



**CITY OF CORNING  
CITY COUNCIL AGENDA  
TUESDAY, AUGUST 24, 2010  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

A. **CALL TO ORDER: 7:30 p.m.**

B. **ROLL CALL:**

<b>Council:</b>	<b>Vacant</b>
	<b>Ross Turner</b>
	<b>Toni Parkins</b>
	<b>John Leach</b>
<b>Mayor:</b>	<b>Gary Strack</b>

C. **PLEDGE OF ALLEGIANCE:**

D. **PROCLAMATIONS, RECOGNITION'S, APPOINTMENTS, PRESENTATIONS:**

1. **Proclamation: August 21<sup>st</sup> – 28<sup>th</sup> as Olive Festival Week in the City of Corning.** Chamber of Commerce Manager Valanne Cardenas will be present to accept the Proclamation.

E. **BUSINESS FROM THE FLOOR:** If there is anyone in the audience wanting to speak on an item not already on tonight's Agenda, please come to the podium, identify yourself and briefly present your information to the Council. If an item is already on the agenda, please wait until that item comes up for discussion and then obtain the Mayor's attention so you will be allowed to speak. **A three-minute time limit will apply unless the Council makes an exception due to special circumstances.** If your matter will require more time or formal action by the Council, the law requires that it be placed on the printed Agenda for a future meeting so that interested members of the public will have the chance to appear and speak on the subject.

F. **CONSENT AGENDA:** It is recommended that items listed on the Consent Agenda be acted on simultaneously unless a Councilmember or members of the audience requests separate discussion and/or action.

2. **Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**

3. **Waive the Reading and Approve the following Minutes of City Council Meetings with any necessary corrections:**  
(a) **August 16, 2010 Special City Council Meeting; and**  
(b) **August 10, 2010 City Council Meeting**

4. **August 18, 2010 Claim Warrant - \$273,048.98.**

5. **August 18, 2010 Business License Report.**

6. **Adopt Resolution 08-24-10-01 Authorizing City Clerk to Record a Second Tax Lien in the Amount of \$8,391.38 for Delinquent Payment of Water and Sewer Service at the Olive Towne Terrace Apartments (formerly Fairview Apts).**

7. Award Bid for Traffic Signal Installation & Associated Work at Marguerite Avenue/Solano Street Intersection to Franklin Construction in the amount of \$252,242 & Authorize Purchase of Signal Controller and Cabinet Equipment in the amount of \$10,117.69.

G. **ITEMS REMOVED FROM THE CONSENT AGENDA:**

H. **PUBLIC HEARINGS AND MEETINGS:** Any person may speak on items scheduled for hearing at the time the Mayor declares the Hearing open. **ALL LEGAL NOTICES PUBLISHED IN ACCORDANCE WITH LAW.**

I. **REGULAR AGENDA:**

8. Update on Offer to Sell Kauffman Building Located at 1302-1310 Solano Street to City of Corning for \$1; Consider Action to Take Ownership.

9. Review Proposed League of California Cities Resolutions - Discussion and Council Action.

J. **ITEMS PLACED ON THE AGENDA FROM THE FLOOR:**

K. **COMMUNICATIONS, CORRESPONDENCE AND INFORMATION:**

L. **REPORTS FROM MAYOR AND COUNCIL MEMBERS:**

10. Turner:

11. Parkins:

12. Leach:

13. Strack:

M. **ADJOURNMENT!:**

POSTED: FRIDAY, AUGUST 20, 2010

**PROCLAMATION  
OLIVE FESTIVAL WEEK IN THE CITY OF CORNING  
AUGUST 21-28th, 2010**

**WHEREAS**, olives are an integral part of the economic well being of the City of Corning, and very much a part of the cultural identity of the Olive City; and

**WHEREAS**, the celebration of the Olive Festival is an annual event which draws thousands of visitors to the City of Corning each August and allows an opportunity for the Olive City to shine for the rest of the world; and

**WHEREAS**, visitors are brought downtown for the Annual "**CORNING DOES IT BEDDER**" bed races and the **OLIVE FESTIVAL PARADE** and draws many to local businesses within Corning which is beneficial to commerce; and

**WHEREAS**, the Olive Festival is a monumental community effort utilizing volunteers from numerous organizations, with an assortment of backgrounds, to come together to put on the annual festival for everyone to enjoy; and

**WHEREAS**, the event has been officially sponsored by the Corning Chamber of Commerce for the last 21 years, the celebration of the festival goes back much further to a time when it was a harvest celebration sponsored in part by the Immaculate Conception Catholic Church. Today's festival is only the continuation of a longtime Corning tradition honoring Corning's proud heritage.

**NOW, THEREFORE**, I Gary R. Strack, as Mayor of the City of Corning, **DO HEREBY PROCLAIM AUGUST 21 - 28, 2010 AS "OLIVE FESTIVAL WEEK IN THE CITY OF CORNING"** and commend the participating organizations for their efforts and urge all citizens to attend and enjoy the event activities.

**IN WITNESS WHEREOF**, I have hereunto set my hand and cause the Great Seal of the City of Corning to be affixed this 24<sup>h</sup> day of August 2010.

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**Gary R. Strack, Mayor**

**ATTEST:**

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**Lisa M. Linnet, City Clerk**



**CITY OF CORNING  
SPECIAL COUNCIL MEETING MINUTES**

**MONDAY, AUGUST 16, 2010  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

**A. CALL TO ORDER: 5:00 p.m.**

**B. ROLL CALL:**

<b>Council:</b>	<b>Vacant</b>
	<b>Ross Turner</b>
	<b>Toni Parkins</b>
	<b>John Leach</b>
<b>Mayor:</b>	<b>Gary Strack</b>

All Councilmembers were present with one vacancy remaining on the Council.

**C. PLEDGE OF ALLEGIANCE: City Manager Stephen Kimbrough led the Pledge.**

**D. BUSINESS FROM THE FLOOR: None.**

**E. REGULAR AGENDA:**

**1. City Acquisition of the "Kauffman Building" for One Dollar (\$1.00) – Discussion and Action.**

Mayor Strack introduced this item by title stating the location of the property and announcing that the City had received a letter from the property owners offering to sell this building to the City for \$1. He also stated that the City had received a copy of an Engineer's report stating that the front wall is ready to fall. He then asked if anyone in the public would like to speak on the subject.

Paulyne White provided a brief property history and stated that the former owners had acquired the building back through foreclosure. She said she had spoken with the owners today; they had tried to sell the building for more than two years, now one of the owners is very ill and they hope that the City will take the property. They realize that if the City doesn't take the property it will cost them a lot more money.

Amy White asked the timeframe would it be before the building was demolished should the City acquire it, and how long would a vacant lot sit before being developed. Mayor Strack stated possibly 3-4 weeks before demolition and the property would be cleared and cleaned. At that time it would depend upon if a developer comes forward with a plan, etc. City Manager Kimbrough presented a timeline for notifying the current occupants should the City acquire the building. He also outlined the current condition of the building and the safety hazards. He stated that the building is currently appraised at \$175,000 on the property tax roles. Mr. Kimbrough stated that should the City acquire the building and demolish it, the wall adjoining the next property would be stabilized and protected.

Mayor Strack clarified for Corning Observer reporter Julie Johnson that the property being discussed is 1302 through 1310 Solano Street.

Councilor Turner asked who retained the Engineer and was informed that the property owners did. He then asked, noting the City's current financial situation, how the City would fund the demolition should they acquire the property and what would the cost be. Mayor Strack responded stating that it cost the City of Red Bluff \$125,000 to demolish the US Bank and \$125,000 for remedial expenses in dealing with underground tanks found during the demolition. He also announced that the City has contacted consultant JoAnn Anders about possible use of

CDBG Re-Use Funds for this, and we are also exploring the possible option of borrowing from 3CORE.

Councilor Turner also asked the financial impact to the City should they leave the building in the hands of the current owners and the City become ultimately responsible for dealing with the safety issues. He was informed it would probably be approximately the same amount previously mentioned and the City would then have to place a property lien to recover the costs.

Dean Cofer asked if the building has basements, he was informed yes, one.

Councilor Leach stated that he had heard of a local realtor that was interested in the property. He was informed that since this has become public, Building Official Terry Hoofard has received a call from an interested party and so has Planning Director Stoufer.

City Attorney Fitzpatrick stated that the City has no choice but to get involved. The building, as stated in the Engineers report, currently poses a hazard to the public via the street and sidewalk should the building fall.

Amy White stated that she had spoken with the current owner over the weekend and was informed that their insurance policy expires in a month and due to the illness in the family they don't need the stress. She stated that she has investigated possible insurance policies available to cover the building during restoration and/or demolition.

Councilor Parkins stated that she doesn't want the City to get into the business of property ownership, however this might be an opportunity to do something good for the downtown and clean up an eyesore. We could possibly make this a parking lot in the interim, or until a property developer shows an interest. She stated that the majority of the people she has spoken with would like to see the eyesores removed and more parking available downtown.

Gena Bowen said if the City purchases the property for a \$1, then the City would incur the expense of demolition, etc., the property would sit there for who knows how long, and incur maintenance costs, then when the City finds a developer they make money off this land that this man and dying women can't unload? Mayor Strack stated that the City would just recoupe what money the City has invested, not make a profit.

Teresa Smith stated that many of the people she has spoken with state that they want the downtown restored, the historical buildings restored, not demolished, and she takes exception to Councilor Parkin's opinion that most want it demolished.

Mayor Strack stated that we are getting away from the point. We are here to discuss whether to purchase the property or not. Not whether to demolish or restore.

Councilor Turner clarified that the City can either purchase the land for \$1 and pay for the demolition, or obtain the property after abandoned by the owners and then file a property lien to recoupe the money the City has spent for demolition and cleanup.

Councilor Leach stated that he does not want to become a property owner and he understands that the City assumes some liability should they not purchase. He stated that he doesn't want to purchase it.

Mrs. Walberg asked if this is something that could be held for a decision until the next meeting to allow any interested investor an opportunity to purchase the building. City Manager Kimbrough stated that action needs to be taken soon due to liability issues and the current occupants need to be notified immediately and electrical power to the building turned off.

City Manager Kimbrough stated that should a developer come forward they would be charged limited impact fees.

Councilor Turner stated that in his opinion, no matter which way the City goes, the City of Corning is going to get screwed.

Councilor Parkins moved to accept the Kauffman Building for one dollar on condition of clear title. Mayor Strack seconded. **Ayes: Parkins, Strack. Opposed: Leach and Turner. Absent/Abstain: None. Motion not carried on a vote of 2-2. No action taken.**

Mayor Strack asked if the Council was going to sit here and do nothing or are we going to take some kind of action. Councilor Turner stated that the City would undoubtedly obtain this property due to abandonment.

Mayor Strack asked what action the City plans to take and what direction they are going to give the City's Staff. Councilor Leach and Councilor Turner stated that they both wish to seek another Engineer's opinion. City Manager Kimbrough clarified that this cost would come from the General Fund.

After consultation with the City Attorney on whether the City could release the Engineer's report the City Manager was informed that he could publicly release this information. He then read the report prepared by Engineer Steven Judson and his recommendations.

By Council consensus this item will be brought back on the August 24<sup>th</sup> meeting.

**2. Approve Resolution 08-16-10-01 Modifying the Dollar Amount and Project List presented in Resolution No. 12-08-09-01.**

Clarification was made that this Resolution was simply modification of the approved December Resolution correcting the dollar amount and project list.

Andrew Maridith (?) wanted to clarify that the work done on this would have to be by prevailing wage and suggested limiting the bid to local residents only and hire locally. City Manager Kimbrough stated that he would like to speak with him and obtain information on this.

Councilor Turner moved to approve Resolution 08-16-10-01 noting that this Resolution modifies the dollar amount and project list that was presented and approved in Resolution No. 12-08-09-01 as follows:

- Modifies the submitted amount of the Energy Efficiency and Conservation Block Grant Application amount from \$40,469 to \$40,604 as shown on Exhibit "B"; and
- Modifies the approved list of projects as shown on Exhibit "A".

Councilor Leach seconded the motion. **Ayes: Strack, Turner, Parkins and Leach.**

**Opposed: None. Absent/Abstain: None. Motion was approved by a 4-0 vote with one vacancy remaining on the Council.**

F. **ADJOURNMENT!: 6:11 p.m.**

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Lisa M. Linnet, City Clerk



**CITY OF CORNING  
CITY COUNCIL MINUTES**

**TUESDAY, AUGUST 10, 2010  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

**A. CALL TO ORDER: 7:30 p.m.**

**B. ROLL CALL:**

**Council: Vacant  
Ross Turner  
Toni Parkins  
John Leach  
Mayor: Gary Strack**

All Councilmembers were present.

**C. PLEDGE OF ALLEGIANCE: Led by City Manager Stephen J. Kimbrough.**

**D. PROCLAMATIONS, RECOGNITION'S, APPOINTMENTS, PRESENTATIONS:**

**1. Presentation of City Pool Picture by Mayor Strack to Kyle Lauderdale:**

Mayor Strack presented the picture to Kyle Lauderdale, Assistant Vice President and Branch Manager of Premier West Bank in appreciation for the Bank sponsoring the "Free Swim Fridays" at the City Pool.

**2. Proclamation: August 2010 as Honor Flight Northern California Month.**

Mayor Strack presented the Proclamation to Christine Sullivan, representative of Honor Flight Northern California, Inc.

**E. BUSINESS FROM THE FLOOR:**

Bucky Bowen, WWII Veteran spoke stating that in April of this year he was selected as one of thirty veterans from Missouri to be part of the honor tour to visit the WWII Veterans Memorial in Washington D.C. He noted some of the events that took place, he stated that at the boarding area in the Airport the people in the stores, restaurants, etc. came out and waived, some with flags, he stated that the Veterans didn't receive that kind of welcome when they came home from the war. He highlighted some of the events and sights that he and Gena saw, and said that he was surprised to meet Collin Powell who shook hands and spoke with many of the Veterans.

Mayor Strack stated that he just returned from taking his grandsons to Hawaii where they visited the Pearl Harbor WWII Museums.

Barbara Landavazo from the Chamber of Commerce announced that the Chamber would be holding a "Candidates Night" on October 4<sup>th</sup> at 6:30 p.m. She also challenged the Candidates and Councilmembers to participate and volunteer for the Dunk Tank at the Olive Festival on August 28<sup>th</sup>.

**F. CONSENT AGENDA: It is recommended that items listed on the Consent Agenda be acted on simultaneously unless a Councilmember or members of the audience requests separate discussion and/or action.**

**3. Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**

4. Waive the Reading and Approve the following Minutes of City Council Meetings with any necessary corrections:
  - (a) June 24, 2010 Special City Council Meeting; and
  - (b) July 13, 2010 City Council Meeting; and
  - (c) July 27, 2010 City Council Meeting.
5. August 4, 2010 Claim Warrant - \$179,995.65.
6. August 4, 2010 Business License Report.
7. July 2010 Building Permit Valuation - \$116,100.
8. July 2010 – Treasurer’s Report.
9. July 2010 Wages and Salaries - \$511,288.90 (3 Payperiods in July).
10. City of Corning Wastewater Operation Summary Report – July 2010.
11. Approve Addition of “Children’s Musical Theater” to the City’s Recreation Programs.
12. Approve Final Payment in the amount of \$15,719 to Wadell Engineering Corporation for Professional Engineering Services on the Airport Improvement Project.
13. Approve Contract Change Order No. 2 Reducing the Contract Amount for the Airport Runway Improvement Project by \$39,803.43.
14. Approve Progress Pay Estimate No. 5 (Final) in the amount of \$36,441.57 to Teichert Construction for the Airport Improvement Project.
15. Approve Teichert Construction Request for Release of half of the 10% Retention and Authorize Payment of \$105,093.27 to Teichert Construction for the Airport Runway Improvement Project.
16. Award Bid for Three-year Janitorial Services Agreement with White Glove Cleaning Service at a cost of \$33,600 per year and appropriate funding.
17. Award Bid for the 2010 Street Improvement Project in the Amount of \$142,505.15 to Northwest Paving.

Councilor Leach requested some clarification on Consent Agenda Item 16. Councilor Turner moved to approve Consent Agenda Items 3-15 and 17. Councilor Parkins seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was carried by a vote of 4-0 with one vacancy remaining on the Council.**

**G. ITEMS REMOVED FROM THE CONSENT AGENDA:**

16. Award Bid for Three-year Janitorial Services Agreement with White Glove Cleaning Service at a cost of \$33,600 per year and appropriate funding.

Councilor Leach asked if the previous contracts for Janitorial Services were three-year contracts? City Manager Kimbrough responded stating that he believed that Mr. Vaughan’s Contract was an extension of a previous three-year contract.

Mayor Strack stated he had concerns about the cost of this contract and asked if the City could possibly approve a one -year contract. Public Works Director John Brewer explained that it was specified as a three-year contract in the Bid advertisement. He also stated that he had prepared a comparison sheet showing what it would cost if City personnel assumed only the duties of opening and closing the bathrooms at the Parks and Transportation Center under a call out cost.

He informed the Council that the charge for that alone would total \$2800 per month. He also stated that the City receives \$8,220 a year from the County for the janitorial services at the Transportation Center.

With no further questions, Councilor Parkins moved to award the three-year Janitorial Contract to White Glove Cleaning Service at a cost of \$33,600 per year and appropriate:

- \$5,000 to 001-6320-1700 – Janitorial for Library
- \$6,600 to 001-6320-6100 – Janitorial for Parks
- \$7,200 to 001-6320-3600 - Building Maintenance & Janitorial
- \$4,000 to 610-6320-3600 – Building Maintenance & Janitorial
- \$4,000 to 630-6320-3600 – Building Maintenance & Janitorial
- \$6,800 to 625-6750-3160 – Transportation Center Building Maintenance

and approve the interim services for the period following contract approval and completion of the background check in the amount of \$150.

Councilor Turner seconded the motion. Councilor Turner then asked the shifts for the Community Service Officer. Chief Cardenas responded stating that one works evenings and the other works mornings to read water meters in addition to their animal control and code enforcement duties.

**Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None.**

**Motion was carried by a vote of 4-0 with one vacancy remaining on the Council.**

H. **PUBLIC HEARINGS AND MEETINGS:** Any person may speak on items scheduled for hearing at the time the Mayor declares the Hearing open. **ALL LEGAL NOTICES PUBLISHED IN ACCORDANCE WITH LAW.** None.

I. **REGULAR AGENDA:**

**18. Review Proposed League of California Cities Resolutions to be Agendized for Discussion and Council Action on August 24, 2010.**

Councilor Leach asked the City Manager to explain proposed Resolution No. 3. Mr. Kimbrough explained that the Mountain and Desert Divisions have asked the League to take a stand on Prop.32. **By consensus of the Council action on this item has been continued to the August 24<sup>th</sup> meeting for further discussion and action.**

**19. Approve Dave Demo's Plan to Install U.S. Flags and Brackets on Solano Street Light Poles.**

Mayor Strack introduced this item by title and Dave Demo stated that there will possibly be 65 flags from Marguerite Avenue to Edith Avenue with a plan to have them up in time for Veterans Day. He stated he believed he could do it for approximately \$1,500. He stated that John Brewer and Carl Crain have volunteered their time on a Saturday to assist with the installation. Councilor Turner moved to approve Dave Demo's Plan, approve use of the City's Bucket Truck and approve the Volunteers as covered under the City's Liability. Councilor Leach seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was carried by a vote of 4-0 with one vacancy remaining on the Council.** Council Candidate and Manager of Lodi Irrigation Jesse Lopez presented Mr. Demo with a check in the amount of \$200 from Lodi Irrigation. Gena Bowen asked if people could buy flags and donate them to this project. She was informed that donations would be accepted.

Gene May congratulated Mr. Bowen on his selection to attend the WWII Memorial tour. He also relayed his experience on a ship during WWII that was on its way to participate in an invasion of Japan when they were told that the war was over.

J. **ITEMS PLACED ON THE AGENDA FROM THE FLOOR:** None.

K. **COMMUNICATIONS, CORRESPONDENCE AND INFORMATION:** None.

L. **REPORTS FROM MAYOR AND COUNCIL MEMBERS:** City Councilmembers will report on attendance at conferences/meetings reimbursed at City expense (Requirement of Assembly Bill 1234).

20. **Turner:** None

21. **Parkins:** None

22. **Leach:** None

23. **Strack:** Thanked the City and Staff for the plant and their attendance at his Mother's Funeral.

M. **ADJOURNMENT!:** 8:10 p.m.

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Lisa M. Linnet, City Clerk



# MEMORANDUM

**TO:** HONORABLE MAYOR AND COUNCIL MEMBERS

**FROM:** LORI SIMS  
ACCOUNTING TECHNICIAN

**DATE:** August 18, 2010

**SUBJECT:** Cash Disbursement Detail Report for the  
Tuesday, August 24, 2010 Council Meeting

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**PROPOSED CASH DISBURSEMENTS FOR YOUR APPROVAL CONSIST OF THE FOLLOWING:**

A.	Cash Disbursements	Ending	08-18-10	\$	230,229.32
B.	Payroll Disbursements	Ending	08-11-10	\$	42,819.66
<b>GRAND TOTAL</b>				<b>\$</b>	<b><u>273,048.98</u></b>

REPORT.: Aug 18 10 Wednesday  
 RUN....: Aug 18 10 Time: 15:50  
 Run By.: LORI

CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 08-10 Bank Account.: 1020

PAGE: 001  
 ID #: PY-DP  
 CTL.: COR

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information-Description
011044	08/09/10	AND01	ED ANDERSON	2076.17	.00	2076.17	100806	ProfServices-
011045	08/09/10	WAR05	WARREN, DANA KARL	228.00	.00	228.00	100806	REC INSTRUCT-REC
011046	08/11/10	TEI00	TEICHERT CONSTRUCTION	32797.41	.00	32797.41	10-0729	RUNWAY IMPROVEMENTS-AIRPO
				105093.27	.00	105093.27	10-0803	RUNWAY IMPROVEMENTS-AIRPO
			Check Total.....	137890.68	.00	137890.68		
011047	08/11/10	WAD01	WADELL ENGINEERING CORP	15719.00	.00	15719.00	10-0730	RUNWAY IMPROVEMENTS-AIRPO
011048	08/12/10	ACC00	ACCESS INFORMATION	40.00	.00	40.00	58139	EQUIP MAINT-GEN CITY
011049	08/12/10	AIR00	AIRGAS NCN	48.44	.00	48.44	102459872	MAT & SUPPLIES-FIRE
011050	08/12/10	ARA02	ARAMARK UNIFORM SRV. INC.	30.52	.00	30.52	0712910	Mat/Supplies-
011051	08/12/10	BAS01	BASIC LABORATORY, INC	280.00	.00	280.00	1007341	ProfServices Water Dept
				86.00	.00	86.00	1007438	ProfServices Water Dept
			Check Total.....	366.00	.00	366.00		
011052	08/12/10	BEN03	LEXISNEXIS MATTHEW BENDER	12.99	.00	12.99	04791428	BOOKS/PERIODICS-LIBRARY
011053	08/12/10	CAR12	CARREL'S OFFICE MACHINES	3.67	.00	3.67	092718	MAT & SUPPLIES-LIBRARY
				3.92	.00	3.92	093401	MAT & SUPPLIES-LIBRARY
			Check Total.....	7.59	.00	7.59		
011054	08/12/10	COM01	COMPUTER LOGISTICS, INC	24.00	.00	24.00	49420	COMMUNICATIONS-
				24.00	.00	24.00	49421	COMMUNICATIONS-FIRE
				28.00	.00	28.00	49422	COMMUNICATIONS-POLICE
				20.00	.00	20.00	49472	Equip.Maint.-GEN CITY
			Check Total.....	96.00	.00	96.00		
011055	08/12/10	COS01	COSTCO WHOLESALE MEMBERSP	20.00	.00	20.00	100810	COSTCO CARDS
011056	08/12/10	DEP12	DEPT OF JUSTICE	95.00	.00	95.00	802483	PROF SVCS-POLICE
011057	08/12/10	FMR01	FM RICHELIEU ENGINEERING	1760.00	.00	1760.00	2010-68	PROF SVCS-BLD & SAFETY
				660.00	.00	660.00	2010-69	PROF SVCS-BLD & SAFETY
			Check Total.....	2420.00	.00	2420.00		
011058	08/12/10	GRA02	GRAINGER, W.W., INC	1439.81	.00	1439.81	931492344	MAT & SUPPLIES-BLD MAINT
011059	08/12/10	HOL04	HOLIDAY MARKET #32	98.35	.00	98.35	36728	Mat/Supplies-ACO

REPORT.: Aug 18 10 Wednesday  
 RUN....: Aug 18 10 Time: 15:50  
 Run By.: LORI

CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 08-10 Bank Account.: 1020

PAGE: 002  
 ID #: PY-DP  
 CTL.: COR

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description	Payment Information
011060	08/12/10	ICC01	INTERNATIONAL CODE COUNCI	100.00	.00	100.00	2795874	ASSOC DUES-BLD & SAFETY	
011061	08/12/10	LIN01	LINCOLN EQUIPMENT, INC.	1229.03	.00	1229.03	SI144954	MAT & SUPPLIES-POOL	
011062	08/12/10	NEX01	NEXTEL COMMUNICATIONS	450.78	.00	450.78	100729	COMMUNICATIONS-	
011063	08/12/10	NOR01	NORTH VALLEY BARRICADE	92.01	.00	92.01	13462	MAT & SUPPLIES-STR	
011064	08/12/10	NOR31	NORM'S PRINTING	417.20	.00	417.20	008710	THEATRE RESTORE-PW	
011065	08/12/10	PGE03	PG&E	23.19	.00	23.19	100802	Mat/Supplies PoliceServic	
011066	08/12/10	PGE2A	PG&E	168.25	.00	168.25	100802	ELECT-CLELAND PROP	
011067	08/12/10	RED01	RED BLUFF DAILY NEWS	620.35	.00	620.35	100731	Print/Advert.-	
011068	08/12/10	SVA01	SVABO	45.83	.00	45.83	1614586	ASSOC DUES-BLD & SAFETY	
011069	08/12/10	TEH20	TEHAWA CO DISTRICT ATTY	267.60	.00	267.60	100809	ProfServices PoliceServic	
011070	08/12/10	TRI02	TRI-COUNTY NEWSPAPERS	128.25	.00	128.25	101610	Print/Advert. City Clerk	
				83.51	.00	83.51	101612	Print/Advert. City Clerk	
				83.51	.00	83.51	101613	Print/Advert. City Clerk	
				40.37	.00	40.37	101789	Print/Advert. City Clerk	
				96.30	.00	96.30	102006	Print/Advert. City Clerk	
			Check Total.....	431.94	.00	431.94			
011071	08/12/10	WAS01	WASTE MANAGEMENT OF	1519.92	.00	1519.92	011305005	NUISANCE ABATEMENT-ACO	
011072	08/12/10	JOB01	JOB TRAINING CENTER	40.00	.00	40.00	100812	CONF/MTGS-	
011073	08/12/10	SPAL0	SPANNAUS, MARTIN	10.00	.00	10.00	100812	TRAINING/ED-FIRE	
011074	08/12/10	WAT02	WATSON, THOMAS J.	85.00	.00	85.00	100812	PROF SVCS-POLICE	
011075	08/16/10	FIT01	FITZPATRICK LAW OFFICES	910.00	.00	910.00	100810	Consulting Serv LegalServ	
011076	08/17/10	ARA02	ARAMARK UNIFORM SRV. INC.	30.52	.00	30.52	0670867	Mat/Supplies-	
				30.52	.00	30.52	0682151	Mat/Supplies-	
				30.52	.00	30.52	0701835	Mat/Supplies-	
			Check Total.....	91.56	.00	91.56			
011077	08/17/10	BAS01	BASIC LABORATORY, INC	86.00	.00	86.00	1007683	ProfServices Water Dept	
011078	08/17/10	CHE02	CHEM QUIP, INC.	8.15	.00	8.15	5036116	MAT & SUPPLIES-POOL	
				1159.27	.00	1159.27	5036230	MAT & SUPPLIES-	

REPORT: Aug 18 10 Wednesday  
 RUN: Aug 18 10 Time: 15:50  
 Run BY: LORI

CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 08-10 Bank Account.: 1020

PAGE: 003  
 ID #: PY-DP  
 CTL.: COR

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information-Description
011078	08/17/10	CHE502	CHEM QUIP, INC.	156.98	.00	156.98	5037299	MAT & SUPPLIES-POOL
			Check Total.....	1324.40	.00	1324.40		
011079	08/17/10	CON07	CONEXIS	30.00	.00	30.00	07100R348	MEDICAL INS-COBRA
011080	08/17/10	FIT01	FITZPATRICK LAW OFFICES	3868.09	.00	3868.09	100810A	Consulting Serv LegalServ
011081	08/17/10	GRA02	GRAINGER, W.W., INC	150.51	.00	150.51	931927054	MAT & SUPPLIES-BLD MAINT
011082	08/17/10	HIN01	HINDERLITER, DE LLAMAS &	330.52	.00	330.52	0016893IN	ProfServices-FINANCE
011083	08/17/10	LIN01	LINCOLN EQUIPMENT, INC.	2403.20	.00	2403.20	SI145978	MAT & SUPPLIES-POOL
011084	08/17/10	OFF01	OFFICE DEPOT	109.59	.00	109.59	529305345	Office Supplies PoliceDis
			Check Total.....	241.49	.00	241.49	529334869	Office Supplies PoliceDis
011085	08/17/10	PUR02	PURCHASE POWER	4999.04	.00	4999.04	100816	COMMUNICATIONS-GEN CITY
011086	08/17/10	QUI02	QUILL CORPORATION	327.87	.00	327.87	7144949	Office Supplies-FINANCE
011087	08/17/10	REV01	REVIVAL ANIMAL HEALTH	437.95	.00	437.95	37291	MAT & SUPPLIES-ACO
011088	08/17/10	LIN03	LISA LINNET	155.95	.00	155.95	100817	MAT & SUPPLIES-CITY COUNC
011089	08/18/10	AT09	AT&T	64.60	.00	64.60	100807	MAT & SUPPLIES-WTR
011090	08/18/10	BEN04	BEN TOILET RENTALS, INC.	245.30	.00	245.30	230412	RENT/LEASES-COMM EVENTS
011091	08/18/10	NOR31	NORM'S PRINTING	42.06	.00	42.06	008707	MAT & SUPPLIES-CITY CLERK
011092	08/18/10	ORL00	ORLAND VETERINARY HOSP.	70.00	.00	70.00	15395	SPAY/NEUTER VOUCHER PROGR
011093	08/18/10	PJB00	PJB CONSULTANTS	1126.70	.00	1126.70	100809	THEATRE RESTORATION-RODGE
011094	08/18/10	SWW00	SWC SERVICES, INC.	44465.28	.00	44465.28	17379	PROFESSIONAL SVCS-WWTP
			Check Total.....	2659.15	.00	2659.15	17380	PRETREATMENT PROGRAM-SWR
			Check Total.....	47124.43	.00	47124.43		
011095	08/18/10	VAL07	VALLEY VETERINARY CLINIC,	110.00	.00	110.00	66381	K-9 PROGRAM-POLICE
			Cash Account Total.....	230229.32	.00	230229.32		
			Total Disbursements.....	230229.32	.00	230229.32		
			Cash Account Total.....	.00	.00	.00		

CITY OF CORNING  
 Cash Disbursement Detail Report - Payroll Vendor Payment(s)  
 Check Listing for 08-10 Bank Account.: 1025

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description	Payment Information
4643	08/11/10	BAN03	POLICE OFFICER ASSOC.	350.00	.00	350.00	B00810	POLICE OFFICER ASSOC	
4644	08/11/10	CAL37	CALIFORNIA STATE DISBURSE	138.46	.00	138.46	B00810	WITHHOLDING ORDER	
4645	08/11/10	COS01	COSTCO WHOLESALE MEMBERSP	680.00	.00	680.00	B00810	COSTCO	
4646	08/11/10	EDD01	EMPLOYMENT DEVELOPMENT	3606.15	.00	3606.15	B00810	STATE INCOME TAX	
				1164.12	.00	1164.12	1B00810	SDI	
			Check Total.....	4770.27	.00	4770.27			
4647	08/11/10	ICM01	ICMA RETIREMENT TRUST-457	4098.77	.00	4098.77	B00810	ICMA DEF. COMP	
4648	08/11/10	ORU03	OPERATING ENGINEERS	550.00	.00	550.00	B00810	CREDIT UNION SAVINGS	
4649	08/11/10	PERS1	PUBLIC EMPLOYEES RETIRE	27220.49	.00	27220.49	B00810	PERS PAYROLL REMITTANCE	
4650	08/11/10	PERS4	Cal Pers 457 Def. Comp	25.00	.00	25.00	B00810	PERS DEF. COMP.	
4651	08/11/10	PRE03	PREMIER WEST BANK	2091.50	.00	2091.50	B00810	HSA DEDUCTIBLE	
4652	08/11/10	STA04	STATE OF CALIFORNIA	550.00	.00	550.00	B00810	WAGEASN 1107012828	
4653	08/11/10	VAL06	VALIC	2345.17	.00	2345.17	B00810	AIG VALIC P TAX	

Cash Account Total.....: 42819.66  
 Total Disbursements.....: 42819.66  
 =====

Date.: Aug 18, 2010  
 Time.: 3:59 pm  
 Run by: LORI

CITY OF CORNING  
 NEW BUSINESSES FOR CITY COUNCIL

Page.: 1  
 List.: NEWB  
 Group: WTFMB

Business Name	Address	CITY/STATE/ZIP	Contact Name	Business Desc. #1	Business Start Date	Primary Teleph
FUNK SHEET METAL	8115 SECLUDED VALLEY DR	RED BLUFF, CA 96080	FUNK	ROBERT CONTRACTOR	08/12/10	(530) 527-5828
NORTHWEST PAVING	8115 SECLUDED VALLEY DR	REDDING, CA 96001	HELLER	JIM CONTRACTOR	08/17/10	(530) 246-4388
SHANNON JAMES C.M.T. 15	CABERNET CT #11E	RED BLUFF, CA 96080	JAMES	SHANNON MOBILE MASSAGE THERAPIST	08/17/10	(530) 515-1837
WHITE GLOVE CLEANING 2053	PARKWAY VILLAGE DR.	CHICO, CA 95928	CONTRERAS	TERESA JANITORIAL SERVICES	08/17/10	(530) 354-0582
YESCO (YOUNG ELECTRI 875	NATIONAL DR, STE 107	SACRAMENTO, CA 95834	YOUNG	MICHAEL CONTRACTOR	08/18/10	(916) 419-8101

ITEM NO.: F-6  
ADOPT RESOLUTION 08-24-10-01 AUTHORIZING  
CITY CLERK TO RECORD A SECOND TAX LIEN IN  
THE AMOUNT OF \$8,391.38 FOR DELINQUENT  
PAYMENT OF WATER AND SEWER SERVICE  
AUGUST 24, 2010

TO: HONORABLE MAYOR AND CITY COUNCILMEMBERS

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER  
JOHN BREWER, PUBLIC WORKS DIRECTOR  
LISA M. LINNET, CITY CLERK *lm*

**SUMMARY:**

The Council is being requested to authorize the recording of a **second** lien on the Olive Towne Terrace Apartment Homes (formerly known as the Fairview Apartments), APN #71-091-12 (addresses 650, 662, 674 and 686 Fairview Avenue) in Corning to secure the payment of delinquent water and sewer fees. The unpaid balance is currently \$13,235.01. After unsuccessful attempts to collect the amount owed, the City placed and recorded **its first** lien in the amount of \$4,843.63 on September 11, 2009 on this property. Following the property owner's default on his signed Promissory Note, Staff now recommends recording an additional lien for the amount of \$8,391.38 that is owed to date above the original lien amount at this location.

**BACKGROUND:**

The Corning Municipal Code provides in Section 13, Section 13.04.430 (Sewer), and Section 13.08.150 (Water) that:

**Section 13.04.430 (Sewer):** Nonpayment of charges and fees shall result in disconnection of service. Any charge or rental levied by the City pursuant to this Chapter on any premises within the corporate limits of the City having a connection to the City Sewerage System is made alien upon the premises. The Director is authorized, and it shall be his duty, to disconnect any industrial sewer connection or domestic sewer connection on premises located either within the corporate limits of the City or outside the corporate limits of the City, upon failure of the person to whom such charge or rental is billed to pay such charge or rental prior to delinquency. **(Ord. 541 (part), 1993); and**

**Section 13.08.150 (Water):** Charges as lien—Nonpayment—disconnection. Any charge levied by the City by or pursuant to this Chapter or the Resolutions made pursuant to the authority hereof on any premises within the corporate limits of the City having a connection to the City Water Distribution System is made a lien upon the premises. The water superintendent is authorized and it shall be his duty to disconnect the water upon failure of the person to whom such charge or rental is billed to pay the charges as set forth in this Chapter. **(Ord. 111 §20, 1953).**

This property is now in foreclosure, an action initiated by former owner Marnie A. Gasik. Public Works Director John Brewer has sent a letter notifying Ms. Gasik of this action as a result of default on the signed Promissory Note signed by Mr. and Mrs. Miller. The delinquency on their account to date totals \$13,235.01 (which includes the original lien amount of \$4,843.63). A copy of the associated Municipal Codes are attached.

**RECOMMENDATION:**

**MAYOR AND COUNCIL ADOPT RESOLUTION 08-24-10-01 APPROVING THE RECORDING OF THE RESOLUTION AND ATTACHED NOTICE OF LIEN IN THE AMOUNT OF \$8,391.38 ON THE PROPERTY LOCATED AT 650, 662, 674 AND 686 FAIRVIEW AVENUE, APN NO. 71-091-12 TO SECURE THE PAYMENT OF DELINQUENT WATER AND SEWER FEES THROUGH AUGUST 12, 2010.**

RETURN TO:  
CITY OF CORNING  
794 THIRD STREET  
CORNING, CA 96021

**NOTICE OF LIEN**  
(Delinquent Uncollected Water and Sewer Fees)

The City of Corning, a Municipal Corporation, (hereafter "City") with offices at City Hall, 794 Third Street, Corning, California, 96021, gives notice that it claims a lien for the costs of delinquent uncollected Water and Sewer Fees upon the real property described below. This lien is claimed under the provisions of the City of Corning Municipal Code Sections 13.04.430 (Sewer, Ordinance 541 (part), 1993), and 13.08.150 (Water, Ordinance 111 §20, 1953).

Take notice that the City and its Mayor and Council, by action recorded in their official minutes of August 24, 2010, have assessed the additional amount of 8,391.38 as the delinquent uncollected Water and Sewer Fees for the property identified below and the City **now** claims a lien on said real property in that sum **in addition to its earlier lien in the amount of \$4,843.63 recorded on September 11, 2009.** The specified sum shall be a lien upon said real property until it has been paid in full and discharged of record. The Finance Director has complied with all provisions of the Corning Municipal Code in determining the amount required to be paid.

The real property upon which this lien is claimed is located in the City of Corning, County of Tehama, State of California and is described as follows:

Lots 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 in Block 2 of Fairview Addition to the Town (now City) of Corning, as the same are shown on the map filed in the Tehama County Recorder's Office, March 17, 1900 in Book B of Maps, at page 8.

Excepting therefrom the Westerly 10 feet of said Lot 11.

**Address:** 650, 662, 674 and 686 Fairview Avenue

**Assessor's Parcel No.:** 71-091-12

**Owner:** Jim and Danielle Miller

**Owner's Mailing Address:** 831 Pollard Road  
Los Gatos, CA 95032

**Resolution No.:** 08-24-10-01

**Reference:** Delinquent and Uncollected Water and Sewer Fees

---

Lisa M. Linnet, City Clerk

(Acknowledgment is not required pursuant to GC §27282)

**RESOLUTION NO. 08-24-10-01**  
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORNING**  
**IMPOSING A LIEN ON A PARCEL OF REAL PROPERTY LOCATED WITHIN THE CITY OF**  
**CORNING FOR DELINQUENT AND UNCOLLECTED WATER AND SEWER FEES**

**WHEREAS**, the City of Corning previously filed a lien for unpaid water and sewer fees against the property where the Olive Towne Terrace Apartments are located in the amount of \$4,843.63 on September 11, 2009; and

**WHEREAS**, further delinquencies have now occurred necessitating the imposition of an additional lien; and

**WHEREAS**, due notice was given to the person or persons having an interest in said property and no appeal was timely filed from the determination made of the amount of delinquent water and sewer fees;

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CORNING DOES HEREBY DIRECT AND FIND AS FOLLOWS:**

1. The City of Corning, pursuant to the authority granted under the City of Corning Municipal Code, Sections 13.04.430 (Sewer) and 13.08.150 (Water), does hereby impose a second lien on the real property described in Exhibit "A", attached hereto and incorporated herein by reference, for further delinquent and uncollected Water and Sewer Fees through August 12 of 2010; and

2. The matter having now come before the Mayor and Council for confirmation of the amount of the lien to be imposed, the following fees are found to have been delinquent after proper notification to the property/business owners pursuant to proceedings under the above-referenced provisions of the Corning Municipal Code; and

3. The statements of additional fees on file with the City Clerk in the amount of \$8,391.38 through August 12, 2010 (in addition to the earlier imposed September 11, 2009 lien fees of \$4,843.63) are hereby confirmed and adopted as a lien against the property identified in Exhibit "A" hereto; and

4. The Notice of Lien attached hereto as Exhibit "B" is hereby approved and the City Clerk is hereby directed to record a certified copy of this Resolution and the attached Notice of Lien with the Tehama County Recorder.

~~~~~

The foregoing Resolution was adopted at a regular meeting of the City Council of the City of Corning, held on August 24, 2010, by the following vote:

**AYES:**

**NOES:**

**ABSENT OR NOT VOTING:**

\_\_\_\_\_  
Gary R. Strack, Mayor

**ATTEST:**

\_\_\_\_\_  
Lisa M. Linnet, City Clerk

13.04.428 Damage to facilities--Additional remedies. When a discharge of wastes causes an obstruction, damage or any other impairment to city sewerage system, the city may, after providing the user with notice and opportunity to be heard, assess a charge against the user for the work required to clean or repair the sewerage system and may add such charge to the user's charges and fees. (Ord. 541 (part), 1993).

→ 13.04.430 Nonpayment of charges and fees shall result in disconnection of service. Any charge or rental levied by the city pursuant to this chapter on any premises within the corporate limits of the city having a connection to the city sewerage system is made a lien upon the premises. The director is authorized, and it shall be his duty, to disconnect any industrial sewer connection or domestic sewer connection on premises located either within the corporate limits of the city or outside the corporate limits of the city, upon failure of the person to whom such charge or rental is billed to pay such charge or rental prior to delinquency. (Ord. 541 (part), 1993).

13.04.432 Violation of sewer use regulations may result in termination of service. The city may revoke any wastewater discharge permit, or terminate or cause to be terminated wastewater service to any premises, if a violation of any provisions of this chapter is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution or nuisance as defined in this chapter. (Ord. 541 (part), 1993).

13.04.434 Procedure for disconnection of service. In the event of a violation of any terms of the chapter, or any rule or regulation established pursuant to this chapter, the director shall notify the person or persons causing, allowing or committing such violation. Such notice shall specify in writing both the violation and the time after which, upon the failure of such person or person to prevent or rectify the violation, the director will exercise his authority to disconnect the property served by the sewerage system. Such time shall not be less than five days after the deposit of such notice in the United States Post Office at Corning, California, addressed to the person or persons to whom notice is given. In the event such violation results in a public hazard or menace, then the director may enter upon the premises without notice and do such things and expend such sums as may be necessary to abate such hazard, and the reasonable value of the things done and the amount expended in so doing shall be a charge upon the owner so in violation. (Ord. 541 (part), 1993).

→ 13.08.150 Charges as lien--Nonpayment--Disconnection.

Any charge levied by the city by or pursuant to this chapter or the resolutions made pursuant to the authority hereof on any premises within the corporate limits of the city having a connection to the city water distribution system is made a lien upon the premises. The water superintendent is authorized and it shall be his duty to disconnect the water upon failure of the person to whom such charge or rental is billed to pay the charges as set forth in this chapter. (Ord. 111 §20, 1953).

13.08.160 New service or relocation--Application.

All applicants for new water connection services or relocation of existing water connections shall file a written application with the treasurer, on forms to be supplied by the city, setting forth pertinent data as to estimated use, location and size of service connection. (Ord. 111 §15, 1953).

13.08.170 Cross-connections. A. Cross-connection

Control Required. It shall be the responsibility of the public works department of the city of Corning to protect the public potable water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollutants through the water service connection. If, in the judgment of the director of public works or a designated agent, an approved backflow-prevention device is required at the city's water service connection to any customer's premises, for the safety of the city water system, the director or designated agent shall give notice in writing to said customer to install such an approved device at each service connection to their premises. The customer shall immediately install such device, at their expense. Failure, refusal or inability on the part of the customer to install such device shall constitute grounds for discontinuing water service to the premises until such device has been properly installed.

B. Approved Standards for Cross-connection Control Devices and Systems.

1. Any backflow-prevention device required by this code shall be a model and size approved by the public works director. The term "approved backflow-prevention device" means a device that has been manufactured in full conformance with the standards established by the American Water Works Association (A.W.W.A.), entitled "A.W.W.A. C 506-78 Standards for Reduced Pressure and Double Check Valve Backflow Prevention Devices"; and which has met completely the laboratory and field performance specifications of the Foundation for Cross-Connection and Hydraulic Research of the University of Southern California, and Specifications of Backflow Prevention Devices (#69-2) or the most current issue.

**ITEM NO. : F-7  
AWARD BID FOR MARGUERITE AVE.-SOLANO  
ST. INTERSECTION TRAFFIC SIGNAL  
INSTALLATION AND RELATED WORK TO  
FRANKLIN CONSTRUCTION OF CHICO,  
CALIFORNIA FOR \$252, 242 AND AUTHORIZE  
PURCHASE OF SIGNAL CONTROLLER AND  
CABINET EQUIPMENT.**

**AUGUST 24, 2010**

**TO: CITY COUNCIL OF THE CITY OF CORNING, CALIFORNIA**

**FROM: STEPHEN J. KIMBROUGH, CITY MANAGER  
ED ANDERSON, CITY ENGINEER  
JOHN L. BREWER, AICP; PUBLIC WORKS DIRECTOR**



**SUMMARY:**

Staff recommends the City Council award the bid for installation of the Traffic Signal and related improvements to Franklin Construction of Chico, California for the bid price of \$252,242.

Additionally, staff recommends the Council authorize the purchase of the signal controller, software and cabinet equipment from Cal Signal Corporation of Burlingame, California, in the amount of \$10,117.69.

**BACKGROUND:**

Both the City's Capital Improvement Plan and Development Impact Fee Mitigation Program Plan include signalization of the Marguerite Avenue and Solano Street intersection. The City Engineer Ed Anderson and Consulting Engineer Terry Hansen recently completed the design plans and specifications for the intersection signalization project. With those plans and specs, staff sought competitive bids for the installation of traffic signal and related improvements.

The bids were opened at City Hall at 11:00 a.m. on Wednesday, August 11<sup>th</sup>. Only two bids were submitted; one from Tom Williams' Construction, the other from Franklin Construction. Both firms are from Chico. The two bids were quite close (within \$5,746) and are summarized in the table below. Both bids were well below the engineer's estimate of \$300,000.

| <b>Contractor</b>          | <b>Bid</b> |
|----------------------------|------------|
| Tom Williams' Construction | \$257,988  |
| Franklin Construction      | \$252,242  |

**SIGNAL CONTROLLER AND CABINET:**

The electrical equipment that controls the traffic signal is quite specialized. To assure the correct equipment is obtained, the engineer recommended (and the specifications indicated) the City would purchase it. A copy of the quote for that equipment from Cal Signal Supply in Burlingame, California totaling \$10,117.69 is attached.

According to Terry Hansen, the engineer who designed the traffic signal electrical system, the controller and associated equipment are quite unique and available in Northern California, only through Cal Signal Corp. of Burlingame. The "single source" qualifies as an

exception (pursuant to CMC 3.12.082) to the normal three (3) bid requirement for purchases over \$10,000.00.

**TIMING & UNDERGROUNDING:**

The project is dependent on the undergrounding of two above-ground electrical vaults at the northeast corner of the intersection. That undergrounding is to be completed by Pacific Gas and Electric Company (P.G. & E.). At this time we're unsure of the utility's schedule for undergrounding the above-ground vaults. This project is dependent upon those vaults being undergrounded.

The Corning Healthcare District is currently constructing a new office building on their property at the southeast corner of the intersection. That project similarly requires undergrounding; in that case of overhead utility lines.

**FUNDING:**

The funding source for the project is the City's Traffic-related development Impact Fee account. Funds totaling \$230,000.00 from that account have been shifted to a special Street project account created specifically for the project-Fund No. 116-9254-3001.

The sum of the bid for the signal and the equipment (\$262,359.69) exceeds the budgeted \$230,000.00. For that reason, an additional appropriation from the Transportation Related Development Impact Fee account of \$32,359.69 is recommended.

**RECOMMENDATION:**

That the City Council:

- **AWARD THE BID FOR THE MARGUERITE AVE.-SOLANO ST. INTERSECTION TRAFFIC SIGNAL INSTALLATION AND RELATED WORK TO FRANKLIN CONSTRUCTION OF CHICO, CALIFORNIA IN THE AMOUNT OF \$252, 242 AND,**
- **AUTHORIZE PURCHASE OF SIGNAL CONTROLLER AND CABINET EQUIPMENT FROM CAL SIGNAL CORPORATION OF BURLINGAME CALIFORNIA IN THE AMOUNT OF \$10,117.69 AND,**
- **TRANSFER \$32,359.69 FROM TRANSPORTATION RELATED DEVELOPMENT IMPACT FEE FUND 116-4634 TO FUND 116-9254-3001 (Street Projects-Signal Improvements)**

PW'S  
COPY

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# CITY OF CORNING

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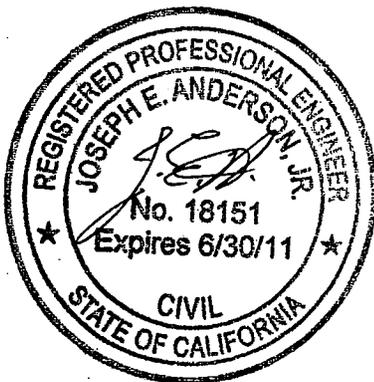
CONTRACT DOCUMENTS

FOR

2010

**CITY OF CORNING  
MARGUERITE AVENUE/SOLANO STREET  
TRAFFIC SIGNAL INSTALLATION  
INCLUDING  
STREET MODIFICATIONS AND RELATED WORK**

JULY 2010



Prepared by:

Ed Anderson  
City Engineer  
P.O. Box 839  
Chico, CA 95927  
530-570-3996  
Fax: 530-891-6153  
edandersn@sbcglobal.net

SET NO. \_\_\_\_\_



**Cal Signal Corp**  
 890 Cowan Road, Suite J  
 Burlingame, CA 94010

Phone 650 343-6100  
 Fax 650 343-6126  
 SBE No. 1038380

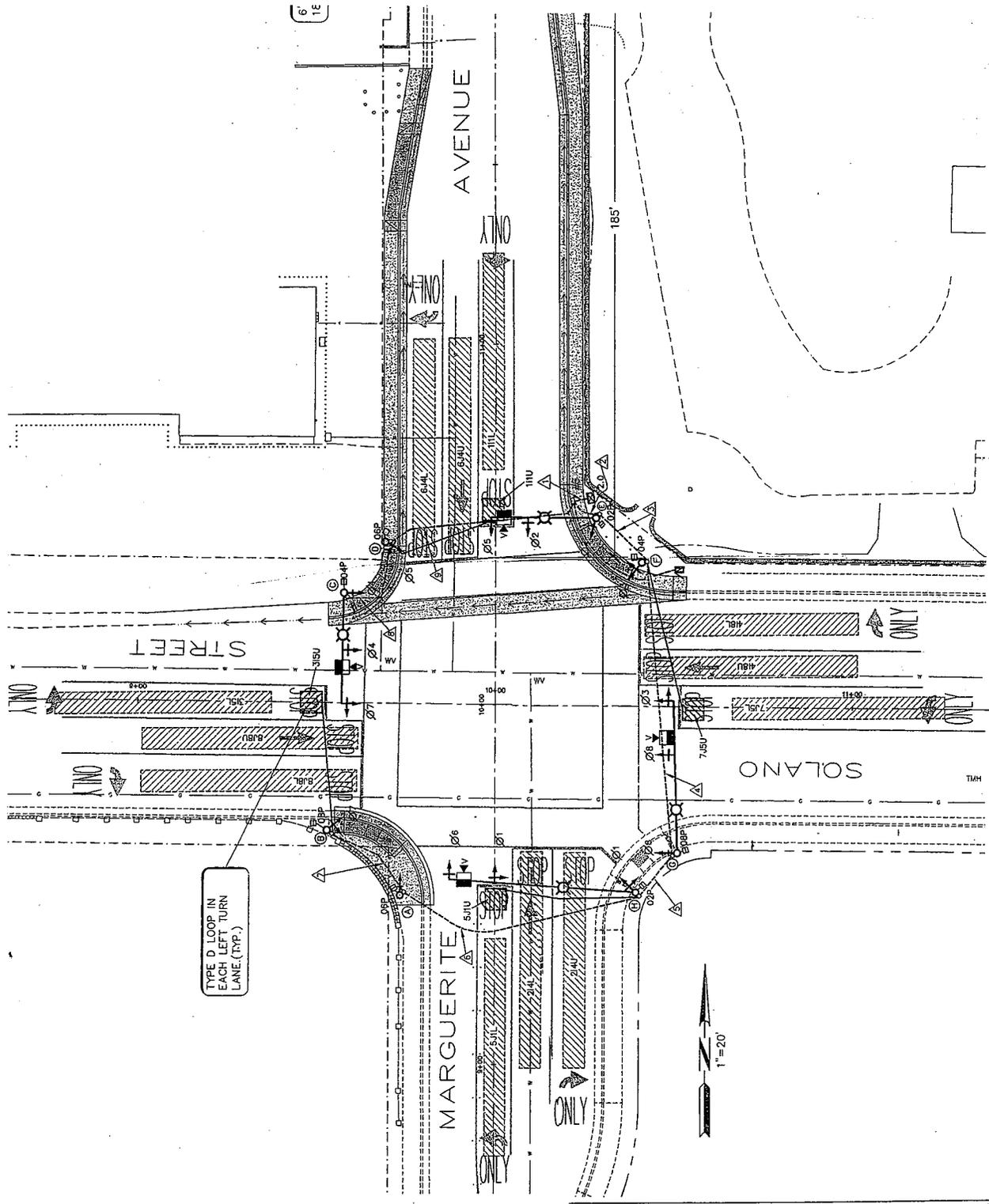
# Quote

|           |         |
|-----------|---------|
| Date      | Quote # |
| 6/17/2010 | 1487B   |

|                                                                                       |
|---------------------------------------------------------------------------------------|
| To:                                                                                   |
| Terry Hansen Electric<br>6911 Danyeur Road<br>Redding, CA 96001<br>Attn: Terry Hansen |

|                 |
|-----------------|
| Project:        |
| City of Corning |

| No. | Description                                                                                                                                          | Units | Qty | Rate                     | Total       |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-----|--------------------------|-------------|
| 1   | 332 Cabinet Assembly with 210E Conflict Monitor<br>*Does Not Include Detector Cards; Video Detection Cards Will Be Provided w/Video Detection System | Each  | 1   | 4,889.00                 | 4,889.00T   |
| 2   | Model 170E Controller Unit                                                                                                                           | Each  | 1   | 989.00                   | 989.00T     |
| 3   | Controller Software BiTrans 200                                                                                                                      | Each  | 1   | 1,035.00                 | 1,035.00T   |
| 4   | Controller Software BiTrans 233                                                                                                                      | Each  | 1   | 1,265.00                 | 1,265.00T   |
| 5   | 332 Cabinet Testing                                                                                                                                  | Each  | 1   | 1,265.00                 | 1,265.00    |
|     |                                                                                                                                                      |       |     | <b>Subtotal</b>          | \$9,443.00  |
|     |                                                                                                                                                      |       |     | <b>Sales Tax (8.25%)</b> | \$674.69    |
|     |                                                                                                                                                      |       |     | <b>Total</b>             | \$10,117.69 |



TYPE D LOOP IN EACH LEFT TURN LANE (TYP.)

1" = 20'

SOLANO

AVENUE

STREET

MARGUERITE

31 9

ITEM NO.: I-8  
UPDATE ON OFFER TO SELL KAUFFMAN  
BUILDING LOCATED AT 1310 – 1302 SOLANO  
STREET TO CITY OF CORNING FOR ONE DOLLAR;  
CONSIDER ACTION TO TAKE OWNERSHIP  
AUGUST 24, 2010

TO: HONORABLE MAYOR AND COUNCILMEMBERS  
OF THE CITY OF CORNING

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER  
TERRY HOOFARD, BUILDING OFFICIAL



**SUMMARY:**

Since the last meeting when the Council deadlocked two to two on a recommendation to accept the ownership of the Kauffman Building, three interested General Contractors have looked at the building to consider taking ownership to restore or demolish and redevelop the site. At least one has been in discussion with the owner; one has withdrawn interest. The "Notice of Dangerous Building" was mailed Friday August 20, 2010, and is included for your information.

3CORE Executive Director Marc Nemanic confirmed that he would assist the City with a five year \$150,000 loan. The interest costs would be about \$15,000 for the first year and \$7,500 thereafter. The State Department of Housing and Community Development, as usual, has not returned calls by our consultant JoAnn Anders who's email is also attached.

If the interested Contractor moves forward, his engineered shoring for the face of the building will be installed quickly. A copy of the Plan is attached. His goal is to stabilize the street facing wall in order to begin action to save the building, remove the dangerous second floor or at the worst to demolish the entire building. The shoring will block the narrow sidewalk, and he will be required to provide pedestrian access around it. The shoring should allow the three tenants to continue occupancy uninterrupted.

Worst case: Should the contractor not take ownership, the Staff will again ask the City Council to immediately accept the building and begin the work to make it safe. City ownership will allow the tenants to stay or at least have time to make plans to move. City ownership may require the City to assist with relocation costs using the Economic Development Re-Use Fund.

As explained previously, City ownership will allow us to act swiftly to secure the structure, shore it up using the already completed plan and then determine the fate of the building. Should the City not take the building if the interested Contractor withdraws, the City will expend considerable Staff and City Attorney time and money after the 30 DAY NOTICE to initiate legal access to the property to abate the hazard with the shoring design.

City ownership means that the new City Council and the Community can decide the future for a full one-half block of the Downtown!

**BACKGROUND:**

The owners of the Kauffman Building at 1310 – 1302 Solano Street have recently taken the property back through foreclosure from the previous owner. Working with Terry Hoofard, City Building Official, the owners engaged a Structural Engineer to evaluate a problem with the two story building wall adjacent to Solano Street sidewalk.

The building is hazardous for occupancy, but the owners' cannot afford to make the repairs, nor demolish the building. The owners know that something must be done to eliminate a dangerous condition and have offered the building to the City of Corning for one dollar (\$1). Staff still believes that the City should accept the building and immediately initiate meetings with 3CORE, the Regional Economic Development Corporation, in order to find funding to pay for the demolition which would later be recovered through sale or development of the property.

City Building Official Terry Hoofard is an experienced building contractor in addition to being a certified Building Official and he has worked with the Structural Engineer in evaluating the front wall of the building. If the wall falls, it very well may lead to the colapse of the rest of the structure. In addition, the roof structure and old wooded trusses have also rotted from water leakage; should they fail the roof could colapse causing the front wall to fall and the building to colapse.

The tenants of the building have already been notified and are seeking other commercial space.

There is serious illness in the Ephland family and they are unable to undertake the investment to restore the building or demolish it. They have sought investors and buyers, met with their Attorney and the Structural Engineer and concluded that their best option would be to give the building for one dollar to the City of Corning because the City has the capability of obtaining economic development loans to demolish the building.

**RECOMMENDATION:**

**MAYOR AND CITY COUNCIL**

- **Should the interested general contractor provide evidence that he is in escrow to purchase the building, CONTINUE TO WATCH THE PROGRESS AS DESCRIBED BY CITY STAFF.**
- **Should the interested general contractor not act to take ownership of the building IMMEDIATELY AUTHORIZE THE PURCHASE OF THE KAUFFMAN PROPERTY FOR ONE DOLLAR (\$1) CONTINGENT UPON THE PROPERTY BEING FREE OF LIENS.**

Joann,

Steve Kimbrough, City Manager, Corning contacted me regarding the possibility of the City using CDBG Program Income relating to an urgent need in the City. On Solano Street (which is the main street through downtown Corning) a building that consumes approximately one-quarter of a city block on a lot 125 feet by 130 feet and is a multi-story building that is in danger of collapsing. The front of the building has separated from the remainder, support beams are sagging by a foot, etc. The engineer's report indicates that this building will come down, if there is a strong wind, or an earthquake, etc. it will fall and possibly take the building next to it.

The City has the opportunity to purchase the building for one dollar if the City assumes the responsibility of demolition. The City strongly desires to do this for multiple reasons including taking care of the problem of demolition before someone is injured or further property damage occurs and they desire to work with a developer to develop senior housing on the site in the downtown of Corning.

The City's question is can they use existing CDBG PI funds to finance the demolition of the what will be a City owned building at a cost estimated to be between \$125,000 and \$150,000. The expenditure of PI funds would be re-paid when the property is developed for senior housing. The City is looking for a means to eliminate a dangerous building and do an infill development of senior housing in the downtown.

Is there a mechanism to allow the City to use the PI funds in this manner?

Steve indicated to me that there is an urgent need relating to this dangerous building. It also seems that this dangerous building has presented an opportunity for the City to develop housing.

I've sent this email to Thomas also, as the City is looking for information and assistance with this.

If you need it Steve's phone number is 530-824-7034 and his email is [stevek@corning.org](mailto:stevek@corning.org).

Please let us know.

JoAnn

JoAnn Anders  
Grants Administrator  
PO Box 1583  
Cedar Ridge, CA 95924  
Phone/fax 530 272-5395



# City of Corning

794 Third St. Corning, CA 96021 (530) 824-7020 Fax (530) 824-2489

August 20, 2010

Mr. and Mrs. Mark Ephland  
101 Club Drive  
Crescent City, CA 95531

**NOTICE OF UNSAFE BUILDING  
KAUFFMAN BUILDING  
1302-1310 SOLANO STREET, CORNING, CA  
YOU HAVE 30-DAYS TO CORRECT THE HAZARD.**

Dear Mr. and Mrs. Ephland:

As you learned from the City Manager, the City Council held a Special Meeting on Monday, August 16, 2010 to discuss your offer of the Kauffman Building for \$1. The Council came to no decision at this meeting. After much public discussion, a vote of the Council that ended in a 2-2 vote, the Council decided to continue the discussion over to the August 24, 2010 City Council meeting to allow an opportunity for possible developers or interested parties to contact you regarding your property.

For your information, I have since been in contact with Earl (Cory) Poss who is apparently purchasing the building from you. Cory has been in touch with Steven Judson, the Engineer whom you contracted to originally inspect the building. They are currently preparing a plan to stabilize the building so that Cory can remove or repair the second story.

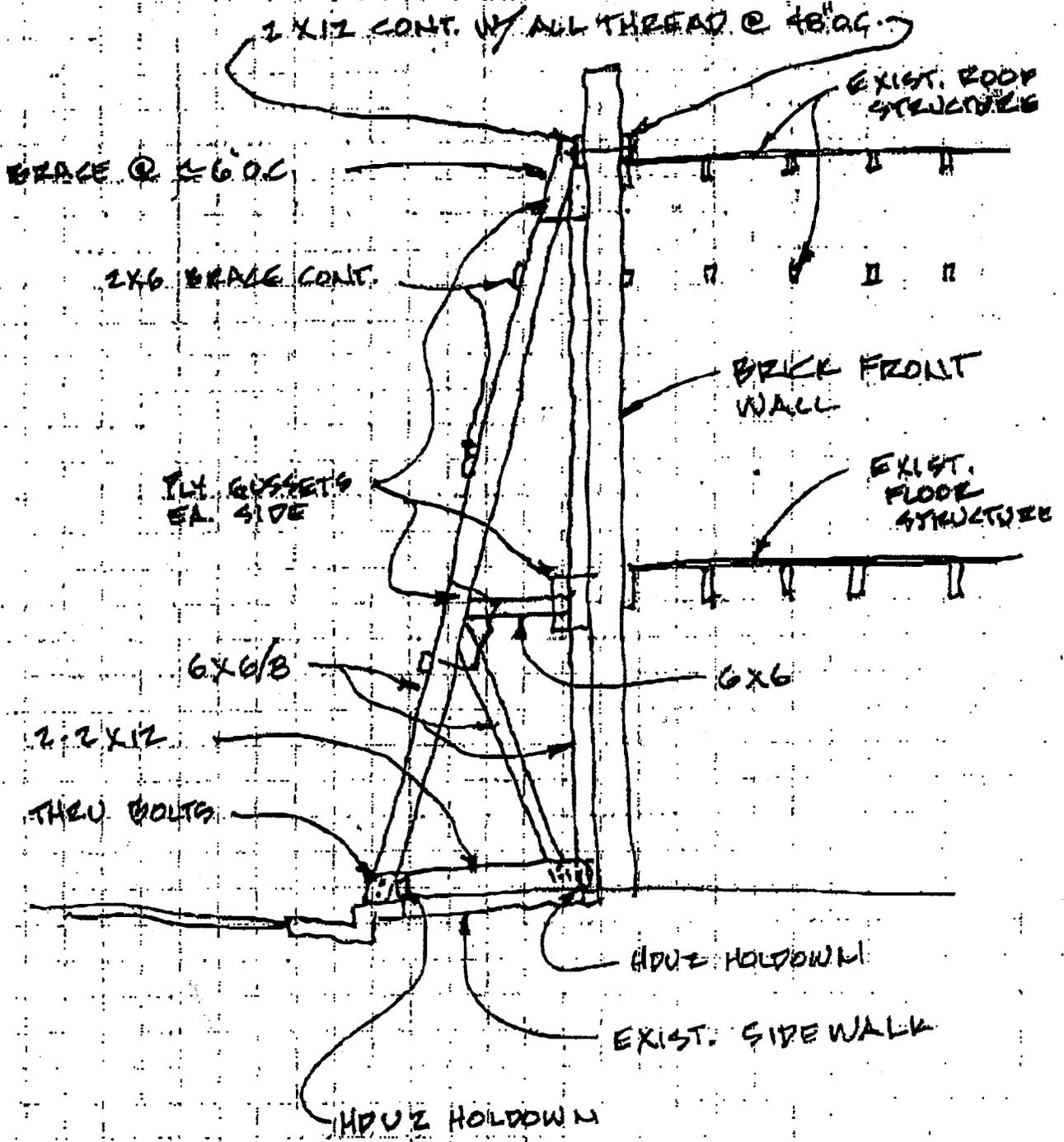
The City will require a construction plan from Mr. Poss in the near future. However in the interim, the City insists that upon Mr. Poss assuming legal possession of this building, he will immediately begin building stabilization efforts to mitigate the public safety hazard.

As discussed with you, this building is declared "**UNSAFE**" and the building will be posted in 30-days as "Unsafe" and electrical power disconnected. The 30-days should provide ample time for you to inform your tenants that they must vacate the building within 30-days. If Mr. Poss moves quickly to stabilize the building as planned, your tenants will be able to stay.

The City of Corning is more than willing to work with Mr. Poss and Mr. Judson in an attempt to save as much of this historic downtown building as possible.

Sincerely,

Terry Hoofard  
Building Official  
City of Corning



CORY, THIS IS A ROUGH IDEA

Θυδσον Ενγινεερινγ  
Στεπεν Ω. Θυδσον  
14748 Μολλυχ Δριπε  
Ρεδ Βλυφφ, ΧΑ 96080  
(530) 527-4787 πηονε  
(530) 528-1660 φαξ

**RECEIVED**

JUL 22 2010

CITY OF CORNING

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February 22, 2010

Mark & Sherry Ephland  
101 Club Drive  
Crescent City, CA 95531

Re: Report of Findings for the Field Inspection of the Buildings Located at 1302 through 1310 Solano Street, Corning, California

Dear Mr. & Mrs. Ephland:

On February 16, 2010 in the accompaniment of Greg Ephland and Terry Hoofard, Building Official for City of Corning, I performed a non-destructive visual inspection of the above referenced buildings. The issue in question was the structural integrity of the front wall of the structures.

The subject buildings are one and two-story structures constructed of wood framed roof and floor structures with unreinforced masonry walls. The walls are standard red brick walls with lime mortar that was typical construction for the era and style of building. The two-story building consists of a second story that is relatively open front-to-back and side-to-side. There is a demising wall to the easterly side of the building that was constructed of 2 x studs with lath and plaster style of surfacing. At the time of inspection the plaster had been removed from the wall. The roof structure consists of job built trusses at 24" o.c. that bear on post and beam construction which divides the roof into four sections. Trusses run east to west and the post and beam system runs north to south. The trusses had a noticeable sag in the mid-span and in some cases had as much as eight inches of deflection. The lower floor level supports floor joists that rest on post and beams or unreinforced masonry walls. The posts appear to line up with the posts above. In one case, some of the lower posts had been removed at some time in the pasts and a rod truss system installed in its place. The masonry walls ran from the front of the building to the back of the building and appeared to break the space into four useable tenant spaces.

The single-story building was located to the west of the two-story building but shares a common wall with the building as well as with the single story structure to the west. The roof construction is similar to the two-story portion but the trusses bear in pockets in the unreinforced masonry walls and the building has a couple of skylight structures built into the roof system. These skylight wells spanned between two trusses that supported at least

three cut trusses. To the rear of the single story building was a wood framed roof and wall structure that extended back to the alley. There is a basement structure that appears to run for roughly two-thirds of the building length. There was evidence of water standing in the basement at the time of inspection.

During the inspection of the upper floor of the two-story portion of the building I noted that the front wall had separated from the roof and appeared to be leaning out away from the roof structure by as much as four inches. Upon further inspection of the truss system and the attic it could be seen that no tie system existed between the roof structure and the front wall. The only mechanism appearing to tie the wall back to the roof was the roof flashing. This deformation appeared to be consistent for the entire length of the front wall. The unreinforced masonry walls to the east and west supported the ends of the trusses and I could not see any wall ties to the roof structure but these walls appeared to be fairly straight and did not appear to be separating from the roof. The walls at the rear had a few offsets that seemed to keep the roof and wall system intact.

Based on my inspection of the subject buildings, in my opinion, the buildings are suffering basic failure of the lateral and gravity supporting systems. The roof structure over the entire two-story portion of the building is deflecting beyond acceptable limits and without new means of support will fail at some time in the not to distant future. The front wall has lost structural capacity due to the lime mortar failing and is in imminent danger of collapse in the event of a relatively minor seismic occurrence. The wall systems typically rely on the roof and floor structures to provide restraint at the point of connection to the walls and due to the loss of the ties at the front wall, the wall could experience a catastrophic failure at any time.

There are several options available to remedy the situation. Option number one would be to demolish the structures making sure to maintain the structural integrity of the common wall with the neighboring building to the west. Option number two would be to install new gunite wall systems at all the masonry walls, restructure the roof and floor systems and install the appropriate foundation system to support the new wall and framing structural systems. Option number three would be to remove the front wall system and restructure it with masonry or wood framing to restore the integrity of the front wall and tie it back into the existing structure. Option number four would be to incorporate a variety of the options above to create a composite structure that will extend the overall life of the building. Option number five would be to remove the existing buildings and build a new structure of a lesser size but create parking in the rear of the buildings that currently does not exist. There are other options but the above mentioned are probably the most feasible options. Each option has advantages and disadvantages that will need to be evaluated.

The problem as it stands is the structure is an unreinforced masonry building with an old job-built roof framing system that has been in service for many years. I cannot predict

Re: Report of Findings for the Field Inspection of the Buildings Located at 1302 through  
1310 Solano Street, Corning, California

Page 3

the date and time of ultimate failure of the building but at some time in the future the building will collapse. It may be in ten years or in ten minutes depending on the circumstances but ultimately the building as it is currently configured will come down via high wind, earthquake or just old age.

Please let me know if you need further information. Thank you.

Sincerely,

Steven W. Judson  
Civil Engineer

ITEM NO.: I-9  
REVIEW PROPOSED LEAGUE OF  
CALIFORNIA CITIES RESOLUTIONS TO  
BE AGENDIZED FOR DISCUSSION AND  
COUNCIL ACTION

AUGUST 24, 2010

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER

*STEVE*

**SUMMARY:**

The League of California Cities General Assembly considers Policy Resolutions at its Annual Meeting. This year the meeting is to be held in San Diego on Friday, September 17, 2010. Though no representatives from the City of Corning are going to attend, the Council will still want to review these proposed Resolutions to determine if you want to support, oppose, or take no action on them as a Council. At the July 13<sup>th</sup> City Council meeting the City Council by consensus chose the Mayor as their voting delegate with the City Manager as the alternate.

**BACKGROUND:**

The League Board of Directors, the Division Boards, Policy Committees, or individual Cities propose resolutions. This year there are six (6) proposed Resolutions listed on page iv of the attached packet. There are a few Resolutions that merit close review by the City Council.

The League ByLaws Amendment is explained on page 6 of the packet. A careful review indicates that the proposed ByLaw changes should not impact the City of Corning or small Cities. Take a look at page 9 for the changes in the Board of Directors, note that they still require at least one Board Representative from Cities with a population of 10,000 or less (by the way, that was promoted by former Councilmember Betty Pryatel through the Sacramento Valley Division many years ago).

Resolution Number 3 is important for Council consideration; the Mountain and Desert Division challenges the Board of Directors to support the suspension of the new environmental laws.

Resolution Number 5 is a statement on unfunded State mandates. It admonishes the State Legislature and the Governor for failing to take into consideration the impacts on Cities, Counties and Special Districts from imposition of new laws.

**RECOMMENDATION:**

**MAYOR AND COUNCIL REVIEW THE ATTACHED LEAGUE PACKET, DISCUSS THE PROPOSED LEAGUE RESOLUTIONS AND DECIDE IF ANY ACTIONS ARE NECESSARY.**

July 29, 2010

TO: Mayors, City Managers and City Clerks  
League Board of Directors  
General Resolutions Committee Members  
Members, League Policy Committees to Which Resolutions Are Referred

RE: Annual Conference Resolutions Packet  
Notice of League Annual Meeting

Enclosed please find the 2010 Annual Conference Resolutions Packet.

**Annual Conference in San Diego.** This year's League Annual Conference will be held September 15-17 at the San Diego Convention Center. The conference announcement has previously been sent to all cities and we hope that you and your colleagues will be able to join us. More information about the conference is available on the League's Web site at [www.cacities.org/ac](http://www.cacities.org/ac). We look forward to welcoming city officials to the conference.

**Annual Business Meeting - Friday, September 17, 3:00 p.m.** The League's Annual Business Meeting will be held at the San Diego Convention Center, Ballroom 20ABC.

**Resolutions Packet.** At the Annual Conference, the League will consider the six resolutions introduced by the deadline — Friday, July 16, 2010, 5 p.m., for submittals by regular mail, or Saturday, July 17, midnight, for submittals by e-mail or fax. These resolutions are included in this packet. We request that you distribute this packet to your city council.

We encourage each city council to consider the resolutions and to determine a city position so that your voting delegate can represent your city's position on each resolution. A copy of the resolutions packet is posted on the League's Web site for your convenience: [www.cacities.org/resolutions](http://www.cacities.org/resolutions).

This resolutions packet contains additional information related to consideration of the resolutions at the Annual Conference. This includes the date, time and location of the meetings at which resolutions will be considered.

**Voting Delegates.** Each city council is encouraged to designate a voting delegate and two alternates to represent their city at the Annual Business Meeting. A letter asking city councils to designate their voting delegate and two alternates has already been sent to each city. Copies of the letter, voting delegate form, and additional information are also available at: [www.cacities.org/resolutions](http://www.cacities.org/resolutions).

**Please Bring This Packet to the Annual Conference  
September 15 - 17 — San Diego**

## I. INFORMATION AND PROCEDURES

**RESOLUTIONS CONTAINED IN THIS PACKET:** The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, six resolutions have been introduced for consideration by the Annual Conference and referred to the League policy committees. Please note that two resolutions have been referred to more than one policy committee for consideration.

**POLICY COMMITTEES:** Six policy committees will meet at the Annual Conference to consider and take action on resolutions referred to them. These are: Administrative Services; Community Services; Environmental Quality; Housing, Community & Economic Development; Revenue and Taxation; and Transportation, Communication & Public Works. These committees will meet on Wednesday, September 15, 2010 at the Hilton Bayfront Hotel, located next to the San Diego Convention Center. Please see page iii for the policy committee meeting schedule. The sponsors of the resolutions have been notified of the time and location of the meetings.

Two policy committees will not be meeting at the annual conference. These committees are: Employee Relations and Public Safety.

**GENERAL RESOLUTIONS COMMITTEE:** This committee will meet at 4:00 p.m. on Thursday, September 16, at the San Diego Convention Center, Ballroom 20D, to consider the reports of the six policy committees regarding the six resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president.

**ANNUAL BUSINESS MEETING/GENERAL ASSEMBLY:** This meeting will be held at 3:00 p.m. on Friday, September 17, at the San Diego Convention Center, Ballroom 20ABC.

**PETITIONED RESOLUTIONS:** For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Session of the General Assembly. This year, that deadline is 3:00 p.m., Thursday, September 16. If the petitioned resolution is substantially similar in substance to a resolution already under consideration, the petitioned resolution may be disqualified by the General Resolutions Committee.

Resolutions can be viewed on the League's Web site: [www.cacities.org/resolutions](http://www.cacities.org/resolutions).

Any questions concerning the resolutions procedures may be directed to Linda Welch Diamond at the League office: [ldiamond@cacities.org](mailto:ldiamond@cacities.org) or (916) 658-8224.

## II. GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

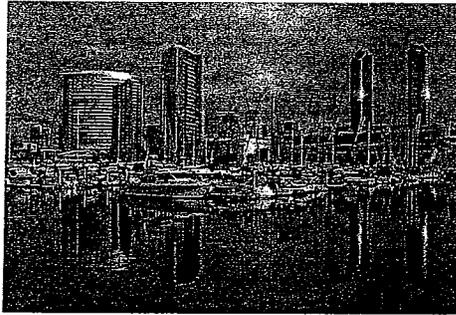
Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities and the League is through the League's eight standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

### **Guidelines for Annual Conference Resolutions**

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.
2. The issue is not of a purely local or regional concern.
3. The recommended policy should not simply restate existing League policy.
4. The resolution should be directed at achieving one of the following objectives:
  - (a) Focus public or media attention on an issue of major importance to cities.
  - (b) Establish a new direction for League policy by establishing general principals around which more detailed policies may be developed by policy committees and the Board of Directors.
  - (c) Consider important issues not adequately addressed by the policy committees and Board of Directors.
  - (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

**III.  
LOCATION OF MEETINGS**



**Policy Committee Meetings**  
**Wednesday, September 15, 2010**  
**Hilton Bayfront Hotel, San Diego**  
 1 Park Boulevard, San Diego - (619) 564-3333  
*(Located next to the San Diego Convention Center)*

**POLICY COMMITTEES MEETING AT ANNUAL CONFERENCE TO  
DISCUSS AN ANNUAL CONFERENCE RESOLUTION**

| 9:00 a.m. – 10:30 a.m.                     | 11:00 a.m. – 12:30 p.m.                  |
|--------------------------------------------|------------------------------------------|
| Administrative Services – Indigo D         | Community Services – Indigo D            |
| Environmental Quality – Indigo H           | Housing, Comm. & Econ. Dev. – Indigo 202 |
| Revenue and Taxation – Indigo 202          |                                          |
| Transp., Comm. & Public Works – Indigo 204 |                                          |

Note: These policy committees will NOT meet at the Annual Conference:  
 Employee Relations and Public Safety



**General Resolutions Committee**  
**Thursday, September 16, 2010, 4:00 p.m.**  
**San Diego Convention Center, Ballroom 20D**  
 111 West Harbor Drive, San Diego, CA 92101 - (619) 525-5000



**Annual Business Meeting and General Assembly**  
**Friday, September 17, 2010, 3:00 p.m.**  
**San Diego Convention Center, Ballroom 20ABC**  
 111 West Harbor Drive, San Diego, CA 92101 - (619) 525-5000

**IV.  
KEY TO ACTIONS TAKEN ON RESOLUTIONS**

Resolutions have been grouped by policy committees to which they have been assigned. Please note that two resolutions have been assigned to more than one committee. These resolutions are noted by this sign (◆).

| Number | Key Word Index | Reviewing Body Action |   |   |
|--------|----------------|-----------------------|---|---|
|        |                | 1                     | 2 | 3 |
|        |                |                       |   |   |

1 - Policy Committee Recommendation to General Resolutions Committee  
2 - General Resolutions Committee  
3 - General Assembly

**ADMINISTRATIVE SERVICES POLICY COMMITTEE**

|   |                         | 1 | 2 | 3 |
|---|-------------------------|---|---|---|
| 1 | League Bylaws Amendment |   |   |   |

**COMMUNITY SERVICES POLICY COMMITTEE**

|   |                     | 1 | 2 | 3 |
|---|---------------------|---|---|---|
| 2 | Let's Move Campaign |   |   |   |

**ENVIRONMENTAL QUALITY POLICY COMMITTEE**

|    |              | 1 | 2 | 3 |
|----|--------------|---|---|---|
| ◆3 | AB32/ SB 375 |   |   |   |

**HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT POLICY COMMITTEE**

|    |                     | 1 | 2 | 3 |
|----|---------------------|---|---|---|
| ◆3 | AB32/ SB 375        |   |   |   |
| ◆4 | Responsible Banking |   |   |   |

**REVENUE AND TAXATION POLICY COMMITTEE**

|    |                         | 1 | 2 | 3 |
|----|-------------------------|---|---|---|
| ◆3 | AB32/ SB 375            |   |   |   |
| ◆4 | Responsible Banking     |   |   |   |
| 5  | Unfunded State Mandates |   |   |   |

**TRANSPORTATION, COMMUNICATION & PUBLIC WORKS POLICY COMMITTEE**

|    |                         | 1 | 2 | 3 |
|----|-------------------------|---|---|---|
| ◆3 | AB32/ SB 375            |   |   |   |
| 6  | Enhancing Public Safety |   |   |   |

**Please note:** These committees will NOT meet at the annual conference: Employee Relations and Public Safety

Information pertaining to the Annual Conference Resolutions will also be posted on each committee's page on the League Web site: [www.cacities.org](http://www.cacities.org). The entire Resolutions Packet will be posted at: [www.cacities.org/resolutions](http://www.cacities.org/resolutions).

**RESOLUTIONS INITIATED BY PETITION AT THE ANNUAL CONFERENCE**

|  |  | General Resolutions Committee Recommendation | General Assembly Action |
|--|--|----------------------------------------------|-------------------------|
|  |  |                                              |                         |
|  |  |                                              |                         |

## KEY TO ACTIONS TAKEN ON RESOLUTIONS (Continued)

### KEY TO REVIEWING BODIES

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

### Action Footnotes

- \* Subject matter covered in another resolution
- \*\* Existing League policy
- \*\*\* Local authority presently exists

### KEY TO ACTIONS TAKEN

- A - Approve
- D - Disapprove
- N - No Action
- R - Refer to appropriate policy committee for study
- a - Amend
- Aa - Approve as amended
- Aaa - Approve with additional amendment(s)
- Ra - Amend and refer as amended to appropriate policy committee for study
- Raa - Additional amendments and refer
- Da - Amend (for clarity or brevity) and Disapprove
- Na - Amend (for clarity or brevity) and take No Action
- W - Withdrawn by Sponsor

**Procedural Note:** Resolutions that are approved by the General Resolutions Committee, as well as all qualified petitioned resolutions, are reported to the floor of the General Assembly. In addition, League policy provides the following procedure for resolutions approved by League policy committees but *not* approved by the General Resolutions Committee:

Resolutions initially recommended for approval and adoption by all the League policy committees to which the resolution is assigned, but subsequently recommended for disapproval, referral or no action by the General Resolutions Committee, shall then be placed on a consent agenda for consideration by the General Assembly. The consent agenda shall include a brief description of the basis for the recommendations by both the policy committee(s) and General Resolutions Committee, as well as the recommended action by each. Any voting delegate may make a motion to pull a resolution from the consent agenda in order to request the opportunity to fully debate the resolution. If, upon a majority vote of the General Assembly, the request for debate is approved, the General Assembly shall have the opportunity to debate and subsequently vote on the resolution.

V.  
2010 ANNUAL CONFERENCE RESOLUTIONS

**RESOLUTION REFERRED TO ADMINISTRATIVE SERVICES POLICY COMMITTEE**

**1. RESOLUTION RELATING TO LEAGUE BYLAWS AMENDMENTS  
(2/3 vote at General Assembly required to approve)**

Source: League Board of Director  
Referred to: Administrative Services Policy Committee  
Recommendation to General Resolutions Committee:

WHEREAS, The League of California Cities is a nonprofit mutual benefit corporation under California law, and, as such, is governed by corporate bylaws; and

WHEREAS, the League's Board of Directors periodically reviews the League's bylaws for issues of clarity, practicality, compliance with current laws, and responsiveness to membership interests; and

WHEREAS, the League's Board of Directors convened a Bylaws Review Committee to make recommendations regarding various necessary amendments to ensure that the most qualified and committed city officials are selected to serve on the League's Board, policy committees and other leadership positions, representing a broad diversity of backgrounds, experience, abilities, geography and other factors, and that any barriers to their selection are removed; and

WHEREAS, the Board of Directors approved the Bylaws Review Committee's recommendations that identified amendments to the bylaws that: a) encourage all segments of League membership to pursue leadership positions within the League to advance the goal that the League Board of Directors reflects the diverse ethnic and social fabric of California; b) clarify the League Board's nomination procedures and expand Board membership by four positions; and c) provide guidance to avoid conflicts of interest for Board and policy committee members with the expectation that decisions should be in the best overall interests of cities statewide; and

WHEREAS, the League's Board offers amendments and additions to the following sections of the bylaws for the membership's consideration:

1. Article VII, Section 1; new subsection 1(b): Board Diversity Policy, Board of Directors
2. Article VII, Section 2 (c), (f): Composition, Board of Directors
3. Article VII, Section 5 (d): Nomination Process, Board of Directors
4. Article XIV, Section 1, new section: Conflicts of Interest
5. Article XIV, Section 4, new section: Ethical Considerations;

now, therefore, be it

RESOLVED, by the General Assembly of the League of California Cities assembled during the Annual Conference in San Diego, September 17, 2010, that the League make the specified changes to the League bylaws by amending the above-referenced sections as indicated on Attachment A.

**[Please see ATTACHMENT A, following background information, for text of proposed bylaws amendments.]**

////////

## Background Information on Resolution No. 1

**Source:** League Board of Directors

**Title:** Resolution Relating to League Bylaws Amendments

### **Background:**

At its February, 2010 Board meeting the League Board authorized the President to appoint a Bylaws Review Committee, consisting of a cross-section of current Board members, to review the provisions of League bylaws. This included policies related to governing the nomination and election of League Board members and officers with the goal of ensuring the most qualified and committed city officials are selected, representing a broad diversity of backgrounds, experience, abilities, geography and other factors, and that any barriers to their selection are removed. The Committee, chaired by First Vice President Jim Ridenour, completed its work in four face-to-face meetings (April 2, April 29, June 17 and July 9) and submitted its recommendations to the board. The Board approved the Committee's report and recommends the adoption of the following five amendments to the League bylaws:

- **Amendment to Article VII, Section 1, Board of Directors.** The Committee reviewed a variety of recommendations from previous task forces to encourage greater diversity on the board of directors. It concluded that the best way to encourage greater diversity on the board of directors is to adopt a clear and unequivocal policy statement that the various subunits of the League should encourage and support all members to pursue leadership within the League with the ultimate goal of serving on the board of directors. The League board recommends this proposal for approval.
- **Amendment to Article VII, Section 2, Composition of Board of Directors.** The Committee examined the current composition of the board of directors and is proposing to expand the board by two at-large positions and two large city positions to meet particular needs. Currently, the bylaws provide for approximately 50 directors, including 16 from regional divisions, 11 from functional departments of the League (e.g., city attorneys, city managers, etc.), 10 at-large directors, the mayors of the 8 largest cities (ranging from Los Angeles with 4,065,585 population to Oakland with 425,068 population, and the directors on the National League of Cities Board of Directors that are from California (approximately 2 – 4 members). All must be from dues paying cities.

The Committee concluded that due to the overwhelming interest in the at-large positions (4 – 5 times the applications as available seats each year) additional opportunities to serve on the League board should be provided by increasing the available at-large seats from 10 to 12. The Committee also concluded that large city representation should be adjusted to reflect the existence and political value provided through the coalition of the state's "Big Ten" Mayors, by increasing big city mayoral representation on the board from 8 to 10. The current make-up of the Board allows for only the mayors of the eight largest cities. This excludes two important cities that participate regularly in the coalition of the ten (10) largest cities in the state--Santa Ana (355,662) and Anaheim (348,467)--with which the League works closely. The League board recommends this proposal for approval.

- **Amendment to Article VII, Section 5, Nomination Process.** The Committee examined problems associated with the current process for the President selecting division representatives to serve on the Board Nominating Committee. Each year the President selects representatives from half (8) of the regional divisions, but the bylaws exclude those board members who are candidates for an officer or at-large position from serving. The Committee concluded that a problem can arise when the President is unable to appoint another board representative from a division if one or all of its representatives are candidates for officer or at-large positions. The proposed change would allow the League President to appoint a substitute nominating committee member from the same regional division, if available. If one is not available, the President shall appoint a substitute from a nearby regional division. The League board recommends this proposal for approval.

- **Amendment to Article XIV, Section 1 (new section). Conflicts of Interest.** The Board of Directors recently adopted a policy designed to reduce potential conflicts of interest by Board members and policy committee members involved in the adoption of League policy and asked the Committee to consider whether it should be proposed to be added to the League bylaws. The Committee recommends that this step be taken. The proposed new language is a general statement that Board members and policy committee members are expected to make decisions in the best overall interests of cities statewide, as opposed to narrow parochial, personal, or financial interests. The League board recommends this proposal for approval.
- **Amendment to Article XIV, Section 4 (new section). Ethical Considerations.** As part of the guidance to avoid conflicts of interest by Board members and policy committee members, language related to ethical considerations is recommended to clarify that the items described under Article XIV as prohibited transactions represent the floor and not the ceiling for standards of ethical conduct. The additional guidance recommends abstention from decisions where personal conflict may exist. The League board recommends this proposal for approval.

[NOTE: Please see ATTACHMENT A (page 9) for text of proposed bylaws amendments.]

ATTACHMENT A  
Amendments to League Bylaws Proposed by Resolution I

(Proposed changes indicated by bold *italics* and underlining)  
Please review in conjunction with summary provided in background information of Resolution I

**Article VII: Board of Directors**

**Section 1: Role and Powers; Board Diversity Policy**

- (a) Subject to the provisions and limitations of the California Nonprofit Corporation Law, any other applicable laws, and the provisions of these bylaws, the League's activities and affairs are exercised by or under the direction of the League's control and direction of the League. The League Board may delegate the management of the League's affairs to any person or group, including a committee, provided the League Board retains ultimate responsibility for the actions of such person or group.
- (b) The goal of the League is to ensure that the Board of Directors reflects the diverse ethnic and social fabric of California. As such, each Division, Department, Caucus, and Policy Committee should encourage and support members of every race, ethnicity, gender, age, sexual orientation and heritage to seek leadership positions within the League, with the ultimate goal of achieving membership on the Board of Directors.

**Article VII: Board of Directors**

**Section 2: Composition.**

The League's Board is composed of the following:

- (a) A President, First Vice-President and Second Vice-President/Treasurer, who each serve a term of one year;
- (b) The Immediate Past President who serves for a term of one year, immediately succeeding his or her term as President;
- (c) Twelve ~~Ten~~ Directors-at-Large,
- (i) Who serve staggered two-year terms, and
- (ii) At least one of whom is a representative of a small city with a population of 10,000 or less.
- (d) One Director to be elected from each of the regional divisions and functional departments of the League, each of whom serves for a term of two years;
- (e) Members of the National League of Cities Board of Directors who hold an office in a Member City; and
- (f) ~~Eight~~ Ten Directors that may be designated by the mayors of each of the ~~eight~~ ten largest cities in California to serve two-year terms.

- (g) For purposes of this section, the population of each city is the most current population as determined by the California Department of Finance, Demographic Research Unit, or its successor agency or unit. If no successor agency or unit is named, the most current population used to determine these dues shall be used to determine future dues until such time as these bylaws are amended to designate a new source for determining city population.
- (h) Directors hold office until their successors are elected and qualified or, if they sit on the League Board by virtue of their membership on the National League of Cities Board of Directors, until their terms on the National League of Cities Board of Directors conclude.

## Article VII: Board of Directors

### Section 5: Nomination Process.

- (d) **Candidates for Positions Ineligible.** Candidates for officer and at-large positions on the League Board are not eligible to serve on the nominating committee. In the event a regional division representative on the nominating committee wishes to be a candidate for an officer or at-large position, the League President will appoint a substitute nominating committee member from the same regional division, if available. If one is not available, the President shall appoint a substitute from a nearby regional division.

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## Article XIV: Prohibited Transactions

### Section 1: Conflicts of Interest

General Principle. Members of the League board as well as members of League policy committees, and members of any standing or ad hoc committees and task forces consisting of members of the League board or League policy committees, are expected to make decisions in the best overall interests of cities statewide, as opposed to narrow parochial, personal, or financial interests. This is analogous to city officials being expected to make decisions in the best overall interests of the community as opposed to narrow private or self-interests.

### Section 2. Loans.

Except as permitted by California Nonprofit Corporation Law, the League may not make any loan of money or property to, or guarantee the obligation of, any director or officer. This prohibition does not prohibit the League from advancing funds to a League director or officer for expenses reasonably anticipated to be incurred in performance of their duties as an officer or director, so long as such individual would be entitled to be reimbursed for such expenses under League Board policies absent that advance.

### Section 3: Self-Dealing and Common Directorship Transactions.

- (a) **Self-Dealing Transactions.** A self-dealing transaction is a transaction to which the League is a party and in which one or more of its directors has a material financial interest.

- (b) **Common Directorships.** "Common directorships" occur when the League enters into a transaction with an organization in which one of the League directors also serves on the organization's board.
- (c) **Pre-Transaction Approval.** To approve a transaction involving either self-dealing or a common directorship, the League Board shall determine, before the transaction, that,
  - (i) The League is entering into the transaction for its own benefit;
  - (ii) The transaction is fair and reasonable to the League at the time; and
  - (iii) After reasonable investigation, the League Board determines that it could not have obtained a more advantageous arrangement with reasonable effort under the circumstances.

Such determinations shall be made by the League Board in good faith, with knowledge of the material facts concerning the transaction and the director's interest in the transaction, without counting the vote of the interested director or directors.

- (d) **Post-Transaction Approval.** When it is not reasonably practicable to obtain Board approval before entering into such transactions, a Board committee may approve such transaction in a manner consistent with the requirements in the preceding paragraph, provided that, at its next meeting, the full Board determines in good faith that the League Board committee's approval of the transaction was consistent with such requirements and that it was not reasonably practical to obtain advance approval by the full Board, and ratifies the transaction by a majority of the directors then in office without the vote of any interested director.<sup>1</sup>

Section 4: Ethical Considerations.

These restrictions, of course, represent the floor not the ceiling for ethical conduct as a League board member or policy committee member. If a board member or policy committee member believes that there are circumstances under which the League's members might reasonably question the board member's or policy committee member's ability to act solely in the best interests in the League and its member cities, the prudent course is to abstain. As an example, typically, League board members have abstained from participating in decisions on legislation that would affect organizations for which they work. Another example is legislation that would uniquely benefit a board member's city. Policy committee members should also consider abstaining in similar circumstances.

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<sup>1</sup> See Cal. Corp. Code § 7233 (specifying under what circumstances a self-dealing transaction is void or voidable).

**RESOLUTION REFERRED TO COMMUNITY SERVICES POLICY COMMITTEE**

**2. RESOLUTION RELATING TO THE NATIONAL LET'S MOVE CAMPAIGN**

Source: League Board of Directors  
Referred to: Community Services Policy Committee  
Recommendation to General Resolutions Committee:

WHEREAS, the League supports policies that focus on health and wellness, continuing education, and healthier lifestyles in all communities; and

WHEREAS, many cities, counties, and schools have adopted policies, programs, and ordinances that promote healthy lifestyles by making their communities walkable, promoting youth and senior activities, eliminating the sale of junk food in city, county, or school facilities, providing incentives for stores that sell fresh produce to locate in depressed neighborhoods, and providing exercise opportunities for their residents; and

WHEREAS, city officials believe there are important, long-term community benefits to be gained by encouraging healthy lifestyles, including a decrease in the rate of childhood obesity and its negative health-related impacts; and

WHEREAS, cities and other community partners can work together to understand the relationship between obesity, land-use policies, redevelopment, and community planning; and

WHEREAS, cities and other community partners can work together to ensure that there are safe places for their residents to be active such as in parks, ball fields, pools, gyms, and recreation centers; and

WHEREAS, access to healthy foods has a direct impact on the overall health of our community and planning for fresh food, open space, sidewalks, and parks should be a priority; and

WHEREAS, the League has partnered with the Healthy Eating Active Living (HEAL) Cities Campaign to provide training and technical assistance to help city officials adopt policies that improve their communities' physical activity and retail food environments; and

WHEREAS, the League wants to partner with and support the *Let's Move!* Campaign headed by the First Lady of the United States, the President's Task Force on Childhood Obesity and the Secretary of Health and Human Services, in an effort to solve the challenge of childhood obesity within a generation; now, therefore, be it

RESOLVED, by the General Assembly of the League of California Cities, assembled during the Annual Conference in San Diego, September 17, 2010, that the League encourages the existing 480 California cities to adopt preventative measures to fight obesity as set forth by the First Lady of the United States of America in the *Let's Move* campaign; and, be it further

RESOLVED, that California cities be encouraged to sign-up with the United States Department of Health and Human Services – Region IX office as a *Let's Move!* City; and, be it further

RESOLVED, that California cities are encouraged to: (1) help parents make healthy family choices; (2) create healthy schools; (3) provide access to healthy and affordable foods; and (4) promote physical activity.

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## Background Information on Resolution No. 2

**Source:** League Board of Directors

**Title:** Resolution Relating to the National Let's Move Campaign

### **Background:**

According to the United States Department of Health and Human Services, Region 9:

*In February, First Lady Michelle Obama launched the Let's Move! campaign to solve the childhood obesity epidemic within a generation. First Lady Obama is expanding the effort to include a call to action for mayors and other elected officials to join her Let's Move! Campaign ("Let's Move Cities and Towns") in an effort to leverage cities and communities unique ability to solve obesity locally and adopt long-term, sustainable, regional approaches to fight childhood obesity.*

*On February 2, 2010, President Barack Obama established the Task Force on Childhood Obesity, which includes senior administration officials. The Task Force developed an interagency plan after incorporating input from more than 2,500 public comments in 90 days. The plan details a coordinated strategy, identifies key benchmarks, and outlines an action plan to end the problem of childhood obesity within a generation.*

League adopts resolution in 2004: This resolution related to "encouraging healthier lifestyles for children, adults, and seniors in cities throughout California." This resolution directed the League to encourage cities to embrace policies that facilitate activities that promote healthier lifestyles, including healthy diet and nutrition, and adopt city design and planning principles that enable citizens to undertake exercise with the goal of achieving a more active and healthy community.

League adopts resolution in 2006: This resolution related to "encouraging health and wellness in cities." This resolution directed that the League in cooperation with related League committees, departments, and the CCS Partnership, work together to develop a clearinghouse of information that cities can use to promote wellness policies and healthier cities. It also directed the League to develop a toolkit on the League's Website for cities to visit in order to share, find and develop successful models of health and wellness to use in their respective communities. It also established that health and wellness programs become a topic of the Helen Putnam Awards Program beginning in 2007.

Previous Legislation: SCR 31 was introduced by Senator Alex Padilla in 2007, which established Healthy Communities Awareness Month. This Senate Concurrent Resolution recognized the importance of health and wellness in communities and declared the month of May as Healthy Communities Awareness Month. This was a League sponsored resolution.

League Partners with the Healthy Eating Active Living (HEAL) Cities Campaign: The HEAL Cities Campaign provides training and technical assistance to help city officials adopt policies that improve their communities' physical activity and retail food environments. The HEAL Cities Campaign, funded by Kaiser Permanente and the Vitamin Cases Consumer Settlement Fund, is a partnership of the League of California Cities, the California Center for Public Health Advocacy, and the Cities Counties and Schools Partnership. At its core the HEAL Cities Campaign believes that supporting healthy choices is essential to address the obesity epidemic among California's children and adults, which they purport currently costs the state nearly \$50 billion annually in healthcare and lost productivity. Forty cities have adopted resolutions and adopted specific action steps and a timeline in one of the several key campaign areas (e.g., language in general plan, zoning ordinances governing street design or community gardens, joint use of recreational facilities, and employee wellness). The HEAL campaign goals are:

- To provide city officials information about the statewide obesity epidemic and demonstrate how the community food environment, physical activity environment, children’s out-of-school environment(s), and soda consumption perpetuate the epidemics; and,
- To inform city officials about the role they can play locally to fight the obesity and inactivity epidemics through policy adoption, and to recommend those policies that would improve the physical activity and food environments of their cities and make their community healthier.

Existing League policy on Healthy Cities: The League encourages cities to embrace policies that facilitate activities that promote healthier lifestyles, including healthy diet and nutrition, and to adopt city design and planning principles that enable citizens to undertake exercise with the goal of achieving a more active and healthy community.

Institute for Local Government (ILG) On Healthy Neighborhoods: ILG heads the *Healthy Neighborhoods Project*, which provides support and resources local officials can use to protect and improve community health by integrating health considerations into their planning, land use and other decisions. The resources the ILG Website offers are geared to strengthen the efforts of local officials, staff, planning and development professionals, and community residents in creating healthier communities.

According to the Healthy Neighborhoods Project, healthy neighborhoods provide:

(1) Places where walking and bicycling are safe and convenient and where residents of all ages and abilities have the opportunity to be physically active; (2) Nutritious, fresh, culturally appropriate food – grown locally whenever possible – is affordable and accessible, promoting health and boosting the local economy; (3) A place where residents aren’t exposed to environmental hazards or pollutants that endanger their present or future health or well-being. ILG’s Healthy Neighborhoods’ Website provides current, relevant resources to aid in adapting general policies and strategies to reverse the negative trends related to physical inactivity, unhealthy eating, and environmental hazards.

National League of Cities (NLC) Commends First Lady Michelle Obama for Including Cities and Towns in Let’s Move Campaign: In a press release dated June 11, 2010, NLC commends First Lady Michelle Obama for her newest initiative to combat childhood obesity, *Let’s Move Cities and Towns*. The release continued that “NLC looks forward to working with the First Lady in encouraging local leaders to be proactive in their approach against childhood obesity.”

Through its Institute for Youth, Education and Families, NLC works to combat childhood obesity by raising awareness among municipal leaders and providing them with tools and resources to make changes in their communities. Most recently, NLC and the Foundation for the Mid South, with support from Leadership for Healthy Communities, a national program of the Robert Wood Johnson Foundation, launched the Municipal Leadership for Healthy Southern Cities project. This initiative will help local officials in Arkansas, Louisiana and Mississippi advance policies to promote healthy eating and active living in order to reduce childhood obesity. NLC also recently collaborated with the American Association of School Administrators on a report, *Community Wellness: Comprehensive City-School Strategies to Reduce Childhood Obesity*. For more information on this NLC initiative visit [www.nlc.org/iyef](http://www.nlc.org/iyef).

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**RESOLUTION REFERRED TO ENVIRONMENTAL QUALITY POLICY COMMITTEE**

**◆3. RESOLUTION OPPOSING THE BOARD OF DIRECTORS' DECISION TO DEFER ACTION ON AB 32 AND SB 375 AND TO ADOPT THE BOARD-APPOINTED TASK FORCE RECOMMENDATIONS**

Source: Desert/Mountain Division

Referred to: Environmental Quality Policy Committee; Housing, Community & Economic Development Policy Committee; Revenue and Taxation Policy Committee; and Transportation, Communication & Public Works Policy Committee

Recommendations to General Resolutions Committee:

- ◆ Environmental Quality Policy Committee:
- ◆ Housing, Community and Economic Development Policy Committee:
- ◆ Revenue and Taxation Policy Committee:
- ◆ Transportation, Communication & Public Works Policy Committee:

WHEREAS, the Desert/Mountain Division of the League of California Cities has broad concerns about the economy; and

WHEREAS, these concerns extend both to the ability of cities to deliver vital public services and the viability of businesses which are critical to the State's economic recovery; and

WHEREAS, the Desert/Mountain Division of the League of California Cities is concerned that cities lack the resources to implement existing State mandates imposed at either the regional or local level; and

WHEREAS, the League of California Cities Board of Directors appointed a Task Force to craft a recommendation regarding AB 32 and SB 375, based upon the recommendations developed by four policy committees; and

WHEREAS, the Task Force recommended that the League of California Cities Board of Directors request specific actions by Governor Schwarzenegger and the California Air Resources Board to delay certain deadlines and take other actions with respect to AB 32 and SB 375; and

WHEREAS, the League of California Cities Board of Directors rejected the specific recommendations of the Task Force and four policy committees by deferring action on AB 32 and SB 375; and

WHEREAS, the Desert/Mountain Division of the League of California Cities wishes to file an official protest of the Board of Directors' decision to defer action on a position regarding AB 32 and SB 375; now, therefore, be it

RESOLVED, by the General Assembly of the League of California Cities, assembled during the Annual Conference in San Diego, September 17, 2010, that the League of California Cities finds, determines and orders the adoption of the consolidated recommendations of four policy committees and the Board appointed Task Force, as follows:

1. Request that the Governor exercise his authority to delay individual AB 32 implementation deadlines.

2. Request that the California Air Resources Board take the following three actions:
  - Revisit and update economic and growth assumptions used to estimate 2020 business-as-usual emissions and recalculate AB 32 goal;
  - Consider local government costs in all future studies relating to AB 32 and SB 375; and
  - Request that the SB 375 targets be set in a way to reflect the economy and scarce local resources.
3. Support (but not sponsor) any legislation that would suspend or delay implementation of SB 375 until there is funding and resources in place to implement individual mandates and requirements associated with the bill; and, be it further,

RESOLVED, that the specific recommendations developed by the four policy committees and Task Force be considered by the General Assembly at the Annual Conference unless the Board of Directors reverses its deferred action stance on AB 32 and SB 375 and adopts the Task Force recommendations.

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**Background Information on Resolution No. 3**

**Source:** Desert/Mountain Division

**Title:** Resolution Opposing the Board of Directors Decision to Defer Action on AB 32 and SB 375 and to Adopt the Board-Appointed Task Force Recommendations

**Background:**

The Desert/Mountain Division adopted a Resolution formally opposing the Board of Directors decision to defer action on the Task Force's recommendations regarding AB 32 and SB 375. We took this action out of concern of the impact these regulations will have on our economy and our ability to serve our constituents, and do not want to be complicit by remaining silent on this issue.

The recommended revisions to the League's current positions on AB 32 and SB 375 were crafted by a Board-appointed Task Force after study of the issue by four League policy committees. The changes recommended specific actions by Governor Arnold Schwarzenegger and the California Air Resources Board to delay certain deadlines and take other actions with respect to AB 32 and to suspend or delay the implementation of SB 375 until state funding is provided for the implementation of its mandates.

The Desert/Mountain Division believes that the Board's decision to defer action on the specific recommendations developed by the four policy committees and Board-appointed Task Force does not represent the majority of the member cities. This Resolution is being presented for consideration by the General Assembly at the Annual Conference to allow the entire membership to weigh in on the decision of whether or not to adopt the Task Force recommendations regarding AB 32 and SB 375.

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**RESOLUTION REFERRED TO HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT  
POLICY COMMITTEE**

**◆3. RESOLUTION OPPOSING THE BOARD OF DIRECTORS DECISION TO DEFER ACTION ON AB 32 AND SB 375 AND TO ADOPT THE BOARD-APPOINTED TASK FORCE RECOMMENDATIONS**

Resolution #3 also referred to these policy committees: Environmental Quality; Revenue and Taxation; and Transportation, Communication & Public Works. **Please see Environmental Quality Policy Committee** section for the resolution and background information.

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**◆4. RESOLUTION RELATING TO RESPONSIBLE BANKING**

Source: Richard Alarcón, Council Member, Los Angeles and  
Karen Avilla, City Treasurer, Carson

Referred to: Housing, Community & Economic Development Policy Committee; and  
Revenue and Taxation Policy Committee

Recommendation to General Resolutions Committee:

- ◆ Housing, Community and Economic Development Policy Committee:
- ◆ Revenue and Taxation Policy Committee:

WHEREAS, cities strive to spend taxpayer dollars wisely on services; and

WHEREAS, cities invest taxpayer dollars with a range of institutions that provide financial service contracts each year; and

WHEREAS, it is important to ensure that taxpayer dollars are invested in institutions that are not just fiscally sound, but are committed to investing back into our communities, generating positive investment and lending in our cities; and

WHEREAS, cities can help support the nation's economic recovery by supporting financial institutions that in turn re-invest in our local communities; and

WHEREAS, the national Community Reinvestment Act, passed by the U.S. Congress in 1977, pioneered the use of transparent, responsible banking, by starting a federal rating system to measure banks' local lending and investment activity in the communities they take deposits from, providing accountability to the communities that institutions serve; and

WHEREAS, three decades have passed since the original passage of the Community Reinvestment Act (CRA), and due in part to the dramatic changes in the U.S. banking system since this time, CRA does not provide the level of detail needed for local municipalities to determine our financial partners' lending activity and investment within a single city alone; and

WHEREAS, on March 20, 2002, the City of Philadelphia signed into law a requirement that all banks authorized to receive deposits from the City submit an annual statement of community reinvestment goals within Philadelphia, including but not limited to a summary of the home loans, small business loans, and other lending and investment activity within Philadelphia, which independent studies

have confirmed has resulted in increased access to credit among Philadelphia's minority and low- and moderate-income communities; and

WHEREAS, the City of Cleveland enacted into law a similar Community Reinvestment Depository Ordinance in 1991, and since that time has negotiated over \$10 billion in lending commitments and investments through designated Community Reinvestment Initiative agreements with designated depository banks, with an independent study by the Brookings Institution confirming that compared to comparable midwestern cities Cleveland's CRA Ordinance has resulted in "more bang for the community development buck;" and

WHEREAS, on March 5, 2010, the Los Angeles City Council unanimously passed a Responsible Banking Initiative that requires financial institutions with which the City contracts to provide an annual "report card" detailing investment and lending activity within Los Angeles, to allow the City to reward institutions that re-invest in Los Angeles by adding extra points to these institutions' applications during the City's RFP process for financial service providers; and

WHEREAS, many municipalities could benefit from increased transparency about which of the financial institutions their city taxpayer dollars are invested in are in turn re-investing in their city's homes, businesses, and non-profits, which will allow cities to hold banks to a higher standard of re-investment by offering increased city business to those that are generating higher levels of investment, lending, and community service activity within their city; now, therefore, be it

RESOLVED, by the General Assembly of the League of California Cities, assembled during the Annual Conference in San Diego, September 17, 2010, that the League of California Cities strongly encourages municipalities to require transparent, responsible banking from the financial institutions receiving city funds; and, be it further

RESOLVED, that the League of California Cities serve as a clearinghouse of information on the responsible banking initiatives of municipalities across the country, such as those of Philadelphia, Cleveland, Los Angeles and Carson, California; in order to help California cities interested in taking steps to increase transparent, responsible banking in their own communities.

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#### **Background Information on Resolution No. 4**

**Source:** Richard Alarcón, Council Member, Los Angeles and Karen Avilla, City Treasurer, Carson

**Title:** Resolution Relating to Responsible Banking

**Background:**

As a Councilmember from the City of Los Angeles and a Treasurer from the City of Carson, we know that stewards of public funds must strive to ensure that taxpayer dollars are invested in businesses and institutions that are not just fiscally sound, but committed to investing back into our communities.

On Friday, March 5, 2010, the Los Angeles City Council unanimously passed a Responsible Banking Initiative that Councilmember Alarcón introduced last year, which will require financial institutions with which the City of Los Angeles does business to provide an annual "report card" detailing the institution's investment and lending activity within the City.

The purpose of the report card is to determine which institutions the City does business with are in turn reinvesting in the City, by extending credit to residents and businesses, and investing capital in

communities and development projects. The report card will allow policy makers to reward institutions with above average rates of impact in the City, while decreasing business with those institutions that do not recycle dollars back into the local economy.

This effort could be likened to a local version of the federal Community Reinvestment Act, by allowing local policymakers to review the community reinvestment activity of the financial institutions with which the City invests. It builds on the work of existing law in the cities of Philadelphia and Cleveland. Both the City of Philadelphia, in 2002, and the City of Cleveland, in 1991, passed laws requiring annual statements of community reinvestment goals from the institutions that manage their City deposits.

The City of Cleveland reports that, from 1991 through 2008, Cleveland has negotiated over 10 billion dollars in lending commitments and investments with designated depository banks as a result of their responsible banking law. In a 2003 report, the independent Brookings Institution compared three Midwestern cities and praised the City of Cleveland for achieving "more bang for their community development buck" through the use of their Community Reinvestment and other innovative City laws.

We owe it to the current and future residents of our Cities to ensure that taxpayer dollars are invested in responsible banking institutions that are creating opportunities for investment and lending in our communities. That's why we urge the League of California Cities to encourage municipalities to require transparent, responsible banking from financial service providers. With the strength of our collective wallets combined, Cities will be sending a powerful message to banks: invest in us, and we will invest in you.

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#### **RESOLUTIONS REFERRED TO REVENUE AND TAXATION POLICY COMMITTEE**

◆3. **RESOLUTION OPPOSING THE BOARD OF DIRECTORS DECISION TO DEFER ACTION ON AB 32 AND SB 375 AND TO ADOPT THE BOARD-APPOINTED TASK FORCE RECOMMENDATIONS**

Resolution #3 also referred to these policy committees: Environmental Quality; Housing, Community & Economic Development; and Transportation, Communication & Public Works. **Please see Environmental Quality Policy Committee** section for the resolution and background information.

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◆4. **RESOLUTION RELATING TO RESPONSIBLE BANKING**

Resolution #4 also referred to the Housing, Community & Economic Development Policy Committee. **Please see the Housing, Community & Economic Development Policy Committee** section for the resolution and background information.

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- Continued, Revenue and Taxation Resolutions -

**5. RESOLUTION RELATING TO UNFUNDED STATE MANDATES**

Source: City of Santa Clarita

Referred to: Revenue and Taxation Policy Committee

Recommendation to General Resolutions Committee:

WHEREAS, unfunded mandates imposed upon local governments, including cities, counties and special districts, by the State of California place a tremendous financial burden upon local governments; and

WHEREAS, some of the mandates placed upon local governments are the result of actions by Boards and Commissions not directly accountable to the electorate; and

WHEREAS, the State of California and many local governments within the state are under financial duress due to the continuing national economic crisis, and

WHEREAS, approximately twelve percent of Californians, are currently unemployed and struggling to pay for basic life necessities, well above the national average; and

WHEREAS, mandates enacted by the State of California may result in the need for local agencies to increase fees or taxes to satisfy the requirements of the mandate; and

WHEREAS, as cited in a 2005 report on state mandates published by the League of California Cities, the original intent of Property Tax Relief Act of 1972, which established the concept of state reimbursement of local agencies for state mandated activities, was to limit the ability of local agencies to levy taxes; and

WHEREAS, in 1979 the voters of the State of California approved Proposition 4 adding Article XIII B to the California Constitution, requiring the state to provide a subvention of funds to local governments for costs associated with state mandated programs, under specified conditions, and through subsequent legislation creating the Commission on state mandates; and

WHEREAS, in 2004, the voters of the State of California adopted Proposition 1A expanding the constitutional protections for local governments regarding state mandates; and

WHEREAS, the State of California has struggled to balance its budget for the past several years and has chosen to borrow funds from local governments, thus reducing traditional revenues to local governments, forcing additional local program and service reductions and cutbacks; and

WHEREAS, various federal and state laws and regulations may result in the imposition of state mandates on local governments; and

WHEREAS, an example of state imposed mandates are the establishment of Total Maximum Daily Loads (TMDL) for such things as bacteria, chloride, metals, and toxicity, and

WHEREAS, in order to meet the obligations imposed by Regional Water Quality Control Boards throughout California, local agencies may need to implement or increase fees and taxes to pay for new programs or facilities, in order to avoid penalties for non-compliance; and

WHEREAS, there appears to be no correlation between the imposition of state mandates, taxpayer funded resources to pay for the costs of state mandates, California's high unemployment rate, and the fiscal conditions of the State of California and local governments; now, therefore be it

RESOLVED, by the General Assembly of the League of California Cities, assembled during the Annual Conference in San Diego, September 17, 2010, that:

1. The League of California Cities work with its member cities and other local government partners to identify situations in which local governments must increase fees or taxes to meet state mandated requirements; and
2. The League of California Cities petition the Governor of the State of California and Legislature of the State of California to suspend or eliminate certain state mandates until improvement of the national and California economy results in substantially lower statewide unemployment and fiscal solvency of the State of California and local governments; and
3. The League of California Cities work with Members of Congress and the government of the United States to suspend or eliminate certain federal mandates, passed along to the states for implementation, until the improvement of the national economy results in substantially lower national unemployment and fiscal solvency of the United States, the State of California and local governments; and
4. That the League of California Cities will support legislation to suspend, eliminate, or otherwise modify the negative impacts of state mandates on local agencies, particularly in which a new local tax or fee or tax or fee increase is necessary to implement the mandate.

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#### **Background Information on Resolution No. 5**

**Source:** City of Santa Clarita

**Title:** Resolution Relating to State Unfunded Mandates

#### **Background:**

Reaching back at least forty years, local governments, including cities, counties and special districts, have struggled with mandates placed upon them by the State of California. Under California law, whenever the Legislature, Governor, or a state agency enacts a new law, executive order, regulation, or rule that requires a local government to implement a new program or provide a higher level of service to an existing program, the state shall reimburse the local agency for the increased cost.

Over the past two decades, the California Legislature has made a practice of borrowing, transferring, shifting, or otherwise conveying from local governments to the State of California, as part of the state budget balancing process, what have historically been considered local revenues. The failure of the State of California, for the most part, to repay these funds to local governments has led to ballot measures restricting the ability of the state to use local revenues to balance its continual budget deficit.

Against this backdrop, state regulatory agencies continue to impose requirements upon local governments, which may result in the need to increase local fees or taxes. Failure to implement the regulatory requirements may result in the imposition of substantial financial penalties, which must be paid for by the local government and ultimately, taxpayers or rate payers within the jurisdiction.

At a time when California's unemployment rate is in excess of 12%, which is well above the national unemployment rate, and California businesses are struggling to stay afloat in the worst national recession since the great depression of the 1930s, the question of regulatory relief must be considered.

For example, many communities throughout the State of California are facing establishment of Total Maximum Daily Load (TMDL) requirements for such things as bacteria, chloride, metals, and toxicity. While the environmental or other goals that are sought to be achieved are laudable, regulatory requirements must be sensitive to the overlaying statewide and national economic climate and the ability of local governments to pay for new programs and enhancements. In the Santa Clarita area, the Los Angeles Regional Water Quality Control Board, through imposition of a Chloride TMDL mandate and its required implementation, is causing local sanitation district ratepayers to pay a 50% fee increase over four years for increased operational and new facility expenses and committing to long term additional increases. Failure to approve the increase will likely invite substantial fines, totaling in the millions of dollars collectively for the ratepayers.

In a time of economic uncertainty and high unemployment, is it appropriate to require California taxpayers to pay for new regulatory requirements or is it reasonable to suspend or eliminate certain state mandates until such time as unemployment levels return to more traditional levels and national, state and local governments return to financial stability?

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**RESOLUTIONS REFERRED TO TRANSPORTATION, COMMUNICATION & PUBLIC WORKS POLICY COMMITTEE**

**◆3. RESOLUTION OPPOSING THE BOARD OF DIRECTORS DECISION TO DEFER ACTION ON AB 32 AND SB 375 AND TO ADOPT THE BOARD-APPOINTED TASK FORCE RECOMMENDATIONS**

Resolution #3 also referred to these policy committees: Environmental Quality; Housing, Community & Economic Development; and Revenue and Taxation. **Please see Environmental Quality Policy Committee** section for the resolution and background information.

**6. RESOLUTION RELATED TO ENHANCING PUBLIC SAFETY WHILE DRIVING A MOTOR VEHICLE**

Source: City of Elk Grove

Referred to: Transportation, Communication & Public Works Policy Committee

Recommendation to General Resolutions Committee:

WHEREAS, cities throughout the State of California hold the health and safety of their residents as a paramount concern; and

WHEREAS, the use of text messages has grown exponentially in recent years; and

WHEREAS, any time a driver attempts to send an electronic text message while driving, his or her attention is diverted from the road; and

WHEREAS, a recent Virginia Tech study showed sending electronic text messages while driving makes an accident 23 times more likely; and

WHEREAS, a study conducted by The Transport Research Laboratory in the United Kingdom showed that sending text messages while driving is riskier than driving under the influence of alcohol or drugs; and

WHEREAS, Senate Bill 28 and California Vehicle Code Section 23123.5 ban writing, sending, or reading electronic text messages while operating a motor vehicle in the state of California; and

WHEREAS, the League supports this type of traffic safety enhancement as demonstrated through their support of motorcycle helmets, child restraints, seat belt and speed limit laws; now, therefore, be it

RESOLVED, by the General Assembly of the League of California Cities, assembled during the Annual Conference in San Diego, September 17, 2010, that the League encourages cities to promote safe driving across California and the education of the general public about the dangers of texting while driving.

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### **Background Information on Resolution No. 6**

**Source:** City of Elk Grove

**Title:** Resolution Relating to Enhancing Public Safety While Driving a Motor Vehicle

**Background:**

On September 24, 2008, the Governor of California, Arnold Schwarzenegger, signed Senate Bill 28 ("SB 28") into law. SB 28 is codified in section 23123.5 of the California Vehicle Code and prohibits any person from driving a motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication. SB 28 complements an existing law which Governor Schwarzenegger signed in 2006 requiring motorists to use hands-free devices while talking on a mobile phone when driving a motor vehicle.

Many studies recognize that the distraction that occurs while using electronic devices while operating a motor vehicle is very dangerous:

- It is estimated that 28% of crashes — 1.6 million crashes per year — can be attributed to cell phone talking and texting while driving. (Source: National Safety Council)
- Drivers who use hand-held devices are four times as likely to get into crashes serious enough to injure themselves. (Source: Insurance Institute for Highway Safety)
- Using a cell phone while driving delays a driver's reactions as much as having a blood alcohol concentration at the legal limit of .08 percent. (Source: University of Utah).

Because the health and safety of the residents of Elk Grove is paramount to the members of the City Council; on May 12, 2010, the Elk Grove City Council unanimously adopted a resolution promoting awareness of the dangers of texting while driving. The City is embarking on an aggressive, yet economical, public outreach campaign to educate its residents about the dangers of texting while driving, which includes: educational links on the City's Web site, a flyer in the city's utility billing insert which reaches every household, free promotional items for residents specifically geared toward this topic, and a spotlight feature in the City's bimonthly newsletter.

Other cities in California are encouraged to enhance public safety in their community by educating residents about the dangers of texting while driving a motor vehicle. Educational outreach will benefit

drivers, passengers, by-standards, bicyclists, walkers and runners. Local governments have the ability to implement cost-effective educational tools to communicate with residents about this important public safety issue.

All local government officials and employees in California want to protect their families, themselves, and others. Please put down your phone when you are driving or use a hands-free device and do not text. It's safe and it's the law.

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**[NOTE: No resolutions were assigned to the following policy committees: Employee Relations and Public Safety.]**

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