



*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**

**10/11/2022**

**REGULAR MEETING**

**COUNCIL MEMBERS PRESENT:**

Council Member Happe  
Council Member Rick Minjares  
Mayor Pro Tem Alberto Sanchez  
Mayor Colleen Wallace

**COUNCIL MEMBERS ABSENT:** None

**OTHERS PRESENT:**

Doug Schulze, City Manager  
Kevin Ennis, City Attorney  
Serita Young, Assistant City Attorney  
Marie Calderon, City Clerk  
Caroline Patton, Deputy City Clerk  
Matthew Hamner, Chief of Police  
Art Vela, Director of Public Works  
Tom Miller, Electric Utility Director  
Adam Rush, Community Development Director  
Ralph Wright, Parks and Recreation Director  
Laurie Sampson, Assistant City Manager  
John Garside, Multimedia Specialist

\*Participated via Zoom.

**1. CALL TO ORDER**

Mayor Wallace called the regular meeting to order at 5:31 p.m.

- 1.1. Invocation – Chief Hamner provided the invocation.
- 1.2. Pledge of Allegiance - Council Member Happe led the Pledge of Allegiance.
- 1.3. Roll Call

COUNCIL MEMBER	PRESENT	ABSENT
Happe, David	X	
Minjares, Rick	X	
Sanchez, Alberto	X	
Wallace, Colleen	X	

## **2. AGENDA APPROVAL**

### 2.1. Approve Agenda

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

Motion by Council Member Happe  
Seconded by Mayor Pro Tem Sanchez

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Happe, David	✗				
Minjares, Rick	✗				
Sanchez, Alberto	✗				
Wallace, Colleen	✗				

Motion approved by a vote of 4-0.

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

- 3.1. Introduction of Katie Gilbertson from the SAFE Family Justice Centers by Police Chief Hamner
- 3.2. Proclamation – Code Enforcement Appreciation Week – October 9-15, 2022  
*Recognizing Code Compliance Supervisor Art Chacon and Code Compliance Officer Diana Serrano*

Mayor Wallace read the proclamation. Code Enforcement Officers Art Chacon and Diana Serrano were recognized.

- 3.3 Certificate of Recognition for Jack Sanchez  
Mayor Wallace presented a certificate for Jack Sanchez.

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

- 4.1. City Attorney Young reported that for closed session items 3.1 and 3.2 there was discussion where direction was given to staff, with no final or reportable action.

Closed session for agenda item 3.3 will be held following the regular meeting adjournment.

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

### 5.1. PUBLIC COMMENTS

**Ellen Carr** spoke on behalf of Tender Loving Critters and Animal Action League.

**Nikki Schorza** commented on the need for rent control in Banning and asked for an update.

**Estelle Kunter** commented on rent control as well. She said the City Council was not working hard enough for the residents but are only working for themselves. Kunter said seniors in the City had been “tossed aside,” but that they were important and the City Council was supposed to be working for them.

**Chris McCallum** commented on an event he had attended over the weekend at Banning High School. McCallum reported that thousands of attendees, over 70 teams, in the City of Banning for the event and touted the beautiful Banning High School facilities that now beautify the city.

**Lanny Swerdlow** said he was a candidate to represent District 4 of the San Gorgonio Memorial Hospital District.

**Inge Schuler** said the Animal Control Officers will be getting dog tranquilizer dart training and she thanked the city for this decision. Schuler asked the City to reprogram their Police Department phones to be more user-friendly.

**Sheri Flynn** spoke in opposition to the barriers in the chambers. Flynn commented on claims she had heard, saying she needed to correct the record. Flynn commented claimed staff treated her unfairly, commented on her voter registration status, and disagreed with her name being used in the meeting minutes.

**Kathleen Dale** spoke in opposition to the barriers in the chambers. Dale commented on the order of agenda items, stated there had been inequitable treatment of Ms. Flynn, and said she enjoyed the Sunset and Ramsey Street Improvements.

**Diego Rose** commented on the state's mandates regarding water conservation, saying no development can occur under the state's standards. Rose said the Council was being misled by City staff regarding expenditures, stating funding was being allocated for projects on “individuals' wish lists.”

**Margaret Rodriguez** commented on the City's downtown and the current lack of stores. Rodriguez said the trains are too long and create traffic lines in the City. She said she wished the Council could bring business back to downtown Banning.

## 5.2. CORRESPONDENCE

None

## 5.3. APPOINTMENTS

5.3.1. Request to Appoint Two Council Members to the Community Development Block Grant (CDBG) Ad-Hoc Committee for FY 2023/2024

City Manager Schulze presented the staff report.

**Motion to appoint Mayor Pro Tem Sanchez and Council Member Happe.**

Motion by Mayor Wallace

Seconded by Council Member Minjares

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Happe, David	X				
Minjares, Rick	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 4-0.

## 5.4. CITY COUNCIL COMMITTEE REPORTS

**Council Member Happe** reported on a Western Riverside County Council of Governments (WRCOG) meeting.

**Mayor Pro Tem Sanchez** had no report.

**Council Member Minjares** had no report on City-related committees but commented on a regional water committee he was involved in.

**Mayor Wallace** reported on a Regional Conservation Agency (RCA) meeting.

## 5.5. CITY MANAGER REPORT

City Manager Schulze reported on Food Vendor enforcement, the State of the City event, two upcoming Town Halls being held by City Council Members and responded to certain public comments made under Item 5.1.

## 5.6. CITY ATTORNEY REPORT

Assistant City Attorney Young had no report.

## 5.7. CITY TREASURER REPORT

City Treasurer Alejandro Geronimo had no report.

## **6. CONSENT ITEMS**

- 6.1. Minutes of the September 13 and 27, 2022 City Council Meetings
- 6.2. Consideration of Resolution 2022-135, Authorizing an Agreement with Windstream Enterprise to Provide Consolidated Phone and Internet Services to the City of Banning
- 6.3. Consideration of Resolution 2022-137, Awarding a Professional Services Agreement for the Design of an LED Electronic Message Board Sign to BOA Architecture in the Amount of \$64,700 and Approving a 10% Contingency for a Total Project Budget Not-to-Exceed \$71,170
- 6.4. Consideration of Resolution 2022-138, Approving an Agreement with Telrepco to Provide, Install, and License In-Car Cameras and Body Cameras and Recording Equipment for Three (3) Interview Rooms in an Amount Not-to-Exceed \$406,200 for Use by the Banning Police Department
- 6.5. Consideration of Resolution 2022-139, Approving Amendment No. 1 to the Professional Services Agreement with Albert A. Webb Associates, Inc. for an Additional Amount of \$148,222 for the Design of Sun Lakes Boulevard Extension; Extending the Term of Agreement to June 30, 2024; and Rescinding Resolution 2022-106
- 6.6. Consideration of Resolution 2022-140, Authorizing the Purchase of Transit Vehicles Funded by State Transit Assistance as Included in the City's Approved Short Range Transit Plan
- 6.7. Accept an Easement from Tri Pointe Homes for Electric Utility Purposes on Assessor's Tract Map Nos. 35966 and 35967 within the Atwell Development for the Maintenance of the City-Owned Electric Distribution System
- 6.8. Second Reading and Adoption of Ordinances 1583 and 1584, A Zoning Text Amendment (ZTA 22-97501) for Compliance with Programs in the 2021-2029 Housing Element and an Amendment to the Official Zoning Map (ZC 22-3501)

### Public Comments

**Inge Schuler** commented on agenda item 6.5 and requested that the City hold a workshop on the Sun Lakes Boulevard Extension. She questioned the CEQA filings made by the City, saying the project would impact an extensive area and have habitat implications.

**Charles Zylman** commented on two proposed contracts on the agenda, stating he disagreed with only getting one bid. Zylman reviewed the line items of change orders, saying the City should have anticipated the additional costs. Zylman also felt the proposed zoning changes were inappropriate.

**Kathleen Dale** commented on agenda item 6.2, inquiring why the vendor was selected and requesting greater transparency from staff. For agenda item 6.3, she was concerned how much was being spent on an electronic message board design. For agenda item 6.5, Dale commented that the staff report did not include a reasonable explanation for the increased scope, price and

performance period and asked why the project was being extended despite a recent staff report to the contrary.

**Frank Connolly** commented on agenda item 6.2, saying it looked like a good savings, but wanted the City to be sure the vendor could perform what they promised. For agenda item 6.3, he said he supported the electronic message board but thought it should be placed close to City Hall. For agenda item 6.5, he requested Council ask staff for more information on the contract additions. For agenda item 6.6, Connolly suggested the City confirm the funding for next fiscal year is assured, but said he supported expanded transportation services.

Director of Public Works Art Vela addressed agenda items 6.3 and 6.5. City Manager Schulze clarified that the City's purchasing division is award-winning and the City follows best practices for public contracting.

**Motion to approve the consent agenda.**

Motion by Council Member Happe  
Seconded by Council Member Minjares

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Happe, David	×				
Minjares, Rick	×				
Sanchez, Alberto	×				
Wallace, Colleen	×				

Motion approved by a vote of 4-0.

*Mayor Wallace announced a recess at 7:11 p.m. The meeting was reconvened at 7:23 p.m.*

**7. PUBLIC HEARING(S)**

7.1. Public Hearing, Second Reading, and Consideration of Ordinance 1585, Adopting Local Standards and Procedures for the Design, Site Development, and Operation of Homeless Shelters

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

*Mayor Wallace opened the public hearing.*

Public Comment

**Kathleen Dale** said the item should have gone to the Planning Commission for review and disagreed with the use of the Government Code that permits relaxed review, which sunsets in 2026. She questioned whether the required health and safety measures were adopted as required by the Government

Code. Dale stated it would be helpful to know where city-owned parcels were located and when the City purchased the existing sleeping pods.

**Charles Zylman** commented that the City should be housing and taking care of the homeless but said that alone would not help address the root issues. Zylman said that the government-funded tuberculosis funding was an example of how public funding could be used to treat addiction in the homeless population.

*Mayor Wallace closed the public hearing.*

**Motion to conduct a second reading and adopt Ordinance 1585.**

Motion by Mayor Pro Tem Sanchez  
Seconded by Council Member Happe

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Happe, David	✗				
Minjares, Rick	✗				
Sanchez, Alberto	✗				
Wallace, Colleen	✗				

Motion approved by a vote of 4-0.

**8. REPORTS OF OFFICERS**

8.1. Consideration of Ordinance 1586, Amending Chapters 15.08 and 8.16 of the Banning Municipal Code by adopting by reference, with Amendments, the entirety of the 2022 Edition of the Building Standards Code, the 2021 Edition of the International Property Maintenance Code, and the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings, and Amending Section 15.40.030 of the Banning Municipal Code concerning Pool Fencing and Enclosure Standards

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

Public Comment  
None

**Motion to introduce and conduct a first reading of Ordinance 1586.**

Motion by Mayor Pro Tem Sanchez  
Seconded by Council Member Happe

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Happe, David	✗				
Minjares, Rick	✗				

Sanchez, Alberto	X
Wallace, Colleen	X
Motion approved by a vote of 4-0.	

**Motion to schedule a public hearing and second reading at the City Council's Tuesday, November 8, 2022 Regular Meeting.**

Motion by Mayor Pro Tem Sanchez  
Seconded by Council Member Happe

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Happe, David	X				
Minjares, Rick	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 4-0.

8.2. Consideration of Resolution 2022-136, Accepting a Grant Award from the Outdoor Equity Grant Program in an Amount of \$655,729 and Authorizing the City Manager or his Designee to Execute All Documents and Make All Necessary Budget Adjustments for Completion of the Project Scope

Ralph Wright, Parks and Recreation Director, presented the staff report.

Public Comment

**Ellen Carr** congratulated staff for receiving the grant award.

**Motion to approve Resolution 2022-136.**

Motion by Mayor Wallace  
Seconded by Council Member Happe

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Happe, David	X				
Minjares, Rick	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 4-0.

8.3. Report on Homeless in the City from Police Chief Hamner

Matthew Hamner, Chief of Police, presented the item.

Public Comment

**Juanita Diaz** said she lives by the jail and “it’s still happening,” stating the jail continues to release inmates into the community.

**9. DISCUSSION ITEM(S)**

None

**10. ITEMS FOR FUTURE AGENDAS**

10.1. New Items

Grants to Revitalize the Playhouse Bowl at Repllier Park (Sanchez)

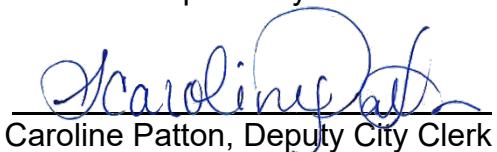
10.2. Pending Items:

1. Affordable Housing Solutions
2. Internship Program
3. Traffic Circles/Diverging Diamonds (Happe)
4. Cannabis Regulations (Happe)
5. Cannabis Microbusiness (Wallace)
6. Grow Banning (Sanchez)

**11. ADJOURNMENT**

Mayor Wallace adjourned the meeting at 8:29 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=2721>

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**ATTACHMENTS:**

Exhibit A – City Manager’s Report Presentation  
Exhibit B – Agenda Item 7.1 Staff Presentation  
Exhibit C – Agenda Item 8.1 Staff Presentation  
Exhibit D – Agenda Item 8.2 Staff Presentation

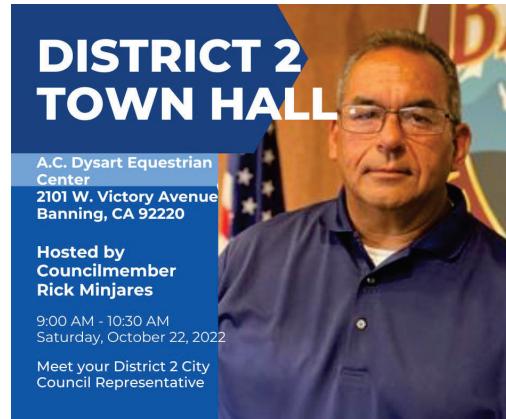
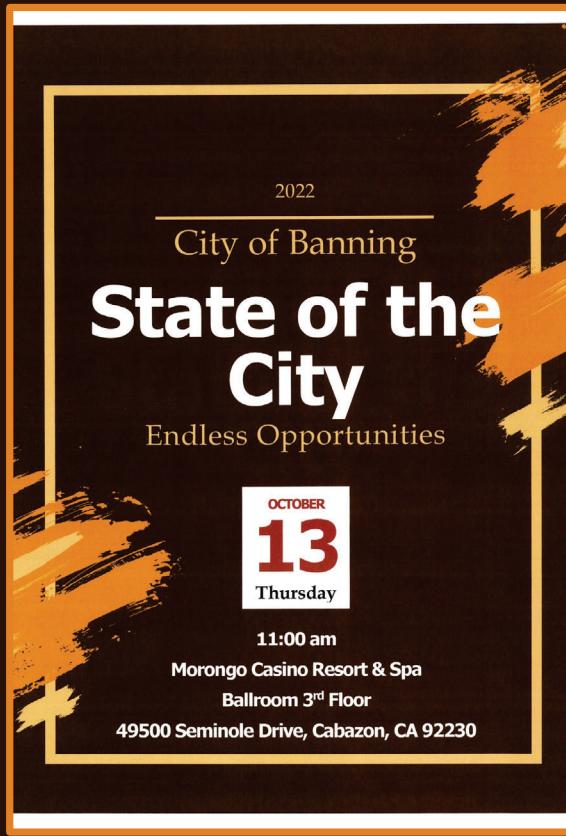
# CITY MANAGER'S REPORT

October 11, 2022



## FOOD VENDOR ENFORCEMENT

- Public Health Concerns
- Illegal Dumping of Cooking Oil
- Impacts to Licensed & Permitted Restaurants
- Loss of Tax and Fee Revenue



**CITY COUNCIL DISTRICT TOWN HALL MEETINGS**

## Exhibit B - Agenda Item 7.1



### PUBLIC HEARING ITEM NO. 7.1: ORDINANCE 1585 (BUILDING CODE) AMENDMENT

**Ordinance Amendment and Resolution  
Adopting Local Standards and Procedures  
for the Design, Site Development, and  
Operation of Homeless Shelters**



## BACKGROUND

- At the September 13<sup>th</sup> City Council Meeting the Council introduced Ordinance 1585, which amends Title 15 of the Banning Municipal Code (BMC) to adopt local standards and procedures for the Design, Site Development, and Operation of Homeless Shelters within the City.
- The need to develop city-wide specific standards is due to the products available in the market at a cost the City can afford due to the limited federal, state, and local grant funding that is highly competitive.
- The Construction Codes proposed for adoption by reference include the following: 2019 California Building Code; 2019 California Residential Code



## Project Description

- Ordinance 1585 will add a new Chapter 15.80 to Title 15
- Amend Appendix "O" and Appendix "X" of the California Building/Residential Codes
- Create local standards and procedures for design, site development, and operation of homeless shelters and facilities



## Recommendation

1. Adopt the Notice of Exemption (NOE) which determines that Ordinance No. 1585 is not subject to CEQA, pursuant to Section 15060(c)(3) of the California Environmental Quality Act (CEQA; and
2. Conduct a public hearing on Ordinance No. 1585 in accordance with Gov. Code, § 50022.3. Close the public hearing and adopt Ordinance No. 1585, which will add a new Chapter 15.80 to Title 15 of the Banning Municipal Code (BMC) and amend Appendix "O" of the California Building Code (CBC) and Appendix "X" of the California Residential Code (CRC) to adopt local standards and procedures for the design, site development, and operation of homeless shelters and facilities.



## *Thank You & Questions*

## **Project Description**

- Site specific design standards are needed due to the type of temporary shelter products reasonable available in the market









## Scope of Amendments

- **EMERGENCY HOUSING.** Housing in a permanent or temporary structure(s), occupied during a declaration of state of emergency, local emergency, or shelter crisis. Emergency housing may include, but is not limited to, buildings and structures constructed in accordance with the California Building Standards Code; and emergency sleeping cabins, emergency transportable housing units, and tents constructed in accordance with this appendix. Emergency Housing includes “homeless shelters” as defined in Government Code Section 8698.4(c)(1).



## Scope of Amendments

- **OCCUPANT LOAD.** Except as otherwise stated in this appendix, the maximum occupant load allowed in buildings and structures used as emergency housing shall be determined by the enforcing agency, but the interior floor area *shall not be less than 30 square feet* (2.8 m<sup>2</sup>) for one occupant. Where more than one person occupies the building/structure, the *required floor area shall be increased at a rate of 30 square feet* (2.8 m<sup>2</sup>) for each occupant in excess of one.



## Exceptions to Occupant Load Definition

- 1. Tents.
- 2. Recreational vehicles and park trailers designed for human habitation that meet the requirements in the Health and Safety Code, Sections 18009.3 and 18010, as applicable.
- 3. For emergency housing, including emergency sleeping cabins, the minimum interior floor area may be reduced to 30 square feet (2.8 m<sup>2</sup>) if the enforcing agency determines that 30 square feet (2.8 m<sup>2</sup>) is adequate space for a single-occupancy sleeping unit.



## Exceptions

- ***Egress window or hatch.*** The bottom of the clear opening of the egress window or hatch shall not be more than 44 inches (1118 mm) above the floor. The egress window or hatch shall have a minimum net clear opening height of 24 inches (610 mm), and a minimum net clear opening width of 20 inches (508 mm). The egress window or hatch shall have a minimum net clear opening area of 5 square feet (0.465 m<sup>2</sup>).



## **REPORT of OFFICERS ITEM NO. 8.1: ORDINANCE 1585 (BUILDING CODE) AMENDMENT**

**Consideration of Ordinance 1586, Amending  
Chapters 15.08 and 8.16 of the Banning  
Municipal Code by adopting by reference,  
with Amendments, the entirety of the 2022  
Edition of the Building Standards Code and  
other Code Updates.**



## **BACKGROUND**

- Every three years, the City goes through the California Building Standards Code (CBSC) adoption process.
- On July 1<sup>st</sup>, the CBSC published the 2022 edition of the updated codes.
- Updated codes must be adopted by January 1, 2023, along with any local modifications proposed by the City.
- Revisions to building standards are permitted in order to make any such standard stricter.
- Each amendment must be separately identified and supported by the appropriate finding (topo, climate, or geological).



## Project Description

The Construction Codes proposed for adoption by reference include the following:

- 2022 California Administrative Code
- 2022 California Building Code
- 2022 California Residential Code
- 2022 California Electrical Code
- 2022 California Mechanical Code
- 2022 California Plumbing Code
- 2022 California Energy Code
- 2022 California Fire Code
- 2022 California Existing Building Code
- 2022 California Green Building Standards Code
- 2021 International Property Maintenance Code
- 1997 Uniform Code for the Abatement of Dangerous Buildings



## Proposed Amendments

2022 Residential Code – The City again will make amendments to the fencing and enclosures for Swimming Pools, referenced in Section 15.40.030, which states:

*15.40.030 - Fencing and enclosure – Doors, gates, and other openings.*

*All gates or doors opening through the enclosure required by this chapter shall be equipped with a self-closing and self-latching device, consistent with the requirements of Subsection B of section 15.08.020, not less than fifty-four inches high, designed to keep, and capable of keeping, such door or gate securely closed at all times when not in actual use. The door of any dwelling house or accessory building and forming any part of the enclosure need not be so equipped.*



## Proposed Amendments

The City's Building Official and Fire Marshall are recommending certain changes and amendments to the 2022 California Building, Residential, Energy, and Fire Codes, respectfully; which have been itemized and are detailed in Sections 2 and 3 of Ordinance 1586 and Exhibit A to Ordinance 1586. If the proposed amendments are approved by the City Council, the amendments must be filed with the California Building Standards Commission before they will become effective.



## Recommendation

Staff recommends that the City Council waive full reading and introduce, as read by title only, Ordinance 1586, and schedule a public hearing and second reading for **November 8, 2022**, per Gov. Code, § 50022.3.



## *Thank You & Questions*



California Department of  
Parks and Recreation

# Outdoor Equity Program Grant



Item 8.2 – Resolution 2022-136

City Council – 10.11.2022



California Department of  
Parks and Recreation

City of Banning awarded  
OEP grant in amount of  
**\$655,000**

# OEP Grant Goal(s) – Spring of 2021



CREATE A COMMUNITY HUB –  
STARTING POINT FOR ACTIVITIES



PROVIDE OPPORTUNITIES FOR  
OUTDOOR EXPERIENCES FOR THE  
COMMUNITY



IDEALLY FOR THOSE THAT WOULD  
POTENTIALLY BE UNABLE TO  
PARTICIPATE WITHOUT THIS GRANT



## Background



Outdoor Equity Grants  
Program (OEP)



Outdoor education for all ages

Where would you want to go?



- **Spring 2021** – Notice of grant opportunity
- **Summer 2021** - Staff conducted Public Outreach – Numerous events
- **August 2021** - Council adopted Resolution 2021-74 – authorizing the submittal of grant application
- **October 2021** – With the Aid of Blais and Associates, City submitted grant application requesting \$700,000
- **August 2022** – Received notification from OGALS of Award in amount of \$655,000
- **September 2022** – Received draft contracts
- **October 2022** - Council for grant acceptance

# Grant Submittal particulars

## TWO PRONGED APPROACH

FIRST – CREATION OF A TEEN DEVELOPMENT PROGRAM – PROMOTING VOLUNTEERISM, MENTORSHIP, EDUCATION AND LEADERSHIP EXPERIENCES

PROVIDE LOW OR NO COST OUTDOOR ACTIVITIES AND TRIPS FOR THE COMMUNITY FOR ALL AGES



**Banning Parks  
& Recreation**

## A few of the Activities



Trips – local and Regional  
Community Improvement Programs  
Classes  
Individuals and Families





THREE FULL YEARS OF PROGRAMMING  
OVER FOUR FISCAL YEARS – FY 2022-23 THROUGH 2025-26

BEGIN PROGRAMMING JANUARY 2023  
AND CONTINUE THROUGH SUMMER OF  
2026

## Timeline

RECRUIT STAFF – 1 FT PROGRAM  
COORDINATOR AS WELL AS SUPPORT  
SENIOR REC LEADERS AND REC  
LEADERS

## Staff's Recommendation



California Department of  
Parks and Recreation

### Adopting Resolution 2022-136

- Accepting the award of the three-year programming grant.
- Authorizing the City Manager or his designee to execute the Outdoor Equity Grant Contract and sign all documents, including, but not limited to agreements, amendments, and payment requests, which may be necessary for the completion of the grant scope.
- Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the implementation and completion of the scope of the Outdoor Equity Program Grant Contract C5053054.
- Authorizing the City Manager or his designee to make necessary changes to the classification plan related to the implementation and completion of the scope of the Outdoor Equity Program Grant Contract C5053054



California Department of  
Parks and Recreation

# THANK YOU!

Questions?



Banning Parks  
& Recreation