



City of Corning

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

THE CORNING FRIDAY NOTES

TO: MAYOR AND COUNCIL
FROM: CITY MANAGER JOHN L. BREWER, AICP
DATE: SEPTEMBER 13, 2013

JD

SCHEDULES:

John Brewer: September 20th through October 4th attending Stepson's wedding and traveling. As previously discussed, I will miss the second City Council meeting in September. An "Acting" City Manager will be named as that date nears. I will of course be available by cell phone in case of an emergency (contact Lisa Linnet for the number).

CITY MANAGER:

Development Impact Fee (DIF) Updates:

We've been working on some preliminary population projections and alternative scenarios for the Development Impact Fee Program Update. Except for the Water Fees that we updated after developing the Clark Park Well, we've not updated the fees established in 2005.

Ed Anderson has reviewed our early work and concurs with our preliminary growth and infrastructure projections that are notably reduced from what we projected in 2005.

When we presented the "Study Matter" information regarding the Parkland DIF update in August, I'd recommended that we limit our review to just that single Parkland DIF. However, with the work we've been able to complete since then, I think we can present a comprehensive update to all the fees at one time. This would be a more efficient scenario for both the Council and the public to review.

We will present a "Study Matter" staff report to initiate reviews of the remaining fees as well. We hope to present that at the September 24th City Council meeting.

McCurdy Reimbursement Agreement:

The Mayor and David and Zena McCurdy have signed the Reimbursement Agreement approved by Council on Sept. 10th. We prepared and mailed the reimbursement check to the McCurdy's. They will be installing sidewalk along Toomes Avenue and Fig Lane and done streetlight adjacent to their mini-storage project.

CITY CLERK:

Employee Fidelity Bonds & City Dishonesty Bonds/Crime Insurance:

California Government Code Section 36518 requires that the City Treasurer and City Clerk are to have bonds to the City executed upon entering upon the duties of their respective offices. The City is

In an effort to reduce the costs associated with the individual Bonds/Insurance Policies, Staff contacted Northern California Cities Self Insurance Fund (NCCSIF) representative Johnny Yang to seek a blanket Policy that would meet the legal specifications, comply with our various debt service loan requirements, and basically encompass all of our needs at a reduced cost. This has been accomplished and will save the City \$1,866 annually with only one "Government Crime Policy Insurance" which covers all employees and provides \$1,000,000 coverage for employee theft, forgery and computer fraud. This one policy meets all of the legal/loan requirements and will replace six individual Bonds/Insurance Policies.

PUBLIC WORKS DEPARTMENT:

Traffic Striping @ 99W and South Ave:

City Staff is looking into proposals to refresh the paint around the truck stop areas. It seems that drivers are having a hard time figuring out what lane they need to be in. With the amount of traffic and various weather conditions, the paint is starting to deteriorate. Staff will get proposals for regular street paint and thermoplastic road markings.

Edith Well:

The Edith Well motor is back at the well site and has been rewound. There are some adjustment to the VFD (Variable Frequency Drives) that need to be done before the well is put back into production. This should be completed within the next week.

Corning Community Park:

The playground equipment and rubber mulch has been installed this week. The Landscapers have been installing irrigation laterals and testing sprinkler heads. Trees for the landscaping are scheduled to be delivered today (Friday, Sept 13th) and Tom Phelps (Landscape Architect) will inspect the trees and various other landscape items in the park.

PLANNING DEPARTMENT:

Potential Marijuana Legislation:

The League of California Cities sent out the following article regarding AB 604 a bill that would severely limit local zoning authority over marijuana dispensaries and put the authority to regulate everything but storefront dispensaries under the jurisdiction of the Department of Alcohol Beverage Control (ABC).

Losing the ability for local control of the community through the zoning code is completely opposite of the theory of Planning and Development Law which provides for local zoning regulations as the tool for the orderly development of a community. As your Planning Director Consultant I would recommend that you call some of the Senators listed below and express your opposition to AB 604.

ACT NOW: Last Minute Bill is Direct Attack on Municipal Zoning Authority over Medical Marijuana Dispensaries, Opens Door to Non-Medical Marijuana For-Profit Sales

- **Cities Urged to Contact Representatives to Oppose Immediately**

September 10, 2013

The League is taking swift action to oppose a recent gut-and-amend bill that severely limits cities' current ability to ban or regulate medical cannabis dispensaries and authorizes an entirely new horizon of marijuana use and commercial for-profit sales.

AB 604 (Ammiano) combines two League-opposed bills, SB 439 (Steinberg) and AB 473 (Ammiano) that died earlier this year and adds additional problematic provisions.

AB 604 is a radical expansion of existing law. The Compassionate Use Act passed by California voters in 1996 decriminalizes the use of medical marijuana by qualified patients as well as the distribution and related activities by primary caregivers. Currently cities are able to ban or regulate medical marijuana including requiring licenses and imposing fees or taxes on storefront dispensaries, mobile dispensaries cultivation facilities and related wholesale activities. This bill however exempts everything but storefront dispensaries, putting all other activities and businesses under jurisdiction of the Department Alcohol Beverage Control (ABC).

Local law enforcement would be prevented from enforcing regulations or investigating violations because ABC becomes responsible for policing commercial registrants. Even more problematic is that ABC would lack the authority to launch an investigation based solely on reports of controlled substance abuse submitted to or by local law enforcement.

Under AB 604 cities would also lose the authority to ban or even regulate other problematic marijuana operations such as manufacturing, storage, transportation or sale. This is a direct attack on municipal zoning and business licensing ordinances that specifically regulate medical marijuana dispensaries.

AB 604 creates the potential for conflicts between state and local governments over local dispensary limits. Assembly Member Tom Ammiano (D-San Francisco) should clarify the provision that establishes ABC's ability to set "the maximum number of dispensaries that may operate in a city or county." It is unclear whether this refers solely to the mandatory commercial registration/application process or whether it refers to and impinges on local zoning authority to determine the appropriate number and location of dispensaries in individual communities. The bill also directly challenges the local agency's authority to establish regulations for maximum hours of dispensary operation and minimum signage and advertising standards.

The poorly written language of AB 604 provides a slippery slope to distribution of marijuana for recreational use under the guise of the implementation of the Compassionate Use Act. The bill is inconsistent in its use of the terms cannabis and medical cannabis in defining a dispensary. This raises the question of whether the bill's objective is to facilitate commercial sale of marijuana for purely recreational purposes. Instead of rushing a bill related to public safety, health and local zoning authority in the last days of the legislative session, in the least AB 604 should become a two-year bill so that there is adequate time for the bill's language to be thoroughly analyzed.

The bill is currently pending on the Senate Floor, but is scheduled for hearings by the Senate Public Safety Committee and Senate Business, Profession and Economic Development Committee prior to a floor vote. It is imperative that city officials, police chiefs and sheriffs call their senator immediately in opposition — especially if they are on the committee rosters below. Determine your representative here by entering your voting address.

A sample opposition letter and other bill information is available online for talking points.

Senate Public Safety Committee Roster

Senator	Capitol Phone	Local Phone
Loni Hancock (D-Berkeley)	(916) 651-4009	(510) 286-1333
Joel Anderson (R-Alpine)	(916) 651-4036	(619) 596-3136
Marty Block (D-San Diego)	(916) 651-4039	(619) 645-3133
Kevin de León (D-Los Angeles)	(916) 651-4022	(213) 483-9300
Steve Knight (R-Palmdale)	(916) 651-4021	(661) 729-6232
Carol Liu (D-La Canada Flintridge)	(916) 651-4025	(909) 599-7351
Darrell Steinberg (D-Sacramento)	(916) 651-4006	(916) 651-1529

Senate Business, Profession & Economic Development Committee Roster

Senator	Capitol Phone	Local Phone
Ted Lieu (D-Torrance)	(916) 651-4028	(310) 318-6994
Bill Emmerson (R-Redlands)	(916) 651-4023	(760) 568-0408
Marty Block (D-San Diego)	(916) 651-4039	(619) 645-3133
Ellen Corbett (D-Hayward)	(916) 651-4010	(510) 577-2310
Cathleen Galgiani (D-Stockton)	(916) 651-4005	(209) 948-7930
Ed Hernandez (D-West Covina)	(916) 651-4024	(626) 430-2499
Jerry Hill (D-San Mateo)	(916) 651-4013	(650) 212-3313
Alex Padilla (D-Pacoima)	(916) 651-4020	(818) 901-5588
Mark Wyland (R-Escondido)	(916) 651-4038	(949) 489-9838
Leland Yee (D-San Francisco)	(916) 651-4008	(650) 340-8840

POLICE DEPARTMENT:

Patrol:

In addition to responding to 186 calls for service, a total of 26 officer reports were taken and there were 112 officer-initiated incidents. Officers made 7 misdemeanor and 4 felony arrests, 53 traffic stops and issued 17 citations of which 2 were felony, 8 were misdemeanors, 4 were infractions, 1 was parking, 1 was animal related and 1 was one unclassified during the period of September 4, 2013 through September 11, 2013.