



**CITY OF CORNING  
CITY COUNCIL AGENDA**

**TUESDAY, JUNE 14, 2011  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

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

**B. ROLL CALL:**

**Council:**

**Toni Parkins  
John Leach  
Darlene Dickison  
Dave Linnet  
Gary Strack**

**Mayor:**

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

**D. INVOCATION: Led by John Leach.**

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

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

**Presentation: Certificate of Appreciation to the Volunteers from the Church of Jesus Christ of Latter Day Saints for their "Helping Hands Project" work completed at Northside Park.**

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

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

- 1. Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
- 2. Waive the Reading and Approve the Minutes of the May 24, 2011 City Council Meeting with any necessary corrections:**
- 3. June 8, 2011 Claim Warrant - \$169,985.76.**
- 4. June 8, 2011 Business License Report.**
- 5. May 2011 Building Permit Valuation - \$136,896.**
- 6. May 2011 Wages and Salaries - \$317,196.51.**
- 7. May 2011 – Treasurer's Report.**
- 8. City of Corning Wastewater Operation Summary Report – May 2011.**
- 9. Approve Contract Change Order No. 5 increasing the Solano/Marguerite Avenue Traffic Signal Installation Project by \$7,255 for a total Project cost of \$297,210.47.**

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

10. Approve Progress Pay Estimate No. 5 in the amount of \$74,054.86 to Franklin Construction for the 2010 Traffic Signal Installation Project.
11. Ordinance No. 646 amending Chapter 15.32 of the Corning Municipal Code regarding the Informal Bid Limit of the "Contract and Bidding Procedures for Public Projects". (Second Reading and Action)

H. ITEMS REMOVED FROM THE CONSENT AGENDA:

I. PUBLIC HEARINGS AND MEETINGS:

12. Ordinance No. 645, Medical Marijuana Dispensaries: An Ordinance of the City of Corning adding a Chapter to Title 17 of the Corning Municipal Code that would define and prohibit the establishment of medical marijuana dispensaries in the City of Corning. (First Reading)

J. REGULAR AGENDA:

13. Request Council's approval to install City sewer connection for Sunsweet Dryers located at 23760 Loleta Avenue.
14. Plan for filling the Assistant Public Works Director Position following the anticipated retirement of current Assistant Public Works Director Carl Crain.
15. Establish monthly City Awards for "Business of the Month" and "Employer of the Month" and appoint award recommendation committee members.

K. ITEMS PLACED ON THE AGENDA FROM THE FLOOR:

L. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION:

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

Parkins:  
Leach:  
Dickison:  
Linnet:  
Strack:

N. ADJOURNMENT!:

POSTED: FRIDAY, JUNE 10, 2011

# **Certificate of Appreciation**



***Outstanding Volunteer Service***

***to the***

***Citizens, Community and City Government***

***of the***

***City of Corning***

***for:***

**Painting Park Bathrooms**

**Sanding Park Bleachers**

**Spreading/Leveling new Playground Chips at the Kiddy Park**

**Painting Park Pump House**

**Oiling Park Bleachers**

***at***

***Northside Park on May 7, 2011***

***to:***

**Church of Jesus Christ of Latter Day Saints**

**“Helping Hand Project” Volunteers**

**I, Gary R. Strack, Mayor of the City of Corning do hereby recognize the contribution and dedication of Volunteers from the Church of Jesus Christ of Latter Day Saints “Helping Hands Project”.**

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**Gary R. Strack, Mayor**

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**Lisa M. Linnet, City Clerk**



**CITY OF CORNING  
CITY COUNCIL MINUTES  
TUESDAY, MAY 24, 2011  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

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

**B. ROLL CALL:**

**Council:**

**Toni Parkins  
John Leach  
Darlene Dickison  
Dave Linnet  
Gary Strack**

**Mayor:**

All members of the Council were present.

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

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

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

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

**Presentation by Dewey Lucero: Branding and Marketing Corning, a progress report.**

Mayor Strack introduced Dewey Lucero who provided a PowerPoint Presentation on tourism "Branding" Plan for the City of Corning. Mr. Lucero presented ideas and examples of possible "branding" logos such as "All Things Olives" and suggestions for "Wayfinding" Signs. He also suggested funding ideas to implement such a plan.

Mayor Strack suggested the possibility of reactivating the Business Improvement District to assist with the generation of revenue for the plan and wayfinding signs.

Public Works Director John Brewer suggested incorporating the ideas, professionalism and knowledge of Roger Brooks on this project before moving forward on such things as "Wayfinding Signs", etc. Mr. Lucero stated that he would of course like to utilize Mr. Brooks' suggestions and ideas however some of these items local businesses can start utilizing now.

City Manager Kimbrough stated he would like Council support for City Staff to start moving forward with some of these suggestions utilizing the energy and enthusiasm Mr. Lucero is generating.

Mayor Strack clarified with Mr. Lucero that some of the first focuses should be funding for billboards and wayfinding signs. **Presentation only - no action taken.**

**F. BUSINESS FROM THE FLOOR:**

Ruby Tapp approached the Council and read a statement from Gladys Nelson and herself relating to an issue that occurred on May 13<sup>th</sup> that involved her neighbor. Ms. Tapp asked for help from the City and Council to put an end to this ongoing issue. Mayor Strack referred this to Police Chief Cardenas. Chief Cardenas responded stating that numerous meetings have been scheduled with the City Attorney, himself and parties from both residents, however one party or the other have not attended the scheduled meetings. Following some discussion, Chief Cardenas was asked to again try to schedule a meeting between both parties.

Sonja Akers, Chamber of Commerce representative addressed the Council regarding the Farmers Market. She stated that they have coordinated the times with County Librarian Jessica Hudson. Mrs. Akers announced the start date of June 10<sup>th</sup> from 6 p.m. to 8:30 p.m.

Mayor Strack stated that he did not like the look of the non-painted K-rails and the pens should be installed if plan on leaving them there permanently. Councilor Leach stated his safety concerns for children.

Ms. Akers outlined the vendor fees that will be charged by the Chamber and informed the Council that the event would be covered under the Chambers insurance policy. She listed the types of vendors that will be allowed such as vegetables, food, homemade items, etc. and outlined the limits for the number of specific types of vendors.

Ross Turner asked if the City would require Vendors to obtain Business Permits, will they be required to charge sales tax for prepared food and who will be responsible to verify this is being done? Mayor Strack and City Manager Kimbrough responded stating that as has been done for other events, Business Licenses are not required for Community Events however, sales permits will be required.

Mayor Strack asked Mrs. Akers to contact Police Chief Cardenas and Public Works Director John Brewer to coordinate any necessary actions related to traffic barricades, etc.

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

1. **Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
2. **Waive the Reading and approve the Minutes of the May 10, 2011 Closed Session and Regular City Council Meeting with any necessary corrections:**
3. **May 18, 2011 Claim Warrant - \$148,243.13.**
4. **May 18, 2011 Business License Report.**
5. **Recommend the appointment of Blaine Smith to the Corning Recreation Commission.**
6. **Approve Contract Change Order #4 increasing the Solano St./Marguerite Avenue Traffic Signal Installation Project by \$5,115.90 for a total project cost of \$289,955.47.**

Mayor Strack introduced the Consent Agenda Items by title and asked if anyone wished to pull any of the Consent Items for further discussion. With no Items requested to be pulled for discussion, Councilor Parkins moved to approve Consent Items 1-6. Councilor Dickison seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet. Opposed: None; Absent/Abstain: None. Motion was approved by a vote of 5-0.**

**H. ITEMS REMOVED FROM THE CONSENT AGENDA: None**

**I. PUBLIC HEARINGS AND MEETINGS:**

7. **Adopt Resolution No. 05-24-2011-02 accepting the Housing Element Update and preparation of a "Mixed Use Ordinance" resulting from a grant allocation from Planning and Technical Assistance funds for the State Community Development Block Grant Program (CDBG).**

Mayor Strack announced that there is a sign-up sheet on the table and explained that this is a requirement of the CDBG Grant. Planning Director John Stoufer stated that this public hearing is basically the close-out for the grant and finalizing the close-out documentation. Mayor Strack clarified that this update was necessary in order to qualify for State funding.

Mayor Strack declared the public hearing open at 8:39 p.m. With no comments received he closed the hearing at 8:39 p.m.

Councilor Dickison moved to adopt Resolution No. 05-24-2011-02, the Resolution to determine that the update of the City of Corning Housing Element and preparation of a "Mixed Use Ordinance" was in accordance with the Planning and Technical Assistance Funds that provided funding for this work and hereby accepts the update for the purposes of the Grant. Councilor Linnet seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet. Opposed: None; Absent/Abstain: None. Motion was approved by a vote of 5-0.**

**J. REGULAR AGENDA:**

**8. Ordinance No. 646; an Ordinance amending Chapter 15.32 of the Corning Municipal Code regarding the Informal Bid Limit of the "Contract and Bidding Procedures for Public Projects". (First Reading)**

Mayor Strack introduced this item by title and City Manager Kimbrough explained the reasoning behind this proposed amendment to the Ordinance stating it will increase the dollar amount limits from \$125,000 as currently listed in the Corning Municipal Code, to \$175,000 as the informal bid limit.

City Attorney Michael Fitzpatrick pointed out that the Ordinance must also address the value change from \$75,000 to \$175,000 listed in Section 15.32.020 – Informal bid procedures.

Councilor Linnet moved to waive the first reading and introduce Ordinance No. 646, an Ordinance to amend the "dollar amount limits" of Corning Municipal Code Section 15.32.010 and 15.32.020. Councilor Dickison seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet. Opposed: None; Absent/Abstain: None. Motion was approved by a vote of 5-0.** City Attorney Michael Fitzpatrick then read the Ordinance by title.

**9. Solano Street Tree Pruning and Temporary U.S. Flags – Discussion and Possible Action.**

Mayor Strack introduced this item by title and City Manager Kimbrough presented a bid received from North Valley Tree Service for trimming 5 trees at a total cost of \$900.

Dave Demo stated that two of the trees are Pistachio trees and are not susceptible to fire blight. He stated that he would hate to see the City spend a lot of money for something he believes could be done in about an hour.

Councilman Linnet stated that in trying to remedy this issue, he and his wife went and turned the flags that were becoming entangled in the trees. He stated that this seemed to remedy the problem for all but the one across the street which still tangled.

Councilor Dickison suggested seeing if this cures the problem. Councilor Linnet asked if Mr. Demo wanted to collect donations to offset the cost of the pruning. Mr. Demo responded stating he would rather see any donations go towards replacing the flags that have been torn. Councilor Parkins stated she would rather direct this issue to City Staff to address, stating that she didn't feel it was something that the Council needed to address.

Councilor Parkins moved to see if Councilor Linnet's actions correct the problem and have City Staff take care of this issue making any minimal trimming necessary. Councilor Dickison seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet. Opposed: None; Absent/Abstain: None. Motion was approved by a vote of 5-0.**

**10. Approve annual Agreement with 3CORE Economic Development District at a cost of \$3,500.**

Mayor Strack introduced this item by title. Councilor Leach (current Council representative to 3CORE Economic Development District) informed the Council of some of the benefits 3CORE provides to the City and Community. Councilor Leach moved to approve the annual participation in 3CORE, formerly known as Tri-County Economic Development Corporation and commit \$3,500 from the City's General Fund as the City's share of the local grant match. Councilor Parkins seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet. Opposed: None; Absent/Abstain: None. Motion was approved by a vote of 5-0.**

**11. One Year Comprehensive Economic Development Strategy Update: Comprehensive Economic Development Strategy (CEDS) – 1-year Plan Update. Establish Priority Projects to be included in the 3CORE Economic Development District's Comprehensive Economic Development Strategy.**

Mayor Strack introduced this item by title. He then asked, since Dewey Lucero is present, could his suggestions be incorporated into this? Mayor Strack also asked if the items listed under the three Priorities were numbered in priority order; he was informed no.

Planning Director John Stoufer responded stating that we could add to the priorities list, such as adding the Branding Project. He also emphasized the priorities that support economic growth such as expansion of water/sewer services on the west side of I-5. Following some discussion, it was suggested to add "Branding" to Priority "A".

Councilor Dickison moved to the CEDS Priority Projects List as recommended by Staff with the addition of the Branding Project to Priority A. Councilor Parkins seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet. Opposed: None; Absent/Abstain: None. Motion was approved by a vote of 5-0.**

**12. Approve Agreement for the provision of half-time Interim Planning Director Services by City to County of Tehama.**

Mayor Strack introduced by title and City Manager Kimbrough outlined the proposed agreement. Councilor Leach asked Planning Director Stoufer how he feels about this to which he responded that he believes it to be beneficial to both entities. Councilor Parkins asked if there were any conflicts between his position at the City and the County explaining that she was asked this question; Mr. Stoufer stated that to date he has not encounter any. City Engineer Ed Anderson stated his opinion that if anything this agreement is beneficial to both entities. Councilor Parkins moved to approve the Memorandum of Understanding with the County of Tehama for the provision of half-time Planning Director services to the County and authorize the City Manager to execute the Agreement. Councilor Dickison seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet. Opposed: None; Absent/Abstain: None. Motion was approved by a vote of 5-0.**

**13. Adopt Resolution No. 05-24-2011-01 setting every other Friday from July 1, 2011 to June 30, 2012 as closure dates for City Hall and the City Yard, and Ratify Furlough Sideletters for the Dispatchers Association and the Public Safety Unit to continue Furloughs through December 31, 2011.**

Mayor Strack introduced this item by title, and clarification was made stating that the Sideletters were to continue through December 31, 2011. Councilor Parkins moved to ratify the Sideletters to the Memorandums of Understanding to continue furloughs with the City of Corning Dispatcher's Association and the Public Safety Unit through December 31, 2011; and adopt Resolution No. 05-24-2011-01 setting every other Friday as closure dates for City Hall and the City Yard during the period of July 1, 2011 through June 30, 2012. Councilor Leach seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet. Opposed: None; Absent/Abstain: None. Motion was approved by a vote of 5-0.**

**14. Award Bid for the Clark Park Municipal Water Well and related work in the amount of \$594,089 to Trent Construction; approve Change Order No. 1 in the amount of \$7,619 for a revised contract price of \$601,708; set the Budget Appropriation for the Well Project Fund 346 at \$640,000 and transfer \$27,000 from the Water Enterprise Fund 630 Reserve to Fund 346.**

Mayor Strack introduced this item by title and City Manager Kimbrough stated that the City Engineer Ed Anderson and Public Works Director John Brewer both have done an excellent job on this project. City Engineer Ed Anderson outlined the process that will take place prior the actual construction beginning and explained the reasoning behind the Change Order. Mayor Strack stated that Trent Construction is somewhat local and therefore should create jobs locally. City Engineer Ed Anderson stated that Trent Construction he believed was the Company awarded the City contract for the Carona Avenue Bridge construction.

Councilor Dickison moved to:

- Award the Bid for the Clark Park Municipal Water Well and Waterline Extension and related work in the amount of \$594,089 to Trent Construction,
- Approve Change Order No. 1 in the amount of \$7,619 for a revised contract price of \$601,708, and
- Set the budget appropriation for the Clark Park Well Project Fund 346 at \$640,000 and transfer \$27,000 from the Water Enterprise Fund 630 Reserve to Fund 346.

Councilor Linnet seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet. Opposed: None; Absent/Abstain: None. Motion was approved by a vote of 5-0.**

**15. Set study session date and approve Calendar for the 2011-2012 City Budget discussion, final presentation and adoption.**

Mayor Strack introduced this item by title. Following discussion the Budget Calendar was revised as follows:

- **Friday, June 17<sup>th</sup>:** Proposed Budget placed on City's website and copies delivered to City Council.
- **Thursday, June 23<sup>rd</sup> at 6:30 p.m.:** Public Special Budget Study Session Meeting.
- **Tuesday, June 28<sup>th</sup>:** Public Meeting for budget discussion (Regular City Council Meeting Date).
- **Tuesday, July 12<sup>th</sup>:** Second Public Meeting (Regular City Council Meeting Date) and final budget presentation and adoption.

Councilor Parkins moved to approve the 2011-2012 budget calendar as revised. Councilor Linnet seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet. Opposed: None; Absent/Abstain: None. Motion was approved by a vote of 5-0.**

**16. Corning Municipal Airport Improvement Project: Approve \$118,421 Loan from the City's Traffic Mitigation Fund 116.**

Mayor Strack introduced this item by title. Following discussion and confirmation of available funds in this account, Councilor Linnet moved to approve the loan of \$118,421 from the Transportation Development Fee Account 116 to the Corning Municipal Airport Enterprise Fund 620 in accordance with the terms listed in the promissory note, and authorize the Mayor to execute the Note. Councilor Dickison seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet. Opposed: None; Absent/Abstain: None. Motion was approved by a vote of 5-0.**

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

**L. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION:** City Clerk Lisa Linnet read a thank you card received from Chamber of Commerce for City assistance during the May Madness Car Show.

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

**Parkins:** None

**Leach:** None

**Dickison:** None

**Linnet:** Still working on Certificates for Businesses and should be presented to the Council at the next meeting.

**Strack:** Attended the Tehama County Transportation Commission meeting today and the City received an award for the South Avenue Interchange.

**N. ADJOURNMENT!: 9:21 p.m.**

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Lisa M. Linnet, City Clerk

THE CITY OF CORNING IS AN EQUAL OPPORTUNITY EMPLOYER



# MEMORANDUM

**TO:** HONORABLE MAYOR AND COUNCIL MEMBERS

**FROM:** LORI SIMS  
ACCOUNTING ASSISTANT

**DATE:** June 8, 2011

**SUBJECT:** Cash Disbursement Detail Report for the  
Tuesday, June 14, 2011 Council Meeting

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

|    |                       |        |          |           |                          |
|----|-----------------------|--------|----------|-----------|--------------------------|
| A. | Cash Disbursements    | Ending | 05-25-11 | \$        | 5,623.10                 |
| B. | Cash Disbursements    | Ending | 05-25-11 | \$        | 3,605.00                 |
| C. | Payroll Disbursements | Ending | 05-26-11 | \$        | 35,634.71                |
| D. | Cash Disbursements    | Ending | 05-31-11 | \$        | 2,700.62                 |
| E. | Cash Disbursements    | Ending | 06-01-11 | \$        | 7,150.37                 |
| F. | Payroll Disbursements | Ending | 05-31-11 | \$        | 41,133.57                |
| G. | Cash Disbursements    | Ending | 06-07-11 | \$        | 63,177.80                |
| H. | Cash Disbursements    | Ending | 06-08-11 | \$        | 10,960.59                |
|    | <b>GRAND TOTAL</b>    |        |          | <b>\$</b> | <b><u>169,985.76</u></b> |

REPORT.: May 25 11 Wednesday  
 RUN....: May 25 11 Time: 12:41  
 Run By.: LORI

CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 05-11 Bank Account.: 1020

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

| Check Number              | Check Date | Vendor Number | Name                      | Gross Amount | Discount Amount | Net Amount | Payment Information |                           |
|---------------------------|------------|---------------|---------------------------|--------------|-----------------|------------|---------------------|---------------------------|
|                           |            |               |                           |              |                 |            | Invoice #           | Description               |
| 012491                    | 05/23/11   | TEH08         | COUNTY OF TEHAMA          | 290.00       | .00             | 290.00     | 110523              | PROP 84 PARK-PROP 84 PK A |
| 012492                    | 05/23/11   | PGE01         | PG&E                      | 1466.16      | .00             | 1466.16    | 11-0523             | CLARK PARK WELL-WTR       |
| 012493                    | 05/25/11   | AME04         | AMERICAN WATER WORKS ASSO | 231.00       | .00             | 231.00     | 11-0523             | MAT & SUPPLIES-WTR        |
| 012494                    | 05/25/11   | BAS01         | BASIC LABORATORY, INC     | 114.00       | .00             | 114.00     | 1104847             | ProfServices Water Dept   |
| 012495                    | 05/25/11   | CAM02         | CAMELLIA VALLEY SUPPLY    | 177.43       | .00             | 177.43     | 0771022             | MAT & SUPPLIES-SWR        |
|                           |            |               |                           | 306.85       | .00             | 306.85     | 0771023             | MAT & SUPPLIES-SWR        |
|                           |            |               |                           | 232.52       | .00             | 232.52     | 0771084             | MAT & SUPPLIES-SWR        |
|                           |            |               |                           | 427.15       | .00             | 427.15     | 0769399-2           | MAT & SUPPLIES-WTR        |
| Check Total.....:         |            |               |                           | 1143.95      | .00             | 1143.95    |                     |                           |
| 012496                    | 05/25/11   | DEP01         | DEPT OF JUSTICE           | 95.00        | .00             | 95.00      | 110519              | PROF SVCS-POLICE          |
| 012497                    | 05/25/11   | HEN03         | HENRY SCHEIN INC.,        | 190.94       | .00             | 190.94     | 461241801           | SAFETY ITEMS-FIRE         |
| 012498                    | 05/25/11   | LNC01         | LN CURTIS & SONS          | 21.65        | .00             | 21.65      | 120749500           | SAFETY ITEMS-FIRE         |
|                           |            |               |                           | 681.61       | .00             | 681.61     | 121203600           | SAFETY ITEMS-FIRE         |
|                           |            |               |                           | 389.88       | .00             | 389.88     | 121203601           | MAT & SUPPLIES-FIRE       |
| Check Total.....:         |            |               |                           | 1093.14      | .00             | 1093.14    |                     |                           |
| 012499                    | 05/25/11   | NAP01         | NAPA AUTO PARTS           | 452.87       | .00             | 452.87     | 110522              | VEH/OP MAINT-             |
| 012500                    | 05/25/11   | NEX02         | NEXTEL                    | 28.28        | .00             | 28.28      | 086319114           | COMMUNICATIONS-POLICE     |
| 012501                    | 05/25/11   | NOR10         | NICOLINO CLEMENTE         | 20.00        | .00             | 20.00      | 1893                | CERT OF EXTNG-BLD MAINT   |
| 012502                    | 05/25/11   | PAC16         | PACIFIC TELEMAGEMENT SE   | 38.00        | .00             | 38.00      | 273890              | COMMUNICATIONS-GEN CITY   |
| 012503                    | 05/25/11   | PGE2A         | PG&E                      | 48.91        | .00             | 48.91      | 111805              | ELECT-BLUE HERON CT       |
| 012504                    | 05/25/11   | PRO11         | PROFORCE LAW ENFORCEMENT  | 224.78       | .00             | 224.78     | 111570              | SAFETY ITEMS-POLICE       |
| 012505                    | 05/25/11   | QUI02         | QUILL CORPORATION         | 75.76        | .00             | 75.76      | 3816646             | Office Supplies-FIRE      |
| 012506                    | 05/25/11   | UNI02         | UNIFORMS, TUXEDOS & MORE  | 110.31       | .00             | 110.31     | 106413              | UNIFORMS/CLOTH-POLICE     |
| Cash Account Total.....:  |            |               |                           | 5623.10      | .00             | 5623.10    |                     |                           |
| Total Disbursements.....: |            |               |                           | 5623.10      | .00             | 5623.10    |                     |                           |

REPORT.: May 27 11 Friday  
 RUN....: May 27 11 Time: 09:17  
 Run By.: LORI

CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 05-11 Bank Account.: 1020

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

| Check Number              | Check Date | Vendor Number | Vendor Name     | Gross Amount | Discount Amount | Net Amount | -----Payment Information----- |                          |
|---------------------------|------------|---------------|-----------------|--------------|-----------------|------------|-------------------------------|--------------------------|
|                           |            |               |                 |              |                 |            | Invoice #                     | Description              |
| 012507                    | 05/25/11   | 3C000         | 3CORE, INC.     | 3500.00      | .00             | 3500.00    | 110503                        | TRICO. EDC/ECONOMIC DEV. |
| 012508                    | 05/25/11   | DEP12         | DEPT OF JUSTICE | 105.00       | .00             | 105.00     | 850453                        | PROF SVCS-POLICE         |
| Cash Account Total.....:  |            |               |                 | 3605.00      | .00             | 3605.00    |                               |                          |
| Total Disbursements.....: |            |               |                 | 3605.00      | .00             | 3605.00    |                               |                          |
| Cash Account Total.....:  |            |               |                 | .00          | .00             | .00        |                               |                          |

REPORT.: May 27 11 Friday  
 RUN....: May 27 11 Time: 09:17  
 Run By.: LORI

CITY OF CORNING  
 Cash Disbursement Detail Report - Payroll Vendor Payment(s)  
 Check Listing for 05-11 Bank Account.: 1025

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

| Check Number | Check Date | Vendor Number | Name                      | Gross Amount | Discount Amount | Net Amount | Invoice # | Description          |
|--------------|------------|---------------|---------------------------|--------------|-----------------|------------|-----------|----------------------|
| 5016         | 05/26/11   | AFL01         | AMERICAN FAMILY LIFE      | 1575.36      | .00             | 1575.36    | B10531    | AFLAC INS.PRE TAX    |
|              |            |               |                           | 81.06        | .00             | 81.06      | 1B10531   | AFLAC INS.AFTER TAX  |
|              |            |               | Check Total.....:         | 1656.42      | .00             | 1656.42    |           |                      |
| 5017         | 05/26/11   | BLU02         | BLUE SHIELD OF CALIFORNIA | 21567.00     | .00             | 21567.00   | B10531    | MEDICAL INSURANCE    |
| 5018         | 05/26/11   | CIT01         | CITY OF CORNING           | 6.00         | .00             | 6.00       | B10531    | CHGS FOR WAGE ATCHMT |
| 5019         | 05/26/11   | OEU01         | OPERATING ENGINEERS #3    | 6043.00      | .00             | 6043.00    | B10531    | MEDICAL INSURANCE    |
| 5020         | 05/26/11   | OEU02         | OPERATING ENG. (DUES)     | 294.00       | .00             | 294.00     | B10531    | UNION DUES MGMNT     |
|              |            |               |                           | 611.00       | .00             | 611.00     | 1B10531   | UNION DUES POLICE    |
|              |            |               |                           | 294.00       | .00             | 294.00     | 2B10531   | UNION DUES DISPATCH  |
|              |            |               |                           | 480.00       | .00             | 480.00     | 3B10531   | UNION DUES-MISC      |
|              |            |               | Check Total.....:         | 1679.00      | .00             | 1679.00    |           |                      |
| 5021         | 05/26/11   | PRI04         | PRINCIPAL                 | 2940.87      | .00             | 2940.87    | B10531    | DENTAL INSURANCE     |
|              |            |               |                           | 639.92       | .00             | 639.92     | 1B10531   | VISION INSURANCE     |
|              |            |               | Check Total.....:         | 3580.79      | .00             | 3580.79    |           |                      |
| 5022         | 05/26/11   | TRA03         | TRANSAMERICA LIFE INS CO. | 1102.50      | .00             | 1102.50    | B10531    | LIFE INSURANCE       |
|              |            |               | Cash Account Total.....:  | 35634.71     | .00             | 35634.71   |           |                      |
|              |            |               | Total Disbursements.....: | 35634.71     | .00             | 35634.71   |           |                      |
|              |            |               | =====                     | =====        | =====           | =====      |           |                      |

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CITY OF CORNING  
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| Check Number | Check Date | Vendor Number | Vendor Name               | Gross Amount | Discount Amount | Net Amount | Invoice # | Description               |
|--------------|------------|---------------|---------------------------|--------------|-----------------|------------|-----------|---------------------------|
| 012509       | 05/31/11   | BAS01         | BASIC LABORATORY, INC     | 114.00       | .00             | 114.00     | 1105094   | ProfServices Water Dept   |
| 012510       | 05/31/11   | CHE02         | CHEM QUIP, INC.           | 16.20        | .00             | 16.20      | 5086783   | MAT & SUPPLIES-POOL       |
| 012511       | 05/31/11   | COM01         | COMPUTER LOGISTICS, INC   | 28.00        | .00             | 28.00      | 52807     | COMMUNICATIONS-POLICE     |
|              |            |               |                           | 116.67       | .00             | 116.67     | 52873     | COMMUNICATIONS-POLICE     |
|              |            |               | Check Total.....:         | 144.67       | .00             | 144.67     |           |                           |
| 012512       | 05/31/11   | COR11         | CORNING SAFE & LOCK       | 42.06        | .00             | 42.06      | 3169      | MAT & SUPPLIES-POLICE     |
|              |            |               |                           | 35.00        | .00             | 35.00      | 3171      | MAT & SUPPLIES-POLICE     |
|              |            |               |                           | 9.09         | .00             | 9.09       | 3170A     | MAT & SUPPLIES-POLICE     |
|              |            |               | Check Total.....:         | 86.15        | .00             | 86.15      |           |                           |
| 012513       | 05/31/11   | COR12         | CORNING FORD MERCURY, INC | 76.50        | .00             | 76.50      | 139920    | Veh Opr/Maint-POLICE      |
| 012514       | 05/31/11   | INT00         | INTERSTATE BATTERY SYSTEM | 109.28       | .00             | 109.28     | 10428685  | VEH/OP MAINT-WTR          |
| 012515       | 05/31/11   | LAU00         | LAUDERDALE, KYLE          | 91.80        | .00             | 91.80      | 110527    | TRAINING/ED-FIRE          |
| 012516       | 05/31/11   | MCC01         | MCCOY'S HARDWARE & SUPPLY | 200.27       | .00             | 200.27     | 110525    | MAT & SUPPLIES-           |
| 012517       | 05/31/11   | MCD01         | MCDANIEL SIGN COMPANY     | 116.59       | .00             | 116.59     | 3203      | SIGN REPLAC-STR MAINT     |
| 012518       | 05/31/11   | NOR10         | NICOLINO CLEMENTE         | 224.14       | .00             | 224.14     | 1889      | VEH/OP MAINT-             |
|              |            |               |                           | 35.00        | .00             | 35.00      | 1891      | BLD MAINT-TRANS FAC       |
|              |            |               |                           | 5.00         | .00             | 5.00       | 1894      | CERT EXTNG-BLD MAINT      |
|              |            |               |                           | 63.53        | .00             | 63.53      | 1919      | CERT EXTNG-BLD MAINT      |
|              |            |               | Check Total.....:         | 327.67       | .00             | 327.67     |           |                           |
| 012519       | 05/31/11   | PET03         | PETTY CASH                | 265.60       | .00             | 265.60     | 11-0526   | MAT & SUPPLIES-           |
| 012520       | 05/31/11   | PHI01         | PHIL'S AUTOMOTIVE         | 65.00        | .00             | 65.00      | 35505     | Veh Opr/Maint-POLICE      |
| 012521       | 05/31/11   | RED15         | RED TRUCK ROCK YARD, LLC  | 108.25       | .00             | 108.25     | 235       | MAT & SUPPLIES-STR        |
| 012522       | 05/31/11   | SHA06         | SHASTA COMMUNITY HEALTH   | 374.00       | .00             | 374.00     | 64039     | ProfServices PoliceServic |
| 012523       | 05/31/11   | UNI02         | UNIFORMS, TUXEDOS & MORE  | 64.84        | .00             | 64.84      | 106504    | UNIFORMS/CLOTH-POLICE     |
| 012524       | 05/31/11   | \C062         | CALIF. EQUITY MGMT GROUP, | 25.51        | .00             | 25.51      | 000B10501 | MQ CUSTOMER REFUND FOR CA |
| 012525       | 05/31/11   | \C063         | CLARK, KENNETH            | 9.19         | .00             | 9.19       | 000B10501 | MQ CUSTOMER REFUND FOR CL |
| 012526       | 05/31/11   | \G027         | GONZALEZ, JOSE & VERONICA | 129.60       | .00             | 129.60     | 000B10501 | MQ CUSTOMER REFUND FOR GO |
| 012527       | 05/31/11   | \H033         | HAYWOOD, RONDA            | 134.52       | .00             | 134.52     | 000B10501 | MQ CUSTOMER REFUND FOR HA |

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| Check Number              | Check Date | Vendor Number | Vendor Name              | Gross Amount | Discount Amount | Net Amount | Invoice # | Description               |
|---------------------------|------------|---------------|--------------------------|--------------|-----------------|------------|-----------|---------------------------|
| 012528                    | 05/31/11   | \M079         | MANSOUR, ANTON           | 32.68        | .00             | 32.68      | 000B10501 | MQ CUSTOMER REFUND FOR MA |
| 012529                    | 05/31/11   | \M080         | MOLARIUS, ANDREA         | 36.63        | .00             | 36.63      | 000B10501 | MQ CUSTOMER REFUND FOR MO |
| 012530                    | 05/31/11   | \R042         | REMAX ALTIMA REALTY,     | 67.97        | .00             | 67.97      | 000B10501 | MQ CUSTOMER REFUND FOR RE |
| 012531                    | 05/31/11   | \R043         | ROLSTON, DOYLE           | 30.63        | .00             | 30.63      | 000B10501 | MQ CUSTOMER REFUND FOR RO |
| 012532                    | 05/31/11   | \S090         | SIERRA ASSET SERVCG, LLC | 50.00        | .00             | 50.00      | 000B10501 | MQ CUSTOMER REFUND FOR SI |
| 012533                    | 05/31/11   | \S091         | SILVERMAN, KIRK          | 23.07        | .00             | 23.07      | 000B10501 | MQ CUSTOMER REFUND FOR SI |
| Cash Account Total.....:  |            |               |                          | 2700.62      | .00             | 2700.62    |           |                           |
| Total Disbursements.....: |            |               |                          | 2700.62      | .00             | 2700.62    |           |                           |

REPORT.: Jun 01 11 Wednesday  
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| Check Number              | Check Date | Vendor Number | Vendor Name               | Gross Amount | Discount Amount | Net Amount | Invoice #  | Description               |
|---------------------------|------------|---------------|---------------------------|--------------|-----------------|------------|------------|---------------------------|
| 012534                    | 06/01/11   | COR07         | CORBIN WILLITS SYSTEMS    | 729.72       | .00             | 729.72     | 000B106011 | Finance Dept.             |
| 012535                    | 06/01/11   | COR09         | CORNING CHAMBER OF COMM.  | 1000.00      | .00             | 1000.00    | 000B106011 | CngChamberComm. Economic  |
| 012536                    | 06/01/11   | FIT01         | FITZPATRICK LAW OFFICES   | 910.00       | .00             | 910.00     | 000B106011 | Consulting Serv LegalServ |
| 012537                    | 06/01/11   | HAL05         | HALL, ROBERT              | 104.70       | .00             | 104.70     | 000B106011 | ProfServices FireDepartme |
| 012538                    | 06/01/11   | KEN00         | KEN VAUGHAN & SONS        | 950.00       | .00             | 950.00     | 000B106011 | LANDSCAPE MAINT-          |
| 012539                    | 06/01/11   | PIT01         | PITNEY BOWES              | 192.92       | .00             | 192.92     | 000B106011 | Rents/Leases Finance Dept |
| 012540                    | 06/01/11   | S&L00         | S & L BREWER ENTERPRISES  | 200.00       | .00             | 200.00     | 000B106011 | K-9 PROGRAM-POLICE        |
| 012541                    | 06/01/11   | TLD01         | TEDC                      | 208.33       | .00             | 208.33     | 000B106011 | Economic Development      |
| 012542                    | 06/01/11   | TOM03         | TOMLINSON JR., ROBERT L.  | 54.70        | .00             | 54.70      | 000B106011 | PROF. SVCS-FIRE DEPT      |
| 012543                    | 06/01/11   | WHI05         | WHITE GLOVE CLEANING SERV | 2800.00      | .00             | 2800.00    | 000B106011 | JANITORIAL SVCS-          |
| Cash Account Total.....:  |            |               |                           | 7150.37      | .00             | 7150.37    |            |                           |
| Total Disbursements.....: |            |               |                           | 7150.37      | .00             | 7150.37    |            |                           |
| Cash Account Total.....:  |            |               |                           | .00          | .00             | .00        |            |                           |

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| Check Number | Check Date | Vendor Number | Vendor Name               | Gross Amount | Discount Amount | Net Amount | Invoice # | Payment Information Description |
|--------------|------------|---------------|---------------------------|--------------|-----------------|------------|-----------|---------------------------------|
| 5028         | 05/31/11   | BAN03         | POLICE OFFICER ASSOC.     | 350.00       | .00             | 350.00     | B10531    | POLICE OFFICER ASSOC            |
| 5029         | 05/31/11   | CAL37         | CALIFORNIA STATE DISBURSE | 138.46       | .00             | 138.46     | B10531    | WITHHOLDING ORDER               |
| 5030         | 05/31/11   | EDD01         | EMPLOYMENT DEVELOPMENT    | 3432.13      | .00             | 3432.13    | B10531    | STATE INCOME TAX                |
|              |            |               |                           | 1157.83      | .00             | 1157.83    | 1B10531   | SDI                             |
|              |            |               | Check Total.....          | 4589.96      | .00             | 4589.96    |           |                                 |
| 5031         | 05/31/11   | ICM01         | ICMA RETIREMENT TRUST-457 | 2654.00      | .00             | 2654.00    | B10531    | ICMA DEF. COMP                  |
| 5032         | 05/31/11   | OEU03         | OPERATING ENGINEERS       | 500.00       | .00             | 500.00     | B10531    | CREDIT UNION SAVINGS            |
| 5033         | 05/31/11   | PERS1         | PUBLIC EMPLOYEES RETIRE   | 26173.01     | .00             | 26173.01   | B10531    | PERS PAYROLL REMITTANCE         |
| 5034         | 05/31/11   | PERS4         | Cal Pers 457 Def. Comp    | 372.50       | .00             | 372.50     | B10531    | PERS DEF. COMP.                 |
| 5035         | 05/31/11   | PRE03         | PREMIER WEST BANK         | 4643.01      | .00             | 4643.01    | B10531    | HSA DEDUCTIBLE                  |
| 5036         | 05/31/11   | STA04         | STATE OF CALIFORNIA       | 519.25       | .00             | 519.25     | B10531    | WAGEASN 1107012828              |
| 5037         | 05/31/11   | VAL06         | VALIC                     | 1193.38      | .00             | 1193.38    | B10531    | AIG VALIC P TAX                 |
|              |            |               | Cash Account Total.....   | 41133.57     | .00             | 41133.57   |           |                                 |
|              |            |               | Total Disbursements.....  | 41133.57     | .00             | 41133.57   |           |                                 |

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| Check Number | Check Date | Vendor Number | Vendor Name               | Gross Amount | Discount Amount | Net Amount | Invoice # | Payment Information Description |
|--------------|------------|---------------|---------------------------|--------------|-----------------|------------|-----------|---------------------------------|
| 012507       | 06/07/11   | 3C000         | 3CORE, INC.               | -3500.00     | .00             | -3500.00   | 110503u   | Ck# 012507 Reversed             |
| 012544       | 06/01/11   | AND01         | ED ANDERSON               | 5273.20      | .00             | 5273.20    | 11-0601   | ProfServices-                   |
| 012545       | 06/01/11   | ARA02         | ARAMARK UNIFORM SRV.INC.  | 38.36        | .00             | 38.36      | 1133065   | Mat/Supplies-                   |
| 012546       | 06/01/11   | BEL00         | BELSON OUTDOORS           | 347.00       | .00             | 347.00     | 86082     | ADA FOUNTAINS-PARKS             |
| 012547       | 06/01/11   | COM01         | COMPUTER LOGISTICS, INC   | 20.00        | .00             | 20.00      | 52806     | Equip.Maint.-GEN CITY           |
| 012548       | 06/01/11   | COR02         | CORNING OBSERVER          | 54.70        | .00             | 54.70      | 110531    | COMMUNICATIONS-GEN CITY         |
| 012549       | 06/01/11   | COR08         | CORNING LUMBER CO INC     | 870.85       | .00             | 870.85     | 110525    | Mat/Supplies-                   |
| 012550       | 06/01/11   | HAT10         | HATFIELD'S                | 378.88       | .00             | 378.88     | 110525    | Mat/Supplies-                   |
| 012551       | 06/01/11   | NOR01         | NORTH VALLEY BARRICADE    | 560.68       | .00             | 560.68     | 14211     | MAT & SUPPLIES-                 |
| 012552       | 06/01/11   | PAT02         | PATTERSON ELECTRIC, INC.  | 507.45       | .00             | 507.45     | 2314      | MAT & SUPPLIES-BLD MAINT        |
|              |            |               |                           | 208.17       | .00             | 208.17     | 2315      | MAT & SUPPLIES-PARKS            |
|              |            |               | Check Total.....:         | 715.62       | .00             | 715.62     |           |                                 |
| 012553       | 06/01/11   | PGE2B         | PG&E                      | 7438.07      | .00             | 7438.07    | 110525    | ELECT-WWTP                      |
| 012554       | 06/01/11   | SCH01         | LES SCHWAB TIRE CENTER    | 445.03       | .00             | 445.03     | 446406    | Veh Opr/Maint-                  |
| 012555       | 06/01/11   | USB01         | US BANCORP EQUIPMENT FINA | 902.32       | .00             | 902.32     | 178290813 | Rents/Leases-GEN CITY           |
| 012556       | 06/07/11   | ADA02         | ADAMSON POLICE PRODUCTS   | 1704.94      | .00             | 1704.94    | INV50974  | SAFETY ITEMS-POLICE             |
| 012557       | 06/07/11   | AME15         | AMERIGAS                  | 76.86        | .00             | 76.86      | 010073951 | NATURAL GAS-ACO                 |
| 012558       | 06/07/11   | CAM02         | CAMELLIA VALLEY SUPPLY    | 3124.98      | .00             | 3124.98    | 0771570   | MAT & SUPPLIES-WTR              |
|              |            |               |                           | 413.58       | .00             | 413.58     | 0771620   | MAT & SUPPLIES-WTR              |
|              |            |               | Check Total.....:         | 3538.56      | .00             | 3538.56    |           |                                 |
| 012559       | 06/07/11   | COR01         | CORNING VETERINARY CLINIC | 20.00        | .00             | 20.00      | 30348     | ProfServices-ACO                |
| 012560       | 06/07/11   | COR12         | CORNING FORD MERCURY, INC | 271.62       | .00             | 271.62     | 140709    | Veh Opr/Maint-POLICE            |
| 012561       | 06/07/11   | EDD02         | EMPLOYMENT DEVELOPMENT    | 4842.07      | .00             | 4842.07    | 110525    | UNEMPLOYMENT INS-GEN CITY       |
| 012562       | 06/07/11   | EXO00         | EXOTIC CAR AUDIO OR       | 327.00       | .00             | 327.00     | A39119    | EQUIP MAINT-POLICE              |
|              |            |               |                           | 272.50       | .00             | 272.50     | A39120    | EQUIP MAINT-POLICE              |
|              |            |               | Check Total.....:         | 599.50       | .00             | 599.50     |           |                                 |
| 012563       | 06/07/11   | HIG00         | HIGHT, MONTY W.           | 480.00       | .00             | 480.00     | 13        | OTS/DUI GRANT-PIO               |

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| Check Number              | Check Date | Vendor Number | Vendor Name                | Gross Amount | Discount Amount | Net Amount | Invoice # | Description               |
|---------------------------|------------|---------------|----------------------------|--------------|-----------------|------------|-----------|---------------------------|
| 012564                    | 06/07/11   | LIN01         | LINCOLN EQUIPMENT, INC.    | 1646.25      | .00             | 1646.25    | SI063197  | MAT & SUPPLIES-POOL       |
| 012565                    | 06/07/11   | MAY01         | MAY, WILLIAM L.            | 1004.50      | .00             | 1004.50    | 6-6062011 | EE RELATIONS-LGL SVCS     |
| 012566                    | 06/07/11   | MLE00         | M.L. ESLINGER & ASSOCIATE  | 348.02       | .00             | 348.02     | 6247      | TRAINING/ED-POLICE        |
| 012567                    | 06/07/11   | NEX01         | NEXTEL COMMUNICATIONS      | 430.02       | .00             | 430.02     | 110529    | COMMUNICATIONS-           |
| 012568                    | 06/07/11   | NOR25         | NORTHERN LIGHTS ENRGY, INC | 3615.61      | .00             | 3615.61    | 43433     | VEH/OP MAINT-             |
|                           |            |               |                            | 112.35       | .00             | 112.35     | 43478     | VEH/OP MAINT-FIRE         |
| Check Total.....:         |            |               |                            | 3727.96      | .00             | 3727.96    |           |                           |
| 012569                    | 06/07/11   | OFF01         | OFFICE DEPOT               | 525.51       | .00             | 525.51     | 565749448 | Office Supplies PoliceDis |
| 012570                    | 06/07/11   | PGE01         | PG&E                       | 22041.66     | .00             | 22041.66   | 110524    | Electricity General City- |
| 012571                    | 06/07/11   | RYA04         | RYAN APPRAISALS            | 2000.00      | .00             | 2000.00    | 211023CWR | APPRAISAL FEE-BURGHARDT P |
|                           |            |               |                            | 2000.00      | .00             | 2000.00    | 211024CWR | APPRAISAL FEE-GASS PROP   |
| Check Total.....:         |            |               |                            | 4000.00      | .00             | 4000.00    |           |                           |
| 012572                    | 06/07/11   | SEI01         | SEILER, ROY R., CPA        | 3088.80      | .00             | 3088.80    | 24563     | ProfServices Finance Dept |
| 012573                    | 06/07/11   | THO01         | THOMES CREEK ROCK CO       | 299.22       | .00             | 299.22     | 110531    | Mat/Supplies-STR          |
| 012574                    | 06/07/11   | TRI02         | TRI-COUNTY NEWSPAPERS      | 122.54       | .00             | 122.54     | 118654    | Print/Advert. City Clerk  |
|                           |            |               |                            | 87.37        | .00             | 87.37      | 119224    | Print/Advert. City Clerk  |
|                           |            |               |                            | 53.96        | .00             | 53.96      | 119226    | Print/Advert. City Clerk  |
| Check Total.....:         |            |               |                            | 263.87       | .00             | 263.87     |           |                           |
| 012575                    | 06/07/11   | VAL07         | VALLEY VETERINARY CLINIC,  | 131.54       | .00             | 131.54     | 76237     | K-9 PROGRAM-POLICE        |
| 012576                    | 06/07/11   | WAR05         | WARREN, DANA KARL          | 318.25       | .00             | 318.25     | 110602    | REC INSTRUCTOR-REC        |
| 012577                    | 06/07/11   | WES02         | WESTERN BUSINESS PRODUCTS  | 42.01        | .00             | 42.01      | 029082    | Equip.Maint.-FIRE DISPATC |
| 012578                    | 06/07/11   | XER00         | XEROX CORPORATION          | 231.93       | .00             | 231.93     | 055284724 | EQUIP MAINT-POLICE        |
| Cash Account Total.....:  |            |               |                            | 63177.80     | .00             | 63177.80   |           |                           |
| Total Disbursements.....: |            |               |                            | 63177.80     | .00             | 63177.80   |           |                           |

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| Check Number | Check Date | Vendor Number | Vendor Name                | Gross Amount | Discount Amount | Net Amount | -----Payment Information-----<br>Invoice # | Description               |
|--------------|------------|---------------|----------------------------|--------------|-----------------|------------|--|---------------------------|
| 012579       | 06/08/11   | AIR00         | AIRGAS NCN                 | 52.72        | .00             | 52.72      | 102127740                                  | MAT & SUPPLIES-FIRE       |
| 012580       | 06/08/11   | ARA02         | ARAMARK UNIFORM SRV.INC.   | 33.91        | .00             | 33.91      | 1104022                                    | Mat/Supplies-             |
|              |            |               |                            | 33.91        | .00             | 33.91      | 1113643                                    | Mat/Supplies-             |
|              |            |               |                            | 34.26        | .00             | 34.26      | 1123449                                    | Mat/Supplies-             |
|              |            |               | Check Total.....:          | 102.08       | .00             | 102.08     |  |                           |
| 012581       | 06/08/11   | ATT02         | AT&T                       | 1069.31      | .00             | 1069.31    | 110525                                     | COMMUNICATIONS-           |
| 012582       | 06/08/11   | BAS01         | BASIC LABORATORY, INC      | 86.00        | .00             | 86.00      | 1105293                                    | ProfServices Water Dept   |
| 012583       | 06/08/11   | CHE02         | CHEM QUIP, INC.            | 1063.92      | .00             | 1063.92    | 5078895                                    | MAT & SUPPLIES-WTR        |
|              |            |               |                            | 4.72         | .00             | 4.72       | 5088540                                    | MAT & SUPPLIES-WTR        |
|              |            |               | Check Total.....:          | 1068.64      | .00             | 1068.64    |  |                           |
| 012584       | 06/08/11   | DAY03         | DAY WIRELESS SYSTEMS {04}  | 225.74       | .00             | 225.74     | 968611                                     | COMMUNICATIONS-POLICE     |
|              |            |               |                            | 120.83       | .00             | 120.83     | 968612                                     | COMMUNICATIONS-POLICE     |
|              |            |               | Check Total.....:          | 346.57       | .00             | 346.57     |  |                           |
| 012585       | 06/08/11   | DEP12         | DEPT OF JUSTICE            | 159.00       | .00             | 159.00     | 850789                                     | PROF SVCS-                |
| 012586       | 06/08/11   | FIR02         | FIRST NATIONAL BANK        | 13.64        | .00             | 13.64      | 110527                                     | OFFICE SUPPLIES-POLICE    |
| 012587       | 06/08/11   | FOX00         | FOX APPRAISALS             | 1000.00      | .00             | 1000.00    | 1  | PROP 84 PARK-PROP 84 PK A |
| 012588       | 06/08/11   | INT01         | INTERLAND BUSINESS SUPPLY  | 72.49        | .00             | 72.49      | 110601                                     | Office Supplies-          |
| 012589       | 06/08/11   | NOR10         | NICOLINO CLEMENTE          | 55.00        | .00             | 55.00      | 1892                                       | BLD MAINT-FIRE            |
| 012590       | 06/08/11   | NOR25         | NORTHERN LIGHTS ENRGY, INC | 2867.94      | .00             | 2867.94    | 43477                                      | MAT & SUPPLIES-           |
| 012591       | 06/08/11   | NOR31         | NORM'S PRINTING            | 210.11       | .00             | 210.11     | 009903                                     | PRINTING/ADV-POLICE       |
|              |            |               |                            | 62.24        | .00             | 62.24      | 009919                                     | OFFICE SUPPLIES-FINANCE   |
|              |            |               | Check Total.....:          | 272.35       | .00             | 272.35     |  |                           |
| 012592       | 06/08/11   | PGE01         | PG&E                       | 349.50       | .00             | 349.50     | 110601                                     | Electricity-SEWER         |
| 012593       | 06/08/11   | PGE03         | PG&E                       | 20.91        | .00             | 20.91      | 110603                                     | Mat/Supplies PoliceServic |
| 012594       | 06/08/11   | PGE04         | PG&E                       | 426.60       | .00             | 426.60     | 110602                                     | TranspFacility-           |
| 012595       | 06/08/11   | PGE05         | PG&E                       | 1083.37      | .00             | 1083.37    | 110602                                     | FIRE-ELECT & GAS          |
| 012596       | 06/08/11   | PGE2A         | PG&E                       | 86.18        | .00             | 86.18      | 110601                                     | ELECT-MARTINI, MCDONALD & |

REPORT.: Jun 08 11 Wednesday  
 RUN....: Jun 08 11 Time: 16:14  
 Run By.: LORI

CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 06-11 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        |
|---------------------------|------------|---------------|--------------------------|--------------|-----------------|------------|-----------|--------------------|
| 012596                    | 06/08/11   | PGE2A         | PG&E                     | 85.69        | .00             | 85.69      | 110603    | ELECT-CLELAND PROP |
| Check Total.....:         |            |               |                          | 171.87       | .00             | 171.87     |           |                    |
| 012597                    | 06/08/11   | QUI02         | QUILL CORPORATION        | 196.89       | .00             | 196.89     | 4624470   | Office Supplies-   |
| 012598                    | 06/08/11   | TEH15         | TEHAMA CO SHERIFF'S DEPT | 73.50        | .00             | 73.50      | 110602    | PROF SVCS-         |
| 012599                    | 06/08/11   | UNI09         | UNITED RENTALS NORTHWEST | 1472.21      | .00             | 1472.21    | 110607    | MAT & SUPPLIES-    |
| Cash Account Total.....:  |            |               |                          | 10960.59     | .00             | 10960.59   |           |                    |
| Total Disbursements.....: |            |               |                          | 10960.59     | .00             | 10960.59   |           |                    |

Date.: Jun 8, 2011  
Time.: 4:00 pm  
Run by: LORI

CITY OF CORNING  
NEW BUSINESSES FOR CITY COUNCIL

Page.: 1  
List.: NEWB  
Group: WTFMB

| Business Name        | Address             | CITY/STATE/ZIP    | Contact Name | Business Desc. #1                               | Business Start Date | Primary Teleph |
|----------------------|---------------------|-------------------|--------------|---|---------------------|----------------|
| BARNES MECHANICAL    | 23848 MCLANE AVE    | CORNING, CA 96021 | BARNES       | CHRISTO MOBILE MECHANIC                         | 06/07/11            | (530) 586-1831 |
| CASA RAMOS MEXICAN R | 636 EDITH AVE       | CORNING, CA 96021 |              | M.K. & MEXICAN RESTAURANT                       | 06/01/11            | (530) 824-2098 |
| ERIC'S COMPUTER SOLU | 5025 HENLEYVILLE RD | CORNING, CA 96021 | LAURA FIERCE | ERIC LU PERSONAL & PROFESSIONAL COMPUTER REPAIR | 05/24/11            | (530) 586-2164 |
| OMEGA FASHIONS       | 1223 SOLANO ST      | CORNING, CA 96021 | RIVERA       | ORLANDO CLOTHING & ACCESSORIES                  | 05/24/11            | (530) 355-9421 |
| THRIFT MART STORES   | 1306 SOLANO ST      | CORNING, CA 96021 | ALMQUIST     | ERIC RETAIL DISCOUNT GROCERY MERCHANDISE        | 06/07/11            | (530) 532-6406 |

6/8/2011  
6:25:24AM

CITY OF CORNING  
PERMITS ISSUED (sort by Permit #)  
For the Period 5/1/2011 thru 5/31/2011

| Owner and Address   | Parcel Number   | Issued On | Valuation |
|---|---|-----------|-----------|
| METRO PCS<br>2351 CORONA AVE<br>CORNING CA 96021<br><b>Permit Description:</b><br>INSTALL RADIO CABINET & NEW DIPLEXERS     | 6921055<br><b>Site Street Address:</b><br>2351 CORONA AVE       | 5/5/2011  | 10,000.00 |
| JAMISON PROPERTIES<br>1450 FOURTH ST<br>CORNING CA 96021<br><b>Permit Description:</b><br>DEMO SMALL RESIDENTIAL GARAGE     | 7127225<br><b>Site Street Address:</b><br>1450 FOURTH ST        | 5/2/2011  | 200.00    |
| MARGUERITA VEGA<br>421 EL PASO<br>CORNING CA 96021<br><b>Permit Description:</b><br>CHANGE OUT HVAC                         | 7305401<br><b>Site Street Address:</b><br>421 EL PASO           | 5/2/2011  | 4,250.00  |
| CRANE MILLS<br>2120 LOLETTA AVE<br>CORNING CA 96021<br><b>Permit Description:</b><br>UNDERGROUNDING ELECT. FOR TEMP. COLD S | 7130026<br><b>Site Street Address:</b><br>2120 LOLETTA AVE      | 5/3/2011  | 950.00    |
| LOIS BALLARD<br>174 VICTORIAN PARK CT<br>CORNING CA 96021<br><b>Permit Description:</b><br>TEAR OFF & REROOF                | 7533007<br><b>Site Street Address:</b><br>174 VICTORIAN PARK CT | 5/4/2011  | 5,160.00  |
| JOHN HAMMER<br>400 SOUTH ST<br>CORNING CA 96021<br><b>Permit Description:</b><br>ADD 20'X20' DETACHED GARAGE                | 7308406<br><b>Site Street Address:</b><br>400 SOUTH ST          | 5/19/2011 | 15,000.00 |
| JUAN RODRIGUEZ<br>1472 MEADOWBROOK LN<br>CORNING CA 96021<br><b>Permit Description:</b><br>ADD 27'X14' WORKSHOP & STORAGE   | 7131011<br><b>Site Street Address:</b><br>1472 MEADOWBROOK LN   | 5/26/2011 | 1,306.00  |

**CITY OF CORNING**  
**PERMITS ISSUED (sort by Permit #)**  
**For the Period 5/1/2011 thru 5/31/2011**

| Owner and Address   | Parcel Number   | Issued On | Valuation |
|---|---|-----------|-----------|
| RUTH ALEJO<br>3525 HWY 99W<br>CORNING CA 96021<br><b>Permit Description:</b><br>CHANGE OUT HVAC               | 8710060<br><b>Site Street Address:</b><br>3525 HWY 99W          | 5/31/2011 | 4,200.00  |
| RICK JONES<br>1212 FOURTH AVE<br>CORNING CA 96021<br><b>Permit Description:</b><br>STUCCO EXTERIOR            | 7124304<br><b>Site Street Address:</b><br>1212 FOURTH AVE       | 5/23/2011 | 2,000.00  |
| TED SHOEMAKER<br>3000 HWY 99W<br>CORNING CA 96021<br><b>Permit Description:</b><br>INSTALLATION OF 16 SIGNS   | 8704070<br><b>Site Street Address:</b><br>3000 HWY 99W          | 5/24/2011 | 75,000.00 |
| IVAN HILL<br>1411 FOURTH AVE<br>CORNING CA 96021<br><b>Permit Description:</b><br>REPLACE SEWER MAIN          | 7127305<br><b>Site Street Address:</b><br>1411 FOURTH AVE       | 5/23/2011 | 200.00    |
| SKN PROPERTIES<br>950 HWY 99W<br>CORNING CA 96021<br><b>Permit Description:</b><br>REPLACE EXISTING SIGNS     | 6922022<br><b>Site Street Address:</b><br>950 HWY 99W           | 5/25/2011 | 9,750.00  |
| LAURA LAURANCE<br>229 VICTORIAN PARK DR<br>CORNING CA 96021<br><b>Permit Description:</b><br>2ND LAYER REROOF | 7533015<br><b>Site Street Address:</b><br>229 VICTORIAN PARK DR | 5/23/2011 | 4,980.00  |
| SURESH PATEL<br>2165 SOLANO ST<br>CORNING CA 96021<br><b>Permit Description:</b><br>REPLACE 2 SIGNS           | 7114043<br><b>Site Street Address:</b><br>2165 SOLANO ST        | 5/24/2011 | 3,900.00  |

14 Permits Issued from 5/1/2011 Thru 5/31/2011 FOR A TOTAL VALUATION OF \$ 136,896.00

\*\*\* END OF REPORT \*\*\*

**CITY OF CORNING****MAY 2011****TREASURERS REPORT**

| <b>AGENCY</b>                     | <b>BALANCE</b> | <b>RATE</b> | <b>MATURES ON</b> |
|-----------------------------------|----------------|-------------|-------------------|
| LOCAL AGENCY<br>INVESTMENT FUND   | 1,262,635.05   | .51         |                   |
| PREMIER WEST BANK                 | 199,085.13     | .45         | 03/28/12          |
| PREMIER WEST BANK                 | 178,650.17     | .45         | 04/20/12          |
| <b>TRUST ACCOUNTS</b>             |                |             |                   |
| PREMIER WEST BANK<br>RIDELL TRUST | 211,701.48     | .90         | 12/13/11          |

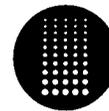
Respectfully Submitted

Pala Cantrell  
City Treasurer

RECEIVED

JUN 02 2011

CITY OF CORNING



Item No.: G-8  
**SouthWest**  
**Water Company®**

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

**CITY OF CORNING**  
**WASTEWATER OPERATION SUMMARY REPORT**  
**MAY 2011**

Below is a summary of the Monthly Operations Report that will be available for City review on JUNE 2011

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

- 17) Collected split dichlorobromomethane samples on effluent with regional board
- 18) Cleaned probe at lift station.
- 19) Tested alarms with Fire Dept.
- 20) Pumped waste from EQ basin
- 21) Cleaned drying beds.
- 22) Cleaned auto samplers with bleach
- 23) Sprayed weeds.
- 24) Exercised emergency generator.
- 25) Held employee training
- 26) IIPP plant inspection
- 27) Training on CL2 and SO2 feed systems
- 28) Exercised floating aerator.
- 29) Checked all fire extinguishers.
- 30) Installed alarm on headworks helisieve
- 31) Cleaned bioassay flow line with chlorine
- 32) Cleaned fuel overflow box on emergency generator.

**MAY 2011**

**Domestic Flow = 685,483 GPD**

**ITEM NO: G-9  
APPROVE CONTRACT CHANGE  
ORDER #5 INCREASING THE  
SOLANO/MARGUERITE AVENUE  
TRAFFIC SIGNAL INSTALLATION  
PROJECT BY \$7,255.00 FOR A TOTAL  
PROJECT COST OF \$297,210.47**

**JUNE 14, 2011**

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**  
**FROM: STEPHEN J. KIMBROUGH, CITY MANAGER**  
**ED ANDERSON, CITY ENGINEER**  
**JOHN L. BREWER, AICP, DIRECTOR OF PUBLIC WORKS**



**SUMMARY:**

Staff recommends the City Council approve the attached Change Order No. 5 in the amount of \$7,255.00. The Change Order is attached for Council review and approval. City Engineer Ed Anderson has provided the justification for the additional work and cost within the requested Change Order document. The revised contract total for this traffic signal improvement project, including this Change Order will be \$297,210.47.

|  |                     |
|--|---------------------|
| Original Construction Contract                   | \$ 252,242.00       |
| Contract Change Order No. 1                      | \$ 28,225.37        |
| Contract CCO No. 2                               | \$ 4,372.20         |
| Contract Change Order No. 3 (contract extension) | \$ 0.00             |
| Change Order No. 4                               | \$ 5,115.90         |
| Adjusted Contract Amount                         | \$ 289,955.47       |
| <b>Proposed CCO No. 5</b>                        | <b>\$ 7,255.00</b>  |
| <b>Total Adjusted Contract Amount</b>            | <b>\$297,210.47</b> |

To summarize, Contract Change Order No. 5 provides for additional pavement grinding and replacement within the streets and the adjacent medical office parking lot, and additional concrete work and lane marking to better accommodate large vehicle (such as buses) turning movements from eastbound Solano Street to southbound Marguerite Avenue.

**RECOMMENDATION:**

**MAYOR AND COUNCIL APPROVE CONTRACT CHANGE ORDER #5  
INCREASING THE TRAFFIC SIGNAL INSTALLATION PROJECT CONTRACT BY  
\$7,255.00.**

**CONTRACT CHANGE ORDER**

Order No. 5\_

Date: June 2, 2011

Contract for: Traffic Signal Installation and Related Work at Marguerite and Solano St.

Owner: City of Corning, 794 Third Street, Corning, CA 96021

To: Franklin Construction, Inc. 217 Flume St., Suite 200, Chico, CA 95928

You are hereby requested to comply with the following changes from the contract plans and specifications.

| Description of Changes  | DECREASE<br>In Contract Price | INCREASE<br>In Contract Price |
|---|-------------------------------|-------------------------------|
| 1. Grind out existing asphalt concrete adjacent to new valley gutter across Marguerite Avenue and pave, to provide smooth transition. |                               | \$ 990.00                     |
| 2. Install base rock and pave existing area between new sidewalk and the medical office building on the west side of Marguerite Ave.  |                               | \$ 4,665.00                   |
| 3. Install concrete steps, in lieu of modular block steps, on Solano Street entrance side to private residence.                       |                               | \$ 2,100.00                   |
| 4. Revise striping plan to eliminate "STOP" symbols and right turn arrow on Solano Street.  | \$ 500.00<br>-\$ 500.00       | +\$ 7,755.00                  |
| Net Change in Contract Price:   |                               | <b>+\$ 7,255.00</b>           |

JUSTIFICATIONS:

1. The plans required a 1-foot wide removal of the existing asphalt adjacent to the new valley gutter across Marguerite Avenue; however, the grade differential adjacent to the new valley gutter and the existing pavement will result in a severe bump unless the existing pavement is removed for approximately 10-feet to allow for a smoother transition.

2. It was always planned to pave the area between the new sidewalk on the west side of Marguerite Avenue to "clean-up" the area following construction. This area is used by the medical office staff for parking and access. The new sidewalk grade would not allow a perfect match with the existing surface. Paving this area will enhance the new construction to coincide with the new look that the intersection will have. The owner of the medical office building is in agreement with this work.

3. The steps leading up to the home on the northeast corner cannot be of the same block as is being used for the wall. This particular block is not manufactured in a size or form suitable for steps. In lieu of using another type of modular block, the steps will be constructed of concrete. This change is acceptable to the property owner(s).

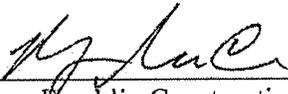
4. The striping plan is being changed to eliminate some of the pavement markings shown on the plans, which are not required for a signalized intersection; i.e.; STOP symbol at the lanes and a right turn arrow on the east bound Solano Street lane. Eliminating the right turn lane, will provide more turning room and will enable school busses and larger vehicles to more easily make the right turn southbound onto Marguerite Avenue. The existing corner is restricted and a larger curb return radius is not feasible.

---

The contract total including this and previous change orders will be: \$ 297,210.47

The contract completion date will remain at: June 30, 2011

This document will become a supplement to the Contract and all provisions will apply hereto.

Requested:   
Franklin Construction, Inc.

Date: 6/2/2011

Recommended: \_\_\_\_\_  
J.E. (Ed) Anderson, City Engr

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

Accepted: \_\_\_\_\_  
City of Corning

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

ITEM NO: G-10  
APPROVE PROGRESS PAY ESTIMATE  
NO. 5 IN THE AMOUNT OF \$74,054.86 TO  
FRANKLIN CONSTRUCTION FOR THE  
2010 TRAFFIC SIGNAL INSTALLATION  
PROJECT

JUNE 14, 2011

TO: HONORABLE MAYOR AND COUNCILMEMBERS  
OF THE CITY OF CORNING

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER  
JOHN L. BREWER, AICP; DIRECTOR OF PUBLIC WORKS  
ED ANDERSON, CITY ENGINEER



**SUMMARY:**

Attached for City Council review is a copy of Partial Pay Estimate No. 5 requesting payment of \$74,054.86 for the 2010 Traffic Signal Installation Project. The Pay Estimate lists the original contract amount, any change orders/adjustments, work completed to date, retention amount and current amount due to Franklin Construction.

The most recent work has included demolition and replacement of curb, gutter and sidewalk.

**FINANCIAL:**

The Director of Public Works and the City Engineer have reviewed and approved this request.

|                                |               |
|--------------------------------|---------------|
| Original Construction Contract | \$ 252,242.00 |
| CCO No. 1                      | \$ 28,225.37  |
| CCO No. 2                      | \$ 4,372.20   |
| CCO No. 3                      | \$ 0.00       |
| CCO No. 4                      | \$ 5,115.90   |
| Total Adjusted Contract Amount | \$ 289,955.47 |
| <br>                           |               |
| PPE No. 1                      | \$ 53,510.00  |
| Retention to be held (10%)     | \$ (5,351.00) |
| Amount due to Contractor       | \$ 48,159.00  |
| <br>                           |               |
| PPE No. 2                      | \$ 59,722.20  |
| Retention to be held (10%)     | \$ (5,972.22) |
| Amount paid to Contractor      | \$ 53,749.98  |
| <br>                           |               |
| PPE No. 3                      | \$ 6,150.00   |
| Retention to be held (10%)     | \$ (615.00)   |
| Amount paid to Contractor      | \$ 5,535.00   |
| <br>                           |               |
| Proposed PPE No. 4             | \$ 21,566.00  |
| Retention to be held (10%)     | \$ (2,156.60) |
| Amount paid to Contractor      | \$ 19,409.40  |

|                            |               |
|----------------------------|---------------|
| Proposed PPE No. 5         | \$ 74,054.86  |
| Retention to be held (10%) | \$ (7,405.49) |
| Amount due to Contractor   | \$ 66,649.37  |

The table below lists each funding source for this project:

| Account No       | Title  | Funds Allocated<br>for Project |
|------------------|--|--------------------------------|
| 116-9254-3001    | Signal Improvement/Street Projects                                   | \$230,000.00                   |
|                  | Council Approved Appropriation<br>at August 24, 2010 Council Meeting | \$22,242.00                    |
| CCO #1 (1/11/11) | Council Appropriation from Fund 116                                  | \$28,225.37                    |
| CCO #2 (1/25/11) | Council Appropriation from Fund 116                                  | \$4,372.20                     |
| CCO #3 (3/8/11)  | No Funding Action Required   | \$0.00                         |
| CCO #4 (5/24/11) |  | \$5,115.90                     |
| <b>Total</b>     |  | <b>\$289,955.47</b>            |

**BACKGROUND:**

The contract for the 2010 Traffic Signal Installation Project was awarded to Franklin Construction of Chico, CA at the August 24, 2010 Regular City Council Meeting. The new traffic signal is currently under construction and located at the Marguerite Avenue and Solano Street Intersection.

**RECOMMENDATION:**

**That the Mayor and Council Approve Progress Pay Estimate No. 5 in the amount of \$74,054.86 to Franklin Construction for the 2010 Traffic Signal Installation Project**

**PARTIAL PAYMENT ESTIMATE**

Corning: Solano/Marguerite Traffic Signal Project

Progress Payment Estimate No. 5

OWNER:  
City of Corning

CONTRACTOR:  
Franklin Construction of Chico, CA

PERIOD OF ESTIMATE:  
FROM: 5/1/11 to 5/31/11

**CONTRACT CHANGE ORDER SUMMARY**

**ESTIMATE**

| No.        | Approval Date | Amount      |            |   |
|------------|---------------|-------------|------------|---|
|            |               | Additions   | Deductions |   |
| 1          | 01/11/11      | \$28,225.37 | 0          | 1. Original Contract..... \$252,242.00      |
| 2          | 01/25/11      | \$ 4,372.20 | 0          | 2. Change Orders..... \$ 37,713.47          |
| 3          | 03/08/11      | None        | None       | 3. Revised Contract (1+2)..... \$289,955.47 |
| 4          | 05/24/11      | \$5,115.90  | 0          | 4. Work Completed (74%)..... \$215,003.05   |
|            |               |             |            | 5. Stored Materials ..... 0                 |
|            |               |             |            | 6. Subtotal (4+5)..... \$ 215,003.05        |
|            |               |             |            | 7. Retainage .....10%..... \$ (21,500.31)   |
|            |               |             |            | 8. Previous Payments..... \$ 126,853.38     |
|            |               |             |            | 9. Amount Due (6-7-8)..... \$ 66,649.37     |
| NET CHANGE |               | \$37,713.47 |            |   |

**CONTRACT TIME**

Original (days) 120  
Revised 210  
Remaining 30

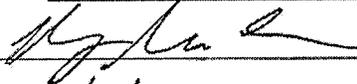
On Schedule  Yes  
 No

Starting Date: 12/01/10  
Projected Completion: 06/30/11

**CONTRACTOR'S CERTIFICATION:**

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

Contractor Franklin Construction, Inc.

By 

Date 6/2/2011

**ARCHITECT OR ENGINEER'S CERTIFICATION:**

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

Engineer Ed Anderson, City Engineer

By \_\_\_\_\_

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

**APPROVED BY OWNER:**

Owner City of Corning

By \_\_\_\_\_

Stephen J. Kimbrough

Date \_\_\_\_\_

City of Corning  
 Engineering Division  
 Partial Payment Request

|  |                    |                     |
|--|--------------------|---------------------|
| Contractor: Franklin Construction, Inc.  | Date: 5/31/11      | Purchase Order No.: |
| Address: 217 Flume Street, Suite 200, Chico, CA 95928                              | Project No.: 21038 | Application No.: 5  |
| Project: Traffic Signal Installation and Related Work at Marguerite and Solano St. | From: 5/1/11       | To: 5/31/11         |

| Item No.                              | Description  | Estimated Contract Quantity | Previous Quantity To Date | Quantity To Date | Unit | Unit Cost     | Total To Date | % Complete | Remarks |
|---------------------------------------|--|-----------------------------|---------------------------|------------------|------|---------------|---------------|------------|---------|
| <b>BASE BID</b>                       |  |                             |                           |                  |      |               |               |            |         |
| 1                                     | Demolition   | 1                           | 0.50                      | 0.90             | LS   | \$ 29,100.00  | \$ 26,190.00  | 90%        |         |
| 2                                     | Traffic Signal - Complete                                | 1                           | 0.90                      | 0.90             | LS   | \$ 123,000.00 | \$ 110,700.00 | 90%        |         |
| 3                                     | Concrete Valley Gutter                                   | 385                         | 0.00                      | 383.00           | SF   | \$ 7.15       | \$ 2,738.45   | 99%        |         |
| 4                                     | Vertical Curb & Gutter                                   | 295                         | 0.00                      | 378.00           | LF   | \$ 23.00      | \$ 8,694.00   | 128%       |         |
| 5                                     | Concrete Flatwork  | 1475                        | 0.00                      | 1548.00          | SF   | \$ 5.50       | \$ 8,514.00   | 105%       |         |
| 6                                     | Concrete Handicap Curbs                                  | 115                         | 0.00                      | 42.00            | LF   | \$ 13.25      | \$ 556.50     | 37%        |         |
| 7                                     | Truncated Domes  | 3                           | 0.00                      | 3.00             | EA   | \$ 340.00     | \$ 1,020.00   | 100%       |         |
| 8                                     | Install 6" Concrete Driveway                             | 216                         | 0.00                      | 274.00           | SF   | \$ 5.50       | \$ 1,507.00   | 127%       |         |
| 9                                     | Aggregate Baserock                                       | 2650                        | 1325.00                   | 2375.00          | SF   | \$ 4.90       | \$ 11,637.50  | 90%        |         |
| 10                                    | Install 2" Type C Asphalt Concrete                       | 2650                        | 0.00                      | 0.00             | SF   | \$ 5.00       | \$ -          | 0%         |         |
| 11                                    | Thermoplastic Striping                                   | 1                           | 0.00                      | 0.00             | LS   | \$ 9,815.00   | \$ -          | 0%         |         |
| 12                                    | Install Modular Block Wall                               | 525                         | 0.00                      | 420.00           | LF   | \$ 60.00      | \$ 25,200.00  | 80%        |         |
| 13                                    | Traffic Control  | 1                           | 0.35                      | 0.75             | LS   | \$ 9,810.00   | \$ 7,357.50   | 75%        |         |
| 14                                    | SWPPP  | 1                           | 1.00                      | 1.00             | LS   | \$ 1,400.00   | \$ 1,400.00   | 100%       |         |
| <b>CCO#1 Contract Change Order #1</b> |  |                             |                           |                  |      |               |               |            |         |
| 1                                     | Reduce Curb Return Radius From 30-feet to 20-feet        | 1                           | 1.00                      | 1.00             | LS   | \$ -          | \$ -          | 100%       |         |
| 2                                     | Replace Iteris VIVDS with Trafficon Brand                | 1                           | 0.00                      | 0.00             | LS   | \$ 8,771.89   | \$ -          | 0%         |         |
| 3                                     | Install (2) Pedestrian Push Buttons                      | 1                           | 0.00                      | 0.00             | LS   | \$ 1,433.48   | \$ -          | 0%         |         |
| 4                                     | Install 0.10-foot Asphalt Concrete Overlay on Solano St. | 1                           | 0.00                      | 0.00             | LS   | \$ 18,020.00  | \$ -          | 0%         |         |
| <b>CCO#2 Contract Change Order #2</b> |  |                             |                           |                  |      |               |               |            |         |
| 1                                     | Connt 2nd Line in Solano St., Replace CG&SW              | 1                           | 1.00                      | 1.00             | LS   | \$ 4,372.20   | \$ 4,372.20   | 100%       |         |
| <b>CCO#3 Contract Change Order #3</b> |  |                             |                           |                  |      |               |               |            |         |
| 1                                     | Extend Contract Completion Date to 6/30/2011             | 1                           | 0.00                      | 1.00             | LS   | \$ -          | \$ -          | 100%       |         |
| <b>CCO#4 Contract Change Order #4</b> |  |                             |                           |                  |      |               |               |            |         |
| 1                                     | Over Excavation For Hydrant Leak                         | 1                           | 0.00                      | 1.00             | LS   | \$ 5,115.90   | \$ 5,115.90   | 100%       |         |

Distribution: Finance  
 Contractor  
 Engineering  
 P.O. Binder

Total Amount Earned to Date: \$ 215,003.05  
 10% Retention: \$21,500.31  
 Retention Released: \$0.00  
 Net Amount Retained: \$21,500.31  
 Total Less Net Retention: \$193,502.75  
 Amount Previously Paid: \$126,853.38  
 Total Amount Payable: \$66,649.37

Reviewed and Approved: \_\_\_\_\_  
 Construction Engineer

ITEM NO. : G-11  
**ORDINANCE NO. 646; AN ORDINANCE AMENDING  
CHAPTER 15.32 OF THE CORNING MUNICIPAL CODE  
REGARDING THE INFORMAL BID LIMIT OF THE  
"CONTRACT AND BIDDING PROCEDURES FOR PUBLIC  
PROJECTS"**

JUNE 14, 2011

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

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



**SUMMARY:**

Staff recommends amending the City Code to reflect the increased public project informal bid threshold included in City Code Chapter 15.32. Attached Ordinance No. 646 is offered to accomplish that. The revised thresholds are in accordance with the most current thresholds of Section 22032 of the State Public Contract Code.

**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. We last updated our City Code to address these thresholds in 2009 (Ord. No. 636).

State Controller John Chiang sent the attached letter to all public agencies advising of a recent increase to the "informal bid limit" that becomes effective July 1, 2011. The threshold for the informal process has been increased from \$125,000 to \$175,000. Projects costing over \$175,000 must be bid in accordance with the formal bidding procedure.

It is now appropriate to amend our City Code to reflect the updated threshold for consistency with the PCC (State Law). Those revisions will specifically amend Sections 15.32.010.B & C and 15.32.020. Proposed Ordinance No. 646 is offered for that purpose.

**STAFF RECOMMENDATION:**

**Mayor and City Council:**

- **Waive the second reading and adopt Ordinance No. 646, an Ordinance amending the "dollar amount limits" from \$125,000 to \$175,000 in Corning Municipal Code Sections 15.32.010 & 15.32.020.**

Attached: Ordinance 646  
State Controller's letter  
Current CMC Chapter 15.32

**ORDINANCE NO. 646**  
**AN ORDINANCE OF THE CITY OF CORNING**  
**AMENDING CHAPTER 15.32 OF THE CORNING MUNICIPAL CODE**  
**REGARDING THE INFORMAL BID LIMIT 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 May 24, 2011, does hereby ordain as follows:

To amend Sections 15.32.010(B), 15.32.010(C) and 15.32.020 of Title 15 (Building and Construction) of the City of Corning to read as follows:

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

"Public projects of one hundred seventy five thousand dollars (\$175,000) or less may be let to contract by informal procedures as set forth below."

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

"Public projects of more than one hundred 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."

**Section 3.** Section 15.32.020, Informal Bid procedures is amended to read as follows:

"Public projects, as defined by the act, of one hundred 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."



The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Corning, held on May 24, 2011 and adopted at a regular meeting of the City Council of the City of Corning, held June 14, 2011 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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**Gary R. Strack, Mayor**

**ATTEST:**

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**Lisa M. Linnet, City Clerk**

**Published:**

cc: John B.



**JOHN CHIANG**  
California State Controller

April 25, 2011

To: ALL PUBLIC AGENCIES SUBJECT TO THE TERMS OF THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT

Re: Increase In The Informal Bid Limit Pursuant To Public Contract Code Section 22032

This letter is to inform you that the informal bid limit prescribed by section 22032 of the Public Contract Code will be increased to \$175,000 effective for the fiscal year beginning July 1, 2011. This increase is pursuant to the terms of the Uniform Public Construction Cost Accounting Act (Act) and is at the recommendation of the California Uniform Construction Cost Accounting Commission (CUCCAC).

The Act provides public agencies economic benefits and greater freedom in expediting public works projects. Agencies electing to follow the cost accounting procedures set forth in the *Cost Accounting Policies and Procedures Manual*, prescribed by the CUCCAC, will have the advantages of an increased force account limit, an increased bid limit, and an alternative informal bidding procedure.

Any city, county, redevelopment agency, special district, school district, and community college district can voluntarily elect to become a participant of the Act. After opting into the Uniform Public Construction Cost Accounting Act, by resolution of its governing board, participants enjoy the advantage of the streamlined awards process, as well as reductions in paperwork related to advertising and report filing. In return, the signatory agency agrees to provide cost accounting information in the format prescribed in the *Cost Accounting Policies and Procedure Manual* and to adhere to the terms of the Act until the agency formally opts out. For more details or contact information, please visit our website at <http://www.sco.ca.gov/ard/local/cuccac>.

Sincerely,

  
JOHN CHIANG  
California State Controller

Ord. 6416

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 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.

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

C. 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. (Ord. 601 §1(part), 2003).  
(Ord. No. 636, §§ 1--3, 8-11-2009)

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. I-12  
ORDINANCE NO. 645; MEDICAL MARIJUANA  
DISPENSARIES; AN ORDINANCE OF THE CITY OF  
CORNING ADDING A CHAPTER TO TITLE 17 OF  
THE CORNING MUNICIPAL CODE THAT WOULD  
DEFINE AND PROHIBIT THE ESTABLISHMENT OF  
MEDICAL MARIJUANA DISPENSARIES IN THE  
CITY OF CORNING.**

**JUNE 14, 2011**

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

**FROM: STEPHEN J. KIMBROUGH, CITY MANAGER  
JOHN STOUFER, PLANNING DIRECTOR JS**

**BACKGROUND:**

California Government Code Section 65858(a) allows the adoption of an "Urgency measure": interim zoning ordinance without having to follow the procedures otherwise required prior to the adoption of a zoning ordinance. The urgency measure requires a four-fifths vote of the legislative body and will take effective immediately for a period of 45 days. In addition, Section 65858(a) states: "*After notice pursuant to Section 65090 and public hearing, the legislative body may extend the interim ordinance for 10 months and 15 days and subsequently extend the interim ordinance for one year. Any extension shall also require a four-fifths vote for adoption. Not more than two extensions may be adopted.*"

On August 11, 2009 the Corning City Council unanimously voted to adopt Interim Ordinance #637 pursuant to Ca. Gov. Code Section 65858 (c). The ordinance contained legislative findings that there was a current and immediate threat to public safety due to the operation of medical marijuana dispensaries, collectives, and cooperatives and banned them from being established within any zoning district within the City.

On September 22, 2009, prior to the expiration of the 45 days and at a duly noticed public hearing, the Council extended Interim Ordinance No. 637 for 10 months and 15 days until August 6, 2010. On July 22, 2010 and at a duly noticed public hearing the Council extended Interim Ordinance No. 637 for 1 year until August 6, 2011. This is the last extension possible for Interim Ordinance #637 pursuant to Ca. Gov. Code Section 65858(a).

At the September 22, 2009 Council meeting an ad-hoc committee was formed to work with staff to collectively prepare an ordinance regarding the cultivation and distribution of medical marijuana, that complies with existing state and federal laws, protects the health, safety and welfare of the citizens of Corning, and respects the rights of medical marijuana users pursuant to the Compassionate Use Act and Senate Bill 420. On February 9, 2010 the City Council adopted Ordinance #639, the ordinance that added Chapter 17.64, Cultivation of Medical Marijuana, to Title 17 of the Corning Municipal Code. This ordinance regulated the cultivation of medical marijuana but did not address the distribution of medical marijuana.

During the initial meetings of the ad-hoc committee it was not clear whether local jurisdictions had the ability to ban dispensaries. The courts upheld temporary dispensary bans (*City of Claremont v. Kruse*), and the pending *Qualified Patients Association v. City of Anaheim* litigation was widely expected to clarify the validity of permanent bans. The *Qualified Patients* decision (issued in August 2010) ultimately declined to address the validity of a permanent ban under state law. However, since that time, the Legislature and the courts have acted to provide clarity regarding local government's authority to regulate medical marijuana uses.

Most notably, the Legislature has enacted Health and Safety Code section 11362.768 (A.B. 2650), which prohibits the establishment of any "medical marijuana cooperative, collective, dispensary, operator, establishment, or provider who possesses, cultivates, or distributes medical marijuana" within a 600-foot radius of a school. Of critical importance here, the new law expressly recognizes and affirms local governments' authority to establish more stringent land use regulations: "Nothing in this section shall prohibit a city, county, or city and county from adopting ordinances or policies that further restrict the location or establishment of a medical marijuana cooperative, collective, dispensary, operator, establishment, or provider." (§ 11362.768, subd. (0.))

Further, in February 2011, the Court of Appeal issued a decision in *County of Los Angeles v. Hill* upholding local ordinances regulating the "manner and location" in which dispensaries are operated.

*The statute does not confer on qualified patients and their caregivers the unfettered right to cultivate or dispense marijuana anywhere they choose. The County's constitutional authority to regulate the particular manner and location in which a business may operate (Cal. Const., art. XI, § 7) is unaffected by [the Medical Marijuana Program Act].*

Finally, the Tehama County Superior Court has likewise issued decisions upholding both Tehama County's marijuana cultivation ordinance (*Browne v. County of Tehama*, Case No. CI 63676) and the City of Corning's zoning restrictions on dispensaries (*People v. Prather*, Case No. SCR 30434). These decisions, like those of the appellate courts, have broadly affirmed the authority of cities and counties to regulate medical marijuana activities like any other land use.

Although there remain some areas of uncertainty in the law, the matter is considerably clearer than it was when the ad-hoc committee was formed. Further, as noted above, the City's moratorium ordinance finally expires in August of this year, making it imperative that the City move forward with developing its long-term approach to dispensary regulation.

## **DISCUSSION:**

Two of the original ad-hoc committee members are no longer on the City Council or Planning Commission. New members were appointed and the ad-hoc committee, with the expiration date of the interim ordinance approaching, has once again been meeting with staff to give them direction in preparing an ordinance. The critical issue in preparing an ordinance to regulate dispensaries is the definition of "dispensary." Under the Medical Marijuana Program Act (Senate Bill 420), most "storefront" dispensaries are organized as patient "collectives" or "cooperatives" in order to avoid criminal prosecution. However, "collective" medical marijuana activities can also include small groups of patients in private residences, which have different impacts, and can present very different practical and legal issues.

The ad-hoc committee has agreed on a conceptual definition of "dispensary" that captures both the manner and intensity criteria by defining "dispensary" as a medical marijuana collective, etc. that either (1) has a storefront or mobile outlet of the type that ordinarily requires a local business license," or (2) has four (4) or more members/patients/customers.

The ordinance would define a dispensary as four (4) or more patients associating, cultivating and distributing medical marijuana between them. The ordinance would permit three (3) patients to associate, cultivate and distribute medical marijuana in compliance with the previously adopted cultivation ordinance.

The Planning Commission held a public hearing on May 17, 2011 to take public comment, discuss and make a recommendation to the City Council on Ordinance No. 645. There were no comments from the public and the Commission voted 3:0:2 to recommend that the Council adopt Ordinance No. 645

**ENVIRONMENTAL:**

The California Environmental Quality Act (CEQA) Section 15061 (b) (3) states: "a project is exempt from CEQA if: The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is exempt from CEQA." Regulating the cultivation of medical marijuana will not have a significant effect on the environment.

This section is based on the idea that CEQA applies jurisdictionally to activities which have the potential for causing environmental effects. Where an activity has no possibility of causing a significant effect, the activity will not be subject to CEQA. This approach has been noted with approval in a number of appellate court decisions including the State Supreme Court opinion in *No Oil, Inc. v. City of Los Angeles*.

**ACTION**

**MOVE TO INTRODUCE AND WAIVE THE FIRST READING OF ORDINANCE NUMBER 645 THE ORDINANCE ADDING A CHAPTER TO TITLE 17 OF THE CORNING MUNICIPAL CODE THAT WOULD DEFINE A MEDICAL MARIJUANA DISPENSARY AND PROHIBIT THE ESTABLISHMENT OF A DISPENSARY, AS DEFINED, WITHIN ANY ZONING DISTRICT IN THE CITY OF CORNING.**

**OR:**

**MOVE TO DENY THE INTRODUCTION OF ORDINANCE NUMBER 645 .**

**ATTACHMENTS**

- Exhibit "A" Ordinance No. 645, Marijuana Dispensaries.
- Exhibit "B" Copy of Ordinance No. 639, Cultivation of Medical Marijuana.
- Exhibit "C" Emails staff has received regarding marijuana dispensaries.

# Exhibit "A"

## ORDINANCE NUMBER 645 MEDICAL MARIJUANA DISPENSARIES WITHIN THE CITY OF CORNING

**WHEREAS**, the State of California approved Proposition 215 "The Compassionate Use Act of 1996" (Health and Safety Code Section 11362.5), which was to enable persons who are in need of marijuana for medical purposes; and

**WHEREAS**, the State also enacted SB 420 in 2004 (Health and Safety Code Section 11362.7 et seq.) to clarify the scope of The Compassionate Use Act to allow local governing bodies to adopt and enforce rules and regulations consistent with SB 420; and

**WHEREAS**, State law has created a limited affirmative defense to criminal prosecution for qualifying persons who collectively gather to cultivate medical marijuana but there is no provision in State law which specifically authorizes or protects the establishment of a medical marijuana dispensary or other storefront or mobile distribution operation; and

**WHEREAS**, under the Controlled Substances Act, the use, possession, cultivation and distribution of medicinal marijuana are unlawful and subject to federal prosecution without regard to a claimed medical need; and

**WHEREAS**, To protect the public safety, health, and welfare of the citizens of Corning, and prevent the possibility of the cultivation or distribution of medical marijuana in violation of Health and Safety Code Section 11362.5, the City of Corning adopted Interim Ordinance No. 637 banning the establishment of a medical marijuana dispensary, collective or cooperative within any of the city zoning districts as either a permitted or a conditional use; and

**WHEREAS**, in California Cities that have allowed the establishment of Medical Marijuana Dispensaries issues and concerns have arisen related to their location in proximity to residential properties, schools and daycare facilities and some communities have reported adverse impacts that threaten public health, safety and welfare, including an increase in crimes such as loitering, illegal drug activity, burglaries, robberies and other criminal activity within and around dispensaries, as well as increased pedestrian and vehicle traffic, noise and parking violations, thereby generating a need for increased police response; and

**WHEREAS**, The establishment of a medical marijuana dispensary in the City of Corning created a zoning violation that required enforcement actions by city staff and court hearings to abate the use of a downtown building as a dispensary; and

**WHEREAS**, The City has recently received additional inquiries whether any of the zoning districts within the City Limits of Corning would allow a Medical Marijuana Dispensary to be established; and

**WHEREAS**, Adoption of Ordinance No. 645 complies with applicable State Law, as well as impose reasonable rules and regulations protecting the public health, safety and welfare of Corning residents and businesses; and

**WHEREAS**, it is the purpose and intent of this ordinance to implement state law by providing a means for regulating the distribution of medicinal marijuana in a manner that is consistent with state law and balances the needs of medical patients and their caregivers and promotes the health, safety, morals and general welfare of the residents and businesses within the City of Corning. Nothing in this ordinance shall be constructed to allow the use of marijuana (cannabis) for non-medical purposes, or allow any activity relating to the cultivation, distribution, or consumption of marijuana that is otherwise illegal; and

**WHEREAS**, the potential adverse secondary effects of allowing the distribution of medicinal marijuana presents a clear and present danger to the immediate preservation of the public peace, health, and safety of the community and Interim Ordinance # 637 will expire on August 6, 2011, therefore, the City will have no rules or regulations governing the distribution of medical marijuana; and

**WHEREAS**, it is the purpose and intent of this ordinance is to ensure that marijuana distributed for medical purposes remains secure and does not find its way to non-patients or illicit markets; and

**WHEREAS**, it is the purpose and intent of this ordinance to help law enforcement agencies perform their duties effectively and in accordance with California law; and

**WHEREAS**, The City of Corning Planning Commission held a public hearing on May 17, 2011 and recommended by a 3:0:2 vote that the City Council adopt Ordinance No. 645 prohibiting the establishment of medical marijuana dispensaries, as defined, within the City of Corning.

## Chapter 17.65

### MARIJUANA DISPENSARIES

#### Sections:

**17.65.010 Purpose and Intent.**

**17.65.020 Definitions.**

**17.65.030 Prohibition of Marijuana Dispensaries.**

**17.65.040 Enforcement.**

**17.65.010 Purpose and Intent.** It is the purpose and intent of this chapter to limit the distribution of medical marijuana to prevent adverse impacts to adjacent property owners, provide patient security, protect the health, safety and welfare of the public, and assure that medical marijuana does not find its way to non-patients or illicit markets.

This chapter is in compliance with the California Health & Safety Code Section 11362, and does not interfere with a patient's right to medical marijuana, nor does it criminalize the possession or cultivation of medical marijuana by specifically defined classifications of persons, pursuant to Proposition 215 and Senate Bill 420.

**17.65.020 Definitions.**

Definitions: As used herein the following definitions shall apply:

- (A) "Facility" includes any facility, building, structure, premises, or location, whether fixed or mobile, permanent or temporary, and any type of delivery service.
- (B) "Mobile Outlet" The transportation for the purpose of distribution or delivery of medical marijuana by any means.
- (C) "Marijuana Dispensary" means any for-profit or not-for-profit facility meeting any or all of the following criteria:
  - (1) A facility where marijuana is made available, cultivated, sold, given, distributed, or otherwise provided by or to four (4) or more persons (including, but not limited to, any "primary caregiver(s)," "qualified patient(s)," or "person(s) with an identification card") pursuant to Health and Safety Code sections 11362.5 and/or 11362.7 et seq. or otherwise; and/or
  - (2) A facility where four (4) or more persons (including, but not limited to, any "primary caregiver(s)," "qualified patient(s)," or "person(s) with an identification card") meet or congregate to make available, cultivate, sell, give away, distribute, or otherwise provide marijuana for medicinal or other purposes; and/or
  - (3) A facility where any person operates a storefront or mobile outlet providing medical marijuana in any form to four (4) members of a collective or cooperative or to other members of the general public.

"Marijuana Dispensary" includes any medical marijuana collective or cooperative that meets any or all of the foregoing criteria. "Marijuana Dispensary" shall not include the following uses, as long as the location of such uses is otherwise regulated by the Corning Municipal Code: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health & Safety Code; a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health & Safety Code; a residential care facility for persons with chronic life- threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health & Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health & Safety Code, a residential hospice; or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health & Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health & Safety Code sections 11362.5 et seq. and 11362.7 et seq. and the City of Corning Zoning Code (Title 17 of the Corning Municipal Code).

**17.65.030 Prohibition of Marijuana Dispensaries.** Notwithstanding any other provision of this Code, the establishment, development, construction, maintenance, or operation of a Marijuana

Dispensary is hereby prohibited, and is not a permitted or conditionally permitted use in any zoning district, even if located within an otherwise permitted use. No person shall establish, develop, construct, maintain, or operate a Marijuana Dispensary, and no application for a building permit, use permit, variance, or any other entitlement authorizing the establishment, development, construction, maintenance, or operation of any Marijuana Dispensary shall be approved by the City of Corning or any officer or employee thereof.

#### **17.65.040 Enforcement.**

A. Public Nuisance: The violation of this section is hereby declared to be a public nuisance.

B. Abatement: A violation of this section may be abated by the city attorney by the prosecution of a civil action for injunctive relief and by the summary abatement procedure set forth in subsection C of this section.

C. Summary Abatement Procedure:

a. The Chief of Police, Building Official, Planning Director, or a designee (hereafter, the "enforcement official"), are hereby authorized to order the abatement of any violation of this section by issuing a notice to abate. The notice shall:

(1) Describe the location of and the specific conditions which represent a violation of this section and the actions required to abate the violation.

(2) Describe the evidence relied upon to determine that a violation exists, provided that the enforcement official may withhold the identity of a witness to protect the witness from injury or harassment, if such action is reasonable under the circumstances.

(3) State the date and time by which the required abatement actions must be completed.

(4) State that to avoid the civil penalty provided in subsection C.a.(8) of this section and further enforcement action, the enforcement official must receive consent to inspect the premises where the violation exists to verify that the violation has been abated by the established deadline.

(5) State that the owner or occupant of the property where the violation is located has a right to appeal the notice by filing a written notice of appeal with the city clerk by no later than three (3) business days from the service of the notice. The notice of appeal must include an address, telephone number, fax number, if available, and e-mail address, if available. The city may rely on any of these for service or notice purposes. If an adequate written appeal is timely filed, the owner or occupant will be entitled to a hearing as provided in subsection E. of this section.

(6) State that the order to abate the violation becomes final if a timely appeal is not filed or upon the issuance of a written decision after the appeal hearing is conducted in accordance with subsection E. of this section.

(7) State that a final order of abatement may be enforced by application to the superior court for an inspection and/or abatement warrant or other court order.

(8) State that a final order to abate the nuisance will subject the property owner and the occupant to a civil penalty of five hundred dollars (\$500.00) for each day that the violation continues after the date specified in the notice under subsection C.a.(3) of this section, when the violation must be abated. The penalty may be recovered through an ordinary civil action, or in connection with an application for an inspection or nuisance abatement warrant.

(9) State that in any administrative or court proceeding to enforce the abatement order the prevailing party is entitled to recover reasonable attorney fees from the other party or parties to the action, if the city elects, at the initiation of an individual action or proceeding, to seek recovery of its own attorney fees. In no action, administrative proceeding, or special proceeding shall an award of attorney fees to a prevailing party exceed the amount of reasonable attorney fees incurred by the city in the action or proceeding.

D. The notice described in subsection C.a. of this section shall be served in the same manner as summons in a civil action in accordance with article 3 (commencing with section 415.10) of chapter 4 of title 5 of part 2 of the Code of Civil Procedure, or by certified mail, return receipt requested, at the option of the city. If the owner of record, after diligent search cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten (10) days and publication thereof in a newspaper of general circulation pursuant to Government Code section 6062.

E. Not sooner than five (5) business days after a notice of appeal is filed with the city clerk, a hearing shall be held before the city manager or a hearing officer designated by the city manager to hear such appeals. The appellant shall be given notice of the date, time and place of the hearing not less than five (5) days in advance. The notice may be given by telephone, fax, e-mail, personal service or posting on the property. At the hearing, the enforcement official shall present evidence of the violation, which may include, but is not limited to, incident and police reports, witness statements, photographs, and the testimony of witnesses. The property owner and the occupant of the property where the violation is alleged to exist shall have the right to present evidence and argument in their behalf and to examine and cross examine witnesses. The property owner and property occupant are entitled at their own expense to representation of their choice. At the conclusion of the hearing, the city manager or hearing officer shall render a written decision which may be served by regular first class mail on the appellants.

F. A final order to abate the nuisance will subject the property owner or owners and any occupant or occupants of the property who are cultivating marijuana in violation of this section to a civil penalty of five hundred dollars (\$500.00) for each day that the violation continues after the date specified in the notice under subsection C.a.(3) of this section, when the violation must be abated. The enforcement official or the city manager or hearing officer hearing an appeal pursuant to subsection C.a.(5) of this section may reduce the daily rate of the civil penalty for good cause. The party subject to the civil penalty shall have the burden of establishing good cause, which may include, but is not limited to, a consideration of the nature and severity of the violation, whether it is a repeat offense, the public nuisance impacts caused by the violation, and

the violator's ability to pay. The daily penalty shall continue until the violation is abated. The penalty may be recovered through an ordinary civil action, or in connection with an application for an inspection or nuisance abatement warrant.

G. Violation: Distribution of marijuana on parcels within the city that does not comply with this section constitutes a violation of the zoning ordinance and is subject to the penalties and enforcement as provided in subsections C.a.(8) and F. of this chapter.

H. Penalties Not Exclusive: The remedies and penalties provided herein are cumulative, alternative and nonexclusive. The use of one does not prevent the use of any others and none of these penalties and remedies prevent the city from using any other remedy at law or in equity which may be available to enforce this section or to abate a public nuisance.

\* \* \* \* \*

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:

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

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

# Exhibit "B"

## ORDINANCE NO. 639 CULTIVATION OF MEDICAL MARIJUANA WITHIN THE CITY OF CORNING

**WHEREAS**, California Government Code, Section 65850 (c) (4) provides the authority for the City of Corning to regulate, by ordinance, the intensity of land use; and

**WHEREAS**, the State of California approved Proposition 215 "The Compassionate Use Act of 1996" (Health and Safety Code Section 11362.5), which was to enable persons who are in need of marijuana for medical purposes; and

**WHEREAS**, the State also enacted SB 420 in 2004 (Health and Safety Code Section 11362.7 et seq.) to clarify the scope of The Compassionate Use Act to allow local governing bodies to adopt and enforce rules and regulations consistent with SB 420; and

**WHEREAS**, under the Controlled Substances Act, the use, possession and cultivation of medicinal marijuana are unlawful and subject to federal prosecution without regard to a claimed medical need; and

**WHEREAS**, marijuana plants, as they begin to flower and for a period of two months or more during the growing season (August through October for outdoor cultivation), produce an extremely strong odor, offensive to many people, and detectable far beyond property boundaries; and

**WHEREAS**, the City has continually received complaints of odor related to the growing of medicinal marijuana; and

**WHEREAS**, in the case of multiple qualified patients who are in control of the same legal parcel, or parcels, of property, or in the case of a caregiver growing for numerous patients, a very large number of plants could be grown on the same legal parcel, or parcels, within the City of Corning; and

**WHEREAS**, the possession and cultivation of large quantities of marijuana has resulted in the armed robberies of residents living in nearby communities and residential areas surrounding the City of Corning; and

**WHEREAS**, the strong smell of marijuana creates an attractive nuisance, alerting persons to the location of the valuable plants, and creating a risk of burglary, robbery or armed robbery, and the death of a man in the nearby community of Los Molinos; and

**WHEREAS**, it is the purpose and intent of this ordinance to implement state law by providing a means for regulating the cultivation of medicinal marijuana in a manner that is consistent with state law and balances the needs of medical patients and their caregivers and promotes the health, safety, morals and general welfare of the residents and businesses within the City of Corning. Nothing in this ordinance shall be constructed to allow the use of marijuana

(cannabis) for non-medical purposes; or allow any activity relating to the cultivation, distribution, or consumption of marijuana that is otherwise illegal; and

**WHEREAS**, the potential adverse secondary effects of allowing the cultivation of medicinal marijuana presents a clear and present danger to the immediate preservation of the public peace, health, and safety of the community because currently the City has no rules or regulations governing the cultivation of medical marijuana; and

**WHEREAS**, it is the purpose and intent of this ordinance is to ensure that marijuana grown for medical purposes remains secure and does not find its way to non-patients or illicit markets; and

**WHEREAS**, it is the purpose and intent of this ordinance to help law enforcement agencies perform their duties effectively and in accordance with California law; and

**WHEREAS**, the cultivation of marijuana within a residence has potential adverse affects to the structural integrity of the residence and the use of high wattage grow lights within a residence increases the chances of a fire which presents a clear and present danger to the occupants; and

**WHEREAS**, The indoor cultivation of substantial amounts of marijuana also requires excessive use of electricity, which often creates an unreasonable risk of fire from the electrical grow lighting systems used in indoor cultivation; and

**WHEREAS**, Areas surrounding schools attract large numbers of juveniles and the cultivation of any amount of marijuana at locations or premises within 1,000 feet of a school makes the site vulnerable to theft or recreational consumption by juveniles. Further, the potential for criminal activities associated with marijuana cultivation in such locations poses heightened risks that juveniles will be involved or endangered. Therefore, cultivation of any amount of marijuana in such locations or premises is especially hazardous to public safety and welfare, and to the protection of children and the person(s) cultivating the marijuana plants; and

**WHEREAS**, The Attorney General's August 2008 *Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use* recognizes that the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime; and

**WHEREAS**, The City of Corning Planning Commission held a public hearing on December 15, 2009 and recommended by a 4 : 0 vote that the City Council adopt Ordinance No. 639 regulating the cultivation of medical marijuana within the City of Corning.

**Chapter 17.64**  
**Cultivation of Medical Marijuana**

**Sections:**

- 17.64.010 Purpose and Intent**
- 17.64.020 Definitions**
- 17.64.030 Cultivation of Medical Marijuana**
- 17.64.040 Non-Conforming Use**
- 17.64.050 Enforcement**

**17.64.010. Purpose and Intent:** It is the purpose and intent of this chapter to require that medical marijuana be cultivated in appropriately secured, enclosed, and ventilated structures, so as not to be visible to the public domain, to provide for the health, safety and welfare of the public, to prevent odor created by marijuana plants from impacting adjacent properties, and ensure that marijuana grown for medical purposes remains secure and does not find its way to non-patients or illicit markets.

This chapter is in compliance with the California Health & Safety Code Section 11362, and does not interfere with a patient's right to medical marijuana, nor does it criminalize the possession or cultivation of medical marijuana by specifically defined classifications of persons, pursuant to Proposition 215 and Senate Bill 420.

**17.64.020. Definitions:** Definitions: As used herein the following definitions shall apply:

A. **CULTIVATION:** The planting, growing, harvesting, drying, or processing of marijuana plants or any part thereof.

B. **DETACHED FULLY ENCLOSED AND SECURE STRUCTURE:** A building completely detached from a residence that complies with the California Building Code, as adopted in the City of Corning, and has a complete roof enclosure supported by connecting walls extending from the ground to the roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. Walls and roofs must be constructed of solid materials that cannot be easily broken through, such as two inch by four inch (2" x 4") or thicker studs overlaid with three-eighths inch (3/8") or thicker plywood or the equivalent. Exterior walls must be constructed with non-transparent material. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

C. **IMMATURE MARIJUANA PLANT:** A marijuana plant, whether male or female, that has not yet flowered and which does not yet have buds that are readily observed by unaided visual examination.

D. **INDOORS:** Within a fully enclosed and secure structure.

E. MATURE MARIJUANA PLANT: A marijuana plant, whether male or female, that has flowered and which has buds that are readily observed by unaided visual examination.

F. OUTDOOR: Any location within the City of Corning that is not within a fully enclosed and secure structure.

G. LEGAL PARCEL: Any parcel of real property that may be separately sold in compliance with the Subdivision Map Act (Division 2, commencing with Section 66410, of Title 7 of the Government Code).

H. PREMISES. A single, legal parcel of property. Where contiguous legal parcels are under common ownership or control, such contiguous legal parcels shall be counted as a single "premises" for purposes of this chapter.

I. REAR YARD. As defined in Section 17.06.560 of the Corning Municipal Code.

J. SOLID FENCE. A six foot high structure, constructed with material approved by the Building Official that prevents viewing the contents from one side to the other.

K. SCHOOL. An institution of learning for minors, whether public or private, offering regular course of instruction for children attending kindergarten, elementary school, middle or junior high school or senior high school. A residence that provides home schooling and preschool or daycare centers are not included in this definition.

L. PRIMARY CAREGIVER: A "primary caregiver" as defined in Health and Safety Code section 11362.7(d).

M. QUALIFIED PATIENT: A "qualified patient" as defined in Health and Safety Code section 11362.7(f).

N. RESIDENTIAL STRUCTURE: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation as required by the building code.

**17.64.030. Cultivation of Medical Marijuana:** The following regulations shall apply to the cultivation of medical marijuana as allowed pursuant to Proposition 215 and Senate Bill 420.

A. Cultivation of medical marijuana shall only be conducted by verifiable qualified patients or primary caregivers as defined in the California Health and Safety Code.

B. Outdoor Cultivation: It is hereby declared to be unlawful for any person owning, leasing, occupying, or having charge or possession of any legal parcel or premises within any zoning district in the City of Corning to cause or allow such parcel or premises to be used for the outdoor cultivation of marijuana plants.

C. Residential Structure Cultivation: It is hereby declared to be unlawful for any person to cultivate marijuana in any residential structure, occupied or not. It is hereby declared to be unlawful for any person to cultivate marijuana on any legal parcel or premises containing two or more attached or detached residential structures.

D. Cultivation in non-residential zones: Cultivation of medical marijuana on any parcel that is not zoned residential must obtain a conditional use permit approved by the Planning Commission prior to the commencement of cultivation.

E. Proximity to Schools: It is hereby declared to be unlawful to cultivate medical marijuana on any legal parcel or premises within 1000 feet of a school as defined in this chapter. The 1000 foot distance shall be measured from the closet property line of the school to the closet property line of the cultivation parcel.

F. Cultivation Area: It is hereby declared to be unlawful for any person or persons owning, leasing, occupying, or having charge or possession of any legal parcel or premises within any zoning district in the City of Corning to cultivate medical marijuana, within a detached structure that meets the requirements for cultivation as described in this chapter, an area or areas larger than 120 square feet in size.

G Indoor Cultivation in residential zones: The indoor cultivation of medical marijuana in a residential zone must be conducted within a detached fully enclosed secure structure and shall conform to the following standards:

- 1) Any detached structure, regardless of square footage, constructed, altered or used for the cultivation of medical marijuana must obtain a building permit from the Building Official. Cultivation within this detached structure may not commence without final approval of the Building Official, Planning Director and Chief of Police.
- 2) Indoor grow lights shall not exceed 1200 watts and comply with the California Building, Electrical and Fire Codes as adopted by the City of Corning. Gas products (CO<sub>2</sub>, Butane, Propane, Natural Gas, etc) or generators may not be used within a detached structure used for the cultivation of medical marijuana.
- 3) Any detached structure used for the cultivation of medical marijuana must install a ventilation system that will prevent marijuana plant odors from exiting the interior of the structure and that shall comply with the California Building Code Section 402.3 Mechanical Ventilation. The ventilation system must be approved by the Building Official and installed prior to commencing cultivation within the detached structure.
- 4) A detached structure used for the cultivation of marijuana must be located in the rear yard area of a legal parcel or premises, maintain a minimum ten (10) foot setback from any property line, and the area surrounding the structure must be enclosed by a six (6) foot high solid fence. If the entire rear yard area is fenced by a six foot high solid fence, and access from the side yards are fenced by a six foot high solid fence that will suffice for the fencing requirement.

- 5) Adequate mechanical or electronic security systems approved by the Building Official and Chief of Police must be installed in and around the detached structure prior to the commencement of cultivation.
- 6) Prior to commencing cultivation, and upon annual renewal of a qualified patients physicians recommendation, the person(s) owning, leasing, occupying, or having charge or possession of any legal parcel or premises where a detached structure is used for the cultivation of marijuana must register with the Corning Planning Department. The following information will be required with the annual registration:
  - A. A notarized signature from the landowner consenting to the cultivation of marijuana within a detached structure on a legal parcel or premises. The City will supply the letter of consent for signature by the landowner.
  - B. The name of each person, owning, leasing, occupying, or having charge of any legal parcel or premises where marijuana will be cultivated.
  - C. The name of each qualified patient or primary caregiver who participates in the cultivation, either directly or by providing reimbursement for marijuana or the services provided in conjunction with the provision of that marijuana.
  - D. The original current valid medical recommendation or State issued medical marijuana card for each qualified patient identified as required above, and for each qualified patient for whom any person identified as required above is the primary caregiver.
  - E. The physical site address of where the marijuana will be cultivated.
  - F. A signed consent form authorizing city staff, including the police department, authority to do a notified inspection of the detached structure used for the cultivation of marijuana. The City will supply the letter of consent for signature.

The information contained within the registration material shall be received in confidence, and shall be used or disclosed only for purposes of administration of this ordinance or State law, or as otherwise required by law.

#### **17.64.040 Non-Conforming Use**

Non-Conforming Cultivation : Any parcel or premises that was used for the cultivation of medical marijuana by a qualified patient or caregiver and had marijuana plants established and growing by March 12, 2010 and does not meet the requirements of this section shall be allowed to continue cultivation activities as established in accordance with regulations for non-conforming land uses in Section 17.52.010 of the Corning Municipal Code until December 31, 2010 at which time Section 17.52.010 will no longer be applicable and any non-conforming cultivation must cease and future cultivation of medical marijuana must comply with this chapter.

**17.64.050 Enforcement:**

A. Public Nuisance: The violation of this section is hereby declared to be a public nuisance.

B. Abatement: A violation of this section may be abated by the city attorney by the prosecution of a civil action for injunctive relief and by the summary abatement procedure set forth in subsection C of this section.

C. Summary Abatement Procedure:

a. The Chief of Police, Building Official, Planning Director, or a designee (hereafter, the "enforcement official"), are hereby authorized to order the abatement of any violation of this section by issuing a notice to abate. The notice shall:

Describe the location of and the specific conditions which represent a violation of this section and the actions required to abate the violation.

(2) Describe the evidence relied upon to determine that a violation exists, provided that the enforcement official may withhold the identity of a witness to protect the witness from injury or harassment, if such action is reasonable under the circumstances.

(3) State the date and time by which the required abatement actions must be completed.

(4) State that to avoid the civil penalty provided in subsection C.a.(8) of this section and further enforcement action, the enforcement official must receive consent to inspect the premises where the violation exists to verify that the violation has been abated by the established deadline.

(5) State that the owner or occupant of the property where the violation is located has a right to appeal the notice by filing a written notice of appeal with the city clerk by no later than three (3) business days from the service of the notice. The notice of appeal must include an address, telephone number, fax number, if available, and e-mail address, if available. The city may rely on any of these for service or notice purposes. If an adequate written appeal is timely filed, the owner or occupant will be entitled to a hearing as provided in subsection E. of this section.

(6) State that the order to abate the violation becomes final if a timely appeal is not filed or upon the issuance of a written decision after the appeal hearing is conducted in accordance with subsection E. of this section.

(7) State that a final order of abatement may be enforced by application to the superior court for an inspection and/or abatement warrant or other court order.

(8) State that a final order to abate the nuisance will subject the property owner and the occupant to a civil penalty of five hundred dollars (\$500.00) for each day that the violation continues after the date specified in the notice under subsection C.a.(3) of this section, when the violation must be abated. The penalty may be recovered through an ordinary civil action, or in connection with an application for an inspection or nuisance abatement warrant.

(9) State that in any administrative or court proceeding to enforce the abatement order the prevailing party is entitled to recover reasonable attorney fees from the other party or parties to the action, if the city elects, at the initiation of an individual action or proceeding, to seek recovery of its own attorney fees. In no action, administrative proceeding, or special proceeding shall an award of attorney fees to a prevailing party exceed the amount of reasonable attorney fees incurred by the city in the action or proceeding.

D. The notice described in subsection C.a. of this section shall be served in the same manner as summons in a civil action in accordance with article 3 (commencing with section 415.10) of chapter 4 of title 5 of part 2 of the Code of Civil Procedure, or by certified mail, return receipt requested, at the option of the city. If the owner of record, after diligent search cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten (10) days and publication thereof in a newspaper of general circulation pursuant to Government Code section 6062.

E. Not sooner than five (5) business days after a notice of appeal is filed with the city clerk, a hearing shall be held before the city administrator or a hearing officer designated by the city administrator to hear such appeals. The appellant shall be given notice of the date, time and place of the hearing not less than five (5) days in advance. The notice may be given by telephone, fax, e-mail, personal service or posting on the property. At the hearing, the enforcement official shall present evidence of the violation, which may include, but is not limited to, incident and police reports, witness statements, photographs, and the testimony of witnesses. The property owner and the occupant of the property where the violation is alleged to exist shall have the right to present evidence and argument in their behalf and to examine and cross examine witnesses. The property owner and property occupant are entitled at their own expense to representation of their choice. At the conclusion of the hearing, the city administrator or hearing officer shall render a written decision which may be served by regular first class mail on the appellants.

F. A final order to abate the nuisance will subject the property owner or owners and any occupant or occupants of the property who are cultivating marijuana in violation of this section to a civil penalty of five hundred dollars (\$500.00) for each day that the violation continues after the date specified in the notice under subsection C.a.(3) of this section, when the violation must be abated. The enforcement official or the city administrator or hearing officer hearing an appeal pursuant to subsection C.a.(5) of this section may reduce the daily rate of the civil penalty for good cause. The party subject to the civil penalty shall have the burden of establishing good cause, which may include, but is not limited to, a consideration of the nature and severity of the violation, whether it is a repeat offense, the public nuisance impacts caused by the violation, and the violator's ability to pay. The daily penalty shall continue until the violation is abated. The penalty may be recovered through an ordinary civil action, or in connection with an application for an inspection or nuisance abatement warrant.

G. Violation: Cultivation of marijuana on parcels within the city that does not comply with this section constitutes a violation of the zoning ordinance and is subject to the penalties and enforcement as provided in subsections C.a.(8) and F. of this chapter.

H. Penalties Not Exclusive: The remedies and penalties provided herein are cumulative, alternative and nonexclusive. The use of one does not prevent the use of any others and none of these penalties and remedies prevent the city from using any other remedy at law or in equity which may be available to enforce this section or to abate a public nuisance.

\* \* \* \* \*

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:

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

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

**EXHIBIT "C"**  
**EMAILS STAFF RECEIVED AS FOLLOWS**

May 31, 2011 – Sharon Novak  
June 2, 2011 – Michael Weiss  
June 4, 2011 - Ken Prather  
June 4, 2011 - Ken Prather  
June 4, 2011 - Ken Prather  
June 6 , 2011 - Ken Prather

## John Stoufer

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**From:** Sharon Novak [ysharose@yahoo.com]  
**Sent:** Tuesday, May 31, 2011 11:32 PM  
**To:** John Stoufer  
**Subject:** Medical Marijuana Input

Dear Mr. Stoufer,

Thank you for taking the time to read this email. Feel free to reply if you have any questions or care to explain why you support or are considering supporting the current policy of assembly prohibition.

After what happened to the Prather's, I don't expect many of the hundreds of THC members to speak out. Many are old, sick, and or disabled, have no energy for such fights and no money for lawyers. They are afraid of what appears to be persecution of anyone willing to stand up and speak out in public.

When I first came to California over 30 years ago, I worked as a nurse's aid on a "Life Acceptancy" unit (cancer/terminal ward) Being responsible for the most intimate care of dying people made me bear witness to terrible suffering. This and other suffering can be relieved by medical marijuana. Those who do not believe or understand this owe it to themselves to get educated about the benefits that medical science, doctors and the majority of voters in California support. My faith tells me that if we are to be our best as God intended for us we must show and act with compassion towards all, especially the sick and disabled.

The current and trending County and City policy of only allowing patients to grown on their own is not realistic for those who are sick, disabled or horticulturally impaired.

I hope that the County and the City of Corning find a way to work with the local Medicinal Marijuana community to bring safe access and legal access for local patients.

Since THC closed in Corning, there is now more illegal activity on the streets of Corning including sales from NON Medical providers who are selling Marijuana to ANYONE, including CHILDREN.

Furthermore, the closing of THC has caused unfair hardships to patients, who now have to either get their medicine from illegal sources or endure the travel to Redding. Due to the safety, comfort and high price of gas, neither of these are good options for people who are elderly, or who have Cancer, chronic pain, nausea and mobility issues etc.

Perhaps a more remote site with less juvenile activity could be found elsewhere, maybe by the South Ave Exit. Many members of the THC collective are parents and grandparents, and I am sure that they too want their medicine, like all medicine to be controlled and regulated. In the year and a half that THC was on Solano Avenue, there were no incidents of children being able to obtain or even see any medicine. Entry to Tehama Herbal Collective, or any reputable clinic is dependent on verification of Doctor's recommendation AND a California state issued ID or Driver's license. Identification is, and should be checked EVERY time to check verification date and track medicine consumption. It is possible for security to be linked directly to Corning PD if the City and the Collective choose to do so.

The majority of the people I know who use Marijuana as medicine are either elderly, disabled or hard working people who for whatever reasons they have, chose Marijuana to augment, or instead of prescription or over the counter medications. Many times I've heard people express anger because they believe that there are "fakers" who have bogus recommendations and are using their medicine for recreation not actual physical ailments. This may be so, but it is the DOCTORS not THC or the other collectives that are responsible for this. To punish the collectives instead of working with the state to direct the doctors to refine their criteria makes no sense, and is not fair nor effective.

Those who for whatever reason just don't want to allow medical marijuana – I feel for you as there are many things that we as all don't want to see, yet somehow must tolerate. I hope that you can open your hearts to accepting that Compassionate Use is legal in California. Please input in a constructive way to make Medical Marijuana access in Tehema County comply to state law as well as be controlled in a fashion that is profitable and safe for the community.

Best wishes,  
Sharon Novak

## John Stoufer

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**From:** Michael L. Weiss [mlw@mishafarms.us]  
**Sent:** Thursday, June 02, 2011 8:44 PM  
**To:** linnets@dm-tech.net; ddickison7@sbcglobal.net; jleach@dm-tech.com; jstoufer@corning.org; gcstrack@sbcglobal.net; toniparkins@sbcglobal.net  
**Cc:** ken prather  
**Subject:** Vote on the Medicinal Marijuana Dispensary

Dear Corning Council,

I am writing in hopes that you will truly consider allowing a Medicinal Marijuana Dispensary in the city of Corning.

I believe that the hardships caused to patients by not having a local dispensary outweigh the risks that you perceive in having one.

In the 1 1/2 years that THC was open in Corning, There was not one issue of crime, violence or a child gaining access to marijuana. The members of THC acted professionally, legally and compassionately at all times. The benefits to both the patients and the community was easy to see, In providing safe access to medicine to the patients and other alternative (non-traditional) options (massage, bio-feedback, support groups) and the monetary benefit to Corning and the state of California.

It was a shame that THC was shutdown down. I understand how the city didn't want the dispensary on Main street. But the city didn't provide any options. Maybe there are options that the city could consider at this point?

After THC was shutdown the illegal sales of marijuana went up, The people who are willing to sell marijuana illegally don't care about not selling it to children or where they sell it, and it causes the patients who cannot get transportation to remote dispensaries, to more then likely get their medicine illegally as well.

The people of California passed a law to provide access to medical marijuana and the state senate pass a bill to this end. Here are some links to information on county and city guidelines which include information on and other links to SB 420 and the California Attorney General own guidelines.

<http://www.chrisconrad.com/expert.witness/sb420-03.htm>

[http://ag.ca.gov/cms\\_attachments/press/pdfs/n1601\\_medicalmarijuanaguidelines.pdf](http://ag.ca.gov/cms_attachments/press/pdfs/n1601_medicalmarijuanaguidelines.pdf)

<http://www.safeaccessnow.net/countyguidelines.htm>

I know that some of your concerns are valid and some I think are not.

One of them, The concern

of "Selling" is covered in the guidelines. You cannot Sell Marijuana, But you can get reimbursed for any materials and labor use to produce and provide the medicine. In fact the state board of equalization issued a special notice confirming its policy of taxing medical marijuana transactions, as well as its requirement that businesses engaging in such transactions hold a Seller's Permit.

I believe that some of you think that all medicinal use of marijuana is just a cover for people who want to get "high", and while there are people who just want to get "high", I believe that the majority of people involved with medical marijuana have actual medical issues that it helps. I know some of you have had family members that have used medical marijuana and it has helped them. Legally it is the job of the doctors to weed out the people who want to just get "high" not yours nor the dispensaries.

It is the job of the dispensary to make sure that anyone who comes to them for safe, legal, access, has a valid and current recommendation, that the doctor who provided this recommendation has a valid and current license to practice in CA. and that the person presenting the recommendation is who they say they are (valid CA drivers license or ID).

THC was doing these things. And I know that just before they were shut down, they had upgraded to a computerized system to provide a better and more accurate way of doing this.

I am sure that THC or another dispensary would be willing to work with you to make sure that most if not all of your concerns were addressed.

Again, please look into your hearts and truly and fairly consider allowing a Medicinal Marijuana Dispensary in Corning. I believe that it will help both the patients and community.

Thank you for reading this. Please feel free to contact me if you would like to discuss this further.

Michael Weiss

## John Stoufer

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**From:** ken prather [tehamaherbal@att.net]  
**Sent:** Saturday, June 04, 2011 8:25 AM  
**To:** gcstrack@sbcglobal.net; toni parkins; john leach; Dave Linnets; Darlene  
**Cc:** john stoufer  
**Subject:** info : VA

Hello everyone

I was shocked when a friend told me Dave posted a letter in the Corning paper asking for input on this topic.

"A bold move" not knowing what people might input that may or may not support the action of the city staff.

I even got online and created a login to comment.... My name did not appear because I thought I was making up a login name and it was a screen name. I'm sure you can tell which post was mine as it contains actual items from prop 215.

On another note:

A member who is a veteran and suffers from PTSD has been using medical marijuana for his condition. He believes this will help you allow him local access to medicine. His VA doctor provided him the info of a civilian doctor who would recommend it for him when he could not due to Federal law.

Unfortunately this member wishes to keep his identity and medical problems "private". He has provided the article & link below so you can access the whole story which includes this letter.

There is also a blog for Veterans who use marijuana as medicine.

VA article : [www.vawatchdog.org/09/nf09/nfmay09/nf052809-2.htm](http://www.vawatchdog.org/09/nf09/nfmay09/nf052809-2.htm)

"Our priority to provide quality health care to veterans remains steadfast. A veteran's care and the right to pain management continue to be very important in enhancing the veteran's health care outcomes."

The Saginaw News -

Doctors have been left to decide who "truelly needs" medical marijuana.

Even VA (Federally employed) doctors who are restricted from personally providing it are finding a way for patients to gain access to marijuana as long as they follow State Law and keep it off Federal Property.

Please take this info and have compassion for those of us who do "truelly need it" for relief of symptoms caused by injuries, sickness, mental disorders, and for those facing certain death by cancer or other deseases that are debilitating like MS Citizens who use marijuana as medicine in Corning need your help to ensure the right to pain management that enhances their health care outcome as their doctor intended without having to travel out of town causing undue hardships in added pain travelling and the added expence to get there.

When people are forced to go elsewhere they consolidate trips out of the home for supplies, which I believe will take other revenue from local businesses to other cities.

I again ask for all of you to help

Sincerely

Ken Prather

Editor, The News:

As a clarification to the article on medical marijuana in the VA, it is important for veteran patients and visitors of the VA medical center in Saginaw and community based outpatient clinics in Alpena, Clare, Gaylord, Oscoda and Traverse City to understand how the new law regarding the use of medical marijuana will be handled by VA medical center police and practitioners. The legalization of medical marijuana in Michigan is acknowledged. However, pursuant to federal law, VA physicians, nurse practitioners and other licensed clinicians are not authorized or permitted to participate in the recommendation for treatment of or prescribing medical marijuana to a VA patient that would otherwise be legal in Michigan. Furthermore, the VA will not dispense, prescribe or store medical marijuana, and its possession on VA property remains illegal and a criminal offense.

However, it is acknowledged that testing positive for marijuana in a patient, based upon a random drug screening, will not serve as a breach of the current pain management agreement if the patient submits documentation in support of the marijuana being prescribed and dispensed in conformity with Michigan law.

The above withstanding, veteran patients and visitors who are registered users of medical marijuana must follow all laws and regulations for the possession and use of the medical marijuana and shall not bring medical marijuana on the grounds of the VA medical center. Possession on federal grounds remains illegal and may subject the possessor to appropriate criminal charges.

Our priority to provide quality health care to veterans remains steadfast. A veteran's care and the right to pain management continue to be very important in enhancing the veteran's health care outcomes.

Veterans with questions or concerns regarding their participation with medical marijuana may be directed to their primary care provider.

Gabriel Perez  
director

Lutz Veterans Affairs Medical Center  
Saginaw

## John Stoufer

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**From:** ken prather [tehamaherbal@att.net]  
**Sent:** Saturday, June 04, 2011 1:30 PM  
**To:** gcstrack@sbcglobal.net; toni parkins; john leach; Dave Linnets; Darlene  
**Cc:** john stoufer  
**Subject:** Changes in California legislation-AB 1300 amended 3/31/2011

Please read newest legislation being set into place at the state level which dictates outline for local regulation The state will not mandate local regulation- that is up to you because of territorial rights of cities/counties.

Nothing mentioned about Banning Collectives, only regulation & enforcement of regulation that is consistent with the article (SB420).

Senate Bill 420 encourages the establishment of collectives/cooperatives as a safe affordable system for patients to acquire marijuana.

[http://info.sen.ca.gov/pub/11-12/bill/asm/ab\\_1251-1300/ab\\_1300\\_bill\\_20110331\\_amended\\_asm\\_v98.html](http://info.sen.ca.gov/pub/11-12/bill/asm/ab_1251-1300/ab_1300_bill_20110331_amended_asm_v98.html)

BILL NUMBER: AB 1300 AMENDED  
BILL TEXT

AMENDED IN ASSEMBLY MARCH 31, 2011

INTRODUCED BY Assembly Member Blumenfield

FEBRUARY 18, 2011

An act to amend Section 11362.768 Sections 11362.7, 11362.76, and 11362.83 of the Health and Safety Code, relating to medical marijuana.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1300, as amended, Blumenfield. Medical marijuana.

Existing law establishes the Medical Marijuana Program to exempt certain qualified patients who hold an identification card issued pursuant to the program, and the caregivers of those persons from certain state criminal sanctions related to the possession, cultivation, transportation, processing, or use of limited amounts of marijuana, as specified. The program prohibits certain entities, including a medical marijuana cooperative or collective, from being located within a 600-foot radius of a school. Existing law also specifically provides that these provisions governing the program do not prevent a city or other local governing body from adopting and enforcing laws consistent with the program.

This bill would define a cooperative or collective for purposes of the program. The bill would also revise the latter provision described above to additionally provide that these provisions shall not prevent a city or other local governing body from adopting local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective, or from the civil or criminal enforcement of those local ordinances.

Existing law prohibits a medical marijuana cooperative, collective, dispensary, operator, establishment, or provider authorized by law to possess, cultivate, or distribute medical marijuana that has a storefront or mobile retail outlet which ordinarily requires a local business license from being located within a 600-foot radius of any public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, except as specified.

Existing law provides that nothing in these provisions prohibits a city, county, or city and county from adopting ordinances that further restrict the location or establishment of these medical marijuana establishments.

This bill would make a technical, nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 11362.7 of the Health and Safety Code is amended to read:

11362.7. For purposes of this article, the following definitions shall apply:

(a) "Attending physician" means an individual who possesses a license in good standing to practice medicine or osteopathy issued by the Medical Board of California or the Osteopathic Medical Board of California and who has taken responsibility for an aspect of the medical care, treatment, diagnosis, counseling, or referral of a patient and who has conducted a medical examination of that patient before recording in the patient's medical record the physician's assessment of whether the patient has a serious medical condition and whether the medical use of marijuana is appropriate.

(b) "Cooperative or collective," for purposes of this article, means a location where qualified patients, persons with a valid identification card, or the designated primary caregivers of qualified patients and persons with identification cards associate within this state in order to collectively or cooperatively cultivate marijuana for medical purposes.

(b)

(c) "Department" means the State Department of Public Health Services .

(c)

(d) "Person with an identification card" means an individual who is a qualified patient who has applied for and received a valid identification card pursuant to this article.

(d)

(e) "Primary caregiver" means the individual, designated by a qualified patient or by a person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person, and may include any of the following:

(1) In any case in which a qualified patient or person with an identification card receives medical care or supportive services, or both, from a clinic licensed pursuant to Chapter 1 (commencing with Section 1200) of Division 2, a health care facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 (commencing with Section

1568.01) of Division 2, a residential care facility for the elderly licensed pursuant to Chapter 3.2 (commencing with Section 1569) of Division 2, a hospice, or a home health agency licensed pursuant to Chapter 8 (commencing with Section 1725) of Division 2, the owner or operator, or no more than three employees who are designated by the owner or operator, of the clinic, facility, hospice, or home health agency, if designated as a primary caregiver by that qualified patient or person with an identification card.

(2) An individual who has been designated as a primary caregiver by more than one qualified patient or person with an identification card, if every qualified patient or person with an identification card who has designated that individual as a primary caregiver resides in the same city or county as the primary caregiver.

(3) An individual who has been designated as a primary caregiver by a qualified patient or person with an identification card who resides in a city or county other than that of the primary caregiver, if the individual has not been designated as a primary caregiver by any other qualified patient or person with an identification card.

(e)

(f) A primary caregiver shall be at least 18 years of age, unless the primary caregiver is the parent of a minor child who is a qualified patient or a person with an identification card or the primary caregiver is a person otherwise entitled to make medical decisions under state law pursuant to Sections 6922, 7002, 7050, or 7120 of the Family Code.

(f)

(g) "Qualified patient" means a person who is entitled to the protections of Section 11362.5, but who does not have an identification card issued pursuant to this article.

(g)

(h) "Identification card" means a document issued by the State Department of Health Services department that document identifies a person authorized to engage in the medical use of marijuana and the person's

s designated primary caregiver, if any.

(h)

(i) "Serious medical condition" means all of the following medical conditions:

(1) Acquired immune deficiency syndrome (AIDS).

(2) Anorexia.

(3) Arthritis.

(4) Cachexia.

(5) Cancer.

(6) Chronic pain.

(7) Glaucoma.

(8) Migraine.

(9) Persistent muscle spasms, including, but not limited to, spasms associated with multiple sclerosis.

(10) Seizures, including, but not limited to, seizures associated with epilepsy.

(11) Severe nausea.

(12) Any other chronic or persistent medical symptom that either:

(A) Substantially limits the ability of the person to conduct one or more major life activities as defined in the Americans with Disabilities Act of 1990 (Public Law 101-336).

(B) If not alleviated, may cause serious harm to the patient's safety or physical or mental health.

(i)

(j) "Written documentation" means accurate reproductions of those portions of a patient's medical records that have been created by the attending physician, that contain the information required by paragraph (2) of subdivision (a) of Section 11362.715, and that the patient may submit to a county health department or the county's designee as part of an application for an identification card.

SEC. 2. Section 11362.76 of the Health and Safety Code is amended to read:

11362.76. (a) A person who possesses an identification card shall:

(1) Within seven days, notify the county health department or the county's designee of any change in the person's attending physician or designated primary caregiver, if any.

(2) Annually submit to the county health department or the county's designee the following:

(A) Updated written documentation of the person's serious medical condition.

(B) The name and duties of the person's designated primary caregiver, if any, for the forthcoming year.

(b) If a person who possesses an identification card fails to comply with this section, the card shall be deemed expired. If an identification card expires, the identification card of any designated primary caregiver of the person shall also expire.

(c) If the designated primary caregiver has been changed, the previous primary caregiver shall return his or her identification card to the department or to the county health department or the county's designee.

(d) If the owner or operator or an employee of the owner or operator of a provider has been designated as a primary caregiver pursuant to paragraph (1) of subdivision (d)

(e) of Section 11362.7, of the qualified patient or person with an identification card, the owner or operator shall notify the county health department or the county's designee, pursuant to Section 11362.715, if a change in the designated primary caregiver has occurred.

SEC. 3. Section 11362.83 of the Health and Safety Code is amended to read:

11362.83. Nothing in this article shall prevent a city or other local governing body from adopting and enforcing any of the following:

(a) Adopting local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective.

(b) The civil and criminal enforcement of local ordinances described in subdivision (a). laws

(c) Enactin g other laws consistent with this article.

SECTION 1. Section 11362.768 of the Health and Safety Code is amended to read:

11362.768. (a) This section shall apply to individuals specified in subdivision (b) of Section 11362.765.

(b) No medical marijuana cooperative, collective, dispensary, operator, establishment, or provider who possesses, cultivates, or distributes medical marijuana pursuant to this article shall be located within a 600-foot radius of a school.

(c) The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the school to the closest property line of the lot on which the medical marijuana cooperative, collective, dispensary, operator, establishment, or provider is to be located without regard to intervening structures.

(d) This section shall not apply to a medical marijuana cooperative, collective, dispensary, operator, establishment, or provider that is also a licensed residential medical or elder care facility.

(e) This section shall apply only to a medical marijuana cooperative, collective, dispensary, operator, establishment, or provider that is authorized by law to possess, cultivate, or distribute medical marijuana and that has a storefront or mobile retail outlet that ordinarily requires a local business license.

(f) Nothing in this section shall prohibit a city, county, or city and county from adopting ordinances or policies that further restrict the location or establishment of a medical marijuana cooperative, collective, dispensary, operator, establishment, or provider.

(g) Nothing in this section shall preempt local ordinances, adopted prior to January 1, 2011, that regulate the location or establishment of a medical marijuana cooperative, collective, dispensary, operator, establishment, or provider.

(h) For the purposes of this section, "school" means any public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

## John Stoufer

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**From:** ken prather [tehamaherbal@att.net]  
**Sent:** Saturday, June 04, 2011 1:54 PM  
**To:** gcstrack@sbcglobal.net; toni parkins; john leach; Dave Linnets; Darlene  
**Cc:** john stoufer  
**Subject:** revised version with changes AB 1300

The only entities prohibited from the state medical marijuana program are those that establish within 600 feet of a school.

This bill also "defines" collectives and cooperatives for the purposes of the program & restates that existing state law already

allows you to establish local regulation that is consistent with the program..  
Bans are not mentioned anywhere.

BILL NUMBER: AB 1300 AMENDED BILL TEXT AMENDED IN ASSEMBLY MARCH 31, 2011 INTRODUCED BY Assembly Member Blumenfield FEBRUARY 18, 2011 An act to amend Section 11362.768 Sections 11362.7, 11362.76, and 11362.83 of the Health and Safety Code, relating to medical marijuana.

LEGISLATIVE COUNSEL'S DIGEST AB 1300, as amended, Blumenfield. Medical marijuana. Existing law establishes the Medical Marijuana Program to exempt certain qualified patients who hold an identification card issued pursuant to the program, and the caregivers of those persons from certain state criminal sanctions related to the possession, cultivation, transportation, processing, or use of limited amounts of marijuana, as specified. The program prohibits certain entities, including a medical marijuana cooperative or collective, from being located within a 600-foot radius of a school. Existing law also specifically provides that these provisions governing the program do not prevent a city or other local governing body from adopting and enforcing laws consistent with the program. This bill would define a cooperative or collective for purposes of the program. The bill would also revise the latter provision described above to additionally provide that these provisions shall not prevent a city or other local governing body from adopting local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective, or from the civil or criminal enforcement of those local ordinances.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:SECTION 1. Section 11362.7 of the Health and Safety Code is amended to read: 11362.7.

(a) "Attending physician" means an individual who possesses a license in good standing to practice medicine or osteopathy issued by the Medical Board of California or the Osteopathic Medical Board of California and who has taken responsibility for an aspect of the medical care, treatment, diagnosis, counseling, or referral of a patient and who has conducted a medical examination of that patient before recording in the patient's medical record the physician's assessment of whether the patient has a serious medical condition and whether the medical use of marijuana is appropriate. (b) "Cooperative or collective,"

for purposes of this article, means a location where qualified patients, persons with a valid identification card, or the designated primary caregivers of qualified patients and persons with identification cards associate within this state in order to collectively or cooperatively cultivate marijuana for medical purposes. (b) (d) (e) (g) (i) SEC. 2. Section 11362.76 of the Health and Safety Code is amended to read:

(1) Within seven days, notify the county health department or the county's designee of any change in the person's attending physician or designated primary caregiver, if any.

(2) Annually submit to the county health department or the county's designee the following:

(A) Updated written documentation of the person's serious medical condition. (B) The name and duties of the person's designated primary caregiver, if any, for the forthcoming year. (b) If a person who possesses an identification card fails to comply with this section, the card shall be deemed expired. If an identification card expires, the identification card of any

designated primary caregiver of the person shall also expire. (c) If the designated primary caregiver has been changed, the previous primary caregiver shall return his or her identification card to the department or to the county health department or the county's designee. (d) If the owner or operator or an employee of the owner or operator of a provider has been designated as a primary caregiver pursuant to paragraph (1) of subdivision (d) SEC. 3. Section 11362.83 of the Health and Safety Code is amended to read:

(b) The civil and criminal enforcement of local ordinances described in subdivision (a).

11362.83. Nothing in this article shall prevent a city or other local governing body from adopting and enforcing any of the following: laws (c) Enacting other laws

SECTION 1. Section 11362.768 of the Health and Safety Code is amended to read: 11362.768. (a) This section shall apply to individuals specified in subdivision (b) of Section 11362.765. (b) No medical marijuana cooperative, collective, dispensary, operator, establishment, or provider who possesses, cultivates, or distributes medical marijuana pursuant to this article shall be located within a 600-foot radius of a school. (c) The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the school to the closest property line of the lot on which the medical marijuana cooperative, collective, dispensary, operator, establishment, or provider is to be located without regard to intervening structures. (d) This section shall not apply to a medical marijuana cooperative, collective, dispensary, operator, establishment, or provider that is also a licensed residential medical or elder care facility. (e) This section shall apply only to a medical marijuana cooperative, collective, dispensary, operator, establishment, or provider that is authorized by law to possess, cultivate, or distribute medical marijuana and that has a storefront or mobile retail outlet that ordinarily requires a local business license. (f) Nothing in this section shall prohibit a city, county, or city and county from adopting ordinances or policies that further restrict the location or establishment of a medical marijuana cooperative, collective, dispensary, operator, establishment, or provider. (g) Nothing in this section shall preempt local ordinances, adopted prior to January 1, 2011, that regulate the location or establishment of a medical marijuana cooperative, collective, dispensary, operator, establishment, or provider. (h) For the purposes of this section, "school" means any public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

consistent with this article

(a) Adopting local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective. (e) of Section 11362.7, of the qualified patient or person with an identification card, the owner or operator shall notify the county health department or the county's designee, pursuant to Section 11362.715, if a change in the designated primary caregiver has occurred. 11362.76. (a) A person who possesses an identification card shall:(j) "Written documentation" means accurate reproductions of those portions of a patient's medical records that have been created by the attending physician, that contain the information required by paragraph (2) of subdivision (a) of Section 11362.715, and that the patient may submit to a county health department or the county's designee as part of an application for an identification card. (h) "Identification card" means a document issued by the State Department of Health Services department that document identifies a person authorized to engage in the medical use of marijuana and the person's designated primary caregiver, if any. (h) (i) "Serious medical condition" means all of the following medical conditions: (1) Acquired immune deficiency syndrome

(AIDS). (2) Anorexia. (3) Arthritis. (4) Cachexia. (5) Cancer. (6) Chronic pain. (7) Glaucoma. (8) Migraine. (9) Persistent muscle spasms, including, but not limited to, spasms associated with multiple sclerosis. (10) Seizures, including, but not limited to, seizures associated with epilepsy. (11) Severe nausea. (12) Any other chronic or persistent medical symptom that either: (A) Substantially limits the ability of the person to conduct one or more major life activities as defined in the Americans with Disabilities Act of 1990 (Public Law 101-336). (B) If not alleviated, may cause serious harm to the patient's safety or physical or mental health. (f) A primary caregiver shall be at least 18 years of age, unless the primary caregiver is the parent of a minor child who is a qualified patient or a person with an identification card or the primary caregiver is a person otherwise entitled to make medical decisions under state law pursuant to Sections 6922, 7002, 7050, or 7120 of the Family Code. (f) (g) "Qualified patient" means a person who is entitled to the protections of Section 11362.5, but who does not have an identification card issued pursuant to this article. (e) "Primary caregiver" means the individual, designated by a qualified patient or by a person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person, and may include any of the following: (1) In any case in which a qualified patient or person with an identification card receives medical care or supportive services, or both, from a clinic licensed pursuant to Chapter 1 (commencing with Section 1200) of Division 2, a health care facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 (commencing with Section 1568.01) of Division 2, a residential care facility for the elderly licensed pursuant to Chapter 3.2 (commencing with Section 1569) of Division 2, a hospice, or a home health agency licensed pursuant to Chapter 8 (commencing with Section 1725) of Division 2, the owner or operator, or no more than three employees who are designated by the owner or operator, of the clinic, facility, hospice, or home health agency, if designated as a primary caregiver by that qualified patient or person with an identification card. (2) An individual who has been designated as a primary caregiver by more than one qualified patient or person with an identification card, if every qualified patient or person with an identification card who has designated that individual as a primary caregiver resides in the same city or county as the primary caregiver. (3) An individual who has been designated as a primary caregiver by a qualified patient or person with an identification card who resides in a city or county other than that of the primary caregiver, if the individual has not been designated as a primary caregiver by any other qualified patient or person with an identification card. (c) "Department" means the State Department of Public Health Services. (c) (d) "Person with an identification card" means an individual who is a qualified patient who has applied for and received a valid identification card pursuant to this article. For purposes of this article, the following definitions shall apply: Existing law prohibits a medical marijuana cooperative, collective, dispensary, operator, establishment, or provider authorized by law to possess, cultivate, or distribute medical marijuana that has a storefront or mobile retail outlet which ordinarily requires a local business license from being located within a 600-foot radius of any public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, except as specified. Existing law provides that nothing in these provisions prohibits a city, county, or city and county from adopting ordinances that further restrict the location or establishment of these medical marijuana establishments. This bill would make a technical, nonsubstantive change to these provisions. Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

**John Stoufer**

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**From:** ken prather [tehamaherbal@att.net]  
**Sent:** Monday, June 06, 2011 3:47 PM  
**To:** gcstrack@sbcglobal.net  
**Cc:** john leach; toni parkins; Dave Linnets; Darlene; john stoufer  
**Subject:** Vote 71-1 , AB 1300 passes Assembly

Hey Gary

Here is the latest legislation passed.

Can you tell me what this means for Corning & how you feel about allowing Tehama Herbal Collective to re-open?

Ken P

- - - - -  
Assembly voted on two bills AB 1017 and AB 1300

AB 1017, sponsored by Assemblymember Tom Ammiano, would have changed the penalty for marijuana cultivation from an automatic felony (if convicted) to a wobbler, giving prosecutors and judges the option to lower the charge to a misdemeanor if they felt the situation warranted it. Proposal failed 24 - 36. A motion to reconsider was granted, meaning the bill is still alive. The Assembly can revisit this bill come January 2012.

The Assembly also voted on AB 1300, a bill sponsored by Assemblymember Bob Blumenfield (D). In its original form, MPP and other allied organizations supported this bill because it clearly stated that dispensing marijuana was allowed under state law. However, the bill was gutted and that clear protection was removed, leaving intact only the language allowing localities the option to tell collectives when, where, and how they can operate. This bill passed the Assembly 71 - 1.

[http://info.sen.ca.gov/pub/07-08/bill/asm/ab\\_1251-1300/ab\\_1300\\_bill\\_20070910\\_enrolled.html](http://info.sen.ca.gov/pub/07-08/bill/asm/ab_1251-1300/ab_1300_bill_20070910_enrolled.html)  
= AB 1300

Ken P

**ITEM NO.: J-13  
REQUEST COUNCIL APPROVAL TO  
INSTALL CITY SEWER CONNECTION  
FOR SUNSWEET DRYERS LOCATED  
AT 23760 LOLETA AVE.**

**JUNE 14, 2011**

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

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



**SUMMARY:**

Sunsweet Dryers located at 23760 Loleta Avenue, Corning (APN 75-270-21) has submitted a request to connect to the city sewer main. Sunsweet Dryers already pays sewer fees to the City of Corning for an existing connection. The existing connection services the Main Office Building. The new connection would service a building that is known as their Women's Restrooms. Their Women's Restrooms have had a septic system failure and Tehama County Health Department is recommending city sewer connection.

**BACKGROUND:**

In the mid 1980's, the City Council approved the City Sewer Service Area. The Sewer Service Area was established to provide sewer service to County residents outside of the City Limits.

Sunsweet Dryers has been informed of and has agreed to pay the associated Capital Improvement Fees in the amount of \$4,642 should this connection be approved. A copy of the Development Impact Fees has been attached for Council review.

Upon Council approval, Staff will complete the required County application for an Encroachment Permit authorizing construction within County right-of-way during connection to the City sewer line.

**RECOMMENDATION:**

**MAYOR AND COUNCIL DIRECT CITY STAFF TO INSTALL SEWER CONNECTION FOR SUNSWEET DRYERS LOCATED AT 23760 LOLETA AVENUE AT A COST OF \$4,642 FOR CITY OF CORNING CONNECTION FEES.**

June 1, 2011

City of Corning  
Corning City Council  
Public Works Department  
794 Third Street  
Corning, CA 96022



RECEIVED  
JUN 06 2011  
CITY OF CORNING

Dear Mr. Brewer:

I am the interim manager of the Corning Sunsweet Dryers facility located at 23760 Loleta Avenue. At this facility is a restroom located 105 yards from the building to the street which was slated to have a septic tank replacement and new leach field. After speaking with David Brower at the Department of Environmental Health, I learned that permits will not be issued to Sunsweet Dryers for a new septic tank, and that we must tie into the city sewer system (located to the west of the restroom on Mary Avenue). Therefore, Sunsweet hereby requests permission to tie into the City of Corning sewer system on Mary Avenue.

As background, the subject restroom is a ladies room containing two toilet stalls and sinks. One additional toilet and sink are connected to the system as well. Sunsweet is a seasonal employer. During our busy season which is mid-August to mid-September, we typically employ 60 to 70 employees (approximately 20 of whom are female) and run seven days a week. Therefore, the restroom in question will be used primarily during the aforementioned four-week period. After season, the useage will drop to almost none and the restrooms on the south side of our facility will be used (the restrooms on the south side are already on the city sewer system.)

Please let me know if you have any questions or require further clarification regarding this request. I thank you in advance for your attention to this matter and look forward to a favorable and expeditious reply.

Sincerely,

Jim Larrabee  
Sunsweet Dryers Corning

CC: Corning City Council

**CITY OF CORNING-DEPT. OF PUBLIC WORKS**

**NON-RESIDENTIAL PROJECT FEES WORKSHEET**

TYPE ONLY IN GRAY SHADED CELLS-SAVE AS SHEET BY ADDRESS

|                     |                           |                  |                  |                                     |
|---------------------|---------------------------|------------------|------------------|-------------------------------------|
| <b>Applicant</b>    | Sunsweet Dryers           | <b>APN:</b>      | 75-270-21        | <b>SPECIFIC PLAN AREA?</b><br><br>N |
| <b>Site Address</b> | 23760 Loleta Ave          | <b>Date:</b>     | 7-Jun-11         |                                     |
| <b>Project</b>      | Connect Women's Restrooms | <b>Site Area</b> | 4 acres<br>1 EDU |                                     |

TYPE ONLY IN GRAY SHADED CELLS-SAVE BY ADDRESS TO P:/DEVIMPFEES/DIFWORKSHEETS

| 1. SEWER FEES                                    |                        |       |          |           |
|--|------------------------|-------|----------|-----------|
| A. SEWER CAPITAL IMPROVEMENT FEE                 |                        |       |          |           |
| USE  | METER SIZE             | EDU'S | SCIF     | TOTAL FEE |
| Commercial, Churches & Schools                   | 3/4" - 1"              | 2     | \$1,284  | \$642     |
| Commercial                                       | 1 1/2"                 | 2.5   | \$1,605  |           |
| Commercial                                       | 2"                     | 3     | \$1,926  |           |
| Commercial                                       | 3"                     | 6     | \$3,852  |           |
| Commercial                                       | 4"                     | 10    | \$6,420  |           |
| Commercial                                       | 6"                     | 36    | \$23,112 |           |
| Truck/Car Wash                                   | N/A                    | 72    | \$43,224 |           |
| All Restaurants                                  | N/A                    | 3     | \$1,926  |           |
|  | NUMBER OF SEATS/STOOLS |       |          |           |
| Bar/ per 10 seats/stools                         |                        | 1     | \$642    | \$0       |
|  | NUMBER OF ROOMS        |       |          |           |
| Hotels/Motels 1 EDU for each 3 rooms w/o kitchen |                        | 1     | \$642    | \$0       |
| Hotels/Motels 1 EDU for each 2 rooms w/kitchen   |                        | 1     | \$642    | \$0       |
| Extended Stay Motels or Hotels 1 EDU per room    |                        | 1     | \$642    | \$0       |
| <b>SUM OF SEWER CAPITAL IMP. FEES:</b>           |                        |       |          | 642       |

DEVELOPMENT IMPACT FEES

SWR 02

**CITY OF CORNING-DEPT. OF PUBLIC WORKS**

**NON-RESIDENTIAL PROJECT FEES WORKSHEET**

TYPE ONLY IN GRAY SHADED CELLS-SAVE AS SHEET BY ADDRESS

|                     |                           |                  |                  |                                     |
|---------------------|---------------------------|------------------|------------------|-------------------------------------|
| <b>Applicant</b>    | Sunsweet Dryers           | <b>APN:</b>      | 75-270-21        | <b>SPECIFIC PLAN AREA?</b><br><br>N |
| <b>Site Address</b> | 23760 Loleta Ave          | <b>Date:</b>     | 7-Jun-11         |                                     |
| <b>Project</b>      | Connect Women's Restrooms | <b>Site Area</b> | 4 acres<br>1 EDU |                                     |

DEVELOPMENT IMPACT FEES (Continued)

| <b>B. SEWER PLANT EXPANSION FEE</b>              |                               |       |           |           |
|--|-------------------------------|-------|-----------|-----------|
| USE  | METER SIZE                    | EDU'S | SPEF FEE  | TOTAL FEE |
| Commercial, Churches & Schools                   | 3/4" - 1"                     | 2     | \$8,000   | \$4,000   |
| Commercial                                       | 1 1/2"                        | 2.5   | \$10,000  |           |
| Commercial                                       | 2"                            | 3     | \$12,000  |           |
| Commercial                                       | 3"                            | 6     | \$24,000  |           |
| Commercial                                       | 4"                            | 10    | \$40,000  |           |
| Commercial                                       | 6"                            | 36    | \$144,000 |           |
| Truck/Car Wash                                   | N/A                           | 72    | \$288,000 |           |
| All Restaurants                                  | N/A                           | 3     | \$12,000  |           |
|  | <b>NUMBER OF SEATS/STOOLS</b> |       |           |           |
| Bar/ per 10 seats/stools                         |                               | 1     | 4,000     | \$0       |
|  | <b>NUMBER OF ROOMS</b>        |       |           |           |
| Hotels/Motels 1 EDU for each 3 rooms w/o kitchen |                               | 1     | \$4,000   | \$0       |
| Hotels/Motels 1 EDU for each 2 rooms w/kitchen   |                               | 1     | \$4,000   | \$0       |
| Extended Stay Motels or Hotels 1 EDU per room    |                               | 1     | \$4,000   | \$0       |
| <b>SUM OF SEWER PLANT EXPANSION FEES:</b>        |                               |       |           | 4000      |

SWR 06

| <b>2. WATER CAPITAL IMPROVEMENT FEE</b> |            |       |         |             |           |
|---|------------|-------|---------|-------------|-----------|
| USE                                     | METER SIZE | EDU'S | FEE/EDU | FEE FOR USE | TOTAL FEE |
| Commercial, Churches & Schools          | 3/4" - 1"  | 2     | \$709   | \$1,418     |           |
| Commercial                              | 1 1/2"     | 2.5   | \$709   | \$1,772.50  |           |
| Commercial                              | 2"         | 3     | \$709   | \$2,127     |           |
| Commercial                              | 3"         | 6     | \$709   | \$4,254     |           |
| Commercial                              | 4"         | 10    | \$709   | \$7,090     |           |
| Commercial                              | 6"         | 36    | \$709   | \$25,524    |           |
| Commercial Fire Connection              | 4"-6"      | 4     | \$709   | \$2,836     |           |
| <b>SUM OF WATER FEES:</b>               |            |       |         |             | 0         |

WTR 07

**CITY OF CORNING-DEPT. OF PUBLIC WORKS**

**NON-RESIDENTIAL PROJECT FEES WORKSHEET**

TYPE ONLY IN GRAY SHADED CELLS-SAVE AS SHEET BY ADDRESS

|   |   |                  |                    |                            |        |
|---|---|------------------|--------------------|----------------------------|--------|
| <b>Applicant</b>                              | Sunsweet Dryers   | <b>APN:</b>      | 75-270-21          | <b>SPECIFIC PLAN AREA?</b> |        |
| <b>Site Address</b>                           | 23760 Loleta Ave  | <b>Date:</b>     | 7-Jun-11           |                            |        |
| <b>Project</b>                                | Connect Women's Restrooms   | <b>Site Area</b> | 4 acres<br>1 EDU   |                            |        |
| <b>DEVELOPMENT IMPACT FEES</b><br>(Continued) | <b>3. DRAINAGE FACILITY FEE</b>   |                  |                    |                            | DRA 01 |
|   |   | <b>ACREAGE</b>   | <b>TOTAL FEE</b>   |                            |        |
|   | Fee based on \$3,900 per acre   |                  | 0                  |                            |        |
|   | <b>4. PARK LAND DEVELOPMENT FEE</b>   |                  |                    |                            | PLA 08 |
|   |   | <b>ACREAGE</b>   | <b>FEE PER EDU</b> | <b>TOTAL FEE</b>           |        |
|   | Fee based on 5 EDUs/acre  |                  | \$875              | \$0                        |        |
|   | <b>5. TRAFFIC MITIGATION FEE'S FOR BRIDGES, STREETS AND TRAFFIC SIGNALS</b> |                  |                    |                            | TRA 04 |
|   |   | <b>ACREAGE</b>   | <b>FEE PER EDU</b> | <b>TOTAL FEE</b>           |        |
|   | Fee based on 5 EDUs/acre  |                  | \$4,819            | \$0                        |        |
|   | <b>TOTAL DEVELOPMENT IMPACT FEES:</b>                                       |                  |                    | <b>\$4,642</b>             |        |

|   |                                       |             |                |                  |
|---|---------------------------------------|-------------|----------------|------------------|
| <b>HWY. 99-W SPECIFIC PLAN FEES</b>       | <b>HWY. 99-W ZONE OF BENEFIT FEES</b> |             |                |                  |
|   |                                       | <b>FEE</b>  | <b>ACREAGE</b> | <b>TOTAL FEE</b> |
|   | Water System Fee                      | \$1170/Acre |                | \$ -             |
|   | Sewer Sytem Fee                       | \$2020/Acre |                | \$ -             |
|   | Water Well Fee                        | \$590/Acre  |                | \$ -             |
| <b>TOTAL HWY. 99-W SPECIFIC PLAN FEES</b> |                                       |             |                | <b>\$ -</b>      |

|                         |                     |                   |                |                  |       |
|-------------------------|---------------------|-------------------|----------------|------------------|-------|
| <b>OTHER FEES</b>       | <b>OTHER FEES</b>   |                   |                |                  | ENC01 |
|                         |                     | <b>FEE/PARCEL</b> | <b>PARCELS</b> | <b>TOTAL FEE</b> |       |
|                         | Encroachment Permit | \$15              |                | \$0              |       |
| <b>SUM OF ALL FEES:</b> |                     |                   |                | <b>\$ 4,642</b>  |       |

**AMT. PAID** \_\_\_\_\_  
**BY:** \_\_\_\_\_  
**DATE PAID:** \_\_\_\_\_  
**CHECK NO.** \_\_\_\_\_

| <b>FEES SUMMARY BY FUND</b> |                    |    |               |
|-----------------------------|--------------------|----|---------------|
| <b>FUND NO.</b>             | <b>DESCRIPTION</b> |    | <b>AMOUNT</b> |
| SWR 02                      | SEWER CAP IMP      | \$ | 642.00        |
| SWR 06                      | SEWER PLANT EXP    | \$ | 4,000.00      |
| WTR 07                      | WATER CAP IMP      | \$ | -             |
| DRA 01                      | DRAINAGE           | \$ | -             |
| PLA 08                      | PARKLAND DEV       | \$ | -             |
| TRA 04                      | TRAFFIC MITIGATION | \$ | -             |

**CITY OF CORNING-DEPT. OF PUBLIC WORKS**

**NON-RESIDENTIAL PROJECT FEES WORKSHEET**

TYPE ONLY IN GRAY SHADED CELLS-SAVE AS SHEET BY ADDRESS

|                     |                           |                  |                  |                                    |
|---------------------|---------------------------|------------------|------------------|------------------------------------|
| <b>Applicant</b>    | Sunsweet Dryers           | <b>APN:</b>      | 75-270-21        | <b>SPECIFIC<br/>PLAN<br/>AREA?</b> |
| <b>Site Address</b> | 23760 Loleta Ave          | <b>Date:</b>     | 7-Jun-11         |                                    |
| <b>Project</b>      | Connect Women's Restrooms | <b>Site Area</b> | 4 acres<br>1 EDU |                                    |
|                     | 99-W SPEC PLAN            | \$               | -                |                                    |
| ENC 01              | ENC. PERMIT               | \$               | -                |                                    |
|                     | Total:                    | \$               | 4,642.00         |                                    |

ITEM NO.: J-14  
ANTICIPATING THE RETIREMENT OF  
ASSISTANT PUBLIC WORKS DIRECTOR  
CARL CRAIN AND PLAN FOR FILLING  
THAT VACANT POSITION

JUNE 14, 2011

TO: CITY COUNCIL OF THE CITY OF CORNING, CALIFORNIA

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



**SUMMARY:**

Carl Crain plans to retire from public service just after the first of the year. He will confirm that in writing once he attends his retirement meeting with CALPERS in July; about six months prior to retiring.

Carl is an invaluable employee with the rare combination of knowledge, experience and people skills that will be extremely difficult to replace. For that reason, staff seeks Council approval of a succession plan to replace the "big shoes" that Carl will vacate. That draft plan is attached for your review.

Upon recruiting, screening and selecting the most qualified applicant, the plan then provides about three months of "job-shadowing" to impart as much of Carl's experiential skills and knowledge to make for a more seamless transition.

**BACKGROUND:**

Please refer to the attached Organizational Chart for the Public Works Department. The Public Works Department has two management positions; Director and Assistant Director. While the Director is ultimately responsible for all department activities, the day to day work scheduling assignments are most efficiently addressed by the Assistant Director. That way, the Director is free to focus on the broader administrative, reporting, planning, development review, engineering coordination and budgetary responsibilities that have become increasingly time-demanding.

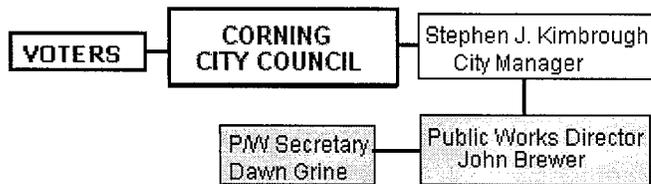
**RECOMMENDATION:**

**That the City Council:**

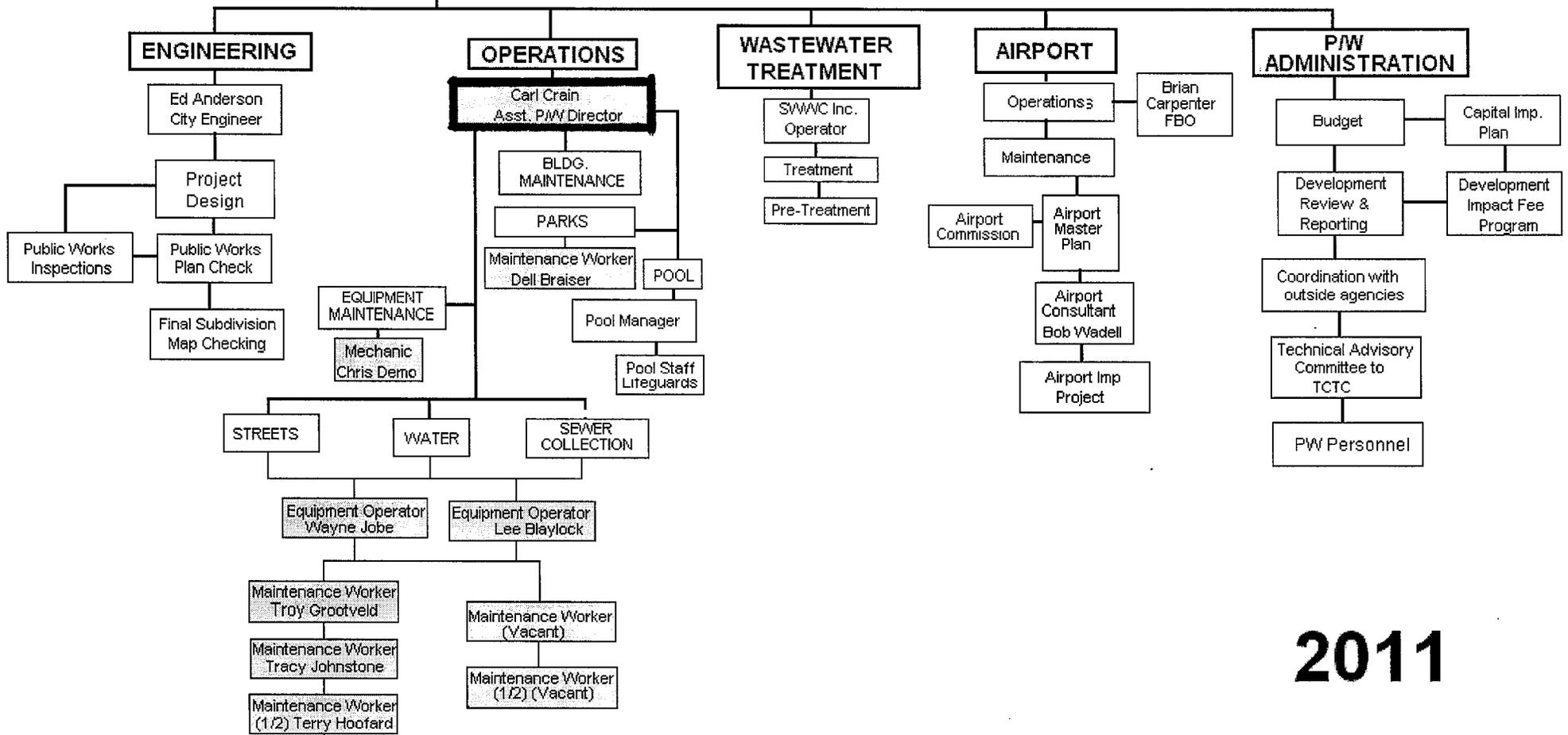
- **APPROVE THE ATTACHED DRAFT RECRUITMENT AND SUCCESSION PLAN FOR REPLACING ASSISTANT PUBLIC WORKS DIRECTOR CARL CRAIN UPON HIS RETIREMENT.**

**DRAFT RECRUITMENT AND SUCCESSION PLAN**  
**ASSISTANT PUBLIC WORKS DIRECTOR POSITION**

| <b>Date</b>      | <b>Item</b>                             | <b>Action</b>   |
|------------------|---|---|
| 6-14-2011        | Council action on replacement plan      | Upon approval-compile recruitment docs                      |
| 7-1-2011         | Advertise Job Opening                   | Receive applications  |
| 8-1-2011         | Close Applications                      | PW staff reviews applications-select 5 to 10 for interviews |
| 8-15-2011        | First Interviews                        | Professional panel-recommend 3 applicants                   |
| 8-29-2011        | Second Interview                        | Management Staff panel                                      |
| 8-29-2011        | Final Interview                         | PW Director, and City Manager panel                         |
| 9-6-2011         | Offer job                               | Successful applicant  |
| 10-1-2011        | First day for new Assistant PW Director | "On the Job" training period begins                         |
| 1-6-2012 (or so) | Carl Crain officially retires           | New Assistant PW Director "solos"                           |



# Public Works Department



# 2011

ITEM NO: J-15  
ESTABLISH MONTHLY CITY AWARDS FOR  
"BUSINESS OF THE MONTH" AND "EMPLOYER  
OF THE MONTH" AND APPOINT COMMITTEE  
TO OVERSEE AWARD SELECTIONS  
JUNE 14, 2011

TO: HONORABLE MAYOR AND COUNCILMEMBERS  
FROM: STEPHEN J. KIMBROUGH, CITY MANAGER  
LISA M. LINNET, CITY CLERK

*Steve*

*LM*

**SUMMARY:**

Councilman Linnet proposes for Council consideration the establishment of a monthly Certificate of Award Program for "Business of the Month" and "Employer of the Month" as a means to show the City's appreciation to our local business owners and their employees.

**BACKGROUND:**

Councilman Dave Linnet has proposed establishing monthly awards to show appreciation to our local business owners and their employees. The proposed awards would be for the following:

"Business of the Month" and "Employer of the Month"

Councilman Linnet has suggested the Council issue a Certificate of Appreciation once a month to one large and one small business. Certificates could only be issued to a business once per year and the suggested selection criteria are as follows:

**Employer of the Month**

(Large Business)

1. Number of Employees
2. Courteous to Customers
3. Considerate to Employees
4. Support Community organizations/youth

**Business of the Month**

(Small Business)

1. Benefit to the Community
2. Courteous to Customers
3. Considerate to Employees
4. Support Community organizations/youth

Councilman Linnet has discussed his idea for these awards with Police Chief/Chamber of Commerce Board of Directors member Tony Cardenas and Volunteer Fireman/Fire Dispatcher Rocky Peterson. Both have stated their interest in serving on a committee to initiate this award system and continue as an awards recommending committee.

**RECOMMENDATION:**

**MAYOR AND COUNCIL CONSIDER ESTABLISHING THE FOLLOWING MONTHLY CITY CERTIFICATES OF AWARD FOR:**

- BUSINESS OF THE MONTH; AND
- EMPLOYER OF THE MONTH

**STAFF FURTHER RECOMMENDS THE APPOINTMENT OF COUNCILMAN DAVE LINNET, POLICE CHIEF TONY CARDENAS AND FIRE DISPATCHER/VOLUNTEER FIREMAN ROCKY PETERSON TO SERVE ON THE AWARDS RECOMMENDATION COMMITTEE.**