



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**

**3/8/2022
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
Adam Rush, Community Development Director
Thomas Miller, Electric Utility Director
Suzanne Cook, Finance Director*
Matthew Hamner, Chief of Police*
Ralph Wright, Parks and Recreation Director*
James Wurtz, Economic Development Manager*
Laurie Sampson, Executive Assistant*

*Participated via Zoom.

1. CALL TO ORDER

Mayor Pingree called the regular meeting to order at 5:03 p.m.

- 1.1. Invocation – Pastor Squires from Bethany Bible Church provided 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

Motion to add Agenda Item 2.2 to consider changing the City Council members appointed to the Banning Unified School District (BUSD) 2x2 Working Group and making findings that:

- **The need to act on this agenda item arose after the agenda was posted**
- **There is a need to take immediate action before the next regular meeting.**

Motion by Mayor Pro Tem Wallace
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.

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	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

2.2 Consider New Appointment(s) to the Banning Unified School District 2 x 2 Working Group

Public Comment

Kathleen Dale asked why the item could not wait until the next agenda.

Ellen Carr said she was having a hard time hearing the Council.

Motion to table this consideration to the next regular meeting on March 22, 2022.

Motion by Mayor Pro Tem Wallace
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.

3. **PRESENTATION(S)**

- 3.1. Dear California Presentation – Steven Shaw presented on the Dear California outreach projects.

4. **REPORT ON CLOSED SESSION**

City Attorney Ennis provided a report on closed session agenda items. For agenda item 2.1, Council member Happe recused himself and no final or reportable action was taken. For agenda item 2.2, direction was provided to legal counsel and a status update given. No final nor reportable action was taken.

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

5.1. **PUBLIC COMMENTS**

Gracie Luna served Council Member Hamlin an intention to circulate a recall petition saying she was a resident of Beaumont.

Ellen Carr commented on the mining tax, retail cannabis cap, TriPointe Homes settlement, Banning Point project, and a homeless encampment. She said the Council does not listen to their constituents.

Diego Rose spoke on the City's plans to spend American Rescue Plan Act (ARPA) funds and the local newspaper. He said he disagreed with the City's plan to provide a portion to local small businesses and urged them to return the money to taxpayers (by sending it back to the federal government).

Bill Hobbs reflected on local news coverage of the City and urged the Council to make changes. He spoke in opposition to warehouses in residential areas.

5.2. **CORRESPONDENCE**

Frank Tyzen submitted one item of correspondence on the topic of warehousing in Palm Springs.

5.3. APPOINTMENTS

None

5.4. CITY COUNCIL COMMITTEE REPORTS

Mayor Pro Tem Wallace reported on meetings of Riverside Conservation Authority (RCA) and Southern California Association of Governments (SCAG).

Council Member Happe reported on Western Riverside Council of Governments (WRCOG).

Council Member Sanchez said Riverside Transit Agency (RTA) was celebrating an anniversary and lowering the cost of fares.

5.5. CITY MANAGER REPORT

City Manager Schulze reported that the owners of 520 E Williams Street had reached out through their realtor to express their desire to sell the parcel. Efforts were taken to move the homeless living at the site to the new Bryant Street location. He said the temporary site was chosen due to its proximity to the future Opportunity Village site.

He acknowledged concerns from the public and the school district regarding safety adjacent to walk-to-school routes. He assured them police patrols had been increased during before and after school periods.

5.6. CITY ATTORNEY REPORT

City Attorney Ennis responded to a public comment regarding the mining tax and resulting lawsuits. He highlighted that none of the current Council were members of the body at the time the mining tax decisions were made, but that members had been on the Council for subsequent development agreements related to the tax under which the City received additional benefits from applicants as part of their project approval.

6. CONSENT ITEMS

- 6.1. Approval of Minutes of the February 17 and February 22, 2022 City Council Meetings
- 6.2. Adopt City Council Resolution No. 2022-21, 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. Resolution 2022-01 HA, Approval of Subordination Agreement for a Home Improvement Forgivable Loan

- 6.4. Consideration of Resolution 2022-23 Authorizing the Purchase of 520 East Williams Street by the Banning Electric Utility Pursuant to Banning Electrical Utility's Economic Development Element
- 6.5. Accept Various Improvements within the Atwell Specific Plan Development and Authorize the 90% Bond Exoneration for Various Improvement Bonds
- 6.6. Proposed Amendment to IBEW Utility Unit MOU to Add Powerline Technician Apprenticeship Agreement
- 6.7. Adopt Resolution 2022-20, Approving Amendment No. 4 to the Professional Services Agreement with Engineering Resources of Southern California (ERSC) to Extend the Term for an Additional Year and to Increase the Total Compensation by \$1,000,000 for Plan Check, Inspections and Related Administrative Services
- 6.8. Resolution 2022-22, Approving a Change Order in the Amount of \$35,000 to the Existing Purchase Order with Lee's Auto Body for as Needed Auto Body Repair Services
- 6.9. Approve Notice of Completion for Project No. 2021-02, "AC Overlay for Various Streets"

Public Comments

None

Motion to approve the consent agenda items 6.1 to 6.3 and 6.5 to 6.9.

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.

- 6.4. Consideration of Resolution 2022-23 Authorizing the Purchase of 520 East Williams Street by the Banning Electric Utility Pursuant to Banning Electrical Utility's Economic Development Element

Public Comment

None

Motion to approve Resolution 2022-23 as amended.

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 5-0.

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

- 7.1. Ordinance 1581, an Ordinance of the City of Banning Adjusting the Boundaries of the Five (5) City Council Districts and Adopting a New Official Council District Map for the City of Banning Based on the Results of the 2020 Decennial Census

Public Comment

Kathleen Dale disagreed with staff's analysis of the map data.

Chris Castorena said he was available to help staff develop maps.

Cindy Barrington asked the City Council to review the submitted map.

Motion to introduce Ordinance 1581 for a first reading.

Motion by Council Member Sanchez

Seconded by Mayor Pro Tem Wallace

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.

Motion to waive further reading of Ordinance 1581.

Motion by Council Member Sanchez

Seconded by Mayor Pro Tem Wallace

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.

- 7.2. Consideration of Resolution 2022-24 Approving Tentative Parcel Map 38206 (TPM 21-4502), A Proposed Subdivision of One (1) 0.71-Acre Parcel into Two (2) Single-Family Residential Lots within the Low-Density Residential District and Located Southernly of Wilson Street and Approximately 400-Feet Westerly of Via Panorama Court (APN: 540-020-073)

Public Comment

None

Motion to approve Resolution 2022-24 as amended, with additional language for Condition of Approval No. 10.

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 5-0.

8. REPORTS OF OFFICERS

None

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 7:11 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>

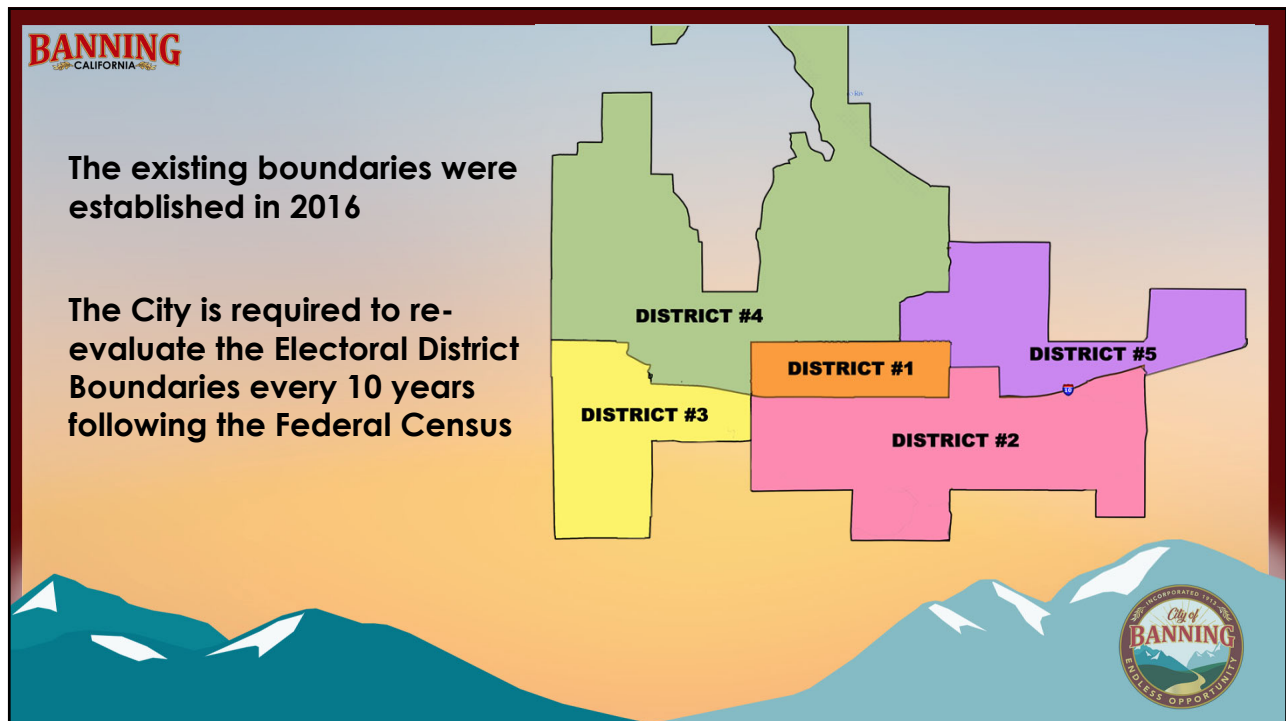
All documents related to this meeting are available here:

<http://banning.ca.us/ArchiveCenter/ViewFile/Item/2608>

Exhibit A - Agenda Item 7.1



1



2

Population Per District 2016

• District 1	5,814
• District 2	5,792
• District 3	5,973
• District 4	5,858
• District 5	6,166

Deviation from Ideal:

Total Population (29,603) / Districts (5) = 5,920 Ideal
Largest District (6,166) – Smallest District (5,792) = 374
/ Ideal (5,920) = 6.32% Deviation

Population Per District 2020

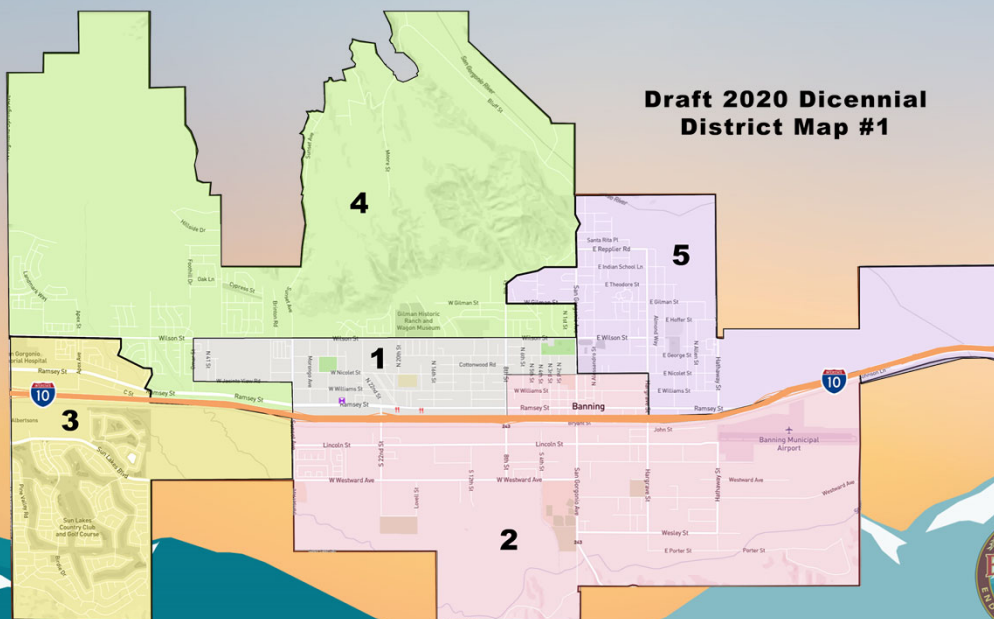
• District 1	5,855	+41
• District 2	4,958	-834
• District 3	5,937	-36
• District 4	6,274	+416
• District 5	6,481	+315

Deviation from Ideal:

Total Population (29,505) / Districts (5) = 5,901 Ideal
Largest District (6,481) – Smallest District (4,958) = 1523
/ Ideal (5,901) = 26% Deviation



**Draft 2020 Decennial
District Map #1**

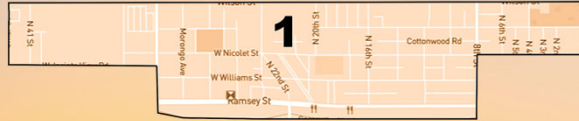


District 1

Before



After



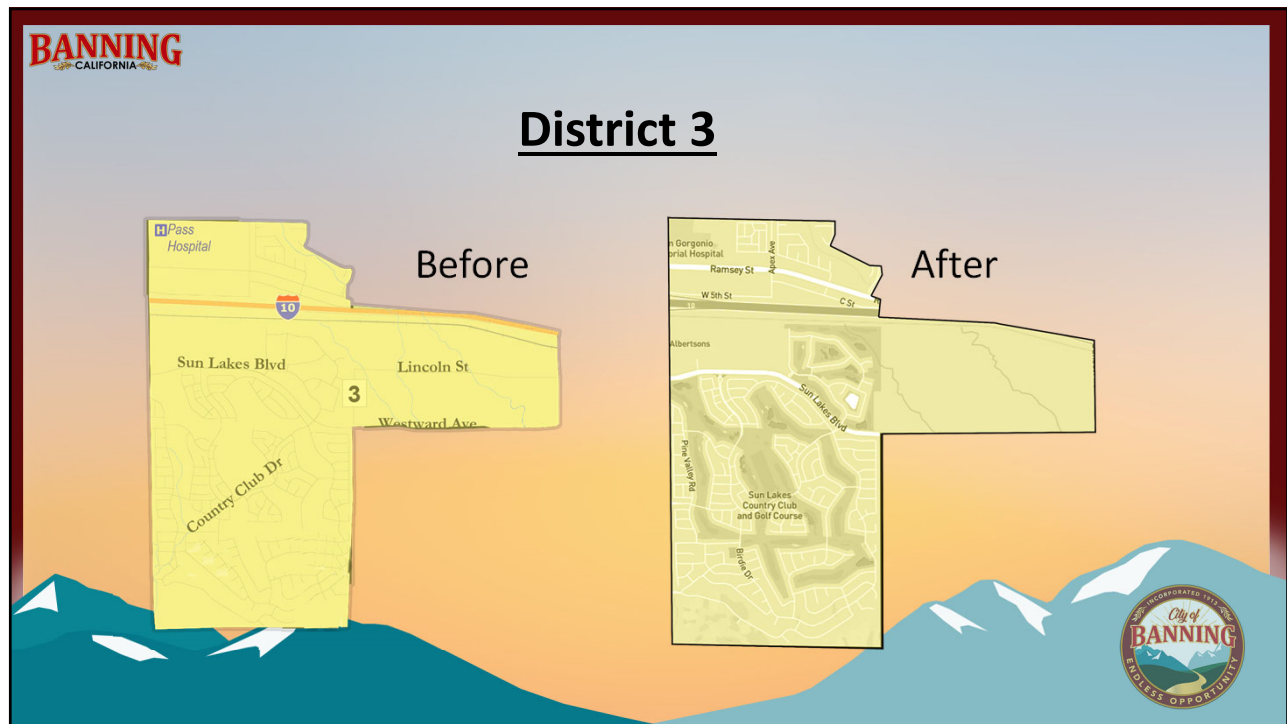
District 2

Before

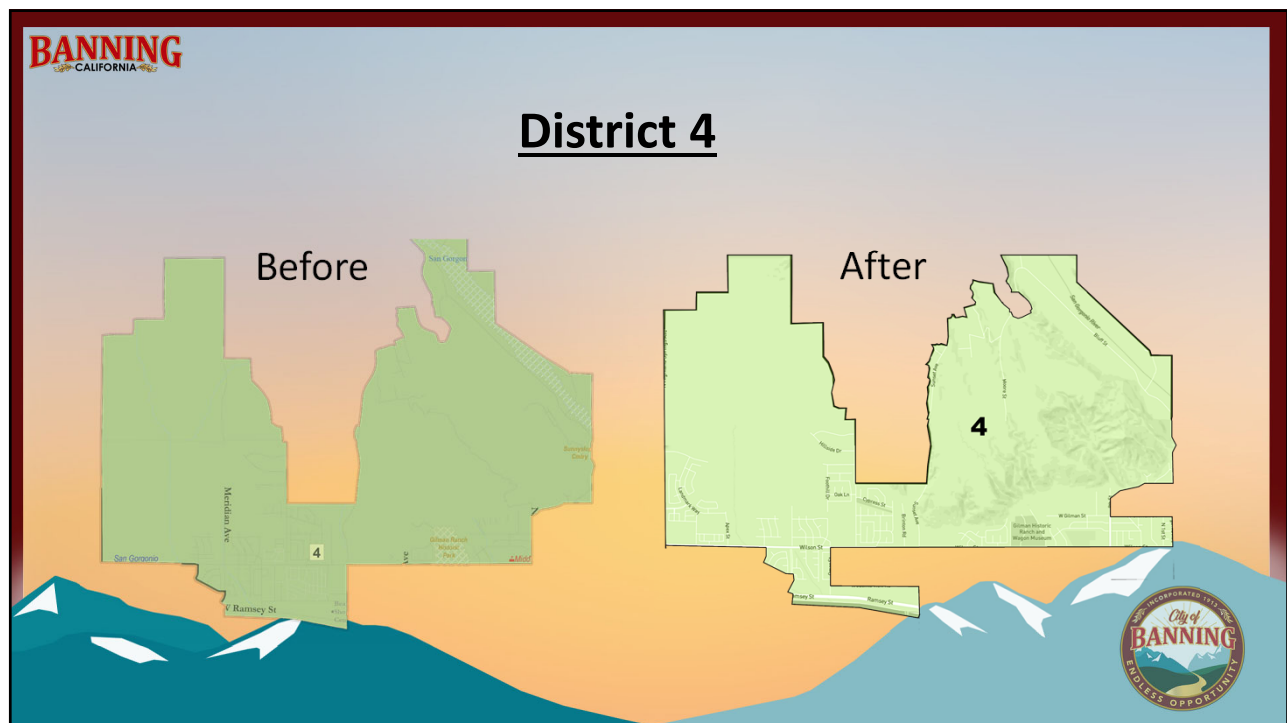


After

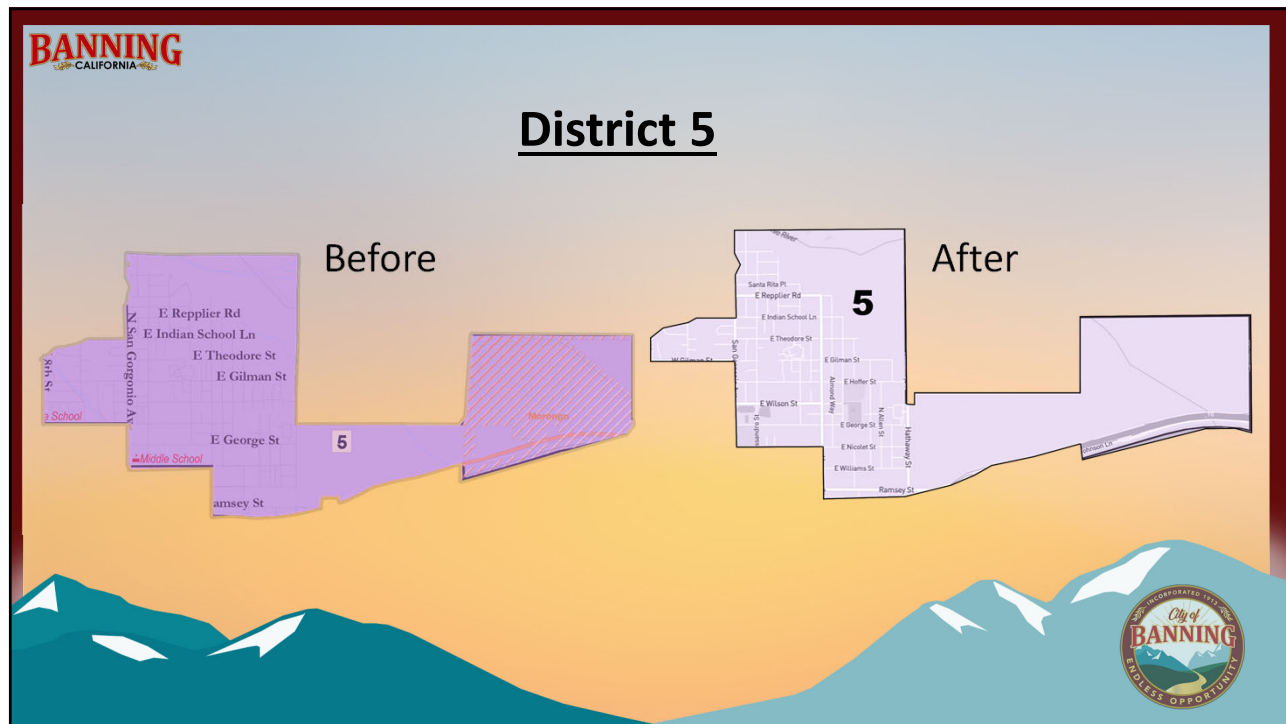




9



10



11

City of Banning- 2020 Census Data							
District		1	2	3	4	5	Total
	Total Pop	5,855	4,958	5,937	6,274	6,481	29,505
	Deviation from Ideal	-46	-943	36	373	580	0
	Formula	6,481-4,958 = 1,523/5,901 (ideal)					
Total Pop	% Deviation	26.00%					
	% Hisp	61%	54%	12%	43%	58%	46%
	% White	25%	24%	76%	39%	20%	37%
	% Black	5%	10%	4%	6%	11%	7%
	% Asian	4%	8%	5%	7%	5%	6%
	% American Indian	<1%	<1%	<1%	<1%	<1%	<1%
	% Pacific Islander	<1%	<1%	<1%	<1%	<1%	<1%
	% Other	3%	4%	2%	4%	3%	3%
City of Banning-Draft Map #1							
District		1	2	3	4	5	Total
	Total Pop	6,114	5,986	5,937	5,705	5,763	29,505
	Deviation from Ideal	213	85	36	-196	-138	0
	Formula	6,114-5,705=409/5,901 (ideal)					
Total Pop	% Deviation	7.00%					
	% Hisp	54%	56%	12%	47%	59%	46%
	% White	32%	23%	76%	35%	19%	37%
	% Black	5%	9%	4%	6%	12%	7%
	% Asian	5%	7%	5%	6%	6%	6%
	% American Indian	<1%	<1%	<1%	<1%	<1%	<1%
	% Pacific Islander	<1%	<1%	<1%	<1%	<1%	<1%
	% Other	3%	4%	2%	4%	3%	3%
City of Banning-Draft Map #1							
District		1	2	3	4	5	Total
	Total	4,265	3,692	5,837	4,846	4,668	23,308
Voting Age Pop	% Hisp	57%	51%	11%	39%	55%	40%
	% White	29%	27%	77%	44%	24%	43%
	% Black	5%	9%	4%	6%	12%	7%
	% Asian	5%	9%	5%	7%	6%	6%
	% American Indian	<1%	<1%	<1%	<1%	<1%	<1%
	% Pacific Islander	<1%	<1%	<1%	<1%	<1%	<1%
	% Other	3%	4%	2%	3%	3%	3%
City of Banning-Draft Map #1							
District		1	2	3	4	5	Total
	Total	4,701	4,401	5,837	4,260	4,109	23,308
Voting Age Pop	% Hisp	50%	52%	11%	44%	55%	40%
	% White	37%	27%	77%	39%	24%	43%
	% Black	5%	9%	4%	6%	12%	7%
	% Asian	5%	9%	5%	6%	6%	6%
	% American Indian	<1%	<1%	<1%	<1%	<1%	<1%
	% Pacific Islander	<1%	<1%	<1%	<1%	<1%	<1%
	% Other	3%	4%	2%	4%	3%	3%
City of Banning-Draft Map #1							
District		1	2	3	4	5	Total
	Total	2,440	2,140	5,076	3,353	2,756	15,765
Voter Registration (Nov 2020)							
	Total	2,440	2,140	5,076	3,353	2,756	15,765
City of Banning-Draft Map #1							
District		1	2	3	4	5	Total
	Total	1,770	1,633	4,570	2,712	2,001	12,686
Voter Turnout (Nov 2020)							
	Total	1,770	1,633	4,570	2,712	2,001	12,686

12

Draft Map #1 Data

- District 1 **6,114**
- District 2 **5,986**
- District 3 **5,937**
- District 4 **5,705**
- District 5 **5,763**

Deviation from Ideal:

Total Population (29,505) / Districts (5) = 5,901 Ideal

Largest District (6,114) – Smallest District (5,705) = 409

/ Ideal (5,901) = 7% Deviation



2020 Census/ Draft Map #1 Data

City of Banning-Draft Map #1							
District		1	2	3	4	5	Total
	Total Pop	6,114	5,986	5,937	5,705	5,763	29,505
	Deviation from Ideal	213	85	36	-196	-138	0
	% Deviation	Formula 6,114-5,705=409/5,901 (Ideal)					7.00%
Total Pop	% Hisp	54%	56%	12%	47%	59%	46%
	% White	32%	23%	76%	35%	19%	37%
	% Black	5%	9%	4%	6%	12%	7%
	% Asian	5%	7%	5%	6%	6%	6%
	% American Indian	<1%	<1%	<1%	<1%	<1%	<1%
	% Pacific Islander	<1%	<1%	<1%	<1%	<1%	<1%
	% Other	3%	4%	2%	4%	3%	3%
Voting Age Pop	Total	4,701	4,401	5,837	4,260	4,109	23,308
	% Hisp	50%	52%	11%	44%	55%	55%
	% White	37%	27%	77%	39%	24%	22%
	% Black	5%	9%	4%	6%	12%	13%
	% Asian	5%	9%	5%	6%	6%	6%
	% American Indian	<1%	<1%	<1%	<1%	<1%	<1%
	% Pacific Islander	<1%	<1%	<1%	<1%	<1%	<1%
Voter Registration (Nov 2020)	Total	2,440	2,140	5,076	3,353	2,756	15,765
	Total	1,770	1,633	4,570	2,712	2,001	12,686



Public Outreach

- Notice of Public Hearings to be noticed in the local newspaper, English & Spanish
- 2020 Decennial Redistricting Webpage: <http://banning.ca.us/708/2020-Decennial-Redistricting>
- Procedures for how to participate posted online in English and Spanish
- Live interpretation available with 72 hours prior notice
- Outreach to local communities of interest
- Agendas including Staff Reports published online 5 days prior to public hearings
- Minutes from public hearings published online within 2 weeks
- All submitted comments and proposed maps published online 7 days prior to public hearings
- Links to all recorded meetings published online



15


Next Steps

- Tuesday, March 22, 2022 the City Council will consider second reading and adoption of Ordinance 1581



16


Exhibit B - Agenda Item 7.2



CITY COUNCIL AGENDA ITEM 7.2. PUBLIC HEARING MARCH 8, 2022

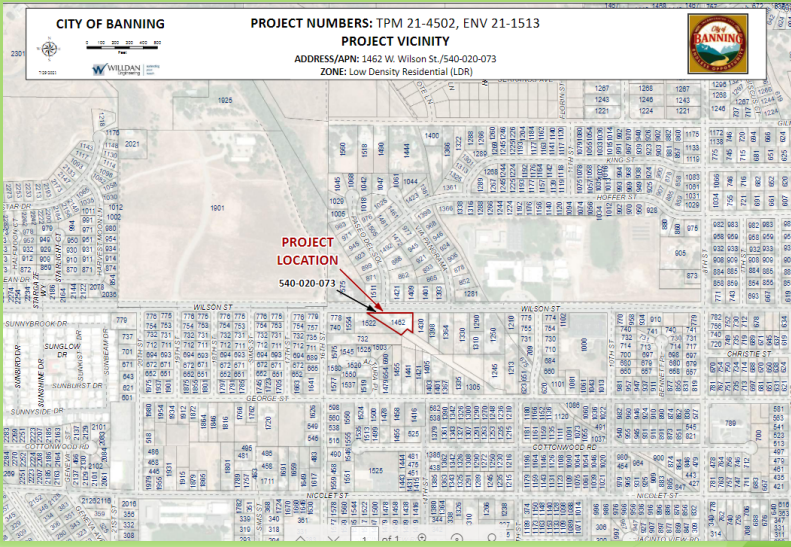
TENTATIVE PARCEL MAP 38206 (TPM 21-4502), a proposed subdivision of one (1) 0.71-acre parcel into two (2) single-family residential lots within the Low-Density Residential District. The proposed tentative map is located southernly of Wilson Street and approximately 400-feet westerly of via Panorama Court.

1



Vicinity Map

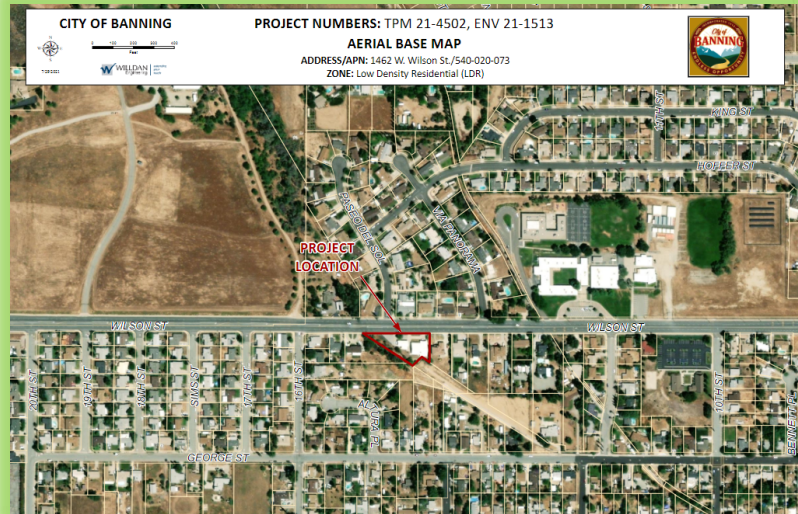
CITY OF BANNING PROJECT NUMBERS: TPM 21-4502, ENV 21-1513
PROJECT VICINITY
ADDRESS/APN: 1462 W. Wilson St./540-020-073
ZONE: Low Density Residential (LDR)



2



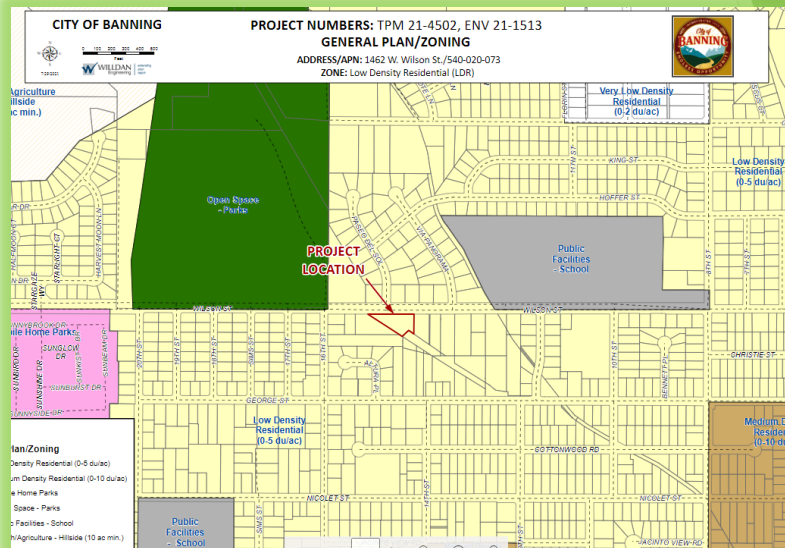
Aerial Map



3



Zoning Map

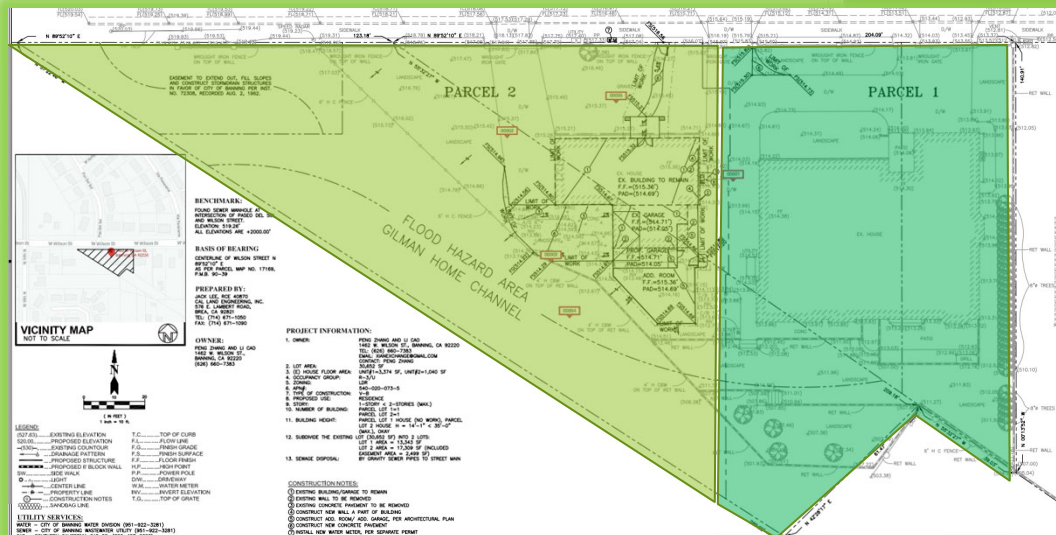


4



- ▶ 0.71-acre Low-Density Residential property
- ▶ Lot 1 has a 3,374 sq. ft home with a 493 sq. ft. garage
Lot 2 (guest house) has a 1,040 sq. ft. home with a 320 sq. ft garage
- ▶ Lot 1 is proposed to be 13,343 sq. ft. in size
Lot 2 is proposed to be 17,309 sq. ft. (including easement = 2,499 square feet).

5



6



Environmental Determination

Section 15315 (Minor Land Divisions) because:

- ▶ Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels
- ▶ In conformance with the General Plan and zoning
- ▶ No variances or exceptions are required
- ▶ All services and access to the proposed parcels to local standards are available
- ▶ The parcel was not involved in a division of a larger parcel within the previous 2 years
- ▶ The parcel does not have an average slope greater than 20 percent

A Notice of Exemption has been prepared for adoption with the project.



City Council Recommendation

Adoption of Resolution No. 2022-24:

In accordance with the requirements of the California Environmental Quality Act (CEQA), the Project is categorically exempt pursuant to CEQA Section 15315 (Minor Land Divisions)

Approve Tentative Parcel Map No. 38206, subject to the following:
Compliance with the Conditions of Approval contained Resolution No. 2022-24.



THANK YOU & QUESTIONS

Exhibit C - Public Comment



from
ADVOCATES FOR BETTER COMMUNITY
DEVELOPMENT
(ABCD PALM SPRINGS)

TO: MANUEL PEREZ, RIVERSIDE COUNTY SUPERVISOR
AND THE COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS (CVAG), TOM KIRK,
EXECUTIVE DIRECTOR
RE: THE IMMEDIATE NEED FOR MORATORIUMS ON MASSIVE WAREHOUSING

We desperately need your intervention, and we need it now. Our billion dollar tourist and leisure industry is very much dependent on the delicate scenic desert landscape which is under attack, and if we don't act now it will be too late. Once built, these projects will haunt us forever turning the area into a heavy industry zone. That is why moratoriums are essential to help us properly prepare for this onslaught.

Already the Palm Springs city council foolishly changed its zoning of adjacent I-10 properties, allowing gargantuan structures up to 95 feet tall and simply ignoring its Planning Commission or public debate. As Desert Sun editorial writer Eric Hartley put it, "leaving the voters feeling blindsided."


In Banning, its city government has been considering approval of a 600,000 square foot warehouse next to an assisted living facility and right across the street from the Sun Lakes Country Club, a 3500 home senior community. They would face being surrounded by millions of square feet of warehouses. Plans include 200 semi trucks per day to enter the main highway to I-10, already overwhelmed with traffic.

The race is on as short-sighted city councils are trying to give the store away before their neighboring jurisdictions beat them to it, all while being seduced by overblown visions of tax benefits which will ultimately destroy their quality of life, if not their communities themselves. That is why we are in need of a regional solution. To start with we need immediate moratoriums to give us time to sensibly and effectively deal with this horrendous threat. The "go slow" approach was supported on January 27th by the Desert Sun in a thoughtful editorial titled, "Palm Springs Should Hold Off On Major Warehouses." As the paper put it, "Allowing them in Palm Springs could lead to more around the valley leaving parts of our desert looking like generic stretches of the Inland Empire rather than the unique treasure it is."

Our leaders desperately need to grasp the immensity of the problem. A concerned Cathedral City resident suggested in a letter to the editor of the Desert Sun that the Palm Springs city council members should be required to actually see the problem at its worst, an example of which is en route to the Riverside National Cemetery once you turn south on the 215. For that matter all our council people, planning commissions and supervisors should see it. The writer of the letter called it a "...horror to behold. Miles of these huge warehouses stretch across the horizon as far as you can see." Several organized bus trips would be in order for leaders.

A decade ago citizens successfully fought a battle against an 8500 inmate prison planned along the I-10 near the entrance to Palm Springs. A study then conducted showed the negative impact that would have had on tourism. Imagine what the area would be like today had we not opposed it.

Too much is at stake. Once the place is ruined, there is no going back.

Frank Tysen 
President, ABCD 2/11/22
franktysenps@gmail.com