



*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**

**05/11/2021  
REGULAR MEETING**

COUNCIL MEMBERS PRESENT: Mayor Colleen Wallace  
Mayor Pro Tem David Happe  
Council Member Mary Hamlin  
Council Member Kyle Pingree  
Council Member Alberto Sanchez\* *at 5:03 p.m.*

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Douglas Schulze, City Manager  
Kevin Ennis, City Attorney  
Marie Calderon, City Clerk  
Caroline Patton, Deputy City Clerk  
Alejandro Geronimo, City Treasurer\*  
Tom Miller, Electric Utility Director  
Art Vela, Public Works Director/City Engineer  
Adam Rush, Community Development Director  
Ralph Wright, Parks & Recreation Director\*  
Suzanne Cook, Deputy Finance Director  
Laurie Sampson, Executive Assistant\*  
Jeff Horn, Police Captain

\*Participated via Zoom.

**1. CALL TO ORDER**

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

**1.1. Invocation**

Pastor Damon Allen of First Missionary Baptist Church led the invocation.

**1.2. Pledge of Allegiance**

Mayor Wallace led the Pledge of Allegiance.

**1.3. Roll Call – Council Members Hamlin, Happe, Pingree, Sanchez and Mayor Wallace**

COUNCIL MEMBER	PRESENT	ABSENT
Hamlin, Mary	X	
Happe, David	X	
Pingree, Kyle	X	
Sanchez, Alberto	X	
Wallace, Colleen	X	

## 2. AGENDA APPROVAL

### 2.1. Approve Agenda

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

Motion by Council Member Happe  
Seconded by Council Member Pingree

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

## 3. PRESENTATION(S)

### 3.1. Mayor's Special Recognitions

Mayor Wallace recognized retiring staff member Matt Fields. Electric Director Miller said that Fields was an invaluable member to the electric utility staff team during his 26 years of service to the City.

She then honored several longtime citizens of Banning with Hispanic heritage for the anniversary of the Battle of Puebla (Cinco de Mayo).

Citizens recognized included Fabian R. Calderon, Santiago Zavala, Justin Baca, Edward and Teresa Lara, Stella Lopez, Ray Elizondo,

### 3.2. Legislative Update

Innovative Federal Strategies representatives Leticia White and Drew Tatum provided Council with an update on legislative lobbying activities in Washington D.C.

### 3.3. Banning Police Department Mounted Unit

Police Captain Horn shared information regarding the new Mounted Unit at the Banning Police Department. Inaugural members Richard Hamilton and Coby Webb have both served on Mounted Units before and are local to Banning. They said members of the public are welcome to volunteer but must have their own horse. They hope to have eight to ten members of the Mounted Unit. Council Members thanked them for stepping up to protect Banning.

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

- 4.1.** City Attorney Ennis reported on closed session discussions that occurred during the 4:00 p.m. Special Meeting of the City Council. On Item 2.1. Anticipated litigation, a staff provided a report and Council gave direction to staff, with no final or reportable action. On Item 2.2. Real property negotiations, a staff provided a report and Council gave direction 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**

**Ellen Carr** showed her Proposition 218 Notice regarding the solid waste fee increases and said this was the public's chance to say no. She asked staff about the process for selecting Waste Management as the City's provider.

**Vickie Sellers** thanked staff for the Arbor Day tree giveaway at the Electric Yard, saying the staff at the site were just like sunshine. She discussed the local little league and their upcoming plans.

##### **5.2. CORRESPONDENCE**

None

##### **5.3. APPOINTMENTS**

RCTC Appointment

Mayor Wallace explained that they needed to update the City's roster for the Riverside County Transportation Committee (RCTC). The Council's new primary representative to the Committee will be Council Member Pingree, with Council Member Sanchez serving as alternate.

**Motion to approve appointing Council Member Pingree to be the City's primary representative to the RCTC and appointing Council Member Sanchez as alternate.**

Motion by Council Member Hamlin  
Seconded by Council Member Happe

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

#### **5.4. CITY COUNCIL COMMITTEE REPORTS**

Council Member Hamlin reported on a California League of Cities meeting where infrastructure funding was discussed.

Mayor Wallace shared reports from the Southern California Association of Governments (SCAG) general assembly, PASS Transit, Regional Conservation Authority (RCA), and the California Mayors' Coalition. Key takeaways included a potential Los Angeles to Coachella Valley rapid transit option, impacts of species protections, and the importance of Council communication with the public.

#### **5.5. CITY MANAGER REPORT**

City Manager Schulze reported on an upcoming meeting with State Senator Rosalicie Ochoa Bogh and topics that would be covered, including affordable housing and expansion of the area covered by AB96 (regarding tax credits for the film industry) to include the City of Banning.

Mr. Schulze advised Council that the City had not budgeted to support Stagecoach Days or Playhouse Bowl, anticipating they would be cancelled due to the COVID-19 pandemic. He said if Council wanted to fund those events they would require budget adjustments.

#### **5.6. CITY ATTORNEY REPORT**

City Attorney Ennis reported on SB9, which is being opposed by the League of Cities.

### **6. CONSENT ITEMS**

- 6.1.** Minutes of the April 27, 2021 City Council Meetings
- 6.2.** Establishing a Vendor List and Blanket Purchase Orders for the Purchase of Automobile and Equipment Parts "Not to Exceed" an Annual Aggregate of \$60,000 for Fiscal Years 2022, 2023, 2024 and 2025

- 6.3. Accept the Well C4 Emergency Generator related to the Atwell Specific Plan Development and Authorize the 90% Bond Exoneration
- 6.4. Approving Amendment No. 5 to the Purchase Order with Babcock Laboratories of Riverside, California for Water/Wastewater Laboratory Analytical Testing Services in the amount of \$42,000 for a total Purchase Order Amount of \$102,000
- 6.5. Approving the First Amendment to the Custodial Services Agreement with Dynamic Building Maintenance of Riverside, California for Municipal Facility Maintenance for Fiscal Year 2022 in the amount of \$79,213
- 6.6. Adopt Resolution 2021-36, Approving a List of Projects to be Funded for Fiscal Year 2021/2022 by SB 1 “The Road Repair and Accountability Act of 2017”
- 6.7. Resolution 2021-28 Approving an Amendment to the Professional Services Agreement with Innovative Federal Strategies, LLC to Provide Federal Legislative Advocacy and Government Affairs Services for a Term of Three (3) Years ending June 30, 2024
- 6.8. Adopt Resolution 2021-37, Approving Amendment No. 3 to the Professional Services Agreement with Engineering Resources of Southern California (ERSC) to Increase the Total Compensation by \$850,000 and to Extend the Term of Agreement through June 30, 2022 for Plan Check, Inspections and Related Administrative Services
- 6.9. Resolution 2021-35, Approving Revisions to the Compensation and Classification Plan

Council Member Happe requested that items 6.2 and 6.6 be pulled from the consent agenda.

**Motion: Approve consent items 6.1, 6.3-6.5, 6.7-6.9.**

Motion by Council Member Pingree  
Seconded by Council Member Happe

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

- 6.2 Establishing a Vendor List and Blanket Purchase Orders for the Purchase of Automobile and Equipment Parts “Not to Exceed” an Annual Aggregate of \$60,000 for Fiscal Years 2022, 2023, 2024 and 2025

Council Member Happe asked why they had not gone with a local vendor and staff explained only one proposal was submitted from Parts Authority. To

allow for more flexibility, staff added Napa Auto Parts as a backup vendor using a cooperative contract.

**Motion to approve staff's recommendation for Item 8.1.**

Motion by Council Member Happe  
Seconded by Council Member Sanchez

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

**6.6** Adopt Resolution 2021-36, Approving a List of Projects to be Funded for Fiscal Year 2021/2022 by SB 1 "The Road Repair and Accountability Act of 2017"

Council Member Happe asked clarifying questions regarding the funding amount and if the funds would be depleted entirely by the project list as presented. Staff explained that the projects are scoped out based on the total funding available, so it's designed to deplete the funding.

**Motion to approve item 6.6.**

Motion by Council Member Happe  
Seconded by Council Member Pingree

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

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

None

**8. REPORTS OF OFFICERS:**

- 8.1.** Approve the Software Agreement and Sole Source Purchase of the Online Priority Based Budgeting (PBB) Software System from Resource Exploration LLC (ResourceX) for a Period of Four (4) Years in the Amount of \$140,000

Finance Director Cook presented the staff report. Chris Fabian of ResourceX gave a presentation to Council regarding the capabilities of the software and the value of data-informed decision-making.

City Manager Schulze spoke to his experience with Performance Based Budgeting in Bainbridge Island, WA.

**Motion to approve staff's recommendation for Item 8.1.**

Motion by Council Member Happe  
Seconded by Council Member Pingree

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

- 8.2.** Resolution 2021-33 Approving an Agreement for Three Years for Fire Services with Riverside County Fire Department

Division Chief Todd Hopkins provided the staff report, including reports on the volume and type of calls fielded by the CalFire within the City of Banning. He explained that being a member of CalFire ensures the City has constant protection, even during peak demand firefighting events like last year's Apple Fire.

**Motion to approve staff's recommendation for Item 8.2.**

Motion by Council Member Pingree  
Seconded by Council Member Happe

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

### 8.3. Public Art Proposals

City Manager Schulze presented the staff report. Key points included creation of a Public Arts Program Development Advisory Board and accruing funds for the project through substantial fundraising efforts.

Artist Rich Lopez addressed the Council about his vision for the project and brought examples of his work. He said arts could transform the downtown area and supports a Public Art Program in the City.

#### **Motion to approve staff's recommendation for Item 8.3.**

Motion by Council Member Hamlin  
Seconded by Council Member Pingree

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

### 8.4. Development Impact Fee Credit Implementation Agreement with Tri Pointe Homes IE-SD, Inc. in connection with the Atwell Project

Public Works Director Vela presented the staff report. This agreement would allow Tri Pointe Homes to provide infrastructure system improvements in lieu of Development Impact Fees (DIF).

#### PUBLIC COMMENT

**Ellen Carr** said she would prefer cash in the bank to agreements for future projects.

Staff explained that many of these projects are completed sooner when completed through a DIF agreement and allows the capacity-increasing improvements to occur simultaneous with development.

#### **Motion to approve staff's recommendation for Item 8.4.**

Motion by Council Member Happe  
Seconded by Council Member Pingree



COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

**8.5.** Consider Proposed Ordinance to Update the Local Development Mitigation Fee (LDMF) for Funding the Preservation of the Natural Ecosystems in Accordance with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP)

Community Development Director Rush presented the staff report. He explained that the LDMF update and MSHCP fee increase is occurring across all implementing agencies in the Western Riverside County RCA. Each city is being asked to pass a model ordinance to ensure continuity all local governments in the area.

Regional Conservation Authority (RCA) representatives Jennifer Fuller and Aaron Hake also contributed to the discussion.

**Motion to waive further reading of Ordinance 1572.**

Motion by Council Member Happe  
Seconded by Council Member Pingree

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

**Motion to approve the first reading of Ordinance 1572.**

Motion by Mayor Wallace  
Seconded by Council Member Pingree

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				

Sanchez, Alberto           X  
Wallace, Colleen           X

Motion approved by a vote of 5-0.

**8.6.** Ordinance 1573, Rescinding Ordinance 1522, and Amending the Banning Municipal Code Title 6 Animal Code

City Manager Schulze provided the staff report, explaining this change in City Code was needed to implement the City’s animal licensing program in response to bringing animal control services in-house.

**Motion to waive further reading of Ordinance 1573.**

Motion by Council Member Pingree  
Seconded by Council Member Hamlin

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

**Motion to approve the first reading of Ordinance 1573.**

Motion by Mayor Wallace  
Seconded by Council Member Pingree

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

**9. DISCUSSION ITEM(S)**

None

**10. ITEMS FOR FUTURE AGENDAS**

**10.1.** New Items:

1. Ring of Honor

**10.2.** Pending Items:

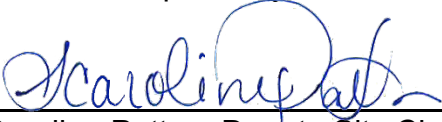
1. Permanent Homeless Solution
2. Shopping Cart Ordinance Update
3. Scholarship/Internship Program
4. Golf Cart/EV Ordinance
5. Census/Redistricting
6. Cannabis Microbusiness/More dispensaries
7. Revenue Generation Ideas

**11. ADJOURNMENT**

Mayor Wallace adjourned the meeting at 8:48 p.m.

***Next Meeting – May 25, 2021 at 5:00 p.m.***

Minutes Prepared by:

  
Caroline Patton, Deputy City Clerk

**This entire meeting may be viewed here:**

**<https://banninglive.viebit.com/player.php?hash=I6MMcoCGOL0L>**

**A CD or DVD may be purchased for \$7.00 each at Banning City Hall,  
located at 99 E. Ramsey Street, Banning, CA 92220.**

**All documents related to this meeting are available here:**

**<http://banning.ca.us/ArchiveCenter/ViewFile/Item/2468>**