



**CITY OF CORNING
CITY COUNCIL AGENDA**

**TUESDAY, NOVEMBER 9, 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

Gary Strack

Mayor:

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

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

- 1. Proclamation Recognizing November 2010 as National Family Caregivers Month in the City of Corning.** Accepting the Proclamation will be local family caregivers Wayne and Dawn Grine.

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.

- 2. Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
- 3. Waive the Reading and Approve the Minutes of the October 26, 2010 City Council Meeting with any necessary corrections:**
- 4. November 3, 2010 Claim Warrant - \$171,307.15.**
- 5. November 3, 2010 Business License Report.**
- 6. October 2010 Building Permit Valuation - \$422,288.**
- 7. October 2010 Wages and Salaries - \$328,823.34.**
- 8. City of Corning Wastewater Operation Summary Report – October 2010.**
- 9. Approve Progress Pay Estimate No. 1 in the Amount of \$34,555.64 to Azevedo Construction for the 2010 Rodgers Theater Improvement Project.**

10. Award Palm Tree Pruning Contract (514 Trees) at \$14,649 to M&S Wesley Tree Services and Authorize the Use of remaining "Tree Pruning Funds" to Prune Solano Street Trees and Removal/Replacement of Dead/Dying Street Trees Throughout Town.
11. Authorize the Recruitment and Appointment of one Full-Time Community Service Officer Position.

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.**

I. REGULAR AGENDA:

12. Approve 5-Year Lifestock Grazing Lease Agreement with Norman D. Oilar of Greenville, California for City Land North and East of the Corning Municipal Airport.
13. Library Commission Recommendation for Funding Costs Associated with the Purchase of a New Computer Server for the Countywide Library System.
14. Authorize Staff to Seek Proposals for Cost Recovery of Fire Emergency Responses to Non-Resident/Business' Located Outside the City Limits/Tax Area.

J. ITEMS PLACED ON THE AGENDA FROM THE FLOOR:

K. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION:

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

Turner:
Parkins:
Leach:
Strack:

M. ADJOURNMENT!:

POSTED: THURSDAY, NOVEMBER 7, 2010

PROCLAMATION
CELEBRATING NOVMEBER 2010
AS
NATIONAL FAMILY CAREGIVERS MONTH

WHEREAS, Thanksgiving is the season where we pause to reflect on the many blessings bestowed on us as a City and as individuals. In 1994 the National Family Caregivers Association began promoting the celebration of "Family Caregivers" during the week of Thanksgiving.

WHEREAS, we are especially grateful for the profound love that is expressed through the support, care and compassion that is provided by family caregivers to our loved ones; the chronically ill, terminally ill, elderly and frail, young, or those living with a disability. Caregivers are very special individuals that reflect family and community life at its best and should be viewed as one of our most valuable natural resources; and

WHEREAS, each day the need for family caregivers is growing in every City and Town in America, and it is likely that we all know at least one very special individual currently serving in the capacity of family caregiver.

WHEREAS these everyday heroes walking among us deserve our lasting gratitude and respect. This month, as we honor the many contributions that family caregivers provide towards the quality of life, let us resolve to work through our community, religious, social, business and other organizations to offer programs and services that will provide caregivers the support and encouragement they need to carry out their indispensable responsibilities.



NOW, THEREFORE I, GARY R. STRACK, AS MAYOR OF THE CITY OF CORNING, DO HEREBY THANK THE CAREGIVERS IN OUR COMMUNITY AND RECOGNIZE NOVEMBER 2010 AS NATIONAL FAMILY CAREGIVERS MONTH IN THE CITY.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Corning to be affixed this 9th day of November 2010.

GARY R. STRACK, MAYOR



**CITY OF CORNING
CITY COUNCIL MINUTES**

**TUESDAY, OCTOBER 26, 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

All members of the City Council were present except Councilor Parkins with one vacancy remaining on the Council.

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

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

1. **Proclamation Designating October 29th – November 7, 2010 as Buddy Poppy Days in the City of Corning.** Mayor Strack presented the Proclamation to Veterans Service Officer Jim Darrow of Post 4218 and Alice Bechelli of the VFW Auxiliary.

E. BUSINESS FROM THE FLOOR:

John Richards: Representing the Corning Skateboard and Bike Park Association addressed the Council and asked if the City had received any updates on the status of the Prop. 84 Grant Application submitted by the City? Planning Director John Stoufer responded stating that he checked the website today and all it said was that news should be received in the fall of 2010. Mayor Strack assured Mr. Richards that as soon as the City receives word, one way or the other, the City will notify the papers and his association. Mr. Richards also stated that he has discussed with Judge John Garaventa the possibility of starting a Community Service program for juveniles that he has volunteered to supervise.

Councilor Parkins entered the meeting at 7:40 p.m. and apologized for being late.

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.

2. **Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
3. **Waive the Reading and Approve the Minutes of the following City Council Meetings with any necessary corrections:**
 - (a) **September 28, 2010;** and
 - (b) **October 12, 2010**
4. **October 20, 2010 Claim Warrant - \$280,641.43.**
5. **October 20, 2010 Business License Report.**
6. **Approve Progress Pay Estimate No. 2 in the Amount of \$8,200 to Northwest Paving for the 2010 Street Improvement Projects.**

7. **Approve Rodger's Theater Improvement Project Contract Change Order No. 1 in the Amount of \$2,475.69 for a total Project Cost of \$179,084.69.**
8. **Approve and Accept the Notice of Completion for the 2010 Street Improvement Projects and Authorize the Release of Contract Retention in the amount of \$18,488.01 to Northwest Paving.**

Mayor Strack asked a question about the total amount the City would be paying for the retention on Consent Item No. 6, 2010 Street Improvement Projects.

Councilor Leach requested that Consent Item No. 7 be pulled for an explanation of the requested Change Order.

Councilor Turner moved to approve Consent Items 2-6 and 8 with Councilor Leach seconding the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 4-0 with one vacancy remaining on the Council.**

G. ITEMS REMOVED FROM THE CONSENT AGENDA:

7. **Approve Rodger's Theater Improvement Project Contract Change Order No. 1 in the Amount of \$2,475.69 for a total Project Cost of \$179,084.69.**

Public Works Director John Brewer stated that during the demolition phase of the theater project, laborers discovered two concrete stemwalls beneath the framing above the former loge seating area. Mr. Brewer explained that the requested Change Order for the Theater Project is necessary in order to lower existing concrete stemwalls that will otherwise conflict with future restroom improvements.

With no further comments, Councilor Leach moved to approve Contract Change Order No. 1 increasing the Rodgers Theater Improvement Project by \$2,475.69 for a total project cost of \$179,084.69. Councilor Parkins seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 4-0 with one vacancy remaining on the Council.**

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.** None.

I. REGULAR AGENDA:

9. **Adopt Resolution No. 10-26-2010-02 Authorizing the City Clerk to Record Tax Liens on 22 Properties totaling \$8,505.28 for Delinquent Water and Sewer Payments.**

Mayor Strack introduced this item by title and City Manager Kimbrough explained the reasoning behind the process. Mr. Kimbrough explained that this is intended to protect the City as many of the properties currently delinquent are foreclosures, quick sales, etc. He further stated that the City has somewhat exhausted other standard methods for collecting on delinquent payments, however under the current foreclosure situations, locating the responsible party has become difficult. City Clerk Lisa Linnet stated that the property owners would be notified 30-days prior to the liens being filed via standard mail. She further stated that utilizing the authority granted by our City Municipal Codes to file property liens is somewhat of a last opportunity to collect on these accounts.

Councilor Turner: Questioned whether the letters should be sent via certified mail. City Clerk Lisa Linnet stated that sending the letter certified requires recipient signature, if no one is available to sign for the letters or should they chose not to sign, the letters fall through the cracks. Sending the letters via regular mail shows that the City has done their due diligence in trying to notify the property owners.

Councilor Turner moved to adopt Resolution 10-26-2010-02 approving the recording of the Resolution and attached Notice of Lien in the combined amount of \$8,505.28 on the properties listed on Exhibit "A" attached. Councilor Leach seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 4-0 with one vacancy remaining on the Council.**

10. Adopt Resolution 10-26-2010-01 Accepting the 2010 California Citizen's Options for Public Safety Grant in the amount of \$100,000.

Mayor Strack introduced this item by title. After confirmation that this has been budgeted, Councilor Parkins moved to adopt Resolution 10-26-2010-01 accepting the funds offered through the Citizen's Options for Public Safety Grant and approve the use of these monies to continue funding the Police Detective Position in the Police Department. Councilor Leach seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 4-0 with one vacancy remaining on the Council.**

11. Report on the Award in the Amount of \$800,000 from the General Allocation of the State Community Development Block Grant (CDBG) Program Application for Street Widening and Drainage Improvements to Blackburn Avenue.

Mayor Strack introduced this item by title and stated that Councilor Turner manages an adjacent property and therefore will not participate in any discussion. Councilor Turner left the Council dias and sat in the audience during discussion of this item. City Manager Kimbrough explained that this is tied to the grant provisions relating to the single-family homes associated with the Salado Orchard Apts. Complex. Councilor Leach asked about a timeframe on when we will receive the funds; Planning Director Stoufer stated hopefully within 6-8 weeks, however after our last encounter we aren't holding our breath. Mayor Strack asked if the City had gotten the right-of-way needed for this improvement; he was informed yes. **No action from Council needed.**

12. Approve Addition of Youth Basketball to the City's Recreation Program.

Mayor Strack introduced this item stating that Corning Rotary again will support this program and Maywood Middle School Teacher Phil Mishoe has volunteered to organize it and will utilize High School Volunteers to assist. Mr. Kimbrough stated that this Staff Report encompasses the Rotary donation that will go into a separate fund.

Councilor Leach moved to approve the addition of the "Corning Rotary Youth Basketball League" to the list of approved Recreation Programs provided by the City, accept the Rotary Commitment of \$2,000 and appropriate \$200 to account 352-5100-3300 and \$2,000 to 352-6347-3300. Councilor Turner seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 4-0 with one vacancy remaining on the Council.**

J. ITEMS PLACED ON THE AGENDA FROM THE FLOOR:

Mayor Strack stated that the City Attorney would like to add a Closed Session regarding the Cofer vs. the City of Corning and Gary Strack litigation to the Agenda following "Reports from Mayor and Council Members" since some information has been presented following the posting of the Agenda. Councilor Turner moved to add the Closed Session and Councilor Leach seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 4-0 with one vacancy remaining on the Council.**

K. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION:

City Clerk Lisa Linnet read a Thank You card received from Rob, Heidi, Brant and Shae Mesker and the Tournament Crew in relation to the 2nd Annual Tucker Mesker Memorial Tournament.

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

Turner: Reported on the attendance of he, Mayor Strack and the City Administrator at the Memorial Service yesterday for former Airport Commissioner Jerry Rindahl. Secondly, he reported that within the last week to ten days there has been somewhat of an ongoing problem with the CHP, growers, and haulers that have been hauling fruit into Bell Carter with inspections by three teams of two of the Department of Transportation Safety for CHP and has created a lot of tension, problems and some arrests. The majority of these have resulted in fix-it corrections for truckers. They have a job to do and it is a training ground for truck inspectors. Although no one wants any delays, however this is a safety factor. He and Gary have discussed this and will suggest at next years growers meeting the possibility of producing some type of flyer for distribution regarding the safety regulations

Parkins: None.

Leach: Reported on the Community Action Agency Meeting.

Strack: Mayor Strack congratulated Fire Chief Martin Spannaus and the Corning Volunteer Fire Department on their first place win for rib cooking at the Rolling Hills Casino event this past weekend. Mayor Strack also stated that John Brewer has contacted and spoken with the owner of Golden West Mobile Homes who stated that the reason for delaying completion of the development of their site on Highway 99W is the downturn in the economy and he emphasized that they were happy with the service provided by the City.

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 tonights 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.

Public Comments: No comments were received from the public.

M. ADJOURN TO CLOSED SESSION: 8:06 p.m.

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Subdivision (a)
of Section 54956.9):**

Cofer vs. the City of Corning and Gary Strack

N. RECONVENE AND REPORT ON CLOSED SESSION: 8:43 p.m.

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

O. ADJOURNMENT!: 8:44 p.m.

Lisa M. Linnet, City Clerk



MEMORANDUM

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: LORI SIMS
ACCOUNTING TECHNICIAN

DATE: November 3, 2010

SUBJECT: Cash Disbursement Detail Report for the
Tuesday, November 9, 2010 Council Meeting

PROPOSED CASH DISBURSEMENTS FOR YOUR APPROVAL CONSIST OF THE FOLLOWING:

A.	Cash Disbursements	Ending	10-29-10	\$	68,755.71
B.	Payroll Disbursements	Ending	10-28-10	\$	34,963.80
C.	Cash Disbursements	Ending	11-03-10	\$	24,780.20
D.	Payroll Disbursements	Ending	11-02-10	\$	42,807.44

GRAND TOTAL \$ 171,307.15

REPORT.: Oct 29 10 Friday
 RUN....: Oct 29 10 Time: 14:01
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 10-10 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
011380	10/26/10	BAS01	BASIC LABORATORY, INC	86.00	.00	86.00	1010065	ProfServices Water Dept
011381	10/26/10	CAM02	CAMELLIA VALLEY SUPPLY	668.51	.00	668.51	0756847	MAT & SUPPLIES
011382	10/26/10	COR12	CORNING FORD MERCURY, INC	465.55	.00	465.55	131561	Veh Opr/Maint-POLICE
011383	10/26/10	HEN03	HENRY SCHEIN INC.,	95.47	.00	95.47	349437101	SAFETY ITEMS-FIRE
011384	10/26/10	HIN01	HINDERLITER, DE LLAMAS &	1023.62	.00	1023.62	0017108IN	ProfServices-FINANCE
011385	10/26/10	KIM01	KIMBROUGH, STEPHEN J.	122.35	.00	122.35	101025	CONF/MTGS-CITY ADMIN
011386	10/26/10	LAR01	LARRY'S PEST & WEED,	4667.00	.00	4667.00	34268	WEED/TREE SPRAY -STREETS
011387	10/26/10	LNC01	LN CURTIS & SONS	989.22	.00	989.22	120003400	EQUIP MAINT/FIRE
				114.30	.00	114.30	120027500	EQUIP MAINT/FIRE
			Check Total.....:	1103.52	.00	1103.52		
011388	10/26/10	PGE01	PG&E	35909.88	.00	35909.88	101310	Electricity
011389	10/26/10	PGE2A	PG&E	49.04	.00	49.04	101810	ELECT-BLUE HERON CT
011390	10/26/10	QUI02	QUILL CORPORATION	168.22	.00	168.22	8721760	Office Supplies
011391	10/26/10	RED02	RED BLUFF POLICE DEPT	921.83	.00	921.83	102110	OTS GRANT/PoliceServic
011392	10/26/10	TEH15	TEHAMA CO SHERIFF'S DEPT	771.21	.00	771.21	101019	OTS GRANT/POLICE
011393	10/26/10	VER02	VERIZON WIRELESS	60.21	.00	60.21	091340856	COMMUNICATION/FIRE
011394	10/28/10	NOR39	NORTHWEST PAVING	7380.00	.00	7380.00	10-111(2)	A/C CITYWIDE-
011395	10/28/10	ALL01	ALLISON, MELVIN	220.00	.00	220.00	101027	TRAINING/EDUCATION - POLI
011396	10/28/10	ATT13	AT&T	721.42	.00	721.42	101011	COMMUNICATIONS -
011397	10/28/10	COR08	CORNING LUMBER CO INC	385.00	.00	385.00	101025	Mat/Supplies -
011398	10/28/10	HAT10	HATFIELD'S	427.23	.00	427.23	101025	Mat/Supplies --
011399	10/28/10	HIL14	HILTON GARDEN INN - ROSEV	453.00	.00	453.00	101025	TRAINING/EDUCATION - POLI
011400	10/28/10	MCC01	MCCOY'S HARDWARE & SUPPLY	234.49	.00	234.49	101025	MAT & SUPPLIES --
011401	10/28/10	MEE00	MEENTS, DEBORAH	241.30	.00	241.30	101027	REC.INSTRUCTOR - REC
				171.00	.00	171.00	101027A	REC.INSTRUCTOR - REC
			Check Total.....:	412.30	.00	412.30		
011402	10/28/10	NOR31	NORM'S PRINTING	62.24	.00	62.24	009066	PRINTING/ADV - POLICE

REPORT.: Oct 29 10 Friday
 RUN....: Oct 29 10 Time: 14:01
 Run By.: LORI

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

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 CTL.: COR

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
011402	10/28/10	NOR31	NORM'S PRINTING	113.66	.00	113.66	009067	MAT & SUPPLIES --
			Check Total.....	175.90	.00	175.90		
011403	10/28/10	REV01	REVIVAL ANIMAL HEALTH	402.96	.00	402.96	44152	MAT/SUPPLIES - ACO
011404	10/28/10	REX01	REXEL INC.	138.90	.00	138.90	801135184	MAT & SUPPLIES - BLDG/M
				26.28	.00	26.28	801135243	MAT & SUPPLIES - WATER
			Check Total.....	165.18	.00	165.18		
011405	10/28/10	USB01	US BANCORP	868.98	.00	868.98	162912679	Rents/Leases - GEN CITY
011406	10/29/10	BAS01	BASIC LABORATORY, INC	114.00	.00	114.00	1010354	ProfServices Water Dept
011407	10/29/10	CHE02	CHEM QUIP, INC.	969.80	.00	969.80	5054210	MAT/SUPPLIES - WATER
011408	10/29/10	COR11	CORNING SAFE & LOCK	13.75	.00	13.75	2960	MAT/SUPPLIES - POLICE
011409	10/29/10	COR20	CORNING ELECTRONICS	25.38	.00	25.38	10091180	MAT/SUPPLIES - POLICE
011410	10/29/10	COR22	CORNING MEDICAL ASSOC	196.00	.00	196.00	101027	Emp Physicals -PW ADMIN
011411	10/29/10	INT06	INTERSTATE SALES	492.65	.00	492.65	1856	MAT/SUPPLIES - STREETS
011412	10/29/10	KEN00	KEN VAUGHAN & SONS	950.00	.00	950.00	1072	LANDSCAPE MAINT --
011413	10/29/10	NAP01	NAPA AUTO PARTS	220.28	.00	220.28	101021	Veh Opr/Maint
011414	10/29/10	PET04	PETERSON, RALAND	153.00	.00	153.00	101028	TRAINING/EDUC - FIRE
011415	10/29/10	PGE2B	PG&E	7248.91	.00	7248.91	101026	ELECT - WWTP
011416	10/29/10	\A051	ALLISON REALTY ASSOC,	41.08	.00	41.08	000B01001	MQ CUSTOMER REFUND FOR AL
011417	10/29/10	\B040	BAUMAN, SANDI	12.81	.00	12.81	000B01001	MQ CUSTOMER REFUND FOR BA
011418	10/29/10	\B041	COLDWELL BANKER,	49.25	.00	49.25	000B01001	MQ CUSTOMER REFUND FOR BU
011419	10/29/10	\C058	COLLINS, RICKY	138.72	.00	138.72	000B01001	MQ CUSTOMER REFUND FOR CO
011420	10/29/10	\J020	JAMISON PROPERTIES,	44.57	.00	44.57	000B01001	MQ CUSTOMER REFUND FOR JA
011421	10/29/10	\L037	LANG, CLAUDIA	17.97	.00	17.97	000B01001	MQ CUSTOMER REFUND FOR LA
011422	10/29/10	\S082	SIDEBOTTOM, JEFFERY	50.00	.00	50.00	000B01001	MQ CUSTOMER REFUND FOR SI
011423	10/29/10	\V029	VANDOORN, BARBARA	26.14	.00	26.14	000B01001	MQ CUSTOMER REFUND FOR VA

REPORT.: Oct 29 10 Friday
 RUN....: Oct 29 10 Time: 14:01
 Run By.: LORI

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

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 CTL.: COR

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description
011424	10/29/10	\W035	WOODBYP, ZACHARY	32.53	.00	32.53	000B01001	MQ CUSTOMER REFUND FOR WO
Cash Account Total.....:				68755.71	.00	68755.71		
Total Disbursements.....:				68755.71	.00	68755.71		
Cash Account Total.....:				.00	.00	.00		

REPORT.: Oct 29 10 Friday
 RUN....: Oct 29 10 Time: 14:01
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report - Payroll Vendor Payment(s)
 Check Listing for 10-10 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 #	Description
4752	10/28/10	AFL01	AMERICAN FAMILY LIFE	1643.66	.00	1643.66	B01031	AFLAC INS.PRE TAX
				101.74	.00	101.74	1B01031	AFLAC INS.AFTER TAX
Check Total.....:				1745.40	.00	1745.40		
4753	10/28/10	BLU02	BLUE SHIELD OF CALIFORNIA	20303.00	.00	20303.00	B01031	MEDICAL INSURANCE
4754	10/28/10	CIT01	CITY OF CORNING	6.00	.00	6.00	B01031	CHGS FOR WAGE ATCHMT
4755	10/28/10	OEU01	OPERATING ENGINEERS #3	6043.00	.00	6043.00	B01031	MEDICAL INSURANCE
4756	10/28/10	OEU02	OPERATING ENG. (DUES)	315.00	.00	315.00	B01031	UNION DUES MGMNT
				572.00	.00	572.00	1B01031	UNION DUES POLICE
				280.00	.00	280.00	2B01031	UNION DUES DISPATCH
				480.00	.00	480.00	3B01031	UNION DUES-MISC
Check Total.....:				1647.00	.00	1647.00		
4757	10/28/10	PRI04	PRINCIPAL	3459.27	.00	3459.27	B01031	DENTAL INSURANCE
				633.13	.00	633.13	1B01031	VISION INSURANCE
Check Total.....:				4092.40	.00	4092.40		
4758	10/28/10	TRA03	TRANSAMERICA LIFE INS CO.	1127.00	.00	1127.00	B01031	LIFE INSURANCE
Cash Account Total.....:				34963.80	.00	34963.80		
Total Disbursements.....:				34963.80	.00	34963.80		

REPORT.: Nov 03 10 Wednesday
 RUN...: Nov 03 10 Time: 15:22
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 11-10 Bank Account.: 1020

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Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description
011425	11/01/10	COR07	CORBIN WILLITS SYSTEMS	729.72	.00	729.72	000B011011	Finance Dept.
011426	11/01/10	COR09	CORNING CHAMBER OF COMM.	1000.00	.00	1000.00	000B011011	CngChamberComm. Economic
011427	11/01/10	FIT01	FITZPATRICK LAW OFFICES	910.00	.00	910.00	000B011011	Consulting Serv LegalServ
011428	11/01/10	HAL05	HALL, ROBERT	104.70	.00	104.70	000B011011	ProfServices FireDepartme
011429	11/01/10	PIT01	PITNEY BOWES	192.92	.00	192.92	000B011011	Rents/Leases Finance Dept
011430	11/01/10	S&L00	S & L BREWER ENTERPRISES	200.00	.00	200.00	000B011011	K-9 PROGRAM-POLICE
011431	11/01/10	TLD01	TEDC	208.33	.00	208.33	000B011011	Economic Development
011432	11/01/10	TOM03	TOMLINSON JR., ROBERT L.	54.70	.00	54.70	000B011011	PROF. SVCS-FIRE DEPT
011433	11/01/10	WHI05	WHITE GLOVE CLEANING SERV	2800.00	.00	2800.00	000B011011	JANITORIAL SVCS-
011434	11/03/10	AND01	ED ANDERSON	2587.50	.00	2587.50	101102	ProfServices-
011435	11/03/10	CAM02	CAMELLIA VALLEY SUPPLY	223.97	.00	223.97	0757546	MAT & SUPPLIES-WTR
011436	11/03/10	COR01	CORNING VETERINARY	644.45	.00	644.45	27681	ProfServices ACO-
011437	11/03/10	FLE01	FLEMING BOOKBINDING CO.	65.08	.00	65.08	16805	BOOKS/PERIODICS-LIBRARY
011438	11/03/10	INT00	INTERSTATE BATTERY SYSTEM	199.07	.00	199.07	10425735	VEH OP/MAINT-POLICE
011439	11/03/10	KEE00	KEENER, SHELLEY	58.02	.00	58.02	101101	TRAINING/ED-DISPATCH
011440	11/03/10	KNI00	KNIFE RIVER CONSTRUCTION	632.13	.00	632.13	112826	MAT & SUPPLIES-
				627.53	.00	627.53	112827	MAT & SUPPLIES-
			Check Total.....:	1259.66	.00	1259.66		
011441	11/03/10	LIN02	LINNETS TIRE SHOP	257.07	.00	257.07	51218	Veh Opr/Maint - FIRE
011442	11/03/10	NEX01	NEXTEL COMMUNICATIONS	479.26	.00	479.26	101029	COMMUNICATIONS -
011443	11/03/10	NOR20	NOR-CAL SEPTIC SERVICE	400.00	.00	400.00	111223	BLDG/MAINT - AIRPORT
011444	11/03/10	NOR25	NORTHERN LIGHTS ENRGY, INC	2608.53	.00	2608.53	31147	VEHOP/MAINT -
				2454.96	.00	2454.96	31192	MAT/SUPPLIES -
				188.35	.00	188.35	31193	VEH/OP MAINT - FIRE
			Check Total.....:	5251.84	.00	5251.84		
011445	11/03/10	OFF01	OFFICE DEPOT	200.96	.00	200.96	53888877	Office Supplies Police

REPORT.: Nov 03 10 Wednesday
 RUN....: Nov 03 10 Time: 15:22
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 11-10 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 Information Description
011446	11/03/10	PAC16	PACIFIC TELEMANAGEMENT SE	38.00	.00	38.00	230846	COMMUNICATIONS - GEN/CITY
011447	11/03/10	PGE01	PG&E	315.45	.00	315.45	101027	Electricity -
011448	11/03/10	SAF05	SAFARILAND, LLC	353.28	.00	353.28	I10086643	MAT/SUPPLIES - POLICE
011449	11/03/10	SUN01	SUNRISE ENVIRONMENTAL	273.79	.00	273.79	1692	BLDG.MAINT - FIRE
011450	11/03/10	WAR05	WARREN, DANA KARL	297.35	.00	297.35	101101	REC.INSTRUCTOR - REC
011451	11/03/10	WES02	WESTERN BUSINESS PRODUCTS	42.01	.00	42.01	026215	Equip.Maint. - FIRE
011452	11/03/10	XER00	XEROX CORPORATION	91.06	.00	91.06	051376046	EQUIP.MAINT - POLICE
011453	11/03/10	AND03	ANDERS, JOANN	70.00	.00	70.00	10-2024	GRANT ADMIN-HOUSING ELEME
				472.50	.00	472.50	10-2025	PROF SVCS-HOUSING REHAB
			Check Total.....	542.50	.00	542.50		
011454	11/03/10	ATT02	AT&T	1160.52	.00	1160.52	1721503	COMMUNICATIONS-
011455	11/03/10	BAS01	BASIC LABORATORY, INC	399.00	.00	399.00	1010490	ProfServices Water Dept
011456	11/03/10	GRA01	GRANDFLOW, INC	953.86	.00	953.86	109871	Office Supplies Finance D
011457	11/03/10	NOR31	NORM'S PRINTING	91.56	.00	91.56	009081	OFFICE SUPPLIES-FINANCE
				62.24	.00	62.24	009088	PRINTING/ADV-POLICE
			Check Total.....	153.80	.00	153.80		
011458	11/03/10	PGE04	PG&E	463.78	.00	463.78	101029	TranspFacility-
011459	11/03/10	PGE05	PG&E	1046.67	.00	1046.67	102910	FIRE-ELECT & GAS
011460	11/03/10	PGE2A	PG&E	119.93	.00	119.93	101029	ELECT-MARTINI,MCDONALD &
011461	11/03/10	QUI02	QUILL CORPORATION	29.51	.00	29.51	8937807	Office Supplies-POLICE
011462	11/03/10	THO01	THOMES CREEK ROCK CO	540.90	.00	540.90	103110	Mat/Supplies-
011463	11/03/10	VAL07	VALLEY VETERINARY CLINIC,	131.54	.00	131.54	68560	K-9 PROGRAM-POLICE
			Cash Account Total.....	24780.20	.00	24780.20		
			Total Disbursements.....	24780.20	.00	24780.20		
			Cash Account Total.....	.00	.00	.00		

REPORT.: Nov 03 10 Wednesday
 RUN....: Nov 03 10 Time: 15:22
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report - Payroll Vendor Payment(s)
 Check Listing for 11-10 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 #	Payment Information Description
4763	11/02/10	BAN03	POLICE OFFICER ASSOC.	350.00	.00	350.00	B01102	POLICE OFFICER ASSOC
4764	11/02/10	CAL37	CALIFORNIA STATE DISBURSE	138.46	.00	138.46	B01102	WITHHOLDING ORDER
4765	11/02/10	EDD01	EMPLOYMENT DEVELOPMENT	4159.65	.00	4159.65	B01102	STATE INCOME TAX
				1122.13	.00	1122.13	1B01102	SDI
			Check Total.....:	5281.78	.00	5281.78		
4766	11/02/10	ICM01	ICMA RETIREMENT TRUST-457	4098.77	.00	4098.77	B01102	ICMA DEF. COMP
4767	11/02/10	OEU03	OPERATING ENGINEERS	550.00	.00	550.00	B01102	CREDIT UNION SAVINGS
4768	11/02/10	PERS1	PUBLIC EMPLOYEES RETIRE	27033.01	.00	27033.01	B01102	PERS PAYROLL REMITTANCE
4769	11/02/10	PERS4	Cal Pers 457 Def. Comp	25.00	.00	25.00	B01102	PERS DEF. COMP.
4770	11/02/10	PRE03	PREMIER WEST BANK	2435.25	.00	2435.25	B01102	HSA DEDUCTIBLE
4771	11/02/10	STA04	STATE OF CALIFORNIA	550.00	.00	550.00	B01102	WAGEASN 1107012828
4772	11/02/10	VAL06	VALIC	2345.17	.00	2345.17	B01102	AIG VALIC P TAX
			Cash Account Total.....:	42807.44	.00	42807.44		
			Total Disbursements.....:	42807.44	.00	42807.44		

Date.: Nov 3, 2010
Time.: 3:31 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
ALL SEASON HEATING & 13302	CABIN HOLLOW CT	CHICO, CA 95973		CONTRACTOR	10/21/10	(530)899-7107
ALLENS CONCRETE 2230	WALBRIDGE ST	RED BLUFF, CA 96080	ALLEN	CLAYTON CONTRACTOR	10/25/10	(530)949-6162
ALL CITY ELECTRIC		FOX LAKE, IL 60020	EISNER	ALLEN CONTRACTOR - ELECTRIC	11/03/10	(847)546-3106
AMERICAN DREAM REALT 1416	SOLANO ST	CORNING, CA 96021	THAYER	ROBERT REAL ESTATE SALES & MANAGEMENT FOR PROPE	10/21/10	(530)515-3367
NCR CORPORATION 600	EDITH AVE	CORNING, CA 96021		DVD RENTALS VIA KIOSK INSIDE SAFEWAY	10/21/10	(770)623-7249
POLLACK YARD MAINTEN 1550	ALGER AVE	CORNING, CA 96021	POLLACK	SCOTT YARD MAINTENANCE & LANDSCAPING	10/21/10	(530)366-1915

PERMITS ISSUED (sort by Permit #)

Item No.: F-6

For the Period 10/1/2010 thru 10/31/2010

Owner and Address	Parcel Number	Issued On	Valuation
CITY OF CORNING 4312 RAWSON RD CORNING CA 96021 Permit Description: METAL STRUCTURE OVER DOG KENNELS	6921007 Site Street Address: 4312 RAWSON RD	10/20/2010	12,000.00
JUDITH DAYTON 2128 BLOSSOM AVE CORNING CA 96021 Permit Description: NEW RESIDENCE / W ATTACHED GARAGE	7120228 Site Street Address: 2128 BLOSSOM AVE	10/13/2010	164,500.00
BECKY HILL 1103 FIG LN CORNING CA 96021 Permit Description: CHANGE OUT 100 AMP ELECT SERVICE	7129219 Site Street Address: 1103 FIG LN	10/5/2010	800.00
LOU BLANKENSHIP 873 FIG ST CORNING CA 96021 Permit Description: HVAC REDUCTING	7308505 Site Street Address: 873 FIG ST	10/12/2010	1,760.00
ANDREA WHITE 1508 YOLO ST CORNING CA 96021 Permit Description: TEAR OFF & REROOF	7110407 Site Street Address: 1508 YOLO ST	10/14/2010	4,900.00
PAULYNE WHITE 580 STANMAR DR. CORNING CA 96021 Permit Description: REROOF-2ND LAYER	7321216 Site Street Address: 580 STANMAR DR.	10/14/2010	4,500.00
FIRST CHRISTION CHURCH 1421 MARIN ST CORNING CA 96021 Permit Description: CONVERT OFFICE & BATH TO LIVING QUARTE	7116403 Site Street Address: 1421 MARIN ST	10/19/2010	7,200.00

PERMITS ISSUED (sort by Permit #)

For the Period 10/1/2010 thru 10/31/2010

Owner and Address	Parcel Number	Issued On	Valuation
CITY OF CORNING 1217 SALONO ST CORNING CA 96021 Permit Description: REPAIR & REPLACE ROOF,HVAC,INSULATE CE	7113403 Site Street Address: 1217 SALONO ST	10/14/2010	176,609.00
CORNING HEALTH CARE DISTRICT 145 SOLANO ST CORNING CA 96021 Permit Description: REMOVE OLD SIGN REPLACE WITH NEW SIGN	7312079 Site Street Address: 145 SOLANO ST	10/18/2010	1,150.00
CORNING HEALTH CARE DISTRICT 155 SOLANO ST CORNING CA 96021 Permit Description: REMOVE OLD SIGN REPLACE WITH NEW SIGN	7312079 Site Street Address: 155 SOLANO ST	10/18/2010	1,150.00
CRANE MILLS 2120 LOLETA AVE CORNING CA 96021 Permit Description: INSTALL SIGN	7130026 Site Street Address: 2120 LOLETA AVE	10/18/2010	500.00
SYLVIA LOPEZ 1483 FOURTH AVE CORNING CA 96021 Permit Description: TEAR OFF & REROOF	7127309 Site Street Address: 1483 FOURTH AVE	10/19/2010	6,625.00
BURKE ROOFING 718 WALNUT ST CORNING CA 96021 Permit Description: TEAR OFF & REROOF	7310107 Site Street Address: 718 WALNUT ST	10/19/2010	5,500.00
LOU BLANKENSHIP 303 SOLANO ST CORNING CA 96021 Permit Description: CHANGE OUT WATER HEATER	7308504 Site Street Address: 303 SOLANO ST	10/21/2010	1,760.00
PAM COMPANIES 2151 FIG LN CORNING CA 96021 Permit Description: INSTALL SIDEWALKS ADA RAMP W/TRUNCAD	7125020 Site Street Address: 2151 FIG LN	10/25/2010	3,400.00

PERMITS ISSUED (sort by Permit #)

For the Period 10/1/2010 thru 10/31/2010

Owner and Address	Parcel Number	Issued On	Valuation
VALLEY TERRACE APTS. 982 TOOMES AVE. CORNING CA 96021 Permit Description: RELLACE DAMAGED SIDING & TRIM	7118001 Site Street Address: 982 TOOMES AVE.	10/25/2010	26,934.00
TIM FRANER 523 WALNUT ST CORNING CA 96021 Permit Description: CONSTRUCT NEW FRONT PORCH	7311201 Site Street Address: 523 WALNUT ST	10/29/2010	1,500.00
VERONICA GARCIA 1111 MARIN ST CORNING CA 96021 Permit Description: NEW 20' X32' COVERED PATIO	7117503 Site Street Address: 1111 MARIN ST	10/29/2010	1,500.00
		10/20/2010	0.00
Permit Description:	Site Street Address:		
19 Permits Issued from 10/1/2010 Thru 10/31/2010		OR A TOTAL VALUATION OF \$ 422,288.00	
*** END OF REPORT ***			

NOV 01 2010
CITY OF CORNING

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

Below is a summary of the Monthly Operations Report that will be available for City review on NOVEMBER 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 Thickener.
- 6) Staff meeting on plant operations and issues.
- 7) Changed chart on So3 analyzer.
- 8) Safety meeting.
- 9) Cleaned up shop.
- 10) Inspected eyewash and emergency showers.
- 11) Unloaded chlorine truck.
- 12) Cleaned So2 pump.
- 13) Checked storm water discharge sites at WWTP and airport.
- 14) Cleaned distiller.
- 15) Tested all chlorine and So2 sensors.
- 16) River samples.

- 17) Annual peer audit inspection.
- 18) Cleaned probe at lift station.
- 19) Tested alarms with Fire Dept.
- 20) Pumped waste from EQ basin.
- 21) Cleaned drying beds.
- 22) Cleaned auto samplers with bleach.
- 23) Sprayed weeds.
- 24) Exercised emergency generator.
- 25) Held employee training.
- 26) IIPP plant inspection.
- 27) Installed new eye wash station in shop.
- 28) Exercised floating aerator.
- 29) Checked all fire extinguishers.
- 30) Changed air line on SO₃ analyzer.
- 31) All employees attended driver safety class.
- 32) Installed cover on effluent sampler.
- 33) Downloaded data logger from effluent chart recorder.
- 34) Changed out flow disk

October 2010

Domestic Flow = 666,000 GPD

September 2010

Domestic Flow = 688,000 GPD

ITEM NO: F-9

**APPROVE PROGRESS PAY ESTIMATE
NO. 1 IN THE AMOUNT OF \$34,555.64 TO
AZEVEDO CONSTRUCTION FOR THE 2010
RODGERS THEATER IMPROVEMENT
PROJECT**

NOVEMBER 9, 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
TERRY HOOFARD, BUILDING OFFICIAL**



SUMMARY:

Attached for City Council review is a copy of Partial Pay Estimate No. 1 requesting payment of \$34,555.64 for the 2010 Rodgers Theater Improvement Project. The Pay Estimate lists the original contract amount, any change orders/adjustments, work completed to date, retention amount and current amount due to Azevedo Construction.

FINANCIAL:

The Director of Public Works and the Building Official have reviewed and approved this request.

Original Construction Contract	\$ 176,609.00
Contract Change Order No. 1	\$ 2,475.69
Total Adjusted Contract Amount	\$ 179,084.69
Proposed PPE No. 1	\$ 34,555.64
Retention to be held (10%)	\$ (3,455.56)
Amount due to Contractor	\$ 31,100.08

The table below lists each funding source for this project:

Account No	Title	Funds Allocated for Project
130-9116-6125	Theater Restoration/Rodgers Theater	\$220,000
	Energy Efficiency Commission Grant	\$35,175
Total		\$255,175

BACKGROUND:

The contract for the 2010 Rodgers Theater Improvement Project was awarded to Azevedo Construction of Chico, CA at the September 28, 2010 Regular City Council Meeting. Contract Change Order #1 increased the original contract amount by \$2,475.69 to include additional work to lower foundation walls that would conflict with future restroom improvements.

RECOMMENDATION:

Mayor and Council approve Progress Pay Estimate No. 1 in the amount of \$34,555.64 to Azevedo Construction for the 2010 Rodgers Theater Improvement Project

PARTIAL PAYMENT ESTIMATE

2010 Rodgers Theater Improvement Project

Progress Payment Estimate No. 1

OWNER:

City of Corning

CONTRACTOR:

Azevedo Construction of Chico, CA

PERIOD OF ESTIMATE:

FROM: October 14 to October 29, 2010

CONTRACT CHANGE ORDER SUMMARY

ESTIMATE

No.	Approval Date	Amount		
		Additions	Deductions	
1	10/28/2010	\$2,475.69		1. Original Contract..... \$176,609.00
				2. Change Orders..... \$ 2,475.69
				3. Revised Contract (1+2)..... \$179,084.69
				4. Work Completed \$ 34,555.64
				5. Stored Materials 0
				6. Subtotal-(4+5)..... \$ 34,555.64
				7. Retainage10%..... \$ (3,455.56)
				8. Previous Payments..... \$ 0
				9. Amount Due (6-7-8)..... \$ 31,100.08
TOTALS				
NET CHANGE		\$2,475.69		

CONTRACT TIME

Original (days) 90
 Revised _____
 Remaining _____

On Schedule Yes
 No

Starting Date: October 14, 2010
 Projected Completion: December 30, 2010

CONTRACTOR'S CERTIFICATION:

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

ARCHITECT OR ENGINEER'S CERTIFICATION:

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

Contractor Azevedo Construction

Architect or Engineer Eric Ausmus

By _____

By _____

Date _____

Date: _____

APPROVED BY OWNER:

Owner _____

By Stephen J. Kimbrough, City Manager

Date November 10, 2010

To:
City of Corning
794 Third St.
Corning, CA 96021

From:
Don Azevedo Construction, Inc.
48 Bellarmine Ct. Suite 40
Chico, CA 95928

Project: 10-10
ROGERS THEATER IMPROVEMENT PROJECT
1217 SOANO ST
CORNING, CA 96021

Application for Payment CAP702

Contract For:

Section A: Contract Amounts

A.1 Original Contract		\$	176,609.00
A.2 Changes by Change Orders			
Additions	Approved This Month	2,475.69	
	Approved Previously	0.00	
	Addition Total	2,475.69	
Deductions	Approved This Month	0.00	
	Approved Previously	0.00	
	Deductions Total	0.00	
	Total Changes to Date	\$	2,475.69
A.3 Total Contract		\$	179,084.69

Section B: Retainage

B.1 Completed Work	0.00 %		
	This Application	3,455.57	
B.2. Stored Materials	0.00 %		
	This Application	0.00	
B.3 Total Retainage		\$	3,455.57
	(B.1 + B.2)		

Section C: Billing Information

C.1 Total Contract Billed To Date	\$	34,555.64
C.2 Total Billed Minus Retainage	\$	31,100.07
	(C.1 less B.3)	
C.3 Previous Applications For Payment	\$	0.00
C.4 Payment Due This Application	\$	31,100.07
C.5 Contract Balance	\$	147,984.62
	(Including Retainage)	

This Application

Number: 1

Date: October 29, 2010

Billing Period: From: 9/29/2010 To: 10/29/2010

Contract Date: September 29, 2010

Architect's
Project No:

Distribution List:

- Owner
- Architect
- Contractor
- Construction Mgr
- Field
- Other

Contractor

The Contractor's signature here certifies that, to the best of their knowledge, this document accurately reflects the work completed and billed this Application.

(Authorizing Signature)

Date: 10/29/2010

Don Azevedo Construction, Inc.

State Authorized: California

County of:

RECEIVED

NOV 01 2010

CITY OF CORNING

From:
 Don Azevedo Construction, Inc.
 48 Bellarmine Ct. Suite 40
 Chico, CA 95928

To:
 City of Corning
 794 Third St.
 Corning, CA 96021

Project:
 10-10
 ROGERS THEATER IMPROVEMENT PROJECT
 1217 SOANO ST
 CORNING, CA 96021

Page 2 of 2 Pages
 Application No: 1
 Application Date: 10/29/2010
 Period To: 10/29/2010
 Contract Date: 9/29/2010
 Architects Project#:

Application for Payment - Continuation Sheet CAP703

A Item No	B Description of Work	C Contract Value	D Work Completed		F Materials Presently Stored (Not In D or E)	G Total Completed and Stored To Date (D+E+F)	H % (G / C)	I Balance To Finish (C - G)	J Retainage (If Variable Rate)
			From Previous Application (D + E)	This Period					
1	20 Ton Carrier package	54,770.00	0.00	2,738.50	0.00	2,738.50	5	52,031.50	273.85
2	Carrier 7.5 ton Split System	19,260.00	0.00	963.00	0.00	963.00	5	18,297.00	96.30
3	Roof R & R	33,328.00	0.00	1,666.40	0.00	1,666.40	5	31,661.60	166.64
4	Ceiling Insulation	3,726.00	0.00	186.30	0.00	186.30	5	3,539.70	18.63
5	Electrical Upgrade	14,346.00	0.00	717.30	0.00	717.30	5	13,628.70	71.73
6	Structural Improvements	46,499.00	0.00	25,574.45	0.00	25,574.45	55	20,924.55	2,557.45
7	Asbestos removal	4,680.00	0.00	234.00	0.00	234.00	5	4,446.00	23.40
8	CO#: 1 Foundation Demo	2,475.69	0.00	2,475.69	0.00	2,475.69	100	0.00	247.57
		179,084.69	0.00	34,555.64	0.00	34,555.64	19	144,529.05	3,455.57

ITEM NO: F-10

AWARD CONTRACT FOR THE PRUNING OF 514 PALM TREES TO M&S WESLEY TREE SERVICES FOR THE AMOUNT OF \$14,649 AND AUTHORIZE STAFF TO UTILIZE THE REMAINING "TREE PRUNING" FUNDS FOR ANNUAL SOLANO STREET TREE PRUNING AND TO REMOVE AND REPLACE DEAD AND DYING STREET TREES.

NOVEMBER 9, 2010

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

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



SUMMARY:

Staff received five proposals at the bid opening on October 29, 2010 at 10am. M&S Wesley Tree Service was the lowest bidder with a proposal of \$28.50 per tree and totaling \$14,649 for the tree pruning project. Bid Summary and Contract are attached for Council review.

BACKGROUND:

Every two years the Public Works Department requests Council approval to seek proposals for the pruning of palm trees within the City Limits. The palm trees were last pruned during the summer of 2008.

Council authorized Staff to seek proposals for the pruning of 514 Palm Trees at the September 28, 2010 City Council Meeting.

FINANCIAL:

The preliminary 2010/2011 City Budget provides a total of \$30,000 to fund the pruning of City trees. The funding is budgeted under Public Works Street Projects/Tree Pruning item numbers 111-8002-3001 (\$2,000) and 114-8002-3001 (\$28,000).

The Ornamental Pear trees along Solano Street require annual (spring) pruning maintenance to prevent disease. North Valley Tree Service of Chico pruned the Solano Street trees during February 2010 for a cost of \$3,800. So, we should

reserve at least \$4,000 for that tree pruning cost from the budget item numbers for this project.

With the Palm Tree contract and the reservation for Ornamental pear pruning, (\$14,649 + \$4,000 = \$18,649) there will be \$11,351 remaining in these two "Tree Pruning" accounts for this fiscal year.

STREET TREE REPLACEMENT:

We've noted that many of the Ash Trees planted along City streets (presumably in the 1940's) are dead or dying. Those trees need to be replaced. City Staff proposes to utilize the funds remaining in the two "Street Projects/Tree Pruning" accounts to fund removal of dead and dying street trees and their replacement. The recommended Tree Replacement Program would utilize City Public Works employees to both remove the dead and dying trees and to replant replacement trees.

Replacement trees would be from the City's approved Street Tree List (attached). To ensure support, we'll ask the neighboring property owners to choose the species to be planted, and seek their personal commitment to irrigate and care for the replacement trees.

RECOMMENDATION:

MAYOR AND COUNCIL:

- 1) **AWARD CONTRACT FOR THE PRUNING OF 514 PALM TREES TO M&S WESLEY TREE SERVICES FOR THE AMOUNT OF \$14,649 AND AUTHORIZE THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY, AND**
- 2) **AUTHORIZE STAFF TO UTILIZE UP TO \$11,351 TO FUND A STREET TREE REPLACEMENT PROGRAM THAT WOULD UTILIZE CITY PUBLIC WORKS STAFF TO IDENTIFY AND REMOVE DEAD OR DYING STREET TREES AND REPLACE THOSE TREES WITH NEW TREES FROM THE STREET TREE LIST.**

CITY OF CORNING
2010
Palm Tree Pruning
Bid Summary: 10am, October 29, 2010

<u>Company Name</u>	<u>Proposal Amount Per Tree</u>
M&S Wesley Tree Service 400 Mission Ranch 29 Chico, CA 95926	<u>\$28.50</u>
Bill Taylor's Tree Service P.O. Box 894 Anderson, CA 96007	<u>\$50.00</u>
Ken Vaughan & Sons 16666 Chicago Ave Corning, CA 96021	<u>\$72.50</u>
North Valley Tree Service 3882 Esplanade Chico, CA 95973	<u>\$74.00</u>
West Mountain Timber 222 Rio Bravo Court Corning, CA 96021	<u>\$130.00</u>

FORM OF CONTRACT

THIS AGREEMENT, made and entered into on the below written, by and between The City of Corning, hereinafter called the **OWNER**, and M&S Wesley Tree Services, hereinafter called the **CONTRACTOR**.

WITNESSETH, that, for the considerations hereinafter mentioned, the Owner and Contractor agree as follows:

ARTICLE I. The Contractor agrees to furnish all labor, materials, tools and equipment and to perform all work required to construct and complete in a good and workmanlike manner, and in strict accordance with the Contract Documents, those certain improvements entitled:

City of Corning
2010 Palm Tree Pruning

Contract Documents for which have been prepared by: **John L. Brewer, Director of Public Works.**

ARTICLE II. The Owner agrees to pay the Contractor for the performance of the Contract, subject to additions and deductions provided therein, the following prices, and the Contractor agrees to receive and accept said following prices as full compensation for furnishing all materials and for doing all the work contemplated and embraced in this agreement, and for all loss or damage arising out of the nature of the aforesaid work or from the action of the elements and from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until its acceptance by Owner, and for all risks of every description connected with the work, and for all expenses incurred by or in consequence of the suspension or discontinuance of the work, and for well and faithfully completing the work and the whole thereof in the manner and according to the Contract Documents and the requirements of the Engineer under them to wit:

1. Palm Tree Pruning Scope of Work
2. Palm Tree Pruning Specifications

As shown on the Proposal attached hereto and incorporated herein.

ARTICLE III. The Contractor shall begin work within 15 days after the date of execution of the Contract. He shall diligently prosecute the same to completion with the number of days as shown on the Proposal attached hereto and incorporated herein.

IN WITNESS WHEREOF, the parties to these presents have hereunto set their hands on the date below written.

OWNER:

Date

Stephen J. Kimbrough
City Manager

City of Corning
794 Third Street
Corning, CA 96021

CONTRACTOR:

Date

Signature

Printed Name

Address

CITY OF CORNING

Palm Tree Pruning Scope of Work Fiscal Year 2010-2011

Scope of Work:

Scope of work includes the pruning Standard for Class (4) pruning for Crown Reduction, Crown Elevation and Lifting. Crown reduction pruning shall consist of the reduction of tops, sides or individual limbs. The terms "cutting back" and "drop crotch pruning" are sometimes used interchangeably with the term crown reduction pruning. "Crown Elevation" is a regional term synonymous with under-clearance, and "Lifting" is the removal of lower branches for under-clearance.

The area of work will encompass Palm Trees located within the City of Corning City Limits, for an estimated total of 514 trees. Each bidder shall be responsible for reviewing the areas to be bid and asking any questions of the Director of Public Works before presenting their bid proposal for the work described.

All proposals shall be submitted to the City of Corning, 794 Third Street, Corning California, 96021 by 10am on Friday, October 29, 2010 in an envelope clearly marked "SEALED RFP – PALM TREE PRUNING - DO NOT OPEN". All proposals submitted will be opened and read promptly following the 10:00 am Request for Proposal closing. All proposals will be presented for award at the City Council meeting scheduled for Tuesday, November 9, 2010 at 7:30 pm.

If you have any questions regarding this Request for Proposal please contact John L. Brewer, AICP, Director of Public Works at 530/824-7029.

Requirements of Proposal:

Bid recipient will be required to provide proof (copy) of Workers Compensation Insurance and Liability Insurance in the amount of \$1,000,000 listing the City of Corning as an Additional Insured on an Additional Insured Endorsement. This project also requires the payment of Prevailing Wages to all Employees with proof of wages sent to City Hall on a weekly basis. Contractor shall also be responsible for the following:

- Obtaining a City of Corning Business License.
- Notifying residents three days prior to pruning work in their area.
- Sweep Street, sidewalk and any lawn areas removing all wood chip debris and small branches.
- Clean all debris (tree trimmings, leaves, etc.) from work site. A key will be provided for use to dispose of wood trimmings at the City Woodwaste Dumpsite located west of town at the intersection of Rawson Road and Carona Avenue.
- Work hours are from 7:00 am to 6:00 pm Monday through Friday.
- Large wood from the pruning may be left at curbside upon residents request for their use (residents must be informed that it must be removed within two days of the pruning).
- Must provide own State Regulated road signage at each end of working site.

CITY OF CORNING

**Palm Tree Pruning Specifications
Fiscal Year 2010-2011**

THE CITY OF CORNING IS ACCEPTING REQUESTS FOR PROPOSALS FOR THE PRUNING OF APPROXIMATELY 514 PALM TREES AS LISTED BELOW:

1. First Street	69	11. Del Norte Ave.	3	20. Pear St.	4
2. Second Street	19	12. Solano St.	2	21. Palm Ave.	14
3. Third St.	7	13. North St.	12	22. Hwy. 99W	1
4. Fourth St.	57	14. Corona Ave.	47	23. Link St.	1
5. Fifth St.	24	15. Almond St.	5		
6. East St.	45	16. Fig St.	2		
7. Tehama St.	50	17. Marin St.	6		
8. Colusa St.	61	18. South St.	5		
9. Butte St.	59	19. Walnut St.	2		
10. Yolo St.	19				

Included in the proposal amount should be all costs for skirting to 20% or less of the treetop, removal of dead palm fronds, and the clean-up and hauling to the City dump site any and all debris.

The City of Corning requires a City Business License, Workers Compensation Insurance, and \$1,000,000 Liability Insurance with the City of Corning listed on a separate Additional Insured Endorsement.

Pursuant to Section 1770, and following, of the California Labor Code, the successful bidder shall pay not less than the prevailing rate of per diem wages as determined by the Director of the California Department of Industrial Relations. Copies of such prevailing rate of per diem wages are on file at the District office. The Individual/Company with the successful proposal shall post a copy of such determination at the job site.

Any questions regarding this Request for Proposals should be addressed to John L. Brewer, AICP, Director of Public Works at City Hall, 794 Third Street, Corning, CA 96021.

Phone Number: 530/824-7029

LIST OF TREES AUTHORIZED FOR PLANTING WITHIN PUBLIC RIGHT OF WAY ALONG STREETS:

This recommended species list provides for the selection of trees for use along City of Corning streets within public right of way. The specific tree used in any site will be authorized prior to planting by City of Corning Staff. Residents are encouraged to water adequately trees selected and planted.

Trees that may be planted are as follows:

TREES 30' OR HIGHER:

- **Liriogendron (Tulip Poplar)**
- **Liquidambar (Sweet Gum)**
- **Pistacia Chinensis (Ornamental Pistachio)**
- **Cinnamomum (Camphora)**
- **Raywood Ash**
- **Ginko**
- **Celtis (Hackberry)**

TREES 20' OR LESS:

- **Ligustrum (Privet Tree)**
- **Lagerstroemia (Crape Myrtle)**
- **Purple Leaf Plum**

REMOVAL CRITERIA:

In the interest of public safety, the first priority must be to maintain healthy trees. Trees located within the public right of way determined to be irreparable or a safety hazard by the Director of Public Works or his Designee are subject to removal. The property owner adjacent to trees scheduled for removal will be notified at least 48 hours prior to the removal of trees. Residents see these trees every day and are encouraged to contact the City in the event that a problem or hazardous condition with the tree in front of their property exists.

Property owners requesting the removal of healthy trees within the public right of way abutting their property should submit a request listing the number, type, location and reason for removal of trees in writing to the Director of Public Works. If the Director of Public Works or his Designee makes the determination that the tree(s) should not be removed property owner may request a final review and determination by City Council.

**ITEM NO: F-11
FULL-TIME COMMUNITY
SERVICE OFFICER POSITION
RECRUITMENT AND
APPOINTMENT
NOVEMBER 9, 2010**

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

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

SUMMARY: The Corning Police Department Community Service Officer Program has been in existence since September 1996. The program has current approved staffing levels for two full-time Community Service Officers. At this time there are two full-time Community Services Officers and the Department has received notification that one of the full-time Community Service Officers, Tatia Dawley, has accepted another employment position. Therefore, the Department is requesting permission to pursue the recruitment and appointment of a full-time Community Service Officer.

BACKGROUND: Since its inception in 1996, the Community Service Officer program has been responsible for animal control, parking enforcement, evidence processing and custody, prisoner transports and vehicle abatement.

In 2007, the Community Service Officers, working in conjunction with the Planning, Building and Safety, and Fire Departments assumed the duties of private property abatement. In July of this year, the Community Service Officers assumed the duties of water meter reading, in order to assist Public Works and reduce the impact on the General Fund (a portion of one Community Service Officer position is funded by Water Enterprise Funds).

Due to the amount of duties the Community Service Officers are responsible for, we need to fill the vacancy created by Tatia Dawley's departure as soon as possible.

FINANCIAL: The Community Service Officer positions are currently funded in the existing budget.

RECOMMENDATION:

**MAYOR AND COUNCIL AUTHORIZE THE RECRUITMENT AND
APPOINTMENT OF ONE FULL-TIME COMMUNITY SERVICE OFFICER POSITION.**

ITEM NO. : I-12
LIVESTOCK GRAZING LEASE AGREEMENT
WITH NORMAN D. OILAR OF GREENVILLE,
CALIFORNIA; AIRPORT LANDS

NOVEMBER 9, 2010

TO: CITY COUNCIL OF THE CITY OF CORNING, CALIFORNIA

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



SUMMARY:

Staff recommends the City Council approve the attached five year Livestock Grazing Lease with Norman D. Oilar. The Lease Agreement affects the lands north and east of the Corning Municipal Airport that his father, Doug Oilar currently leases-also for grazing purposes.

BACKGROUND:

Council initially approved a grazing lease with Mr. Doug Oilar in 2002. One purpose for the lease was to control vegetation and thereby reduce the wildland fire potential from the open space "land use buffer areas" that surround the airport. The grazing eliminates the need for Public Works personnel to mow throughout the spring and summer months. In consideration of that value, the annual lease cost was set at \$35.00. The lease affected about 70 acres and was for a term of 5 years, with extensions by mutual agreement. That lease agreement has been annually extended since the initial five year term.

The City has acquired additional properties in 2006 and 2007. The total lease area available is now about 150 acres.

FENCE IMPROVEMENTS:

The Oilar's have made fence improvements around the perimeter of the lease area. According to Norman Oilar, he and his father have installed about 4,000 linear feet of livestock fence, some electrified and some not. He estimates the value of that fencing at about \$3.00/linear foot, or \$12,000.00.

The current lease gives the lessee the option of removing the fence upon expiration of the lease. Staff believes the fencing should remain for the benefit of the City and any future grazing tenant. For that reason, staff supports a new lease agreement that:

1. Credits the value of the fencing, so that the fencing would remain as a property improvement upon the termination of the lease,
2. Pays off the fence credit, so that a future grazing lease cost could be based on the real value of the grazing land,

3. Continues the positive relationship with the Oilars, who have been good tenants since 2002.

APPROACH & SPREADSHEET:

Staff first contacted the Tehama County Ag. Department to determine a fair lease rate for the dry winter rangeland. According to the Ag. Dept., the current value is between \$7.00 to \$13.00/acre/year.

We then prepared the attached spreadsheet that establishes the fence credit, then annually diminishes that credit based on an increasing lease rate. Using that approach you'll note that \$6,365.00 of "fence credit" remains.

For the next five year lease term, staff proposes to continue the \$35.00 lease payment and diminish the fence credit so that at the end of the lease the Oilar's fence credit is "extinguished" and the fence would remain as a property improvement belonging to the City of Corning.

At the end of this five year lease term, this methodology will eliminate the fence value from any future lease cost equation. That will simplify future lease rate negotiations and agreements as the future grazing lease rate could be established based primarily on the fair lease rate.

RECOMMENDATION:

That the City Council:

- **APPROVE THE ATTACHED LIVESTOCK GRAZING LEASE WITH MR. NORMAN D. OILAR AND AUTHORIZE THE CITY MANAGER TO SIGN THE LEASE AGREEMENT ON BEHALF OF THE CITY OF CORNING.**

cc: Norman D. Oilar
3400 Diamond Mountain Rd.
Greenville, CA 95947

Oilar Airport Grazing Lease Value and Fence Credit Sheet

Fence Cost

Length	Cost/foot	Total		
4000	\$ 3.00	\$ 12,000.00	Fence Credit:	\$ 12,000.00

Historic Lease Payments

Year	Area	Fee Paid	Fair Lease Rate	Value	Net Difference		
2002	70	\$ 35.00	\$ 5.00	\$ 350.00	\$ 315.00		
2003	70	\$ 35.00	\$ 5.00	\$ 350.00	\$ 315.00		
2004	70	\$ 35.00	\$ 5.00	\$ 350.00	\$ 315.00		
2005	70	\$ 35.00	\$ 5.00	\$ 350.00	\$ 315.00		
2006	70	\$ 35.00	\$ 5.00	\$ 350.00	\$ 315.00		
2007	150	\$ 35.00	\$ 7.00	\$ 1,050.00	\$ 1,015.00		
2008	150	\$ 35.00	\$ 7.00	\$ 1,050.00	\$ 1,015.00		
2009	150	\$ 35.00	\$ 7.00	\$ 1,050.00	\$ 1,015.00		
2010	150	\$ 35.00	\$ 7.00	\$ 1,050.00	\$ 1,015.00		
					\$ 5,635.00	current	\$ 5,635.00
Current Fence Credit remaining:							\$ 6,365.00

Proposed Lease Payment Schedule

2011	150	\$ 35.00	\$ 7.92	\$ 1,188.00	\$ 1,153.00		
2012	150	\$ 35.00	\$ 8.92	\$ 1,338.00	\$ 1,303.00		
2013	150	\$ 35.00	\$ 8.92	\$ 1,338.00	\$ 1,303.00		
2014	150	\$ 35.00	\$ 8.92	\$ 1,338.00	\$ 1,303.00		
2015	150	\$ 35.00	\$ 8.92	\$ 1,338.00	\$ 1,303.00		
Total:					\$ 6,365.00		\$ 6,365.00

Fence Credit after New Lease Term: \$ -

LIVESTOCK GRAZING LEASE

This Livestock Grazing Lease (lease) dated as of January 1, 2010, is entered into between the City of Corning, a municipal corporation, (Landlord) and Norman A. Oilar (Tenant).

Section 1. Leased Premises.

Tenant leases from Landlord the premises described in Exhibit A hereto on the terms and conditions contained in this Lease.

Section 2. Term.

This lease shall be for a period of five (5) years commencing January 1, 2010. The lease may be extended beyond such five year period only if both parties agree, and upon a written extension signed by both parties.

Either party may terminate this lease earlier than the full term on 30 days written notice to the other, if, in the Tenant's case, he no longer has a need for the property for livestock grazing or, if, in the Landlord's case, it has another need for the property which would be incompatible with the grazing of livestock or, on shorter notice, if there are health or safety concerns which come to the City's attention.

Section 3. Deposit.

No deposit is required.

Section 4. Rent

Rent shall be Thirty-Five Dollars (\$ 35.00) per year (Annual Rent), payable in advance, on the last day of December each calendar year to Landlord or Landlord's authorized agent, at the following address:

City Manager
Corning City Hall
794 Third Street
Corning, California 96021

This low rent price is justified in consideration of tenant's expenditures for previous perimeter fence construction dating back to the original lease agreement with tenant's father in 2002. Over the course of the previous lease agreement with tenant's father, and this lease agreement, the fence costs will be reimbursed, by the lower rents. The City also benefits by having livestock grazing on its property to keep the vegetation under control and minimize the danger of grassfires in the vicinity of the airport.

Section 5. Utilities.

There are no utilities of any kind (water, sewer, electricity) on the property and it is not the responsibility of the Landlord to extend utilities to the property.

Section 6. Use.

The Leased Premises shall be used only for the grazing of livestock. Tenant will ensure that all livestock on the premises are healthy and do not present a health hazard of any kind to humans or to other animals. Tenant consents to such inspections as the Landlord may request in this regard by the Department of Agriculture or other agencies with jurisdiction over livestock. The Leased Premises will not be used for any other purpose without the advance written consent of Landlord.

Tenant will ensure that no toxic or other waste substances which may be of a harmful nature or constitute a public nuisance will be deposited upon the Leased Premises during the term hereof. Tenant will use no pesticides, chemicals, fertilizers or other substances on the Leased Premises without first ensuring that they present no health hazard to persons or animals and without first having obtained the Landlord's consent.

Section 7. Compliance with Law.

Tenant shall comply with all laws, statutes, ordinances, and requirements of all city, county, state, and federal authorities now or later in force pertaining to the use of the Leased Premises.

Section 8. Maintenance and Alterations.

Tenant agrees that as of the date of delivery of possession, the Leased Premises are in a safe condition and adequate for the intended purpose of grazing livestock without alterations except for the construction of new fencing, and the maintenance of existing fencing as set forth in this section. Landlord consents to the Tenant at his sole expense constructing standard livestock fencing around the perimeter of the Leased Premises and such cross-fencing as may be approved by the Public Works Director of the City of Corning.

The Landlord has no maintenance responsibilities for the Leased Premises and any improvements placed thereon. Such responsibilities are solely those of the Tenant. Tenant shall maintain the perimeter fencing in good repair so that livestock will not leave the Leased Premises except under Tenant's direction and control, thereby endangering motorists, pilots and others who use the nearby roadways and airport facilities.

At the termination of this Lease, Tenant shall surrender the Leased Premises in as good a condition as when received, normal wear and tear excepted. In light of the reduced rents, any credit for previous perimeter fence construction costs will be deemed exhausted at the termination date of this lease agreement. Tenant shall leave the fencing for the future use of Landlord but at no cost to Landlord.

Section 9. Liability and Insurance

Tenant agrees to indemnify, defend, and hold Landlord harmless from any liabilities, claims, causes of action, judgments, awards, including attorney's fees or expenses, that arise from or relate in any way to the Lease, tenant's, and/or his agents or employees use of Leased Premises, or that arise from acts, events, omissions, or conditions caused by Tenant, Tenant's agents and/or employees that relate to the Lease or use of Lease Premises.

Tenant, at its own expense, shall procure and maintain liability insurance during the lease term and any extension thereof in an amount not less than \$1,000,000.00 per occurrence. The insurance shall be obtained from a licensed and bonded insurance company that is approved by Landlord. Landlord shall be named as an additional insured on the policy of liability insurance, and the policy or policies of insurance shall contain a provision in the insurance contract that expressly states that Tenant and/or insurance carrier cannot cancel the policy of liability insurance for any reason without insurance carrier first providing 30-days written notice to Landlord at the following location:

Attention City Manager
Corning City Hall
794 Third Street
Corning, California 96021

Section 10. Entry.

Landlord shall have the right to enter the Leased Premises upon reasonable notice to Tenant.

Section 11. Assignment and Subletting.

Tenant shall not assign this Lease or any interest under this Lease or sublet the Leased Premises or any portion of the Leased Premises without the written consent of the Landlord.

Section 12. Abandoned Property.

If Tenant abandons or surrenders the Leased Premises, Landlord may consider any personal property left on the Leased Premises to be abandoned and may dispose of it in any manner allowed by law. If Landlord reasonably believes that the abandoned personal property has a total resale value of less than \$1000, Landlord may keep the personal property for Landlord's use or otherwise dispose of it in accordance with law. All personal property on the Leased Premises is made subject to a lien in favor of Landlord for the payment of all sums due under this Lease, to the maximum extent allowed by law.

Section 13. Early Termination of Lease

In the event Tenant terminates the lease, whether voluntarily or by mutual consent of the parties or by default, Landlord shall retain all rights to the existing fencing on the Leased Premises and Tenant shall not remove, damage, or otherwise alter the fencing upon early termination of the lease. Any credits owing to tenant as set forth in the Lease would be considered received whereby Landlord shall have no obligation to pay Tenant for the remaining fencing credit, whatever the account may

be.

Section 14. Default.

If Tenant fails to pay rent when due, or to perform any other term of this Lease, or fails to comply with any requirement herein, after not less than three (3) days' written notice of default given in the manner required by law, Landlord, at Landlord's option, may terminate all rights of Tenant under this Lease, unless Tenant, within the time specified, cures the default. If the Landlord determines that Tenant's use of the property creates a health or safety problem for the City of Corning or its residents, this lease may be immediately terminated by Landlord without a three (3) day notice and Landlord may immediately retake possession of the Leased Premises without court order or hearings.

Section 15. Remedies.

If Tenant defaults, Landlord may elect to:

(a) continue the lease in effect, and enforce all Landlord's rights and remedies under this Lease, including the right to recover the rent as it becomes due, or

(b) at any time, terminate all of Tenants' rights under this Lease, and recover from Tenants all damages Landlord may incur by reason of the breach of the lease, including the cost of recovering the Leased Premises.

Section 16. Notices.

Any notice that either party may be required to give, may be given by mailing the notice, postage prepaid, to Tenant or to Landlord at the addresses shown herein or at any other places designated by the parties from time to time.

Section 17. Successors and Assigns.

This Lease is binding upon and inures to the benefit of the heirs, assigns, successors, executors, and administrators of both parties.

Section 18. Attorney Fees and Costs

Should a dispute arise out of the terms hereof or the relationship established in this Lease and the matter proceeds to arbitration or litigation between the parties hereto, the prevailing party therein shall be entitled to a reasonable award of attorney fees and costs.

Section 19. Governing Law.

The validity, meaning, and effect of this Lease shall be determined in accordance with California law.

Section 20. Waiver.

The waiver by Landlord of any breach by Tenant of any of the provisions of this lease shall not constitute a continuing waiver or a waiver of any subsequent breach by Tenant either of the same or of another provision of this lease. Landlord's acceptance of rent following a breach by Tenant of any provision of this lease, with or without Landlord's knowledge of the breach, will not be deemed to be a waiver of Landlord's right to enforce any provision of this Lease Agreement.

Section 21. Integration Clause.

This Agreement constitutes the entire agreement and understanding between the parties with respect to the matters covered thereby. There are no representations, stipulations, warranties, agreements or understandings with respect to the subject matter of the Agreement which are not fully expressed in this Agreement. The provisions of this Agreement shall not be reformed, altered, or modified in any way by the practice or course of dealing prior to or during the term of the Lease Agreement, and can only be reformed, altered, or modified by a writing signed by all parties thereto. Tenant specifically acknowledges that Tenant has not been induced to enter into this Agreement by any oral representation, stipulation, warranty, agreement, or understanding of any kind other than specifically expressed herein. Landlord warrants and represents only to the extent expressly set forth herein and hereby disclaims any and all oral representations and warranties made to Tenant prior to or during the execution of this Agreement that are not specifically set forth herein.

LANDLORD:

CITY OF CORNING

Date: _____

by: _____

TENANT:

Date: _____

Norman D. Oilar
3400 Diamond Mountain Rd.
Greenville, CA 95947

EXHIBIT "A"

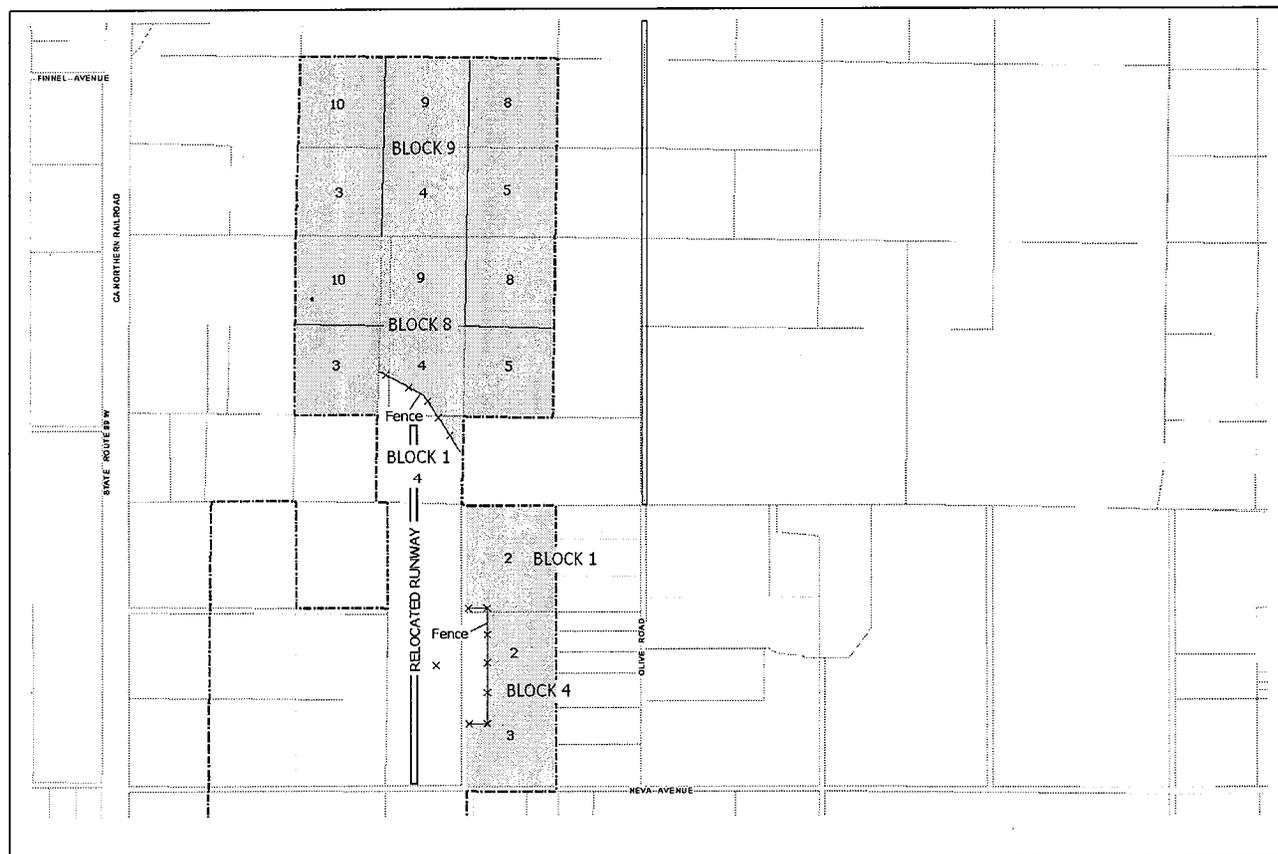
Lease Premises Description:

All of Lots 3, 5, 8, 9 and 10 within Block 9, and all of Lots 3, 4, 5, 8, 9 and 10 of Block 8 of Richfield Lands Map, as the same is shown on the map recorded in Book, "E" of Record Maps, at Page 10, of the Official Records of Tehama County, and,

Those portions of Lot 4 of Block 8 and Lot 4 of Block 1 of said Richfield Lands Map, lying north and east of the "new" fence installed after the runway relocation at the Corning Municipal Airport Improvement Project completed in 2010, and,

Those portions of Lot 2 of Block 1 and Lots 2 and 3 of Block 4 of Maywood Colony No.1, as the same are shown on the Map recorded in Book "A" of Maps, at Page 43 of the Official records of Tehama County, lying north, south and east of the "new" airport fence constructed around the perimeter of the aircraft apron constructed as part of the Corning Municipal Airport Improvement Project completed in 2010.

LEASE PREMISES DIAGRAM



**ITEM NO: I-13
LIBRARY COMMISSION RECOMMENDATION
TO UTILIZE FUNDS FROM THE RIDELL TRUST
FOR THE PURCHASE OF A NEW COMPUTER
SERVER TO SERVE AS ONE OF TWO SERVERS
THAT OPERATE THE ENTIRE COUNTY
LIBRARY SYSTEM – DISCUSSION AND ACTION
NOVEMBER 9, 2010**

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

FROM: LISA M. LINNET, CITY CLERK

STEVE

SUMMARY:

County Librarian Caryn Brown is seeking funds, possibly from the Ridell Trust, to replace one of the two main computer servers that operate the entire Library System and is vital to the operation of all branches of the County Library.

BACKGROUND:

County Librarian Caryn Brown has informed the City that the Web Server, one of the two main servers that operate the entire County library system is failing and needs to be replaced. Caryn states that this system is vital to the operation of all of the branches of the County Library (Red Bluff, Los Molinos and Corning).

She has obtained a quote from Computer Logistics of Redding for server replacement and labor in the amount of \$9,073.92.

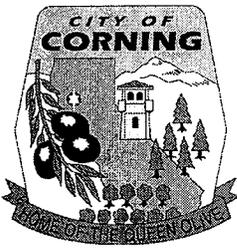
Caryn has stated that the Tehama County Budget allows only \$1,500 per year for the purchase of books. She has approached the Red Bluff Friends of the Library who have volunteered to pay up to \$10,000, however if they did this they would not be able to make any further donations for this fiscal year. The Los Molinos Friends of the Library no longer exists and as Los Molinos is not incorporated, no government funds exist to assist with this expense. Corning Friends of the Library have recently donated \$2,200 for a backup system to the server in hopes of not losing any files.

Ms. Brown is seeking funds possibly from the City's Ridell Trust to fund all, or a portion of the cost for the labor and replacement of the failing computer server.

RECOMMENDATION:

**MAYOR AND COUNCIL CONSIDER THE RECOMMENDATION OF THE CITY
LIBRARY COMMISSION AND COUNTY LIBRARIAN FOR THE RIDELL TRUST TO FUND:**

- **25% OF THE ACTUAL COST OF THE SERVER REPLACEMENT AND LABOR IN AN AMOUNT NOT TO EXCEED \$6,100 FOR THE CITY OF CORNING; and**
- **15% OF THE ACTUAL COST OF THE SERVER REPLACEMENT AND LABOR NOT TO EXCEED \$6,100 ON BEHALF OF LOS MOLINOS.**



**CITY OF CORNING
LIBRARY COMMISSION MINUTES**

**WEDNESDAY, OCTOBER 6, 2010
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

**Commissioner: Dean Blankenship
Judy Turner
Susan Olson Higgins
Sylvia Meents
Marilyn Bright**

C. BUSINESS FROM THE FLOOR: None.

D. REGULAR AGENDA:

- 1. Waive the Reading and Approve the Minutes of the January 6, 2010 Meeting with any necessary corrections.** Commissioner Olson Higgins moved to approve the Minutes of the January 6, 2010 Library Commission Meeting as written. Commissioner Blankenship seconded the motion. **Ayes: Blankenship, Turner, Olson Higgins and Bright. Opposed: None. Absent: Meents. Abstain: None. Motion was approved by a 4-0 vote with one Commissioner absent.**
- 2. Notification of Chairperson Patricia Rasmussen's resignation from the Commission and selection of a new Chairperson.** Commissioner Blankenship motioned to nominate Commissioner Marilyn Bright as Chairperson for the Corning Library Commission. Commissioner Turner seconded the motion. **Ayes: Blankenship, Turner, Olson Higgins and Bright. Opposed: None. Absent: Meents. Abstain: None. Motion was approved by a 4-0 vote with one Commissioner absent.**
- 3. Introduction of New Library Commissioners Judy Turner, Sylvia Meents, Susan Olson Higgins and Marilyn Bright.** No action required.
- 4. Recommendation to provide funds from the Ridell Trust to purchase a new Computer Server to serve as one of two Servers that operate the entire County Library System, Discussion and Action.** Tehama County Librarian Caryn Brown provided the Commissioners with a price quote from Computer Logistics of Redding in the amount of \$6,094.22. She reported that this quote is for the server only and does not include labor costs. Labor costs will be \$85 per hour and will take anywhere from 4 hours to 8 hours to install. The Red Bluff Friends of the Library have volunteered to pay for the entire cost up to \$10,000, but would not be able to make any further donations for this fiscal year. The Tehama County Budget allows for \$1,500 for the purchase of books. The Corning Friends of the Library recently donated \$2,200 for a back up system to the server in hopes of not losing any files or providing any less services to patrons. Commissioner Blankenship motioned that City Staff prepare a staff report recommending that the Ridell Trust interest money be used to pick up 25% of the actual cost of the server not to exceed the cost of the server being \$6,100. Commissioner Turner seconded the motion. **Ayes: Blankenship, Turner, Olson Higgins and Bright. Opposed: None. Absent: Meents. Abstain: None. Motion was approved by a 4-0 vote with one Commissioner absent.**

The Los Molinos Library does not have its own funding. There are no Friends of the Library support groups as in the case of Red Bluff or Corning. Commissioner Blankenship motioned that City Staff prepare a staff report recommending that the Ridell

Trust interest money be used to pick up the Los Molinos 15% of the actual cost of the server not to exceed the cost of the server being \$6,100. Commissioner Turner seconded the motion. **Ayes: Blankenship, Turner, Olson Higgins and Bright. Opposed: None. Absent: Meents. Abstain: None. Motion was approved by a 4-0 vote with one Commissioner absent.**

5. **Report by Tehama County Librarian Caryn Brown.** Ms. Brown reported on the summer time reading programs, new brochures available at the Libraries that are now provided in both English and Spanish and the Tehama County Fair booth. The new web page is up and running and provides patrons with a multitude of information. The Red Bluff Library will be a voting site in the upcoming elections. Ms. Brown also commented that she will be applying once again for her position as the Tehama County Librarian. Commissioner Turner motioned that the Corning Library Commission prepare and send a letter supporting Caryn Brown's continued service as the Tehama County Librarian. Commissioner Blankenship seconded the motion. **Ayes: Blankenship, Turner, Olson Higgins and Bright. Opposed: Meents. Absent: One. Abstain: None. Motion was approved by a 4-0 vote with one Commissioner absent.**

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

F. **COMMISSIONER REPORTS AND ANNOUNCEMENTS:**

Blankenship: Encourages everyone to vote on November 2, 2010

Olson Higgins: States that she is pleased to be a part of the Library Commission.

Turner: None.

Meents: Absent.

Bright: None.

G. **ADJOURNMENT:** 6:50 p.m.

Dawn Grine, Deputy City Clerk

Lisa Linnet

From: Caryn Brown [caryn@tehamacountylibrary.org]
Sent: Friday, October 29, 2010 2:14 PM
To: 'Lisa Linnet, City Clerk'
Subject: FW: Server Installation Labor

Lisa,

Here is the estimate for labor. We are not upgrading to Windows Server 2008, therefore the estimate is much more reasonable.

We are not upgrading because our circulation software will not support 2008.

The eQuote from Computer Logistics I left with you is the most current one. \$8113.92.

The attached quote for labor is \$960.00. Total of both is \$9,073.92.

Please let me know what your recommendation to Council on the 9th will say.

I needed to go back and fully involve the County Admin because I had too many unknowns (with the labor cost issue). That means that I will be going to the Board of Supervisors on the 9th as well, with an agenda item asking to put the hardware/software out to bid. I will inform them of the funding sources I have so far and will include the fact that I will be attending your Council meeting, hoping to receive approval for XX dollars from the Corning Library Commission/City of Corning.

By going out to bid for the hardware/software, be assured that the price will not exceed \$8113.92, and may be lower. If you are going for the 50% as Steve and I discussed, then it should say something like... 50% of the hardware/software & labor costs, not to exceed \$4536.96 ??

The Library will probably pay a portion of the labor charges instead of hardware, but that remains to be seen. I will send you a copy of the agenda item when it is written next week. Do you need anything else at this point?

Thanks!

Caryn Brown

Caryn Brown

Tehama County Library

645 Madison Street

Red Bluff CA 96080

(530) 529-2483 x101

caryn@tehamacountylibrary.org

-----Original Message-----

11/03/2010

From: Donald Hughes [<mailto:dhughes@compulog.com>]
Sent: Friday, October 29, 2010 12:33 PM
To: Caryn Brown
Subject: Re: Server Installation Labor

>

> Hi Caryn,

> Here is the labor quote (with breakdown) for the new server

> installation. Let me know if you have any questions and if you want to

> move forward.

>

> Thanks!

>

--

Donald Hughes

Technical Sales Representative

Computer Logistics Corporation

"Mission Critical Support, since 1986"

530-241-3131 office

530-244-6789 fax

donald@compulog.com

This email, its contents and attachments contain information from Computer Logistics Corporation, which may be privileged, confidential or otherwise protected from disclosure. The information is intended to be for the addressee(s) only. If you are not an addressee, any disclosure, copy, distribution, or use of the contents of this message is prohibited. If you have received this email in error please notify the sender by reply mail and delete the original message and any copies.

<<...>>



eQuote
eQuote Number: 1317

Payment Terms:
Expiration Date: 11/29/2010

Quote Prepared For

Caryn Brown
TCLibrary
645 Madison Street
Red Bluff, CA 96080
Phone: 530 527-0607
caryn@tehamacountylibrary.org

Quote Prepared By

Donald Hughes
Computer Logistics
2001 Market Street
Redding, CA 96001
Phone: 530 241-3131
Fax: 530-244-6789
dhughes@compulog.com

ITEM#	QUANTITY	ITEM NAME	UNIT PRICE	EXTENDED PRICE
One-Time Items				
1)	8	Server Installation Labor Plan A. 1. Full image and backup of server. 2. Universal Restore to new hardware. Plan B. 1. Promote new hardware (running Windows 2003) to existing domain and replicate existing AD. 2. Copy over data to new server. 3. Demote old server and take off-line.	\$80.00	\$640.00
2)	4	Go-Live Support Support on go-live day.	\$80.00	\$320.00
			One-Time Total	\$960.00
Comment: * - Business Downtime estimated at 1 day. Contact scheduling for best time to implement. ** - If plan A is unsuccessful, then plan B is to be used. *** - Hours can be deducted from existing time block.			Subtotal	\$960.00
			Total	\$960.00

Authorizing Signature _____

Date _____

The prices of the products and services quoted are subject to change and availability. Market fluctuations in the technical industry change daily (sometimes hourly) and may only be confirmed when paid in full. Should there be a price change on an item you have ordered, we will call you to advise you of the change prior to shipping. Computer Logistics reserves right to cancel orders arising from pricing or other errors. Upon signing of quote, equipment purchases must be paid in full or payment arrangements can be made prior to CLC purchasing equipment. Interest Charges will be applied. Past Due Accounts will be subject to a monthly finance charge. In addition, customer shall reimburse costs and expenses incurred in collecting any amount past due. CLC accepts most major credit cards and of course checks are accepted.

RESOLUTION NO. 11-26-91-1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORNING
REGARDING THE ESTATE OF WILLIAM W. RIDELL

WHEREAS, the Estate of William W. Ridell has given a gift of \$175,837.96 to the Corning Library; and

WHEREAS, the City of Corning agrees to establish a fund to be called the William W. Ridell Library Trust; and

WHEREAS, the funds are directed to be used exclusively for the Corning Library for major expenditures, not operating expenses; and

WHEREAS, the City of Corning will assure that expenditures are to be made by a joint decision of the County Librarian and the Corning Library Commission.

NOW, THEREFORE, BE IT RESOLVED, that the City of Corning accepts the gift from the William W. Ridell Estate, establishes a Trust Account and assures that expenditures will be made by a joint decision of the County Librarian and the Corning Library Commission.

* * * * *

**ITEM NO: I-14
AUTHORIZE STAFF TO SEEK PROPOSALS
FOR COST RECOVERY OF FIRE
EMERGENCY RESPONSES TO NON-
RESIDENT/BUSINESS' LOCATED OUTSIDE
THE CITY LIMITS/TAX AREA.
NOVEMBER 9, 2010**

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

**FROM: STEPHEN J. KIMBROUGH, CITY MANAGER
MARTIN SPANNAUS, FIRE CHIEF**

SUMMARY:

Currently many other Fire and Emergency Service agencies in California seek the recovery of costs that stem from the Fire Department's response to incidents involving persons whose business or residence is outside their City Limits and tax-base. Our Citizens and Business' pay for these services through City taxes, and Staff believes it is appropriate to consider seeking the recovery of these costs in order to relieve the impact of services on our tax-payers.

City Staff seeks City Council authorization to request proposals for the administrative service and billing of non-residents of the City of Corning to recover cost associated with emergency response to traffic accidents, hazardous materials spills and vehicle fires.

BACKGROUND

For over a year, Fire Chief Martin Spannaus has been reviewing the feasibility of implementing the cost recovery program and has visited and met with other Fire Chiefs who believe the program has been beneficial to their agency. Several companies offer this service with different methods and success rates. Staff would like to seek proposals (RFP'S) from potential service providers.

Cost recovery rates, which vary from company to company, are as high 60 to 80%. For those agencies that have tried billing themselves, the recovery is as low 6 to 12%. Staff has spoken to several agencies that currently use contract administrative services and most are all happy with the service.

The fee's charged by the administrative and billing service contractor are based on a small percentage of the actual recovery; the City only pays when there is a recovery. The billing charges for emergency services are based on actual itemization of materials normally used in a typical response (such as vehicle wear and tear, absorbents, jaws of life usage). Please see the material attached to this report.

City Attorney Mike Fitzpatrick is reviewing the program and the draft implementation Ordinance. With City Council preliminary support for the concept, City Staff can move forward to seek proposals as soon as possible in order to be ready to present the final recommendation to the City Council.

RECOMMENDATION

MAYOR AND COUNCIL AUTHORIZE STAFF TO ISSUE A "REQUEST FOR PROPOSALS" FROM COMPANIES OFFERING COST RECOVER SERVICES FOR FIRE RESPONSE.



Providing Funds to Our Fire Departments
www.firerecoveryusa.com

About Our Service

Fire Recovery USA provides funds to fire departments at no cost to the department. Basically, what we do is bill on your behalf, for the services you provide during a **Motor Vehicle Incident (which includes accidents and vehicle fires), Structure Fires, Marine and Water Incidents, Hazmat calls, False Alarms, Gas Pipeline and Power Line Incidents, Fire Investigations, and Special Rescue services.** However, we're much more than just a "billing service".

Although billing for Fire Services sounds simple, how we generate our high recovery rate is very sophisticated. Some fire departments do perform in-house billing; unfortunately, they typically see a low recovery rate (between 10-15 percent). This low rate can be attributed to the fact that the typical fire department or city is not equipped in the field of fire service billing.

Fire Recovery USA uses advanced methods resulting in a proven higher recovery percentage - over 98% of "fluid-based" MVA runs with hazardous materials spills and over 70% of all billable events (see list on next page). This is the highest recovery rate in our industry for all types of runs. So what makes us different?

We have several interesting techniques in our system including methods that we've developed during our years of billing experience that informs the responsible parties of their fiscal responsibilities. While this alone would guarantee us to equal or exceed our competitors; the real basis for our high recovery percentage is our ability to gather the necessary information to recover funds for a call that would otherwise be written off as unrecoverable by others.

What our clients really appreciate is our ability to track down the necessary information of those persons involved in the incidents. We require the least amount of information from the fire departments to create a bill (name of individual, car license number, and the name of the insurance carrier) - that's it! We have investigative techniques (both live and software-based) that allow us to find most of the necessary facts. We believe that this is our responsibility and not the fire departments'.

Bottom line: if you employ our billing service, you will enjoy, not only our excellent customer service and training, but also be confident you have the highest recovery percentages possible.

There is no up-front cost to you as we only take a portion of the money we recover for you as our fee – there are no other costs to you whatsoever.

Fire Recovery USA offers repayment to local fire departments for:

- ***Motor Vehicle Incidents***
- ***Hazmat Clean-up***
- ***Pipeline Incidents (gas, sewer, etc.)***
- ***Power Line Incidents***
- ***Vehicle Fires***
- ***Structure Fires***
- ***Fire Investigation***
- ***Special Rescues***
- ***Water Incidents***
- ***Fire Prevention Inspections***
- ***And More ...***

The Truth About Billing

In today's economic environment, governmental entities are facing two conflicting stresses as they strive to efficiently operate their fire departments. Most areas are seeing a decrease in their tax base while also a seeing consistent, if not increasing, demand for emergency response calls. They recognize the large tax burden that is already being borne by their residents and realize a tax increase isn't the correct course of action.

They also know incident victims deserve the highest level of response to prevent loss of life. They don't want to enact measures (brownouts, layoffs, etc.) that will reduce the levels of service, i.e.: longer response times. Therefore, fire departments are searching for new ways to avoid increasing taxes and/or decreasing levels of service. As a result, fire departments are seeking non-traditional answers to avoid the unacceptable alternatives of increasing taxes and/or decreasing levels of service. One such measure being adopted to defray emergency response costs is filing insurance claims against the at-fault driver in motor vehicle incidents.

Although the process may vary depending upon the applicable state law, generally the fire department's city, county, or district will adopt an ordinance or resolution that sets forth the terms of their cost recovery program. The city or county or district will adopt the ordinance or resolution and the fire department will then have the authority to file claims for their emergency response services.

Many local governments see their fire departments as infrastructure provided by taxpayers, but believe the cost of responding to a motor vehicle incident should be borne by the at-fault driver. They equate this policy to the use of a state park or professional sports arena. Governments often believe it is in their best interest to use public money to provide parks and sports facilities, but they seek to recover some of their operating costs by charging a reasonable rate to those who use them.

Adopting these widely accepted mitigation rates as a basis, cities, counties and districts easily support filing claims against the at-fault driver for the cost of the emergency response resulting from their negligence.

Also, many fire departments provide emergency services to non-resident drivers who are not part of the fire department's tax base. For this reason, many cities, counties, and districts adopt ordinances allowing them to file claims against at-fault, non-resident drivers; however, local residents remain uncharged.

Is this double taxation?

The short answer is no, it's not. This service is simply the attempt to recover of a portion of the costs incurred to mitigate an emergency incident.

The confusion lies in the misunderstanding of the "Municipal Cost Recovery Rule". This rule disallows government agencies the ability to sue for response costs created by supposed injuries to its citizens - rather than for damage to property or something similar. The courts came to the conclusion that this was a type of "taxation through litigation".

The court felt that if the local government agrees that the costs of a certain public service should be borne by the parties whose conduct necessitates that service (rather than the taxpayers in general), then it has the right to enact a statute by ordinance or resolution to expressly authorize recovery of such cost.

Virtually all state legislatures have passed laws stating that for some incidents it is the responsibility of the parties whose conduct necessitates the fire department response to pay for that response, rather than the taxpayers in general. These laws and court decisions make it very clear that the responsible party is expected to cover their fair share of the mitigation cost of the incident they caused. Most municipalities pass ordinances to specifically define what they will bill for.

Most communities only have three choices:

- A - Lower the level of service provided.
- B - Increase local taxes.
- C - Bill those using the services their fair share of the service.

Our Billing Process

At The Scene of the Incident: The client's personnel will either log the data from the incident using their existing system protocol, or via our paper-based "Incident Reports".

Upon Return to the Station: The client's designated personnel will submit the run using our secure RecoveryHubsm on-line system. This takes about 3 minutes. When they log-on, RecoveryHubsm will recognize the client and bring them right to their submission page. Another option is RecoveryLinksm.

What is RecoveryLinksm: As an option, the client may be compatible with RecoveryLinksm, our proprietary "exchange software" that can interface with most current RMS systems in use nationwide. If so, at a designated time each day, RecoveryLinksm automatically receives the appropriate data from their RMS system. It optionally gives their designated person the ability to verify the run data prior to being sent electronically to us.

RecoveryLinksm is available only through Fire Recovery USA and is based on nationwide EMS billing software that has been used in the fire service industry for the past 20 years. Unlike most competitors' exchange software, we don't attach anything to their system. Our system is simply setup to "data dump" the public-record information from the incident into our secured system. We do not download any HIPPA information and everything we receive is considered public record.

After Submitting the Run: We go to work in claim recovery. By utilizing the advanced technology in RecoveryHubsm, we'll be able to harvest the necessary billing data for most incidents without further contact with the client.

Our Claim Center: After receiving the run, we assign it to a claim representative. Their job is to track down the existing claim or create a claim with the appropriate insurance carriers and/or responsible parties. We work with the insurance companies involved and/or the police to determine who is responsible. Once the claim data is assembled, the claim moves to our processing department.

Our Processing Department sends the initial claim to the responsible party(s) insurance, tracks the response(s) and begins to plan for approval of the claim. If initially denied (likely), the claim then moves to our escalation team who responds to the reasons for the denial, provides the responsible party(s) of laws pertaining to the claim, and strategizes the most effective way to counter further denials of this claim.

Viewing or Printing Reports is Available 24/7: The status of each run (Current or Archived) is available 24/7, online, on RecoveryHubsm. This will both provide immediate account information, but also allow you to forecast incoming funds and plan for their use.

Payment of Runs

On or before the 7th of each month, we issue a check for all payments received prior to the previous month's cut-off date (typically the 24th), minus our collection fee. This payment will also include an itemized breakdown of what runs the check is paid against.

What Makes Us Different?

- 1. Fire Recovery USA is the only national fire service billing company that offers a “Performance Clause”.**
- 2. There are no “hidden” costs to our service.**
 - We don’t charge for phone calls.**
 - We don’t charge for police reports.**
 - We don’t charge for fax reports.**
- 3. We never require you to purchase products from us (tactical equipment, sorbents, clothing, etc.). This, in effect, would increase your collection costs as these products can usually be acquired less expensively via a separate purchase. We simply provide you with dollars, which can be used for product purchases from any vendor.**
- 4. Fire Recovery USA saves you time and labor costs as we only require one new piece of information to create a bill. In addition to the information you are already gathering for your RMS, we only add the name of the insurance carrier.**
- 5. Fire Recovery USA may be able to transfer all the billing data from your current RMS software each day using our proprietary RecoveryLinksm system – if so, there would be no need for your personnel to go online, no need to login to our website, and no need to fax or email us anything.**
- 6. Fire Recovery USA offers a fund recovery program for Fire Inspections in your city.**
- 7. Fire Recovery USA is a Certified Small Business (#61679) in the State of California, and as such, may help you qualify for state participation programs.**

8. **Fire Recovery USA is the only national fire billing service that allows you to bill for all of these services (now, or if you choose to in the future):**

- **Hazmat-based Motor Vehicle Incidents (MVIs)**
- **Non-Hazmat-based MVIs**
- **Vehicle Fires**
- **Structure Fires**
- **Water Incidents**
- **Hazmat Calls**
- **False Alarms**
- **Pipeline Incidents**
- **Power Line Incidents**
- **Fire Investigations**
- **Special Rescue**
- **Collections Services**

9. **Fire Recovery USA is the only fire service billing company partnered with the International Association of Fire Chiefs (IAFC).**



In association with the IAFC

RECOMMENDED MITIGATION RATES BASED ON PER HOUR

MOTOR VEHICLE INCIDENTS

Level 1 - \$435.00

Provide hazardous materials assessment and scene stabilization. This will be the most common "billing level". This occurs almost every time the fire department responds to an accident/incident.

Level 2 - \$495.00

Includes Level 1 services as well as clean up and material used (sorbents) for hazardous fluid clean up and disposal. We will bill at this level if the fire department has to clean up any gasoline or other automotive fluids that are spilled as a result of the accident/incident.

Level 3 – CAR FIRE - \$605.00

Provide scene safety, fire suppression, breathing air, rescue tools, hand tools, hose, tip use, foam, structure protection, and clean up gasoline or other automotive fluids that are spilled as a result of the accident/incident.

Level 4 - \$1,800.00

Includes Level 1 & 2 services as well as extrication (heavy rescue tools, ropes, airbags, cribbing etc.). We will bill at this level if the fire department has to free/remove anyone from the vehicle(s) using any equipment. We will not bill at this level if the patient is simply unconscious and fire department is able to open the door to access the patient. This level is to be billed only if equipment is deployed.

Level 5 - \$2,200.00

Includes Levels 1, 2, & 4 services as well as Air Care (multi-engine company response, mutual aid, helicopter). We will bill at this level any time a helicopter is utilized to transport the patient(s).

Level 6

Itemized Response: You have the option to bill each incident as an independent event with custom mitigation rates, for each incident using, itemized rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized per apparatus, per personnel, plus products and equipment used.

HAZMAT

Level 1 - \$700.00

Basic Response: Claim will include engine response, first responder assignment, perimeter establishment, evacuations, set-up and command.

Level 2 - \$2,500.00

Intermediate Response: Claim will include engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, set-up and command, Level A or B suit donning, breathing air and detection equipment. Set-up and removal of decon center.

Level 3 - \$5,900.00

Advanced Response: Claim will include engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, first responder set-up and command, Level A or B suit donning, breathing air and detection equipment and robot deployment. Set-up and removal of decon center, detection equipment, recovery and identification of material. Disposal and environment clean up. Includes above in addition to any disposal rates of material and contaminated equipment and material used at scene. Includes 3 hours of on scene time - **each additional hour @ \$300.00 per HAZMAT team.**

PIPELINE INCIDENTS / POWER LINE INCIDENTS

(Includes, but not limited to: Gas, Sewer, Septic to Sewer, and Water Pipelines)

Level 1 - \$400.00

Basic Response: Claim will include engine response and first responder assignment, perimeter establishment, evacuations, first responder set-up and command. Includes inspection without damage or breakage.

Level 2 - \$1,000.00

Intermediate Response: Claim will include engine response, first responder assignment, and appropriate equipment, perimeter establishment, evacuations, first responder set-up and command. May include HAZMAT team, Level A or B suit donning, breathing air and detection equipment. Supervise and/or assist pipeline repair.

Level 3 – Itemized Claim Charges

Advanced Response: Claim will include engine response, first responder assignment, and appropriate equipment, perimeter establishment, evacuations, first responder set-up and command. May include HAZMAT team, Level A or B suit donning, breathing air and detection equipment. Supervise and/or assist pipeline repair of intermediate to major pipeline damage. May include set-up and removal of decon center, detection, recovery and identification of material. Disposal and environment clean up.

FIRE INVESTIGATION

Fire Investigation Team - \$275.00 per hour.

Includes:

- Scene Safety
- Investigation
- Source Identification
- K-9/Arson Dog Unit
- Identification Equipment
- Mobile Detection Unit
- Fire Report

The claim begins when the Fire Investigator responds to the incident and is billed for logged time only.

FIRES

Assignment - \$400.00 per hour, per engine / \$500.00 per hour, per truck

Includes:

- Scene Safety
- Investigation
- Fire / Hazard Control

This will be the most common “billing level”. This occurs almost every time the fire department responds to an incident.

OPTIONAL: A fire department has the option to bill each fire as an independent event with custom mitigation rates.

Itemized, per person, at various pay levels and for itemized products use.

WATER INCIDENTS

Level 1

Basic Response: Claim will include engine response, first responder assignment, perimeter establishment, evacuations, first responder set-up and command, scene safety and investigation (including possible patient contact, hazard control). This will be the most common "billing level". This occurs almost every time the fire department responds to a water incident.

Billed at \$400 plus \$50 per hour, per rescue person.

Level 2

Intermediate Response: includes Level 1 services as well as clean up and material used (sorbents), minor hazardous clean up and disposal. We will bill at this level if the fire department has to clean up small amounts of gasoline or other fluids that are spilled as a result of the incident.

Billed at \$800 plus \$50 per hour, per rescue person.

Level 3

Advanced Response: includes Level 1 and Level 2 services as well as D.A.R.T. activation, donning breathing apparatus and detection equipment. Set up and removal of decon center, detection equipment, recovery and identification of material. Disposal and environment clean up. Includes above in addition to any disposal rates of material and contaminated equipment and material used at scene.

Billed at \$2,000 plus \$50 per hour per rescue person, plus \$100 per hour per HAZMAT team member.

Level 4

Itemized Response: You have the option to bill each incident as an independent event with custom mitigation rates, for each incident using, itemized rates deemed usual, customary, and reasonable (UCR). These incidents will be billed, itemized, per trained rescue person, plus rescue products used.

BACK COUNTRY OR SPECIAL RESCUE

Itemized Response: each incident will be billed with custom mitigation rates deemed usual, customary and reasonable (UCR). These incidents will be billed,

itemized per apparatus per hour, per trained rescue person per hour, plus rescue products used.

Minimum billed \$400 for the first response vehicle plus \$50 per rescue person. Additional rates of \$400 per hour per response vehicle and \$50 per hour per rescue person.

CHIEF RESPONSE

This includes the set-up of Command, and providing direction of the incident. This could include operations, safety, and administration of the incident.

Billed at \$250 per hour.

MISCELLANEOUS

Engine billed at \$400 per hour.

Truck billed at \$500 per hour.

Miscellaneous equipment billed at \$300.

MITIGATION RATE NOTES

The mitigation rates above are average "billing levels", and are typical for the incident responses listed, however, when a claim is submitted, it will be itemized and based on the actual services provided.

These average mitigation rates were determined by itemizing costs for a typical run (from the time a fire apparatus leaves the station until it returns to the station) and are based on the actual costs, using amortized schedules for apparatus (including useful life, equipment, repairs, and maintenance) and labor rates (an average department's "actual personnel expense" and not just a firefighter's basic wage). The actual personnel expense includes costs such as wages, retirement, benefits, workers comp, insurance, etc.