



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**

**1/25/2022
REGULAR MEETING**

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

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Doug Schulze, City Manager
Kevin Ennis, City Attorney
Caroline Patton, Deputy City Clerk
Art Vela, Public Works Director
Ralph Wright, Parks and Recreation Director
Adam Rush, Community Development Director
Suzanne Cook, Finance Director*
Thomas Miller, Electric Utilitiy Director*
James Wurtz, Economic Development Manager*
A'ja Wallace, Financial Analyst*
Ben Coffey, Electric Service Planner*
Sergio Rubio, Fleet Manager*
Laurie Sampson, Executive Assistant*

*Participated via Zoom.

1. CALL TO ORDER

Mayor Pingree called the regular meeting to order at 5:13 p.m.

1.1. Invocation – Pastor Szydlowski of Mountain Avenue Baptist Church performed the invocation.

1.2. Pledge of Allegiance – Mayor Pingree 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

Motion to approve the agenda with an additional agenda item at the end of the regular meeting to consider setting an alternative hearing date for the Banning Point Project appeal.

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.

Motion to approve the agenda.

Motion by Mayor Pro Tem Wallace
 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.

3. PRESENTATION(S)

None

4. REPORT ON CLOSED SESSION

City Attorney Ennis gave a report on the one closed session agenda item, which had 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

1 item of correspondence was received from John Hagen related to cannabis facility setback requirements.

5.3. APPOINTMENTS

None

5.4. CITY COUNCIL COMMITTEE REPORTS

Mayor Pro Tem Wallace reported on news from the Southern California Association of Governments (SCAG).

Mayor Pingree reported on the first Student of the Month for 2022.

5.5. CITY MANAGER REPORT

City Manager Schulze reported on a recent event at the Banning One logistics center project site that celebrated the raising of the walls. The Finance Department received the Certificate of Achievement for Excellence in Financial Reporting. City Manager Schulze stated that the building at 447 E Ramsey Street has been demolished and the site is being cleaned.

5.6. CITY ATTORNEY REPORT

None

6. CONSENT ITEMS

- 6.1. Approval of Minutes of the January 11, 2022 City Council Meetings
- 6.2. Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of December 2021
- 6.3. Receive and File Cash, Investments and Reserve Report for the Month of December 2021
- 6.4. Receive and File Police Dept. Statistics for the Month of December 2021
- 6.5. Public Works Capital Improvement Project Tracking List
- 6.6. Resolution 2022-06, Approving a Five-Year Liability Program Assessment Agreement with Public Entity Risk Management Authority (PERMA)
- 6.7. Approve Blais and Associates, LLC Grant Writing Professional Services Agreement Year 2 Change Order and Amendment 2 Authorizing Year 3 Grant Writing Services
- 6.8. Resolution 2022-09, Approving Amendment No. 4 to the Professional Services Agreement (PSA C00608) with Willdan Engineering for Building and Safety Plan Check and Landscape Design Review Services
- 6.9. Approving a Purchase Order Amendment to Center Electric, of Riverside, California for Water/Wastewater Electrical Services as Needed in the Amount of \$15,000

- 6.10. Accept Electric Easement for APN 532-160-012 for the Maintenance of the City-Owned Electric Distribution System

Public Comments

None

Motion to approve the consent agenda items 6.1 through 6.9.

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.

- 6.10. Accept Electric Easement for APN 532-160-012 for the Maintenance of the City-Owned Electric Distribution System

Motion to approve the consent agenda item 6.10.

Motion by Mayor Pro Tem Wallace
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.

7. PUBLIC HEARING(S):

Agenda Item 7.1, the Third Public Hearing on Decennial Redistricting, was held following agenda item 8.5 in accordance with Government Code §21507.1 (d).

8. REPORT OF OFFICERS

- 8.1. State Water Board Adoption of Emergency Water Use Regulations to Boost Drought Resilience

Director of Public Works Art Vela presented the staff report.

Public Comments

None

- 8.2. Adopt Resolution 2022-05, Approving the Ratified Tentative Agreement with the Teamsters, Representing the Mid- Management and Professional Unit Employees, and Authorizing the City Manager to Finalize and Execute a Successor Memorandum of Understanding

Cherie Johnson, Human Resources Manager, presented the staff report.

Public Comments

None

Motion to approve Resolution 2022-05.

Motion by Mayor Pro Tem Wallace
 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.

- 8.3. Consideration of Resolution 2022-08, Approving A Facilities Joint Use Agreement between the City of Banning and the Banning Unified School District

Ralph Wright, Parks and Recreation Director, presented the staff report.

Public Comments

None

Motion to approve Resolution 2022-08.

Motion by Council Member Sanchez
 Seconded by Mayor 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. Resolution 2022-07, Approving up to a \$1,300,000 Allocation in the Treasury’s Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) to Fund a One-Time Advanced Premium Payment

Public Comments

None

Motion to approve Resolution 2022-07.

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 5-0.

- 8.5. Consider Approval of New Employment Agreement with Matthew Hamner for Police Chief Services

City Manager Doug Schulze presented the staff report.

Public Comments

None

Motion to approve the employment agreement with Matthew Hamner for Police Chief Services through February 5, 2027.

Motion by Council Member Hamlin
 Seconded by Mayor 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.

Mayor Pingree called a 5-minute recess at 5:54 p.m. The meeting was reconvened at 6:02 p.m.

At 6:02 p.m., Agenda Item 7.1, the Third Public Hearing on Decennial Redistricting, began in accordance with Government Code §21507.1 (d).

7.1 Third Public Hearing to Receive Public Comments and Input on the Process for the Redrawing of Election District Boundaries and on the 2020 Draft Map No. 1 Submitted by Staff and Receive City Council Direction

City Attorney Ennis presented the staff report with help from Executive Assistant Laurie Sampson.

Public Comments

None

Motion to direct staff to present Draft Map #1 and any other map submitted by the public at the next Redistricting Public Hearing.

Motion by Council Member Sanchez
Seconded by Council Member 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 4-1.

Motion to set the deadline for receiving proposed maps on Tuesday, February 8, 2022.

Motion by Council Member Happe
Seconded by Mayor Pro Tem 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 5-0.

9. DISCUSSION ITEMS

9.1. Consider a Hearing Date for Banning Point Appeal
Added as an urgency item under Agenda Item 2.1.

City Attorney Ennis explained that both the appellant and project applicant have requested that the public hearing for the Banning Point Appeal be continued to February 17, 2022. This is to allow more time to prepare and also prevent further spread of Covid-19.

Motion to grant a continuance and set the hearing date on Tuesday, February 17, 2022 at 5:00 p.m. in Council Chambers.

Motion by Mayor Pingree
 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.

10. ITEMS FOR FUTURE AGENDAS

10.1. New Items:

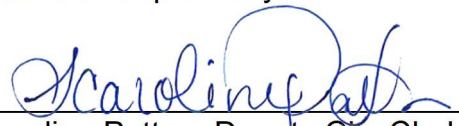
10.2. Pending Items:

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

11. ADJOURNMENT

Mayor Pingree adjourned the meeting at 6:46 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/2583>

To Whom this May or Should Concern,

I am writing this to urge this council to reconsider the setback allowance for the Cannabis Growing facilities.

The Ordinance originally called for a 600 ft setback from residential areas.

When it came before the council the agenda item suggested a 300 ft setback

But Mr Happe said he saw no reason for any setback and suggested 0 setback for those facilities . Without any discussion or even a bat of an eye the rest of the council voted for the motion proposed by Happe.

In light of the recent Fire and explosion in Culver City last Oct that killed 2 and injured 4 others. Destroyed 6 cars and the warehouse I feel there is ample reason to have this set back reinstated.

Part of the reason for the setbacks is to insure public safety and protect the residential areas from incidents such as this.

This city cannot afford the litigation exposure that this neglect would cause.

Granted some of you were not on the Council when this occurred but this incident should be taken as fair warning that your neglect to reinstate some sort of safety buffer between these facilities and residential areas is careless and a delectation of duty to the citizens of this city.

Rest assured that the first death or damage to personal property will result in litigation that we cannot afford.

It took several engine companies and several man hours to control and extinguish this fire blaze. There were also 12 firemen injured fighting this fire. Thank God it was not next to a residential area with 0 lot line setbacks.

If you are not aware of this fire you could just google Cannabis Warehouse fire in Culver City. By the way when you Google this fire several other cannabis warehouse fires come up reflecting that this is not an uncommon occurrence. Even though the extraction process that caused this fire was illegal, the fact exists that these activities are common in these legal facilities as there is no way to police what is going on.

Another issue is that its been over a 3 month and the residents are still complaining of the putrid stench they can't get rid of. This was a legally permitted cultivation facility.

Please reinstate some sort of safety buffer now before its to late. Learn from past events and take action to prevent a catastrophe.

The second reason for a set back requirement and equally important is the quality of life for the residential areas adjacent to the facility.

Case in point:

The property on Charles Street, just east of Driftwood Circle. Plans have been submitted for a 45 ft high cannabis cultivation warehouse. A building this size would totally block the existing view of the houses along Charles and north on Driftwood Circle. The footprint of the building takes up the entire 4 and a half acre lot. This zero set back policy made this lot available without any consideration for those residences in the area. A 600 ft set back as originally drafted into the ordinance would have eliminated this type of a problem. This city has a history of proposing one thing to appease the public and then making subtle changes behind the scene and spring it on the public at a later date when its too late to do anything about it. Put yourself in their shoes for a minute. You work your whole life to purchase a home you think you will retire in. You invest close to half a million dollars in it and the City changes the entire area by rezoning.

A little history on this particular location:

Originally when the Fair Oaks tract went in these lots on the North side of Charles East of Driftwood Circle were zoned LDR. When Fair Oaks pulled out leaving these 3 parcels vacant the City rezoned it Industrial. By doing this they totally screwed the existing residential area. Some of the older existing homes could not get any building permits to improve their properties as they were now in an industrial zone. By the way when this zone change was made it was not well published to the surrounding community and it's potential impact was not realized. Once the impact was realized the City allowed some variances to appease the situation. This resulted in a bad patch job to this zoning move. Then there was a move to rezone back to residential but Andy Anderson bought the parcel and pulled a CUP for an RV storage lot.

JANUARY 25, 2022 CITY COUNCIL MEETING

Received On January 12, 2022 From John Hagen, jhsam1@yahoo.com

This would have been much more acceptable plan than the one submitted now. He was limited to a 22 ft high building and had to present the plans to the Airport board for approval. There was an ongoing attempt to make things so difficult for him in hopes that they could drive him out. Eventually it worked and he sold the property. You finally drove him out but no attempt was made or considered to change this back to residential to fix the problem. Instead they now are going to allow this monster of a building directly adjacent to homes. Then to top it all off the fact that if any residence want to put up a structure on their property they have to have a 35 ft setback from the back property line, yet you are going to allow this 45 ft tall building 10 feet from the property line. This building will block the morning sun from charging the 20,000 dollars worth of solar panels that my son invested in. There is something wrong with this picture and it needs to be fixed now before it's to late again. There needs to be a buffer zone between Residential Zones and Industrial Zones not only for safety purposes but for quality of life. I knocked on all of the doors in the neighborhood and nobody recalls receiving any notices of these plans which I have found that is typical for how this city slides things through.

Why is it that there is a 200 ft setback for other Cannabis facilities from Residential but not for Cultivation? The 600 ft setback was a standard for other cities in the State. Banning fashioned their ordinance to that standard. What changed? Do we need to follow the money? Something is drastically wrong and needs to be corrected before its too late.

I remember Councilman Happe once stating shortly after he took office that if the residents didn't like the way this city is headed they could move. Hopefully that will not be the only option.

Thank You, John Hagen,
Banning resident, 956 Driftwood Circle
CC Planning Commission,
CC City Council
CC Community Development Director