



**CITY OF CORNING
CITY COUNCIL AGENDA
TUESDAY, JULY 24, 2007
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Council:

Hill

Dickison

Zuniga

Turner

Mayor:

Strack

C. BROWN ACT AND CONFLICT OF INTEREST STUDY SESSION:

1. Instruction and Information from City Attorney Mike Fitzpatrick to City Council, Planning, Recreation, Airport and Library Commissioners and City Staff.

D. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS:

2. Presentation of State Proclamation from Doug LaMalfa, State Assemblyman 2nd District Commemorating 100th Anniversary of the City of Corning.

E. BUSINESS FROM THE FLOOR: If there is anyone in the audience wishing to speak on items not already set on the Agenda, please come to the podium, give your name and address, and briefly identify the matter you wish to have placed on the Agenda. The Council will then determine if such matter will be placed on the Agenda for this meeting, scheduled for a subsequent meeting, or recommend other appropriate action. If the matter is placed on tonight's Agenda, you will have the opportunity later in the meeting to return to the podium to discuss the issue. The law prohibits the Council from taking formal action on the issue, however, unless it is placed on the Agenda for a later meeting so that interested members of the public will have a chance to appear and speak on the subject.

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

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

4. Waive the Reading and Approve the Minutes of the June 12, 2007, June 21, 2007, and June 26, 2007 meetings with any necessary corrections.

5. July 18, 2007 Claim Warrant - \$452,721.65.

6. July 18, 2007 Business Licenses.

7. Parcel Map 05-59; Accept Public Improvements and Partial Release of Financial Security; Coastal View Construction.

8. Wages and Salaries for June 2007 in the amount of \$331,888.65.

9. Approve Three-Year (3) Landscape and Turf Maintenance Agreement with Ken Vaughn at \$8,450 per year and appropriate the additional \$950 from the General Fund Reserve needed to complete funding of this Agreement.

10. Treasurers Report for June 2007.

11. Accept and Approve Final Parcel Map No. 06-29; Larry L. Marple; 2444 Highway 99 W; APN 87-040-06.

12. Approve Agreement with James Norvall, Community Development Consultant to Administer Three CDBG PT-A Grants.

G. ITEMS REMOVED FROM THE CONSENT AGENDA:

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

I. REGULAR AGENDA: All items listed below are in the order which we believe are of most interest to the public at this meeting. However, if anyone in the audience wishes to have the order of the Agenda changed, please come to the podium, state your name and address, and explain the reason you are asking for the order of the Agenda to be changed.

13. Designation of Voting Delegate and Alternate for 2007 League Annual Conference.

14. Yard Sale Signs or a Community Bulletin Board – City Code Enforcement.
Presentation by Hometown Revitalization

J. ITEMS PLACED ON THE AGENDA FROM THE FLOOR:

K. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION:

L. REPORTS FROM MAYOR AND COUNCILMEMBERS:

15. Hill:

16. Dickison:

17. Zuniga:

18. Turner:

19. Strack: Request for Status report on the Recreation Grant.

M. ADJOURNMENT!

POSTED: JULY 20, 2007

THE CITY OF CORNING IS AN EQUAL OPPORTUNITY EMPLOYER



**CITY OF CORNING
CITY COUNCIL MINUTES**

**TUESDAY, JUNE 12, 2007
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Councilmember:

Hill
Dickison
Zuniga
Turner
Strack

Mayor:

All Council members were present.

C. INVOCATION AND PLEDGE OF ALLEGIANCE:

City Manager Kimbrough led the Pledge of Allegiance.

D. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS: None

E. BUSINESS FROM THE FLOOR: None.

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

1. Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.
2. Waive the Reading and Approve the Minutes of the May 8, 2007 and May 22, 2007 meetings with any necessary corrections.
3. June 6, 2007 Claim Warrant - \$173,719.14.
4. June 6, 2007 Business License.
5. June 2007 Wages and Salaries - \$325,994.63.
6. May 2007 Treasurers Report.
7. May 2007 Building Permit Valuations Report - \$1,340,073.54.
8. May 2007 Wastewater Treatment Plant Summary Report.
9. Final Parcel Map 07-01 Accept Street Dedications Along Toomes and Blackburn Avenues; Pacific West Communities, Inc.
10. Resolution No. 06-12-07-01; A Resolution of Intention to Annex Blossom Avenue Project Phases 2 & 3 into Landscaping and Lighting District No. 1 as Zone 3; Self Help Home Improvement Project.

11. **Resolution No. 06-12-07-02; Initiating Annexation of Salado Orchard Apartment Project into Landscaping and Lighting District No. 1; Pacific West Communities, Inc.**
12. **Determination of Priority Projects-Comprehensive Economic Development Strategy (CEDS).**
13. **Approve Services Agreement with PRM, to Provide Comprehensive State Mandated Cost Claiming Services.**
14. **Request Authorization to Fill Vacant City Manager's Secretary Position.**
15. **Council Direct City Staff to Research Age/Size Limitation Signs for Placement at the Northside Park Kiddie Playground.**

Councilor Dickison asked for a correction to the May 8, 2007 minutes noting the next year's budget is \$3,500,000 not \$350,000,000. Mayor Strack introduced the Consent Agenda Items by title and asked if any Council member would like an item pulled for further discussion. Councilor Hill asked to pull item 14, and Councilor Turner asked to pull item 11. **Councilor Turner motioned to approve Consent Agenda Items 1-10, 12-13 and item 15 with a correction to the minutes as stated. Councilor Hill seconded the motion. Ayes: Strack, Hill, Dickison, Zuniga and Turner. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 5-0.**

G. ITEMS REMOVED FROM THE CONSENT AGENDA:

11. **Resolution No. 06-12-07-02; Initiating Annexation of Salado Orchard Apartment Project into Landscaping and Lighting District No. 1; Pacific West Communities, Inc.**

Councilor Turner stated that he had voted in opposition of this project and therefore would vote to oppose this Resolution to initiate the annexation of the Salado Orchard Apartment Project into Landscaping and Lighting District No. 1.

Councilor Hill motioned to adopt Resolution No. 06-12-07-02 to initiate the annexation of the Salado Orchard Apartment Project into Lighting and Landscaping District No. 1 as Zone 4. Councilor Dickison seconded the motion. Ayes: Strack, Hill, Dickison, and Zuniga. Opposed: Turner. Absent/Abstain: None. Motion was approved by a vote of 4-1 with Councilor Turner opposing.

14. **Request Authorization to Fill Vacant City Manager's Secretary Position.**

Councilor Hill stated that she wants this placed at the end of the Agenda until after the Closed Session.

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

16. **General Plan Amendment 2007-1A; Amend Hwy. 99-W Specific Plan to Revise Highway 99-W Cross Section; City of Corning.**

Mayor Strack introduced this item and opened the Public Hearing. Planning Director John Brewer stated that the City wants to amend exhibit B to exhibit A. Mayor Strack asked if there are any Deferred Agreements this will affect, Mr. Brewer stated yes, Tom Williams and the Mobile Home Dealership. Councilor Zuniga asked if the sidewalks/bikepath are combined; Mr. Brewer stated yes. Councilor Zuniga stated that mixing pedestrians and bikes could be dangerous, are there going to be any markings separating the two? Councilor Hill stated in the Los Angeles area they use standard street markings to denote the difference. Councilor Turner asked if this will be

asphalt or concrete; Public Works Director Tom Russ stated it would be concrete. With no other discussion, Mayor Strack closed the Public Hearing.

Mr. Brewer stated that the electrical would not be undergrounded on the east side. Phone lines would be undergrounded.

Councilor Hill motioned to adopt the five (5) Recommended Findings and approve General Plan Amendment 2007-1A, thereby replacing the existing Highway 99-W Cross Section Drawing with the Drawing Marked Exhibit "A". Councilor Turner seconded the motion: Ayes: Strack, Hill, Dickison, Zuniga and Turner. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 5-0.

I. REGULAR AGENDA:

17. Approve Application for Recreation Equipment Grant.

Mayor Strack introduced this item by title. Councilor Turner stated two corrections: 1) Grant Writer, Mrs. Biachi stated she would charge a fee for the writing. 2) Request is only to allow signature by Mayor Strack if and when we pursue application.

Councilor Turner motioned to approve the submittal of a Grant Application for \$30,000 with no City match required and authorize Mayor Gary Strack to sign the application if and when the City pursues the application. Councilor Zuniga seconded the motion. Ayes: Strack, Hill, Dickison, Zuniga and Turner. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 5-0.

18. Presentation of Annual Program of Service and Budget for the 2007-2008 Fiscal Year.

City Manager Kimbrough introduced and briefed the Council on the proposed budget. Approved budget expenditures are \$4,570,000; the revenues are \$4,382,000 for next year. He stated that we are still spending more than we are taking in.

Councilor Turner asked a question about interest on delinquent TOT's (Transient Occupancy Tax), if payments are not made, won't interest continue to accrue? City Manager Kimbrough stated yes.

Other Council questions asked:

Strack – agree on placing the \$172,000 (Delinquent TOT's) into the operating reserves because we are not sure when we will receive it.

Strack – new recreation program, Councilor Hill stated we still don't have an established program. Councilor Zuniga asked what she meant by program. Councilor Hill clarified stating what age group will be served, types of activities proposed, etc. Councilor Zuniga stated that she thought it was the responsibility of Staff and the Director make these determinations. Randy Maday stated that he concurred with Councilor Zuniga stating that a Recreation Director would set the Program. It was announced that a Recreation Ad-Hoc Committee meeting would be held on Thursday June 14th.

Strack – Recreation Program on hold (\$27,146) by Council consensus.

Strack – Police GIS – (\$40,000) Councilor Hill stated that she would like to see the police parking lot (\$55,246) removed from the budget. Repairing the gates and fence yes. However there are other projects that she feels are more important. Councilor Zuniga stated that security has been an ongoing issue. Police Chief Tony Cardenas stated that they have had lugnuts loosened, vehicles being keyed, etc. and Public Works and the Fire Department have their vehicles in a secured area. This proposal includes paving, a drive through electronic gate and walk through gate, lighting, electrical for charging the vehicles, etc. Chief Cardenas stated that this doesn't include re-fencing. City Manager Kimbrough stated that he had addressed the issues Councilor Hill stated relating to Fire Department needs in the Fire Department Budget. Police Gaming

Funds for the Police Department - Council consensus was to leave as is in the budget for the Police Dept. Parking Area.

Fire Dept. – Place door replacement as a high priority (\$4,500 total), personal safety alarms (5 years @ \$252 per yr. -\$1,260 total). Council consensus would like to include all of this and approve the \$10,760 total. The Insurance check received for the water damage should take care of the bathroom remodel. Councilor Turner asked if the proposed fire dispatching revenues for the Capay and Orland Fire Department was included in this budget. City Manager Kimbrough stated no.

City Clerk: Council by consensus approved the purchase of four fireproof file cabinets at a total cost of \$9,000.

Parks and Public Works: **Yost Park Bleachers** - \$8,000 Council consensus was yes. Purchase of a **new Dump Truck** at \$78,000 was approved by Council consensus. **CG&S Replacement** – Council approved by consensus \$50,000 for liability purposes. **Reconstruction of South Street from Marguerite to 5th Street** (\$50,000), **Overlay of Fig Lane from RR to Clark Park** (\$248,000), and **Overlay Peach Street from Fig Lane to Solano Street** (\$165,000) - approved by Council consensus.

Mayor Strack stated that he would like to see the K-9 Program funded.

Councilor Turner asked about the Fig Lane from Railroad tracks to Clark Park, didn't we just do raised cross walks, and won't we just have to reduce these areas. Tom Russ stated yes. He then asked if the areas currently without curb and gutters would stay that way or would curb and gutter be installed; Tom stated it would be the same.

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

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

L. **REPORTS FROM MAYOR AND COUNCILMEMBERS:**

19. Hill: None

20. Dickison: Reported on attendance at the Tripartite Board Special Meeting.

21. Zuniga: None

22. Turner: None

23. Strack: None – Tom, Ed, and John attended a Caltrans meeting in Redding last week on east side of South Ave. overpass. He stated that this should go to bid in 2009 and be completed by 2010.

M. **ADJOURN TO CLOSED SESSION:** 9:21 p.m.

24. **CONFERENCE WITH LEGAL COUNSEL:**

Potential Litigation, Initiation of Litigation pursuant to subdivision (a) of section 54956.9.

Patel (Delinquent Motel Taxes)

25. **PUBLIC EMPLOYEE RELEASE:**

Government Code Section 54957

N. RECONVENE AND REPORT ON CLOSED SESSION: 9:29p.m.

24. CONFERENCE WITH LEGAL COUNSEL:

Potential Litigation, Initiation of Litigation pursuant to subdivision (a) of section 54956.9.

Patel (Delinquent Motel Taxes)

Council received report on potential litigation, Council discussed and gave direction to City Attorney.

25. PUBLIC EMPLOYEE RELEASE:

Government Code Section 54957

Council discussed the position description for City Managers Secretary, title was changed to Administrative Assistant.

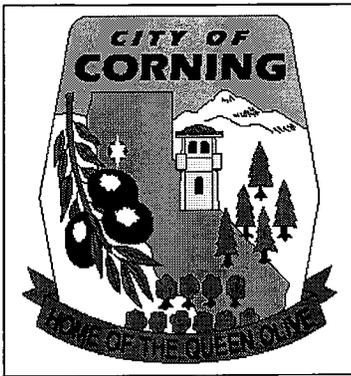
14. Request Authorization to Fill Vacant City Manager's Secretary Position.

Councilor Hill motioned to authorize filling the vacant position of Administrative Assistant to City Manager. Councilor Turner seconded the motion. **Ayes: Strack, Hill, Dickison, Zuniga and Turner. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 5-0.**

O. ADJOURNED TO JUNE 21, 2007 SPECIAL MEETING: 10:24 p.m.



Lisa M. Linnet, City Clerk



**CITY OF CORNING
CITY COUNCIL MINUTES**

**THURSDAY, JUNE 21, 2007
CITY COUNCIL CHAMBERS
794 THIRD STREET**

A. CALL TO ORDER: 6:20 p.m.

Meeting was called to order at 6:20 p.m. to allow time for Recreation Ad Hoc Committee to set up for Power Point Presentation.

B. ROLL CALL:

Council:

**Hill
Dickison
Zuniga
Turner
Strack**

Mayor:

All Council members were present.

C. TUESDAY, JUNE 12, 2007 COUNCIL MEETING ADJOURNED TO THURSDAY, JUNE 21, 2007 FOR DISCUSSION OF THE 2007-2008 CITY BUDGET.

Public input will be accepted at this time.

Mayor Strack reconvened the meeting and asked the City Manager to brief the Council on the updated budget pages presented, stating that their were two key issues that the Council is to decide tonight which are:

1. The Funding of the Police Security Lot; and
2. A Recreation Program.

City Manager Kimbrough explained the General Fund Summary and asked the Council to take a quick note, the actual to date has increased since the last two weeks and has jumped up to \$4,500,000. He stated that we still don't have all of the funds in yet, but we can't just assume that next year will be the same amount. He stated that their were a number of anomalies and may not be something that continues every single year including an extra \$100,000 in property tax that comes way after an entire year following the increases from all of the home sales that were generated. He stated that he has used a conservative number for next year's Projected Revenue: \$4,382,000, even though our actual to date is \$4,500,000. We call it conservative budgeting. The uncommitted General Fund Reserve available for next year is \$661,386 (estimate), this is actually a savings account, it is money available to spend and the Council has allocated that for major projects, but it is not ongoing money that can be depended on each year. We have always carried over the leftover from the previous year, plus new revenue and applied it to projects the following year. He informed the Council that the proposed 2007-2008 annual budget, the projected revenue is \$4,382,750. The proposed operating expenditures are the minimal essential funding to maintain the programs that Council has already approved and stated that we still need another \$190,000 to balance our budget and that will come out of the available reserve for this year. This tells us that we have got to grow our revenues by a minimum of \$190,000 in the coming year just to meet this year's expenses.

Mr. Kimbrough then stated that if you take the projected revenue, plus the available reserve, plus the insurance dividend of \$98,000 that the City is receiving and that gives us General Funds available to allocate to the operating budget and projects in the amount of \$5,142,337. The proposed operating expenditures at \$4,573,499; at the last meeting the Council had allocated \$521,250 of the available reserve which brings us down to an available reserve of \$47,578 dollars that can be allocated. He stated that the funding for important projects he highlighted in red for the Council the decisions that the Council had already made at the last

Council meeting. Going down through the Police Department, the Council approved the addition of \$10,000 in General Fund to fund all of the Police Capital Projects, note that he shows the Police Security Lot is opposed even though Staff strongly recommends that. The Fire Department the funding there is an additional \$10,760 to cover the two key items that the Council added to the budget (automatic door openers and the personal safety alarms). City Clerk file cabinets at \$9,000 that were approved, Yost Field work (Parks) \$12,500 – approved. The rest of the items listed are deferred work, the Theatre Restoration is part of the Rodger's Theatre Trust; Curb, Gutter & Sidewalk (CG&S) Program the Council approved \$16,000 in General Funds to support the existing funds that are there because the City typically funded \$50,000 a year in CG&S replacement and that is a liability project. He stated that Council had approved the funding of the reconstruction of South Street from Marguerite Avenue to 5th Street dependent upon receipt of the \$400,000 in State Proposition 1B Funds which are due in this year (\$50,000). The Fig Lane overlay from the railroad to Clark Park \$248,000 – approved. Peach Street overlay from Fig Lane to Solano Street in the amount of \$165,000 – approved. Mr. Kimbrough stated that this leaves a remaining available reserve for allocation in the amount of \$47,578.

Mayor Strack asked about funding to repair the Railroad Crossing on Fig Lane stating that he felt this was really needed. Mayor Strack stated that at one time we had some funding for this, or it was looked at to be funded, he asked Public Works Director Tom Russ if this funding was still available from the State. He was informed no. He then asked what would be the cost to make these repairs; Mr. Russ estimated it would be \$40,000. Mayor Strack stated if we are going to do work on Fig Lane in this area, we should do the crossing also.

Councilor Turner asked if the expected delinquent TOT (Transient Occupancy Tax) Revenue was included in this budget, Mr. Kimbrough responded yes, in growing the "Operating Reserve". He also confirmed with the City Manager, based upon the Memo sent out with last Friday's Council Packet, that the sales tax revenue is \$71,919 higher than the previous years for the first quarter. He asked if that amount was included in the revenue listed; Mr. Kimbrough stated that it is included in the year-end guess.

Mayor Strack asked if the Council wanted to settle this part as to what they are going to do? Are there any other suggestions or thoughts, or is it the Council's wish to leave that \$47,000 there, or do you want to... Councilor Zuniga stated that she thought they were going to talk about the Recreation Program, and asked if this is where we would talk about it? Mayor Strack stated we could talk about that, but stated that his personal thought is this is extra money, its not going to definitely be there next year, and if we are going to fund a Recreation Program, we need to do it in a way that it is going to be funded past this year. Councilor Zuniga asked where we would discuss that part? Mayor Strack stated that Mr. Kimbrough kind of put his neck out there and made the statement quite a while back if the Council decided to have a program he would find the funding. Councilor Zuniga stated that the only reason she is asking is because at the last Council meeting Council requested that the Ad Hoc Committee do a presentation and they have prepared a presentation and she doesn't want to make them feel that they have wasted there time. She stated that she didn't know if this would be the appropriate time to talk about it or where that is going to go and what the plan is. Mayor Strack responded stating that he would think that again there, the Council would need to work that into the regular budget. As we go through that, seeing what those items are, and what the Council has projected. If the Council makes a decision he will find a way to make it work with the Council working with him. Councilor Turner asked with the funding and qualifications as recommended by the Council, are the funding source of \$27,146 as recommended by Mr. Kimbrough, which funding basis are you using? Mayor Strack stated if the Council wants to get into a discussion on and do that now, we can do that. Councilors Turner stated with a house full of Committee members, he thought we should and Councilor Zuniga agreed.

Mayor Strack stated that with the electricity going off at nine o'clock according to PG&E and most of the Council members will be losing power at that time, therefore he would like to get out of here by 8:30 p.m. tonight so we will try to keep it moving as fast as we can.

Garrett White, Recreation Director from the City of Orland addressed the Council stating the community benefits of a Recreation Department which are basically administers plans, organize, direct and promotes and evaluates the City's Recreation Programs under the supervision of the City Manager. A Recreation Director is going to have several different hours from 50 hours one week to 30 hours the next week depending on what programs are running at different times of the year. He stated that the experience and qualifications of a Recreation Director in his personal opinion, they should have a Recreation Degree or similar degree from a four-year College and two years of experience in a related field. He also suggested that it would be advantageous if the selected candidate were able to umpire adult softball games, (co-ed men, women's) umpire or officiate adult basketball and youth basketball, adult and youth flag football, be able to oversee an aerobics class, yoga class, etc. He stated that in his programs the instructor gets 80% of the proceeds and the department gets 20% which funds advertising, use of the facility, and personnel. Mr. White stated that he believes there are three keys to operating a successful recreation program and these are:

1. Public Works Department support;
2. Volunteers
3. A good working relationship with the School District.

Mr. White stated that what saves his department is that he is a salaried employee, so there is no overtime. He also umpires games so the Department doesn't have to pay for umpires.

Other benefits to the community are: Provides activities for youth and seniors giving them a healthier life, more opportunity to exercise. Provides the opportunity to obtain self-confidence, brings in revenue to local businesses, keeps the kids doing something in the community. Mr. White provided copies of his revenue sources and expenses from last year. He stated that this year he would not need to purchase any equipment because he has it from past purchases. He also provided the Council with a listing of his revenue sources from last year compared to this year stating his department is allotted \$141,000 a year, that is counting City Pool expenses and department expenses including he and his Staffs wages. He then informed the Council the revenues his department generates. Councilor Turner confirmed that the funding shortfalls between what is his gross receipts, the concessionary revenue and other fees to participate as a payee at the gate thing is provided by the City of Orland, in other words there is no other tax revenue (Recreation District, etc.). Mr. White stated that is correct.

Councilor Hill asked Mr. Garrett his wages with benefits; he stated \$32,000 and confirmed that he is a permanent full-time employee for the City of Orland. Councilor Hill asked Mr. Garrett how many programs the City of Orland had in place when he was hired; he responded stating approximately nine (9) and they currently have twenty-three (23). Council members asked various questions relating to department staff numbers, whether yard maintenance is included in these duties, whether there is a pool manager, etc. Councilor Turner asked if the breakdown for the pool summer operation costs (Staffing costs, etc.) were available. He was curious at to how the City of Orland revenues compare with the City's. Tom Russ stated he didn't have these figures at this time but could get for Council. Mayor Strack asked if the City of Orland charges a non-resident fee for his programs; Mr. White responded stating yes, for youth programs it is \$5 more and adult programs is \$15 more.

Debbie Mache asked Mr. White if a non-resident fee were charged if the individual attends Orland High School; Mr. White stated no. Mr. White stated that they needed a sphere of influence, therefore the resident fees were based upon the High School District, those outside the District sphere were charged the non-resident fee.

Recreation Commissioner Darlene Haskins provided a brief statement from the Recreation Ad-Hoc Committee and Sherry Peterson narrated the Ad Hoc Committee's power point presentation. This presentation outlined the some of the existing recreation opportunities; the gaps found making the existing programs not easily accessible; stating that these gaps stem from a lack of assessable program information and a contact person. The Committee presented some suggestions for additional future programs, possible sponsors and facilities that might be available for these programs.

Corrine Maday addressed the Council in response to things being said about the number of High School Teachers present and active on this committee, she stated they were involved because they hear so often from students that there is nothing to do in Corning. She then provided the Council with a packet of information relating to recreation and the benefits of a program to the citizens of Corning.

Shannon Boles addressed the Council reading a proposed referendum with the assistance of Debbie Mache and Mike Albee.

Sherry Peterson concluded the Recreation Ad-Hoc Committees presentation by thanking the Council for what the City Council has done to date.

Mayor Strack stated that he appreciates the members of the audience for their support and enthusiasm and that you recognize Corning as being your town, however he represents the taxpayers of the City of Corning. It is a political subdivision and he has to talk about how he is going to spend their money. He asked if some of the members of the audience had approached the County for Recreational Programs, stating that their property tax goes to the County, not the City of Corning. He was informed that they had, that a representative had been invited and attended a meeting of the Ad Hoc Committee. Mayor Strack then asked if they had received anything from them and will they help with funding. He stated that he first sought a Council appointment because he felt a need for recreation in Corning, because when he was in High School he complained that their was anything to do, however I feel that some of that goes back to the parents and the kids. He stated that he survived out there not having anything to do. When the kids turn 16 we are not going to do anything with them, he stated that the City has tried at least 4 times. He stated that he is for a program, however he is not for a program that he cannot see sustaining itself. The City doesn't have the money to sustain it.

Councilor Hill stated that her problem with this is, just listening to Garrett, he started out at \$32,000 not counting his benefits, and that doesn't count his program. At \$28,000 it would not be enough to start, that is \$16.67 per hour, not the \$14.00 and hour and that was four years ago for a college graduate. This is for a college graduate with experience which is what they are asking us for. This is not enough for us to be able to recruit someone. Garrett came in at \$16.67 plus benefits. Our \$27,146 that the City is allocating to this for this year is won't even cover that cost let alone the start up fees, Garrett's budget telling us that he has advertising fees, equipment fees, etc. Councilor Zuniga stated that this \$28,000 is reflected for just half a year beginning January 2008 for salary. Councilor Zuniga further stated that Councilor Hill is correct, that is not enough for a full year. Councilor Hill stated that \$16,000 of the \$27,000 was just the proposed persons salary plus benefits, and benefits are another how much Mr. Kimbrough for half a year? Councilor Zuniga stated that it would be a total of \$48,000 for the entire year including benefits, so half of that would be \$24,000. Councilor Hill stated that we are not even budgeting for half a year enough to cover that. City Manager Kimbrough stated that the benefits are listed down at the bottom in the footnotes on the Cost Detail Page for the Recreation Program in the new section that was presented to the Council tonight. He then stated the proposed two approaches for a program which are:

1. Utilize the existing Pool Manager at a cost of \$27,146; which Councilor Zuniga stated was unacceptable to the Ad Hoc Committee, or
2. A full-time accredited Recreation Coordinator at a cost of \$52,433.

Mr. Kimbrough stated that we probably want to look at the \$52,000 to do this and that will allow us to do the recruiting. Councilor Hill stated that Mr. Kimbrough thinks if the Council gives the City the \$52,000 a year you would find it in the budget (Mayor Strack stated that a decision would be made now) and commit for the next two years to find it. City Manager Kimbrough stated he couldn't make such a commitment. Mr. Kimbrough stated that we are \$192,000 short this years budget in having enough funds to operate, last year though we were \$294,000 short. We have actually more properly, or better funded our operations and we have dropped it to \$190,000 in the red. More expenses over revenue for the base; the theory is if we continue at that in another year or two we will have a balanced budget with new commercial we currently can't identify now coming on line. Mr. Kimbrough stated that what we would do is take \$52,000, or for this fiscal year half of that, \$25,000 - \$30,000, add to the \$190,000 revenues needed and it would simply tell us that we were adopting a budget that would be \$190,000 plus \$30,000, \$220,000 in the red, and covering it with our available revenues (one time money). That is what we have done each time the City has taken on really critical projects. The big question is, do we want to take that leap? The Council, Staff and I have always made this kind of bargain that we are going to go for it and see what we can do, but we know if the revenues don't come it we will have to cut back. Last year we had to cut back, we reduced the departments, pulled Police and Fire's Capital money by about \$25,000 each. This year we have refunded that money to both departments and added some additional money from the reserve. It is always a gamble.

Shannon Long asked what the "Mission Statement" was for the City of Corning; Mayor Strack informed her that it was "to provide for the services and public safety of the Citizens of Corning".

Mayor Strack stated that if we are going to include this proposal for a Recreation Program we are going to need to go back into the Police Department, Fire Department, Public Works Department and say hey, we'll do with one less employee here, or without a replacement vehicle, etc. Councilor Turner stated that the differential in funding according to his interpretation is only approximately \$27,000 to \$30,000 differential from the \$27,000 plus that the AD Hoc Committee and some of us sitting up here feel is warranted to be expended, is that correct? Councilor Hill stated but we have to find that three-year funding source, not just this year. She stated that based on the proposal sitting in front of me that states we will provide a year round program for three years under the stipulation that the Ad Hoc Committee is going to pursue a Recreation District. Councilor Turner stated that we are discussing \$90,000 to \$100,000 spread over three years, is that correct? Mr. Kimbrough stated that it would be just the \$55,000 would be the budget amount and would be funded for three years and by the end of three years the Ad Hoc Committee and a group citizens would produce a Recreation District about the size of our High School District that would then take over this budget completely. Corning would maintain it's Parks and the swimming pool program that it currently has and the District would fund the programs from Paskenta to the River. Mayor Strack stated that the problem with that is the citizens are not going to pay for something that they are already paying for. They are not going to vote for a District.

Councilor Zuniga stated that she is a little confused. She stated that we are looking at funding sources and we will need to reevaluate the proposed budget and areas we will need to reduce in order to fund this program, however she stated that she keeps getting memos and information stating the City is doing well, we are increasing our revenues. She stated that there is some money left over here, I know it is not guaranteed for future years, however the City makes do, it survives and does what it has to do, it adjusts. So, we have the "What ifs" (Corning Ford leaves, Bell Carter leaves), the money is there. I believe this decision is more of a value, a life style. Councilor Dickison stated that the City should leave some money available in case of emergencies that occur during the year. Councilor Zuniga countered stating that after funding a half a year program in Recreation, it still leaves a balance of \$20,000 for emergencies.

Councilor Turner asked if a year ago this week when the budget was being put together were you, or were you not aware of the potential shortfall of the TOT, and was that built into the

budget. Mr. Kimbrough stated yes. Councilor Turner stated that the TOT delinquency is equivalent to one time money. Mr. Kimbrough stated yes. Councilor Turner asked if the TOT tax money is holding steady to what is projected? Mr. Kimbrough stated it is fairly steady.

Councilor Hill stated that she believed City Manager Kimbrough should revisit the budget, look at these positions and see how upside down we are going to be before she can say yes I'll adopt this budget. Councilor Hill then motioned to continue this Budget Meeting to the June 26, 2007 City Council meeting. After some discussion Councilor Hill rescinded her motion. Councilor Hill then asked how upside down are we; Mr. Kimbrough stated \$190,179.

Councilor Turner motioned to take action to approve the addition of \$52,000 with the City Manager/Financial Director finding the funding sources to take affect so that we can advertise and have a qualified employee on board in January. Councilor Zuniga seconded the motion. Councilor Hill stated that she would not be able to vote to approve the \$52,000 budget addition. Councilor Zuniga then rescinded her second to the motion. Councilor Turner then clarified that if a motion was made at this time to approve \$27,146 for a Recreation Coordinator position it could be reviewed and possibly increased at the mid year budget review for a year round position. He then motioned to approve the addition to the City Budget in the amount of \$27,146 now for a full time Recreation Director to be employed by January 1, 2008 and pursue full funding in the amount of \$52,433 for a full-time Recreation Director position at the mid year budget review. Councilor Zuniga seconded the motion. **Ayes: Hill, Zuniga and Turner. Opposed: Strack and Dickison. Absent/Abstain: None. Motion was approved by a vote of 3-2.**

Mayor Strack stated that in the Ad Hoc presentation to the Council, the Committee stated that they want an Advisory Committee for setting the fees along with the Recreation Committee. Mayor Strack stated no, the Council and the Recreation Commission are the two that set the fees. He then stated that the Ad Hoc Committee, no longer exists as they have completed the task assigned by the Council.

Mayor Strack asked if the Council just spent the funds for the proposed railroad crossing at Fig Lane and asked Public Works Director Tom Russ to prepare the specifications for this. Councilor Turner asked who picks up that tab; Public Works Director Tom Russ stated that the City provides the funds. Mayor Strack suggested a need to fund Community Events in the budget.

City Manager Kimbrough stated that beginning July 1st a fund for the Swimming Pool is being created that would provide a more accurate cost/revenue figure. He also informed the Council that a \$300,000 home in the City of Corning only provides \$390 in tax revenues to the City.

Mayor Strack asked Tom Russ about the contract change with the janitorial service in relation to opening and closing the restrooms in the parks. Tom Russ stated that under the new contract the janitorial service would be opening and closing the restrooms on a fixed schedule. This is less expensive than the current overtime.

D. **ADJOURNED! 8:25 p.m.**

Lisa M. Linnet, City Clerk

**MINUTES OF THE
JUNE 26, 2007 CITY COUNCIL MEETING
WILL BE DELIVERED ON
MONDAY, JULY 23, 2007**



MEMORANDUM

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: LORI SIMS
ACCOUNTING TECHNICIAN

DATE: July 18, 2007

SUBJECT: Cash Disbursement Detail Report for the
Tuesday, July 24, 2007 Council Meeting

PROPOSED CASH DISBURSEMENTS FOR YOUR APPROVAL CONSIST OF THE FOLLOWING:

A.	Cash Disbursements	Ending	06-30-07	\$	115,978.38
B.	Cash Disbursements	Ending	07-18-07	\$	292,656.52
C.	Payroll Disbursements	Ending	07-18-07	\$	44,086.75
			GRAND TOTAL	\$	<u>452,721.65</u>

REPORT.: Jul 18 07 Wednesday
 RUN....: Jul 18 07 Time: 14:30
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 07-07 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 Description
004433	07/05/07	NEW02	NEWELL'S BAR & RES.SUPPLY	195.00	.00	195.00	070705	MAT & SUPPLIES-BLD. MAINT
004434	07/09/07	CHE02	CHEM QUIP, INC.	182.50	.00	182.50	2024414IN	MAT & SUPPLIES-PARKS
004435	07/09/07	CIT05	CITY OF RED BLUFF	623.04	.00	623.04	32332	COMMUNICATIONS-POLICE
				4906.04	.00	4906.04	32339	EQUIP MAINT.-POLICE
			Check Total.....:	5529.08	.00	5529.08		
004436	07/09/07	COR12	CORNING FORD MERCURY, INC	89.71	.00	89.71	109509	Veh Opr/Maint-POLICE
004437	07/09/07	DLS00	DLS ENTERPRISES, INC.	356.00	.00	356.00	1119869	HANDHELD RADIOS-POLICE
004438	07/09/07	JOH05	JOHNSON, DELBERT	539.00	.00	539.00	070702	MAT & SUPPLIES-STR
004439	07/09/07	NOR12	NORVALL, JAMES	425.00	.00	425.00	141.05	PROF. SVCS-ENG
004440	07/09/07	PAR01	PARAMOUNT JANITORIAL	300.00	.00	300.00	070701	SENIOR CENTER-GEN. CITY
004441	07/09/07	RAD02	THE RADAR SHOP	229.00	.00	229.00	4238	EQUIP. MAINT-POLICE
004442	07/09/07	TEH15	TEHAMA CO SHERIFF'S DEPT	73.50	.00	73.50	070705	PROF. SVCS-POLICE
004464	07/09/07	COR12	CORNING FORD MERCURY, INC	22872.48	.00	22872.48	070709	VEH REPLAC/POLICE CAP REP
004465	07/10/07	EAS02	BASSETT, RANDALL	100.00	.00	100.00	070709	Traing/Educ. PoliceServic
004466	07/10/07	HAW03	HAWTHORNE SUITES	382.64	.00	382.64	070709	TRAINING/EDUCATION-POLICE
004467	07/10/07	DOD01	JAMES DODGE	222.82	.00	222.82	070709	TRAINING/EDUCATION-POLICE
004475	07/12/07	BAS01	BASIC LABORATORY, INC	86.00	.00	86.00	0705286	ProfServices Water Dept
004476	07/12/07	CAL10	CPCA	215.00	.00	215.00	490A	ASSOCIATION DUES-POLICE
004477	07/12/07	COM01	COMPUTER LOGISTICS, INC	116.67	.00	116.67	34682	COMMUNICATIONS-POLICE
				24.00	.00	24.00	34849	Equip.Maint.-GEN. CITY
			Check Total.....:	140.67	.00	140.67		
004478	07/12/07	FOO01	FOOTHILL READY MIX	407.55	.00	407.55	707054	Mat/Supplies-WTR
004479	07/12/07	NOR03	NCCSIF	121629.00	.00	121629.00	2008004	LIABILITY INS.-GEN. CITY
				30496.25	.00	30496.25	2008038	WORKMENS COMP-GEN. CITY
			Check Total.....:	152125.25	.00	152125.25		
004480	07/12/07	PAT02	PATTERSON ELECTRIC,	204.73	.00	204.73	813	MAT & SUPPLIES-PARKS

REPORT.: Jul 18 07 Wednesday
 RUN....: Jul 18 07 Time: 14:30
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 07-07 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 #	Payment Information Description
004481	07/12/07	PGE04	PG&E	385.45	.00	385.45	070705	TranspFacility
004482	07/12/07	PGE2A	PG&E	16.74	.00	16.74	070703	ELECTRICITY-MCDONALD
				67.70	.00	67.70	070705	ELECTRICITY-MARTINI PLAZA
Check Total.....:				84.44	.00	84.44		
004485	07/12/07	COR12	CORNING FORD MERCURY, INC	30.11	.00	30.11	109846	Veh Opr/Maint-POLICE
004486	07/12/07	LIB03	LIBERTEL	117.18	.00	117.18	156853	COMMUNICATIONS-POLICE
004487	07/12/07	LMC01	LN CURTIS & SONS	928.00	.00	928.00	617091700	SAFETY ITEMS-FIRE
004488	07/12/07	MET01	METRO-CALL	26.82	.00	26.82	Q0159912G	COMMUNICAATIONS-POLICE
004489	07/12/07	RED01	RED BLUFF DAILY NEWS	88.50	.00	88.50	070711	Print/Advert. City Clerk
004490	07/12/07	TRI01	TRI COUNTY ECONOMIC DEV	3700.00	.00	3700.00	070406	TRICO EDC/ECO. DEV
004498	07/16/07	ARA02	ARAMARK UNIFORM SRV. INC.	40.99	.00	40.99	3900832	Mat/Supplies
				40.99	.00	40.99	3903643	Mat/Supplies
Check Total.....:				81.98	.00	81.98		
004499	07/16/07	BAS01	BASIC LABORATORY, INC	86.00	.00	86.00	0705584	ProfServices Water Dept
004500	07/16/07	BOB01	BOBCAT OF CHICO	29.15	.00	29.15	112380	OFFICE SUPPLIES/ SWR
004501	07/16/07	CAL01	CA CONTRACTORS SUPPLIES, I	259.15	.00	259.15	73932	SAFETY ITEMS/ FIRE
004502	07/16/07	CHE02	CHEM QUIP, INC.	317.98	.00	317.98	2024931IN	MAT & SUPPLIES/ WATER
004503	07/16/07	CHI05	CHICO SHRED	40.00	.00	40.00	18390	Equip.Maint. General City
004504	07/16/07	DOU04	DOUBLETREE HOTEL SAC	219.85	.00	219.85	071107	TRNG/EDUC
004505	07/16/07	ECO01	ECO RESOURCES, INC.	48089.10	.00	48089.10	15579	ProfServices WWTP
004506	07/16/07	FOO01	FOOTHILL READY MIX	255.26	.00	255.26	707094	Mat/Supplies-SEWER
004507	07/16/07	HIT01	HI-TECH EMER VEH SRV, INC	143.95	.00	143.95	119413	EQUIP / MAINT - FIRE
004508	07/16/07	LIN01	LINCOLN EQUIPMENT, INC.	1503.11	.00	1503.11	S172786	Parks Maint.
004509	07/16/07	PGE03	PG&E	84.08	.00	84.08	070706	Mat/Supplies PoliceServic
004510	07/16/07	PGE2A	PG&E	108.32	.00	108.32	070706	ELECTRICITY / CLELAND PRO
004511	07/16/07	SPA10	SPANNAUS, MARTIN	193.10	.00	193.10	071907	TRNG / EDUC

REPORT.: Jul 18 07 Wednesday
 RUN....: Jul 18 07 Time: 14:30
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 07-07 Bank Account.: 1020

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

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description
004512	07/17/07	CAM02	CAMELLIA VALLEY SUPPLY	949.17	.00	949.17	0637303	MAT. & SUPP. - WATER
004513	07/17/07	CHE02	CHEM QUIP, INC.	219.98	.00	219.98	2025134IN	MAT & SUPPLIES - WATER
				172.50	.00	172.50	2025135IN	MAT & SUPPLIES - PARKS
			Check Total.....	392.48	.00	392.48		
004514	07/17/07	HIL01	BECKY HILL	394.25	.00	394.25	070717	CONF. MTGS/CITY COUNCIL
004515	07/17/07	OFF01	OFFICE DEPOT	41.10	.00	41.10	393049247	Office Supplies Police
004516	07/17/07	PAT02	PATTERSON ELECTRIC,	70.75	.00	70.75	824	MAT & SUPP - PARKS
004517	07/17/07	FOR03	PORTOLA PLAZA HOTEL	600.66	.00	600.66	070717	CONF. MTGS/CITY COUNCIL
004518	07/17/07	UNI01	UNIGARD INSURANCE COMP.	47248.00	.00	47248.00	070713	BLANKET INS. - GEN. CITY
004523	07/18/07	VOID	VOIDED CHECK					
004524	07/18/07	VOID	VOIDED CHECK					
004525	07/18/07	VOID	VOIDED CHECK					
004526	07/18/07	VOID	VOIDED CHECK					
004527	07/18/07	VOID	VOIDED CHECK					
004528	07/18/07	VOID	VOIDED CHECK					
004529	07/18/07	ADA02	ADAMSON POLICE PRODUCTS	129.15	.00	129.15	82234	SAFETY ITEMS - POLICE
004530	07/18/07	AIR00	AIRGAS NORTHERN CALIFORNA	143.00	.00	143.00	102944807	MAT & SUPPLIES - FIRE
004531	07/18/07	ATT01	AT&T	383.33	.00	383.33	070307	Communications
004532	07/18/07	MCI01	MCI	37.68	.00	37.68	063785650	Communications
004533	07/18/07	MET04	BOB METZGER	500.00	.00	500.00	070718	BIDG PLANS - ROGER'S THEATRE
004534	07/18/07	NEX02	NEXTEL	319.49	.00	319.49	086319068	COMMUNICATIONS - POLICE
			Cash Account Total.....	292656.52	.00	292656.52		
			Total Disbursements.....	292656.52	.00	292656.52		
			Cash Account Total.....	.00	.00	.00		

REPORT.: Jul 18 07 Wednesday
 RUN....: Jul 18 07 Time: 14:30
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report - Payroll Vendor Payment (s)
 Check Listing for 07-07 Bank Account.: 1025

PAGE: 004
 ID #: PY-DP
 CTL.: COR

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description
3088	07/17/07	BAN03	POLICE OFFICER ASSOC.	195.00	.00	195.00	A70717	POLICE OFFICER ASSOC
3089	07/17/07	CIT01	CITY OF CORNING	520.36	.00	520.36	A70717	2006 SDI EE PAY BACK
3090	07/17/07	EDD01	EMPLOYMENT DEVELOPMENT	3048.34	.00	3048.34	A70717	STATE INCOME TAX
				650.16	.00	650.16	1A70717	SDI
			Check Total.....:	3698.50	.00	3698.50		
3091	07/17/07	ICM01	ICMA RETIREMENT TRUST-457	6261.65	.00	6261.65	A70717	ICMA DEF. COMP
3092	07/17/07	OEU03	OPERATING ENGINEERS	975.00	.00	975.00	A70717	CREDIT UNION SAVINGS
3093	07/17/07	PERS1	PUBLIC EMPLOYEES RETIRE	27229.24	.00	27229.24	A70717	PERS PAYROLL REMITTANCE
3094	07/17/07	PERS4	Cal Pers 457 Def. Comp	275.00	.00	275.00	A70717	PERS DEF. COMP.
3095	07/17/07	PRE03	PREMIER WEST BANK	2808.51	.00	2808.51	A70717	HSA DEDUCTIBLE
3096	07/17/07	STA04	STATE OF CALIFORNIA	373.40	.00	373.40	A70717	WAGEASN 549-82-6524
3097	07/17/07	VAL06	VALIC	1750.09	.00	1750.09	A70717	AIG VALIC P TAX

Cash Account Total.....: 44086.75
 Total Disbursements.....: 44086.75

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description
004443	06/30/07	BAX00	BAXTER AUTO PARTS, INC.	16.83	.00	16.83	070625	VEH OP/MAINT-PARKS
004444	06/30/07	CHE02	CHEM QUIP, INC.	486.15	.00	486.15	2024038IN	MAT & SUPPLIES-PARKS
004445	06/30/07	COR03	CORNING RENTALS	2252.50	.00	2252.50	070630	A/C CITYWIDE-STR. PROJ.
004446	06/30/07	COR20	CORNING ELECTRONICS	25.72	.00	25.72	10065948	MAT & SUPPLIES-PARKS
004447	06/30/07	COR22	CORNING MEDICAL ASSOC	213.50	.00	213.50	070626	PROF. SVCS-DISPATCH
004448	06/30/07	DEP03	DEPT OF TRANS/CAL TRANS	87.12	.00	87.12	177764	Equip.Maint. St&Trf Light
004449	06/30/07	FIR00	FIRST BANKCARD	106.90	.00	106.90	070626	OFFICE SUPPLIES-CITY COUN
004450	06/30/07	FIT01	FITZPATRICK LAW OFFICES	493.37	.00	493.37	070702	BOOKS/PERIODICS-LGL
004451	06/30/07	GAY02	GAYNOR TELESYSTEMS, INC	224.00	.00	224.00	000004245	EQUIP. MAINT-GEN. CITY
004452	06/30/07	JES10	JESSEE HEATING & AIR, INC	200.00	.00	200.00	043785	EQUIP .MAINT.-PW ADMIN.
004453	06/30/07	LIN01	LINCOLN EQUIPMENT, INC.	659.73	.00	659.73	S171557	MAT & SUPPLIES-WTR
004454	06/30/07	NEX01	NEXTEL COMMUNICATIONS	437.52	.00	437.52	070629	COMMUNICATIONS-GEN. CITY
004455	06/30/07	NOR25	NORTHERN LIGHTS ENRGY, INC	1953.64	.00	1953.64	76519	MAT & SUPPLIES-PARKS
				207.13	.00	207.13	76520	VEH OP/MAINT-FIRE
			Check Total.....:	2160.77	.00	2160.77		
004456	06/30/07	NOR31	NORM'S PRINTING	61.67	.00	61.67	003648	PRINTING/ADV-POLICE
004457	06/30/07	PGE01	PG&E	283.35	.00	283.35	070629	Electricity-SWR
004458	06/30/07	RED07	REDDING OIL COMPANY	2430.32	.00	2430.32	070630	VEH OP/MAINT-POLICE
004459	06/30/07	SCH01	LES SCHWAB TIRE CENTER	288.31	.00	288.31	357244	Veh Opr/Maint-FIRE
				212.38	.00	212.38	357263	Veh Opr/Maint-STR
				428.49	.00	428.49	357335	Veh Opr/Maint-STR
				384.78	.00	384.78	357406	Veh Opr/Maint-WTR
			Check Total.....:	1313.96	.00	1313.96		
004460	06/30/07	TEH13	TEHAMA CO AUDITOR	396.50	.00	396.50	070701	PkgCiteToCnty PoliceSery
004461	06/30/07	THO01	THOMES CREEK ROCK CO	165.66	.00	165.66	070701	Mat/Supplies-WTR
004462	06/30/07	WAS01	WASTE MANAGEMENT OF	90325.67	.00	90325.67	070630	WASTE MGMT PYMT-SOLID WAS
004463	06/30/07	XER00	XEROX CORPORATION	273.57	.00	273.57	026071279	EQUIP. MAINT-POLICE

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Description
004468	06/30/07	COM01	COMPUTER LOGISTICS, INC	336.77	.00	336.77	34717	COMP/EQUIP/SOFT-PW ADMIN
004469	06/30/07	COR07	CORBIN WILLIAMS SYSTEMS	65.00	.00	65.00	000A70630	PROF. SVCS-FINANCE
004470	06/30/07	COR12	CORNING FORD MERCURY, INC	21.60	.00	21.60	108871	Veh Opr/Maint-POLICE
				137.48	.00	137.48	108893	Veh Opr/Maint-POLICE
			Check Total.....	159.08	.00	159.08		
004471	06/30/07	GRA02	GRAINGER, W.W., INC	175.03	.00	175.03	939909931	MAT & SUPPLIES-BLD. MAINT
				269.61	.00	269.61	939975788	MAT & SUPPLIES-BLD. MAINT
			Check Total.....	444.64	.00	444.64		
004472	06/30/07	JOH06	JOHNSON'S TURBO CLEAN	792.87	.00	792.87	1459	MAT & SUPPLIES-BLD. MAINT
004473	06/30/07	NOR31	NORM'S PRINTING	246.68	.00	246.68	0036640	MAT & SUPPLIES
004474	06/30/07	TRI02	TRI-COUNTY NEWSPAPERS	63.83	.00	63.83	5476	Print/Advert. City Clerk
				66.60	.00	66.60	5479	Print/Advert. City Clerk
			Check Total.....	130.43	.00	130.43		
004483	06/30/07	ATT10	AT&T	1054.75	.00	1054.75	T6683689	COMMUNICATIONS-GEN. CITY
004484	06/30/07	DEP12	DEPT OF JUSTICE	192.00	.00	192.00	631338	PROF. SVCS.-POLICE
004491	06/30/07	COR13	CORNING VOLUNTEER FIRE	273.11	.00	273.11	070712	EQUIP REPLAC.-FIRE CAP RE
004492	06/30/07	LNC01	LN CURTIS & SONS	137.57	.00	137.57	113046200	SAFETY ITEMS-FIRE
004493	06/30/07	ARA02	ARAMARK UNIFORM SRV.INC.	40.99	.00	40.99	3897915	Mat/Supplies
004494	06/30/07	COM01	COMPUTER LOGISTICS, INC	17.00	.00	17.00	34689	Equip.Maint. GEN CITY
004495	06/30/07	DEP12	DEPT OF JUSTICE	245.00	.00	245.00	630635	PROF SVCS/ POLICE
004496	06/30/07	EAS03	EASLINK SERVICES CORP.	10.00	.00	10.00	076439607	COMMUNICATIONS/ POLICE
004497	06/30/07	ECO01	ECO RESOURCES, INC.	2832.50	.00	2832.50	15510	ProfServices WWTP
				1505.59	.00	1505.59	15570	ProfServices WWTP
			Check Total.....	4338.09	.00	4338.09		
004519	06/30/07	COM01	COMPUTER LOGISTICS, INC	25.00	.00	25.00	34693	COMMUNICATIONS - POLICE
004520	06/30/07	COR13	CORNING VOLUNTEER FIRE	79.82	.00	79.82	962679	SAFETY ITEMS - FIRE
				218.22	.00	218.22	416836601	SAFETY ITEMS - FIRE

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
004520	06/30/07	COR13	CORNING VOLUNTEER FIRE	13.52	.00	13.52	416836701	SAFETY ITEMS - FIRE
Check Total.....:				311.56	.00	311.56		
004521	06/30/07	RON01	RON'S BODY SHOP	3041.53	.00	3041.53	070718	EQUIP REPL - POLICE
004522	06/30/07	TEH09	TEHAMA CO SHERIFF'S DEPT	1501.50	.00	1501.50	070716	Booking Fees/PD PoliceSer
Cash Account Total.....:				115978.38	.00	115978.38		
Total Disbursements.....:				115978.38	.00	115978.38		

Date.: Jul 18, 2007
Time.: 1:04 pm
Run by: PALA CANTRELL

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
ICE CONES	1710 MANZANILLO LN	CORNING, CA 96021	SANTANA	ADRIAN MOBILE SALES OF ICE CONES	07/18/07	(530)828-1517

ITEM NO. : F-7
PARCEL MAP 05-59;
ACCEPT PUBLIC IMPROVEMENTS AND
PARTIAL RELEASE OF FINANCIAL
SECURITY; COASTAL VIEW CONSTRUCTION

JULY 24, 2007

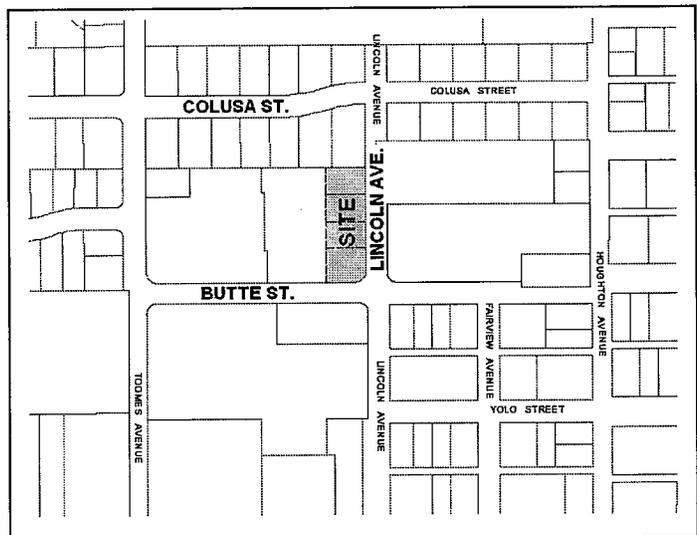
TO: CITY COUNCIL OF THE CITY OF CORNING

FROM: TOM RUSS, PUBLIC WORKS DIRECTOR *Jem*
JOHN L. BREWER, AICP; PLANNING DIRECTOR *JLB*

Parcel Map 05-59 recorded on September 19, 2006. The map created four parcels positioned north of Butte Street and east of Lincoln Street. See the inset map to the right for the location.

In lieu of completing the infrastructure (street, sidewalk, utility, etc.) improvements prior to recording the map, the developer chose to provide financial assurance in the form of two bonds ("Performance" and "Labor and Materials") and completed a "Subdivision Agreement" with the City. Copies of those documents are attached. Note that neither of the bonds address the issue of maintenance.

The required infrastructure improvements have been completed as verified by Public Works Supervisor Carl Crain. The subdivider, Coastal View Construction, has requested that the bonds provided with the subdivision agreement be released. However, since the developer is responsible for maintaining the infrastructure for one year, the "Maintenance" portion of the financial assurance (Item 3 in Agreement totaling \$7,908.00) must be provided and retained. For that purpose, Coastal view Construction has furnished the attached "Maintenance" bond.



STAFF RECOMMENDATION:

That the City Council:

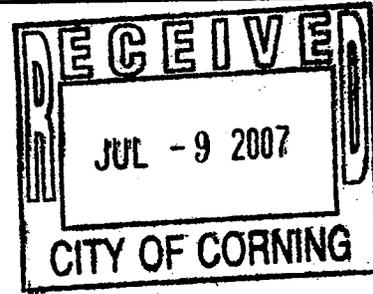
- ◆ Accept the public improvements within the boundary of Parcel 05-59, subject to the developer's 1-year maintenance responsibility that shall expire on July 10, 2008.
- ◆ Direct staff to prepare a letter to Coastal View Construction acknowledging the acceptance of the public improvements within Tract 05-1001 and releasing the performance and payment security obligations of items 1, & 2 of the Subdivision Agreement dated September 12, 2006.
- ◆ The Maintenance portion of the Bond may be released without further action by the City Council, at the discretion of the Public Works Director, and less expenditures for repairs, upon expiration of the one-year maintenance period on July 10, 2008.



Coastal View Construction
Commercial & Residential Construction
Real Estate Development

6-28-2007

City of Corning
794 third St.
Corning CA, 96021



Re: Lincoln Ave. (performance and the labor and material bonds)

Attn: John Brewer-Planning Director

Dear John:

Per your request, the purpose of this letter is to request the City of Corning to release the performance and the labor and material bonds for Lincoln Ave. Also enclosed is the requested maintenance bond in the amount of \$7,908.00.

If you have any questions please call me at 894-0478

Sincerely,

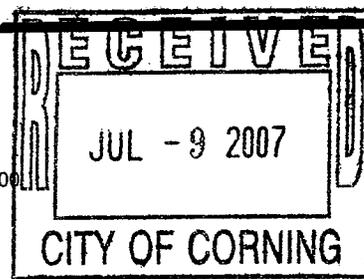
Brian Starr

PO Box 568
Chico, CA. 95927
Lic. # 792286

Phone: 530-894-0478
Fax: 530-894-0478
Cell: 530-570-4001



INSCO INSURANCE SERVICES, INC.
 Underwriting Manager for:
 Developers Surety and Indemnity Company
 Indemnity Company of California
 17780 Fitch, Suite 200 • Irvine, California 92614 • (949) 263-3300



MAINTENANCE BOND

BOND NO.: 569052S
 Premium included in Performance Bond

KNOW ALL MEN BY THESE PRESENTS:

THAT we, Coastal View Construction, Inc., as Principal,
 and Developers Surety and Indemnity Company, a corporation organized and doing business under
 and by virtue of the laws of the State of Iowa and duly licensed to conduct surety
 business in the State of California, as Surety, are held and firmly bound unto
 City of Corning, CA
 794 Third Street
 Corning, CA 96021

as Obligee, in the sum of Seven Thousand Nine Hundred and Eight and No/100
(\$ 7,908.00) Dollars, for which payment, well and truly to be made, we bind ourselves, our heirs, executors
 and successors, jointly and severally firmly by these presents.

THE CONDITION OF THE OBLIGATION IS SUCH THAT:

WHEREAS, the above named Principal entered into an agreement or agreements with said Obligee to:

Parcel Map 05-59

WHEREAS, said agreement provided that Principal shall guarantee replacement and repair of improvements as described
 therein for a period of one year following final acceptance of said improvements;

NOW, THEREFORE, if the above Principal shall indemnify the Obligee for all loss that Obligee may sustain by reason
 of any defective materials or workmanship which become apparent during the period of one year from and after acceptance
 of the said improvements by Obligee, then this obligation shall be void; otherwise to remain in full force and effect.

IN WITNESS WHEREOF, the seal and signature of said Principal is hereto affixed and the corporate seal and the name
 of the said Surety is hereto affixed and attested by its duly authorized Attorney-in-Fact

this 28 day of June, 2007
 YEAR

Coastal View Construction, Inc.
 Principal

Developers Surety and Indemnity Company

BY:
Wanda E. Starr, President

BY: John Hopkins
 John Hopkins, Attorney-in-Fact

P. O. Box 568, Chico, CA 95927

**POWER OF ATTORNEY FOR
DEVELOPERS SURETY AND INDEMNITY COMPANY
INDEMNITY COMPANY OF CALIFORNIA**

PO BOX 19725, IRVINE, CA 92623 (949) 263-3300

KNOW ALL MEN BY THESE PRESENTS, that except as expressly limited, DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, do each, hereby make, constitute and appoint:

*****Nancy Luttenbacher, John Hopkins, Donald Pollard, Bobbie Beeny, Elizabeth Teats, jointly or severally*****

as their true and lawful Attorney(s)-in-Fact, to make, execute, deliver and acknowledge, for and on behalf of said corporations, as sureties, bonds, undertakings and contracts of suretyship giving and granting unto said Attorney(s)-in-Fact full power and authority to do and to perform every act necessary, requisite or proper to be done in connection therewith as each of said corporations could do, but reserving to each of said corporations full power of substitution and revocation, and all of the acts of said Attorney(s)-in-Fact, pursuant to these presents, are hereby ratified and confirmed.

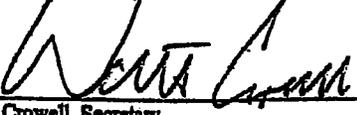
This Power of Attorney is granted and is signed by facsimile under and by authority of the following resolutions adopted by the respective Board of Directors of DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, effective as of November 1, 2000:

RESOLVED, that the Chairman of the Board, the President and any Vice President of the corporation be, and that each of them hereby is, authorized to execute Powers of Attorney, qualifying the attorney(s) named in the Powers of Attorney to execute, on behalf of the corporations, bonds, undertakings and contracts of suretyship; and that the Secretary or any Assistant Secretary of the corporations be, and each of them hereby is, authorized to attest the execution of any such Power of Attorney;

RESOLVED, FURTHER, that the signatures of such officers may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures shall be valid and binding upon the corporation when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached.

IN WITNESS WHEREOF, DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA have severally caused these presents to be signed by their respective Executive Vice President and attested by their respective Secretary this 1st day of February, 2005.

By: 
David H. Rhodes, Executive Vice-President

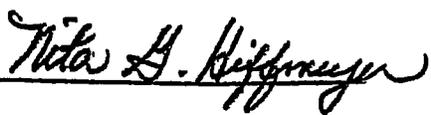
By: 
Walter A. Crowell, Secretary



STATE OF CALIFORNIA)
)SS.
COUNTY OF ORANGE)

On February 1, 2005, before me, Nita G. Hiffmeyer, personally appeared David H. Rhodes and Walter A. Crowell, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Signature 



CERTIFICATE

The undersigned, as Executive Vice-President, of DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, does hereby certify that the foregoing Power of Attorney remains in full force and has not been revoked, and furthermore, that the provisions of the resolutions of the respective Boards of Directors of said corporations set forth in the Power of Attorney, are in force as of the date of this Certificate.

This Certificate is executed in the City of Irvine, California, the 28th day of June, 2007.

By: 
David L. Kerrigan, Executive Vice-President

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California)

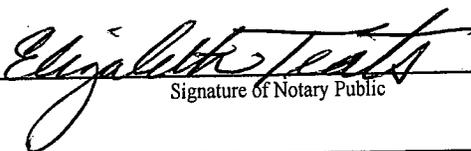
County of Butte)

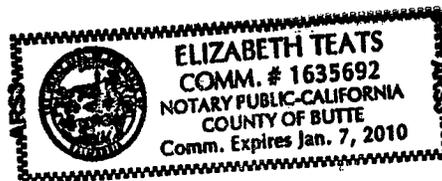
On 06/28/2007 before me, Elizabeth Teats, Notary Public
(here insert name and title of the officer)

personally appeared John Hopkins

personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.


Signature of Notary Public



(Seal)

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Subdivision Maintenance Bond

(Title or description of attached document)

Coastal View Construction, Inc.

(Title or description of attached document continued)

Number of Pages 1 Document Date 06/28/2007

Developers Surety and Indemnity Company

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

Individual (s)

Corporate Officer

(Title)

Partner(s)

Attorney-in-Fact

Trustee(s)

Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~, is /~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - * Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - * Indicate title or type of attached document, number of pages and date.
 - * Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

ITEM NO.: F-9
APPROVE 3-YEAR LANDSCAPE AND
TURF MAINTENANCE CONTRACT WITH
KEN VAUGHN IN THE AMOUNT OF
\$8,450 PER YEAR AND APPROPRIATE
\$950 FROM THE GENERAL FUND
RESERVE
JULY 24, 2007

TO: HONORABLE MAYOR AND COUNCILMEMBERS
OF THE CITY OF CORNING

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER
TOM RUSS, DIRECTOR OF PUBLIC WORKS

STEVE
TR

SUMMARY:

Staff requests Council award the Landscape and Turf Maintenance Contract to Ken Vaughn and appropriate an additional \$950 from the General Fund Reserve to add to the existing \$7,500 for the Landscape Maintenance Budget.

BACKGROUND:

There were eight local Landscape Contractors invited to submit proposals for providing landscape maintenance services for a 3 year period at the following six locations: Martini Plaza, Corning Transportation Center, Corning Library, Corning Park and Ride, City Hall and the Fire Department.

Two Proposals were received; find attached the bid summary. The highest proposal was provided by DPM Landscaping at \$9,060 and the lowest from Ken Vaughn at \$ 8,450.

The appropriated \$950 will be funded from the General Fund Reserve. These funds will be transferred to Public Works, this item is listed in the 2007-2008 budget under Landscape Maintenance/Parks Maintenance for \$7,500. (001-6315-6100)

RECOMMENDATION:

MAYOR AND COUNCIL AWARD THE LANDSCAPE AND TURF MAINTENANCE THREE YEAR CONTRACT TO KEN VAUGHN AT \$8,450 PER YEAR AND APPROPRIATE \$950 FROM THE GENERAL FUND RESERVE TO LINE ITEM 001-6315-6100 FOR LANDSCAPE MAINTENANCE IN THE 2007-2008 PARK'S BUDGET.

**LANDSCAPE AND TURF MAINTENANCE
BIDS RECEIVED ON
JULY 18, 2007 AT 2:00 PM**

<u>Company Name</u>	<u>Yearly Bid Amount</u>
1. DPM Landscaping P.O. Box 8116 Red Bluff, CA 96080	\$9,060.00
2. Ken Vaughn P.O. Box 722 Corning, CA 96021	\$8,450.00

CITY OF CORNING**JUNE 2007****TREASURERS REPORT**

AGENCY	BALANCE	RATE	MATURES ON
LOCAL AGENCY INVESTMENT FUND	1,978,424.98	5.17	
PREMIER WEST BANK	182,386.55	4.51	03/28/08
PREMIER WEST BANK	163,102.27	4.51	04/20/08
SAVINGS ACCOUNT			
BANK OF AMERICA	5,653.15	.200	
BANK OF AMERICA TRUST ACCOUNTS	4,925.14	.200	
PREMIER WEST BANK RIDELL TRUST	188,337.21	4.75	06/13/07

Respectfully Submitted

Pala Cantrell
City Treasurer

**ITEM NO. F-11
ACCEPT AND APPROVE FINAL
PARCEL MAP NO 06-29;
LARRY L. MARPLE; 2444
HIGHWAY 99-W; APN 87-040-
06.**

JULY 24, 2007

TO: CITY COUNCIL OF THE CITY OF CORNING
FROM: JOHN L. BREWER, AICP; PLANNING DIRECTOR

JB

BACKGROUND:

On October 10, 2006, the City Council made the recommended findings and approved Tentative Parcel Map 06-29, subject to twenty-seven (27) conditions of approval. The tentative map proposed to create one commercial parcel and a "Remaining Lands" parcel. Upon simultaneous filing of the Deferred Improvement Agreement (Exhibit "B-1 thru 6"), the conditions of approval required at this time will have been satisfied. The remaining conditions are more tied to the actual development of the parcel.

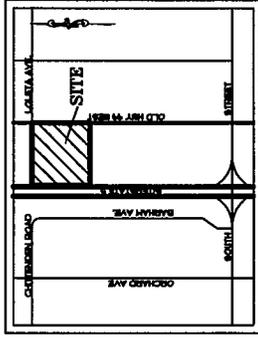
Doug Kuss of Robertson & Dominick in Redding has submitted the final parcel map for recording. In accordance with Government Code Section 66458(a) (Exhibit "C"), the final map is presented for Council approval prior to recording. A reduced scale copy of the Parcel Map is attached as Exhibits "A-1, A-2 & A-3" for your review and consideration.

Staff has determined that the final Parcel Map substantially conforms to the approved Tentative Map.

STAFF RECOMMENDATION:

That the City Council:

- Find that the final map substantially conforms to the tentative map and Accept and Approve Final Parcel Map 06-29, and
- Authorize the Mayor to sign the Deferred Improvement Agreement on behalf of the City.
- Direct the City Clerk to acknowledge the Council approval and record final Parcel Map 06-29, together with the signed Deferred Improvement Agreement with the Tehama County Clerk and Recorder.



VICINITY MAP
NOT SCALE

SURVEYOR'S STATEMENT

The map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Surveyors' and Land Surveyors' Act of 1907. I hereby state that the parcel map substantially conforms to the approved or conditionally approved tentative map, if any, and that the same are sufficient to enable the survey to be retraced.



Joseph F. Dominick III
My license expires 06/30/07

CITY ENGINEER'S STATEMENT

I, Joseph E. Anderson, Jr., city engineer of the city of Combing, do hereby certify that the subdivision shown herein is substantially the same as it appeared on the tentative map, and any approved alterations hereof as approved by the City of Combing. I am not aware of any violation of the Subdivision Map Act, as amended, and of the city of Combing subdivision ordinance, applicable at the time of approval of the map, have been complied with, and the map is technically correct.

Joseph E. Anderson, Jr. RCE 1851
City Engineer
County of Tehama
State of California

CITY CLERK'S CERTIFICATE

Lisa M. Livest, Clerk of the City Council of the City of Combing, hereby certify that said Council approved the within map on the _____ day of _____, 2007.

Lisa M. Livest, Clerk of
the City Council
City of Combing

COUNTY RECORDER'S STATEMENT

Filed this _____ day of _____, 20____ at _____, CA,
in Book _____ of Parcel Maps at Pages _____ at
the request of Larry L. Marple.

Bevvelly Ross
Tehama County Recorder
by: Deputy County Recorder _____ DATE _____

APPURTENANT INTERESTS

1. DEFERRED IMPROVEMENT AGREEMENT
PER DOCUMENT # _____

OWNER'S STATEMENT

I, the undersigned, hereby state that I am the owner or have some right, title or interest in and to the real property described and enclosed with the distinctive boundary lines as shown herein, that I am duly qualified to execute this instrument, and that I consent to preparation and recording of this parcel map.

Larry L. Marple OWNER PER 2006-0803

ACKNOWLEDGMENT

(State of California) ss.
County of _____

On _____ before me,
personally appeared _____

personally known to me (or provided to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same for the purposes and consideration therein expressed. My commission expires _____.

Notary Public, county of _____ print name
_____ on _____ my commission expires _____

ACKNOWLEDGMENT

(State of California) ss.
County of _____

On _____ before me,
personally appeared _____

personally known to me (or provided to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same for the purposes and consideration therein expressed. My commission expires _____.

Notary Public, county of _____ print name
_____ on _____ my commission expires _____

PARCEL MAP 08-29
Lot 1 in Block 28 of Maywood Colony No. 28
Book 10 of Parcel Maps of Combing
Tehama County, California

FOR
LARRY L. MARPLE
2006-0803

Robertson & Dominick, Inc.
Civil Engineers and Surveyors
434 Bechelli Ln., Suite 8
Redding, CA 96002
530-232-5194 2323684 fax
robertson-dominick.com
Office • Red Bluff • Redding

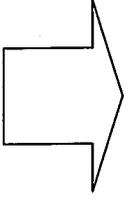


JULY 2007

1 OF 3

A-1

66458. Approval by legislative body; approval by inaction



(a) The legislative body shall, at the meeting at which it receives the map or, at its next regular meeting after the meeting at which it receives the map, approve the map if it conforms to all the requirements of this chapter and any local subdivision ordinance applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder. If the map does not conform, the legislative body shall disapprove the map.

(b) If the legislative body does not approve or disapprove the map within the prescribed time, or any authorized extension thereof, and the map conforms to all requirements and rulings, it shall be deemed approved, and the clerk of the legislative body shall certify or state its approval thereon.

(c) The meeting at which the legislative body receives the map shall be the date on which the clerk of the legislative body receives the map.

(d) The legislative body may provide, by ordinance, for the approval or disapproval of final maps by the city or county engineer, surveyor, or other designated official. The legislative body may also provide, by ordinance, that the official may accept, accept subject to improvement, or reject dedications and offers of dedications that are made by a statement on the map. Any ordinance adopted pursuant to this subdivision shall provide that (1) the designated official shall notify the legislative body at its next regular meeting after the official receives the map that the official is reviewing the map for final approval, (2) the designated official shall approve or disapprove the final map within 10 days following the meeting of the legislative body that was preceded by the notice in (4) below, (3) the designated official's action may be appealed to the legislative body, (4) the legislative body shall provide notice of any pending approval or disapproval by a designated official, which notice shall be attached and posted

"C"

WHEN RECORDED, PLEASE RETURN TO:

City of Corning
Public Works Department
794 Third Street
Corning, CA 96921

DEFERRED IMPROVEMENT AGREEMENT

City of Corning, a municipal corporation)
 First Party,)
 - and -)
 Larry L. Marple, a married man)
 Second Party)

THIS AGREEMENT is made by and between the CITY OF CORNING, a municipal corporation, hereinafter called " City " and

Larry L. Marple, a married man, hereinafter called "Owner" with reference to the following facts:

Owner has undertaken to develop or construct new facilities and/or structures on the real property located south and west of the intersection of Loleta Avenue and Old Highway 99-W-also known as Assessor Parcel Number 87-040-06 in the City of Corning, California; as more particularly described in Exhibit "A" attached hereto and by this specific reference made a part thereof as though set forth in its entirety.

This Agreement is an instrument affecting the title or possession of real property described in Exhibit "A" and the successors in interest of owner. Upon sale or division of each parcel each new owner shall succeed to the obligations imposed on owner by this agreement. City's Code and Construction Standards require that certain improvements be installed according to City Standards as a prerequisite to development of the site, or that arrangements be made for the future installation thereof.

"B"

Page Two.

City and owner now desire to enter into an agreement to make such required improvements in the future so that the construction can proceed.

CITY AND OWNER THEREFORE AGREE AS FOLLOWS:

1. Owner shall, within 180 days after notification by the City, complete at Owner's expense to the satisfaction of the City Engineer, and in accordance with all of City's standards and specifications and all applicable rules and regulations of federal, State and local law, all of the improvements set forth and described in Exhibit "B" hereto.
2. When the time limits specified in Paragraph 1, above have expired and Owner has not completed the improvements specified in Exhibit "B" hereto, City will have the option of treating this agreement as a petition for installation of improvements pursuant to City of Corning Standard Specifications, or causing the work to be done and assessing the cost thereof as a lien against Owner's property described in Exhibit "A" hereto.
3. The terms and conditions of this agreement shall be binding upon the parties hereto and their heirs, representatives, assigns, lessees, and successors in interest, and the duties and responsibilities under this agreement shall be a burden upon and shall run with the land described in Exhibit "A" hereto; City and Owner agree that a copy of this agreement, with all exhibits attached, shall be recorded with the County Recorder of Tehama County to give constructive notice of its terms.
4. All costs of any litigation caused by the default by Owner of the terms and conditions of this agreement, including reasonable attorney's fees shall be paid by owner, and same shall become a lien upon the real property described in Exhibit "A" hereto.

B-2

5. If the City elects either option set forth in paragraph 2 above, City has the sole and exclusive right and power to commence such construction and to determine the amount of the cost of said construction, in the event City advances such cost as herein provided.

6. The City may, upon completion of the improvements, record a Notice of Lien; pertaining to the property benefited by said improvements, with the Tehama County Recorder's Office specifying the costs incurred by the City for said construction, thereby perfecting said lien as a legal charge against said real property collectable in the same manner as real property taxes and assessments.

IN WITNESS WHEREOF, the parties hereto have executed this agreement at Corning, California, on _____, 2007.

CITY OF CORNING

By: _____
GARY R. STRACK, MAYOR

First Party

By: _____
LARRY L. MARPLE

Second Party

B-3

Page Four

STATE OF CALIFORNIA)

CITY OF CORNING) ss.

COUNTY OF TEHAMA)

On this the _____ day of _____, 2007, before me the undersigned, a Notary Public in and for said County and State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the person__ whose name__ subscribed to the within instrument and acknowledged that_____ executed the same.

Signature of Notary

(FOR NOTARY SEAL OR STAMP)

STATE OF CALIFORNIA)

CITY OF CORNING) ss

COUNTY OF TEHAMA)

ON _____, 2007, before me, the undersigned, Clerk of the City of Corning, State of California, personally appeared Gary R. Strack, known to me to be the person who executed the within instrument on behalf of the City of Corning.

WITNESS my hand and seal of said City Council.

Lisa Linnet
City Clerk

B-4

Page Five

EXHIBIT "A"

Parcel 1 as the same is shown on Parcel Map No. 06-29 filed in Book ____ of Parcel Maps at page ____, in the office of the County Recorder of the County of Tehama, State of California.

B5

EXHIBIT "B"

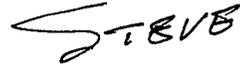
Property frontage half-width street improvements, along Old Highway 99-W in accordance with the Standard Drawing included in the document titled "Highway 99-W Corridor Specific Plan" , dated and adopted August 26, 1997, as amended by action of the Corning City Council on June 12, 2007 and including complete west half-width improvements including traveled way, median turn lane, curb, gutter and sidewalk/bikepath, and landscaped parkway between sidewalk/Bikepath and curb.

B-6

ITEM NO. F-12
APPROVE AGREEMENT WITH
JAMES NORVALL, COMMUNITY
DEVELOPMENT CONSULTANT
TO ADMINISTER THREE CDBG
PT-A GRANTS
JULY 24, 2007

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER



SUMMARY:

The City has received three Planning and Technical Assistance Grants (PT-A) through the State Community Development Block Grant Program. The administration of these Grants requires current knowledge of State and Federal Regulations and the City has found it to be more practical to engage Mr. James Norvall to administer each of the three Grants for \$1,750 each. Approval of this Agreement will allow City Staff to move forward with these three projects.

BACKGROUND:

The City received three \$35,000 PT-A Grants from the State Department of Economic Development. The Grants are for a Retail Trade Analysis and Market Opportunities Study, a GIS Planning Study for Flood Prevention in Southwest Corning, and a Grant to add accurate topographic information along with GIS updates to the City's geographic information system.

Mr. James Norvall has been working with the City of Corning for about 10 years. He has an excellent knowledge of Community Development Block Grants and remains current on administrative regulations including quarterly and annual reports required by the State of California.

Since each of these Planning Grants total \$43,750, including \$45,000 in Grant Funds and \$8,750 in City match funds Mr. Norvall's fee of \$1,750 is only 4% of the total project cost.

RECOMMENDATION:

MAYOR AND COUNCIL APPROVE THE CONSULTANT AGREEMENT WITH MR. JAMES NORVALL, COMMUNITY DEVELOPMENT CONSULTANT.

CONSULTANT AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of _____, 2007, by and between James Norvall, Community Development Consultant, hereinafter referred to as "Consultant", and the City of Corning, a Municipal Corporation, hereinafter referred to as "City".

WHEREAS, City has received three (3) Community Development Block Grants (CDBG) from the State Department of Housing and Community Development (HCD), Planning & Technical Assistance Allocation entitled as follows:

1. Retail Trade Analysis & Market Opportunity Study
2. Planning Study For Flood Prevention in Southwest Corning
3. Compilation Of A Municipal Geographic Information System

WHEREAS, City requires the services of a consultant with expertise in administering the grant in compliance with State and Federal law and regulation; and,

WHEREAS, Consultant has represented that he is qualified and has the necessary experience to provide the aforementioned services;

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties hereto agree as follows:

WORK TO BE PERFORMED BY CONSULTANT

Consultant will complete the following Tasks for each of the grants mentioned above:

1. Prepare or modify if necessary, environmental documents to comply with NEPA.
2. Prepare a periodic Cash Request and Report Form for signature by the City and submittal to HCD.
3. Prepare quarterly Financial Assessment Reports (FAR) for signature by the City and submittal to HCD.
4. Prepare the annual Grantee Performance Report (GPR) for signature by the City and submittal to HCD.

5. Prepare closeout documentation, including the Certificate of Completion and final GPR for signature by the City and submittal to HCD. Financial information shall be coordinated with the City Treasurer

CONSULTANT FEE

Consultant will be compensated at the rate of \$75.00 per hour for work performed on the above tasks. This hourly rate includes necessary travel, overhead and profit. Charges will be billed on a monthly basis, including a time sheet showing hours worked by task and date.

The total amount payable to Consultant under this Agreement shall not exceed the following cost limitations unless amended in writing:

1. Retail Trade Analysis & Market Opportunity Study - \$1,750.00
2. Planning Study For Flood Prevention in Southwest Corning - \$1,750.00
3. Compilation Of A Municipal Geographic Information System - \$1,750.00

AMENDMENTS

Due to the needs of the program, changes in the scope of work and related costs may be desirable. Any amendments to this Agreement must be in writing and executed by both parties.

CITY RESPONSIBILITY

City will designate one person to act as City representative with respect to the services to be rendered under this Agreement. Such person shall have authority to transmit instructions and receive information with respect to Consultant services.

METHOD OF PAYMENT

Consultant will submit an invoice and progress report on the first of each month for work performed the previous month.

TERM OF AGREEMENT

This Agreement becomes effective upon execution by both parties hereto, and shall terminate on December 31, 2009, unless terminated by either party as provided herein.

INDEPENDENT CONTRACTOR

Consultant acknowledges and agrees that he is an independent contractor in the performance of this Agreement and is not an officer, employee, agent or servant of City.

SUBLETTING

The Consultant acknowledges and agrees that the subletting or transfer of any portion of the work covered by this Agreement is prohibited.

TERMINATION

This Agreement may be terminated by either party upon 30 days written notice. In the event of termination, City shall pay Consultant for services performed under this Agreement up to the effective date of termination. Payment shall be based upon a reasonable estimate, as mutually agreed, of the percentage of work actually completed.

City shall have the right to monitor the performance of Consultant against the goals and standards of this Agreement and the City of Corning Community Development Block Grant Application and Grant, herein incorporated by reference. Substandard performance by Consultant, as determined by City, will constitute non-compliance with this Agreement. If action to correct such substandard performance is not taken by Consultant within thirty (30) days after being notified in writing by City, City may terminate this Agreement.

COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS

Consultant shall comply with all applicable State and Federal Laws and Regulations attached hereto as Exhibit A.

HOLD HARMLESS

Consultant shall save, indemnify, defend and hold harmless the City, their officers, employees, agents and servants from any and all actions, claims and liability arising out of Consultant's performance pursuant to this Agreement.

ACCESS TO WORK

Consultant agrees that City, the Department of Housing and Community Development, HUD, the Comptroller General of the United States, or any of their duly authorized representatives shall have access to any books, documents, papers and records of Consultant relating to work performed under this Agreement for the purpose of making audit, examination, excerpts, and transcriptions. Consultant shall maintain all required records for ~~three~~ ^{four} years after City makes final payment and all matters pertaining to the Agreement are resolved.

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year set forth below.

James Norvall, Economic Development

By: James Norvall

Title: Mayor

Date: _____

City of Corning

By: _____

Title: _____

Date: _____

STATE AND FEDERAL LAWS AND REGULATIONS

1. The Civil Rights, Housing and Community Development, and Age Discrimination Acts Assurances:

During the performance of this Agreement, the Contractor assures that no otherwise qualified person shall be excluded from participation or employment, denied program benefits, or be subjected to discrimination based on race, color, national origin, sex, age, or handicap, under any program or activity funded by this agreement, as required by Title VI of the Civil Rights Act of 1964, Title I of the Housing and Community Development Act of 1974, as amended, and the Age Discrimination Act of 1975, and all implementing regulations.

2. State Nondiscrimination Clause:

- a) During the performance of this contract, contractor and its subcontractors shall not unlawfully discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status, age (over 40) or sex. Contractors and subcontractors shall insure that the evaluation and treatment of their employees and applicants for employment are free of such discrimination. Contractors and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Government Code, Section 12900 et seq.) and the applicable regulations promulgated thereunder (California Administrative Code, Title 2, Section 7258.0 et seq.) The applicable regulations of the Fair Employment and Housing Commission implementing Government Code, Section 12990, set forth in Chapter 5 of Division 4 of Title 2 of the California Administrative Code are incorporated into this contract by reference and made a part hereof as if set forth in full. Contractor and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.
- b) This contractor shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the contract.

3. Compliance with Air and Water Acts:

This Agreement is subject to the requirements of the Clean Air Act, as amended, 42 USC 1857 et seq., the Federal Water Pollution Control Act, as amended, 33 USC 1251 et seq., and the regulations of the Environmental Protection Agency with respect thereto, at 40 CFR Part 15, as amended from time to time.

In compliance with said regulations, the Grantee shall cause or require to be inserted in full in all contracts and subcontracts with respect to any nonexempt transaction thereunder funded with assistance provided under this Agreement, the following requirements:

- a) A stipulation by the contractor or subcontractor that any facility to be utilized in the performance of any nonexempt contract or subcontract is not listed on the List of Violating Facilities issued by the Environmental Protection Agency (EPA) pursuant to 40 CFR 15.20.
- b) Agreement by the contractor to comply with all the requirements of Section 114 of the Clean Air Act, as amended (42 USC 1857c-8), and Section 308 of the Federal Water Pollution Control Act, as amended (33 USC 1318), relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in said Section 114 and Section 308, and all regulations and guidelines issued thereunder.
- c) A stipulation that as a condition for the award of the contract, prompt notice will be given to any notification received from the Director, Office of Federal Activities, EPA, indicating that a facility

utilized or to be utilized for the contract is under consideration to be listed on the EPA List of Violating Facilities.

- d) Agreement by the contractor that he will include or cause to be included the criteria and requirements in paragraphs (a) through (d) of this section in every nonexempt subcontract and requiring that the contractor will take such action as the government may direct as a means of enforcing such provisions.

In no event shall any amount of the assistance provided under this Agreement be utilized with respect to a facility, which has given rise to a conviction under Section 113(c)(1) of the Clean Air Act or Section 309(c) of the Federal Water Pollution Control Act.

4. Conflict of Interest of Certain Federal Officials:

No Congressional representative and no resident commissioner shall receive any benefit from this Grant Agreement or activity.

5. Interest of Members, Officer or Employees of Contractors, Members of Local Governing Body, or Other Public Officials:

No member, officer or employee of the City, or its designees or agents, no member of the governing body of the locality in which the program is situated, and no other public officials of such locality or localities who exercise any functions or responsibilities with respect to the program during his/her tenure or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for Work to be performed in connection with the program assisted under the Agreement. The contractor shall incorporate, or cause to be incorporated, in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purposes of this section.

6. Prohibition Against Payments of Bonus or Commission:

The assistance provided under this Agreement shall not be used in the payment of any bonus or commission for the purpose of obtaining HCD approval of the application for such assistance, or HCD approval of the applications for additional assistance, or any other approval of concurrence of HCD required under this Agreement, Title I of the Housing and Community Development Act of 1974, or HCD regulations with respect thereto; provided, however, that reasonable fees or bona fide technical, consultant, managerial or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as program costs.

7. Record Retention

The Grantee and all contractors and subcontractors shall keep all program records for at least four years after the grant agreement, and any amendments thereto expire, or three years after the completion and resolution of any audits or lawsuits, whichever is later. Grantee and all contractors and subcontractors shall allow the department of Housing and Community Development, HUD, or other state or federal agencies access to all relevant records for monitoring and audit purposes.

ITEM NO. I-13
DESIGNATION OF VOTING
DELEGATE AND ALTERNATE
FOR 2007 LEAGUE ANNUAL
CONFERENCE
JULY 24, 2007

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER



BACKGROUND:

Prior to the League of California Cities Annual Conference, the City Council designates its voting delegate and alternate to represent the City at the League of Cities General Assembly. The League By-Laws require that the voting delegate be officially designated by the City Council.

Staff asks that the City Council consider who will be attending the Conference and appoint a delegate and alternate.

RECOMMENDATION:

MAYOR AND COUNCIL APPOINT ITS DELEGATE AND ALTERNATE TO THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE AND GENERAL ASSEMBLY.



1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

Please review this memo carefully. New procedures were adopted in 2006 regarding designation of voting delegates and alternates and voting at the Annual Conference.

June 8, 2007

TO: Mayors, City Managers and City Clerks

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference – September 5-8, Sacramento**

The League's 2007 Annual Conference is scheduled for September 5-8 in Sacramento. An important part of the Annual Conference is the Annual Business Meeting, scheduled for Saturday morning, September 8, at the Hyatt Hotel in Sacramento. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. In the event that the designated voting delegate is unable to serve in that capacity, your city may appoint up to two alternate voting delegates. The ability to appoint up to two alternates is the result of approval last year of a League bylaws amendment that increased the number of voting delegate alternates from one to two.

Please complete the attached Voting Delegate form and return it to the League's office no later than August 13, so that voting delegate/alternates records may be established prior to the conference. At the conference, voting delegate forms may be returned to the Voting Delegate Desk located in the conference registration area.

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. At least one must be present at the Business Meeting and in possession of voting card in order to cast a vote. Voting delegates and alternates

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are requested to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegates Desk. This will enable them to receive the special stamps on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **New Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special stamp on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they should be sure to sign in at the Voting Delegate desk and obtain the special stamps on their badges.

The Voting Delegate desk in the conference registration area will be open September 5, 6 and 7, and prior to the Business Meeting on September 8. The conference registration area will open at 12:00 p.m., on September 5, at the Sacramento Convention Center. The Voting Delegate desk will also be open at the Business Meeting, but not during a roll call vote, should one be undertaken.

The voting procedures that will be used at the conference are attached to this memo. Please share it and this memo with your council and especially with the individuals your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League office by August 13, 2007. If you have questions, please call Mary McCullough at (916) 658-8247.

Attachments:

- 2007 Annual Conference Voting Procedures
- Voting Delegate/Alternate Form



1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

Annual Conference Voting Procedures 2007 Annual Conference

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. We encourage voting delegates and alternates to sign in at the Voting Delegate Desk so that they may receive a special stamp on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates) and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is not either a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission will be limited to those individuals with a special stamp on their name badge identifying them as a voting delegate or alternate. If the city's voting delegate and alternates wish to sit together, all should sign in at the Voting Delegate desk and obtain the special stamps on their badges.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CITY: _____

**2007 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM**

Please complete this form and return it to the League office by August 13, 2007. Forms not sent by this deadline may be returned to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting, voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this special area will be limited to individuals (voting delegates and alternates) who are identified with a special stamp on their conference badge. If your city's voting delegate and alternates wish to sit together at the Business Meeting, they are all encouraged to sign in at the Voting Desk in order to obtain the identifying stamp that will admit them to the special voting area.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

ATTEST (I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate.)

Name: _____

Phone: _____

Title: _____

Date: _____

Please complete and return by August 13 to:

League of California Cities
ATTN: Mary McCullough
1400 K Street
Sacramento, CA 95814

FAX: (916) 658-8240

ITEM NO.: I-14
YARD SALE SIGNS OR A
COMMUNITY BULLETIN BOARD –
CITY CODE ENFORCEMENT
JULY 24, 2007

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER



SUMMARY:

The Public Works Staff had begun removing the illegal yard sale signs from Utility Poles and City Sign Poles this past year. This resulted in a citizen's complaint about the removal of their sign and led to a City Council discussion along with audience participation from members of the "Hometown Revitalization" Committee.

Hometown Revitalization volunteered to prepare a report for further discussion about the possibility of installing a community bulletin board near the Park and Ride Lot at the southeast corner of Solano and Third Streets.

There has also been a concern about the lack of City Code enforcement pertaining to yard sales.

BACKGROUND:

The City Public Works Department took the initiative to begin removing old yard sale signs that were taped, nailed or tacked to Utility Poles and City Sign Poles. This came about after receiving a number of complaints from citizens about the "Eye sore" appearance of the tattered and abandoned signs and, because the posting of many of the signs has created a traffic problem when people stop in the Street to read the signs.

The City Code has very specific requirements for yard sales in Title Five, Chapter 5.40 Yard Sales. This Chapter, which is attached for information, was enacted in 1979 and has not been amended since that time.

The City Code (5.40.010) states the purpose very clearly:

"The City Council finds that it is a common practice for persons residing in the City to conduct yard sales, as they are defined in this chapter, and that some such sales are in fact commercial enterprises which are carried on without business licenses and in areas not zoned for commercial enterprises. Because such sales are not regulated, and may be used for the disposition of property illicitly obtained, it is deemed necessary to regulate such sales."

This Code (5.40.070) includes a very clear limitation on the posting of yard sale notices. The Code reads:

“It is unlawful for any person or persons to advertise a yard sale by attaching notices or posters to structures, signs or sign supports, utility poles or other supports, except upon the premises where the sale is being conducted, without first having obtained consent of the owner of such support to post such notice or poster.”

The City Code limits the number of yard sales to no more than two per calendar year with a limitation of three consecutive days for each yard sale. However, the Code has exceptions allowing neighbors to join together in yard sales and have one more yard sale per year. Then, in another section of the Code there is a provision that allows persons to join together to obtain a business license to conduct more than one yard sale per year as long as it is not in a residential zone of the City. Unfortunately this provision appears to allow a resident of a home in the commercial zone on Solano Street to conduct unlimited yard sales if they have obtained a business license.

Enforcement of the yard sale provisions of the City Code have been done upon complaint and the practice of issuing yard sale permits had been abandoned by City Staff.

As written, the permit process appears to be a good idea, however there has never been the means to provide sufficient City Staff to “Police” the yard sales to ensure that all yard sales had permits and were in compliance with Code. For this reason City Staff abandoned the permit process many years ago. The Staff action was however discussed informally at past Council meetings, but no direction has been given to reinstate the permit process.

There is a clear penalty section in this Code providing that any violation is an “Infraction” under the law. City Code Chapter 1.08 is a “General Penalty” section which provides that an infraction is punishable by a fine not exceeding \$50 for the first violation, a fine not exceeding \$100 for the second violation of the same Ordinance within one year, and a fine not exceeding \$250 for each additional violation of the same Ordinance within one year. The Code also states that each day the violation continues shall be a separate offense.

RECOMMENDATION:

MAYOR AND COUNCIL CONSIDER THE IDEAS OF “HOMETOWN REVITALIZATION” AND GIVE CITY STAFF ANY DIRECTION DEEMED NECESSARY REGARDING THE ENFORCEMENT OF THE CITY CODE OR ITS AMENDMENT.

G. Carry more than one person at a time in such taxicab unless every person to be carried in such taxicab consents thereto;

H. Operate a taxicab within eight hours after the consumption of any alcoholic beverage. (Ord. 330 §4, 1979).

5.36.190 Unlawful conduct--Taxicab permit holder. No person owning or leasing a taxicab, while such vehicle so owned or leased is being operated, shall:

A. Fail to maintain as to such vehicle the qualifications required for a vehicle permit for such vehicle under this chapter;

B. Do any act, or employ any person to do any act, which would be forbidden by Section 5.36.180, if done by a person driving or operating a taxicab;

C. Rent or lend such vehicle to any person to operate the same, or permit any person to operate the same except himself or his agent thereunto duly authorized. (Ord. 330 §5, 1979).

Chapter 5.40

YARD SALES

Sections:

- 5.40.010 Purpose.
- 5.40.020 Defined.
- 5.40.030 Requirements.
- 5.40.040 Permit--Required.
- 5.40.050 Permit--Application.
- 5.40.060 General regulations.
- 5.40.070 Posting notices.
- 5.40.080 Violation--Penalty.

5.40.010 Purpose. The city council finds that it is a common practice for persons residing in the city to conduct yard sales, as they are defined in this chapter, and that some such sales are in fact commercial enterprises which are carried on without business licenses and in areas not zoned for commercial enterprises. Because such sales are not regulated, and may be used for the disposition of property illicitly obtained, it is deemed necessary to regulate such sales. (Ord. 326 §1, 1979).

5.40.020 Defined. As used in this chapter, "yard sale" means a sale by an individual or group of individuals of items of personal property, conducted at a place of residence, as

an occasional sale and not on a regular basis. The term is synonymous with the term "garage sale." Yard sale, as used in this chapter, shall not include a rummage sale, conducted by a bona fide, nonprofit organization, conducted at any public building, church, or building in a commercial zone. (Ord. 326 §§2, 8, 1979).

5.40.030 Requirements. One or more persons may join together in conducting a yard sale, and conduct such sales more than once each year, if such persons have obtained a business license from the city and have paid the fee provided by Section 5.20.420, and further provided, that such sale is not conducted in any R zone in the city. Sales shall begin no sooner than eight a.m. of any day, and shall end at sunset of a sale day. (Ord. 326 §4, 1979).

5.40.040 Permit--Required. No yard sale shall be conducted by any person or persons in the city without first having obtained a permit from the city to conduct such sale. (Ord. 326 §6, 1979).

5.40.050 Permit--Application. An application to hold a yard sale shall be made to the city clerk not less than seven days prior to the first day of such sale. The application for a permit shall give the names of all persons participating in such sale, the address where the same will be held, a general description of the personal property to be sold, the date or dates of the sale, and an express agreement and acknowledgment of the applicant or applicants that only personal property owned by the applicants may be sold, and that no personal property purchased for the purpose of resale at a yard sale may be sold at such sale. Such permit shall be granted by the city clerk without fee, provided the applicant or applicants, or any of them, have not conducted a yard sale in the city within the year preceding the application for a permit. The applicants shall further agree in the application to permit an inspection of the personal property being sold by any peace officer, such inspection to take place during the hours of sale. (Ord. 326 §7, 1979).

5.40.060 General regulations. It shall be lawful for any person or persons to conduct a yard sale at a place of residence; provided, that no such person or persons shall conduct more than two such yard sales per calendar year, and such sales shall not take place over a longer period than three consecutive days. It shall be lawful for two or more persons having adjacent places of residence to join together in such a sale and each person joining in such sale shall not participate in more than one additional yard sale during that calendar year. Goods sold at a yard sale shall be

personal property owned by the seller or sellers and shall not in any case include merchandise or personal property purchased elsewhere for resale at a yard sale. In any case where the state of California requires a resale permit for the sale of merchandise, the person or persons conducting the sale shall have first obtained such resale permit. (Ord. 359 §1, 1980: Ord. 326 §3, 1979).

5.40.070 Posting notices. It is unlawful for any person or persons to advertise a yard sale by attaching notices or posters to structures, signs or sign supports, utility poles or other supports, except upon the premises where the sale is being conducted, without first having obtained consent of the owner of such support to post such notice or poster. (Ord. 326 §5, 1979).

5.40.080 Violation--Penalty. Any person or persons violating the provisions of this chapter shall be guilty of an infraction, and upon conviction thereof shall be punishable as provided by law. (Ord. 326 §9, 1979).

Chapter 1.08GENERAL PENALTY*Sections:

1.08.010 Violation--Penalty.

1.08.010 Violation--Penalty. A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the city of Corning, shall be guilty of a misdemeanor, unless the violation is made an infraction by ordinance.

B. Except in cases where a different punishment is prescribed by any ordinance of the city of Corning, any person convicted of a misdemeanor for violation of an ordinance of the city is punishable by a fine of not more than five hundred dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment.

C. Any person convicted of an infraction for violation of an ordinance of the city of Corning, is punishable by:

1. A fine not exceeding fifty dollars for a first violation;

2. A fine not exceeding one hundred dollars for a second violation of the same ordinance within one year;

3. A fine not exceeding two hundred fifty dollars for each additional violation of the same ordinance within one year.

D. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the city of Corning, is committed, continued, or permitted by any such person, and he shall be punishable accordingly. (Ord. 323 \$1, 1978).

* For statutory provisions authorizing cities to impose fines of up to five hundred dollars or imprisonment of up to six months, or both, see Gov. Code §36901; for provisions authorizing the reduction of city ordinance violations to infractions, see Gov. Code §36900.