



**CITY OF CORNING  
CITY COUNCIL AGENDA**

**TUESDAY, NOVEMBER 24, 2009  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

**A. CALL TO ORDER: 7:00 p.m.**

**B. ROLL CALL:**

<b>Council:</b>	<b>Becky Hill Ross Turner Toni Parkins John Leach</b>
<b>Mayor:</b>	<b>Gary Strack</b>

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

**C. ADJOURN TO CLOSED SESSION:**

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Pursuant to Section 54956.8**

**Potential Land Acquisition:**

**Potential Properties: APN No's: 71-250-06, 71-250-21, 71-250-35, 71-250-38,  
71-116-01, 71-116-02 and 71-116-03.**

**Negotiating Party: Stephen Kimbrough, John Brewer, Ed Anderson and  
John Stoufer.**

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

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

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

**G. BUSINESS FROM THE FLOOR:**

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

- 1. Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
- 2. Waive the Reading and Approve the Minutes of the November 10, 2009 City Council Meeting with any necessary corrections.**
- 3. November 19, 2009 Claim Warrant - \$904,314.44.**
- 4. Business License Report – November 2009.**
- 5. Approve Use of Transportation Center by PAL Boxing Program.**

6. Approve Transfer of Designated Funds to Animal Control Spay and Neuter Voucher Program.
  7. Approve Fire Dispatcher Classification and Authorize Filling Vacant Fire Dispatcher Position.
- I. **ITEMS REMOVED FROM THE CONSENT AGENDA:**
- J. **PUBLIC HEARINGS AND MEETINGS:** Any person may speak on items scheduled for hearing at the time the Mayor declares the Hearing open. **ALL LEGAL NOTICES PUBLISHED IN ACCORDANCE WITH LAW.**
- K. **REGULAR AGENDA:**
8. Approve Expenditures for Piping Drainage Course through Assessor's parcel 71-140-12 to Facilitate New Driveway Serving 2005 Solano Street, Mike Moller-Property Owner.
  9. Authorize Outside Counsel Review of City Attorney Contract.
- L. **ITEMS PLACED ON THE AGENDA FROM THE FLOOR:**
- M. **COMMUNICATIONS, CORRESPONDENCE AND INFORMATION:**
- N. **REPORTS FROM MAYOR AND COUNCIL MEMBERS:**
10. Hill:
  11. Turner:
  12. Parkins:
  13. Leach:
  14. Strack:
- O. **ADJOURNMENT!:**

POSTED: THURSDAY, NOVEMBER 19, 2009

THE CITY OF CORNING IS AN EQUAL OPPORTUNITY EMPLOYER



**CITY OF CORNING  
CITY COUNCIL MINUTES**

**TUESDAY, NOVEMBER 10, 2009  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

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

**B. ROLL CALL:**

**Council:**

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

**Mayor:**

All Council Members were present except Councilor Hill.

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

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

**D. PROCLAMATIONS, RECOGNITION'S, APPOINTMENTS: None**

**E. BUSINESS FROM THE FLOOR:**

Dean Cofer addressed the Council stating that he had sent a letter to the Council regarding a CalPERS Issue he requested be placed on the Agenda for tonight's meeting, however he realizes that the Agenda was already finished. He now requests that it be placed on the next Agenda. Mayor Strack stated that he has asked the City Manager to place this issue on the next Agenda for authorization to seek a legal opinion on this matter. He asked Mr. Cofer if he would mind waiting until the City was able to obtain this legal opinion; Mr. Cofer stated that was fine.

**F. CONSENT AGENDA:**

1. Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.
2. Waive the Reading and Approve the Minutes of the October 27, 2009 City Council Meeting with any necessary corrections.
3. October 2009 Wages and Salaries - \$342,416.79.
4. October 2009 - Treasurer's Report.
5. November 4, 2009 Claim Warrant - \$200,395.66.
6. Business License Report – November 7, 2009.
7. October 2009 Building Permit Valuation - \$177,751.
8. City of Corning Wastewater Operation Summary Report – October 2009.
9. Approve Progress Pay Estimate No. 1 for \$830,806.30 to Teichert Construction for the Airport Runway Improvement Project.
10. Authorization for Contract with Municipal Code Corporation for Codification Services.
11. Approve Resolution No. 11-10-09-02 Authorizing the Installation of Pedestrian Crosswalks Across Solano Street at First Street and Peach Street.

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

**12. Approve Construction of Little League Batting Cages at Clark Park.**

**13. Approve Installation of a Storage Unit for Corning Youth Football League at Clark Park.**

Councilor's Turner and Leach requested that Consent Agenda Item number nine be removed for further discussion.

Councilor Turner then moved to approve Consent Agenda Items 1 through 8 and 10 through 13. Councilor Leach seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent: Hill. Abstain: None. Motion was approved by a vote of 4-0 with Hill absent.**

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

**9. Approve Progress Pay Estimate No. 1 for \$830,806.30 to Teichert Construction for the Airport Runway Improvement Project.**

Councilor Turner stated that members of the Airport Commission and others have informed him that there are some issues at the Airport relating to the improvement project. He then stated some of the issues raised. Mayor Strack responded stating that he and Public Works Director John Brewer were at the Airport today and Mr. Brewer can respond to these issues. Mr. Brewer stated that he has been in touch with Mr. Wadell about the two issues (grading at interface between the current runway and the extension and at the taxiway extensions) and Mr. Wadell has informed the Contractor to correct them.

Councilor Turner stated that the City is paying a professional to monitor this project at \$2.5 million dollars and he doesn't think that the City should have to pay for correcting these errors. Dean Cofer suggested that the Public Works Director research the contract and the minutes where the Consultant was approved.

Councilor Turner moved to approve Progress Pay Estimate No. 1 in the amount of \$830,806.30 to Teichert Construction for the Airport Runway Improvement Project with Council updates on the project and the situation. Councilor Parkins seconded the motion. **Approve Progress Pay Estimate No. 1 for \$830,806.30 to Teichert Construction for the Airport Runway Improvement Project.**

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

**I. REGULAR AGENDA:**

**14. Request Authorization to fill upcoming vacant Equipment Operator Position and any vacancy due to promotion.**

Councilor Turner moved to authorize the filling of the vacant equipment operator position resulting from Fred McGee's retirement and refilling a potential vacant maintenance worker position that may result from promotion to equipment operator. Councilor Leach seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent: Hill. Abstain: None. Motion was approved by a vote of 4-0 with Hill absent.**

**15. Resolution No. 11-10-09-01 Authorizing Installation of a Raised Pedestrian Crossing and Expenditures; Houghton Avenue at North Street.**

Councilor Turner asked if it would be possible to post signs at the school. He also asked about a stop sign at Houghton and Blackburn Avenue. Mayor Strack suggested possibly doing the same raised crosswalk on Toomes instead of a Stop Sign. Mr. Brewer stated that the current raised crosswalk on Fig Lane is wide and the proposed one at Houghton and North might not be as wide.

Councilor Turner moved to amend Resolution No. 11-10-09-01 authorizing installation of a raised pedestrian crosswalk across Houghton Avenue at North Street and authorize expenditures

necessary to complete the installation, signage and striping from Account Fund No. 107-6150-3001 and include an additional raised pedestrian crosswalk at Toomes Avenue and North Street. Councilor Parkins seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent: Hill. Abstain: None. Motion was approved by a vote of 4-0 with Hill absent.**

**16. Recreation Commission Recommendation of New Park Location.**

John Stoufer stated that he and Recreation Supervisor Kimberly Beck attended a training today related to this issue. He gave a brief report on the training and the Proposition 84 Grant stating that it will be extremely competitive. Mr. Stoufer outlined some of the proposed locations emphasizing the sites they believe would be the best contenders for this grant. He stated that the City would have to be able to operate and maintain the proposed park site locations. He also emphasized the importance of the Community FactFinder Report in making this grant application be competitive. He announced that the maximum award is \$5,000,000 and does not require any City match. Mr. Stoufer informed the Council that he and Ms. Beck were informed to start with the Community, find out what they want since it will be a Neighborhood Park. Mr. Stoufer emphasized that this Grant will not pay for any offsite improvements. He also informed the Council that the City can acquire multiple properties and leave some open space, however if we acquire the property, it does have to be designated for recreation and be contiguous. He also stated that if a willing property owner backs out on the sale, the City would lose the Grant. Mr. Stoufer informed the Council that the deadline for submission of the completed application is March 1<sup>st</sup>.

Dean Cofer stated that the Skateboard and Bike Park Committee approved both sites, however he stated that the property near Woodson School would probably best suit the Skateboard Park and Soccer Fields. Councilor Leach pointed out the potential cost for offsite improvements, etc. at this location.

After further discussion, Councilor Parkins moved to recommend the 10.87 acre parcel off of Fig Lane, and the 2.5 Acres and 10 Acres off of Toomes Avenue and Fig Lane. Councilor Leach seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent: Hill. Abstain: None. Motion was approved by a vote of 4-0 with Hill absent.**

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

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

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

17. Hill: Absent.

18. Turner: Reminded the public of the Veterans Day Parade at 11:00 a.m. and lunch following at the Veterans Hall.

19. Parkins: Stated that she was proud of our Landfill and encouraged everyone to recycle, Tehama County recycled 51%.

20. Leach: Nothing.

21. Strack: Nothing.

Tony Miller, Airport Commissioner addressed the Council voicing his concern about the burm and other issues related to the current Airport Expansion. He emphasized that his concern is the weather shutting down this project and suggested that someone on staff needs to stay on top of this project.

M. **ADJOURNMENT!:** 8:35 p.m.

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Lisa M. Linnet, City Clerk

THE CITY OF CORNING IS AN EQUAL OPPORTUNITY EMPLOYER



# MEMORANDUM

**TO:** HONORABLE MAYOR AND COUNCIL MEMBERS

**FROM:** LORI SIMS  
ACCOUNTING TECHNICIAN

**DATE:** November 18, 2009

**SUBJECT:** Cash Disbursement Detail Report for the  
Tuesday, November 24, 2009 Council Meeting

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PROPOSED CASH DISBURSEMENTS FOR YOUR APPROVAL CONSIST OF THE FOLLOWING:

A.	Cash Disbursements	Ending	11-19-09	\$	832,495.24
B.	Payroll Disbursements	Ending	11-18-09	\$	71,819.20
<b>GRAND TOTAL</b>					<b><u>\$ 904,314.44</u></b>

REPORT.: Nov 19 09 Thursday  
 RUN....: Nov 19 09 Time: 09:31  
 Run By.: LORI

CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 11-09 Bank Account.: 1020

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

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
009648	11/05/09	STR12	STROING, KYLEE	382.57	.00	382.57	091102	TRAINING/EDUCATION-POLICE
009649	11/05/09	WHI03	WHITE, JEREMY D.	220.00	.00	220.00	091102	TRAINING/EDUCATION-POLICE
009650	11/10/09	EDD02	EMPLOYMENT DEVELOPMENT	1176.53	.00	1176.53	091106	UNEMPLOYMENT INS-GEN CITY
009651	11/11/09	WHI03	WHITE, JEREMY D.	149.00	.00	149.00	091110	SMALL TOOLS-POLICE
009652	11/11/09	TEI00	TEICHERT CONSTRUCTION	747725.67	.00	747725.67	091111	AIRPORT IMPROV PROJ-PYMT
009653	11/11/09	TEH08	COUNTY OF TEHAMA	2043.00	.00	2043.00	091111	ANNEXATIONS-PLANNING
009654	11/13/09	ACC00	ACCESS INFORMATION	40.00	.00	40.00	54728	EQUIP MAINT-GEN CITY
009655	11/13/09	AIR00	AIRGAS NCN	44.63	.00	44.63	102864715	MAT & SUPPLIES-FIRE
009656	11/13/09	AME15	AMERIGAS	108.10	.00	108.10	010066361	NATURAL GAS-ACO
009657	11/13/09	ARA02	ARAWARK UNIFORM SRV.INC.	31.42	.00	31.42	0280307	Mat/Supplies-
				32.20	.00	32.20	0292049	Mat/Supplies-
				31.42	.00	31.42	0307463	Mat/Supplies
				31.42	.00	31.42	4252197	Mat/Supplies-
			Check Total.....:	126.46	.00	126.46		
009658	11/13/09	BAS01	BASIC LABORATORY, INC	86.00	.00	86.00	0910455	ProfServices Water Dept
009659	11/13/09	CAL09	CALIF PEACE OFFICERS ASSN	30.45	.00	30.45	091105	Traing/Educ. PoliceServic
009660	11/13/09	COR11	CORNING SAFE & LOCK	23.82	.00	23.82	2598	VEH OP/MAINT-POLICE
009661	11/13/09	COR22	CORNING MEDICAL ASSOC	65.00	.00	65.00	091104	Emp Physicals-PW ADMIN
009662	11/13/09	DEP12	DEPT OF JUSTICE	32.00	.00	32.00	761052	REC INSTRUCT-REC
009663	11/13/09	DUR01	DURHAM PUMP	187.50	.00	187.50	0110743IN	PUMP ELECT-MAINT
009664	11/13/09	OFF01	OFFICE DEPOT	20.53	.00	20.53	495173971	Office Supplies Policedis
				9.44	.00	9.44	495174086	Office Supplies Policedis
			Check Total.....:	29.97	.00	29.97		
009665	11/13/09	SCH14	SCHMIDT M.D., JOHN G.	79.00	.00	79.00	091110	EMP PHYSICALS-PW ADMIN
009666	11/13/09	SWW00	SWWC SERVICES, INC.	44156.20	.00	44156.20	16929	PROF SVCS-WWTP
				2640.67	.00	2640.67	16930	PRETREATMENT PROG-SWR
				9990.00	.00	9990.00	16949	STORM DRAIN CLEANING-STR
				8349.96	.00	8349.96	16953	PROF SVCS-WWTP

REPORT.: Nov 19 09 Thursday  
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CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 11-09 Bank Account.: 1020

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

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description	Payment Information
009666	11/13/09	SWW00	SWWC SERVICES, INC.	1840.92	.00	1840.92	16958	PROF SVCS-WWTP	
			Check Total.....	66977.75	.00	66977.75			
009667	11/13/09	TEC00	TECH DEPOT	682.14	.00	682.14	9112408V1	SAFE GRANT-POLICE	
				135.65	.00	135.65	9112408V2	SAFE GRANT-POLICE	
			Check Total.....	817.79	.00	817.79			
009668	11/13/09	TEH15	TERAMA CO SHERIFF'S DEPT	24.50	.00	24.50	0911103	REC INSTRUCT-REC	
009669	11/13/09	TRIO2	TRI-COUNTY NEWSPAPERS	84.00	.00	84.00	85130	GRANT ADMIN-HOUSING ELEME	
				66.94	.00	66.94	85132	Print/Advert. City Clerk	
			Check Total.....	150.94	.00	150.94			
009670	11/13/09	VAL01	VALLEY INDUSTRIAL COMM.	47.50	.00	47.50	98977	COMMUNICATIONS-FIRE	
009671	11/16/09	BAS01	BASIC LABORATORY, INC	86.00	.00	86.00	0910708	ProfServices Water Dept	
009672	11/16/09	BAT01	BATTERIES PLUS	86.60	.00	86.60	111253	MAT & SUPPLIES-FIRE	
009673	11/16/09	CON07	CONEXIS	30.00	.00	30.00	10090R348	MEDICAL INS-COBRA	
009674	11/16/09	COR11	CORNING SAFE & LOCK	9.74	.00	9.74	2603	VEH OP/MAINT-REC	
009675	11/16/09	COR12	CORNING FORD MERCURY, INC	197.14	.00	197.14	116448	Veh Opr/Maint-POLICE	
009676	11/16/09	COR33	CORNING VETERAN'S HALL	12.00	.00	12.00	428951	MAT & SUPPLIES-REC	
009677	11/16/09	GRA01	GRANDFLOW, INC	911.24	.00	911.24	105113	Office Supplies Finance D	
009678	11/16/09	HEN03	HENRY SCHEIN INC.,	190.94	.00	190.94	144981301	SAFETY ITEMS-FIRE	
009679	11/16/09	HIN01	HINDERLITER, DE LLAMAS &	300.00	.00	300.00	0015863IN	ProfServices-FINANCE	
009680	11/16/09	JON02	JONES INSURANCE	250.00	.00	250.00	091111	Gen.Insurance General Cit	
009681	11/16/09	REY01	REYNOLDS, DONALD C.P.A	2500.00	.00	2500.00	23023	PROF SVCS-FINANCE	
009682	11/17/09	ATT09	AT&T	64.66	.00	64.66	091107	MAT & SUPPLIES-WTR	
009683	11/17/09	COR11	CORNING SAFE & LOCK	142.24	.00	142.24	2573	MAT & SUPPLIES-WTR	
009684	11/17/09	COR12	CORNING FORD MERCURY, INC	116.41	.00	116.41	18049	Veh Opr/Maint-REC	
009685	11/17/09	GRA02	GRAINGER, W.W., INC	611.92	.00	611.92	911921133	MAT & SUPPLIES-BLD MAINT	
009686	11/17/09	INT00	INTERSTATE BATTERY SYSTEM	199.07	.00	199.07	10421523	VEH OP/MAINT-	

REPORT.: Nov 19 09 Thursday  
 RUN.: Nov 19 09 Time: 09:31  
 Run By.: LORI

CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 11-09 Bank Account.: 1020

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

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Description
009687	11/17/09	JMB01	JMB OIL COMPANY	992.27	.00	992.27	178366	Veh Opr/Maint-
009688	11/17/09	KNI00	KNIFE RIVER CONSTRUCTION	719.86	.00	719.86	102843	MAT & SUPPLIES-
009689	11/17/09	RAR01	ROLLS, ANDERSON & ROLLS	1032.00	.00	1032.00	7180	SIGNALIZATION-ENGR
009690	11/17/09	SCH01	LES SCHWAB TIRE CENTER	32.69	.00	32.69	412557	Veh Opr/Maint-
009691	11/19/09	BUT11	BUTTE CO PUBLIC HEALTH	100.00	.00	100.00	ADM100902	ProfServices ACO
009692	11/19/09	CCA01	CITY CLERKS ASSOC OF CA	80.00	.00	80.00	091118	Assoc.Dues City Clerk
009693	11/19/09	HOL04	HOLIDAY MARKET #32	22.36	.00	22.36	27820	Mat/Supplies BuildingMain
009694	11/19/09	LIN01	LINCOLN EQUIPMENT, INC.	493.50	.00	493.50	S1128348	MAT & SUPPLIES-PARKS
				2000.60	.00	2000.60	S1128349	MAT & SUPPLIES-PARKS
			Check Total.....	2494.10	.00	2494.10		
009695	11/19/09	PET03	PETTY CASH	297.22	.00	297.22	091118	MAT & SUPPLIES-
				-297.22	.00	-297.22	091118u	Ck# 009695 Reversed
			Check Total.....	.00	.00	.00		
009696	11/19/09	RON01	RON'S BODY SHOP	198.19	.00	198.19	003447	VEH OP/MAINT-FIRE
				227.96	.00	227.96	003449	VEH OP/MAINT-FIRE
			Check Total.....	426.15	.00	426.15		
009697	11/19/09	WES02	WESTERN BUSINESS PRODUCTS	39.97	.00	39.97	021184	Equip.Maint.-FIRE
009698	11/19/09	PET03	PETTY CASH	279.70	.00	279.70	091118A	MAT & SUPPLIES-
			Cash Account Total.....	832495.24	.00	832495.24		
			Total Disbursements.....	832495.24	.00	832495.24		
			Cash Account Total.....	.00	.00	.00		

REPORT.: Nov 19 09 Thursday  
 RUN.: Nov 19 09 Time: 09:31  
 Run By.: LORI

CITY OF CORNING  
 Cash Disbursement Detail Report - Payroll Vendor Payment(s)  
 Check Listing for 11-09 Bank Account.: 1025

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

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
4243	11/18/09	BAN03	POLICE OFFICER ASSOC.	350.00	.00	350.00	A91117	POLICE OFFICER ASSOC
4244	11/18/09	CAL37	CALIFORNIA STATE DISBURSE	138.46	.00	138.46	A91117	WITHHOLDING ORDER
4245	11/18/09	EDD01	EMPLOYMENT DEVELOPMENT	6466.73	.00	6466.73	A91117	STATE INCOME TAX
				1837.63	.00	1837.63	1A91117	SDI
			Check Total.....	8304.36	.00	8304.36		
4246	11/18/09	ICM01	ICMA RETIREMENT TRUST-457	3702.48	.00	3702.48	A91117	ICMA DEF. COMP
4247	11/18/09	OEU03	OPERATING ENGINEERS	625.00	.00	625.00	A91117	CREDIT UNION SAVINGS
4248	11/18/09	PERS1	PUBLIC EMPLOYEES RETIRE	52252.11	.00	52252.11	A91117	PERS PAYROLL REMITTANCE
4249	11/18/09	PERS4	Cal Pers 457 Def. Comp	1105.00	.00	1105.00	A91117	PERS DEF. COMP.
4250	11/18/09	PRE03	PREMIER WEST BANK	2492.83	.00	2492.83	A91117	HSA DEDUCTIBLE
4251	11/18/09	TEH15	TEHAMA CO SHERIFF'S DEPT	589.71	.00	589.71	A91117	WAGE ASSN # 43462
4252	11/18/09	VAL06	VALIC	2259.25	.00	2259.25	A91117	AIG VALIC P TAX
Cash Account Total.....				71819.20	.00	71819.20		
Total Disbursements.....				71819.20	.00	71819.20		

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Date.: Nov 19, 2009  
 Time.: 9:46 am  
 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
G&M AUTO	1121 SOLANO ST	CORNING, CA 96021	CARAVEZ	USED CAR DEALER	11/11/09	(530) 824-3641
MAXIMINO M. MENDOZA	1522 MARIN ST	CORNING, CA 96021	MENDOZA	MAXIMIN AUTO TRANSPORTING	11/11/09	(530) 586-9245
THE PARTY PLACE	1484 LINK ST	CORNING, CA 96021	ORTIZ	JESSICA PARTY SUPPLIES RENTAL (OFFICE @ HOME)	11/11/09	(530) 209-8977
QUIXOTE CONSULTING	625 NORTH ST	CORNING, CA 96021	IBRAHIM	YANTI GRANT WRITING CONSULTING - WORK BY COMPU	11/11/09	(530) 838-9038

ITEM NO.: H-5  
APPROVE USE OF TRANSPORTATION  
CENTER BY PAL BOXING PROGRAM

NOVEMBER 24, 2009

TO: HONORABLE MAYOR AND COUNCILMEMBERS  
OF THE CITY OF CORNING

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER

STEVE

**SUMMARY:**

Staff is pleased to inform the City Council that the State Department of Transportation has approved the rental of the large room at the Transportation Center to the Police Activities League Boxing Program.

**BACKGROUND:**

City Council will recall that prior approval by the council had been given for the remodeling of the bus waiting area relocating the waiting area to the center office space which has restroom facilities.

At the same time, Council asked Staff to obtain formal approval from Caltrans in order to ensure the City's full compliance with the terms of the Prop 116 Grant.

Attached is the letter dated November 10, 2009 confirming the approval by the State of California and the State Department of Transportation for the rental of the Transportation Center space to the PAL Program with the understanding that revenues generated from the rental "are used solely for public transportation".

Also attached are two letters from Caltrans responding to Mr. Dean Cofer regarding the use of the Transportation Center.

**FINANCIAL:**

In the adopted budget, the City Council approved a \$5,000 transfer to the Transportation Center Fund from the General Fund. This is the amount of the rent to be paid by the PAL Program per year. This action has saved the City \$2,000 per year; the PAL lease of the privately owned building totaled \$7,000. Council has previously authorized the termination of this lease as a part of the plan to move PAL to the Transportation Center.

**RECOMMENDATION:**

**Mayor and Council provide final approval of the rental of the large room at the Transportation Center to the Police Activities League Boxing Program,**

**And, direct that the annual rental amount of \$5,000 be committed to the operations and maintenance of the Transportation Center as reflected in the adopted City Budget.**

DEPARTMENT OF TRANSPORTATION  
OFFICE OF COMMUNITY PLANNING  
1657 RIVERSIDE DRIVE  
P. O. BOX 496073  
REDDING, CA 96049-6073  
PHONE (530) 229-0517  
FAX (530) 225-3578  
TTY (530) 225-2019



*Flex your power!  
Be energy efficient!*

RECEIVED

NOV 12 2009

CORNING CITY CLERK

November 10, 2009

Stephen J. Kimbrough, City Manager  
City of Corning  
794 Third Street  
Corning, CA 96021

RE: Corning Transportation Center

Dear Mr. Kimbrough:

This is a follow-up to our previous communications regarding permitted uses for the Corning Transportation Center at 1081 Solano Street. Your letter of August 11, 2009, sought concurrence from Caltrans that the Police Activities League Boxing program is an allowable use under Agreement Number Federal Transit Administration (FTA) 02G744 allocating \$865,947 in Proposition 116 Non-Urban County Bond Program Funds to the City to construct a multi-use transit and terminal facility.

District 2 consulted with the Division of Mass Transportation (DMT) who further consulted with the State Treasurer's Office Bond Council (Bond Council) for approval of the proposed use. The Bond Council reached the following conclusion:

*The City may use the transit facility for the Police Activities League Boxing Program. This is considered acceptable as long as the revenues generated are used solely for public transportation.*

In recognition of the Bond Council's decision, Caltrans requires formal documentation describing how revenues generated from this new activity/use will be reinvested in public transportation. Documentation may be in the form of a City resolution or other binding document. The original project received funding to serve multiple transit services; therefore, District 2 will continue to partner with the City and the Tehama County Transportation Commission to promote future transit services at this facility.

Thank you for contacting the California Department of Transportation regarding the Corning Transportation Center. If you have any further questions, please do not hesitate to call me at (530) 229-0517.

Sincerely,

A handwritten signature in black ink that reads "Michelle Millette".

MICHELLE MILLETTE, Chief  
Office of Community Planning  
Caltrans District 2

c: Barbara O'Keeffe, TRAX

**DEPARTMENT OF TRANSPORTATION**

Division of Planning &amp; Local Assistance

1657 Riverside Drive

P. O. Box 496073

Redding, CA 96049-6073

PHONE (530) 225-2564

FAX (530) 225-3578

TTY (530) 225-2019

**RECEIVED**

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**CORNING CITY CLERK***Flex your power!  
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April 6, 2009

Mr. Dean Cofer  
419 Marguerite Avenue  
Corning, CA 96021

Dear Mr. Cofer:

This is in response to your March 26, 2009, letter regarding the use of the Corning Transportation Center for transportation purposes consistent with Proposition 116. As you stated in your letter, the restoration of the Corning Transportation Center was funded with a combination of Proposition 116 (Clean Air and Transportation Improvement Act of 1990) and Local Transportation funds. Proposition 116's purpose, as stated in the Guidelines, is to implement the intercity rail program. Briefly, an eligible project includes rehabilitation of on-line railroad passenger stations and boarding facilities, such as this project to reconstruct the Corning Transportation Center. Facilities that coordinate services were also encouraged. This would include services such as feeder bus services, as well as restroom facilities for use by patrons of the rail and bus services.

Amtrak feeder buses continue to use the Corning Transportation Center to pick up and deliver Amtrak customers. In addition, TRAX has continued to have a stop at this center. The public restroom facilities are available for use by Amtrak and TRAX customers.

The June 2-3, 1998 California Transportation Commission (CTC) meeting minutes, Item 2.8, requested a waiver of Commission policy in order to extend the time the funds were available to complete the reconstruction. This is a fairly common request when unforeseen situations arise that result in a delay in the construction schedule. Also discussed at that meeting was an additional condition of approval that would have required that the site be occupied solely for a transportation purpose. The CTC approved the waiver of time for the use of the funds, but did not impose the additional conditions.

However, it should be noted that the Corning Transportation Center is still being used for a valid transportation purpose – by Amtrak and TRAX – and still meets the goal of Proposition 116.

April 6, 2009  
Mr. Dean Cofer  
Page Two

I hope this adequately answers your question regarding proper use of the Corning Transportation Center. If you have any further questions, please contact Michelle Millette, Senior Transportation Planner, Caltrans District 2 Office of Community and Regional Planning, either by email at [Michelle.Millette@dot.ca.gov](mailto:Michelle.Millette@dot.ca.gov), or by phone at (530) 229-0517.

Sincerely,



TIM HUCKABAY  
Deputy District Director  
Planning and Local Assistance  
Caltrans District 2

- c: Assemblyman Jim Nielsen, State Capitol, Room 6031, Sacramento 95814
- Senator Sam Aanestad, State Capitol, Room 3063, Sacramento 95814
- S. Kimbrough, City of Corning
- B. O'Keefe, Tehama County Transportation Commission

**DEPARTMENT OF TRANSPORTATION**  
DIVISION OF MASS TRANSPORTATION MS 39  
1120 N STREET  
P. O. BOX 942874  
SACRAMENTO, CA 94274-0001  
PHONE (916) 654-8144  
FAX (916) 654-4816  
TTY 711



*Flex your power!  
Be energy efficient!*

April 15, 2009

Mr. Dean Cofer  
419 Marguerite Avenue  
Corning, CA 96021

Dear Mr. Cofer:

The California Department of Transportation's (Department) Division of Mass Transportation concurs with the recent response to your March 26, 2009, letter provided by the Department's District 2 Deputy District Director Tim Huckabay on April 6, 2009. This letter indicates that the June 2-3, 1998, California Transportation Commission (CTC) meeting minutes describe a discussion that took place to add a condition of approval for the Corning Transportation Center that would have required the site be occupied solely for transportation purposes. The CTC did not impose this additional condition.

Transportation services continue to be provided to customers by Amtrak feeder buses and TRAX. Therefore, this facility is fulfilling the goals that these Proposition 116 funds were identified to accomplish.

Thank you for your interest in this transportation matter. If you have any further questions, please contact Michelle Millette, Senior Transportation Planner, District 2 Office of Community and Regional Planning, at [Michelle.Millette@dot.ca.gov](mailto:Michelle.Millette@dot.ca.gov) or by phone at (530) 229-0517.

Sincerely,

A handwritten signature in black ink that reads "Sharon Scherzinger".

SHARON SCHERZINGER  
Chief  
Division of Mass Transportation

c: Tim Huckabay, District 2  
Michelle Millette, District 2

ITEM NO: H-6  
TRANSFER OF DESIGNATED  
FUNDS TO ANIMAL CONTROL  
SPAY AND NEUTER VOUCHER  
PROGRAM  
NOVEMBER 24, 2009

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

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER  
ANTHONY F. CARDENAS, CHIEF OF POLICE

*STEVE*

**SUMMARY:**

The establishment of the Spay and Neuter Voucher Program has been well received by the citizens of Corning. The issuance of 132 vouchers to date has again depleted the current line item funding.

The amount of fees currently held in the Food and Agriculture account is \$1500.00. In order to have funds available for the issuance of future spay and neuter vouchers and continuance of the program, it is requested that the transfer of \$1500.00 be approved.

**BACKGROUND:**

In October 2008, the City Council approved the creation of a Spay and Neuter Voucher Program for dogs owned by City residents and licensed by the City. The Council approved a budget amendment to fund the program with the fees collected in accordance with California Department of Food and Agriculture Code Section 30804.7. The fees are for unaltered dogs caught running-at-large and subsequently transported to the Animal Shelter. State law allows the funds collected to be used for humane education, programs for low cost spaying and neutering of dogs, and for any additional costs incurred by the public Animal Control Agency or Shelter for the administration of these programs. The funds that were previously transferred from the Food and Ag fees to the Spay and Neuter Voucher Program have been expended.

The Police Department is asking that the City Council appropriate the funds held in the Food and Agriculture fee account to the City's Spay and Neuter Voucher Program.

**RECOMMENDATION:**

**MAYOR AND COUNCIL APPROVE THE TRANSFER OF COLLECTED FOOD AND AGRICULTURE FEES TO INCREASE THE APPROPRIATIONS TO LINE ITEM ACCOUNT NUMBER 072-6300-2200 BY THE AMOUNT OF \$1500.00 FOR CONTINUANCE OF THE SPAY AND NEUTER VOUCHER PROGRAM.**

**ITEM NO: H-7  
APPROVE FIRE DISPATCHER CLASSIFICATION  
AND AUTHORIZE FILLING VACANT FIRE  
DISPATCHER POSITION.  
NOVEMBER 24, 2009**

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

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



**SUMMARY:**

Corning Fire Department has received notification from one of the Fire Dispatchers that he can no longer do the job. Staff should not release the name publically since this involves a personal medical condition.

The Fire Department must now fill one of the four Fire Dispatch positions and requests that the City Council approve filling the vacancy with a target for hiring by early January 2010.

**BACKGROUND:**

The City Council has previously authorized continuous recruitment for Police and Fire Dispatchers in order to maintain these essential services. Due to the current economic recession however, Staff felt that the Council would want to participate in the decision.

The recruitment will be "Open – competitive" because it is an entry position into City service. An open recruitment permits all citizens to apply for the position and will ensure that the City obtains the broadest group of qualified applicants for consideration.

Due to the work schedule requirements and strenuous qualifications for Public Safety Dispatchers, filling the position is difficult. For this reason, the recruitment will open on Wednesday, November 25, 2009 following the City Council approval, and Staff will continue to take applications through 5:00 p.m. on Monday, December 21, 2009.

Attached for City Council approval is the current job description and qualifications for the position.

**RECOMMENDATION:**

**MAYOR AND COUNCIL APPROVE THE FIRE DISPATCHER CLASS  
SPECIFICATION AND AUTHORIZE THE IMMEDIATE RECRUITMENT TO FILL THE  
EXPECTED FIRE DISPATCHER VACANCY.**

## **FIRE DEPARTMENT DISPATCHER**

### **DEFINITION**

Under general supervision to answer emergency and routine calls from the public for fire and medical assistance; to dispatch necessary personnel and equipment; to perform a wide variety of responsible clerical and record-keeping functions related to dispatching and office operations; to perform a variety of custodial and semi-skilled work in the maintenance of department facilities; to perform routine maintenance of emergency vehicles and equipment; and to perform related duties as assigned.

### **DISTINGUISHING CHARACTERISTICS**

The Fire Department Dispatcher classification provides responsible dispatching, clerical and maintenance assistance to the Fire Chief and other department staff. Fire Dispatchers are expected to perform duties with minimal guidance, and to possess good knowledge of emergency dispatch and general fire service operations.

### **EXAMPLES OF DUTIES – Duties may include, but are not limited to, the following:**

- Receives and processes inquiries, complaints, information and emergency calls from the public.
- Evaluates and dispatches routine and emergency radio calls to appropriate City fire and emergency medical personnel and to units in other jurisdictions as appropriate; questions callers for specific information needed; determines proper personnel and/or equipment to be dispatched.
- Maintains an accurate, complete and legible dispatch log; maintains an incident file on all departmental activities, including responses to fires, medical emergencies, vehicle accidents, mutual aid calls, investigations, false alarms, etc.
- Records all incoming calls and radio transmissions; labels and stores tapes.
- Enters and retrieves computer data; performs data file back-ups weekly.
- Generates periodic reports as required by department, City and other agencies.
- Maintains up-to-date personnel files on all volunteer firefighters, including training records.
- Maintains a complete inventory of all vehicles and equipment assigned to each vehicle; maintains maintenance and test records on departmental vehicles and equipment; inspects equipment daily for safe and proper working condition; washes vehicles and equipment as needed.
- Answers office phones; provides information requested and/or forwards calls to appropriate personnel.
- Issues building permits.
- Performs various clerical work as required, including but not limited to preparing and maintaining accurate records, compiling and preparing statistical reports from operational records kept, entering and retrieving computer data, preparing computer-generated reports, copying and filing documents, sending and receiving faxes, greeting and assisting office visitors, and typing and/or word processing a variety of records, reports, forms, correspondence and other materials.
- Performs general housekeeping and building maintenance work in department offices and facilities as assigned.
- Attends meetings, training, workshops, etc., as appropriate to enhance job knowledge and skills.

**MINIMUM QUALIFICATIONS****Knowledge of:**

- Pertinent federal, state and local laws and regulations; City policies and procedures.
- Proper operations of a two-way radio communications system; proper telephone techniques and procedures.
- Geography of the local community.
- Materials, methods, practices, tools and equipment used in basic vehicle and facility maintenance activities.
- Safe work practices.
- Record-keeping, report preparation and filing systems and methods.
- Correct English usage, including spelling, grammar, punctuation and vocabulary.
- Modern office practices and technology, including the use of computers for word and data processing and records management.
- Basic mathematics.

**Ability to:**

- Understand, interpret and apply all pertinent laws, codes, regulations, policies and procedures, and standards.
- Learn the terminology, communication codes and procedures used in public safety dispatching.
- Use sound judgment in reacting quickly, effectively and calmly in emergency situations.
- Appraise situations and people accurately and quickly, and adopt an effective course of action.
- Communicate via radio and telephone in a clear and concise manner.
- Obtain accurate information when dealing with callers who are upset, afraid, injured, etc.; transmit accurate information; give accurate directions over the telephone.
- Learn the roads, major landmarks, geography and layout of the City and immediate areas; read and interpret road maps effectively.
- Understand and follow oral and written instructions.
- Type and enter computer data accurately at speeds necessary for successful job performance.
- Use computers effectively for word and data processing and records management.
- Safely and efficiently operate basic office equipment.
- Communicate clearly and concisely, both orally and in writing.
- Maintain accurate records and files.
- Perform required mathematical computations accurately.
- Perform basic vehicle and equipment maintenance work.
- Use a variety of tools and equipment with skill.
- Establish and maintain effective working relationships with those contacted in the course of the work.
- Deal tactfully and effectively with persons contacted in the course of work.

**Education and Experience:**

*Any combination of education and experience which would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:*

**Education:**

A high school diploma or GED equivalent.

**Experience:**

Two years of increasingly responsible experience in a position requiring significant public contact and customer service responsibilities. Vehicle dispatch experience is desirable. Experience as a volunteer firefighter is desirable.

**Substitution:**

Completion of 30 semester units from an accredited college or university may be substituted for one year of the required experience.

**Other Requirements:**

Must possess a California Class "B" driver's license by time of appointment and have and maintain a satisfactory driving record as a condition of employment and continued employment. Must satisfactorily complete a Department of Justice background check.

Must obtain, within six months of employment, advanced First Aid, CPR and First Responder certifications.

**ITEM NO.: K-8  
APPROVE EXPENDITURES FOR PIPING  
"TOOMES STORM DRAINAGE DITCH  
THROUGH ASSESSOR'S PARCEL 71-140-12 TO  
FACILITATE NEW DRIVEWAYSERVING 2005  
SOLANO STREET. MIKE MOLLER-PROPERTY  
OWNER**

**NOVEMBER 23, 2009**

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

*JB STEVE*

**SUMMARY:**

Staff recommends the City Council authorize expenditures to pipe the open "Toomes Storm Drain" ditch across property owned by Mike Moller at Assessor's Parcel No.71-140-12. Piping the open ditch will facilitate the development of a new Toomes Avenue driveway to serve the commercial center at 2005 Solano Street that is owned by Sam Sayegh.

Upon development of the Toomes Avenue driveway, staff will move to limit the current Solano Street driveway a "Right-in -Right out" pattern only. This will eliminate the traffic congestion resulting from westbound Solano vehicles that are queued at the Toomes Avenue intersection waiting to make left turns into the commercial center.

**BACKGROUND:**

See the attached aerial photograph showing the intersection of Toomes Avenue and Solano Street. The intersection is signalized, but "offset"; meaning the two legs of Toomes Avenue are not aligned.

At this time a single Solano Street driveway serves the commercial strip center at 2005 Solano Street. For that reason, westbound Solano Street motorists wishing to enter the driveway are forced to yield to eastbound vehicles before making the turn into the parking lot of the commercial center. Because eastbound Solano vehicles are often stacked at the signal, traffic congestion often results-backing westbound Solano vehicles through the intersection.

Mike Moller owns three properties between the "Commercial center at 2005 Solano Street and Toomes Avenue (APN's. Mr. Moller and Sam Sayegh have agreed to develop a new common driveway across Mr. Moller's property to connect with Toomes Avenue. See the attached drawing showing their plans that include demolishing a residence, relocating a shed and constructing a retaining wall and fence, and parking spaces. In addition, the existing City maintained drainage ditch will need to be piped to facilitate the new driveway.

City Engineer Ed Anderson and Public Works Director John Brewer have been working with the property owners to encourage completion of this project since 2006. The new driveway will offer suitable alternative access to and from Solano Street, via the signalized intersection. For that reason, once it's constructed, City Engineer Ed Anderson will design and we'll install a barrier and signage to eliminate left turns into or out of the commercial center to or from Solano Street.

Because the project will ultimately eliminate a Solano Street traffic “choke point”, staff believes it will have substantial public benefit sufficient to justify the City’s expenditures.

Our crew will be coordinating their work with Holt Construction and NorCal Excavating, both of Chico who are working on behalf of Mr. Moller and Mr. Sayegh.

**FINANCIAL:**

This segment of the Toomes Storm Drain is part of the City’s “backbone” drainage infrastructure that’s included in the adopted Master Plan of drainage and funded by the Drainage Capital Fund # 345. Funds are available for this priority project. The current fund balance is \$113,267.51.

We have tentatively agreed to purchase and install about 52 linear feet of 18” storm drain pipe and place a 24” catch basin in the location shown on the attached plan. We expect to incur the costs of labor and equipment for about 4 hours of work, the pipe, concrete catch basin, some pipe- bedding base material and perhaps a cubic yard of concrete. An estimate of the anticipated City costs is summarized below:

Item	Description	Rate	Cost
Supervisor & Labor	4 Man crew-4 hours	\$124.00/hr.	\$579.00
Backhoe	4 hours	\$34.80/hr.	\$139.00
Drop Inlet	24” X 24” X 48”	737.20	\$737.00
Pipe	18” HDPE	\$260.00/20 ft.	\$780.00
Backfill, etc.	Sand, gravel, concrete	621.00	\$621.00
		Total	\$2,856.00

Staff recommends including a 15% contingency for this project. Total estimated cost, including a \$428.00 contingency is then \$3,284.00.

**RECOMMENDATION:**

That the City Council;

1. Authorize the installation of new stormsewer drain line connecting the existing City drainage system pipes within the Toomes Storm drain on Assessor’s Parcel No. 71-140-12, along with associated catch basin, backfill and embedding materials, and,
2. Appropriate \$3284.00 from Drainage Fund 345 to Street Projects Account 345-5100-3001 in the amount of \$700.00 for Employee Force Account Labor and \$2,584.00 to Account 345-8030-3001 for Materials.

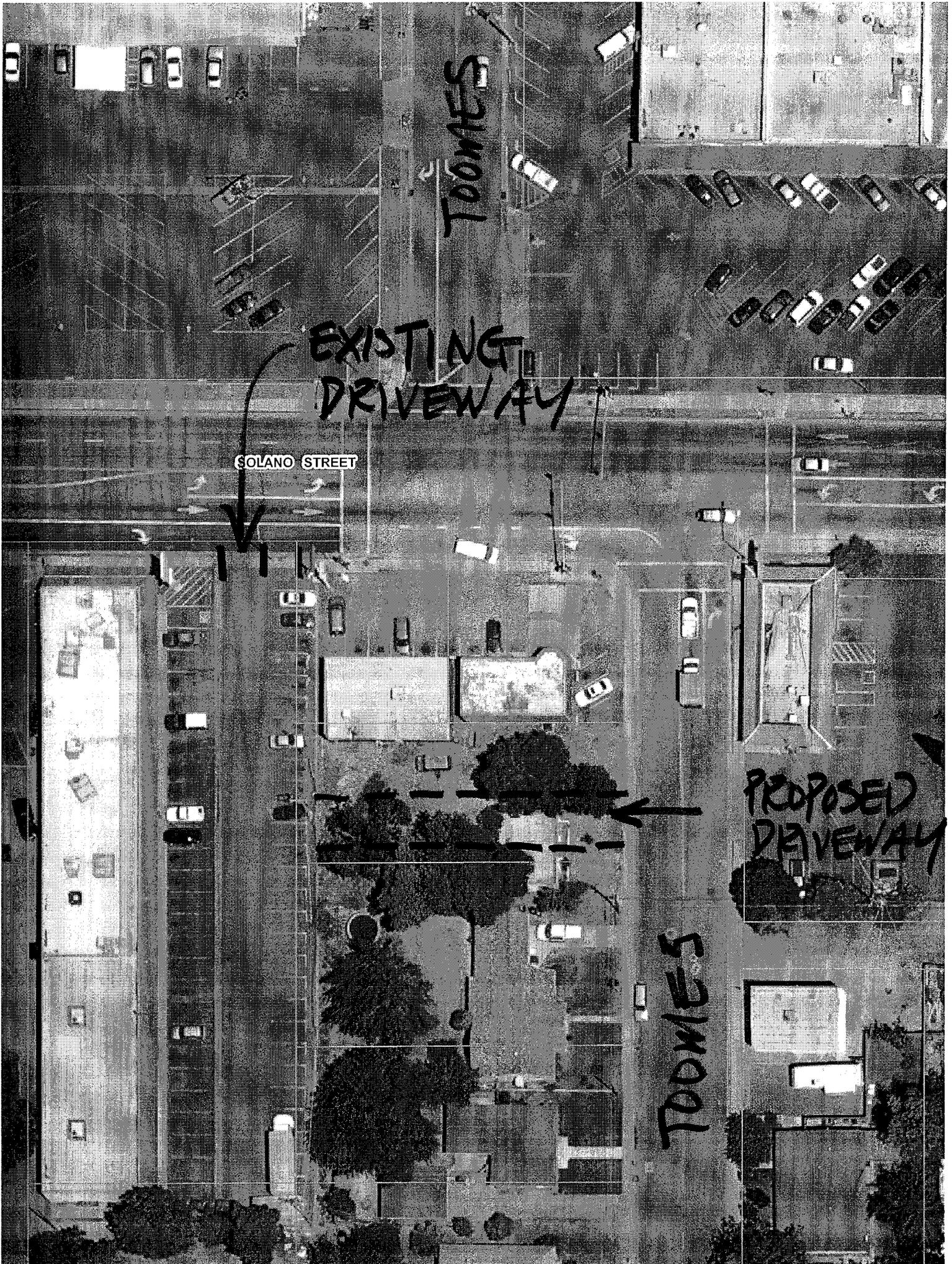
TOOMES

EXISTING DRIVEWAY

SOLANO STREET

PROPOSED DRIVEWAY

TOOMES

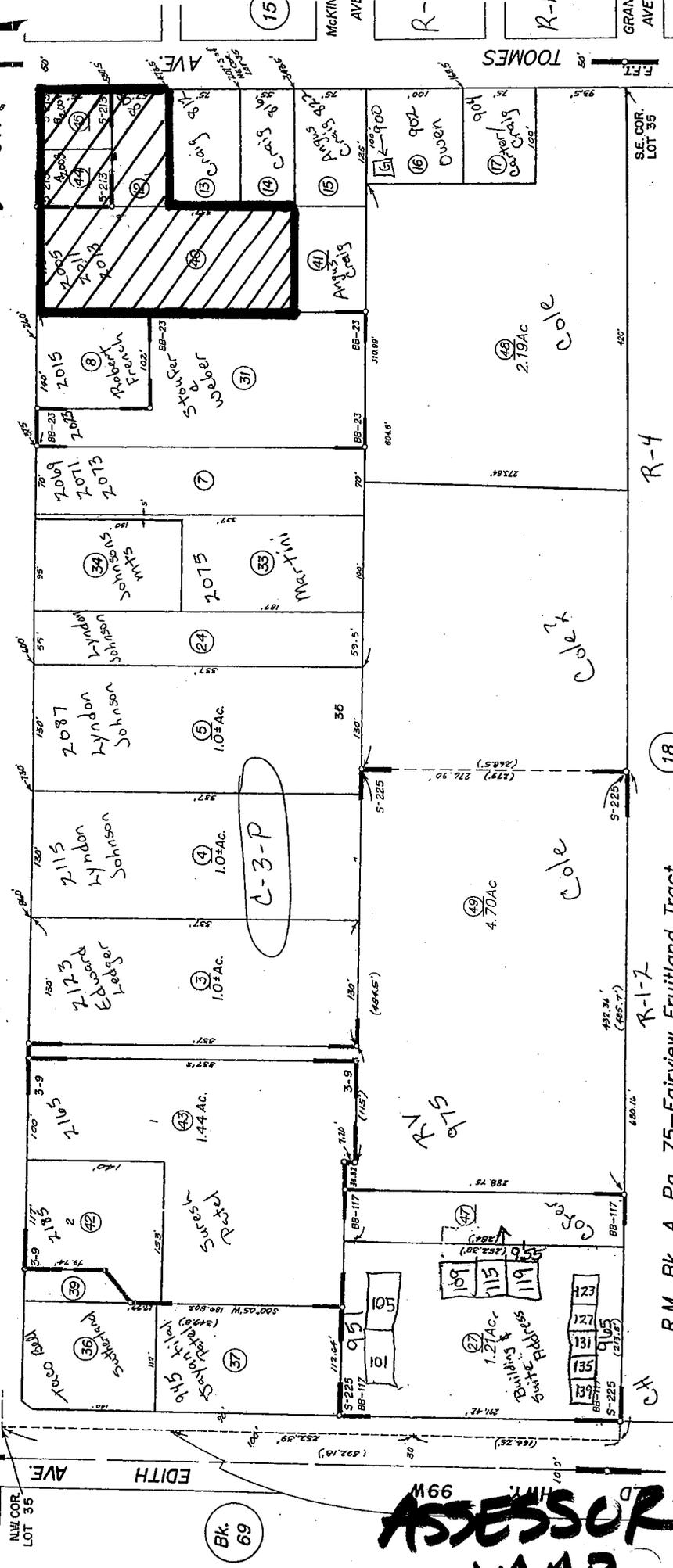
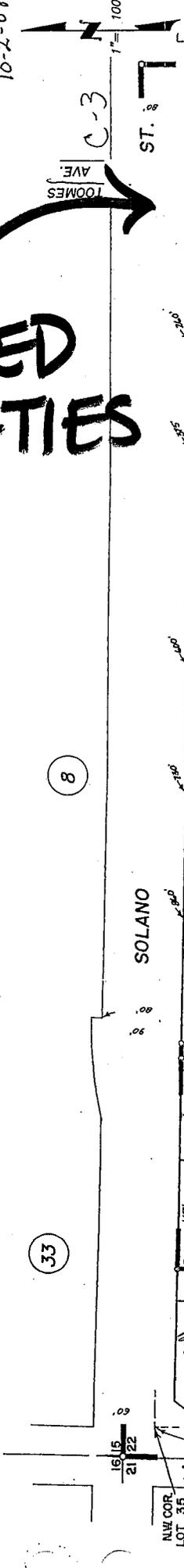


FILE COPY

SUBDIVIDED LAND IN NW1/4 SEC. 22, T.24N., R.3W., M.D. & M. 10-2-08

AFFECTED PROPERTIES

71-14



NW COR. LOT 35  
 EDITH AVE  
 SOLANO  
 TOOMES AVE  
 ST. 8  
 S.E. COR. LOT 35  
 R-4  
 R-1-7  
 R.M. Bk. A, Pg. 75-Fairview Fruitland Tract  
 R.M. Bk. L, Pg. 2-Southwesterly ptn. City of Corning  
 R.S. Bk. S, Pg. 225  
 P.M. Bk. 3, Pg. 9-P.M. No. 721  
 P.M. Bk. 5, Pg. 213-P.M. No. 78-238  
 R.S. Bk. BB, Pg. 23  
 R.S. Bk. BB, Pg. 117

Assessor's Map Bk. 71 -Pg. 14  
County of Tehama, Calif.

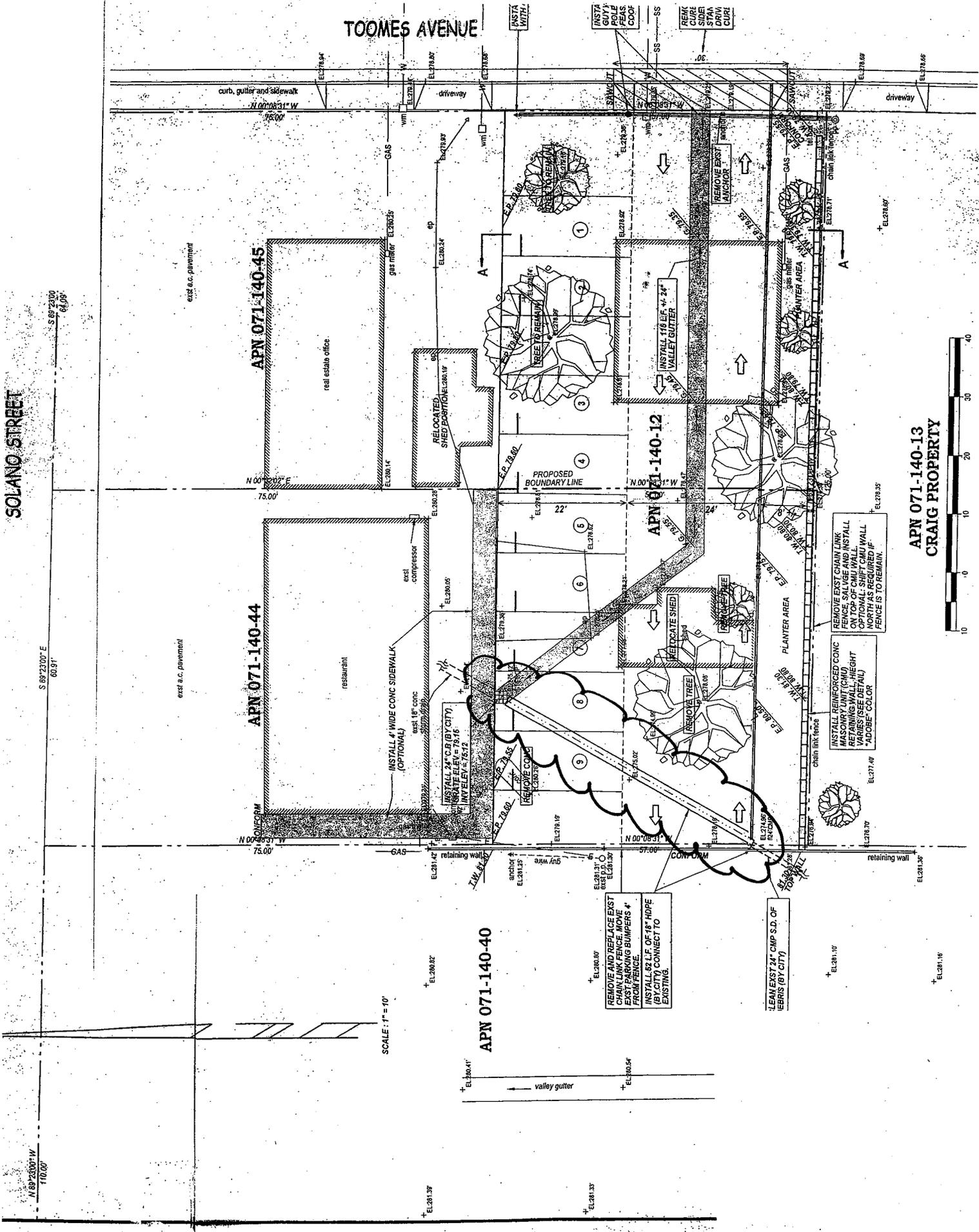
NOTE-Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles

ASSESSOR'S MAP

Bk. 69

SOLANO STREET

TOOMES AVENUE



APN 071-140-45

APN 071-140-44

APN 071-140-12

APN 071-140-40

APN 071-140-13  
CRAIG PROPERTY

SCALE: 1" = 10'



REMOVE AND REPLACE EXIST CHAIN LINK FENCE WITH EXIST FENCING BUMPERS FROM FENCE.  
INSTALL 62' L.F. OF 18" HDPE (BY CITY) CONNECT TO EXISTING.

LEAN EXIST 24" CMP S.D. OF EBRS (BY CITY)

REMOVE EXIST CHAIN LINK FENCE SALVAGE AND INSTALL ON TOP OF CMU WALL. OPTIONAL: SHIFT CMU WALL NORTH AS REQUIRED IF FENCE IS TO REMAIN.

INSTALL REINFORCED CONC MASONRY UNIT (CMU) RETAINING WALL. HEIGHT VARIES (SEE DETAIL) "ADOCBE" COLOR

valley gutter

N 89° 23'00" W  
10.00'

S 89° 23'00" E  
60.31'

S 89° 23'00" W  
64.00'

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TOOMES AVE.

SOLANO STREET

2005  
Commercial  
Shops

2003  
Restaurant

2001  
Real Estate  
Office  
18" CONC.  
PIPE

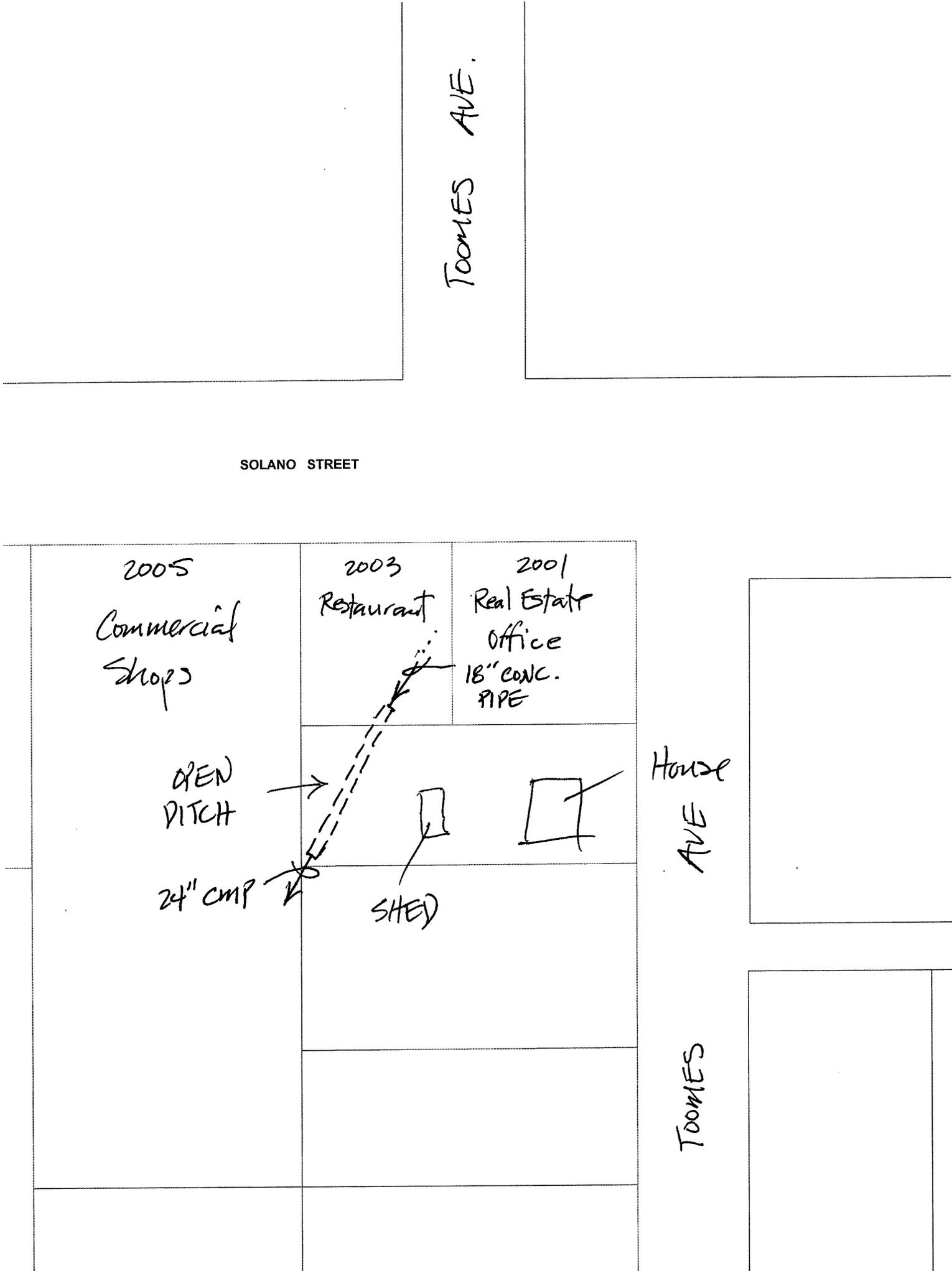
OPEN  
DITCH

24" CMP

SHED

House  
AVE

TOOMES



ITEM NO.: K-9  
AUTHORIZE OUTSIDE COUNSEL REVIEW  
OF CITY ATTORNEY CONTRACT  
NOVEMBER 24, 2009

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

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER

*STEVE*

**SUMMARY:**

City Attorney Michael Fitzpatrick has asked that the City resolve the issues relating to the City Attorney Contract through review by outside Counsel. If City Council concurs, City Staff will make contact with an Attorney by utilizing the resources of the Northern California Cities Insurance Authority. Based upon conversations with the Insurance Authority Claims Administrators, the hourly rate should be somewhere between \$200 and \$250. Funding for outside Counsel is budgeted.

The primary questions remaining are:

Recognizing that the City Council has the authority to enter into Service Contracts and Employment Agreements, is the June 2005 Employment Agreement with Michael Fitzpatrick a valid and legal contract? Does the City Council have legal authority to amend this Agreement to substitute salary for the State retirement contribution to compensation?

**BACKGROUND:**

The issues involving the problems with the retirement system were resolved on July 28, 2009 when the City Council met in closed session with the City Attorney and reviewed the documentation from PERS addressed to the City and the City Attorney, as well as the correspondence between the City Attorney and PERS. Following the closed session on July 28, 2009, the Council reconvened and the Minutes reflect the following statement verbatim from the Mayor:

"The Mayor announced that the Council reviewed the PERS issue that has been raised concerning our City Attorney. We see no documentation of any kind which would allow us to conclude that it would be illegal for the City now to pay the City Attorney these retirement funds. However, we're willing to take no action on this matter at this time to allow adequate time for others to fully investigate this issue.

The City is still waiting to learn if there will be any responses received from the Agencies, Officials and Bar Association contacted by the complainant.

**FINANCIAL:**

The City budgets \$5,000 per year for professional services related to City legal services; \$4,160 remains available for outside Counsel. The expectation is a requirement for only a few hours of work on the part of outside Counsel. Though the City Attorney and City Manager have authority to consult outside Counsel, the decision in this instance needs to be deferred to the City Council.

**RECOMMENDATION:**

**MAYOR AND CITY COUNCIL AUTHORIZE STAFF TO SEEK THE REVIEW OF THE CITY ATTORNEY CONTRACT BY OUTSIDE COUNSEL.**