



The following information comprises the minutes for a special and 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**

**9/22/2020
SPECIAL AND REGULAR MEETING**

COUNCIL MEMBERS PRESENT:

Mayor Daniela Andrade
Council Member David Happe
Council Member Kyle Pingree
Mayor Pro Tem Colleen Wallace
Council Member Art Welch

COUNCIL MEMBERS ABSENT: None

OTHER 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
Ralph Wright, Parks & Recreation Director
Tom Miller, Electric Utility Director
Art Vela, Public Works Director/City Engineer
Jennifer Christensen, Administrative Services Director
Adam Rush, Community Development Director
James Wurtz, Economic Development Manager
Laurie Sampson, Executive Assistant

I. CALL TO ORDER - CLOSED SESSION

The Mayor Called to Order a Special Meeting of the Banning City Council at 4:00 P.M.

The Mayor opened public comment for items on the closed session agenda. Seeing none, closed public comment.

The City Attorney listed the items on the closed session agenda.

The City Council convened to closed session at 4:02 P.M.

II. CLOSED SESSION

ITEM.II.1 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9
Name of case: Robertson's Ready Mix, Ltd. v. City of Banning, et al., Case No. RIC 1513475

ITEM.II.2 CONFERENCE WITH LEGAL COUNCIL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9: Two potential cases

The Mayor recessed closed session until after the regular meeting.

The City Council reconvened to closed session at 9:11 P.M.

The City Council reconvened to open session at 10:16 P.M.

The City Attorney reported that the City Council discussed Item II.2 with no final or reportable action.

III. ADJOURNMENT - CLOSED SESSION

The Mayor adjourned closed session at 10:16 P.M.

I. CALL TO ORDER REGULAR MEETING

The Mayor called to order the regular meeting at 5:04 P.M.

ITEM.I.1 Invocation

Pastor Richard Szydlouski with Mountain Avenue Baptist Church offered the invocation.

ITEM.I.2 Pledge of Allegiance

Council Member Pingree led the Pledge of Allegiance.

ITEM.I.3 Roll Call

COUNCIL	PRESENT	ABSENT
Andrade, Daniela	X	
Happe, David	X	
Pingree, Kyle	X	
Wallace, Colleen	X	
Welch, Art	X	

II. AGENDA APPROVAL

Move Report of Officer Item VIII.2 needed to be moved to Public Hearing Item VII.2

VOTING

Motion by: Mayor Pro Tem Wallace
Second by: Council Member Pingree

COUNCIL	YES	NO	ABSTAIN	ABSENT
Andrade, Daniela	X			
Happe, David	X			
Pingree, Kyle	X			
Wallace, Colleen	X			
Welch, Art	X			

Approve Agenda with recommended change

VOTING

Motion by: Council Member Pingree
Second by: Mayor Pro Tem Wallace

COUNCIL	YES	NO	ABSTAIN	ABSENT
Andrade, Daniela	X			
Happe, David	X			
Pingree, Kyle	X			
Wallace, Colleen	X			
Welch, Art	X			

III. PRESENTATIONS

ITEM.III.1 Mayor's Special Recognitions

A Moment of Silence was held in remembrance of Theatlas Reagor, Sr. and the City Council presented Certificates of Remembrance to his sister, Katie Washington Shephard and his sons Sedrick and Theatlas Reagor, Jr.

The Mayor and City Council recognized Tilly Yang, Human Resources Technician for the City of Banning and Jorge Castillo, Jr. and the Banning United Soccer Academy for making Banning a better place to work, play, and live.

ITEM.III.2 Proclamation Designating October as Public Power Month

The Mayor and City Council presented the Proclamation designating October as Public Power Month to Tom Miller, Amber Rockwell and Carla Young with the City's Electric Utility Department.

IV. REPORT ON CLOSED SESSION

The City Attorney reported that the City Council met in closed session at 4:00 p.m. today. Items discussed were as listed on the agenda above. Regarding Item 1, Existing Litigation, there was no reportable action. The City Council recessed the closed session meeting and will reconvene following the regular meeting to discuss Item 2, Anticipated Litigation.

V. PUBLIC COMMENTS, CORRESPONDENCE, AND APPOINTMENTS, CITY COUNCIL COMMITTEE, CITY MANAGER, AND CITY ATTORNEY REPORTS

PUBLIC COMMENT

Ellen Carr with Tender Loving Critters spoke regarding the lack of animal control service. She advised that the San Jacinto shelter has been closed and now animals are shipped to Thousand Palms. She informed the Council that when someone calls animal control regarding a stray animal, they are told to keep the animal and find the owner. She shared a story regarding stray kittens found in a box and advised that she was told to leave them there by animal control.

Lynnea Hagen advised that she tried calling animal control yesterday, but nobody answered.

Paul Perkins recommended sending a demand letter to the County Animal Control.

CORRESPONDENCE

None

APPOINTMENTS

ITEM.V.1 Appoint one Council Member to Represent the City of Banning as a Member of the San Gorgonio Pass Regional Water Alliance

Appoint Council Member Happe to the San Gorgonio Pass Regional Water Alliance.

VOTING

Motion by: Mayor Andrade

Second by: Mayor Pro Tem Wallace

COUNCIL	YES	NO	ABSTAIN	RECUSE	ABSENT
Andrade, Daniela	X				
Happe, David	X				
Pingree, Kyle	X				
Wallace, Colleen	X				
Welch, Art	X				

CITY MANAGER REPORT

City Manager Schulze advised that the City is working toward an in-house Animal Control Division that will most likely be housed under the Police Department. He also presented a PowerPoint presentation (Attachment 1).

CITY ATTORNEY REPORT

None

CITY COUNCIL COMMITTEE REPORTS

Council Member Happe

None

Council Member Pingree provided an update on progress made at animal shelter. There will be a food drive on Sunday in the Chamber of Commerce parking lot.

Mayor Pro Tem Wallace spoke at the USPS Date Meets ZIP event and advised that electronic signatures are coming up. She attended the Mayor's Roundtable last week where they discussed grants available for cities. Riverside County Community Action Partnership met and discussed grants for businesses. She advised that they also help with weatherization and bills.

Council Member Welch advised that on Sunday the VFW celebrated its 75th Anniversary. He advised there was a homeless issue with three truckloads of debris dumped at the Sun Lakes Village Shopping Center. He thanked the officers for cleaning it up.

Mayor Andrade invited the public to the food drive this Sunday. She thanked the Chamber and everyone responsible for bringing this to the City of Banning. Market Night is October 2nd. She met with Banning Unified School District yesterday regarding incorporating the Atwell Development into the Banning Unified School District. She encouraged people to write letters to the Riverside County Office of Education regarding rezoning district lines to include the Atwell project area in Banning Unified boundaries.

VI. CONSENT ITEMS

The Mayor asked the Council if they would like to pull any items for separate consideration. Council Member Pingree pulled item VI.14 for separate consideration.

ITEM.VI.1 Minutes of the September 8, 2020 City Council Meetings

ITEM.VI.2 Public Works Capital Improvement Project Tracking List

ITEM.VI.3 List of Contracts Approved Under the City Manager's Signature Authority in the Month of August 2020

ITEM.VI.4 Ordinance 1568, Approving Zone Change (Zoning Amendment) 18-3504 to Pre-Zone two Parcels Located East of Hathaway Street and North of Wilson Street (APNs 532-030-008 and 532-030-009) as Business Park, and Making Findings Pursuant to CEQA

ITEM.VI.5 Fire Department Statistics for August 2020

ITEM.VI.6 Cash, Investments and Reserve Report for the Month of August 2020

ITEM.VI.7 Ordinance 1569, Amending Chapter 2.28 ("Planning Commission") of the Banning Municipal Code to Update Planning Commissioner Terms, Duties, and Responsibilities

ITEM.VI.8 Resolution 2020-110, Awarding a Professional Services Agreement to Cornerstone C.C.H.D. in the Amount of \$900,000 for Electrical Engineering Services through Fiscal Year 2023 with the Option to Renew for Two Additional Single Years

ITEM.VI.9 Accounts Payable and Payroll Warrants Issued in the Month of August 2020.

ITEM.VI.10 Amendments to the Service Agreements with JP Nelson & Sons Construction, Inc. and DeGuire Weed Abatement, Inc. for Weed Abatement Services

ITEM.VI.11 Police Statistics for August 2020

ITEM.VI.12 Resolutions 2020-119, 2020-9 UA and 2020-6 SA, Approving an Amendment to the Fiscal Year 2020-21 Budget for Encumbrance Carryovers and Continuing Appropriations of Unexpended Fiscal Year 2020-21 Appropriations

ITEM.VI.13 Resolution 2020-10 UA, Approving Amendment No. 4 to the Maintenance and Operations Agreement with Suez Water Environmental Services, Inc. to Extend the Term of the Agreement

Public Comment

None

Approve Consent Items VI.1 through VI.13

VOTING

Motion by: Mayor Pro Tem Wallace
Second by: Council Member Welch

COUNCIL	YES	NO	ABSTAIN	RECUSE	ABSENT
Andrade, Daniela	X				
Happe, David	X				
Pingree, Kyle	X				
Wallace, Colleen	X				
Welch, Art	X				

ITEM.VI.14 Resolution 2020-116 Amending Compensation and Certain Benefits and Adopting a Furlough Program for City Department Directors

Public Comment

None

Disapprove Item VI.14

VOTING

Motion by: Council Member Pingree
Second by: Council Member Welch

COUNCIL	YES	NO	ABSTAIN	RECUSE	ABSENT
Andrade, Daniela	X				
Happe, David		X			
Pingree, Kyle	X				
Wallace, Colleen	X				
Welch, Art	X				

VII. PUBLIC HEARINGS

ITEM.VII.1 Ordinance 1563 approving Zone Change 17-3502 and Resolution No. 2020-118, approving General Plan Amendment 17-2502, Conditional Use Permit 16-8007, Reclamation Plan Amendment 17-9504, and Environmental Assessment 17-1503 for the proposed expansion of the existing Robertson's Ready Mix banning mine to incorporate 39.42 additional acres in the Industrial – Mineral Resources and Very Low Density Residential Land Use Designations of City of Banning, California (APNs: 534-100-001 thru 008; 534-110-001 thru 005; 534-050-003; 534-084-001 & 002; 534-110-005; 534-213-002; 534-230-001 & 002; 534-241-003 & 004; 534-242-001; 534-273-002, 003, 006); and Ordinance 1570 approving Development Agreement 12 and Resolution 2020-120 setting the street vacation application for a public hearing before the City

Mayor Pro Tem Wallace abstained from consideration of Item VI.1 due to comments she has made publicly. City Attorney Ennis advised she may speak on the item as a Citizen of Banning.

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

Public Hearing

Colleen Wallace expressed concerns with how this project will affect citizens on the east side of Banning.

Paul Perkins spoke in favor of continuing the item to address some concerns. He asked about Matich and their relation to the property. He also mentioned a 12,000-gallon diesel fuel tank. He doesn't believe CEQA has been met. He doesn't believe the quarry is considered a construction site under California law.

Robert Matich, Owner of Matich Corporation, advised they have given Robertson's the authorization to mine the site. He explained that this pit services their asphalt plan.

Carol Albaugh with Carol's Kitchen spoke in support of the project.

Damon Allen, Pastor of Missionary Baptist Church in Banning. Expressed concerns regarding asbestos getting in the air and property values decreasing.

Mr. Allison expressed concerns with the project affecting the citizens on the east side of Banning.

John Hagen advised that he feels the City is being taken advantage of and not getting competitive rates.

A Robertson's employee advised he is an employee and would like to stay local and expressed concern with his job being moved local.

Miguel, an employee of Robertson's and lives down the street advised he doesn't see a problem with.

Mr. Matich explained that when he was speaking regarding competitive rates, he wasn't speaking to royalties he was speaking regarding available product for purchase, as then next closest mine is in east Indio.

A gentleman from Robertson's provided a slide presentation (Attachment 3). He addressed some concerns that were raised. He advised there is no asbestos.

Warren Coalson with Enviromine restated that operations have been going on for over 100 years. Mining should continue 6-8 years with market conditions continuing as they are.

Council Member Pingree asked about the letter received from J. Francis Company. Community Development Director Rush and City Attorney Ennis advised the only property affected is the quarry.

The Mayor reopened the public hearing

Larry, resident of Banning, expressed concern with the project. He recommended a curriculum at the high school for the kids to learn how to obtain a job at Robertson's.

Nick Parra expressed his concern regarding particulate matter (what you can't see) not dust.

The Mayor closed the Public Hearing.

The City Attorney explained that the City does not have a pending lawsuit against Robertson's. Addressed changes to the Development Agreement regarding road improvements to Hathaway and Ramsey. Art Vela, City Engineer and Public Works Director explained that the City will complete the portion of the project on Hathaway from Nicolet to Ramsey by Robertson's. Also, a change 5.7.1 and 5.7.3 from 12 months to 24 months. Reimbursement of 20% of cost of city-initiated audits and if there is an issue with the audit, they will pay 100%.

Adopt Resolution 2020-118

VOTING

Motion by: Council Member Welch

Second by: Council Member Pingree

COUNCIL	YES	NO	ABSTAIN	RECUSE	ABSENT
Andrade, Daniela	X				
Happe, David	X				
Pingree, Kyle	X				
Wallace, Colleen			X		
Welch, Art	X				

The Deputy City Clerk read the title of Ordinance 1563, "An Ordinance of the City of Banning, California, Approving Zone Change 17-3502 (ZC 17-3502) to Change the Zoning Classification of Real Property Identified as APNs 534-050-003, 534-084-001, and 534-084-002 2 from Low Density Residential (LDR) to Industrial Mineral Resources (IMR)"

Waive Further Reading of Ordinance 1563

VOTING

Motion by: Council Member Happe
Second by: Council Member Welch

COUNCIL	YES	NO	ABSTAIN	RECUSE	ABSENT
Andrade, Daniela	X				
Happe, David	X				
Pingree, Kyle	X				
Wallace, Colleen			X		
Welch, Art	X				

Ordinance 1563 Pass its First Reading.

VOTING

Motion by: Council Member Welch
Second by: Mayor Andrade

COUNCIL	YES	NO	ABSTAIN	RECUSE	ABSENT
Andrade, Daniela	X				
Happe, David	X				
Pingree, Kyle	X				
Wallace, Colleen			X		
Welch, Art	X				

The Deputy City Clerk read the title of Ordinance 1570, "An Ordinance of the City of Banning, Approving Development Agreement No. 17-1503 (Da 17-1503) Between the City of Banning, Robertson's Ready Mix, Ltd., and Matich Corporation, for the Expanded and Continued Development and Reclamation of a Quarry on Real Property Identified as APNs 534-100-001 thru 008; 534-110-001 thru 005; 534-050-003; 534-084-001 & 002; 534-110-005; 534-213-002; 534-230-001 & 002; 534-241-003 & 004; 534-242-001; 534-273-002, 003, 006"

Waive Further Reading of Ordinance 1570

VOTING

Motion by: Council Member Welch
Second by: Council Member Happe

COUNCIL	YES	NO	ABSTAIN	RECUSE	ABSENT
Andrade, Daniela	X				
Happe, David	X				
Pingree, Kyle	X				
Wallace, Colleen			X		
Welch, Art	X				

Ordinance 1570 Pass its First Reading

VOTING

Motion by: Council Member Welch
Second by: Council Member Happe

COUNCIL	YES	NO	ABSTAIN	RECUSE	ABSENT
Andrade, Daniela	X				
Happe, David	X				
Pingree, Kyle	X				
Wallace, Colleen			X		
Welch, Art	X				

The Mayor recessed the regular meeting at 7:32 p.m. and reconvened at 7:45 p.m.

Adopt Resolution 2020-120

VOTING

Motion by: Council Member Welch
Second by: Council Member Pingree

COUNCIL	YES	NO	ABSTAIN	RECUSE	ABSENT
Andrade, Daniela	X				
Happe, David	X				
Pingree, Kyle	X				
Wallace, Colleen			X		
Welch, Art	X				

ITEM.VII.2 Resolution 2020-117, Adopting a Mitigated Negative Declaration (MND), Mitigation Monitoring and Reporting Program (MMRP) for EA 20-1504, Conditional Use Permit 19-8008 and Design Review 19-7014 for Constructing and Operating an Indoor Cannabis Cultivation and Distribution Facility on 1.8 Acres of a 4-Acre Parcel Located at the Southeast Corner of West Lincoln Street and South 8th Street (Hwy 243)
Community Development Director Adam Rush presented the staff report and PowerPoint presentation (Attachment 4) for this item.

Public Hearing

None

Adopt Resolution 2020-117

VOTING

Motion by: Council Member Welch
Second by: Council Member Happe

COUNCIL	YES	NO	ABSTAIN	RECUSE	ABSENT
Andrade, Daniela	X				
Happe, David	X				
Pingree, Kyle	X				
Wallace, Colleen	X				
Welch, Art	X				

Reconsider Consent Item VI.14 and adopt Resolution 2020-114

VOTING

Motion by: Mayor Andrade
Second by: Council Member Happe

COUNCIL	YES	NO	ABSTAIN	RECUSE	ABSENT
Andrade, Daniela	X				
Happe, David	X				
Pingree, Kyle	X				
Wallace, Colleen		X			
Welch, Art		X			

VIII. REPORTS OF OFFICERS

ITEM.VIII.1 Design for the Proposed Entry Monument Sign on East Ramsey Street

Public Works Director Art Vela presented the staff report and PowerPoint presentation (Attachment 5) for this item.

Public Comment

Lynnea Hagen asked who would be maintaining the landscape, as the bottom text is easily covered.

Public Works Director Vela explained that City staff would be responsible for the landscape maintenance.

Paul Perkins suggested putting the project on hold due to the City's financial situation.

Public Works Director Vela advised the bond funds is specifically for this Capital Improvement Project and can't be used for other things.

Nick Parra advised that he supports anything that beautifies the city, but he is concerned with the rest of this area and asked the City to be mindful in balancing the beautification of the area. He recommended Concept 4 and keeping it simple.

Art Vela explained the sign is a very small part of a much larger project and shared details regarding the project.

Robert Ybarra advised he is partial to “Endless Opportunities” and recommended Option 1 or 4.

Select Concept 4 with City Seal on back if possible

VOTING

Motion by: Mayor Andrade

Second by: Council Member Pingree

COUNCIL	YES	NO	ABSTAIN	RECUSE	ABSENT
Andrade, Daniela	X				
Happe, David	X				
Pingree, Kyle	X				
Wallace, Colleen	X				
Welch, Art	X				

ITEM.VIII.2 Banning Sportsman’s Club Lease Agreement

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

Public Comment

Paul Perkins expressed concern regarding possible contamination.

City Manager Schulze explained that the City would like to retain the property, as it may be repurposed in the future. Hazardous materials are addressed in the agreement.

Continue Item and invite a representative from the Sportsman’s Club to come to the next meeting

VOTING

Motion by: Council Member Happe

Second by: Council Member Pingree

COUNCIL	YES	NO	ABSTAIN	RECUSE	ABSENT
Andrade, Daniela	X				
Happe, David	X				
Pingree, Kyle	X				
Wallace, Colleen	X				
Welch, Art	X				

IX. DISCUSSION ITEMS

ITEM.IX.1 Need for an Ordinance to Govern the Use of Golf Carts on Public Streets

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

Public Comment

Paul Perkins advised Beaumont has a program that includes a fee and they allow them on the bike lanes.

Nick Parra advised alternative vehicles are good to investigate for the future. Maybe the Sun Lakes area can be the experimental area.

City Manager Schulze advised that this addresses more than golf carts and the appropriate term should be “neighborhood electric vehicles.”

ITEM.IX.2 Proposition 218 Ballot Process for Landscape Maintenance District No. 1

Public Works Director Art Vela provided the staff report and PowerPoint presentation (Attachment 6) for this item.

Public Comment

John Hagen believes the assessment values are way off and is against any increase. He believes the City should be incorporating in-house with the parks/maintenance department and the Landscape Maintenance District should go away.

Art Vela advised the Prop 218 process is in place so the resident's voices may be heard and explained the reasons for the new zones.

X. ITEMS FOR FUTURE AGENDAS

Council Member Wallace would like Council to reconsider Consent Item VI.14.

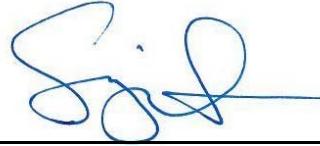
Mayor Andrade would like Council to consider the Mayor/Mayor Pro Tem rotation.

XI. ADJOURNMENT

The Mayor adjourned the regular meeting at 9:11 P.M. and a moment of silence was held in remembrance of Jerry Westholder.

Next Meeting: Regular Meeting, Tuesday, October 13, 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: Part 1:
<https://banninglive.viebit.com/player.php?hash=VZOswPamZQYj>, Part 2
<https://banninglive.viebit.com/player.php?hash=fQq8IUpmjtmB> and Part 3
<https://banninglive.viebit.com/player.php?hash=W1WPu3ne3W5m>. or by purchasing a CD or
DVD in the amount of \$7.00 at Banning City Hall located at 99 E. Ramsey Street.*

*All related documents maybe viewed here:
<https://banningca.gov/ArchiveCenter/ViewFile/Item/2370>*

ATTACHMENT 1

CITY MANAGER'S REPORT

September 22, 2020



1



FORMER NATIONAL
GUARD ARMORY

2

1

BULKY
ITEM
DISPOSAL
EVENT

- SATURDAY, OCTOBER 10, 2020
- 8:00AM TO 1:00PM
- DYSART PARK



3

BANNING ELECTRIC
At Market Night!

Friday, Oct 2nd, 4-8pm
Ramsey Street in Old Town Banning

Bucket Truck rides, games & giveaways!

**Support your Community-Powered
Superheroes!**



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PARDEE ATWELL PROJECT



5

City Manager's Report

News you can use about the
City of Banning!

Text

92220

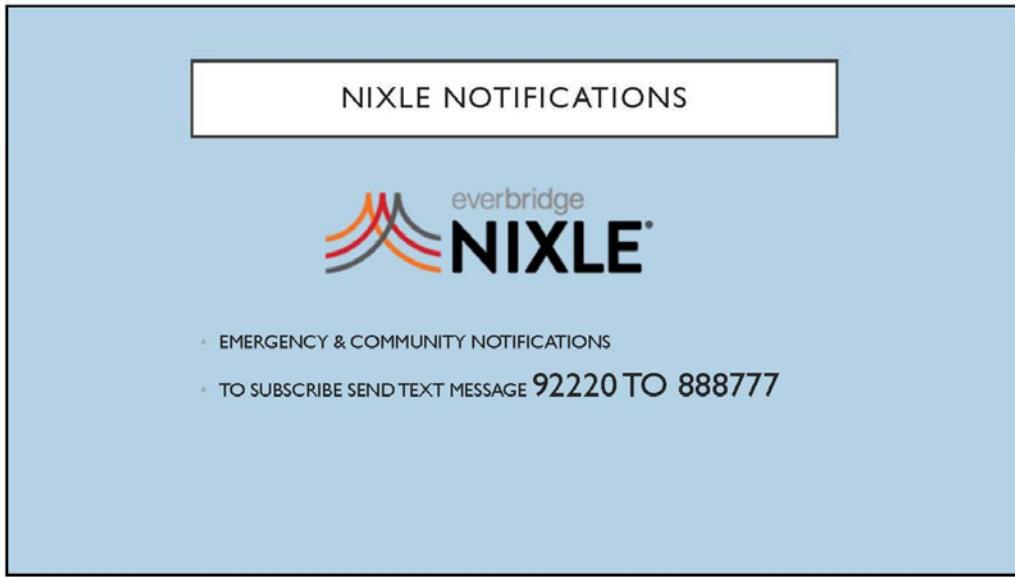
to **22828** to get started.



Message and data rates may apply.

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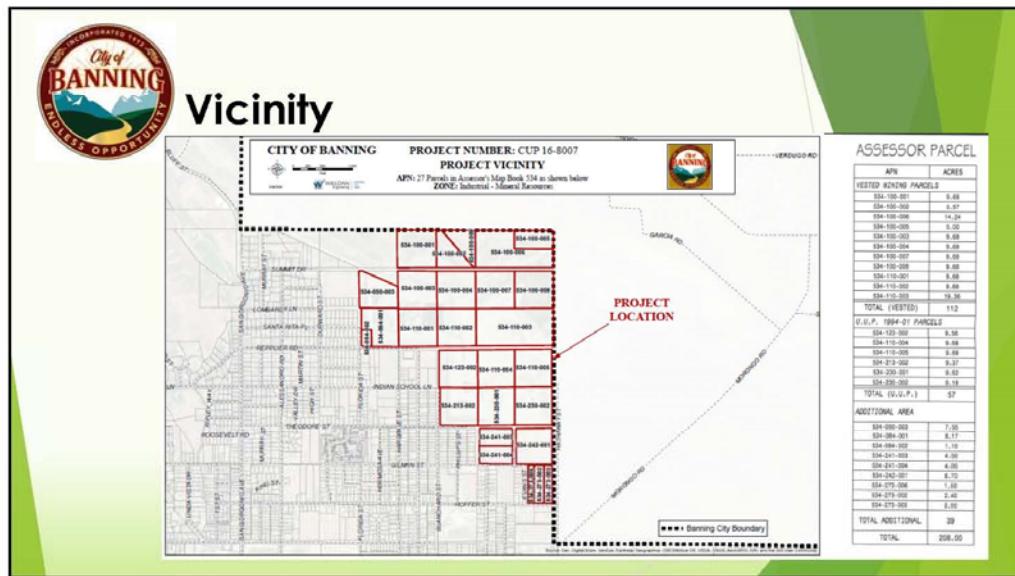
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ATTACHMENT 2



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Project Request

The Robertson's Ready Mix Banning Mine is requesting approval for their expansion project that will also include a proposed development agreement, mining and reclamation plan for mining 38-acres of lands in the northeast corner of the City, and conditional use permit, to expand the mining area to encompass an additional 23 acres of land in the South Pit and 17 acres of land in the West Pit, along with the construction and 24-hour operation of an onsite ready mix concrete batch plant and associated maintenance facility on a total of approximately 208 acres. There is an associated General Plan Amendment and Zone Change from Low Density Residential (LDR) to Industrial Mineral Resources (I-MR) for certain portions of the project.

3



Mining Areas



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2



Project Description

- ▶ **South Pit Expansion:** expansion of the existing Banning Quarry mining operation, to encompass an additional 23-acres directly south of the existing South Pit mining operation on the Matich property. This area is referred to as the South Pit Expansion Area.
- ▶ **Ready Mix Concrete (RMC) Plant:** Construct and operate an RMC plant and associated support and maintenance facility. The maintenance facility includes equipment and materials required for mining operations.
- ▶ **Portable Concrete Recycle Plant:** Operate a portable concrete recycle plant intended to crush and recycle used concrete on an as needed basis.

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Mining Areas



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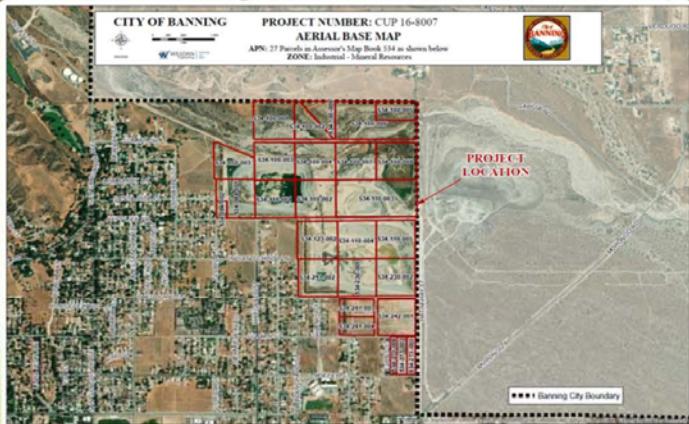
Project Description (cont'd)

- ▶ **West Pit:** Adjust the boundaries of the existing Banning Quarry to include 17-acres located in the western end of the West Pit that were mined outside of the permit limits.
- ▶ **East Pit:** Correct the over steepened slope conditions in the East Pit by backfilling, as required to be in compliance with SMARA and as required by the recommendations from the geotechnical report prepared by CHJ for the Project.
- ▶ **Reclamation:** Combine the two existing Reclamation Plans for the Banning Quarry with the proposed Project activities into one Amended Reclamation Plan and reclaim the quarry as identified in the Amended Reclamation Plan as required by SMARA.

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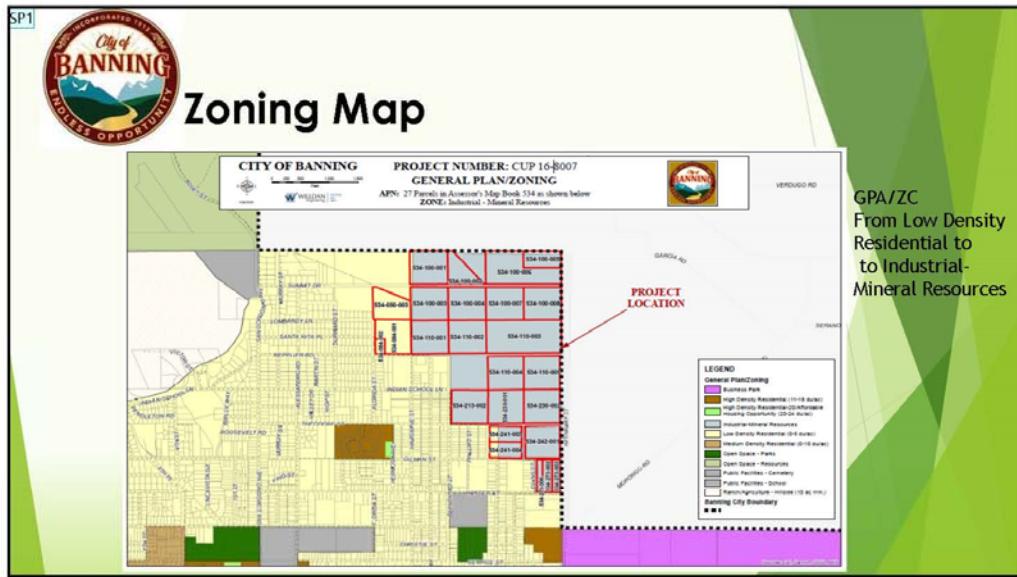


Aerial Map

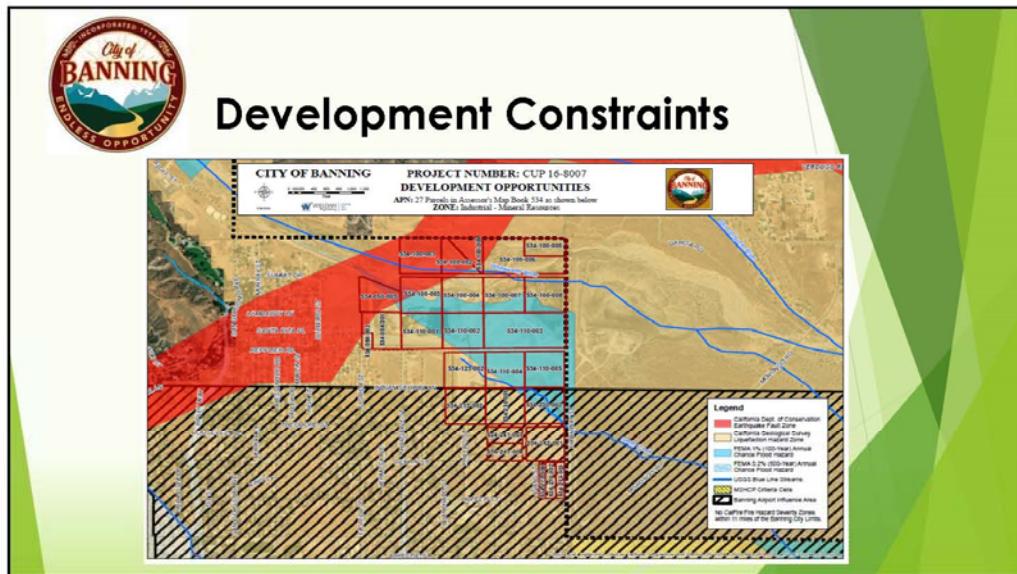


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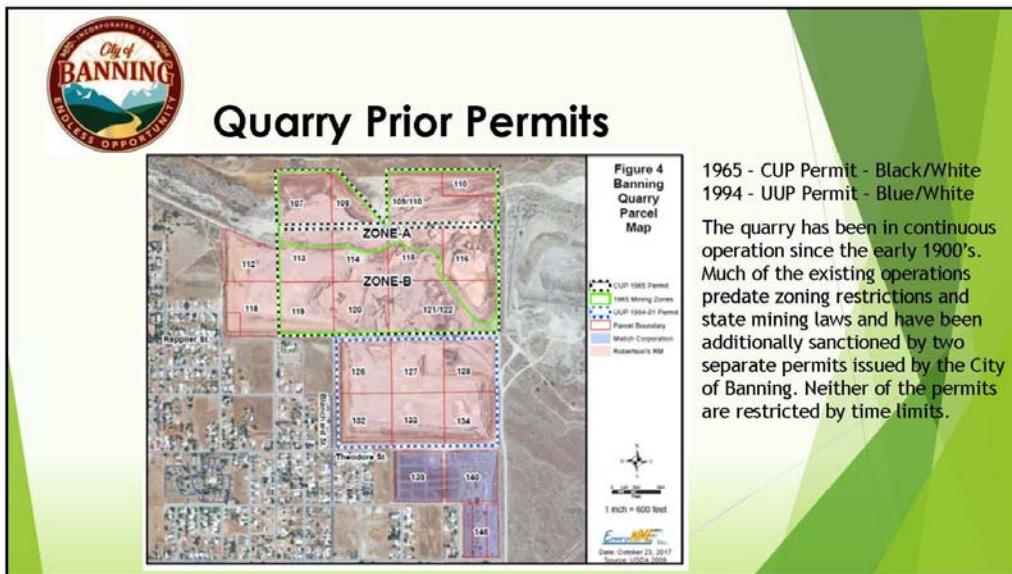


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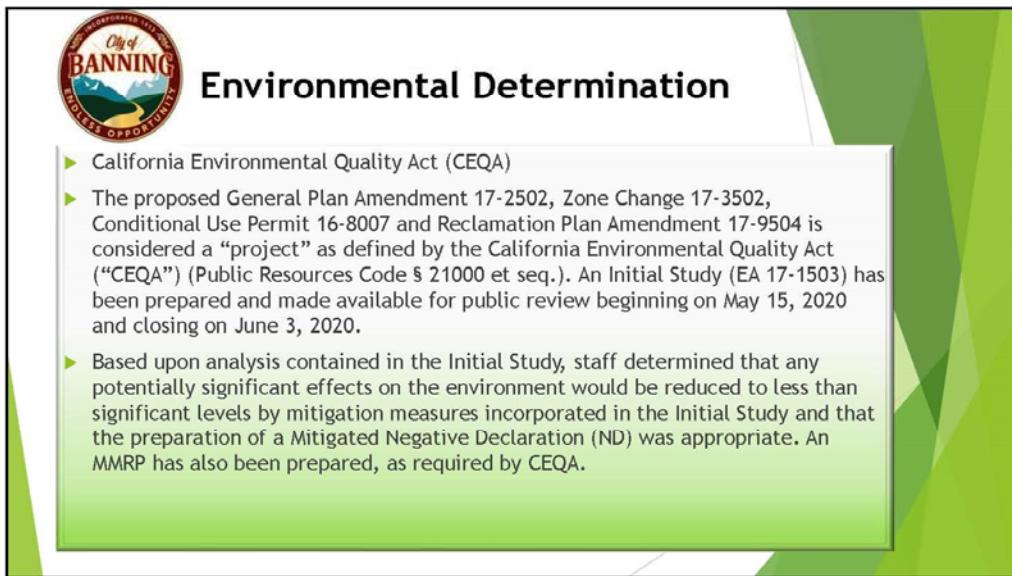
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Slide 9

SP1 Sonia Pierce, 6/3/2020



11



12



City Council Recommendation

Staff recommends the City Council:

- ▶ Adopt Resolution 2020-118 approving General Plan Amendment 17-2502; Conditional Use Permit 16-8007; Reclamation Plan Amendment 17-9504, and Environmental Assessment 17-1503, adopting the Mitigated Negative Declaration and Mitigation Monitoring Reporting Program (MMRP).
- ▶ Introduce the first reading of Ordinance 1563 approving Zone Change 17-3502; and
- ▶ Introduce the first reading of Ordinance 1570 approving Development Agreement 12; and,
- ▶ Adopt Resolution 2020-120 declaring the City's intention to vacate portions of Gillman, Theodore, Hathaway, and Harlow Streets, Summit Dr., and Repllier Rd.

13



Conclusion

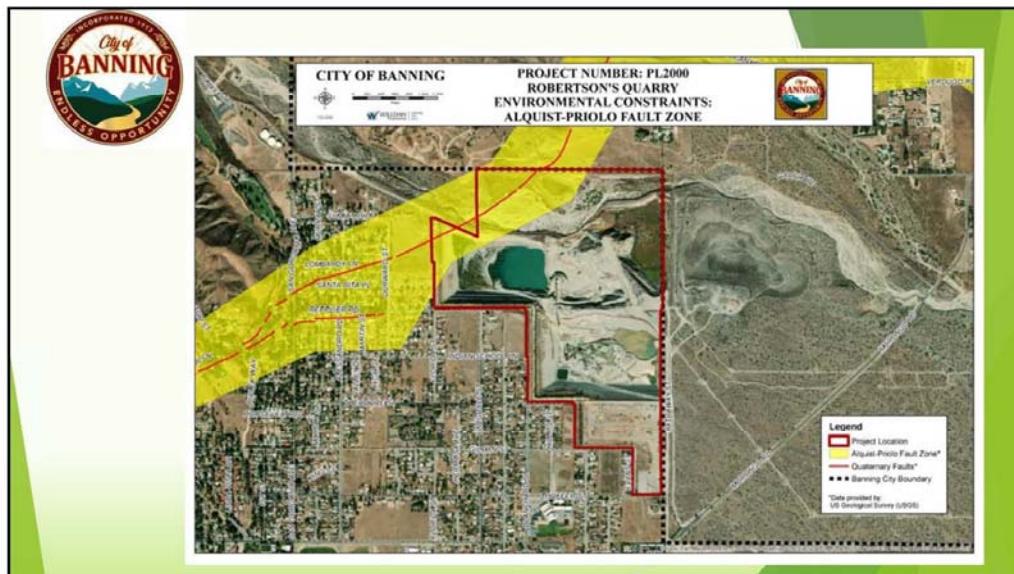
Thank you & Questions

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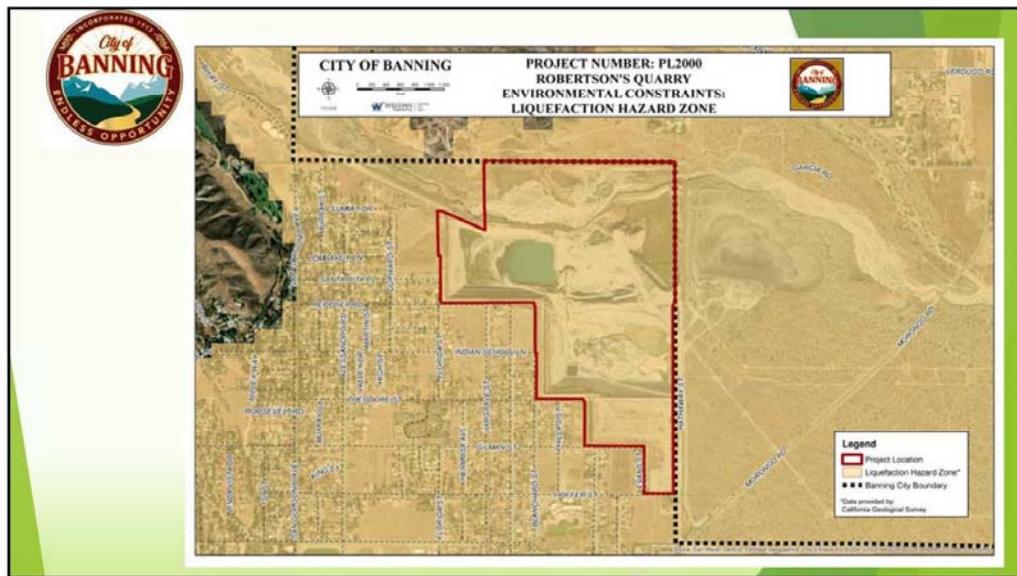


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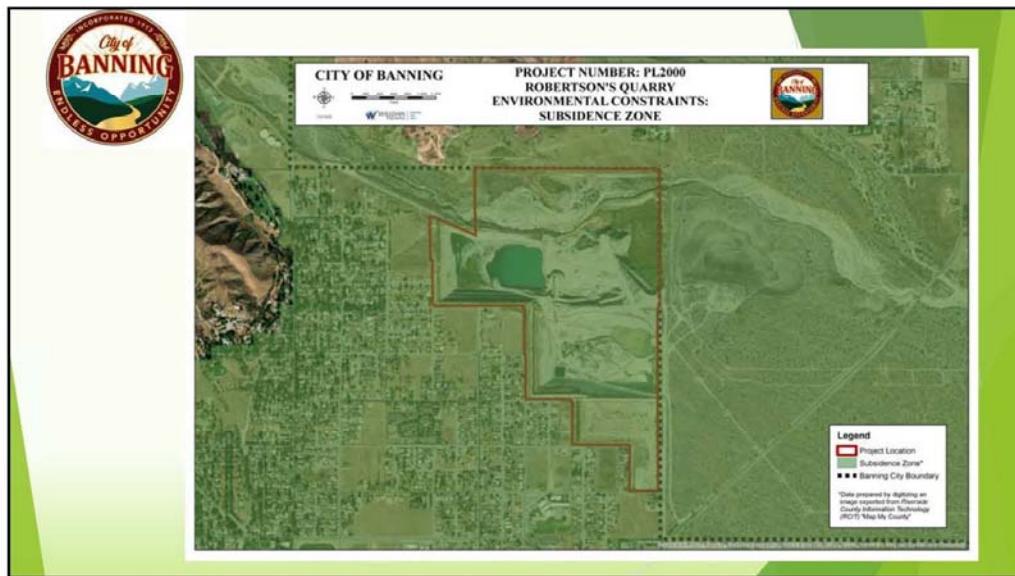


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ATTACHMENT 3

9/22/2020

ROBERTSON'S READY MIX PROJECT

City of Banning
City Council Hearing
September 22, 2020
Case Nos: GPA 17-2502; ZC 17-3502; CUP 16-8007; RCP 17-9504; DA 17-1502

1

APPROVALS

- Conditional Use Permit No. 16-8007 ("CUP") to expand Mining Area at the Quarry to encompass an additional six (6) parcels totaling roughly twenty-three (23) acres. Controls all future mining activity.
- General Plan Amendment (No. 17-2502) and Zone Change (No. 17-3502) to clean up zoning on 17 acres at NE portion of Site.
- Reclamation Plan Amendment (unified site Reclamation Plan).
- Vacation of "Paper Streets" within mining area (inclusive of one paper street owned by the City for which compensation would be paid).
- Development Agreement.

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TWO DISCUSSION ITEMS: (1) THE DEVELOPMENT AGREEMENT AND (2) ENVIRONMENTAL CONCERNS

- The Development Agreement formalizes and locks in place the variety of substantial public benefits the Project will provide to the City over its life and beyond.
- The Mitigation Measures, Regulatory Compliance Measures, Conditions of Approval, history of operations and ongoing enforcement authority that appropriately address environmental concerns for neighboring properties.

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DEVELOPMENT AGREEMENT: ECONOMIC BENEFITS TO THE CITY

- **Mining Tax Revenues**: Estimated at approx. **\$3.0 Million Dollars** into the City's General Fund.
 - Tax increases each year by CPI (3-4% per year increase – so the longer the Project goes, the more funds the City gets).
- **Rebate**: City gets 15 cents per cubic yard of concrete poured within the City of Banning.
 - Applies even if source of concrete is outside of Banning.
- **Sales Taxes Revenue**: The City of Banning will be the "point of sale" for all concrete manufactured from the proposed Ready Mix Concrete Plant.
 - Batch Plant would be constructed within **6 months** of approval.
 - Batch Plant would be located on east end of South Pit, **approx. 900** feet away from residences.
 - Access point would be Hathaway Street on the east end of the Site.

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DEVELOPMENT AGREEMENT: ECONOMIC BENEFITS TO THE CITY

- **Minimum Guaranteed Payments (Revenue Supplement):**

Provides City minimum payment each year of Project operations:

- Creates “Revenue Goal” of \$0.40 per ton of mined material between the Mining Tax, Sales Tax, and Rebate over the life of the Project.
- Robertson’s will pay the difference between actual payments to the City and the Revenue Goal, up to \$125,000 additional dollars every year.

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DEVELOPMENT AGREEMENT: ADDITIONAL BENEFITS TO THE CITY

- **Robertson’s will dedicate 25% of the Usable Project Site Post-Reclamation to the City**
 - Approx. 20-25 Acres dedicated in fee to the City.
 - Available for any public use at the full discretion of the City.
 - Current options that can be implemented are: (1) a public park with a lake; or (2) a public park without a lake.
- **Replacement Well Site (already provided to City)**
- **Dismissal with prejudice of all prior claims and actions; mutual releases.**
 - Permanent resolution to all prior disputes.
 - Full releases of all prior existing claims and liabilities, known and unknown

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DEVELOPMENT AGREEMENT: ADDITIONAL BENEFITS TO THE CITY

- Additional Financial Protections for the City:
 - In addition to est. \$1 million dollar SMARA performance bond, the DA includes an additional; \$1.0-1.5 million dollar performance bond with the City as sole beneficiary guaranteeing all RRM work under the DA, CUP, and Reclamation Plan.
 - Additional insurance with the City listed as a additional insured totaling \$4million dollars of coverage.
 - Robust indemnity protections for City.
- Street Improvements:
 - Widening and improvements on Hathaway St. from Hoffer St. to Ramsey St.
 - Improvements on additional streets the Project does not impact: Half-width improvements on Repplier Rd. from Hargrave St. to Florida St.; Half-width improvements on Florida Ave. from Repplier Rd. to end of pavement. (Additional street dedications on Blanchard St. and Florida Ave).

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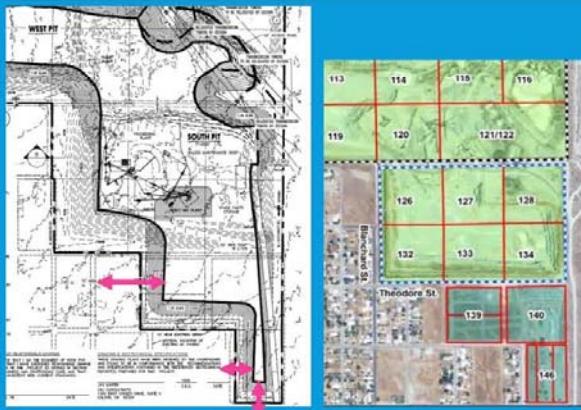
CEQA ANALYSIS: PROJECT HAS NO SIGNIFICANT ENVIRONMENTAL IMPACTS

- City prepared Mitigated Negative Declaration (MND)
- Air Quality: Less Than Significant With Regulatory Compliance Requirements:
 - SCAQMD AQ Permits Required to control emissions.
 - SCAQMD Rule 1157: Dust Control – less than significant impacts from dust.
 - Criteria Pollutant emissions do not exceed SCAQMD thresholds.
 - Human Health Risk Assessment: Less than Significant Health Risks to nearby "sensitive receptors," i.e., nearby residences and schools.
 - Uses stringent methodology and standards from OEHHA adopted by the City.
- Noise: Operational Noise and Noise from Trucks Less than Significant based on residential standards under City Noise Ordinance.
- Traffic: Less than significant (outbound trips would be reduced once the Ready Mix Plant is constructed).

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NEAREST RESIDENCES ARE SEPARATED FROM MINING ACTIVITIES



- No further mining in the West Pit (only slope stabilization work remains).
 - West Pit mining completed in 2008.
- Mining areas in South Pit lined with 10' tall, approx. 40' wide berm topped with landscaping.
- Mining activities are separated from nearest residences:
 - Hathaway and Hoffer: appx. 150' from mining (single residence).
 - Evans St.: appx. 135' feet from mining.

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ENVIRONMENTAL AND OPERATIONAL ISSUES: DUST CONTROL MEASURES AND FEATURES

- **As of 2017, Rock Plant is 130' below ground surface:**
 - Rock Plant was previously closer to the ground surface.
 - Batch Plant would also be at approx. 130' below ground surface.
 - Egress point on Hathaway at the east end of the site.
- **Additional mining in expansion area would all be below ground surface.**
- **2-3 times daily watering of unpaved surfaces in mining area:**
 - Facility has dedicated water truck.
 - Will accept condition to include sprinklers on the new perimeter berms in expansion area.
 - Watering increased in 2016 following dust complaint from one of our neighbors.

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ENVIRONMENTAL AND OPERATIONAL ISSUES: CONDITIONS OF APPROVAL

- DA Includes Annual Mine Inspections by City in addition to DMR inspections.
- The Conditions of Approval give the City broad ongoing enforcement authority if any issues arise:
 - Project must comply with all municipal code as well as state and legal requirements – which include the noise ord. and nuisance abatement requirements (Conditions 1 and 3).
 - Project must screen the perimeter of the Site (Condition 9).
 - Landscaped areas at the perimeter of the Site must be maintained as well as perimeter fencing (Conditions 16 and 17).
 - Access plan with City approval and public notice required (Condition 23).

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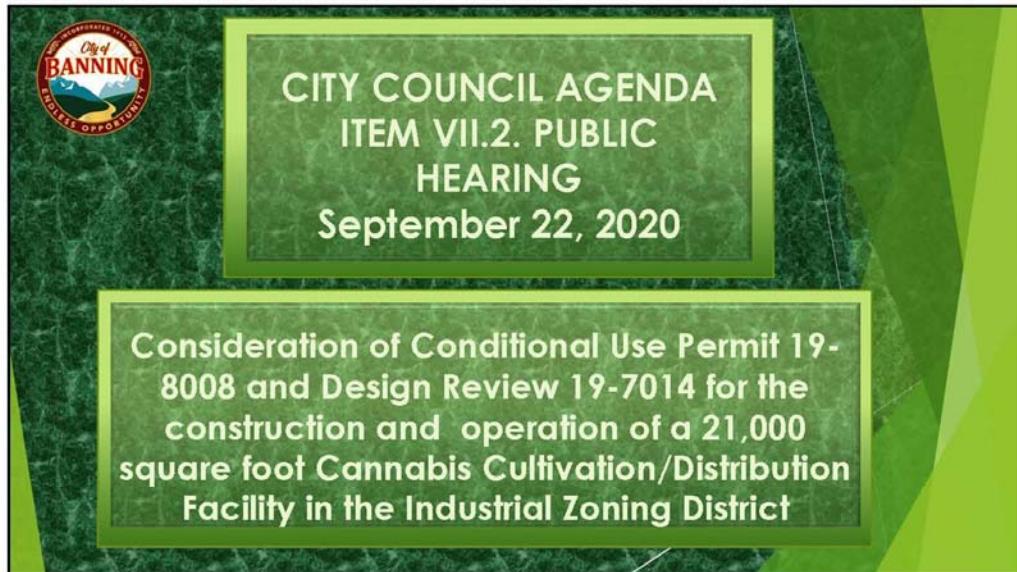
THANK YOU!

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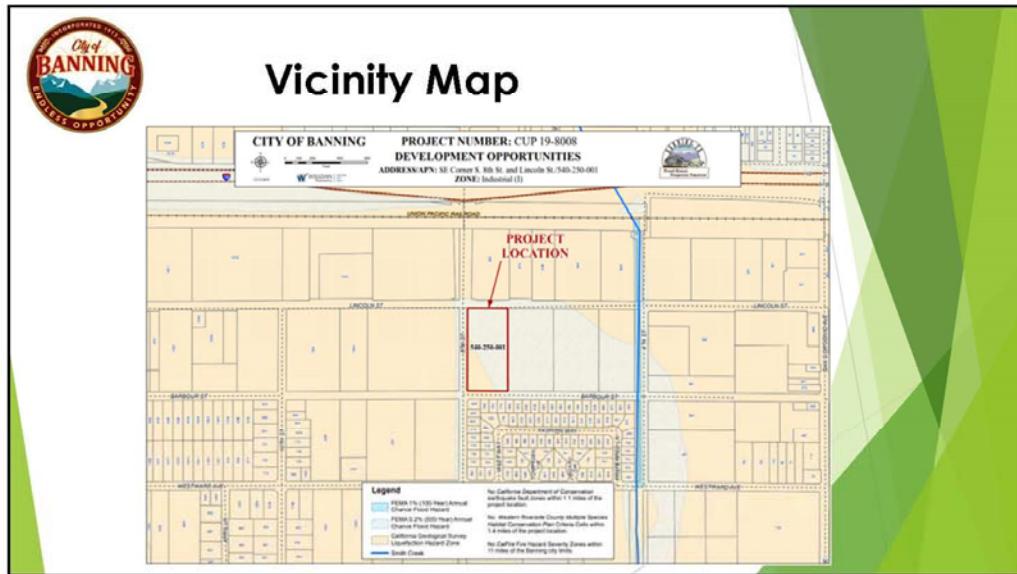
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ATTACHMENT 4

9/22/2020



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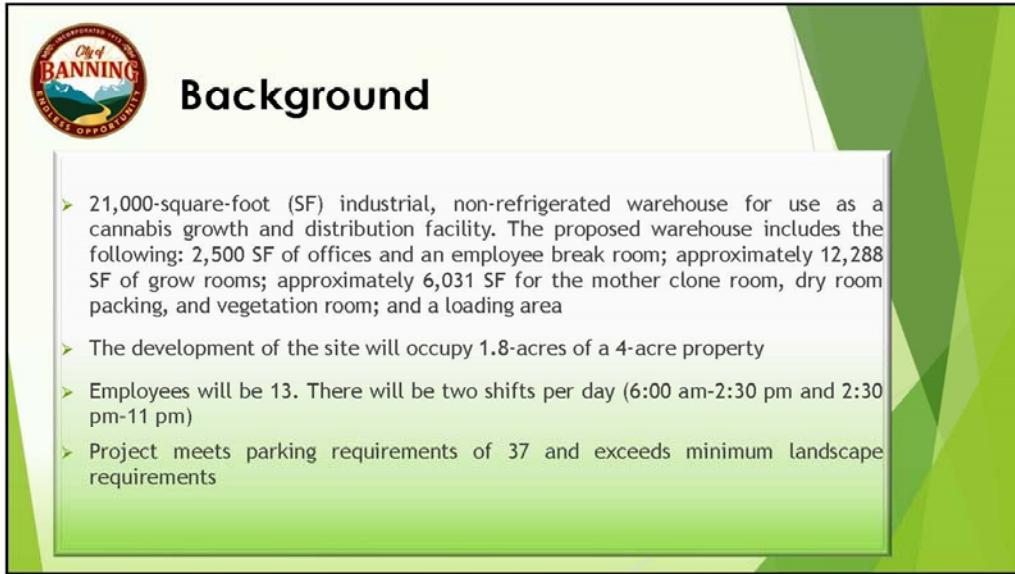


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Environmental Determination

- ▶ The proposed Design Review 19-7014 and Conditional Use Permit 20-8008 are considered a “project” as defined by the California Environmental Quality Act (“CEQA”) (Public Resources Code § 21000 *et seq.*). An Initial Study (ENV 20-1504) has been prepared and made available for public review beginning, August 7, 2020 and closing August 27, 2020.
- ▶ Based upon analysis contained in the Initial Study, staff determined that any potentially significant effects on the environment would be reduced to less than significant levels by mitigation measures incorporated in the Initial Study and that the preparation of a Mitigated Negative Declaration (MND) was appropriate. All mitigation measures are carried forward into project Conditions of Approval. A Mitigation Monitoring Report and Program (MMRP) has also been prepared, as required by CEQA.

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City Council Recommendation

- ▶ Staff recommends that the City Council adopt Resolution 2020-117, and take the following actions:
- ▶ Find that in accordance with the California Environmental Quality Act that all environmental impacts have been evaluated and disclosed through the adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project.
- ▶ Approve Conditional Use Permit 19-8008 and Design Review 19-7014, a proposal to construct and operate an indoor cannabis cultivation and distribution facility, subject to the recommended conditions of approval.

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Conclusion

THANK YOU! & QUESTIONS

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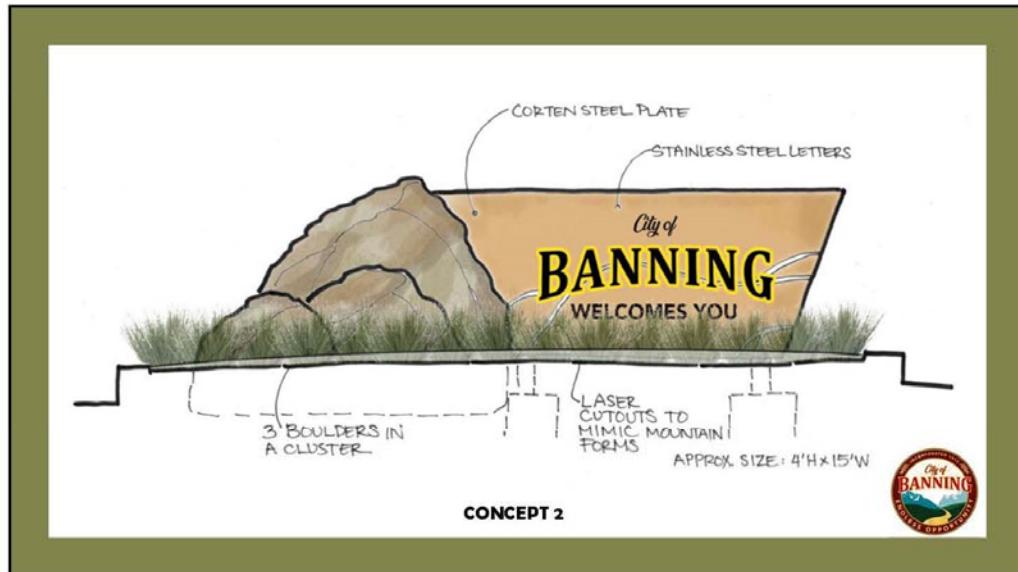
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ATTACHMENT 5

9/22/2020

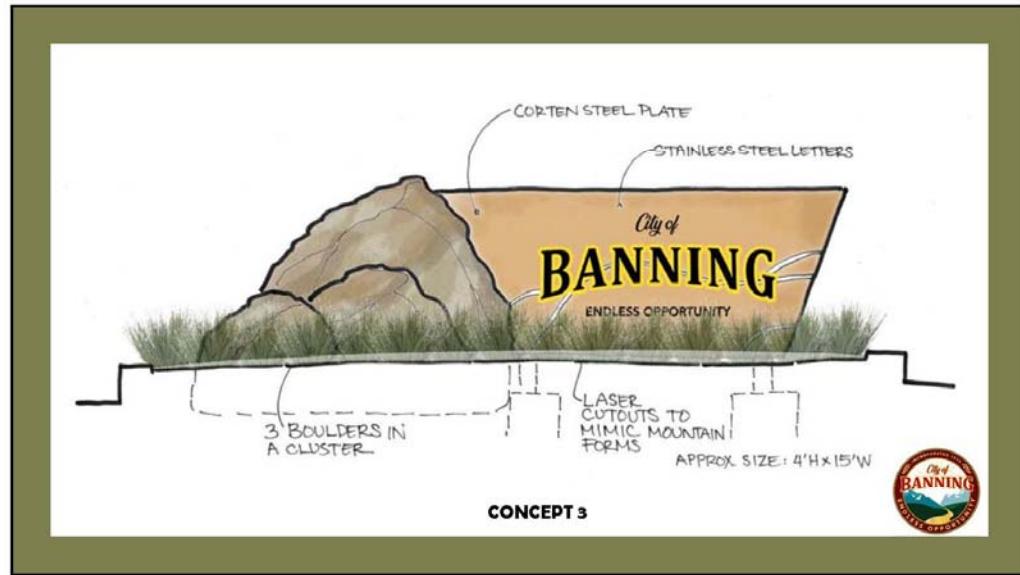


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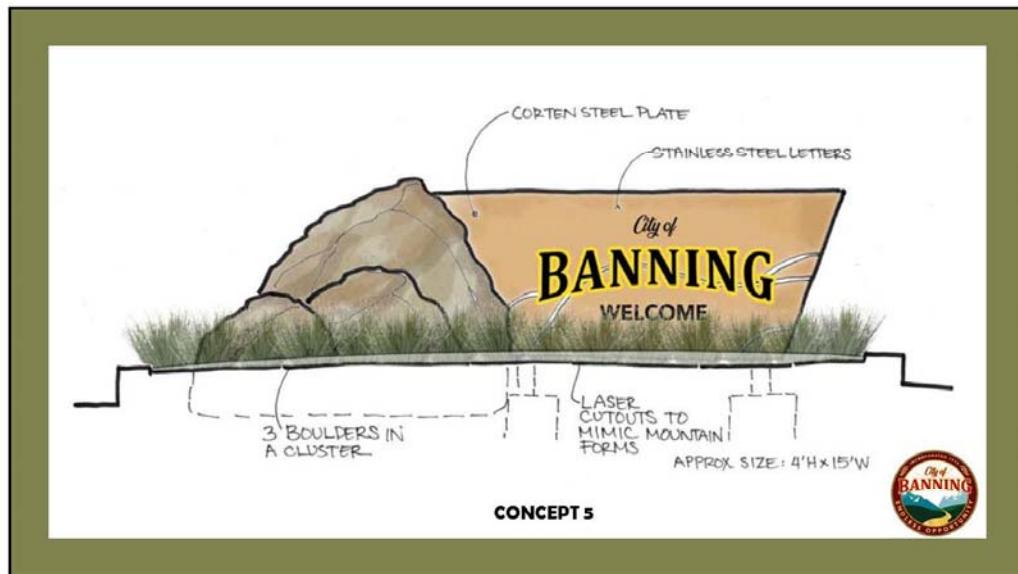


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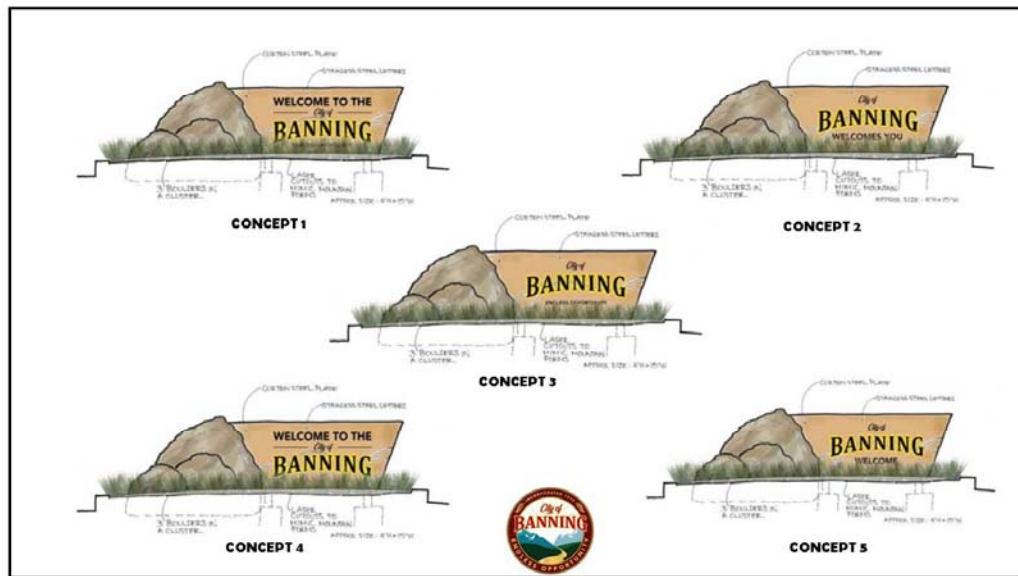


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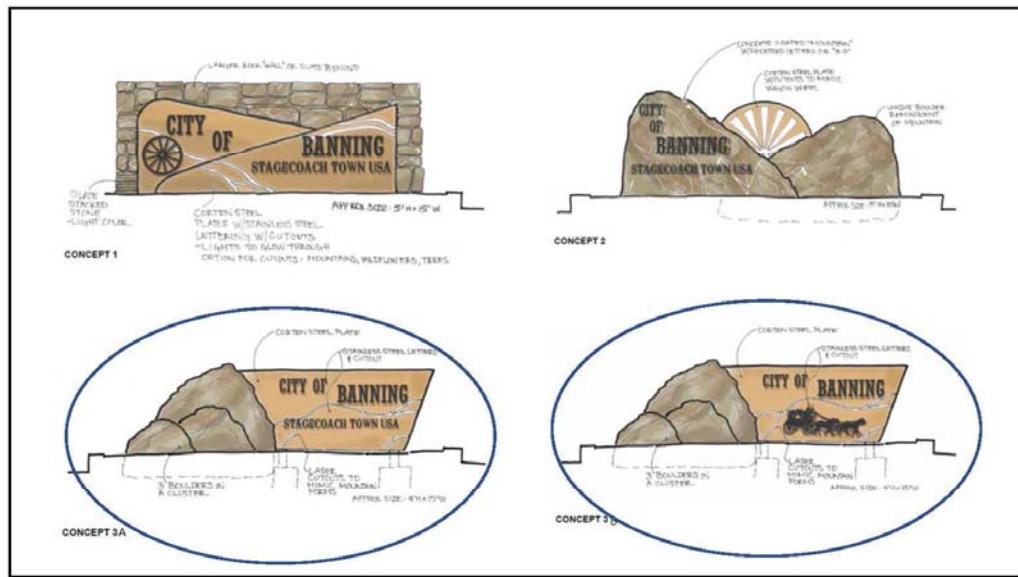


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ATTACHMENT 6

9/22/2020



LANDSCAPE
MAINTENANCE
DISTRICT NO. 1 -
PROP 218
PROCESS UPDATE

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BACKGROUND

- ▶ DUE TO AN ONGOING FUNDING SHORTFALL A FINANCIAL ANALYSIS WAS COMPLETED RECOMMENDING:
 - ▶ RESTRUCTURING OF LMD ZONES FROM 4 TO 10 ZONES
 - ▶ ESTABLISHING A SEPARATE BUDGET FOR EACH ZONE
 - ▶ INCREASE IN ASSESSMENTS FOR MOST TRACTS IN ORDER TO INCREASE SERVICE LEVELS
 - ▶ CONDUCT A PROP 218 PROCESS FOR A VOTER APPROVED RATE INCREASE
- ▶ The 2020/2021 APPROVED BUDGET INCLUDES A \$69,974 FUNDING SHORTFALL THAT WILL BE COVERED BY THE LMD FUND BALANCE (\$295,355).



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BACKGROUND



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UPDATE

- ▶ ON OCTOBER, 13 2020 CITY COUNCIL WILL VOTE TO APPROVE THE PROP 218 ENGINEER'S REPORT WHICH WILL INCLUDE THE NEW ASSESSMENT RATES AS APPROVED BY CITY COUNCIL
 - ▶ BALLOTS WILL BE MAILED OUT TO PROPERTY OWNERS
 - ▶ PROPERTY OWNERS WILL VOTE IN SUPPORT OF THE NEW ASSESSMENT RATE VOTE TO "OPPOSE/NO"
- ▶ PROP 218 VOTE WILL BE HELD ON DECEMBER 8, 2020 DURING THE REGULAR COUNCIL MEETING

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UPDATE

- ▶ NEW ASSESSMENT RATES, IF APPROVED, WILL BECOME EFFECTIVE FISCAL YEAR 2021/2022 FOR THOSE ZONES THAT APPROVE IT
- ▶ IF THE PROP 218 VOTE FAILS THE ASSESSMENT RATES WILL REMAIN THE SAME
- ▶ FOR THOSE TRACTS ANNEXED IN 2005 THE ASSESSMENTS RATE WILL HAVE A CPI ADJUSTMENT APPLIED AS PREVIOUSLY APPROVED BY THE PROPERTY OWNERS



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THANK YOU!



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