



**CITY OF CORNING
SPECIAL CLOSED MEETING SESSION**

**TUESDAY, SEPTEMBER 14, 2010
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Council:

**Vacant
Ross Turner
Toni Parkins
John Leach
Gary Strack**

Mayor:

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

C. ADJOURN TO CLOSED SESSION:

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

People vs. Prather, Case No. 30441, 30418, 30434, 30667, et. seq.

D. RECONVENE SPECIAL MEETING AND REPORT ON CLOSED SESSION:



**CITY OF CORNING
CITY COUNCIL AGENDA**

**TUESDAY, SEPTEMBER 14, 2010
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

F. ROLL CALL:

Council:

**Vacant
Ross Turner
Toni Parkins
John Leach
Gary Strack**

Mayor:

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

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

1. **Proclamation – September 14th – 25th Disabled Veteran's Forget-Me-Not Days in the City of Corning.** Chapter Treasurer James Darrow will be present to accept the Proclamation.
2. **September 2010 as National Alcohol and Drug Addiction Recovery Month in the City of Corning and September 18th as Tehama County Recovery Happens Day.** Sharon Bailey, Vice Chairperson of the Drug and Alcohol Advisory Board, and Patrice Tamp, Supervisor, with Tehama Co Drug and Alcohol Division will be present to accept the Proclamation.

THE CITY OF CORNING IS AN EQUAL OPPORTUNITY EMPLOYER

3. **Proclamation Designating September 27 2010 as “Family Day...A Day to Eat Dinner with Your Children” in the City of Corning.**

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

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

4. **Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**

5. **Waive the Reading and Approve the following Minutes of City Council Meetings with any necessary corrections:**

- (a) **June 9, 2010 Special City Council Meeting; and**
- (b) **June 22, 2010 City Council Meeting; and**
- (c) **August 24, 2010 City Council Meeting.**

6. **September 8, 2010 Claim Warrant - \$217,461.80.**

7. **September 8, 2010 Business License Report.**

8. **August 2010 Building Permit Valuation - \$1,031,900.**

9. **August 2010 – Treasurer’s Report.**

10. **August 2010 Wages and Salaries - \$336,629.37.**

11. **City of Corning Wastewater Operation Summary Report – August 2010.**

12. **Accept Resignation from Library Commissioner Patricia Rasmussen and Appoint Marilyn Bright to the Corning Library Commission to fill the Vacancy.**

13. **Approve Resolution 09-14-10-01 Designating a Disabled Parking Space at 817 South Street and Authorize the Installation of a Disabled Parking Sign.**

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

L. **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.**

M. **REGULAR AGENDA:**

14. **Application for a “Type 20” Off-Site Beer & Wine License, or a “Type 21” Off-Sale General Alcoholic Beverage Permit License, Finding of Public Convenience or Necessity. Business name and location: Carniceria Mi Pueblo Meat Market, 1321 Solano Street.**

N. ITEMS PLACED ON THE AGENDA FROM THE FLOOR:

O. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION:

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

15. Turner:

16. Parkins:

17. Leach:

18. Strack:

Q. ADJOURNMENT!:

POSTED: THURSDAY, SEPTEMBER 9, 2010

**PROCLAMATION
DISABLED VETERAN'S FORGET-ME-NOT DAYS
SEPTEMBER 14th - 25th, 2010**

WHEREAS, our Community has a continuing sense of gratitude to those Disabled Veterans who did so much to preserve the American way of life; and

WHEREAS, the Disabled American Veterans have worked exclusively for the welfare of our Disabled Veterans; and

WHEREAS, the Corning #115 Chapter of the DAV has been established to carry on this work in our Community; and

WHEREAS, the DAV offers free service to Disabled Veterans and their families in filing claims for government benefits and assists Disabled Veterans with Medical, employment and other problems; and

WHEREAS, the DAV meets emergency situations which may arise in the family of a Disabled Veteran; and

WHEREAS, the DAV has chosen September 14th - 25th, 2010 for its annual **FORGET-ME-NOT CAMPAIGN** in our Community and has announced that all funds collected will be used for Disabled Veterans in the Community;

NOW THEREFORE I, Gary R. Strack, as Mayor of the City of Corning, **DO HEREBY PROCLAIM SEPTEMBER 14th - 25th, 2010 as "DISABLED VETERANS FORGET-ME-NOT DAYS IN THE CITY OF CORNING"** and urge the support of all citizens and organizations on those days.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Great Seal of the City of Corning to be affixed this 14th day of September 2010.

Gary R. Strack, Mayor

ATTEST:

Lisa M. Linnet, City Clerk

PROCLAMATION

**SEPTEMBER 2010 AS
NATIONAL ALCOHOL & DRUG ADDICTION RECOVERY MONTH AND
SEPTEMBER 18, 2010 AS
"RECOVERY HAPPENS DAY"**

WHEREAS, thousands of people across the United States are living happy, healthy, and productive lives in recovery from substance use disorders which is why this year's theme is: **"Join the Voices for Recovery: Now More than Ever!"** This theme encourages all people to learn about how to help those suffering from substance use disorders live a positive life in recovery.

WHEREAS, in 2008 national studies found that nearly half of all Americans reported increased stress levels over the past year, with as many as 30 percent rating their average stress levels as extreme. An estimated 23.1 million people aged 12 or older in the United States needed treatment for an illicit drug or alcohol use problem with only approximately 1.7 million receiving treatment.

WHEREAS, for more than 20 years, Recovery Month has worked to improve the lives of those suffering from substance use disorders by:

1. Raising awareness of the disease; and
2. Educating Communities about available treatment and recovery resources.

Educating our Community about substance use disorders is essential to combat the misconceptions associated with addiction. Substance use disorders affect all people of every age, race, gender, ethnicity, community, and socio-economic status, including the workforce, older adults, and families in our Community.

WHEREAS, the Tehama County Drug and Alcohol Advisory Board and the Tehama County Health Services Agency are asking residents of Tehama County to join in celebrating this September as National Alcohol and Drug Addiction Recovery Month.

NOW THEREFORE I, Gary R. Strack, as Mayor of the City of Corning, **DO HEREBY PROCLAIM SEPTEMBER 2010 AS NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH, AND SEPTEMBER 18TH AS CORNING "RECOVERY HAPPENS DAY"**. In support of this year's theme, "Join the Voices for Recovery: Now More Than Ever!" this Proclamation demonstrates our continued commitment to programs assisting with drug prevention, treatment and recovery.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Great Seal of the City of Corning to be affixed this 14th day of September 2010.

Gary R. Strack, Mayor

ATTEST:

Lisa M. Linnet, City Clerk

PROCLAMATION

**SEPTEMBER 27, 2010 AS
FAMILY DAY IN THE CITY OF CORNING
"A DAY TO EAT DINNER WITH YOUR CHILDREN"**

WHEREAS, the use of illegal and prescription drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America's children; and

WHEREAS, 15 years of surveys conducted by The National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink and use illegal drugs; and

WHEREAS, frequent family dining is associated with lower rates of teen smoking, drinking, illegal drug use and prescription drug abuse; and

WHEREAS, the correlation between frequent family dinners and reduced risk for teen substance abuse is well documented; and

WHEREAS, parents who are engaged in their children's lives - through such activities as frequent family dinners - are less likely to have children who abuse substances; and

WHEREAS, family dinners have long constituted a substantial pillar of family life in America.

NOW THEREFORE I, Gary R. Strack, as Mayor of the City of Corning, DO HEREBY PROCLAIM THE FOURTH MONDAY OF EVERY SEPTEMBER, IN THIS CASE SEPTEMBER 27, 2010 AS "FAMILY DAY, A DAY TO EAT DINNER WITH YOUR CHILDREN" and urge all citizens to recognize and participate in its observance.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Great Seal of the City of Corning to be affixed this 14th day of September 2010.

Gary R. Strack, Mayor

ATTEST:

Lisa M. Linnet, City Clerk



**CITY OF CORNING
SPECIAL COUNCIL MEETING MINUTES**

**WEDNESDAY, JUNE 9, 2010
CITY COUNCIL CHAMBERS
794 THIRD STREET**

A. CALL TO ORDER: 7:37 p.m.

B. ROLL CALL:

Council:

Vacant

Ross Turner

Toni Parkins

John Leach

Gary Strack

Mayor:

All Councilmembers were present with one vacancy remaining on the Council.

C. PLEDGE OF ALLEGIANCE: City Manager Stephen Kimbrough led the Pledge.

D. BUSINESS FROM THE FLOOR: None

E. REGULAR AGENDA:

1. Determination of Need for Closed Session.

Mayor Strack opened the meeting to comments from the floor on items listed for possible discussion in closed session.

Dean Cofer: Questioned the legality of discussion of the proposed two labor contracts (City Manager and Police Chief) in closed session and referred to the Government Codes he believes to be pertinent and supportive of his concerns. He emphasized that he doesn't believe discussion of these contracts in closed session is legal and stated the reasons why.

Bucky Bowen: Mentioned the notices on the website, one stating that the meeting was scheduled at 6:30 p.m., and another, the Agenda, stating it was scheduled for 7:30 p.m. The first notice stated that a meeting is **proposed** for Wednesday at 6:30 p.m. for discussion of the two employee contracts. The other item, **the Agenda**, listed the "Special Meeting" as scheduled to begin at 7:30 p.m. with a closed session before the regular agenda. Items 3 and 4 of the Regular Agenda are listed for a vote to approve the proposed Agreements, not to discuss them, what's going on here? Are provisions of the proposed Agreements to be renegotiated in the closed session? If so, will the public be given some time to review and consider the renegotiated Agreements? The copies attached to tonight's packet are the third drafts that he is aware of and he believes it is unrealistic to expect the public to accept constant changes without time to consider them so they can intelligently discuss them, unless that is the City's plan.

Mayor Strack agreed with Mr. Bowen and Mr. Cofer; stating the proposed contracts should be discussed in public. He then asked the Council for their determination on whether a closed session is needed. Councilor Turner stated absolutely not, that he would not participate in a closed session.

By Council consensus, no closed session will take place and all discussion on the proposed contracts will be public.

Mayor Strack stated that he had received the latest letter from Concerned Citizens and he has read it. There was some discussion between Mayor Strack, Mr. Bowen and Mr. Cofer regarding this letter.

F. ADJOURN TO CLOSED SESSION: No Closed Session held.

CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO SECTION 54957.6:

Agency Designated Representatives:

Mayor Gary Strack

Vice Mayor Ross Turner

Employees:

City Manager Stephen J. Kimbrough

Police Chief Tony Cardenas

G. RECONVENE REGULAR MEETING AND REPORT ON CLOSED SESSION: N/A

REGULAR AGENDA (CONTINUED):

After some heated discussion between members of the audience, the Mayor and Legal Council as to whether the presentation by the City Manager should be allowed because it was not agendaized and whether it is legal to discuss and take any action, City Attorney Michael Fitzpatrick determined that the presentation was legal as it relates to the items listed on the Agenda for discussion tonight. Mayor Strack stated that this presentation relates to all items listed as savings to the City Budget and shows how we arrived at this point.

Mr. Bowen and Mr. Cofer: Asked if this presentation relates to the three items listed on the Agenda for discussion tonight, and asked if all three items will be discussed at one time and if the individual allotted public statement time limits per item be will be combined, (9 minutes allotted instead of 3)? Mayor Strack stated yes, however he would prefer to discuss each item individually following the presentation.

City Manager Kimbrough narrated a brief PowerPoint presentation illustrating budget actions approved and initiated by Council to date, and the remaining budget items still under discussion for action. He ended the presentation with a total proposed savings of \$724,564.

Councilor Turner stated that the Council, on the Agenda tonight, would ratify the already approved terms of the employee furloughs saving 10% in personnel costs. In that Contract, which he, Councilor Leach, and members of the public have questioned, the savings of \$281,779 will be null and void if we have to lay-off any employees in that calendar year. He stated we would lose every bit of the projected savings. He then stated that he is vehemently opposed to tying the hands of himself and the elected Council and Mayor after the November elections for an agreement like that.

Dean Cofer: Referenced a slide shown while Staff was setting up for the Powerpoint presentation which stated that if the Part-time Agreements for the City Manager and Police Chief were not approved tonight the City would have to go back and lay-off Fire Dispatch. Did you lose that slide? Mayor Strack responded stating that was part of another program.

2. Adopt Resolution 06-09-10-01 to Ratify Sideletters Accepting the Furlough Plan for Each of the Individual Employee Bargaining Units and Set Office Furlough Closure Days.

Mayor Strack thanked everyone for coming tonight and introduced this item by title. He publicly stated he is proud of the City Employees and their ability to stay together as a group, these people have stuck together and put a proposal together that will save the City money. He stated that he doesn't like it; and stated that Councilor Turner and he had worked together on this and have not agreed on all aspects of the agreement. They do not endorse the agreement, however it is not written in stone and the Council can make changes tonight. The Council wants to hear suggestions and work it out because two of the people, well three, because the Council has already discussed and taken action on John Stoufer's and he has taken more of a hit than we first thought. He has since found out he cannot work for 60-days following retirement and that the City cannot guarantee him of a contract. Both Steve and Tony have proposed this so that with their help hopefully the City won't have to lay-off employees. Mayor Strack stated again that he wanted to thank all of the employees.

Councilor Turner: Stated that we have a \$500,000 reserve, inadvertently the Community or the City would be wise to flow into the reserve in lieu of having to sacrifice that projected

savings. Mayor Strack agreed with Councilor Turner stating that the City needs to protect the \$500,000 reserve.

Dean Cofer (As representative of Concerned Citizens): Stated that the City Manager was presumptuous in stating that the Council will ratify the Agreements tonight. He referred to Section 2.44.070 of the City Municipal Code covering the duties of City Manager, Item "P" regarding the City Manager's role in labor negotiations, specifically that he is not authorized to enter into any Agreement that will bind the City, and that all Agreements reached will be conditional upon final written approval by the City Council. He noted that the City Manager, City Clerk and Contract Labor Negotiator May have already signed the sideletters and they have been posted on the webpage.

Mr. Cofer noted also that some of us have been old time negotiators, and that there is no disclaimer shown on the signed sideletters stating they were signed conditional of approval of the City Council. He asked whether the Union was aware that these Agreements are not yet final and does the Union accept that as legal and binding? Or are they going to do as I did and pull it off the Internet and say we don't care what the Council said, we're going to hold your feet to the fire and go to court. Frankly, he stated that these provisions are ridiculous, if economic conditions worsen in the next year and it becomes necessary to lay-off employees, then the reported savings of \$281,779 will go away because the remaining employees will no longer be required to take furlough days. In addition the laid off employees will receive one months severance pay, this was not shown on the Powerpoint. The public needs to know that what you're saying is you can't guarantee no lay-offs, but in case we do lay-off anybody, the furloughs go away, 10% savings automatically goes away, and why would we have a lay-off, because times are tough. If the City lays-off one employee the 10% savings goes away and any employees laid off receive one-month severance pay. He asked if this was a proposal from the Cities Labor Negotiator or the Union? He called on the City Council to vote against ratification of these provisions.

City Manager Kimbrough: Stated that the City Manager would never present a proposed Contract or Sideletter for ratification by the City Council unless the City Council had directed the City Manager to place it on the Agenda for approval. The City Manager does not adopt Contracts.

Bucky Bowen: Clarified that if an employee of one Bargaining Unit were laid off, the furloughs would end for all four contracts, or just for the contract that that employee was covered by? Mayor Strack stated that he believed it was for all four Bargaining Units. Mr. Bowen asked, so the contracts don't cover just the employees of that Bargaining Unit? You have the right to bind the members of another Bargaining Unit? I don't think so. Mayor Strack responded stating that he was not a negotiator, however, it is his understanding that all of the Bargaining Units are standing together, there are separate contracts, however they are all standing together and they all met at the same time. Mayor Strack stated that he doesn't plan on laying off any employee, we have looked at a lot of things, we have a plan, however there are no guarantees, if it doesn't work then we'll have to start all over in regards to the budget.

Mr. Bowen asked if the City Attorney if he agrees that these contracts all stand alone, and one contract cannot affect the employees in another Bargaining Unit. City Attorney Mike Fitzpatrick stated that all of the employees agreed on the language stated in each of the individual contracts. Mr. Cofer respectfully disagreed with the determination of the City Attorney. Again Mr. Fitzpatrick stated that all of the employees agreed to the identical language as was stated in all four contracts.

Frank Walker: Asked if what the Mayor is assuming is in writing; Mayor Strack stated yes.

Gena Bowen: Asked if she worked in the office doing clerical work and was layed-off, would the entire furlough for all employees be ended? She was informed that under the proposed Sideletters, yes it would.

John Richards: He stated that the Council is here to protect the City. In business, in tough times if it's lay-offs, then it is lay-offs. With these contracts if somebody has to get laid off these contracts are going to hurt the City. Mr. Richards stated the City would lose all of the savings. Mayor Strack asked how the Council would hurt the City should they approve these contracts; he stated that without the contracts there is no savings.

Dean Cofer: Stated that the Mayor claims he is an old Union Man, however he stated that he has said on numerous occasions what your people are telling you is not factual. You are saying that the only way to get furloughs is to agree if there were any lay-offs they would get their furloughs taken away and then they would get a months pay, that's factually not true. Labor Law is very clear, all you have to do is go to the Union and say that we have to have this, here is the budget problem that we have and we are going to have furloughs next year! When they say no, then you say in that case we are at impasse and we are going to implement, and you implement. Then they can appeal to the State Labor Board and you show them the figures and the State Labor Board is going to throw their case out, that's the law.

Mayor Strack responded stating what Mr. Cofer just said, in the law, the procedure that you can follow, what you assume is not what happens all the time. To avoid an impasse, we are trying to get a budget in place by July 1st so that we know where we are going in the next year and we can track that. Mr. Cofer stated that you are making lay-offs so expensive. Mayor Strack asked him how are they expensive? Mr. Cofer responded stating you would have to pay one month's severance pay to anyone laid off, that's number one, and secondly you would lose the \$281,000 savings. Mayor Strack stated that we have to pay the 30-days no matter when we lay off a person, if we lay them off at the beginning of this fiscal year, every person who gets laid off gets that 30-days. So that is not a new cost, right, he asked Mr. Cofer is that not a new cost, you just said it was. Mr. Cofer responded stating he wasn't aware of this; that he just found out that you gave some more generous money away; he didn't know that was in the contract. Mayor Strack responded stating oh, Union Negotiator, you negotiated for our Police Department at one time too. Mr. Cofer responded stating no, that didn't happen (Section 39:11 of recording). Mayor Strack then stated that we need to move on.

Gena Bowen: She stated that she helped negotiate at the school, and the people that work at the City are friendly and nice, however there comes a time when you have to become the employer and you have to watch for our money, the taxpayer's money, the best interest of the taxpayer's money. It would be great if we could give them back the money that they gave up, however we are in tough times and this is way too generous. Renegotiate.

Linda Hohenstien: Stated that this is her first time at one of these meetings. She stated she thought that the employees would love it if one of the employees got laid off; they would get their money back.

City Attorney Michael Fitzpatrick: Explained that with the proposed furloughs, should an employee get laid off, the furlough's would end from that point on, however the savings accrued up until that time would remain a savings. The employees would not get retroactive pay for the time prior to the lay-off.

Bernadette Pryatel: Stated that it appears that the Mayor is for the City Manager and what he wants and is not thinking for the taxpayers.

Jesse Lopez: Stated that Mr. Cofer explained about impasse with the Unions; what would that cost the City? He mentioned the various hits the City is proposing to take such as the part-time City Manager and Police Chief, the part-time Planning Director. If it saves the City money we have to do what we have to do. He stated that he supports the City on this issue.

Councilor Parkins moved to ratify the Sideletters to the Memorandum of Understanding with the four City Employee Bargaining Units and adopt Resolution 06-09-10-01 implementing a

reduction in employee compensation and hours of work by the closure of City Hall and the City Yard every other Friday during the period of July 1, 2010 through June 30, 2011. Councilor Turner seconded the motion in order to vote. **Roll call vote taken: Mayor: Yes, Turner: No, Parkins: Yes, Leach: No. Absent/Abstain: None. Motion not approved due to a 2-2 vote with one vacancy remaining on the Council.**

Mayor Strack stated that if the furloughs don't happen the City now won't have the \$281,000 savings back in the budget. He also stated that it amazes him that we can have 40 people in the room and we can't get things passed. He would like to thank all the people that called him with their support and how they thought that the decision that he made would be right. He further stated that one of the reasons we can't get things passed is because we can get 40 people here and some Council people and some citizens decided that we shouldn't have a fifth Council member to make a decision. We could make a decision if we had five Council members, irregardless of who the other person was, whether I agreed or not, a decision could be made. I feel like I have been slapped in the face.

Mayor Strack at this time then called for public comments on the two contracts agendized for approval tonight.

Jesse Lopez: Stated his opinion that in light of the vote on the furloughs, he believed that the others should not be penalized and the offers be taken from the table. The City should remove from discussion the two proposed contracts and also recommended that the City's Planning Director not retire.

Councilor Turner stated that only the Council could make a decision like that. Mayor Strack stated that only seeking a Request for Proposal for Planning Director has been approved, not Mr. Stoufer retiring. City Attorney Fitzpatrick concurred.

3. Approve Part-time Employment Contract for Police Chief Tony Cardenas.

Bucky Bowen asked how many bargaining sessions occurred, Councilor Turner and Mayor Strack stated 4 to 6. Mr. Bowen also asked who was in attendance at these meetings; he was informed that on two occasions Councilor Turner and Strack were present and at the others it was the appointed Council members (Strack and Turner), the two employees (Kimbrough and Cardenas) and the City Attorney Michael Fitzpatrick. He confirmed that the City Attorney did not advise the two employees on the contents of their proposed Contracts, Mr. Kimbrough prepared the employee contracts, and emphasized that Mr. Fitzpatrick represented the City only. He also asked if the City Attorney reviewed the contracts as to form; yes. He then asked if the City Attorney approved the contracts; he was informed no, nothing has been agreed upon. Mr. Bowen then asked for copies of the bargaining proposals. Mayor Strack asked Mr. Fitzpatrick if this was privileged information, the City Attorney stated yes it is privileged information.

Mr. Bowen and Mr. Cofer both stated their strong opinions that the proposed compensation listed in both contracts for the City Manager and Police Chief were too generous and deserve no consideration by the Council. Mr. Cofer stated that he and Concerned Citizens believe that part-time employees should not receive benefits and indemnification greater than what they are entitled to under the law, or greater than what they are now entitled to as full-time employees. We recommend that the Council reject these agreements and accept their offer to go to 20 hours per week with FICA and Medicare paid for by the City.

Mayor Strack asked Mr. Cofer if he was aware of Government Code Section 995995.2 or Section 82598. These contracts are not written in stone and can be changed and in regard to indemnification all they are asking for is what is allowed under Government Code. More conversation ensued between Mr. Cofer, City Attorney Fitzpatrick and Mayor Strack relating to these proposed contracts.

Mayor Strack stated that the City has received proposals from Councilmen Turner and Leach as well as Concerned Citizens. The City has tried to work with all of these and has even

incorporated some of these suggestions. He stated that he is at a loss as to why the people can't come together and meet on something this important to the City of Corning.

Valanne Cardenas: Stated that her husband Tony Cardenas is willing to make the sacrifice in order to not lose any of his Officers. He will be giving up 9% of his retirement for a lifetime in his retirement by retiring early. She asked if the Council will refuse a contract that will save the City \$106,000 a year over \$6,500 in health insurance benefits for one year? She stated that this is a good plan if you would accept this. She further stated that most part-time employees don't receive these benefits; however this is a full-time employee that is willing to go to part-time to benefit the City, there is no comparison.

Councilor Turner: Stated that the City is experiencing severe budget problems, we have heard that many times tonight. No one knows or can predict when the financial situation will improve, or if and when it will. We must tackle the problem head on by exercising our responsibility, the four of us (Council) as elected officials by taking steps to get the budget under control which should have been done months ago, the financial advisor at that time did not bring us up to date on many of the financial situations we were facing. City Manager Kimbrough and Police Chief Tony Cardenas have indicated that they can perform their jobs in a 20-hour week and I applaud and appreciate their dedication to the City of Corning to reduce their employment to a part-time status. To that end, I make the following motion, that effective July 1, 2010 City Manager Steve Kimbrough and Police Chief Tony Cardenas be reassigned as part-time employees not to exceed 20-hours per week and that the City pay only benefits required by law for part-time employees, in other words FICA and Medicare contributions. Councilor Leach seconded the motion. **Mayor: No, Turner: Yes, Parkins: No, Leach: Yes. Motion was not approved by a 2-2 vote with one vacancy remaining on the Council.**

4. Approve Part-time Employment Contract for City Manager Stephen J. Kimbrough.

See above "Item 3".

George Freeman asked if budget suggestions would be accepted between now and the next meeting; he was informed yes.

Mayor Strack announced that Second Chance Pet Rescue will be holding a "Corning in the Evening" tomorrow night at 5:30 p.m. at the shelter for those interested. It was also stated that the Rodeo Mixer is tomorrow night at 9:17 p.m.

H. ADJOURNMENT!: 9:17 p.m.

Lisa M. Linnet, City Clerk



**CITY OF CORNING
CITY COUNCIL CLOSED SESSION MINUTES**

**TUESDAY, JUNE 22, 2010
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Council:

**Vacant
Ross Turner
Toni Parkins
John Leach
Gary Strack**

Mayor:

All Councilmembers 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.

Art Frolli, Operating Engineers Business Representative addressed the Council. He stated that the City has great employees and acknowledged the sacrifices made by these employees over the past year (exactly nine months) through furlough savings in the amount of \$211,000. He explained that the proposed furloughs for the next year and the language proposed in the Sideletters would not tie the hands of the City in relation to lay-offs. The furlough savings are not retroactive and cannot be paid back to the employees. He stated that the City Managers Plan was a good plan and reiterated that he doesn't often agree with the City Managers of the Units he represents, however in this case he does. The proposed Plan is a good plan; it keeps the City in the green with a good reserve.

In regards to what was said at the last meeting, (he stated he did listen to the recording and apologized for not attending however he had other commitments), some of the things he wanted to clear up is that there was no retroactivity regarding the furlough pay. He also explained why the bargaining units requested severance pay should lay-offs be initiated. Currently it takes 10-12 weeks to receive their first unemployment check. Very few individuals can go 1 to 2 months without pay. This severance pay will enable employees that might get laid off to pay their bills.

He then stated that he also represents the Police Chief. He stated that he doesn't think the members of the crowd fully appreciated what these two (Police Chief and City Manager) are proposing. He explained that the calculation is the years of service multiplied by either 2 or 3 percent depending upon what retirement you are in, and then you take that percentage and multiply by your single highest year without overtime, etc., just base pay. These individuals retiring early will take anywhere from a 6 to 12 percent loss from what they had projected for when they planned to retire. They are doing this to protect jobs; that is admirable.

Mr. Frolli also addressed the comment made previously by Mr. Dean Cofer where he stated that Furloughs could be imposed anyway without Bargaining Unit approval. That is not true, it can't be done mid contract, MMDA will not allow you to impose furloughs mid-contract. He then explained the procedure.

Councilor Parkins read a short statement publicly thanking all the City employees for their willingness to accept the past furloughs and the furloughs that were proposed in the new fiscal year. She stated that their commitment was huge especially during these trying economic

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times. She also thanked those employees offering to go to part-time (City Manager, Police Chief, Planning Director and City Attorney) to prevent the possible need for employee layoffs also stating these proposals were huge.

C. ADJOURN TO CLOSED SESSION: 6:48 p.m.

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO SECTION 54957.6:

**Agency Negotiator: William May, Labor Relations Consultant
Management, Miscellaneous, Dispatch and Public Safety Employees
Bargaining Units**

D. RECONVENE SPECIAL MEETING AND REPORT ON CLOSED SESSION: 7:10 p.m.

Mayor Strack reconvened the meeting and made the following report: By consensus of the City Council, a special meeting will be held at 5:00 p.m. on Thursday, June 24, 2010 to reconsider the Employee Furloughs.

**CITY OF CORNING
CITY COUNCIL MINUTES
TUESDAY, JUNE 22, 2010
CITY COUNCIL CHAMBERS
794 THIRD STREET**

E. ADJOURN TO REGULAR MEETING: 7:30 P.M.

F. PLEDGE OF ALLEGIANCE: Led by City Manager Stephen Kimbrough.

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

RECOGNITIONS:

Mayor Strack presented Fire Dispatcher Michael Demo with a plaque stating that the City Council would like to publicly thank him for his outstanding service to the Citizens of Corning. He announced that Mr. Demo has served the City for 18 years as a Fire Dispatcher and a total of 39 years as an active member of the Corning Volunteer Fire Department.

1. Proclamation: Recognizing July 26, 2010 as the 20th Anniversary of the Americans with Disabilities Act.

Tehama County's Representative for the State of California Area 2 Developmental Disabilities Board, Larry R. Stevens was present to accept the Proclamation.

H. BUSINESS FROM THE FLOOR:

Councilor Turner yielded the floor for Council to act on Regular Agenda Item 20. Councilor Turner moved to discuss and act on this item at this time. Councilor Leach seconded the motion.

20. Consider Approval of the Continuation of City Sponsored Recreation Programs.

Mayor Strack introduced this item by title and City Manager Kimbrough briefed the Council on the reasons for Council consideration and approval of sponsorship of these programs. He also outlined the City's role in this sponsorship. With little discussion Councilor Turner moved to authorize the continuation of the following previously run City sponsored recreation programs:

Kenpo Karate	Kenpo Robics	Yoga
Line Dancing	Photography	Lifeguard Training
Mommy-n-Me	Groove-n-Tunes	Storybook Friends

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

Mayor Strack stated that these would need to be revisited in the fall to see if the City can continue these programs.

Dean Cofer: Addressed the Council regarding the Budget Proposals submitted by Concerned Citizens stating he was surprised that it was not listed on tonight's Agenda and requested it be placed on the Agenda for discussion at the next meeting. He outlined the cost of the Management Staff in the current budget. He reiterated his belief that this City is top heavy in Management.

Mayor Strack clarified with Legal Council whether Council is required to place on the Agenda the proposals of Concerned Citizens. Mayor Strack stated all proposals received by the Council would be considered.

Dave Demo: Stated that during the last Memorial Day, he noticed very few American Flags on downtown storefronts. Mr. Demo stated he would like to see flags back on our Main Street and is working on a plan to make this happen. Mayor Strack stated this is something that can be worked on and asked Mr. Demo to discuss this with Mr. Brewer in the Public Works Department. Once a plan is put together he can come back and presented it to the Council for action. Mr. Demo also asked about the regulations related to the Fireworks Stands, he was informed what these regulations were.

Corning Community Foundation representatives Jaime Walburg and Jesse Orduno approached the Council regarding fundraising concerts at Northside Park for the Theater. Councilor Parkins asked if there were lights at this location and whether they have addressed the issue of noise with the neighbors. Councilor Leach suggested them coming in to talk with Public Works Director John Brewer to discuss the feasibility. **No action taken by the Council at this time.**

Maryanne Colbertson: Asked that she be able to address some of the budget issues related to the City. She stated that although she lives just outside of the City Limits, she owns approximately 8 rental homes in the City and does business in the City. She stated that all Office Staff, everyone except two City Councilmembers have voluntarily agreed to take a 10% cut in pay in the form of furloughs two Fridays a month. They have all been doing that since October 2009. This is a true sacrifice for them. You all know that family budgets are built around expected income, so those family budgets suffer and must be reworked, sometimes at great personal hardships. Doesn't this show true concern for the City? This furlough plan was saving the City nearly \$282,000 per year, it was actually \$281,779 but she rounded it off for simplicity. The "Concerned Citizens" wasn't satisfied with some of the fine points of the agreement and got the furloughs rescinded now costing the City \$282,000 a year.

This reminds her of some events surrounding the gulf oil spill, boats equipped with boons to soak up the oil, which were doing a great job of it, were shut down for days or weeks, why...to make sure there were sufficient life jackets on board. So the whole thing was shut down.

City Manager Steve Kimbrough offered to go half time, yes that means half pay, but he asked that the City keep him on the City's Health Insurance plan and pay half of the cost of the premium, the City now pays the full premium. The savings to the City for his offer, including allowing for that one half of the Health Insurance premium would have been nearly \$94,000 a year. She stated that "Concerned Citizens" balked at this whole plan ostensibly for the reason that Mr. Kimbrough's motives might not be right. She stated that she finds that people usually measure other people's motives upon the basis of their own.

Mrs. Colbertson stated that Police Chief Tony Cardenas made the same offer as the City Manager. His offer would have saved the City \$106,000 a year. His motive, to add stability to the City and attempt to save the jobs of his young struggling Police Officers and all of the other City Employees, who work for their sake and for the sake of the City and us citizens because the City cannot run itself in a way that we citizens would like.

City Planning Director John Stoufer made an offer to go on a contract basis saving the City \$65,000 per year, then he was told that in order to do this, he would have to resign his position entirely and reapply, possibly being replaced by someone else. And on top of that maybe the position would be eliminated completely.

She stated that thus far the more than generous sacrifices offered by the entire City Staff add up to \$547,601 per year, over a half million dollars. Together with the other planned budget measures would have balanced the budget, isn't that the goal? She stated that Benjamin Franklin said, "A penny saved is a penny earned", the City of Corning would have earned \$547,601 a year. She closed with a quote from Abraham Lincoln who took in from the Bible, Mark, Chapter 3, verse 25, "A house divided against itself cannot stand". She stated, lets all of us citizens who truly want the best Corning we can achieve unite to stand and work together in good faith to work towards that goal.

Art Frolli: Operating Engineers Representative who negotiated each of the Employee Bargaining Unit Contracts. He reiterated what was said prior to the closed session again stating that he hopes the Council will revisit the proposed contracts as it represents a significant savings to the City. He specifically addressed the language used in the proposed agreements; he clarified that the furlough savings would not be paid back to the employees retroactively should a lay-off occur. The City would recognize and keep the savings up until the layoff occurrence. He explained the reason behind the severance pay clause in the contracts.

He addressed the comment by Mr. Cofer and the Concerned Citizens that the City is top heavy; Mr. Frolli stated that this proposal addresses some of those issues. Mr. Frolli again explained the retirement calculation and the cost to the three individuals offering to take an early retirement in order to save the City money stating that they are reducing their retirement for the rest of their lives.

Mr. Frolli then addressed the letter sent out by Mr. Cofer on June 15th. He addressed the second paragraph of this letter, which he read, is a disclaimer. He stated that it occurred to him that every time you start a letter with a disclaimer that means that that is what you are after and implies that you do have personal agendas. He then addressed some of the items in this letter. He then addressed the statement by Mr. Cofer that the City could impose the furloughs without and agreement by the employees, he stated that no, the City cannot violate a contract and impose these furloughs mid contract. Mr. Frolli was informed that the Council would be holding a Special Meeting on June 24th to further discuss these items.

Councilor Turner: Noted that the previous speaker, Mr. Frolli, represents all employees except the City Manager. He then asked the status of whether the Planning Director John Stoufer is continuing to move forward with his retirement as the Council voted on a 3-1 vote on moving forward. Mayor Strack clarified that the only motion approved was to seek RFP's for the position. Mr. Stoufer stated he has not submitted his retirement papers stating that his retirement could jeopardize the possibility of the City being awarded the 4.5 million Park Grant they have applied for. Mr. Stoufer stated that he had planned on bringing this issue to the Council for discussion.

Ray Martinez (City Employee): Stated that he thinks it is a bad move specifically on Council members, Leach and Turner to not reconsider the proposals presented. He stated that when times are tough we need to stick together, we are a family here. He asked that they remember they are faces not numbers and he hopes that they please reconsider.

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- I. **CONSENT AGENDA:** It is recommended that items listed on the Consent Agenda be acted on simultaneously unless a Councilmember or members of the audience requests separate discussion and/or action.
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 Meetings with any necessary corrections:**
 - a. **May 11, 2010; and**
 - b. **May 25, 2010**
 4. **June 2010 Wages and Salaries - \$ 337,557.71.**
 5. **June 16, 2010 Claim Warrant - \$ 262,396.33.**
 6. **June 16, 2010 Business License Report.**
 7. **May 2010 – Treasurer’s Report.**
 8. **May 2010 Building Permit Valuation - \$479,273.46.**
 9. **City of Corning Wastewater Operation Summary Report – May 2010.**
 10. **Mayor’s Recommendation to Appoint Judy Turner, Susan Olson Higgins and Sylvia Meents to the Corning Library Commission.**
 11. **Adopt Resolution 06-22-10-06 calling for the Municipal Election and requesting it be consolidated with the November 2010 Gubernatorial Election.**
 12. **Adopt Resolution No. 06-22-10-07, Adopting the Candidates Statement of Qualifications Fees set by the County Elections Office for the November 2010 Gubernatorial Election.**
 13. **Approve the following Resolutions related to a “No Parking” and “Bus Loading/Unloading” Zone along Corning Healthcare District property frontage (275 Solano Street):**
 - a. **Resolution 06-22-10-02, a Resolution designating a “No Parking” zone at 275 Solano Street; and**
 - b. **Resolution 06-22-10-05, a Resolution designating a “Bus Loading/Unloading” zone at 275 Solano Street.**
 14. **Safe Routes to School-Cycle 9; Authorize Staff to Submit Application for State Funding for Sidewalk and Crosswalk Development in the vicinity of West Street and Olive View Schools.**

Mayor Strack introduced each item on the Consent Agenda by title. Council Turner asked for a clarification on item 10. He asked if he should abstain from voting as his sister-in-law is one of the proposed appointees; City Attorney Fitzpatrick informed him that he could vote.

Councilor Parkins moved to approve Consent Items 2-14. Councilor Leach seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 4-0 vote with one vacancy remaining on the Council.**

- J. **ITEMS REMOVED FROM THE CONSENT AGENDA: None**

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

15. Waive the first reading of Ordinance 641, an Ordinance repealing Chapter 17.56 and adding Chapter 15.10 to the Corning Municipal Code regarding the issuance of a Certificate of Occupancy for Buildings and Vacant Land within the City of Corning. (First Reading)

Mayor Strack introduced this item by title and Planning Director John Stoufer presented the Council with a brief history, overview, and reasoning for the proposed Ordinance. He stated his belief that this Ordinance would be more efficient for the Citizens and provide Staff with an aid to meet the numerous Codes. Fire Chief Martin Spannaus stated that "this would be an opportunity for Businesses and the City to all be on the same page".

Mayor Strack then declared the Public Hearing open. With no public comments received he closed the public hearing. City Attorney Fitzpatrick advised on the proper motion to make.

Councilor Leach moved to adopt the 4 Subfindings and Findings as presented in the Staff Report for the Adoption of Ordinance No. 641. Councilor Turner seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 4-0 vote with one vacancy remaining on the Council.**

Councilor Leach then moved to waive the first reading of Ordinance No. 641, an Ordinance repealing Chapter 17.56 and adding Chapter 15.10 to the Corning Municipal Code regarding the issuance of a Certificate of Occupancy for Buildings and Vacant Land within the City of Corning. Councilor Parkins seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 4-0 vote with one vacancy remaining on the Council.** Ordinance 641 was introduced by title (read by the City Attorney).

16. Waive the first reading of Ordinance 642, an Ordinance referencing the 2007 Edition of the California Fire Code as a Technical Code in the Corning Municipal Code. (First Reading)

Mayor Strack introduced this item by title and Fire Chief Martin Spannaus provided a brief explanation of the need for this Ordinance. Mayor Strack opened the public hearing. With no comment, the public hearing was then closed. Councilor Parkins moved to adopt the Subfindings and Findings (2) as presented in the Staff Report for the adoption of Ordinance No. 642. Councilor Turner seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 4-0 vote with one vacancy remaining on the Council.** Councilor Parkins then moved to waive the first reading of Ordinance No. 642, the Ordinance referencing the 2007 Edition of the California Fire Code as a Technical Code in the Corning Municipal Code. Councilor Turner seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 4-0 vote with one vacancy remaining on the Council.** Ordinance 642 was then introduced by title (read by Councilor Parkins).

17. Adopt Resolution 06-22-10-03 Approving an Application for Funding and the Execution of a Grant Agreement and any Amendments thereto from the General Allocation of the State Community Block Grant Program.

Mayor Strack introduced this item by title. Mr. Turner left the room at 8:37 p.m. stating he would have to abstain from voting on this item as he manages a property adjacent to this location. Mr. Stoufer provided the Council with the history of this item and an overview of the proposed application announcing that the City would be responsible for funding in the amount of \$67,000. Mayor Strack confirmed with the City Manager that the City currently has these funds. Mayor Strack then opened the public hearing. With no comments received he then closed the public

hearing. With very little discussion Council Parkins moved to adopt Resolution 06-22-10-03, a Resolution approving an application for funding and the execution of a Grant Agreement and any amendments thereto from the General Allocation of the State Community Block Grant Program. Councilor Leach seconded the motion. **Ayes: Strack, Parkins and Leach. Opposed: None. Absent: None. Abstain: Turner. Motion was approved by a vote of 3-0 with Turner abstaining and one vacancy remaining on the Council.**

L. **ADJOURN TO THE CITY OF CORNING PUBLIC FINANCING CORPORATION: 8:42 p.m.** City Manager Kimbrough explained the reasoning for this meeting and what the Corning Public Financing Corporation was and its purpose.

CITY OF CORNING PUBLIC FINANCING CORPORATION:

(Formed in 1997 to facilitate the issuance of Municipal Bonds and Loans in support of City approved projects.)

18. **CALL TO ORDER: 8:43 p.m.**

ROLL CALL:

Council:

**Vacant
Ross Turner
Toni Parkins
John Leach
Gary Strack**

Mayor:

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

- a) **Note that Proper Notice of the Meeting was provided as part of the June 22, 2010 City Council Agenda.**
- b) **Reading of Outstanding Minutes – None (the Minutes of the Board of Directors is incorporated into the regular City Council Minutes when the Corporation meets as a part of the City Council Meeting).**
- c) **Presentation and consideration of Reports of Officers and Committees – none.**
- d) **Unfinished Business, review Public Report of the Public Financing Corporation as included in the Annual Audit for Fiscal Year 2008-2009.**

Other Business:

Following review and discussion of items a through d as listed Councilor Leach moved to accept as written. Councilor Parkins seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 4-0 vote with one vacancy remaining on the Council.**

Adjourn to City Council Meeting: 8:48 p.m.

M. **REGULAR AGENDA:**

19. **Adopt Resolution 06-22-10-01 Establishing an Appropriations Limit for the City of Corning for Fiscal Year 2010 – 2011.**

Mayor Strack introduced this item by title and with little discussion Councilor Turner moved to receive the report of the City Auditor and adopt Resolution No. 06-22-10-01 establishing an Appropriations Limit for the City of Corning for the Fiscal Year 2010-2011 in the amount of \$10,160,751. Councilor Parkins seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 4-0 vote with one vacancy remaining on the Council.**

21. **Approve Annual Statement of Investment Policy 2010.**

Mayor Strack introduced this item by title. With little discussion Councilor Turner moved to approve the Annual Statement of Investment Policy as Submitted. Councilor Parkins seconded

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

22. Approve three-year Agreement for Audit Services with Donald R. Reynolds, CPA.

Mayor Strack introduced this item by title. Councilor Leach stated that he is not in favor of a three-year contract, however he is in favor of a one-year contract. City Manager Kimbrough informed the Council that Mr. Reynolds was the only response received out of the eight requests sent. Councilor Parkins moved to approve a three-year Accounting Services Agreement with Mr. Donald R. Reynolds, CPA and direct the City Attorney to finalize the Agreement for the City Manager's signature. Mayor Strack seconded the motion so that there can be a vote. **Ayes: Strack and Parkins. Opposed: Leach and Turner. Motion not carried by 2-2 vote.** Councilor Leach then motioned approval of a one-year Accounting Services Agreement with Mr. Donald R. Reynolds, CPA and direct the City Attorney to finalize the Agreement for the City Manager's signature. Councilor Parkins seconded the motion. **Ayes: Strack, Parkins and Leach. Opposed: Turner. Motion carried by 3-1 vote with Turner opposing and one vacancy remaining on the Council.**

23. Adopt Resolution 06-22-10-04, authorizing the submittal of an Application to the California State Department of Housing and Community Development for Funding under the CalHome Program, the execution of a Standard Agreement, and any Amendments or related documents necessary to participate in the CalHome Program if selected for such Funding.

Councilor Turner excused himself due to a possible conflict and left the room at 8:56 p.m. John Stoufer outlined the proposed application and the possible location of the proposed homes. Manager Kimbrough stated that the importance of the homes adjacent to the Salado Orchard Apartments is to help with our road grant application for Blackburn Avenue. Councilor Parkins moved to approve the application for two grant components including mortgage assistance and housing rehabilitation and adopt Resolution 06-22-10-04, a Resolution authorizing the submittal of an application to the California State Department of Housing and Community Development for funding under the CalHome Program; the execution of a Standard Agreement if selected for such funding and any amendments thereto; and any related documents necessary to participate in the CalHome Program. Councilor Leach seconded the motion. **Ayes: Strack, Parkins and Leach. Opposed: None. Absent: None. Abstain: Turner. Motion was approved by a vote of 3-0 with Turner abstaining and one vacancy remaining on the Council.**

24. Use Permit 2008-252, Tract Map 08-1002 – Salado Orchards Phase 2: Consider approving a one-year time extension for Use Permit 2008-252 and a 2-year extension to Tract Map 08-1002 pursuant to Section 16.18.010 of the Corning Municipal Code.

Councilor Turner remains out of the room as this item also poses a possible conflict. Mayor Strack introduced this item by title and Mr. Stoufer explained the need for the proposed extensions. He explained that an additional Condition would be added requiring the developer to complete the offsite improvements prior to recording the map. Mayor Strack clarified that the road will be completed by the developer or via a grant or the project will not move forward. Councilor Parkins moved to adopt the 6 Subfindings and Findings as presented in the Staff Report and approve the requested time extensions for Tract Map 08-1002 and Use Permit 252, Salado Orchard Phase 2, Subject to the Conditions of Approval 1-66 imposed by the Council on September 9, 2008 and an additional Condition of Approval, No. 67 as recommended by Staff. Councilor Leach seconded the motion. **Ayes: Strack, Parkins and Leach. Opposed: None. Absent: None. Abstain: Turner. Motion was approved by a vote of 3-0 with Turner abstaining and one vacancy remaining on the Council. Councilor Turner re-entered the room at 9:08 p.m.**

25. Study Matter 2010-1: Discussion on extending Interim Ordinance 637, an Ordinance prohibiting Medical Marijuana Dispensaries, Collectives or Cooperatives within any Zoning District in the City of Corning for one (1) year pursuant to CA Gov. Code Section 65858(a).

Mayor Strack introduced this item by title confirming that this was an extension of the existing Ordinance. Mr. Stoufer stated that the Planning Commission approved the recommendation of this to the City Council. He also updated the Council on proposed legislation related to marijuana use and possible regulatory authority limits. He wanted to know if the Council would like to schedule a public hearing on whether to extend this Ordinance for a future Agenda. Councilor Leach stated that he would be in favor of scheduling a public hearing. Councilor Parkins stated she also was in favor. Mr. Stoufer stated that this requires a 4 out of 5 vote to approve. **By Council consensus they would like this brought back for a public hearing on July 13th tentative on Councilor Turner's surgery. Council also suggested that this meeting be held at Woodson School.**

26. Recommend Rental of Transportation Center Suite C to Debadoo & Company Dance.

Mayor Strack stated that the Council received a letter from Ms. Meents requesting this item be removed from the Agenda at this time, therefore he is removing it and no action will take place.

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

O. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION:

City Council received three copies of the Concerned Citizens letter to Mayor and Council dated June 15, 2010; one signed by C. W. and Billy Womack, one signed by Jerry and Gladys Wolverton, and a third signed by the residents at 1602 Yolo Street. Mayor Strack stated that he had since talked with Jerry Wolverton and he has asked that his name be removed.

P. REPORTS FROM MAYOR AND COUNCIL MEMBERS:

- 27. Turner: None.
- 28. Parkins: None
- 29. Leach: None
- 30. Strack: None

Q. ADJOURNMENT!: 9:17 p.m.

Lisa M. Linnet, City Clerk



**CITY OF CORNING
CITY COUNCIL MINUTES
TUESDAY, AUGUST 24, 2010
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Council:

Vacant

Ross Turner

Toni Parkins

John Leach

Mayor:

Gary Strack

All Councilmembers were present.

C. PLEDGE OF ALLEGIANCE: Led by City Manager Stephen Kimbrough.

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

1. Proclamation: August 21st – 28th as Olive Festival Week in the City of Corning.

Chamber of Commerce Manager Valanne Cardenas and Barbara Landavazo were present to accept the Proclamation. Valanne invited everyone to the Olive Festival Activities and the mixer. Barbara stated that she has the sign-up sheet for the dunk tank. Candidates Strack, Lopez and Poisson stated that they would sit in the dunk tank. Candidate Bowen stated she would donate to buy out of the dunk tank.

E. BUSINESS FROM THE FLOOR:

Walter Dodd stated that Monday Sept. 6th is Labor Day and at Anderson Memorial Park a picnic will be held, Mr. Dodd has tickets if anyone is interested.

Ken Prather stated that he presented a letter today at City Hall for the Council. He then asked if the Council has had a chance to review it? He stated that the Anaheim Court Case has now had a ruling and he would like to request that Ordinance 637 be scheduled for the next Council meeting for the City Council to discuss repealing the Ordinance in light of the Anaheim Court Case results. City Attorney Fitzpatrick responded stating that he would not recommend that the Council do this. Mayor Strack asked the Council for their decision. Councilor Leach requested that it be brought back in Closed Session prior to next meeting. By Council consensus this was agreed. Councilor Turner suggested Tuesday, August 31st. Mayor Strack stated that he would not be available on that date. He suggested scheduling the meeting prior to the regularly scheduled Council Meeting as the City Attorney is scheduled to be here and we won't have to pay an additional cost. By Council consensus the Closed Session will be on September 14th at 6:30 p.m. to discuss Interim Ordinance 637.

With no other comment they moved on to the Consent Agenda.

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 following Minutes of City Council Meetings with any necessary corrections:**
 - (a) **August 16, 2010 Special City Council Meeting; and**
 - (b) **August 10, 2010 City Council Meeting**
4. **August 18, 2010 Claim Warrant - \$273,048.98.**
5. **August 18, 2010 Business License Report.**
6. **Adopt Resolution 08-24-10-01 Authorizing City Clerk to Record a Second Tax Lien in the Amount of \$8,391.38 for Delinquent Payment of Water and Sewer Service at the Olive Towne Terrace Apartments (formerly Fairview Apts).**
7. **Award Bid for Traffic Signal Installation & Associated Work at Marguerite Avenue/Solano Street Intersection to Franklin Construction in the amount of \$252,242 & Authorize Purchase of Signal Controller and Cabinet Equipment in the amount of \$10,117.69.**

Councilor Turner requested to pull Consent Item 4 for further discussion. Councilor Turner then moved to approve Consent Items 2-3 and 5-7. Councilor Leach seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 4-0 vote with one vacancy remaining on the Council.**

G. ITEMS REMOVED FROM THE CONSENT AGENDA:

Councilor Turner asked about the plan check fees listed on the Claim Warrant Register, what were they for? Building Official Terry Hoofard explained that those fees were for John Eller's buildings, specifically the medical building and daycare center. He also explained that the City does charge a Plan Check fee on the Building Permit and the Permittee pays these. Councilor Turner moved to approve Consent Item No. 4 (Claim Warrant) and Councilor Leach seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 4-0 vote with one vacancy remaining on the Council.**

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

I. REGULAR AGENDA:

8. **Update on Offer to Sell Kauffman Building Located at 1302-1310 Solano Street to City of Corning for \$1; Consider Action to Take Ownership.**

Mayor Strack introduced this item by title. Mayor Strack asked that we continue this item to the next meeting for discussion and action if Council is agreeable. City Manager Kimbrough asked that the Council consider action tonight and explained that since the last meeting any interested developers, etc. have had time to act if interested in this property. Three interested parties have come forward, one serious contractor interested in the building is trying to obtain insurance.

Since the last meeting the City has served the owner with a 30-day notice to stabilize the building and make it safe. Mr. Kimbrough explained that another interested individual has come forward. Mr. Kimbrough stated that Staff would like the Council to consider purchasing the building with the stipulation that during the process, if someone comes forward with the funds to purchase the building, the City would turn it over to them under the stipulation that they reimburse the City for any funds expended to date.

Councilor Leach asked the City Manager questions relating to the building, his contact with 3CORE, and asked if the City had received a response from City Consultant JoAnn Anders? Mr. Kimbrough stated that we had not heard anything back yet from JoAnn about the State Funds. He further stated that Rodger Klemm and his associate David Wilkerson contacted him

today and they are interested in the building. Mr. Klemm and Mr. Wilkerson will be here tomorrow to inspect the building.

Mayor Strack stated that he still believes we should postpone action on this item until the next meeting and called for a consensus of the Council. Councilor Turner confirmed from the City Manager that the City did not receive the Engineers Report from Engineer Judson until July. Mr. May stated that he hopes the City Attorney is advising the City on any actions related to this building.

9. Review Proposed League of California Cities Resolutions - Discussion and Council Action.

After a brief discussion by the Council, noting that the City Manager and Mayor were appointed by the Council as voting delegate and alternate, and because of budgetary reasons no members of Council or City Staff will be attending the Conference this year it was determined that no action by the Council was necessary.

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

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

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

10. **Turner:** Nothing.

11. **Parkins:** Nothing.

12. **Leach:** Nothing.

13. **Strack:** Nothing.

M. **ADJOURNMENT!:** 8:02 P.M.

Lisa M. Linnet, City Clerk



MEMORANDUM

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: LORI SIMS
ACCOUNTING TECHNICIAN

DATE: September 8, 2010

SUBJECT: Cash Disbursement Detail Report for the
Tuesday, September 14, 2010 Council Meeting

PROPOSED CASH DISBURSEMENTS FOR YOUR APPROVAL CONSIST OF THE FOLLOWING:

A.	Cash Disbursements	Ending	08-26-10	\$	48,441.27
B.	Payroll Disbursements	Ending	08-31-10	\$	77,022.65
C.	Cash Disbursements	Ending	09-08-10	\$	50,547.75
D.	Payroll Disbursements	Ending	09-08-10	\$	41,450.13

GRAND TOTAL \$ 217,461.80

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Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
011096	08/23/10	PET03	PETTY CASH	268.50	.00	268.50	100823	PETTY CASH-
011097	08/24/10	GRE04	GREEN TECHNOLOGY	118.70	.00	118.70	100824	CONF/MTGS-BLD & SAFETY
011098	08/26/10	ACI01	ACI SPECIALTY BENEFITS	324.00	.00	324.00	10745	WorkmensComp. General Cit
011099	08/26/10	ARA02	ARAMARK UNIFORM SRV.INC.	30.52	.00	30.52	0733277	Mat/Supplies-
011100	08/26/10	ATT13	AT&T	721.42	.00	721.42	100811	COMMUNICATIONS-
011101	08/26/10	BAS01	BASIC LABORATORY, INC	86.00	.00	86.00	1007916	ProfServices Water Dept
011102	08/26/10	BUT05	BUTTE CO PUBLIC HEALTH	100.00	.00	100.00	ADM071001	PROF SVCS-ACO
011103	08/26/10	CAL39	CALKINS, HAYLEY	184.22	.00	184.22	100824	REIMBURSE LIFE GUARD CERT-
011104	08/26/10	CAS08	CASCADE FIRE EQUIPMENT	1186.97	.00	1186.97	30491	SAFETY ITEMS-FIRE
				71.77	.00	71.77	30613	SAFETY ITEMS-FIRE
			Check Total.....:	1258.74	.00	1258.74		
011105	08/26/10	COR12	CORNING FORD MERCURY, INC	211.85	.00	211.85	129256	Veh Opr/Maint-POLICE
011106	08/26/10	DAY01	DAY-TIMER, INC	9.99	.00	9.99	60072998	OFFICE SUPPLIES-CITY CLER
011107	08/26/10	DEP01	DEPT OF JUSTICE	104.00	.00	104.00	100819	PROF SVCS-POLICE
011108	08/26/10	FED01	FEDERAL EXPRESS	16.31	.00	16.31	719696550	SIGNAL IMPROV-STR PROJ
011109	08/26/10	FIT01	FITZPATRICK LAW OFFICES	86.75	.00	86.75	100819	BOOKS/PERIODICS-LGL SVCS
011110	08/26/10	HOL04	HOLIDAY MARKET #32	70.25	.00	70.25	36730	Mat/Supplies-ACO
011111	08/26/10	INT00	INTERSTATE BATTERY SYSTEM	98.45	.00	98.45	10424982	VEH OP/MAINT-POLICE
011112	08/26/10	JES10	JESSEE HEATING & AIR, INC	75.00	.00	75.00	50238	MAT & SUPPLIES-BLD MAINT
011113	08/26/10	LNC01	LN CURTIS & SONS	81.89	.00	81.89	119730500	EQUIP MAINT-FIRE
				331.25	.00	331.25	119730502	EQUIP MAINT-FIRE
			Check Total.....:	413.14	.00	413.14		
011114	08/26/10	NEX02	NEXTEL	219.68	.00	219.68	086319105	COMMUNICATIONS-POLICE
011115	08/26/10	PGE01	PG&E	35295.35	.00	35295.35	100820	Electricity General City-
011116	08/26/10	PGE2A	PG&E	49.03	.00	49.03	100818	ELECT-BLUE HERON CT
011117	08/26/10	QUI02	QUILL CORPORATION	19.91	.00	19.91	7300721	Office Supplies-PW ADMIN

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Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Payment Information	
							Invoice #	Description
011117	08/26/10	QUI02	QUILL CORPORATION	279.08	.00	279.08	7453377	Office Supplies-
Check Total.....:				298.99	.00	298.99		
011118	08/26/10	SWW00	SWWC SERVICES, INC.	5669.14	.00	5669.14	17364	PROF SVCS-WWTP
				2405.67	.00	2405.67	17365	PROF SVCS-WWTP
Check Total.....:				8074.81	.00	8074.81		
011119	08/26/10	THO03	THOMAS HYDRAULIC	140.32	.00	140.32	331225	Equip.Maint.-FIRE
011120	08/26/10	WAR05	WARREN, DANA KARL	185.25	.00	185.25	100824	REC INSTRUCTOR-REC
Cash Account Total.....:				48441.27	.00	48441.27		
Total Disbursements.....:				48441.27	.00	48441.27		
Cash Account Total.....:				.00	.00	.00		

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CITY OF CORNING
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Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
4667	08/25/10	BAN03	POLICE OFFICER ASSOC.	350.00	.00	350.00	B00824	POLICE OFFICER ASSOC
4668	08/25/10	CAL37	CALIFORNIA STATE DISBURSE	138.46	.00	138.46	B00824	WITHHOLDING ORDER
4669	08/25/10	EDD01	EMPLOYMENT DEVELOPMENT	3795.77	.00	3795.77	B00824	STATE INCOME TAX
				1170.48	.00	1170.48	1B00824	SDI
			Check Total.....:	4966.25	.00	4966.25		
4670	08/25/10	ICM01	ICMA RETIREMENT TRUST-457	4098.77	.00	4098.77	B00824	ICMA DEF. COMP
4671	08/25/10	OEU03	OPERATING ENGINEERS	550.00	.00	550.00	B00824	CREDIT UNION SAVINGS
4672	08/25/10	PERS1	PUBLIC EMPLOYEES RETIRE	27697.98	.00	27697.98	B00824	PERS PAYROLL REMITTANCE
4673	08/25/10	PERS4	Cal Pers 457 Def. Comp	25.00	.00	25.00	B00824	PERS DEF. COMP.
4674	08/25/10	PRE03	PREMIER WEST BANK	2091.50	.00	2091.50	B00824	HSA DEDUCTIBLE
4675	08/25/10	STA04	STATE OF CALIFORNIA	550.00	.00	550.00	B00824	WAGEASN 1107012828
4676	08/25/10	VAL06	VALIC	2345.17	.00	2345.17	B00824	AIG VALIC P TAX
4677	08/31/10	AFL01	AMERICAN FAMILY LIFE	1717.60	.00	1717.60	B00831	AFLAC INS.PRE TAX
				101.74	.00	101.74	1B00831	AFLAC INS.AFTER TAX
			Check Total.....:	1819.34	.00	1819.34		
4678	08/31/10	BLU02	BLUE SHIELD OF CALIFORNIA	18290.00	.00	18290.00	B00831	MEDICAL INSURANCE
4679	08/31/10	CIT01	CITY OF CORNING	6.00	.00	6.00	B00831	CHGS FOR WAGE ATCHMT
4680	08/31/10	OEU01	OPERATING ENGINEERS #3	7430.00	.00	7430.00	B00831	MEDICAL INSURANCE
4681	08/31/10	OEU02	OPERATING ENG. (DUES)	315.00	.00	315.00	B00831	UNION DUES MGMNT
				572.00	.00	572.00	1B00831	UNION DUES POLICE
				280.00	.00	280.00	2B00831	UNION DUES DISPATCH
				520.00	.00	520.00	3B00831	UNION DUES-MISC
			Check Total.....:	1687.00	.00	1687.00		
4682	08/31/10	PRI04	PRINCIPAL	3259.45	.00	3259.45	B00831	DENTAL INSURANCE
				590.73	.00	590.73	1B00831	VISION INSURANCE
			Check Total.....:	3850.18	.00	3850.18		
4683	08/31/10	TRA03	TRANSAMERICA LIFE INS CO.	1127.00	.00	1127.00	B00831	LIFE INSURANCE
			Cash Account Total.....:	77022.65	.00	77022.65		
			Total Disbursements.....:	77022.65	.00	77022.65		

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Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description
011130	09/01/10	COR07	CORBIN WILLITS SYSTEMS	729.72	.00	729.72	000B009011	Finance Dept.
011131	09/01/10	COR09	CORNING CHAMBER OF COMM.	1000.00	.00	1000.00	000B009011	CngChamberComm. Economic
011132	09/01/10	FIT01	FITZPATRICK LAW OFFICES	910.00	.00	910.00	000B008011	Consulting Serv LegalServ
				-910.00	.00	-910.00	000B00801u	Ck# 011132 Reversed
				910.00	.00	910.00	000B009011	Consulting Serv LegalServ
				-910.00	.00	-910.00	000B00901u	Ck# 011132 Reversed
			Check Total.....:	.00	.00	.00		
011133	09/01/10	HAL05	HALL, ROBERT	104.70	.00	104.70	000B009011	ProfServices FireDepartme
011134	09/01/10	KEN00	KEN VAUGHAN & SONS	950.00	.00	950.00	000B009011	Landscape Maint-Parks
011135	09/01/10	PIT01	PITNEY BOWES	192.92	.00	192.92	000B009011	Rents/Leases Finance Dept
011136	09/01/10	S&L00	S & L BREWER ENTERPRISES	200.00	.00	200.00	000B009011	K-9 PROGRAM-POLICE
011137	09/01/10	TLD01	TEDC	208.33	.00	208.33	000B009011	Economic Development
011138	09/01/10	TOM03	TOMLINSON JR., ROBERT L.	54.70	.00	54.70	000B009011	PROF. SVCS-FIRE DEPT
011139	09/01/10	AUS00	AUSMUS ENGINEERING	472.50	.00	472.50	100827	PRE-BID WALK THRU-RODGERS
011140	09/01/10	BAS01	BASIC LABORATORY, INC	114.00	.00	114.00	1008146	ProfServices Water Dept
011141	09/01/10	CLA01	CLARKS DRUG STORE	32.48	.00	32.48	34330	MAT & SUPPLIES-CITY COUNC
011142	09/01/10	COR03	CORNING RENTALS	150.00	.00	150.00	33109	THEATRE RESTORE-RODGERS T
011143	09/01/10	COR12	CORNING FORD MERCURY, INC	4.06	.00	4.06	23565	Veh Opr/Maint-POLICE
011144	09/01/10	COR20	CORNING ELECTRONICS	22.06	.00	22.06	10090032	MAT & SUPPLIES-
011145	09/01/10	DAY03	DAY WIRELESS SYSTEMS	121.91	.00	121.91	964726	EQUIP MAINT-POLICE
011146	09/01/10	FIT01	FITZPATRICK LAW OFFICES	910.00	.00	910.00	100901	Consulting Serv LegalServ
011147	09/01/10	HAT10	HATFIELD'S	242.73	.00	242.73	100825	Mat/Supplies-
011148	09/01/10	HIG00	HIGHT, MONTY W.	560.00	.00	560.00	4	OTS/DUI GRANT-PIO
011149	09/01/10	HOL04	HOLIDAY MARKET #32	5.98	.00	5.98	36707	Mat/Supplies BuildingMain
011150	09/01/10	LAR01	LARRY'S PEST & WEED,	4667.00	.00	4667.00	33253	WEED/TREE SPRAY-STR
011151	09/01/10	MCC01	MCCOY'S HARDWARE & SUPPLY	234.93	.00	234.93	100825	MAT & SUPPLIES-

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011152	09/01/10	NAP01	NAPA AUTO PARTS	332.55	.00	332.55	100822	Veh Opr/Maint-
011153	09/01/10	PAC16	PACIFIC TELEMAGEMENT SE	38.00	.00	38.00	217944	COMMUNICATIONS-GEN CITY
011154	09/01/10	RON03	RON DUPRATT FORD	218.89	.00	218.89	654497	VEH OP/MAINT-POLICE
011155	09/01/10	SEI01	SEILER, ROY R., CPA	2762.10	.00	2762.10	24039	ProfServices Finance Dept
011156	09/01/10	THO03	THOMAS HYDRAULIC	30.40	.00	30.40	330792	Equip.Maint.-FIRE
011157	09/01/10	UCR01	UC REGENTS	250.00	.00	250.00	100901	J.T. LEVY SCHOLARSHIP
011158	09/01/10	USB01	US BANCORP	868.98	.00	868.98	158564757	Rents/Leases-GEN CITY
011159	09/01/10	XER00	XEROX CORPORATION	58.82	.00	58.82	049753781	EQUIP MAINT-POLICE
011160	09/03/10	BAS01	BASIC LABORATORY, INC	261.00	.00	261.00	1008274	ProfServices Water Dept
011161	09/03/10	BOR00	BORER, NATHANIEL	140.00	.00	140.00	100903	REIMBURSEMENT FOR LIFEQUA
011162	09/03/10	BRO07	BROWN, DAKOTA	140.00	.00	140.00	100903	REIMBURSEMENT FOR LIFEQUA
011163	09/03/10	CAL09	CALIF PEACE OFFICERS ASSN	145.00	.00	145.00	1684819	Traing/Educ. PoliceServic
011164	09/03/10	CHE02	CHEM QUIP, INC.	1039.80	.00	1039.80	5041589	MAT & SUPPLIES-WTR
011165	09/03/10	COR01	CORNING VETERINARY	371.05	.00	371.05	26837	ProfServices ACO
				-371.05	.00	-371.05	26837u	Ck# 011165 Reversed
			Check Total.....:	.00	.00	.00		
011166	09/03/10	COR03	CORNING RENTALS	300.00	.00	300.00	33092	A/C CITYWIDE-STR PROJ
011167	09/03/10	COR08	CORNING LUMBER CO INC	469.64	.00	469.64	100825	Mat/Supplies-
011168	09/03/10	COR12	CORNING FORD MERCURY, INC	141.03	.00	141.03	129525	Veh Opr/Maint-POLICE
011169	09/03/10	FIR02	FIRST NATIONAL BANK	317.91	.00	317.91	100827	TRAINING/ED-
011170	09/03/10	MJB00	MJB WELDING SUPPLY, INC.	30.97	.00	30.97	894973	BLD MAINT-FIRE
011171	09/03/10	NEX01	NEXTEL COMMUNICATIONS	497.87	.00	497.87	100829	COMMUNICATIONS-
011172	09/03/10	NOR25	NORTHERN LIGHTS ENRGY, INC	3177.08	.00	3177.08	26945	VEH OP/MAINT-
				2208.74	.00	2208.74	26989	MAT & SUPPLIES-
			Check Total.....:	5385.82	.00	5385.82		
011173	09/03/10	NOR31	NORM'S PRINTING	62.24	.00	62.24	008795	PRINTING/ADV-POLICE

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011173	09/03/10	NOR31	NORM'S PRINTING	40.59	.00	40.59	008825	THEATRE RESTORATION-ROGDE
Check Total.....				102.83	.00	102.83		
011174	09/03/10	PGE2B	PG&E	7604.71	.00	7604.71	100826	ELECT-WWTP
011175	09/03/10	SKO00	SKOUSEN, DANIEL	140.00	.00	140.00	100903	REIMBURSEMENT FOR LIFEQUA
011176	09/03/10	THO01	THOMES CREEK ROCK CO	1256.48	.00	1256.48	100831	Mat/Supplies-
011177	09/03/10	WES02	WESTERN BUSINESS PRODUCTS	42.01	.00	42.01	025268	Equip.Maint.-FIRE
011178	09/07/10	ALL01	ALLISON, MELVIN	90.44	.00	90.44	100907	MAT & SUPPLIES-POLICE
011179	09/07/10	COR01	CORNING VETERINARY	371.05	.00	371.05	26837A	ProfServices ACO
011180	09/08/10	ACC00	ACCESS INFORMATION	40.00	.00	40.00	58413	EQUIP MAINT-GEN CITY
011181	09/08/10	AIR00	AIRGAS NCN	48.44	.00	48.44	102529778	MAT & SUPPLIES-FIRE
011182	09/08/10	ALL01	ALLISON, MELVIN	30.00	.00	30.00	100908	TRAINING/ED-POLICE
011183	09/08/10	AND01	ED ANDERSON	6204.56	.00	6204.56	100903	ProfServices-
011184	09/08/10	ARA02	ARAMARK UNIFORM SRV.INC.	30.52	.00	30.52	0723118	Mat/Supplies-
				30.52	.00	30.52	0743455	Mat/Supplies-
				1.37	.00	1.37	LPCCHARGE	Mat/Supplies-
Check Total.....				62.41	.00	62.41		
011185	09/08/10	ATT02	AT&T	1174.26	.00	1174.26	1586728	COMMUNICATIONS-
011186	09/08/10	BAS01	BASIC LABORATORY, INC	86.00	.00	86.00	1008359	ProfServices Water Dept
011187	09/08/10	BAT01	BATTERIES PLUS	52.58	.00	52.58	125468	SAFETY ITEMS-POLICE
011188	09/08/10	CAM02	CAMELLIA VALLEY SUPPLY	396.62	.00	396.62	0748340	MAT & SUPPLIES-PARKS
011189	09/08/10	COM01	COMPUTER LOGISTICS, INC	20.00	.00	20.00	49726	Equip.Maint.-GEN CITY
				28.00	.00	28.00	49727	COMMUNICATIONS-POLICE
				116.67	.00	116.67	49778	COMMUNICATIONS-POLICE
Check Total.....				164.67	.00	164.67		
011190	09/08/10	COR01	CORNING VETERINARY	140.00	.00	140.00	26841	SPAY/NEUTER VOUCHER PROGR
011191	09/08/10	DEP12	DEPT OF JUSTICE	70.00	.00	70.00	806824	PROF SVCS-POLICE
011192	09/08/10	HOL04	HOLIDAY MARKET #32	84.30	.00	84.30	36740	MAT & SUPPLIES-ACO

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011193	09/08/10	JES10	JESSEE HEATING & AIR, INC	373.00	.00	373.00	50238A	MAT & SUPPLIES-BLD MAINT
011194	09/08/10	NOR25	NORTHERN LIGHTS ENRGY, INC	167.33	.00	167.33	26990	VEH OP/MAINT-FIRE
011195	09/08/10	OFF01	OFFICE DEPOT	10.13	.00	10.13	531921972	Office Supplies PoliceDis
011196	09/08/10	PGE01	PG&E	305.53	.00	305.53	100830	ELECT-
011197	09/08/10	PGE04	PG&E	449.64	.00	449.64	100831	TranspFacility-
011198	09/08/10	PGE05	PG&E	1596.43	.00	1596.43	100831	FIRE-ELECT & GAS
011199	09/08/10	PGE2A	PG&E	123.23	.00	123.23	100831	ELECT-MARTINI, MCDONALD &
011200	09/08/10	SUN01	SUNRISE ENVIRONMENTAL	204.73	.00	204.73	99567	VEH OP/MAINT-
011201	09/08/10	TEH15	TEHAMA CO SHERIFF'S DEPT	171.50	.00	171.50	100903	PROF SVCS-
				2000.00	.00	2000.00	826100012	CLETS USER FEES-POLICE
			Check Total.....:	2171.50	.00	2171.50		
011202	09/08/10	TRI02	TRI-COUNTY NEWSPAPERS	96.30	.00	96.30	103398	Print/Advert. City Clerk
				241.70	.00	241.70	103415	Print/Advert. City Clerk
				272.06	.00	272.06	103876	Print/Advert. City Clerk
			Check Total.....:	610.06	.00	610.06		
011203	09/08/10	USA01	USA BLUE BOOK	344.47	.00	344.47	227283	MAT & SUPPLIES-WTR
				1065.89	.00	1065.89	227288	MAT & SUPPLIES-WTR
			Check Total.....:	1410.36	.00	1410.36		
011204	09/08/10	WAS01	WASTE MANAGEMENT OF	466.59	.00	466.59	011329305	NUISANCE ABATE-ACO
011205	09/08/10	XER00	XEROX CORPORATION	91.06	.00	91.06	050213587	EQUIP MAINT-POLICE
			Cash Account Total.....:	50547.75	.00	50547.75		
			Total Disbursements.....:	50547.75	.00	50547.75		
			Cash Account Total.....:	.00	.00	.00		

REPORT.: Sep 08 10 Wednesday
 RUN....: Sep 08 10 Time: 16:07
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report - Payroll Vendor Payment(s)
 Check Listing for 09-10 Bank Account.: 1025

PAGE: 005
 ID #: PY-DP
 CTL.: COR

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
4686	09/08/10	BAN03	POLICE OFFICER ASSOC.	350.00	.00	350.00	B00908	POLICE OFFICER ASSOC
4687	09/08/10	CAL37	CALIFORNIA STATE DISBURSE	138.46	.00	138.46	B00908	WITHHOLDING ORDER
4688	09/08/10	EDD01	EMPLOYMENT DEVELOPMENT	3485.13	.00	3485.13	B00908	STATE INCOME TAX
				1094.82	.00	1094.82	1B00908	SDI
			Check Total.....:	4579.95	.00	4579.95		
4689	09/08/10	ICM01	ICMA RETIREMENT TRUST-457	4098.77	.00	4098.77	B00908	ICMA DEF. COMP
4690	09/08/10	OEU03	OPERATING ENGINEERS	550.00	.00	550.00	B00908	CREDIT UNION SAVINGS
4691	09/08/10	PERS1	PUBLIC EMPLOYEES RETIRE	26721.28	.00	26721.28	B00908	PERS PAYROLL REMITTANCE
4692	09/08/10	PERS4	Cal Pers 457 Def. Comp	25.00	.00	25.00	B00908	PERS DEF. COMP.
4693	09/08/10	PRE03	PREMIER WEST BANK	2091.50	.00	2091.50	B00908	HSA DEDUCTIBLE
4694	09/08/10	STA04	STATE OF CALIFORNIA	550.00	.00	550.00	B00908	WAGEASN 1107012828
4695	09/08/10	VAL06	VALIC	2345.17	.00	2345.17	B00908	AIG VALIC P TAX
			Cash Account Total.....:	41450.13	.00	41450.13		
			Total Disbursements.....:	41450.13	.00	41450.13		

Date.: Sep 8, 2010
Time.: 3:08 pm
Run by: PALA CANTRELL

CITY OF CORNING
NEW BUSINESSES FOR CITY COUNCIL

Page.: 1
List.: NEWB
Group: WTFMB

Business Name	Address	CITY/STATE/ZIP	Contact Name	Business Desc. #1	Business Start Date	Primary Teleph
CORNING MERCANTILE	1219 SOLANO ST	CORNING, CA 96021	HUGHES TODD	FURNITURE SALES, MATTRESS SALES,	08/23/10	(530) 824-2204
DUANE'LL-DO-IT, A PA	1216 WEST WIND DR	CHICO, CA 95926	NELSON DUANE	CONTRACTOR	09/08/10	(530) 392-1038
LIQUOR CABINET #2	3090 HIGHWAY 99W	CORNING, CA 96021	SINGH SANDHU JAGTAR	LIQUOR STORE/VARIETY STORE	09/07/10	(530) 824-2104
MENDOZA LANDSCAPING,	22685 HAWLEY ROAD	ORLAND, CA 95963	MENDOZA CIELO	UPKEEP, MAINTENANCE AND LANDSCAPING SRVC	08/20/10	(530) 828-4956
YESCO (YOUNG ELECTRI	875 NATIONAL DR, STE 107	SACRAMENTO, CA 95834	YOUNG MICHAEL	CONTRACTOR	08/18/10	(916) 419-8101

PERMITS ISSUED (sort by Permit #)
For the Period 8/1/2010 thru 8/31/2010

Item No.: J-8

Owner and Address	Parcel Number	Issued On	Valuation
HPT TA PROPERTIES TRUST 2151 SOUTH AVE CORNING CA 96021 Permit Description: REPLACE SIGNS W/NEW TA-61, 202.5, S.F. LED	8710066 Site Street Address: 2151 SOUTH AVE	8/3/2010	23,500.00
JOHN PATTERSON 1311 YOLO ST CORNING CA 96021 Permit Description: COMM. SHOP & STORAGE	7113103 Site Street Address: 1311 YOLO ST	8/16/2010	20,000.00
JUANA MERAZ 1202 WEST ST CORNING CA 96021 Permit Description: MOVE WATER HEATER	7122504 Site Street Address: 1202 WEST ST	8/10/2010	300.00
JAMIE SANTMYER 1330 FIRST ST CORNING CA 96021 Permit Description: 4' FRONT & SIDE YARDS CHAIN LINK FENCE	7316208 Site Street Address: 1330 FIRST ST	8/9/2010	400.00
JUANA MERAZ 1202 WEST ST CORNING CA 96021 Permit Description: TEAR OFF & REROOF	7122504 Site Street Address: 1202 WEST ST	8/10/2010	2,000.00
SARAH GRENOT 2140 BLOSSOM AVE CORNING CA 96021 Permit Description: NEW RESIDENCE W/ATTACHED GARAGE	7120230 Site Street Address: 2140 BLOSSOM AVE	8/31/2010	164,500.00
CRANE MILLS 2120 LOLETA AVE CORNING CA 96021 Permit Description: INTERIOR INFLL, BATS & BOTTLING RMS	7130026 Site Street Address: 2120 LOLETA AVE	8/24/2010	120,000.00

CITY OF CORNING
PERMITS ISSUED (sort by Permit #)
For the Period 8/1/2010 thru 8/31/2010

Owner and Address	Parcel Number	Issued On	Valuation
AMADA PAREZ 2176 DONNAVAN AVE CORNING CA 96021 Permit Description: COVERED PAYIO	7120119 Site Street Address: 2176 DONNAVAN AVE	8/11/2010	3,500.00
SETH VADER 912 THIRD ST CORNING CA 96021 Permit Description: INSTALL 6' BACK & 4' SIDE YARD FENCE	7117506 Site Street Address: 912 THIRD ST	8/12/2010	600.00
7 DAY ADVANTIST CHURCH 1505 BUTTE ST CORNING CA 96021 Permit Description: REMAVE SHOWER, RELACE W/ TUB	7110404 Site Street Address: 1505 BUTTE ST	8/12/2010	2,000.00
DANYELL DAHLGREN 225 EAST SOLANO ST CORNING CA 96021 Permit Description: CHANGE OUT FURNACES	7312004 Site Street Address: 225 EAST SOLANO ST	8/12/2010	1,500.00
DENNIS KNIGHT 2107 COLUSA ST CORNING CA 96021 Permit Description: TEAR OFF & REROOF	7106209 Site Street Address: 2107 COLUSA ST	8/17/2010	9,900.00
LOVES TRAVEL STOP & COUNTRY S 2120 SOUTH AVE CORNING CA 96021 Permit Description: REFACE EXISTING SIGNS	8705039 Site Street Address: 2120 SOUTH AVE	8/17/2010	6,200.00
JOHN ELLER 706 PEACH ST CORNING CA 96021 Permit Description: CONSTRCT NEW COMM. DAYCARE BUILDING	7301063 Site Street Address: 706 PEACH ST	8/24/2010	325,000.00
REHAN SYED 256 SOLANO ST CORNING CA 96021 Permit Description: TEAR OFF & REROOF	7302068 Site Street Address: 256 SOLANO ST	8/23/2010	19,000.00

CITY OF CORNING
PERMITS ISSUED (sort by Permit #)
For the Period 8/1/2010 thru 8/31/2010

Owner and Address	Parcel Number	Issued On	Valuation
RICHARD SOBB 2158 BLOSSOM AVE CORNING CA 96021 Permit Description: NEW RESIDENCE W/ ATTACHED GARAGE	7120233 Site Street Address: 2158 BLOSSOM AVE	8/31/2010	164,500.00
ELIDIA WILFONG 2164 BLOSSOM AVE CORNING CA 96021 Permit Description: NEW RESIDENCE W/ ATTACHED GARAGE	7120234 Site Street Address: 2164 BLOSSOM AVE	8/31/2010	164,500.00
JOSE GONZALEZ 2168 DONAVAN AVE CORNING CA 96021 Permit Description: TEAR OFF & REROOF	7120123 Site Street Address: 2168 DONAVAN AVE	8/25/2010	1,500.00
RICHARD CASTRO 530 TOOMES AVE CORNING CA 96021 Permit Description: REWIRE INTERIOR WALLS	7106239 Site Street Address: 530 TOOMES AVE	8/26/2010	500.00
SHANE & SONJA AKERS 514 WALNUT ST CORNING CA 96021 Permit Description: PARTIAL ROOF REPAIR	7311106 Site Street Address: 514 WALNUT ST	8/31/2010	1,000.00
		8/31/2010	0.00
Permit Description:	Site Street Address:		
SARA & JOSH SCHWEIKHART 1403 FIG LN CORNING CA 96021 Permit Description: TEAR OFF & REROOF	7128039 Site Street Address: 1403 FIG LN	8/31/2010	1,500.00

22 Permits Issued from 8/1/2010 Thru 8/31/2010 FOR A TOTAL VALUATION OF \$1,031,900.00

*** END OF REPORT ***

CITY OF CORNING**AUGUST 2010****TREASURERS REPORT**

AGENCY	BALANCE	RATE	MATURES ON
LOCAL AGENCY INVESTMENT FUND	1,257,733.68	.56	
PREMIER WEST BANK	197,955.76	.85	03/28/11
PREMIER WEST BANK	177,576.38	.85	04/20/11
TRUST ACCOUNTS			
PREMIER WEST BANK RIDELL TRUST	210,281.72	.90	12/13/11

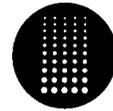
Respectfully Submitted

Pala Cantrell
City Treasurer

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SEP 02 2010

CITY OF CORNING



Item No.: J-11

**SouthWest
Water Company**

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

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

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

- 1) Filled out monthly reports.
- 2) Performed weekly Operator 10 maintenance on all plant equipment.
- 3) Changed flow disk.
- 4) Sent vehicle report to Texas.
- 5) Wasted to Thickener
- 6) Replaced hour meter on # 1 lube pump
- 7) Changed chart on So3 analyzer.
- 8) Safety meeting
- 9) Cleaned up shop.
- 10) Inspected eyewash and emergency showers.
- 11) Unloaded chlorine truck.
- 12) Cleaned So2 pump.
- 13) Checked storm water discharge sites at WWTP and airport.
- 14) Cleaned distiller.
- 15) Tested all chlorine and So2 sensors.
- 16) River samples.

- 17) Replaced suction hose on influent sampler.
- 18) Cleaned probe at lift station.
- 19) Tested alarms with Fire Dept.
- 20) Pumped waste from EQ basin
- 21) Cleaned drying beds.
- 22) Cleaned auto samplers with bleach
- 23) Sprayed weeds.
- 24) Exercised emergency generator.
- 25) Held employee training
- 26) IIPP plant inspection
- 27) Cleaned hot spots in collection system.
- 28) Exercised floating aerator.
- 29) Checked all fire extinguishers.
- 30) Changed gear oil in # 2 floating aerator
- 31) Installed new battery in service truck

JULY 2010

Domestic Flow = 670.000 GPD

AUGUST 2010

Domestic Flow = 667,774 GPD

ITEM NO: J-12
**ACCEPT RESIGNATION FROM LIBRARY
COMMISSIONER PATRICIA RASMUSSEN AND
APPOINT MARILYN BRIGHT TO THE CORNING
LIBRARY COMMISSION TO FILL THE VACANCY
SEPTEMBER 14, 2010**

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

FROM: GARY R. STRACK, MAYOR

SUMMARY:

Mayor Strack recommends the reluctant acceptance of Ms. Rasmussen's resignation due to family responsibilities. He wishes to publically state his appreciation to her for her dedication and service to the Library and the people of this City as a Library Commissioner this past seven years.

He further recommends the appointment of former Library Commissioner Marilyn Bright to the Corning Library Commission to fill the vacancy resulting from Ms. Rasmussen's resignation.

BACKGROUND:

Commissioners are appointed by the City Council to a non-paid four-year term position (unless fulfilling a vacant existing term). Meetings are held quarterly on the first Wednesday of the month in January, April, July and October.

On August 23, 2010 Library Commission Chairperson Patricia Rasmussen regretfully submitted her resignation from the Commission due to family responsibilities. Ms. Rasmussen has graciously volunteered her time by serving the City on the Library Commission since 2003 and will be missed.

The City has received an application from former Library Commissioner Marilyn Bright to again serve on the Library Commission. Ms. Bright's qualifications are listed below.

Marilyn Bright: Ms. Bright is a retired school Librarian who previously served for four years on the City's Library Commission (9/2006 – 3/2010). She is associated with the "Friends of Rodger's Theater", Hometown Revitalization and Harvest Christian Church.

RECOMMENDATION:

**MAYOR AND COUNCIL ACCEPT THE RESIGNATION OF LIBRARY
COMMISSIONER PATRICIA RASMUSSEN, REVIEW THE ATTACHED APPLICATION
RECEIVED FROM MARILYN BRIGHT, AND APPOINT MS. BRIGHT TO THE CITY OF
CORNING LIBRARY COMMISSION EFFECTIVE IMMEDIATELY TO FILL THE RESULTING
VACANCY WITH THE TERM TO EXPIRE ON JUNE 30, 2011.**

6

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AUG 23 2010

Aug 23, 2010

CORNING CITY CLERK

Dear Lisa,

Please accept my resignation from the Corning Library Commission. Family responsibilities will require much of my time in the coming months.

I have enjoyed working with you and Dawn and appreciate all the assistance that the commission has received from the city clerk's office.

Sincerely

Patricia R. Rasmussen



CITY OF CORNING

RECEIVED

AUG 23 2010

APPLICATION FOR COMMISSION APPOINTMENT CITY OF CORNING

Date: Aug 23, 2010

- Commission:
- Planning Commission
 - Recreation Commission
 - Library Commission
 - Airport Commission

Name: MARILYN BRIGHT

Home Address: 651 Toomes

APT 74

Phone No.: 530-321-3286

CORNING CA 96021

Business Address: _____

Phone No.: _____

Occupation: Retired School Librarian

Do you reside within the City of Corning? Yes X No _____

What qualifications do you have that will assist the Commission of your choice in fulfilling its functions? SERVED ON LIBRARY COMMISSION Two years

INTEREST IN CORNING LIBRARY AND COMMUNITY

Have you served on other Boards, Committees, or Commissions? Yes X No _____

If so, please list them:

FRIENDS OF RODGER'S THEATER, HOMETOWN REVITALIZATION,
HARVEST CHRISTIAN CHURCH.

Have you researched the time and travel commitments associated with serving on this Commission? Yes X No _____

Can you meet those commitments? Yes X No _____

Please comment on your reasons for seeking this appointment.

Interest and time to give it.

Marilyn Bright
Signature

STATE LAW REQUIRES THAT APPOINTMENTS TO BOARDS AND COMMISSIONS BE CONSIDERED BY THE CITY COUNCIL IN OPEN SESSION AND YOU MAY BE ASKED TO BE PRESENT FOR AN INTERVIEW.

**ITEM NO.: J-13
RESOLUTION NO. 09-14-10-01
DESIGNATING DISABLED PARKING
SPACE AT 817 SOUTH STREET AND
AUTHORIZE INSTALLATION OF
DISABLED PARKING SIGN**

SEPTEMBER 14, 2010

**TO: HONORABLE MAYOR AND COUNCILMEMBERS
CITY OF CORNING, CALIFORNIA**

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

Steve
JL

SUMMARY:

Staff has received a request from Kathleen Chandler to install a disabled parking space in front of her dwelling at 817 South Street. The disabled parking space is to facilitate pedestrian access to and from the dwelling, when moving her severely disabled daughter Alessandra. Since there's currently no parking limitation, neighboring residents often park their vehicles in front of her address, adjacent to the sidewalk extension the Chandler's have installed.

BACKGROUND:

Staff has reviewed the request received for a disabled parking designation from Mrs. Kathleen R. Chandler at 817 South Street. See the attached letter dated September 1, 2010, and the attached photo showing the site.

Staff recommends the following actions:

- Adopt Resolution for Disabled Parking Space
- Direct staff to installation a disabled parking sign

The parking designation is to be retained only so long as the Chandler's disabled daughter Alessandra Chandler resides at this address.

California Vehicle Code 22511.7 allows a local authority, by Ordinance or Resolution, to designate parking spaces for disabled persons.

RECOMMENDATION:

**MAYOR AND COUNCIL ADOPT RESOLUTION NO. 09-14-10-01,
DESIGNATING A DISABLED PARKING SPACE TO BE LOCATED AT 817 SOUTH
STREET AND AUTHORIZE INSTALLATION OF A DISABLED PARKING SIGN.**

RESOLUTION 09-14-10-01

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF CORNING
DESIGNATING PARKING SPACE FOR DISABLED PERSON**

WHEREAS, the California Vehicle Code 22511.7 allows a local authority, by Ordinance or Resolution, to designate parking spaces for disabled persons; and

WHEREAS, a need for such a parking space has been identified in the community;

BE IT THEREFORE RESOLVED, that the space identified in Exhibit "A", attached hereto, is hereby designated for the exclusive use of any vehicle which displays either a distinguishing license plate or placard issued in accordance with the Vehicle Code of the State of California which identified the vehicle as belonging to either a disabled person or disabled veteran.

BE IT FURTHER RESOLVED, that Staff is hereby directed to remove the handicap parking designation when Alessandra Chandler no longer resides at the address (817 South Street).

The foregoing Resolution was considered by the City Council at a regular meeting of the City Council of the City of Corning on the 14th day of September, 2010 and upon a motion duly made and seconded was passed and adopted by the following votes:

AYES:

NOES:

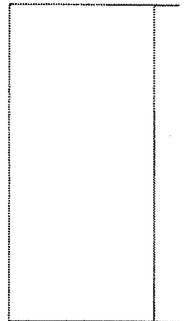
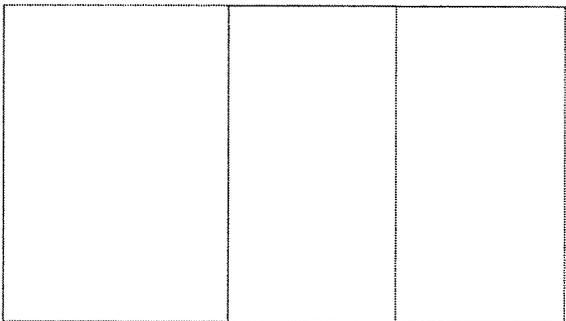
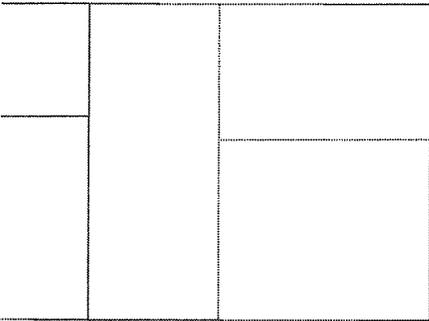
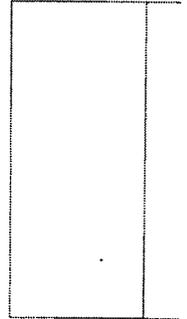
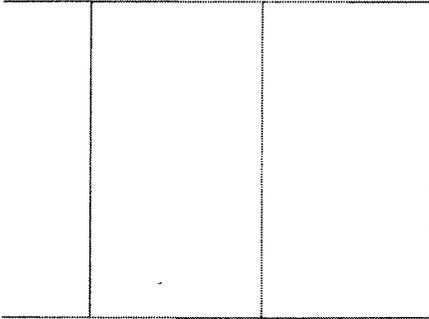
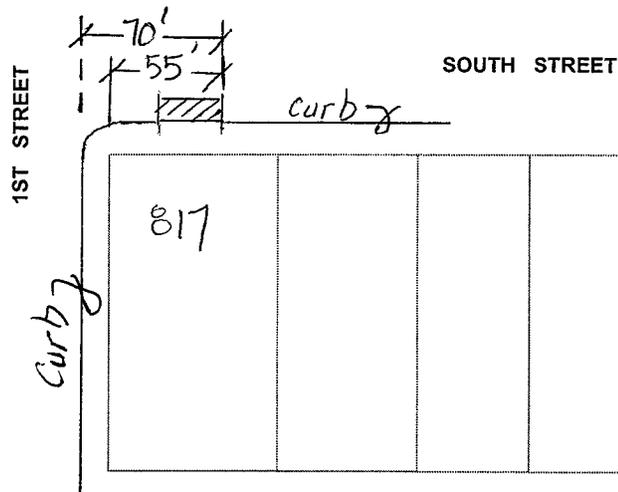
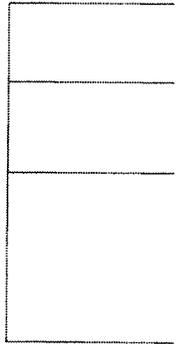
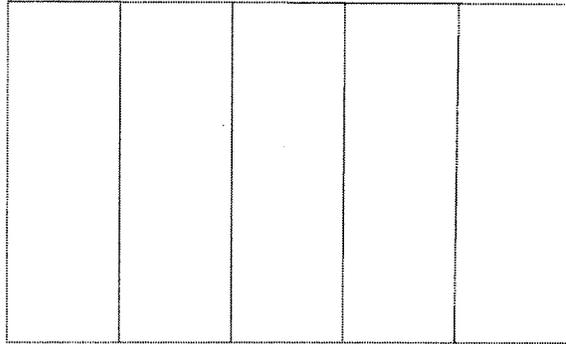
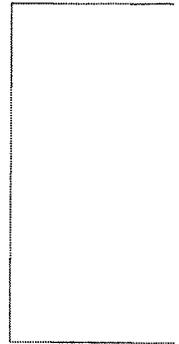
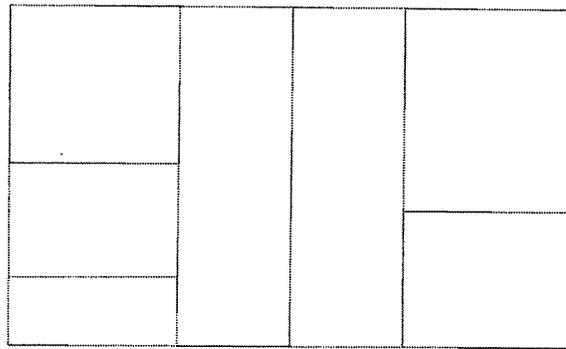
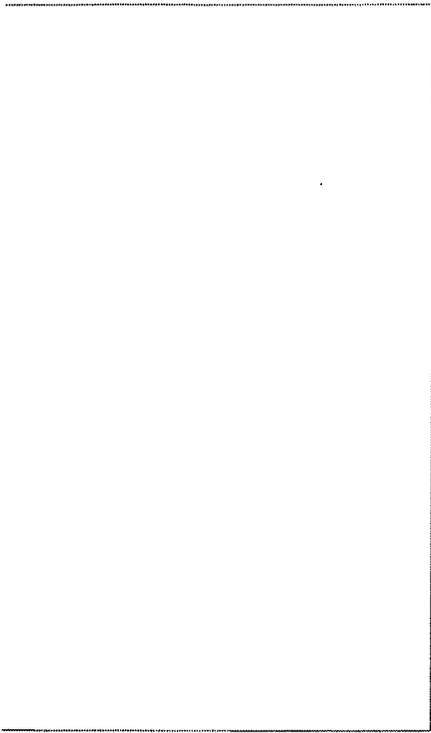
ABSENT OR NOT VOTING:

GARY R. STRACK, MAYOR

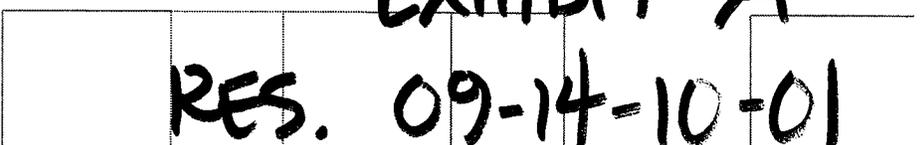
ATTEST:

LISA M. LINNET, CITY CLERK

MARIN STREET



WALNUT STREET



RECEIVED

SEP 01 2010

9/01/10

CITY OF CORNING

To Whom It May Concern,

I, Kathleen Chandler reside at 817 South Street in the City of Corning. We purchased our home in October of 2008. Since then I have had consistent difficulty parking in front of it. Our oldest child is severely disabled and I made renovations to the curb area to make it safer for me to carry her to our vehicle. When I am unable to park in front of our home it causes a hardship. After many attempts at working with our neighbor, I am hereby requesting that a handicap parking space be installed. This will allow me to properly care for my daughter.

Sincerely,

Mrs. RChandler

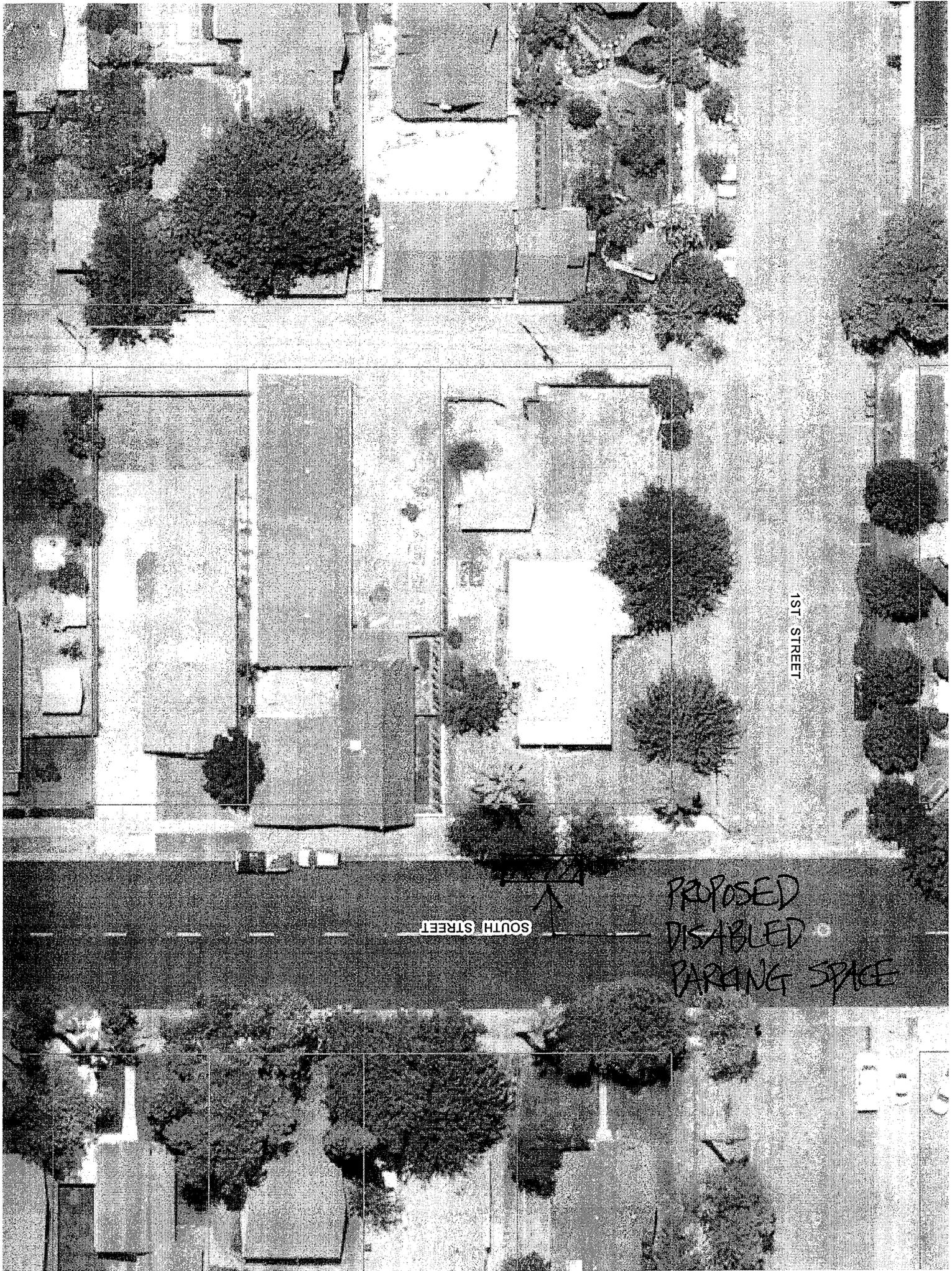
Mrs. Kathleen R. Chandler

And

Alessandra K. Chandler

Home - 824.3612

Cell - 592.5648



SOUTH STREET

1ST STREET

PROPOSED
DISABLED
PARKING SPACE

**ITEM NO: M-14
APPLICATION FOR EITHER AN OFF SALE GENERAL
ALCOHOLIC BEVERAGE LICENSE (TYPE 21) OR AN
OFF-SITE BEER AND WINE LICENSE (TYPE 20) AND
FINDING OF PUBLIC CONVENIENCE OR NECESSITY,
CARNICERIA MI PUEBLO MEAT MARKET
ADDRESS: 1321 SOLANO ST.**

SEPTEMBER 14, 2010

TO: HONORABLE MAYOR AND COUNCILMEMBERS
OF THE CITY OF CORNING

FROM: JOHN STOUFER, PLANNING DIRECTOR

SUMMARY:

The owner of the Carniceria Mi Pueblo Meat Market, Cris Lince, has indicated that he would like to obtain either, a Type 21, Off-Sale General License or a Type 20, Off-Site Beer and Wine License so that he may sell alcohol from this market.

ABC keeps track of alcohol licenses within individual Census Tracts-a geographic polygon used by the Census Bureau and others. This site is within Census Tract No. 0011. According to ABC there are currently 12 Off Sale Licenses, 6 – Type 21, Off-Sale General Licenses, and 6- Type 20, Off-Site Beer & Wine Licenses existing within Census Tract 0011. Of these 12 licenses 11 of them are located within the City of Corning west of the railroad tracks. Pursuant to previous application packets ABC indicates that 8 off-sale licenses are allowed, pursuant to the population of 6871, in this Census Tract. So, the applicant must seek a "Finding of Convenience or Necessity" prior to ABC issuing one of the desired licenses.

BACKGROUND:

Following the Los Angeles riots in the 90's, the State Legislature, at the urging of local government, amended the State Law pertaining to the sale of alcohol. As a result, ABC is not issuing licenses in areas "with an undue concentration" of alcohol vendors, without first referring it to the City for the City's "recommendation". State Law allows that the local governing body, or its designated subordinate officer, can make determination for approval.

Under the Law, the Council has three options. First, the City can make no determination, and the ABC will issue the License after 90 days. Second, the City can determine that "the public convenience or necessity would not be served by the issuance" and ABC will deny the License; or, third, the City Council can make the determination that the "public convenience and necessity would be served by the issuance".

The Application for "Off-Premises Consumption" does not require legal notice, or a Public Hearing.

RECOMMENDATION:

MAYOR AND COUNCIL CONSIDER EITHER A TYPE 21, OFF-SALE GENERAL ALCOHOLIC BEVERAGE LICENSE OR A TYPE 20, OFF-SITE BEER AND WINE LICENSE AT THE CARNICERIA MI PUEBLO MEAT MARKET, 1321 SOLANO ST., AND HAVING CONSIDERED ANY PUBLIC AND STAFF INPUT, FIND THAT THE "PUBLIC CONVENIENCE OR NECESSITY" WILL BE SERVED, AS REQUIRED UNDER BUSINESS AND PROFESSIONS CODE SECTION 23958.5(B)(2), AND DIRECT STAFF TO COMPLETE THE ABC FORM WHEN SUBMITTED BY MR. LINCE AND RETURN IT TO THE STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL.

OR;

DETERMINE THAT THE ISSUANCE OF EITHER A TYPE 21, OFF-SALE GENERAL ALCOHOLIC BEVERAGE LICENSE OR A TYPE 20, OFF-SITE BEER AND WINE LICENSE AT THE CARNICERIA MI PUEBLO MEAT MARKET, 1321 SOLANO ST. WILL NOT SERVE AS A PUBLIC CONVEYANCE AND IS NOT A NECESSITY.

OR;

TAKE NO ACTION OR DETERMINATION AS TO WHETHER THE ISSUANCE OF A LICENSE WILL SERVE THE "PUBLIC CONVENIENCE OR NECESSITY". STAFF WILL INFORM ABC OF THE HEARING AND THE COUNCIL'S NO DETERMINATION DECISION WHEN THE APPLICATION IS SUBMITTED BY MR. LINCE.

ATTACHMENTS

EXHIBIT "A" APPLICANTS LETTER

EXHIBIT "B" VICINITY MAP

EXHIBIT "C" MAP OF OFF-SALE LOCATIONS

EXHIBIT "D" OFF SALE LICENSE INFO FROM ABC

September 3, 2010

Exhibit "A"

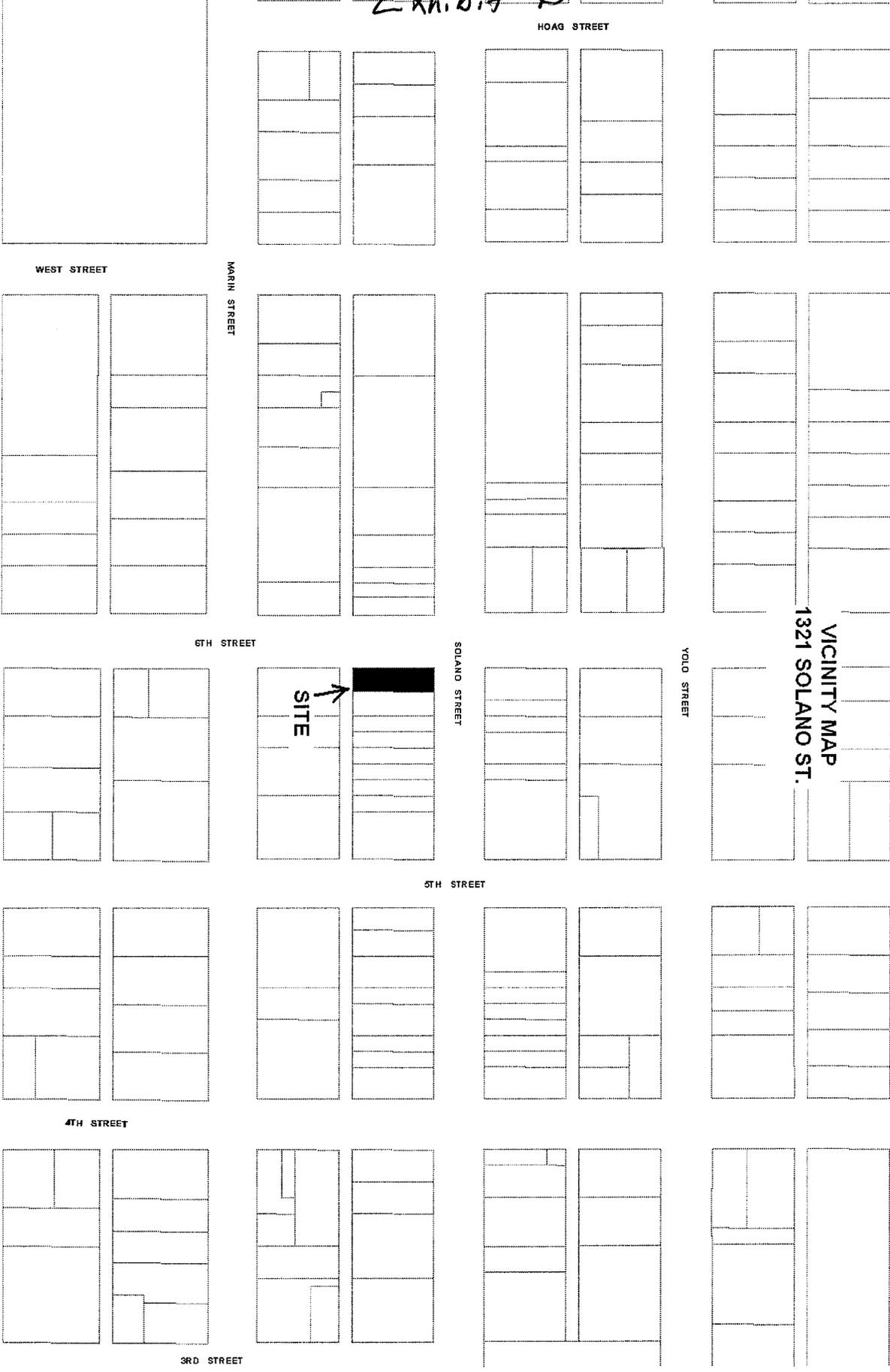
Attention: John Stoufer

First and foremost, I want to thank you for taking the time in assisting me in the matter. I'm writing this letter to inform you of my future plans to purchase a beer license type 20 or type 21 and begin selling at my local meat market (Carniceria Mi Pueblo, 1321 Solano St). I know that an overconcentration of license does exist in the City of Corning, therefore I'm asking that my idea be heard at your next City Council meeting (September 14, 2010).

Thank you,

Cris S Lince
1321 Solano St
Corning Ca 96021
530-588-5988
lincecris@aol.com

Exhibit "B"



VICINITY MAP
1321 SOLANO ST.

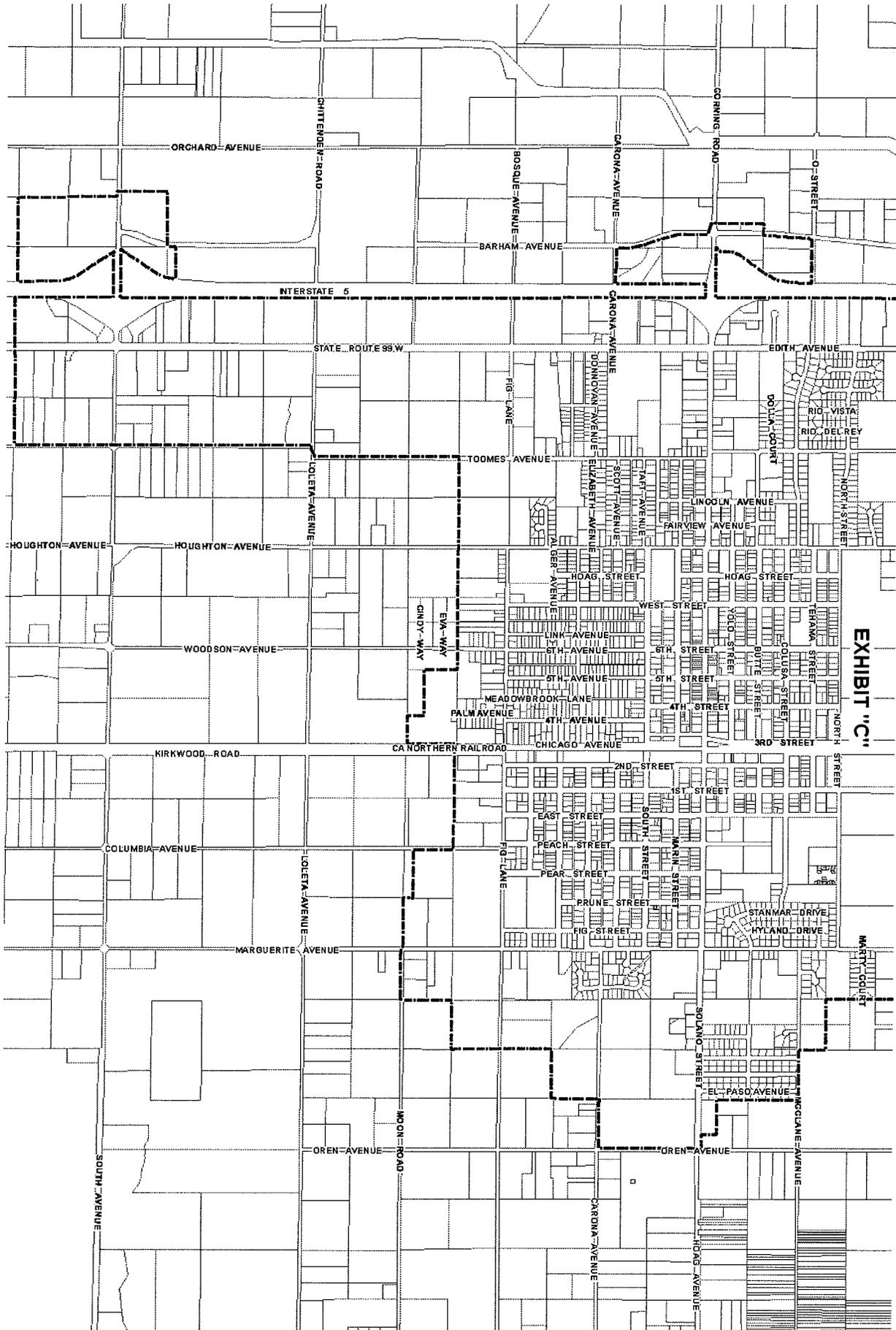


EXHIBIT "C"

						Census Tract: 0011.00			
6)	301988	ACTIVE	20	6/30/1995	5/31/2011	REDDING OIL COMPANY 790 EDITH AVE CORNING, CA 96021 Census Tract: 0011.00	CORNING FOOD MART	PO BOX 990280 REDDING, CA 96099-0280	5201
								76 Gas Station BEER + Wine Only IN City	
7)	500551	ACTIVE	21	6/22/2010 11:23:30 AM	7/31/2010	SANDHU, JAGTAR SINGH 3090 HWY 99 WEST CORNING, CA 96021 Census Tract: 0011.00	LIQUOR CABINET 2		5201
								General Sales IN City	
8)	435340	ACTIVE	21	3/10/2006	2/28/2011	GREWAL, BALJIT K 17585 RANCHO TEHAMA RD CORNING, CA 96021 Census Tract: 0003.00	G & K COUNTRY STORE	6329 CO RD 18 ORLAND, CA 95963	5200
9)	466252	ACTIVE	20	7/23/2008	6/30/2011	TA OPERATING LLC 3524 S HIGHWAY 99 W CORNING, CA 96021-9306 Census Tract: 0011.00	CORNING TRAVELCENTER	400 CENTRE ST NEWTON, MA 02458	5201
								TA Truck Stop IN City BEER + Wine Only	
10)	397386	ACTIVE	20	3/25/2003	6/30/2011	7 ELEVEN INC 1425 SOLANO ST CORNING, CA 96021 Census Tract: 0011.00	7 ELEVEN STORE 2235 20054E	PO BOX 2245 BREA, CA 92822-2245	5201
								BEER + Wine Only IN City	
11)	373951	ACTIVE	21	3/14/2001	12/31/2010	CORNING 99 CENTS PLUS GROCERY INC 2013 SOLANO ST CORNING, CA	99 CENTS PLUS GROCERY		5201
								General Sales IN City	

						96021-2710 Census Tract: 0011.00			
12)	373951	SUREND	20	3/14/2001	2/28/2011	CORNING 99 CENTS PLUS GROCERY INC 2013 SOLANO ST CORNING, CA 96021-2710 Census Tract: 0011.00	99 CENTS PLUS GROCERY		5201
								<i>Not Active Permit</i>	
13)	451230	ACTIVE	20	6/27/2007	5/31/2011	A2Z ASSOCIATES INC 2015 SOLANO ST CORNING, CA 96021-2710 Census Tract: 0011.00	SPIRIT GAS & FOOD MART	PO BOX 572 CORNING, CA 96021-0572	5201
								<i>Beer + Wine Only IN City</i>	
14)	474971	ACTIVE	20	2/18/2009	1/31/2011	TBS PETROLEUM LLC 2176 SOLANO ST CORNING, CA 96021 Census Tract: 0011.00	CORNING SHELL	4544 MOUNTAIN LAKES BLVD REDDING, CA 96003-1447	5201
								<i>Beer + Wine Only IN City</i>	
15)	475313	ACTIVE	21	5/5/2009	6/30/2011	CHATHA, BALWINDER SINGH 2185 SOLANO ST CORNING, CA 96021 Census Tract: 0011.00	LIQUOR CABINET		5201
								<i>General Sales IN City</i>	
16)	391571	ACTIVE	21	9/26/2002	6/30/2011	NORTH STATE GROCERY INC 590 SOLANO ST CORNING, CA 96021 Census Tract: 0010.00	SAV MOR	PO BOX 439 COTTONWOOD, CA 96022-0439	5201
17)	474938	ACTIVE	20	5/11/2009	4/30/2011	TOWER ENERGY	OLIVE CITY MARKET	7230 HUCKLEBERRY	5201

						GROUP 809 SOLANO ST CORNING, CA 96021-3231 Census Tract: 0010.00		RD NW OLYMPIA, WA 98502-3333	
18)	315213	ACTIVE	20	4/4/1996	3/31/2011	ACEVEDO, ELIA 903 SOLANO ST CORNING, CA 96021 Census Tract: 0010.00	LA PLAZA MARKET		5201
19)	475983	ACTIVE	20	7/30/2009	6/30/2011	TA OPERATING LLC 2151 SOUTH AVE CORNING, CA 96021-9311 Census Tract: 0009.00	PETRO STOPPING CENTERS	400 CENTRE ST NEWTON, MA 02458	5201
20)	381565	ACTIVE	20	11/5/2001	11/30/2010	GARCIA, JOSE ELIGIO 17572 STAGECOACH RD CORNING, CA 96021 Census Tract: 0003.00	LA FORTUNA	PO BOX 5613 CORNING, CA 96021	5200

--- End of Report ---

For a definition of codes, view our [glossary](#).