



**AGENDA
SPECIAL CITY COUNCIL MEETING
CITY OF BANNING, CALIFORNIA**

**October 12, 2021
4:00 PM**

In Chamber and via Video/Teleconference
Council Chambers
99 E. Ramsey Street

The following information comprises the agenda for the regular meeting of the Banning City Council, a joint meeting of the City Council and Banning Utility Authority, and the Banning City Council sitting in its capacity as the Banning Successor Agency Board.

This meeting is being held in Chamber and via Video/Teleconference on Zoom so that members of the public may observe and participate in this meeting electronically or telephonically.

To observe and participate in the online video portion of the meeting through your personal computer or device, click here or follow this link:
<https://us02web.zoom.us/j/87415277765?pwd=dFVSOFBuMGpSeTBSREtPNytXYnhSQT09>

Meeting ID: 874 1527 7765
Password: 870511

Dial in: +1 669 900 9128 US
Meeting ID: 874 1527 7765

1. CALL TO ORDER

- 1.1. Roll Call
Council Members Hamlin, Happe, Pingree, Sanchez, and Mayor Wallace

2. PUBLIC COMMENT

3. DISCUSSION ITEMS

- 3.1. Discuss Redistricting Requirements Under AB 849 and the Decennial Evaluation of Ordinance 1497, Establishing District Boundaries for Five Electoral Districts..... **4**

4. CLOSED SESSION

- 4.1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Pursuant to paragraph (1) of subdivision (d) of Government Code Section 54956.9

Name of cases: (1) Robert Fisher v. City of Banning (Case No. RIC 1905878); and (2) Banning Police Management Association and Robert Fisher v. City of Banning, et al. (Case No. CVR12103685)

4.2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8
Property: 447 East Ramsey Street, Banning, CA (including APNs 541-150-004, 541-150-025, 541-150-027, and 541-150-028)
City Negotiators: Doug Schulze, City Manager
Negotiating Party: Robert Ybarra of Milestone Development, LLC
Under Negotiation: Price and terms for potential sale of the property to Milestone

4.3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8
Property: Banning Municipal Airport, 200 So. Hathaway Street, Banning, CA 92220, (including APNs: 532-130-011, 012 and 018)
City Negotiators: Doug Schulze, City Manager
Negotiating Party: Grandave Capital, LLC, Ruben Islas, Manager
Under Negotiation: Price and terms for long-term lease of property

4.4. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8
Property: APN 532-0090-0011
City Negotiator: Doug Schulze, City Manager
Negotiating Parties: AMG Sign Company, Inc.
Under Negotiation: Price and terms for potential lease of City billboard to AMG

5. ADJOURNMENT

Zoom Community Standards for Public Meetings

By participating in this meeting on Zoom, you are agreeing to abide by the City of Banning's Community Standards for Public Meetings. Zoom attendees that fail to adhere to these standards may be removed from the meeting room.

- Your microphone must remain on mute, and you may only unmute your microphone when/if you are recognized by the Mayor.
- Your camera must be turned off unless/until you are recognized by the Mayor.
- To indicate a desire to make Public Comment, you must use the Raise Hand function. The Mayor will not recognize those who have not used the Raise Hand function.
- Public Comment from Zoom attendees will immediately follow in person comment from members of the public in Council Chambers.
- If you fail to adhere to these community guidelines, **you may be removed** for disrupting the meeting occurring in Council Chambers. You may rejoin the meeting but may be removed for each violation of these community standards.
- The chat function will be disabled for all City Council meetings on Zoom.

AFFIDAVIT

IT IS HEREBY CERTIFIED under the laws of the State of California that the above Agenda was posted on the City’s website (www.banningca.gov) as well as the Bulletin Board at Banning City Hall, located at 99 E Ramsey Street, Banning, CA 92220, by 4:00 P.M. on the 7th day of October 2021.


Caroline Patton, Deputy City Clerk

PUBLIC NOTICE

Meeting Agendas and Notices

Interested in receiving email and/or text notifications of upcoming City Council meetings? Sign up for meeting notifications through Notify Me (<https://banningca.gov/list.aspx>). Pursuant to amended Government Code §54957.5(b), staff reports and other public records related to open session agenda items are available on the City’s website (www.banningca.gov/archive).

Public Comment

Agenda Items

Any member of the public may address this meeting of the City Council on any item appearing on the agenda. A five-minute limitation shall apply to each member of the public and no member of the public shall be permitted to share their time with any other person.

Special Assistance/Accessibility Requests

In compliance with the Americans with Disabilities Act, any member of the public may request that the agenda and agenda packet be mailed to them. If you need special assistance to participate in this meeting (such as translation services), please contact the Office of the City Clerk. Advanced notification of at least 48 hours prior to the meeting will allow the City to make arrangements to ensure your accessibility.

CONTACT

Office of the City Clerk ♦ 951-922-3102 ♦ CityClerks@banningca.gov
99 East Ramsey Street, Banning, California 92220



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Laurie Sampson, Executive Assistant

MEETING DATE: October 12, 2021

SUBJECT: Discuss Redistricting Under AB 849 Requiring Decennial Evaluation of Ordinance 1497, Establishing District Boundaries for Five Electoral Districts

BACKGROUND:

In February 2016, in response to requests from members of the public and threats of litigation over the city's then at-large city council election system, the city engaged National Demographics Consultants, Inc. to study the option of creating electoral districts for city council elections, with or without a mayor elected at-large. On March 30, 2016, a lawsuit entitled *Cassadas et al. v. City of Banning*, Riverside Superior Court, Case No. 1603770, was filed against the City of Banning alleging violations of the California Voting Rights Act of 2001 and asserting that the City's at-large election system violated that law.

While the city denied those allegations, the city's goal has always been to ensure that all residents of Banning have an equal opportunity to elect council members that represent the interests of city residents. Public hearings were held on this matter on May 24th, June 6th, and June 7th of 2016.

At a meeting on June 7, 2016, after testimony was taken and the Council had considered all maps submitted, the Council approved establishment of electoral districts and selected the "Smith 1" electoral district maps which divided the city into five districts with substantially equal populations in each District. Those maps were adopted by the City Council by way of Ordinance 1497, with introduction and first reading of that Ordinance taking place at the June 14, 2016, City Council meeting and adoption of the Ordinance at the June 28, 2016, City Council meeting.

Thereafter, at the November 2016 regular municipal election and then at each November of evening number years, council members in Banning have been elected from one of five districts rather than by the former at-large voting system.

RECOMMENDATION:

The California Election Code, pursuant to AB 849, provides that following each federal decennial census, and using that census as a basis, the City Council is required to consider adjustment of the boundaries of any or all the electoral districts so that they remain substantially equal in population as required by the United States Constitution. That process is to commence after the census date is released to states and cities and be completed prior to the time the County's Registrar of Voters needs to have district maps completed to create voting precincts for the November 2022 regular municipal election. We are informed that to meet that deadline, the city needs to complete the process in early spring of 2022.

After reviewing the 2010 Census and the 2020 figures, staff has determined that the City of Banning has had a net reduction of 98 residents and the racial composition of the city as a percentage of its population is nearly identical. The 98 fewer residents are statistically insignificant for a population of 29,505. However, even though the city created district maps in 2016 and has had virtually no change in population since that time, the law still requires the city to undertake a public process by which the adoption of district maps for the next 10 years is considered. That process requires the city to hold four public hearings to afford the public an opportunity to make public comments on current and proposed District Maps. The city is permitted to readopt the same maps adopted in 2016, provided the city can still find each District to be substantially similar in population (plus or minus 10% from other Districts).

Staff recognizes there will be significant growth to District 4 because of the Atwell Project. However, the first homes were sold in May 2020 and as a result were not included in the 2020 Census. AB 849 precludes cities from drawing new district boundaries outside of the decennial census process except in certain conditions. Projected population growth in one district is not an accepted condition to make districts based on the 2020 census unequal.

Public hearings that are consolidated with a regular meeting of the City Council shall begin at a fixed time regardless of its order on the agenda, except that the Council may first conclude any item being discussed or acted upon, including any associated public comment, when the time occurs. At least one public hearing shall be held on a Saturday or Sunday, or after 6:00 pm on a weekday Monday through Friday.

City staff proposes that public hearings would occur during regularly scheduled City Council meetings on the following dates:

- November 8, 2021, at 6:00 pm
- December 14, 2021, at 6:00 pm
- January 11, 2022, at 6:00 pm
- January 25, 2022, at 6:00 pm

Prior to those hearing dates, public notice would be provided to the public.

ATTACHMENTS:

1. Ordinance 1497
<https://banningca.gov/DocumentCenter/View/9515/Att-1-Ordinance-1497>
2. Adopted District Map
https://banningca.gov/DocumentCenter/View/9516/Att-2-Adopted-Plan_Smith-Map-1
3. Adopted District Population Statistics
<https://banningca.gov/DocumentCenter/View/9518/2010-Population-by-District>
4. Assembly Bill 849 Text
https://banningca.gov/DocumentCenter/View/9513/Att-3-Bill-Text---AB-849-Elections_-city-and-county-redistricting_
5. U.S. Census Bureau Statistics
https://banningca.gov/DocumentCenter/View/9514/Att-4-US-Census-Bureau-Race_BOTH

Approved by:



Douglas Schulze
City Manager