



**CITY OF CORNING  
SPECIAL CITY COUNCIL  
CLOSED SESSION AGENDA  
TUESDAY, FEBRUARY 23, 2016  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

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

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

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

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

**B. ROLL CALL:**

**Council:**

**Darlene Dickison  
Dave Linnet  
Tony Cardenas  
Willie Smith  
Gary Strack**

**Mayor:**

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

**C. PUBLIC COMMENTS:**

**D. REGULAR AGENDA:**

**1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Anticipated litigation pursuant to subdivision (d) (2) of Section 54956.9 of the Government Code (1 potential case).

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

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**Lisa M. Linnet, City Clerk**



**CITY OF CORNING  
CITY COUNCIL AGENDA  
TUESDAY, FEBRUARY 23, 2016  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

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

**B. ROLL CALL:**

**Council:**

**Darlene Dickison  
Dave Linnet  
Tony Cardenas  
Willie Smith  
Gary Strack**

**Mayor:**

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

**D. INVOCATION: Led by Mayor Strack.**

Persons of no religious persuasion will not be expected in any manner to stand or to participate other than to remain quiet out of respect for those who do choose to participate.

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

**F. BUSINESS FROM THE FLOOR:**

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

- 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 February 9, 2016 City Council Meeting with any necessary corrections: *To Be Presented at an Upcoming Meeting***
- 3. February 17, 2016 Claim Warrant - \$107,578.21.**
- 4. February 17, 2016 Business License Report.**
- 5. Ordinance 662, an Ordinance adding Chapter 17.41, Large Lot Residential Combining District and Chapter 17.46, Alternative Housing Combining District to Title 17 of the Corning Municipal Code. (Second Reading)**
- 6. Ordinance 663, an Ordinance of the City Council of the City of Corning moving to add Chapter 3.21 to the Corning Municipal Code to impose a Transactions and Use Tax to be administered by the State Board of Equalization upon approval by a majority of the voting Electorate for the City of Corning. (Second Reading)**
- 7. Approve Addendum No. 1 Livestock Grazing Lease for use of City Airport Land with Norman D. Oilar.**
- 8. Approve Resolution 02-23-2016-01, authorizing submittal of applications to the Department of Resources Recycling and Recovery Beverage Container Recycling City/County Payment Program and designating the City's authorized Signatory.**

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

**I. PUBLIC HEARINGS AND MEETINGS:**

**J. REGULAR AGENDA:**

9. Approve Contract with Lawrence and Associates to implement and conduct the groundwater investigation for the former disposal site at Rawson Road and Carona Avenue.
10. Review survey and approve City Pool User Fee Increases.
11. Review and approve City's "Statement in Support of Measure A" (1/2 Cent General Sales Tax Measure).
12. Approve Resolution 02-23-2016-02, Amending the Ballot Measure Question Presented in Resolution 01-26-2016-01 and Directing the City Clerk to Provide the Revised Ballot Measure Question to the Tehama County Registrar of Voters.

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

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

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

**Dickison:**

**Linnet:**

**Cardenas:**

**Smith:**

**Strack:**

**N. ADJOURNMENT!:**

**POSTED: FRIDAY, FEBRUARY 19, 2016**



# MEMORANDUM

**TO:** HONORABLE MAYOR AND COUNCIL MEMBERS

**FROM:** LORI SIMS  
ACCOUNTING TECHNICIAN

**DATE:** February 17, 2016

**SUBJECT:** Cash Disbursement Detail Report for the  
Tuesday February 23, 2016 Council Meeting

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

A.	Cash Disbursements	Ending 02-10-16	\$	17,946.66
B.	Cash Disbursements	Ending 02-16-16	\$	24,939.26
C.	Cash Disbursements	Ending 02-17-16	\$	13,685.52
D.	Payroll Disbursements	Ending 02-17-16	\$	51,006.77

**GRAND TOTAL**      \$ 107,578.21

REPORT.: Feb 10 16 Wednesday  
 RUN...: Feb 10 16 Time: 15:43  
 Run By.: LORI

CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 02-16 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
021693	02/08/16	3C000	3CORE, INC.	38.50	.00	38.50	160210	THEATRE FLOORING-RODGERS
021694	02/08/16	PGE04	PG&E	483.25	.00	483.25	160129	TranspFacility-
021695	02/08/16	PGE05	PG&E	1971.42	.00	1971.42	160129	FIRE-ELECT & GAS
021696	02/08/16	PGE2A	PG&E	34.17	.00	34.17	1690129	ELECT-CLELAND PROP
021697	02/08/16	QUI02	QUILL CORPORATION	37.59	.00	37.59	2719769	OFFICE SUPPLIES-FINANCE
021698	02/09/16	VAZ00	VAZQUEZ, ADAN	655.00	.00	655.00	160209	REFUND SWR CONNECTION FEE
021699	02/10/16	AIR00	AIRGAS USA, LLC	67.52	.00	67.52	993348795	MAT & SUPPLIES-FIRE
021700	02/10/16	ARA02	ARAMARK UNIFORM SERVICES	64.42	.00	64.42	4278604	MAT & SUPPLIES-BLD MAINT
				64.42	.00	64.42	4293056	MAT & SUPPLIES-BLD MAINT
				64.42	.00	64.42	4307410	MAT & SUPPLIES-BLD MAINT
				64.42	.00	64.42	4322060	MAT & SUPPLIES-BLD MAINT
			Check Total.....:	257.68	.00	257.68		
021701	02/10/16	BAS01	BASIC LABORATORY, INC	44.00	.00	44.00	1601147	ProfServices Water Dept
				126.00	.00	126.00	1601239	ProfServices Water Dept
			Check Total.....:	170.00	.00	170.00		
021702	02/10/16	DEP12	DEPT OF JUSTICE	218.00	.00	218.00	145166	PROF SVCS-POLICE
021703	02/10/16	FIR05	FIRST NATIONAL BANK OMAHA	300.27	.00	300.27	150128	MAT & SUPPLIES-
021704	02/10/16	FIR06	FIRST NATIONAL BANK OMAHA	318.72	.00	318.72	160128	MAT & SUPPLIES-
021705	02/10/16	FIR08	FIRST NATIONAL BANK OMAHA	142.43	.00	142.43	427666	MAT & SUPPLIES-POOL
021706	02/10/16	GRA02	GRAINGER, W.W., INC	112.10	.00	112.10	901327527	MAT & SUPPLIES-ACO
				51.47	.00	51.47	901574689	MAT & SUPPLIES-PARKS
				11.83	.00	11.83	901770136	BLD MAINT-PARKS
			Check Total.....:	175.40	.00	175.40		
021707	02/10/16	JAC02	JACOBUS, BOB	155.34	.00	155.34	020416414	SMALL TOOLS-
				118.25	.00	118.25	204164142	SMALL TOOLS-
			Check Total.....:	273.59	.00	273.59		
021708	02/10/16	JOH06	JOHNSON'S TURBO CLEAN	375.00	.00	375.00	6604	PAINTING/REPAIR-LIBRARY
021709	02/10/16	MIL11	MILL CREEK VETERINARY	70.00	.00	70.00	93623	SPAY/NEUTER PROG-ACO

REPORT.: Feb 10 16 Wednesday  
 RUN...: Feb 10 16 Time: 15:43  
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CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 02-16 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
021710	02/10/16	MOR02	RAY MORGAN COMPANY	543.48	.00	543.48	1139746	COMMUNICATIONS-
021711	02/10/16	NOR31	NORM'S PRINTING	10.70	.00	10.70	015806	MAT & SUPPLIES-CITY CLERK
021712	02/10/16	PAI01	PAINT MARTS	201.29	.00	201.29	40148005	PAINTING/REPAIR-LIBRARY
021713	02/10/16	PET01	PETERSON	116.13	.00	116.13	PC0101603	VEH/OP MAINT-FIRE
021714	02/10/16	PUB03	PUBLIC SAFETY CENTER	404.79	.00	404.79	5652757	SAFETY ITEMS-FIRE
021715	02/10/16	QUI02	QUILL CORPORATION	5.47	.00	5.47	2860776	OFFICE SUPPLIES-
021716	02/10/16	TEH15	TEHAMA CO SHERIFF'S DEPT	98.00	.00	98.00	160202	PROF SVCS-
021717	02/10/16	THO01	THOMES CREEK ROCK CO	703.09	.00	703.09	160131	MAT & SUPPLIES-
021718	02/10/16	TRI02	TRI-COUNTY NEWSPAPERS	289.84	.00	289.84	187371	Print/Advert. City Clerk
021719	02/10/16	UNI02	UNIFORMS, TUXEDOS & MORE	859.95	.00	859.95	143106	SAFETY ITEMS-POLICE
021720	02/10/16	VIE00	VIEVU	9125.38	.00	9125.38	16482	EQUIP REPLAC-

Cash Account Total.....: 17946.66  
 Total Disbursements.....: 17946.66  
 =====

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description
021607	02/16/16	BAN05	BANNER BANK	-25.00	.00	-25.00	711600012u	Ck# 021607 Reversed
021637	02/11/16	HAL05	HALL, ROBERT	-104.70	.00	-104.70	000B60201u	Ck# 021637 Reversed
021721	02/11/16	DEM02	DEMO, DAVID LEWIS	104.70	.00	104.70	160201	PROF SVCS-FIRE DEPT
021722	02/16/16	ACC00	ACCESS INFORMATION MANAGE	132.55	.00	132.55	1322623	EQUIP MAINT-GEN CITY
021723	02/16/16	ACI01	ACI SPECIALTY BENEFITS	336.96	.00	336.96	17833	WORKMENS COMP-GEN CITY
021724	02/16/16	BAS01	BASIC LABORATORY, INC	126.00	.00	126.00	1601526	ProfServices Water Dept
				44.00	.00	44.00	1601537	ProfServices Water Dept
			Check Total.....:	170.00	.00	170.00		
021725	02/16/16	BRI00	BRIMM, MARIANA	116.15	.00	116.15	160122	CONF/MTGS-FINANCE
021726	02/16/16	CHE02	CHEM QUIP, INC.	570.40	.00	570.40	5426537	MAT & SUPPLIES-WTR
021727	02/16/16	COM06	COMCAST	28.92	.00	28.92	160209	COMMUNICATIONS-PW ADMIN
021728	02/16/16	COR12	CORNING FORD MERCURY, INC	172.27	.00	172.27	133508	VEH OP/MAINT-POLICE
021729	02/16/16	GRA02	GRAINGER, W.W., INC	113.17	.00	113.17	902156776	BLD MAINT-MECH MAINT
021730	02/16/16	KNI00	KNIFE RIVER CONSTRUCTION	607.69	.00	607.69	166868	MAT & SUPPLIES-STR
021731	02/16/16	MOU02	MOULE'S TEHAMA COUNTY GLA	237.50	.00	237.50	49836	MAT & SUPPLIES-BLD MAINT
021732	02/16/16	MUN02	MUNICIPAL CODE CORPORATIO	400.00	.00	400.00	00266289	PROF SVCS-CITY CLERK
021733	02/16/16	PGE01	PG&E	21539.70	.00	21539.70	160210	Electricity General City-
021734	02/16/16	QUI02	QUILL CORPORATION	53.73	.00	53.73	3116193	OFFICE SUPPLIES-FINANCE
				214.98	.00	214.98	3117113	OFFICE SUPPLIES-FINANCE
				129.00	.00	129.00	3168157	OFFICE SUPPLIES-FINANCE
			Check Total.....:	397.71	.00	397.71		
021735	02/16/16	SCH01	LES SCHWAB TIRE CENTER	95.59	.00	95.59	611001853	VEH OP/MAINT-POLICE
021736	02/16/16	WES02	WESTERN BUSINESS PRODUCTS	45.65	.00	45.65	AR15211	EQUIP MAINT-FIRE
			Cash Account Total.....:	24939.26	.00	24939.26		
			Total Disbursements.....:	24939.26	.00	24939.26		

REPORT.: Feb 17 16 Wednesday  
 RUN...: Feb 17 16 Time: 14:58  
 Run By.: LORI

CITY OF CORNING  
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PAGE: 001  
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Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description
021737	02/17/16	DOW01	DOWN RANGE	101.67	.00	101.67	68907WAT	SAFETY ITEMS-POLICE
021738	02/17/16	ECH00	EHELON TRANSPORTATION GR	10946.25	.00	10946.25	15-501-14	PROF SVCS-PED TRANS GRANT
021739	02/17/16	WAR03	WARD'S CONCRETE, INC	2637.60	.00	2637.60	702 HOAG	CG&S REPLACEMENT-STR

Cash Account Total.....: 13685.52 .00 13685.52  
 Total Disbursements.....: 13685.52 .00 13685.52  
 =====  
 Cash Account Total.....: .00 .00 .00

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
7051	02/17/16	AME20	AMERICAN WEST BANK	7326.47	.00	7326.47	B60217	HSA DEDUCTIBLE
7052	02/17/16	BAN03	POLICE OFFICER ASSOC.	200.00	.00	200.00	B60217	POLICE OFFICER ASSOC
7053	02/17/16	CAL37	CALIFORNIA STATE DISBURSE	430.61	.00	430.61	B60217	WITHHOLDING ORDER
7054	02/17/16	EDD01	EMPLOYMENT DEVELOPMENT	3948.97	.00	3948.97	B60217	STATE INCOME TAX
				1053.53	.00	1053.53	1B60217	SDI
			Check Total.....	5002.50	.00	5002.50		
7055	02/17/16	ICW01	ICWA RETIREMENT TRUST-457	633.61	.00	633.61	B60217	ICMA DEF. COMP
				182.50	.00	182.50	1B60217	ICMA DEF. COMP ER PD
			Check Total.....	816.11	.00	816.11		
7056	02/17/16	PERS1	PUBLIC EMPLOYEES RETIRE	33338.60	.00	33338.60	B60217A	PERS PAYROLL REMITTANCE
7057	02/17/16	PERS4	Cal Pers 457 Def. Comp	1432.16	.00	1432.16	B60217	PERS DEF. COMP.
				267.50	.00	267.50	1B60217	PERS DEF. COMP. ER P
			Check Total.....	1699.66	.00	1699.66		
7058	02/17/16	VAL06	VALIC	2007.82	.00	2007.82	B60217	AIG VALIC P TAX
				185.00	.00	185.00	1B60217	AIG VALIC P TAX ER P
			Check Total.....	2192.82	.00	2192.82		
			Cash Account Total.....	51006.77	.00	51006.77		
			Total Disbursements.....	51006.77	.00	51006.77		

Date.: Feb 17, 2016  
Time.: 3:14 pm  
Run by: LORI

CITY OF CORNING  
NEW BUSINESSES FOR CITY COUNCIL

Page.: 1  
List.: NEWS  
Group: WTFMB

Business Name	Address	CITY/STATE/ZIP	Contact Name	Business Desc. #1	Business Start Date	Primary Teleph
CORNING PAPA MURPHY'	2011 SOLANO ST	CORNING, CA 96021	MAHINDROO	RAJESH TAKE N BAKE PIZZA	02/09/16	(530)824-4422
PRECISION CONSTRUCTI	553 E. LINDO AVE	CHICO, CA 95926	BAKKE	URIAH GENERAL CONTRACTOR	02/12/16	(530)864-4654
SOLAR FIRST INC.	783 GOETSCHL ST	SAN DIEGO, CA 92114	SANDOVAL	IVAN SOLAR	02/17/16	(619)997-7951
SW MAINTENANCE CORP	3116 HWY 97	WEED, CA 96094	WARD	JEREMY GENERAL BUILDING CONTRACTOR	02/09/16	(530)938-2969

**ITEM NO.: G-5  
ORDINANCE NO. 662; AN ORDINANCE OF THE  
CITY OF CORNING ADDING CHAPTER 17.41,  
LARGE LOT RESIDENTIAL COMBINING DISTRICT  
AND CHAPTER 17.46, ALTERNATIVE HOUSING  
COMBINING DISTRICT TO TITLE 17 OF THE  
CORNING MUNICIPAL CODE. (SECOND READING)**

**FEBRUARY 23, 2016**

**TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS**

**FROM: KRISTINA MILLER, CITY MANAGER   
JOHN STOUFER, PLANNING CONSULTANT **

**PROJECT DESCRIPTION:**

On February 9, 2016, the City Council waived the first reading and introduced Ordinance No. 662. If adopted the ordinance will add Chapters 17.41, Large Lot Residential Combining District, and Chapter 17.46, Alternative Housing Combining District, to the Corning Municipal Code.

**RECOMMENDATION:**

**Staff recommends that the Council take the following Action:**

**WAIVE THE SECOND READING AND ADOPT ORDINANCE NO. 662  
ADDING CHAPTER 17.41, LARGE LOT RESIDENTIAL COMBINING  
DISTRICT, AND CHAPTER 17.46, ALTERNATIVE HOUSING COMBINING  
DISTRICT, TO TITLE 17 OF THE CORNING MUNICIPAL CODE.**

**ORDINANCE NO. 662**  
**AN ORDINANCE OF THE CITY OF CORNING ADDING**  
**CHAPTER 17.41, LARGE LOT RESIDENTIAL COMBINING DISTRICT AND CHAPTER 17.46,**  
**ALTERNATIVE HOUSING COMBINING DISTRICT TO TITLE 17, ZONING, OF THE**  
**CORNING MUNICIPAL CODE**

The City Council of the City of Corning, having conducted a public hearing in accordance with state law, on February 9, 2016 and having approved the legal findings recommended by staff, does hereby ordain as follows:

- A) Add Chapter's 17.41 and 17.46 to Title 17, Zoning, of the Corning Municipal Code to read as follows:

**Chapter 17.41**

**LLR- Large Lot Residential Combining District**

**Sections:**

- 17.41.010**      **Generally**
- 17.41.020**      **Purpose**
- 17.41.030**      **Permitted uses in LLR Combining District**
- 17.41.040**      **Minimum height, bulk and space requirements**
- 17.46.070**      **Development and occupancy standards**

**17.41.010 Generally:** This district classification is intended to be applied in lands classified as Large Lot Residential in the General Plan. The following regulations shall apply in all districts with which are combined LLR districts in addition to the regulations specified in this title, and shall be subject to the provisions of Sections 17.04.060 and 17.04.070 and Chapter 17.50 of this title; provided, however, that if any of the regulations specified in this chapter differ from any corresponding regulations specified in this title for any district with which the LLR district is combined, then in such case the provisions of this chapter shall apply.

**17.41.020 Purpose:** The LLR Combining District has been established to provide living environments receiving minimal urban services and located in areas characterized and containing agricultural characteristics, and located within or in close proximity to lands categorized as floodplain and flood hazard areas.

**17.41.030 Permitted uses in LLR Combining District:**

- A. All uses permitted in the respective district with which the LLR district is combined.
- B. Animal husbandry and the keeping of livestock and other animals not considered domestic pets such as dogs and cats, at a rate of one animal per half acre of land contained within the parcel.

**17.46.060 Minimum height, bulk and space requirements:** In an LLR Combining District the minimum height, bulk and space requirements shall be as follows:

- A. Lot area, two acres;
- B. Lot width, one hundred feet;
- C. Maximum building coverage, forty-five percent of lot area. Minimum width of any residential structures twenty feet;
- D. Front yard, twenty feet;
- E. Side yard shall be not less than twenty feet for each side yard.
- F. Rear yard shall not be less than thirty feet;
- G. Building height limit, two and one-half stories, but not to exceed thirty-five feet.

**Chapter 17.46**

**AH- Alternative Housing Combining District**

**Sections:**

- 17.46.010**      **Generally**

<b>17.46.020</b>	<b>Purpose</b>
<b>17.46.030</b>	<b>Applicability</b>
<b>17.46.040</b>	<b>Definitions</b>
<b>17.46.050</b>	<b>Permitted uses in AH Combining District</b>
<b>17.46.060</b>	<b>Minimum height, bulk and space requirements</b>
<b>17.46.070</b>	<b>Development and occupancy standards</b>

**17.46.010 Generally:** The AH Combining District should be utilized on a limited basis to provide and accommodate only the need for identified homeless populations within the City limits. The location of the district should be in the proximity to transit, job centers, and public and community services.

**17.46.020 Purpose:** The AH Combining District has been established to achieve the following purposes:

A. To assure that the City of Corning is in compliance with the California Housing Accountability Act by providing a Zoning District that permits the establishment of Emergency Shelters and Transitional and Supportive Housing as a permitted use.

B. To define and provide development standards for the establishment of Emergency Shelters and Transitional and Supportive Housing.

C. To provide protection against haphazard and unattractive development by implementing visual design guidelines.

**17.46.030 Applicability:** In any district with which the AH Combining District is applied the regulations of this chapter shall apply, in addition to those specified in this title for such district; provided, that if conflict in regulations occurs, the regulations of this chapter shall govern.

**17.46.040 Definitions:** The following are defined pursuant to Government Code Section 65582:

**Emergency Shelter:**

“Emergency Shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of inability to pay.

**Transitional Housing:**

“Transitional Housing” means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program receipt at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

**Supportive Housing:**

“Supportive Housing” means housing with no limits on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

**Target Population:**

“Target Population” means persons with low-income who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with *Section 4500*) of the *Welfare and Institutions Code*) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of foster care system, individuals exiting from institutional settings, veterans, and homeless people.

**17.46.050 Permitted uses in AH Combining District:**

A. All uses permitted in the respective district with which the AH district is combined.

B. The establishment of Emergency Shelters, Transitional Housing, and Supportive Housing for a target population as defined in Section 17.46.040 of this code.

**17.46.060 Minimum height, bulk and space requirements:** In an AH Combining District the minimum height, bulk and space requirements shall be as follows:

- A. Lot area, one acre;
- B. Lot width, one hundred feet;
- C. Maximum building coverage, sixty-five percent of lot area. Minimum width of any residential structures twenty feet;
- D. Front yard, twenty feet;
- E. Side yard shall be not less than six feet for each side yard. Three feet shall be added to each required side yard for each story above the first floor of any building. The side yard on the street side of each corner lot shall not be less than ten feet. A twenty foot minimum side yard shall be required where a two-story residential structure will be located on a lot which abuts the rear yard of a single-family lot;
- F. Rear yard shall not be less than ten feet. An additional five feet shall be added to the required rear yard for each story over the first story of any building;
- G. Building height limit, two and one-half stories, but not to exceed thirty-five feet.

**17.46.070 Development and occupancy standards:** The following are development and occupancy standards for the establishment of Emergency Shelters, Transitional Housing, and Supportive Housing for a target population as defined in Section 17.46.040 of this code.

- A. The maximum number of persons allowed to occupy a bedroom is two;
- B. The maximum number of people allowed to occupy a group quarters room is ten.
- C. Each facility must have one full bathroom for every two bedrooms and two bathrooms for a group quarters room;
- D. The maximum stay at a facility shall not exceed State regulations;
- E. On-site client waiting and intake areas shall be located inside the building;
- F. A minimum of one manager, in addition to security personnel, shall be on duty and remain on-site during intake hours;
- G. Security personnel at a rate of one per every ten bedrooms, or one per every two group quarters room shall be provided on-site at all times;
- H. A minimum of one covered parking for every two bedrooms, two for every group quarters, and one covered parking space for each employee of the facility must be provided;
- I. Exterior lighting for the parking area and entire outdoor area of the facilities must be provided. Exterior lighting shall be stationary, and shall be directed away from adjacent properties and public right-of-ways;
- J. Architectural design of any structure constructed must comply with the design guidelines as described in the Highway 99W Corridor Specific Plan and must be approved by the Planning Commission prior to issuance of a building permit;
- K. The exterior boundaries of developed structures must be landscaped and fenced per a landscape plan approved by the Planning Commission;
- L. All structures, landscaping, and exterior lighting must be properly maintained at all times. Failure to properly maintain the facilities will result in revocation of the Certificate of Occupancy by the Planning Commission and closure of the facilities;
- M. Cooking and kitchen facilities are prohibited in bedrooms and group quarters and only permitted in designated kitchen areas;
- N. Prior to issuance of a Certificate of Occupancy the applicant or operator of the facility must submit a Management and Operation Plan for review and approval by the Planning Commission. Any changes to the Management and Operation Plan must be submitted to the Planning Commission for review and approval.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Corning held on **February 9, 2016**, and adopted at a regular meeting of the City Council of the City of Corning, held \_\_\_\_\_, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

This Ordinance shall take effect and be in force thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage, it or a summary of it, shall be published once, with the names of Council persons voting for and against the same, in a newspaper of general circulation in the County of Tehama.

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

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

\_\_\_\_\_  
**STATE OF CALIFORNIA**

**COUNTY OF TEHAMA**

**CITY OF CORNING**

I, Lisa M. Linnet, City Clerk of the City of Corning do hereby certify that the foregoing is a true and correct copy of Ordinance No. 662. This Ordinance was introduced at a regular meeting of the City Council of the City of Corning held on February 9, 2016 and adopted at a regular meeting of the City Council of the City of Corning held on \_\_\_\_\_ by the votes listed on the attached copy of the Ordinance. Ordinance No. 662 was published in a newspaper of general circulation within the required legal time lines.

**ATTEST:**

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

**Published:**

**ITEM NO: G-6  
ORDINANCE 663 AND ORDINANCE  
SUMMARY, AN ORDINANCE TO ADD  
CHAPTER 3.21 TO THE CORNING  
MUNICIPAL CODE TO IMPOSE A  
TRANSACTIONS AND USE TAX (Second  
Reading)**

**February 23, 2016**

**TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS**  
**FROM: KRISTINA MILLER, CITY MANAGER**  
**JODY BURGESS, CITY ATTORNEY**

**SUMMARY:**

At the January 18<sup>th</sup> City Council Meeting, Council chose to proceed with the action recommended by the Ad-Hoc Committee to initiate a ballot measure for a Supplemental Sales Tax. In response, City Staff began compiling and processing the necessary pre-election documents required to submit to the County Elections Department by their deadline of March 11, 2016. As part of these documents, Council must conduct the second reading and adopt the attached Ordinance No. 663 (with a correction to wording in Exhibit A, Section 3.21.17: Use of Funds that was noted at the February 9, 2016 City Council Meeting) and associated Ordinance Summary (for publication). The timeline for the proposed tax implementation, and if passed, receipt of first tax revenue is listed below:

- February 9, 2016: Adopt Ordinance 663 and associated Summary Ordinance.
- March 11, 2016: All Sales Tax Measure Documents delivered to County Elections Department.
- June 7, 2016: Presidential Primary Election.
- October 1, 2016 "Operative Date": If measure is approved by a majority of voters, first day sales tax is assessed.
- Late March 2017: City receives first quarterly ½ cent sales tax payment for the fourth quarter of 2016.

**BACKGROUND:**

A general transaction and use tax (sales tax) measure was chosen over a special tax, as a general sales tax only requires a majority of the electorate voting in an election for passage. A special tax requires a 2/3 majority.

**Need:** Sales tax revenue in the last two years has not outpaced inflation. As a result, the Fund Balance for the City declined by \$185,515 to \$1,102,812 at June 30, 2015. It is projected the Fund Balance will decline further by \$565,966 to \$536,846 by June 30, 2016.

To accommodate the reduction in revenue, the City has already implemented the following in the General Fund:

- Not filled vacancies.
- Continued the contract with the Planning Consultant.
- Refinanced PERS Side Fund Debt for a savings of \$50,000 in total to the General Fund and non-General Fund.
- Approved Lease with Verizon Wireless for a cell tower in Clark Park which generates \$16,000 per year.

Since Police, Fire, and Public Works constitute 63%, 14%, and 10% of the General Fund, respectively, it is difficult to reduce costs without affecting essential services, especially since the Fire Department is largely operated by volunteers.

Based on current per capita consumption rates, Hinderliter de Llamas and Associates (HdL) estimate a ½ cent sales tax would generate approximately \$1,006,000 the first year, and approximately \$1,115,000 in subsequent years. A ½ cent sales tax is proposed. Individually a consumer would pay an additional “penny” for every \$2.00 purchase.

**CITY FISCAL IMPACT:**

There will be a cost associated with the preparation of the tax measure for the June 2016 ballot. Estimated election costs to place the sales tax measure on the ballot are estimated between \$7,000 and \$11,000. The City will not know the actual cost until after the election is conducted.

**RECOMMENDATION:**

**MAYOR AND CITY COUNCIL ADOPT THE FOLLOWING:**

- 1.) ORDINANCE NO. 663 AND ASSOCIATED ORDINANCE SUMMARY, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORNING MOVING TO ADD CHAPTER 3.21 TO THE CORNING MUNICIPAL CODE TO IMPOSE A TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION UPON APPROVAL BY A MAJORITY OF THE VOTING ELECTORATE FOR THE CITY OF CORNING.**

**Ordinance No.: 663**  
**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORNING**  
**MOVING TO ADD CHAPTER 3.21 TO THE CORNING MUNICIPAL CODE TO**  
**IMPOSE A TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE STATE**  
**BOARD OF EQUALIZATION UPON APPROVAL BY A MAJORITY OF THE VOTING**  
**ELECTORATE FOR THE CITY OF CORNING**

**WHEREAS**, pursuant to California Revenue and Taxation Code Section 7285.9 the City of Corning ("City") has the authority to levy a Transactions and Use Tax for general purposes; and

**WHEREAS**, the City would like to levy a one-half of one percent (0.50%) Transactions and Use Tax for general purposes to fund essential City services; and

**WHEREAS**, the City believes only a locally-approved voter funding source would guarantee that new revenue stays in Corning to help the City continue to provide essential services to its residents while addressing a growing budget deficit; and

**WHEREAS**, the City's Transactions and Use Tax Ordinance will be added to the Corning Municipal Code as Chapter 3.21; and

**WHEREAS**, the City plans to submit a ballot measure to the voters for a majority vote to authorize the Transactions and Use Tax at a special election on June 7, 2016, which would be consolidated with the Statewide Primary Presidential Election.

---

**NOW, THEREFORE**, The City Council of the City of Corning does hereby ordain as follows:

**Section 1: Title**

The Ordinance No. 663 is to be introduced to the voting electorate and shall be known as the Corning Transactions and Use Tax Ordinance of 2016. This Ordinance shall be applicable in the incorporated territory of the City of Corning.

**Section 2: Addition**

Upon approval by the voters, Chapter 3.21 will be added to the Corning Municipal Code to read in full as set forth in the attached Exhibit "A," which is incorporated into this Ordinance as though fully set forth herein, and is hereby enacted by the City Council subject to Section 4 of this Ordinance.

**Section 3: Operative Date**

"Operative Date" of the Corning Transactions and Use Tax Ordinance of 2016 means the first day of the first calendar quarter commencing more than 110 days after the adoption of the Ordinance by the voting electorate, the date of such adoption being as set below.

**Section 4: Approval by the Voters**

The Corning Transactions and Use Tax Ordinance of 2016 shall be submitted to the voters at a special election to be held on June 7, 2016, which is a consolidated election with the Statewide Primary Presidential Election. Upon approval by a majority of the voters of the City voting on this Ordinance, a Transactions and Use Tax shall be authorized and thereby ordained by the People of the City of Corning.

**Section 5: Severability**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

---

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Corning held on **January 26, 2016**, and adopted at a regular meeting of the City Council of the City of Corning, held \_\_\_\_\_, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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

**ATTEST:**

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

**Summary Published: February 4<sup>th</sup> and 18<sup>th</sup>, 2016**

**“EXHIBIT A”**

**TRANSACTIONS AND USE TAX (SALES TAX) ORDINANCE OF 2016 ADDING  
CHAPTER 3.21 TO THE CORNING MUNICIPAL CODE**

<b>SECTION 3.21.010</b>	<b>TITLE</b>
<b>SECTION 3.21.020</b>	<b>OPERATIVE DATE</b>
<b>SECTION 3.21.030</b>	<b>PURPOSE</b>
<b>SECTION 3.21.040</b>	<b>CONTRACT WITH STATE</b>
<b>SECTION 3.21.050</b>	<b>TRANSACTIONS TAX RATE</b>
<b>SECTION 3.21.060</b>	<b>PLACE OF SALE</b>
<b>SECTION 3.21.070</b>	<b>USE TAX RATE</b>
<b>SECTION 3.21.080</b>	<b>ADOPTION OF PROVISIONS OF STATE LAW</b>
<b>SECTION 3.21.090</b>	<b>LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES</b>
<b>SECTION 3.21.10</b>	<b>PERMIT NOT REQUIRED</b>
<b>SECTION 3.21.11</b>	<b>EXEMPTIONS AND EXCLUSIONS</b>
<b>SECTION 3.21.12</b>	<b>AMENDMENTS</b>
<b>SECTION 3.21.13</b>	<b>ENJOINING COLLECTION</b>
<b>FORBIDDEN</b>	
<b>SECTION 3.21.14</b>	<b>SEVERABILITY</b>
<b>SECTION 3.21.15</b>	<b>EFFECTIVE DATE</b>
<b>SECTION 3.21.16</b>	<b>AUDIT</b>
<b>SECTION 3.21.17</b>	<b>USE OF FUNDS</b>
<b>SECTION 3.21.18</b>	<b>TERMINATION DATE AND NO REVOCATION</b>

**The City Council and the people of the City of City of Corning do ordain as follows:**

**SECTION 3.21.010: TITLE**

This Ordinance shall be known as the City of Corning Transactions and Use Tax Ordinance of 2016. The City of Corning hereinafter shall be called "City." This Ordinance shall be applicable in the incorporated territory of the City.

**SECTION 3.21.020: OPERATIVE DATE**

In accordance with California Government Code, Section 26292.4, the "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this Ordinance.

**SECTION 3.21.030: PURPOSE.**

This Ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes as enacted by the people of the City of Corning:

- A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax Ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.
- B. To adopt a retail transactions and use tax Ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.
- C. To adopt a retail transactions and use tax Ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.
- D. To adopt a retail transactions and use tax Ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this Ordinance.

**SECTION 3.21.040: CONTRACT WITH STATE**

Prior to the operative date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax Ordinance; provided, that if the City has not contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

**SECTION 3.21.050: TRANSACTIONS TAX RATE**

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of one-half of one percent (0.50%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this Ordinance.

**SECTION 3.21.060: PLACE OF SALE**

For the purposes of this Ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

**SECTION 3.21.070: USE TAX RATE**

An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this Ordinance for storage, use or other consumption in said territory at the rate of one-half of one percent (0.50%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

**SECTION 3.21.080: ADOPTION OF PROVISIONS OF STATE LAW**

Except as otherwise provided in this Ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this Ordinance as though fully set forth herein.

**SECTION 3.21.090: LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES**

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code;

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when;

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Ordinance.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

(a.) Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

(b.) Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

**SECTION 3.21.10: PERMIT NOT REQUIRED**

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this Ordinance.

### **SECTION 3.21.11: EXEMPTIONS AND EXCLUSIONS**

- A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.
- B. There are exempted from the computation of the amount of transactions tax the gross receipts from all of the following:
1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.
  2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:
    - a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is in fact, his or her principal place of residence; and
    - b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.
  3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this Ordinance.
  4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this Ordinance.
  5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
- C. There are exempted from the use tax imposed by this Ordinance, the storage, use or other consumption in this City of tangible personal property;
1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered Transactions and Use Tax Ordinance.
  2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the

exemptions provided In Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this Ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this Ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this Ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

### **SECTION 3.21.12: AMENDMENTS**

All amendments subsequent to the effective date of this Ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this Ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this Ordinance.

### **SECTION 3.21.13: ENJOINING COLLECTION FORBIDDEN**

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this Ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

**SECTION 3.21.14: SEVERABILITY**

If a court determines that any provision of this Ordinance or the application thereof to any person or circumstance is invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected by such determination.

**SECTION 3.21.15: EFFECTIVE DATE**

This Ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately; however, no tax imposed by this Ordinance shall be effective unless that tax has been approved by a majority of the voters of the City of Corning.

**SECTION 3.21.16: AUDIT**

The proceeds of this tax imposed pursuant to this Ordinance, as well as the expenditure thereof, shall be audited annually by an independent accounting firm.

**SECTION 3.21.17: USE OF FUNDS**

The proceeds of the taxes imposed by this Ordinance shall be deposited in the general fund for the City of Corning and may be used for existing police and fire services, or any other lawful municipal purpose. These taxes are not special taxes as defined under Article XIIC of the California Constitution and the California Government Code Sections 53721 and 53721.5, which provides that transaction and use taxes are general taxes unless declared a special tax transaction or placed in a fund other than the general fund. The taxes to be levied pursuant to this Ordinance are general taxes.

**SECTION 3.21.18: TERMINATION DATE AND NO REVOCATION**

The authority to levy the Transaction and Use Tax imposed by this Ordinance shall have no termination date, but remains subject to the law of amendment and repeal of an Ordinance. The passage of this Ordinance does not repeal or revoke the authority and imposition of a sales tax under Chapter 3.20 (Sales and Use Tax) of the Corning Municipal Code, which shall remain in place and effective.

**SUMMARY OF ORDINANCE NO. 663**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORNING  
ADDING CHAPTER 3.21 OF THE CORNING MUNICIPAL CODE TO  
IMPOSE A ONE-HALF CENT TRANSACTION AND USE TAX AS A  
GENERAL TAX TO BE ADMINISTERED BY THE STATE BOARD OF  
EQUALIZATION UPON APPROVAL BY A MAJORITY OF THE VOTING  
ELECTORATE FOR THE CITY OF CORNING**

An Ordinance seeking to introduce for passage a one-half cent Transactions and Use Tax (Sales Tax) as a general tax administered under local and State law to be put to the electorate of the City of Corning for repeal or passage by the electorate at the June 7, 2016 Primary Presidential Election.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Corning held on January 26, 2016, and adopted at a regular meeting of the City Council of the City of Corning, held \_\_\_\_\_, by the following vote:

A full copy of the Ordinance and associated Exhibit "A" is posted in the office of the City Clerk at 794 Third Street, Corning, CA.

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

**Published: Thursday, February 18, 2016**

**ITEM NO.: G-7  
APPROVE ADDENDUM NO. 1 LIVESTOCK  
GRAZING LEASE WITH NORMAN D. OILAR  
OF LEMOORE, CALIFORNIA; AIRPORT  
LANDS**

**FEBRUARY 23, 2016**

**TO: CITY COUNCIL OF THE CITY OF CORNING, CALIFORNIA**  
**FROM: KRISTINA MILLER, CITY MANAGER**   
**DAWN GRINE, PUBLIC WORKS DIRECTOR** 

**SUMMARY:**

Staff recommends the City Council approve the attached five-year Livestock Grazing Lease Addendum No. 1 with Norman D. Oilar. This Lease Agreement affects the lands north and east of the Corning Municipal Airport.

**BACKGROUND:**

Council initially approved a grazing lease with Mr. Norman D. Oilar in 2010. One purpose for the Lease was to control vegetation and thereby reduce the wildland fire potential from the open space "land use buffer areas" that surround the Airport. The grazing eliminates the need for Public Works personnel to mow throughout the spring and summer months. In consideration of that value, the past five year lease term agreed to a \$35.00 annual lease payment and a credit to diminish the fence repair cost so that at the end of the lease the Oilar's fence credit is extinguished and the fence would remain as a property improvement belonging to the City of Corning.

The Lease affected about 150 acres and was for a term of 5 years, with extensions by mutual agreement.

**APPROACH:**

Staff first contacted the Tehama County Agricultural Department to determine a fair lease rate for the dry winter rangeland. According to the Agricultural Department the current value is between \$7.00 to \$13.00/acre/year. The prior lease value began at \$7.92 per acre/year in 2011 and was raised to \$8.92 per acre/year for the 2012-2015 Agreement terms. Keeping the fair lease rate at \$8.92 an acre for the 150 acres is \$1,338.00 per year for the term of the five year Agreement extension.

**RECOMMENDATION:**

**That City Council:**

- **Approve Addendum No. 1 to Livestock Grazing Lease with Norman D. Oilar and,**
- **Authorize the City Manager to sign the Addendum on behalf of the City of Corning**

## ADDENDUM NO. 1 TO LIVESTOCK GRAZING LEASE

### I.

#### RECITALS

On January 1, 2011, the City of Corning, a general law city, and Norman D. Oilar entered into a Livestock Grazing Lease whereby the City of Corning agreed to lease to Mr. Oilar certain real property described in the Livestock Grazing Lease as Exhibit "A".

The term of the Livestock Grazing Lease (hereinafter "Lease") was for five years, beginning January 1, 2011, and ending five years thereafter.

Pursuant to Section 21 of the Lease, requires any modification or amendment to the Lease to be in writing and signed by the parties before it is made effective.

WHEREFORE the parties desire to continue operating under the Lease and hereby memorialize that understanding in the Addendum No. 1 to the Lease as follows:

### II.

#### AGREEMENT

*Effective Date:*

This Addendum is made effective January 1, 2016.

*Extension of Term:*

The term of the Lease shall be extended for an additional five years commencing on January 1, 2016, and ending five years thereafter on January 1, 2021.

*Modification of Section 4, Rent:*

During the extension term (January 1, 2016, through January 1, 2021) Tenant (Norman D. Oilar) shall pay to the City of Corning an annual grazing fee of \$1,338.00, which is payable on the last day of December on each calendar year of the extension term.

\_\_\_\_\_  
Kristina Miller, City Manager  
City of Corning, California  
(LANDLORD)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Norman D. Oilar  
(TENANT)

\_\_\_\_\_  
Date

**ITEM NO.: G-8  
APPROVE RESOLUTION NO. 02-23-2016-01  
AUTHORIZING THE SUBMITTAL OF  
APPLICATIONS TO THE DEPARTMENT OF  
RESOURCES RECYCLING AND RECOVERY  
BEVERAGE CONTAINER RECYCLING  
CITY/COUNTY PAYMENT PROGRAM AND  
RELATED AUTHORIZATIONS**

**February 23, 2016**

**TO: HONORABLE MAYOR AND COUNCIL MEMBERS**  
**FROM: KRISTINA MILLER, CITY MANAGER**   
**LISA M. LINNET, ADMINISTRATIVE ASSISTANT**

**SUMMARY:**

The City of Corning is fortunate that the Tehama County Solid Waste Management Agency acts as our regional partner in coordinating Solid Waste and Recycling issues and programs throughout the County. The Agency receives no direct funding through the City Budget.

The "JPA", will continue to manage the funds and prepare on behalf of the City, all the applicable funding and reporting reports, as they currently do, to the Department of Resources, Recycling, and Recovery (CalRecycle) for the Beverage Container Recycling City/County Payment Plan. However, the City will be required to designate an authorized signatory to review and sign these reports. The proposed Resolution also stipulates that it is effective for a five (5) year period from the date of adoption.

The Tehama County Solid Waste Management Agency uses the funds to implement and promote AB 939 Programs, beverage container recycling programs, and fund litter cleanup efforts on behalf of the Cities and County. If the City would like to continue to apply for the funds, the attached Resolution will need to be approved by the City Council and submitted with the funding request, which will be due in early June. The Tehama County Solid Waste Management Agency will prepare the funding requests for the jurisdictions.

**RECOMMENDATION:**

**MAYOR AND COUNCIL APPROVE:**

- **RESOLUTION NO. 02-23-2016-01, A RESOLUTION OF THE CITY OF CORNING AUTHORIZING THE TEHAMA COUNTY SOLID WASTE MANAGEMENT AGENCY TO SUBMIT A REGIONAL APPLICATION TO THE DEPARTMENT OF RESOURCES, RECYCLING, AND RECOVERY FOR A FISCAL YEAR 2015/2016 BEVERAGE CONTAINER RECYCLING CITY/COUNTY PAYMENT PROGRAM: AND**
- **DESIGNATE AUTHORIZED SIGNATORIES TO EXECUTE ALL DOCUMENTS NECESSARY TO IMPLEMENT AND SECURE PAYMENT.**

**RESOLUTION No.: 02-23-2016-01**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORNING AUTHORIZING THE SUBMITTAL OF APPLICATIONS TO THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY BEVERAGE CONTAINER RECYCLING CITY/COUNTY PAYMENT PROGRAM AND RELATED AUTHORIZATIONS**

**WHEREAS**, pursuant to Public Resources Code sections 48000 et seq., 14581 and 42023.1(g), the Department of Resources Recycling and Recovery (CalRecycle) has established various payment programs to make payments to qualifying jurisdictions; and

**WHEREAS**, in furtherance of this authority, CalRecycle is required to establish procedures governing the administration of the payment programs; and

**WHEREAS**, CalRecycle's procedures for administering payment programs require, among other things, an applicant's governing body to declare by Resolution certain authorizations related to the administration of the payment program.

**NOW, THEREFORE BE IT RESOLVED** that the City of Corning is authorized to submit an application to CalRecycle for the Beverage Container Recycling City/County Payment Program; and

**BE IT FURTHER RESOLVED** that the City Manager, or his/her designee, is hereby authorized as Signature Authority to execute all documents necessary to implement and secure payment; and

**BE IT FURTHER RESOLVED** that this Resolution is effective for five (5) years from its date of adoption.

—————  
The foregoing Resolution was passed by the City Council of the City of Corning, this 23rd day of February 2016.

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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

**ATTEST:**

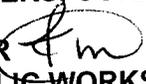
\_\_\_\_\_  
**Lisa M. Linnet, City Clerk**

I, Lisa M. Linnet, City Clerk of the City of Corning, California, DO HEREBY CERTIFY that the foregoing Resolution (Resolution 02-23-2016-01) was duly introduced, approved and adopted by the City Council of the City of Corning at a regular meeting of said Council held on the 23rd day of February, 2016 by the votes listed above.

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

**ITEM NO.: J-9  
APPROVE THE CONTRACT INCLUDING  
ADDENDUM NO. 1 WITH LAWRENCE  
AND ASSOCIATES TO IMPLEMENT AND  
CONDUCT THE GROUNDWATER  
INVESTIGATION FOR FORMER  
DISPOSAL SITE AT RAWSON ROAD  
AND CARONA AVE.**

**FEBRUARY 23, 2016**

**TO: MAYOR AND CITY COUNCILMEMBERS, CORNING CALIFORNIA**  
**FROM: KRISTINA MILLER, CITY MANAGER**   
**DAWN GRINE, DIRECTOR OF PUBLIC WORKS** 

**SUMMARY:**

Staff recommends the City Council authorize the City Manager to approve the attached Contract including Addendum No. 1 with Lawrence and Associates so that they may implement the groundwater investigation for the former Disposal Site at Rawson Road and Carona Avenue.

Lawrence and Associates have presented a two phase proposal. The work proposed by Lawrence and Associates would include drilling and testing an initial monitoring well that they would identify as MW-1 and it would be constructed at the location of a previous soil gas monitoring point known as GP-3. If testing of MW-1 groundwater shows no contamination, then the proposed wells MW-2 through MW-4 will not be needed. Lawrence and Associates will then prepare and submit a final report to the Department of Toxic Substance Control.

Phase 1 of the proposal is the construction and monitoring of MW-1 for an estimated Contract cost of \$13,656. If MW-1 does not produce favorable monitoring results then Phase 2 of the proposal would require implementation. Phase 2 would entail the construction and monitoring of wells MW-2 through MW-4 which would require an additional \$34,540.

**BACKGROUND:**

On March 11, 2014, the City Council authorized the City Manager to sign a Contract for professional services with Lawrence and Associates to complete soils testing on the site of the former City-owned disposal site. The March 11<sup>th</sup> approval included a maximum contract amount of \$19,820. This portion of work is complete and came under budget by \$1,399.74.

By letter dated September 30, 2014, the Department of Toxic Substances Control (DTSC) requested additional work be completed to track certain specific contaminants. An amendment was added to the Lawrence and Associates contract to perform the additional work for a cost of \$1,000 by Council action on March 10, 2015. As it turns out, Lawrence and Associates came under budget and the additional funding was not necessary.

By letter dated November 19, 2015, the DTSC approved the Work Plan with a list of conditions which were subsequently implemented as a Revised Work Plan provided by Lawrence and Associates.

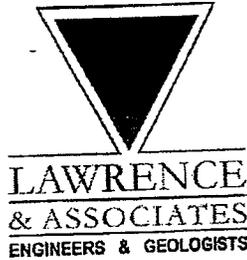
**BUDGET:**

The City of Corning relies on groundwater as its sole source of drinking water. Since pollutant migration could affect groundwater, and since groundwater flows eastward toward the City of Corning, Staff recommends we utilize funds from the City's Water Enterprise Fund to complete this work.

**STAFF RECOMMENDATION:**

**That City Council:**

- 1. Approve the Contract including Addendum No. 1 with Lawrence and Associates to implement and conduct the groundwater investigation for the former Corning Disposal Site at Rawson Road and Carona Avenue in accordance with the Revised Work Plan for the amount of \$13,656 for stated Phase 1 work;**
- 2. Approve stated Phase 2 work of the proposed Contract in the amount of \$34,540 only if MW-1 does not reveal favorable monitoring results; and**
- 3. Approve the expenditure of up to \$13,656 from Fund 630 (Water Enterprise Pooled Cash) for the groundwater investigation of the Corning Disposal Site not to exceed \$48,196 if Phase 2 of the proposed Contract must be implemented.**



**AUTHORIZATION AND CONTRACT FOR PROFESSIONAL SERVICES**

**Date:** December 3, 2015      **Project Number:** P13112.01  
**Project Name:** Groundwater Investigation of Corning City Disposal Site, Rawson Road and Corona Avenue, Corning, California  
**Client:** City of Corning      Attn: Mr. John Brewer  
 794 Third Street  
 Corning, CA 96021  
**Telephone:** (530) 824-7034      **Email:** jbrewer@corning.org

*Client hereby requests and authorizes Lawrence & Associates to perform the following services:* Install, test, and report results for groundwater monitoring wells, up to two events.

*Compensation to be on the basis of:* Time and expense, not to exceed the totals shown below unless authorized by the Client, and if additional work is required and directed by the Client, in accordance with the Fee Schedule, **Attachment A**. If this project requires a prevailing wage rate, the estimated cost for our work assumes Tehama County's prevailing wage rates of \$15.98/hour for well drillers and \$13.61/hour for well driller's helpers.

Tasks may be authorized separately; initial to authorize tasks:

Task 1 – MW-1 Well Installation/Testing/Reporting, \$13,656 \_\_\_\_\_  
 Task 2 – MW-2 thru -4 Well Installation/Testing/Reporting, \$34,540 \_\_\_\_\_

**This authorization subject to PROVISIONS on following page.**

<b>By</b>	_____	<b>By</b>	_____
<b>Title</b>	_____	<b>Title</b>	_____
<b>Address</b>	794 Third Street Corning, CA 96021	<b>Date</b>	_____
<b>Date</b>	_____	<b>P.M.</b>	Bryan W. Gartner
<b>Tax IDs</b>	_____		

**This cost estimate shall be valid for a period of 90 days after date of issue**

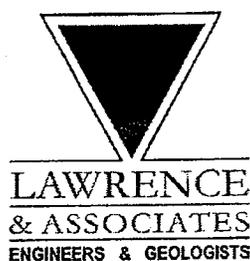
## PROVISIONS

1. **Authorization to Proceed** Signing this form shall be construed as authorization by Client for Lawrence & Associates (L&A) to proceed with the work unless otherwise provided for herein.
2. **Direct Expenses** L&A's direct expenses shall be those costs incurred on or directly for the Client's Project, including, but not limited to, necessary transportation costs such as mileage, meals, lodging, laboratory tests and analyses, computer services, telephone, printing, and binding charges. Reimbursement for these expenses shall be on the basis of the attached Schedule of Fees.
3. **Outside Services** When technical and professional services and subcontracted labor and equipment are furnished by an outside source, reimbursement for these expenses shall be on the basis of the attached Schedule of Fees. L&A may require the client to contract and pay for these services directly.
4. **Professional Standards** L&A shall be responsible to the level of competency presently maintained by other practicing professional engineers in the same type of work in Client's community, for the professional and technical soundness, accuracy, and adequacy of all designs, drawings, specifications, and other work and materials furnished under this Authorization. L&A and/or David A. Lawrence, Inc. makes no other warranty, express or implied.
5. **Termination** Either Client or L&A may terminate this Authorization by giving 30 days written notice to the other party. In such event, Client shall immediately pay L&A in full for all work previously authorized and performed prior to effective date of termination. If no notice of termination is given, relationships and obligations created by this Authorization shall be terminated upon completion of all applicable requirements of this Authorization, except for the provisions of paragraphs 4, 6, 7, and 8, which shall continue in effect as provided by law.
6. **Arbitration** All claims disputes, and other matters in question arising out of, or relating to, this Authorization or the breach thereof may be decided by arbitration. Either Client or L&A may initiate a request for such arbitration. No arbitration arising out of, or relating to, this Authorization may include, by consolidation, joinder, or in any other manner, any additional party not party to this Authorization.
7. **Hold Harmless** Client agrees at all times to defend, indemnify, hold harmless, and provide all legal defense and related services to L&A and/or David A. Lawrence, Inc., its officers, agents and/or employees (hereinafter collectively "Lawrence") for any and all claims, expenses, demands, causes of action, liability, loss or injury regardless of their nature or character in any manner whatsoever arising out of (1) any third person's use or reliance on the work performed under this agreement, (2) any alleged or proven act or omission of Lawrence, or (3) any litigation or arbitration or the like regarding the work performed under this agreement involving third persons not parties to this agreement and L&A and/or David A. Lawrence, Inc.
8. **Litigation** Liability for damages proximately caused by L&A and/or David A. Lawrence, Inc. resulting from breach or improper performance of this agreement shall be limited to cancellation of the sums due and owing or recovery of the sums already paid to L&A by Client. In the event the Client makes a claim against L&A and/or David A. Lawrence, at law or otherwise, for any alleged error, omission or other act arising out of performance of our professional services, and the Client fails to prove such claim, then the Client shall pay all costs incurred by L&A in defending itself against the claim. All attorneys fees and other legal fees spent by L&A to recover contracted costs shall be paid by the Client.
9. **Jurisdiction** Any action filed regarding this Authorization must be filed with the Superior Court of the County of Shasta, California. Any subsequent agreement shall be deemed to have been entered into in Shasta County, California; all questions of the validity, interpretation or performance of any of its terms or of any rights or obligations of the parties to the Authorization shall be governed by California law.
10. **Electronic / Facsimile Transmittal** An electronic or facsimile transmittal of this signed authorization shall be deemed to be as an original.
11. **Severability** If any portion of this Authorization is found to be invalid, the remaining provisions shall not be invalidated and shall remain in full force and effect.
12. **Authorization Preparation** It is agreed and understood by the parties that this Authorization has been arrived at through negotiation and that neither party is to be deemed the party which created any uncertainty in this Authorization within the meaning of Civil Code section 1654.
13. **Payment Terms** Unless stated in writing, all invoiced charges are due in full within 10 days of the invoice date.
14. **Stop Work** Unless otherwise stated, if invoiced charges are not paid within 30 days of the invoice date, at our election, we will stop all work until the account is brought current, or we will withdraw from this Authorization. Client acknowledges and agrees that we are not required to continue work in the event of Client's failure to pay on a timely basis for services rendered as required by this Authorization. Client further acknowledges and agrees that in the event we stop work or withdraw from this engagement as a result of Client's failure to pay on a timely basis for services rendered as required by this Authorization, we shall not be liable to Client for any damages that occur as a result of our ceasing to render services.
15. **Service Charges & Collection Fees** Invoiced charges not paid within 30 days of the invoice date will be assessed a 1.5% service charge per month or the maximum allowed by law. The service charge will be assessed on the full balance owing, including past services charges. Returned checks will be assessed a \$20 returned-check fee or the maximum allowed by law. If L&A incurs any fees associated with collecting past-due amounts from Client, the Client shall be liable for those fees and they will be added to the balance owing.

### End of provisions

By signing below, the undersigned represents that he/she understands the foregoing terms of the contract and hereby agrees to the same.

Signed \_\_\_\_\_



**ATTACHMENT A-SCHEDULE OF FEES**  
EFFECTIVE JANUARY 1, 2015

**Professional Services**

<b>Engineering Geologist/Hydrogeologist</b>	
Principal .....	\$150/hour
Senior .....	\$125/hour
Associate .....	\$110/hour
Staff .....	\$100/hour
Assistant .....	\$95/hour
<b>Engineer</b>	
Principal Engineer .....	\$155/hour
Senior Registered Civil .....	\$130/hour
Associate Civil .....	\$120/hour
Assistant Civil .....	\$100/hour
Engineering Technician .....	\$85/hour
Project Manager .....	\$125/hour
Environmental Assessor .....	\$110/hour
AutoCAD Operator (Level I) .....	\$80/hour
AutoCAD Operator (Level II) .....	\$70/hour
Field Technician .....	\$85/hour
Laborer .....	\$65/hour
Surveyor .....	\$80/hour
Tank Fund Administrator .....	\$65/hour
Clerical .....	\$65/hour
Word Processor .....	\$65/hour

**Deposition and Court Appearances**

Minimum charge .....	\$1400 part or full day
Deposition Rate .....	\$185/hr
Preparation at consulting-service rates .....	as listed above

**Drilling Services (CME-55 drilling rig)**

7-5/8 and 9-5/8-inch OD augers with operator and helper .....	(See drilling schedule of fees)
Mobilization .....	

**Other In-House Equipment**

Test pumps (submersible, through 5 HP) .....	quoted/job
Campbell 21X data loggers w/ transducers (water and gas) .....	quoted/job
Conductivity, oxygen, temperature and dissolved oxygen probes .....	quoted/job
Meteorological station (wind direction and velocity) .....	quoted/job
Gas-extraction and air-monitoring pumps .....	quoted/job
Mileage .....	\$0.70
Mileage (drilling rig) .....	\$1.00
Per diem (per person/day; may vary dep. upon location) .....	\$120+/day
Level D protection (per person/day) .....	\$30/day
Level C protection (per person/day) .....	\$50/day
Survey equipment (per day) .....	\$50/day
GPS Survey (per day) .....	\$150/day

**Expenses, Materials, Outside Services**

(All direct-job related expenses: reproduction, rental equipment, materials, subcontracted labor and equipment) .....	at cost + 15%
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**LAWRENCE  
& ASSOCIATES**  
ENGINEERS & GEOLOGISTS

**ATTACHMENT A-SCHEDULE OF FEES (continued)**

**Drilling Services, (CME 55 Drilling Rig)**

4WD hollow stem auger with operator and helper .....	\$185/hour
Air rotary (includes compressor rental and fuel) .....	\$185/hour
Mud rotary .....	\$185/hour
Limited access rig .....	\$165/hour
Mobilization .....	\$160/hour
Extra helper/technician .....	\$85/hour

**In-House Equipment (provided at quoted prices)**

Test Pumps (submersible)	
1/3 - 1 HP .....	\$20/Day.\$80/Wk
3 - 5 HP .....	\$30/Day.\$120/Wk
Hot water pressure washer .....	\$110/Day.\$500/Wk
Generator .....	\$50/Day.\$200/Wk
Trace-Techtor organic vapor analyzer .....	\$50/Day.\$200/Wk

**Commonly Used Materials**

55-gallon drum w/lid .....	\$88.00/ea
Sample sleeves w/caps .....	\$10.00/ea
Draeger tubes .....	\$3.50/ea
Mileage (other than drill rig) .....	\$0.70/mile
Mileage (drill rig).....	\$1.00/mile
Level C protection (per person) .....	\$50.00/Day
Per diem (per person/per day) .....	\$120.00/Day
(Per diem cost may be more depending upon location)	

**Expenses, Materials, Outside Services**

Any other direct job related expenses, rental equipment, materials,  
subcontracted labor and equipment, etc..... at cost + 15%

**ADDITIONAL SERVICES AT NO EXTRA COST:**

- 2-inch split spoon samplers (sample sleeves extra)
- 3-inch split spoon samplers (sample sleeves extra)
- 2-inch Shelby samplers (sample sleeves extra)
- 3-inch Shelby samplers (sample sleeves extra)
- 140-lb. drop hammer
- Sampler breaking table

## Addendum No. 1 to Authorization and Contract for Professional Services

The following provisions (1-6) are modifications and additions to the **Authorization and Contract for Professional Services** between the City of Corning, California and Lawrence & Associates. All other provisions of the Authorization and Contract for Professional Services not changed or modified herein shall remain in full force and effect.

1. *Indemnity, Defense, and Hold Harmless by L&A.* L&A shall indemnify, defend, and hold City harmless for any liability, loss, injury, allegation, claim, cause of action, lawsuit, administrative allegation or other legal action arising out of any wrongful intentional act and/or the sole negligence of L&A, its agents and/or employees that causes injury to any person and/or property.
2. *Modification to Section 14 of the Agreement.* Section 14 of the Authorization and Contract for Professional Services is modified to reflect 20 days versus 15 days to effect payment of invoicing received by City from L&A. This change is made to ensure adequate time is given to City Council to pay bills with scheduled meetings occurring on every other Tuesday.
3. *Modification of Section 7 of the Agreement.* Section 7 of the Authorization and Contract for Professional Services is modified to strike items 7(2) and 7(3) from the agreement. For edification and explanation only, should L&A, its employee, and/or agent commit an intentional or gross negligent act to another while performing such work, that conduct and any claims and losses arising therefrom will not be the responsibility of City to indemnify, defend, or hold harmless L&A, its agent and/or employee.
4. *Requirement to Submit Reporting.* L&A shall submit duplicate copies to the City of all reporting sent to the Department of Toxic Substances Control.
5. *Cost Increase Greater than 5% of Contract Estimate.* Any increase in the cost estimate greater than 5% of the contract bid proposal shall first be submitted to City for review and approval.

6. *Last Paragraph.* This is the last paragraph of the Addendum No. 1 to the Authorization and Contract for Professional Services. The signature lines are immediately following this paragraph on page 2 of the Addendum.

Dated: \_\_\_\_\_

\_\_\_\_\_

Kristina Miller, City Manager  
Corning, California

Dated: \_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_  
Lawrence & Associates

**ITEM NO.: J-10  
APPROVE CITY POOL USER FEE INCREASES  
EFFECTIVE MARCH 1, 2016**

**February 23, 2016**

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

**FROM: KRISTINA MILLER, CITY MANAGER**  
**DAWN GRINE, PUBLIC WORKS DIRECTOR**



**SUMMARY:**

Staff recommends increases to the fees charged for use of the City Pool in Northside Park. The fee increases are recommended to partially offset the significant annual costs for City pool maintenance and operations.

Public Works Administrative Secretary Angel Garman completed a brief survey of pool fees charged by five neighboring communities; Red Bluff, Orland, Anderson, Willows and Durham. A copy of that survey is presented in spreadsheet form as Attachment "A". The spreadsheet includes columns showing our current fees, the new fees recommended by staff and The Recreation Commission, and the fees charged by the other cities. We also feel it is not necessary to charge separate fees for residential / non-residential, making entry more efficient for staff and guests.

**BACKGROUND:**

Since the pool is a recreational amenity or service provided to the citizens, we do not expect it will ever be self-sufficient or revenue neutral. However we believe user fees could be increased to somewhat close the gap between revenues and expenditures while maintaining parity with pool fees charged by other communities. The City last raised pool fees in May 2009.

**RECREATION COMMISSION:**

At the January 5, 2016 City of Corning Recreation Commission Meeting the Commissioners compared the current fees with the proposed fee increases. The Commissioners recommend to City Council the fee increase and for it to be effective before the upcoming swim season.

**RECOMMENDATION:**

**That City Council**

- **Approve the proposed Pool Fees as shown on Attachment "A" effective March 1, 2016 and,**
- **Authorize the Non-Resident Fees for Swim Lessons, Individual Season Pass and the Family Pass to be the same Fee Rate as the Resident Fees**

**POOL FEE SURVEY  
COMPLETED JULY 14, 2015  
Attachment "A"**

Service	Current Rate	Proposed Rate	Red Bluff 527-7211	Orland 865-1631	Anderson 378-6656	Willows 934-7043	Durham 345-9510
Swim Lessons- Resident (2 wk session)	\$20	\$30	\$30 first child \$28 additional child	\$35	\$35	\$25	\$41
Swim Lessons- Non Resident	\$25	<i>Eliminate - Same as Resident</i>	Same	Same	Same	Same	Same
Individual Season Pass - Resident	\$40	\$50	\$35	\$50	\$25	\$35	\$45
Individual Season Pass - Non Resident	\$45	<i>Eliminate - Same as Resident</i>	Same	Same	Same	Same	Same
Family Pass - Resident	\$65	\$75	\$120.00 (4)	\$80	\$70 up to 8 Immediate Family Only	\$60 up to 6 + \$10 ea additional person	\$100 up to 6 + \$5 ea additional person
Family Pass - Non Resident	\$70	<i>Eliminate - Same as Resident</i>	Same	Same	Same	Same	Same
Day Care Pass	\$100	\$130	\$150.00 (Group Home) (6)	Family Pass	N/A	N/A	N/A
Hourly Pool Rental	1-50 2 Guards \$45 50-100 3 Guards \$55 100-160 4 Guards \$65 Hourly	\$55 \$65 \$75 <i>Hourly</i>	\$60 per hr Large pool / \$25 per hr. Tiny Tot Pool (2 hr min) Additional guards for larger groups No Chemical Fee	1-49 \$45/hr. 50-74 \$55/hr. 75-99 \$70/hr. 99 + \$85/hr.	N/A	\$50 Admin Fee \$28.20 per hr Chemical Fee 1-50 2 Guards \$42 50-75 3 guards \$63 75-100 4 guards \$84 100-125 5guards \$105	2 hrs.(min.) \$100 + \$3 per guest 3 hrs.(max) \$150 + \$3 per guest
Adult Lap Swim Pass	\$45 (Season) \$2.00 (daily)	\$55 (Season)	\$2 (daily)	\$2 (daily)	\$5 Week	N/A	\$2
Daily Admission	Kids \$1.50 - Adults \$2	Kids \$2.00 - Adults \$3.00	\$2 / Seniors \$1	\$2 Big Pool / \$1 Baby Pool	\$2	\$2	\$2

**ITEM NO: J-11  
STATEMENT IN SUPPORT OF  
MEASURE A (1/2 CENT GENERAL  
SALES TAX MEASURE)  
FEBRUARY 23, 2016**

**TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS**  
**FROM: KRISTINA MILLER, CITY MANAGER**



**SUMMARY:**

At the January 18<sup>th</sup> City Council Meeting, Council chose to proceed with the action recommended by the Ad-Hoc Committee to initiate a ballot measure for a Supplemental Sales Tax. In response, City Staff began compiling and processing the necessary pre-election documents required to submit to the County Elections Department by their deadline of March 11, 2016. As part of these documents, Council must conduct the second reading and adopt the attached Ordinance No. 663 (with a correction to wording in Exhibit A, Section 3.21.17: Use of Funds that was noted at the February 9, 2016 City Council Meeting) and associated Ordinance Summary (for publication). The timeline for the proposed tax implementation, and if passed, receipt of first tax revenue is listed below:

- February 9, 2016: Adopt Ordinance 663 and associated Summary Ordinance.
- March 11, 2016: All Sales Tax Measure Documents delivered to County Elections Department.
- June 7, 2016: Presidential Primary Election.
- October 1, 2016 "Operative Date": If measure is approved by a majority of voters, first day sales tax is assessed.
- Late March 2017: City receives first quarterly ½ cent sales tax payment for the fourth quarter of 2016.

There is also an option to draft a statement in support of the sales tax measure (Measure A).

**BACKGROUND:**

City Attorney, Jody Burgess, and I drafted the attached draft "Statement in Support of Measure A". It is recommended two council members be appointed to amend the draft "Statement in Support of Measure A", provide it to legal counsel for legal review, and submit it to the County Elections Department by March 11<sup>th</sup> at the absolute latest. The "Statement in Support of Measure A" will be from the two City Council Members.

**RECOMMENDATION:**

**MAYOR AND CITY COUNCIL ADOPT THE FOLLOWING:**

- 1.) **APPOINT TWO CITY COUNCIL MEMBERS TO DRAFT THE "STATEMENT IN SUPPORT OF MEASURE A" TO BE REVIEWED BY LEGAL COUNSEL, AND SUBSEQUENTLY SUBMITTED TO THE COUNTY ELECTIONS DEPARTMENT BY MARCH 11<sup>TH</sup>.**

## **DRAFT**

### **Statement in Support of Measure A**

The City of Corning is presently facing a historic budget deficit caused by continual decreased sales tax revenue received by the City, and the continued expenditure of funds to ensure the City provides the level of services presently existing within the City. The City's general fund is the City's revenue source used to pay for police and fire services, and is a source of funds predominantly derived from sales tax revenues resulting from fuel sales occurring at the truck stops along the I-5 Corridor. Understanding that fuel prices fluctuate, the City built up its reserves to \$910,000 to create a rainy day fund to be used in difficult financial times. The continual decline in the price of fuel beyond anticipations and the lasting impacts of the Great Recession have created a condition of fiscal danger for the City, such that continuing to provide the level of services presently offered will deplete the City's reserves to zero by the end of fiscal year 2016/2017. In fiscal year 2015/2016 alone due to declining sales tax revenues, the City will run a \$535,000 budget deficit reducing its reserves to dangerously low levels, of which it cannot sustain. With a YES vote we can ensure the City's financial health and ability to maintain its services for police, fire and other general fund purposes. It is equally important to know how a YES vote would impact you personally. A YES vote means that if you were to buy \$2.00 of taxable items, you would pay a .01 cent tax as a result of passing this measure. A great portion of the revenue generated would come from users of the truck stops, as the majority of sales tax revenue is generated from fuel. A YES vote for Measure A will ensure the City of Corning receives sufficient sales tax revenue to continue providing the level of services offered and potentially build its reserve and allow for future improvements within the City.

**ITEM NO.: J-12  
A RESOLUTION AMENDING THE  
BALLOT MEASURE QUESTION  
PRESENTED IN RESOLUTION NO. 01-26-  
2016-01 AND DIRECTING THE CITY  
CLERK TO PROVIDE THE REVISED  
BALLOT MEASURE QUESTION TO THE  
TEHAMA COUNTY REGISTRAR OF  
VOTERS**

**February 23, 2016**

**TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS**

**FROM: KRISTINA MILLER, CITY MANAGER**   
**JODY BURGESS, CITY ATTORNEY**

**SUMMARY:**

At the January 18<sup>th</sup> City Council Meeting, Council chose to proceed with the action recommended by the Ad-Hoc Committee to initiate a ballot measure for a Supplemental Sales Tax. In response, City Staff began compiling and processing the necessary pre-election documents required to submit to the County Elections Department by their deadline of March 11, 2016. Resolution No. 01-26-2016-01 (A Resolution of the City Council of the City of Corning Declaring an Emergency Pursuant to Article XIII (C), Section 2 (B) of the California Constitution, Calling for the Placement of a General Tax Measure on the Ballot of the June 7, 2016, Presidential Primary Election to Adopt a Transactions and Use Tax, and Requesting that the County of Tehama Consolidate this Election with the Statewide Primary Presidential Election) was passed by the City Council on January 26, 2016. Upon further review of recently passed legislation, City Attorney, Jody Burgess recommends the ballot measure language in Resolution No. 01-26-2016-01 be slightly amended. The intent of the language remains the same.

**BACKGROUND:**

City Attorney, Jody Burgess, determined Resolution No. 01-26-2016-01 should be amended to reflect a change in the ballot measure question as a result of recently enacted legislation made effective in 2016 that addresses initiatives as more fully set forth in California Elections Code, Section 13119. While this legislation can be literally read to suggest it does not apply to the City of Corning's present ballot measure language, it is a position of caution to revise the ballot measure going forward. The City Attorney researched legislative history to determine the applicability of this legislation to the City of Corning's present efforts; however, it is void of any direction in this regard. The City Attorney has also looked at other potential cities or counties pursuing a special election and their reading of the statute; however, this too offers little direction.

Resolution No. 02-23-2016-02, if approved by the Council, amends Resolution No. 01-26-2016-01 ( A Resolution of the City Council of the City of Corning Declaring an Emergency Pursuant to Article XIII (C), Section 2 (B) of the California Constitution, Calling for the Placement of a General Tax Measure on the Ballot of the June 7, 2016, Presidential Primary Election to Adopt a Transactions and Use Tax, and Requesting that the County of Tehama Consolidate this

Election with the Statewide Primary Presidential Election) and directs the City Clerk to Provide the Revised Ballot Measure Question to the Tehama County Registrar of Voters as follows:

<b>Shall the Ordinance of the City of Corning authorizing a transactions and use tax (sales tax) of one-half of one percent to raise, annually with no set duration, approximately one million dollars (\$1,000,000) in general fund revenues to be used for existing police and fire services, as well as any other lawful municipal use, be adopted?</b>	<b>YES</b>  <b>NO</b>
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**RECOMMENDATION:**

**MAYOR AND CITY COUNCIL ADOPT THE FOLLOWING:**

- 1. Adopt Resolution No. 02-23-2016-02 Amending the Ballot Measure Question presented in Resolution No. 01-26-2016-01 and Directing the City Clerk to Provide the Revised Ballot Measure Question to the Tehama County Registrar of Voters for Inclusion in the Ballot presented to the Voters at the Presidential Primary Election.**

**RESOLUTION NO.: 02-23-2016-02**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORNING AMENDING THE BALLOT MEASURE QUESTION PRESENTED IN RESOLUTION NO. 01-26-2016-01 ( A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORNING DECLARING AN EMERGENCY PURSUANT TO ARTICLE XIII (C), SECTION 2 (B) OF THE CALIFORNIA CONSTITUTION, CALLING FOR THE PLACEMENT OF A GENERAL TAX MEASURE ON THE BALLOT OF THE JUNE 7, 2016, PRESIDENTIAL PRIMARY ELECTION TO ADOPT A TRANSACTIONS AND USE TAX, AND REQUESTING THAT THE COUNTY OF TEHAMA CONSOLIDATE THIS ELECTION WITH THE STATEWIDE PRIMARY PRESIDENTIAL ELECTION) AND DIRECTING THE CITY CLERK TO PROVIDE THE REVISED BALLOT MEASURE QUESTION TO THE TEHAMA COUNTY REGISTRAR OF VOTERS**

**WHEREAS, on January 26, 2016, the City of Corning approved Resolution No. 01-26-2016-01 that provided, among other things, the Ballot Measure Question to be presented to the voting electorate at the Presidential Primary Election of June 7, 2016, to determine the adoption or repeal of the City of Corning's Transactions and Use Tax (Sales Tax) Ordinance of 2016.**

**WHEREAS, the City of Corning desires to amend the Ballot Measure Question to comply with recently enacted legislation (Assembly Bill 809) that establishes the authority of the newly amended Elections Code, Section 13119, which requires particular language be present in a ballot measure.**

**WHEREAS, the City of Corning's modification of the Ballot Measure Question is to include whether the "Ordinance" shall be passed, the amount of tax revenue expected to be generated from such tax and its duration, which in this case is without a termination or sunset date.**

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL FOR THE CITY OF CORNING AMEND THE BALLOT MEASURE QUESTION PRESENTED IN RESOLUTION 01-26-2016-01 AND DIRECT THE CITY CLERK AS FOLLOWS:**

- 1. To amend the question to be presented on the Ballot Measure as follows:**

<b>Shall the Ordinance of the City of Corning authorizing a transactions and use tax (sales tax) of one-half of one percent to raise, annually with no set duration, approximately one million dollars (\$1,000,000) in general fund revenues to be used for existing police and fire services, as well as any other lawful municipal use, be adopted?</b>	<b>YES</b>
	<b>NO</b>

2. To direct the City Clerk to hereafter provide a certified copy of this Resolution to the Tehama County Registrar of Voters with direction that this modified Ballot Question be the operative question on the Ballot at the Presidential Primary Election of June 7, 2016.

The foregoing Resolution was adopted by the City Council of the City of Corning on this 23<sup>rd</sup> day of February by the following vote:

**AYES:**

**NOES:**

**ABSTAINING:**

**ABSENT:**

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**Gary R. Strack, Mayor**

**ATTEST:**

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**Lisa M. Linnet, City Clerk**

I, Lisa M. Linnet, City Clerk of the City of Corning, California, DO HEREBY CERTIFY that the foregoing Resolution (Resolution 2-23-2016-02) was duly introduced, approved and adopted by the City Council of the City of Corning at a regular meeting of said Council held on the 23<sup>rd</sup> day of February, 2016 by the votes listed above.

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**Lisa M. Linnet, City Clerk**