



**CITY OF CORNING  
CITY COUNCIL AGENDA  
TUESDAY, JULY 28, 2009  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

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

**B. ROLL CALL:**

**Council:**

**Becky Hill  
Ross Turner  
Toni Parkins  
John Leach  
Gary Strack**

**Mayor:**

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

**C. ADJOURN TO CLOSED SESSION:**

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Gov't Code 54957**

**Title: City Attorney**

**Title: City Clerk**

**D. RECONVENE AND REPORT ON CLOSED SESSION: 7:30 p.m.**

**E. INVOCATION AND PLEDGE OF ALLEGIANCE:**

**F. PROCLAMATIONS, RECOGNITION'S, APPOINTMENTS:**

**G. BUSINESS FROM THE FLOOR:** If there is anyone in the audience wanting to speak on an item not already on tonight's Agenda, if so, please come to the podium, identify yourself and briefly present your information to the Council. **A three-minute time limit will apply unless the Council makes an exception due to special circumstances.** If your matter will require more time or formal action by the Council, the law requires that it be placed on the printed Agenda for a future meeting so that interested members of the public will have the chance to appear and speak on the subject.

**H. 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 Corrected Minutes of the June 18, 2009 Special Meeting with any necessary corrections.**
- 3. Waive the Reading and Approve the Minutes of the June 23, 2009 Meeting with any necessary corrections.**
- 4. Waive the Reading and Approve the Minutes of the June 30, 2009 Special Meeting with any necessary corrections.**

5. Waive the Reading and Approve the Minutes of the July 7, 2009 Special Meeting with any necessary corrections.
6. July 22, 2009 Claim Warrant - \$266,949.07.
7. Business License Report – July 22, 2009.
8. Approve Resolution No. 07-28-09-02 Authorizing the Tehama County Sanitary Landfill Agency to Submit a Regional Used Oil Recycling Grant Application for FY 2009-2010.
9. Accept Resignation of Mr. Jerry Rindahl from the Airport Commission.
10. Appoint Mr. Tony Miller as City Representative to the Tehama County Airport Land Use Commission.
11. Approve Relocation and Remodel Plans for the Transportation Center, Suites B & D and City Hall Storage Room to Provide Accommodations for the PAL Program and the Recreation Supervisor.
12. Adopt Ordinance No. 635 – An Ordinance of the City of Corning adding a chapter to Title 5 of the Corning Municipal Code that would regulate street vending in the City. (Second Reading and Adoption)
13. Authorize Public Works Staff to Complete Weed Abatements on Non-Compliant Properties and Imposition of Liens for Cost Recovery.

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

- J. 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.**

**K. REGULAR AGENDA:**

14. Designation of Voting Delegate and Alternate for 2009 League Annual Conference.
15. Ordinance 636 Amending the Dollar Amount Limits of Corning Municipal Code Chapter 15.32; Contract and Bidding Procedures for Public Projects (First Reading).
16. Approval of Corning Municipal Airport Improvement Plans and Financing Plan, and Authorize Staff to Seek Bids for the Project; CEQA Notice of Exemption.
17. Informational Item Only – Report on City Council Vote to Reduce Mayor and Council Monthly Stipend.
18. City Attorney Employment Agreement – Modify Method of Providing Retirement Contribution.
19. Approve Resolution No. 07-28-09-01 Adopting the 2009-2010 Budget and Program of Service for the City of Corning, Discussion and Action.

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

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

**N. REPORTS FROM MAYOR AND COUNCIL MEMBERS:**

- 20. Hill:
- 21. Turner:
- 22. Parkins:
- 23. Leach:
- 24. Strack: Discussion of Museum Wall Mural.

O. **ADJOURNMENT!:**

**POSTED: FRIDAY, JULY 24, 2009**

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



**THURSDAY, JUNE 18, 2009**  
**CITY COUNCIL CHAMBERS**  
**794 THIRD STREET**

**A. CALL TO ORDER: 6:33 p.m.**

**B. ROLL CALL:**

**Council:**

**Becky Hill  
 Ross Turner  
 Toni Parkins  
 John Leach  
 Gary Strack**

**Mayor:**

All Council Members were present except Councilor Parkins who was ill.

**PARTICIPATION BY PUBLIC IN MEETING**

Mayor Strack announced that members of the public could make their comments known or ask questions as the meeting progresses and the subject of interest to them is discussed.

Councilor Turner asked if, although this is a Special Meeting, is it still required to provide a delegated public comment period prior to discussing the agenda items. Mayor Strack stated yes we are supposed to, however, since there is such a small group in attendance, he suggests that audience members address the Council with their questions as they come up during the discussion.

**C. PRESENTATION AND DISCUSSION OF THE 2009-2010 CITY BUDGET,  
DISCUSSION AND ACTION.**

City Manager Stephen Kimbrough briefly outline the proposed budget stating that the biggest concern is the 29% decline in sales tax from the prior year which is carried over into the new year. This is how we ended up with the \$1.8 million projection, or the \$900,000 lower than last year, and \$1,000,000 lower than the projection. The most important concern is the General Fund; the other Funds are in good order.

Mr. Kimbrough stated that in the adopted budget the City planned to expend about \$377,689 of the available reserve on projects. The reason the year-end guess has been able to be dropped is because there is close to \$300,000 in savings that each of the Departments have been able to supply, about \$230,000 in the Police Department alone from Capital Improvement Projects that have been put on hold. He also stated that the City had received a one-time good fortune from NCCSIF (Northern California Cities Self Insurance Fund), this year we received our usual rebate for Worker's Compensation and Liability, but they broke free another \$300,000 plus, bringing the total amount to \$407,000 returned to the City from the Joint Powers Authority (NCCSIF). This brings the year-end guess of only going into the reserves by about \$43,000 instead of \$377,000.

Councilor Hill made the following suggestions for decreasing the City's Budget:

## CORRECTED

- **Recreation Supervisor:** Cut winter hours to 20 hours per week.
- **Tehama Economic Development Corporation** (Tehama EDC) reduce funding to \$2,500 (half of existing funding); **Tri-County EDC** fund \$2,800, and reduce funding to the **Corning Chamber of Commerce** to \$1,000 per month plus the current match.
- Councilor Hill then asked about the loan delivery fees on the First-Time Homebuyers Program; she was informed that the City Manager would obtain more information on this and report back.
- **Police Vehicles:** Police Chief Cardenas stated that the City receives some funding, not much from the County, however the City retains responsibility for maintenance. Councilor Hill stated she did not believe that the vehicles should leave the City...the City should not pay for gas, etc. for officers commuting from home to work and back home.
- **Nuisance Abatement:** Councilor Hill asked what this was and City Manager Kimbrough stated that because of the success of the City's Code Enforcement Program we have not had to utilize this funding. The remainder is for our Community Clean-up Day.
- **Safe Grant:** Councilor Hill asked what this was; she was informed that it is a grant for sexual crime related overtime.
- **Contract Service listed under the Police Department:** It was stated that we have not used this and asked what it is for. Chief Cardenas explained that this is used for overtime related to the DUI Checkpoints and is used Countywide.
- A Police Department deficit was noted and it was asked if the number should be increased to \$53,258.

Mayor Strack suggested giving the Fire Department Capital Improvement Fund \$20,000 of the fees earned from dispatching for the Orland and Capay Fire Departments. Councilor Hill agreed. Dean Cofer asked if the City hired additional dispatchers to accommodate dispatching for Orland and Capay and was informed no. Mr. Kimbrough was asked to create a revenue fund for this rather than placing it in the General Fund.

It was asked what the \$31,000 budgeted under street maintenance was for. Mr. Kimbrough stated this is for street materials funded from Prop. 42 funds (Traffic Congestion Fund 105), \$50,000 is from the General Fund.

Councilor Turner asked what the Building Official is being utilized for at this time since building has gone down. Mr. Brewer stated that he is also utilized to perform public works inspections. Councilor Hill stated that she thinks the City should hold off on hiring for the combined Public Works Meter Reader/Community Service Officer position.

Mayor Strack suggested the following:

- Looking into relocating the PAL Program to an existing City Building and getting out of the building rental contract for the existing location.
- Install the signal at Solano/Marguerite Avenue with Traffic Mitigation Funds.
- Wanted to confirm that uncollectibles, up to \$10,000, comes out of the Enterprise Funds and does not affect the General Fund.

Dean Cofer asked where the City stands on the Comfort Inn delinquent Transient Occupancy Taxes. He was informed that the City had placed a lien on the property, however the owner is paying on current accounts and the City is pursuing legal avenues on collection of past due amounts.

Councilor Leach stated he would like to see the Recreation Supervisor kept on fulltime, Mayor Strack stated his concerns that the City might not be able to continue funding this program fulltime.

Dean Cofer suggested numbering the pages of the Budget. He also stated that he can't find anywhere in the Budget where the City collects funds from Waste Management for billing, he stated if the City isn't collecting funds for providing the service of billing, why aren't we? City

## CORRECTED

Manager Kimbrough and Mayor Strack explained that by the City doing the billing we were able to reduce the fees for our residential and commercial customers, as well as saving a lot of Staff time with the process. Mr. Cofer then stated he would like to see the City Managers wages reduced.

Mayor Strack suggested reducing the City Council stipend by \$100 per month until the economy picks up and the budget situation improves.

Harry Zemansky thanked the Mayor for suggesting cutting the Council Stipend.

D. **ADJOURNED!** 8:03 p.m.

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**Lisa M. Linnet, City Clerk**



**CITY OF CORNING  
CITY COUNCIL MINUTES  
TUESDAY, JUNE 23, 2009  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

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

**B. ROLL CALL:**

**Council:**

**Becky Hill  
Ross Turner  
Toni Parkins  
John Leach  
Gary Strack**

**Mayor:**

All Council Members were present.

**C. INVOCATION AND PLEDGE OF ALLEGIANCE:**

Councilor Leach gave the invocation and City Manager Kimbrough led the Pledge of Allegiance.

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

Presentation of Plaque Honoring Eagle Scout Dustin Mills by Mayor Strack on behalf of the City of Corning, and presentation of a Corning Rotary Certificate by in-coming President Kyle Lauderdale.

Mayor Strack presented Dustin Mills a plaque from the City honoring his achievement in obtaining the high honor of Eagle Scout. Police Chief Tony Cardenas presented a Certificate on behalf of Corning Rotary to Eagle Scout Dustin Mills.

**E. BUSINESS FROM THE FLOOR:**

Councilor Turner addressed the audience and Council regarding the budget, see attached printout.

Gloria Warren addressed the Council in support of the Recreation Department.

Councilor Hill requested that an Emergency Resolution, No. 06-23-09-01 A Resolution of the City Council of the City of Corning authorizing the City Attorney to cooperate with the League of California Cities, other Cities and Counties in Litigation Challenging the Constitutionality of any seizure by the State Government of the City's Street Maintenance Funds, be added to the Agenda. She explained that the proposed Resolution was received by the City from the League of California Cities today and required immediate action. Councilor Turner moved to add Emergency Resolution No. 06-23-09-01 to tonight's City Council Meeting Agenda. Councilor Parkins seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

Councilor Hill and City Manager Kimbrough briefly outlined the reasons behind this Resolution and stated that the League of California Cities supports this Resolution. They explained that the Resolution specifically addresses the illegal taking of City funds by the State. Mr. DeScala asked if the City would bear any legal fees associated with this action; Mayor Strack stated that there could be, however none that is recognizable at this time.

Councilor Hill moved to approve Resolution No. 06-23-09-01 and authorize the City Attorney to cooperate with the League of California Cities, other Cities and Counties, in litigation challenging the constitutionality of any seizure by the State Government of the City's Street Maintenance Funds. Councilor Parkins seconded the motion. **Ayes: Strack, Hill, Turner,**

**Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

Walter Dodd addressed the Council requesting a copy of the Resolution just added to the Agenda and approved by the Council; he was presented a copy.

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 June 9, 2009 Meeting with any necessary corrections.**
3. **June 17, 2009 Claim Warrant - \$169,393.55.**
4. **Business License Report – June 2009.**
5. **Transfer of \$1,925 in Designated Funds to Animal Control Spay and Neuter Voucher Program.**
6. **City Attorney Employment Agreement – Modify Method of Providing Retirement Contribution.**
7. **Approve Agreement with Tehama County for City Transportation Center Janitorial Services and Authorize the City Manager to Sign Agreement.**

Mayor Strack noted that some dates stated in the Staff Report for Item 7 were incorrect and gave the correct dates. He then introduced each of the Consent Agenda Items by title.

Councilor Leach asked to pull Consent Item 7, and Councilor Turner asked to pull Consent Item 6 for further discussion.

Councilor Hill moved to approve Consent Items 1-5. Councilor Leach seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

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

6. **City Attorney Employment Agreement – Modify Method of Providing Retirement Contribution.**

Dean Cofer stated his views on the subject, asked when the change in PERS regulations occurred, and questioned whether this proposal is legal stating that he believes it to be a gift of public funds. He advised the Council to obtain outside Council or obtain information and advice from PERS.

Councilor Turner moved to postpone action on this item until the City obtains more information. Councilor Leach seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

7. **Approve Agreement with Tehama County for City Transportation Center Janitorial Services and Authorize the City Manager to Sign Agreement.**

Councilor Leach clarified that Ken Vaughn does the janitorial for the Transportation Center. Councilor Leach moved to approve the Agreement with Tehama County for City Transportation Center Janitorial Services and Authorize the City Manager to sign the Agreement. Councilor Hill seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

H. **PUBLIC HEARINGS AND MEETINGS:** None.

I. **REGULAR AGENDA:**

**8. Presentation by Marc Nemanic, Tri-County Economic Development.**

Marc Nemanic of Tri-County Economic Development addressed the Council regarding the services that Tri-County EDC provides to the City. Mr. Nemanic presented the "Core Assets of the Organization". He stated that Tri-County Economic Development is an Economic Development District and serves 3 Counties and 9 Cities. Mr. Nemanic outlined the current EDD Projects (10) stating that Corning's Housing Element is one of these. He stated that the organization was formed in 1985 but didn't start lending until 1987.

Mr. Nemanic outlined the benefits to Corning during the period of time from 1999 – 2008, the total in loans and Grants has been \$874,193. Mr. DeScala asked what kind of projects in Corning that Tri-County Economic Development funded. Mr. Nemanic listed some of them, such as the Wellness Center, Dr. Robertson's Office, etc.

**9. Presentation – Draft State Route 99 Transportation Concept Report (PowerPoint Presentation by Kathy Grah of the California Department of Transportation – District 2).**

Ms. Grah outlined the report for the Council stating that this is a requirement for Federal and State long-range planning and obtaining funding. She explained what to expect in the next 20 years such as an increase in traffic volumes, an increase in speed, etc.

Councilor Turner asked if the property bought and sold was the old Foothill property; Kathy stated she thought it was a different property. Mayor Strack stated that City Staff has presented some comments to Kathy already. Dean Cofer asked if this would generate State funding to improve Solano Street, he was informed that this study is for Hwy. 99-E; not Hwy. 99-W.

This was a presentation only; no action by Council was required.

**10. Review Proposal From Second Chance Pet Rescue – Discussion and Direction.**

Mayor Strack introduced this item by title. Debbie Eaglebarger addressed the Council stating that she had presented the Council with an alternative proposal which requests that only the adoption fees go to Second Chance Pet Rescue, the other fees go to the City and the service will continue as currently is. She also stated that all the fees should be raised. Mayor Strack asked the Council if they would like to make the decision during the budget discussion, by consensus the answer was yes.

**11. Presentation and Discussion of the 2009 – 2010 City Budget, Discussion and Action.**

Councilor Hill requested a five-minute break and Mayor Strack adjourned the meeting at 8:35 p.m. for five minutes. The meeting was reconvened at 8:40 p.m.

Councilor Leach addressed the audience with his suggestions on Budget Cuts (see attached). Mayor Strack stated that he and John are about 6,000 miles apart. Mayor Strack stated that City Staff has come up with a \$4,300 dollar annual savings by discontinuing the contract for the 5 pay phones.

Councilor Hill: Stated she was not in agreement with eliminating the Planning Director, Assist. Public Works Director, Building Official etc.. She also stated that as much as she does not like it, she is in favor of the City Managers suggestion of considering the employee furloughs. Mr. Cofer stated that he did not know what the City Manager suggested and was informed that there were handouts outlining this suggestion. Mr. Kimbrough then outlined the status of the budget

and his suggested actions. Mr. Kimbrough stated that his proposed plan requires a commitment from the City and City employees.

Councilor Hill explained that eliminating the part-time attorney position hasn't worked in the past and was more costly...it didn't work. Mr. Cofer stated that at the last meeting Council was not opposed to cutting the Recreation Supervisor, however at this meeting when Councilor Leach suggested cutting the Planning Director position members of the Council are against it, is this a sacred cow?

Councilor Parkins stated her support of the proposal by the City Manager. She stated that she is adamantly opposed to cutting City Staff. She also stated that she would take a 20% cut in her Council stipend. Councilor Hill stated that she would be willing to do this also.

Councilor Parkins moved to implement the City Manager's Plan of Action. Councilor Hill seconded the motion. **Ayes: Strack, Hill, and Parkins. Opposed: Turner and Leach. Absent/Abstain: None. Motion was approved by a 3-2 vote.**

By Council consensus, the budget will be brought back to Council on June 30<sup>th</sup> at 7:30 p.m. for further review and discussion.

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

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

L. **REPORTS FROM MAYOR AND COUNCIL MEMBERS:**

12. **Hill:** None.

13. **Turner:** None

14. **Parkins:** None

15. **Leach:** Reported on the Tripartite Meeting and Tri-County Economic Development meeting.

16. **Strack:** Requested that City Attorney Mike Fitzpatrick contact the members of the Rodger's Theatre Non-Profit to schedule a meeting.

M. **ADJOURNMENT!:** The Meeting was adjourned at 9:47 p.m. to June 30<sup>th</sup> at 7:30 p.m.

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Lisa M. Linnet, City Clerk

The City of Corning is in financial crisis. During the last year we have been told everything is okay, but now at budget time, we find many problems. Last Thursday night, June 18, 2009, during the budget session we heard some minor places to cut but no decisions were made, just discussion.

- Recreation could be cut back to 20 hours from November 1 to April 1 - subject to negotiation. The City Manager stated that the director might leave and we would then shut down the program. At no time was this put to a vote - just discussion.

- Public Safety has been discussed, no one wants to curtail services, but the time may have come to evaluate dispatch costs with 2 staff consoles in separate locations, one at the Corning Police Department and one at the Corning City Volunteer Fire Department, with a total of 8 or 9 personnel for the 2 units. This is not a popular thought, but everything is on the table and should be on the table for evaluation. CAL-FIRE already dispatches the ambulance service within the city limits of Corning.

- Public Works is short 2 men, but is being helped out by the Building Inspector, who is not needed full time since there is not much active building going on during this economy. By doing this we will not lose the quality employee, but if conditions turn around, he will be available to revert back to full time status.

- Contributions to the Chamber needs to be reduced until better results are seen or the economy provides extra money for funding. The Tri-County Economic Development is a better investment for our contributions as we have seen numerous grants come our way. This is provided a window of opportunity for the City of funding numerous projects. The Economic Development Company in Red Bluff is going through a hard time and so are we, so no help should be given at this time. And what have they done for us lately?

We need to cut every place, not just a few minor trimmings: staff, department heads, wages if permitted by the MOU's, and City Manager -but I will not give up my salary for the amount of work I am doing for the city now.

The City is short over \$100,000 in our Transient Occupancy Tax (TOT) fund. Collected money from patrons using the facility and never given to the City. Is this embezzling tax payer's money? The amount that is owed is approximately 1/6 of our projected short-fall in the 2009-2010 budget. This would be less than we would have to take out of the reserve in the eyes of our financial officer.

I am not in favor of liquidating our reserves or a major share of reserves to have a "So-Called Balanced Budget." Citizens of Corning are you aware that there is already a 2% raise on your garbage bill in April 2010, with a vote - with a negative vote on my behalf, carried forth from an agreement negotiated in 2009? So Citizens of Corning - Where do we go from here?

I HAVE PASSED AROUND COPIES OF MY BUDGET RECOMMENDATIONS, AND WOULD LIKE TO DISCUSS THEM AT THIS TIME.

I RECOGNIZE THAT PROPOSING, MUCH LESS IMPLEMENTING BUDGET CUTS THAT ADVERSELY AFFECT STAFFING IS NOT POPULAR – AND REGRET THAT THE CUTS WILL HURT THE EMPLOYEES WHO ARE DOWNSIZED - AND IT IS CERTAINLY NOT SOMETHING THAT ANY OF US WOULD LIKE TO SEE HAPPEN.

HOWEVER, DESPERATE TIMES DEMAND DESPERATE SOLUTIONS; AND I ASSURE YOU THAT NONE OF THESE RECOMMENDATIONS ARE IN ANY WAY REFLECTIVE OF THE TRUE WORTH OF ANY OF THE INDIVIDUALS WHO CURRENTLY FILL THESE POSITIONS. AS A COUNCILMEMBER I FEEL I HAVE A RESPONSIBILITY AND AN OBLIGATION TO PROPOSE SOLUTIONS THAT WILL HELP CORNING GET THROUGH THIS DIFFICULT ECONOMIC TURN-DOWN, WHILE PRESERVING SERVICES FOR THE CITIZENS OF CORNING, AND WITHOUT DEPLETING OUR RESERVES.

**Reduce conference and meeting expenses, training and education expenses, and association dues for City Council and management staff by 50% across the board.**

**Total annual savings \$13,150\***

Note: The \$10,000 budgeted for PD POST training/education is exempt from this 50% reduction. Also exempted from this proposal is the \$6000 budgeted by the FD for training/education and conferences/meetings.

**From looking at the budget, I could not determine if the city is reimbursing employees for, or directly paying annual dues, assessments and expenses for memberships in local organizations such as the Chamber of Commerce and a local Service Club. If the city is picking up these costs, then I recommend that we stop doing so.**

**Total annual savings \$ Unknown**

In any event, I believe the city needs to review the ethical and potential conflict of interest issues inherent with city management staff members joining and participating in a local Service Club, and in serving on the Chamber of Commerce Board of Directors. Members of both organizations are drawn from the business community and therefore have an inescapable business and professional relationship with the city.

**DEFER 2010 SALARY INCREASES FOR MANAGEMENT EMPLOYEES; THEY ARE SCHEDULED TO RECEIVE CPI RAISES OF BETWEEN 2 AND 4%, PLUS AN ADDITIONAL 2%.**

These increases can be reinstated retroactively at such time as the economy and the city budget allows. This will require that the city meet and confer with the union.

**Total annual savings (figured only on a 4% salary increase) \$26,369**

**Total minimum annual savings due to these cuts \$399,550**

**plus any 'benefit savings' attributable to the 10% cut in the city manager's salary – and dues, etc., if any, for a local Service Club and/or the Chamber of Commerce.**

**If implemented these cuts would: (1) make up for over one-half of the \$726,595 that the city manager is recommending that we take from reserves; and, (2) will allow us to retain services for the taxpayers and voters of Corning.**

## CHANGES TO BUDGET PROPOSAL

**REDUCE THE CITY MANAGER'S ANNUAL SALARY OF \$102,520 BY 10%.**

Annual Salary Savings of \$10,252  
Annual Benefit Savings to  
be determined.

**ELIMINATE** (due to the economy and resultant slow-down of construction and development) **THE POSITION OF PLANNING DIRECTOR.** These duties can revert to the city manager.

Total annual savings; (S&B) \$104,850

**ELIMINATE** (due to the economy and resultant slow-down of construction and development) **THE POSITION OF BUILDING OFFICIAL.** Issuance of building permits and inspections can be spread out between the remaining staff members.

Total annual savings; (S&B) \$90,464

**ELIMINATE THE POSITION OF ASSISTANT PUBLIC WORKS DIRECTOR.** Retaining a management level position to supervise the city's small PW work force is not cost effective. The PW Director, and PW Secretary, can put out a work schedule at the first of each week, and contact employees as needed whenever unusual situations or work may arise.

Total annual savings; (S&B) \$89,099

**ELIMINATE THE POSITION OF PART-TIME CITY ATTORNEY.** Replace the City Attorney by entering into an agreement with a local law firm on a retainer – wherein the law firm is only used when legal questions or legal work is actually required. **A retainer agreement for legal services would probably cost about \$20,000 annually (and occasionally more to cover unexpected non-retainer work).**

Total annual savings; (S&B)	<u>\$75,366</u>
Savings of misc. budgeted items	<u>\$10,000</u>
Reduce annual savings by	- <u>\$20,000</u>
<b>Total annual savings</b>	<u><b>\$65,366</b></u>

## FURTHER BUDGET RECOMMENDATIONS

I DO NOT AGREE WITH THE MAYOR'S PROPOSAL TO REDUCE THE MONTHLY ALLOWANCES FOR COUNCIL MEMBERS FROM \$300 TO \$200. I BELIEVE THE WAY RED BLUFF HANDLED THIS ISSUE WAS TO MAKE IT VOLUNTARY ON THE PART OF EACH COUNCILMEMBER AS TO WHETHER OR NOT THEY WANTED TO PARTICIPATE IN CUTTING THEIR ALLOWANCE OR NOT. I WOULD HAVE NO PROBLEM WITH ADOPTING A VOLUNTARY APPROACH.

I AM ADAMANTLY OPPOSED TO REDUCING THE RECREATION SUPERVISOR FROM YEAR ROUND EMPLOYMENT TO ONLY SIX MONTHS A YEAR. KIM HAS DONE AN OUTSTANDING JOB OF CREATING AND OPERATING RECREATION PROGRAMS FOR THE YOUTH OF CORNING, AND GOD KNOWS WE NEED ACTIVITIES IN CORNING TO KEEP OUR KIDS SAFE AND OFF THE STREETS. IT WOULD BE A GIANT STEP BACKWARDS IF WE DO ANYTHING THAT MIGHT FORCE KIM TO LEAVE, OR THAT WOULD ENDANGER OUR RECREATION PROGRAM. IF SHE IS CUT BACK, I BELIEVE WE WILL EXPERIENCE A MAJOR BACKLASH FROM THE PUBLIC.

I AM IN AGREEMENT WITH REDUCING THE CITY'S CONTRIBUTION TO THE CHAMBER OF COMMERCE BY \$400 A MONTH – FOR A SAVINGS OF \$4800 ANNUALLY.

I AM IN AGREEMENT WITH MOVING PAL BOXING TO THE TRANSPORTAION CENTER – FOR A SAVINGS OF \$7,700 ANNUALLY.

I AM IN AGREEMENT WITH BECKY'S PROPOSAL TO ELIMINATE TAKE-HOME VEHICLES FOR THE P.D. I WOULD REQUEST THAT STAFF DETERMINE ALL OF THE COSTS ASSOCIATED WITH TAKING THESE VEHICLES TO AND FROM WORK AND HOME; AND REPORT THEIR FINDINGS BACK TO THE COUNCIL?



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

**TUESDAY, JUNE 30, 2009  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

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

**B. ROLL CALL:**

**Council:**

**Becky Hill  
Ross Turner  
Toni Parkins  
John Leach  
Gary Strack**

**Mayor:**

All Council Members were present except Councilor Leach.

**PUBLIC COMMENTS:**

Councilor Turner announced that Councilor Leach had contacted him and informed him that he would be unable to attend the meeting because he is ill and he would like any action on the City Budget postponed to the July 7, 2009 Special Meeting Agenda so that he can review the notes and recording and participate in the vote.

**C. REGULAR AGENDA:**

**1. PRESENTATION AND DISCUSSION OF THE 2009-2010 CITY BUDGET,  
DISCUSSION AND ACTION (Continued discussion from the June 23, 2009 City  
Council Meeting):**

City Manager Kimbrough updated the Council on all the requested changes to the proposed Budget and provided updated figures associated with the requested changes and the proposed employee furlough. Councilor Turner asked if the figures stated in the Staff report relating to the proposed furloughs include any vacant positions; Mayor Strack clarified that only one of the two vacant public works positions is funded in this budget. Mr. Kimbrough stated to make the furloughs effective the City would need to initiate them in October 2009, rather than January 2010.

Mayor Strack read the list of cuts and changes provided by the City Manager.

Councilor Turner asked if the Council could ask for further reductions at this time. Mayor Strack stated that we could. Councilor Turner motioned to delete the contribution to Tehama Economic Development and review again at Mid Year Budget. Councilor Parkins asked if the \$2,500 is the least amount the City could contribute. Mr. Kimbrough explained the funding. With no second on the motion it was unsuccessful. Mayor Strack suggested delaying payment until the City has more information about what the other contributors are doing. By consensus of the Council it was requested that this item be brought back to the Council before payment.

Mayor Strack stated that if we are going to ask the employees to furlough, he believes that the Council should contribute some of their salary until the budget issues are resolved. Councilor Hill moved to reduce the Council's monthly stipend from \$300 to \$200 a month until the budget changes. Councilor Parkins seconded the motion. **Ayes: Strack, Hill and Parkins. Opposed: Turner. Absent: Leach. Abstain: None. Motion was approved by a vote of 3-1 with Leach absent.** The City Manager was directed to check with the City Attorney to confirm whether such action can be approved by a 3-1 vote with one Council member absent or if it must pass by a 4-1 vote.

A member of the audience stated that she doesn't think the Council should vote on a cut in their monthly stipend without Councilor Leach present. She stated she thought it unfair.

Councilor Hill stated that she still believes this Budget to be too rosy. Council and Staff discussed the current gas and sales tax revenues and future revenue projections.

Dean Cofer stated that if the employees and City Council disagree on furloughs; that doesn't necessarily mean that the City needs to move forward with lay-offs. He also stated that he still has a problem with the 10% reduction in pay and is unsure that it is fair for the hourly employees versus the Management Employees. Mayor Strack stated that the Council would ensure that the 10% cut is for all employees equally.

Councilor Hill asked for clarification of Number 13 listed on the Resolution in regard to the CDBG Funds. Mr. Kimbrough clarified the stipulations of the separate CDBG Funds and how it is moved into the restricted funds.

Mayor Strack asked for clarification of Item 12 (there are two listed on the Resolution which will be corrected) funding for the Transportation Center. Mr. Kimbrough stated that the City is to maintain the building.

Mayor Strack asked what the ramifications would be to the City if the Budget is not in place by July 1, would the bills still get paid, etc. Mr. Kimbrough stated that the City Attorney has informed the Council that the City is not required to pass a budget by July 1<sup>st</sup>; there are no ramifications should the budget not be passed tonight.

Councilor Turner stated that he believed that there are people in the audience that would like to discuss this. As is, the Recreation Supervisor is funded at full time in the budget. A member of the audience stated that the Recreation Supervisor position and department is very important to the City.

**A. Approve Resolution No. 06-30-09-01 Establishing the 2009-2010 Appropriations Limit for the City of Corning; and**

Councilor Hill moved to adopt Resolution No. 06-30-09-01 establishing the 2009-2010 Appropriations limit of \$10,032,042 for the City of Corning. Councilor Parkins seconded the motion. **Ayes: Strack, Hill, Turner and Parkins. Opposed: None. Absent: Leach. Abstain: None. Motion was approved by a vote of 4-0 with Leach absent.**

**B. Approve Resolution No. 06-30-09-02 Adopting the 2009-2010 Budget and Program of Service for the City of Corning.**

By consensus of the City Council the Budget will not be voted on tonight.

Councilor Turner confirmed that through discussion the Tehama Economic Development Corporation is proposed to remain funded in the proposed City Budget in the amount of \$2,500.

**D. ADJOURNED! 8:12 p.m.**

---

**Lisa M. Linnet, City Clerk**

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



**TUESDAY, JULY 7, 2009  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

**A. CALL TO ORDER: 5:30 p.m.**

**B. ROLL CALL:**

**Council:**

**Becky Hill  
Ross Turner  
Toni Parkins  
John Leach  
Gary Strack**

**Mayor:**

All members of the Council were present except Mayor Strack.

**PUBLIC COMMENTS:** None.

**C. REGULAR AGENDA:**

- 1. Adopt Resolution No. 07-07-09-01 Approving the Fiscal Year 2009-2010 Community Development Block Grant (CDBG) General Allocation Application and Execution of Agreement and any Amendments Thereto from the General Allocation of the State CDBG Program, and Solicit Citizen Input. (General Allocation for Homeownership Assistance – First-Time Homebuyer Program Grant Funds.)**

Vice Mayor Hill introduced this item by title and City Manager Kimbrough briefly outlined the process. Mr. Kimbrough stated that the program is not just limited to first-time homebuyers; low-income residents may also apply. Councilor Leach asked if the City was required to provide any matching funds and was informed no.

With no further comments, Councilor Leach stated, having solicited citizen input; he moved to adopt Resolution No. 07-07-09-01 approving the Fiscal-Year 2009-2010 Community Development Block Grant (CDBG) General Allocation Application and to execute the Agreement and any Amendments thereto from the General Allocation of the State CDBG Program. Councilor Parkins seconded the motion. **Ayes: Hill, Turner, Parkins and Leach. Opposed: None. Absent: Strack. Abstain: None. Motion was approved by a 4-0 vote with Strack absent.**

**D. ADJOURNED! 5:38 p.m.**

---

**Lisa M. Linnet, City Clerk**



# MEMORANDUM

**TO:** HONORABLE MAYOR AND COUNCIL MEMBERS

**FROM:** LORI SIMS  
ACCOUNTING TECHNICIAN

**DATE:** July 22, 2009

**SUBJECT:** Cash Disbursement Detail Report for the  
Tuesday, July 28, 2009 Council Meeting

---

PROPOSED CASH DISBURSEMENTS FOR YOUR APPROVAL CONSIST OF THE FOLLOWING:

A.	Cash Disbursements	Ending	06-30-09	\$	8,255.08
B.	Cash Disbursements	Ending	07-22-09	\$	212,342.23
C.	Payroll Disbursements	Ending	07-16-09	\$	46,351.76
GRAND TOTAL				\$	<u>266,949.07</u>

REPORT.: Jul 22 09 Wednesday  
 RUN....: Jul 22 09 Time: 14:20  
 Run By.: LORI

CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 06-09 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 #	Description	Payment Information
008648	06/30/09	DEP01	DEPT OF JUSTICE	-242.00	.00	-242.00	090515u	Ck# 008648 Reversed	
008971	06/30/09	DEP12	DEPT OF JUSTICE	285.00	.00	285.00	733326	PROF SVCS-POLICE	
008972	06/30/09	SWM00	SWWC SERVICES, INC.	618.61	.00	618.61	16792	PROF SVCS-WWTP	
008973	06/30/09	WAR04	WARREN, GLORIA	185.25	.00	185.25	090708	REC INSTRUC-REC	
008976	06/30/09	BAR03	BARNES, KEVIN	1284.60	.00	1284.60	090710	TRAINING/ED-FIRE	
008979	06/30/09	KIN11	KING, CINDY	50.00	.00	50.00	090714	REC REFUND-REC	
008980	06/30/09	PET03	PETTY CASH	160.40	.00	160.40	090713A	PETTY CASH-	
008981	06/30/09	ATT02	AT&T	1240.96	.00	1240.96	702173	COMMUNICATIONS-	
008982	06/30/09	CAR12	CARREL'S OFFICE MACHINES	3.10	.00	3.10	083546	MAT & SUPPLIES-LIBRARY	
			Check Total.....	2.22	.00	2.22	084087	MAT & SUPPLIES-LIBRARY	
				5.32	.00	5.32			
008983	06/30/09	CLA01	CLARKS DRUG STORE	6.18	.00	6.18	1140	MAT & SUPPLIES-PARKS	
008984	06/30/09	COM01	COMPUTER LOGISTICS, INC	3840.00	.00	3840.00	45863	Equip.Maint.-GEN CITY	
008985	06/30/09	MOR02	RAY MORGAN COMPANY	51.09	.00	51.09	497632	COMMUNICATIONS-FINANCE	
008986	06/30/09	PAC16	PACIFIC TELEMANAGEMENT	70.50	.00	70.50	128967	COMMUNICATIONS-GEN CITY	
008987	06/30/09	TRI02	TRI-COUNTY NEWSPAPERS	73.50	.00	73.50	74760	Print/Advert. City Clerk	
			Check Total.....	135.19	.00	135.19	75075	Print/Advert. City Clerk	
				116.25	.00	116.25	76994	Print/Advert. City Clerk	
				324.94	.00	324.94			
009011	06/30/09	HIL01	BECKY HILL	144.23	.00	144.23	090720A	CONF/MTGS-CITY COUNCIL	
009012	06/30/09	CON07	CONEXIS	30.00	.00	30.00	06090348	MEDICAL INS-COBRA	
009013	06/30/09	TEH05	TEHAMA CO BD/SUPERVISORS	200.00	.00	200.00	090311	OFFICE SUPPLIES-CITY COUN	
			Cash Account Total.....	8255.08	.00	8255.08			
			Total Disbursements.....	8255.08	.00	8255.08			

REPORT : Jul 22 09 Wednesday  
 RUN : Jul 22 09 Time: 14:21  
 Run BY : LORI

CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 07-09 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 #	Description	Payment Information
008974	07/09/09	SWW00	SWWC SERVICES, INC.	44156.20	.00	44156.20	16760	PROF SVCS-WWTP	
				2640.67	.00	2640.67	16761	PRETREATMENT PROGRAM-SWR	
			Check Total.....	46796.87	.00	46796.87			
008975	07/09/09	WHI03	WHITE, JEREMY D.	200.00	.00	200.00	090709	TRAINING/ED-POLICE	
008977	07/14/09	DIA04	DIAZ ASSOCIATES	7764.80	.00	7764.80	3	PROF SVCS-HOUSING ELEMENT	
008978	07/14/09	PET03	PETTY CASH	57.36	.00	57.36	090713	MAT & SUPPLIES-POLICE	
008988	07/20/09	ALL11	ALL SPORTS EQUIPMENT &	147.21	.00	147.21	090713	MAT & SUPPLIES-REC	
008989	07/20/09	ARA02	ARAMARK UNIFORM SRV. INC.	28.75	.00	28.75	4205606	Mat/Supplies-	
				28.75	.00	28.75	4209125	Mat/Supplies-	
			Check Total.....	57.50	.00	57.50			
008990	07/20/09	ATT09	AT&T	64.66	.00	64.66	090707	MAT & SUPPLIES-WTR	
008991	07/20/09	BAS01	BASIC LABORATORY, INC	86.00	.00	86.00	0906348	ProfServices Water Dept	
				280.00	.00	280.00	0906653	ProfServices Water Dept	
				86.00	.00	86.00	0906657	ProfServices Water Dept	
			Check Total.....	452.00	.00	452.00			
008992	07/20/09	BUT05	BUTTE CO PUBLIC HEALTH	100.00	.00	100.00	ADM060902	PROF SVCS-ACO	
008993	07/20/09	CAL07	CA RURAL WATER ASSOC.	732.00	.00	732.00	090715	MAT & SUPPLIES-	
008994	07/20/09	CAL10	CPCA	300.00	.00	300.00	090720	ASSOCIATION DUES-POLICE	
008995	07/20/09	CAL1A	CALKINS, LAURA	42.15	.00	42.15	090717	MAT & SUPPLIES-	
008996	07/20/09	CHE02	CHEM QUIP, INC.	1039.80	.00	1039.80	2056551IN	MAT & SUPPLIES-WTR	
008997	07/20/09	CMI00	CMI, INC.	86.50	.00	86.50	742515	EQUIP MAINT-POLICE	
008998	07/20/09	COR11	CORNING SAFE & LOCK	14.02	.00	14.02	2478	MAT & SUPPLIES-BLD MAINT	
008999	07/20/09	HIL01	BECKY HILL	230.33	.00	230.33	090720	CONF/MTGS-CITY COUNCIL	
009000	07/20/09	HOL04	HOLIDAY MARKET #32	19.85	.00	19.85	27801	Mat/Supplies-FINANCE	
				51.89	.00	51.89	27815	Mat/Supplies-ACO	
				2.39	.00	2.39	27831	Mat/Supplies-ACO	
				9.98	.00	9.98	31768	Mat/Supplies BuildingMain	
			Check Total.....	84.11	.00	84.11			
009001	07/20/09	LIN01	LINCOLN EQUIPMENT, INC.	1874.49	.00	1874.49	S1119874	MAT & SUPPLIES-PARKS	

REPORT.: Jul 22 09 Wednesday  
 RUN.....: Jul 22 09 Time: 14:21  
 Run By.: LORI

CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 07-09 Bank Account.: 1020

PAGE: 002  
 ID #: PY-DP  
 CTL.: COR

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description	Payment Information
009002	07/20/09	NEX02	NEXTEL	690.02	.00	690.02	086319092	COMMUNICATIONS-POLICE	
009003	07/20/09	NOR03	NCCSIF	78692.00	.00	78692.00	2010006	LIABILITY INS-GEN CITY	
				27648.50	.00	27648.50	2010126	WORKMENS COMP-GEN CITY	
			Check Total.....:	106340.50	.00	106340.50			
009004	07/20/09	OFF01	OFFICE DEPOT	410.04	.00	410.04	480472758	Office Supplies Policedis	
009005	07/20/09	PRE06	PRECISION SURVEYING	450.00	.00	450.00	090710	PROF SVCS-DRAINAGE ENG	
009006	07/20/09	QUI02	QUILL CORPORATION	293.96	.00	293.96	7841933	Office Supplies-FINANCE	
009007	07/20/09	RED02	RED BLUFF POLICE DEPT	882.13	.00	882.13	090715	OTS GRANT-ALLIED AGENCIES	
009008	07/20/09	TEH01	TEHAMA ASPHALT	1801.00	.00	1801.00	3186	A/C CITYWIDE-STR PROJ	
009009	07/20/09	USA01	USA BLUE BOOK	169.73	.00	169.73	849418	MAT & SUPPLIES-WTR	
009010	07/20/09	WES02	WESTERN BUSINESS PRODUCTS	35.87	.00	35.87	019290	Equip.Maint.-FIRE	
009014	07/21/09	BAI01	BAILEY'S	42.70	.00	42.70	P09536990	MAT & SUPPLIES-STR	
009015	07/21/09	COR12	CORNING FORD MERCURY, INC	1.04	.00	1.04	111397	Veh Opr/Maint-WTR	
009016	07/21/09	KNI00	KNIFE RIVER CONSTRUCTION	691.06	.00	691.06	98470	MAT & SUPPLIES-	
009017	07/21/09	LAC00	LACY, JOHN	320.00	.00	320.00	090721	REC INSTRUCT-REC	
009018	07/21/09	LIN02	LINNETS TIRE SHOP	120.00	.00	120.00	48005	Veh Opr/Maint-FIRE	
009019	07/21/09	MAH01	MAHUTGA, MARYA	240.00	.00	240.00	090721	REC INSTRUCT-REC	
009020	07/21/09	PGE01	PG&E	37681.25	.00	37681.25	090714	Electricity General City-	
009021	07/21/09	TEH15	TEHAMA CO SHERIFF'S DEPT	647.29	.00	647.29	090715	OTS GRANT-ALLIED AGENCIES	
009022	07/21/09	WAR04	WARREN, GLORIA	289.75	.00	289.75	090721	REC INSTRUCT-REC	
009023	07/22/09	ACC00	ACCESS INFORMATION	40.00	.00	40.00	53157	EQUIP MAINT-GEN CITY	
009024	07/22/09	ATT13	AT&T	721.63	.00	721.63	090711	COMMUNICATIONS-	
009025	07/22/09	HOL04	HOLIDAY MARKET #32	4.68	.00	4.68	31772	Mat/Supplies-PAL	
009026	07/22/09	JES10	JESSEE HEATING & AIR, INC	125.00	.00	125.00	48205	MAT & SUPPLIES-BLD MAINT	
009027	07/22/09	NOR31	NORM'S PRINTING	150.78	.00	150.78	007157	OFFICE SUPPLIES-FINANCE	

REPORT.: Jul 22 09 Wednesday  
 RUN....: Jul 22 09 Time: 14:21  
 Run By.: LORI

CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 07-09 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 #	Payment Information Description
009028	07/22/09	UND01	UNDERGROUND SERVICE ALERT	150.00	.00	150.00	90070171	USA SERV ALERTS-STR

Cash Account Total.....: 212342.23 .00 212342.23

Total Disbursements.....: 212342.23 .00 212342.23

Cash Account Total.....: .00 .00 .00

CITY OF CORNING  
 Cash Disbursement Detail Report - Payroll Vendor Payment(s)  
 Check Listing for 07-09 Bank Account.: 1025

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description	Payment Information
4062	07/16/09	BAN03	POLICE OFFICER ASSOC.	350.00	.00	350.00	A90714	POLICE OFFICER ASSOC	
4063	07/16/09	CAL37	CALIFORNIA STATE DISBURSE	138.46	.00	138.46	A90714	WITHHOLDING ORDER	
4064	07/16/09	EDD01	EMPLOYMENT DEVELOPMENT	3683.47	.00	3683.47	A90714	STATE INCOME TAX	
				1274.63	.00	1274.63	1A90714	SDI	
			Check Total.....:	4958.10	.00	4958.10			
4065	07/16/09	ICM01	ICMA RETIREMENT TRUST-457	3516.98	.00	3516.98	A90714	ICMA DEF. COMP	
4066	07/16/09	OEU03	OPERATING ENGINEERS	800.00	.00	800.00	A90714	CREDIT UNION SAVINGS	
4067	07/16/09	PERS1	PUBLIC EMPLOYEES RETIRE	29674.01	.00	29674.01	A90714	PERS PAYROLL REMITTANCE	
4068	07/16/09	PERS4	Cal Pers 457 Def. Comp	376.25	.00	376.25	A90714	PERS DEF. COMP.	
4069	07/16/09	PRE03	PREMIER WEST BANK	3980.50	.00	3980.50	A90714	HSA DEDUCTIBLE	
4070	07/16/09	TEH15	TEHAMA CO SHERIFF'S DEPT	589.71	.00	589.71	A90714	WAGE ASSN # 43462	
4071	07/16/09	VAL06	VALIC	1967.75	.00	1967.75	A90714	AIG VALIC P TAX	
Cash Account Total.....:				46351.76	.00	46351.76			
Total Disbursements.....:				46351.76	.00	46351.76			

Date.: Jul 22, 2009  
Time.: 2:30 pm  
Run by: LORI

CITY OF CORNING  
NEW BUSINESSES FOR CITY COUNCIL

Page.: 1  
List.: NEWS  
Group: WTFMB

Business Name	Address	CITY/STATE/ZIP	Contact Name	Business Desc. #1	Business Start Date	Primary Teleph
GONZALEZ, JOSE M.	1031 MCDONALD CT	CORNING, CA 96021	GONZALEZ JOSE	HANDYMAN	07/21/09	(530)824-9175
J&C HANDYMAN SERVICE	811 BUTTE ST	CORNING, CA 96021	WHITFIELD CARY	HANDYMAN SERVICES AND/OR REPAIRS	07/15/09	(530)824-5123
JUAN'S LAWN CARE	532 MADISON ST	RED BLUFF, CA 96080	ROSALES JUAN	LAWN CARE	07/15/09	(530)366-2534
RUSS, GORDON (AUTO T	1544 FIFTH AVE	CORNING, CA 96021	RUSS GORDON	AUTO TRANSPORT FOR CHEVY	07/15/09	(530)824-1281

ITEM NO.: H-8  
APPROVE RESOLUTION NO. 07-28-09-02  
AUTHORIZING THE TEHAMA COUNTY SANITARY  
LANDFILL AGENCY TO SUBMIT A REGIONAL  
USED OIL RECYCLING GRANT APPLICATION FY  
2009/2010, 15<sup>th</sup> Cycle.  
JULY 28, 2009

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER

*STEVE*

**SUMMARY:**

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

The proposed Resolution authorizes the "JPA 1" to act for the City of Corning in applying for a California Integrated Waste Management Board (CIWMB) Used Oil Recycling Grant and authorizes them to enter into a Grant Agreement with CIWMB for implementation of Grant. Upon approval of the Resolution, the Tehama County Sanitary Landfill Agency will submit a Grant application to the CIWMB for the Fiscal Year 2009/2010.

**RECOMMENDATION:**

**MAYOR AND COUNCIL APPROVE:**

1. RESOLUTION NO. 07-28-09-02, A RESOLUTION OF THE CITY OF CORNING AUTHORIZING THE TEHAMA COUNTY SANITARY LANDFILL AGENCY TO SUBMIT A REQUEST FOR A FY 2009/2010, 15<sup>TH</sup> CYCLE USED OIL RECYCLING BLOCK GRANT.

**RESOLUTION NO. 07-28-09-02**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORNING  
AUTHORIZING THE TEHAMA COUNTY SANITARY LANDFILL AGENCY  
TO SUBMIT A REGIONAL GRANT APPLICATION  
TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
FOR A 2009/2010 USED OIL RECYCLING BLOCK GRANT, 15<sup>TH</sup> CYCLE**

**WHEREAS**, the people of the State of California have enacted the California Oil Recycling Enhancement Act that provides for a Used Oil Recycling Block Grant (Grant) to eligible Cities and Counties for establishing and maintaining local used oil collection programs that encourage recycling or appropriate disposal of used oil; and

**WHEREAS**, the California Integrated Waste Management Board has been delegated the responsibility for administering the Grant program, which includes Grant procedures governing the application by and payment to eligible Cities and Counties under the program; and

**WHEREAS**, the Tehama County Sanitary Landfill Agency has agreed to act as lead jurisdiction on behalf of the City of Corning; and

**NOW, THEREFORE, BE IT RESOLVED** that the City of Corning authorizes the Tehama County Sanitary Landfill Agency to submit to the California Integrated Waste Management Board a regional application for the Used Oil Recycling Block Grant, FY 2009/10 on its behalf; and

**BE IT FURTHER RESOLVED** that the Landfill Agency Manager is hereby authorized and empowered to execute all grant documents necessary to secure grant funds and implement the approved grant program

---

The foregoing Resolution was passed and adopted by the City Council of the City of Corning this 28<sup>th</sup> day of July 2009 by the votes listed below.

**AYES:**  
**OPPOSED:**  
**ABSENT:**  
**ABSTAIN:**

---

**Gary R. Strack, Mayor**

**ATTEST:**

---

**Lisa M. Linnet, City Clerk**

ITEM NO.: H-9  
ACCEPT JERRY RINDAHL'S  
RESIGNATION FROM THE  
AIRPORT COMMISSION  
JULY 28, 2009

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

STEVE

**SUMMARY:**

Longtime Airport Commissioner Jerry Rindahl has submitted his resignation from the Airport Commission due to health reasons. Commissioner Rindahl has served the City well in his capacity as a member of the Airport Commission since 1996. Mr. Rindahl will be missed on the Commission.

With this resignation, the Airport Commission now has two vacancies.

**RECOMMENDATION:**

**MAYOR AND COUNCIL ACCEPTED THE RESIGNATION OF  
COMMISSIONER MR. JERRY RINDAHL FROM THE AIRPORT COMMISSION.**

July 5, 2009

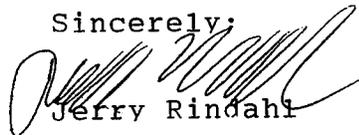
TO: City of Corning  
Corning Airport Commission

FROM: Jerry Rindahl

Due to my declining health and being unable to attend the meetings, I am giving my resignation to the Airport Commission.

I have enjoyed my many years on the Commission

Sincerely:



Jerry Rindahl

**RECEIVED**

**JUL 06 2009**

**CITY OF CORNING**

*To Council*

**ITEM NO: H-10  
RECOMMEND APPOINTMENT OF MR.  
TONY MILLER AS CITY REPRESENTATIVE  
TO THE TEHAMA COUNTY AIRPORT LAND  
USE COMMISSION (ALUC)  
JULY 28, 2009**

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

**FROM: GARY STRACK, MAYOR  
LISA M. LINNET, CITY CLERK**

*STEVE*

**SUMMARY:**

Mayor Strack and City Airport Commission Chairperson Barbara Boot recommend the appointment of Tony Miller to serve as the City's representative to the Tehama County Airport Land Use Commission.

**BACKGROUND:**

Former Airport Commissioner James Hand has been the City's representative to the Tehama County Airport Land Use Commission. Mr. Hand verbally informed the City Clerk that he was moving and would no longer be able to serve as a Commissioner on the City's Airport Commission or serve as the City's representative on the Tehama County Airport Land Use Commission.

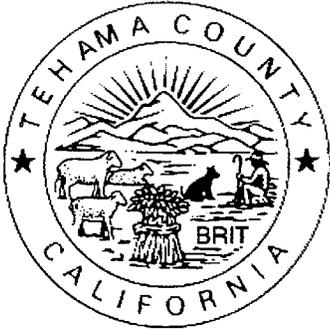
The City has received the attached request from George Robson, Tehama County Director of Planning for the City to appoint a representative to take Mr. Hand's place on the Commission.

Airport Commission Chairperson Barbara Boot was contacted and she recommended the appointment of City Airport Commissioner Tony Miller to serve as the City's representative on this Commission.

Mr. Miller is retired from the Air Force and is a rancher. He is a pilot and aircraft owner and prior to becoming a member of the City's Airport Commission he served as a Commissioner on the Riverside, CA Airport Commission. Mr. Miller has served as a military representative to the Clovis Airport Commission and participated on several advisory committees.

**RECOMMENDATION:**

**MAYOR AND COUNCIL APPOINT MR. TONY MILLER AS THE CITY  
REPRESENTATIVE TO THE TEHAMA COUNTY AIRPORT LAND USE  
COMMISSION.**



## PLANNING DEPARTMENT COUNTY OF TEHAMA

Courthouse Annex, Room "T"  
444 Oak Street  
Red Bluff, California 96080  
530-527-2200 Telephone  
530-527-2655 Facsimile  
Email: Planning @co.tehama.ca.us

GEORGE W. ROBSON  
Director of Planning

July 16, 2009

Lisa Linnet, City Clerk  
City of Corning  
794 Third St.  
Corning, CA 96021

Dear Ms. Linnet,

Our office has been unable to contact James Hand, who was appointed by the City of Corning to serve on the Tehama County Airport Land Use Commission (ALUC).

It is our understanding that Mr. Hand may not be interested or possibly no longer residing in the County. We have been unable to contact Mr. Hand for several months now and therefore request a new representative be appointed to the ALUC.

Thank you for your assistance with this matter.

Sincerely,



GEORGE W. ROBSON  
Director of Planning

GWR/kat

ITEM NO. H-11  
CITY HALL AND TRANSPORTATION CENTER  
REMODELS FOR RELOCATION OF  
RECREATION SUPERVISOR OFFICE, BUS  
WAITING AREA AND POLICE ATHLETIC  
LEAGUE BOXING PROGRAM.

JULY 28, 2009

TO: CITY COUNCIL OF THE CITY OF CORNING, CALIFORNIA

FROM: STEPHEN J. KIMBROUGH; CITY MANAGER  
JOHN L. BREWER, AICP; PUBLIC WORKS DIRECTOR  
ANTHONY CARDENAS, CHIEF OF POLICE

STEVE

JB

ACG

**SUMMARY:**

Staff seeks City Council authorization to complete minor building remodels at both City Hall and the Transportation Center for the ultimate purposes of:

1. Relocating the Recreation Supervisor from the Transportation Center (Suite D) to an office in City Hall;
2. Moving the passenger lobby from its existing location (Suite B) to the former Recreation Supervisor's suite;
3. Utilizing the former passenger lobby as the new home for the Police Activities League (PAL) Boxing Program.

**BACKGROUND:**

*(The following information is intended to accompany the Transportation Center and City Hall drawings that are attached to this staff report.)*

City staff has been concerned about potential safety issues related to the "remote" Recreation Supervisor's office that's currently located within Transportation Center Suite D. There is a little used area of the City Hall "Records Storage" room that could be easily segregated and modified for a new office. That new office would have its own exterior door from the Solano Street sidewalk.

The Police Department formerly operated its Police Activities League (PAL) Boxing program within a leased building at 1577 Second Street. As part the City's budget reduction plan, the Police Department opted not to renew that lease. Police Department personnel have removed the boxing ring and other equipment. The unassembled boxing ring and equipment are currently being stored in the vacant former restaurant at the Transportation Center (Suite A).

The assembled boxing ring is too large to fit into the vacant restaurant suite. Additionally, there have been recent inquiries about leasing and reopening the restaurant. The assembled boxing ring will fit within the current passenger lobby (Suite B)-provided the "bolt-down" seats are first removed.

Moving the Recreation Supervisor's Office to City Hall will leave Transportation Center Suite D vacant. That suite is currently made up of two small offices. Combining those two offices, removing and filling in two interior doors, and installing the relocated bolt down seats

along the walls would provide sufficient bus passenger waiting area. TRAX is currently the sole transit tenant at the Transportation Center.

Relocating the passenger waiting room would free up the larger Suite B for use as the PAL Boxing Center, with few building modifications.

**FINANCIAL:**

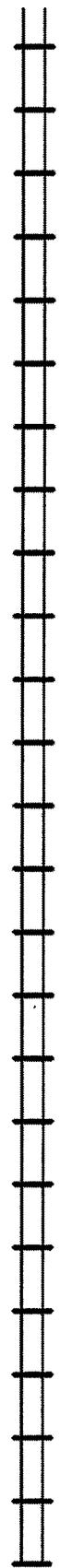
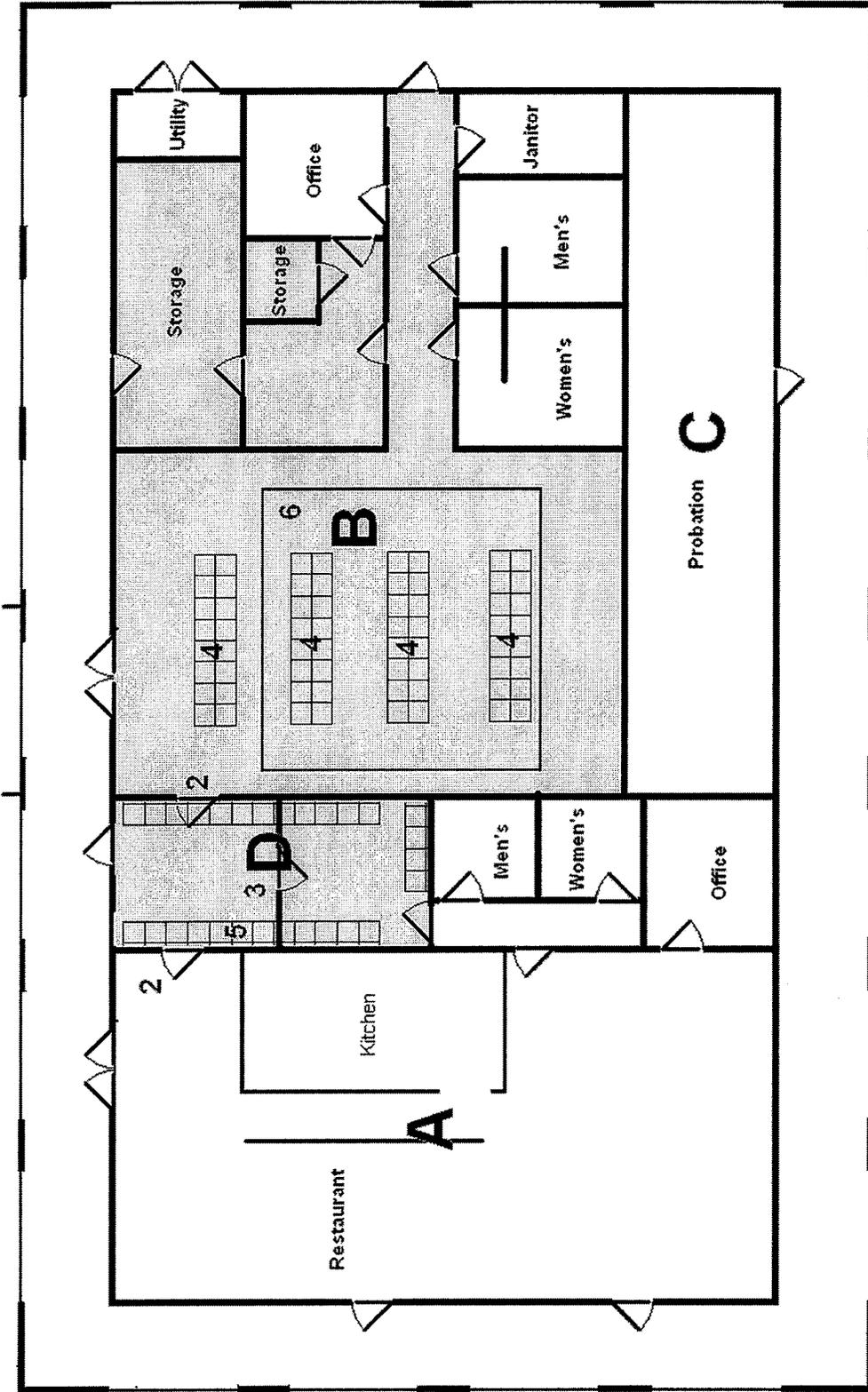
At the time of this writing, staff has not completed detailed cost projections for the multi-faceted remodels. However, the remodels are not extensive, essentially including wall and door removals, wall "fill-ins", relocation of security cameras, partition construction and some new floor coverings. As mentioned earlier, the boxing ring and associated bags have already been removed from the Second Street building. Reassembling them in Suite B will take little time or effort.

**RECOMMENDATION:**

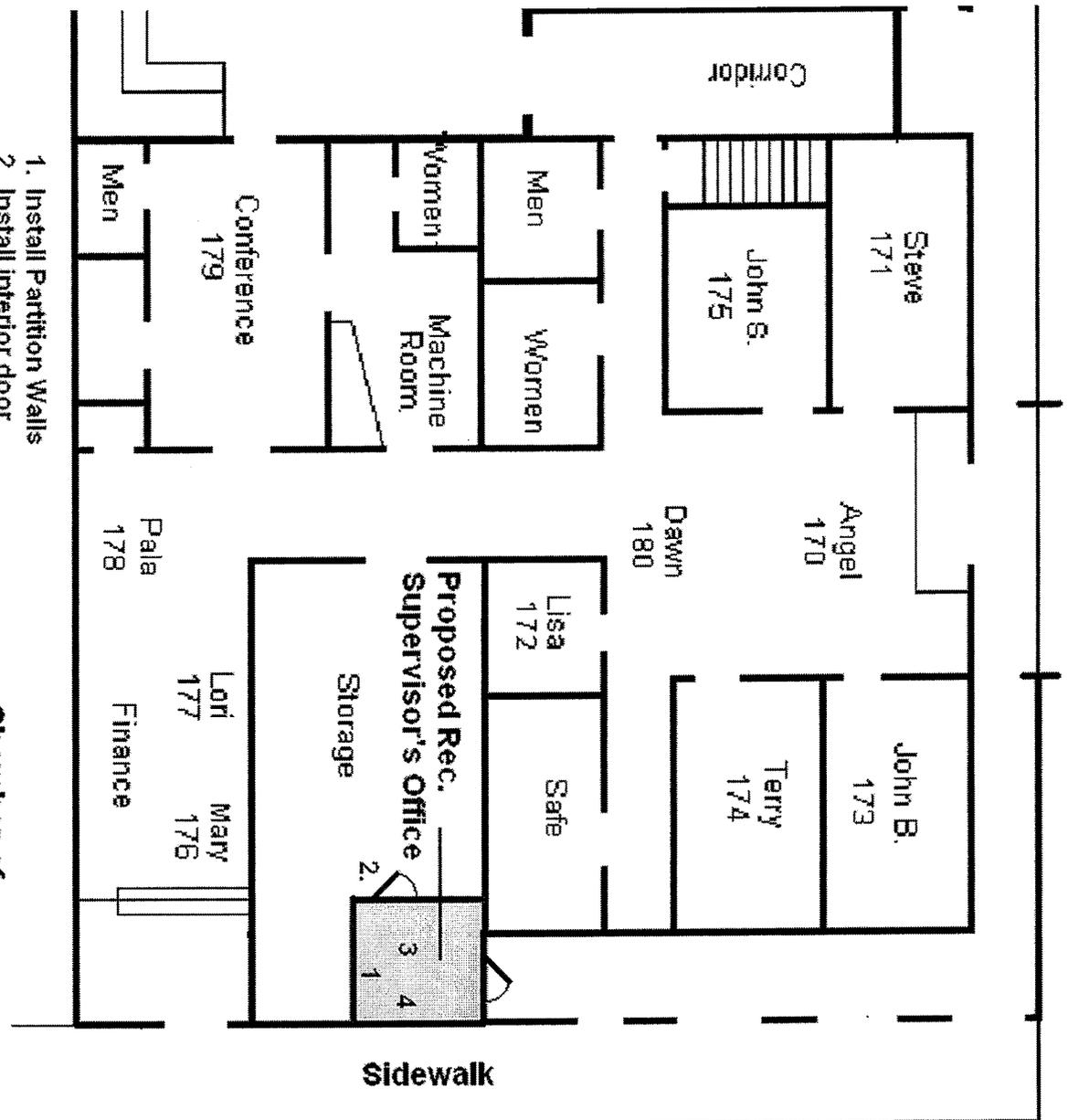
**That the City Council:**

- **Approve the plan to relocate the Recreation Supervisor Office from Transportation Center Suite "D" to a remodeled office within the City Hall Records Storage Room, and,**
- **Modify Transportation Center Suite "D", by removing the interior wall and two interior doors, filling in the vacated door spaces, and,**
- **Removing the bolt down passenger waiting seating from Suite "B", in favor of erecting the Police Activities League Boxing Ring, along with accessory storage uses in adjacent rooms, and,**
- **Installing passenger waiting seating as shown on the attached drawing within modified Suite "D", effectively moving the Bus Waiting Area from Transportation Center Suite "B" to the modified Suite "D".**

1. Construct Recreation Office at City Hall
2. Remove 2 Interior doors: fill-in walls
3. Remove non-bearing wall
4. Remove fixed seating
5. Install fixed seating along walls
6. Erect Boxing Ring



1. Install Partition Walls
2. Install interior door
3. Install floor covering
4. Install phone line w/old number



Solano Street

CITY HALL  
7/2009

**ITEM NO.: H-12  
SECOND READING: ORDINANCE NO. 635;  
AN ORDINANCE OF THE CITY OF CORNING  
ADDING A CHAPTER TO TITLE 5 OF THE CORNING  
MUNICIPAL CODE THAT WOULD DEFINE AND  
REGULATE STREET VENDING IN THE CITY OF  
CORNING.**

**JULY 28, 2009**

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

**FROM: JOHN STOUFER, PLANNING DIRECTOR**

*STEVE*

**PROJECT DESCRIPTION:**

On July 14, 2009, the City Council waived the first reading and introduced Ordinance No. 635. If adopted the ordinance would add a chapter to Title 5 of the Corning Municipal Code that will define "Street Vending" and require a street vendor to obtain a business license and meet location and operational requirements as stated in the ordinance. Additional location and operational requirements, other than those required by the ordinance, may be imposed if deemed warranted by City staff.

It is now appropriate to adopt the ordinance that will define and regulate "Street Vending" in the City of Corning.

**STAFF AND PLANNING COMMISSION RECOMMENDATION:**

**The Planning Commission considered this matter at a duly noticed public hearing conducted on June 16, 2009. The recommendation of the Planning Commission and staff follows:**

**THAT THE CITY COUNCIL:**

**WAIVE THE SECOND READING AND ADOPT ORDINANCE NO. 635  
ADDING A CHAPTER TO TITLE 5 OF THE CORNING MUNICIPAL THAT WILL  
DEFINE AND REGULATE "STREET VENDING" IN THE CITY OF CORNING.**

**ORDINANCE NO. 635**  
**AN ORDINANCE OF THE CITY OF CORNING ADDING A**  
**CHAPTER TO TITLE 5 OF THE CORNING MUNICIPAL CODE**

**Street Vending**

“Street Vending” means the act of any person or persons engaged or employed, whether temporary or not, in the business of selling, exhibiting for sale, or taking orders from consumers on private property adjacent to City Streets for any type of food product, goods, wares or merchandise. This definition applies to a person or persons vending food or other merchandise from pushcarts, vehicles, trailers, temporary stands or other readily mobile sources to customers within the City limits.

**Business License Requirement**

As specified in Title 5 of the Corning Municipal Code (CMC) any vending operation, except those that are part of a city recognized “Farmers Market” or found to be exempt as nonprofit organizations pursuant to Chapter 5.12 of the CMC, must obtain a business license from the City. In addition to a business license the sale of fireworks is governed by Section 8.18.040 of the CMC.

The business license must be posted and visible during hours of operation.

Prior to the City issuing a business license for street vending, the applicant must provide the following information:

- A) Completed application form, including a written description of the proposed vending activity.
- B) Proof of valid health permit(s), if required by applicable law or regulation as it applies to prepared or processed food products.
- C) Site plan (Sketch) identifying the property, type and location of the vending activity.
- D) The written approval of the property owner where such vending shall be conducted on private property.
- E) The location of available restrooms to be used by the vendor. The vending applicant shall provide rest room facilities as provided for in State Law and available within 100 feet of the vendor business site. If the vendor is proposing to use non-public restrooms, such as an adjacent business, the vendor must provide written approval from the business to use the restrooms.

**Location Requirements.**

1. Right-of-way. Stationary site street vending shall not be permitted in a roadway median, parkway or within any other public right-of-way.
2. Mobile or stationary site street vending is not permitted to set up or sell on any City Property or City Parking Lot.
3. City parks. Street vending shall not be permitted in any city parks unless participating in a City approved Community activity such as a Chamber of Commerce event, and such vendor shall apply to and receive permission to participate in the Community activity from the Chamber of Commerce or other City recognized event organizer.
4. Residential zoning districts. Stationary site street vending shall not be permitted in a residential zone.
5. Food vendors in residential zone. In residential zones a food vendor shall not stop in any single location for more than a 10 minute period.
6. Traffic safety visibility. No street vending shall be located where it will obstruct the safe line-of-sight distance at any intersections as determined by the Public Works Director.
7. Proximity to other items. No vending shall occur within 10 feet of a fire hydrant, fire escape, building entrance, bus stop, loading zone, handicapped parking space, access ramp, or any type of driveway entrance. A greater distance or separation may be required in order to preserve line-of-sight, or for other safety reasons. The vending activity shall not damage any landscaped areas.

**Operation Requirements**

1. Appearance and storage. The vendor shall maintain the area within which vending activities occur in a clean, safe, sanitary and dust-controlled condition. With the exception of fixed stands selling a food product grown on the site, the vendor must remove all evidence of vending and leave the site in a clean state at the close of each business day.
2. Obstructions and hazards. No vendor shall obstruct vehicular traffic, bicycle traffic, sidewalk pedestrian traffic, or accessibility to vehicles parked adjacent to the curb, and shall not create public health or safety hazards.
3. Signs. No more than one sign is allowed on the parcel in conjunction with the vendor. The sign shall not exceed 10 square feet and shall be affixed to the vehicles or devise from which the goods or merchandise are being sold.
4. Other applicable regulations. Each vendor must comply with other local, state and federal regulations pertaining to establishment and operation of a vending business.

**Additional location and operational requirements may be imposed by the City for street vending operations if deemed warranted by City staff.**

\* \* \* \* \*

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

AYES:

NOES:

ABSENT:

Abstain:

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

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

ATTEST:

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

PUBLISH: \_\_\_\_\_

**ITEM NO. H- 13  
AUTHORIZE PUBLIC WORKS STAFF TO  
COMPLETE WEED ABATEMENTS ON NON-  
COMPLIANT PROPERTIES AND  
IMPOSITION OF LIENS FOR COST  
RECOVERY**

**JULY 28, 2009**

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

**FROM: STEPHEN J. KIMBROUGH; CITY MANAGER  
JOHN L. BREWER, AICP; PUBLIC WORKS DIRECTOR  
MARTIN SPANNAUS; FIRE CHIEF**

*JB*

**SUMMARY:**

Staff recommends the City Council authorize the Public Works Department to complete weed abatement services on non-compliant private properties in accordance with Corning Municipal Code Chapter 8.14. A copy of that chapter is attached for your use.

**BACKGROUND:**

To lessen the occurrence of grass fires, the City Code contains a chapter that addresses weed abatement on properties within the City. The Fire Chief sends out annual flyers reminding property owners of their obligation to remove weeds and dry grasses. While the vast majority of property owners eventually comply with the order to abate, each year a handful fail to abate their property of weeds and/or dry grasses.

The City is authorized to enter these properties to abate the weeds pursuant to Corning Municipal Code (CMC) Section 8.14.040. The City has previously hired private contractors to abate these non-compliant properties. However, in this meager budget year, instead of paying private contractors, we propose to utilize City staff resources to clear the non-compliant properties of the fire hazards resulting from the dry weeds & grasses. The Fire Department will reimburse the Public Works department for the staff work and, upon Council authorization (pursuant to CMC 8.14.050) record liens against the non-compliant properties for subsequent cost recovery.

The attached spreadsheet marked "Public Works Weed Abatement 2009" lists the non-compliant properties by address. It also lists the expected staff time and associated costs to abate each property. We anticipate a total abatement cost of \$837.67.

**ADMINISTRATIVE AND FINANCIAL:**

Prior to starting the work, the City Attorney will seek Court Orders authorizing entry onto the private properties.

Following completion of the work, the Fire Chief will assess the final costs to each property, including administrative costs (Fire Chief, City Attorney, City Clerk).

**RECOMMENDATION:**

**That the City Council:**

- **Authorize Public Works staff to abate weeds on those “Non-compliant” private properties identified on the attached spreadsheet marked “Public Works Weed Abatement 2009” in accordance with Corning Municipal Code Chapter 8.14, and,**
- **Authorize the Fire Chief to reimburse the Public Works Department for staff resources associated with clearing “Non-compliant” properties to the extent estimated on the attached spreadsheet marked “Public Works Weed Abatement 2009”.**
- **Authorize the Fire Chief to lien the “Non-compliant” properties identified on the attached spreadsheet marked “Public Works Weed Abatement 2009” for the respective abatement and administrative costs in accordance with CMC Section 8.14.050.**

# Public Works Weed Abatement 2009

Site	Crew	Hours	Cost
918 Fairview Ave	2	3	\$94.83
Corner of Toomes Ave & Taft Ave	2	1.5	\$47.42
1940 Taft Ave	2	4	\$126.44
1891 - 1899 Scott Ave	2	4	\$126.44
501 Sixth St	2	1.5	\$47.42
1116 South St	2	2.5	\$79.03
1118 South St	2	6	\$189.66
1139-41-43-45 Fourth St	2	4	\$126.44

Totals

26.5 **\$837.67**

Average cost of 5 Public Works Employee: \$31.61

Employee #1: \$34.16  
 Employee #2: \$32.83  
 Employee #3: \$31.91  
 Employee #4: \$29.57  
 Employee #5: \$29.57

**RECEIVED**  
JUL 23 2009  
CITY OF CORNING

**MEMO**

**TO: JOHN BEEWER  
DIRECTOR OF PUBLIC WORKS**

**FROM: CARL CRAIN  
ASSISTANT PUBLIC WORKS DIRECTOR**

**DATE: 7-22-2009**

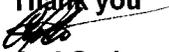
**SUBJECT: PROPERTY WEED ABATEMENT**

**John here is the estimated costs on the weed abatement that you requested. Please understand that this is estimated time only.**

<b>918 Fairview Ave. This well require, hand work only.</b>	<b>2 men, 3 hrs</b>
<b>Toomes Ave. and Taft Ave. corner lot. Flail Mower and Water Truck stand by.</b>	<b>2men, 1 ½ hrs</b>
<b>1940 Taft Ave. Flail Mower and hand work.</b>	<b>2men, 4 hrs</b>
<b>1891-1899 Scott Ave. Hand work only.</b>	<b>2men, 4 hrs</b>
<b>501Sixth St. Hand work only.</b>	<b>1 ½ hrs</b>
<b>1116 South St. Hand work only.</b>	<b>2men, 2 1/2 hrs</b>
<b>1118 South St. Hand work only front and back yard.</b>	<b>2men, 6 hrs</b>
<b>1139-41-43-45 Fourth St. Hand work only front and back yard.</b>	<b>2men, 4 hrs</b>

**John it looks like that 1612 Colusa and 1080 McDonald Ct. are completed.**

**Thank you**

  
**Carl Crain  
Public Works**

Memo

07-10-2009

To : John Brewer  
Public Works Director

From: Martin Spannaus   
Fire Chief

John, Here is a list of properties that may require  
abatement, Thank You

- ✓ • 918 Fairview Ave.
- ✓ • 1139, 41, 43, 45 Fourth Ave.
- ✓ • 501 Sixth St.
- 1612 Colusa St. *Has been mowed*
- ✓ • 1116 South St.
- ✓ • 1120 South St.
- ✓ • South/West Corner of Toomes and Taft
- ~~1080 McDonald~~ Ct. (vacant lot next to Blackburn/moon drain) *Has been mowed*
- ✓ • 1891&1899 Scott Ave.
- ✓ • 1940 Taft (vacant lot)

This is as of today's date some may comply, but most are  
foreclosure's

Thanks John

sance the preceding year, as well as any additional property owners who own property upon which there exists an actual nuisance as defined in this chapter. (Ord. 535 §7(part), 1993).

8.12.080 Statutory reference. Hearings upon the notice to abate, the abatement order, and collection of costs of abatement shall all be carried out as provided by Section 39568 through and including Section 39588 of the Government Code of California, all of which sections are incorporated herein by reference, and by such reference made a part of this chapter. (Ord. 535 §7(part), 1993).

## Chapter 8.14

### WEED ABATEMENT

#### Sections:

- 8.14.010 Introduction.
- 8.14.020 Notice to remove or destroy grass, weeds or plants.
- 8.14.030 Form of notice.
- 8.14.040 Entry to abate.
- 8.14.050 Lien.
- 8.14.060 Collection.
- 8.14.070 Refunds.
- 8.14.080 Annual publication of notice.
- 8.14.090 Annual form of notice.
- 8.14.100 Validity.
- 8.14.110 Failure to comply.
- 8.14.120 Right to enter.
- 8.14.130 General applicability of chapter standards.

8.14.010 Introduction. The city has developed a plan and a set of regulations for weed abatement. The following program has been designed to meet these needs, and protect the citizens health, safety and property values. (Ord. 535 §8(part), 1993).

8.14.020 Notice to remove or destroy grass, weeds or plants. Upon the failure of the owner of any real property in the city of Corning to remove or destroy such grass, weeds or plants from said real property, or to remove or destroy such grass, weeds or plants from in front of said real property from the property line thereof to the curb line of the street upon which the real property abuts, the owner shall be given notice by the city to remove or destroy the same within a period of ten days. Such notice shall be in writing or printed and shall be dated. The

city shall mail written notices in substantially the same form as provided in Section 8.14.030 of this chapter, except that the city planning department or fire chief shall sign said notice that is to be mailed to the owner to whom the real property is assessed on that last equalized assessment roll, and it shall be mailed to the address shown on the last assessment roll. Before the end of the period to comply mentioned in said notice, the owner, if he or she has any objection thereto, may file with the city clerk a protest in writing setting forth the legal and factual reasons on which the objection to said notice or proposed removal or destruction is based. If, at the end of the period to comply mentioned in the notice, the owner has failed to comply with the notice, and if he or she has failed to file a written protest with the city clerk, a citation shall be issued and duly served upon said owner for violation of this chapter. If a written protest is filed with the city clerk, and if the city clerk, planning officer or the fire chief believes the protest to be without merit, then the written protest shall be referred to the city council for a hearing and a decision thereon. The city council may hear the protest at a regular or special meeting, and the city clerk shall mail to the address on the last assessment roll, at least seven days before the hearing, a notice of the date and time; then if the owner does not himself or herself at his or her own expense make the removal within five days thereafter, a citation shall be duly issued and served upon said owner for the violation of this chapter. (Ord. 578 §2(10)(part), 1998; Ord. 535 §8(part), 1993).

8.14.030 Form of notice. The heading of the notice to be given by the city shall be "NOTICE TO DESTROY OR REMOVE GRASS, WEEDS OR PLANTS" and notice shall be substantially in the following form:

NOTICE TO DESTROY OR REMOVE NOXIOUS OR DANGEROUS  
GRASS, WEEDS OR PLANTS.

Notice is hereby given that the noxious and dangerous grass, weeds or plants growing upon or in front of this property, or that rubble upon this property, constitute a public nuisance which must be abated within \_\_\_\_\_ days of the date hereof by the destruction or removal of said grass, weeds or plants, removal of said rubbish or rubble. Upon your failure to comply with this notice, an infraction citation will be duly issued and served upon you, requiring your appearance in response thereto before the Tehama County Municipal Court, District Southern Division. A brief description of the material to be removed is as follows:

If you object to this proposed destruction and removal of grass, weeds or plants, you are hereby notified to file with the City Clerk within ten (10) days of the date hereof a written protest setting forth the legal and factual reasons upon which the objections are based.

A brief official City Assessment description of the premises is as follows:

A.P. # \_\_\_\_\_ Dated: \_\_\_\_\_

---

City of Corning  
(Ord. 535 §8(part), 1993).

8.14.040 Entry to abate. The city may, at reasonable hours, enter upon private property to perform the duties imposed by this chapter following failure to comply by the owner following the notice given, pursuant to Section 8.01.070. (Ord. 535 §8(part), 1993).

8.14.050 Lien. Upon completion of the work of destruction or removal of said grass, weeds or plants by the city, the fire chief shall notify the city clerk that said work has been completed and shall, in writing, inform the city clerk of the cost of such work. If the said owner fails or refuses to pay to the city the amount of cost of such work within a period of thirty days from the date of such notice, then the city clerk shall record in a book to be kept for that purpose the name of the owner of the property, a description of the property sufficient for identification, and the amount of the charges against said real property for doing the work, removal or destruction of grass, weeds or plants from the property. From and after the date that said entry is so made, the amount charged against the real property, which amount shall include the cost of removing, transporting and depositing the grass, weeds or plants from said real property, including from the property line thereof to the curb line of the street upon which the real property abuts, shall constitute a special assessment against the real property, and the amount of such special assessment shall be added to the next regular bill for taxes levied against said real property for municipal purposes. (Ord. 535 §8(part), 1993).

8.14.060 Collection. The amount of the assessment shall be collected at the time and in the manner ordinary municipal taxes are collected. If delinquent, the amount is subject to the same penalties and the same procedure of foreclosure and sale provided for in ordinary municipal taxes. (Ord. 535 §8(part), 1993).

8.14.070 Refunds. The city council may order refunded all or part of a special assessment paid pursuant to this chapter, if it finds that all or part of the special assessment has been erroneously levied. A special assessment or portion thereof shall not be refunded unless a claim is filed with the city clerk on or before March 1st after the special assessment became due and payable. The claim shall be verified by the owner who paid the tax, or his or her guardian, executor, administrator, assignee or successor in interest. (Ord. 578 §2(10)(part), 1998; Ord. 535 §8(part), 1993).

8.14.080 Annual publication of notice. The fire chief shall cause to be published two notices in the Corning Observer between April 1st and May 1st of each year, which notices shall in each publication provide as follows:

NOTICE TO ALL PROPERTY OWNERS WITHIN THE CORNING CITY LIMITS ARE HEREBY NOTIFIED TO REMOVE OR DESTROY ALL NOXIOUS OR DANGEROUS GRASS, WEEDS OR PLANTS, PRIOR TO JUNE 15TH OF EACH YEAR.

MUNICIPAL COURT CITATIONS WILL BE ISSUED pursuant to City Ordinance No. 535 for infraction violations thereof against all property owners failing to comply with this notice.

---

Fire Chief, City of Corning

8.14.090 Annual form of notice. The heading of the notice to be given by the city shall be "NOTICE TO DESTROY OR REMOVE NOXIOUS OR DANGEROUS GRASS, WEEDS OR PLANTS," and the notice shall be substantially in the following form:

NOTICE TO DESTROY OR REMOVE NOXIOUS OR DANGEROUS GRASS, WEEDS OR PLANTS.

Notice is hereby given that the noxious and dangerous grass, weeds or plants growing upon or in front of this property, constitute a public nuisance which must be abated within \_\_\_\_\_ days of the date hereof by the destruction or removal of said grass, weeds or plants. Upon your failure to comply with this notice, an infraction citation will be duly issued and served upon you, requiring your appearance in response thereto before the Corning Municipal District Court. IT WILL BE THE POLICY OF THE COURT NOT TO DISMISS CITATIONS FROM COMPLIANCE AFTER JUNE 15th. FAILURE TO COMPLY WILL RESULT IN ADDITIONAL CITATIONS(S) AND FINE(S).

A brief description of the material to be removed is as follows:

If you object to this proposed destruction and removal of grass, weeds or plants, rubbish and rubble, you are hereby notified to file with the City Clerk within ten (10) days of the date hereof a written protest setting forth the legal and factual reasons upon which the objections is based.

A brief official City Assessment description of the premises is as follows:

A.P. # \_\_\_\_\_

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

\_\_\_\_\_  
Fire Chief

(Ord. 535 §8(part), 1993).

8.14.100 Validity. If any provision of this chapter or the application thereof to any owner for any reason is held to be invalid or unconstitutional, the remainder of this chapter and the application of its provisions to other persons and circumstances shall not be affected thereby. (Ord. 535 §8(part), 1993).

8.14.110 Failure to comply. Any person failing to comply with any of the provisions of this chapter is guilty of an infraction and subject to the fines as set forth in Chapter 8.25 of the Corning Municipal Code. (Ord. 535 §8(part), 1993).

8.14.120 Right to enter. Right to enter is as defined in Section 8.01.070 of this code. (Ord. 535 §8(part), 1993).

8.14.130 General applicability of chapter standards. The standards in this chapter shall apply to all property within the city. (Ord. 535 §8(part), 1993).

**ITEM NO.: K- 14  
DESIGNATION OF VOTING  
DELEGATE AND ALTERNATE  
FOR 2009 LEAGUE ANNUAL  
CONFERENCE  
JULY 28, 2009**

**TO: HONORABLE MAYOR AND COUNCIL MEMBERS**

**FROM: LISA M. LINNET, CITY CLERK**

*STEVE*

**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.**

**Council Action Required by August 21, 2009**

June 5, 2009

**TO: Mayors, City Managers and City Clerks**

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES  
League of California Cities Annual Conference – September 16-18, San Jose**

The League's 2009 Annual Conference is scheduled for September 16-18 in San Jose. An important part of the Annual Conference is the Annual Business Meeting, scheduled for 3:15 p.m., Friday, September 18, at the San Jose Convention Center. 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. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

**In order to establish voting delegate/alternates' records prior to the conference, please complete the attached Voting Delegate form and return it to the League's office no later than Friday, August 21, 2009.**

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. They need not register for the entire conference; they may register for Friday only. In order to cast a vote, at least one person must be present at the Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.

-more-



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

## Annual Conference Voting Procedures 2009 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. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker 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 neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a separate area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
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: \_\_\_\_\_

2009 ANNUAL CONFERENCE  
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by Friday, August 21, 2009. Forms not sent by this deadline may be submitted 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 sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: \_\_\_\_\_

Title: \_\_\_\_\_

2. VOTING DELEGATE - ALTERNATE

Name: \_\_\_\_\_

Title: \_\_\_\_\_

3. VOTING DELEGATE - ALTERNATE

Name: \_\_\_\_\_

Title: \_\_\_\_\_

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

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

Name: \_\_\_\_\_ E-mail \_\_\_\_\_

Title: \_\_\_\_\_ Phone: \_\_\_\_\_

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

**Please complete and return by Friday, August 21 to:**

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

FAX: (916) 658-8240  
E-mail: [mccullom@cacities.org](mailto:mccullom@cacities.org)  
(916) 658-8247

**ITEM NO. : K-15**  
**ORDINANCE NO. 636**  
**AMENDING THE DOLLAR AMOUNT LIMITS**  
**OF CORNING MUNICIPAL CODE CHAPTER**  
**15.32; CONTRACT AND BIDDING**  
**PROCEDURES FOR PUBLIC**  
**CONSTRUCTION PROJECTS.**

**JULY 28, 2009**

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

*STEVE*  
*JLB*

**SUMMARY:**

Staff recommends amending the City Code to reflect the increased public project bid thresholds included in City Code Chapter 15.32. Attached Ordinance No. 636 is offered to accomplish that. The revised thresholds are in accordance with the current thresholds of Section 22032 of the State Public Contract Code (attached).

**BACKGROUND:**

In an effort to standardize contracting procedures, the state adopted the Public Contracts Code (hereafter PCC). That code includes regulations that describe the process for which public construction projects can be completed by City employees, or "put out to bid" by private contractors. Included among the regulations is a section permitting an "alternative bidding process" for agencies that adopt the "statewide costs accounting standards". The City of Corning adopted those standards as Ordinance No. 601 in 2003. The ordinance was incorporated into the Municipal Code as Chapter 15.32.

The alternative bid procedures include bid "thresholds" codified within PCC Section 22032) and locally as "dollar amount limits" within Section 15.32.010 (attached). Those PCC thresholds were amended in 2005. It is now appropriate to amend our City Code to reflect the updated thresholds.

Most notable among the changes is the increase of the "force account" threshold, from \$25,000 to \$30,000. The other thresholds have to do with the distinction between "informal" and "formal" bid processes. The threshold for the informal process has been increased from \$75,000 to \$125,000. Projects costing over \$125,000 must be bid in accordance with the formal bidding process.

**STAFF RECOMMENDATION:**

**That the City Council:**

- **At the July 28, 2009 meeting; waive the first reading and introduce Ordinance No. 636, an ordinance to amend the “dollar amount limits” of Corning Municipal Code Section 15.32.010.**

**ORDINANCE NO. 636**  
**AN ORDINANCE OF THE CITY OF CORNING**  
**AMENDING CHAPTER 15.32 OF THE CORNING MUNICIPAL CODE**  
**REGARDING THE DOLLAR COST LIMITS OF THE "CONTRACT AND BIDDING**  
**PROCEDURES FOR PUBLIC PROJECTS"**

The City Council of the City of Corning, having conducted a hearing in accordance with state law, on July 28, 2009, does hereby ordain as follows:

To amend Sections 15.32.010(A), 15.32.010(B) and 15.32.010(C) of Title 15 (Building and Construction) of the City of Corning to read as follows:

**Section 1.** Section 15.32.010(A) of the Corning Municipal Code is amended to read as follows:

"Public Projects of thirty thousand dollars or less may be performed by the employees of the City of Corning by force account, by negotiated contract or by purchase order."

**Section 2.** Section 15.32.010(B) of the Corning Municipal Code is amended to read as follows:

"Public projects of one hundred twenty five thousand dollars (\$125,000) or less may be let to contract by informal procedures as set forth below."

**Section 3.** Section 15.32.010(C) of the Corning Municipal Code is amended to read as follows:

"Public projects of more than one hundred twenty five thousand dollars (shall, except as otherwise provided herein or within the Uniform Public Construction Cost Accounting Act, be let to contract by formal bidding procedures."

---

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Corning, held on July 28, 2009 and adopted at a regular meeting of the City Council of the City of Corning, held \_\_\_\_\_, 2009 by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**

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

**ATTEST:**

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

**Published:** \_\_\_\_\_

## **PUBLIC CONTRACT CODE**

### **SECTION 22030-22045**

22030. This article applies only to a public agency whose governing board has by resolution elected to become subject to the uniform construction cost accounting procedures set forth in Article 2 (commencing with Section 22010) and which has notified the Controller of that election. In the event of a conflict with any other provision of law relative to bidding procedures, this article shall apply to any public agency which has adopted a resolution and so notified the Controller.

22031. Nothing in this article shall prohibit a board of supervisors or a county road commissioner from utilizing, as an alternative to the procedures set forth in this article, the procedures set forth in Article 25 (commencing with Section 20390) of Chapter 1.

---

22032. (a) Public projects of thirty thousand dollars (\$30,000) or less may be performed by the employees of a public agency by force account, by negotiated contract, or by purchase order.

(b) Public projects of one hundred twenty-five thousand dollars (\$125,000) or less may be let to contract by informal procedures as set forth in this article.

(c) Public projects of more than one hundred twenty-five thousand dollars (\$125,000) shall, except as otherwise provided in this article, be let to contract by formal bidding procedure.

---

22033. It shall be unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of this article requiring work to be done by contract after competitive bidding.

22034. Each public agency that elects to become subject to the uniform construction accounting procedures set forth in Article 2 (commencing with Section 22010) shall enact an informal bidding ordinance to govern the selection of contractors to perform public projects pursuant to subdivision (b) of Section 22032. The ordinance shall include all of the following:

(a) The public agency shall maintain a list of qualified contractors, identified according to categories of work. Minimum criteria for development and maintenance of the contractors list shall be determined by the commission.

(b) All contractors on the list for the category of work being bid or all construction trade journals specified in Section 22036, or both all contractors on the list for the category of work being bid and all construction trade journals specified in Section 22036, shall be mailed a notice inviting informal bids unless the product or service is proprietary.

Chapter 15.32CONTRACT AND BIDDING PROCEDURES FOR PUBLIC PROJECTSSections:

- 15.32.010 Contract procedures--Dollar amount limits.  
 15.32.020 Informal bid procedures.  
 15.32.030 Contractors list.  
 15.32.040 Notice inviting informal bids.  
 15.32.050 All bids over seventy-five thousand dollars.  
 15.32.060 Award of contracts.

15.32.010 Contract procedures--Dollar amount limits.

The city of Corning elects to become subject to and adopts and incorporates into its Municipal Code the Uniform Public Construction Cost Accounting Act (California Public Contract Code Sections 22000 et seq.) and, including but not limited to, its "alternative procedures" as specifically set forth in Public Contract Code Section 22032 and adopts the following contract procedures for the dollar limitations set forth below:

A. Public projects of twenty-five thousand dollars or less may be performed by the employees of the city of Corning by force account, by negotiated contract or by purchase order.

B. Public projects of seventy-five thousand dollars or less may be let to contract by informal procedures as set forth below.

C. Public projects of more than seventy-five thousand dollars shall, except as otherwise provided herein or within the Uniform Public Construction Cost Accounting Act, be let to contract by formal bidding procedures. (Ord. 601 §1(part), 2003).

15.32.020 Informal bid procedures. Public projects, as defined by the act, of seventy-five thousand dollars or less may be let to contract by informal procedures as set forth in Section 22032, et seq., of the Public Contract Code. (Ord. 601 §1(part), 2003).

15.32.030 Contractors list. A list of contractors shall be developed and maintained in accordance with the

ITEM NO. K-16  
**APPROVAL OF CORNING MUNICIPAL  
AIRPORT IMPROVEMENT PLANS AND  
FINANCING PLAN AND AUTHORIZE STAFF  
TO SEEK BIDS FOR THE PROJECT; CEQA  
NOTICE OF EXEMPTION**

JULY 28, 2009

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

**FROM: STEPHEN J. KIMBROUGH; CITY MANAGER  
JOHN L. BREWER, AICP; PUBLIC WORKS DIRECTOR**

*STEVE*  
*JB*

**SUMMARY:**

The purpose of this meeting is to approve the Airport Improvement plans, authorize sending the plans and specifications out to bid, and to authorize submittal of an application for a loan to finance the "City Match" required to fund the airport improvements. Copies of critical pages of the plans are attached to this staff report. A full set of plans and specifications are available for review at City Hall.

**BACKGROUND:**

City Council approved an updated Corning Municipal Airport Master Plan in August of 2003. The plan includes some significant airport improvements. Key among those is a 900 foot northerly "shift" of the runway to provide additional separation between the high school campus to the south, coupled with a 600 foot long runway extension. Other notable improvements envisioned in the plan include a new paved apron for aircraft parking, and a new taxi-way.

The Federal Aviation Administration (FAA), that oversees and funds airport expansions, is onboard with the northerly shift of our runway, but not the 600 foot "extension" component of the plan.

Our airport consulting firm, Wadell Engineering has been working to complete construction plans to accomplish the airport improvements envisioned in the Airport Master Plan. Those improvement plans are now complete and attached for your review and consideration.

The Fixed Base Operators, Brian and Carol Carpenter have reviewed the plans and offered some minor comments. Those comments have been presented to Mr. Wadell for consideration and possible inclusion.

**CEQA:**

The City completed an environmental analysis of the planned airport improvements during completion of the updated Airport Master Plan in 2003. That

CEQA (California Environmental Quality Act) document was subsequently filed with and processed through the State Clearinghouse as document No. 2003032126. The CEQA Guidelines (Section 15162) effectively exempt projects that have been previously evaluated. For that reason, staff recommends the Council certify the attached CEQA Notice of Exemption.

**FUNDING:**

The FAA typically funds 95% of the cost of airport improvements. The engineer’s estimate for the project is between \$1.5 to \$2 million, along with the additive bid item estimate of \$100 to \$500 thousand for an overall projection of up to \$2,500,000.

The State Division of Aeronautics contributes 2.5% of the FAA grant amount (not the overall project cost). The City is expected to provide the remaining share of the funding that amounts to about 2.625%. Based on the Engineer’s estimate we expect the proportionate agency funding shares to be:

FAA	\$2,375,000.00	95% of Engr. Estimate
Cal Div. Aeronautics	\$59,375.00	2.5% of FAA “Grant”
<b>City of Corning</b>	<b>\$65,625.00</b>	<b>2.625% (remainder)</b>
Engineer’s Estimate	\$2,500,000.00	

**PROJECT TIMING:**

This issue was discussed and decided at the July 14<sup>th</sup> meeting when, in light of the facts presented, the City Council clearly supported proceeding with the airport improvement project.

**“CITY MATCH” SOURCES:**

As shown in the chart above, the City match required for this project would amount to \$65,625.00 of a \$2.5 million project. However, that “match” is a bit of a moving target at this point. First, the bids may come in well below the engineer’s estimate. Second, the FAA may not authorize the “additive” apron pavement and markings. And third, the match may be reduced due to City staff work, utility sales and/or the appraised value of the aviation easement with the High School district. The point is, the \$65,625.00 amount is likely the “maximum” match that we’d need to provide.

Staff has taken the liberty of preparing the loan application with the California Division of Aeronautics. A copy of that document is attached. Staff recommends the Council authorize staff to sign and submit the application for an amount up to \$62,625.00. Their terms are repayment between 8 and 17 years, depending upon the amount of the loan, and an annual interest rate of 5.8329%. Repayment of the maximum of \$62,625.00 would cost the City between \$6,094.84 and \$10,284.96 annually, depending upon the desired term of the loan. With interest, repayment of the 8 year loan could cost up to \$82,279.68. The 17 year loan would cost \$103,599.40. There is no penalty for early repayment.

An alternative source could be an “internal’ loan from the City’s Transportation Development Impact Fee (DIF) account. That account contains the development impact fees collected to fund new City transportation infrastructure, like widened streets, bridges and traffic signals. The planned airport improvements are not included in the DIF infrastructure program, so the funds may not be used to pay for the matching funds. However, money could be borrowed from that fund. In that case the funds would need to be repaid at a rate equivalent to the interest earned on the revenue account, currently about 3% annually. Repayment based on the same terms as the Cal Div. of Aeronautics (for illustration) would cost between \$4,932.72 and \$9,237.00 annually. The terms of the two alternative loans are presented below.

APR	Years	Months	Mo. Payment	Annual Payment	Sum of Payments
<u>Cal Div of Aeronautics Loan</u>					
5.833%	8	96	857.08	<b>\$ 10,284.96</b>	\$82,279.68
5.833%	17	204	507.84	<b>\$ 6,094.08</b>	\$103,599.36
<u>City Transportation DIF Account-Loan</u>					
3%	8	96	769.75	<b>\$ 9,237.00</b>	\$73,896.00
3%	17	204	411.06	<b>\$ 4,932.72</b>	\$83,856.24

**STAFF RECOMMENDATION:**

That the City Council:

- Find that the Corning Municipal Airport Runway and Taxiway Improvement Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15162, since the environmental effects of the project were previously considered and mitigated through the adoption of a Mitigated Negative Declaration (State Clearinghouse No. 2003032126), and certify the attached CEQA Notice of Exemption, and,
- Approve the attached plans for the Corning Municipal Airport Runway and Taxiway Improvement Project , including the additive (apron paving and marking) bid item, and,
- Authorize staff to seek bids for the Corning Municipal Airport Runway and Taxiway Improvement Project , and the additive (apron paving and marking) bid item, and, once the bids are collected and evaluated, return to the Council with a recommendation for bid award, and,
- Authorize the City Manager to sign the loan application with the California Department of Transportation-Division of Aeronautics, seeking funds to provide the “City match” portion of the project costs up to a maximum loan amount of \$62,625.00, or,

- Direct the City Manager to borrow funds equivalent to the "City match" portion of the project costs, up to \$62,625.00 from the City's Transportation Development Impact Fee Account with the understanding that the City shall repay the principal with interest equivalent to the annual rate that would have otherwise accrued in the DIF account, and,
- Direct the City Manager, consultant Bob Wadell and staff to pursue the grant funding for the project from the Federal Aviation Administration and California Department of Transportation-Division of Aeronautics.

# RUNWAY AND TAXIWAY PAVING AND LIGHTING IMPROVEMENTS

## CORNING MUNICIPAL AIRPORT

A CITY OF CORNING AVIATION FACILITY  
CORNING, CALIFORNIA

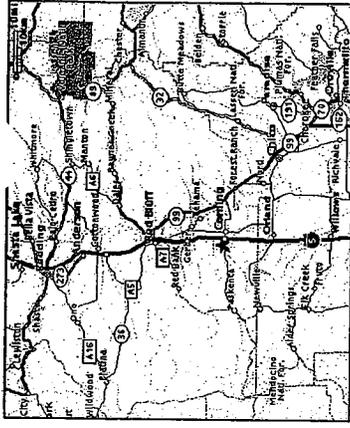
FAA AIP PROJECT NO. 3-06-0053-03 & 04

JULY 2009

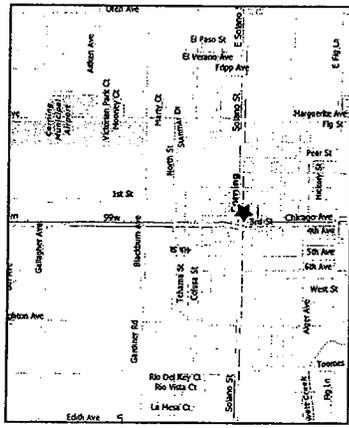
MAYOR  
GARY STRACK  
VICE MAYOR  
BECKY HILL  
COUNCIL  
ROSS M. TURNER  
TONI PARKINS  
JOHN LEACH  
CITY MANAGER  
STEVEN J. KIMBROUGH  
PUBLIC WORKS DIRECTOR  
JOHN L. BREWER

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22. CROSS SECTIONS - STA. 24+50 TO 29+00
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31. WECPAVE RUNWAY OVERLAY - PLANING & LEVELING MAPS
32. WECPAVE RUNWAY OVERLAY - EXISTING & FINISH ELEVATIONS
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51. CARD GATE PLAN & DETAILS



LOCATION MAP



VICINITY MAP

IF SHEET IS LESS THAN 22" X 34" IT IS A REDUCED PRINT - SCALE REDUCED ACCORDINGLY



DRAWING		01	51
CORNING MUNICIPAL AIRPORT		TITLE SHEET	
A CITY OF CORNING AVIATION FACILITY		CORNING, CALIFORNIA	
DATE	BY	DATE	BY
1/2009	JDK	1/2009	JDK
SCALE AS SHOWN	DATE	1/2009	1/2009



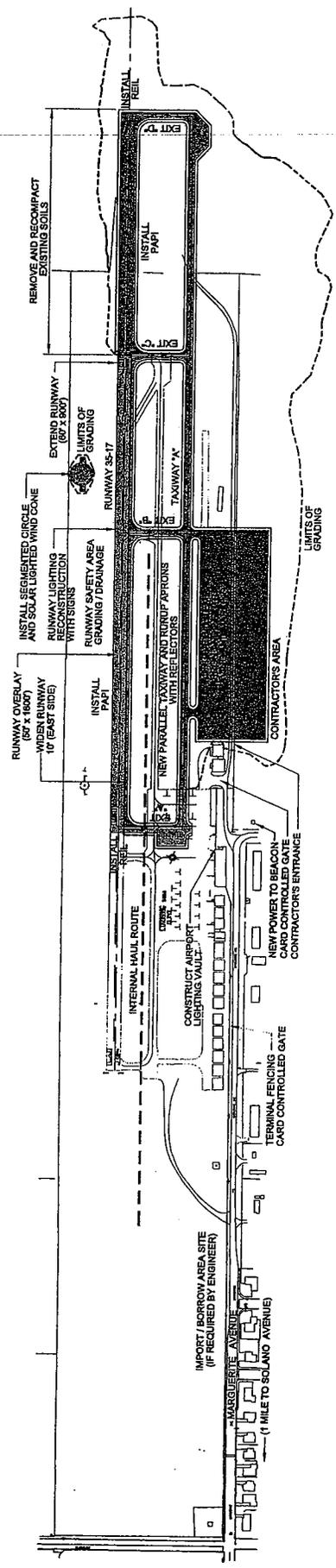
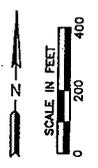
san francisco bay area

AIRPORT PLANNING • ENGINEERING • MANAGEMENT

WADELL ENGINEERING CORPORATION



IF SHEET IS LESS THAN 22" X 34" IT IS A REDUCED PRINT - SCALE REDUCED ACCORDINGLY



**NOTE:**  
 DUE TO CHANGING MAGNETIC DECLINATION,  
 RUNWAY 16-34 WILL BE REMARKED AS 17-35.

- ABBREVIATIONS:**
- ANGLE
  - ASPHALT BASE
  - ASPHALT CONCRETE
  - AIRPORT IMPROVEMENT PROJECT
  - AMERICAN WIRE GAGE
  - AIRPORT WEATHER OBSERVATION STATION
  - CENTERLINE
  - DIA.
  - DIAMETER
  - EXISTING
  - EAST
  - ELEV.
  - ELEVATION
  - ELECTRICAL
  - FEDERAL AVIATION ADMINISTRATION
  - FINISH FLOOR
  - HORIZONTAL
  - HYDRANT
  - K/VA
  - KILOVOLT AMPS
  - KILOWATT
  - MAXIMUM
  - MINIMUM
  - LINEAR FEET
  - LIM TREATED SUBGRADE
  - (N) NORTH
  - N NO.
  - N.O. NUMBER
  - N.T.S. NOT TO SCALE
  - O.C. ON CENTER
  - PAPI PRECISION APPROACH PATH INDICATOR
  - PCC PORTLAND CEMENT CONCRETE
  - R RADIUS
  - RC RELATIVE COMPACTION
  - R/W RUNWAY
  - REIL RUNWAY END IDENTIFIER LIGHTS
  - S SOUTH, SLOPE
  - SD STORM DRAIN
  - SF SQUARE FEET
  - SG SUBGRADE
  - STATION
  - (TYP.) TYPICAL
  - UGP UNDERGROUND POWER
  - V VERTICAL VOLT
  - W WEST WIRE
  - WMF WELDED WIRE FABRIC
  - XFRM TRANSFORMER

**WADELL ENGINEERING CORPORATION**

AIRPORT PLANNING • ENGINEERING • MANAGEMENT son francisco bay area



PLEASE PRINT OR TYPE AND COMPLETE ALL APPLICABLE ITEMS

**PART I. AIRPORT INFORMATION**

PUBLIC ENTITY City of Corning	AIRPORT NAME Corning Municipal	PERMIT NO.
CONTACT NAME Stephen J. Kimbrough	TITLE City Manager	FEDERAL PROJECT NO. 03-06-0053-03 & 04
BUSINESS ADDRESS 794 Third Street, Corning, CA 96021		BUSINESS PHONE (530) 824-7033

**PART II. PROJECT INFORMATION**

PROJECT DESCRIPTION	TOTAL COST	STATE LOAN	OTHER (identify)
(attached)	\$2,500,000	\$65,625	\$59,375 (Div. of Aeronautics 2.5%)  (\$2,375,000 FAA)

**PART III. REQUIRED SUPPORTING DOCUMENTS**

Pursuant to Public Utilities Code Section 21602 and Chapter 5 of the CAAP Regulations, submit the following documents with this application:

- Local government approval (*resolution or minute order*) as described in Section 4072.1(a).
- FAA Grant Agreement with FAA and sponsor signatures.
- Verification of full compliance with the California Environmental Quality Act (CEQA) by submitting information to fulfill **either 1. or 2.** below:
  1. Copy of Notice of Exemption or provide the Categorical Exemption Class # \_\_\_\_\_ (CEQA Guidelines Sections 15300-15333) Section 15162
  2. Copy of Notice of Determination or provide the following information:
    - Environmental Impact Report (Title/Date) \_\_\_\_\_ State Clearinghouse (SCH)# \_\_\_\_\_ or
    - Negative Declaration (Title/Date) \_\_\_\_\_ State Clearinghouse (SCH)# \_\_\_\_\_ or
    - National Environmental Policy Act (NEPA) document (Title/Date) \_\_\_\_\_  
(NEPA documents-Environmental Impact Statement or Finding of No Significant Impact must comply with CEQA provisions)
- 11 x 17-inch Drawing or Airport Layout Plan showing project location(s) and dimensions.
- Completed CAAP Certification (Form DOA-0007), if not submitted to the Division of Aeronautics earlier for this fiscal year.
- Financial feasibility pursuant to Section 4072.

**PART IV. AUTHORIZATION**

AUTHORIZED OFFICIAL'S SIGNATURE	TITLE City Manager
PRINT NAME Stephen J. Kimbrough	DATE 7/29/09

SEND COMPLETED APPLICATION AND ALL REQUIRED DOCUMENTS TO:

**CALIFORNIA DEPARTMENT OF TRANSPORTATION**  
**DIVISION OF AERONAUTICS - MS #40**  
**P. O. BOX 942874**  
**SACRAMENTO, CA 94274-0001**

The work consists in general of removal of the parallel taxiway and portions of the runway with exits, grading, paving, marking, lighting, PAPIs, REILs, lighting vault for an extended runway and new parallel taxiway, apron grading, access gate and fencing. The additive bid item is paving, marking and installing edge reflectors on the new apron with two exits.

**Notice of Exemption**

**Form D**

**To:** Office of Planning and Research  
P.O. Box 3044, Room 212  
Sacramento, CA 95812-3044

**From:** (Public Agency) City of Corning  
794 Third Street  
Corning, CA 96021

(Address)

County Clerk  
County of Tehama  
P.O. Box 250  
Red Bluff, CA 96080

Project Title: Corning Municipal Airport Improvement Project

Project Location - Specific:  
Corning Municipal Airport

Project Location – City: Corning, CA Project Location – County: Tehama

Description of Nature, Purpose and Beneficiaries of Project:

The work consists in general of removal of the parallel taxiway and portions of the runway with exits, grading, paving, marking, lighting, PAPIs, REILs, lighting vault for an extended runway and new parallel taxiway, apron grading, access gate and fencing. The additive bid item is paving, marking and installing edge reflectors on the new apron with two exits. Beneficiaries include aviators, the City of Corning and the public in general due to the addiitonal separation of runway from urban uses to the south.

Name of Public Agency Approving Project: City of Corning

Name of Person or Agency Carrying Out Project: City of Corning

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: \_\_\_\_\_
- Statutory Exemptions. State code number: Guidelines Section 15162

Reasons why project is exempt:

Project was previously evaluated and a Mitigated Negative Declaration (MND) was prepared, circulated through the Clearinghouse (SCH No. 2003032126) and certified on August 26, 2003.

Lead Agency Contact Person: John L. Brewer Area Code/Telephone/Extension: 530-824-7029

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

Signature: \_\_\_\_\_ Date: 7/29/2009 Title: Public Works Director

- Signed by Lead Agency Date received for filing at OPR: \_\_\_\_\_
- Signed by Applicant

Revised 2005

California Home

Thursday, July 2, 2009



[OPR Home](#) > [CEQAnet Home](#) > [CEQAnet Query](#) > [Search Results](#) > [Document Description](#)

## Draft Environmental Assessment for the Corning Municipal Airport Expansion Master Plan/2020 and First Stage Development

**SCH Number:** 2003032126

**Type:** NOD - Notice of Determination

### Project Description

Final Environmental Assessment for the Corning Municipal Airport Expansion Master Plan 2020 and First Stage Development.

### Project Lead Agency

Corning, City of

### Contact Information

#### Primary Contact:

Stephen J. Kimbrough  
City of Corning  
530-824-7033  
794 Third Street  
Corning, CA 96021

### Project Location

County: Tehama  
City: Corning  
Region:  
Cross Streets: Marguerite Avenue and Neva Avenue  
Parcel No:  
Township:  
Range:  
Section:  
Base:  
Other Location Info:

### Determinations

This is to advise that the  Lead Agency  Responsible Agency City Council of the City of Corning has approved the project described above on 8/26/2003 and has made the following determinations regarding the project described above.

1. The project  will  will not have a significant effect on the environment.
2.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures  were  were not made a condition of the approval of the project.
4. A Statement of Overriding Considerations  was  was not adopted for this project.
5. Findings  were  were not made pursuant to the provisions of CEQA.

**Final EIR Available at:** 794 Third St. Corning, CA 96021

**Date Received:** 12/15/2003

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ITEM NO. K-18  
CITY ATTORNEY EMPLOYMENT  
AGREEMENT – MODIFY METHOD OF  
PROVIDING RETIREMENT CONTRIBUTION.  
JULY 28, 2009

TO: CITY COUNCIL OF THE CITY OF CORNING  
FROM: STEPHEN J. KIMBROUGH, CITY MANAGER

*STEVE*

**SUMMARY:**

This proposed amendment to the City Attorney Employment Agreement was presented to the City Council for approval on June 23, 2009. The proposed solution for compensating the City Attorney for his previously approved retirement credit had been discussed with the City Council in closed Session on March 24, 2009, under the Agenda heading "Management Employee Bargaining Unit" following which, the City Council concurred with the solution and directed that the City Manager bring it back for action at a regular City Council meeting.

A citizen has objected to the agreement and the City Council continued the item for further discussion. Subsequently, the citizen made charges of impropriety in the recommendation made by the City Manager and demanded an investigation by outside counsel. His letter to the City Council is attached along with the response of the City Attorney.

At the request of Vice Mayor Becky Hill, the City Manager contacted a Chico Attorney experienced in contract law and obtained an hourly rate of \$220 per hour. The attorney was chosen because he has considerable success representing the Northern California Cities Self Insurance Fund. He has not worked directly for Corning.

**BACKGROUND:**

In June 2005, the City Council approved the current "Employee Services Contract" with Michael Fitzpatrick. The Agreement provides for the City Attorney to receive CalPERS retirement based upon his part-time pay. The original three-year agreement now extends automatically from year to year.

Staff has previously explained that CalPERS changed its rules and no longer allows multiple employers to contribute to CalPERS for the same employee. With receipt of the letter notification from PERS in 2007, contact was made with PERS to determine why after such a long time, they had rejected the multiple membership, because this retirement option had been available and PERS had accepted the City Attorney's membership in both the City of Anderson and the County of Trinity PERS retirement programs. The PERS representative indicated that they had changed the rules clear back in 1996. For this reason and because the City Attorney is employed by two different cities, CalPERS returned to the City of Corning the City Attorney's member earnings submitted to CalPERS by Corning since 2005. The City Council previously agreed to allow these funds to be redirected into whatever retirement account the City Attorney found to be in his best interest.

The City Attorney's personal accountant recommends that the funds be taken as taxable salary and then invest them as "after-tax" dollars in an investment of his own choosing.

The retirement contribution set by PERS is 12.278 percent of salary (Employer Contribution Rate) and the City paid 7% (Employee contribution) for a total of 19.278%, which is the same as all other Miscellaneous City Employees. In the coming year, the monthly cost for City Attorney retirement will be \$964. The only increased cost for the City to pay retirement funds as part of the City Attorney's current pay is the added employer paid Social Security on the \$964, about \$58 per month.

The City has also been holding in trust the employer contributions that were returned by CalPERS, plus the additional retirement contributions in the meantime that have accrued. These funds should be paid by check on the next warrant register followed by a IRS Form 1099.

**RECOMMENDATION:**

**MAYOR AND COUNCIL APPROVE THE MODIFICATION OF COMPENSATION FOR THE CITY ATTORNEY AS PROVIDED FOR IN THE ATTACHED "AMENDMENT TO AGREEMENT FOR LEGAL SERVICES".**

**CITY OF CORNING  
AMENDMENT TO AGREEMENT FOR  
LEGAL SERVICES**

THIS IS AN AMENDMENT TO THE LEGAL SERVICES AGREEMENT made and entered into in July of 2005 between the City of Corning, hereinafter referred to as "EMPLOYER" and MICHAEL C. FITZPATRICK, an individual, hereinafter referred to as "EMPLOYEE."

The 2004 Agreement provided that, in addition to his base salary, the EMPLOYEE was entitled to receive the following:

**"Retirement: EMPLOYEE shall receive PERS entitlements (2% at 55) prorated on a 1/8 time basis consistent with his compensation package."**

After entering into this Agreement, EMPLOYER and EMPLOYEE were informed by PERS that EMPLOYEE was not eligible to have his retirement funds paid into PERS because he was already contributing to PERS through his part-time employment with another PERS agency, the City of Anderson. Therefore, EMPLOYER was instructed that all past and future retirement funds to which EMPLOYEE is entitled must be redirected in some other manner.

EMPLOYER then agreed to allow EMPLOYEE to redirect such funds into whatever retirement account he found which would be in his best interest and EMPLOYEE has now been informed by his own accountant that it would be in his best interest to simply take retirement benefits paid on his behalf by the City of Corning as taxable salary and then invest them as "after-tax" dollars in an investment of his own choosing.

THIS BEING THE CASE, EMPLOYER and EMPLOYEE hereby agree that all past accruals of retirement funds to which EMPLOYEE is entitled as well as any future such entitlements may either be rolled over into a tax-deferred investment selected by EMPLOYEE or may be paid to EMPLOYEE as salary, subject to federal and state withholding, to be invested for retirement in whatever manner EMPLOYEE elects.

Any notices required to be given pursuant to this Agreement shall be deemed to have been given by their deposit, postage prepaid, in the United States Postal Service, addressed to the parties as follows:

- a. To CITY: **Stephen J. Kimbrough, City Manager**  
City of Corning  
794 Third Street  
Corning, CA 96021
  
- b. To EMPLOYEE: **MICHAEL C. FITZPATRICK**  
1135 Pine Street Suite 107  
Redding, CA 96001

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

**CITY OF CORNING:**

**EMPLOYEE:**

by \_\_\_\_\_

Gary R. Strack, Mayor

\_\_\_\_\_

Michael C. Fitzpatrick

**CITY OF CORNING  
AGREEMENT FOR  
LEGAL SERVICES**

THIS AGREEMENT made and entered into in June of 2005 is by and between the City of Corning, hereinafter referred to as "EMPLOYER," and MICHAEL C. FITZPATRICK, an individual, hereinafter referred to as "EMPLOYEE."

**RECITALS**

WHEREAS, CITY desires to continue using the professional services of a qualified person to perform the duties and responsibilities of City Attorney for the City of Corning; and

WHEREAS, CITY knowing that EMPLOYEE is qualified and experienced, and has the specialized skills, to perform the legal services required for the CITY, now wants to proceed with contracting with EMPLOYEE as its City Attorney, and EMPLOYEE is ready, willing and able to perform such services for the CITY;

NOW THEREFORE, in consideration of the mutual promises, covenants, and conditions set forth herein the parties agree as follows:

**SERVICES:** EMPLOYEE will provide to the CITY all necessary professional, administrative, and managerial services to perform the duties and responsibilities of the office of City Attorney to the satisfaction of the CITY, as set forth below. Such services shall include, but not be limited to the following:

To exercise the powers, have the privileges and immunities, and to perform the functions and duties of City Attorney as specified by the job description adopted by the CITY and as set forth and enumerated in the laws of the State of California and the ordinances of the CITY. The primary duties include managing the legal affairs of the CITY, working with the City Manager and department heads in addressing the legal issues related to City business, reviewing all City contracts, assisting in the preparation of City ordinances and resolutions, monitoring the administration of claims being handled by the City's claims administrators, advising the City Council on legal matters, engaging in preventive law to avoid City liability for its activities, participating in activities which promote projects designed to improve City government and representing the City in court on issues which don't require the involvement of outside specialized legal counsel. EMPLOYEE will attend all City Council meetings (2nd and 4th Tuesdays of each month) of the CITY. EMPLOYEE shall be the Primary Staff person advising and assisting the City Council on legal issues.

EMPLOYEE will represent the CITY in litigation before the local and appellate courts on all matters within his expertise at no added hourly fee to the CITY subject to the right to adjustment, upon Council approval, should the amount of litigation create an undue impact upon EMPLOYEE's workload for the CITY and other clients. Outside legal counsel may still be engaged at CITY expense, separate and apart from this agreement, when, in EMPLOYEE's judgment, the matter being handled is beyond his field of expertise or, for other reasons, specialized counsel are needed.

**WORK DAYS AND HOURS:** EMPLOYEE will work on a 1/8 time basis for the City of Corning (and such additional time as may be needed as governed by the workload of the office) and such work will be performed at various locations in City Hall, in EMPLOYEE'S private offices, in court as required and in other locations appropriate to the tasks being performed. The actual amount of time required of EMPLOYEE will vary from time to time depending on the projects and assignments which arise.

**REPORTING RELATIONSHIP:** EMPLOYEE shall report directly to the City Council.

**COMPENSATION:** CITY, for and in consideration of the promises, covenants, conditions and stipulations of EMPLOYEE set forth herein, hereby agrees to provide, as total compensation to EMPLOYEE, the following:

Basic Compensation: EMPLOYEE shall be considered a part-time employee and receive compensation at the following base salary adjusted as indicated:

Beginning 7-1-05 Base Salary of \$4,000/month

Beginning 7-1-06 Base Salary of \$4,250/month

Beginning 7-1-07 Base Salary of \$4,500/month

Compensation as agreed shall be paid to EMPLOYEE with payment made bi-weekly. The federal and state tax and Social Security withholdings applicable to all CITY employees shall also apply to EMPLOYEE.

Retirement: EMPLOYEE shall receive PERS entitlements (2% at 55) prorated on a basis consistent with his compensation package.

Vacation: EMPLOYEE shall not accrue vacation time.

Health Insurance: EMPLOYEE shall not receive health insurance.

Sick Leave: EMPLOYEE shall not accrue sick leave.

Management Leave. EMPLOYEE shall receive full management leave entitlements, if any.

Disability and Life: EMPLOYEE shall not receive disability and life insurance coverage.

**REIMBURSEMENT OF EXPENSES:** EMPLOYEE shall be entitled to the same reimbursement for lodging, meals and other out-of-pocket expenses incurred during travel on CITY business as authorized for other employees of the CITY while traveling on CITY business. EMPLOYEE shall be entitled to attend at CITY expense continuing education classes and events subject to whatever budget constraints are in place annually. CITY will reimburse EMPLOYEE a reasonable amount for administrative expenses (telephone, stationary, computer research costs, malpractice insurance, etc. ) he incurs on behalf of the CITY, subject to sharing such expenses with the other cities represented by EMPLOYEE as has been past practice.

**TERM:** This agreement shall be for three years beginning in July 1, 2005 and ending on June 30, 2008 and extends automatically from year to year thereafter on the same terms and conditions as in the last year specified above (but with the monthly compensation increasing by \$250 each new fiscal year) unless either party provides the other with notice of termination.

**AT-WILL EMPLOYEE:** Notwithstanding the "term" set forth in the preceding paragraph, either party may terminate this Agreement at-will by providing the other party not less than thirty (30) calendar days written notice of termination. The termination shall become effective upon the 30<sup>th</sup> or later designated day following delivery of written notice thereof. EMPLOYEE shall be compensated for all services performed to the effective date of termination. If this contract is terminated for any reason, the maximum cash settlement that the Employee may receive shall not exceed the sum specified in Government Code section 53260.

**PERFORMANCE STANDARDS:** EMPLOYEE agrees that he will at all times faithfully, industriously, and to the best of his ability, experience and talent, perform all of the duties and functions that may be required of or from him pursuant to all terms of this Agreement in a manner reasonably satisfactory to the CITY, and in accordance with the standards reasonably expected of a professional person so engaged.

**INDEMNITY AND DEFENSE:** CITY agrees to extend to EMPLOYEE, as to any action or proceeding on account of any act or omission of EMPLOYEE within the course and scope of services

for CITY provided pursuant to this Agreement, those rights of indemnification, including the right that CITY pay any judgment or make any compromise or settlement of an action, and the right to provision for a defense for actions or proceedings as are granted to employees of a public entity under the provisions of Division 3.6 (commencing with Section 810), Title 1, of the Government Code of the State of California. Employee shall nevertheless continue to provide errors and omissions insurance through his private practice which extends coverage to the CITY in the event of a malpractice claim.

**EMPLOYEE; NOT INDEPENDENT CONTRACTOR:** It is understood that EMPLOYEE is not an independent contractor. He is a part-time employee of the City of Corning.

**ENTIRE AGREEMENT; MODIFICATION:** This Agreement embodies the whole Agreement between the parties hereto and there are no inducements, promises, terms, conditions or obligations made or entered into by CITY or EMPLOYEE other than those contained herein. No modification, alteration, or variation in the terms of this Agreement shall be valid unless made in writing and signed by the parties hereto, and no oral understanding or Agreement not incorporated herein shall be binding on any of the parties hereto.

9. Any notices required to be given pursuant to this Agreement shall be deemed to have been given by their deposit, postage prepaid, in the United States Postal Service, addressed to the parties as follows:

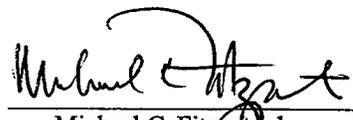
- a. To CITY: **Stephen J. Kimbrough, City Manager**  
City of Corning  
794 Third Street  
Corning, CA 96021
- b. To EMPLOYEE: **MICHAEL C. FITZPATRICK**  
1135 Pine Street, Suite 107  
Redding, CA 96001

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

CITY OF Corning:

EMPLOYEE:

by   
Gary R. Strack, Mayor

  
Michael C. Fitzpatrick



**FITZPATRICK**  
LAW OFFICES

To: Mayor and Council, City of Corning, and the Citizens of Corning

From: Mike Fitzpatrick, City Attorney

Re: Dean Cofer letter of July 14, 2009

Date: July 15, 2009

Mark Twain once said, "Get your facts first; then you can distort them as much as you want."

That apparently is a practice Mr. Dean Cofer has adopted as he relentlessly attacks our City government, coming to meeting after meeting of our City Council and directing his venom at official after official. In the guise of making legitimate inquiry of public officials accountable to those who have put them in office, Mr. Cofer has engaged in a campaign of harassment of City Hall and seems to find pleasure in demeaning those who have chosen to serve. His most recent attacks, directed at me, your City's attorney for the past 20+ years, are both uninformed and misguided and appear more in the nature of character assassination than legitimate and objective criticism of the policies and practices of a public servant.

In a statement read publicly before your City Council at their latest meeting, Mr. Cofer suggests that I have in some manner conspired with your City Manager to commit what he characterizes as potentially criminal acts through the handling of my own retirement account with the City of Corning. What he neglects to point out is that my contract with the City calls for the City to contribute funds into a PERS retirement on my behalf, apportioned according to my part-time status, just as it contributes for other employees of the City of Corning. This is an agreement entered into in 2005 when I was employed, as I am now, both with the City of Anderson and the City of Corning to provide legal services to both cities on a part-time basis. In the past, I was the Trinity County Counsel and had a similar arrangement, working part-time for three public agencies, two of which were contributing to PERS on my behalf, apportioned according to the amount of time spent for each one. Each year for many years now my annual retirement statements from PERS show some amount of time, with corresponding benefits, attributed to all three PERS agencies for whom I have worked, Corning included.

In mid-2007, it was brought to my attention by PERS that for some reason, even though my annual PERS statements have never shown this, I am entitled to a full year of service credit for each part-time year I have served with the City of Anderson. This was inconsistent with the reports PERS itself had always provided me in past years. When a letter came from PERS to the City of Corning in 2007 informing the City that I was not eligible to contribute from both cities, the City of Corning stopped making contributions for me into PERS and I began looking into obtaining some other type of retirement account where my funds could be deposited. The City Council was informed of this and was fully aware that I would be taking steps to redirect my retirement funds. I have written PERS, called PERS and traveled to Sacramento to meet with PERS staff, hoping there might be some way I could leave my funds with them. Because of the lack of response from PERS, I recently elected to draw out my retirement funds, pay taxes on them and wait no longer on PERS to respond to my inquiries.

Mr. Cofer claims that the Council was not notified of this situation and no action was taken to "make the corrections demanded by CalPERS." Just the opposite is true. Not only was the Council notified but the City's finance staff back in 2007 stopped contributing any retirement funds to PERS on my behalf and, because PERS now had "my retirement funds" already invested, the City of Corning was allowed to credit these contributions toward retirement payments the City was making for other employees. In other words, the City was considered to have "paid ahead" with regard to its remaining employees once my retirement funds were treated as a credit for their benefit. Nothing was done underhandedly or covertly; there was no "conspiracy" as Mr. Cofer alleges. There had been no "double-dipping" or attempts by me to acquire retirement benefits to which I was not entitled; the issue simply was whether the retirement funds provided to me by the City could continue to go to PERS or needed to be placed into a 457 account or other such retirement fund. To even suggest that I would take money from the City to which I was not entitled or try to manipulate the system in some manner which was illegal offends me greatly! I welcome the Council engaging outside legal counsel to investigate these allegations and have nothing to hide from any other public agency which is invited to review these false accusations.

Since the statement read into the record by Mr. Cofer seems to be directed at my character and integrity even more than at the propriety of the City allowing me to receive some amount of retirement for my 20+ years of service to the citizens of Corning, let me introduce myself and let you, the public, judge where the truth lies. I am the son of an Iwo Jima survivor, the father of two ministers, one dentist and one teacher, the husband for 41 years of a beautiful lady who is a community college English instructor and has recently achieved her PhD, and the proud grandfather of 5 grandchildren. I have served on the board of trustees of two universities; I graduated from one of the top 10 law schools in the country; I served my country in the U.S. Army for 7 years on active duty both in the States and overseas; I am a retired Air Force Lieutenant Colonel; I have served as an official observer of trials of U.S. military personnel in German courts; I have been admitted to practice before the U.S. Supreme Court as well as federal and state courts and the U.S. Court of Military Appeals; I presently provide legal services to two cities as well as several fire districts and community service districts and have a private practice as well. I am a Christian and highly respect the principles taught to me in the Bible, attempting as best I

know how to apply those principals in both my private and public life. I have an active ministry to Southeast Asian refugees in Shasta County and lead a congregation of over 60 families. I am not someone of questionable integrity as Mr. Cofer is attempting to represent to the Corning community.

I have long and faithfully served the City of Corning as its attorney and fully intend to continue doing so for a few more years until I can move into retirement, hopefully in part with funds contributed by this community based strictly upon time legitimately invested here. In 2005 when the City of Corning agreed to allow me to become an employee rather than my billing my services hourly to the City and further agreed to contribute something toward my retirement, I agreed to represent the City in litigation for which I was qualified without additional cost to the City. Since then, I have successfully represented the City in several court cases, most recently achieving a restraining order against a person who now, in return, has made personal threats toward me, informing me that he knows where I live and warning me of the consequences of my continuing to protect this City in the courtroom. I take this abuse because it's part of my job...and my honor to serve you, the citizens of Corning. Then, when I sit at your Council table in what should be a respectful environment of open debate and governance of our fine City, I receive abuse in the form of character assassination. It's not something that I appreciate. Question my judgment; question my advice; question my approach to the job I perform; but, please, never ever question my honesty and integrity! I am the City Attorney for the great City of Corning; I love and appreciate its citizens; I am part of a proud team of public servants dedicated to the betterment of the Corning community. By making personal attacks upon us, your City leaders, rather than thoughtfully addressing the issues themselves, Mr. Cofer does a disservice both to himself and to those chosen by the citizens of Corning to govern this fine city, often without the recognition and appreciation they so greatly deserve.

**Lisa Linnet**

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**From:** Dean Cofer [deancofer@sbcglobal.net]  
**Sent:** Tuesday, June 23, 2009 8:32 AM  
**To:** Lisa Linnet  
**Subject:** 'for Councilman Ross Turner'

Mrs. Linnet: Please give this to Councilman Ross Turner. Thanks, Dean Cofer

--- On Tue, 6/23/09, deancofer@sbcglobal.net <deancofer@sbcglobal.net> wrote:

From: deancofer@sbcglobal.net <deancofer@sbcglobal.net>  
Subject: City Attorney and PERS Contributions  
To: "Mayor Gary Strack" <gstrack@sbcglobal.net>, "John Leach" <REVJOHN65@DM-TECH.COM>, "Toni Parkins" <toniparkins@sbcglobal.net>, "Becky Hill" <bchill84@gmail.com>, "Lisa Linnet" <llinnet@corning.org>  
Cc: "Bucky L. Bowen" <buckylbowen@yahoo.com>  
Date: Tuesday, June 23, 2009, 8:30 AM

Mayor and Council Members:

My attached letter is requesting that the council NOT approve the agenda item F6 on the 6/23/09 agenda regarding PERS contributions for the city attorney.

**I respectfully request that this particular agenda item be removed from tomorrow's agenda; in order to give council members time to adequately examine this issue before voting on the issue.**

**I have also requested that my letter be read into the minutes at tomorrow's council meeting.**

Sincerely, Dean Cofer

Dean Cofer  
419 Marguerite Avenue  
Corning, CA 96021  
824-2429; [deancofer@sbcglobal.net](mailto:deancofer@sbcglobal.net)

July 14, 2009

City of Corning Council Members  
(Read, and then hand-delivered at the July 14, 2009 Council Meeting).

Subject: PERS Contributions for Michael Fitzpatrick

Shown herein is what I have found by researching the CalPERS Procedures Manual, and speaking with CalPERS representatives. The information contained in items 4, 5 and 6 was provided to us based on an information request submitted to the City of Corning.

1. **From 1995 onward employees have NOT been allowed to have two concurrent PERS retirement accounts.** *Page M40 of the CalPERS Procedures Manual clearly states that when an employee has more than one job with a public agency, "...the position with the highest pay should be reported to CalPERS, with the other position deemed the non-reportable 'overtime' position. (Government Code S. 20635).*
2. **CalPERS has NOT "...changed its rules and no longer allows multiple employers to contribute to PERS for part-time employees", as was falsely claimed by the City Manager in his June 23, 2009 memorandum. As stated above, the prohibition has been in effect since 1995.**
3. Page M40 of the CalPERS Procedures Manual instructs employers as follows: **"NOTE: Check with your employee to see if they are currently employed at another CalPERS agency. If unsure, contact the Employer Contact Center at (888) CalPERS (225-7377)."**
4. **In a letter, dated July 10, 2007, from CalPERS to City Attorney Fitzpatrick (with copies to the City of Corning and the County of Trinity) he was told: (a) "A review of your file by CalPERS indicates that because you are employed with the City of Anderson in the position of City Attorney, (and) elected CalPERS membership on August 29, 1988 ... your position with the City of Corning and County of Trinity are in an overtime capacity and not subject to retirement deductions by Government Code 20635." (b) "City of Corning and County of Trinity has been instructed to reverse all earnings and contributions reported to the system." (c) "If your member contributions are *not employer paid member contributions*, you should be receiving a refund from City of Corning and County of Trinity for any member contributions..." (d) "You are responsible for notifying all of your employers of any employment changes, such as ... an appointment with another CalPERS contracting agency. This will ensure that proper**

*deductions will be reported to CalPERS, that excess member contributions will not be reported..."*

5. **CalPERS sent the City of Corning a letter, dated July 17, 2007 (regarding Mr. Fitzpatrick) stating "EMPLOYER ACTION: Please adjust by a full-line credit or full-line debit entry of earnings and contributions to this system from July 1, 2005 through current. If these contributions are not employer paid contributions, please refund these contributions back to Mr. Fitzpatrick. Mr. Fitzpatrick is employed on a full-time basis with the City of Anderson in the position of City Attorney, elected CalPERS membership and is earning full-time service credit." The letter also states, "...In my conversation with Steve Kimbrough, Mr. Fitzpatrick's part-time position as City Attorney for the City of Corning is considered to be in an overtime capacity and not subject to retirement deductions under Government Code Section 20635. Mr. Fitzpatrick's account will be monitored to make sure the above mentioned contributions are reversed out of his account."**
  
6. **Under date of October 24, 2007, CalPERS sent the city another letter reminding it of its July 17, 2007 letter; and repeated its earlier instructions saying, "Mr. Fitzpatrick did not qualify for membership from July 1, 2005 through current because he is full time with the City of Anderson. Therefore, the position with the City of Corning is considered overtime and not reportable." Once again CalPERS indicated "...These entries are required to be reversed."**

**Here is what this information absolutely proves as indisputable:**

- **City Manager Kimbrough lied to the Council, and city taxpayers and voters when – in his June 23, 2009 memorandum – he stated "...CalPERS has changed its rules and no longer allows multiple employers to contribute to PERS for part time employees."**
  
- **The City Manager and the City Attorney both failed to follow the CalPERS rules prohibiting Fitzpatrick's 2005 enrollment in CalPERS retirement; and then failed to take any corrective action in 2007 after being ordered to do so. *Even if one is so naïve to believe that neither Kimbrough nor Fitzpatrick knew the rules in 2005, both individuals were advised in 2007 that the contributions had to cease but they failed to notify the Council or make the corrections demanded by CalPERS. The City Manager's and City Attorney's decision to start these contributions in 2005, and their failure to stop and reverse them in 2007 when instructed by CalPERS to do so, can only be viewed as evidence of collusion.***
  
- **Mr. Kimbrough and Mr. Fitzpatrick both knew, or certainly had a legal and fiduciary obligation to know in 2005 that Mr. Fitzpatrick was not legally entitled to have two concurrent retirement accounts (and, as we now know, Fitzpatrick had at least three concurrent retirement**

**accounts). In 2007, when CalPERS sent Mr. Fitzpatrick the letter referred to above (with copies to Corning and Trinity County) Kimbrough and Fitzpatrick still failed to come clean with the City Council, taxpayers and voters of Corning. This, coupled with Kimbrough's and Fitzpatrick's recent attempt to get the council to illegally refund PERS contributions to Fitzpatrick – and enter into an agreement to continue the charade indefinitely by paying him future cash in-lieu of retirement contributions – is nothing less than an organized theft of public funds.**

**At this point, the question becomes how the City of Corning (i.e., the City Council) is going to handle this matter:**

- (a) The agreement providing CalPERS retirement benefits that Kimbrough and Fitzpatrick entered into in 2005, must be declared null, void and unenforceable.**
- (b) Mr. Fitzpatrick cannot be allowed to profit from his enrollment in PERS – simply because he was never entitled to be so enrolled in the first place. NONE of the contributions (all of which were paid by the City of Corning) can legally be paid to Fitzpatrick.**
- (c) Mr. Kimbrough's and Mr. Fitzpatrick's recommendation that the Council authorize them to enter into a new agreement – continuing to pay Mr. Fitzpatrick in excess of \$12,000 annually (as additional income) to make up for the loss of future PERS retirement contributions – should and must be met with a unanimous NO vote.**

**If the Council, in spite of the evidence before it, acts to pay the refunded PERS contributions to Mr. Fitzpatrick – or authorizes future payments in excess of \$12,000 annually in-lieu of retirement contributions – then you need to be aware that the payments will likely be found to be contrary to public policy, and construed to be an illegal gift of public funds.**

**I STRONGLY RECOMMEND THAT THE CITY COUNCIL ENGAGE OUTSIDE LEGAL ASSISTANCE TO INVESTIGATE AND RECOMMEND HOW YOU SHOULD LEGALLY PROCEED. To do otherwise, would likely be viewed as a breach of your fiduciary obligations to the City, taxpayers and voters of Corning.**

**I am sending copies of this letter to the Tehama County and Trinity County District Attorneys, the Tehama and Trinity County Grand Juries, and to the CalPERS Compensation Review Department. I believe that Mr. Kimbrough and Mr. Fitzpatrick should be investigated for possible violations of their legal, fiduciary, and ethical responsibilities owed to the taxpayers and voters of the City of Corning; and to determine if they have committed actionable criminal offenses.**

***A complaint will also be filed with the CA State Bar Association, requesting that it investigate Fitzpatrick's initial and continuing conduct, ethical lapses, and failure to provide an acceptable and appropriate level of legal representation to his client (i.e., the City of Corning, taxpayers and voters).***

*The voters have elected each of you to represent us to the best of your abilities. However, to do so, you – and we – must have a city manager and a city attorney who can be counted on to tell us the truth, no matter how difficult; and who will research and follow the regulations and the law when carrying out the duties entrusted to them. I submit that all of us have been ill served by both the City Manager and the City Attorney in regards to this scandalous PERS debacle.*

***For the reasons cited herein, Mr. Fitzpatrick should be terminated forthwith as Corning's City Attorney. Fitzpatrick, in pursuit of his own selfish desire to have multiple retirement accounts failed to give his client (i.e., the City of Corning) proper legal advice and representation. In addition, his attempt – aided and abetted by the City Manager – to have contributions paid over to him that he clearly knew he was NOT entitled to, and to enter into a new agreement to receive future in-lieu cash payments, is unconscionable.***

***For the reasons cited herein, Mr. Kimbrough should be terminated forthwith as Corning's City Manager. Kimbrough lied to the Council and concealed and withheld the truth from the City, and its taxpayers and voters – and that cannot and should not be tolerated.***

Thank you for your consideration.

Sincerely,



Dean Cofer  
Co-Chair, Concerned Citizens

Cc: Tehama County District Attorney Gregg Cohen  
Tehama County Grand Jury  
Trinity County District Attorney Michael B. Harper  
Trinity County Grand Jury  
CalPERS Compensation Review Department  
California State Bar Association



Employer Services Division  
P.O. Box 942709  
Sacramento, CA 94229-2709  
Telecommunications Device for the Deaf - (916) 795-3240  
(888) CalPERS (or 888-225-7377) FAX (916) 795-3005

July 10, 2007

Michael Fitzpatrick

Dear Mr. Fitzpatrick:

SUBJECT: Refund of Member Contributions – Overtime Position

A review of your file by the California Public Employees' Retirement System (CalPERS) indicates that because you are employed with the City of Anderson in the position of City Attorney, elected CalPERS membership on August 29, 1988 for this position and earning full-time service credit your position with the City of Corning and County of Trinity are in an overtime capacity and not subject to retirement deductions by Government Code Section 20635.

City of Corning and County of Trinity has been instructed to reverse all earnings and contributions reported to this system.

If your member contributions are **not employer paid member contributions**, you should be receiving a refund from City of Corning and County of Trinity for any member contributions reported in error.

You are responsible for notifying all of your employers of any employment change, such as a separation from either position, a change in time base, or an appointment with another CalPERS contracting agency. This will ensure that proper retirement deductions will be reported to CalPERS, that excess member contributions will not be reported, and that you will receive the service credit you are entitled to for each fiscal year.

If you have any questions regarding a possible refund of member contributions, please contact City of Corning and County of Trinity.

Sincerely,

A handwritten signature in cursive script that reads "Sheila Arndt".

Sheila Arndt  
Employer Services Division

cc: #1178 – City of Corning  
#1371 – County of Trinity



**Employer Services Division**  
 P.O. Box 942709  
 Sacramento, CA 94229-2709  
 Telecommunications Device for the Deaf - (916) 326-3240  
 (888) CalPERS (or 888-225-7377) FAX (916) 795-3005

Reply to Section:ERSD:104:SA  
 Date: July 17, 2007

2007 SEP -4 PM 3:59  
 RECEIVED  
 CALPERS

PERS-MEM-155 (Rev. 1/94)

<b>EMPLOYER</b> #1178 - City of Corning	<b>EMPLOYEE</b> FITZPATRICK, MICHAEL SS# XXX-XX-3521
--	--

EMPLOYEE RECORD SHOULD READ:		DELETE FROM EMPLOYEE RECORD:	
MEMBER RATE OF CONTRIBUTION	EFFECTIVE DATE	MEMBER RATE OF CONTRIBUTION 0700	EFFECTIVE DATE 07-01-2005
SOCIAL SECURITY	COVERAGE GROUP	SOCIAL SECURITY YES	COVERAGE GROUP 70001
1959 SURVIVOR BENEFIT	ACCOUNT CODE	1959 SURVIVOR BENEFIT NO	ACCOUNT CODE

**EMPLOYER ACTION:**

Please adjust by a full-line credit or full-line debit entry of earnings and contributions reported to this system from July 1, 2005 through current. These contributions were reported in error. (Contributions Code 3 or 13). If these contributions are not employer paid member contributions, please refund these contributions back to Mr. Fitzpatrick. This should be shown as a reversal of any entries previously recorded in error.

Mr. Fitzpatrick is employed on a full-time basis with the City of Anderson in the position of City Attorney, elected CalPERS membership and is earning full-time service credit. In my conversation with Steve Kimbrough, Mr. Fitzpatrick's part-time position as City Attorney for the City of Corning is considered to be in an overtime capacity and not subject to retirement deductions under Government Code Section 20635.

Mr. Fitzpatrick's account will be monitored to make sure the above mentioned contributions are reversed out of her account.

If you need assistance on reversing payroll, please refer to your CalPERS Procedure Manual or contact your payroll representative.

**RECEIVED**  
 OCT 29 2007  
 CITY OF CORNING

**COMMENTS:**

Dean Cofer  
419 Marguerite Avenue  
Corning, CA 96021  
824-2429; [deancofer@sbcglobal.net](mailto:deancofer@sbcglobal.net)

June 23, 2009

Mayor, City Council Members, and City Clerk  
City of Corning

Copies sent via e-mail to addressees. Original mailed to City Clerk Lisa Linnet.

Mr. Mayor and Council Members;

**I respectfully request that the council, at its June 23, 2009 council meeting, NOT approve item "F6 City Attorney's Employment Agreement – Modify Method of Providing Retirement Contributions".**

*With all due respect, I don't believe the council has enough information to act on this matter; and I hereby offer up the following points that you may want to consider.*

Did the city attorney and/or the city manager check with PERS before entering into the agreement in 2005 to pay Mr. Fitzpatrick's retirement costs? *What position did PERS take at that time?*

Council members need to know exactly when the PERS 'rule' was changed, making it improper for part time employees to concurrently receive PERS contributions from more than one employer. *In other words, 'what did the city know, and when did it know'?*

PERS sends out 'rule change' notices to employers whenever it adopts a revision or change. Did the city ever receive such a notice in regards to this issue? *If so, what was the date on the notice, and when was it received?*

This 'rule change' issue and the date of the 'rule change' is a very important matter for you to consider. As an example, if the 'change' took place six months ago; then it would be questionable at best whether or not Mr. Fitzpatrick would be entitled to any portion of the money paid into PERS during that time period. PERS is apparently saying that Mr. Fitzpatrick, as a part time employee, is not qualified to receive PERS contributions concurrently from both Corning and Anderson. *With that in mind, paying him any of the money that has been returned by PERS, or continuing to pay him the monthly equivalent of PERS contributions as salary, might be considered to violate public policy, and might be construed to be an illegal 'gift of public funds'.*

Was this really a 'rule change' or did a PERS audit uncover the dual contributions for Mr. Fitzpatrick by both Corning and Anderson? *If so, when did the audit take place – and what were its conclusions?*

I respectfully suggest that the council investigate this matter thoroughly before making a decision. The city attorney is an interested party, so it would be unethical for him to render any opinions involving this matter. *Therefore, it might be prudent for you to consult outside counsel, or ask PERS for a legal opinion, or perhaps even phone the Bar Association ethics hot line.*

In any event, why on earth would the city want to continue paying Mr. Fitzpatrick \$12,264 (retirement contributions + social security) in cash for retirement contributions that are duplicative of what he is receiving from the City of Anderson? *In these uncertain times and budget difficulties, this would be a good time to say enough; and advise Mr. Fitzpatrick that the city will not longer pay him anything beyond his salary.*

If the city and the city attorney have entered into an agreement that is contrary to PERS 'rules' then, in my opinion the agreement on its face would be null, void and unenforceable.

**In closing, I respectfully request that agenda item F6 be taken off the 6/23/09 agenda, and be rescheduled at a later date. This would give the council time to check this out thoroughly before taking it up for consideration. In addition, I hereby request that this letter be read into the minutes of the 6/23/09 council meeting.**

Thank you for your consideration.

Sincerely,

Dean Cofer

Cc: Public Employee Retirement System, Compensation Review Department

ITEM NO.: K-19  
ADOPTION OF THE 2009-2010 CITY  
BUDGET, DISCUSSION AND ACTION  
JULY 28, 2009

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

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

**SUMMARY:**

The City Council received the Budget on Friday, June 12, 2009 and met in public for a study session on June 18, 2009, and the regularly scheduled meeting on June 23, 2009 and a Special Meeting on June 30, 2009 to receive public input and discuss the program of service and its costs with the City Staff and Community present at the meetings.

The City Council scheduled tonight, July 28, 2009, for the adoption of the budget, including those changes made by the Council during the previous meetings. The Council already adopted the "Appropriation Limit" as required by the State Constitution leaving only the final Resolution implementing the Budget.

**IMPACT OF STATE BUDGET:**

By Thursday July 23, 2009, there was no word on the State legislature's Vote on the State Budget, but the City had received an estimate of the State Legislature's and Governor's "Taking" of local Property Tax to balance the State Budget. The City will lose approximately \$147,105 from the current Fiscal Year 2009-2010. Though the State is also taking Property Tax next year FY 2010-2011, Corning is excluded. Corning was exempted from any Gas Tax Taking, but the reasons are unknown at this time.

The City has now received the entire \$100,000 allocated by the State for "COPS" FY 08-09 which funds the cost of one Police Officer. The report on the Budget package currently considered for adoption includes the continued funding of COPS at \$100,000 and also covers the local Jail Booking Fees and continues State Crime Lab funding.

Add the State taking to the \$732,000 estimated shortfall already presented in previous reports brings the city budget shortfall in revenue to \$879,105. Talks with the City Employees about a 10% reduction in compensation through furloughs are underway with the target implementation of the furloughs starting October 4, 2009 coinciding with the beginning of the pay period.

**RESOLUTION NO. 07-28-09-01 ADOPTING THE 2009-2010 BUDGET AND PROGRAM OF SERVICE FOR THE CITY OF CORNING:**

The attached Resolution set the revenues and expenditures for each of the Funds which support the operations of this City. The table in the Resolution sets the estimated revenue and the expenditure limit for each of these funds. The reserve used or carryover shows the amount of dollars to be used from each of these Fund Reserves. The Fund Reserves represent prior year savings that will be applied to projects or activities in the coming year.

Following the table in the Resolution is a list of budget policies and transfers that implement the programs. Most of these are restated each year to provide direction to the Finance Department. A few need additional explanation.

Number 10 provides a \$225,000 transfer from one Sewer Development Impact Fund to another in order to meet the Bond Debt Service on the Wastewater Treatment Plant Expansion. When the Bonds were approved for the WWTP Expansion, the City sought to avoid imposing an expansion of the Plant on current ratepayers, therefore the burden was placed upon new development.

If there was insufficient development to meet the debt service, the funds would come from the Sewer Collection System Capital Improvement Fund No. 347, from the rate payers. This transfer makes it possible to avoid any impact on the ratepayers for this fiscal year and probably next fiscal year. Because these development impact fee funds will be used for the intended purpose of mitigating development impact, there is no prohibition against this transfer.

Please note in paragraphs 14, 15 and 16 that the Police Department and Public Works Department have asked that portions of their Capital Replacement Funds be returned to the General Fund to help offset this current year's shortfall. These savings have already been incorporated into the yearend "guess" already presented to the City Council.

Numbers 18-21 close out projects following final accounting. The deficits noted are also included in the yearend "guess".

Approval of the attached Resolution No. 07-28-09-01 adopts the 2009-2010 Budget and Program of Service for the City of Corning.

#### **ADDITION OF SHORT DRIVE AND EDITH STORMDRAIN PROJECT:**

On May 26, 2009, the City Council approved the funding for the Short Drive and Edith Avenue Storm Drain Improvement. Since the construction will take place during this new budget year, the \$20,350 appropriation of the previously approved project has been added to the new budget in Account 345-8030-3001, Street Projects.

#### **RECOMMENDATION:**

##### **MAYOR AND COUNCIL:**

**APPROVE RESOLUTION NO. 07-28-09-01 ADOPTING THE 2009-2010 BUDGET AND PROGRAM OF SERVICE FOR THE CITY OF CORNING.**

**RESOLUTION NO. 07-28-09-01**  
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORNING**  
**ADOPTING THE ANNUAL PROGRAM OF SERVICES AND CITY BUDGET**  
**FOR FISCAL YEAR 2009-2010**

**WHEREAS**, the City Council received the proposed Budget on June 12, 2009; and

**WHEREAS**, the City Council conducted two Public Meetings, on June 23<sup>rd</sup>, 2009, and on June 30<sup>th</sup>, 2009, and a Study Session on June 18<sup>th</sup>, 2009, in order to receive public input on levels of service and general concerns of the citizens; and

**WHEREAS**, the City Council has made various changes in the proposed Annual Program of Service and Budget; and

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

<u>FUND DESCRIPTION</u>	<u>ESTIMATED REVENUE AND TRANSFERS</u>	<u>APPROPRIATED EXPEND. &amp; TRANS</u>	<u>RESERVE USED / CARRY OVER</u>
001 General Fund	\$3,738,050	\$4,470,026	\$(731,976)
071 PD Equip. Replace. Fund	\$ 84,580	\$ 112,000	\$( 27,420)
072 ACO F & A	\$ 3,000	\$ 5,500	\$( 2,500)
076 Fire Equip. Replace. Fund	\$ 71,808	\$ 71,808	\$ -0-
078 PW Equip Replace. Fund	\$ 100	\$ 2,000	\$( 1,900)
105 Rural Planning	\$ 31,000	\$ 30,871	\$ 129
107 STIP	\$ 1,152	\$ 53,000	\$( 51,848)
108 Federal Programs	\$ 500	\$ 28,250	\$( 27,750)
109 Gas Tax	\$ 43,100	\$ 61,534	\$( 18,434)
110 Gas Tax / 2106	\$ 32,700	\$ 51,932	\$( 19,232)
111 Gas Tax / 2107	\$ 57,600	\$ 127,693	\$( 70,093)
112 Gas Tax	\$ 2,200	\$ 2,200	\$ -0-
114 Tr. Sales Tax	\$ 64,000	\$ 79,500	\$( 15,550)
115 Traffic Cong.	\$ 68,850	\$ 68,400	\$ 450
116 Traffic Mitigation Fees	\$ 77,000	\$ 5,101	\$ 71,899
118 Safe Routes to School	\$ -0-	\$ -0-	\$ -0-
120 T.E.A. Downtown	\$ -0-	\$ -0-	\$ -0-
150 Planning Envir. Review	\$ -0-	\$ -0-	\$ -0-
161 Office/Traffic Safety Close Fund June 30, 2009	\$ -0-	\$ -0-	\$ -0-
164 Office/Traffic Safety 2	\$ 19,696	\$ 19,696	\$ -0-
170 Abandoned Vehicles	\$ 4,000	\$ 7,000	\$( 3,000)
188 SAFE Grant	\$ 10,000	\$ 7,500	\$ 2,500
303 Flood Prevention Close Fund June 30, 2009	\$ -0-	\$ -0-	\$ -0-
304 GIS Planning Close Fund June 30, 2009	\$ -0-	\$ -0-	\$ -0-
305 Retail Trade Close Fund June 30, 2009	\$ -0-	\$ -0-	\$ -0-

**RESOLUTION NO. 07-28-09-01 , page 2**

<u>FUND DESCRIPTION</u>	<u>ESTIMATED REVENUE AND TRANSFERS</u>	<u>APPROPRIATED EXPEND. &amp; TRANS</u>	<u>RESERVE USED / CARRY OVER</u>
308 Housing Element	\$ 35,000	\$ 43,750	\$ ( 8,750)
321 Salado Home Grant Close Fune June 30, 2009	\$ -0-	\$ -0-	\$ -0-
322 CDBG 08	\$1,500,000	\$ 1,480,370	\$ 19,630
323 Prog. Income Unrestricted	\$ -0-	\$ -0-	\$ -0-
324 Program Housing	\$ -0-	\$ -0-	\$ -0-
325 Program Income ED	\$ -0-	\$ -0-	\$ -0-
326 Program Income General	\$ -0-	\$ -0-	\$ -0-
341 Park Acquis. Quimby Act	\$ 12,200	\$ 14,541	\$ ( 2,341)
344 Salado Wall	\$ -0-	\$ -0-	\$ -0-
345 Drainage	\$ 13,000	\$ 24,409	\$ ( 11,409)
346 Water Capital Improve.	\$ 29,000	\$ 613,000 <sup>1</sup>	\$ ( 584,000)
347 Sewer Capital Improve.	\$ 31,000	\$ 227,000	\$ ( 196,000)
348 WWTP Sewer	\$ 345,500	\$ 234,160	\$ 113,340
352 Park & Rec. Revolving Fund	\$ 2,000	\$ 2,800	\$ ( 800)
353 Park Volunteer Fund	\$ 500	\$ -0-	\$ 500
355 Parkland Acquisition	\$ 15,000	\$ 1,500	\$ 13,500
356 Trail Development	\$ 1,000	\$ -0-	\$ 1,000
365 Curb/Gutter-Revolving	\$ -0-	\$ -0-	\$ -0-
380 WWTP Capital Replace	\$ 60,000	\$ 70,000	\$ ( 10,000)
381 Sewer Capital Replace.	\$ 19,300	\$ 72,000	\$ ( 52,700)
383 Water Capital Replace.	\$ 72,000	\$ 22,500	\$ ( 49,500)
401 J. T. Levy	\$ 500	\$ 500	\$ -0-
402 Rodgers Theatre Trust	\$ 500	\$ 1,500	\$ ( 1,000)
403 Ridell Library Trust	\$ 1,500	\$ 1,000	\$ 500
610 Sewer Enterprise	\$ 1,412,990	\$1,331,783	\$ 81,207
611 Sewer Rate Coven. Fund	\$ -0-	\$ -0-	\$ -0-
615 Solid Waste	\$ 305,000	\$ 306,000	\$ ( 1,000)
620 Airport	\$ 18,980	\$ 17,200	\$ 1,780
621 Airport CIP	\$ 3,320,000	\$ 3,320,000	\$ -0-
625 Transportation Center	\$ 13,220	\$ 13,500	\$ ( 280)
630 Water Enterprise	\$ 1,227,675	\$ 1,220,248	\$ 7,427
701 Lighting & Landscape Dist.	\$ 1,090	\$ 1,725	\$ ( 635)
703 Lighting & Landscape Dist.	\$ 2,900	\$ 2,625	\$ 275
704 Lighting & Landscape Dist.	\$ 4,775	\$ 3,400	\$ 1,375

<sup>1</sup> USDA Rural Development Loan Proceeds for Clark Park Well estimated at \$578,000.

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

1. The Annual System Replacement commitment from the Sewer Enterprise Fund as mandated in the Federal Wastewater Treatment Plant Construction Grant is committed to pay debt service for Sewer Replacement Bonds.
2. Public Safety Sales Tax, approved by the voters in Prop. 172, is distributed between the Police Equipment Replacement Fund 071 and Fire Equipment Replacement Fund 076. Upon receipt, funds shall be deposited into the General Fund Revenue Account #001-4122, and become a part of the annual transfer in support of Funds 071 and 076.
3. The State Indian Gaming money shall be deposited in the General Fund Revenue Acct. 001-4160 to be used for the funding of front-line law enforcement personnel costs.

### RESOLUTION NO. 07-28-09-01, page 3

4. From the General Fund 001, transfer \$53,280 to the Police Equipment Replacement Fund 071.
5. From the General Fund 001, transfer \$22,000 to the Fire Equipment Replacement Fund 076. Deposit Fire Dispatch Contract income into Fund #076, Revenue Account #076-4671.
6. Deposit Fire Dispatch Contract income into Fire Equipment Replacement Fund 076, Revenue Account #076-4671.
7. From the General Fund 001, transfer \$-0- to Public Works Equipment Replacement Fund 078.
8. \$50,000 per year for Equipment Replacement shall be transferred annually from the Sewer Enterprise Fund 610 to the Wastewater Treatment Plant Capital Replacement Fund #380.
9. \$18,300 per year for Equipment Replacement shall be transferred annually from the Sewer Enterprise Fund #610 to the Sewer Capital Replacement Fund #381.
10. \$225,000 shall be transferred from the Sewer Capital Improvement Fund 347 to the WWTP Expansion Fund 348 to pay the WWTP Bond Debt Service.
11. \$70,000 per year shall be transferred annually from the Water Enterprise Fund #630 to the Water Capital Replacement Fund #383.
12. The Annual General Fund Subsidy of the Corning Municipal Airport Enterprise Fund #620 shall be set at \$0.
13. The Annual rent for PAL Program Use paid to the Transportation Center Fund shall be set at \$5,000, and transferred from the General Fund 001, to the Transportation Center Fund 625.
14. Authorize City Manager to make annual year end transfer of Unrestricted CDBG Program Income into its separate Fund, Fund #323, in order to segregate funds available for use.
15. Effective June 30, 2009, return \$180,000 from the Police Equipment Replacement Fund #071 to the General Fund #001.
16. Effective June 30, 2009, return \$35,000 from Public Works Equipment Replacement Fund #078 to the General Fund #001.
17. Effective June 30, 2009 return \$18,000 from the Curb and Gutter Revolving Fund #365 to the General Fund #001.
18. Transfer to the General Fund 001, prior to June 30, 2009, the excess interest earned from the Solid Waste Fund 615, equal to the June 30, 2009, Fund 615 balance less the amount payable to Waste Management, Inc.
19. Transfer Downtown TEA Fund #120 project deficit of \$1,011 from the General Fund #001 by June 30, 2009.
20. Transfer Flood Prevention Grant Fund 303 project deficit of \$6,969 from the General Fund 001 by June 30, 2009.
21. Transfer GIS Planning Grant Fund 304 project deficit of \$7,150 from the General Fund 001 by June 30, 2009.
22. Transfer Retail Trade Grant Fund 305 balance of \$4,356 to the General Fund 001 by June 30, 2009.

**RESOLUTION NO. 07-28-09-01, page 4**

The foregoing Resolution was adopted at a regular meeting of the City Council of the City of Corning, held on July 28, 2009 by the following vote:

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

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

**ATTEST:**

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