



**CITY OF CORNING
SPECIAL CITY COUNCIL
CLOSED SESSION AGENDA
TUESDAY, MARCH 22, 2016
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

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

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

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

B. ROLL CALL:

Council:

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

Mayor:

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

C. PUBLIC COMMENTS:

D. REGULAR AGENDA:

- 1. PUBLIC EMPLOYMENT: City Manager Performance Review
Pursuant to Government Code Section 54957(b) and 54957.6**

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

Lisa M. Linnet, City Clerk



**CITY OF CORNING
CITY COUNCIL AGENDA
TUESDAY, MARCH 22, 2016
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Council:

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

Mayor:

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

D. INVOCATION: Led by Mayor Strack.

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

E. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, PRESENTATIONS:

- 1. Proclamation – April 2016 as Child Abuse Prevention Month in the City of Corning.** Child Abuse Prevention Council Vice-Chair Mike Lindsey and Council Member Linda J. Lucas will be present to accept the Proclamation.
- 2. Proclamation – April 2016 as National Alcohol Awareness Month in the City of Corning.** Drug and Alcohol Division Supervisor Patrice Tamp and Advisory Board Member Holly Wilson will be present to accept the Proclamation.
- 3. Introduction of recently appointed Building Official Dan Redding.**

F. BUSINESS FROM THE FLOOR:

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

- 4. Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
- 5. Waive the reading and approve the Minutes of the following City Council Meetings with any necessary corrections:**
 - a) February 9, 2016;**
 - b) February 23, 2016; and**
 - c) March 8, 2016**
- 6. March 16, 2016 Claim Warrant - \$129,470.42.**
- 7. March 16, 2016 Business License Report.**
- 8. Approve request to accept Homeland Security Grant Funding through Tehama County in the amount of \$14,500 for the 2015/16 fiscal year to improve security of the fleet parking lot west of the Corning Library.**
- 9. Adopt Ordinance No. 664; Rezone 2016-01, An Ordinance to rezone various properties throughout the City of Corning from M-1, PD, R-1-2 and R-1-A to R-1-LLR pursuant to Implementation Measure LU-(1) from the City of Corning 2014-2034 General Plan. (Second Reading and Adoption.)**

10. Adopt Resolution 03-22-2016-01 to provide a 5-year authorization for the Tehama County Solid Waste Management Agency to submit Regional Applications for Household Hazardous Waste Discretionary Grants on behalf of the Agency and the participating jurisdictions.

11. Approve Agreement with Lucero Olive Oil for City Use of Logos.

H. ITEMS REMOVED FROM THE CONSENT AGENDA:

I. PUBLIC HEARINGS AND MEETINGS:

J. REGULAR AGENDA:

12. Approve 'Letter of Commitment' as a participating Jurisdiction in the Tehama County Multi-Jurisdictional Hazard Mitigation Planning.

13. Approve proposed letter in support of the Paskenta Band of Nomlaki Indians' application for a Social & Economic Development Strategies (SEDS) Grant.

14. Authorize the City Manager to sign a Letter of Opposition to Assembly Bill 1707.

15. Approve request from property owner to install an Agricultural Well within the City Limits for the sole purpose of irrigation at the corner of Blackburn Avenue and Hwy. 99W, and designate the Public Works Director as the "Water Superintendent".

16. Ordinance No. 666, an Ordinance of the City of Corning adding Chapter 9.21 to Title 9 of the Corning Municipal Code relating to regulation of Butane Resale. (Introduction and First Reading)

K. ITEMS PLACED ON THE AGENDA FROM THE FLOOR:

L. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION:

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

Dickison:

Linnet:

Cardenas:

Smith:

Strack:

N. ADJOURNMENT!:

POSTED: FRIDAY, MARCH 18, 2016

PROCLAMATION
APRIL 2016
CHILD ABUSE PREVENTION MONTH

WHEREAS, our children are our most valuable resource, they will shape the future of our Cities, Counties, States and Country; and

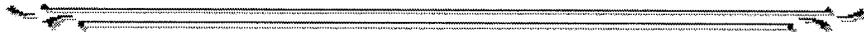
WHEREAS, child abuse is an endemic problem, so much so that in federal fiscal year 2014, 50 States, Puerto Rico and District of Columbia reported 702,000 victims of child abuse or neglect and 1,580 were fatalities; and.

WHEREAS, child abuse can have long-term psychological, emotional, and physical effects that can have lifelong consequence for victims of abuse; and

WHEREAS, effective child abuse prevention activities succeed because of the meaningful connections and partnerships created between child welfare, education, health, community and faith based organizations, businesses and law enforcement agencies;

WHEREAS, the Tehama County Child Abuse Prevention Council, in partnership with St. Elizabeth's Hospital will be kicking off the "PURPLE Crying Project" in the month of April to enhance positive parenting skills and educate new parents on methods to cope with their babies excessively crying, often with no reason and hopefully prevent the devastating effects of Shaken Baby Syndrome; and

WHEREAS, the Tehama County Child Abuse Prevention Council calls on Tehama County Communities to promote programs and activities that benefit children and their families, and acknowledge that prevention is the best defense against child abuse.



NOW, THEREFORE I, GARY R. STRACK, AS MAYOR OF THE CITY OF CORNING, DO HEREBY PROCLAIM THE MONTH OF APRIL 2016 AS "CHILD ABUSE AND NEGLECT PREVENTION MONTH" IN THE CITY OF CORNING and urge all citizens to dedicate themselves to improving the quality of life for all children and their families.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Corning to be affixed this 22nd day of March 2016.

GARY R. STRACK, MAYOR

ATTEST:

LISA M. LINNET, CITY CLERK

PROCLAMATION

**APRIL 2016
NATIONAL ALCOHOL AWARENESS MONTH
IN THE CITY OF CORNING**

Talk Early, Talk Often: Parents Can Make a Difference in Teen Alcohol Use

WHEREAS, alcohol is the most commonly used addictive substance in the United States; one in every 12 adults (17.6 million people) suffer from alcohol abuse or dependence, and more than half of all adults have a family history of alcoholism or problem drinking.

WHEREAS, more than 7 million children live in a household where at least one parent is dependent on or has abused alcohol.

WHEREAS, young people who begin drinking before age 15 are four times more likely to develop alcohol dependence than those who begin drinking at age 21.

WHEREAS, almost **100,000 persons** die each year from alcohol-related causes such as drinking and driving accidents, falls, fires, alcohol-related homicides and suicide; and

WHEREAS, the typical American will see 100,000 beer commercials before he or she turns 18 and alcohol-related problems cost America \$224 billion (\$746 per person) in lost productivity, absenteeism, healthcare costs, crime and family related problems.

WHEREAS, for all these reasons, the Tehama County Drug and Alcohol Advisory Board and Tehama County Health Services Agency are asking residents of the City of Corning to join the National Council of Alcoholism and Drug Dependence, Inc. (NCADD) in recognizing April as National Alcohol Awareness Month.

NOW, THEREFORE I, GARY R. STRACK, AS MAYOR OF THE CITY OF CORNING, DO HEREBY PROCLAIM THE MONTH OF APRIL 2016 AS NATIONAL ALCOHOL AWARENESS MONTH IN THE CITY OF CORNING. I encourage all Residents, Businesses, and Schools in the City to support efforts that provide early education about alcoholism and addiction. Together we can provide **Hope, Help and Healing** for individuals and families coping with the challenges of alcoholism and abuse.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Corning to be affixed this 22nd day of March 2016.

GARY R. STRACK, MAYOR

ATTEST:

Lisa M. Linnet, City Clerk



**CITY OF CORNING
CITY COUNCIL MINUTES
TUESDAY, FEBRUARY 9, 2016
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Council:

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

Mayor:

All members of the City Council were present.

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

D. INVOCATION: Led by Tony Cardenas.

E. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, PRESENTATIONS: None.

F. BUSINESS FROM THE FLOOR:

Cindy McClain and members of the Corning 4-H Group were present and issued an invitation to attend the Annual 4-H Fun Night (theme is "Chinese New Year") to be held Saturday, February 13th at the Red Bluff Fair Grounds. (VIP hours for Senior's and those Disabled are from 3-4 p.m. and from 4-8:30 p.m. is the regular time for everyone else, tickets are \$1 each.)

AT&T Representative Preston Dickinson was present and introduced himself explaining his role at AT&T is to assist the City and their constituents in resolving any problems related to their AT&T service. He invited anyone having problems to contact him.

Councilor Linnet issued a thank you to members of the Corning Police Department, Volunteer Fire Department and Public Works that responded to the incident at 3 a.m. related to a downed power pole fire.

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

- 1. Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
- 2. Waive the reading and approve with any necessary corrections the Minutes of the:**
 - a) January 18, 2016 Special City Council Meeting; and the**
 - b) January 26, 2016 City Council Meeting.**
- 3. February 3, 2016 Claim Warrant - \$311,466.95.**
- 4. February 3, 2016 Business License Report.**
- 5. January 2016 Wages & Salaries: \$377,837.80.**
- 6. January 2016 Treasurer's Report.**
- 7. January 2016 City of Corning Wastewater Operations Summary Report.**
- 8. January 2016 Building Permit Valuation Report in the amount of \$1,000,243.**
- 9. Ordinance 663, an Ordinance of the City Council of the City of Corning moving to add Chapter 3.21 to the Corning Municipal Code to impose a Transactions and Use Tax to be administered by the State Board of Equalization upon approval by a majority of the voting Electorate for the City of Corning. (Second Reading)**

THE CITY OF CORNING IS AN EQUAL OPPORTUNITY PROVIDER AND EMPLOYER

10. Appoint City Manager Kristina Miller to replace former City Manager John Brewer as the City's Representative on the Tehama County Air Pollution Control District Indirect Rule Review Committee.

Mayor Strack announced that the City Attorney was requesting to pull Consent Item 9 for further clarification.

Councilor Linnet moved to approve Consent Items 1-8 and 10. Councilor Cardenas seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Abstain/Absent: None. Motion was approved by a 5-0 vote.**

H. ITEMS REMOVED FROM THE CONSENT AGENDA:

9. Ordinance 663, an Ordinance of the City Council of the City of Corning moving to add Chapter 3.21 to the Corning Municipal Code to impose a Transactions and Use Tax to be administered by the State Board of Equalization upon approval by a majority of the voting Electorate for the City of Corning. (Second Reading)

City Attorney Jody Burgess explained that in reference to Ordinance 663, a change was made to the Ballot Measure Resolution in response to a request from Mr. Bowen at a previous meeting and Mr. Burgess stated that he is recommending the change to the Ordinance to make it consistent with the adopted Resolution. (Removing the word "Dispatch" under Section 3.21.17 Use of Funds and changing it to read: "may be used for existing police and fire services, or any other lawful municipal purpose".) Mr. Burgess explained that this cannot proceed as a "Second Reading" because a change that is not typographical or a clerical error is being made, therefore by law, a 5-day waiting period is required before passage. This necessitates no action at this time, but rather bringing this item back at the next City Council meeting for passage. This can be done and allows the City to still meet the March 11th deadline.

Councilor Linnet moved to change wording to that which was approved for the ballot measure. Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Abstain/Absent: None. Motion was approved by a 5-0 vote.** (City Attorney Jody Burgess clarified that the motion directs the City Attorney to change Section 3.21.17 in Ordinance 663 Exhibit "A" to reflect the statement in the Resolution Ballot Measure.) **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Abstain/Absent: None. Motion was approved by a 5-0 vote.**

I. PUBLIC HEARINGS AND MEETINGS:

11. Ordinance 662, an Ordinance adding Chapter 17.41, Large Lot Residential Combining District and Chapter 17.46, Alternative Housing Combining District to Title 17 of the Corning Municipal Code. (First Reading)

Planning Consultant John Stoufer briefed the Council on proposed Ordinance 662 explaining exactly what the Large Lot Residential Combining District and the Alternative Housing Combining District consisted of, announced that tonight no site zoning designation is being proposed, and clarified that what is being proposed tonight is creating language for the Municipal Code. Mr. Stoufer reiterated that the City currently does not have any projects or applications before the City for an Alternative Housing facility, however by State Law, the City is required to have a zone designated allowing this, if the City doesn't do this then down the line the State can step in and select an area.

Mayor Strack opened the public hearing at 6:55 p.m. Mayor Strack asked the allowed maximum length of stay according to State regulations at such a facility. Mr. Stoufer stated he was unsure, however we would be consistent with whatever the States maximum allowed would be. Mayor Strack also confirmed that parking would be considered.

City Attorney Burgess confirmed that this is exempt under CEQA.

- Audience member asked why we don't set the limits rather than allowing the State to set these limits.
- Councilman Linnet thanked John and the Planning Commission for their work on this.

Closed Public Hearing at 6:57 p.m.

Councilor Dickison moved to adopt the five (5) Factual Subfindings and Legal Findings as presented in the Staff Report and waive the first reading of Ordinance 662 (Councilor Dickison then read aloud the Ordinance Title). Councilor Linnet seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Abstain/Absent: None. Motion was approved by a 5-0 vote.**

J. REGULAR AGENDA:

12. Approve Agreement between the County of Tehama and the City for contribution and expenditure of certain FY 2016 Board of State & Community Corrections, Edward Byrne Justice Assistance Grant (JAG) Funds.

City Manager Kristina Miller presented information related to this item explaining that this Agreement will allow the County to contribute \$40,000 towards funding Tara Corey's Counselling at the High School. Councilor Cardenas explained the funding, and the time frame that the funding will provide (3 years). Councilor Cardenas elaborated stating that this program encompasses the Corning School District.

Councilor Smith moved to approve the Agreement with the understanding that the County must hereafter take the same Agreement to its Board of Supervisor's for approval. Councilor Dickison seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Abstain/Absent: None. Motion was approved by a 5-0 vote.**

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

L. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION: None.

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

Dickison: Reported on attendance at the Corning Patriots Meeting on Thursday, February 4th and announced that tomorrow's LAFCO meeting was cancelled.

Linnet: Reported on the Tehama County Sanitary Landfill Executive Board Meeting (JPA) held in the City Council Chambers last week. The City will be receiving some combined trash/recycle containers. He also reported that there was no graffiti within the last two weeks, there were 19 shopping carts picked up, and hopefully we can get some more trash cans for placement on Solano Street. He stated that he purchased two and chained one up in front of Napa and Les Schwab.

Cardenas: Reported on training in Washington DC last week attended by Chief Fears, Tara Corey, and himself in relation to the Byrne Criminal Justice Grant, they found out compliance information associated with the grant. He reported on his attendance tonight at the Chamber of Commerce Board Meeting at which they discussed the Installation Dinner held last Saturday night where they served over 170 meals. They also discussed the upcoming car show.

Smith: Reported that on February 12th at 5 p.m. the Senior Center will be holding a Valentines dinner at a cost of \$5 per person and on Monday, February 15th they will be offering a breakfast of biscuits and gravy for \$5.

Strack: Reported on the Chamber Installation Dinner stating that Councilor Cardenas was Volunteer of the Year and announced the retirement of Chamber Manager Valanne Cardenas.

Councilman Linnet thanked Police Chief Fears for responding to his texts while in Washington and announced that a town Neighborhood Watch Meeting will be held Monday at 6:30 p.m. at the Maywood School Gym.

Planning Consultant Stoufer announced that on February 18th from 10 a.m. to 4 p.m. the City will be holding a workshop here in the Council Chambers for owner occupied housing rehabilitation low interest loans.

N. ADJOURNMENT!: 7:12 p.m.

Lisa M. Linnet, City Clerk



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

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

A. CALL TO ORDER: 6:01 p.m.

B. ROLL CALL:

Council:

Darlene Dickison

Dave Linnet

Tony Cardenas

Willie Smith

Mayor:

Gary Strack

All members of the City Council were present.

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

C. PUBLIC COMMENTS: None

D. REGULAR AGENDA:

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

E. ADJOURN TO REGULARLY SCHEDULED CITY COUNCIL MEETING AND REPORT ON CLOSED SESSION: 6:24 p.m.

Mayor Strack reported that the Council met in Closed Session and gave the City Attorney direction relating to the anticipated litigation.

Lisa M. Linnet, City Clerk



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

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

B. ROLL CALL:

Council:

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

Mayor:

All members of the City Council were present.

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

Councilman Linnet left the meeting at 6:34 p.m. responding to a fire call.

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: None.

F. BUSINESS FROM THE FLOOR: None.

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

1. Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.
2. Waive the reading and approve the Minutes of the February 9, 2016 City Council Meeting with any necessary corrections: *To Be Presented at an Upcoming Meeting*
3. February 17, 2016 Claim Warrant - \$107,578.21.
4. February 17, 2016 Business License Report.
5. Ordinance 662, an Ordinance adding Chapter 17.41, Large Lot Residential Combining District and Chapter 17.46, Alternative Housing Combining District to Title 17 of the Corning Municipal Code. (Second Reading)
6. Ordinance 663, an Ordinance of the City Council of the City of Corning moving to add Chapter 3.21 to the Corning Municipal Code to impose a Transactions and Use Tax to be administered by the State Board of Equalization upon approval by a majority of the voting Electorate for the City of Corning. (Second Reading)
7. Approve Addendum No. 1 Livestock Grazing Lease for use of City Airport Land with Norman D. Oilar.
8. Approve Resolution 02-23-2016-01, authorizing submittal of applications to the Department of Resources Recycling and Recovery Beverage Container Recycling City/County Payment Program and designating the City's authorized Signatory.

Mayor Strack introduced the Consent Agenda Items by title and confirmed with City Attorney Jody Burgess that we need to pull Item 6 for further discussion.

Councilor Dickison moved to approved Consent Items 1, 3-5 and 7-8. Councilor Cardenas seconded the motion. **Ayes: Strack, Dickison, Cardenas and Smith. Opposed/Abstain: None. Absent: Linnet. Motion was approved by a 4-0 vote with Linnet absent.**

H. ITEMS REMOVED FROM THE CONSENT AGENDA:

- 6. Ordinance 663, an Ordinance of the City Council of the City of Corning moving to add Chapter 3.21 to the Corning Municipal Code to impose a Transactions and Use Tax to be administered by the State Board of Equalization upon approval by a majority of the voting Electorate for the City of Corning. (Second Reading)**

Following discussion and clarification that the change was "typographical" therefore the Ordinance could be adopted as scheduled, Councilor Dickison moved to Adopt Ordinance 663 and associated Ordinance Summary, an Ordinance of the City Council of the City of Corning moving to add Chapter 3.21 to the Corning Municipal Code to impose a Transactions and Use Tax to be administered by the State Board of Equalization upon approval by a majority of the voting electorate for the City of Corning. The motion was clarified to include the stated typographical error correction discussed (the word "may" would be changed to "to" in Section 3.21.17: Use of Funds listed in the Ordinance). Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Cardenas and Smith. Opposed/Abstain: None. Absent: Linnet. Motion was approved by a 4-0 vote with Linnet absent.**

I. PUBLIC HEARINGS AND MEETINGS: None.

J. REGULAR AGENDA:

- 9. Approve Contract with Lawrence and Associates to implement and conduct the groundwater investigation for the former disposal site at Rawson Road and Carona Avenue.**

Following presentation and discussion, Councilor Smith moved to:

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

Councilor Dickison seconded the motion. **Ayes: Strack, Dickison, Cardenas and Smith. Opposed/Abstain: None. Absent: Linnet. Motion was approved by a 4-0 vote with Linnet absent.** It was announced that Public Works would keep Council updated on testing results and project progress via the Friday Notes.

10. Review survey and approve City Pool User Fee Increases.

The City Manager and Public Works Director presented the information related to this item and announced that the proposed fee increases were presented to the City's Recreation Commission on January 5, 2016 and they recommend the proposed fee increase.

Councilor Cardenas moved to approve the proposed Pool Fees as shown on attachment "A" effective March 1, 2016 and authorize the "Non-Resident" fees for Swim Lessons, Individual Season Pass and the Family Pass to be the same fee rate as the Resident Fees. Councilor Dickison seconded the motion. **Ayes: Strack, Dickison, Cardenas and Smith. Opposed/Abstain: None. Absent: Linnet. Motion was approved by a 4-0 vote with Linnet absent.**

Councilor Linnet rejoined the meeting at 6:56 p.m.

- 11. Review and approve City's "Statement in Support of Measure A" (1/2 Cent General Sales Tax Measure).**

This item was presented by the City Manager and City Attorney, they both emphasized that all Sales Tax Measure documents **MUST** be completed and submitted to the County Elections Department by no later than March 11th. Various suggestions were made, these suggestions were:

- Adding Street Maintenance to the Statement as a service that a Measure A "Yes" vote could provide;
- Suggestion to have a Spanish write-up of the Measure
- Suggestion to use bullets within the statement.

Councilor Smith moved to appoint Mayor Strack and Councilor Linnet as the two City Council Members to draft the "Statement in Support of Measure "A" to be reviewed by Legal Counsel and subsequently submitted to the County Elections Department by March 11, 2016. Councilor Cardenas seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Abstain/Absent: None. Motion was approved by a 5-0 vote.**

12. Approve Resolution 02-23-2016-02, Amending the Ballot Measure Question Presented in Resolution 01-26-2016-01 and Directing the City Clerk to Provide the Revised Ballot Measure Question to the Tehama County Registrar of Voters.

City Manager Kristina Miller and City Attorney Jody Burgess presented this item. City Attorney Jody Burgess explained his recommendation that previously approved Resolution No. 01-26-2016-01 should be amended to reflect a change in the ballot measure question as a result of recently enacted legislation made effective in 2016 that addresses initiatives as more fully set forth in California Elections Code, Section 13119.

Councilor Linnet moved to adopt Resolution 02-23-2016-02 amending the Ballot Measure Question presented in Resolution 01-26-2016-01 and directing the City Clerk to provide the revised Ballot Measure Question to the Tehama County Registrar of Voters for inclusion in the Ballot presented to the Voters at the Presidential Primary Election. Councilor Dickison seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Abstain/Absent: None. Motion was approved by a 5-0 vote.**

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

L. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION: None.

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

Dickison: None.

Linnet: Reported that there were 0 graffiti tagging's and that he collected and returned 18 shopping carts.

Cardenas: Reported on the Chamber Meeting stating that the Car Show has been moved to Northside Park.

Smith: None

Strack: Reported that the Fire Department meal was good.

N. ADJOURNMENT!: 7:19 p.m.

Lisa M. Linnet, City Clerk



**CITY OF CORNING
SPECIAL CITY COUNCIL
CLOSED SESSION MINUTES
TUESDAY, MARCH 8, 2016
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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All members of the City Council were present.

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

B. ROLL CALL:

Council:

Darlene Dickison

Dave Linnet

Tony Cardenas

Willie Smith

Mayor:

Gary Strack

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

C. PUBLIC COMMENTS:

Two members of the audience addressed the City Council. One suggested no adjustments be made to salaries at this time due to the current financial status of the City and the pursuit of a Sales Tax Increase, the other suggested consideration of a raise on an annual performance review stating that to do otherwise it might make it difficult to sell the proposed Sales Tax Increase.

D. REGULAR AGENDA:

- 1. PUBLIC EMPLOYMENT: City Manager Performance Review
Pursuant to Government Code Section 54957(b) and 54957.6**

E. ADJOURN TO REGULARLY SCHEDULED CITY COUNCIL MEETING AND REPORT ON CLOSED SESSION: 6:30 p.m.

Mayor Strack announced that Council met with the City Manager in Closed Session, which was the evaluation of the City Manager. He reported that the initial job offer to City Manager Kristina Miller, stated that she would receive whatever the City Employees received as a result of the contract labor negotiations currently taking place, which upon close of labor negotiations resulted in 2.5% wage increase to employees, so that was included in the job offer. When Council gave her the job, Council included a section to hold the 2.5% wage increase upon hire (a three month savings of this increase), but upon a positive 3 month performance evaluation she would receive a 2.5% wage increase, but she would then be responsible to pick up the additional 1.5% cost of the Employee share of PERS retirement cost currently paid by the City resulting in a total 1% wage increase.

Lisa M. Linnet, City Clerk



**CITY OF CORNING
CITY COUNCIL MINUTES
TUESDAY, MARCH 8, 2016
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Council:

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

Mayor:

All members of the City Council were present.

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

D. INVOCATION: Led by Tony Cardenas.

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:

- 1. Proclamation – April 2016 as Parkinson’s Disease Awareness Month in the City of Corning.** Elder Services Provider Elaine Benwell was present to accept the Proclamation from Mayor Strack on behalf of the North Valley Catholic Social Services Organization. She reported that on April 2nd at 10:00 a.m. at the Corning Health Center they will have a speaker present to address issues related to Parkinson’s disease.

F. BUSINESS FROM THE FLOOR: None.

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

- 2. Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
- 3. Waive the reading and approve with any necessary corrections the Minutes of the:**
 - a) February 9, 2016 City Council Meeting; and the**
 - b) February 23, 2016 City Council Closed Session and Regular Meeting.**

Removed – both will be presented at a future Meeting
- 4. March 2, 2016 Claim Warrant - \$234,962.10.**
- 5. March 2, 2016 Business License Report.**
- 6. February 2016 Wages & Salaries: \$330,973.85.**
- 7. February 2016 Treasurer’s Report.**
- 8. February 2016 City of Corning Wastewater Operations Summary Report.**
- 9. February 2016 Building Permit Valuation Report in the amount of \$142,262.00.**
- 10. Approve Amendment to Contract for Tree Spraying, Pest and Weed Control Services which increases the contract cost by \$140 per month to add pest control services at Lennox Fields and Corning Skate Park.**

Motion to approve Consent Items 2 and 4-10 was made by Councilor Linnet; Councilor Dickison seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Abstain/Absent: None. Motion was approved by a 5-0 vote on all items except Item 3 which was removed.**

H. ITEMS REMOVED FROM THE CONSENT AGENDA: None.

I. PUBLIC HEARINGS AND MEETINGS:

- 11. Introduction of REZONE 2016-01 Ordinance 664, to rezone various properties throughout the City of Corning from M-1, PD, R-1-2, and R-1-A to R-1-LLR pursuant to Implementation Measure LU-(1) from the City of Corning 2014-2034 General Plan. (1st Reading)**

Mayor Strack opened the Public Hearing at 6:40 p.m. and Planning Consultant John Stoufer presented the Ordinance and associated information. He stated that each parcel is identified and the property owners have been notified of the proposed Zoning change. He noted that no affected parcel owners were present in the audience tonight and stated that to date the City has received no letters of opposition. Existing parcels below the 2 acre minimum will be "Grandfathered" in and designated as an approved non-conforming parcel. Mr. Stoufer then responded to questions from the audience.

The Public Hearing was closed at 6:48.

Councilor Cardenas moved to adopt the four (4) Factual Subfindings and Legal Findings as presented in the Staff Report and waive the first reading of Ordinance No. 664, an Ordinance to implement Rezone 2016-01. Councilor Linnet seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Abstain/Absent: None. Motion was approved by a 5-0 vote.**

J. REGULAR AGENDA:

- 12. Consider request to extend road closure hours on West Street between Marin and South Streets. Proposed new closure hours would be from 7 a.m. to 6 p.m., current closure hours are 7 a.m. to 3 p.m.**

Public Works Director Dawn Grine stated that Randy Moorehouse is present representing the School and presented the information related to the proposed road closure extension.

Following a brief discussion by the Council, Councilor Dickison moved to approve the request for extended road closure hours on West Street between Marin and South Streets from 7 a.m. to 6 p.m. Councilor Smith seconded the motion. **Ayes: Dickison, Linnet, Cardenas and Smith. Opposed: Strack. Abstain/Absent: None. Motion was approved by a 4-1 vote with Strack opposing.**

- 13. Award sewer main repairs at Corning Chevron to Walberg, Inc. at a cost of \$14,777.**

Public Works Director Dawn Grine presented the information supporting this item. Councilor Linnet asked if this work could be completed by Public Works Personnel; he was informed that for various reasons they could not. Councilor Cardenas moved to authorize sewer main repairs at Corning Chevron to Walberg, Inc. at a total cost of \$14,777 to be funded from Budget Line Number 381-9135-5250, Sewer Improvements. Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Abstain/Absent: None. Motion was approved by a 5-0 vote.**

- 14. Authorize Public Works to seek Bids for the proposed 2016 Street Paving Project at an estimated cost of \$187,000. The Project cost estimate encompasses an asphalt overlay of East Street between Solano and North Streets along with 5 additive bids for:**

- 1) Asphalt overlay on Hwy. 99W at Corning Chevron;**
- 2) Asphalt overlay on Pear Street between South and Walnut Streets;**
- 3) Asphalt overlay on Yolo Street between East and First Streets;**
- 4) Asphalt overlay on North Street between East and First Streets; and**
- 5) Installing reinforcing paving fabric on East Street.**

Following discussion and input from the audience, Council suggested contacting the High School to see if they would help fund reinforcing North St. in front of the Bus Barn. City Engineer Ed Anderson

suggested waiting to see the results of the Bids and possibly consider a Change Order if the Bid results support this.

Councilor Smith moved to authorize Staff to solicit bids for the 2016 Street Paving Project and appropriate \$50,000 from Fund 109, \$25,000 from Fund 110, \$40,000 from Fund 111 and \$85,000 from Fund 108 for a total of \$200,000 to Street Projects (3001) for the 2016 Street Paving Project. Councilor Dickison seconded the motion. **Ayes: Strack, Dickison, Cardenas and Smith. Opposed: Linnet. Abstain/Absent: None. Motion was approved by a 4-1 vote with Linnet opposing.**

15. Request approval to hire an additional part-time Animal Shelter Caretaker.

City Manager Kristina Miller presented this item. She explained the current situation, current staffing at the Shelter, the estimated cost to contract out for operation of the Shelter, and explained that based upon the advice of Legal Counsel, the past practice of allowing a live in Assistant that provides part-time service in lieu of rent is not practical or for legal reasons advisable.

Councilor Dickison moved to:

- Authorize City Staff to recruit and hire an additional part-time Animal Shelter Care Technician, and;
- Authorize the appropriation of funds necessary to fund this position from the General Fund Reserves not to exceed \$3,899 this fiscal year. If approved, the position will be included in the subsequent (FY 2016-2017) Budget, and;
- Authorize City Staff to make the necessary repairs to the mobile home and pursue a lease of the mobile home located at the Shelter with final consideration by the Council.

Councilor Smith seconded the motion. , **Ayes: Strack, Dickison, Cardenas and Smith. Opposed: Linnet. Abstain/Absent: None. Motion was approved by a 4-1 vote with Linnet opposing.**

Councilor Cardenas recommended adding some type of perimeter separation from Animal Shelter such as the installation of a fence for various reasons such as safety and parking. Mayor Strack stated that the suggested separation by fence for safety and parking etc. at the mobile will be addressed by the Council at a later date.

16. Fiscal Year 2015/2016 Mid-Year Budget Review and General Discussion.

City Manager Kristina Miller presented the Mid-Year Budget stating that the ending balance in the General Fund at year end is an estimated deficit of \$606,610 as opposed to the \$430,966 projected in the 2015-16 Budget. She stated that is a \$175,644 negative swing from the projection presented during the 2015-16 Budget presentation on July 14, 2015 and is largely due to anticipated continued reductions in fuel sales tax revenue of at least \$120,000 and retirement payouts for accrued sick leave and vacation. Mrs. Miller stated that the bottom line means:

- Decrease in the projected General Fund balance means that there will be no surplus funds available for expenditure for FY 2015-16; and
- Staff expects to finish FY 2015-16 with a negative General Fund balance requiring further use of the City's operating reserves (currently \$910,000) to balance the General Fund for the year; and
- City Departments are instructed to minimize expenditures where feasible with respect to the General Fund for the remainder of the fiscal year; and
- The Fiscal Year 2016-17 budget cycle will be extremely tight due to declining reserves and projected sales tax declines resulting in the proposal by Staff that all Capital Improvement purchases be delayed in the FY 2016-17 budget cycle.

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

L. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION: None.

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

Dickison: LAFCO canceled, Community Action Tripartite Board will be on Thursday, March 17th.

Linnet: Nothing

Cardenas: Reported on the Chamber of Commerce Car Show Meeting that is planned to be held at Northside Park. Councilor Cardenas also stated that he attended a meeting on the Promise Neighborhood Grant informing Council they have received the funding to move forward with the second stage of the Grant. He stated that the Tribe is currently restructuring and asked if we would consider submitting a letter of support for their grant application which will be presented at the next meeting.

Smith: Reported on Senior Center and stated that they are currently researching solar to offset the PG&E costs.

Strack: Announced that on Thursday they will hold a Corning in the Evening at Marcos.

N. ADJOURNMENT!: 7:54 p.m.

Lisa M. Linnet, City Clerk



MEMORANDUM

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: LORI SIMS
ACCOUNTING TECHNICIAN

DATE: March 16, 2016

SUBJECT: Cash Disbursement Detail Report for the
Tuesday March 22, 2016 Council Meeting

PROPOSED CASH DISBURSEMENTS FOR YOUR APPROVAL CONSIST OF THE FOLLOWING:

A.	Cash Disbursements	Ending 03-09-16	\$	75,140.63
B.	Cash Disbursements	Ending 03-16-16	\$	3,278.04
C.	Payroll Disbursements	Ending 03-15-16	\$	51,051.75
			GRAND TOTAL	<u>\$ 129,470.42</u>

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description
021776	03/03/16	\R086	ETTA RAY	-34.81	.00	-34.81	000B60201u	Ck# 021776 Reversed
021823	03/07/16	NOR03	NCCSIF	35226.50	.00	35226.50	2016103	WORKMENS COMP-GEN CITY
021824	03/07/16	PGE05	PG&E	1797.16	.00	1797.16	160301	FIRE-ELECT & GAS
021825	03/09/16	ALL11	ALL SPORTS EQUIPMENT &	357.63	.00	357.63	200350	MAT & SUPPLIES-REC
021826	03/09/16	AND03	ANDERS, JOANN	1820.00	.00	1820.00	16-108	PROF SVCS ADM-HOUSING REH
021827	03/09/16	ATT02	AT&T	1264.95	.00	1264.95	160225	COMMUNICATIONS-
021828	03/09/16	ATT14	AT&T	161.18	.00	161.18	160223F	COMMUNICATIONS-FIRE
021829	03/09/16	AUT00	AUTO ZONE	266.56	.00	266.56	409567106	VEH OP/MAINT-POLICE
				5.96	.00	5.96	409567289	MAT & SUPPLIES-SWR
				5.95	.00	5.95	409567292	MAT & SUPPLIES-SWR
				19.87	.00	19.87	409567355	MAT & SUPPLIES-SWR
			Check Total.....:	298.34	.00	298.34		
021830	03/09/16	BAS01	BASIC LABORATORY, INC	126.00	.00	126.00	1602273	ProfServices Water Dept
021831	03/09/16	BEN03	LEXISNEXIS MATTHEW BENDER	94.92	.00	94.92	79001734	BOOKS/PERIODICS-LIBRARY
021832	03/09/16	CAM02	FERGUSON ENTERPRISES INC.	154.80	.00	154.80	1158528	MAT & SUPPLIES-SWR
021833	03/09/16	CCU01	CCUG	75.00	.00	75.00	160309	ASSOCIATION DUES-POLICE
021834	03/09/16	COR01	CORNING VETERINARY CLINIC	960.41	.00	960.41	48695	PROF SVCS-ACO
021835	03/09/16	COR12	CORNING FORD MERCURY, INC	77.42	.00	77.42	21019	VEH OP/MAINT-POLICE
021836	03/09/16	CRE02	CREDIT BUREAU ASSOCIATES	12.00	.00	12.00	6301269	PROF SVCS-ACO
021837	03/09/16	DAY03	DAY WIRELESS SYSTEMS {03}	19.51	.00	19.51	182033-00	EQUIP MAINT-DISPATCH
021838	03/09/16	DEP03	DEPT OF TRANS/CAL TRANS	121.66	.00	121.66	16005657	Equip.Maint. St&Trf Light
021839	03/09/16	DEP12	DEPT OF JUSTICE	346.00	.00	346.00	150635	PROF SVCS-
021840	03/09/16	ENT02	ENTERPRISE-RECORD, MERCUR	885.76	.00	885.76	5655851	CONF MTGS-
021841	03/09/16	FIR06	FIRST NATIONAL BANK OMAHA	347.97	.00	347.97	160226	MAT & SUPPLIES-
021842	03/09/16	FRE03	FREIGHTLINER, INC.	107.60	.00	107.60	F512414	VEH OP/MAINT-
021843	03/09/16	GRA02	GRAINGER, W.W., INC	4.57	.00	4.57	904294479	MAT & SUPPLIES-

REPORT: Mar 09 16 Wednesday
 RUN: Mar 09 16 Time: 15:36
 Run By: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 03-16 Bank Account.: 1020

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

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information-Description
021843	03/09/16	GRA02	GRAINGER, W.W., INC	94.96	.00	94.96	904387242	MAT & SUPPLIES-SWR
			Check Total.....	99.53	.00	99.53		
021844	03/09/16	KN100	KNIFE RIVER CONSTRUCTION	603.43	.00	603.43	167476	MAT & SUPPLIES-
021845	03/09/16	LN001	LN CURTIS & SONS	75.91	.00	75.91	138792000	EQUIP MAINT-FIRE
021846	03/09/16	MCC07	MCCOY'S HARDWARE & SUPPLY	157.27	.00	157.27	160227	MAT & SUPPLIES-
021847	03/09/16	MIS01	MISSION LINEN SUPPLY	81.70	.00	81.70	501853930	MAT & SSUPPLIES-PARKS
021848	03/09/16	MOR02	RAY MORGAN COMPANY	543.48	.00	543.48	1167299	COMMUNICATIONS-
021849	03/09/16	MUN03	MUNNELL & SHERRILL, INC.	83.08	.00	83.08	168994	MAT & SUPPLIES-
021850	03/09/16	NOR25	NORTHERN LIGHTS ENRGY, INC	1269.44	.00	1269.44	164092	VEH OP/MAINT-
			Check Total.....	2483.90	.00	2483.90		
021851	03/09/16	OFF01	OFFICE DEPOT	141.33	.00	141.33	826468616	OFFICE SUPPLIES-DISPATCH
021852	03/09/16	PAT02	PATTERSON ELECTRIC, INC.	65.00	.00	65.00	4179	EQUIP MAINT-POLICE
021853	03/09/16	PGE04	PG&E	453.82	.00	453.82	160301	TranspFacility-
021854	03/09/16	PGE2A	PG&E	271.19	.00	271.19	160229	ELECT-MCDONALD, CASSANDRA,
			Check Total.....	397.98	.00	397.98		
021855	03/09/16	PUR02	PURCHASE POWER	5017.00	.00	5017.00	160307	COMMUNICATIONS-GEN CITY
021856	03/09/16	STA21	STATEWIDE TRAFFIC SAFETY	71.47	.00	71.47	08002633	SIGN REPLACEMENT-STR
021857	03/09/16	TEH15	TEHAMA CO SHERIFF'S DEPT	122.50	.00	122.50	160301	PROF SVCS-
021858	03/09/16	THO01	THOMES CREEK ROCK CO	208.64	.00	208.64	160301	MAT & SUPPLIES-
021859	03/09/16	TRE00	TRENT CONSTRUCTION INC.	19497.45	.00	19497.45	2016-0303	CAP REPLAC-WWTP
021860	03/09/16	TRI02	TRI-COUNTY NEWSPAPERS	310.94	.00	310.94	188037	Print/Advert. City Clerk
			Check Total.....	54.20	.00	54.20		

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description
021860	03/09/16	TRI02	TRI-COUNTY NEWSPAPERS	255.67	.00	255.67	00187905	OFFICE SUPPLIES-BLD & SAF
Check Total.....				817.14	.00	817.14		

Cash Account Total..... 75140.63 .00 75140.63

Total Disbursements..... 75140.63 .00 75140.63

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Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
021861	03/14/16	ACC00	ACCESS INFORMATION MANAGE	131.53	.00	131.53	1372305	EQUIP MAINT-GEN CITY
021862	03/14/16	AIR00	AIRGAS USA, LLC	63.56	.00	63.56	993421372	MAT & SUPPLIES-FIRE
021863	03/14/16	COR12	CORNING FORD MERCURY, INC	243.32	.00	243.32	134635	VEH OP/MAINT-FIRE
021864	03/14/16	COR45	CORNING ACE HARDWARE	220.30	.00	220.30	160227	BLD MAINT-
021865	03/14/16	DAY03	DAY WIRELESS SYSTEMS {03}	50.00	.00	50.00	406455	EQUIP MAINT-DISPATCH
				50.00	.00	50.00	406457	EQUIP MAINT-DISPATCH
				50.00	.00	50.00	406459	EQUIP MAINT-DISPATCH
Check Total.....				150.00	.00	150.00		
021866	03/14/16	DEP12	DEPT OF JUSTICE	35.00	.00	35.00	155838	PROF SVCS-POLICE
021867	03/14/16	GRA02	GRAINGER, W.W., INC	109.87	.00	109.87	904764458	MAT & SUPPLIES-PARKS
				46.46	.00	46.46	904887710	MAT & SUPPLIES-BLD MAINT
Check Total.....				156.33	.00	156.33		
021868	03/14/16	HIN01	HINDERLITER, DE LLAMAS &	981.80	.00	981.80	0025121IN	PROF SVCS-FINANCE
021869	03/14/16	MGT00	MGT OF AMERICA, INC.	750.00	.00	750.00	27911	PROF SVCS-GEN CITY
021870	03/14/16	MUN03	MUNNELL & SHERRILL, INC.	17.20	.00	17.20	170040	MAT & SUPPLIES-
021871	03/14/16	NOR25	NORTHERN LIGHTS ENRGY, INC	34.67	.00	34.67	00195945	VEH OP/MAINT-FIRE
021872	03/14/16	QBE00	QBE THE AMERICAS	143.00	.00	143.00	160307	GEN INS-GEN CITY
021873	03/14/16	SCH01	LES SCHWAB TIRE CENTER	56.25	.00	56.25	611001891	VEH OP/MAINT-FIRE
021874	03/14/16	STA21	STATEWIDE TRAFFIC SAFETY	52.86	.00	52.86	08002650	MAT & SUPPLIES-STR
021875	03/16/16	BAS01	BASIC LABORATORY, INC	126.00	.00	126.00	1602568	ProfServices Water Dept
021876	03/16/16	COM06	COMCAST	28.92	.00	28.92	160309	COMMUNICATIONS-PW ADMIN
021877	03/16/16	COR05	CORNING AUTO CENTER	87.30	.00	87.30	21507	VEH OP/MAINT-FIRE
Cash Account Total.....				3278.04	.00	3278.04		
Total Disbursements.....				3278.04	.00	3278.04		
Cash Account Total.....				.00	.00	.00		

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description
7088	03/15/16	BAN03	POLICE OFFICER ASSOC.	200.00	.00	200.00	B60314	POLICE OFFICER ASSOC
7089	03/15/16	BAN06	BANNER BANK	7326.47	.00	7326.47	B60314	HSA DEDUCTIBLE
7090	03/15/16	CAL37	CALIFORNIA STATE DISBURSE	430.61	.00	430.61	B60314	WITHHOLDING ORDER
7091	03/15/16	EDD01	EMPLOYMENT DEVELOPMENT	4106.90	.00	4106.90	B60314	STATE INCOME TAX
				1109.09	.00	1109.09	1B60314	SDI
			Check Total.....	5215.99	.00	5215.99		
7092	03/15/16	ICM01	ICMA RETIREMENT TRUST-457	633.61	.00	633.61	B60314	ICMA DEF. COMP
				182.50	.00	182.50	1B60314	ICMA DEF. COMP ER PD
			Check Total.....	816.11	.00	816.11		
7093	03/15/16	PERS1	PUBLIC EMPLOYEES RETIRE	33182.59	.00	33182.59	1B60314	PERS PAYROLL REMITTANCE
7094	03/15/16	PERS4	Cal Pers 457 Def. Comp	1432.16	.00	1432.16	B60314	PERS DEF. COMP.
				255.00	.00	255.00	1B60314	PERS DEF. COMP. ER P
			Check Total.....	1687.16	.00	1687.16		
7095	03/15/16	VAL06	VALIC	2007.82	.00	2007.82	B60314	AIG VALIC P TAX
				185.00	.00	185.00	1B60314	AIG VALIC P TAX ER P
			Check Total.....	2192.82	.00	2192.82		
			Cash Account Total.....	51051.75	.00	51051.75		
			Total Disbursements.....	51051.75	.00	51051.75		

Date.: Mar 16, 2016
 Time.: 2:27 pm
 Run by: LORI

CITY OF CORNING
 NEW BUSINESSES FOR CITY COUNCIL

Page.: 1
 List.: NEWS
 Group: WTFMB

Business Name	Address	CITY/STATE/ZIP	Contact Name	Business Desc. #1	Business Start Date	Primary Teleph
DRTY BOYZ	7297 OXCART LANE	CORNING, CA 96021	RICH	THOMAS EXCAVATING, FIRE BREAKS	03/11/16	(530) 770-5458
FAVELA'S BEAUTY SALO	410 SOLANO ST	CORNING, CA 96021	FAVELAS	CUSTODI A BEAUTY SALON	03/16/16	(707) 467-7110
HOME TOWN CAFE LLC	1081 SOLANO ST	CORNING, CA 96021	OLSEN	MARK RESTAURANT	03/11/16	(530) 570-4200
HOMETOWN CAFE LLC	1081 SOLANO ST	CORNING, CA 96021	OLSEN	MARK RESTAURANT	03/11/16	(530) 570-4200
MARK MARKUT ROOFING	155 MILLS RANCH RD.	OROVILLE, CA 95966	MARKUT	MARK ROOFING CONTRACTOR	03/16/16	(530) 589-1444
NORTON'S ROOFING	6534 TIKKER LANE	MAGALLIA, CA 95954	NORTON	FRANK ROOFER	03/16/16	(530) 762-0047
STRAWBERRY FARM	583 EDITH AVE	CORNING, CA 96021	SAATEM	SELLING STRAWBERRIES, TOMATOES, PEPPERS,	03/15/16	(916) 804-0975

Item no.: G-7

**ITEM NO.: G-8
APPROVE REQUEST TO ACCEPT HOMELAND
SECURITY FUNDING IN THE AMOUNT OF
\$14,500 FOR FISCAL YEAR 2015/16 TO
IMPROVE SECURITY OF THE FLEET PARKING
LOT WEST OF THE CORNING LIBRARY**

March 22, 2016

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

**FROM: KRISTINA MILLER, CITY MANAGER
JEREMIAH FEARS, POLICE CHIEF**



SUMMARY:

The City of Corning Police Department has been notified it is eligible to receive funding through a Homeland Security Grant in the amount of \$14,500. The Department will use these funds to increase the physical security of the fleet parking lot (due west of the Corning Library), which also houses the City's back-up generator and other equipment and service vehicles.

BACKGROUND:

The County of Tehama is a recipient of Homeland Security Grant Program Funds. These funds provide monies for planning, equipment, training exercises and management/administrative costs. The County has designated an Anti-Terrorism Approval Body (the "Approval Authority") to distribute the grant funds at the local level. This Approval Authority has authorized the disbursement of \$14,500 in fiscal year 2015/16.

The Corning Police Department is currently using a parking area that is surrounded by a cyclone fence that is in disrepair. In order to obtain a more secure environment and deter vandalism and/or theft of the Department's vehicle fleet, repair of the cyclone fence will be needed. In addition, the Department would like to add two separate gates for ingress and egress. One gate would be for pedestrian use, the other would be a roll gate for vehicle use and would require a v-track, roll curb, ground wheel and the installation of electrical access for automatic gate opening.

These grant funds will be received on a reimbursement basis, which will require the establishment of a budget line item in the amount of \$14,500. As per the Agreement, the County of Tehama will reimburse the City of Corning upon receipt of proof of expenditures and satisfaction of other grant requirements.

FINANCIAL:

In response to the City's Request for Proposals, the City has received a quote of \$825 to perform the required electrical work, and \$9,106.17 for materials and installation of the fencing and gates. The Tehama County Sheriff's Department will retain and reallocate any remaining funds from the allocated \$14,500.

RECOMMENDATION:

MAYOR AND COUNCIL APPROVE THE POLICE DEPARTMENT'S REQUEST TO ACCEPT THE HOMELAND SECURITY GRANT FUNDS FROM THE COUNTY ON A REIMBURSEMENT BASIS AND AUTHORIZED STAFF TO PROCEED WITH THE CONSTRUCTION AND INSTALLATION OF GATES AND FENCING TO ENSURE PARKING LOT SECURITY AND SAFETY.

From: "Lisa Frech-Callaway" <lfrech@tehamaso.org>
To: <jfears@corningpd.org>, "Laura Calkins" <lcalkins@corningpd.org>
Subject: Agreement for Homeland Security Fencing Project 2016
Date sent: Tue, 8 Mar 2016 13:19:30 -0800

Hello Chief and Laura,

Attached is the agreement for your fencing project.

Please send to your City Attorney for approval. Once they have approved you will need to send to your City
~~Counsel Board~~ for approval.

Council

If all goes well please send back the fully signed agreement along with approval minutes from the meeting, I will then send to County Board for the Final approval. You do not have to mail this it can all be sent to me by E-mail.

Thanks

Lisa Callaway
Sheriff's Service Officer III
Tehama County Sheriff's Office
P.O. Box 729/22840 Antelope Blvd
Red Bluff, Ca. 96080
530-528-8979 Phone
530-529-7933 Fax

AGREEMENT BETWEEN THE CITY OF CORNING ("CITY") AND THE
COUNTY OF TEHAMA ("COUNTY") FOR CONTRIBUTION AND
EXPENDITURE OF CERTAIN FISCAL YEAR 2015 HOMELAND SECURITY
GRANT PROGRAM FUNDS

RECITALS

WHEREAS, the County is the recipient of Fiscal Year 2015 Homeland Security Grant program funds (the "Grant"), which will be included in the Sheriff's Department Fiscal Year 2015-2016 budget; and

WHEREAS, the Fiscal Year 2015 Homeland Security Grant program provides funding for planning, equipment, training, exercises and management/administrative costs; and

WHEREAS, as required under the terms of the Fiscal Year 2015 Homeland Security Grant program, the County has designated an Anti-Terrorism Approval Body (the "Approval Authority") to distribute the Grant funds at the local level;

WHEREAS, City is a local participating agency in the Fiscal Year 2015 Homeland Security Grant program; and

WHEREAS, the Approval Authority has authorized the disbursement of up to \$14,500.00 in Fiscal Year 2015 Homeland Security Grant program funds to City, to assist City's Purchase of Upgraded Fencing Equipment and Installation of Security Fencing at the Corning Police Dept.

AGREEMENT

In consideration of the Recitals above and the terms and conditions set forth herein, the parties agree as follows:

1. **Payment of Funds:** City shall present to County an invoice for the purchase of Equipment and Installation. City shall include with its invoice a copy of the invoice or similar documentation from the vendor of the showing the purchase price of the Equipment and Installation. Within thirty (30) days after City presents such, County will transfer to City a sum equal to the purchase price, not to exceed \$14,500.00. Upon tender of the aforementioned sum, County's obligations under this Agreement shall be fully performed and County shall have no further obligation to City. In no event shall County's obligation under this Agreement exceed \$14,500.00.

2. **Use of Funds:** City will use the funds to be paid by County solely for the purchase of the Equipment and Installation. City will complete purchase of the Equipment and Installation by January 31, 2017. In the event City does not purchase the Equipment and installation by January 31, 2017, County's obligation for payment shall be null and void, and upon written demand by County, City shall return any funds it has received from

County and not spent on the purchase of the Equipment to County within thirty (30) days of mailing of written demand of County.

3. Use of Equipment: City shall inform the County in writing of the physical location of the Equipment within ten (10) days after purchase. City shall further inform County in writing of the physical location of the Equipment within ten (10) days after any re-location of the Equipment, whether permanent or temporary, for a period of three years after the close of the Grant purchase of the Equipment. The Equipment shall be available for the use and benefit of City and County personnel, consistent with City's current policies
4. Term and Termination: This Agreement shall become effective when fully executed by both parties ("Effective Date") and shall expire upon City's lawful disposition of the Equipment in accordance with the terms of this Agreement. County may terminate this contract immediately upon oral notice should funding cease or be materially decreased. County may terminate this Agreement in the event City becomes unable to substantially perform any terms or conditions of the Agreement. In the event of early termination of *this* Agreement, funds previously received from County, which have not been spent by City on purchase of the Equipment, shall be returned to County by City within thirty (30) days of termination. County's right to terminate this agreement may be exercised by County's Chief Administrator.
5. Compliance with Applicable Law and Grant Requirements: City will comply with all Federal, State, and local laws and ordinances which are or may be applicable to the purchase of the Equipment to be undertaken by City. City has read and understands the Grant and will comply with and require any Vendor of the Equipment to comply with all laws, regulations and guidance documents that apply to the Grant.
6. Independent City Liability: City is, and shall be at all times, deemed independent and shall be wholly responsible for the acts of the City's employees, associates, agents, and contractors, if any, in connection with the purchase of the Equipment.
7. Entire Agreement: Modification: This agreement supersedes all previous agreements and constitutes the entire understanding of the parties hereto. City shall be entitled to no other benefits other than those specified herein. No changes amendments or alterations shall be effective unless in writing and signed by both parties. City specifically acknowledges that in entering into and executing this agreement, City relies solely upon the provisions contained in this agreement and no others.
8. Non-assignment of Agreement: City may not assign, transfer, delegate or sublet any interest herein without the prior written consent of the County
9. No Third Party Beneficiary: Nothing in this Agreement shall be construed to create any rights of any kind or nature in any other party not a named party to this Agreement.

10. Indemnity:

The City shall defend, indemnify, and hold the County, its elected officials, officers, and employees, harmless against and from any and all claims, suits, losses, damages and liability for damages of every name, kind and description, including attorneys' fees and costs incurred, brought for, or on account of, injuries to or death of any person, including but not limited to workers, County employees, and the public, or damage to property, or any economic or consequential losses, which are claimed to or in any way arise out of or are connected with the purchase of the Equipment or the use, operation and maintenance of the Equipment, except to the extent that such claims, suits, losses, damages and liability for damages are caused by the sole negligence or willful misconduct of the County, its elected officials, officers, or employees, in which case, the County shall hold harmless, defend, indemnify, and hold the City, its elected officials, officers, and employees against such claims, suits, losses, damages and liability for damages to the extent of the County's negligence or willful misconduct.

The obligations of indemnity set forth above include the duties to defend set forth in California Civil Code Section 2778. These obligations to defend and indemnify shall survive the expiration or termination of this Agreement and shall remain in full force and effect. Within thirty (30) days after the Effective Date of this Agreement, City shall provide proof in a form satisfactory to the County's Risk Manager of participation in a self-insurance program, or proof of insurance sufficient to meet City's defense and indemnification obligations herein.

11. **Document Retention and Inspection:** City shall maintain complete and accurate records regarding all matters covered under this Agreement, and shall retain these records for three years or the retention period required by law, whichever is longer. Upon request, City shall make these records available for inspection by representatives of the County.
12. **Law and Venue:** This Agreement shall be deemed to be made in, and shall be governed by and construed in accordance with the laws of, the State of California (excepting any conflict of laws provisions which would serve to defeat application of California substantive law). Venue for any action arising from this agreement shall be in Tehama County, California.

On dates listed below, the parties agreed to the terms, conditions and covenants set forth above.

**CITY OF CORNING
("CITY")**

Dated: _____

By: _____
Jeremiah Fears, Chief Of Police

**COUNTY OF TEHAMA
("COUNTY")**

Dated: 030710

By: DL
Dave Hencratt- Sheriff Coroner

Approved as to form:

Dated: _____

County Counsel, County of Tehama

Dated: _____

City Counsel, City of Corning

E-Contract Review
Approval as to Form

Department: Tehama County Sheriff's Department

Vendor Name: City of Corning

Contract Description: Agreement between the parties wherein Department agrees to disburse up to \$14,500 of its Homeland Security Grant program funds to Vendor to use towards the purchase of upgraded fencing equipment and installation of security fencing.

Approved as to Form:

By: Trisha C. Weber
TRISHA C. WEBER
DEPUTY COUNTY COUNSEL

Date: 3-7-16



February 03, 2016

Mr. Dave Hencratt
Tehama County
PO Box 729
Red Bluff, CA 96080

SUBJECT: APPROVAL OF EHP/NEPA SUBMITTAL
FY2015 Homeland Security Grant Program (HSGP)
Grant Number 2015-00078 Cal OES ID# 103-00000

Dear Mr. Hencratt:

The California Governor's Office of Emergency Services (Cal OES) and the U.S. Department of Homeland Security/FEMA have received, reviewed, and approved your EHP/NEPA request for the following:

- Installing of gate, upgrade fencing
 - 774 3rd Street, Corning, CA 96021

Please make note of the added standard conditions identified below:

- Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.
- This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.
- If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.

For further assistance, please contact your Cal OES Program Representative, Cameron Bardwell, in the Grant Management Division, at cameron.bardwell@caloes.ca.gov or 916-845-8428.

Thank you for your work in protecting California. We look forward to your continued collaboration towards our homeland security strategy and appreciate your cooperation and support.

Sincerely,

Darren Tsang, Unit Supervisor
Homeland Security and Prop 1B Unit

3650 SCHRIEVER AVENUE, MATHER, CA 95655
(916) 845-8506 TELEPHONE (916) 845 8511 FAX

**ITEM NO.: G-9
ADOPT ORDINANCE NO. 664 / REZONE
2016-01; REZONE VARIOUS PARCELS
THROUGHOUT THE CITY FROM M-1, PD,
R-1-2, AND R-1-A TO R-1-LLR.
(SECOND READING)**

MARCH 22, 2016

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

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

PROJECT DESCRIPTION:

On March 8, 2016 the City Council adopted the four (4) Factual Subfindings and Legal Findings, waived the first reading and introduced Ordinance No. 664, an Ordinance implementing Rezone 2016-01.

Rezone 2016-01 will rezone various properties throughout the City of Corning from M-1, PD, R-1-2, and R-1-A to R-1-LLR pursuant to Implementation Measure LU-(1) from the City of Corning 2014-2034 General Plan. Please refer to attached Sectional District Map 212 referencing the location of the parcels to be rezoned.

It is now appropriate to adopt Ordinance 664 that will implement Rezone 2016-01.

STAFF & PLANNING COMMISSION RECOMMENDATION:

MAYOR AND CITY COUNCIL ADOPT ORDINANCE NO. 664 AN ORDINANCE TO IMPLEMENT REZONE NO. 2016-01; REZONING VARIOUS PARCELS THROUGHOUT THE CITY FROM M-1, PD, R-1-2, AND R-1-A TO R-1-LLR.

ATTACHMENTS:

Ordinance No. 664 / Sectional District Map 212

ORDINANCE NO. 664

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORNING
AMENDING TITLE 17 ZONING OF THE CITY OF CORNING MUNICIPAL CODE**

WHEREAS, the Zoning Ordinance of the City of Corning was adopted in 1959, (Ordinance 153) and subsequently amended; and,

WHEREAS, on September 8, 2015 the Corning City Council certified the EIR prepared for, and adopted, the 2014-2034 Corning General Plan; and,

WHEREAS, the present zoning of the parcels under consideration is M-1-Light Industrial, PD-Planned Development, R-1-2-Single Family Residential Duplex, R-1-A-Single Family Residential Animal Combining; and,

WHEREAS, the various property owners of the parcels subject to being zoned R-1-LLR have been notified by mail of the proposed action and,

WHEREAS, the various parcels proposed for a zoning designation of R-1-LLR are designated as LLR, Large Lot Residential on the Land Use Diagram of the 2014-2034 Corning General Plan, and,

WHEREAS, Pursuant to Ordinance No. 662 and Implementation Measure LU-(2) Chapter 17.41, Large Lot Residential Combining District was added to the Corning Municipal Code; and

WHEREAS, the parcels proposed for rezoning to R-1-LLR are listed in Appendix A of the 2014-2034 Corning General Plan; and,

WHEREAS, the Planning Commission reviewed the proposed zoning ordinance amendment at their regular meeting of February 16, 2016 and recommended that the City Council amend the Zoning Ordinance to reflect the proposed changes.

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

1. This rezone is consistent with the 2014-2034 Corning General Plan;
2. Ordinance 664 is exempt from CEQA pursuant to Section 15162 of CEQA and its Guidelines; an
3. The various parcels identified as LLR in Appendix A of the 2014-2034 Corning General Plan, and as depicted in green on the attached Sectional District Map No. 212, are hereby zoned R-1-LLR, Single Family Residential – Large Lot Residential Combining District.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Corning held on **March 8, 2016**, and adopted at a regular meeting of the City Council of the City of Corning held on **March 22, 2016**, by the following vote:

AYES:

NOES:

ABSTAIN:

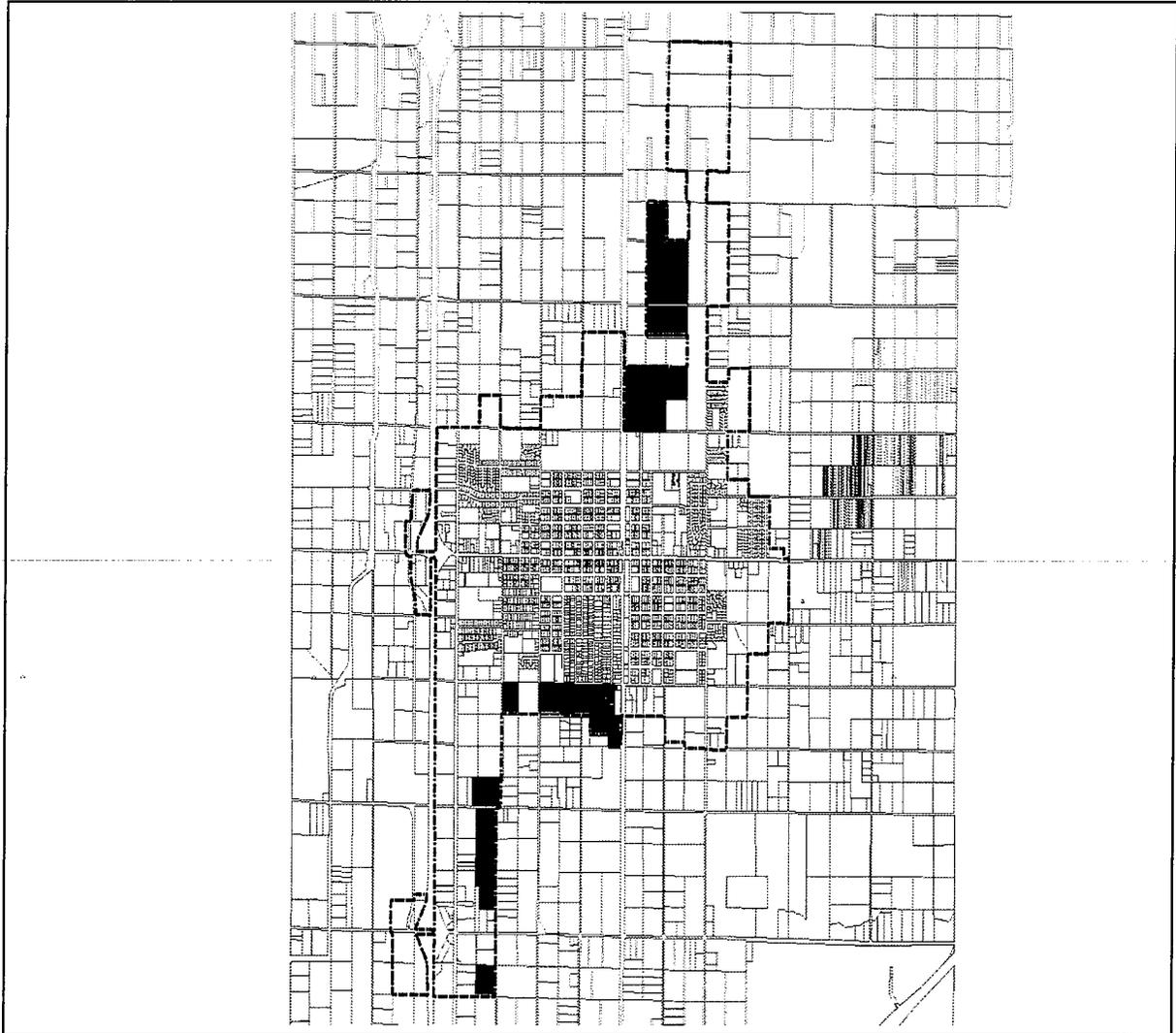
ABSENT:

Gary R. Strack, Mayor

ATTEST:

Lisa M. Linnet, City Clerk

City of Corning-Ordinance No. 664
Rezone No. 2016-01; Sectional District Map No. 212
Being a Portion of Corning City Code Section 17.080.020 (212)



R-1-LLR – Single Family Residential – Large Lot Residential Combining District

Approved and Adopted by action of the Corning City Council on March 22, 2016.

**ITEM NO.: G-10
APPROVE RESOLUTION No. 03-22-2016-01
PROVIDING A 5-YEAR AUTHORIZATION FOR
THE TEHAMA COUNTY SOLID WASTE
MANAGEMENT AGENCY TO SUBMIT GRANT
APPLICATIONS FOR HOUSEHOLD
HAZARDOUS WASTE REGIONAL GRANTS ON
THE CITY'S BEHALF**

March 22, 2016

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

SUMMARY:

As a jurisdictional partner, the City of Corning is fortunate that the Tehama County Solid Waste Management Agency acts as our regional partner in coordinating Solid Waste and Recycling issues and programs throughout the County. The Agency receives no direct funding through the City Budget. If the proposed Resolution is approved, the "JPA", will continue to submit household hazardous waste regional grant applications on behalf of the City. The proposed Resolution also stipulates that it is effective for a five (5) year period from the date of adoption.

The proposed project for this grant cycle will build on the existing and successful ReFuel Your Fund Campaign developed through previous CalRecycle HHW grant cycles focusing on consumer education to increase the use of refillable propane cylinders by the public and support retailer participation. Existing campaign materials include the campaign website RefuelYourFun.org, Facebook, a Public Service Announcement in English and Spanish featuring Secretary of Natural Resources John Laird and the Boy and Girl Scouts, print ads, consumer postcards, factsheets, press releases, cylinder use audits, bin signage, banners, pledge, a radio spot, shelf talkers and more. Materials will also be translated into Spanish. During the grant term funds would be used to:

- Establish temporary collection events and a special seasonal collection program for one-pound propane cylinders and encourage retail locations to provide ongoing collection of disposable gas cylinders if they sell them.
- Pay for disposal and recycling of small propane cylinders collected through temporary collection events or special seasonal collection programs for entities such as Lassen National Park, Black Butte Lake Recreation-US Army Corp of Engineers and their associated camping facilities. Grant funds will also be used to purchase special collection bins for Lassen National Park and Black Butte Lake Recreation -US Army Corp of Engineers.
- Pay for Promotion of retail locations where the refillable propane cylinders can be purchased, exchanged or refilled.
- Pay for promotion of retail locations taking back disposable cylinders for disposal.
- Staff and consultant costs to collect data on the number of gas cylinders properly recycled through the collection events/programs during the grant cycle.
- Staff and consultant costs to collect data on new cylinder purchases, refills and exchanges at participating locations.
- Pay for 8 hour HAZWOPER Training for Staff.

RECOMMENDATION:

MAYOR AND COUNCIL APPROVE:

- **RESOLUTION NO. 03-22-2016-01, A RESOLUTION OF THE CITY OF CORNING PROVIDING A 5-YEAR AUTHORIZATION FOR THE TEHAMA COUNTY SOLID WASTE MANAGEMENT AGENCY TO SUBMIT GRANT APPLICATIONS FOR HOUSEHOLD HAZARDOUS WASTE REGIONAL GRANTS ON THE CITY'S BEHALF;
and**
- **AUTHORIZE THE AGENCY MANAGER OR HIS/HER DESIGNEE TO EXECUTE ALL GRANT RELATED DOCUMENTS.**

RESOLUTION NO.: 03-22-2016-01

**RESOLUTION OF THE CITY OF CORNING
AUTHORIZING SUBMITTAL OF A REGIONAL APPLICATION
FOR WHICH THE TEHAMA COUNTY SOLID WASTE MANAGEMENT AGENCY IS
ELIGIBLE**

WHEREAS, Public Resources Code Sections 48000 et seq. authorize the Department of Resources Recycling and Recovery (CalRecycle) to administer various grant programs (grants) in furtherance of the State of California's (State) efforts to reduce, recycle, and reuse solid waste generated in the State thereby preserving landfill capacity and protecting public health and safety and the environment; and

WHEREAS, Household Hazardous Waste Discretionary Grants allows regional grant projects; and

WHEREAS, CalRecycle grant application procedures require, among other things, a regional applicant's governing body to declare by Resolution certain authorizations related to the administration of CalRecycle Grants.

NOW, THEREFORE, BE IT RESOLVED that the City of Corning authorizes the Tehama County Solid Waste Management Agency to submit a Household Hazardous Waste Discretionary Grants Regional Application on behalf of itself as Lead Agency and the participating jurisdictions as shown by the documentation attached.

BE IT FURTHER RESOLVED that the Agency Manager, or his/her designee, is hereby authorized and empowered to execute on behalf of the Tehama County Solid Waste Management Agency all grant-related documents, including, but not limited to, applications, payment requests, agreements, and amendments necessary to secure grant funds and to implement the approved grant project; and

BE IT FURTHER RESOLVED that these authorizations are effective for five (5) years from the date of adoption of this resolution.

The foregoing Resolution was adopted by the City Council of the City of Corning on this 22nd day of March by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gary R. Strack, Mayor

ATTEST:

Lisa M. Linnet, City Clerk

I, Lisa M. Linnet, City Clerk of the City of Corning, California, DO HEREBY CERTIFY that the foregoing Resolution (Resolution 03-22-2016-01) was duly introduced, approved and adopted by the City Council of the City of Corning at a regular meeting of said Council held on the 22nd day of March, 2016 by the votes listed above.

Lisa M. Linnet, City Clerk

NARRATIVE PROPOSAL

Household Hazardous Waste Grant Program Cycle 27, Small Projects - Fiscal Year 2016–17

DEADLINE: Wednesday March 9, 2016 by 11:59PM

This is a required application document. The Narrative Proposal document is used to describe the details of your proposed project. The character limit for each response is limited to 2,500 and cannot be expanded. Utilizing a document form other than the official CalRecycle version, tampering with the CalRecycle version or otherwise circumventing imposed character limits will subject the applicant to disqualification from the grant program.

Each section of this form must have a response. Ensure your narrative responses are concise, detailed, and most importantly, address each of the criteria below. After you complete this document, use the “save as” command and save the file in the following format: **NP_name of your organization_HD27.pdf** (ex: NP_CityofCalifornia_HD27.pdf) then upload it within the Documents Tab.

For more information, see the Application Guidelines and Instructions and Resources documents in the Grants Management System. These can be found on the Summary Tab of your application in the Resources List.

I. APPLICANT NAME	II. REQUESTED GRANT AMOUNT
Tehama County Solid Waste Management Agency	75,000

III. PROJECT ELIGIBILITY	
Your project must meet one or more of the eligible activities listed within this section. Check all that apply to your proposed project.	
<input checked="" type="checkbox"/>	HHW public education and outreach for general audiences (may include extended producer responsibility (EPR) information)
<input checked="" type="checkbox"/>	Implementation of sustainable EPR collection opportunities (e.g., retail take back or collection events of batteries or fluorescent lamps)
<input checked="" type="checkbox"/>	Set-up and operation of temporary or mobile collection program for one-day or multi-day collection events
<input type="checkbox"/>	Minor improvements to an existing HHW facility (Examples include but are not limited to: storage bins, signage, painting, paving, shelving, etc.)
<input checked="" type="checkbox"/>	Purchase of personal protection equipment and/or 8-hour refresher Hazardous Waste Operations and Emergency Response Standards (HAZWOPER) training

IV. PROJECT DESCRIPTION AND NEED

1. Describe your proposed project and whether or not it is a new program or the expansion of an existing program.

The proposed project will build on the existing and successful ReFuel Your Fun campaign developed through previous CalRecycle HHW grant cycles focusing on consumer education to increase the use of refillable propane cylinders by the public and support retailer participation. Existing campaign materials include the campaign website ReFuelYourFun.org, [Facebook](#), Public Service Announcement in English and Spanish featuring Secretary of Natural Resources John Laird and the Boy and Girl Scouts, print ads, consumer postcards, factsheets, press releases, cylinder use audits, bin signage, banners, pledge, radio spot, shelf talkers and more. Materials will also be translated into Spanish.

During the grant term funds would be used to:

1. Establish temporary collection events and a special seasonal collection program for one-pound propane cylinders and encourage retail locations to provide ongoing collection of disposable gas cylinders if they sell them.
2. Pay for disposal and recycling of small propane cylinders collected through temporary collection events or a special seasonal collection program for entities such as Lassen National Park, Black Butte Lake Recreation-US Army Corp of Engineers and their associated camping facilities. Grant funds will also be used to purchase special collection bins for Lassen National Park and Black Butte Lake Recreation-US Army Corp of Engineers.
3. Pay for promotion of retail locations where the refillable propane cylinders can be purchased, exchanged or refilled.
4. Pay for promotion of retail locations taking back disposable cylinders for disposal.
5. Staff and consultant costs to collect data on the number of gas cylinders properly recycled through the collection events/programs during the grant cycle.
6. Staff and consultant costs to collect data on new cylinder purchases, refills and exchanges at participating locations.
7. Pay for 8 hour HAZWOPER Training for staff.

2. Explain why your project is needed.

In North America, **40 million** disposable one-pound propane cylinders are used and tossed out each year with an estimated four million in California alone. Empty cylinders are often disposed of improperly in landfills, dumpsters, household trash, campsites, on the roadside or in recycling containers and proper recycling is costly. When "empty," disposable cylinders often still contain a small amount of gas, posing a danger to sanitation and parks workers due to the risk of explosions and resulting fires.

The ReFuel Your Fun campaign was initially developed through grants provided to five local jurisdictions in the CalRecycle HHW HD 23 grant cycle. It expanded to three other jurisdictions in the HD25 cycle and through partnerships with businesses outside the grant implementation areas has expanded to include 27 retailers in fourteen California counties at the time of submission of this grant. The campaign goal is to increase the number of participating retailers and the increase in use of refillable one pound propane cylinders by the public. The target audiences include retailers who currently sell disposable propane cylinders and/or provide propane exchange

services, tailgaters, and outdoor cooking or camping enthusiasts.

Information derived from previous campaign outreach includes case studies on disposal costs for Yosemite and Kings Canyon National Parks, cost estimates for disposal costs for California State Parks, costs and safety concerns for materials recovery facilities and retail models for campus outdoor education programs and retailers.

This foundation of the campaign has been set and retailers have been identified to sell the one-pound refillable propane cylinders and provide exchange services in Tehama County and provide information on product availability to consumers.

A barrier for consumers switching to refillable propane cylinders is the initial purchase price of the refillable cylinder, which are about three times the purchase price of a single disposable cylinder. However, once a refillable cylinder has been purchased and exchanged 4 times, the costs savings for the consumers is \$4.96 and with each successive exchange the costs savings grow to \$59.76 after 25 uses and \$128.26 after 50 uses. A barrier for establishing collection programs for the disposal of propane cylinders is the hazards and costs associated with proper handling for recycling.

Refillables save money and hassle – the cost of a refill varies from \$1.99 to \$3.99 depending on location because the consumer only pays for the gas and filling service, not the container. Refillables can last up to 12 years and can be refilled hundreds of times which reduces the impact on landfills and the environment.

The Agency staff will attend an 8 hour HAZWOPER refresher training course.

V. PERFORMANCE MEASURES

3. Describe how you will measure the results or success of the project.

Project success will be measured by:

1. Number of disposable cylinders properly recycled through the special collection events and programs through the grant term.
2. Increase in number of refillable cylinders sold, refilled and exchanged at participating retailers.
3. Decrease in number of improperly disposed cylinders at Tehama County/Red Bluff Landfill as determined by load checks.
4. Decrease in number of disposed cylinders processed by the Tehama County Household Hazardous Waste Program.

If your grant project includes “Implementation of new and sustainable EPR collection opportunities,” you must answer the following question to complete your application. If your project does not include this component, you may opt to leave this section blank.

VI. SUSTAINABILITY

4. Describe how the EPR collection opportunity component in your proposed grant application will remain financially viable after grant funds have been expended.

The EPR collection opportunities that remain financially viable after the grant funds have been expended are the **retail exchange and refill programs** for the refillable one-pound propane cylinders. The producers have voluntarily designed a one-pound propane cylinder to be refilled and or exchanged for up to 12 years. The grant funds will be used to help recruit retailers to provide ongoing sales, refill and exchanges services for consumers.

WORK PLAN

Household Hazardous Waste Grant Program Cycle 27, Small Projects - Fiscal Year (FY) 2016–17

Application DEADLINE: Wednesday March 9, 2016 by 11:59PM

This is a required document. List the major activities, milestones, steps and tasks necessary to implement and complete your project within the grant term. Provide a logical timeframe in chronological order for all proposed grant activities. Add rows to table below, as needed.

After you complete this document, use the “save as” command and save the file in the following format:

WP_name of your organization_HD27.doc (ex: WP_CityofCalifornia_HD27.doc). You may convert to PDF format before you upload it to the Documents Tab, if necessary.

I. APPLICANT NAME	II. REQUESTED GRANT AMOUNT
Tehama County Solid Waste Management Agency	\$75,000

III. DESCRIPTION OF ACTIVITY	START DATE	END DATE
Establish baseline data for project including number of participating retail locations selling/refilling/exchanging refillable 1-lb propane cylinders, if available the amount of cylinders being sold/refilled/exchanged; and number of cylinders being recycled through the Agency's HHW program	NTP	Dec 2016
Establish and plan a series of temporary collection events at convenient retail or other locations to occur through the grant term	NTP	Dec 2016
Develop and establish a seasonal collection program for Lassen National Park (LNP), other parks/public lands and their associated camping facilities for the spring/summer high use season	NTP	June 2017
Recruit additional retailers to participate by selling/refilling/exchanging 1-lb refillable propane cylinders and/or provide ongoing collection of disposable gas cylinders if they sell them	NTP	June 2017
Using Refuel Your Fun campaign materials promote retail locations that are selling/refilling/exchanging 1-lb refillable propane cylinders in the County	Jan 2017	June 2017
Promote and host a minimum of four temporary collection events	March 2017	June 2017
Compile data from seasonal collection program at LNP and others	March 2017	December 2018

Progress Report #1 Due (Covering activities from NTP to June 1, 2017)	June 1, 2017	June 29, 2017
Using Refuel Your Fun Campaign materials promote retail locations that are selling/refilling/exchanging 1-lb refillable propane cylinders in the County	July 2017	June 2018
Promote seasonal collection program for LNP and others	July 2017	October 2018
HAZWOPER Training for Agency Staff	July 2017	December 2017
Promote retail locations if they provide take-back of disposable 1-lb propane cylinders	July 2017	June 2018
Progress Report #2 Due (Covering activities from June 2, 2017 to June 1, 2018)	June 1, 2018	June 28, 2018
Ongoing promotion of participating retailers	July 2018	Dec 2018
Compile data on gas cylinders processed through the Agency's HHW program	Aug 2018	Oct 2018
Collect and compile data from participating retailers	Sept 2018	Dec 2018
Final Report Due	March 1, 2019	March 27, 2019

**California Product Stewardship Council
HHW Grant Proposal Budget - Tehama**

Employee Wages	<u>Hours</u>	<u>Hourly Rate</u>		
Executive Director	14	135	\$	1,890
Assistant Director	72	105	\$	7,560
Program Manager	1	90	\$	90
Special Projects Manager II	2	85	\$	170
Special Projects Manager I	1	65	\$	65
Special Project Coordinator	1	50	\$	50
Senior Associate	172	40	\$	6,880
Associate	164	35	\$	5,740
Intern	1	20	\$	20
Total Employee Hours/Wages	428		\$	22,465

Contract Services	<u>Hours</u>	<u>Hourly Rate</u>		
Accounting Consultant	35	75	\$	2,625
Total Contract Services			\$	2,625

Expenses		
Media Buys & Printing to Promote Refillable Cylinders and Refilling Sites		\$33,300
Collection Bins		\$4,000
Travel		\$1,034
Total Expenses		\$38,334.00

Total Budget Requested for CPSC* **\$63,424.00**

Staffing Tehama County Solid Waste Management Agency	\$4,846
Cylinder disposal costs	\$4,930
8 hour Hazwoper Training	\$1,800
Total Budget for Tehama	\$11,576.00

Total Grant Budget **\$75,000.00**

***Hours and materials budget line items are for planning purposes only and may be adjusted, within the not-to-exceed contract amount, throughout the contract period by mutual consent of the Tehama County Solid Waste Management Agency Contract Manager and California Product Stewardship Council in order to complete the tasks specified in the Scope of Work.**



Application Certification

Application Information

Applicant: Tehama County Solid Waste Management Agency
 Cycle Name: Household Hazardous Waste Discretionary Grants
 Cycle Code: HD27
 Grant ID: 19077
 Grant Funds Requested: \$ 75,000.00
 Matching Funds: - (if applicable)

Application Due Date: 3/16/2016
 Secondary Due Date: 4/19/2016

Participants

Participant Name	County	Lead
City of Corning	Tehama	
City of Red Bluff	Tehama	
City of Tehama	Tehama	
Tehama County	Tehama	
Tehama County Solid Waste Management Agency	Tehama	X

Contacts

Name	Title	Prime	Second	Auth	Cnslt
Rachel Ross	Agency Manager	X		X	
Paul Freund	Recycling Coordinator I		X		
Heidi Sanborn	Executive Director				X
Christine Flowers	Program Manager				X

Budget

Category Name	Amount
Admin Costs	\$ 2,476.00
Collection	\$ 4,930.00
Education	\$ 59,424.00
Equipment	\$ 4,000.00
Personnel	\$ 2,370.00
Training	\$ 1,800.00
Upgrade/Expansion	-

Site Information

Name	Type
Tehama County Landfill Permanent HHW Facility	HHW Facility

Documents	Document Title	Received Date
Required		
Application Certification	Application Certification Signed	03/11/2016
General Checklist of Business Permits Licenses and Filings	General Checklist Signed	03/11/2016
Narrative Proposal	TCSWMA HD27 Narrative Proposal	03/11/2016
Narrative Proposal	Revised Narrative Proposal	03/15/2016
Work Plan	TCSWMA HD27 Work Plan	03/10/2016
Work Plan	Revised Work Plan	03/15/2016

Required By Secondary Due Date

Resolution/Letter of Commitment



Application Certification

Other Supporting Document(s)

- EPPP Notification
- Joint Powers Agreement
- Letter of Authorization/Resolution
- Letter of Commitment
- Letter of Designation

Resolution

Check the following, as applicable. See Application Guidelines and Instructions for more information and examples.

- Applicant acknowledges that its approved Resolution must be uploaded no later than the secondary due date. Applicant further acknowledges that if its Resolution is received after this date, its application will be disqualified.

EPPP

Does your entire organization have an existing Environmentally Preferable Purchasing and Practices (EPPP) Policy?

- Yes, our entire organization has an existing EPPP Policy. (Must answer Yes to be eligible).

Program Questions

California Labor Code section 1782 prohibits a charter city from receiving state funding or financial assistance for construction projects if that charter city does not comply with Labor Code sections 1770-1782. If any applicants or participating jurisdictions are charter cities or joint powers authorities that include charter cities, the lead applicant must certify that Labor Code section 1782 does not prohibit any included charter city from receiving state funds for the project described in this application. If it is determined after award that a participating jurisdiction is a charter city prohibited from receiving state funds for this grant project, the grant will be terminated and any disbursed grant funds shall be returned to CalRecycle.

If any applicant or participating jurisdiction is a charter city or a joint powers authority that contains one or more charter cities, does Labor Code section 1782 prohibit those charter cities from receiving state funding for the project described in this grant application? Check the following, as applicable.

- Not Applicable – This application does not include any charter cities.

Conditions and Certification

Condition of Application Submittal: Acceptance of Grant Agreement Provisions

In the event the Applicant is awarded a grant, the submittal of this Application constitutes acceptance of all provisions contained in the Grant Agreement, which consists of the following:

- Executed Grant Agreement Cover Sheet and any approved amendments
- Exhibit A - Terms and Conditions
- Exhibit B - Procedures and Requirements
- Exhibit C - Application with revisions, if any, and any amendments

Environmental Justice:

In the event Applicant is awarded a grant, submittal of this Application constitutes acceptance of the following; that in the performance of the Grant Agreement, Applicant/Grantee shall conduct their programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the State. (see Govt. Code §65040.12(e) and Pub. Resources Code §71110(a))

Certification:

I declare under penalty of perjury under the laws of the State of California, that funds have been allocated for the project(s)/activities identified in the grant application and that sufficient funds are available to complete the project(s)/activities identified in the grant application, that I have read the Application Guidelines and Instructions and that all information submitted for CalRecycle's consideration for award of grant funds is true and correct to the best of my knowledge, and that on behalf of the Applicant I accept the above conditions of submittal.

Rachel Ross

3/16/16

Signature of Signature Authority (as authorized in Resolution or Letter of Commitment) Date
or Authorized Designee (as authorized in Letter of Designation, submitted with this Application)

**ITEM NO: G-11
AGREEMENT WITH LUCERO
OLIVE OIL FOR CITY USE OF
LOGOS**

March 22, 2016

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: KRISTINA MILLER, CITY MANAGER



SUMMARY:

The proposed Agreement will allow the City's non-exclusive use of the logos owned by Lucero Olive Oil, LLC (as shown in Exhibits A and B) for an indefinite duration at its sole and absolute discretion without any cost to the City.

BACKGROUND:

On July 26, 2011, the City Council for the City of Corning adopted Resolution 07-26-2011-03 adopting both marketing and City Logos for the City of Corning subject to a contractual agreement being reached between the City of Corning and Lucero Olive Oil, LLC, setting forth the City's ability to use the Logos for an indefinite duration and without payment of royalties or fees of any kind. The City has used the logos on a minimal basis since 2011. The use was limited due to a lack of agreement being reached by the parties. The City would like to use these logos on signage and property throughout the City. As part of the Solano Streetscape Project, it is planned for the logos to be placed on the sides of the recycling and waste receptacles. Absent an Agreement with Lucero Olive Oil, LLC, the City will not use the logos.

The proposed Agreement will allow the City's non-exclusive use of the logos owned by Lucero Olive Oil, LLC (as shown in Exhibits A and B) for an indefinite duration at its sole and absolute discretion without any cost to the City. City Attorney, Jody Burgess has reviewed and approved the proposed Agreement.

RECOMMENDATION:

MAYOR AND COUNCIL:

- **APPROVE THE AGREEMENT BETWEEN LUCERO OLIVE OIL, LLC AND THE CITY OF CORNING ESTABLISHING THE RIGHT OF THE CITY OF CORNING TO UTILIZE ARTWORK BELONGING TO LUCERO OLIVE OIL, LLC AS CITY INSIGNIA AND/OR LOGOS; AND**
- **AUTHORIZE THE CITY MANAGER TO SIGN THE AGREEMENT.**

AGREEMENT BETWEEN LUCERO OLIVE OIL, LLC AND THE CITY OF CORNING, CALIFORNIA ESTABLISHING THE RIGHT OF THE CITY OF CORNING TO UTILIZE ARTWORK BELONGING TO LUCERO OLIVE OIL, LLC AS CITY INSIGNIA AND/OR LOGOS.

RECITALS

WHEREFORE Lucero Olive Oil, LLC represents and warrants that Lucero Olive Oil, LLC is the exclusive owner of that certain artwork identified in Exhibits "A" and "B" (hereinafter "logos").

WHEREFORE Lucero Olive Oil, LLC finds it beneficial to permit use of the Logos to promote the City of Corning (hereinafter "City") as an olive oil industry region, which can establish a marketing basis for the City and the olive industry.

WHEREFORE the City finds and agrees that the use of the Logos will promote the City and the olive industry while simultaneously establishing historical recognition of the City as the "Olive Capital".

WHEREFORE Lucero Olive Oil, LLC represents and warrants that the City may use the Logos for an indefinite duration and without interruption or compensation paid to Lucero Olive Oil, LLC, its agents, successors, and assigns.

WHEREFORE the City of Corning desires to use the Logos and intends to incur expense and cost in their generation and display of the same, and hereby desires such use knowing it may incur for an indefinite period and without compensation to Lucero Olive Oil, LLC, its agents, successors or assigns.

WHEREFORE on July 26, 2011, the City Council for the City of Corning adopted Resolution 07-26-2011-03 adopting both marketing and City Logos for the City of Corning subject to a contractual agreement being reached between the City of Corning and Lucero Olive Oil, LLC, setting forth the City's ability to use the Logos for an indefinite duration and without payment of royalties or fees of any kind.

WHEREFORE the use of such Logos has occurred by City without objection, injury, or protest by Lucero Olive Oil, LLC, which Lucero Olive Oil, LLC accepts without compensation of any kind.

NOW THEREFORE, there being adequate and mutual consideration, which is hereby expressly acknowledged, the parties agree as covenant as follows:

AGREEMENT

1. The parties incorporate the Recital Section of this Agreement as though fully set forth herein.
2. Lucero Olive Oil, LLC is the owner of the Logos and hereby warrants that they have the right to permit and provide the City of Corning the right to utilize the Logos under the terms and conditions set forth in this Agreement, including but not limited to the use of the Logos for an indefinite duration and without payment of any compensation to any person or entity by City.
3. Lucero Olive Oil, LLC hereby grants to the City of Corning a nonexclusive right to utilize the Logos as insignia and/or a logo of the City of Corning, California, including but not limited to use of the Logos on City owned, leased, and/or controlled property, letterhead, signs, banners and so on. It is the intent of the parties that the City of Corning has the ability and right to utilize the Logos as the City deems beneficial to the City of Corning, California in its sole and absolute discretion.
4. The City of Corning, California has the right to utilize the Logos as set forth in this Agreement for an unlimited and indefinite duration; such that the City of Corning may, at its discretion, utilize the Logos so long as the City desires.
5. The City of Corning, California has the right to utilize the Logos as set forth in this Agreement and that said right of use is not conditioned on the payment or receipt of royalties, such that the City of Corning may, at its sole discretion, utilize the Logos without paying royalties or fees of any kind to Lucero Olive Oil, LLC, its successors, agents, assigns, or any other persons or entities. Summarily, the City of Corning has the right to utilize the Logos without paying compensation, whether it be royalties or otherwise to any person or entity. It is further understood that City owes no person or entity monies for the existing use of such Logos, whatever that use may have been.
6. This is the complete and final expression of agreement between these parties as pertaining to the use of the Logos; there being no other oral or written agreements executed by these parties that supersedes, modifies, or otherwise changes the terms of this agreement.
7. Each party hereto agrees that this Agreement may be executed in counterparts, and by facsimile, each of which shall be an original, but all of which shall constitute one and the same document.

8. Each party hereto agrees that this Agreement shall inure to the benefit of the other party and shall be binding upon each party hereto and his, her or its related corporate entities, heirs, predecessors, successors, assigns and representatives.

9. Each party hereto agrees that this Agreement shall be interpreted and governed by and under the laws of the State of California, that this Agreement shall be deemed and construed to have been jointly prepared by the parties hereto, and that the uncertainties or ambiguities, if any, existing in this Agreement shall not be interpreted against one particular party.

10. Any action filed to perfect any rights under this Agreement, or to seek a declaration of those rights, shall be filed and pursued through settlement, dismissal or judgment in the Tehama County Superior Court.

WHEREFORE each party has read and understands the terms and obligations of this agreement and by executing below hereby agrees to its faithful performance.



Robert Crane, Member Manager
Lucero Olive Oil, LLC

3.17.2016
Date

Kristina Miller, City Manager
City of Corning, California

Date

EXHIBIT A
CITY OF CORNING LOGO



EXHIBIT B
CORNING MARKETING LOGOS



**ITEM NO.: J-12
APPROVE LETTER OF COMMITMENT
AS A PARTICIPATING JURISDICTION IN
THE TEHAMA COUNTY MULTI-
JURISDICTIONAL HAZARD MITIGATION
PLANNING**

March 22, 2016

**TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: KRISTINA MILLER, CITY CLERK**

BACKGROUND

The County of Tehama is currently seeking grant funding in order to complete the update to the Tehama County Multi-Jurisdictional Hazard Mitigation Plan (HMP) which is set to expire in October 2017. The original Plan was completed in 2011-2012 and included the Cities of Tehama, Corning and Red Bluff.

The County is planning to submit a grant proposal in order to fund a Consultant that will facilitate the required HMP Update; they plan to submit two "Notice of Intent" for separate grant opportunities through Cal OES.

The County has invited the City to participate in this update. This will require staff time from our Law Enforcement, Fire, Planning and Public Works Departments during several steering committee meetings along with review of the document. This time will be used along with County Grant/Contract Administration time to make up the 25% match required by the grant. The County currently plans on requesting \$112,500 in grant funding to cover the costs of the consulting firm.

Ensuring that the HMP is current is important because this is often a requirement for grant opportunities as well as a requirement when applying for Federal Disaster reimbursement. This may also be a requirement of future State Disaster Funds.

On November 13, 2012, as a member of a coalition of Tehama County Stakeholders, the City adopted Resolution No. 11-13-2012-04, a Resolution of the City of Corning Authorizing the adoption of the Tehama County Hazard Mitigation Plan. On February 11, 2014 the City adopted Resolution 02-11-2014-01 authorizing the adoption of the City of Corning All Hazard Mitigation Plan.

After consideration, Staff is currently researching the possibility that as a participating Jurisdiction in the Multi-Jurisdictional Hazard Mitigation Plan, this action could negate the necessity for the City to update our individual Plan, thus providing a much needed savings.

RECOMMENDATION:

**MAYOR AND COUNCIL APPROVE SUBMITTAL OF LETTER OF
COMMITMENT AS A PARTICIPATING JURISDICTION IN THE TEHAMA COUNTY
MULTI-JURISDICTIONAL HAZARD MITIGATION PLANNING.**

PARTICIPATING JURISDICTION LETTERHEAD

March 22, 2016

Bob Williams, Chair
County of Tehama, Board of Supervisors
727 Oak Street
Red Bluff, CA 96080

Re: Letter of Commitment as participating jurisdiction in Tehama County Multi-jurisdictional Hazard Mitigation Planning

Dear Mr. Williams,

As the Federal Emergency Management Agency's (FEMA) Local Mitigation Plan requirements under 44 CFR §201.6 specifically identify criteria that allow for multi-jurisdictional mitigation plans and that many issues are better resolved by evaluating hazards more comprehensively by coordinating at the county, regional, or watershed level, the **City of Corning** is submitting this letter of commitment to confirm that the City of Corning has agreed to participate in the Tehama County Multi-jurisdictional Hazard Mitigation Planning.

Further, as a condition to participating in the mitigation planning; **the** City of Corning agrees to meet the requirements for mitigation plans identified in 44 CFR §201.6 and to provide such cooperation as is necessary and in a timely manner to the County of Tehama to complete the plan in conformance with FEMA requirements.

The City of Corning understands that it must engage in the following planning process, as more fully described in FEMA's Local Multi-Hazard Mitigation Planning Guidance dated July 1, 2008, including, but not limited to:

- Identification of hazards unique to the jurisdiction and not addressed in the master planning document;
- The conduct of a vulnerability analysis and an identification of risks, where they differ from the general planning area;
- The formulation of mitigation goals responsive to public input and development of mitigation actions complementary to those goals. A range of actions must be identified specific for each jurisdiction. ;
- Demonstration that there has been proactively offered an opportunity for participation in the planning process by all community stakeholders (examples of participation include relevant involvement in any planning process, attending meetings, contributing research, data, or other information, commenting on drafts of the plan, etc.); and
- Documentation of an effective process to maintain and implement the plan; and,
- Formal adoption of the Multi-jurisdictional Hazard Mitigation Plan by the jurisdiction's governing body (each jurisdiction must officially adopt the plan).

Therefore, with a full understanding of the obligations incurred by participating in the FEMA Hazard Mitigation planning process as a participant in a multi-jurisdictional plan; I, **Gary Strack, Corning City Mayor**, commit **the City of Corning** to the Tehama County Multi-jurisdictional Hazard Mitigation Planning effort.

Executed this ____ day of _____

Gary R. Strack, Mayor
City of Corning

**ITEM NO: J-13
APPROVE LETTER IN SUPPORT OF
THE PASKENTA BAND OF NOMLAKI
INDIANS' APPLICATION FOR A 2016
SOCIAL & ECONOMIC DEVELOPMENT
STRATEGIES (SEDS) GRANT**

March 22, 2016

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: KRISTINA MILLER, CITY MANAGER



SUMMARY:

The Paskenta Band of Nomlaki Indians (the Tribe) is applying for funding through the Administration for Native Americans Office's Social & Economic Development Strategies (SEDS) grant program. The Tribe is proposing to establish a Social Development Department on tribal lands. The Tribe's intent is to increase the tribal government's efficiency and accountability.

The Tribe has asked if the City would provide a letter of support for the proposed project.

BACKGROUND:

The Tribe is applying for grant funding through the Administration for Native Americans Office's SEDS grant program. The Tribe is proposing to use the funds to help them as they re-organize their governance structure and create a new Social Development Department. The proposed grant application will be submitted to the Administration for Native Americans Office on March 24, 2016.

As part of their grant application the Tribe needs letters of support for their proposed project. The Tribe has asked if the City would provide a letter of support for the proposed project that states the City would be supportive of individuals from the proposed Social Development Department as they seek to help tribal members. There is no commitment of resources for the City.

Staff has prepared the attached letter in support of the Tribe's SEDS grant application.

RECOMMENDATION:

MAYOR AND COUNCIL APPROVE THE PROPOSED LETTER IN SUPPORT OF THE TRIBE'S SEDS GRANT APPLICATION AND AUTHORIZE THE MAYOR TO SIGN THE LETTER.

Put on City Letterhead

March 22, 2016

To Whom It May Concern:

The City of Corning is in support of the Paskenta Band of Nomlaki Indians' 2016 Social & Economic Development Strategies (SEDS) grant application. The City of Corning and the Paskenta Band of Nomlaki Indians (the Tribe) have a long history of working together to provide services to children, youth, and families in the Corning area.

The City of Corning is aware of the recent restructuring of the Tribe's governance structure. Under the SEDS initiative, the Tribe will be taking the next steps to codify existing laws, develop new procedures and policies, and create processes to increase accountability to its members. These steps promise to increase the tribal government's efficiency and accountability which will undoubtedly produce greater outcomes for individuals and families.

The City of Corning also supports the development of a new Social Development Department on tribal land. This Department will be key in providing tribal and non-tribal resources for members. These services will help tribal members who are also residents of our city. We look forward to continuing to work together with the Tribe as we seek to better the lives of Native American and Non-Native children, youth, and families who live in Corning.

Sincerely,

Gary R. Strack, Mayor

**ITEM NO: J-14
ASSEMBLY BILL 1707
LETTER OF OPPOSITION
MARCH 22, 2016**

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

SUMMARY:

Assembly Bill 1707 (AB 1707) as proposed to be amended would require jurisdictions to, within ten days, respond to any request with a written response that also includes a list that contains the title of each record requested but withheld due to an exemption, and the specific exemption that applies to that record. AB 1707 would be incredibly burdensome due to its requirement to review, list and catalogue individual exempt documents within a 10 day timeframe—all the while receiving no reimbursement from the State.

BACKGROUND:

Section 6255 of the California Government Code requires jurisdictions to justify withholding any record by demonstrating that the record in question is exempt under express provisions, or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

AB 1707 (Exhibit "A"), as proposed by Assembly Member Linder, intends to increase access to public records. Unfortunately, releasing such protected information could expose the City of Corning to both civil and criminal liability due to the requirement that jurisdictions disclose the specific documents by title that are otherwise protected from disclosure by the Constitution or other privacy statutes (such as, the Health Insurance Portability Accountability Act (HIPAA), the Firefighters' Bill of Rights, or the Peace Officers' Bill of Rights, etc.).

The League of California Cities opposes AB 1707, as indicated in Exhibit "B". If AB 1707 is signed into law, the City can expect Public Records Requests to increase and the corresponding workload of the City Clerk to respond to such requests to increase dramatically with no cost reimbursement from the State.

Attached for Council consideration is Exhibit "C", the proposed AB 1707 Letter of Opposition. Upon approval by the City Council, the letter will be signed and submitted.

I plan to develop a legislative platform for Council to consider at a later date. The legislative platform will help the City timely respond to proposed legislation that affects the City.

RECOMMENDATION:

- Authorize the City Manager to sign the Letter of Opposition in regards to Assembly Bill 1707.

ASSEMBLY BILL

No. 1707

Introduced by Assembly Member Linder

January 25, 2016

An act to amend Section 6255 of the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1707, as introduced, Linder. Public records: response to request.

The California Public Records Act requires state and local agencies to make public records available for inspection, unless an exemption from disclosure applies. The act requires a response to a written request for public records that includes a denial of the request, in whole or in part, to be in writing.

This bill instead would require that response to be in writing regardless of whether the request was in writing. The bill would require that written response additionally to include a list that contains the title or other identification of each record requested but withheld due to an exemption and the specific exemption that applies to that record. Because local agencies would be required to comply with this new requirement, this bill would impose a state-mandated local program.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6255 of the Government Code is amended
2 to read:

3 6255. (a) The agency shall justify withholding any record by
4 demonstrating that the record in question is exempt under express
5 provisions of this chapter or that on the facts of the particular case
6 the public interest served by not disclosing the record clearly
7 outweighs the public interest served by disclosure of the record.

8 (b) A response to a written any request for inspection or copies
9 of public records that includes a determination that the request is
10 denied, in whole or in part, shall be in writing. *That written*
11 *response also shall include a list that contains both of the*
12 *following:*

13 (1) *The title or other identification of each record requested but*
14 *withheld due to an exemption.*

15 (2) *The specific exemption that applies to that record.*

16 SEC. 2. The Legislature finds and declares that Section 1 of
17 this act, which amends Section 6255 of the Government Code,
18 furthers, within the meaning of paragraph (7) of subdivision (b)
19 of Section 3 of Article I of the California Constitution, the purposes
20 of that constitutional section as it relates to the right of public
21 access to the meetings of local public bodies or the writings of
22 local public officials and local agencies. Pursuant to paragraph (7)
23 of subdivision (b) of Section 3 of Article I of the California
24 Constitution, the Legislature makes the following findings:

25 Because the people have the right of access to information
26 concerning the conduct of the people's business, requiring local
27 agencies to provide a written response to any request for public
28 records that is denied and to include in that response a list of each
29 record being withheld due to an exemption from disclosure and

1 the specific exemption that applies furthers the purposes of Section
2 3 of Article 1.

3 SEC. 3. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district under this act would result from a legislative mandate that
7 is within the scope of paragraph (7) of subdivision (b) of Section
8 3 of Article I of the California Constitution.

O

EXHIBIT "B"



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

March 2, 2016

The Honorable Eric Linder
Member, California State Assembly
State Capitol – Room 2016
Sacramento, CA 95814

**RE: Assembly Bill (AB) 1707 (Linder) Public Records Act: Response to Request
Notice of OPPOSITION**

Dear Assemblymember Linder,

On behalf of the League of California Cities (League) I regret to inform you that we must **OPPOSE** your Assembly Bill (AB) 1707. Although well intended, AB 1707 is an unnecessary measure that poses significant operational challenges, increased cost and a potential for increased litigation for cities already struggling to comply with the California Public Records Act (CPRA). While the CPRA is a cornerstone in establishing trust between the people and their government, the public's right to access must be limited in certain instances to protect the function of government, as the Legislature has already recognized by exempting certain classes of information from its provisions.

The burdens and risks of the additional requirement proposed by this bill would be substantial:

AB 1707 would put an incredible burden on Cities: Requiring a public agency to provide a list of all records in its possession that may be responsive to a CPRA request has the potential for imposing significant costs on local agencies. As the California Supreme Court stated in *Haynie v. Superior Court* (2001) 26 Cal.4th 1061, 1074-75:

A single request may involve thousands of pages of materials. (E.g., *State Bd. of Equalization v. Superior Court*, 10 Cal.App.4th 1077, 1183, fn. 6.) To require each public agency to catalog the responsive documents for each of the requests it receives—even when the agency could legitimately claim that all responsive documents are exempt from disclosure—would be burdensome and of scant public benefit. (Cf. *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, 1345 [request for copies of the Governor's appointment schedules, calendars, notebooks, and any other documents listing the Governor's daily activities over a five-year period].)

Cities across California already struggle to comply with the 10 day response period associated with the CPRA. It would be incredibly burdensome to require cities to take the extra step of reviewing and listing each exempt document within that timeframe, especially when factoring in the additional staff time and resources needed to do so. Due to the increased volume of such requests, many cities large and small have already had to hire additional staff dedicated solely to review documents in association with CPRA requests.

Additionally, Proposition 42 places all of the cost squarely on the shoulders of local public agencies when responding to CPRA requests. Proposition 42 also prevents cities from recouping any of these or future costs associated with the increased staffing/staff time that would be required to comply with this measure.

AB 1707 is unnecessary and will lead to unintended consequences: Simply put, members of the public are already given sufficient information through the written denial of CPRA requests. Cities are already required to state the legal basis under the CPRA for their decision not to disclose documents.

There is a strong risk that that AB 1707 may require the disclosure of information that is otherwise protected from disclosure by the constitution or other privacy statutes, such as the Health Insurance Portability and Accountability Act (HIPAA), the Firefighters' Bill of Rights, or the Peace Officers' Bill of Rights, etc. Releasing such protected information could expose cities or others to both civil and criminal liability.

For example, if "the documents are generated as part of a criminal investigation, a list of documents withheld may also reveal information ordinarily deemed exempt from disclosure, such as how far the investigation has progressed, whether witnesses had been contacted, and whether forensic tests had been conducted." *Haynie v. Superior Court, supra*, at p. 1075. Thus, the log itself would almost certainly "launch satellite litigation over the adequacy of its descriptions of the documents exempt from disclosure." This is not to mention that the incredible burden of reviewing the documents and compiling a list within 10 days would also likely lead to an increase in the amount of protected documents inadvertently disclosed.

For the reasons stated above, the League of California Cities must **OPPOSE** your measure. If you have any further questions regarding our position please contact me directly at 916-658-8210.

Respectfully,

A handwritten signature in black ink that reads "D. Hutchings". The signature is written in a cursive style with a large, stylized "D" and a long horizontal stroke extending to the right.

DANE HUTCHINGS
Legislative Representative, League of California Cities

CC: The Honorable Mark Stone, Assembly Judiciary Committee (Chair)
The Honorable Donald P. Wagner, Assembly Judiciary Committee (Vice Chair)
Assembly Judiciary Committee, All Members
Tom Clark, Assembly Judiciary Committee (Staff Counsel)

Exhibit "C"

March 22, 2016

The Honorable Eric Linder
Member, California State Assembly
State Capitol – Room 2016
Sacramento, CA 95814
Fax: (916) 319-2160

**RE: Assembly Bill (AB) 1707 (Linder) Public Records Act: Response to Request
(as proposed to be amended) Notice of OPPOSITION**

Dear Assemblymember Linder:

The City of Corning **opposes** Assembly Bill (AB) 1707 **as proposed to be amended**. AB 1707 poses significant operational challenges, increased cost and a potential for increased litigation for cities already struggling to comply with the California Public Records Act (CPRA). In addition, the proposed amendments, in fact, create additional workload and operational issues. Staff would be required to remove privileged information out of the title of *each* document requested, keep records, provide document titles, and make judgements on whether a request involves a 'group of similar records.' Ultimately, the proposed amendments do not mitigate the potential negative impacts and instead present additional challenges and costs while hindering local governments working to provide this important public service.

While the CPRA is a cornerstone in establishing trust between the people and their government, the public's right to access must be limited in certain instances to protect the function of government, as the Legislature has already recognized by exempting certain classes of information from its provisions. The burdens and risks of the additional requirement proposed by this bill would be substantial:

AB 1707 would put an incredible burden on Cities: Requiring a public agency to provide a list of all records in its possession that may be responsive to a CPRA request has the potential for imposing significant costs on local agencies. As the California Supreme Court stated in *Haynie v. Superior Court* (2001) 26 Cal.4th 1061, 1074-75:

A single request may involve thousands of pages of materials. (E.g., *State Bd. of Equalization v. Superior Court*, 10 Cal.App.4th 1077, 1183, fn. 6.) To require each public agency to catalog the responsive documents for each of the requests it receives—even when the agency could legitimately claim that all responsive documents are exempt from disclosure—would be burdensome and of scant public benefit. (Cf. *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, 1345 [request for copies of the Governor's appointment schedules, calendars, notebooks, and any other documents listing the Governor's daily activities over a five-year period].)

Cities across California already struggle to comply with the 10 day response period associated with the CPRA. It would be incredibly burdensome to require cities to take the extra step of reviewing and listing each exempt document within that time-frame, especially when factoring in the additional staff time and resources needed to do so. Due to the increased volume of such requests, many cities large and small have already had to hire additional staff dedicated solely to review documents in association with CPRA requests. The proposed amendment to allow agencies to redact privilege information out of titles in order to meet exemption standards may actually increase workload and does not go far enough to mitigate risks associated with the disclosure of information.

Additionally, Proposition 42 places all of the cost squarely on the shoulders of local public agencies when responding to CPRA requests. Proposition 42 also prevents cities from recouping any of these or future costs associated with the increased staffing/staff time that would be required to comply with this measure.

AB 1707 is unnecessary and will lead to unintended consequences: Simply put, members of the public are already given sufficient information through the written denial of CPRA requests. Cities are already required to state the legal basis under the CPRA for their decision not to disclose documents.

There is a strong risk that that AB 1707 may require the disclosure of information that is otherwise protected from disclosure by the constitution or other privacy statutes, such as the Health Insurance Portability and Accountability Act (HIPAA), the Firefighters' Bill of Rights, or the Peace Officers' Bill of Rights, etc. Releasing such protected information could expose cities or others to both civil and criminal liability.

For example, if "the documents are generated as part of a criminal investigation, a list of documents withheld may also reveal information ordinarily deemed exempt from disclosure, such as how far the investigation has progressed, whether witnesses had been contacted, and whether forensic tests had been conducted." *Haynie v. Superior Court*, supra, at p. 1075. Thus, the log itself would almost certainly "launch satellite litigation over the adequacy of its descriptions of the documents exempt from disclosure." This is not to mention that the incredible burden of reviewing the documents and compiling a list within 10 days would also likely lead to an increase in the amount of protected documents inadvertently disclosed.

For these reasons, the City of Corning **opposes** Assembly Bill (AB) 1707.

Sincerely,

Kristina Miller
City Manager
City of Corning

cc: Jim Nielsen, District 4, California State Senator
James Gallagher, District 3, California State Assemblymember
Thomas Clark, Assembly Judiciary Committee, Counsel, Fax: (916) 319-2188
Dane Hutchings, League of California Cities, dhutchings@cacities.org
Meg Desmond, League of California Cities, mdesmond@cacities.org

**ITEM NO: J-15
APPROVE REQUEST FOR AN AG WELL
WITHIN CITY LIMITS LOCATED AT
NORTHWEST CORNER OF HWY 99W/
BLACKBURN AVE. INTERSECTION AND
APPOINT PUBLIC WORKS DIRECTOR
AS "WATER SUPERINTENDENT"**

MARCH 22, 2016

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

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

SUMMARY:

Staff has received a request from Scott Claussen, who is in the process of purchasing the property at the northwest corner of the Hwy 99W/Blackburn Avenue intersection (APN 69-150-40, 41, 42, 43, 44, 53, 54, & 72), to drill a new agricultural water well that would service approximately 65 acres with the intention of developing an olive orchard. The current agricultural water well on the property, located on APN 69-150-44 is no longer functional. Mr. Claussen proposes to abandoned and seal the existing agricultural well and drill a new agricultural well to service the parcels and olive orchard. The new agricultural well will be in service for irrigation/agriculture use only. A second residential water well located on APN 69-150-43 will only be used to service the existing residence on the parcel.

MUNICIPAL CODE AND ZONING:

Corning Municipal Code Section 13.08.230 prohibits the drilling of new water wells within the City Limits if municipal water services are located within two hundred feet of any property line of the premises. The two hundred feet distance provides a reasonable presumption that the parcels can be served by the municipal water system. Municipal water services are only within two hundred feet of one of the parcels (APN 69-150-72, approximately 19.18 acres) proposed for development of an olive orchard. Providing water to all of the parcels and using municipal water for agricultural irrigation would be very costly and provide an increased demand on the municipal water system.

Corning Municipal Code Section 13.08.240 allows for an exception for drilling new wells "*designed strictly for agricultural purposes rather than for production of water for human consumption.*" There are four requirements applicable to the issuance of an agricultural well pursuant to this section of the municipal code they are:

- The applicant signs a certification, which shall become a covenant running with the land upon recordation in the Tehama County Recorder's Office, assuring the City that water from such well will be used strictly for agricultural purposes.
- The applicant grants, as a part of the same certification, continuing permission for the City to enter upon his or her property to inspect all connections thereto.
- The Water Superintendent determines that the proposed well will not contaminate existing water sources or constitute a health hazard to the community.
- The parcel on which the well is proposed to be placed is at least five acres in size.

This property is Zoned R-1; Single Family Residential which allows agricultural as a permitted use.

Section 13.08.020 (F) defines "Water Superintendent" as "*any person designated by the City Council to perform the services and make the determinations permitted under this chapter or required to be made by the provisions hereof.*"

In reviewing past actions of the Council, Staff cannot find documentation that the Council has designated a "Water Superintendent". Throughout Chapter 13.08 "Water Service Regulations" the Water Superintendent is referenced for a variety of decisions and issuance of permits. Staff is recommending that the Council designate the Public Works Director as the "Water Superintendent".

RECOMMENDATION:

Staff recommends the following findings for consideration by the Council:

Finding #1

All of the parcels proposed for development of an olive orchard cannot "reasonably be served" by municipal water.

Finding #2

Using water from the City of Corning Municipal Water System would increase demand on the system

Finding #3

Recording a covenant running with the land assuring the City that the well proposed by Scott Claussen will only be used for agricultural purposes and granting City Staff permission to continually inspect all connections will assure that the water pumped from this well will only be used for agricultural use.

Finding #4

The location of the proposed well, sealing the well as required by the Tehama County Environmental Health Department, and at this time not connecting the water produced from this well into the City of Corning Municipal Water System will assure that the agricultural well will not contaminate existing water sources or constitute a health hazard to the community.

Finding #5

The proposed agricultural well will serve an approximately a 65 acre olive orchard.

Finding #6

Section 13.08.020 defines the "Water Superintendent" as "*any person designated by the city council to perform the services and make the determinations permitted under this chapter or required to be made by the provisions hereof.*" The most logical person to be designated the "Water Superintendent" is the Public Works Director.

ACTION

- 1) MOVE TO ADOPT THE SIX FINDINGS AS PROVIDED IN THE STAFF REPORT AND APPROVE THE ISSUANCE OF A PERMIT FOR SCOTT CLAUSSEN TO DRILL A NEW WELL TO BE USED FOR AGRICULTURAL IRRIGATION ONLY AND SUBJECT TO THE 5 CONDITIONS AS RECOMMENDED BY STAFF.
- 2) MOVE TO DESIGNATE THE PUBLIC WORKS DIRECTOR AS THE "WATER SUPERINTENDENT" FOR THE CITY OF CORNING.

OR;

- 1) MOVE TO CONTINUE THIS ISSUE AND DIRECT STAFF TO PROVIDE FINDINGS TO DENY THE ISSUANCE OF A PERMIT FOR SCOTT CLAUSSEN TO DRILL A NEW WELL.
- 2) DO NOT APPOINT THE PUBLIC WORKS DIRECTOR AS THE "WATER SUPERINTENDENT" FOR THE CITY OF CORNING AND DIRECT STAFF TO BRING ALL DECISIONS REQUIRED TO BE MADE BY THE WATER SUPERINTENDENT TO THE CITY COUNCIL.

CONDITIONS OF APPROVAL

- 1) Scott Claussen, or a business he is associated with, must obtain ownership of the referenced parcels before the well permit is issued**
- 2) Scott Claussen, or a business he is associated with, must provide and sign a certification, approved by the City Attorney, which shall become a covenant running with the land upon recordation in the Tehama County Recorder's Office, assuring the city that water from such well will be used strictly for agricultural purposes and allow city staff the right to enter the property at any time to inspect all connections thereto.**
- 3) Prior to the issuance of the well permit fees for recording the covenant required in condition #2 must be paid to the City of Corning for recording the document in in the Tehama County Recorder's Office.**
- 4) Obtain a permit from the City of Corning and Tehama County Environmental Health Department prior to drilling the well.**
- 5) The permit for the well will only be issued to Scott Claussen, or a business he is associated with.**

Date: 3-10-16
To: City of Corning, CA
From: Scott Claussen

Reference to APN- 069-150-44 for New Well Development
For Orchard Development encompassing
Properties APN-069-150-40,41,42,44 53,54, & 72.
Location of subject property (corner of Hwy 99 and Blackburn Road)

To the City of Corning:

Pursuant to section 13.08.240 of Corning, CA Code of Ordinances:

We are requesting approval to drill a new agriculture well for the purpose of an Orchard development for approximately 65-70 net plantable acres. We will be working with an expert irrigation specialist to implement a state of the art water system that will create maximum efficiency and reduce water wastage.

Irrigation System Summary:

We will be installing a very efficient pump (in excess of 80% efficient), a Variable Efficiency Drive (Pump Control Panel) which will utilize only the power necessary to run the particular blocks based on a pressure transducer.

The irrigation design will achieve an average pressure across the entire ranch thus not wasting any additional pressures due to high velocities in the system. All velocities will be at or below 5 feet / second.

The filter will be an Automated Screen Model that backflushes upon pressure differential & uses 70% less water to backflush thus minimizing waste yet is the most efficient filter on the market. We will be installing an inline-double line drip system which will deliver water & nutrients directly to the trees which will minimize weed pressure thus reducing the amount of herbicides used in the farming operation.

Pursuant to section 13.08.250 of Corning, CA Code of Ordinances:

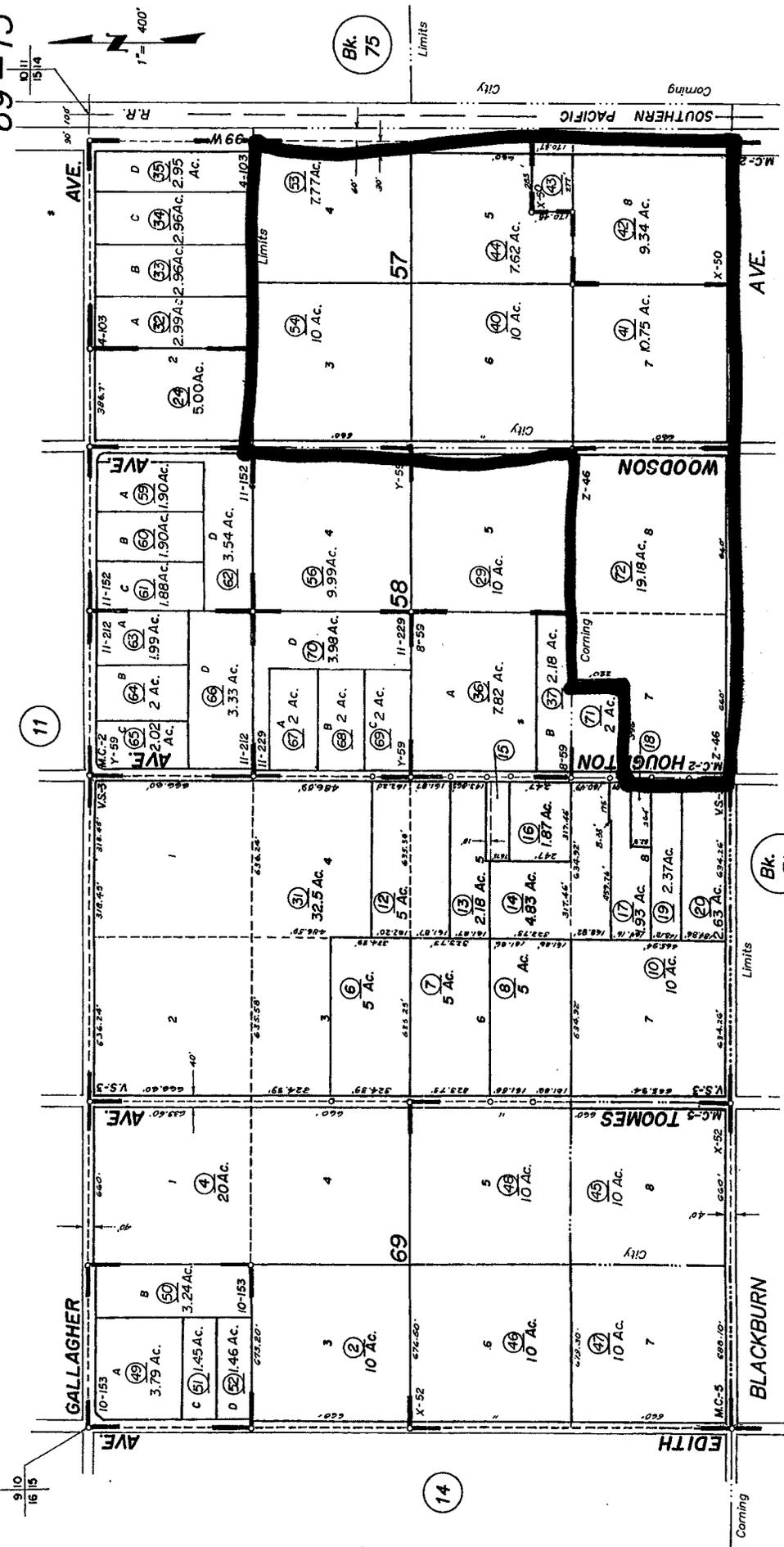
Currently there is an abandoned well on the same parcel APN 069-150-44. We propose to seal this abandoned well if it has not already been sealed.

Regards,

Scott Claussen

SUBDIVIDED LAND IN N1/2 SEC. 15, T.24N., R.3W., M.D.B.&M.

69-15



- R.M. Bk. B, Pg. 1—Maywood Colony No. 2
- R.M. Bk. B, Pg. 20—Maywood Colony No. 5
- R.M. Bk. B, Pg. 23—Villa Subdivision No. 3
- R.S. Bk. X, Pg. 50
- R.S. Bk. X, Pg. 52
- R.S. Bk. Y, Pg. 59
- R.S. Bk. Z, Pg. 46

- P.M. Bk. 4, Pg. 103—P.M. No. 77-14
- P.M. Bk. 8, Pg. 59—P.M. No. 83-63
- P.M. Bk. 10, Pg. 153—P.M. No. 90-07
- P.M. Bk. 11, Pg. 152—P.M. No. 96-21
- P.M. Bk. 11, Pg. 212—P.M. No. 97-18
- P.M. Bk. 11, Pg. 229—P.M. No. 98-12

NOTE—Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk. 69 -Pg. 15
County of Tehama, Calif.

13.08.230 - Drilling of new wells prohibited.

No person or other entity shall drill for water within the city limits of the city of Corning without first obtaining a permit therefor from the person designated as the water superintendent of the city. The water superintendent of the city shall deny the issuance of the permit if, in his or her opinion, the premises where the well is to be located can reasonably be served by the municipal water system. If municipal water services are located within two hundred feet of any property line of the premises, it is presumed that the premises can "reasonably be served" by the municipal water system, notwithstanding the cost to be borne by the private party in having such services extended.

The water superintendent of the city shall only grant such a permit when he or she determines that the premises cannot reasonably be served by municipal water services and further determines that the proposed well will not contaminate existing water sources or constitute a health hazard to the community.

When a permit is granted, it shall only continue to be valid as long as the well does not provide a source of contamination or become a health hazard and only until such time as municipal water services are extended to a location within two hundred feet of any property line of the premises. Whenever any of the foregoing circumstances occur, the permit shall automatically expire and the owner of the property where such well is located shall immediately be obligated, at his or her sole expense, to abandon the well and connect to the municipal water system after paying all applicable charges.

Any decision made by the water superintendent of the city concerning such a permit may be appealed to the city council by filing a notice of appeal, in writing, in accordance with the procedures set forth in Section 13.08.210 of this code.

(Ord. 585 §1 (part), 2001).

13.08.240 - Exception for new agricultural wells on large parcels.

The drilling of wells designed strictly for agricultural purposes rather than for production of water for human consumption also requires a permit from the city. The term "agricultural" in this chapter means the growing of crops or the raising of livestock regardless of the zoning designation of the land. The water superintendent of the city shall grant a permit for this type of well when (1) the applicant signs a certification, which shall become a covenant running with the land upon recordation in the Tehama County Recorder's Office, assuring the city that the water from such well will be used strictly for agricultural purposes; (2) the applicant grants, as a part of the same certification, continuing permission for the city to enter upon his or her property to inspect such well and all connections thereto; (3) the water superintendent determines that the proposed well will not contaminate existing water sources or constitute a health hazard to the community; and (4) the parcel on which the well is proposed to be placed is at least five acres in size.

(Ord. 585 §1 (part), 2001).

13.08.020 - Definitions.

The following words and phrases, when used in this chapter, shall have the meanings set out in this section:

- A. "City" means the city of Corning.
- B. "Person" means any person, persons, firm, firms, corporation, corporations, association, or associations.
- C. "Premises" means a lot, piece, or parcel of land or any building or establishment.
- D. "Public premises" means any premises owned or re— cord by the city, including the Carnegie Library situate in the city limits and the Veterans' Memorial Hall situate in the city; and the premises shall not be required to pay for water used thereon.
- E. "Water" means potable water for domestic use within the city limits.
- F. "Water Superintendent" means any person designated by the city council to perform the services and make the determinations permitted under this chapter or required to be made by the provisions hereof.

(Ord. 111 §3, 1953).

**ITEM NO: J-16
ORDINANCE NO. 666 AN ORDINANCE
OF THE CITY OF CORNING ADDING
CHAPTER 9.21 TO TITLE 9 OF THE
CORNING MUNICIPAL CODE,
RELATING TO REGULATION OF
BUTANE RESALE.**

MARCH 22, 2016

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: KRISTINA MILLER, CITY MANAGER



BACKGROUND:

As the City Council may be aware, there was recently a Butane Honey Oil explosion within the City Limits of Corning. Fortunately there were no major injuries as a result of the explosion.

Butane is a highly flammable gas often used in large quantities for the manufacture of "honey oil," which can present substantial risk of catastrophic fires. The Cities of Anderson, Red Bluff, Redding, and Shasta Lake, the County of Shasta, and the County of Tehama have all recently introduced Ordinances regulating the sale and possession of butane to address the foregoing public safety concerns.

The proposed Ordinance would prohibit the following:

- A.** It is unlawful for any reseller to sell to a customer more than two canisters of butane during a single transaction.
- B.** Subject to compliance with Section 9.21.040 (E) of this Code, it is unlawful for any reseller to sell to a customer more than two canisters of butane during any consecutive 30-day period.
- C.** It is unlawful for any person that is not a reseller to have in their possession, custody or control more than two canisters of butane at any one time that have a carrying capacity exceeding 840 ml.
- D.** It is unlawful for any customer of reseller to purchase or acquire more than two canisters of butane during a consecutive 30-day period, whether sold individually or by the package.
- E.** It is unlawful for a reseller to sell to a customer more than 840 ml of butane during a consecutive 30-day period.
- F.** It is unlawful for any person that is not a retailer or wholesaler to have in their possession, custody or control a tank containing butane and that is capable of holding a quantity of butane greater than 840 ml.

The proposed Ordinance would also require that for every sale of Butane, the retailer is required to prepare a bill of sale that identifies the date of sale, quantity of Butane purchased, and the Customer's Identification. Retailers are required to retain a copy of each bill of sale for at least two (2) years.

Given the magnitude of the harm caused by these activities, and the potential economic incentives for manufacturing honey oil, the proposed ordinance makes violation of any provision of Chapter 9.21 a misdemeanor, and also provides a \$1,000 penalty per violation. A separate violation shall exist for every single canister sold or possessed.

RECOMMENDATION:

WAIVE THE FIRST READING AND INTRODUCE ORDINANCE NO. 666, AN ORDINANCE OF THE CITY OF CORNING ADDING CHAPTER 9.21 TO TITLE 9 OF THE CORNING MUNICIPAL CODE, RELATING TO REGULATION OF BUTANE RESALE.

Ordinance No.: 666
AN ORDINANCE OF THE CITY OF CORNING
ADDING CHAPTER 9.21 TO TITLE 9 OF THE CORNING
MUNICIPAL CODE, RELATING TO REGULATION OF BUTANE RESALE.

THE COUNCIL OF THE CITY OF CORNING DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 9.21 is added to Title 9 of the Corning Municipal Code to read:

CHAPTER 9.21

BUTANE RESALE ORDINANCE

- Section 9.21.010 Authority and Title**
- Section 9.21.020 Findings and Purpose.**
- Section 9.21.030 Definitions.**
- Section 9.21.040 Unlawful Sale, Purchase and Handling Butane**
- Section 9.121.050 Tracking of Butane Sales**
- Section 9.21.060 Penalties, Strict Liability, and Nuisance.**
- Section 9.21.070 Exemptions.**
- Section 9.21.080 Severability Clause.**
- Section 9.21.090 Cumulative Remedy.**

Section 9.21.010: Authority and Title

Under the authority granted in Article XI, Section 7 of the California Constitution and Government Code Sections 36900 and 36901, the City of Corning, by and through its Council, does enact this Chapter of its Municipal Code, which shall be known as the Butane Resale Ordinance.

Section 9.21.020: Findings and Purpose

The northern region of our State has experienced a recent increase in explosions caused from the manufacture of honey oil (also known as hash oil) in clandestine labs using refined butane. These incidents have caused considerable property damage, personal injury and even incidents of death to those participating in the manufacturing process, and to innocent bystanders.

Refined butane is used to dissolve the tetrahydrocannabinol (THC) resin, which concentrates into a liquid/oil form as a result of the butane's stripping process. The stripping of the THC through use of refined butane causes flammable butane vapors to accumulate low to the ground and remain exposed to ignition sources. Studies suggest that 99.5 percent of the extracted THC Butane mixture will volatilize into the immediate area and find an ignition source.

That the honey oil lab using refined butane presents a serious hazard for first responders as the gas has no odor and can only be detected by a combustible gas instrument. Such conditions present grave risk of loss where devices such as a TASER are capable of igniting the gas resulting in an explosion.

That the resale of refined butane occurs at levels sufficient to aid the manufacture of honey oil. That such sales and possession of butane should be regulated to prevent the use of butane in the manufacture of honey oil where such activity presents grave dangers to the occupants of the City of Corning and the first responders therein.

Section: 9.21.030: Definitions:

For the purpose of this chapter the following definitions apply:

"Butane" means iso-butane, n-butane, and butane refined 5 times or greater.

"Canister" means a single butane canister of a storage quantity of up to 840 ml (10.6 ounces) or less.

"Code" means the Corning Municipal Code.

"Count" means the number of canisters of refined butane.

"Customer" means any person who is sold or acquires during a transaction products from any retail store.

"Day" means calendar day.

"Package" means butane offered for sale at quantities of two or more.

"Person" means a corporation, co-partnership, or association as well as a natural person.

"Reseller" means any business, company, corporation, person, employee or associate selling products to any customer within the City of Corning. It does not include any wholesaler engaged in a wholesale transaction.

"Sell" means to furnish, give away, exchange, transfer, deliver, surrender, distribute or supply, whether for monetary gain or other consideration.

"Tank" means a compressed gas cylinder capable of holding a quantity of butane greater than 840 ml (28.41 ounces).

"Transaction" means a purchase, sale, trade, loan, pledge, investment, gift, transfer, transmission, delivery, deposit, withdrawal, payment, exchange of currency, extension of credit, purchase or sale of any monetary instrument, or an electronic, magnetic or manual transfer between accounts or any other acquisition or disposition of property by whatever means effected.

"Wholesaler" means a person whose business is the selling of goods in gross to retail stores for purposes of resale.

Section 9.21.040: Unlawful sale, purchase, and handling of butane

- A. It is unlawful for any reseller to sell to a customer more than two canisters of butane during a single transaction.
- B. Subject to compliance with Section 9.21.040 (E) of this Code, it is unlawful for any reseller to sell to a customer more than two canisters of butane during any consecutive 30-day period.
- C. It is unlawful for any person that is not a reseller to have in their possession, custody or control more than two canisters of butane at any one time that have a carrying capacity exceeding 840 ml.
- D. It is unlawful for any customer of reseller to purchase or acquire more than two canisters of butane during a consecutive 30-day period, whether sold individually or by the package.
- E. It is unlawful for a reseller to sell to a customer more than 840 ml of butane during a consecutive 30-day period.

- F. It is unlawful for any person that is not a retailer or wholesaler to have in their possession, custody or control a tank containing butane and that is capable of holding a quantity of butane greater than 840 ml.

Section 9.21.050: Tracking of Butane Sales

- A. For every sale of butane, Reseller shall prepare a bill of sale that identifies the date of sale, quantity of butane purchased, and the purchaser's identification. Purchaser's identification as used herein shall mean a person's first and last name as verified from a valid driver's license or other official and valid state-issued identification that contains a photograph of the purchaser and a residential or mailing address. Reseller shall retain a copy of the bill of sale in readable form for a period of two years.
- B. It shall be unlawful for any reseller to sell butane to any customer without complying with Section 9.21.040 of this Code.

Section 9.21.060: Penalties, strict liability, and nuisance.

- A. Unless otherwise provided in this chapter or by state law, a violation of any of the provisions of this chapter shall be punishable as provided in Chapter 1.08 of this Code. A violation of this Chapter is a misdemeanor and subject to a \$1,000 penalty, per violation (Government Code, Section 36901). A separate violation shall exist for every single canister sold or possessed in violation of this Chapter.
- B. This chapter is a regulatory provision necessary for the protection of the public health, welfare and safety. In any criminal prosecution for a violation of this chapter, it is not necessary to prove knowledge or criminal intent.
- C. A violation of any provision of this chapter constitutes a public nuisance.

Section 9.21.070

[This section is reserved for future use].

Section : 9.21.080: Severability Clause

If any provision, paragraph, word or section of this article is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, and sections shall not be affected and shall continue in full force and effect.

Section 9.21.090: Cumulative remedy.

Nothing herein is intended to limit the City from pursuing any other remedy available at law or in equity against any person or entity maintaining, committing, or causing a public nuisance or any other violation of the Code or State or Federal law.

SUMMARY OF ORDINANCE 666

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORNING ADDING CHAPTER 9.21 TO TITLE 9 OF THE CORNING MUNICIPAL CODE RELATING TO REGULATION OF BUTANE RESALE

Honey oil manufacturing through clandestine labs has become an epidemic throughout Northern, California. The process of creating honey oil predominantly occurs through use of butane products (n-butane, iso-butane and butane) at refined amounts of 5 times or higher. The butane acts as a stripping agent to remove the tetrahydrocannabinol (THC, the active ingredient in marijuana) from the cannabis plant as part of the manufacturing process; a process that releases volatile vapors into the lab area which are subject to a low flash point. The end result of this clandestine process is the creation of crude "honey oil" with an elevated THC level and a high street value, or quiet possibly an explosion with resulting injury. Corning and surrounding communities have seen such explosions, fire, property damage and injuries associated with this activity. The proposed Ordinance uses the City's policy power to regulate the resale of butane between retailer and customer to no more than 840 ml per month per individual. In addition, the Ordinance would make it unlawful to possess more than 840 ml of butane, or a canister(s)/tank capable of housing more than 840 ml of butane at any one time.

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

Lisa M. Linnet, City Clerk

Publish: Thursday, March 24, 2016
Lisa M. Linnet, City Clerk