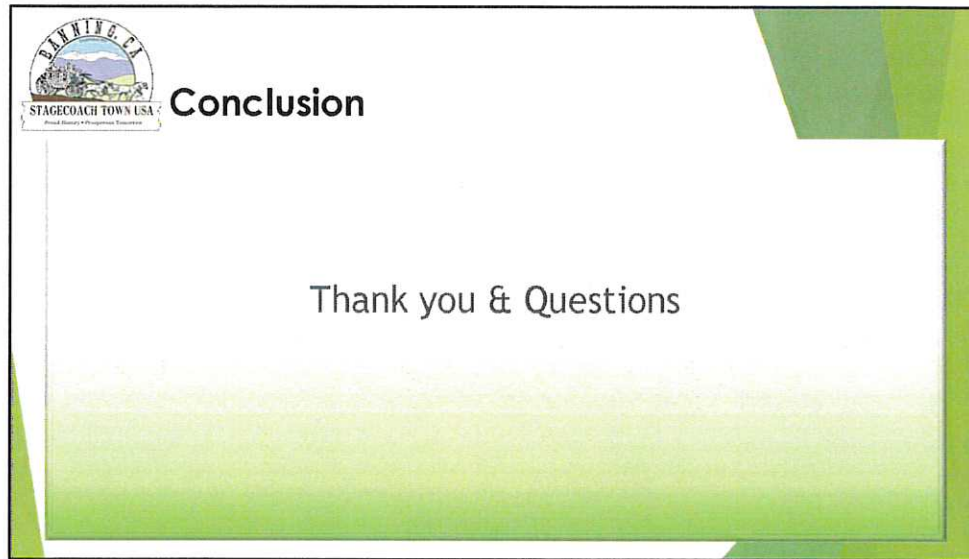
### Environmental Determination

- ▶ The project qualifies as a Class 1 Categorical Exemption pursuant to section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines as the project is operating out of an existing facility and only minor tenant improvements are proposed.
- ▶ A Notice of Exemption has been prepared for adoption with the project.



### Planning Commission Recommendation

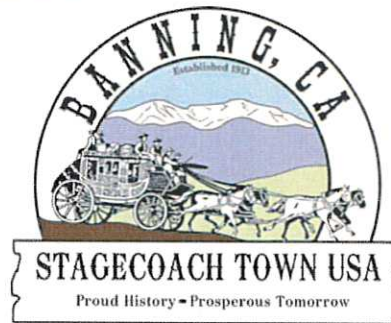
Staff recommends the City Council adopt Resolution 2020-7, approving Conditional Use Permit 19-8010, making a determination that the Project is exempt under the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301 (Existing Facilities) authorizing a Cannabis Retailer at an existing property located at 1474 W. Ramsey Street (APN: 540-180-001) in the Highway Serving Commercial (HSC) Zoning District.





# ATTACHMENT 9

## City Seal or Community Logo



## Banning Municipal Code

### 1.08.010 - City seal.

The shape of the seal for the city shall be circular in form. It shall bear the inscription at the top "City of Banning, California"; and at the bottom "Incorporated 1913"; and in the center it shall bear an appropriate insignia depicting the scenic and health advantages of the city. Such seal shall be the official seal of the city.

(Code 1965, § 1-11.)

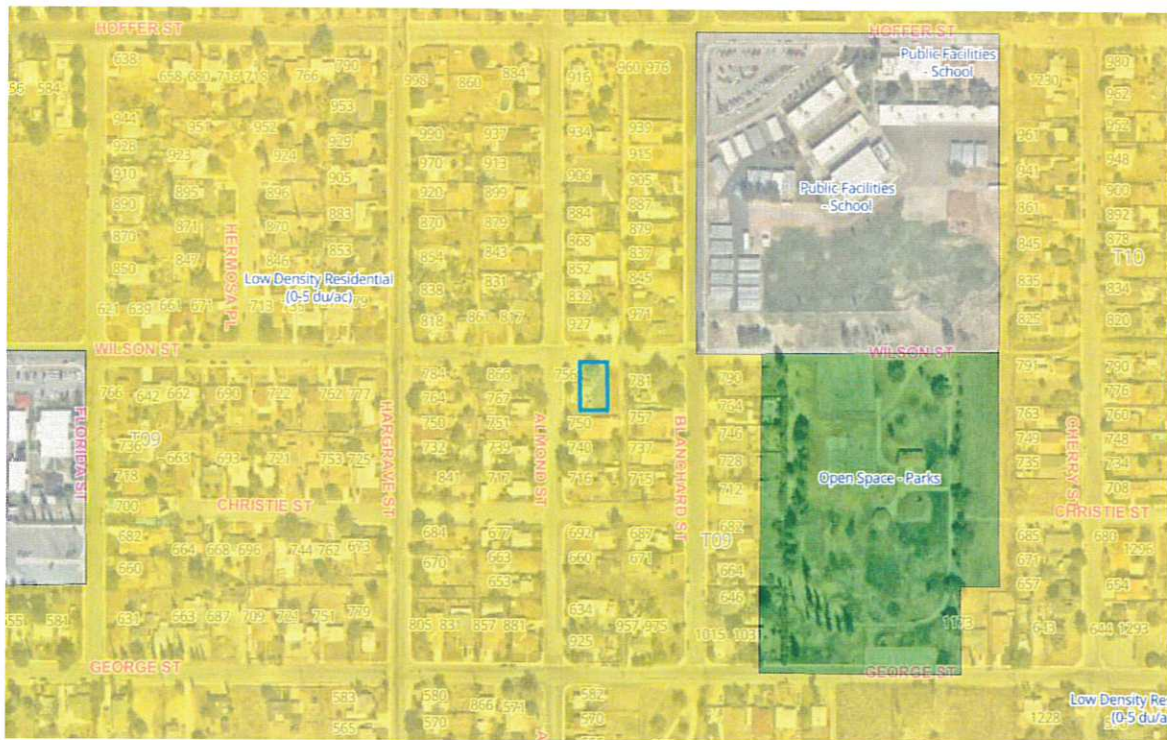
## City Seal on Current Fleet Vehicle




# ATTACHMENT 10



Lot No. 7, Wilson St.



1" = 291 ft	Habitat for Humanity	01/14/2020	
This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.			

# ATTACHMENT 11

# STATEMENT OF INVESTMENT POLICY

Jennifer Christensen, JD MBA CPFO CFIP  
Administrative Services Director

## WHAT IS AN INVESTMENT POLICY?

- A written statement of the goals for the portfolio and the rules to be followed to achieve those goals
- Statement of the City of Banning's investment goals, priorities, and rules include:
  - Purpose and objectives of the agency's investment program
  - Prudent investor standard
  - Delegation of authority
  - Custody
  - Authorized/permitted investments and term of investments
  - Authorized dealers and conflict of interest provisions
  - Portfolio risk management
  - Reporting and annual review



## WHY HAVE AN INVESTMENT POLICY?

- Provide a framework for investing and a foundation upon which an actual portfolio should be constructed and managed over changing market cycles
- Fiduciary duty
- Transparency and disclosure
- Credit ratings

## PRINCIPLES OF PUBLIC FUND INVESTING

- California Government Code Section 53600.5, in order of priority:
  - SAFETY: Safeguard principle
  - LIQUIDITY: Meet the liquidity needs of the City of Banning
  - YIELD: Achieve a return or yield on the funds under control



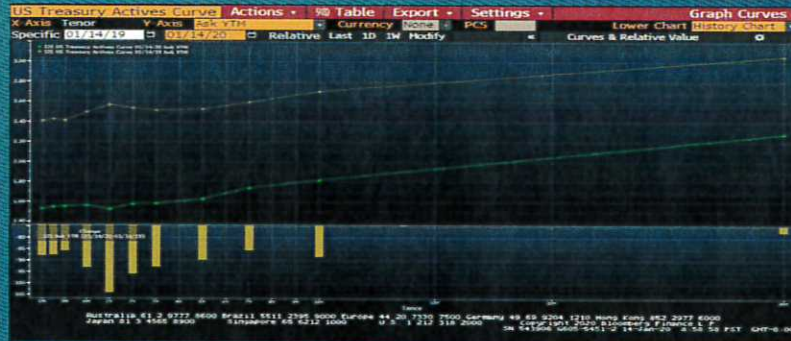
## PRUDENT INVESTOR STANDARD

- California Government Code Section 53600.3
- Trustees shall act with care, skill, prudence, and diligence under the circumstances then prevailing when investing, reinvesting, purchasing, acquiring, exchanging, selling, and managing funds
- Fiduciary duty

## RISK

- Risk and return
- Types of risk
  - Investment risk: investing matters
    - Market risk: changes in overall interest rates
    - Credit risk: risk of loss due to specific issuer
  - Liquidity risk: ability to convert investment back to cash
  - Default risk: issuer may be unable to pay
- Diversification: mitigating risk

## TREASURY YIELD CURVE



## PERMITTED INVESTMENTS

- California Government Code Sections 16340, 16429.1, 27133, 53601, 53601.6, 53601.8, 53630 et seq., 53635, and 53635.8
  - Q: What do Orange County, Compton and Beaumont all have in common?
  - A: Financial losses and jail time for public officials resulting in legislative changes to limit types of investments and enhance reporting
- Local agencies may only invest in those instruments specified in state law
  - Fixed income
  - 5 years and less
- Remember: Safety, Liquidity and Yield



## AVOIDING CONFLICTS OF INTEREST

- Authorized dealers
- Prohibitions on gifts and donations
  - MSRB Rule G-37
  - Fair Political Practices Commission (FPPC)
- Another cautionary tale from Vista

## CITY OF BANNING MONTHLY REPORTING

City of Banning Report of Investments September 2019												
Investment Held by	Investment Name	Investment Type	CUSIP Number	Standard & Pears Rating	Moodys Rating	Settlement Date	Maturity Date	Par	Market Yield	Market Price	Market Value	Percentage of Investments
State of California, Local Agency Investment Fund	City of Banning Successor Agency	Pooled Investment	N/A	N/A	N/A	N/A	N/A	\$ 41,911,119.05	2.180	100.16428	\$ 41,910,492.51	60.7%
		Pooled Investment	N/A	N/A	N/A	N/A	N/A	\$ 0.23	0.000		\$ 0.23	0.0%
								\$ 41,911,819.28			\$ 41,910,692.74	60.7%
US Bank-Broker/Dealer/Officer												
Government Agencies												
	First American Government Obligations	Cash Equivalent	310261401	N/A	N/A	N/A	N/A	\$ 4,341,428.95	1.100	100.000	\$ 4,341,428.95	6.5%
	FHLB CMTN	US Government Issue	311428133	Aa+	Aaa	3/27/2020	3/27/2020	\$ 3,000,000.00	1.600	100.002	\$ 3,000,060.00	4.5%
	FHLB CMTN	US Government Issue	31164992	Aa+	Aaa	10/16/2020	10/16/2020	\$ 3,000,000.00	1.750	100.072	\$ 3,002,160.00	4.5%
	Federal Home Loan Dis	US Government Issue	313040919	Aa+	Aaa	7/18/2020	1/19/2021	\$ 2,967,420.00	2.250	100.025	\$ 3,000,750.00	4.5%
	FHLB CMTN	US Government Issue	313401192	Aa+	Aaa	7/1/2019	4/1/2021	\$ 2,000,000.00	2.000	100.051	\$ 2,002,160.00	2.9%
	FHLB CMTN	US Government Issue	313401435	N/A	Aaa	10/14/2019	10/14/2021	\$ 3,000,000.00	1.700	100.011	\$ 3,000,540.00	4.5%
	Federal Home Loan Dis	US Government Issue	313401419	Aa+	N/A	7/10/2019	7/10/2021	\$ 5,000,000.00	2.200	100.062	\$ 5,003,596.00	8.4%
	FHLB CMTN	US Government Issue	313407218	N/A	Aaa	8/18/2019	8/18/2021	\$ 9,900,000.00	2.180	99.424	\$ 9,852,728.00	14.5%
Total Investments								\$ 89,020,688.23			\$ 89,113,107.21	100.0%

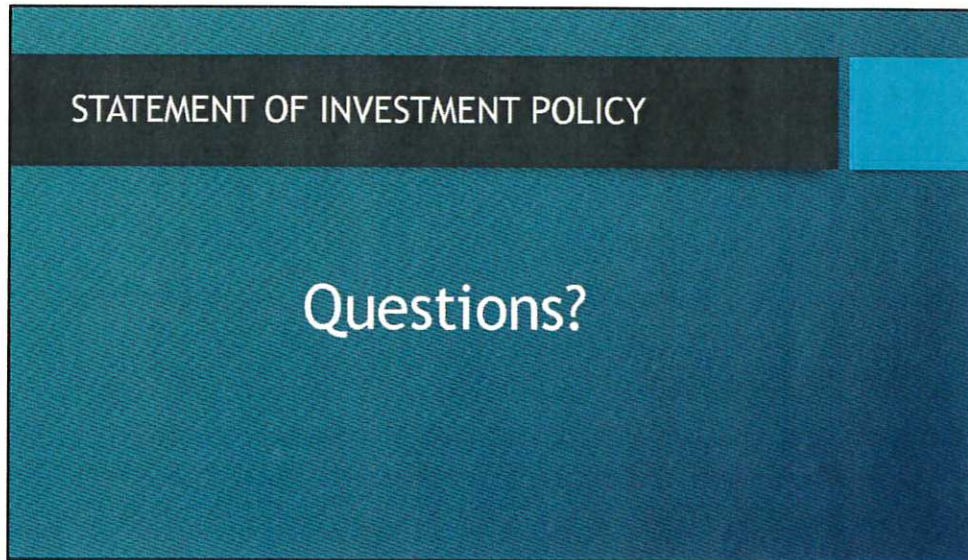
## PROVIDING ACCOUNTABILITY & TRANSPARENCY THROUGH REPORTING

- Internal Control Procedures
  - Separation of duties
  - Access controls
  - Physical audits
  - Documentation
  - Trial balances
  - Reconciliations
  - Approval authority

## PUBLIC INVESTING RESOURCES

- California Government Code
- CDIAC Local Agency Investment Guidelines
- Government Finance Officers Association (GFOA)





## **7. AUTHORIZED INVESTMENTS AND LIMITATIONS**

The Government Code of the State of California, primarily within sections 53600 et. seq., sets out the legal authority for inclusion of certain types of investment vehicles in a California local agency's investment portfolio. Consistent with those sections, under no circumstances will the City Council purchase an investment that is not specifically authorized for a local agency under these, or other code sections that may apply, or might later be enacted, pertaining to local agency investments. It shall be a requirement of all investment professionals performing any transaction on behalf of the City that they possess a complete understanding of the acceptability of the subject investment under those code sections.

A "Table of Investments Permitted Local Agencies by the California Government Code" is attached hereto, marked Appendix A and by this reference made a part hereof. Appendix A briefly describes the principal types of securities legal within the Government Code sections noted above, and outlines the various limitations included in these sections. From these permitted investments, the City's investment officials shall determine those investment types that best meet the needs and abilities of the City.

## **8. AUTHORIZED TERM OF INVESTMENTS**

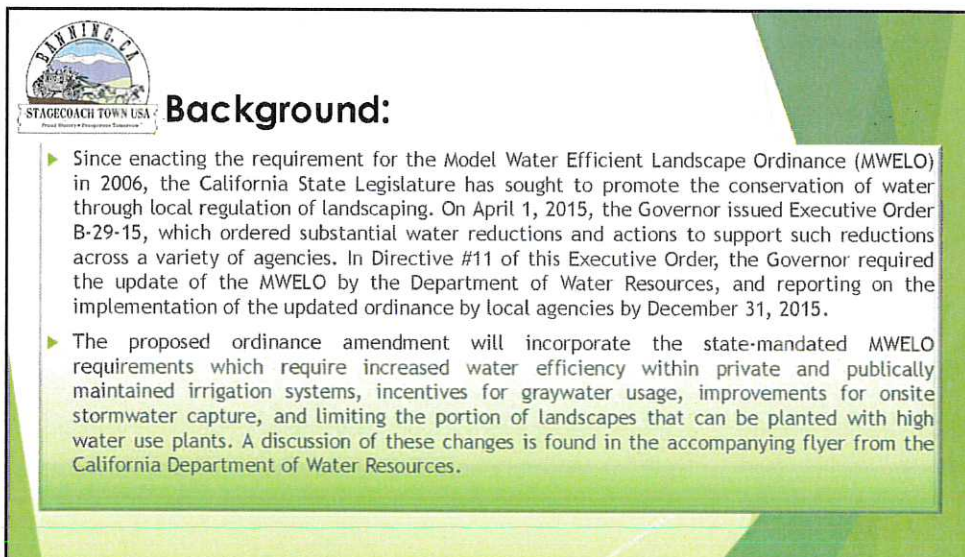
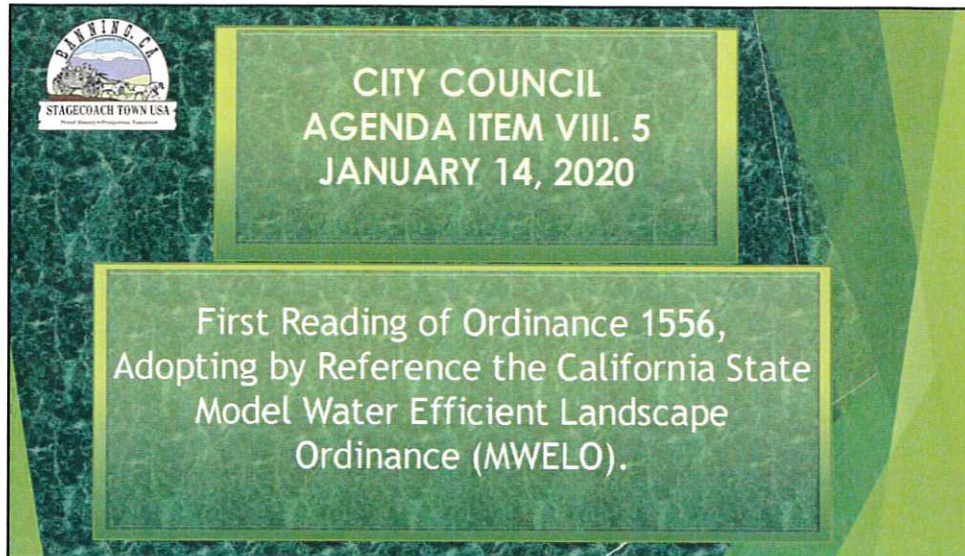
It is hereby determined that the maximum maturity period for any portion of invested operating moneys shall not exceed five years per California Government Code and as indicated in Appendix A. This shall not apply to certain bond proceeds or other non-operating moneys of the City.

## **9. AUTHORIZED DEALER LIST - CONFLICT OF INTEREST PROHIBITION**

It is prohibited for a transaction to be entered into with any securities broker, dealer or bank investment department or subsidiary prior to that entity being designated an Authorized Dealer and placed on the Authorized Dealer List. Authorized Dealers shall be selected on an as needed basis to meet specific needs of the City. The Administrative Services Director is authorized to manage the Authorized Dealer List. Each qualified dealer must certify in writing that they have reviewed the relevant California Government Code Sections and the City's Investment Policy and that all securities offered to the City shall comply fully and in every instance with all provisions of the California Government Code and with this Investment Policy.

No member of the City Council, nor any other official or employee of the City, may accept any gift, honoraria, gratuity or service of value in violation of the regulations set forth by the Fair Political Practices Commission, the Government Code, additional limitations set forth by City ordinance, or internal requirements of the City Manager and Administrative Services Director. The City Council is prohibited from conducting any business with any broker, dealer, or securities firm that has made a political contribution to the City Treasurer or any member of the City Council, or any candidate for these offices, within the 48 month period immediately

# ATTACHMENT 12








## Proposed Amendment

The proposed ordinance amendment will incorporate the state-mandated MWELO requirements which require increased water efficiency within private and publically maintained irrigation systems, incentives for graywater usage, improvements for onsite stormwater capture, and limiting the portion of landscapes that can be planted with high water use plants. A discussion of these changes is found in the accompanying flyer from the California Department of Water Resources.



## Environmental Determination

City staff has determined that the proposed Zoning Text Amendment exempt from the California Environmental Quality Act ("CEQA") pursuant to the State CEQA Guidelines Section 15307 and 15308, as an action taken to assure the maintenance, restoration, or enhancement of a natural resource or the environment where the regulatory process involves procedures for protection of the environment.




## Planning Commission Recommendation

**RECOMMENDED ACTION:**

That the City Council take the following actions:

- First Reading of Ordinance 1556, Approving Zoning Text Amendment (ZTA) No. 19-97505 Adopting by Reference the California State Model Water Efficient Landscape Ordinance, Codified at Chapter 2.7 of Title 23 of the California Code of Regulations, and Making Certain Clarifying Revisions to the Landscape Provisions within Title 17 of the Banning Municipal Code and Finding the Project Exempt from CEQA Guidelines Section 15378 and Adopting a Categorical Exemption



## Conclusion

Thank you & Questions