



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**

10/24/2023

REGULAR MEETING

COUNCIL MEMBERS PRESENT:

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

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT:

Doug Schulze, City Manager
Laurie Sampson, Assistant City Manager
Serita Young, City Attorney
Marie Calderon, City Clerk
Caroline Patton, Deputy City Clerk
John Garside, Multimedia Specialist
Art Vela, Director of Public Works
Nate Smith, Deputy Director of Public Works/City Engineer
Lincoln Bogard, Administrative Services Director
Barbara Mason, Purchasing Manager
Jason Smith, Electric Operations Manager

1. CALL TO ORDER

Mayor Sanchez called the regular meeting to order at 5:39 p.m.

- 1.1. Invocation – Reverend Stacey Forte Dupre of St. Stephen’s Episcopal Church led the invocation.
- 1.2. Pledge of Allegiance – Council Member Gonzales led the Pledge of Allegiance.
- 1.3. Roll Call

COUNCIL MEMBER	PRESENT	ABSENT
Flynn, Sheri	×	
Gonzales, Reuben	×	
Minjares, Rick	×	
Sanchez, Alberto	×	
Wallace, Colleen	×	

2. AGENDA APPROVAL

2.1. Approve Agenda

Motion to approve the agenda.

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.

3. PRESENTATIONS

3.1. Native American Heritage Month

4. REPORT ON CLOSED SESSION

Serita Young, City Attorney, reported on the closed session beginning at 3:00 p.m. For items 3.1 through 3.3, there was discussion with no reportable action taken.

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:

- Bill Hobbs
- Vickie Sellers
- Amy Minjares
- Inge Schuler
- Lynnea Hagen
- John Hagen
- Jack Gunderson
- Carol Allbaugh
- Mary Ann Rickena
- Tracy Mahoney
- Diego Rose

- Harry Sullivan
- Lily Aguilera

5.2. CORRESPONDENCE

None

5.3. APPOINTMENTS

None

5.4. CITY COUNCIL COMMITTEE REPORTS

Mayor Sanchez reported on the Engine 57 mural unveiling he attended at Lion's Park.

Council Member Gonzales reported on Carol's Kitchen's anniversary event and the State of the City.

Mayor Pro Tem Wallace reported on a Riverside Community Action Partnership meeting.

Council Member Flynn reported on several State of the City events she attended.

5.5. CITY MANAGER REPORT

City Manager Schulze reported on the Community Garden and several upcoming Halloween events.

5.6. CITY ATTORNEY REPORT

City Attorney Young had no report.

5.7. CITY TREASURER REPORT

Treasurer Geronimo reported on a Budget and Finance Committee meeting.

6. CONSENT AGENDA

- 6.1. Approval of the Meeting Minutes for the October 10, 2023 City Council Meetings
- 6.2. Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of September 30, 2023
- 6.3. Receive and File Cash, Investments and Reserve Report for the Month of September 2023
- 6.4. Receipts, Disbursements, & Fund Balances Reporting for September 2023 and Fiscal Year-to-Date 2022-23 and 2023-24
- 6.5. Receive and File Police Department Statistics for the Month of September 2023
- 6.6. Receive and File Fire Protection Services Statistics for the Month of September 2023
- 6.7. Public Works Capital Improvement Project Tracking List

- 6.8. Receive and File Contracts Approved Under the City Manager's Signature Authority
- 6.9. Accept as Complete the Foothill West Zone (FWZ) and Mountain North Zone (MNZ) Water Transmission Improvements Related to the Atwell Specific Plan Development and Authorize the 90% Bond Exoneration
- 6.10. Consideration of Resolution 2023-169, Approving the Quitclaim for Access, Park and Vehicle Parking Easement to Tri Pointe Homes for Tract Map No. 37389-3 within the Atwell Development and Accepting the Easements from TriPointe Homes for Public Park Access and Storm Drain Purposes
- 6.11. Consideration of Second Reading and Adoption of Ordinance 1592, An Ordinance of the City of Banning, California, Approving an Amendment to the City of Banning Official Zoning Map Changing the Zone (ZC 23-3501) of APN: 538-040-006 from Low Density Residential (LDR) to Public Facilities-Government (PF-G) for a 1.74-Acre Parcel, and Making Findings Pursuant to CEQA
- 6.12. Consideration of Second Reading and Adoption of Ordinance 1593, An Ordinance of the City of Banning, California, Approving an Amendment to the City of Banning Ordinance Establishing a Historic Preservation Commission and Adopting Reasonable Standards for Historic Preservation of Buildings and Structures
- 6.13. Consideration of Resolution 2023-171, Approving Fiscal Year 2024/2025 Community Development Block Grant Program Applications
- 6.14. Consideration of Resolution 2023-172, Accepting Community Development Block Grant (CDBG) Funds for Fiscal Year 2023/2024 in a Total Amount of \$191,264 for Faith in Action (0.253-23) in the amount of \$19,850; Voices for Children (0.254-23) in the amount of \$10,000, and City of Banning, Sylvan Park Improvements Phase III (5.BN.60-23) in the amount of \$161,414
- 6.15. Consideration of Resolution 2023-173, Declaring the Intention to Annex Property and Levy and Collect Assessments, Approving the Engineer's Report and Setting the Date for the Public Hearing for Property Owner Protest Balloting Proceeding for the Annexation of Tract Map No. 32370 (Annexation No. 2) to the City of Banning's Landscape Maintenance District No. 1
- 6.16. Consideration of Resolution 2023-174 Authorizing the Mayor to Execute the Agreement for the Funding of Measure A Regional Arterial Improvements with the Riverside County Transportation Commission (RCTC) for \$13,500,000 in Measure A Funding for the Construction of the Sun Lakes Boulevard Extension Project
- 6.17. Consideration of Resolution 2023-175, Approving Amendment No. 2 to the Professional Services Agreement with Albert A. Webb Associates, Inc. for an Additional Amount of \$496,079 for the Continued Design of the Sun Lakes Boulevard Extension
- 6.18. Consideration of Adoption of Ordinance 1596, Establishing Amended Uses and Adding Development Standards for Multi-Family and High Density Residential Uses in the Downtown Commercial Zoning District

6.19. Consideration of Resolution 2023-176, Authorizing Extension of the Service Fee Collected on Behalf of the Riverside County Abandoned Vehicle Abatement Program

Public Comment

- Lincoln Bogard

Motion to adopt consent agenda items 6.1-6.7, 6.9-6.10, 6.12-6.14, and 6.18.

Motion by Council Member Minjares
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.

6.8. Receive and File Contracts Approved Under the City Manager's Signature Authority

Public Comment

None

6.11. Consideration of Second Reading and Adoption of Ordinance 1592, An Ordinance of the City of Banning, California, Approving an Amendment to the City of Banning Official Zoning Map Changing the Zone (ZC 23-3501) of APN: 538-040-006 from Low Density Residential (LDR) to Public Facilities-Government (PF-G) for a 1.74-Acre Parcel, and Making Findings Pursuant to CEQA

Public Comment

- Kathleen Dale
- Frank Connolly

Motion to adopt Ordinance 1592.

Motion by Mayor Pro Tem Wallace
Seconded by Council Member Gonzales

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri		✗			

Gonzales, Reuben	X
Minjares, Rick	X
Sanchez, Alberto	X
Wallace, Colleen	X

Motion approved by a vote of 4-1.

6.15. Consideration of Resolution 2023-173, Declaring the Intention to Annex Property and Levy and Collect Assessments, Approving the Engineer's Report and Setting the Date for the Public Hearing for Property Owner Protest Balloting Proceeding for the Annexation of Tract Map No. 32370 (Annexation No. 2) to the City of Banning's Landscape Maintenance District No. 1

Public Comment

- Diego Rose

Motion to adopt Resolution 2023-173.

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 5-0.

6.16. Consideration of Resolution 2023-174 Authorizing the Mayor to Execute the Agreement for the Funding of Measure A Regional Arterial Improvements with the Riverside County Transportation Commission (RCTC) for \$13,500,000 in Measure A Funding for the Construction of the Sun Lakes Boulevard Extension Project

Public Comment

- John Hagen
- Diego Rose

Motion to adopt Resolution 2023-174.

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 5-0.

6.17. Consideration of Resolution 2023-175, Approving Amendment No. 2 to the Professional Services Agreement with Albert A. Webb Associates, Inc. for an Additional Amount of \$496,079 for the Continued Design of the Sun Lakes Boulevard Extension

Public Comment

None

Motion to adopt Resolution 2023-175.

Motion by Mayor Pro Tem Wallace
Seconded by Council Member Minjares

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.

6.19. Consideration of Resolution 2023-176, Authorizing Extension of the Service Fee Collected on Behalf of the Riverside County Abandoned Vehicle Abatement Program

Public Comment

- Frank Connolly

Motion to adopt Resolution 2023-176.

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

Motion approved by a vote of 5-0.

Mayor Sanchez announced a recess at 7:48 p.m. The meeting was reconvened at 8:09 p.m.

7. PUBLIC HEARING(S)

None

8. REPORTS OF OFFICERS

8.1. Consideration of Resolution 2023-11UA Approving a Professional Services Agreement with Albert A. Webb Associates, Inc. in the Amount of \$145,330 for the Design of the Wastewater Treatment Plant Equalization Basin and Allowing a 10% Contingency for a Total Project Budget of \$159,863

Art Vela, Director of Public Works presented the staff report.

Public Comment

- Diego Rose
- Frank Connolly
- Kathleen Dale

Motion to adopt Resolution 2023-11UA.

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.

8.2. Consideration of Resolution 2023-168, Revision to the Classification and Compensation Plan of the City of Banning

Lincoln Bogard, Administrative Services Director, presented the staff report.

Public Comment

- Diego Rose
- John Hagen

- Kathleen Dale
- Richard Royce

Motion to adopt Resolution 2023-168.

Motion by Mayor Sanchez
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 4-1.

Mayor Pro Tem Wallace recused herself from the next agenda item for personal reasons.

8.3. Consideration of Resolution 2023-170, Approving the Emergency Site Clean-up, Damaged Equipment Removal, Environmental Site Remediation and Security Guard Services Due to a Vandalism Fire at the Electric Utility's Alola Substation at an Estimated Expense of Approximately \$300,000

Jason Smith, Electric Operations Manager, presented the staff report.

Public Comment

None

Motion to adopt Resolution 2023-170.

Motion by Council Member Gonzales
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 4-0, with 1 recusal.

Mayor Pro Tem Wallace returned from her recusal.

8.4. Future Agenda Items Request

Doug Schulze, City Manager, presented the staff report.

Public Comment

- Kathleen Dale
- Richard Royce

Motion to add the discussion of cell phone or electronic device use on dais during City Council Meetings to future agenda items.

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 3-2.

Motion to add the future use of Dysart Park and use for events sponsored by the official Stagecoach Committee to items for future agendas.

Motion by Council Member Gonzales

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.

Motion to add the agreement with ARE animal rescue for animal shelter services on items for future agendas, including “the future of ARE Animal Rescue continuing to run the City owned public animal shelter including reviewing compliance with the contract, required audits, veterinary care, public outreach, and future viability.”

Motion by Council Member Gonzales

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 5-0.

Motion to add update on SGP America ENA for 150 E. Ramsey Street to the future agenda items.

Motion by Council Member Gonzales
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.

Motion to add the consideration of SB 329, raising City Council, City Clerk and City Treasurer pay to the items for future agendas.

Motion by Council Member Gonzales
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.

9. DISCUSSION ITEM(S)

None

10. ITEMS FOR FUTURE AGENDAS

10.1. New Items

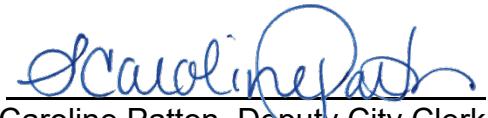
10.2. Pending Items:

1. Grow Banning (Sanchez)
2. Potential Grants to Fund Playhouse Bowl Improvements (Sanchez) – *Tentatively Scheduled for 10/24*
3. Food Desert Zoning Overlay (Minjares)
4. Beautification of San Gorgonio Overpass Funding (Gonzales) – *Tentatively Scheduled for 10/24*
5. Scope and Duties of the Budget and Finance Committee (Wallace)
6. Neighborhood Groups/Identities (Minjares)
7. Update on Community Garden (Flynn)
8. ARE Animal Rescue Contract (Flynn) – *Tentatively Scheduled for 11/14*
9. Public Notification Policy for Development Projects (Flynn) – *Tentatively Scheduled for 10/24*
10. Donation Policy (Flynn)
11. Zencity Contract (Flynn)
12. Comments Section on Agenda for Council Members (Flynn)
13. Cannabis Ordinance/Moratorium (Flynn)
14. Use of Cell Phones on Dais (Flynn)

11. ADJOURNMENT

The meeting was adjourned at 9:58 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/ArchiveCenter/ViewFile/Item/2922>

ATTACHMENTS:

Exhibit A – Proclamation

Exhibit B – City Manager’s Report

Exhibit C – Agenda Item 8.2: Staff Presentation

Exhibit D – Agenda Item 8.2: Public Comment Received

Exhibit E – Agenda Item 8.3: Staff Presentation

EXHIBIT A



CITY OF BANNING OFFICE OF THE MAYOR



Proclamation

WHEREAS, the United States has observed "American Indian Day" since 1916 and "Native American Heritage Month" since 1990; and

WHEREAS, Native American Heritage Month celebrates and recognizes the accomplishments of the people who were the original inhabitants, explorers, and settlers of the United States; and

WHEREAS, many people of Native American Heritage have and continue to serve this community as leaders, organizers, first responders, teachers, healthcare professionals, athletes, inventors, entrepreneurs and more; and

WHEREAS, the City of Banning is fortunate to have a large number of residents of Native American Heritage who strengthen our culture, economy, and contribute to our daily lives; and

WHEREAS, the City wishes to honor their achievements while continuing efforts to ensure the City is a welcoming and inclusive place with opportunities for all.

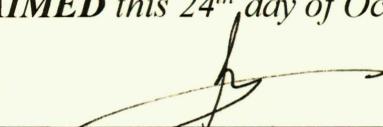
NOW THEREFORE, the City Council of the City of Banning, does hereby proclaim:

Native American Heritage Month **November 2023**

in the City of Banning and encourages citizens of Banning to increase their cultural awareness by learning the important contributions of people of Native American Heritage to the City of Banning.



BE IT PROCLAIMED this 24th day of October, 2023.


Alberto Sanchez, Mayor



CITY MANAGER'S REPORT

October 24, 2023



COMMUNITY GARDEN UPDATE



- Volunteer Committee established
- Planning & Design
- Research, Master Gardener, site visits
- Outreach to potential donors
- Establishment of a charitable non-profit organization to accept donation



**DIA DE LOS MUERTOS
PUMPKIN PATCH**

SISTERS MARKETPLACE

OCTOBER
20TH, 21ST, 22ND & 27TH, 28TH, 29TH

FAMILY FRIENDLY 3pm - 10pm **HALLOWEEN FEST**

Pumpkins, Live Music, Live DJ, Craft Vendors, Food Vendors, Rides, Inflatables, Face Painting, **Free Entrance**

Co Sponsored by **BANNING**

OCTOBER 28TH
Free Candy & Costumes
Welcome
*Adults no masks

Presented by
Castillo Rentals
www.castillosrentals.com

DYSART PARK 2021 W. VICTORY AVE. BANNING CA



BANNING PARKS & RECREATION

Spooktacular
TRUNK OR TREAT

OCTOBER 28, 2023: 4PM-6PM
789 NORTH SAN GORGONIO AVE.
BANNING, CA 92220

Yummy
FOOD VENDORS
SPOOKY FUN FOR
THE WHOLE FAMILY!

FREE ADMISSION

FOR MORE INFO CALL 951-922-3242

Questions?



CLASSIFICATION & COMPENSATION UPDATE

City Council Meeting October 24, 2023

Lincoln Bogard, Administrative Services Director



Requested Title Updates

- Deputy City Clerk to Administrative City Clerk (Job Code 1606)
- Site Coordinator to Homeless Services Site Director (Job Code 1026)
- Homeless Shelter Worker to Case Management Specialist (Job Code 139)
- Solid Waste Coordinator to Environmental Program Coordinator (Job Code 4261)



Requested Position Reinstatements

- Building Permit Specialist (Job Code 3240, Range G55)
 - Funded through reduction in contracted Permit Specialist position
- Recreation Sports Coordinator (Job Code 3329, Range G49)
 - Funds are currently budgeted in 001-4000



Total Fiscal Impact

Proposed Base Wage Increase				
Position/Fund/Range	Current Salary Range	Proposed Salary Range	Proposed Salary Difference	
Administrative City Clerk /001/T79	\$81,914	\$103,965	\$22,051	26.92%
TOTAL GENERAL FUND IMPACT			\$22,051	



Alternatives

1. Adopt Resolution 2023-168 as recommended.
2. Adopt Resolution 2023-168 with modifications.
3. Do not approve Resolution 2023-168 and provide alternative direction to staff.



Questions?



City of Banning

EXHIBIT D

Request Visibility: Published

Request 22-202 Closed



Dates

Received

June 1, 2022 via web

Request

Banning Police internal investigation report on officer Michael Bennett for dishonesty while investigating a crime. The report number requested is believed to be 2018-02.

The investigation was sustained, which makes the report disclosable under PC Sec. 832.7.

This request is for the report only, not for documents associated with the report.

Requester

 Philipp Goebels

 goebelsusa@earthlink.net

 951-769-3008

Timeline

Documents

Request Published

Public

Request Closed

Public

After a thorough review of the City's records, we have determined that we do not possess any records that are responsive to your request. This may be because the records you have requested are not in the custody of the City or have passed the required retention period. If you have any

Staff Assigned

Departments

Police Department

Point of contact

Caroline Patton

CITY RESPONSE TO SPECIAL INTERROGATORY

1 improper to request a party's particular legal theories, legal conclusions, and the specific
2 statutes that support its position through specially prepared interrogatories. Further,
3 discovery is inappropriate in CPRA proceedings where a plaintiff has not made a sufficient
4 showing of bad faith by the government, when the government has provided a detailed
5 factual basis in support of its decision to withhold documents. (*City of Los Angeles v.*
6 *Superior Court* (2017) 9 Cal.App.5th 272, 290.)

7 **SPECIAL INTERROGATORY NO. 6:**

8 IDENTIFY ALL records identified by the CITY as responsive to the JUNE 1 CPRA
9 REQUEST.

10 **RESPONSE TO SPECIAL INTERROGATORY NO. 6:**

11 Objection. Attorney-client privilege. Responding Party objects to the extent that this
12 request seeks peace officer personnel records or information from those records without
13 compliance with Evidence Code section 1043. Not reasonably calculated to lead to the
14 discovery of admissible evidence, given that discovery is not generally admissible in
15 traditional mandamus cases. Discovery is inappropriate in CPRA proceedings where a
16 plaintiff has not made a sufficient showing of bad faith by the government, when the
17 government has provided a detailed factual basis in support of its decision to withhold
18 documents. (*City of Los Angeles v. Superior Court* (2017) 9 Cal.App.5th 272, 290.)

19 Without waiving any objections, the CITY responds as follows: There were no
20 responsive documents.

21 **SPECIAL INTERROGATORY NO. 7:**

22 For each record listed in response to Interrogatory No. 6 that YOU contend is not a
23 public record subject to disclosure, is exempt from disclosure, or may be redacted, list ALL
24 privileges or California Public Records Act exemptions which YOU contend are applicable
25 to the record.

26 **RESPONSE TO SPECIAL INTERROGATORY NO. 7:**

27 Objection. This interrogatory improperly requests information that is confidential
28 pursuant to the attorney-work product doctrine and is attorney-client privileged. It is

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VERIFICATION

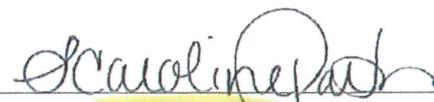
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.

I have read the foregoing **RESPONDENT/DEFENDANT CITY OF BANNING'S
RESPONSE TO PETITIONER/PLAINTIFF PHILIPP GOEBELS' SPECIAL
INTERROGATORIES, SET ONE** and know its contents.

I am Deputy City Clerk for the City of Banning, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this _____ day of March, 2023, at _____, California.


Caroline Patton

1 admissible evidence, given that discovery is not generally admissible in traditional
2 mandamus cases. Discovery is inappropriate in CPRA proceedings where a plaintiff has not
3 made a sufficient showing of bad faith by the government and when the government has
4 provided a detailed factual basis in support of its decision to withhold documents. (*City of*
5 *Los Angeles v. Superior Court* (2017) 9 Cal.App.5th 272, 290.)

6 Without waiving any objections, the CITY responds as follows: there are no
7 responsive documents.

8 **REQUEST FOR PRODUCTION OF DOCUMENTS NO. 25:**

9 ALL DOCUMENTS the CITY received from RCS INVESTIGATIONS
10 CONCERNING Michael Bennett.

11 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO. 25:**

12 Objection. Responding Party objects to the extent that this request seeks peace
13 officer personnel records or information from those records without compliance with
14 Evidence Code section 1043. Not reasonably calculated to lead to the discovery of
15 admissible evidence, given that discovery is not generally admissible in traditional
16 mandamus cases. Discovery is inappropriate in CPRA proceedings where a plaintiff has not
17 made a sufficient showing of bad faith by the government and when the government has
18 provided a detailed factual basis in support of its decision to withhold documents. (*City of*
19 *Los Angeles v. Superior Court* (2017) 9 Cal.App.5th 272, 290.)

20 Without waiving any objections, the CITY responds as follows: there are no
21 responsive documents.

22 **REQUEST FOR PRODUCTION OF DOCUMENTS NO. 26:**

23 ALL contracts, including all amendments, restatements, revisions, or the like between
24 the CITY and RCS INVESTIGATIONS.

25 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO. 26:**

26 Objection. Overly broad as to time and scope. Not reasonably calculated to lead to
27 the discovery of admissible evidence, given that discovery is not generally admissible in
28 traditional mandamus cases. Discovery is inappropriate in CPRA proceedings where a

VERIFICATION

3 STATE OF CALIFORNIA)
4 COUNTY OF LOS ANGELES)
) SS.

5 I have read the foregoing **RESPONDENT/DEFENDANT CITY OF BANNING'S**
6 **RESPONSE TO PETITIONER/PLAINTIFF PHILIPP GOEBELS' REQUEST FOR**
7 **PRODUCTION, SET ONE** and know its contents.

8 I am Deputy City Clerk for the City of Banning, a party to this action, and am authorized to
9 make this verification for and on its behalf, and I make this verification for that reason. I am
10 informed and believe and on that ground allege that the matters stated in the foregoing document
11 are true.

12 I declare under penalty of perjury under the laws of the State of California that the
13 foregoing is true and correct.

14 Executed on this 27th day of March, 2023, at Palm Springs, California.

Scavoline Park
Caroline Patton

Caroline Patton

VERIFICATION

ALOLA SUBSTATION FIRE

90 S. Alola Street



Overview

- Details for Day of the Fire
- Chronological Series of Events
- Determining Factors
- Current Status

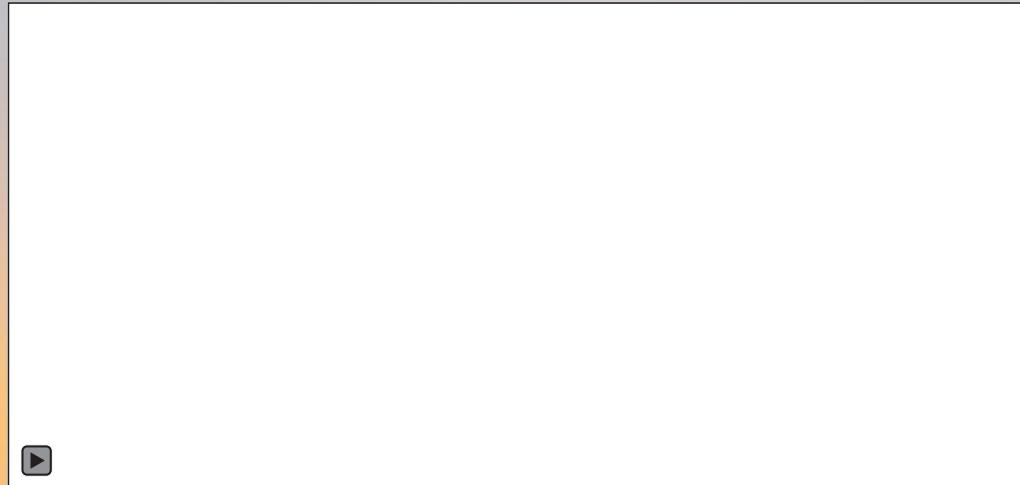


Day of Event

- Fire Started at 5:45 AM on Morning of 9-26-23
- Fire was Extinguished at Approximately 6:30 AM
- Containment was Initialized
- County Hazardous Waste Notified
- Environmental Services were Coordinated



Video of Fire



Aftereffects



Aftereffects, Continued



Aftereffects, Continued



Initial Excavation



Initial Excavation, Continued



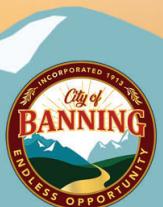
Crane and Transport



Additional Excavation



Additional Excavation, Continued



Next Steps

- Obtain Positive Test Results from Geologist
- BEU Remove Remaining Three Pylons
- BEU Backfill Excavation Area
- BEU Install New Base for Cap
- BEU Remove Perimeter Fencing
- BEU to Render Final Cleanup



Questions?

