



**CITY OF CORNING
CITY COUNCIL AGENDA**

**TUESDAY, OCTOBER 27, 2009
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Council:	Becky Hill
	Ross Turner
	Toni Parkins
	John Leach
Mayor:	Gary Strack

C. INVOCATION AND PLEDGE OF ALLEGIANCE:

D. PROCLAMATIONS, RECOGNITION'S, APPOINTMENTS:

1. **Proclamation Designating November 2nd – November 3, 2009 as Buddy Poppy Days in the City of Corning.** Present to accept the Proclamation will be Art Moniz and Gene May of the Veterans of Foreign Wars (VFW).

E. BUSINESS FROM THE FLOOR:

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 and Special Meeting with any necessary corrections.**
 - September 8, 2009 Regular City Council Meeting
 - September 22, 2009 Regular City Council Meeting
 - October 13, 2009 Regular City Council Meeting
 - October 15, 2009 Special City Council Closed Session Meeting
4. **October 21, 2009 Claim Warrant - \$149,275.82.**
5. **Business License Report – October 2009.**
6. **Adopt Resolution 10-27-09-02 Acceptance of 2009 California Citizen's Options for Public (COPS) Safety Grant.**
7. **Request Authorization to Seek Bids for Pavement Striping and/or Removal Services.**
8. **Approve Annual Statement of Investment Policy 2009.**
9. **Adopt Ordinance 628, An Ordinance Regulating Panhandling through the addition of Chapter 9.20 to the Corning Municipal Code. (Second Reading and Adoption)**

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.

10. Consider Adopting the Mitigated Negative Declaration filed on the 2009-2014 Housing Element and Adopt Resolution 10-27-09-01 to implement General Plan Amendment 2009-1A, the 2009-2014 Housing Element Update.

11. Recommend Revocation of Use Permit No. 127 Prohibiting Any Future Residential Use at 609 4th Street Pursuant to Section 17.54.060 of the Corning Municipal Code.

I. REGULAR AGENDA:

J. ITEMS PLACED ON THE AGENDA FROM THE FLOOR:

K. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION:

L. REPORTS FROM MAYOR AND COUNCIL MEMBERS:

12. Hill:

13. Turner:

14. Parkins:

15. Leach:

16. Strack:

M. ADJOURNMENT!:

POSTED: THURSDAY, OCTOBER 22, 2009

**PROCLAMATION
VETERANS OF FOREIGN WARS
"2009 BUDDY POPPY SALES DAYS"
NOVEMBER 2 - 3, 2009**

WHEREAS, the annual sale of Buddy Poppies by the Veterans of Foreign Wars of the United States has been officially recognized and endorsed by government leaders since 1922; and

WHEREAS, V F W Buddy Poppies are assembled by disabled veterans, and the proceeds of this worthy fund-raising campaign are used exclusively for the benefit of disabled and needy veterans, and the widows and orphans of deceased veterans; and

WHEREAS, the basic purpose of the annual sale of Buddy Poppies by the Veterans of Foreign Wars and their Auxiliary is eloquently reflected in the desire to "Honor the Dead by Helping the Living";

NOW, THEREFORE I, Gary R. Strack, as Mayor of the City of Corning, **DO HEREBY PROCLAIM NOVEMBER 2 - 3, 2009 as "2009 BUDDY POPPY SALES DAYS"** in the City of Corning. I encourage the citizens of Corning to recognize the merits of this cause by contributing generously to its support through the purchase of Buddy Poppies on the days set aside for the distribution of these symbols of appreciation for the sacrifices of our honored dead. I also urge all patriotic citizens to wear a Buddy Poppy as mute evidence of our gratitude to the men and women of this County who have risked their lives in defense of the freedoms that we continue to enjoy as American Citizens.

BE IT FURTHER RESOLVED, that I encourage all members of the Community to show their support of our Veterans by attending the Veteran's Day Parade on November 11, 2009 at 11:00 a.m. The Parade will start at City Hall and end at the Veterans Memorial Hall.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Great Seal of the City of Corning to be affixed this 27th day of October 2009.

Gary R. Strack, Mayor

ATTEST:

Lisa M. Linnet, City Clerk



**CITY OF CORNING
CITY COUNCIL MINUTES**

**TUESDAY, SEPTEMBER 8, 2009
WOODSON ELEMENTARY SCHOOL GYMNASIUM
150 NORTH TOOMES AVENUE**

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

B. <u>ROLL CALL:</u>	Council:	Becky Hill Ross Turner Toni Parkins John Leach
	Mayor:	Gary Strack

All Council members were present.

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

No comments were received from the audience prior to the City Council adjourning to Closed Session.

C. ADJOURN TO CLOSED SESSION:

**CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO SECTION 54957.6:
Agency Negotiator: William May, Labor Relations Consultant
Management, Miscellaneous, Dispatch and Public Safety Employees
Bargaining Units**

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

Mayor Strack announced that Council had met with Labor Negotiator William May and gave him direction.

E. INVOCATION AND PLEDGE OF ALLEGIANCE:

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

F. PROCLAMATIONS, RECOGNITION'S, APPOINTMENTS:

1. Proclamation – September 5th – 13th Disabled Veteran's Forget-Me-Not Days in the City of Corning.

City Clerk Lisa Linnet read the Proclamation and Mayor Strack announced that the Proclamation was presented to Mr. Mike Clay of the Corning #115 Chapter of the Disabled Veterans last week.

2. September 2009 as National Alcohol and Drug Addiction Recovery Month in the City of Corning.

City Clerk Lisa Linnet read the Proclamation and Mayor Strack presented it to Patricia Rasmussen, Tehama County Drug and Alcohol Advisory Board Member. Ms. Rasmussen invited everyone to attend an event to be held at the Red Bluff City River Park from 10:00 a.m. to 1:00 p.m. on September 19th.

G. BUSINESS FROM THE FLOOR:

Gene May addressed the Council on the history of and proper American Flag salute etiquette for Veterans and the general public.

Valanne Cardenas addressed the Council announcing that the Olive Festival was a great success and she thanked all who assisted with the event and made donations (both monetary & of their time).

Debbie (Jones) Johnson stated she was here to offer her experience and wisdom on issues related to THC (Tehama Herbal Collective). She stated that Corning should not limit the opportunity to only THC; there should be competition. Councilor Hill asked Ms. Johnson if she would give her phone number to the City Manager so that he may contact her in the future for information.

Another audience member addressed the Council regarding some of the City's crosswalks. She stated that some areas along Solano Street have no crosswalks. She stated that it is supposed to be legal to cross at any corner. Mayor Strack confirmed that she is talking about areas east of the railroad tracks. He then stated that the Public Works Director and his Assistant are looking into this and have even obtained some bids. Public Works Director John Brewer stated that some of the side streets and cross street grades pose some problems in relation to crosswalk installation, however Staff is currently reviewing the issue and the affordability of installing more crosswalks in this area.

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

3. **Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
4. **September 2, 2009 Claim Warrant - \$180,991.34.**
5. **August 2009 Wages and Salaries - \$356,453.05.**
6. **Business License Report – September 2009.**
7. **August 2009 – Treasurer's Report.**
8. **August 2009 Building Permit Valuation - \$71,764.**
9. **City of Corning Wastewater Operation Summary Report – August 2009.**
10. **Authorization of System Exchange Corporation Agreement.**
11. **Resolution 09-08-09-01 To Ratify Sideletters Accepting the Furlough Plan for each of the Individual Employee Units and Set Office Furlough Closure Days.**
12. **Resolution 09-08-09-02 Revoking the No Parking Zone along the East and West Sides of Peach Street from Solano Street North 132 Feet.**

Councilor Leach stated that he would be abstaining from voting on Consent Item 12 due to his association with the New Life Assembly Church which requested the removal of the parking zone.

Councilor Turner moved to approve Consent Items 3 through 11. Councilor Parkins seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 5-0.**

Council Turner moved to approve Consent Item 12 and Councilor Hill seconded the motion. **Ayes: Strack, Hill, Turner and Parkins. Opposed: None. Absent: None. Abstain: Leach. Motion was approved by a 4-0 vote with Leach abstaining.**

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

J. **PUBLIC HEARINGS AND MEETINGS:** Any person may speak on items scheduled for hearing at the time the Mayor declares the Hearing open. **ALL LEGAL NOTICES PUBLISHED IN ACCORDANCE WITH LAW.** None.

K. **REGULAR AGENDA:**

13. Authorize Mayor to Sign a Written Report Pursuant to Section 65858(d) of the California Government Code Relating to Interim Ordinance 637.

Mayor Strack introduced this item by title and Planning Director John Stoufer briefed the Council on the requirement of the report and outlined the steps the City Council has taken to date. Mr. Stoufer stated that the report will be provided to the Council prior to the Mayor signing.

Councilor Turner asked the City Attorney whether it is legal for the Council to approve a report that they haven't seen yet stating he has issues with approving a document he has not yet seen. The City Attorney stated that following review by the City Council, should someone have concerns or objections, a special meeting could be held within the 10 days.

Councilor Turner moved to authorize the Mayor to sign the Report issued by the Council pursuant to Section 65858 (d) of the California Government Code pursuant to Interim Ordinance 637 subject to Council review and approval. Councilor Leach seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

14. Approve One-Year Extension for Use Permit 2008-252 – Salado Orchards Phase 2 Subject to Original Conditions of Approval.

Mayor Strack introduced this item by title and Mr. Stoufer briefed the Council on the status of this project. With little discussion Councilor Parkins moved to adopt the 4 Findings and Subfindings as presented in the Staff Report and approve a 1-year extension for Use Permit 252, Salado Orchard Apartments Phase 2, subject to the Conditions of Approval imposed by the Council on September 9, 2008. Councilor Hill seconded the motion. **Ayes: Strack, Hill, Parkins and Leach. Opposed: Turner. Absent/Abstain: None. Motion was approved by a 4-1 vote with Turner opposed.**

15. Corning Municipal Airport Improvement Project - Award Bid for the Corning Municipal Airport Runway and Taxiway Paving and Lighting Improvement Project to A. Teichert & Sons, Inc. (dba Teichert Construction) in the amount of \$2,187,398.90.

Mayor Strack introduced this item by title and Public Works Director John Brewer briefed the Council on the Bids received. With little discussion Councilor Turner moved to award the Bid for the Corning Municipal Airport Runway and Taxiway Paving and Lighting Improvement Project (FAA AIP Project No. 3-06-0053-06) to A. Teichert & Son, Inc., dba Teichert Construction of Davis California in the amount of \$2,187,398.90, subject to the Federal Aviation Administration grant notification. Councilor Hill seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

16. Approve Change Order No. 1 for Corning Municipal Airport Improvement Project.

Mayor Strack introduced this item by title and Public Works Director John Brewer explained that approval of this Change Order would reduce the overall cost of the project by \$45,730 by deleting all fencing items, and the removal of 3 separate distance signs from the project.

Councilor Hill moved to approve Change Order No. 1 to the Corning Municipal Airport Improvement Project. Councilor Leach seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

17. Corning Municipal Airport Improvement Project; Modification to Master Agreement with Wadell Engineering Corporation for Construction Observation and Inspection Services.

Mayor Strack introduced this item by title and Public Works Director John Brewer stated that we currently have an Agreement with Mr. Wadell. He stated that approval of this item would modify the Master Agreement for Airport Consultant Services which was approved by Council on November 25, 2008 by increasing his fee by \$194,075. Mr. Brewer explained that this increase is to compensate the Consultant for onsite construction observation and inspections, contract administration and reporting, and preparation of record drawings.

Councilor Leach moved to approve the attached Addendum to the Master Agreement between the City of Corning and Wadell Engineering Corporation for construction phase services and authorize the City Manager to sign the Agreement on behalf of the City. Councilor Parkins seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

18. Corning Municipal Airport Improvement Project; Advisory Matter Regarding Loan Amount from City's Transportation Development Impact Fee Account for "5% City Matching Funds" Share.

Mayor Strack introduced this item by title and Public Works Director John Brewer briefed the Council on the total required City funding amount of \$118,421 (5% City Match) to be borrowed from the City's Transportation Development Impact Fee Account. Councilor Turner asked what interest rate the City would be paying on this loan and was informed by the City Manager that it would be a variable interest rate based upon the interest currently earned by the City on our deposits. **No action required, informational only.**

19. Approve Participation in Bond Program through California Communities Development Authority to offset State Taking of Property Tax.

Mayor Strack introduced this item by title and City Manager Kimbrough briefed the Council on the Plan for our Joint Powers Authority to sell Bonds to pay back the City for the Property Tax funds taken by the State. The City would not absorb any of the liability, the JPA and the State would absorb the liability. By Council consensus the City will participate.

20. Approve Resolution No. 09-08-09-03 Authorizing Staff to Record a Lien for Delinquent Water and Sewer Services in the Amount of \$4,843.63.

Mayor Strack introduced this item by title. With no discussion, Councilor Turner moved to adopt Resolution 09-08-09-03 approving the recording of the Resolution and attached Notice of Lien in the amount of \$4,843.63 on the property located at 650, 662, 674 and 686 Fairview Avenue, APN # 71-091-12, to secure the payment of delinquent water and sewer fees through June 2009. Councilor Parkins seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

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

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

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

21. **Hill:** Stated she will be attending the League of CA Cities Convention next week. Normally the City has a chance to review any Resolutions, do they want her to abstain

since the Council has not had a chance to view, or go ahead and vote. Council by Consensus stated they have faith in her judgement, and for her to go ahead and vote.

22. Turner: None.

23. Parkins: None.

24. Leach: Thanked Staff and Council for flowers sent to him following the death of his Mother.

25. Strack: Announced that the County of Tehama Exhibit (which the City contributed to) earned a silver ribbon at the California State Fair for the display entitled "Beef – A Wild West Tradition in Tehama County". The exhibit will be on display at the Tehama County Fair later this month, September 24th thru September 27th.

Mayor Strack also announced that the next City Council Meeting, on Tuesday, September 22, 2009 will be held at the Olive View School Gymnasium, located at 1402 Fig Street.

Mayor Strack stated he would like on the next Agenda a Staff Report allowing Council to voluntarily reduce their monthly stipend and participate in the furlough program.

O. **ADJOURNMENT!: 8:15 p.m.**

Lisa M. Linnet, City Clerk



**CITY OF CORNING
CITY COUNCIL MINUTES**

**TUESDAY, SEPTEMBER 22, 2009
OLIVE VIEW SCHOOL GYMNASIUM
1402 FIG STREET, CORNING, CA**

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

B. ROLL CALL:

Council:

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

Mayor:

All members of the City Council were present.

The **Brown Act** requires that the Council provide the opportunity for persons in the audience to briefly address the Council on the subject(s) scheduled for tonight's closed session. Is there anyone wanting to comment on the subject(s) the Council will be discussing in closed session? If so, please come to the podium, identify yourself and give us your comments. **No comments were received.**

C. ADJOURN TO CLOSED SESSION: 7:01 p.m.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to subdivision (b) of Section 54956.9:

2 Issues

D. RECONVENE AND REPORT ON CLOSED SESSION: 7:34 p.m.

Mayor Strack announced that the Council had met with the City Attorney and received legal direction.

E. INVOCATION AND PLEDGE OF ALLEGIANCE:

Councilor Leach gave the Invocation. Mayor Strack explained that a member of City Staff was sent to obtain the American Flag, however it was bolted down in the City Council Chambers. He then asked everyone to please stand and join in the Pledge of Allegiance led by City Manager Kimbrough.

F. PROCLAMATIONS, RECOGNITION'S, APPOINTMENTS: None.

G. BUSINESS FROM THE FLOOR: None.

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

- 1. Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
- 2. Waive the Reading and Approve the Minutes of the August 25, 2009 Special Study Session between the City Council and Planning Commission, and the August 25, 2009 Regular City Council Meeting with any necessary corrections.**
- 3. September 16, 2009 Claim Warrant - \$161,946.50.**

4. **Business License Report – September 2009.**
5. **Approve Agreement with Premier West Bank for Check Fraud Detection Service.**
6. **Approve Transfer of Municipal Airport Ground Lease to Brian and Carol Carpenter, Rainbow Aviation Services, Inc. for Buildings A & B.**

Councilor Hill requested Consent Item 5 be removed from the Consent Agenda for a separate vote stating that because she is employed by Premier West Bank she will abstain from voting on this issue due to a conflict of interest.

Councilor Turner then moved to approve Consent Agenda Items 1 through 4 and 6. Councilor Parkins seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 5-0.**

I. ITEMS REMOVED FROM THE CONSENT AGENDA:

5. **Approve Agreement with Premier West Bank for Check Fraud Detection Service.**

Councilor Leach moved to approve Consent Agenda Item 5. Councilor Parkins seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent: None. Abstain: Hill. Motion was approved by a 4-1 vote with Hill abstaining.**

J. PUBLIC HEARINGS AND MEETINGS: Any person may speak on items scheduled for hearing at the time the Mayor declares the Hearing open. ALL LEGAL NOTICES PUBLISHED IN ACCORDANCE WITH LAW.

7. **Consider Extending Interim Ordinance No. 637: The City Council will consider extending Interim Ordinance No. 637 pursuant to Section 65858 (a) of the California Government Code. If the extension is adopted by a four-fifths vote of the Council it will prohibit the establishment or operation of profit or nonprofit Medical Marijuana Dispensaries, Collectives or Cooperatives within any Zoning District in the City Limits of the City of Corning for 10 months and 15 days.**

Mayor Strack introduced this item by title and informed those present that we are not discussing the merits of medical marijuana, we are discussing the extension of Interim Ordinance No. 637. He stated that we have a list of those wishing to speak on this issue and are limiting speakers to two minutes so that all those present wishing to speak will have their chance.

Planning Director John Stoufer addressed the Council outlining the reasons for the proposed extension of Ordinance 637. Mr. Stoufer suggested that the Council, should they decide to extend Ordinance 637, adopt the Findings and Subfindings prior to approving the ordinance extension. He also suggested the formation of an Ad-Hoc Committee should the Ordinance be extended.

Mayor Strack confirmed that the Ordinance being discussed tonight does not impact marijuana cultivation within the City. Councilor Turner asked if the discussion currently taking place within the Tehama County Board of Supervisors has any bearing on the City's decision; he was informed that it does not.

Mayor Strack then opened the public hearing. The following individuals made statements to the City Council:

Ernest Middleton: Stated he was not in favor of such a business in the City.

Darryl Stewart: Stated that as a parent, he doesn't believe we need such a business in the City.

Kim Brown: Stated she is opposed to having a dispensary here, she stated that as a teacher (High School) she believes that it sends a wrong message to students. She stated that our young people deserve better; they deserve our protection.

Ken Prather: Stated he believes Mr. Stoufer's draft Ordinance to be one sided. He also stated that he doesn't know what the emergency is. Mr. Prather stated that he has shown that Tehama Herbal Collective (THC) is in compliance with both State Law and the Health and Safety Codes. He also stated that they are closed to the general public and minors.

THE CITY OF CORNING IS AN EQUAL OPPORTUNITY EMPLOYER

Megan Prather: Stated that should some patients that currently purchase their marijuana at THC be unable to purchase it at this establishment, they would then illegally purchase it on the street.

Jeff Fletcher: Stated that he works for THC and was in favor of the business citing its benefits to the residents and surrounding community.

Harold Tobisch: Stated that he is surprised at the hypocrisy shown here tonight. He stated that the State has passed the Medical Marijuana Laws and questioned why the "Meth" issue isn't being addressed with the same intensity as the medical marijuana establishment. He stated that he is a medical marijuana patient and that there are people chronically and terminally ill in this town that benefit from this.

Glenn Valuroso: Stated that he is a 61 year old Vietnam Veteran wounded in Vietnam. He stated that he did not, and does not agree with medical marijuana use for "fun" or as a recreational drug. He does however support the use of medical marijuana for medicinal reasons. He stated that he is currently on three separate drugs to control his pain, and although marijuana does not completely take away his pain, it helps.

Vickie Burton: Stated that her use of medical marijuana has reduced her need for pain medication. She also pointed out that not all medical marijuana users can grow it, it is expensive to grow...and sometimes after putting all the time and money into growing it, it doesn't work. She stated that this City needs this.

Sandy Powell: Stated that her niece was very ill and used marijuana and it helped her. She said she was not against its use, however she stated that in some Cities there are numerous Dispensaries/Collectives, etc. Ms. Powell said that she doesn't want it in our downtown...it doesn't belong there.

Kelly Fleming: Stated that she doesn't think it is right that it be available on Solano Street. Ms. Fleming stated that all she has to do is smell it and it counter acts other medication she is on.

Lee Zweifel: Stated that he is not from Corning, he is from Paradise. He informed the Council that he has used medical marijuana for the last four years and it has reduced his use of other pain medications. He stated it would be disrespectful to those who now come to Corning for their medical marijuana to make them go back to Sacramento, etc. He said that Corning offers a great service now. Mr. Zweifel stated that there have been times when he has contemplated suicide prior to his use of medical marijuana.

Debbie Johnson: Stated she is asking the Council to do their homework on this issue. She believes there is a real need for medical marijuana. She stated that there is a difference between medicating and abuse. Ms. Johnson said that there is a way that all parties can win; there is always negotiation as long as there is communication.

Gloria Foreman: Stated that she resides in Chico and is present tonight as a business person. She informed the Council that this business could be a valued tool to the Community. Ms. Foreman cited her experience at another facility.

Laurie: She stated that she is dealing with cancer and would rather take marijuana than morphine. She informed the Council that she had tried other forms of marijuana and they haven't worked. She pointed out that this is bringing us revenue to our small businesses in town. She also stated that it is the responsibility of those who have prescriptions to keep it from small children.

Terrance Lawson: Stated that he thinks it is ridiculous that the City is considering shutting down the Collective.

Andrea: Implored the Council to extent the Ordinance so that the Council has all the information needed to make an informed decision.

John Richards: Stated it is sad the way things have taken place between the Federal and State Governments in relation to this issue. He informed the Council that he is neither for or against this, however it is amazing how many younger people are using it. He said he doesn't understand why it can't be distributed through a pharmacy. He also stated that he hopes it is not allowed within the City. His final statement was that it is just wrong.

Joseph Greenwood: Stated that he is 28 years old and that he believes the issue is whether or not it is sold downtown. He doesn't believe that it should be downtown.

Steve Sparks: Stated that he is 27 and the father of two. He said that it comes down to family values, it is a medicine, you teach your children to stay out of the area where the marijuana is. He informed the Council that he is unable to take pain medication because they make him severely ill. He said marijuana is medicine and is helpful when used the right way. He also stated that he can't afford to go out of town to obtain his medicine.

Matt Turner: Stated that THC provides a safe place to obtain medicinal marijuana; the last time he tried to get it on the street he was robbed.

With no further comments, Mayor Strack declared the public meeting closed at 8:44 p.m.

Councilor Leach stated that he is not for, or against it and apologized to Mr. Prather for not visiting the Cooperative. He stated that there is so much information about this issue and he does not want to make a wrong decision, therefore his recommendation is probably what Staff has recommended.

Councilor Turner stated he has not gone into THC and doesn't plan to. He stated he would like to see the Ordinance carried forward. He stated that he doesn't care whether he is loved or hated, he will do what he thinks is best for this Community. He stated that he finds it ironic that a lot of the support for this item is coming from outside of the Community.

Councilor Leach moved to adopt the seven (7) Subfindings and Findings as presented in the Staff Report and extend Interim Ordinance No. 637, an Ordinance prohibiting the operation of profit or non-profit Medical Marijuana Dispensaries, Collectives or Cooperatives within any Zoning District in the City of Corning for 10 months and 15 days, or until Monday, August 9, 2010, pursuant to Section 65858(a) of the California Government Code; and to form an Ad-Hoc Committee to work with Staff to collectively prepare an Ordinance regarding the cultivation and distribution of medical marijuana. Councilor Turner seconded the motion.

Mayor Strack called for a vote at which time Councilor Hill moved to make a substitute motion to add two additional words (any additional) to the motion prior to profit or non-profit, making the motion to be "an Ordinance prohibiting the operation of **any additional** profit or non-profit Medical Marijuana Dispensaries, Collectives or Cooperatives within any Zoning District in the City of Corning for 10 months and 15 days, or until Monday, August 9, 2010..."

After some heated discussion between Councilor Turner and Councilor Hill on whether a substitute motion may be made or, whether a vote should be taken on the motion made and seconded that is on the floor, City Attorney Michael Fitzpatrick made the determination that a substitute motion could be made. Councilors Leach and Turner both conceded to the substitute motion.

Mayor Strack clarified that this substitute motions statement would allow the existing business to continue, and would just not allow any new businesses of this type. With this clarification, Councilors Leach and Turner both rescinded their approval of the substitute motion and reaffirmed the original motion and second and called for a vote. The final vote on the Ordinance was: **Ayes: Strack, Turner, Parkins and Leach. Opposed: Hill. Absent/Abstain: None. Motion was approved by a vote of 4-0 with Hill opposed.**

Councilor Hill moved to form an Ad-Hoc Committee to work with Staff to collectively prepare an Ordinance regarding the cultivation and distribution of medical marijuana with the following people serving on this Committee: Jesse Lopez and Ryan Reilly from the City's Planning Commission, Mayor Strack and Councilor Hill from the City Council, and Planning Director John Stoufer and Police Chief Tony Cardenas from City Staff. Councilor Turner seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None.**

The public was informed at this time that Ad-Hoc Committees are not required to agendize and post notices of their meetings.

When the vote on this issue was completed and the Prather's were leaving the meeting, Kathy Prather announced that THC was not going to close.

K. REGULAR AGENDA:

8. Voluntary Reduction in City Council Salaries.

Mayor Strack introduced this item stating that he had requested it be agendized. He then motioned for the City Council to voluntarily take a 10% reduction in the monthly stipend. Councilor Hill seconded the motion. Councilor Parkins confirmed that this was voluntary on the part of the members of Council. **Ayes: Strack, Hill and Parkins. Opposed: Turner and Leach. Motion was approved by a 3-2 vote with Turner and Leach opposed.**

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

M. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION: None.

N. REPORTS FROM MAYOR AND COUNCIL MEMBERS:

9. Hill: Reported on her attendance at the League of California Cities Conference.

10. Turner: Stated that while at the Airport this week he had introduced himself to an employee of Teichert Construction. He informed the Council that Teichert Construction is moving their equipment to the Airport and that they were surprised by the amount of traffic on Marguerite Avenue.

11. Parkins: Nothing to report.

12. Leach: Stated he had attended two meetings this week; the Tripartite Board and 3-Core (formerly Tri-County Economic Development).

13. Strack: Nothing to report.

O. ADJOURNMENT!: 9:02 p.m.

Lisa M. Linnet, City Clerk



**CITY OF CORNING
CITY COUNCIL MINUTES**

**TUESDAY, OCTOBER 13, 2009
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Council:

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

Mayor:

All Council Members were present.

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

No comments were received from the audience.

C. ADJOURN TO CLOSED SESSION:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

**Pursuant to subdivision (b) of Section 54956.9:
1 Issue**

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Section 54956.8

**Potential Land Acquisition for Parks – Potential Property: APN No. 73-010-02
(Adjacent to Yost Park).**

Negotiating Party: City Manager.

D. RECONVENE AND REPORT ON CLOSED SESSION: 7:37 p.m.

Atticipated Litigation: Mayor Strack reported that the City Council met with the City Attorney to discuss one potential litigation case and Council gave the City Attorney direction.

Park Acquisition: Mayor Strack reported that the City Council met with the City's negotiator (City Manager) to discuss potential properties for Park acquisition and gave the City Manager direction.

E. INVOCATION AND PLEDGE OF ALLEGIANCE:

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

F. PROCLAMATIONS, RECOGNITION'S, APPOINTMENTS:

- 1. Proclamation – October 22, 2009 “Lights on After School” Day and October 18-24, 2009 as Character Counts Week in the City of Corning.** City Clerk Lisa Linnet read the Proclamation and Mayor Strack presented it to Beth Birk, Recreation Specialist with SERRF, Tehama County Department of Education. Ms. Birk stated

that this is the 10th year for the program and reported on some of their programs and the number of program participants.

2. **Proclamation – October 23 – 31, 2009 “Red Ribbon Week” in the City of Corning.** City Clerk Lisa Linnet read the Proclamation and Mayor Strack presented it to Tina Zastrow, Prevention Specialist with the Tehama Department of Education.

G. BUSINESS FROM THE FLOOR:

A member of the Community addressed the Council asking how we can proclaim “Red Ribbon Week” in the City of Corning and have a “Pot Shop” on our Main Street.

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

3. **Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
4. **Waive the Reading and Approve the Minutes of the December 2, 2008 Special City Council Meeting with any necessary corrections.**
5. **September 2009 Wages and Salaries - \$354,223.41.**
6. **September 2009 - Treasurer’s Report.**
7. **October 7, 2009 Claim Warrant - \$405,676.20.**
8. **Business License Report – October 2009.**
9. **September 2009 Building Permit Valuation - \$108,397.94.**
10. **City of Corning Wastewater Operation Summary Report – September 2009.**
11. **Approve Resolution 10-13-09-01 Waiving the Required Sixty-Day Notification for the Corning HealthCare District’s Property Lease to the County.**
12. **Appointment to Coordinated AB-3030 Groundwater Management Committee.**

Councilor Leach asked to pull Consent Item 9 for further discussion. Councilor Turner moved to approve Consent Items 3-8 and 10-12. Councilor Leach seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

I. ITEMS REMOVED FROM THE CONSENT AGENDA:

9. **September 2009 Building Permit Valuation - \$108,397.94.**

Councilor Leach asked about an entry on the Building Permit Report in regards to a roofing permit that showed no permit valuation. He asked if a fee was paid for this permit, and if so how much was it and why did the valuation not show up on the report. He was informed that this will be checked and an answer emailed and hand delivered to the Council on the Building Permit for roofing for Loretta Henderson (dollar value was 0). Councilor Leach moved to approve the Building Permit Valuation Report for the month of September 2009. Councilor Parkins seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

- J. **PUBLIC HEARINGS AND MEETINGS:** Any person may speak on items scheduled for hearing at the time the Mayor declares the Hearing open. **ALL LEGAL NOTICES PUBLISHED IN ACCORDANCE WITH LAW.**

13. Approve Resolution 10-13-09-02, Water Rate Increase for “Construction Water” in the City of Corning”.

Mayor Strack introduced this item by title and Public Works Director John Brewer explained that this rate increase is for water used in construction, not residentially. Mr. Brewer stated that a lot of water is used for this, citing the current Airport project as an example (7,000,000 gallons projected for dust abatement, etc.). Mr. Brewer stated that we are hoping that the cost of the water usage can be used as a credit towards the City's Grant Match dollars.

Mayor Strack then opened the public hearing. With no comment, Mayor Strack closed the public hearing. Councilors Leach and Hill both asked questions relating to ways of monitoring use of water (using meters at both ends) and how the City monitors where (location of hydrants being used) the water is drawn. Councilor Leach moved to adopt Resolution No. 10-13-09-02 and authorize an increase to the construction water rate in the City of Corning. Councilor Parkins seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

K. **REGULAR AGENDA:**

14. Ordinance 628, An Ordinance Regulating Panhandling through the addition of Chapter 9.20 to the Corning Municipal Code. (First Reading)

Mayor Strack introduced this item by title. Councilor Leach asked if the panhandlers we are talking about are those on street corners asking for money; or does this apply to Vendors as well. Chief Cardenas explained that the Ordinance has specific regulations and it applies to those that are aggressive and/or impeding traffic. Chief Cardenas explained the complexities and the process and the needed involvement of the property owners.

Councilor Hill moved to read by short title and introduce Ordinance No. 628, an Ordinance regulating panhandling through the addition of Chapter 9.20 to the Corning Municipal Code. Councilor Parkins seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

15. Resolution No. 10-13-09-03 Approving Participation in Bond Program through California Communities Development Authority to Offset State Taking of Tax.

Mayor Strack introduced this item by title. City Manager Kimbrough explained the Bond Program stating that the City of Corning has no obligation at all once they sell the debt to California Communities. He stated that the City would get a check in January and in July. Councilor Turner moved to adopt Resolution No. 10-13-09-03 approving the form of and authorizing the execution and delivery of a Purchase and Sale Agreement and related documents with respect to the sale of the seller's Proposition 1A receivable from the State, and directing and authorizing certain other actions in connection therewith (Approving Resolution 10-13-09-03 approving participation in the Bond Program through California Communities Development Authority to offset State taking of Property Tax). Councilor Hill seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

16. Appropriate Funding for Design and Installation of Signals at Marguerite Avenue and Solano Street.

Mayor Strack introduced this item by title and City Manager Kimbrough stated that this is a finance issue as the Council has already approved the project. Mayor Strack confirmed that the City had the funds. Councilor Leach asked how soon this project would begin, City Engineer Ed Anderson stated that it should be completed this spring. Mayor Strack confirmed that the dollar amount listed includes obtaining the right-of-way and off-site improvements.

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Councilor Leach moved to appropriate traffic mitigation funds in the amount of \$230,000 to account no. 116-9254-3001, and \$20,000 to account no. 116-9254-4200. Councilor Parkins seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

17. Initiate Annual Water Rate Increases to Account for Inflation within the City of Corning.

Mayor Strack introduced this item by title stating that this will set the date for initiating a water rate increase. Councilor Turner asked just the amount of income the 3% increase would provide. City Manager Kimbrough stated about \$30,000. Councilor Turner stated if there was any way we could delay this by one year, especially in these economic times. City Engineer Ed Anderson stated, "these funds are needed like a dead man needs a coffin" in order to help fund a new well, especially with three wells down.

City Manager Kimbrough stated that should this be initiated it needs to be done over a five year plan.

Councilor Parkins moved to direct Staff to schedule a public hearing for December 8, 2009 to consider implementing five separate annual 3% water rate increases. Councilor Hill seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

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

M. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION: None.

N. REPORTS FROM MAYOR AND COUNCIL MEMBERS:

18. Hill: Stated that she won't be attending the Joint Meeting on October 22nd, she will be attending a League of California Cities golf tournament with Staff Members. She stated that she would like Staff to look at placing a crosswalk or something at North Street and Houghton Avenue again stating that there are no sidewalks there and buses and people fly down that street.

19. Turner: Nothing.

20. Parkins: Nothing.

21. Leach: Has CCA (3 Core, formerly Tri-County Economic Development Corp.) tomorrow at 3:00 p.m.

22. Strack: Met with the Park group.

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

No comments were received from the audience.

O. ADJOURN TO CLOSED SESSION: 8:26 p.m.

PUBLIC EMPLOYMENT:

Pursuant to Government Code Section 54957:

City Manager Evaluation

P. RECONVENE AND REPORT ON CLOSED SESSION:

Mayor Strack announced that Council had met and performed the City Manager's evaluation.

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Q. ADJOURNMENT!: 8:42 p.m.

Lisa M. Linnet, City Clerk

**CITY OF CORNING
CITY COUNCIL MINUTES**



**SPECIAL CLOSED SESSION MEETING
THURSDAY, OCTOBER 15, 2009
CITY COUNCIL CHAMBERS
794 THIRD STREET**

A. CALL TO ORDER: 7:07 p.m.

B. ROLL CALL:

Council:

Hill

Turner

Parkins

Leach

Mayor:

Strack

All members of the City Council were present except Councilor Hill, (Councilor Hill entered the Closed Session at 7:09 p.m.).

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

No comments were made from the audience prior to the City Council adjourning to Closed Session.

C. ADJOURN TO CLOSED SESSION: 7:08 p.m.

PUBLIC EMPLOYMENT:

Pursuant to Government Code Section 54957:

Public Employee Discipline/Dismissal/Release

D. RECONVENE AND REPORT ON CLOSED SESSION:

Mayor Strack announced that the Council considered a personnel matter in closed session and determined the appropriate discipline for a City Employee. No further comments can be made due to the privacy rights of employees in matters of this nature.

E. ADJOURNMENT!: 7:40 p.m.

Lisa M. Linnet, City Clerk



MEMORANDUM

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: LORI SIMS
ACCOUNTING TECHNICIAN

DATE: October 21, 2009

SUBJECT: Cash Disbursement Detail Report for the
Tuesday, October 27, 2009 Council Meeting

PROPOSED CASH DISBURSEMENTS FOR YOUR APPROVAL CONSIST OF THE FOLLOWING:

A.	Cash Disbursements	Ending	10-21-09	\$	106,998.73
B.	Payroll Disbursements	Ending	10-20-09	\$	42,277.09
GRAND TOTAL				\$	<u>149,275.82</u>

REPORT: Oct 21 09 Wednesday
 RUN: Oct 21 09 Time: 13:35
 Run By: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 10-09 Bank Account.: 1020

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

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
009380	10/14/09	COR11	CORNING SAFE & LOCK	-2.11	.00	-2.11	2542U	Ck# 009380 Reversed
				-43.30	.00	-43.30	2544U	Ck# 009380 Reversed
			Check Total.....	-45.41	.00	-45.41		
009481	10/12/09	CNC00	CNCAC	125.00	.00	125.00	091012	TRAINING/EDUCATION-POLICE
009482	10/13/09	COU01	COURTYARD BY MARRIOTT	605.00	.00	605.00	091012	TRAINING/EDUCATION-POLICE
009483	10/13/09	SCC00	SCCSO	800.00	.00	800.00	090914	TRAINING/EDUCATION-POLICE
009484	10/13/09	TRA07	TRAINING FOR SAFETY, INC.	285.00	.00	285.00	090915	TRAINING/EDUCATION-DISPAT
009485	10/13/09	COU01	COURTYARD BY MARRIOTT	605.00	.00	605.00	091013	TRAINING/EDUCATION-POLICE
009486	10/13/09	DIX00	DIXON, CHARLEEN	150.00	.00	150.00	091012	LIFEGUARD CERT-PARKS
009487	10/13/09	IRO00	IRONS, PHADIE	40.00	.00	40.00	091012	LIFEGUARD CERT-PARKS
009488	10/13/09	GRI07	GRINE, DAWN	271.59	.00	271.59	091013	MAT & SUPPLIES-FINANCE
009489	10/14/09	AND04	ANDERSON, IAN MATTHEW	974.50	.00	974.50	091014	TRAINING/EDUCATION-POLICE
009490	10/14/09	COR11	CORNING SAFE & LOCK	2.11	.00	2.11	2542A	MAT & SUPPLIES-BLD MAINT
				15.05	.00	15.05	2544A	MAT & SUPPLIES-BLD MAINT
			Check Total.....	17.16	.00	17.16		
009491	10/14/09	EDD02	EMPLOYMENT DEVELOPMENT	1176.53	.00	1176.53	091014	UNEMPLOYMENT INS-GEN CITY
009492	10/14/09	WAR04	WARREN, GLORIA	667.38	.00	667.38	091012	REC INSTRUCTOR-REC
009493	10/16/09	ATT09	AT&T	64.66	.00	64.66	091007	MAT & SUPPLIES-WTR
009494	10/16/09	BAS01	BASIC LABORATORY, INC	86.00	.00	86.00	0909472	ProfServices Water Dept
				280.00	.00	280.00	0909609	ProfServices Water Dept
			Check Total.....	366.00	.00	366.00		
009495	10/16/09	CAM02	CAMELLIA VALLEY SUPPLY	115.61	.00	115.61	0724211-1	MAT & SUPPLIES-WTR
009496	10/16/09	CHE02	CHEM QUIP, INC.	1039.80	.00	1039.80	2060778IN	MAT & SUPPLIES-WTR
009497	10/16/09	CON07	CONEXIS	30.00	.00	30.00	09090R348	MEDICAL INS-COBRA
009498	10/16/09	COR22	CORNING MEDICAL ASSOC	211.50	.00	211.50	091005	PROF SVCS-DISPATCH
009499	10/16/09	DEP12	DEPT OF JUSTICE	32.00	.00	32.00	755998	PROF SVCS-DISPATCH

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
009500	10/16/09	GAY02	GAYNOR TELESYSTEMS, INC	64.00	.00	64.00	000012856	COMMUNICATIONS-GEN CITY
009501	10/16/09	GOL03	GSFM / WFM	953.43	.00	953.43	I-027176	Mat/Supplies-WTR
009502	10/16/09	GRA02	GRAINGER, W.W., INC	301.04	.00	301.04	909188871	SM TOOLS-MECH MAINT
				184.43	.00	184.43	909195045	SM TOOLS-MECH MAINT
			Check Total.....	485.47	.00	485.47		
009503	10/16/09	HOL04	HOLIDAY MARKET #32	11.18	.00	11.18	31841	Mat/Supplies BuildingMain
009504	10/16/09	INT01	INTERLAND BUSINESS SUPPLY	213.55	.00	213.55	091007	Office Supplies-
009505	10/16/09	LIN01	LINCOLN EQUIPMENT, INC.	2000.60	.00	2000.60	S1126299	MAT & SUPPLIES-PARKS
009506	10/16/09	NOR31	NORM'S PRINTING	152.31	.00	152.31	007480	OFFICE SUPPLIES-
009507	10/16/09	PAT02	PATERSON ELECTRIC,	231.02	.00	231.02	1719	MAT & SUPPLIES-BLD MAINT
				95.48	.00	95.48	1729	BLD MAINT-LIBRARY
				346.33	.00	346.33	1730	BLD MAINT-TRANS FAC
			Check Total.....	672.83	.00	672.83		
009508	10/16/09	PRY03	DAVID PRIVATEL	226.22	.00	226.22	091015	TRAINING/EDUCATION-POLICE
009509	10/16/09	SUN01	SUNRISE ENVIRONMENTAL	145.35	.00	145.35	91121	BLD MAINT-FIRE
009510	10/16/09	SWW00	SWWC SERVICES, INC.	2447.04	.00	2447.04	16687	PROF SVCS-WWTP
009511	10/16/09	USA01	USA BLUE BOOK	278.86	.00	278.86	910228	MAT & SUPPLIES-WTR
				316.89	.00	316.89	912185	MAT & SUPPLIES-WTR
			Check Total.....	595.75	.00	595.75		
009512	10/16/09	VAL01	VALLEY INDUSTRIAL COMM.	52.35	.00	52.35	98694	COMMUNICATIONS-FIRE
009513	10/16/09	VAL04	VALLEY TRACTOR, INC	236.15	.00	236.15	02111664	VEH OP/MAINT-PARKS
009514	10/16/09	DIA04	DIAZ ASSOCIATES	5584.80	.00	5584.80	5	PROF SVCS-HOUSING ELEMENT
009515	10/20/09	ALL05	ALL METALS SUPPLY	107.88	.00	107.88	237357	MAT & SUPPLIES-
009516	10/20/09	ARA02	ARAMARK UNIFORM SRV. INC.	31.42	.00	31.42	0280030	Mat/Supplies-
009517	10/20/09	BAI01	BAILEY'S	357.17	.00	357.17	P09707380	SM TOOLS-MECH MAINT
009518	10/20/09	BAS01	BASIC LABORATORY, INC	86.00	.00	86.00	0909721	ProfServices Water Dept
009519	10/20/09	CAL09	CALIF PEACE OFFICERS ASSN	145.00	.00	145.00	954323	Traing/Educ. PoliceServic

REPORT.: Oct 21 09 Wednesday
 RUN.....: Oct 21 09 Time: 13:35
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 10-09 Bank Account.: 1020

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

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
009520	10/20/09	CAR12	CARREL'S OFFICE MACHINES	3.17	.00	3.17	086423	MAT & SUPPLIES-LIBRARY
009521	10/20/09	COM01	COMPUTER LOGISTICS, INC	3840.00	.00	3840.00	46974	Equip.Maint.-GEN CITY
009522	10/20/09	COR05	CORNING AUTO CENTER	58.25	.00	58.25	32694	VEH OP/MAINT-
				48.25	.00	48.25	32704	VEH OP/MAINT-
			Check Total.....:	106.50	.00	106.50		
009523	10/20/09	GRA02	GRAINGER, W.W., INC	424.60	.00	424.60	909672901	MAT & SUPPLIES-PARKS
009524	10/20/09	KIM01	KIMROUGH, STEPHEN J.	150.70	.00	150.70	091019	CONF/MTGS-CITY ADMIN
009525	10/20/09	LAR01	LARRY'S PEST & WEED,	4667.00	.00	4667.00	27758	WEED/TREE SPRAY-STR
009526	10/20/09	NEX02	NEXTEL	356.48	.00	356.48	086319095	COMMUNICATIONS-POLICE
009527	10/20/09	OFF01	OFFICE DEPOT	134.47	.00	134.47	492138661	Office Supplies Policedis
009528	10/20/09	PUR02	PURCHASE POWER	5018.99	.00	5018.99	091007	COMMUNICATIONS-GEN CITY
009529	10/20/09	REC02	RECOGNITION PRODUCTS	295.37	.00	295.37	254176	SCHOOL PROG-POLICE
009530	10/20/09	WES02	WESTERN BUSINESS PRODUCTS	39.97	.00	39.97	020691	Equip.Maint.-FIRE
009531	10/21/09	FED01	FEDERAL EXPRESS	57.23	.00	57.23	936719787	RUNWAY CONST-AIRPORT
009532	10/21/09	HOL04	HOLIDAY MARKET #32	43.45	.00	43.45	31847	Mat/Supplies BuildingMain
009533	10/21/09	MAY01	MAY, WILLIAM L.	983.55	.00	983.55	200910172	EE RELATIONS-LEGAL SVCS
009534	10/21/09	NOR31	NORM'S PRINTING	143.36	.00	143.36	007521	PROF SVCS-WTR
009535	10/21/09	SWW00	SWWC SERVICES, INC.	44156.20	.00	44156.20	16891	PROF SVCS-WWTP
				2640.67	.00	2640.67	16892	PRE-TREATMENT PROG-SMR
				18015.44	.00	18015.44	16916	PROF SVCS-
				3244.50	.00	3244.50	16923	PROF SVCS-
			Check Total.....:	68056.81	.00	68056.81		
009536	10/21/09	USP01	UNITED STATES POST OFFICE	577.26	.00	577.26	091021	PROF SVCS-WTR
			Cash Account Total.....:	106998.73	.00	106998.73		
			Total Disbursements.....:	106998.73	.00	106998.73		
			Cash Account Total.....:	.00	.00	.00		

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description	Payment Information
4201	10/20/09	BAN03	POLICE OFFICER ASSOC.	350.00	.00	350.00	A91020	POLICE OFFICER ASSOC	
4202	10/20/09	CAL37	CALIFORNIA STATE DISBURSE	138.46	.00	138.46	A91020	WITHHOLDING ORDER	
4203	10/20/09	EDD01	EMPLOYMENT DEVELOPMENT	3170.50	.00	3170.50	A91020	STATE INCOME TAX	
				1101.90	.00	1101.90	1A91020	SDI	
			Check Total.....:	4272.40	.00	4272.40			
4204	10/20/09	ICM01	ICMA RETIREMENT TRUST-457	3516.98	.00	3516.98	A91020	ICMA DEF. COMP	
4205	10/20/09	OEU03	OPERATING ENGINEERS	625.00	.00	625.00	A91020	CREDIT UNION SAVINGS	
4206	10/20/09	PERS1	PUBLIC EMPLOYERS RETIRE	26763.29	.00	26763.29	A91020	PERS PAYROLL REMITTANCE	
4207	10/20/09	PERS4	Cal Pers 457 Def. Comp	1070.00	.00	1070.00	A91020	PERS DEF. COMP.	
4208	10/20/09	PRE03	PREMIER WEST BANK	2905.17	.00	2905.17	A91020	HSA DEDUCTIBLE	
4209	10/20/09	TEH15	TEHAMA CO SHERIFF'S DEPT	589.71	.00	589.71	A91020	WAGE ASSN # 43462	
4210	10/20/09	VAL06	VALIC	2046.08	.00	2046.08	A91020	AIG VALIC P TAX	
Cash Account Total.....:				42277.09	.00	42277.09			
Total Disbursements.....:				42277.09	.00	42277.09			

Date...: Oct 21, 2009
 Time...: 1:47 pm
 Run by: LORI

CITY OF CORNING
 NEW BUSINESSES FOR CITY COUNCIL

Page.: 1
 List.: NEWS
 Group: WIFWB

Business Name	Address	CITY/STATE/ZIP	Contact Name	Business Desc. #1	Business Start Date	Primary Teleph
BOB'S ELECTRIC	25215 THIRD AVE	LOS MOLINOS, CA 96055	DER EYCK	ROBBERT CONTRACTOR - ELECTRIC	10/19/09	(530) 384-1880
CJ'S FIREWOOD	712 BEECHWAY	CORNING, CA 96021	CHAVEZ	JUAN SALE OF FIREWOOD	10/13/09	(530) 586-0621
CUPERTINO ELECTRIC I	1132 N. 7TH ST	SAN JOSE, CA 95112		CONTRACTOR - ELECTRIC	10/19/09	(408) 808-8000
ESPINOZA, RAUL	2071 SOLANO ST	CORNING, CA 96021	ESPINOZA	BARBER - HAIR CUTTING	10/13/09	(530) 838-5106
OLIVE CITY PETS N'ST	1251 HIGHWAY 99W	CORNING, CA 96021	TUBES	ROBIN PET STORE & PET SUPPLIES	10/19/09	(530) 824-4100
PEABODY CONSTRUCTION	1035 MCDONALD CT	CORNING, CA 96021	PEABODY	JESSE CONTRACTOR - TYPE B	10/19/09	(530) 736-6405
THE SYGMA NETWORK, I	3741 GOLD RIVER LANE	LANCASTER, CA 93536		WHOLESALE DISTRIBUTION TO RESTAURANT CHA	10/19/09	(614) 734-2500
VALLEY TECH SOLUTION	2135 ELM ST #9	CHICO, CA 95928	SMITH	INDEPENDENT CONSULTATIONS, SERVICES, REP	10/21/09	(507) 244-0461
ZAPATERIA 2 HERMANOS	1307 SOLANO ST	CORNING, CA 96021	OCEGUERA	JUAN SHOE STORE	10/14/09	(530) 824-2981

**ITEM NO: F-6
RESOLUTION NO: 10-27-09-02
ACCEPTANCE OF 2009
CALIFORNIA CITIZEN'S OPTIONS
FOR PUBLIC SAFETY GRANT
OCTOBER 27, 2009**

**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 City of Corning is to be awarded \$100,000 as part of the California Citizen's Options for Public Safety Program. The funds are restricted to front-line law enforcement and may not be used to supplant services already budgeted.

BACKGROUND:

State law establishes in each county treasury a Supplemental Law Enforcement Services Fund that receives an annual allocation from the State. These funds cannot be transferred to the City until the Supplemental Law Enforcement Oversight Committee certifies receipt of an approved expenditure plan by Resolution from the City Council. The City Council, at a public hearing, must appropriate the anticipated monies exclusively to fund front-line municipal police services in accordance with a written request submitted by the Chief of Police.

The most recent State budget funded another year of the California Citizen's Option for Public Safety (COPS) Program. The City of Corning will receive \$100,000 of the total program allotment, which must be expended by June 30, 2011.

Staff proposes that the 2009 COPS funds be expended during the 2010/11 fiscal year to continue funding the police detective position. Excluding overtime, the current estimated 2010/11 salary and benefits for the police detective will exceed \$100,000.00. The balance of funds needed to fund the detective position will come from the General Fund.

RECOMMENDATION:

MAYOR AND COUNCIL ADOPT RESOLUTION NO: 10-27-09-02 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.

RESOLUTION NO: 10-27-09-02

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF CORNING
TO ACCEPT THE FUNDS OFFERED THROUGH THE
CITIZEN'S OPTION FOR PUBLIC SAFETY GRANT PROGRAM**

WHEREAS, as a condition of receiving the Citizen's Option for Public Safety Grant funds, the City Council must appropriate the anticipated monies exclusively to fund front-line municipal police services in accordance with a written request submitted by the Chief of Police; and

WHEREAS, the City Council, at a public hearing, must approve appropriation of these funds;

NOW, THEREFORE, BE IT RESOLVED, that the City of Corning, in order to be eligible for the California Citizen's Option for Public Safety Grant funds has approved the expenditure of funds for the Police Detective position, as recommended by the Chief of Police and City Manager.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Corning, State of California, on the 27th day of October 2009, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Gary R. Strack, Mayor

Lisa M. Linnet, City Clerk

**ITEM NO.: F-7
AUTHORIZATION TO SEEK BIDS FOR
PAVEMENT STRIPING AND/OR REMOVAL
SERVICES**

OCTOBER 27, 2009

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

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



SUMMARY:

To ensure public safety, expedite City Street repairs and reconstruction, and assure the best price, Staff requests authorization to seek bids for a pavement striping and/or removal services contract spanning a three (3) year period. This contract will begin on January 1, 2010 and end on December 31, 2012.

The Fiscal Year Budget 2009/2010 allows for \$6,000 funding under Line Item Number 114-9220-3000 Thermo Plastic for street striping.

Please see the attached Notice to Contractors, Specifications and Proposal Form. This agreement will include an additional statement regarding the renewal of contract and shall read as follows:

RENEWAL OF CONTRACT:

Upon agreement of both parties, this contract may be extended from year to year or for an additional term of years upon such terms as are acceptable to both City and Contractor.

BACKGROUND:

The street striping on many streets within the City has faded due to heavy use and/or exposure to weather creating possible safety issues. Utilizing the bid process for pavement striping and/or removal services on each individual project is an expensive and time consuming process. To control expenses and expedite the process the Public Works Director requests authorization to utilize the bid process to obtain a three-year contract for these services for various projects as needed throughout the City.

RECOMMENDATION:

Mayor and Council authorize the Public Works Director to seek bids for a three (3) year contract to furnish pavement striping and/or removal services to the City of Corning.

**LEGAL NOTICE
NOTICE OF CALL FOR SEALED BIDS
FOR FURNISHING
PAVEMENT STRIPING AND/OR REMOVAL SERVICES
TO
THE CITY OF CORNING, CALIFORNIA**

In accordance with the provisions of the Municipal Code of the City of Corning, sealed bids will be received by the City Clerk of the City of Corning at City Hall, 794 Third Street, Corning, California 96021, until 2:00 p.m. **Monday, November 30, 2009**, for furnishing Pavement Striping and/or Removal Services to the City of Corning, per bid specifications and general conditions. Said bids will be opened and publicly read following the bid closing on November 30, 2009 at 2:00 p.m. in the Council chambers, Corning City Hall, 794 Third Street, Corning, CA. **BIDS RECEIVED AFTER THIS TIME AND DATE WILL NOT BE ACCEPTED OR CONSIDERED.**

The general prevailing rate of per diem wages, holidays and overtime work for each craft, classification or type of workman needed to execute the Contract are established by the State of California, Department of Industrial Relations, and are on file in the office of the City Clerk, City of Corning.

No bid will be accepted from a Contractor who is not licensed in accordance with the provisions of the California Business and Professions Code Section 7,000 et seq. A Contractor's Class C-32 license is required.

The Contract will be awarded to the responsible Contractor submitting the lowest responsive bid on the basis described in the Specifications. That Contractor **shall have or purchase a current City of Corning business License, provide Workers Compensation Insurance and a minimum \$2,000,000 Certificate of Liability Insurance along with an Additional Insured Endorsement.**

All bids must be submitted on standard bid forms provided by the City of Corning. The bids shall be sealed and marked Bid Proposal Street Striping. Specifications and bid forms may be obtained from Corning City Hall, 794 Third Street or on-line at www.corning.org under Public Information

The City of Corning reserves the right to reject any and all bids submitted, to waive any irregularity in the Request for Formal Bids, or in the event of identical proposals, be the sole judge of the individual/company to receive the contract

Publish: Saturday, October 31, 2009
Wednesday, November 4, 2009

Lisa M. Linnet
City Clerk

**BID
FOR FURNISHING
PAVEMENT STRIPING AND/OR REMOVAL SERVICES
TO
THE CITY OF CORNING CALIFORNIA**

To: The City of Corning
Lisa Linnet, City Clerk

The undersigned _____ (Corporate Name of Bidder) agrees to furnish to the City of Corning, California, at the prices quoted below, in accordance with the specifications on file in the office of the City of Corning, a copy of which is attached hereto and is made a part of this proposal:

Thermo Plastic Type	Unit	Unit Price
STRIPING		
White Fog Line	LF	
Yellow Lead Line	LF	
White/Yellow Skip	LF	
White 8" Turn	LF	
Yellow Double	LF	
Yellow 2-Way Left	LF	
Amber & White two-way safety reflectors	EA	
12" White/Yellow Crosswalk/Bar	LF	
LEGENDS		
Stop Legend	Each	
25 & 35 MPH Legends	Each	
Stop Ahead Legend	Each	
Handicapped Parking Legend	Each	
School Xing Slow	Each	
GRINDING	Sq. Ft.	

It is further agreed that the services to be performed under this proposal will be completed on an as-needed basis for the contract period January 1, 2010 through December 30, 2012 (36-months).

The Contractor further declares that he is a licensed contractor, and is fully certified in the State of California and that the license and certifications, which he holds, is of the class and type required to perform the specific work. A Contractor's License Class C-32 is required.

By signature hereof, bidder swears under penalty of perjury that representations of the proposal with respect to bidder's license are true.

The Contractor is required to submit a written Quality Control Program with his bid, per bid specifications.

Respectfully submitted,

Mailing Address

Corporate Name of Bidder

City, State, & Zip

By: _____
Signature

Telephone & Fax number

Print Name & Title

Contractor's License No. & Classification

Expiration Date of License

**SPECIFICATIONS
FOR
PAVEMENT STRIPING AND/OR REMOVAL SERVICES**

Description of Work

Pavement striping and/or removal is to be done on various streets throughout the City of Corning, on an as-needed basis throughout the contract period of January 1, 2010 through December 30, 2012 (36-months). Contractor is guaranteed a minimum of four (4) hours for each call out.

The work performed under this contract shall include the furnishing of all labor (at prevailing wage rate), materials, applicable taxes, and equipment necessary to perform street striping placement and/or removal (center lines, lane lines, edge lines, parking space lines/tees, bicycle lane line, legends, arrows and crosswalks) within the City of Corning.

Award of Bid

The City of Corning reserves the right to reject any and all bids submitted, to waive any irregularity in the Request for Formal Bids, or in the event of identical proposals, be the sole judge of the individual/company to receive the contract. The award of the bid shall be made on the basis of the overall lowest bidder.

Time of Completion

The Contractor shall complete all fieldwork in every detail at the locations within the dates specified by the Public Works Director. The Contractor shall not perform any fieldwork prior to said date.

Striping

All striping to be Thermo Plastic traffic marking, **60 mils** per Cal-Trans Traffic Manual, Chapter 6, Markings, (available from the California Department of Transportation, 1900 Royal Oaks Dr., Sacramento, CA 95815, 916-445-3520).

Remove Pavement Markings, Traffic Stripes, and Pavement Markers

The Contractor shall remove pavement markings, traffic stripes, and raised pavement markers from the pavement within the limits shown on the plans or as directed by the Director of Public Works. Raised pavement markers shall be removed to the fullest extent possible by any method that does not materially damage the surface of the pavement. Pavement markings and traffic stripes shall be removed by either grinding, bead blasting, or wet sandblasting.

Existing pavement markers shall be removed only where they are incorporated into the existing striping shown to be removed on the plans, or as directed by the Public Works Director.

Traffic Control

Contractor is to provide all traffic control, per Cal-Trans Manual of Traffic Controls for Construction and Maintenance Work Zones.

Contractor shall:

1. Provide 2-way radio communication lines between striping crews and home office.
2. Maintain contact with striping crews to ensure contract requirements are met.
3. Maintain back-up striping equipment on standby.
4. Meet with Public Works Director on an as-needed basis to discuss street striping performance and other related concerns.

Night Work

The Contractor shall not perform any work between the hours of 6:00 p.m. and 7:00 a.m., nor on Saturdays, Sundays or legal holidays without the permission of the Public Works Director, unless specifically requested to do so by the Director of Public Works. The City does not anticipate any night work, however due to special circumstances or locations, night work may be warranted.

Equipment

The Contractor must furnish and utilize equipment to properly perform the work in a workmanlike manner in accordance with these specifications. Such equipment must be in good state of repair and maintained in such state during the progress of the work. No worn or obsolete equipment shall be used, and in no case shall the manufacturer's rating of capacity for any equipment be exceeded.

Preparation

It shall be the responsibility of the Contractor to insure that prior to any striping that the surface be clear of all debris. At a minimum, this shall be accomplished utilizing a power broom sweeper.

Materials

All thermo plastic used for street striping shall be quick dry type. The thermo plastic shall be applied only when the pavement is dry, the atmospheric temperature is above 50 degrees Fahrenheit and the relative humidity is below 85%. Striping and re-striping shall not be attempted when there is fog, a forecast of rain, dust that might settle onto the paint, wind of sufficient strength to blow paint spray onto adjacent areas or while heavy traffic is present.

Traffic striping shall be applied in one application, at a rate to obtain a minimum wet film thickness of **60 mils**, per Cal Trans specifications.

Re-striping

All re-striping of existing traffic stripes shall coincide exactly with the original paintings, regardless of other, more restrictive requirements, unless otherwise indicated.

Quality of Materials and Source of Supply

All materials to be incorporated into the work under the contract shall be new and unused and shall conform to the requirements of these specifications and the Standard Specifications, latest edition.

Responsible Representative

The Contractor shall designate in writing before starting work an authorized representative who shall have the authority to represent and act for the Contractor, and who shall be authorized by the Contractor to execute all contract related documents including change orders and contract quantity agreements. The designated person shall act as the Contractor's public relations representative to answer and negotiate solutions to resolve public complaints that result from Contractor's activities. The designated representative shall be available at all times during regular working hours throughout the contract duration.

Whenever the Contractor or his authorized representative is not present on any particular part of the work where it may be desired to give direction, orders will be given by the Public Works Director, which shall be received and obeyed by the superintendent or foreman who may have charge of the striping work.

Employees of Contractor

The Contractor shall furnish sufficient supervisory and working personnel capable of promptly accomplishing accurately, and to the satisfaction of the Public Works Director, all work required under this contract during the regular prescribed hours, 7:00 a.m. – 6:00 p.m., Monday through Friday.

At least one member of any maintenance crew shall be able to read and speak English fluently.

All personnel in the Contractors' field operations shall follow all Cal/Osha safety requirements including safety clothing and road signage requirements.

Public Safety

No material or equipment shall be stored where it will interfere with the safe passage of public traffic, and at the end of each day's work and at other times when construction operations are suspended for any reason, the Contractor shall remove all equipment and other obstructions from that portion of the roadway open for use by public traffic. Spillage resulting from hauling operations along or across any public traveled way shall be removed promptly. All claims for damages such as overspray and drift onto passing vehicles will be the responsibility of the Contractor.

Whenever the Contractor's operations require one-way traffic or create a condition hazardous to the public traffic, he/she shall provide a traffic plan upon the request of the City.

Quality Control Program

The Contractor shall be required to submit a written Quality Control Program with his bid. The Quality Control Program is a written program that describes how the Contractor shall maintain satisfactory or above satisfactory performance, respond to citizen complaints, respond to requests for extra work, respond to field staff's concerns and respond to complaints or emergency requests from the City.

Payment

The City will issue one purchase order over the life of the contract, from January 1, 2010 through December 30, 2012. Payment shall be made to the Contractor on a monthly basis for all work performed to the satisfaction of the Director of Public Works within 30 days of invoicing by the Contractor. The Contractor shall be required to provide one monthly invoice for all work performed, with locations and costs for each location listed separately as is shown in the bidding schedule. Certified copies of payroll records for the time period worked shall be submitted to the City with Contractor's invoice. Contractor to be paid for actual amount of lineal feet striped and/or removed, based on unit prices quoted.

The City may withhold and/or deduct payment to such extent as may be necessary to protect the City from loss due to:

1. Work required in the specifications that is defective, incomplete or not performed.
2. Claims filed or reasonable evidence indicating probable filing of claims for damages caused by the Contractor to private or public property.
3. Failure of the Contractor to make payments properly to employees, subcontractors or vendors for materials or services provided.
4. Expenses incurred by the City to perform work required in the specifications that is defective, incomplete or not performed.

Each payment obligation of the City is conditioned upon the availability of state or local government funds which are apportioned or allocated for the payment of such an

obligation. If the funds are not allocated and available for the continuance of the function performed by the Supplier, the service directly or indirectly involved in the performance of that function may be terminated by the City at the end of the period for which funds are available.

Contract Cancellation

This Agreement may be terminated at any time by the City of Corning, upon thirty (30) days prior written notice.

Renewal of Contract

Upon agreement of both parties, this contract may be extended from year to year or for an additional term of years upon such terms as are acceptable to both City and Contractor.

ITEM NO.: F-8
ANNUAL STATEMENT OF
INVESTMENT POLICY 2009
OCTOBER 27, 2009

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

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER



SUMMARY:

Per Government Code 53646, the Statement of Investment Policy is to be reviewed and submitted annually to the City Council for approval. The Investment Policy serves as the guidance mechanism for the investment of City Funds.

RECOMMENDATION:

MAYOR AND CITY COUNCIL APPROVE THE ANNUAL STATEMENT OF INVESTMENT POLICY AS SUBMITTED.

CITY OF CORNING
STATEMENT OF INVESTMENT POLICY

I. Introduction:

The purpose of this document is to identify various policies that enhance opportunities for a prudent and systematic investment policy and to organize and formalize investment-related activities. Related activities that compromise good cash management include accurate cash projections, expeditious collection of revenue, control of disbursements, and cost effective banking relations.

II. Scope:

The Investment Policy covers all funds and investment activities under the direct authority of the City of Corning.

III. Objective:

- A. Safety:** Safety of principal is the foremost objective of the investment program. Investments of the City of Corning shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.
- B. Liquidity:** An adequate percentage of the portfolio will be maintained in liquid, short-term securities which can be converted to cash if necessary to meet disbursements requirements. Since all cash requirements cannot be anticipated, investments in securities with active secondary or resale markets is highly recommended. Emphasis will be on low sensitivity to market risk.
- C. Yield:** Yield becomes a consideration only after the basic requirements of safety and liquidity have been met.
- D. Market-Average Rate of Return:** The investment portfolio shall be designed to attain a market average rate of return throughout budgetary and economic cycles, taking into account the City's risk constraints, the cash flow characteristics of the portfolio, State and Local Laws and Ordinances.
- E. Diversification:** The investment portfolio will be diversified to avoid incurring unreasonable and avoidable risks regarding either specific security types or individual financial instruments.
- F. Prudence:** The City of Corning adheres to the guidance provided by the "Prudent Man Rule" (Civil Code Section #2261), which obligates a fiduciary to ensure that:
"...investment shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation but for investment considering the probable safety of their capital as well as the probable income to be derived."

G. Public Trust: All participants in the investment process shall act as custodians of the public trust. Investment officials shall recognize that the investment portfolio is subject to public review and evaluation. The overall program shall be designed and managed with a degree of professionalism that is worthy of the public trust.

IV. Declaration of Authority:

The City Treasurer has the authority to invest funds in certain eligible securities (Government Code Section 53635).

V. Reporting:

The City Treasurer shall submit a quarterly investment report to the City Council, which shall include all the elements of the report as prescribed by Government Code Section 53646.

VI. Investment Instruments:

Investments for the City of Corning shall only be made in one or more of the following:

<u>Maximum Investment Instrument Financial Institution</u>	<u>Percentage Or Amount</u>	<u>Maximum Maturity</u>
A. Checking Accounts	Unlimited	N/A
B. Certificates of Deposits	Unlimited	5 Years
C. Local Agency Investment Fund	\$ 40 MM	N/A
D. Passbook Savings Accounts	Unlimited	N/A

VII. Internal Controls:

A system of internal controls shall be established to prevent losses of public funds arising from fraud, employee error, misrepresentation of third parties, unanticipated changes in financial markets, and imprudent actions by employees, and officers of the City.

VIII. Maturities:

Security purchases and holdings shall be maintained within statutory limits imposed by Government Code.

IX. Banks and Securities Dealers:

The City Treasurer, in selecting financial institutions for deposits and investments of the City funds, shall consider the credit worthiness of such institutions. The Treasurer shall continue to monitor financial institutions, credit characteristics and financial history throughout the period in which City funds are either deposited or invested.

X. Risk Tolerance:

The City of Corning recognized that investment risk can result from issuer defaults, market price changes or various technical complications leading to temporary illiquidity. Portfolio diversification is employed as a way to control risk. No individual investment transaction shall be undertaken which jeopardizes the total capital position of the overall portfolio. The Treasurer shall periodically establish guidelines and strategies to control risk of default, market price changes, and illiquidity. A competitive bid process, when practical, will be used to place investments.

XI. Statement of Investment Policy:

This Statement of Investment Policy shall be reviewed and submitted annually to the City Council.

Date

Stephen J. Kimbrough, City Manager

**ITEM NO: F-9
PANHANDLING ORDINANCE
OCTOBER 27, 2009**

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

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

SUMMARY:

The City Council expressed concern about the City's ability to deal with panhandling issues and requested staff study the feasibility of developing an ordinance regulating panhandling in public places.

Most citizens are primarily frightened of crime involving a sudden, violent attack by a stranger. But we tend to overlook another source of fear - the fear of being bothered by disorderly people whose conduct poses a threat to the quality of life in a community. The prospect of a confrontation with an aggressive panhandler can be as fear-inducing as the prospect of meeting a robber. Where aggressive panhandlers assemble, people are likely to feel unsafe. The proposed ordinance regulating panhandling would provide the police with a tool to regulate undesirable conduct that has an impact on the perception of safety in our community.

Staff has worked with the City Attorney to develop the attached ordinance which satisfies the requirements set forth by the Courts in order to meet constitutional requirements.

The ordinance:

- 1) prohibits persons from standing in the public right-of-way, street or sidewalk, for the purpose of soliciting employment, business or contributions of money or other property from persons traveling in a vehicle along a public right-of-way;
- 2) prohibits persons who are the occupants of motor vehicles from soliciting employment, business or contributions of money or other property from persons who are within the public right-of-way;
- 3) restricts the locations within a commercial parking area where such activity may be conducted;
- 4) prohibits loitering in the center median of the roadway;
- 5) prohibits any solicitation done in an aggressive manner; and,
- 6) prohibits solicitation near ATMs, at bus stops and when it is dark.

Staff recommends the reading, by short title and introduction of this Ordinance.

BACKGROUND:

In 1991, a Federal District Court declared California's panhandling statute, Section 647(c) of the Penal Code unconstitutional, but California Appellate Courts have not yet issued definitive rulings on this issue. Courts have held that panhandling is an expression of free speech guaranteed under the 1st Amendment of the U.S Constitution. The Courts have stated

that any laws prohibiting panhandling that are vague or over broad, that target a particular message, that do not serve a significant government interest and do not provide for alternative channels of communication are unconstitutional. The courts have held that the conduct which may be regulated is the manner in which the panhandling is done.

Many municipalities have adopted narrowly-tailored panhandling and solicitation statutes which sought to comply with court precedent, while also addressing the problems their communities were facing. Court decisions have upheld ordinances restricting solicitation based on the premise they do not prohibit all panhandling; they merely establish time, place, and manner restrictions on panhandling activities. Staff conducted research of local ordinances already in place relevant to aggressive panhandling issues and vehicle-related solicitation. Although local ordinances have been passed and adopted by their respective City Councils few have been challenged in court.

Under standard First Amendment analysis, courts have determined that restrictions on soliciting in a public forum must satisfy four requirements in order to pass constitutional challenge. The proposed ordinance meets all four of these elements.

1. The ordinance is content neutral - it is not intended to target a particular message or exchange of ideas; it applies to all solicitors equally, regardless of whether they are soliciting donations for a religious group, promoting a school fund-raiser, or soliciting personal donations in order to purchase food.
2. The ordinance is narrowly tailored - it is not vague or over broad, and it provides clear definitions of terminology used. It is aimed strictly at solicitation posing traffic hazards, aggressive solicitation and solicitation where it is particularly intrusive. It reaches only conduct that is harassing, coercing, or intimidating.
3. The ordinance serves a significant governmental interest - the activity of soliciting from occupants of vehicles distracts drivers from their primary duty to watch traffic and potential hazards in the roadway, to observe all traffic control signals or warnings, and to move through the city's streets and intersections safely. Panhandling also impedes the flow of traffic and obstructs the public's free flow of travel. Additionally, "aggressive panhandling" controls are aimed at protecting the public from intimidation. Federal courts have found these interests to be legitimate.
4. The ordinance leaves ample alternative channels of communication - it does not prohibit all solicitations, it merely places limitations on solicitations that involve traffic issues and public safety. There are numerous times and locations where these individuals can solicit in a non-confrontational manner.

RECOMMENDATION:

MAYOR AND COUNCIL READ BY SHORT TITLE AND ADOPT ORDINANCE NUMBER 638 - REGULATING PANHANDLING, THROUGH THE ADDITION OF CHAPTER 9.20 TO THE CORNING MUNICIPAL CODE.

ORDINANCE NO. 638

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORNING
ADDING CHAPTER 9.20 ENTITLED
"SOLICITATION OF EMPLOYMENT, BUSINESS OR CONTRIBUTIONS OF MONEY OR
OTHER PROPERTY"
TO THE CORNING MUNICIPAL CODE**

The City Council of the City of Corning, does hereby ordain as follows:

SECTION 1. CHAPTER 9.20 ADDED. A new chapter, Chapter 9.20, entitled "Solicitation Of Employment, Business Or Contributions Of Money Or Other Property" is hereby added to the Corning Municipal Code to read as follows:

Chapter 9.20

**SOLICITATION OF EMPLOYMENT, BUSINESS OR CONTRIBUTIONS OF MONEY OR
OTHER PROPERTY**

9.20.010. Findings and Purpose.

The City Council makes the following findings:

- (a) On City streets, sidewalks and intersections, the activity of soliciting employment, business or contributions from occupants of vehicles is hazardous because it distracts drivers from their primary duty to watch traffic and be alert for potential hazards in the roadway, to observe all traffic control signals, signs or warnings, and to be prepared to move through the city's streets and intersections.
- (b) In public and private parking lots and parking structures, the activity of soliciting employment, business, or contributions from occupants of vehicles is hazardous because it distracts drivers from their primary duty to watch other vehicles or pedestrians and to move through the lot or structure with safety.
- (c) The practice of soliciting employment, business or contributions from within a public street, highway, or parking facility subjects the solicitor, pedestrians and vehicles to an unacceptable level of danger by distracting drivers from their primary duty to watch traffic and results in the delay and obstruction of the public's free flow of travel, and results in congestion and blockage of the streets, parking lot driveways, and sidewalks when such persons approach the vehicles to negotiate with the occupants.
- (d) Distracted drivers are more prone to be involved in automobile accidents; and accidents on the public streets constitute a substantial traffic safety problem.
- (e) The cumulative impact of this type of activity on the streets, highways, sidewalks and parking facilities on a daily basis creates a potential safety hazard, which poses a significant and substantial risk to the interest of the public in the free flow of travel.

(f) Solicitation within parking lots and structures is of particular concern, because it presents a potentially threatening environment for people traveling to or from their vehicle and provides a greater opportunity for someone desiring to conceal his or her presence from the unsuspecting.

(g) People exiting or entering a vehicle are in a very vulnerable position when approached by a solicitor and are exposed to reasonable fear for safety and the possibility of a carjacking, robbery or other person or property crime.

(h) Soliciting in a manner that is confrontational and involves conduct that is perceived by the person being solicited as harassing, coercing, or intimidating or which obstructs the free passage of that individual is detrimental to the quality of life and economic vitality of the community.

(i) Soliciting at times and places where individuals feel particularly vulnerable, such as during times of darkness, or in the vicinity of automatic teller machines, causes the person being solicited to feel unsafe, which in turn leads to people who would be engaged in legitimate activities tending to avoid certain areas, resulting in a decline in business and community life and a possible increase in crime.

9.20.020. Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

(1) "Aggressive manner" means approaching or speaking to a person, or following a person before, during or after soliciting if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another, or damage to or loss of property or otherwise feel threatened; continuing to solicit from a person after the person has given a negative response to such soliciting; intentionally touching or causing physical contact with another person without that person's consent in the course of soliciting; intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle in conjunction with soliciting; or using violent or threatening gestures or language in conjunction with the solicitation.

(2) "Business" means any type of product, good, service performance or activity which is provided or performed, or offered to be provided or performed, in exchange for money, labor, goods or any other form of consideration.

(3) "Commercial parking area" means privately owned property which is designed or used primarily for the parking of vehicles and which adjoins one or more commercial establishments.

(4) "Employment" means services, industry or labor performed by a person for wages or other compensation or under any contract of hire, written or oral, express or implied.

(5) "Median strip" means a paved or planted area of public right-of-way dividing a street or highway into lanes according to the direction of travel.

(6) "Public right-of-way" means land which is dedicated to the public use for sidewalk, street or highway purposes, or other transportation purposes.

(7) "Solicit" means making any oral or written request, offer or enticement, or taking any action which indicates the availability of a person for employment or availability to provide services for compensation or which seeks to purchase or secure services or goods, the purchase or sale of goods, or a request for money or other property, or a contribution of money or other property. A solicitation shall be deemed complete when made whether or not an actual employment relationship is created, a transaction is completed, or an exchange of money or other property takes place.

9.20.030. Loitering in median strip.

It is unlawful for any person to loiter in a median strip within a street, highway, or other city-maintained public right-of-way. For the purposes of this section, "loiter" means to linger or remain in the median strip for any purpose unrelated to safely traversing a street or other roadway, except in an emergency. This section shall not apply to authorized city personnel or contractors who are repairing or maintaining the median strips or adjacent roadway.

9.20.040. Solicitation in public rights-of-way or public parking lots prohibited.

(a) It is unlawful for any person, while standing in any portion of the public right-of-way, including but not limited to public streets, highways, median strips, sidewalks and driveways, to solicit, or attempt to solicit, employment, business, or contributions of money or other property from any person traveling in a vehicle along a public right-of-way, including, but not limited to public streets, highways or driveways.

(b) It is unlawful for any person, while the occupant of any vehicle, to solicit, or attempt to solicit, employment, business or contributions of money or other property from a person who is within the public right-of-way, including but not limited to a public street, highway, sidewalk or driveway. This provision does not apply to services rendered in connection with emergency repairs requested by the operator or passenger of a vehicle.

(c) It is unlawful for any person to solicit or attempt to solicit, employment, business or contributions of money or other property from any occupant of a vehicle, or from any person getting into or out of a vehicle within any public parking lot or structure where such parking lot or structure is posted with a sign prohibiting such activity.

9.20.050. Solicitation in unauthorized locations within commercial parking areas prohibited.

(a) It is unlawful for any person to solicit or attempt to solicit employment, business or contributions of money or other property, from a location within a commercial parking area used for vehicular traffic. It is also unlawful to solicit in a location not authorized in advance by the property owner, or the property owner's representative, for such solicitations.

(b) The prohibition against solicitation shall only apply to commercial parking areas where all of the following occur:

(1) The owner or person in lawful possession establishes a written policy which provides area(s) for the lawful solicitation of employment, business, or contributions of money or other

property in locations which are accessible to the public and do not interfere with the normal business operations of the commercial premises;

(2) A copy of such policy is submitted to the Chief of Police to be maintained in Police Department files.

(3) The owner or person in lawful possession has caused a notice to be posted in a conspicuous place at each entrance to such commercial parking area. This notice shall not be less than eighteen by twenty-four inches (18" x 24") in size with lettering not less than one inch in height, and the notice shall not exceed, in total area, six square feet. The notice shall read substantially as follows:

"It is a misdemeanor to engage in the solicitation of employment, business or contributions of money or other property in areas of this commercial parking lot which are not approved for such activity by the property owner."

9.20.060. Restrictions on time, place and manner of solicitation.

- (a) It is unlawful to solicit in an aggressive manner in any public place.
- (b) It is unlawful to solicit within twenty-five feet (25') of any automated teller machine or other cash disbursement machine.
- (c) It is unlawful to solicit after sunset or before sunrise.
- (d) It is unlawful to solicit at any bus stop.

9.20.070. Penalty.

Every violation of this chapter is a misdemeanor.

.....

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Corning, held on Tuesday, October 13, 2009 and adopted at a regular meeting of the City Council of the City of Corning, held _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

It shall take effect and be in force thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage, it or a summary of it, shall be published once, with the names of Council persons voting for and against the same, in a newspaper of general circulation in the County of Tehama.

Gary R. Strack, Mayor

ATTEST:

Lisa M. Linnet, City Clerk

PUBLISHED: _____

ITEM NO. H- 10

Consider adopting the Mitigated Negative Declaration filed on the 2009-2014 Housing Element Update and consider adopting Resolution No. 10-27-09-01, the resolution to implement General Plan Amendment 2009-1A, the 2009-2014 Housing Element Update

October 27, 2009

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JOHN STOUFER; PLANNING DIRECTOR JS

PROJECT DESCRIPTION

The Housing Element is a State mandated General Plan Element that describes housing needs of residents of all income levels, and includes discussion of housing needs of specific groups as well, such as seniors, owner-builders, disabled persons and the homeless. The Housing Element contains policies that affect the kinds, locations and intensities of land uses and new development within the City limits and the City's Sphere of Influence which are lands in Tehama County that may be annexed to the City in the future.

State law requires the adoption and periodic update of "General Plan Housing Elements". The current Housing Element was prepared and adopted in 2005. The City of Corning commissioned the services of a consultant, Diaz Associates, to update its Housing Element. A draft document was presented for Planning Commission and public review at public hearing conducted on August 18, 2009. The Planning Commission voted 4:0 to recommend adoption of the Mitigated Negative Declaration and the 2009-2014 Housing Element as presented to them in draft form. The draft document was then provided to the California Department of Housing and Community Development (H&CD) for their review and comments.

Council received a copy of the H&CD comment letter with a copy of the Housing Element. The comments received from H&CD have been incorporated into the final Housing Element document.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Mitigated Negative Declaration, A mitigated negative declaration means a negative declaration prepared for a project when the initial study has identified potentially significant effects on the environment, but (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.

Staff recommends the following Subfindings & Findings for consideration by the City Council, pursuant to the California Environmental Quality Act (CEQA),

Subfinding #1

An Initial Study analyzing the environmental impacts associated with the adoption of the 2009-2014 Housing Element has been prepared, a Mitigated Negative Declaration filed and circulated through the CEQA process.

Finding #1

The City of Corning Planning Commission and Corning City Council have reviewed the Initial Study and Mitigated Negative Declaration filed on the 2009-2014 Housing Element Update. The Planning Commission and City Council find that the Initial Study analyzed the environmental impacts associated with the project and that identified impacts have been mitigated to a Less than Significant Level.

RECOMMENDED ACTION

That the City Council:

- **Move to adopt Subfinding and Finding #1 and to adopt the Mitigated Negative Declaration filed on the 2009-2014 Housing Element Update as meeting the requirements of CEQA and its guidelines.**
- **Move to adopt Resolution No. 10-27-09-01; the resolution to implement General Plan Amendment 2009-1A; the 2009-2014 Housing Element of the Corning General Plan.**

CITY OF CORNING
RESOLUTION NO. 10-27-09-01;
A RESOLUTION ADOPTING THE 2009-2014 HOUSING ELEMENT OF THE
GENERAL PLAN

WHEREAS, Government Code Section 65300 requires that Cities adopt comprehensive, long-term general plans for their physical development, and,

WHEREAS, Government Code Section 65302 requires the General Plan to contain at least seven elements, including a Housing Element, and,

WHEREAS, Government Code Section 65588 requires periodic updates to the Housing Element, and

WHEREAS, the current Housing Element was last updated in 2005, and

WHEREAS, it is now appropriate to adopt an updated Housing Element, and

WHEREAS, the attached document titled "City of Corning 2009-2014 Housing Element Update" and dated October 15 2009 was prepared under contract by Diaz Associates pursuant to a General Planning and Technical Assistance grant from the California Department of Housing and Community Development, Development Block Grant (CDBG) Program, and

WHEREAS, the 2009-2014 Housing Element is the result of coordination with the California Department of Housing & Community Development, City staff, review by public and private agencies, and three separate public hearings before the Planning Commission and,

WHEREAS, the State Department of Housing and Community Development reviewed a draft copy of the 2009-2014 Housing Element Update and recommend changes, pursuant to a letter dated September 17, 2009, have been made so that the housing element complies with Article 10.6 of the Government Code.

NOW, THEREFORE BE IT RESOLVED that the attached document titled "City of Corning 2009-2014 Housing Element Update" and dated October 15 2009, is hereby adopted as the Housing Element for the City of Corning.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Corning City Council on October 27, 2009 by the following vote:

AYES: COUNCILMEMBERS

NOES: COUNCILMEMBERS

ABSENT OR NOT VOTING:

Gary R. Strack, Mayor

ATTEST:

Lisa M. Linnet, City Clerk

ITEM NO: H- 11

REVOCATION OF USE PERMIT NO 127,

Consider revoking Use Permit No. 127, prohibiting any future residential use at 609 4th Street, pursuant to Section 17.54.060 of the Corning Municipal Code.

OCTOBER 27, 2009

TO: HONORABLE MAYOR AND CITY OF CORNING CITY COUNCIL

FROM: STEVE KIMBROUGH, CITY MANAGER *STEVE*
JOHN STOUFER, PLANNING DIRECTOR JS

PROJECT DESCRIPTION & LOCATION:

Consider revoking Use Permit No. 127 pursuant to Section 17.54.060 of the Corning Municipal Code (CMC). Use Permit No. 127 was approved by the Corning City Council on November 14, 1989 allowing the establishment of an apartment for two people in an M-1, Light Industrial Zoning District. The apartment is located in the east end of an existing building located along the east side of 4th Street, approximately 60 feet north of the 4th St. / Yolo St. intersection. Address: 609 4th St. APN: 71-116-06

REASONS FOR HEARING:

- Use Permit No.127, Condition #3 limits the occupancy of the residence to a maximum of two occupants.
- The residence is currently occupied by two adult females and three children for a total of 5 occupants.
- Staff has received complaints regarding children playing in the alley that provides access to the recycling and lumber business located adjacent to the residence.
- Safety issues associated with children playing in an area with established light industrial uses.
- Residence is not associated with any business located in the building.

GENERAL PLAN LAND USE DESIGNATION:

I- Industrial

ZONING DESIGNATION:

M-1 – Light Industrial

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) ACTION EXEMPT

Section 21084 of the Public Resources Code requires that the CEQA Guidelines include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore be exempt from the provisions of CEQA. The Secretary of Resources established classes of projects that do not have a significant effect on the environment and therefore are declared to be categorically exempt from the preparation of environmental documents.

CEQA Guidelines Section 15321. Enforcement Actions by Regulatory Agencies

Class 21 consists of:

- (a) Actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issue, adopted, or prescribed, by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered or adopted by the regulatory agency. Such actions include but are not limited to the following:
 - (2) The adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate or entitlement for use or enforcing the general rule, standard, or objective.

ZONING:

As previously identified the site is zoned M-1, Light Industrial. Section 17.26.020 of the CMC is titled Permitted Uses. Under this section, subsection A, reads as follows:

“Uses permitted in the C-3 district may be permitted upon the securing of a conditional use permit. An onsite residence may be permitted, upon securing a conditional use permit, provided the occupation of such residence will not exceed one-third of the square footage of an active business establishment and occupied by the owner/proprietor or their agent. Such residence is to be a secondary use to an active industrial enterprise. No residential garage shall be permitted.”

DISCUSSION:

The building located along the east side of 4th Street currently has four suites, one that faces west towards the street, addressed as 615 4th St., and three that face north towards the alley, addressed as 609, 611, and 613 4th St. Of these four suites, 611 and 615 are currently vacant, 609 is currently used as a residence and 613 is used by Right Roads, an agency that assists people that have problems with alcohol abuse.

Attached (Exhibit “A”) is a copy of Conditional Use Permit No. 127, approved by the Corning City Council on November 14, 1989 allowing the suite addressed 609 4th St., to be used as a residence. Included (Exhibit “B”) with the Use Permit is a copy of the minutes from this Council meeting.

The conditions of approval, more particularly condition #3, states *“The residential unit shall be limited to a maximum of one bedroom and two occupants.”* In a visit to the site Planning Director John Stoufer and Building Official Terry Hoofard spoke with Jamie Robinson who is residing in the apartment with her mother and three children which is a violation of the Use Permit.

Section 17.54.060 of the Corning Municipal Code (CMC) states:

“ Upon recommendation by the City Manager, the body which originally granted the conditional use permit, shall conduct a noticed public hearing to determine whether a conditional use permit, should be revoked. If the commission or council finds any one of the following facts to be present, it shall revoke the conditional use permit:

- A. That the permit was obtained by fraud; or*
- B. That the use for which such approval was granted has ceased to exist, or has been suspended, for a period of six months or more; or*
- C. That the permit granted is being, or has been, exercised contrary to the terms and conditions of such approval or in violation of any law; or*
- D. That the use for which the approval was granted is being exercised so as to be detrimental to the public health or safety, or as to constitute a nuisance.*

If the commission conducts the hearing, the action taken by the commission shall be subject to an appeal in the manner prescribed in Section 17.54.050 et seq. hereof. The action by the council shall be final and conclusive.

As discussed in the minutes from the November 14, 1989 Council meeting the Planning Commission denied the Use Permit application and the applicant at that time, Mr. Ron Dreifort, appealed the Commission’s decision to the Council who after holding a public hearing approved the Use Permit subject to 5 conditions of approval. Since the Council approved the Use Permit they are the body that will determine whether the permit should be revoked. The Planning Commission has not held a hearing to consider revocation of the permit.

Staff has discussed the violation of condition #3 with the City Manager and also received citizen complaints expressing concerns with children playing outdoors in an area adjacent to one of the access points to the Recycling Business and Corning Lumber. After visiting the site staff also expressed safety concerns with children living and playing at this location. Pursuant to these concerns expressed by citizens and staff, the City Manager has recommended that the Council hold a public hearing to consider revocation of the Use Permit.

The current property owner, Mr. John Altman was notified by letter, dated September 21, 2009 (Exhibit “C”) of the violation and that the City Manager has recommended the Council consider revocation of the Use Permit pursuant to Section 17.54.060 of the CMC. Staff has also informed the family living in the building of the hearing and hand delivered the public hearing notice to the grandmother. Mr. Altman also received the notice of public hearing.

STAFF RECOMMENDATION:

Due to the violation of condition #3 and safety concerns with children living and playing adjacent to a light industrial use, staff recommends that the Council adopt the following subfindings, and findings, and proceed to take the recommended action.

Subfinding #1

Section 21084 of the Public Resources Code requires that the CEQA Guidelines include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore be exempt from the provisions of CEQA.

Finding #1

Revoking Use Permit No. 127 is categorically exempt from CEQA pursuant to Section 15321, Class 21 (a) (2).

Subfinding #2

The Corning City Council approved Use Permit No. 127, subject to 5 conditions of approval, on November 14, 1989 allowing the establishment of an apartment for two people in an M-1, Light Industrial Zoning District.

Finding #2

Condition #3 states that the residential unit shall be limited to a maximum of one bedroom and two occupants.

Subfinding #3

Planning Director John Stoufer, and Building Official Terry Hoofard have inspected the site and were informed that the residential unit is currently being occupied by two adult females and three children.

Finding #3

The occupancy of the residential unit by 5 people, permitted pursuant to Use Permit No. 127, is a violation of condition #3 and therefore, being exercised contrary to the terms and conditions of approval.

Subfinding #4

The residential unit is adjacent to existing industrial uses, a recycling business and a lumberyard. The occupants have established a play yard for the three children living in the residence directly adjacent to an alley that serves both businesses. The City has been notified by citizens of children playing in the alley.

Finding #4

Children playing in and around a vehicle access point to the existing recycling business and lumberyard can cause an accident that might result in an injury or death to one of the children, therefore, the use for which Use Permit No. 127 was granted is being exercised so as to be detrimental to public safety.

Subfinding #5

The existing residence and occupants are not associated with, or considered a secondary use, to an industrial enterprise established within the building.

Finding #5

A residence established in an M-1, Light Industrial Zone is to be a secondary use to an active industrial enterprise pursuant to Section 17.26.020 A, of the Corning Municipal Code.

ACTION

1. MOVE TO ADOPT THE FIVE SUBFINDINGS AND FINDINGS AS PRESENTED IN THE STAFF REPORT AND REVOKE USE PERMIT NUMBER 127, THEREBY PROHIBITING ANY FUTURE RESIDENTIAL USE OF THE SUITE LOCATED AT 609 4TH STREET.

(PLEASE NOTE : PRIOR TO ADOPTING THE RECOMMENDED SUBFINDINGS & FINDINGS THE COUNCIL HAS THE ABILITY TO MODIFY OR REMOVE ANY OF THE SUBFINDINGS AND FINDINGS IF DEEMED APPROPRIATE BY A MAJORITY OF THE COUNCIL)

EXHIBITS

- | | |
|-------------|--|
| EXHIBIT "A" | COPY OF USE PERMIT NO. 127 |
| EXHIBIT "B" | MINUTES FROM NOVEMBER 14, 1989 COUNCIL MEETING |
| EXHIBIT "C" | LETTER TO PROPERTY OWNER JOHN ALTMAN |
| EXHIBIT "D" | VICINITY MAP |
| EXHIBIT "E" | ZONING MAP |
| EXHIBIT "F" | GENERAL PLAN MAP |
| EXHIBIT "G" | AERIAL PHOTO |
| EXHIBIT "H" | SECTION 17.26.020 OF THE CMC |
| EXHIBIT "I" | SECTION 15321 CEQA GUIDELINES |

EXHIBIT "A"
COPY OF
USE PERMIT No. 127

APPLICATION NO. 127

CITY OF CORNING

PLANNING OFFICE
794 Third Street
Corning, CA 96021
(916) 824-5558

CONDITIONAL
USE PERMIT

Request

Upon approval, Use Permit Application No. 127, in accordance with Corning Municipal Code Section 17.26.020 A, authorizes the following:

Establish a single story residence with one bedroom within the existing commercial building.

At: 615 Fourth Avenue

Action

- PLANNING COMMISSION
 PLANNING OFFICER

- PERMIT APPROVED
 PERMIT DENIED
DATE: 10/17/89

- CITY COUNCIL
 Permit Approved
 Permit Denied

DATE: 11/14/1989

BY: *Darcene Dickinson*
Secretary, City of Corning
Planning Commission

APPEAL PERIOD ENDS: November 25, 1989

Conditions of Approval

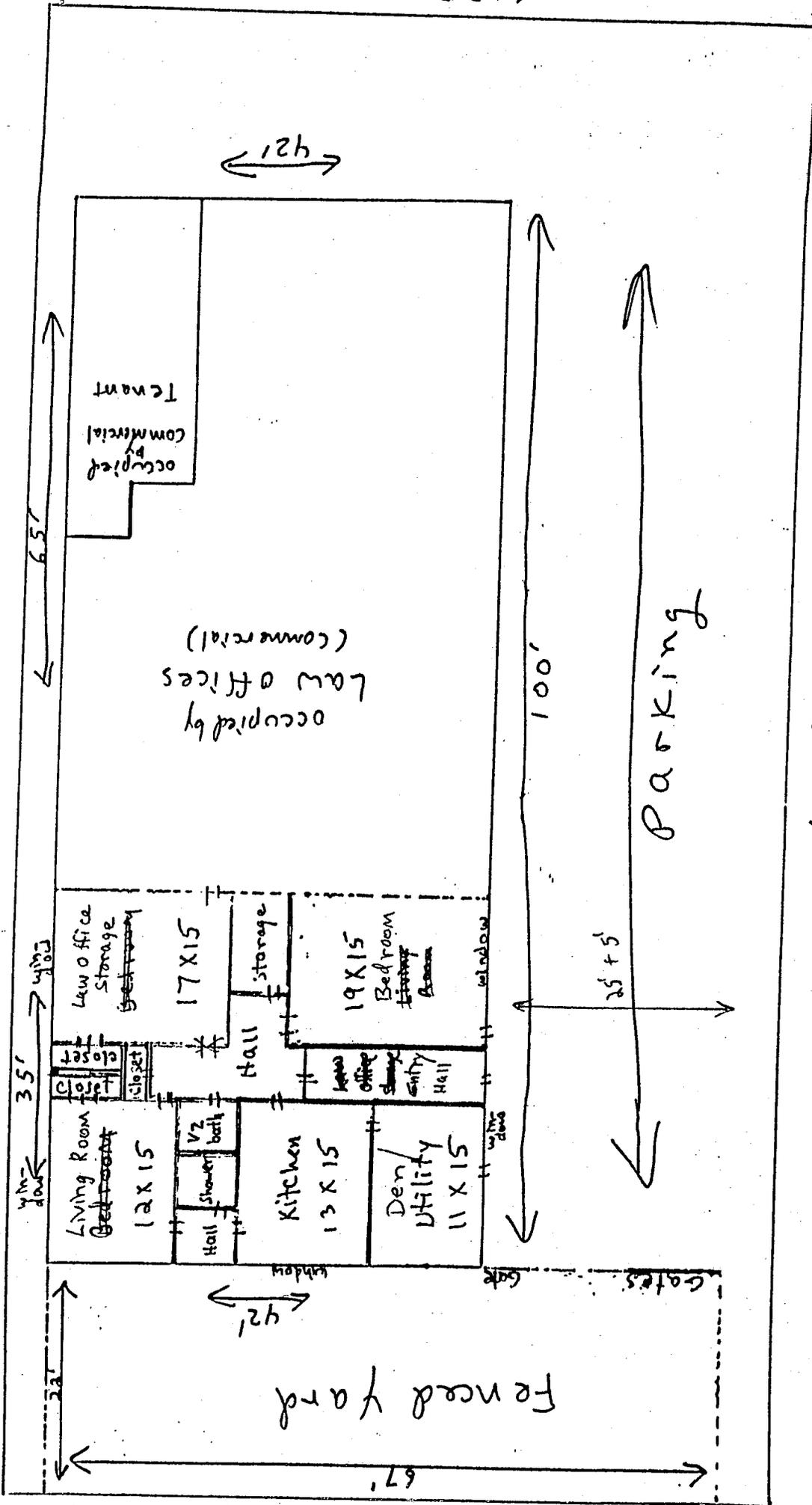
1. Development and use of the site shall be in substantial accord with the description in the Planning Report.
2. All other State and local code provisions are to be met.
3. The residential unit shall be limited to a maximum of one bedroom and two occupants.
4. Fencing shall be extended to the entrance to the dwelling.
5. Approval of this use shall be reviewed by the Planning Commission in one year.

I hereby agree to accept this Use Permit subject to the conditions specified above. I am aware that this permit may be revoked for violation of any of the conditions of approval.

Applicant's Signature: *Ronald Rife*

Date: 11/30/89

RUSS N SON GARAGE



Revised proposal

un paved Alley

11/4 = 11/1

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CORNING, held Tuesday, November 14, 1989 at 7:30 p.m. in the Council Chambers of the City Hall.

Meeting called to order by Mayor Landingham.

Councilmembers present: Landingham, Kirkpatrick, Turner, Strack and Pitkin.

Councilmembers absent: None.

EXHIBIT "B"

COPY OF MINUTES

Flag Salute led by Councilmember T NOV. 14, 1989 COUNCIL MEETING

PUBLIC HEARING - RONALD W. DREIFORT'S REQUEST FOR REVIEW OF PLANNING COMMISSION DECISION RE: USE PERMIT NO. 127

Mayor Landingham declared the Public Hearing open. Councilmember Strack disqualified himself because he lives in the area and he did comment at the Planning Commission Public Hearing. He took a seat in the audience.

Jo Sherman, Planning Officer explained that this was an application presented to the Planning Commission to establish a dwelling unit in a Commercial Zone. She explained it further to the Council. It was established that this location had been used as a residence before, but no Use Permit had been obtained. The Planning Commission expressed a concern with safety. There were only three Planning Commissioners present at the first meeting, so the applicant requested holding it over. Two Commissioners felt it could be worked out by limiting it to a one bedroom unit. By a vote of 3-2 the Planning Commission denied the Use Permit, so you have an application before you tonight for your consideration. This is being converted solely for a rental unit.

Ronald Dreifort told the Council, I have a little problem and I have come to the Council in hopes of getting a little relief. When I bought the building, I did not have any idea I would have trouble getting a tenant. The building was built by Elmer Jennings' dad. There was a Doctor in it and then a retired Doctor. They remodeled part of the building for residential and he explained what they did. It became a residential use Elmer's brother lived there in the early 1980's. He got married and the lived there with children. Eventually they moved out and Elmer's son lived in this unit very recently. In early 1988 he and his wife moved out and then Elmer commenced to use it for storage. When I looked at the building, I could see it was set up for a residence and that people had lived there. I did not know it would be a problem. I figured with a residential tenant in there it would help with the expenses. I quickly found out I was going to need a Use Permit so I applied. Certainly the Planning Commission had real concerns with safety and I certainly agree it could be a problem with children. I was satisfied with the compromise that some of the Planning Commissioners came up with. If the Council was to see its way clear to allow me this Use permit for adults only, I would agree to that. If the Council wants to see it re-configured to a one bedroom unit, I would be satisfied. There are a number of ways to address the safety concerns. There is a setback of probably 35' and I offered to put up a fence or a block wall. I do not need children there. I am here tonight to ask that we make this compromise. I understand the Planning Commission's feelings on zoning. I do feel there is one other situation that I think I should make you aware of. I became aware that there is a bigger security problem there than I thought. I have found that people appear to congregate around there at night. I think if I can be permitted to have someone living there it will help the security. There is a yard off to the side. It is 67' long by 22' wide. The building is 42' wide and 100' long. It is fenced back there. I suggested to the Planning Commission that if we are going to have children, that I fence it off. I do not care if we have children there, I would prefer adults. The large bedroom I would take back for storage for the law office. With one bedroom and an occupancy of two people I could get along with it.

Councilmember Kirkpatrick asked, could that fence be moved so the door of the entry way would be inside the yard? Mr. Dreifort answered, I would be more than happy to do that. Mayor Landingham asked, at no time were any Permits taken out for residences? Mrs. Sherman answered, no zoning permits. There may have been some remodeling permits, but it is not unusual to put kitchen facilities in. Mayor Landingham told the Council, I can see his wish to have someone on the premises to stop vandalism. It is really tough to have a building that does not have a live person in it to stop vandalism. I do not think it was legal to restrict children. Michael Fitzpatrick, City Attorney told the Council, I am not going to say without doing some research that it is all right to do it. If you are thinking of approving it, add to check the legality.

Councilmember Pitkin told the Council, when the Planning Commission talked about this, there concerns were the children and that it would be residential in a commercial zone. Mrs. Sherman corrected that to a residence in a manufacturing zone. This particular structure is surrounded with non-residential uses. She explained it further. The Commission was concerned that this building was surrounded more so than others. There are three residences in the commercial zone. There was a Use Permit applied for and approved for 1210 Solano Street. That was the only Use Permit applied for. That was the only application I could find, I do not have any applications for the other two.

Mr. Dreifort told the Council, there was one other major thing at the Planning Commission meeting. They talked about the trucks and forklifts from Corning Lumber Company. At my request, they have rearranged their loading and unloading procedure. Further discussion was held regarding the forklifts and trucks. Mr. Dreifort told the Council, there is a little bit of traffic, it is not a major concern and I can rearrange the fence.

Anthony Lopez, City Manager asked, are you appealing this because of the security reasons? Mr. Dreifort answered, that is part of it. I do feel that I need it for security. Mr. Lopez told the Council, I believe that changes the scope. That is one of the allowable reasons. Further discussion was held.

Moved by Councilmember Turner that we close the Public Hearing, seconded by Councilmember Kirkpatrick.

Ayes: Landingham, Kirkpatrick, Turner and Pitkin.
 Noes: None.
 Absent: None.
 Abstaining: Strack.

Moved by Councilmember Kirkpatrick that Permit No. 127 be granted for the use of this building and that the fence, the yard, be extended to include the entry way into the apartment, seconded by Councilmember Landingham.

Councilmember Pitkin asked, does that still leave enough available parking or are they changing the entry? It was explained where they would be moving it, it increases the yard. Mr. Dreifort explained, it is my impression that Councilmember Kirkpatrick wants the fence extended down past all the entry ways. That is not going to affect the parking at all. Councilmember Turner suggested that along with the conditions of moving the fence past the existing entry ways, it be limited to one bedroom, limited to no more than two people, checked on a yearly basis by the Planning Commission and be limited to senior citizens. To be brought back to the Planning Commission with a one bedroom stipulation, limited to no more than two people, Use Permit be checked on a yearly basis and limited to senior citizens and reviewed by the Council on a yearly basis. Mayor Landingham does not think limiting it without children or to senior citizens is really valid. I am not sure that the law allows it. I think the limit to two people is about as close as you can get. Mr. Fitzpatrick told the Council, from a legal stand point, if you say senior citizens, that you also say subject to legal interpretation by the City Attorney. Mr. Dreifort told the Council, I can probably legally screen my own tenants. Councilmember Kirkpatrick stated, from my legal experience, you can not limit anything like that by age or sex.

Councilmember Turner told the Council, condition it that the applicant put the fence requirements in as stated, subject space to one bedroom unit, be no more than two people and subject to Planning Commission review yearly. Councilmember Kirkpatrick accepted that amendment. Mr. Fitzpatrick told the Council, before you vote on that motion, also make it subject to the findings in the Staff Report. Mayor Landingham read the findings. I honestly do not believe there should be a residence there according to the zoning laws, but when you own property, it is just practical to have someone there to have protection for your property. She read the recommended conditions of approval.

Councilmember Pitkin amended the motion that the staff approve the Use Permit subject to the conditions raised in the Staff Report and make the findings described in the Staff Report, seconded by Councilmember Turner. Councilmember Kirkpatrick accepted the amendment to his motion.

Ayes: Landingham, Kirkpatrick, Turner and Pitkin.
 Noes: None.
 Absent: None.
 Abstaining: Strack.



City of Corning

794 Third St. Corning, CA 96021 (530) 824-7020 Fax (530) 824-2489

EXHIBIT "C" LETTER TO PROPERTY OWNER

September 21, 2009

John Altman
P.O. Box 4983
Chico, CA. 95927

RE: Use Permit No. 127
609 4th Street, Corning, CA.
APN: 71-116-06

Dear Mr. Altman;

A check of recent ownership of property with the Tehama County Assessor's Office reveals that you are the owner of the above referenced parcel in the City of Corning. The parcel is currently zoned M-1, Light Industrial. Residential use in this zoning district is only allowed after the approval of a conditional use permit and considered a secondary use to an active industrial enterprise.

Attached is a copy of Conditional Use Permit No. 127, approved by the Corning City Council on November 14, 1989. Included with the Use Permit is a copy of the minutes from the Council meeting. Please review the conditions of approval, more particularly condition #3 that states "The residential unit shall be limited to a maximum of one bedroom and two occupants." In a recent visit to the site Planning Director John Stoufer and Building Official Terry Hoofard spoke with Jamie Robinson who is residing in the apartment with her mother and three children which is a violation of the Use Permit.

Section 17.54.060 of the Corning Municipal Code (CMC) states:

"Upon recommendation by the City Manager, the body which originally granted the conditional use permit, shall conduct a noticed public hearing to determine whether a conditional use permit, should be revoked. If the commission or council finds any one of the following facts to be present, it shall revoke the conditional use permit:

- A. *That the permit was obtained by fraud; or*
- B. *That the use for which such approval was granted has ceased to exist, or has been suspended, for a period of six months or more; or*
- C. *That the permit granted is being, or has been, exercised contrary to the terms and conditions of such approval or in violation of any law; or*
- D. *That the use for which the approval was granted is being exercised so as to be detrimental to the public health or safety, or as to constitute a nuisance.*

If the commission conducts the hearing, the action taken by the commission shall be subject to an appeal in the manner prescribed in Section 17.54.050 et seq. hereof. The action by the council shall be final and conclusive.

I have discussed the violations of Use Permit No. 127 with City Manager, Steve Kimbrough, and upon his recommendation, pursuant to Section 17.54.060 of the CMC, will schedule a public hearing before the Corning City Council to consider revoking the use permit. Please be advised that revocation of the use permit will prohibit any further residential use at this location.

The public hearing to consider revoking Use Permit No. 127 is tentatively scheduled for the October 27, 2009 City Council meeting. You will receive a public hearing notice verifying the date, time and place of the hearing 10 days prior to the meeting. If you have any questions or require additional information regarding this matter please contact the Planning Department 530-824-7036.

Sincerely;

A handwritten signature in black ink, appearing to read "John Stoufer", with a long horizontal flourish extending to the right.

John Stoufer

Planning Director

cc: Steve Kimbrough, Corning City Manager
Mike Fitzpatrick, Corning City Attorney
Mayor and Corning City Council Members

**EXHIBIT "D"
VICINITY MAP**

5TH STREET

SOLANO STREET

YOLO STREET

BUTTE STREET

4TH STREET

SITE

CA NORTHERN RAILROAD

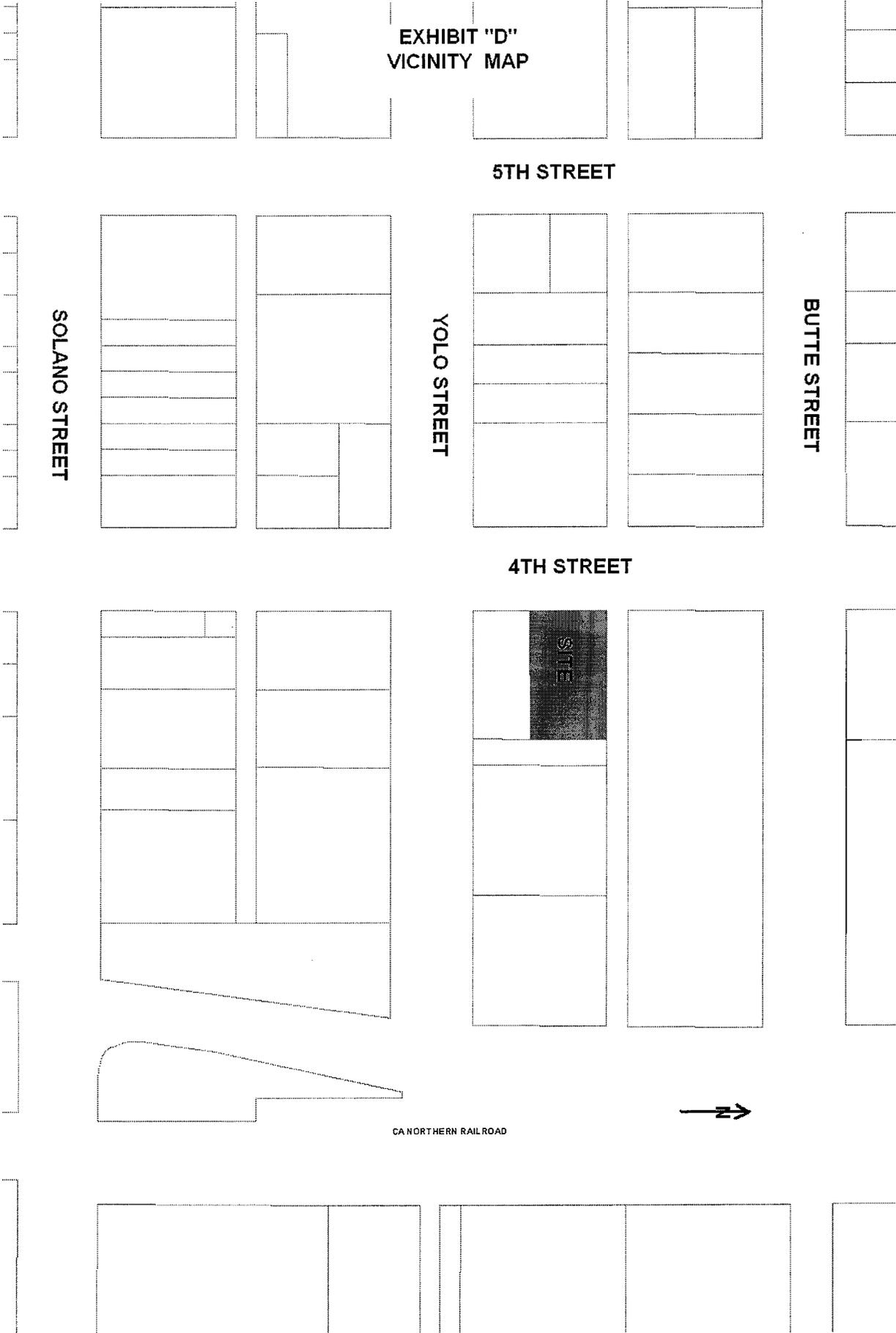


EXHIBIT "E" ZONING MAP

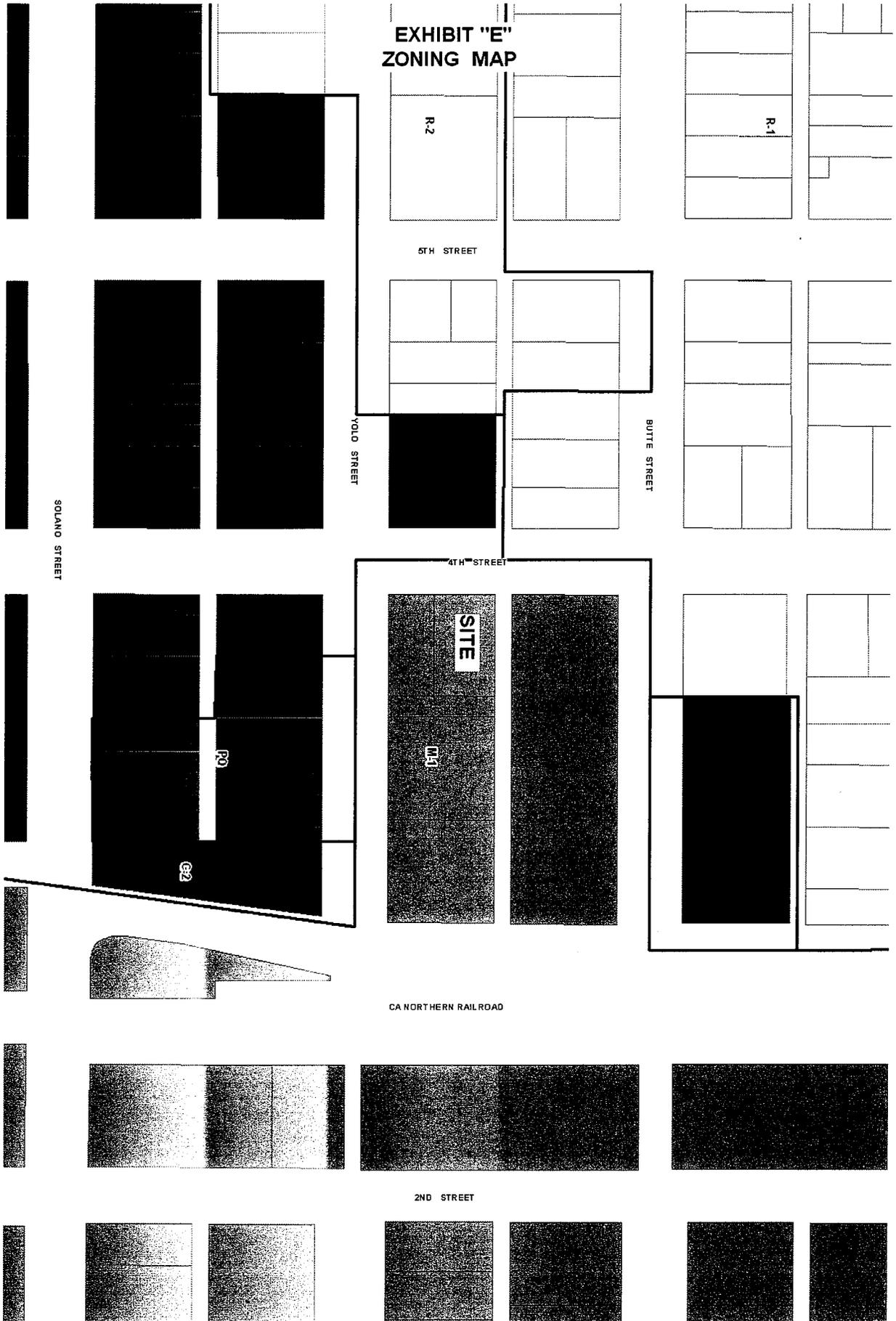


EXHIBIT "F" GENERAL PLAN MAP

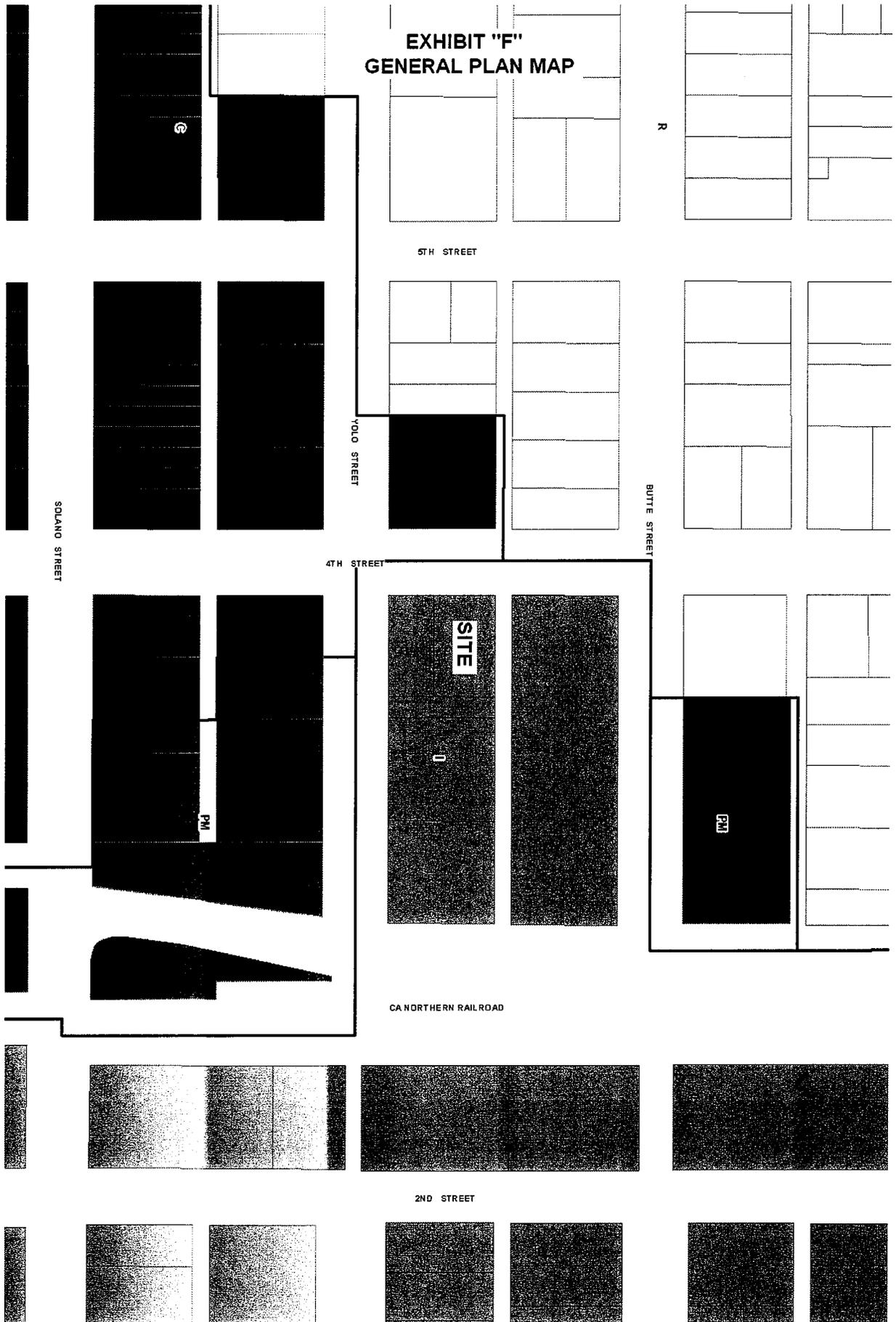


EXHIBIT "G"
AERIAL PHOTO

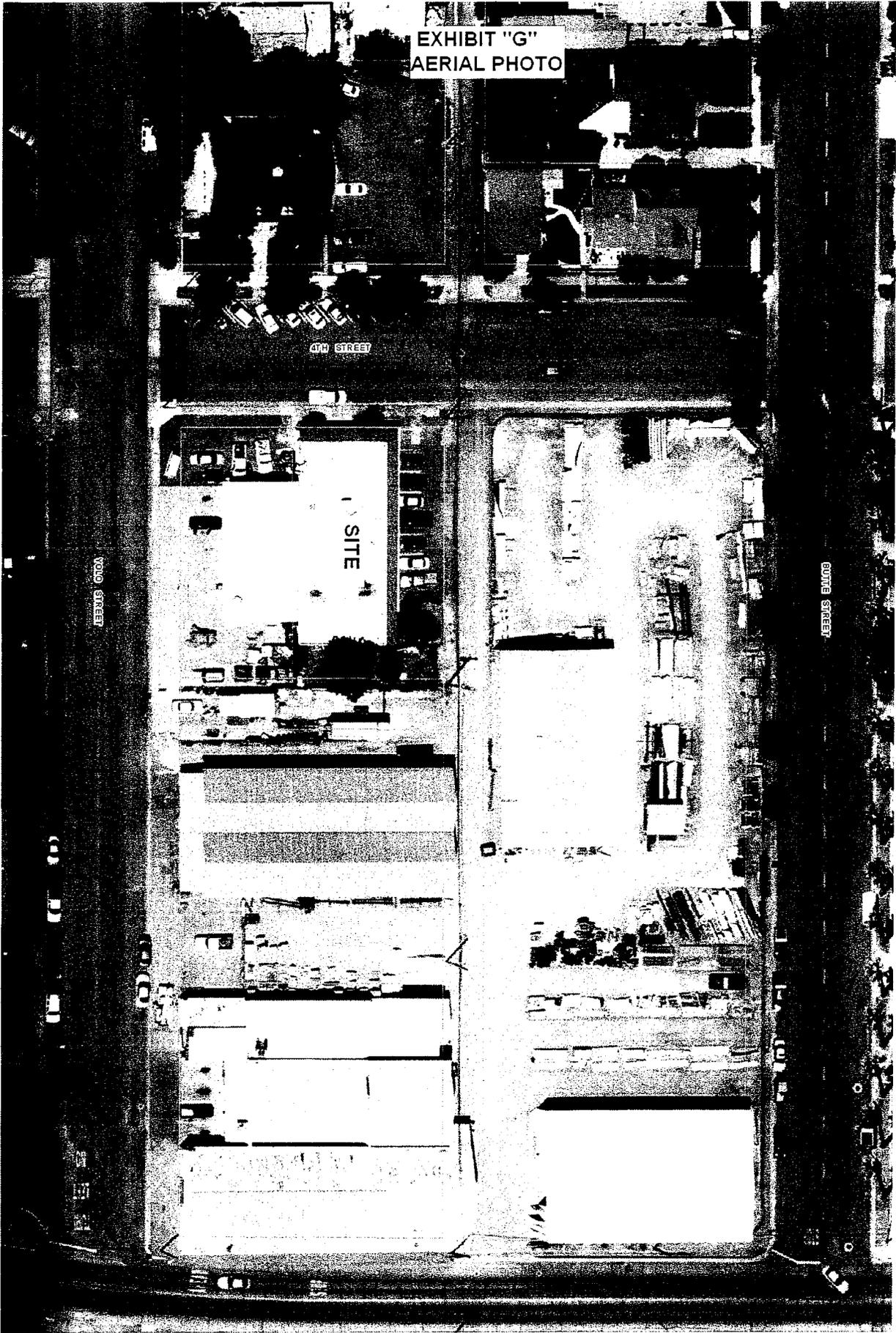


EXHIBIT "H"
SECTION 17.26.020 A 17.26.010--17.26.020
OF THE CMC

agent. Such residence is to be a secondary use to an active commercial enterprise, either upstairs or in the rear, with the storefront remaining commercial. No residential garage shall be permitted. (Ord. 623 §a.3, 2005; Ord. 589 §8, 2001; Ord. 153 §12.03, 1959).

Chapter 17.26

M-1 LIGHT INDUSTRIAL DISTRICTS

Sections:

- 17.26.010 Generally.
- 17.26.020 Permitted uses.
- 17.26.030 Minimum height, bulk and space requirements.

17.26.010 Generally. The following specific regulations and the general rules set forth in Sections 17.04.060 and 17.04.070 and Chapter 17.50 of this code shall apply in all M-1 districts. (Ord. 153 §13.01, 1959).

17.26.020 Permitted uses. In M-1 districts, permitted uses shall be as follows:

A. Uses permitted in the C-3 district may be permitted upon the securing of a conditional use permit. An on-site residence may be permitted, upon securing a conditional use permit, provided the occupation of such residence will not exceed one-third of the square footage of an active business establishment and occupied by the owner/proprietor or their agent. Such residence is to be a secondary use to an active industrial enterprise. No residential garage shall be permitted;

B. The following uses of land and buildings, which shall be permitted only in M-1 and M-2 districts:

1. Assembly and storage of goods, materials, liquids and equipment, except storage of flammable or explosive matter

EXHIBIT "I"
CEQA GUIDELINES
SECTION 15321

Class 19 consists of only the following annexations:

- (a) Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.
- (b) Annexations of individual small parcels of the minimum size for facilities exempted by Section 15303, New Construction or Conversion of Small Structures.

Note: Authority cited: Sections 21083 and 21087, Public Resources Code; Reference: Section 21084, Public Resources Code.

Discussion: The exemption under subsection (a) is not allowed if it is foreseeable that utility services would extend into the annexed parcels and have the potential to serve a greater capacity than existing uses. The exemption is also unavailable if "unusual circumstances" under Section 15300.2(c) are found. For example, in *City of Santa Clara v. LAFCO of Santa Clara County*, (1983) 139 Cal. App. 3d 923, the court found that unusual circumstances existed when the annexing city's general plan called for the newly annexed parcels to eventually become residential and industrial rather than the pre-zoned agricultural use. The unusual circumstances arose from the inconsistency between the pre-zoned agricultural use and the general plan's designated land use and thus precluded the use of this categorical exemption.

15320. Changes in Organization of Local Agencies

Class 20 consists of changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised. Examples include but are not limited to:

- (a) Establishment of a subsidiary district;
- (b) Consolidation of two or more districts having identical powers;
- (c) Merger with a city of a district lying entirely within the boundaries of the city.

Note: Authority cited: Sections 21083 and 21087, Public Resources Code; Reference: Section 21084, Public Resources Code.

15321. Enforcement Actions by Regulatory Agencies

Class 21 consists of:

(a) Actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered or adopted by the regulatory agency. Such actions include, but are not limited to, the following:

- (1) The direct referral of a violation of lease, permit, license, certificate, or entitlement for use or of a general rule, standard, or objective to the Attorney General, District Attorney, or City Attorney as appropriate, for judicial enforcement;
- (2) The adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.

(b) Law enforcement activities by peace officers acting under any law that provides a criminal sanction;

(c) Construction activities undertaken by the public agency taking the enforcement or revocation