



The following information comprises the minutes for a 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**

**08/24/2021
REGULAR MEETING**

COUNCIL MEMBERS PRESENT: Mayor Colleen Wallace
Mayor Pro Tem David Happe
Council Member Mary Hamlin
Council Member Kyle Pingree
Council Member Alberto Sanchez

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Douglas Schulze, City Manager
Kevin Ennis, City Attorney
Marie Calderon, City Clerk
Caroline Patton, Deputy City Clerk
Alejandro Geronimo, City Treasurer*
Art Vela, Public Works Director*
Adam Rush, Community Development Director
Matthew Hamner, Chief of Police
Officer Sayeski, Banning Police Department
Ralph Wright, Parks and Recreation Director
Suzanne Cook, Finance Director
Tom Miller, Electric Utility Director
Cherie Johnson, Human Resources Manager*
James Wurtz, Economic Development Manager
Laurie Sampson, Executive Assistant*
Mark de Manicor, Planner*

*Participated via Zoom.

1. CALL TO ORDER

Mayor Wallace called the regular meeting to order at 5:00 p.m.

- 1.1. Invocation
Pastor Nathaniel Rodriguez of Infinite Center gave the invocation.
- 1.2. Pledge of Allegiance
Council Member Happe led the Pledge of Allegiance.
- 1.3. Roll Call

COUNCIL MEMBER	PRESENT	ABSENT
Hamlin, Mary	X	
Happe, David	X	
Pingree, Kyle	X	
Sanchez, Alberto	X	
Wallace, Colleen	X	

2. **AGENDA APPROVAL**

2.1. Approve Agenda

Mayor Wallace proposed amending the agenda to hear items 8.3 and 8.1 before the consent agenda (agenda item 6). Council Member Happe proposed pulling 6.19 from the consent agenda and hearing that item following 8.3 and 8.1.

Motion to approve the amended agenda.

Motion by Council Member Happe
Seconded by Council Member Pingree

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

3. **PRESENTATION(S)**

None

4. **REPORT ON CLOSED SESSION**

City Attorney Ennis gave a report of closed session, with no final or reportable action on either matter.

5. **PUBLIC COMMENTS, CORRESPONDENCE, APPOINTMENTS, CITY COUNCIL COMMITTEE REPORTS, CITY MANAGER REPORT, AND CITY ATTORNEY REPORT**

5.1. PUBLIC COMMENTS

Susan Savolainen asked the City Council to suspend the meeting rules regarding public comment.

Ellen Carr shared news about her animal non-profit and ongoing spay and neuter efforts in the community.

Stan Stosel, IBEW Local 47 Representative, spoke on the City's negotiating team's claims that the City has no money for personnel when managers continue to receive raises and new contracts.

Natasha Palmer commented on this year's Banning Little League season.

Frank Connolly asked the City Attorney about the closed session items in the previous special meeting.

John Hagen commented on the meeting agenda. He suggested the City was telling the public one thing then "slipping changes under the rug."

5.2. CORRESPONDENCE

None

5.3. APPOINTMENTS

Parks and Recreation Commission Appointment

Mayor Wallace polled the Council on their desired appointment to the Commission. Council Members Hamlin, Happe and Sanchez were in favor of Nicholas Parra. Mayor Wallace and Council Member Pingree were in favor of Diana Benhar.

Motion to appoint Nicholas Parra to the Parks and Recreation Commission.

Motion by Council Member Happe
Seconded by Council Member Sanchez

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

5.4. CITY COUNCIL COMMITTEE REPORTS

None

5.5. CITY MANAGER REPORT

None

5.6. CITY ATTORNEY REPORT

None

The next 3 agenda items were heard out of order due to an agenda amendment approved earlier in the meeting.

8.3. Resolution 2021-72, Declaration of Emergency Shelter Crisis

City Manager Schulze provided the staff report. Officer Sayeski, the Banning Police Department's Homeless Liaison, spoke to the problems in the City and the effect a homeless shelter would have on their ability to remove homeless individuals from the City.

Boomer Shannon, Chief of Staff for Riverside County Supervisor Jeff Hewitt, spoke to County plans to locate a homeless shelter at the OYO Hotel location.

PUBLIC COMMENTS

John Hagen said he felt the City had become a dumping ground and establishing a shelter would increase that problem.

Lynnea Hagen suggested the City take homeless individuals "back where they came from."

Jeanette Marlar said that the security should protect the residents and not the homeless. She disagreed with the proposed location, saying the site could be seen from the freeway. She cited several residents that were also opposed.

Susan Savolainen said she was in favor of the OYO Hotel becoming a shelter for homeless. She proposed the public write their representatives to pass a law allowing the City to return homeless to their original location.

Inge Schuler said this is the first stage of a plan between Supervisor Hewitt and City Manager Schulze to develop a regional homeless shelter in Banning.

Denise Brown said there have always been homeless problems in Banning, but they have gotten worse, and she is worried home values will fall.

Diego Rose said the City Council and staff should listen to the constituents.

Clarence Taylor asked why Council Member Hamlin did not give the homeless passes to Sun Lakes.

Mayor Wallace called a recess at 6:44 p.m. The regular meeting was reconvened at 6:56 p.m.

Clarence Taylor continued, asking why the shelter cannot be placed on BLM (Bureau of Land Management) property. He said the City should be able to put homeless individuals on buses back to their original location.

Anthony Bohannon said the community does need a solution for the homeless and sometimes you must open your heart and help someone. He suggested having all the homeless resources in one place could be helpful to trying to help people out of homelessness.

Barbara Djordjevic said the city has to do something and that public safety is also about public health. The health of herself, but also the homeless in the community.

Sandra Jacobs said she was a resident of 22nd Street and has experienced confrontations with the homeless nearby. She is worried about the potential

Betty Martinez said she sympathizes with the homeless and something has to be done, but not in her neighborhood. She said she has lived in the City longer than a lot of the Council and they have no right to do that to her.

Fernando Martinez said he was a Beaumont resident that grew up in Banning. He said he cannot walk in Banning anymore and feels unsafe. He said there is a way to help the homeless and protect the people in certain neighborhoods.

Al Chavez said that there are already 50 to 60 homeless individuals living on the site now and that the shelter would not help. He thought the County should step up and the hotel sounded like the best idea, but he also does not want a shelter in the middle of the City.

Naomi Benzor stated the homeless individuals around her home watch her and know when she's home. She said she would contact the media and an attorney to launch a class action lawsuit.

Karl Benink said the problem cannot be solved overnight and any solution will take time.

Kevin Taylor said he lives on 22nd Street and he appreciates the pros and cons. He asked why it needed to be a concentrated community instead of helping individuals at various places across the County. He suggested the City's residents weren't getting their fair share of services from local agencies.

Cindy Barrington said she was not there to oppose the shelter since she knows the city needs it. She asked what would happen to the individuals after the 90-day limit on their stay and stated the city should have a plan for what's next.

Alberto Chavez said that the homeless cannot be controlled and will frequent the downtown businesses. Many of the people don't want help or food, but just want money.

Lily Aguilera said her neighborhood has a neighboring encampment that are causing security concerns. She expressed particular concern that the homeless individuals had used the community's hot tub facilities.

Alex Cassadas said he was a former school board member who was concerned about dropping housing values. He said the City Council was not aware of conversations happening between the City and County regarding a regional homeless shelter in Banning.

Marisol Lopez said she was a business owner who has experienced a lot of problems with homeless individuals. She said they need everyone's help to reach a beneficial resolution, because now she isn't allowing her kids to ride the bus.

Christopher (no last name provided) spoke in support of homeless services. He said he understood it can be uncomfortable to interact with them, but he's concerned with the collective mentality of the community. He said they're all people and that everyone needs to take responsibility as a community to help others.

Jose Romero said he represented Lawrence Equipment and they fear the shelter will bring more crime. He said he doesn't think that the 22nd Street site is the right location.

Daniel Macias said homelessness was a state problem that would not be solved at the local level and the City's plan was idiotic with development planned for the south side of town. He said Banning should help its own.

Jeff Doolittle said he was born and raised in Banning and the City has already failed at establishing a homeless shelter village. He said it was not the City's problem, but a County responsibility.

Jessica Soriano said that her property abuts the proposed site on 22nd Street. She said the crime would increase while home values decrease, and they don't want to be the next lesson learned.

Erin Drazin said the citizens of Banning were dependable and invested in their community. She suggested the City Council rely on those dependable people.

Chris Castorena said community input is vital and promoted his upcoming event.

Frank Burgess said the City has no homeless, only drug addicts. He claimed the City had lost more than \$30 million due to homeless problem. He suggested they build a little league field on the site instead.

Chris McCallum claimed this was a bait and switch, throwing out the 22nd Street site and then settling for the OYO Hotel. He said the homeless come to Banning because of the jail and county offices, but that Banning is better than that.

Written comment submitted after the beginning of the meeting was read into the record.

Vickie Sellers commented that she cares for the homeless, but the county needs to help. She expressed concern about the location due to Stagecoach Days, but that no one is going to want an encampment in their neighborhood.

Juanita Diaz said the jail releases people into the city, which worsens the homeless problem.

City Manager Schulze addressed several issues brought up in public comment:

- If people see homeless being dropped off in Banning, take a photo of the license plate and send it to the city so that it may be addressed.
- A “regional homeless center” has never been discussed with the City by Riverside County. The video cited was edited to omit the question, which was, “Is it *possible* to establish a regional homeless shelter in Banning.” He confirmed that he answered yes because it was *possible*.
- Businesses have said they will not invest in Banning with the current number of illegal encampments and homeless people on the streets.
- After the 60–90-day limit, tenants of the shelter will have had an opportunity to secure transitional housing through programs available to those in the shelter village. If they don’t seek out transitional housing, they can be asked to leave after the 90-day period.
- Drug use is a problem, and it is everywhere. In California, drug possession has been decriminalized, and that’s a reality that the City operates in.
- The previous tenants in the emergency shelter village (“Ramsey Street Village”) were from the City and therefore the City was “taking care of their own.” The proposed emergency shelter would serve citizens of Banning and does not seek to bring homeless from other cities.
- Senior City staff have met with senior Riverside County staff, the Sheriff, and other elected officials and were told it is illegal to transport an individual leaving jail back to their home community. Banning Police officers have and do help get people where they want to go.

Mayor Wallace read a revised resolution under consideration declaring a shelter crisis but not specifying a particular site.

City Attorney Ennis clarified that the resolution as the Mayor read it would not approve any location but would lay the groundwork for a future emergency

shelter. City Manager Schulze confirmed the resolution did not need to be adopted at this meeting.

Motion to continue this item to another meeting.

Motion by Council Member Pingree
Seconded by Council Member Sanchez

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

Mayor Wallace called a recess at 8:38 p.m. The regular meeting was reconvened at 8:48 p.m.

8.1. Consider Approval of Employment Agreement for Suzanne Cook, Finance Director

City Manager Schulze provided the staff report.

City Treasurer Geronimo said that Ms. Cook can present remotely to reduce travel costs. He suggested the City promote other lower-level positions that could fill in for the short term, while looking to recruit a new director.

Written comment was read into the record.

PUBLIC COMMENTS

John Hagen was opposed to the contract and expressed concern about City Manager Schulze. He said the travel costs would add up and questioned why the city couldn't find a local employee.

Alex Cassadas was opposed to the contract stating he felt it was unethical, having not undergone a competitive hiring process. He had several suggestions for Human Resources.

Frank Connolly said the idea the city needed an out-of-state director was outrageous. He said the situation was a disgrace and they needed to get a recruitment out as soon as possible.

Juanita Diaz said Ms. Cook's move did not happen overnight and there should have been more planning. She questioned why the City Council was not aware.

City Manager Schulze clarified that he sent an email to the Council when the situation arose, and Ms. Cook was given the opportunity to work remotely.

Chris Castorena suggested they hire someone local.

Motion to direct staff to return with a revised employment contract with a one-year term and updated terms related to travel expenses, as well as identify consultant(s) to manage a recruitment for the next Finance Director.

Motion by Council Member Happe
Seconded by Council Member Sanchez

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto	X				
Wallace, Colleen		X			

Motion approved by a vote of 4-1.

6. CONSENT ITEMS

- 6.1. Approval of Minutes from the July 27, 2021, City Council Meeting
- 6.2. Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Months of June & July 2021
- 6.3. Receive and File Cash, Investments and Reserve Report for the Months of June & July 2021
- 6.4. Receive and File Police Department Statistics for June & July 2021
- 6.5. Receive and File Fire Department Statistics for June & July 2021
- 6.6. Receive and File Parks and Recreation Report the Month of June 2021
- 6.7. Receive and File Contracts Approved Under the City Manager's Signature Authority for the Months of June & July 2021
- 6.8. Public Works Capital Improvement Project Tracking List for June & July 2021
- 6.9. Resolution 2021-75, a Joint Resolution Approving the I-10 Corridor Strategic Plan
- 6.10. Resolution 2021-78 Authorizing the City Manager or Designee to Enter into a Contract with California Department of Transportation (Caltrans) for a Sustainable Communities Planning Grant for the Downtown Revitalization and Complete Streets Plan
- 6.11. Annual Renewals for the Agreement with ECS Imaging, Inc. for Continued Laserfiche Cloud Records Management System Services
- 6.12. Resolution 2021-71, Approving the Agreement with Cybertime Network Communications for Citywide Looped Microwave Backbone System and Data Circuit to the Water Plant, and Provision of 10.0 Mbps Internet Feed to City Hall for Fiscal Year 2021-2022 for \$31,188

- 6.13.**Resolution 2021-79 Approving Revisions to the Compensation and Classification Plan
- 6.14.**Resolution No. 2021-77 Authorizing the Acceptance of an Allocation of Funds and Execution of an Airport American Rescue Plan Act (ARPA) Coronavirus Relief Grant Agreement with the Federal Aviation Administration
- 6.15.**Approving an Increase in the amount of \$10,000 to Fiscal Year 2020/2021 Blanket Purchase Order with Nobel Systems, Inc. for Geographic Information Services (GIS) in the amount of \$10,000 for a total of \$24,600
- 6.16.**Resolution 2021-74 Approving and Authorizing the Application for the Outdoor Equity Grant Program
- 6.17.**Approving an Increase in the amount of \$2,200 to Fiscal Year 2020/2021 Blanket Purchase Order with Ken Grody Redlands Ford for Auto Parts and Repairs
- 6.18.**Approving an Increase in the amount of \$1,140 to Fiscal Year 2020/2021 Blanket Purchase Order with The Mobile Turtle for Cleaning and Disinfection of Banning Connect Transit Vehicles
- 6.19.**Resolution 2021-76 Declaring Pursuant to Government Code Section 54221 that real property owned by the City located at 1909 East Ramsey. (APN: 532-120-011) as surplus land and not necessary for the City's use, finding that such declaration is exempt from environmental review under the California Environmental Quality Act, and taking related actions
- 6.20.**Adopt Resolution 2021-08 UA, Approving the Third Amendment to the Agreement with G & G Environmental Compliance of Riverside, California for Industrial Waste Program Management, FOG and NPDES Inspections and Environmental Compliance Services

PUBLIC COMMENTS

None

Motion to approve consent agenda items 6.1 to 6.18, 6.20.

Motion by Council Member Pingree

Seconded by Council Member Happe

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

- 6.19.** Resolution 2021-76 Declaring Pursuant to Government Code Section 54221 that real property owned by the City located at 1909 East Ramsey. (APN: 532-120-011) as surplus land and not necessary for the City's use, finding that such declaration is exempt from environmental review under the California Environmental Quality Act, and taking related actions

Several Council Members expressed a desire to place the homeless village back on the same property and not declare it surplus.

City Manager Schulze explained the history of the site and an existing easement that severely restricted the available space on the lot. Because of these reasons, the site would not be an acceptable site to rebuild the homeless village. By selling this site, the City would have greater funds if needed to purchase a new site for the homeless shelter village.

PUBLIC COMMENTS

Harry Sullivan shared his thoughts on a homeless shelter and disputed the fire marshal's requirements to maintain 10-foot space between units.

Frank Connolly agreed that the homeless shelter should not be on Ramsey Street.

Motion to approve Resolution 2021-76.

Motion by Council Member Happe

Seconded by Council Member Hamlin

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

7. PUBLIC HEARING(S):

- 7.1.** Ordinance 1577, an Ordinance of the City of Banning amending the Banning Municipal Code by (1) amending Chapters 3.15 and 3.17 of Title 3 pertaining to microbusinesses, (2) amending Chapters 5.33 and 5.35 of Title 5 establishing regulatory requirement for microbusinesses, (3) amending Chapters 17.04, 17.08, 17.12, 17.16, 17.20, 17.53, and 17.54 of Title 17 (Zoning Text Amendment (ZTA) 21-97501) establishing zoning standards for cannabis microbusinesses, (4) making additional conforming amendments to regulations pertaining to commercial cannabis businesses, and (5) making a determination that the Ordinance is exempt from CEQA review pursuant to CEQA Guidelines sections 15060 (c) (3) and 15061 (b) (1)

Adam Rush, Community Development Director, provided the staff report.

PUBLIC COMMENTS

John Hagen said the City Council has sold the public one thing and has changed the rules around cannabis facilities in the city. He disagreed with the reduced setback and removing caps on the number of businesses.

There was a disagreement about the cannabis ballot measure. Council Member Sanchez clarified that the ballot measure was to allow taxation on cannabis, but the City Council approved the cap (1 per 10,000 residents) by ordinance.

Yacoub Kawaja said he applauded the city for seeing the opportunity in cannabis microbusiness. He said the potential tax revenue for the city is substantial and there should be no cap on the number of businesses and open it up to retail.

Laura Leindecker said she worked in cannabis and helped put cannabis on the ballot. She urged Council to extend the business park zone to allow them on Ramsey Street.

Oleg Ivaschuk, owner of Xenia Racing Wraps, suggested the city would have a lot more revenues if it was open to cannabis retail. He said he was against a cap on the number of facilities in the city and allowing them in industrial areas.

Umberto Bagnara said he owned Guy's Italian Restaurant in Banning as well as a licensed cannabis facility in Desert Hot Springs. He said they pay \$60,000 a month in tax revenue to Desert Hot Springs, and he encouraged Council to bring some of that wealth to the City of Banning by removing caps.

Juanita Diaz suggested the city sell land with restrictions requiring them to sell or rent their property within a given period.

City Attorney Ennis clarified that would not be legal and that the commenter's question was not relevant to the agenda item under consideration.

There was Council discussion about desired changes to the proposed ordinance.

- Council Member Pingree was in favor of keeping the proposed buffer zone.
- Council Member Happe said that would inhibit free enterprise, and was in favor of no buffer, no cap, and full retail. He argued that the facilities were the safest areas due to their 24-hour security.
- Council Member Sanchez expressed concern about allowing retail in the industrial zone and was in favor of a cap. He said the Council should table the current ordinance and work on fixing the existing cannabis ordinance before moving forward with microbusiness.

City Attorney Ennis said that with the amount of changes the Council was proposing, staff will need to revise the draft ordinance and bring it back for a

first reading. Further, if the Council wished to include microbusinesses in the commercial zone, that component would need to be reviewed by the Planning Commission again due to planning and zoning laws.

Council provided direction to staff to bring back the ordinance for a first reading with the following changes:

- No cap on the number of cannabis microbusinesses in the city,
- Allow microbusinesses in the general commercial zone, and
- Allow microbusinesses to have a retail component.

Further, Council directed staff to begin working on a second ordinance that would deal specifically with the general commercial zone and retail dispensaries.

Motion to amend the ordinance to allow microbusiness in the industrial zone, retain the buffer zone, and remove a cap and then bring back for a first reading at the next regular meeting.

Motion by Council Member Happe
Seconded by Mayor Wallace

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	✕				
Happe, David	✕				
Pingree, Kyle		✕			
Sanchez, Alberto		✕			
Wallace, Colleen	✕				

Motion approved by a vote of 3-2.

City Attorney Ennis and Community Development Director Rush clarified that this ordinance would come back for a first reading at the September 14th regular meeting of the City Council.

Mayor Wallace stated that per City Council Resolution 2016-44, matters taken up by the Council before 10 p.m. may be concluded, but no new matters shall be taken up except upon a unanimous vote of the council members present and voting.

Motion to extend the meeting.

Motion by Council Member Happe
Seconded by Council Member Pingree

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	✕				
Happe, David	✕				
Pingree, Kyle	✕				
Sanchez, Alberto	✕				

Wallace, Colleen X

Motion approved by a vote of 5-0.

Mayor Wallace announced a recess at 11:48 p.m. The meeting was reconvened at 11:57 p.m.

- 7.2.** Resolution 2021-73 Accepting the 2021 Local Edward Byrne Memorial Justice Assistance Grant (JAG) Award and Authorization to Execute an Interlocal Agreement with Riverside County for the Distribution of Grant Funds

Matthew Hamner, Chief of Police, provided the staff report.

Mayor Wallace opened the public hearing and invited public comment. Hearing none, she closed the public hearing.

Motion to approve Resolution 2021-73.

Motion by Council Member Pingree
Seconded by Council Member Happe

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

8. REPORT OF OFFICERS

- 8.2.** Consider Rescinding Resolution No. 2017-44 that Declared it Shall be a Goal of the City of Banning to Close the Banning Municipal Airport as soon as Legally Permitted

City Manager Schulze suggested tabling this item to the next regular meeting since the citizen that requested this item had left for the evening due to the late hour.

9. DISCUSSION ITEM(S)

None

10. ITEMS FOR FUTURE AGENDAS

10.2. New Items:

1. Retail Marijuana (Happe)
2. Credit card fees (Happe)
3. Dog tethering ordinance (Pingree)

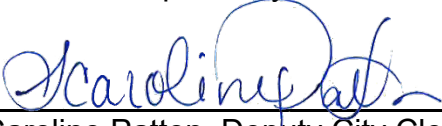
10.3. Pending Items:

1. Permanent Homeless Solution
2. Shopping Cart Ordinance Update
3. Scholarship/Internship Program
4. Golf Cart/EV Ordinance
5. Census/Redistricting
6. Revenue Generation Ideas
7. Reconsideration of Resolution 2017-44
8. Airport Advisory Commission

11. ADJOURNMENT

Mayor Wallace adjourned the meeting at 12:07 a.m.

Minutes Prepared by:


Caroline Patton, Deputy City Clerk

This entire meeting may be viewed here:

<https://banninglive.viebit.com/index.php?folder=City+Council+Meetings>

All documents related to this meeting are available here:

<http://banning.ca.us/ArchiveCenter/ViewFile/Item/2515>

EXHIBIT A



REGULAR MEETING OF THE BANNING CITY COUNCIL CITY OF BANNING, CALIFORNIA

August 24, 2021

PUBLIC COMMENT RECEIVED

	Received From	Date Rec'd	Topic	Page
1.	Savolainen, Susan	8/23/2021	8.3 Homeless Village on S. 22 nd Street	2
2.	Morquecho, Cynthia	8/23/2021	8.3 Homeless Village on S. 22 nd Street	3
3.	Valenzuela, France	8/23/2021	8.3 Homeless Village on S. 22 nd Street	4
4.	Kristinat, Lily	8/23/2021	8.3 Homeless Village on S. 22 nd Street	5
5.	Doolittle, Jeff	8/24/2021	8.3 Homeless Village on S. 22 nd Street	6

Received During/After Meeting

6.	Martinez, Betty	8/24/2021	8.3 Homeless Village on S. 22 nd Street	8
7.	Lopez, Laura	8/24/2021	8.3 Homeless Village on S. 22 nd Street	9
8.	"A Very Concerned Citizen of Banning"	8/24/2021	8.3 Homeless Village on S. 22 nd Street	11
9.	"Pissed off and Concerned Citizen"	8/24/2021	8.3 Homeless Village on S. 22 nd Street	12
10.	Stosel, Stan IBEW Local 47 Representative	8/24/2021	8.1 Employment Contract/Finance Dir.	13

EXHIBIT A

From: [Susan Savolainen](#)
To: [Kyle Pingree](#)
Cc: [Caroline Patton](#)
Subject: Proposed 22nd Street homeless shelter
Date: Monday, August 23, 2021 9:54:03 AM

Dear Councilman Pingree,

I wish to voice my opposition to locating a homeless shelter at 300 South 22nd Street.

The site is too close to my West Barbour home that I have lived in for 33 years.

This site is highly visible from the I-10 and will likely deter travelers from stopping for food and fuel. Which will reduce revenue our town needs.

The site is directly adjacent to 6 occupied dwelling units and across the street from 5 more.

There must be alternative properties that will not place citizens of this town in jeopardy of being assaulted or burglarized by the homeless that abuse drugs and need money to support their habits.

Perhaps the city could spend the money it is getting from the State of California to purchase and refurbish the burned out Oyo hotel, or give vouchers to homeless families to stay in a hotel and incarcerate the criminal element in the homeless population.

Thank you,
Susan E Savolainen

Sent from my iPhone

EXHIBIT A

City Council Meeting of August 24, 2021

Agenda Item: 8.3 Resolution 2021-72, Declaration of Emergency Shelter Crisis

Dear Madam Mayor and Honorable Members of Council,

It is with great concern that I am writing this letter in opposition of the staff recommendation to approve Resolution No. 2021-72 to declare a homeless shelter crisis in order to allow the City Manager to move forward with plans to re-establish a homeless village at the City owned location of 300 S. 22nd Street.

As a resident of 22nd and Jefferson St. We have seen a surge in homeless encampments near the exit ramp of 22nd street near Pacific Union railroad. We have witnessed the environmental impacts that are caused by the homeless encampments as well as an increase in criminal activity such as drug use, and other violent crimes. While the need for homeless housing in the Banning area is apparent and in an emergent state, the proposed location is not ideal for the surrounding neighborhood.

While I am sympathetic to the need for homeless housing in the City of Banning, the proposed village attributes and location as described do not seem sufficient to effectively serve its intended population. As stated in the City Manager report, the Ramsey Village established in December 2020 was quickly destroyed due to a fire ignited in one unit that quickly overtook the village and displaced 40 residents. Similarly, other buildings within the City of Banning have also been destroyed due to comparable situations. The addition of one site coordinator and security does not seem adequate to avoid a similar outcome.

As a resident I would like to see our City Council make progress in developing the area in a way that provides economic growth for our community. There are very legitimate and strong concerns regarding neighborhood safety and the impact such a facility will have on the community.

Additionally, the public has not been engaged in the proposed plan to relocate the Ramsey Village to 22nd Street and has been provided little to no opportunity to provide feedback to Council prior to the proposed City Manager recommendation. This is unfair to the residents of Banning and the community at large. It is for these reasons that I am bringing this important matter to you for discussion. Thank you for your attention to this serious matter.

Thank you,

Cynthia Morquecho

W. Jefferson St.

Banning, CA 92220

EXHIBIT A

City of Banning Councilman

Mayor – Colleen Wallace

Council Members:

Dave Happe, Kyle Pingree, May Hamlin, Alberto Sanchez

99 E Ramsey Street

Banning, CA 92220

Dear Mayor & Council Members,

I am writing to state my concerns regarding a Homeless Encampment that is to be placed in the City of Banning. Was this decision really thought through? Are these decisions being made from people who live in the Banning community and throughout the City of Banning?

First, I would like to say, I have lived my entire life in Banning for 60 years and it is a pleasure to be a community member for the City of Banning. I constantly view the City of Banning website and did not see anything about an Encampment being placed in the City of Banning.

Why is the Encampment not being placed in other local cities, i.e., Beaumont, Cabazon, White Water, Calimesa, Yucaipa, etc.? There are plenty of open land in all those other local cities where the Encampment can be placed.

Why would anyone consider putting an Encampment in plain view off the 22nd Street off ramp from the freeway of possible individuals that would bring business to Banning?

I am totally against having this Encampment anywhere in the City of Banning, especially in site of individuals driving on the freeway seeing this Encampment and not stopping at all in the City of Banning.

Again, I am stating I am totally against any Encampment being placed anywhere in the City of Banning.

Please do not allow this Encampment to be placed anywhere in the City of Banning.

Sincerely,

Frances Valenzuela

Email address: frances1valenzuela@yahoo.com

Cell#619-701-6250

EXHIBIT A

From: [Lily Kristinat](#)
To: [Caroline Patton](#)
Subject: CITY OF BANNING COUNCIL MEETING RE: HOMELESS SHELTER 08/24/2021 (Please read out loud at meeting)
Date: Monday, August 23, 2021 4:05:23 PM

Good evening Council Members.

My name is Lily Kristinat and I am reaching out to you concerning the proposed homeless shelter plan off of 22nd street. I feel strongly against this plan, reason being it endangers my home and family. It would be a threat to our safety and wellbeing. The homeless community are known for committing crimes destroying property, starting fires, prostitution the list goes on. Their drug use and mental health problems threatens not just them but our residents. We have had them break in to personal property without any consequence to them. They walk around seeing what they can break into, looking for an opportunity since they have all day. The homeless don't abide by the rules they don't follow the law. All you would be doing is exposing our families to more crime. I have to leave my home to go to work to pay my bills and taxes. Where are the services we pay into? Where's our safety? Where's the sanitation and maintenance of our City? We already do not have enough Police to patrol our streets. A homeless shelter would only bring more homeless to our area, taking away the peace of mind we have left. As a working-class homeowner in the city of Banning I urge you to vote no! Yes, there is a homeless crisis but a shelter so close to our homes can not be the answer. Would you want them next to your home?

EXHIBIT A

Jeffrey M. Doolittle
1430 W. Lincoln Street
Banning, Ca. 92220
909-648-2101

August 24, 2021

Doug Schulze, City Manager
Banning City Mayor & Council Members
99 E. Ramsey Street
Banning, Ca. 92220

Members of the council,

I am writing to express my opposition on the pending proposal to establish a homeless village at 300 S. 22nd Street. Because I reside on Lincoln Street very near there, I currently drive by the location multiple times a day, where many of these individuals have made camp under the 22nd Street underpass and alongside the I-10 freeway and the railroad tracks, very near where you are proposing a permanent location. I consistently observe these individuals urinating in public, drinking alcohol, smoking & shooting up illicit I.V. drugs, fighting and panhandling at the eastbound off ramp on a daily basis. The sheer massive amounts of materials, shopping carts and trash that they have compiled in and around this area is not only an eyesore, but it's down right disgusting and unsanitary. Not to mention they impede pedestrian traffic by blocking the sidewalks. There are multiple school bus stops in that area and other children that have to walk to and from school having to pass right by this blight and continued illegal activity. Besides the altered state that many are in, some of them have mental health issues and are not safe for the general public to encounter or interact with, let alone children.

EXHIBIT A

Jeff Doolittle page 2 cont'd...

The 22nd Street freeway on & off ramps are one of the most heavily travelled areas for residents and visitors of our city alike. With all of the restaurants and fast food chains, many visitors travelling through frequent this off ramp and their first impression will be the homeless village? And then there are the events held at Dysart Park where people will have to drive by as well. My question is, why not re-build it in the same location it was previously in, and implement your proposed improvements there? You mentioned that monetarily, all funds were recovered by insurance except the \$5,000.00 deductible, but what about all of the work that was done by our city employees? The city electric, water and trash departments spent a lot of time funded by our wasted tax dollars on that project just to be mismanaged into it's demise. Of course crime is already at an all time high in our city. It's not rocket science that many of these people who have no jobs will steal to support their ongoing drug & alcohol habits. I certainly don't see that declining anytime soon. Just this past April, my wife caught a man trying to steal my truck from our fenced in yard at 3:30 in the morning. He actually had it started but fortunately he ran off when she caught him and was not successful. Also our property values will decrease exponentially with the shelter in our neighborhood. That's a fact. There are multi generational family homes in and around this proposed shelter. They/we should not be subjected to this homeless shelter and all that comes with it. Surely there has to be a better and smarter solution. There is city owned property right across the street from the police station that could potentially be utilized as well. So in closing, I implore the city council to re-consider this proposed project and find a better solution. Thank you for your consideration.

Jeff Doolittle

EXHIBIT A

August 24, 2021

Banning City Council,

My name is Betty Martinez. I reside at 2174 W Jefferson Street in Banning. I recently became aware of the plans to build a homeless compound in the field on South 22nd street. I am writing in protest of this plan. I have lived in this home for 60 years. My father bought this house and moved our family of 9 into the home. I pay taxes for the home. I pay taxes to the city. Although I agree the homeless of Banning need help my neighborhood is not the place to build this compound. There are many children growing up in this neighborhood as well as many elderly folks. Why would you even think of this area as a place to put the homeless? Bring their homes to your area. Build in areas that are not neighborhoods. As it is we already have a large homeless population that are living under the 22nd street freeway underpass. Living along the fences of the freeway. My son who loves to take walks has had to find other paths as he has walked under the freeway underpass only to see people shooting each other up with drugs. There are discarded needles lying around. Other towns are bringing their homeless people and exiting the eastbound 22nd street off ramp. Dropping people off from vans and getting back onto the 22nd westbound freeway. I have seen this myself more than once. What in the world are you all thinking? It is obvious you are not thinking of the wellbeing of the Banning citizens. I have lived in this little town for 60+ years. I do matter. My children and grandchildren matter. The people of Banning matter. You must listen to us. Find somewhere else to build your compound. Away from the homes of Banning. The past has shown that attempts to help have ended in burned buildings. Burned structures. You have no right to put the homes of the 22nd street and surrounding areas in this type of danger. No right.

Thank you,

Betty J Martinez

2174 W Jefferson Street

Banning, CA 92220

EXHIBIT A

Rec'd 8/24/2021
4:25p.m.

August 24, 2021

Laura Lopez
885 N. 6th St.
Banning, CA 92220

Banning City Council
99 E. Ramsey St.
Banning, CA 92220

Dear City Council Members,

I am a lifelong resident of Banning. It is a beautiful community where I have enjoyed making memories with my family. It was discouraging to learn that a resolution for a homeless shelter is being voted on tonight without proper input from the community. I have several concerns:

First, Resolution 2021-72 states, "individuals who are living without shelter are at increased risk of exacerbating existing health conditions and developing new health conditions, due to increased exposure to communicable diseases such as COVID-19, violence, and temperature extremes or other adverse weather conditions; heightened stress; the difficulty of maintaining a healthy diet; and inadequate access to sanitation facilities, healthcare, and other services;" The justification does not explain how a 40 person pallet shelter will decrease exposure to communicable diseases such as COVID-19, improve healthcare, or provide an explanation of how this structure will help individuals maintain a healthy diet.

Second, the staff report states as justification, "Re-establishing a local homeless shelter village will provide shelter beds within the City and therefore remove an impediment that the Ninth Circuit's decision imposes on cities that seek to enforce "anti-camping" regulations. This will enable City staff to take a more proactive approach to address illegal encampments." Will this proactive approach of addressing illegal encampments apply if the shelter village is at capacity? As stated in the staff report, "The number of homeless individuals in Banning has grown in the past several months..." The homeless shelter village will encourage more transients to settle in Banning and that number will continue to grow due to the possibility of staying at the village.

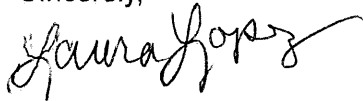
Finally, the staff report also states, "In addition, Banning currently has several illegal homeless encampments that are creating public health and safety concerns for community members as well as those occupying the encampments. The number of homeless individuals in Banning has grown in the past several months and impacts on residents and businesses are significant." The proposal is essentially a legal encampment, but it does not alleviate any of the public health or safety concerns for community members. The impact on residents and businesses will still be significant. The proposal is simply isolating the impact to a certain area of the community. This particular area is one that is composed of families who have lived generations in the neighborhood. It is also stated that, "The site is large enough to accommodate the needs of the

EXHIBIT A

shelter village, and with appropriate fencing and screening will have minimal impact on neighboring properties." What is the 'minimal' impact? What research and evaluation was done to determine the impact to the neighboring properties? What will the encampment do to the property values of the surrounding homes? At the very least, the proposal should include other potential sites for the village. Mr. Kyle Pingree, you were voted to represent District 2. What are you doing to protect and inform your constituents?

On the surface, the homeless village is a solution to illegal encampments. However, it is clear this 'solution' did not take into consideration the potential impact to the surrounding homes nor the potential impact of increasing homelessness in Banning. Council Members, I am asking you to decline this resolution. You were voted into office to represent the people of Banning. If this resolution passes a priority would be given to 40 people rather than acting in the best interest of the majority.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura Lopez", with a stylized, flowing script.

Laura Lopez
885 N. 6th St.
Banning, CA 92220

EXHIBIT A

Rec'd 8/24/2021
4:25 p.m.

To Be read at meeting please!

I would like to bring attention to the Mayor and to the members of the City Council that you were all voted in to your position to help prosper the City of Banning and help the Citizens. I don't understand why the City of Banning is taking on the responsibility to provide a Homeless Camp, when surrounding Cities will not take on their own homeless people. They drop them off here because we have taken this responsibility on. Is the City getting paid to do this or someone getting paid under the table for this? It brings on more costs for our police department to control these people and have to respond to the crimes they commit, like exposing themselves, and stealing from people. Also, the cost for the street department having to clean up feces and trash after them. Please think about your Citizens that voted you in. Why do we have to be responsible for this? It is not fair for our Citizens to have to deal with the problems this camp brings to our City.

So this is another way for police department to get overtime...just like the animal shelter. Which is being handled on Friday's by the police department. When do we put a stop to this madness. If the homeless encampment is going to have 24/7 security, drug tests, and back ground checks who will be having to pay for all of this?

If this encampment is a good idea, then why not put it back towards the mountains...like Bobcat where there is not a lot of homes and businesses that can be bothered. How do you think the homeowners on the surrounding areas feel once their property values go down, when they have worked all their live to live in a good, safe area. You should take them to Bobcat and see what it does to your AirBNB property value.

I would like to let you all know that if you all vote this in, there would be a good chance you all could be recalled, because obviously you're not looking out for the Citizens of Banning and the Business Owners.

Thank you,

A Very Concerned Citizen of Banning

EXHIBIT A

BANNING COUNCIL MEMBERS;

8-24-21



DEAR SIRS: IT HAS COME TO MY ATTENTION OF THE CITIES PLANS FOR THE PERMANENT 22ND STREET VILLAGE FOR THE HOMELESS. SOUTH OF THE RAILROAD TRACKS ALONG SIDE THE FREEWAY. I OPOSE SUCH PLANS AS THIS PLAN HARDLY ADDRESSES THE BROAD SITUATION REGARDING THE HOMELESS IN THIS CITY. MY UNDERSTANDING IS THAT OTHER CITIES ARE DROPPING OFF THEIR OWN HOMELESS IN BANNING DUE TO THE RAMSEY STREET VILLAGE THAT WAS ERECTED ON RAMSEY AND WAS BURNED DOWN. THOSE STRUCTURES WERE AN EYE SORE AND WILL BE AN EYE SORE NOT TO MENTION THE PROPERTY VALUES OF THE RESIDENTS IN AND AROUND SOUTH 22ND WILL PLUMMET. PERMANENT RESIDENTS AND BUSINESS IN THE AREA THAT HAVE LONGEVITY IN THE AREA ARE BEING ROBBED OF THE HARD WORK WE HAVE INVESTED IN OUR PROPERTIES. MYSELF AND MY HUSBAND HAVE WORKED OUR ENTIRE LIVES TO BUILD A LIFE FOR OURSELVES AND NOW YOU PLAN ON TAKING AWAY FROM US THE VALUE OF OUR PROPERTY BY PLACING THIS VILLAGE IN OUR NEIGHBORHOOD. AS IT IS MY HUSBAND HAS FOUND EVIDENCE OF ATTEMPTED BREAKINS ON OUR PROPERTY EVEN BEFORE THIS VILLAGE IS ERECTED. NO GOOD CAN COME TO THIS NEIGHBORHOOD BY BRINGING IN DRUG USE, BREAKINS, VIOLENCE, FIFILTH THE MONEY ALLOCIATED FOR THIS PROJECT MIGHT BE BETTER SPENT ON CLEANING UP 22ND STREET ON RAMP THAT THE HOMELESS ARE RESPONSIBLE FOR. THE CITY COUNCIL MEMBERS ARE SUPPOSED TO BUILD UP BANNING NOT TEAR IT DOWN AND ANY CITY COUNCIL MEMBER THAT VOTES TO APPROVE THIS VILLAGE I THINK IS FAIR GAME FOR A RECALL. I HAVE LIVED IN BANNING FOR MORE THAN 40 YEARS AND I LOVE LIVING HERE BUT IT SEEMS BANNING IS STUCK IN A TIME WARP VERY SELDOM DOES ANYTHING GOOD COME TO BANNING WHAT IS GOING ON BURNED BUILDINGS SIT FOR YEARS WITH NOBODY PAYING ANY ATTENTION, TRASH ALONGSIDE THE FREEWAYS IT IS VERY SAD. I PROPOSE THAT THE CITY COUNCIL MEMBERS WAKE UP AND START TO WORK FOR THE BETTERMENT OF THE CITY. I AM A TAX PAYER AND A REGISTERED VOTER IN THE CITY OF BANNING I WILL BE KEEPING A CLOSE EYE ON THIS SITUATION. AND WILL ALSO BE INFORMING AS MANY OF MY NEIGHBOR ANDFRIENDS IN THIS TOWN WHAT YOU ARE UP TO.

PISSED OFF AND CONCERNED CITIZEN

NO Homeless Shelters in
Banning: Period

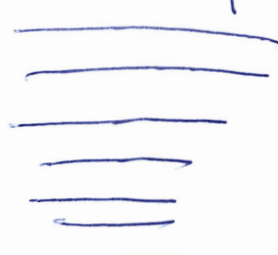


EXHIBIT A

Rec'd 8/24/2021
(In meeting)

Hello Mayor and Council members,

My name is Stan Stosel I'm the Senior assistant Bus. Manager of IBEW Local 47. I represent the two units here in Banning the utility (which includes Electric & water) And the general (from Police dispatchers & information personal to garage mechanics, bus Drivers, Street Personal, & various positions at city hall and also now Animal control officer. The issues I will be speaking on tonight are varied but I want to bring to your attention what is being told to us by the city negotiating team. We are being told that the city has no money for economics for both bargaining groups. I would also like to point out that the General contract members are under the general fund and the Utility members are under the utility or enterprise funds.

We have heard time and again that the city has no money for any economics no matter how small they are. Well first we know that's not true on the utility (enterprise funds). On the other hand, how can you say that about the general fund when they just hired 6 officers and hired them at top step and at the same time made all existing officers Bumped up to top step if they weren't at the top step. Also, they changed the salary ranges to several ranges up so the ones that were topped out now can get step increases. This same idea was brought to the city by IBEW negotiating team way before the city did this for the police Dept.

I also want to bring to light the item that is on the agenda today for the Management Personnel that is being offered to stay with the city and able to telecommute from out of state (Yes wondering if the council was told this). I am also wondering if they were offered perks like travel and any more economics because again, we were told there was no money for that.

I also want to make you aware that all thru Covid from the beginning several members that work at city hall were not allowed to telecommute but for sure most of management was at home. This does not send a good message on how the city values or cares about their Employees.

I would also like to bring up that several management positions have been re-classified with bumps in salary or given more economics than they had before.

It has been hard to relay this message coming from the City Negotiating team to our members when they know or see what is happening shows that this message is not true.

I would like to end with making sure the Mayor and Council know what the truth on the economics of the city is. And how the members feel unappreciated, and moral is very low. I also would like to extend an invitation to all of you to visit all the Departments and talk to the members of IBEW to hear it from them directly on how they feel.

PLEASE READ

for STAN STOSEL

8.1

Stan Stosel

EXHIBIT B

SOLUTIONS TO HOMELESSNESS

August 23, 2021



1

MARTIN V. BOISE

2018 Ninth Circuit Decision

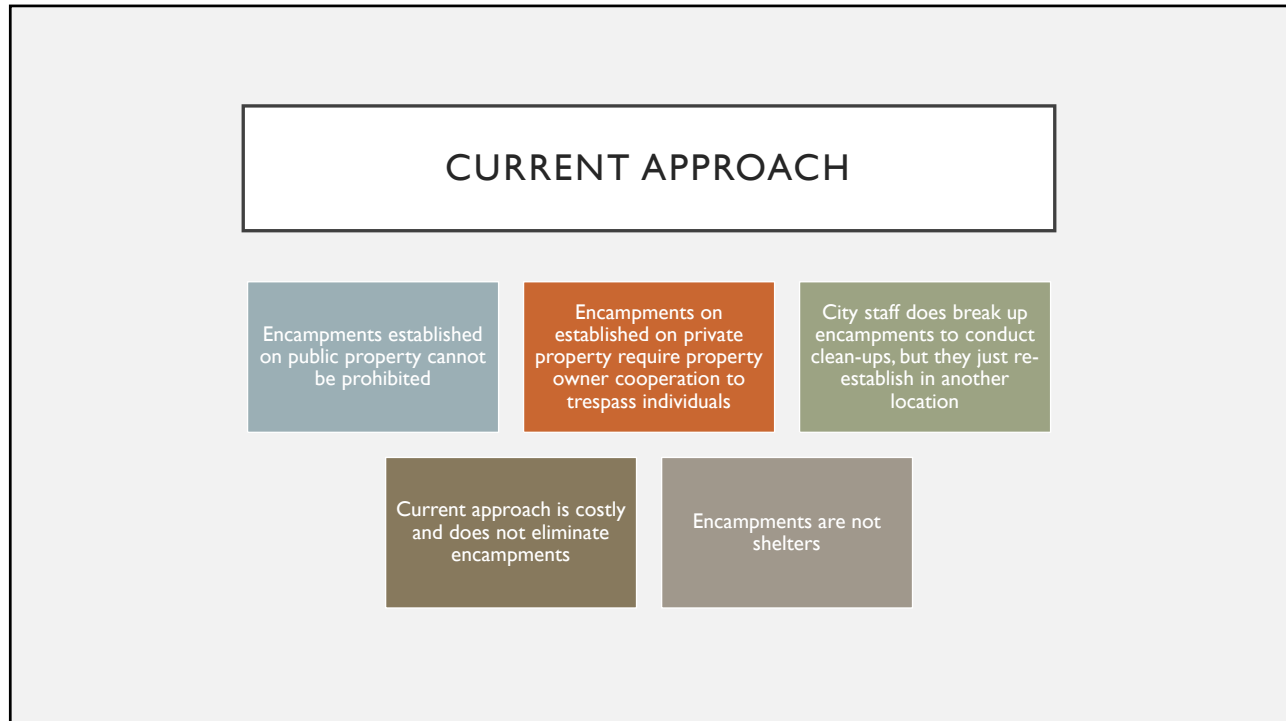
Constitutionality over two city ordinances that banned sleeping & camping on public property

Decision does not prohibit cities from enforcing anti-camping or disorderly conduct ordinances

Decisions does require cities to offer beds if anti-camping or disorderly conduct ordinances will be enforced on homeless individuals

2

EXHIBIT B



3



4

EXHIBIT B



5



6

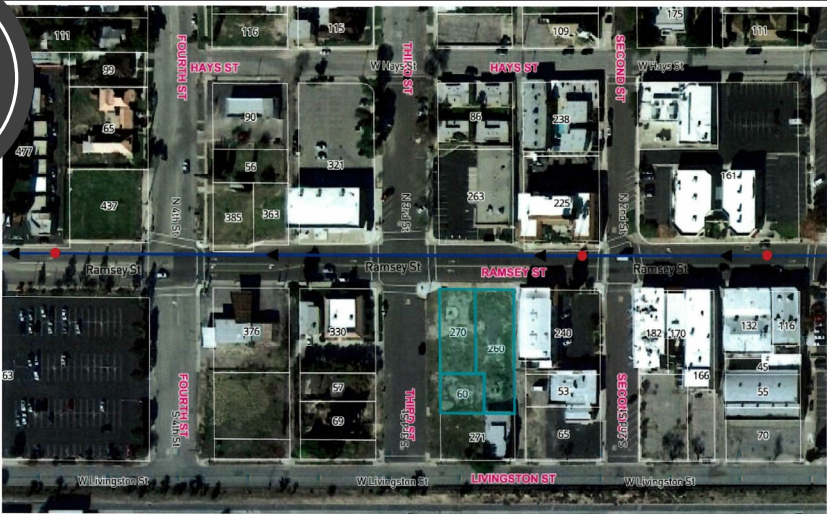
EXHIBIT B

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RAMSEY



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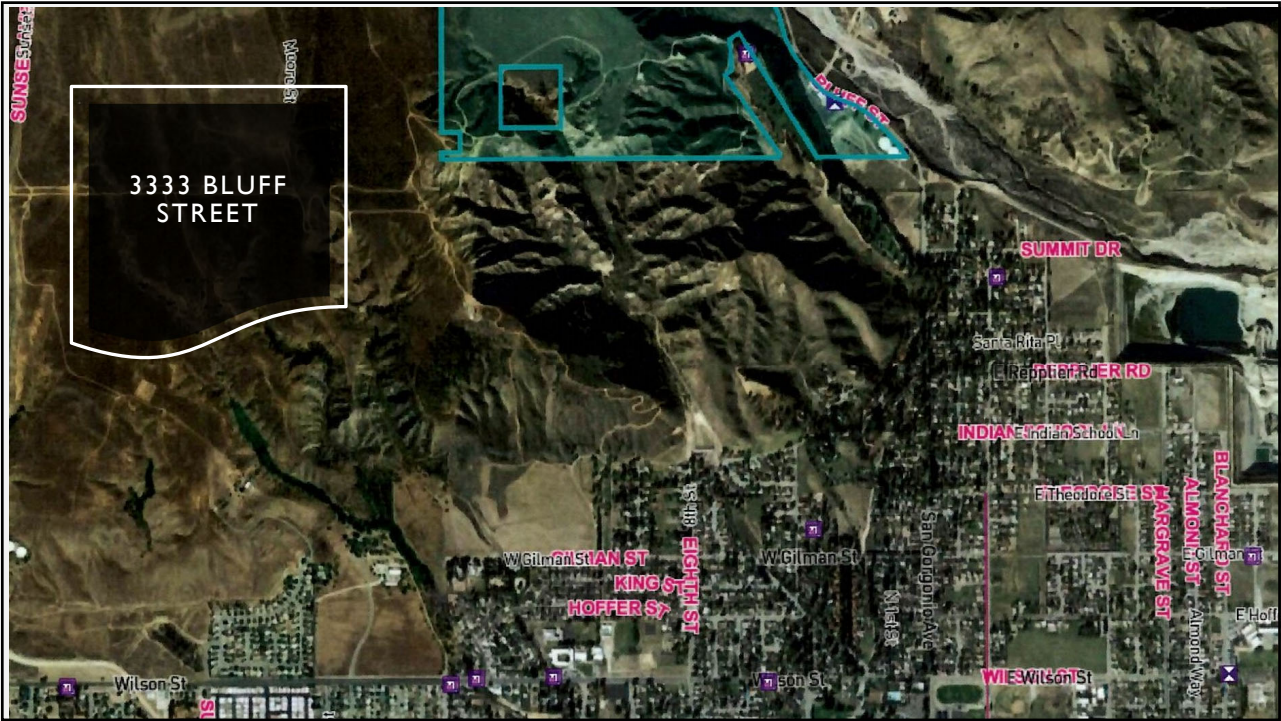


8

EXHIBIT B



9



10

EXHIBIT B

CONCERNS EXPRESSED & HEARD

- Safety
- Substance Abuse
- Mental Health
- Crime
- Visibility from I-10
- Adjacent to residential properties
- Environmental Impacts
- Fires



11

PROPOSED SHELTER VILLAGE

- 24/7 staffing
- Fenced & Screened
- Surveillance Cameras
- On-site restroom, laundry & shower facilities
- Drug Testing
- Case Management
- No visitors
- Background Checks
- Strict rule enforcement with no second chance



12


EXHIBIT B

WHAT ABOUT HOMELESS WHO DON'T ACCEPT SHELTER BED

- Homeless individuals will have 2 options – accept shelter bed or leave Banning
- Illegal encampments will be dismantled as soon as possible
- No sleeping or camping in front of businesses, parks or unauthorized private property
- Shopping carts will be confiscated




EXHIBIT C



CITY COUNCIL AGENDA ITEM 7.1 PUBLIC HEARING AUGUST 24, 2021

Ordinance 1577, an Ordinance Amending the Banning Municipal Code to allow cannabis microbusinesses to operate in the Industrial and Business Park Zones and making additional amendments to regulations pertaining to commercial cannabis businesses and making a determination pursuant to CEQA.

1

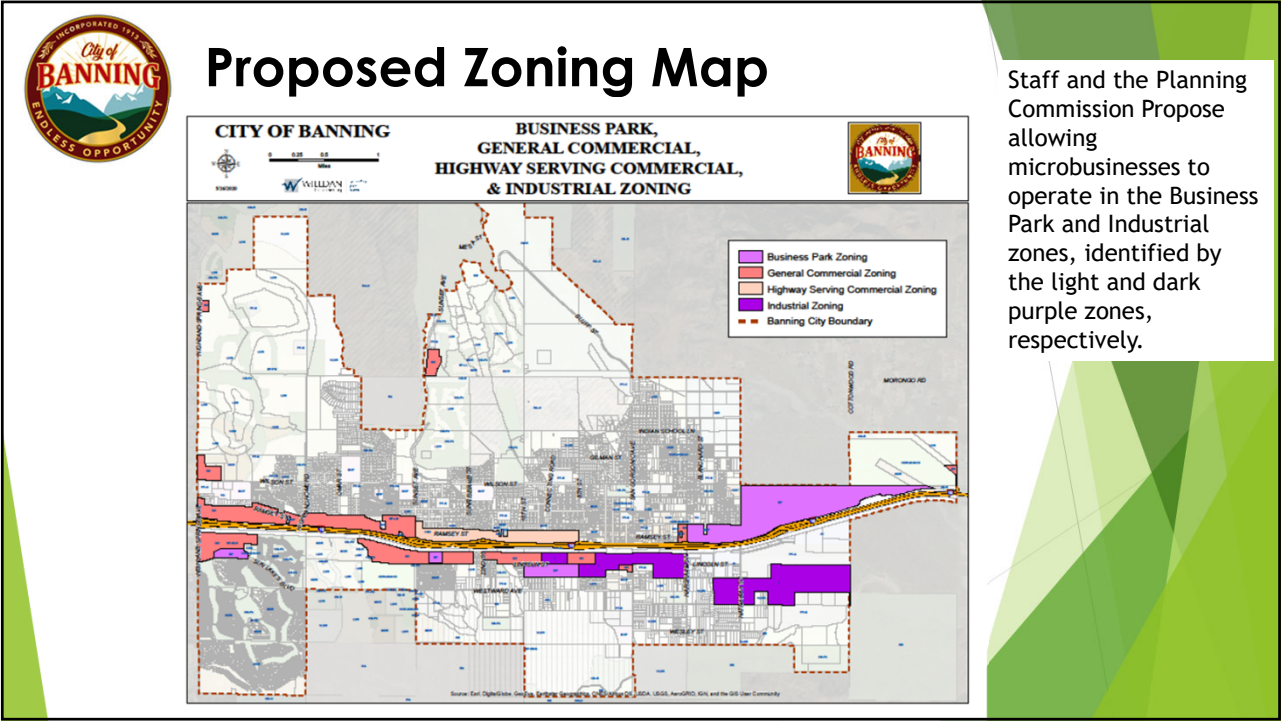


What is a Commercial Cannabis Microbusiness?

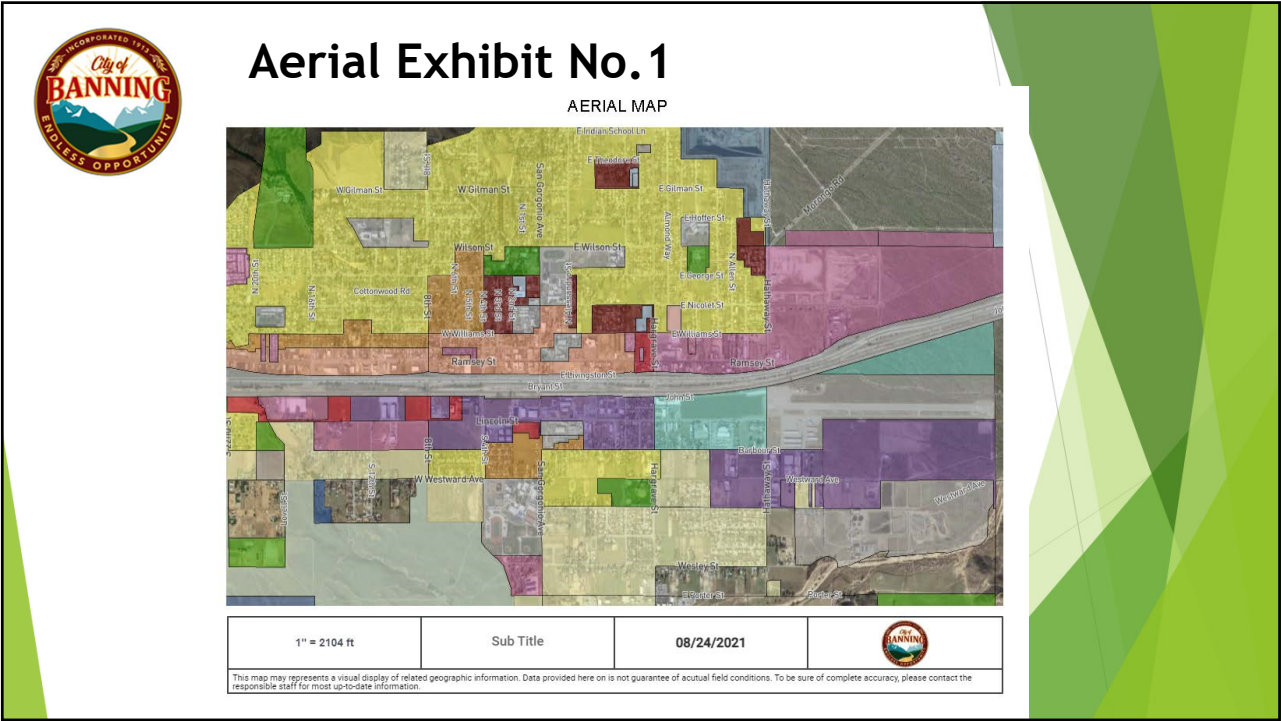
- ▶ A commercial cannabis microbusiness allows an operator to sell, cultivate, manufacture and distribute cannabis and cannabis products out of one facility or premises. The definition of a commercial cannabis microbusiness is as follows;
- ▶ “Cannabis microbusiness” means a commercial cannabis business that operates as a cannabis retailer, a manufacturing facility, a cultivation facility with canopy space of less than 10,000 square feet, and/or distribution facility on the same premise. To qualify as a cannabis microbusiness, the cannabis business must engage in at least three out of the four above referenced uses.

2

EXHIBIT C



3



4



Background

- ▶ On July 10, 2018, the City Council adopted Ordinance 1523 which established provisions for a conditional use permit process for cannabis cultivation, manufacturing level 1, and testing laboratory facilities within the Industrial zoning district. In addition to this ordinance, the City Council also adopted Ordinances 1527 and 1528, placing Measures N and O on the November 2018 General Election Ballot. Measure N established a cannabis cultivation tax at \$15 per square foot of canopy space, but contained provisions allowing the City Council, without the vote of the people, to adjust this tax by either reducing the rate, or increasing the rate up to \$25 per square foot of canopy space. Measure N also established a tax on commercial cannabis cultivation, manufacturing and testing laboratories at 10% of the gross receipts of the business. Measure O established a tax on cannabis retailers at 10% of gross receipts of the business. Both measures were approved by the voters.
- ▶ The City Council also adopted two ordinances that authorized cannabis retailers to develop within the City subject to conditional use permit (CUP) approvals and regulatory permit process.
- ▶ On June 23, 2020, the City Council approved Ordinance 1564 to reduce the tax on cannabis cultivation facilities.
- ▶ July 14, 2020, the City Council approved Ordinance 1565 allowing cannabis distribution facilities in the Industrial Zoning District contingent on approval of Measure L, a measure to impose a 10% tax on cannabis distribution facilities.
- ▶ November 3, 2020, Measure L passed approving the 10% tax on cannabis distribution facilities and Ordinance 1565 became effective allowing cannabis distribution facilities in the Industrial Zoning District.
- ▶ November 10, 2020, the City Manager requested direction from the City Council regarding increasing the number of cannabis retailers allowed in the City and the possibility of allowing cannabis microbusinesses to operate in the City. The Council directed Staff to bring back information regarding cannabis microbusinesses.
- ▶ On March 23, 2021, the City Council held a Workshop Regarding Cannabis Microbusinesses. At that Special Meeting of the City Council, Placeworks, Inc., a community planning and design organization presented a power point presentation regarding cannabis microbusinesses. The City Council hosted this discussion item to solicit public testimony and provide direction to City staff regarding several provisions of the proposed amendment to the Cannabis Ordinance. No decision was made; however, staff did receive direction to proceed on a path to update the City's Cannabis Program. Upon conclusion of this discussion item, the City Council directed City staff to process an ordinance amendment that incorporates cannabis microbusinesses into the cannabis program.

5

EXHIBIT C



Planning Commission Consideration and Recommendation

- ▶ The Planning Commission held two meetings to consider microbusinesses. The first meeting was held, June 2, 2021, where the Planning Commission considered the project and continued the public hearing requesting Staff provide additional information. The second meeting was held July 14, 2021, where the Planning Commission considered the project with the additional information provided and recommended City Council approval by approving Planning Commission Resolution 2021-09 with the following recommendations.
 1. That the retail component be a non-store front delivery service only.
 2. That there be **NO** 200-foot separation from residential uses or zones.
 3. That there be a cap of one microbusiness for every 8,000 residents.
 - a. If a cap is imposed, the City Council will need to determine the method of selecting microbusiness applicants.

6

EXHIBIT C



City Council Considerations

- ▶ Do you agree that the retail component be a non-store front delivery service only?
- ▶ Do you agree that there be no 200-foot separation from residential uses or zones?
- ▶ Do you agree that there be a cap of one microbusiness for every 8,000 residents?
 - a. If a cap is imposed, the City Council will need to determine the method of selecting microbusiness applicants.
 - b. This method will be determined at a later date under separate resolution.

7



Environmental Determination

California Environmental Quality Act (CEQA)

▶ Planning Division staff and the Planning Commission have determined that the adoption of this Ordinance 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. Adoption of this Ordinance 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 this Ordinance will require a discretionary permit and CEQA review and will be analyzed at the appropriate time in accordance with CEQA.

▶ Moreover, even if the adoption of this Ordinance is a project, it is exempt from review under the CEQA and the State CEQA Guidelines Section 15061(b)(1), which exempts a project from CEQA if the project is exempt by statute. Business and Professions Code Section 26055(h) provides that Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity. Pursuant to that exemption, Title 17 of the Banning Municipal Code provide that conditional use permit applications for non-storefront cannabis microbusinesses will be required to include any applicable environmental review pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code. Additionally, conditional use permits for non-storefront cannabis microbusinesses are subject to discretionary review by both the Planning Commission and the City Council.

8

EXHIBIT C



Recommended Action

That the City Council take the following actions:

- Make a determination, pursuant to Sections 15060(c)(3) and 15061(b)(1) of the California Environmental Quality Act (CEQA) Guidelines that the project is exempt from CEQA pursuant to Business and Professions Code section 26055(h).
- Introduce for first reading City Council Ordinance 1577, accepting Planning Commission recommendation to approve Zoning Text Amendment 21-97501, Amending Title 17, amending Chapters 3.15, 3.17, 5.33, 5.35, 17.04, 17.08, 17.12, 17.16, 17.20, 17.53, and 17.54 making additional amendments to regulations pertaining to commercial cannabis businesses of the Banning Municipal Code (BMC).

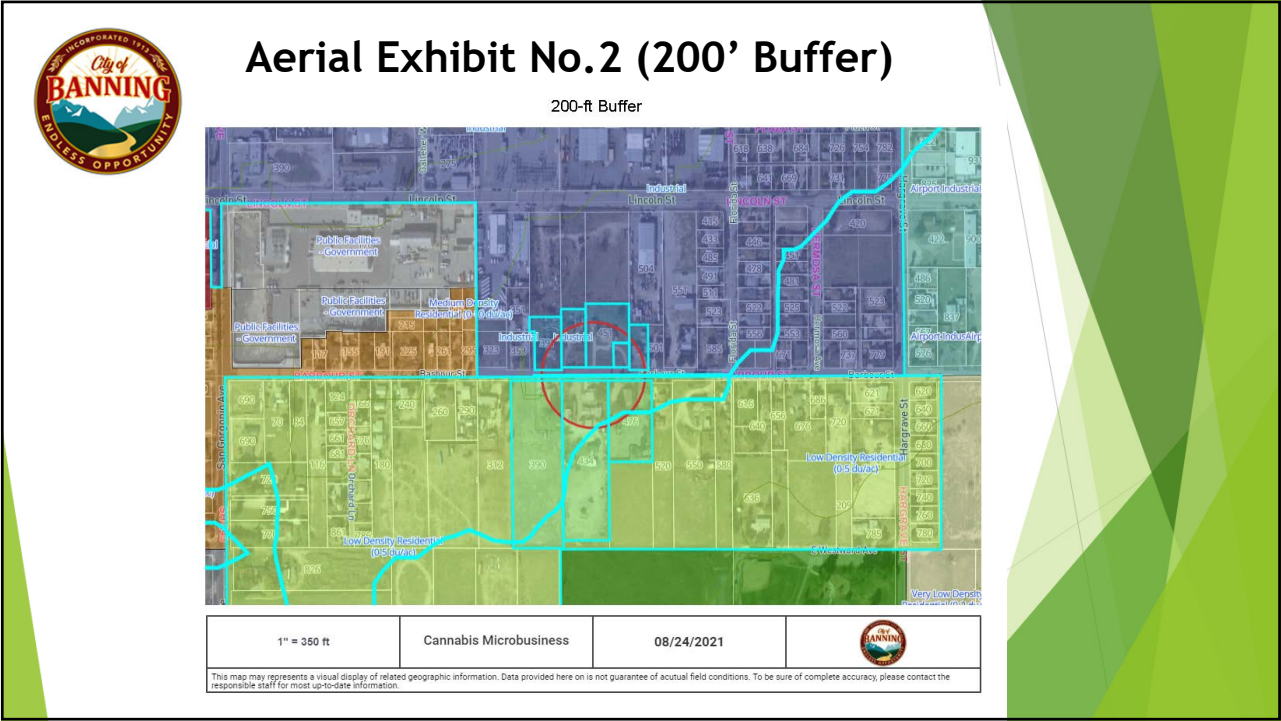
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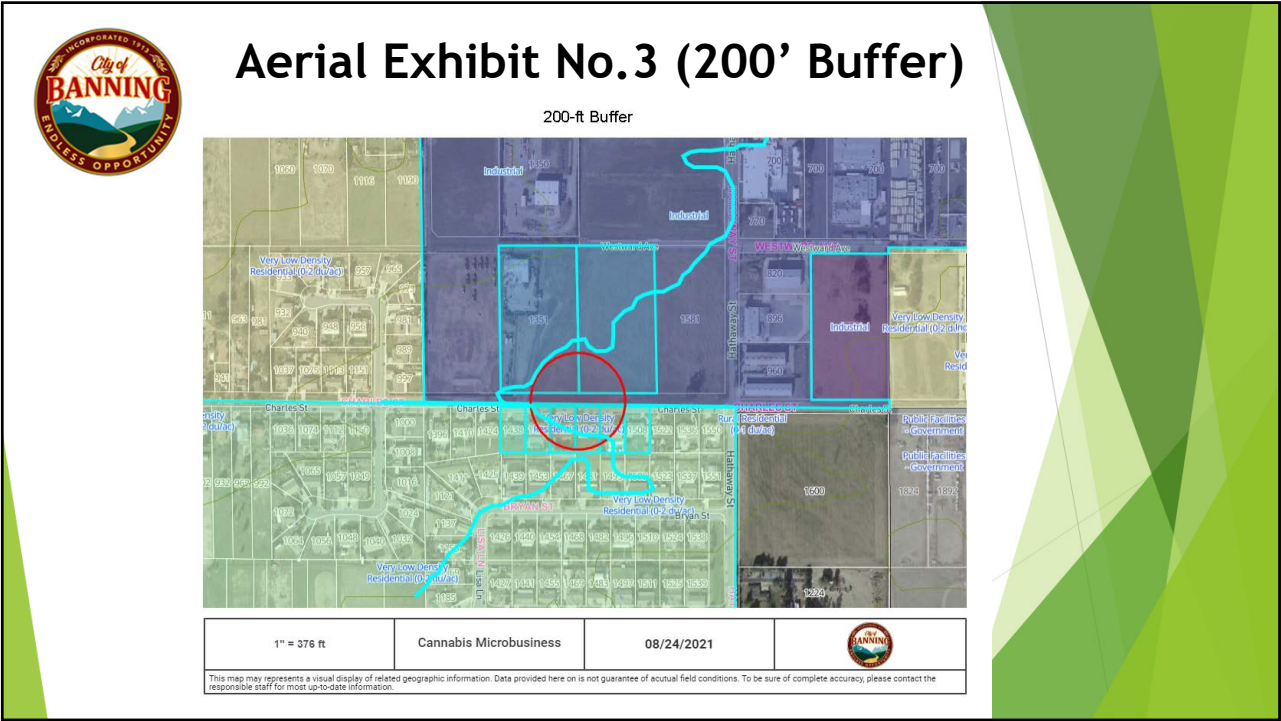
THE END
THANK YOU

10

EXHIBIT C



11



12