

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

June 18, 2013  
2:00 p.m.

Banning Civic Center  
Council Chambers  
99 E. Ramsey St.

**I. CALL TO ORDER**

. Roll Call - Councilmembers Botts, Miller, Peterson, Welch, Mayor Franklin

**II. PUBLIC COMMENTS – *On Items Not on the Agenda***

A five-minute limitation shall apply to each member of the public who wishes to address the Mayor and Council on a matter not on the agenda. No member of the public shall be permitted to “share” his/her five minutes with any other member of the public. (Usually, any items received under this heading are referred to staff for future study, research, and appropriate Council Action.) See last page. PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.

**III. CLOSED SESSION**

1. Real property negotiations pursuant to the provisions of Government Code Section 54956.8 regarding 1627 S. Hargrave.

- A. Opportunity for Public to Address Closed Session Items.
- B. Convene Closed Session

**IV. REPORTS OF OFFICERS**

1. Resolution No. 2013-70, Approval of a Memorandum of Understanding Between the County of Riverside and the City of Banning Regarding the Larry D. Smith Correctional Facility.

Staff Report . . . . . 1

Recommendations: **That the City Council adopt Resolution No. 2013-70, Approving the Memorandum of Understanding Between the County of Riverside and the City of Banning with Respect to Expansion of the Larry D. Smith Correctional Facility Located at 1627 S. Hargrave Street.**

**V. ADJOURNMENT**

*The City of Banning promotes and supports a high quality of life that ensures a safe and friendly environment, fosters new opportunities and provides responsive, fair treatment to all and is the pride of its citizens.*

*Pursuant to amended Government Code Section 54957.5(b) staff reports and other public records related to open session agenda items are available at City Hall, 99 E. Ramsey St., at the office of the City Clerk during regular business hours, Monday through Thursday, 7 a.m. to 5 p.m.*

**NOTICE:** Any member of the public may address this meeting of the Mayor and Council on any item appearing on the agenda by approaching the microphone in the Council Chambers and asking to be recognized, either before the item about which the member desires to speak is called, or at any time during consideration of the item. A five-minute limitation shall apply to each member of the public, unless such time is extended by the Mayor. No member of the public shall be permitted to “share” his/her five minutes with any other member of the public.

Any member of the public may address this meeting of the Mayor and Council on any item which does not appear on the agenda, but is of interest to the general public and is an item upon which the Mayor and Council may act. A five-minute limitation shall apply to each member of the public, unless such time is extended by the Mayor. No member of the public shall be permitted to “share” his/her three minutes with any other member of the public. The Mayor and Council will in most instances refer items of discussion which do not appear on the agenda to staff for appropriate action or direct that the item be placed on a future agenda of the Mayor and Council. However, no other action shall be taken, nor discussion held by the Mayor and Council on any item which does not appear on the agenda, unless the action is otherwise authorized in accordance with the provisions of subdivision (b) of Section 54954.2 of the Government Code.

**In compliance with the Americans with Disabilities Act**, if you need special assistance to participate in this meeting, please contact the City Clerk's Office (951) 922-3102. **Notification 48 hours prior to the meeting** will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.02-35.104 ADA Title II].

**CITY COUNCIL AGENDA  
CONSENT CALENDAR**

**DATE:** June 18, 2013  
**TO:** Honorable Mayor and City Council  
**FROM:** Andy Takata, City Manager  
**SUBJECT:** Resolution No. 2013-70, Approving the Memorandum of Understanding between the County of Riverside ("COUNTY") and the City of Banning ("CITY") with respect to Expansion of the Larry D. Smith Correctional Facility located at 1627 S. Hargrave Street

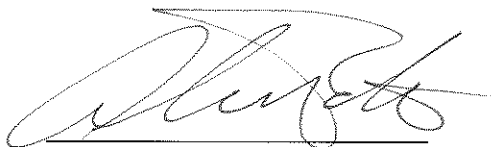
**RECOMMENDATION:** Staff respectfully requests that the City Council Adopt Resolution No. 2013-70, Approving the Memorandum of Understanding between the County of Riverside ("COUNTY") and the City of Banning ("CITY") with respect to Expansion of the Larry D. Smith Correctional Facility located at 1627 S. Hargrave Street.

**BACKGROUND/ANALYSIS:** For the past several months the City and the County have been working on a memorandum of understanding regarding the expansion of the Larry D. Smith Correctional Facility. The County intends to expand the jail bed capacity at the facility in Phase I by 400 to 1,600 jail beds to improve public safety for the citizens of the County of Riverside. The County has evaluated the expansion capacity of other correctional facilities in its Correctional Facilities Master Plan and has determined that the Larry D. Smith Correctional Facility has highest and best capacity for expansion.

**FISCAL DATA:** Approval of the Memorandum of Understanding will ultimately provide the City funding of \$450,000 annually towards the Banning Police Department. The County will provide to the City annual payments to commence in May 2019, following the expiration of the existing Memorandum of Understanding (MOU) in May 2018. The initial payment in May 2019 will equal the final payment due before the expiration of the existing MOU. The payments will thereafter be adjusted annually by the Consumer Price Index (CPI) not to exceed 3.0% annually.

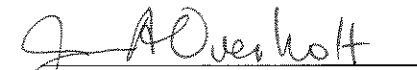
Payments will be made annually, the following May, based upon the following formula: Beginning in June 1, 2018, the County will provide the City with 1.25 years of annual payments for every 100 jail beds constructed (for example, 400 jail beds constructed will entitle the City to five annual payments). This is a requirement for annual payments to be made beginning in July 1, 2018.

**RECOMMENDED BY:**



Andy Takata  
City Manager

**REVIEWED BY:**



June Overholt  
Administrative Services Director/  
Deputy City Manager

**RESOLUTION NO. 2013-70**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING  
APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN  
THE COUNTY OF RIVERSIDE ("COUNTY) AND THE CITY OF BANNING ("CITY")  
WITH RESPECT TO EXPANSION OF THE LARRY D. SMITH CORRECTIONAL FACILITY  
LOCATED AT 1627 S. HARGRAVE STREET**

**WHEREAS**, the County owns and operates the Larry D. Smith Correctional Facility which is located on unincorporated land south of the city limits of the City of Banning; and

**WHEREAS**, the County intends to expand the jail bed capacity at the facility by 400 to 1,600 jail beds to improve public safety for the citizens of the County of Riverside; and

**WHEREAS**, for the past several months the City and the County have been working on a Memorandum of Understanding between the City of Riverside ("County") the City of Banning ("CITY") with respect to expansion of the Larry D. Smith Correctional Facility ("Correctional Facility") located at 1627 S. Hargrave Street; and

**WHEREAS**, in entering into the Memorandum of Understanding (MOU), the parties are establishing the general policy framework upon which each may proceed to plan and negotiate the terms of the actions proposed herein by each of the parties; and

**WHEREAS**, The County and City have an existing cooperative Memorandum of Understanding (MOU) covering jail subvention; and

**WHEREAS**, The County and City have a mutual desire to invest in public safety and welfare; and

**WHEREAS**, The County and City desire to enter into this cooperative Memorandum of Understanding (MOU) for the purpose of achieving mutual goals of public protection for its constituents; and

**WHEREAS**, the County will construct park facilities between the Correctional Facility and Wesley Street; and

**WHEREAS**, the park shall serve as a buffer between the Correctional Facility and the residents of the community; and

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BANNING AS FOLLOWS:**

SECTION 1: That the City Council adopt Resolution No. 2013-70, Approving the Memorandum of Understanding between the County of Riverside ("COUNTY) and the City of Banning ("CITY") with respect to Expansion of the Larry D. Smith Correctional Facility located at 1627 S. Hargrave Street.

**PASSED, APPROVED AND ADOPTED** this 18<sup>th</sup> day of June, 2013.

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Deborah Franklin, Mayor  
City of Banning

**ATTEST:**

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Marie A. Calderon, City Clerk

**APPROVED AS TO FORM  
AND LEGAL CONTENT:**

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David J. Aleshire, City Attorney  
Aleshire & Wynder, LLP

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2013-70 was duly adopted by the City Council of the City of Banning, California, at a regular meeting held thereof held on the 18<sup>th</sup> day of June, 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Marie A. Calderon, City Clerk  
City of Banning

