



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**

7/11/2023

REGULAR MEETING

COUNCIL MEMBERS PRESENT:

Council Member Sheri Flynn
Council Member Reuben Gonzales
Council Member Rick Minjares
Mayor Pro Tem Colleen Wallace
Mayor Alberto Sanchez

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT:

Doug Schulze, City Manager
Serita Young, City Attorney
Laurie Sampson, Assistant City Manager
Marie Calderon, City Clerk
Caroline Patton, Deputy City Clerk
Art Vela, Director of Public Works
Adam Rush, Community Development Director
Lincoln Bogard, Administrative Services Director
Tom Miller, Electric Utility Director
Jeff Horn, Police Captain/Acting Chief of Police
Paul Lindley, Fire Marshal

1. CALL TO ORDER

Mayor Sanchez called the regular meeting to order at 5:01 p.m.

- 1.1. Invocation – Captain Jeff Horn, Acting Chief of Police, led the invocation.
- 1.2. Pledge of Allegiance – Mayor Pro Tem Wallace led the Pledge of Allegiance.
- 1.3. Roll Call

COUNCIL MEMBER	PRESENT	ABSENT
Flynn, Sheri	X	
Gonzales, Reuben	X	
Minjares, Rick	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 Gonzales

Motion to amend the agenda to remove 5.3.1.

Motion by Council Member Minjares
Seconded by Council Member Gonzales

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✗				
Gonzales, Reuben	✗				
Minjares, Rick	✗				
Sanchez, Alberto	✗				
Wallace, Colleen	✗				

Motion approved by a vote of 5-0.

3. PRESENTATIONS

- 3.1. Proclamation – Celebrating the 100th Birthday of Resident Ben Middleton
Mayor Sanchez read the proclamation. The City Council recognized Mr. Middleton for his many years as a resident of the City of Banning.

4. REPORT ON CLOSED SESSION

Serita Young, City Attorney, reported on the closed session beginning at 3:30 p.m. For items 3.1 and 3.2, direction was provided to initiate legal actions. For item 3.3, direction was provided to staff with no final or reportable action.

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

5.1. PUBLIC COMMENTS

The following individuals addressed City Council during Public Comment:

- Chris McCallum
- Ken Phillips
- Alexzine Middleton
- Bill Hobbs

- Virginia Cervantes
- Janice Williamson
- Inge Schuler
- Max Diego
- John Hagen
- Frank Connolly
- Frank Burgess
- Diego Rose
- Darleen Nolan
- Harry Sullivan

5.2. CORRESPONDENCE

3 items of correspondence were received related to agenda item 5.3.1.
1 item of correspondence was received related to agenda item 8.2.

5.3. APPOINTMENTS

5.3.1. City Council Committee Assignments

Removed by City Council action (see agenda item 2.1).

5.3.2. LOCC Voting Delegates for 2023

Motion to approve the voting delegate as Council Member Minjares for the 2023 CalCities conference.

Motion by Mayor Sanchez
Seconded by Council Member Gonzales

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	X				
Gonzales, Reuben	X				
Minjares, Rick	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

Motion to approve the voting alternate as Council Member Flynn for the 2023 CalCities conference.

Motion by Mayor Sanchez
Seconded by Council Member Gonzales

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	X				
Gonzales, Reuben	X				
Minjares, Rick	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

5.4. CITY COUNCIL COMMITTEE REPORTS

Mayor Pro Tem Wallace reported on a Regional Conservation Authority (RCA) meeting and a meeting of Southern California Association of Governments (SCAG).

Council Member Gonzales reported on attending the Western Riverside County Council of Governments (WRCOG) General Assembly.

5.5. CITY MANAGER REPORT

City Manager Schulze reported on a bill formally submitted at the federal level regarding closure of the Banning Municipal Airport.

5.6. CITY ATTORNEY REPORT

City Attorney Young said she was abstaining from item 6.10 on the consent agenda.

5.7. CITY TREASURER REPORT

Treasurer Geronimo reported on current revenues and expenses for multiple funds.

6. CONSENT AGENDA

- 6.1. Approval of Minutes of the June 27, 2023 City Council Meetings
- 6.2. Bulky Item Collection Event Update
- 6.3. Accept an Easement from Tri Pointe Homes for Electric Utility Purposes on Accessor's Tract Map No. 37289-1, Lot 'Q' within the Atwell Development for the Maintenance of the City-Owned Electric Distribution System
- 6.4. Accept an Easement from Tri Pointe Homes for Electric Utility Purposes on Accessor's Tract Map No. 37389-5, PA 5A within the Atwell Development for the Maintenance of the City-Owned Electric Distribution System
- 6.5. Second Reading and Adoption of Ordinance 1589, an Ordinance of the City of Banning An Ordinance Regarding Vacant and Distressed Properties
- 6.6. Consideration of Second Reading and Adoption of Ordinance 1590, An Ordinance of the City of Banning, California, Adding Chapter 2.42 (Banning Youth Council) to Title 2 (Administration and Personnel) of the Banning Municipal Code Establishing the Banning Youth Council, and Making a Determination of Exemption from the California Environmental Quality Act

- 6.7. Second Reading and Adoption of Ordinance 1592, an Ordinance of the City of Banning Regarding an Amendment to the Official Zoning Map (ZC 23-3501) Purposing a Change to the Zoning Classification for a 1.74-Acre Property Located at 725 Sunrise Avenue to Accommodate a Future Water Reservoir/Tank
- 6.8. Consideration of Resolution 2023-133, Authorizing Participation in the County of Riverside's Urban County Program for Fiscal Years 2024, 2025, and 2026
- 6.9. Consideration of Resolution 2023-136, Authorizing the Use of the Existing Master Equity Lease Agreement with Enterprise Fleet Management for Five (5) Additional Years and Approving a Vehicle Replacement Schedule
- 6.10. City Attorney Annual Consumer Price Index (CPI) Adjustment
- 6.11. Butterfield Specific Plan ("Atwell") Annual Development Agreement Review (2023)

Public Comment

- Frank Connolly
- Diego Rose
- Virginia Cervantes
- Cindy Barrington

Motion to adopt consent agenda items 6.2 through 6.6, 6.8 through 6.11.

Motion by Mayor Pro Tem Wallace
Seconded by Council Member Minjares

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✗				
Gonzales, Reuben	✗				
Minjares, Rick	✗				
Sanchez, Alberto	✗				
Wallace, Colleen	✗				

Motion approved by a vote of 5-0.

- 6.1. Approval of Minutes of the June 27, 2023 City Council Meetings

Public Comments

None

Motion to adopt consent agenda item 6.1 as amended.

Motion by Council Member Minjares
Seconded by Council Member Flynn

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✗				
Gonzales, Reuben	✗				
Minjares, Rick	✗				
Sanchez, Alberto		✗			
Wallace, Colleen	✗				

Motion approved by a vote of 4-1.

6.7. Second Reading and Adoption of Ordinance 1592, an Ordinance of the City of Banning Regarding an Amendment to the Official Zoning Map (ZC 23-3501) Purposing a Change to the Zoning Classification for a 1.74-Acre Property Located at 725 Sunrise Avenue to Accommodate a Future Water Reservoir/Tank

Public Comments

- Kathleen Dale
- Diego Rose

Motion to pull the item and require further noticing, with direction provided to staff.

Motion by Council Member Flynn

Seconded by Council Member Minjares

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✗				
Gonzales, Reuben	✗				
Minjares, Rick	✗				
Sanchez, Alberto	✗				
Wallace, Colleen	✗				

Motion approved by a vote of 5-0.

Mayor Sanchez announced a recess at 6:24 p.m. The meeting was reconvened at 6:51 p.m.

7. PUBLIC HEARING(S)

None

8. REPORTS OF OFFICERS

8.1. Consideration of Resolution 2023-135, Approving the Electric Utility Director to Negotiate the 220kV Substation Southern California Edison (SCE) Transmission Owner Tariff System Impact Study Agreement and Approval of \$75,000 Deposit for Said Study

Jim Steffens, Power Resources Manager, provided the staff report.

Public Comment

- Diego Rose

Motion to adopt Resolution 2023-135.

Motion by Mayor Pro Tem Wallace
Seconded by Council Member Minjares

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri		✗			
Gonzales, Reuben	✗				
Minjares, Rick	✗				
Sanchez, Alberto	✗				
Wallace, Colleen	✗				

Motion approved by a vote of 4-1.

Council Member Gonzales recused himself for the next agenda item due to a conflict with a source of income.

8.2. Consideration of Resolution 2023-134, Authorizing the City Manager to Execute a Purchase and Sale Agreement for 33 S. San Gorgonio Avenue

Doug Schulze, City Manager, provided the staff report.

Public Comment

- Diego Rose
- Jeff Platt
- Frank Burgess
- Kathleen Dale
- Cindy Barrington
- Robert Ybarra
- Max Diego
- Chris McCallum
- Alejandro Geronimo

Motion to adopt Resolution 2023-134, as amended.

Motion by Council Member Minjares
Seconded by Mayor Pro Tem Wallace

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri		X			
Gonzales, Reuben				X	
Minjares, Rick	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 3-1, with 1 recusal.

Council Member Gonzales returned.

Mayor Sanchez announced a recess at 8:18 p.m. The meeting was reconvened at 8:38 p.m.

8.3. Annual Review of the Military Equipment Use Policy Pursuant to Assembly Bill 481 (2022) and Government Code §7070 et seq.

Captain Jeff Horn, Acting Police Chief, provided the staff report.

Public Comment

None

8.4. Introduction and First Reading of Ordinance 1594, An Ordinance of the City of Banning, California, Amending Section 2.28.080 of Chapter 2.28 of Title 2 of the Banning Municipal Code Regarding the Regular Meeting Time of the Banning Planning Commission, and Making a Determination of Exemption under CEQA Guidelines Sections 15061(b)(3) and 15378(b)(5)

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

Public Comment

None

Motion to introduce Ordinance 1594 and waive further reading.

Motion by Mayor Pro Tem Wallace
Seconded by Council Member Gonzales

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	X				
Gonzales, Reuben	X				
Minjares, Rick	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

8.5. Consideration and Introduction of Ordinance 1595, Amending Section 8.16.020 of Chapter 8.16 of Title 8 of the Banning Municipal Code, Amending Sections 105.3.1 and 108.2 of Chapter 1 of the 2022 Edition of the California Fire Code, to Adopt Local Standards and Procedures for the Inspection, Permitting, and Annual Review of Buildings, Structures, and Business Thereon by the City Fire Code Official Pursuant to Health and Safety Code Section 13110

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

Public Comment

- Kevin Walton

Motion to introduce Ordinance 1595 and waive further reading.

Motion by Mayor Pro Tem Wallace
Seconded by Council Member Minjares

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✗				
Gonzales, Reuben	✗				
Minjares, Rick	✗				
Sanchez, Alberto	✗				
Wallace, Colleen	✗				

Motion approved by a vote of 5-0.

8.6. Authorize Purchase of Historic Horse-Drawn Carriages

Doug Schulze, City Manager, provided the staff report.

Public Comment

- Kevin Walton

Motion to authorize the purchase of 2 historic horse-drawn carriages and a wagon.

Motion by Council Member Gonzales
Seconded by Mayor Pro Tem Wallace

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✗				
Gonzales, Reuben	✗				
Minjares, Rick	✗				
Sanchez, Alberto	✗				
Wallace, Colleen	✗				

Motion approved by a vote of 5-0.

9. DISCUSSION ITEM(S)

None

10. ITEMS FOR FUTURE AGENDAS

10.1. New Items

1. Administrative policy to prohibit personal cell phones on the dais (Flynn)
2. Public notification policy for development projects

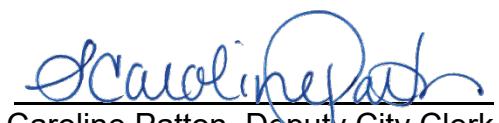
10.2. Pending Items:

1. Grow Banning (Sanchez)
2. Potential Grants to Fund Playhouse Bowl Improvements (Sanchez)
3. ~~Committee for Seniors (Gonzales)~~
4. Food Desert Zoning Overlay (Minjares)
5. Beautification of San Gorgonio Overpass Funding (Gonzales)
6. Update to Elected Official Reimbursement Policy Section D (Wallace)
7. Revisit Municipal Code re: Condemnations/Code Enforcement (Flynn)
8. Scope and Duties of the Budget and Finance Committee (Wallace)
9. Neighborhood Groups/Identities (Minjares)
10. Research on Spending Thresholds (Specifically City Manager Authority)
11. Update on Community Garden (Flynn)
12. Update on Street Sign Replacements (Flynn)
13. ARE Animal Rescue Contract (Flynn)

11. ADJOURNMENT

The meeting was adjourned at 9:27 p.m.

Minutes Prepared by:



Caroline Patton, Deputy City Clerk

*These minutes have been prepared as **Action Minutes** in accordance with City Council Resolution 1995-21 and Government Code Sections 36814, 40801, and 54953(c)(2).*

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=2871>

ATTACHMENTS:

Exhibit A – Public Comments Received

Exhibit B – Agenda Item 5.3.1: Public Comments Received

Exhibit C – Agenda Item 5.4: Long-tailed Weasel Presentation

Exhibit D – Agenda Item 8.2: Public Comments Received

Exhibit E – Agenda Item 8.4: Staff Presentation

Exhibit F – Agenda Item 8.5: Staff Presentation

A strong focus

Investing in GA is key to the future of flight in the U.S.

GENERAL AVIATION UNDERPINS the U.S. aviation sector as we know it. GA airfields across the country have given more Americans than ever the opportunity to fly. From providing the foundational building blocks for most airline pilots to serving as economic engines for small and rural communities, our aviation sector wouldn't be where it is today without a strong GA community.

Congress has an opportunity this year to pass bipartisan, long-term FAA reauthorization legislation—a bill that must pass to keep airplanes in the sky and operating safely. As the chairman of the House Transportation and Infrastructure Committee and an avid general aviator, I am thrilled that our bipartisan Securing Growth and Robust Leadership in American Aviation Act (H.R. 3935) includes the first-ever title focused solely on GA. Nearly 300 of my colleagues and I serve on the General Aviation Caucus, and we all recognize the importance of GA to our communities. As the House and Senate work to reach final agreement on a shared bill this summer, I will fight to ensure that any final agreement maintains this strong GA focus.

To begin with, the bill seeks to increase Airport Improvement Program (AIP) funding to \$4 billion per year, up from the \$3.35 billion per year it has remained at for years while construction costs have continually increased. This AIP increase will especially help improve infrastructure at GA airports. We will also dedicate \$25 million to the development of GA aircraft hangars, plus \$25 million for the development of transient ramp parking.

In 2016, Congress established BasicMed, a common-sense medical qualification that allows private pilots to get approved by a state-licensed medical physician to take to the skies. This year's bill capitalizes on BasicMed's successes by expanding the specifications for eligible aircraft. Specifically, the bill proposes to increase the occupancy restriction to seven people and to raise the maximum gross takeoff weight to 12,500 pounds. The bill allows a BasicMed pilot to carry up to six passengers.

The bill also strives to grow and support the aviation workforce through the establishment of the National Center for the Advancement of Aerospace, a center where government and aviation industry stakeholders will collaborate on advancing programs to develop a twenty-first-century aviation workforce. Programs



BY REP. SAM GRAVES

Chairman, House Committee on Transportation and Infrastructure

like the AOPA Foundation's high school aviation curriculum program readily come to mind, and I look forward to ensuring that the center provides a forum for growing talent pipelines and leveraging GA communities in carrying out its mission.

Additionally, the bill expands protections for pilots by prohibiting the FAA from weaponizing the exclusive review of automatic dependent surveillance-broadcast (ADS-B) data against a pilot in certain instances. This means that although the FAA administrator could still use ADS-B data in an investigation, the investigation cannot have been initiated based on the sole review of ADS-B data by an FAA bureaucrat. For those of us who were required to equip, we were told that ADS-B was to be installed for the purpose of enhancing safety, but too often we hear about the FAA abusing this data and using it against our fellow pilots. This bill solidifies ADS-B as a safety enhancing tool, not an enforcement tool.

The FAA must also work to provide better services to those it regulates. Under our proposal, the FAA must not only ensure that aircraft registration and renewal applications are processed in a timely manner upon receipt, but must also authorize aircraft owners to continue operating their aircraft during the renewal process so long as certain conditions are met. We also establish an ombudsman to assist individuals with administrative actions (or inaction) attributed to a certification, certificate, registration, waiver or exemption, interpretation, determination, or other activity. In other words, GA pilots will have a point of contact within the FAA whenever they have questions or need assistance.

I will always fight for our right to fly, but we have a shared responsibility in ensuring that our passion for flying is passed on to the next generation of Americans. And to do that, we need to ensure that general aviation continues to thrive for decades to come. I am honored to work with AOPA and its members in that effort, and I look forward to partnering with the entire GA community in sending this legislation to President Biden's desk so that we can lead for another century and beyond.

REP. SAM GRAVES
(R-Missouri) is the chairman of the House Transportation and Infrastructure Committee and holds an ATP certificate.

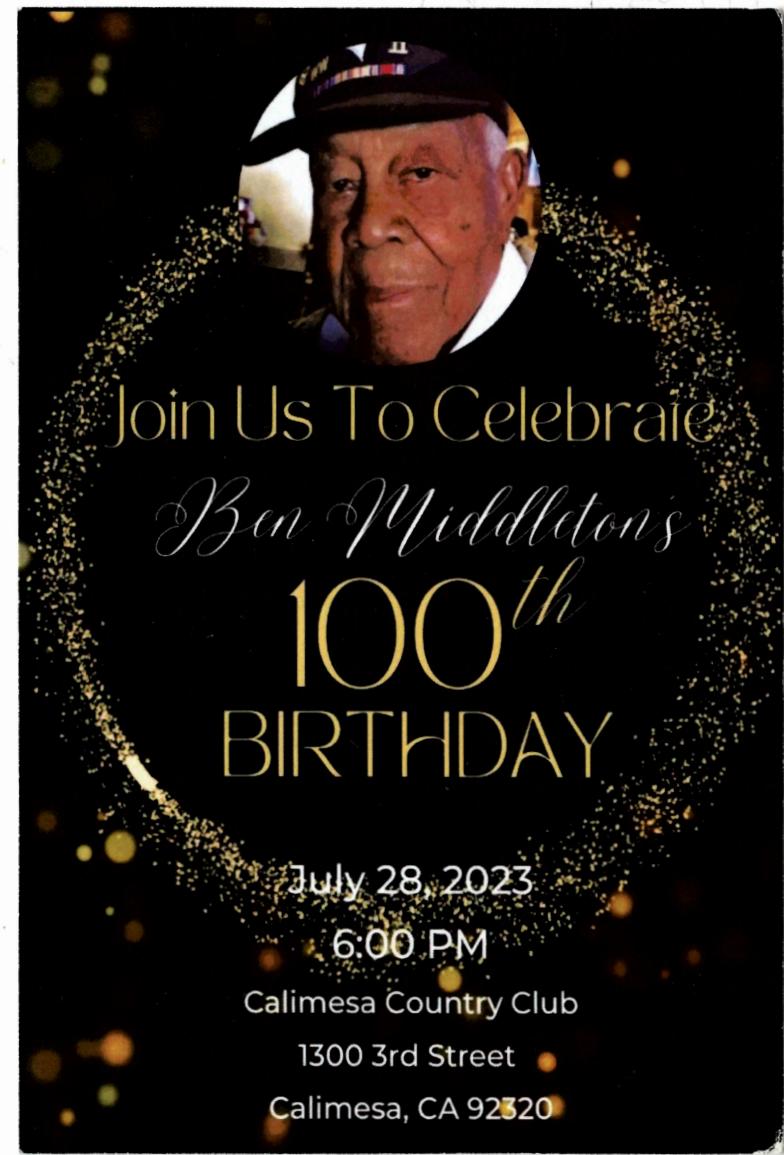


Exhibit B

From: Cindy Medley <sprinklergal08@yahoo.com>
Sent: Friday, July 7, 2023 4:42 PM
To: Alberto Sanchez; Colleen Wallace; Reuben Gonzales; Rick Minjares; Sheri Flynn
Cc: Caroline Patton; Doug Schulze
Subject: Committee Assignments

Follow Up Flag: Follow up
Flag Status: Flagged

I am writing with concern over the Banning City Council's handling of Agenda Item 5.3.1 titled City Council Committee Assignments on the June 27, 2023 agenda. The title indicated Committee Assignments not the true purpose of the agenda item, to remove Council Member Sheri Flynn from the RCTC committee. This attempt shows the unprofessional actions of City Officials or City Council members that allows such actions.

The disrespect the City Council Members and City Officials continually shown towards Council Member Sheri Flynn, is uncalled for and just shows how dysfunctional you are as a City Council.

If the Council wants to remove Council Member Flynn from a committee, then the city officials should have to follow the correct procedures for doing so.

On the Banning City Council Agenda for July 11, 2023 is item 5.1.3 listed as City Council Committee Reassignments. I urge the City Council members to vote "No" on any reassignment of any Council Member based on one e-mail, and without hearing the response from the accused or following the correct procedures.

I am proud to have Council Member Sheri Flynn represent District 3.

I would like for the City Clerk to read my comments into the record.

Sincerely,
Cindy Medley
362 Northwood Ave
Banning, CA 92220

Sent from my iPhone

From: K A <karanda2011@gmail.com>
Sent: Friday, July 7, 2023 3:52 PM
To: Alberto Sanchez; Colleen Wallace; Rick Minjares; Reuben Gonzales; Sheri Flynn; Doug Schulze; cityclerks
Subject: Committee Assignments on the June 27, 2023 Agenda

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

I am sending this email with concerns that directly affects our city and city council members. On June 27, 2023. Agenda item 5.3.1. I was in attendance of the city council meeting. When the agenda item of committee assignments was discussed and chaos ensued.

- 1) Allegations that Sheri Flynn had behaved in a manner that a Palm Desert Council member, Ms. Quintanilla, found offensive and Ms. Quintanilla took it upon herself, with influence by others, to send an email with her perspective and to attack, in an email Sheri Flynn. Ms. Quintanilla addressed her email to the banning city council, city manager and city attorney.
- 2) Ms. Quintanilla bias and disdain towards Ms. Flynn is apparent, and her reaching out to our city was nothing more than an aggressive attempt to further promote her own bias and her personal agenda along with furthering her personal relationships with the city of Banning and for Ms. Quintanilla personal and professional gain. This had nothing to do with any concern for Banning or its citizens.
- 3) The truth and true motives of the Banning city council, were nowhere in sight or in an ear shot that night. The city managers wife posted on social media an ominous post about the proceedings this night and that the hit was out. She later deleted her post as she often does.
- 4) I don't have the mindset at this time to shine the light on all the issues with what occurred that night. So in an attempt to have my objection heard regarding the committee assignments debacle, please note the following.

In my view, Sheri Flynn or any other council members do not hold absolutes over RCTC or any other committee. Believing that Sheri Flynn or any other council have such great influence either negative or positive is a dangerous and inflated value of self or others. It is no mystery that the current city council hold Sheri Flynn in complete disdain and are willing to subject its citizens and Ms. Flynn's constituents to nothing short of attacks of epic proportions and by any means necessary. I am here to ask for calm and resolve. Let this nonsensical motion die a quick death and move forward with the real business of the city. **These distractions coming in from all angles shows a lack of focus to get the job done by our city council.**

I urge all city council members to do the right thing and vote NO in any attempt to remove Sheri Flynn from ANY committees that she holds.

I request that my email be read by the city clerk and to add my comments to the record.

I would like to request copies of the numerous complaints made against council member Sheri Flynn that the Mayor said were in his possession. If you are unable or unwilling to provide requested documents, please advise in writing/email.

Respectfully,

Kathy Aranda

From: Andie Arthurholtz <aaaholtz@yahoo.com>
Sent: Friday, July 7, 2023 1:09 PM
To: Caroline Patton
Subject: Agenda for June 27, 2023 and Agenda for July 11, 2023

Follow Up Flag: Follow up
Flag Status: Flagged

To Banning City Council

Mayor Alberto Sanchez
Mayor Pro Tem Coleen Wallace
Council Member Rick Minjares
Council Member Rueben Gonzales
Council Member Sheri Flynn

Copy to Doug Sanchez
Copy to Caroline Patton

I am writing to express my grave concern over the Banning City Council's handling of Agenda Item 5.3.1 titled City Council Committee Assignments on the June 27, 2023 Agenda. The fact that the title indicated assignments never alluded to the real purpose of the agenda item, which was to remove Council Member Sheri Flynn from the RCTC. This is a blatant attempt to blindside a fellow Council Member and truly shows the deceit and unprofessional actions of any city official or any council member that allowed the attempted coup to happen. During this same meeting, there was an attempt to have this item moved to a closed council meeting, what an outrage. It is always easier to do deceitful and unprofessional actions in a closed committee meeting than in the open, where everyone can see your despicable and desperate actions.

The outrage I feel is difficult to express because the absolute disdain the council members and city officials continually and habitually exhibit to Council Member Sheri Flynn, is beyond comprehension. If our council members are not able to show decorum, how can they expect our citizens to show decorum?

I would like to be provided copies of the numerous complaints made against Council Member Sheri Flynn, that Mayor Sanchez said were in his possession. As a constituent of Banning, I am entitled to be able to receive a copy of any written item and/or items alluded to in any open agenda. You may send the item and or items to my e-mail. If this item and/or these items cannot be provided, please give me the statute, regulation, ordinance, policy, procedure or reason why the item and or items cannot be provided.

If the council wants to remove Council Member Flynn from a committee, then the city attorney should provide to the council the proper avenue to do so. I believe this would entail a censure of Council Member Flynn, with the accompanying evidence provided that the council has to warrant her removal from a committee, and a 10 day time frame for Council Member Flynn to respond to the evidence. That would be the proper way to remove any council member from a committee and it appears that the City Council members either do not know the proper way to handle a removal or they just do not care to do procedures properly. Either scenario is not acceptable, and to be quite frank, scary.

I note that the Banning City Council Agenda for July 11, 2023 has item 5.1.3 listed as City Council Committee Reassignments. I urge the City Council members to vote “No” on any reassignment of any council member based solely on one e-mail from one person, and with out the proper procedures.

I would like for the City Clerk to read my comments into the record.

Sincerely,
Andrea Arthurholtz
4846 W Forest Oaks Avenue
Banning, CA 92220
aaaholtz@aol.com

Sent from my iPhone

City Clerk



Sheri Flynn Committee and Commission Appointments

1 message

Pam Phillips <impamsp@gmail.com>

Tue, Jul 11, 2023 at 2:29 PM

To: asanchez@banningca.gov, cwallace@banningca.gov, rminjares@banningca.gov, rgonzales@banningca.gov, sflynn@banningca.gov

I reside in Banning's District 3. I am writing in support of Sheri Flynn. I was a 22+ year employee of the City of Palm Springs. My boss was Allen Smoot, AAE, last position being Executive Director of Airports. My duties included, at one time or another, working with every department in the city, including City Manager, Police and City Attorney. We interacted with commissions, cities and organizations throughout the Coachella Valley. We also worked with many California State and US Government officials. City government remains important to me.

Interestingly, these various groups/cities that thrived did so without blatant corruption.

I ask each of you to use integrity and common sense and keep Sheri Flynn on her committees/ commissions and respect the desires of the citizens for whom you work.

Pamela Phillips
1134 Riviera Ave
Banning, California 92220

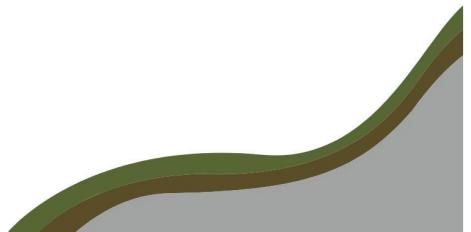
Exhibit C



SPECIES OF THE MONTH

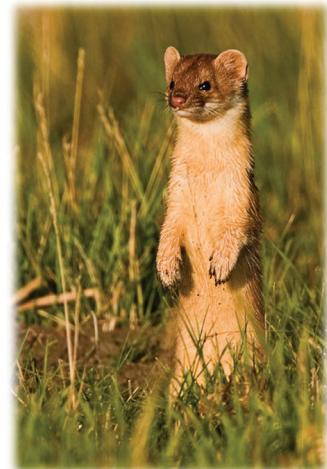
Long-tailed Weasel

Mustela frenata



Long-Tailed Weasel

- Member of the mustelid family
- Widespread range
- Found in grassland
- Predator



Long-Tailed Weasel

- Adults are 12-14 inches in length
- Lifespan about 4-6 years
- Solitary except for summer when they mate
- Delayed implantation of fertilized eggs
- 5-6 kits are born in the spring
- Young are born blind and furless



Monitoring and Management

- Preserve open habitat
- Document LTW in at least 75% of the localities the species is known to occur.
- Camera traps are ineffective
- Scent stations more effective
- Unique tracks of mustelids





THANK YOU!

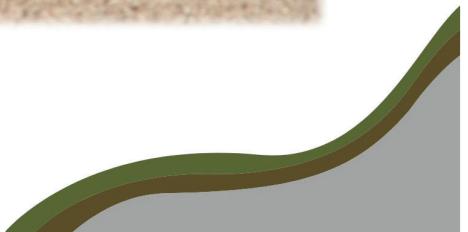


Exhibit D

From: Marla Cocina <marlascocina17@gmail.com>
Sent: Tuesday, July 11, 2023 9:31 AM
To: cityclerks
Subject: 33 N. San G

Hello council and public audience.

I wanted to make sure everyone was aware that we were never contacted by Doug, Adam, or Marisol after this property went back out to the public for RFP. In fact, because we had not heard anything about the property we started making alternate plans since it was obvious there were going to be delays and problems moving forward with this city's management. When Doug or any city employee tells you that there were attempts made to reach the other interested parties, that is a bold face lie but I know most of you already know that too. We have since secured another location in the heart of our neighboring city. For this council to be aware of and willfully committing egregious acts of nepotism and flaunting huge conflicts of interest with the daily operations in town is simply ludacris and wrong, As a council you should know you are shameful representatives of the public's best interest and have shown that time and again, This is just another example of poor leadership and irresponsible governance of the people. Anyone of you who would willfully sit there in agreement of this asset sale under these circumstances is either complicit or complete buffoons'. Which is it? It's about time this city got some act right back in it . . .Management team of Behind Bars Inc. AKA Marla's Cocina and Cantina. Diego Rose and Bianca Figeruoa

Exhibit E



CITY COUNCIL PUBLIC HEARING ITEM NO. 8.4 JULY 11, 2023

An Ordinance Regarding a Change to the Planning Commission Start Time



BANNING CALIFORNIA Background

- Recent Planning Commission Meetings have ended at 10:00 PM, 11:00 PM, and sometimes later.
- The City has observed a noticeable increase in development application, including new master planned communities, industrial warehouse, and commercial development.
- Staff anticipates that the City's Planning Commission's workload is scheduled to increase by 20% to 30% (at minimum) year-over-year.
- Moving the start time of meetings will provide additional time to accommodate more Projects.



Background (cont'd)

- On **September 14, 2010**, the City Council adopted Ordinance 1427, establishing the start time for Planning Commission meetings at 6:30pm, to be held on the first Wednesday of each Month.
- During the **June 7, 2023**, Planning Commission Meeting, the Community Development Director introduced a discussion item where the Commission agreed to a new start time of 5:30pm, pending adoption of an Ordinance Amendment by the City Council. The day and frequency of Planning Commission Meetings remains unchanged (e.g., first Wednesday of each month).



Ordinance Text (*Proposed*)

“CHAPTER 2.28 PLANNING COMMISSION”

2.28.080 - Meeting times and places.

A. The planning commission shall meet on the first Wednesday of each month at ~~6:30 p.m.~~ 5:30 p.m. at the city council chambers located at 99 E. Ramsey Street, or at such time and place as the commission may designate by resolution.

B. Commissioners will attend special meetings as they arise.





Environmental Determination

Making Findings Pursuant to CEQA (Public Resources Code Section 21000 et seq.) ("CEQA") and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), that the City Council finds that it can be seen with certainty that there is no possibility that the adoption of this Ordinance will have a significant effect on the environment. Adoption of this ordinance is therefore exempt from CEQA pursuant to State CEQA Guidelines Sections 15061(b)(3) and 15378.



Recommendation

Staff recommends the City Council take the following action:

Waive full reading and introduce, as read by title only, Ordinance 1594. An Ordinance of the City of Banning, California, Regarding a Change to the Planning Commission Start Time, and Making Findings Pursuant to CEQA (Public Resources Code Section 21000 et seq.) ("CEQA") and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), that the City Council finds that it can be seen with certainty that there is no possibility that the adoption of this Ordinance will have a significant effect on the environment. Adoption of this ordinance is therefore exempt from CEQA pursuant to State CEQA Guidelines Sections 15061(b)(3) and 15378.



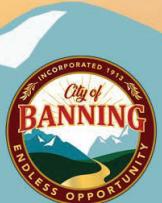
Thank you! Staff is Available for Questions

Contact Information

Adam B. Rush, AICP

Community Development Director

arush@banningca.gov



CITY COUNCIL PUBLIC HEARING ITEM NO. 8.5 JULY 11, 2023

Consideration of Ordinance 1595, Amending Chapters 8.16 of the Banning Municipal Code by Adopting by Reference, with Amendments to Chapter 1, Section 105.3.1 and 108.2 of the 2022 Edition of the California Fire Code, to Incorporate Annual Inspections of Existing Businesses and Business Operations in the City of Banning.



BANNING CALIFORNIA **Background**

- The City of Banning contracts with Riverside County for both Fire Suppression and Protection Services. As part of this contract, Riverside County provides qualified and experienced staff to provide fire protection and prevention services through the review of codes, examination of plans, issuance of permits, and scheduling of inspections for a wide variety of land uses.

- The City contracts for one full-time equivalent (FTE) Fire Safety Specialist, which is currently a vacant position but is being back-filled by an Assistant Fire Marshal while a recruitment is underway. This single staff member is responsible for all fire safety related matters in the City and essentially serves as the "Banning Fire Marshal". As the City grows, the need for additional staffing becomes evermore critical. An increase in fire prevention staff will provide the opportunity for the City to fulfill inspection-related services, to businesses on an annual basis, that is not being conducted at this time.



BANNING CALIFORNIA Background



BANNING CALIFORNIA Background (cont'd)

- Each year, the Banning Fire Marshal conducts “state-mandated” fire safety inspections on select business, as specified by law. These land uses include “Residential Care Facilities” (e.g., Congregate and Residential Care Facilities, Transitional Living Facilities, Nursing Homes), “Schools”, “Hospitals”, and “Apartment Buildings”, to name a few. The majority of City businesses do not receive an annual inspection, although it is a prudent measure and has only been deferred due to limited staffing resources.
- Recently the City decided to initiate an amendment to the County Fire Services Contract which will add one (1) full-time Fire Marshal to the existing Fire Safety Specialist position. By utilizing two (2) FTEs, the City is able to conduct annual inspections of all qualified businesses within the City, a measure that will aide in code compliance and support the reduction of vacant and distressed buildings and businesses within the City.



BANNING CALIFORNIA Justification

- The Fire Code Amendments will allow the regular and routine inspection of qualified businesses and business operations within the City. Creating the annual inspection program will positively contribute to the protection of life and property within the City.
- Subsequent from Adoption and Acceptance by the CSLB, the City will bring forth the updated Fire Inspection Fee Schedule covering all types of future fire safety inspections.



BANNING CALIFORNIA Ordinance Text (*Proposed*)

SECTION 2. AMENDMENTS TO CHAPTER 8.16

Chapter 8.16 ("Fire Protection Code") of Title 8 ("Health and Safety") of the Banning Municipal Code is hereby amended in part to read as follows:

8.16.020 - Amendments to California Fire Code.

The codes, chapters, standards, and appendices are amended as specifically set forth in the following chapters herein:

CHAPTER 1. SCOPE AND ADMINISTRATION

Section 105.3.1 of the California Fire Code is amended to add the following language:

105.3.1 Expiration. An operational permit shall remain in effect until for a period of one (1) year (365 days), unless otherwise reissued, renewed, or revoked, or for such a period of time as specified in the permit and as specified in writing by the Fire Code Official.

Section 108.2 of the California Fire Code is amended to add the following language:

108.2 Inspections. The Fire Code Official shall issue an annual permit for a building, structure, and operations therein.



BANNING CALIFORNIA Recommendation

Staff recommends the City Council take the following action:

Waive full reading and introduce, as read by title only, Ordinance 1595, an Ordinance of the City of Banning Amending Chapter 8.16 of the Banning Municipal Code and schedule a public hearing and second reading for August 22, 2023, per Gov. Code, § 50022.3.



BANNING
CALIFORNIA

Thank you!
Staff is Available for Questions

Contact Information

Adam B. Rush, AICP

Community Development Director

arush@banningca.gov





Environmental Determination

Making Findings Pursuant to CEQA (Public Resources Code Section 21000 et seq.) ("CEQA") and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), that the City Council finds that it can be seen with certainty that there is no possibility that the adoption of this Ordinance will have a significant effect on the environment. Adoption of this ordinance is therefore exempt from CEQA pursuant to State CEQA Guidelines Sections 15061(b)(3) and 15378.

