



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**

11/14/2023

REGULAR MEETING

COUNCIL MEMBERS PRESENT:

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

COUNCIL MEMBERS ABSENT:

Council Member Reuben Gonzales

OTHERS PRESENT:

Doug Schulze, City Manager
Serita Young, City Attorney
Marie Calderon, City Clerk
Caroline Patton, Administrative City Clerk
John Garside, Multimedia Specialist
Art Vela, Director of Public Works
Lincoln Bogard, Administrative Services Director
Ralph Wright, Parks and Recreation Director

1. CALL TO ORDER

Mayor Sanchez called the regular meeting to order at 5:17 p.m.

- 1.1. Invocation – Pastor Erik Wade of Sunrise Church 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	×	
Gonzales, Reuben		×
Minjares, Rick	×	
Sanchez, Alberto	×	
Wallace, Colleen	×	

2. AGENDA APPROVAL

- 2.1. Approve Agenda

Motion to approve the agenda, with the removal of agenda item 8.1.

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 4-0, with 1 absence.

3. PRESENTATIONS

3.1. Recycling All Stars Awards

Doug Tani, Waste Management, presented the awards.

3.2. Quarterly Small Business Recognition – *Fox Cineplex is D'Place*

4. REPORT ON CLOSED SESSION

Serita Young, City Attorney, reported on the closed session beginning at 3:30 p.m. For item 3.1, 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:

- Lynnea Hagen
- Kent Downs
- Carl Douglas
- Inge Schuler
- Stuart MacKenzie
- Paul Smith
- Lavonte Wise
- Deadrick Mitchells
- Jack Gunderson
- Bob Uribe
- Montisha Harris
- Diego Rose
- Jeff Platt
- Tracy Mahoney
- Oleg Ivaschuk

5.2. CORRESPONDENCE

1 item of correspondence was received.

5.3. APPOINTMENTS

None

5.4. CITY COUNCIL COMMITTEE REPORTS

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

Council Member Flynn reported on a Riverside County Transportation Commission (RCTC) and Western Riverside Council of Governments (WRCOG) meeting.

5.5. CITY MANAGER REPORT

City Manager Schulze reported on recent Zoom bombing events in public meetings, a draft traffic relief plan prepared by RCTC, and an upcoming holiday parade.

5.6. CITY ATTORNEY REPORT

City Attorney Young had no report.

5.7. CITY TREASURER REPORT

Treasurer Geronimo was not present.

6. CONSENT AGENDA

- 6.1. Approval of the Meeting Minutes for the October 24, 2023 City Council Meetings
- 6.2. Bulky Item Collection/Compost Giveaway Event Update
- 6.3. Parks and Recreation Report of Quarterly Activities for the 1st Quarter of Fiscal Year 2023/2024
- 6.4. Consideration of Resolution 2023-178, Accepting a Firehouse Subs Public Safety Foundation Grant Award of \$29,896.32
- 6.5. Consideration of Resolution 2023-179, Accepting a 2023 State of California Office of Traffic Safety Grant Award of \$75,000
- 6.6. Consideration of Resolution 2023-180, Approving and Authorizing the Application for the Outdoor Equity Grant Program
- 6.7. Consideration of Resolution 2023-181, Authorizing Submittal of All Eligible Individual Senate Bill 1383 Local Assistance Grant Program Grant Applications Administered by CalRecycle That Do Not Require Matching Funds
- 6.8. Consideration of Resolution 2023-182 Awarding a Professional Services Agreement for the Design of the Ramsey Street Water Main Replacement to

Rick Engineering, Inc. in the amount of \$386,895 and Approving a 10% Contingency for a Total Project Budget of "Not-to-Exceed" \$425,584.50

6.9. Accept as Complete the Atwell Drive and Creekside Avenue Street and Storm Drain Improvements Related to the Atwell Specific Plan Development and Authorize the 90% Bond Reduction

6.10. Receive and File Code Enforcement Statistics for the Months of September, October 2023

Public Comment

None

Motion to adopt consent agenda items 6.1 through 6.8 and 6.10.

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 4-0, with 1 absence.

6.9. Accept as Complete the Atwell Drive and Creekside Avenue Street and Storm Drain Improvements Related to the Atwell Specific Plan Development and Authorize the 90% Bond Reduction

Public Comment

None

Motion to accept as complete the Atwell Drive and Creekside Avenue Street and Storm Drain Improvements Related to the Atwell Specific Plan Development and Authorize the 90% Bond Reduction.

Motion by Council Member Minjares
Seconded by Mayor Sanchez

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 absence.

Mayor Sanchez announced a recess at 6:26 p.m. The meeting was reconvened at 6:44 p.m.

Council Member Minjares left the meeting.

7. PUBLIC HEARING(S)

7.1. Public Hearing and Consideration of Resolution 2023-177, Ordering the Annexation of Tract Map No. 32370 (Annexation No. 2) to the City of Banning's Landscape Maintenance District No. 1 and Confirming the Diagram and Levy and Collection of Assessments Commencing in Fiscal Year 2023/2024 Pursuant to the Landscaping and Lighting Act of 1972

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

Public Comment

- Frank Burgess
- John Hagen
- Diego Rose

The Administrative City Clerk reported there was one ballot received in support, not representing a majority protest.

Motion to adopt Resolution 2023-177.

Motion by Mayor Pro Tem Wallace
Seconded by Mayor Sanchez

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

Motion approved by a vote of 3-0, with 2 absences.

8. REPORTS OF OFFICERS

8.1. Consideration of Resolution 2023-183, Approving a Three (3) Year Master Services Agreement with IGM Technology Corp. for Software Services Platform Modules (SaaS): IGM Gravity Budgeting, Reporting, and Transparency

Removed from the agenda under Agenda Item 2.1.

8.2. Discussion of Stagecoach Days Memorandum of Understanding

Doug Schulze, City Manager, presented the staff report.

Public Comment

- Diego Rose
- Taylor Burkholder
- Amy Pippenger
- Mason Patterson
- Tracy Mahoney
- Bill Lamb
- Paul Smith
- Aaron Pippenger
- Frank Burgess

Motion to table this item to the December 12th meeting.

Motion by Mayor Sanchez

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 3-0, with 2 absences.

Mayor Sanchez announced a recess at 8:08 p.m. The meeting was reconvened at 8:26 p.m.

8.3. Animal Services Discussion: Banning Animal Shelter and ARE Animal Rescue Contract

Doug Schulze, City Manager, presented the staff report. Grant Brubaker of ARE Animal Rescue answered Council questions about the current contract.

Public Comment

- Michele Walter
- Jeff Platt
- Frank Burgess
- Kathy Aranda
- Tracy Mahoney

- Kathleen Dale
- Sheryl Robinson/Kim Kern

Motion to table this item to the December 12th meeting.

Motion by Mayor Sanchez
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 3-0, with 2 absences.

9. DISCUSSION ITEM(S)

9.1. Discuss Adding a City of Banning Identifier to the San Gorgonio Avenue Overpass

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

Motion to table this item to the December 12th meeting.

Motion by Mayor Sanchez
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 3-0, with 2 absences.

10. ITEMS FOR FUTURE AGENDAS

10.1. New Items

1. Electric Audit Update (Flynn)
2. Zoom Options for Public Meetings (Flynn)

10.2. Pending Items:

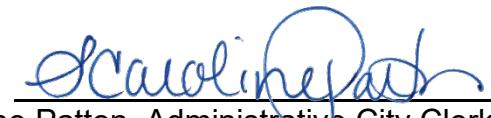
1. Grow Banning (Sanchez)

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 9:36 p.m.

Minutes Prepared by:



Caroline Patton, Administrative 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=2928>

ATTACHMENTS:

Exhibit A – Public Comment Received

Exhibit B – City Manager's Report

Exhibit C – Agenda Item 7.1: Staff Presentation

Exhibit D – Agenda Item 8.3: Public Comment Received

Exhibit E – Agenda Item 9.1: Public Comment Received

EXHIBIT A

11/01/2023



To: Banning City Clerk and or Deputy City Clerk,

Please stamp the date of receiving this request.

Ref: Auto Groups Contracts 2005-2012-2016

Please see attached to this sheet a total of 14 pages of which I request that you deliver to each of the follow.

City Council Members, City Clerk, City Deputy Clerk, City Attorneys Main Office, City Manager, Assistant City Manager, Purchasing office as well as the Administrative Services Director of Finances
Should you have any question please feel free to ask.

Frank J. Burgess
Sincerely Yours,
P.O. Box 54
Banning, Calif. 92220

11/01/2023

To: City Council of Banning, City Clerk, City Deputy Clerk, City Attorney, City Manager Purchasing Officer and the Administrative Services Director of Finances Dept.

Reference: Contracts/Agreements with Auto Groups Beginning the Year 2005, Amended & Restated 2012 & Present one of Jan 1, 2016. All by differ Auto Groups Per Files.

I want to point out First of all that the Auto Group Contracts had nothing to do with this present City Council of Banning, City Deputy Clerk, City Attorney, City Manager, Purchasing Office and or the Administrative Services Director of Finances Dept.

But I also want to point out that each of the above as of their Dates of Hiring and or their Dates Elected became Responsible Party to carries out the agreement and Resolutions in behalf of the Citizens of the City of Banning. It is your duty and Responsible.

Therefore you shall review each and all of the Auto Groups agreements responsibility in behalf of the Citizens of Banning, While it will be stated that the 2005 Contract is no longer the Contract. 2005 Contract did not have a Resolution in it. Please explain why there should be Resolution in the first place. Only the 14 pages Plus Exhibit (A-B-C). While the Amended and Restated Agreement of 2012 is the next one. It has 24

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pages of an Agreement as well a Resolution 2012-59 of 5 pages. Keeping in mind that there is a third agreement, one of which is dated 2016. The 2016 agreement is a amendment to the 2012 agreement. And one must question the right date to use on this one. Will try to explain later down the road.

While the 2005 Agreement has come and gone by all Purposes, I still want to point out the Defaults of each Section of the contracts has not been carried out and enforce by the then City Council and or the City Attorney or City Mangers. I am pointing out **Sections of the 2005 Contract**. It is your duty to the Citizens of Banning to read them so that you get the picture down the road on the other Agreements that has taken place.

Item # 4 Title New Franchise/Dealer Points

4.1 Definitions.

4.2 Extension of Term/ Revisions.

4.2.1 Revision to Covenant Payments

4.2.2 Revision to Maximum Total Payments

Item # 6 Further Assistance

All of the above was in Default. You will also note that if the City did not work with the Dealership that **they could move out of town, You must remember they cannot just get up and move without the Authorization of General Motors. That threat is what I would have call Black Mail. It was used by the then Assistance City Attorney in his report to the then City Council on 9/27/2005**. He should have been fired right then and there.

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Question would be who was he working for. Sure, was not for the city in my book.

It is up to you to see if what I have said is true or not. The only way you will know is to request copies of the 2005 agreement. Why is this important? In case this come in front of you in the future. Time to stop this giveaway program.

(2006 \$64,070.95) (2007 \$25,330.50) (2008 Nothing) (2009 Nothing) (Nothing 2010) (2011 3,473.50) TOTAL Dealership Rec'd \$92,874.95. All under the 2005 Agreement.

REMENDER ITEM #6 No Further Assistance In the 2005 Agreement. But now here we are back crying for more.

**This is the Beginning of 2012 Called
Title AMENDED & Restated Agreement.
For Purchase of Operating Covenant &
Operating Covenant**

Assistance and going into a 2012 Amended and Restated agreement plus you now have a **Resolution 2012-59.**

These next few pages will be on the 2012 Amended and Restated that was pass. The dates are all over the place as you will see if you read the Agreement and Also the Resolution.

Again, this part of the Auto Groups was not done by the present City Council or any member of the present Staff. However the Present Council and Staff members of the City of Banning shall see that it is carries out in the interest of the City of Banning Citizens and that the agreement be carried out per the written **Resolution2012-59 and Agreement sign 11/13/2012 must be Honor by both parts of the Contract.**

The Commencement Date was to have been January 1, 2012, agreement. But was not sign until 11/13/2012.

Per Item 1. THE EFFECTIVE DATE: AND IT READS

This Agreement will not become effective until it (i) has been duly executed by the authorized officers of the Dealership and delivered to Banning and (ii) has been duly approved by the City Council of the City of Banning. (the “EFFECTIVE DATE “Per the Mayor, City Clerk and City Attorney as well are the Signatures and dates OF 11/13/2012.

You will note that the Resolution 2012-59 was pass July 24, 2012. Signatures by the same, Mayor, City Clerk and City Attorney. 4 MONTH EARLYER.

You will also note that they talk of a June 12, 2012, in the Resolution about an Ordinance adding Chapter 3.28 to the Banning Code, Again, if you will check out Chapter 3.28, has nothing to do with anything to this agreement. The Title of Chapter 3.28 is Insurance Fund. Check it out.

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What is wrong in this part of the agreement the City Paid the Auto Group 4qtr of 2011 and 1,2,3,4 qtrs of 2012. \$44,266.00. A Violation of the Agreement and Resolution.

(Notice I am talking about differ Recital)

2.3 of this agreement (2012) went away when they form this new agreement of Amended/ Restated agreement.

2.4 2.5 2.6 (The talk of the Recession effected everyone not just the Auto Groups those days).

2.7 Explain, what the 2005 Original Agreement has to do with this now 2012 agreement. In parts of this agreement, you will see where Auto Group (iv) & (v) was to make various upgrade and improvements to their Existing property's. (NO Permits was every pull for any improvements until 2019) First Permits on Record with City is 2019 Permits #18-00000156. The Deanships has been in its location since sometime around 1965.

2.8 No verification of the total Employee as ever been made. Verification would by way of the number of W-2 or 1099 form issued for 2012-2013-2014-2015 up to the next change that took place in 2016 as well. (Later in this letter)

2.9 Again, Please review Chapter 3.28 and how it fits into this agreement. It also speaks of amendments outlined in Recital

2.7. This is any agreement to Amended & Restated not an amendment to 2005 agreement.

3. TERMS OF OPERATING COVENANT & SALES TAX SHARING

3.1.1 BASE AMOUNT FOR THE CITY WENT FROM \$200,000.00 DOWN TO \$1,00,000.00 BEFORE SHARING WITH AUTO DEALERSHIPS AND SPLIT WENT 50% TO DEALERSHIP. (2012)

8. RESTRICTIONS OF TRANSFER

8.1 Diamond Hills Auto Group, Inc, November 9, 2015 sold and assigned its interest in the Property to Dalia Auto Group, Inc. with out approve. On August 23, 2016, 10 months later the City was notify of the sale, City is still HONORING and paying the qtr payments, Total \$110,443.00.

A VIOLATION of the Agreement and or Resolution.

August 23, 2016 City Council Meeting Resolution No. 2016-80 Under Consent items 11 page 251 of the agenda, Consideration and Approval of Resolution NO 2016-80 was pull from the agenda for more information. At that time the Resolution 2016-80 read like this, *Consideration and Approval of Resolution 2016-80, Authorizing the Transfer of the Agreement for Diamond Hills Auto Group, Inc. Operating Covenant (Sales Tax Sharing Agreement) to Dalia Auto Group, LLC. You will find that the Transfer of Diamond Hills Auto Group to Dalia Auto Group Was never approved by the Council.

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What took place at a later date 12/12/2016 by the City Manager (Rock) and the Deputy City Manager was a Resolution 2016-80 with differ names on it. Reads like this.

A Resolution of the City Council of the City of Banning California, APPROVING THE AGREEMENT FOR SALES TAX SHARING AND OPERATING BETWEEN THE CITY OF BANNING AND DALIA AUTO GROUP, LLC AND KHAN PROPERTIES AND HOLDINGS, LLC, DOING BUSINESS AS DIAMOND HILLS CHEVROLET BUICK GMC PRESENTED OR AMENDED BY CITY COUNCIL FOLLOWING PUBLIC COMMENT.

No one did their homework on this matter. This all took place from August 23, 2016 to January 12, 2017, At a cost of the Citizens of Banning in the amount of \$301,733.00. All because of poor Management and Council decisions of not watching the Store. Please don't let this happen to you folks.

What I see was the illegal Transfer of the DaLIA GROUP, KHAN LLC AND THE MANAGEMENT OF THE CITY, MEANING, THE CITY COUNCIL, THE CITY MANAGER, HIS STAFF, THE CITY ATTORNEYS AND CITY CLERK. While the citizens of BANNING AGAIN IS THE LOSERS.

While I don't agree, you now have A New Agreement. City of Banning, and Dalia Auto Group, LLC AND KHAN PROPERTIES AND HOLDINGS, LLC. COMPANIES, DBA: DIAMOND HILLS CHEVROLET BUICK GMC A LIMITED LIABILITY COMPANY, you will see that

there is no date on the agreement but by the Notary Stamp on JUNE 13 , 2017. BY USING THE SECOUND RESOLUTION 2016-80, WE NOW CAN MOVE ON.

1. EFFECTIVE DATE WHEN it HAS BEEN APPROVED BY THE CITY COUNCIL.
2. 2 , HOW THAT FIGURE IN ON THIS AGREEMENT as NO NEW DEALER FRANCHISES HAS been added.

2.3

BASE ON 2.3 IT WENT IN SERVICE AS OF NOV. 9, 2015, with out the City COUNCIL approval. WHICH MEANS THAT NO PAYMENTS Should HAVE BEEN PAID UNTIL JUNE 13, 2017.

But qtr payments were paid in the amount of \$374,828.49 during the time Agreement was not sign by all parts.

There are many Unfulfilled items through this Contract and or Agreement as well as the Resolution 2016-80 .

2. RECITALS AND REPRESENTATIONS

The Effective Date, Illegit Transfer, THE DEALERSHIP HAS CONSIDERED RELOCATION TO NEARBY CITIES, (can't jump up and run to another city without GMC okay and what a cost it

would be. Plus, the lost time waiting to build. City has failed to check on the number of employees by way of W-2 or 1099 TAX REPORT FORM. City has failed to verified the dollars on improvements that has been made.

In reading this, The Resolution 2016-80 (kept in mind that a Transfer between Diamond Hills Auto Group and Dalia Auto Group, LLC never took place). As you read on of which is between City and Dalia Auto Group, LLC and Khan Properties and Holdings, LLC, doing business as Diamond Hills Chevrolet. Buick GMC. (three differ company's).

Words of Whereas comes from Resolutions, Whereas #3 of 11, is of Dalia Group, Khan Properties, and Holdings, LLC.

Whereas # 5 of 11, Dalia purchased Diamond Hills Group located at 4545 W. Ramsey Street and 4661 w. Ramey Street Banning, Ca. Nothing about Khan Properties only Dalia Auto.

Whereas # 9 of 11, City to provide Assistance to Dalia in purchasing additional parcels with freeway front signage, renovation and expansion of the dealership. (While purchasing may have been made but no Renovation has taken place. (This is a Default project.) Year 2016 to now year 2023. 7 Years of receiving funds from the Citizen of Banning Total in 7 years is \$1,775,309.26. What did the Citizen of Banning get in return is the question.

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This Resolution 2016-80 must be Void and stop the funding of the Dealership which is not keeping with the agreement that they sign June 13, 2017.

The 2016 agreement, total 18 pages Mark as 260-F to 260-Z Sign June 13, 2016. There Is so very little differ then the 2012 agreement.

1. EFFECTIVE DATE, WAS NOT FOLLOW.

2. ALRECITS AND REPRESENTATION

2.2 Differ numbers, wording as 2005 and again in 2012.

2.3 It not honest and Is very wrong, It states in part that on November 9, 2015 that Dalia Auto Group, LLC and khan Properties and Holding, LLC. Purchase Diamond Hill Auto Group. Please review the August 23, 2016 City Council Report Meeting Agenda. From City Manager Michael Rock, and Prepared By Ted Shove, Economic Development Manager.

2.4 Again, need to check W-2 and 1099 Form to verify the number of full time Employee's

2.5 Again. The **threat of moving to another City. First of all once again they would need GMC approve to do so.**

2.8 There is no mentioning in either of the two differ resolutions 2016-80 of any amount up to \$3,200,000.00 That would be paid to the Dealerships.

3. TERMS OF SALE TAX SHARING

3.2 (A) City goes from \$100,00.00 to \$150,000.00 at same time it show that the Dealership can go up 15 years or up to \$3,200,000.00.

(B) Effective Date *You will find once again payments were made before approved. June 13, 2017 when all parts had sign.*

(C) “MAXIMUM PAYMENT” *Dealership shall not be entitled to payments from, City beyond the fifteen (15) year term, or in excess of the Maximum Payment consistent with this agreement

(J) “Dealership Improvements” under (III) adding a new freeway frontage sign to the newly acquired property adjacent to the facility and identified by Assessor Parcel Number 537-100-027=7,537-100-028-8 = 537-100-020-9 (Nothing has been done) A Violation.

This is just a few of the **Violations** in this agreement and as well in the Resolution 2016-80. It is your duty to go over the Agreements and Resolutions 2016-80. To see that the Citizens are Protected. From the beginning of 2005 to the present 2023 this has not been right. All of these agreements and Resolutions have been in favor of the Auto Groups. Be the 2005 or the 2012 or the 2016. I will be told that nothing can be done about the 2005 and maybe the 2012 but you can not

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deny what can been done about this present 2016 agreement and Resolution 2016-80.

Should you not be able to come up with all of the agreements and or Resolutions be sure to advise me as I have each of them as well as the Council Meetings involved.

This matter is in your hands, City Council (Each Member of the Council) City Manager, City Attorney, City Clerk, City deputy Clerk, Purchasing officer and the Administrative Service Director of Finances Dept.

If one was to take these Agreements, and Resolution to Court. The Court would throw them out the window and have ever one who was attach to this paper work in Jail by Midnight. The court is not where I want it to go. The funding of this Agreement must stop immediately.

This is the figures that has been paid out by the City from 2005 year to the 1st quarter of 2023. To the differ Auto Dealerships. \$2,117,831.27 in the 18 years of this project.

The amount that has been paid out \$1,794,976.82 under the 2016 contract /Agreements/Resolution has been done so illegally as the Transfer between Diamon Hill, Inc. and Dalia Auto Group, LLC was never completed. While the funds went to Khan Properties and Holding LLC \$1,794,976.82. Illegally, Check the files and prove anything differ.

Again, two differ names but same Resolution number 2016-80 with the same number and two differ names on them. One was the August 23, 2016 meeting, Only Recommendation at the Oct 25, 2016 meeting.

While at the same time you will find a Motion was made by Peterson and second by Franklin that the Council adopt of Resolution 2016-80, Approving the agreement for Transfer of the Sales Tax Sharing and Operating Agreement between, the City of Banning and Dalia Auto Group, LLC and Khan Properties and Holdings, doing business as Diamond Hills, Chevrolet Buick GMC as per Terms of Agreement approved by Council at its Oct 25, 2016 meeting, Motoion carried, **all in favor.**

This Motion was made at the **12/12/16** Council Meeting, you will find at the Oct 25, 2016 meeting it was not even on the agenda as that was a Special City Council meeting and only one Item was on the agenda and that was.

III. Reports.

1. Consideration and Approval of the Transfer of the **Operating Covenant from Diamond Hills Auto Group, Inc (Diamond Hills) to Dalia Auto Group, LLC (Dalia), Approval to Release the Tax-sharing Payments in Arrears to Dalia, and Approval of the Amended and Restated**

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**2. Terms Of Operating Covenant between the City of
Banning (City)and Dalia..... 1**

3.3 Dealership Obligations (2016)

This section is made up with Item A) (i) (ii) (iii) (IV) as well as other clauses that you must read but I am stopping here at this point with only one thing more to say and that is who or what is wrong in all of this it must stop and it is up to all of you to bring this to a closing.

The amount that has been issued **\$1,794,976.82** and the amount of Improvements yet to be done is way over the **\$3,200,000.00**. Just (IV) Sign Improvement Puts it way over the **\$3,200,000.00** as well as other Items to the land purchase that shows no improvements but for weeds.

It is up to each of the Departments that I have name in this Heading responsibility to see that this give away of tax payers funds ends Immediately. Each, must be held accountable and responsible should you not stop this agreement to the citizens of Banning. **This is not a Close Session Item, all 14 pages are of Public Record, Contracts / Agreements as well Resolutions.**

Sincerely,


Frank J. Burgess
P.O Box 54
Banning, Calif. 92220



CITY MANAGER'S REPORT

November 14, 2023



Ventura

Capitola

Berkley

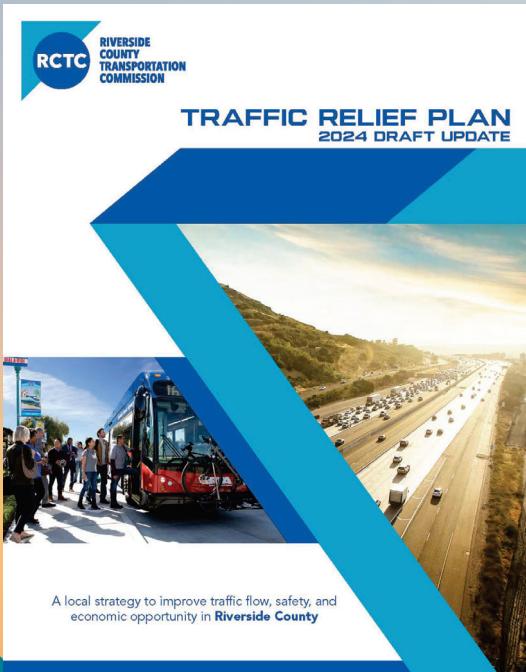
Calabasas

San Bernardino
Watsonville

ZOOM BOMBING



BANNING
CALIFORNIA



www.trafficreliefplan.org



CITY OF BANNING
HOLIDAY PARADE
TWAS THE LIGHT BEFORE CHRISTMAS
CALL FOR ENTRIES!



Saturday December 16
Check in starts at 3pm - Step off 5pm
Scan to enter the parade
or contact us at
stagecoachparade@gmail.com



Questions?



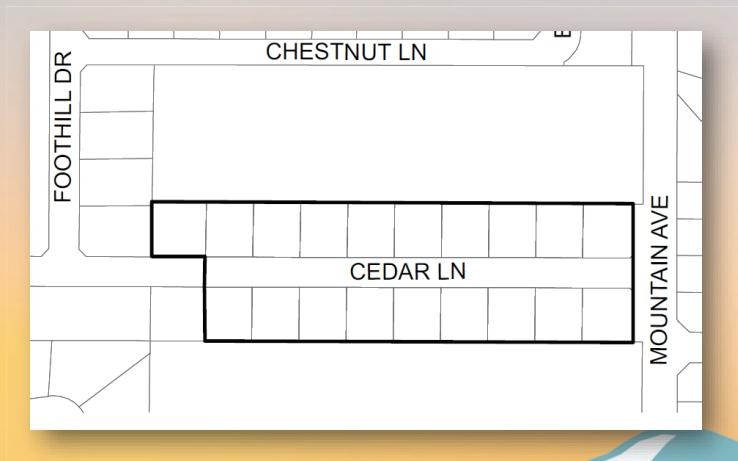
PUBLIC HEARING RESOLUTION 2023-177

Annexation of TM 32370 to LMD No. 1



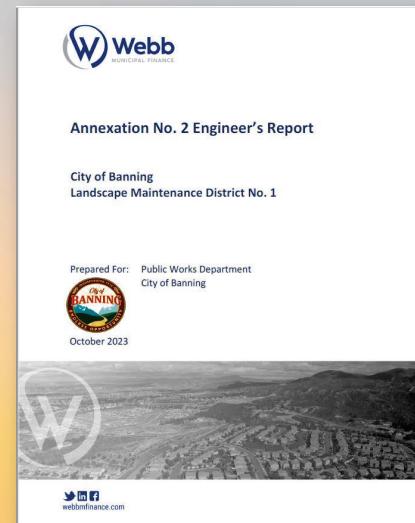
Background

- Resolution 2005-74 approved TM 32370 including Conditions of Approval.
 - COA: required participation in Landscape Maintenance District No. 1.



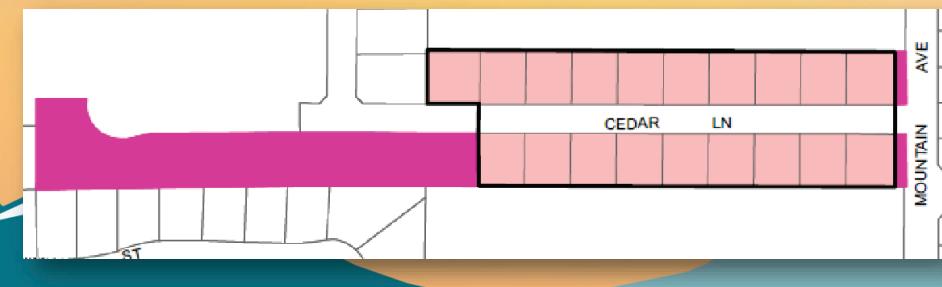
Background

- Approval of Resolution 2023-164 (9/26/23)
 - Initiating proceedings for the annexation of TM 32370, known as Canterbury, as Zone 11
- Approval of Resolution 2023-173 (10/24/23)
 - Declaring intention to annex TM 32370
 - Approving Engineers Report
 - \$392.64 per Assessment Unit (i.e per lot)
 - Setting Date for Public Hearing

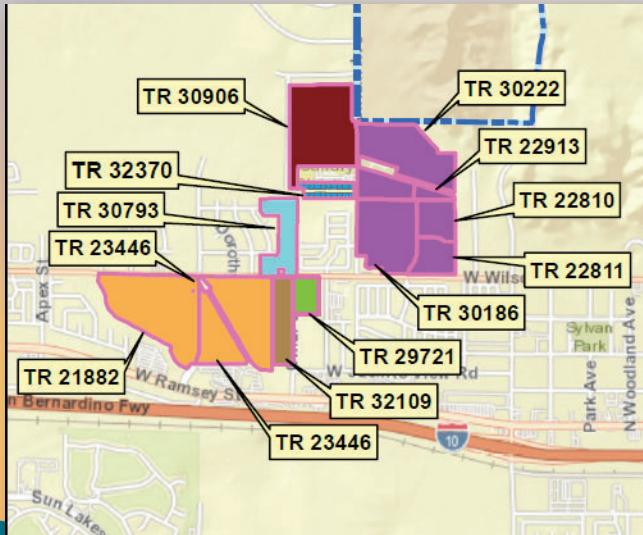


Public Hearing

- Property owner protest ballot proceedings
 - Ballots mailed to property owners (19 lots)
 - City Clerk will report on returned ballots and declares the election results
 - If majority protest does not exist, City Council may adopt Resolution 2023-173 ordering the annexation of the properties into LMD No. 1
 - Assessments to commence FY 2024/2025
 - Assessment unit will be subject to a Consumer Price Index (5% max.)



Questions?



Caroline

EXHIBIT D

Subject Fwd: ARERESCU
From Sheri Flynn <sflynn@banningca.gov>
To: Sheri Flynn <lorijean1250@yahoo.com>
Date Today at 1:46 PM

Sent from my iPhone

Begin forwarded message:

From: sheryl robinson <srobinsonjd@gmail.com>
Date: November 13, 2023 at 6:07:04 PM PST
To: Sheri Flynn <sflynn@banningca.gov>
Subject: ARERESCU

I would like this read into the record:

Dear Council Woman: Sheri Flynn,

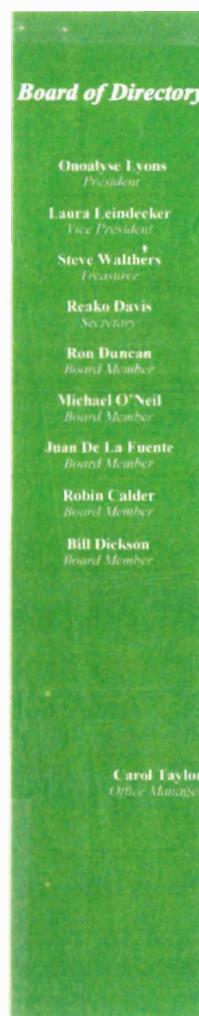
My daughter & I visited the shelter on Sunday, we weren't even allowed to go see the dogs. The office was dirty, things piled all around in the office & it smelled so bad in there. Amber told us we weren't allowed to visit dogs because they bark too much. So we couldn't have any contact w the animals. This was shocking. My heart goes out to these animals. This is cruelty to animals.

The worst shelter I've been to, it's inhumane. Her refusal to us that we couldn't visit the dogs was incomprehensible. This is an abomination of how this shelter is run. My heart is broken



Respectfully,
Sheryl Robinson & Kim Kern (daughter)
11.13.2023

EXHIBIT E



January 2018

To Whom It May Concern:

The Banning Chamber of Commerce recognizes the importance of promoting the City of Banning, and its' image with artistic displays, such as Mr. Burgess freeway overpass renderings. Signage beautification often adds to a community, and can often add to a community's local economy - as eye catching imagery can be an asset as people on the freeway will see these signs and say, "okay, we are in i.e. Banning" - let's stop and see what's in Banning!

The designs that have been drafted on behalf of Mr. Burgess are not only eye-catching - they perfectly represent the history of the "Stagecoach Town" motto of Banning. We here at the Banning Chamber of Commerce as a result of the foregoing give our support in this endeavor at this level.

We thank Mr. Burgess for asking our support, and we support him.

Sincerely,

Onalyse Lyons
Board President



CONCEPTUAL DESIGNS
FOR THE CITY OF BANNING

RAMSEY STREET ENTRY

BUSSINES

SAN GREGORIO OVERPASS



[Print](#) | [Close Window](#)

Subject: banning stagecoach usa
From: "Jerry Andre" <jandre@xycorpinc.com>
Date: Tue, Jul 25, 2017 6:53 am
To: <fburgess@burgessrelocation.com>

Frank,

Here are the numbers I came up with
We estimated it high

Let me know if you need more info

Plan A over pass signage \$8824.84 per sign

Plan B over pass signage \$6876.58 per sign

Plan C over pass signage \$6376.58 per sign

Wagon and signage at Ramsey / 110 intersection \$15,200.00

Thanks

Jerry Andre
Xycorp, Inc.
EPS Products Division
1258 Montalvo Way
Palm Springs CA 92262

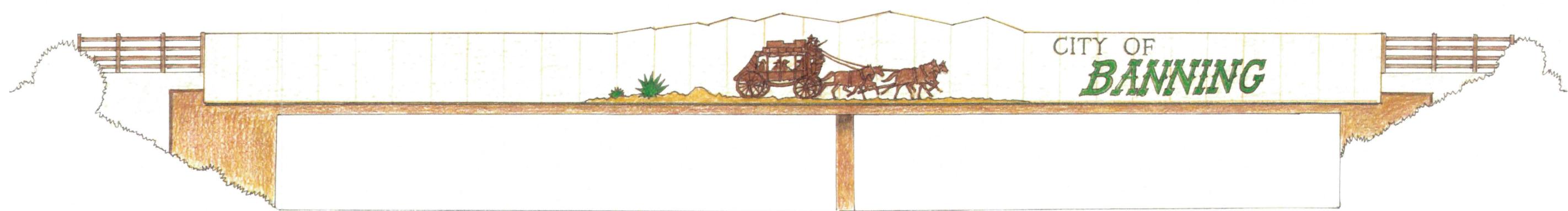
P 760-323-0333
F 760-323-2229

www.xycorpinc.com www.epsproducts.com

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W

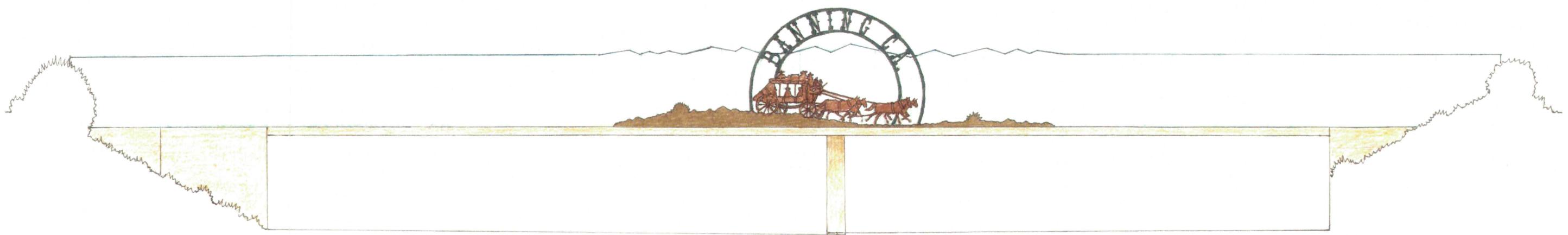
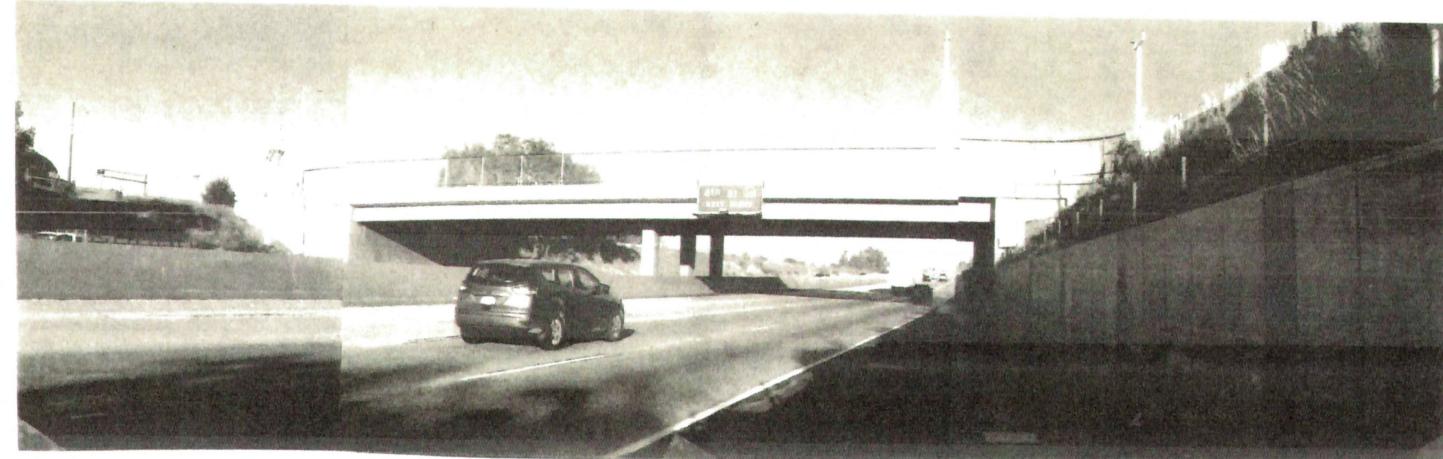
SAN GORGONIO OVERPASS



PLAN A

N. Stur
2007

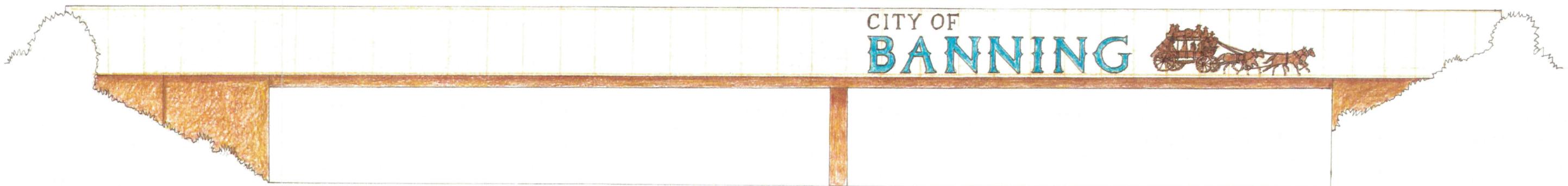
SAN GORGONIO OVERPASS



PLAN B

12/11/07

SAN GORGONIO OVERPASS

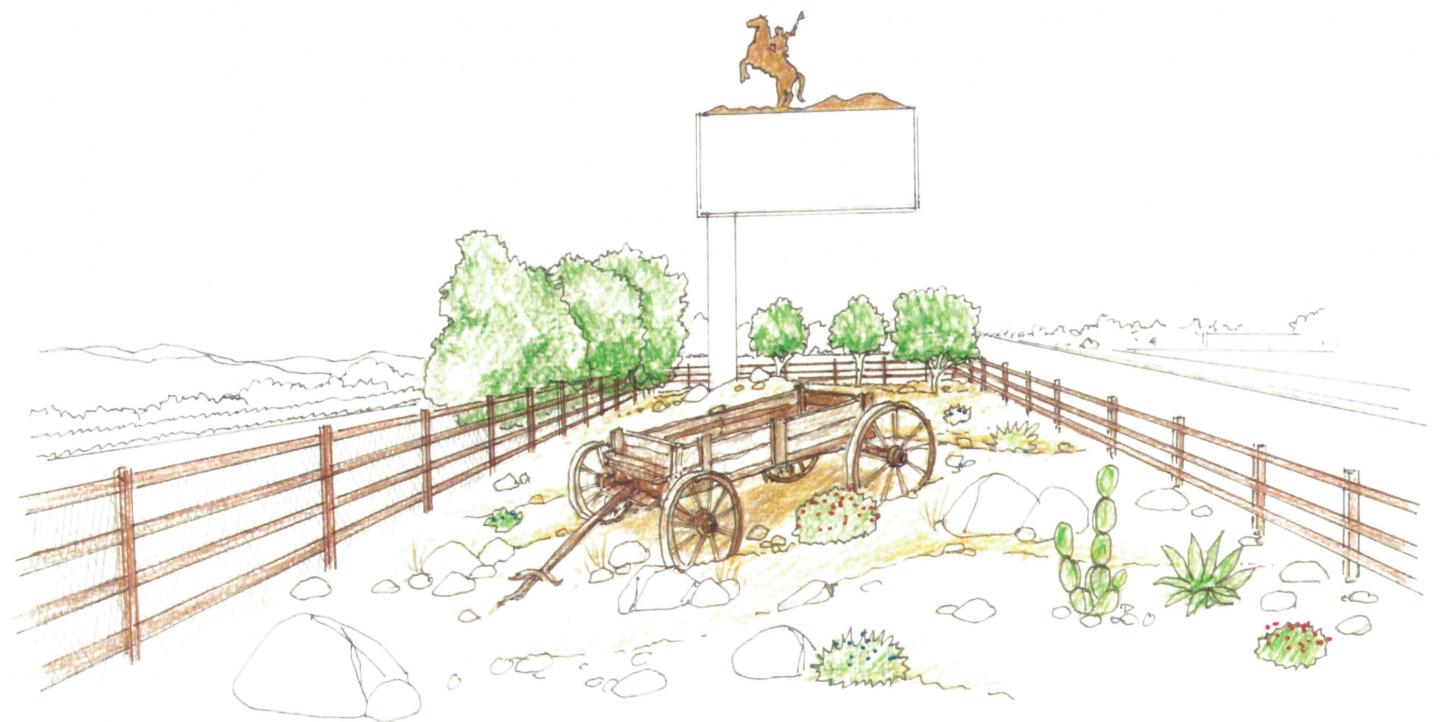


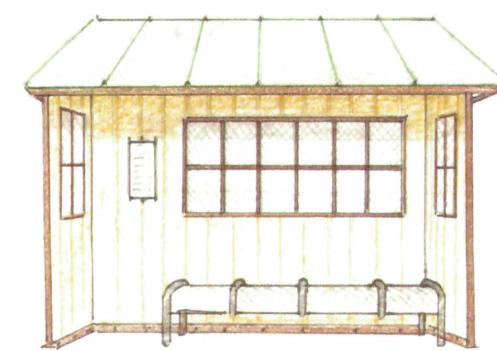
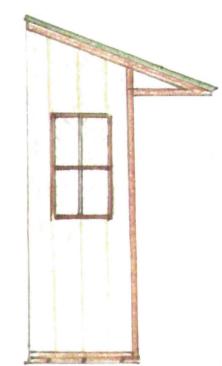
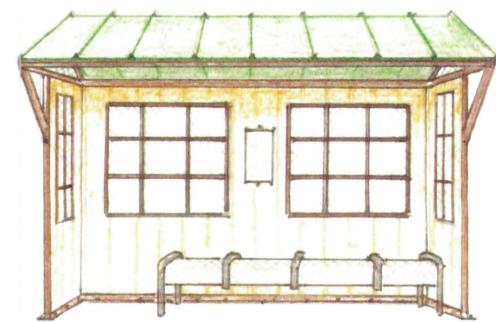
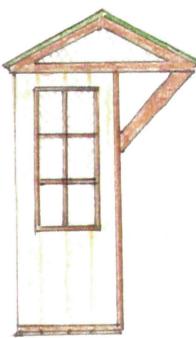
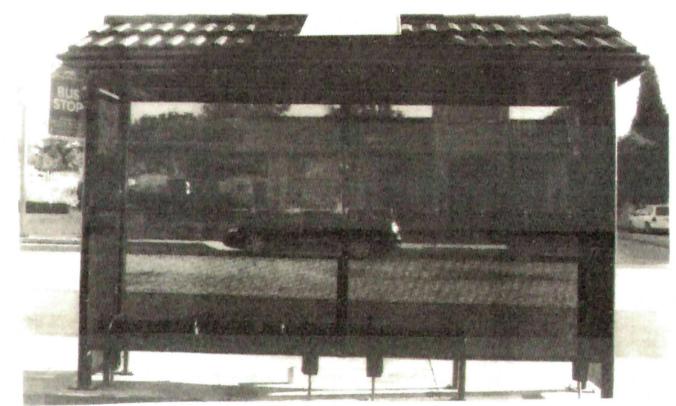
PLAN C

W. Banning
6/17

RAMSEY STREET ENTRY

WITH DIGITAL SIGN LOCATION





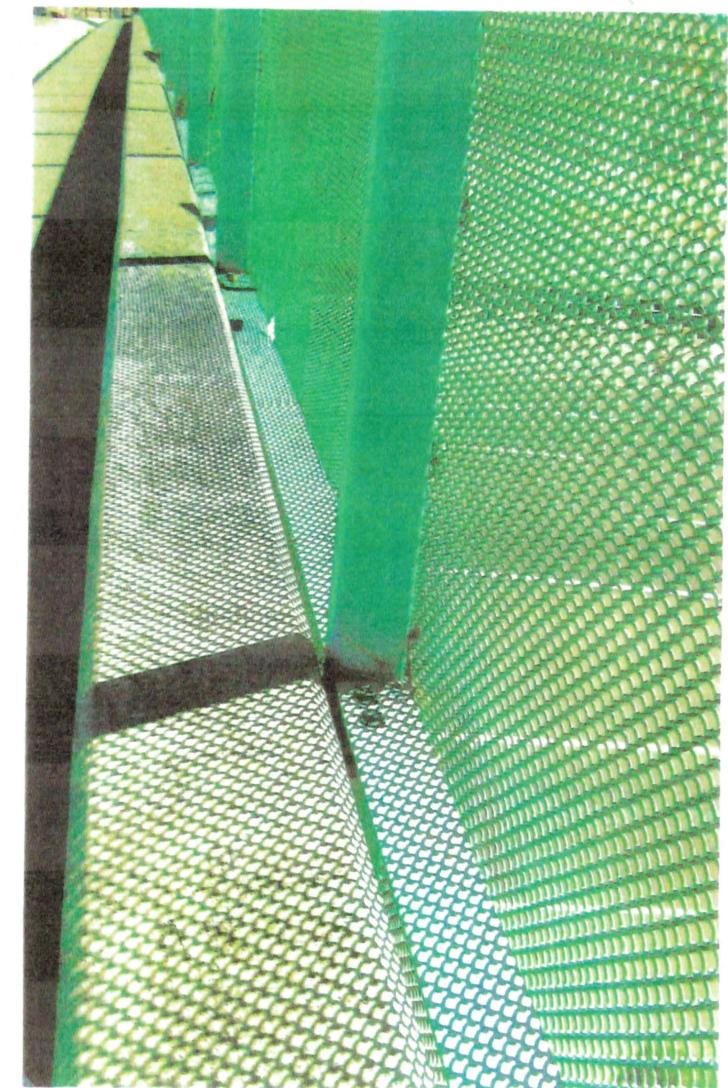
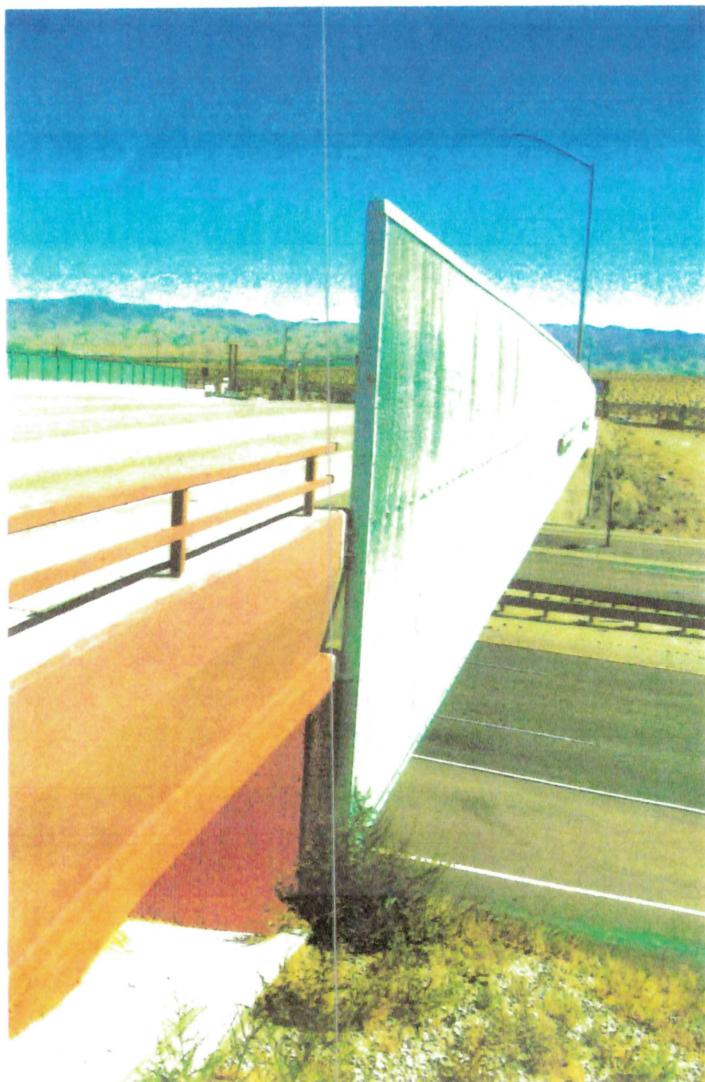
PLAN A

PLAN B

BUS STOP DESIGNS

NOTE: BUS STOPS SHOULD BE
MADE THE SAME AS A
METAL BARN

Watson



NOTE: EXTERIOR MOUNTED FENCING EAST BOUND
I10 PALM SPRINGS, CAN BE DONE IN ANY
COLOR, MADE FOR WIND PRON AREAS

ACT 1000