



*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**

**2/8/2022**

**REGULAR MEETING**

**COUNCIL MEMBERS PRESENT:**

Council Member Mary Hamlin  
Council Member David Happe  
Council Member Alberto Sanchez  
Mayor Pro Tem Colleen Wallace  
Mayor Kyle Pingree

**COUNCIL MEMBERS ABSENT:** None

**OTHERS PRESENT:**

Doug Schulze, City Manager  
Kevin Ennis, City Attorney  
Caroline Patton, Deputy City Clerk  
Art Vela, Public Works Director  
Ralph Wright, Parks and Recreation Director  
Adam Rush, Community Development Director  
Thomas Miller, Electric Utiltiy Director  
Suzanne Cook, Finance Director\*  
Matthew Hamner, Police Chief\*  
James Wurtz, Economic Development Manager  
A'ja Wallace, Financial Analyst\*  
Roman Ruiz, Site Coordinator\*  
Laurie Sampson, Executive Assistant\*

\*Participated via Zoom.

**1. CALL TO ORDER**

Mayor Pingree called the regular meeting to order at 5:15 p.m.

- 1.1. Invocation – Pastor Liversage of Banning Church of the Nazarene performed the invocation.
- 1.2. Pledge of Allegiance – Mayor Pingree 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

#### **Motion to approve the agenda.**

Motion by Mayor Pro Tem Wallace  
Seconded by Council Member Sanchez

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

Motion approved by a vote of 5-0.

## **3. PRESENTATION(S)**

### 3.1. Proclamation – Black History Month

City Clerk Calderon read the proclamation recognizing February 2022 as Black History Month in the City of Banning.

## **4. REPORT ON CLOSED SESSION**

City Attorney Ennis reported on the closed session that began at 4:00 p.m. The special meeting was recessed and the closed session will be concluded at the close of the regular meeting.

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

### 5.1. PUBLIC COMMENTS

**Rick Diaz** commented on the use of the National Armory site parking lot and asked if the city would open the space for use as overflow parking. He also said he was in favor of hiring at least two traffic officers to patrol the city.

**Harry Sullivan** provided the City Council with a list of maintenance and repair issues present at the Municipal Airport.

**Lily Aguilera** commented on the homeless point in time count and reducing the homeless encampments in the city. She inquired about putting dumpsters near encampments to reduce trash on the streets.

**Bill Hobbs** said the city was filthy and asked about cleaning up the trash in open areas around the city, particularly next to the freeway and along Ramsey Street.

**Mason Patterson** said he had a deep concern about allowing more marijuana dispensaries in the city.

**Gary Hironimus** asked about undeveloped land south of the freeway between Sunset and Sun Lakes Boulevard and stated he had found out the area was slated for warehouse development.

Staff explained that there had been no formal application for development of the site, but that there is a specific plan being reviewed currently. He advised that this process could take between 18 and 24 months, with development years in the future.

**Ellen Carr** reported on the programs of Tender Loving Critters and thanked their supporters in the community.

5.2. CORRESPONDENCE

None

5.3. APPOINTMENTS

None

5.4. CITY COUNCIL COMMITTEE REPORTS

Mayor Pro Tem Wallace reported on a Southern California Association of Governments (SCAG) meeting.

Council Member Happe reported on a meeting with the Western Riverside County Council of Governments (WRCOG) meeting, noting grant opportunities and conservation efforts.

Mayor Pingree commented on the Banning student of the month program.

5.5. CITY MANAGER REPORT

City Manager Schulze shared information regarding progress on the Bryant Street Shelter project, including an upcoming community meeting to be held on February 15th. He also provided updates on demolition of buildings at 447 E Ramsey Street, the Banning One Distribution Project, So Cal West Coast Electric Headquarters, and the Estes Express Trucking facility.

5.6. CITY ATTORNEY REPORT

None

**6. CONSENT ITEMS**

- 6.1. Approval of Minutes of the January 25, 2022 City Council Meetings
- 6.2. Adopt City Council Resolution No. 2022-10, A Resolution of the City Council of the City of Banning, California, Continuing to Authorize Public Meetings of All City Legislative Bodies to be Held with a Teleconference Option for Members of those Bodies and the Public Pursuant to Government Code Section 54953(e), and Making Findings and Determinations Regarding the Same
- 6.3. Authorization of a Professional Services Agreement with the Kosmont Companies for Advisory Services related to a Financial & Market Feasibility Analysis for JK Partners' Proposed Hotel Development on 5.18 Acres located at 150 E. Ramsey Street
- 6.4. Update on Cost Recovery Services for First Responder (EMS/Fire) Medical Billing Fees Collected by Wittman Enterprises LLC for the City of Banning
- 6.5. Consider Contract with Joe A. Gonsalves & Son to Provide Services in Legislative Advocacy and Governmental Affairs
- 6.6. Consider Request for Temporary Use Permit Fee Waiver
- 6.7. Parks and Recreation Report of Monthly activities through the 2nd quarter of Fiscal Year 2021-22 - December 2021
- 6.8. Resolution 2022-12, Authorizing a Budget Amendment for the San Gorgonio Substation Project

Public Comments

None

**Motion to approve the consent agenda items 6.1 to 6.2, 6.4 to 6.7.**

Motion by Mayor Pro Tem Wallace  
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.

- 6.3. Authorization of a Professional Services Agreement with the Kosmont Companies for Advisory Services related to a Financial & Market Feasibility Analysis for JK Partners' Proposed Hotel Development on 5.18 Acres located at 150 E. Ramsey Street

*Council Member Happe recused himself for this agenda item.*

Public Comment

**Frank Burgess** asked if JK Partners, LLC had fulfilled their obligations within the Exclusive Negotiation Agreement, including submitting financial statements to the city.

**Motion to approve consent agenda item 6.3, authorizing a Professional Services Agreement with the Kosmont Companies for Advisory Services.**

Motion by Council Member Sanchez  
Seconded by Mayor Pro Tem Wallace

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

Motion approved by a vote of 4-1, with 1 recusal.

6.8. Resolution 2022-12, Authorizing a Budget Amendment for the San Gorgonio Substation Project

Public Comment

**Rick Diaz** commented that he supported any project that improves the city's electrical infrastructure.

**Motion to approve consent agenda item 6.8, adopting Resolution 2022-12.**

Motion by Council Member Happe  
Seconded by Council Member Sanchez

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

Motion approved by a vote of 5-0.

**7. PUBLIC HEARING(S):**

None

## **8. REPORT OF OFFICERS**

8.1. Consideration of Resolution 2022-11, Authorizing and Approving the Agreement with Techline Sports Lighting, LLC for the Purchase and Installation of Replacement Lighting Equipment at Lions Park in the Amount of \$754,467.50 Plus 10% Contingency and Authorizing Entering into a Financing Agreement for the Project Over a Seven-Year Term  
Ralph Wright, Parks and Recreation Director, presented the staff report.

**Robert Sibole**, Vice President of Banning-Pass Little League, spoke in support of the project and said their organization had contributed to the park as well through funding replacement fencing.

### Public Comments

**Rick Diaz** spoke in support of the project.

**Randy Robbins** spoke in support of the project.

**Frank Burgess** suggested this project be fully funded by the electric utility or cannabis revenues.

**Frank Connolly** was opposed to financing the project and not using electric utility funds for the project.

**Cindy Barrington** concurred with the previous comments in opposition to the current proposed funding.

### **Motion to approve Resolution 2022-11.**

Motion by Council Member Happe

Seconded by Mayor 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.

8.2. Consider Removal of Marco Santana from City of Banning's Planning Commission

City Manager Schulze presented the staff report with additional explanation from City Attorney Ennis.

Marco Santana spoke on his behalf.

Public Comments

**Frank Burgess** asked why the mayor was interested in this issue. He spoke in opposition to warehouses in Banning and to removing Marco Santana.

**Bill Hobbs** spoke in opposition to removing Marco Santana, saying he too was opposed to the Banning Point project and did not think Santana should be removed for holding a different opinion.

**Sheri Flynn** spoke in opposition to removing Marco Santana and questioned the rationale for proposing his removal. She said the staff report cites the appearance of fairness doctrine, which is not applicable in California. She also cited a court opinion from the California Court of Appeals.

City Attorney Ennis explained that the doctrine of fair hearing refers to the due process rights of any land use applicant (which does apply in California). He also clarified that the case law Ms. Flynn cited was a case that involved an elected city council member making campaign statements, which are typically given more latitude.

**Randy Robbins** spoke in opposition to removing Marco Santana and in favor of retaining the city's youth. He said that Santana stated a bias but could still make an unbiased decision on the Commission.

**Chris Castorena** spoke in opposition to removing Marco Santana and in favor of greater youth involvement. He said that it's not unusual for the city's board members are unclear about their roles and he has witnessed many Brown Act violations. He warned the Council that if they voted to remove Santana, it would be unpopular in an election year.

**Gary Hironimus** spoke in opposition to removing Marco Santana. He recalled a previous City Council member who he said had expressed bias toward a development project.

**Virginia Cervantes** in opposition to removing Marco Santana, saying he was a good community member with a big heart. She said it was okay for him to speak up for the community and urged the Council to reconsider.

**Katherine Avila** spoke in opposition to removing Marco Santana, saying the claims made against him were unjust. She said she has worked with Santana and found him to be logical and reasonable. She reflected on her experience with warehouses in the city of Fontana.

**Jacob Potter** spoke in opposition to removing Marco Santana, saying that if a clear bias had been expressed in favor of warehouses there would be a

different response. He said he disagreed with placing a warehouse near a vulnerable community with heavy traffic.

**Kareem Gongora** spoke in opposition to removing Marco Santana, saying the work he has done to engage the community is inspiring. He said Santana was a next generation leader and his comments were not biased, but an important critique.

**Gracie Torres** spoke in opposition to removing Marco Santana and the precedent it would set. She said he was informed and concerned about the city.

**Joaquin Castillejos** spoke in opposition to removing Marco Santana, saying he was also opposed to warehouses. He thought the opinion piece cited reflected objective facts.

**Ana Gonzalez** spoke on behalf of the Center for Community Action and Environmental Justice in opposition to removing Marco Santana. She said they had worked with him to oppose the warehouse project. She said Santana was trying to respect the environment and vulnerable communities.

**Ellen Carr** spoke in opposition to removing Marco Santana, saying he was being removed for having a different opinion. She said that people at the city are removed for opposing leadership and that the city needs people who think for themselves.

**Laura Leindecker** said she did not know Santana before this hearing, but that he may be better suited to a public relations role. She wondered how his opinion as a commissioner could impact future projects she brought before the Planning Commission.

**Steve Mehlman** spoke in opposition to the warehouse project. He then spoke in opposition to removing Marco Santana, saying it would be a public relations mistake to remove him.

**Janet Bernabe** spoke on behalf of the Center for Community Action and Environmental Justice. She urged Council to vote no on removing Marco Santana, saying it was important leaders show both sides of an issue. She felt he should be able to express his opinion.

**Ron Roy** spoke in opposition to removing Marco Santana, saying the article did not impact his ability to serve as a commissioner. He suggested the City Council had expressed a bias toward developers and against residents.

**Motion to remove Marco Santana from the City of Banning's Planning Commission.**

Motion by Mayor Pro Tem Wallace  
Seconded by Council Member Sanchez

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

Motion approved by a vote of 4-1.

*Mayor Pingree called a recess at 8:58 p.m. The regular meeting resumed at 9:09 p.m.*

8.3. Resolution 2022-13, Approving a Professional Services Agreement (PSA C007438) with Michael Baker International (MBI) for Engineering and Environmental design, planning, and permitting services for Smith Creek Park

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

Public Comments

**Cindy Barrington** spoke in opposition to the contract.

**Frank Burgess** asked about the involvement of the Parks and Recreation Commission. He said he was also in opposition to spending more money at the site.

**Motion to approve Resolution 2022-13.**

Motion by Council Member Sanchez  
Seconded by Mayor Pingree

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

Motion approved by a vote of 5-0.

**9. DISCUSSION ITEMS**

None

## **10. ITEMS FOR FUTURE AGENDAS**

10.1. New Items:

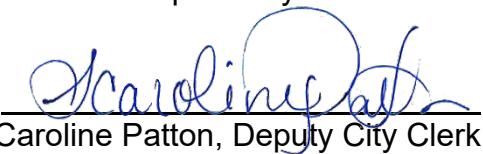
10.2. Pending Items:

1. Permanent Homeless Solution
2. Shopping Cart Ordinance Update
3. Golf Cart/EV Ordinance (On hold)
4. Airport Advisory Commission
5. Business-Friendly Zoning (Wallace)

## **11. ADJOURNMENT**

Mayor Pingree adjourned the meeting at 9:28 p.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/Archive.aspx?ADID=2590>

## Exhibit A - Staff Presentation

### Agenda Item 5.5

# CITY MANAGER'S REPORT

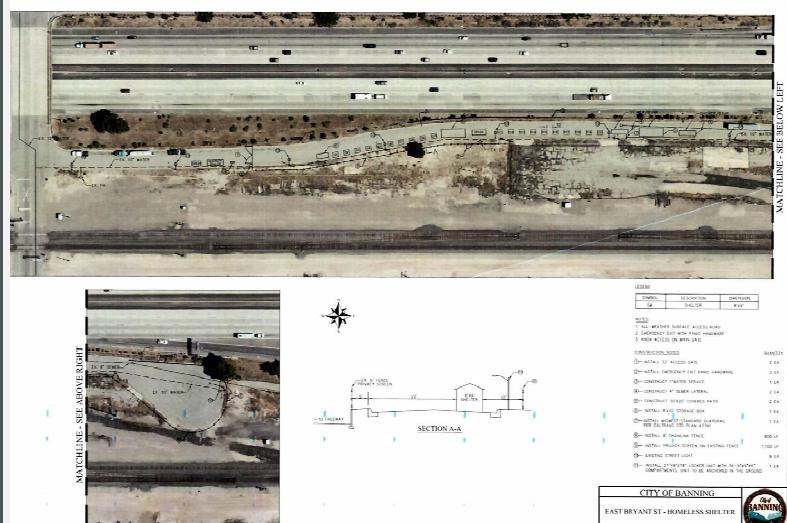
January 25, 2022



1

## BRYANT STREET SHELTER

- South of I-10 and east of San Gorgonio Avenue.
- Community Informational Meeting – February 15 at 5:00 p.m., City Council Chambers



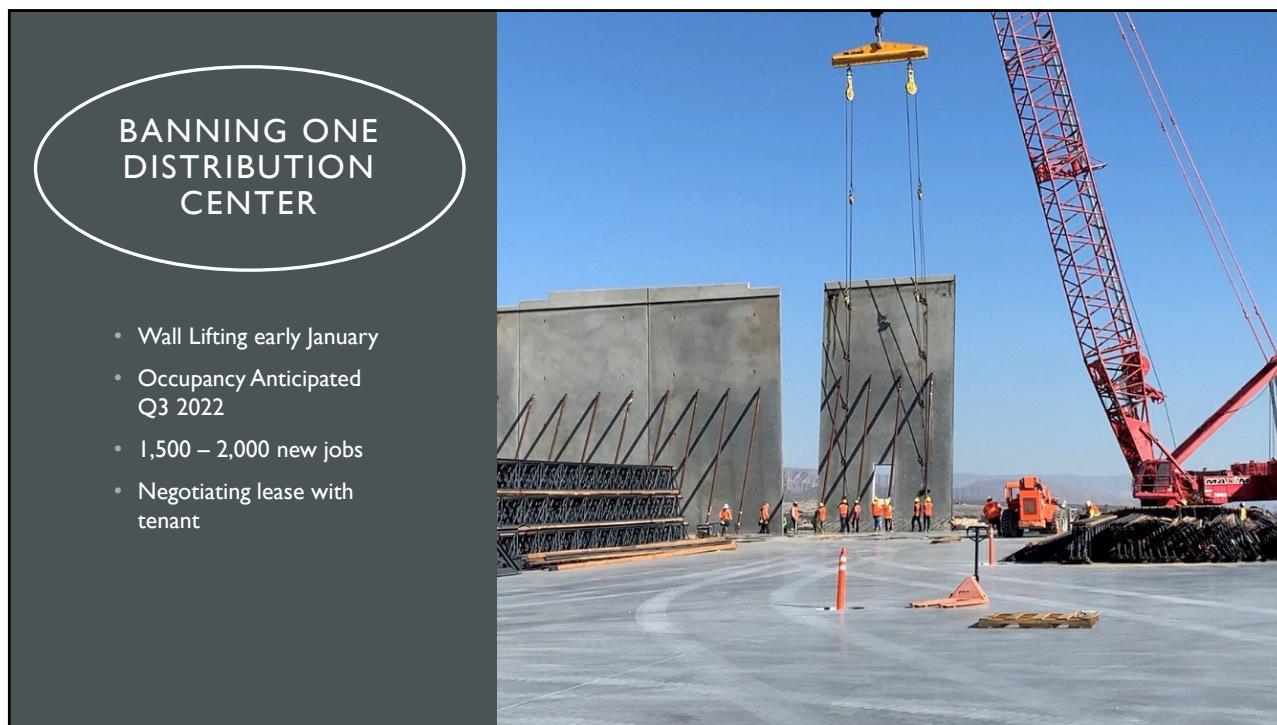
2

## Exhibit A - Staff Presentation

### Agenda Item 5.5



3



4

## Exhibit A - Staff Presentation

### Agenda Item 5.5



BANNING ONE  
DISTRIBUTION  
CENTER

- Industrial Vacancy Rate in So Cal is 0.7%
- Demand has driven rental rates up 23% year over year
- Avg Salary \$47,000
- Banning Median Household Income \$42,000

5



SO CAL WEST  
COAST  
ELECTRIC

- Company Headquarters
- 40 – 50 jobs
- Industrial Building
  - No known tenant

6

## Exhibit A - Staff Presentation

### Agenda Item 5.5

#### ESTES EXPRESS

- Trucking Hub
- 150 bay facility
- 100 – 150 new jobs
- Site work underway
- Delays in construction due to difficulty obtaining materials



7

#### 553 E. RAMSEY

- No action by owner to clean up property or secure property
- Multiple fires
- Homeless occupying
- Complaint for Injunctive Relief filed with Superior Court
- Court issued the Summons
- Attempting to serve property owner



8

## Exhibit A - Staff Presentation

### Agenda Item 5.5

1240 W.  
RAMSEY

- No action by owner to clean up or demolish property
- Multiple fires
- Security on site
- Complaint for Injunctive Relief filed with Superior Court
- Court issued the Summons
- Property owner served, but non-responsive
- Court has entered default



9

CITY  
ADOPTED  
POLICY  
MANUAL

MANUAL OF PROCEDURAL GUIDELINES  
FOR THE CONDUCT OF  
CITY COUNCIL AND CONSTITUENT  
BODY/COMMISSION MEETINGS FOR

**THE CITY OF BANNING**

Adopted October 23, 2012, by City Council Resolution 2012-83  
Amended April 23, 2013, by City Council Resolution 2013-48  
Amended November 12, 2013, by City Council Resolution 2013-103



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## Exhibit A - Staff Presentation

### Agenda Item 5.5

#### OUTLINE OF PROCEDURAL MANUAL PROVISIONS

**Manual Applies to Council; Agency; Housing Authority;  
All Commissions**

**A. Agendas (3.1-3.4; 5.1-5.10)**

1. City Manager generally has the authority to set the agenda. (5.1)
2. Any Councilmember may request a matter be put on an agenda. If significant staff work involved, CM can bring it to an agenda under pending items and Council can decide whether they want it agendized for discussion. (5.1)
3. Permits consent calendars and defines what isn't permitted on consent calendar: ordinances; matters involving split votes or public controversy.
4. List order of agenda.
5. Permits an agenda item for "Council Agenda – New Business" and where announcements permitted with no discussion.

**B. Ordinances and Resolutions and Contracts (5.3 - 5.6)**

1. Defines matter appropriate for ordinance vs. resolution.
2. Defines vote requirements--resolutions require 3 votes.
3. Urgency circumstances defined where resolution can be prepared at a meeting.
4. Contracts may be put in final form by legal counsel.

**C. Boards and Commissions (6.4)**

1. Defines legislative bodies and advisory bodies subject to the Brown Act. (1.2(a))
2. Permits creation of ad hoc council subcommittees not subject to the Brown Act.
3. Permits formation boards and commissions subject to the Brown Act.
4. Provides that appointments are by Mayor with the consent of Council.
5. Commissions not permitted to create subcommittees.

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## LEGISLATIVE BODY DEFINITION

### **1.2 Definitions**

The following definitions shall apply to these rules and procedures:

- a) "Legislative Body" means any quorum of any council, board, commission or standing committee (as defined in Government Code § 54952), or other governing body of the City of Banning that is subject to the Brown Act (Government Code § 54950 *et seq.*). This includes the Banning City Council, Banning Successor Agency to the former Redevelopment Agency, Banning Housing Authority Board, Banning Utility Authority, Banning Financing Authority, Planning Commission, Parks and Recreation Commission, Civil Service Commission and any standing committee subject to the Brown Act. The term "Legislative Body" does not include Non-Governing Bodies, as defined below.

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## Exhibit A - Staff Presentation

### Agenda Item 5.5

#### SECTION 8.1 PUBLIC HEARINGS; NOTICES; FAIRNESS

(d) In all matters before a Legislative Body, whether public hearing or otherwise, the Body must judge the matter fairly and without personal bias. Although every Legislative Body member has a right to their own personal opinions, Legislative Body members should by their demeanor show an ability to listen to a variety of viewpoints and demonstrate a reasonable willingness to consider all sides of an issue before them. **For quasi adjudicative matters involving public hearings, the members of the Legislative Body shall not prejudice the matter prior to the public hearing, shall be fair and impartial, and shall decide the matter based upon the evidence and the statutorily required findings.**

(e) For such matters, Legislative Body members should avoid expressing an opinion or divulging their thought process until after the public hearing has been completed.

## Exhibit B - Staff Presentation

### Agenda Item 8.1



# Consideration of Resolution 2022-11 Authorizing the Lion's Park Replacement Lighting Project

Banning City Council - February 8, 2022

1

## Resolution 2022-11 - Lion's Park Baseball Field Usage

- Little League
  - Spring and Fall Leagues
  - All-Star Tournaments
- Travel Teams and Tournaments



2

## Exhibit B - Staff Presentation

### Agenda Item 8.1

## Resolution 2022-11

### Lion's Lighting Background

- Current System Age & Status
- BEU's assistance
- Lighting Levels



Lion's Light Level Test - 1-16-2020						
Target Points	Field # 1		Field # 2		Field # 3	
	Infield	Outfield	Infield	Outfield	Infield	Outfield
Average	11	28	11	14	13	24
Footcandles	7.8	6.96	7.18	12.35	6.6	8.4
Max Footcandles	13	16	15	33	13	15
Min Footcandles	3	3	3	4	4	2



3

## Resolution 2022-11

### Replacement Lighting

- Inquiries with Multiple Vendors
- Retro-Fit
- Replacement Options



4

## Resolution 2022-11 Replacement Lighting

- Proposal from Techline Sports Lighting
- Fully Operational LED System
  - 14 poles - 118 fixtures
- Lighting levels
  - All three fields exceed recommended standards
- Remote access and controls
- 10 year warranty



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## Resolution 2022-11 Replacement Lighting



Techline Sports Lighting  
Over twenty Years of proven results



Cal State Monterey Bay



### Projects

- Large Scale Event Venues
  - Multiple Super Bowls - Final Four
- City fields, High Schools, Colleges
- Government contract - TIPS

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## Exhibit B - Staff Presentation

### Agenda Item 8.1

#### Project Cost & Funding options

- Project Cost - Turnkey - \$754,463 + 10% contingency
- State per Capita Grant - \$196,926
  - Resolution 2020-132 - adopted October 27, 2020
- BEU Public Benefit Fund
  - Light savings analysis -
    - LED vs Metal Halide - 60% power reduction
    - Maintenance costs and labor reduction
- General Fund



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#### Project Funding Recommendation

- Complete project this Spring
- Finance project over seven years
  - Not to Exceed - \$932,966.30
- Split yearly cost 50/50 - \$101,654.80
  - BEU Public benefit Fund
  - General Fund



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## Exhibit B - Staff Presentation

### Agenda Item 8.1

#### Recommendation Adopt Resolution 2022-11

- Questions of Staff
- Recommended Action:
  - Adopt Resolution 2022-11
    - Authorizes the Lighting replacement projects
    - Authorizes the City Manager to execute agreements
    - Authorizes the City Manager to make necessary budget adjustments



## Exhibit C - Staff Presentation

### Agenda Item 8.3



## **Exhibit D - Public Comment**

### **Agenda Item 8.2**

Comments for Banning City Council Regarding  
2/8/22 Council Meeting, Item 8.2, Planning Commissioner Removal  
Submitted by Kathleen Dale, Resident/Property Owner District 4

I strenuously object to the suggestion that Chair Santana should be removed from the Planning Commission and ask that the Council summarily dismiss the baseless argument and recommendation that has been put before you.

I hope that the community support Commissioner Santana has received on social media since this agenda item was posted last Thursday will be reflected in the public comments the Council receives on this item and will make an impression on the Council. I hope the Council will take into consideration that Commissioner Santana's colleagues elected him to the Commission Chair position the day before this horrific agenda item was made public.

Recusals are an element of the normal operation of boards and commissions and there is no shame in the need for a public official to recuse themselves from a decision. Even if Commissioner Santana's expressed views are a basis for recusal on future warehouse matters, there are four other Commissioners to conduct business, as they have done in the past when Commissioner Krick was required to recuse himself. Further, with the recent, very controversial Banning Point warehouse project, elimination of Commissioner Santana's vote would not have made a difference in the outcome of the Commission action.

The first action the Council should take tonight is to issue a collective and very enthusiastic thank you to Commissioner Santana for his dedicated service to the City. Once that is done, you should excuse yourselves to executive session to discipline – or more appropriately remove – the individual(s) behind this despicable attack.

## Exhibit D - Public Comment

### Agenda Item 8.3

Comments for Banning City Council Regarding

Smith Creek Park Consultant Services

2/8/22 Council Meeting, Item 8.3

Submitted by Kathleen Dale, Resident/Property Owner, District 4

Page 1 of 2

There are two fundamental questions regarding the matter that is before you.

First, there is a question as to whether the proposed expenditure is allowable from the identified source of funding. The FAQs prepared by the City at the time Measure P was put on the ballot in 2018 indicated that the public benefit funds that would be transferred from the electric utility to the general fund would be used for “police and fire services, community programs and maintenance” and that all of the money would stay in Banning. The FAQs also included a commitment that expenditures would be subject to monitoring by an independent oversight committee, mandatory audits and annual public reporting. The City materials for this measure made it clear that this funding was intended to address deficits for existing City services and maintenance obligations. It does not appear that expenses for outside consultant services for undefined future City facilities is an eligible expense.

A prudent and possibly allowable use of this funding would be to the Lions Park lighting project also on this agenda.

Second, the extensive scope of work you are being asked to authorize goes well beyond the more modest screening level effort that would inform an initial understanding of the developable portion of the site, potential constraints to the nature of uses that could be established within the developable footprint, and ballpark costs for the substantial access improvements that will be necessary for any assembly uses.

A preliminary constraints analysis using existing GIS resources, information from prior environmental studies, and the results of preliminary consultations with entities such as Southern California Edison, California Fish and Wildlife, U.S. Fish and Wildlife, the Western Riverside Regional Conservation Authority, U.S. Army Corps of Engineers, Riverside County Flood Control and Water Conservation District, and local tribal representatives would be a reasonable first step.

Until development limits and a conceptual development plan are defined, there is not enough information to reliably define the scope or cost of the detailed technical studies, CEQA documentation, detailed engineering, and regulatory permitting tasks that may be necessary for any future development and operation at this site. The biological resources surveys that are included in the scope of work have a limited shelf life and will be throw-away effort and expense if there are delays in design and engineering, or if it is determined that cost of required access (and other site improvements) is not justifiable.

Comments for Banning City Council Regarding  
Smith Creek Park Consultant Services  
2/8/22 Council Meeting, Item 8.3  
Submitted by Kathleen Dale, Resident/Property Owner, District 4  
Page 2 of 2

A few additional points:

1. The resolution presented for your consideration indicates the RFP was issued in August 2021; however, the proposal that is presented is dated January 2021?
2. In his presentation to the Park and Recreation Commission a few weeks ago, Mr. Rush indicated staff solicited and received additional proposals. Where is the request for proposals, which other firms were invited to propose, and where are those proposals?
3. Two sections of the resolution refer to an award to Willdan for plan check and design review services?
4. The proposal repeatedly refers to proposed “improvements”. This is in conflict with the report Mr. Rush gave to the Park and Recreation Commission in which he said the slate was being wiped clean and that an initial constraints analysis would be completed to define development limits and potentially suitable uses.
  - a. What do the consultant’s mean when they repeatedly refer to “improvements”?
  - b. Why does the consultant refer to low water road crossings? When and how was the decision made that such a design is feasible?
  - c. Where is the conceptual site plan dated October 07, 2021 referred to in the proposal?
  - d. The scope of work for hydrology refers to a proposed parking lot and arena? Where is the plan depicting these improvements?
5. The proposal notes several exclusions that would entail additional work and cost for any future site development. Mr. Rush’s characterization of these costs as “equity” in his report to the Park and Recreation Commission is debatable. The Council needs to seriously ponder how much money the City sink should sink into this highly constrained site.

## Exhibit D - Public Comment

### Agenda Item 8.2

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**From:** Susan Walsh <Hummengberd@aol.com>  
**Sent:** Tuesday, February 8, 2022 2:35 PM  
**To:** Caroline Patton  
**Subject:** Vote No to unseat Marco Santana from Planning Commissioner position

Please vote no on the recommendation from the city manager that requires Marco Santana to step down from his Planning Commissioner seat. Remove him for stating his opinion? Isn't that one of his duties as Planning Commissioner after looking at all the facts? This is not right and is not a good look for the city of Banning.

Warehouses have an important and necessary role to play into today's society and market. Not every piece of vacant land is a good fit for a warehouse. . . I believe Mr. Santana has the ability to be reasonable and open minded about the role warehouses play in Banning. . . Where they will go while keeping in mind some areas are not conducive to this type of facility. We need city leaders who have the best intentions for our city and its citizens, and aren't afraid to stand up against the opposition and say this isn't the right thing to do. We need leaders with the integrity Mr. Santana displays.

I'm not sure I understand the difference between saying publicly you think this warehouse (and warehouses in general) is good for the city and give your reasons why, and saying publicly you think it's NOT good for the city and giving your reasons why. Marco Santana is surely not the only city official to state his opinion on this. But he is the only one (I've seen) who doesn't think it's a good idea. This isn't right and looks like a power play.

Thank you,  
Susan Walsh

Sent from my iPhone

## Exhibit D - Public Comment

### Agenda Item 8.2

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**From:** Marian Putnam <marian.putnam@gmail.com>  
**Sent:** Tuesday, February 8, 2022 2:41 PM  
**To:** Caroline Patton  
**Subject:** Removal of Marco Santana

Council Members,

In observing the warehouse debacle over the past couple of months, I have come to form the following opinions:

1. It is the intention of this City Council to attempt to rectify the mistakes of past Councils by turning all of South Banning, from Highland Springs to Sunset, into a warehouse district. It seems to me that they are choosing quite deliberately to sacrifice the community of Sun Lakes and The Lakes memory care facility in the process. Shameful.
2. The city staff and their unofficial representatives will go to great lengths to silence any person or group of people who speak against the warehouses. This includes the dismissal of Mr. Santana, who committed the egregious “crime” of stating his views for the public.
3. It seems to my observations that the City Council is willing to blindly follow the lead of the city manager, failing to seek out less biased opinions and facts.
4. Mr. Santana should be supported and honored for having the guts to state his opinions publicly regardless of the consequences. He will be so by the citizens, but not by the Council. Thank you, Mr. Santana. You did the right thing.

Marian Putnam  
Banning

**Exhibit D - Public Comment**  
**Non-Agenda Item**

Banning City Council

**City Clerk**

**February 8, 2022**

**RE: Banning Municipal Airport**

This is a list of Maintenance and Repair issued that need to be addressed and resolved as soon as possible.

1. No air-conditioning in Terminal Building lobby ( last summer 95 degrees in building)
2. Fuel / Avgas: new card reader needs to be installed, has been sitting in terminal building for months. Old reader very difficult to read.
3. Repair cracks in asphalt in tie down area and hanger taxi ways.
4. Paint " T " markings in tie down area between tie down chains.
5. Repair party walls as need in Farrell Cooper hangers, FC-B2 through FC-D7( to get them on the rental rolls, City / Airport fund is losing approximately 27,00.00 plus a year in rent)
6. Repair / Fix VASI lights runway 26.
7. Post the passenger gate code on the inside of gate, ( code may need to be changed because it's the same as the vehicle gate code. Reason for this: so transit pilots can access their aircraft when the terminal building is closed. )
8. Repair two sections of security chain link fencing. ( one section cut on Barbour St, and one on Hathaway, by car damage, this has been like this for months.)
9. Repair or replace electric gate opener, south vehicle gate, Barbour Street entry.

Submitted: February 8th 2022

By: Harry Sullivan

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Banning, CA. 92220

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