



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**

**10/26/2021
REGULAR MEETING**

COUNCIL MEMBERS PRESENT: Mayor Colleen Wallace
Mayor Pro Tem David Happe
Council Member Mary Hamlin
Council Member Kyle Pingree

COUNCIL MEMBERS ABSENT: Council Member Alberto Sanchez

OTHERS PRESENT: Douglas Schulze, City Manager
Kevin Ennis, City Attorney
Marie Calderon, City Clerk
Caroline Patton, Deputy City Clerk
Art Vela, Public Works Director
Ralph Wright, Parks and Recreation Director
Adam Rush, Community Development Director*
Matthew Hamner, Chief of Police
Tom Miller, Electric Utility Director
Suzanne Cook, Finance Director*
James Wurtz, Economic Development Manager*
A'ja Wallace, Financial Analyst*
Laurie Sampson, Executive Assistant*
Alejandro Geronimo, Treasurer*

*Participated via Zoom.

1. CALL TO ORDER

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

1.1. Invocation

1.2. Pledge of Allegiance
Council Member Happe led the Pledge of Allegiance.

1.3. Roll Call

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

Mayor Wallace announced she would move item 8.1 to immediately following the consent agenda.

Motion to approve the agenda as amended.

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 4-0, with 1 member absent.

3. PRESENTATION(S)

Fire Division Chief Todd Hopkins introduced new Fire Battalion Chief Tim Voigt.

4. REPORT ON CLOSED SESSION

City Attorney Ennis gave a report on closed session. For all five items there was staff direction given 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
 None

5.2. CORRESPONDENCE
 None

5.3. APPOINTMENTS
 None

5.4. CITY COUNCIL COMMITTEE REPORTS
 Mayor Wallace discussed a recent committee meeting she attended regarding the City of Blythe and AB363 compliance.

5.5. CITY MANAGER REPORT

City Manager Schulze reported he would be participating in the pass area City Manager's Forum on the morning of October 28.

5.6. CITY ATTORNEY REPORT

None

6. CONSENT ITEMS

- 6.1. Approval of Minutes from the October 12, 2021 City Council Meetings
- 6.2. Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of September 2021
- 6.3. Receive and File Cash, Investments and Reserve Report for the Month of September 2021
- 6.4. Receive and File Police Department Statistics for the Month of September 2021
- 6.5. Receive and File Fire Department Statistics for the Month of September 2021
- 6.6. Public Works Capital Improvement Project Tracking List
- 6.7. Parks and Recreation Report Quarterly Report for FY 2022 Quarter 1 ending September 30, 2021
- 6.8. Resolution 2021-103, 2021-10 UA and 2021-05 SA, Approving Amendments to the Fiscal Year 2020-21 Budget for Encumbrance Carryovers and Continuing Appropriations of Unexpended Fiscal Year 2020-21 Appropriations
- 6.9. Accept the Easement from Tri Pointe Homes for Electric Utility Purposes on Assessor's Tract Map 37390-2 for the Maintenance of the City Owned Electric Distribution System
- 6.10. Resolution 2021-105, Approving an Increase for Canon Financial Services PO 31170 and Future Purchase Orders to Include the Lease of an Imageprograf XT4100 Plotter for the Electric Utility Department
- 6.11. Consider Approval of an Exclusive Negotiating Agreement with AMG Sign Company, Inc. for an Outdoor Advertising Lease on City Property located at APN 532-090-011
- 6.12. Resolution 2021-107, Requesting the San Gorgonio Pass Maintain Unified Representation as a Community of Interest During the County of Riverside's Redistricting Efforts

Public Comments

Paul Perkins said the police report should include updates on the number of alarm permits and false alarms each month.

Motion to approve the consent agenda.

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 4-0, with 1 member absent.

8.1. Presentation from the San Gorgonio Pass Water Agency on the Backbone Pipeline

Art Vela, Public Works Director, presented the staff report. Lance Eckhart from the San Gorgonio Pass Water Agency presented an update on the backbone pipeline project.

Mickey Valdivia addressed the Council regarding the project.

7. PUBLIC HEARING(S):

7.1. Resolution 2021-94, Approving Fees Related to the Alarm Permit Program Approved in Ordinance 1575

Chief of Police Matthew Hamner presented the staff report.

Public Comments
None

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 4-0, with 1 member absent.

7.2. Resolution 2021-102, Approving Electric Utility Rate Adjustments – Effective January 1, 2022

Electric Utility Director Thomas Miller presented the staff report.

Public Comments

Frank Burgess commented on the Ad Hoc Committee and disagreed with the rate increase.

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 4-0, with 1 member absent.

Mayor Wallace called a recess at 6:30 p.m. The meeting was reconvened at 6:39 p.m.

- 8.2. Consider Resolution No. 2021-104, Support of Local Measure H Benefitting San Gorgonio Hospital

City Manager Schulze presented the staff report.

Public Comments

Frank Burgess said he was in support but had questions about the letter assigned to the measure.

Frank Connolly said he was in support of the measure and emphasized the importance of emergency services.

Dr. Dennis Tankersley, Chair of the San Gorgonio Memorial Hospital Board, spoke in support of the measure.

George Moyer said he was also in support of Measure H.

Motion to approve Resolution 2021-104.

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 4-0, with 1 member absent.

- 7.3. Consideration and Introduction of Ordinance 1578 Amending Section 13.16.020, Restricting Water Use During Water Supply Emergencies, of Chapter 13.16, Water Conservation, of Title 13, Public Services, of the Banning Municipal Code, and Finding an Exemption from Review under CEQA Pursuant to CEQA Guidelines Sections 15061(b)(3) and 15308

Public Works Director Art Vela presented the staff report.

Public Comments

None

Motion to waive further reading of Ordinance 1578.

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 4-0, with 1 member absent.

Motion to introduce Ordinance 1578 for a first reading.

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 4-0, with 1 member absent.

- 7.4. First Reading of Ordinance 1566 amending Title 12 of the Banning Municipal Code revising regulations pertaining Rules and Regulations in Banning Parks and finding an exemption from CEQA under Section 15061(B)(3) of the CEQA guidelines

Parks and Recreation Director Ralph Wright presented the staff report.

Public Comments

Frank Connolly asked about pets in parks.

Director Wright clarified that the existing park rules did not allow pets, but that these revisions would allow pets on a leash in city parks.

Motion to waive further reading of Ordinance 1566.

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 4-0, with 1 member absent.

Motion to introduce Ordinance 1566 for a first reading.

Motion by Council Member Pingree
 Seconded by Mayor Wallace

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 4-0, with 1 member absent.

- 7.5. First Reading of Ordinance 1579 amending Title 2 of the Banning Municipal Code revising regulations pertaining to the Parks and Recreation Commission’s meeting attendance rules and finding an exemption from CEQA under section 15061 (B)(3) of the CEQA guidelines

Parks and Recreation Director Ralph Wright presented the staff report.

Public Comments

None

Motion to waive further reading of Ordinance 1579.

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 4-0, with 1 member absent.

Motion to introduce Ordinance 1579 for a first reading.

Motion by Council Member Happe
 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 4-0, with 1 member absent.

8. REPORT OF OFFICERS

- 8.3. Resolution No. 2021-106 Approving Agreement Pursuant to Government Code Section 66462.5 Between Vintage-Stone Eagle, LLC and City of Banning for Acquisition of Certain Real Property Interests (TTM 33540) in Connection with Off-Site Improvements

Public Works Director Vela presented the staff report.

Public Comments

Paul Perkins commented on eminent domain.

Motion to approve Resolution 2021-106.

Motion by Council Member Happe
 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 4-0, with 1 member absent.

- 8.4. Expiration of Governor’s Executive Order that “Relaxed” the Brown Act’s Provisions Related to Remote Attendance by Members of the City Council and City Commissions, Resumption of In-Person Meetings with Continuation of Remote Attendance Option for Members of the Public, and Consideration of Alternatives Allowed under AB 361

City Attorney Ennis presented the staff report.

Public Comments

None

Motion to employ the provisions of AB 361 to allow members of the public to participate remotely without following the provisions of the Brown Act.

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 3-1, with 1 member absent.

9. DISCUSSION ITEMS

None

10. ITEMS FOR FUTURE AGENDAS

10.1. New Items:


10.2. Pending Items:

1. Permanent Homeless Solution
2. Shopping Cart Ordinance Update
3. Golf Cart/EV Ordinance (On hold)
4. Airport Advisory Commission
5. Retail Marijuana (Happe)
6. Business-Friendly Zoning (Wallace)

11. ADJOURNMENT

Mayor Wallace adjourned the meeting at 7:58 p.m.

Minutes Prepared by:


Caroline Patton, Deputy City Clerk

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/2551>