



**CITY OF CORNING
CITY COUNCIL AGENDA
TUESDAY, MAY 11, 2010
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Council:	Vacant
	Ross Turner
	Toni Parkins
	John Leach
Mayor:	Gary Strack

C. PLEDGE OF ALLEGIANCE:

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

- 1. Proclamation: May 2010 as Mental Health Month.** Mike Gonzales, Theama County Mental Health Board Member will be present to accept the Proclamation.
- 2. Proclamation: May 10th – May 15th 2010 “Poppy Days” in the City of Corning.** Delores May representing the American Legion Auxiliary will be present to accept the Proclamation.
- 3. Proclamation: May 16th – May 22nd 2010 “National Public Works Week” in the City of Corning.** Corning Public Works Director John Brewer will be present to accept the Proclamation on behalf of the City’s Public Works Department.

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

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

- 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 April 27, 2010 City Council Meeting with any necessary corrections.**
- 6. May 5, 2010 Claim Warrant - \$149,796.68.**
- 7. May 5, 2010 Business License Report.**
- 8. April 2010 Wages and Salaries - \$336,598.08.**

9. April 2010 – Treasurer’s Report.
 10. April 2010 Building Permit Valuation - \$38,612.
 11. City of Corning Wastewater Operation Summary Report – April 2010.
 12. Approve Operations Details and Authorize Use of Remote Control Aircraft Area at Corning Municipal Airport by Tehama County Condors.
 13. Authorization to Seek Three-Year Janitorial Service Agreement Bids.
 14. Authorization to Seek Bids on a Three-Year Landscape and Maintenance Service Agreement for Eight City Locations.
- G. **ITEMS REMOVED FROM THE CONSENT AGENDA:**
- H. **PUBLIC HEARINGS AND MEETINGS:** Any person may speak on items scheduled for hearing at the time the Mayor declares the Hearing open. **ALL LEGAL NOTICES PUBLISHED IN ACCORDANCE WITH LAW.**
15. Fiscal Year 2010-2011 Community Development Block Grant Program: Discuss the Fiscal Year 2010-11 Community Development Block Grant (CDBG) Program for the General Allocation and to Solicit Citizen Input.
- I. **REGULAR AGENDA:**
16. Authorize Public Works Department to Seek Bids for 2010 Street Paving and Improvement Project.
 17. Approve Cancellation of June 8, 2010 Regularly Scheduled City Council Meeting Due to Conflicts with the Statewide Primary Election.
 18. Approve Suspension of “Car Allowance” for Public Works Director and Police Chief Effective June 30, 2010.
 19. Approve Remaining City Program Reductions Needed to Balance the Budget: Discussion and Action.
 20. Accept Offer from Premier West Bank to Sponsor Free Swim Fridays at City Pool.
 21. Approve Agreement for Legal Services with City Attorney Michael Fitzpatrick
- J. **ITEMS PLACED ON THE AGENDA FROM THE FLOOR:**
- K. **COMMUNICATIONS, CORRESPONDENCE AND INFORMATION:**
- L. **REPORTS FROM MAYOR AND COUNCIL MEMBERS:**
22. Turner:
 23. Parkins:
 24. Leach:
 25. Strack:
- M. **ADJOURNMENT!:**

POSTED: THURSDAY, MAY 6, 2010

THE CITY OF CORNING IS AN EQUAL OPPORTUNITY EMPLOYER

PROCLAMATION
MAY 2010
MENTAL HEALTH MONTH

WHEREAS, the National Institute of Mental Health reports that one in four adults experiences a mental health disorder in a given year; and

WHEREAS, the U.S. Surgeon General reports that 10 percent of children and adolescents in the United States suffer from serious emotional and mental disorders, causing significant functional impairment in their day-to-day lives at home, in school and with peers; and

WHEREAS, the World Health Organization has reported that four of the 10 leading causes of disability in the US and other developed countries are mental disorders; and

WHEREAS, as with any other physical illness, early identification and treatment of mental illness is vitally important, preventing consequences such as substance abuse, unemployment, homelessness, incarceration and suicide; and

WHEREAS, treatments for serious mental illnesses today are highly effective, with 70 to 90% of individuals reporting significant symptom reduction and an improved quality of life; and

WHEREAS, Mental Health America and their national partners observe Mental Health Month each May to raise awareness and understanding of mental health and illness.



NOW THEREFORE BE IT PROCLAIMED, that I, Gary R. Strack, as Mayor of the City of Corning, hereby declare May 2010 as Mental Health Month in Corning.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Corning to be affixed this 11th day of May 2010.

Gary Strack, Mayor

ATTEST:

Lisa M. Linnet, City Clerk

PROCLAMATION
May 10th - 15th of 2010
POPPY DAYS

WHEREAS, the observance of Poppy Days, sponsored by the American Legion Auxiliary, gives citizens of Corning an opportunity to salute both those brave defenders of our way of life who gave their lives that we might live free, and to aid those who gave their health and strength in their Country's defense; and

WHEREAS, each of us owes an individual debt to those brave and courageous men and women who, through their sacrifices, have made the continuation of our liberties possible; and

WHEREAS, it is an honor to wear the red crepe paper poppy made by the veterans in the Yountville home;

NOW, THEREFORE I, Gary R. Strack, as Mayor of the City of Corning, DO HEREBY DECLARE MAY 10, 2010 THROUGH MAY 15, 2010 TO BE 'POPPY DAYS' IN THE CITY OF CORNING, and do hereby urge all our citizens to participate in this tribute by wearing a Memorial Poppy on this occasion.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Great Seal of the City of Corning to be affixed this 11th day of May 2010.

Gary R. Strack, Mayor

ATTEST:

Lisa M. Linnet, City Clerk

PROCLAMATION

MAY 16-22, 2010 NATIONAL PUBLIC WORKS WEEK

WHEREAS, Public Works Agencies work hard to develop and maintain the infrastructure entrusted to it and provide dedicated service allowing the Community to grow and prosper, and

WHEREAS, Public Works Employees work to maintain city streets, buildings, water and sewer facilities, six (6) parks and recreational areas and assist emergency personnel in times of disaster (flooding, fires, accidents), and

WHEREAS, We see this activity as beneficial to all, and believe it to be an opportunity to inform the public of the important jobs and the dedicated service these employees contribute that allow this Community to function, and

WHEREAS, We wish to recognize the dedication and service displayed by Public Works employees and thank them for their invaluable service to the Community and,

NOW, THEREFORE, I hereby declare May 16 - 22, 2010 as "**NATIONAL PUBLIC WORKS WEEK**" throughout our City to recognize and honor the dedicated service to the Community provided by Public Works Agencies and their Employees.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Corning to be affixed this 11th day of May, 2010.

GARY R. STRACK, MAYOR
City of Corning



**CITY OF CORNING
CITY COUNCIL MEETING
MINUTES**

**TUESDAY, APRIL 27, 2010
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Council:

Vacant

Ross Turner

Toni Parkins

John Leach

Mayor:

Gary Strack

All four members of the Council were present with one vacancy remaining on the Council.

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.

No comments were received.

C. ADJOURN TO CLOSED SESSION: 6:31 p.m.

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO SECTION 54957.6:

Agency Negotiator: William May, Labor Relations Consultant

**Management, Miscellaneous, Dispatch and Public Safety Employees
Bargaining Units**

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

Mayor Strack announced that the Council met in Closed Session with the Labor Negotiator and gave him direction.

E. ADJOURN TO REGULAR MEETING: 7:31 P.M.

F. PLEDGE OF ALLEGIANCE: City Manager Kimbrough led the Pledge of Allegiance.

G. PROCLAMATIONS, RECOGNITION'S, APPOINTMENTS, PRESENTATIONS:

1. Proclamation: American Cancer Society's 13th Annual Relay for Life on May 15th and 16th, 2010 at Vista School. Mayor Strack presented the Proclamation to Jean Anderson, Corning's Relay Representative and Richard Scheuler, Event Coordinator. They briefed the Council on the events planned to commemorate Relay for Life.

2. Proclamation: May 12, 2010 "Tehama County Peace Officers' Memorial Day". Mayor presented the Proclamation to Sgt. Richard Knox, President of the Tehama County Peace Officer's Association.

Mayor Strack announced that in order to accommodate the members of the public in attendance tonight, the remainder of the meeting is being moved to the Woodson Elementary School Gym and continued. The meeting will reconvene at 8:00 p.m.

Meeting reconvened at: 8:00 p.m.

H. BUSINESS FROM THE FLOOR:

Mayor Strack again reported that Council met with the Labor Negotiator in Closed Session and gave him direction.

John Richards (Corning Skate and Bike Park Association) reported that the Association is still having problems acquiring liability Insurance due to the cost.. He stated that he has received \$200 from the Corning Exchange Club and \$100 from a local business. He also stated that they have a new website (www.corningskate.org) and are selling tickets for a fundraiser.

Valanne Cardenas, Corning Chamber of Commerce invited everyone to attend Corning's May Madness Event on May 7th and 8th.

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

- 3. Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
- 4. Waive the reading and approve with any necessary corrections the Minutes of the following City Council Meetings:**
 - a. March 23, 2010 Meeting; and**
 - b. April 13, 2010 Meeting.**
- 5. April 21, 2010 Claim Warrant - \$147,831.04.**
- 6. April 21, 2010 Business License Report.**
- 7. Declare Rodger's Theatre Seats as Surplus for Disposal.**
- 8. Consideration, Approval and Authorization for Mayor to Sign Agreement for Legal Services.**

Mayor Strack stated that he would like to pull Item 8 for further discussion. Councilor Turner moved to approve Consent Items 3-7 and Councilor Parkins seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 4-0 vote.**

J. ITEMS REMOVED FROM THE CONSENT AGENDA:

- 8. Consideration, Approval and Authorization for Mayor to Sign Agreement for Legal Services.**

Mayor Strack announced that he and Councilor Turner met with City Attorney Michael Fitzpatrick to discuss and negotiate a new contract. He outlined the proposed fees and exclusions.

Dean Cofer: Asked that the Agreement be pulled and placed on the next Agenda to allow time for the public to review; he also asked that copies of the Agreement be provided to the public at no cost if requested. He also challenged the proposed rates and compared them with the City of Red Bluff stating that the City Attorney in Red Bluff is not paid to attend the City Council Meetings. Mayor Strack stated that he feels more comfortable with the City Attorney present at our meetings to respond to any legal questions that may arise.

Councilor Leach stated he would like this item held over until the next meeting so that the public would have an opportunity to review the proposed agreement. He then moved to have this item held over and agendized for the May 11th City Council meeting to allow the public an opportunity to review the proposed Agreement. Councilor Turner seconded the motion for the purpose of voting. Mayor Strack confirmed that the proposed City Attorney fees are the same as was

charged 5 years ago, they have not escalated. **Ayes: Turner, Leach and Parkins. Opposed: Strack. Absent/Abstain: None. Approved by a 3-1 vote.** Mayor Strack stated that copies of the Agreement would be available at City Hall free of charge.

K. REGULAR AGENDA:

9. City Program Reductions Needed to Balance the Budget: Discussion and Action.

City Manager Kimbrough stated that the PowerPoint Presentation tonight is not the same as was presented at the last meeting and will be made available on line for those members of the public interested. He then proceeded with the presentation outlining all the proposed budget cuts.

Mr. Kimbrough explained that the shortages are in the General Fund and proceeded to outline each of the proposed cuts explaining both the benefits and drawbacks. He explained the purpose of the General Fund reserve (currently at approximately \$800,000), the importance of maintaining these funds because the City utilizes them throughout the year while awaiting reimbursements/revenues from outside sources such as the State and Federal Government. He stated that these funds have gotten as low as \$140,000 at times during the year. Mr. Kimbrough then explained possible options such as developing a voter approved Tax District for funding Fire Dispatch. Mr. Kimbrough then presented Staff's Recommendations one by one requesting Council direction on each of the recommendations presented.

Mayor Strack stated that all questions relating to these items should be addressed to the Council.

Item 1, Direct City Manager to "Meet and Confer" with four employee bargaining units to implement another year of 10% reduction in employee compensation through Furloughs, continuing the closure of City Hall and City Yard every other Friday: Mr. Kimbrough stated this is currently being taken care of, they met today and another meeting is scheduled for Thursday.

Item 2, Approve a City Council Commitment of no employee layoffs in recognition of the City Employees voluntary acceptance of a 10% reduction in compensation through Furloughs: It was stated that this is currently being discussed within the Bargaining Units as stated above and will come back to Council for decision at a later time. **No action taken at this time.**

Item 3, Accept offer of City Manager and Police Chief to work part-time on contract, no more than 960 hours per year effective in July 2010. Choose a Council team to meet with the employees to prepare contracts for City Council approval: Dean Cofer, on behalf of Concerned Citizens, stated this is a departure from City policy. As he understands it, part-time employees have no benefits. He stated that if referred to a committee for contract review, he proposes that these contracts be available at City Hall free of charge to the public as not all members of the public have access to computers. He stated that they are opposed to this proposal for the Planning Director. He asked that Council schedule a public hearing where the public can come in and have equal time to discuss the proposals by Concerned Citizens, the proposal presented by Councilors Leach/Turner and by City Staff. Councilor Turner stated that benefits would be reduced proportionately for the Staff members reduced to part-time.

Councilor Leach asked Mr. Kimbrough what his proposed benefits would be should Council approve the move to part-time. Mr. Kimbrough responded stating that it would be an approximate 8% reduction to him, the savings to the City would be that they would no longer pay into retirement for him, salary savings of \$45,000, the City would continue to pay FICA, SDI, and a portion of Health Insurance. Also as a member of management, a percentage payoff of Sick Leave, and complete payoff of Vacation pay. Councilor Turner asked about longevity pay;

Mr. Kimbrough stated that it would disappear and also stated that the City Manager is eligible for COBRA however it is not a mandatory payment.

Councilor Parkins moved to accept the proposal on the City Manager and Police Chief going to part-time. Mayor Strack seconded the motion. Councilor Turner stated that he would not approve this without a contract. **Ayes: Strack and Parkins. Opposed: Turner and Leach. Absent/Abstain: None. Motion not carried due to vote deadlock.**

During further discussion of this item, members of the Council confirmed that the individual part-time contracts for both the City Manager and Police Chief would be submitted for review and a vote by the Council on whether or not to approve. Councilor Turner then requested that the motion be reread and he would reconsider his vote.

Councilor Parkins again moved to:

- ✓ Accept the proposal for the City Manager and Police Chief to go to part-time at 960 hours per year under a contract that will later be approved and become effective July 1, 2010.

Councilor Turner seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion approved by a 4-0 vote with one vacancy on the Council.**

Mayor Strack requested that an amendment be made to the motion to state that: The Mayor will choose the Council Team that will meet with the employees to prepare contracts for City Council approval. After direction by the City Attorney on how to make the motion, Councilor Parkins moved to:

- ✓ Accept the proposal for the City Manager and Police Chief to go to part-time at 960 hours per year under a contract that will later be approved and become effective July 1, 2010; and
- ✓ The Mayor will choose the Council Team that will meet with the employees to prepare contracts for City Council approval.

Councilor Turner seconded the motion. **Ayes: Strack, Parkins and Leach. Opposed: Turner. Absent/Abstain: None. Motion approved by a 3-1 vote with Turner opposing and one vacancy on the Council.**

Item 4, Accept offer of Planning Director John Stoufer to provide 20 hours per week in Contract Planning Services to the City and Direct the City Manager and City Attorney to prepare a contract for City Council approval: After little discussion, Councilor Leach thanked Mr. Stoufer for this offer. He then moved to accept the offer of Planning Director John Stoufer to provide 20 hours per week in contract planning services to the City, and direct the City Manager and City Attorney to prepare the contract for Council approval. Councilor Turner seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion approved by a 4-0 vote with one vacancy on the Council.**

Bonnie Demo also acknowledged and thanked the City Manager and Police Chief for their offers to go to part-time.

Item 5, Approve the provision of water meter reading service by the Police Community Services Officers: Councilor Turner so moved and Councilor Leach seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion approved by a 4-0 vote with one vacancy on the Council.**

Item 6, Retain the Recreation Program and Recreation Supervisor Kimberly Beck by the transfer of all remaining funds from the Park Volunteer Fund 353 to the General Fund and apply \$57,713 of the "Operating Reserve": Councilor Turner stated he would like to see this amended to be reviewed November 1st through April 1st. Dave Demo would like to know what the Recreation Director has provided to the Community and stated that many of the programs such as Little League, etc. was ran by the parents.

John Richards addressed the question about the various recreation programs provided by Recreation Supervisor Kimberly Beck. He emphasized how instrumental Ms. Beck and Mr. Stoufer were in putting together the Prop. 84 grant application and stated that Kimberly Beck is an asset to the City.

Teresa Smith stated that the local youth are important, she fought for the Recreation Program however, if you compare Recreation to Public Safety, Public Safety comes first.

Dean Cofer stated that Concerned Citizens have made other proposed budget cuts other than cutting the Recreation Supervisor. Some of these cuts are: cutting the Building Official...there is no building going on currently, or the Administrative Services Manager, etc. Darlene Dickison stated the City still needs a Building Official in order to issue Building Permits and complete the associated inspections. She stated that this individual has already been moved to half time as the Building Official and half time in Public Works.

Councilor Turner moved to retain the Recreation Program and Recreation Supervisor Kimberly Beck by the transfer of all remaining funds from the Park Volunteer Fund 353 to the General Fund and apply \$57,713 of the Operating Reserve and also as of November 1st investigate the possibility of that person being reduced to half-time to April or May 1st with the savings forth coming. Councilor Leach seconded the motion. **Ayes: Leach and Turner. Opposed: Strack and Parkins. Motion not carried due to a 2-2 vote.** Mayor Strack stated that we need an answer on this before the Thursday Labor meeting so that Council can state whether there will be any layoffs. Councilor Leach confirmed the pay rate for the Pool Manager with the City Manager. **After further Council discussion no Action taken at this time.**

Item 7, Retain the Fire Dispatch Center as currently staffed and apply \$192, 602 of the "Operating Reserve" to fully fund Dispatch: Bob Hall expressed the concerns of the Volunteer Fire Department emphasizing that Fire Dispatch is their lifeline. He stated that if the goal is July 1st for action, not all questions of the Volunteer Fire Department or the City's Citizens have been met. Before a decision is made in 65 days a commitment needs to be made to the Volunteers for a seamless change. A member of the audience asked who would provide services such as maintaining the fire equipment, opening the doors, etc. that is currently provided by the Dispatchers. Cory Grootveld stated that the Volunteers protect our town and things need to stay the same. Tom Tomlinson, Corning Fire Dept. spoke stating the service time in hours that Volunteers provide to the Community, he emphasized that as a member of the Community with an outside job, the other services provided by the existing Fire Dispatchers saves valuable time for the Volunteer Fire Fighters. Another member of the audience stated how the Fire Chief saved his life. Councilor Leach stated that he believes the Corning Fire Dept. to be the best in California and he appreciates them. Fire Volunteer Stacy Gratreks stated he is a volunteer today because when he called the Fire Department for help for his daughter, they saved her life. Doug Oiler requested that the Council support the Fire Department as it stands today. Chief Spannaus stated that the Volunteers have a great passion for their Department as is evident in their voices and hopes Council will consider this when making a decision.

Councilor Parkins stated her concerns that this item will be back up for decision next year and would like Items 7 & 8 to be voted on together. **Councilor Parkins moved to retain Fire Dispatch as is and prepare a ballot measure for the November election. Councilor Turner seconded the motion.**

Dean Cofer stated he is strongly in favor of retaining Fire Dispatch as is however, he is concerned about adding a tax when we are currently in a recession and there are a lot of low income people living in Corning. He would like to see the City fund Fire Dispatch and asked Staff to come up with other proposals for budget cuts. Teresa Smith agreed with Mr. Cofer. Mr. Calbraith stated that no one has asked how this would affect the Fire Departments ISO Rating.

Earl Peterson stated that he is a businessman and can't afford to retire however he would be willing to pay a tax. **Councilor Turner stated he would like to withdraw his second on the first motion and vote on each separately.**

Councilor Parkins moved to retain the Fire Dispatch Center as currently staffed and apply \$192,602 of the Operating Reserve to fully fund Dispatch. Councilor Leach seconded the motion. Mayor Strack confirmed that Mr. Hall stated if Council can guarantee a seamless transition he would be in favor. Mr. Hall stated he doesn't believe that a seamless transition could be made, and they currently have an excellent system and they strongly do not want to see that change. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion approved by a 4-0 vote with one vacancy on the Council.**

Item 8, Approve the preparation and submittal of a ballot measure on the November 2010 General Election to create a City of Corning Fire Dispatch Service Annual Assessment, and direct City Staff to prepare a report and plan to submit the issue to the voters: Mayor Strack stated that there is a minimal cost for adding it to the ballot and it will allow the voters to make the decision. **Councilor Parkins moved to approve the preparation and submittal of a ballot measure on the November 2010 General Election to create a City of Corning Fire Dispatch Service Annual Assessment, and direct City Staff to prepare a report and plan to submit the issue to the voters. Councilor Leach seconded the motion.** A member of the audience stated it was previously stated that over 50% of the homeowners were absentees, therefore it would be their renters making the decision to add an additional tax, yet they wouldn't be the ones paying for it so they wouldn't care. Councilor Turner suggested a weighted vote based upon parcel ownership not residency. Melanie Poisson stated that this is an opportunity for the voters to vote on something so close to their heart, it is a small amount of money and with a sunset clause it has wisdom written all over it she is in favor of it. Dean Blankenship spoke stating that a number of years ago the County Rural Fire Department proposed something similar; measure A; it was defeated. He stated that he attended the Supervisors meeting on this item and the citizens opposing were so rude he came close to quitting as a County Volunteer. Volunteer Firefighters would lay their lives on the line for this Community. We are in trying times, our Federal Government will surely tax us after November, we know the situation with our State Government, one of the reasons we are all here tonight is because of our State Government. We all need to tighten our belts and are all going to have to make sacrifices. These gentlemen and the lady present are trying to do the best for our Community. Now we can pass this on and say it is a tax, or if we do nothing now, we will be in the same position next year; the Fire Department will be back in a year asking for the same thing again. It's time for us taxpayers to take part in our Community and **give a little for our Community**...as John F. Kennedy said, "Ask not what your Country can do for you, but what you can do for your Country" how about applying that to our City. **Ayes: Strack, Leach and Parkins. Opposed: Turner. Absent/Abstain: None. Approved by a 3-1 vote with Turner opposing and one vacancy on the Council.**

Item 9, Accept the reduction of the "General Fund Operating Reserve" to \$500,000 in Fiscal Year 2010-2011: After some discussion, Councilor Turner moved to accept the reduction of the "General Fund Operating Reserve" to \$500,000 in Fiscal Year 2010-2011. Councilor Leach seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion approved by a 4-0 vote with one vacancy on the Council.**

Item 1: Councilor Parkins moved to Direct City Manager to "Meet and Confer" with four employee bargaining units to implement another year of 10% reduction in employee compensation through Furloughs, continuing the closure of City Hall and City Yard every other Friday. Councilor Turner seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion approved by a 4-0 vote with one vacancy on the Council.**

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

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

Mayor Strack announced that the City had received a listing of suggested budget cuts from the Concerned Citizens Group.

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

10. **Turner:** None

11. **Parkins:** None

12. **Leach:** PowerPoint Presentation next Tuesday for Tripartite Board at the County Supervisors Board Meeting. He also stated that he will be suggesting the removal of the \$500 vehicle stipend and is asking that it be agendaized for next meeting. Mr. Brewer stated in light of the sacrifices made by the City Manager, Police Chief and Planning Director he had no problem with that.

13. **Strack:** Asked if there was any objection by Council to place the Park Volunteer Funds remaining in Fund 353 to the General Fund if a decision is made to not continue the Recreation Program? By consensus of the Council this was approved.

O. **ADJOURNMENT!:** 10:35 p.m.

Lisa M. Linnet, City Clerk



MEMORANDUM

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: LORI SIMS
ACCOUNTING TECHNICIAN

DATE: May 5, 2010

SUBJECT: Cash Disbursement Detail Report for the
Tuesday, May 11, 2010 Council Meeting

PROPOSED CASH DISBURSEMENTS FOR YOUR APPROVAL CONSIST OF THE FOLLOWING:

A.	Cash Disbursements	Ending	04-29-10	\$	6,594.01
B.	Payroll Disbursements	Ending	04-28-10	\$	39,517.54
C.	Cash Disbursements	Ending	05-05-10	\$	59,551.95
D.	Payroll Disbursements	Ending	05-05-10	\$	44,133.18

GRAND TOTAL \$ 149,796.68

REPORT.: Apr 30 10 Friday
 RUN....: Apr 30 10 Time: 14:22
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 04-10 Bank Account.: 1020

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

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information-Description
010487	04/22/10	BES13	BONANZA INN MAGNUSON GRAN	79.19	.00	79.19	100422	CONF/MTGS-PW ADMIN
010488	04/22/10	ALL01	ALLISON, MELVIN	120.00	.00	120.00	100421	TRAINING/EDUCATION-POLICE
010489	04/22/10	KIM01	KIMBROUGH, STEPHEN J.	138.00	.00	138.00	100422	CONF/MTGS-CITY ADMIN
010490	04/26/10	RED02	RED BLUFF POLICE DEPT	403.69	.00	403.69	100426	OTS GRANT-POLICE
010491	04/26/10	TEH15	TEHAMA CO SHERIFF'S DEPT	524.21	.00	524.21	100426	OTS GRANT-POLICE
010492	04/26/10	TEH34	TEHAMA COUNTY PROBATION D	234.36	.00	234.36	100426	OTS GRANT-POLICE
010493	04/27/10	BEC00	BECK, KIMBERLY L.	208.80	.00	208.80	100427	CONF/MTGS-REC
010494	04/27/10	WAR05	WARREN, DANA KARL	226.10	.00	226.10	100427	REC INSTRUCT-REC
010495	04/29/10	ACC00	ACCESS INFORMATION	40.00	.00	40.00	56783	EQUIP MAINT-GEN CITY
010496	04/29/10	BAS01	BASIC LABORATORY, INC	86.00	.00	86.00	1003867	ProfServices Water Dept
010497	04/29/10	COR08	CORNING LUMBER CO INC	959.32	.00	959.32	100425	Mat/Supplies-
010498	04/29/10	COR11	CORNING SAFE & LOCK	3.79	.00	3.79	2772	MAT & SUPPLIES-PARKS
010499	04/29/10	DEP12	DEPT OF JUSTICE	37.00	.00	37.00	788430	PROF SVCS-POLICE
010500	04/29/10	FIT01	FITZPATRICK LAW OFFICES	59.78	.00	59.78	100427	BOOKS/PERIODICS-LGL
010501	04/29/10	FLE01	FLEMING BOOKBINDING CO.	64.38	.00	64.38	16180	BOOKS/PERIODICS-LIBRARY
010502	04/29/10	HAT10	HATFIELD'S	284.77	.00	284.77	100425	Mat/Supplies-
010503	04/29/10	HOL04	HOLIDAY MARKET #32	19.96	.00	19.96	31967	Mat/Supplies BuildingMain
010504	04/29/10	LAM03	LAMBETH, TAMMY	170.00	.00	170.00	100429	REC INSTRUCTOR-REC
010505	04/29/10	MCC01	MCCOY'S HARDWARE & SUPPLY	168.43	.00	168.43	100425	MAT & SUPPLIES-
010506	04/29/10	NAP01	NAPA AUTO PARTS	465.55	.00	465.55	100422	Veh Opr/Maint-
010507	04/29/10	OFF01	OFFICE DEPOT	27.39	.00	27.39	516469103	Office Supplies Policedis
010508	04/29/10	PGE2A	PG&E	49.80	.00	49.80	100419	ELECT-BLUE HERON CT
010509	04/29/10	QUI02	QUILL CORPORATION	61.68	.00	61.68	4888873	Office Supplies-POLICE
010510	04/29/10	REX01	REXEL INC.	45.50	.00	45.50	800967917	MAT & SUPPLIES-WTR
010511	04/29/10	TEH14	TEHAMA CO SECRET WITNESS	1020.00	.00	1020.00	100427	Secret Witness PoliceSery

REPORT.: Apr 30 10 Friday
 RUN.: Apr 30 10 Time: 14:22
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 04-10 Bank Account.: 1020

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

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description
010512	04/29/10	TH007	THOMSON WEST	227.33	.00	227.33	606555477	TRAINING/ED-POLICE
010513	04/29/10	USB01	US BANCORP	868.98	.00	868.98	149701054	Rents/Leases-GEN CITY

Cash Account Total.....: 6594.01 .00 6594.01

Total Disbursements.....: 6594.01 .00 6594.01

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

REPORT: Apr 30 10 Friday
 RUN: Apr 30 10 Time: 14:22
 Run By: LORI

CITY OF CORNING
 Cash Disbursement Detail Report - Payroll Vendor Payment (s)
 Check Listing for 04-10 Bank Account.: 1025

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

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description	Payment Information
4477	04/28/10	AFL01	AMERICAN FAMILY LIFE	1760.44	.00	1760.44	B00430	AFLAC INS.PRE TAX	
				101.74	.00	101.74	1B00430	AFLAC INS.AFTER TAX	
			Check Total.....	1862.18	.00	1862.18			
4478	04/28/10	BLI02	BLUE SHIELD OF CALIFORNIA	22790.00	.00	22790.00	B00430	MEDICAL INSURANCE	
4479	04/28/10	CIT01	CITY OF CORNING	6.00	.00	6.00	B00430	CHGS FOR WAGE ATCHMT	
4480	04/28/10	OEU01	OPERATING ENGINEERS #3	7430.00	.00	7430.00	B00430	MEDICAL INSURANCE	
4481	04/28/10	OEU02	OPERATING ENG. (DUES)	225.00	.00	225.00	B00430	UNION DUES MGMNT	
				572.00	.00	572.00	1B00430	UNION DUES POLICE	
				320.00	.00	320.00	2B00430	UNION DUES DISPATCH	
				560.00	.00	560.00	3B00430	UNION DUES-MISC	
			Check Total.....	1677.00	.00	1677.00			
4482	04/28/10	PRI04	PRINCIPAL	3557.17	.00	3557.17	B00430	DENTAL INSURANCE	
				1019.19	.00	1019.19	1B00430	VISION INSURANCE	
			Check Total.....	4576.36	.00	4576.36			
4483	04/28/10	TRA03	TRANSAMERICA LIFE INS CO.	1176.00	.00	1176.00	B00430	LIFE INSURANCE	
			Cash Account Total.....	39517.54	.00	39517.54			
			Total Disbursements.....	39517.54	.00	39517.54			

REPORT.: May 05 10 Wednesday
 RUN...: May 05 10 Time: 15:12
 Run By.: IORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 05-10 Bank Account.: 1020

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

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Description
010526	05/03/10	BRE01	BREWER, JOHN	400.00	.00	400.00	000B005011	VEH OP/MAINT-
010527	05/03/10	CAR03	CARDENAS, ANTHONY	400.00	.00	400.00	000B005011	ProfServices PoliceServic
010528	05/03/10	COR07	CORBIN WILLIITS SYSTEMS	729.72	.00	729.72	000B005011	Finance Dept.
010529	05/03/10	COR09	CORNING CHAMBER OF COMM.	1000.00	.00	1000.00	000B005011	CngChamberComm. Economic
010530	05/03/10	HAL05	HALL, ROBERT	104.70	.00	104.70	000B005011	ProfServices FireDepartme
010531	05/03/10	KEN00	KEN VAUGHAN & SONS	904.17	.00	904.17	000B005011	Landscape Maint-Parks
010532	05/03/10	KEN01	KEN VAUGHAN & SONS	800.00	.00	800.00	000B005011	Janitorial
010533	05/03/10	PIT01	PITNEY BOWES	241.84	.00	241.84	000B005011	Rents/Leases Finance Dept
010534	05/03/10	S&L00	S & L BREWER ENTERPRISES	200.00	.00	200.00	000B005011	K-9 PROGRAM-POLICE
010535	05/03/10	TLD01	TEDC	208.33	.00	208.33	000B005011	Economic Devel
010536	05/03/10	TOM03	TOMLINSON JR., ROBERT L.	54.70	.00	54.70	000B005011	PROF. SVCS-FIRE DEPT
010537	05/03/10	COR01	CORNING VETERINARY	490.00	.00	490.00	25281	SPAY/NEUTER VOUCHER PROGR
010538	05/03/10	COR13	CORNING VOLUNTEER FIRE	9500.00	.00	9500.00	100503	AnnualFire/Fee FireDepart
010539	05/03/10	ALL05	ALL METALS SUPPLY	126.54	.00	126.54	246232	RUNWAY CONST-AIRPORT IMPR
010540	05/03/10	BAS01	BASIC LABORATORY, INC	114.00	.00	114.00	1004097	ProfServices Water Dept
010541	05/03/10	COL02	COLLIER HARDWARE	128.77	.00	128.77	553873	Mat/Supplies-
010542	05/03/10	COR01	CORNING VETERINARY	206.35	.00	206.35	24932	ProfServices ACO
			Check Total.....:	824.00	.00	824.00	25278	ProfServices ACO
010543	05/03/10	COR13	CORNING VOLUNTEER FIRE	5642.00	.00	5642.00	100503A	EQUIP REPLAC-FIRE CAP REF
010544	05/03/10	KEN01	KEN VAUGHAN & SONS	50.00	.00	50.00	XXX1	JANITORIAL SERVICE-
010545	05/03/10	LIN02	LINNETS TIRE SHOP	112.56	.00	112.56	52064	Veh Opr/Maint-POLICE
010546	05/03/10	LNC01	LN CURTIS & SONS	1948.50	.00	1948.50	119068200	EQUIP REPLAC-FIRE CAP REF
010547	05/03/10	NEX01	NEXTEL COMMUNICATIONS	400.48	.00	400.48	100429	COMMUNICATIONS-
010548	05/03/10	NOR01	NORTH VALLEY BARRICADE	71.45	.00	71.45	13198	MAT & SUPPLIES-COMM EVENT

REPORT.: May 05 10 Wednesday
 RUN....: May 05 10 Time: 15:12
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 05-10 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 Description
010549	05/03/10	NOR25	NORTHERN LIGHTS ENRGY, INC	2974.38	.00	2974.38	21852	VEH OP/MAINT-
				216.95	.00	216.95	21898	VEH OP/MAINT-FIRE
			Check Total.....	3191.33	.00	3191.33		
010550	05/03/10	OFF01	OFFICE DEPOT	230.14	.00	230.14	517358036	Office Supplies Policedis
010551	05/03/10	PGE2B	PG&E	4963.01	.00	4963.01	100426	ELECT-WWTP
010552	05/03/10	RNJ00	RNJ ELECTRONICS, INC.	877.84	.00	877.84	172292	SAFE GRANT-POLICE
010553	05/03/10	SEI01	SELLER, ROY R., CPA	1118.70	.00	1118.70	23907	ProfServices Finance Dept
010554	05/03/10	TAS00	TASER INTERNATIONAL, INC.	703.63	.00	703.63	SI1204489	SAFETY ITEMS-POLICE
010555	05/03/10	UNI02	UNIFORMS, TUXEDOS & MORE	191.44	.00	191.44	97364	UNIFORMS/CLOTH-POLICE
010556	05/03/10	WAL05	SERGE V. DANA, D.V.M.	70.00	.00	70.00	219650	SPAY/NEUTER VOUCHER PROGR
010557	05/03/10	WES02	WESTERN BUSINESS PRODUCTS	39.97	.00	39.97	023550	Equip.Maint.-FIRE
010558	05/03/10	XER00	XEROX CORPORATION	152.28	.00	152.28	047744735	EQUIP MAINT-POLICE
010559	05/05/10	AND01	ED ANDERSON	817.50	.00	817.50	100504	ProfServices-
010560	05/05/10	ARA02	ARAMARK UNIFORM SRV. INC.	30.52	.00	30.52	0574679	Mat/Supplies-
010561	05/05/10	ATT02	AT&T	1348.22	.00	1348.22	1322295	COMMUNICATIONS-
010562	05/05/10	COM01	COMPUTER LOGISTICS, INC	16000.00	.00	16000.00	48431	Equip.Maint.-GEN CITY
010563	05/05/10	DEF03	DEPT OF TRANS/CAL TRANS	104.64	.00	104.64	187821	Equip.Maint. St&Trf Light
				1171.13	.00	1171.13	02013117	Equip.Maint. St&Trf Light
			Check Total.....	1275.77	.00	1275.77		
010564	05/05/10	FIT01	FITZPATRICK LAW OFFICES	178.75	.00	178.75	100503	City Attny Srvs LegalServ
010565	05/05/10	GRA02	GRAINGER, W.W., INC	26.89	.00	26.89	923828990	MAT & SUPPLIES-POLICE
010566	05/05/10	NOR10	NICOLLINO CLEMENTE	5.00	.00	5.00	2487	CERT OF EXTNG-BLD MAINT
				20.00	.00	20.00	2488	CERT OF EXTNG-BLD MAINT
			Check Total.....	25.00	.00	25.00		
010567	05/05/10	NOR25	NORTHERN LIGHTS ENRGY, INC	1942.97	.00	1942.97	21897	MAT & SUPPLIES-
010568	05/05/10	NOR31	NORM'S PRINTING	116.59	.00	116.59	008334	PRINTING/ADV-POLICE

REPORT.: May 05 10 Wednesday
 RUN.....: May 05 10 Time: 15:12
 Run By.: LORI

CITY OF CORNING

Cash Disbursement Detail Report
 Check Listing for 05-10 Bank Account.: 1020

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

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description
010569	05/05/10	PAC16	PACIFIC TELEMANAGEMENT SE	38.00	.00	38.00	191515	COMMUNICATIONS-GEN CITY
010570	05/05/10	PGE01	PG&E	234.65	.00	234.65	100428	ELECT-
010571	05/05/10	QUI02	QUILL CORPORATION	251.68	.00	251.68	5090721	Office Supplies-FINANCE
				579.14	.00	579.14	5157951	Office Supplies-POLICE
			Check Total.....	830.82	.00	830.82		
010572	05/05/10	SCH01	LES SCHWAB TIRE CENTER	8.66	.00	8.66	420427	Veh Opr/Maint-POLICE
010573	05/05/10	CHE02	CHEM QUIP, INC.	484.77	.00	484.77	5006602	MAT & SUPPLIES-PARKS
010574	05/05/10	INT00	INTERSTATE BATTERY SYSTEM	98.45	.00	98.45	10423426	VEH OP/MAINT-POLICE
010575	05/05/10	LIN02	LINNETS TIRE SHOP	104.29	.00	104.29	52038	Veh Opr/Maint-POLICE

Cash Account Total.....: 59551.95 .00 59551.95

Total Disbursements.....: 59551.95 .00 59551.95

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

CITY OF CORNING
 Cash Disbursement Detail Report - Payroll Vendor Payment (s)
 Check Listing for 05-10 Bank Account.: 1025

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
4486	05/05/10	BAN03	POLICE OFFICER ASSOC.	350.00	.00	350.00	B00504	POLICE OFFICER ASSOC
4487	05/05/10	CAL37	CALIFORNIA STATE DISBURSE	138.46	.00	138.46	B00504	WITHHOLDING ORDER
4488	05/05/10	EDD01	EMPLOYMENT DEVELOPMENT	3925.28	.00	3925.28	B00504	STATE INCOME TAX
				1117.03	.00	1117.03	1B00504	SDI
			Check Total.....:	5042.31	.00	5042.31		
4489	05/05/10	ICM01	ICMA RETIREMENT TRUST-457	2294.25	.00	2294.25	B00504	ICMA DEF. COMP
4490	05/05/10	OE003	OPERATING ENGINEERS	625.00	.00	625.00	B00504	CREDIT UNION SAVINGS
4491	05/05/10	PERS1	PUBLIC EMPLOYEES RETIRE	27508.97	.00	27508.97	B00504	PERS PAYROLL REMITTANCE
4492	05/05/10	PERS4	Cal Pers 457 Def. Comp	353.25	.00	353.25	B00504	PERS DEF. COMP.
4493	05/05/10	PRE03	PREMIER WEST BANK	6117.69	.00	6117.69	B00504	HSA DEDUCTIBLE
4494	05/05/10	STA04	STATE OF CALIFORNIA	550.00	.00	550.00	B00504	WAGEASN 1107012828
4495	05/05/10	VAL06	VALIC	1153.25	.00	1153.25	B00504	AIG VALIC P TAX
Cash Account Total.....:				44133.18	.00	44133.18		
Total Disbursements.....:				44133.18	.00	44133.18		

Date...: May 5, 2010
Time...: 2:48 pm
Run by: LORI

CITY OF CORNING
NEW BUSINESSES FOR CITY COUNCIL

Page.: 1
List.: NEWB
Group: WTFMB

Business Name	Address	CITY/STATE/ZIP	Contact Name	Business Desc. #1	Business Start Date	Primary Teleph
BRAINY DOG MOREHOUSE AIR CONDIT 905	2441 HIGHWAY 99W EIGHT ST	CORNING, CA 96021 ORLAND, CA 95963	CLARK MOREHOUSE	SHERRY DOG TRAINING IN PEOPLES HOMES BENNETT CONTRACTOR - AIR CONDITIONING SERVICE	04/30/10 04/27/10	(530)566-1966 (530)865-9100

CITY OF CORNING**April 2010****TREASURERS REPORT**

AGENCY	BALANCE	RATE	MATURES ON
LOCAL AGENCY INVESTMENT FUND	1,755,300.22	.56	
PREMIER WEST BANK	197,394.16	.85	03/28/11
PREMIER WEST BANK	177,072.59	.85	04/20/11
TRUST ACCOUNTS			
PREMIER WEST BANK RIDELL TRUST	209,084.31	2.52	06/13/10

Respectfully Submitted

Pala Cantrell
City Treasurer

5/4/2010
2:27:22PM

CITY OF CORNING
PERMITS ISSUED (sort by Permit #)
For the Period 4/1/2010 thru 4/30/2010

Owner and Address	Parcel Number	Issued On	Valuation
CHRIS ANCINELLI 601 FIRST ST CORNING CA 96021 Permit Description: FRONT & REAR HANDICAP RAMPS	7314601 Site Street Address: 601 FIRST ST	4/2/2010	800.00
TODD HUGHES 1219 SOLANO ST CORNING CA 96021 Permit Description: INSTALL 3 FLOOR BASINS & 3 SINKS	7113402 Site Street Address: 1219 SOLANO ST	4/20/2010	400.00
LESTER & LINDA BYERS 1890 NORTH ST CORNING CA 96021 Permit Description: METAL COVERED PATIO	7102048 Site Street Address: 1890 NORTH ST	4/13/2010	4,500.00
DAN & ESTHER CRAMP 1902 NORTH ST CORNING CA 96021 Permit Description: METAL COVERED PATIO	710204 Site Street Address: 1902 NORTH ST	4/13/2010	4,300.00
BECKY HARRIGAN 1511 NORTH ST CORNING CA 96021 Permit Description: 100 AMP ELECT. SERVICE	7104302 Site Street Address: 1511 NORTH ST	4/14/2010	600.00
YURERI MORA 1393 FIFTH AVE CORNING CA 96021 Permit Description: TEAR OFF & REROOF	7131005 Site Street Address: 1393 FIFTH AVE	4/22/2010	2,200.00
LOUIE DAVIES 930 N. MARGUERITE AVE CORNING CA 96021 Permit Description: ADD ELECT, SHEETROCK, AND CEILING	7508025 Site Street Address: 930 N. MARGUERITE AVE	4/27/2010	1,200.00

CITY OF CORNING
PERMITS ISSUED (sort by Permit #)
For the Period 4/1/2010 thru 4/30/2010

Owner and Address	Parcel Number	Issued On	Valuation
DON JOLLY 1181 SIXTH ST CORNING CA 96021 Permit Description: REMOVE & REPLACE HVAC	7124118 Site Street Address: 1181 SIXTH ST	4/27/2010	4,612.00
GARY SMITH 908 CHESTNUT ST CORNING CA 96021 Permit Description: REMODEL, ROOF, ELECT, INSULATE, DRYWAL	7313206 Site Street Address: 908 CHESTNUT ST	4/27/2010	20,000.00
9 Permits Issued from 4/1/2010 Thru 4/30/2010		FOR A TOTAL VALUATION OF \$ 38,612.00	
*** END OF REPORT ***			

**SouthWest
Water Company**

P.O. Box 230
25010 Gardiner Ferry Rd.
Corning, CA 96021
Phone 530.824.5863
Fax 530.824.5769
www.swwc.com

RECEIVED

CITY OF CORNING

**CITY OF CORNING
WASTEWATER OPERATION SUMMARY REPORT
APRIL 2010**

Below is a summary of the Monthly Operations Report that will be available for City review on MAY 2010.

- 1) Filled out monthly reports.
- 2) Performed weekly Operator 10 maintenance on all plant equipment.
- 3) Changed flow disk.
- 4) Sent vehicle report to Texas.
- 5) Wasted to EQ basin
- 6) Repaired and replaced CL2 sensor control panel
- 7) Changed chart on So3 analyzer.
- 8) Safety meeting
- 9) Cleaned up shop.
- 10) Inspected eyewash and emergency showers.
- 11) Unloaded chlorine truck.
- 12) Cleaned So2 pump.
- 13) Checked storm water discharge sites at WWTP and airport
- 14) Installed new motor on sludge thickener drive unit
- 15) Tested all chlorine and So2 sensors.
- 16) River samples.

- 17) North State Electric replaced torque arms on screw pumps
- 18) Cleaned probe at lift station.
- 19) Tested alarms with Fire Dept.
- 20) Turned on waste to EQ basin
- 21) Started decant pump in EQ basin.
- 22) Cleaned auto samplers with bleach
- 23) Sprayed weeds.
- 24) Exercised emergency generator.
- 25) Held employee training
- 26) IIPP plant inspectio

Total daily plant flow for the month of APRIL 2010 was 723,200 GPD.

Total daily plant flow for the previous month of MARCH,2010 was 764,870 GPD

APRIL 2010

Industrial Flow = GPD
(Flow into the Bell Carter Ponds)

Domestic Flow = 723,200 GPD

MARCH 2010

Industrial Flow = 300,035GPD

Domestic Flow = 764,870 GPD

ITEM NO. : F-12
REMOTE CONTROL AIRCRAFT AREA &
OPERATIONS DETAILS-CORNING MUNICIPAL
AIRPORT; TEHAMA COUNTY CONDORS

MAY 11, 2010

TO: CITY COUNCIL OF THE CITY OF CORNING, CALIFORNIA

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

Steve
JLB

SUMMARY:

Staff recommends the City Council authorize the Tehama County Condors Remote Control Airplane Club to conduct their model aircraft flight operations within a designated area on and adjacent to the new tarmac at Corning Municipal Airport and in accordance with certain operational standards. See the attached document titled "Area and Conditions Statement for Tehama County Condors Remote Control Airplane Club".

BACKGROUND:

Prior to 2001, the Tehama County Condors Remote Control Airplane Club operated at Corning Municipal Airport. That use ended after a "near miss" incident occurred between an RC plane and a student pilot. The Condors subsequently moved their operations to the Christian Boys Ranch. That property has recently sold and is no longer available for RC use.

The Corning Airport Commission has reviewed this matter and recommends the City Council authorize the use and define the limits of the ground and flight area and operational characteristics. Note the recommendation includes the requirement for liability insurance that names the City of Corning as an "additional insured".

RECOMMENDATION:

That the City Council:

- **Authorize the Tehama County Condors Remote Control; Airplane Club to use the Corning Municipal Airport property as described in the attached document marked "Area and Conditions of Operations Statement" dated May 11, 2010.**

**Area and Conditions of Operations Statement for Tehama County
Condors Remote Control Airplane Club**

May 11, 2010

Area Limitations:

Beginning at the southwest corner of the new tarmac (apron), then easterly, approximately 800 feet, along the south edge of said tarmac and continuing east to the east property line of the airport property, then,

On and along said east property line, a distance of approximately 1,700 feet to the northeast corner of the airport property, said point also being the northeast corner of 2 of Block 2 of Maywood Colony No. 1 (APN 75-020-04), then,

Leaving the east airport property line, west along the north line of said Lot 2 of Block 2 of Maywood Colony No. 1, approximately 800 feet, to a point lying due north of the Point of Beginning, then,

South, parallel with the east boundary of this description, approximately 900 feet to the northwest corner of the new tarmac, then

Continuing south, on and along the western edge of the new tarmac, a distance of approximately 800 feet to the Point of Beginning and the southwest corner of the new tarmac.

Operational Limitations:

1. Ground activities limited to the Tarmac Area and well separated from any aircraft.
2. Tehama County Condors Remote Control Airplane Club (hereafter "Condors") shall establish a runway and traffic pattern within the Flight Activity Area, which shall include a ceiling of 500 feet (measured vertically) from the tarmac surface.
3. Runway and traffic pattern shall mirror that of Runway 17 & 35.
4. Condors shall maintain two-way radio communications and practice acceptable FAA standards and advisory broadcasts while RC aircraft are in use.
5. Condors shall maintain a policy of liability insurance that provides not less than \$1,000,000 of coverage for damages. Said policy shall name Corning Municipal Airport, and the City of Corning, its officers, elected and appointed officials and staff as "additional insured". A copy of that policy shall be provided to the City Clerk of the City of Corning prior to any flight operations.
6. Condors shall maintain a flight log showing dates, times, participants and notes for all activities occurring on airport property. Said log shall be maintained by an

**Area and Conditions of Operations Statement for Tehama County
Condors Remote Control Airplane Club**

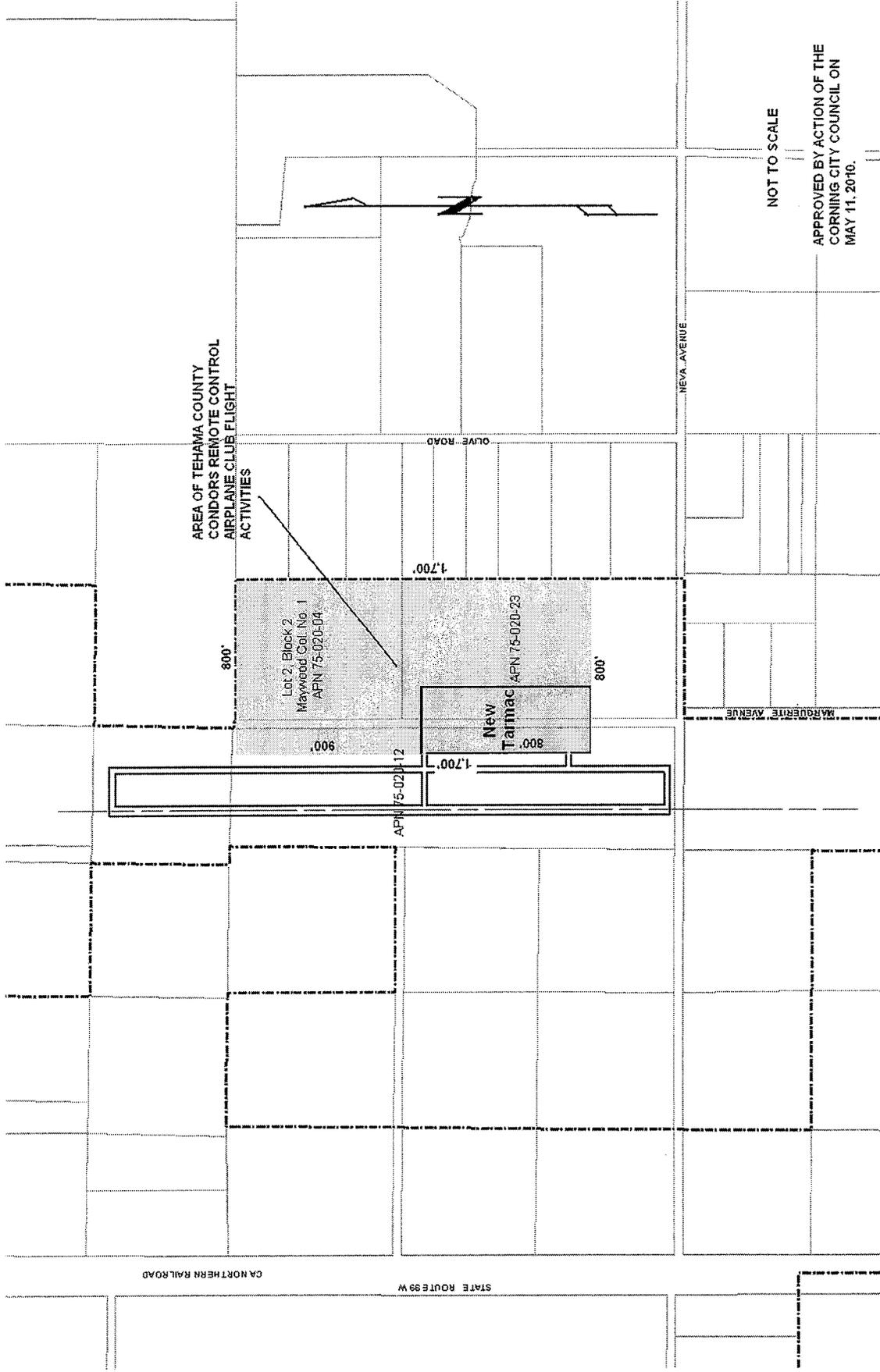
May 11, 2010

officer/official of the Condor Club and be made available upon any reasonable request by FBO, City employee, and/or FAA personnel.

7. Condors may install a sign identifying their club and purposes which shall be posted as directed by City staff. Condors shall also make and install a second sign, indicating their exclusive usage, and advising of the necessity of prior approval, permitting, insurance and contact information, which shall also be posted as directed by City staff.
8. City of Corning reserves the right to suspend Condor's use, or to otherwise modify the Area Limitations and/or Operational Limitations at any time.

Area and Conditions of Operations Statement for Tehama County Condors Remote Control Airplane Club

May 11, 2010



APPROVED BY ACTION OF THE CORNING CITY COUNCIL ON MAY 11, 2010.



current sign
75 1/2" x 58"

ITEM NO.: F-13
AUTHORIZATION TO SEEK
BIDS FOR A THREE-YEAR
JANITORIAL SERVICE AGREEMENT

MAY 11, 2010

TO: HONORABLE MAYOR AND COUNCILMEMBERS
OF THE CITY OF CORNING

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

STEVE
JLB

SUMMARY:

Staff requests Council authorization to seek Bids for a three-year Janitorial Service Agreement to provide janitorial services for the following eight locations:

- City Hall
- Police Department
- Corning Library
- Corning Transportation Center (Suite D only)
- City Corporation Yard
- Martini Plaza (restrooms only)
- Woodson Park (restrooms only)
- Northside Park (restrooms only)

In addition to the janitorial services this contract will also provide for the closing of the restrooms at the following locations Monday through Friday and the opening and closing of these four facilities on weekends, holidays and City Furlough days. The Transportation Center Suite D (bus waiting area) must be opened no later than 5:45am.

- Transportation Center (Suite D only)
- Martini Plaza
- Woodson Park
- Northside Park

The current Janitorial contract with Ken Vaughan & Sons is due to expire on July 31, 2010.

FINANCIAL:

The current annual contract amount of \$9,600 per year is currently funded from budget line numbers 001-6320-3600 (\$2,500) Building Maintenance/ Janitorial Services; 001-6320-1700 (\$2,500) Library/Janitorial Services; 001-6320-6100 (\$3,000) Parks/Janitorial Services and the remaining \$1,600 from budget line number 625-6750-3160 Transportation Facility/Building Maintenance. That amount may need to change pursuant to the new agreement.

RECOMMENDATION:

Mayor and Council authorize Staff to seek Bids for a three-year service agreement to provide janitorial service to the listed eight City facilities and provide for the opening and closing of the restrooms at the Transportation Center, Martini Plaza, Woodson Park and Northside Park.

Description of work to be performed:

The Contractor will perform the following work throughout the term of this Agreement:

Each day:

- The restroom facilities located at the Transportation Center, Northside Park, Woodson Park and Martini Plaza will be closed each evening at dark Monday through Friday.
- The restroom facilities located at Northside Park, Woodson Park and Martini Plaza will be opened at 7:00 a.m. and closed at dark each weekend, holiday and City Furlough day.
- The Transportation Center Suite D (bus waiting area) must be opened no later than 5:45am and closed at dark every City Furlough day and on holidays except for holidays that TRAX services are not available. TRAX does not provide services on New Year's Eve, New Year's Day, Presidents' Day, Memorial Day, 4th of July, Labor Day, Thanksgiving, Christmas Eve and Christmas Day.
- During the closing of each facility the contractor will inspect each restroom and pickup and clean as needed and make sure all paper dispensers are filled for the following day. If problems or vandalism are discovered the contractor is to contact Public Works.

Once per week:

- Vacuum all carpeted areas.
- Mop and buff all tile floors.
- Mop and buff seamless floors.
- Inspect and clean any furnishings and areas needing attention.

Twice per week:

- Dust shelves, desks, ledges, etc.
- Dust mop floors.
- Damp mop soiled floor areas.
- Spot wash counters, desks, etc.
- Clean, disinfect and deodorize restrooms.
- Fill restroom containers with supplies.
- Clean stainless and glass doors.
- Empty and clean wastebaskets and containers.
- Turn off lights as needed.

Monthly:

- Dust sills and blinds, all pictures, plaques and emblems.
- Wash and clean all glass, including all windows and doors inside and out.
- Spot wash and clean walls, doorframes, etc.
- Clean dispensers, stall separators and top partitions in restrooms.
- Scrub tile in all areas, remove black marks and apply new finish.
- Remove spider webs throughout buildings.

General Cleaning:

- Light fixtures dusted and washed twice per year.
- Keep Janitors closet in a clean and orderly fashion.
- Clean and remove all dirt, stains and marks with an approved cleaner.
- Clean and fill receptacles, dispensers, and the like and fill with an appropriate supply to last until the next cleaning day.
- Mop-Damp or Wet all surface dirt and stains with a cotton mop and warm water (damp mopping) containing soap, detergent, or floor cleaner, as required and rinse by (wet mopping). If mopping operation results in removal of floor finish, restore surface with one coat of approved anti-slip floor finish.
- Sweep in areas with smooth floors, such as linoleum or tile; remove all loose dirt and litter with sweeping broom and disposable or laundered type treated cloth. For other type of floors, remove loose dirt and litter with a hair floor brush or other sweeping tool. In places difficult to sweep with regular sweeping tools, use a brush or vacuum to remove dirt and litter.
- Remove all surface and embedded dirt with a vacuum cleaner.
- Wash to remove all dirt stains and marks with approved cleaner, then rinse with clear water.

City and Contractor Furnished Supplies:

The **City agrees to furnish the following supplies:** Hand soap, toilet tissue, paper towels, and toilet seat covers. The **Contractor is required to furnish:** All chemicals and cleaning agents including deodorizers, an assortment of trash bags for all waste and garbage containers, all vacuums, mops, brooms, and other cleaning equipment.

Term of Contract:

The term of the Contract will be 3 years, beginning at signing of Contract and ending July 31, 2013.

Insurance Requirements:

- ◆ Contractor shall provide the City with Liability Insurance in the amount of \$1,000,000 and shall list the City as an Additional Insured on an Additional Insured Endorsement.
- ◆ Worker's Compensation shall be required for additional employees.

Business License Requirement:

- ◆ Contractor shall purchase and maintain a City of Corning Business License.

Amount of Compensation:

City will pay Contractor on a monthly basis at the beginning of each month for the work performed the preceding month. The monthly amount to be paid for each and every month throughout the term of this Agreement is \$ _____.

Independent Contractor:

Contractor is an independent Contractor and is not an employee of the City of Corning. Contractor is not limited to performing the type of work provided for in this contract to only the City of Corning but it is assumed and agreed that Contractor will perform similar services for other customers. Although the City establishes contract objectives, it does not have authority to provide supervision over contractor and its employees other than to determine if the established objectives are being met and if the contractor is in compliance with the terms of this contract.

Attorney Fees and Costs:

In the event of a dispute arising out of this Agreement, City and contractor agree that a court or arbitrator may award a reasonable amount of attorney fees and costs to the prevailing party should such dispute be resolved through litigation or arbitration.

Entire Agreement:

This document represents the entire agreement between the parties and all commitments arising out of discussions between the parties have been fully integrated herein.

Notices to Parties:

Notices to City shall be provided to:

City of Corning
Attn: Public Works Director
794 Third Street
Corning, CA 96021

Notices to Contractor shall be provided to:

SO AGREED.

CITY OF CORNING

By: _____

Date: _____

CONTRACTOR

By: _____

Date: _____

Attest:

Lisa Linnet, City Clerk

JANITORIAL SERVICES AGREEMENT

This agreement is entered into by and between the City of Corning, a municipal corporation, (hereinafter referred to as "City") and the person or entity identified at the end of this Agreement (hereinafter referred to as "Contractor").

Purpose of Agreement:

The purpose of this agreement is to document the arrangement worked out between the City and the Contractor for certain janitorial work to be performed on City property over a three-year term.

Location of work to be performed:

The Contractor will perform janitorial services at the following eight (8) City of Corning locations.

- ◆ City Hall, 794 Third Street.
- ◆ Police Department, 774 Third Street.
- ◆ Corning Library, 740 Third Street.
- ◆ Corning Transportation Center, Suite D, 1081 Solano Street.
- ◆ Corporation Yard, 1106 Butte Street.
- ◆ Martini Plaza, 1409 Solano Street, restrooms only.
- ◆ Woodson Park, South Street at Pear Street, restrooms only.
- ◆ Northside Park, 1418 Colusa Street, restrooms only.

Contractor Responsibility:

All work under this Agreement shall be performed in a skillful and workmanlike manner. The City may, in writing, require the Contractor to remove any employee the City deems incompetent, careless, or otherwise objectionable, or for theft, possession and/or removal of material, supplies, equipment, or any other City owned Property.

The Contractor shall be responsible for maintaining satisfactory standards of employee competency, conduct, appearance, and integrity and shall be responsible for taking disciplinary action with respect to Contractor's employees as may be necessary. Each employee must be finger printed by the Corning Police Department before employment.

No other personnel other than the Contractor or Contractor's employees or City of Corning employees shall be allowed in the building during the period prescribed for maintenance. No children shall be in the building when performing janitorial services.

Contractor shall perform cleaning duties after business hours and on weekends. Because of public meetings, Tuesday evenings cannot be cleaning dates. All cleaning shall be performed on Wednesday evenings with the exception of the first Wednesday of the month, and one day or evening of the weekend.

The Contractor shall be responsible for the training of all employees in the use of Multiple Safety Data Sheets supplied with all cleaning fluids and disinfectants. All employees must also be advised of all CAL-OSHA safety laws and the Contractor shall have a current ongoing safety program.

ITEM NO.: F-14
AUTHORIZATION TO SEEK LANDSCAPE
AND MAINTENANCE BIDS FOR A
THREE-YEAR AGREEMENT FOR
SERVICE AT EIGHT CITY LOCATIONS

MAY 11, 2010

TO: HONORABLE MAYOR AND COUNCILMEMBERS
OF THE CITY OF CORNING

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

Steve
JD

SUMMARY:

Staff requests Council authorization to seek Bids for a three-year Landscape and Turf Maintenance Agreement for service to six (6) City properties and for the (2) Landscaping and Lighting Districts, District 1, Zones 1 & 4. Contracting for landscape services for these small areas of City property frees Public Works employees to work on other more important projects. This service will be to the following eight (8) City locations:

- Martini Plaza
- Corning Transportation Center
- Corning Library
- Corning Park and Ride
- Corning City Hall
- Fire Department
- Landscape and Lighting District 1, Zone 1 (N. Alex Lane)
- Landscape and Lighting District 1, Zone 4 (Solado Apartments)

BACKGROUND:

Currently the City has an Agreement to provide landscape services for eight City locations with Ken Vaughan & Sons that was awarded on July 30, 2007 and will expire on August 1, 2010 at a price of \$907.17 per month. This amount totals \$10,850 per year for these services.

Funding for this Agreement is provided by budget line numbers:

001-6315-6100	Landscape Maintenance/Parks	\$8,500 FY 2009/10
701-6315-3901	Landscape Maintenance/L&L, N. Alex Lane	\$ 200 FY 2009/10
704-6315-3904	Landscape Maintenance/L&L, Solado Apts.	\$1,200 FY 2009/10

RECOMMENDATION:

MAYOR AND COUNCIL AUTHORIZE PUBLIC WORKS TO SEEK BIDS FOR A THREE-YEAR LANDSCAPE AND TURF MAINTENANCE AGREEMENT TO PROVIDE LANDSCAPE SERVICES TO EIGHT (8) CITY LOCATIONS.

LANDSCAPE AND TURF MAINTENANCE AGREEMENT

This agreement is entered into by and between the **City of Corning**, a Municipal Corporation, (hereinafter referred to as "City") and the person or entity identified at the end of this Agreement (hereinafter referred to as "Contractor").

Purpose of Agreement:

The purpose of this agreement is to document the arrangement worked out between the City and the Contractor for certain landscaping and turf maintenance work to be performed on City property over a three-year term.

Location of work to be performed:

The Contractor will perform Landscape and Turf Maintenance at the following eight (8) City locations.

- ◆ Martini Plaza located in the 1400 block of Solano Street.
- ◆ Corning Transportation Center located at 1081 Solano Street.
- ◆ Corning Library located at 740 Third Street.
- ◆ Corning Park and Ride area located at the corner of Solano & Third Streets.
- ◆ Corning City Hall located at 794 Third Street.
- ◆ Corning Fire Department located at 814 5th Street.
- ◆ Landscape & Lighting District 1, Zone 1, N. Alex Lane
- ◆ Landscape & Lighting District 1, Zone 4, Salado Apartments

Description of work to be performed:

The Contractor will perform the following work throughout the term of this Agreement:

- ◆ Mowing of all lawn areas on a weekly basis during the growing seasons and as needed during the fall and winter months.
- ◆ The shrub areas to be pruned and weeded at startup, and pruned and weeded as needed to insure proper growth habits and appearance.
- ◆ Trash or debris in the lawn or landscape areas to be removed weekly to maintain a neat appearance.
- ◆ Lawn areas to be fertilized on a five round program to insure optimum growth and appearance.
- ◆ Shrub areas to be fertilized on a two round program to insure optimum growth and appearance.
- ◆ Treatment for weed control in the lawn and shrub areas to be provided.
- ◆ Sprinkler system to be inspected weekly. Any general maintenance of the sprinkler system shall be included in the maintenance program.
- ◆ The maintenance program cost shall also include the needed replacement of plants and shrubs when needed.
- ◆ Repairs to the sprinkler systems that require the purchase of materials and supplies shall be completed within the terms of this maintenance agreement, with materials and supplies to be approved and purchased by the Department of Public Works.
- ◆ Contractor shall provide all the equipment required for this maintenance agreement.
- ◆ Lawn clippings and brush for shrubs shall have a City provided 96-gallon roller cart at each location for disposal.

Term of Contract:

The term of the Contract will be 3 years, beginning at signing of Contract and ending August 1, 2013.

Insurance Requirements:

- ◆ Contractor shall provide the City with Liability Insurance in the amount of \$1,000,000 and shall list the City as an Additional Insured on an Additional Insured Endorsement.
- ◆ Worker's Compensation shall be required for additional employees.

Business License Requirement:

- ◆ Contractor shall purchase and maintain a City of Corning Business License.

Amount of Compensation:

City will pay Contractor on a monthly basis at the beginning of each month for the work performed the preceding month. The monthly amount to be paid for each and every month throughout the term of this Agreement is: \$ _____.

Independent Contractor:

Contractor is an independent Contractor and is not an employee of the City. Although the City instructs the Contractor himself determines the hours to be worked, the manner in which the work is performed and how the objectives are met and the other details of the job. Contractor is not limited to performing landscape and turf maintenance work only for the City of Corning but it is assumed and agreed that the City will be one of several customers for whom Contractor performs similar services.

Attorney Fees and Costs:

In the event of a dispute arising out of this Agreement, City and contractor agree that a court or arbitrator may award a reasonable amount of attorney fees and costs to the prevailing party should such dispute be resolved through litigation or arbitration.

Entire Agreement:

This document represents the entire agreement between the parties and all commitments arising out of discussions between the parties have been fully integrated herein.

Notices to Parties:

Notices to City shall be provided to:

City of Corning
 Attn: Public Works Director
 794 Third Street
 Corning, CA 96021

Notices to Contractor shall be provided to:

SO AGREED.

CITY OF CORNING

CONTRACTOR

By: _____

By: _____

Date: _____

Date: _____

Attest:

 Lisa Linnet, City Clerk

**ITEM NO:H-15
PUBLIC HEARING; FISCAL YEAR 2010-
2011 COMMUNITY DEVELOPMENT
BLOCK GRANT (CDBG) APPLICATION**

MAY 11, 2010

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: JOHN STOUFER; PLANNING DIRECTOR

BACKGROUND:

This is the first of two required Public Hearings on the Fiscal year 2010-2011 Community Development Block Grant program and to solicit citizen input.

Maximum award limits normally include a total of \$800,000 per year from the General and Economic Development Components combined. Up to \$500,000 per application per year may be awarded from the General and also the Economic Development component. Grants up to \$70,000 per year from the General Planning and Technical Assistance allocation and \$70,000 per year from the Economic Development Planning and Technical Assistance allocation may be awarded and do not count toward the normal \$800,000 per year cap.

The major activity categories are General and Economic Development Planning and Technical Assistance; Housing-Acquisition; Housing – New Construction; Housing – Rehabilitation; Community Facilities/Public Services; Public Works; and Economic Development. Projects funded with CDBG funds must meet at least one of the following National Objectives: Benefit to Targeted Income Group (TIG) persons, elimination of slums and blight or emergency and urgent need.

ALTERNATIVES/OPTIONS:

This is an on-going State/Federal program that offers the City the opportunity to apply annually for community development grant funds, or apply on behalf of a single business (Over-the Counter Application). There are other project specific or targeted grant programs available from the Department of Housing & Community Development. The City may not qualify for all programs, or rank well for limited competitive funding.

RECOMMENDATION/REQUESTED ACTION:

Discussion only, no action is required. This public hearing is the first of two required by the State Department of Housing & Community Development (H & CD) prior to submittal of a grant application.

ITEM NO.: I-16
AUTHORIZE PUBLIC WORKS DEPARTMENT TO
SEEK BIDS FOR 2010 STREET PAVING AND
IMPROVEMENT PROJECT.

MAY 11, 2010

TO: CITY COUNCIL OF THE CITY OF CORNING, CALIFORNIA

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

Steve
JB

SUMMARY:

Staff recommends the City Council authorize the Public Works Department to solicit bids for the 2010 Street Paving and Improvement Project.

BACKGROUND:

There are a number of streets within the City that need repaving. Since we have limited funds available, we're forced to prioritize which street segments we repave based on the respective street condition. In addition to the street repaving and refurbishment, there's also a handful of projects the Council has previously authorized that couldn't be completed due to the seasonal rains and colder temperatures.

See the attached spreadsheet document titled "2010 Street Paving and Improvement Project" and the map showing the locations of the various proposed improvements.

CONCRETE & PREPARATION WORK:

The project includes work on both Center and Fifth Streets. Those street segments have two severely cracked concrete valley gutters that must be replaced as part of the overall project. Concrete work for curbs, gutters and sidewalks is typically funded from Account No. 001-8004-3001. That account currently has a \$36 balance. Funds in the amount of \$5,000.00 will be transferred from Account No. 001-6150-3000 (materials and Supplies-General Fund-Streets) to Account No. 001-8004-3001 for this concrete work.

In addition to the separate concrete work, the Public Works crew will complete some site preparation and finish work.

MARGUERITE AVENUE REPAVING:

The segment of Marguerite Avenue included in the project straddles the City/County boundary. We're going to seek two surfacing options for Marguerite Avenue. The first would be a 1" asphalt leveling course and a 2" asphalt overlay. The second option would have the same leveling course and a double chip seal surface. Note that the estimated cost for the "Chipseal option" (B) is considerably less than the asphalt overlay option.

FINANCIAL:

At this time we have approximately \$150,000.00 budgeted for "Streets" and "Street Projects" within six separate budget account line items that can be utilized for this project. The table below lists those account numbers.

Fund	Title
001-6150-3000	Materials & Supplies-Gen. Fund
114-6150-3000	M & S Transportation sales tax
115-6150-3000	M & S Congestion relief
107-6150-3001	M & S Projects 1-B remainder
108-9467-3001	Asphalt Overlay
115-9467-3001	Asphalt Overlay

The current total available within these six accounts (approximately \$150,000.00), less the \$5,000.00 to be transferred for concrete work; is \$145,000.00. Note that utilizing the entire amount will leave no funds for regular street maintenance work that may be necessary for the remainder of the fiscal year (thru June 30, 2010). For that reason, staff recommends the Council retain at least \$5,000.00 for general street maintenance and expend not more than \$140,000.00 for this project.

LOLETA AVENUE OVERLAY:

The City has \$10,000.00 that was collected for the one time Loleta Avenue paving project associated with the Land Use Permit No. 2008-255 issued for the property at 2125 Loleta Avenue. These funds were collected as mitigation for the increased traffic associated with truck trips on Loleta Avenue, a minimally surfaced "chip-sealed" street.

Staff recommends those funds be transferred from Revenue Account No. 117-4644 (Loleta Ave. Mitigation) to Account No. 117-9467-3001. This \$10,000.00 will increase the funds available for the project to \$150,000.00.

BASE BID AND ADDITIVE BID ITEMS:

Staff estimates an overall cost between \$169,000.00 and \$185,000.00 to complete all components of the 2010 Street Paving and Improvement Project. That total exceeds our available \$150,000.00 budget, so we may be unable to complete all components of our project. For that reason, we've segregated the project into "base bid" and "additive bid" components. The "base bid" items are those previously approved by Council and our recommended "first priority" street improvements. However, with the downturn in development, there is increased competition among contractors. That may work in favor of the City and facilitate completion of additional street resurfacing.

RECOMMENDATION:

That the City Council:

- **Transfer \$10,000.00 from Revenue Account No. 117-4644 (Loleta Ave. Mitigation) to Account No. 117-9467-3001; Loleta Avenue Asphalt Overlay-Streets, and**
- **Authorize the Public Works Department to seek bids for the 2010 Street Paving and Improvement Project as described in the project description.**

2010 Street Paving and Improvement Project

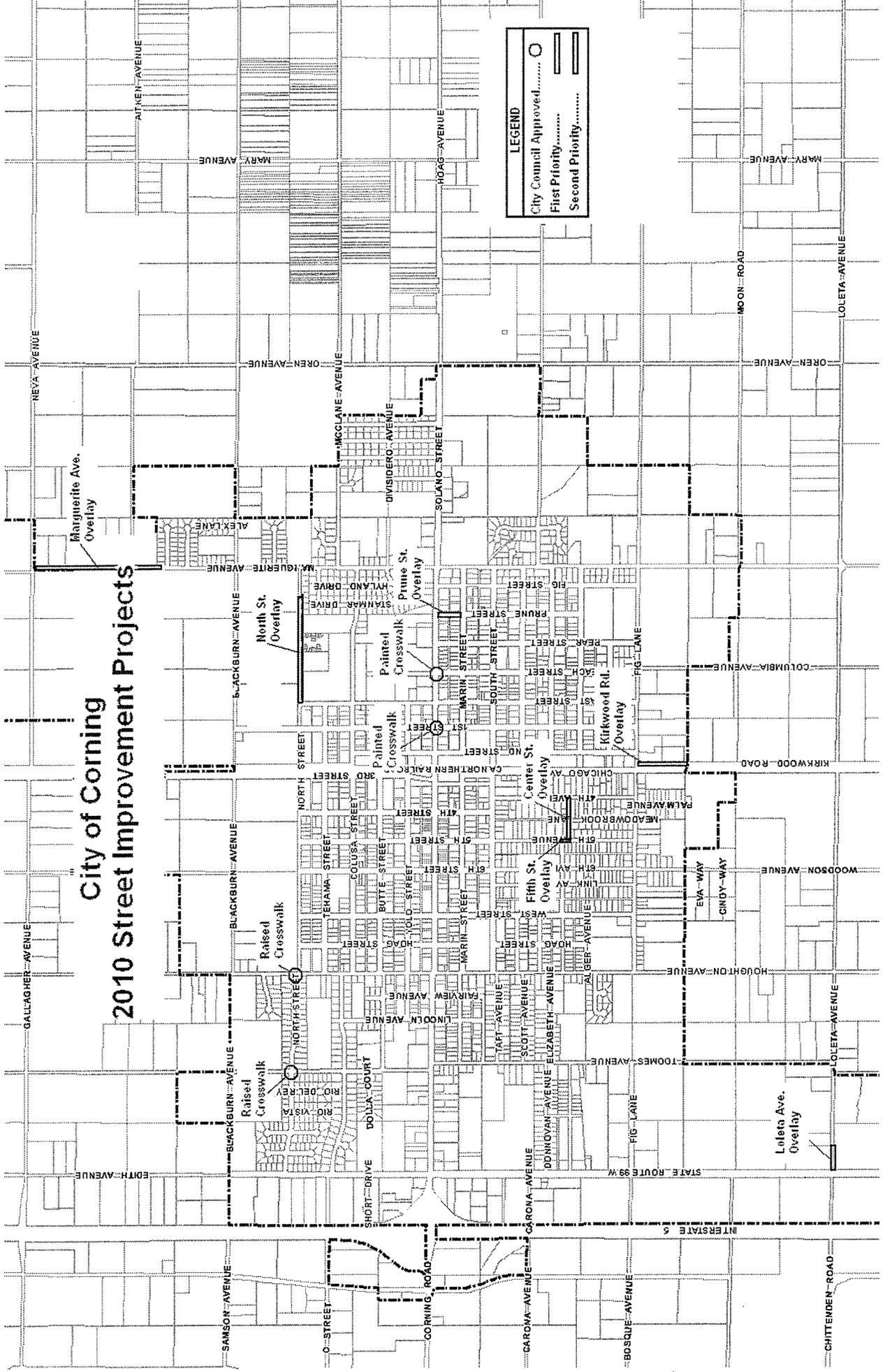
Base Bid Items:

Item	Name & Description	Cost Estimate
1	Two Raised Crosswalks. This item includes construction of two raised pedestrian crosswalks; one crossing Houghton Avenue at North Street and one crossing Toomes Avenue at North Street. The crosswalks shall be of asphalt concrete, placed 3" deep, and provide path widths of 18 feet with two-foot tapers at either end, and with appropriate advisory signage.	\$6,000.00
2	Two Painted Crosswalks. This item is painting two new pedestrian crosswalks across Solano Street; one each at First and Peach Streets.	\$1,000.00
3	Prune Street. This bid item consists of an asphalt overlay of Prune Street between Solano Street and Marin Street.	\$20,000.00
4	Center and Fifth Street. This item includes 2" asphalt overlays of Center Street between Fourth and Fifth Streets and Fifth Street between the two disconnected intersections of Center Street. The overlays are to occur after replacement of two concrete valley gutters (at Center and Fifth St.)	\$30,000.00
5	Kirkwood Road. This item is a 3" asphalt overlay of Kirkwood Road, from Fig Lane south to the City Limits (approx. 700').	\$28,000.00
6	Loleta Avenue. This is a 2" asphalt overlay of Loleta Avenue, from Old Highway 99-W easterly to the east side of the driveway serving 2125 Loleta Avenue.	\$10,000.00
Total Base Bid Estimate:		\$95,000.00

Additive Bid Items:

7.	North Street. This additive bid item is a leveling course and a 2" asphalt overlay of North Street, between East Street and the High School driveway between the baseball and soccer fields (approx. 1300').	\$40,000.00
8a	Marguerite Avenue-Option A. This additive bid item consists of an asphalt leveling course and a 2" asphalt overlay of Marguerite Avenue, between Neva Avenue and Victorian Park Dr. (approx. 1,600').	\$50,000.00
8b	Marguerite Avenue-Option B. . This additive bid item consists of an asphalt leveling course and a double chipseal overlay of Marguerite Avenue, between Neva Avenue and Victorian Park Dr. (approx. 1,600').	\$34,000.00
Total Additive Bid Estimate-with Option A:		\$90,000.00
Total Additive Bid Estimate-with Option B:		\$74,000.00
TOTAL BASE BID AND ADDITIVE BID ESTIMATE (OPTION A)		\$185,000.00
TOTAL BASE BID AND ADDITIVE BID ESTIMATE-(OPTION B)		\$169,000.00

2010 Street Paving and Improvement Project



**ITEM NO: I-17
APPROVE CANCELLATION OF JUNE 8, 2010
REGULARLY SCHEDULED CITY COUNCIL
MEETING DUE TO CONFLICTS WITH
STATEWIDE PRIMARY ELECTION.
APRIL 11, 2010**

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

**FROM: STEPHEN J. KIMBROUGH, CITY MANAGER
LISA M. LINNET, CITY CLERK**

STEP

SUMMARY:

City Council had reviewed this meeting conflict with the State-wide Primary Election and considered moving the meeting to Monday June 14, 2010.

Since that discussion, the Staff has questioned the wisdom of moving dates during the public discussions of budget and financing. The Council also cannot assure that there can be a quorum on non-scheduled dates until the vacant Council position is filled in the November election.

Staff suggests Council cancel the June 8, 2010 regularly scheduled City Council Meeting to accommodate the County Elections Department by allowing the use of the City's Council Chambers for a polling place as is traditionally done.

BACKGROUND:

The current City Municipal Codes, Title 2 - Administration and Personnel, Section 2.04.010 – Meetings, sets the meeting hour and dates as the second and fourth Tuesdays of the month. This Code does not specify direction on rescheduling meetings; neither does the City's established "Rules of Procedure".

This year the June 8, 2010 Primary Election falls on the second Tuesday of the month, which is the same night as the regularly scheduled City Council Meeting.

RECOMMENDATION:

**MAYOR AND COUNCIL CANCEL THE JUNE 8, 2010 REGULARLY SCHEDULED
CITY COUNCIL MEETING DUE TO ITS CONFLICT WITH THE STATEWIDE PRIMARY
ELECTION.**

**ITEM NO: I-18
APPROVE SUSPENSION OF "CAR
ALLOWANCE" FOR PUBLIC WORKS
DIRECTOR AND POLICE CHIEF
EFFECTIVE JUNE 30, 2010
MAY 11, 2010**

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

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER

STEVE

SUMMARY:

The City Council has asked both the Police Chief and the Public Works Director if they would relinquish the City provided car allowance of \$400 per month to cover the expense of operating their personal vehicles for City benefit. As previously agreed, the Police Chief has relinquished this allowance. As requested at the City Council meeting of April 27, 2010, the Public Works Director has also agreed to relinquish this allowance.

BACKGROUND:

City Staff realizes that some Corning citizens criticize the City for paying these managers for the use of their vehicles, but the longterm savings are real. Reports done at the time of implementation showed that the City saves money by avoiding the need to purchase and outfit two City vehicles, a \$30,000 fully equipped police vehicle and an \$18,000 pickup.

The original concept of the car allowance for the Police Chief, and later the Public Works Director, began with the premise that the cost to the City of a \$400 per month car allowance is less than the cost of purchasing, maintaining, insuring and fueling a City-owned vehicle. In exchange for receipt of the car allowance, the two Managers have been responsible for the purchase, insurance, maintenance and fuel for their personal vehicles and use them for City business without additional compensation.

Both car allowances were put in place for the benefit of the City, not the Employee, when the time came to replace the old vehicles. The Chief's old police vehicle was salvaged when it was finally retired, and the Public Works Director's white pick-up was transferred to the Building Official and his truck went to the Public Works Crew to replace another truck that was salvaged.

Today there is no City Vehicle set aside for either Manager.

At that time, \$4,800 per year, per Manager, was far more cost-effective than the capital outlay for new vehicles, in addition to maintenance, insurance and fuel. In addition, City-owned vehicles are not insured for the carrying of non-City Employees or City Officials as passengers.

Prior to eliminating this cost saving measure, the City should think of the longterm impact.

RECOMMENDATION:

MAYOR AND COUNCIL ELIMINATE THE CAR ALLOWANCE FOR THE POLICE CHIEF AND PUBLIC WORKS DIRECTOR EFFECTIVE JUNE 30, 2010.

ITEM NO: I-19
APPROVE REMAINING CITY PROGRAM
REDUCTIONS NEEDED TO BALANCE THE
BUDGET: DISCUSSION AND ACTION
May 11, 2010

TO: HONORABLE MAYOR AND COUNCILMEMBERS
OF THE CITY OF CORNING

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER



SUMMARY:

The City Council, at it's meeting on April 27, 2010, received the proposed plan to reduce expenditures to within revenue levels for those programs funded by the General Fund. The City Council approved all but two of the recommendations. The Council has previously emphasized a "sense of urgency" in bringing the budget solutions to conclusion quickly, in order to enable City Staff to present and Council adopt a final Budget for next year, 2010-2011.

Remaining for tonight are the future of the Corning Recreation Program, now complicated by the resignation of Recreation Supervisor Kimberly Beck, and the commitment by the Council to no employee layoffs during the next year in exchange for the commitment by the employees to accept continuation of furloughs through June 30, 2011.

On April 27, 2010, the City Council directed the "City Manager to "Meet and Confer" with four employee bargaining units to implement another year of 10% reduction in employee compensation through Furloughs, continuing the closure of City Hall and the City Yard every other Friday.

At that time, the Council deferred action on "a City Council Commitment of no employee layoffs in recognition of the City Employees voluntary acceptance of a 10% reduction in compensation through Furloughs." The Council had not reached agreement on the continuation or elimination of the Recreation Program.

The City Manager plans no action to fill the soon to be vacant Recreation Supervisor position, because the time is quickly passing to implement a summer recreation program.

COUNCIL ACTIONS PENDING:

Action Needed - Approve a City Council Commitment of no employee layoffs in recognition of the Employees voluntary acceptance of a 10% reduction in compensation through Furloughs.

Action Needed - Retain the Recreation Program and Recreation Supervisor Kimberly Beck and apply \$57,713 of the "Operating Reserve".

COUNCIL ACTIONS COMPLETED ON APRIL 27, 2010:

COUNCIL Approved the following actions to reduce Annual General Fund budgeted expenditures for fiscal year 2010-2011 at the April 27, 2010 City Council Meeting:

- ✓ Direct City Manager to "Meet and Confer" with four employee bargaining units to implement another year of 10% reduction in employee compensation through Furloughs, continuing the closure of City Hall and City Yard every other Friday.
- ✓ Accept offer of City Manager Stephen Kimbrough and Police Chief Tony Cardenas to work part-time on contract, no more than 960 hours per year effective in July 2010. Mayor to choose a Council team to meet with the employees to prepare contracts for City Council approval.

- ✓ Accept the offer of Planning Director John Stoufer to provide 20 hours per week in Contract Planning Services to the City. Direct the City Manager and City Attorney to prepare a contract for City Council approval.
- ✓ Approve the provision of water meter reading service by the Police Community Services Officers.
- ✓ Retain the Fire Dispatch Center as currently staffed and apply \$192,602 of the "Operating Reserve" to fully fund Dispatch.
- ✓ Approve the preparation and submittal of a ballot measure on the November 2010 General Election to create a City of Corning Fire Dispatch Service Annual Assessment, and direct City Staff to prepare a report and plan to submit the issue to the voters.
- ✓ Accept the reduction of the "General Fund Operating Reserve" to \$500,000 in Fiscal Year 2010-2011.
- ✓ Transfer Park Volunteers' Fund 353 balance of \$15,993 to General Fund.

SUMMARY OF BUDGET AND REVENUE INFORMATION PRESENTED ON APRIL 27, 2010:

Here is a short summary of the results of the Council decisions on April 27, 2010 pertaining to this year's budget and next year's budget.

The Council action has reduced the shortfall by **\$ 829,416**

Operating Reserve projected for July 1, 2010 is **\$524,416**.

2010-2011 BUDGET YEAR PLAN TO REDUCE BUDGET EXPENDITURES

The City appears, at this point in time, to be ending the 2009-10, fiscal year with all "Available Reserve" expended and dipping into the \$800,000 "Operating Reserve" by \$56,000 leaving \$744,000 to cover cash flow next year (this is slightly better than the presented numbers last meeting)¹.

Operating Reserve at Year-end June 30, 2010: (\$1.4 million on July 1, 2009)	\$ 744,000
Current Revenue Estimate	\$3,325,000
Projected Budget before Council decisions on April 27th	\$4,374,000
Shortfall: (the target)	\$1,049,000
FUNDS still needed to meet \$1,049,000 Shortfall	\$ 219,584
Operating reserve on July 1, (Set at \$500,000) estimated to be	\$524,416

The City will be within the limits set by City Council

What actions have been approved to reduce next year's budget?

	Savings	Cumulative
✓ Furloughs for one full year predicated upon no layoffs	<u>\$284,876</u>	\$284,876

¹ Staff previously feared that the City would dip into the Operating Reserve by \$200,000. The General Fund balance can be confirmed in the Annual City Audit.

- **In General City Services:**

	Savings	Cumulative
✓ City Manager cuts hours to part-time under contract:	\$ 93,321	\$378,197
✓ Planning Director cuts hours to part-time under contract:	\$ <u>65,165</u>	\$443,362
✓ Two Council Members voluntarily cut \$300 mo. pay by 10% Budget Cuts (\$16,600 <i>misc. cuts already included in projected budget</i>)	\$ <u>720</u>	\$444,082

- **In City Attorney Services:**

✓ Contract for Services savings ² over prior years may be	\$ <u>8,823</u> ³	\$452,905
----------------------------------------------------------------------	------------------------------	------------------

- **In Police Services:**

	Savings	Cumulative
✓ Police Chief cuts hours to part-time under contract:	\$ <u>97,585</u>	\$550,490
CSO's take over Water Meter Reading	\$ <u>30,837</u>	\$581,327

✓ **NO Police Equipment Replacement Funding**, including Vehicles and Asbestos removal, plus eliminating Take Home Vehicle Program (except K-9), eliminating Chief's car allowance, cutting Safety Items to minimum, reducing number of cell phones, cutting the funds set aside for removal of vehicles and nuisances (total already included in projected budget \$113,310). **The total "Reduction In Police Costs" saves \$241,732.**

- **In Public Works Services:**

✓ Equipment Replacement Fund: return fund balance (one time)	\$ 46,186	\$627,513
✓ Library: eliminate painting and repairs	\$ 1,000 (<i>already included</i>)	
✓ Parks: eliminate Weed Control and fertilizer	\$ 4,000 (<i>already included</i>)	

Minimum Proposition 42 funding ("State Traffic Congestion Relief Act") \$164,337.

- **In Recreation Services:**

	Savings	Cumulative
✓ Transfer Park Volunteers Fund 353	\$15,993	\$643,505
Recreation budget	\$86,942,	
Recreation Supervisor total Comp.	\$79,335.	

	Income	Program Cost
First year 2007-08	\$ 4,890	\$ 2,086
Second year 2008-09	\$11,791	\$13,622
Current year 2009-10	\$13,536 to the end of March 2010	\$16,832

Reduce Recreation to half-time with half benefits saves \$ 39,668

Eliminate Recreation (\$86,942 less loss of Prog. Income) \$ 73,706 **not done**

² (\$54,263 - \$45,440 net to Gen. Fund)City Attorney Agreement for services replaces the part-time salary with Contract Services at \$910/mo. and \$120/hour for additional legal services. Current-year Part-time (total cost \$75, 366, less 10% Furlough) \$67,829, less apportionment to Water and Sewer, totals \$54,263; based upon on prior contract cost before part-time employment, next year may cost \$56,800 plus unknown legal costs if we go to court.

³ (\$54,263 - \$45,440 net to Gen. Fund)City Attorney Agreement for services replaces the part-time salary with Contract Services at \$910/mo. and \$120/hour for additional legal services. Current-year Part-time (total cost \$75, 366, less 10% Furlough) \$67,829, less apportionment to Water and Sewer, totals \$54,263; based upon on prior contract cost before part-time employment, next year may cost \$56,800 plus unknown legal costs if we go to court.

- **In Fire Department Services:**

NO Fire Equipment Replacement Funding

(only \$22,000 remains to cover cost of Ladder Truck purchase)

\$ -0-

✓ Transfer Fire Department Dispatch Contract Income⁴

\$ 33,285

\$676,790

Department Budget Cuts: There is not much General Fund besides the Chief, and four dispatchers in the Fire Budget, but these cuts include small tools, communications, natural gas and safety items.

\$ 5,950

done

Reorganize Fire Dispatch; retain one dispatcher (\$72,027 - 10%), transfer other shifts to Police Dispatch; offer three Dispatchers the vacant Maintenance Worker positions in Public Works

\$192,606

not done

Apply Workers' Compensation one-time dividend:

\$ 61,867

\$ 738,657

Apply Liability Insurance one-time dividend:

\$ 59,986

\$ 798,643

Apply expected reduction in premium and other costs:

\$ 30,772

\$ 829,415

FUNDS still needed to meet \$1,049,000 Shortfall

\$ 219,585

⁴ Received and dedicated to Fire Equipment replacement. \$33,285 is the current balance available in the Fire Equipment Fund. The annual income has been \$19,425 in FY 08-09 and to date in FY 09-10, \$ 13,860

**ITEM NO: I-20
ACCEPT OFFER FROM PREMIER
WEST BANK TO SPONSOR FREE
SWIM FRIDAYS AT POOL
MAY 11, 2010**

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

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER

SUMMARY:

Premier West Bank has approached the City with the offer to sponsor City Pool Free Swim Days every Friday throughout the Summer Pool season at the TEDDY POHLER MEMORIAL SWIMMING POOL.

Premier West noted the importance of youth activity opportunities in Corning and offered the support.

Utilizing the City Fee Schedule adopted by the City Council, Staff computed the daily fees of \$235 based on the number of hours for the free swim and the lifeguards required to handle the expected attendance. The hourly use schedule was calculated to recover the full cost of the lifeguards on duty.

The bank will be providing the City with flyers to pass out and a banner to hang at the City Pool to remind the Community that Fridays are **FREE** swim days.

RECOMMENDATION:

MAYOR AND COUNCIL ACCEPT THE OFFER OF PREMIER WEST BANK TO SPONSOR FREE SWIM DAYS AT CORNING'S "TEDDY POHLER MEMORIAL SWIMMING POOL".

**ITEM NO: I-21
APPROVE AGREEMENT FOR LEGAL
SERVICES WITH CITY ATTORNEY
MICHAEL FITZPATRICK
MAY 11, 2010**

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

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER

STEVE

RE: REVERTING TO INDEPENDENT CONTRACTOR STATUS FOR CITY ATTORNEY

SUMMARY:

The City Council at its meeting on April 27, 2010, received the recommendation of Mayor Gary Strack and Vice Mayor Ross Turner to replace the part-time employment Agreement with City Attorney Michael Fitzpatrick with an independent contractor agreement which returns the City Attorney to an hourly basis for payment for services.

The Council accommodated the demand of a citizen critic to postpone the approval of the agreement to May 11, 2010, to allow interested citizens time to review the terms of the agreement. City Clerk Lisa Linnet reports that there have been no citizens' requests for review in the week following the Council Meeting.

The City Attorney is receptive to either arrangement where he would work for the City as its employee or on an hourly basis as an independent contractor. The hourly charges in the attached agreement for the upcoming fiscal year are at the level they were five (5) years ago and well below what most attorneys are currently charging their public entity clients but are acceptable to the City Attorney, at least for the fiscal year 2010-11, as the City goes through the current economic recession.

BACKGROUND:

After working as an independent contractor for the City of Corning for many years, the City Attorney back in 2005 asked the Council to consider making him an employee of the City so that he could begin acquiring some retirement benefits through PERS. The Council agreed to this, understanding the benefit of having its costs controlled, both for litigation and regular legal services, by a "fixed price" arrangement. When PERS determined that the City Attorney was not eligible to participate in PERS, this arrangement was reconsidered and a new employee contract was entered into with the City Attorney, effective January 1, 2010.

There has been much discussion from the one citizen in the audience about how Red Bluff utilizes their City Attorney. The statement was made that the Red Bluff City Attorney does not attend all meetings and only attends the City Council meetings when requested. This turns out to be false. The Red Bluff City Attorney attends "...all regularly scheduled Council meetings, unless he is unavailable and/or the City Council says that his attendance is not necessary." A letter from the City of Red Bluff is attached to confirm this.

FINANCIAL CONSIDERATION:

The suggestion has been made that the City might be able to save money on its legal services by reverting to the earlier arrangement where the City is billed by the hour for its legal services whether they involve "office time" or "court time." This may prove to be cost-effective for the City if it avoids time consuming litigation and personnel issues, or it may become more costly to the City should such issues arise.

Based upon the actual City Attorney annual costs as reflected in the department expenditure records prior to the part-time employment agreement the new Contract for Services savings over prior years may be \$ 8,823 to the General Fund and \$10,000 overall. The analysis of this estimate was contained in the April 27, 2010 report on proposed budget cuts. The Current-year Part-time cost is \$67,973 (total compensation cost \$75, 526, less 10% Furlough).

Based upon on past City Attorney costs before part-time employment, next year may cost \$56,800 plus unknown legal costs if we go to court. The City Attorney Agreement recommended by the Mayor Strack and Vice Mayor Turner replaces the part-time salary with Contract Services at \$910/mo. and \$120/hour for additional legal services.

The Red Bluff City Attorney agreement has been used as an example by the citizen opposed to the current City Attorney. Actually, the cost to Red Bluff has been greater than the part-time agreement in Corning. The Red Bluff Attorney receives \$145 per hour, and the 2008-2009 expenditures totaled \$84,879, not counting the cost of litigation over the Wall-Mart. He participated in the 7% pay cut by other City Staff reducing his hours to \$135.

RECOMMENDATION:

MAYOR AND COUNCIL ACCEPT THE RECOMMENDATION OF MAYOR GARY STRACK AND VICE MAYOR ROSS TURNER, AND APPROVE THE AGREEMENT FOR LEGAL SERVICES WITH CITY ATTORNEY MICHAEL FITZPATRICK FOR WORK ON A CONTRACT BASIS AS PROPOSED, AND AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT EFFECTIVE JULY 1, 2010.



CITY OF RED BLUFF

555 Washington Street Red Bluff, California 96080 (530) 527-2605 Fax (530) 529-6878 www.ci.red-bluff.ca.us

April 29, 2010

City of Corning
Attention: Steve Kimbrough, City Manager
794 Third Street
Corning, CA 96021

RECEIVED

CORNING CITY CLERK

SUBJECT: CITY ATTORNEY ATTENDANCE AT COUNCIL MEETINGS

Dear Steve,

Our City Attorney attends all regularly scheduled Council meetings, unless he is unavailable and/or the City Council says that his attendance is not necessary. He does not regularly attend Special City Council meetings or any of the various Commission meetings. Occasionally I will request him to attend a special Council meeting and rarely a commission meeting if he needs to explain a certain legal issue to that body.

I hope this clears up any questions you may have.

Sincerely,

Martin J. Nichols
City Manager

c: Richard Crabtree, City Attorney

**CITY OF CORNING
AGREEMENT FOR
LEGAL SERVICES**

THIS AGREEMENT, made and entered into this 27th day of April 2010, is by and between the City of Corning, hereinafter referred to as "CITY" and MICHAEL C. FITZPATRICK, an individual, hereinafter referred to as "FITZPATRICK."

RECITALS

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

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

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

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

To exercise the powers, have the privileges and immunities, and to perform the functions and duties of City Attorney as set forth and enumerated in the laws of the State of California and the ordinances of the CITY. The primary duties include managing the legal affairs of the CITY, working with the City Manager and department heads in addressing the legal issues related to City business, reviewing all City contracts, assisting in the preparation of City ordinances and resolutions, monitoring the administration of claims being handled by City claims administrators, advising the City Council on legal matters, engaging in preventive law to avoid City liability for its activities, participating in activities which promote projects designed to improve City government and representing the City in court on issues which don't require the involvement of outside specialized legal counsel. Except for meetings from which he has been excused from attending by the Mayor or Council or when a personal

scheduling conflict arises, FITZPATRICK, or an associated qualified legal counsel designated by him, will attend all regular City Council meetings (2nd and 4th Tuesdays of each month) of the CITY. FITZPATRICK shall be the primary person advising and assisting the CITY on legal issues.

FITZPATRICK, or an associated qualified legal counsel designated by him, will represent the CITY in litigation before the local and appellate courts on all matters within his expertise. Outside legal counsel may still be engaged at CITY expense, separate and apart from this agreement, when, in FITZPATRICK's judgment, the matter being handled is beyond his field of expertise or, for other reasons, specialized counsel are needed.

WORK DAYS AND HOURS: FITZPATRICK will work on an hourly basis for the City of Corning and such work will be performed at various locations in City Hall, in FITZPATRICK'S private offices, in court as required and in other locations appropriate to the tasks being performed. The actual amount of time required of FITZPATRICK will vary from time to time depending on the projects and assignments which arise.

REPORTING RELATIONSHIP: FITZPATRICK shall report directly to the City Council.

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

Hourly Compensation: FITZPATRICK will provide invoices to CITY on a monthly basis and shall charge the following rates for all work performed on behalf of CITY:

FITZPATRICK	\$120.00 per hour
ASSOCIATED COUNSEL	\$110.00 per hour
LEGAL ASSISTANT	\$80.00 per hour

Compensation as agreed shall be paid to FITZPATRICK with payment made monthly within thirty days of CITY's receipt of an invoice.

FITZPATRICK will also receive the amount of \$910.00 per month as compensation for attending the two City Council meetings per month referenced above. No travel time will be charged to CITY for travel to and from City Council meetings. Travel to and from other activities for CITY will be charged to CITY at the hourly rates specified above and mileage at the then current IRS rate per mile.

Retirement: FITZPATRICK shall not receive PERS entitlements or other retirement benefits from CITY.

REIMBURSEMENT OF EXPENSES: FITZPATRICK shall be entitled to the same reimbursement for lodging, meals and other out-of-pocket expenses incurred during travel on CITY business as authorized for employees of the CITY while traveling on CITY business. CITY will reimburse FITZPATRICK a reasonable amount (not to exceed \$150 per month without prior CITY approval) for administrative expenses (telephone, stationary, computer research costs, etc.) he incurs on behalf of CITY. FITZPATRICK shall be entitled to attend at CITY expense continuing education classes and events subject to whatever budget constraints are in place annually. FITZPATRICK, or his designated associated legal counsel, is authorized to attend at CITY expense one League of California training event per year, either the annual League meeting or the City Attorney's annual League training event.

TERM: This agreement shall be for a period of time beginning on July 1, 2010 and ending on June 30, 2011 and extends automatically from fiscal year to year thereafter on the same terms and conditions as in the last fiscal year included above unless either party provides the other with notice of termination or a requested adjustment. Either party may terminate this Agreement at-will by providing the other party not less than sixty (60) calendar days written notice of termination. The termination shall become effective upon the 60th or later designated day following delivery of written notice thereof. FITZPATRICK shall be compensated for all services performed to the effective date of termination.

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

MALPRACTICE INSURANCE: FITZPATRICK shall provide errors and omissions insurance through his private practice which extends coverage to CITY and a copy of such policy shall be placed on file with CITY. The cost of such policy shall be solely borne by FITZPATRICK unless there are added costs to provide coverage to CITY.

FITZPATRICK AS INDEPENDENT CONTRACTOR: It is understood that FITZPATRICK is an

independent contractor and not an employee of CITY.

ENTIRE AGREEMENT; MODIFICATION: This Agreement embodies the whole Agreement between the parties hereto and there are no inducements, promises, terms, conditions or obligations made or into by CITY or FITZPATRICK other than those contained herein. No modification, alteration, or variation in the terms of this Agreement shall be valid unless made in writing and signed by the parties hereto, and no oral understanding or Agreement not incorporated herein shall be binding on any of the parties hereto. Any notices required to be given pursuant to this Agreement shall be deemed to have been given by their deposit, postage prepaid, in the United States Postal Service, addressed to the parties as follows:

- a. To CITY: **Stephen J. Kimbrough, City Manager**
City of Corning
794 Third Street
Corning, CA 96021

- b. To FITZPATRICK: **MICHAEL C. FITZPATRICK**
c/o Maire & Beasley
2851 Park Marina Drive, Suite 300
Redding, CA 96001

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

CITY OF CORNING:

FITZPATRICK:

by _____
Gary R. Strack, Mayor

Michael C. Fitzpatrick