



**CITY OF CORNING
SPECIAL CITY COUNCIL
CLOSED SESSION AGENDA
TUESDAY, MAY 25, 2021
CITY COUNCIL CHAMBERS
794 THIRD STREET**

The City of Corning welcomes you to our meetings, which are regularly scheduled for the second and fourth Tuesdays of each month. Your participation and interest is encouraged and appreciated.

In compliance with the Americans with Disabilities Act, the City of Corning will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's office (530/824-7033) to make such a request. Notification at least 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

This is an Equal Opportunity Program. Discrimination is prohibited by Federal Law. Complaints of discrimination may be filed with the Secretary of Agriculture, Washington, D.C. 20250.

A. CALL TO ORDER: 6:00 p.m.

B. ROLL CALL:

Council:

**Dave Demo
Karen Burnett
Shelly Hargens
Jose "Chuy" Valerio
Robert Snow**

Mayor:

The **Brown Act** requires that the Council provide the opportunity for persons in the audience to briefly address the Council on the subject(s) scheduled for tonight's closed session. Is there anyone wanting to comment on the subject(s) the Council will be discussing in closed session? If so, please come to the podium, identify yourself and give us your comments.

C. PUBLIC COMMENTS:

D. REGULAR AGENDA:

- 1. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation pursuant to Paragraph (1) of subdivision (d) of Government Code § 54956.9.
One Case: City of Corning v. Trent Construction, et al., Case No.: CV24394.**

E. ADJOURN TO REGULARLY SCHEDULED CITY COUNCIL MEETING AND REPORT ON CLOSED SESSION:



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C. PLEDGE OF ALLEGIANCE: Led by the City Manager

D. INVOCATION: Led by Councilor Burnett.

E. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, PRESENTATIONS:

- 1. Presentation: Educational Presentation on the dangers of flavored tobacco by the California Health Collaborative with STATUS (Standing Tall Against Teens using Substances) Youth. Presented by Esther Craig, Dolores Vasquez, Petra Torres, Joanna Rodrigues, and Yuliana Moreno.**
- 2. Presentation: City of Corning 2020 Fire Department Presentation by Fire Chief Tom Tomlinson.**

F. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:

G. CONSENT AGENDA:

- 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 Minutes of the May 11, 2021 meeting with any necessary corrections.**
- 5. May 19, 2021 Claim Warrant in the amount of \$146,639.09.**
- 6. May 2021 Business License Report.**

H. ITEMS REMOVED FROM THE CONSENT AGENDA:

I. PUBLIC HEARINGS AND MEETINGS:

J. REGULAR AGENDA:

- 7. Authorize purchase & installation of new audible ADA Compliant Push Buttons at the four signalized intersections on Solano Street at a total combined cost of \$28,155.08, and direct Staff to budget for these costs as part of the 2021/2022 FY Budget utilizing Street Funds or General Funds.**
- 8. Adopt Resolution No. 05-25-2021-01 temporarily suspending the Business License Fee requirements for businesses operating solely at City approved events and approve list of events.**
- 9. Direction to Staff regarding Murals and Design Guidelines in Commercial Zones.**

K. ITEMS PLACED ON THE AGENDA FROM THE FLOOR:

L. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION:

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

**Demo:
Burnett:
Hargens:
Valerio
Snow:**

N. ADJOURNMENT!

POSTED: FRIDAY, MAY 21, 2021



**CITY OF CORNING
CITY COUNCIL MEETING MINUTES
TUESDAY, MAY 11, 2021
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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A. **CALL TO ORDER:** 6:30 p.m.

B. **ROLL CALL:**

Council: Dave Demo
Karen Burnett
Shelly Hargens
Jose "Chuy" Valerio
Mayor: Robert Snow

All members of the City Council were present.

C. **PLEDGE OF ALLEGIANCE:** Led by the City Manager.

D. **INVOCATION:** Led by Councilor Burnett.

E. **PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, PRESENTATIONS:**

1. **Proclamation: May 2021 as Mental Health Month.** Present to accept the Proclamation was Health Educator Fernando Villegas.
2. **Proclamation: May 16 – 22, 2021 as National Public Works Week.** Present to accept the Proclamation was Public Works Consultant Robin Kampmann.
3. **COVID-19 Update by City Manager.**

City Manager Kristina Miller provided a COVID-19 update announcing a drive through clinic at the Red Bluff Public Health Complex on Walnut Street with an appointment. Beginning May 13th, vaccinations for those 12 to 15 years of age will open up. She then announced some grant opportunities and where the information can be found. She also provided new regulations relating to masking. Ms. Miller stated that she has submitted the application for the CDBG CV2 & CV3 Grant Funding and funding it is anticipated to be released in about 6 months.

F. **PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:**

Councilor Demo thanked Public Works for the recent street repairs. Councilor Hargens stated that the new Park Equipment installation at Yost Park; City Manager Miller stated that the City is waiting for ropes to completed the installation, it should be received within the week.

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

4. **Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
5. **Waive the reading and approve the Minutes of the April 27, 2021 City Council Meeting with any necessary corrections:**
6. **May 5, 2021 Claim Warrant in the amount of \$342,475.97.**
7. **May 5, 2021 Business License Report.**
8. **April 2021 Wages & Salaries: \$376,031.09.**
9. **April 2021 Treasurer's Report.**
10. **April 2021 Building Permit Valuation Report in the amount of \$377,669.**
11. **April 2021 City of Corning Wastewater Operations Summary Report.**

Councilor Valerio moved to approve Consent Items 4-11; Councilor Burnett seconded the motion. **Ayes: Snow, Demo, Burnett, Valerio, and Hargens. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

H. ITEMS REMOVED FROM THE CONSENT AGENDA: None.

I. PUBLIC HEARINGS AND MEETINGS: None

J. REGULAR AGENDA:

12. Approve three-year Agreement with County of Tehama for Proposition 47 Drug and Alcohol Counseling Services.

Presented by City Manager Miller who explained that this Agreement is necessary to provide the services outlined that are stated in the Agreement and its exhibit's. Ms. Miller further requested City Council authorization for her to make any changes required by the County upon review and approval of the City Attorney. Councilor Demo thanked the City Manager and all of those involved for their hard work in pulling this together.

Councilor Burnett moved to approve the attached three-year Agreement between the City of Corning and the County of Tehama in an amount not to exceed \$210,317 over the three-year term and authorize the City Manager to sign and make any necessary changes required to the Agreement with the City Attorneys approval. Councilor Hargens seconded the motion. **Ayes: Snow, Demo, Burnett, Valerio, and Hargens. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

13. Authorize Staff to seek Requests for Qualifications (RFQ) for a Design Consultant for the West Street Project Active Transportation (ATP) Grant.

Presented by Public Works Consultant Robin Kampmann. She explained that this is a standard Safe Routes to School Project to provide safe routes for children to travel to and from West Street School. She listed the roads involved.

Councilor Demo moved to authorize Staff to seek Request for Qualifications for a Design Consultant for the West Street Project ATP Grant. Councilor Burnett seconded the motion. **Ayes: Snow, Demo, Burnett, Valerio, and Hargens. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

14. Authorize Staff to seek Requests for Qualifications (RFQ) for a Design Consultant for the Olive View School Street Project Active Transportation (ATP) Grant.

Presented by Public Works Consultant Robin Kampmann who stated that this is the same type of project but for the Olive View School. She stated that this project will close the gaps remaining from the Safe Routes to School Project done for Maywood School.

Councilor Hargens moved to authorize Staff to seek Request for Qualifications for a Design Consultant for the Olive View School Street Project ATP Grant. Councilor Demo seconded the motion. **Ayes: Snow, Demo, Burnett, Valerio, and Hargens. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

15. Award Bid for the 2021 Multi-Street Improvement Project to VSS International, Inc. in the amount of \$433,594.17 and authorize Staff to execute the Contract.

Presented by Public Works Consultant Robin Kampmann who stated that the City had received two bids with VSS International, Inc. the lowest of the two. She informed Council that they have committed to completion of the project by the June 30th deadline to ensure project completion in this fiscal year.

Councilor Demo moved to award the Bid for the 2021 Multi-Street Improvement Project to VSS International, Inc. in the amount of \$433,594.17 and authorize the City Manager to execute the Contract. Councilor Burnett seconded the motion. **Ayes: Snow, Demo, Burnett, Valerio, and Hargens. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

16. Adopt Resolution 05-11-2021-01 designating diagonal parking on the west side of Fourth Street from Yolo Street south to the alley between Yolo and Solano Streets.

Councilor Hargens excused herself from voting on this item as her Business is one of the proponents of this request; she left the Council Chambers at 7:00 p.m. This item was presented by Public Works Consultant Robin Kampmann.

Councilor Burnett moved to approve Resolution No. 05-11-2021-01 designating the west side of Fourth Street from Yolo Street south to the Yolo-Solano Alley as a location where diagonal parking is authorized; and authorize the use of City Street Maintenance Funds for striping. Councilor Demo seconded the motion. **Ayes: Snow, Demo, Burnett, Valerio, and Hargens. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.** Councilor Hargens reentered the room at 7:03 p.m.

17. Approve Annual Agreement and Membership with 3CORE Economic Development District at a cost of \$7,500.

Presented by City Manager Kristina Miller. Ms. Miller stated that 3CORE has assisted the City for numerous years, most recently assisted the City with the applicant review and administration of the City's COVID-19 Funds for small business loans. They have been a valuable partner and have provided outstanding service to the City, she stated that she recommends approval of this item. Councilor Demo moved to approve the annual participation in 3CORE and authorize payment on July 1, 2021 to 3CORE for the City's share of the Local Grant Match in the amount of \$7,500 from fund 001-7408-4010 Economic Development. Councilor Hargens seconded the motion. **Ayes: Snow, Demo, Burnett, Valerio, and Hargens. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

18. Authorize Staff to seek "Requests for Proposals" for Community Development Block Grant Administration Consultant Services.

Presented by City Manager Miller. She explained the application process and the reason for the request to authorize the City to seek a Grant Administrator. She explained that if approved, the Administrator would be funded by the Grant; she also stated that the City would also seek a Program Administrator as the City does not currently have the Staff to administer this Program. Mayor Snow confirmed that should City residents not take advantage of these funds the City could move it over to the County's Homeless Navigation Center. It was also stated that unless the Council chose to add additional funds from the General Fund, it will all be completely funded from the Grant.

Councilor Hargens moved to authorize Staff to seek "Request for Proposals" (RFPs) for Community Development Block Grant Administration Consultant Services. Councilor Burnett seconded the motion. **Ayes: Snow, Demo, Burnett, Valerio, and Hargens. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

19. City of Corning Capital Improvement Program and Measure A Funding Priorities for Service.

Presented by City Manager Kristina Miller. She started by explaining the purpose of the Capital Improvement Program. She stated that the approval of the Capital Improvement Program sets the priorities for the City Manager to compose the Fiscal Year Budget. Ms. Miller then announced the requested priority departmental funding. She explained the ideology and depreciation that drives this document.

Councilor Demo, following review and discussion of the proposed Measure A Funding Allocations, moved to approve the Fiscal Year 2021/2022 Capital Improvement Priorities. Councilor Hargens seconded the motion. **Ayes: Snow, Demo, Burnett, Valerio, and Hargens. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

K. ITEMS PLACED ON THE AGENDA FROM THE FLOOR: None.

L. COMMUNICATIONS, CORRESPONDENCE, AND INFORMATION: None

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

Demo: Stated that his meetings were cancelled. He announced that former Councilman and now County Supervisor John Leach's wife recently passed away and services will be on May 15th.

Burnett: Reported on her attendance at the Solid Waste JPA Meeting announcing that a clean-up on Hall Road will be done and should be completed by the end of the Summer. She also voiced her appreciation of the Fire Chief and his assistance with her "Littles Reading Program" by hosting a tour of the Fire Department. She also stated that the children toured the Police Department.

Hargens: Nothing

Valerio: Nothing.

Snow: Nothing.

Delores May was wished a Happy 90th Birthday.

N. ADJOURNMENT!: 7:30 p.m.

Lisa M. Linnet, City Clerk



MEMORANDUM

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: LORI SIMS
ACCOUNTING TECHNICIAN

DATE: May 19, 2021

SUBJECT: Cash Disbursement Detail Report for the
Tuesday May 25, 2021 Council Meeting

PROPOSED CASH DISBURSEMENTS FOR YOUR APPROVAL CONSIST OF THE FOLLOWING:

A. Cash Disbursements Ending 05-19-21 \$ 146,639.09

GRAND TOTAL \$ 146,639.09

REPORT.: May 19 21 Wednesday
 RUN...: May 19 21 Time: 13:48
 Run By.: LORI SIMS

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 05-21 thru 05-21 Bank Account.: 1020

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

Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
030984	05/13/21	MIL11	MILL CREEK VETERINARY	-70.00	131292u	Ck# 030984 Reversed
				-60.00	131676u	Ck# 030984 Reversed
				-60.00	131677u	Ck# 030984 Reversed
				-70.00	131740u	Ck# 030984 Reversed
				-60.00	131984u	Ck# 030984 Reversed
				-60.00	131985u	Ck# 030984 Reversed
			Check Total.....	-380.00		
031116	05/10/21	ARR00	ARROW FENCING	20453.52	81354	AIRPORT FENCING PROJ-AIRPORT
031117	05/12/21	ROD10	RODRIGUEZ, JESENIA	510.00	210512	REC INSTRUCTOR-REC
031118	05/12/21	WAT02	WATSON, THOMAS J.	14.23	05112021	OFFICE SUPPLIES-DISPATCH
031119	05/13/21	ARA02	ARAMARK UNIFORM SERVICES	98.00	000096393	MAT & SUPPLIES-BLD MAINT
				90.76	000101506	MAT & SUPPLIES-BLD MAINT
				90.76	000106830	MAT & SUPPLIES-BLD MAINT
				98.00	000112161	MAT & SUPPLIES-BLD MAINT
			Check Total.....	377.52		
031120	05/13/21	ATT17	AT&T	69.55	210430	COMMUNICATIONS-FIRE
031121	05/13/21	BAS01	BASIC LABORATORY, INC	162.40	2104533	ProfServices Water Dept
031122	05/13/21	BIG02	BIG VALLEY SANITATION, IN	125.00	85940	BLD MAINT-SENIOR CENTER
031123	05/13/21	CAR12	CARREL'S OFFICE SOLUTIONS	10.84	AR35016	MAT & SUPPLIES-LIBRARY
031124	05/13/21	CAS06	CASCO	828.51	451248	A/C CITYWIDE-STR
031125	05/13/21	DEP03	DEPT OF TRANS/CAL TRANS	323.56	SL210677	Equip.Maint. St&Trf Light
031126	05/13/21	DEP12	DEPT OF JUSTICE	997.00	506897	PROF SVCS-
031127	05/13/21	DEP18	DEPT OF FORESTRY & FIRE P	2723.28	1229004	CLEANING CONTRACTS-STR
031128	05/13/21	GRA02	GRAINGER, W.W., INC	52.49	989451419	MAT & SUPPLIES-BLD MAINT
031129	05/13/21	J&J00	J&J PUMPS, INC.	8643.00	9743-1	WELL REPAIRS-WTR CAP IMPROV
031130	05/13/21	LIN01	LINCOLN AQUATICS, INC.	1576.73	SN059968	MAT & SUPPLIES-POOL
				-272.00	SN060493C	MAT & SUPPLIES-POOL
			Check Total.....	1304.73		
031131	05/13/21	LNC01	LN CURTIS & SONS	127.88	INV486341	VEH REPLAC-FIRE CAP REPLAC
031132	05/13/21	NOR47	NORTHSTAR	2261.25	77356	2020 STR PROJ-STR PROJ
				11887.50	77357	PROF SVCS-PW ADMIN
			Check Total.....	14148.75		
031133	05/13/21	PGE01	PG&E	498.78	210504	ELECT-
				1455.55	210506	ELECT-
			Check Total.....	1954.33		
031134	05/13/21	PGE04	PG&E	302.75	210504	TranspFacility-
031135	05/13/21	PGE05	PG&E	773.62	210504	FIRE-ELECT & GAS
031136	05/13/21	POR04	PORTILLO, MATTHEW	994.80	05122021	TRAINING/ED-POLICE
031137	05/13/21	QUI02	QUILL CORPORATION	231.65	16285646	MAT & SUPPLIES-FIRE
				21.53	16382896	SAFETY ITEMS-FIRE
			Check Total.....	253.18		
031138	05/13/21	RED21	RED HAT FIRE PROTECTION	190.00	RH2313	CERT EXT-BLD MAINT
				556.00	RH2314	CERT EXT-BLD MAINT
				104.00	RH2315	CERT EXT-BLD MAINT
			Check Total.....	850.00		
031139	05/13/21	SCH01	LES SCHWAB TIRE CENTER	287.45	00391989	VEH OP/MAINT-POLICE
				97.38	611003919	EQUIP MAINT-
			Check Total.....	384.83		
031140	05/13/21	SCP00	SCP DISTRIBUTORS LLC	1291.34	SN059969	MAT & SUPPLIES-WTR
				-240.00	SN060491C	MAT & SUPPLIES-WTR
			Check Total.....	1051.34		
031141	05/13/21	SHA22	SHASTA SIGN COMPANY	175.00	148	VEH OP/MAINT-FIRE
031142	05/13/21	T S00	T S ELECTRIC	250.00	100281	WELL REPAIRS-WTR CAP IMPROV
031143	05/13/21	TAN00	T AND S DVBE, INC.	32.13	21-683	SIGN REPLAC-STR
031144	05/13/21	TEH15	TEHAMA CO SHERIFF'S DEPT	220.50	506897	PROF SVCS-

REPORT.: May 19 21 Wednesday
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CITY OF CORNING
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Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
031145	05/13/21	TPX00	TPX COMMUNICATIONS	705.07	142639769	COMMUNICATIONS-
031146	05/13/21	USA01	USA BLUE BOOK	433.50	594029	MAT & SUPPLIES-WTR
031147	05/13/21	VER02	VERIZON WIRELESS	228.06	987882859	COMMUNICATIONS-DISPATCH
031148	05/13/21	XER00	XEROX CORPORATION	28.90	013303487	EQUIP MAINT-DISPATCH
031149	05/13/21	ECO05	ECORP CONSULTING, INC.	1923.04	93184	PROF SVCS-PLANNING
031150	05/13/21	GAB00	GABBARD, BRYAN	210.00	210513	REC INSTRUCTOR-REC
031151	05/13/21	HOP00	HOPKINS, MARISSA ANN	130.00	210513	REC INSTRUCTOR-REC
031152	05/13/21	MIL11	MILL CREEK VETERINARY	60.00 70.00 60.00 60.00 70.00 60.00 60.00	132207 131292A 131676A 131677A 131740A 131984A 131985A	FERAL CAT PROGRAM-ACO FERAL CAT PROGRAM-ACO FERAL CAT PROGRAM-ACO FERAL CAT PROGRAM-ACO FERAL CAT PROGRAM-ACO FERAL CAT PROGRAM-ACO FERAL CAT PROGRAM-ACO
			Check Total.....	440.00		
031153	05/13/21	ROJ00	ROJAS, IVAN	90.00 90.00	210425 210509	REC INSTRUCTOR-REC REC INSTRUCTOR-REC
			Check Total.....	180.00		
031154	05/13/21	TRI02	TRI-COUNTY NEWSPAPERS	135.10 115.75	00267193 00267480	Print/Advert. City Clerk Print/Advert. City Clerk
			Check Total.....	250.85		
031155	05/14/21	CUR00	CURIEL, EDUARDO	363.00	05132021	TRAINING/ED-POLICE
031156	05/14/21	MCI04	MCINTYRE, JASON	363.00	05132021	TRAINING/ED-POLICE
031157	05/14/21	WEB02	WEBSTER, WAYNE C.	240.00	210513	REC INSTRUCTOR-REC
031158	05/17/21	CHI13	CHICO PRINCESS PARTIES, L	270.00	210517	REC INSTRUCTOR-REC (SHANNON)
031159	05/17/21	SWR02	SWRCB-DWOCP	80.00	JMCERT202	TRAINING/ED-WTR
031160	05/17/21	SWR02	SWRCB-DWOCP	80.00	BWCERT202	TRAINING/ED-WTR
031161	05/18/21	3AC00	3A CUSTOMS	797.55	15017254	VEH REPLAC-CAP IMPROV
031162	05/18/21	APP01	APPLY-A-LINE, LLC	20805.45	18689	THERMO PLASTIC-STR
031163	05/18/21	ATT13	AT&T	764.41	210511	COMMUNICATIONS-DISPATCH
031164	05/18/21	BAS01	BASIC LABORATORY, INC	122.40	2104800	ProfServices Water Dept
031165	05/18/21	CRO05	CROSS PETROLEUM	1241.86	CL08591	MAT & SUPPLIES-
031166	05/18/21	GRA02	GRAINGER, W.W., INC	16.08	990090865	MAT & SUPPLIES-
031167	05/18/21	KNI00	KNIFE RIVER CONSTRUCTION	468.59 465.80	250731 250814	A/C CITYWIDE-STR A/C CITYWIDE-STR
			Check Total.....	934.39		
031168	05/18/21	MOO07	MOORE & BOGENER, INC.	8287.50	12024	CONSULT LIT-LGL SVCS
031169	05/18/21	PGE01	PG&E	22477.82	210512	Electricity General City-
031170	05/18/21	PIT03	PITNEY BOWES, INC	384.64	101813578	OFFICE SUPPLIES-
031171	05/18/21	QUI02	QUILL CORPORATION	138.98	16714297	MAT & SUPPLIES-
031172	05/18/21	RED15	RED TRUCK ROCK YARD, LLC	21.99	1268	LANDSCAPE MAINT-PARKS
031173	05/18/21	USA01	USA BLUE BOOK	1445.23	603494	MAT & SUPPLIES-WTR
031174	05/18/21	VAL01	VALLEY INDUSTRIAL COMM.	21.45	12416	SAFETY ITEMS-FIRE
031175	05/19/21	3AC00	3A CUSTOMS	150.45	15017262	VEH REPLAC-CAP IMPROV
031176	05/19/21	ACI01	ACI SPECIALTY BENEFITS	336.96	24662	WORKMENS COMP-GEN CITY
031177	05/19/21	BDI00	BDI	367.00	950185893	MAT & SUPPLIES-WTR
031178	05/19/21	CRO05	CROSS PETROLEUM	1223.26	CL08592	VEH OP/MAINT-
031179	05/19/21	KNI00	KNIFE RIVER CONSTRUCTION	474.15	250650	A/C CITYWIDE-STR
031180	05/19/21	LIN01	LINCOLN AQUATICS, INC.	-17.50 1743.09 -256.00	SN060864C SN060871 SN061073C	MAT & SUPPLIES-POOL MAT & SUPPLIES-POOL MAT & SUPPLIES-POOL
			Check Total.....	1469.59		
031181	05/19/21	PAY01	PAYGOV.US LLC	1797.80	718	COVID 19-FINANCE

REPORT.: May 19 21 Wednesday
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CITY OF CORNING
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PAGE: 003
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Check Number	Check Date	Vendor Number	Vendor Name	Net Amount	Invoice #	Description
031182	05/19/21	PGE09	PG&E	205.74	210517	ELECT-STONEFOX L&L-Z1, D2
031183	05/19/21	PGE2A	PG&E	42.96	210517	ELECT-BLUE HERON CT
031184	05/19/21	QUI02	QUILL CORPORATION	151.84	16679274	OFFICE SUPPLIES-
031185	05/19/21	RES04	RESERVE ACCOUNT	3000.00	210512	COMMUNICATIONS-
031186	05/19/21	SUN16	SUNBEAM SOLAR OPERATIONS	15311.27	202104	ELECT-
031187	05/19/21	EXP02	EXPRESS EMPLOYMENT PROFES	988.16	25459940	PROF SVCS-CITY CLERK
Cash Account Total.....:				146639.09		
Total Disbursements.....:				146639.09		
Cash Account Total.....:				.00		

Date.: May 19, 2021
Time.: 2:21 pm
Run by: LORI SIMS

CITY OF CORNING
NEW BUSINESSES FOR CITY COUNCIL

Page.: 1
List.: NEWB
Group: WTFMBM

Business Name	Address	CITY/STATE/ZIP	Business Desc	Bus Start Date
RED DOOR BARBERSHOP	1202 SOLANO ST	CORNING, CA 96021	BARBER SHOP	05/13/21
VSS INTERNATIONAL, I	3785 CHANNEL DR.	W SACRAMENTO, CA 95691	PAVEMENT MAINTENANCE CONTRACTOR	05/19/21
YOUR BEAUTYY BAR	609 4TH ST	CORNING, CA 96021	NON-INVASIVE BODY CONTOURING	05/13/21

ITEM NO.: J-7
AUTHORIZE STAFF TO PURCHASE AND
INSTALL NEW AUDIBLE ADA COMPLIANT
PUSH BUTTONS AT THE FOUR
SIGNALIZED INTERSECTIONS ON SOLANO
STREET FOR A TOTAL COST OF
\$28,155.08

May 25, 2021

TO: CITY COUNCIL OF THE CITY OF CORNING
FROM: KRISTINA MILLER, CITY MANAGER 
ROBIN KAMPMANN, PE; PUBLIC WORKS/ENGINEER CONSULTANT

SUMMARY:

There are four (4) signalized intersections along Solano Street; Edith Ave./Hwy 99W; Toomes Avenue; 6th Street; and Marguerite Avenue. The installation of audible ADA compliant pedestrian push buttons would require the installation of eight (8) push button units and a controller at each intersection. Each intersection would cost approximately \$7,405.66 to upgrade the existing pushbuttons resulting in a combined total cost of \$28,155.08.

BACKGROUND:

Mrs. Elizabeth Ben Lanes and her son Ali Ben Lanes presented Staff with letters requesting the City install audible ADA compliant pedestrian push buttons at the signalized intersections along Solano Street. This would allow Ali, as well as anyone else that was visually challenged to safely walk through the downtown area. (See attached letters).

Staff received the request, but due to the age of the traffic signals, finding an audible unit that was compliant with the existing traffic signals was difficult. The proposed units are the same brand as a Caltrans approved unit with the exception that these units have 2-wires and not 3-wires.

Staff would be able to install the push button units on the poles but will coordinate the control unit installation with Caltrans as part of our improvement and maintenance Agreement. If Council approves of this expense, Public Works will prioritize this work in fiscal year 2021/2022. Staff anticipates (assuming equipment and Caltrans availability) this work could be completed by October 1, 2021.

FINANCIAL:

Installation of ADA compliant push buttons is an eligible use of street funds. Utilizing street funds (115-9112-3000) to complete these upgrades would decrease the amount of funding accordingly for street projects and maintenance, which is underfunded. Alternatively, the City could allocate General Fund dollars for FY 2021/2022 for these improvements to be made.

RECOMMENDATION:

MAYOR AND COUNCIL:

1. AUTHORIZE STAFF TO PURCHASE AND INSTALL NEW AUDIBLE ADA COMPLIANT PUSH BUTTONS AT THE FOUR SIGNALIZED INTERSECTIONS ON SOLANO STREET AT A TOTAL COMBINED COST OF \$28,155.08; AND
2. DIRECT STAFF TO BUDGET FOR THESE COSTS AS PART OF THE FISCAL YEAR 2021/2022 BUDGET UTILIZING:
 - a. STREET FUNDS 115-9112-3000; OR
 - b. GENERAL FUNDS 001-9112-3000.

5/20/2021

To whom it may concern:

My name is Elizabeth Ben Lanes and I am blessed to be the mother of an exceptional blind 9 year old young man. Ali loves to explore, learn, meet new people, and most of all be independent. Ali has worked very hard from the day he was born to beat all odds and to become independent. He is a fearless young man who loves life, law enforcement, space, swimming, skiing, and the Titanic. He has an amazing mind and memory and captivates the hearts of almost everyone he meets. Ali does not see colors and needs audio feedback in order to cross safely.

Ali works weekly on mobility around town a couple times a week. We enjoy living in Corning, where almost everyone knows each other. We have been blessed with the amazing Visual Impairment teachers through Tehama County and general education teachers at Olive View Elementary. These are the family/teachers that help us push Ali and teach him not only book smarts but how to be an independent and respectful part of our community. As parents we tell Ali he can accomplish anything he sets his mind to. We teach Ali to explore and be fearless and reach for the stars. He may see differently than we do but in some cases better than rest.

Ali is not the only Blind person who lives or will live in Corning, CA. Just as you/we make the city safe for others the same should be done for the blind. They too are a part of this community and not only deserve but have the right to live in a safe, accessible community. It is for the safety of not only our child but for the others and children to come that we ask that the city make our streets ADA compliant for the blind and vision impaired. Ali should not have to go away from his home town to be safe while crossing the street. He should not have to have rules read to him or others guide him. He is a person and an independent one at that. Our request to start is that you add equipment to the crosswalks so that he and others may blindly cross the streets of Corning, CA. I would also like to ask that the city pool have rules that Ali can read on his own and bathrooms that are brailled so that he has no doubt which gender he is entering. These are all simple requests and ones that should have already been in place while considering ADA compliance for the city of Corning, CA.

Thank you for your time and I look forward to having my son grow up in Corning.

ELizabeth Ben Lanes

5-19-21

Hello my name is Ali Ben Lanes I am a blind 4th grade student from Olive View Elementary. I've lived here my whole life, and I am very independent. My mobility instructor has taught me how to cross the streets safely while shadowing me.

There is an issue with the city street lights that affects visually impaired people. The problem is that the street lights don't have audio feedback. This feature lets a person know when to cross the street on a green light, or when not to cross on a red light.

I am asking that you make our city street lights ADA compliant for the blind like Red Bluff and Chico. Then when I get older I can cross the streets without any assistance.

I enjoy exploring our city and meeting new people. I go to the city pool in the summer, and 7/11 to get a rootbeer which is my favorite drink.

Thank you for allowing me this time to speak for the visually impaired citizens of Corning.

ITEM NO.: J-8
ADOPT RESOLUTION 05-25-2021-01
TEMPORARILY SUSPENDING THE
BUSINESS LICENSE FEE REQUIREMENTS
FOR BUSINESSES OPERATING SOLELY
AT CITY APPROVED EVENTS AND
APPROVE LIST OF EVENTS

May 11, 2021

TO: CITY COUNCIL OF THE CITY OF CORNING
FROM: KRISTINA MILLER, CITY MANAGER
ROBIN KAMPMANN, PE; PUBLIC WORKS/ENGINEER CONSULTANT

SUMMARY:

City Staff were approached by Corning Chamber of Commerce representatives about challenges ascertaining vendors for the Corning Farmer's Market due to the expense of City business licenses. Chamber President, Christine Fears, in the attached letter dated May 20, 2021 requests the City waive business license fees. Many vendors have not been able to conduct business for over a year due to the COVID-19 pandemic.

Resolution 05-25-2021-01, if approved, would temporarily suspend the business license fee requirement for businesses operating solely at City approved community events. The license fee is proposed to be suspended for the following events:

1. All Corning Chamber of Commerce organized events; and
2. All City-Sponsored events, such as Food Truck Tuesday

Normally, when the City receives business license fee requests, it determines whether all other necessary business operating permits have been obtained by the business. If approved, the aforementioned event organizers will be responsible for ascertaining this information.

If other event organizers would like to temporary suspend business license fees, Council action would be required.

The City may also wish to evaluate whether a permanent exemption is warranted. The City of Red Bluff has procedures in its Municipal Code to exempt business license fee requirements for businesses operating solely at City approved community events.

BACKGROUND:

Businesses participating in community events per Chapter 5.04 and 5.16 of the City's Municipal Code are required to obtain a business license. The cost is \$10 per month, plus a \$4 State SB 1186 per application fee. Business license fees have not been increased since 1992. This Chapter of the Corning Municipal Code was not followed in the past and was brought to light when the City developed an event application form, as a result of requests for events at Corning Community Park.

RECOMMENDATION:

MAYOR AND COUNCIL:

- APPROVED RESOLUTION NO. 05-25-2021-01 SUSPENDING THE BUSINESS LICENSE FEE REQUIREMENTS FOR BUSINESSES OPERATING SOLELY AT CITY APPROVED EVENTS;
- APPROVE THE FEE AND LICENSE EXEMPTION FOR ALL CORNING CHAMBER OF COMMERCE ORGANIZED EVENTS AND CITY SPONSORED EVENTS; AND
- DIRECT STAFF TO EVALUATE WHETHER A PERMANENT EXEMPTION FOR CITY-SPONSORED EVENTS IS WARRANTED AND PROVIDE A REPORT TO THE CITY COUNCIL.

RESOLUTION NO. 05-25-2021-01

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORNING
TEMPORARILY SUSPENDING THE BUSINESS LICENSE FEE REQUIREMENTS
FOR BUSINESSES OPERATING SOLELY AT CITY APPROVED COMMUNITY
EVENTS**

WHEREAS Chapters 5.04 and 5.16 of the Corning Municipal Code requires all businesses to obtain a license through payment of a fee in order to operate within the City's boundaries, and that these requirements include vendors at local community markets approved by the City; and

WHEREAS COVID-19 and other associated factors have made it more difficult for vendors to pay the business license fee for City approved community events such as the Farmer's Market, resulting in low overall vendor turnout; and

WHEREAS the City of Corning City Council seeks to promote these local events and encourage these vendors to attend, which in turn will result in more involvement from the residents creating an overall closer community; and

WHEREAS in furtherance of this objective, the City Council seeks to temporarily suspend the business license fee requirements set forth in Title 5 of the Corning Municipal Code as it applies to vendors that operate solely at City approved events. The suspension is not intended to apply to vendors who participate in these local community events, but also conduct business within City limits on days or hours when these events are not occurring.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Corning as follows:

1. The recitals stated above are true, correct, and are adopted herein as findings.
2. The business license tax and fee requirements set forth in Chapters 5.04 and 5.16 of the Corning Municipal Code are hereby temporarily suspended as it applies to vendors that operate solely at City approved local community events, such as the Farmer's Market. No tax or fee will be imposed on these vendors during the period of time that this suspension is in place.
3. This temporary suspension shall not apply to vendors who operate at City approved community events, but also conduct business within the City's jurisdiction on days and/or hours when these events are not occurring.
4. Once it is determined that this temporary suspension is no longer necessary, the City Council shall adopt a subsequent Resolution formally removing the suspension.
5. The City Clerk shall certify to the passage, approval, and adoption of this Resolution and shall cause this Resolution and the City Clerk's certification to be entered in the records of the City.

IT IS HEREBY CERTIFIED that the City Council of the City of Corning adopted the foregoing Resolution 05-25-2021-01 at a regular meeting held on May 25, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert Snow, Mayor

ATTEST:

Lisa M. Linnet, City Clerk

DRAFT (Chamber letter head)

May 20, 2021

Honorable Mayor Robert Snow
and Members of The City Council
City of Corning
794 Third Street
Corning, California 96021

Re: Request to Waive Business License Fees for Corning Farmers' Market Vendors
Ladies and Gentlemen,

The Corning Chamber of Commerce is preparing to host the 2021 Corning Farmers Market at Northside Park beginning June 10th. The Chamber is requesting the waiver of business license fees for the produce sellers and other vendors as the City has done in the past.

For your information, neither Red Bluff nor Chico require Business Licenses for their Farmers' Markets.

As I am sure you know, all the farmers selling produce are certified by Tehama County Department of Agriculture confirming that they are selling the produce they have grown themselves. The certified market program is operated under State Law.

Also, all Prepared Food Vendors must have County Environmental Health Permits to sell food and must also carry Liability Insurance and provide the Chamber a "Certificate of Liability Insurance" naming both the "City of Corning, its Officers, Employees and Volunteers, and the Corning Chamber of Commerce, its Officers, Employees and Volunteers", as Additionally Insured. The Chamber of Commerce also provides it own Certificate of Liability Insurance to the City.

The Chamber of Commerce is excited to provide the Farmers' Market to the Community again and appreciates the long-standing partnership with the City of Corning on these Special Events.

Sincerely,

Christine Fears
President

ITEM NO.: J- 9
DIRECTION TO STAFF REGARDING
MURALS AND DESIGN GUIDELINES IN
COMMERCIAL ZONES

May 25, 2021

TO: HONORABLE MAYOR AND COUCILMEMBERS

FROM: KRISTINA MILLER, CITY MANAGER



SUMMARY:

Mural Ordinances allow for the creation of new original art murals on private and public property. The City currently does not have a Mural Ordinance regulating the placement of murals within the City. The City also does not have design guidelines established except for in the Highway 99W Specific Plan and in Multi-Family Dwellings.

The City should not regulate the type of art as that would be a violation of First Amendment Rights, but it could put in place design guidelines.

Design guidelines are common for the purposes of:

1. Promoting and enhancing real property values;
2. Preserving and enhancing the distinctive visual character of the City;
3. Insuring the orderly and harmonious development of the City with attention to site planning and exterior appearance of public and private structures.

Typically, once design guidelines are established, a design review committee is formed to ensure compliance with design guidelines. The issuance of a Building Permit often triggers compliance with design review guidelines except for certain situations, which may include:

1. Reroofing;
2. New detached single-family dwelling;
3. Mobile home installations, except as noted in § 7.9;
4. Signs, except painted signs
5. Interior alterations and construction.

Staff has not prepared a formal review of potential design guidelines but could do so with City Council direction.

BACKGROUND:

The City receives complaints about murals, paint colors, and the condition of buildings in the downtown corridor. Most recently the City has been fielding complaints about the island coral pink color of Miners Inn and the murals being painted in and around the City. Attached is a formal complaint received.

Similar concerns were expressed at an April 12, 2016 City Council meeting. Staff at that time reviewed Mural Ordinances in other communities and provided the attached staff item to the City Council on April 26, 2016. The City Council at the time directed staff not to proceed with drafting a mural ordinance.

RECOMMENDATION:

THAT THE CITY COUNCIL DIRECT STAFF TO:

- Draft a mural ordinance for future City Council consideration; and/or
- Provide a report to the City Council of Design Review Guidelines in other communities; or
- Not to proceed

RECEIVED

MAY 20 2021

CORNING CITY CLERK

CITY OF CORNING

CITIZENS COMPLAINT FORM

DATE: 5-20-2021

PLACE STATEMENT GIVEN: BRIGHT PAINT ON BUILDINGS & MURALS

NATURE OF VIOLATIONS: EYE SORE

NAME OF PERSON ACCUSED: _____

STATEMENT OF CITIZENS: (To be in handwriting of person making complaint)

Not happy with non traditional colors Southwest
corner of
Solano &
5th
and murals detracting from the
historic coming downtown.
There are many of us that do
NOT want Corning moving in
this direction
Thank you Also I would like
to request a City Ordinance
be put in place

I have written the above statement of my own free choice and desire, at Corning, California, and I declare under penalty of perjury that the foregoing is true and correct.



(Signature of person making complaint)

**ITEM NO.: K-8
DIRECTION TO STAFF REGARDING THE
ESTABLISHMENT OF A MURAL
ORDINANCE**

April 26, 2016

TO: HONORABLE MAYOR AND COUCLMEMBERS

FROM: KRISTINA MILLER, CITY MANAGER

SUMMARY:

Mural Ordinances allow for the creation of new original art murals on private and public property. The City currently does not have a Mural Ordinance regulating the placement of murals within the City. Some residents within the City appreciate the murals while others do not. At the April 12, 2016 City Council meeting, and prior via email, the City received complaints about recent murals painted on commercial buildings along Solano Street and a request to pursue an Ordinance limiting murals within the City. City Staff reviewed Mural Ordinances in Portland, Los Angeles, Denver, and Visalia. The City of Redding regulates murals through its sign regulations. The City should not regulate the type of art as that would be a violation of First Amendment Rights, but it could place design standards.

BACKGROUND:

As a result of complaints received via email and in person at the April 12, 2016 City Council meeting, Staff have been reviewing Mural Ordinances in other communities. Smaller Cities, such as the City of Corning often did not have Mural Ordinances in place. The Cities of Chico, Red Bluff, Redding, and Orland do not have Mural Ordinances. The City of Redding regulates murals through its sign regulations (Attachment 1). The City of Portland has the most extensive mural regulations (Attachment 2). Mural Ordinances from Los Angeles, Denver, and Visalia (Attachment 3) were also reviewed. Some required a permit for the mural to be processed through the Planning or Arts Commission. Most limited murals on designated historical buildings. The design standards placed no limitation on the type of art, but limited the following:

- Size
- Location: Whether the mural can be on street-facing or non-street facing walls
- Could not affect visibility
- The number of walls that may be covered with a mural on any one building
- Whether the murals can be placed on walls made of stone or unpainted brick
- Whether the murals can be painted on or obscure architectural features such as windows, doors, pilasters, cornices, window door or other building trim, feature bands, and other recessed or projecting features.
- The number of murals per building wall
- Minimum duration of the mural to prevent murals from becoming off-site advertising

Some jurisdictions required an informational neighborhood meeting and associated noticing of the meeting. The neighborhood meeting provides a setting for a mural permit applicant and neighborhood residents to review a proposed mural in an informal manner, to enable community input into the process of the creation of the mural, and to allow neighborhood residents to share any concerns concerning the proposed mural with the permit applicant prior to the creation of the mural. The discussion at the meeting is advisory only and was not binding on the applicant.

Structural review under certain circumstances is required. Permit inspections required documenting the site, mural size, location, and mural image for consistency. Some Ordinances require maintenance of the mural and defined a process to alter the mural. The Ordinances addressed enforcement procedures, which in our case would fall within the responsibilities of the Building Official and/or the Planning Director. All Ordinances established an application process and in some instances adopted mural permit fees.

RECOMMENDATION:

THAT THE CITY COUNCIL:

- Provide direction to Staff as to how to proceed.

Attachment 1
City of Redding Mural Sign Standards

Wall Murals and Supergraphic Wall Signs. Where permitted, wall murals and supergraphic wall signs shall meet the area limitations for the district where they are located and the following regulations:

1. Murals shall be regarded as a work of art, and supergraphic wall signs shall be pleasing to the eye. The mural or graphic shall demonstrate artistic quality or theme as opposed to direct or indirect illustrative advertising;
2. When bands of color or lines use the wall, building facade, or parapet as either figure or ground, then the entire surface of these areas shall be included as part of the sign or mural area;
3. Any advertising message type, company name, logo, etc., outside the viewing field of the mural shall not exceed twenty square feet in area;
4. Murals shall not be placed on decorative block or brick walls;
5. Approval of the mural shall take into consideration the visual effect of the mural on adjoining properties and the overall architecture of the building. The colors and materials used shall be reasonably harmonious with those in the area;
6. Murals shall be limited to a maximum of one per wall on any one building;
7. The proportional relationship of wall signs to the wall shall be based on the maximum square footage or percent of wall and window coverage of Schedule 18.42.030B, whichever is more restrictive. Wall signs requiring permits shall be in the form of an administrative sign permit. The director may require a site development permit if the sign could have an aesthetic impact or be controversial.

Attachment 2
City of Portland, Oregon Title 4 Permitting Original Art Murals

City of Portland

Bureau of Development Services

1900 SW Fourth Avenue, Suite 5000
Portland, OR 97201
Telephone: (503) 823-7300 Fax: (503) 823-3018

Administrative Rule

Permitting Original Art Murals

I. Intent and Purpose

The purpose and intent of this rule is to describe the permitting process for Original Art murals within the City of Portland.

II. Definitions

A. Alteration: Any change to the Permitted Original Art Mural, including but not limited to any change to the image(s), materials, colors or size of the Permitted Original Art Mural. "Alteration" does not include naturally occurring changes to the Permitted Original Art Mural caused by exposure to the elements or the passage of time. Minimal changes to the Permitted Original Art Mural which result from the maintenance or repair of the Permitted Original Art Mural (i.e. very minor and unintended deviations from the original image, colors or materials occurring when the Permitted Original Art Mural is repaired due to the passage of time or as a result of vandalism such as graffiti) shall not constitute "alteration" of the Permitted Original Art Mural within the meaning of this section.

B. Central City: Properties located within the Central City Plan District, as identified on Map 510-1 in *Title 33, Planning and Zoning*.

C. Conservation District: A collection of individual resources that is of historic or cultural significance at the local or neighborhood level, as identified through an inventory and designation process and mapped as such in *Title 33, Planning and Zoning*.

D. Design Overlay Zones: Properties that have a "d" (Design Overlay) designation on the City's official Zoning Maps, as regulated by *Title 33, Planning and Zoning*.

E. Director: The Director of Bureau of Development Services.

F. Grade: The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building. This is the definition used in the Oregon Structural Specialty Code (the Uniform Building Code as amended by the State.)

G. Historic District: A collection of individual resources that is of historic or cultural significance at the local, state, or national level, as identified through an inventory and designation process and mapped as such in *Title 33, Planning and Zoning*.

H. Non Street-Facing Wall: Walls of a structure that are at an angle of more than 45 degrees from a street.

I. Original Art Mural: A hand-produced, two-dimensional work of visual art as defined in Title 4. All references to "murals" in this rule mean Original Art Mural.

J. Permitted Original Art Mural. An Original Art Mural for which a permit has been issued by the City of Portland pursuant to Title 4.

K. Street: A right-of-way that is intended for motor vehicle, pedestrian, or bicycle travel or for motor vehicle, bicycle or pedestrian access to abutting property. For the purposes of this rule, street does not include alleys, or rail rights-of-way that do not allow for motor vehicle access.

L. Street-Facing Wall: All the wall planes of the structure as seen from one side or view that are at an angle of 45 degrees or less from a street lot line.

III. Permit Application

No person, firm or corporation may commence a mural installation on a site without first obtaining a mural permit as provided in this section. Murals without an approved mural permit are considered signs and are regulated by *Title 32, Signs and Related Regulations*.

The applicant must submit an application for a mural permit to the Director for review. The applicant may not commence any mural installation before the Director has approved the requested permit. A separate application is required for each mural on a site.

General application requirements. Application for a mural permit must be made in writing on forms furnished by the Director. Three copies of the application form and required submittal items shall be provided. The application must contain the general information specified in Section A, below.

A. Required Materials

1. Completed "Original Art Mural" application form, including all appropriate signatures.
2. Building elevation drawn to scale, and one 8.5" x 11" reduction suitable for photocopying, that identifies:
 - a. the façade on which the mural is proposed;
 - b. the location of existing and proposed murals;
 - c. the mural dimensions;
 - d. the height of the mural above grade; and
 - e. the building eave/cornice and roof line.
3. Site plan drawn to scale and one 8.5" x 11" reduction suitable for photocopying, that identifies:
 - a. Property lines;
 - b. building location and façade on which the mural will be located;
 - c. names of streets that abut site; and
 - d. north arrow.
4. If in a Design Overlay Zone or on a building that is identified as noncontributing to the historic significance of a Historic District or Conservation District, provide sufficient architectural detail (including plan views, elevations, details, photographs, and/or any other material necessary) to demonstrate that the mural can meet the standards of Section IV of these rules.
5. Written description of the type of mural (painted, mosaic, etc) and details showing how the mural is affixed to the wall surface.
6. Application Fee.

The application is a binding contract between the applicant and the city.

An application will not be accepted until it is complete, meaning that all elements of the application have been completed in full with appropriate signatures in all locations and all applicable fees have been paid.

Application will be approved after the public meeting required by Paragraph B, below, has been held and all applicable requirements have been met.

B. Neighborhood Contact

1. Purpose of the Neighborhood Contact process. The purposes of Permitted Original Art Murals include public access to original works of art; community participation in the creation of original works of art; and community building through the presence of and identification with original works of art. In furtherance of these purposes, the Neighborhood Contact process provides a setting for a mural permit applicant and neighborhood residents to review a proposed mural in an informal manner, to enable community input into the process of the creation of the mural, and to allow neighborhood residents to share any concerns concerning the proposed mural with the permit applicant prior to the creation of the mural. The discussion at the meeting is advisory only and is not binding on the applicant.

2. When the Neighborhood Contact is required. The Neighborhood Contact is required before a mural permit is issued by the City. Materials and the permit number are required for the Neighborhood Contact are obtained from the Development Services Center. Therefore, it is recommended the Neighborhood Contact is completed after an applicant submits a mural permit application to the City.

3. Requirements. The requirements for Neighborhood Contact are:

a. **Open meeting.** The applicant must schedule a meeting to discuss the mural proposal with interested persons at a location within the boundaries of the neighborhood association in which the mural is proposed; if in an unclaimed area, the meeting must be held within the boundaries of the closest neighborhood association.

The meeting shall not be held in locations where any person attending the meetings would face discrimination on the basis of race, religion, color, sexual orientation, gender identity, age, disability, legal citizenship, national origin, income, or political affiliation. The meeting shall be held in a location accessible to people with disabilities, and the meeting shall be held during evening or weekend hours, but in no case between the hours of 10:00 pm and 7:00 am.

The mural permit will not be issued until the open meeting has been held.

b. **Mailed notice of the open meeting.** The applicant must send a letter to the neighborhood association and district coalition announcing the meeting not less than 21 calendar days prior to the meeting date. If the mural proposal is in an unclaimed area, the applicant must notify the closest neighborhood association. The letter must describe the mural proposal and list the meeting location, date, and time. The letter must also include a site plan and building elevation or photograph showing the location and size of the proposed mural. A sample letter can be obtained at the Development Services Center.

The mural permit will not be issued until the applicant provides a copy of the letter with proof of mailing provided by the Post Office.

c. **Posted notice of the open meeting.** The applicant must post a notice of the meeting no less than 21 calendar days prior to the meeting date at the site of the proposed mural in a visible location. Posting boards are obtained at the time of permit application submittal at the Development Services Center. The posted notice shall contain:

- (1) Applicant's name;
- (2) Applicant's telephone number;
- (3) Mural permit number;
- (4) Date, time and place of the meeting; and
- (5) Building elevation showing the mural.

A notice shall be posted at the street frontage of the proposed mural site, but not located in the public right-of-way.

d. **Additional correspondence.** The above notification process is mandatory. The applicant may elect to communicate further with the neighborhood and interested parties through a communication medium that is most convenient for all parties. However, communication through these channels is not required.

IV. Design Standards

Murals in all locations are encouraged to meet these standards. However, where the mural is located in a Design Overlay Zone, or on a building that is identified as noncontributing to the historic significance of a Historic District or Conservation District, the following standards must be met:

A. Location of Mural on the Building

Murals are permitted on the following building walls:

1. Central City. Within the Central City Plan District, murals are permitted only on non street-facing walls and street-facing walls that are more than 20 feet from a street lot line.

2. All other areas. Murals are permitted on any wall.

B. Qualifying Wall Surfaces for Murals.

1. Murals are permitted only on the flat planes of walls.

2. Murals are not allowed on walls made of stone, or unpainted brick.

3. Murals are permitted only on walls that have not had a specific material, color or texture reviewed and approved through Design Review or Historic Resource Review unless a new Design Review or Historic Resource Review has allowed the mural to change the originally approved color, texture, or material.

3. Mural areas will not be painted on or obscure architectural features such as: windows, doors (other than egress-only), pilasters, cornices, window, door or other building trim, feature bands, and other recessed or projecting features.

C. Number of Mural Permits per building wall.

Only one mural permit may be obtained per wall.

D. Mural Size and Materials.

1. The top of the mural may be no higher than the floor level of the third floor for projects on buildings greater than two stories.

2. Minimum size for a mural area is 32 square feet.

E. Hierarchy of Regulations.

1. Any ground floor window area requirements triggered at any time for the portion of a building displaying a mural will require the removal of the mural.

2. If a mural installation includes any changes to a building that would otherwise require Design Review or Historic Resource Review as described in Title 33, those changes must be approved through Design Review or Historic Resource Review prior to approval of the mural permit. Examples include a new wall material, lighting, extensions of the mural above the existing height of the building, electrical changes, etc.

V. Approval of Mural Application

An application for a mural permit will be reviewed for compliance with the requirements of Title 4 and these administrative rules. The mural application will be approved once the reviewer has ensured that all provisions of Title 4 and these administrative rules has been met. The review is a non-discretionary administrative review. Decisions on the application are made by the Director and are final. Exceptions to the requirements of Title 4 or these rules are prohibited. The review will be done according to general operating procedures of the Bureau of Development Services and the City.

A. Structural Review

Structural Review is required for all murals except for murals described in either paragraph 1 or 2, below:

1. Murals that are painted or tiled directly on a building wall do not require structural review.

2. Murals with any element that weighs less than 7 pounds per square foot, or in total weigh less than 400 pounds, and are attached to the building wall in one of the following methods do not require structural review.

a. Continuously along two opposing sides of the mural for the full dimension of the mural; or

b. At each corner of the mural, and at intervals no greater than 18 inches along the entire perimeter of the mural.

For murals that are affixed to the building wall in separate panels, the requirements in subparagraph a or b, above, apply to each panel.

B. Actions of the Director

Where the Director finds that a proposed mural does not comply with Title 4 and these administrative rules, the Director must either require revisions to the proposal, require additional reviews or deny the application.

C. Suspension or Revocation

The Director may suspend or revoke a permit issued under the provisions of Title 4 and these administrative rules. The Director will inform the permit holder of the suspension or revocation in writing. Permits may be suspended or revoked when:

1. The permit is issued in error;
2. The permit is issued on the basis of incorrect information supplied by the applicant; or
3. The permit is issued in violation of any of the provisions of Title 4 or these administrative rules.

VI. Inspections and Expiration of Permit

A. Inspections

The Director will conduct inspection of murals for which a permit has been issued. The permit holder must notify the Director when the work is ready for inspection. The inspection shall verify that the mural is in conformance with the application and in conformance with the provisions of the mural code and these rules. At least one photo to be kept on file to document the site, mural size, mural location and mural image consistency. The photo or photos may be taken by the inspector, or provided to the inspector by the applicant.

Structural inspections shall be completed in conjunction with any separate permits and shall verify the applicable requirements from the applicable codes.

The Director may conduct inspections whenever it is necessary to enforce any provision of these administrative rules or Title 4, to determine compliance with these administrative rules or Title 4, or whenever the Director has reasonable cause to believe any violation of these administrative rules or Title 4 may exist.

B. Expiration of Permit.

If no inspection approval has taken place within twelve months of issuance of a mural permit, the permit is void, and no further work on the mural may be done at the premises until a new permit has been secured and a new fee paid.

C. Extensions of Permit.

The Director may extend a permit for one period of twelve months upon finding that the applicant was unable to commence or continue work for reasons beyond his or her control. A request for permit extension must be in writing and must be received by the Director before the permit expiration date. If an inspection approval has not been granted within this extended time period, the permit is void. A permit may be extended only once under the standards of this subparagraph.

D. Renewal of Expired Permits.

A permit that has been expired for six months or less may be renewed provided no changes have been made in the original plans and specifications for such work. A permit may be renewed only once. No permit that has been expired for more than six months may be renewed.

VII. Minimum Duration of a Permitted Mural

The mural, as approved by permit, shall be maintained without alteration for a minimum of five years. The approved mural permit does not expire so long as there is not a modification to the approved mural size, location, and image.

VIII. Maintenance of a Permitted Mural

Building owners are responsible for ensuring that a permitted mural is maintained in good condition and is repaired in the case of vandalism or accidental destruction.

Muralists and building owners are encouraged to consider protective clear top coatings, cleanable surfaces, and/or other measures that will discourage vandalism or facilitate easier and cheaper repair of the mural if needed.

IX. Alterations to a Permitted Mural

A. Alterations to the mural within the first five years of the date of completion.

Permitted murals may be altered within the first five years of the date of completion under the following circumstances:

1. The building on which mural is located is sold; or
2. The building or property is substantially remodeled or altered in way that precludes continuance of mural.

Alterations must be approved by obtaining a new permit through the process described in Section III of these Administrative Rules. Alterations for reasons other than the circumstances described above are not permitted and are considered a violation of the mural permit approval.

B. Alterations to the mural following the first five years of the date of completion.

Alterations of the mural following the first five years of the date of completion are allowed, but must be approved by obtaining a new permit through the process described in Section III of these Administrative Rules.

X. Removal of a Permitted Mural

A. Removal of the mural within the first five years of the date of completion.

Permitted murals may be removed within the first five years of date of completion under the following circumstances:

1. The building on which mural is located is sold; or
2. The building or property is substantially remodeled or altered in way that precludes continuance of mural.

Removal of the permitted mural for reasons other than the circumstances described above precludes approval of a new mural permit at the site for a five-year period after the date of the original mural permit completion.

Prior to mural removal the applicant must notify the Bureau of Development Services with a letter stating intent to remove the mural and an explanation of the circumstances necessitating the removal.

B. Removal of the mural after the first five years of the date of completion.

Permitted murals may be removed after the first five years of the date of completion. No letter of intent is necessary before removal of the mural.

C. Removal of materials associated with the mural.

Any associated materials that were used to affix or secure the mural to the wall must be removed at the time of the removal of the mural. This includes, but is not limited to mounting hardware or brackets, caulk or grout, and adhesives or glues.

XI. Enforcement

A. Violations.

It is unlawful to violate any provisions of this Rule. This applies to any person undertaking an application for a mural permit, to the building tenant or owner of the mural site. For the ease of reference in this section, all of these persons are referred to by the term "operator."

B. Notice of violations.

The Director must give written notice of any violation of this Rule to the operator. Failure of the operator to receive the notice of the violation does not invalidate any enforcement actions taken by the City.

C. Responsibility for enforcement.

The regulations of this Rule may be enforced by the Director pursuant to Chapter 3.30 and Title 22 of the City Code.

Attachment 3
CITY OF VISALIA
MURAL GUIDELINES AND PROCEDURES

INTRODUCTION:

Murals are considered signs and, as such, are governed by the City's sign ordinance found in Chapter 17.48 of the Visalia Municipal Code ("VMC"). Murals require the issuance of a permit from the City pursuant to VMC §17.48.030. Murals which are non-commercial, contain no advertising copy and which do not function as an advertisement are allowed, subject to review by the Mural Panel and final approval by the City Council (VMC §17.48.040(S)). These guidelines are provided to assist mural applicants through the process prior to presentation to City Council.

PURPOSE: To define the process used by groups or individuals ("applicants") who desire to install murals in Visalia public places. The City of Visalia understands the importance of art in public places and the role that murals play in preserving our culture, conveying the history of our community, beautifying the city and advancing the arts. These guidelines will provide direction to applicants wishing to install murals in public places.

DEFINITIONS:

"Parks Commission" means the Visalia Parks and Recreation Commission which is responsible for City of Visalia Parks.

"Planning Commission" means that Visalia Planning Commission responsible for approving variances in the sign ordinance.

"Public places" means places within the City limits of Visalia, which are visible to the public.

"Commercial" means words or images used elsewhere in the marketplace for the purpose of promoting a particular business, product, service, cause, place or brand.

"Commercial Element" means art that by virtue of its location or proximity to a business may serve a minimal commercial purpose. If that art were in a different location, it would be considered pure art and not commercial in nature.

"Mural" means a sign as defined in VMC Chapter 17.48. It is also generally described as a picture or representation, in any type of medium, on an exterior surface of a building, structure, fence or garden wall.

"Mural Panel" means a group of individuals approved by the City Manager to review applications to place murals in public places prior to presentation to Council. Mural Panel will be comprised of one (1) representative from the Arts Consortium, one (1) representative from Arts Visalia, and one (1) representative appointed by the Mayor. In all cases, the person appointed should have no involvement/conflict of interest with the mural under consideration. The representatives will be appointed by the Chair of these organizations and the Mayor upon the receipt of a Mural Application.

"Preliminary Approval" means the application has been accepted, found to be in good order and complete and the proposed mural is deemed appropriate by the mural panel.

GENERAL GUIDELINES:

1. The emphasis of the murals will be on "artistic expression" and must not include an advertisement or be commercial in nature. This will in no way limit or restrict the artist's right to include speech and/or artistic expression in a mural that is not commercial as defined above. All murals must comply with City ordinances that prohibit indecency or obscenity in public.

2. Murals shall not contain copy, lettering, symbols or references directly to the promotion of any product, business, brand, organization, service, cause or place. Murals may contain limited commercial elements so long as they are not considered commercial speech with the purpose of promoting a commercial transaction. For those mural applications that may contain limited commercial elements, the Mural Panel will ask the question – "If the business on which the mural is located were to move,

would the mural still be good quality art and something the community would want to remain?" If so, the mural is not considered commercial speech or advertisement but rather pure art.

3. Murals shall not be merely an extension or enlargement of a sign. If the theme of the mural is to promote a business, brand, organization, service, cause or place, it shall meet all requirements of the City of Visalia sign ordinance. If the proposed mural is determined to be commercial in nature and is therefore deemed by the Mural Panel to be a form of advertisement, the Mural Application will be referred to the City of Visalia Planning Department for a variance in the sign ordinance. That application will then follow their process for review and approval.

4. Not more than 1% of the mural will contain the name of a sponsor and/or sponsor product likeness. The artist's signature shall not be more than 1% of the mural.

5. Temporary Murals will receive, as is reasonably practicable, expedited review by the Mural Panel. Temporary murals shall be required to comply with the provisions of these guidelines, and will be removed no later than one year after completed. After one year, if there is a desire for the mural to remain in place, the owner will resubmit a mural application and follow the standard process as outlined herein.

6. Mural artists will be required to demonstrate their ability and experience to create high quality, well designed and well executed murals and/or art. The artist must provide the Mural Panel a portfolio of work that is reflective of the style of the proposed mural. This will be used to help determine whether the artist will be able to uphold the standards for quality art within the City of Visalia. For those artists without a portfolio of work, the Mural Panel will consider other presented forms of art that demonstrate an ability to create a quality mural.

7. New murals erected without receiving proper approval and that did not go through the Mural Application and Approval Process, will be required to retroactively go through the Process. Property owners will have 30 days after receiving notification to submit a mural application after which the mural will be deemed a sign and subject to all permitting requirements of VMC 17.48. The retroactive mural applications will be required to comply with all Mural Guidelines and must receive City Council approval. Murals that fail to be approved will be removed within 30 days after the denial at the property owners expense.

APPLICATION AND APPROVAL PROCESS:

STEP 1: Muralist(s) must obtain an application from the Visalia City Manager's office at 425 E. Oak Ave. or online at www.ci.visalia.ca.us. The time required to process a mural application will vary but will be a maximum of 90 days from application submittal. The application will provide information to the City regarding location, size, concept and content of the mural, type of paint/media, owner of the building where the mural will be located, artist(s), dates of application, individuals who will be responsible for maintenance. The application must be signed by the individual/group proposing to place the mural, as well as the property owner where the mural will be placed and submitted to the City Manager or his/her designee along with a 1:12 scale [1"=1 ft.-0"] sketch, rendering or photo of the proposed mural.

STEP 2: The application and mural rendering must be reviewed and approved by the Mural Panel and the owner of the property where the mural is proposed to be placed. The review will be conducted to assure compliance with local ordinances and regulations, these guidelines, and the ability of the artist(s) proposing the mural to produce a quality mural. If the mural receives preliminary approval, it will move forward in the process.

Any mural that is to be installed in or on a community center or park, except Convention Center, must, in addition to review by the Mural Panel, be reviewed by the Parks Commission prior to submission to the Visalia City Council for final approval.

STEP 3: After receiving preliminary approval, the artist will then be required to provide for review their portfolio of work that is reflective of the proposed mural. The Mural Panel will use the portfolio of work to help determine whether the artist has the technical skill and ability to produce a quality mural within the City of Visalia. If the artist is unable to provide a portfolio of work, at a minimum, the artist will be

required to provide evidence of artistic talent that satisfies the Mural Panel as to the skill and ability of the artist to create a mural that is of good quality.

STEP 4: After review and acceptance of the artist's body of work, the Mural Panel will make a recommendation to the City Council for approval of the mural application which is the final approval step.

MURAL AGREEMENT:

Following approval by the Mural Panel, whether the mural will be placed on public or private property, the property owner and applicant(s) will be required to provide to the City Manager, or his/her designee, evidence of a proposed agreement which identifies the terms and conditions under which the mural will be applied. These terms and conditions include, but are not limited to:

- A. Specifications regarding the mural (location, size, concept and content of the mural, type of paint/media);
- B. Application for Encroachment Permit if necessary;
- C. Identification of ownership of the mural image and use thereof;
- D. Expected timeframe for completion;
- E. Long term mural maintenance;
- F. Circumstances under which the mural may be removed by the City and/or property owner (i.e. lack of maintenance or in disrepair);
- G. Proof of Liability Insurance;
- H. Landscape removal and replacement or protection, if any; The proposed agreement will be provided to the Mural Panel and will be submitted to City Council along with the recommendation of the Mural Panel and, if necessary, the Park Commission.

APPEAL TO CITY COUNCIL:

In the event the Mural Panel and/or the Park Commission determines the proposed mural does not comply with the parameters of these guidelines or other City ordinances and regulations, and therefore determines to withhold its approval, applicant(s) may apply for a variance as authorized by VMC section 17.48.040(P) and outlined in VMC section 17.48.110.

FINAL INSPECTION AND ACCEPTANCE:

The City reserves the right to inspect the mural during installation and upon completion to ensure that the final product is in compliance with the approved mural application. Should it be found that the mural is not in compliance, the artist and property owner will be notified and given 30 days to remedy the situation. Should the property owner and/or artist fail to make the necessary corrections, the mural will be deemed out of compliance and will be removed at the expense of the property owner and/or artist.

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