



**CITY OF CORNING
CITY COUNCIL AGENDA**

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

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

B. ROLL CALL:

Council:

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

Mayor:

Gary Strack

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 LABOR NEGOTIATOR PURSUANT TO SECTION 54957.6:

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

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

E. INVOCATION AND PLEDGE OF ALLEGIANCE:

F. PROCLAMATIONS, RECOGNITION'S, APPOINTMENTS:

1. Proclamation – September 5th – 13th Disabled Veteran's Forget-Me-Not Days in the City of Corning. On Thursday, September 4th, Mike Clay of the Corning #115 Chapter of the Disabled Veterans picked up the Proclamation.

2. September 2009 as National Alcohol and Drug Addiction Recovery Month in the City of Corning. Present to accept the Proclamation will be Sue McVean, Director, Tehama County Drug and Alcohol Division, and Patricia Rasmussen, Tehama County Drug and Alcohol Advisory Board Member.

G. BUSINESS FROM THE FLOOR: If there is anyone in the audience wanting to speak on an item not already on tonight's Agenda, if so, please come to the podium, identify yourself and briefly present your information to the Council. **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. **In consideration for all present, all cell phones are to be either turned off or placed on silent vibrate so as not to disrupt the meeting.**

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

THE CITY OF CORNING IS AN EQUAL OPPORTUNITY EMPLOYER

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

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

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

K. **REGULAR AGENDA:**

13. Authorize Mayor to Sign a Written Report Pursuant to Section 65858(d) of the California Government Code Relating to Interim Ordinance 637.
14. Approve One-Year Extension for Use Permit 2008-252 – Salado Orchards Phase 2 Subject to Original Conditions of Approval.
15. Corning Municipal Airport Improvement Project - Award Bid for the Corning Municipal Airport Runway and Taxiway Paving and Lighting Improvement Project to A. Teichert & Sons, Inc. (dba Teichert Construction) in the amount of \$2,187,398.90.
16. Approve Change Order No. 1 for Corning Municipal Airport Improvement Project.
17. Corning Municipal Airport Improvement Project; Modification to Master Agreement with Wadell Engineering Corporation for Construction Observation and Inspection Services.
18. Corning Municipal Airport Improvement Project; Advisory Matter Regarding Loan Amount from City’s Transportation Development Impact Fee Account for “5% City Matching Funds” Share.
19. Approve Participation in Bond Program through California Communities Development Authority to offset State Taking of Property Tax.
20. Approve Resolution No. 09-08-09-03 Authorizing Staff to Record a Lien for Delinquent Water and Sewer Services in the Amount of \$4,843.63.

THE CITY OF CORNING IS AN EQUAL OPPORTUNITY EMPLOYER

L. ITEMS PLACED ON THE AGENDA FROM THE FLOOR:

M. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION:

N. REPORTS FROM MAYOR AND COUNCIL MEMBERS:

21. Hill:

22. Turner:

23. Parkins:

24. Leach:

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

O. ADJOURNMENT!:

POSTED: FRIDAY, SEPTEMBER 4, 2009

**PROCLAMATION
DISABLED VETERAN'S FORGET-ME-NOT DAYS
SEPTEMBER 5 - 13, 2009**

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 5 – 13, 2009 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 5 & 13, 2009** as “**DISABLED VETERANS FORGET-ME-NOT DAY 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 8th day of September 2009.

Gary R. Strack, Mayor

ATTEST:

Lisa M. Linnet, City Clerk

PROCLAMATION

Item No.: F-2

SEPTEMBER 2009 AS
NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH

WHEREAS, treatment and long-term recovery from substance use disorders can offer a renewed outlook on life for those who are addicted and their family members; and

WHEREAS, substance use disorders impact 22.6 million people aged 12 or older in the United States (or 9.2 percent of the population), which is more than the number of people living with coronary heart disease, cancer, or Alzheimer's disease combined; and

WHEREAS, people who receive treatment of substance use disorders can lead more productive and fulfilling lives, personally and professionally; and

WHEREAS, studies have consistently found that individualized treatment is essential for people to be successful in their path of recovery; and

WHEREAS, real stories of long-term recovery can inspire others to ask for help and improve their own lives, the lives of their families, and the entire community; and

WHEREAS, educating our community members and local businesses that substance use disorders are treatable, yet a serious healthcare problem, and by taking steps to address these disorders, as well as provide support for the families and children of those with these disorders, we can save both lives, dollars and improve the quality of life for the entire community; and

WHEREAS, to help achieve this goal, the U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, the Tehama County Drug and Alcohol Advisory Board, and the Tehama County Health Services Agency invite all residents of Tehama County to participate in National Alcohol and Drug Addiction Recovery Month.

NOW, THEREFORE, I Gary R. Strack, as Mayor of the City of Corning, DO HEREBY PROCLAIM SEPTEMBER 2009 AS NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH, to demonstrate our continued support and commitment to alcohol and drug prevention, treatment and recovery, and encourage individuals and Communities throughout the County to participate in its activities and ceremonies supporting this year's theme, "Join the Voices for Recovery: Together We Learn; Together We Heal".

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Great Seal of the City of Corning to be affixed this 8th day of August 2009.

Gary R. Strack, Mayor

ATTEST:

Lisa M. Linnet, City Clerk



MEMORANDUM

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: LORI SIMS
ACCOUNTING TECHNICIAN

DATE: September 2, 2009

SUBJECT: Cash Disbursement Detail Report for the
Tuesday, September 8, 2009 Council Meeting

PROPOSED CASH DISBURSEMENTS FOR YOUR APPROVAL CONSIST OF THE FOLLOWING:

A.	Cash Disbursements	Ending	08-31-09	\$	31,404.78
B.	Payroll Disbursements	Ending	08-28-09	\$	83,282.48
C.	Cash Disbursements	Ending	09-02-09	\$	66,304.08
GRAND TOTAL					\$ <u>180,991.34</u>

REPORT.: Aug 31 09 Monday
 RUN....: Aug 31 09 Time: 14:10
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 08-09 Bank Account.: 1020

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

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description
009182	08/28/09	RED15	RED TRUCK ROCK YARD, LLC	-96.34	.00	-96.34	131899u	Ck# 009182 Reversed
009204	08/24/09	DIA04	DIAZ ASSOCIATES	8575.20	.00	8575.20	4	PROF SVCS-HOUSING ELEMENT
009205	08/26/09	USP01	UNITED STATES POST OFFICE	575.91	.00	575.91	090826	MATERIALS & SUPPLIES/WATE
009206	08/27/09	ACC00	ACCESS INFORMATION	40.00	.00	40.00	53606	EQUIP MAINT - GEN. CITY
009207	08/27/09	ACI01	ACI ENTERPRISES, INC.	324.00	.00	324.00	9246	WorkmensComp. General Cit
009208	08/27/09	AIR00	AIRGAS NCN	110.08	.00	110.08	102693949	MAT & SUPPLIES - FIRE
009209	08/27/09	ARA02	ARAMARK UNIFORM SRV. INC.	28.75	.00	28.75	4224132	Mat/Supplies -
009210	08/27/09	ATT13	AT&T	721.63	.00	721.63	090811	COMMUNICATIONS -
009211	08/27/09	BAS01	BASIC LABORATORY, INC	86.00	.00	86.00	0907837	ProfServices Water Dept
009212	08/27/09	BIG02	BIG VALLEY SANITATION II	350.00	.00	350.00	00428	MAT & SUPPLIES - PARKS
009213	08/27/09	CHE02	CHEM QUIP, INC.	1039.80	.00	1039.80	2058778IN	MAT & SUPPLIES - WATER
009214	08/27/09	CLA01	CLARKS DRUG STORE	41.83	.00	41.83	35201	MAT & SUPPLIES - POLICE
			Check Total.....	-41.83	.00	-41.83	35201u	Ck# 009214 Reversed
				.00	.00	.00		
009215	08/27/09	COR12	CORNING FORD MERCURY, INC	38.02	.00	38.02	16205	Veh Opr/Maint - FIRE
009216	08/27/09	COR33	CORNING VETERAN'S HALL	42.00	.00	42.00	674788	MAT & SUPPLIES - REC
				6.00	.00	6.00	674789	MAT & SUPPLIES - REC
				54.00	.00	54.00	674792	MAT & SUPPLIES - REC
			Check Total.....	102.00	.00	102.00		
009217	08/27/09	COR39	CORNING PACIFIC ASSOC.	100.00	.00	100.00	090826	PROF.SRVCS - SALADO HOME
009218	08/27/09	DAY03	DAY WIRELESS SYSTEMS	48.80	.00	48.80	958618	VEH OP/MAINT-POLICE
009219	08/27/09	FED01	FEDERAL EXPRESS	87.16	.00	87.16	930437776	PROF SVCS-
009220	08/27/09	GRA02	GRAINGER, W.W., INC	1055.50	.00	1055.50	905816009	MAT & SUPPLIES - BUILD MA
009221	08/27/09	HIN01	HINDERLITER, DE LLAMAS &	300.00	.00	300.00	0015560IN	ProfServices - FINANCE
009222	08/27/09	HOL04	HOLIDAY MARKET #32	63.84	.00	63.84	31889	Mat/Supplies -COMM.EVENTS
				58.32	.00	58.32	31953	Mat/Supplies BuildingMain
			Check Total.....	122.16	.00	122.16		
009223	08/27/09	JES10	JESSEE HEATING & AIR, INC	105.00	.00	105.00	48465	MAT/SUPPLIES - BUILD MAIN

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009223	08/27/09	JES10	JESSEE HEATING & AIR, INC	387.00	.00	387.00	48515	MAT/SUPPLIES - BLDG MAINT
			Check Total.....	492.00	.00	492.00		
009224	08/27/09	LAR01	LARRY'S PEST & WEED,	4667.00	.00	4667.00	26636	WEED/TREE SPRAY - STR.
009225	08/27/09	LIN02	LINNETS TIRE SHOP	782.95	.00	782.95	48972	Veh Opr/Maint -
			Check Total.....	129.89	.00	129.89	49030	Veh Opr/Maint -POLICE
009226	08/27/09	NOR31	NORM'S PRINTING	145.11	.00	145.11	007308	MAT & SUPPLIES - WTR MAIN
			Check Total.....	10.83	.00	10.83	007316	MAT & SUPPLIES - CITY CLE
009227	08/27/09	OFF01	OFFICE DEPOT	86.58	.00	86.58	111842179	EQUIP MAINT - POLICE
			Check Total.....	173.18	.00	173.18	112008440	SMALL TOOLS - POLICE
			Check Total.....	113.74	.00	113.74	484626242	Office Supplies Policedis
009228	08/27/09	PAT02	PATTERSON ELECTRIC,	60.00	.00	60.00	1657	EQUIP MAINT - WTR
			Check Total.....	69.27	.00	69.27	1664	MAT & SUPPLIES - PARKS
			Check Total.....	346.33	.00	346.33	1665	EQUIP MAINT - WTR
009229	08/27/09	PGE2A	PG&E	49.12	.00	49.12	090817	ELECT - BLUE HERON CT
009230	08/27/09	QUI02	QUILL CORPORATION	62.88	.00	62.88	8654358	Office Supplies - FINANCE
			Check Total.....	445.05	.00	445.05	8745158	Office Supplies -
			Check Total.....	62.88	.00	62.88	8780094	Office Supplies --
009231	08/27/09	TEH01	TEHAMA ASPHALT	755.97	.00	755.97	3209	SHORT DRIVE STORM DRAIN/S
009232	08/27/09	WES02	WESTERN BUSINESS PRODUCTS	39.97	.00	39.97	019834	Equip.Maint. - FIRE
009233	08/31/09	NOR09	NORTHERN CA TITLE COMPANY	66.00	.00	66.00	090831	PROF SVCS-HOUSING REHAB
009234	08/31/09	PGE2B	PG&E	8175.09	.00	8175.09	082409	ELECT-WWTP
009235	08/31/09	RED16	RED BLUFF VETERINARY HOSP	70.00	.00	70.00	106752	SPAY/NEUTER VOUCHER PROGR
009236	08/31/09	USB01	US BANCORP	839.99	.00	839.99	131883837	Rents/Leases-GEN CITY
009237	08/31/09	XER00	XEROX CORPORATION	152.28	.00	152.28	042177763	EQUIP MAINT-POLICE
			Cash Account Total.....	31404.78	.00	31404.78		

Total Disbursements.....	31404.78	.00	31404.78
	=====	=====	=====
	-----	-----	-----
Cash Account Total.....	.00	.00	.00

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information-Description
4127	08/26/09	BAN03	POLICE OFFICER ASSOC.	350.00	.00	350.00	A90825	POLICE OFFICER ASSOC
4128	08/26/09	CAL37	CALIFORNIA STATE DISBURSE	138.46	.00	138.46	A90825	WITHHOLDING ORDER
4129	08/26/09	EDD01	EMPLOYMENT DEVELOPMENT	3666.42	.00	3666.42	A90825	STATE INCOME TAX
				1239.21	.00	1239.21	1A90825	SDI
			Check Total.....	4905.63	.00	4905.63		
4130	08/26/09	ICM01	ICMA RETIREMENT TRUST-457	3516.98	.00	3516.98	A90825	ICMA DEF. COMP
4131	08/26/09	OEU03	OPERATING ENGINEERS	800.00	.00	800.00	A90825	CREDIT UNION SAVINGS
4132	08/26/09	PERS1	PUBLIC EMPLOYEES RETIRE	34575.97	.00	34575.97	A90825	PERS PAYROLL REMITTANCE
4133	08/26/09	PERS4	Cal Pers 457 Def. Comp	376.25	.00	376.25	A90825	PERS DEF. COMP.
4134	08/26/09	PRE03	PREMIER WEST BANK	3677.25	.00	3677.25	A90825	HSA DEDUCTIBLE
4135	08/26/09	TEH15	TEHAMA CO SHERIFF'S DEPT	589.71	.00	589.71	A90825	WAGE ASSN # 43462
4136	08/26/09	VAL06	VALIC	1967.75	.00	1967.75	A90825	AIG VALIC P TAX
4137	08/28/09	AFL01	AMERICAN FAMILY LIFE	1290.10	.00	1290.10	A90831	AFLAC INS.PRE TAX
4138	08/28/09	BLU02	BLUE SHIELD OF CALIFORNIA	13244.00	.00	13244.00	A90831	MEDICAL INSURANCE
4139	08/28/09	CIT01	CITY OF CORNING	6.00	.00	6.00	A90831	CHGS FOR WAGE ATCHMT
4140	08/28/09	OEU01	OPERATING ENGINEERS #3	11046.00	.00	11046.00	A90831	MEDICAL INSURANCE
4141	08/28/09	OEU02	OPERATING ENG. (DUES)	215.00	.00	215.00	A90831	UNION DUES MGMNT
				559.00	.00	559.00	1A90831	UNION DUES POLICE
				240.00	.00	240.00	2A90831	UNION DUES DISPATCH
				600.00	.00	600.00	3A90831	UNION DUES-MISC
			Check Total.....	1614.00	.00	1614.00		
4142	08/28/09	PRI04	PRINCIPAL	3410.32	.00	3410.32	A90831	DENTAL INSURANCE
				622.56	.00	622.56	1A90831	VISION INSURANCE
			Check Total.....	4032.88	.00	4032.88		
4143	08/28/09	TRA03	TRANSAMERICA LIFE INS CO.	1151.50	.00	1151.50	A90831	LIFE INSURANCE
			Cash Account Total.....	83282.48	.00	83282.48		
			Total Disbursements.....	83282.48	.00	83282.48		

REPORT.: Sep 02 09 Wednesday
 RUN....: Sep 02 09 Time: 15:56
 Run By.: LORI

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009246	09/02/09	ARA02	ARAMARK UNIFORM SRV. INC.	28.75	.00	28.75	4227423	Mat/Supplies -	
009247	09/02/09	BAS01	BASIC LABORATORY, INC	114.00	.00	114.00	0908091	ProfServices Water Dept	
009248	09/02/09	BOR00	BORER, NATHANIEL	160.00	.00	160.00	09-0827	LIFEGUARD REIMBURSEMENT/P	
009249	09/02/09	BRE01	BREWER, JOHN	400.00	.00	400.00	000A909011	VEH OP/MAINT-	
009250	09/02/09	CAR03	CARDENAS, ANTHONY	400.00	.00	400.00	000A909011	ProfServices PoliceServic	
009251	09/02/09	CAS06	CASCO	197.02	.00	197.02	677620	A/C CITYWIDE-STR PROJ.	
009252	09/02/09	CLA01	CLARKS DRUG STORE	15.87	.00	15.87	35277	EQUIP.MAINT - POLICE	
				35.65	.00	35.65	35201A	MAT & SUPPLIES-	
			Check Total.....	51.52	.00	51.52			
009253	09/02/09	COR03	CORNING RENTALS	95.00	.00	95.00	31830	MAT & SUPPLIES -	
				215.00	.00	215.00	31865	DRAINAGE IMP/STR PROJ -SH	
				65.00	.00	65.00	31897	MAT & SUPPLIES -	
			Check Total.....	375.00	.00	375.00			
009254	09/02/09	COR07	CORBIN WILLITS SYSTEMS	729.72	.00	729.72	000A909011	Finance Dept.	
009255	09/02/09	COR09	CORNING CHAMBER OF COMM.	1000.00	.00	1000.00	000A909011	CngChamberComm. Economic	
009256	09/02/09	COR12	CORNING FORD MERCURY, INC	5.99	.00	5.99	16232	Veh Opr/Maint - RECREATIO	
009257	09/02/09	DEP03	DEPT OF TRANS/CAL TRANS	98.52	.00	98.52	185424	Equip.Maint. St&Trf Light	
009258	09/02/09	GLE01	GLENN, DUSTY	160.00	.00	160.00	09-0827	LIFEGUARD REIMB/PARKS	
009259	09/02/09	GOL03	GSFM / WFM	1247.43	.00	1247.43	I-025781	Mat/Supplies -WTR	
009260	09/02/09	HAL05	HALL, ROBERT	104.70	.00	104.70	000A909011	ProfServices FireDepartme	
009261	09/02/09	HAT10	HATFIELD'S	89.80	.00	89.80	090825	Mat/Supplies-FIRE	
009262	09/02/09	HIL01	BECKY HILL	342.37	.00	342.37	090831	CONF/MTGS - CITY COUNCIL	
009263	09/02/09	HIL11	HILTON - SAN JOSE	574.38	.00	574.38	090831	CONF/MTGS - CITY COUNCIL	
009264	09/02/09	HOA02	HOAG, CASEY	160.00	.00	160.00	09-0827	LIFEGUARD REIMB/PARKS	
009265	09/02/09	HOL04	HOLIDAY MARKET #32	26.26	.00	26.26	31940	Mat/Supplies -ACO	
009266	09/02/09	INT01	INTERLAND BUSINESS SUPPLY	132.54	.00	132.54	090901	Office Supplies --	

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Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information-Description
009267	09/02/09	KEN00	KEN VAUGHAN & SONS	904.17	.00	904.17	000A909011	Landscape Maint-Parks
009268	09/02/09	KEN01	KEN VAUGHAN & SONS	800.00	.00	800.00	000A909011	Janitorial
009269	09/02/09	LIN01	LINCOLN EQUIPMENT, INC.	168.81	.00	168.81	SI123457	MAT & SUPPLIES - PARKS
009270	09/02/09	LIN02	LINNETS TIRE SHOP	150.40	.00	150.40	49032	Veh Opr/Maint - POLICE
009271	09/02/09	MCC01	MCCOY'S HARDWARE & SUPPLY	976.69	.00	976.69	090825	MAT & SUPPLIES -
009272	09/02/09	MGT00	MGT OF AMERICA, INC.	750.00	.00	750.00	17991	PROF.SRVCS - FINANCE
009273	09/02/09	NAP01	NAPA AUTO PARTS	1102.15	.00	1102.15	090825	Veh Opr/Maint --
				197.05	.00	197.05	090825A	Veh Opr/Maint -FIRE
			Check Total.....:	1299.20	.00	1299.20		
009274	09/02/09	NEX01	NEXTEL COMMUNICATIONS	398.23	.00	398.23	090829	COMMUNICATIONS --
009275	09/02/09	NOR31	NORM'S PRINTING	378.78	.00	378.78	007333	MAT & SUPPLIES - REC
009276	09/02/09	PGE01	PG&E	39282.60	.00	39282.60	090819	Electricity General City
				312.89	.00	312.89	090826	Electricity - SWR
			Check Total.....:	39595.49	.00	39595.49		
009277	09/02/09	PIT01	FITNEY BOWES	241.84	.00	241.84	000A909011	Rents/Leases Finance Dept
009278	09/02/09	S&L00	S & L BREWER ENTERPRISES	200.00	.00	200.00	000A909011	K-9 PROGRAM-POLICE
009279	09/02/09	SEI01	SEILER, ROY R., CPA	2811.60	.00	2811.60	23470	ProfServices Finance Dept
009280	09/02/09	SIM04	SIMCOX, NICHOLAS	160.00	.00	160.00	09-0827	LIFEGUARD REIMB/PARKS
009281	09/02/09	TLD01	TEDC	208.33	.00	208.33	000A909011	Economic Devel
				-208.33	.00	-208.33	000A90901u	Ck# 009281 Reversed
			Check Total.....:	.00	.00	.00		
009282	09/02/09	TOM03	TOMLINSON JR., ROBERT L.	54.70	.00	54.70	000A909011	Prof. Svcs.-Fire Dept.
009283	09/02/09	XER00	XEROX CORPORATION	152.28	.00	152.28	042780153	EQUIP MAINT-POLICE
009284	09/02/09	AND01	ED ANDERSON	1125.00	.00	1125.00	090901	ProfServices-
009285	09/02/09	ATT02	AT&T	1222.11	.00	1222.11	090825	COMMUNICATIONS-
009286	09/02/09	COR01	CORNING VETERINARY	165.96	.00	165.96	22232	ProfServices-

REPORT.: Sep 02 09 Wednesday
 RUN...: Sep 02 09 Time: 15:56
 Run By.: LORI

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

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

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
009287	09/02/09	COR08	CORNING LUMBER CO INC	818.65	.00	818.65	090825	Mat/Supplies-
009288	09/02/09	COR12	CORNING FORD MERCURY, INC	9.34	.00	9.34	16393	Veh Opr/Maint-FIRE
009289	09/02/09	FIT01	FITZPATRICK LAW OFFICES	405.42	.00	405.42	090901	City Attny Srvs LegalServ
009290	09/02/09	HAT10	HATFIELD'S	363.08	.00	363.08	090825A	Mat/Supplies-
009291	09/02/09	NIC00	NICE SHOT, LLC	996.71	.00	996.71	317	SAFETY ITEMS-POLICE
009292	09/02/09	PGE04	PG&E	705.91	.00	705.91	090830	TranspFacility-
009293	09/02/09	PGE05	PG&E	2026.21	.00	2026.21	090830	FIRE-ELECT & GAS
009294	09/02/09	PGE2A	PG&E	107.87	.00	107.87	090828	ELECT-MARTINI, MCDONALD &
009295	09/02/09	COR01	CORNING VETERINARY	560.00	.00	560.00	22238	SPAY/NEUTER VOUCHER PROGR
009296	09/02/09	COR20	CORNING ELECTRONICS	38.95	.00	38.95	10082821	MAT & SUPPLIES-FIRE
009297	09/02/09	HOO01	TERRY HOOFARD	176.24	.00	176.24	090902	MAT & SUPPLIES-BLD MAINT
009298	09/02/09	NOR25	NORTHERN LIGHTS ENRGY, INC	1752.50	.00	1752.50	8494	MAT & SUPPLIES-
				389.94	.00	389.94	8495	VEH OP/MAINT-FIRE
			Check Total.....:	2142.44	.00	2142.44		
			Cash Account Total.....:	66304.08	.00	66304.08		
			Total Disbursements.....:	66304.08	.00	66304.08		

Date.: Sep 2, 2009
 Time.: 4:04 pm
 Run by: LORI

CITY OF CORNING
 NEW BUSINESSES FOR CITY COUNCIL

Page.: 1
 List.: NEWS
 Group: WTFMB

Business Name	Address	CITY/STATE/ZIP	Contact Name	Business Desc. #1	Business Start Date	Primary Teleph
ABREU, CARLOS	4535 MARY AVE	CORNING, CA 96021	ABREU	CARLOS HANDYMAN	09/02/09	(530) 824-6959
CEMEX CONST. MATERIA	6069 HIGHWAY 99W	CORNING, CA 96021		CEMEX I PRODUCTION & DELIVERY OR READYMIX CONCRE	08/25/09	(561) 803-6177
FOUNTAIN OF HEALTH	1415 SOLANO ST	CORNING, CA 96021	L. JOHNSON	P. FOUN HYDRAULIC CIRCUIT TRAINING FOR WOMEN	09/02/09	(530) 689-0222
GUZMAN, KAYLA	1706 SOLANO ST	CORNING, CA 96021	GUZMAN	KAYLA STYLIST, COLORIST, MANICURIST, ETC	09/02/09	(530) 586-0995
MOJAVE ELECTRIC		RED BLUFF, CA 96080	CHAIN SR.	LARRY CONTRACTOR - ELECTRIC	08/25/09	(530) 528-0433
TOWNE, KATHY	1920 SOLANO ST	CORNING, CA 96021	TOWNE	KATHY PET GROOMING	09/02/09	(530) 824-6089

CITY OF CORNING**AUGUST 2009****TREASURERS REPORT**

AGENCY	BALANCE	RATE	MATURES ON
LOCAL AGENCY INVESTMENT FUND	2,044,265.27	1.51	
PREMIER WEST BANK	195,222.96	1.78	03/28/10
PREMIER WEST BANK	174,986.66	1.78	04/20/10
TRUST ACCOUNTS			
PREMIER WEST BANK RIDELL TRUST	205,609.37	2.52	06/13/10

Respectfully Submitted

Pala Cantrell
City Treasurer

9/1/2009
7:24:11AM

CITY OF CORNING
PERMITS ISSUED (sort by Permit #)
For the Period 8/1/2009 thru 8/31/2009

Item No.: H-8 Page 1

Owner and Address	Parcel Number	Issued On	Valuation
TRISHA SANDERS 1299 WEST ST CORNING CA 96021 Permit Description: TEAR OFF SHAKES/ RESHEAT & REROOF	7123119 Site Street Address: 1299 WEST ST	8/3/2009	1,500.00
DAHYA PATEL 3040 HWY 99 W CORNING CA 96021 Permit Description: REPAIR FLOORS & PLUMBING FIXTURES OF 5 U	8704042 Site Street Address: 3040 HWY 99 W	8/11/2009	7,500.00
LOUIS DAVIES 1181 SIXTH AVE CORNING CA 96021 Permit Description: SEWER LINE REPLACEMENT	7124118 Site Street Address: 1181 SIXTH AVE	8/11/2009	1,500.00
CARLOS HERNANDEZ 2083 COLUSA ST CORNING CA 96021 Permit Description: TEAR OFF & REROOF	7106211 Site Street Address: 2083 COLUSA ST	8/19/2009	550.00
JIM TUCKER 1418 MARIN ST CORNING CA 96021 Permit Description: 100 AMP SERVICE CHANGE OUT	7112511 Site Street Address: 1418 MARIN ST	8/21/2009	2,240.00
GLORIA HUGHES 1424 COLUSA ST CORNING CA 96021 Permit Description: NEW HVAC ,DUCTING & ELECT. SERVICE	7104603 Site Street Address: 1424 COLUSA ST	8/25/2009	8,474.00
ARTEMIO ROSALES 1126 TOOMES AVE CORNING CA 96021 Permit Description: REPAIR FIRE DAMAGE -FRAMING,ELECT,SHEE'	7118005 Site Street Address: 1126 TOOMES AVE	8/27/2009	50,000.00

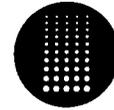
7 Permits Issued from 8/1/2009 Thru 8/31/2009 OR A TOTAL VALUATION OF \$ 71,764.00

*** END OF REPORT ***

RECEIVED

SEP 01 2009
CITY OF CORNING

Item No.: H-9



**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 2009**

Below is a summary of the Monthly Operations Report that will be available for City review on September 8, 2009.

- 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) Pumped to beds from thickener.
- 7) Changed chart on So3 analyzer.
- 8) Safety meeting
- 9) Set up fish tanks for bioassay test.
- 10) Ordered fish for bioassay test.
- 11) Cleaned up shop.
- 12) Inspected eyewash and emergency showers.
- 13) Unloaded chlorine truck.
- 14) Talked to North state Elect said aerator pushed back to mid September.
- 15) Told John Brewer about aerator.
- 16) Cleaned So2 pump.

- 17) Cleaned chlorine building.
- 18) Took out trash.
- 19) Tested all chlorine and So₂ sensors.
- 20) River samples.
- 21) Installed 2 new CL₂ and So₂ sensors.
- 22) Patterson Elect here installed light for So₃ analyzer.
- 23) Had all fire extinguishers serviced and training.
- 24) Cleaned probe at lift station.
- 25) Calibrated So₃ analyzer.
- 26) Took sludge samples to FGL for testing.
- 27) Tested alarms with Fire Dept.
- 28) Mowed lawn.
- 29) Sprayed weeds around plant.
- 30) Cleaned 3 drying beds.
- 31) Went through and updated pretreat files.
- 32) Valley Prune started.
- 33) Had meeting with city about RMP.
- 34) Changed SO₃ probe on analyzer.
- 35) Painted sign for samples points.
- 36) Completed Haz Mat refresher class.
- 37) Patterson Elect repaired relay in power panel.
- 38) Repaired water line by clarifiers.
- 39) Replaced controller on chiller for bioassay water.

- 40) Cleaned up storage shed and rearranged for old files.
- 41) Roy Aristizabal here from SWWC training staff on new Antero Maintenance Program.
- 42) Tel-Star replaced power board in Sensor panel in chlorine building.
- 43) Ran bioassay test.
- 44) Called about new chlorine scales.
- 45) Picked up new chlorine infector pump.

Total daily plant flow for the month of August 2009 was 710,774 GPD.

Total daily plant flow for the previous month of July 2009 was 593,355 GPD

August 2009

Industrial Flow = 425,041 GPD
(Flow into the Bell Carter Ponds)

Domestic Flow = 710,774 GPD

July 2009

Industrial Flow = 630,948 GPD

Domestic Flow = 593,355 GPD

ITEM NO: H-10
AUTHORIZATION OF SYSTEM
EXCHANGE CORPORATION
AGREEMENT
SEPTEMBER 8, 2009

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

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

STEVE

SUMMARY:

The Police Department has used the services of System Exchange Corporation for several years for software enhancement and upgrades relative to the Datamaxx California Law Enforcement Telecommunications System (CLETS) network. Previously, the Police Department was a participating agency included under a countywide agreement with Systems Exchange Corporation. The County now wishes to maintain a separate agreement with this vendor, which therefore requires the Police Department to maintain a separate agreement for this vital support.

BACKGROUND:

Participation in CLETS is required in order for the Police Department to access the State Department of Justice and the Federal Department of Justice records. The countywide software enhancement program and Datamaxx CLETS network is continuously maintained and upgraded by System Exchange Corporation. The Software Enhancement Program ensures that the Datamaxx Software solution purchased will not grow obsolete. Software changes, updates, modifications, State this program covers mandated enhancements, national tables and format fixes. Basic phone support and troubleshooting during normal business hours are also included. At this time, Tehama County wishes to maintain a separate agreement with System Exchange Corporation, which will require the Police Department to maintain its own agreement for this system.

FINANCIAL:

Agencies are billed by System Exchange Corporation according to the number of allocated workstations they utilize. The current cost is \$1,160.00 per workstation, with the Police Department currently utilizing three workstations. There have been no price increases for this service for the past two years and the amount required for this service is included in the current adopted budget.

RECOMMENDATION:

MAYOR AND COUNCIL AUTHORIZE THE CITY MANAGER AND POLICE CHIEF TO ENTER INTO AN AGREEMENT FOR SERVICES WITH SYSTEM EXCHANGE CORPORATION.

**AGREEMENT BETWEEN
THE CITY OF CORNING - CORNING POLICE DEPARTMENT
AND
SYSTEM EXCHANGE CORPORATION**

This agreement is entered into between the City of Corning-Corning Police Department ("CPD") and System Exchange Corporation ("Contractor") for the purpose of Mobile Computer Program software and CLETS (California Law Enforcement Telecommunications System) software provided by Systems Exchange Corporation.

1. **RESPONSIBILITIES OF CONTRACTOR**

During the term of this agreement, Contractor shall provide software changes, updates, modifications, state mandated enhancements, national tables and format fixes. They shall also provide basic phone support and troubleshooting during normal business hours to the Corning Police Department.

2. **RESPONSIBILITIES OF CPD**

CPD shall pay Contractor for services pursuant to Section 3 of this agreement.

3. **COMPENSATION**

Contractor shall be paid an all-inclusive flat fee each fiscal year (July 1 – June 30) for all services rendered under this agreement, as follows:

Corning Police Department 3 Stations @ \$1,160.00 each **TOTAL** \$ 3,480.00

4. **BILLING AND PAYMENT**

Contractor shall submit an invoice to the Corning Police Department at the beginning of each fiscal year. CPD shall make payment within 30 days of receipt of Contractor's statement.

5. **TERM OF AGREEMENT**

This agreement shall commence on July 1, 2009 and terminate on June 30, 2012.

6. **TERMINATION OF AGREEMENT**

If Contractor fails to perform its duties to the satisfaction of CPD, if Contractor fails to fulfill in a timely and professional manner its obligations under this agreement, or if Contractor violates any of the terms or provisions of this agreement, then CPD shall have the right to terminate this agreement effective immediately upon the City giving written notice thereof to the Contractor. Either party may terminate this agreement upon 30 days written notice. In the event this agreement is terminated for any reason, Contractor shall be paid only the pro-rated portion of the flat fee earned prior to termination and shall promptly refund any funds received in excess of this amount. CPD may terminate this contract immediately, upon written notice, should funding cease or be materially decreased.

7. **ENTIRE AGREEMENT; MODIFICATION**

This agreement supersedes all previous agreements and constitutes the entire understanding of the parties hereto. Contractor shall be entitled to no other benefits other than those specified herein. No changes, amendments, or alterations shall be effective unless in writing and signed by both parties. Contractor specifically acknowledges that, in entering into and executing this agreement, Contractor relies solely upon the provisions contained in this agreement and no others.

8. **NON-ASSIGNMENT OF AGREEMENT**

Inasmuch as this agreement is intended to secure the specialized services of Contractor, Contractor may not assign, transfer, delegate or sublet any interest herein without the prior written consent of CPD.

9. **EMPLOYMENT STATUS**

Contractor shall, during the entire term of this agreement, be construed to be an independent contractor and nothing in this agreement is intended nor shall be construed to create an employer-employee relationship, a joint venture relationship, or to allow CPD to exercise discretion or control over the professional manner in which Contractor performs the services which are the subject matter of this agreement; provided always, however, that the services to be provided by Contractor shall be provided in a manner consistent with the professional standards applicable to such services. The sole interest of CPD is to insure that the services shall be rendered and performed in a competent, efficient and satisfactory manner. Contractor shall be fully responsible for payment of all taxes due to the State of California or the Federal government, which would be withheld from compensation of Contractor, if it were a City or Corning employee. CPD shall not be liable for deductions for any amount for any purpose from Contractors compensation. Contractor shall not be eligible for coverage under the City of Corning Workers Compensation Insurance Plan, nor shall Contractor be eligible for any other City benefit.

10. **INDEMNIFICATION.**

Contractor shall hold harmless and indemnify City of Corning, its elected officials, officers, and employees, against all claims, suits, actions, costs, counsel fees, expenses, damages, judgments or decrees by reason of any person's or persons' bodily injury, including death, or property being damaged by Contractor, or any person employed by Contractor, or in any capacity during the progress of the work, whether by negligence or otherwise. Contractor shall also indemnify City of Corning of any adverse determination made by the Internal Revenue Service or the State Franchise Tax Board against City of Corning with respect to

Contractor's "independent contractor" status that would establish a liability for failure to make Social Security or income tax withholding.

Contractor represents and warrants that its performance of all obligations under this Agreement does not infringe in any way, directly or contributory, upon any third party's intellectual property rights, including without limitation, patents, copyrights, trademarks, trade secrets, right of publicity and proprietary information. Without limiting the generality of any other indemnity provision of this Agreement, Contractor will defend at its expense, and hold harmless and indemnify the City, its officers, directors, agents, employees, or affiliates from and against any claim, demand, proceeding, suit or action (hereinafter "Action") for any infringement or violation, actual or alleged, direct or contributory, intentional or otherwise, of any intellectual property rights; (1) on or in any design, medium, matter, article, process, method, application, equipment, device, instrumentation, software, hardware, or firmware (collectively "Materials") used by the Contractor in performing the work under this Agreement; or, (2) as a result of the City's actual or intended use of any Materials furnished by Contractor under the Agreement. Contractor also shall indemnify the City against all reasonable attorneys' fees, losses, costs, expenses, liability, and damages incurred by, or awarded against, the City Defendants as a consequence of such Action.

11. **NON-DISCRIMINATION**

Contractor shall not employ discriminatory practices in the treatment of persons in relation to the circumstances provided for herein, including assignment of accommodations, employment of personnel or in any other respect, on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation.

12. **NOTICES**

Any notice required to be given pursuant to the terms and provisions of this Agreement shall be in writing and sent by first-class mail to the following addresses:

If to CPD: Chief Anthony F. Cardenas
Corning Police Department
774 Third Street
Corning, CA 96021

If to Contractor: System Exchange Corporation
7988 Country Trail Drive
Orangeville, Ca. 95662

Notice shall be deemed to be effective two days after mailing.

13. **GREEN PROCUREMENT POLICY**

Contractor shall make reasonable efforts to use recycling and waste reduction and promote the purchase of products made with recycled materials when product fitness and quality are equal and available at no more than the total cost of non-recycled products.

14. **COMPLIANCE WITH LAWS AND REGULATIONS**

All services to be performed by Contractor pursuant to this Agreement shall be performed in accordance with all applicable Federal, State, County and Municipal laws, ordinances, regulations, and titles. Any change in status, licensure, or ability to perform activities within the "Scope of Work" must be reported to CPD immediately.

15. **LAW AND VENUE**

This Agreement shall be deemed to be made in, and shall be governed by and construed in, accordance with the laws of the State of California (excepting any conflict of law provisions which would serve to defeat application of California substantive law). Venue for any action arising from this agreement shall be in Tehama County, California.

16. **AUTHORITY**

Each party executing this Agreement, and each person executing this Agreement in any representative capacity, hereby fully and completely warrants to all other parties that he/she has full and complete authority to bind the person or entity on whose behalf the signing party is purporting to act.

17. **NON-EXCLUSIVE AGREEMENT**

Contractor understands that this is not an exclusive Agreement and that the City shall have the right to negotiate with and enter into contracts with others providing the same or similar services as those provided by Contractor, or to perform such services with City's own forces, if City desires.

IN WITNESS WHEREOF, City and Contractor have executed this Agreement on the day and year set forth below.

CITY OF CORNING – CORNING POLICE DEPARTMENT

Date: _____

Stephen J. Kimbrough, City Manager

Date: _____

Anthony F. Cardenas, Chief of Police

SYSTEM EXCHANGE CORPORATION

Date: _____

Robert Manca, Owner
Tax Identification Number 68-0390938

**ITEM NO.: H-11
RESOLUTION NO. 09-08-09-01 TO RATIFY
SIDELETTERS ACCEPTING THE FURLOUGH
PLAN FOR EACH OF THE INDIVIDUAL
EMPLOYEE UNITS AND SET OFFICE
FURLOUGH CLOSURE DAYS.
SEPTEMBER 8, 2009**

TO: HONORABLE MAYOR AND COUNCIL MEMBERS
FROM: STEPHEN J. KIMBROUGH, CITY MANAGER

Steve

SUMMARY:

Included for City Council Ratification are Sideletters with each of the four Employee Bargaining Units. The terms of the Sideletters explain the process for implementing a ten percent (10%) reduction in employee compensation through an eight (8) hour furlough in every eighty (80) hour pay period (two-weeks).

Included with this report is a Resolution that sets the public office hours for City Hall and the City Yard, which encompasses closing every other Friday. The closing of City Hall and the City Yard are necessary because the small number of City Staff cannot be spread effectively to keep City Hall and the Yard open full time. By closing operations every other week, the City operations remain fully staffed and capable of carrying out their mission for the days that the City is open for business.

There will be no change in the public office hours for either the Police or Fire Departments.

BACKGROUND:

The Employee Furlough Plan previously approved by the City Council during the Budget Meetings, will save the City General Fund \$213,650 over the nine (9) month period between October 1, 2009 and June 30, 2010.

The Plan calls for City Council and Staff review of the economic condition of the City in January 2010, again in April 2010 and every quarter end thereafter.

Though the Sideletter Agreements with the City Employee Bargaining Units all sunset on June 30, 2010, both the employees and City must understand that this is totally dependant upon the recovery of the local economy.

RESOLUTION NO. 09-08-09-01:

City Code Chapter 2.28 provides the City Council with the ability to set the public office hours through a Resolution of the Council. This Resolution implements the Furlough Plan by closing City Hall and Public Offices every other Friday during the period October 1, 2009 through June 30, 2010.

The City Council has already directed that Staff develop a notification of City Hall closure that can be posted and easily understood by City Customers. Currently City Staff plans to post a two-month calendar showing the days of closure and include any coming City Holidays on the same schedule. The heading will include a brief explanation of the reason for the closure of City Hall.

RECOMMENDATION:

MAYOR AND COUNCIL:

- a. **RATIFY THE SIDELETTERS TO THE MEMORANDUMS OF UNDERSTANDING WITH THE FOUR CITY EMPLOYEE BARGAINING UNITS AND;**
- b. **ADOPT RESOLUTION NO. 09-08-09-01 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 OCTOBER 1, 2009 THROUGH JUNE 30, 2010.**

RESOLUTION NO. 09-08-09-01

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORNING
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
OCTOBER 1, 2009 THROUGH JUNE 30, 2010**

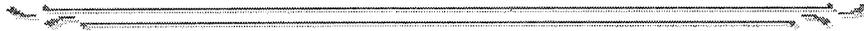
WHEREAS, the City of Corning is faced with a decline in City revenues of over \$1,000,000 per year as a result of the current economic recession; and

WHEREAS, the City, working with its Employees, has devised a plan which will reduce all employee compensation by ten percent (10%) per year through reducing employees hours of work by eight (8) hours in every 80 hour payperiod; and

WHEREAS, the City of Corning has already reduced staffing by three (3) public works positions, leaving a total of 47 full-time City Employees; and

WHEREAS, attempting to keep City Hall and the City Yard Offices and Services operating with an additional reduction in worker hours of ten percent (10%) will adversely affect the ability to provide service to the public; and

WHEREAS, Corning Municipal code Section 2.28 requires Public Office hours be set by Resolution.



NOW, THEREFORE, BE IT RESOLVED that in accordance with Corning Municipal Code Section 2.28, the City Council of the City of Corning does hereby establish public office hours for City Hall and City Yard, closing the offices every other Friday during the period October 1, 2009 through June 30, 2010 as indicated on the following dates:

October 9, 2009	October 23, 2009	November 6, 2009
November 20, 2009	December 4, 2009	December 18, 2009
December 31, 2009 (Thursday – due to January 1, 2010 Holiday)		
January 15, 2010	January 29, 2010	February 12, 2010
February 26, 2010	March 12, 2010	March 26, 2010
April 9, 2010	April 23, 2010	May 7, 2010
May 21, 2010	June 4, 2010	June 18, 2010

BE IT FURTHER RESOLVED, that the City Council recognizes that this serious reduction in service to the public results from the economic recession forcing a reduction by ten percent (10%) in employee compensation.

PASSED AND ADOPTED by the City Council of the City of Corning on this **8th** day of **September 2009** by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Gary R. Strack, Mayor

ATTEST:

Lisa M. Linnet, City Clerk



City of Corning

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

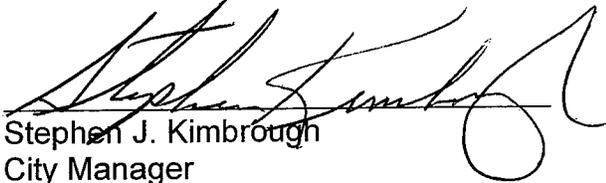
SIDE LETTER OF AGREEMENT

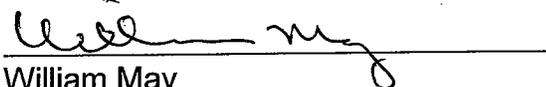
BETWEEN
CITY OF CORNING
AND
MANAGEMENT UNIT
Re: Furloughs
August 12, 2009

The City and the Management Unit agree to staff furloughs as follows:

1. All regular full-time members of the Management Unit shall be furloughed eight (8) hours each pay period with a corresponding loss of pay.
2. Furloughs will begin October 4, 2009 and run through June 30, 2010.
3. The City agrees that it will not lay-off any regular full-time members of the Unit during the period beginning October 4, 2009 and ending June 30, 2010.
4. Management Unit Employees have the flexibility to provide their own scheduling, subject to City Manager and/or his designee review and concurrence so long as they reduce their schedule by the required eight (8) hours per pay period.
5. All contractual obligations not addressed in this side letter agreement remain in force.

CITY OF CORNING

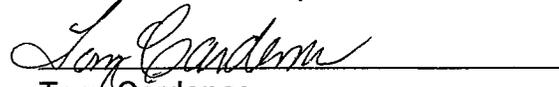

Stephen J. Kimbrough
City Manager


William May
Chief Consultant


Lisa M. Linnet
City Clerk

OPERATING ENGINEERS LOCAL
UNION NO. 3 AFL-CIO


Art Frolli
OE-3 Business Representative


Tony Cardenas
Employee Representative



City of Corning

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

SIDE LETTER OF AGREEMENT

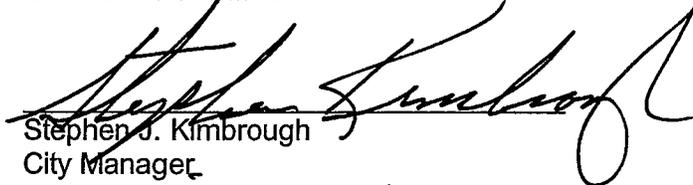
BETWEEN CITY OF CORNING AND MISCELLANEOUS UNIT

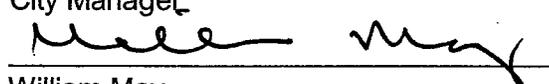
Re: Furloughs
September 3, 2009

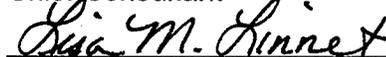
The City and the Miscellaneous Unit agree to staff furloughs as follows:

1. All regular full-time members of the Miscellaneous Unit shall be furloughed eight (8) hours each pay period with a corresponding loss of pay.
2. Furloughs will begin October 4, 2009 and run through June 30, 2010.
3. The City agrees that it will not lay-off any regular full-time member of the Unit during the period beginning October 4, 2009 and ending June 30, 2010.
4. City Hall and the Yard shall be closed every other Friday beginning with the October 4, 2009 pay period and concluding with the end of furlough days on June 30, 2010.
5. Miscellaneous Unit members work schedules shall consist of five (5), eight (8) hour days per week Monday through Friday alternating with four(4), eight (8) hour days Monday through Thursday for a total of seventy-two (72) hours worked during a pay period.
6. Overtime shall be paid after eight (8) hours in a day, or forty (40) hours in a workweek; or, after eight (8) hours in a day or thirty-two (32) hours in a workweek, dependent upon the workweek schedule.
7. The Recreation Supervisor, subject to the approval of the City Manager, shall retain the same scheduling flexibility in hours she currently has in order to complete scheduled recreation events.
8. The Community Services Officers workweek shall meet the needs of the Police Department and be based upon the schedule developed by the Police Chief (attached as part of this side letter).
9. All contractual obligations not addressed in this side letter agreement remain in force.

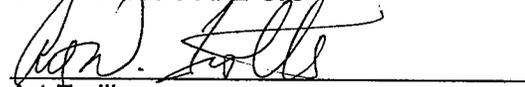
CITY OF CORNING

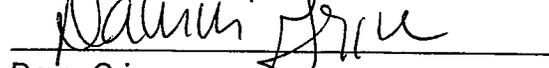

Stephen J. Kimbrough
City Manager

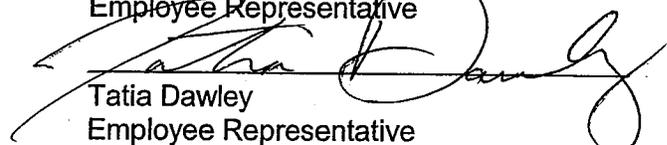

William May
Chief Consultant


Lisa M. Linnet
City Clerk

OPERATING ENGINEERS LOCAL
UNION NO. 3 AFL-CIO


Art Frolli
OE-3 Business Representative


Dawn Grine
Employee Representative


Tatia Dawley
Employee Representative



City of Corning

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

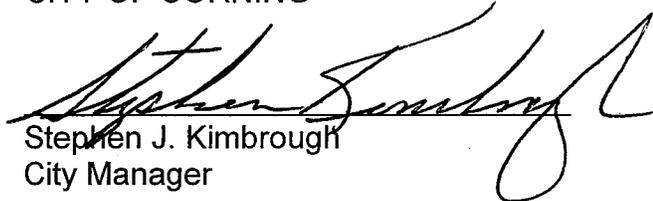
SIDE LETTER OF AGREEMENT

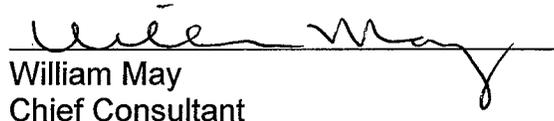
BETWEEN
CITY OF CORNING
AND
DISPATCHER UNIT
Re: Furloughs
August 12, 2009

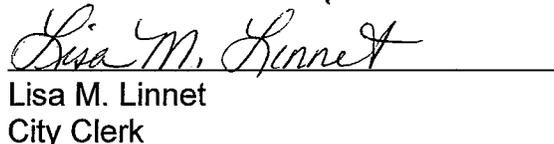
The City and the Dispatcher Unit agree to staff furloughs as follows:

1. All regular full-time members of the Dispatcher Unit shall be furloughed eight (8) hours each pay period with a corresponding loss of pay.
2. Furloughs will begin October 4, 2009 and run through June 30, 2010.
3. The City agrees that it will not lay-off any regular full-time member of the Unit during the period beginning October 4, 2009 and ending June 30, 2010.
4. All hours worked over seventy-two (72) hours in a pay period will be compensated at the time and one half (1.5) rate.
5. Police Dispatcher and Fire Dispatcher schedules are attached as part of this side letter.
6. All contractual obligations not addressed in this side letter agreement remain in force.

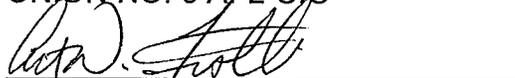
CITY OF CORNING

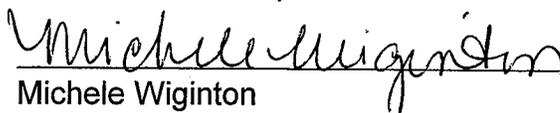

Stephen J. Kimbrough
City Manager


William May
Chief Consultant


Lisa M. Linnet
City Clerk

OPERATING ENGINEERS LOCAL
UNION NO. 3 AFL-CIO


Art Frolli
OE-3 Business Representative


Michele Wiginton
Employee Representative


Frank Rua
Employee Representative

October 2009

September 2009

S	M	T	W	T	F	S
			1	2	3	4
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

November 2009

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
27	28	29	30	1	2	3
				troy 12 daymon 12	frank 12 Mike 12	frank 12 mike 12
4	5	6	7	8	9	10
frank 12 mike 12	troy 12 daymon 12	troy 12 daymon 12	frank 4 martin 8 mike 12	frank 12 mike 4 part-time 8	troy 12 daymon 12	troy 12 daymon 12
11	12	13	14	15	16	17
troy 12 daymon 12	frank 12 mike 12	frank 12 mike 12	troy 4 martin 8 daymon 12	troy 12 daymon 4 part-time 8	frank 12 mike 12	frank 12 mike 12
18	19	20	21	22	23	24
frank 12 mike 12	troy 12 daymon 12	troy 12 daymon 12	frank 4 martin 8 mike 12	frank 12 mike 4 part-time 8	troy 12 daymon 12	troy 12 daymon 12
25	26	27	28	29	30	31
troy 12 daymon 12	frank 12 mike 12	frank 12 mike 12	troy 4 martin 8 daymon 12	troy 12 daymon 4 part-time 8	frank 12 mike 12	frank 12 mike 12

DISPATCHER SCHEDULE OCTOBER 2009

	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S								
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
DISPATCHER	1	2																														
0600 - 1800 HOURS																																
DISP 1	1				1	1						1	1						1	1					1	1						
DISP 2		1							1				1								1											
1800 -- 0600 HOURS																																
DISP 3	2	2						2	2	2				2	2	2						2	2									
DISP 4					2	2						2	2						2	2						2	2					
SUPERVISOR	D	D			D	D	D	1				D	D	D	1				D	D	D	1				D	D	D	1			
OVERTIME							2																									

LEGEND

- 1 0600 - 1800
- 2 1800 - 0600
- D 8 HR SHIFT



City of Corning

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

SIDE LETTER OF AGREEMENT

BETWEEN

CITY OF CORNING

AND

PUBLIC SAFETY UNIT

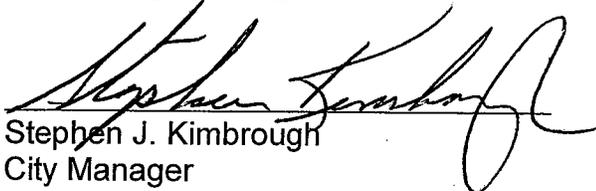
Re: Furloughs

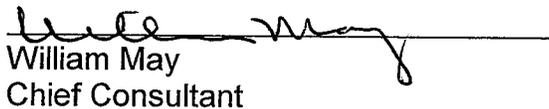
August 12, 2009

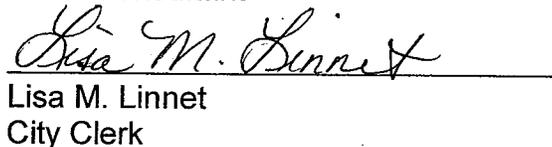
The City and the Public Safety Unit agree to staff furloughs as follows:

1. All regular full-time members of the Public Safety Unit shall be furloughed eight (8) hours each pay period with a corresponding loss of pay.
2. Furloughs will begin October 4, 2009 and run through June 30, 2010.
3. The City agrees that it will not lay-off any regular full-time member of the Unit during the period beginning October 4, 2009 and ending June 30, 2010.
4. All hours worked over seventy-two (72) hours in a pay period will be compensated at the time and one half (1.5) rate.
5. The Public Safety Unit schedule is attached as part of this side letter.
6. All contractual obligations not addressed in this side letter agreement remain in force.

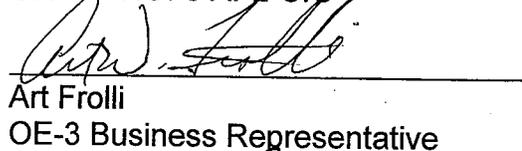
CITY OF CORNING


Stephen J. Kimbrough
City Manager

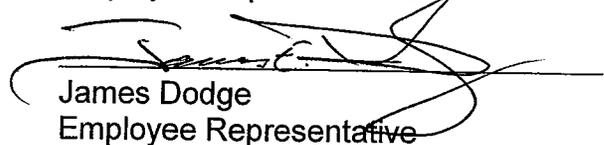

William May
Chief Consultant


Lisa M. Linnet
City Clerk

OPERATING ENGINEERS LOCAL
UNION NO. 3 AFL-CIO


Art Frolli
OE-3 Business Representative


Ralph Schmidt
Employee Representative


James Dodge
Employee Representative

ITEM NO: H-12
RESOLUTION 09-08-09-02 REVOKING THE
NO PARKING ZONE ALONG PEACH
STREET AND NORTH OF SOLANO STREET.

SEPTEMBER 8, 2009

TO: HONORABLE MAYOR AND COUNCILMEMBERS
OF THE CITY OF CORNING

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

JTS
HL
STEVE

SUMMARY:

Staff recommends elimination of the "No Parking" Zone along both sides of Peach Street adjacent to the New Life Assembly Church and the Physical Therapy and Wellness Center. See the attached copy of the aerial photo showing the street and adjacent development. Resolution 09-08-09-02 is offered for your consideration to eliminate the No Parking Zone.

BACKGROUND:

Corning Municipal Code, Section 10.12.005 provides authority for the City Council, through Resolution, to designate parking restrictions on public streets.

This "No Parking" zone was established along this segment of Peach Street through City Council adoption of Resolution No. 08-25-98-02 on August 25, 1998. A copy of that resolution is attached.

Pastor J.R. Gonzales of the new Life Assembly Church, provided a letter that seeks elimination of the No Parking Zone adjacent to their parking lot to accommodate additional church members for services and other church events. Staff considered the request at the September 2nd staff meeting and concluded that eliminating the "No Parking" Zone would not pose either traffic congestion or safety hazards.

RECOMMENDATION:

MAYOR AND COUNCIL ADOPT RESOLUTION 09-08-09-02 ELIMINATING THE NO PARKING ZONE ALONG THE EAST AND WEST SIDES OF PEACH STREET, FROM SOLANO STREET NORTHERLY, A DISTANCE OF 132 FEET.

RESOLUTION 09-08-09-02

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORNING
REVOKING THE "NO PARKING" ZONE ALONG THE EAST AND WEST SIDES OF PEACH
STREET , FROM SOLANO STREET NORTHERLY, A DISTANCE OF 132 FEET.**

WHEREAS, the California Vehicle Code allows municipalities to designate certain locations on public streets within the City with parking restrictions, and

WHEREAS, Ordinance 564 authorized the City of Corning to designate parking restrictions by Resolution, and

WHEREAS, the City Council of the City of Corning did adopt Resolution No. 08-25-98-02 on August 25, 1998, thereby establishing a No Parking Zone along segments of Solano Street and Peach Street, and

WHEREAS, The City Council has now determined that a No Parking Zone is unnecessary along the east and west sides of Peach Street from Solano Street northerly a distance of 132 feet.

NOW, THEREFORE BE IT RESOLVED, that the following location is no longer designated a "No Parking Zone" pursuant to the authority set forth in California Vehicle Code, section 22507 and in the above referenced Ordinance 564 of the City of Corning:

The east and west sides of Peach Street, from Solano Street northerly a distance of 132 feet.



The foregoing Resolution was considered by the City Council at a regular meeting of the City Council of the City of Corning on the 8th day of September 2009 and upon a motion duly made and seconded was passed and adopted by the following votes:

AYES: Hill, Turner, Parkins and Leach

NOES: None

ABSENT: Strack

ABSTAIN: None

BECKY HILL, VICE MAYOR

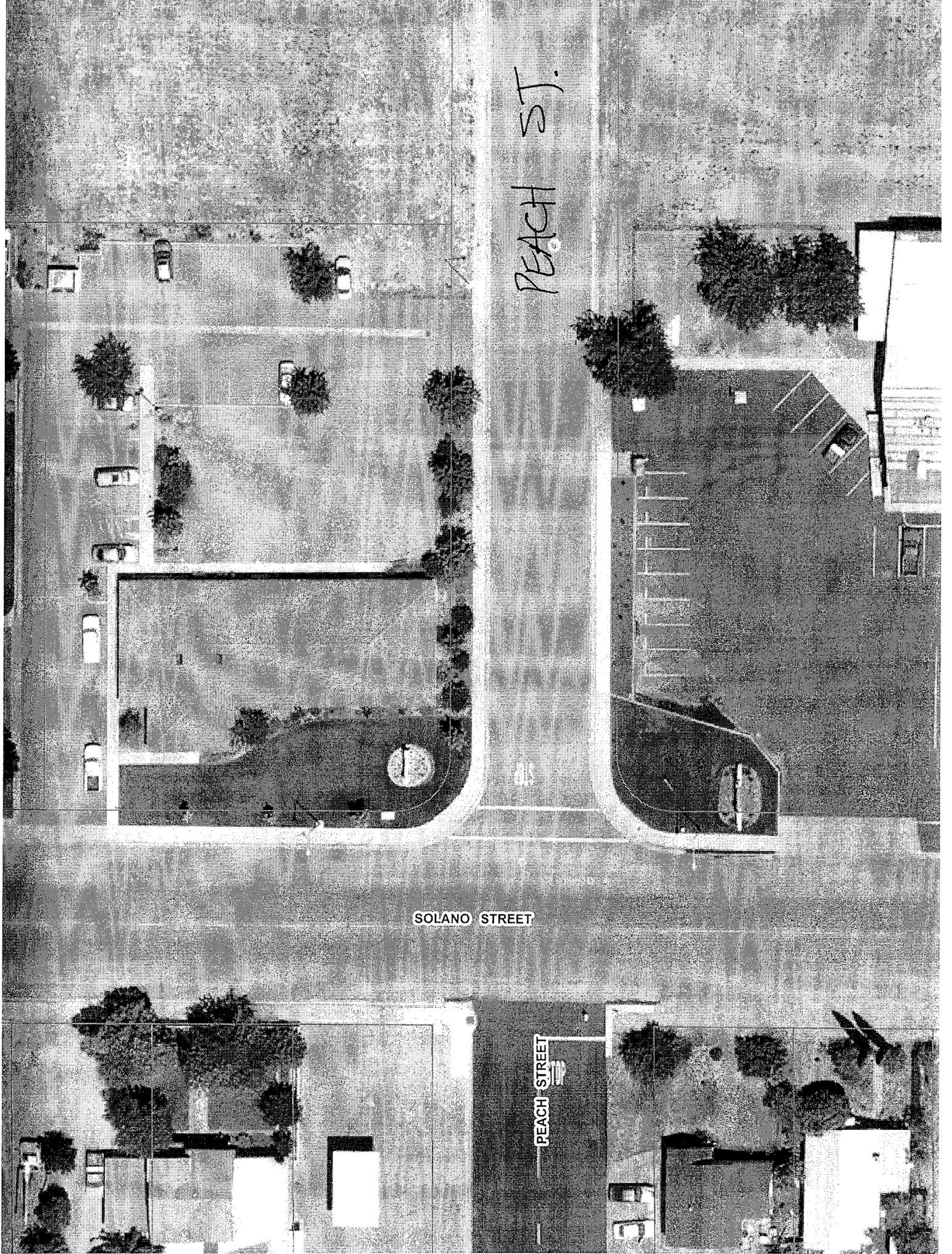
ATTEST:

LISA M. LINNET, CITY CLERK

PEACH ST.

SOLANO STREET

PEACH STREET



RESOLUTION 8-25-98-2

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF CORNING DESIGNATING A NO PARKING ZONE
IN THE 700 BLOCK OF SOLANO STREET AT THE
PHYSICAL THERAPY AND WELLNESS CENTER

WHEREAS, The California Vehicle Code allows municipalities to designate certain locations on public streets within the City as a "NO PARKING ZONE" and

WHEREAS, The City of Corning has authorized by Ordinance 564 a procedure to designate a "No Parking Zone" by Resolution.

BE IT THEREFORE RESOLVED, that the following locations are hereby designated as a "No Parking Zone" pursuant to the authority set forth in the California Vehicle Code, section 11507 and in the above referenced Ordinance of the City of Corning.

On the north side of Solano Street beginning at the westerly curb line of East Street, thence easterly for a distance of 330' feet:

On the east and west sides of Peach Street, north of Solano Street, northerly a distance of 132' feet.

* * * * *

The foregoing Resolution as considered by the City Council at a regular meeting of the City Council of the City of Corning on the 25th day of August, 1998, and upon a motion duly made and seconded, was passed and adopted by the following vote:

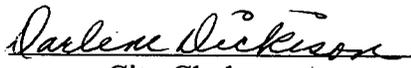
AYES: Strack, Pryatel, Fitzgerald and Roush.

NOES: None.

ABSENT OR NOT VOTING: Price.


Mayor

ATTEST:


City Clerk

ORDINANCE NO. 564

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CORNING REGULATING THE STOPPING, PARKING
OR STANDING OF VEHICLES

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

10.12.005. The City Council may by ordinance or resolution establish and designate various locations on public streets within the City of Corning as locations where the stopping, parking or standing of vehicles is prohibited or otherwise regulated. The curb marking and signing designating such regulations shall conform to requirement set forth in the California Vehicle Code and other provisions of law. [Ref. California Vehicle Code sec. 220507, People vs. Garth (1991 234 C.A. 3d 1797, 186 Cal. Rptr. 451)]

This Ordinance is being adopted as an Urgency Ordinance because of the present need on Edith Avenue.

This ordinance shall be published in the Corning Observer, a newspaper of general circulation in the City of Corning, in the manner provided by section 36933 of the Government Code of the State of California, and shall be effective immediately after its passage.

* * * * *

The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Corning, held on January 14, 1997 by the following vote:

AYES: Strack, Price, Pryatel, Fitzgerald and Roush.

NOES: None.

ABSENT OR NOT VOTING: None.


Mayor

ATTEST


City Clerk

Publish: January 20, 1997

**ITEM NO.: K-13
AUTHORIZE THE MAYOR TO SIGN
AND RELEASE A REPORT FROM
THE CITY COUNCIL PURSUANT TO
SECTION 65858 (d) OF THE
CALIFORNIA GOVERNMENT CODE.**

SEPTEMBER 8, 2009

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

**FROM: STEPHEN J. KIMBROUGH, CITY MANAGER
JOHN STOUFER, PLANNING DIRECTOR**



SUMMARY:

This is an administrative action required by State Law that insures that a Public Report is prepared on the progress of the review pertaining to the interim ordinance. The Public Report will be released on Friday September 11, 2009.

BACKGROUND:

On August 11, 2009 the City Council adopted Interim Ordinance #635 that prohibited the establishment of Medical Marijuana Dispensaries, Collectives or Cooperatives within any Zoning District in the city limits of the City of Corning. The Ordinance will remain in effect for 45 days or until September 25, 2009.

A Public Hearing has been scheduled on September 22, 2009, for the Council to consider an extension of Interim Ordinance #635 for 10 months and 15 days pursuant to Section 65858 (a) of the CA. Govt. Code. Pursuant to Section 65858 (d) of the CA. Govt. Code the legislative body (the Council) shall issue a written report describing the measures taken to alleviate the condition which led to the adoption of the Ordinance.

Staff will prepare a report for the Mayor to sign describing the measures the Council has taken (i.e. the study session held with the Planning Commission and review of material submitted to the Council) for the Mayor's signature and release on September 11, 2009.

RECOMMENDATION:

**AUTHORIZE THE MAYOR TO SIGN THE REPORT ISSUED BY THE
COUNCIL PURSUANT TO SECTION 65858 (d) OF THE CALIFORNIA
GOVERNMENT CODE PURSUANT TO INTERIM ORDINANCE #635.**

ITEM NO: K-14
Salado Orchards Phase 2; Consider
approving a one (1) year time
extension for Use Permit 252.

SEPTEMBER 8, 2009

TO: HONORABLE MAYOR AND CITY COUNCIL MEMEBRS
FROM: JOHN STOUFER, PLANNING DIRECTOR

PROJECT DESCRIPTION & LOCATION:

Pacific West Communities, Inc. has submitted an application to extend Use Permit 252 for one (1) year. Use Permit 252 will allow the construction of three 8-plex apartment buildings (24 units total) on a 1.75 acre parcel. The approved site is located in the City of Corning along the west side of Toomes Ave. approximately 650 ft. south of the Toomes Ave. / Blackburn Ave. intersection within the SW1/4 of Section 15, T. 24 N., R. 3 W., M.D.M. APN: 71-020-71

GENERAL PLAN LAND USE DESIGNATION:

R- Residential

ZONING DESIGNATION:

PD- Planned Unit Development

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CEQA, Section 15162 refers to subsequent EIR's and Negative Declarations and states that when an "*EIR has been certified or a Negative Declaration adopted no subsequent EIR is required unless there is a substantial change in the project or a substantial increase in the severity of previously identified significant effects.*"

Prior to approving the Salado Orchards Phase 2 projects the City Council adopted the Mitigated Negative Declaration filed on the projects. This application is to extend Use Permit 252 for one year and there are no changes to the project, therefore, the granting of a one year time extension is exempt from CEQA pursuant to Section 15162 (a).

DISCUSSION:

On September 9, 2008 the Corning City Council approved Tentative Tract Map 08-1002 which when recorded will subdivide an existing 4.79 acre parcel and create 12 single-family residential parcels and an approximately 1.75 acre multi-family residential parcel. Rezone 2008-1 rezoned the 1.75 acre parcel from R-1, Single-Family Residence District to PD, Planned Development District. Use Permit 252 allows the construction of three 8-plex apartment buildings (24 units total) on the proposed 1.75 acre parcel.

Section 17.54.070 of the Corning Municipal Code states; *“Any conditional use permit shall be null and void if the use permitted thereunder is not exercised within the time specified in the action approving such conditional use permit, or if no time is so specified, if the same is not exercised within one year from the date said permit is granted.”* When the City Council approved the Salado Orchards Phase 2 projects there was no specific time period allocated to activate the Use Permit therefore the permit would expire on September 9, 2009 without the approval of an extension.

Typically the Planning Commission approves Use Permits and they are not subject to approval by the City Council unless the Commission’s decision is appealed to the Council. Since this project included a Tract Map and Rezone, projects that must be approved by the Council, the Commission acted as an advisory agency on these projects and made recommendations for approval of the projects as one comprehensive project prior to the City Council’s approval. Since the Council approved the Use Permit they must be the body that approves or denies an extension, therefore the Commission once again acted as an advisory agency only in recommending approval or denial of the extension. The Commission voted 3:0 (Commissioner Lopez abstained from the vote) to recommend approval of a one year time extension subject to the original conditions of approval.

CONSISTENCY WITH GENERAL PLAN & ZONING:

When approving the projects, upon recommendation of the Planning Commission, the City Council found that the projects were consistent with the General Plan and Zoning Code.

Staff recommends the following Subfindings & Findings for consideration by the Council;

Subfinding #1

An Initial Study analyzing the environmental impacts associated with the project was prepared, a Mitigated Negative Declaration filed and circulated through the CEQA process. The Mitigated Negative Declaration was adopted by the Corning City Council on September 8, 2009.

Finding #1

The application for a one year time extension for Use Permit 252 does not in any way change the original project approved by the City Council on September 8, 2009 and therefore is exempt from CEQA pursuant to Section 15162.

Subfinding #2

Section 17.54.070 of the Corning Municipal Code states; *“Any conditional use permit shall be null and void if the use permitted thereunder is not exercised within the time specified in the action approving such conditional use permit, or if no time is so specified, if the same is not exercised within one year from the date said permit is granted.”* When the City Council approved the Salado Orchards Phase 2 projects there was no specific time period allocated to activate the Use Permit.

Finding #2

Use Permit 252 would expire on September 9, 2009 without the approval of an extension.

Subinding #3

Due to the current economy the developer's of Salado Orchards Phase 2 have been unable to obtain financing for the construction of the three eight-plex apartment units. Failure to extend Use Permit 252 for one (1) year would terminate the project which will impact on the cities ability to provide affordable housing.

Finding #3

Extending Use Permit 252 will provide additional time for the developer to obtain financing for the construction of the 24 additional affordable apartments that will assist the City of Corning in providing affordable housing especially for very-low and low household income families.

Subfinding #4

The City of Corning's Planning Commission reviewed the extension request at a regular scheduled meeting on August 18, 2009.

Finding #4

The Planning Commission voted 3:0 to recommend that the City Council approve a one year time extension subject to the original conditions of approval.

ACTION

MOVE TO ADOPT THE 4 SUBFINDINGS AND FINDINGS AS PRESENTED IN THE STAFF REPORT AND APPROVE A ONE (1) YEAR TIME EXTENSION FOR USE PERMIT 252, SALADO ORCHARD APARTMENTS PHASE 2, SUBJECT TO THE CONDITIONS OF APPROVAL IMPOSED BY THE COUNCIL ON SEPTEMBER 9, 2008. (PLEASE NOTE : PRIOR TO MAKING MAKING A MOTION TO APPROVE A TIME EXTENSION THE COUNCIL HAS THE ABILITY TO MODIFY OR REMOVE ANY OF THE RECOMMENDED SUBFINDINGS AND FINDINGS, AND ADD TO, MODIFY, OR REMOVE ANY OF THE ORIGINAL CONDITIONS OF APPROVAL IF DEEMED APPROPRIATE BY A MAJORITY OF THE COUNCIL).

OR

MOVE TO DENY A ONE (1) YEAR EXTENSION FOR USE PERMIT 252.

CONDITIONS OF APPROVAL:

1. **SCREEN HVAC.** Except for vent pipes through the roof, heating, venting or air conditioning equipment shall not be located on the roof of any structure, unless screened from view in a manner approved by the Planning Director.

2. **UNDERGROUND UTILITIES.** All public utilities serving the Development shall be underground with no overhead facilities crossing any streets.

3. **BUILDING SETBACKS.** All buildings shall be setback not less than 20 feet from the finished street right of ways.

4. **REMOVE CONSTRUCTION DEBRIS.** Prior to approving occupancy for any buildings, all construction debris shall be removed from the site.

5. **FENCING.** Solid fencing, 6' high, shall be installed between neighboring properties and the new parcels, and between each parcel prior to "final" on Building Permit.

6. **STREET FENCING.** Upgraded solid wood fencing, 6'-0" high (minimum), including minimum 4" X 6" treated wood posts and a decorative top rail (or equivalent approved by the Planning Director) shall be provided where dual frontage lots adjoin non-accessed City Streets; along the side of Parcel __1__.

7. **RESIDENTIAL DESIGN.** In accordance with Corning Municipal Code Section 16.21.135, the developer shall vary building floor plans, facades, trim, siding material, building colors, roof types, etc., to assure that identical homes are not constructed on adjacent lots.

8. Mitigation Measure I. C. 1
LANDSCAPING PLANS. Prior to commencing construction, applicant shall submit Landscaping Plans for the parcel proposed for multi-family development and areas within the right of ways, but outside the travel lanes for Toomes Ave. and the private cul-de-sac road (Road A) serving the project. Landscape plans shall be prepared by a Registered Landscape Architect and must be similar to the existing landscaping for the Salado Orchard Apartments, Phase I. The landscape plan shall be subject to the approval of the Planning Director.

9. Mitigation Measure I. C. 2
LANDSCAPING. Landscaping of the multi-family residential parcel and areas within the Toomes Ave. and Road "A" right of ways, must be provided with permanent and automatic means of irrigation and completed within 1 month from the issuance of a Certificate of Occupancy. For the 12 single family residential parcels, front and street side yards must be landscaped and provided with permanent and automatic means of irrigation. All landscaped areas must comply with Subdivision Code Chapter 16.27, Ground Cover Standards, and the requirement to plant and maintain ground cover and trees.

10. Mitigation Measure I. C. 3

ARCHITECTURAL DESIGN. The three eight-plex apartment buildings must have the same architectural design as the six apartment buildings that were constructed for Salado Orchard Apartments Phase I.

11. Mitigation Measure II. C. 1

DISCLOSURE OF AGRICULTURAL OPERATIONS. Prior to the conveyance, leasing or rental of any single family residences or apartments the prospective buyers or tenants must be provided with the following disclosure statement:

The City of Corning permits operation of properly conducted agricultural operations within the City Limits, including those that utilize chemical fertilizers and pesticides. You are hereby notified that property you are purchasing, leasing or renting may be located close to agricultural lands and operations. You may be subject to inconvenience or discomfort arising from the lawful and proper use of agricultural chemicals and pesticides and other agricultural activities, including without limitation, cultivation, plowing, spraying, irrigation, pruning, harvesting, burning of agricultural waste products, protection of crop and animals from depredation, and other activities which occasionally generate dust, smoke, noise, and odor. Consequently, depending on the location of your residence, it may be necessary that you be prepared to accept much inconveniences or discomfort as a normal and necessary aspect of living in an agriculturally active region.

12. Mitigation Measure III. B. 1

FUGITIVE DUST PERMIT

Prior to commencement of any type of construction activities the applicant must submit a construction emission dust/control plan and obtain a Fugitive Dust Control Permit from the Tehama County Air Pollution District and comply with the conditions of approval.

13. Mitigation Measure III. B. 2

OPEN BURNING

No opening burning shall occur on this parcel unless a special land clearing permit is obtained from the Tehama County Air Pollution Control District.

14. Mitigation Measure III. B. 3

WOOD BURNING STOVES

Only U.S. EPA Phase II certified wood burning devices to be installed in each residence as necessary. The total emission potential from each residence shall not exceed 7.5 grams per hour from wood burning devices.

15. Mitigation Measure III. B. 4

EXTERIOR ELECTRICAL OUTLETS

To promote the use of electrical landscape equipment, at least two electrical outlets shall be provided on the exterior walls of each single family residence.

16. Mitigation Measure III. C. 1

SPRINKLE EXPOSED SOILS.

During construction, unprotected or bare soils, including inactive storage piles, shall be watered a minimum of 2 times per day to minimize wind erosion. Frequency should be based upon the type of operation, soil, and wind exposure.

17. Mitigation Measure III. C. 2

COVER EXPOSED SOILS. Areas denuded by construction activities and not scheduled for development for an indefinite period shall be seeded or covered by impervious materials to minimize water and wind erosion prior to the beginning of the rainy season (October 15th).

18. GRADING PLANS. Complete grading plans shall be submitted for approval by the City Engineer.

19. STREET CLEANING. Paved City roadways leading to or from the project area shall be swept or washed at the end of each day as necessary to remove excessive accumulations of silt and/or mud, which may have accumulated as the result of construction activities.

20. Mitigation Measure V. 1

CULTURAL RESOURCES. If subsurface deposits believed to be cultural in origin are discovered during construction, then all work must halt within a 100-foot radius of the discovery, and the City of Corning notified. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, shall be retained to evaluate the significance of the find. Work cannot continue at the discovery location until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially significant. If a potentially-eligible resource is encountered, then the archaeologist, lead agency, and project proponent shall arrange for either 1) total data recovery as a mitigation, or, preferably, 2) total avoidance of the resource, if possible. The determination shall be formally documented in writing and submitted to the lead agency as verification that the provisions in CEQA for managing unanticipated discoveries have been met.

21. Mitigation Measure V. D. 1

HUMAN REMAINS. If human remains, or remains that are potentially human, are discovered during project construction or implementation, all work must stop within a 100-foot radius of the find. The construction supervisor must notify the Corning Police Department immediately, and take appropriate action to ensure that the discovery is protected from further disturbance or vandalism.

22. Mitigation Measure VI. B. 1

STORMWATER PERMIT. Applicant shall apply for and obtain a "Construction Activities Storm Water General Permit" from the State Water Resources Control Board, Central Valley Regional Water Quality Control Board.

23. Mitigation Measure VI. B. 2

STORMWATER POLLUTION PREVENTION PLAN. Prior to any site disturbance or earthmoving activities on or adjacent to the site, a construction period and post-construction period Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and presented to the Central Valley Regional Water Quality Control Board and approved by the City of Corning. The objective of the plan shall be no net loss of soil (above an undisturbed natural, stable background state) from the site due to erosion. All requirements of the post construction period SWPPP shall be completed as part of the required improvement plans and shall be maintained in the same manner.

24. Mitigation Measure VI. D. 1

SOILS INVESTIGATION. Prior to issuing building permits, the developer shall provide: 1) certification assuring adequate compaction of filled lots in accordance with the Uniform Building Code; and 2) for those lots with expansive soils, certification that the engineered foundation plans comply with building code requirements.

25. Mitigation Measure VI. D. 2

EXPANSIVE SOILS. The applicant shall initiate a soils investigation by a registered engineering geologist or civil engineer to determine if expansive soils requiring special structural foundation design is necessary.

26. Mitigation Measure VIII. C. 1

LOT GRADING. Lots must be graded to direct runoff to storm drain facilities within the public right-of-way. No lot to lot or offsite runoff, shall be permitted.

27. Mitigation Measure VIII. E. 1

STORMWATER ANALYSIS. Applicant shall provide a Drainage Analysis prepared by a registered Civil Engineer or Certified Hydrologist. The Analysis shall quantify the increased runoff resulting from a 25-year storm for a duration of four hours that will result from the development.

28. Mitigation Measure VIII. E. 2

STORMWATER RETENTION. Storm Drain and retention facilities shall be installed in accordance with the Drainage Analysis and constructed to City Standards as approved by the Public Works Director.

29. Mitigation Measure VIII. E. 3

STORMWATER IMPROVEMENT PLANS. Prior to recording a final map of any phase of the project the developer shall present improvement plans for retention of the net increase in runoff resulting from the development project during a 25-year storm for a duration of four hours.

30. Mitigation Measure IX. A. 1

AFFORDABLE HOUSING. The 24 apartments proposed for the 1.75 acre parcel must provide affordable housing for a period of not less than 30 years from the date the project is approved by the City of Corning.

31. Mitigation Measure IX. B. 1

SITE DEVELOPMENT. The site must be developed as shown on the Tentative Subdivision Map, Tract Map 08-1002, submitted as part of the initial application on June 23, 2008. This development includes a six-foot high masonry wall constructed along the north property line of Parcel 12.

32. Mitigation Measure XI. D. 1

CONSTRUCTION HOURS. Excavation and construction work shall occur only between the hours of 7:00 AM to 7:00 PM, Monday through Friday, and between the hours of 8:00 AM to 6:00 PM on weekends and federally observed holidays.

33. Mitigation Measure XI. D. 1

CONSTRUCTION EQUIPMENT. The primary contractor shall be responsible for ensuring that all construction equipment is properly tuned and maintained. When feasible, existing power sources, such as power poles, or clean fuel generators should be used, rather than temporary power generators. Minimize idling time to 10 minutes.

34. Mitigation Measure VIII. 1

LANDSCAPE & LIGHTING DISTRICT. Prior to recording the final map or any Phase map for the project, the developer shall annex Parcel 13 to Landscaping and Lighting District No. 1, Zone 4 and modify the Engineer's Report and appurtenant annual assessment to fund maintenance and electrification of the current Blackburn Avenue median facilities as well as the Toomes Avenue streetlights along the frontage of Parcel 13 and those along the Salado Orchard Apartment Phase 1 Toomes Avenue frontage, and the maintenance of any subsurface drainage detention facilities within the north half-width of Road A.

Alternatively, in lieu of annexing to Landscape and Lighting District #1, Zone 4, the City may require Parcel 13 to form a new Zone within Landscape and Lighting District #1, and address the maintenance of the facilities noted above.

35. Mitigation Measure VIII. 2

RESIDENTIAL LANDSCAPE AND LIGHTING DISTRICT. Prior to recording the final map or any Phase map for the project, the developer shall annex Parcels 1 through 12 into a Landscaping and Lighting district to fund the irrigation and continued maintenance of all common facilities, including the stormwater retention system and appurtenant facilities within the south half of Road A, the landscaped area along the Toomes Avenue frontage of Lot 1, and street lighting within the Parcel 1 Toomes Avenue street frontage and the south side of Road A, any costs associated with the district formation or annexation shall be borne by the developer.

36. Mitigation Measure VIII. 3

ENGINEERING ESTIMATE. Prior to recording the final map, an engineer shall provide to the City of Corning Engineer's Reports including estimates of the annual costs appurtenant to the Landscape and Lighting District(s) defined above.

37. Mitigation Measure VIII. 4

FIRE HYDRANT INSTALLATION. The developer must install three fire hydrants as depicted on the preliminary grading & utility plan submitted with the application. Any variations to the placement of these hydrants must be approved by the City of Corning Fire Chief prior to the approval of improvement plans for the project. These hydrants with valves shall be installed, to Public Works standards, as required by the Fire Chief.

38. FIRE HYDRANT REPAIR KIT: The developer must provide the City of Corning Fire Department with 1 Fire Hydrant Repair Kit.

39. DEVELOPMENT IMPACT FEES: Subsequent residential development will be subject to Development Impact Fees imposed in order to lessen new development's impacts on City facilities and services. These fees shall be assessed and payable prior to issuance of Certificates of Occupancy for each building permit.

40. ABANDON WELLS & SEPTICS: Prior to recording any final map, the applicant shall properly abandon any water wells or septic systems occurring on the property in accordance with the requirements of the Tehama County Environmental Health Department.

41. POSTAL BOXES: Provide one or more "Cluster Box Units (CBUs) for postal service at locations approved by the Corning Postmaster. CBU positions shall appear on the improvement plans for the subdivision.

42. Mitigation Measure XV. A. 1

TRANSPORTATION POOLS. Adjacent to the Cluster Box Units for postal service the applicant must place a bulletin board, no less than 16 sq. ft. in size, that is dedicated for use of the residents in Phase 1 & 2 to advertise for car pool / van pool trips to major work centers. It will be the apartment management staffs responsibility to maintain this bulletin board in a neat and orderly condition.

43. Mitigation Measure XV. D. 1
INTERSECTION SIGHT DISTANCE. No shrubbery, fencing or trees exceeding 36 inches in height, and no tree branches shall extend lower than seven feet so as to limit a 200 ft. minimum sight distance at the proposed cul-de-sac road (Road "A") and Toomes Ave. intersection.

44. Mitigation Measure XV. D. 2
STOP SIGNS. Install a stop sign and apply thermoplastic stop legend with bar where the cul-de-sac road (Road "A") intersects with Toomes Ave. Temporary signs must be in place during construction at all new intersections.

45. Mitigation Measure XV. G. 1
BICYCLE RACKS. Secure bicycle racks must be placed adjacent to the three covered parking areas as shown on the tentative subdivision map.

46. PUBLIC IMPROVEMENTS: All public improvements shall be constructed in accordance with the Subdivision Ordinance of the City of Corning and required Public Works Standards.

47. ROAD DEDICATION: Dedicate a 60' wide right-of-way for Road A. Provide an additional 10' public service easement along each side of the right of way.

48. CURB, GUTTER, SIDEWALK: Install curb, gutter and sidewalk, with approved handicap ramps.

49. STREET IMPROVEMENTS: Proposed streets shall be constructed in accordance with Standard Drawing S-18 (40' 2 Lane Street).

50. CUL-DE-SAC IMPROVEMENTS: The cul-de-sac shall be fully constructed to include curb and gutter and 5' wide sidewalk adjacent to curb as per Standard Drawing No. S-18.

51. ROAD SIGNS: Applicant shall install street name signs, according to standards provided by the Director of Public Works at all intersections.

52. STREET NAME: Final street names are subject to approval of City staff and shall appear on the final map.

53. NON-ACCESS STRIP: No new driveways shall be permitted direct access onto Toomes Avenue. The Final Map shall offer "1 foot wide Non-Access" strips along the Toomes Avenue frontage of Lots 1 and 13.

54. CURBSIDE PARKING: Curbside "parallel" parking spaces shall be delineated with traffic paint within the cul-de-sac bulb.

55. UNDERGROUND IMPROVEMENTS: Applicant shall ensure, prior to final street construction, that all water and sewer mains, utility and storm drains, are in the proper location for serving the proposed new lots. No street cutting nor excavation shall be allowed in the new street once completed.

56. WATER & SEWER CONNECTIONS: All water and sewer connections shall be completed in accordance with Public Works Specifications.

57. PIPE SIZE: All water services to single family residences are to be 1 inch poly pipe iron pipe size.

58. WATER METERS: All water meters to be Sensus compound meters to register in gallons, 3/4" meters are the minimum required, but recommend 1" meters if lawns are to have sprinkler system.

59. MANHOLE INSTALLATION: Install Manholes in Subdivision as per Public Works Specifications.

60. CABLE T.V.: Developer shall ensure service by Chambers Cable to each lot and residence at developer's expense.

61. STREET LIGHTS: Street lights shall be installed in accordance with Public Works Standards. Final location shall be shown on the plans for public improvements, and approved by the Director of Public Works.

62. PUBLIC UTILITY EASEMENTS: Public utility easements shall be dedicated and noted as required by the City Engineer on the Final Map.

63. LANDSCAPE MAINTENANCE: Within two weeks after the landscaping is completed on the multi-family residential parcel the property owner or management team must contract with a landscape maintenance company for maintenance of this landscaping. Evidence of this contract must be submitted to the Planning Director.

64. PARKING EASEMENT: Prior to the recordation of Tract Map 08-1002 the property owner of Salado Orchard Apartments Phase 1, APN: 71-020-70, must record a reciprocal parking easement allowing the residents of the apartments constructed pursuant to this project the right to use parking spaces constructed for the Phase 1 apartments.

65. BUILDING PERMITS: No building permits will be issued for any type of residential construction, including multi-family, until the required public improvements have been completed, or bonded for, and Tract Map 08-1002 has been recorded.

66. COVERED PARKING STRUCTURES: The covered parking structures constructed on the multi-family residential parcel must be designed and constructed to match the existing parking structures constructed for Salado Orchards, Phase 1.

ITEM NO. K-15
CORNING MUNICIPAL AIRPORT
IMPROVEMENT PROJECT; PROJECT BID
AWARD TO TEICHERT CONSTRUCTION

SEPTEMBER 8, 2009

TO: CITY COUNCIL OF THE CITY OF CORNING, CALIFORNIA

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

JS STEVE

SUMMARY:

As you know, we've recently solicited bids for the Airport Improvement project. Tonight, staff is happy to present a recommendation for bid award to Teichert Construction of Davis, California for this important community project.

In addition to this bid award staff report, three separate but related staff reports will deal with other facets of the project. Those reports will specifically address:

1. Change Order No. 1. Certain minor "pre-award change orders"; i.e. project modifications, that are necessary to satisfy Federal Aviation Administration (FAA) grant limitations,
2. Council approval of an addendum to our Airport Consultant contract for "construction services"; i.e. inspections, with Wadell Engineering Corporation, and,
3. Borrowing funds equivalent to 5% of the overall project cost from the City's Transportation Development Impact Fee account to fund the both "City Match" (2.5%) and unfunded "State Match" (2.5%) of the overall project cost.

BACKGROUND:

The City has long desired to shift the existing airport runway to the north to provide additional separation from the high school and other urban uses, to improve public safety. This northerly "shift" is included in the 2003 Corning Airport Master Plan, as are a number of other desired improvements. Our airport consultant, Bob Wadell of Wadell Engineering, prepared plans showing those improvements.

We recently solicited bids for the Airport Improvement Project. We received a total of seven bids. Those bids are now in and have been evaluated. The lowest responsive bidder is Teichert Construction of Davis, California. Their overall bid for the Base Bid and Additive Bid Item is \$2,187,398.90. A copy of the bid summary is attached for your review. Staff recommends the City Council award the bid for the 2009 Corning Municipal Airport Improvement Project to Teichert Construction.

However, the FAA will not fund certain features that were included in our project. Therefore, the “award amount” needs to be adjusted accordingly. To accomplish that, the next scheduled agenda item is a “Change order”; previously arranged with Teichert Construction to effectively amend the project for conformance with FAA requirements and funding limits.

STAFF RECOMMENDATION:

That the City Council:

- **Award the bid for the Corning Municipal Airport Runway and Taxiway Paving and Lighting Improvement Project (FAA AIP Project No. 3-06-0053-06) to A. Teichert & Son, Inc., dba Teichert Construction of Davis California, in the amount of \$2,187,393.90, subject to the Federal Aviation Administration grant notification.**

**Corning Municipal Airport Improvement Project-2009
Unofficial Bid Summary-August 24, 2009**

Contractor	Teichert	Franklin Const.	Granite Const.	McGuire-Hester
Base Bid	\$ 1,711,740.60	\$ 1,770,556.00	\$ 1,889,038.00	\$ 1,930,318.90
Additive Bid (Apron & Exits)	\$ 475,658.30	\$ 506,886.00	\$ 515,291.00	\$ 513,725.20
Total Bid & Additive Bid Item	\$ 2,187,398.90	\$ 2,277,442.00	\$ 2,404,329.00	\$ 2,444,044.10
Variance from Engr. Estimate	-12%	-9%	-4%	-2%

Contractor	Meyers Earthwork	Knife River	Tullis, Inc.	Engineer's Estimate
Base Bid	\$ 2,148,565.90	\$ 2,159,937.35	\$ 2,269,486.65	\$ 1,973,140.00
Additive Bid (Apron & Exits)	\$ 500,481.00	\$ 529,916.35	\$ 494,783.50	\$ 526,386.00
Total Bid & Additive Bid Item	\$ 2,649,046.90	\$ 2,689,853.70	\$ 2,764,270.15	\$ 2,499,526.00
Variance from Engr. Estimate	6%	8%	11%	

ITEM NO. K-16
CORNING MUNICIPAL AIRPORT
IMPROVEMENT PROJECT; CHANGE
ORDER NO. 1; TEICHERT CONSTRUCTION

SEPTEMBER 8, 2009

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

JB
STEVE

SUMMARY:

In the previous staff report, staff recommended the City Council award the Airport Improvement Project to Teichert Construction. Staff now recommends the City Council approve the attached "Change Order No. 1". If approved, the Change Order will modify the project to be consistent with the Federal Aviation Administration requirements and to fit the available grant funds. The value of the reduced project will be \$2,141,668.90.

PROJECT REVISIONS AND COSTS:

In reviewing the plans and bid documents, the FAA determined that the security fencing will not qualify for grant funding at this time. So, the fencing and gates must be either removed from the project, or independently funded by the City. Of course, the City has few reserves to interject at this time, particularly since we're picking up an additional 2.5% that would normally be covered by the State of California.

Mr. Wadell recommends the fencing and gates be "removed" from the project at this time and resubmitted as a separate project during a future round of FAA grant consideration.

In addition to eliminating the fencing, we recommend removing three (3) separate "distance signs" that cost \$3,450.00 each. As the name implies, "distance signs" are signs telling pilots just how much runway is left in front of them. According to Mr. Wadell, the airfield will operate just fine with the one sign that marks the "halfway point" of the runway. He points out that many similar sized airports have no such distance signs.

RECOMMENDATION:

That the City Council:

- **Approve the attached "Change Order No. 1" to the Corning Municipal Airport Improvement Project**

CONTRACT CHANGE ORDER NO. 1 -Modify Project Scope
or
SUPPLEMENTAL AGREEMENT NO. N/A

AIRPORT Corning Municipal **DATE** 9-1-2009

LOCATION Corning, CA **AIP PROJECT NO.** 3-06-0053-06

CONTRACTOR Teichert Construction

You are requested to perform the following described work upon receipt of an approved copy of this document or as directed by the engineer:

Item No.	Description	Unit	Unit Price	Quantity	Amount
1	Awarded Contract (Base & Additive)				\$2,187,398.90
2	Reduce Item 51 Distance Signs	EA	3450.00	3	-\$10,350.00
3	Delete All Fencing Items 44, 45, 46, 47, 48				-\$35,380.00
4					
5					
This Change Order Total			\$ -45,730.00		
Previous Change Order(s) Total			\$ 0.00		
Revised Contract Total			\$2,141,668.90		

The time provided for completion in the contract is (unchanged) (decreased) (increased) by 0 working days. This document shall become an amendment to the contract and all provisions of the contract will apply. Changes are shown on Drawing(s) No. N/A dated N/A, three copies attached.

Recommended by:		<u>9/1/2009</u>
	Engineer	Date
Approved by:		
	Owner	Date
Accepted by:		
	Contractor	Date
Concurred by:	<u>N/A</u>	
	State Aeronautics (if applicable)	Date
Approved by:	<u>N/A</u>	
	Federal Aviation Administration	Date

NOTE: Change Orders and Supplemental Agreements require FAA approval prior to construction, otherwise no Federal participation can be granted. State Aeronautics concurrence is required when state participation is anticipated.

AIP PROJECT NO. 3-06-0053-06 CHANGE ORDER NO. 1
(Supplemental Agreement)

AIRPORT CORNING MUNICIPAL LOCATION CORNING, CA

JUSTIFICATION FOR CHANGE

1. Brief description of the proposed contract change(s) and location(s).
Reduce the project scope to fit the available FAA funds.

2. Reason(s) for the change(s) *(Continue on reverse if necessary)*
The available funding limits the amount of work that can be done under this project.
The change order adjusts the scope of work and costs to the available funds.

3. Justifications for unit prices or total cost.
Bid prices were used when applicable.

4. The sponsor's share of this cost is available from:
Airport Fund.

5. If this is a supplemental agreement involving more than \$2,000, is the cost estimate based on the latest wage rate decision? Yes No Not Applicable .
6. Has consent of surety been obtained? Yes Not Necessary .
7. Will this change affect the insurance coverage? Yes No .
8. If yes, will the policies be extended? Yes No .
9. Has this (Change Order) (Supplemental Agreement) been discussed with FAA officials?
Yes No When 8/27/2009 By Phone With Whom Ron Biaoco, FAA Project Manager

Comment Attached Contract Change Order #1 Scope & Costs Table is incorporated.

Submit 4 copies to the FAA

**ITEM NO. K-17
CORNING MUNICIPAL AIRPORT
IMPROVEMENT PROJECT; MODIFICATION
TO MASTER AGREEMENT WITH WADELL
ENGINEERING CORPORATION FOR
CONSTRUCTION OBSERVATION AND
INSPECTION SERVICES**

SEPTEMBER 8, 2009

TO: CITY COUNCIL OF THE CITY OF CORNING, CALIFORNIA

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

STEVE

SUMMARY:

Staff recommends Council approval of the attached "addendum" (marked "Exhibit 4.2") that modifies the current "Master Agreement" for Airport Consultant services that was approved on November 25, 2008. A copy of that agreement is attached as background. The addendum details the services to be provided. To summarize, the consultant would be responsible for onsite construction observation and inspections, contract administration and reporting, and preparation of record drawings.

For performing these services, the consultant would be paid \$194,075.00. This amount is included in the overall Airport Improvement Project Grant total.

RECOMMENDATION:

That the City Council:

- **Approve the attached addendum to the Master Agreement between the City of Corning and Wadell Engineering Corporation (approved November 25, 2008) for "Construction Phase Services" and authorize the City Manager to sign the agreement on behalf of the City.**

**EXHIBIT 4.2
PROJECT STATEMENT**

**PROJECT TITLE: CORNING MUNICIPAL AIRPORT
RUNWAY & TAXIWAY PAVING AND LIGHTING
CONSTRUCTION PHASE SERVICES**

SCOPE OF SERVICES:

This Project Statement is an addendum to the Master Agreement between the City of Corning and Wadell Engineering Corporation. The CONSULTANT will provide construction phase services for the Corning Municipal Airport Runway & Parallel Taxiway Paving and Lighting Project Base Bid and Additive Bid Item 1. The services include monitoring the construction project to determine if the construction is in accordance with the plans and specifications.

The services include organization and attendance at a preconstruction conference; preparation of conference minutes; preparation of a construction management program for material acceptance testing; coordinating the notice to proceed; review and processing of contractor submittals and requests for information; procurement of an acceptance testing subconsultant; on-site construction observation during critical work periods; off-site pre-shipping review of new modular airport lighting vault, office support during construction; review and acceptance of contractor work schedule; review of contractor work relative to plans and specifications; review of quantities and payment requests; preparation of weekly and monthly reports, wage rate interviews, field order and change order processing; final inspection and preparation of record drawings based on contractor furnished as-built submittals, and final engineer's report. The Airport Layout Plan will be updated to reflect the new improvements upon completion.

CONSULTANT and OWNER are not responsible for the construction means, methods, techniques, sequences, and safety at the site. The construction contractor has sole responsibility for these activities.

SCHEDULE OF SERVICES:

The construction contractor is allowed 120 calendar days for performance of the work. The Construction Phase Services shall be undertaken after the contract award and shall continue until 30 days after final inspection and closeout.

COMPENSATION:

The OWNER agrees to pay CONSULTANT for services performed under the conditions of this agreement the lump sum fixed price amount of one hundred ninety four thousand and seventy five dollars (\$194,075) for the Construction Work Phase. The compensation includes reimbursement for all labor, travel, lodging, meals, supplies, field and laboratory testing during the construction phase.

Approved:
CITY OF CORNING
OWNER

WADELL ENGINEERING CORPORATION
CONSULTANT

By: _____
Stephen J. Kimbrough, City Manager

By: _____
Robert P. Wadell, President

Date: _____

Date: _____

**ITEM NO. K-18
CORNING MUNICIPAL AIRPORT
IMPROVEMENT PROJECT; ADVISORY
MATTER REGARDING LOAN AMOUNT
FROM CITY'S TRANSPORTATION
DEVELOPMENT IMPACT FEE ACCOUNT
FOR "5% CITY MATCHING FUNDS" SHARE**

SEPTEMBER 8, 2009

TO: CITY COUNCIL OF THE CITY OF CORNING, CALIFORNIA

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

JB *STEVE*

SUMMARY:

The purpose of the document is to report the final amount to be borrowed to fund the "City's 5% Match" for the Airport Improvement Project. This is an "Advisory Item" only-no Council action is necessary.

A copy of the City's application for federal assistance that was presented to the FAA is attached. In it you can see the overall cost and respective Federal Aviation Administration (FAA) and "City's Match" shares of the City Airport Improvement Project (see Calculation Sheet-Page 4) which are summarized here:

FAA Grant	\$2,250,000.00
City Match (5% of total)	<u>\$118,421.00</u>
Total Airport Improvement Project Cost	\$2,368,421.00

BACKGROUND:

At the August 11, 2009 City Council meeting, staff presented a report advising the Council of the loss of the normal 2.5% "State Division of Aeronautics Match". The staff report also sought Council direction regarding an alternative source for the "lost" funds. The Council weighed in with the following action:

- *"Direct the City Manager to prepare the loan documentation for the equivalent to five percent (5%) of the total project cost, up to \$125,000.00 from the City's Transportation Development Impact Fee Account with the understanding that the City shall repay the principal with interest equivalent to the annual rate that would have otherwise accrued in the DIF account."*

Since the "City Match" amount does not exceed that authorized on August 11th (\$125,000.00), no additional action of the City Council is required. The City Manager and Attorney will prepare the necessary loan documentation to assure repayment with interest consistent with the Council directive.

**APPLICATION FOR
FEDERAL ASSISTANCE**

2. DATE SUBMITTED 8/27/2009	Applicant Identifier Runway Construction
3. DATE RECEIVED BY STATE	State Application Identifier
4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

1. TYPE OF SUBMISSION:

Application <input checked="" type="checkbox"/> Construction <input type="checkbox"/> Non-Construction	Preapplication <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction
--	--

5. APPLICANT INFORMATION

Legal Name: City of Corning	Organizational Unit: Department: Public Works
Organizational DUNS: 091589742	Division: Airport
Address: Street: 794 Third Street	Name and telephone number of person to be contacted on matters involving this application (give area code) Prefix: Mr First Name: John
City: Corning	Middle Name: L.
County: Tehama	Last Name: Brewer
State: CA Zip Code: 96021	Suffix:
Country: USA	Email: jbrewer@corning.org

6. EMPLOYER IDENTIFICATION NUMBER EIN:

9 4 - 6 0 0 0 3 1 7	Phone number (give area code): 530-824-7025	FAX number (give area code): 530-824-2489
----------------------------	---	---

8. TYPE OF APPLICATION:

<input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	7. TYPE OF APPLICANT: (See back of form for Application Types) <input checked="" type="checkbox"/> C
If Revision, enter appropriate letter(s) in box(es): (See back of form for description of letters)	Other (specify)
Other (specify)	9. NAME OF FEDERAL AGENCY Federal Aviation Administration

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER

2 0 - 1 0 6	11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: Extend and Widen Runway with Taxiways, Apron, Lighting & NAVAIDS
TITLE: Airport Improvement Program	

12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):

City of Corning, Tehama County, California

13. PROPOSED PROJECT

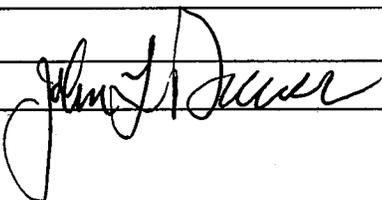
Start Date 9/21/2009	Ending Date 1/31/2009	14. CONGRESSIONAL DISTRICTS OF
		a. Applicant 2 b. Project 2

15. ESTIMATED FUNDING

a. Federal	\$	2,250,000	.00	16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS a. Yes. <input checked="" type="checkbox"/> THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE: 5/1/2009 b. No. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E. O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW
b. Applicant	\$	118,421	.00	
c. State	\$	0	.00	
d. Local	\$.00	
e. Other	\$.00	
f. Program income	\$.00	
g. TOTAL	\$	2,368,421	.00	
17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?				<input type="checkbox"/> Yes If "Yes" attach an explanation <input checked="" type="checkbox"/> No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Authorized Representative

Prefix Mr.	First Name John	Middle Name L.
Last Name Brewer		Suffix
b. Title Director of Public Works		c. Telephone number (give area code) 530-824-7025
d. Signature of Authorized Representative 		e. Date Signed 8/27/2009

INSTRUCTIONS FOR THE SF 424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This is a standard form used by applicants as required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

- | Item | Entry: | Item | Entry: | | | | | | | | | | | | | | | | |
|--------------------------------|--|-------------------|--|----------------------|-----------------------|--------------|---|-------------|---------------|---------------|------------------------|-------------------|--------------------|---------------------|--------------------------------|--------------------------------|--|-----|---|
| 1. | Select Type of Submission. | 11. | Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g. construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project. | | | | | | | | | | | | | | | | |
| 2. | Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable). | 12. | List only the largest political entities affected (e.g., State, counties, cities). | | | | | | | | | | | | | | | | |
| 3. | State use only (if applicable) | 13. | Enter the proposed start date and end date of the project. | | | | | | | | | | | | | | | | |
| 4. | Enter Date Received by Federal Agency
Federal identifier number: If this application is a continuation or revision to an existing award, enter the present Federal Identifier number. If for a new project, leave blank. | 14. | List the applicant's Congressional District and any District(s) affected by the program or project. | | | | | | | | | | | | | | | | |
| 5. | Enter legal name of applicant, name of primary organizational unit (including division, if applicable), which will undertake the assistance activity, enter the organization's DUNS number (received from Dun and Bradstreet), enter the complete address of the applicant (including country), and name, telephone number, e-mail, and fax of the person to contact on matters related to this application. | 15. | Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate <u>only</u> the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15. | | | | | | | | | | | | | | | | |
| 6. | Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service. | 16. | Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. | | | | | | | | | | | | | | | | |
| 7. | Enter the appropriate letter in the space provided. <table border="0" style="margin-left: 20px; width: 80%;"> <tr> <td style="width: 50%;">A. State</td> <td style="width: 50%;">I. State Controlled Institution of Higher Learning</td> </tr> <tr> <td>B. County</td> <td>J. Private University</td> </tr> <tr> <td>C. Municipal</td> <td>K. Indian Tribe</td> </tr> <tr> <td>D. Township</td> <td>L. Individual</td> </tr> <tr> <td>E. Interstate</td> <td>M. Profit Organization</td> </tr> <tr> <td>F. Intermunicipal</td> <td>N. Other (Specify)</td> </tr> <tr> <td>G. Special District</td> <td>O. Not for Profit Organization</td> </tr> <tr> <td>H. Independent School District</td> <td></td> </tr> </table> | A. State | I. State Controlled Institution of Higher Learning | B. County | J. Private University | C. Municipal | K. Indian Tribe | D. Township | L. Individual | E. Interstate | M. Profit Organization | F. Intermunicipal | N. Other (Specify) | G. Special District | O. Not for Profit Organization | H. Independent School District | | 17. | This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes. |
| A. State | I. State Controlled Institution of Higher Learning | | | | | | | | | | | | | | | | | | |
| B. County | J. Private University | | | | | | | | | | | | | | | | | | |
| C. Municipal | K. Indian Tribe | | | | | | | | | | | | | | | | | | |
| D. Township | L. Individual | | | | | | | | | | | | | | | | | | |
| E. Interstate | M. Profit Organization | | | | | | | | | | | | | | | | | | |
| F. Intermunicipal | N. Other (Specify) | | | | | | | | | | | | | | | | | | |
| G. Special District | O. Not for Profit Organization | | | | | | | | | | | | | | | | | | |
| H. Independent School District | | | | | | | | | | | | | | | | | | | |
| 8. | Select type from the following list: <ul style="list-style-type: none"> • "New" means a new assistance award. • "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date. • "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. If a revision enter the appropriate letter: <table border="0" style="margin-left: 20px; width: 80%;"> <tr> <td style="width: 50%;">A. Increase Award</td> <td style="width: 50%;">B. Decrease Award</td> </tr> <tr> <td>C. Increase Duration</td> <td>D. Decrease Duration</td> </tr> </table> | A. Increase Award | B. Decrease Award | C. Increase Duration | D. Decrease Duration | 18. | To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.) | | | | | | | | | | | | |
| A. Increase Award | B. Decrease Award | | | | | | | | | | | | | | | | | | |
| C. Increase Duration | D. Decrease Duration | | | | | | | | | | | | | | | | | | |
| 9. | Name of Federal agency from which assistance is being requested with this application. | | | | | | | | | | | | | | | | | | |
| 10. | Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested. | | | | | | | | | | | | | | | | | | |

PART II

**PROJECT APPROVAL INFORMATION
SECTION A**

Item 1.

Does this assistance request require State, local, regional, or other priority rating?

Yes No

Name of Governing Body:
Priority:

Item 2.

Does this assistance request require State, or local advisory, educational or health clearances?

Yes No

Name of Agency or Board:
(Attach Documentation)

Item 3.

Does this assistance request require clearinghouse review in accordance with OMB Circular A-95?

Yes No

(Attach Comments)

Item 4.

Does this assistance request require State, local, regional or other planning approval?

Yes No

Name of Approving Agency:

Date: / /

Item 5.

Is the proposal project covered by an approved comprehensive plan?

Yes No

Check one:

State	<input checked="" type="checkbox"/>
Local	<input checked="" type="checkbox"/>
Regional	<input checked="" type="checkbox"/>

Location of Plan:

City Hall

Item 6.

Will the assistance requested serve a Federal installation?

Yes No

Name of Federal Installation:

Federal Population benefiting from Project:

Item 7.

Will the assistance requested be on Federal land or installation?

Yes No

Name of Federal Installation:

Location of Federal Land:

Percent of Project:

Item 8.

Will the assistance requested have an impact or effect on the environment?

Yes No

See instruction for additional information to be provided

Item 9.

Will the assistance requested cause the displacement of individuals, families, businesses, or farms?

Yes No

Number of:

Individuals:

Families:

Businesses:

Farms:

Item 10.

Is there other related Federal assistance on this project previous, pending, or anticipated?

Yes No

See instructions for additional information to be provided.

PART II - SECTION C

The Sponsor hereby represents and certifies as follows:

1. Compatible Land Use. - The Sponsor has taken the following actions to assure compatible usage of land adjacent to or in the vicinity of the airport:

Airport Master Plan, Height Zoning, Avigation Easements, General Plan Zoning

2. Defaults. - The Sponsor is not in default on any obligation to the United States or any agency of the United States Government relative to the development, operation, or maintenance of any airport, except as stated herewith:

None

3. Possible Disabilities. - There are no facts or circumstances (including the existence of effective or proposed leases, use agreements or other legal instruments affecting use of the Airport or the existence of pending litigation or other legal proceedings) which in reasonable probability might make it impossible for the Sponsor to carry out and complete the Project or carry out the provisions of Part V of this Application, either by limiting its legal or financial ability or otherwise, except as follows:

None

4. Consistency with Local Plans. - The project is reasonably consistent with plans existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

Yes

5. Consideration of Local Interest - It has given fair consideration to the interest of communities in or near where the project may be located.

Yes

6. Consultation with Users. In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport which project is proposed.

Yes

7. Public Hearings. - In projects involving the location of an airport, an airport runway or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

Yes

8. Air and Water Quality Standards. - In projects involving airport location, a major runway extension, or runway location it will provide for the Governor of the state in which the project is located to certify in writing to the Secretary that the project will be located, designed, constructed, and operated so as to comply with applicable and air and water quality standards. In any case where such standards have not been approved and where applicable air and water quality standards have been promulgated by the Administrator of the Environmental Protection Agency, certification shall be obtained from such Administrator. Notice of certification or refusal to certify shall be provided within sixty days after the project application has been received by the Secretary.

Yes

PART II - SECTION C (Continued)

9. Exclusive Rights – There is no grant of an exclusive right for the conduct of any aeronautical activity at any airport owned or controlled by the Sponsor except as follows:

None

10. Land. – (a) The sponsor holds the following property interest in the following areas of land* which are to be developed or used as part of or in connection with the Airport subject to the following exceptions, encumbrances, and adverse interests, all of which areas are identified on the aforementioned property map designated as Exhibit "A":

Airport Property in fee title. An updated Exhibit A will be prepared with the land acquisition program.

There have been no changes since the last FAA grant

The Sponsor further certifies that the above is based on a title examination by a qualified attorney or title company and that such attorney or title company has determined that the Sponsor holds the above property interests.

(b) The Sponsor will acquire within a reasonable time, but in any event prior to the start of any construction work under the Project, the following property interest in the following areas of land* on which such construction work is to be performed, all of which areas are identified on the aforementioned property map designated as Exhibit "A":

None Required

(c) The Sponsor will acquire within a reasonable time, and if feasible prior to the completion of all construction work under the Project, the following property interest in the following areas of land* which are to be developed or used as part of or in connection with the Airport as it will be upon completion of the Project, all of which areas are identified on the aforementioned property map designated as Exhibit "A"

None Required

**State character of property interest in each area and list and identify for each all exceptions, encumbrances, and adverse interests of every kind and nature, including liens, easements, leases, etc. The separate areas of land need only be identified here by the area numbers shown on the property map.*

PART III - BUDGET INFORMATION - CONSTRUCTION

SECTION A - GENERAL

1. Federal Domestic Assistance Catalog No. 20-106
2. Functional or Other Breakout.....

SECTION B - CALCULATION OF FEDERAL GRANT

Cost Classification	Use only for revisions		Total Amount Required
	Latest Approved Amount	Adjustment + or (-)	
1. Administration expense City of Corning	32667	\$	32667
2. Preliminary expense	0		0
3. Land, structures, right-of-way	0		0
4. Architectural engineering basic fees	0		0
5. Other Architectural engineering fees	0		0
6. Project inspection fees	194075		194075
7. Land development	0		0
8. Relocation Expenses	0		0
9. Relocation payments to Individuals and Businesses	0		0
10. Demolition and removal	0		0
11. Construction and project improvement	2141669		2141669
12. Equipment	0		0
13. Miscellaneous	0		0
14. Total (Lines 1 through 13)	2368421		2368421
15. Estimated Income (if applicable)	0		0
16. Net Project Amount (Line 14 minus 15)	2368421		2368421
17. Less: Ineligible Exclusions	0		0
18. Add: Contingencies	0		0
19. Total Project Amt. (Excluding Rehabilitation Grants)	2368421		2368421
20. Federal Share requested of Line 19	2250000		2250000
21. Add Rehabilitation Grants Requested (100 Percent)	0		0
22. Total Federal grant requested (lines 20 & 21)	2250000		2250000
23. Grantee share	118421		118421
24. Other shares State	0		0
25. Total Project (Lines 22, 23 & 24)	\$ 2368421	\$	\$ 2368421

SECTION C - EXCLUSIONS

Classification	Ineligible for Participation (1)	Excluded From Contingency Provision (2)
a. NONE	\$	\$
b.		
c.		
d.		
e.		
f.		
g. Totals	\$ 0.00	\$ 0.00

SECTION D - PROPOSED METHOD OF FINANCING NON-FEDERAL SHARE

27. Grantee Share	\$
a. Securities	
b. Mortgages	
c. Appropriations (By Applicant)	
d. Bonds	
e. Tax Levies	
f. Non Cash Force Account Staff Labor by City Manager and Public Works	28421
g. Other (Explain) City Airport Fund	90000
h. TOTAL - Grantee share	118421
28. Other Shares	
a. State	
b. Other	
c. Total Other Shares	
29. TOTAL	\$ 118421

SECTION E - REMARKS

NONE

PART IV PROGRAM NARRATIVE (See Attached Narrative, Sketch, Cost Estimates)

**APPROVE PARTICIPATION IN BOND
PROGRAM THROUGH CALIFORNIA
COMMUNITIES DEVELOPMENT
AUTHORITY TO OFFSET STATE TAKING
OF PROPERTY TAX
SEPTEMBER 8, 2009**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: STEPHEN J. KIMBROUGH, CITY MANAGER



SUMMARY

Staff is seeking City Council approval for the City of Corning to participate in the joint city and county "Revenue Bond Issue" to replace the loss of local Property Tax taken by the State Legislature and Governor to balance the current State budget. Though the State Constitution requires that the State pay the local governments back, the City should not expect to receive repayment from the State until June 30, 2013

The City of Corning is projected to lose \$147,000 in Property Tax during the current Fiscal Year 2009-2010.

The "Proposition 1A Securitization Program" is being offered by California Statewide Communities Development Authority ("California Communities") in cooperation with the California State Association of Counties, the League of California Cities and the California Special Districts Association.

The "securitization" action will allow California Communities to sell bonds to fund the purchase of the City's property tax receivable and pay the City full value on the dates the City normally receives property tax payments from the County.

The City of Corning is a member of "California Communities", a Joint Powers Agency whose full name is **California Statewide Communities Development Authority**. It has been authorized by the California State Legislature to securitize property tax revenues owed to local agencies as a result of the suspension of local revenue protections by the State legislature under authority of the voter approved Proposition 1A in 2004.

BACKGROUND

California Communities issues several pooled bond sales each year by combining the project funding needs of member local governments into one single large bond issue. Included with this report is a three page explanation titled "Frequently Asked Questions" that was distributed by the League of California Cities.

In this case, the pooled issue will allow participating local agencies an alternate means for receiving 100% of the property tax amounts due at the time at which the agencies would normally receive the property tax allocation, normally in January and June of each year.

Public agencies that do not choose to participate in the California Communities "Proposition 1A Securitization Program" expect to receive repayment plus interest from the state by June 30, 2013. The amount of interest will be determined by the State Director of Finance.

FINANCIAL

There is no cost to participate in the securitization program, as all such costs will be covered by the State. The State Government included this commitment in the authorizing legislation.

The City incurs no liability for repayment, because the bonds are issued by California Communities and are not obligations of any of the local agency program participants.

The City has worked successfully with California Communities on two prior projects, Highland Property Development's Valley West Apartments on Toomes and Pacific West Communities' Salado Orchard Apartments for a total of about \$8,750,000.

RECOMMENDATION

MAYOR AND COUNCIL Approve City participation in "The Proposition 1A Securitization Program" and authorize the City Manager to initiate the necessary documents with California Statewide Communities Development Authority and return to the Council for final action.



PROPOSITION 1A SECURITIZATION FREQUENTLY ASKED QUESTIONS

What is Proposition 1A Securitization?

On July 28, 2009, the California legislature and Governor Arnold Schwarzenegger passed the state budget and approved a provision allowing the state to borrow eight percent of the amount of property tax revenue apportioned to cities, counties and special districts. Under the provision, the state will be required to repay those obligations by June 30, 2013.

The provision also created an option for California local public agencies to relieve the burden of loaning the state property tax revenues. The provision, called Proposition 1A Securitization, authorizes the California Statewide Communities Development Authority (California Communities) to purchase the receivable due to local agencies from the State.

How does Proposition 1A Securitization work?

The legislation for the Proposition 1A Securitization authorizes cities, counties and special districts to sell their state repayment obligations to California Communities. In a simultaneous transaction, California Communities will issue bonds and remit the cash proceeds to the participating local public agencies. Bondholders will receive their repayment from the state at a later date. The legislation requires that local agencies participating in the securitization program will receive 100% of their respective Prop 1A receivables.

How much does it cost a public agency to participate in Proposition 1A Securitization Program?

There is no cost to participate in Proposition 1A Securitization Program. All interest costs and costs of the securitization will be paid by the state.

When can my agency expect to receive payment?

Depending upon cleanup legislation expected in the California legislature, California Communities is targeting completion of the securitization transaction for November or early December, 2009, which would result in payment to participating local public agencies prior to transfer of the first installment of property taxes. Should the legislature not pass the anticipated legislative amendments, however, California Communities' next opportunity to securitize will likely be March, 2010.

Is participation in Proposition 1A Securitization Program voluntary?

Yes. The Proposition 1A Securitization provision creates the option for cities, counties and special districts to receive early payment on their obligations from the state. No public agency is required to securitize.

What are our options if we decide not to participate in Proposition 1A Securitization Program?

Public agencies that do not participate in Proposition 1A Securitization Program can expect to receive repayment plus interest from the state for its obligations by June 30, 2013. The interest rate to be paid by the state to local public agencies will be set by the State of California Director of Finance on or before September 28, 2009. That amount must be higher than the current Pooled Money Investment Account rate, but no higher than 6%.

Has California Communities conducted a program like this before?

Yes. In 2005, California Communities conducted a similar bond securitization program for local agencies when the state borrowed Vehicle License Fee (VLF) revenues from cities and counties. California Communities securitized \$455 million in VLF payments due from the state to provide advance repayment to 146 participating cities and counties.

How is Prop 1A Securitization different from the VLF financing that California Communities conducted?

Under the VLF financing program in 2005, local agencies in California were required to cover the costs of issuance and pay the interest cost. As a result, local agencies only received about 93 cents on the dollar from their loans to the state. Under the proposed Proposition 1A Securitization program, the state will pay for the borrowing interest incurred and the costs of issuance required for each agency to participate. The legislation requires that local agencies participating in the securitization program will receive 100% of their respective Prop 1A receivables.

Do I need to become a member of California Communities to participate in Proposition 1A Securitization?

No, public agencies are free to participate in the program without becoming members of California Communities.

Does a public agency incur any liability by participating in Proposition 1A Securitization?

No. The bonds issued by California Communities are not obligations of any of the local agency program participants.. The California Communities joint powers agreement expressly provides that California Communities is an entity separate and apart from the participating public agencies, and "its debts, liabilities and obligations do not constitute debts, liabilities or obligations of any party to the joint powers agreement." Participating public agencies are not responsible for any repayment of debt, nor are they named in any of the bond documents.

What is California Communities?

The California Statewide Communities Development Authority, known as CSCDA or California Communities, is a joint powers authority sponsored by the League of California Cities and the California State Association of Counties.

California Communities was created by the California State Association of Counties and the League of California Cities in 1988 to enable local government and eligible private entities access to low-cost, tax-exempt financing for

projects that provide a tangible public benefit, contribute to social and economic growth and improve the overall quality of life in local communities throughout California.

Who are the Commissioners of California Communities?

The Commission is made up of local government representatives appointed by elected officials through the California State Association of Counties and the League of California Cities executive committees.

How much public benefit financing has California Communities issued on behalf of its Program Participants?

California Communities has issued more than \$40.2 billion through 1,212 financings since 1988 and consistently ranks in the top 10 of more than 3,000 nationwide public issuers of tax-exempt debt, as measured by annual issuance amount.

Previous public benefit projects have included financing more than \$700 million in public infrastructure projects, \$122 million in lease obligations for local governments to acquire equipment, vehicles, and computer technology among other needs, and \$397 million of pension obligation bonds to provide an alternative finance mechanism for unfunded liabilities.

###

ITEM NO.: K-20
APPROVE RESOLUTION NO. 09-08-09-03
AUTHORIZING STAFF TO RECORD A LIEN FOR
DELINQUENT PAYMENT FOR WATER AND
SEWER SERVICE
SEPTEMBER 8, 2009

TO: HONORABLE MAYOR AND COUNCIL MEMBERS
FROM: STEPHEN J. KIMBROUGH, CITY MANAGER
LISA M. LINNET, CITY CLERK

STEVE

SUMMARY:

City Staff is requesting City Council authorization to record a lien on the Fairview Apartment property, APN 71-091-12 (addresses: 650, 662, 674 and 686 Fairview Avenue) in Corning to secure the payment of delinquent water and sewer fees. The owner is currently \$4,843.63 in arrears and has been periodically making payments since November 12, 2008 on the delinquent and current debts.

BACKGROUND:

The Corning Municipal Code states in Section 13, Section 13.04.430 (Sewer), and Section 13.08.150 (water) the following:

Section 13.04.430 (Sewer): Nonpayment of charges and fees shall result in disconnection of service. Any charge or rental levied by the City pursuant to this Chapter on any premises within the corporate limits of the City having a connection to the City Sewerage System is made a lien upon the premises. The Director is authorized, and shall be his duty, to disconnect any industrial sewer connection or domestic sewer connection on premises located either within the corporate limits of the City or outside the corporate limits of the City, upon failure of the person to whom such charge or rental is billed to pay such charge or rental prior to delinquency. (Ord. 541 (part), 1993); and

Section 13.08.150 (Water): Charges as lien – Nonpayment – disconnection. Any charge levied by the City by or pursuant to this Chapter or the Resolutions made pursuant to the authority hereof on any premises within the corporate limits of the City having a connection to the City Water Distribution System is made a lien upon the premises. The water superintendent is authorized and it shall be his duty to disconnect the water upon failure of the person to whom such charge or rental is billed to pay the charges as set forth in this Chapter. (Ord. 111, §20, 1953).

The City Manager/Finance Director sent the property owners a letter on July 15, 2009 notifying them of the delinquency on their account in the amount of \$4,843.63 and advising them that should this amount not be paid within 30 days, a lien would be placed on the property and the services disconnected. A copy of the associated Municipal Codes and Appeals procedures (attached) were enclosed with this letter.

RECOMMENDATION:

MAYOR AND COUNCIL ADOPT RESOLUTION 09-08-09-03 APPROVING THE RECORDING OF THE RESOLUTION AND ATTACHED NOTICE OF LIEN IN THE AMOUNT OF \$4,843.63 ON THE PROPERTY LOCATED AT 650, 662, 674 AND 686 FAIRVIEW AVENUE, APN NO. 71-091-12 TO SECURE THE PAYMENT OF DELINQUENT WATER AND SEWER FEES THROUGH JUNE 2009.

RESOLUTION NO. 09-08-09-03

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORNING
IMPOSING A LIEN ON A PARCEL OF REAL PROPERTY LOCATED WITHIN THE CITY OF
CORNING FOR DELINQUENT AND UNCOLLECTED WATER AND SEWER FEES**

**BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CORNING DOES
HEREBY DIRECT AND FIND AS FOLLOWS:**

WHEREAS, the City of Corning, pursuant to its authority under City of Corning Municipal Code, Sections 13.04.430 (Sewer) and 13.08.150 (Water), does hereby impose a lien on the real property described in "Exhibit A", attached hereto and incorporated herein by reference, for delinquent and uncollected Water and Sewer Fees, through June of 2009.

Due notice was given to the person or persons having an interest in said property. No appeal was timely filed from the determination made of the amount of delinquent water and sewer fees; and

WHEREAS, the matter having now come before the Mayor and Council for confirmation of the imposition of the lien imposed, the following fees are found to have been delinquent after proper notification to the property/business owner pursuant to proceedings under said provisions of the Corning Municipal Code. The statements of fees on file with the City Clerk in the amount of \$4,843.63 reflecting fees due as of June 2009 are hereby confirmed and adopted as a lien against the property listed on "Exhibit A" hereto. The Notice of Lien attached hereto as Exhibit "B" is hereby approved; and

WHEREAS, the City Clerk is hereby directed to record a certified copy of this Resolution, Exhibits A & B and the attached Notice of Lien with the Tehama County Recorder.

The foregoing Resolution was adopted at a regular meeting of the City Council of the City of Corning, held on **September 8, 2009**, by the following vote:

AYES:

NOES:

ABSENT OR NOT VOTING:

Gary R. Strack, Mayor

ATTEST:

Lisa M. Linnet, City Clerk

08/18/2007 13:41 IFAX

Order Number: 51390-SK
Page Number: 4

EXHIBIT A

The land referred to in this report is situated in the City of Corning, County of Tehama, State of California, and is described as follows:

Lots 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 in Block 2 of Fairview Addition to the Town (now City) of Corning, as the same are shown on the map filed in the Tehama County Recorder's Office, March 17, 1900 in Book B of Maps, at page 8.

Excepting therefrom the Westerly 10 feet of said Lot 11.

**RETURN TO:
CITY OF CORNING
794 THIRD STREET
CORNING, CA 96021**

NOTICE OF LIEN
(Delinquent Uncollected Water and Sewer Fees)

The City of Corning, a Municipal Corporation, (hereafter "City") with offices at City Hall, 794 Third Street, Corning, California, 96021, gives notice that it claims a lien for the costs of delinquent uncollected Water and Sewer Fees upon the real property described below. This lien is claimed under the provisions of the City of Corning Municipal Code Sections 13.04.430 (Sewer, Ordinance 541 (part), 1993), and 13.08.150 (Water, Ordinance 111 §20, 1953).

Take notice that the City and its Mayor and Council, by action recorded in their official minutes of September 8, 2009, have assessed the amount of \$4,843.63 as the delinquent uncollected Water and Sewer Fees for the property identified below and the City claims a lien on said real property in that sum. The specified sum shall be a lien upon said real property until it has been paid in full and discharged of record. The Finance Director has complied with all provisions of the Corning Municipal Code in determining the amount required to be paid.

The real property upon which this lien is claimed is located in the City of Corning, County of Tehama, State of California and is described as follows:

Lots 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 in Block 2 of Fairview Addition to the Town (now City) of Corning, as the same are shown on the map filed in the Tehama County Recorder's Office, March 17, 1900 in Book B of Maps, at page 8.

Excepting therefrom the Westerly 10 feet of said Lot 11.

Address: 650, 662, 674 and 686 Fairview Avenue

Assessor's Parcel No.: 71-091-12

Owner: Jim and Danielle Miller

Owner's Mailing Address: 831 Pollard Road
Los Gatos, CA 95032

Resolution No.: 09-08-09-03

Reference: Delinquent and Uncollected Water and Sewer Fees

Lisa M. Linnet, City Clerk

(Acknowledgment is not required pursuant to GC §27282)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. & Mrs. Jim Miller
831 Pollard Road
Los Gatos, CA 95032

2. Article Number
(Transfer from service label)

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery
7/17/01

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7005 3110 0004 5207 1536

Domestic Return Receipt

102595-02-M-0835



City of Corning

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

July 15, 2009

Mr. and Mrs. Jim Miller
831 Pollard Road
Los Gatos, CA 95032

RE: Notice of Intent to File Tax Lien for Delinquent Water and Sewer Fees – APN No. 71-091-12, for 650, 662, 674, 686 Fairview Avenue.

Dear Mr. and Mrs. Miller:

The City has determined that you now owe the City \$4,843.63 as of July 15, 2009 for delinquent water and sewer fees and that a lien in this amount should be placed on your property. The worksheet showing the computations is attached for your information.

We do appreciate your willingness to work with the City to bring your account current, however the City must still file a property lien in the amount of \$4,843.63 for it's own protection.

I know that you had hoped that a lien could be avoided, but the City believes we must act.

RIGHT OF APPEAL:

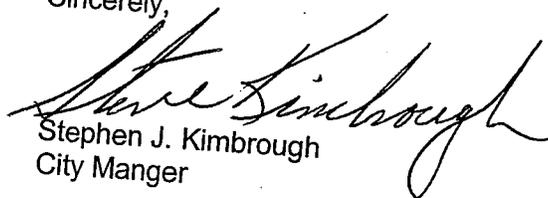
You have a right to appeal this decision to the City Council by notifying me in writing no later than August 14, 2009 that you are appealing and providing the "facts and reasons supporting the appeal."

Please read carefully the City Code Sections attached for your information. You will want to pay particular attention to sections 13.04.430 and 13.08.150. The Code does provide that your failure to pay can result ultimately in disconnection of service in addition to a lien placed upon your property.

Please remember however, that the City of Corning wants to work with you and expects that you will present the City Staff with a payment plan to bring you current prior to August 14, 2009.

We do look forward to continuing to work with you.

Sincerely,



Stephen J. Kimbrough
City Manger

SJK/lml

Customer.: MIL0057 MILLER, JIM E. & DANRoute/Service.: 202-1285
Beginning Balance ---> .00

11/12/08	Water Service	70.83	70.83
11/12/08	Water Useage	167.58	238.41
11/12/08	Sewer Service	448.48	686.89
12/12/08	Water Service	70.83	757.72
12/12/08	Water Useage	129.96	887.68
12/12/08	Sewer Service	448.48	1,336.16
12/29/08	Payment on Account	-686.89	649.27
01/13/09	Water Service	70.83	720.10
01/13/09	Water Useage	143.64	863.74
01/13/09	Sewer Service	448.48	1,312.22
02/13/09	Water Service	70.83	1,383.05
02/13/09	Water Useage	124.26	1,507.31
02/13/09	Sewer Service	448.48	1,955.79
03/13/09	Water Service	70.83	2,026.62
03/13/09	Water Useage	140.22	2,166.84
03/13/09	Sewer Service	448.48	2,615.32
03/20/09	Payment on Account	-649.27	1,966.05
04/14/09	Water Service	72.95	2,039.00
04/14/09	Water Useage	154.44	2,193.44
04/14/09	Sewer Service	693.12	2,886.56
04/16/09	Payment on Account	-650.00	2,236.56
05/15/09	Water Service	72.95	2,309.51
05/15/09	Water Useage	184.86	2,494.37
05/15/09	Sewer Service	693.12	3,187.49
06/15/09	Payment on Account	-300.00	2,887.49
06/15/09	Water Service	72.95	2,960.44
06/15/09	Water Useage	223.47	3,183.91
06/15/09	Sewer Service	693.12	3,877.03
07/15/09	Water Service	70.83	3,947.86
07/15/09	Water Useage	223.44	4,171.30
07/15/09	Sewer Service	693.12	4,864.42

07/15/09 *Accounting Adjustment*

-20.79

4,843.63

↑
TOTAL
OWED

REPORT.: Jul 15 09 Wednesday CITY OF CORNING
RUN....: Jul 15 09 Time:Customer History Print/Display
Run By.: MARY RAMIREZ

PAGE: 001
ID #: MQ-PD
CTL.: COR

Customer.: MIL0057 MILLER, JIM E. & DANRoute/Service.: 202-1285

Beginning Balance ---> .00

10/12/07	Water Service	36.68	36.68
10/12/07	Water Useage	47.58	84.26
10/12/07	Sewer Service	219.48	303.74
10/31/07	Payment on Account	-303.74	.00
11/14/07	Water Service	68.77	68.77
11/14/07	Water Useage	99.90	168.67
11/14/07	Sewer Service	411.52	580.19
11/15/07	Payment on Account	-303.74	276.45
12/05/07	Payment on Account	-276.45	.00
12/12/07	Water Service	68.77	68.77
12/12/07	Water Useage	85.47	154.24
12/12/07	Sewer Service	411.52	565.76
01/07/08	Payment on Account	-565.76	.00
01/14/08	Water Service	68.77	68.77
01/14/08	Water Useage	108.78	177.55
01/14/08	Sewer Service	411.52	589.07
01/28/08	Payment on Account	-589.07	.00
02/13/08	Water Service	68.77	68.77
02/13/08	Water Useage	101.01	169.78
02/13/08	Sewer Service	411.52	581.30
03/12/08	Water Service	68.77	650.07
03/12/08	Water Useage	88.80	738.87
03/12/08	Sewer Service	411.52	1,150.39
03/31/08	Payment on Account	-581.30	569.09
04/11/08	Water Service	70.83	639.92
04/11/08	Water Useage	98.04	737.96
04/11/08	Sewer Service	448.48	1,186.44
04/14/08	Payment on Account	-569.09	617.35
05/12/08	Payment on Account	-1,186.44	-569.09
05/13/08	Water Service	70.83	-498.26
05/13/08	Water Useage	104.88	-393.38
05/13/08	Sewer Service	448.48	55.10
06/12/08	Water Service	70.83	125.93
06/12/08	Water Useage	91.20	217.13
06/12/08	Sewer Service	448.48	665.61
07/03/08	Payment on Account	-55.10	610.51
07/07/08	Payment on Account	-665.61	-55.10
07/11/08	Water Service	70.83	15.73
07/11/08	Water Useage	103.74	119.47
07/11/08	Sewer Service	448.48	567.95
07/17/08	Payment on Account	-567.95	.00
08/12/08	Water Service	70.83	70.83
08/12/08	Water Useage	124.26	195.09
08/12/08	Sewer Service	448.48	643.57
09/12/08	Water Service	70.83	714.40
09/12/08	Water Useage	140.22	854.62
09/12/08	Sewer Service	448.48	1,303.10
09/22/08	Payment on Account	-1,303.10	.00
10/13/08	Water Service	70.83	70.83
10/13/08	Water Useage	164.16	234.99
10/13/08	Sewer Service	448.48	683.47
10/31/08	Payment on Account	-683.47	.00

13.08.150 Charges as lien--Nonpayment--Disconnection.

Any charge levied by the city by or pursuant to this chapter or the resolutions made pursuant to the authority hereof on any premises within the corporate limits of the city having a connection to the city water distribution system is made a lien upon the premises. The water superintendent is authorized and it shall be his duty to disconnect the water upon failure of the person to whom such charge or rental is billed to pay the charges as set forth in this chapter. (Ord. 111 §20, 1953).

13.08.160 New service or relocation--Application.

All applicants for new water connection services or relocation of existing water connections shall file a written application with the treasurer, on forms to be supplied by the city, setting forth pertinent data as to estimated use, location and size of service connection. (Ord. 111 §15, 1953).

13.08.170 Cross-connections.

A. Cross-connection Control Required. It shall be the responsibility of the public works department of the city of Corning to protect the public potable water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollutants through the water service connection. If, in the judgment of the director of public works or a designated agent, an approved backflow-prevention device is required at the city's water service connection to any customer's premises, for the safety of the city water system, the director or designated agent shall give notice in writing to said customer to install such an approved device at each service connection to their premises. The customer shall immediately install such device, at their expense. Failure, refusal or inability on the part of the customer to install such device shall constitute grounds for discontinuing water service to the premises until such device has been properly installed.

B. Approved Standards for Cross-connection Control Devices and Systems.

1. Any backflow-prevention device required by this code shall be a model and size approved by the public works director. The term "approved backflow-prevention device" means a device that has been manufactured in full conformance with the standards established by the American Water Works Association (A.W.W.A.), entitled "A.W.W.A. C 506-78 Standards for Reduced Pressure and Double Check Valve Backflow Prevention Devices"; and which has met completely the laboratory and field performance specifications of the Foundation for Cross-Connection and Hydraulic Research of the University of Southern California, and Specifications of Backflow Prevention Devices (#69-2) or the most current issue.

13.04.428 Damage to facilities--Additional remedies. When a discharge of wastes causes an obstruction, damage or any other impairment to city sewerage system, the city may, after providing the user with notice and opportunity to be heard, assess a charge against the user for the work required to clean or repair the sewerage system and may add such charge to the user's charges and fees. (Ord. 541 (part), 1993).

13.04.430 Nonpayment of charges and fees shall result in disconnection of service. Any charge or rental levied by the city pursuant to this chapter on any premises within the corporate limits of the city having a connection to the city sewerage system is made a lien upon the premises. The director is authorized, and it shall be his duty, to disconnect any industrial sewer connection or domestic sewer connection on premises located either within the corporate limits of the city or outside the corporate limits of the city, upon failure of the person to whom such charge or rental is billed to pay such charge or rental prior to delinquency. (Ord. 541 (part), 1993).

13.04.432 Violation of sewer use regulations may result in termination of service. The city may revoke any wastewater discharge permit, or terminate or cause to be terminated wastewater service to any premises, if a violation of any provisions of this chapter is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution or nuisance as defined in this chapter. (Ord. 541 (part), 1993).

13.04.434 Procedure for disconnection of service. In the event of a violation of any terms of the chapter, or any rule or regulation established pursuant to this chapter, the director shall notify the person or persons causing, allowing or committing such violation. Such notice shall specify in writing both the violation and the time after which, upon the failure of such person or person to prevent or rectify the violation, the director will exercise his authority to disconnect the property served by the sewerage system. Such time shall not be less than five days after the deposit of such notice in the United States Post Office at Corning, California, addressed to the person or persons to whom notice is given. In the event such violation results in a public hazard or menace, then the director may enter upon the premises without notice and do such things and expend such sums as may be necessary to abate such hazard, and the reasonable value of the things done and the amount expended in so doing shall be a charge upon the owner so in violation. (Ord. 541 (part), 1993).