



**CITY OF CORNING  
SPECIAL CLOSED MEETING SESSION**

**TUESDAY, DECEMBER 14, 2010  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

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

**B. ROLL CALL:**

**Council:**

**Toni Parkins**

**John Leach**

**Vacant**

**Darlene Dickison**

**Mayor:**

**Gary Strack**

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. ADJOURN TO CLOSED SESSION:**

**CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO SECTION 54957.6:  
Agency Negotiator: William May, Labor Relations Consultant  
Management, Miscellaneous, Dispatch and Public Safety Employees  
Bargaining Units**

**E. RECONVENE SPECIAL MEETING AND REPORT ON CLOSED SESSION:**

**F. ADJOURN TO REGULAR MEETING OF THE CITY COUNCIL:**

**POSTED FRIDAY, DECEMBER 10, 2010**



**CITY OF CORNING  
CITY COUNCIL AGENDA**

**TUESDAY, DECEMBER 14, 2010  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

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

**B. ROLL CALL:**

**Council:**

**Toni Parkins**

**John Leach**

**Vacant**

**Darlene Dickison**

**Mayor:**

**Gary Strack**

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

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

**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.**

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

**2. Waive the Reading and Approve the Minutes of the November 23, 2010 and December 7, 2010 City Council Meetings with any necessary corrections:**

**3. December 8, 2010 Claim Warrant - \$240,361.09.**

**4. December 8, 2010 Business License Report.**

**5. November 2010 Building Permit Valuation - \$79,924.87.**

**6. November 2010 Wages and Salaries - \$429,177.71.**

**7. City of Corning Wastewater Operation Summary Report – November 2010.**

**8. Recommend Reappointment of Mr. Walter Dodd as Trustee Representing the City of Corning on the Tehama County Mosquito and Vector Control District Board.**

**9. Approve Progress Pay Estimate No. 3 in the Amount of \$4,279.95 to Azevedo Construction for the 2010 Rodgers Theater Improvement Project.**

**10. Information Item Only; Repainting of Airport Compass Rose By Mt. Shasta "99's".**

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

**THE CITY OF CORNING IS AN EQUAL OPPORTUNITY EMPLOYER**

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.**

11. **General Plan Amendment 2010-1A, Corning Community Park Land Acquisition and Development:** Consider adoption of the Mitigated Negative Declaration filed for the development of the Corning Community Park on APN'S 71-250-35, 61, 34, & 04.

I. **REGULAR AGENDA:**

12. **Adopt Resolution 12-14-2010-01 Authorizing the City Clerk to Place Liens for Delinquent Payment of Water and/or Sewer Service Fees.**

13. **Approve Contract Change Order No. 3 Amending Scope of Work and Increasing the Rodgers Theater Improvement Project by \$345 for a Total Project Cost of \$181,039.69.**

14. **Acceptance of the 2010 Traffic Speed Survey.**

15. **Set Public Hearing to Consider Disposal Service Rate Increase.**

16. **Adopt Resolution No. 12-14-2010-02 and Approve 2010-2011 Program of Service and Annual Budget.**

17. **Approve Part-time Employment Contract for City Manager Stephen J. Kimbrough.**

18. **Approve Part-time Employment Contract for Police Chief Tony Cardenas.**

19. **Request for Annual Tehama County State Fair Exhibit Contribution From the City of Corning, Discussion and Action.**

20. **Approve Cancellation of the December 28, 2010 City Council Meeting Due to the Christmas Holidays.**

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

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

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).

Parkins:

Leach:

Dickison:

Strack:

M. **ADJOURNMENT!:**

POSTED: FRIDAY, DECEMBER 10, 2010

THE CITY OF CORNING IS AN EQUAL OPPORTUNITY EMPLOYER

**CITY OF CORNING  
CITY COUNCIL SPECIAL MEETING MINUTES**



**TUESDAY, DECEMBER 7, 2010  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

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

**B. ROLL CALL:**

**Councilmember:**

**Vacant  
Parkins  
Turner  
Leach  
Strack**

**Mayor:**

All members of the Council were present.

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

Mayor Strack announced that a change in wording has been made to the last paragraph of Resolution 12-07-2010-01. City Clerk Lisa Linnet read the paragraph as changed which now states:

**BE IT FURTHER RESOLVED**, that Gary R. Strack is hereby declared to be a duly Elected Officer of the City of Corning for a 2-year term as Mayor; and Darlene Dickison is hereby declared to be a duly Elected Officer of the City of Corning for a 4-year term as a City Council Member. Any declaration by this Council that Jesse Lopez has been elected to the Corning City Council is postponed until January 11, 2011 to permit further review of his eligibility to assume office.

Mayor Strack then asked 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. No one came forward to speak.

**D. RESOLUTION NO. 12-07-2010-01: Canvass of Votes and Results of Election held November 2, 2010.**

Mayor Strack introduced Resolution No. 12-07-2010-01 for discussion. Councilor Turner stated that he would motion for adoption of Resolution 12-07-2010-01 for the sake of discussion. Councilor Leach seconded the motion.

Councilor Turner then reminded the Council of his request in 2006 to postpone taking his oath of office until January 2007 to allow him to complete his term of office as County Supervisor. Councilor Turner stated that his request was denied. Mayor Strack responded explaining that in 2006 when this occurred, the Council had no doubt of Councilor Turner's eligibility to assume office. With no further discussion the Council moved forward with a vote. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 4-0 with one vacancy remaining on the Council.**

**E. RECOGNITION AND ISSUANCE OF OATH OF OFFICE TO NEWLY ELECTED OFFICIALS:**

**Mayor: Gary Strack**

**Councilmember: Darlene Dickison**

City Clerk Lisa Linnet issued the Oath of Office to Mayor Gary Strack and Councilmember Darlene Dickison.

**F. PRESENTATION OF PLAQUE TO OUTGOING COUNCILMEMBER ROSS TURNER.**

Mayor Strack presented Councilor Turner with a plaque and thanked him for his years of service to the City.

Councilor Turner then stepped down from the Council dais and newly elected Councilwoman Darlene Dickison took her seat on the Council dais.

**G. APPOINTMENT OF VICE MAYOR AND REPRESENTATIVES TO VARIOUS COMMISSIONS/COMMITTEES.**

With very little discussion, Councilwoman Dickison was appointed as the City's representative at LAFCO by consensus of the Council.

**H. ADJOURNMENT: 7:43 p.m.**

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**Lisa M. Linnet, City Clerk**



**CITY OF CORNING  
CITY COUNCIL MINUTES  
TUESDAY, NOVEMBER 23, 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**

**Gary Strack**

**Mayor:**

All members of the Council were present.

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

**D. PROCLAMATIONS, RECOGNITION'S, APPOINTMENTS, PRESENTATIONS: None**

**E. BUSINESS FROM THE FLOOR:**

John Richards, Corning Skate and Bike Park Association stated that the Association is starting their meetings back up; their next meeting will be at 6:30 p.m. on December 2, 2010 in the Corning City Council Chambers. He also wanted to commend some of the kids that are members of the Skate Park Committee that are Volunteering at the Senior Center and at the Christian Assistance Building.

Valanne Cardenas: Outlined the schedule and times for the Hometown Christmas Events on Saturday, December 4, 2010.

**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.**

- 1. Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
- 2. Waive the Reading and Approve the Minutes of the November 9, 2010 City Council Meeting with any necessary corrections:**
- 3. November 17, 2010 Claim Warrant - \$198,036.52.**
- 4. November 17, 2010 Business License Report.**
- 5. Approve Progress Pay Estimate No. 2 in the Amount of \$39,860.20 to Azevedo Construction for the 2010 Rodgers Theater Improvement Project.**
- 6. Approve Rodger's Theater Improvement Project Contract Change Order No. 2 in the Amount of \$1,955 for a total Project Cost of \$181,039.69.**

Andrew Meredith requested that Consent Items 5 & 6 be pulled for further discussion.

Councilor Turner moved to approve Consent Agenda Items 1-4. Councilor Leach seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 4-0 with one vacancy remaining on the Council.**

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

**5. Approve Progress Pay Estimate No. 2 in the Amount of \$39,860.20 to Azevedo Construction for the 2010 Rodgers Theater Improvement Project.**

Mayor Strack introduced this item by title. Andrew Meredith congratulated the Mayor on his re-election. He stated that one of the Sub-Contractors listed on this project is Synder Electric. He stated that he wanted to bring to the Councils attention that this Contractor does not carry Worker's Compensation Insurance, which is a requirement for a Contractor that has an employee that does work for that business. Synder Electric Company uses an electrician by the name of Dennis Synder to perform the electrical work for the Company and his name is not on the C-10 License that is held by his wife Lorie Synder. Because his name is not on this license, he is also required to be a State Certified Electrician to perform work in the State of California, and he is not that either. So this Contractor is using an uncertified electrician to perform their work, and he is an unauthorized employee because his company does not carry Worker's Compensation Insurance.

He stated that before the Council approves any Progress Payment that would involve money going to that company, he stated that he believes it important that the Council address that issue.

Mayor Strack responded stating that he doesn't think the Progress Payment includes any money going to this company for electrical work. Mr. Meredith stated that he has read the Agenda and believes that there is about \$740 listed as part of this Progress Payment. Public Works Director John Brewer reviewed the list and stated that no funds were included on this Progress Pay Estimate for electrical work completed by this Company. After some discussion it was concluded that the \$740 Mr. Meredith refers to is from a previous payment. Mayor Strack stated that the Change Order involves electrical work.

Mr. Brewer stated that to his understanding, as the sole proprietors of the Company and the individuals doing the work, Mr. and Mrs. Synder are not required by law to have Worker's Compensation Insurance in order to do the electrical work on the Theater as sub-contractors. Mr. Meredith stated that for whatever reason only Mrs. Synder's name is listed as the proprietor of the business, therefore they would be required to have Worker's Compensation Insurance for projects in which her husband is performing work. Mr. Meredith stated that if Dennis Synder's name was listed on the license, Staff's assessment would be correct, however for whatever reason his name is not listed on the license and therefore it is required.

Mr. Meredith stated that they would be monitoring the project, if they find him on the job site one time, they will file a Worker's Compensation violation against the Company, and also file an electrical certification complaint against Synder Electric and Mr. Synder. He stated that it would best serve the City to find a way to ensure that someone is on the job that has Worker's Compensation Insurance and is a State Certified Electrician.

Mayor Strack stated that the City would ensure prior to any work being done that the City is meeting all requirements.

Mr. Meredith then thanked Councilor Turner for his service. Councilor Turner asked Mr. Meredith whom he represents; Mr. Meredith responded stating that he is Vice President of the International Brotherhood of Electrical Workers.

Mayor Strack stated that the Council would like a report prior to any further electrical work being done. City Manager Kimbrough stated that Staff would not be able to get a report to Council prior to next week due to the Thanksgiving Holiday.

Mr. Brewer stated that he had spoken with Lorie Snyder tonight prior to the meeting about this issue and she reported to him that yes, there is a requirement for certification of people that are not sole proprietors. She stated that she is prepared and has a relative that is State Certified that they can have on the job. Mr. Brewer stated that this would trigger other things such as prevailing wage, etc.

Mayor Strack stated that Council would like a report that confirms that this matter has been resolved prior to any work from Synder Electric commencing on the Change Order.

**6. Approve Rodger's Theater Improvement Project Contract Change Order No. 2 in the Amount of \$1,955 for a total Project Cost of \$181,039.69.**

Mayor called for a motion. Councilor Parkins moved to approve Consent Items 5-6 with the stipulation that no electrical work performed by Synder Electric is to take place until this is worked out. Leach seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved 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:**

**7. Park Bond Grant Action: Authorize the City Attorney to Prepare, and the Mayor to Sign Purchase Agreements for Properties Located at 1485 Toomes Avenue (APN 71-250-35) and 1624 Houghton Avenue (APN 71-250-04) for the Development of the Corning Community Park Pursuant to the Prop. 84 Grant Funds Awarded to the City Contingent Upon Receipt of Final Grant Contract.**

Mayor Strack introduced this item by title and Councilor Turner excused himself from discussion and vote on this item due to a possible conflict at 7:45 p.m.

City Manager Kimbrough briefed the Council on the status of Staff's work related to this item. He informed the Council of the need to move forward with preparing the Escrow documents which require Council approval. He confirmed that the City would not be able to move forward without the Grant funding.

Mayor Strack explained the reason for Mr. Turner excusing himself and abstaining from voting on this issue was because of doing work for the people owning the property located at 1624 Houghton Avenue.

Mayor Strack stated that the City has already negotiated the price for the two properties. Councilor Leach asked if everything was still a "go" with the two properties. He was informed yes. Planning Director Stoufer stated that before the City will receive the Grant Contracts from the State, the State requires that we have the purchase agreements signed.

Councilor Parkins moved to authorize the City Attorney to prepare and the Mayor to sign Standard Form Purchase Agreements for the property at 1485 Toomes Avenue, APN 71-250-35, and 1624 Houghton Avenue, APN 71-250-04, for the development of the Corning Community Park pursuant to the Prop. 84 grant funds awarded to the City. Councilor Leach seconded the motion. **Ayes: Strack, Parkins and Leach. Opposed: None. Absent: None. Abstain: Turner. Motion was approved by a vote of 3-0 with Turner abstaining and one vacancy remaining on the Council.**

Councilor Turner stated regarding another Grant for the improvements west of Woodson School, the property owner who he represents located within the vicinity Blackburn and Toomes Avenue is somewhat upset that they have received no notification that this project is back on and they have recently made some renovations that might be affected. Mr. Brewer explained that he has not moved forward with this because the City still has not received the Standard Agreement, he stated that he didn't want to get these people going again until we knew for certain that we were going to receive this money, stating that the City received a grant from the State previously to do these improvements and then it was taken back. Councilor Turner stated that he believes as a courtesy the City should have notified them.

**8. Property Lien Appeal Hearings for Notified Property Owners with Delinquent Payments on Water and/or Sewer Service as Stipulated in City Code, Section 13.04.460 and 13.08.210 "Appeals".**

Mayor Strack introduced this by title stating that the City has received payment by two more individuals. No Action taken at this time.

**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).

**Turner:** Thanked the City and its residents for allowing him to serve.

**Parkins:** Nothing.

**Leach:** Stated that last Thursday was the first Sub-Committee meeting for the Tripartite Board.

**Strack:** Stated that the 40% total cost of the Library Server totaled \$2,841.52.

**M. ADJOURNMENT!: 7:52 p.m.**

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Lisa M. Linnet, City Clerk



# MEMORANDUM

**TO:** HONORABLE MAYOR AND COUNCIL MEMBERS

**FROM:** LORI SIMS  
ACCOUNTING TECHNICIAN

**DATE:** December 8, 2010

**SUBJECT:** Cash Disbursement Detail Report for the  
Tuesday, December 14, 2010 Council Meeting

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

A.	Cash Disbursements	Ending	11-29-10	\$	72,040.87
B.	Payroll Disbursements	Ending	11-24-10	\$	35,297.10
C.	Cash Disbursements	Ending	12-08-10	\$	90,957.51
D.	Payroll Disbursements	Ending	11-30-10	\$	42,065.61

**GRAND TOTAL** \$ 240,361.09

REPORT.: Nov 30 10 Tuesday  
 RUN....: Nov 30 10 Time: 13:06  
 Run By.: LORI

CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 11-10 Bank Account.: 1020

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

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
011521	11/22/10	BAS01	BASIC LABORATORY, INC	86.00	.00	86.00	1011195	ProfServices Water Dept
011522	11/22/10	ENP01	ENPLAN	616.25	.00	616.25	101019404	WETLANDS/ENDANGERED SPECI
011523	11/22/10	FED01	FEDERAL EXPRESS	72.85	.00	72.85	729892344	CLARK PARK WELL-WTR
011524	11/22/10	HOL04	HOLIDAY MARKET #32	14.88	.00	14.88	37844	Mat/Supplies-POLICE
				62.72	.00	62.72	37845	Mat/Supplies-ACO
			Check Total.....	77.60	.00	77.60		
011525	11/22/10	LIN02	LINNETS TIRE SHOP	208.58	.00	208.58	51139	Veh Opr/Maint-POLICE
011526	11/22/10	NEX02	NEXTEL	126.46	.00	126.46	086319108	COMMUNICATIONS-POLICE
011527	11/22/10	NOR01	NORTH VALLEY BARRICADE	470.89	.00	470.89	13772	SAFETY ITEMS-PW ADMIN
				135.31	.00	135.31	13778	SIGN REPLACEMENT-STR
			Check Total.....	606.20	.00	606.20		
011528	11/22/10	NOR10	NICOLINO CLEMENTE	60.00	.00	60.00	2486	BLD MAINT-FIRE
011529	11/22/10	PGE01	PG&E	4048.45	.00	4048.45	101106	ELECT-BLOSSOM AVE-L&L
011530	11/22/10	PGE2A	PG&E	392.52	.00	392.52	101112	ELECT-MCDONALD CT
				49.02	.00	49.02	101117	ELECT-BLUE HERON CT
			Check Total.....	441.54	.00	441.54		
011531	11/22/10	TEH35	TEHAMA COUNTY LIBRARY	2841.56	.00	2841.56	415200	MACH EQUIP-LIBRARY
011532	11/22/10	USA01	USA BLUE BOOK	222.41	.00	222.41	276918	MAT & SUPPLIES-POOL
011533	11/24/10	DON05	DON AZEVEDO CONSTRUCTION,	35874.18	.00	35874.18	101124	THEATER RESTORATION-RODGE
011534	11/24/10	ATT13	AT&T	721.42	.00	721.42	101111	COMMUNICATIONS-
011535	11/24/10	CAM02	CAMELLIA VALLEY SUPPLY	604.02	.00	604.02	0758569	MAT & SUPPLIES-WTR
011536	11/24/10	COP00	COP SHOP INSTALLATION INC	113.89	.00	113.89	3061	VEH OP/MAINT-POLICE
011537	11/24/10	DEP03	DEPT OF TRANS/CAL TRANS	265.46	.00	265.46	00001513	Equip.Maint. St&Trf Light
011538	11/24/10	GRA01	GRANDFLOW, INC	280.10	.00	280.10	110259	Office Supplies Finance D
				391.26	.00	391.26	110279	Office Supplies Finance D
			Check Total.....	671.36	.00	671.36		
011539	11/24/10	OFF01	OFFICE DEPOT	83.97	.00	83.97	541420383	Office Supplies PoliceDis

REPORT.: Nov 30 10 Tuesday  
 RUN...: Nov 30 10 Time: 13:06  
 Run By.: LORI

CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 11-10 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
011540	11/24/10	RAR01	ROLLS, ANDERSON & ROLLS	266.00	.00	266.00	8064	SIGNAL IMPROV-ENGR SERV
011541	11/24/10	RED15	RED TRUCK ROCK YARD, LLC	113.66	.00	113.66	191	MAT & SUPPLIES-STR
011542	11/29/10	NOR39	NORTHWEST PAVING	18488.01	.00	18488.01	2010FINAL	A/C CITYWIDE-STR PROJ
011543	11/29/10	SWR01	SWRCB/AFRS	4205.00	.00	4205.00	WD0046836	RWQCB Annual Permit WWTP
				1226.00	.00	1226.00	WD0048660	RWQCB Annual Permit WWTP
Check Total.....				5431.00	.00	5431.00		
Cash Account Total.....				72040.87	.00	72040.87		
Total Disbursements.....				72040.87	.00	72040.87		
Cash Account Total.....				.00	.00	.00		

REPORT.: Nov 30 10 Tuesday  
 RUN....: Nov 30 10 Time: 13:06  
 Run By.: LORI

CITY OF CORNING  
 Cash Disbursement Detail Report - Payroll Vendor Payment(s)  
 Check Listing for 11-10 Bank Account.: 1025

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

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description
4789	11/24/10	AFL01	AMERICAN FAMILY LIFE	1643.66	.00	1643.66	B01130	AFLAC INS.PRE TAX
				101.74	.00	101.74	1B01130	AFLAC INS.AFTER TAX
			Check Total.....:	1745.40	.00	1745.40		
4790	11/24/10	BLU02	BLUE SHIELD OF CALIFORNIA	20789.00	.00	20789.00	B01130	MEDICAL INSURANCE
4791	11/24/10	CIT01	CITY OF CORNING	6.00	.00	6.00	B01130	CHGS FOR WAGE ATCHMT
4792	11/24/10	OEU01	OPERATING ENGINEERS #3	6043.00	.00	6043.00	B01130	MEDICAL INSURANCE
4793	11/24/10	OEU02	OPERATING ENG. (DUES)	315.00	.00	315.00	B01130	UNION DUES MGMNT
				572.00	.00	572.00	1B01130	UNION DUES POLICE
				280.00	.00	280.00	2B01130	UNION DUES DISPATCH
				480.00	.00	480.00	3B01130	UNION DUES-MISC
			Check Total.....:	1647.00	.00	1647.00		
4794	11/24/10	PRI04	PRINCIPAL	3326.69	.00	3326.69	B01130	DENTAL INSURANCE
				613.01	.00	613.01	1B01130	VISION INSURANCE
			Check Total.....:	3939.70	.00	3939.70		
4795	11/24/10	TRA03	TRANSAMERICA LIFE INS CO.	1127.00	.00	1127.00	B01130	LIFE INSURANCE
			Cash Account Total.....:	35297.10	.00	35297.10		
			Total Disbursements.....:	35297.10	.00	35297.10		

REPORT.: Dec 08 10 Wednesday  
 RUN....: Dec 08 10 Time: 15:21  
 Run By.: LORI

CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 12-10 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
011520	12/06/10	WEL03	WELLS FARGO BANK, NA	-800.00	.00	-800.00	101117u	Ck# 011520 Reversed
011554	12/01/10	COR07	CORBIN WILLITS SYSTEMS	729.72	.00	729.72	000B012011	Finance Dept.
011555	12/01/10	COR09	CORNING CHAMBER OF COMM.	1000.00	.00	1000.00	000B012011	CngChamberComm. Economic
011556	12/01/10	FIT01	FITZPATRICK LAW OFFICES	910.00	.00	910.00	000B012011	Consulting Serv LegalServ
011557	12/01/10	HAL05	HALL, ROBERT	104.70	.00	104.70	000B012011	ProfServices FireDepartme
011558	12/01/10	KEN00	KEN VAUGHAN & SONS	950.00	.00	950.00	000B012011	LANDSCAPE MAINT-
011559	12/01/10	MOO01	MOORES AWARD CENTER	64.35	.00	64.35	101130	MAT & SUPPLIES-CITY COUNC
011560	12/01/10	PIT01	PITNEY BOWES	192.92	.00	192.92	000B012011	Rents/Leases Finance Dept
011561	12/01/10	S&L00	S & L BREWER ENTERPRISES	200.00	.00	200.00	000B012011	K-9 PROGRAM-POLICE
011562	12/01/10	TLD01	TEDC	208.33	.00	208.33	000B012011	Economic Development
011563	12/01/10	TOM03	TOMLINSON JR., ROBERT L.	54.70	.00	54.70	000B012011	PROF. SVCS-FIRE DEPT
011564	12/01/10	WHI05	WHITE GLOVE CLEANING SERV	2800.00	.00	2800.00	000B012011	JANITORIAL SVCS-
011565	12/02/10	ASB00	ASBURY ENVIRONMENTAL SERV	2000.00	.00	2000.00	N1231717	TEST, COLLECT & DISPOSE O
011566	12/02/10	BAS01	BASIC LABORATORY, INC	114.00	.00	114.00	1011424	ProfServices Water Dept
011567	12/02/10	CAM02	CAMELLIA VALLEY SUPPLY	145.70	.00	145.70	0758951	MAT & SUPPLIES-WTR
011568	12/02/10	COM01	COMPUTER LOGISTICS, INC	20.00 28.00 116.67	.00 .00 .00	20.00 28.00 116.67	51006 51007 51050	Equip.Maint.-GEN CITY COMMUNICATIONS-POLICE COMMUNICATIONS-POLICE
			Check Total.....	164.67	.00	164.67		
011569	12/02/10	HAT10	HATFIELD'S	466.40	.00	466.40	101125	Mat/Supplies-
011570	12/02/10	HOL04	HOLIDAY MARKET #32	60.75	.00	60.75	37882	Mat/Supplies-ACO
011571	12/02/10	JES10	JESSEE HEATING & AIR, INC	75.00	.00	75.00	50659	BLD MAINT-LIBRARY
011572	12/02/10	LIN02	LINNETS TIRE SHOP	30.00	.00	30.00	51159	K-9 PROGRAM-POLICE
011573	12/02/10	MCC01	MCCOY'S HARDWARE & SUPPLY	800.11	.00	800.11	101125	MAT & SUPPLIES-
011574	12/02/10	NAP01	NAPA AUTO PARTS	962.03	.00	962.03	101122	MAT & SUPPLIES-
011575	12/02/10	NEX01	NEXTEL COMMUNICATIONS	426.55	.00	426.55	101129	COMMUNICATIONS-

REPORT.: Dec 08 10 Wednesday  
 RUN...: Dec 08 10 Time: 15:21  
 Run By.: LORI

CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 12-10 Bank Account.: 1020

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 ID #: PY-DP  
 CTL.: COR

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
011576	12/02/10	OFF01	OFFICE DEPOT	31.26	.00	31.26	542331274	Office Supplies PoliceDis
011577	12/02/10	PET03	PETTY CASH	286.42	.00	286.42	101202	PETTY CASH-
011578	12/02/10	PGE01	PG&E	34010.62	.00	34010.62	101119	Electricity General City-
011579	12/02/10	USB01	US BANCORP	868.98	.00	868.98	165183005	Rents/Leases-GEN CITY
011580	12/02/10	MOO01	MOORES AWARD CENTER	55.90	.00	55.90	101202	MAT & SUPPLIES-CITY COUNC
011581	12/06/10	REL04	RELS VALUATION	450.00	.00	450.00	101206-1	SIGNAL IMPROV-STR PROJ
011582	12/06/10	WEL03	WELLS FARGO BANK, NA	350.00	.00	350.00	101206-2	SIGNAL IMPROV-STR PROJ
011583	12/06/10	AND01	ED ANDERSON	6870.00	.00	6870.00	101206	ProfServices-
011584	12/06/10	AND03	ANDERS, JOANN	560.00	.00	560.00	10-2027	PROF SERV-HOUSING REHAB
011585	12/06/10	ARA02	ARAMARK UNIFORM SRV.INC.	33.56	.00	33.56	0852308	Mat/Supplies-
				33.56	.00	33.56	0861991	Mat/Supplies-
				33.56	.00	33.56	0871461	Mat/Supplies-
			Check Total.....:	100.68	.00	100.68		
011586	12/06/10	BAS01	BASIC LABORATORY, INC	86.00	.00	86.00	1011570	ProfServices Water Dept
011587	12/06/10	BEN04	BEN TOILET RENTALS, INC.	167.25	.00	167.25	234226	MAT & SUPPLIES-PARK
011588	12/06/10	CLE01	CLEAR, INC.	50.00	.00	50.00	101202	ASSOCIATION DUES-POLICE
011589	12/06/10	COR03	CORNING RENTALS	137.00	.00	137.00	33421	RENT/LEASES-COMM EVENTS
011590	12/06/10	COR08	CORNING LUMBER CO INC	469.43	.00	469.43	101124	Mat/Supplies-
011591	12/06/10	COR11	CORNING SAFE & LOCK	11.47	.00	11.47	2992	MAT & SUPPLIES-BLD MAINT
				6.33	.00	6.33	2996	VEH OP/MAINT-POLICE
			Check Total.....:	17.80	.00	17.80		
011592	12/06/10	COR20	CORNING ELECTRONICS	32.45	.00	32.45	10092142	MAT & SUPPLIES-POLICE
011593	12/06/10	DEP12	DEPT OF JUSTICE	17.00	.00	17.00	821987	PROF SVCS-POLICE
011594	12/06/10	DIS01	DISCOUNT DISPOSABLES	206.79	.00	206.79	100362	SAFETY ITEMS-POLICE
011595	12/06/10	FIR00	FIRST NATIONAL BANK	222.56	.00	222.56	101129	COMP/EQUIP/SOFT-CITY ADMI
011596	12/06/10	FIR01	FIRST NATIONAL BANK	60.00	.00	60.00	101123	ASSOC DUES-BLD & SAFETY

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CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 12-10 Bank Account.: 1020

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Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
011597	12/06/10	KNI00	KNIFE RIVER CONSTRUCTION	1083.90	.00	1083.90	113515	MAT & SUPPLIES-
011598	12/06/10	LIN02	LINNETS TIRE SHOP	9.99	.00	9.99	51169	Veh Opr/Maint-
011599	12/06/10	NOR01	NORTH VALLEY BARRICADE	541.25	.00	541.25	13809	SIGN REPLACEMENT-STR
011600	12/06/10	NOR25	NORTHERN LIGHTS ENRGY, INC	2809.06	.00	2809.06	33144	VEH OP/MAINT-POLICE
				1864.04	.00	1864.04	33188	MAT & SUPPLIES-
			Check Total.....	4673.10	.00	4673.10		
011601	12/06/10	NOR40	NORTHSTATE AGGREGATE, INC	191.25	.00	191.25	50845	MAT & SUPPLIES-
011602	12/06/10	OLI02	OLIVE CITY AUTO PARTS	4997.32	.00	4997.32	062643	CLEANING CONTRACT-STR PRO
011603	12/06/10	PGE01	PG&E	282.67	.00	282.67	101129	ELECT-
011604	12/06/10	PGE2B	PG&E	5433.74	.00	5433.74	101124	ELECT-WWTP
011605	12/06/10	POW04	POWER UP ELECTRIC	2414.45	.00	2414.45	R1051	MAT & SUPPLIES-BLD MAINT
011606	12/06/10	RED14	RED BLUFF OUTDOOR POWER,	175.50	.00	175.50	008062	MAT & SUPPLIES-STR
011607	12/06/10	THO01	THOMES CREEK ROCK CO	144.02	.00	144.02	101201	Mat/Supplies-
011608	12/06/10	WES02	WESTERN BUSINESS PRODUCTS	42.01	.00	42.01	026512	Equip.Maint.-FIRE
011609	12/06/10	XER00	XEROX CORPORATION	267.43	.00	267.43	051927746	EQUIP MAINT-POLICE
011610	12/08/10	AIR00	AIRGAS NCN	47.07	.00	47.07	102727853	MAT & SUPPLIES-FIRE
011611	12/08/10	AME15	AMERIGAS	125.67	.00	125.67	010071050	NATURAL GAS-ACO
011612	12/08/10	ATT02	AT&T	1150.78	.00	1150.78	1789411	COMMUNICATIONS-
011613	12/08/10	COR01	CORNING VETERINARY	912.80	.00	912.80	28038	ProfServices-POLICE
011614	12/08/10	FIR02	FIRST NATIONAL BANK	33.27	.00	33.27	101129	COMMUNICATIONS-POLICE
011615	12/08/10	GRA02	GRAINGER, W.W., INC	1239.05	.00	1239.05	940466176	MAT & SUPPLIES-
011616	12/08/10	HIG00	HIGHT, MONTY W.	40.00	.00	40.00	6	OTS GRANT-PIO
				40.00	.00	40.00	7	OTS GRANT-PIO
			Check Total.....	80.00	.00	80.00		
011617	12/08/10	JON02	JONES INSURANCE	250.00	.00	250.00	101202	Gen.Insurace General Cit
011618	12/08/10	LNC01	LN CURTIS & SONS	247.08	.00	247.08	120320600	SAFETY ITEMS-FIRE

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CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 12-10 Bank Account.: 1020

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Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description
011619	12/08/10	NOR25	NORTHERN LIGHTS ENRGY, INC	332.94	.00	332.94	33189	VEH OP/MAINT-FIRE
011620	12/08/10	OFF01	OFFICE DEPOT	220.41	.00	220.41	542721349	Office Supplies PoliceDis
011621	12/08/10	PAC16	PACIFIC TELEMAGEMENT SE	38.00	.00	38.00	237167	COMMUNICATIONS-GEN CITY
011622	12/08/10	PGE04	PG&E	466.70	.00	466.70	101201	TranspFacility-
011623	12/08/10	PGE05	PG&E	1133.84	.00	1133.84	101201	FIRE-ELECT & GAS
011624	12/08/10	PGE2A	PG&E	126.41	.00	126.41	101201	ELECT-MARTINI, MCDONALD &
				27.34	.00	27.34	101202	ELECT-CLELAND PROP
			Check Total.....:	153.75	.00	153.75		
011625	12/08/10	PRI05	PRIORITY DISPATCH	320.00	.00	320.00	61317	TRAINING/ED-FIRE
011626	12/08/10	QUI02	QUILL CORPORATION	155.87	.00	155.87	9516542	Office Supplies-FIRE
011627	12/08/10	REY01	REYNOLDS, DONALD C.P.A	4500.00	.00	4500.00	23790	PROF SVCS-FINANCE
011628	12/08/10	SCH08	SCHOOL ADMIN PUBLISH CO	31.10	.00	31.10	101207	Traing/Educ. PoliceServic
011629	12/08/10	TRI02	TRI-COUNTY NEWSPAPERS	107.48	.00	107.48	109043	Print/Advert. City Clerk
011630	12/08/10	UNI07	UNION BANK OF CALIF	2445.00	.00	2445.00	4773	Bond Trustee-
			Cash Account Total.....:	90957.51	.00	90957.51		
			Total Disbursements.....:	90957.51	.00	90957.51		
			Cash Account Total.....:	.00	.00	.00		

REPORT.: Dec 08 10 Wednesday  
 RUN...: Dec 08 10 Time: 15:21  
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CITY OF CORNING  
 Cash Disbursement Detail Report - Payroll Vendor Payment(s)  
 Check Listing for 12-10 Bank Account.: 1025

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 ID #: PY-DP  
 CTL.: COR

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
4798	11/30/10	BAN03	POLICE OFFICER ASSOC.	350.00	.00	350.00	B01130	POLICE OFFICER ASSOC
4799	11/30/10	CAL37	CALIFORNIA STATE DISBURSE	138.46	.00	138.46	B01130	WITHHOLDING ORDER
4800	11/30/10	EDD01	EMPLOYMENT DEVELOPMENT	3492.74	.00	3492.74	B01130	STATE INCOME TAX
				1034.05	.00	1034.05	1B01130	SDI
			Check Total.....:	4526.79	.00	4526.79		
4801	11/30/10	ICM01	ICMA RETIREMENT TRUST-457	3766.52	.00	3766.52	B01130	ICMA DEF. COMP
4802	11/30/10	OEU03	OPERATING ENGINEERS	550.00	.00	550.00	B01130	CREDIT UNION SAVINGS
4803	11/30/10	PERS1	PUBLIC EMPLOYEES RETIRE	27378.42	.00	27378.42	B01130	PERS PAYROLL REMITTANCE
4804	11/30/10	PERS4	Cal Pers 457 Def. Comp	25.00	.00	25.00	B01130	PERS DEF. COMP.
4805	11/30/10	PRE03	PREMIER WEST BANK	2435.25	.00	2435.25	B01130	HSA DEDUCTIBLE
4806	11/30/10	STA04	STATE OF CALIFORNIA	550.00	.00	550.00	B01130	WAGEASN 1107012828
4807	11/30/10	VAL06	VALIC	2345.17	.00	2345.17	B01130	AIG VALIC P TAX
			Cash Account Total.....:	42065.61	.00	42065.61		
			Total Disbursements.....:	42065.61	.00	42065.61		

Date.: Dec 8, 2010  
Time.: 3:25 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
JAVIER FLORES PHOTOG	588 STANMAR DR	CORNING, CA 96021	FLORES	JAVIER PHOTOGRAPHY SERVICE FOR SPECIAL EVENTS	11/22/10	(530) 824-6376
JAVA LANES	2075 SOLANO ST	CORNING, CA 96021	MARTINI	JERRY & BOWLING ALLEY	11/22/10	(530) 824-3500
M&S WESLEY TREE SERV	400 MISSION RANCH #29	CHICO, CA 95926	WESLEY	MARC CONTRACTOR	11/18/10	(530) 343-6809
MEEK'S LUMBER & HARD	1100 E. 20TH ST	CHICO, CA 95928	CORP	CCM CONTRACTOR	11/18/10	(530) 342-1887
MYERS PRODUCE	2060 SOUTH AVE	CORNING, CA 96021	MYERS	KEVIN FRESH PRODUCE, FRUITS, NUTS, HONEY & OLI	11/22/10	(530) 510-7496
OLIVE GROVE & PALMS		CORNING, CA 96021		MHC MGM OLIVE GROVE & PALMS MOBILE	11/23/10	(925) 736-0400

CITY OF CORNING

PERMITS ISSUED (sort by Permit #)

Item No.: F-5

For the Period 11/1/2010 thru 11/30/2010

Owner and Address	Parcel Number	Issued On	Valuation
7-ELEVEN 1425 SOLANO ST CORNING CA 96021 <b>Permit Description:</b> ADD 1 COMM. ELECT. SERVICE	7112601 <b>Site Street Address:</b> 1425 SOLANO ST	11/2/2010	400.00
EUGENE BROWN 1062 HOUGHTON AVE CORNING CA 96021 <b>Permit Description:</b> REPLACE WALL FURNACE	7119211 <b>Site Street Address:</b> 1062 HOUGHTON AVE	11/4/2010	2,200.00
RITA CRAWFORD 1215 MARIN ST CORNING CA 96021 <b>Permit Description:</b> REPAIR FRONT PORCH FOUNDATION	7117302 <b>Site Street Address:</b> 1215 MARIN ST	11/3/2010	3,500.00
O'REILLY AUTO PARTS 798 EDITH AVE CORNING CA 96021 <b>Permit Description:</b> REMOVE & REPLACE SIGNS	6926063 <b>Site Street Address:</b> 798 EDITH AVE	11/4/2010	4,000.00
WILLIAM ROBISON 718 WALNUT ST CORNING CA 96021 <b>Permit Description:</b> INSTALL VINYL SIDING OVER EXISTING	7310107 <b>Site Street Address:</b> 718 WALNUT ST	11/8/2010	27,440.00
JOSE MARTINEZ 1939 SCOTT AVE CORNING CA 96021 <b>Permit Description:</b> NEW FRONT YARD FENCE	7119304 <b>Site Street Address:</b> 1939 SCOTT AVE	11/9/2010	500.00
GARY STRACK 811 BUTTE ST CORNING CA 96021 <b>Permit Description:</b> TEAR OFF & REROOF	7304603 <b>Site Street Address:</b> 811 BUTTE ST	11/11/2010	2,975.00

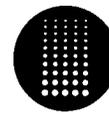
**CITY OF CORNING**  
**PERMITS ISSUED (sort by Permit #)**  
**For the Period 11/1/2010 thru 11/30/2010**

<b>Owner and Address</b>	<b>Parcel Number</b>	<b>Issued On</b>	<b>Valuation</b>
CARLOS ORNELA & ANTEMIO ROSA 1114 TOOMES AVE CORNING CA 96021 <b>Permit Description:</b> REPAIR FIRE DAMAGE REMODEL	7118005  <b>Site Street Address:</b> 1114 TOOMES AVE	11/11/2010	34,741.87
BILL FOLEY 1158 MARIN ST CORNING CA 96021 <b>Permit Description:</b> NEW 6' CHAIN LINK FENCE W/SLATTS	7113609  <b>Site Street Address:</b> 1158 MARIN ST	11/18/2010	300.00
RUTH SHAVER 1820 TAFT ST CORNING CA 96021 <b>Permit Description:</b> NEW WALL FURNACE & REROUTE GAS LINE	7119108  <b>Site Street Address:</b> 1820 TAFT ST	11/23/2010	3,168.00
ROBERTO DIAZ 1787 PALM AVE CORNING CA 96021 <b>Permit Description:</b> TEAR OFF & REROOF	7129223  <b>Site Street Address:</b> 1787 PALM AVE	11/24/2010	700.00
		11/24/2010	0.00
<b>Permit Description:</b>	<b>Site Street Address:</b>		
<b>12 Permits Issued from 11/1/2010 Thru 11/30/2010</b>		<b>OR A TOTAL VALUATION OF</b>	<b>\$ 79,924.87</b>
<b>*** END OF REPORT ***</b>			

RECEIVED

DEC 01 2010

CITY OF CORNING



Item No.: F-7

**SouthWest  
Water Company®**

SWWC Services, Inc.  
P.O. Box 230  
25010 Gardiner Ferry Rd  
Corning, CA 96021  
Phone 530.824.5863  
Fax 530.824.5769  
[www.swwc.com](http://www.swwc.com)

**CITY OF CORNING  
WASTEWATER OPERATION SUMMARY REPORT  
NOVEMBER 2010**

Below is a summary of the Monthly Operations Report that will be available for City review on DECEMBER 2010.

- 1) Filled out monthly reports.
- 2) Performed weekly Operator 10 maintenance on all plant equipment.
- 3) Changed flow disk.
- 4) Sent vehicle report to Texas.
- 5) Wasted to Thickener.
- 6) Staff meeting on plant operations and issues.
- 7) Changed chart on So3 analyzer.
- 8) Safety meeting.
- 9) Started bioassay test
- 10) Inspected eyewash and emergency showers.
- 11) Unloaded chlorine truck.
- 12) Cleaned So2 pump.
- 13) Checked storm water discharge sites at WWTP and airport.
- 14) Cleaned distiller.
- 15) Tested all chlorine and So2 sensors.
- 16) River samples.

- 17) Completed SSO report
- 18) Cleaned probe at lift station.
- 19) Tested alarms with Fire Dept.
- 20) Wasted to EQ basin.
- 21) Added seal conditioner to # 1 aerator gear box.
- 22) Replaced suction hose on influent sampler
- 23) Cleaned drying beds
- 24) Exercised emergency generator.
- 25) Held employee training.
- 26) IIPP plant inspection.
- 27) Worked on SSMP
- 28) Exercised floating aerator.
- 29) Checked all fire extinguishers.
- 30) Attended storm water training
- 31) All employees attended Hazardous material class.
- 32) Pretreatment inspection on Corning Olive Oil
- 33) Downloaded data logger from effluent chart recorder.
- 34) Cleaned Chlorine Contact Basin and mixing chamber.
- 35) Tel Star calibrated all flow meters.
- 36) Sent TRE plan to regional board.
- 37) Completed SSO questionnaire.

**November 2010**

Domestic Flow = 700,966 GPD

**October 2010**

Domestic Flow = 666,000 GPD

ITEM NO: F-8  
RECOMMEND REAPPOINTMENT OF MR.  
WALTER DODD AS TRUSTEE OF TEHAMA  
COUNTY MOSQUITO AND VECTOR  
CONTROL DISTRICT  
DECEMBER 14, 2010

TO: HONORABLE MAYOR AND COUNCILMEMBERS  
OF THE CITY OF CORNING

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER



**SUMMARY:**

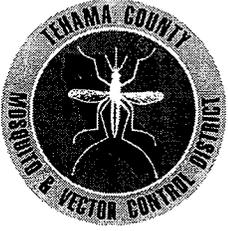
We have received a request from Mr. Andrew Cox, Manager of the Tehama County Mosquito and Vector Control District recommending that Mr. Walter Dodd be reappointed as trustee representing the City of Corning on the Board of the Mosquito and Vector Control District.

**BACKGROUND:**

Mr. Dodd has been an active member of the Board for eighteen years and is interested in serving another two-year term.

**RECOMMENDATION:**

**MAYOR AND COUNCIL REAPPOINT MR. WALTER DODD AS TRUSTEE REPRESENTING THE CITY OF CORNING ON THE BOARD OF TRUSTEES OF THE TEHAMA COUNTY MOSQUITO AND VECTOR CONTROL DISTRICT.**



**TEHAMA COUNTY MOSQUITO AND VECTOR CONTROL DISTRICT**  
**PO BOX 1005 11861 Highway 99W**  
**RED BLUFF, CALIFORNIA 96080**  
**(530) 527-1676 [tcmvcd@clearwire.net](mailto:tcmvcd@clearwire.net)**

December 7, 2010

City Council  
City of Corning  
794 Third Street  
Corning, CA 96021

Dear City Council:

This is to remind you that the term of Mr. Walter Dodd as Trustee representing the City of Corning on the Board of Trustees of the Tehama County Mosquito and Vector Control District will expire as of December 31, 2010.

Mr. Dodd has indicated that he is willing to serve another two year term if appointed. Mr. Dodd has been a strong contributing member of the Board for 18 years. It is the recommendation of the District Board that Mr. Dodd be reappointed for another term beginning January 1, 2010.

If there are any questions please contact me and I will respond promptly.

Sincerely,

D. Andrew Cox  
Manager

**ITEM NO: F-9  
 APPROVE PROGRESS PAY ESTIMATE  
 NO. 3 IN THE AMOUNT OF \$4,279.95 TO  
 AZEVEDO CONSTRUCTION FOR THE 2010  
 RODGERS THEATER IMPROVEMENT  
 PROJECT**

**DECEMBER 14, 2010**

**TO: HONORABLE MAYOR AND COUNCILMEMBERS  
 OF THE CITY OF CORNING**

**FROM: STEPHEN J. KIMBROUGH, CITY MANAGER  
 JOHN L. BREWER, AICP; DIRECTOR OF PUBLIC WORKS  
 TERRY HOOFARD, BUILDING OFFICIAL**

*JB Steve*  
*JLH*

**SUMMARY:**

Attached for City Council review is a copy of Partial Pay Estimate No. 3 requesting payment of \$4,279.95 for the 2010 Rodgers Theater Improvement Project. The Pay Estimate lists the original contract amount, any change orders/adjustments, work completed to date, retention amount and current amount due to Azevedo Construction.

**FINANCIAL:**

The Director of Public Works and the Building Official have reviewed and approved this request.

Original Construction Contract	\$ 176,609.00
Contract Change Order No. 1	\$ 2,475.69
Contract Change Order No. 2	\$ 1,955.00
Total Adjusted Contract Amount	\$ 181,039.69
Proposed PPE No. 1	\$ 34,555.64
Retention to be held (10%)	\$ (3,455.56)
Amount paid to Contractor	\$ 31,100.08
Proposed PPE No. 2	\$ 39,860.20
Retention to be held (10%)	\$ (3,986.02)
Amount paid to Contractor	\$ 35,874.18
Proposed PPE No. 3	\$ 4,279.95
Retention to be held (10%)	\$ (428.00)
<b>Amount due to Contractor</b>	<b>\$ 3,851.95</b>

The table below lists each funding source for this project:

Account No	Title	Funds Allocated for Project
130-9116-6125	Theater Restoration/Rodgers Theater	\$220,000
	Energy Efficiency Commission Grant	\$35,175
<b>Total</b>		<b>\$255,175</b>

**BACKGROUND:**

The contract for the 2010 Rodgers Theater Improvement Project was awarded to Azevedo Construction of Chico, CA at the September 28, 2010 Regular City Council Meeting. Contract Change Order #1 increased the original contract amount by \$2,475.69 to include additional work to lower foundation walls that would conflict with future restroom improvements.

Contract Change Order #2 was approved at the November 23, 2010 City Council Meeting. The Change Order increased the contract amount by \$1,955 to include additional work for a gas pipe extension to the new roof-mounted HVAC units. Also amended but had no monetary effect to the contract was the Electrical Scope of Work to reflect a reduction of amperage within the electrical service box from 600 to 400 amps.

**RECOMMENDATION:**

**Mayor and Council approve Progress Pay Estimate No. 3 in the amount of \$4,279.95 to Azevedo Construction for the 2010 Rodgers Theater Improvement Project**

**PARTIAL PAYMENT ESTIMATE**

2010 Rodgers Theater Improvement Project

Progress Payment Estimate No. 3

OWNER:

City of Corning

CONTRACTOR:

Azevedo Construction of Chico, CA

PERIOD OF ESTIMATE:

FROM: Nov 15, 2010 to Dec 7, 2010

**CONTRACT CHANGE ORDER SUMMARY**

**ESTIMATE**

No.	Approval Date	Amount		
		Additions	Deductions	
1	10/28/2010	\$2,475.69		1. Original Contract..... \$176,609.00
2	11/23/2010	\$1,955.00		2. Change Orders..... \$ 4,430.69
				3. Revised Contract (1+2)..... \$181,039.69
				4. Work Completed ..... \$ 78,695.79
				5. Stored Materials ..... 0
				6. Subtotal (4+5)..... \$ 78,695.79
				7. Retainage .....10%..... \$ (7,869.58)
				8. Previous Payments..... \$ 66,974.26
				9. Amount Due (6-7-8)..... \$ 3,851.95
TOTALS				
NET CHANGE		\$4,430.69		

**CONTRACT TIME**

Original (days) <u>90</u>	On Schedule <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Starting Date: October 14, 2010
Revised _____		Projected Completion: December 30, 2010
Remaining _____		

**CONTRACTOR'S CERTIFICATION:**

The undersigned Contractor certifies that to the best of their knowledge, information and belief the work covered by this payment estimate has been completed in accordance with the contract documents, that all amounts have been paid by the contractor for work for which previous payment estimates was issued and payments received from the owner, and that current payment shown herein is now due.

Contractor Azevedo Construction

By \_\_\_\_\_

Date \_\_\_\_\_

**ARCHITECT OR ENGINEER'S CERTIFICATION:**

The undersigned certifies that the work has been carefully inspected and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract documents.

Architect or Engineer Eric Ausmus

By \_\_\_\_\_

Date: \_\_\_\_\_

**APPROVED BY OWNER:**

Owner \_\_\_\_\_

By Stephen J. Kimbrough, City Manager

Date December 15, 2010

To:  
City of Corning  
794 Third St.  
Corning, CA 96021

From:  
Don Azevedo Construction, Inc.  
48 Bellarmine Ct. Suite 40  
Chico, CA 95928

Project: Page 1 of 2 Pages  
10-10  
ROGERS THEATER IMPROVEMENT PROJECT  
1217 SOLANO ST  
CORNING, CA 96021

## Application for Payment CAP702

Contract For:

### Section A: Contract Amounts

A.1 Original Contract		\$	176,609.00
A.2 Changes by Change Orders			
Additions	Approved This Month	4,430.69	
	Approved Previously	0.00	
	Addition Total	4,430.69	
Deductions	Approved This Month	0.00	
	Approved Previously	0.00	
	Deductions Total	0.00	
	Total Changes to Date	\$	4,430.69
A.3 Total Contract		\$	181,039.69

### Section B: Retainage

B.1 Completed Work	0.00 %		
	This Application	7,869.59	
B.2. Stored Materials	0.00 %		
	This Application	0.00	
B.3 Total Retainage		\$	7,869.59
	(B.1 + B.2)		

### Section C: Billing Information

C.1 Total Contract Billed To Date	\$	78,695.79
C.2 Total Billed Minus Retainage	\$	70,826.20
	(C.1 less B.3)	
C.3 Previous Applications For Payment	\$	66,974.25
C.4 Payment Due This Application	\$	3,851.95
C.5 Contract Balance	\$	110,213.49
	(Including Retainage)	

### This Application

Number: 3

Date: December 8, 2010

Billing Period: From: 11/16/2010 To: 12/07/2010

Contract Date: September 29, 2010

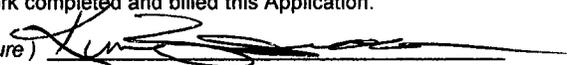
Architect's  
Project No:

Distribution List:

- Owner  
 Architect  
 Contractor  
 Construction Mgr  
 Field  
 Other

### Contractor

The Contractor's signature here certifies that, to the best of their knowledge, this document accurately reflects the work completed and billed this Application.

(Authorizing Signature) 

Date: 12/08/2010

Don Azevedo Construction, Inc.

State Authorized: California

County of:

**RECEIVED**

DEC 07 2010

CITY OF CORNING

**From:**  
 Don Azevedo Construction, Inc.  
 48 Bellarmine Ct. Suite 40  
 Chico, CA 95928

**To:**  
 City of Corning  
 794 Third St.  
 Corning, CA 96021

**Project:**  
 10-10  
 ROGERS THEATER IMPROVEMENT PROJECT  
 1217 SOLANO ST  
 CORNING, CA 96021

Page 2 of 2 Pages  
 Application No: 3  
 Application Date: 12/08/2010  
 Period To: 12/07/2010  
 Contract Date: 9/29/2010  
 Architects Project#:

## Application for Payment - Continuation Sheet CAP703

A Item No	B Description of Work	C Contract Value	D Work Completed		F Materials Presently Stored (Not In D or E)	G Total Completed and Stored To Date (D+E+F)	% (G / C)	H Balance To Finish (C - G)	I Retainage (If Variable Rate)
			From Previous Application (D + E)	This Period					
1	20 Ton Carrier package	54,770.00	21,908.00	0.00	0.00	21,908.00	40	32,862.00	2,190.80
2	Carrier 7.5 ton Split System	19,260.00	7,704.00	0.00	0.00	7,704.00	40	11,556.00	770.40
3	Roof R & R	33,328.00	1,666.40	0.00	0.00	1,666.40	5	31,661.60	166.64
4	Ceiling Insulation	3,726.00	186.30	0.00	0.00	186.30	5	3,539.70	18.63
5	Electrical Upgrade	14,346.00	717.30	0.00	0.00	717.30	5	13,628.70	71.73
6	Structural Improvements	46,499.00	39,524.15	2,324.95	0.00	41,849.10	90	4,649.90	4,184.92
7	Asbestos removal	4,680.00	234.00	0.00	0.00	234.00	5	4,446.00	23.40
8	CO#: 1 Foundation Demo	2,475.69	2,475.69	0.00	0.00	2,475.69	100	0.00	247.57
9	CO#: 2 Gas Line	1,955.00	0.00	1,955.00	0.00	1,955.00	100	0.00	195.50
		181,039.69	74,415.84	4,279.95	0.00	78,695.79	43	102,343.90	7,869.59

**RECEIVED**  
**DEC 07 2010**  
 CITY OF CORNING

ITEM NO.: F-10  
INFORMATIONAL ITEM ONLY; REPAINTING OF  
AIRPORT COMPASS ROSE BY MT. SHASTA  
"99'S"

DECEMBER 14, 2010

TO: CITY COUNCIL OF THE CITY OF CORNING, CALIFORNIA  
FROM: STEPHEN J. KIMBROUGH, CITY MANAGER  
JOHN L. BREWER, AICP; PUBLIC WORKS DIRECTOR

*JB Steve*

**SUMMARY:**

The airport compass rose is a navigational feature that's painted on the tarmac. Its purpose is to indicate the direction of magnetic north so that pilots can correctly orient their onboard compasses. See the attached photo that shows the compass rose at the airport.

The "99's" are a worldwide group of women who are involved in aviation. The local chapter is called the Mount Shasta 99's and is based in Redding. Airport Commission Chairperson Barbara Boot is a member of the group. The 99's do charitable, aviation related work and, through Barbara Boot, have offered to repaint the Compass Rose. They do ask that the City provide the paint. Since repainting the compass rose is a maintenance issue that's the responsibility of the City anyway, providing the paint would be expected.

The compass rose is not on the runway or taxiway, so there's really no hazard presented by the volunteers painting the pavement during the daylight hours. The Airport Commission reviewed this matter at their October 7, 2010 meeting and recommends accepting the offer of the Mount Shasta 99's.

**CHANGING MAGNETIC DECLINATION:**

Pilots use magnetic bearings for navigation. So, it's important for the compass rose to be accurate. The position of the north magnetic north pole is shifting. In recent years the shift has become more rapid-amounting to about 6 minutes of westward movement annually.

Our current compass rose is oriented to about 17½ degrees (17°-30') east of true north. Turns out the current declination at Corning is 14°-43'. That's a significant change of 2°-47' (west or counterclockwise). That amount of rotation amounts to 0.86 feet (about 10 3/8") at the longer primary arrows of the compass rose. So, the existing compass rose should be blackened out, reoriented and repainted. Staff will mark the corrected declination angle prior to painting.

We believe five or six gallons of paint should be sufficient to eliminate the current and repaint a new compass rose.

**RECOMMENDATION:**

- This is provided as an informational item only. No Council action is necessary. Staff should notify the 99's when the new magnetic north position has been set.

cc: Airport Commissioners



# Mount Shasta 99s

[Home](#)
[Scholarship](#)
[Newsletters](#)
[Great Links](#)
[Activities](#)
[Calendar](#)

## Who are the International 99s?

*We are a worldwide group of women who, in addition to everything, are pilots. That doesn't mean we own an airplane - but we can fly many kinds of planes!*

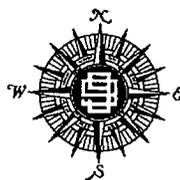
*We fly gliders, balloons, single engine and multiengine planes. Many of us fly jets, some fly military fighters, and a few are shuttle commanders!*

*We are single, married, parents, grandparents, professional pilots, flight instructors, FBO owners, FAA examiners, and other professionals. Many of us are nurses, teachers, realtors, and other business owners.*

*Basically, a very diverse, independent group, linked together tightly by the shared love of flying.*

The International Ninety-Nines, Inc.

**The Ninety-Nines** 



*Come join us!!*

*Meetings are held the second Saturday of every month at Benton Airpark - 085 at 1PM after the FAA Safety meeting at the FAA Quonset on the west side of the field. Call any of the officers for directions!*

Contact any of the officers for more information.

*Chairman - Sue Kerr  
530.241.9000*

*Vice Chairman - Lerose Lane*

*Secretary - Diana Ward  
530.241.6451*

*Treasurer - Barbara Crooker  
530.515-7929*

*Newsletter editor - Donna Taylor  
530.247.1199*

**ECHO TANGO PROJECT**

Members Only

## Who are the Mount Shasta 99s?

*We are a fun group of ladies who love to fly and want to encourage others to join us and share that joy and thrill!*

*Our Chapter area includes much of the northernmost part of California. We have members from the Redding area, but we also have members in many of the outlying areas in the surrounding mountain valleys. We need to understand mountain flying and density altitude and we try hard to stay current and safe!*

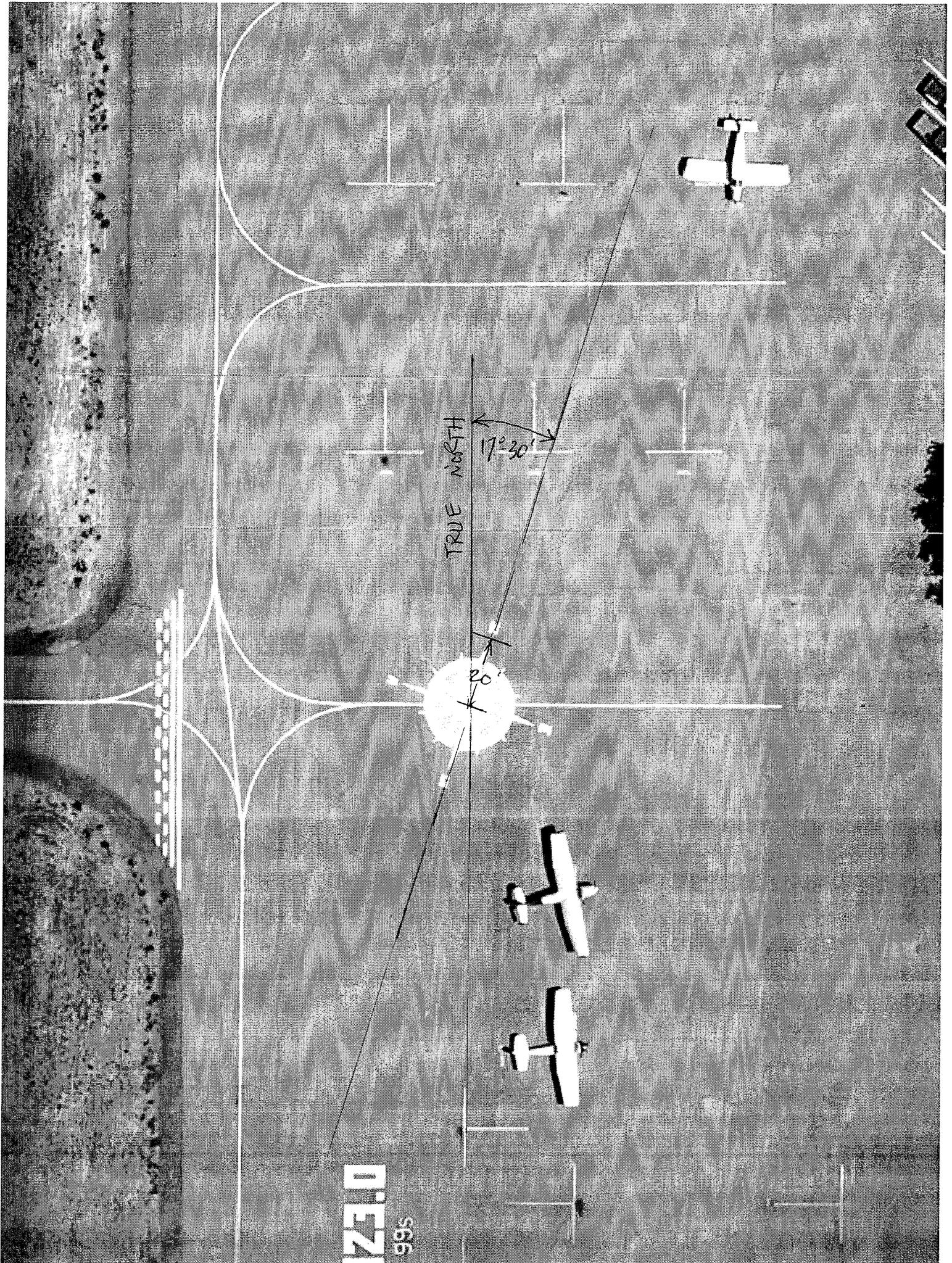
*Our Chapter is a member of the Southwest Section of the 99s.*

*Our Chapter was chartered  
June 19, 1975.*

Southwest Section 99s



Mount Shasta 99s  
PO Box 493982  
Redding, CA 96049-3982



TRUE NORTH

17°30'

20'

D.E.Z.

996



Search NGDC 
  Search NOAA

[Data](#)
[Declination](#)
[FAQ](#)
[SPIDR](#)
[Geomagnetism home](#)
[Models & Software](#)
[Space Weather](#)
[WMM](#)
[Web Links](#)

[NOAA > NESDIS > NGDC > Geomagnetism](#)
[comments](#) | [privacy policy](#)

### Estimated Value of Magnetic Declination

**To compute the magnetic declination, you must enter the location and date of interest.**

If you are unsure about your city's latitude and longitude, look it up online! In the USA try entering your zip code in the box below or visit the [U.S. Gazetteer](#). Outside the USA try the [Getty Thesaurus](#).

Search for a place in the USA by Zip Code:

---

**Enter Location:** (latitude 90S to 90N, longitude 180W to 180E). See [Instructions](#) for details.

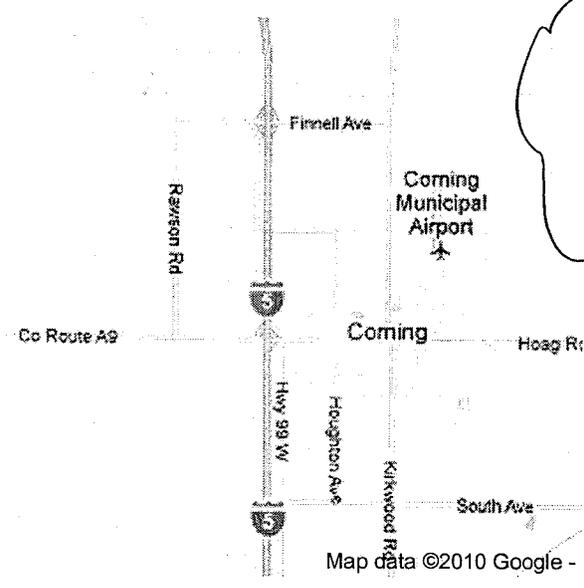
**Latitude:**   N  S
 **Longitude:**   E  W

**Enter Date (1900-2015):** Year:  Month (1-12):  Day (1-31):

---

**Declination = 14° 43' E changing by 0° 6' W/year**

For more information, visit:  
[Answers to some frequently asked questions](#) | [Instructions](#) for use | [Today's Space Weather](#)



Current  $\approx 17^{\circ}30'$   
 $17^{\circ}30' = 16^{\circ}90'$   
 $\quad - 14^{\circ}43'$   


---

 $\quad 2^{\circ}47'$

TAN  $2^{\circ}47' \times 20' =$   
 $0.862'$  or  
 $10.35''$

**ITEM NO: H-11  
CONSIDER ADOPTION OF THE MITIGATED  
NEGATIVE DECLARATION FILED FOR  
GENERAL PLAN AMENDMENT 2010-1A,  
REZONE 2010-1, CORNING COMMUNITY  
PARK LAND ACQUISITION AND  
DEVELOPMENT.**

DECEMBER 14, 2010

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: JOHN STOUFER, PLANNING DIRECTOR

*STB VB*

**PROJECT DESCRIPTION & LOCATION:**

Adopt the Mitigated Negative Declaration filed for the land acquisition, general plan amendment and rezone of four parcels. The parcels will be developed as a community park with recreational features such as a skateboard park, soccer fields, playgrounds, picnic areas, restrooms, walking trails and open space. The park development project will be developed pursuant to grant funds awarded to the City of Corning from the Statewide Park Development and Community Revitalization Program of 2008. The four parcels are located along the south and north sides of Jewett Creek near the Fig Lane/Toomes Ave., and Fig Lane/Houghton Ave. intersections in Section 22, T. 24 N., R. 3 W., MDM. APN'S 71-250-35, 61, 34, & 04

**DISCUSSION:**

Pursuant to the application guide for the Statewide Park Development and Community Revitalization Program of 2008 compliance with the California Environmental Quality Act (CEQA) must be completed and a Notice of Determination submitted with the application or if CEQA compliance is not complete at the time the application is submitted an initial study with a timeline showing estimated dates when each step of the CEQA compliance process will be completed. The guide also indicates that CEQA compliance must be completed within one year from the date of the grant award announcement.

The grant application was due on March 1, 2010, due to the necessity to complete a spring survey of the sites for sensitive plants CEQA compliance could not be completed prior to the submittal of the application. An initial study and a timeline for CEQA compliance was submitted with the application. The spring survey for sensitive plants has been completed and the results included in the Mitigated Negative Declaration filed with the Tehama County Clerk and Recorder on July 1, 2010.

A Mitigated Negative Declaration (MND) means a statement describing the reasons that the proposed project will not have a significant effect on the environment. Attached for your review is a copy of the MND and Initial Study that analyzed and mitigated potential environmental impacts associated with the development of the Corning Community Park.

The MND was sent to the Governor's Office of Planning and Research State Clearinghouse and Planning Unit who distributes it to selected agencies for review. As stated in the attached letter received August 10, 2010 from the Clearinghouse, the 30 day review period closed on August 4, 2010, and no state agencies submitted comments by that date.

Staff also sent notification of an intent to adopt the MND to surrounding property owners and local and state agencies. The only comments received were from the California Regional Water Quality Control Board notifying the City that they will be a responsible agency for the project and the possible permits that may have to be obtained should the project be developed. These permits were anticipated and funds to prepare and obtain them were included in the cost estimates within the grant application.

The Corning Planning Commission held a Public Hearing on August 17, 2010 to take public comment and make a recommendation to the City Council on the adoption of the MND. There was no public comment at the hearing and the Planning Commission voted 5:0 to recommend adoption of the MND. If the Council adopts the MND staff will then file a Notice of Determination with the Tehama County Clerk & Recorder and the CEQA process will be completed.

**Staff recommends the following Factual Subfindings & Legal Findings for consideration by the Council, pursuant to the California Environmental Quality Act (CEQA).**

**Factual Subfinding #1**

An Initial Study analyzing the environmental impacts associated with the development of the Corning Community Park Project, including General Plan Amendment 2010-1 and Rezone 2010-1, has been prepared, a Mitigated Negative Declaration filed and circulated through the Governor's Office of Planning and Research State Clearinghouse and Planning Unit.

**Legal Finding #1**

The Initial Study and Mitigated Negative Declaration prepared for the development of the Corning Community Park has been circulated for review in compliance with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

**Factual Finding #2**

On August 17, 2010 the Corning Planning Commission held a Public Hearing to take public comments and make a recommendation to the City Council on the adoption of the Mitigated Negative Declaration filed for General Plan Amendment 2010-1, Rezone 2010 -1 and the development of the Corning Community Park.

**Legal Finding #2**

For General Plan Amendment 2010-1, Rezone 2010 -1 and the development of the Corning Community Park the City of Corning Planning Commission acted as an advisory body to the Corning City Council and reviewed the Initial Study and Mitigated Negative Declaration filed on these projects. The Planning Commission found that the Initial Study analyzed the environmental impacts associated with the project and that identified impacts have been mitigated to a Less than Significant Level. The Commission voted 5:0 to recommend that the City Council adopt the Mitigated Negative Declaration.

**Factual Subfinding #3**

California Public Resources Code Section 21081.6 requires public agencies to adopt mitigation monitoring or reporting programs whenever certifying an Environmental Impact Report (EIR) or a Mitigated Negative Declaration. This requirement facilitates implementation of all mitigation measures adopted through the California Environmental Quality Act (CEQA) process.

**Legal Finding #3**

The Mitigated Negative Declaration and Initial Study, filed and circulated through the CEQA process for the development of the Corning Community Park, includes a Mitigation Monitoring Program that will ensure the effective implementation and enforcement of adopted mitigation measures and permit conditions in compliance with California Public Resources Code Section 21081.6

**Factual Subfinding #4**

An Initial Study analyzing the environmental impacts associated with the project has been prepared, a Mitigated Negative Declaration filed and circulated through the CEQA process.

**Legal Finding #4**

The Corning City Council finds that the Initial Study analyzed the environmental impacts associated with the project and that identified impacts have been mitigated to a Less than Significant Level. The Mitigated Negative Declaration filed for General Plan Amendment 2010-1, Rezone 2010 -1 and the development of the Corning Community Park meets the requirements of CEQA and its Guidelines.

## **ACTION**

**1. MOVE TO ADOPT THE 4 FACTUAL SUBFINDINGS AND LEGAL FINDINGS AS PRESENTED IN THE STAFF REPORT AND ADOPT THE MITIGATED NEGATIVE DECLARATION FILED ON GENERAL PLAN AMENDMENT 2010-1 AND REZONE 2010-1 FOR THE DEVELOPMENT OF THE CORNING COMMUNITY PARK. (PLEASE NOTE : PRIOR TO ADOPTION OF THE FOUR FACTUAL SUBFINDINGS AND LEGAL FINDINGS THE CITY COUNCIL HAS THE ABILITY TO MODIFY OR REMOVE ANY OF THE RECOMMENDED FACTUAL SUBFINDINGS AND LEGAL FINDINGS IF DEEMED APPROPRIATE BY A MAJORITY OF THE COUNCIL).**

## **OR**

**2. MAKE A MOTION TO HAVE STAFF MAKE REVISIONS TO THE MITIGATED NEGATIVE DECLARATION AND RECIRCULATE IT FOR REVIEW THROUGH THE CEQA PROCESS.**

## **ATTACHMENTS**

EXHIBIT "A"	LETTER FROM STATE CLEARINGHOUSE
EXHIBIT "B"	LETTER FROM REGIONAL WATER QUALITY CONTROL BOARD



Exhibit "A"  
STATE OF CALIFORNIA

Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit

Arnold Schwarzenegger  
Governor August 5, 2010



RECEIVED

AUG 16 2010

CITY OF CORNING

John Stoufer  
City of Corning  
794 Third Street  
Corning, CA 96021

Subject: General Plan Amendment 2010-1A, Rezone 2010-1, Corning Community Park Land Acquisition & Development  
SCH#: 2010012045

Dear John Stoufer:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on August 4, 2010, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2010012045  
**Project Title** General Plan Amendment 2010-1A, Rezone 2010-1, Corning Community Park Land Acquisition &  
**Lead Agency** Development  
Corning, City of

---

**Type** MND Mitigated Negative Declaration  
**Description** NOTE: Review per Lead

The proposed project is the land acquisition; general plan amendment and rezone of 3 parcels for potential park development if the City of Corning is awarded grant funds from the Statewide Park Development and Community Revitalization Program of 2008.

---

**Lead Agency Contact**

**Name** John Stoufer  
**Agency** City of Corning  
**Phone** (530) 824-7036  
**email**  
**Address** 794 Third Street  
**City** Corning  
**State** CA **Zip** 96021  
**Fax**

---

**Project Location**

**County** Tehama  
**City** Corning  
**Region**  
**Lat / Long**  
**Cross Streets** Fig Lane / Toomes Ace  
**Parcel No.** 75-210-21, 35, 38  
**Township** 24N **Range** 3W **Section** 22 **Base** MDB&M

---

**Proximity to:**

**Highways** I-5  
**Airports** Corning Municipal  
**Railways** UPRR  
**Waterways** Jewett Creek  
**Schools** West Street ES  
**Land Use** Vacant-Single Family Residential/ R-1, R-1-A/Residential-Agricultural

---

**Project Issues** Geologic/Seismic; Noise; Traffic/Circulation; Wetland/Riparian; Air Quality

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**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Fish and Game, Region 1; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; Caltrans, District 2; California Highway Patrol; Regional Water Quality Control Bd., Region 5 (Redding); Native American Heritage Commission; State Lands Commission

---

**Date Received** 07/02/2010 **Start of Review** 07/02/2010 **End of Review** 08/04/2010

---



# California Regional Water Quality Control Board Central Valley Region

Katherine Hart, Chair



Linda S. Adams  
Secretary for  
Environmental  
Protection

415 Knollcrest Drive, Suite 100, Redding, California 96002  
(530) 224-4845 • Fax (530) 224-4857  
<http://www.waterboards.ca.gov/centralvalley>

Arnold  
Schwarzenegger  
Governor

*Exhibit "B"*

9 July 2010

**RECEIVED**

JUL 12 2010

CITY OF CORNING

Mr. John Stoufer  
City of Corning  
794 Third Street  
Corning, CA 96021

## **COMMENTS ON THE NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR PROPOSED CORNING COMMUNITY PARK LAND ACQUISITION & DEVELOPMENT, GENERAL PLAN AMENDMENT #2010-1A, AND REZONE #2010-1, CORNING, TEHAMA COUNTY**

The Central Valley Regional Water Quality Control Board (Regional Water Board) is a responsible agency for this project, as defined by the California Environmental Quality Act (CEQA). On 2 July 2010, our office received a Notice of Intent to Adopt A Mitigated Negative Declaration, Environmental Initial Study, and Request for Comments Letter from your office regarding the proposed development referenced above.

The proposed project is the land acquisition, general plan amendment, and rezone of four (4) parcels. The parcels are proposed to be developed as a community park with potential recreational features such as a skateboard park, soccer fields, playgrounds, picnic areas, restrooms, walking trails, and open space. The park development project will only be developed if the City of Corning is awarded grant funds from the Statewide Park Development and Community Revitalization Program of 2008. The four parcels are located along the south and north sides of Jewett Creek near the Fig Lane/Toomes Avenue, and Fig Lane/Houghton Avenue intersections in Section 22, Township 24 North, Range 3 West, APN 071-250-35; -61; -34; & -04, Tehama County.

The following comments are provided to help outline the potential permitting which may be required by the Regional Water Board, policy issues concerning the project, and suggestions for mitigation measures. Our present comments focus primarily on discharges regulated under our CWA §401 and storm water programs.

Water Board entitlements include:

- Fill or dredged material discharges      Clean Water Act (CWA) §401 water quality certification for federal waters; or Waste Discharge Requirements for non-federal waters
- Storm water and other wastewater discharges      CWA §402 NPDES permit; Storm Water Discharges Associated with Construction Activity

The following summarizes project permits that may be required by our agency depending upon potential impacts to water quality:

Isolated wetlands not covered by the Federal Clean Water Act

Wetlands not covered by the Clean Water Act are known as "isolated wetlands." Should the U.S. Army Corps of Engineers determine that isolated wetlands exist at the project site, and should the project impact or have potential to impact the isolated wetlands, a Report of Waste Discharge and filing fee must be submitted for approval prior to commencing the construction activity. The Central Valley Board will consider the provided information and either issue or waive Waste Discharge Requirements. Failure to obtain waste discharge requirements or a waiver thereof, when required, may result in enforcement action.

As a protective measure for any stream habitat on-site, as well as any wetland, riparian areas and species of special concern, the final map should include an adequate buffer for those areas.

Water Quality Certification (401 Certification)

Certifications are issued for activities resulting in dredge or fill within waters of the United States. All projects must be evaluated for the presence of jurisdictional waters, including wetlands and other waters of the state. Impacts to these waters should be avoided, minimized, and/or mitigated. Impacts to Waters of the United States requires an Army Corps of Engineers (Corps) Clean Water Act (CWA) Section 404 Permit and a CWA Section 401 Water Quality Certification from the Central Valley Water Board. The Section 404 and 401 permits are required for activities involving a discharge (such as fill or dredged material) to Waters of the United States. "Waters" include wetlands, riparian zones, streambeds, rivers, lakes, and oceans. Typical activities include any modifications to these waters, such as stream crossings, stream bank modifications, filling of wetlands, etc. If required, the Section 404 Permit and Section 401 Certification must be obtained prior to site disturbance.

General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (CGP)

For projects disturbing 1 acre or more of land the property owner is required to obtain coverage under the CGP by submitting Permit Registration Documents electronically prior to construction. The Paradise Irrigation District Corporation Yard must be conditioned to implement storm water pollution controls during construction and post-construction as required by the CGP. Long-term post-construction Best Management Practices (BMPs) that protect water quality and control runoff ideally to the pre-development levels should be incorporated into the project. Detailed information on the CGP can be found on the State Water Board website: [http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/gen\\_const.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/gen_const.shtml)

If you have any questions or comments regarding this matter please contact me at (530) 224-4784 or by email at [szaitz@waterboards.ca.gov](mailto:szaitz@waterboards.ca.gov).



Scott A. Zaitz, R.E.H.S.  
Environmental Scientist  
Storm Water & Water Quality Certification Unit

cc: Mr. Matt Kelley, U.S. Army Corp of Engineers, Redding  
Ms. Donna Cobb, Department of Fish and Game, Region 1, Redding

ITEM NO.: I-12  
RESOLUTION 12-14-2010-01 AUTHORIZING CITY  
CLERK TO PLACE LIENS FOR DELINQUENT  
PAYMENT FOR WATER AND SEWER SERVICES  
DECEMBER 14, 2010

TO: HONORABLE MAYOR AND CITY COUNCILMEMBERS

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



**SUMMARY:**

Resolution 12-14-2010-01 amends Resolution 10-26-2010-02 previously adopted by the Council on October 26, 2010. This new Resolution reflects the current dollar amount of \$6,314.96 owed for delinquent water and/or sewer fees, and removes the previously listed properties that have since paid their delinquent fees.

**BACKGROUND:**

On October 26, 2010 Council unanimously approved Resolution 10-26-2010-02 Authorizing the City Clerk to record tax liens totaling \$8,505.28 for delinquent water and/or sewer service on 22 properties. Letters were sent to the affected property owners on October 29, 2010 notifying them of the City's intent to record a lien on their property for delinquent water and/or sewer service. In the letters they were informed of the proposed lien amount and of their "Right to Appeal" as stipulated in City Code, Section 13.04.460 and 13.08.210, "Appeals". It also stated that an appeal hearing had been scheduled for November 23, 2010 at 7:30 p.m. at which time they may appear to appeal or "protest" the filing of the lien. The letters also included copies of the associated Corning Municipal Codes Sections as listed below:

**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 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); 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).**

None of the individuals contacted were present at the November 23<sup>rd</sup> meeting to appeal the proposed lien, the City has however received payment in full on four of the properties scheduled to have liens recorded reducing the potential lien amount to \$6,314.96.

**RECOMMENDATION:**

**MAYOR AND COUNCIL ADOPT RESOLUTION 12-14-2010-01 AND AUTHORIZE THE CITY CLERK TO RECORD LIENS FOR DELINQUENT PAYMENT OF WATER AND SEWER SERVICES.**

**RESOLUTION NO. 12-14-2010-01**  
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORNING**  
**AUTHORIZING THE CITY CLERK TO RECORD RESOLUTION NO. 12-14-2010-01**  
**AND NOTICE OF LIENS IN THE COMBINED AMOUNT OF \$6,314.96**  
**FOR DELINQUENT AND UNCOLLECTED WATER AND/OR SEWER FEES**  
**ON THE PROPERTIES LISTED ON THE ATTACHED EXHIBIT "A"**

**WHEREAS**, the properties listed on the attached Exhibit "A" are delinquent on their water and/or sewer accounts in the amount of \$6,314.96 due to either foreclosure, abandonment, or non-payment; and

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

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**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 liens on the real properties described in Exhibit "A" attached hereto and incorporated herein by reference, for further delinquent and uncollected Water and Sewer Fees; and
2. The matter having now come before the Mayor and Council for confirmation of the amount of the liens 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 \$6,314.96 are hereby confirmed and adopted as a lien against the properties identified in Exhibit "A" hereto; and
4. 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 December 14, 2010 by the following vote:**

**AYES:**

**NOES:**

**ABSENT OR NOT VOTING:**

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**Gary R. Strack, Mayor**

**ATTEST:**

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**Lisa M. Linnet, City Clerk**

**10/2010 Delinquent Water/Sewer Property Liens**

APN NO.'s	Service Address	Balance Owed	Acct. No.	Owner/Responsible Party	APN Mailing Address	Alternate Mailing Address	Name on Acct.
73-046-05	803 Butte St. (S)	\$483.54	LEM0001	Arendale, Delores ETAL c/o Lemke, Angela	3101 N. Ellis St., Chandler, AZ 85224	Same	Dolores Arendale c/o Angela Lemke
73-112-08	520 Chestnut St. (W/S)	\$667.38	RAM0071	Ramirez, Inez & Cheryl	520 Chestnut St., Corning, CA 96021	903 Fifth Street, Corning, CA 96021	Inez & Cheryl Ramirez
73-133-03	911 Chestnut St. (W/S)	\$506.68	MAR0086	Marquard, James Robt	911 Chestnut St., Corning, CA 96021	P.O. Box 1202, Corning, CA 96021	James Robert Marquard
71-136-10	813 Fourth St. (S)	\$148.70	HIL0029	Hildebrandt, Wilfred ETAL TRS Hildebrandt Family Trust	3665 Illinois Ave., Corning, CA 96021	Same	Wilfred Hildebrandt
71-243-04	1212 Fourth Ave. (W/S)	\$115.38	WAT0010	Watkins, Joseph D.	1212 Fourth Ave., Corning, CA 96021	Same	Joseph & Valerie Watkins
71-094-07	710 Houghton Ave. (W/S)	\$265.08	LIR0001	Lira, Margarito	710 Houghton Avenue, Corning, CA 96021	22405 Chase Ave., Corning, CA 96021	Margarito Lira
71-262-01	1392 Link St. (S)	\$581.06	OVE0001	Overturf, WM C.	P.O. Box 712, Corning, CA 96021	1392 Link St., Corning, CA 96021	William C. Overturf
71-020-50	1850 North St. (W/S)	\$380.60	BER0032	Berggren, Julie Ellen ETAL	1850 North St., Corning, CA 96021	Same	Julie Ellen Berggren
71-132-06	1311 Solano St. (S)	\$351.72	RIC0070	Rico, Maria D. ETAL	24610 East Borough Rd., Corning, CA 96021	Same	Ezequiel & Maria D. Rico
71-151-18	1905 Solano St. (S)	\$581.06	ARR0010	Arrowsmith, Nathan	1927 McKinley Ave., Corning, CA 96021	Same	Nathan Arrowsmith
73-101-09	703 South St. (W/S)	\$190.36	JOH0076	Johnson, Marian & Edward D.	703 South St., Corning, CA 96021	18954 Summit Rd., Paynes Creek, CA 96075	Marian & Ed Johnson
71-175-13	1120 South St. (W/S)	\$989.96	OLI0073	Oliveria, Leroy A. & Leora P.	1120 South St., Corning, CA 96021 (Check with Assessor's on Address)	Same	Leroy & Leora Oliveria
71-062-39	530 Toomes Ave. (S)	\$118.96	CAS0051	Castro, Richard	530 Toomes Ave., Corning, CA 96021	Same	Richard Castro
71-165-10	1013 West St. (S)	\$934.48	PRE0001	Preble, Vivian F. TR DECD c/o Miles, Carol Anne SUC TR	1437 N. Cherry St., Chico, CA 95926	Same	Vivian F. Preble (deceased)
	<b>Total:</b>	<b>\$6,314.96</b>					

Exhibit "A"

**Exhibit "B"**

**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 liens for the costs of delinquent uncollected Water and Sewer Fees upon the real properties listed on the attached Exhibit "A". These liens are 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 December 14, 2010, have assessed the combined amount of \$6,314.96 as the delinquent uncollected Water and Sewer Fees for the properties identified on the attached Exhibit "A". The specified sums shall be liens 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 properties upon which these liens are claimed are located within the "Sphere of Influence" of the City of Corning, County of Tehama, State of California and are described on the attached Exhibit "A".

**Resolution No.: 12-14-2010-01**

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

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

(Acknowledgment is not required pursuant to GC §27282)

**ITEM NO: I-13  
APPROVE CONTRACT CHANGE ORDER #3,  
AMENDING SCOPE OF WORK AND  
INCREASING THE RODGERS THEATER  
IMPROVEMENT PROJECT BY \$345.00 FOR  
A TOTAL PROJECT COST OF \$181,039.69.**

**NOVEMBER 23, 2010**

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**  
**FROM: STEPHEN J. KIMBROUGH, CITY MANAGER**  
**JOHN L. BREWER, AICP, DIRECTOR OF PUBLIC WORKS**  
**TERRY HOOFARD, CITY BUILDING OFFICIAL**

*JB* *Stev*

**SUMMARY:**

Staff recommends the City Council approve the attached "Change Order No. 3" in the amount of \$345.00. The Change Order is necessary in order to relocate an HVAC Air handler Unit. The unit must be relocated from its planned position due to a conflicting truss brace. The unit will now be suspended from the trusses by threaded rods. See the attached sketch showing the detail how the unit will be suspended.

**BACKGROUND:**

The Rodgers Theater Improvement Project was awarded to Don Azevedo Construction of Chico, CA at the September 28, 2010 City Council Meeting. The project required the contractor to supply and install two new Heating Ventilation and Air Conditioning (HVAC) units. General work includes re-roofing, insulation improvements, and the installation of structural support framing and minor concrete and wood framing demolition and construction.

The plans showed the air handler unit was to be placed on a platform constructed between the two glue lam beams stretching between the new "HVAC bearing walls". However, there's a conflicting cross brace between trusses at the intended location. The HVAC sub contractor recommends the unit instead be suspended from the adjacent truss bay-where there's no similar brace. Our structural engineer, Eric Ausmus agrees with the recommended change and offered the attached sketch that details how the unit is to be suspended.

**CHANGE ORDER:**

Don Azevedo Construction submitted a request for Contract Change Order No. 3 to cover the unexpected expenses resulting from this plan change. The expense will increase the original contract amount by \$345.00. The adjusted contract amount for the Rodgers Theater Improvement Project will be \$181,384.69. See the summary of the contract costs below:

Original Contract Amount:	\$176,609.00
Change Order No. 1	2,475.69
Change Order No. 2	1,955.00
<b>Change Order No. 3</b>	<b><u>345.00</u></b>

Adjusted Contract Amount                      \$181,384.69

The Public Contracts Code normally limits Change Orders to a maximum of 10% of the overall contract amount. The sum of Change Orders 1, 2 & 3 is \$4,775.69. This amounts to about 2.7% of the original contract amount.

Budget Line Item No. 130-9116-6125 Theater Restoration/Rodgers Theater provides funding for this project.

**RECOMMENDATION:**

- **MAYOR AND COUNCIL APPROVE CONTRACT CHANGE ORDER #3, REVISING THE SCOPE OF WORK TO RELOCATE AND SUSPEND THE AIR HANDLER UNIT FROM THE ROOF STRUCTURE AND INCREASING THE RODGERS THEATER IMPROVEMENT PROJECT BY \$345.00 FOR A TOTAL PROJECT COST OF \$181,384.69.**



## City of Corning, California

Department of Public Works  
794 Third Street  
Corning, CA 96021  
(530) 824-7029

### Change Order No. 3

Change Order Date: December 9, 2010

Project Name: Rodger's Theater Improvement Project

**Vendor:**

Company Name: Don Azevedo Construction, Inc.  
Address: 48 Bellarmine Court, #40  
Chico, CA 95928

Contact Name: Don Azevedo

Telephone Number: (530) 894-2360

Fax Number: (530) 894-0699

Change Requested by: City of Corning

### **Change Description:**

a.) Amendment of Contract signed by City of Corning on October 7, 2010 to include additional work to relocate HVAC Air Handler Unit in alternative truss bay location and suspended from roof structure as detailed in sketch from Engineer Eric Ausmus.

Original Contract Amount:	\$176,609.00
Previous Change Order No 1 Increase:	\$2,475.69
Change Order No 2 Increase	\$1,955.00
<b>Change Order No. 3 Increase</b>	<b><u>\$3435.00</u></b>
Amended Contract Amount:	\$181,384.69

### **Justification:**

The Plans and Specifications show the air handler unit to be placed on a platform constructed in the theater attic. However, there is a conflicting truss brace in that location. Solution is to suspend air handler from roof structure purlins in the next truss bay north.

(Change Order No. 3-continued)

Requested:

\_\_\_\_\_  
City of Corning

\_\_\_\_\_  
Date

Recommended:

\_\_\_\_\_  
Eric Ausmus, Project Engineer

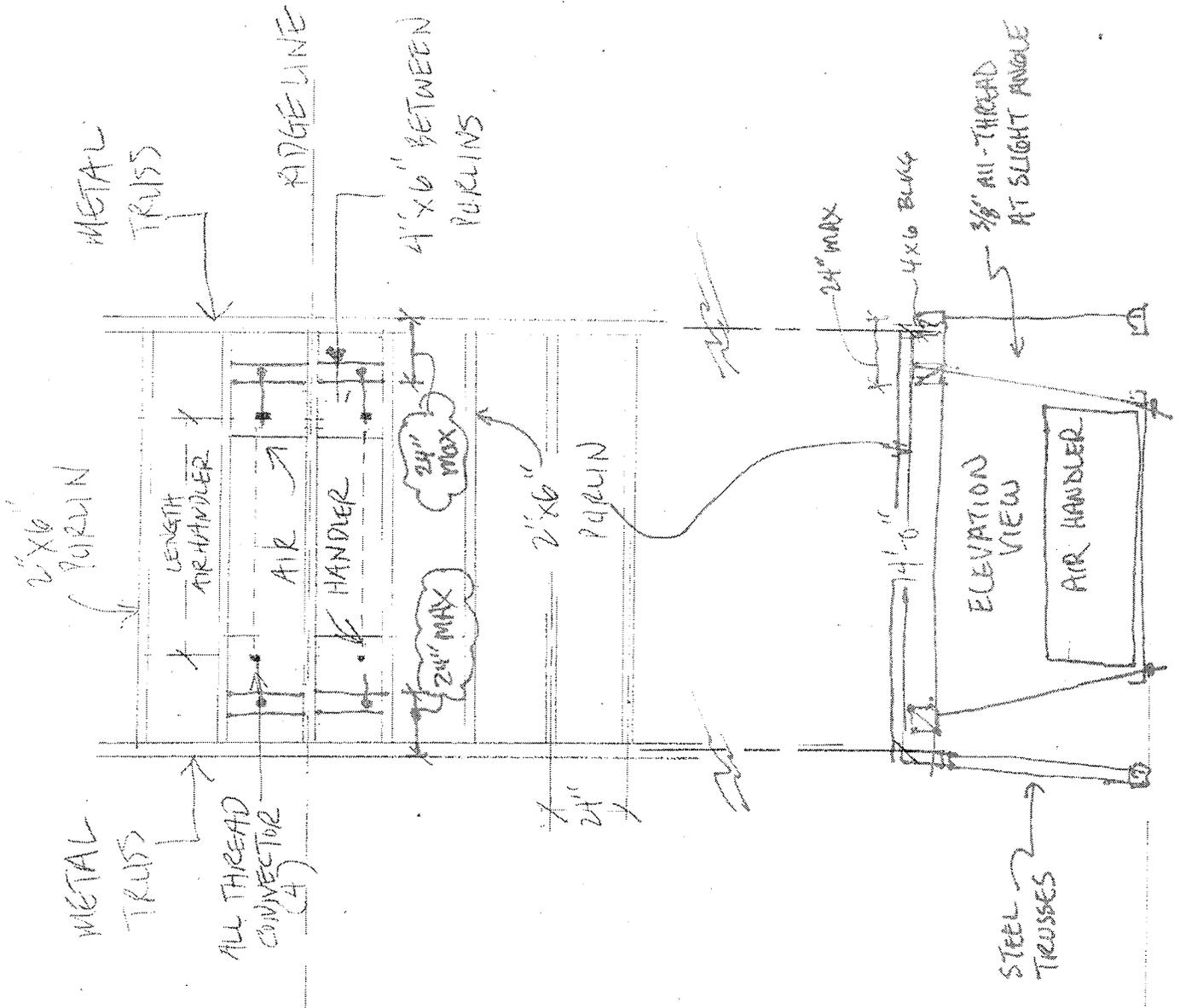
\_\_\_\_\_  
Date

Accepted:

\_\_\_\_\_  
Don Azevedo

\_\_\_\_\_  
Date





**ITEM NO: I-14  
ACCEPTANCE OF THE 2010  
TRAFFIC SPEED SURVEY  
DECEMBER 14, 2010**

**TO: HONORABLE MAYOR AND COUNCIL MEMBERS  
OF THE CITY OF CORNING**

**FROM: STEPHEN J. KIMBROUGH, CITY MANAGER  
ANTHONY F. CARDENAS, CHIEF OF POLICE**

**SUMMARY:**

Periodically, the City of Corning must conduct traffic speed surveys, in order to establish speed limits for enforcement within the City Limits.

**BACKGROUND:**

To use radar units to enforce speed limits, the California Vehicle Code requires that the City of Corning make an engineering and traffic survey every five years to determine the 85-percentile, or "prevailing" speed within each speed zone. The City Police Department has made the required survey at the locations shown on the attached report. The results and recommendations are noted on the report sheet for each location. No changes are recommended since the City Council's acceptance of Ordinance No. 548 in 1994.

City staff and City Engineer Ed Anderson, believe that recommendations are reasonable and justified by the results of the speed survey and the conditions that exist at the locations surveyed.

**RECOMMENDATION:**

**MAYOR AND COUNCIL ACCEPT AND ADOPT THE 2010 TRAFFIC SPEED SURVEY.**



# City of Corning

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

December 9, 2010

We hereby state under penalty of perjury, that to the best of our knowledge and belief, the attached speed survey was done in accordance with the standards set forth in the California Vehicle Code.

Tony Cardenas, Chief of Police

J. E. (Ed) Anderson, RCE 18151  
City Engineer



## City of Corning Engineering and Traffic Survey

Date: December 2, 2010  
Study Location: Solano Street at El Verano Street  
Existing Speed Zone: 35 MPH

### Speed Zone Survey Results:

Date of Survey: November 17, 2010  
Limits of Survey: East City Limits to Marguerite Avenue  
Time of Survey: 1:50 pm  
Number of Vehicles: 134  
Average Speed: 35.8  
85th Percentile Speed: 42  
Pace Speed: 32 to 41

### Accidents Reported During the Last Three Years:

None reported

### Other Factors Affecting Speed Zone:

Solano Street at the east side of town is situated in a moderately dense residential neighborhood, fed by a 55 MPH highway, and also experiences numerous pedestrians including school children. A new traffic signal at Marguerite Avenue and Solano Street requires a speed reduction to 25 MPH for effective camera activated signal operation.

### Recommendations:

Maintain speed limit of 35 MPH from the easterly city limits to 1,000 feet east of Marguerite Avenue (slightly west of Fripp Avenue). Reduce speed limit to 25 MPH from 1,000 feet east of Marguerite Avenue to Marguerite Avenue.

## City of Corning Engineering and Traffic Survey

Date: December 2, 2010  
Study Location: Solano Street at Pear Street  
Existing Speed Zone: 25 MPH

### Speed Zone Survey Results:

Date of Survey: November 16, 2010  
Limits of Survey: Second Street to Marguerite Avenue  
Time of Survey: 2:45 pm  
Number of Vehicles: 118  
Average Speed: 26.1  
85th Percentile Speed: 31  
Pace Speed: 23 to 32

### Accidents Reported During the Last Three Years:

1 vehicle vs pole - unknown cause  
1 vehicle vs pedestrian - vehicle failed to yield right of way

### Other Factors Affecting Speed Zone:

Solano Street is the major thoroughfare through town with heavy vehicle and pedestrian traffic.

### Recommendations:

Maintain speed limit of 25 MPH.

## City of Corning Engineering and Traffic Survey

Date: December 2, 2010  
Study Location: Solano Street at Hoag Street  
Existing Speed Zone: 25 MPH

### Speed Zone Survey Results:

Date of Survey: November 17, 2010  
Limits of Survey: Sixth Street to Houghton  
Time of Survey: 3:10 pm  
Number of Vehicles: 329  
Average Speed: 26.1  
85th Percentile Speed: 29  
Pace Speed: 21 to 30

### Accidents Reported During the Last Three Years:

1 hit and run - unknown cause  
1 vehicle vs pedestrian - unsafe turn

### Other Factors Affecting Speed Zone:

Solano Street is the city's main street through the business district, and is heavily traveled.

### Recommendations:

Maintain speed limit of 25 MPH.

## City of Corning Engineering and Traffic Survey

Date: December 2, 2010  
Study Location: Solano Street at Toomes Avenue  
Existing Speed Zone: 25 MPH

### Speed Zone Survey Results:

Date of Survey: November 17, 2010  
Limits of Survey: Houghton Avenue to Edith Avenue  
Time of Survey: 2:34 pm  
Number of Vehicles: 175  
Average Speed: 20.9  
85th Percentile Speed: 25  
Pace Speed: 16 to 25

### Accidents Reported During the Last Three Years:

2 hit and run - unknown cause  
1 vehicle vs bike - bike not driving with the flow of traffic  
3 vehicles vs pole - unknown cause  
1 vehicle vs bike - unknown cause  
1 vehicle vs pedestrian - vehicle failed to stop at crosswalk

### Other Factors Affecting Speed Zone:

Solano Street is the city's main street through the business district, and is heavily traveled.

### Recommendations:

Maintain speed limit of 25 MPH.

## City of Corning Engineering and Traffic Survey

Date: December 2, 2010  
Study Location: Marguerite Avenue at McLane Avenue  
Existing Speed Zone: 25 MPH

### Speed Zone Survey Results:

Date of Survey:	November 24, 2010
Limits of Survey:	Solano Street to Blackburn Avenue
Time of Survey:	1:15 pm
Number of Vehicles:	146
Average Speed:	27.8
85th Percentile Speed:	34
Pace Speed:	25 to 34

### Accidents Reported During the Last Three Years:

1 vehicle vs power lines - unknown cause

### Other Factors Affecting Speed Zone:

This area is a residential zone with heavy pedestrian traffic during morning and afternoon hours, consisting primarily of students going to or from the nearby high school.

### Recommendations:

Maintain speed limit of 25 MPH.

## City of Corning Engineering and Traffic Survey

Date: December 2, 2010  
Study Location: Marguerite Avenue at Corona Avenue  
Existing Speed Zone: 25 MPH

### Speed Zone Survey Results:

Date of Survey: November 19, 2010  
Limits of Survey: Solano Street to Fig Lane  
Time of Survey: 8:34 am  
Number of Vehicles: 189  
Average Speed: 26.5  
85th Percentile Speed: 31  
Pace Speed: 22 to 31

### Accidents Reported During the Last Three Years:

1 vehicle into a ditch - unknown cause

### Other Factors Affecting Speed Zone:

This area is in a residential zone with heavy pedestrian traffic during morning and afternoon hours, consisting primarily of younger students.

### Recommendations:

Maintain speed limit of 25 MPH.

## City of Corning Engineering and Traffic Survey

Date: December 2, 2010  
Study Location: Fig Lane at Columbia Avenue  
Existing Speed Zone: 25 MPH

### Speed Zone Survey Results:

Date of Survey:	November 18, 2010
Limits of Survey:	Marguerite Avenue to Kirkwood Road
Time of Survey:	7:30 am
Number of Vehicles:	238
Average Speed:	23.8
85th Percentile Speed:	28
Pace Speed:	20 to 29

### Accidents Reported During the Last Three Years:

1 vehicle vs pole - unknown cause

### Other Factors Affecting Speed Zone:

Fig Lane is surrounded by elementary and middle schools and has high pedestrian and vehicle traffic, especially during morning and afternoon hours.

### Recommendations:

Maintain speed limit of 25 MPH.

## City of Corning Engineering and Traffic Survey

Date: December 2, 2010  
Study Location: South Street at East Street  
Existing Speed Zone: 25 MPH

### Speed Zone Survey Results:

Date of Survey: November 18, 2010  
Limits of Survey: Marguerite Avenue to Second Street  
Time of Survey: 8:15 am  
Number of Vehicles: 319  
Average Speed: 21.4  
85th Percentile Speed: 27  
Pace Speed: 18 to 27

### Accidents Reported During the Last Three Years:

None reported

### Other Factors Affecting Speed Zone:

This location is in a residential area and near a community park. There is moderate vehicular and pedestrian traffic.

### Recommendations:

Maintain speed limit of 25 MPH.

## City of Corning Engineering and Traffic Survey

Date: December 2, 2010  
Study Location: South Street at Fifth Street  
Existing Speed Zone: 25 MPH

### Speed Zone Survey Results:

Date of Survey:	November 18, 2010
Limits of Survey:	Second Street to Houghton Avenue
Time of Survey:	2:30 pm
Number of Vehicles:	198
Average Speed:	23.1
85th Percentile Speed:	29
Pace Speed:	19 to 28

### Accidents Reported During the Last Three Years:

1 vehicle vs tree - unknown cause - unknown cause

### Other Factors Affecting Speed Zone:

This location is in a residential area and near a community park. There is moderate vehicular and pedestrian traffic.

### Recommendations:

Maintain speed limit of 25 MPH.

## **City of Corning Engineering and Traffic Survey**

Date: December 2, 2010  
Study Location: Second Street at Chestnut Street  
Existing Speed Zone: 25 MPH

### Speed Zone Survey Results:

Date of Survey:	November 19, 2010
Limits of Survey:	Solano Street to Fig Lane
Time of Survey:	9:25 am
Number of Vehicles:	117
Average Speed:	25.3
85th Percentile Speed:	31
Pace Speed:	22 to 31

### Accidents Reported During the Last Three Years:

None reported

### Other Factors Affecting Speed Zone:

This location is adjacent to one of the largest olive packing facilities in the country and receives a substantial amount of truck and vehicular traffic as well as numerous pedestrians going to and from work at all hours of the day.

### Recommendations:

Maintain speed limit of 25 MPH.

## City of Corning Engineering and Traffic Survey

Date: December 2, 2010  
Study Location: First Street at Butte Street  
Existing Speed Zone: 25 MPH

### Speed Zone Survey Results:

Date of Survey: November 19, 2010  
Limits of Survey: Solano Street to Blackburn Avenue  
Time of Survey: 10:44 am  
Number of Vehicles: 177  
Average Speed: 20.9  
85th Percentile Speed: 26  
Pace Speed: 16 to 25

### Accidents Reported During the Last Three Years:

1 vehicle vs bike - both at fault  
1 vehicle vs pedestrian - failure to yield to pedestrian

### Other Factors Affecting Speed Zone:

This street is a main route to Corning High School and is subject to moderate to heavy pedestrian and vehicular traffic during the morning and afternoon hours.

### Recommendations:

Maintain speed limit of 25 MPH.

## City of Corning Engineering and Traffic Survey

Date: December 2, 2010  
Study Location: Third Street at Tehama Street  
Existing Speed Zone: 35 MPH

### Speed Zone Survey Results:

Date of Survey:	November 19, 2010
Limits of Survey:	Solano Street to north city limits
Time of Survey:	3:18 pm
Number of Vehicles:	362
Average Speed:	30.9
85th Percentile Speed:	37
Pace Speed:	26 to 35

### Accidents Reported During the Last Three Years:

1 vehicle into a ditch - unknown cause

### Other Factors Affecting Speed Zone:

Third Street is a major road, which transitions into a 55 MPH roadway to Red Bluff. This area is also subject to considerable truck traffic because of commercial and industrial businesses along the route throughout the day and night.

### Recommendations:

Maintain speed limit of 35 MPH.

## **City of Corning Engineering and Traffic Survey**

Date: December 2, 2010  
Study Location: Third Street at Butte Street  
Existing Speed Zone: 25 MPH

### Speed Zone Survey Results:

Date of Survey:	November 24, 2010
Limits of Survey:	Solano Street to north city limits
Time of Survey:	2:45 pm
Number of Vehicles:	495
Average Speed:	30.1
85th Percentile Speed:	36
Pace Speed:	27 to 36

### Accidents Reported During the Last Three Years:

1 vehicle vs pole - unknown cause

### Other Factors Affecting Speed Zone:

Third Street is a major roadway flowing into a 35 MPH transition zone prior to a 55 MPH highway, and is also subject to industrial truck traffic during all hours of the day and night.

### Recommendations:

Maintain speed limit of 25 MPH.

## City of Corning Engineering and Traffic Survey

Date: December 2, 2010  
Study Location: Sixth Avenue between South Street & Center Street  
Existing Speed Zone: 25 MPH

### Speed Zone Survey Results:

Date of Survey: November 29, 2010  
Limits of Survey: Solano Street to Fig Lane  
Time of Survey: 7:30 am  
Number of Vehicles: 478  
Average Speed: 28.7  
85th Percentile Speed: 27  
Pace Speed: 17 to 26

### Accidents Reported During the Last Three Years:

1 hit and run - unknown cause  
1 vehicle vs pole - unknown cause  
1 vehicle vs pedestrian - unknown cause

### Other Factors Affecting Speed Zone:

This is in a residential area and is one of the main north-south roads through Corning, with moderate vehicular and pedestrian traffic.

### Recommendations:

Maintain speed limit of 25 MPH.

## City of Corning Engineering and Traffic Survey

Date: December 2, 2010  
Study Location: Houghton Avenue at Scott Avenue  
Existing Speed Zone: 25 MPH

### Speed Zone Survey Results:

Date of Survey: November 19, 2010  
Limits of Survey: Solano Street to Fig Lane  
Time of Survey: 12:40 pm  
Number of Vehicles: 214  
Average Speed: 21.5  
85th Percentile Speed: 27  
Pace Speed: 16 to 25

### Accidents Reported During the Last Three Years:

1 vehicle vs bike - bike riding wrong way  
1 vehicle vs dog - unknown cause  
1 vehicle vs bike - bike not in correct lane  
1 vehicle vs bike - bike did not see stop sign

### Other Factors Affecting Speed Zone:

This area is in a residential zone with school-age pedestrian traffic during the day.

### Recommendations:

Maintain speed limit of 25 MPH.

## **City of Corning Engineering and Traffic Survey**

Date: December 2, 2010  
Study Location: Houghton Avenue at Butte Avenue  
Existing Speed Zone: 25 MPH

### Speed Zone Survey Results:

Date of Survey:	November 19, 2010
Limits of Survey:	Solano Street to Blackburn Avenue
Time of Survey:	14:20
Number of Vehicles:	155
Average Speed:	21.4
85th Percentile Speed:	26
Pace Speed:	19 to 29

### Accidents Reported During the Last Three Years:

None reported

### Other Factors Affecting Speed Zone:

Houghton Avenue traverses through the residential and business district of Corning in a north-south direction and is moderately traveled.

### Recommendations:

Maintain speed limit of 25 MPH.

## City of Corning Engineering and Traffic Survey

Date: December 2, 2010  
Study Location: Colusa Street at Fifth Street  
Existing Speed Zone: 25 MPH

### Speed Zone Survey Results:

Date of Survey: November 24, 2010  
Limits of Survey: Houghton Avenue to Third Street  
Time of Survey: 2:45 pm  
Number of Vehicles: 115  
Average Speed: 18.7  
85th Percentile Speed: 24  
Pace Speed: 12 to 21

### Accidents Reported During the Last Three Years:

None reported

### Other Factors Affecting Speed Zone:

This area is in a residential zone and is near the city community swimming pool, and a community park. There is moderate to heavy pedestrian and vehicular traffic throughout the day, especially during the summer months.

### Recommendations:

Maintain speed limit of 25 MPH.

## **City of Corning Engineering and Traffic Survey**

Date: December 2, 2010  
Study Location: Toomes Avenue at Scott Avenue  
Existing Speed Zone: 25 MPH

### Speed Zone Survey Results:

Date of Survey:	November 24, 2010
Limits of Survey:	Fig Lane to Solano Street
Time of Survey:	7:15 am
Number of Vehicles:	234
Average Speed:	22.8
85th Percentile Speed:	39
Pace Speed:	15 to 24

### Accidents Reported During the Last Three Years:

None reported

### Other Factors Affecting Speed Zone:

Toomes Avenue is in a residential area with a large apartment complex in the middle of the speed zone. There is heavy pedestrian traffic most hours of the day.

### Recommendations:

Maintain speed limit of 25 MPH.

## **City of Corning Engineering and Traffic Survey**

Date: December 2, 2010  
Study Location: Toomes Avenue south of Fig Lane  
Existing Speed Zone: 35 MPH

### Speed Zone Survey Results:

Date of Survey:	November 24, 2010
Limits of Survey:	Loleta Avenue to Fig Lane
Time of Survey:	9:30 am
Number of Vehicles:	142
Average Speed:	30.4
85th Percentile Speed:	38
Pace Speed:	25 to 34

### Accidents Reported During the Last Three Years:

1 vehicle vs pole - unknown cause

### Other Factors Affecting Speed Zone:

Toomes Avenue south of Fig Lane is a rural road with light vehicle traffic.

### Recommendations:

Maintain speed limit of 35 MPH.

## City of Corning Engineering and Traffic Survey

Date: December 2, 2010  
Study Location: Toomes Avenue at Dolla Court  
Existing Speed Zone: 25 MPH

### Speed Zone Survey Results:

Date of Survey:	November 24, 2010
Limits of Survey:	Solano Street to Blackburn Avenue
Time of Survey:	11:30 am
Number of Vehicles:	361
Average Speed:	21.7
85th Percentile Speed:	27
Pace Speed:	18 to 27

### Accidents Reported During the Last Three Years:

1 vehicle vs tree - unsafe speed

### Other Factors Affecting Speed Zone:

This is a moderately travelled street through a residential zone, and is a major school age pedestrian and bicycle route to a middle school at Blackburn Avenue.

### Recommendations:

Maintain speed limit of 25 MPH.

## **City of Corning Engineering and Traffic Survey**

Date: December 2, 2010  
Study Location: North Street at Rio Grande  
Existing Speed Zone: 25 MPH

### Speed Zone Survey Results:

Date of Survey:	November 29, 2010
Limits of Survey:	Toomes Avenue to Edith Avenue
Time of Survey:	9:45 am
Number of Vehicles:	117
Average Speed:	21.4
85th Percentile Speed:	27
Pace Speed:	18 to 27

### Accidents Reported During the Last Three Years:

None reported

### Other Factors Affecting Speed Zone:

North Street is a residential zone ringed by a series of cul-de-sac streets, with moderate traffic.

### Recommendations:

Maintain speed limit of 25 MPH.

## **City of Corning Engineering and Traffic Survey**

Date: December 2, 2010  
Study Location: Edith Avenue at Colusa Street  
Existing Speed Zone: 25 MPH

### Speed Zone Survey Results:

Date of Survey:	November 23, 2010
Limits of Survey:	Blackburn Avenue to Solano Street
Time of Survey:	12:00 noon
Number of Vehicles:	505
Average Speed:	26.6
85th Percentile Speed:	32
Pace Speed:	23 to 32

### Accidents Reported During the Last Three Years:

1 vehicle vs fence - unsafe speed

### Other Factors Affecting Speed Zone:

This is a major street, having numerous pedestrians due to a large apartment complex, a major car dealership business, and numerous other businesses in the area.

### Recommendations:

Maintain speed limit of 25 MPH.

## City of Corning Engineering and Traffic Survey

Date: December 2, 2010  
Study Location: Highway 99 West at Donovan Avenue  
Existing Speed Zone: 35 MPH

### Speed Zone Survey Results:

Date of Survey: November 23, 2010  
Limits of Survey: Fig Lane to Solano Street  
Time of Survey: 7:45 am  
Number of Vehicles: 116  
Average Speed: 40.1  
85th Percentile Speed: 47  
Pace Speed: 35 to 44

### Accidents Reported During the Last Three Years:

1 vehicle vs hydrant - unsafe speed

### Other Factors Affecting Speed Zone:

This is a major connecting road between the city and the truck stop complex and adjoins into a 45 MPH zone to the south.

### Recommendations:

Maintain speed limit of 35 MPH.

## City of Corning Engineering and Traffic Survey

Date: December 2, 2010  
Study Location: Highway 99 West at Loleta Avenue  
Existing Speed Zone: 45 MPH

### Speed Zone Survey Results:

Date of Survey: November 23, 2010  
Limits of Survey: Loleta Avenue to Fig Lane  
Time of Survey: 8:30 am  
Number of Vehicles: 303  
Average Speed: 40.1  
85th Percentile Speed: 47  
Pace Speed: 37 to 46

### Accidents Reported During the Last Three Years:

None reported

### Other Factors Affecting Speed Zone:

This is a major roadway connecting two commercial and industrial areas and is heavily traveled at most hours of the day and night. The section of roadway serves as a transition zone between two 35 MPH zones.

### Recommendations:

Maintain speed limit of 45 MPH.

## City of Corning Engineering and Traffic Survey

Date: December 2, 2010  
Study Location: Highway 99 West at south city limits  
Existing Speed Zone: 35 MPH

### Speed Zone Survey Results:

Date of Survey: November 23, 2010  
Limits of Survey: South Avenue to south city limits  
Time of Survey: 10:00 am  
Number of Vehicles: 487  
Average Speed: 20.1  
85th Percentile Speed: 29  
Pace Speed: 13 to 22

### Accidents Reported During the Last Three Years:

4 hit and runs - unknown cause

### Other Factors Affecting Speed Zone:

This is a major roadway connecting two commercial and industrial areas and very heavily traveled by large trucks and vehicles 24 hours a day.

### Recommendations:

Maintain speed limit of 35 MPH.

## City of Corning Engineering and Traffic Survey

Date: December 2, 2010  
Study Location: Solano Street at Fourth Street  
Existing Speed Zone: 25 MPH

### Speed Zone Survey Results:

Date of Survey: November 23, 2010  
Limits of Survey: Second Street to Sixth Street  
Time of Survey: 1:45 pm  
Number of Vehicles: 228  
Average Speed: 24.8  
85th Percentile Speed: 28  
Pace Speed: 21 to 30

### Accidents Reported During the Last Three Years:

1 vehicle vs pedestrian - cause unknown

### Other Factors Affecting Speed Zone:

Solano Street is the main thoroughfare through town and is heavily traveled by both vehicles and pedestrians.

### Recommendations:

Maintain speed limit of 25 MPH.

## **City of Corning Engineering and Traffic Survey**

Date: December 2, 2010  
Study Location: Highway 99 West between South Avenue and  
Loleta Avenue  
Existing Speed Zone: 35 MPH

### Speed Zone Survey Results:

Date of Survey:	November 29, 2010
Limits of Survey:	Loleta to South Avenue
Time of Survey:	12:00 pm
Number of Vehicles:	371
Average Speed:	41.4
85th Percentile Speed:	48
Pace Speed:	38 to 47

### Accidents Reported During the Last Three Years:

None reported

### Other Factors Affecting Speed Zone:

This is a major roadway and is affected by numerous large trucks and vehicles 24 hours a day.

### Recommendations:

Maintain speed limit of 35 MPH.

## City of Corning Engineering and Traffic Survey

Date: December 2, 2010  
Study Location: South Avenue at Barham Avenue  
Existing Speed Zone: 35 MPH

### Speed Zone Survey Results:

Date of Survey:	November 29, 2010
Limits of Survey:	West city limits to Highway 99 West (I-5 OC)
Time of Survey:	1:30 pm
Number of Vehicles:	145
Average Speed:	21.0
85th Percentile Speed:	29
Pace Speed:	11 to 20

### Accidents Reported During the Last Three Years:

1 vehicle - unsafe speed

### Other Factors Affecting Speed Zone:

This area has changed considerably since the previous survey. The stop light has a calming effect. The I-5 on/off ramps connecting to South Avenue have a very high traffic volume including numerous large trucks entering and exiting.

### Recommendations:

Maintain speed limit of 35 MPH.

**ITEM NO.: I-15  
SET PUBLIC HEARING DATE FOR  
PROPOSED ANNUAL RATE  
INCREASE FOR CORNING  
DISPOSAL SERVICE  
DECEMBER 14, 2010**

**TO: HONORABLE MAYOR AND COUNCILMEMBERS  
OF THE CITY OF CORNING**

**FROM: STEPHEN J. KIMBROUGH, CITY MANAGER**



**SUMMARY:**

On October 26, 2010 the City received the formal request from Corning Disposal/Waste Management for an annual rate increase of 1.19%. This increase consists of a combined total of 0.31% for CPI (Consumer Price Index) and 0.88% for the franchise contract fuel index increase.

If approved, Corning Disposal proposes to increase the rates by a total of 1.19% increasing the existing residential rate from \$19.50 to \$19.73. This is a total rate increase of 23 cents per month.

**BACKGROUND:**

In accordance with the Franchise Agreement effective on May 13, 2008 between the City of Corning and Corning Disposal, Section 8.4 (Annual Rate Adjustment), provides for an annual rate increase equal to the Consumer Price Index for the 12-month period ending on the prior September 30th. The request from Corning Disposal/Waste Management indicates that the Consumer Price Index (CPI) inflation for this period is 0.31%.

In addition to the Annual Rate Adjustment as stated in Section 8.4 of the Agreement, Corning Disposal/Waste Management also requests an increase of 0.88% for "Fuel Cost Adjustment" as provided in Section 8.5 (Fuel Cost Adjustment) of the Franchise Agreement.

Attached is a copy of the letter of request dated October 26, 2010, along with a proposed rate schedule displaying the proposed increase in the Consumer Price Index Report.

The City requires a Public Hearing, preceded by a notice to all of the property owners within the City to be mailed at least forty-five (45) days in advance. To provide time for this notice, Staff recommends that Council set February 22, 2011 as the date of the Public Hearing.

**RECOMMENDATION:**

**MAYOR AND COUNCIL SET FEBRUARY 22, 2011 FOR THE PUBLIC HEARING ON  
THE PROPOSED RATE INCREASE.**

RECEIVED

OCT 26 2010

CITY OF CORNING



**CORNING DISPOSAL**

3281 HIGHWAY 99 W

CORNING, CA 96021

October 21, 2010

Steven J. Kimbrough  
City Manager  
City of Corning  
994 3<sup>rd</sup> Street  
Corning, CA 96021

Dear Mr. Kimbrough,

In accordance with the franchise agreement between the City of Corning and Corning Disposal, Section 8.4 (Annual Rate Adjustment), and Section 8.5 (Fuel Cost Adjustment), we are requesting approval of the attached new rates to be effective April 1, 2011.

The CPI rate adjustment has been calculated using the All Urban Consumers, West-C index "for the 12-month period ending on the prior September 30" and resulted in a 0.31% increase. The franchise contract fuel index for the same period increased 0.88%. The combined CPI and fuel increases total 1.19%.

Attached are the supporting schedules for this rate adjustment. Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matt Fryer', written over a white background.

Matt Fryer  
District Manager

Enclosures

**CITY OF CORNING  
RATE SCHEDULE  
2011 CPI AND FUEL**

**RESIDENTIAL RATES**

	<b>0.31%</b>	<b>0.88%</b>	
	<u>Current Rate</u>	<u>CPI Adjustment</u>	<u>Fuel Adjustment</u>
Roller Carts (96-Gallon)	\$ 19.50	\$ 0.06	\$ 19.73
Senior Citizen Roller Cart (32-Gallon)	\$ 9.75		\$ 9.87 ***

**COMMERCIAL RATES - TRASH**

<u>Container Size</u>	<u>Frequency</u>	<u>Current Rate</u>	<u>CPI Adjustment</u>	<u>Fuel Adjustment</u>	<u>New Rate</u>
1 96-Gallon Roller C	1X Week	\$ 19.50	\$ 0.06	\$ 0.17	\$ 19.73
1 Yard	1X Week	\$ 62.78	\$ 0.20	\$ 0.55	\$ 63.53
1 Yard	Extra Pickup	\$ 13.73	\$ 0.04	\$ 0.12	\$ 13.89
1.5 Yard	1X Week	\$ 87.69	\$ 0.27	\$ 0.77	\$ 88.73
1.5 Yard	2X Week	\$ 160.26	\$ 0.50	\$ 1.41	\$ 162.17
1.5 Yard	Extra Pickup	\$ 19.18	\$ 0.06	\$ 0.17	\$ 19.41
2 Yard	1X Week	\$ 112.71	\$ 0.35	\$ 0.99	\$ 114.05
2 Yard	2X Week	\$ 221.76	\$ 0.69	\$ 1.96	\$ 224.41
2 Yard	3X Week	\$ 282.31	\$ 0.88	\$ 2.49	\$ 285.68
2 Yard	Extra Pickup	\$ 24.64	\$ 0.08	\$ 0.22	\$ 24.94
3 Yard	1X Week	\$ 160.26	\$ 0.50	\$ 1.41	\$ 162.17
3 Yard	2X Week	\$ 286.28	\$ 0.89	\$ 2.53	\$ 289.70
3 Yard	3X Week	\$ 369.83	\$ 1.16	\$ 3.26	\$ 374.25
3 Yard	Extra Pickup	\$ 35.06	\$ 0.11	\$ 0.31	\$ 35.48
4 Yard	1X Week	\$ 210.21	\$ 0.66	\$ 1.85	\$ 212.72
4 Yard	2X Week	\$ 358.08	\$ 1.12	\$ 3.16	\$ 362.36
4 Yard	3X Week	\$ 483.37	\$ 1.51	\$ 4.27	\$ 489.15
4 Yard	4X Week	\$ 655.12	\$ 2.05	\$ 5.78	\$ 662.95
4 Yard	Extra Pickup	\$ 45.99	\$ 0.14	\$ 0.41	\$ 46.54
6 Yard	1X Week	\$ 286.28	\$ 0.89	\$ 2.53	\$ 289.70
6 Yard	2X Week	\$ 483.39	\$ 1.51	\$ 4.27	\$ 489.17
6 Yard	3X Week	\$ 680.37	\$ 2.13	\$ 6.00	\$ 688.50
6 Yard	4X Week	\$ 856.28	\$ 2.68	\$ 7.56	\$ 866.52
6 Yard	Extra Pickup	\$ 62.64	\$ 0.20	\$ 0.55	\$ 63.39

**BIN RATES**

	<u>Current Rate</u>	<u>CPI Adjustment</u>	<u>Fuel Adjustment</u>	<u>New Rate</u>
<b>4 Yard "BIN-A-DAY" 3 Day Rental</b>	\$ 88.39	\$ 0.28	\$ 0.78	\$ 89.45
<b>Basic rate for Temporary Drop Box Service</b>				
20 Yard	\$ 419.06	\$ 1.31	\$ 3.70	\$ 424.07
30 Yard	\$ 466.59	\$ 1.46	\$ 4.12	\$ 472.17

\*\*\* Seniors get a 50% discount from the base rate.

**CITY OF CORNING  
CPI CALCULATION**

Current CPI	Sep-10	133.544
Prior Year CPI	Sep-09	133.128
Change		0.416
% Change		0.31%

**Consumer Price Index - All Urban Consumers  
Original Data Value**

Series CUURX400SA0,CUUSX400SA0

Id:

Not Seasonally Adjusted

Area: West - Size Class B/C

Item: All items

Base: DECEMBER 1996=100

Period:

Years: 2000 to 2010

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2000	105.7	106.2	107.1	107.2	107.3	107.7	108.1	108.3	108.8	109.0	109.2	108.9	107.8	106.9	108.7
2001	109.8	110.1	110.7	110.6	111.1	111.2	111.4	111.2	111.7	112.1	112.0	111.6	111.1	110.6	111.7
2002	111.9	112.4	112.8	113.7	112.5	112.2	112.5	113.0	113.1	113.3	113.1	113.1	112.8	112.6	113.0
2003	113.8	114.5	115.4	114.9	114.7	114.4	115.1	115.5	115.6	115.5	114.9	115.2	115.0	114.6	115.3
2004	116.0	117.0	117.9	117.8	118.2	117.9	117.9	118.1	118.4	119.2	119.3	119.0	118.1	117.5	118.7
2005	119.5	119.6	120.4	121.4	121.3	121.1	121.3	122.0	123.1	123.6	122.8	121.8	121.5	120.6	122.4
2006	122.9	123.7	124.2	124.9	125.7	125.6	125.6	126.2	125.9	125.5	125.1	125.0	125.0	124.5	125.6
2007	126.244	126.805	127.848	128.843	129.129	129.262	129.067	128.939	129.064	129.866	130.581	130.481	128.844	128.022	129.666
2008	131.328	131.538	132.896	133.694	134.023	135.283	136.021	135.207	134.834	133.795	131.440	129.725	133.315	133.127	133.504
2009	130.682	131.636	131.775	131.912	131.990	132.952	132.774	132.756	133.128	133.618	133.335	133.132	132.474	131.825	133.124
2010	133.366	133.513	133.863	134.133	133.889	133.635	133.685	133.704	133.544						133.733

**CITY OF CORNING  
FUEL COST ADJUSTMENT CALCULATION**

Adjustment Calculation:

Diesel % Change	17.28%
CPI % Change	0.31%
Net % Change	16.97%
Fuel as a % of Operating Revenue	5.20%
Adjustment Factor	<b>0.88%</b>

Information for Basis of Calculation:

Diesel (cents per gallon)

Oct-09 - Sep-10	3.06
Oct-08 - Sep-09	2.60
Change	0.45
% Change	17.28%

CPI

Sep-10	133.544
Sep-09	133.128
Change	0.416
% Change	0.31%

Entire BU

Fuel Cost	\$ 257,037
Operating Revenue	\$ 4,943,022
Fuel as a % of Revenue	5.20%

Back to Contents Data 2: M Diesel Prices - All Types

Date	U.S. No 2 Diesel Retail Sales by All Sellers (Dollars per Gallon)	East Coast No 2 Diesel Retail Sales by All Sellers (Dollars per Gallon)	New England (PADD 1A) No 2 Diesel Retail Sales by All Sellers (Dollars per Gallon)	Central Atlantic (PADD 1B) No 2 Diesel Retail Sales by All Sellers (Dollars per Gallon)	Lower Atlantic (PADD 1C) No 2 Diesel Retail Sales by All Sellers (Dollars per Gallon)	Midwest No 2 Diesel Retail Sales by All Sellers (Dollars per Gallon)	Gulf Coast No 2 Diesel Retail Sales by All Sellers (Dollars per Gallon)	Rocky Mountain No 2 Diesel Retail Sales by All Sellers (Dollars per Gallon)	West Coast No 2 Diesel Retail Sales by All Sellers (Dollars per Gallon)	California No 2 Diesel Retail Sales by All Sellers (Dollars per Gallon)
Nov-2007	3.396	3.391	3.484	3.501	3.336	3.373	3.313	3.494	3.572	3.608
Dec-2007	3.341	3.386	3.586	3.522	3.309	3.304	3.279	3.348	3.45	3.475
Jan-2008	3.308	3.374	3.611	3.492	3.302	3.27	3.256	3.251	3.381	3.423
Feb-2008	3.377	3.429	3.602	3.517	3.375	3.346	3.341	3.337	3.434	3.488
Mar-2008	3.881	3.933	4.028	4.067	3.867	3.855	3.831	3.824	3.949	4.014
Apr-2008	4.084	4.14	4.263	4.289	4.066	4.04	4.021	4.066	4.199	4.265
May-2008	4.425	4.474	4.563	4.614	4.406	4.382	4.367	4.382	4.563	4.673
Jun-2008	4.677	4.734	4.838	4.863	4.669	4.604	4.637	4.671	4.847	4.968
Jul-2008	4.703	4.762	4.857	4.86	4.711	4.63	4.676	4.69	4.852	4.965
Aug-2008	4.302	4.361	4.531	4.502	4.286	4.222	4.251	4.406	4.454	4.542
Sep-2008	4.024	4.078	4.221	4.175	4.024	3.984	3.989	4.048	4.069	4.087
Oct-2008	3.576	3.647	3.808	3.729	3.597	3.548	3.537	3.628	3.534	3.568
Nov-2008	2.876	2.998	3.208	3.142	2.917	2.824	2.818	2.897	2.835	2.832
Dec-2008	2.449	2.559	2.774	2.672	2.49	2.43	2.394	2.379	2.365	2.345
Jan-2009	2.292	2.374	2.606	2.504	2.297	2.264	2.225	2.236	2.321	2.297
Feb-2009	2.195	2.268	2.558	2.431	2.171	2.146	2.138	2.195	2.279	2.26
Mar-2009	2.092	2.163	2.427	2.314	2.074	2.039	2.057	2.056	2.166	2.139
Apr-2009	2.22	2.264	2.412	2.397	2.194	2.165	2.192	2.252	2.322	2.336
May-2009	2.227	2.266	2.397	2.389	2.201	2.17	2.201	2.277	2.34	2.354
Jun-2009	2.529	2.55	2.598	2.646	2.505	2.501	2.498	2.51	2.63	2.697
Jul-2009	2.54	2.558	2.623	2.663	2.507	2.512	2.494	2.592	2.64	2.734
Aug-2009	2.634	2.663	2.712	2.751	2.621	2.606	2.588	2.621	2.735	2.85
Sep-2009	2.626	2.637	2.715	2.744	2.583	2.605	2.549	2.675	2.777	2.837
Oct-2009	2.672	2.683	2.743	2.794	2.63	2.656	2.608	2.694	2.795	2.856
Nov-2009	2.792	2.812	2.87	2.917	2.761	2.769	2.738	2.819	2.9	2.962
Dec-2009	2.745	2.763	2.865	2.866	2.709	2.719	2.699	2.764	2.851	2.913
Jan-2010	2.845	2.889	3.031	2.992	2.832	2.81	2.807	2.801	2.935	2.997
Feb-2010	2.785	2.834	3.008	2.93	2.777	2.739	2.746	2.796	2.875	2.938
Mar-2010	2.915	2.944	3.022	3.052	2.891	2.885	2.878	2.917	3.004	3.058
Apr-2010	3.059	3.068	3.087	3.174	3.02	3.033	3.018	3.093	3.179	3.206
May-2010	3.069	3.083	3.121	3.2	3.03	3.038	3.025	3.132	3.179	3.205
Jun-2010	2.948	2.968	3.036	3.084	2.912	2.916	2.894	2.986	3.076	3.102
Jul-2010	2.911	2.927	3.02	3.027	2.875	2.878	2.864	2.916	3.059	3.124
Aug-2010	2.959	2.959	3.013	3.044	2.918	2.931	2.914	2.995	3.108	3.164
Sep-2010	2.946	2.938	2.996	3.025	2.895	2.923	2.884	3.026	3.112	3.144

2.604

3.056

ITEM NO: I-16  
ADOPT RESOLUTION NO. 12-14-2010-02 AND  
APPROVE 2010-2011 PROGRAM OF  
SERVICE AND ANNUAL BUDGET  
DECEMBER 14, 2010

TO: HONORABLE MAYOR AND COUNCIL MEMBERS  
OF THE CITY OF CORNING

FROM: STEPHEN J. KIMBROUGH CITY MANAGER



**SUMMARY:**

The Annual Budget for 2010-2011 was presented to the City Council for adoption on July 27, 2010 after several months of work by the City Council and City Staff. The Budget was not adopted at that time, and the City has continued to operate without a new budget.

The Budget is, of course, important to the City; it represents the financial plan that supports the "Program of Service" defining the City Council's policies for the delivery of service in the Community.

**DETAILED REVIEW OF THE BUDGET:**

Please refer to the report dated July 27, 2010 in the Budget Book. This provides a full review of the proposed Budget and the situation as of last July. This is important reading.

**ACTION NEEDED AT THIS TIME:**

The Budget proposed for adoption tonight is the same Budget presented in July of 2010. Immediately following this Staff Report is a one-page "General Fund Summary" updated December 2, 2010, a Sewer Enterprise Spreadsheet, and a Water Enterprise Spreadsheet.

There are some important changes in the proposed budget appropriations to be explained later.

The "General Fund Summary" December 2, 2010 reflects the changes in revenues for the General Fund. At the top of this page last years budget is shown along with the information presented in June and July and the actual year-end income and expenditures. The sheet shows that the General Fund Reserve ending June 30, 2010 is \$793,588. Next on the summary sheet you'll find the projected revenue and expenditures for the current budget 2010-2011. The remainder of the sheet explains changes that have occurred since last July. The City is accruing savings from the 10% Employee Furloughs and from the new Planning Director County Contract which is expected to produce about \$35,000 by June 30<sup>th</sup> unless Tehama County hires a permanent Planning Director before June 30, 2011. Also shown is the loss of budget savings by not retiring the City Manager and Police Chief last July, and finally the really good news: the City is recovering annual sales tax income lost due to an error at the corporate level of one of our important retail businesses. The City should recover about \$200,000 this year in annual income. This means that the City's annual revenue should increase by \$200,000. This will leave the City's General Fund Reserve just over \$500,000 at the end of June 2011.

The other good news is that the City is expected to recover as much as \$200,000 more from past quarters from the same major retailer. The sales tax was misallocated to another local government in the State. The Board of Equalization explained that they are still in the process of auditing past quarters for the business. We should expect to receive the results of their final audit by the time we present the mid-year budget in February 2011.

The Road Funds Report is unchanged since July but will be updated for the Mid-year Report to reflect the final income and expenditures from last year and changes that have occurred in the distribution of the Gas Taxes. The successful passage of Proposition 22 to protect gas taxes is being analyzed for its effect now, and more information will be provided during the Mid-Year Budget Presentation in February.

## **BUDGET RESOLUTION**

The Budget Resolution sets the Appropriation of expected Revenue for each Fund. A Fund represents a specific revenue source such as "Sec. 2106 Gas Tax" or group of revenues as found in the General Fund. Then the Resolution establishes the limit on Expenditures as reflected in the budget. The last column shows the amount of reserve funds to be expended or the balance of the year's revenue to be returned to the Reserve for future use. Actual Fund balances are shown in the Annual Audit.

In the General Fund, City Council has made an appropriation for additional funding to support building custodial services.

Specific Funds have been added to provide proper accounting for the Energy Conservation Grant, Fund 130 Energy Grant \$40,604, and for the State Proposition 84 Park Grant Fund 354 funded at \$4,276,800. Also the Rodgers Theatre Trust now budgets the full balance of \$21,850 for the Theatre Project now underway.

## **RECOMMENDATION**

**MAYOR AND COUNCIL ADOPT RESOLUTION 12-14-2010-02 SETTING THE APPROPRIATION AND EXPENDITURE LIMITS FOR ALL CITY FUNDS TO IMPLEMENT THE 2010-2011 PROGRAM OF SERVICE AND ANNUAL BUDGET.**

# General Fund Summary

*December 2, 2010 update of July 15, 2010 summary*

Here is last year's **2009 - 2010 Budget** as amended during the year.

	Approved Budget	June 9 Actual	June 2009 Year End "Guess"	Actual June 30, 2010
Budgeted Revenue	\$3,723,050	\$3,497,242	\$3,690,000 <sup>1</sup>	\$3,701,173
Budgeted Expenditures	<u>4,413,976</u>	<u>3,925,901</u>	<u>4,290,000</u>	<u>4,327,733</u>
Budget Net	\$ (690,926)	\$ (428,659)	\$ (600,000)	\$ (626,560)
<hr/>				
General Fund <b>Beginning</b> Balance July 1, 2009 <sup>2</sup>			\$1,420,148	\$1,420,148
Less Actual net revenue or (deficit) for Year End			(600,000)	\$ (626,560)
Operating Reserve at Year End June 30, 2010				\$ 793,588

## Next Year's 2010 - 2011 Annual Budget *as proposed July 27, 2010*

Projected Revenue	\$ 3,375,930	
Expected Expenditures <i>Includes full cost of Fire Dispatch and half-time City Manager and Police Chief</i>	<u>\$ (3,947,035)</u>	
Projected Deficit		\$ (571,105)
 Known and Projected Savings and Costs to reduce deficit		
Police Cap. Repl. Fund Reimbursement	\$ 87,910	
Fire Cap. Repl. Fund Reimbursement	\$ 33,285	
Pub. Wks. Cap Repl. Fund Reimburse.	\$ 46,186	
Parks Volunteer Fund Reimbursement	\$ 15,993	
Office of Traffic Safety	\$ 10,804	
Housing PG Req. Match	<u>\$ (1,474)</u>	
Total Savings		<u>\$ 192,704</u>
Remaining General Fund Deficit		\$ (378,401)
Operating Reserve to be used		\$ 793,588
<b>Remaining General Fund Reserve on June 30, 2011</b>		<b>\$ 415,187</b>
 <b>Changes since July 27, 2010 Presentation</b>		
Additional Expenditure Appropriation	\$ (11,300)	
Loss of 8 months Salary Savings from City Manager & Chief part-time March 1 <sup>3</sup>	\$ (133,244)	
Planning Director Co. Contract Income	\$ 35,000	
Recovery of Sales Tax Annual Income <sup>4</sup>	\$ 200,000	

**Revised General Fund Reserve estimate for on June 30, 2011 \$ 505,643**

**The city is also expected to recover as much as \$200,000 more from past Quarters.**

<sup>1</sup> Year end revenues include the NCCSIF insurance dividend, \$100,000 State "COPS" annual funding, the \$75,000 School Resource grant and the delinquent hotel tax recovery

<sup>2</sup> Source: Annual Audit

<sup>3</sup> Annual savings for the two positions was projected to be \$199,836. By approving retirement and part-time contracts, City can still save \$66,612 this year and \$199,836 thereafter, until positions return to full-time.

<sup>4</sup> The projected additional Sales Tax income returning to the City after misallocation is estimated to average \$50,000 per Tax Quarter. The city is also expected to recover as much as \$200,000 more from past Quarters.

SEWER ENTERPRISE SYSTEM

Amended 2-18-10

The Following Table Illustrates the Effects of Bell Carter withdrawing as a Sewer Service Customer. A Nominal 3% inflation rate is built into both Revenue & Expenditures of the Sewer Enterprise System.

	HISTORICAL (ACTUAL)								ACTUAL CURRENT PROJECTED											
	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20
<b>Sewer System Revenues</b>																				
Service Charges (1)	980,023	1,018,176	1,036,819	1,051,670	932,698	1,054,360	1,169,717	1,257,948	1,385,313	1,449,335	1,492,815	1,537,600	1,583,727	1,631,239	1,680,176	1,730,582	1,782,499	1,835,974	1,891,053	1,947,785
Annual Rate Change	3%	3%	3%	3%	9%	9%	9%	9%	9%	3%	3%	3%	3%	3%	3%	3%	3%	3%	3%	3%
Connection Fees	2,620	2,965	5,020	13,861	26,449	2,620	8,030	1,952	2,620	0	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000
Interest Income	14,857	4,099	6,019	3,266	2,159	0	0	0	0	85	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
Other Revenues	6,807	7,000	3,676	4,812	11,037	0	7,154	0	20,555	18,043	3,600	3,600	3,600	3,600	3,600	3,600	3,600	3,600	3,600	3,600
<b>Total Revenues</b>	<b>1,004,300</b>	<b>1,039,813</b>	<b>1,051,534</b>	<b>1,073,709</b>	<b>972,343</b>	<b>1,056,980</b>	<b>1,184,901</b>	<b>1,259,900</b>	<b>1,408,488</b>	<b>1,467,463</b>	<b>1,504,415</b>	<b>1,549,200</b>	<b>1,595,327</b>	<b>1,642,839</b>	<b>1,691,776</b>	<b>1,742,182</b>	<b>1,794,099</b>	<b>1,847,574</b>	<b>1,902,653</b>	<b>1,959,385</b>
<b>Sewer System Operation and Maintenance Expenses (2)</b> (Exclusive of Capital Expenditures and Depreciation)	<b>823,537</b>	<b>909,055</b>	<b>856,642</b>	<b>939,926</b>	<b>971,199</b>	<b>1,005,577</b>	<b>1,113,426</b>	<b>1,105,433</b>	<b>1,018,652 (7)</b>	<b>1,119,064</b>	<b>1,175,017</b>	<b>1,233,768</b>	<b>1,295,456</b>	<b>1,360,229</b>	<b>1,428,241</b>	<b>1,499,653</b>	<b>1,574,635</b>	<b>1,653,367</b>	<b>1,736,036</b>	<b>1,822,837</b>
<b>Net Revenues from Sewer Enterprise System</b> (Total Net Revenues Available for Installment Payments)	<b>180,763</b>	<b>130,758</b>	<b>194,892</b>	<b>133,783</b>	<b>1,144</b>	<b>51,403</b>	<b>71,475</b>	<b>154,467</b>	<b>389,836</b>	<b>348,399</b>	<b>329,398</b>	<b>262,455</b>	<b>245,157</b>							
1997 COP (3)	39,617	40,234	39,810	39,370	39,370	Paid Off														
1999 COP - USDA (4)	98,804	98,779	98,804	98,749	98,742	98,696	98,694	99,220	98,644	99,211	99,220	99,195	99,211	99,211	99,211	99,211	99,211	99,211	99,211	99,211
2005 COP- SERIES A (&) Wedbush Estimated Installment Payments						47,443	37,820	37,435	37,994	38,482	37,922	37,322	37,653	37,653	37,653	37,653	37,653	37,653	37,653	37,653
Sewer & Equip Replacement Trnsfr (5)		0	0	0	15,800	16,300	16,800	17,300	18,300	18,300	18,800	19,400	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000
WWTP Repl. Fund Transfer	30,000	30,000	35,000	35,000	40,000	40,000	45,000	45,000	50,000	50,000	55,000	55,000	60,000	60,000	60,000	60,000	60,000	60,000	60,000	60,000
Annual Net Income *	12,342	(38,255)	21,278	(39,336)	(192,768)	(151,036)	(89,019)	(44,488)	184,898	142,406	118,456	51,538	28,293	28,293	28,293	28,293	28,293	28,293	28,293	28,293
Required Adjustments (6)		(12,334)	(22,594)	(12,410)	28,960	(6,012)	23,550	42,537	<19,378>	(6,831)										
<b>Net Operating Reserve **</b>	<b>417,409</b>	<b>366,820</b>	<b>365,504</b>	<b>313,758</b>	<b>149,950</b>	<b>(7,098)</b>	<b>(72,567)</b>	<b>(159,592)</b>	<b>5,928</b>	<b>155,165</b>	<b>273,621</b>	<b>325,159</b>	<b>353,452</b>	<b>381,745</b>	<b>410,038</b>	<b>438,331</b>	<b>466,624</b>	<b>494,917</b>	<b>523,210</b>	<b>551,503</b>
<b>Sewer Stabilization Fund Reserve</b>	<b>71,916</b>	<b>73,734</b>	<b>75,101</b>	<b>76,146</b>	<b>403,500</b>	<b>417,444</b>	<b>438,374</b>													
Sewer Capital Improvement (347)	4,821	10,303	11,255	55,742	82,845	107,978	132,279	185,647	207,420	(15,636)										
Sewer Capital Replacement (381)	199,398	94,202	67,227	53,245	42,173	59,876	49,753	53,447	67,972	86,459										
WWTP Expansion Fund (Net of Loan)(348)	384,225	428,496	245,736	85,282	(17,194)	(33,200)	145,051	194,020	90,443	77,253										
WWTP Capital Replacement Fund (380)	247,770	237,590	171,756	206,547	246,138	271,199	327,375	364,142	352,053	347,567										
New WWTP Expansion Project																				

- 1) First rate change funding the sewer line Replacement Project occurred 04/01/97 (decrease by 5%) and appeared in the 1996-97 column and continues through 4/1/03 (+3%) in seven year rate plan ending in the 2002-2003 column. Three percent (3%) inflationary rate increases are forecasted beginning 4/1/04 and continuing. First yr of Bell Carter Withdrawal is 2004-2005; loss will be \$240,000 per yr; Revenue - 1,068,000 - 240,000 X 1.09= 902,250 income after loss. Beginning with Council approval, add 6%(total 9%) will offset the loss of Bell-Carter as a customer and implemented an 11 yr series of rate increases.
- 2) Operation & Maintenance is projected to increase at an inflationary rate of 5% per year
- 3) 1997 COP for 3,500,000 Wedbush Morgan through the City of Corning Public Finance Corporation funded Phase 1 of the Water and Sewer Line Replacement 80% Water - 20% Sewer
- 4) Total Debt \$2,042,000 including H99 Sewer (322,000) at 4.375% interest
- 5) Sewer & Equipment Replacement is funded this year for the first time. Set aside for Equipment Replacement was suspended until the first 7 year series of rate increases was done.
- 6) Adjustment required to bring reserves to its modified balance due to prior period adjustments, and interfund activity.
- 7) Treatment Plant - 13 payments in 07/08; 11 payments in 08/09. Note this \$ is 45,000 low; one SWWC payment went in prior year.

\* Net income per General Ledger less principal loan payments

\*\* **Net Operating Reserve will not equal Fund Balance. Consists of Operating Fund (610) Cash and Accounts Receivable Less Accounts Payable and Interest Payable only. All other Assets and Liabilities not included.**

**WATER ENTERPRISE SYSTEM**  
(With rate increase beginning April 1, 2010)

The Following Table Illustrates the History and the Revenue, Expenditures and Coverage of the Debt Service for the Water Enterprise System

Amended 12-2-10	HISTORICAL (ACTUAL)										CURRENT	PROJECTED								
	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20
<b>Water System Revenues</b>																				
Service Charges (1)	824,812	926,781	953,811	1,051,970	1,061,576	1,119,836	1,084,370	1,208,862	1,283,521	1,186,044	1,221,625	1,258,274	1,296,022	1,334,903	1,374,950	1,416,199	1,458,685	1,502,445	1,547,518	1,593,944
Annual Rate Change	8.75%	8.75%	4.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%
Connection Fees	2,496	2,067	3,380	9,608	7,658	2,408	1,742	4,238	1,092		1,855	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
Interest Income	245	14,794	0	0	1345	1141	1928	2873	6886		3,924	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
Other Revenues	2,334	4,338	3,930	3,585	1,106	1,654	1,061	1,992	4,748		10,727	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
<b>Total Revenues</b>	<b>829,887</b>	<b>947,980</b>	<b>961,121</b>	<b>1,065,163</b>	<b>1,071,685</b>	<b>1,125,039</b>	<b>1,089,101</b>	<b>1,217,965</b>	<b>1,296,247</b>	<b>1,202,550</b>	<b>1,225,625</b>	<b>1,262,274</b>	<b>1,300,022</b>	<b>1,338,903</b>	<b>1,378,950</b>	<b>1,420,199</b>	<b>1,462,685</b>	<b>1,506,445</b>	<b>1,551,518</b>	<b>1,597,944</b>
<b>Water System Operation &amp; Maintenance Expenses</b>																				
Exclusive of Capital Expen. & Depreciation (2A)	528,774	593,836	582,071	698,302	719,214	691,667	748,376	745,004	784,707	787,277	826,641	859,706	894,095	929,859	967,053	1,005,735	1,045,964	1,087,803	1,131,315	1,176,568
<b>Net Revenues from Water Enterprise System</b>	<b>301,113</b>	<b>354,144</b>	<b>379,050</b>	<b>366,861</b>	<b>352,471</b>	<b>433,372</b>	<b>340,725</b>	<b>472,961</b>	<b>511,540</b>	<b>415,273</b>	<b>398,984</b>	<b>402,568</b>	<b>405,928</b>	<b>409,044</b>	<b>411,897</b>	<b>414,464</b>	<b>416,720</b>	<b>418,642</b>	<b>420,203</b>	<b>421,376</b>
(Total Net Revenues Avail. for Installment Payments)																				
<b>1997 COP (2)</b>																				
Est. Installment Pmts.	158,464	158,464	159,238	157,478	159,538	61,247														
<b>1999 COP's USDA (3) Est. Installment Pymts.</b>	<b>130,973</b>	<b>130,973</b>	<b>130,972</b>	<b>129,249</b>	<b>130,891</b>	<b>130,829</b>	<b>130,828</b>	<b>131,525</b>	<b>131,491</b>	<b>131,512</b>	<b>131,512</b>	<b>130,696</b>	<b>130,649</b>	<b>130,586</b>	<b>130,504</b>	<b>130,512</b>	<b>130,435</b>	<b>130,385</b>	<b>130,356</b>	<b>130,344</b>
<b>2005 Series A (2) Est. Installment Pymts.</b>																				
March						151,221	104,007	103,272	106,467	109,507	108,419	107,267	110,019	112,591	115,007	117,297	115,437	117,517	123,459	121,159
September						48,007	47,272	46,467	45,507	44,419	43,267	42,019	40,591	39,007	37,297	35,437	33,517	31,459	29,159	26,698
Combined total of March & September						199,228	151,279	149,739	151,974	153,926	151,686	149,286	150,610	151,598	152,304	152,734	148,954	148,976	152,618	147,857
<b>Water Well Debt Service</b>												<b>28,000</b>								
<b>Water &amp; Equipment Replacement Transfer - to Fund 383</b>		<b>10,000</b>	<b>35,000</b>	<b>20,000</b>	<b>25,000</b>	<b>25,000</b>	<b>51,500</b>	<b>53,045</b>	<b>100,000</b>	<b>70,000</b>	<b>73,500</b>	<b>70,000</b>	<b>73,500</b>	<b>77,175</b>	<b>81,034</b>	<b>85,085</b>	<b>89,340</b>	<b>93,807</b>	<b>98,497</b>	<b>103,422</b>
<b>Annual Net Income *</b>	<b>11,676</b>	<b>54,707</b>	<b>53,840</b>	<b>60,134</b>	<b>37,042</b>	<b>17,068</b>	<b>7,118</b>	<b>138,652</b>	<b>128,075</b>	<b>59,835</b>	<b>42,286</b>	<b>52,586</b>	<b>51,169</b>	<b>49,685</b>	<b>48,055</b>	<b>46,132</b>	<b>47,991</b>	<b>45,474</b>	<b>38,732</b>	<b>39,753</b>
<b>Required Adjustments (4)</b>	<b>(10,938)</b>	<b>(10,825)</b>	<b>(54,496)</b>	<b>(17,204)</b>	<b>(73,495)</b>	<b>16,195</b>	<b>(42,776)</b>	<b>(27,150)</b>	<b>(1,467)</b>	<b>(7,118)</b>										
<b>Cum. Net Operating Reserve **</b>	<b>(54,488)</b>	<b>(10,607)</b>	<b>(11,263)</b>	<b>31,667</b>	<b>142,204</b>	<b>143,077</b>	<b>192,971</b>	<b>358,773</b>	<b>488,315</b>	<b>555,268</b>	<b>597,554</b>	<b>650,140</b>	<b>701,309</b>	<b>750,994</b>	<b>799,050</b>	<b>845,182</b>	<b>893,173</b>	<b>938,648</b>	<b>977,380</b>	<b>1,017,133</b>
<b>Water Capital Improvement Fund 346</b>	<b>3,906</b>	<b>10,967</b>	<b>13,686</b>	<b>88,287</b>	<b>100,551</b>	<b>114,914</b>	<b>117,461</b>	<b>160,564</b>	<b>185,723</b>	<b>171,714</b>										
<b>Water Capital Replacement Fund 383</b>	<b>3,831</b>	<b>34,817</b>	<b>45,754</b>	<b>41,199</b>	<b>67,315</b>	<b>68,239</b>	<b>84,315</b>	<b>54,154</b>	<b>126,728</b>	<b>77,251</b>										
<b>Water Stabilization Balance (5)</b>	<b>302,011</b>	<b>311,194</b>	<b>316,963</b>	<b>321,370</b>	<b>Released</b>															

- 1) First rate change occurred 4/1/97 continuing through 4/1/03; beginning 2003/04 (April 2004) increase was only 3% to cover inflation; no increase on April 1, 2009, then with adoption of new Resolution (12-08-09-02) set annual increase at 3% through 4/1/2014.
- 2) "Refunded" 1997 COP on 7-1-05 and replaced with 2005 COP Series A for 3,600,000 by Wedbush Morgan through the City of Corning Public Finance Corporation which funded Phase 1 of the Water & Sewer Line Replacement at 80% Water and 20% Sewer.
- 2A) Operation & Maintenance is projected to increase at an inflationary rate of 5% per year.
- 3) Total Debt \$2,280,000 @ 4.375% interest.
- 4) Adjustment required to bring reserves to its modified balance due to prior period adjustments and interfund activity.
- 5) Water Stabilization Fund established April 10, 1997 to insure the adequacy of the net revenues pledged to Debt Service. See page 20 of the Official Statement 1997 Series A - Fund Closed June 30, 2005.

\* Net income per General Ledger less principal loan payment.

\*\* Net Operating Reserve will equal Fund Balance. Consists of Operating Fund (630), Cash and Accounts Receivable less Accounts Payable and Interest Payable only. All other assets and liabilities not included.

**RESOLUTION NO. 12-14-2010-02**  
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORNING**  
**ADOPTING THE ANNUAL PROGRAM OF SERVICES AND CITY BUDGET**  
**FOR FISCAL YEAR 2010-2011**

**WHEREAS**, the City Council received the proposed Budget Reduction Plan on April 13, 2010, with continued public discussions and action on April 27, 2010, May 11, 2010, June 9, 2010 June 22 and June 24, 2010, and finally on July 27, 2010;

**WHEREAS**, the City Council has made various changes in the proposed Plan to implement a reduced Annual Program of Service and Budget, but was unable to adopt the Budget at that time,

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Corning approves the Annual Program of Service and Budget, with changes, by adopting the Appropriations and Expenditures for each City Fund as listed in the following table:

<u>FUND DESCRIPTION</u>	<u>ESTIMATED REVENUE AND TRANSFERS</u>	<u>APPROPRIATED EXPEND. &amp; TRANS</u>	<u>RESERVE USED / CARRY OVER</u>
001 General Fund	\$3,375,930	\$3,958,335	\$(582,405) <sup>1</sup>
071 PD Equip. Replace. Fund	\$ -0-	\$ -0-	\$( -0- )
072 ACO F & A	\$ 3,100	\$ 5,500	\$( 2,400)
076 Fire Equip. Replace. Fund	\$ 48,808	\$ 47,375	\$ 1,433
078 PW Equip Replace. Fund	\$ -0-	\$ -0-	\$ -0-
105 Rural Planning	\$ 29,000	\$ 32,241	\$( 3,241)
107 STIP	\$ -0-	\$ 48,900	\$( 48,900)
108 Federal Programs	\$ 500	\$ 57,400	\$( 56,900)
109 Gas Tax	\$ 38,555	\$ 56,222	\$( 17,667)
110 Gas Tax / 2106	\$ 30,292	\$ 46,443	\$( 16,151)
111 Gas Tax / 2107	\$ 51,396	\$ 81,000	\$( 29,604)
112 Gas Tax	\$ 2,000	\$ 2,000	\$ -0-
114 Tr. Sales Tax	\$ 500	\$ 60,507	\$( 60,007)
115 Traffic Cong.	\$ 72,159	\$ 129,600	\$( 57,441)
116 Traffic Mitigation Fees	\$ 44,000	\$ 268,370	\$(224,370)
117 Loleta Ave	\$ -0-	\$ -0-	\$ -0-
130 Rodger's T. Restoration	\$ 220,000	\$ 226,157	\$( 6,157)
130 Energy Grant	\$ 40,604	\$ 40,604	\$ -0-
150 Planning Envir. Review	\$ -0-	\$ -0-	\$ -0-
164 Office/Traffic Safety 2	\$ 26,100	\$ 24,285	\$ 1,815
170 Abandoned Vehicles	\$ 4,300	\$ 7,000	\$( 2,700)
188 SAFE Grant	\$ -0-	\$ -0-	\$ -0-
308 Housing Element Close Fund June 30, 2010	\$ -0-	\$ -0-	\$ -0-
321 Salado Home	\$ -0-	\$ -0-	\$ -0-

<sup>1</sup> General expenditures increased to reflect two actions by the Council since July 27, 2010.

**RESOLUTION NO. 12-14-2010-02, page 2**

<u>FUND DESCRIPTION</u>	<u>ESTIMATED REVENUE AND TRANSFERS</u>	<u>APPROPRIATED EXPEND. &amp; TRANS</u>	<u>RESERVE USED / CARRY OVER</u>
322 CDBG '08	\$ -0-	\$ -0-	\$ -0-
323 Prog. Income Unrestricted	\$ -0-	\$ -0-	\$ -0-
324 Program Housing	\$ -0-	\$ -0-	\$ -0-
325 Program Income ED	\$ 1,500	\$ -0-	\$ 1,500
326 Program Income General	\$ 500	\$ -0-	\$ 500
327 Housing Acquisition RLF	\$ -0-	\$ -0-	\$ -0-
328 Housing Rehab. RLF	\$ -0-	\$ -0-	\$ -0-
329 Housing New Const. RLF	\$ -0-	\$ -0-	\$ -0-
345 Drainage	\$ 11,000	\$ 5,035	\$ 5,965
346 Water Capital Improve.	\$ 6,500	\$ 613,000 <sup>1</sup>	\$ ( 606,500)
347 Sewer Capital Improve.	\$ 2,500	\$ 2,000	\$ 500
348 WWTP Sewer	\$ 234,000	\$ 234,160	\$ ( 160)
352 Park & Rec. Revolving Fund	\$ -0-	\$ -0-	\$ -0-
353 Park Volunteer Fund Close Fund June 30, 2010	\$ -0-	\$ -0-	\$ -0-
354 State Prop. 84 Park Grant	\$4,276,800	\$4,276,800	\$ -0-
355 Parkland Acquisition	\$ 2,600	\$ 41,500	\$ ( 38,900)
356 Trail Development	\$ -0-	\$ -0-	\$ -0-
365 Curb/Gutter-Revolving	\$ -0-	\$ -0-	\$ -0-
380 WWTP Capital Replace	\$ 60,000	\$ 295,000	\$ ( 235,000)
381 Sewer Capital Replace.	\$ 19,800	\$ 72,000	\$ ( 52,200)
383 Water Capital Replace.	\$ 75,500	\$ 22,500	\$ 53,000
401 J. T. Levy	\$ 500	\$ 500	\$ -0-
402 Rodgers Theatre Trust	\$ -0-	\$ 21,850	\$ (21,850)
403 Ridell Library Trust	\$ 1,000	\$ 1,000	\$ -0-
610 Sewer Enterprise	\$ 1,460,182	\$1,393,022	\$ 67,160
611 Sewer Rate Coven. Fund	\$ -0-	\$ -0-	\$ -0-
615 Solid Waste	\$ 305,000	\$ 305,000	\$ -0-
620 Airport	\$ 21,979	\$ 17,500	\$ 4,479
621 Airport CIP	\$ 1,215,000	\$ 1,215,000	\$ -0-
625 Transportation Center	\$ 18,220	\$ 13,500	\$ 4,720
630 Water Enterprise	\$ 1,264,385	\$ 1,235,347	\$ 29,038
701 Lighting & Landscape Dist.	\$ 1,090	\$ 900	\$ 190
703 Lighting & Landscape Dist.	\$ 3,000	\$ 3,800	\$ ( 800)
704 Lighting & Landscape Dist.	\$ 4,825	\$ 4,300	\$ 525

<sup>1</sup> USDA Rural Development Loan Proceeds for Clark Park Well estimated at \$613,000.

## RESOLUTION NO. 12-14-2010-02, page 3

**BE IT FURTHER RESOLVED**, that the City Council hereby maintains the following policies:

1. The Annual System Replacement commitment from the Sewer Enterprise Fund as mandated in the Federal Wastewater Treatment Plant Construction Grant is committed to pay debt service for Sewer Replacement Bonds.
2. Public Safety Sales Tax, approved by the voters in Prop. 172, is distributed between the Police Equipment Replacement Fund 071 and Fire Equipment Replacement Fund 076. Upon receipt, funds shall be deposited into the General Fund Revenue Account #001-4122, and become a part of the annual transfer in support of the Fire Equipment Replacement Fund #076.
3. Should the State Indian Gaming money be received this year, it shall be deposited in the General Fund Revenue Acct. 001-4160 to be used for the funding of front-line law enforcement personnel costs.
4. From the General Fund 001, transfer \$-0- to the Police Equipment Replacement Fund 071.
5. From the General Fund 001, transfer \$22,000 to the Fire Equipment Replacement Fund 076.
6. Deposit Fire Dispatch Contract income into the General Fund revenue account #001-4671 to support the Fire dispatch center.
7. From the General Fund 001, transfer \$-0- to Public Works Equipment Replacement Fund 078.
8. \$55,000 per year for Equipment Replacement shall be transferred annually from the Sewer Enterprise Fund 610 to the Wastewater Treatment Plant Capital Replacement Fund #380.
9. \$18,800 per year for Equipment Replacement shall be transferred annually from the Sewer Enterprise Fund #610 to the Sewer Capital Replacement Fund #381.
10. \$225,000 shall be transferred from the WWTP Capital Replacement Fund #380 to the WWTP Expansion Fund 348 to pay the WWTP Bond Debt Service.
11. \$73,500 per year shall be transferred annually from the Water Enterprise Fund #630 to the Water Capital Replacement Fund #383.
12. The Annual General Fund Subsidy of the Corning Municipal Airport Enterprise Fund #620 shall be set at \$0.
13. The \$5,000 Annual rent for PAL Program Use shall be paid to the Transportation Center Fund #625 by the General Fund #001.
14. Authorize City Manager to make annual year end transfer of Unrestricted CDBG Program Income into its separate Fund, Fund #323, in order to segregate funds available for use.
15. Effective June 30, 2010, return \$87,910 from the Police Equipment Replacement Fund #071 to the General Fund #001.

**RESOLUTION NO. 12-14-2010-02, page 4**

16. Effective June 30, 2010, return \$33,285 from the Fire Equipment Replacement Fund #076 to the General Fund #001.
17. Effective June 30, 2010, return \$46,186 from Public Works Equipment Replacement Fund #078 to the General Fund #001.
18. Transfer to the General Fund #001, prior to June 30, 2010, the excess interest earned from the Solid Waste Fund 615, equal to the June 30, 2010, Fund #615 balance less the amount payable to Waste Management, Inc.
19. Transfer the Park Volunteer Fund #353 balance of approximately \$15,993 to the General Fund #001 by June 30, 2010.
20. Transfer OTS Fund #164 balance of approximately \$10,804 to the General Fund #001 after the close of the grant period (September 30, 2010).
21. Transfer Housing Element Fund #308 deficit balance of approximately \$1,474 from the General Fund #001 by June 30, 2010.



The foregoing Resolution was adopted at a regular meeting of the City Council of the City of Corning, held on December 14, 2010, by the following vote:

**AYES:**  
**NOES:**  
**ABSTAINING:**  
**ABSENT:**

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

**ATTEST:**

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

ITEM NO: I-17  
APPROVE AGREEMENT FOR TEMPORARY  
CITY MANAGEMENT SERVICES BETWEEN  
THE CITY OF CORNING AND STEPHEN J.  
KIMBROUGH  
DECEMBER 14, 2010

TO: HONORABLE MAYOR AND COUNCIL MEMBERS  
OF THE CITY OF CORNING

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER



**SUMMARY:**

The City Council has approved the City Staff Plan to reduce costs of operations in order to stabilize the City Budget and prevent the loss of valuable City Employees. As part of that plan City Manager Stephen J. Kimbrough has offered to take early retirement and return under an "Agreement for Temporary City Manager Services", an action which will save the City approximately \$93,511 annually in salary and benefits.

The attached contract is the draft shared with the City Council most recently. It replaces the model language on Indemnification in Article 6 with the much simpler version prepared by the City Attorney. This draft also removes any reference to membership in local service clubs by deleting article 4: paragraph C. The basic Contract has been available for review by the public since July 2010.

Setting March 1, 2010 as the next practical effective date for the agreement will save approximately \$23,378 for the remainder of this budget year and \$93,511 for each of the remaining two fiscal years of the contract ( now March 1, 2011 through July 4, 2013)

**WHY GO PART-TIME:**

This concept started with the question: How does the City save big dollars without losing valuable employees? The City government provides services to our customer/owners, but unlike a private sector service business, City income may drop in a recession while service demands continue at the same level. In a recession when many people are out of work, some services like law enforcement and code enforcement will actually increase. This makes the layoff of employees impractical.

The City Council and Management have been concerned that the uncertainties of the City Revenues would cause younger Police Officers and General City Employees to seek more stable employment elsewhere.

The City Manager will take early retirement to create a base income and to work part-time on an hourly basis for the City of Corning.

**THE AGREEMENT:**

The Agreement was structured like a model Agreement taken from another City, which identifies the City Manager as the "Retired Annuitant". State Law governing the California Public Employees Retirement System, PERS, allows retirees to return to work part-time for up to 960 hours per year. The City Attorney and the Council have thoroughly reviewed this Agreement which has been forwarded to the City Council and also placed on the City website for public review as a part of this city Council Agenda packet.

Article 1 of the Agreement clearly spells out the authority of City Manager and reaffirms that the Position is "at-will".

Article 2 identifies the services that will be performed by the City Manager, the yearly hourly limits, and work schedule flexibility. This will be a twenty eight month contract commencing March 1, 2010 and ending July 4, 2013.

Article 3 explains the compensation. His hourly rate of pay will be \$50, which is his current hourly rate of pay. He will receive no Vacation Time, Administrative Leave, Sick Leave, Performance Incentive Pay or Holiday Pay.

The City Manager is three years from his planned retirement date; the Agreement provides for him to receive coverage under the City's health insurance program with the City paying one half of the benefit amount paid to fulltime employees. He would continue to receive the group Life Insurance which costs the City \$24.50 per month, and he would continue to participate in the State Disability Insurance Plan, but the City will only pay \$6.60 per month towards such coverage; he will pay the rest. As an employee, the City will continue to pay the employers share of FICA and Medicare as required by law.

This section also notes that the existing Manager's benefit package includes the provision for the City Manager, as a retiree, to receive a percentage value of his sick leave remaining "on the books" that can only be used to pay a portion of his medical insurance premiums. That benefit is explained in detail in Adendum A of the Agreement.

In Article 4, Professional Benefits, the City agrees to continue to pay the membership dues in the International City Management Association and the California City Managers' Foundation in order to ensure that he can remain current on events affecting local government services. The Agreement also notes that he will receive travel expenses within the limits of the budget for attendance at these meetings.

Article 5 provides for an orderly means of termination should he or the City wish to end his employment. Steve Kimbrough is giving up considerable current income and future retirement income in order to enter into this Agreement. In exchange, this Agreement provides that he will be given 180 days notice of the City's intent to terminate his services. This section of the contract also includes a provision to void the 180 day notice should the Manager be found to have committed wrongful acts. This creates stability for both the City and the City Manager.

Article 6 treats the City Manager like any other employee and indemnifies him in accordance with state law should he or the City be sued for his actions, or actions of the City Staff while carrying out the performance of their duties.

Article 7 recognizes that he will be covered by Workers Compensation which protects both he and the City in the event of his injury or accident.

**RECOMMENDATION:**

**MAYOR AND COUNCIL RECOGNIZE THE COMMITMENT OF CITY MANAGER STEPHEN J. KIMBROUGH TO THE CITY OF CORNING BY APPROVING THIS TEMPORARY CITY MANAGEMENT SERVICES AGREEMENT.**

**Agreement For Temporary Employment Services  
Between The City Of Corning And Stephen J. Kimbrough  
March 1, 2011 through July 4, 2013**

This Employment Agreement is mutually agreed to between the City of Corning, a municipal corporation, ("City") and Stephen J. Kimbrough ("Retired Annuitant") and is entered into this fourteenth day of December, 2010.

**RECITALS**

WHEREAS, the City is in financial hardship as a result of the current economic recession and will realize a major cost savings by retaining the Retired Annuitant as City Manager under the terms of this Agreement; and

WHEREAS, THE City Manager has proposed and City Council approved a Budgetary Plan to reduce operating costs and such Plan includes the reduction of the City Manager's hours of work to part-time in order to save the City approximately \$93,805 in annual salary and benefits, and

WHEREAS, effective March 1, 2010, Stephen J. Kimbrough will retire from the City of Corning three years earlier than planned thus creating a vacancy in the position of City Manager of the City, a position which requires specialized skills; and

WHEREAS, Stephen J. Kimbrough has performed the duties of City Manager since February 24, 1993, in a competent and effective manner; and

WHEREAS, California Government Code Section 21224 and CalPERS regulations allow a benefit recipient called a "Retired Annuitant" to work up to 960 hours per fiscal year without penalty; and

WHEREAS, City desires to retain the services of Retired Annuitant to perform the services of City Manager, and if the City so desires, to assist in the recruitment process of a new City Manager at some point in the future; and

WHEREAS, the City and Retired Annuitant desire by this Employment Agreement to set forth the terms and conditions of Retired Annuitant's duties and services as City Manager for an interim period as set forth in this Agreement.

**AGREEMENT**

In consideration of the mutual promises, covenants and conditions herein contained, the parties hereto agree as follows:

**ARTICLE 1: STATUS; LAWS AFFECTING TITLE.**

- A. Retired Annuitant, as City Manager, shall serve at the pleasure of, and shall work for, the City Council as provided for in Chapter 2.44 of the Corning Municipal Code.

- B. In addition to those laws affecting the Retired Annuitant, the Retired Annuitant serving as the City Manager shall have the same powers, rights and responsibilities as provided for in Chapter 2.44 of the Corning Municipal Code.
- C. City Code Section 2.44.110 provides the authority for the City Council to enter into this Agreement.
- D. The City Council, beginning with the initial employment of the Retired Annuitant in 1993, has provided the employment benefit package enumerated in the Management Memorandum of Understanding (MOU) to the City Manager.

## **ARTICLE 2: SERVICES TO BE PERFORMED BY EMPLOYEE.**

- A. Retired Annuitant shall perform the functions and duties of the City Manager as currently in effect or as may hereafter be established by ordinance, resolution, or action of the City Council and in accordance with all applicable requirements of federal, state and local law, to commence on March 1, 2011 and continue through and including July 4, 2013.
- B. Retired Annuitant shall work 900 hours Per Fiscal Year (July 1 through June 30), provided, however, that the number of hours for each Fiscal Year may be increased to a maximum of 960 by mutual agreement of both parties.
- C. Due to the type of work performed by Retired Annuitant, the parties acknowledge that the scheduling of work hours must necessarily be flexible and may be modified as necessary to accommodate the needs of the City and Retired Annuitant. The duties shall be performed at either City offices, or other appropriate locations from which to conduct official City business.
- D. To be free from conflicts during the term of this Employment Agreement, the Retired Annuitant agrees he will not directly or indirectly render any services of a business, commercial, or consulting nature, to any other person or organization, whether for compensation or otherwise, without the prior written consent of the City Council. Retired Annuitant will devote his entire productive time, ability, efforts, and attention to the business of the City during, the term of this Agreement. Notwithstanding the forgoing, the City expressly acknowledges Retired Annuitant's volunteer activities.

## **ARTICLE 3: COMPENSATION.**

Consistent with and as required by Govt. Code Sec. 21224, **City shall pay Retired Annuitant for his services hereunder as City Manager at the base pay rate of \$50 per hour** which is not less than the minimum nor exceeding that paid by the employer for the position. Certain limited benefits will also be provided as listed below. Nothing in the Personnel Rules of the City of Corning or City Code prohibit the City from providing limited benefits to part-time employees with City Council approval.

- A. Payments shall be made in accordance with current City payroll procedures. Retired Annuitant shall submit a timesheet biweekly reflecting hours worked.
- B. In no event shall Retired Annuitant be compensated for more than nine hundred and sixty

(960) hours of service during a fiscal year.

- C. The Retired Annuitant agrees that during the term of this Agreement, he shall not be entitled to accrue the benefits of additional CalPERS retirement credit, Performance Incentive Pay, Vacation time, paid Holidays, Administrative Leave nor Sick Leave.
- D. The City acknowledges that it has a long standing policy of recognizing the value of fringe benefits as a part of the "Total Compensation" of employees. The benefits to be provided to the Retired Annuitant in this agreement include:
1. The City shall allow the Retired Annuitant to participate in the City **group health, dental and optical insurance program**. In order for the Retired Annuitant to be qualified for such insurance program, the City must pay a portion of the employee insurance premium. In order for the finances of early retirement to work for the Retired Annuitant, the City shall pay fifty percent (50%) of the City contribution for the Retired Annuitant toward such coverage, and any remaining cost shall be bourn by the Retired Annuitant. Currently the monthly value of this benefit to the Retired Annuitant is \$541.75 (50% of \$1083.75 which is the amount allocated to full time employees)
  2. The Retired Annuitant will be the first employee eligible for Medicare under the City Management Benefit Plan contained in the Management Unit MOU. The retired Annuitant will be replacing the City insurance policy with the Medicare coverage on January 1, 2011. The City shall allow the monthly reimbursement for Medicare Supplement Coverage from the amount provided in Section D-1 above. To receive reimbursement, the Retired Annuitant shall turn in evidence of the insurance payment. Any unused portion of the insurance contribution shall be placed by the City in the Retired Annuitant's City "457 Plan" according to current administrative practice.
  3. As provided for the City Manager and all retirees in the Management MOU, City shall provide for the application of "**Sick Leave Conversion Upon Retirement**" to be administered as provided in Section 12.10 of the Management MOU. The "Percentage value of employee's accrued Sick Leave" for the Retired Annuitant is shall be calculated at 70% for over 16 years of service to the City. See Addendum A of this agreement for the excerpt from the MOU.
  4. The City shall allow the Retired Annuitant to participate in the City **group life insurance** program, and pay the full cost of such premium for \$75,000 Term Life. The current premium is \$24.50 per month, \$294 per year.
  5. The City shall allow the Retired Annuitant to participate in the **State Disability Insurance**, but the City will only pay \$6.60 per month toward such coverage and any remaining cost shall be bourn by the Retired Annuitant.
  6. As required by law, the City shall pay the employer's share of FICA/MEDICARE.

#### **ARTICLE 4: PROFESSIONAL BENEFITS.**

In light of the special skills, knowledge, continuing education requirements, and responsibilities required of Retired Annuitant to perform the function of City Manager, City shall provide the following benefits to Retired Annuitant for his services hereunder as City Manager in the manner set forth below:

- A. The City agrees to continue to pay the professional dues for membership in the International City Management Association and the California City Managers' Foundation on behalf of the Retired Annuitant in order to provide for the Retired Annuitant's continuation and full participation in national, state, and regional organizations necessary to insure the City's issues and needs are addressed in these forums.
- B. The City agrees to pay, within the limits of the City Budget, the travel and subsistence expenses for the Retired Annuitant to pursue official representation of the City, and for meetings and occasions for continuing education and professional development of the Retired Annuitant so that Retired Annuitant performs his duties at the same level of expertise required, and expected of, Retired Annuitant during his prior years of service to City.

#### **ARTICLE 5: TERMINATION OF AGREEMENT**

- A. If Retired Annuitant voluntarily resigns his position with the City, he shall give sixty days notice in advance, unless the parties agree otherwise.
- B. Removal of the Retired Annuitant from the position of City Manager shall be done in accordance with the provisions of Section 2.44.040 of the Corning Municipal Code and with the additional provisions as provided for in this contract. The City Code states that "Removal of the city manager shall be only by a vote of at least three members of the city council, and shall be subject to the following provisions."
  - 1. "The city manager may be removed at any time for cause (i.e., dereliction of duty, conviction of a criminal offense involving moral turpitude, gross negligence in failing to perform the duties of his or her office). Except within ninety days next succeeding any general municipal election held in the city, at which election a new mayor or member of the city council is elected, the city manager may be removed at any time without cause."
  - 2. "If the removal of the city manager is for cause, the removal shall be effective immediately, or at such other time thereafter as the city council may determine."
  - 3. "If the removal is not for cause, it shall be effective thirty days thereafter, or at such later date as may be determined by the city council."
  - 4. "If the removal of the city manager is without cause, the city council may, in its sole option and discretion, elect to remove all of the manager's duties and responsibilities immediately, in which event the city manager shall immediately surrender his or her office. However, the city manager shall still be paid a minimum of thirty days' salary,

notwithstanding the removal of his or her powers and duties. This salary shall be paid on the normal pay days of the city employees and on the last day of the period of employment, unless the city council, in its discretion, otherwise orders.”

- C. Recognizing the Retired Annuitant’s seventeen (18) years service and commitment to the City and to reducing city operating costs during the current economic recession by retiring three years earlier than his plan, the City agrees that in the event of involuntary termination of Retired Annuitant, City shall give one hundred eighty (180) calendar days notice in advance, unless the parties agree otherwise. This provision for "Involuntary termination" does not apply to Retired Annuitant's death, incapacity due to injury or illness (physical or mental), or dismissal for “dereliction of duty, conviction of a criminal offense involving moral turpitude, gross negligence in failing to perform the duties of his or her office”.
1. The City Council may at its discretion chose to terminate the City Manager immediately and pay the remaining compensation due under this contract, at the rate of pay shown in Article 3 of this contract, either for 180 days or for the remainder of the contract, whichever is less.
  2. In the event of Retired Annuitant's incapacity due to injury or illness (physical or mental), all payments, compensation and benefits due Retired Annuitant under this contract shall be discontinued until such time that Retired Annuitant is fit for duty and returns to work. Upon Retired Annuitant's return to work, compensation and benefits shall resume.
  3. In the event of Retired Annuitant's resignation, dismissal for “dereliction of duty, conviction of a criminal offense involving moral turpitude, gross negligence in failing to perform the duties of his or her office”, or Retired Annuitant's death, this contract shall terminate and no further payments or benefits shall be made to Retired Annuitant.

#### **ARTICLE 6: INDEMNIFICATION.**

**CITY’S INDEMNITY OF Retired Annuitant:** During the term of this Agreement, the CITY shall indemnify, defend, and hold Retired Annuitant harmless for those acts, including acts that may result in injury to another, arising during the course and within the scope of his services provided to CITY. This Section is intended to neither provide any greater nor any fewer protections than those afforded to public employees under Government Code section 820 *et seq.*

#### **ARTICLE 7: WORKER'S COMPENSATION.**

Retired Annuitant shall be covered as City Manager by the City's worker's compensation coverage in the event of an accident or injury which qualifies Retired Annuitant for such coverage under state and federal law.

#### **ARTICLE 8: ENTIRE AGREEMENT.**

This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the subject matter hereof, and no other agreement, statement or promise relating to the subject matter of this Agreement which is not contained herein shall be valid or binding.

**ARTICLE 9: GOVERNING LAW.**

The validity of this Agreement and of any of its terms or provisions, as well as the rights and duties of the parties hereunder, shall be governed by the laws of the State of California and leave for any action concerning the terms of this Agreement shall be in the Superior Court of the County of Tehama.

**ARTICLE 10: SEVERABILITY.**

Should any part, term or provision of this Agreement be declared invalid, void or unenforceable, all remaining parts, terms and provisions hereof shall remain in full force and shall in no way be invalidated, impaired or effected thereby.

**ARTICLE 11: ASSIGNMENT.**

This Agreement shall not be assignable by Retired Annuitant.

**ARTICLE 12: NOTICES.** All notices hereunder must be in writing and shall be deemed validly given on the date either personally delivered to the other party or deposited with the United States Postal Service, postage pre-paid and addressed as follows:

**City:** City Clerk  
City of Corning  
794 Third Street  
Corning, CA 96021

**Retired Annuitant:** Stephen J. Kimbrough  
712 Stanmar Drive  
Corning, CA 96021

**IN WITNESS WHEREOF, the parties hereto have caused this Employment Agreement to be executed on the dates hereinafter respectively set forth.**

**EXECUTED this \_\_\_\_\_ day of June 2010:**

**City of Corning**

**Retired Annuitant**

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

\_\_\_\_\_  
Stephen J. Kimbrough

**Approved as to Form:**

**Attest:**

\_\_\_\_\_  
Michael Fitzpatrick  
City Attorney

\_\_\_\_\_  
Lisa Linnet  
City Clerk

**ADDENDUM A** To Agreement For Temporary Employment Services  
Between The City Of Corning And Stephen J. Kimbrough

Excerpt from Management Memorandum of Understanding in effect at time of this Agreement

**12.10 Sick Leave Conversion Upon Retirement.** In lieu of a cash out of sick leave, an employee, upon retirement under PERS, may choose as an option to convert a percentage of the dollar value of the sick leave at the employee's current hourly base rate of pay as of the date of retirement, to pay the pre-paid health insurance premium up for a period of time up to age 65 according to the following conversion plan.

<u>Employee's years of service with City</u>	<u>Percentage value of employee's accrued Sick Leave</u>
Through 15 years	50%
16 through 19 years	70%
20 or more years	80%

(a) Following is the procedure to account for the percentage value of converted sick leave. At the written request of the retiring employee, the City Staff will compute the dollar value of the accrued sick leave according to the percentages shown above and maintain an accounting in the employee's name deducting the amount of monthly City health insurance premium from the "balance".

(b) The value of sick leave does not accrue in a cash fund for each employee, therefore no actual funds are held in trust. The City simply agrees to pay the retiree's premium for a period of time until the balance value of the conversion is depleted.

(c) Should a retired employee want to stop their insurance premium payments under the Section, the employee must notify the City Manager in writing, giving the date payments should end, and City Staff will do an accounting of the percent (50%) value provided for in the sick leave payoff provisions of this MOU and the actual dollar amount already paid out. Should this amount still be less than the fifty percent provided for in Section 17.2, the balance will be paid to the employee.

(d) Should a retired employee die prior to fully using this benefit, any dependents covered under the health insurance may, if permitted to continue insurance coverage by the insurance carrier, receive the continuation of this benefit until fully expended. The benefit shall have no cash value to the employee's estate nor can the City accept any claim for payoff by heirs.

(e) Employees not choosing to remain in the City's offered health plan may utilize the benefits set out in these sections to be applied to the cost of a private health plan. The retired employee will be reimbursed, on a quarter year basis, such amounts as provided in these sections, upon submission of a written claim and proof of a paid premium by the retired employee. The form, manner of claim and proof, will be as prescribed by the City.

ITEM NO: I-18  
APPROVE PART-TIME EMPLOYMENT  
AGREEMENT FOR CHIEF OF POLICE  
WITH ANTHONY F. CARDENAS  
DECEMBER 14, 2010

TO: HONORABLE MAYOR AND COUNCIL MEMBERS  
OF THE CITY OF CORNING

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER



**SUMMARY:**

The City Council has approved the City Staff Plan to reduce costs of operations in order to stabilize the City Budget and prevent the loss of valuable City Employees. As part of that plan, Police Chief Tony Cardenas offered to take early retirement and return on a part-time basis as Chief of Police, an action which will save the City approximately \$106,619 annually in salary and benefits.

Setting March 1, 2010 as the next practical effective date for the agreement will save approximately \$26,655 for the remainder of this budget year and \$106,619 for each of the remaining two fiscal years of the contract ( now March 1, 2011 through July 4, 2013)

The attached contract is the draft shared with the City Council previously. It uses simplified language on Indemnification in Article 6 as prepared by the City Attorney. This draft also removes any reference to membership in local service clubs by deleting Article 4: paragraph C. The basic Contract has been available for review by the public since July 2010.

**WHY GO PART-TIME:**

Chief Cardenas has been concerned that the uncertainties of the City Revenues would cause younger Police Officers and Civilian Employees to seek more stable employment elsewhere. As a result, he offered to take early retirement to create a base income and to work part-time on an hourly basis for the City of Corning performing the duties of Police Chief.

**THE AGREEMENT:**

The Agreement was structured from a model Agreement taken from another City, which identifies the Chief as the "Retired Annuitant". State Law governing the California Public Employees Retirement System, PERS, allows retirees to return to work part-time for up to 960 hours per year.

Article 1 of the Agreement clearly spells out the authority of Chief Cardenas as it currently exists.

Article 2 identifies the services that will be performed as Chief. This will be a twenty eight month contract commencing March 1, 2010 and ending July 4, 2013.

Article 3 explains the compensation. His hourly rate of pay will be \$44.17, which is his current hourly rate of pay. He will receive no Vacation Time, Administrative Leave, nor Sick Leave.

Because the Chief is about 3 to 4 years from his planned retirement date, and too young to be eligible for Medicare, the Agreement provides for him to receive coverage under the City's

health insurance program with the City paying one half of the benefit amount paid to fulltime employees. He would continue to receive the group Life Insurance which costs the City \$24.50 per month, and he would continue to participate in the State Disability Insurance Plan, but the City will only pay \$6.60 per month towards such coverage; he will pay the rest. As an employee, the City will continue to pay the employer's share of FICA and Medicare as required by law (combined on the attached spreadsheet).

This section also notes that the Chief, as a retiree, will receive a percentage value of his sick leave remaining "on the books" which will be used to pay a portion of his medical insurance premiums. That benefit is explained in detail in Adendum A of this Agreement. This sick leave benefit, available upon retirement, was put in place by the City Council to reward employees who stayed healthy and avoided the use of sick leave.

In Article 4, Professional Benefits, the City agrees to continue to pay the membership dues in the International, the California and the regional Police Chiefs' Associations in order to ensure that he can remain current on events affecting law enforcement services. The Agreement also notes that he will receive travel expenses within the limits of the budget for attendance at these meetings.

Article 5 provides for an orderly means of termination should he or the City wish to end his employment. Chief Cardenas is giving up considerable current income and future retirement income in order to enter into this Agreement. In exchange, this Agreement provides that he will be given 180 days notice of the City's intent to terminate his services. This section of the contract also includes a provision to void the 180 day notice should the Chief be found to have committed wrongful acts.

Article 6 treats the Chief like any other employee and indemnifies him in accordance with state law should he or the City be sued for his actions, or actions of his department while carrying out the performance of their duties.

Article 7 recognizes that he will be covered by Workers Compensation which protects both he and the City in the event of his injury or accident.

**RECOMMENDATION:**

**MAYOR AND COUNCIL RECOGNIZE THE COMMITMENT OF POLICE CHIEF ANTHONY CARDENAS TO THE CITY OF CORNING BY APPROVING THIS EMPLOYMENT AGREEMENT.**

**Agreement For Temporary Employment Services  
Between The City Of Corning And Anthony F. Cardenas  
March 1, 2011 through July 4, 2013**

This Employment Agreement is mutually agreed to between the City of Corning, a municipal corporation, ("City") and Anthony F. Cardenas ("Retired Annuitant") and is entered into this fourteenth day of December, 2010.

**RECITALS**

WHEREAS, the City is in financial hardship as a result of the current economic recession and will realize a major cost savings by retaining the Retired Annuitant as Police Chief under the terms of this Agreement; and

WHEREAS, THE City Manager has proposed and City Council approved a Budgetary Plan to reduce operating costs and such Plan includes the reduction of the Police Chief's hours of work to part-time in order to save the city approximately \$106,619 annually in salary and benefits, and

WHEREAS, effective March 1, 2010, Anthony F. Cardenas will retire from the City of Corning four years earlier than planned thus creating a vacancy in the position of Police Chief of the City, a position which requires specialized skills; and

WHEREAS, Anthony F. Cardenas has performed the duties of Police Chief since June 30, 1992, in a competent and effective manner; and

WHEREAS, California Government Code Section 21224 and CalPERS regulations allow a benefit recipient called a "Retired Annuitant" to work up to 960 hours per fiscal year without penalty; and

WHEREAS, City desires to retain the services of Retired Annuitant to perform the services of Police Chief, and

WHEREAS, the City and Retired Annuitant desire by this Employment Agreement to set forth the terms and conditions of Retired Annuitant's duties and services as Police Chief for a limited period as set forth in this Agreement.

**AGREEMENT**

In consideration of the mutual promises, covenants and conditions herein contained, the parties hereto agree as follows:

**ARTICLE 1: STATUS; LAWS AFFECTING TITLE.**

- A. Retired Annuitant, as part-time temporary Police Chief, shall serve with the same employment rights as provided for the position of Police Chief in the California "Peace Officers Bill of Rights", California Government Code Sections 3300-3312.
- B. In addition to those laws affecting the Retired Annuitant, the Retired Annuitant serving as the Police Chief shall have the same powers, rights and responsibilities as a full time Chief of Police.

## ARTICLE 2: SERVICES TO BE PERFORMED BY EMPLOYEE.

- A. Retired Annuitant shall perform the functions and duties of the Police Chief as directed by the City manager including those currently in effect or as may hereafter be established by ordinance, resolution, or action of the City Council and in accordance with all applicable requirements of federal, state and local law, to commence on March 1, 2011 and continue through and including July 4, 2013.
- B. Retired Annuitant shall work 960 hours Per Fiscal Year (July 1 through June 30).
- C. Due to the type of work performed by Retired Annuitant, the parties acknowledge that the scheduling of work hours must necessarily be flexible and may be modified as necessary to accommodate the needs of the City and Retired Annuitant. The duties shall be performed at either City offices, or other appropriate locations from which to conduct official City business.
- D. To be free from conflicts during the term of this Employment Agreement, the Retired Annuitant agrees he will not directly or indirectly render any services of a business, commercial, or consulting nature, to any other person or organization, whether for compensation or otherwise, without the prior written consent of the City Council. Retired Annuitant will devote his entire productive time, ability, efforts, and attention to the business of the City during the term of this Agreement. Notwithstanding the forgoing, the City expressly acknowledges Retired Annuitant's volunteer activities.

## ARTICLE 3: COMPENSATION.

Consistent with and as required by Govt. Code Sec. 21224, **City shall pay Retired Annuitant for his services hereunder as Police Chief at the base pay rate of \$44.17 per hour** which is not less than the minimum nor exceeding that paid by the employer for the position. Certain limited benefits will also be provided as listed below. Nothing in the Personnel Rules of the City of Corning or City Code prohibit the City from providing limited benefits to part-time employees with City Council approval.

- A. Payments shall be made in accordance with current City payroll procedures. Retired Annuitant shall submit a timesheet biweekly.
- B. In no event shall Retired Annuitant be compensated for more than nine hundred and sixty (960) hours of service during a fiscal year.
- C. The Retired Annuitant agrees that during the term of this Agreement, he shall not be entitled to accrue the benefits of additional CalPERS retirement credit, Performance Incentive Pay, Vacation time, paid Holidays, Administrative Leave nor Sick Leave.
- D. The City acknowledges that it has a long standing policy of recognizing the value of fringe benefits as a part of the "Total Compensation" of employees. The benefits to be provided to the Retired Annuitant in this agreement include:
  - 1. The City shall allow the Retired Annuitant to participate in the City **group health, dental and optical insurance program**. In order for the Retired Annuitant to be qualified for such insurance program, the City must pay a

portion of the employee insurance premium. In Order for the finances of early retirement to work for the Retired Annuitant, the City shall pay fifty percent (50%) of the City contribution for the Retired Annuitant toward such coverage, and any remaining cost shall be bourn by the Retired Annuitant. Currently the monthly value of this benefit to the Retired Annuitant is \$541.75 (50% of \$1083.75 which is the amount allocated to full time employees)

2. As provided for the Police Chief and all retirees in the Management MOU, City shall provide for the application of “**Sick Leave Conversion Upon Retirement**” to be administered as provided in Section 12.10 of the Management MOU. The “Percentage value of employee’s accrued Sick Leave” for the Retired Annuitant is shall be calculated at 80% for over 20 years of service to the City. See Addendum A of this agreement for the excerpt from the MOU.
3. The City shall allow the Retired Annuitant to participate in the City **group life insurance** program, and pay the full cost of such premium for \$75,000 Term Life. The current premium is \$24.50 per month, \$294 per year.
4. The City shall allow the Retired Annuitant to participate in the **State Disability Insurance**, but the City will only pay \$6.60 per month toward such coverage and any remaining cost shall be bourn by the Retired Annuitant.
5. As required by law, the City shall pay the employer’s share of FICA/MEDICARE.

#### **ARTICLE 4: PROFESSIONAL BENEFITS.**

In light of the special skills, knowledge, continuing education requirements, and responsibilities required of Retired Annuitant to perform the function of Police Chief, City shall provide the following benefits to Retired Annuitant for his services hereunder as Police Chief in the manner set forth below:

- A. The City agrees to continue to pay the professional dues for membership in the International Police Chief’s Association, the California Police Chief’s Association and the Central Sierra Police Chiefs’ Association on behalf of the Retired Annuitant in order to provide for the Retired Annuitant’s continuation and full participation in national, state, and regional organizations necessary to insure the City’s issues and needs are addressed in these forums.
- B. The City agrees to pay, within the limits of the City Budget, the travel and subsistence expenses for the Retired Annuitant to pursue official representation of the City, and for meetings and occasions for continuing education and professional development of the Retired Annuitant so that Retired Annuitant performs his duties at the same level of expertise required, and expected of, Retired Annuitant during his prior years of service to City.

#### **C. ARTICLE 5: TERMINATION OF AGREEMENT**

- A. If Retired Annuitant voluntarily resigns his position with the City, he shall give sixty days notice in advance, unless the parties agree otherwise.

B. Removal of the Retired Annuitant from the position of Police Chief shall be done in accordance with the Personnel Rules and Regulations Rule 18, DISCIPLINARY ACTION and Rule 19 APPEAL PROCEDURES. The Retired Annuitant, as Police Chief, shall serve with the same employment rights as provided for the position of Police Chief in the California "Peace Officers Bill of Rights", California Government Code Sections 3300-3312.

C. Recognizing the Retired Annuitant's twenty (20) years service and commitment to the City and to reducing city operating costs during the current economic recession by retiring four years earlier than his plan, the City agrees that in the event of involuntary termination of Retired Annuitant, City shall give one hundred eighty (180) calendar days notice in advance, unless the parties agree otherwise. This provision for "Involuntary termination" does not apply to Retired Annuitant's death, incapacity due to injury or illness (physical or mental), or dismissal for "dereliction of duty, conviction of a criminal offense involving moral turpitude, gross negligence in failing to perform the duties of his or her office".

1. The City Council may at its discretion chose to terminate the Police Chief immediately and pay the remaining compensation due under this contract, at the rate of pay shown in Article 3 of this contract, either for 180 days or for the remainder of the contract, whichever is less.
2. In the event of Retired Annuitant's incapacity due to injury or illness (physical or mental), all payments, compensation and benefits due Retired Annuitant under this contract shall be discontinued until such time that Retired Annuitant is fit for duty and returns to work. Upon Retired Annuitant's return to work, compensation and benefits shall resume.
3. In the event of Retired Annuitant's resignation, dismissal for "dereliction of duty, conviction of a criminal offense involving moral turpitude, gross negligence in failing to perform the duties of his or her office", or Retired Annuitant's death, this contract shall terminate and no further payments or benefits shall be made to Retired Annuitant.

#### **ARTICLE 6: INDEMNIFICATION.**

**CITY'S INDEMNITY OF Retired Annuitant:** During the term of this Agreement, the CITY shall indemnify, defend, and hold Retired Annuitant harmless for those acts, including acts that may result in injury to another, arising during the course and within the scope of his services provided to CITY. This Section is intended to neither provide any greater nor any fewer protections than those afforded to public employees under Government Code section 820 *et seq.*

#### **ARTICLE 7: WORKER'S COMPENSATION.**

Retired Annuitant shall be covered as Police Chief by the City's worker's compensation coverage in the event of an accident or injury which qualifies Retired Annuitant for such coverage under state and federal law.

#### **ARTICLE 8: ENTIRE AGREEMENT.**

This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the subject matter hereof, and no other agreement, statement or

promise relating to the subject matter of this Agreement which is not contained herein shall be valid or binding.

**ARTICLE 9: GOVERNING LAW.**

The validity of this Agreement and of any of its terms or provisions, as well as the rights and duties of the parties hereunder, shall be governed by the laws of the State of California and leave for any action concerning the terms of this Agreement shall be in the Superior Court of the County of Tehama.

**ARTICLE 10: SEVERABILITY.**

Should any part, term or provision of this Agreement be declared invalid, void or unenforceable, all remaining parts, terms and provisions hereof shall remain in full force and shall in no way be invalidated, impaired or effected thereby.

**ARTICLE 11: ASSIGNMENT.**

This Agreement shall not be assignable by Retired Annuitant.

**ARTICLE 12: NOTICES.** All notices hereunder must be in writing and shall be deemed validly given on the date either personally delivered to the other party or deposited with the United States Postal Service, postage pre-paid and addressed as follows:

**City:** City Clerk  
City of Corning  
794 Third Street  
Corning, CA 96021

**Retired Annuitant:** Anthony F. Cardenas  
1417 Colusa Street  
Corning, CA 96021

**IN WITNESS WHEREOF, the parties hereto have caused this Employment Agreement to be executed on the dates hereinafter respectively set forth.**

**EXECUTED this fourteenth day of December 2010:**

**City of Corning**

**Retired Annuitant**

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

\_\_\_\_\_  
Anthony F. Cardenas

**Approved as to Form:**

**Attest:**

\_\_\_\_\_  
Michael Fitzpatrick  
City Attorney

\_\_\_\_\_  
Lisa Linnet  
City Clerk

**ADDENDUM A To Agreement For Temporary Employment Services**  
Between The City Of Corning And Anthony F. Cardenas

Excerpt from Management Memorandum of Understanding in effect at time of this Agreement

**12.10 Sick Leave Conversion Upon Retirement.** In lieu of a cash out of sick leave, an employee, upon retirement under PERS, may choose as an option to convert a percentage of the dollar value of the sick leave at the employee's current hourly base rate of pay as of the date of retirement, to pay the pre-paid health insurance premium up for a period of time up to age 65 according to the following conversion plan.

<u>Employee's years of service with City</u>	<u>Percentage value of employee's accrued Sick Leave</u>
Through 15 years	50%
16 through 19 years	70%
20 or more years	80%

(a). Following is the procedure to account for the percentage value of converted sick leave. At the written request of the retiring employee, the City Staff will compute the dollar value of the accrued sick leave according to the percentages shown above and maintain an accounting in the employee's name deducting the amount of monthly City health insurance premium from the "balance".

(b) The value of sick leave does not accrue in a cash fund for each employee, therefore no actual funds are held in trust. The City simply agrees to pay the retiree's premium for a period of time until the balance value of the conversion is depleted.

(c) Should a retired employee want to stop their insurance premium payments under the Section, the employee must notify the City Manager in writing, giving the date payments should end, and City Staff will do an accounting of the percent (50%) value provided for in the sick leave payoff provisions of this MOU and the actual dollar amount already paid out. Should this amount still be less than the fifty percent provided for in Section 17.2, the balance will be paid to the employee.

(d) Should a retired employee die prior to fully using this benefit, any dependents covered under the health insurance may, if permitted to continue insurance coverage by the insurance carrier, receive the continuation of this benefit until fully expended. The benefit shall have no cash value to the employee's estate nor can the City accept any claim for payoff by heirs.

(e) Employees not choosing to remain in the City's offered health plan may utilize the benefits set out in these sections to be applied to the cost of a private health plan. The retired employee will be reimbursed, on a quarter year basis, such amounts as provided in these sections, upon submission of a written claim and proof of a paid premium by the retired employee. The form, manner of claim and proof, will be as prescribed by the City.

ITEM NO: I-19  
ANNUAL TEHAMA COUNTY STATE  
FAIR EXHIBIT CONTRIBUTION FROM  
THE CITY OF CORNING  
DECEMBER 14, 2010

TO: HONORABLE MAYOR AND COUNCIL MEMBERS  
FROM: LISA M. LINNET, CITY CLERK

**SUMMARY:**

Tehama County's exhibit for the California State Fair is in the works. The 2011 exhibit will be displayed at the California State Fair this summer and at the Tehama District Fair in the fall.

Prior to 2010 the City of Corning customarily contributed \$200 towards the cost of constructing the exhibit. Last year the request wasn't received until late March, early April and the Council decided not to commit City funds for this due to the economic situation of the City. Instead, Councilmembers and the City Clerk all made a collective donation of personal funds in the amount of \$215.

**RECOMMENDATION:**

**MAYOR AND COUNCIL DISCUSS THE REQUEST FOR CONTRIBUTION AND DIRECT STAFF ON RESPONSE.**



**Lisa Linnet**

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**From:** Lisa Linnet [llinnet@corning.org]  
**Sent:** Thursday, October 28, 2010 10:33 AM  
**To:** Sandra Lee  
**Subject:** RE: 2011 State Fair Exhibit

Hi Sandra,

I won't be able to give you an answer on the donation amount from the City of Corning until after the first meeting in December (December 14, 2010). At that time our new Council will be seated. I will prepare a Staff Report to be presented to the Council at the December 14th City Council Meeting.

Sincerely,

Lisa M. Linnet  
City Clerk  
City of Corning

-----Original Message-----

**From:** Sandra Lee [mailto:slee@tehamacountyadmin.org]  
**Sent:** Wednesday, October 27, 2010 4:46 PM  
**To:** Steve Kimbrough  
**Cc:** Lisa Linnet  
**Subject:** 2011 State Fair Exhibit

Hello, Steve,

I'm sorry to both you with this, but our State Fair display contractor is eager to get started on next year's booth. Whether or not the County will be able to fund the exhibit in 2011 will depend in part on the contributions we receive from outside parties. I've been asked to contact our past contributors to see if they can commit to this project at this time, and if so, how much?

Please let me know at your earliest convenience whether the City of Corning will participate in the funding of Tehama County's 2011 State Fair Exhibit. Thank you.

*Sandra Lee*, Risk Analyst  
County of Tehama  
Administration/Risk Management  
727 Oak Street  
Red Bluff, CA 96080  
(530) 527-4655, ext. 3009  
Fax: (530) 527-3764  
slee@tehamacountyadmin.org

CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents or messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering this e-mail to the intended person, then you are: (1) notified that any disclosure, copying, distribution, saving, reading, or use of this information is strictly prohibited; (2) requested to discard and delete this e-mail and any attachments; and (3) requested to immediately notify us by e-mail that you mistakenly received this message. Thank you.

10/28/2010

April 1, 2010

County of Tehama  
Attn: Ms. Sandra Lee, Risk Analyst  
727 Oak Street  
Red Bluff, CA 96080

Subject: 2010 Tehama County State Fair Exhibit.

Dear Sandra:

As I explained during our phone conversation today, the Corning City Council voted not to approve a \$200 donation this year by the City due to current budget strains. In lieu of obligating City funds, each member of the Council, by consensus, stated they would personally make a donation towards this year's Tehama County State Fair Exhibit. The combined total for all donations is \$215.

We hope that these funds will assist the County in making this year's exhibit "Tehama County—What a Ride!" one of the best and most popular exhibits. Thank you for including us once again.

Sincerely,

Lisa M. Linnet,  
City Clerk

Enclosures: Donations

**ITEM NO: I-20  
APPROVE CANCELLATION OF THE  
DECEMBER 28, 2010 CITY COUNCIL  
MEETING DUE TO THE CHRISTMAS  
HOLIDAY  
DECEMBER 14, 2010**

**TO: HONORABLE MAYOR AND COUNCILMEMBERS  
OF THE CITY OF CORNING**

**FROM: STEPHEN J. KIMBROUGH, CITY MANAGER  
LISA M. LINNET, CITY CLERK**

*STEVE*

**SUMMARY:**

Staff seeks City Council approval to cancel the December 28, 2010 City Council Meeting due to the Christmas Holidays.

**BACKGROUND:**

City Hall is closed on December 24<sup>th</sup> and 25<sup>th</sup> for the Christmas Holidays. City Council traditionally cancels the second regularly scheduled Council Meeting in December, which falls on December 28<sup>th</sup> this year, due to the Holidays.

**RECOMMENDATION:**

**MAYOR AND COUNCIL APPROVE CANCELLATION OF THE DECEMBER 28, 2010 REGULARLY SCHEDULED CITY COUNCIL MEETING DUE TO THE HOLIDAYS.**